

**BENICIA CITY COUNCIL
REGULAR MEETING AGENDA**

**City Council Chambers
May 05, 2015
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. PLEDGE OF ALLEGIANCE.

C. 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/PROCLAMATIONS/APPOINTMENTS/PRESENTATIONS:

A. ANNOUNCEMENTS.

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

2. Openings on Boards and Commissions:

Arts & Culture Commission
1 unexpired term
Open until filled

Finance Committee
1 full term
Open until filled

Human Services Board
1 unexpired term
Open until filled

SoTrans Public Advisory Committee
1 full term
Open until filled

**3. Boards and Commissions - Council Subcommittee
Recommendation:**

Subcommittee recommendation of Gary Montgomery to the Civil Service Commission for a full term ending January 31, 2018

Subcommittee recommendation to Mayor of Michael Pretzer to the Open Government Commission for an unexpired term ending January 31, 2018

Additional Board and Commission Applications: Alfred Ignacio, Civil Service Commission

**4. 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.**

B. PROCLAMATIONS.

- 1. IN RECOGNITION OF EMERGENCY MEDICAL SERVICES WEEK - MAY 17-23, 2015**
- 2. IN RECOGNITION OF NATIONAL PRESERVATION MONTH**
- 3. IN RECOGNITION OF OLDER AMERICAN'S MONTH**

C. APPOINTMENTS.

- 1. Appointment of Elizabeth Radke to the Planning Commission for an unexpired term ending January 31, 2016**

D. PRESENTATIONS.

1. MARIN CLEAN ENERGY (MCE) IMPLEMENTATION - UPDATE FROM ALLISON KIRK

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 (7:45 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. APPROVAL OF THE MINUTES OF THE APRIL 21, 2015 REGULAR CITY COUNCIL MEETING. (City Clerk)

B. PURCHASE OF PORTABLE RADIOS FOR FIRE DEPARTMENT OPERATIONS. (Fire Chief)

The Benicia Fire Department is requesting approval to purchase portable radios in order to replace equipment that is reaching the end of its service life for emergency operations. The current equipment requires frequent reprogramming by an outside vendor, which is costly and inefficient. The new radios have the capability of being programmed by Fire personnel using software from the manufacturer, thus reducing programming costs.

Recommendation: Adopt a resolution approving acquisition of thirty-five (35) Motorola APX 4000 portable radios from Day Wireless.

C. CITY OF BENICIA ARTS AND CULTURE COMMISSION POLICY ON DISTRIBUTION OF FUNDS FOR GRANTEES AND FUNDRAISING. (Library Director)

Following the policy established by the Human Services Board (HSB), the Arts and Culture Commission (ACC) has created a policy that addresses the two types of funds that fall under the purview of the ACC. In particular, this policy addresses the use of funds raised by the ACC and establishes a policy for unutilized grant funds.

Recommendation: Approve, by motion, the City of Benicia Arts and Culture Commission Policy on Distribution of Funds for Grantees and Fundraising.

D. SECOND READING AND ADOPTION OF STORMWATER ORDINANCE. (Public Works Director)

The Federal Clean Water Act and the California State Porter-Cologne Water Quality Control Act have requirements to protect and enhance water quality in watercourses. The City is a Small MS4 permittee under the State's Phase II Storm Water Permit. This requires the City to enact appropriate regulations to control pollutant discharges. The first step was the introduction of the ordinance to amend BMC Chapter 15.64 at the April 15, 2015 City Council meeting.

Recommendation: Conduct a second reading and adopt the ordinance updating and amending Benicia Municipal Code Chapter 15.64 (Storm Water Management and Discharge Control) to incorporate amendments adopted by the State Water Resources Control Board pertaining to urban storm water management and discharge control.

E. REVIEW OF MARCH WATER REPORT. (Public Works Director)

Benicia customers are continuing to conserve water and their efforts are acknowledged and appreciated. Benicia has reduced its water use by 22.7% in the last 12 months compared to the 2013 baseline. In February, Benicia's water conservation rate was 28.5%, compared to the statewide average of only 2.8%. In March, water use was reduced by 30.2% compared to March 2013. Benicia customers are encouraged to continue conserving as the drought persists and to be in compliance with the Governor's call on April 1, 2015 for an immediate 25% mandatory reduction statewide.

Recommendation: Receive the City's water supply, customer usage, and conservation update.

F. INTRODUCTION AND FIRST READING OF AN AMENDMENT TO THE ZONING ORDINANCE FOR MINOR EDITS TO CLARIFY TEXT AND ELIMINATE DISCREPANCIES, AFTER A DETERMINATION THAT THE TEXT AMENDMENT IS EXEMPT FROM CEQA. (Community Development Director)

The proposed amendment to Title 17 of the Benicia Municipal Code (Zoning Ordinance) is intended to clarify applicability, correct notations, and eliminate discrepancies that have occurred over time as the Zoning Ordinance was amended. The amendment consists of minor edits and contains no substantive changes.

Recommendation: Conduct a first reading of an amendment to the Benicia Municipal Code Title 17, after the determination that the text amendment is exempt from CEQA.

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

VIII. BUSINESS ITEMS (8:00 PM):

A. INTRODUCTION TO THE FY 2015-17 GENERAL FUND BUDGET AND REVIEW OF PROPOSED FY 2015-17 BUDGET IMPLEMENTATION PLAN. (City Manager, Assistant City Manager and Finance Director)

In preparation for the FY 2015-17 Budget, staff has prepared a draft Budget Implementation Plan to assist in identifying priorities and allocating resources in the budget document. The first draft of the plan was introduced to the Council on March 24th. Since that date, staff has refined the plan to highlight those priorities, which are currently planned to be included in the FY 2015-17 Budget based on prior Council direction and/or the project is mandated, already underway or a core function. In addition, staff has recommended several priority projects based on the availability of some one-time funds in the General Fund. This study session will be an opportunity for staff to provide an introduction to expected revenues and expenditures for the FY 2015-17 General Fund Budget and review the proposed Budget Implementation Plan with Council, including the use of the one-time funds.

Recommendation: Receive the presentation on the FY 2015-17 General Fund Budget, review the draft Budget Implementation Plan and indicate Council concurrence with proposed projects for use of one-time General Funds.

B. REVIEW OF FUNDING RECOMMENDATIONS FOR HUMAN SERVICES BOARD AND ARTS AND CULTURE COMMISSION GRANTS AND OVERVIEW OF OTHER CITY DONATIONS. (Assistant City Manager,

Library Director and Finance Director)

The City, during its biennial budget process, provides funding for non-profit community-based organizations in the form of grant funding and donations. Human services and arts and culture nonprofit organizations go through a defined process that requires them to complete an application process and undergo quarterly reviews. For these organizations, both the Human Services Board (HSB) and the Arts and Culture Commission (ACC) have completed a comprehensive Request for Funding (RFF) process relative to funding requests from human services and arts and culture organizations and have provided funding recommendations for Council as part of the FY 2015-17 budget process. Other entities have historically received donations directly from the City via the budget process. These grants and donations are outlined in this staff report for funding in the FY 2015-17 budget cycle.

Recommendation: 1) Approve, by resolution, recommended funding for FY 2015-17, including grant amounts for Human Services Board and Arts and Culture Commission grantees and other donations; and 2) Provide direction on future practices for evaluating and documenting City grants and donations.

IX. ADJOURNMENT (9:30 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 or Special Needs

In compliance with the Americans with Disabilities Act (ADA) and to accommodate any special needs, if you need special assistance to participate in this meeting, please contact Anne Cardwell, the ADA Coordinator, at (707) 746-4200. Notification 48 hours

prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the meeting.

Meeting Procedures

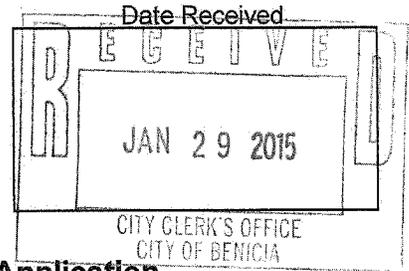
All items listed on this agenda are for Council discussion and/or action. In accordance with the Brown Act, each item is listed and includes, where appropriate, further description of the item and/or a recommended action. The posting of a recommended action does not limit, or necessarily indicate, what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



City of Benicia Board/Commission/Committee Application

It is the intent of the City Council to have Boards, Commissions or Committees composed of people from all geographical, social, environmental and economic sectors of the community and to avoid potential conflicts of interest.

Please check the board, commission, or committee you wish to apply for:

- Arts and Culture Commission
- Benicia Housing Authority Board of Commissioners
- Board of Library Trustees
- Civil Service Commission
- Economic Development Board
- Finance, Audit & Budget Committee
- Historic Preservation Review Commission
- Human Services & Arts Board
- Open Government Commission
- Parks, Recreation & Cemetery Commission
- Planning Commission
- Sustainability Commission
- Sky Valley Open Space Committee
- Uniform Code Board of Appeals

Name: Gary N. Montgomery

Address: _____

Phone: (Work) N/A - Retired (Home) _____

(Cell) _____ Fax: _____

Email: _____ + _____ Years as Benicia resident: 4

Occupation/Employer: Retired from DC - San Diego, 2012

Please note your most recent community or civic volunteer experience: tutor for Literacy program - Benicia, San Rafael, Sacramento.

Please describe any applicable experience/training: work experience with Civil Service Commissions in L.A. ^{City of} Riverside, Ventura Counties.

All applications are considered public records and will be retained in an active file for at least one year from date of receipt.

Signature: [Handwritten Signature] Date: 1-28-15



Civil Service Commission Application

In addition to completing the City of Benicia Board/Commission/Committee Application form, please respond to the following questions:

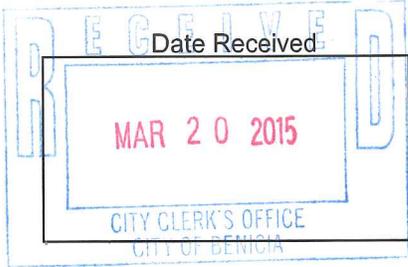
1. What interests you about this Commission? I am a strong believer in the civil service merit system. Avoiding politicizing the public personnel process is basic to providing competent, professional employees. I believe in a positive disciplinary system which emphasizes corrective action through progressively more severe supervisor/manager interventions.

2. Do you have any experience in the area of human resources, employee relations, and/or supervising/managing employees or programs?

I have extensive experience in public personnel administration, especially in wage and salary, labor relations, and classification functions. As Hospital Administrator for the state, I supervised 600 employees. In my personal business I supervised 20-50 employees. As the manager of Personnel & Administration in Ventura County I supervised 30 employees.

3. What knowledge and skills could you bring to the City of Benicia if appointed to this commission?

I am an analyst by profession, training, and attitude. I pride myself in being sensitive to multi-cultural issues, in human resources contexts, in addition to my daily personal interactions. I readily work for compromise and mutually beneficial resolution of competing interests. Because of my varied employment and educational experiences I am able to see both sides of issues and formulate innovative solutions to problems.



City of Benicia Board/Commission/Committee Application

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Benicia Housing Authority Board of Commissioners
Board of Library Trustees
Civil Service Commission
Economic Development Board
Finance, Audit & Budget Committee
Historic Preservation Review Commission
Human Services & Arts Board
Open Government Commission
Parks, Recreation & Cemetery Commission
Planning Commission
Sustainability Commission
Sky Valley Open Space Committee
Uniform Code Board of Appeals

Name: MICHAEL R. PRETZER

Address:

Phone: (Work) (Home)

(Cell) Fax:

Email: Years as Benicia resident: 35

Occupation/Employer: RETIRED LAW ENFORCEMENT & COAST GUARD

Please note your most recent community or civic volunteer experience:

Uniform Code of Appeals Volunteer at City booth at Farmer's Market

Please describe any applicable experience/training: Local government experience through work in law enforcement.

All applications are considered public records and will be retained in an active file for at least one year from date of receipt.

Signature: Michael R. Pretzer Date: MAR 17, 2015



Open Government Commission Application

In addition to completing the City of Benicia Board/Commission/Committee Application form, please respond to the following questions:

1. What interests you about the Opening Government Commission?

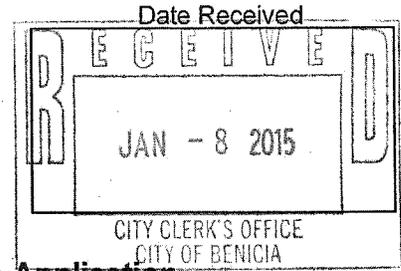
I am interested in assisting the City's efforts to ensure that information is readily available to the public. Last summer, I volunteered at the City's information table at the Farmer's Market and I very much enjoyed that experience. I learned a lot about the City, and appreciated the opportunity to share what I learned with other residents at the Market.

2. What are your expectations for this Commission and how do you see your role on the Commission?

I look forward to being able to attend the commission meetings and participate in achieving the commission's goals.

3. This Board meets quarterly, typically on a Tuesday evening. Currently the meetings begin at 5:00 pm. In addition, there may be several special meetings of the commission and/or subcommittees during the year. Do you feel you have the time and commitment to be a viable member of this Commission?

Yes, I am retired and my schedule is very flexible. I am also willing to continue to volunteer at the Farmer's Market as needed.



City of Benicia Board/Commission/Committee Application

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- Finance, Audit & Budget Committee
- Benicia Housing Authority Board of Commissioners
- Board of Library Trustees
- Uniform Code Board of Appeals
- Civil Service Commission
- Economic Development Board
- Historic Preservation Review Commission
- Human Services & Arts Board
- Open Government Commission
- Parks, Recreation & Cemetery Commission
- Planning Commission
- Sky Valley Open Space Committee

Name: ALFRED C. IGNACIO III

Address: _____

Phone: (Work) _____ (Home) _____

(Cell) _____ Fax: _____

Email: _____ Years as Benicia resident: 2

Occupation/Employer: FIREFIGHTER / CITY OF SAN JOSE

Please note your most recent community or civic volunteer experience: San Jose Firefighters Burn Foundation, Los Bomberos of Northern California

Please describe any applicable experience/training: AA & AS degree, 8 years in the US Army, 14 years as a firefighter, "new" to Benicia

All applications are considered public records and will be retained in an active file for at least one year from date of receipt.

Signature: [Handwritten Signature] Date: JAN 8, 2015

1-8-15



Civil Service Commission Application

In addition to completing the City of Benicia Board/Commission/Committee Application form, please respond to the following questions:

1. What interests you about this Commission?

After moving to Benicia 2 years ago, I have been extremely happy & very satisfied with the level of professionalism amongst all City Employees. I want to ensure that higher standard of customer service & work ethic is maintained.

2. Do you have any experience in the area of human resources, employee relations, and/or supervising/managing employees or programs?

I have been in the workforce over 21 years and have held various supervisory roles, sat on recruitment interview panels, and participated in selection processes.

3. What knowledge and skills could you bring to the City of Benicia if appointed to this commission?

I am customer oriented and promote cooperation. I have been an employee of a large metropolitan city 14 years, and have an understanding of what is expected of all employees to provide ^{services to} those who live, work, and visit a city.

ALFRED IGNACIO
1-8-15



Parks, Recreation, and Cemetery Commission Application

In addition to completing the City of Benicia Board/Commission/Committee Application form, please respond to the following questions:

1. The Parks, Recreation, and Cemetery Commission is responsible for working closely with the Parks and Community Services Department to direct the City as effectively as possible on behalf of parks, cemeteries and recreational activities. What interests you about serving on the Parks, Recreation, and Cemetery Commission and participating in the work of the commission? Please describe your familiarity with the Commission.

What interests me about this commission is the impression that it can make on the youth of Benicia, and all its citizens & visitors. It is very positive and motivating. I understand the Commission acts as an advisory roles.
2. Please list current and past volunteer positions.

 - Youth Ministry in Vallejo*
 - assisted coaches in my kids various sports*
 - Los Bomberos of Northern California*
 - San Vase Fire Fighters Burn Foundation*
3. Responsibilities of being a Board member includes attending monthly Parks, Recreation, and Cemetery meetings, attending special events, and occasionally appearing at City Council meetings. Further, there are often subcommittees of the commission that will require additional meetings during the month. Do you feel you have the time and commitment to be able to consistently attend these meetings and events?

With my children (11 & 16) being more indepent & with a very flexible work schedule, I do have the time and will be extremely committed to meetings & events.
4. If you could achieve one goal during your term as a Parks, Recreation, and Cemetery Commissioner, what would it be?

I would like to see the expansion of our parks & more events that would keep Benicia Fit & Healthy.
5. Is there anything else you would like to share with us regarding your qualifications and/or interests?

I have been using Benicia Parks since my kids were babies. Now that I am a resident, most of my free time is spent at our facilities. My family & I exercise here on a regular basis. These facilities are important to the wellness of my family & as an active firefighter & competitive men's Physique athlete.

1-8-15



Planning Commission Application

In addition to completing the City of Benicia Board/Commission/Committee Application form, please respond to the following questions:

1. What interests you about this Commission? Have you attended a Planning Commission meeting? If so, when?
I have lived in Benicia for 2 years and absolutely love it. I want to be involved in the community and see this city preserved as a great place to live. I have not attended a Planning Commission meeting.
2. Participation on this Commission involves monthly meetings, periodically special meetings, and possibly attending community events related to planning. Do you feel you have the time and commitment to be a viable member of this Commission?
I feel that I have the time and commitment to be a viable member, my children are more independent & my work schedule is very flexible, thus affording me more time to give back & stay involved with the community.
3. Is there a particular segment of planning and development that interests you more than others?
As a fairly new resident of Benicia, I admire the small, safe hometown feel, while still staying progressive. I want to ensure Benicia maintains its uniqueness and charm.
4. Why do you think planning needs to play a lead role in fortifying the quality of life in Benicia? Do you see an area of planning that needs to be expanded at this point? How does zoning reinforces the goal of the General Plan?
I think planning is important because it provides the citizens & business owners a vision of how Benicia will look and function in the future. I do not see an area that needs to be expanded at this point. However, there is always room for improvement. Zoning reinforces the goal by guiding future conservation and development in the city.



PROCLAMATION

IN RECOGNITION OF

Emergency Medical Services Week

WHEREAS, emergency medical services is a vital public service; and

WHEREAS, the members of emergency medical services teams are ready to provide lifesaving care to those in need 24 hours a day, seven days a week; and

WHEREAS, access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

WHEREAS, the emergency medical services system consists of emergency physicians, emergency nurses, emergency medical technicians, paramedics, firefighters, educators, administrators and others; and

WHEREAS, the members of medical services teams, whether career or volunteer, engage in thousands of hours of specialized training and continuing education to enhance their lifesavings skills; and

WHEREAS, it is appropriate to recognize the value and the accomplishments of emergency medical services providers by designating May 17-23, 2015 Emergency Medical Services Week.

NOW, THEREFORE, BE IT RESOLVED THAT I, Elizabeth Patterson, Mayor of the City of Benicia on behalf of the City Council, do hereby proclaim the week of May 17-23, 2015 as Emergency Medical Services Week.



Elizabeth Patterson, Mayor
May 5, 2015



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, 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, National Preservation Month is sponsored by the National Trust for Historic Preservation and celebrated locally by the City of Benicia and Benicia Historical Society.

NOW, THEREFORE, BE IT RESOLVED THAT I, Elizabeth Patterson, Mayor of the City of Benicia on behalf of the City Council, do proclaim May 2015 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 5, 2015



PROCLAMATION

IN RECOGNITION OF MAY AS OLDER AMERICANS MONTH

“Get into the Act”

WHEREAS, the City of Benicia includes a thriving community of older Americans who deserve recognition for their contributions and sacrifices to ensure a better life for future generations; and

WHEREAS, the City of Benicia is committed to helping all individuals live longer, healthier lives in the communities of their choice for as long as possible; and

WHEREAS, since 1965, the Older Americans Act has provided services that help older adults remain healthy and independent by complementing existing medical and health care systems, helping prevent hospital readmissions, and supporting some of life’s most basic functions, such as bathing or preparing meals; and

WHEREAS, these programs also support family caregivers, address issues of exploitation, neglect and abuse of older adults, and adapt services to the needs of Native American elders; and

WHEREAS, we recognize the value of community engagement and service in helping older adults remain healthy and active while giving back to others; and

WHEREAS, our community can provide opportunities to enrich the lives of individuals of all ages by promoting and engaging in activity, wellness, and social inclusion; emphasizing home and community based services that support independent living; and ensuring community members of all ages benefit from the contributions and experience of older adults.

NOW, THEREFORE, BE IT RESOLVED THAT I, Elizabeth Patterson, Mayor of the City of Benicia on behalf of the City Council, do proclaim May 2015 as Older American Month. We urge every resident to take time this month to celebrate older adults and the people who serve and support them as powerful and vital individuals who greatly contribute to the community.



Elizabeth Patterson, Mayor
May 5, 2015

RESOLUTION NO. 15-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA CONFIRMING THE MAYOR'S APPOINTMENT OF ELIZABETH RADKE TO THE BENICIA PLANNING COMMISSION TO FILL AN UNEXPIRED TERM ENDING JANUARY 31, 2016

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Benicia that the appointment of Elizabeth Radke to the Benicia Planning Commission by Mayor Patterson is hereby confirmed.

The above Resolution was approved by roll call by the City Council of the City of Benicia at a regular meeting of said Council held on the 5th day of May 2015 and adopted by the following vote:

Ayes:

Noes:

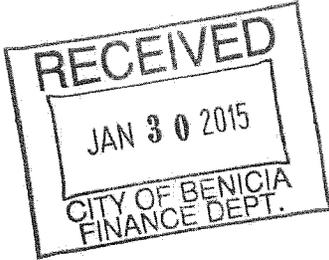
Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk

Date



Date Received

Empty box for Date Received

City of Benicia Board/Commission/Committee Application

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- Historic Preservation Review Commission
- Human Services & Arts Board
- Open Government Commission
- Parks, Recreation & Cemetery Commission
- Planning Commission
- Sustainability Commission
- Sky Valley Open Space Committee
- Uniform Code Board of Appeals

Name: Elizabeth (Betsy) Radtke

Address: _____

Phone: (Work) _____ (Home) _____

(Cell) _____ Fax: _____

Email: _____ Years as Benicia resident: 20 years

Occupation/Employer: BUSD - Substitute Teacher, Brickspace - Instructor, City of Benicia - environ.ed

Please note your most recent community or civic volunteer experience: _____

Still Active in all: Benicia Girl Scouts - 14 years, Boy Scouts Venture Crew - 4 years, Benicia-Tula Sister City Association - 5 years, PTG/PTAs - 14 years, BHS Swim Team/Mountain Bike Team - 5 years

Please describe any applicable experience/training: _____

See Attached.

All applications are considered public records and will be retained in an active file for at least one year from date of receipt.

Signature: Elizabeth Radtke Date: 1/30/2015



Planning Commission Application

In addition to completing the City of Benicia Board/Commission/Committee Application form, please respond to the following questions:

1. What interests you about this Commission? Have you attended a Planning Commission meeting? If so, when?

With my background in land management, I am aware of the need to balance short-term issues with long-term needs. As a 20-year member of this community, I would like to be able to put my experience to work to continue to make Benicia the outstanding community that it has always been. I did attend a public participation planning meeting during the general plan update and I try to keep up-to-date on issues through online publications, the Benicia Herald and the Public Library.

2. Participation on this Commission involves monthly meetings, periodically special meetings, and possibly attending community events related to planning. Do you feel you have the time and commitment to be a viable member of this Commission?

My children are older and I feel that I am now able to turn my interests to helping the community at large. If selected, I am prepared to set time aside to read and understand the documents that are the guidelines to making decisions. I am also blessed to work the types of jobs that allow me to move my schedule around as needed.

3. Is there a particular segment of planning and development that interests you more than others?

See Attached.

4. Why do you think planning needs to play a lead role in fortifying the quality of life in Benicia? Do you see an area of planning that needs to be expanded at this point? How does zoning reinforce the goal of the General Plan?

Benicia has a very interesting dynamic. There are many small-business owners that need to be supported when possible, there are many homeowners who are not aware of the forces that determine why they like this community, there is an industrial park with many different needs and there is a strong historical overtone that needs to be maintained. These decisions can only be made through careful thought and discussion by a panel of differing interests in order to move forward in a balanced manner. The General Plan and zoning are the tools already established and should be used properly. I have seen communities that have poorly-written plans and do not have zoning and it reflects negatively on their quality of life.

Planning Commission Application – Elizabeth Radtke

Applicable Experience/Training:

I worked for the Department of the Interior for 15 years as a land-manager before becoming a homemaker. As such, I was responsible for managing historic buildings, restoring habitat, and improving public use. All aspects of land management require a review to ensure public participation in planning; and, environmental documentation including EAs, compatibility determinations, code of federal regulations and working with an EIR staff for long-term planning. Training was received in each aspect with a week-long course in public participation and a 3-day course in compatibility determinations being particularly useful to a position on the City of Benicia Planning Committee.

3. Particular Segment of Planning and Development.

My interest in being part of the Planning Commission is to ensure that planning and development use a common-sense approach to advising our City. While some issues are very complicated and need thorough review and thought, there are others that should be able to progress rapidly. While with the DOI, compatibility determinations were a way to decide how to proceed. Each proposal was balanced against the founding laws for that piece of property, then general DOI laws and finally policies were looked at to decide about special use permits, restoration, and other changes. My interest is in using my experience to help make sure that the City progresses in a manner determined by the general population and not special interests.

**AGENDA ITEM
CITY COUNCIL MEETING DATE - MAY 5, 2015
PRESENTATIONS**

DATE : April 22, 2015

TO : City Council

FROM : City Manager

SUBJECT : **MARIN CLEAN ENERGY (MCE) IMPLEMENTATION - UPDATE**

RECOMMENDATION:

Review status of MCE Outreach Plan implementation.

EXECUTIVE SUMMARY:

On November 4, 2014, the City Council voted to join Marin Clean Energy (MCE), a community choice aggregation program that will provide Benicia customers with renewable electricity. As part of this program, MCE completes extensive outreach in the community to educate customers about its program and their choice of energy providers. The draft Outreach Plan was presented to the City Council for review and comment on February 3, 2015. MCE incorporated comments received, finalized the plan, and launched the outreach campaign on February 19, 2015. City Council received its first monthly update on the status of Outreach Plan implementation at the March 3, 2015 and follow-up presentations on March 17 and April 7, 2015. This report and MCE presentation serves as the May update on the activities completed from March 18 - May 5.

BUDGET INFORMATION:

Staff time needed to assist in facilitating community outreach and implementation of the CCA program is already included in the CAP Coordinator's 2014-15 work plan. Some additional staff time will be needed to support the CAP Coordinator in responding to community questions or attending any workshops during the opt-out phase.

ENVIRONMENTAL REVIEW:

The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable. City Staff, in consultation with the City Attorney, concluded that potential environmental impacts are speculative in nature and require no further analysis at this time.

GENERAL PLAN:

The project supports the overarching Goal of the General Plan, which is

Sustainability.

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
 - Strategy #3: Pursue and adopt sustainable practices

BACKGROUND:

Community Choice Aggregation (CCA) allows local governments to purchase and/or develop clean power on behalf of their residents, businesses, and municipal accounts. CCA is an energy supply model that works in partnership with Pacific Gas & Electric (PG&E), which delivers renewable electricity, maintains the energy grid, and provides customer service and billing. On November 4, 2014, the Council reviewed these reports and determined that the benefits of joining MCE outweighed the risks and voted unanimously to adopt the enabling resolution and introduce the ordinance approving the Marin Clean Energy (MCE) Joint Powers Agreement and authorizing the implementation of a CCA program. On February 19, 2015, outreach officially launched and the first Opt Out Notice was mailed to Benicia customers.

At the April 7, 2015 meeting, Allison Kirk, MCE Community Affairs Specialist, updated the City Council on the following items:

- Enrollment statistics to date,
- Enrollment notice layout and Community Leader Advisory Group (CLAG) and citizen suggestions for improvement,
- Completed outreach activities (February 19 – present),
- Overview of public meeting (April 2, 6-7pm, Community Center Multipurpose Room), and
- Updates to the confirmation notice mailed to Benicia customers that opt out.

Tonight, Ms. Kirk will make a presentation explaining the implementation activities that took place April 7 – May 5 as follows:

- Benicia Soroptimists – Presentation 4.9
- Benicia Moms – Presentation 4.15
- Benicia Educational Foundation (Run for Education) – Table 4.19
- Benicia Friendship Club – Presentation 4.30
- Benicia Farmers Market – Enrollment Kick-off at First Street Green 4.30
- Benicia Library – Table 4. 14, 4. 21, 4.28
- Water bill insert – end of April

IV.D.1.2

- Benicia Public Library – Table Tuesdays 3:30-5:30pm
- WattzOn – Distributing Flyers
- Updates on creative methods used to engage customers
- Enrollment data including business opt out rate

The next update will happen at the June 2, 2015 City Council meeting.

MINUTES OF THE
REGULAR MEETING – CITY COUNCIL
April 21, 2015

City Council Chambers, City Hall, 250 East L Street, complete proceedings of which are recorded on tape.

I. CALL TO ORDER:

Mayor Patterson called the meeting to order at 7:02 p.m.

II. CLOSED SESSION:

III. CONVENE OPEN SESSION:

A. ROLL CALL

All Council Members were present.

B. PLEDGE OF ALLEGIANCE

Larry Fullington led the Pledge of Allegiance.

C. REFERENCE TO THE FUNDAMENTAL RIGHTS OF PUBLIC

IV. ANNOUNCEMENTS/PROCLAMATIONS/ APPOINTMENTS/PRESENTATIONS:

A. ANNOUNCEMENTS

Brad Kilger, City Manager, introduced Eric Upson the City's new Chief of Police.

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

Heather McLaughlin, City Attorney, announced that at the previous closed session, council gave direction to Staff.

2. Openings on Boards and Commissions:

Arts & Culture Commission

1 unexpired term

Open until filled

Finance Committee

1 full term

Open until filled

Open Government Commission
1 unexpired term
Open until filled

SolTrans Public Advisory Committee
1 full term
Open until filled

Human Services Board
1 unexpired term
Open until filled

3. Mayor's Office Hours:

4. Benicia Arsenal Update

Update from City Attorney

Heather McLaughlin, City Attorney, reported that she continues to work with the parties involved. The latest correspondence from the DTSC is posted on the City's website.

B. PROCLAMATIONS

1. IN RECOGNITION OF LAW DAY

C. APPOINTMENTS

D. PRESENTATIONS

V. ADOPTION OF AGENDA:

On motion of Council Member Hughes, seconded by Council Member Strawbridge, Council adopted the Agenda, as presented, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, Strawbridge
Noes: (None)

VI. OPPORTUNITY FOR PUBLIC COMMENT:

A. WRITTEN COMMENT

Two items received (copies on file).

B. PUBLIC COMMENT

1. Jon Van Landschoot - Mr. Van Landschoot invited citizens to attend the Benicia Capitol State Historic Parks production, "Benicia Salutes the WWII Era with Living History."
2. Council Member Strawbridge - Council Member Strawbridge invited citizens to attend tomorrow's Fashion Show, which benefits the Community Action Council. The Farmer's Market opens next week on 4/30/15.
3. Mayor Patterson - Mayor Patterson discussed the recent Earth Day events that took place in Benicia.

VII. CONSENT CALENDAR:

Council pulled item VII.E for discussion.

On motion of Council Member Strawbridge, seconded by Council Member Hughes, Council adopted the Consent Calendar, as amended, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, Strawbridge
Noes: (None)

- A. APPROVAL OF THE MINUTES OF THE APRIL 7, 2015 CITY COUNCIL MEETING**
- B. APPROVE THE AGREEMENTS BETWEEN THE CITY OF BENICIA AND BENICIA PART-TIME UNIT OF THE BENICIA PUBLIC SERVICE EMPLOYEES' ASSOCIATION**

RESOLUTION 15-38 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING THE AGREEMENT BETWEEN THE CITY OF BENICIA AND PART-TIME UNIT OF BENICIA PUBLIC SERVICE EMPLOYEES' ASSOCIATION (BPSEA-PT)

- C. BENICIA INDUSTRIAL PARK BUS HUB PROJECT - APPROVAL OF A RESOLUTION CONFIRMING PROJECT DESIGN COMPLETED AND REQUESTING \$945,000 IN GRANT FUNDING FOR CONSTRUCTION**

RESOLUTION 15-39 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA CONFIRMING PROJECT COMPLIANCE AS THE REGIONAL MEASURE 2 (RM2) IMPLEMENTING AGENCY AND REQUESTING THE

METROPOLITAN TRANSPORTATION COMMISSION ALLOCATE \$945,000 IN RM2 FUNDING FOR THE CONSTRUCTION PHASE OF THE BENICIA INDUSTRIAL PARK BUS HUB PROJECT.

- D. APPROVE THE AMENDMENT TO THE CONTRACT SERVICES AGREEMENT BETWEEN THE CITY OF BENICIA AND MANAGEMENT PARTNERS

RESOLUTION 15-40 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA AMENDING THE CONTRACT WITH MANAGEMENT PARTNERS FOR MANAGEMENT CONSULTING SERVICES FOR THE COMMUNITY DEVELOPMENT DEPARTMENT

- E. APPROVAL OF AMENDED PROVISIONS OF LEASE AGREEMENT WITH CARTER RANKIN OF CARTER'S BIZ CAFÉ FOR THE COMMANDING OFFICER'S QUARTERS, 1 COMMANDANT'S LANE

RESOLUTION 15-41 - A RESOLUTION APPROVING THE LEASE AGREEMENT WITH CARTER RANKIN OF CARTER'S BIZ CAFE COMMANDING OFFICER'S QUARTERS AT 1 COMMANDANT'S LANE AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT

Council Member Schwartzman and staff discussed the status of Mr. Rankin's security deposit.

Public Comment:

None

On motion of Council Member Hughes, seconded by Council Member Strawbridge, Council adopted Resolution 15-41, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, Strawbridge

Noes: (None)

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

VIII. **BUSINESS ITEMS:**

- A. INTRODUCTION AND FIRST READING OF STORM WATER ORDINANCE TEXT AMENDMENT TO INCORPORATE REGULATIONS PERTAINING TO URBAN STORM WATER MANAGEMENT AND DISCHARGE CONTROL

ORDINANCE 15- - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BENICIA UPDATING AND AMENDING CHAPTER 15.64 (STORM WATER MANAGEMENT AND DISCHARGE CONTROL) TO INCORPORATE AMENDMENTS ADOPTED BY THE STATE WATER RESOURCES CONTROL BOARD PERTAINING TO URBAN STORM WATER MANAGEMENT AND DISCHARGE CONTROLS

Graham Wadsworth, Public Works Director, reviewed the staff report.

Mayor Patterson asked Staff to clarify the requirements for the storm water management plan. She and Staff discussed the fee for the inspections and maintenance, the need for annual reports listing the properties subject to reporting, and confirmation they have filed the proper reports.

Public Comment:

1. Greg Davis - Mr. Davis asked the City to consider the possibility of storing and retaining water.

On motion of Council Member Hughes, seconded by Council Member Strawbridge, Council approved the Introduction and First Reading of the above Ordinance, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, Strawbridge
Noes: (None)

B. STATUS OF MILLS ACT PROGRAM

Christina Ratcliffe, Community Development Director, introduced the Staff report.

Amy Million, Principal Planner, reviewed the Staff report.

Council Member Campbell and Staff discussed whether there had ever been a non-compliant Mills Act contract, fees for non-historic buildings, rehabilitation for existing buildings, and the issue of maintenance only contracts.

Vice Mayor Hughes and Staff discussed what the current property owner's expectations were and what the City's expectations were/are, Staff's comfort level that the inspection process is working, why the one contract (Union Hotel) has not completed its renovations, San Diego's Mills Act Program and its financial thresholds for the Mills Act contracts.

Mayor Patterson asked for clarification on the process for tonight. Staff confirmed they were reporting based on the responses from the HPRC. Staff wanted to get direction from Council on how to proceed. Mayor Patterson

suggested holding a workshop for people to come together on the issue.

Council Member Campbell and Staff discussed the cost of adding 7-9 Mills Act contracts (approximately \$5,000), concern regarding the cost of holding a workshop, and a process for establishing a threshold for the contracts.

Mayor Patterson clarified her suggestion regarding having a workshop. She didn't think it would cost \$5,000. Staff stated that Council needed to decide what they want to accomplish. Council should do a cost/benefit analysis.

Council Member Campbell and Staff discussed the issue of renewing the contracts after 10 years.

Public Comment:

1. Larry Fullington - Mr. Fullington stated the primary function is to finalize the budget
2. Council discussed issues
3. John Sigler - Mr. Sigler discussed the burden non-renewal would put on the historical homeowners.
4. Karen Hamilton - Ms. Hamilton discussed the many repairs she had to do to her home. They will be paying for those repairs for a long time. The Mills Act helps with the maintenance costs. Non-renewal would be a burden.
5. Citizen - The citizen discussed the benefits of the Mills Act for historic homeowners.
6. Citizen - The citizen discussed how the Mills Act is the only incentive for someone to purchase a historic home, the need for more education on the Mills Act for the public and the realtors, and concern about the June deadline.
7. Citizen - The Citizen discussed the work that historical homeowners have to put into their homes, the benefits the City gets from the homes, the burden the non-renewal would be on the homeowners,
8. Citizen - The Citizen discussed the benefits of the Mills Act Program.
9. Greg Davis - Mr. Davis discussed concern over the cost of the permits for historical homes, as it is a disincentive for people who want to maintain historical homes.
10. Judy Delgado - Ms. Delgado discussed the incentives of having a Mills Act Contract. She discussed what a burden it would be on the homeowners if the non-renewal was done.
11. Citizen - The Citizen asked what the reason for enacting the non-renewal would be.
12. Patrick Ward - Mr. Ward discussed the benefits of historic homes for communities.
13. Leanne Taagepera - Ms. Taagepera discussed the difficulties historic homeowners have, the benefits of the Mills Act Program, and the benefits

of historic preservation.

14. Tom Carroll - Mr. Carroll discussed the need for the City to support the historical district and the benefits of the Mills Act Program. He asked that the City expand the Mills Act Program.
15. Citizen - The citizen echoed the comments of the previous speakers.
16. Toni Haughey - Ms. Haughey discussed how historic homes are disclosed in real estate transactions in Solano County. She discussed the benefits of the Mills Act Program.
17. Karen Burns - Ms. Burns discussed support for the Mills Act Program.

Mr. Kilger discussed Staff's need for direction on what they want to do with the Mills Act Program.

Council Member Hughes did not like the idea of limiting the number of contracts to the existing 37 contracts. He discussed concern regarding expanding the program to an unlimited number of contract and dollars, concern regarding issuing non-renewal notices to the existing contracts, and possibly evaluating the applications on a case-by-case basis. He did not support having a workshop on the issue.

Council member Strawbridge discussed the cost effectiveness of the program, support for continuing the Mills Act Program, concern regarding the non-renewal of contracts, possibly looking at expanding the program down the road when the budget is better, and Council's investment in the downtown area and in historic preservation.

Council Member Schwartzman discussed the quantitative vs. qualitative benefits of the Mills Act. He did not support having a workshop on the issue. He discussed support for continuing the program, concern regarding issuing non-renewals, support for the rehabilitation and maintenance aspect, concern regarding taxing permits, and support for increasing the contracts to 40.

Council Member Campbell discussed support for the Mills Act Program. He discussed the City's current budget, the issue of increasing the number of contracts by a few (not unlimited), and the need for Council to come up with the number of contracts it wants to have. If there are more applications, it would have to come back to Council.

Mayor Patterson stated there was consensus for keeping the Mills Act Program. She liked the aspect of aging and place, which is dependent on the maintenance. She cautioned any restrictions on maintenance. She would like to see a collaborative design of a program that enhances the existing program in the manner recommended by the HPRC, taking into account some of the elements expressed earlier: 1) dispense new contracts on building types in or through the district (need criteria), 2) connecting the expansion of the program through the additional building permit fee for new residences, 3) establish the

criteria for future work plans and provide more detail on work items to be completed, 3) more enforcement on non-compliant contracts, and 4) continuance of the annual inspections. She agreed the City should consider expanding the program (phased with the City's budget capacity).

Brad Kilger, City Manager, clarified the direction was to keep the program status quo, Staff will come back as part of the budget process and increase the contracts (40), Staff will come back with clarification on other points raised tonight and provide recommendations on updating or doing a more thorough review of program. They will come back to Council with a more thorough work program to address some of the issues brought up tonight. Staff will go back to the HPRC with the last item (work program).

Council Member Campbell would like Council at some point to weigh in on the inspection and permit fees regarding Mills Act homes and non-Mills Act homes.

Council Member Schwartzman agreed with Council Member Campbell. He asked staff to clarify the permit fee increase that was brought up during public comment. The fees would be discussed during the budget meetings.

C. APPROVAL OF BENICIA LOCAL AGENCY PRIORITY PROJECTS TO BE LISTED IN THE SOLANO TRANSPORTATION AUTHORITY'S UPDATED COMPREHENSIVE TRANSPORTATION PLAN AND PROVIDE DIRECTION ON THE SOLANO RAIL FACILITIES PLAN UPDATE

RESOLUTION 15-42 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING A LIST OF BENICIA LOCAL AGENCY PRIORITY PROJECTS TO BE LISTED IN THE UPDATED SOLANO TRANSPORTATION AUTHORITY'S COMPREHENSIVE TRANSPORTATION PLAN

Robert Macaulay, Solano Transportation Authority (STA), introduced the item.

Graham Wadsworth, Public Works Director, reviewed the staff report.

Council Member Schwartzman thought the list was fine. He discussed the need take the train station off of the list.

Council Member Campbell would like to take the train station off of the list.

Vice Mayor Hughes was fine with the list. He wondered if the City could leverage taking the train off of the list for something else, such as the water taxi/ferry.

Council Member Strawbridge agreed with removing the train station from the list and moving the water taxi up on the list.

Mayor Patterson discussed the need to improve the rail along the Suisun Marsh. She discussed the vision for rail (passenger and freight) within the county.

Public Comment:

None

On motion of Council Member Schwartzman, seconded by Council Member Hughes, Council adopted Resolution 15-42, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, Strawbridge

Noes: (None)

D. Council Member Committee Reports:

1. **Mayor's Committee Meeting.(Mayor Patterson) Next Meeting Date: April 22, 2015**
2. **Association of Bay Area Governments (ABAG)<http://www.abag.ca.gov/>. (Vice Mayor Hughes and Council Member Schwartzman) Next Meeting Date: TBD**
3. **Finance Committee. (Vice Mayor Hughes and Council Member Strawbridge)Next Meeting Date: April 23, 2015**
4. **League of California Cities. (Mayor Patterson and Vice Mayor Hughes) Next Meeting Date: June 29, 2015**
5. **School Liaison Committee. (Vice Mayor Hughes and Council Members Strawbridge) Next Meeting Date: June 11, 2015**
6. **Sky Valley Open Space Committee. (Vice Mayor Hughes and Council Member Campbell) Next Meeting Date: TBD**
7. **Solano EDC Board of Directors. (Vice Mayor Hughes and Council Member Strawbridge) Next Meeting Date: May 14, 2015**
8. **Solano Transportation Authority (STA). <http://www.sta.ca.gov/> (Mayor Patterson and Council Member Campbell) Next Meeting Date: May 13, 2015**
9. **Solano Water Authority-Solano County Water Agency and Delta Committee. <http://www.scwa2.com/>(Mayor Patterson, Vice Mayor Hughes and Council Member Campbell) Next Meeting Date: May 14, 2015**

10. **Traffic, Pedestrian and Bicycle Safety Committee. (Vice Mayor Hughes and Council Member Strawbridge) Next Meeting Date: TBD**
11. **Tri-City and County Cooperative Planning Group. (Vice Mayor Hughes and Council Member Schwartzman) Next Meeting Date: June 8, 2015**
12. **Valero Community Advisory Panel (CAP). (Council Member Campbell and Council Member Schwartzman) Next Meeting Date: TBD**
13. **Youth Action Coalition. (Mayor Patterson, Vice Mayor Hughes and Council Member Strawbridge) Next Meeting Date: April 22, 2015**
14. **ABAG-CAL FED Task Force-Bay Area Water Forum.
<http://www.baywaterforum.org/> (Mayor Patterson)Next Meeting Date: TBD**
15. **SOLTRANS Joint Powers Authority (Mayor Patterson, Vice Mayor Hughes and Council Member Campbell) Next Meeting Date: May 21, 2015**
16. **MARIN CLEAN ENERGY (MCE). (Council Member Schwartzman and Council Member Strawbridge) Next Meeting Date: TBD**

IX. ADJOURNMENT:

Mayor Patterson adjourned the meeting in memory of Mr. Richard Lubin at 10:09 p.m.

AGENDA ITEM
CITY COUNCIL MEETING DATE - MAY 5, 2015
CONSENT CALENDAR

DATE : April 15, 2015
TO : City Manager
FROM : Fire Chief
SUBJECT : **PURCHASE OF PORTABLE RADIOS FOR FIRE DEPARTMENT OPERATIONS**

RECOMMENDATION:

Adopt a resolution approving acquisition of thirty-five (35) Motorola APX 4000 portable radios from Day Wireless.

EXECUTIVE SUMMARY:

The Benicia Fire Department is requesting approval to purchase portable radios in order to replace equipment that is reaching the end of its service life for emergency operations. The current equipment requires frequent reprogramming by an outside vendor, which is costly and inefficient. The new radios have the capability of being programmed by Fire personnel using software from the manufacturer, thus reducing programming costs.

BUDGET INFORMATION:

Funds are available in account number 010-6105-8154 Radio Communications. The adjusted budgeted amount in this fund is \$61,000, with a current balance of \$50,559.81. The purchase price for portable radios is \$47,634.98, which will leave a balance of \$2,924.83 in this fund.

GENERAL PLAN:

Relevant General Plan Goals:

- General Plan Goal 2.28: Improve and maintain public facilities and services

STRATEGIC PLAN:

Relevant Strategic Plan Issues:

- Strategic Issue #1: Protecting Community Health and Safety
 - Strategy #3: Provide a high state of preparedness for disasters/emergencies
- Strategic Issue #4: Preserving and Enhancing Infrastructure
 - Strategy #3: Address technology needs

- Strategy #4: Provide adequate funding for ongoing infrastructure needs

The acquisition of these radios will enhance the effectiveness of communications for the City's emergency responders. This will provide an increased level of safety for personnel during emergency operations.

BACKGROUND:

The Benicia Fire Department uses VHF radios for its daily and emergency operations. The majority of the portable radios that are currently in use within the fire department are in excess of 10-years old. In addition, since the radios have been purchased at various times there are several models in use. In some cases, the functionality of the various radios is different and can cause challenges for the users as they work with the various models.

In 2012, the City was required to complete a reprogramming process to meet the narrow banding requirements of the FCC. During this reprogramming, a number of the radios were deemed obsolete and not able to be programmed for narrow banding. In 2013, the City was required to program the radios again in order to add several of the State's Mutual Aid channels. During this programming process, several more radios were deemed obsolete and not able to be programmed with the new frequencies.

An additional challenge with the radios currently used for the Fire Department's primary operations is the need for regular updates to the programming. This results from annual updates by the State and other agencies of frequencies used during mutual aid or large scale emergencies. The ability to communicate with resources from Cal Fire, such as their aircraft during vegetation fires, is incumbent upon maintaining the proper frequencies. The programming of the majority of the current radios requires use of an outside vendor. This results in increased costs each time a required reprogramming is completed. The radios which to be acquiring will be able to be programmed by City personnel using available software from the manufacturer. Over time, this will result in decreased costs and a more timely process when reprogramming is required.

Since mid-2013, the department has been looking at the options available that would meet the needs for daily and emergency operations while ensuring the most cost effective solution. This included the field testing of various radios manufactured by Kenwood, Motorola, and iCom. The Fire Department currently uses Motorola and iCom portable radios on a daily basis. Kenwood mobile radios are mounted in most of the apparatus. A number of concerns with the operation of the Kenwood and iCom units have been identified. In March of this year, the Department was provided an opportunity to test a new version of the Motorola APX 4000. The positive features of this unit included a channel selector

that had positive stops and locked onto the channel. The audio output and noise cancelling microphone allowed for operations in noisy environments.

The APX 4000 pricing that is being offered is from Motorola directly through their local vendor. There is no price reduction available from competing vendors since the pricing is being set by the manufacturer. In accordance with BMC Section 3.08.070, no bidding is required for sole source purchases. This purchase is a sole source purchase because the selected product is only available through specific authorized Motorola dealers. In addition, the current pricing that is available for these items has been established by the manufacturer and the authorized dealers are not able to offer additional discounts on the product. The City of Benicia has an existing relationship with Day Wireless for work on radio equipment as a local vendor. The purchase through this vendor will also facilitate the ease of maintenance or repairs associated with the equipment since they are an in town vendor. This will reduce the costs associated with shipping equipment out for repair, as well as the actual time the equipment is likely to be out of service. The decision to select the Motorola product was based on the performance of field testing of various manufacturer's equipment and this product was determined to meet the necessary operational requirements. Since other City departments are also currently using newer style Motorola radios this purchase will develop a level of consistency of equipment within the City.

The ability to have all personnel equipped with a standard device for communications during emergency operations is imperative for the safety of the City's personnel. This purchase will allow the City to move in that direction.

Attachments:

- Proposed Resolution
- Price Quote

RESOLUTION NO. 15-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA AUTHORIZING THE PURCHASE OF THIRTY FIVE (35) MOTOROLA APX 4000 PORTABLE RADIOS FROM DAY WIRELESS AND AUTHORIZING THE CITY MANAGER TO SIGN THE PURCHASE ORDER

WHEREAS, the acquisition of new portable radios will enhance the effectiveness of communications for emergency responders, and will provide an increased level of safety for our personnel during emergency operations; and

WHEREAS, per Benicia Municipal Code Section 3.08.070, no bidding is required for sole source purchases such as this one where the selected product is only available through specific authorized dealers; and

WHEREAS, the replacement radios will be purchased from Day Wireless as a sole source vendor; and

WHEREAS, there are sufficient funds available from the FY 14-15 Radio Communications budget, account number 010-6105-8154, to cover the cost of these radios.

NOW, THEREFORE, BE IT RESOLVED THAT, the City Council of the City of Benicia approves the expenditure of \$47,634.98, from the Radio Communications account 010-6105-8154, for the purchase of 35 Motorola portable radios, and authorizes the City Manager to sign the purchase order on behalf of the City.

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 5th day of May 2015, and adopted by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk

Date



Quote Number: QU0000314204

Effective: 17 MAR 2015

Effective To: 15 JUN 2015

Bill-To:

BENICIA, CITY OF
250 EAST L ST
BENICIA, CA 94510
United States

Attention:

Name: Chief Jim Lydon
Email: jlydon@ci.benicia.ca.us
Phone: 707-746-4275

Sales Contact:

Name: Adam Fugate
Email: afugate@daywireless.com
Phone: 707-373-0386

Contract Number: SAN FRANCISCO, (CA)
Freight terms: FOB Destination
Payment terms: Net 30 Due

Item	Quantity	Nomenclature	Description	List price	Your price	Extended Price
1	35	H51KDF9PW6AN	APX 4000 VHF MHZ MODEL 2 PORTABLE	\$1,756.00	\$881.68	\$30,858.80
1a	35	QA04865AA	ADD: TWO KNOB CONFIGURATION	-	-	-
1b	35	QA02829AB	ENH: ANALOG CONVENTIONAL	\$400.00	\$200.84	\$7,029.40
1c	35	QA05100AA	ENH:STD WARRANTY APPLIES-NO SFS	-	-	-
2	35	PMMN4062A	ASSY,ACCESSORY,MICROPHONE,PLU S RSM *	\$107.00	\$53.72	\$1,880.20
3	12	NNTN8128BR	BATT IMPRES LIION 2000T	\$102.00	\$51.22	\$614.64
4	3	WPLN4219B	ACCESSORY,ACCESSORY,CHARGER,I MPRES MUC W/DISPLAY - US/NA PLUG	\$650.00	\$326.37	\$979.11
5	12	NNTN7616C	CHR IMP VEH EXT NA BASE	\$380.00	\$190.80	\$2,289.60

Estimated Tax Amount	\$3,328.45
Estimated Freight Amount	\$654.78
Total Quote in USD	\$47,634.98

* This quote contains items with approved price exceptions applied against it
* This quote contains items that reflect discounts from approved total Price Exception of (\$43287.2)

- PO Issued to Motorola Solutions Inc. must:
- >Be a valid Purchase Order (PO)/Contract/Notice to Proceed on Company Letterhead. Note: Purchase Requisitions cannot be accepted
 - >Have a PO Number/Contract Number & Date
 - >Identify "Motorola Solutions Inc." as the Vendor
 - >Have Payment Terms or Contract Number
 - >Be issued in the Legal Entity's Name
 - >Include a Bill-To Address with a Contact Name and Phone Number
 - >Include a Ship-To Address with a Contact Name and Phone Number
 - >Include an Ultimate Address (only if different than the Ship-To)
 - >Be Greater than or Equal to the Value of the Order
 - >Be in a Non-Editable Format
 - >Identify Tax Exemption Status (where applicable)
 - >Include a Signature (as Required)

AGENDA ITEM
CITY COUNCIL MEETING DATE - MAY 5, 2015
CONSENT CALENDAR

DATE : April 15, 2015

TO : City Manager

FROM : Library Director

SUBJECT : **CITY OF BENICIA ARTS AND CULTURE COMMISSION POLICY ON DISTRIBUTION OF FUNDS FOR GRANTEES AND FUNDRAISING**

RECOMMENDATION:

Approve, by motion, the City of Benicia Arts and Culture Commission Policy on Distribution of Funds for Grantees and Fundraising.

EXECUTIVE SUMMARY:

Following the policy established by the Human Services Board (HSB), the Arts and Culture Commission (ACC) has created a policy that addresses the two types of funds that fall under the purview of the ACC. In particular, this policy addresses the use of funds raised by the the ACC and establishes a policy for unutilized grant funds.

BUDGET INFORMATION:

The proposed policy will provide a mechanism for managing donations to the Arts and Culture Commission (ACC) that are in excess of what is projected for a particular fiscal year, allowing these to be deposited and available to the commission in future fiscal years. It also provides guidance on how to deal with grant funds that are not issued to a grantee.

GENERAL PLAN:

Goal 3.6: Support and promote the arts as a major element in Benicia's community identity.

STRATEGIC PLAN:

Relevant Strategic Plan Goals and Strategies:

- Strategic Issue 3: Strengthening Economic and Fiscal Conditions
 - Strategy 1: Implement economic development strategy
 - (f) Continue funding for non-profit arts and culture organization grants
- Strategic Issue 5: Maintain and Enhance a High Quality of Life
 - Strategy 3: Promote arts and culture
 - (a) Pursue funding sources for arts and culture activities

BACKGROUND:

Following the example established by the Human Services Board (HSB), the ACC realized that it would be useful to have a policy in place that establishes the purpose and procedures of the two funds for which they have oversight. This policy follows the model established by the HSB in that it provides a better understanding of the accounts managed by the ACC, clarifies the process used to account for and use donations, and provides guidance on how to handle money in the event a grantee does not request full funding of its grant. In addition, it briefly establishes a procedure to follow if ACC should decide in the future to apply for grants, with both application and acceptance of the money being approved by the City Council.

I. Arts and Culture Commission Fund

The ACC currently has two separate City Fund accounts that fall under the Commission's purview. The Arts and Culture Commission Fund is comprised of the funds approved by Council for nonprofit arts and culture grantees and includes a small allocation for commission supplies. Funds in this account are paid out to non-profit grantees on a quarterly basis, following a process originally started by the HSB that includes reviews of grantee progress and an annual site visit.

II. Arts and Culture Commission Fundraising Fund

The second account under the ACC purview is the Arts and Culture Commission Fundraising Fund. This fund was established by the Finance Department following the amendment to the ACC ordinance that allowed the commission "to coordinate fundraising activities to augment City funding and to raise funds to be used to stimulate arts and culture activities, events and projects in the community." This policy clarifies that the ACC will outline, to the best of its ability, any future fundraising efforts anticipated for the next year through its Annual Report, but does not require that they obtain Council approval for each specific event. However, any expenditures above and beyond those anticipated in the budget must be approved by the Council through a budget adjustment.

In addition to the ability to coordinate fundraising activities, the ACC is the only commission that has been provided authority to "accept gifts and grants from any source to assist it in the performance of its functions ... to augment any appropriation made for the support of the commission." Section II (D) (v) specifies that the ACC must have all grant requests approved of by the City Council and any funds received are to be approved by the City Council.

The ACC Fundraising Fund provides a separate account for any funds received through these sources. Through this policy, donations, gifts, and grants would be placed in the ACC Fundraising Fund, with any funds received in excess of the amount anticipated for any fiscal year to be made available to the ACC in the

current or future fiscal years through a budget adjustment. These funds would follow the same procedures as other special City funds, in which a request to carryforward any items to the next fiscal year are made through the Finance Department and approved by City Council.

III. Unutilized Grant Funds

The final section of this policy (Section III), follow the previous agreements written with grantees and establishes a clear understanding of what happens to funds designated by the city for nonprofit arts and culture organizations if a grantee does not claim the agreed upon amount.

The ACC approved this policy at their April 9, 2015 meeting and is recommending that the Council ratify the policy at this time.

Attachments:

- City of Benicia Arts and Culture Commission Policy on Distribution of Funds for Grantees and Fundraising as approved by the ACC on April 9, 2015.
- Human Services Board Policy on Distribution of Funds – Operating and Endowment Funds

City of Benicia Arts and Culture Commission

Policy on Distribution of Funds for Grantees and Fundraising

Approved by the Arts and Culture Commission on April 9, 2015

Ratified by Benicia City Council on (date)

The following policy describes how the Arts and Culture Commission Fund and the Arts and Culture Commission Fundraising Fund are managed. The Arts and Culture Commission currently has two separate City fund accounts; Art and Culture Commission Fund and Art and Culture Commission Fundraising.

This policy will be approved by the Commission and ratified by the City Council. Any future modifications to this policy will be approved by the Commission, and then forwarded to the City Council for ratification.

I. Arts and Culture Commission Fund

The following policy describes the management of the Arts and Culture Commission Fund.

Overview

The funding allocations for grantees are recommended by the Commission prior to the City's budget approval. The Council approves an allocation of funds for nonprofit organizations that support art and culture in the community. The Council approved budget funding amount is placed in the Arts and Culture Commission Fund for Commission distribution in accordance with the Council approved grantee contracts.

A. Authorization

i. This policy shall guide the management of the Arts and Culture Commission Fund and reserves in accordance with the City of Benicia Municipal Corporation rules and regulations pertaining to gifts and donations.

B. Definitions

i. Reserves are funds from the Arts and Culture Commission Fund that are not used or requested by the grantee within the timeline specified in their contract.

C. Administration

i. The Benicia City Finance Director or his/her designee shall implement separate accounting codes to ensure the proper accounting of the Arts and Culture Commission Fund.

ii. The appointed Chair, Vice-Chair of the Arts and Culture Commission and/or his/her designee shall review the accounting activity of the Arts and Culture Commission Fund following Grantee Quarterly Report approvals.

iii. Any funds not expended or utilized during the first fiscal year of the two year contract may, at the sole discretion of the Commission, be carried forward to the following fiscal year. At the end of the second fiscal year's reporting cycle, any funds not expended or utilized pursuant to the scope of the grantee's authorized program shall revert back to the City's General Fund.

D. Allocation and Distribution

i. Funds placed in the Arts and Culture Commission Fund are considered to be operating funds for the Arts and Culture Commission and its grantees.

ii. Grantee funds will be reviewed quarterly using the Grantee Quarterly Report process and funds will be distributed upon review and approval by the Commission. During this process, each grantee will certify that they have retained their nonprofit status with the IRS and State Government. City Library staff will then process the paperwork for checks to be processed by the Finance Department staff.

iii. Expenditures of any amount over the budgeted amount must be approved by Council through a budget adjustment process. Expenditures must be made in accordance with the City's purchasing and procurement policies.

II. Arts and Culture Commission Fundraising Fund

The following policy describes the management of the Arts and Culture Commission Fundraising Fund.

Overview

In accordance with Benicia Municipal Code section 2.104.070 C, the Arts and Culture Commission may accept gifts and grants from any source to assist it in the performance of its functions, and per section 2.104.070 E, the Arts and Culture Commission may coordinate fundraising activities for arts and culture activities.

A. Authorization

i. This policy shall guide the management of the Arts and Culture Fundraising Fund and reserves in accordance with the City of Benicia Municipal Corporation rules and regulations pertaining to gifts and donations.

B. Definitions

i. Reserves are funds from the Arts and Culture Fundraising Fund that accumulate from year to year.

ii. The Arts and Culture Fundraising Fund is designed to provide a mechanism for receiving donations and fundraising money to be deposited and available to the Commission to use for future arts and culture activities as approved by the Commission and the City Council.

C. Administration

i. The Benicia City Finance Director or his/her designee shall implement separate accounting codes to ensure the proper accounting of the Arts and Culture Fundraising Fund transaction activity.

ii. The appointed Chair, Vice-Chair of the Arts and Culture Commission and/or his/her designee shall review the accounting activity of the Arts and Culture Fundraising Fund no less than quarterly.

D. Allocation and Distribution

i. All funds donated, gifted or provided as grants to the Arts and Culture Commission shall be deposited into the Fundraising Fund. This does not include the funds budgeted by the City Council for Arts and Culture Commission Fund as noted above.

ii. Fundraising activities for the next calendar year will be outlined in the Commission's annual report.

iii. Anticipated amounts to be received by fundraising will be included in the City's budget. Expenditures of any amount over the budgeted amount must be approved by Council through a budget adjustment process. Expenditures must be made in accordance with the City's purchasing and procurement policies.

iv. Any money placed in the Fundraising fund not used during the fiscal year will be carried forward as part of the account's reserve into future fiscal years.

v. The Commission shall make recommendations to the City Council regarding the search for private and public grants and regarding the disbursement of funds to arts and cultural organizations consistent with the needs of the community. Grant applications and approvals are subject to approval by the City Council as part of the budget process or through separate Council action. The Commission may not apply for or partner in any grant activities without authorization by the City Council.

III. Policy for Unutilized Grant Funds

i. In the event a grant is not issued to a grantee, whether due to the grantee declining funds or the Commission withholding funds, if adequate time remains in the fiscal year, the Commission will forward a request to the City Council to redistribute the funds to other grantees.

ii. If there is not adequate time to redistribute the funds, or if the amount is minimal, then the funds will be returned to the General Fund at the end of the second fiscal year.

City of Benicia Human Services Fund

Policy on Distribution of Funds – Operating and Endowment Funds

Approved by Human Services Board on January 9, 2012
Ratified by Benicia City Council on January 17, 2012

The following policy describes how the Human Services Operating Fund / Operating Reserves and the Endowment Fund are managed relative to the allocation of funds to the Human Services Fund.

I. Human Services Operating Fund and Reserves

A. Authorization

i. This policy shall guide the management of the Human Services Operating Fund and Operating Reserves in accordance with the City of Benicia Municipal Corporation rules and regulations pertaining to gifts and donations.

B. Definition

i. Operating Reserves are “surplus” funds from the Operating Fund that accumulate from year to year.

ii. The intent of the Human Services Fund Operating Reserve is to provide a mechanism for donations that are in excess of what is projected for a particular fiscal year to be deposited and available to the Board in future fiscal years when there may be a shortfall relative to actual donations v. projected donations.

C. Administration

i. The Benicia City Treasurer or their designee shall implement separate accounting codes to ensure the proper accounting of all Operating Fund and Operating Reserve activity.

ii. The appointed Chair of the Human Services Board or their designee shall review the accounting activity of the Operating Fund and Operating Reserve and develop reporting standards that are to be reviewed by the Board no less than annually.

D. Allocation and Distribution

i. All funds donated or gifted to the Human Services Fund shall be deposited into the Operations Fund unless dedicated by written instruction to be deposited into the Endowment Fund (see Endowment Fund - Section II).

ii. The Board shall authorize the transfer of a portion of the Operating Reserve Donations from the prior fiscal year to the Endowment Fund on an annual basis as soon as the final ledger is closed by the Finance Director, typically no later than November each year. The amount to be transferred shall be determined annually by the Board and is subject to ratification by the City

Council (see Endowment Fund - Section II).

iii. The remaining balance of the Operating Reserve (i.e., less whatever amount is transferred to the Endowment Fund) will remain in the Operating Reserve and be available for future fiscal years when there may be a shortfall relative to actual donations v. projected donations.

iv. If there is a shortfall in donations that exceeds the Operating Reserve, then the Board will review the circumstances and make a recommendation to the City Council regarding utilizing the Endowment Fund to cover that shortfall.

II. Endowment Fund

A. Authorization

i. This policy shall guide the collection, investment and expenditures of the Human Services Endowment Fund in accordance with the City of Benicia Municipal Corporation rules and regulations pertaining to gifts and donations.

B. Administration

i. The Benicia City Treasurer or their designee shall implement separate accounting codes to ensure the proper accounting of all Endowment Fund activity.

ii. The Benicia City Treasurer or their designee shall invest the undesignated reserves in accordance with the guidelines established in the City of Benicia Investment Policy.

iii. The appointed Chair of the Human Services Board or their designee shall review the accounting activity of the Endowment Fund and develop reporting standards that are to be reviewed by the Board no less than annually.

C. Allocation and Distribution

i. All funds donated or gifted to the Human Services Fund shall be deposited into the Operations Fund, unless dedicated by written instruction to be deposited into the Endowment Fund.

ii. The Board shall authorize the transfer of a portion of the Operating Reserve Donations from the prior fiscal year to the Endowment Fund on an annual basis as soon as the final ledger is closed by the Finance Director, typically no later than November each year. The amount to be transferred shall be determined annually by the Board and is subject to ratification by the City Council.

iii. The Endowment Fund shall maintain a combined fund balance of no less than one year's combined grant awards based on budget expectations provided by the Finance Director.

iv. Upon attaining the required fund balance, a majority of Board members may vote to disburse the excess balance from the Endowment Fund, subject to ratification by the City Council.

v. Short term loans from the Endowment Fund to a currently-approved grantee may be considered by the Board on a case-by- case basis. A majority of Board members may vote to loan these funds, subject to ratification by the City Council.

vi. If there is a shortfall in donations that exceeds the Operating Reserve, then the Board will review the circumstances and make a recommendation to the City Council regarding utilizing the Endowment Fund to cover that shortfall

III. Policy for Unutilized Grant Funds

A. In the event a grant is not issued to a grantee, whether due to the grantee declining funds or the Board withholding funds, if adequate time remains in the fiscal year, the Board will forward a request to the City Council to redistribute to other grantee(s).

B. If there is not adequate time to redistribute the funds, or if the amount is minimal, then the City's contribution will be returned to the General Fund, and the remaining funds will be placed in the Human Services Operating Reserve. The calculation of the amount to be returned to the General Fund will be based upon the current fiscal year budget. For example, if the General Fund contributes 85% of the funds granted by the City for the current fiscal year, and the remainder is via donations, then 85% of the unutilized grant funds would return to the General Fund and the remaining 15% would be place in the Human Services Operating Reserve.

IV. Policy Modification and Review

A majority of Board members must recommend changes to the Policy and forward the recommended changes to the City Council for ratification.

AGENDA ITEM
CITY COUNCIL MEETING DATE - MAY 5, 2015
CONSENT CALENDAR

DATE : April 22, 2015

TO : City Manager

FROM : Public Works Director

SUBJECT : **SECOND READING AND ADOPTION OF STORM WATER ORDINANCE TEXT AMENDMENT TO INCORPORATE REGULATIONS PERTAINING TO URBAN STORM WATER MANAGEMENT AND DISCHARGE CONTROL**

RECOMMENDATION:

Conduct a second reading and adopt the ordinance updating and amending Benicia Municipal Code Chapter 15.64 (Storm Water Management and Discharge Control) to incorporate amendments adopted by the State Water Resources Control Board pertaining to urban storm water management and discharge control.

EXECUTIVE SUMMARY:

The Federal Clean Water Act and the California State Porter-Cologne Water Quality Control Act have requirements to protect and enhance water quality in watercourses. The City is a Small MS4 permittee under the State's Phase II Storm Water Permit. This requires the City to enact appropriate regulations to control pollutant discharges. The first step was the introduction of the ordinance to amend BMC Chapter 15.64 at the April 15, 2015 City Council meeting.

BUDGET INFORMATION:

Additional staff time will be required to review documents submitted by developers, plan check, inspect, monitor and train. No additional budget changes are requested at this time but may be submitted as part of the Organizational Scan and User Fee Study.

GENERAL PLAN:

Relevant General Plan Goals:

- Goal 2.28: Improve and maintain public facilities and services.
- Goal 2.38: Protect water quality.

STRATEGIC PLAN:

Relevant Strategic Plan Issues:

- Strategic Issue 1: Protecting Community Health and Safety

- Strategy 4: Promote community preservation and prevent nuisances through increased code enforcement, environmental strategies, and community education.

ENVIRONMENTAL ANALYSIS:

The proposed ordinance amendment is exempt from the California Environmental Quality Act (CEQA) pursuant to the CEQA Guidelines, Section 15307 (Class 7). This exemption consists of actions taken by regulatory agencies as authorized by state law or local ordinance to ensure the maintenance, restoration, or enhancement of a natural resource where the regulatory process involves procedures for protection of the environment.

The stormwater ordinance is a local implementation of the National Pollutant Discharge Elimination System (NPDES) Phase II Stormwater Permit, which is a federal initiative to reduce the quantity of pollutants entering the waterways. Pollutants such as oil, grease, pesticides, sediment, and refuse may be removed or filtered from the water by implementation of stormwater control measures. In Benicia, stormwater runoff eventually makes its way to the Carquinez Strait, a part of the tidal estuary of the Sacramento and San Joaquin rivers that drain into the San Francisco Bay and Pacific Ocean. The Carquinez Strait is recognized as an important migratory path for fish and fowl; therefore, protection of water quality is an important component of habitat protection for these species. The local implementation of NPDES Phase II requirements is occurring pursuant to the efforts of the Bay Area Stormwater Management Agencies Association (BASMAA) in coordination with the San Francisco Bay Regional Water Quality Control Board (RWQCB). Implementation of the new standards, via the proposed ordinance, will bring Benicia into consistency with regional efforts toward stormwater management, which includes Best Management Practices (BMPs) and engineered systems to regulate the quality and quantity of storm water runoff for enhanced protection of natural resources.

BACKGROUND:

The Federal Clean Water Act and the California State Porter-Cologne Water Quality Control Act have requirements to protect and enhance water quality in watercourses. On February 5, 2013, the State Water Resources Control Board (SWRCB) adopted the Phase II Small Municipal Separate Stormwater Sewer System (MS4) National Pollutant Discharge Elimination System (NPDES) Permit, Water Quality Order No. 2013-0001-DWQ, General Permit No. CA S000004 (Phase II Stormwater Permit). The Phase II Stormwater Permit regulates discharges from Small MS4s and requires permittees to implement a stormwater management program. The City of Benicia is named as a Small MS4 permittee in the Phase II Stormwater Permit. The proposed ordinance complies with the requirements.

The first reading described the changes to Chapter 15.64 in detail. Some of the requirements include:

- Expand storm water control measures, includes significant updates to Best Management Practices (BMPs) for ground disturbing activities, and creates a new clause for Best Management Practices for new development, and redevelopment, as follows:
 - The development and implementation of Erosion and Sediment Control Plans are required for all projects requiring a grading permit.
 - New development and redevelopment projects must implement post-construction Best Management Practices to control the volume, rate, and potential pollutant load of storm water runoff.
 - New development and redevelopment projects, which create or replace 2,500 square feet of impervious area, must submit and implement a Storm water Control Plan, which is separate from an Erosion and Sediment Control Plan that identifies the post-construction BMPs planned to control the volume, rate, and potential pollutant load of storm water runoff.
- Require the use of appropriate Best Management Practices (BMPs) to reduce pollutants in storm water discharges to the maximum extent practicable;
- Require operators of construction sites to develop erosion and sediment control plans and install, implement, and maintain appropriate BMPs; and
- Require applicants for land development and redevelopment to develop storm water control plans to reduce storm water pollutant discharges through the construction, operation and maintenance of source control measures, low impact development design, site design measures, storm water treatment measures and hydromodification management measures, and require agreements to ensure the future operation and maintenance of the practices.

The City Council introduced the ordinance and conducted a first reading on April 21, 2015. There was one comment from the public regarding rain water storage. Rain barrel is one of the measures for developers to retain rain runoff on site.

ATTACHMENT:

- Proposed Ordinance Amending Chapter 15.64

CITY OF BENICIA

ORDINANCE NO. 15-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BENICIA UPDATING AND AMENDING CHAPTER 15.64 (STORMWATER MANAGEMENT AND DISCHARGE CONTROL) TO INCORPORATE AMENDMENTS ADOPTED BY THE STATE WATER RESOURCES CONTROL BOARD PERTAINING TO URBAN STORMWATER MANAGEMENT AND DISCHARGE CONTROLS

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

Section 1.

Chapter 15.64 (Stormwater Management and Discharge Control) of Division IV (Stormwater) of Title 15 (Buildings and Construction) of the Benicia Municipal Code is amended by replacing it in its entirety to read as follows:

Chapter 15.64

STORMWATER MANAGEMENT AND DISCHARGE CONTROL

Sections:

- 15.64.010 Purpose.
- 15.64.020 Definitions.
- 15.64.030 Responsibility for administration.
- 15.64.040 Construction and application.
- 15.64.050 Taking.
- 15.64.060 Discharge of pollutants.
- 15.64.070 Discharge in violation of permit.
- 15.64.080 Illicit discharge and illicit connections.
- 15.64.090 Best management practices and standards.
- 15.64.100 Tourtelot cleanup project.
- 15.64.110 Watercourse protection.
- 15.64.120 Authority to inspect.
- 15.64.130 Violations constituting misdemeanors.
- 15.64.140 Penalty for violation.
- 15.64.150 Continuing violation.
- 15.64.160 Concealment.
- 15.64.170 Acts potentially resulting in violation of federal Clean Water Act and/or Porter-Cologne Act.
- 15.64.180 Violations deemed a public nuisance.
- 15.64.190 California Code of Civil Procedure Section 1094.6.
- 15.64.200 Civil actions.
- 15.64.210 Administrative enforcement powers.
- 15.64.220 Remedies not exclusive.
- 15.64.230 Storm Coordination with hazardous materials inventory and response program.

15.64.010 Purpose.

The City Council finds as follows:

A. The intent of this chapter is to protect and enhance the water quality in the city of Benicia's watercourses, water bodies, and wetlands in a manner pursuant to, and consistent with, the Porter-Cologne Water Quality Control Act (Water Code Section [13000](#) *et seq.*), the federal Clean Water Act (33 U.S.C. Section 1251 *et seq.*) and any subsequent revisions and amendments thereto, and with the goals of the city of Benicia General Plan including:

Goal 2.38: Protect water quality.

Goal 3.22: Preserve water bodies.

Goal 3.24: Protect watersheds.

Goal 4:12: Accommodate runoff from existing and future development.

Goal 4.14: Prevent ground and surface water contamination.

B. This chapter also carries out the conditions in the city's Phase II Small Municipal Separate Storm Sewer System (MS4) National Pollutant Discharge Elimination System (NPDES) permit, Water Quality Order No. 2013-0001-DWQ, General Permit No. CAS000004 (Phase II Stormwater Permit) and subsequent revisions and amendments thereto, that require, effective upon adoption of this chapter, implementation of appropriate measures to control pollutant discharges into and from the MS4 system.

C. It is the purpose of the city council in enacting this chapter to ensure the future health, safety, and general welfare of city of Benicia residents and acting in accordance with the precepts of the general plan by:

1. Detecting and eliminating non-stormwater discharges and illegal connections to the municipal separate storm drain system.
2. Responding to and prohibiting the discharge to municipal separate storm drains from spills, dumping or disposal of materials other than stormwater.
3. Reducing pollutants in stormwater discharges to waters of the United States to the maximum extent practicable.
4. Complying with applicable state and federal laws.
5. Minimizing increases in nonpoint source pollution caused by stormwater runoff from development that would otherwise degrade local water quality.
6. Reducing stormwater runoff rates and volumes and nonpoint source pollution whenever possible, through stormwater management controls and ensuring that these management controls are properly maintained and pose no threat to public safety.

15.64.020 Definitions.

The following words and phrases when used in this chapter shall be as defined herein. Words and phrases in this chapter and not otherwise defined shall be interpreted as defined in the regulations issued by the U.S. Environmental Protection Agency to implement the provisions of the Phase II Stormwater Permit, the federal Clean Water Act, and as defined by the State Water Resources Control Board to implement the Porter-Cologne Act:

“Authorized enforcement official” or “authorized enforcement officer” is the City Engineer and those individuals designated by the City Engineer as authorized enforcement officials.

“BASMAA Post Construction Manual” means the most recent version of the Bay Area Stormwater Management Agencies (BASMAA) Post Construction Manual.

“Best management practices (BMPs)” are schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to the waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control site runoff, spillage or leaks, waste disposal, or drainage from raw material storage.

“City storm drain system” includes but is not limited to those facilities within the city by which storm water may be conveyed to waters of the United States, including any roads with drainage systems, municipal streets, drainage inlets, curbs, gutters, ditches, manmade open channels or culverts and pipes, which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR Part 122.2.

“Construction activity” means any activity that involves soil disturbing activities including, but not limited to, clearing, grading, paving, disturbances to ground such as stockpiling, and excavation.

“Development runoff requirements” shall mean the provisions in the city’s Stormwater Phase II Final Rule that contains performance standards to address both construction and post-construction phase impacts of new projects and redevelopment projects on stormwater quality.

“Discharge” or “Discharge of a Pollutant” is (a) the addition of any pollutant or combination of pollutants to waters of the United States from any point source, or (b) any addition of any pollutant or combination of pollutants to the waters of the contiguous zone or the ocean from any point source other than a vessel or other floating craft, which is being used as a means of transportation. The term includes additions of pollutants to waters of the United States from: surface runoff which is collected or channeled by man; discharges through pipes, sewers, or other conveyances owned by a State, municipality, or other person which do not lead to a treatment works; and discharges through pipes, sewers, or other conveyances, leading into privately owned treatment works.

“Erosion and Sediment Control Plan (ESCP)” means a plan prepared to control erosion and prevent the discharge of sediment and construction materials from a construction site

“Illicit connection” is any device or method that conveys non-stormwater to a municipal separate storm sewer (storm drain) system (MS4) or receiving water.

“Illicit discharge” is any discharge to a MS4 that is prohibited under local, state, or federal statutes, ordinances, codes, or regulations. The term illicit discharge includes all non-stormwater discharges not composed entirely of stormwater and discharges that are identified under the Discharge of Pollutants section of this chapter (BMC 15.64.060). The term illicit discharge does not include discharges that are regulated by an NPDES permit.

“Incidental irrigation runoff” Unintended amounts (volume) of runoff, such as unintended, minimal over-spray from sprinklers that escapes the landscaped area of intended use. Water leaving an intended use area is not considered incidental if it is part of the facility design, if it is due to excessive application, if it is due to intentional overflow or application, or if it is due to negligence.

“Low Impact Development (LID)” A sustainable practice that benefits water supply and contributes to water quality protection. LID uses site design and stormwater management to maintain the site’s pre-development runoff rates and volumes. The goal of LID is to mimic a site’s predevelopment hydrology by using design techniques that infiltrate, filter, store, evaporate, and detain runoff close to the source of rainfall.

“NPDES permit” is a National Pollutant Discharge Elimination System (NPDES) permit issued by the United States Environmental Protection Agency, the State Water Resources Control Board, or a California Regional Water Quality Control Board pursuant to the Clean Water Act that authorizes discharges to waters of the United States.

“Non-stormwater discharge” is any discharge to a storm sewer system that is not composed entirely of stormwater.

“Permit Registration Documents (PRDs)” are the application materials required by the State Water Resources Control Board that includes a notice of intent to comply with the terms of the General Permit to Discharge Storm Water Associated with Construction and Ground Disturbing Activities (Order No. 2009-0009-DWQ as amended, General Permit No. CAS000002) or the General Permit to Discharge Storm Water Associated with Industrial Activities (Order No. 2014-057-DWQ, General Permit No. CAS000001)

“Phase II Stormwater Permit” is the NPDES general stormwater permit applicable to the city of Benicia, Water Quality Order No. 2013-0001—DWQ, General Permit No. CAS000004, and any subsequent amendment, reissuance or successor to this NPDES permit.

“Post Construction Measure Requirements” are the provisions in Section E.12 of the Phase II Stormwater Permit that contain design standards or performance criteria to address the post-construction phase impacts of new projects and redeveloped projects on stormwater quality and quantity.

“Pollutant” is any material other than stormwater including, but not limited to, petroleum products or by-products, acidity, dredged or excavated soil, solid waste, incinerator residue, filter backwash, sewage, pet wastes, manure, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, sediment, cellar dirt, concrete, debris, dumped yard wastes, and industrial,

municipal, and agricultural waste; temperature, wrecked or discarded equipment, rock, sand, soil and industrial, municipal or agricultural waste discharged into the water or stormwater system, that is discharged to or placed in such a way as to be carried away by stormwater into the storm drains and watercourses of the city.

“Premises” are any building, lot, parcel, real estate, or land or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

“Responsible person” shall mean the owner or occupant of any premises or who engages in any activity from which there is or may be a non-stormwater discharge or any person who releases pollutants to the city’s stormwater system.

“Storm drain system” or “storm drain” includes, but is not limited to those stormwater drainage conveyance facilities within the city by which stormwater may be conveyed to waters of the United States, including any roads with drainage systems, municipal streets, catch basins, drainage inlets, curbs, gutters, ditches, creeks, manmade open channels or culverts and pipes, which is not part of a Publicly Owned Treatment Works (POTW) as defined in the Code of Federal Regulations (at 40 CFR Part 122.2).

“Stormwater” means stormwater runoff, surface runoff and drainage. It excludes infiltration and runoff from agricultural land.

“Stormwater control plan” means a plan that meets the criteria contained in the most recent version of the *BASMAA Post Construction Manual*.

“Stormwater Facilities Operation and Maintenance Plan” is a plan identifying the locations and characteristics of stormwater management facilities on a newly developed or redeveloped site and describing maintenance activities, schedules, and responsibilities to ensure the ongoing proper operation of those facilities.

"Stormwater management facility" is any device designated to detain, retain, filter, or infiltrate stormwater.

“Stormwater pollution prevention plan (SWPPP)” is a plan to identify sources of sediment and other pollutants that affect the quality of stormwater discharges and describes and ensures the implementation of practices to reduce sediment and other pollutants in stormwater discharges.

“Watercourse” is any channel, ditch, drainage swale, closed pipe system, whether manmade or natural, that collects and transports runoff.

“Waters of the United States” are all waters which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide as defined in 33 CFR Part 328.

15.64.030 Responsibility for administration.

This chapter shall be administered for the city by the City Engineer. In administering this chapter, the City Engineer has the authority to request and require the submittal of information

deemed necessary to assess compliance with this chapter and the Phase II Stormwater Permit.

15.64.040 Construction and application.

This chapter shall be construed to assure consistency with the requirements of the federal Clean Water Act and acts amendatory thereof or supplementary thereto, applicable implementing regulations. Every application for a development project, including but not limited to a rezoning, tentative map, parcel map, conditional use permit, variance, site development permit, design review, or building permit is subject to the development runoff requirements in the city's NPDES permit and shall be accompanied by a stormwater control plan that meets the most recent version of the *BASMAA Post Construction Manual*.

15.64.050 Taking.

The provisions of this chapter shall not operate to deprive any landowner of substantially all of the market value of his/her property or otherwise constitute an unconstitutional taking without compensation. If application of this chapter to a specific project would create a taking, then pursuant to this chapter the city council may allow additional land uses, but only to the extent necessary to avoid a taking. Such uses shall be consistent with and carry out the purposes of this chapter as stated in BMC [15.64.010](#).

15.64.060 Discharge of pollutants.

- A. The discharge of non-stormwater discharges to the city storm drain system is prohibited. All discharges of material other than stormwater must be in compliance with this chapter, state and federal regulations and authorized by the City Engineer.
- B. The discharge of stormwater from premises or an activity that causes or contributes to a violation of receiving water limitations in the city's NPDES permit is prohibited.
- C. Exceptions to Discharge Prohibition. The following discharges are exempt from the prohibition set forth in subsection (A) of this section:
 1. Discharges regulated under a National Pollutant Discharge Elimination System (NPDES) permit (other than the Phase II Stormwater Permit) issued to the discharger and administered by the State of California under authority of the United States Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit and other applicable laws or regulations.
 2. Discharges or flows from fire-fighting activities unless they are identified as significant sources of pollutants to waters of the United States.
 3. Discharges from the following activities, provided any pollutants in the discharges are identified and appropriate control measures to minimize the impacts of such discharges are developed and implemented:
 - i. Water line flushing and other discharges from potable water sources;
 - ii. Incidental irrigation runoff from landscaped areas provided the conditions in item (4) of this section are met;
 - iii. Diverted stream flows;
 - iv. Rising ground waters;

- v. Infiltration to separate storm drains;
 - vi. Uncontaminated pumped ground water (as defined at 40 CFR § 35.2005(20)) to separate storm sewers;
 - vii. Foundation and footing drains;
 - viii. Water from crawl space pumps;
 - ix. Air conditioning condensation;
 - x. Natural springs;
 - xi. Individual residential car washing;
 - xii. Flows from riparian habitats and wetlands; and
 - xiii. Dechlorinated swimming pool discharges.
4. Irrigation systems must be designed to conserve water and prevent water leaving the area of application. Persons responsible for controlling irrigation systems shall prevent excessive irrigation runoff by:
- i. Detecting and correcting leaks from the irrigation system within 72 hours of discovering the leak;
 - ii. Properly designing and aiming sprinkler heads to only irrigate the planned application area;
 - iii. Not irrigating during precipitation events; and
 - iv. Where recycled water is used for irrigation, designing and managing holding ponds such that no discharge occurs unless it is the result of the 25 year-24 hour storm event. Any releases from holding ponds must be reported to the Regional Water Board and the city of Benicia within 24 hours of the discharge.

15.64.070 Discharge in violation of permit.

Any discharge that would result in a contribution to a violation of the Phase II Stormwater Permit, either separately considered or when combined with other discharge, is prohibited. Any non-stormwater discharge not within the confines of this chapter and/or not approved by the City Engineer is prohibited. Liability for any such discharge shall be the responsibility of the person(s) causing or responsible for the discharge, and such persons shall defend, indemnify and hold harmless the city in any administrative or judicial enforcement action relating to such discharge.

15.64.080 Illicit discharge and illicit connections.

A. It is prohibited to establish, use, maintain, or continue illicit drainage connections to the city stormwater system or watercourse, and to commence or continue any illicit discharges to the city stormwater system or watercourse. This prohibition is expressly retroactive and applies to connections made in the past, regardless of whether made under a permit or other authorization or whether permissible under the law or practices applicable or prevailing at the time of the connection.

B. Any person responsible for a discharge, spill, or pollutant release shall promptly cease and desist discharging, and/or cleanup and abate such a discharge as directed by the City Engineer.

C. Any person found to be in violation of this section or found to be responsible for an illicit connection, shall promptly remove the illicit drainage or connection in a manner acceptable to and approved by the city.

D. No discharge shall cause the following conditions, create a nuisance or adversely affect beneficial uses of waters of the state:

1. Floating, suspended or deposited macroscopic matter or foam;
2. Bottom deposits or aquatic growth;
3. Alterations of temperature, sediment load, nutrient load, or dissolved oxygen, which cause significant adverse impacts to native aquatic biota;
4. Visible, floating, suspended or deposited oil or products of petroleum origin; or
5. Substances present in concentrations or quantities which cause deleterious effects on aquatic biota, wildlife or waterfowl, or which render any of these unfit for human consumption.

E. The city may perform clean-up and abatement work and recover its costs from the responsible person as provided in Section 15.64.200.

15.64.090 Best management practices and standards.

Any person engaged in activities that will or may result in pollutants entering the city storm drain system shall undertake all practicable measures to cease such activities, and/or eliminate or reduce such pollutants. Such activities shall include, but not be limited to: ownership and use of parking lots, gasoline stations, industrial facilities, commercial facilities, ground disturbing activities, and stores fronting city streets. The following minimal requirements shall apply:

A. Littering. Except for pollutants lawfully disposed of by way of containers or in lawfully established dumping grounds, no person shall throw, deposit, leave, maintain, keep, or permit to be thrown, deposited, placed, left or maintained, any refuse, rubbish, garbage, or other discarded or abandoned objects, articles, and accumulations, in or upon any street, alley, sidewalk, storm drain, inlet, drain inlet, conduit or other drainage structures, business place, or upon any public or private lot of land in the city, in any fountain, pond, lake, stream or any other body of water in a park or elsewhere within the city, so that the same might be or become a pollutant.

B. Sidewalks. The occupant or tenant, or in the absence of occupant or tenant, the owner, lessee, or proprietor of any real property in the city of Benicia in front of which there is a paved sidewalk shall maintain said sidewalk free of dirt or litter to the maximum extent practicable. Sweepings from said sidewalk shall not be swept or otherwise made or allowed to go into the gutter or roadway, but shall be disposed of in receptacles maintained on said real property as required for the disposal of garbage, trash or green waste.

C. Standard for Parking Lots and Similar Uses. Persons owning or operating private streets, a parking lot, gas station pavement or similar structure shall clean those structures as frequently and thoroughly as practicable in a manner that does not result in discharge of pollutants to the city stormwater system.

D. Best Management Practices for Construction and Ground Disturbing Activities.

1. Any person performing construction activities in the city shall use the best available technology (BAT) and the best conventional technology (BCT). Any person performing construction activities shall implement appropriate BMPs consistent with the California Stormwater Quality Association BMPs or equivalent to prevent the discharge of construction wastes or contaminants from construction materials, tools, and equipment from entering the storm drain system or watercourse.

2. Construction-phase BMPs include erosion and sediment controls and pollution prevention practices.

Erosion control BMPs may include, but are not limited to:

- i. Scheduling and timing of grading activities;
- ii. Preservation of Existing Vegetation;
- iii. Timely revegetation of graded areas;
- iv. The use of hydroseed and hydraulic mulches;
- v. Soil Binders;
- vi. Earth Dike and Drainage Swales;
- vii. Velocity Dissipation Devices;
- viii. Slope Drains;
- ix. Installation of erosion control blankets;
- x. Soil Preparation-Roughening;
- xi. Wind Erosion Control.

Sediment control BMPs may include, but are not limited to:

- i. Properly sized detention basins, dams, or filters to reduce entry of suspended sediment into the storm drain system and watercourses;
- ii. Installation of construction entrances to prevent tracking of sediment onto adjacent streets;
- iii. Biofilter Bags;
- iv. Sandbag Barrier;
- v. Storm Drain Inlet Protection;
- vi. Entrance Outlet Tire Wash;
- vii. Street sweeping to remove tracked sediment.

Pollution prevention practices may include, but are not limited to:

- i. Designated concrete washout areas or facilities;
- ii. Control of trash and recycled materials;
- iii. Tarping of materials stored on-site;
- iv. Proper location of and maintenance of temporary sanitary facilities.

The combination of BMPs used, and their execution in the field, must be customized to the site using up-to-date standards and practices.

3. Financial security may be required to ensure that temporary measures to control stormwater pollution are implemented and maintained during construction and after construction for a period determined by the city. Financial security shall consist of an irrevocable letter of credit, cash deposit, or performance bond as determined by the agency.

4. When any work is being done contrary to the provisions of this article, the City Engineer may order the work stopped by notice in writing served on any persons engaged in doing or causing the work to be done. Such work shall stop until the authorized enforcement official authorizes the work to proceed. This remedy is in addition to, and does not supersede or limit, any and all other remedies, both civil and criminal provided in the city of Benicia Municipal Code.

5. The city has the authority to review designs and proposals for construction activities and new development and redevelopment sites to determine whether adequate BMPs will be installed, implemented, and maintained during construction and after final stabilization (post-construction).

6. All construction plans and applications for construction activity submitted to the city shall consider the potential for erosion and sedimentation at the construction site, and shall include appropriate erosion and sedimentation controls.

7. Erosion and Sediment Control Plan Requirements:

(a) An Erosion and Sediment Control Plan (ESCP) shall be required for:

(1) Any project subject to a grading permit under Chapter 15.28 Grading and Erosion Control;

(2) Any project subject to a building permit or other permit that has the potential for significant erosion and/or significant non-stormwater discharges of sediment and/or construction site waste;

(3) Any other project, as required by the authorized enforcement official, considering factors such as whether the project involves hillside soil disturbance, rainy season construction, construction near a creek or an intermittent or ephemeral drainage way, or any other condition or construction site activity that could lead to a non-stormwater discharge to a storm drain if not managed by effective implementation of an ESCP.

(b) The ESCP shall be submitted for review and approval by the authorized enforcement official. The project applicant shall follow guidance issued by the City Engineer in preparing the ESCP. At a minimum, the ESCP shall include:

(1) Description of the proposed project and soil disturbing activity;

(2) Site specific construction-phase BMPs;

(3) Rationale for selecting the BMPs, including if needed, soil loss calculations;

(4) List of applicable permits associated with the soil disturbing activity, such as: the State's Construction General Permit (CGP); Clean Water Act Section 404 Permit; Clean Water Act Section 401 Water Quality Certification; Streambed/Lake Alteration Agreement (1600 Agreements);

(5) Proof that the applicant has obtained the applicable permits associated with the soil disturbing activity that must be submitted prior to approval of the ESCP; and

(6) Project information including but not limited to:

- i. Owner and contractor contact information;
- ii. Site information (location, status, size of project, size of disturbed area);
- iii. Name and distance to the nearest receiving water; and
- iv. Planned start date and anticipated completion date.

(c) For projects subject to the State's General Construction Permit (CGP), project applicants may submit a Stormwater Pollution Prevention Plan (SWPPP) developed pursuant to the CGP in lieu of submitting an ESCP.

(d) Implementation of an approved ESCP shall be a condition of the issuance of a building permit, a grading permit, or other permit issued by the city for a project subject to this section. The ESCP shall be implemented year round and must be updated to reflect changing conditions on the project site. Any modifications to the ESCP shall be submitted to the city for review and approval.

E. Best Management Practices for New Development and Redevelopment.

1. Prior to and/or during construction, the authorized enforcement official may establish controls on the volume and rate of stormwater runoff from new developments and redevelopment as may be appropriate to minimize peak flows or total runoff volume, and to mimic the pre-development site hydrology. These controls may include limits on impervious area or provisions for detention and retention of runoff on-site.
2. The authorized enforcement official may require, as a condition of project approval, permanent structural controls designed for the removal of sediment and other pollutants, and for control on the volume and rate of stormwater runoff from the project's added or replaced impervious surfaces. The selection and design of such controls shall be in accordance with criteria established or recommended by federal, state, and local agencies, and where required, the *BASMAA Post Construction Manual*. Where physical and safety conditions allow, the preferred control measure is to retain drainage ways above ground and in as natural a state as possible, or by other biological methods such as bioretention areas.
3. Stormwater Control Plan Requirements:
 - (a) For each new development and redevelopment project subject to post construction measure requirements, or where required by the nature and extent of a proposed project and where deemed appropriate by the city, every applicant shall submit a Stormwater Control Plan (SCP) that meets the criteria in the most recent version of the *BASMAA Post Construction Manual*.

(1) Applicable new development and redevelopment projects subject to post construction measures include:

- i. *Small Projects.* Projects that create or replace between 2,500 and 5,000 square feet of impervious area, excluding *Linear Underground/Overhead Utility Projects.*
- ii. *Regulated Projects.* Projects that create or replace greater than or equal to 5,000 square feet of impervious area, excluding: detached single family residences that are not part of a common plan of development; interior remodels; routine maintenance or repair; *Linear Underground/Overhead Utility Projects unless the project has a discrete location of that has 5,000 square feet or more of newly constructed contiguous impervious area*
- iii. *Full Hydromodification Projects.* Regulated projects that create or replace greater than or equal to one acre of impervious area, with a net increase in impervious area.

(b) Applicants shall implement the controls identified in the SCP and required by the conditions of approval that reduce stormwater pollutant discharges through the construction, operation and maintenance of source control measures, low impact development design, site design measures, stormwater treatment measures and hydromodification management measures. Increases in runoff shall be managed in accordance with the post construction measures requirements.

(c) The SCP is separate and distinct from the ESCP requirements described in Section 15.64.090 (D).

(d) Where projects are required to have a SCP, project applicants shall follow the appropriate SCP template, based on the project type, in the *BASMAA Post Construction Manual.*

(e) Implementation of an approved SCP and submittal of an approved Stormwater Facilities Operation and Maintenance Plan by the applicant shall be a condition precedent to the issuance of a building permit or another city-issued permit for a project subject to this section.

(f) Financial security may be required to ensure that stormwater management facilities operate and are maintained following construction for a period which may be determined by the city. Financial security shall consist of an irrevocable letter of credit, cash deposit, or performance bond as determined by the city.

(g) When any work is being done contrary to the provisions of this article, the authorized enforcement official may order the work stopped by notice in writing served on any persons engaged in doing or causing the work to be done. Such work shall stop until the City Engineer authorizes the work to proceed. This remedy is in addition to and do not supersede or limit any and all other remedies, both civil and criminal provided in the BMC.

(h) All stormwater management facilities shall be designed in a manner to minimize the need for maintenance and reduce the chances of failure. Design guidelines are outlined in the *BASMAA Post Construction Manual.*

(i) All stormwater management facilities shall be maintained according to the approved Stormwater Facilities Operation and Maintenance Plan. The person(s) or organization(s) responsible for maintenance shall be designated in the plan.

Unless a different time period is provided for in the plan, those responsible for maintenance shall inspect the stormwater management facilities at least annually and submit a written report of the inspection to the City Engineer. The Stormwater Facilities Operation and Maintenance Plan shall describe how the maintenance costs will be funded. If the responsible person fails to maintain the stormwater management facilities in accordance with this chapter or the plan, the city may perform the maintenance and recover its costs from the responsible person as provided in Section 15.64.200.

(j) For each new development and redevelopment project subject to the post construction measures requirements, or where deemed appropriate by the city, access by the city to stormwater management facilities for inspections, as provided in Section 15.64.200, and through such means as may be appropriate, including, but not limited to, legal agreements, recorded covenants or easements, shall be provided by the property owner.

(k) All project proponents and their successors, or successors in fee title, in control of a new development and redevelopment project subject to the post-construction measures requirements, shall submit one of the following as a condition prior to final inspection and approval of building permit closure:

(1) The project proponent's signed statement accepting responsibility for the operations and maintenance of stormwater management facilities until such responsibility is legally transferred to another entity;

(2) Written conditions in the sales or lease agreements or deed for the project that requires the buyer or lessee to assume responsibility for the operations and maintenance of the stormwater management facilities until such responsibility is legally transferred to another entity;

(3) Written text in project deeds, or conditions, covenants and restrictions for multi-unit residential projects that require the homeowners association or, if there is no association, each individual owner, to assume responsibility for the operation and maintenance of the stormwater management facilities until such responsibility is legally transferred to another entity; or

(4) Any other legally enforceable agreement or mechanism, such as recordation in the property deed, that assigns the operation and maintenance of the stormwater management facilities to the project owner(s).

F. Notification of Intent and Compliance with General Permits. Each industrial discharger, discharger associated with construction activity, or other discharger, described in any general stormwater permit addressing such discharges, as may be adopted by the United States Environmental Protection Agency, the State Water Resources Control Board, or the California Regional Water Quality Control Board, San Francisco Bay Region, shall provide notice of intent, comply with, and undertake all other activities required by any general stormwater permit applicable to such discharges.

Each discharger identified in an individual NPDES permit relating to stormwater discharges shall comply with and undertake all activities required by such permit.

G. Compliance with Best Management Practices. Where Best Management Practices, guidelines or requirements have been adopted by any federal, State of California, and/or regional agency, or by the city, for any activity, operation, or facility that may cause or contribute to stormwater pollution or contamination, illicit discharges, and/or discharge of non-stormwater to the storm drain system, every person undertaking such activity or operation, or owning or operating such facility, shall comply with such guidelines or requirements as may be identified by the City Engineer.

H. Stormwater Pollution Prevention Plan. The City Engineer may require any business or utility in the city that is engaged in activities which may result in any discharges, lawful or otherwise, to develop and implement a stormwater pollution prevention plan (SWPPP), which must include maintenance, storage, manufacturing, assembly, equipment storage, vehicle loading, fueling, vehicle maintenance, food handling or processing or cleanup procedure that is carried out partially or wholly out of doors.

I. Coordination with Hazardous Materials Release Response and Inventory Plans. Any business subject to Hazardous Material Release Response and Inventory Plan, Division 20, Chapter 6.95 of the California Health and Safety Code (commencing with Section [25500](#)), shall include, in that plan, provision for compliance with this chapter, including the prohibition of non-stormwater discharges and the requirement to reduce release of pollutants to the maximum extent practicable.

15.64.100 Tourtelot cleanup project.

The Tourtelot cleanup project area consists of approximately 220 acres of the former Benicia Arsenal, north of Rose Drive and west of East 2nd Street. The site was used from 1944 to 1960 as part of the Benicia Arsenal. The site was known to contain ordnance and explosives and has been subject to a cleanup project. Because of various methods of detection and cleanup used on the site, areas of the site are subject to specific controls. Some areas are under the restriction of filing a plan for any work below grade. Other areas of the site also require the submittal of approved procedures prepared by a licensed engineer and observed by representatives of the State of California Division of Toxic Substances Control. No new discharges of any type or alteration of any existing discharge are allowed into the Tourtelot site without compliance with restrictions contained in the Tourtelot site contingency action plans and the operation and maintenance plan which are further cited in Chapter [15.28](#) BMC, Grading and Erosion Control.

15.64.110 Watercourse protection.

A. Every person owning property through which a watercourse passes, or such person's lessee or tenant, shall keep and maintain that part of the watercourse within the property reasonably free of trash, debris, excessive vegetation, and other obstacles which would pollute, contaminate, or significantly retard the flow of water through the watercourse; shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse; and shall not remove healthy bank vegetation beyond that actually necessary for maintenance, and not remove vegetation in such a manner as to increase the vulnerability of the watercourse to erosion.

B. No person shall commit or cause to be committed any of the following acts, unless a written permit has first been obtained from the City Engineer:

1. Discharge into or connect any pipe or channel to a watercourse;
2. Modify the natural flow of water in a watercourse;
3. Carry out development within the greater of 30 feet of the center line of any creek or 25 feet of the top of a bank wherein the "top of bank" is defined as the flatter of the actual top of bank or a projected top of bank from the toe of slope at 2 horizontal to 1 vertical bank slope;
4. Deposit in, plant in, or remove any material from a watercourse including its banks, except as required for necessary maintenance;
5. Construct, alter, enlarge, connect to, change, or remove any structure in a watercourse; or
6. Place any loose or unconsolidated material along the side of or within a watercourse or so close to the side as to cause a diversion of the flow, or to cause a probability of such material being carried away by stormwater passing through such watercourse.

15.64.120 Authority to inspect.

A. Whenever necessary to make an inspection to enforce any of the provisions of this chapter, or whenever an authorized enforcement official has reasonable cause to believe that there exists in any building or upon any premises any condition which constitutes a violation of the provisions of this chapter, the enforcement official has the duty and the responsibility to inspect any and all locations for any violation of the provisions of this chapter. The authorized enforcement official may, within the limitations of applicable state and federal laws, enter any such building or any premises (including, but not limited to, facilities, equipment, practices, or operations) at all reasonable times to inspect the same for any or all of the following situations, as determined by the authorized enforcement official:

1. Routine inspections to ensure implementation of BMPs and other requirements of this chapter;
2. Active or potential stormwater discharges;
3. Whenever there is reasonable cause to believe that there exists any condition which constitutes a violation of the provisions of this chapter or the Phase II Stormwater Permit;
4. Actual violations of this chapter or the Phase II Stormwater Permit;
5. Whenever necessary to enforce any of the provisions of this chapter or the Phase II Stormwater Permit; or
6. To perform any duty imposed upon the official by this chapter.

B. Prior to entry for inspections, the authorized enforcement official shall comply with the following: (i) If the building or premises is occupied, the enforcement official shall first present proper credentials and request entry; (ii) If the building or premises is unoccupied, the enforcement official shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. Any such request for entry shall state that the property owner or occupant has the right to refuse entry and that in the event such entry is refused, inspection may be made only upon issuance of a search warrant by a duly authorized magistrate. In the event the owner and/or occupant refuses entry after such request has been made, the official is hereby empowered to seek assistance from any court of competent jurisdiction in obtaining such entry.

- C. The authorized enforcement official has the right to and shall conduct routine sampling and monitoring on, or adjacent to, the premises under review. Routine or area inspections shall be based upon such reasonable selection processes as may be deemed necessary to carry out the objectives of this chapter, including but not limited to random sampling and/or sampling in areas with evidence of stormwater contamination, illicit discharges, discharge of non-stormwater to the storm sewer system, or similar factors. The cost of such routine sampling and/or monitoring activities, including test reports and results, shall be borne by the city. The authorized enforcement official may, within the limitations of law, enter such premises at reasonable times to conduct sampling and monitoring operations, provided that the official presents proper credentials to, and obtains consent from the owner or occupant to enter. In the event the owner and/or occupant refuses entry, the official shall request assistance of the city attorney to obtain an administrative warrant to enter the premises, pursuant to the provisions of state law.
- D. Authority to Sample and Establish Sampling Devices. The city shall have the right to establish on any property such devices as are necessary to conduct sampling or metering operations. During all inspections as provided herein, the official may take any samples deemed necessary to aid in the pursuit of the inquiry or in the recordation of the activities on site.
- E. Notification of Spills. All persons in charge of a facility or responsible for emergency response for a facility have a responsibility to train facility personnel and maintain notification procedures to ensure that immediate notification is provided to the city of any suspected, confirmed or unconfirmed release of material, pollutants or waste creating a risk of discharge into the city stormwater system.
- F. As soon as any person in charge of a facility or responsible for emergency response for a facility has knowledge of any confirmed or unconfirmed release of materials, pollutants or waste that may result in pollutants or non-stormwater discharges entering the city stormwater system, such person shall take all necessary steps to ensure the discovery and containment and cleanup of such release and shall notify the city of the occurrence by telephoning the City Engineer during normal business hours and confirming the notification by correspondence. Outside of normal business hours telephone notice shall be made to the Benicia fire department.
- G. The city will identify, document and respond to pretreatment violations in accordance with its enforcement response plan.
- H. Requirement to Test or Monitor. Any authorized enforcement official may request that any person engaged in any activity and/or owning or operating any facility which may cause or contribute to stormwater pollution or contamination, illicit discharges, and/or discharge of non-stormwater to the stormwater system, undertake such monitoring activities and/or analyses and furnish such reports as the official may specify. The burden and cost of undertaking such sampling and monitoring activities, including test results and reports, shall be borne by the owner of the premises under review. The type and method of sampling and monitoring shall bear a reasonable relationship to the need for testing and monitoring and to the benefits to be obtained, as determined by the enforcement official.
- I. Exigent circumstances. Whenever a condition is found to exist in violation of this chapter that presents an immediate and present danger to the public health, safety and welfare requiring immediate remedial action to prevent injury to persons or property, the authorized enforcement official shall take whatever reasonable and appropriate action is necessary to neutralize the danger, including but not limited to, entry upon private premises for inspection, sampling and monitoring, and abatement.

15.64.130 Violations constituting misdemeanors.

The violation of any provision of this chapter, or failure to comply with any of the mandatory requirements of this chapter, shall constitute a misdemeanor. However, any such violation constituting a misdemeanor under this chapter may, in the discretion of the city attorney, be charged and prosecuted as an infraction.

15.64.140 Penalty for violation.

Upon conviction of a misdemeanor, a person shall be subject to payment of a fine, or imprisonment, or both, not to exceed the limits set forth in California Government Code Section [36901](#).

Upon conviction of an infraction, a person shall be subject to payment of a fine, not to exceed the limits set forth in California Government Code Section [36900](#). After a third conviction for a violation of the same provision subsequent violations within a 12-month period may be charged as a misdemeanor.

15.64.150 Continuing violation.

Unless otherwise provided, a person, firm, corporation or organization shall be deemed guilty of a separate offense for each and every day during any portion of which a violation of this chapter is committed, continued or permitted by the person, firm, corporation or organization and shall be punishable accordingly as herein provided.

15.64.160 Concealment.

Causing, permitting, aiding, abetting or concealing a violation of any provision of this chapter shall constitute a violation of such provision.

15.64.170 Acts potentially resulting in violation of federal Clean Water Act and/or Porter-Cologne Act.

Any person who violates any provision of this chapter, any provision of any permit issued pursuant to this chapter, or who discharges waste or wastewater which causes pollution, or who violates any cease and desist order, prohibition, or effluent limitation, may also be in violation of the federal Clean Water Act, the Porter-Cologne Act, and/or the Phase II Stormwater Permit, and may be subject to the sanctions of those Acts including civil and criminal penalty. Any enforcement action authorized under this chapter should also include notice to the violator of such potential liability.

15.64.180 Violations deemed a public nuisance.

In addition to the penalties hereinbefore provided, any condition caused or permitted to exist in violation of any of the provisions of this chapter is a threat to the public health, safety and welfare, and is hereby declared and deemed a public nuisance, and may be summarily abated and original conditions restored by any authorized enforcement official, and/or by a civil action to abate, enjoin or otherwise compel the cessation of such nuisance brought by the city attorney.

The cost of such abatement and restoration shall be borne by the owner of the property and the cost thereof shall be a lien upon and against the property and such lien shall continue in existence until the same shall be paid. If the lien is not satisfied by the owner of the property within three months after the completion by the authorized enforcement official of the removal of the nuisance and the restoration of the property to its original condition, the property may be sold in satisfaction thereof in a like manner as other real property is sold under execution.

If any violation of this chapter constitutes a seasonal and recurrent nuisance, the city council shall so declare. Thereafter such seasonal and recurrent nuisance shall be abated every year without the necessity of any further hearing.

15.64.190 California Code of Civil Procedure Section 1094.6.

The provisions of Section 1094.6 of the California Code of Civil Procedure are applicable to judicial review of city decisions pursuant to this chapter.

15.64.200 Civil actions.

In addition to any other enforcement powers and/or remedies provided in this Chapter, any violation of this Chapter may be enforced by civil action brought by the city. In any such action, the city may seek, and the court shall grant, as appropriate, any or all of the following remedies:

A. A temporary and/or permanent injunction;

B. An action for an unlawful business practice pursuant to Business and Professions Code Section 17206;

C. Assessment of the violator for the costs of any investigation, inspection, or monitoring survey which led to the establishment of the violation, and for the reasonable costs of preparing and bringing legal action under this subsection;

D. Costs incurred in removing, correcting, or terminating the adverse effects resulting from the violation;

E. Compensatory damages for loss or destruction to water quality, wildlife, fish and aquatic life. Assessments under this subsection shall be paid to the city to be used exclusively for costs associated with monitoring and establishing stormwater discharge pollution control systems and/or implementing or enforcing the provisions of this chapter;

F. The cost of maintenance and repair of any BMP or stormwater management facility that is not maintained in accordance with the guidebook or the stormwater control plan.

15.64.210 Administrative enforcement powers.

In addition to the other enforcement powers and remedies established by this chapter, any authorized enforcement official has the authority to utilize the following administrative remedies.

A. Cease and Desist Orders. When an authorized enforcement official finds that a discharge has taken place or is likely to take place in violation of this chapter, the official may issue an order to cease and desist such discharge, practice, or operation likely to cause such discharge and direct that those persons not complying: (1) comply with the requirement, (2) comply with a time schedule for compliance, and/or (3) take appropriate remedial or preventive action to prevent the violation from recurring. Upon the violator's failure to comply with such order, the city shall take further enforcement action as specified in this chapter, or in accordance with other appropriate provisions of local, state or federal law. At the discretion of the authorized enforcement official, orders to cease and desist may take the following form:

1. Verbal Warnings, as may be issued during inspections;
2. Warning Letters and Orders to Abate Pollution;
3. Warning Letters with requirements to submit written reports; or
4. Formal violations and legal action as described in this chapter and as authorized by Chapter 17.128 of the city of Benicia Municipal Code.

B. Notice to Clean. Whenever an authorized enforcement official finds any oil, earth, dirt, grass, weeds, dead trees, tin cans, rubbish, refuse, waste or any other material of any kind, in or upon the sidewalk abutting or adjoining any parcel of land, or upon any parcel of land or grounds, which may result in an increase in pollutants entering the city storm drain system or a non-stormwater discharge to the city storm drain system, the authorized enforcement official may give notice to remove such oil, earth, dirt, grass, weeds, dead trees, metal cans, rubbish, refuse, waste or other material, in any manner that the enforcement official may reasonably provide. The recipient of such notice shall undertake the activities as described in the notice.

15.64.220 Remedies not exclusive.

Remedies under this chapter are in addition to and do not supersede or limit any and all other remedies, civil or criminal. The remedies provided for herein shall be cumulative and not exclusive.

A. Appeal. Any person, firm, corporation or organization required to perform monitoring, analyses, reporting and/or corrective activities by an authorized enforcement officer who is aggrieved by the decision of the authorized enforcement officer may appeal such decision to the City Engineer within 10 days following the effective date of the decision by writing the City Engineer in accordance with Chapter [1.44](#) BMC. Upon receipt of such request, the City Manager shall request a report and recommendation from the authorized enforcement officer and shall set the matter for hearing within 14 days. At said hearing, the City Manager may hear additional evidence, and may reject, affirm or modify the authorized enforcement officer's decision. Said decision shall be final unless appealed further in accordance with Chapter [1.44](#) BMC.

B. Disclaimer of Liability. The degree of protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific, engineering and other relevant technical considerations. The standards set forth herein are minimum standards and this chapter does not imply that compliance will ensure that there will be no unauthorized discharge of pollutants into the waters of the United States. This chapter shall not create liability on the

part of the city, any officer or employee thereof for any damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

15.64.230 Coordination with hazardous materials inventory and response program.

The first revision of the business plan for any facility subject to the city’s hazardous materials inventory and response program shall include a program for compliance with this chapter, including the prohibitions on non-stormwater discharges and illicit discharges, and the requirement to reduce stormwater pollutants to the maximum extent practicable.

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 clause thereof irrespective of the fact that any one or more sections, subsections, phrase or clauses be declared unconstitutional on their face or as applied.

On motion of _____, seconded by _____, the foregoing ordinance was introduced at a regular meeting of the City Council on the 21st day of April, 2015, and adopted at a regular meeting of the Council held on the _____ day of _____, 2015, by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk

Date

AGENDA ITEM
CITY COUNCIL MEETING DATE - MAY 5, 2015
CONSENT CALENDAR

DATE : April 21, 2015
TO : City Manager
FROM : Public Works Director
SUBJECT : **REVIEW OF MARCH WATER REPORT**

RECOMMENDATION:

Receive the City's water supply, customer usage, and conservation update.

EXECUTIVE SUMMARY:

Benicia customers are continuing to conserve water and their efforts are acknowledged and appreciated. Benicia has reduced its water use by 22.7% in the last 12 months compared to the 2013 baseline. In February, Benicia's water conservation rate was 28.5%, compared to the statewide average of only 2.8%. In March, water use was reduced by 30.2% compared to March 2013. Benicia customers are encouraged to continue conserving as the drought persists and to be in compliance with the Governor's call on April 1, 2015 for an immediate 25% mandatory reduction statewide.

BUDGET INFORMATION:

No budget impacts are associated with this update.

GENERAL PLAN:

Relevant General Plan Goals:

- Overarching Goal of the General Plan: Sustainability
- Goal 2.36: Ensure an adequate water supply for current and future residents and businesses.

STRATEGIC PLAN:

Relevant Strategic Plan Issue and Strategy:

- Strategic Issue #1: Protecting Community Health and Safety
- Strategy #5: Promote community and personal health

BACKGROUND:

California has a climate with drought cycles every 10 to 20 years. The last two severe droughts were in the mid-1970's and late-1980's to early 1990's. On January 17, 2014, the Governor declared a drought and asked for 20% voluntary water reduction. On April 1, the Governor mandated a 25% reduction from 2013 usage, and it appears that the State Water Resources

Control Board will require a 28% reduction in residential water use compared to 2013. Northern California has experienced record low rainfall and snow accumulation so far this year. As a result of the four years of drought, communities in California need to significantly cutback water use.

The City of Benicia has a population of approximately 28,000 people, 8,500 residential water meter service connections, and 1,000 commercial, industrial and institutional connections. The City purchases approximately 10,000 acre - feet or 3.3 billion gallons of water per year, and half of this water is used at the Valero Oil Refinery. The State Water Project (SWP) supplies 75% to 85% of the City's water from the Sacramento - San Joaquin Delta and the Solano Project (SP) supplies 15% to 25% of the City's water from Lake Berryessa. Lake Herman has historically been used as an emergency water supply and temporary storage reservoir.

The City has 3,100 acre-feet of reliable water supply and has purchased water from various agencies when needed. Allocations of water from the SWP have varied from 5% to 65%. When the allocation exceeded 35%, then the City had adequate water supply. Lake Oroville is 51% full and the current SWP allocation is 25%.

Some of the SWP and SP water that is allocated and not used can be carried over or "banked" for use in future years. Approximately 10,000 acre-feet of water has been "banked" in Lake Berryessa for use during a drought. There is 6,500 acre-feet of SWP carryover water.

The City is managing its water supply to maximize the use of the allocated State Water Project water, conserve Solano Project water that can be stored/banked in Lake Berryessa, maximize Lake Herman water storage and delivery, and make improvements to components of the water infrastructure to ensure reliability and redundancy. All of these efforts are intended to ensure, to the extent feasible, an adequate water supply through December 2017 in case the drought continues. A forecast of Benicia's water source supply through 2018 is attached. In December 2014, Benicia customers reached the goal of 20% water conservation.

MONTHLY WATER UPDATE

Monthly reports about residential customer water use are submitted to the State Water Resources Control Board (SWRCB). In February, Benicia's water conservation rate was 28.5%, compared to the statewide average of only 2.8%. Benicia's per capita water use was 73.2 gallons per person per day (GPPD) in February, compared to the statewide average of 76.7 (GPPD),

which is the latest information available. Note that various factors can affect the per capita water use comparison such as precipitation, temperature, population, socio-economic measures and even water prices.

Historically, the City has depended more on its State Water Project availability than its Solano Project supply. Table 1 details the usage of all three water supplies in 2014 and 2015. On February 21, the water treatment plant switched from the SWP (North Bay Aqueduct) supply to the Solano Project (Putah South Canal) supply, and will begin blending State Water Project with Solano Project water in early May.

**Table 1
2014 and 2015 Source Water Usage
(acre-feet)**

	<i>Total Water Demand</i>	<i>State Water Project Supply</i>	<i>Solano Project Supply</i>	<i>Total Project Source Supply</i>	<i>Lake Herman Makeup Water</i>
2014					
2014 Total	9,954	6,785	2,138	8,923	1,537
2015					
January	708	147	0	147	653
February	602	541	112	653	28
March	768	27	724	751	62
2015 Total	2,078	715	836	1,551	743

Table 2 and Graph 1 show the monthly treated water production through March. The 12-month cumulative water conservation is 22.7% (from April 2014 through March 2015 compared to the 2013 baseline) shows that the conservation efforts in 2015 are even better than in 2014.

There were only two months in 2014 when water treatment was cut by more than 28%. The treatment amount is for more than residential use, but shows that meeting the 28% reduction will be difficult during the months of June through September.

Table 2
Monthly Treated Water Production Leaving the Water Treatment Plant
(in acre-feet)

	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec
2013	354.8	375.6	494.1	546.0	703.4	648.5	682.5	662.9	601.8	551.8	438.5	419.2
2014	411.8	312.4	352.3	394.7	534.7	575.0	557.0	515.0	478.2	426.1	320.8	286.5
2015	308.8	268.4	345.0									
2014 percent difference from 2013	16.1%	-16.8%	-28.7%	-27.7%	-24.0%	-11.3%	-18.4%	-22.3%	-20.5%	-22.8%	-26.8%	-31.7%
2015 percent difference from 2013	-13.0%	-28.5%	-30.2%									

Graph 1
Monthly Treated Water Production Leaving the Water Treatment Plant
(in acre-feet)

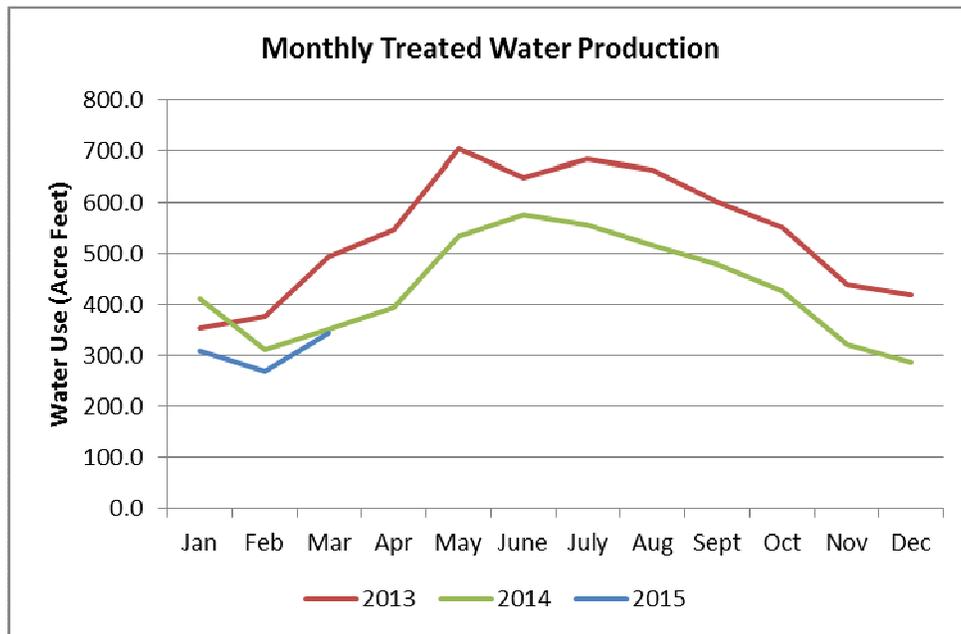


Table 3 and Graph 2 show the amount of water the City municipal meters have used during this same period. A total of 308 acre-feet were used in 2013 and 212 acre-feet were used in 2014, which is a 31% annual reduction.

**Table 3
City Facilities Metered Water Use
(in acre-feet)**

	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec
2013	8.8	2.3	10.0	18.9	17.9	57.5	22.9	63.3	21.7	50.6	17.8	16.2
2014	10.0	13.6	11.8	4.8	12.5	26.8	22.1	40.3	17.6	30.8	14.1	7.4
2015	4.9	1.6	8.9									
2014 percent difference from 2013	13.6%	491.3%	18.0%	-74.6%	-30.2%	-53.4%	-3.5%	-36.3%	-18.9%	-39.1%	-20.8%	-54.3%
2015 percent difference from 2013	-44.3%	-30.4%	-11.0%									

**Graph 2
Cumulative City Facilities Metered Water Use
(in acre-feet)**

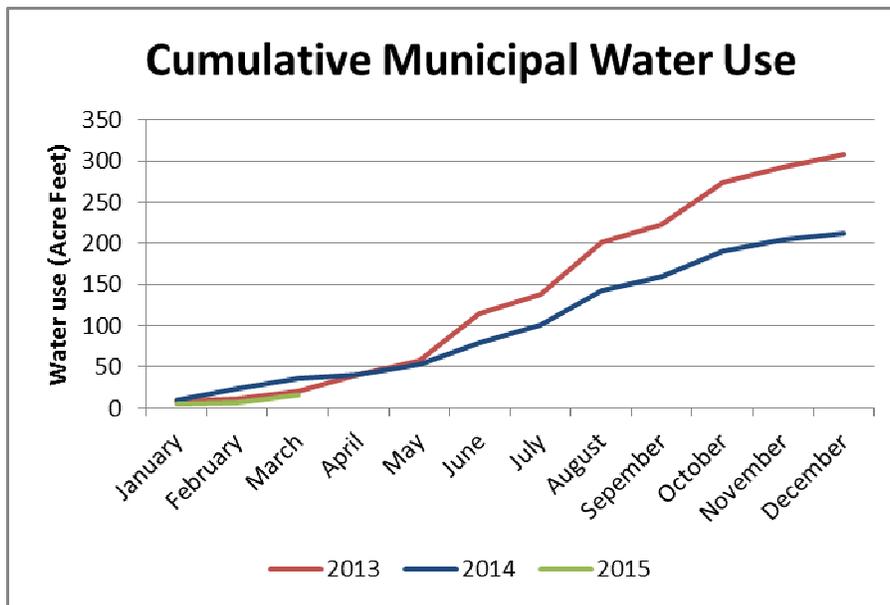


Table 4 identifies the different accounts within the Benicia Water Supply Portfolio. The State Water Project water that the City is guaranteed comes from our “Table A” contract water (4,300-AF in 2015), the Carry-over from previous years (6,507-AF in 2015), and the remaining water banked with the Mojave Water Agency (1,000-AF in 2015).

Solano County Water Agency has approved the exchange between Benicia and Vallejo to trade a portion of Benicia's Carry-over water for Vallejo's Permit Water, at a 1:2 ratio. Vallejo's Permit Water originates from the same source as the North Bay Aqueduct, and can be described as a "use it or lose it" water each calendar year. This exchange with Vallejo can only occur while Vallejo has access to its Permit Water, which may be rescinded later this summer if the SWRCB imposes further restrictions on junior water rights permits. If a "?" is shown in the table, it means that the allocation is not known at this time.

Table 4
Benicia Water Portfolio for 2014, 2015 and 2016
(in acre-feet)

Water Source	2014	2015	2016
SWP - Table A Allocation	860	4,300	860 ¹
SWP- Advanced Table A	0	?	?
SWP – Carryover	9,396	6,507	5,784
SWP - Article 21	0	?	?
Vallejo Permit Water Exchange	588	600 ²	600 ²
SWP - Settlement Water	1,580	518	?
SWP - Mojave Water Agency Bank	1,000	1,000	0
SWP - Yuba Accord Water	266	?	?
SWP-NOD Allocation	0	?	?
State Water Project Sub-Total	13,690	12,925	7,244
SP - Vallejo 1962 Agreement	1,100	1,100	1,100
SP - SID 2009 Agreement	2,000	2,000	2,000
SP - Vacaville Purchase (July & Dec)	4,000	0	?
SP- Vallejo Exchange (Sept 2014)	166	?	?
SP-Total Carryover	4,697	9,942	11,942
Solano Project Sub-Total	11,963	13,042	15,042
Lake Herman - Projected Supply	1,590	1,300	1,175
Grand Total	27,243	27,267	23,461

¹ Assuming the worst case scenario of receiving only 5% of our Table A Allocation.

² Assuming that we can exchange SWP Carryover water for Vallejo's Permit Water

WATER CONSERVATION

Governor's April 1 Executive Order

On April 1, 2015, Governor Brown issued an Executive Order mandating a 25% reduction in water use for all urban water users. The SWRCB is having a meeting on May 5 and plans to adopt the regulations. On April 17, the SWRCB issued draft regulations for public comment. If adopted, Benicia residential water use would need to be reduced by 28% compared to 2013 usage. Agencies with high water use (i.e., gallons per capita per day higher than 265 gallons per day) are in Tier 4 and will be required to reduce 36%. More information will be reported after the State's regulations are adopted.

Mandatory Outdoor Water Restrictions and SWRCB Emergency Regulations

On July 1, 2014, City Council enacted mandatory restrictions on outdoor water use. Since outdoor water use accounts for about 50% of residential water demand, this was an effective conservation measure that was critical to reaching last year's 20% reduction goal. The restrictions apply to both residential and commercial customers and will remain in effect until the City Council declares an end to the water shortage emergency.

On March 17, 2015, the SWRCB adopted emergency water conservation regulations that expand the regulations adopted in July 2014. One of the major provisions continued from 2014 is that urban water providers like Benicia must implement the stage of their drought contingency plan that requires mandatory outdoor water restrictions (or limit watering to twice per week if they do not have a contingency plan). Benicia's contingency plan restricts outdoor water use to three days per week, as described below.

On April 1, watering restrictions, which restrict use of sprinklers to three days per week, changed back to the spring/summer schedule as follows:

- Residents with addresses ending in an odd number (1, 3, 5, 7 or 9) can only water on Mondays, Wednesdays and Fridays.
- Residents with addresses ending in an even number (0, 2, 4, 6 or 8) can only water Tuesdays, Thursdays and Saturdays.
- Residents are allowed to water on their designated day only, before 8:00 am or after 7:00 pm.

There are exceptions for hoses with a shut-off nozzle, drip irrigation, watering container plants and for watering turf at recreational areas.

New rules in the March 17 SWRCB regulations include the following:

- Restaurants and other food service establishments can only serve water to customers on request.
- Operators of hotels and motels must provide guests with the option of choosing not to have towels and linens laundered daily and prominently display notice of this option.
- Water agencies are required to notify customers when they are aware of leaks within the customer's control.
- Monthly reporting requirements will now include the limit on outdoor irrigation and a description of enforcement efforts.

City staff delivered table cards to local restaurants in 2014 and have been working with local restaurants and hotel/motels to ensure that these regulations are followed. This outreach will be completed in May.

The following is a summary of Benicia's water conservation enforcement actions, which are reported to the State:

Enforcement Action	2014 Total	2015 to date
Informal written warning (door hanger):	6	23
Formal written warning:	1	1
Notice of Violation/Fines	0	0

Solano County Turf Replacement Program Update

The Solano County Water Agency (SCWA) has administered a turf-replacement program since 2010 using state Proposition 84 grant funding that provides rebates to residents who replace their water thirsty lawn with drought-tolerant landscaping. This program will reimburse a property owner \$1.00 per square foot, up to \$1,000 per project. With the additional funding SCWA received for this rebate program in March, SCWA is now accepting new applications for \$1.00/square foot, up to \$1,000.

Last year, the Benicia Community Sustainability Commission (CSC) provided a \$100,000 grant funding for an additional \$1.00/ sq. ft. rebate for Benicia residents for an enhanced rebate of \$2.00 per sq. ft., up to \$2,000, until the grant funds are exhausted. As of April 16, \$78,558 of the \$100,000 CSC grant has been paid to 100 Benicia residents. The balance remaining of \$21,442 will go to residents that are already in the queue, on a first come first serve basis. As of April 16, there were 75 Benicia residents in the queue.

Public Works will apply for another \$100,000 grant through the CSC in May since this is a popular water conservation rebate program. If that grant is awarded, then the rebate will resume to \$2.00 per square foot, up to \$2,000.

Other Water Conservation Programs and Activities

With the onset of summer weather and the April 1 change in outdoor water restrictions, the City is implementing a multi-pronged public outreach campaign that includes the following elements:

- A postcard mailed to all residents reminding them of the April 1 outdoor watering limits listed earlier in this report and a media release on the same topic.
- The Mayor's Challenge campaign to encourage Benicia residents to take an on-line water conservation pledge.
- City booth at the weekly Farmer's Market (April – October) with water conservation materials.
- Signs highlighting the City's Parks & Community Services Department's water conservation efforts (i.e. evapotranspiration controllers, drip irrigation and turf replacement) at various locations.
- An updated flier with water conservation tips.
- Displays at City Hall and the Library.
- Additional outreach is being considered that will be reported in a future update.

Benicia citizens also have access to two free home assessment programs, WattzOn (Benicia Home Efficiency Program) and SCWA's home audit programs that can inform water conservation decisions by providing information on how water is being used and on suggestions for ways to conserve. The WaterSmart pilot program will continue until October, providing tailored information home water report on water use and conservation options to those residents in the program.

Water Recycling

Use of recycled water is an increasingly important part of California's water portfolio, and currently constitutes approximately 7% of the state's water supply. In response to the drought, the State has moved to encourage wider use of recycled water, including direct and indirect potable reuse. Water reuse is a

major priority for the SWRCB, which last year revised the recycled water regulations and adopted a statewide general permit to simplify regulatory approval of water reuse projects.

Proposition 1, a large bond measure approved by the voters in November 2014, includes \$725 million for recycled water and desalinization projects, funding that will be available over the next three years for projects that have completed planning and environmental reviews. On April 21, Public Works staff attended a workshop about the application process.

Benicia is in a position to implement a non-potable water reuse project that would supply approximately 2 million gallons per day (GPD) of for use in cooling towers at the Valero Oil Refinery. This project would reduce the City's water needs by more than 20%, thus increasing the reliability of supply for the City and Valero. Obtaining funding in the form of grants or loans will be critical to making this project a reality.

The sources for grant funding include the Federal Title XVI program administered by the U.S. Bureau of Reclamation, the State Proposition 84 funds administered by the Department of Water Resources, and the Proposition 1 recycled water funding that is being managed by the SWRCB. In addition, low-interest loans are available through the State Revolving Fund program, administered by the SWRCB.

To obtain grants or loans, the City must prepare a Feasibility Study and Facilities Planning Report (FSFPR) that will specify how the recycled water will be produced at the Benicia Wastewater Treatment Plant (WWTP) and transported to Valero. In addition, the City must prepare environmental review documentation and perform an economic and market analysis. The City is seeking funding from planning grant programs that provide partial funding for FSFPR, and the Council adopted a resolution at the March 17 meeting approving applications for planning grants.

On March 3, City staff submitted an application to the U.S. Bureau of Reclamation (USBR) for a planning grant of \$150,000. It is anticipated that USBR grants will be awarded in April. An application for a similar SWRCB program for planning grants up to \$75,000 will be submitted in April. Each of these grants requires a local match, and since the total estimated cost for the FSFPR is about \$300,000, the City would contribute about \$75,000 to the FSFPR if both grant applications are successful.

Discussions between City staff and Valero are continuing. The City has provided water quality data on Wastewater Treatment Plant effluent to Valero, worked with Valero to develop water quality criteria for the recycled water, and worked

with Valero staff on a Request for Proposals for planning and design services. The next step is to distribute a Request for Proposals and select an engineering firm to conduct the feasibility study, carry out the environmental review and prepare necessary documentation, and to complete the design of the project.

Attachments:

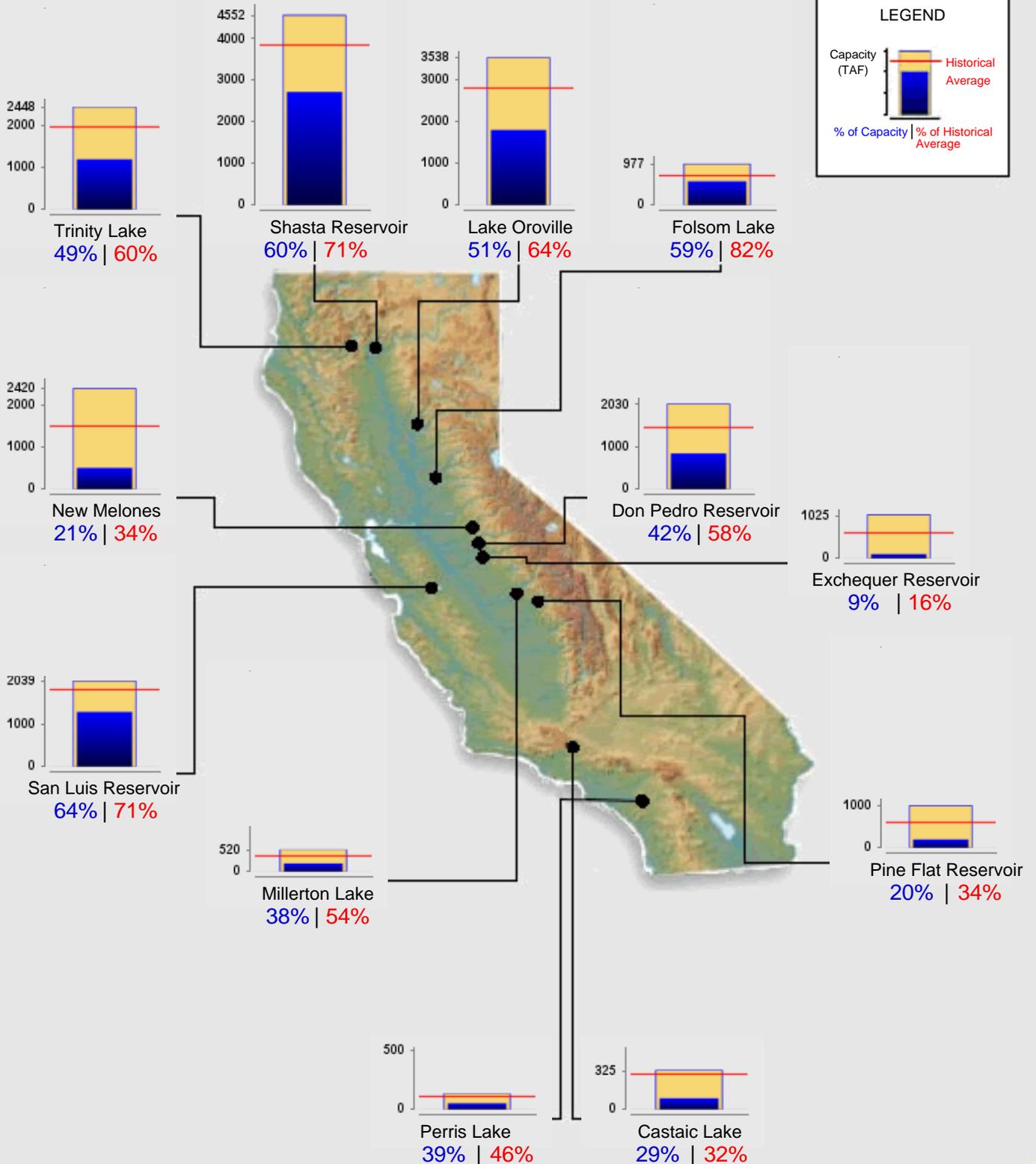
- DWR Reservoir Conditions
- SCWA Weekly Report and Lake Berryessa Storage Graph
- Benicia Source Water Forecast through 2018
- Water Supply Scenarios Graph through 2018



Reservoir Conditions

Ending At Midnight - April 20, 2015

CURRENT RESERVOIR CONDITIONS



SOLANO COUNTY WATER AGENCY
WEEKLY REPORT

For Week Ending Sunday, April 19, 2015

Last Updated: Monday, April 20, 2015

SOLANO PROJECT

Lake Berryessa Surface Elevation	410.43 ft (top of Glory Hole is 439.96 ft)
Surface Elevation Changes from 4/1/2015	-0.86 ft
Lake Berryessa Storage (acre-feet)	1,036,413 AF (Max 1.6 Million AF)
Storage Changes from 4/1/2015	-13,712 AF
Lake Berryessa % Capacity	64.8%
Distance to Glory Hole	29.53 feet BELOW
Decrease from High Point	25,734 AF (Lake high of 1,062,147 on 02/26/2015)
Putah Creek Releases	80 cfs
Putah Creek Flood Releases	0.00 cfs

Operating to the post Spring Pulse Flow requirements of I-80 flows of 50 cfs until April 24. Minimum flow at Putah Diversion Dam is 46 cfs for April – additional flows are for stream depletions and agricultural diverters.

NORTH BAY AQUEDUCT

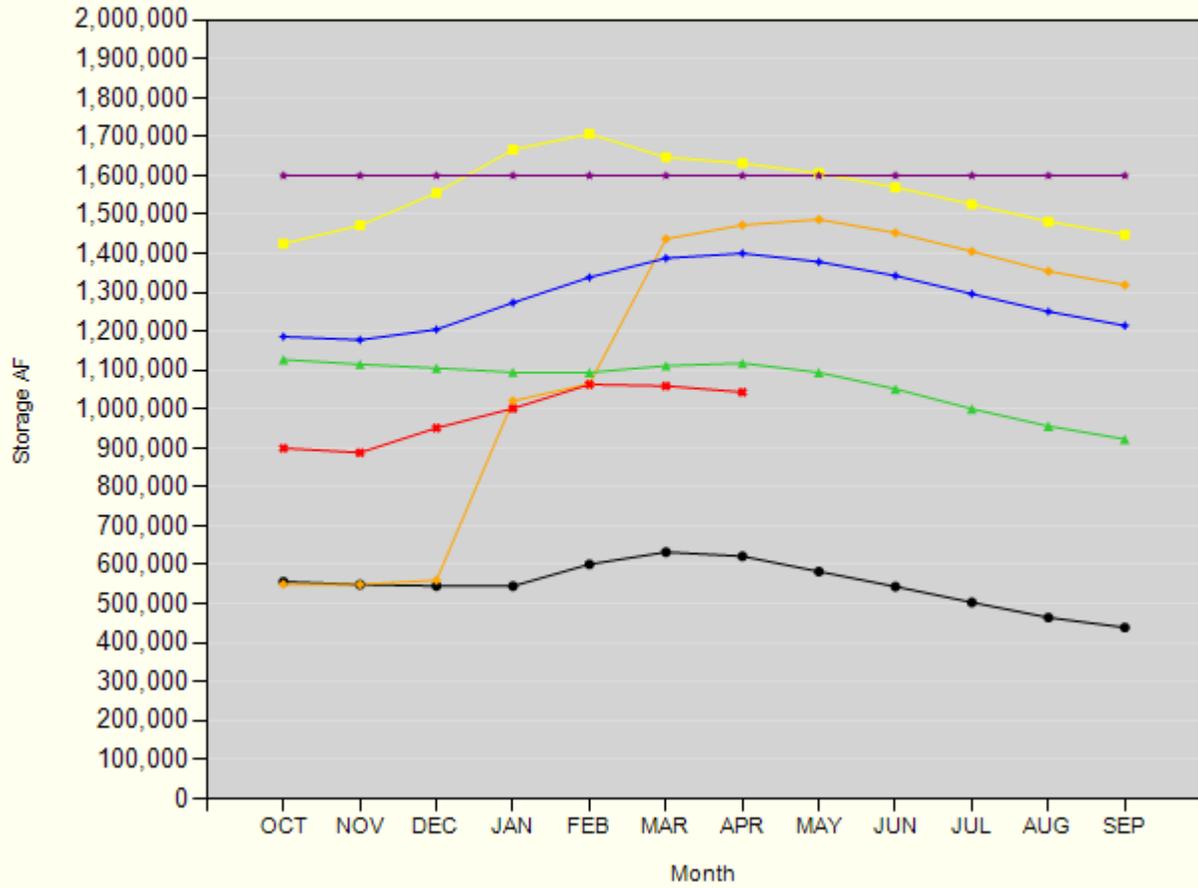
Current Allocations of Contract Amount

Allocation increased to 25% on January 15, 2015
Initial allocation for 2015 is 10% on December 1, 2014

Delta Conditions: Balanced conditions effective March 16. Term 91 expected to be imposed shortly.

Lake Berryessa Storage

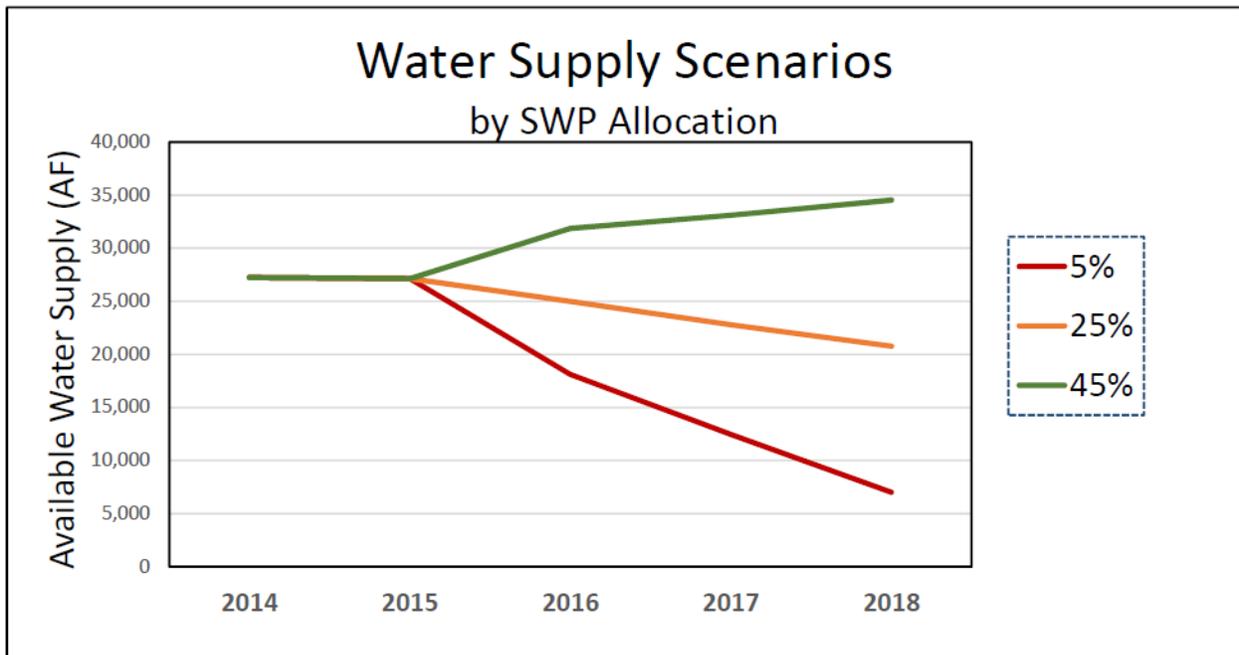
—●— 1983 - Highest Storage
 —●— 1995 - Greatest Gain
 —●— 2015
 —●— SPILL LEVEL
—●— 1992 - Lowest Storage
 —●— 2014
—●— Average (1960 - Current)



Benicia Source Water Forecast

Water Source	2014	2015	2016	2017	2018
SWP - Table A Allocation	860	4,300	860	860	860
SWP- Advanced Table A		?			
SWP - Carryover	9,396	6,807	4,455	815	-2,825
SWP - Article 21	0	0	0	0	0
Vallejo Permit Water	588	197			
SWP - Settlement Water	1,580	491	400	400	400
SWP - Mojave Water Agency Bank	1,000	1,000	0	0	0
SWP - Yuba Accord Water	266	?	0	0	0
SWP-NOD Allocation		?			
<i>State Water Project Sub-Total</i>	<i>13,690</i>	<i>12,795</i>	<i>5,715</i>	<i>2,075</i>	<i>-1,565</i>
SP - Vallejo 1962 Agreement	1,100	1,100	1,100	1,100	1,100
SP - SID 2009 Agreement	2,000	2,000	2,000	2,000	2,000
SP - Carryover	4,697	9,942	8,122	6,302	4,482
SP - Vacaville Purchase (July & Dec)	4,000				
SP - Vallejo Exchange (Sept 2014)	166				
<i>Solano Project Sub-Total</i>	<i>11,963</i>	<i>13,042</i>	<i>11,222</i>	<i>9,402</i>	<i>7,582</i>
Lake Herman - Available Supply	1,590	1,300	1,175	1,000	1,000
<i>Grand Total</i>	<i>27,243</i>	<i>27,137</i>	<i>18,112</i>	<i>12,477</i>	<i>7,017</i>

Water Supply Scenarios Graph
showing 5%, 25%, and 45% State Water Project Allocations



AGENDA ITEM
CITY COUNCIL MEETING DATE - MAY 5, 2015
CONSENT CALENDAR

DATE : April 16, 2015

TO : City Council

FROM : Community Development Director

SUBJECT : **INTRODUCTION AND FIRST READING OF AN AMENDMENT TO THE ZONING ORDINANCE FOR MINOR EDITS TO CLARIFY TEXT AND ELIMINATE DISCREPANCIES, AFTER A DETERMINATION THAT THE TEXT AMENDMENT IS EXEMPT FROM CEQA**

RECOMMENDATION:

Conduct a first reading of an amendment to the Benicia Municipal Code Title 17, after the determination that the text amendment is exempt from CEQA.

EXECUTIVE SUMMARY:

The proposed amendment to Title 17 of the Benicia Municipal Code (Zoning Ordinance) is intended to clarify applicability, correct notations, and eliminate discrepancies that have occurred over time as the Zoning Ordinance was amended. The amendment consists of minor edits and contains no substantive changes.

BUDGET INFORMATION:

There are no direct impacts to the budget associated with this project.

ENVIRONMENTAL ANALYSIS:

The proposed amendments are exempt from the California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3), the "general rule" exemption, which states that where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is exempt from CEQA. The proposed amendments merely clarify existing regulations and do not result in a substantive change to the regulations.

BACKGROUND:

The current Zoning Ordinance was first adopted in 1987 and has been updated through subsequent amendments over the years. Over time, minor errors and discrepancies have accumulated in the document. Additionally, staff has identified some areas in need of clarification or correction to reflect current City regulations.

Planning Commission Review/Recommendation

On April 9, 2015, the Planning Commission conducted a public hearing to review the draft ordinance. There was no public comment on the proposed amendments to the ordinance.

The Commission discussed the edits, and raised some concerns regarding staff's recommendation to eliminate Chapter 17.46 (Use Regulations Summary) and Chapter 17.48 (Property Development Regulations Summary). The Commission believed that although the information in the tables was contained elsewhere in the Zoning Code, the tabular format was a useful quick-reference guide. Staff committed to maintain these tables as stand-alone handouts for the public.

Having no other concerns, the Planning Commission voted unanimously to recommend that the City Council approve the Zoning Code amendments.

SUMMARY:

The proposed amendments to the Zoning Ordinance are intended to clarify applicability, correct notations, and eliminate discrepancies that have occurred over time as the Zoning Ordinance was amended. For example, the title of the department director has been changed from Public Works and Community Development Director to Community Development Director. To assist the public, the amendments clarify that the zoning of right-of-way does not automatically allow private use of the use of right of way, as encroachment permits and/or agreements are required per Title 12 (Streets, Sidewalks and Public Places). Finally, two chapters are proposed to be eliminated, which summarize other areas of the Zoning Ordinance, but are prone to errors and omissions due to the additional step that is sometimes overlooked when the Code is amended. The recommended edits were presented to Planning Commission in an underline/strike-through format and organized by topic for clarity. The Commission agenda item included a detailed explanation of the identified issues and the purpose of each change. A copy of the Planning Commission agenda item is attached.

For the purposes of the first reading, a draft ordinance has been prepared and is presented in a clean text format in accordance with Council format.

Attachments:

- Draft Ordinance
- Planning Commission Agenda Item, April 9, 2015
- Excerpt of Draft Minutes of the Planning Commission hearing, April 9, 2015
- Planning Commission Resolution No. 15-3

CITY OF BENICIA

ORDINANCE NO. 15-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BENICIA AMENDING VARIOUS SECTIONS OF TITLE 17 (ZONING) FOR MINOR EDITS TO CHANGE THE TITLE OF THE DEPARTMENT DIRECTOR, CLARIFY TEXT AND ELIMINATE DISCREPANCIES, AND REPEALING CHAPTERS 17.46 (USE REGULATIONS SUMMARY) AND 17.48 (PROPERTY DEVELOPMENT REGULATIONS SUMMARY) IN THEIR ENTIRETY

WHEREAS, the Zoning Ordinance was adopted in 1987 and has been subsequently amended over time; and

WHEREAS, the City has identified minor errors and discrepancies that have accumulated in the Zoning Ordinance and additionally identified the need for clarification or revision to reflect current City regulations; and

WHEREAS, the proposed amendments are minor and technical in nature and do not alter the substance of the Municipal Code; and

WHEREAS, the proposed amendments to Title 17 of the BMC are exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to Section 1501(b)(3), the "general rule" exemption, which states that where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is exempt from CEQA. The proposed amendments merely clarify existing regulations and do not result in a substantive change to the regulations; and

WHEREAS, on April 9, 2015, the Planning Commission conducted a duly noticed public hearing on the draft ordinance, received public testimony, and recommended City Council approval of the zoning text amendments; and

WHEREAS, on May 5, 2015, the City Council introduced and conducted a first reading of the draft ordinance.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BENICIA HEREBY ORDAINS AS FOLLOWS:

Section 1.

Subsection B of section 17.08.020 (General rules for applicability of zoning regulations) of Chapter 17.08 (Organization, Applicability and Interpretation) of Title 17 (Zoning) is amended to read as follows:

B. Relation to Streets and Rights-of-Way. Public streets, utilities, and other rights-of-

way shall be in the same zoning district as contiguous property. Where contiguous properties are classified in different zoning districts, the centerline of the street or right-of-way shall be the district boundary. The permitted use of such streets, utilities and rights-of-way shall be construed to include those uses and improvements necessary for vehicular transportation pedestrian and bicycle ways, or other related purposes to serve the general public. Private or proprietary use of such land, irrespective of whether it is permitted by the underlying Zoning District, shall be permitted only in accordance with the other applicable provisions and permitting requirements of this Municipal Code.

Section 2.

Notes L-3 and (P) of Section 17.24.020 (RS, RM and RH Districts: Land Use Regulations) of Chapter 17.24 (Residential Districts) of Title 17 (Zoning) are amended to correct the title of Community Development Director as follows:

L-3 Community development director use permit required.

(P) Community development director may approve use permits for large family day care homes caring for nine to 14 children, as defined in Chapter 3.4 of the California Health and Safety Code.

Section 3.

Section 17.28.020 (CC, CO, CG and CW districts- Land use regulations) of Chapter 17.28 (Commercial Districts) of Title 17 (Zoning) is amended to correct the notations for “Utilities, Major” and “Waste Facility” to read as follows:

	CC	CO	CG	CW	Additional Regulations
Public and Semipublic					
Utilities, Major	U	U	U	U	
Waste Facility	-	-	-	-	

Section 4.

Notes L-8, L-15 and L-16 of Section 17.28.020 (CC, CO, CG and CW districts- Land use regulations) of Chapter 17.28 (Commercial Districts) of Title 17 (Zoning) are amended to correct the title of Community Development Director to read as follows:

L-8 Community development director use permit required only for dance and music studios. If the following conditions are met, the public works and community development director may waive the use permit requirement and approve the use upon issuance of a zoning permit:

1. The proposed use is located in an existing structure which is completely enclosed and soundproofed, or is located at least 300 feet away from the property line of the nearest residential use;
2. The proposed use will not operate prior to 7:00 a.m. Monday through Saturday, or prior to 8:00 a.m. Sunday, or after 10:00 p.m. any day of the week.

L-15 Community development director use permit required. If the following conditions are met, the public works and community development director may waive the use permit requirement and approve the use upon issuance of a zoning permit:

1. The proposed use is located in an existing structure which is entirely enclosed, and no outside facilities are proposed;
2. For animal hospitals, or where boarding or overnight care facilities are proposed, the use is located in a soundproofed and air-conditioned facility.

L-16 Community development director use permit required.

Section 5.

Notes L-17 and L-20 of Section 17.32.020 (IG, IL, IW and IP districts – Land use regulations) of Chapter 17.32 (Industrial Districts) of Title 17 (Zoning) are amended to correct the title of Community Development Director as follows:

L-17 Only truck and equipment repair primarily serving industrial activities are permitted by right; a community development director use permit is required for automobile repair and for repair services that cater to the general public. If the following conditions are met, the community development director may waive the use permit requirement and approve the use upon issuance of a zoning permit:

1. The proposed use is located in an existing structure on a major arterial or on a street which connects to a major arterial, and is readily accessible to residential and commercial areas;
2. No outdoor repair or maintenance activities are proposed in conjunction with the use;
3. No outdoor storage of vehicles or equipment will take place during nonbusiness hours;
4. The applicant can demonstrate that the proposed site will meet zoning ordinance parking requirements.

L-20 Community development director use permit required. If the following conditions are met, the community development director may waive the use permit requirement and approve the use upon issuance of a zoning permit:

1. The proposed use is located in an existing structure which is entirely enclosed, and no outside facilities are proposed;
2. For animal hospitals, or where boarding or overnight care facilities are proposed, the use is located in a soundproofed and air-conditioned facility.

Section 6.

Chapter 17.46 (Use Regulations Summary) of Title 17 (Zoning) is hereby repealed in its entirety.

Section 7.

Chapter 17.48 (Property Development Regulations Summary) of Title 17 (Zoning) is hereby repealed in its entirety.

Section 8.

Chapter 17.70 (Site Regulations) of Title 17 (Zoning) is hereby renamed “General Regulations”.

Section 9.

Subsection (B) (Exemptions) of Section 17.70.250 (Wireless communications facilities) of Chapter 17.70 (Site Regulations) of Title 17 (Zoning) is amended to correct an erroneous reference as follows:

B. Exemptions. Each exempt facility shall fully comply with other applicable requirements of the municipal code to the extent not specifically exempted in this subsection including, but not limited to, adopted building, electrical, plumbing, mechanical, and fire codes. The following wireless communication facilities are exempt from the standards of this section, except as noted in subsection (C) of this section:

1. Direct broadcast satellite antennas and multipoint distribution services antennas measuring one meter or less in diameter (or diagonal measurement); and
2. Television broadcast system antennas designed to receive only television broadcast signals;
3. Satellite earth station antennas designed to receive and/or transmit radio frequency signals directly to and/or from a satellite measuring two meters or less in diameter (or diagonal measurement);
4. Amateur radio antennas. Antennas and antenna structures constructed by or for FCC-licensed amateur radio operators that comply with the following provisions:

- a. The antenna structure, when fully extended, measures 35 feet or less in height, and measures 24 inches or less in diameter or width;
 - b. The antenna boom measures 20 feet or less in length and is three inches or less in diameter;
 - c. No antenna element exceeds 32 feet in length or two inches in diameter or width, with the exception of mid-element tuning devices which shall not exceed six inches in diameter or width; and
 - d. The turning radius of any antenna does not exceed 26 feet;
5. Public communication facilities, including personal wireless services, used and maintained by the city, or any fire district, school district, hospital, ambulance service, governmental agency, or similar public or semipublic use;
 6. Private, noncommercial wireless communications facilities or systems contained entirely on-site for the purpose of serving the premises upon which the facility is located and having no potential visual, noise, thermal or radio frequency interference impacts to surrounding properties or the community;
 7. Replacement of duly permitted facilities or equipment of a minor nature that does not increase the number or height of antennas or significantly expand the size or capacity of the equipment cabinet or ancillary related equipment;
 8. Any facility specifically exempted from City regulation by the rules and regulations of the Federal Communications Commission (FCC) or the provisions of a permit issued by the California Public Utilities Commission.

Section 10.

Subsection (C)(4) of Section 17.70.250 (Wireless communications facilities) of Chapter 17.70 (Site Regulations) of Title 17 (Zoning) is amended to correct an erroneous reference as follows:

4. No antenna, except for amateur radio antennas as provided in subsection (B)(4) above, may exceed 15 feet, as measured from ground level immediately under the antenna to the highest point of the antenna or any appurtenance attached to it; however, the community development director may approve mounting an antenna on the rear half of a roof if no other feasible location exists, and all other applicable criteria of this subsection (C) are met. The justification for rooftop mounting shall be submitted with an application for a zoning permit.

Section 11.

The first paragraph of Section 17.74.030 (Off-street parking and loading spaces required) of Chapter 17.74 (Off-Street Parking and Loading Regulations) of Title 17 (Zoning) is amended to correct the title of Community Development Director as follows. Table 1 remains the same.

Independently accessible off-street parking and loading spaces shall be provided in accord with the following Table 1 and Schedules A and B. For off-street loading, references in Schedule A are to Schedule B, which sets space requirements and

standards for different groups of use classifications and sizes of buildings. References to spaces per square foot are to be computed on the basis of gross floor area unless otherwise specified, and shall include allocations of shared restroom, halls and lobby area, but shall exclude area for vertical circulation, stairs or elevators. Where the use is undetermined, the community development director shall determine the probable use and the number of parking and loading spaces required. In order to make this determination, the community development director may require the submission of survey data from an applicant or collected at an applicant's expense.

Section 12.

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 clause thereof irrespective of the fact that any one or more sections, subsections, phrase 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 5th day of May, 2015, and adopted at a regular meeting of the Council held on _____ of May 2015, by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk

Date

AGENDA ITEM
PLANNING COMMISSION MEETING: APRIL 9, 2015
REGULAR AGENDA ITEMS

DATE : March 25, 2015

TO : Planning Commission

FROM : Suzanne Thorsen, Associate Planner

SUBJECT : **AMENDMENT TO THE ZONING ORDINANCE FOR MINOR CLEAN-UPS TO CLARIFY TEXT AND ELIMINATE DISCREPANCIES; AFTER A DETERMINATION THAT THE TEXT AMENDMENT IS EXEMPT FROM CEQA**

RECOMMENDATION:

Review the draft ordinance and adopt a resolution recommending the City Council introduce and adopt a draft ordinance for minor clean-up amendments to the Benicia Municipal Code Title 17, after the determination that the text amendment is exempt from CEQA.

EXECUTIVE SUMMARY:

The proposed amendments to Title 17 of the Benicia Municipal Code (Zoning Ordinance) are intended to clarify applicability, correct notations, and eliminate discrepancies that have occurred over time as the Zoning Ordinance was amended. The amendments are minor and limited in scope and will not change the substance of the regulations. Planning Commission's decision will be in the form of a recommendation to the City Council.

ENVIRONMENTAL ANALYSIS:

The proposed amendments are exempt from the California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3), the "general rule" exemption, which states that where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is exempt from CEQA. The proposed amendments merely clarify existing regulations and do not result in a substantive change to the regulations.

BACKGROUND:

The current Zoning Ordinance was first adopted in 1987 and has been updated through subsequent amendments over the years. Over time, minor errors and discrepancies have accumulated in the document. Additionally, staff has identified some areas in need of clarification or correction to reflect current City regulations.

SUMMARY:

The recommended clean-ups are outlined below, organized by topic for clarity. Upon recommendation by Planning Commission, the clean-ups will be drafted into an ordinance for the City Council's review and approval.

Zoning and Permitted Use of Right of Way

The current wording of the Code implies that zoning regulations – and thus permitted uses - apply to public streets. However, the City requires encroachment agreements for any use over a public right-of-way as provided in Chapter 12.12 BMC. The rules for interpretation of the zoning map, including the boundary of a zoning district, are provided in BMC Section 17.08.040(B).

Proposed Amendment:

17.08.020 General rules for applicability of zoning regulations.

A. Applicability to Property. Zoning regulations shall apply to all land within the city of Benicia, including land owned by the city and other local, state or federal agencies, where applicable. Application of regulations to specific lots shall be governed by the zoning map.

B. ~~Applicability~~ Relation to Streets and Rights-of-Way. Public streets, utilities, and other rights-of-way shall be in the same zoning district as contiguous property. Where contiguous properties are classified in different zoning districts, the centerline of the street or right-of-way shall be the district boundary, ~~unless otherwise depicted on the zoning map~~. The permitted use of such streets, utilities and rights-of-way shall be construed to include those uses and improvements necessary for vehicular transportation pedestrian and bicycle ways, or other related purposes to serve the general public. Private or proprietary use of such land, irrespective of whether it is permitted by the underlying Zoning District, shall be permitted only in accordance with the other applicable provisions and permitting requirements of this Municipal Code.

C. Compliance with Regulations. No land shall be used and no structure shall be constructed, occupied, enlarged, altered, or moved in any zoning district except in accord with the provisions of this title.

Consistent Use of Director Title

The Zoning Ordinance has traditionally used the term “Community development director” or “Director”. For a period of time when the positions of Community Development Director and Public Works Director were combined, amendments used the term “Public works and community development director.” As the city no longer employs a “Public works and community development director”, this title should be revised for consistency with the Zoning Ordinance overall.

Proposed Amendment:

Revise the following sections to correct the Director title as shown:

~~Public works and community development director~~

- BMC 17.24.040 L-3, L-4(P)
- BMC 17.28.020 L-8, L-15, L-16
- BMC 17.32.020 L-17, L-20
- BMC 17.74.030

Redundant Summary Chapters are Prone to Errors and Omissions

The Use Regulations Summary (Chapter 17.46 BMC) and Property Development Regulations Summary (Chapter 17.48 BMC) do not set unique regulations but rather aggregate regulations found in the separate district regulations.

While these summaries could be useful, they are redundant within the Zoning Ordinance and have created confusion due to omissions or errors associated with more substantive amendments to other chapters of the Ordinance over time. Oversights in updating summary chapters to correspond to district regulations, as well as accumulated typos over time, have resulted in inconsistencies.

In some instances, one might find different information when looking in the zoning district than in the summary table. The summaries are not necessary to the use or application of the ordinance itself. If removed from the Zoning Ordinance, summaries could be maintained and updated as informational materials, which could be administratively edited and corrected without the necessity of the text amendment process.

Proposed Amendment:

Delete Chapters 17.46, Use Regulations Summary and 17.48, Property Development Regulations Summary in their entirety.

Correct the use classification "Utilities, Major" in the Commercial Districts

The Use Regulations Summary (BMC Chapter 17.46) identifies Utilities, Major as a permitted use in the residential and commercial districts subject to a Use Permit. Utilities, Major are defined as follows:

"Utilities, major" means generating plants greater than five megawatts in size, electrical substations, aboveground electrical transmission lines, refuse collection or disposal facilities, water reservoirs, water or wastewater treatment plants, and similar facilities of public agencies, public utilities or private utilities. A structure that may have a significant effect on surrounding uses shall be regulated under this classification.

Utilities, Minor are a permitted use and allow for utilities that are necessary to support legally established uses and involve minor structures such as electrical distribution lines and underground water and sewer lines.

The notation in the Use Regulation Summary (Chapter 17.46 BMC) for Commercial Districts is accurate; however, the commercial district land use regulations are erroneous. In 2001, the distinct use classifications of "Utilities, Major" and "Waste Facility" were combined in the commercial district land use regulations table and designated as "U" (permitted upon approval of a Use Permit). However, this change was in error as the two use classifications are distinct from one another. A corresponding change was not made to the Use Regulations Summary. As a result, the summary correctly maintained Utilities, Major as "U" and Waste Facility as "—" (not permitted) in the commercial districts.

Proposed Amendment:

In Commercial Districts, add the notation "U" for Utilities, Major and the notation "—" for Waste Facilities.

17.28.020 CC, CO, CG and CW districts – Land use regulations.

P – Permitted

U – Use Permit

L – Limited (See "Additional Use Regulations")

– – Not Permitted

	CC	CO	CG	CW	Additional Regulations
Public and Semipublic					
Utilities, Major	<u>U</u>	<u>U</u>	<u>U</u>	<u>U</u>	
Waste Facility	U -	U -	U -	U -	
Utilities, Minor	P	P	P	P	

Rename Chapter 17.70 Site Regulations to Reflect its Contents

The title of Chapter 17.70 does not accurately convey its contents, which include use-specific zoning standards, site development standards, inclusionary housing requirements, and landscaping standards.

Proposed Amendment:

Chapter 17.70

SITE REGULATIONS GENERAL REGULATIONS

Correct References in the Wireless Regulations

The Wireless Regulations (BMC Section 17.70.250) contain circular references and internal conflicts related to exempt amateur radio antennas. The conflict was created when the amateur radio antenna regulations were added in 2006.

Proposed Amendment:

17.70.250 Wireless communication facilities.

* * *

B. Exemptions. Each exempt facility shall fully comply with other applicable requirements of the municipal code to the extent not specifically exempted in this subsection, including, but not limited to, adopted building, electrical, plumbing, mechanical and fire codes. The following wireless communication facilities are exempt from the standards of this section, except as noted in subsection ~~(B)(2)~~ (C) of this section.

* * *

C. Criteria for Exempt Facilities. The following location and design standards shall apply to all wireless communication facilities that are exempt per subsection (B) of this section.

* * *

4. No antenna, except for amateur radio antennas as provided in subsection (B)(4) above, may exceed 15 feet, as measured from ground level immediately under the antenna to the highest point of the antenna or any appurtenance attached to it; however, the community development director may approve mounting an antenna on the rear half of a roof if no other feasible location exists, and all other applicable criteria of this subsection (C) are met. The justification for rooftop mounting shall be submitted with an application for a zoning permit.

NEXT STEPS:

Following the Planning Commission's recommendation on this matter, the proposed edits will be included an ordinance to be considered by the City Council in May 2015

FURTHER ACTION:

Planning Commission action will be a recommendation to the City Council.

Attachments:

- Draft Resolution

DRAFT RESOLUTION

RESOLUTION NO. 15- (PC)

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BENICIA RECOMMENDING CITY COUNCIL APPROVAL OF AMENDMENTS TO THE BENICIA MUNICIPAL CODE FOR MINOR CLEAN-UPS TO CLARIFY TEXT AND ELIMINATE DISCREPANCIES

WHEREAS, the Zoning Ordinance was adopted in 1987 and has been subsequently amended over time; and

WHEREAS, the City has identified minor errors and discrepancies that have accumulated in the Zoning Ordinance and additionally identified the need for clarification or revision to reflect current City regulations; and

WHEREAS, the proposed ordinance is minor and technical in nature but does not alter the substance of the Municipal Code; and

WHEREAS, the Planning Commission at a regular meeting on April 9, 2015, conducted a hearing, heard public comment and reviewed the draft ordinance found it to be consistent with the California Government Code and the City's General Plan;

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Benicia hereby recommends the City Council approve by Ordinance amending the Benicia Municipal Code for minor clean-ups to clarify text and eliminate discrepancies.

BE IT FURTHER RESOLVED THAT the Planning Commission of the City of Benicia finds that the proposed amendments to Title 17 of the BMC are exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to Sections 15061(b)(3) because it can be seen with certainty that there is no possibility that the proposed amendments may have a significant effect on the environment as they merely clarify existing regulations and do not result in a substantive change to the regulations.

On a motion of Commissioner _____, seconded by Commissioner _____, the above Resolution was adopted by the Planning Commission of the City of Benicia at the regular meeting of said Commission held on the 9TH day of April, 2015, and adopted by the following vote:

- Ayes:
- Noes:
- Absent:
- Abstain:

Donald Dean
Planning Commission Chair

DRAFT



**BENICIA PLANNING COMMISSION
REGULAR MEETING MINUTES EXCERPT**

**City Hall Council Chambers
Thursday, April 9, 2015
7:00 P.M.**

* * *

VII. REGULAR AGENDA ITEMS

A. AMENDMENT TO THE ZONING ORDINANCE FOR MINOR CLEAN-UPS TO CLARIFY TEXT AND ELIMINATE DISCREPANCIES; AFTER A DETERMINATION THAT THE TEXT AMENDMENT IS EXEMPT FROM CEQA

Commissioner Cohen-Grossman stated that she would like the tables left in the Zoning Ordinance. Amy Million noted that staff intends to maintain these tables as stand-alone documents as a resource to the public and staff. They will continue to be available on the City's website and at the public counter. Copies will be provided to Planning Commissioners.

The Commission recommended that "cleanups" be changed to "edits".

There were no additional comments on this item.

RESOLUTION NO. 15-3 OF THE PLANNING COMMISSION OF THE CITY OF BENICIA RECOMMENDING CITY COUNCIL APPROVAL OF AMENDMENTS TO THE BENICIA MUNICIPAL CODE FOR MINOR EDITS TO CLARIFY TEXT AND ELIMINATE DISCREPANCIES

On motion of Commissioner Cohen-Grossman, seconded by Commissioner Sherry, the above Resolution, as amended, was approved, by the following vote:

- Ayes: Commissioners Birdseye, Cohen-Grossman, Oakes, Sherry, Sprague, Young and Chair Dean
- Noes: None
- Absent: None
- Abstain: None

RESOLUTION NO. 15-3 (PC)

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BENICIA RECOMMENDING CITY COUNCIL APPROVAL OF AMENDMENTS TO THE BENICIA MUNICIPAL CODE FOR MINOR EDITS TO CLARIFY TEXT AND ELIMINATE DISCREPANCIES

WHEREAS, the Zoning Ordinance was adopted in 1987 and has been subsequently amended over time; and

WHEREAS, the City has identified minor errors and discrepancies that have accumulated in the Zoning Ordinance and additionally identified the need for clarification or revision to reflect current City regulations; and

WHEREAS, the proposed ordinance is minor and technical in nature but does not alter the substance of the Municipal Code; and

WHEREAS, the Planning Commission at a regular meeting on April 9, 2015, conducted a hearing, heard public comment and reviewed the draft ordinance found it to be consistent with the California Government Code and the City's General Plan;

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Benicia hereby recommends the City Council approve by Ordinance amending the Benicia Municipal Code for minor edits to clarify text and eliminate discrepancies with the direction to Planning Staff to maintain the tables provided by Chapters 17.46 and Chapter 17.48 as a standalone document as a resource for the public and staff.

BE IT FURTHER RESOLVED THAT the Planning Commission of the City of Benicia finds that the proposed amendments to Title 17 of the BMC are exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to Sections 15061(b)(3) because it can be seen with certainty that there is no possibility that the proposed amendments may have a significant effect on the environment as they merely clarify existing regulations and do not result in a substantive change to the regulations.

On a motion of Commissioner Cohen-Grossman, seconded by Commissioner Sherry, the above Resolution was adopted by the Planning Commission of the City of Benicia at the regular meeting of said Commission held on the 9TH day of April, 2015, and adopted by the following vote:

Ayes: Commissioners Birdseye, Cohen-Grossman, Oakes, Sherry, Sprague, Young
and Chair Dean

Noes: None

Absent: None

Abstain: None



Donald Dean
Planning Commission Chair

AGENDA ITEM
CITY COUNCIL MEETING DATE - MAY 5, 2015
BUSINESS ITEMS

DATE : April 29, 2015

TO : City Council

FROM : City Manager
Assistant City Manager
Finance Director

SUBJECT : **INTRODUCTION TO THE FY 2015-17 GENERAL FUND BUDGET
AND REVIEW OF PROPOSED FY 2015-17 BUDGET
IMPLEMENTATION PLAN**

RECOMMENDATION:

Receive the presentation on the FY 2015-17 General Fund Budget, review the draft Budget Implementation Plan and indicate Council concurrence with proposed projects for use of one-time General Funds.

EXECUTIVE SUMMARY:

In preparation for the FY 2015-17 Budget, staff has prepared a draft Budget Implementation Plan to assist in identifying priorities and allocating resources in the budget document. The first draft of the plan was introduced to the Council on March 24th. Since that date, staff has refined the plan to highlight those priorities, which are currently planned to be included in the FY 2015-17 Budget based on prior Council direction and/or the project is mandated, already underway or a core function. In addition, staff has recommended several priority projects based on the availability of some one-time funds in the General Fund. This study session will be an opportunity for staff to provide an introduction to expected revenues and expenditures for the FY 2015-17 General Fund Budget and review the proposed Budget Implementation Plan with Council, including the use of the one-time funds.

BUDGET INFORMATION:

There is no immediate budget impact.

STRATEGIC PLAN:

- Strategy Issue #3: Strengthening Economic and Fiscal Conditions
 - Strategy #4: Manage City finances prudently

BACKGROUND:

The following provides an overview of expected revenues and expenditures for the upcoming FY 2015-2017 General Fund Biennial Budget. The City's other funds, including Water and Wastewater funds, will be reviewed as part of the budget item on May 19th.

The focus on the status of the General Fund for FY 2015-17 will provide context for the two discussions agendized for May 5th, which are 1) receive concurrence on proposed priority projects for FY 2015-17, primarily those designated for use of one-time funding, and 2) review of proposed grant funding and city donations for FY 2015-17, which is recommended to remain at current funding levels, consistent with staff's recommendation for a "status quo" budget.

As reported at mid-year, the City's revenues are increasing at a very moderate rate. Excluding the passage of Measure C, the total revenues are increasing at a pace of approximately 1%. Property Tax increases continue to be slightly above this at approximately 3.3% year-over-year. It is anticipated this pace will continue as the housing market is still expected to improve. Franchise Fees had the most notable changes resulting from increases in PG&E increases in gas fees. This resulted in \$300,000 increase in the Franchise Fees on-going. Unfortunately, Utility User Tax is decreasing at approximately the same pace and the City revenues will remain flat because of these two revenues.

The revenue with the most change is the City's Sales Tax. In FY 2014-15, the City received a one-time Board of Equalization payment resulting from a prior period audit. This will result in one-time revenue of approximately \$600,000. Also, the City will receive a one-time estimated payment of \$600,000 resulting from the end of the Triple-Flip revenues. Staff has made recommendations in the Budget Implementation Plan for these one-time revenues of \$1.2 million, as is discussed later in this report.

The General Fund revenue impact of Measure C local Sales Tax is still not fully known. The budget includes the original estimate of \$3.7 million in local Sales Tax. The City Council authorized \$2 million in capital needs and \$1.7 in on-going operational needs to close the deficit budget that existed. The City's overall Sales Tax revenues are continuing to shrink, primarily because of the Benicia Industrial Park. The proposed budget continues this downward trend. However, it is unknown how much of this downward Sales Tax trend will impact the local Sales Tax portion coming from Measure C. Staff will be returning regularly to the Finance Committee and City Council with updates as they become known.

The following chart provides a summary of proposed year end revenues, by type, for the current fiscal year, as well as expected revenues for FY 2015-16 and 2016-17.

Summary of General Fund Revenues

Revenue	Estimated FYE 2015	Proposed Budget 15-16	Proposed Budget 16-17
Property Tax	13,177,400	13,600,009	14,078,812
Prop Tax - Vehicle License	2,006,904	2,076,691	2,148,921
Sales Tax	6,472,600	9,932,600	9,318,672
UUT	4,353,278	4,308,850	4,272,707
Business License Tax	460,000	460,000	460,000
Franchise Fee	2,190,872	2,233,600	2,288,600
Other Taxes	502,000	445,000	445,000
Revenue from Other			
Agency	82,632	30,000	30,000
Charges for Services	2,240,326	2,132,000	2,147,000
Licenses and Permits	357,500	360,500	360,500
Fines and Forfeitures	84,830	89,500	89,500
Other Revenues	97,149	97,735	97,735
Use of Money	38,045	36,045	36,045
Revenue Total	32,063,536	35,802,530	35,773,492

The General Fund expenditures are presented as a “status quo” budget. This is defined as maintaining current service levels. The total expenditures are increasing at approximately 1.7% annually. Department's presented their expenses so as to continue core services and only proposed changes when required by contract or when the core services would be negatively impacted without increases. For example, the Information Technology department renegotiated expired service contracts for fiber and will require \$50,000 to continue providing internet services to all locations. The Library must update their catalog services with Solano County and this will require \$40,000 over two years. These contracts maintain the City's existing core services.

At second quarter, the City Council authorized funding for two positions in the General Fund; no other positions are being recommended for funding at this time. Staff is considering the reclassification of a few other positions during the two year budgets, but they are expected to be cost neutral to the General Fund. Recommendations for Citywide personnel changes will return with department budget presentations on June 2nd.

Notable changes to Expenditures:

- Increase in Personnel: Community Development and Public Works departments include the funding of frozen positions of the Senior Planner and Assistant Public Works Director, respectively. These positions were approved by the City Council during Second Quarter FY 2014-2015.
- Increase in Retirement: CalPERS safety increased by approximately 6% and non-safety increased by approximately 2%. These cost increases are offset in FY 2016-17 as the Pension Bond Obligation payments are structured to decrease.
- Increase in City Manager budget:
 - Increase of \$100,000 in Information Technology for contracts and equipment budget.
 - Increase of \$150,000 in Economic Development to implement Phase II of the Business Development Action plan. Staff is recommending that the anticipated Billboard revenues be apportioned to this department to fund this increase.
- Decrease in Non-departmental budget: Capturing the Cost Allocations from Water and Wastewater funds.
- Capital budget: The Capital budget includes the Level 1 items noted in this staff report (funded in FY 2014-15); Measure C projects approved by the City Council (funded in FY 2015-16 and FY 2016-17); and estimated costs for Benicia Industrial Park broadband (funded FY 2015-16).

These noted changes to the static budget are a result of meeting existing core services and/or are enhancements consistent with several of the City Council's top priorities:

- Enhancing Technology
- Efficient financial reporting and accountability
- Economic Development

The following chart provides a summary of proposed year end expenditures for the current fiscal year, as well as expected expenditures for 2015-16 and 2016-17.

Summary of Expenditures

	Estimated FY 2014-2015	Proposed Budget 15-16	Proposed Budget 16-17
Elected	319,555	339,196	334,796
City Attorney Office	647,790	624,860	593,285
City Manager	2,792,240	3,055,116	2,969,052
Finance	1,465,320	1,501,786	1,426,517
Non-Dept	895,355	771,295	646,295
Community Dev Dept	1,272,565	1,394,228	1,383,552
Fire	7,271,060	7,344,790	7,267,104
Library	1,285,770	1,339,829	1,273,785
Parks and Community Services	5,270,680	5,282,389	5,242,726
Police	8,807,705	8,952,310	8,762,964
Public Works	2,257,080	2,298,975	2,265,054
Operating Total	32,285,120	32,904,774	32,165,130
DEBT	441,385	398,185	398,185
CAPITAL	1,200,000	2,760,000	1,992,000
Expenditure Total	33,926,505	36,062,959	34,555,315

	Estimated FY 2014-2015	Proposed Budget 15-16	Proposed Budget 16-17
TRANSFERS IN	223,395	223,395	223,395
TRANSFES OUT	567,420	593,315	593,315
Net Transfers In/(Out)	(344,025)	(369,920)	(369,920)

The General Fund capital expenses are included as part of the proposed Budget Implementation Plan, which is discussed later in this staff report. The capital in FY 2014-2015 is earmarked from the one-time Sales Tax revenues, although the projects will begin in FY 2015-2016 budget. The capital expenses in FY 2015-2016 and FY 2016-2017 are the projects approved for Measure C. Included in the FY 2015-16 capital budget is the estimated costs of BIP broadband. The expenses were separated and highlighted to provide emphasis on these expenses in the attached Budget Implementation Plan document.

The General Fund FY 2015-2017 proposed budget will allow the City to continue providing existing services and is the first budget since the recession that departments were not recommending reductions in order to maintain the City's General Fund reserve policy of 20% over the course of the two-year budget cycle. As stated in the General Fund's ten-year forecast, the City reserve levels will remain at or close to the 20% reserve policy for the next five years. Past five years, as expenditures continue to outpace revenues, City will need to address this structural deficit; either by reducing expenditures or seeing increased revenues.

**Summary of General Fund Revenues,
Expenditures and Changes to Fund Balance (Reserves)**

	<u>Estimated FYE 2015</u>	<u>Proposed Budget 15-16</u>	<u>Proposed Budget 16-17</u>
Revenue Total	32,063,536	35,802,530	35,773,492
Expenditure Total	<u>33,926,505</u>	<u>36,062,959</u>	<u>34,555,315</u>
Net Income	(1,862,969)	(260,429)	1,218,177
Net Transfers In/(Out)	<u>(344,025)</u>	<u>(369,920)</u>	<u>(369,920)</u>
Change in Fund Balance (Reserves)	(2,206,994)	(630,349)	848,257
Beginning Fund Balance (Reserves)	<u>9,576,004</u>	<u>7,369,010</u>	<u>6,738,661</u>
Ending Fund Balance (Reserves)	<u><u>7,369,010</u></u>	<u><u>6,738,661</u></u>	<u><u>7,586,918</u></u>
Percentage of Reserves to Operating Revenues	<u>22.98%</u>	<u>18.82%</u>	<u>21.21%</u>

Proposed Budget Implementation Plan

At a special meeting held in March of 2013, the City Council reviewed and approved the FY 13-15 Strategic Plan and Priority Project List to provide policy guidance for the staff in preparation of the City's FY 2013-15 Biennial Budget. The intent of the list was to build on the Strategic Plan Strategies and Action Items and establish a work plan that articulates the City Council's top priorities for the coming fiscal year. In determining what items constituted priority actions, the City Council utilized the following set of Strategic Action Criteria.

- The work implements the City Council's Strategic Plan
- The work would assist the City in achieving fiscal sustainability
- The work is mandated by the State (or other agency); the City could be fined or face similar consequences if the work is not done
- The work would generate revenue, grants or other funding
- The work would prevent higher costs from deferred maintenance
- The work would protect public health or safety
- The City is significantly committed financially to the project
- The work would promote job creation or investment in the community

Since that time, staff has continued to update the list with projects, as directed by Council, as mandated, and/or that fulfill core functions of organization. These are projects that are significant in terms of time and resources required, and fall outside the day-to-day operations of the City. Staff has updated Council periodically on the status of such projects via the Council's Priority Project report.

As presented at the March 24th Council study session, the City is currently in the midst of working on the Sustainable Community Services Strategy (SCSS), which is a significant effort to review the operations and financial outlook of the organization and identify strategies for creating a more fiscally sustainable entity. That process will involve community engagement and a comprehensive strategic planning process, and so will not be done before the preparation of the FY 2015-17 budget. Thus, staff is working from the Council's existing Strategic Plan and Priority Project List to create a Budget Implementation Plan for the FY 2015-17 budget. This Plan will be a first step in more clearly distinguishing projects/programs from the bigger picture "strategies" and "strategic issues" currently noted in the Strategic Plan document and thus better situate the City for a more comprehensive strategic planning effort.

As previously described, given the City's constrained fiscal status and the ongoing SCSS effort, staff is recommending a status quo budget, i.e., in general, no significant enhancements or reductions to existing programs and services. The recent update to the ten-year forecast of the General Fund demonstrated

that this is a prudent approach, with revenues generally remaining flat, but expenditures continuing to rise. With the addition of Measure C revenues, the City will be able to initiate a limited number of key projects during the next two budget cycle, with the remaining Measure C funds have been applied to the \$1.7 million dollar structural deficit in order to maintain current services.

In an effort to create a useful decision making tool to obtain concurrence on Council priority projects for the FY 2015-17 budget, staff has developed the attached Summary of the Proposed Budget Implementation Plan. The plan is comprised of priority projects sorted by levels of priority and focused on the next two-year budget cycle.

When reviewing the report, it should be noted that Measure C funded items are distinguished from other General Fund funded projects as “shaded” projects, so as to highlight the inclusion of these capital projects in the City's FY 2015-17 Budget. It should also be noted that if an item is to be funded by a source other than the General Fund, that is noted in parentheses following the title of the project. For example, projects with the notation of “(Grants)” are projects that staff is actively seeking grant funding and thus their completion is dependent on obtaining that funding. Projects that are funded by different funds, such as Water or Wastewater Funds, are also indicated as such. Finally, whether a project is an existing Council priority project vs. a newly recommended project is also indicated on the report.

The items listed in “Level 1” are items that staff is recommending because they are critical for the City's infrastructure or effectiveness. As previously noted, in the General Fund, the City is expecting \$1.2 million in one-time revenues from Sales Tax. This is completely separate from any city revenues generated from Measure C. Staff is recommending allocating these one-time revenues to the following General Fund priorities: the Enterprise Resource Planning System (ERP), the Arsenal, and St. Augustine repairs, each of which are summarized briefly below:

- **ERP:** The City has identified the need to invest in technology, as was recently illustrated in the City's organizational scan. Consistent with that finding, the ERP is a top City Council and Finance Committee priority. It was recommended by Government Finance Officer Association (GFOA) after they evaluated the City's existing accounting systems in 2012. The current accounting, utility billing, payroll, and permitting software is severely outdated and in most cases incompatible with one another. The City's ERP will focus on improved work-flow, improved accountability, and improved access to information will result in significant enhancements to citywide efficiencies and effectiveness.

It is important to note the scope of this project is replacing and/or affecting all technology functions and applications throughout the City. This is a comprehensive data and financial tool that will be fully integrated and focuses on real-time data available to all end users. The original scope of replacing the “accounting system” has been identified with the critical need of purchase and implementation of an Enterprise Resource Program where the City as a total enterprise will be utilizing a single, compatible, and reliable technology.

- **Arsenal Clean-Up:** The funds for the Arsenal will pay for the consultants necessary to respond to the order from the state Department of Toxic Substances Control. The consultants advise the City and may investigate, or assist with the investigation, of the sites to provide current data. This data will assist in the determination of what future work may be required.
- **Saint Augustine:** The Saint Augustine funds are proposed to be used to design and implement an engineered remedy to the past storm claims in the area.

The items in “Level 2” are recommended for funding and, absent alternate direction, will be included in the draft FY 2015-17 budget. Generally, items in Level 2 are those that staff have already received Council direction to proceed with and/or it is mandated; the project can be completed with existing staffing and resource levels; and/or because it is a notable project that represents a core department function that will be completed during the next budget cycle. An example of such a project is the Fire and Community Development departments’ update of the Uniform Codes every three years. A second example is the Library’s update of their cataloging system every five years. While not routine, day-to-day endeavors, these projects are representative of the department’s core functions.

Included in Level 2 is one project that the funding remains to be determined, which is *Approve Contract with PMC for Climate Action Plan Coordinator & Support Staffing*. At the recent March 16, 2015 Community Sustainability Commission (CSC) meeting, the Commission received a proposal from PMC to extend the Climate Action Plan (CAP) Coordinator’s position for one year. Alex Porteshawver has been serving as the City’s CAP Coordinator since 2012 and she is proposed to remain in that role. During her time with Benicia, Ms. Porteshawver has implemented and monitored various programs outlined in the CAP. In addition, she has obtained several grants and other types of support totaling \$489,230.

Following review of the proposal, the CSC requested that PMC revise the proposal to extend the contract to a two-year time frame and include capacity

building by PMC with City staff as part of the CAP Coordinator continued work effort. The Commission proposes to fund the full first year of the continued work program with \$155,040 in Valero/Good Neighbor Steering Committee funds awarded through a CSC grant. In addition, a portion of the second year (\$100,078) would also be funded, in part, by a CSC grant. The CSC requests that the City Council fund a portion of the second year. The CSC did not make a specific recommendation as to the amount requested from the Council for the second year, but they believed that given the benefits that the CAP Coordinator brings to the City of Benicia and to reflect the goal of transitioning staffing of the CAP program from PMC to City staff, some amount of City funding would be appropriate. Thus this item is included in Level 2 as a Council directed priority project (i.e., implementation of the Climate Action Plan), but highlighted for discussion by the Council given the needed funding for year two of the contract.

Level 3 projects are not proposed to be in the FY 2015-17 budget. They are included in the project list, because staff acknowledges that they are high priority projects; however, staff also recognizes that the City lacks sufficient resources to complete these projects at this time. Staff has recommended the first five projects (noted in italics), as the top priorities in this level, should funding become available during the biennial funding. Please note that the remainder of Level 3 is not arranged in any order of priority.

Finally, Level 4 are items that the City currently does not have the financial resources, staff or time available to undertake. They remain on the list as projects for consideration in future budget cycles.

Staff is seeking concurrence from the Council on the proposed Budget Implementation Plan, and in particular regarding the recommended use of the General Fund one time dollars for the Level 1 projects.

Staff will be returning regularly to the City Council as part of the Quarterly Budget process and providing status updates on this two year Project Priority list. This will allow for both staff and the City Council to modify the list in the context of any budget updates and changes. Should the City Council wish to have items changed outside of this schedule, the City Council may wish to follow their current two-step process through the regular agenda process.

Attachments:

- Summary of Proposed 2015-17 General Fund Budget
- Proposed Budget Implementation Plan – Priority Projects listed by Priority Level 1-3

CITY OF BENICIA
GENERAL FUND PROPOSED BUDGET FY 2015-2017
Presented May 5, 2015

Revenues	Proposed YE 2015	Proposed Budget 15-16	Proposed Budget 16-17
Property Tax	13,177,400	13,600,009	14,078,812
PROP TAX - VEHICLE LICENSE	2,006,904	2,076,691	2,148,921
Sales Tax	6,472,600	9,932,600	9,318,672
UUT	4,353,278	4,308,850	4,272,707
BUSINESS LICENSE TAX	460,000	460,000	460,000
Franchise Fee	2,190,872	2,233,600	2,288,600
Other Taxes	502,000	445,000	445,000
Revenue from Other Agency	82,632	30,000	30,000
Charges for Services	2,240,326	2,132,000	2,147,000
Licenses and Permits	357,500	360,500	360,500
Fines and Forfeitures	84,830	89,500	89,500
Other Revenues	97,149	97,735	97,735
Use of Money	38,045	36,045	36,045
Revenue Total	32,063,536	35,802,530	35,773,492

Expenditures	Proposed YE 2015	Proposed Budget 15-16	Proposed Budget 16-17
Elected	319,555	339,196	334,796
City Attorney Office	647,790	624,860	593,285
City Manager	2,792,240	3,055,116	2,969,052
Finance	1,465,320	1,501,786	1,426,517
NonDept	895,355	771,295	646,295
Community Development Dept	1,272,565	1,394,228	1,383,552
Fire	7,271,060	7,344,790	7,267,104
Library	1,285,770	1,339,829	1,273,785
Parks and Community Services	5,270,680	5,282,389	5,242,726
Police	8,807,705	8,952,310	8,762,964
Public Works	2,257,080	2,298,975	2,265,054
Operating Total	32,285,120	32,904,774	32,165,130

DEBT	441,385	398,185	398,185
CAPITAL	1,200,000	2,760,000	1,992,000
Expenditure Total	33,926,505	36,062,959	34,555,315

Net Income (1,862,969) (260,429) 1,218,177

	Proposed YE 2015	Proposed Budget 15-16	Proposed Budget 16-17
TRANSFERS IN	223,395	223,395	223,395
TRANSFES OUT	567,420	593,315	593,315
Net Transfers In/(Out)	(344,025)	(369,920)	(369,920)

Change in Net Assets (Reserves) (2,206,994) (630,349) 848,257

Beginning Fund Balance (Reserves) 9,576,004 7,369,010 6,738,661

Ending Fund Balance (Reserves) 7,369,010 6,738,661 7,586,918

Percentage of Reserves to Operating Revenues **23.0%** **18.8%** **21.2%**

CITY OF BENICIA
GENERAL FUND PROPOSED BUDGET FY 2015-2017
Presented May 5, 2015

Revenues	YEAR OVER YEAR CHANGE		Percentage Change	
	Increase/(Decrease)			
Property Tax	422,609	478,803	3.11%	3.40%
PROP TAX - VEHICLE LICENSE	69,787	72,230	3.36%	3.36%
Sales Tax	3,460,000	(613,928)	34.83%	-6.59%
UUT	(44,428)	(36,143)	-1.03%	-0.85%
BUSINESS LICENSE TAX	0	0	0.00%	0.00%
Franchise Fee	42,728	55,000	1.91%	2.40%
Other Taxes	(57,000)	0	-12.81%	0.00%
Revenue from Other Agency	(52,632)	0	-175.44%	0.00%
Charges for Services	(108,326)	15,000	-5.08%	0.70%
Licenses and Permits	3,000	0	0.83%	0.00%
Fines and Forfeitures	4,670	0	5.22%	0.00%
Other Revenues	586	0	0.60%	0.00%
Use of Money	(2,000)	0	-5.55%	0.00%
Revenue Total	3,738,994	(29,038)	10.44%	-0.08%
Expenditures				
Elected	19,641	(4,400)	6.15%	-1.30%
City Attorney Office	(22,930)	(31,575)	-3.54%	-5.05%
City Manager	262,876	(86,064)	9.41%	-2.82%
Finance	36,466	(75,269)	2.49%	-5.01%
NonDept	(124,060)	(125,000)	-13.86%	-16.21%
Community Development Dept	121,663	(10,676)	9.56%	-0.77%
Fire	73,730	(77,686)	1.01%	-1.06%
Library	54,059	(66,044)	4.20%	-4.93%
Parks and Community Services	11,709	(39,663)	0.22%	-0.75%
Police	144,605	(189,346)	1.64%	-2.12%
Public Works	41,895	(33,921)	1.86%	-1.48%
Operating Total	619,654	(739,644)	1.92%	-2.25%
DEBT	(43,200)	0	-9.79%	0.00%
CAPITAL	1,560,000	(768,000)	130.00%	-27.83%
	2,136,454	(1,507,644)	6.30%	-4.18%
Net Income	1,602,540	1,478,606	-86.02%	-567.76%
TRANSFERS				
TRANSFERS IN	0	0	0.00%	0.00%
TRANSFERS OUT	25,895	0	4.56%	0.00%
Net Transfers In/(Out)	(25,895)	0	7.53%	0.00%

Budget Implementation Plan - April 29, 2015

Budget Implementation Plan - Summary of Priority Projects by Proposed Priority Level

Level 1: High Priority - Recommended for funding in 2015-17 budget with one-time GF dollars

Level 2: Currently included in proposed budget based on prior Council direction, work is mandated, already underway and/or part of department's core functions

Level 3: Not currently recommended for funding due to insufficient funding resources but next in priority order for any additional funds that become available

Level 4: Not currently recommended for funding due to insufficient resources (funding, time and/or staff)

PRIORITY PROJECT SELECTION CRITERIA (Project must meet one or more of these criteria to be placed on project list)

- 1 The work implements the City Council's Strategic Plan
- 2 The work would assist the City in achieving fiscal sustainability
- 3 The work is mandated by the State (or other agency); the City could be fined or face similar consequences if the work is not done
- 4 The work would generate revenue, grants or other funding
- 5 The work would prevent higher costs from deferred maintenance
- 6 The work would protect public health or safety
- 7 The City is significantly committed financially to the project
- 8 The work would promote job creation or investment in the community

Those projects which implement Council's current top priority projects are in bold under Level 2 and are currently proposed to be funded in 2015-17 budget. Those top priority projects are:

- Implement the Business Development Action Plan with primary focus on enhancing the economic competitiveness of the BIP**
- Develop a funding strategy for improving Internet technology in the BIP**
- Conduct an inventory and feasibility study for use of City vacant buildings and land (Completed)**
- Phase 1 of Sustainable Community Services Strategy (SCSS): Conduct a 10-year forecast and organizational scan (Completed)**
- Complete an employee compensation study**
- Seek alternative funding mechanisms for road maintenance**
- Review of FY 2011-12 and 2012-13 Budget and Develop Funding Strategies for Fund Deficits (Review portion of this priority is completed)**

Notes: Measure C projects are shaded

Projects with funding sources other than General Fund are noted in parentheses following the project title

Level 1

Dept	Existing Priority Project (X) or New Project (N)	Project Name	Selection Criteria	Related Strategic Issue	Mandated	Est. Needed Funding	
						FY 2015-16	FY 2016-17
						FY 2015-16	FY 2016-17
CAO	X	Arsenal Cleanup	1,2,3,6,8	#1 Health & Safety	Yes	\$150,000	\$150,000
Finance	X	Enterprise Resource Planning System (Phases 1-3: Request For Proposals/Implementation/Conversion)	1,2,7	#3 Fiscal Conditions	No	\$800,000	
PW	X	St. Augustine Flood Relief Project	3,5,6	#4 Infrastructure	No	\$250,000	
	Total One-Time GF \$					\$1,200,000	\$150,000

Level 2

Dept	Existing Priority Project (X) or New Project (N)	Project Name	Selection Criteria	Related Strategic Issue	Mandated	Funded in Proposed Budget	
						FY 2015-16	FY 2016-17
						FY 2015-16	FY 2016-17
CDD	X	Approve Contract with PMC for Climate Action Plan Coordinator & Support Staffing (GNSC Funds)	1,2,4,8	#2 Environment	No	X	TBD
CDD	X	Adaptation Plan and Vulnerability Study as part of Climate Action Plan Implementation (Grants)	1,3,4,6,8	#2 Environment	No	X	
CDD	X	CDBG Program Analysis	1,3,4	#5 Quality of Life	Yes	X	
CDD	X	Development of Application Property Notification Ordinance	1	#5 Quality of Life	No	X	
CDD	X	Mills Act Contracts - Increase to a maximum of 40 contracts	1	#5 Quality of Life	No	X	X
CDD	N	New Federal Emergency Management Area (FEMA) Flood Insurance Maps Update	3,4,6	#2 Environment	Yes	X	X
CDD	X	Update Construction Hours - Noise Ordinance	1,6	#2 Environment	No	X	
CDD	X	Update to Downtown Historic Conservation Plan (Grants)	1	#5 Quality of Life	No		X

Budget Implementation Plan - April 29, 2015

Level 2

Dept	Existing Priority Project (X) or New Project (N)	Project Name	Selection Criteria	Related Strategic Issue	Mandated	Funded in Proposed Budget	
CDD	N	Update Solar Photovoltaics (PV) Permitting Procedures	3,4,6	#2 Environment	Yes	X	
CDD	X	Urban Bee Keeping Ordinance	6	#1 Health & Safety; #2 Environment	No	X	
CDD	X	Wind Turbine Request for Proposal	1,2	#2 Environment	No	X	
CAO	X	Complete update of American's with Disabilities Act (ADA) Transition Plan	1,3,6	#1 Health & Safety	Yes		X
CAO	X	Update Sign Ordinance	1,4,8	#3 Fiscal Conditions	No		X
CMO	X	Sustainable Community Services Strategy: Phase 2 and 3	1,2,7	All Strategic Issues	No	X	X
CMO	X	Sustainable Community Services Strategy: Additional Analysis on Parks/Public Works Maintenance	1,2,7	All Strategic Issues	No	X	
CMO	X	Boards & Commissions Manual	7	#3 Fiscal Conditions, #5 Quality of Life	No	X	
ED	X	Benicia Industrial Park Broadband Project	1,4,7,8	#3 Fiscal Conditions	No	X	
ED	X	Benicia Industrial Park Market Study Phase II	1,2,4,7,8	#3 Fiscal Conditions	No	X	
ED	X	Benicia Industrial Park Transportation and Employment Center Plan (Grants)	1,4, 5, 6, 7, 8	#4 Infrastructure	No		X
ED	X	Billboard Spending Plan	2,7	#3 Fiscal Conditions	No	X	
ED	X	Commanding Officers Quarters Lease Maintenance Policies	1,5	#3 Fiscal Conditions, #4 Infrastructure	No	X	
ED	X	First Street Tree Light Installation Plan	8	#5 Quality of Life	No	X	
ED	X	Implement Benicia Industrial Park Recruitment/Retention Program	1,2,4,7,8	#3 Fiscal Conditions	No	X	X
Finance	X	Deferred Maintenance Policy (All funds)	1,2,3,4,5,6, 7,8	#3 Fiscal Conditions	No	X	X
Finance	X	Develop funding strategy for Internal Service Funds (Workers Compensation, Vehicle Replacement, Equipment, Building Maintenance) (All Funds)	1,2,5,6	#3 Fiscal Conditions	No	X	X
Finance	X	Fee Deferral Policy Update	2	#3 Fiscal Conditions	No	X	
Finance	X	Fee Study (with building)	2,3,4,7	#3 Fiscal Conditions	No	X	
Finance	X	Fee Study (without building)	2,3,4,7	#3 Fiscal Conditions	No	X	
Finance	X	Measure C Oversight Procedures - Finance Committee	2	#3 Fiscal Conditions	No	X	
Finance	X	Prepare/Present Finance/HR Study Session Items - CalPERS & Workers Compensation	2	#3 Fiscal Conditions	No	X	
Finance	X	Prepare 5-year Capital Improvement Program (CIP)	1,5,8	#3 Fiscal Conditions; #4 Infrastructure	No	X	
Finance	X	Purchasing Ordinance Update	2	#3 Fiscal Conditions	No	X	
Finance	N	Water and Wastewater Capacity Fee Study (Water/Wastewater Funds)	2,4,5,6,8	#3 Fiscal Conditions	No	X	
Finance	X	Water and Wastewater Rate Study (Water/Wastewater Funds)	2,4,5,6,8	#3 Fiscal Conditions	No	X	X

Budget Implementation Plan - April 29, 2015

Level 2

Dept	Existing Priority Project (X) or New Project (N)	Project Name	Selection Criteria	Related Strategic Issue	Mandated	Funded in Proposed Budget	
Fire	X	Replace Type 1 Fire Engine	1, 2, 5, 6	#1 Health & Safety	No		X
Fire	N	Adopt Updated Uniform Codes	3,6	#1 Health & Safety	Yes	X	
Fire	N	Emergency Operations Plan Update	3,6	#1 Health & Safety	Yes	X	
Fire	N	Local Hazard Mitigation Plan (LHMP)	3,5,6	#1 Health & Safety	Yes	X	
Fire	X	Purchase "Wild land" Fire Engine for Grass Fires	1,2,5,6	#1 Health & Safety	No		X
HR	X	Employee Compensation Study	1,2,7	#3 Fiscal Conditions	No		X
IT	X	Develop Information Technology (IT) Plan for City	1,2,5,7	#4 Infrastructure	No	X	
Library	N	Migration to new Integrated Library System (ILS) with Solano Napa and Partners (SNAP) & connection through Solano County to Corporation for Education Initiatives in California (CENIC) High-speed broadband	1,5,6,7	#5 Quality of Life	Yes	X	
Library	N	Revision of Solano Napa and Partners (SNAP) agreement to create Joint Powers Agreement with Partner Libraries	1,5,6,7	#5 Quality of Life	Yes	X	X
PC&S	X	Continued funding of State Capitol Building Turf/Landscaping Maintenance	1,5	#4 Infrastructure	No	X	X
PC&S	X	Seek funding for engineering and design for Waterfront Master Plan (Grants)	1,4,7	#5 Quality of Life	No		X
PC&S	X	Staff to Solano State Parks Committee	1,5	#4 Infrastructure	No	X	X
PC&S	X	Repair Pool Deck/Improvements to Registration area	1,4,5,6,7,8	#4 Infrastructure	No	X	
PC&S	X	Replace playground at Community Park	1,5,6,7,8	#4 Infrastructure	No	X	
PC&S	X	Replace Rail on First Street Promenade	1,5,6,7,8	#4 Infrastructure	No	X	
PD	X	Computer Aided Dispatch (CAD) /Records Management System (RMS) for Police Department	5,7,8	#1 Health & Safety	No		X
Police	X	Replace Outdated Radios for Police	1,2,5,6	#1 Health & Safety	No	X	
PW	X	Annual Street Resurfacing (Gas Tax Funds)	1,5,6,7	#4 Infrastructure	No	X	X
PW	X	Bridge Maintenance (Gas Tax)	1,5	#4 Infrastructure	No	X	
PW	X	Design/Construct Industrial Park Bus Hub (Grants)	1, 5, 6, 7, 8	#4 Infrastructure	No	X	
PW	X	Implement Drought/Water Conservation Plan (Water Fund)	2, 4, 6, 7	#1 Health & Safety, #2 Environment, and	Yes	X	X
PW	X	Landscape and Lighting District Assessments (L&D funds)	2,4,5,6	#5 Quality of Life	No	X	X
PW	X	Road Repair of 250 Damaged Sections	1,2,5,6,7,8	#4 Infrastructure	No		X
PW	X	Closed Circuit Television Video (CCTV) Pipeline Inspection (Wastewater Fund)	3,5,6	#4 Infrastructure	Yes	X	X
PW	X	Design Industrial Park Road	1,5,7,8	#4 Infrastructure	No		X
PW	X	Develop Stormwater Management and Flood Mitigation Plan	4,6	#2 Environment	Yes		X
PW	X	Repair and Repave Industrial Way from Teal to Lake Herman Road	1,5,6,7	#4 Infrastructure	No	X	
PW	X	Repair and Repave Southampton, Panorama and Hastings	1,5,6,7	#4 Infrastructure	No	X	
PW	X	Repair Sidewalks Downtown	2,5,6,7	#4 Infrastructure	No	X	
PW	X	Sewer Lateral Ordinance	1,3,5,6	#4 Infrastructure	Yes	X	
PW	N	Urban Water Management Plan (UWMP)	3	#2 Environment	Yes	X	X
PW	N	Water Reuse Project (Grants)	6	#2 Environment	No	X	

Budget Implementation Plan - April 29, 2015

Level 2

Dept	Existing Priority Project (X) or New Project (N)	Project Name	Selection Criteria	Related Strategic Issue	Mandated	Funded in Proposed Budget	
PW	X	Water Meter Replacement Program and Automatic Meter Infrastructure (Water Fund)	2,4	#3 Fiscal Conditions	No	X	
PW	N	24" water line in Park Road from Industrial Way to Sulphur Springs Creek (Water Capacity Funds)	6, 7	#4 Infrastructure	No	X	
PW	N	Water Lines at Lower Arsenal: Adams, Jefferson and Jackson (Water Capacity Funds)	4, 6	#4 Infrastructure	No	X	X
PW	N	Rose Drive Crosswalks and ADA ramps (TIF)	1,5,6,7	#4 Infrastructure	No		X
PW	N	Military @ West 7th Street Intersection Improvements Study (TIF)	6	#4 Infrastructure	No	X	
PW	X	Columbus Parkway Widening Project (TIF)	1,5,8	#4 Infrastructure	No	X	X
PW	X	Bayshore Road Sanitary Sewer Crossovers (Wastewater Capacity Funds)	1,5,6,7	#4 Infrastructure	No		X
PW	N	Odor Scrubber at A Basin (Wastewater Capacity Funds)	3, 5, 6	#4 Infrastructure	No	X	X

Level 3

Projects in Level 3 are considered priorities by staff, but ranked lower than projects in Level 1. The first five projects (in italics) are listed in priority order and are recommended to be considered as next in line for funding, should it become available.

Dept	Existing Priority Project (X) or New Project (N)	Project Name	Selection Criteria	Related Strategic Issue	Mandated	Est. Needed Funding	
						FY 2015-16	FY 2016-17
IT	N	<i>Geographic Information System (GIS) and Computer Maintenance Management System (CMMS)</i>	2,5,6	#4 Infrastructure	No	\$100,000	
PC&S	N	<i>Parks Master Plan/Turf Removal Analysis</i>	1,4,6,7,8	#2 Environment	No	\$800,000	
IT	X	<i>Improvements to Council Chambers Audiovisual</i>	1,2,5,7	#4 Infrastructure	No	\$150,000	
CMO	X	<i>Identify funding source to restore employee training</i>	2,3,6,7	#1 Health & Safety, #3 Fiscal Conditions #5 Quality of Life	No	\$90,000	\$90,000
PW	N	<i>Pavement Patching Equipment</i>	1,6	#4 Infrastructure	No	\$100,000	
ED	X	<i>Vacant/Underutilized Property Development Feasibility Analysis</i>	1,2,4,8	#3 Fiscal Conditions	No	\$50,000	
PW	N	<i>East 5th Street Roadway Improvements (Safe Routes to Schools)</i>	6	#4 Infrastructure	No	\$50,000	
PW	N	<i>Integrated Urban Water Management Plan</i>	1,4,6	#2 Environment	No	TBD	TBD

Budget Implementation Plan - April 29, 2015

Level 4

Projects in Level 4 are beyond the FY 2015-2017 budget cycle.

Dept	Existing Priority Project (X) or New Project (N)	Project Name	Selection Criteria	Related Strategic Issue	Mandated
CAO	X	Alcohol Ordinances	6	#1 Health & Safety	No
CAO	X	Smoking Ordinance	6	#1 Health & Safety	No
CDD	X	Citywide Mobile Food Vending Ordinance	2,6	#1 Health & Safety	No
CDD	N	Drone Ordinance	6	#1 Health & Safety; #5 Quality of Life	No
CDD	X	Identify Grant(s) for Transitional Shelter	1, 6	#5 Quality of Life	No
CDD	X	Lower Arsenal Specific Plan	1, 5, 8	#5 Quality of Life	No
CDD	X	Noise Ordinance	6	#1 Health & Safety; #5 Quality of Life	No
Finance	N	Implement a Life Cycle Costing Process	2,5	#3 Fiscal Conditions	No
HR	X	Update Personnel Rules	2,7	#3 Fiscal Conditions #5 Quality of Life	No
HR	X	Update Employer Employee Relations Resolution (EERR)	2,7	#3 Fiscal Conditions #5 Quality of Life	No
Library	X	Prepare Public Arts Master Plan	1	#5 Quality of Life	No
Library	X	Library Basement Remodel	1	#4 Infrastructure	No
PC&S	X	Retrofit City Hall Windows	1,2,5,6	#4 Infrastructure	No
PD	X	Address Police Building Space Needs	1,5,6	#1 Health & Safety; #4 Infrastructure	No
PW	N	Wastewater Treatment Plant Electrical System Modernization (Wastewater Fund)	3, 5, 6	#4 Infrastructure	No
PW	N	Wastewater Treatment Plant Effluent Pipeline Assessment and Repair (Wastewater Fund)	3, 5, 6	#4 Infrastructure	No
PW	N	Wastewater Treatment Plant Reliability Plan Update (Master Plan) (Wastewater Capacity)	3, 5, 6	#4 Infrastructure	No
PW	N	Replacement of Two Chemical Tanks at Wastewater Treatment Plant (Wastewater Fund)	3, 5, 6	#4 Infrastructure	No
PW	N	Replace Human Machine Interface (HMI) Nodes at Wastewater Treatment Plant (Wastewater Fund)	3, 5, 6	#4 Infrastructure	No
PW	N	Additional Sewer Pipeline Replacement on 100-year cycle (Wastewater Fund)	3, 5, 6	#4 Infrastructure	No
PW	N	24-Inch Cordelia Transmission Main Replace Project (at Interstate 80) (Water Capacity and FEMA Hazard Mitigation Grant)	2, 4, 5, 6	#4 Infrastructure	No

AGENDA ITEM
CITY COUNCIL MEETING DATE - MAY 5, 2015
BUSINESS ITEMS

DATE : April 29, 2015

TO : City Manager

FROM : Assistant City Manager
Library Director
Finance Director

SUBJECT : **REVIEW OF FUNDING RECOMMENDATIONS FOR HUMAN SERVICES BOARD AND ARTS AND CULTURE COMMISSION GRANTS AND OVERVIEW OF OTHER CITY DONATIONS**

RECOMMENDATION:

1) Approve, by resolution, recommended funding for FY 2015-17, including grant amounts for Human Services Board and Arts and Culture Commission grantees and other donations; and 2) Provide direction on future practices for evaluating and documenting City grants and donations.

EXECUTIVE SUMMARY:

The City, during its biennial budget process, provides funding for non-profit community-based organizations in the form of grant funding and donations. Human services and arts and culture nonprofit organizations go through a defined process that requires them to complete an application process and undergo quarterly reviews. For these organizations, both the Human Services Board (HSB) and the Arts and Culture Commission (ACC) have completed a comprehensive Request for Funding (RFF) process relative to funding requests from human services and arts and culture organizations and have provided funding recommendations for Council as part of the FY 2015-17 budget process. Other entities have historically received donations directly from the City via the budget process. These grants and donations are outlined in this staff report for funding in the FY 2015-17 budget cycle.

STRATEGIC PLAN:

Relevant Strategic Plan Goals and Strategies:

- Strategic Issue 3: Strengthening Economic and Fiscal Conditions
 - Strategy 1: Implement economic development strategy
 - (f) Continue funding for non-profit arts and culture organization grants
- Strategic Issue 5: Maintain and Enhance a High Quality of Life
 - Strategy 3: Promote arts and culture

- (a) Pursue funding sources for arts and culture activities
- Strategy 5: Provide support to disadvantaged segments of the community
 - (c) Continue funding for Human Services grants

BUDGET INFORMATION:

It is proposed to keep status quo funding levels for both the Human Services and Arts and Culture grants, at the same overall level as the FY 2013-2015 funding. Additionally, it is staff's recommendation that existing donations to outside entities remain static, as is summarized in Exhibit A to the attached resolution.

BACKGROUND:

Following is a brief overview of the processes currently in place for recommending grant funding by the Human Services Board and Arts and Culture Commission, followed by an overview of City donations.

Human Service Board Grants

The Human Service Board (HSB) awards grants to organizations providing human service to the community. The Board has an application for a two-year funding cycle. They send notification regarding the application process to current grantees, as well as place an ad in the newspaper and information on the City website. This outreach allows potential new grantees to find out about the grant funding process. A copy of the HSB's grant application letter and application packet are attached.

The HSB's Request for Funding (RFF) application sets forth the specific criteria for evaluating grantee proposals. As part of the Board's responsibility to monitor the use of grant funds on an ongoing basis, the Human Services Board also requires quarterly reports from its grantees prior to the Board approving disbursement of grant payments. A sample of the report is included in the application packet. Board members also perform annual site visits and then provide a detailed review of their visit to the Board at the Board meetings.

At the HSB's March and April meetings, the Board developed their proposed recommendations for human services grant funding for the upcoming budget period. As the Board has done with prior budget cycles, three funding options are provided for consideration based on different funding level assumptions: 1) same as current General Fund funding, 2) 5% less and 3) 10% less than the current General Fund funding level.

The grant requests from the five applications totals \$192,545 per year. The Board recommends that total human services funding from the General Fund continue to be budgeted at \$150,000 per year, same as 2013-14 and 2014-15 funding. The remainder of the recommended grant funding comes from projected donations

raised from human services donations via the water bill and HSB fundraising efforts of approximately \$26,310, for a total amount of \$176,310 for human services grants.

A summary of the average score (out of a total of 100 possible points) by grantee, as well as proposed funding amount, is as follows:

	Children's Nurturing Project	Catholic Charities	Community Action Council	Families in Transition	Special Friends	
Avg. Score (out of 100)	90	85	92	88	89	Total \$\$
Annual Amount GF Funding for HSF if at 2013-15 level						\$150,000
Estimated HSF donations for 2015-17						\$26,310
2015-17 HSB Recommended Funding	\$4,500	\$15,600	\$92,310	\$31,500	\$32,400	\$176,310
Funding Alternative of 5% less	\$4,275	\$14,820	\$87,695	\$29,925	\$30,780	\$142,500
Funding Alternative of 10% less	\$4,050	\$14,040	\$83,079	\$28,350	\$29,160	\$135,000

A summary of the Board's discussion is provided in the minutes from their March meeting, and the Board approved the recommendations unanimously at their April 28th meeting. Staff is recommending that the Council accept the HSB's recommendation of providing status quo funding to the human services grantees at a total annual amount of \$150,000 from the General Fund.

Arts and Culture Commission

The Arts and Culture Commission (ACC) awards grants to nonprofits providing arts and/or cultural services to the community. During the three years that they have been involved in selecting and reviewing these grant applications, the ACC has followed the processes established by the HSB, thereby providing a consistent process for all grantees to follow. Applications are for a two-year funding cycle, during which grantees submit quarterly reports for review and approval by the Commission: in addition, ACC members make site visits annually to each grantee organization. If any problems arise during the term of the agreement, commissioners contact the groups and will meet with them and/or perform a site visit as needed.

As part of the current RFF process, the Commission notified all previous grantees and posted the application on the City's and Library's website. An ad was placed in the Benicia Herald stating that the process was open and applications could be obtained online or picked up at the Library. A copy of the ACC's grant application letter and application packet with detailed information on the

criteria to be used for ranking is attached. The ACC followed the process established by the Human Services Board in which specific criteria were established, an open forum of the applications was conducted, and final review of the grant applications was held in a public session.

Six applications were received, and the total grant requests equaled \$98,550. The ACC used a status quo budget figure of \$60,540 to establish a recommended set of budget numbers for arts and culture grantees in FY 2015-17.

The average score for each applicant ranged from a high of 94 to a low of 75, as is shown in the chart below.

	Arts Benicia	Ben. Ballet	Ben. Lit. Arts	BOTTG	Ben. State Parks	VOENA
TOTAL POSSIBLE POINTS	750	673	602	682	652	695
Average ranking for each grantee	94	84	75	85	82	87

The averages created a three level division, and the ACC's recommendation is for the applicant with a score of 94 receive 67.5% of its funding request, the applicants with 80-89 receive 57.5%, and the applicant with 70-79 receive 47.5%. These percentages were used to reach a total figure that was substantially the same as during the last cycle.

Although the ACC is recommending the approval at the same level as the last grant cycle, they have also provided the Council with alternate levels of funding with a 5% more and a 5% less funding level.

	Tier 1	Tier 2				Tier 3	Total of each row
Applicants	Arts Benicia	Voena	BOTTG	Benicia Ballet	Benicia State Parks	Benicia Literary Arts	
Requested funding	\$45,000	\$20,000	\$12,000	\$12,000	\$3,550	\$6,000	\$98,550
Recommended	\$30,353	\$11,500	\$6,900	\$6,900	\$2,041	\$2,850	\$60,544
Plus 5%	\$31,871	\$12,075	\$7,245	\$7,245	\$2,143	\$2,993	\$63,572
Minus 5%	\$28,835	\$10,925	\$6,555	\$6,555	\$1,939	\$2,708	\$57,517

A summary of the Board's discussion is provided in the minutes from their April 9, 2015, meeting, and staff is recommending that the Council accept the ACC's

VIII.B.4

recommendation of providing status quo funding to the arts and culture grantees at an amount of \$60,544.

It should be noted that during the recent presentation by the ACC of their Annual Report to the City Council, there was an indication by the Council that they would be interested in hearing facts in favor of additional funding for the grantees. However, staff recommends that, consistent with the prior agenda item of the Introduction to the FY 2015-17 Budget and a status quo budget, that the Council approve the ACC's recommendation.

Community Sustainability Commission (CSC)

The CSC will be requesting grant approval in the near future for allocation of Good Neighbor Steering Committee (GNSC) funds. It is recommended for the subsequent budget cycle, that the CSC change their grant timeline to coincide with the HSB and ACC timeline in order for all grant funding to be on the same schedule, matching the City's budget cycle.

City Donations

Some community organizations do not currently go through a defined RFF process, but rather have historically received donations from the City as part of each budget process. These organizations include the Benicia Historical Museum, Benicia Tula Sister City Association, Fire Museum/Benicia Fire Volunteers, the Benicia Unified School District, and miscellaneous Economic Development Business Grants and Loans.

Benicia Historical Museum

The City owns the camel barns buildings, which houses the museum, and has, since the 1999-2000 fiscal year, budgeted a donation of \$50,000 per year to the Benicia Historical Museum Board. These funds assist the museum in covering costs related to staffing and a variety of costs related to museum programs and operations.

Certain museum renovations and repairs/maintenance are carried out by the City in its role of "landlord" of the four museum buildings. For example, the City is currently responsible for sewer line, asphalt parking lot, and some electrical, tree trimming and other work. The City does not do grounds keeping/landscaping. Recent upgrades to LED lighting were funded through a Community Sustainability Commission grant.

Staff is recommending status quo funding of \$50,000 for FY 2015-17.

Benicia-Tula Sister City Association (BTSCA)

Following the revitalization of the Benicia-Tula Sister relationship in 2002, a group of volunteer citizens created a non-profit organization (the Benicia-Tula Sister City Association, or BTSCA) to re-establish and maintain a cultural exchange between the citizens of Benicia and Tula, Hidalgo, Mexico. The mission of BTSCA is to work on behalf of the City of Benicia to promote the sister city relationship that was established between the two cities.

Funding for this organization was created through a stipend that has varied over the course of time from \$1,300-\$1,500 from 2003-4 through FY 2010-11. With the creation of the ACC, funding for Tula was split between a donation of \$750 for membership in 2011-2 and 2012-13, while other funding for the program (\$1,750 in 2011-12 and \$875 in 2012-13) was provided through the grant program. After realizing that the ACC grant program was not a good fit for Tula funding, the City returned to its previous practice of providing one-time funding (\$1,000 allocated in 2013-14 and 2014-15) through its community donation program.

Attached to this report is a funding request from BTSCA. Consistent with the other recommendations, staff is recommending status quo funding of \$1,000 annually for FY 2015-17.

Fire Museum and Benicia Volunteer Firemen

Founded in 1981 through the efforts of the Benicia Volunteer Firemen Incorporated and the Benicia Fire Department, the Museum houses many treasures of fire service equipment and hundreds of related items. \$20,000 has been set aside annually for operation of the museum. The facility is owned by the City. Staff is recommending status quo funding of \$20,000 annually for FY 2015-17.

Benicia Unified School District (BUSD)

Via the Benicia Youth Action Coalition (BYAC), which is a collaborative effort amongst the City, School District, and other community members, the City grants approximately \$36,000 per year to several BUSD programs targeting adolescents, specifically Second Step (anti-bullying program), Every 15 Minutes (drunk driving prevention program), and the DARE program (drug use prevention program).

The City also currently budgets \$33,250 per year in Non-Departmental/Community Programs for costs related to BUSD Crossing Guards. Consistent with prior practice, staff is recommending status quo funding of \$33,250 annually for FY 2015-17.

Economic Development – Business Grants & Loans

The Economic Development Division budgets \$7,000 per year to provide businesses a grant or loan for the purpose of retaining or attract businesses that will generate retail sales, job growth and or stimulate sales tax growth. Businesses

will submit an application which will be reviewed and discussed by City staff and may be reviewed by the Business Retention, Expansion and Attraction Committee (Sub-committee of the Economic Development Board) and awarded by the Economic Development Manager. Again, status quo funding of \$7,000 per year is recommended for ED Business Grants & Loans.

Recommendations:

For the current funding cycle, staff recommends that the current recommendations of status quo funding from the HSB and ACC be accepted, and that the attached resolution approving these grant amounts and other ongoing donations at current funding levels be approved. This approach is consistent with staff's overall recommendation of a status quo budget, and will also be a first step in more clearly documenting the City's grants and donations.

Prior to the 2017-19 budget process, there are several additional steps that are recommended in order to implement best practices relative to grants and donations. With Council concurrence, the following will be discussed further at a future study session. The recommendations are as follows:

1. The CSC consider changing their grant timeline to coincide with the HSB and ACC timeline and the City's budget process;
2. Review the process related to other nonprofit or governmental agencies that do not currently undergo a process of evaluation and consider adopting more uniform practices for granting/donating funds;
3. Purchase an electronic grant and donation software to facilitate the RFF process and quarterly reporting. The utilization of the software can assist the City in establishing a more effective and efficient process and would also better enable the City to have standardized processes as they relate to grants and donations.

Attachments:

- Resolution & Exhibit A (Summary of FY 2015-17 Proposed Grants and Donations)
- Request for funding form BTSCA
- Human Services Board March Minutes
- Arts and Culture Commission April Minutes
- Human Services Board and Arts and Culture Commission RFF Packets

RESOLUTION NO. 15-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA ACCEPTING THE RECOMMENDED FUNDING FOR THE FY 2015-17 HUMAN SERVICES AND ARTS AND CULTURE GRANTS AND OTHER CITY DONATIONS

WHEREAS, the City of Benicia, as part of its biennial budget process, provides funding for non-profit community based organizations or outside agencies in the form of grant funding or donations; and

WHEREAS, human services and arts and culture nonprofit organizations complete a Request for Funding process and are evaluated by the Human Services Board and Arts and Culture Commission respectively; and

WHEREAS, the recommended funding amounts for each grantee is noted in the attached Exhibit; and

WHEREAS, the City also has a practice of approving certain grants or donations through the biennial budget process and these contributions are also noted in Exhibit A; and

WHEREAS, staff is recommending status quo funding for all grants and donations as documented in Exhibit A.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Benicia hereby accepts the recommended status quo funding for the FY 2015-17 Human. Services and Arts and Culture grants and other City donations.

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 5th day of May, 2015 and adopted by the following vote.

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk

Date

EXHIBIT A

Summary of City of Benicia Grants & Donations										
	Actual 2009/10	Actual 2010/11	Actual 2011/12	Actual 2012/13	Actual 2013/14	Budget 2014/15	Recommended Budget 2015/16	Recommended Budget 2016/17		
GRANTS										
GF to Human Service Fund	125,000	125,000	146,000	154,000	150,000	150,000	150,000	150,000		
HSF Funding										
Catholic Social Svcs	14,545	14,545	17,400	17,400	4,128	16,510	15,600	15,600		
Child Assault Prevention	5,000	5,000	4,200	4,200	1,125	4,500	4,500	4,500		
CAC	70,690	70,690	85,000	85,000	52,835	90,575	92,310	92,310		
Families In Transition	30,000	30,000	33,200	33,200	16,625	33,250	31,500	31,500		
BUSD Programs	35,000	26,250	38,450	29,700	15,750	31,500	32,400	32,400		
Benicia Gardens	4,800	4,800	4,000	4,000						
Reach Out Benicia	15,000									
GF to Arts and Cultural	96,170	80,375	60,540	60,540	57,575	61,540	62,045	62,045		
Arts & Cultural Funding										
Arts Benicia	65,000	52,050	37,500	37,500	35,750	35,750	30,355	30,355		
Benicia Community Arts	12,700	6,350								
Benicia Old Town Theater	10,675	10,360	9,260	9,260	7,240	7,240	6,900	6,900		
Benicia Performing Arts	12,000	7,805								
VOENA			8,280	8,280	9,750	9,750	11,500	11,500		
Benicia Ballet			3,750	3,750	3,845	3,845	6,900	6,900		
Tula Sister City			1,750	875						
Literary Arts					2,090	2,090	2,850	2,850		
State Park Association					1,870	1,870	2,040	2,040		
DONATIONS										
Benicia Historical Museum	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000		
Fire Museum	20,000	20,000	20,000	20,000	20,000	20,000	20,000	20,000		
Tula Sister City	1,500	1,500	750	750	1,000	1,000	1,000	1,000		
Senior Center	6,000	6,000	6,000	6,000	9,000	9,000	9,000	9,000		
BUSD Crossing Guards	65,500	32,750	30,000	30,000	30,000	33,250	33,250	33,250		
BYAC Grants to BUSD (Second Step, Every 15 Minutes, DARE)	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000		
GF Economical Development										
Business Grants & Loans	6,170	6,695	6,045	6,045	500	7,000	7,000	7,000		



Benicia/Tula Sister City Association
Carla Schaefer, President,
Elizabeth Patterson, Honorary Chairman
PO BOX 2365, Benicia, CA. 94510
Tel: 707-745-3510 or 707-746-4210



14 February 2015

City Manager
City of Benicia
250 East L St.
Benicia, Ca. 94510

Shortly after the Benicia-Tula Sister Cities Association (BTSCA) was re-established in 2002 after it had lapsed earlier as an organization, a request was made of the city for \$2,000 in funding. This was to cover annual dues to the International Sister Cities Association and to provide basic administrative costs.

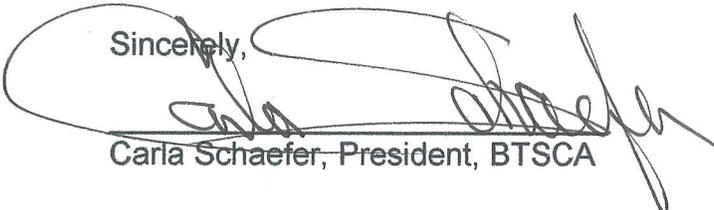
The Association appeared at the 11/4/2003 at the City Council meeting to make this request and to be established as the "representative" for the city of Benicia to the city of Tula, Hidalgo, Mexico. The Association was designated as the "representative" by resolution.

The City Council approved only \$1,000 in its action of 6/17/2003 and it is now included as a line item in the annual city budget (termed "Stipend" by BTSCA).

Since that time, the annual dues to the international organization have nearly doubled and now, in addition, we find it essential to fund Directors and Officers Insurance.

It is requested that the City Council allocate the originally funding request of \$2,000 to further enable the Association to continue to carry on the well documented and recognized cultural exchange with our sister city in Mexico. This amount should be inflation adjusted.

Sincerely,


Carla Schaefer, President, BTSCA

CC: Elizabeth Patterson, City Mayor
Treasurer, BTSCA

VIII.B.13

**BENICIA HUMAN SERVICES BOARD
SPECIAL MEETING AGENDA MONDAY, MARCH 23, 2015 7:15 PM
DRAFT MINUTES
COUNCIL CHAMBERS – CITY HALL
250 EAST L STREET
BENICIA, CA 94510**

- I. **Called to Order @ 7:15 P.M.**
- II. **Convene Meeting:**
- A. **Roll Call:**
Present: Board Members Harkins, Pollard, Kolk, Birdseye, Salazar, Petrellese, Luna-Yarnell and Caplin
Absent: Kolk (excused)
- B. **Pledge of Allegiance**
- C. **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 the Commission Room per Section 4.04.030 of City of Benicia Ordinance No. 05-6 (Open Government Ordinance).
- IV. **Opportunity for Public Comment:**
There was no public comment.
- VII. **Action Items:**
- A. **Consideration of the 2015-2017 Requests for Funding (RFF) Grant Applications.**
- The Board reviewed and ranked the applications based on the criteria in the RFF document.
- Overall scores out of 100, by applicant, are as follows:
Community Action Council: 92
Families in Transition: 88
Special Friends: 89
Children's Nurturing Project: 90
Catholic Charities of Solano County: 85
- Attached is a summary of the proposed recommendations of the Board for funding for FY 2015-17. The Board will review at their

April 13th regular meeting and finalize recommendations.

VII. Adjournment: The meeting was adjourned at 8:30 p.m.

Public Participation

The Human Services Board 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 Human Services Board 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 Human Services Board. Should you have material you wish to enter into the record, please submit it to the Assistant 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 Human Services Board 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 Human Services Board.

Public Records

The agenda packet for this meeting is available at the City Clerk'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 Clerk's Office located at 250 East L Street, Benicia, or at the meeting held in the Commission Room at City Hall. If you wish to submit written information on an agenda item, please submit to Anne Cardwell, Assistant City Manager as soon as possible so that it may be distributed to the Human Services Board.

GRANT FUNDING MATRIX

Benicia Human Services Board

Budget Cycle 2015-17

	CNP	Catholic Charities	CAC	FIT	Special Friends	Total
2013-15 Budget - Annual Amount Funded	\$ 4,500	\$ 16,510	\$ 90,575	\$ 33,250	\$ 31,500	\$ 176,335
2015-17 Year 1 Request	\$ 5,000	\$ 18,342	\$ 98,203	\$ 35,000	\$ 36,000	\$ 192,545
2015-17 Year 2 Request	\$ 5,000	\$ 18,342	\$ 98,203	\$ 35,000	\$ 36,000	\$ 192,545
2015-17 Total Request	\$ 10,000	\$ 36,684	\$ 196,406	\$ 70,000	\$ 72,000	\$ 385,090

Summary of Scores	CNP	Catholic Charities	CAC	FIT	Special Friends
	90	85	92	88	89

Funding at Various Budget Levels:

	CNP	Catholic Charities	CAC	FIT	Special Friends	Total
Annual Amount GF Funding for HSF if at 2013-15 level						150,000
Estimated HSF donations for 2015-17						26,310
2015-17 HSB Recommended Funding	4,500	15,600	92,310	31,500	32,400	176,310
Funding Alternative of 5% less	4,275	14,820	87,695	29,925	30,780	142,500
Funding Alternative of 10% less	4,050	14,040	83,079	28,350	29,160	135,000

**ARTS AND CULTURE COMMISSION
SPECIAL MEETING
CITY HALL – COMMISSION ROOM
THURSDAY, APRIL 9, 2015
MINUTES - Draft**

Commissioner Gavin called the meeting of the Arts and Culture Commission of the City of Benicia to order at 6:30 p.m. on April 9, 2015 in the Commission Room at City Hall.

ROLL CALL

Commissioners Craig-Schram, DuBois, Eisner, Garske, and Gavin, were present. Commissioners Patton and Radesky were absent. Staff present: Director Smikahl and Helaine Bowles. Visitors City Attorney McLaughlin, film festival committee members Deborah Davis and Marin Tusing were present

PLEDGE OF ALLEGIANCE

Deborah Davis led the Pledge to the Flag.

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 the Commission Room per Section 4.04.030 of the City of Benicia Ordinance No. 05-06 (Open Government Ordinance).

ANNOUNCEMENTS/PRESENTATIONS

ANNOUNCEMENTS – Commissioner Gavin reminded the Commission that Arts Benicia Open Studios takes place on May 2-3.

PRESENTATIONS –

Law Day Contest – City Attorney McLaughlin

City Attorney McLaughlin passed out the information on the Law Day contest and asked if some of the Commissioners would judge the coloring pages by the Elementary School. Commissioners Gavin, DuBois and Garske volunteered to judge. The judging will take place between May 1 and May 18, and the winners will be announced at the May 19 Council meeting.

Film Festival Update – Deborah Davis and Marin Tusing

Deborah Davis stated that the committee needs to raise \$6,000. Most will be for expenses, but some will carry-over for next year. The committee has collected a little over \$2,000 so far by going out to companies in the Industrial Park and some businesses on First Street. She asked that the Commissioners would help by asking businesses they know to donate. If the Commissioners will send a list of who they will call on to Helaine, she will check to make sure they have not already been approached. Commissioners were very impressed on the work the committee has done so far.

ADOPTION OF AGENDA

OPPORTUNITY FOR PUBLIC COMMENT

PUBLIC COMMENT – None

WRITTEN – None

CONSENT CALENDAR

A motion was made by Commissioner Eisner and seconded by Commissioner to accept the minutes of March 12, 2015. Motion passed unanimously.

ACTION ITEMS

BACC GRANT APPLICATIONS

Director Smikahl stated that she will take the recommendation approved by the Commission tonight and add a section that will allow the Council to see two alternatives with 5% more and 5% less funding, which would be the same as was presented during the last cycle. She then explained the three options being presented to the Commission: Option 1 split the grantees into three tiers, with 90-100 falling into Tier 1, 80-89 into Tier 2 and 70-79 into Tier 3.

Commission Gavin liked Option 1, as it funded the grantees according to their percentage. The top grantee would receive the most funding, the next 4 were very close and the bottom grantee was a few points lower. She thought Option 1 was the fairest with regards to the points they earned. Commissioner Eisner also supported Option 1.

Commissioner Eisner made a motion that the Commission accepts Option 1 and this was seconded by Commissioner DuBois. The motion passed unanimously.

Director Smikahl said she would prepare the 5% more and 5% less for the staff report to be presented to Council and will include it in the next Commission packet. She will be meeting with Assistant City Manager Ann Cardwell and Finance Director Karin Schnaider and they will work together on the staff report presenting the Arts and Culture and Human Services Board recommendations.

Director Smikahl stated that after the City Council meeting when Council members Hughes and Campbell stressed that the Commission should not limit themselves and they should prepare some facts as to why the City should raise the funding, she will need one or two members of the Commission to help with 4-5 talking points. Commissioners Gavin and Eisner volunteered to help. Director Smikahl requested that if any other Commissioners had suggestions, please send them to her.

It was suggested that two Commissioners go to the next Economic Development Board meeting and give them information on the Americans for the Arts and

Economic Prosperity National Report IV. The group preparing the report is starting to gather information for their 2016 report and there is an opportunity to be included for \$5,500. Commissioners Gavin and Eisner volunteered to attend the meeting.

A motion was made by Commissioner Garske and seconded by Commissioner DuBois that Commissioners Gavin and Eisner, accompanied by Library Director Smikahl, attend the next Economic Development Board meeting as representatives of the Commission and give them information on the Americans for the Arts and Economic Prosperity National Report. Motion passed unanimously.

As a follow up to the discussion held by Council with a compelling argument for additional funding for the arts and culture grantees, the commissioners discussed how to best present this information. A motion was made by Commissioner Eisner and seconded by Commissioner Craig-Schram that Commissioners Gavin and Eisner, with assistance from Library Director Smikahl, develop a report with bullet points that would be used in the future to justify increasing the amount of funding to go to the Grantees.

QUARTERLY REPORTS BOTTG

Commissioner Gavin stated she was glad to see they were recruiting more volunteers. Commissioner Waranietz said she noticed that they provided the number of residents and non-residents attending events.

A motion was made by Commissioner Eisner and seconded by Commissioner Garske to approve the report. Motion passed unanimously.

DISTRIBUTION OF FUNDRAISING FUNDS

Director Smikahl reminded the Commission that this had been continued from the prior month and that she had met with Commission Chair Gavin and Vice-Chair Susan Garske to discuss the sections related to reviewing the financial reports. Commissioners Gavin and Garske have stated they would do this on a quarterly basis and this is the language now included in the report.

A motion was made by Commissioner Eisner and seconded by Commissioner Garske to approve the Distribution of Fundraising Funds report. Motion passed unanimously.

APPROVAL OF MAJESTIC THEATRE CONTRACT AND PAYMENT OF \$500

Ms. Bowles stated that the contract has been approved by City Attorney McLaughlin and signed by Director Smikahl. Commissioner Eisner stated that in reading the contract, the deposit is only \$400 but the security deposit was \$500. Helaine stated she would check on this before she sends the funds.

A motion was made by Commissioner Eisner to approve spending of up to \$500 for a deposit for the Majestic Theatre for the Film Festival and seconded by Commissioner DuBois. Motion passed unanimously.

APPROVAL TO EXPEND \$500 OF THE ARTS AND CULTURE FUND ALLOCATION TO PURCHASE 100 DVDs OF THE WIND, WATER, LAND DOCUMENTARY.

Commissioner Gavin stated that people having been asking about purchasing John Beck's documentary. He talked to the person that does his DVD's and it would cost \$500 for graphics for the case and DVD, the case and reproducing the DVDs. The revenues would be put in fundraising for Public Art.

A motion was made by Elaine Eisner that the Commission approve use of \$500 from the Fundraising account to be used for the purchase of the DVDs, with the funds raised first being used to replace \$500 in funds allocated for the Film Festival with the remaining proceeds being available for the Public Art Fundraising Account. Commissioner DuBois seconded the motion. Motion passed unanimously.

INFORMATION ITEMS

FARMERS' MARKET

Ms. Bowles is keeping this on the agenda to remind Commissioners that they can attend the Farmers' Market and sit at the City table to promote the Commission.

PUBLIC ART UPDATE

Commissioner Radesky was not at the meeting. Commissioner Gavin stated that the committee was getting the list together of public art with artists' comments and they were still working on the list. Commissioners DuBois and Craig-Schram who are on the committee stated that Commissioner Radesky wanted this information for the list and they thought the brochure. A discussion was had that this might not be a good idea, as the artists might not want this information out to the public. This will be on the next Public Art Agenda.

Commissioner Gavin stated that the side glass panels are now up on the guard for the Wind, Water, Land art.

POTENTIAL CHANGE IN ORDINANCE

Director Smikahl reminded the Commission that they have already approved changing the hours of their meetings, and that while they are making this change, they may want to recommend reducing the number of commissioners from 9 to 7. The Commission has not had nine members for many years. Because the Commission has nine members, a quorum is 5 and three members of the

Commission have terms that expire in January 2016. If they don't renew, then the Commission will only have 5 members which would mean that every member would have to be at every meeting to have a quorum.

Commissioner Eisner stated that reducing the number does not help with recruitment. Commissioner Smikahl stated that Commissioners can recruit members at the Farmers' market and we can put something on the Library website with the Ordinance as a link. Director Smikahl said they would bring this back to the Commission at a future meeting for their consideration.

COMMENTS FROM COMMISSIONERS AND STAFF

Commissioner Gavin stated that the date for the next Roundtable is September 30 and planning needs to start. Commissioner Eisner stated that an idea for a theme is to have an opportunity to tell the nonprofits what the Commission has done over the past few years and also to see if we can recruit new members. Commissioner Eisner explained to the new members that this Roundtable is for art and culture nonprofits and for organizations that help promote art and culture such as Main Street. Commissioner Eisner stated that a mailing list has already been put together from the previous Roundtables.

Outreach will be put on the agenda for next month to discuss further.

FUTURE AGENDA ITEMS

Outreach Committee - Roundtable

ADJOURNMENT

Commissioner Eisner made a motion to adjourn the meeting and it was seconded by Commissioner Garske. Motion passed unanimously. The meeting was adjourned at 8:35 p.m.

November 17, 2014

To Whom It May Concern:

The biennial Human Services Board's "Request for Funding" and application instructions are enclosed for your use in seeking grant awards for the 2015-17 two year funding cycle of the Benicia Human Services Board. A downloadable application form will be available on the City's website at www.ci.benicia.ca.us for your convenience. The deadline for submissions is Friday, January 30, 2015. See "Instructions" for further detail.

A notice will be placed in area newspapers and on the City of Benicia website announcing the availability of funding, so that those who do not yet receive grants from the fund may be made aware of grant opportunities.

The Benicia Human Services Board will evaluate proposals using the following criteria:

- Service commensurate with the Board's mission and purpose
- Present need of the service provided
- Quantifiable goals attached to measurable and specific outcomes
- Financial ability of agency to provide services to Benicians
- Cost per client vs. impact of the intervention
- Other sources of funding
- Outreach Plan
- Past performance providing services to Benicians

Should you have any question or comments concerning the Request for Funding, please call me at 746-4309.

Sincerely,

Anne Cardwell
Assistant City Manager

**CITY OF BENICIA
BENICIA HUMAN SERVICES BOARD
FY 2015-2017 GRANT APPLICATION**

INSTRUCTIONS

SECTION I - PROPOSAL SUBMISSION REQUIREMENTS

A. DEADLINE FOR SUBMISSION: Friday, January 30, 2015, by 5:00 pm at:

City of Benicia
City Manager's Office
250 East L Street
Benicia CA 94510
Attn: Anne Cardwell

Hand-carried proposals may be delivered **ONLY** to the aforementioned address Monday through Friday between the hours of 8:30 a.m. and 5:00 p.m., excluding holidays observed by the City.

Proposers are responsible for informing any commercial delivery service, if used, of all delivery requirements and for ensuring that the required address information appears on the outer wrapper or envelope used by such service.

B. MODIFIED PROPOSALS

A Proposer may submit a modified proposal to replace all or any portion of a previously submitted proposal up until the Proposal Due Date. The Benicia Human Services Board will only consider the latest version of the proposal. Add new categories as needed but make sure an adequate description is included.

C. WITHDRAWAL OF PROPOSALS

Proposals shall be irrevocable until grant award unless the proposal is withdrawn. A proposal may be withdrawn in writing only, addressed to the Assistant City Manager at the address noted above, prior to the Proposal Due Date.

D. LATE PROPOSALS AND LATE MODIFICATIONS

Proposals received after the Proposal Due Date are late and will not be considered. Modifications received after the Proposal Due Date are also late and will not be considered.

The responsibility for submitting a proposal to the City Assistant City Manager on or before the stated time and date is solely and strictly the responsibility of the Proposer. The Benicia Human Services Board is not responsible for delays caused by any mail, package or couriers service, including the U.S. mail, or caused by any other occurrence.

**CITY OF BENICIA
BENICIA HUMAN SERVICES BOARD
FY 2015-2017 GRANT APPLICATION**

INSTRUCTIONS

SECTION I - PROPOSAL SUBMISSION REQUIREMENTS (continued)

E. GRANT APPLICATION INSTRUCTIONS

ALL PROPOSALS MUST BE SUBMITTED ON THE SEVEN (7) PAGE APPLICATION.

- Applications must be typed.
(These instructions and a downloadable application will be made available on the City's website for your convenience. Section C may be expanded, but may not to exceed 5 pages.)
- All questions must be answered. If not applicable, write N/A. Do not leave blank.
- Focus on your project description and budget information.
- The application must be signed by an officer who is legally authorized to enter into a contractual relationship in the name of the proposers.

F. REQUIRED ATTACHMENTS

Proposals submitted that do not include the following items may be deemed non-responsive and may not be considered for a grant award. The documents must be attached to the original application **only**, in the following order:

- IRS Letter of Tax Exempt Status
- Organization's total budget for the current year
- Copy of most recent audit or financial statement
- Names and addresses of Board of Directors
- List of paid principal staff and positions
- Job descriptions for principal staff and personnel to be paid partially or in full with grant funding
- Copy of resolution or board meeting minutes demonstrating support of the project application.
- If a partnership, then submittal of letters of commitment from each organization indicating degree of participation and a budget showing each organization's financial responsibility is required.

G. SUBMISSION PACKAGE

An unbound original and ten (10) copies [a total of eleven (11)] of the complete application must be submitted in a sealed envelope or container. The outside of the envelope or container must include: the proposer's name, address and telephone number.

H. QUESTIONS

Please submit questions regarding the application to Anne Cardwell at acardwell@ci.benicia.ca.us. Responses to questions will be shared with all applicants.

**CITY OF BENICIA
BENICIA HUMAN SERVICES BOARD
FY 2015-2017 GRANT APPLICATION**

INSTRUCTIONS

SECTION II - REVIEW/EVALUATION/SELECTION PROCESS

Each application will be reviewed to determine if the application is responsive to the submission requirements outlined in the RFF. A responsive application is one that follows the requirements of the RFF, includes all documentation, is submitted in the format outlined in the RFF, and is of timely submission. Failure to comply with these requirements may deem your application non-responsive. Applications will be reviewed and scored for qualitative and technical merit according to the criteria described below.

<u>EVALUATION CRITERIA</u>	<u>POINTS</u>
A. Service commensurate with Board's mission and purpose	21.00
B. Present need of the service provided	20.00
C. Quantifiable goals attached to measurable and specific outcomes	15.00
D. Financial ability of agency to provide services to Benicians	10.00
E. Cost per client vs. impact of the intervention	10.00
F. Other sources of funding and board matching funds (Not in-kind)	10.00
G. Outreach Plan	8.00
H. Past performance providing services to Benicians	6.00
TOTAL POSSIBLE POINTS	<u>100.00</u>

Benicia Human Services Board evaluation of the proposals will include the appropriateness of a particular project, subject to the established criteria.

Mission:

To advocate for human services as major elements in Benicia's community identity.

Purpose:

The purpose of the Benicia Human Services Board is to support the broad economic, educational, and social goals of the City of Benicia by assessing the human service needs, making recommendations to the City Council regarding funding of effective human service agencies and programs, and evaluating those services and programs on behalf of the community.

SECTION III - GENERAL GRANT AWARD PROVISIONS

A. CONTRACT AWARD

Awarding of grants is dependent upon Benicia City Council approval.

B. CONTRACT TERM

The contract period for all grants awarded through this RFF must fall within City of Benicia two-year funding cycle, which begins on July 1, 2015 and ends on June 30, 2017. Grants will be awarded for a period not to exceed twenty-four (24) months. The effective starting date will be no earlier than July 1, 2015.

**CITY OF BENICIA
BENICIA HUMAN SERVICES BOARD
FY 2015-2017 GRANT APPLICATION**

INSTRUCTIONS

SECTION IV - CONTRACTUAL AWARD PROCESS—SPECIAL TERMS AND CONDITIONS

A. CONTRACTING PROCESS

Grantees (awarded applicants) will be required to complete certain contract documents (A sample contract is included as Attachment A). They will be required to submit quarterly reports to the Benicia Human Services Board (A sample quarterly report is included as Attachment B; please note that quarterly reports will be refined following contract award to reflect an assessment of the grantee's scope of work per the final agreement). These reports will contain:

- 1) Up to date information regarding the services provided.
- 2) Up to date information regarding the specific quantifiable goals of the project.
- 3) The outreach efforts for the period.
- 4) Evaluation of the outstanding project objectives and the methods to be used to meet the objectives.

The disbursement of funds shall be made as set forth in the scope of work. No disbursement of funds shall be made beyond the two-year term of the Agreement. No disbursement or only partial disbursement of funds shall be made if the City Council does not appropriate sufficient funds for the Human Service Fund Grants. No funds will be disbursed if the Grantee is in violation of any of the provisions of this agreement. If the Grantee corrects the violation in a timely manner, funds may be disbursed at the discretion of the Human Services Board.

**CITY OF BENICIA
 BENICIA HUMAN SERVICES BOARD
 FY 2015-2017 GRANT APPLICATION**

TITLE PAGE

PART A

1. **Project/Program Name:**
2. **Amount of Funding Request: Annual: \$ 0** **Grant period (2 years): \$**
3. **Organization Submitting Proposal:**

Organization Data:

Name: _____
 Address: _____
 Phone: _____
 Fax: _____
 Fed. ID #: _____

Contact Person:

Name: _____
 Title: _____
 Phone: _____
 Email: _____
 Fax: _____

4. **Year organization legally established:** _____ **State:** _____

5. **Project or Program Category (check applicable categories and subcategories):**

<input type="checkbox"/> Safety Net	<input type="checkbox"/> Health & Wellbeing	<input type="checkbox"/> Other
<input type="checkbox"/> Rent	<input type="checkbox"/> Counseling	<input type="checkbox"/> Affordable Housing
<input type="checkbox"/> Food	<input type="checkbox"/> Suicide Prevention	<input type="checkbox"/> Job Skills
<input type="checkbox"/> Utilities	<input type="checkbox"/> Domestic Violence	<input type="checkbox"/> Literacy
<input type="checkbox"/> Transportation	<input type="checkbox"/> Child Abuse Prevention	<input type="checkbox"/> Parenting
<input type="checkbox"/> Childcare	<input type="checkbox"/> Substance Abuse	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/> Mental Health	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

6. **Serving clients (check all that apply):**

<input type="checkbox"/> Children Under 5	<input type="checkbox"/> Youth (5-18)	<input type="checkbox"/> Adults (19 to 59)	<input type="checkbox"/> Seniors Over 60	<input type="checkbox"/> Family Unit
<input type="checkbox"/> Low-Income	<input type="checkbox"/> Disabled	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

7. **Anticipated Number of Unduplicated Benicia Residents to be Served:** _____

ORGANIZATION CERTIFICATION: I hereby certify that all information contained in this application and any attachments is true and accurate.

NO CITY EMPLOYEE SHALL BE A SIGNATORY ON BEHALF OF AN ORGANIZATION REQUESTING FUNDS FROM THE BENICIA HUMAN SERVICES BOARD.

 Authorizing Signature
 Typed name: _____

 Title

 Date

**CITY OF BENICIA
 BENICIA HUMAN SERVICES BOARD
 FY 2015-2017 GRANT APPLICATION**

Part B – BUDGET INFORMATION

8. Provide a budget for the project. (Expenses listed in this document should be consistent with the Project Description.) This budget is only for the project utilizing grant monies.

PROJECT EXPENSES	TOTAL PROJECT COST (A)	AMOUNT OF GRANT REQUEST (B)	APPLICANT'S COST (C)
DIRECT COSTS			
Personnel (Direct ¹)	\$	\$	\$
Benefits (Direct ¹)			
Personnel (Support ¹)			
Benefits (Direct ¹)			
Contract Services			
Project-Supplies			
Project Equipment			
Transportation (e.g. gas costs, rental)			
Other Direct Costs			
SUBTOTAL	0	0	0
INDIRECT COSTS			
(Administrative ¹) Personnel			
Benefits			
Space Rental			
Utilities			
Telephone			
Office Supplies			
Transportation (e.g. gas costs, rental)			
Other Indirect Costs			
SUBTOTAL	0	0	0
TOTAL COSTS	\$ 0	\$ 0	\$ 0

Column A = Total cost of the proposed project.
 Column B = Amount you are requesting in this grant application.
 Column C = The difference between Column A and Column B, or the costs of the project that are not included in this grant request, if any.

¹ Provide names, titles, education and total estimated annual salary. Attach additional sheets if necessary and summarize total here.

**CITY OF BENICIA
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Part B – BUDGET INFORMATION – (continued)

9. APPLICANT SOURCES: Provide sources of other funds for the project. Total amount should correspond with Total C (previous page). Do not include your entire budget here (it should be attached).

Applicant Sources – Other Funding (be specific)		Amount or Value		Indicate if Cash or In-kind
	\$			
TOTAL	\$	0		

10. List any prior City of Benicia grants or loans awarded to your organization and the number of Benicia residents served with the funds.

Fiscal Year	Program		Amount		Benicians Served
2013-14		\$			
2011-12					
2010-11					
2009-10					
2008-09					
2007-08					
2006-07					
2005-06					
2004-05					
TOTALS		\$	0		0

**CITY OF BENICIA
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Part C - PROJECT / ORGANIZATION DISCUSSION (Please limit Part C to 5 pages.)

11. Brief Project Summary (Two to three sentences describing the grant proposal):

12. Describe organization's general purpose and activities:

13. List all financial liabilities or pending legal action:

14. Is your organization applying for other grants for fiscal years 2015-2017? If so, list the project, funding source(s), proposed budgets, and requested amount(s).

15. At what location will the proposed project take place and how long has the organization been at this location?

**CITY OF BENICIA
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21. List the specific quantifiable goals of the project.

(Please state your goal in terms of number of individuals, families or groups served. For example, agency will provide X number of individuals counseling services per quarter.)

Report total services provided	Annual goal

Discuss how your organization will collect, organize and disseminate this data.

22. Is this project an existing program or activity provided by your organization? Please explain.

23. Identify similar programs in the community and how yours will differ.

24. Describe previous comparable projects or programs that your organization, has undertaken that demonstrate successful administration and implementation.

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25. REQUIRED ATTACHMENTS: Verify and check off confirmation indicating that the following required items are attached to the original application.

Attachment Confirmation	Item No.	Item Description
<input type="checkbox"/>	1.	IRS Letter of Tax Exempt Status
<input type="checkbox"/>	2.	Organization's total budget for the current year
<input type="checkbox"/>	3.	Copy of most recent audit or financial statement
<input type="checkbox"/>	4.	Names and addresses of Board of Directors
<input type="checkbox"/>	5.	List of paid principal staff and positions
<input type="checkbox"/>	6.	Job descriptions for principal staff and personnel <u>to be paid partially or in full with grant funding</u>
<input type="checkbox"/>	7.	Copy of resolution or board meeting minutes indicating organization's support of the project application.
<input type="checkbox"/>	8.	If a partnership, then of letters of commitment from each organization indicating degree of participation and a budget showing each organization's financial responsibility are required.

Thank You!

GRANT AGREEMENT
BETWEEN
THE CITY OF BENICIA
AND
GRANTEE (INSERT NAME)

This Agreement is made this ____ day of _____, 2015, by and between the City of Benicia, acting through its Human Services Board (hereinafter called "City" or "Board") and GRANTEE, (hereinafter called "Grantee").

WHEREAS, the City has established a Human Services Board Fund (Fund) from different revenue sources, including voluntary community and employee donations, inter-fund transfers, investment earnings, and other fundraising activities.

WHEREAS, the Benicia City Council has given the Human Services Board authority to award monies from the Human Service Board Fund for services, programs or activities which benefit the mental, social or physical health and welfare of Benicia residents of all ages;

WHEREAS, Grantee provides services, programs and/or activities that meet the requirements of the Fund and benefit Benicia residents as described more fully in the Scope of Human Services that is attached to this agreement and incorporated as if contained herein;

WHEREAS, the Board is willing to distribute money from the Fund to Grantee to help provide for such services, programs and/or activities that are described in the Scope of Human Services based solely on the terms and conditions listed below.

NOW THEREFORE, the parties agree to the following terms and conditions set forth as follows:

1. **Amount and Disbursement of Fund:** The City shall provide to Grantee an award from the *Human Services Grant Fund* in the amount of \$_____ total, distributed as quarterly payments of \$_____ during fiscal years (2015-2017). The disbursement of the funds shall be made as set forth in the attached Scope of Services. No disbursement of funds shall be made beyond the two-year term of this Agreement unless pursuant to written agreement as set forth in Sections 3 and 4 below. No disbursement or only partial disbursement of funds shall be made if the City Council does not appropriate sufficient funds for the Human Service Fund Grants. No funds will be disbursed if the Grantee is in violation of any of the provisions of this agreement. If the Grantee corrects the violation in a timely manner, funds may be disbursed at the discretion of the Human Services Board.
2. **Use of Funds for Services/Programs/Activities:** The Grantee shall use the funds received from the City solely in furtherance of the services, programs and/or activities described in the attached Grantee's Scope of Services and shall not use the funds for any other purpose without prior written authorization from the City.

ATTACHMENT A

3. **Term of Agreement:** The term of this Agreement shall be in effect through June 30, 2017, beginning on the date of execution of this Agreement. An extension of the Agreement for an additional period may be made as needed upon mutual written agreement by both parties. In the event that Grantee fails to substantially perform under this Agreement, for either fiscal year, the Finance Director or Board may terminate the Agreement without penalty upon thirty (30) days' notice. Additionally if non-profit status is in any way suspended or revoked the Finance Director or Board may also terminate the Agreement at their discretion without penalty upon thirty (30) days' notice. Any unexpended funds shall be immediately returned to the City and may be re-appropriated. In the event that insufficient funds are appropriated to fully fund this agreement, the Finance Director may terminate the agreement immediately.
4. **Unused Funds:** Any funds disbursed by the City to the Grantee not expended or utilized pursuant to the Scope of Services by the end of the term of this Agreement shall revert back to the City. The Board may direct that such unused funds be carried forward and spent for the services, programs and/or activities, providing they continue beyond the two-year term of this Agreement. Any unused funds from fiscal year (2015-2016) may, at the sole discretion of the Board, be carried forward to fiscal year (2016-2017) for that fiscal year's services, programs and/or activities.
5. **Reporting, Recordkeeping, and Monitoring:** Grantee shall be responsible for maintaining detailed records to document all expenditures of the funds awarded by the City:
- A) **Proposed Budget:** Prior to the first disbursement of funds, the Grantee shall provide to the City a proposed budget of how the award money will be spent to accomplish the attached Scope of Services. Any modification of the budget in excess of five percent (5%) of the allocation for the fiscal year will require approval of the Board.
 - B) **Expenditure Report:** The Grantee shall be responsible for providing the Board with a detailed final accounting of how the award money was spent, including dates, amounts, payments, expenditures, amount of any unused funds, etc. Such report shall be made either: (1) at the conclusion of the event or program; (2) when the funds are actually used or spent completely; or (3) within thirty (30) days after the completion of the term of this Agreement, whichever is sooner.
 - C) **Miscellaneous Reporting:** The Grantee shall also notify the Board in writing of any changes in the services/programs and/or activities outlined in the Scope of Services, any required deviations from the proposed budget, or any changes in the organizational structure, key personnel or policies that might impact the use of the award of funds by the City.
 - D) **Quarterly Reporting to the Board:** The Grantee shall report to the Board quarterly on the prescribed form (Attachment A). The report is due no later than the end of the month following the quarter end. Detailed information regarding service delivery is required. The Board shall monitor the progress of the services/programs/activities of Grantee with respect to the Scope of Services and may terminate the Agreement if Grantee fails to make sufficient progress as determined by the Board.

ATTACHMENT A

- E) **Monitoring/Audit by Board:** At any time after execution of this Agreement, the Board may elect to conduct a monitoring or audit to determine that the terms and conditions of this Agreement are being met by Grantee. Such monitoring/audit shall consist of reviewing both the financial records as well as the progress of the services/programs/activities of Grantee with respect to the Scope of Services.
 - F) **Site Visits:** At any time after execution of this Agreement, the Commission will conduct one or more site visits to gain confidence that the City of Benicia's investment is being honored and that the organization is exercising due diligence in delivering its outcomes as stated in the grant contract.
6. **Maintaining Non-Profit Status:**
- A) The Grantee must maintain a Non-Profit Status for the entire period outlined in the Agreement as defined under section 501(c)(3) of the Internal Revenue code.
 - B) The Grantee must maintain an Active status as verified by the California Business Entity Detail and able to provide an IRS letter of Tax-Exempt Status upon request.
7. **Violation of Terms and Conditions:** If it is determined by the Board that the Grantee has violated any of the terms of this Agreement and/or has used the awarded funds for expenditures that are not solely for providing the attached Scope of Services, Grantee shall be obligated to repay the City any or all of the monies that were awarded, plus any interest at the current market rate.
8. **Hold Harmless/Indemnification Agreement:** Grantee shall indemnify, defend, save, and hold City, its Council members, boards and commissions, agents, officers, employees, and designated volunteers, harmless from and against any losses, damages, liability, claims, suits, costs and expenses whatsoever, including reasonable attorney's fees regardless of the merit or outcome of any such claim or suit arising from the term of the Agreement. Approval of any necessary insurance coverage does not relieve Grantee of liability under this indemnification clause.
9. **Nondiscrimination:**
- A) Grantee shall not discriminate in the conduct of the services, programs and/or activities under this Agreement against any employee, applicant for employment, or volunteer on the basis of race, religious creed, color, national origin, ancestry, physical or mental disability, marital status, pregnancy, sex, age, sexual orientation or other prohibited basis as it will not be tolerated.
 - B) Consistent with City's policy that harassment and discrimination are unacceptable conduct, Grantee agrees that harassment or discrimination directed toward a City employee or a recipient of services, programs and/or activities provided under the Agreement by Grantee on the basis of race, religious creed, color, national origin, ancestry, physical or mental disability, marital status, pregnancy, sex, age, sexual orientation or other prohibited basis will not be tolerated. Grantee agrees that any and all violations of this provision shall constitute a material breach of the Agreement.

ATTACHMENT A

10. **Entire Agreement:** This Agreement contains the entire understanding of the parties and constitutes the sole and only Agreement between them concerning the subject matter herein and the rights and obligation in connection therewith.

GRANTEE

CITY OF BENICIA

By: _____
(Type in title of person signing.)

By: _____
(Type in title of person signing.)

Dated: _____

Dated: _____

APPROVED AS TO FORM:

Heather C. Mc Laughlin
City Attorney

ATTACHMENT A

Scope of Human Services Provided by GRANTEE

(Scope to be inserted here)

Benicia Human Services Fund
Agency Quarterly Report

Grantee Quarterly Reporting

Grantees may submit quarterly reports to the Human Services Board (hereinafter Board) five (5) business days prior to the Board meeting scheduled the 2nd Monday of the month following quarter end or no later than end of the month following quarter end. If the quarterly report is submitted five (5) business days prior to the Board meeting it will be reviewed the same month. If the quarterly report is submitted at month end following quarter end it will be reviewed the second month following quarter end.

The final submission date to be able to receive quarterly funding is the last business day of the month following quarter end. These dates are included in the Final Due Date column of the table below.

The reports are utilized by the Commission to monitor the progress of the Grantee project(s)/program(s) and/or event(s) funded by its grant. When the Commission receives the reports they are reviewed and approved. When approved, the Grantee will receive its quarterly funding.

The Quarterly Report Submission Schedule is:

Quarter/Year	First Due Date Option	Final Due Date
FY 2015-16		
QTY 1	<i>Dates to be inserted</i>	<i>Dates to be inserted</i>
QTY 2	<i>in final RFF document</i>	<i>in final RFF document</i>
QTY 3		
QTY 4		
FY 2015-17		
QTY 1		
QTY 2		
QTY 3		
QTY4		

Reports are submitted to:

Human Services Board
c/o City Manager's Office
Attention: Anne Cardwell
acardwell@ci.benicia.ca.us
250 East L Street
Benicia, CA 94510

OUTREACH EFFORTS FOR THE QUARTER

UNMET NEEDS

ORGANIZATIONAL CHANGES

Program changes:

Key Personnel changes:

Policy changes:

Mission/Direction changes:

CONFIRMATION OF CONTINUED NON-PROFIT STATUS

Put a check mark in each box indicating that a designated Board Member has verified your organization's current IRS tax-exempt and California Business Entity Detail status.

- Certify IRS tax-exempt status is listed as PC, Public Charity

Your organization's current status can be verified at <http://www.irs.gov/Charities-&-Non-Profits/Exempt-Organizations-Select-Check>.

- Certify California Business Entity Detail is Active Status

Your organization's current status can be verified at <http://kepler.sos.ca.gov/>

Certification Completed by:

Type/Clearly Print Name: _____ Title _____

Signature _____ Date _____

Part B – BUDGET INFORMATION

Provide the project budget. (Expenses listed in this document should be consistent with the Project Description.) This budget is only for the project utilizing grant monies.

PROJECT EXPENSES	TOTAL GRANT BUDGET (A)	QUARTERLY ACTUAL-TO-DATE (B)	ACTUAL YEAR-TO-DATE (C)
DIRECT COSTS			
Personnel (Direct ¹)	\$	\$	\$
Benefits (Direct ¹)			
Personnel (Support ¹)			
Benefits (Direct ¹)			
Contract Services			
Project-Supplies			
Project Equipment			
Transportation (e.g. gas costs, rental)			
Other Direct Costs			
SUBTOTAL	0	0	0
INDIRECT COSTS			
(Administrative ¹) Personnel			
Benefits			
Space Rental			
Utilities			
Telephone			
Office Supplies			
Transportation (e.g. gas costs, rental)			
Other Indirect Costs			
SUBTOTAL	0	0	0
TOTAL COSTS	\$ align="right"> 0	\$ align="right"> 0	\$ align="right"> 0

Column A = Total cost of Grant Budget.
 Column B = Total expenditures of grant funds Quarterly Actual-To-Date.
 Column C = Total expenditures of grant funds Actual Year-To-Date.

¹ Provide names, titles and total estimated annual salary. Attach additional sheets if necessary and summarize total here.

ATTACHMENT B

If there are any changes for your organization and/or the grant funded programs and services from what was provided in your Request for Funding, please note below:

This report, to the best of my knowledge, is an accurate representation of GRANTEE's efforts provided on this project through the City of Benicia's Human Services Fund.

Signature: _____ **Title:** _____

Type Name: _____ **Date:** _____

**TIMELINE – HUMAN SERVICES BOARD
2015-17 Request for Funding Process**

<u>Date</u>	<u>Task</u>
November 2, 2014	Notice of Human Services Board (HSB) meeting regarding Request for Funding Process in Benicia Herald on November 10, 2014
November 5, 2014	Agenda packet sent to current and former grantees for November 10, 2014 HSB meeting
November 10, 2014	Meeting to assess community needs and review RFF process with potential grantees. Update recipient list as needed.
November 17, 2014	Finalize and send out RFF Form to potential grantees.
January 30, 2015	Due date for completed RFFs
February 9, 2015	Meeting - Board reviews RFF packets received from applicants
March 9, 2015	Meeting – Council Chambers – Board receives presentations from applicants
March 23, 2015	Special Meeting for Board to review information received at 3/9 Meeting
April 13, 2015	Board finalizes recommendations to Finance Director for inclusion in the City's 2015-17 budget

**CITY OF BENICIA
ARTS AND CULTURE COMMISSION
FISCAL YEARS 2015-17
TERMS AND INSTRUCTIONS**

December 1, 2014

To Whom It May Concern:

The biennial Benicia Arts and Culture Commission's Request for Funding (RFF) and application instructions are enclosed for your use in requesting grant awards for the 2015 - 2017 two-year funding cycle. For your convenience, a downloadable application form and the Terms and Instructions will be available on the City's website at www.ci.benicia.ca.us at the Announcement tab. Refer to Sections I and II of the Terms and Instructions for all eligibility and submission requirements. The deadline for submissions is Friday, January 30, 2015.

A notice will be placed in area newspapers and on the City of Benicia website announcing the availability of funding so that those who do not yet receive grants from the fund may be made aware of grant opportunities.

The Benicia Arts and Culture Commission will evaluate proposals using the following criteria:

- Project(s), program(s) and/or event(s) commensurate with the Arts and Culture Commission's Mission
- Quantifiable goals attached to measurable and specific outcomes
- Outreach plan
- Number of people attending program(s) and event(s) in the community
- Financial statement reflects capability for creating and providing proposed project(s), program(s) and/or event(s)
- Past performance of project(s), program(s) and/or event(s) in the community.

Should you have any question or comments concerning the Request for Funding, please call me at (707) 746-4358 or via email hbowles@ci.benicia.ca.us.

Sincerely,

Helaine Bowles
Outreach/Volunteer Coordinator

INSTRUCTIONS

SECTION I – REQUEST FOR FUNDING SUBMISSION REQUIREMENTS

A. ELIGIBILITY REQUIREMENTS

- 1) Requests for Funding (RFF) are available to tax-exempt arts and culture nonprofit organizations established within the City of Benicia or providing project(s)/program(s)/event(s) in the City of Benicia.
- 2) Applicants are required to provide proof of current IRS tax-exempt status. This includes the organization's most recent IRS Form 990 or short Form 990-EZ and IRS Letter of Tax-Exempt Status.
- 3) Applicants are required to provide proof of current State of California tax-exempt status. Go to the State website at: <http://kepler.sos.ca.gov/>

B. DEADLINE FOR SUBMISSION: Friday, January 30, 2015, no later than 5:00 p.m. at:

City of Benicia
Benicia Public Library
150 East L Street
Benicia, CA 94510
Attention: Helaine Bowles

Hand-carried applications may be delivered ONLY to the aforementioned address Monday through Friday between the hours of 12:00 p.m. and 5:00 p.m., excluding holidays observed by the City.

Applicants are responsible for informing any commercial delivery service, if used, of all delivery requirements and for ensuring that the required address information appears on the outer wrapper or envelope used by such service.

C. MODIFIED APPLICATIONS

An applicant may submit a modified application to replace all or any portion of a previously submitted application up until the Application Due Date. The Benicia Arts and Culture Commission will only consider the latest version of the application.

D. WITHDRAWAL OF APPLICATIONS

Applications shall be irrevocable until grant award unless the application is withdrawn. An application may be withdrawn in writing only, addressed to Helaine Bowles at the address noted above, prior to the Application Due Date.

E. LATE APPLICATIONS AND LATE MODIFICATIONS

Applications received after the Application Due Date are late and will not be considered. Modifications received after the Application Due Date are also late and will not be considered. The responsibility for submitting an application to Helaine Bowles on or before the stated time and date is solely and strictly the responsibility of the applicant. The Benicia Arts and Culture Commission is not responsible for delays caused by any mail, package or courier service, including the U.S. mail, or caused by any other occurrence.

SECTION II – GRANT APPLICATION INSTRUCTIONS

A. SUBMISSION REQUIREMENTS

- 1) Applications must be submitted only on the City of Benicia Arts and Culture Commission Application form.
- 2) Applications must be word-processed or typed, not hand written.
- 3) Grant Application Section C may be expanded, but may not exceed five (5) pages.
- 4) All questions must be answered. If not applicable, type N/A. Do not leave blank.
- 5) The application must be signed by an officer who is authorized to enter into a contractual relationship in the name of the applicant.
- 6) Project(s), program(s) and/or event(s) are commensurate with the Arts and Culture Commission's Mission

B. REQUIRED ATTACHMENTS

Applications submitted that do not include the following items may be deemed non-responsive and may not be considered for a grant award. The documents must be attached to the original application only, in the following order:

- IRS Letter of Tax-exempt Status
- Most Recent IRS Form 990 or short Form 990-EZ
- Copy of most recent audit or financial statement
- Names, email addresses and telephone numbers of Board of Directors
- List of paid principal staff and positions

- Job descriptions for principal staff and personnel that will be paid partially or in full with grant funding
- Copy of approved resolution or board meeting minutes demonstrating support for the Arts and Culture Grant application.
- If a partnership, submit letters of commitment from each organization indicating degree of participation and a budget showing each organization's financial responsibility is required.

C. SUBMISSION PACKAGE

One (1) unbound original and eleven (11) copies [a total of twelve (12)] of the complete application must be submitted in a sealed envelope or container. The outside of the envelope or container must include: the applicant organization's name, mailing and email address and telephone number.

D. QUESTIONS

Please submit questions regarding the application to Helaine Bowles at hbowles@ci.benicia.ca.us. Responses to questions will be shared with all applicants via email.

SECTION III – REVIEW/EVALUATION/SELECTION PROCESS

Each application will be reviewed to determine if the application meets the eligibility and submission requirements outlined in the Request for Funding (RFF) Terms and Instructions.

A responsive application is one that follows the requirements of the Request for Funding, includes all documentation, is submitted in the format outlined in the Request for Funding, and is submitted by the time and date required. Failure to comply with these requirements may deem your application non-responsive.

Applications will be reviewed and scored according to the criteria described below.

EVALUATION CRITERIA		POINTS
A.	Project(s), program(s) and/or event(s) commensurate with the Arts and Culture Commission’s mission	30
B.	Quantifiable goals attached to measurable and specific outcomes	20
C.	Outreach plan	15
D.	Number of people attending program(s) and event(s) in the community	15
E.	Financial statement reflects capability of creating and providing proposed project(s), program(s) and/or event(s)	15
F.	Past performance of project(s), program(s) and event(s) in the community	5
TOTAL POSSIBLE POINTS		100

The Arts

Benicia and

Culture Commission’s application evaluation will include the appropriateness of the established criteria, as defined below.

A. Project(s), program(s) and/or event(s) commensurate with the Arts and Culture Commission’s Mission:

The City of Benicia Arts and Culture Commission exists to ensure that arts and culture are integral to our community’s quality of life, economic vitality, and central identity.

B. Quantifiable goals attached to measurable and specific outcomes

- Goals must be stated in quantifiable or measurable terms
- Goals must be related to specific outcomes
- Goals should identify specific expectations and outcomes for the project(s), program(s) and/or event(s).

C. Outreach Plan

An outreach plan will provide a framework for information to be conveyed between your organization and the public for mutual benefit. The Outreach plan should include:

- Goals and objectives for the outreach plan
- The target audience
- The type of promotional material that will be produced
- How the message will be distributed
- Extent of outreach and promotion methods.

D. Number of people attending program(s) and/or event(s) in the community

- Number of Benicia residents attending each program or event
- Number of people not residing in Benicia attending each program or event
- Effort to involve traditionally underserved or diverse populations as appropriate to the project(s), program(s), and/or event(s).

E. Financial statement reflects capability of creating and providing proposed project(s), program(s) and event(s)

- Effectiveness of managerial structure and decision-making process
- Other sources of funding
- Short and long range planning
- Qualifications and effectiveness of board and staff
- Overall fiscal health
- Past history of performance.

F. Past performance of project(s), program(s) and/or event(s) in the community.

- Have you received grant money from the City in the past?
- If yes, has the organization achieved its goals related to the use of grant funds?
- Provide an example of these programs, performances or events.

SECTION IV - GENERAL GRANT AWARD PROVISIONS

A. CONTRACT AWARD

Awarding of grants is dependent upon Benicia City Council approval.

B. CONTRACT TERM

The contract period for all grants awarded must fall within the City of Benicia two-year funding cycle, which begins on July 1, 2015 and ends on June 30, 2017. Grants will be awarded for a period not to exceed twenty-four (24) months. The effective starting date will be no earlier than July 1, 2015.

No disbursement or partial disbursement of funds shall be made if the City Council does not appropriate sufficient funds for the Arts and Culture Fund Grants. No funds will be disbursed if the Grantee is in violation of any of the provisions of the agreement. If the Grantee corrects the Violation, funds may be disbursed at the discretion of the Council.

SECTION V – INTERVIEWS

All applicants will be interviewed before the Arts and Culture Commission completes the evaluation process.

SECTION VI – CONTRACTUAL AWARD PROCESS – SPECIAL TERMS AND CONDITIONS

Grantees (awarded applicants) will be required to complete certain contract documents (a sample contract is included as Attachment A).

Grantees will be required to submit quarterly reports to the Arts and Culture Commission (a sample quarterly report is included as Attachment B). Please note that quarterly reports will be refined following contract award to reflect an assessment of the grantee's scope of work per the final agreement.

The quarterly reports will include, but not be limited to:

- Up to date information regarding the project(s), program(s) and/or event(s) provided.
- Up to date information regarding the specific qualifiable and/or quantifiable efforts.
- The outreach efforts completed for the period.
- Evaluation of the outstanding project objectives and the methods to be used to meet the objectives.
- Certified tax-exempt status.

The process of awarding the agreements and reviewing the agreements is open to the public. The City Council may establish additional requirements on a case-by-case basis.

SECTION VII – REPORTS AND MONITORING

Grantee shall be responsible for maintaining detailed records to document all expenditures of the funds awarded by the Arts and Culture Commission. To help grantees learn how to complete the quarterly reports, the commission will provide an opportunity for the grantees to meet with Commission members who will discuss the forms and answer questions. Feedback from grantees will be used to help improve the next grant cycle.

A. QUARTERLY REPORTING

The Grantee shall report to the Commission quarterly on the prescribed form (Attachment B). The report is due no later than the end of month following the quarter end. The Commission will review the report and vote to accept or reject the report. Once the report is accepted quarterly funding will be distributed to the approved Grantees.

B. MONITORING BY COMMISSION

At any time after execution of an Agreement the Commission may elect to conduct a monitoring or audit to determine that the terms and conditions of the Agreement are being met by Grantee. Such monitoring/audit shall consist of reviewing both the financial records for monies granted as well as the progress of the project(s), program(s) and/or event(s) of Grantee with respect to its Grant Scope of Work.

C. COMMISSION SITE VISITS

Site visits are scheduled by the Commission to obtain a deeper understanding of the:

- Grant project,
- Manner in which it is being conducted,
- Progress made toward outcomes, opportunities and challenges incurred,
- Modifications that may be required,
- Clarification of information presented in Quarterly Report(s), and
- Opportunity for the grantee to ask questions, provide feedback and discuss relevant issues of importance.

The goal is to gain confidence that the City of Benicia’s investment is being honored and that the organization is exercising due diligence in delivering its outcomes as stated in the grant agreement.

ATTACHMENT A
***SAMPLE* GRANT AGREEMENT BETWEEN**
THE CITY OF BENICIA
AND
GRANTEE

This Agreement is made this ____ day of _____, 2015, by and between the City of Benicia through its Arts and Culture Commission (hereinafter called "Commission") and (Organization Name) (hereinafter called "Grantee").

WHEREAS, the Benicia City Council has given the Commission authority to award monies from the General Fund for project(s), program(s), and/or event(s) related to arts and culture which benefit Benicia residents of all ages; and

WHEREAS, Grantee provides project(s), program(s), and/or event(s) that meet the requirements of the City and benefit Benicia residents as described more fully in the Scope of Project(s), Program(s) and/or Event(s) that is attached to this Agreement and incorporated as if contained herein; and

WHEREAS, the Commission is willing to distribute money to Grantee to help provide such project(s), program(s) and/or event(s) as described in the Scope of Project(s), Program(s) and/or Event(s) based solely on the terms and conditions listed below.

NOW, THEREFORE, the parties agree to the following terms and conditions set forth as follows:

1. Amount and Disbursement of Fund: The Commission shall provide to Grantee a grant award in the amount of \$xxxx total, distributed as four quarterly payments of \$xxx during fiscal years 2015-16 and 2016-17. The disbursement of the funds shall be made as set forth in the attached Scope of Project(s), Program(s) and/or Event(s). Because of the City's financial situation, funding may be subject to change including reduction or elimination of funding to Grantee. No disbursement of funds shall be made beyond the fourth quarter of the two-year term of this Agreement unless pursuant to written agreement as set forth in Sections 3 and 4 below. No disbursement or only partial disbursement of funds shall be made if the City Council does not appropriate sufficient funds for the Arts and Culture Fund Grants. No funds will be disbursed if the Grantee is in violation of any of the provisions of the agreement. If the Grantee corrects the violation, funds may be disbursed at the discretion of the Council.
2. Use of funds for Arts and Culture Program/Activity: The Grantee shall use the funds received from the Commission solely in furtherance of the project(s), program(s) and/or event(s) described in the attached Scope of Project(s), Program(s) and/or Event(s) and shall not use the funds for any other purpose without written authorization from the Commission.
3. Term of Agreement: The term of this Agreement shall be in effect through June 30, 2017, beginning on the date of execution of this Agreement. An extension of the Agreement for an additional period may be made as needed upon mutual written agreement by both parties. In the

ATTACHMENT A
***SAMPLE* GRANT AGREEMENT BETWEEN**
THE CITY OF BENICIA
AND
GRANTEE

event that Grantee fails to substantially perform under this Agreement, for either fiscal year, the Commission may terminate the Agreement without penalty upon thirty (30) days notice. Additionally, if non-profit status is in any way suspended or revoked, the City may terminate the Agreement at its discretion without penalty. Any unexpended funds shall be immediately returned to the City and may be reallocated by the Arts and Culture Commission. In the event that insufficient funds are budgeted to fully fund this agreement, the Finance Director may terminate the agreement immediately.

4. Unused Funds: Any funds not expended or utilized pursuant to the Scope of Project(s), Program(s) and/or Event(s) by the end of the term of this Agreement shall revert to the City. The Commission may direct that such unused funds be carried forward and spent for the project(s), program(s) and/or event(s) providing they continue beyond the two-year term of this Agreement. Any unused funds from fiscal year 2015-2016 may, at the sole discretion of the City, be carried forward to fiscal year 2016-2017 for that fiscal year's project(s), program(s) and/or event(s).

5. Reporting, Recordkeeping, and Monitoring: Grantee shall be responsible for maintaining detailed records to document all expenditures of the funds awarded by the Commission:

- A) Proposed Budget: Prior to the first disbursement of funds, Grantee shall provide to the Commission a proposed budget of how the award money will be spent to accomplish the attached Scope of Project(s), Program(s) and/or Event(s). Any modification of the budget in excess of five percent (5%) of the allocation for the fiscal year will require approval of the Commission.
- B) Expenditure Report: Grantee shall be responsible for providing the Commission with a detailed final accounting of how the award money was spent, including dates, amounts, payments, expenditures, amount of any unused funds, etc. Such report shall be made either: (1) at the conclusion of the event(s) or program(s); (2) when the funds are actually used or spent completely; (3) within thirty (30) days after the completion of the term of this Agreement; or (4) with the quarterly report, whichever is sooner.
- C) Miscellaneous Reporting: The Grantee shall also notify the Commission in writing of any changes in the project(s), program(s) and/or event(s) outlined in the Scope of Project(s), Program(s) and/or Event(s), any required deviations from the proposed budget, or any changes in the organizational structure, key personnel or policies that might impact the use of the award of funds by the Commission.
- D) Reporting to the Commission: The Grantee shall report to the Commission on the prescribed form (Attachment A). The report is due no later than the end of the month following quarter end. The Commission shall monitor the progress of the project(s)/program(s)/event(s) of Grantee with respect to the Scope of Project(s), Program(s) and /or Event(s) and may terminate the Agreement if Grantee fails to make sufficient progress as determined by the Commission.

ATTACHMENT A
***SAMPLE* GRANT AGREEMENT BETWEEN**
THE CITY OF BENICIA
AND
GRANTEE

- E) Monitoring/Audit by Commission: At any time after execution of this Agreement, the Commission may elect to conduct a monitoring or audit to determine that the terms and conditions of this Agreement are being met by Grantee. Such monitoring/audit shall consist of reviewing both the financial records as well as the progress of the project(s), program(s) and/or event(s) of Grantee with respect to the Scope of Project(s), Program(s) and/or Event(s).
- F) Site Visits: At any time after execution of this Agreement, the Commission will conduct a site visit(s) to gain confidence that the City of Benicia's investment is being honored and that the organization is exercising due diligence in delivering its outcomes as stated in the grant contract.
6. Maintaining Non-profit Status:
- A) The Grantee must maintain for the entire term of this Agreement non-profit status as defined under section 501 (c)(3) of the Internal Revenue Code.
- B) The Grantee must maintain an Active status as verified by the California Business Entity Detail and to be able to provide an IRS letter of Tax-Exempt support upon request.
7. Violation of Terms and Conditions: If it is determined by the Commission that Grantee has violated any of the terms of this Agreement and/or has used the awarded funds for expenditures that are not solely for providing the attached Scope of Project(s), Program(s) and/or Event(s) Grantee shall be obligated to repay the Commission any or all of the monies that were awarded, plus any interest at the current market rate.
8. Hold Harmless/Indemnification Agreement: Grantee shall indemnify, defend, save, and hold City, its Council members, boards and commissions, agents, officers, employees, and volunteers, harmless from and against any losses, damages, liability, claims, suits, costs and expenses whatsoever, including reasonable attorney's fees regardless of the merit or outcome of any such claim or suit arising from the term of the Agreement. Approval of any necessary insurance coverage does not relieve Grantee of liability under this indemnification clause.
9. Nondiscrimination:
- A) Grantee shall not discriminate in the conduct of project(s), program(s) and/or event(s) under this Agreement against any employee, applicant for employment, or volunteer on the basis of race, religious creed, color, national origin, ancestry, physical or mental disability, marital status, pregnancy, sex, age, sexual orientation or other prohibited basis.
- B) Consistent with City's policy that harassment and discrimination are unacceptable conduct, Grantee agrees that harassment or discrimination directed toward a City employee or a

ATTACHMENT A
***SAMPLE* GRANT AGREEMENT BETWEEN**
THE CITY OF BENICIA
AND
GRANTEE

recipient of project(s), program(s) and/or event(s) provided under the Agreement by Grantee on the basis of race, religious creed, color, national origin, ancestry, physical or mental disability, marital status, pregnancy, sex, age, sexual orientation or other prohibited basis will not be tolerated. Grantee agrees that any and all violations of this provision shall constitute a material breach of the Agreement.

9. Entire Agreement: This Agreement contains the entire understanding of the parties and constitutes the sole and only Agreement between them concerning the subject matter herein and the rights and obligation in connection therewith.

Dated: _____

COMMISSION

GRANTEE

By: _____

By: _____

Typed Name

Typed Name

APPROVED AS TO FORM:

Heather Mc Laughlin
City Attorney

ATTACHMENT B
***SAMPLE* GRANTEE QUARTERLY REPORT**
FUNDING CYCLE 2015 - 2017

Grantee Quarterly Reporting

Quarterly Reports are utilized by the Commission to monitor the progress of the Grantee project(s)/program(s) and/or event(s) funded by its grant. When received on the required dates and approved by the Commission the Grantee will receive its quarterly funding.

Grantees submit quarterly reports to the Arts and Culture Commission (hereinafter Commission) five (5) business days prior to the Commission meeting scheduled the 2nd Thursday of the month following quarter end or no later than end of the month following quarter end. Reports not received by the final due date will not be approved and/or funded. The final submission date to be able to receive quarterly funding is in the Final Due Date column of the table below.

Organizations may 'close' their quarter end books at least six (6) business days prior to quarter end to be able to meet the First Due Date Option. If required the Organization can project its financials and correct the next quarter as needed. This option is provided due to the fact that the 2015-17 calendars do not provide sufficient time between quarter end and First Due Date to prepare its reports.

The Quarterly Report Submission Schedule is:

Quarter/Year	First Due Date Option	Final Due Date
FY 2015-16		
QTY 1	October 1, 2015	October 30, 2015
QTY 2	January 7, 2016	January 29, 2016
QTY 3	April 6, 2016	April 29, 2016
QTY 4	July 6, 2016	July 29, 2016
FY 2016-17		
QTY 1	October 5, 2016	October 31, 2016
QTY 2	January 4, 2017	January 31, 2017
QTY 3	April 5, 2017	April 28, 2017
QTY4	July 5, 2017	July 31, 2017

Reports are submitted to:

Benicia Arts and Culture Commission
c/o Benicia Public Library
Attention: Helaine Bowles
hbowles@ci.benicia.ca.us
150 East L Street
Benicia, CA 94510

ATTACHMENT B
***SAMPLE* GRANTEE QUARTERLY REPORT**
FUNDING CYCLE 2015 - 2017

1. Reporting Period

For the Quarter Ending: _____

Date Submitted: _____

Annual Funding Amount: \$xxx.xx

Quarterly Funding Amount: \$ xxx.xx

2. Scope of (Organization Name) programs supported by Grant Funds

The scope is provided by each organization in its grant application. (Reference Grant Application Part A, 3).

3. Evaluation - Measuring the success of (Organization Name) program(s), project(s), and/or event(s).

The measurable objectives are provided by each organization in its grant application. (Reference Grant Application Part C, B, 1)

Measurable Objectives
Quantitative Tracking
Qualitative Tracking

List the quantitative and qualitative objective measurable(s) completed this quarter.

4. General Information about (Organization Name) quarterly activities

Based on the completion of your organization's measurable objectives the Commission wants to know how successful you were at achieving your goals. Use this opportunity to write about the highlights and challenges providing a "state of your nonprofit". Examples would include unanticipated opportunities or challenges, new ideas or collaborations, etc.

Additionally, when your organization has no planned project(s), program(s) or event(s) during a quarter, describe your organization's planning/other activities.

ATTACHMENT B
***SAMPLE* GRANTEE QUARTERLY REPORT**
FUNDING CYCLE 2015 - 2017

5. Community Outreach

The Commission requests community outreach information to be able to quantify the attendees/audiences and participants at your organization's events.

Provide the following information for each program, project, and/or event per quarter. Your organization may attach its report in your organization's selected format. If your organization attaches a report, please label it #5 Community Outreach and date.

Some of the categories may be difficult for your organization to capture the data. If this is the case please indicate with N/A.

Attendees/Audience

Number of Benicia Residents in attendance/audience. Quarter _____ YTD _____

Number of non-Benicia Residents in attendance/audience. Quarter _____ YTD _____

Number of non-ticketed in attendance/audience (complimentary/free). Quarter _____ YTD _____

Total Attendees/Audience Quarter _____ YTD _____

Participants/Volunteers

Number of Benicia participants in program(s), project(s) and/or event(s).

a) Preschool Quarter _____ YTD _____

b) Children Quarter _____ YTD _____

c) Teens Quarter _____ YTD _____

d) Adults Quarter _____ YTD _____

Number of volunteers per project(s), program(s) and/or event(s) Quarter _____ YTD _____

Total Participants and Volunteers Quarter _____ YTD _____

ATTACHMENT B
***SAMPLE* GRANTEE QUARTERLY REPORT**
FUNDING CYCLE 2015 - 2017

6. Organizational Changes

List any changes in your organization's program(s), project(s), and/or event(s) associated with your grant request. The changes would include deviations from your organization's proposed budget or any changes in organizational structure, key personnel or policies that might impact the use of the awarded funds from the City of Benicia. Organizational changes could include:

- Grant Funded Program Changes
- Board Member Changes
- Policy Changes
- Mission / Direction Changes
- Federal Tax-exempt and/or California Entity Status

7. Confirmation of continued IRS Tax-exempt and California Business Entity Status

Put a check mark in each box indicating that a designated Board Member has verified your organization's current IRS tax-exempt and California Business Entity Detail status.

- Certify IRS tax-exempt status is listed as PC, Public Charity

Your organization's current status can be verified at <http://www.irs.gov/Charities-&-Nonprofits/Exempt-Organizations-Select-Check>.

- Certify California Business Entity Detail is Active Status

Your organization's current status can be verified at <http://kepler.sos.ca.gov/>

Certification Completed by:

Type/Clearly Print Name: _____ Title _____

Signature _____ Date _____

8. Quarterly Budget Information

Attach your organization's quarterly budget including, but not limited to direct, indirect and total costs. Please label the attachment #7 Quarterly Budget Information and date. The next page contains a sample format.

ATTACHMENT B
***SAMPLE* GRANTEE QUARTERLY REPORT**
FUNDING CYCLE 2015 - 2017

PROJECT EXPENSES	TOTAL PROJECT COST (A)	AMOUNT OF GRANT REQUEST (B)	APPLICANT'S COST (C)
DIRECT COSTS			
Personnel (Direct)	\$	\$	\$
Benefits (Direct)			
Personnel (Support)			
Benefits (Direct)			
Contract Services			
Project-Supplies			
Project Equipment			
Transportation (e.g. gas costs, rental)			
Other Direct Costs			
SUBTOTAL	0	0	0
INDIRECT COSTS			
(Administrative) Personnel			
Benefits			
Space Rental			
Utilities			
Telephone			
Office Supplies			
Transportation (e.g. gas costs, rental)			
Other Indirect Costs			
SUBTOTAL	0	0	0
TOTAL COSTS	\$ 0	\$ 0	\$ 0

Column A = Total cost of the project(s), program(s), and/or event(s)

Column B = Amount of quarterly grant monies

Column C = The difference between Column A and Column B, or the costs that are not included in the grant amount, if any.

Note: The direct and indirect costs vary based on the grantees' types of program(s), project(s) and/or event(s).

ATTACHMENT B
***SAMPLE* GRANTEE QUARTERLY REPORT**
FUNDING CYCLE 2015 - 2017

This report is submitted by (Organization Name) and to the best of my/our knowledge, the information is accurate.

Type/Clearly Print Name: _____ Title _____

Signature _____ Date _____

Type/Clearly Print Name: _____ Title _____

Signature _____ Date _____

Primary Contact -- Provide a primary contact person for any questions that the Commission may have.

Type/Clearly Print Name: _____ Title _____

Email Address: _____ Telephone: _____

Contact the Commission

You may contact the Commission via Helaine Bowles hbowles@ci.benicia.ca.us or (707) 746-4358. You are also welcome to attend Commission meetings held the 2nd Thursday of each month at 7:00p.m. in the City Hall Commission Room.

CONFIRMATION OF CURRENT IRS NONPROFIT AND CALIFORNIA BUSINESS ENTITY STATUS

Put a check mark in each box indicating that a designated Board Member has verified your organization's current IRS Tax-exempt and California Business Entity Detail status.

- Certify IRS tax-exempt status is exempt and listed as PC, Public Charity

Your organization's current status can be verified at <http://www.irs.gov/Charities-&-Non-Profits/Search-for-Charities>

- Certify California Business Entity Detail is Active Status

Your organization's current status can be verified at <http://kepler.sos.ca.gov/>

Certification Completed by:

Type/Clearly Print Name: _____ Title _____

Signature _____ Date _____

Part B – BUDGET INFORMATION

1. Provide a budget for the total grant monies requested. (Expenses listed in this document should be consistent with the project, program and/or event descriptions.)

PROJECT EXPENSES	TOTAL PROJECT COST (A)	AMOUNT OF GRANT REQUEST (B)	APPLICANT'S COST (C)
DIRECT COSTS			
Personnel (Direct ¹)	\$	\$	\$
Benefits (Direct ¹)			
Personnel (Support ¹)			
Benefits (Direct ¹)			
Contract Services			
Project-Supplies			
Project Equipment			
Transportation (e.g. gas costs, rental)			
Other Direct Costs			
SUBTOTAL	0	0	0
INDIRECT COSTS			
(Administrative ¹) Personnel			
Benefits			
Space Rental			
Utilities			
Telephone			
Office Supplies			
Transportation (e.g. gas costs, rental)			
Other Indirect Costs			
SUBTOTAL	0	0	0
TOTAL COSTS	\$ 0	\$ 0	\$ 0

Column A = Total cost of the proposed project.

Column B = Amount you are requesting in this grant application.

Column C = The difference between Column A and Column B, or the costs of the project that are not included in this grant request, if any.

¹ Provide names, titles and total estimated annual salary. Attach additional sheets if necessary and summarize totals here.

Part C - PROJECT / PROGRAM / EVENT INFORMATION

(Part C cannot exceed 5 pages)

A. Program, project and/or event commensurate with the Arts and Culture Commission's mission.

1. Describe your organization's mission and goals.
2. Describe the history of your organization and its major accomplishments.
3. Describe your organization's efforts in advancing the importance of the arts and/or culture in the community.

B. Quantifiable goals attached to measurable and specific outcomes

1. How does your organization plan to evaluate and/or measure the success of your program(s), project(s) and/or event(s)? Please include means of evaluation and quantifiable objectives.

C. Outreach Plan

1. State the goals and objectives for your organization's outreach plan.
2. Who is your organization's target audience and what kind of promotional materials will you produce to 'reach' your target audience?

D. Number of people attending projects, programs and events in the community

1. Estimate the number of people that will attend your projects, programs and/or event(s).

Number of Unduplicated Benicia Residents.

Number of Unduplicated Benicia non-Residents.

2. Serving community (check all that apply):

<input type="checkbox"/> Children Under 5	<input type="checkbox"/> Youth (5-18)	<input type="checkbox"/> Adults (19 to 59)	<input type="checkbox"/> Seniors Over 60	<input type="checkbox"/> Family Unit
<input type="checkbox"/> Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

E. Financial statement reflects capability of creating and providing proposed project(s), program(s) and/or event(s).

1. Describe your organization's history of fiscal performance and program sustainability over the past three (3) years.
2. List all financial liabilities and/or pending legal action:

F. Past Performance of projects, programs and events in the community.

Past Grant Recipients

1. Has your organization received grant monies from the City in the past? If yes, provide at least two examples of these programs, projects and/or events.
2. Did your organization achieve its goals as related to the grant funding for these two (2) programs, projects and/or events?

New Grant Applicants

3. Describe programs, projects and/or events provided to the community in the past two (2) years.
4. Did you achieve your organization's programs, projects and/or events objectives?
5. How did you measure the success of your organization's programs, projects and/or events objectives?

REQUIRED ATTACHMENTS: Verify and check off confirmation indicating that the following required items are attached to the original application.

Attachment Confirmation	Item No.	Item Description
()	1.	IRS Letter of Tax Exempt Status
()	2.	Most Recent IRS Form 990 or short Form 990-EZ
()	3.	Organization's total budget for the current year
()	4.	Copy of most recent audit or financial statement
()	5.	Names, email addresses and telephone numbers of Board of Directors
()	6.	List of paid principal staff and positions
()	7.	Job descriptions for principal staff and personnel to be paid partially or in full with grant funding
()	8.	Copy of resolution or board meeting minutes indicating organization's support of the project application.
()	9.	If a partnership, submit letters of commitment from each organization indicating degree of participation and a budget showing each organization's financial responsibility are required.

**TIMELINE FOR BENICIA ARTS AND CULTURE GRANT PROGRAM
2015-2017**

2014

- **August 14** – Review and discuss revisions to BACC Grant 2015 – 17 Cover Letter, Terms and Instructions and Application documents.
 - Revisions may be made to the documents based on the discussion.
 - Submit Terms and Instructions and Application documents to City Attorney for any necessary updates/approvals, particularly the sample Contract included in the Terms and Instructions document.
- **September 11 and no later than October 9** - Cover Letter, Terms and Instructions and Application documents approved by Commission.
- **December 1** - BACC Grant cover letter, Application and Terms and Instructions made available to public.
 - Notify current grantees regarding the availability of the grant opportunity for 2015 - 2017
 - Place a notice in area newspapers and on the City of Benicia website announcing the availability of funding so that those who do not yet receive grants from the fund may be made aware of grant opportunities.

2015

- **January 30** – Deadline for receiving applications
 - Grant applications are due no later than 5PM to:

City of Benicia
Benicia Public Library
150 East L Street
Benicia CA 94510
Attention: Helaine Bowles
 - Each applicant is required to submit one (1) original and eleven (11) copies of their application.
 - **February 2** – Helaine to distribute applications to Commissioners. Prior to February Commission Meeting Commissioners individually review the grant applications to ensure that each application meets the eligibility and submission requirements.
 - Conduct a review of each applicant for their tax-exempt status as reported on the respective IRS and CA websites.

**TIMELINE FOR BENICIA ARTS AND CULTURE GRANT PROGRAM
2015-2017**

- **February 12** -- Commission Meeting
 - Commission to discuss any applications that do not meet the eligibility and submission requirements. The applications that do not meet the eligibility and submission requirements are agreed and voted on.
 - Applicants who do not meet the eligibility and submission requirements will be notified, in writing, that their applications will not be considered.
 - A general discussion is conducted about the application responses.
 - Notify applicants of the date, location and questions for oral presentation in City Council Chambers on February 26.
 - Determine if the Commission will decorate the chamber as per tradition.

- **February 26** – Special Meeting for Applicant Presentations
 - Oral presentations are scheduled in the City Council Chambers.
 - Presentation instructions and questions are provided to applicants in advance.

- **March 12** – Commission Meeting
 - Discussion of Grant Applications in general and discussion and/or instructions for ranking the applicants prior to next Commission meeting.

- **April 9** -- Commission Meeting
 - Discuss and vote on applicant rankings and budget.

- **May or June Council meeting** (date to be determined)
 - Council votes on recommended applicants and their respective budgets.

- **June** (date to be determined) –
 - Notify approved grantees in writing and provide their City of Benicia Contracts with completion instructions / return date required.
 - Distribute Quarterly Reports with scheduled meeting date.

- **July** (date to be determined) –Grantee Quarterly Report Meeting
 - The meeting objective is to ensure that all grantees understand the reporting requirements and make any necessary document revisions as mutually agreed.

