



**BENICIA CITY COUNCIL
REGULAR MEETING AGENDA**

**City Council Chambers
May 03, 2011
7:00 PM**

*Times set forth for the agenda items are estimates.
Items may be heard before or after the times designated.*

I. CALL TO ORDER (7:00 PM):

II. CLOSED SESSION:

III. CONVENE OPEN SESSION:

A. ROLL CALL.

B. REFERENCE TO THE FUNDAMENTAL RIGHTS OF THE PUBLIC.

A plaque stating the fundamental rights of each member of the public is posted at the entrance to this meeting room per section 4.04.030 of the City of Benicia's Open Government Ordinance.

IV. ANNOUNCEMENTS/APPOINTMENTS/PRESENTATIONS/PROCLAMATIONS:

A. ANNOUNCEMENTS.

1. Announcement of action taken at Closed Session, if any.

2. Openings on Boards and Commissions:

Soltrans Public Advisory Committee:
Three Full Terms
Open until Filled

Sky Valley Open Space Committee:
One full term to January 31, 2015
Open until filled

Civil Service Commission:
One full term to January 31, 2015
Open until filled

Building Board of Appeals:
Three full terms to January 31, 2015
Open until filled

Solano Transportation Authority Pedestrian Advisory Committee:
One full term to January 31, 2014
Open until filled

3. Mayor's Office Hours:

Mayor Patterson will maintain an open office every Monday (except holidays) in the Mayor's Office of City Hall from 6:00 p.m. to 7:00 p.m. No appointment is necessary. Other meeting times may be scheduled through the City Hall office at 746-4200.

4. Benicia Arsenal Update:

B. APPOINTMENTS.

C. PRESENTATIONS.

D. PROCLAMATIONS.

1. In Recognition of National Public Works Week

2. In Recognition of Water Awareness Month

3. In Recognition of National Preservation Month

V. ADOPTION OF AGENDA:

VI. OPPORTUNITY FOR PUBLIC COMMENT:

This portion of the meeting is reserved for persons wishing to address the Council on any matter not on the agenda that is within the subject matter jurisdiction of the City Council. State law prohibits the City Council from responding to or acting upon matters not listed on the agenda. Each speaker has a maximum of five minutes for public comment. If others have already expressed your position, you may simply indicate that you agree with a previous speaker. If appropriate, a spokesperson

may present the views of your entire group. Speakers may not make personal attacks on council members, staff or members of the public, or make comments which are slanderous or which may invade an individual's personal privacy.

A. WRITTEN COMMENT.

B. PUBLIC COMMENT.

VII. CONSENT CALENDAR (7:20 PM):

Items listed on the Consent Calendar are considered routine and will be enacted, approved or adopted by one motion unless a request for removal or explanation is received from a Council Member, staff or member of the public. Items removed from the Consent Calendar shall be considered immediately following the adoption of the Consent Calendar.

A. The minutes of the Regular and Special meetings of April 19, 2011 and the Special Meeting of April 26, 2011 are not currently available. (City Clerk).

B. DENIAL OF THE CLAIM AGAINST THE CITY BY SAMUEL PAGGI AND REFERRAL TO INSURANCE CARRIER. (City Attorney)

Claimant alleges that the city's main was clogged due to roots growing causing sewage to back up in front of his residence. Public Works personnel indicate that this was a private issue since the city's main was clear.

Recommendation: Deny the claim against the city by Samuel Paggi.

C. CITY OF BENICIA LANDSCAPING AND LIGHTING DISTRICT FISCAL YEAR 2011-2012. (Finance Director)

The City of Benicia Landscaping and Lighting District consists of five separate zones, with the largest being the residential zone. The other four zones are smaller commercial/industrial areas. Private properties within each zone are assessed annually to pay the cost to maintain landscaping along street rights of way, maintenance of open space areas and maintenance and energy costs of streetlights on a zone-by-zone basis. The total budget costs for fiscal year 2011-2012 for all five zones is \$512,350.00. After the Reserve Fund credits are applied to the budgets, the balance to levy totals \$427,663.42.

Recommendation: City Council adopt the attached Resolutions pertaining to the subject district:

1. Initiate Proceedings for the Annual Levy and Collection of Assessments for the City of Benicia Landscape and Lighting District,

fiscal year 2011-2012.

2. Preliminary approval of the Engineer's Report for the City of Benicia Landscaping and Lighting District, fiscal year 2011-2012.

3. Intention to Order the Levy and Collection of Assessments Pursuant to the Landscaping and Lighting Act of 1972 and Therefore Setting a Public Hearing on June 7, 2011 for the City of Benicia Landscaping and Lighting District, fiscal year 2011-2012.

D. CONSIDERATION OF FINANCE AUDIT AND BUDGET COMMITTEE MISSION, DUTIES, STRUCTURE, AND ANNUAL WORK PLAN. (Finance Director)

The City Council previously considered recommendations from the Benicia Finance Audit and Budget (FAB) Committee on September 7, 2010 to modify their mission, duties and structure and development of an annual work plan. Following that meeting, the FAB met twice and determined it would be appropriate to remain a committee and no longer pursue commission status and refined the list of changes to the governing policy and developed a work plan for the balance of the fiscal year. The changes include changing the name to the Finance Committee, adding one additional citizen member, and moving the three elected members to ex-officio status. The annual work program includes recurring reviews of the Warrant Register and General Ledger and special projects that include enhancements to the Long Range Budget Model, Fund Balance Reserve Policy, the Balanced Budgets Policy, and creation of a Debt Financing Policy.

Recommendation: Adopt the resolution changing the name, mission, duties, structure and work plan of the Finance Audit and Budget.

E. AMENDING THE CITY COUNCIL RULES OF PROCEDURE. (City Attorney)

At the January 25, 2011 City Council meeting, the Council reviewed its Rules of Procedure and the process of putting items on the Council agenda. The amended rules were brought before the Council on April 19, 2011. As a result of the discussion, changes were proposed to the Rules. The attached document incorporates those changes.

Recommendation: Adopt the resolution approving amendments to the City Council Rules of Procedure.

F. DENIAL OF THE CLAIM AGAINST THE CITY BY JUDY DELGADO AND REFERRAL TO INSURANCE CARRIER. (City Attorney)

The claimant alleges that she was walking down the south shoulder of Kuhland Alley when she tripped and injured herself. As a car was approaching claimant stepped out of the way, lost her balance and fell. A portion of the alley way is graveled and a portion is paved. An alert pedestrian should have seen the oncoming vehicle and had sufficient time to safely step out of the way.

Recommendation: Deny the claim against the City by Judy Delgado.

- G. Approval to waive the reading of all ordinances introduced and adopted pursuant to this agenda.**

VIII. PUBLIC HEARINGS (7:40 PM):

A public hearing should not exceed one hour in length. To maximize public participation, the council requests that speakers be concise and avoid repetition of the remarks of prior speakers. Instead, please simply state whether you agree with prior speakers.

- A. INTRODUCTION AND FIRST READING OF AN ORDINANCE AMENDING THE BENICIA MUNICIPAL CODE TO REMOVE THE LISTING OF SIGN PERMIT FEES IN SECTION 18.08.030 – CITYWIDE. (Public Works and Community Development Director)**

At present Benicia Municipal Code (BMC) Section 18.08.030 of the City's Sign Ordinance lists specific fee amounts for sign permits. Staff recommends the list of fees be removed and instead refer to the Master Fee Schedule to determine the costs associated with processing sign permits. No fee increases are being proposed. In addition, the fee for a sign permit variance was inadvertently omitted from the Master Fee Schedule. Staff recommends a fee of \$150.00 for a sign permit variance be included when the Master Fee Schedule is updated.

Recommendation: Staff recommends that the City Council adopt a text amendment to Benicia Municipal Code Section 18.08.030 that removes reference to specific fee amounts for sign permits and add the fee for a sign permit variance at \$150.00 to the Master Fee Schedule, when it is updated.

- B. PUBLIC HEARING ON 2011-12 BUDGET SHORTFALL. (City Manager) - The staff report for this item will be issued on Thursday, April 28, 2011 by 5:00pm.**

At the April 26th study session, the Council received a presentation regarding the projected shortfall for the 2011-12 budget, which currently is projected to be approximately \$1.7 million. The Council provided direction to staff to return on May 3rd and conduct a public hearing to consider options, including position

reductions and associated service impacts, to address the projected budget shortfall. These options will be considered, including the reopener clauses of the seven 2010-12 Memorandums of Understanding (MOUs) with employee groups, as potential sources of the needed savings for next fiscal year.

RECOMMENDATION:

- 1. Review the options available to address the projected budget shortfall for 2011-12, including position reductions and associated service impacts; and**
- 2. Since additional cost reductions are necessary to balance the FY 11-12 budget, direct staff to reopen the Memorandums of Understanding (MOUs) to close part of the anticipated shortfall.**

IX. ACTION ITEMS (9:00 PM):

A. AWARD OF CONSTRUCTION CONTRACT FOR THE CITY HALL WINDOW PROJECT. (Parks and Community Services Director)

Staff opened bids for the City Hall Window Project on March 30, 2011. A total of ten (10) bids were received. Based on the engineers estimate of \$218,000 and staffs concern that there was insufficient funding the project is awarded on the lowest base bid. A low base bid of \$34,607 was received from Murray Building Inc., of Sonoma, CA. The City Council is asked to accept the bids received and award the construction contract to Murray Building Inc.

Recommendation: Adopt the resolution awarding a construction agreement to Murray Building Inc. of Sonoma, California, in the amount of \$34,607 base bid and alternate A in the amount of \$42,831 and establish a project contingency in the amount of \$7,800 and authorizing the City Manager to sign the contract on behalf of the City.

B. APPROVAL OF A CONTRACT AMENDMENT FOR RENNE SLOAN HOLTZMAN SAKAI, LLP. (Administrative Services Director)

On May 1, 2010, the City entered into an agreement with Renne Sloan Holtzman Sakai, LLP (RSHS) for labor relations and personnel activities for the 2010 negotiations with the City's various bargaining units. The contract is now being amended to allow for ongoing labor relations services relative to the successor Memorandum of Understanding (MOU) negotiations with the City's largest bargaining unit, Benicia Public Service Employees Association/SEIU 1021. Additionally, the firm's services will be further utilized in the event that the City Council determines on May 3, 2011 that reopening any or all of the 2010-12 MOUs is necessary. The expertise and staffing resources required for these services does not exist in-house.

Recommendation: Adopt a resolution approving a contract amendment with Renne Sloan Holtzman Sakai, LLP for labor relations and personnel activities, and authorizing the City Manager to execute the contract amendment on behalf of the City.

C. BIKE RACK TASK FORCE RECOMMENDATION. (Public Works and Community Development Director)

The Task Force is recommending 4 different styles of bike racks. In the Downtown Historic District, the Task Force is proposing 4 multi-bike cyclone racks at popular group destinations on First Street, 5 bollard racks at other locations, and 4 artistic tandem racks in City parks. The Task Force is also recommending the 9 horseshoe racks previously installed on First Street be relocated into parks outside downtown and cancelling the order for another 13 horseshoe racks.

Recommendation: Adopt a resolution approving the Ad Hoc Bicycle Rack Task Force recommendation to relocate 9 horseshoe bike racks from First Street to City Parks and to purchase and install 13 additional bike racks at designated locations, utilizing \$30,000 in Valero/Good Neighbor Steering Committee agreement funds.

X. INFORMATIONAL ITEMS:

A. City Manager Reports.

XI. COUNCIL MEMBERS REPORTS: (10:00 PM)

A. Request to agendaize the discussion of a methodology for use of outside consultants.

Recommendation: Consider Council Member Ioakimedes request to agendaize this topic for future City Council meeting.

B. Request to agendaize the discussion of a methodology the hiring of local firms.

Recommendation: Consider Council Member Ioakimedes request to agendaize this topic for future City Council meeting.

XII. ADJOURNMENT (10:15 PM):

Public Participation

The Benicia City Council welcomes public participation.

Pursuant to the Brown Act, each public agency must provide the public with an opportunity to speak on any matter within the subject matter jurisdiction of the agency and which is not on the agency's agenda for that meeting. The City Council allows speakers to speak on non-agendized matters under public comment, and on agendized items at the time the agenda item is addressed at the meeting. Comments are limited to no more than five minutes per speaker. By law, no action may be taken on any item raised during the public comment period although informational answers to questions may be given and matters may be referred to staff for placement on a future agenda of the City Council.

Should you have material you wish to enter into the record, please submit it to the City Manager.

Disabled Access

In compliance with the Americans with Disabilities Act (ADA), if you need special assistance to participate in this meeting, please contact Anne Cardwell, the ADA Coordinator, at (707) 746-4211. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

Meeting Procedures

All items listed on this agenda are for Council discussion and/or action. In accordance with the Brown Act, each item is listed and includes, where appropriate, further description of the item and/or a recommended action. The posting of a recommended action does not limit, or necessarily indicate, what action may be taken by the City Council.

Pursuant to Government Code Section 65009, if you challenge a decision of the City Council in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to, the public hearing. You may also be limited by the ninety (90) day statute of limitations in which to challenge in court certain administrative decisions and orders (Code of Civil Procedure 1094.6) to file and serve a petition for administrative writ of mandate challenging any final City decisions regarding planning or zoning.

The decision of the City Council is final as of the date of its decision unless judicial review is initiated pursuant to California Code of Civil Procedures Section 1094.5. Any such petition for judicial review is subject to the provisions of California Code of Civil Procedure Section 1094.6.

Public Records

The agenda packet for this meeting is available at the City Manager's Office and the Benicia Public Library during regular working hours. To the extent feasible, the packet is also available on the City's web page at www.ci.benicia.ca.us under the heading "Agendas and Minutes." Public records related to an open session agenda item that are distributed after the agenda packet is prepared are available before the meeting at the City Manager's Office located at 250 East L Street, Benicia, or at the meeting held in the Council Chambers. If you wish to submit written information on an agenda item, please submit to the City Clerk as soon as possible so that it may be distributed to the City Council. A complete proceeding of each meeting is also recorded and available through the City Clerks Office.

CITY COUNCIL MEETING
BENICIA ARSENAL UPDATE

May 3, 2011

1. Work continues on developing the strategy and gathering information. If you have any information that you believe is relevant, please get it to the City Attorney.
2. We are continuing to upload pertinent documents to the Benicia web site.
3. The ERS team has had several meetings with DTSC to understand the regulatory issues.
4. Evaluation of City insurance policies, grant funding and ownership history continues.
5. DTSC has proposed to DOJ a meeting on May 16. The agenda for that meeting has not been finalized.
6. We hope we will have more information at the May 17 City Council meeting and will be scheduling a public session sometime after that.



PROCLAMATION

IN RECOGNITION OF NATIONAL PUBLIC WORKS WEEK

MAY 15 - 21, 2011

WHEREAS, public works services provided in our community are an integral part of our citizens' everyday lives; and

WHEREAS, the support of an understanding and informed citizenry is vital to the efficient operation of public works systems and programs such as water, sewers, storm drains, streets and alleys, and public buildings; and

WHEREAS, the health, safety, and comfort of this community greatly depend on these facilities and services; and

WHEREAS, the quality and effectiveness of these facilities, as well as their planning, design, and construction, is vitally dependent on the efforts and skills of the public works team; and

WHEREAS, the efficiency of the qualified and dedicated personnel who staff our public works department is materially influenced by our attitude toward and understanding of the importance of the work they perform.

NOW, THEREFORE, BE IT RESOLVED THAT I, Elizabeth Patterson, Mayor, on behalf of the City of Benicia, hereby proclaim May 15 - 21, 2011 as "NATIONAL PUBLIC WORKS WEEK," and urge all citizens and civic organizations to acquaint themselves with the effort and complexity involved in providing and maintaining the City's public works and to recognize the contributions which the professional public works staff make every day to uphold our health, safety, and comfort.

Elizabeth Patterson, Mayor
May 3, 2011





PROCLAMATION

IN RECOGNITION OF MAY AS

WATER AWARENESS MONTH

MAY 2011

WHEREAS, the health of California's growing population and the welfare of our communities depend on a reliable, high quality water supply; and

WHEREAS, the fact that California will experience periodic droughts and water conservation is critical not only during drought periods, but at all times; and

WHEREAS, local governments, water agencies, agriculture, industry, environmentalists and concerned citizens are working together to conserve and protect our valuable water resources.

NOW, THEREFORE, BE IT RESOLVED THAT I, Elizabeth Patterson, Mayor, on behalf of the City of Benicia, hereby proclaim May 2011 as California Water Awareness Month and urge all citizens to join in supporting local water agencies and organizations in their effort to help Californians use water wisely.

Elizabeth Patterson, Mayor
May 3, 2011





PROCLAMATION

IN RECOGNITION OF MAY AS NATIONAL PRESERVATION MONTH

WHEREAS, historic preservation is an effective tool for managing growth, revitalizing neighborhoods, fostering local pride and maintaining community character while enhancing livability; and

WHEREAS, historic preservation is relevant for communities across the nation, both urban and rural, and for Americans of all ages, all walks of life and all ethnic backgrounds; and

WHEREAS, it is important to celebrate the role of history in our lives and the contributions made by dedicated individuals in helping to preserve the tangible aspects of the heritage that has shaped us as a people; and

WHEREAS, Goal 3.1 of the Benicia General Plan is to "Maintain and enhance Benicia's historic character"; and

WHEREAS, Benicia is committed to preserving and enhancing its unique geographic and cultural inheritance; and

WHEREAS, when you reinvest in older and historic buildings, live in a historic home, or even become a member of the National Trust for Historic Preservation or your local preservation organization, you support a more sustainable world; and

WHEREAS, "Celebrating America's Treasures" is the theme for National Preservation Month 2011, cosponsored by the City of Benicia, Benicia Historical Society and the National Trust for Historic Preservation.

NOW, THEREFORE, BE IT RESOLVED THAT I, Elizabeth Patterson, Mayor of the City of Benicia, do proclaim May 2011 as National Preservation Month, and call upon the people of Benicia to join their fellow citizens across the United States in recognizing and participating in this special observance.

Elizabeth Patterson, Mayor
May 3, 2011



The minutes of the Regular and Special meetings of April 19, 2011 and the Special Meeting of April 26, 2011 are not currently available, but will be included with the materials for the May 17, 2011 Council meeting.

**AGENDA ITEM
CITY COUNCIL MEETING DATE - MAY 3, 2011
CONSENT CALENDAR**

DATE : April 15, 2011
TO : City Council
FROM : City Attorney
SUBJECT : **DENIAL OF THE CLAIM AGAINST THE CITY BY SAMUEL PAGGI
AND REFERRAL TO INSURANCE CARRIER**

RECOMMENDATION:

Deny the claim against the city by Samuel Paggi.

EXECUTIVE SUMMARY:

Claimant alleges that the city's main was clogged due to roots growing causing sewage to back up in front of his residence. Public Works personnel indicate that this was a private issue since the city's main was clear.

BUDGET INFORMATION:

The amount of the claim is \$157.50.

GENERAL PLAN:

N/A.

STRATEGIC PLAN:

N/A-there is not a relevant Strategic Plan Goal that relates to this agenda item.

BACKGROUND:

Upon rejection of the claim, the City Clerk should issue a rejection notice using ABAG's Form Letter No. 3 of the ABAG Plan Claims Procedure Manual and process with the proof of service by mail form (located in the forms directory). A copy of the rejection notice and proof of service by mail form should be sent to Jim Nagal (ABAG Claims Examiner) and the City Attorney.

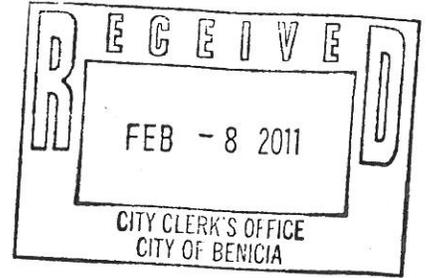
Attachment:

- Copy of Claim filed Against the City

CLAIM AGAINST THE CITY OF BENICIA

Please return to the City Clerk, 250 East L Street, Benicia, CA 94510

Complete the following, adding additional sheets as necessary.



1. CLAIMANT'S NAME (Print): SAMUEL PAGGI

2. CLAIMANT'S ADDRESS: [REDACTED]
(Street or P.O. Box Number, City, State, Zip Code)

HOME PHONE: [REDACTED] WORK PHONE: _____

3. AMOUNT OF CLAIM: \$ 157.50 (Attach copies of bills/estimates)

If amount claimed is more than \$10,000, indicate where jurisdiction rests:
Limited Civil Case _____
Unlimited Civil Case _____

4. Address to which notices are to be sent, if different from lines 1 and 2 (Print):

(Name)

(Street or P.O. Box Number, City, State, Zip Code)

5. DATE OF INCIDENT: 12-11-2010 TIME OF INCIDENT: 1:00 PM

LOCATION OF INCIDENT: AT CURB IN FRONT OF 103 WEST J BENICIA

6. Describe the incident or accident including your reason for believing that the City is liable for your damages: OTHER SIDE OF PAGE

7. Describe all damages which you believe you have incurred as a result of the incident: ROOTS GREW AND CLOGGED BECAUSE OF CITY'S TERRA COTTA PIPES.

8. Names of public employee(s) causing the damages you are claiming:

Samuel J. Paggi _____ 2-7-11
Signature of Claimant Date

Any person who, with intent to defraud, presents any false or fraudulent claim may be punished by imprisonment or fine or both.

Note: YOU must file a claim in compliance with Government Code Section 911.2.

(revised 12/18/02)

6. CALLED PUBLIC WORKS BECAUSE SOMEONE CAME TO DOOR STATING RAW SEWAGE WAS SPRAYING OUT OF SEWER CAP BY CURB IN 103 WEST J NEIGHBORS FRONT YARD. NO ONE HOME AT 103 SO THEY CAME TO OUR HOUSE [REDACTED]

PUBLIC WORKS CAME OUT AND SAID MY RESPONSIBILITY BECAUSE WE HAD ABS PIPE WHICH CAUSES ROOTS TO GROW THROUGH PIPE. HE SAID TO CALL BENICIA PLUMBING.

PLUMBER CAME OUT AND UNCLOGGED PIPE OF ROOTS IN MIDDLE OF STREET. HE SAID OUR ABS PIPE WAS THE BEST FOR ROOTS NOT GROWING THROUGH. HE SAID CITY'S PIPES MADE OF TERRA COTTA WERE AT FAULT AS CLOG WAS IN MIDDLE OF STREET IN CITY'S TERRA COTTA PIPES AND NOT OUR ABS PIPES. WE SHARE SEWER LINE WITH 103 WEST J SO PAID PLUMBER OURSELVES AND SAID WE'D SETTLE WITH CITY

VII.B.4

Samuel J. Page

AGENDA ITEM
CITY COUNCIL MEETING DATE - MAY 3, 2011
CONSENT CALENDAR

DATE : April 21, 2011
TO : City Manager
FROM : Finance Director
SUBJECT : **CITY OF BENICIA LANDSCAPING AND LIGHTING DISTRICT**
FISCAL YEAR 2011-2012

RECOMMENDATION:

City Council adopt the attached Resolutions pertaining to the subject district:

1. Initiate Proceedings for the Annual Levy and Collection of Assessments for the City of Benicia Landscape and Lighting District, fiscal year 2011-2012.
2. Preliminary approval of the Engineer's Report for the City of Benicia Landscaping and Lighting District, fiscal year 2011-2012.
3. Intention to Order the Levy and Collection of Assessments Pursuant to the Landscaping and Lighting Act of 1972 and Therefore Setting a Public Hearing on June 7, 2011 for the City of Benicia Landscaping and Lighting District, fiscal year 2011-2012.

EXECUTIVE SUMMARY:

The City of Benicia Landscaping and Lighting District consists of five separate zones, with the largest being the residential zone. The other four zones are smaller commercial/industrial areas. Private properties within each zone are assessed annually to pay the cost to maintain landscaping along street rights of way, maintenance of open space areas and maintenance and energy costs of streetlights on a zone-by-zone basis. The total budget costs for fiscal year 2011-2012 for all five zones is \$512,350.00. After the Reserve Fund credits are applied to the budgets, the balance to levy totals \$427,663.42.

BUDGET INFORMATION:

The total budget costs for fiscal year 2011-2012 for all five zones of the District is \$512,350.00. After the Reserve Fund credits are applied to the budgets the

balance to levy is \$427,663.42.

GENERAL PLAN:

There is no General Plan impact.

BACKGROUND:

The City of Benicia Landscaping and Lighting District consists of five separate zones with the largest being the residential zone. The other four zones are smaller commercial/industrial areas. Private properties within each zone are assessed annually to pay the cost to maintain landscaping along street rights of way, maintenance of open space areas and maintenance and energy costs of streetlights on a zone-by-zone basis.

The first Resolution initiates proceedings for the levy and collection of assessments for the fiscal year 2011-2012. The second Resolution gives preliminary approval to the attached Engineer's Report as required by the State of California Streets and Highways Code. The third Resolution sets a public hearing for June 7, 2011 for consideration of a Resolution to order the levy and collection of assessments for fiscal year 2011-2012. The conclusion of the public hearing and adoption of the Resolution ordering the levy and collection of assessments for fiscal year 2011-2012 on June 7, 2011 will complete the process for the coming fiscal year.

All costs for street lighting and for maintaining landscaping and irrigation systems, including administration expenses and incidental expenses associated with preparation of the annual report, are paid for by assessments levied against parcels within the District. Therefore, there are no budget impacts to the General Fund.

The residential Zone 1 rate is \$136.56 per year for each parcel. The rate for the smaller commercial/industrial zones vary based upon parcel size, as has been the case for the past several years. No additional or increased assessments will be levied within the District to fund improvements installed in fiscal year 2011-2012.

Citywide Residential District – Zone 1.

Since its origin in 1975, Zone 1 has been assessed at the rate of \$136.56 per parcel. During the 1980's and 1990's, several subdivisions were added, bringing the total parcels to 2,196 citywide. As parcels were added, each was assigned the same rate as existing parcels or \$136.56 per parcel. However, expenditures to maintain and improve the district increased over time, reducing reserves on

hand. Reserves will fall below the reserve requirement for the district, which is 50% of expenditures for FY11-12, leaving the fund level at 37%. This will be enough to carry the district for the entire year, but assessment increases will be needed in the very near future to maintain the reserve requirement.

Attachments:

- Proposed Resolutions
 - Resolution 1
 - Resolution 2
 - Resolution 3
- Preliminary Engineer's Report

RESOLUTION NO. 11-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA DESCRIBING IMPROVEMENTS AND DIRECTING PREPARATION OF ENGINEER'S REPORT FOR THE CITY OF BENICIA LANDSCAPING AND LIGHTING DISTRICT, FISCAL YEAR 2011-2012

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Benicia, California, as follows:

1. Previously, the City Council did, pursuant to the provisions of the Landscaping and Lighting Act of 1972, Part 2, Division 15, of the Streets and Highways Code of the State of California, conduct the proceedings for and did form the City of Benicia Landscaping and Lighting District ("District").

2. The public interest, convenience and necessity require, and it is the intention of this Council to undertake proceedings for the levy and collection of assessments upon the several lots or parcels of land in said District, for the construction or installation of improvements, including the maintenance or servicing, or both, thereof for Fiscal Year 2011-2012.

3. The improvements to be constructed or installed, including the maintenance or servicing, or both, thereof, are:

a) The maintenance or servicing of public landscaping including, but not limited to, trees, shrubs, grass, or other vegetation in curbed median islands of public streets, in landscaped strips or areas along and adjacent to public street areas, in public open space areas retained in their natural state, or in areas developed as public parks.

b) The maintenance or servicing, or both, thereof public lighting facilities and improvements including, but not limited to, standards, poles and luminaries and the cost of electric current or energy.

4. The costs and expenses of said improvements, including the maintenance or servicing, or both, thereof, are to be made chargeable upon said District, the exterior boundaries of which District are the composite and consolidated area as more particularly shown on a map thereof on file in the office of the Director of Public Works of the City of Benicia to which reference is hereby made for further particulars. Said map indicates by a boundary line the extent of the territory included in said District and of any zone thereof and shall govern for all details as to the extent of the assessment district.

5. The Engineer of Work shall be Willdan Financial Services and is hereby directed to prepare and file with the City Clerk a report, in writing, referring to the assessment district by its distinctive designation, specifying the fiscal year to which the

report applies, and, with respect to that year, presenting the following:

- a) Plans and specifications of the existing improvements and for proposed new improvements, if any, to be made within the district or within any zone thereof; and
- b) An estimate of the costs of said proposed new improvements, if any, to be made, the costs of maintenance or servicing, or both, thereof, and of any existing improvements, together with the incidental expenses in connection therewith; and
- c) A diagram showing the exterior boundaries of the district and of any zones within said district and the lines and dimensions of each lot or parcel of land within the district as such lot or parcel of land is shown on the County Assessor's map for the fiscal year to which the report applies, each of which lots or parcels of land shall be identified by a distinctive number or letter on said diagram; and
- d) A proposed assessment of the total amount of the estimated costs and expenses of the proposed new improvements, including the maintenance or servicing, or both, thereof, and of any existing improvements upon the several lots or parcels of land in said district in proportion to the estimated benefits to be received by such lots or parcels of land respectively from said improvements, including the maintenance or servicing, or both, thereof, and of the expenses incidental thereto.

On motion of Council Member _____, seconded by Council Member _____, the above Resolution was introduced and passed by the City Council of the City of Benicia at a regular meeting of said Council held on the 3rd day of May, 2011, and adopted by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

ATTEST:

Lisa Wolfe, City Clerk

RESOLUTION NO. 11-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA
PRELIMINARILY APPROVING THE ENGINEER'S REPORT FOR THE CITY OF
BENICIA LANDSCAPING AND LIGHTING DISTRICT, FISCAL YEAR 2011-2012**

WHEREAS, by previous Resolution, the City Council did adopt the Resolution describing improvements and directing preparation of Engineer's Report for Fiscal Year 2011-2012 pursuant to the Landscaping and Lighting Act of 1972 for the City of Benicia Landscaping and Lighting District ("District") in said City and did refer the proposed improvements to the Engineer of Work, and did therein direct said Engineer of Work to prepare and file with the Clerk of said City a report, in writing, all as therein more particularly described, under and pursuant to the Landscaping and Lighting Act of 1972; and

WHEREAS, said Engineer of Work prepared and filed with the Clerk of said City a report in writing as called for in previous resolution and under and pursuant to said Act, which report has been presented to this Council for consideration; and

WHEREAS, said Council has duly considered said report and each and every part thereof, and finds that each and every part of said report is sufficient, and that neither said report nor any part thereof should be modified in any respect.

NOW, THEREFORE, IT IS HEREBY FOUND, DETERMINED AND ORDERED, as follows:

1. That the Engineer's estimate of the itemized and total costs and expenses of maintenance and servicing thereof, and of the incidental expenses in connection therewith, contained in said report, be, and each of them are hereby preliminarily approved.

2. That the diagram showing the exterior boundaries of the District referred to and described in previous Resolution and also the boundaries of any zones therein and the lines and dimensions of each lot or parcel of land within District as such lot or parcel of land is shown on the County Assessor's maps for the fiscal year to which the report applies, each of which lot or parcel of land has been given a separate number upon said diagram as contained in said report, be, and it is hereby, preliminarily approved.

3. That the proposed assessment of the total amount of the estimated costs and expenses of the proposed improvements upon the several lots or parcels of land in District in proportion to the estimated benefits to be received by such lots or parcels, respectively, from said improvements including the maintenance or servicing, or both, thereof, and of the expenses incidental thereto, as contained in said report, be, and they are hereby, preliminarily approved.

4. That said report shall stand as the Engineer's Report for the purpose of all subsequent proceedings to be had pursuant to the previous Resolution.

On motion of Council Member _____, seconded by Council Member _____, the above Resolution was introduced and passed by the City Council of the City of Benicia at a regular meeting of said Council held on the 3rd day of May, 2011 and adopted by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

ATTEST:

Lisa Wolfe, City Clerk

RESOLUTION NO. 11-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA OF INTENTION TO ORDER THE LEVY AND COLLECTION OF ASSESSMENTS PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972 AND THEREFORE SETTING A PUBLIC HEARING ON JUNE 7, 2011 FISCAL YEAR 2011-2012 CITY OF BENICIA LANDSCAPING AND LIGHTING DISTRICT

WHEREAS, pursuant to the previous Resolution, describing improvements and directing preparation of Engineer's Report for Fiscal Year 2011-2012 for City of Benicia Landscaping and Lighting District ("District"), adopted on May 3, 2011, by the City Council of said City pursuant to the Landscaping and Lighting Act of 1972, the City Engineer of said City has prepared and filed with the Clerk of this City the written report called for under said Act and by previous Resolution, which said report has been submitted and preliminarily approved by this Council in accordance with said Act.

NOW, THEREFORE, IT IS HEREBY FOUND, DETERMINED AND ORDERED, as follows:

1. In its opinion the public interest and convenience require, and it is the intention of the City Council to order, the levy and collection of assessments for fiscal year 2011-2012 pursuant to the provisions of the Landscaping and Lighting Act of 1972, Part 2, Division 15, of the Streets and Highways Code of the State of California, for the construction or installation of the improvements, including the maintenance or servicing, or both, thereof, are:

- a) The maintenance or servicing of public landscaping including, but not limited to, trees, shrubs, grass, or other vegetation in curbed median islands of public streets, in landscaped strips or areas along and adjacent to public street areas, in public open space areas retained in their natural state, or in areas developed as public parks.
- b) The maintenance or servicing, or both, thereof public lighting facilities and improvements including, but not limited to, standards, poles and luminaries and the cost of electric current or energy.

2. The cost and expenses of said improvements, including the maintenance or servicing, or both, thereof, are to be made chargeable upon the District, the exterior boundaries of which District are the composite and consolidated area as more particularly described on a map thereof on file in the office of the Director of Public Works of said City, to which reference is hereby made for further particulars. Said map indicates by a boundary line the extent of the territory included in the district and of any zone thereof and the general location of said District.

3. Said Engineer's Report prepared by the City Engineer of said City, preliminarily approved by the City Council by previous Resolution and on file with the Clerk of this City, is hereby referred to for a full and detailed description of the improvements,

the boundaries of the assessment district and any zones therein, and the proposed assessments upon assessable lots and parcels of land within District.

4. Notice is hereby given that Tuesday, the 7th day of June 2011, at 7:00 p.m. in the regular meeting place of the City Council, City Hall, 250 East "L" Street, Benicia, California, be and the same is hereby appointed and fixed as the time and place for a hearing by the City Council on the question of the levy and collection of the proposed assessment for the construction or installation of said improvements, including the maintenance and servicing, or both, thereof, and when and where it will consider all oral statements and all written comments made or filed by any interested person at or before the conclusion of said hearing against any proposed assessment upon an assessable lot or parcel of land within the District, and when and where it will consider and finally act upon the Engineer's Report.

5. Prior to the conclusion of the hearing, any interested person may file a written protest with the Clerk, or, having previously filed a protest, may file a written withdrawal of that protest. A written protest shall state all grounds of objection. A protest by a property owner shall contain a description sufficient to identify the property owned by such owner.

6. The Clerk of said City is hereby directed to give notice of said hearing by causing a copy of this Resolution to be published once in the Benicia Herald, a newspaper published and circulated in said City, and by conspicuously posting a copy thereof upon the official bulletin board customarily used by the City for the posting of notices, said posting and publication to be had and completed at least ten (10) days prior to the date of hearing specified herein.

7. The Public Works Department is hereby designated as the office to answer inquiries regarding any proceedings to be had herein, and may be contacted during regular office hours at City Hall, 250 East "L" Street, Benicia, California 94510, or by calling (707) 746-4240.

On motion of Council Member _____, seconded by Council Member _____, the above Resolution was introduced and passed by the Council of the City of Benicia at a regular meeting of said Council held on the 3rd day of May, 2011 and adopted by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

ATTEST:

Lisa Wolfe, City Clerk



CITY OF BENICIA

LANDSCAPE AND LIGHTING DISTRICT ENGINEER'S REPORT FISCAL YEAR 2011/2012

INTENT MEETING: MAY 3, 2011

PUBLIC HEARING: JUNE 7, 2011

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I. OVERVIEW

A. INTRODUCTION

The City of Benicia (“City”) annually levies and collects special assessments in order to maintain the improvements within the City of Benicia Landscaping and Lighting District (“District”). The District was formed in the late 1970’s and annual assessments are levied pursuant to the *Landscape and Lighting Act of 1972, Part 2 of Division 15 of the California Streets and Highways Code* (“1972 Act”).

This Engineer’s Report (“Report”) describes the District, any annexations, or changes to the District including substantial changes to the District improvements, and the proposed assessments for fiscal year 2011/2012. The proposed assessments are based on the estimated cost to maintain the improvements that provide special benefits to properties within the District. The costs of improvements and the annual levy include all expenditures, deficits, surpluses, revenues, and reserves. Each parcel is assessed proportionately for only those improvements provided and for which the parcel receives special benefit based on an established method of apportionment.

The word “parcel,” for the purposes of this Report, refers to an individual property assigned its own Assessment Number by the County of Solano (“County”) Assessor’s Office. The County Auditor/Controller uses Assessment Numbers and specific Fund Numbers to identify on the tax roll, properties assessed for special district benefit assessments. The District also has a unique Assessment Number (“District Assessment No”) used to identify each District parcel on the District Diagram.

Following consideration of public comments and written protests at a noticed public hearing, and review of the Report, the City Council may order amendments to the Report or confirm the Report as submitted. Following final approval of the Report, and confirmation of the assessments, the Council may order the levy and collection of assessments for fiscal year 2011/2012 pursuant to the 1972 Act. In such case, the assessment information will be submitted to the County Auditor/Controller, and included on the property tax roll for each benefiting parcel for fiscal year 2011/2012.

B. APPLICABLE LEGISLATION

The District has been formed and is annually levied pursuant to the 1972 Act, beginning with Section 22500. The assessments and methods of apportionment described in this Report utilize commonly accepted assessment engineering practices and have been calculated and proportionately spread to each parcel based on the special benefits received.

Compliance with the California Constitution

All assessments described in this Report and approved by the City Council are prepared in accordance with the 1972 Act and are in compliance with the provisions of the California Constitution Article XIID (“Article XIID”), which was enacted with the passage of Proposition 218 in November 1996.

Pursuant to the Article XIID Section 5, certain existing assessments are exempt from the substantive and procedural requirements of Article XIID Section 4 and property owner balloting for the assessments is not required until such time that the assessments are increased. Specifically, Article XIID Section 5(b) exempts:

“Any assessment imposed pursuant to a petition signed by the person owning all of the parcels subject to the assessment at the time the assessment is initially imposed.”

The City has determined that all improvements and the annual assessments originally established for the District were part of the conditions of property development and approved by the original property owner (developer at the time of the District formation late 1970’s). As such, pursuant to Article XIID Section 5(b), all the property owners approved the existing District assessments at the time the assessments were created (originally imposed pursuant to a 100% landowner petition). Therefore, the pre-existing assessment amount (the maximum assessment rate identified in this Report) is exempt from the procedural requirements of Article XIID Section 4.

Provisions of the 1972 Act (Improvements and Services)

As generally defined, the improvements and the associated assessments for any district formed pursuant to the 1972 Act may include one or any combination of the following:

- 1) The installation or planting of landscaping.
- 2) The installation or construction of statuary, fountains, and other ornamental structures and facilities.
- 3) The installation or construction of public lighting facilities, including, but not limited to streetlights and traffic signals.
- 4) The installation or construction of any facilities which are appurtenant to any of the foregoing or which are necessary or convenient for the maintenance or servicing thereof; including but not limited to, grading, removal of debris, the installation or construction of curbs, gutters, walls, sidewalks, or paving, or water, irrigation, drainage, or electrical facilities.
- 5) The installation of park or recreational improvements including, but not limited to the following:
 - a) Land preparation, such as grading, leveling, cutting and filling, sod, landscaping, irrigation systems, sidewalks, and drainage.

- b) Lights, playground equipment, play courts and public restrooms.
- 6) The maintenance or servicing, or both, of any of the foregoing including the furnishing of services and materials for the ordinary and usual maintenance, operation, and servicing of any improvement, including, but not limited to:
 - a) Repair, removal, or replacement of all or any part of any improvements;
 - b) Grading, clearing, removal of debris, the installation, repair or construction of curbs, gutters, walls, sidewalks, or paving, or water, irrigation, drainage, or electrical facilities;
 - c) Providing for the life, growth, health, and beauty of landscaping, including cultivation, irrigation, trimming, spraying, fertilizing, or treating for disease or injury;
 - d) The removal of trimmings, rubbish, debris, and other solid waste;
 - e) The cleaning, sandblasting, and painting of walls and other improvements to remove or cover graffiti.
 - f) Electric current or energy, gas, or other agent for the lighting or operation of any other improvements.
 - g) Water for the irrigation of any landscaping, the operation of any fountains, or the maintenance of any other improvements.
- 7) The acquisition of land for park, recreational or open-space purposes, or the acquisition of any existing improvement otherwise authorized by the 1972 Act.
- 8) Incidental expenses associated with the improvements including, but not limited to:
 - a) The cost of preparation of the report, including plans, specifications, estimates, diagram, and assessment;
 - b) The costs of printing, advertising, and the publishing, posting and mailing of notices;
 - c) Compensation payable to the County for collection of assessments;
 - d) Compensation of any engineer or attorney employed to render services;
 - e) Any other expenses incidental to the construction, installation, or maintenance and servicing of the improvements; and,
 - f) Costs associated with any elections held for the approval of a new or increased assessment.

II. PLANS AND SPECIFICATIONS

The District provides for the continued installation, maintenance and servicing of landscaping within public parks and street landscaping and lighting improvements within the public right-of-ways which provide special benefit to parcels and properties within the District.

All improvements within the District are maintained and serviced on a regular basis. City staff will determine the frequency and specific maintenance operations required. The District assessments may fund all necessary utilities, operations, services, administration and maintenance costs associated with the improvements. The annual cost of providing for the improvements within the District are spread among all benefiting parcels in proportion to the benefits received. The expenditures and assessments set forth in this report are based upon the City's estimate of the costs associated with the improvements including all labor, personnel, equipment, materials and administrative expenses. The park sites within the District are clearly a special benefit to the properties and property owners within the District. Because of the Park's size and location it provides no benefit to parcels outside the District or to the public at large and therefore, the entire cost of maintaining this park could be assessed to parcels within the District.

A. DESCRIPTION OF THE DISTRICT ZONES AND IMPROVEMENTS

The District is comprised of five benefit zones each receiving different degrees of benefit from the District improvements: Zone 1 – Residential; Zone 2 – Fleetside Industrial Park; Zone 3 – Goodyear Road; Zone 4 – East 2nd Street; and Zone 5 – Columbus Parkway.

The location, boundaries and general description of the improvements provided within the District are described below. The detail specifications and location of the improvements are on plans and maps on file with the Public Works department and by reference are made part of this Report.

Zone 1 – Residential

Zone 1 – Residential ("Zone 1") is comprised of 2,196 single-family residential parcels. Within this zone is a large portion of the Southampton area plus the areas known by their subdivision name including Hamann Hills, Benicia Terrace, Olive Branch Estates, Harbor View Knolls and Clos Duvall. It also includes the Southampton D-6 and D-7 subdivisions. Also within the boundaries of Zone 1 are parcels identified as publicly owned open space and parks and privately owned open space and sliver parcels that are deemed to be not assessable.

The Zone 1 improvements shall consist of: 1) maintenance and servicing of open space areas including discing, mowing and trash removal; 2) within public park sites with established landscaping, maintenance and servicing improvements

including trimming, pruning, weeding, fertilizing, irrigation, trash removal, mechanical sprinkler repair, plant replacement, and other necessary maintenance programs; and 3) the servicing of electrical power for 304 streetlights for this zone.

Zone 2 – Fleetside Industrial Park

Zone 2 – Fleetside Industrial Park (“Zone 2”) is comprised of two industrial park subdivisions east of Interstate 680 in the eastern portion of the City. The two subdivisions are Fleetside Industrial Park and Drake Industrial Park. Also within the boundaries of Zone 2 are parcels identified as publicly owned wetland parcels that are deemed to be not assessable.

The Zone 2 improvements shall consist of: 1) the maintenance and servicing of landscaped strip areas along and adjacent to the public street areas including trimming, pruning, weeding, fertilizing, irrigation, trash removal, mechanical sprinkler repair, plant replacement, and other necessary maintenance programs; and 2) the servicing of electrical power for 33 streetlights for this zone.

Zone 3 – Goodyear Road

Zone 3 – Goodyear Road (“Zone 3”) is comprised of four parcels totaling 37.01 acres in area located between Goodyear Road and Interstate 680 in the northeasterly corner of the City. The most southerly of the four parcels is 10.94 acres in area and is zoned "General Commercial." The three northerly parcels totaling 26.07 acres in area are zoned "Industrial Park."

The Zone 3 improvements shall consist of: 1) the maintenance and servicing of landscaped strip areas along and adjacent to the public street areas including trimming, pruning, weeding, fertilizing, irrigation, trash removal, mechanical sprinkler repair, plant replacement and other necessary maintenance programs; and 2) the servicing of electrical power for 10 streetlights for this zone.

Zone 4 – East 2nd Street

Zone 4 – East 2nd Street (“Zone 4”) is comprised of five assessed parcels totaling 276.36 acres. The two southernmost parcels adjacent to East 2nd Street total 200.04 acres in area and are zoned "General Industrial." The two northernmost parcels totaling 76.32 acres are zoned "Industrial Park." Within the boundaries of this Zone are also three small City-owned parcels used for water system distribution and storage purposes. Also within the boundaries of Zone 4 are parcels identified as publicly owned reservoir/pump station parcels that are deemed to be not assessable.

The Zone 4 improvements shall consist of: 1) the maintenance and servicing of landscaped median areas in Rose Drive from East 2nd Street to 1,800 feet (0.34 miles), more or less, northwesterly of East 2nd Street, and in East 2nd Street

from 4,800 feet (0.91 miles), more or less, southerly of Rose Drive to 1,950 feet (0.37 miles), more or less, northeasterly of Rose Drive, include trimming, pruning, weeding, fertilizing, irrigation, trash removal, mechanical sprinkler repair, plant replacement and other necessary maintenance programs; and 2) the servicing of electrical power for 78 streetlights for this zone.

Zone 5 – Columbus Parkway

Zone 5 – Columbus Parkway (“Zone 5”) is comprised of both commercial parcels, residential parcels and privately owned open space parcels. There are five assessed commercial parcels totaling 9.28 acres; there are 188 residential condominiums at the Cambridge Apartments and there are 50 new units on Assessment Parcel #1327. Also within the boundaries of Zone 5 are parcels identified as privately owned open space parcels that are deemed to be not assessable.

Zone 5 improvements shall consist of: 1) the maintenance and servicing of landscaped median areas along the public street areas and for a landscaped, Caltrans-owned parcel lying between Columbus Parkway and Interstate 780 southerly of Rose Drive, including trimming, pruning, weeding, fertilizing, irrigation, trash removal, mechanical sprinkler repair, plant replacement and other necessary maintenance programs; and 2) the servicing of electrical power for 15 streetlights for this zone.

B. CHANGES OR MODIFICATIONS TO THE DISTRICT

Modifications to the District structure could include but are not limited to:

- Substantial changes or expansion of the improvements provided;
- Substantial changes in the service provided;
- Modifications or restructuring of the District or Zones including annexation or detachment of Zones or specific parcels;
- Revisions in the method of apportionment;
- Proposed new or increased assessments.

Some changes or modifications to the District would require the approval of the property owners within the District. No other changes or modifications to the District are proposed for fiscal year 2011/2012.

III. METHOD OF APPORTIONMENT

A. GENERAL

The 1972 Act permits the establishment of assessment districts by agencies for the purpose of providing certain public improvements which include the construction, maintenance and servicing of public lights, landscaping and appurtenant facilities. The 1972 Act further requires that the cost of these improvements be levied according to benefit rather than assessed value:

“The net amount to be assessed upon lands within an assessment district may be apportioned by any formula or method which fairly distributes the net amount among all assessable lots or parcels in proportion to the estimated benefits to be received by each such lot or parcel from the improvements.”

The formula used for calculating assessments in the District therefore reflects the composition of the parcels, and the improvements and services provided, to fairly apportion the costs based on estimated benefit to each parcel.

In addition, pursuant to Article XIID Section 4:

“No assessment shall be imposed on any parcel which exceeds the reasonable cost of the proportional special benefit conferred on that parcel. Only special benefits are assessable and an agency shall separate the general benefits from the special benefits conferred on a parcel.”

B. BENEFIT ANALYSIS

Each of the improvements and the associated costs have been carefully reviewed by the City and the corresponding assessments have been proportionately spread to each parcel based on special benefits received from the improvements. The installation of the improvements and approval of an annual assessment were part of the conditions of property development and approved by the original property owner (developer). As such, pursuant to Article XIID Section 5(b), all the property owners approved the maximum assessment amount identified in this Report at the time the assessment was created (originally imposed pursuant to a 100% landowner petition). Therefore the existing maximum assessment amount per Zone is not subject to the procedural requirements of Article XIID Section 4 (property owner ballot proceedings). Although the current assessment does not require additional property owner approval (unless increased), the improvements within the District clearly provide a special benefit to the parcels assessed and therefore, the existing assessments are in compliance with the substantive requirements of Article XIID Section 4.

Special Benefits — The method of apportionment (assessment methodology) is based on the premise that each of the assessed parcels within the District receives benefit from the improvements maintained and financed by annual assessments. Specifically, the assessments are for the maintenance of local street lighting and landscaped improvements installed as part of the original improvement. The desirability and security of properties within the District are enhanced by the presence of street lighting and well-maintained landscaping in close proximity to those properties.

The special benefits associated with the local landscaping improvements are specifically:

- Enhanced desirability of properties through association with the improvements.
- Improved aesthetic appeal of properties within the Zones providing a positive representation of the area.
- Enhanced adaptation of the urban environment within the natural environment from adequate green space and landscaping.
- Environmental enhancement through improved erosion resistance, and dust and debris control.
- Increased sense of pride in ownership of property within the District resulting from well-maintained improvements associated with the properties.
- Reduced criminal activity and property-related crimes (especially vandalism) against properties in the District through well-maintained surroundings and amenities including abatement of graffiti.
- Enhanced environmental quality of the parcels within the Zones by moderating temperatures, providing oxygenation and attenuating noise.

The special benefits of street lighting are the convenience, safety, and security of property, improvements, and goods. Specifically:

- Enhanced deterrence of crime and the aid to police protection.
- Increased nighttime safety on roads and highways.
- Improved ability of pedestrians and motorists to see.
- Improved ingress and egress to property.
- Reduced vandalism and other criminal acts and damage to improvements or property.
- Improved traffic circulation and reduced nighttime accidents and personal property loss.
- Increased promotion of business during nighttime hours in the case of commercial properties.

All of the preceding special benefits contribute to a specific enhancement and desirability of each of the assessed parcels within the District.

General Benefits — The improvements associated with each Zone are a direct result of property development within the Zone and would otherwise not be required or necessary. Developers typically install landscape improvements to enhance the marketability and value of properties within the development and/or as conditions of development. In either case, the improvements are clearly installed for the benefit of the properties being developed and not for the benefit of surrounding properties.

Although many landscape improvements (by virtue of their location), may be visible to surrounding properties or to the public at large, any benefit to surrounding properties is incidental and cannot be considered a direct and special benefit to those properties. Therefore, it has been determined that the improvements within these Zones and the ongoing operation and maintenance of those improvements are clearly a direct and special benefit to properties within each respective Zone. Unless otherwise noted, these improvements provide no measurable general benefit to properties outside the Zone or to the public at large.

Non-Assessable Properties — Within the boundaries of Zones 1, 2, 4 and 5, there are several types of properties that are considered to receive no special benefit from the District improvements and are therefore not assessed. These parcels include: 1) Publicly owned parcels that are reserved as Public Open Space or are developed as City Parks for active recreation and are maintained and serviced by the District; 2) Publicly owned wetland parcels; 3) Certain Public Utility parcels; 4) Privately owned open space parcels; 5) Privately owned "sliver" parcels that have resulted from a lot line adjustment with an adjacent larger parcel. The adjacent larger parcel, of which these "sliver" parcels are a part, are assessed at the Residential Zone rate.

C. ASSESSMENT METHODOLOGY

The special benefits received by each parcel within the Zone and each parcel's proportional annual assessment is calculated on the basis of a formula known as Equivalent Benefit Units. The Equivalent Benefit Unit (EBU) method of apportionment establishes a proportional benefit relationship between the various parcels within the District and the improvements provided by the District. The EBU assigned to each parcel utilizes a set formula and proportional weighting factors based on the land use and size of each parcel within the District as compared to other parcels within the District. The number of EBU's assigned to each parcel is calculated by multiplying an assigned benefit unit factor (based on land use) by the dwelling units for residential parcels and acreage for commercial parcels.

The benefit unit factors (proportional special benefit) to be applied to the various land use classifications are listed below.

Single Family Residence
Commercial Use

One (1.0) Benefit Unit Per Unit
One (1.0) Benefit Unit Per Acre

The annual cost of the Zone improvements to be levied (Balance to Levy) is divided by the total number of EBU's calculated for each Zone to establish the annual assessment rate (Levy per EBU) for the fiscal year. This formula is represented as follows:

$$\text{Balance to Levy} / \text{Total Number of EBU} = \text{Levy Per EBU}$$

The levy amount for each parcel is then calculated by multiplying the Levy per EBU (assessment rate) by the parcel's individual EBU calculated. The formula is represented as follows:

$$\text{Levy Per EBU} \times \text{Parcel EBU} = \text{Parcel Levy Amount}$$

Special Cases

Zone 1 – Residential

District Assessment No. 214 is owned by PacBell and is used for telephone switching facilities. This parcel is considered to receive no special benefit and is not assessed.

Zone 2 – Fleetside Industrial Park

As of Fiscal Year 2009/10, Caltrans met their agreement with the City and is no longer required to pay assessments on parcels 80-292-040, 050, 060, 070, 080, 120 and 130.

Zone 5 – Columbus Parkway

Since the residential units also pay annual costs for maintenance of privately owned open space and for on-site lighting, costs were allocated at 47.6% for residential parcels and 52.4% for commercial parcels.

District Assessment Nos. 1329A, 1329B and 1329C totaling 3.67 acres are governed by Conditions, Covenants and Restrictions (CC&R's). Individual assessments were apportioned by allocating a portion of the total assessment for the total area of the three parcels by building square footage in accordance with provisions of said CC&R's.

IV. DISTRICT BUDGET

City of Benicia Landscape and Lighting District ZONE 1--RESIDENTIAL 2011/2012	
Levy Components	Budget
DIRECT COSTS	
Maintenance and Servicing	\$247,095.00
Utilities (Electric Power for Street Lighting; Water for Irrigation)	71,000.00
Engineering and Incidental Expenses	7,253.14
Capital Outlay	1,000.00
TOTAL DIRECT	\$326,348.14
ADMINISTRATION COSTS	
Direct Administration	\$8,246.86
TOTAL ADMIN	\$8,246.86
COLLECTIONS/(CREDITS) APPLIED TO LEVY	
TOTAL DIRECT AND ADMIN COSTS	\$334,595.00
Estimated Interest Earnings	(550.00)
Reserve Collection/(Transfer)	(34,159.24)
TOTAL ADJUSTMENTS	(34,709.24)
Balance to Levy (Budgeted)	\$299,885.76
DISTRICT STATISTICS	
Total Parcels	2,269
Total Parcels Levied	2,196
Total Residential Units	2,196.00
Proposed Levy per Benefit Unit	\$136.56
FUND BALANCE INFORMATION	
Projected Reserve Fund Balance as of July 1, 2011	\$76,670.00
Estimated Reserve Fund Adjustments	(34,159.24)
Estimated Interest Income 2011-12	550.00
Projected Reserve Fund Balance as of June 30, 2012	\$43,060.76

City of Benicia Landscape and Lighting District ZONE 2--FLEETSIDE INDUSTRIAL PARK	
2011/2012	
Levy Components	Budget
DIRECT COSTS	
Maintenance and Servicing	\$87,535.00
Utilities (Electric Power for Street Lighting; Water for Irrigation)	19,000.00
Engineering and Incidental Expenses	1,800.64
Capital Outlay	4,000.00
TOTAL DIRECT	\$112,335.64
ADMINISTRATION COSTS	
Direct Administration	\$2,199.36
TOTAL ADMIN	\$2,199.36
COLLECTIONS/(CREDITS) APPLIED TO LEVY	
TOTAL DIRECT AND ADMIN COSTS	\$114,535.00
Estimated Interest Earnings	(1,540.00)
Reserve Collection/(Transfer)	(33,018.12)
TOTAL ADJUSTMENTS	(34,558.12)
Balance to Levy (Budgeted)	\$79,976.88
DISTRICT STATISTICS	
Total Parcels	44
Total Parcels Levied	28
Total Acreage	124.04
Proposed Levy per Acre	\$644.767
FUND BALANCE INFORMATION	
Projected Reserve Fund Balance as of July 1, 2011	\$111,195.00
Estimated Reserve Fund Adjustments	(33,018.12)
Estimated Interest Income 2011-12	1,540.00
Projected Reserve Fund Balance as of June 30, 2012	\$79,716.88

City of Benicia Landscape and Lighting District ZONE 3--GOODYEAR ROAD	
2011/2012	
Levy Components	Budget
DIRECT COSTS	
Maintenance and Servicing	\$4,785.00
Utilities (Electric Power for Street Lighting; Water for Irrigation)	1,000.00
Engineering and Incidental Expenses	720.00
Capital Outlay	500.00
TOTAL DIRECT	\$7,005.00
ADMINISTRATION COSTS	
Direct Administration	\$110.00
TOTAL ADMIN	\$110.00
COLLECTIONS/(CREDITS) APPLIED TO LEVY	
TOTAL DIRECT AND ADMIN COSTS	\$7,115.00
Estimated Interest Earnings	(400.00)
Reserve Collection/(Transfer)	(2,714.94)
TOTAL ADJUSTMENTS	(3,114.94)
Balance to Levy (Budgeted)	\$4,000.06
DISTRICT STATISTICS	
Total Parcels	4
Total Parcels Levied	4
Total Acreage	37.01
Proposed Levy per Acre	\$108.08
FUND BALANCE INFORMATION	
Projected Reserve Fund Balance as of July 1, 2011	\$23,490.00
Estimated Reserve Fund Adjustments	(2,714.94)
Estimated Interest Income 2011-12	400.00
Projected Reserve Fund Balance as of June 30, 2012	\$21,175.06

City of Benicia Landscape and Lighting District ZONE 4--EAST 2ND STREET	
2011/2012	
Levy Components	Budget
DIRECT COSTS	
Maintenance and Servicing	\$18,585.00
Utilities (Electric Power for Street Lighting; Water for Irrigation)	13,100.00
Engineering and Incidental Expenses	889.98
Capital Outlay	0.00
TOTAL DIRECT	\$32,574.98
ADMINISTRATION COSTS	
Direct Administration	\$770.02
TOTAL ADMIN	\$770.02
COLLECTIONS/(CREDITS) APPLIED TO LEVY	
TOTAL DIRECT AND ADMIN COSTS	\$33,345.00
Estimated Interest Earnings	(300.00)
Reserve Collection/(Transfer)	(5,044.18)
TOTAL ADJUSTMENTS	(5,344.18)
Balance to Levy (Budgeted)	\$28,000.82
DISTRICT STATISTICS	
Total Parcels	7
Total Parcels Levied	5
Total Acreage	276.36
Proposed Levy per Acre	\$101.32
FUND BALANCE INFORMATION	
Projected Reserve Fund Balance as of July 1, 2011	\$24,170.00
Estimated Reserve Fund Adjustments	(5,044.18)
Estimated Interest Income 2011-12	300.00
Projected Reserve Fund Balance as of June 30, 2012	\$19,425.82

City of Benicia Landscape and Lighting District ZONE 5--COLUMBUS PARKWAY	
2011/2012	
Levy Components	Budget
DIRECT COSTS	
Maintenance and Servicing	\$21,015.00
Utilities (Electric Power for Street Lighting; Water for Irrigation)	2,870.00
Engineering and Incidental Expenses	1,225.50
Capital Outlay	1,000.00
TOTAL DIRECT	\$26,110.50
ADMINISTRATION COSTS	
Direct Administration	\$434.50
TOTAL ADMIN	\$434.50
COLLECTIONS/(CREDITS) APPLIED TO LEVY	
TOTAL DIRECT AND ADMIN COSTS	\$26,545.00
Estimated Interest Earnings	(1,000.00)
Reserve Collection/(Transfer)	(9,745.10)
TOTAL ADJUSTMENTS	(10,745.10)
Balance to Levy (Budgeted)	\$15,799.90
DISTRICT STATISTICS	
Total Parcels	209
Total Parcels Levied	196
<u>Commercial: (52.4%)</u>	
Total Acreage	12.85
Proposed Levy per Acre	\$645.00
<u>Residential: (47.6%)</u>	
Total Equivalent Benefit Units	188.00
Proposed Levy per Benefit Unit	\$40.00
FUND BALANCE INFORMATION	
Projected Reserve Fund Balance as of July 1, 2011	\$90,510.00
Estimated Reserve Fund Adjustments	(9,745.10)
Estimated Interest Income 2011-12	1,000.00
Projected Reserve Fund Balance as of June 30, 2012	\$81,764.90

	Zone 1 Residential	Zone 2 Fleetside Ind. Park	Zone 3 Goodyear Road	Zone 4 E. Second Street	Zone 5 Columbus Parkway	TOTAL
DIRECT COSTS						
Cost of Maint. and Services	\$247,095.00	\$87,535.00	\$4,785.00	\$18,585.00	\$21,015.00	\$375,230.00
Cost of Utilities	\$71,000.00	\$19,000.00	\$1,000.00	\$13,100.00	\$2,870.00	\$106,970.00
Engr/Incidental Expenses	\$7,253.14	\$1,800.64	\$720.00	\$889.98	\$1,225.50	\$11,889.26
Capital Outlay	\$1,000.00	\$4,000.00	\$500.00	\$0.00	\$1,000.00	\$6,500.00
Administrative Exp. (Calculated at 2.75% of annual assessment)	\$8,246.86	\$2,199.36	\$110.00	\$770.02	\$434.50	\$11,760.74
TOTAL DIRECT COSTS	334,595.00	\$114,535.00	\$7,115.00	\$33,345.00	\$26,545.00	512,350.00
FUND BALANCE INFORMATION						
Reserve Fund						
Balance as of July 1, 2011	\$76,670.00	\$111,195.00	\$23,490	\$24,170	\$90,510	\$326,035
Estimated Reserve Fund Adjustments	(\$34,159.24)	(\$33,018.12)	\$(2,714.94)	(\$5,044.18)	(\$9,745.10)	(\$80,896.58)
Estimated Income 2011-12	\$550.00	\$1,540.00	\$400.00	\$300.00	\$1,000.00	\$3,790.00
Projected Reserve Fund Balance 6/30/2012	\$43,060.76	\$79,716.88	\$21,175	\$19,426	\$81,765	\$248,928
BALANCE TO LEVY	\$299,885.76	\$79,976.88	\$4,000.06	\$28,000.82	\$15,799.90	\$427,663.42

V. Appendix A – DISTRICT ASSESSMENT DIAGRAM

An Assessment District Diagram has been prepared for the District in the format required by the 1972 Act, and is on file with the City Clerk, and by reference is made part of this Report. The Assessment Diagram is available for inspection at the Office of the City Clerk, during normal business hours.

VI. Appendix B – 2011/2012 ASSESSMENT ROLL

Parcel identification, for each lot or parcel within the District, shall be the parcel as shown on the County Assessor's Map for the year in which this Report is prepared.

Non-assessable lots or parcels include land principally encumbered by public or utility rights-of-way and common areas. These parcels will not be assessed.

A listing of parcels assessed within the District, along with the proposed assessment amounts, is included on the following pages and has been identified as "Fiscal Year 2011/2012 Levy Roll".

AGENDA ITEM
CITY COUNCIL MEETING DATE - MAY 3, 2011
CONSENT CALENDAR

DATE : April 21, 2011

TO : City Manager

FROM : Finance Director

SUBJECT : **CONSIDERATION OF FINANCE AUDIT AND BUDGET COMMITTEE MISSION, DUTIES, STRUCTURE, AND ANNUAL WORK PLAN**

RECOMMENDATION:

Adopt the resolution changing the name, mission, duties, structure and work plan of the Finance Audit and Budget.

EXECUTIVE SUMMARY:

The City Council previously considered recommendations from the Benicia Finance Audit and Budget (FAB) Committee on September 7, 2010 to modify their mission, duties and structure and development of an annual work plan. Following that meeting, the FAB met twice and determined it would be appropriate to remain a committee and no longer pursue commission status and refined the list of changes to the governing policy and developed a work plan for the balance of the fiscal year. The changes include changing the name to the Finance Committee, adding one additional citizen member, and moving the three elected members to ex-officio status. The annual work program includes recurring reviews of the Warrant Register and General Ledger and special projects that include enhancements to the Long Range Budget Model, Fund Balance Reserve Policy, the Balanced Budgets Policy, and creation of a Debt Financing Policy.

STRATEGIC PLAN:

Relevant Strategic Plan Issues and Strategies:

- Strategic Issue #3: Strengthening Economic and Fiscal Conditions

BUDGET INFORMATION:

There may be 20-40 additional staff hours required each year on projects related to the annual work plan. It is also expected the Finance Committee members will contribute an equal number of hours leading the project research.

BACKGROUND:

The City Council previously considered recommendations from the Benicia Finance Audit and Budget (FAB) Committee on September 7, 2010 to modify their mission, duties and structure policy and develop an annual work plan. The City Council directed staff to continue meeting with the Committee to refine the changes and return with the appropriate recommendations. The Committee met on September 24 and October 20, 2010 and reached a consensus on the changes to present to the City Council, which included a list of recurring reviews and special projects to be conducted over the balance of the fiscal year. The revised structure and work plan were delayed in their presentation to the City Council so the new City Manager could review and comment on the proposed changes.

The changes are identified in the attached ~~strike through~~ version of the Mission, Duties and Structure Policy and are summarized as:

1. Expanding the definition of "Purpose" to allow urgent issues to be assigned by the City Council.
2. Expanding the definition of "Mission Statement" to help promote citizen's participation and understanding regarding the financial condition of the City.
3. Articulating the definitions of "Duties" and adding language involving the review of the General Ledger and development of an annual work plan.
4. Adding an additional 5th citizen member and removing the voting privileges of the elected officials.
5. Adopting an Annual Work Plan to allow the committee an opportunity to address topics requiring involvement of the members.

The changes recommended by the current committee members have been talked about over the past several months as their understanding of the City's financial structure has deepened and the need for budget reductions and reform have increased due to the prolonged recession.

In the first Council report, staff had concerns about the Finance Committee's role in time-sensitive projects, such as budget recommendations, and also in the amount of time staff has available to research and report on the proposed annual work program. The revised changes avoids time-sensitive projects and includes measures that mitigate the time required of staff, including the introduction of special ad hoc committees comprised of citizen members that will research and develop preliminary reports to be further deliberated by the Finance Committee.

It is also recommended the Finance Committee would focus on reviewing and recommending policies and procedures that will guide staff and Council several months out into the future, much the same way the “Forward Planning Unit” functions in Community Development.

Attachments:

- ❑ Resolution
- ❑ Mission Duties and Structure Policy (Final Version)
- ❑ Annual Work Plan
- ❑ Mission Duties and Structure Policy (~~Strike through~~ Version)

RESOLUTION NO. 11-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING CHANGES TO THE NAME, MISSION, DUTIES, STRUCTURE AND WORK PLAN OF THE FINANCE, AUDIT AND BUDGET COMMITTEE

WHEREAS, the City Council considered changing the name of the Finance, Audit and Budget Committee to the Finance Committee to reflect the wide range of topic areas the committee will review; and

WHEREAS, the City Council considered changes to the Mission, Duties and Structure Policy of the Audit and Finance Committee to better define the scope of their reviews; and

WHEREAS, the City Council has considered the Work Plan presented by the committee members; and

WHEREAS, the City Council has determined the changes will improve the ability of the committee to contribute valuable financial recommendations to the City Council and the citizens of Benicia.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Benicia hereby approves changing the name to the Finance Committee.

BE IT FURTHER RESOLVED THAT changes to the Mission, Duties and Structure Policy, attached hereto and incorporated herein, are hereby approved.

BE IT FURTHER RESOLVED THAT the Work Plan submitted by members of the committee, attached hereto and incorporated herein, is hereby approved.

On motion of Council Member _____, seconded by Council Member _____, the above resolution was approved by the City Council of the City of Benicia at a regular meeting held on the 3rd day of May 2011, by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

ATTEST:

Lisa Wolfe, City Clerk

FINANCE COMMITTEE
MISSION, DUTIES AND STRUCTURE POLICY
Amended November 7, 2008, May 3, 2011

Purpose

The purpose of the Finance Committee shall be advisory to the City Council and shall review financial issues that can be reasonably addressed by the City of Benicia. The Finance Committee shall coordinate with the City Council annually to prepare and approve a work program for the following year. Urgent issues may be authorized for study by the City Council at any regular Council meeting.

Mission Statement

The role of the Finance Committee is to provide citizen input to Council and staff regarding financial policy or process issues including Audits, Financial Budgets (primarily long term), and monthly review of the Warrant Register. In addition, the Finance Committee's role is to help promote citizen's participation and understanding regarding the financial condition of the City.

Duties

1. Annual review of independent auditor selection process with recommendation on which firm to use.
2. Annual review of the Comprehensive Annual Financial Report with recommendations as appropriate.
3. Annual review of the investment policy with recommendations as appropriate.
4. Annual review of independent financial audit with recommendation as appropriate.
5. Review the Long-Range Budget Forecasting Budget Model to determine long-term financial sustainability and make recommendations as appropriate.
6. Quarterly review of the City's Investments and make recommendations as appropriate.
7. Monthly review of financial disbursements (Warrant Register Review Process) of the City to reasonably gauge compliance with established policies and procedures and make recommendations as appropriate.
8. Monthly review of the City's General Ledger to monitor the City's performance against a stated budget and make recommendations as appropriate.
9. Special projects as directed by the City Council, City Manager or Finance Director.

10. Submit an annual work program to the Council for review and approval.
11. Finance Committee recommendations shall be provided to the Council in writing unless otherwise requested by the City Council.

Structure

1. The Committee shall be comprised of 5 members of the public, 2 Council Members and the City Treasurer.
2. Appointed citizens shall be Benicia residents, business owners, or members of Benicia organizations.
3. Members shall be appointed to 4-year terms, with 2 member terms expiring every 2 years.
4. Committee members shall elect the Chairperson, who will serve a one-year term, generally July through June to coincide with the fiscal year.
5. Elected liaisons shall be allowed full discussion but shall not have voting privileges.
6. Staff reports shall accompany agenda items when appropriate.
7. Decisions on agenda items shall be by Majority Vote.
8. Minutes shall be recorded, approved and forwarded to the City Council.
9. The Committee shall meet the 4th Friday each month at 8 A.M. unless otherwise necessary.

Benicia FAB Committee – 2010-2011 Work Plan

Schedule	Task / Subject	Lead / Team
Monthly	General Ledger <ul style="list-style-type: none"> Review actual expenses against budget Make recommendations as appropriate 	Chairman / Committee
Monthly	Warrant Register <ul style="list-style-type: none"> Review WR Pose appropriate questions Make recommendations as appropriate 	Chairman / Committee
Quarterly	Investment Policy and Performance <ul style="list-style-type: none"> Review Investment Performance Review Investment Policy Make recommendations as appropriate 	Chairman / Committee
Annually	Financial Audit Report <ul style="list-style-type: none"> Review report Make recommendations as appropriate 	Chairman / Committee
Annually	Independent Auditor <ul style="list-style-type: none"> Review Candidates Recommend Auditor 	Chairman / Committee
Annually	Investment Policy <ul style="list-style-type: none"> Review Benicia's present policy Make recommendations as appropriate 	Chairman / Committee
As Requested	Special Projects as assigned by City Council	TBD / Ad Hoc Committee
TBD 2011	Review Purchasing Policy <ul style="list-style-type: none"> Review purchasing elements, including options for centralized purchasing Recommend Purchasing Policy Changes 	TBD / Ad Hoc Committee <small>Note: This item tabled for City Manager review</small>
TBD 2011	Long Range Budget – 5/10/20 Years <ul style="list-style-type: none"> Develop LRB assumptions Recommend Assumptions to Staff and Council Develop model to describe service demand levels 5/10/20 years in future 	Michael Clark / Ad Hoc Committee <small>NOTE: Work may be combined with BFP</small>
March 2011	Policy Review <ul style="list-style-type: none"> Review Benicia's Balanced Budget Policy Review City's Reserve Policy Make recommendations as appropriate 	Chairman / Ad Hoc Committee <small>Note: Work may be combined with BFP</small>
May 2011	Unfunded Liability Policy <ul style="list-style-type: none"> Quantify Liability Develop Remedy or Policy Recommendations 	TBD / Ad Hoc Committee <small>Note: Work may be combined with BFP</small>
June 2011	Debt Finance Policy <ul style="list-style-type: none"> Develop Draft Policy Recommend Policy to Council 	Lee Wines / Ad Hoc Committee <small>Note: Work may be combined with BFP</small>
June 2011	Develop and Recommend for Council approval an integration of all Budget and Financial Policies (BFP) into a single document to provide continuity between changing staffs and councils while engendering public confidence.	Chairman / Ad Hoc Committee
July 2011	Annual Work Plan <ul style="list-style-type: none"> Present Work Plan to City Council Make changes as directed 	Chairman / Committee

FINANCE, ~~AUDIT & BUDGET~~ COMMITTEE
MISSION, DUTIES AND STRUCTURE POLICY
Amended November 7, 2008, May 3, 2011

Purpose

~~The AFC hereby establishes an administrative policy to be followed by committee members in the accomplishment of City Council directives.~~

The purpose of the Finance Committee shall be advisory to the City Council and shall review financial issues that can be reasonably addressed by the City of Benicia. The Finance Committee shall meet with the City Council annually to prepare and approve a work program for the following year. Urgent issues may be authorized for study by the City Council at any regular Council meeting.

Mission Statement

~~The Finance, Audit and Budget Committee shall act as the advisory body on the selection and reporting of the independent City Auditor, shall review the financial disbursements of the City to gauge compliance with established policies and procedures, shall advise the City Council on issues pertaining to the auditing of financial records, and shall research other issues assigned by the City Council.~~

The role of the Finance Committee is to provide citizen input to Council and staff regarding financial policy or process issues including Audits, Financial Budgets (short and long term), and monthly review of the Warrant Register. In addition, the FAB's role is to help promote citizen's participation and understanding regarding the financial condition of the City.

Duties

- ~~1. To advise the City Council on the selection of the independent City Auditor and the review of the Comprehensive Annual Financial Report.~~
- ~~2. To review a sampling of financial disbursements of the City to reasonably gauge compliance with established policies and procedures.~~
- ~~3. To review other projects as assigned by the City Council, such as:
 - ~~a. Review effectiveness of financial policies, such as the Reserve Policy and Balanced Budget Policy.~~
 - ~~b. Review financing alternatives for major projects.~~
 - ~~c. Review financial plans to promote sustainability.~~
 - ~~d. Review updates to the Long-Range Budget Forecasting Model.~~
 - ~~e. Review updates to the Capital Improvement Program Model.~~~~

1. Annual review of independent auditor selection process with recommendation on which firm to use.

2. Annual review of the Comprehensive Annual Financial Report with recommendations as appropriate.
3. Annual review of the investment policy with recommendations as appropriate.
4. Annual review of independent financial audit with recommendation as appropriate.
5. Review of long-range financial projections and assumptions to determine long-term financial sustainability and make recommendations as appropriate
6. Review updates to the Long-Range Budget Forecasting Budget Model and make recommendations as appropriate.
7. Quarterly review of the City's Investments and make recommendations as appropriate.
8. Monthly review of financial disbursements (Warrant Register Review Process) of the City to reasonably gauge compliance with established policies and procedures and make recommendations as appropriate.
9. Monthly review of the City's General Ledger to monitor the City's performance against a stated budget and make recommendations as appropriate.
10. Special projects as directed by the City Council, City Manager or Finance Director.
11. Submit an annual work program to the Council for review and approval.
12. Policy or budget recommendations shall be provided to the Council in either written or verbal format depending on the nature of the subject thereby allowing an opportunity to question or clarify the recommendation.

Structure

1. The Finance Committee shall be comprised of ~~four~~five members of the public, 2 Council Members and the City Treasurer.
2. Appointed citizens shall be Benicia residents, business owners, or members of Benicia organizations.
3. Members shall be appointed to 4-year terms, with at least 2 member terms expiring every 2 years.
4. Committee members shall elect the Chairperson, who will serve a one-year term, generally ~~January through December~~July through June to coincide with the fiscal year.
5. Elected liaisons shall be allowed full discussion privileges and~~but shall not have~~ voting privileges.
6. Staff reports shall accompany agenda items when appropriate.
7. Decisions on agenda items shall be by ~~consensus unless otherwise directed by the Chairperson~~majority vote.
8. Minutes shall be recorded, approved and forwarded to the City Council.
9. The Committee shall meet the ~~Friday following the first City Council meeting~~4th Friday each month at 8 A.M. unless otherwise necessary.

AGENDA ITEM
CITY COUNCIL MEETING DATE - MAY 3, 2011
CONSENT CALENDAR

DATE : April 21, 2011

TO : City Council

FROM : City Attorney

SUBJECT : **AMENDING THE CITY COUNCIL RULES OF PROCEDURE**

RECOMMENDATION:

Adopt the resolution approving amendments to the City Council Rules of Procedure.

EXECUTIVE SUMMARY:

At the January 25, 2011 City Council meeting, the Council reviewed its Rules of Procedure and the process of putting items on the Council agenda. The amended rules were brought before the Council on April 19, 2011. As a result of the discussion, changes were proposed to the Rules. The attached document incorporates those changes.

BUDGET INFORMATION:

There is no fiscal impact.

BACKGROUND:

The City Council previously identified a number of topics related to the Council's Rules of Procedure to revisit and discuss further. At the January 25, 2011 City Council study, the Council directed staff to:

- ❑ Elaborate on how the agenda is developed (See page 5 of the Clean Copy)
- ❑ Differentiate between meeting types and provide the format for special vs. regular meetings (See page 4 of the Clean Copy)
- ❑ Specify the order of agenda headings (See page 7 for regular meeting agendas and page 8 for special agenda meetings)
- ❑ Incorporate the current Council legislative support/opposition process (See page 5 of the Clean Copy)
- ❑ Under Hearing Procedures - it was recommended that this be modified the order of presentation section to include comments from the public (See page 11 of the Clean Copy) Under Boards and Committees, Removal of Members – it was recommended that this section be updated to conform with the applicable ordinance (See page 12 of the Clean Copy)

At the April 19 meeting additional changes were requested. These include:

- ❑ Addition of an introduction paragraph (See page 4 of the Clean Copy)
- ❑ New language clarifying that study sessions allow for a range of meeting formats, depending on the topic (Section I.C.) (See page 4 of the Clean Copy)
- ❑ Agenda to be reviewed at 9 p.m. to see if all items will be completed by 11 p.m. (Section I.E.) (See page 5 of the Clean Copy)
- ❑ A "Closed Session" section was added to the Special Meeting Agenda format (Section II.I.) (See page 8 of the Clean Copy)
- ❑ Addition of a deadline for a motion for reconsideration (Section VI.C.7.) (See page 14 of the Clean Copy)
- ❑ Addition of Section IX that the Rules of Procedure will be reviewed not less than annually by Council (See page 15 of the Clean Copy)

A separate closed session agenda was not created since we sometimes combine closed sessions with other items at special meetings. The section on Membership Selection for boards, commissions and committees has been left as is stated in Council Resolution No. 10-99.

Attachments:

- ❑ Resolution
- ❑ Rules of Procedure CLEAN COPY
- ❑ Rules of Procedure REDLINE
- ❑ Attorney General Opinion No. 05-914

RESOLUTION NO. 11-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA ADOPTING THE RULES OF PROCEDURE FOR THE CONDUCT OF CITY COUNCIL MEETINGS

WHEREAS, the City Council of the City of Benicia desires to have all citizens fully participate in the proceedings of the City Council; and

WHEREAS, the City Council must consider many public matters which vitally affect the interest of the citizens of Benicia and it is both necessary and desirable that these meetings be regulated in order to permit the Council to give consideration and public discussion to the more important public issues; and

WHEREAS, it is the purpose of this resolution to provide for the orderly and expeditious conduct of Council meetings in a manner which will give adequate consideration and public discussion to all matters affecting the City; and

WHEREAS, Government Code Sections 36813 and 54954.3 give the City Council discretion to adopt reasonable regulations concerning the proceedings and order of business of City Council meetings.

NOW, THEREFORE, BE IT RESOLVED BY the City Council of the City of Benicia as follows:

Section 1. The City Council of the City of Benicia approves and adopts the Rules of Procedure attached hereto as Exhibit "A" and by this reference incorporated herein.

Section 2. This resolution shall supersede any and all Rules of Procedure previously adopted by the City Council.

On motion of Council Member, seconded by Council Member, the above resolution was introduced and passed by the City Council of the City of Benicia at a regular meeting of said Council held on the 3rd day of May, 2011, and adopted by the following vote:

Ayes:

Noes:

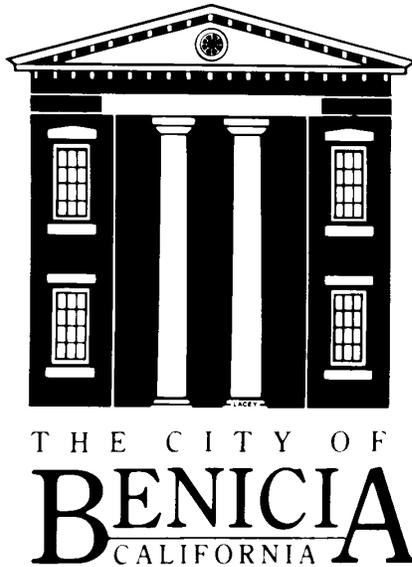
Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk

City Council Rules of Procedure



Created April 21, 2011

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INTRODUCTION.

These rules are assembled to make it easier for people to access city government so that they may be more informed about what the City is doing and so that they may be involved in a more meaningful and knowledgeable way. Open meetings and ethical guidelines help increase the public trust and confidence in the city government and will increase the public awareness and knowledge about their government. A well-educated public and ethical officials are essential to good government.

I. MEETINGS.

A. REGULAR MEETINGS.

The City Council holds regular meetings for the conduct of the City's business on the first and third Tuesday of each month unless the meeting is cancelled. Regular meetings of the City Council are held in the City Council Chambers at City Hall unless the City Council Chambers are unavailable or inappropriate for the items proposed for the Council's agenda. The City Manager, in consultation with the Mayor, shall determine an alternative location if necessary.

B. SPECIAL MEETINGS.

The City Council holds special meetings as necessary. Special meetings are used for Closed Session items and for other items of business that require scheduling at a special meeting due to the need to take action prior to a regular meeting or that require a meeting devoted to the subject matter proposed for the meeting.

C. STUDY SESSIONS.

The purpose of a study session is to meet with staff and various people, Boards, Commissions and Committees to receive briefings and background information and discuss policy issues and provide staff direction. A study session allows a range of meeting formats depending on the topic and allows for general discussion of major or controversial items before formal City Council action is required. The fourth Tuesday of the month is reserved for study sessions. Additional dates for study sessions may be scheduled as necessary. Study sessions may be scheduled as regular, adjourned regular or special meetings. Presentations to the City Council will be made by staff members, consultants, representatives of the City's Boards, Commissions and Committees or of other public agencies, and/or by any other person expressly invited for that purpose. Public comment on the item under consideration is allowed. No motions will be offered and no formal action by the City Council will be taken at the study session. The study session allows the Council Members to ask questions and express personal opinions about the item under consideration.

D. CONDUCT AT MEETINGS.

In addition to complying with the Code of Conduct, City Council members shall refrain from electronic communications during a meeting in order to avoid potential Brown Act or due process issues.

E. ADJOURNMENT.

It is the desire of the City Council to adjourn their meetings by 11 p.m. Therefore, no new business will be taken up by the Council after 11 p.m. unless the City Council adopts a motion to continue. The remaining items will be placed on the next regular Council meeting in the appropriate section of the agenda, unless the City Council calls for a special meeting to consider one or more of the continued items. The Council shall review the agenda at approximately 9 p.m. to see if it is likely the agenda items will be completed by 11 p.m. or if items will probably be continued to the next regular meeting. If it appears items will be continued, the Council will let the audience know as soon as is practical. The Open Government Ordinance requirement for public comment on the item will occur when the item is scheduled unless a majority agrees to move it up.

II. AGENDAS.

A. PREPARATION.

The Mayor and the City Manager shall prepare an agenda for each meeting of the Council. Items to be included on the agenda must be submitted to the City Manager in writing by noon on the 79th working day preceding the regular meeting and on the 5th working day preceding a special meeting.

B. TWO-STEP PROCESS.

City Council Members may request that a policy matter be considered by the City Council using the Two-Step Process. A Council Member submits the Council Member Requested Agenda Item form ([Appendix A](#)) to the City Manager. The Council Member shall fill out the form as completely as possible and indicate a desired date for agendization of Step 1 and for Step 2. Once Step 1 is agendized, the City Council shall vote whether or not to pursue study or action on the policy matter. If there is interest by a majority of the City Council, the policy proposal shall be directed to the Policy Calendar Process for scheduling a study session (see Section II.E below) or to an upcoming agenda for action (Step 2). The Council Member submitting the request shall inform the Council if the item is time-sensitive.

C. LEGISLATIVE SUPPORT OR OPPOSITION.

The City Manager, or City Attorney in the case of legal issues, is authorized to provide support or opposition on legislative matters provided that the support or opposition is consistent with the position taken by the League of California Cities and/or the Solano City/County Coordinating Council (4 C's). Typically, copies of this correspondence will be sent to Council via email in advance of distribution. Should a Council Member have

a question or concern, that member will then have the opportunity to contact the City Manager prior to distribution. Occasionally same-day requests from the League of California Cities for letters, emails or faxes expressing support or opposition are received, and in these instances, advance distribution to Council would not be feasible.

In those cases where no position has been taken by either the League or 4 C's, then the request shall be agendized for Council review and direction. If timing is such that the request cannot be agendized prior to the specified response date, then the draft response will be emailed to the City Council in advance of distribution. Should a Council member have a question or concern with the proposed response, that member may then contact the City Manager or City Attorney for clarification and/or to request that the item be agendized for discussion. All letters authorized by the Council shall be signed by the Mayor.

D. REVIEW OF POLICY ITEM CONSIDERED IN PREVIOUS YEAR.

City Council Members may request that the full City Council review a policy matter that has been decided in the last year by following the procedures set forth in Section II.B. A brief write-up of the matter and the date of last action must be included on the Council Member Requested Agenda Item form ([Appendix A](#)). The request for review will be placed in the appropriate section of the agenda.

E. POLICY CALENDAR PROCESS.

Council Members may request that a policy item be placed on a list of policy issues to be considered at a Quarterly Policy Issues Study Session Meeting. At this quarterly meeting, proposals are selected by majority vote of the Council for placement on the Policy Calendar.

At the quarterly meeting, the Council shall consider the following when deciding which policy proposals shall be calendared for Council consideration:

1. Time required for understanding by Council Members,
2. Time required for sufficient deliberation,
3. Time required for analysis and preparation of staff reports,
4. Time required for public understanding,
5. Council interest in subject,
6. Public interest in subject,
7. Conservation of staff time, and
8. Relationship to Council Priorities.

F. PLACEMENT OF AGENDA ITEMS.

The Mayor and City Manager shall consider whether an item is time-sensitive, likely to generate a large number of public speakers, or is controversial when determining the order of the agenda items. These items will be placed earlier on the agenda in the appropriate section of the agenda. Items that have been continued from a prior meeting

or items for reconsideration shall also be placed as early as possible on the agenda in the appropriate section of the agenda.

G. AGENDA PACKETS.

The City Manager shall prepare and provide to each Council Member and the City Attorney, an agenda packet not later than the Thursday preceding each regular meeting or two working days preceding each special meeting. The City Manager shall mail a copy of the agenda or a copy of all the documents constituting the agenda packet to every person who has requested the same in writing during the preceding year, has provided stamped self-addressed envelopes and has paid the applicable fee, if the request is to receive the packet by mail. A paper copy of the agenda packet will be available for those persons so requesting at the time the agenda is posted or upon distribution to all, or a majority of, the Council Members upon payment of the applicable fee. To the extent feasible, the agenda packet shall be available on-line.

H. REGULAR AGENDA.

The regular meeting agenda shall consist of the following sections in order:

1. CALL TO ORDER.

2. CONVENE OPEN SESSION.

- Roll Call
- Pledge of Allegiance
- Reference to the Fundamental Rights of the Public

3. ANNOUNCEMENTS, APPOINTMENTS, PROCLAMATIONS/ PRESENTATIONS. This section includes announcements by the Mayor, appointments to City boards and commissions, and scheduled presentations. Presentations are limited to a maximum of ten minutes to allow the Council to have adequate time to address the agenda items of business. Proclamations are made before presentations for public convenience.

4. ADOPTION OF AGENDA. The Council, by majority vote, shall adopt the agenda as final. Following such adoption, agenda items may not be added, removed or their order changed unless by the unanimous consent of the Council Members present at the time the agenda was adopted as final. All matters shall be considered by the Council in the order listed on the agenda adopted as final, to the extent of time available. Only matters on the agenda as adopted final or modified under this section may be considered. Agenda items not considered or completed at a meeting for lack of time become agenda items at the following meeting.

5. OPPORTUNITY FOR PUBLIC COMMENT.

a. Written: All written communications suitable for the agenda, received since the preparation of the subject agenda, addressed to or intended for the City Council and not otherwise included in the agenda, shall be listed in this section in the order received.

b. Public Comment: This section of the agenda is for members of the public to make comments to the City Council regarding non-agendized matters of general interest to the citizens of Benicia in accordance with the procedures set forth in Section III below.

6. CONSENT CALENDAR. Items listed under the Consent Calendar are considered routine and will be enacted, approved or adopted by one motion unless a request for removal for discussion or explanation is received from a Council Member, staff, or a member of the public. Items removed from the Consent Calendar shall be considered immediately following the adoption of the Consent Calendar. Routine agenda items that are under \$50,000 and/or are already included in the budget may be listed under the Consent Calendar.

7. BUSINESS ITEMS. This section of the agenda is for the business items of the City Council including Public Hearings, appeals, and status or informational reports from staff and the Council. Council Member requests for future agenda items under the two-step, legislative or consideration of items heard in the last year will be agendized here.

8. ADJOURNMENT.

I. SPECIAL MEETING AGENDA.

A special meeting agenda shall consist of the following sections in order:

1. CALL TO ORDER.

2. CONVENE OPEN SESSION.

- Roll Call
- Pledge of Allegiance
- Reference to the Fundamental Rights of the Public

3. ADOPTION OF THE AGENDA. (if multiple items are on the agenda)

4. OPPORTUNITY FOR PUBLIC COMMENT.

a. Written: All written communications suitable for the agenda, received since the preparation of the subject agenda, addressed to or intended for the City Council and not otherwise included in the agenda, shall be listed in this section in the order received.

b. Public Comment: This section of the agenda is for members of the public to make comments to the City Council regarding non-agendized matters of general interest to the citizens of Benicia in accordance with the procedures set forth in Section III below.

5. BUSINESS ITEMS. This section of the agenda is for the City Council for the Closed Session, action items or study session matters.

6. CLOSED SESSION.

7. ADJOURNMENT.

III. PUBLIC PARTICIPATION.

A. FUNDAMENTAL RIGHT.

The City Council promulgates these rules in recognition of the public's fundamental right to speak on agenda items for a meaningful amount of time.

B. RECOGNITION.

No person may address the Council without the permission of the Presiding Officer, or a majority of the quorum, or as otherwise required by law. Except as required by law, the Presiding Officer is obligated to recognize members of the Council and staff prior to opening up items for public comment.

C. ADDRESSING THE COUNCIL.

Those persons desiring to speak on an agendized matter or under Opportunity for Public Comment are requested to, but not required to, complete a Speaker's Card and present it to the City Clerk at the beginning of the meeting or upon their arrival in the Council Chambers. The Presiding Officer shall recognize speakers on an agendized matter, including Announcements, Appointments, Presentations, Proclamations, when that item is before the City Council for consideration.

The Presiding Officers shall recognize speakers on matters not on the agenda under the Opportunity for Public Comment portion of the agenda. Persons addressing the Council shall do so only at the speakers' rostrum and should begin, but are not required to do so, by stating their name and address for the records. All remarks shall be addressed to the Council as a body and not to any member thereof, or to staff, or the public.

No person shall be permitted to enter into any discussion without the permission of the Presiding Officer.

D. ACTION ON NON-AGENDIZED ITEMS.

Any item raised by a member of the public which is not agendized, but may require Council action, shall be automatically referred to the City Staff for investigation and disposition, unless the item requires action to be taken by the Council at the meeting during which it was raised and constitutes an emergency or the need to take such action arose after the posting of the agenda within the meaning of Government Code §54954.2(b). In either event the Council is entitled to discuss the matter before making the determination required under said Government Code provision, and if either finding is made, may take action thereon.

E. TIME LIMITS FOR PUBLIC COMMENT.

1. In order to allow the Council to have adequate time to address the agendized items of business, public comment under Opportunity for Public Comment will be limited to not more than five (5) minutes per speaker on non-agendized items. If a large number of the public desire to speak, the Council may agree to limit the time for each speaker to less than 5 minutes to allow the Council to address the agendized items of business.

2. The Presiding Officer may allow up to 10 minutes for a speaker to speak on multiple agenda items under Opportunity for Public Comment.

3. Each speaker shall speak only once on an agenda item and limit his/her remarks to not more than five (5) minutes when speaking at the time of the agendized item unless a shorter time is authorized by Council.

4. In accordance with the Open Government Ordinance and to promote time efficiency, the Presiding Officer may request spokespersons be designated to represent similar views. A designated spokesperson has 15 minutes to speak.

5. The time for speaking may be extended by the Presiding Officer with the consent of a majority of the Council.

6. Each speaker shall avoid repetition of the remarks of prior speakers and, when speaking at the time an agenda item is being considered, shall speak only to the specific agenda item under consideration.

7. Speakers may not concede any part of their allotted time to another speaker.

F. QUESTIONS.

Following each speaker's remarks, each Council Member shall be given the opportunity to comment further and to address questions to the speaker. The speaker may not be permitted or required to answer such questions if a majority of Council Members present other than the questioner object.

G. PRESENTATIONS SUBMITTED IN WRITING.

Persons who anticipate oral presentations exceeding the allowed time are encouraged to submit comments in writing at the earliest possible time, for distribution to the Council and other interested parties. Comments should be submitted at least one day in advance of the scheduled meeting date to insure distribution to the Council prior to the meeting.

H. POWER POINT PRESENTATIONS.

Members of the public may present a Power Point software presentation to the Council utilizing the City's audio/visual equipment, provided that the public make their request to the City Manager's 72 office hours in advance of the meeting in order to coordinate the use of the equipment.

IV. BUSINESS ITEM PROCEDURES.

A. ONE HOUR FOR HEARINGS.

Individual Business Items, including Public Hearing should not exceed one hour in length. To assist with this goal, time limits for public speakers may be limited in accordance with Section III.E.

B. PUBLIC HEARING AND APPEALS PROCEDURES.

The procedures for Public Hearings and appeals are as follows:

1. Presentation by Staff.
2. Presentation by Proponent or Appellant.
3. Presentation by Opponent.
4. Comments from the Public.
5. Rebuttal by the Proponent or Appellant.
6. The Presiding Officer shall recognize supplemental speakers as required by law or deemed appropriate to gather information relevant to the matter before the City Council. Supplemental speakers shall limit their remarks to presenting new information not already covered by other speakers, and must limit their presentation to five (5) minutes or the time established for speakers in accordance with Section III.E, if less.
7. Following the public portion of the hearing, the Presiding Officer shall declare the public portion of the hearing closed and the matter is then before the City Council for the Council portion of the hearing. Each Council Member shall be given an opportunity to speak to the subject without interruption. When the Council discussion has been concluded, the Council shall make its decision.
8. Spokespersons for the Proponent/Appellant and Opponent shall each have fifteen (15) minutes to present their case. The spokesperson for the Proponent/Appellant shall have five (5) minutes to present any rebuttal. Organized groups may

choose a single spokesperson who may speak for the group. Speakers may not concede any part of their allotted time to another speaker.

V. CREATION OF COMMITTEES, BOARDS AND COMMISSIONS.

A. CITIZEN COMMITTEES, BOARDS AND COMMISSIONS.

The Council may create committees, boards, and commissions to assist in the conduct of the operation of the City Government with such duties as the Council may specify, not inconsistent with the City Code. Any committee, board, or commission so created shall cease to exist upon the accomplishment of the special purpose for which it was created, or when abolished by a majority vote of the Council. No committee so appointed shall have powers other than advisory to the Council or to the City Manager, except as otherwise specified by the City Code.

B. MEMBERSHIP SELECTION.

Pursuant to Resolution No. 10-99 and unless otherwise specified by state law or the City Code, appointments shall be made by the following procedure:

1. A two-member subcommittee appointed by the Mayor, which will rotate among council members with one new appointee each year, shall be appointed to interview applicants for all boards, commissions and committees, unless otherwise provided for by statute, ordinance or resolution. One member of the City Council subcommittee shall be appointed in January of each year and one member appointed in July of each year, each for a one year term.

2. Each term of the subcommittee will be filled by Council Members who did not serve on the committee during the prior term unless the Council Member is unable or unwilling to serve on the subcommittee.

3. The subcommittee shall recommend two to three applicants, in ranked order, to the Mayor for each vacancy and the Mayor shall make the appointments from the recommended applicants.

4. If none of the applicants are acceptable to the Mayor, the subcommittee shall recommend two additional applicants until an appointment is made by the Mayor, which shall be subject to final approval by the Council.

5. If, at any point during this process, only one qualified applicant is available, the subcommittee may choose to make a single recommendation.

6. If the subcommittee is unable to recommend applicants due to lack of qualified applicants, then the Mayor may elect to interview the available applicants and/or direct staff to conduct additional outreach efforts to fill the opening.

7. The names of the proposed appointees shall be posted five (5) working days prior to the appointment being made.

8. For appointments to a board or commission where state law provides for appointment by the Council as a whole, any Council member may nominate a person for appointment. The Council shall then vote on the nominee at the following Council meeting.

C. REMOVAL OF MEMBERS OF COMMITTEES, BOARDS AND COMMISSIONS.

The Council may remove any member of any committee, board or commission which it has created by an affirmative vote of at least four (4) members of the Council, if removal is not specified in the City Code.

VI. RULES OF ORDER.

A. QUORUM.

Three Council Members shall constitute a quorum for the transaction of business, except that less than a quorum may adjourn meetings of the Board. If a quorum is not present within one hour after the time noticed for commencement of the meeting and thereafter any Council Member who was present at the end of such hour leaves and does not return, no meeting shall be held on that date notwithstanding the later presence of three (3) or more Council Members.

B. RIGHT TO THE FLOOR.

A Council Member shall not have the right to the floor without being recognized by the Presiding Officer, except upon a point of order. Council Members, including the Mayor, shall avoid interrupting any Member while speaking.

C. ORDINANCES, RESOLUTIONS AND MOTIONS – PRECEDENTS.

When any ordinance, resolution, or motion is properly brought before the Council and seconded by another Council Member, the council may discuss, debate, and offer other motions including a motion to amend or substitute. If a point of order, or a motion to adjourn, to table, to table to a time certain, to close debate, to refer or to amend, is made, no other action shall be considered until that motion is resolved. Such items shall have precedence in the order stated in the preceding sentence. Points of order shall be ruled upon by the Presiding Officer, provided that such ruling may be overridden by a majority of the Council. All of such motions, except motions to amend, shall be put to a vote without debate and decided by a majority. Any of the foregoing motions shall be in order at anytime the speaker is duly recognized, except when repeated without intervening business or discussion, or if made when the motion to close debate has been adopted or while a vote is being taken:

1. MOTION TO ADJOURN.

A motion to adjourn terminates the meeting.

2. MOTION TO TABLE.

If a motion to table (without time certain) passes, consideration of the matter may be resumed only upon the motion of a member who voted with the majority on the motion to table.

3. MOTION TO CLOSE DEBATE.

When a motion to close debate is duly made and seconded, there shall be no further debate. If the question carries, the Presiding Officer shall put pending amendments to a vote, without debate, in the inverse order of their introduction before putting the main question. If the question is decided negatively, the main question and its amendments remain before the Council.

4. MOTION TO REFER.

A motion to refer the matter sends the matter to a committee or staff for investigating or studying the proposal and reporting back. If the motion to refer fails, the main question and its amendments remain before the Council.

5. MOTION TO AMEND.

A motion to amend modifies or changes the motion that was being considered. If the motion to amend passes then the main motions should be voted on as amended.

6. DIVISION OF THE QUESTION.

If a matter properly put before the Council contains two or more separable propositions, the Presiding Officer may, with the consent of one other Council Member, divide the question into its separable parts for consideration in order.

7. RECONSIDERATION.

Providing that no intervening rights shall be prejudiced, any Council Member who voted with the majority on a question may move the reconsideration of that question at the same meeting in which the original decision was made or at the next following meeting. A motion for reconsideration must be made no later than the Thursday before the agenda packet is published. After a motion for reconsideration has been acted upon, no other similar motion shall be made without unanimous consent.

D. VOTING.

Unless otherwise required by applicable law, three affirmative votes are required to enact an ordinance, to adopt a resolution, or to adopt a motion granting a franchise or authorizing the payment or expenditure of money or incurring of a debt. The majority of a quorum is required to adopt other motions, unless otherwise required by applicable

law. A "majority" refers to a majority of the quorum present. All matters shall be adopted by a roll call vote.

VII. STAFF SUPPORT.

Staff support for requests from individual council members shall be limited to 15 minutes of staff time. Research, report writing, compilation of materials, etc. in excess of 15 minutes shall not be undertaken unless approved by a majority of the City Council.

VIII. FAILURE TO OBSERVE RULES OR PROCEDURES.

The failure to observe any of the rules or procedures does not serve as an independent source of challenge to any decision or action of the City Council, nor does it serve as evidence of improper conduct in any challenge to any action by a City Council member or by the Council as a whole.

IX. REVIEW OF THE RULES OF PROCEDURE.

The City Council shall review these Rules of Procedure not less than annually and make any appropriate changes.

APPENDIX A: COUNCIL MEMBER REQUESTED AGENDA ITEM

Requested by: _____

Desired Initial Council Meeting Date: _____

Desired Date for Second Step or Policy Calendar Review: _____

Deadline for Action, if any: _____

Problem/Issue/Idea Name: _____

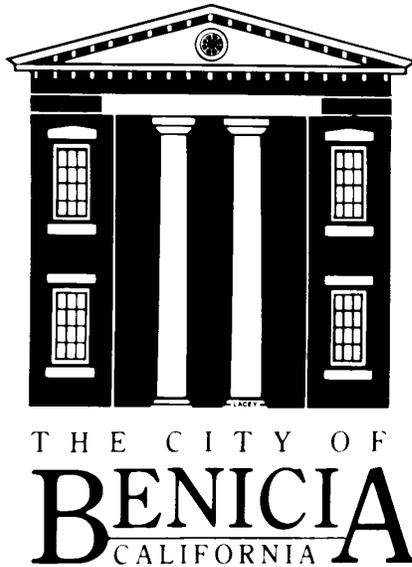
Description of Problem/Issue/Idea: _____

COUNCIL DIRECTION

- No Further Action
- Schedule for Second Step on _____
- Schedule for Policy Calendar Review on _____
- Refer to: Staff _____
 Commission _____
 Board _____
 Committee _____

Date Due: _____

City Council Rules of Procedure



Created ~~March 16~~April 21,
2011

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INTRODUCTION.

These rules are assembled to make it easier for people to access city government so that they may be more informed about what the City is doing and so that they may be involved in a more meaningful and knowledgeable way. Open meetings and ethical guidelines help increase the public trust and confidence in the city government and will increase the public awareness and knowledge about their government. A well-educated public and ethical officials are essential to good government.

I. MEETINGS.

A. REGULAR MEETINGS.

The City Council holds regular meetings for the conduct of the City's business on the first and third Tuesday of each month unless the meeting is cancelled. Regular meetings of the City Council are held in the City Council Chambers at City Hall unless the City Council Chambers are unavailable or inappropriate for the items proposed for the Council's agenda. The City Manager, in consultation with the Mayor, shall determine an alternative location if necessary.

B. SPECIAL MEETINGS.

The City Council holds special meetings as necessary. Special meetings are used for Closed Session items and for other items of business that require scheduling at a special meeting due to the need to take action prior to a regular meeting or that require a meeting devoted to the subject matter proposed for the meeting.

C. STUDY SESSIONS.

The purpose of a study session is to meet with staff and various people, Boards, Commissions and Committees to receive briefings and background information and discuss policy issues and provide staff direction. ~~The A study session format allows a range of meeting formats depending on the topic and allows for general discussion of~~ major or controversial items before formal City Council action is required. The fourth Tuesday of the month is reserved for study sessions. Additional dates for study sessions may be scheduled as necessary. Study sessions may be scheduled as regular, adjourned regular or special meetings. Presentations to the City Council will be made by staff members, consultants, representatives of the City's Boards, Commissions and Committees or of other public agencies, and/or by any other person expressly invited for that purpose. Public comment on the item under consideration is allowed. No motions will be offered and no formal action by the City Council will be taken at the study session. The study session allows the Council Members to ask questions and express personal opinions about the item under consideration.

D. CONDUCT AT MEETINGS.

In addition to complying with the Code of Conduct, City Council members shall refrain from electronic communications during a meeting in order to avoid potential Brown Act or due process issues.

E. ADJOURNMENT.

It is the desire of the City Council to adjourn their meetings by 11 p.m. Therefore, no new business will be taken up by the Council after 11 p.m. unless the City Council adopts a motion to continue. The remaining items will be placed on the next regularly ~~scheduled~~ Council meeting in the appropriate section of the agenda, unless the City Council calls for a special meeting to consider one or more of the continued items. The Council shall review the agenda at approximately 9 p.m. to see if it is likely the agenda items will be completed by 11 p.m. or if items will probably be continued to the next regular meeting. If it appears items will be continued, the Council will let the audience know as soon as is practical. The Open Government Ordinance requirement for public comment on the item will occur when the item is scheduled unless a majority agrees to move it up.

(formerly section V.D.)

II. AGENDAS.

(formerly Section I.)

A. PREPARATION.

The Mayor and the City Manager shall prepare an agenda for each meeting of the Council. Items to be included on the agenda must be submitted to the City Manager in writing by noon on the 79th working day preceding the regular meeting and on the 5th working day preceding a special meeting. ~~Any Council Member may request that a new item be placed on the agenda. Items shall be placed on the agenda in their appropriate section with the item title specified by the requesting Council Member.~~ (formerly section I.B.1.)

~~To place a review of a matter decided in the last year on a future agenda requires three affirmative votes. See 1.B.2 below.~~

B. TWO-STEP PROCESS.

City Council Members may request that a policy matter be considered by the City Council using the Two-Step Process. A Council Member submits the Council Member Requested Agenda Item form (Appendix A) to the City Manager. The Council Member shall fill out the form as completely as possible and indicate a desired date for agendization of Step 1 and for Step 2. Once Step 1 is agendized, the City Council shall vote whether or not to pursue study or action on the policy matter. If there is interest by a majority of the City Council, the policy proposal shall be directed to the Policy Calendar Process for scheduling a study session (see Section II.E below) or to an

upcoming agenda for action (Step 2). The Council Member submitting the request shall inform the Council if the item is time-sensitive.

C. LEGISLATIVE SUPPORT OR OPPOSITION.

The City Manager, or City Attorney in the case of legal issues, is authorized to provide support or opposition on legislative matters provided that the support or opposition is consistent with the position taken by the League of California Cities and/or the Solano City/County Coordinating Council (4 C's). Typically, copies of this correspondence will be sent to Council via email in advance of distribution. Should a Council Member have a question or concern, that member will then have the opportunity to contact the City Manager prior to distribution. Occasionally same-day requests from the League of California Cities for letters, emails or faxes expressing support or opposition are received, and in these instances, advance distribution to Council would not be feasible.

In those cases where no position has been taken by either the League or 4 C's, then the request shall be agendaized for Council review and direction. If timing is such that the request cannot be agendaized prior to the specified response date, then the draft response will be emailed to the City Council in advance of distribution. Should a Council member have a question or concern with the proposed response, that member may then contact the City Manager or City Attorney for clarification and/or to request that the item be agendaized for discussion. All letters authorized by the Council shall be signed by the Mayor.

D. REVIEW OF POLICY ITEM CONSIDERED IN PREVIOUS YEAR.

City Council Members may request that the full City Council review a policy matter that has been decided in the last year by following the procedures set forth in ~~1.B.1. above~~ Section II.B. A brief write-up of the matter and the date of last action must be included on the Council Member Requested Agenda Item for Policy Consideration form (Appendix A). The request for a review will be placed ~~on the agenda in Section 11 as appropriate in the appropriate section of the agenda.~~ (formerly section I.B.2.)

~~I.B.3. The City Manager will inform the council and public of the tentative, upcoming issues on the next council agenda on the afternoon of the 5th working day preceding the regular meeting.~~

E. POLICY CALENDAR PROCESS.

Council Members may request that a policy item be placed on a list of policy issues to be considered at a Quarterly Policy Issues Study Session Meeting. At this quarterly meeting, proposals are selected by majority vote of the Council for placement on the Policy Calendar.

At the quarterly meeting, the Council shall consider the following when deciding which policy proposals shall be calendared for Council consideration:

1. Time required for understanding by Council Members,
2. Time required for sufficient deliberation,
3. Time required for analysis and preparation of staff reports,
4. Time required for public understanding,
5. Council interest in subject,
6. Public interest in subject,
7. Conservation of staff time, and
8. Relationship to Council Priorities.

F. PLACEMENT OF AGENDA ITEMS.

The Mayor and City Manager shall consider whether an item is time-sensitive, likely to generate a large number of public speakers, or is controversial when determining the order of the agenda items. These items will be placed earlier on the agenda in the appropriate section of the agenda. Items that have been continued from a prior meeting or items for reconsideration shall also be placed earlier as early as possible on the agenda in the appropriate section of the agenda.

G. AGENDA PACKETS.

The City Manager shall prepare and provide to each Council Member and the City Attorney, an agenda packet not later than the Wednesday Thursday preceding each regular meeting or two working days preceding each special meeting. The City Manager shall mail a copy of the agenda or a copy of all the documents constituting the agenda packet to every person who has requested the same in writing during the preceding year, has provided stamped self-addressed envelopes and has paid the applicable fee, if the request is to receive the packet by mail. A paper copy of the agenda packet will be available for those persons so requesting at the time the agenda is posted or upon distribution to all, or a majority of, the Council Members upon payment of the applicable fee. To the extent feasible, the agenda packet shall be available on-line. (formerly section I.B.4)

H. REGULAR AGENDA.
(formerly I.A. SECTIONS)

The regular meeting agenda shall consist of the following sections in order:

1. CALL TO ORDER.
 - ~~Announcement of Closed Session (If Any)~~
- ~~2. CLOSED SESSION (If Any)~~
2. CONVENE OPEN SESSION.
 - Roll Call
 - Pledge of Allegiance
 - Reference to the Fundamental Rights of the Public

(formerly section I.A.3)

3. ANNOUNCEMENTS, APPOINTMENTS, ~~PROCLAMATIONS/~~ PRESENTATIONS/~~PROCLAMATIONS~~. This section includes announcements by the Mayor, appointments to City boards and commissions, and scheduled presentations. Presentations are limited to a maximum of ten minutes to allow the Council to have adequate time to address the agendized items of business. Proclamations are made before presentations for public convenience.

(formerly section I.A.4)

4. ADOPTION OF AGENDA. The Council, by majority vote, shall adopt the agenda as final. Following such adoption, agenda items may not be added, removed or their order changed unless by the unanimous consent of the Council Members present at the time the agenda was adopted as final. All matters shall be considered by the Council in the order listed on the agenda adopted as final, to the extent of time available. Only matters on the agenda as adopted final or modified under this section may be considered. Agenda items not considered or completed at a meeting for lack of time become agenda items at the following meeting ~~in accordance with Section 5.~~ (formerly section I.A.5)

5. OPPORTUNITY FOR PUBLIC COMMENT.

a. Written: All written communications suitable for the agenda, received since the preparation of the subject agenda, addressed to or intended for the City Council and not otherwise included in the agenda, shall be listed in this section in the order received. (formerly section I.A.6(a))

b. Public Comment: This section of the agenda is for members of the public to make comments to the City Council regarding non-agendized matters of general interest to the citizens of Benicia, ~~provided, however, that:~~ in accordance with the procedures set forth in Section III below. (formerly section I.A.6(b)(1))

6. CONSENT CALENDAR. Items listed under the Consent Calendar are considered routine and will be enacted, approved or adopted by one motion unless a request for removal for discussion or explanation is received from a Council Member, staff, or a member of the public. Items removed from the Consent Calendar shall be considered immediately following the adoption of the Consent Calendar. Routine agenda items that are under \$50,000 and/or are already included in the budget may be listed under the Consent Calendar. (formerly section I.A.7.)

~~I.A.8. PUBLIC HEARINGS~~

~~————— This section of the agenda is for the City Council to conduct Public Hearings and to hear properly noticed appeals.~~

7. BUSINESS ITEMS. This section of the agenda is for the business items of the City Council including Public Hearings, appeals, and status or informational reports from staff and the Council. Council Member requests for future agenda items under the two-step, legislative or consideration of items heard in the last year will be agendized here. (formerly sections I.A.9-11.)

~~I.A.9. ACTION ITEMS. Items listed in this section are those which are likely to require discussion prior to Council action. Routine agenda items that are under \$50,000 and/or are already included in the budget may still be listed under the Consent Calendar.~~

~~I.A.10. INFORMATIONAL ITEMS. Items in this section may include status reports on a variety of topics. For examples, City Manager Reports are to be placed under this heading. Items listed in this section are typically for information only and may not require action.~~

~~I.A.11. COUNCIL MEMBER REPORTS. This section contains reports from council Members. It also provides an opportunity on the agenda for Council Members to make requests for future agenda items.~~

8. ADJOURNMENT.
(formerly section I.A.12.)

I. SPECIAL MEETING AGENDA.

A special meeting agenda shall consist of the following sections in order:

1. CALL TO ORDER.

2. CONVENE OPEN SESSION.

- Roll Call
- Pledge of Allegiance
- Reference to the Fundamental Rights of the Public

3. ADOPTION OF THE AGENDA. (if multiple items are on the agenda)

4. OPPORTUNITY FOR PUBLIC COMMENT.

a. Written: All written communications suitable for the agenda, received since the preparation of the subject agenda, addressed to or intended for the City Council and not otherwise included in the agenda, shall be listed in this section in the order received.

b. Public Comment: This section of the agenda is for members of the public to make comments to the City Council regarding non-agendized matters of general interest to the citizens of Benicia in accordance with the procedures set forth in Section III below.

5. BUSINESS ITEMS. This section of the agenda is for the City Council for the Closed Session, action items or study session matters.

6. CLOSED SESSION.

7. ADJOURNMENT.

III. PUBLIC PARTICIPATION. (formerly Section II.)

A. FUNDAMENTAL RIGHT.

The City Council promulgates these rules in recognition of the public's fundamental right to speak on agenda items for a meaningful amount of time.

B. RECOGNITION.

No person may address the Council without the permission of the Presiding Officer, or a majority of the quorum, or as otherwise required by law. Except as required by law, the Presiding Officer is obligated to recognize members of the Council and staff prior to opening up items for public comment. (formerly section II.A.)

C. ADDRESSING THE COUNCIL.

Those persons desiring to speak on an agendized matter, ~~on a Public Hearing agenda item,~~ or under Opportunity for Public Comment are requested to, but not required to, complete a Speaker's Card and present it to the City Clerk at the beginning of the meeting or upon their arrival in the Council Chambers. The Presiding Officer shall recognize speakers on an agendized matter, including Announcements, Appointments, Presentations, Proclamations, when that item is before the City Council for consideration. ~~(This included any comments pertaining to the Announcements/Appointments/ Presentations/Proclamations sections of the agenda.)~~

The Presiding Officers shall recognize speakers on matters not on the agenda under the Opportunity for Public Comment portion of the agenda. Persons addressing the Council shall do so only at the speakers' rostrum and should begin, but are not required to do so, by stating their name and address for the records. All remarks shall be addressed to the Council as a body and not to any member thereof, or to staff, or the public.

No person ~~other than a member of the Council, the City Manager, or the City Attorney and the person having the floor,~~ shall be permitted to enter into any discussion without the permission of the Presiding Officer. (formerly section II.B.)

D. ACTION ON NON-AGENDIZED ITEMS.

Any item raised by a member of the public which is not agendized, but may require Council action, shall be automatically referred to the City Staff for investigation and disposition, unless the item requires action to be taken by the Council at the meeting during which it was raised and constitutes an emergency or the need to take such action arose after the posting of the agenda within the meaning of Government Code §54954.2(b). In either event the Council is entitled to discuss the matter before making the determination required under said Government Code provision, and if either finding is made, may take action thereon. (formerly section I.A.6(b)(1))

E. TIME LIMITS FOR PUBLIC COMMENT.
(formerly section II.C.)

1. In order to allow the Council to have adequate time to address the agendized items of business, public comment under Opportunity for Public Comment will be limited to not more than five (5) minutes per speaker on non-agendized items. If a large number of the public desire to speak, the Council may agree to limit the time for each speaker to less than 5 minutes to allow the Council to address the agendized items of business. (formerly section I.A.6(b)(2))

2. The Presiding Officer may allow up to 10 minutes for a speaker to speak on multiple agenda items under Opportunity for Public Comment. (formerly section I.A.6(b)(3))

~~I.A.6(b)(4) All public comments are also subject to the provisions of Section II below.~~

3. Each speaker shall speak only once on an agenda item and limit his/her remarks to not more than five (5) minutes when speaking at the time of the agendized item ~~unless a shorter time is authorized by Councilor when speaking on non-agendized items under Opportunity for Public Comment, except as otherwise specifically provided for in these rules or the Open government Ordinances, or except as time is extended by the Presiding Officer with the consent of a majority of the Council.~~ (formerly section II.C.)

4. In accordance with the Open Government Ordinance and to promote time efficiency, the Presiding Officer may request spokespersons be designated to represent similar views. ~~The time limits and order for speaking shall be in accordance with the provisions for Spokespersons in III.C. below.~~ A designated spokesperson has 15 minutes to speak. (formerly section II.C.)

5. The time for speaking may be extended by the Presiding Officer with the consent of a majority of the Council. (formerly section II.C.)

6. Each speaker shall avoid repetition of the remarks of prior speakers and, when speaking at the time an agenda item is being considered, shall speak only to the specific agenda item under consideration. (formerly section II.C.)

7. Speakers may not concede any part of their allotted time to another speaker.

F. QUESTIONS.

Following each speaker's remarks, each Council Member shall be given the opportunity to comment further and to address questions to the speaker. The speaker may not be permitted or required to answer such questions if a majority of Council Members present other than the questioner object. (formerly section II.D.)

G. PRESENTATIONS SUBMITTED IN WRITING.

Persons who anticipate oral presentations exceeding the allowed time are encouraged to submit comments in writing at the earliest possible time, for distribution to the Council and other interested parties. Comments should be submitted at least one day in advance of the scheduled meeting date to insure distribution to the Council prior to the meeting.

H. POWER POINT PRESENTATIONS.

Members of the public may present a Power Point software presentation to the Council utilizing the City's audio/visual equipment, provided that the public make their request to the City Manager's 72 office hours in advance of the meeting in order to coordinate the use of the equipment.

IV. BUSINESS ITEM PROCEDURES.

(formerly Section III. HEARING PROCEDURES)

A. ONE HOUR FOR HEARINGS.

Individual Business Items, including A Public Hearings and appeals, should not exceed one hour in length. To assist with this goal, time limits for public speakers may be limited in accordance with Section III.E. (formerly section III.A.)

B. PUBLIC HEARING AND APPEALS PROCEDURES.

The procedures for Public Hearings and appeals are as follows:

1. Presentation by Staff.
2. Presentation by Proponents or Appellant.
3. Presentation by Opponents.
4. Comments from the Public.
45. Rebuttal by the Proponents or Appellant.
56. The Presiding Officer shall recognize supplemental speakers as required by law or deemed appropriate to gather information relevant to the matter before the City Council. Supplemental speakers shall limit their remarks to presenting new information

not already covered by other speakers, and must limit their presentation to five (5) minutes or the time established for speakers in accordance with Section III.E, if less.

67. Following the public portion of the hearing, the Presiding Officer shall declare the public portion of the hearing closed and the matter is then before the City Council for the Council portion of the hearing. Each Council Member shall be given an opportunity to speak to the subject without interruption. When the Council discussion has been concluded, the Council shall make its decision. (formerly section III.B.)

78. Spokespersons for the Proponent/Appellant and Opponent shall each have fifteen (15) minutes to present their case. The spokesperson for the Proponent/Appellant shall have five (5) minutes to present any rebuttal. Organized groups may choose a single spokesperson who may speak for the group. Speakers may not concede any part of their allotted time to another speaker. (formerly section III.C.)

V. CREATION OF COMMITTEES, BOARDS AND COMMISSIONS. (formerly Section IV.)

A. CITIZEN COMMITTEES, BOARDS AND COMMISSIONS.

The Council may create committees, boards, and commissions to assist in the conduct of the operation of the City Government with such duties as the Council may specify, not inconsistent with the City Code. Any committee, board, or commission so created shall cease to exist upon the accomplishment of the special purpose for which it was created, or when abolished by a majority vote of the Council. No committee so appointed shall have powers other than advisory to the Council or to the City Manager, except as otherwise specified by the City Code. (formerly section IV.A.)

B. MEMBERSHIP SELECTION.

Pursuant to Resolution No. 10-99 and unless otherwise specified by state law or the City Code, appointments shall be made by the following procedure:

1. A two-member subcommittee appointed by the Mayor, which will rotate among council members with one new appointee each year, shall be appointed to interview applicants for all boards, commissions and committees, unless otherwise provided for by statute, ordinance or resolution. One member of the City Council subcommittee shall be appointed in January of each year and one member appointed in July of each year, each for a one year term.

2. Each term of the subcommittee will be filled by Council Members who did not serve on the committee during the prior term unless the Council Member is unable or unwilling to serve on the subcommittee.

3. The subcommittee shall recommend two to three applicants, in ranked order, to the Mayor for each vacancy and the Mayor shall make the appointments from the recommended applicants.

4. If none of the applicants are acceptable to the Mayor, the subcommittee shall recommend two additional applicants until an appointment is made by the Mayor, which shall be subject to final approval by the Council.

5. If, at any point during this process, only one qualified applicant is available, the subcommittee may choose to make a single recommendation.

6. If the subcommittee is unable to recommend applicants due to lack of qualified applicants, then the Mayor may elect to interview the available applicants and/or direct staff to conduct additional outreach efforts to fill the opening.

~~7. Membership and selection of members shall be as provided by the Council if not specified by the City Code.~~ The names of the proposed appointees shall be posted five (5) working days prior to the appointment being made. (formerly section IV.B.1.)

8. For appointments to a board or commission where state law provides for appointment by the Council as a whole, any Council member may nominate a person for appointment. The Council shall then vote on the nominee at the following Council meeting. (formerly section IV.B.2.)

C. REMOVAL OF MEMBERS OF COMMITTEES, BOARDS AND COMMISSIONS.

The Council may remove any member of any committee, board or commission which it has created by an affirmative vote of at least four (4) members of the Council, if removal is not specified in the City Code. (formerly section IV.C.)

VI. RULES OF ORDER. (formerly Section V.)

A. QUORUM.

Three Council Members shall constitute a quorum for the transaction of business, except that less than a quorum may adjourn meetings of the Board. If a quorum is not present within one hour after the time noticed for commencement of the meeting and thereafter any Council Member who was present at the end of such hour leaves and does not return, no meeting shall be held on that date notwithstanding the later presence of three (3) or more Council Members. (formerly section V.A.)

B. RIGHT TO THE FLOOR.

A Council Member shall not have the right to the floor without being recognized by the Presiding Officer, except upon a point of order. Council Members, including the Mayor, shall avoid interrupting any Member while speaking. (formerly section V.B.)

C. ORDINANCES, RESOLUTIONS AND MOTIONS – PRECEDENTS.

When any ordinance, resolution, or motion is properly brought before the Council and seconded by another Council Member, the council may discuss, debate, and offer other motions including a motion to amend or substitute. If a point of order, or a motion to adjourn, to table, to table to a time certain, to close debate, to refer or to amend, is made, no other action shall be considered ~~except until that motion is resolved~~ point of order, or a motion to adjourn, to table, to table to a time certain, to close debate, to refer or to amend. Such items shall have precedence in the order stated in the preceding sentence. Points of order shall be ruled upon by the Presiding Officer, provided that such ruling may be overridden by a majority of the Council. All of such motions, except motions to amend, shall be put to a vote without debate and decided by a majority. Any of the foregoing motions shall be in order at anytime the speaker is duly recognized, except when repeated without intervening business or discussion, or if made when the motion to close debate has been adopted or while a vote is being taken: (formerly section V.C.)

1. MOTION TO ADJOURN.

A motion to adjourn terminates the meeting.

2. MOTION TO TABLE.

If a motion to table (without time certain) passes, consideration of the matter may be resumed only upon the motion of a member ~~who voted~~ voting with the majority on the motion to table. (formerly section V.C.1.)

3. MOTION TO CLOSE DEBATE.

When a motion to close debate is duly made and seconded, there shall be no further debate. If the question carries, the Presiding Officer shall put pending amendments to a vote, without debate, in the inverse order of their introduction before putting the main question. If the question is decided negatively, the main question and its amendments remain before the Council. (formerly section V.C.2.)

4. MOTION TO REFER.

A motion to refer the matter sends the matter to a committee or staff for investigating or studying the proposal and reporting back. If the motion to refer fails, the main question and its amendments remain before the Council.

5. MOTION TO AMEND.

A motion to amend modifies or changes the motion that was being considered. If the motion to amend passes then the main motions should be voted on as amended.

6. DIVISION OF THE QUESTION.

If a matter properly put before the Council contains two or more separable propositions, the Presiding Officer ~~shall~~ shalmay, with the consent of one other

Council Member, divide the question into its separable parts for consideration in order. (formerly section V.E.)

7. RECONSIDERATION.

Providing that no intervening rights shall be prejudiced, any Council Member who voted with the majority on a question may move the reconsideration of that question at the same meeting in which the original decision was made or at the next following meeting. A motion for reconsideration must be made no later than the Thursday before the agenda packet is published. After a motion for reconsideration has been acted upon, no other similar motion shall be made without unanimous consent. (formerly section V.C.3.)

D. VOTING.

Unless otherwise required by applicable law, three affirmative votes are required to enact an ordinance, to adopt a resolution, or to adopt a motion granting a franchise or authorizing the payment or expenditure of money or incurring of a debt. The majority of a quorum is required to adopt other motions, unless otherwise required by applicable law. A "majority" refers to a majority of the quorum present. All ~~ordinances, resolutions and appointments matters~~ shall be adopted by a roll call vote. ~~All other matters may be referred to a voice vote unless a roll call is requested by any Council Member. On all matters for which a voice vote is authorized, the President Officer may ask for, "objections to the question". If no objection is expressed, the Presiding Officer shall, "so order" and the minutes shall record a unanimous vote in favor. If any Council Member objects to the procedure, a roll call vote shall be called in the normal manner.~~ (formerly section V.C.4.)

VII. STAFF SUPPORT.

Staff support for requests from individual council members shall be limited to 15 minutes of staff time. Research, report writing, compilation of materials, etc. in excess of 15 minutes shall not be undertaken unless approved by a majority of the City Council. (formerly section I.B.5)

VIII. FAILURE TO OBSERVE RULES OR PROCEDURES.

The failure to observe any of the rules or procedures does not serve as an independent source of challenge to any decision or action of the City Council, nor does it serve as evidence of improper conduct in any challenge to any action by a City Council member or by the Council as a whole.

IX. REVIEW OF THE RULES OF PROCEDURE.

The City Council shall review these Rules of Procedure not less than annually and make any appropriate changes.

APPENDIX A: COUNCIL MEMBER REQUESTED AGENDA ITEM

Requested by: _____

Desired Initial Council Meeting Date: _____

Desired Date for Second Step or Policy Calendar Review: _____

Deadline for Action, if any: _____

Problem/Issue/Idea Name: _____

Description of Problem/Issue/Idea: _____

COUNCIL DIRECTION

- No Further Action
- Schedule for Second Step on _____
- Schedule for Policy Calendar Review on _____
- Refer to: Staff _____
 Commission _____
 Board _____
 Committee _____

Date Due: _____



City Attorney's Office
MEMORANDUM

Date: August 24, 2006
To: City Council
From: Heather C. Mc Laughlin, City Attorney
Re: Appointment to Planning Commission

Attached please find a copy of the opinion from the Attorney General regarding appointments to the planning commission. You may recall Assembly Member Wolk requested an opinion from the Attorney General to clarify whether appointments to the planning commission should be by the mayor or by the entire city council.

Basically, the opinion concludes that appointments to the planning commission are just like other appointments by a directly elected mayor of a general law city. The opinion expressly disapproves the previous opinion of the Attorney General that used the planning commission as an example of appointments by the entire council and not the mayor. Thus, the mayor has the power of appointment and the Council the power to approve the appointment.

Given this opinion, the language of Benicia Municipal Code Section 2.52.010 should be amended. You may remember the previous City Council changed this language in 2005 to provide for appointment by the City Council. I will try to have an ordinance ready for introduction at the September 19, 2006 meeting.

Copies of previous memos on this subject are available if you would like to review them again.

Please let me know if you have any questions.

Attachment

cc: City Manager
Community Development Director

BILL LOCKYER
Attorney General

State of California
DEPARTMENT OF JUSTICE

1300 I STREET, SUITE 125
P.O. BOX 944255
SACRAMENTO, CA 94244-2550
Public: 916/322-3360

Facsimile: 619/645-2489
619/645-2210

August 14, 2006

The Honorable Lois Wolk
California Legislature
State Capitol
P. O. Box 942849
Sacramento, CA 94249-0008

RECEIVED
AUG 16 2006

CAPITOL

RE: ATTORNEY GENERAL'S OPINION

Dear Assemblywoman Wolk:

Enclosed is our Opinion No. 05-914 issued in response to your request of September 15, 2005.

Sincerely,

Rodney D. Lilyquist
RODNEY D. LILYQUIST
Senior Assistant Attorney General

For **BILL LOCKYER**
Attorney General

ROL:pkf

Enclosure

AUG 21 2006

TO BE PUBLISHED IN THE OFFICIAL REPORTS

**OFFICE OF THE ATTORNEY GENERAL
State of California**

**BILL LOCKYER
Attorney General**

OPINION	:	No. 05-914
	:	
of	:	August 14, 2006
	:	
BILL LOCKYER	:	
Attorney General	:	
	:	
MARC J. NOLAN	:	
Deputy Attorney General	:	
	:	

THE HONORABLE LOIS WOLK, MEMBER OF THE STATE ASSEMBLY, has requested an opinion on the following question:

Does the appointing power of an elected mayor of a general law city extend to the appointment of the members of the city's planning commission?

CONCLUSION

The appointing power of an elected mayor of a general law city extends to the appointment of the members of the city's planning commission, but each appointment must have the approval of the city council.

ANALYSIS

As distinguished from a city operating under a city charter, a general law city has only those powers expressly granted to it by the Legislature, together with such powers that are necessarily incident to those expressly granted or essential to the declared object and purposes of the municipal corporation; a general law city may not act contrary to state statute. (See *Irwin v. City of Manhattan Beach* (1966) 65 Cal.2d 13, 20-21; *Martin v. Superior Court* (1991) 234 Cal.App.3d 1765, 1768; 81 Ops.Cal.Atty.Gen. 75, 76 (1998).) Government Code section 34900¹ permits the voters of a general law city to determine whether to have an elected mayor. In the context of a general law city that has an elected mayor, we are asked whether the members of the planning commission are to be appointed by the mayor or by the city council. We conclude that this appointment power rests with the city's elected mayor, but that the mayor's selections are subject to the approval of the city council.

Our analysis begins with section 40605, which generally directs the mayor of a general law city to make all appointments to city boards, commissions, and committees with the approval of the city council:

"In general law cities where the office of mayor is an elective office pursuant to Article 5 (commencing with Section 34900) of Chapter 7 of Part 1 of Division 2 of Title 4, the mayor, with the approval of the city council, shall make all appointments to boards, commissions, and committees unless otherwise specifically provided by statute."

With specific regard to a city planning commission, subdivision (a) of section 65101 states:

"The legislative body may create one or more planning commissions each of which shall report directly to the legislative body. *The legislative body shall specify the membership of the commission or commissions.* In any event, each planning commission shall consist of at least five members, all of whom shall act in the public interest. If it creates more than one planning commission, the legislative body shall prescribe the issues, responsibilities, or geographic jurisdiction assigned to each commission. If a development project affects the jurisdiction of more than one planning commission, the legislative body shall designate the commission which shall hear the entire development project." (Italics added.)

¹ All further references to the Government Code are by section number only.

The "legislative body" of a general law city is its city council. (§§ 34000, 36501, subd. (a).) Does the directive in section 65101, subdivision (a), that "the legislative body shall specify the membership" of a planning commission make this statute an exception to the general mandate of section 40605 directing the mayor, with the approval of the city council, to make all appointments to city commissions? Has subdivision (a) of section 65101 "otherwise specifically provided" an alternative to the mayor-city council appointment process?

To answer this question, we apply well established principles of statutory construction. "When interpreting a statute our primary task is to determine the Legislature's intent. [Citation.]" (*Freedom Newspapers, Inc. v. Orange County Employees Retirement System* (1993) 6 Cal.4th 821, 826.) "In determining intent, we look first to the language of the statute, giving effect to its 'plain meaning.'" (*Kimmel v. Goland* (1990) 51 Cal.3d 202, 208-209.) "Of course, we interpret a statute in context, examining other legislation on the same subject, to determine the Legislature's probable intent. [Citations.]" (*California Teachers Association v. Governing Bd. of Rialto Unified School Dist.* (1997) 14 Cal.4th 627, 642.)

Applying these rules of construction, we find that the key word "specify," as used in the context of section 65101, means something other than "appoint." In related statutory schemes, the Legislature has distinguished between the two terms. For example, Health and Safety Code section 101525, subdivision (b), states in part:

" . . . The enabling ordinance shall specify the membership of the authority, the qualifications of members, the manner of appointment, selection, or removal of members, and their term of office, and any other matters that the board of supervisors deems necessary or convenient for the conduct of the authority's activities"

Similarly, Health and Safety Code section 101850, subdivision (c) provides:

"A hospital authority established pursuant to this chapter shall be governed by a board that is appointed, both initially and continually, by the Board of Supervisors of the County of Alameda. . . . The enabling ordinance shall specify the membership of the hospital authority governing board, the qualifications for individual members, the manner of appointment, selection, or removal of governing board members, their terms of office, and all other matters that the board of supervisors deems necessary or convenient for the conduct of the hospital authority's activities."

Welfare and Institutions Code section 14087.31, subdivision (c), states:

“The enabling ordinance shall specify the membership of the county commission, the qualifications for individual members, the manner of appointment, selection, or removal of commissioners, and how long they shall serve, and any other matters as the board of supervisors deems necessary or convenient for the conduct of the county commission’s activities. Members of the commission shall be appointed by the county board of supervisors”

Other examples may be given of the Legislature’s use of the term “specify” in a manner that is distinguished from its use of the term “appoint.” (See, e.g., Welf. & Inst. Code, §§ 14087.38, subd. (c); 14087.51, subd. (e); 14087.52, subd. (d); 14087.53, subd. (c); 14087.54, subd. (d).) In the context of these statutes, “specify” means “state precisely or in detail” (Webster’s 3d New Internat. Dict. (2002) p. 2187) the number and status of the various members, whether regular members, alternate members, ex officio members, or the like.

In contrast, when the Legislature has intended to grant to a city council the power to appoint persons to a particular office, it has used such words as “appoint” or “select.” For example, section 36505 states:

“The city council shall appoint the chief of police. It may appoint a city attorney, a superintendent of streets, a civil engineer, and such other subordinate officers or employees as it deems necessary.”²

If the Legislature had intended to authorize city councils to appoint the individual members of a planning commission, rather than to approve all appointments made by the mayor, it could have easily done so by phrasing section 65101 in terms of “specify and appoint.” A legislative articulation of specific statutory authority in one respect indicates the absence of such authority in related respects. (See *Safer v. Superior Court* (1975) 15 Cal.3d 230, 238; 85 Ops.Cal.Atty.Gen. 181, 185 (2002).)

Section 40605 generally directs the mayor of a general law city, with the approval of the city council, to make all appointments to city boards, commissions, and committees. It is a well known principle of statutory construction that “[e]xceptions to

² Other state statutes set forth precisely who is to “appoint” the members of various boards, commissions, and committees. (See, e.g., Health & Saf. Code, § 40420 [South Coast Air Quality Management District]; Pub. Resources Code, § 29735 [Delta Protection Commission]; Pub. Utilities Code, § 30201 [Southern California Rapid Transit District].)

the general rule of a statute are to be strictly construed.” ’ ’ (City of Lafayette v. East Bay Mun. Utility Dist. (1993) 16 Cal.App.4th 1005, 1017.) Consistent with this principle, we find that the Legislature’s use of the word “specify,” and not the word “appoint,” in section 65101 fails to meet the test of *specifically* providing for non-mayoral appointments of planning commission members as required by section 40605. Of course, section 40605 does not grant a mayor unfettered discretion in making commission appointments; instead, it requires the mayor to submit each of his or her designated appointees to the city council for its approval. (81 Ops. Cal. Atty. Gen., *supra*, at p. 80.)

We conclude that the appointing power of an elected mayor of a general law city extends to the appointment of the members of the city’s planning commission, but each appointment must have the approval of the city council.³

³ In 81 Ops. Cal. Atty. Gen. 75, *supra*, we described section 65101 as an example of a statute authorizing “a non-mayoral appointment for a city board, commission, or committee.” (*Id.* at p. 78, fn. 3.) That characterization, made only in passing, is inconsistent with the conclusion we reach herein, and it is therefore disapproved.

AGENDA ITEM
CITY COUNCIL MEETING DATE - MAY 3, 2011
CONSENT CALENDAR

DATE : April 22, 2011

TO : City Council

FROM : City Attorney

SUBJECT : **DENIAL OF THE CLAIM AGAINST THE CITY BY JUDY DELGADO AND REFERRAL TO INSURANCE CARRIER**

RECOMMENDATION:

Deny the claim against the City by Judy Delgado.

EXECUTIVE SUMMARY:

The claimant alleges that she was walking down the south shoulder of Kuhland Alley when she tripped and injured herself. As a car was approaching claimant stepped out of the way, lost her balance and fell. A portion of the alley way is graveled and a portion is paved. An alert pedestrian should have seen the oncoming vehicle and had sufficient time to safely step out of the way.

BUDGET INFORMATION:

This amount of the claim is \$300,000.

GENERAL PLAN:

N/A.

STRATEGIC PLAN:

N/A-there is not a relevant Strategic Plan Goal that relates to this agenda item.

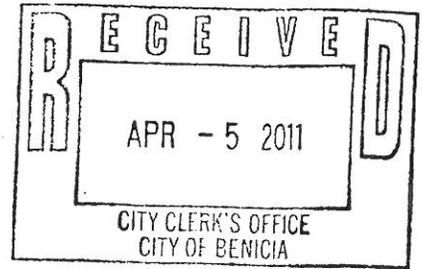
BACKGROUND:

Upon rejection of the claim, the City Clerk should issue a rejection notice using ABAG's Form Letter No. 3 of the ABAG Plan Claims Procedures Manual and process with the proof of service by mail form (located in the forms directory). A copy of the rejection notice and proof of service by mail form should be sent to Jim Nagal (ABAG Claims Examiner) and the City Attorney.

Attachment:

- A copy of Claim Filed Against the City

In Person



CLAIM AGAINST THE CITY OF BENICIA

Please return to the City Clerk, 250 East L Street, Benicia, CA 94510

Complete the following, adding additional sheets as necessary.

1. CLAIMANT'S NAME (Print): Judy A. Delgado

2. CLAIMANT'S ADDRESS: [REDACTED]
(Street or P.O. Box Number, City, State, Zip Code)

HOME PHONE: [REDACTED] WORK PHONE: N/A

3. AMOUNT OF CLAIM: \$ 300,000 (Attach copies of bills/estimates)

If amount claimed is more than \$10,000, indicate where jurisdiction rests:

Limited Civil Case _____
Unlimited Civil Case x

4. Address to which notices are to be sent, if different from lines 1 and 2 (Print):

Joseph M. Canning
HILLMAN & LUCAS, P.C.

One Harbor Center, Suite 220, Suisun City, CA 94585
(Street or P.O. Box Number, City, State, Zip Code)

5. DATE OF INCIDENT: 10/10/2010 TIME OF INCIDENT: Approx. 12:30 p.m.

LOCATION OF INCIDENT: Kuhland Alley near First Street

6. Describe the incident or accident including your reason for believing that the City is liable for your damages:

See Attachment 6.

7. Describe all damages which you believe you have incurred as a result of the incident:

See Attachment 7.

8. Names of public employee(s) causing the damages you are claiming:

Unknown at this time.

[Signature] _____ 4/4/11 _____
Signature of Claimant Date

Any person who, with intent to defraud, presents any false or fraudulent claim may be punished by imprisonment or fine or both.

Note: YOU must file a claim in compliance with Government Code Section 911.2.

(revised 12/18/02)

CLAIM AGAINST THE CITY OF BENICIA

Claimant's Name: Judy A. Delgado

Attachment 6

Claimant was walking down Kuhland Alley when she tripped and injured herself. A portion of the alley is paved and a portion is a graveled area. Claimant was walking on the paved area from Second Street towards First Street when a car approached. Claimant moved towards the graveled area to avoid the car and lost her balance and fell. Claimant's fall was caused by a drop in the elevation where the pavement ends and the gravel begins. This ledge is a dangerous condition which caused claimant to trip and injure herself. The City of Benicia's negligence equally contributed to claimant's injuries.

Attachment 7

Claimant suffered injuries to her body, including but not limited to her left foot, ankle, knee and leg, and her right leg. Claimant sought treatment at the Kaiser Vallejo emergency room on the date of the incident and continues to treat with Dr. Gray Reynolds Williams at this facility.

AGENDA ITEM
CITY COUNCIL MEETING DATE - MAY 3, 2011
PUBLIC HEARINGS

DATE : April 15, 2011

TO : City Manager

FROM : Public Works and Community Development Director

SUBJECT : **INTRODUCTION AND FIRST READING OF AN ORDINANCE AMENDING THE BENICIA MUNICIPAL CODE TO REMOVE THE LISTING OF SIGN PERMIT FEES IN SECTION 18.08.030 - CITYWIDE**

RECOMMENDATION:

Staff recommends that the City Council adopt a text amendment to Benicia Municipal Code Section 18.08.030 that removes reference to specific fee amounts for sign permits and add the fee for a sign permit variance at \$150.00 to the Master Fee Schedule, when it is updated.

EXECUTIVE SUMMARY:

At present Benicia Municipal Code (BMC) Section 18.08.030 of the City's Sign Ordinance lists specific fee amounts for sign permits. Staff recommends the list of fees be removed and instead refer to the Master Fee Schedule to determine the costs associated with processing sign permits. No fee increases are being proposed. In addition, the fee for a sign permit variance was inadvertently omitted from the Master Fee Schedule. Staff recommends a fee of \$150.00 for a sign permit variance be included when the Master Fee Schedule is updated.

BUDGET INFORMATION:

This item presents no impacts to the City's General Fund.

ENVIRONMENTAL ANALYSIS:

Staff has reviewed the project and determined it is Categorically Exempt under Section 15305 – Minor Alterations in Land Use Limitations of the California Environmental Quality Act (CEQA), which applies to minor alterations in land use limitations in areas with an average slope of less than 20% that do not result in any changes in land use or density. The proposed modifications to Title 18 do not result in changes to land use.

BACKGROUND:

The City of Benicia's Sign Ordinance, Section 18.08.030, lists fee amounts ranging from \$5.00 to \$25.00 to process a sign permit. These fees have not been updated since 1977 and are not consistent with the fees listed in the City Council adopted

Master Fee Schedule. In addition, the sign variance fee currently listed in the Ordinance is not listed in the Master Fee Schedule. This amendment would remove all references to specific fee amounts and instead refer to the City Council adopted Master Fee Schedule to determine the fees associated with sign permits. In addition, the sign variance fee as presently listed in the Ordinance at \$25.00 would be removed, and inserted into the Master Fee Schedule along with the other sign permit fees, at the updated amount of \$150.00. To maintain consistency, and to avoid having to make amendments to the Sign Ordinance each time the Master Fee Schedule is updated, staff recommends removing specific fee amounts from the Ordinance. Staff also recommends the needed changes to the Master Fee Schedule to incorporate a sign variance that will be completed as part of the regular update.

Until early 2011, staff had been charging applicants for sign permits using the Master Fee Schedule. When the discrepancy was brought to the department's attention, the City Attorney opined that the ordinance took precedence, and staff has been charging the reduced fee. Very few sign permits have been issued at the reduced rate. Consequently, there is no impact to businesses applying for sign permits.

Attachments:

- ❑ Draft Ordinance (clean copy)
- ❑ Draft Ordinance (with changes shown)
- ❑ Master Fee Schedule
- ❑ Planning Commission Resolution
- ❑ Planning Commission Minutes

CITY OF BENICIA

ORDINANCE NO. 11-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BENICIA AMENDING SECTION 18.08.030 (FEES) OF CHAPTER 18.08 (PERMITS), OF TITLE 18 (SIGN ORDINANCE) OF THE BENICIA MUNICIPAL CODE

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BENICIA DOES ORDAIN AS FOLLOWS:

Section 1.

Section 18.08.030 (Fees) of Chapter 18.08 (Permits) of Title 18 (Sign Ordinance) of the Benicia Municipal Code is amended to read as follows:

- A. The fee for a sign permit with or without a variance is set forth in the City of Benicia Master Fee Schedule.
- B. The fee shall be paid at the time of filing the application and is not refundable.
- C. No fee is required where the application is for:
 - 1. Service club sign, BMC 18.16.090;
 - 2. Neighborhood association sign, BMC 18.16.060;
 - 3. Community directional sign, BMC 18.16.030;
 - 4. A sign in lawful use on the day the ordinance codified in this title takes effect.

Section 2.

Severability. If any section, subsection, phrase or clause of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

The City Council hereby declares that it would have passed this and each section, subsection, phrase or clauses thereof irrespective of the fact that any one or more sections, subsections, phrases or clauses be declared unconstitutional on their face or as applied.

* * * * *

On motion of Council Member _____, seconded by Council Member _____, the foregoing Ordinance was introduced at a regular meeting of the City Council on the 3rd day of May, 2011, and adopted at a regular meeting of the Council held on the 17th day of May, 2011, by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk

CITY OF BENICIA

ORDINANCE NO. 11-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BENICIA
AMENDING SECTION 18.08.030 (FEES) OF CHAPTER 18.08 (PERMITS), OF
TITLE 18 (SIGN ORDINANCE) OF THE BENICIA MUNICIPAL CODE

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BENICIA DOES
ORDAIN AS FOLLOWS:

Section 1.

Section 18.08.030 (Fees) of Chapter 18.08 (Permits) of Title 18 (Sign Ordinance) of the Benicia Municipal Code is amended to read as follows:

- A. The fee for a sign permit with or without a variance is set forth in the City of Benicia Master Fee Schedule. :
- ~~1. Five dollars if the application is for a sign less than 10 square feet in area;~~
 - ~~2. Ten dollars if the application is for a sign between 10 and 25 square feet in area;~~
 - ~~3. 1. Twenty-five dollars if the application is for a sign more than 25 square feet in area.~~
- ~~B. The fee for a sign permit with variance is the amount of subsection (A) of this section plus \$25.00~~
- ~~C. B.~~ The fee shall be paid at the time of filing the application and is not refundable.
- ~~D. C.~~ No fee is required where the application is for:
1. Service club sign, BMC 18.16.090;
 2. Neighborhood association sign, BMC 18.16.060;
 3. Community directional sign, BMC 18.16.030;
 4. A sign in lawful use on the day the ordinance codified in this title takes effect.

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* * * * *

On motion of Council Member _____, seconded by Council Member _____, the foregoing Ordinance was introduced at a regular meeting of the City Council on the 3rd day of May, 2011, and adopted at a regular meeting of the Council held on the 17th day of May, 2011, by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk

Community Development City of Benicia Master Fee Schedule

#	Service Fee Description	Revised Effective 04/21/10
	Planning Applications	
401	General Plan Amendment	\$2,875
402	Projects of 0-10 acres	\$50 per acre
403	Projects of 10.01-20 acres	\$25 per acre
404	Projects over 20.01 acres	\$10 per acre
405	Zone Change/Overlay District	\$2,200
406	Projects of 0-10 acres	\$50 per acre
407	Projects of 10.01-20 acres	\$25 per acre
408	Projects over 20.01 acres	\$10 per acre
409	Annexation	\$1,500
410	Condominium Conversion	\$2,250
411	Development Agreement	\$3,500
412	Ordinance Revision	\$2,500
413	Overlay District Plan	\$2,750
414	Planned Development	\$3,025
415	Projects of 0-10 acres	\$50 per acre
416	Projects of 10.01-20 acres	\$25 per acre
417	Projects over 20.01 acres	\$15 per acre
418	Use Permit (Commission)	\$1,800
	Office projects up to 2,500 sq. ft. Residential projects up to 6 units Commercial/Industrial up to 7,500 sq. ft.	
419	Use Permit (Commission)	\$2,275
	Office projects up to 2,501-7,500 sq. ft. Residential projects up to 7-20 units Commercial/Industrial up to 7,501-20,000 sq. ft.	
420	Use Permit (Commission)	\$2,730
421	Use Permit (Staff)	\$1,275
422	Use Permit (Day care or Temporary)	\$750
423	Variance (Staff-Single Family Residences)	\$1,500
424	Variance (Commission)	\$1,750
425	Residential Design Review - (Commission level) Outside H District; Single Family Exempt	\$1,750
426	Commercial Design Review (Commission level)	\$1,750
427	Commercial Design Review (Staff level)	\$1,025
428	Residential Design Review (Commission level, Major) H District Only	\$600
429	Residential Design Review (Commission level, Minor) H District Only	\$300
430	Commercial Design Review (Commission or staff level, Minor)	\$350

Effective October 20, 2010

Community Development City of Benicia Master Fee Schedule

#	Service Fee Description	Revised Effective 04/21/10	
431	Design Consultation Administration	15% of total contract cost	
432	Accessory Dwelling Unit (Administrative Permit)	\$175	
433	Appeal	\$150	
434	Extension of Approval (Staff)	\$175	
435	Extension of Approval (Commission)	\$225	
436	Game Center Permit	\$250	
437	Home Occupation	\$50	
438	Building Permit Review	\$50	
439	Mills Act Contract	\$550	
440	Sign Permit (Per Site)	\$150	
441	Sign Program (Multi-tenant Building)	\$450	
442	Transfer of Density	\$1,250	
443	Zoning Compliance Letter	Standard Letter (Applicant provides template)	\$125
444	Zoning Compliance Letter	Detailed Letter	\$250
445		Each additional hour after first	\$25
	Environmental Review		
446	Exemption from CEQA (filed)		\$250
447	Initial Study		\$1,300
448	Negative Declaration		\$300
449	Mitigated Negative Declaration		\$600
450	Mitigation Monitoring Program		\$500
451	Verification of Determination		\$150
452	Administration-Environmental Reports		25% of total contract cost
453	State Fish & Game Department Fee	Environmental Impact Report	\$2,842.25
454	State Fish & Game Department Fee	Negative Declaration/Mitigated Negative Dec.	\$2,060.25
473	State Fish & Game Department Fee	Ceritfied Regulatory Program	\$999.50
	Subdivision Applications		
455	Parcel Map - Minor Subdivision		\$2,375
456	Tentative Map		\$3,250
457		Per unit/lot	\$50
458	Vesting Parcel Map		\$2,750

Effective October 20, 2010

Community Development City of Benicia Master Fee Schedule

#	Service Fee Description	Revised Effective 04/21/10
459	Vesting Tentative Map	\$3,750
460		Per unit/lot \$50
461	Lot Line Adjustment	\$500
462	Certificate of Compliance	\$250
463	Parcel Merger/Unmerger	\$350
464	Waiver of Parcel Map	\$500
465	Reversion to Acreage	\$1,100
466	Mobile Home Park Conversion	\$2,050
467	Certificate of Correction	Minor corrections approved by staff \$150
468	Amendment to Approved Map	Amendments needing Council/Commission action \$750
469	Extension of Approved Map	\$250
	Other Fees and Charges	
470	Equivalent Fees and Charges *	Determined by Community Development Director Varies
471	Related Fee Reduction *	Determined by Community Development Director Varies
472	In-Lieu Parking Fee	Equal to Current Public Works Construction Cost or as determined by the Community Development Director Varies
	* The Director shall determine an appropriate fee or fee reduction when conditions exist to warrant such an action.	

Effective October 20, 2010

RESOLUTION NO. 11-2 (PC)

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BENICIA
RECOMMENDING CITY COUNCIL APPROVAL OF A ZONING TEXT
AMENDMENT TO MODIFY SECTION 16.08.030 OF THE SIGN ORDINANCE TO
REMOVE CITATION OF SPECIFIC FEE AMOUNTS FOR SIGN PERMITS AND
ADOPT AN UPDATED SIGN VARIANCE FEE IN THE MASTER FEE SCHEDULE**

WHEREAS, the Planning Commission at a regular meeting on March 10, 2011 conducted a public hearing, considered all testimony and documents and reviewed the proposed text amendment.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Benicia hereby recommends the City Council approve a zoning text amendment to modify Section 16.08.030 that cites specific sign permit fee amounts and replace it with a reference to the City Council adopted Master Fee Schedule and establish a sign variance fee at \$150.00 in the Master Fee Schedule; and

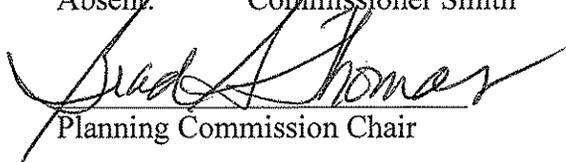
BE IT FURTHER RESOLVED THAT the Planning Commission of the City of Benicia finds that:

- a) The proposed actions exempt from California Environmental Quality Act review under Section 15305 – Minor Alterations to Land Use Limitations because the proposed changes do not result in changes in land use.
- b) The proposed actions are consistent with the objectives and other provisions of Title 17 of the Benicia Municipal Code and the purposes of the Sign Ordinance.
- c) The proposed actions are consistent with the goals, policies, programs, and maps of the General Plan.

* * * *

On a motion of Commissioner Sherry, seconded by Commissioner Syracuse, the above Resolution was adopted by the Planning Commission of the City of Benicia at the regular meeting of said Commission held on the 10th day of March, 2011, and adopted by the following vote:

Ayes: Commissioners Dean, Ernst, Oakes, Sherry, Syracuse and Chair Thomas
Noes: None
Abstain: None
Absent: Commissioner Smith


Planning Commission Chair



**BENICIA PLANNING COMMISSION
CITY HALL COUNCIL CHAMBERS
MEETING MINUTES**

**Thursday, March 10, 2011
7:00 p.m.**

I. OPENING OF MEETING

A. Pledge of Allegiance

B. Roll Call of Commissioners

Present: Commissioners Don Dean, Rick Ernst, George Oakes, Rod Sherry, Lee Syracuse and Acting Chair Brad Thomas

Absent: Commissioner Belinda Smith

Staff Present: Lisa Porras, Senior Planner

Melissa Morton, Land Use and Engineering Manager

Kat Wellman, Contract Attorney

Kathy Trinique, Administrative Secretary

C. Reference to Fundamental Rights of Public - A plaque stating the Fundamental Rights of each member of the public is posted at the entrance to this meeting room per Section 4.04.030 of the City of Benicia's Open Government Ordinance.

II. ADOPTION OF AGENDA

On motion of Commissioner Syracuse, seconded by Commissioner Ernst, the agenda was adopted by the following vote:

Ayes: Commissioners Dean, Ernst, Oakes, Sherry, Syracuse and Acting Chair Thomas

Noes: None

Absent: Commissioner Smith

Abstain: None

III. OPPORTUNITY FOR PUBLIC COMMENT

A. WRITTEN

None.

B. PUBLIC COMMENT

None.

IV. WELCOME NEW MEMBERS; ELECTION OF OFFICERS (CHAIR AND VICE CHAIR)

Melissa Morton, Land Use and Engineering Manager, welcomed George Oakes and Belinda Smith to their new roles as Planning Commissioners. Commissioner Smith was unable to be present at this meeting due to a schedule conflict.

Election of officers began with a motion made by Commissioner Syracuse for Rick Ernst as Planning Commission Chair. No second to that motion was made.

A motion was made by Commissioner Dean and seconded by Commissioner Oakes to nominate Brad Thomas as Planning Commission Chair and Rod Sherry as Planning Commission Vice-Chair. This motion passed by the following vote:

- Ayes: Commissioners Dean, Oakes, Sherry, and Acting Chair Thomas
- Noes: Commissioners Ernst and Syracuse
- Absent: Commissioner Smith
- Abstain: None

Commissioner Dean stated the reasoning behind his nomination choices was because Brad Thomas was the current Vice-Chair and Rod Sherry was one of the senior members of the Commission with a great deal of institutional knowledge. He emphasized that seniority on a commission is an important consideration when electing officers.

V. PRESENTATION

None.

VI. CONSENT CALENDAR

A. Approval of Minutes of January 26, 2011

On motion of Commissioner Syracuse, seconded by Commissioner Ernst, the Consent Calendar was adopted by the following vote:

- Ayes: Commissioners Dean, Ernst, Oakes, Sherry and Syracuse.
- Noes: None
- Absent: Commissioner Smith
- Abstain: Chair Thomas

REGULAR AGENDA ITEMS

A. REVIEW OF PROPOSED ZONING TEXT AMENDMENT TO REMOVE THE LISTING OF SIGN PERMIT FEES IN SECTION 16.08.030 OF THE CITY OF BENICIA MUNICIPAL CODE AND TO ADOPT A FEE FOR A SIGN PERMIT VARIANCE

PROPOSAL:

Recommend that the City Council approve a zoning text amendment to amend Section 16.08.030 in Title 16 (Sign Ordinance) to remove reference to specific fee amounts for sign permits. Instead, staff recommends that the ordinance simply refer to the Master Fee

Schedule to determine the costs associated with processing sign permits. In addition, the fee for a sign permit variance is recommended to be updated and included in the Master Fee Schedule.

Recommendation:

Adopt a resolution recommending the City Council amend Benicia Municipal Code Section 16.08.030 by removing fee amounts for sign permits, and, instead refer to the City of Benicia Master Fee Schedule; and establish a sign variance fee to be included in the Master Fee Schedule.

Lisa Porrás, Senior Planner, presented the proposed amendment and the details of the draft ordinance.

The Commission discussed the following: when and how often a sign variance is requested; is a sign variance a staff level approval; where the sign variance is listed on the master fee schedule; are fees adopted by this Commission or recommended for Council approval.

Ms. Porrás responded to the Commission, outlining the current sign permit fee process. She answered the questions: If an applicant proposes a sign that cannot comply with the City's sign regulations, a variance can be requested with a consistency in the fee structure, which is what this amendment provides. Sign variances do not occur very often. A sign variance is a staff level approval process. This ordinance amendment points out inconsistencies between the ordinance and the master fee schedule that need to be corrected. The Planning Commission will make a recommendation on this item to City Council for their approval.

The meeting was opened for public comment.

Brad MacLane of 436 York Street asked if the sign variance fee is currently located on the Master Fee Schedule.

Ms. Morton responded that a sign variance fee is not listed on the Master Fee Schedule.

Public comment session was closed.

Commissioner Ernst asked if there are existing sign ordinance fees in place.

Ms. Porrás responded that the only sign fee in the existing ordinance ranges from \$5 to \$25. The ordinance amendment will remove the specific fee amounts from the ordinance and instead reference the Master Fee Schedule -- it does not change the Master Fee Schedule.

On motion of Commissioner Sherry seconded by Commissioner Syracuse, the Resolution recommending that City Council adopt an ordinance to amend Benicia Code Section 16.08.030

concerning Sign Permit Fees and adopt a Sign Permit Variance Fee was adopted by the following vote:

Ayes: Commissioners Dean, Ernst, Oakes, Sherry, Syracuse and Chair Thomas
Noes: None
Absent: Commissioner Smith
Abstain: None

B. THE RELLIK TAVERN, 726 FIRST STREET, USE PERMIT AMENDMENTS
PLANNING APPLICATION NUMBER: 11PLN-3; APN: 089-341-010

PROPOSAL:

On December 11, 2008, the Planning Commission approved a Use Permit for the Rellik Tavern and set forth conditions of approval including hours of operation and limiting live music events to 12 per year. Currently, the owner of the Rellik Tavern is requesting that this restriction be removed. Staff recommends removing previously set limitations on live entertainment and instead adhere to the permitted hours of operation for such uses as codified in the Downtown Mixed Use Master Plan's Town Core Zone District. In addition, staff recommends minor clean up in reference to adopted noise level standards.

Recommendation:

Approve amended conditions of approval for a previously approved Use Permit for a bar establishment known as the Rellik Tavern located at 726 First Street, based on the findings and subject to the conditions listed in the draft resolution.

Lisa Porras, Senior Planner, reviewed the background and staff recommendation for this item. She reviewed the conditions of approval from the original use permit that the applicant requests for removal and/or modification.

Commissioner Sherry asked staff to make a correction to the Resolution under item "e" referring to 60 decibels.

Applicant, Delando Pegan stated that when the Rellik Tavern obtained its original use permit he worked with the City with the understanding that once they proved to be good neighbors, they would return to revisit the conditions concerning live music. Mr. Pegan described the community service work done by the Rellik staff. Live music is now a larger part of the tavern business. Their customer base is 30 and over, and they like live music. It benefits the community and other businesses on First Street because customers often dine at local businesses before a concert or event. The Rellik owners and most of their employees also live in town. Live music and entertainment offers the community something to do. The Rellik has had only 1 noise complaint in the 1-½ years they have been open, which had nothing to do with music. The complaint was concerning customers using the back deck. The Rellik owners worked with the neighbors to correct the issue and the neighbors are happy with the result. The noise limits will not be a problem because their front doors are kept closed, so the sound is contained inside the tavern.

Opened for public comment.

Anthony Shannon, Benicia resident, spoke in favor of staff's recommendation and the Rellik Tavern's application. This business provides a good service to the community and is the only place to hear live music. He frequently brings guests with him to the Rellik. It increases tourism and is a beautiful place inside and out.

Tom Adwin, Benicia resident, spoke in favor of staff's recommendation and the Rellik Tavern's application. The owners are proactive and listen to what the City needs to make this a better town.

Gretchen Burgess, of 28 Buena Vista, spoke in favor of staff's recommendation and the Rellik Tavern's application. The Rellik contributes to this community and its children. The Rellik gives the residents something to do. She stated that she can't hear anything outside of the Tavern and would like to have speakers installed on the street so pedestrians can also hear the beautiful music. This is a safe place for entertainment.

Brad MacLane, of 436 York Avenue, spoke in favor of staff's recommendation and the Rellik Tavern's application. He asked if there are any other use permits that have similar restrictive conditions that could be amended or eliminated.

Ms. Morton responded that if a business finds that their use permit is too restrictive, they may approach the City and apply for an amendment to their conditions of approval.

Public comment closed.

On motion of Commissioner Oakes, seconded by Commissioner Sherry, the Resolution amending conditions of approval for the Rellik Tavern was adopted by the following vote:

Ayes: Commissioners Dean, Ernst, Oakes, Sherry, Syracuse and Chair Thomas.
Noes: None
Absent: Commissioner Smith
Abstain: None

C. REVIEW AND DISCUSS UPDATES TO THE PLANNING COMMISSION'S RECOMMENDED PRIORITY PROJECTS AND DISCUSSION TOPICS FOR FISCAL YEARS 2011-2012 AND 2012-2013

Lisa Porras, Senior Planner, explained the purpose of the Commission's priority projects and discussion topics. She informed the Commission that staff sent an email to each Commissioner concerning the March 22 City Council Budget Workshop to be held at the Dona Benicia Room in the Library. The Planning Commission needs to send two members to represent the Commission at this workshop.

The Priority Projects and Discussion Topic list is reviewed, updated, and prioritized on an annual basis by the Planning Commission and subsequently forwarded on to the City

Council for its consideration during the biannual strategic planning process. Items may be added to or removed from the list by a majority consensus of the Planning Commission. All City Board and Commission work plans are determined by the City Council. This list is reviewed as part of the 2011-2013 Strategic Planning/Budget process.

Recommendation:

Review, discuss, and make recommendations for City priority projects and future Planning Commission discussion topics.

The Commission reviewed and discussed each item on the list of priority projects/discussion items.

Staff made note of Commissioners changes, made by consensus.

The list will be revised and updated for the City Council's workshop discussion on March 22. Staff will bring the revised list back to the next regular Planning Commission meeting scheduled for April 14.

VII. COMMUNICATION FROM STAFF

Lisa Porras, Senior Planner, announced that Open Government Training will occur at the next scheduled meeting in April 2011.

Ms. Porras invited discussion about which Commissioners would like to represent the Planning Commission at the City Council Budget Workshop on March 22.

By consensus, the Commission agreed that Commissioners Dean and Oakes will attend the City Council Workshop.

VIII. COMMUNICATION FROM COMMISSIONERS

Commissioner Ernst mentioned that he would like to acknowledge Richard Bortolazzo for his time and service on the Planning Commission. His last meeting was in January 2011.

Melissa Morton stated that staff will draft a thank you letter for the Chair's signature.

IX. ADJOURNMENT

Meeting was adjourned at 9:04 pm.

**AGENDA ITEM
CITY COUNCIL MEETING DATE - MAY 3, 2011
ACTION ITEMS**

DATE : April 26, 2011
TO : City Manager
FROM : Parks and Community Services Director
SUBJECT : **AWARD OF CONSTRUCTION CONTRACT FOR THE CITY HALL WINDOW PROJECT**

RECOMMENDATION:

Adopt the resolution awarding a construction agreement to Murray Building Inc. of Sonoma, California, in the amount of \$34,607 base bid and alternate A in the amount of \$42,831 and establish a project contingency in the amount of \$7,800 and authorizing the City Manager to sign the contract on behalf of the City.

EXECUTIVE SUMMARY:

Staff opened bids for the City Hall Window Project on March 30, 2011. A total of ten (10) bids were received. Based on the engineers estimate of \$218,000 and staffs concern that there was insufficient funding the project is awarded on the lowest base bid. A low base bid of \$34,607 was received from Murray Building Inc., of Sonoma, CA. The City Council is asked to accept the bids received and award the construction contract to Murray Building Inc.

BUDGET INFORMATION:

The City Council in the 2010-11 Building Maintenance Replacement budget approved \$60,000 from account number 113-9205-9210 for this project and \$85,000 from the Valero/Good Neighbor Steering Committee 2010 VIP Settlement Agreement account number 217-4105-9803.

The following describes the project budget:

Budgeted Funds:

Building Maintenance Replacement Account	\$ 60,000
Valero/Good Neighbor Steering Committee Agreement	<u>\$ 85,000</u>
TOTAL BUDGETED FUNDS	\$145,000

Proposed Expenditures:

1. Construction	
Base Bid	\$34,607
Alternate A	\$42,831
Contingency (10%)	\$ 7,800
2. Engineering/Design	\$12,600
3. Miscellaneous (Printing, Bidding, etc.)	<u>\$ 2,000</u>
	TOTAL
	\$99,838

FUNDING BALANCE \$45,162

STRATEGIC PLAN:

Relevant Strategic Plan Goals and Strategies:

- Strategic Issue 2: Protecting and Enhancing the Environment
 - Strategy 1: Reduce greenhouse gas emissions and energy consumption

- Strategic Issue 4: Preserving and Enhancing Infrastructure
 - Strategy 4: Provide adequate funding for ongoing infrastructure needs

- Strategic Issue 5: Maintain and Enhance a High Quality of Life
 - Strategy 4: Preserve City-owned structures

BACKGROUND:

The project will consist of the base bid, which replaces ten (10) windows, and Alternate A, replaces the remaining seven (7) windows on the north side of City Hall. The windows, which are wood frame design received approval from the Historic Preservation Review Commission on January 7, 2011. Construction for this project is scheduled to begin in July.

The engineer's estimate for the entire project is \$218,000. Based on our concern that we did not have sufficient funding for the project, we decided to bid the project with a base bid and two alternates. The project bid document awards the bid on the lowest base bid. As seen in the chart below, the base bid from Murray Building Inc. is the lowest bid.

Murray Building Inc., in the last three (3) years, completed over seven (7) civic building repairs and/or renovations. It is staff's judgment this length of experiences and depth in talent will result in a superior product and offer the opportunities of cost savings throughout construction.

Bid Results:

RANK	BIDDER'S NAME AND ADDRESS	Base Bid	Alternate A	Alternate B
1	MURRAY BUILDING INC. Sonoma, CA	\$34,607	\$42,831	\$91,966
2	Rockway Construction Pacifica, CA	\$37,580	\$26,521	\$71,691
3	ABG Group San Francisco, CA	\$43,000	\$24,000	\$84,700
4	GCCI Inc. Santa Rosa, CA	\$49,195	\$35,418	\$102,483
5	AWC Inc. Oakland, CA	\$54,950	\$40,057	\$104,728
6	Pinguelo Construction Suisun, CA	\$59,512	\$36,853	\$95,638
7	North State Speciality Auburn, CA	\$62,445	\$44,100	\$112,400
8	Robert Brown Martinez, CA	\$65,522	\$41,715	\$96,803
9	Cailin Construction Novato, CA	\$77,860	\$44,071	\$159,216
10	PCRB Inc. Concord, CA	\$79,700	\$49,400	\$158,900

Staff recommends that the construction contract base bid and Alternate A be awarded to Murray Building Inc. Awarding the base bid and Alternate A allows us to replace all of the windows on the north side of City Hall.

At this time, due to a lack of funding staff is not recommending the award of Alternate B, the installation of nineteen (19) windows on the west side of City Hall. In an effort to complete the project, staff will request from the Citizen Sustainability Commission a recommendation to the City Council to provide additional funding from the Valero/Good Neighbor Steering Committee Agreement. Should additional funding be secured, staff will issue a change order to install all of the windows on the west side of City Hall.

Attachments:

- Proposed Resolution – Award of Consultant Contract

RESOLUTION NO. 11-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA ACCEPTING THE BIDS FOR THE BENICIA CITY HALL WINDOW PROJECT AND AWARDING THE CONSTRUCTION CONTRACT TO MURRAY BUILDING INC. OF SONOMA, CALIFORNIA IN THE AMOUNT OF \$77,438 AND ESTABLISH A PROJECT CONTINGENCY IN THE AMOUNT OF \$7,800 AND AUTHORIZING THE CITY MANAGER TO SIGN THE CONSTRUCTION CONTRACT ON BEHALF OF THE CITY

WHEREAS, the City of Benicia's City Hall Window Project was advertised for construction bids and ten (10) sealed bids were properly received and opened on April, 2011; and

WHEREAS, staff subsequently reviewed and assessed the bid proposals; and

WHEREAS, Murray Building Inc., of Sonoma, California was the lowest, responsive, responsible bidder; and

WHEREAS, Murray Building Inc., submitted a bid for alternate A and alternate B; and

WHEREAS, sufficient funds are available in the project budget to award the base bid and alternate A.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council hereby approves and accepts the bids, and awards the construction contract in the amount of \$77,438, which includes the base bid and alternate A to Murray Building Inc. of Sonoma, California for the City Hall Window Project.

BE IT FURTHER RESOLVED THAT a project contingency is established in the amount of \$7,800.

BE IT FURTHER RESOLVED THAT should funds become available for alternate B, staff has the ability to execute the change order.

BE IT FURTHER RESOLVED THAT the City Manager is hereby authorized to sign the construction contract on behalf of the City, subject to approval by the City Attorney.

On motion of Council Member _____, and seconded by Council Member _____, the above Resolution was introduced and passed by the City Council of the City of Benicia at a regular meeting of said Council held on the 3rd day of May, 2011, and adopted by the following vote.

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk

AGENDA ITEM
CITY COUNCIL MEETING DATE - MAY 3, 2011
ACTION ITEMS

DATE : April 26, 2011

TO : City Manager

FROM : Administrative Services Director

SUBJECT : **APPROVAL OF A CONTRACT AMENDMENT FOR RENNE SLOAN HOLTZMAN SAKAI, LLP**

RECOMMENDATION:

Adopt a resolution approving a contract amendment with Renne Sloan Holtzman Sakai, LLP for labor relations and personnel activities, and authorizing the City Manager to execute the contract amendment on behalf of the City.

EXECUTIVE SUMMARY:

On May 1, 2010, the City entered into an agreement with Renne Sloan Holtzman Sakai, LLP (RSHS) for labor relations and personnel activities for the 2010 negotiations with the City's various bargaining units. The contract is now being amended to allow for ongoing labor relations services relative to the successor Memorandum of Understanding (MOU) negotiations with the City's largest bargaining unit, Benicia Public Service Employees Association/SEIU 1021. Additionally, the firm's services will be further utilized in the event that the City Council determines on May 3, 2011 that reopening any or all of the 2010-12 MOUs is necessary. The expertise and staffing resources required for these services does not exist in-house.

BUDGET INFORMATION:

This amendment provides for up to an additional \$98,000 in consulting services. Funds from General Fund, Water Fund and Wastewater Fund accounts will be utilized for these costs. Specifically, 19% of the costs, or \$17,000 will be charged to the Water and Wastewater Funds, and the remaining 81% or \$79,000 will come from the General Fund via a budget adjustment transferring funds from the Facility Maintenance Fund.

SUMMARY:

Renne Sloan Holtzman Sakai LLP has been providing labor relations services for the City Manager's Office since May 1, 2010. As noted above, the City continues to require the firm's services for negotiations with BPSEA/SEIU. Additionally, should the Council deem on May 3, 2011 that reopening any or all of the remainder of the MOUs with the City's bargaining units is necessary in

order to balance the 2011-12 budget, then the firms services will be required for those negotiations as well.

It should be noted that the expertise and staffing resources required for these services do not exist in-house. It is quite common for local government agencies to contract out for such services, as typical ongoing City staffing levels do not anticipate the level of staffing that is necessary for negotiations with multiple bargaining units at the same time. Typically such labor relations services are only needed for a defined period of time, and thus it is more cost effective to contract out for such services, rather than to staff for such efforts on an ongoing basis. Additionally, as noted previously, the expertise required for concession bargaining is not available in-house. The work performed by the firm to date has clearly demonstrated the expertise that is necessary to effectively provide the needed labor relations services.

Attachments:

- Proposed Resolution
- Contract Amendment

RESOLUTION NO. 11-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING THE CONTRACT AMENDMENT IN THE AMOUNT OF \$98,000 WITH RENNE SLOAN HOLTZMAN SAKAI, LLP, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY

WHEREAS, a professional consulting firm is needed to provide labor relations and personnel services for the City Manager's Office; and

WHEREAS, Renne Sloan Holtzman Sakai, LLP has demonstrated the expertise necessary to provide the required services for the City of Benicia.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Benicia approves the contract amendment in the amount of \$98,000 with Renne Sloan Holtzman Sakai, LLP.

BE IT FURTHER RESOLVED THAT the City Council of the City of Benicia authorizes the City Manager to execute the agreement on behalf of the City, subject to approval by the City Attorney.

* * * * *

On motion of Council Member _____, seconded by Council Member _____, the above Resolution was introduced and passed by the City Council of the City of Benicia at a regular meeting of said Council held on the 3rd day of May, 2011 and adopted by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

ATTEST:

Lisa Wolfe, City Clerk

AMENDMENT TO AGREEMENT

This Amendment of the Agreement, entered into this _____ day of January, 2011, by and between the City of Benicia, a municipal corporation (“CITY”) and Renne Sloan Holtzman Sakai, LLP, a limited liability partnership with its primary office located at 350 Sansome Street, Suite 300, San Francisco, CA 94194 (herein “CONSULTANT”), is made with reference to the following:

RECITALS:

- A. On May 1, 2010, an agreement was entered into by and between CITY and CONSULTANT. (“Agreement”).
- B. CITY and CONSULTANT desire to modify the Agreement on the terms and conditions set forth herein.

NOW, THEREFORE, it is mutually agreed by and between and undersigned parties as follows:

1. Paragraph 3 (a) of the Agreement is modified to read as follows: Compensation. The total cost for services provided by CONSULTANT shall not exceed \$275,500.
2. Paragraph 1 of the Scope of Work is modified to read as follows: Firm will provide any and all requested or required services in support of labor relations activities of the CITY, including, but not limited to planning, preparation and negotiations with Benicia Public Service Employees’ Association/SEIU, as well as with other employee groups, as needed, in the event the City Council determines that reopening of the 2010-12 Memorandums of Understanding (MOUs) is necessary. Dania Torres Wong will be the lead associate from the firm, although other associates from the firm may be utilized at the City Manager’s discretion. Services provided by CONSULTANT may also include HR consulting services for personnel related activities, including but not limited to recruitments, workers compensation, benefits administration, and employee relations.
3. Except as expressly modified herein, all other terms and covenants set forth in the Agreement shall remain the same and shall be in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused this modification of Agreement to be executed on the day and year first above written.

Renne Sloan Holtzman Sakai, LLP

City of Benicia,
A Municipal Corporation

By _____
Charles Sakai, Managing Partner

By _____ Date: _____
Brad Kilger, City Manager

RECOMMENDED FOR APPROVAL:

Anne Cardwell, Administrative Services Director

APPROVED AS TO FORM:

Heather McLaughlin, City Attorney

AGENDA ITEM
CITY COUNCIL MEETING DATE - MAY 17, 2011
ACTION ITEM

DATE : April 11, 2011
TO : City Manager
FROM : Public Works and Community Development Director
SUBJECT : **BIKE RACK TASK FORCE RECOMMENDATION**

RECOMMENDATION:

Adopt a resolution approving the Ad Hoc Bicycle Rack Task Force recommendation to relocate 9 horseshoe bike racks from First Street to City Parks and to purchase and install 13 additional bike racks at designated locations, utilizing \$30,000 in Valero/Good Neighbor Steering Committee agreement funds.

EXECUTIVE SUMMARY:

The Task Force is recommending 4 different styles of bike racks. In the Downtown Historic District, the Task Force is proposing 4 multi-bike cyclone racks at popular group destinations on First Street, 5 bollard racks at other locations, and 4 artistic tandem racks in City parks. The Task Force is also recommending the 9 horseshoe racks previously installed on First Street be relocated into parks outside downtown and cancelling the order for another 13 horseshoe racks.

BUDGET INFORMATION:

A total of \$30,000 is available to purchase and install the bike racks from the Valero/Good Neighbor agreement, as follows:

A. PURCHASE BIKE RACKS

<u>Quantity</u>	<u>Description</u>	<u>Price/Each</u>	<u>Total</u>
9 Each	Horseshoe Bike Rack (2 capacity)	\$ 445	\$ 4,005
5 Each	Bollard Bike Rack (2 capacity)	\$ 365	\$ 1,825
3 Each	Cyclone Bike Rack (6 capacity)	\$ 695	\$ 2,085
1 Each	Cyclone Bike Rack (10 capacity)	\$ 755	\$ 755
4 Each	Tandem Bike Rack (6 capacity)	\$1,405	\$ 5,620
	Ship Horseshoe Racks	\$ 250	\$ 250
	Restock 13 Horseshoe Bike Racks	\$ 100	\$ 1,300
	Shipping (Bollard, Cyclone, Tandem)	\$ 950	\$ 950
	Sales Tax		<u>\$ 1,440</u>
B. INSTALLATION			\$ 7,570
C. PURCHASE & INSTALL PLAQUES (22 Each @ \$180)			<u>\$ 3,960</u>
TOTAL			\$29,760

The installation and plaque costs are conservative estimates; the task force recommended that any project savings be used to purchase and store additional bollard racks for future use.

GENERAL PLAN:

Relevant General Plan Goals:

- ❑ Goal 2.21: Encourage Benicia residents and employees to use an alternative to the single-occupant automobile.
 - Policy 2.21.1: Provide and promote a range of travel alternatives to the use of the private automobile.
- ❑ Goal 2.25: Improve auto and non-auto access into the Arsenal, without disrupting existing neighborhood, historic, and environmental values.
- ❑ Goal 2.25: Improve and maintain public facilities and services.
 - Policy 3.1.4: Promote the preservation and enhancement of historic neighborhoods, commercial areas, and governmental districts.

STRATEGIC PLAN:

Relevant Strategic Plan Issues and Strategies:

- ❑ Strategic Issue #2: Protecting and Enhancing the Environment.
 - Strategy #1: Reduce greenhouse gas emissions and energy consumption.
- ❑ Strategic Issue #4: Preserving and Enhancing Infrastructure.
 - Strategy #1: Provide safe, functional and complete streets.

CLIMATE ACTION PLAN:

Relevant Climate Action Plan Objective:

- ❑ Objective T-3: Increase Bicycle and Pedestrian Mode Share by 2020.
 - Strategy T-3.1: Increase Bicycle Infrastructure at City Facilities.

BACKGROUND:

At its January 18 meeting, the City Council formed a Bicycle Rack Task Force to formulate a recommendation, in no more than two meetings, for the types and locations of bike racks to be installed in Benicia using \$30,000 allocated from the amended 2008 Valero/Good Neighbor Steering Committee Settlement Agreement. The task force consisted of representatives from City staff, the Historic Preservation Review Commission, Community Sustainability Commission, Parks, Recreation and Cemetery Commission, and Benicia Main Street Design Committee with input from the Benicia Bicycle Club, Chamber of Commerce, and members of the public.

The task force met on March 7 and April 4 and is recommending bicycles racks be installed as follows:

Bollard 2-Capacity Racks

2 at City Hall

1 at south side of St. Paul's Square (First Street adjacent to alley)

2 at First Street & East "H" Street

Cyclone 6-Capacity Racks

1 on First Street in front of the Depot

1 at First & East D Street (Near Java Point)

1 at First & F Street (in front of Chamber of Commerce)

Cyclone 10-Capacity Rack

1 at B Street Parking Lot (replace existing rack)

Tandem 6-Capacity Racks

1 at City Park

1 at Civic Center Park

1 at First Street Peninsula near the restrooms.

Horseshoe 2-Capacity Racks

9 to be relocated outside downtown by Parks and Community Services staff.

All new bike racks will be powder-coated Benicia Blue. The Parks Department is able to remove the 9 existing stainless steel Horseshoe racks and install them outside the district at other public spaces.

Once an order is placed, it will take approximately 4-6 weeks for the racks to be fabricated and shipped, plus up to 2 weeks to have them installed.

Attachments:

- ❑ Proposed Resolution
- ❑ Bicycle Rack Catalog pictures
- ❑ Map of Proposed Bicycle Rack Locations

RESOLUTION NO. 11-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA
APPROVING THE BICYCLE RACK TASK FORCE'S RECOMMENDATION
TO PURCHASE AND INSTALL 22 BIKE RACKS AT THE DESIGNATED
LOCATIONS USING \$30,000 FROM THE AMENDED 2008 VALERO/GOOD
NEIGHBOR STEERING COMMITTEE AGREEMENT**

WHEREAS, pursuant to the May 4, 2010 amendment of the 2008 Valero/Good Neighbor Steering Committee Agreement, the City shall utilize settlement funds in the amount of \$30,000 to purchase and install racks throughout the City in order to promote the use of bicycles; and

WHEREAS, on January 18, 2011, the City Council of the City of Benicia adopted a resolution forming a Bicycle Rack Task Force consisting of City staff, two members of the Historic Preservation Review Commission, two members of the Community Sustainability Commission, and two members of the Benicia Main Street Design Committee, with input from the Benicia Bicycle Club, Chamber of Commerce, and members of the public; and

WHEREAS, said resolution charged the Bicycle Rack Task Force with formulating a recommendation, in two or less meetings, for the types and locations of bike racks to be installed in Benicia; and

WHEREAS, the Task Force met on Monday, March 7, 2011 and Monday, April 4, 2011 and is recommending that bike racks be purchased and installed as described in Exhibit "A".

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Benicia does hereby adopt a resolution approving the recommendation of the Bicycle Rack Task Force as described in Exhibit "A".

On motion of Council Member _____, seconded by Council Member _____, the above Resolution was introduced and passed by the City Council of the City of Benicia at a regular meeting of the Council held on the 3rd of May, 2011 and adopted by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk

EXHIBIT “A”

The Bicycle Rack Task Force is recommending the following specified bike racks be purchased and installed at the designated locations:

Bollard 2-Capacity Racks (5 total)

2 each at City Hall

1 each at south side of St. Paul’s Square (First Street adjacent to alley)

2 each at the southeast corner of First Street & East “H” Street

Cyclone 6-Capacity Racks (3 total)

1 each on First Street in front of the Depot

1 each at First & East D Street (Near Java Point)

1 each at First & F Street (in front of Chamber of Commerce)

Cyclone 10-Capacity Rack (1 total)

1 each at B Street Parking Lot (replace existing rack)

Tandem 6-Capacity Rack (3 total)

1 each at City Park

1 each at Civic Center Park

1 each at First Street Peninsula near the restrooms.

Horseshoe 2-Capacity Rack (9 total)

9 each be relocated outside the Downtown Historic District

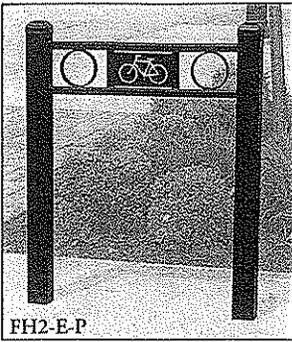


Figure H™-FH2™

- MATERIALS:** 3" square steel tube.
- MOUNTING:** Embedded (standard) or flanged surface mount (optional).
- FINISH OPTIONS:** Same as Thunderbolt Racks, see pg. 70.
- CAPACITY:** 2 bikes.
- SIZE:** 28"L x 36"H



Horseshoe™-HS2™

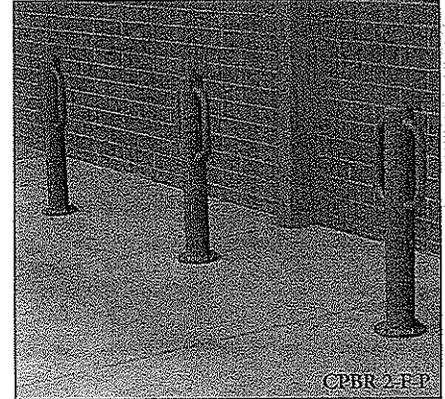
- MATERIALS:** 2 3/8" O.D. Schedule 40 steel pipe or 2" square steel tube.
- MOUNTING:** Embedded (standard) or flanged surface mount (optional).
- FINISH OPTIONS:** Same as Thunderbolt Racks, see pg. 70.
- CAPACITY:** 2 bikes.
- SIZE:** 36"L x 32.5"H



Bollard Bike Rack™-CPBR™ Series *Also available in Square Tubing

- Post is constructed from extra heavy duty 4 1/2" O.D. (.237 wall) Schedule 40 Steel Pipe (other pipe sizes available).
- Locking loops are constructed from 1 1/2" O.D. (.140 wall) Schedule 40 Steel Pipe.
- Available with 1, 2, or 3 locking loops to accommodate 1, 2, or 3 bicycles.
- Available in a standard embedded mount or optional flanged surface mount.
- Standard hot-dipped galvanized finish and optional powder coated, thermoplastic or Satin #4 stainless steel finish.
- Also available in many sizes of square tubing and with solid bar locking loops.

- **Mounting Options** (Please see "INSTALLATION SECTION" on page 77 for detailed mounting options): embedded mount (standard) or flanged surface mount (optional). Designate "-E" for embedded racks or "-F" for flanged racks after the model number.
- **Finish Options:** Hot-dipped galvanized (standard & recommended); polyester powder coated (optional); thermoplastic powder coat (optional); stainless steel with a #4 satin finish (optional). Designate "-G", "-P", "-T", or "-SS" for galvanized, powder coated, thermoplastic coated, or stainless steel finish respectively after the mounting designation.



NOTE: For our Standard Bollards please see page 66

MODEL #	CAPACITY	DIMENSIONS
CPBR 1	1	8"L x 35"H x 4.5"W
CPBR 2	2	12"L x 35"H x 4.5"W
CPBR 3	3	12"L x 35"H x 7"W

Tandem Rack™-TD™ Series - Patented *Also available in Square Tubing

- Rack is constructed from 1.9" O.D. or 2 1/2" O.D. Schedule 40 steel pipe.
- Attractive design combines the ever popular and functional serpentine style rack, TB™ Series, with an extended bicycle shaped frame that makes it easily identifiable as bicycle parking.
- Bicycles can be parked in the rack's loops as well as to both sides of rack's wheels.

- **Mounting Options:** Embedded mount (optional) or flanged surface mount (standard). Designate "-E" for embedded racks or "-F" for flanged racks after the model number.
- **Finish Options:** Hot-dipped galvanized (standard & recommended); polyester powder coated (optional); thermoplastic powder coat (optional); stainless steel with a #4 satin finish (optional). Designate "-G", "-P", "-T", or "-SS" for galvanized, powder coated, thermoplastic coated, or stainless steel finish respectively after the mounting designation.



MODEL #	DESCRIPTION	DIMENSIONS
TD 6	6 space Tandem™	96"L x 42"H
TD 8	8 space Tandem™	120"L x 42"H
TD 10	10 space Tandem™	144"L x 42"H
TD 12	12 space Tandem™	168"L x 42"H

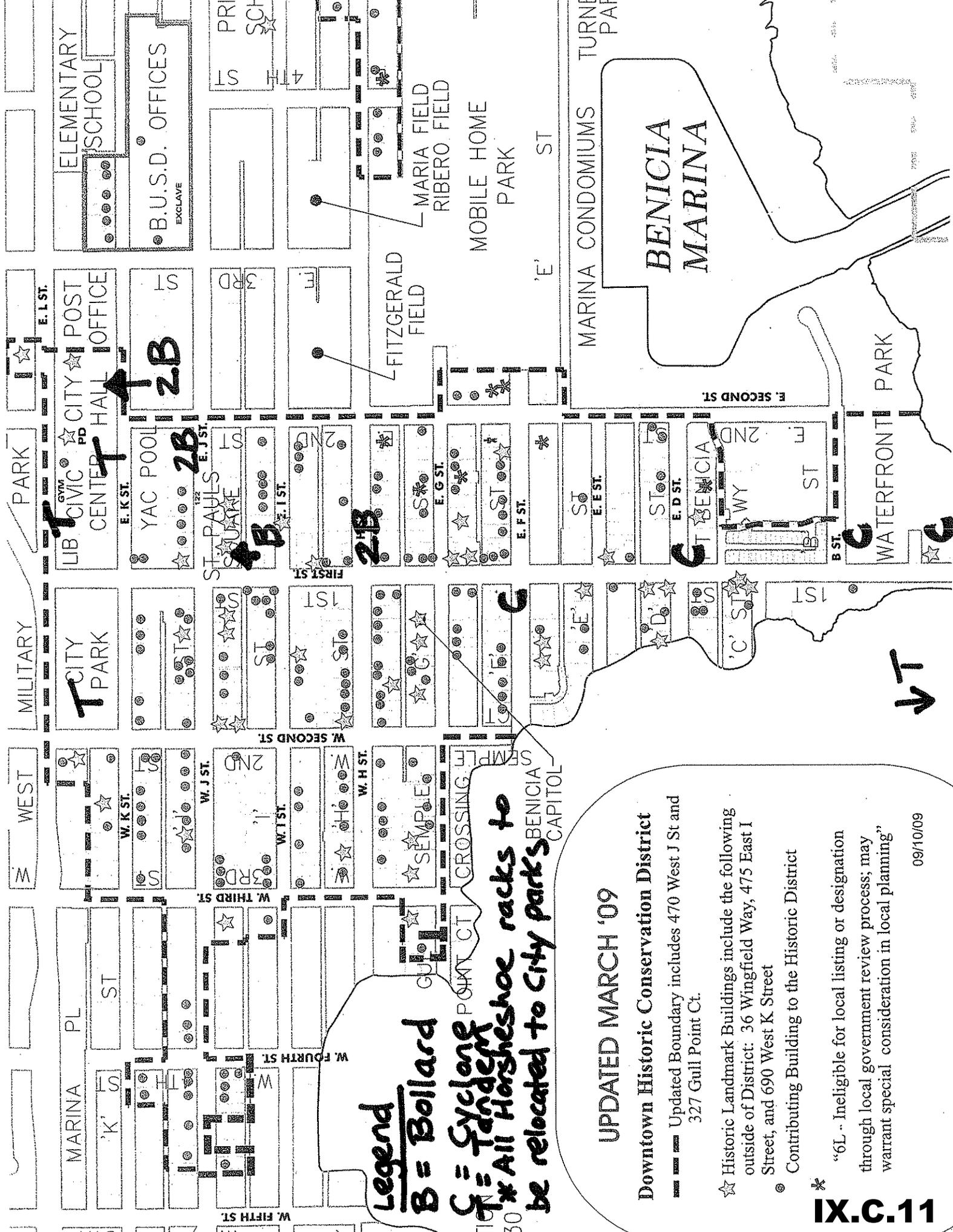
Cyclone™-CY Series™



- Extra heavy 4 1/2" O.D. and 1 1/2" O.D. Schedule 40 steel pipe.
- Embedded or flanged surface mount (embedded model is embedded 24").
- Continuous mig welds at all joints for unsurpassed strength and durability.
- Available in 3 standard sizes to accommodate 6, 8 or 10 bicycles.
- **FINISH OPTIONS:** Same as Thunderbolt Racks pg. 70.

Model #	Description/Maximum Capacity	Dimensions
CY-6	6 space Cyclone/6 bicycles	52"L x 36"H x 12"W
CY-8	8 space Cyclone/8 bicycles	76"L x 36"H x 12"W
CY-10	10 space Cyclone/10 bicycles	100"L x 36"H x 12"W





Legend
 B = Bollard
 C = Cyclone
 F = Fender
 * All Horseshoe racks to be relocated to City Parks

UPDATED MARCH '09

Downtown Historic Conservation District

- Updated Boundary includes 470 West J St and 327 Gull Point Ct.

- Historic Landmark Buildings include the following outside of District: 36 Wingfield Way, 475 East I Street, and 690 West K Street
- Contributing Building to the Historic District

"6L - Ineligible for local listing or designation through local government review process; may warrant special consideration in local planning"

09/10/09



**CITY OF BENICIA
BICYCLE RACK TASK FORCE**

CITY HALL COMMISSION ROOM

SPECIAL MEETING MINUTES

**Monday, April 4, 2011
6:00 P.M.**

I. OPENING OF MEETING

A. Pledge of Allegiance

II. OLD BUSINESS

A. Approval of Minutes of March 7, 2011

On motion of task force member Lund, seconded by task force member Haughey, the minutes were approved by consensus of the group.

B. BICYCLE RACKS

Per Resolution No. 11-7, the City Council directed the formation of the Bicycle Rack Task Force to make a recommendation on the design and locations for the bicycle racks. Staff will present an overview of the bicycle racks, including funding, styles, location and process. The task force will provide their input, receive public comment, review additional styles and locations, and reach consensus on a recommendation to the City Council.

Recommendation: The task force will review updated information and make a recommendation to the City Council regarding appropriate bicycle racks and locations in the downtown.

Gina Eleccion gave a brief introduction. She reminded the task force that a recommendation must be made to the City Council. Mike Roberts gave an overview of the costs of the cyclone and bollard racks that were selected at the March 7th meeting. Members discussed specific locations of the racks.

The public comment period was opened.

Tony Shannon – He doesn't think the hoops should be removed, and believes they are appropriate. St. Paul's has not objection to the bike racks. He noted that the racks in front of Wheels in Motion are used for repairs. He believes that the cyclone racks will bend wheels.

A citizen noted that Wheels in Motion uses the racks for display and repair. He wants to make sure the racks aren't located too close to the curb. They should be easy to use.

The public comment period was closed.

Locations for the racks were proposed as follows:

Bollard

Two at City Hall

Two at City Pool, if none existing

One at south side of St. Paul's (adjacent to alley)

Two at East H and First (southeast side of street)

Cyclone

One at First and D

One at SP Depot

One at West F and First (Chamber of Commerce)

Replace existing rack* at B Street Parking Lot with a 10-capacity Cyclone rack

* - Rack from B Street Parking Lot to be moved to the Benicia Historical Museum.

Members discussed the timing of installation of new racks. It was noted that there will be a cycling event in June. Staff advised that this item still needs to go to the City Council and the racks will have to be ordered after that. Staff will keep the task force informed of all actions on this project, and will advise the group when this is going to the City Council.

III. ADJOURNMENT

The meeting was adjourned at 6:56 p.m.



**CITY OF BENICIA
BICYCLE RACK TASK FORCE**

**CITY HALL COMMISSION ROOM
SPECIAL MEETING MINUTES**

**Monday, March 7, 2011
6:00 P.M.**

I. OPENING OF MEETING

A. Pledge of Allegiance

II. NEW BUSINESS

A. BICYCLE RACKS

Per Resolution No. 11-7, the City Council directed the formation of the Bicycle Rack Task Force to make a recommendation on the design and locations for the bicycle racks. Staff will present an overview of the bicycle racks, including funding, styles, location and process. The task force will provide their input, receive public comment, review additional styles and locations, and reach consensus on a recommendation to the City Council.

Recommendation: The task force will make a recommendation to the City Council regarding appropriate bicycle racks and locations in the downtown.

Mike Roberts, Senior Civil Engineer, gave a brief presentation on the bicycle racks.

Task Force members discussed the issues of functionality, location and aesthetics of the racks. There were concerns that a process was not followed. There was consensus to relocate the existing stainless hoops outside of the historic district. The Parks & Community Services Department agreed to take the racks.

The public comment period was opened.

Karen Burns, 1330 East 3rd – She does not think the racks are appropriate. She noted that the Historic Preservation Review Commission and Benicia Main Street should have reviewed the racks. She commented that the racks are still rusting.

Larry Fullington – He stated that there should be consistency in the historic district. He also questioned the restocking fee.

Bob Nelson – He has a degree in architecture and doesn't have an issue with the racks. The Secretary of the Interior Standards require that old and new be differentiated.

Tony Shannon – 28 Buena Vista – He is an avid cyclist and believes the racks are appropriate. They represent the important art deco period.

A citizen commented that form follows function and is not sure the racks are needed.

Donna Shehan – She does not think the racks are appropriate and believes that the Historic Preservation Review Commission and Benicia Main Street should have been consulted.

The public comment period was closed.

Task Force members further discussed specific styles and locations of racks. There was consensus that bollard and cyclone racks, in “Benicia Blue”, would be more appropriate. A map of the downtown historic district was distributed. Task Force members will look at specific locations and will come back to the next meeting with recommendations. In addition, City staff will do the same.

With regards to the placards, there was consensus that they should be small and located near the bottom of the racks.

III. ADJOURNMENT

The meeting was adjourned at 7:56 p.m.

REQUEST FOR ITEM ON COUNCIL AGENDA

Requested by:

Council Member Mike Ioakimedes

Requested Council Meeting Date:

April 19, 2011

Agenda Item Name:

Request to agendaize the procedure for discussion of a methodology for use of outside consultants.

Specifically, that the use of a outside consultant fall under 3 categories:

"Class One"

When there is a special need (usually temporary) that goes beyond the scope and expertise of existing staff.

"Class Two"

When there is a vacant staff position and that position is needed to be filled on a interim basis.

"Class Three"

When the services of the outside consultant are paid for by a vendor, or applicant and is generally a pass through expense for the City.

Council Member Ioakimedes would like to propose that whenever an outside consultant is used that a category is listed in the staff report and that the staff report detail why there is a need to look outside existing City staffing.

Recommendation: Consider Council Member Ioakimedes' request to agendaize this topic for future City Council meeting.

REQUEST FOR ITEM ON COUNCIL AGENDA

Requested by:

Council Member Mike Ioakimedes

Requested Council Meeting Date:

April 19, 2011

Agenda Item Name:

Request to agendaize consideration of a formal policy regarding hiring locally, specifically as it relates to the bid notification process for local vendors of professional services.

Recommendation: Consider Council Member Ioakimedes' request to agendaize this topic for future City Council meeting.

