

**BENICIA CITY COUNCIL
REGULAR MEETING AGENDA**

**City Council Chambers
May 20, 2014
6:00 PM**

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

*Please Note:
Regardless of whether there is a Closed Session scheduled, the open session will begin
at 6:00 PM*

I. CALL TO ORDER (6:00 PM):

II. CLOSED SESSION (6:00 PM):

A. CONFERENCE WITH LABOR NEGOTIATOR

(Government Code Section 54957.6 (a))

Agency negotiators: City Manager and Assistant City Manager

**Employee organizations: Senior Managers, Middle Management, Local 1,
Benicia Public Service Employees' Association (BPSEA), Benicia Police
Officers Association (BPOA), Benicia Firefighters Association (BFA),
Benicia Dispatchers Association (BDA), Police Management,
Unrepresented.**

III. CONVENE OPEN SESSION (7:00 PM):

A. ROLL CALL.

B. PLEDGE OF ALLEGIANCE.

C. REFERENCE TO THE FUNDAMENTAL RIGHTS OF PUBLIC.

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

IV. ANNOUNCEMENTS/PROCLAMATIONS/ APPOINTMENTS/PRESENTATIONS:

A. ANNOUNCEMENTS.

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

2. Openings on Boards and Commissions:

Arts and Culture Commission

1 unexpired term

1 full term

Open until filled

Historic Preservation Review Commission

1 unexpired term

Open until filled

3. Boards & Commissions - Council Subcommittee Recommendation: Subcommittee recommendation to Mayor of Alan Nadritch to the Finance Committee for an unexpired term ending July 31, 2015

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.

5. Benicia Arsenal Update

Update from City Attorney

B. PROCLAMATIONS.

1. IN RECOGNITION OF THE HUMAN SERVICES BOARD'S 30TH ANNIVERSARY

2. IN RECOGNITION OF PHILLIPINE CULTURAL WEEK JUNE 1-7, 2014

3. IN RECOGNITION OF NATIONAL SAFE BOATING WEEK - MAY 17-23, 2014

C. APPOINTMENTS.

D. PRESENTATIONS.

1. ARTS AND CULTURE COMMISSION ANNUAL UPDATE

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 29, 2014 SPECIAL CITY COUNCIL MEETING AND THE MAY 6, 2014 REGULAR CITY COUNCIL MEETING. (City Clerk).

B. PURCHASE OF REPLACEMENT PUMPS FOR SEWER LIFT STATIONS. (City Manager)

This action authorizes the purchase of five replacement pumps and associated adaptors for sewer lift stations in order to properly maintain them. Sufficient funds are available and have been budgeted for these items.

Recommendation: Adopt the resolution authorizing the purchase of five replacement pumps and associated adaptors for sewer lift stations from Shape Inc. of Pleasanton, California, in the amount of \$45,207.30.

C. AWARD OF CONSULTANT CONTRACTS FOR ON-CALL PLANNING SERVICES AND ENVIRONMENTAL REVIEW. (City Manager)

The City of Benicia now requires all major private development applications, rezonings, general plan amendments, and/or specific plans necessitating a

mitigated negative declaration or EIR (pursuant to CEQA) to pay a fee based upon the actual cost of retaining the services of a pre-approved, on-call planning consultant along with a 15% Administrative Fee. Approving the proposed contracts will allow the City to implement this process.

Recommendation: Adopt a resolution accepting the proposals and approving contracts for on-call planning services and environmental review pursuant to CEQA, and authorizing the City Manager to sign the contracts on behalf of the City.

D. APPROVE THE AMENDMENT TO THE CONTRACT SERVICES AGREEMENT BETWEEN THE CITY OF BENICIA AND NBS. (Interim Finance Director)

Staff is proposing to increase the existing contract with NBS by \$4,900 in order to complete the necessary analysis for preparation of Cost Allocation Plan and Fee Study.

Recommendation: Adopt the resolution approving the amendment to the agreement with NBS.

E. REVIEW AND ACCEPTANCE OF THE INVESTMENT REPORT FOR THE QUARTER ENDED MARCH 31, 2014. (Interim Finance Director)

The investment portfolio is in compliance with the City's Investment Policy and California Law. Additionally, the City has adequate investments to meet its expenditure needs for the next six months. The Finance Committee has reviewed and accepted this report.

Recommendation: Accept, by motion, the Investment Report for the quarter ended March 31, 2014.

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

VIII. BUSINESS ITEMS (8:00 PM):

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

A. HOME ENERGY RENOVATION OPPORTUNITY (HERO) PACE PROGRAM. (City Manager)

The HERO Program offers a funding mechanism to finance clean energy and

water conserving improvements for residential and commercial property owners. There is no upfront cost to participating cities and the program is completely run and managed by HERO who administered the program for the Western Riverside Council of Governments. Benicia would be the second city in Solano County to join as an associate member; Vacaville joined as of March 17, 2014. Upon adoption of a resolution opting into the program, it could officially launch in Benicia November/December 2014 and residents could apply to finance clean energy and water conserving improvements.

Recommendation: Adopt a resolution amending the Joint Power Agreement, adding the City of Benicia as an Associate Member of the Western Riverside Council of Governments, consenting to the inclusion of properties within the City's incorporated area in the California HERO PACE Program.

B. UPDATE TO SUMMARY OF BOARD & COMMISSION APPOINTMENT PROCESS. (Assistant City Manager)

The Council revised the board and commission appointment process last October. In an effort to clarify the process and respond to questions that have been raised since the new procedures were adopted, the following update of the procedures is being provided to the Council.

Recommendation: Receive a brief presentation recommending modifications to the administrative procedures of the board and commission appointment process. Provide direction, as needed. If the changes are acceptable, a resolution to modify the Rules of Procedure will be brought back for Council adoption.

**C. Council Member Committee Reports:
(Council Member serve on various internal and external committees on behalf of the City. Current agendas, minutes and meeting schedules, as available, from these various committees are included in the agenda packet. Oral reports by the Council Members are made only by exception.)**

- 1. Mayor's Committee Meeting.
(Mayor Patterson)
Next Meeting Date: June 18, 2014**

- 2. Association of Bay Area Governments (ABAG)
<http://www.abag.ca.gov/>.
(Mayor Patterson and Council Member Strawbridge)
Next Meeting Date: TBD**

- 3. Finance Committee.**
(Vice Mayor Campbell and Council Member Strawbridge)
Next Meeting Date: May 23, 2014
- 4. League of California Cities.**
(Mayor Patterson and Vice Mayor Campbell)
Next Meeting Date: July 24, 2014
- 5. School Liaison Committee.**
(Council Members Strawbridge and Council Member Hughes)
Next Meeting Date: June 12, 2014
- 6. Sky Valley Open Space Committee.**
(Vice Mayor Campbell and Council Member Schwartzman)
Next Meeting Date: TBD
- 7. Solano EDC Board of Directors.**
(Mayor Patterson and Council Member Strawbridge)
Next Meeting Date: June 12, 2014
- 8. Solano Transportation Authority (STA).**
<http://www.sta.ca.gov/>
(Mayor Patterson and Council Member Schwartzman)
Next Meeting Date: June 11, 2014
- 9. Solano Water Authority-Solano County Water Agency and Delta Committee.**
<http://www.scwa2.com/>
(Mayor Patterson and Council Member Hughes)
Next Meeting Date: June 12, 2014
- 10. Traffic, Pedestrian and Bicycle Safety Committee.**
(Vice Mayor Campbell and Council Member Schwartzman)
Next Meeting Date: July 17, 2014
- 11. Tri-City and County Cooperative Planning Group.**
(Mayor Patterson and Council Member Strawbridge)
Next Meeting Date: June 9, 2014
- 12. Valero Community Advisory Panel (CAP).**
(Mayor Patterson and Council Member Hughes)
Next Meeting Date: TBD
- 13. Youth Action Coalition.**
(Mayor Patterson, Council Member Strawbridge and Council Member Hughes)

Next Meeting Date: May 28, 2014

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, Council Member Hughes and Council Member Schwartzman)
Next Meeting Date: May 21, 2014

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) 746-4211. 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

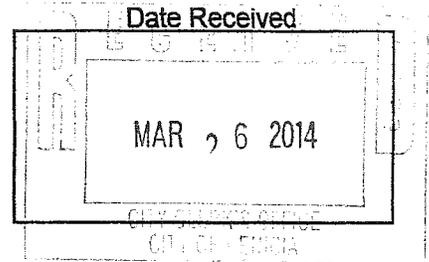
action does not limit, or necessarily indicate, what action may be taken by the City Council.

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: ALAN NAPRITCH

Address: [REDACTED]

Phone: (Work) [REDACTED] (Home) [REDACTED]

(Cell) [REDACTED] Fax: [REDACTED]

Email: [REDACTED] years as Benicia resident: 26

Occupation/Employer: RETIRED

Please note your most recent community or civic volunteer experience: 2003 -

I WAS A TEACHER IN THE LIBRARY'S

Please describe any applicable experience/training: _____

ADULT LITERACY PROGRAM

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

Signature: [Signature] Date: 3-22-14



Finance, Audit & Budget Committee Supplemental 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 serving on the Finance, Audit & Budget Committee? Please describe your familiarity with the Committee.

SINCE I WAS THE CITY'S FINANCE DIRECTOR FOR 15 YEARS, I WOULD LIKE TO MAKE A CONTRIBUTION TO THE CITY...

2. Please list current and past volunteer positions.

SEE PAGE 1.

3. Participation on this Committee involves supporting the Finance, Audit & Budget Committee in a number of venues. These include: attending monthly Finance, Audit & Budget Committee meetings and sometimes appearing at City Council meetings. Do you feel you have the time and commitment to be a viable member of this committee?

YES. AFTER SERVING AS STAFF SUPPORT AS FINANCE DIRECTOR FROM 1988*

4. If you could achieve one goal during your term as an Finance, Audit & Budget Committee member, what would it be?

ONE GOAL I WOULD ATTEMPT TO ACHIEVE WOULD BE SECURING THE CITY'S FINANCIAL SECURITY.

5. Is there anything else you would like to share with us regarding your qualifications and/or interests?

* TO 2003, I WOULD INDEED HAVE THE TIME + COMMITMENT TO CONTRIBUTE + BE A VIABLE COMMITTEE MEMBER.



PROCLAMATION

IN RECOGNITION OF THE HUMAN SERVICES BOARD 30TH ANNIVERSARY

WHEREAS, the Human Services Fund was established in 1984 when 25 members of the community came together to address the needs of citizens; and

WHEREAS, the Benicia Human Services Fund Board was adopted by Council in 1985 with a five member board. The founding members were James Bianchi, Muriel Cordier, Mary Frances Kelly-Poh, Kate McNamara, and Jim Ring. The board was increased to nine members in 1986; and

WHEREAS, the mission of the Human Services Board is to advocate for human service needs in Benicia; and

WHEREAS, Human Services Board supports the broad economic, educational and social goals of Benicians by assessing the human services needs and making recommendations to the City Council regarding funding, services and programs; and

WHEREAS, the City through the Human Services Board has provided grantees with much needed funding to help provide vital services to the community for 30 years.

NOW, THEREFORE, BE IT RESOLVED THAT I, Elizabeth Patterson, Mayor of the City of Benicia, on behalf of the City Council, do hereby commend and express deep appreciation for the important role that the Human Services Board has served in our community for the past 30 years, recognize the hard work and dedication of the Human Services Board members past and present, and encourage residents to support their mission and goals.

Elizabeth Patterson, Mayor
May 20, 2014





PROCLAMATION

IN RECOGNITION OF PHILIPPINE CULTURAL WEEK JUNE 1 – JUNE 7, 2014

WHEREAS, Filipino-Americans comprise over 11 percent of Solano County's population and four percent of the City of Benicia's population; and

WHEREAS, Filipino-Americans are commemorating, respectively the 116th and 68th anniversaries of the Republic of the Philippines' independence from Spain on June 12, 1898 and from the United States of America on July 4, 1946; and

WHEREAS, Filipino-Americans wish to share their culture's beauty and positive traditions with all citizens of Benicia and re-affirm an open invitation to embrace, in a mutual and solid partnership, more responsive inter-ethnic relations for the betterment of our community and our great country; and

WHEREAS, the Philippine Cultural Committee (PCC), comprised of over 30 organizations, will celebrate 28 years of promoting "Pista Sa Nayon" and is co-sponsored by a coalition of an international news and entertainment network, and national, state, and local businesses; and

WHEREAS, on June 7, 2014, Pista Sa Nayon will again showcase the Kasaysayan ng Lahi (Story of our Race) Grand Parade, which colorfully depicts Philippine history from the pre-Spanish period up to the People Power Revolution, and then hold a free outdoor festival at the Vallejo Waterfront Park; and

WHEREAS, Pista Sa Nayon, which consistently draws tens of thousands and infuses over a hundred thousand dollars of business activity, is a multi-arts outdoor fair with world-class and local entertainers, folk dance and martial arts contingents, delicious food, unique regional crafts, and religious, health and social services booths and exhibits.

NOW, THEREFORE, BE IT RESOLVED THAT I, Elizabeth Patterson, Mayor of the City of Benicia on behalf of the City Council, do hereby proclaim June 1 through June 7, 2014, as Philippine Cultural Week, and I encourage all residents to participate on June 7, 2014 in the Story of our Race Grand Parade and visit the Pista Sa Nayon Festival at the Vallejo Waterfront.

Elizabeth Patterson, Mayor
May 20, 2014





PROCLAMATION

IN RECOGNITION OF NATIONAL SAFE BOATING WEEK MAY 17 - 23, 2014

WHEREAS, recreational boating is fun and enjoyable; however, our waterways are crowded at times and can be a place of chaos and confusion; and

WHEREAS, on average, 700 people die each year in boating related accidents in the U.S., and approximately 71% of these are fatalities caused by drowning; and

WHEREAS, the vast majority of these accidents are caused by human error or poor judgment, rather than the boat, equipment or environmental factors; and

WHEREAS, not knowing or obeying the Navigation Rules or the nautical "Rules of the Road," such as drinking alcohol or taking drugs while operating a boat, or choosing not to wear your life jacket are all examples of human error or lack of proper judgment; and

WHEREAS, a significant number of boaters who lose their lives by drowning each year would be alive today had they worn their life jackets; and

WHEREAS, modern life jackets are more comfortable, more attractive and more wearable than styles of years past; and

WHEREAS, we must continue to spread the message of boating safety, not only during National Safe Boating Week, but also throughout the entire year.

NOW, THEREFORE, BE IT RESOLVED THAT I, Elizabeth Patterson, Mayor of the City of Benicia, on behalf of the City Council do hereby support the goals of the North American Safe Boating Campaign and proclaim May 17-23, 2014 as National Safe Boating Week and the start of the year-round effort to promote safe boating.



Elizabeth Patterson, Mayor
May 20, 2014

AGENDA ITEM
CITY COUNCIL MEETING DATE - MAY 20, 2014
PRESENTATION

DATE : April 14, 2014
TO : City Manager
FROM : Library Director
SUBJECT : **PRESENTATION OF THE ANNUAL REPORT OF THE ARTS AND CULTURE COMMISSION**

RECOMMENDATION:

Hear the Annual Report of the Benicia Arts and Culture Commission

EXECUTIVE SUMMARY:

In accordance with Benicia Municipal Code 2.104.080 (f), the Benicia Arts and Culture Commission is required to provide an annual report to the City Council.

BUDGET INFORMATION:

N/A.

GENERAL PLAN:

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

STRATEGIC PLAN:

- Strategic Plan Issue 5: Maintain and Enhance a High Quality of Life
 - 3) Promote arts and culture

BACKGROUND:

The 2013 officers for the Benicia Arts and Culture Commission were Elaine Eisner, Chair; Lee Wilder Snider, Vice Chair; Commissioners Susan Garske, Patty Gavin, Kenny Hall, Gethsemane Patton, Jan Radesky, Bob Surratt and Dalene Waranietz.

The commission has prepared the attached annual report for Council approval.

CITY OF BENICIA
ARTS AND CULTURE COMMISSION

2013 ANNUAL REPORT

PRESENTED BY THE
ARTS AND CULTURE COMMISSION

Elaine Eisner, Chair
Susan Garske
Patty Gavin
Kenny Hall
Gethsemane Patton

Lee Wilder Snider, Vice Chair
Jan Radesky
Bob Surratt
Dalene Waranietz

BENICIA ARTS AND CULTURE COMMISSION

2013 ANNUAL REPORT

In December 2013, the Benicia Arts and Culture Commission, sometimes referred to as BACC, concluded its fourth year of operation. The Commission annually provides the City Council a written report of its activities and recommendations for improvements and additions to existing art and culture programs. This report will briefly highlight work the Commission has achieved, work in progress and recommendations for your consideration.

Per Benicia City Ordinance No. 09-15, the purpose of the Commission is to:

- A. Advise and inform the city council and staff on culture and arts related issues
- B. Evaluate the needs and resources of local culture and arts organizations
- C. Facilitate, encourage, promote and stimulate arts and culture in our community
- D. Promote and increase public awareness, locally and beyond the city, of arts and cultural resources and activities
- E. Support and promote the arts and culture as a major element in Benicia's community identity
- F. Ensure that cultural and artistic elements are integral to the city's quality of life and economic vitality
- G. Engage youth in culture and arts

Achievements

Some of the accomplishments from the commissions first three years included:

- Reviewing and revising the grant application documentation to more fully address the needs of arts and culture grantees during the 2013-2015 fiscal cycle.
- Refining a strategy to advertise the grant application process in a manner that would reach all potential grantees.
- Continuing the work of the Film Festival Subcommittee to develop the process for planning, organizing and fundraising for the inaugural Benicia Film Festival.
- Conducting fundraisers to benefit both public art programs and the film festival.
- Creating a city-approved Public Art Program.

In its fourth year, the commission was able to build on previous successes to move forward, completing some of the work started in earlier years and working on other projects as well.

In 2013, its achievements and successes included:

- Receiving a recommendation from the Community Sustainability Commission for a funding allocation for two grant projects that were subsequently approved by the City Council.
 - \$12,000 for Tangled up in trash – Caterpillar Puppets Interactive Eco-Sustainable Programs for Pre-School – Third Grade
 - \$30,000 to fund a Wind, Water, Land, recycled metal and glass art to be placed at the Community Center. Council approved the siting and conceptual design for this piece in January 2014.

- Completing the selection of independent films for the inaugural Benicia Film Festival. Finalizing the process of organizing the event scheduled for April 4 - 6, 2014.
- Conducting a roundtable on Public Art to obtain community input for future public art projects.
- Hosting a series of receptions for Arts Benicia Presents... art exhibits in the City Council Chambers.
- Meeting with a collaborative group to investigate the possibility of future development of the city-owned Depot building to accommodate a gallery site for Arts Benicia and the Benicia Historical Museum.
- Participating in the Waterfront Enhancement & Master Plan process and providing input and a new framework for the inclusion of public art from the inception of the plan.
- Completing several fundraisers to benefit the Benicia Film Festival and the Public Art project at the community center.

The Commissioners continued to be active in the community, representing the city at many arts and culture events, meetings and activities. For a large part of the year, two or more positions were unfilled, and the Commission temporarily suspended the work of the Community Outreach Committee while the dedicated core group continued to work through the Public Art Committee and the Film Festival Subcommittee on two major projects: the public art piece of recycled metal and glass that is being prepared for the community center and Benicia's first film festival, scheduled to be held in April 2014.

Committees

As before, the committees continued to function as the engines of the Commission. They reflect the way in which the Commission has developed as a collaborative and synergistic assembly of committed commissioners.

Community Outreach Committee

Mission: Provide leadership to the Commission in its goal to: 1) build collaborative and supportive relationships with arts, culture and other organizations, and 2) raise funds, as needed, to support the mission of the Commission and its grantees.

Due to the aforementioned shortage of commissioners, the Community Outreach Committee was temporarily on hiatus. It will resume meeting on a monthly basis in 2014. In the meantime, the Community Outreach Committee's subcommittee (Benicia Film Festival) continued to meet and to make great progress at organizing the city's first film festival.

Public Art Committee

Mission: Exists to support the inclusion of public art in our community promoting its cultural heritage, history and artistic identity, while adding warmth, beauty, and accessibility to public spaces.

The Public Art Committee will continue to work with local artists on the creation and installation of a public art piece, Wind, Water, Land in the Community Center. These local artists include Brian Giambastiani, Mike Kendall, David Lindsay, Micheal, Nicholas and David Nourot. (Note: this is on the Council's list of priority projects for the city.) This project is complemented with an eco-educational component provided through collaboration with the ECHO2 Academy. Larry Lauber, Benicia Historical Museum Association member will provide the hardware and

software to provide the eco-educational component to the general public. Additionally, John Beck, a well-known filmmaker and resident of Benicia will film a documentary of the project.

They also intend to work with staff and appropriate city departments to create a master plan for public art. (Note: this too is on the Council's list of priority projects for the city.)

Looking ahead to 2014

The Commission's activities continue to be a work in progress. Some of the work started in 2013 will bear fruit in 2014. In addition, the commissioners are in the process of assessing those aspects of its mission that have not been adequately addressed and, of course, they are readily open to new and unanticipated opportunities as these arise.

Recommendations:

The following are a few recommendations that they city may take to encourage and promote arts and culture related programs.

- Although the city budget has been established for fiscal year 2014-15, the Commission would recommend that there be consideration of an increase in the budget for non-profit arts and culture organization grants, as these monies are an investment in our community's future and economic vitality¹.
- In addition, due to the timeline for BACC grant approvals, the Commission recommends that when preparing the 2015-17 budget, City Council consider approving a total sum that can be allocated to the Commission. Under the current method, the commission must estimate the total amount to be allocated, pre-determining the amounts to be given to each grantee. The availability of a total rather than assumed sum of money simplifies the number of alternative budget options the Commission prepares for each recommended grantee applicant.
- Establish a public art ordinance fee for public and commercial buildings (a CAP, or Capital Improvement Plan).

¹ Americans for the Arts, Arts & Economic Prosperity IV, National Report. http://www.artsusa.org/pdf/information_services/research/services/economic.impact/aepiv/AEP4.NationalSummaryReport.pdf

Work in progress (work plan)

Public Art

- Work with local artists on the creation and installation of a public art piece in the Community Center.
- Work with staff and appropriate City departments to create a master plan and inventory of public art.
- Work with Arts Benicia on the installation of temporary art pieces on the First Street Green.

Outreach Committee

- Revive the Community Outreach Committee's efforts to support collaboration of arts and culture organizations within the City.
- Continue to sponsor the Arts and Culture Commission's Roundtables.
- Attend meetings to explore the vision of a Benicia Regional Art Center.
- Explore the possibility of assisting the Benicia Historical Museum with the creation of an art museum and/or artist historical display.
- Collaborate with Main Street, the Benicia Historical Museum, and Arts Benicia on consideration of completion/remodel of the Depot to provide a First Street gallery presence for Arts Benicia and the Historical Museum.
- Continue the work of the Film Festival Subcommittee and annually evaluate future events.

MINUTES OF THE
SPECIAL MEETING – CITY COUNCIL
April 29, 2014

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 6:01 p.m.

II. CONVENE OPEN SESSION:

A. ROLL CALL

All Council Members were present.

B. PLEDGE OF ALLEGIANCE

Joel Fallon led the Pledge of Allegiance.

C. REFERENCE TO THE FUNDAMENTAL RIGHTS OF THE PUBLIC:

III. ANNOUNCEMENTS/PROCLAMATIONS/APPOINTMENTS/PRESENTATIONS:

A. ANNOUNCEMENTS

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

Ms. McLaughlin reported that during the last Closed Session, Council received information from Staff and provided direction to Staff.

2. Openings on Boards and Commissions:

Arts and Culture Commission

1 full term

1 unexpired term

Open until filled

Historic Preservation Review Commission

1 unexpired term

Open until filled

3. Mayor's Office Hours:

B. PROCLAMATIONS

- 1. IN RECOGNITION OF LAW DAY - MAY 1, 2014.**
- 2. IN MEMORY OF THE DEDICATION AND SERVICE OF BONNIE WEIDEL**

Public Comment:

1. Lee Wilder-Snyder - Ms. Wilder-Snyder read a poem in memory of Ms. Weidel.
2. Peter Bray - Mr. Bray spoke in memory of Ms. Weidel.
3. Les OverLock - Mr. OverLock spoke in memory of Ms. Weidel.
4. Dan Smith - Mr. Smith spoke in memory of Ms. Weidel.

C. APPOINTMENTS

D. PRESENTATIONS

- 1. BENICIA UNIFIED SCHOOL DISTRICT MEASURE S PRESENTATION - JANICE ADAMS, SUPERINTENDENT**

Janice Adams, Superintendent, Benicia Unified School District, reviewed a PowerPoint presentation.

Council Member Schwartzman and BUSD Staff discussed the parcel taxes and bonds that were passed in previous years. The old bonds will begin to drop off in 2 years, and will continue to drop off in the next 15-20 years. He was in support of Measure S.

Council Member Hughes discussed the importance of keeping the schools updated.

Council Member Strawbridge discussed the importance of reinvesting in the schools. Council Member Strawbridge discussed the upgrades to the high school fields (going to turf will save water).

Vice Mayor Campbell discussed support for Measure S. Great schools help increase property values, as well as other benefits for the community.

Mayor Patterson and BUSD Staff discussed recent successes of general obligation bonds in other communities. They discussed the improvements that would be done to the Hailey Horn Auditorium.

IV. ADOPTION OF AGENDA:

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

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

V. OPPORTUNITY FOR PUBLIC COMMENT:

A. WRITTEN COMMENT

Four items (copies on file).

B. PUBLIC COMMENT

1. Constance Beutel - Ms. Beutel invited the community to attend a presentation where the results of the Bicycle Benicia would be given. She discussed the upcoming Bicycle to Work Day events.
2. Jon Van Landschoot - Mr. Van Landschoot presented a pamphlet from the Benicia Capitol and reviewed some of Benicia's history.
3. Kathy Kerridge - Ms. Kerridge discussed this weekend's Open Studios. She encouraged people to attend.
4. Vice Mayor Campbell - Vice Mayor Campbell discussed an email correspondence he received regarding the Mayor's e-alerts that are sent out regarding his comments about the U.S. Constitution and the City's General Plan. He clarified that the cost of updating the General Plan would be approximately \$500,000 as opposed to \$5 million.

VI. BUSINESS ITEMS:

A. WATER USAGE AND SUPPLY UPDATE AND PUBLIC OUTREACH UPDATE

RESOLUTION 14-40 - A RESOLUTION URGING ALL WATER CUSTOMERS TO PARTICIPATE IN A VOLUNTARY EFFORT TO REDUCE WATER USE BY TWENTY PERCENT

Brad Kilger, City Manager, introduced the water update.

Scott Rovanpera, Superintendent, and Christina Kohen, reviewed the staff report.

Council Member Hughes and Staff discussed the suggestion to dial outdoor sprinklers by 2 minutes rather than 20%.

Vice Mayor Campbell and Staff discussed the settlement water and the current level of Lake Herman.

Council Member Strawbridge and Staff discussed how the restaurants and hotels would be addressed regarding water conservation. They discussed possibly getting testimonials from residents that have installed artificial lawns. They also discussed the recent change to the water pressure in the Waters End area.

Mayor Patterson and Staff discussed what support the City might be able to provide citizens with, such as help with programming sprinklers to lower times, etc. They discussed the issue of outreach and what effect it could have on water conservation.

Vice Mayor Campbell and Staff discussed the issue of Valero reducing water use.

Public Comment:

1. Constance Beutel - Ms. Beutel discussed the need to transition to drought tolerant planting.
2. Mary Frances Kelly Poh - Ms. Kelly Poh discussed the upcoming native plant sale, which will include drought tolerant plants.
3. Jasmine Powell - Ms. Powell discussed the need to emphasize to residents that the goal is to reduce water use by 20%.

On motion of Council Member Hughes, seconded by Council Member Schwartzman, Council adopted Resolution 14-40, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, Strawbridge

Noes: (None)

B. STUDY SESSION REGARDING THE ACCOUNTING, FINANCING, AND OPERATIONS OF THE ENERGY CONSERVATION MEASURE PROJECTS

Brenda Olwin, Interim Finance Manager, Greg Henry, Technician, and Tom Williard, SAGE Renewables, reviewed the staff report.

Council Member Schwartzman and Staff discussed the issue of wind turbines.

They discussed the issue of the bonds and collateral.

Mayor Patterson would like Staff to prepare a timeline on the issue of the collateral showing what conditions were offered to Council, the decisions Council made based on the information given to them, etc.

Council Member Hughes and Staff discussed whether Staff would have made different decisions if they knew then what they know now.

Vice Mayor Campbell discussed the issue of the replacement and maintenance reserve funds. He and Staff discussed the Energy Conservation Fund.

Mayor Patterson and Staff discussed the issue of 4.5% assumption.

Council member Strawbridge and Staff discussed the projects on the Energy Conservation Measure Project list, and whether there was anything that could be done to increase the kilowatts. She and Staff discussed the issue of lighting and whether the \$413,000 could be reinvested in lighting, since that is the area that appears to be profitable.

Council Member Schwartzman and Staff discussed the issue of maintenance and staffing costs.

Public Comment:

1. Dennis Lowry - Mr. Lowry discussed the projects. He discussed the issue of collateral and the need to get conditions in writing in the future. He discussed how funds are transferred between funds.
2. Kathy Kerridge - spoke in support of the projects.

Mayor Patterson discussed the issue of collateral. She would like an update on the issue of the collateral. She would like to memorialize the annual report on these projects from Staff. Staff suggested the annual reports be presented in May of each year.

Vice Mayor Campbell and staff discussed the issue of the bond payments coming out of the energy fund.

On motion of Mayor Patterson, Council gave direction to Staff to present an annual report on the Energy Conservation Measure projects, on roll call by the following vote:

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

**C. REQUEST BY MAYOR PATTERSON FOR CITY COUNCIL
CONSIDERATION OF A POSITION OF OPPOSITION ON AB 2145
(BRADFORD) ELECTRICITY: COMMUNITY CHOICE AGGREGATION**

Brad Kilger, City Manager, reviewed the staff report.

Public Comment:

1. Kathy Kerridge - Ms. Kerridge spoke in support of this item.
2. Constance Beutel - Ms. Beutel spoke in support of this item.
3. Marilyn Bardet - Ms. Bardet spoke in support of this item.

Council Member Hughes discussed the need to give individual citizens the option to make a change.

Mayor Patterson discussed AB 2145 and how it came about. She discussed various reasons for Council to take a position of opposition on AB 2145.

Council Member Schwartzman discussed support for opposing AB 2145.

Council Member Strawbridge discussed AB 2145. She discussed the costs involved. The community needs to be educated on the issue.

On motion of Council Member Schwartzman, seconded by Vice Mayor Campbell, Council approved sending a letter taking a position of opposition on AB 2145, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Strawbridge
Noes: Hughes

VII. ADJOURNMENT:

Mayor Patterson adjourned the meeting at 9:16 p.m.

MINUTES OF THE
REGULAR MEETING – CITY COUNCIL
May 06, 2014

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 7:00 p.m.

II. CLOSED SESSION:

III. CONVENE OPEN SESSION:

A. ROLL CALL

All Council Members were present.

B. PLEDGE OF ALLEGIANCE

Gina Eleccion led the Pledge of Allegiance.

C. REFERENCE TO THE FUNDAMENTAL RIGHTS OF THE PUBLIC.

IV. ANNOUNCEMENTS/PROCLAMATIONS/APPOINTMENTS/PRESENTATIONS:

A. ANNOUNCEMENTS

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

2. Openings on Boards and Commissions:

Arts and Culture Commission

1 full term

1 unexpired term

Open until filled

Historic Preservation Review Commission

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 spoke with the Department of Toxic Substance Control (DTSC) today. There is nothing new to report, however, the DTSC might have an update in two weeks.

B. PROCLAMATIONS

- 1. IN RECOGNITION OF NATIONAL HISTORIC PRESERVATION MONTH - MAY 2014.**

C. APPOINTMENTS

D. PRESENTATIONS

- 1. Citizen's Academy Graduation**
- 2. PROCLAMATION IN RECOGNITION OF LETTER CARRIERS' FOOD DRIVE DAY**

V. ADOPTION OF AGENDA:

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

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

VI. OPPORTUNITY FOR PUBLIC COMMENT:

A. WRITTEN COMMENT

Three items (copies on file).

B. PUBLIC COMMENT

- 1. Bonnie Silveria, Benicia Main Street - Ms. Silveria revealed Main Street's new shopping bags. She encouraged people to attend Benicia's Farmer's Market on Thursdays. She invited people to attend the upcoming Historical Homes Tour.
- 2. Mayor Patterson - Mayor Patterson discussed the recent air show she attended at Travis Air Force Base.

VII. CONSENT CALENDAR:

- A. Approval of Minutes from April 15, 2014 City Council Meeting. (City Clerk)**
- B. APPROVAL OF AGREEMENTS FOR STREET LIGHT AND TRAFFIC SIGNAL MAINTENANCE AND REPAIR**

RESOLUTION 14-41 - A RESOLUTION APPROVING AN AGREEMENT FOR STREET LIGHTING MAINTENANCE AND REPAIR WITH SIEMENS INDUSTRY INC. OF SAN RAFAEL FOR A NOT-TO-EXCEED AMOUNT OF \$40,000, AND AUTHORIZING THE CITY MANAGER TO SIGN THE AGREEMENT ON BEHALF OF THE CITY

RESOLUTION 14-42 - A RESOLUTION APPROVING AN AGREEMENT FOR TRAFFIC SIGNAL MAINTENANCE AND REPAIR WITH SIEMENS INDUSTRY INC. OF SAN RAFAEL FOR A NOT-TO-EXCEED \$30,000, AND AUTHORIZING THE CITY MANAGER TO SIGN THE AGREEMENT ON BEHALF OF THE CITY

C. FINAL CAP COORDINATOR WORK PLAN

Council Member Hughes and Staff discussed concern regarding 'Greening Existing Building Stock' - who would pay for the audit (property owner) and what penalties would be enforced if the audit is not done? The specifics would be brought out when the ordinance regarding this issue is introduced at a future meeting.

Vice Mayor Campbell and Staff discussed concerns regarding mandatory assessments, fees, etc. Vice Mayor Campbell wondered whether there would be support for moving forward with an ordinance. Staff discussed the importance of giving property owner incentives that would encourage them to do the energy audits and reduce energy use.

Council Member Schwartzman discussed the usage report he received from PG&E. He thought it was a powerful tool that could encourage people to pay attention to their energy usage.

Council Member Strawbridge and Staff discussed whether the May deliverable date for the grant was attainable. Staff confirmed they would be ready to proceed on 5/19/14.

Public Comment:

None

Council Member Hughes asked Staff to provide Council with options when this item is brought back.

On motion of Council Member Hughes, seconded by Council Member Schwartzman, Council approved, by motion, the Final Cap Coordinator Work Plan, on roll call by the following vote:

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

- D. DENIAL OF CLAIM AGAINST THE CITY BY VICTOR M. HERNANDEZ AND REFERRAL TO INSURANCE CARRIER**
- E. Approval to waive the reading of all ordinances introduced and adopted pursuant to this agenda.**

VIII. BUSINESS ITEMS:

A. RESOLUTION AMENDING THE FISCAL YEAR 2013-14 BUDGET

RESOLUTION 14-43 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA AMENDING THE MUNICIPAL BUDGET FOR FISCAL YEAR 2013-14

Brenda Olwin, Interim Finance Director, reviewed the staff report and a PowerPoint presentation.

Vice Mayor Campbell and Staff discussed the pending property tax appeals, the issue of the rising cost of liability insurance, and the Marina Fund.

Council Member Strawbridge and Staff discussed the public access programming fees that were listed in the report, the tree maintenance and tree pruning costs coming out of the Valero Good Neighbor Steering Committee Settlement funds, and how realistic the estimates were for the franchise agreement with Allied Waste.

Mayor Patterson asked Staff to ensure the Valero Good Neighbor Steering Committee was on board with the use of funds for tree pruning and maintenance.

Council Member Schwartzman and Staff discussed the Valero property tax appeal.

Mayor Patterson and Staff discussed how the State and County tax assessor takes Valero's record profits into consideration when addressing the property tax issues.

Public Comment:

None

Vice Mayor Campbell and Staff discussed the issue of transferring money between funds, repayment of those transfers, etc.

Vice Mayor Campbell and Staff discussed PERS and employee benefits.

On motion of Council Member Schwartzman, seconded by Council Member Strawbridge, Council adopted Resolution 14-43, on roll call by the following vote:

Ayes: Patterson, Strawbridge, Schwartzman, Campbell, Hughes

Noes: (None)

B. UPDATE ON SUSTAINABLE COMMUNITY SERVICES STRATEGY

Anne Cardwell, Assistant City Manager, reviewed the staff report and a PowerPoint presentation.

Council Member Hughes and Staff discussed the organizational scan listed in the staff report.

Mayor Patterson and Staff discussed the need to define effective and efficient, as it will be helpful in developing performance measures. Mayor Patterson would like to see benchmarking with other cities such as El Cerrito.

Council Member Hughes and Staff discussed support for Mayor Patterson's suggestions. He suggested Staff look into which cities are best at each separate department (best in class - for each separate city department).

Mayor Patterson and Staff discussed the need to ensure the survey is designed in such a way to get people to participate and be engaged.

Council Member Strawbridge and Staff discussed whether cost information would be addressed in the survey (it would not). They discussed the possibility of attributing a dollar figure to safety in the survey, as in past surveys, the issue of safety always ranked high.

Public Comment:

None

Mayor Patterson gave direction to Staff and Council - Council will each separately email staff with suggestions on what should be included in the survey - it will be their 'wish lists'.

C. PRIORITY PROJECT LIST QUARTERLY REVIEW

IX. ADJOURNMENT:

Mayor Patterson adjourned the meeting at 9:20 p.m.

**AGENDA ITEM
CITY COUNCIL MEETING DATE - MAY 20, 2014
CONSENT CALENDAR**

DATE : April 16, 2014
TO : City Council
FROM : City Manager
SUBJECT : **PURCHASE OF REPLACEMENT PUMPS FOR SEWER LIFT STATIONS**

RECOMMENDATION:

Adopt the resolution authorizing the purchase of five replacement pumps and associated adaptors for sewer lift stations from Shape Inc. of Pleasanton, California, in the amount of \$45,207.30.

EXECUTIVE SUMMARY:

This action authorizes the purchase of five replacement pumps and associated adaptors for sewer lift stations in order to properly maintain them. Sufficient funds are available and have been budgeted for these items.

BUDGET INFORMATION:

The cost of this purchase is \$45,207.30. Sufficient funds are budgeted in Account No. 014-8305-8794 (Wastewater Operations – Lift Station Maintenance).

GENERAL PLAN:

Relevant General Plan Goal:

- Goal 2.28: Improve and maintain public facilities and services.

STRATEGIC PLAN:

Relevant Strategic Plan Issues and Strategies:

- Strategic Issue #4: Preserving and Enhancing Infrastructure
- Strategic Issue #1: Protecting Community Health and Safety

BACKGROUND:

The City has 23 sewer lift stations that pump sewage to the Wastewater Treatment Plant for treatment. Lift stations typically have two pumps per station. In Fiscal Year 2012-2013 staff began a lift station inspection and rehabilitation program where pumps are replaced if deemed necessary. The Fiscal Year 2013-2014 budget includes funding for five replacement pumps. City staff does the installation work.

A Request for Quotation (RFQ) for five pumps and associated adaptors was sent to three qualified vendors, posted on the City's bidder notification webpage and advertised two times in the Benicia Herald in accordance with City policy. Only one vendor responded as summarized below.

RANK	VENDOR'S NAME AND CITY	QUOTE
1	Shape Inc. Pleasanton, CA	\$45,207.30
-	Pac Machine Benicia, CA	No Response
-	R.F. MacDonald Hayward, CA	No Response

It is therefore recommended to purchase five pumps and associated adaptors from Shape Inc. in the amount of \$45,207.30.

Attachment:

- Proposed Resolution

RESOLUTION NO. 14-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA AUTHORIZING THE PURCHASE OF FIVE REPLACEMENT PUMPS AND ASSOCIATED ADAPTORS FOR SEWER LIFT STATIONS FROM SHAPE INC. OF PLEASANTON, CALIFORNIA, IN THE AMOUNT OF \$45,207.30

WHEREAS, replacement pumps are needed for City staff to maintain sewer lift stations; and

WHEREAS, a Request for Quotation (RFQ) for five pumps and associated adaptors was sent to three qualified vendors, posted on the City's bidder notification website, and advertised two times in the Benicia Herald in accordance with City policy; and

WHEREAS, Shape Inc. was the only vendor to respond and was determined to be a responsible vendor submitting a responsive quote.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Benicia approves the purchase of five replacement pumps and associated adaptors for sewer lift stations from Shape Inc. of Pleasanton, California, in the amount of \$45,207.30 [funded from Account No. 014-8305-8794 (Lift Station Maintenance).]

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 20th day of May, 2014, and adopted by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

ATTEST:

Lisa Wolfe, City Clerk

Date

AGENDA ITEM
CITY COUNCIL MEETING DATE - MAY 20, 2014
CONSENT CALENDAR

DATE : May 1, 2014

TO : City Council

FROM : City Manager

SUBJECT : **AWARD OF CONSULTANT CONTRACTS FOR ON-CALL PLANNING SERVICES AND ENVIRONMENTAL REVIEW**

RECOMMENDATION:

Adopt a resolution accepting the proposals and approving contracts for on-call planning services and environmental review pursuant to CEQA, and authorizing the City Manager to sign the contracts on behalf of the City.

EXECUTIVE SUMMARY:

The City of Benicia now requires all major private development applications, rezonings, general plan amendments, and/or specific plans necessitating a mitigated negative declaration or EIR (pursuant to CEQA) to pay a fee based upon the actual cost of retaining the services of a pre-approved, on-call planning consultant along with a 15% Administrative Fee. Approving the proposed contracts will allow the City to implement this process.

BUDGET INFORMATION:

No impact at this time. The not-to-exceed amount per contract is \$250,000 over a three-year period. Applicants shall provide the sole source of funding for said contracts. Once an application is submitted and consultant scope, schedule and budget are submitted, the applicant is required to deposit the estimated funding in an escrow account. The work will be authorized after the deposit is provided and a work order is executed.

GENERAL PLAN:

Relevant Goals and Policies include:

- Goal 2.5 Facilitate and encourage new uses and development which provide substantial and sustainable fiscal and economic benefits to the City and the community while maintaining health, safety, and quality of life.

STRATEGIC PLAN:

Relevant Strategic Plan Issues and Strategies:

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

BACKGROUND:

The City of Benicia, like most cities in California, has suffered financial challenges resulting in reduced full time staffing over the last several years. At the current time, the Benicia City Manager also serves as Community Development Director. The Planning Division of the Community Development Department presently has a Principal Planner along with an Associate Planner and a Management Analyst. The Division also has an Interim Land Use Manager to assist with the management of the Community Development Department until a more permanent organizational structure is established.

The Planning Division handles all planning permit activities, legally mandated general plan elements, regional planning efforts, and a myriad of other activities. The Planning Division also provides the staff support for 3 commissions; the Planning Commission, Historic Preservation Review Board, and Community Sustainability Commission.

Given the current staffing level and work load, the Planning Division is only able to manage routine daily activities. There is no staff capacity to adequately handle major land use projects or regional planning activities and grant applications, without impacting the Division's daily activities. This approach for handling private development applications is not uncommon.

A Request for Qualifications was released in November 2013 with a response date of December 12, 2013. The City received 12 qualified proposals, interviewed all 12, and selected 5. A selection committee was assembled to review and rank the proposals. The committee consisted of Amy Million (Principal Planner) and Gina Eleccion (Management Analyst). The consulting firms selected are (in alphabetical order):

- LAK
- LSA
- M GROUP
- PMC
- URBAN PLANNING PARTNERS

The City of Benicia recently amended its Master Fee Schedule to enable the Planning Division to require all major private development applications, rezonings, general plan amendments, and/or specific plans necessitating a

mitigated negative declaration or EIR (pursuant to CEQA) to pay a fee based upon the actual cost of retaining the services of a pre-approved, on-call planning consultant along with a 15% Administrative Fee.

For all projects that meet this criteria, the Community Development Department staff will develop a short scope of work and submit it to the City's pre-qualified "on call" contract planning firms for a project proposal and cost estimate. The applicant will be allowed to review the scope of work and proposals. However, City staff will make the final decision on which proposal and firm is the most qualified to perform the work. Based on the scope and budget, work orders will be executed for each project. This new fee and process will require an applicant to deposit an amount based upon the approved project scope of work. The deposit will be placed in a separate city account from which all approved consultant costs and city administrative overhead will be billed. When the initial and subsequent deposits are depleted to a pre-determined level, additional deposit(s) will be required up to the approved cost estimate. If the actual project review costs exceed the original estimate, the "on call" contract firm will provide a written explanation. City staff and applicant will agree on the additional funding that will be needed to complete the project review.

Attachments:

- Proposed Resolution
- Example of Consultant Contract (pending approval, all contracts will be prepared and executed)

RESOLUTION NO. 14-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA ACCEPTING THE PROPOSALS FOR ON-CALL PLANNING SERVICES AND ENVIRONMENTAL REVIEW, AND AWARDING CONSULTANT CONTRACTS TO LAK, LSA, M GROUP, PMC, AND URBAN PLANNING PARTNERS, EACH IN THE AMOUNT NOT TO EXCEED \$250,000 AND AUTHORIZING THE CITY MANAGER TO SIGN THE CONTRACTS ON BEHALF OF THE CITY

WHEREAS, a Request for Qualifications for Benicia On-Call Planning Services and Environmental Review was released in November 2013; and

WHEREAS, 12 qualified proposals were received; and

WHEREAS, a selection committee interviewed all 12 consultant firms submitting proposals; and

WHEREAS, LSA, LAK, M Group, PMC, and Urban Planning Partners were determined to be the proposers best suited to provide the services outlined.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Benicia hereby accepts the proposals for Benicia On-Call Planning Services and Environmental Review.

BE IT FURTHER RESOLVED THAT the City Council awards consultant contracts in the amount not to exceed \$250,000 to LSA, LAK, M Group, PMC, and Urban Planning Partners, and authorizes the City Manager to sign the contracts on behalf of the City, subject to approval by the City Attorney.

BE IT FURTHER RESOLVED THAT applicants shall provide the sole source of funding for said contracts.

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 20th day of May 2014, and adopted by the following vote.

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk

Date

CITY OF BENICIA

CONSULTANT AGREEMENT

This agreement ("Agreement") entered into _____, 2014, is between the City of Benicia, a municipal corporation (hereinafter "CITY"), and Pacific Municipal Consultants, dba PMC, a California corporation with its primary office located at 2729 Prospect Park Drive, Suite 220; Rancho Cordova, CA 95670 (hereinafter "CONSULTANT") (collectively, "the Parties").

RECITALS

WHEREAS, CITY has determined it is necessary and desirable to secure certain technical and professional "on call" contract planning services in the areas for major project review and environmental review pursuant to CEQA.

WHEREAS, CONSULTANT is specially trained, experienced and competent to perform the services required by this agreement; and

WHEREAS, CONSULTANT represents it is qualified and willing to provide such services pursuant to the terms and conditions of this Agreement.

NOW, THEREFORE, IT IS AGREED by and between CITY and CONSULTANT as follows:

AGREEMENT

1. INCORPORATION OF RECITALS. The recitals set forth above, and all defined terms set forth in such recitals and in the introductory paragraph preceding the recitals, are hereby incorporated into this Agreement as if set forth herein in full.
2. SCOPE OF SERVICE.
 - (a) Services to be Furnished. The scope of services, the time schedule, and the charges for major project review and environmental review pursuant to CEQA are to be set forth in written work order to this Agreement. The terms and conditions of this Agreement shall apply to each work order, except to the extent expressly modified by the work order. Consultant shall perform the services subject to such policy direction and approvals as City, through its staff, may determine from time to time.
 - (b) Schedule for Performance. CONSULTANT shall perform the services identified in each work order according to the completion schedule included in that work order and as expeditiously as is consistent with generally accepted standards of professional skill and care, and the orderly progress of work.

(i) CONSULTANT and CITY agree that the completion schedule in each work order represents the best estimate of the schedule. CONSULTANT shall comply with completion dates noted in each work order unless a written waiver is granted by the CITY's project manager

(ii) CONSULTANT shall not be responsible for performance delays caused by others, or delays beyond CONSULTANT'S control, and such delays shall extend the times for performance of the work by CONSULTANT.

(c) Standard of Quality. All work performed by CONSULTANT under this Agreement shall be in accordance with all applicable legal requirements and shall meet the standard of quality ordinarily to be expected of competent professionals in CONSULTANT'S field of expertise. CONSULTANT shall function as a technical advisor to CITY, and all of CONSULTANT'S activities under this Agreement shall be performed in accordance with the terms of this Agreement.

(d) Compliance With Laws. CONSULTANT shall comply with all applicable federal, state, and local laws, codes, ordinances, regulations, orders, and decrees. CONSULTANT represents and warrants to CITY that CONSULTANT shall, at its own cost and expense, keep in effect or obtain at all times during the term of this Agreement any licenses, permits, insurance and approvals which are legally required for CONSULTANT to practice its profession or are necessary and incident to the due and lawful prosecution of the services it performs under this Agreement. CONSULTANT shall maintain a City of Benicia business license. CONSULTANT shall at all times during the term of this Agreement, and for one year thereafter, provide written proof of such licenses, permits, insurance, and approvals upon request by CITY. CITY is not responsible or liable for CONSULTANT'S failure to comply with any or all of the requirements contained in this paragraph. If a conflict between such federal, state or local laws, codes, ordinances, regulations, orders or decrees arises, thereby causing CONSULTANT to not comply with the terms herein, CONSULTANT will immediately advise CITY of the situation in writing at which time both parties shall work together to seek resolution and CITY will not interpret such conflict as a breach of this Agreement by CONSULTANT.

3. COMPENSATION.

(a) Schedule of Payment. The compensation to be paid by CITY to CONSULTANT for the services rendered hereunder shall be on a time and materials basis based upon the rate schedule and not-to-exceed budget set forth in each work order approved as indicated in Section 2 above. The work order rate schedule shall itemize those standard and expected expenses for which CONSULTANT shall receive compensation. If CONSULTANT obtains CITY's prior written approval from the City's project manager, CONSULTANT may be reimbursed for extraordinary costs incurred on the Project.

(b) Additional Services. CITY shall make no payment to CONSULTANT for any additional services unless such services and payment have been mutually agreed to and this Agreement has been formally amended in accordance with Section 7.

(i) Only the City Council can act on behalf of CITY to authorize CONSULTANT to perform additional services.

(ii) CONSULTANT shall not commence any work or services exceeding the Scope of Services in Section 2 without prior written authorization from CITY in accordance with Section 7. CONSULTANT'S failure to obtain a formal amendment to this Agreement authorizing additional services shall constitute a waiver of any and all right to compensation for such work or services.

(iii) If CONSULTANT believes that any work CITY has directed CONSULTANT to perform is beyond the scope of this Agreement and constitutes additional services, CONSULTANT shall promptly notify CITY of this fact before commencing the work. CITY shall make a determination as to whether such work is beyond the scope of this Agreement and constitutes additional services. If CITY finds that such work does constitute additional services, CITY and CONSULTANT shall execute a formal amendment to this Agreement, in accordance with Section 7, authorizing the additional services and stating the amount of any additional compensation to be paid.

(c) Invoicing and Payment. CONSULTANT shall submit monthly invoices for the services performed under this Agreement during the preceding period. Invoices or billings must indicate the hours actually worked by each classification and employee name, as well as all other directly related costs by line item in accordance with the applicable work order. CITY shall approve or disapprove said invoice or billing within thirty (30) days following receipt thereof and shall pay all approved invoices and billings within thirty (30) days. Interest at the rate of one and one-half (1.5) percent per month will be charged on all past due amounts starting thirty (30) days after the invoice date, unless not permitted by law, in which case interest will be charged at the highest amount permitted by law. Payments will be credited first to interest, and then to principal.

4. PRODUCT REVIEW AND COMMENT. CONSULTANT shall provide CITY with the required number of copies of each deliverable as specified in each work order. Upon the completion of each product, CONSULTANT shall be available to meet with CITY. If additional review and/or revision is required by CITY, CITY shall conduct reviews in a timely manner.

5. TERM OF AGREEMENT. This Agreement shall be effective immediately upon the signatures of both Parties and shall remain in effect until completed, amended pursuant to Section 7, or terminated pursuant to Section 6.

6. TERMINATION:

(a) Either party shall have the right to terminate this Agreement for any reason whatsoever at any time by serving upon the other party written notice of termination. The Agreement shall terminate three (3) business days after notice of termination is given. The notice shall be deemed given on the date it is deposited in the U.S. mail, certified, postage prepaid, addressed to CONSULTANT at the address indicated in Section 11.

(b) If either party issues a notice of termination,

(i) CONSULTANT shall immediately cease rendering services pursuant to this Agreement;

(ii) CONSULTANT shall deliver to CITY copies of all writings, whether or not completed, which were prepared by CONSULTANT, its employees, or its subcontractors, if any, pursuant to this Agreement. For purposes of this Agreement, the term "writings" shall include, but not be limited to, handwriting, typewriting, computer files and records, drawings, blueprints, printing, photostatting, photographs, and every other means of recording upon any tangible thing, any form of communication or representation, including letters, words, pictures, sounds, symbols, or combinations thereof;

(iii) CITY shall pay CONSULTANT for work actually performed up to the effective date of the notice of termination, subject to the limitations prescribed by Section 3 of this Agreement, less any compensation to CITY for damages suffered as a result of CONSULTANT'S failure to comply with the terms of this Agreement. Such payment shall be in accordance with the applicable work order. However, if this Agreement is terminated for fault of CONSULTANT, CITY shall be obligated to compensate CONSULTANT only for that portion of CONSULTANT'S services which are of benefit to CITY.

7. AMENDMENTS. Modifications or amendments to the terms of this Agreement shall be in writing and executed by both Parties.

8. NONDISCLOSURE OF CONFIDENTIAL INFORMATION. CONSULTANT shall not, either during or after the term of this Agreement, disclose to any third party any confidential information relative to the work of CITY without the prior written consent of CITY.

9. INSPECTION. CITY representatives shall, with reasonable notice, have access to the work and work records, including time records, for purposes of inspecting same and determining that the work is being performed in accordance with the terms of this Agreement. Inspections by CITY do not in any way relieve or minimize the responsibility of CONSULTANT to comply with this Agreement and all applicable laws.

10. INDEPENDENT CONTRACTOR. In the performance of the services in this Agreement, CONSULTANT is an independent contractor and is not an agent or employee of CITY. CONSULTANT, its officers, employees, agents, and subcontractors, if any, shall have no power to bind or commit CITY to any decision or course of action, and shall not represent to any person or business that they have such power. CONSULTANT has and shall retain the right to exercise full control of the supervision of the services and over the employment, direction, compensation, and discharge of all persons assisting CONSULTANT in the performance of said service hereunder. CONSULTANT shall be solely responsible for all matters relating to the payment of its employees, including compliance with social security and income tax

withholding, workers' compensation insurance, and all other regulations governing such matters.

CITY agrees that it shall not, during the term of this Agreement, nor for a period of one year after termination, solicit for employment, hire or retain, whether as an employee or independent contractor, any person who is or has been employed by CONSULTANT. Should CITY desire to hire CONSULTANT's employee within the term of this Agreement, CITY agrees to pay CONSULTANT equitable compensation for the loss of said employee.

11. NOTICE. Any notices or other communications to be given to either party pursuant to this Agreement shall be in writing and delivered personally or by certified U.S. mail, postage prepaid, addressed to the party at the address set forth below. Either party may change its address for notices by complying with the notice procedures in this Section. Notice so mailed shall be deemed delivered three (3) business days after deposit in the U.S. mail. Nothing shall preclude the giving of notice by facsimile machine provided, however, that notice by facsimile machine shall be followed by notice deposited in the U.S. mail as discussed above.

If to CITY: Gina Eleccion, Management Analyst
City of Benicia
250 East L Street
Benicia, CA 94510

If to CONSULTANT: Philip O. Carter, President
PMC
2729 Prospect Park Drive, Suite 220
Rancho Cordova, CA 95670

12. OWNERSHIP OF MATERIALS. CITY is the owner of all records and information created, produced, or generated as part of the services performed under this Agreement. At any time during the term of this Agreement, at the request of CITY, CONSULTANT shall deliver to CITY all writings, records, and information created or maintained pursuant to this Agreement. In addition, CONSULTANT shall not use any of the writing, records, or information generated for the Project under this Agreement for any other work without CITY's consent. CONSULTANT shall not be held liable for any reuse of the CITY-owned work product for purposes outside their original intent.

13. EMPLOYEES; ASSIGNMENT; SUBCONTRACTING.

(a) Employees. CONSULTANT shall provide properly skilled professional and technical personnel to perform all services required by this Agreement. CONSULTANT shall not engage the services of any person(s) now employed by CITY without CITY's prior express written consent.

(b) Assignment. CONSULTANT shall not assign, delegate, or transfer its duties, responsibilities, or interests in this Agreement without the prior express written consent of CITY.

Any attempted assignment without such approval shall be void and, at CITY's option, shall terminate this Agreement and any license or privilege granted herein.

(c) Subcontracting. CONSULTANT shall not subcontract any portion of the work to be performed under this Agreement without the prior express written consent of CITY. If CITY consents to CONSULTANT'S hiring of subcontractors, CONSULTANT shall provide to CITY copies of each and every subcontract prior to its execution. All subcontractors are deemed to be employees of CONSULTANT, and CONSULTANT agrees to be responsible for their performance. CONSULTANT shall give its personal attention to the fulfillment of the provisions of this Agreement by all of its employees and subcontractors, if any, and shall keep the work under its control.

14. BINDING AGREEMENT. This Agreement shall bind the successors in interest, legal representatives, and permitted assigns of CITY and CONSULTANT in the same manner as if they were expressly named herein.

15. WAIVER.

(a) Effect of Waiver. Waiver by either party of any default, breach, or condition precedent shall not be construed as a waiver of any other default, breach, or condition precedent or any other right under this Agreement.

(b) No Implied Waivers. The failure of either party at any time to require performance by the other party of any provision hereof shall not affect in any way the right to require such performance at a later time.

16. NONDISCRIMINATION.

(a) Consultant shall not discriminate in the conduct of the work 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 will not be tolerated.

(b) Consistent with City's policy that harassment and discrimination are unacceptable employer/employee conduct, CONSULTANT agrees that harassment or discrimination directed toward a job applicant, a City employee, or a citizen by CONSULTANT or CONSULTANT'S employee or subcontractor 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. CONSULTANT agrees that any and all violation of this provision shall constitute a material breach of the Agreement.

17. INDEMNITY. CONSULTANT shall defend, indemnify, and hold harmless, the CITY, its officers, employees and agents from and against any and all claims, lawsuits, damage, injury and liability for damages to the extent caused by any negligent acts, error or omissions in the

performance of CONSULTANT’S services under this Agreement. The CITY shall not be responsible for claims, losses, damage, injury or liability for damages resulting from CONSULTANT.

CITY shall defend, indemnify, and hold harmless, the CONSULTANT, its officers, employees and agents from and against any and all claims, lawsuits, damage, injury and liability for damages to the extent caused by any negligent acts, error or omissions in the performance of CITY under this Agreement. The CONSULTANT shall not be responsible for claims, losses, damage, injury or liability for damages resulting from CITY.

18. INSURANCE.

(a) Required Coverage. CONSULTANT, at its sole cost and expense, shall obtain and maintain in full force and effect throughout the entire term of this Agreement the following described insurance coverage. This coverage shall insure not only CONSULTANT, but also, with the exception of workers’ compensation and employer’s liability insurance, shall name as additional insureds CITY, its officers, agents, employees, and designated volunteers, and each of them:

<u>Policy</u>	<u>Minimum Limits of Coverage</u>
(i) Workers’ Compensation	Statutory
(ii) Comprehensive Automobile Insurance Services Office, form #CA 0001 (Ed 1/87 covering auto liability code 1 (any auto)	Bodily Injury/Property Damage \$1,000,000 each accident
(iii) General Liability Insurance Services Office Commercial General Liability coverage on an occurrence basis (occurrence form CG 0001)	\$1,000,000 per occurrence. If Commercial General Liability Insurance or other form with a general aggregate limit shall apply separately to this Project/ location, the general aggregate limit shall be twice the required occurrence limit
(iv) Errors and Omissions/ Professional’s Liability, errors and omissions liability insurance appropriate to the CONSULTANT’s profession.	Generally \$1,000,000 per claim

(b) Deductibles and Self-Insured Retentions. Any deductibles or self-insured retentions must be declared to and approved by CITY.

(c) Required Provisions. The general liability and automobile liability policies are to contain, or be endorsed to contain, the following provisions:

(i) For any claims related to this Project, the CONSULTANT'S insurance coverage shall be primary insurance as respects CITY, its officers, officials, employees, and designated volunteers. Any insurance or self-insurance maintained by CITY, its officers, officials, employees, or designated volunteers shall be in excess of the CONSULTANT'S insurance and shall not contribute with it;

(ii) Any failure to comply with reporting or other provisions of the policies including breaches of warranties shall not affect coverage provided to CITY, its officers, officials, employees, or designated volunteers;

(iii) The CONSULTANT'S insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability;

(iv) Each insurance policy required by this Section shall be endorsed to state that coverage shall not be suspended, voided, canceled by either party, reduced in coverage or in limits. The above policies contain a 30-day notice provision for non-renewal and cancellation except for cancellation due to non-payment of premium in which a 10-day notice applies.

(d) Acceptability of Insurers. CONSULTANT shall place insurance with insurers with a current A.M. Best's rating of no less than [A:VII] unless CONSULTANT requests and obtains CITY'S express written consent to the contrary.

(e) Verification of Coverage. CONSULTANT must provide complete, certified copies of all required insurance policies, including original endorsements affecting the coverage required by these specifications. The endorsements are to be signed by a person authorized by CONSULTANT'S insurer to bind coverage on its behalf. All endorsements are to be received and approved by CITY before work commences.

19. WORKERS' COMPENSATION.

(a) Covenant to Provide. CONSULTANT warrants that it is aware of the provisions of the California Labor Code which require every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that code. CONSULTANT further agrees that it will comply with such provisions before commencing the performance of the work under this Agreement.

(b) Waiver of Subrogation. CONSULTANT and CONSULTANT'S insurance company agree to waive all rights of subrogation against CITY, its elected or appointed officials,

agents, and employees for losses paid under CONSULTANT'S workers' compensation insurance policy which arise from the work performed by CONSULTANT for CITY.

20. FINANCIAL RECORDS. CONSULTANT shall retain all financial records, including but not limited to documents, reports, books, and accounting records which pertain to any work or transaction performed pursuant to this Agreement for four (4) years after the expiration of this Agreement. CITY or any of its duly authorized representatives shall, with reasonable notice, have access to and the right to examine, audit, and copy such records.

21. CONFLICT OF INTEREST. CONSULTANT shall exercise reasonable care and diligence to prevent any actions or conditions which could result in a conflict with CITY'S interest. During the term of this Agreement, CONSULTANT shall not accept any employment or engage in any consulting work which creates a conflict of interest with CITY or in any way compromises the services to be performed under this Agreement. CONSULTANT shall immediately notify CITY of any and all violations of this Section upon becoming aware of such violation.

22. TIME OF THE ESSENCE. CONSULTANT understands and agrees that time is of the essence in the completion of the work and services described in Section 2.

23. SEVERABILITY. If any court of competent jurisdiction or subsequent preemptive legislation holds or renders any of the provisions of this Agreement unenforceable or invalid, the validity and enforceability of the remaining provisions, or portions thereof, shall not be affected.

24. GOVERNING LAW AND CHOICE OF FORUM. This Agreement shall be administered and interpreted under California law as if written by both parties. Any litigation arising from this Agreement shall be brought in the Superior Court of Solano County.

25. COSTS AND ATTORNEYS' FEES. If either party commences any legal action against the other party arising out of this Agreement or the performance thereof, the prevailing party in such action may recover its reasonable litigation expenses, including court costs, expert witness fees, discovery expenses, and attorneys' fees. In any action seeking recovery of monetary damages, the plaintiff shall not be considered to be the prevailing party unless it recovers at least 66% of the dollar amount requested in the complaint's prayer for relief.

26. INTEGRATION. This Agreement represents the entire understanding of CITY and CONSULTANT as to those matters contained herein and supersedes all prior negotiations, representations, or agreements, both written and oral. This Agreement may not be modified or altered except in accordance with Section 7.

Executed by CITY and CONSULTANT on the date shown next to their respective signatures.
The effective date of this Agreement shall be the date of execution by the CITY as shown below.

PACIFIC MUNICIPAL CONSULTANTS

CITY OF BENICIA

BY: _____
Philip Carter, President

BY: _____
Brad Kilger, City Manager

RECOMMENDED FOR APPROVAL

Amy Million, Principal Planner

APPROVED AS TO FORM

Heather McLaughlin, City Attorney

AGENDA ITEM
CITY COUNCIL MEETING DATE - MAY 20, 2014
CONSENT CALENDAR

DATE : May 12, 2014

TO : City Manager

FROM : Interim Finance Director

SUBJECT : **APPROVE THE AMENDMENT TO THE CONTRACT SERVICES AGREEMENT BETWEEN THE CITY OF BENICIA AND NBS**

RECOMMENDATION:

Adopt the resolution approving the amendment to the agreement with NBS.

EXECUTIVE SUMMARY:

Staff is proposing to increase the existing contract with NBS by \$4,900 in order to complete the necessary analysis for preparation of Cost Allocation Plan and Fee Study.

BUDGET INFORMATION:

The City currently has a contract with NBS for \$49,860 for a Comprehensive Allocation Plan, General Fee Study and Revenue Options Analysis. The additional proposed cost, estimated at approximately \$4,900, will be charged to Account Nos. 011-2405-8100 (80%) and 111-2405-8100 (20%), both of which have sufficient funds to cover this additional amount. With the amendment, the total not to exceed amount of the contract with NBS will be \$54,760.

STRATEGIC PLAN:

Relevant Strategic Plan Goals and Strategies:
Strategic Issue 3: Strengthening Economic and Fiscal Conditions

BACKGROUND:

The City is contracting with NBS for preparation of a Cost Allocation Plan and completion of a User Fee Study. The goal of the Cost Allocation Plan is to develop a documented and defensible plan that generates general/administrative allocation amounts that may be used in the City's budget. The goal of the Fee Study is to identify the full cost of service in fee-related activities and to facilitate the development of strategies/policy for recovery of those costs in user/regulatory fees.

Given that this is the first time the City has completed a full Cost Allocation Plan, additional time is necessary in order to complete the analysis on the Plan and

collect data for the Fee Study. It is anticipated that the Cost Allocation Plan will be completed by early June, in order to allow incorporation of the results in the update to the 2014-15 Budget. The results of the Fee Study will follow in late August/early September.

Attachments:

- Proposed Resolution
- Proposed Amendment to Agreement

RESOLUTION NO. 14-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA AMENDING THE CONTRACT WITH NBS FOR PREPARATION OF A COST ALLOCATION PLAN AND FEE STUDY

WHEREAS, on October 1, 2013, the City of Benicia contracted with NBS for the preparation of a Cost Allocation Plan and completion of a User Fee Study; and

WHEREAS, the goal of the Cost Allocation Plan is to develop a documented and defensible plan that generates general/administrative allocation amounts that may be used in the City's budget; and

WHEREAS, the goal of the Fee Study is to identify the full cost of service in fee-related activities and to facilitate the development of strategies/policy for recovery of those costs in user/regulatory fees; and

WHEREAS, the City desires to amend the agreement due to the need for additional consulting time from NBS in order to complete the necessary analysis for the plan and Fee Study.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Benicia approves the amendment to the contract adding an additional \$4,900, not to exceed a total cost of \$54,760, and authorizes the City Manager to sign the contract on behalf of the City, subject to approval by the City Attorney.

BE IT FURTHER RESOLVED THAT sufficient funds to cover this service contract exist in Accounts Nos. 011-2405-8100 (80%) and 111-2405-8100 (20%)

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 20th day of May, 2014, and adopted by the following vote.

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk

Date

AMENDMENT TO AGREEMENT

This Amendment of the Agreement, entered into this ____ day of May, 2014 by and between the City of Benicia, a municipal corporation (hereinafter "CITY") and NBS, a California Corporation with its primary office located at 32605 Temecula Parkway, Suite 100, Temecula, CA (hereinafter "CONSULTANT").

RECITALS:

A. On October 1, 2014 an agreement was entered into by and between CITY and CONSULTANT ("Agreement").

B. CITY and CONSULTANT desire to modify the Agreement on the terms and conditions set forth herein.

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

1. Paragraph 3 of the Agreement is modified to read as follows:

CITY agrees to pay CONSULTANT as full compensation for all services and duties performed, except as otherwise provided herein, a total sum not to exceed \$54,760.

2. Except as expressly modified herein, all other terms and covenants set forth in the Agreement shall remain the same and shall be in full force and effect.

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

CONSULTANT
Mike Rentner
Chief Executive Officer

CITY OF BENICIA
Brad Kilger, City Manager

By _____
Dated:

By _____
Dated:

APPROVED AS TO FORM:

City Attorney

05/12/14

AGENDA ITEM
CITY COUNCIL MEETING DATE - MAY 20, 2014
CONSENT CALENDAR

DATE : May 13, 2014

TO : City Manager

FROM : Interim Finance Director

SUBJECT : **REVIEW AND ACCEPTANCE OF THE INVESTMENT REPORT FOR THE QUARTER ENDED MARCH 31, 2014**

RECOMMENDATION:

Accept, by motion, the Investment Report for the quarter ended March 31, 2014.

EXECUTIVE SUMMARY:

The investment portfolio is in compliance with the City's Investment Policy and California Law. Additionally, the City has adequate investments to meet its expenditure needs for the next six months. The Finance Committee has reviewed and accepted this report.

BUDGET INFORMATION:

The Investment Report has no impact on the City's budget.

GENERAL PLAN:

There is no effect on the City's General Plan.

STRATEGIC PLAN:

Relevant Strategic Plan Issues and Strategies:

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

BACKGROUND:

The City's investment portfolio consists of cash balances in checking accounts (less outstanding checks), Local Agency Investment Fund, treasury bills, federal agency notes, corporate notes, certificates of deposits and trustee accounts, which manage the installment payments and reserves for bonds issued by the City.

The City has adequate investments to meet its expenditure requirements for the next six months. In addition, the City's investment portfolio is in compliance with Government Code Sections 53600 et seq. and the City's Investment Policy. The Finance Committee reviewed and accepted the Investment Report, as well as

PFM Asset Management's quarterly review of the portfolio, at its April 25, 2014 meeting. The attached report summarizes the City's investments by purchase date, maturity date, investment type, issuer of investment, cost, current yield and yield to maturity.

Please note that the report also lists the cash investment balances by major fund group as of March 31, 2014.

Attachment:

- Investment Report for the quarter ended March 31, 2014

City of Benicia
Investment Report - Balance by Fund Type
As of March 31, 2014

Fund Type	Cost Balance	Market Value Balance
General Fund	4,324,244.33	4,274,985.82
Special Revenue Funds	5,221,216.69	5,260,920.77
Debt Service Funds	388,868.98	384,840.93
Capital Project Funds	2,667,398.16	2,657,467.34
Enterprise Funds	20,135,194.72	20,020,737.08
Internal Service Funds	4,549,860.58	4,527,138.66
Fiduciary Funds	20,243.78	20,243.78
Agency Funds	1,860,870.00	1,844,130.52
	<u>39,167,897.24</u>	<u>38,990,464.90</u>

**City of Benicia
Investment Report
As of March 31, 2014**

Type of Investment	Name of Issuer	Purchase Date	Maturity Date	Current Yield	Yield to Maturity	Par Value	Cost of Investment	Current Market Value
L.A.I.F.								
Checking	Bank of America			0.230%		\$ 9,077,351.48	\$ 9,077,351.48	\$ 9,080,230.07
Money Market	PFM Funds - Prime			0.600%		1,250,681.15	1,250,681.15	1,250,681.15
				0.000%		117,719.39	117,719.39	117,719.39
Subtotal						10,445,752.02	10,445,752.02	10,448,630.61
6 Months to 1 Year								
Cert of Deposit	Svenska Handelsbanken	5-Apr-13	6-Oct-14	0.390%	0.480%	650,000.00	649,901.01	650,364.85
US Obligation	US Treasury	28-Dec-12	31-Oct-14	2.360%	0.260%	975,000.00	1,012,819.34	987,910.95
Commercial Paper	BNP Paribas Finance Inc	7-Feb-14	3-Nov-14	0.000%	0.450%	550,000.00	548,150.63	548,849.40
US Obligation	US Treasury	11-Jan-12	15-Dec-14	0.190%	0.350%	750,000.00	747,802.73	750,849.75
US Obligation	US Treasury	29-Feb-12	28-Feb-15	2.350%	0.430%	585,000.00	618,843.16	596,882.92
Cert of Deposit	Bank of Nova Scotia	6-Mar-13	6-Mar-15	0.590%	0.590%	550,000.00	550,000.00	551,578.50
Subtotal						4,060,000.00	4,127,516.87	4,086,435.77
1 Year to 2 Years								
Cert of Deposit	Rabobank Nederland	29-Apr-13	29-Apr-15	0.600%	0.610%	675,000.00	675,000.00	674,526.15
Cert of Deposit	Nordea Bank Finland	17-Jan-14	17-Jul-15	0.390%	0.360%	550,000.00	550,000.00	550,143.00
Corporate Note	JP Morgan Chase Bank	26-Dec-13	30-Jul-15	0.490%	0.430%	550,000.00	550,566.50	550,812.35
US Obligation	Fed Farm Credit Bank	14-Feb-14	14-Aug-15	0.200%	0.280%	700,000.00	699,162.35	699,240.50
US Obligation	US Treasury	9-Sep-13	30-Sep-15	1.180%	0.480%	400,000.00	406,312.50	406,078.00
US Obligation	FNMA	15-Sep-11	26-Oct-15	1.560%	0.930%	800,000.00	822,536.00	846,380.80
Corporate Note	Colgate-Palmolive	24-Dec-12	1-Nov-15	1.380%	0.650%	475,000.00	484,758.40	480,771.25
US Obligation	FHLLB Global Notes	30-Dec-13	30-Dec-15	0.400%	0.390%	550,000.00	549,835.00	548,880.20
Corporate Note	General Electric	8-Jan-13	8-Jan-16	0.990%	1.110%	275,000.00	274,117.25	278,974.78
Corporate Note	Bank of New York	20-Dec-12	15-Jan-16	2.420%	0.830%	500,000.00	525,250.00	516,009.50
US Obligation	US Treasury	7-Feb-14	31-Jan-16	0.390%	0.310%	1,575,000.00	1,577,030.27	1,575,491.40
Corporate Note	Cisco Systems	20-Dec-13	22-Feb-16	5.030%	0.620%	550,000.00	607,860.00	600,682.50
US Obligation	FNMA	15-Feb-13	30-Mar-16	0.480%	0.540%	465,000.00	464,489.90	465,312.02
Subtotal						8,065,000.00	8,186,898.17	8,181,302.45
2 Years to 3 Years								
US Obligation	FNMA	30-Jul-12	11-Apr-16	2.310%	0.590%	750,000.00	798,960.00	778,378.50
Corporate Note	Toyota Motor	17-May-13	17-May-16	0.790%	0.810%	290,000.00	289,881.10	281,083.30
Corporate Note	GE Cap Corp	12-Jul-13	12-Jul-16	0.990%	0.930%	350,000.00	350,000.00	353,248.35
Corporate Note	Wells Fargo & Co	29-Jul-13	20-Jul-16	1.190%	1.280%	410,000.00	409,606.40	413,440.31
Corporate Note	IBM Corp	26-Dec-12	22-Jul-16	1.840%	0.850%	650,000.00	675,129.00	668,825.95
Corporate Note	Procter & Gamble	9-Jan-13	15-Aug-16	1.370%	0.840%	650,000.00	663,981.50	659,422.40
US Obligation	US Treasury	30-Aug-13	31-Aug-16	0.990%	0.820%	475,000.00	477,597.66	479,193.30
US Obligation	FNMA	5-Oct-12	28-Sep-16	1.180%	0.560%	900,000.00	924,264.00	912,681.20
US Obligation	FHLLC	3-Oct-13	14-Oct-16	0.890%	0.770%	550,000.00	551,672.00	551,660.45
US Obligation	US Treasury	24-Feb-14	28-Feb-17	0.890%	0.750%	700,000.00	702,652.34	700,054.60
Corporate Note	Exxon	20-Mar-14	15-Mar-17	0.900%	0.920%	735,000.00	735,000.00	734,831.69
Subtotal						8,460,000.00	8,578,744.00	8,542,810.05

**City of Benicia
Investment Report
As of March 31, 2014**

Type of Investment	Name of Issuer	Purchase Date	Maturity Date	Current Yield	Yield to Maturity	Par Value	Cost of Investment	Current Market Value
3 Years to 5 Years								
US Obligation	US Treasury	3-Mar-14	31-Mar-17	0.990%	0.730%	400,000.00	403,250.00	401,000.00
US Obligation	US Treasury	21-Mar-14	31-Mar-17	0.990%	0.920%	500,000.00	501,152.34	501,250.00
US Obligation	FNMA	30-Jul-12	27-Apr-17	1.090%	0.840%	750,000.00	760,080.00	753,761.25
Corporate Note	Berkshire Hathaway	15-Jan-13	15-May-17	1.580%	1.260%	275,000.00	278,918.75	278,363.53
US Obligation	FHLMC	8-Jun-12	6-Jun-17	1.190%	1.120%	500,000.00	501,925.00	500,846.50
US Obligation	FHLMC	1-Nov-13	29-Jun-17	1.000%	0.960%	950,000.00	951,330.00	946,549.60
US Obligation	FHLMC	31-Jul-12	28-Jul-17	1.000%	0.860%	750,000.00	755,017.50	746,627.25
US Obligation	FNMA	10-Sep-12	28-Aug-17	0.900%	0.820%	700,000.00	701,736.00	692,379.10
US Obligation	US Treasury	5-Nov-12	31-Oct-17	0.710%	0.740%	150,000.00	150,087.89	147,574.20
US Obligation	FNMA	3-Dec-13	26-Oct-17	0.910%	1.080%	700,000.00	694,589.00	690,039.00
Corporate Note	Chevron	5-Dec-12	5-Dec-17	1.110%	0.990%	85,000.00	85,459.85	84,256.42
Corporate Note	Chevron	5-Dec-12	5-Dec-17	1.110%	1.100%	145,000.00	145,000.00	143,731.54
Corporate Note	Berkshire Hathaway	11-Feb-13	9-Feb-18	1.500%	1.580%	350,000.00	349,513.50	348,418.35
Corporate Note	Wal-Mart Stores	11-Apr-13	11-Apr-18	1.120%	1.140%	255,000.00	254,765.40	249,991.29
Corporate Note	Microsoft Corp	2-May-13	1-May-18	1.020%	1.010%	160,000.00	159,899.20	156,215.04
Corporate Note	Apple	3-May-13	3-May-18	1.030%	1.080%	300,000.00	298,893.00	290,805.00
US Obligation	FNMA	24-May-13	21-May-18	0.920%	1.050%	550,000.00	545,352.50	535,119.20
US Obligation	FNMA	31-May-13	21-May-18	0.920%	1.190%	250,000.00	246,212.50	243,236.00
Corporate Note	Chevron	24-Jun-13	24-Jun-18	1.700%	1.720%	425,000.00	425,000.00	423,558.40
Corporate Note	Coca-Cola	1-Nov-13	1-Nov-18	1.610%	1.680%	350,000.00	349,499.50	346,460.10
Subtotal						8,545,000.00	8,557,681.93	8,479,981.77

Total (before fiscal agent accounts) \$ 37,575,752.02 \$ 37,896,592.99 \$ 37,719,160.65

Fiscal Agent Accounts 1,271,304.25 1,271,304.25

TOTAL INVESTMENT PORTFOLIO \$ 38,167,897.24 \$ 38,990,464.90

WEIGHTED AVERAGE MATURITY OF THE INVESTMENT PORTFOLIO

1.86 Years

Mark to Market \$ (177,432.34)

The City of Benicia complies with Government Code Sections 53600 et seq. and the City's Investment Policy. The source of market value is US Bank. The City has the ability to meet expenditure requirements for the next six months. This report to the best of my knowledge, is accurate representation of the City of Benicia's investments.

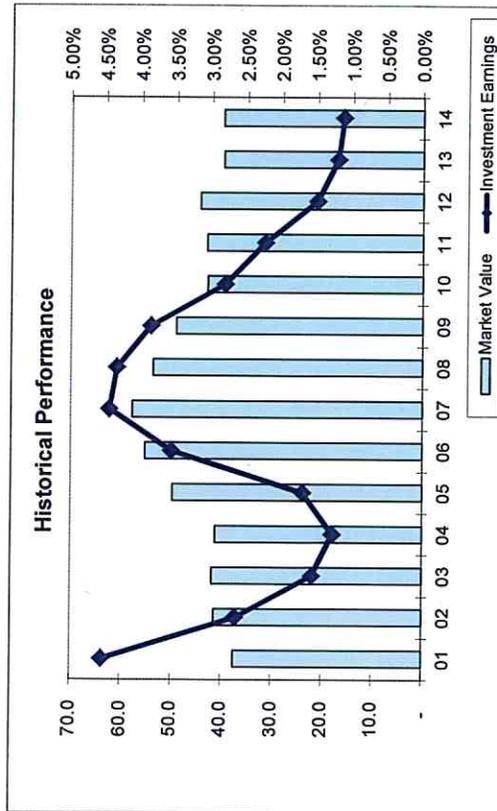
Brenda Olwin, Interim Finance Director

VII.E.6

City of Benicia Historical Portfolio Comparison

Market Value (Millions)					
Fiscal Year / Quarter	1st Qtr	2nd Qtr	3rd Qtr	4th Qtr	Annual Average
2001	33.0	36.7	37.7	42.8	37.5
2002	39.3	41.5	40.3	44.6	41.4
2003	39.7	43.4	39.5	44.8	41.8
2004	39.3	42.8	41.1	41.8	41.3
2005	38.7	53.8	50.0	56.6	49.8
2006	46.9	54.9	55.1	64.3	55.3
2007	57.4	59.3	54.4	60.1	57.8
2008	51.9	54.7	51.4	56.8	53.7
2009	48.1	52.1	47.3	48.7	49.1
2010	42.6	43.7	39.4	45.7	42.9
2011	37.6	46.2	35.7	52.6	43.0
2012	46.6	45.7	40.2	45.0	44.4
2013	39.2	41.3	36.1	42.4	39.8
2014	38.5	41.8	39.0		39.8

Investment Earnings					
Fiscal Year / Quarter	1st Qtr	2nd Qtr	3rd Qtr	4th Qtr	Annual Average
01	4.76%	4.82%	4.58%	4.07%	4.55%
02	3.62%	2.72%	2.27%	2.01%	2.66%
03	1.90%	1.61%	1.41%	1.34%	1.57%
04	1.38%	1.28%	1.24%	1.20%	1.28%
05	1.31%	1.43%	1.74%	2.33%	1.70%
06	2.52%	3.76%	3.84%	4.16%	3.57%
07	4.34%	4.44%	4.46%	4.57%	4.45%
08	4.56%	4.48%	4.20%	4.15%	4.35%
09	4.01%	4.07%	4.03%	3.36%	3.87%
10	3.17%	2.83%	2.65%	2.60%	2.81%
11	2.51%	2.38%	2.15%	1.95%	2.25%
12	1.76%	1.64%	1.43%	1.21%	1.51%
13	1.22%	1.26%	1.20%	1.18%	1.21%
14	1.15%	1.17%	1.09%		1.14%



Investment Earnings - Dollars						
Fiscal Year / Quarter	1st Qtr	2nd Qtr	3rd Qtr	4th Qtr	Mark to Market *	Annual Average
2008	319,769	789,398	474,720	327,578	403,879	578,836
2009	275,114	580,504	577,776	489,555	287,309	542,565
2010	299,040	294,913	226,519	289,374	(196,842)	228,251
2011	267,030	235,311	165,343	162,677	(352,938)	119,356
2012	46,173	132,626	130,494	36,619	47,338	98,312
2013	88,542	100,933	79,202	(83,281)	(155,017)	7,595
2014	N/A	N/A	N/A			-

* Mark to market is the difference between current year minus prior year's mark to market gain or loss.

AGENDA ITEM
CITY COUNCIL MEETING DATE - MAY 20, 2014
BUSINESS ITEMS

DATE : May 7, 2014

TO : City Council

FROM : City Manager

SUBJECT : **HOME ENERGY RENOVATION OPPORTUNITY (HERO) PACE PROGRAM**

RECOMMENDATION:

Adopt a resolution approving the HERO PACE program and authorizing the execution of an amendment to the Joint Power Agreement adding the City of Benicia as an Associate Member of the Western Riverside Council of Governments and consenting to the inclusion of properties within the City's incorporated area in the California HERO PACE Program.

EXECUTIVE SUMMARY:

The HERO Program offers a funding mechanism to finance clean energy and water conserving improvements for residential and commercial property owners. There is no upfront cost to participating cities and the program is completely run and managed by HERO who administered the program for the Western Riverside Council of Governments. Benicia would be the second city in Solano County to join as an associate member; Vacaville joined as of March 17, 2014. Upon adoption of a resolution opting into the program, it could officially launch in Benicia November/December 2014 and residents could apply to finance clean energy and water conserving improvements.

BUDGET INFORMATION:

Opting into an additional PACE district (HERO) requires no additional funding. Staff time needed to draft reports and review program related documents is already included in the CAP Coordinator's 2014-15 work plan.

ENVIRONMENTAL REVIEW:

This project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15308, Actions by Regulatory Agencies for Protection of the Environment, which states that actions taken to assure the enhancement or protection of the environment has a categorical exemption from CEQA review.

In addition, adoption of the original Climate Action Plan is considered to be part

of the implementation program for the General Plan and is therefore addressed by the General Plan's environmental impact report. Any update to the Climate Action Plan is also considered part of the implementation program for the General Plan.

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

CLIMATE ACTION PLAN:

Relevant Climate Action Plan Issues and Strategies:

- Strategy E-2.2. Property Assessed Clean Energy (PACE) Program

Background

Assembly Bill (AB) 811 was signed into law on July 21, 2008, and AB 474, effective January 1, 2010, amended Chapter 29 of Part 3 of Division 7 of the Streets & Highways Code of the State of California ("Chapter 29") and authorizes a legislative body to designate an area within, which authorized public officials and free and willing property owners may enter into voluntary contractual assessments to finance the installation of distributed generation renewable energy sources, energy efficiency, and/or water conservation improvements that are permanently fixed to real property, as specified.

The HERO Program has been very successful in Western Riverside County, since its launch in late 2011; the Program has approved over \$842 million in applications and has funded over \$206 million in projects. Because of its success, the California HERO Program was developed as a turnkey program to save other California jurisdictions time and resources in developing a standalone program. Jurisdictions only need to adopt the form of resolution accompanying this staff report and approve an amendment to the joint exercise of powers agreement related to the California HERO Program attached to such resolution to begin the process.

Analysis

The California PACE Program is administered by four different private entities: Renewable Funding, Ygrene, Fig Tree Energy Resource Company, and HERO.

The California HERO Program is being offered to allow property owners in participating cities and counties to finance renewable energy, energy water efficiency improvements and electric vehicle charging infrastructure on their property. If a property owner chooses to participate, the improvements to be installed on such owner's property will be financed by the issuance of bonds by a joint power authority, Western Riverside Council of Governments ("WRCOG"), secured by a voluntary contractual assessment levied on such owner's property. Participation in the program is 100% voluntary. Property owners who wish to participate in the program agree to repay the money through the voluntary contractual assessment collected together with their property taxes.

The benefits to the property owner include:

- Eligibility: In today's economic environment, alternatives for property owners to finance renewable energy/energy efficiency/water efficiency improvements or electric vehicle charging infrastructure may not be available. As such, many property owners do not have options available to them to lower their utility bills.
- Savings: Energy prices continue to rise and selecting energy efficient, water efficient and renewable energy models lower utility bills.
- 100% voluntary. Property owners can choose to participate in the program at their discretion.
- Payment obligation stays with the property. Under Chapter 29, a voluntary contractual assessment stays with the property upon transfer of ownership. Even if there were private enterprise alternatives, most private loans are due on sale of the benefited property, which makes it difficult for property owners to match the life of the repayment obligation with the useful life of the financed improvements. Certain mortgage providers will, however, require the assessment be paid off at the time the property is refinanced or sold.
- Prepayment option. The property owner can choose to pay off the assessments at any time, subject to applicable prepayment penalties.
- Customer oriented program. Part of the success of the program is the prompt customer service.

The benefits to the City include:

- An increase in local jobs.
- An increase in housing prices (higher efficient homes are worth more money).
- An increase in sales, payroll and property tax revenue.
- As in conventional assessment financing, the City is not obligated to repay the bonds or to pay the assessments levied on the participating properties.

- All California HERO Program and assessment administration, bond issuance and bond administration functions are handled by California HERO. Little, if any, City staff time is needed to participate in the California HERO Program.
- The City can provide access for its residents to the California HERO Program without the higher staff costs that an independent program established by the City would require.

The proposed resolution enables the California HERO Program to be available to owners of property within our City to finance renewable energy, energy efficiency and water efficiency improvements and electric vehicle charging infrastructure. The resolution approves an Amendment to the WRCOG Joint Powers Agreement to add the City as an Associate Member in order that the California HERO Program may be offered to the owners of property located within the City who wish to participate in the California HERO Program.

Attachments:

- Proposed Resolution
- Exhibit A – Amendment to Joint Powers Agreement
- HERO Eligible Products

ALL PRODUCTS

In addition to the HERO Product Eligibility Specifications listed below, all product specifications and installation quality must meet or exceed applicable local, state, and/or federal permitting, codes, and standards. Project stakeholders are fully and solely responsible for ensuring product compliance with applicable sections of the current California Building Energy Efficiency Standards (Title 24, Part 6, Subchapters 1, 2, 7, 9).

RENEWABLE & ALTERNATIVE ENERGY PRODUCTS

PRODUCT CATEGORY	PRODUCT TYPE	ELIGIBILITY SPECIFICATIONS	MAXIMUM TERM (YEARS)
Solar Photovoltaic	Solar Panel	<ol style="list-style-type: none"> Product must be listed as California Solar Initiative incentive-eligible photovoltaic module in compliance with CA-SB1 guidelines. Installation Contractor must be registered with the California Solar Initiative Program and have the correct CSLB licensure to install solar systems. System must be grid connected unless the property is not currently connected to the grid. Installed per manufacturer specifications. 	20
	Solar Inverter	<ol style="list-style-type: none"> Product must be listed as California Solar Initiative eligible inverter in compliance with CA-SB1 guidelines. Installation contractor must be registered with the California Solar Initiative Program and have the correct CSLB licensure to install solar systems. System must be grid connected unless the property is not currently connected to the grid. Installed per manufacturer specifications. 	20
Solar Thermal	Solar Water Heating	<ol style="list-style-type: none"> System must have the OG-300 System Certification by the Solar Rating and Certification Corporation (SRCC). System Solar Fraction (SF) must be ≥ 0.5. Auxiliary tank must be residential class. Installed per manufacturer specifications. 	15
	Solar Pool Heating	<ol style="list-style-type: none"> Product must have the OG-100 Collector Certification by the Solar Rating and Certification Corporation (SRCC). Installed per manufacturer specs. 	15

PRODUCT CATEGORY	PRODUCT TYPE	ELIGIBILITY SPECIFICATIONS	MAXIMUM TERM (YEARS)
Alternative Energy	Small Wind Turbine	<ol style="list-style-type: none"> Product must be certified by the Small Wind Certification Council as meeting the requirements of the AWEA <i>Small Wind Turbine Performance and Safety Standard</i> (9.1-2009). Product must be grid connected unless the property is not currently connected to the grid. Installed per manufacturer specs. 	20
	Advanced Energy Storage System	<ol style="list-style-type: none"> System must meet the eligibility requirements outlined in the current California Self-Generation Incentive Program (SGIP) Handbook. System must be tied to a program eligible Solar PV system. System must be grid connected unless the property is not currently connected to the grid. Installed per manufacturer specs. 	10
	Electric Vehicle Charging Station	<ol style="list-style-type: none"> Product must certified as meeting the UL Subject 2594 Standard Testing for Charging Stations. Product must be a Level 2 charger with SAE J1772 standard charging plug. Installed per manufacturer specs. 	10
	Stationary Fuel Cell Power System	<ol style="list-style-type: none"> System must be certified as meeting the ANSI/CSA America FC1 standard. Installed per manufacturer specs. Installed in accordance with local code and/or the Standard for the Installation of Stationary Fuel Cell Power Plants, NFPA 853, the National Fuel Gas Code, ANSI Z223.1/NFPA 54, National Electrical Code, NFPA 70, as applicable. 	15

ENERGY EFFICIENCY PRODUCTS

PRODUCT CATEGORY	PRODUCT TYPE	ELIGIBILITY SPECIFICATIONS	MAXIMUM TERM (YEARS)
High-Efficiency Heating, Ventilation, and Air Conditioning (HVAC)	Air-Source Heat Pump	<ol style="list-style-type: none"> Product must be AHRI Certified and AHRI number must be provided. Product must be ENERGY STAR Certified: <ol style="list-style-type: none"> Split: SEER \geq 14.5 and EER \geq 12 and HSPF \geq 8.2. Package: SEER \geq 14 and EER \geq 11 and HSPF \geq 8.0. Must replace an existing product. Installed per manufacturer specs. 	15
	Central Air Conditioner	<ol style="list-style-type: none"> Product must be AHRI Certified and AHRI number must be provided. Product must be ENERGY STAR Certified: <ol style="list-style-type: none"> Split: SEER \geq 14.5 and EER \geq 12. Package: SEER \geq 14 and \geq EER 11. Must replace an existing product. Installed per manufacturer specs. 	15
	Furnace	<ol style="list-style-type: none"> Product must be AHRI Certified and AHRI number must be provided. ENERGY STAR Certified: AFUE \geq 90%. Must replace an existing product. Installed per manufacturer specs. 	20
	Evaporative Cooler	<ol style="list-style-type: none"> Product must be listed in California Energy Commission Appliance Efficiency Database. Must have separate ducting system— independent of the air conditioning and heating duct system. Must be permanently installed through wall or on the roof; window installed product is not eligible. Installed per manufacturer specs. 	10
	Boiler	<ol style="list-style-type: none"> Product must be AHRI Certified and AHRI number must be provided. Product must be ENERGY STAR Certified: AFUE \geq 85%. Must replace an existing product. Installed per manufacturer specs. 	20

PRODUCT CATEGORY	PRODUCT TYPE	ELIGIBILITY SPECIFICATIONS	MAXIMUM TERM (YEARS)
High-Efficiency Heating, Ventilation, and Air Conditioning (HVAC)	Geothermal Heat Pump	<ol style="list-style-type: none"> 1. Product must be ENERGY STAR Certified: <ol style="list-style-type: none"> a. Closed Loop Water-to-Air: ≥ 14.1 EER and ≥ 3.3 COP b. Open Loop Water-to-Air: ≥ 16.2 EER and ≥ 3.6 COP c. Closed Loop Water-to-Water: ≥ 15.1 EER and ≥ 3.0 COP d. Open Loop Water-to-Water: ≥ 19.1 EER and ≥ 3.4 COP e. DGX: ≥ 15.0 EER and ≥ 3.5 COP 2. Product must replace an existing product. 3. Installed per manufacturer specs. 	15
	Hydronic Radiant Heating System	<ol style="list-style-type: none"> 1. System must be powered by a high-efficiency HERO-qualified heating source. 2. Installed per manufacturer specs. 	15
	Mini-Split Air Conditioner	<ol style="list-style-type: none"> 1. Product must be AHRI certified and AHRI number must be provided. 2. Efficiency: ≥ 15 SEER. 3. Product must replace an existing product. 4. Installed per manufacturer specs. 	15
	Mini-Split Heat Pump	<ol style="list-style-type: none"> 1. Product must be AHRI certified and AHRI number must be provided. 2. Efficiency: ≥ 15 SEER and HSPF ≥ 8.2. 3. Product must replace an existing product. 4. Installed per manufacturer specs. 	15
	Biomass/Wood Stove	<ol style="list-style-type: none"> 1. Product must be certified and listed on the EPA Certified Wood Stoves list. 2. Installed per manufacturer specs. 	15
	Duct Replacement	<ol style="list-style-type: none"> 1. Duct system leakage: <ol style="list-style-type: none"> a. Partial Replacement: $\leq 15\%$ total system nominal flow b. Full Replacement: $\leq 6\%$ total system nominal flow 2. Duct Insulation R-Value $\geq R-6$. 3. Installed per Title 24, Part 6. 	20

PRODUCT CATEGORY	PRODUCT TYPE	ELIGIBILITY SPECIFICATIONS	MAXIMUM TERM (YEARS)
High-Efficiency Heating, Ventilation, and Air Conditioning (HVAC)	Heat/Energy Recovery Ventilator	<ol style="list-style-type: none"> Product must be certified by the Home Ventilation Institute (HVI). Installed per manufacturer specs. 	10
	Exhaust Ventilation Fixture	<ol style="list-style-type: none"> Product must be ENERGY STAR Certified. Installed per manufacturer specs. 	10
	Whole House Fan	<ol style="list-style-type: none"> Product must be listed in California Energy Commission Appliance Efficiency Database. Installed per manufacturer specs. 	20
	Attic Ventilation Fixture	<ol style="list-style-type: none"> Product must have thermostat control. Installed per manufacturer specs. 	15
	Ceiling Fan	<ol style="list-style-type: none"> Product must be ENERGY STAR Certified. Installed per manufacturer specs. 	10
Windows, Doors, and Skylights	Window	<ol style="list-style-type: none"> Product must be ENERGY STAR and NFRC Certified: <ol style="list-style-type: none"> U-Factor ≤ 0.32 and SHGC ≤ 0.30. Product must replace existing product. Product NFRC label to be submitted with Completion Certificate. Installed per manufacturer specs. Product must meet Title 24 requirements. 	20
	Door	<ol style="list-style-type: none"> Product must be ENERGY STAR and NFRC Certified: <ol style="list-style-type: none"> Opaque: U-Factor ≤ 0.21 and SHGC = Any $\leq 1/2$-Lite: ≤ 0.27 and SHGC ≤ 0.30 $> 1/2$-Lite: ≤ 0.32 and SHGC ≤ 0.30 Product must replace existing product. Product NFRC label to be submitted with Completion Certificate. Installed per manufacturer specs. 	20
	Skylights and Tubular Daylighting Device	<ol style="list-style-type: none"> Product must be ENERGY STAR and NFRC Certified: U-Factor ≤ 0.55 and SHGC ≤ 0.30 NFRC label for each different product to be submitted with Completion Certificate. Installed per manufacturer specs. 	20
	Applied Window Film	<ol style="list-style-type: none"> Product must be NFRC Certified. NFRC label for each different product to be submitted with Completion Certificate. Installed per manufacturer specs. 	10

PRODUCT CATEGORY	PRODUCT TYPE	ELIGIBILITY SPECIFICATION	MAXIMUM TERM (YEARS)
Windows, Doors, and Skylights	Exterior Window Shading Device	<ol style="list-style-type: none"> 1. Product must be permanently secured to the exterior of the property with attachments or fasteners that are not intended for removal. 2. Each device must be installed to provide shading to at least one window or door. 3. Product must be one of the following styles: <ol style="list-style-type: none"> a. Fixed Awning b. Operable Awning c. Louvered Shutter d. Roll-down Shutter e. Roll-down Solar Screen 4. Product is only eligible to be installed on properties located within California Building Climate Zones 2, and 6-16. 5. Exterior structural elements including, but not limited to sunroom enclosures, exterior decks, balconies, roof overhangs, trellises, pergolas, arbors, and/or carports are <u>NOT</u> eligible. 6. Interior window shading products including, but not limited to, blinds, shutters, shades, or curtains are <u>NOT</u> eligible. 7. Product is <u>NOT</u> eligible to be installed on properties located with CA Building Climate Zones 1, and 3-5. 8. Installed per manufacturer specs. 	10
Building Envelope	Cool Wall Coating	<ol style="list-style-type: none"> 1. Product must be included on HERO Cool Wall Eligible Product List. 2. Product must have solar reflectance ≥ 0.5 as tested by recognized third-party laboratory to ASTM C1549-09 standard. 3. Product is <u>only</u> eligible to be installed on properties located within CA Building Climate Zones 4-10 and 12-15. 4. Installed per manufacturer specs. 	20
	Cool Roof - Prescriptive	<ol style="list-style-type: none"> 1. Product must be ENERGY STAR Qualified: <ol style="list-style-type: none"> a. Low-Slope Roofs: ≥ 0.5 Aged (3 yrs.) Solar Reflectance b. Steep-Slope Roof: ≥ 0.15 Aged Solar Reflectance 2. Product must meet Title 24, Part 6. 3. Installed per manufacturer specs. 	20

PRODUCT CATEGORY	PRODUCT TYPE	ELIGIBILITY SPECIFICATIONS	MAXIMUM TERM (YEARS)
Building Envelope	Cool Roof - Performance	<ol style="list-style-type: none"> If ENERGY STAR Qualified roofing product is not specified, one of the following cool roof performance measures must also be implemented: <ol style="list-style-type: none"> Install ≥ 1" Air-space between the top of the roof deck to the bottom of the roofing product. Insulate attic floor to R-value ≥ 38. Seal & Insulate attic HVAC duct work to R-8 and $\leq 6\%$ leakage. Install an eligible radiant barrier. Insulate roof deck to R-value ≥ 4. Provide 1 ft² free ventilation area per 150 ft² of attic floor area ($\geq 30\%$ high and $\geq 30\%$ low). Install roof construction with thermal mass over a membrane with a weight of at least 25 lb/ft². Project must comply with CA Title 24 Part 6. Project stakeholder is fully and solely responsible to meet any such additional requirements. 	20
	Attic Insulation	<ol style="list-style-type: none"> R-value ≥ 38. Installed per CEC QII Standards. 	20
	Wall Insulation	<ol style="list-style-type: none"> R-value ≥ 13 to full framing cavity depth or equivalent assembly U-factor ≤ 0.1. Installed per CEC QII Standards. 	20
	Under-Floor Insulation	<ol style="list-style-type: none"> R-value ≥ 19 to full joist depth. Installed per CEC QII Standards. 	20
	Radiant Barrier	<ol style="list-style-type: none"> Emissivity ≤ 0.1 Reflectivity ≥ 0.9. Installed per manufacturer specs. 	20
	Air Sealing	<ol style="list-style-type: none"> Performed to BPI, ENERGY STAR, and ASHRAE 62.2 guidelines. 	10
High-Efficiency Water Heating	Gas Storage Water Heater	<ol style="list-style-type: none"> Product must be ENERGY STAR Certified EF ≥ 0.67 Installed per manufacturer specs. 	10
	Electric Heat Pump Storage Water Heater	<ol style="list-style-type: none"> Product must be ENERGY STAR Certified EF ≥ 2.0 Installed per manufacturer specs. 	10
	Gas Tankless Water Heater	<ol style="list-style-type: none"> Product must be ENERGY STAR Certified EF ≥ 0.82 Installed per manufacturer specs. 	10

PRODUCT CATEGORY	PRODUCT TYPE	ELIGIBILITY SPECIFICATIONS	MAXIMUM TERM (YEARS)
High-Efficiency Pool Equipment	Pool Pump & Motor	<ol style="list-style-type: none"> Product must be ENERGY STAR Certified: <ol style="list-style-type: none"> Single Speed Pump: EF \geq 3.8 for single speed Multi/Variable Speed/Flow: EF \geq 3.8 for most efficient speed. Product must replace existing product. Installed per manufacturer specs. 	10
	Electric Heat Pump Pool Heater	<ol style="list-style-type: none"> Product must be listed in California Energy Commission Appliance Efficiency Database. COP \geq 4.5. Installed per manufacturer specs. 	10
	Gas Pool Heater	<ol style="list-style-type: none"> Product must be listed in California Energy Commission Appliance Efficiency Database. Thermal Efficiency \geq 83%. Installed per manufacturer specs. 	10
High-Efficiency Lighting	Indoor Lighting Fixture	<ol style="list-style-type: none"> Product must be ENERGY STAR Certified and meet Title 24, Part 6 requirements. Product must be permanently installed. Installed per manufacturer specs. 	20
	Outdoor Lighting Fixture	<ol style="list-style-type: none"> Product must be ENERGY STAR Certified and meet Title 24, Part 6 requirements. Product must be permanently installed. Installed per manufacturer specs. 	20
	Lighting Control	<ol style="list-style-type: none"> Product must be listed in the California Energy Commission Appliance Efficiency Database. Eligible control types include: <ol style="list-style-type: none"> Automatic Time-Switch Daylight/Photo- Sensor Dimmer Occupant/Motion/Vacancy Sensor Install per manufacturer specs. 	20

WATER EFFICIENCY PRODUCTS

PRODUCT CATEGORY	PRODUCT TYPE	ELIGIBILITY SPECIFICATIONS	MAXIMUM TERM (YEARS)
Indoor Water Efficiency	High-Efficiency Toilet Fixture	<ol style="list-style-type: none"> Product must be listed in the CEC Appliance Efficiency Database. Toilet <u>and</u> urinals fixtures are eligible. Flow rate \leq 1.28 GPF. Installed per manufacturer specs. 	20
	High-Efficiency Faucet Fitting	<ol style="list-style-type: none"> Product must be listed in the CEC Appliance Efficiency Database. Flow rate \leq 1.5 GPM. Must be permanently installed. Installed per manufacturer specs. 	15
	High-Efficiency Showerhead	<ol style="list-style-type: none"> Product must be listed in the CEC Appliance Efficiency Database. Flow \leq 2.0 GPM. Installed per manufacturer specs. 	15
	Hot Water Delivery System	<ol style="list-style-type: none"> System meets the definition of one of the following water delivery options: <ol style="list-style-type: none"> Dedicated Recirculation Line Whole House Manifold System Demand-initiated Recirculating System Core Plumbing System Installed per manufacturer specs. 	15
Outdoor Water Efficiency	High-Efficiency Sprinkler Nozzle	<ol style="list-style-type: none"> Product must be on SoCal Water Smart Qualified Sprinkler Nozzle product list. Installed per manufacturer specs. 	10
	Weather-Based Irrigation Controller	<ol style="list-style-type: none"> Product must be WaterSense Qualified. Installed per manufacturer specs. 	10
	Drip Irrigation	<ol style="list-style-type: none"> Product installed be installed in turf, garden, planter, or flower bed area. Installed per manufacturer specs. 	10
	Rainwater Catchment System	<ol style="list-style-type: none"> Sized to hold \geq 50 gallons at one time. Must be permanently installed. Installed per manufacturer specs. 	20
	Gray Water System	<ol style="list-style-type: none"> System must meet California Plumbing Code, Chapter 16A. Product must comply with local code and permitting requirements. Eligible system types include: <ol style="list-style-type: none"> Single-Fixture Multi-Fixture Simple (\leq 250 GPD) Multi-Fixture Complex ($>$ 250 GPD) Installed per manufacturer specs. 	20



PRODUCT CATEGORY	PRODUCT TYPE	ELIGIBILITY SPECIFICATIONS	MAXIMUM TERM (YEARS)
Outdoor Water Efficiency	Artificial Turf	<ol style="list-style-type: none">1. Product must be water and air permeable.2. Product must be non-toxic and lead free.3. Product must be recyclable.4. Product installation must carry \geq 10 year warranty.5. Installed per manufacturer specs.6. Product infill material must be one of the following:<ol style="list-style-type: none">a. Acrylic Covered Sandb. Crumb Rubberc. Zeolite	10

RESOLUTION NO. 14-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA
CONSENTING TO INCLUSION OF PROPERTIES WITHIN THE CITY'S
JURISDICTION IN THE CALIFORNIA HERO PROGRAM TO FINANCE
DISTRIBUTED GENERATION RENEWABLE ENERGY SOURCES, ENERGY
AND WATER EFFICIENCY IMPROVEMENTS AND ELECTRIC VEHICLE
CHARGING INFRASTRUCTURE AND APPROVING THE AMENDMENT TO A
CERTAIN JOINT POWERS AGREEMENT RELATED THERETO**

WHEREAS, the Western Riverside Council of Governments ("Authority") is a joint exercise of powers authority established pursuant to Chapter 5 of Division 7, Title 1 of the Government Code of the State of California (Section 6500 and following) (the "Act") and the Joint Power Agreement entered into on April 1, 1991, as amended from time to time (the "Authority JPA"); and

WHEREAS, Authority intends to establish the California HERO Program to provide for the financing of renewable energy distributed generation sources, energy and water efficiency improvements and electric vehicle charging infrastructure (the "Improvements") pursuant to Chapter 29 of the Improvement Bond Act of 1911, being Division 7 of the California Streets and Highways Code ("Chapter 29") within counties and cities throughout the State of California that elect to participate in such program; and

WHEREAS, City of Benicia (the "City") is committed to development of renewable energy sources and energy efficiency improvements, reduction of greenhouse gases, protection of our environment, and reversal of climate change; and

WHEREAS, in Chapter 29, the Legislature has authorized cities and counties to assist property owners in financing the cost of installing Improvements through a voluntary contractual assessment program; and

WHEREAS, installation of such Improvements by property owners within the jurisdictional boundaries of the counties and cities that are participating in the California HERO Program would promote the purposes cited above; and

WHEREAS, the City wishes to provide innovative solutions to its property owners to achieve energy and water efficiency and independence, and in doing so cooperate with Authority in order to efficiently and economically assist property owners the City in financing such Improvements; and

WHEREAS, Authority has authority to establish the California HERO Program, which will be such a voluntary contractual assessment program, as permitted by the Act, the Authority JPA, originally made and entered into April 1, 1991, as amended to date, and the Amendment to Joint Powers Agreement Adding the City of Benicia as an Associate Member of the Western Riverside

Council of Governments to Permit the Provision of Property Assessed Clean Energy (PACE) Program Services within the City (the "JPA Amendment"), by and between Authority and the City, a copy of which is attached as Exhibit "A" hereto, to assist property owners within the incorporated area of the City in financing the cost of installing Improvements; and

WHEREAS, the City will not be responsible for the conduct of any assessment proceedings; the levy and collection of assessments or any required remedial action in the case of delinquencies in the payment of any assessments or the issuance, sale or administration of any bonds issued in connection with the California HERO Program.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. This City Council finds and declares that properties in the City's incorporated area will be benefited by the availability of the California HERO Program to finance the installation of Improvements.

2. This City Council consents to inclusion in the California HERO Program of all of the properties in the incorporated area within the City and to the Improvements, upon the request by and voluntary agreement of owners of such properties, in compliance with the laws, rules and regulations applicable to such program and to the assumption of jurisdiction by Authority for the purposes thereof.

3. The consent of this City Council constitutes assent to the assumption of jurisdiction by Authority for all purposes of the California HERO Program and authorizes Authority, upon satisfaction of the conditions imposed in this resolution, to take each and every step required for or suitable for financing the Improvements, including the levying, collecting and enforcement of the contractual assessments to finance the Improvements and the issuance and enforcement of bonds to represent and be secured by such contractual assessments.

4. This City Council hereby approves the JPA Amendment and authorizes the execution thereof by appropriate City officials.

5. City staff is authorized and directed to coordinate with Authority staff to facilitate operation of the California HERO Program within the City, and report back periodically to this City Council on the success of such program.

6. This Resolution shall take effect immediately upon its adoption. The City Clerk is directed to send a certified copy of this resolution to the Secretary of the Authority Executive Committee.

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 20th day of May, 2014, and adopted by the following vote.

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk

Date

AMENDMENT TO THE JOINT POWERS AGREEMENT
ADDING CITY OF BENICIA AS
AN ASSOCIATE MEMBER OF THE
WESTERN RIVERSIDE COUNCIL OF GOVERNMENTS
TO PERMIT THE PROVISION OF PROPERTY ASSESSED
CLEAN ENERGY (PACE) PROGRAM SERVICES WITH SUCH
CITY

This Amendment to the Joint Powers Agreement ("JPA Amendment") is made and entered into on the 20th day of May, 2014, by City of Benicia ("City") and the Western Riverside Council of Governments ("Authority") (collectively the "Parties").

RECITALS

WHEREAS, Authority is a joint exercise of powers authority established pursuant to Chapter 5 of Division 7, Title 1 of the Government Code of the State of California (Section 6500 and following) (the "Joint Exercise of Powers Act") and the Joint Power Agreement entered into on April 1, 1991, as amended from time to time (the "Authority JPA"); and

WHEREAS, as of October 1, 2012, Authority had 18 member entities (the "Regular Members"); and

WHEREAS, Chapter 29 of the Improvement Act of 1911, being Division 7 of the California Streets and Highways Code ("Chapter 29") authorizes cities, counties, and cities and counties to establish voluntary contractual assessment programs, commonly referred to as a Property Assessed Clean Energy ("PACE") program, to fund certain renewable energy sources, energy and water efficiency improvements, and electric vehicle charging infrastructure (the "Improvements") that are permanently fixed to residential, commercial, industrial, agricultural or other real property; and

WHEREAS, Authority intends to establish a PACE program to be known as the "California HERO Program" pursuant to Chapter 29 as now enacted or as such legislation may be amended hereafter, which will authorize the implementation of a PACE financing program for cities and county throughout the state; and

WHEREAS, City desires to allow owners of property within its jurisdiction to participate in the California HERO Program and to allow Authority to conduct proceedings under Chapter 29 to finance Improvements to be installed on such properties; and

WHEREAS, this JPA Amendment will permit City to become an Associate Member of Authority and to participate in California HERO Program for the

purpose of facilitating the implementation of such program within the jurisdiction of City; and

WHEREAS, pursuant to the Joint Exercise of Powers Act, the Parties are approving this JPA Agreement to allow for the provision of PACE services, including the operation of a PACE financing program, within the incorporated territory of City; and

WHEREAS, the JPA Amendment sets forth the rights, obligations and duties of City and Authority with respect to the implementation of the California HERO Program within the incorporated territory of City.

MUTUAL UNDERSTANDINGS

NOW, THEREFORE, for and in consideration of the mutual covenants and conditions hereinafter stated, the Parties hereto agree as follows:

A. JPA Amendment.

1. The Authority JPA. City agrees to the terms and conditions of the Authority JPA, attached.

2. Associate Membership. By adoption of this JPA Amendment, City shall become an Associate Member of Authority on the terms and conditions set forth herein and the Authority JPA and consistent with the requirements of the Joint Exercise of Powers Act. The rights and obligations of City as an Associate Member are limited solely to those terms and conditions expressly set forth in this JPA Amendment for the purposes of implementing the California HERO Program within the incorporated territory of City. Except as expressly provided for by the this JPA Amendment, City shall not have any rights otherwise granted to Authority's Regular Members by the Authority JPA, including but not limited to the right to vote on matters before the Executive Committee or the General Assembly, the right to amend or vote on amendments to the Authority JPA, and the right to sit on committees or boards established under the Authority JPA or by action of the Executive Committee or the General Assembly, including, without limitation, the General Assembly and the Executive Committee. City shall not be considered a member for purposes of Section 9.1 of the Authority JPA.

3. Rights of Authority. This JPA Amendment shall not be interpreted as limiting or restricting the rights of Authority under the Authority JPA. Nothing in this JPA Amendment is intended to alter or modify Authority Transportation Uniform Mitigation Fee (TUMF) Program, the PACE Program administered by Authority within the jurisdictions of its Regular Members, or any other programs administered now or in the future by Authority, all as currently structured or subsequently amended.

B. Implementation of California HERO Program within City Jurisdiction.

1. Boundaries of the California HERO Program within City Jurisdiction. City shall determine and notify Authority of the boundaries of the incorporated territory within City's jurisdiction within which contractual assessments may be entered into under the California HERO Program (the "Program Boundaries"), which boundaries may include the entire incorporated territory of City or a lesser portion thereof.

2. Determination of Eligible Improvements. Authority shall determine the types of distributed generation renewable energy sources, energy efficiency or water conservation improvements, electric vehicle charging infrastructure or such other improvements as may be authorized pursuant to Chapter 29 (the "Eligible Improvements") that will be eligible to be financed under the California HERO Program.

3. Establishment of California HERO Program. Authority will undertake such proceedings pursuant to Chapter 29 as shall be legally necessary to enable Authority to make contractual financing of Eligible Improvements available to eligible property owners within the Program Boundaries.

4. Financing the Installation of Eligible Improvements. Authority shall develop and implement a plan for the financing of the purchase and installation of the Eligible Improvements under the California HERO Program.

5. Ongoing Administration. Authority shall be responsible for the ongoing administration of the California HERO Program, including but not limited to producing education plans to raise public awareness of the California HERO Program, soliciting, reviewing and approving applications from residential and commercial property owners participating in the California HERO Program, establishing contracts for residential, commercial and other property owners participating in such program, establishing and collecting assessments due under the California HERO Program, adopting and implementing any rules or regulations for the California HERO Program, and providing reports as required by Chapter 29.

City will not be responsible for the conduct of any proceedings required to be taken under Chapter 29; the levy or collection of assessments or any required remedial action in the case of delinquencies in such assessment payments; or the issuance, sale or administration of any bonds issued in connection with the California HERO Program.

6. Phased Implementation. The Parties recognize and agree that implementation of the California HERO Program as a whole can and may be phased as additional other cities and counties execute similar agreements. City

entering into this JPA Amendment will obtain the benefits of and incur the obligations imposed by this JPA Amendment in its jurisdictional area, irrespective of whether cities or counties enter into similar agreements.

C. Miscellaneous Provisions.

1. Withdrawal. City or Authority may withdraw from this JPA Amendment upon six (6) months written notice to the other party; provided, however, there is no outstanding indebtedness of Authority within City. The provisions of Section 6.2 of the Authority JPA shall not apply to City under this JPA Amendment. City may withdraw approval for conduct of the HERO Program within the jurisdictional limits of City upon thirty (30) written notice to WRCOG without liability to the Authority or any affiliated entity. City withdrawal shall not affect the validity of any voluntary assessment contracts (a) entered prior to the date of such withdrawal or (b) entered into after the date of such withdrawal so long as the applications for such voluntary assessment contracts were submitted to and approved by WRCOG prior to the date of City's notice of withdrawal.

2. Mutual Indemnification and Liability. Authority and City shall mutually defend, indemnify and hold the other party and its directors, officials, officers, employees and agents free and harmless from any and all claims, demands, causes of action, costs, expenses, liabilities, losses, damages or injuries of any kind, in law or equity, to property or persons, including wrongful death, to the extent arising out of the willful misconduct or negligent acts, errors or omissions of the indemnifying party or its directors, officials, officers, employees and agents in connection with the California HERO Program administered under this JPA Amendment, including without limitation the payment of expert witness fees and attorney's fees and other related costs and expenses, but excluding payment of consequential damages. Without limiting the foregoing, Section 5.2 of the Authority JPA shall not apply to this JPA Amendment. In no event shall any of Authority's Regular Members or their officials, officers or employees be held directly liable for any damages or liability resulting out of this JPA Amendment.

3. Environmental Review. Authority shall be the lead agency under the California Environmental Quality Act for any environmental review that may be required in implementing or administering the California HERO Program under this JPA Amendment.

4. Cooperative Effort. City shall cooperate with Authority by providing information and other assistance in order for Authority to meet its obligations hereunder. City recognizes that one of its responsibilities related to the

California HERO Program will include any permitting or inspection requirements as established by City.

5. Notice. Any and all communications and/or notices in connection with this JPA Amendment shall be either hand-delivered or sent by United States first class mail, postage prepaid, and addressed as follows:

Authority:

Western Riverside Council of Governments
4080 Lemon Street, 3rd Floor. MS1032
Riverside, CA 92501-3609
Att: Executive Director

City:

City of Benicia
250 E. "L" Street
Benicia, CA 94510
Attn: City Manager

6. Entire Agreement. This JPA Amendment, together with the Authority JPA, constitutes the entire agreement among the Parties pertaining to the subject matter hereof. This JPA Amendment supersedes any and all other agreements, either oral or in writing, among the Parties with respect to the subject matter hereof and contains all of the covenants and agreements among them with respect to said matters, and each Party acknowledges that no representation, inducement, promise of agreement, oral or otherwise, has been made by the other Party or anyone acting on behalf of the other Party that is not embodied herein.

7. Successors and Assigns. This JPA Amendment and each of its covenants and conditions shall be binding on and shall inure to the benefit of the Parties and their respective successors and assigns. A Party may only assign or transfer its rights and obligations under this JPA Amendment with prior written approval of the other Party, which approval shall not be unreasonably withheld.

8. Attorney's Fees. If any action at law or equity, including any action for declaratory relief is brought to enforce or interpret the provisions of this Agreement, each Party to the litigation shall bear its own attorney's fees and costs.

9. Governing Law. This JPA Amendment shall be governed by and construed in accordance with the laws of the State of California, as applicable.

10. No Third Party Beneficiaries. This JPA Amendment shall not create any right or interest in the public, or any member thereof, as a third party beneficiary hereof, nor shall it authorize anyone not a Party to this JPA Amendment to maintain a suit for personal injuries or property damages under the provisions of this JPA Amendment. The duties, obligations, and responsibilities of the Parties to this JPA Amendment with respect to third party beneficiaries shall remain as imposed under existing state and federal law.

11. Severability. In the event one or more of the provisions contained in this JPA Amendment is held invalid, illegal or unenforceable by any court of competent jurisdiction, such portion shall be deemed severed from this JPA Amendment and the remaining parts of this JPA Amendment shall remain in full force and effect as though such invalid, illegal, or unenforceable portion had never been a part of this JPA Amendment.

12. Headings. The paragraph headings used in this JPA Amendment are for the convenience of the Parties and are not intended to be used as an aid to interpretation.

13. Amendment. This JPA Amendment may be modified or amended by the Parties at any time. Such modifications or amendments must be mutually agreed upon and executed in writing by both Parties. Verbal modifications or amendments to this JPA Amendment shall be of no effect.

14. Effective Date. This JPA Amendment shall become effective upon the execution thereof by the Parties hereto.

IN WITNESS WHEREOF, the Parties hereto have caused this JPA Amendment to be executed and attested by their officers thereunto duly authorized as of the date first above written.

[SIGNATURES ON FOLLOWING PAGES]

Exhibit A

WESTERN RIVERSIDE COUNCIL OF GOVERNMENTS

By: _____
Executive Committee Chair
Western Riverside Council of Governments

Date: _____

CITY OF BENICIA

By: _____
City Manager

Date: _____

**AGENDA ITEM
CITY COUNCIL MEETING DATE - MAY 20, 2014
BUSINESS ITEMS**

DATE : May 13, 2014
TO : City Manager
FROM : Assistant City Manager
SUBJECT : **UPDATE TO SUMMARY OF BOARD & COMMISSION
APPOINTMENT PROCESS**

RECOMMENDATION:

Receive a brief presentation recommending modifications to the administrative procedures of the board and commission appointment process. Provide direction, as needed. If the changes are acceptable, a resolution to modify the Rules of Procedure will be brought back for Council adoption.

EXECUTIVE SUMMARY:

The Council revised the board and commission appointment process last October. In an effort to clarify the process and respond to questions that have been raised since the new procedures were adopted, the following update of the procedures is being provided to the Council.

BUDGET INFORMATION:

N/A

STRATEGIC PLAN:

N/A

BACKGROUND:

In October, 2013, the Council revised the board and commission appointment process. In an effort to ensure the new process was being clearly communicated, staff provided a summary of the appointment process, along with the agendaized December 17, 2014 appointments. Since then, staff has received some comments that the process is still somewhat confusing to applicants, particularly the step where recommendations provided by the subcommittee are listed on an agenda prior to the meeting when the actual appointments occur. Additionally, staff has received some suggestions for clarification of the process from the Mayor.

Below please find the step-by-step outline of the appointment process that was provided last December, which has been modified to provide additional

information and/or clarification. (Additional or modified steps that are being recommended in order to further clarify the process are noted in strike-through format below.)

Summary of Board & Commission Appointment Process

The application form will be updated to include a brief summary of the process, so applicants will know what to expect.

After a sufficient number of applications are received for any openings and/or by the posted due date for applications, the City Manager's Office (CMO) sets up interviews between the applicants and the Council Subcommittee. After meeting with the Subcommittee, applicants meet with the Mayor (usually on the same evening, if possible).

After interviews, the Subcommittee selects their "Top Ranking" applicant and submits the name they are recommending for each board or commission opening to the City Attorney or Assistant City Manager.

~~The recommended~~ All applicant names are then agendaized for the next Council meeting under "Appointments Announcements" with a notation on the agenda that these noting which names are the Council Subcommittee recommendations to the Mayor. All applications received are included with that agenda packet, and all personal contact information included on the applications is redacted and, along with the redacted applications of the recommended applicants.

Notification by CMO is given to all applicants at this point, so they are clear on the process and don't get confused that their application is being approved by virtue of being included in the packet.

Appointments from the Mayor are then agendaized at a future Council meeting, typically the next meeting, and the Mayor either selects the Subcommittee recommendations or makes her own recommendation. Again, all applications are included in the packet.

Those applicants agendaized to be appointed are notified by the CMO, following distribution of the agenda, but prior to the Council meeting, so they are aware ~~and~~ in case they wish to attend the meeting.

After appointment by the Mayor, letters are mailed to each applicant either congratulating them on their appointment or letting them know they were not chosen, but we will keep their application on file for one year.

Finally, as part of the updated Rules of Procedure that will be coming to Council, the procedures will also be clarified to note that the Mayor has the power of appointment subject to Council approval unless otherwise noted.

Attachments:

- Clean copy of Summary of Board & Commission Appointment Process
- October 15, 2013 Rules of Procedure staff report
- December 2013 staff report – Summary of Appointment Process

Summary of Board & Commission Appointment Process

The application form will be updated to include a brief summary of the process, so applicants will know what to expect.

After a sufficient number of applications are received for any openings and/or by the posted due date for applications, the City Manager's Office (CMO) sets up interviews between the applicants and the Council Subcommittee. After meeting with the Subcommittee, applicants meet with the Mayor (usually on the same evening, if possible).

After interviews, the Subcommittee selects their "Top Ranking" applicant and submits the name they are recommending for each board or commission opening to the City Attorney or Assistant City Manager.

All applicant names are then agendized for the next Council meeting under "Announcements" with a notation on the agenda noting which names are the Council Subcommittee recommendations to the Mayor. All applications received are included with that agenda packet, and all personal contact information included on the applications is redacted.

Notification by CMO is given to all applicants at this point, so they are clear on the process and don't get confused that their application is being approved by virtue of being included in the packet.

Appointments from the Mayor are then agendized at a future Council meeting, typically the next meeting, and the Mayor either selects the Subcommittee recommendations or makes her own recommendation. Again, all applications are included in the packet.

Those applicants agendized to be appointed are notified by the CMO, following distribution of the agenda, but prior to the Council meeting, so they are aware in case they wish to attend the meeting.

After appointment by the Mayor, letters are mailed to each applicant either congratulating them on their appointment or letting them know they were not chosen, but we will keep their application on file for one year.

**AGENDA ITEM
CITY COUNCIL MEETING DATE - OCTOBER 15, 2013
BUSINESS ITEM**

DATE : October 2, 2013

TO : City Council

FROM : City Attorney

SUBJECT : **AMENDMENT OF THE COUNCIL'S RULES OF PROCEDURE
REGARDING THE APPOINTMENT PROCESS AND
RECONSIDERATION OF THE DIRECTION REGARDING
CONTACTING THE ATTORNEY GENERAL**

RECOMMENDATION:

Adopt the resolution amending the Rules of Procedure and decide whether to reconsider the direction about the Attorney General.

EXECUTIVE SUMMARY:

At the October 1, 2013 meeting, the City Council agreed to amend the rules of procedure to change the subcommittee process for making recommendations to Mayor on appointments. This item sets forth the changes. The Council also directed staff to seek an Attorney General opinion on whether the proposed process for the subcommittee recommendations regarding candidates for appointments usurps the Mayor's power of appointment. Council Member Schwartzman has requested reconsideration of this action.

BUDGET INFORMATION:

N/A

GENERAL PLAN:

N/A

STRATEGIC PLAN:

N/A

BACKGROUND:

After discussing possible revisions to the City Council's procedures for interviewing applicants for boards and commissions, the City Council agreed at the last Council meeting to amend the procedures to have a two part process.

Under this process, the subcommittee's recommendation on the preferred applicant will be agendaized for a City Council meeting and made available to

the Mayor, the rest of the Council, and the public at the same time. At that City Council meeting, the recommended applicant could be discussed by the entire Council. At a later City Council meeting, the Mayor would make her appointment. The appointment could be the recommended subcommittee applicant or another applicant. There is no time frame on when the Mayor would make the appointment.

See page 13 especially of the redline Rules of Procedure for more detail on the process.

RECONSIDERATION:

Related to the action to amend the Rules of Procedure, the Council gave direction to seek an opinion of the State Attorney General to consider whether the proposed process with the subcommittee recommending an applicant at one meeting and the Mayor appointing whoever she chooses at a subsequent meeting usurps the Mayor's appointment power.

The Wednesday after the October 1st Council meeting, my staff made calls to our local representatives to see if they would be willing to ask the state Attorney General for an opinion on whether our revised process complies with the Brown Act and does not usurp the Mayor's appointment power. Later, Council Member Schwartzman informed me that he wanted the direction to seek an opinion reconsidered.

The Council's Rules of Procedure provide the following regarding reconsideration:

"7. RECONSIDERATION.

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

The Council Member's request was made in a timely fashion so the Council should decide whether to reconsider the decision.

Attachments:

- Resolution
- Redlined Rules of Procedure

RESOLUTION NO. 13-

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

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

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

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

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

WHEREAS, the appointment process has been incorporated into the Rules of Procedure.

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

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

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

On motion of Council Member _____, seconded by Council Member _____, the above resolution was introduced and passed by the City Council of the City of Benicia at a regular meeting of said Council held on the _____ day of October, 2013, and adopted by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

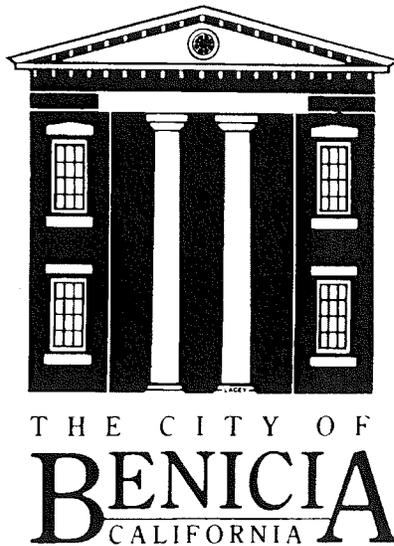
Attest:

Lisa Wolfe, City Clerk

Date

City Council

Rules of Procedure



Created July 17, 2012
Amended October XX, 2013

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INTRODUCTION.

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

I. MEETINGS.

A. REGULAR MEETINGS.

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

B. SPECIAL MEETINGS.

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

C. STUDY SESSIONS.

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

D. CONDUCT AT MEETINGS.

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

E. ADJOURNMENT.

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

II. AGENDAS.

A. PREPARATION.

The Mayor and the City Manager shall prepare an agenda for each meeting of the Council. Items to be included on the agenda must be submitted to the City Manager in writing by noon on the 7th working day preceding the regular meeting and on the 5th working day preceding a special meeting.

B. TWO-STEP PROCESS.

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

C. LEGISLATIVE SUPPORT OR OPPOSITION.

The City Manager, or City Attorney in the case of legal issues, is authorized to provide support or opposition on legislative matters provided that the support or opposition is

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

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

D. REVIEW OF POLICY ITEM CONSIDERED IN PREVIOUS YEAR.

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

E. POLICY CALENDAR PROCESS.

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

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

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

F. PLACEMENT OF AGENDA ITEMS.

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

G. AGENDA PACKETS.

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

H. REGULAR AGENDA.

The first and third Tuesday regular meeting agenda shall consist of the following sections in order. The fourth Tuesday regular meeting agenda may omit items 2, 4, and 7 if not needed and item 8 may be changed to Workshop.

1. CALL TO ORDER.
2. CLOSED SESSION.
3. CONVENE OPEN SESSION.
 - Roll Call
 - Pledge of Allegiance
 - Reference to the Fundamental Rights of the Public

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

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

6. OPPORTUNITY FOR PUBLIC COMMENT.

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

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

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

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

9. ADJOURNMENT.

I. SPECIAL MEETING AGENDA.

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

1. CALL TO ORDER.
2. CONVENE OPEN SESSION.
 - Roll Call
 - Pledge of Allegiance

- Reference to the Fundamental Rights of the Public

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

4. OPPORTUNITY FOR PUBLIC COMMENT.

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

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

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

6. CLOSED SESSION.

7. ADJOURNMENT.

III. PUBLIC PARTICIPATION.

A. FUNDAMENTAL RIGHT.

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

B. RECOGNITION.

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

C. ADDRESSING THE COUNCIL.

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

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

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

D. ACTION ON NON-AGENDIZED ITEMS.

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

E. TIME LIMITS FOR PUBLIC COMMENT.

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

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

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

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

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

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

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

F. QUESTIONS.

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

G. PRESENTATIONS SUBMITTED IN WRITING.

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

H. POWER POINT PRESENTATIONS.

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

IV. BUSINESS ITEM PROCEDURES.

A. ONE HOUR FOR HEARINGS.

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

B. PUBLIC HEARING AND APPEALS PROCEDURES.

The procedures for Public Hearings and appeals are as follows:

1. Presentation by Staff.
2. Presentation by Proponent or Appellant.
3. Presentation by Opponent.
4. Comments from the Public.
5. Rebuttal by the Proponent or Appellant.

6. The Presiding Officer shall recognize supplemental speakers as required by law or deemed appropriate to gather information relevant to the matter before the City Council. Supplemental speakers shall limit their remarks to presenting new information not already covered by other speakers, and must limit their presentation to five (5) minutes or the time established for speakers in accordance with Section III.E, if less.

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

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

V. CREATION OF COMMITTEES, BOARDS AND COMMISSIONS.

A. CITIZEN COMMITTEES, BOARDS AND COMMISSIONS.

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

B. MEMBERSHIP SELECTION.

Unless otherwise specified by state law or the City Code, appointments shall be made by the following procedure:

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

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

3. The subcommittee shall interview the applicants using standardized questions for all applicants, particularized questions for the particular board or

commission, and any other appropriate questions. To avoid a Brown Act issue, the recommendations of the subcommittee shall be provided to staff for placement on an upcoming agenda. The Mayor will receive the recommendations of the subcommittee at the same time as the rest of the Council and public. At the meeting where the subcommittee's recommendations are noted, the council and public may comment on the recommendations.

4. At a future meeting, the Mayor may make the appointment from the subcommittee recommended applicant or from any of the applicants. The Mayor's selection shall be placed on an agenda.

5. The Mayor makes appointments subject to final approval by the Council. The City Clerk shall call for the vote in the following order: subcommittee members, remaining council members, and the mayor.

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

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

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

9. If desired by the member, members of the Council who are not on the subcommittee may interview any or all of the applicants. These members shall use care not to violate the Brown Act by disclosing the information they learn from the interviews prior to the meeting where the subcommittee's recommendations are announced or where appointments are scheduled to be made.

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

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

VI. RULES OF ORDER.

A. QUORUM.

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

B. RIGHT TO THE FLOOR.

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

C. ORDINANCES, RESOLUTIONS AND MOTIONS – PRECEDENTS.

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

1. MOTION TO ADJOURN.

A motion to adjourn terminates the meeting.

2. MOTION TO TABLE.

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

3. MOTION TO CLOSE DEBATE.

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

4. MOTION TO REFER.

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

5. MOTION TO AMEND.

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

6. DIVISION OF THE QUESTION.

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

7. RECONSIDERATION.

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

D. VOTING.

Unless otherwise required by applicable law, three affirmative votes are required to enact an ordinance, to adopt a resolution, or to adopt a motion granting a franchise or authorizing the payment or expenditure of money or incurring of a debt. The majority of a quorum is required to adopt other motions, unless otherwise required by applicable law. A "majority" refers to a majority of the quorum present. All matters shall be adopted by a roll call vote.

VII. STAFF SUPPORT.

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

VIII. FAILURE TO OBSERVE RULES OR PROCEDURES.

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

IX. REVIEW OF THE RULES OF PROCEDURE.

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

APPENDIX A: COUNCIL MEMBER REQUESTED AGENDA ITEM

Requested by: _____

Desired Initial Council Meeting Date: _____

Desired Date for Second Step or Policy Calendar Review: _____

Deadline for Action, if any: _____

Problem/Issue/Idea Name: _____

Description of Problem/Issue/Idea: _____

COUNCIL DIRECTION

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

Date Due: _____

AGENDA ITEM
CITY COUNCIL MEETING DATE - DECEMBER 17, 2013
APPOINTMENTS

DATE : December 9, 2013
TO : Mayor & City Council
FROM : City Attorney
SUBJECT : **SUMMARY OF APPOINTMENT PROCESS**

In October, 2013, the Council revised the board and commission appointment process. Summarized below is a step-by-step overview of how this process will be implemented by staff:

After a sufficient number of applications are received for any openings, the City Manager's Office (CMO) sets up interviews between the applicants and the Council Subcommittee. After meeting with the Subcommittee, applicants meet with the Mayor (usually on the same evening, if possible).

After interviews, the Subcommittee selects their "Top Ranking" applicant and submits the name they are recommending for each board or commission opening to the City Attorney or Assistant City Manager.

The recommended names are then agendaized for the next Council meeting under "Appointments" with a notation on the agenda that these are the Council Subcommittee recommendations to the Mayor. All personal contact information included on applications is redacted and included with that agenda packet, along with the redacted applications of the recommended applicants.

Notification by CMO, is given to all applicants at this point, so they are clear on the process and don't get confused that their application is being approved by virtue of being included in the packet.

Appointments from the Mayor are then agendaized at a future Council meeting, typically the next meeting, and the Mayor either appoints the Subcommittee recommendations or makes her own recommendation.

Those applicants agendaized to be appointed are notified by the CMO, following distribution of the agenda, but prior to the Council meeting, so they are aware and in case they wish to attend the meeting.

After appointment by the Mayor, letters are mailed to each applicant either congratulating them on their appointment or letting them know they were not chosen, but we will keep their application on file for one year.

For the December 17th packet, following this memo you will find resolutions for each of the applicants that the Mayor is proposing to appoint, along with their respective applications. These applicants are the same that the Council Subcommittee recommended, per the listing provided on the December 3rd agenda. Following the resolutions/applications for the recommended applicants are copies of all applications received for these board and commission openings.

**AGENDA ITEM
CITY COUNCIL MEETING: MAY 20, 2014
COUNCIL MEMBER COMMITTEE REPORTS**

DATE : May 5, 2014
TO : Mayor Patterson
FROM : City Manager
SUBJECT : **MAYORS' COMMITTEE MEETING**

The following information is provided for your committee report at the May 20, 2014 City Council meeting.

The Mayors' Committee meetings are held quarterly at 6:00 pm in Benicia. The next meeting will be held on June 18, 2014 and the location is TBD. The agenda for this meeting is not yet available.

AGENDA ITEM
CITY COUNCIL MEETING: MAY 20, 2014
COUNCIL MEMBER COMMITTEE REPORTS

DATE : April 30, 2014

TO : Mayor Patterson
Council Member Strawbridge

FROM : City Attorney

SUBJECT : **ABAG COMMITTEE MEETING**

The following information is provided for your committee report at the May 20, 2014 Council Meeting.

- The Spring General Assembly was held on April 17, 2014 at the Oakland Marriot City Center in Oakland, CA.
- The agenda for this meeting was attached previously and may be accessed at this link under 4/17/2014: Agenda:
 - <http://www.abag.ca.gov/cgi-bin/agendas.pl?group=g>
- The minutes for this meeting are not yet available, but may be accessed at the above link as well when posted.

The date for the next Spring Assembly has not been announced yet.

AGENDA ITEM
CITY COUNCIL MEETING: MAY 20, 2014
COUNCIL MEMBER COMMITTEE REPORTS

DATE : May 8, 2014

TO : Council Member Campbell
Council Member Strawbridge

FROM : Assistant City Manager

SUBJECT : **FINANCE COMMITTEE REPORT**

The following information is provided for your committee report at the May 20, 2014 Council meeting.

The last Finance Committee meeting was held on April 25, 2014; draft minutes for the meeting are attached for your review. The next regular meeting will be held on Friday, May 23, 2014 at 8:00 a.m.

Attachment:

- April 25, 2014 Finance Committee Draft Minutes

FINANCE COMMITTEE
****DRAFT** REGULAR MEETING MINUTES**
APRIL 25, 2014 – 8:00 AM

1. Call to Order at 8:02 AM

2. Roll Call

Attended by Chairperson Michael Clarke, Co-Chairperson Lee Wines, Committee Members: Chris Carvalho, Kathy Griffin; Council Members Tom Campbell, Christina Strawbridge; City Treasurer H.R. Autz. Staff present: Interim Finance Director Brenda Olwin, Assistant City Manager Anne Cardwell, Assistant Finance Director Abigail Urrutia

3. Pledge of Allegiance

4. Notice to 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).

5. Action Items

A. Approval of Agenda

The committee approved the agenda of April 25, 2014.

Ayes: Carvalho, Clarke, Griffin, Wines

Noes: (None)

Abstain: (None)

B. Approval of Minutes from the meeting held on March 28, 2014

The Committee approved the minutes of the March 28, 2014 meeting.

Ayes: Carvalho, Clarke, Griffin, Wines

Noes: (None)

Abstain: (None)

C. Presentation and Approval of March 31, 2014 Investment Report

Carlos Oblites of PFM Asset Management LLC reported on the March 31, 2014 quarterly investment portfolio for assets under PFM management.

Interest rates on Treasuries with maturities of two years and over rose after the FOMC met in March. This led to rising bond yields. In light of rising rates, PFM kept the portfolio's duration shorter than the benchmark to mitigate the market value decline of the portfolio. PFM sold some Treasuries at a gain and purchased at shorter maturity. Despite maintaining a shorter duration to protect against increases in interest rates, the third quarter portfolio outperformed the portfolio benchmark.

The Committee approved the March 31, 2014 Investment Report and will be forwarded to the City Council.

6. Discussion Items

A. Review Warrant Register for Month of March 2014

Questions were received prior to the meeting and responses were provided before today's meeting. There were no additional questions on the warrant register for March 2014.

B. Review All-Funds Summary report for the Month of March 2014

Interim Finance Director Olwin presented the All-Funds Summary report and stated that this quarter's revenues and expenditures are tracking fairly well, but still monitoring the Residential Lighting and Landscape District. Internal Service funds are being closely monitored as well.

The Water and Wastewater Funds are on-track and Interim Finance Director Olwin mentioned the adjusted budget includes the \$900,000 authorization to purchase water. The Committee questioned how the City was addressing the drought, and staff answered that on a financial basis, City is considering a drought surcharge. Assistant City Manager Cardwell and Councilmember Strawbridge both reminded the Committee that the City's strategy for addressing the drought costs have not been determined. A staff report will be presented to the Council the second meeting in May 2014 which will be provided to the Committee.

C. Review Quarterly (Q3) Reports for General Fund, Wastewater and Water Funds

Interim Finance Director Olwin presented the third quarter reports. On the General Fund, franchise fees have seen an increase this year, while sales tax continues to see negativity. Finance is continuing to utilize vacant positions to fund any budget increases, and is anticipating a balanced General Fund budget.

Wastewater is tracking fairly well, but starting to see revenue decrease due to lower water consumption. Charges for wastewater for commercial/industrial accounts are based on water consumption. Interim Finance Director Olwin further discussed a possible bond refunding if the bond savings indicated a material economic gain. She further discussed that staff discovered the City's internal debt ratio calculation has not properly included State Revolving Funds (SRF) debt service for the past decade; however, the likelihood of Standard & Poor's (S&P) downgrading the City's rating is unlikely as the rating analysts had included the SRF in their own calculations.

As mentioned, an additional \$900,000 was added to the Water budget which will be discussed in a Council report in May 2014. Operationally, the Water funds are tracking well and water consumption is being monitored very carefully. The Committee questioned the low level of expenditures compared to budget, and Interim Finance Director Olwin explained that it was due to planned, but unspent, capital projects. She further cautioned that any unspent capital funds are anticipated to be carried forward to the next year. For the fourth quarter, the percentage of reserves will be presented in the reports.

D. Enterprise Resource Planning (ERP) Finance Implementation

Interim Finance Director Olwin presented the schedule and informed the committee that some dates have been moved back. She informed the committee that the Request for Quotes (RFQ) have been sent out and three responses had been received. By next week, the RFQs will be reviewed and a vendor will be chosen to do the needs assessment. It is anticipated that in June 2014, an assessment recommendation will be presented to the City Council.

E. General Plan 10-Year Forecast

A joint Finance Committee and Council meeting is tentatively scheduled for May 27, 2014 at 6:00 p.m. to discuss the 10-year forecast. Committee members will be notified if there is any change in meeting time.

7. Public Comment

City Treasurer H.R. Autz asked for clarification on Treasurer's role and responsibility related to Finance Committee actions; and further requested consideration that the Treasurer position be given voting rights on the Committee. Assistant City Manager Cardwell will research and follow-up.

8. Committee Member Comment

Vice Chairperson Wines questioned the energy debt the City has. It was explained that this was the 2011 Certificates of Participation that was issued in the amount of \$13 million in April 2011 to pay for the energy/solar projects. The debt was issued through a Public Financing Authority which did not require taxpayers vote and was approved by Council.

Committee member Carvalho questioned the difference in the total investment amount from the PFM investment report against the City prepared report. A request to show the beginning balance plus the activity of the quarter with the ending balance at the end of the quarter was made. Staff will follow-up with both comments.

Chairperson Clarke requested 2 more CAFR sessions be scheduled with the Interim Finance Director, with members notifying staff of topics they want to discuss. Possible study session dates were discussed and it was agreed that one session will be presented before year end and the other session will be after year-end. Chairperson Clarke also informed the committee that the Mayor had again requested him to make more frequent presentations to the Council. It was decided, with consensus from members that a semi-annual presentation to Council will do.

Interim Finance Director Olwin informed the committee that on the next regular meeting in May a representative from Bickmore Risk Services will make a presentation on the Workers Comp study that was recently done. Assumptions and reserves will be presented to the committee.

9. Adjournment

The meeting was adjourned at 9:57 a.m.

**AGENDA ITEM
CITY COUNCIL MEETING: MAY 20, 2014
COUNCIL MEMBER COMMITTEE REPORTS**

DATE : May 5, 2014

TO : Mayor Patterson
Vice Mayor Campbell

FROM : City Manager

SUBJECT : **LEAGUE OF CALIFORNIA CITIES**

The following information is provided for your committee report at the May 20, 2014 City Council meeting.

The next North Bay Division General Membership Meeting is scheduled for July 24, 2014 in Benicia. The agenda for that meeting is not yet available.

**AGENDA ITEM
CITY COUNCIL MEETING: MAY 20, 2014
COUNCIL MEMBER COMMITTEE REPORTS**

DATE : May 5, 2014

TO : Council Member Hughes
Council Member Strawbridge

FROM : City Manager

SUBJECT : **CITY COUNCIL/SCHOOL BOARD LIAISON COMMITTEE**

The following information is provided for your committee report at the May 20, 2014 City Council meeting.

This committee meets quarterly at the Benicia Community Center located at 370 East L Street. The next meeting will be Thursday, June 12, 2014 at 8:30 a.m. at the Community Center, and the agenda for that meeting is not yet available.

**AGENDA ITEM
CITY COUNCIL MEETING: MAY 20, 2014
COUNCIL MEMBER COMMITTEE REPORTS**

DATE : May 5, 2014

TO : Vice Mayor Campbell
Council Member Schwartzman

FROM : City Manager

SUBJECT : **SKY VALLEY OPEN SPACE COMMITTEE**

The following information is provided for your committee report at the May 20, 2014 Council meeting.

The meetings of the Committee are now scheduled on an as-needed basis. At this time, the next meeting date is unknown.

**AGENDA ITEM
CITY COUNCIL MEETING: MAY 20, 2014
COUNCIL MEMBER COMMITTEE REPORTS**

DATE : April 30, 2014

TO : Mayor Patterson
Council Member Strawbridge

FROM : City Manager

SUBJECT : **SOLANO EDC BOARD OF DIRECTORS**

The following information is provided for your committee report at the May 20, 2014 Council meeting.

The March Board of Directors meeting was on March 13, 2014. The agenda was previously issues. The minutes are attached.

The last Board of Directors meeting was on Thursday, May 8, 2014 at 9:00 a.m. at Jelly Belly Candy Company. The agenda for that meeting is attached.

The next Board of Directors meeting is scheduled for June 12, 2014.

Attachment:

- March 13, 2014 minutes
- May 8, 2014 agenda



SOLANO EDC BOARD OF DIRECTORS MEETING

March 13, 2014, 9:00 AM

CALL TO ORDER

Chairman Van Ouwerkerk called the meeting to order at 9:00 am at the Jelly Belly Candy Company.

Attending were:

Greg Armstrong	Jack Batchelor	Robert Bloom	Beverly Byl
Elaine Crombie	Pippin Dew-Costa	Jim Dunbar	Ed Farewell
Daryl Halls	J. Paul Harrington	Dilenna Harris	Steve Huddleston
Curtis Hunt	Bridgit Koller	Laura Kuhn	Dawn LaBar
Albert Lavezzo	Sandy Person	Dale Pfeiffer	Steve Pierce
Harry Price	Jon Quick	Sean Quinn	Tom Recknagel
Scott Reynolds	Bob Simpson	Talyon Sortor	Jay Speck
Scott Thomas	Patsy Van Ouwerkerk	Louise Walker	

Absent were:

Dr. Ramona Bishop	Rebecca Brandt	Bill Brown	Tim Chapa
Tony Cincotta	Dan Keen	Brad Kilger	Tim Kubli
Dr. Jowel Laguerre	Jim Lindley	Elizabeth Patterson	Jim Sotiros
Skip Thomson			

APPROVAL OF MINUTES

Chairman Van Ouwerkerk called for approval of minutes of the January meeting. Upon motion duly made (Halls) and seconded (Quinn) it was RESOLVED, that the minutes of the January 16, 2014 meeting of the Solano EDC Board of Directors be accepted as submitted.

TREASURERS REPORT

Treasurer Quinn presented the financial report for the month of February 2014. Upon motion duly made (Reynolds) and seconded (Lavezzo) it was RESOLVED, that the Treasurer's Report be accepted.

CHAIRMAN'S REMARKS

Chairman Van Ouwerkerk commented on appointing a successor when Treasurer Quinn resigns and a future discussion on a re-branding campaign for the EDC.

PG&E ENERGY WATCH UPDATE

President Person reminded directors that EDC was approached by PG&E to promote and market the small business component for Solano Energy Watch (SEW). Team members implementing SEW include consultant and program manager Dale Pfeiffer and EDC employee and project manager J. Paul Harrington. Sandy anticipates EDC receiving 20% overhead from the \$125,000 contract.

Upon motion duly made (Quinn) and seconded (Harris) it was RESOLVED, that Sandy be given authority to sign the Solano Energy Watch contract.

Sandy Person
President
sandy@solanoedc.org

Patricia Uhrich
Office Manager
pat@solanoedc.org

J. Paul Harrington
Project Manager
Solano Energy Watch
jpaul@solanoedc.org

Address:
360 Campus Lane, Suite 102
Fairfield, CA 94534

Phone:
707.864.1855

Fax:
707.864.6621

Toll Free:
888.864.1855

Website:
www.solanoedc.org

ADVOCACY COMMITTEE UPDATE

Committee Chair Huddleston commented at the last meeting the group discussed cap-and-trade. Director Halls wants the revenue generated to go to local regions. President Person wants more private sector feedback. The burden on business is still unknown. The group is scheduled to meet monthly on the third Tuesday.

TRAVIS COMMUNITY CONSORTIUM (TCC) UPDATE

Director Quinn provided information on: pros and cons if C-5's are converted to backup inventory; TCC trip to Washington DC; General Silva promotion; P4 partnership and membership drive.

PRESIDENT'S REPORT

President Person asked for continued support for EDC to be a partner in the East Bay Broadband Consortium. Upon motion duly made (Reynolds) and seconded (Batchelor) it was RESOLVED, that Sandy be given authority to sign the EBBC "Let's Get Fast" Business Pledge.

Other updates included: prospect report, California Competes workshop and EDC March 28 breakfast. The meeting adjourned 10:00 am.

Solano EDC
Board of Directors Meeting
Thursday, May 08, 2014
Jelly Belly Candy Company (Corporate Offices)

AGENDA

9:00 am	1.	Call to Order	Laura Kuhn, Acting Chair
Action Item	2.	Approval of 03/13/14 Meeting Minutes	
	3.	Chairperson's Remarks	
Action Item	4.	Treasurer's Report – April 2014	Sean Quinn
	5.	Economic Development Task Force Update	Mario Giuliani
	6.	President's Report	Sandy Person
	7.	Items from Directors	
10:00 am	8.	Adjourn Meeting	

Calendar of Events

- ◆ 2014 Board Meetings: 9:00 am, 2nd Thursday (odd months), Jelly Belly Candy Company
July 10, September 11, November 13

- ◆ May 29, 2014 Solano EDC Breakfast – Learning for Earning,
Today's Early Learners = Tomorrow's Quality Workforce
Keynote: Susan True, Director of Education Strategy and Ventures
Kenneth Rainin Foundation/Bay Area Council

**AGENDA ITEM
CITY COUNCIL MEETING: MAY 20, 2014
COUNCIL MEMBER COMMITTEE REPORTS**

DATE : May 5, 2014

TO : Mayor Patterson
Council Member Schwartzman

FROM : Director of Public Works

SUBJECT : **SOLANO TRANSPORTATION AUTHORITY**

The following information is provided for your committee report at the May 20, 2014 City Council meeting.

The Agenda from the May 14, 2014 meeting is attached. The next regular meeting is scheduled for June 11, 2014 at Suisun City Hall and the agenda for that meeting is unavailable.

Attachments:

- May 14, 2014 Regular Board Meeting Agenda



Solano Transportation Authority

MEETING AGENDA

6:00 p.m., Regular Meeting
Wednesday, May 14, 2014
Suisun City Hall Council Chambers
701 Civic Center Drive
Suisun City, CA 94585

Mission Statement: To improve the quality of life in Solano County by delivering transportation system projects to ensure mobility, travel safety, and economic vitality.

Public Comment: Pursuant to the Brown Act, the public has an opportunity to speak on any matter on the agenda or, for matters not on the agenda, issues within the subject matter jurisdiction of the agency. Comments are limited to no more than 3 minutes per speaker unless modified by the Board Chair, Gov't Code § 54954.3(a). By law, no action may be taken on any item raised during the public comment period (Agenda Item IV) although informational answers to questions may be given and matters may be referred to staff for placement on a future agenda of the agency. **Speaker cards are required in order to provide public comment. Speaker cards are on the table at the entry in the meeting room and should be handed to the STA Clerk of the Board. Public comments are limited to 3 minutes or less.**

Americans with Disabilities Act (ADA): This agenda is available upon request in alternative formats to persons with a disability, as required by the ADA of 1990 (42 U.S.C. §12132) and the Ralph M. Brown Act (Cal. Govt. Code §54954.2). Persons requesting a disability related modification or accommodation should contact Johanna Masielat, Clerk of the Board, at (707) 424-6008 during regular business hours at least 24 hours prior to the time of the meeting.

Staff Reports: Staff reports are available for inspection at the STA Offices, One Harbor Center, Suite 130, Suisun City during regular business hours, 8:00 a.m. to 5:00 p.m., Monday-Friday. You may also contact the Clerk of the Board via email at jmasielat@sta-snci.com. **Supplemental Reports:** Any reports or other materials that are issued after the agenda has been distributed may be reviewed by contacting the STA Clerk of the Board and copies of any such supplemental materials will be available on the table at the entry to the meeting room.

Agenda Times: Times set forth on the agenda are estimates. Items may be heard before or after the times shown.

ITEM

BOARD/STAFF PERSON

- 1. CALL TO ORDER/PLEDGE OF ALLEGIANCE**
(6:00 – 6:05 p.m.)

Chair Davis

- 2. CONFIRM QUORUM/ STATEMENT OF CONFLICT**

Chair Davis

An official who has a conflict must, prior to consideration of the decision; (1) publicly identify in detail the financial interest that causes the conflict; (2) recuse himself/herself from discussing and voting on the matter; (3) leave the room until after the decision has been made. Cal. Gov't Code § 87200.

- 3. APPROVAL OF AGENDA**

- 4. OPPORTUNITY FOR PUBLIC COMMENT**

(6:10 – 6:15 p.m.)

STA BOARD MEMBERS

Osby Davis (Chair)	Elizabeth Patterson (Vice Chair)	Jack Batchelor, Jr.	Harry Price	Norman Richardson	Pete Sanchez	Steve Hardy	Jim Spering
City of Vallejo	City of Benicia	City of Dixon	City of Fairfield	City of Rio Vista	City of Suisun City	City of Vacaville	County of Solano

STA BOARD ALTERNATES

Jesus Malgapo	Alan Schwartzman	Dane Besneatte	Rick Vaccaro	Constance Boulware	Mike Hudson	Dilenna Harris	Erin Hannigan
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5. **EXECUTIVE DIRECTOR’S REPORT – Pg. 1** (6:15 – 6:20 p.m.) Daryl K. Halls
6. **REPORT FROM THE METROPOLITAN TRANSPORTATION COMMISSION (MTC)** (6:20 – 6:25 p.m.) MTC Commissioner Jim Spering
- **MTC’s Presentation on Consolidated Transportation Services Agency (CTSA) Designation** Jennifer Yeaman, MTC
7. **REPORT FROM STA/PRESENTATIONS** (6:25 – 6:30 p.m.)
- A. **Directors Reports**
 - 1. **Planning** Robert Macaulay
 - 2. **Projects** Janet Adams
 - 3. **Transit/Rideshare** Judy Leaks/ Liz Niedziela
8. **CONSENT CALENDAR**
- Recommendation:
Approve the following consent items in one motion.
(Note: Items under consent calendar may be removed for separate discussion.)
(6:30 - 6:35 p.m.)
- A. **Minutes of the STA Board Meeting of April 9, 2014** Johanna Masielat
Recommendation:
Approve STA Board Meeting Minutes of April 9, 2014.
Pg. 13
 - B. **Minutes of the TAC Meeting of April 30, 2014** Johanna Masielat
Recommendation:
Approve TAC Meeting Minutes of April 30, 2014.
Pg. 21
 - C. **City of Fairfield’s SolanoExpress Schedules Funding Request** Liz Niedziela
Recommendation:
Approve the following:
 1. \$5,661 of State Transit Assistance Funds to the City of Fairfield to reimburse cost for revising FAST Solano Express schedules; and
 2. Authorize the Executive Director to enter into a funding agreement with the City of Fairfield to cover the cost up to \$5,661 for the FAST Solano Express schedules.**Pg. 27**
 - D. **Fiscal Year (FY) 2013-14 Transportation Development Act (TDA) Matrix - May 2014** Liz Niedziela
Recommendation:
Approve the following the FY 2013-14 Solano TDA Matrix – May 2014 for County of Solano as shown in Attachment B.
Pg. 31

- E. Transportation Development Act (TDA) Article 3 – Dixon West B Street Undercrossing Project** Sofia Recalde
Recommendation:
 Approve FY 2013-14 TDA Article 3 STA Resolution No. 2014-04 as specified in Attachment A.
Pg. 37
- F. Jepson Parkway Concept Plan** Robert Guerrero
Recommendation:
 Approve the updated Jepson Parkway Concept Plan.
Pg. 43
- G. Jepson Parkway Project Update and Funding Agreement Approval** Janet Adams
Recommendation:
 Authorize the Executive Director to execute the Restated Jepson Parkway Funding Agreement between the STA and the City Vacaville as shown in Attachment A.
Pg. 45
- H. Resolution Authorizing the Executive Director to Assign or Convey Easements to Other Parties** Janet Adams
Recommendation:
 Approve STA Resolution No. 2014-16 authorizing the Executive Director to transfer, assign or convey easements to other parties on behalf of the Solano Transportation Authority.
Pg. 63
- I. Solano County Priority Development Area Investment and Growth Strategy - 1 Year Update** Robert Macaulay
Recommendation:
 Approve the STA PDA Investment and Growth Strategy – 1 Year Update memo as shown in Attachment A.
Pg. 67
- J. Transit Project Management Contract Amendments - Rio Vista Delta Breeze** Liz Niedziela
Recommendation:
 Authorize the Executive Director to execute contract amendments for Transit Project Management Services with the following:
1. The City of Rio Vista for an amount not-to-exceed \$22,190 to provide transit and operation services for the City of Rio Vista;
 2. John Harris Consulting for an amount not-to-exceed \$14,000 to provide transit and operation services for the City of Rio Vista; and
 3. Authorize the STA to provide up to \$12,000 in STAF funds to match Rio Vista’s proposed funding of \$11,000 for the continuation of this contract.
- Pg. 75**

- K. Priority Conservation Area (PCA) Stakeholder Committee Change** Andrew Hart
Recommendation:
Approve the following:
1. Deletion of the San Francisco Bay Trail representative, per their request, to the PCA Stakeholder Committee; and
 2. Addition of a Bicycle Advisory Committee (BAC) representative and an additional Agricultural Product Grower representative to the PCA Stakeholder Committee.
- Pg. 83**

- L. Solano Bicycle Advisory Committee (BAC) Member Appointment** Andrew Hart
Recommendation:
Appoint Derek Nelson representing City of Rio Vista to the BAC for a three-year term.
Pg. 85

- M. Rio Vista State Transit Assistance Funds (STAF) Project Reallocation** Liz Niedziela
Recommendation:
Approve the following:
1. Reallocate \$17,000 of STAF funds to the City of Rio Vista for transit capital projects included in Attachments A and B; and
 2. Authorize the Executive Director to enter into an agreement with The City of Rio Vista in the amount not-to-exceed \$17,000.
- Pg. 89**

9. ACTION FINANCIAL ITEMS

- A. Fairfield/Vacaville Intermodal Station Project – Funding Agreement** Janet Adams
Recommendation: George Hicks,
City of Fairfield
- Approve the following:
1. Fairfield/Vacaville Intermodal Station Project funding plan as shown in Attachment B;
 2. Approve dedicating \$1.26 million in Proposition 1B Transit Capital funds be loaned from SolanoExpress Bus Replacement to fund the Fairfield/Vacaville Train Station project; and
 3. Authorize the Executive Director to execute a Funding Agreement with the cities of Fairfield and Vacaville for the Fairfield/Vacaville Train Station project.
- (6:45 – 6:55 p.m.)
Pg. 93

10. ACTION NON FINANCIAL ITEMS

- A. Conduct Public Hearings and Adopt Resolutions of Necessity to Acquire Property by Eminent Domain, if necessary, for the Jepson Parkway Project** Janet Adams
- Recommendation:
Conduct a separate public hearing and adopt a separate Resolution of Necessity to acquire by eminent domain, if necessary, each of the following properties needed for Phases 1 and 2 of the Jepson Parkway Project as specified in Attachment A1.
(6:55 – 7:05 p.m.)
Pg. 103
- B. Legislative Update** Jayne Bauer
- Recommendation:
Support the following:
1. Senate Bill (SB) 1151 (Canella) - Increasing safety for school students;
 2. Assembly Bill (AB) 2728 (Perea) - Prohibiting the transfer of weight fee revenues from the State Highway Account to the Transportation Debt Service Fund;
 3. Senate Bill (SB) 1418 (DeSaulnier) - Prohibiting the transfer of weight fee revenues from the State Highway Account to the Transportation Debt Service Fund;
 4. Senate Bill (SB) 1077 (DeSaulnier) - To develop a pilot program implementing a Mileage-Based Fee (MBF) in California to replace the state's existing fuel excise tax.
- (7:05 – 7:10 p.m.)
Pg. 195
- C. Approval of Public Private Partnership (P3) Feasibility Study of Solano County Transit Centers** Robert Guerrero
- Recommendation:
Approve the STA Public Private Partnership (P3) Feasibility Report of Solano County Transit Centers.
(7:10 – 7:15 p.m.)
Pg. 219
- D. Active Transportation Program (ATP) Priority Projects – Support by STA** Sofia Recalde
- Recommendation:
Authorize the Executive Director to sign letters of support for Active Transportation Program grant funding for the following projects:
1. Solano County Suisun Valley Farm to Market
 2. Solano County Vacaville-Dixon Bike Route
 3. STA Safe Routes to School
 4. Suisun City Driftwood Drive
 5. Vallejo Downtown Pedestrian Enhancements
- (7:15 – 7:20 p.m.)
Pg. 221

11. INFORMATIONAL ITEMS – DISCUSSION

- A. **Mobility Management: Consolidated Transportation Services Agency (CTSA) Designation and Summary of Comments from SolanoExpress Intercity Transit Consortium Members** (7:20 – 7:30 p.m.)
Pg. 223 Richard Weiner,
Nelson-Nygaard
and
Elizabeth Richards
- B. **Discussion of Solano County Request for STA to Manage Intercity Paratransit Services** (7:30 – 7:40 p.m.)
Pg. 245 Daryl Halls
Nancy Whelan,
Nancy Whelan
Consulting
- NO DISCUSSION**
- C. **Regional Transportation Impact Fee (RTIF) Update**
Pg. 287 Robert Guerrero
- D. **Bike to Work Day- Bike Commuter of the Year for Solano County**
Pg. 291 Paulette Cooper
- E. **Mobility Management Program - In-Person ADA Eligibility Update**
Pg. 293 Tiffany Gephart
- F. **Mobility Management Call Center Update**
Pg. 301 Debbie McQuilkin
- G. **Local Transportation Development Act (TDA) and Members Contributions for Fiscal Year (FY) 2014-15**
Pg. 303 Susan Furtado
- H. **Fiscal Year (FY) 2013-14 Abandoned Vehicle Abatement (AVA) Program Second Quarter Report**
Pg. 309 Judy Kowalsky
- I. **STA Board and Advisory Committee Meeting Schedule for Calendar Year 2014**
Pg. 311 Johanna Masiclat

12. BOARD MEMBERS COMMENTS

13. ADJOURNMENT

The next regularly scheduled meeting of the STA Board is at **6:00 p.m., Wednesday, June 11, 2014**, Suisun Council Chambers.

**AGENDA ITEM
CITY COUNCIL MEETING: MAY 20, 2014
COUNCIL MEMBER COMMITTEE REPORTS**

DATE : May 5, 2014

TO : Mayor Patterson
Council Member Hughes

FROM : Director of Public Works

SUBJECT : **SOLANO COUNTY WATER AGENCY**

The following information is provided for your committee report at the May 20, 2014 City Council meeting.

The draft minutes of the April 10, 2014 meeting are attached along with the agenda for the May 8, 2014 meeting. The next regular meeting is scheduled for June 12, 2014.

Attachments:

- SCWA Draft Minutes for April 10, 2014
- SCWA Meeting Agenda for May 8, 2014

**SOLANO COUNTY WATER AGENCY
BOARD OF DIRECTORS MEETING MINUTES**

MEETING DATE: April 10, 2014

The Solano County Water Agency Board of Directors met this evening at the Solano County Water Agency. Present were:

Mayor Jack Batchelor, City of Dixon
Mayor Harry Price, City of Fairfield
Mayor Steve Hardy, City of Vacaville
Mayor Osby Davis, City of Vallejo
Mayor Pete Sanchez, City of Suisun City
Mayor Norm Richardson, City of Rio Vista
Mayor Elizabeth Patterson, City of Benicia
Supervisor Erin Hannigan, Solano County District 1
Supervisor Linda Seifert, Solano County District 2
Supervisor James Spering, Solano County District 3
Supervisor John Vasquez, Solano County District 4
Supervisor Skip Thomson, Solano County District 5
Director J. D. Kluge, Solano Irrigation District
Manager Don Holdener, Maine Prairie Water District
Director Dale Crossley, Reclamation District 2068

CALL TO ORDER

The meeting was called to order at 6:30 P.M. by Chairman Price.

APPROVAL OF AGENDA

On a motion by Mayor Bachelor and a second by Director Crossley the Board unanimously approved the agenda.

PUBLIC COMMENT

There were no public comments.

CONSENT ITEMS

On a motion by Mayor Sanchez and a second by Mayor Hardy the Board unanimously approved the following Consent Items.

- (A) Minutes
- (B) Expenditure Approvals
- (C) Safe Harbor Agreement for the Restoration and Management of Valley Elderberry Longhorn Beetle Habitat
- (D) San Francisco Bay Area Integrated Regional Water Management Plan

BOARD MEMBER REPORTS

There were no board member reports.

GENERAL MANAGER'S REPORT

There were no additions to the written report.

DROUGHT MEASURES

Manager Okita reported that the recent rainfall has been helpful to somewhat ease the drought crisis. He described various options to provide Solano Project water to Napa County to address the State Water Project supply shortages. On a motion by Supervisor

Spering and a second by Mayor Patterson the Board unanimously approved the following:

A. Adopt Resolution 2014-2: Resolution Regarding Water Supplies for Napa County Flood Control & Water Conservation District and Solano Cities.

B. Approve Contract Principles for agreement with Napa County Flood Control and Water Conservation District and authorize General Manager to negotiate and execute the agreement based on the Principles.

C. Authorize General Manager to execute all documents necessary to implement project including with the State Water Resources Control Board, United States Bureau of Reclamation, California Department of Water Resources and contractors.

D. Authorize General Manager to execute agreements with Solano Project participating Agencies to provide water supply for the project and possible use of the project.

E. Authorize General Manager to execute an agreement with the City of Benicia for purchase of Solano Project Water Supply.

DELTA ISSUES

Supervisor Seifert reported that the Delta Coordination Working Group met on Monday April 8, 2014. The Group expects to have completed a list of key issues for the Bay Delta Conservation Plan comments by the next meeting. The Group plans to develop a list of principles for water bond legislation. Supervisor Thomson reported that the Delta County Coalition is meeting on April 18th. Manager Okita reported on discussions with the Delta Counties on Senator Wolk's water bond legislation, SB 848.

APPOINTMENT OF A BOARD COMMITTEE TO MEET WITH NAPA COUNTY

Chairman Price recommended the Mayors of Vacaville, Fairfield, Benicia, and Vallejo and Supervisor Spering be appointed to a committee to meet with Napa County. On a motion by Chairman Price and a second by Supervisor Thomson the Board unanimously approved the recommended appointment.

WATER AGENCY STAFFING

On a motion from Mayor Patterson and a second from Mayor Hardy the Board unanimously approved a new Assistant Water Resources Engineer position.

TIME AND PLACE OF NEXT MEETING

The next regularly scheduled meeting will be Thursday, April 10, 2014 at 6:00 P.M. at the Solano County Water Agency offices.

ADJOURNMENT

This meeting of the Solano County Water Agency Board of Directors was adjourned at 7.10 P.M.

David B. Okita, General Manager
and Secretary to the Board of Directors of the
Solano County Water Agency

SOLANO COUNTY WATER AGENCY



BOARD OF DIRECTORS:

Chair:

Mayor Harry Price
City of Fairfield

Vice Chair:

Director Dale Crossley
Reclamation District No. 2068

Mayor Jack Batchelor
City of Dixon

Mayor Osby Davis
City of Vallejo

Supervisor Erin Hannigan
Solano County District 1

Mayor Steve Hardy
City of Vacaville

Director John D. Kluge
Solano Irrigation District

Mayor Elizabeth Patterson
City of Benicia

Mayor Norm Richardson
City of Rio Vista

Director Gene Robben
Maine Prairie Water District

Mayor Pete Sanchez
City of Suisun City

Supervisor Linda Seifert
Solano County District 2

Supervisor Jim Spering
Solano County District 3

Supervisor Skip Thomson
Solano County District 5

Supervisor John Vasquez
Solano County District 4

GENERAL MANAGER:

David Okita, PE
Solano County Water Agency

BOARD OF DIRECTORS MEETING

DATE: Thursday, May 8, 2014

TIME: 6:00 – 7:00 p.m. (Note: City County
Coordinating Council is meeting at 7:00)

Note: early
start time.

PLACE: Berryessa Room
Solano County Water Agency Office
810 Vaca Valley Parkway, Suite 203
Vacaville

1. **CALL TO ORDER**

2. **PLEDGE OF ALLEGIANCE**

3. **APPROVAL OF AGENDA**

4. **PUBLIC COMMENT**

Limited to 5 minutes for any one item not scheduled on the Agenda.

5. **CONSENT ITEMS**

(A) Minutes: Approval of the Minutes of the Board of Directors meeting of April 10, 2014 is recommended.

(B) Expenditure Approvals: Approval of the April checking account register is recommended.

(C) Agreement with Southwest Environmental Incorporated: Authorize General Manager to Execute Agreement with Southwest Environmental Incorporated for the installation of High-Efficiency Toilets at Commercial, Industrial and Institutional locations in Solano County for the 2014-2015 year, contract limit of \$250,000.

6. **BOARD MEMBER REPORTS**

RECOMMENDATION: For information only.

810 Vaca Valley Parkway, Suite 203
Vacaville, California 95688
Phone (707) 451-6090 • FAX (707) 451-6099
www.scwa2.com



VIII.C.9.5

7. **GENERAL MANAGER’S REPORT**

RECOMMENDATION: For information only.

8. **BUDGET REVIEW COMMITTEE**

RECOMMENDATION: Chairman to appoint a committee to review draft SCWA FY 2014-2015 budget to make a recommendation to the Board.

9. **DROUGHT UPDATE**

RECOMMENDATION: Hear report from staff in improved State Water Project supplies and cooperation with Napa County cities for a supplemental water supply.

10. **DELTA ISSUES**

RECOMMENDATIONS:

1. Hear Status Report from the Delta Water Coordination Working Group.
2. Hear report from Supervisor Thomson on activities of the Delta Counties Coalition and Delta Protection Commission.
3. Hear report on legislative Water Bond activity and provide direction as necessary

11. **BDCP COMMENTS**

RECOMMENDATION: Review proposed comments on the Draft Bay Delta Conservation Plan and Draft EIR/EIS. Provide policy direction to staff as appropriate.

12. **FISCAL YEAR 2013-2014 BUDGET PROJECTIONS**

RECOMMENDATION: Accept staff report on year end budget projections for Fiscal Year 2013-2014.

13. **TIME AND PLACE OF NEXT MEETING**

Thursday, June 12, 2014 at 6:30 p.m. at the SCWA offices.

The Full Board of Directors packet with background materials for each agenda item can be viewed on the Agency’s website at www.scwa2.com.

Any materials related to items on this agenda distributed to the Board of Directors of Solano County Water Agency less than 72 hours before the public meeting are available for public inspection at the Agency’s offices located at the following address: 810 Vaca Valley Parkway, Suite 203, Vacaville, CA 95688. Upon request, these materials may be made available in an alternative format to persons with disabilities.

**AGENDA ITEM
CITY COUNCIL MEETING: MAY 20, 2014
COUNCIL MEMBER COMMITTEE REPORTS**

DATE : May 12, 2014

TO : Vice Mayor Campbell
Council Member Schwartzman

FROM : Principal Engineer

SUBJECT : **TRAFFIC, PEDESTRIAN AND BICYCLE SAFETY (TPBS) COMMITTEE**

The following is provided as your committee report for the May 20, 2014 City Council meeting.

As was discussed at the last Traffic Committee meeting on April 17, staff is following up on speeding concerns at West 4th & K, East E Street, and Rose Drive. Staff will also be working with St. Dominic's on pedestrian safety in the vicinity of the school. An update will be provided at the July Traffic Committee meeting.

The next TPBS meeting is scheduled for July 17, 2014.

AGENDA ITEM
CITY COUNCIL MEETING: MAY 20, 2014
COUNCIL MEMBER COMMITTEE REPORTS

DATE : May 5, 2014

TO : Mayor Patterson
Council Member Strawbridge

FROM : City Manager

SUBJECT : **TRI-CITY AND COUNTY COOPERATIVE PLANNING GROUP**
"SOLANO OPEN SPACE"

The following information is provided for your committee report at the May 20, 2014 Council meeting.

The Tri-City and County Cooperative Planning Group held a special meeting on Monday, April 14, 2014. The Group approved the annual budget and received an update on Hiddenbrooke Park and Solano Land Trust Activities. Attached is a copy of the meeting agenda.

The next regularly scheduled meeting is June 9, 2014.

Attachment:

- Meeting agenda for April 14, 2014



SOLANO OPEN SPACE

AGENDA

JOINT GOVERNING BOARD / CITIZENS ADVISORY COMMITTEE MEETING

April 14, 2014

Solano County Administration Center
675 Texas St., Fairfield, CA
Multi Purpose Room, #1600

7:15 p.m.

1. Roll Call
2. **Approval of Agenda**
3. Introductions
4. Public Comment
5. **Approval of Minutes from March 11, 2013**
6. **Approval of FY 2013/14 Budget (to be provided at meeting)**
7. **Approval of FY 2014/15 Budget (to be provided at meeting)**
8. Update on Hiddenbrooke Park (SLT/Vallejo staff)
9. Update on Solano Land Trust Activities (SLT Staff)
10. Miscellaneous Discussion Items
11. Future Agenda Items/Closing Remarks/Adjourn

Attachments:

March 11, 2013 Minutes
Updated SOS Roster
SOS Meeting Schedule

**AGENDA ITEM
CITY COUNCIL MEETING: MAY 20, 2014
COUNCIL MEMBER COMMITTEE REPORTS**

DATE : May 5, 2014

TO : Mayor Patterson
Council Member Hughes

FROM : City Manager

SUBJECT : **VALERO COMMUNITY ADVISORY PANEL (CAP)**

The following information is provided for your committee report at the May 20, 2014 Council meeting.

The CAP meets quarterly at 6:30 p.m. at the refinery at 610 Industrial Way. The next meeting is TBD.

AGENDA ITEM
CITY COUNCIL MEETING: MAY 20, 2014
COUNCIL MEMBER COMMITTEE REPORT

DATE : April 30, 2014

TO : Mayor Elizabeth Patterson
Council Member Christina Strawbridge
Council Member Mark Hughes

FROM : Youth Action Coalition

SUBJECT : **YOUTH ACTION COALITION**

No Youth Action Coalition meeting was held in April.

April 8-9 held successful Every 15 Minutes Program for Benicia and Liberty High School.

The next meeting will be held on May 28, 2014.

**AGENDA ITEM
CITY COUNCIL MEETING: MAY 20, 2014
COUNCIL MEMBER COMMITTEE REPORTS**

DATE : May 5, 2014
TO : City Council
FROM : Mayor Patterson
SUBJECT : **ABAG/CAL FED TASK FORCE/BAY AREA WATER FORUM**

The following information is provided for your committee report at the May 20, 2014 City Council meeting.

The Bay Area Water Forum's last meeting was held on March 26, 2012.

This was the last meeting of the Bay Area Water Forum for 2012, due to a lack of funding.

AGENDA ITEM
CITY COUNCIL MEETING: MAY 20, 2014
COUNCIL MEMBER COMMITTEE REPORTS

DATE : April 30, 2014

TO : Mayor Patterson
Council Member Hughes
Council Member Schwartzman

FROM : Assistant City Manager

SUBJECT : **SOLANO COUNTY TRANSIT (SolTrans) BOARD MEETING**

The following information is provided for your committee report at the May 20, 2014 Council meeting.

The Solano County Transit (SolTrans) Joint Powers Authority held a regular meeting on April 17, 2014 in the City of Vallejo GVRD Board Room. The Executive Report for the April 17, 2014 meeting is attached.

The next regular meeting of the SolTrans Board is scheduled for Wednesday, May 21, 2014 at 4:00 p.m. and will be held in the City of Benicia Council Chambers. The Agenda and Executive Report for this meeting were not available as of the date of this report.

Attachments:

- April 17, 2014 Executive Report



TO: BOARD OF DIRECTORS
PRESENTER: MONA BABAUTA, EXECUTIVE DIRECTOR
SUBJECT: EXECUTIVE DIRECTOR'S REPORT
ACTION: INFORMATIONAL

The following provides an overview of more significant issues addressed by your staff since the March 20, 2014 Board meeting:

FINANCE AND ADMINISTRATION:

- FY 2014-15 Budget Process: This Board meeting kicks off the FY 2014-15 Budget development process. As required by the Board-Adopted Budget Policy, the 10-Year Budget Outlook is provided under Agenda Item 10. Additionally, the Proposed FY 2014-15 Operating and Capital Budget (Agenda Item 11) is being presented to the Board for feedback this month, and the final version will be brought back to the Board in May for approval.
- Construction Projects (Transit O&M Facility at 1850 Broadway and SolTrans Curtola Park and Ride Hub): Both of these projects are making substantial progress. With regard to the SolTrans Curtola Park and Ride Hub, the invitation to submit bids for construction was issued in the past month, a pre-bid conference occurred on April 8th, and the public bid opening is scheduled for May 8, 2014.
- SolTrans Marketing Plan: As previously reported in my report in December 2013 and March 2014, staff has been working closely with an advertising firm, Big Cat Advertising, to create a marketing plan for SolTrans that involves the development and running of television, radio and print advertising for promoting the Agency and its services. Outreach to potential media outlets is also being conducted at this time to understand pricing, advertising terms, etc. More information on this item is presented in Agenda Item 8.

OPERATIONS:

- Service Design Options for Improving the SolTrans Transit System: Staff continues to work diligently on the System Analysis and Restructuring Project. As part of this project, staff and consultants will be presenting proposed service changes for August 2014, as well as a plan for phasing the implementation of subsequent service changes in May 2014.
- Schedule Changes to Routes 1 and 3: Service changes were implemented on April 7, 2014. More information on outreach efforts may be found under Agenda Item 13.
- Clipper Implementation: Significant progress continues to be made on the implementation process of the Clipper Card System in Napa and Solano Counties. Staff is also researching

the feasibility of implementing Clipper as part of the future paid parking program when the improved SolTrans Curtola Park and Ride Hub is completed.

- Compress Natural Gas (CNG) Technology Study: As noted in my March 20th Report, staff has been working closely with STA and Clean Energy (Consultant for the Study) to identify the necessary facility modifications to SolTrans' O&M Facility at 1850 Broadway to allow for CNG technology, as well as on finalizing the feasibility study. Draft reports on both issues are now being finalized by the consultant, and I plan to share this with the Board by the June 2014 meeting for a discussion of the next steps.
- Public Private Partnership (P3) Study: As reported in March 2014, staff is working with STA (project lead) on Phase II of this study. The first phase identified the most viable options for partnering with private sector vendors to reduce O&M costs and/or obtain revenues (i.e., advertising). Phase II will be more of an implementation plan for establishing these partnerships. Originally, staff planned to present the scope of work to the Board in April for feedback. However, additional discussions with STA and the consulting team appear to be needed to discuss a potential, financial commitment and other factors. I will keep the Board informed as progress is made.

EXTERNAL AFFAIRS:

More information on public outreach efforts may be found under Agenda Item 13.

Attachment:

- A. List of Acronyms



SOLTRANS ACRONYMS LIST OF TRANSPORTATION TERMS

Last Updated: March 4, 2013

A		MPO	Metropolitan Planning Organization
ADA	Americans with Disabilities Act	MTC	Metropolitan Transportation Commission
APC	Automatic Passenger Counter	N, O, & P	
AVL	Automatic Vehicle Location System	NTD	National Transit Database
AVO	Average Vehicle Occupancy	OBAG	One Bay Area Grant
B		PAC	Public Advisory Committee
BAFO	Best and Final Offer	PCC	Paratransit Coordinating Council
BART	Bay Area Rapid Transit	PDT	Project Development Team
C		PDWG	Project Development Working Group
CalEMA	California Emergency Management Agency	PNR	Park & Ride
CALTRANS	California Department of Transportation	PPP (3P)	Public Private Partnership
CAM	Cost Allocation Model	PTAC	Partnership Technical Advisory Committee
CARB	California Air Resources Board	R & S	
CBA	Collective Bargaining Agreement	RFP	Request for Proposals
CCC	Contra Costa County Connections	RM2	Regional Measure 2 Funds
CHP	California Highway Patrol	SAFETEA-LU	Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users
CMAQ	Congestion Mitigation & Air Quality Program	SNCI	Solano Napa Commuter Information
COV	City of Vallejo	SR2T	Safe Routes to Transit
CTC	California Transportation Commission	S RTP	Short Range Transit Plan
CTSGP	California Transit Security Grant Program	STA	Solano Transportation Authority
CTAF	California Transit Assistance Fund	STAF	State Transit Assistance Fund
D		STIP	State Transportation Improvement Program
DAR	Dial-a-Ride	STP	Surface Transportation Program
DBE	Disadvantaged Business Enterprise	T	
DOT	Department of Transportation	TAC	Technical Advisory Committee
E & F		TCP	Transit Capital Priorities
FAST	Fairfield and Suisun Transit	TDA	Transportation Development Act
FHWA	Federal Highway Administration	TIF	Transportation Investment Fund
FTA	Federal Transit Administration	TIP	Transportation Improvement Program
FY	Fiscal Year	TLC	Transportation for Livable Communities
G, H, I, & J		TMA	Transportation Management Association
GFI	Gen-fare Industries Farebox	TMP	Transportation Management Plan
GP	General Public (as in GP Dial-a-Ride)	TMS	Transportation Management System
GPS	Global Positioning System	U, V, W, Y	
HOV	High Occupancy Vehicle	UA	Urbanized Area
IFB	Invitation for Bid	VMT	Vehicle Miles Traveled
IPR	Initial Project Report	VTC	Vallejo Transit Center
ITF	Intercity Transit Funding	WETA	Water Emergency Transportation Authority
JARC	Job Access Reverse Commute	YTD	Year to Date
JPA	Joint Powers Authority		
L & M			
MAP-21	Century Moving Ahead for Progress in the 21st Century		
MCI	Motor Coach Industries		
MOU	Memorandum of Understanding		
MOV	Multiple Occupant Vehicle		

