



**BENICIA CITY COUNCIL
REGULAR MEETING AGENDA**

**City Council Chambers
July 19, 2011
7:00 PM**

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

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

II. CLOSED SESSION:

III. CONVENE OPEN SESSION:

A. ROLL CALL.

B. 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/APPOINTMENTS/PRESENTATIONS/PROCLAMATIONS:

A. ANNOUNCEMENTS.

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

2. Openings on Boards and Commissions:

Historic Preservation Review Commission:
Two Full Terms to July 31, 2015
Open Until Filled

Finance Committee:
One Full Term to January 31, 2015
Application Due Date: July 22, 2011

Soltrans Public Advisory Committee:
Three Full Terms
Open until Filled

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

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

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

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

Arts & Culture Commission:
One unexpired term to January 31, 2013
Open until filled

3. Mayor's Office Hours:

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

4. Benicia Arsenal Update:

5. The City Council will not meet on August 2, 2011. The next regularly scheduled meeting is August 16, 2011.

B. APPOINTMENTS.

C. PROCLAMATIONS.

1. In Recognition of National Night Out

D. PRESENTATIONS.

1. Tula Sister City Committee - Status and Tula Visit - Maria Bitagon

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 (7:30 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 Minutes for the Special and Regular meetings of June 21, 2011 (continued from last meeting), Special meeting of June 28, 2011 and the Special and Regular meetings of July 5, 2011. (City Clerk).

B. DESIGNATION OF LEAGUE OF CALIFORNIA CITIES VOTING DELEGATES AND ALTERNATES. (City Manager)

The League of California Cities' 2011 Conference will be held September 21 - 23, 2011 in San Francisco. The Annual Business Meeting at the conference will be on Friday, September 23, 2011 and, in order to vote at that meeting, the City Council must designate a voting delegate. The City may appoint up to two alternate voting delegates in the event that the designee is unable to serve in that capacity. A designated voting delegate must be present at the meeting in order to cast a vote. The League membership considers and acts on resolutions that establish League policy at the meeting.

Recommendation: Approve, by motion, the designation of Mayor Elizabeth Patterson (voting delegate) and Council Member Mike Ioakimedes as the alternate voting delegate from the Council for the upcoming League of California Cities Annual Business Meeting.

C. RESOLUTION AWARDING MOTOROLA A PURCHASE ORDER FOR COMMUNICATIONS EQUIPMENT. (Police Chief)

The communications equipment will be purchased with Federal grant funding from Motorola with pricing consistent with the California Convenience contract modeled off of the Western States Contracting Alliance (WSCA) contract #22348. This satisfies the requirements of the City's Municipal Code section 3.08.110(l) concerning bid processes and takes advantage of joint purchasing with other agencies.

Recommendation: Adopt the resolution authorizing the purchase of Communications Equipment as approved in a Homeland Security Grant.

D. PARTICIPATION IN BEACON AWARD PROGRAM. (Public Works and Community Development Director)

The Beacon Award recognizes and celebrates California cities and counties that adopt policies and programs to address climate change and promote sustainability. Participating in the voluntary program provides positive recognition for saving energy, conserving resources, promoting sustainability and reducing greenhouse gas emissions.

Recommendation: Adopt a resolution approving participation in the Institute for Local Government's Beacon Award Program.

E. RESOLUTION AMENDING THE VALUE OF EMPLOYER PAID MEMBER CONTRIBUTIONS (EPMC) OF EMPLOYEES' COMPENSATION EARNABLE TO THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM (PERS) FOR THE CITY MANAGER AND CITY ATTORNEY, SENIOR MANAGEMENT EMPLOYEES, MID MANAGEMENT EMPLOYEES, POLICE MANAGEMENT EMPLOYEES AND UNREPRESENTED EMPLOYEES, EFFECTIVE JULY 1, 2011. (Administrative Services Director)

With the recent conclusion of negotiations with some of the bargaining groups, the City Council approved the modification (reduction) of the Employer Paid Member Contributions (EPMC) paid on behalf of the employees.

Recommendation: Adoption of the resolution approving reducing the value Employer Paid Member Contributions (EPMC) compensation earnable to the Public Employees' Retirement System (PERS) for the City Manager and City Attorney, Senior Management employees, Mid-Management Employees, and (pending approval of the related Business Items on July 19th,) the Police Management Employees and unrepresented employees, effective July 1, 2011.

F. SETTING 2011-12 SECURED TAX RATES FOR BONDED INDEBTEDNESS FOR THE 1997 GENERAL OBLIGATION SEWER BONDS. (Finance Director)

Each year at this time, the City is required to adopt the attached resolution that sets the bonded indebtedness secured tax rates for the new fiscal year. This resolution is forwarded to the County Tax Assessor's office for inclusion in property owners' property taxes within the City of Benicia. Due to a slight increase in Assessed Valuation, the rate for each homeowner will have a decrease from .01713 to .01646 per hundred dollars of assessed valuation. The total amount to be collected is \$756,436 and will be used to pay interest and principal on the G.O. Sewer Bonds.

Recommendation: Adopt the resolution setting the 2011-12 bonded indebtedness secured tax rate for the 1997 Sewer Bonds (Series A and B).

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

VIII. BUSINESS ITEMS (7:45 PM):

A. APPROVE AN AMENDMENT TO THE JULY 1, 2010 TO JUNE 30, 2012 AGREEMENT BETWEEN THE CITY OF BENICIA AND POLICE MANAGEMENT EMPLOYEES. (Administrative Services Director)

Not unlike most jurisdictions in California, the City of Benicia has identified a structural deficit due to the unprecedented downturn of the economy. The City has identified a structural deficit that is anticipated to continue for the next 10 years, with a projected shortfall of approximately \$1.7 million for 2011-12. The salary and benefit reductions for the police management group recommended in this City Council agenda item are consistent with salary and benefit concessions that are being sought through negotiations with the employee

associations representing other City employees. This action will assist the City's efforts to make ongoing reductions in order to address the City's structural deficit.

Recommendation: Adopt the resolution approving the following reductions to the police managers compensation packages: 1) a decrease in the Employer Paid Member Contribution (EPMC) of 3.5% (saving the City approximately \$17,224 per year), 2) a 4.00% reduction in the City's contribution to deferred compensation (saving the City approximately \$14,812 per year), 3) a monthly pre-tax deduction toward health care costs totaling approximately \$1,895 per year for the police management group; 4) a reduction of 8 holiday pay hours (saving the city approximately \$1,717 per year) and 5) a reduction of 36 hours of admin leave and the elimination of the admin leave cash out option (saving the city approximately \$6,410 per year). These concessions achieve a total savings of approximately \$42,058 per year, and is the equivalent of a 6.86% reduction in base pay plus associated payroll costs.

B. APPROVAL OF SALARY AND BENEFIT REDUCTIONS FOR UNREPRESENTED CONFIDENTIAL EMPLOYEES. (Administrative Services Director)

Not unlike most jurisdictions in California, the City of Benicia has identified a structural deficit due to the unprecedented downturn of the economy. The City has identified a structural deficit that is anticipated to continue for the next 10 years, with a projected shortfall of approximately \$1.7 million for 2011-12. The salary and benefit reductions for the unrepresented employees recommended in this City Council agenda item are consistent with salary and benefit concessions that are being sought through negotiations with the employee associations representing other City employees. This action will assist the City's efforts to make ongoing reductions in order to address the City's structural deficit.

RECOMMENDATION: Adopt the resolution authorizing salary and benefit reductions for the unrepresented employees in the classifications of Legal Technician and Senior Human Resources Analyst in the following manner: 1) a decrease in the Employer Paid Member Contribution (EPMC) of 2% (saving the City approximately \$2,440 per year), 2) a 2% reduction in the City's contribution to Vantage Care (saving the City approximately \$2,126 per year), 3) a monthly pre-tax deduction toward health care costs totaling approximately \$366 per year for the unrepresented employees; 4) a reduction in base salary of 3.442% (saving the City approximately \$4,651 per year). These concessions achieve a total savings of approximately \$9,583 per year, and is the equivalent of a 6.86% reduction in base pay plus associated payroll costs.

C. FIRST READING OF AN ORDINANCE AMENDING THE 2010 CALIFORNIA GREEN BUILDING STANDARDS CODE. (Public Works and Community Development Director)

As directed by the City Council prior to re-consideration and adoption, staff and the Community Sustainability Commission conducted outreach regarding the proposed amendment to the California Green Building Standards Code that went into effect on January 1, 2011. The proposed amendment would make the California Green Building Standards Code more stringent by requiring specific construction projects for existing residential buildings to either conform to certain provisions of the Building Standards Code or complete energy efficiency upgrades.

Recommendation: Conduct a public hearing and first reading of a proposed ordinance of the Benicia Municipal Code to amend Chapter 15.18 California Green Building Standard of Title 15 Buildings and Construction of the Benicia Municipal Code.

D. APPROVE A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA AWARDING A CONTRACT TO WOLF COMMUNICATIONS OF SANTA ROSA, CALIFORNIA IN THE AMOUNT NOT TO EXCEED \$50,000 TO PERFORM TOURISM AND MARKETING SERVICES AND AUTHORIZING THE CITY MANAGER TO SIGN THE CONTRACT ON BEHALF OF THE CITY. (Acting Economic Development Manager)

Following the development and deployment of the City's tourism program, it is staff's recommendation to continue a professionally concerted and comprehensive tourism and marketing program. Presently, the City does not possess the expertise nor time to perform the tasks that have occurred within the last twenty months. Furthermore, the knowledge of Benicia's unique tourism infrastructure and professional relationships Wolf Communications has courted on Benicia's behalf, make Wolf Communications the best and most responsible firm to continue Benicia's tourism effort. Staff is recommending the City continue that relationship with a new contract, valued at a not to exceed amount of \$50,000.

Recommendation: Approve, by resolution, an agreement through June 30, 2012 for tourism marketing services provided by Wolf Communications at a contractual value not to exceed \$50,000.

E. APPROVE 2011-2012 CONTRACT SERVICES AGREEMENT AND LEASE AGREEMENT BETWEEN THE CITY OF BENICIA AND BENICIA MAIN STREET. (Acting Economic Development Manager)

Due to the unique nature of services provided, including planning, organizing and staffing events such as Farmers Market, Art and Jazz Festival and 3rd and 4th of July festivities, being an on site First Street liaison with merchants and business owners and promoting an inviting atmosphere on First Street, City staff is recommending contracting these services to BMS. While it is possible for City staff to ascertain and develop the skills necessary to perform the work provided by BMS, City staff is ill equipped to staff all the activities and work obligated to BMS by this agreement. Therefore, it is necessary to contract these services. Additionally, BMS requests continuation of the previous approved revenue -sharing rent structure lease agreement for the Southern Pacific Depot. With this third amendment, staff is also proposing to extend the term of the lease agreement to July 5, 2012, coinciding with the conclusion of the contract for services.

Recommendation: Approve an agreement with Benicia Main Street ("BMS") for 2011-12 for downtown support services; and approve amendment to lease agreement with Benicia Main Street for the Southern Pacific Depot to continue the current rent reduction arrangement and extend the term of the lease until July 5, 2012.

F. REQUEST FOR POSITION ON ASSEMBLY BILL 1178 (MA). (City Manager)

AB 1178 prohibits a city or county, including by an ordinance enacted by initiative by the voters of a city or county, from otherwise restricting or limiting in any way the importation of solid waste into a privately owned solid waste facility in that city or county based on place of origin, except as specified with regard to requiring a privately owned or operated solid waste facilities facility to accept certain waste, allowing a privately owned solid waste facility to abrogate certain agreements, or the preventing a city or county from exercising local Land use authority.

RECOMMENDATION: Discuss and consider Mayor Patterson's request that the City take a position opposing Assembly Bill 1178 (Ma). AB 1178 seeks to prevent counties from placing restrictions on the importation of garbage.

G. 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: July 20, 2011**
- 2. Association of Bay Area Governments (ABAG).
(Mayor Patterson and Council Member Ioakimedes)
Next Meeting Date: Fall Assembly - October 13, 2011**
- 3. Finance Committee.
(Vice Mayor Schwartzman and Council Member Campbell)
Next Meeting Date: July 22, 2011**
- 4. League of California Cities.
(Mayor Patterson and Vice Mayor Schwartzman)
Next Meeting Date: July 28, 2011**
- 5. School Liaison Committee.
(Council Members Ioakimedes and Hughes)
Next Meeting Date: TBD**
- 6. Sky Valley Open Space Committee.
(Council Members Campbell and Hughes)
Next Meeting Date: August 3, 2011**
- 7. Solano EDC Board of Directors.
(Mayor Patterson and Council Member Campbell)
Next Meeting Date: July 28, 2011**
- 8. Solano Transportation Authority (STA).
(Mayor Patterson and Council Member Ioakimedes)
Next Meeting Date: September 14, 2011**
- 9. Solano Water Authority-Solano County Water Agency
and Delta Committee.
(Mayor Patterson and Vice Mayor Schwartzman)
Next Meeting Date: August 11, 2011**
- 10. Traffic, Pedestrian and Bicycle Safety Committee.
(Council Members Hughes and Ioakimedes)
Next Meeting Date: July 21, 2011**
- 11. Tri-City and County Regional Parks and Open Space.
(Council Members Campbell and Hughes)
Next Meeting Date: September 12, 2011**

- 12. **Valero Community Advisory Panel (CAP).**
(Council Member Hughes)
Next Meeting Date: TBD

- 13. **Youth Action Coalition.**
(Vice Mayor Schwartzman and Council Member Campbell)
Next Meeting Date: August 31, 2011

- 14. **ABAG-CAL FED Task Force-Bay Area Water Forum.**
(Mayor Patterson)
Next Meeting Date: September 26, 2011

IX. ADJOURNMENT (10:00 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 Clerks Office.

CITY COUNCIL MEETING
BENICIA ARSENAL UPDATE

July 19, 2011

1. Members of the team have met with the Department of Toxic Substance Control and will be attending some follow up meetings in the next month.
2. The team is continuing grant opportunities that may assist in providing some of the cost for the project. There appears to be a couple of grants that look promising. We will provide more information in a month.
3. Last month we reported that we were going to begin work with DTSC to initiate a "RAB" program. We are working with delegates for clarity on some issues. This item is still in the planning stages and will take a couple of months, longer than anticipated. We will continue to update the public via these updates and the city's website.
4. Work continues on developing the strategy and gathering information. If you have any information that you believe is relevant, please get it to the City Attorney. We are continuing to upload pertinent documents to the Benicia web site.



PROCLAMATION

IN RECOGNITION OF

NATIONAL NIGHT OUT 2011

WHEREAS, the National Association of Town Watch (NATW) is sponsoring a unique, nationwide crime, drug and violence prevention program on August 2, 2011 entitled "National Night Out"; and

WHEREAS, the "28th Annual National Night Out" provides a unique opportunity for Benicia to join forces with thousands of other communities across the country in promoting cooperative, police-community crime prevention efforts; and

WHEREAS, the Benicia Police Department Neighborhood Watch Groups play a vital role in assisting the Benicia Police Department through crime prevention efforts, and Benicia is supporting "National Night Out 2011" locally; and

WHEREAS, it is essential for all citizens of Benicia be aware of the importance of crime prevention programs and impact that their participation can have on reducing crime, drugs and violence in Benicia; and

WHEREAS, police-community partnerships, neighborhoods safety, awareness and cooperation are important themes of the "National Night Out" program.

NOW, THEREFORE BE IT RESOLVED THAT I, Elizabeth Patterson, Mayor of the City of Benicia, do hereby call upon all citizens of Benicia to join the Benicia Police Department Neighborhood Watch program in supporting the "28th Annual National Night Out" on August 2, 2011.

FURTHER, LET IT BE RESOLVED THAT I, Mayor Patterson, Mayor of the City of Benicia, on behalf of the City Council, hereby proclaim Tuesday, August 2, 2011 as "National Night Out" in Benicia, California.

Elizabeth Patterson, Mayor
July 19, 2011



MINUTES OF THE
SPECIAL MEETING – CITY COUNCIL
June 21, 2011

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 6:00 p.m.

II. CONVENE OPEN SESSION:

A. ROLL CALL

All Council Members present. Council Member Campbell arrived at 6:03 p.m.

B. PLEDGE OF ALLEGIANCE

C. REFERENCE TO THE FUNDAMENTAL RIGHTS OF THE PUBLIC:

III. OPPORTUNITY FOR PUBLIC COMMENT:

A. WRITTEN COMMENT

B. PUBLIC COMMENT

None

IV. CLOSED SESSION:

A. CONFERENCE WITH LABOR NEGOTIATOR

(Government Code Section 54957.6 (a))

Agency negotiators: City Manager, Administrative Services Director

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

B. CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9

Number of potential cases (1)

V. ADJOURNMENT:

Mayor Patterson adjourned the meeting at 7:05 p.m.

MINUTES OF THE
REGULAR MEETING – CITY COUNCIL
June 21, 2011

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 7:08 p.m.

II. CLOSED SESSION:

III. CONVENE OPEN SESSION:

A. ROLL CALL

All Council Members were present.

B. PLEDGE OF ALLEGIANCE

Council Member Campbell led the Pledge of Allegiance.

C. REFERENCE TO THE FUNDAMENTAL RIGHTS OF PUBLIC

IV. ANNOUNCEMENTS/APPOINTMENTS/PROCLAMATIONS/PRESENTATIONS:

A. ANNOUNCEMENTS

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

Ms. McLaughlin reported that received information from Staff on both Closed Session items.

2. Openings on Boards and Commissions:

Soltrans Public Advisory Committee:
Three Full Terms
Open until filled

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

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

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

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

Open Government Commission:
One unexpired term to January 31, 2013
Applications due June 24, 2011

Arts & Culture Commission:
One unexpired term to January 31, 2013
Applications due June 24, 2011

3. Mayor's Office Hours:

4. Benicia Arsenal Update

Mayor Patterson read the update list provided in the handouts (copy on file).

B. APPOINTMENTS

C. PROCLAMATIONS

D. PRESENTATIONS

1. Update on Tourism Marketing Program - Jack Wolf - Wolf Communications

Jack Wolf, Wolf Communications, gave a brief update on the Tourism Marketing Program.

Public Comment:

1. Duane Oliveria - Mr. Oliveria discussed the success of the Sunset Celebration Weekend event.
2. Susan Street - Ms. Street discussed the success of the Sunset Celebration Weekend event.
3. Christina Strawbridge - Ms. Strawbridge discussed the success of the Sunset Celebration Weekend event. She discussed the positive impact the magazine

had on the City.

Vice Mayor Schwartzman and Mr. Wolf discussed the cost of placing the ad in Sunset Magazine, as well as the cost for hosting the booth at the event.

Council Member Campbell and Staff discussed how much money was left in the budget for the program, what should be done after the contract expires (extend the contract if the City's budget allows for it).

V. ADOPTION OF AGENDA:

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

Ayes: Patterson, Schwartzman, Campbell, Hughes, Ioakimedes

Noes: (None)

Brad Kilger, City Manager, stated that no action would be taken on item VIII.E tonight, as it was agendaized for discussion only.

VI. OPPORTUNITY FOR PUBLIC COMMENT:

A. WRITTEN COMMENT

Various handouts (copies on file).

B. PUBLIC COMMENT

1. Larry Fullington - Mr. Fullington discussed the issue of the City Treasurer position. He encouraged Council to make the City Treasurer an appointed position, without salary and benefits.
2. Council Member Campbell and Mr. Fullington discussed the cost of putting a measure on the ballot.
3. Todd Matthews, Benicia Firefighter's Association - Mr. Matthews discussed layoff notices that two firefighter's received, and the concessions the firefighters are being asked to accept.
4. Jason Fein, Benicia Firefighter's Association - Mr. Fein discussed the concessions the firefighters are being asked to accept.
5. Kevin Rose, Benicia Police Officer's Association - Mr. Rose discussed the labor contract that was being proposed, and the concessions the police officers are being asked to accept.
6. Vice Mayor Schwartzman - Vice Mayor Schwartzman listed a website that had information on the issue of redistricting.

VII. CONSENT CALENDAR:

Council pulled items VII.E, VII.F, VII.G, VII.H, and VII.L for discussion.

On motion of Vice Mayor Schwartzman, seconded by Council Member loakimedes, Council approved the Consent Calendar, as amended, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

A. APPROVAL OF MINUTES OF THE MAY 31, 2011 SPECIAL MEETING, THE SPECIAL AND REGULAR MEETINGS OF JUNE 7, 2011, AND THE SPECIAL MEETING OF JUNE 14, 2011

On motion of Vice Mayor Schwartzman, seconded by Council Member loakimedes, Council approved the minutes, as presented, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

B. AWARD OF CHEMICAL CONTRACTS FOR WATER TREATMENT - FY 2011-2012

RESOLUTION 11-69 - A RESOLUTION ACCEPTING BIDS AND AWARDING CONTRACTS TO THE LOWEST RESPONSIBLE BIDDERS FOR FURNISHING CHEMICALS FOR WATER TREATMENT FOR FISCAL YEAR 2011-2012 AND AUTHORIZING THE CITY MANAGER TO SIGN THE CONTRACTS ON BEHALF OF THE CITY

On motion of Vice Mayor Schwartzman, seconded by Council Member loakimedes, Council adopted the Resolution, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

C. ACCEPTANCE OF THE FIRE STATION 12 DORMITORY RENOVATION PROJECT / CHANGE ORDERS

RESOLUTION 11-70 - A RESOLUTION ACCEPTING THE FIRE STATIONS 12 DORMITORY RENOVATION, INCLUDING FINAL CHANGE ORDERS, AS COMPLETE, AUTHORIZING THE CITY MANAGER TO SIGN THE NOTICE OF COMPLETION, AND AUTHORIZING THE CITY CLERK TO FILE SAID NOTICE WITH THE SOLANO COUNTY RECORDER

On motion of Vice Mayor Schwartzman, seconded by Council Member loakimedes, Council adopted the Resolution, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

D. RESOLUTION AWARDING DAY WIRELESS A PURCHASE ORDER FOR COMMUNICATIONS EQUIPMENT

RESOLUTION 11-71 - A RESOLUTION AWARDING A PURCHASE ORDER TO DAY WIRELESS FOR COMMUNICATIONS EQUIPMENT

On motion of Vice Mayor Schwartzman, seconded by Council Member loakimedes, Council adopted the Resolution, on roll call by the following vote:
Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes
Noes: (None)

E. INTRODUCE THE ORDINANCE TO AMEND THE BENICIA MUNICIPAL CODE SECTION ON CANDIDATE DEBATES TO CLARIFY THE PURPOSE AND ALLOWABLE DATES

ORDINANCE 11- - AN ORDINANCE AMENDING SECTION 1.42.110 (CANDIDATE DEBATE) OF CHAPTER 1.42 (CONTRIBUTION AND VOLUNTARY SPENDING LIMITS) OF TITLE 1 (GENERAL PROVISIONS) OF THE BENICIA MUNICIPAL CODE

Vice Mayor Schwartzman discussed concerns regarding the proposed method for cancellation. He proposed changing the time so it was closer to the date of the forum (24 hours prior to the date of the forum).

Mayor Patterson requested removing the language 'inappropriate content, as listed on page VII.E.2. Staff recommended the language read 'inflammatory statements and misinformation' and delete 'inappropriate content.'

Vice Mayor Schwartzman suggested the language read 'the forum may be cancelled in its entirety, by unanimous consent of the candidates, delivered to the chair of the commission, no less than 24 hours before the scheduled forum date.'

Council and Staff discussed the cancellation time that is required for the company that handles the broadcasting. Staff thought the company required 48-72 hours notice. Staff will check on the required time for cancellation.

Public Comment:

1. Leah Shellhorn - Ms. Shellhorn asked if everyone could act like adults, and not make negative comments during campaigns.

Mayor Patterson asked Staff to make the cancellation time consistent with the company's required cancellation requirement. Item is continued until Staff received clarification.

At 9:20 p.m., after the break, Staff clarified that the company only required a 24-hour cancellation notice. Staff would change the ordinance to reflect the language regarding the 24-hour cancellation notice (+ an additional hour for contacting the video crew), and to remove 'inappropriate content' from the language.

On motion of Vice Mayor Schwartzman, seconded by Council Member Hughes,

Council approved the Introduction and First Reading of the above Ordinance, as amended, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

F. REQUEST FOR ONE-YEAR EXTENSION OF MEMORANDUM OF UNDERSTANDING ON PROVISION OF ANIMAL CARE SERVICES

Mayor Patterson and Staff discussed the MOU, and how/when the public would be engaged in the discussion. Mayor Patterson requested there be a robust public outreach effort.

On motion of Vice Mayor Schwartzman, seconded by Council Member Hughes, Council approved the one-year extension of Memorandum of Understanding on provision of animal care services, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

G. ACCEPTANCE OF PROPOSAL FOR PUBLISHING AND PRINTING LEGAL NOTICES FROM BENICIA HERALD AND APPROVAL OF AN AGREEMENT BETWEEN CITY AND BENICIA HERALD FOR FISCAL YEARS 2011/2012 AND 2012/2013

RESOLUTION 11-74 - A RESOLUTION ACCEPTING THE PROPOSAL FOR LEGAL PUBLICATIONS FROM THE BENICIA HERALD, AWARDING THE CONTRACT FOR FISCAL YEARS 2011/2012 AND 2012/2013, AND AUTHORIZING MAYOR AND CITY CLERK TO EXECUTE SAID CONTRACT

Council Member loakimedes and Staff discussed the state requirements

On motion of Council Member loakimedes, seconded by Vice Mayor Schwartzman, Council adopted the Resolution, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

H. APPROVAL OF AN AMENDMENT TO A LEASE AGREEMENT FOR A WIRELESS COMMUNICATION FACILITY AT BENICIA MIDDLE SCHOOL WITH STC FIVE, LLC

RESOLUTION 11-75 - A RESOLUTION APPROVING AN AMENDMENT TO THE LEASE AGREEMENT BETWEEN THE CITY OF BENICIA AND STC FIVE, LLC, A DELAWARE LIMITED LIABILITY COMPANY, FOR A WIRELESS COMMUNICATION FACILITY AT BENICIA MIDDLE SCHOOL, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AMENDMENT ON BEHALF OF THE CITY

Council Member loakimedes and Staff discussed what action had been taken by

BUSD on this issue.

Mr. Giuliani discussed the changes proposed by Ms. Kat Wellman, and suggested those changes be incorporated into the agreement. He discussed the proposed agreement.

Council Member Campbell discussed the issue of field maintenance, and how much the City had spent as a result of the Joint Use Agreement, and how much the City has received back in fees.

Council Member loakimedes and Staff discussed the cell tower at Benicia Middle School.

Council Member Hughes discussed the BUSD facilities and fields that the City uses. He asked Staff to follow up on the issues of EMF (Electro Magnetic Field) safety.

Public Comment:

None

On motion of Vice Mayor Schwartzman, seconded by Council Member loakimedes, Council adopted the Resolution, on roll call by the following vote:
Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes
Noes: (None)

I. RESOLUTION CALLING FOR THE GENERAL MUNICIPAL ELECTION NOVEMBER 8, 2011 AND FEES RELATED TO THAT ELECTION

RESOLUTION 11-72 - A RESOLUTION CALLING AND GIVING NOTICE OF THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 8, 2011, FOR THE ELECTION OF MAYOR (1), CITY COUNCIL MEMBERS (2), CITY CLERK (1), AND CITY TREASURER (1) FOR THE CITY AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES

On motion of Vice Mayor Schwartzman, seconded by Council Member loakimedes, Council adopted the Resolution, on roll call by the following vote:
Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes
Noes: (None)

J. RESOLUTION PROVIDING FOR AND REQUESTING THE BOARD OF SUPERVISORS PERMIT THE REGISTRAR OF VOTERS TO PROVIDE SPECIFIED SERVICES IN CONNECTION WITH THE GENERAL MUNICIPAL ELECTION TO BE HELD NOVEMBER 8, 2011

RESOLUTION 11-73 - A RESOLUTION PROVIDING FOR AND REQUESTING THE BOARD OF SUPERVISORS TO PERMIT THE GENERAL MUNICIPAL

ELECTION TO BE HELD NOVEMBER 8, 2011

On motion of Vice Mayor Schwartzman, seconded by Council Member loakimedes, Council adopted the Resolution, on roll call by the following vote:
Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes
Noes: (None)

K. 2010 - 2011 SOLANO COUNTY GRAND JURY REPORT ENTITLED "UNCLAIMED FUNDS AND ESCHEATMENT PROCESS REVIEW"

On motion of Vice Mayor Schwartzman, seconded by Council Member loakimedes, Council accepted the findings of the Grand Jury, and approved submitting a letter to the Presiding Judge of Solano County, on roll call by the following vote:
Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes
Noes: (None)

L. APPROVAL OF FINANCE DIRECTOR POSITION DESCRIPTION

RESOLUTION 11-76 – A RESOLUTION APPROVING AMENDMENTS TO THE POSITION DESCRIPTION FOR FINANCE DIRECTOR

Mayor Patterson discussed comments she submitted to Staff in writing that were not received. She requested adding 'investment' in the first paragraph that describes definition, under qualifications, add 'be familiar with accrual analysis and demonstrated expertise in performance measures and matrix analysis for budget analysis purposes', and under areas of expertise, add 'assessment districts' to the requirements.

Vice Mayor Schwartzman discussed taking IT out of the responsibilities, as recommended, and whether or not transit should be under the oversight of the Finance Director.

Council Member Hughes and Staff discussed the issue of moving IT to be under Administrative Services.

Public Comment:

None

Mayor Patterson asked Staff to come up with a matrix and check back in 6 months to see how it is working.

On motion of Vice Mayor Schwartzman, seconded by Council Member loakimedes, Council adopted the Resolution, as amended, on roll call by the following vote:

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

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

VII. BUSINESS ITEMS:

A. ADOPT THE 2010 URBAN WATER MANAGEMENT PLAN

RESOLUTION 11-77 - A RESOLUTION ADOPTING THE 2010 URBAN WATER MANAGEMENT PLAN AND DIRECTING STAFF TO SUBMIT THE PLAN BY THE JULY 21, 2011 DEADLINE

Carrie Wenslawski, Management Analyst, reviewed the staff report.

Council Member Ioakimedes and Staff discussed adding language regarding ET irrigation controls in the lighting and irrigation districts. Staff will add the language.

Council Member Campbell and Staff discussed the Mojave water bank. The agreement was terminated. The City would just use the rest of the water that has been stored.

Mayor Patterson and Staff discussed her wish that the public would become engaged in this issue. She discussed the need to have an effective landscape management program, under item #7 - she would like to see the comparison of the City to the U.S/world in water use on the water bills, under item #15 - area of origin is a separate claim of water right that is independent from the appropriative water right, and because of that it is vulnerable, and under item #17 - she would like to see 'inclimate conditions or weather conditions.'

Staff confirmed they would clarify Mayor Patterson's comments in the final document.

Public Comment:

None

On motion of Council Member Hughes, seconded by Council Member Ioakimedes, Council adopted the Resolution, as amended, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, Ioakimedes

Noes: (None)

B. CITY COUNCIL AND CITY CLERK STIPEND AND BENEFIT PACKAGE

RESOLUTION 11-78 - A RESOLUTION APPROVING A REDUCTION IN THE COMPENSATION PACKAGE FOR ELECTED OFFICIALS

Brad Kilger, City Manager, reviewed the staff report.

Public Comment:

None

Vice Mayor Schwartzman and Staff discussed prior reductions to Council's stipends, information on healthcare benefits,

Council Member Ioakimedes and Staff discussed why the reductions in stipends must be voluntary, concern regarding the term 'encouraging' in the resolution, and when council compensation was adjusted upward (possibly 1992).

Council Member Campbell and Staff discussed the pay-in-lieu benefit that is available to elected officials.

Council Member Hughes discussed the reductions the City was asking the employees to take, and his willingness to take the recommended reduction.

Mayor Patterson discussed her willingness to take the proposed reductions. She discussed the issue of council compensation. She suggested discussing the issue at a future forum.

Vice Mayor Schwartzman discussed the effects of the economy.

Public Comment:

1. Dennis Lowry - Mr. Lowry discussed taking healthcare costs out of Council's compensation, and possibly increasing the stipends. He thanked Council for their service.
2. Larry Fullington - Mr. Fullington requested Council not approve the reduction in compensation.

Council Member Campbell discussed the fact that Council Members were not working for the compensation.

On motion of Council Member Hughes, seconded by Council Member Campbell, Council adopted the Resolution, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, Ioakimedes

Noes: (None)

C. APPROVAL OF AMENDMENTS TO THE CITY MANAGER AND CITY ATTORNEY AGREEMENTS TO REFLECT APPROVED SALARY AND BENEFIT CONCESSIONS

Brad Kilger, City Manager, reviewed the staff report.

Public Comment:

None

On motion of Vice Mayor Schwartzman, seconded by Council Member Hughes, Council approved, by motion, the amendments to the City Manager and City Attorney agreements to reflect approved salary and benefit concessions, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

D. APPROVE AN AMENDMENT TO THE JULY 1, 2010 TO JUNE 30, 2012 AGREEMENT BETWEEN THE CITY OF BENICIA MIDDLE MANAGEMENT EMPLOYEES

RESOLUTION 11-79 – A RESOLUTION APPROVING AN AMENDMENT TO THE JULY 1, 2010 TO JUNE 30, 2012 AGREEMENT WITH THE BENICIA MIDDLE MANAGEMENT EMPLOYEES

Brad Kilger, City Manager, reviewed the staff report.

Public Comment:

None

On motion of Council Member Hughes, seconded by Council Member Campbell, Council approved the Resolution, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes

Noes: loakimedes

E. PRESENTATION AND DISCUSSION OF PROPOSED MUNICIPAL BUDGETS FOR FISCAL YEAR'S 2012 AND

Brad Kilger, City Manager, introduced the item, and provided an overview of the proposed budget. He reviewed a PowerPoint presentation (copy on file).

Rob Sousa, Finance Director, reviewed the staff report.

Council Member Hughes and Staff discussed the difference between amended, estimated, and proposed, as listed on page one of section two.

Council Member Campbell and Staff discussed concern regarding the wastewater advance. Mayor Patterson asked Staff to address the issue of how the payment will be made at Thursday's workshop.

Vice Mayor Schwartzman discussed the need for a balanced budget.

Council Member loakimedes and Staff discussed the water and wastewater

funds, and whether any police or fire funds were allocated for those funds.

Mr. Kilger reviewed the accomplishments of the City Council, City Clerk's office, City Manager's Office, Human Resources, and Economic Development Departments. He reviewed the CMO's major budget changes and priorities.

Council Member Campbell and Staff discussed the City Treasurer's budget. Staff would clarify the information on Thursday.

Ms. McLaughlin reviewed the City Attorney's office accomplishments, major budget changes, and priorities.

Rob Sousa reviewed the Finance Departments priorities, the IT Division's priorities and significant budget changes.

Diane Smikahl reviewed the Library Department's major budget changes, and departmental priorities.

Council Member Campbell inquired about the Library Manager position.

Chief Bidou reviewed the Police Department's accomplishments, major budget changes, and priorities.

Public Comment:

None

Mr. Kilger asked Council to forward any questions or comments to Staff prior to Thursday's workshop.

F. REQUEST TO AGENDIZE CONSIDERATION OF A BENICIA INDUSTRIAL PARK INFORMATION TECHNOLOGY NEEDS FEASIBILITY OPTIONS

On motion of Council Member Hughes, seconded by Vice Mayor Schwartzman, Council approved placing the item on a future agenda, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, Ioakimedes

Noes: (None)

G. REQUEST TO AGENDIZE CONSIDERATION OF A DISCUSSION PENDING NEW DISTRICTS AS A RESULT OF DRAFT REDISTRICTING MAPS RECENTLY RELEASED AND PROVIDE COMMENTS TO THE REDISTRICTING COMMISSION IF WARRANTED

Vice Mayor Schwartzman discussed the timing issue related to this item.

Mayor Patterson discussed concern regarding the lack of time to submit further comment to the Redistricting Commission. If the commission is still taking comments, discussion on the item would be agendized.

On motion of Council Member Hughes, seconded by Council Member loakimedes, Council approved placing the item on a future agenda, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

H. COUNCIL MEMBER COMMITTEE REPORTS

- 1. Mayor's Committee Meeting. (Mayor Patterson) Next Meeting Date: June 15, 2011**
- 2. Association of Bay Area Governments (ABAG). (Mayor Patterson and Council Member loakimedes) Next Meeting Date: Fall Assembly - October 13, 2011**
- 3. Finance, Audit and Budget Committee. (Vice Mayor Schwartzman and Council Member Campbell) Next Meeting Date: June 24, 2011**
- 4. League of California Cities. (Mayor Patterson and Vice Mayor Schwartzman) Next Meeting Date: July 28, 2011**
- 5. School Liaison Committee. (Council Members loakimedes and Hughes) Next Meeting Date: June 23, 2011**
- 6. Sky Valley Open Space Committee. (Council Members Campbell and Hughes) Next Meeting Date: August 3, 2011**
- 7. Solano EDC Board of Directors. (Mayor Patterson and Council Member Campbell) Next Meeting Date: July 28, 2011**
- 8. Solano Transportation Authority (STA). (Mayor Patterson and Council Member loakimedes) Next Meeting Date: July 13, 2011**
- 9. Solano Water Authority-Solano County Water Agency and Delta Committee. (Mayor Patterson and Vice Mayor Schwartzman) Next Meeting Date: July 14, 2011**
- 10. Traffic, Pedestrian and Bicycle Safety Committee. (Council Members Hughes and loakimedes) Next Meeting Date: July 21, 2011**

11. **Tri-City and County Regional Parks and Open Space. (Council Members Campbell and Hughes) Next Meeting Date: July 19, 2011**
12. **Valero Community Advisory Panel (CAP). (Council Member Hughes): Next Meeting Date: July 13, 2011**
13. **Youth Action Coalition. (Vice Mayor Schwartzman and Council Member Campbell) Next meeting Date: June 22, 2011**
14. **ABAG-CAL FED Task Force-Bay Area Water Forum. (Mayor Patterson) Next Meeting Date: June 27, 2011**
15. **SOLTRANS Joint Powers Authority (Mayor Patterson and Council Member loakimedes) Next Meeting Date: June 16, 2011**

IX. ADJOURNMENT:

Mayor Patterson adjourned the meeting at 10:59 p.m.

MINUTES OF THE
SPECIAL MEETING – CITY COUNCIL
June 28, 2011

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 6:00 p.m.

II. CONVENE OPEN SESSION:

A. ROLL CALL

All Council Members were present.

B. PLEDGE OF ALLEGIANCE

Claire McFadden led the Pledge of Allegiance.

C. REFERENCE TO THE FUNDAMENTAL RIGHTS OF THE PUBLIC:

III. OPPORTUNITY FOR PUBLIC COMMENT:

A. WRITTEN COMMENT

Two items received (copies on file).

B. PUBLIC COMMENT

None

IV. CLOSED SESSION:

Heather McLaughlin, City Attorney, read the announcement of Closed Session.

Ms. McLaughlin clarified that if the Closed Session ended early, Council could start the Budget Study Session prior to 7:00 p.m.

A. CONFERENCE WITH LABOR NEGOTIATOR

(Government Code Section 54957.6 (a))

Agency negotiators: City Manager, Administrative Services Director

Employee organizations: City Manager, City Attorney, Benicia Senior Management Group, Benicia Middle Management Group, Local 1, Benicia

Public Service Employees' Association (BPSEA), Benicia Police Officers Association (BPOA), Benicia Firefighters Association (BFA), Benicia Dispatchers Association (BDA), Police Management, Unrepresented.

V. RECONVENE OPEN SESSION:

Mayor Patterson reconvened Open Session at 7:13 p.m.

Public Comment:

None

A. ANNOUNCEMENT OF ACTION TAKEN IN CLOSED SESSION:

Ms. McLaughlin, City Attorney, announced that Council gave direction to Staff.

VI. BUDGET STUDY SESSION:

A. CONSIDERATION AND APPROVAL OF THE PROPOSED MUNICIPAL BUDGETS FOR FISCAL YEAR'S 2012 AND 2013, THE STRATEGIC PLAN FOR FISCAL YEARS 2011-2013, THE FIVE-YEAR CAPITAL IMPROVEMENT PROGRAM FOR FISCAL YEAR'S 2011-16 AND THE MASTER FEE SCHEDULE

RESOLUTION 11-80 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA ADOPTING THE MUNICIPAL BUDGETS FOR FISCAL YEAR 2011-12 AND 2012-13, THE STRATEGIC PLAN FOR FISCAL YEAR'S 2011-2013, THE FIVE-YEAR CAPITAL IMPROVEMENT PROGRAM FOR FISCAL YEAR'S 2011-16, AND THE MASTER FEE SCHEDULE

Brad Kilger, City Manager, introduced the staff report.

Rob Sousa, Finance Director, reviewed the staff report.

Council and Staff discussed the Capital Improvement Plan.

Mr. Sousa reviewed the Master Fee Schedule.

Chief Vucurevich discussed upcoming changes to the fire inspection fees.

Council and Staff discussed the issue of card rooms, and fee increases (the increases are not excessive and do not cover the total costs of the programs such as building wear-and-tear, supplies, etc.).

Council and Staff discussed the Strategic Plan.

Council and Staff discussed the questions listed in the memorandum from the Finance Director (handout - copy on file).

Public Comment:

1. Dennis Lowry - Mr. Lowry discussed the question relating to the Intermodal Fund, Internal Service Fund, Allied Waste payments for road maintenance, and the Marina Reserve Account.
2. Anthony Shannon - Mr. Shannon suggested the City renegotiate the contract with the Marina. He discussed investing the money set aside for the Intermodal Fund.

Council continued discussing the questions listed on the memo.

Mayor Patterson stated that she was looking for a motion that would:

- Make the wastewater payments on water payment, which would lower the reserve to 15.6%
- Add to the resolution, that within 90 days there would be a contingent plan (not withstanding some organizational issues) that the City would use \$400,000 out of the Intermodal Fund as a transfer of funds (almost like a loan) to the Internal Funds, and that the remainder would be used for the purposes of fulfilling the Strategic Plan, as adopted in the Action Items, for the investment, particularly as it deals with the Industrial Park, the Arsenal, and the Lower Arsenal

Council discussed the 2010-11, 2011-12, and 2012-13 surplus with respect to revenue and expenditures, the City's reserve, the lack of a balanced budget.

Council Member Hughes stated he would make a motion, containing the explanation listed above by Mayor Patterson. Council Member Campbell seconded the motion.

Council discussed the suggestion to backfill the CAC's budget to allow them to be open on Fridays (pending the fundraiser that they will hold and pending input from the Human Services Fund), the Community Arts financial issues, what to do about the \$15,000 needed by the Arsenal Swim Team to help keep the pool open in October, the issue of the City's expenses, and classifying the \$400,000 transfer from the Intermodal Fund to the Internal Funds as a loan (both the motioner and seconder agreed that was acceptable).

Mayor Patterson summarized the following motion that was made:

- Make the wastewater payment (principal and interest), which would draw the City's reserve down to 15.6%
- Take \$400,000, as a loan, from the Intermodal Fund to invest

proportionately into the Internal Funds

- Consider, for phase II, the use of \$400,000 (+) from the Intermodal Fund for financing economic development actions, as described in the Strategic Plan
- Have, within 90-days, a contingency plan, and that Council is recommending to the Human Services Fund that the City may fund the \$4,300 in order for the CAC to remain open on Fridays, unless their fundraising is successful
- The fall pool season will be subject to the success of the fundraising by the Arsenal Swim Team

Council discussed strengthening the 90-day contingency piece a little bit, whether they were looking to have the pool open for October/November (clarified that it was only October due to repair closures in November), taking the weather into account when dealing with keeping the pool open in October, concern regarding the City paying to keep the pool open and money that was cut from the Arts & Culture Commission.

Mayor Patterson requested that Council include, as part of the motion, that when looking at the 90-day contingency plan, that in the event there is a possibility of restoring some of the programs, the City would do so.

Council Member Hughes stated he was okay with looking into that. He would like to amend the budget to reflect that Staff would continue to work very hard with the pool folks as aggressively and creatively as the City can. Council Member Hughes would make a commitment to work with Council Member Campbell to help out with that effort. If the pool folks don't get to the fundraising goal of \$15,000, the City would find a way to fill that gap.

Mayor Patterson suggested that the Council get periodic reports, and they would make that decision later, but that the intent was not to hold them to the \$15,000, if they are so very close. She did not want to give them the impression that \$5,000 was enough, and that the City would cover the remaining \$10,000. That would be a mistake.

Council Member Hughes stated he understood what Mayor Patterson was saying, but that was his motion.

Council Member Campbell stated he would go along with Council Member Hughes.

Council Member Hughes clarified that the City would push very hard. He didn't want to give the swim team the impression that they could stop fundraising, but he wanted the City to make a commitment to keep the pool open in the month of October.

Council Member Campbell stated he would go along with that, and amend his second.

Council Member Hughes discussed the 'shaving' that was being done, and trying to move the budget along to get the four votes needed to pass the budget.

Mayor Patterson discussed the other needs, including that of the Arts & Culture Commission. She would not be comfortable just committing the funds to the swim team, even though she has been working with them and she supports them. It does not seem fair at this time. She suggested having some language that Council will come back and look at the progress that is being made, and make the commitment to make some decisions to make them whole; she could go along with that. She could not make the commitment of keeping the pool open.

Council Member Campbell discussed the percentage of the budget that the \$15,000 would amount to.

Council Member Ioakimedes agreed with Mayor Patterson. Council could not cherry pick at this late date. He would like to figure out a way to keep the pool open, however, he could not go there. There are too many other organizations Council has said no to. All the non-profits are hurting.

Mr. Kilger recommended Council direct Staff to come back to Council within 90 days with a discussion with respect to not just the pool, but also the other community groups. Staff will have a better idea where they are at by the end of the year. He would like a little flexibility on the 90 days, as Staff will be closing the books near that time for 2010-2011. They would have a chance to work with Department Staff, Human Services Board, as well as the Arts & Culture Commission. He could sit down with Staff, and work cooperatively with them to figure out what some creative ways were (maybe not restoring all the funding), and figure out some things that could be done. They could bring those things back along with the pool, and offer some suggestions on what could be done. They could address the pool, minimal funding for CAC, and others. They would not just close the doors on those three groups, but work with the two boards to see what might be available. Staff was not making a specific dollar commitment at this point, but they were making a commitment that they will look at ways to try and assist with those deficiencies, with their fundraising, and with what the City may be able to work with at the Staff level.

Council Member Hughes stated a budget needed to be passed, and he needed three votes, so he would keep his motion as it was, without the pool, other than the fact that he was still going to make the commitment to work with Council Member Campbell and Staff to see what they could do, and include it in the 90-days. He would be looking for something very creative, knowing we are looking

for fractions. He would move forward with that.

Ms. McLaughlin clarified that the budget policy required four votes to move forward with a reduction that would go below the 20% reserve.

Vice Mayor Schwartzman stated he would be voting no, regardless, because he thought it was the wrong thing. He would love to find some money to backfill, but it shouldn't be in the motion. What kind of message does that send to the employees that we are cutting and cutting, and then backfilling others?

The original motion did not pass, as it only received three out of five votes.

Council Member Hughes asked Council Member Campbell if his no vote was based on the pool issue. Council Member Campbell confirmed it was. Council Member Hughes asked Council Member Campbell if there was something between an absolute commitment and coming back in 90 days that would make him feel better.

Council Member Campbell stated the commitment that was made that wasn't absolute was fine with him. If Staff comes back in 90 days with a plan, and make every effort to do this. But that wasn't going to fly with the Mayor. Mayor Patterson stated that wasn't the case.

Council Member Hughes clarified that the motion was that Staff would include the pool. Staff would come back in 90 days with a plan. That was not pulled out. It was part of the motion.

Council Member Campbell suggested trying the motion again, reading it back in it's entirety.

Council Member Hughes stated the City would pay the principal and interest on the wastewater advance (that will result in the lower reserve).

Council Member Campbell stated he was fine and happy with those things.

Council Member Hughes stated (regarding the motion) with respect to the pool and some other funds, that Staff would come back within 90 days with a plan that will hopefully fund the pool, and perhaps some of the other areas that Council had to reduce, such as Arts & Culture Commission, and others.

Mayor Patterson clarified that it was the same motion, but the maker of the motion asked for reconsideration.

Mayor Patterson thanked the public, Staff, and Council for their efforts. Mr. Kilger thanked Staff and Council for their efforts.

On motion of Council Member Hughes, seconded by Council Member Campbell,

Council did not approve the motion to approve the Resolution, as amended, on roll call by the following vote:

Ayes: Patterson, Hughes, loakimedes

Noes: Schwartzman, Campbell

On motion of Council Member Hughes, seconded by Council Member Campbell, Council approved the amended motion to adopted the Resolution, as amended, on roll call by the following vote:

Ayes: Patterson, Campbell, Hughes, loakimedes

Noes: Schwartzman

VII. ADJOURNMENT:

Mayor Patterson adjourned the meeting at 10:39 p.m.

MINUTES OF THE
SPECIAL MEETING – CITY COUNCIL
July 05, 2011

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 6:00 p.m.

II. CONVENE OPEN SESSION:

A. ROLL CALL

All Council Members were present.

B. PLEDGE OF ALLEGIANCE

Mayor Patterson led the Pledge of Allegiance.

C. REFERENCE TO THE FUNDAMENTAL RIGHTS OF THE PUBLIC:

III. OPPORTUNITY FOR PUBLIC COMMENT:

A. WRITTEN COMMENT

B. PUBLIC COMMENT

IV. CLOSED SESSION:

Heather McLaughlin, City Attorney, read the announcement of Closed Session.

A. CONFERENCE WITH LABOR NEGOTIATOR

(Government Code Section 54957.6 (a))

Agency negotiators: City Manager, Administrative Services Director

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

1. ADJOURNMENT TO OPEN SESSION:

Mayor Patterson adjourned the meeting to Open Session at 6:55 p.m. Item IV.B would be heard following the adjournment of the regular City Council meeting.

B. PUBLIC EMPLOYEE PERFORMANCE EVALUATION
(Subdivision (b) of Government Code Section 54957)

Title: City Manager

V. ADJOURNMENT:

Mayor Patterson adjourned the Closed Session meeting at 11:00 p.m.

MINUTES OF THE
REGULAR MEETING – CITY COUNCIL
July 05, 2011

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

Mario Giuliani led the Pledge of Allegiance.

C. REFERENCE TO THE FUNDAMENTAL RIGHTS OF THE PUBLIC.

IV. ANNOUNCEMENTS/APPOINTMENTS/PRESENTATIONS/PROCLAMATIONS:

A. ANNOUNCEMENTS

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

Ms. McLaughlin reported that Council received information from Staff on item IV.A, and continued item IV.B to follow the adjournment of the regular meeting.

2. Openings on Boards and Commissions:

Benicia Housing Authority Board of Commissioners: One Full Term to July 31, 2012 Applications Due Date: July 15, 2011

Historic Preservation Review Commission: Two Full Terms to July 31, 2015 Application Due Date: July 15, 2011

Economic Development Board: Two Full Terms to July 31, 2015 Application Due Date: July 15, 2011

SolTrans Public Advisory Committee: Three Full Terms Open until Filled

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

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

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

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

Arts & Culture Commission: One unexpired term to January 31, 2013 Open until filled

3. Mayor's Office Hours:

4. Benicia Arsenal Update: No new information to report at this time.

No report at this time.

B. APPOINTMENTS

1. Appointment of Council Member Mark Hughes to a City Council Appointment Subcommittee for a two year term ending June 29, 2012.

RESOLUTION 11-81 - A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF COUNCIL MEMBER MARK HUGHES TO A CITY COUNCIL APPOINTMENT SUBCOMMITTEE FOR A ONE-YEAR TERM ENDING JUNE 29, 2012

On motion of Mayor Patterson Council adopted the Resolution, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, Ioakimedes

Noes: (None)

C. PROCLAMATIONS

1. In Recognition of Parks and Recreation Month

D. PRESENTATIONS

V. ADOPTION OF AGENDA:

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

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

VI. OPPORTUNITY FOR PUBLIC COMMENT:

A. WRITTEN COMMENT

Two items received (copies on file).

B. PUBLIC COMMENT

1. Leslie Lessenger, Human Services Fund - Ms. Lessenger clarified prior statements made at the 6/28 Council meeting regarding their 7/24 fundraiser, and how the money raised would be accounted for. The funds were meant to be part of their anticipated donations.

Council and Staff discussed what would happen in the event the fundraiser did not raise their anticipated amount.

2. Amit Pal, PG&E - Mr. Pal introduced himself as the new Local Government Relations Representative, Government Relations.
3. Jeff Apkarian - Public Employees Union, Local One - Mr. Apkarian discussed concerns regarding the recent labor negotiations.
4. Christina Strawbridge - Ms. Strawbridge discussed the success of the 3rd of July events downtown.

VII. CONSENT CALENDAR:

Council pulled items VII.A, VII.C, VII.D, VII.F, and VII.G for discussion.

On motion of Vice Mayor Schwartzman, seconded by Council Member loakimedes, Council approved the Consent Calendar, as amended, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

A. APPROVAL OF MINUTES OF THE SPECIAL AND REGULAR MEETING OF JUNE 21, 2011

Vice Mayor Schwartzman stated he wanted to review the June 21, 2011 video, and asked that the minutes be continued to the next Council meeting.

On motion of Vice Mayor Schwartzman, seconded by Council Member Hughes,

Council approved continuing the minutes to the next Council meeting, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

B. ESTABLISHMENT OF THE ANNUAL APPROPRIATIONS LIMIT PURSUANT TO ARTICLE XIII B OF THE CALIFORNIA STATE CONSTITUTION FOR FISCAL YEAR 2011-12

RESOLUTION 11-82 - A RESOLUTION ESTABLISHING AN APPROPRIATIONS LIMIT PURSUANT TO ARTICLE XIII B OF THE CALIFORNIA STATE CONSTITUTION FOR FISCAL YEAR 2011-12

On motion of Vice Mayor Schwartzman, seconded by Council Member loakimedes, Council adopted the Resolution, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

C. CONSIDERATION OF AWARDING A CONTRACT FOR AUDITING SERVICES TO MAZE & ASSOCIATES

RESOLUTION 11-83 - A RESOLUTION AWARDING A CONTRACT FOR AUDITING SERVICES TO MAZE & ASSOCIATES

Mayor Patterson discussed the need to show the criteria and standards for choosing the firm.

Mr. Sousa discussed the criteria used to make the recommendation of awarding the auditing service contract to Maze & Associates. He discussed the recommendation by the Finance Committee to hire the firm.

Council Member loakimedes and Staff discussed why the City stopped using the firm in the past, and the recommended length of the contract.

Vice Mayor Schwartzman and Council Member Campbell, discussed why the Finance Committee made the recommendation to go with Maze & Associates.

Public Comment:

None

On motion of Vice Mayor Schwartzman, seconded by Council Member Hughes, Council adopted the Resolution, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

D. ADOPT THE ORDINANCE TO AMEND THE BENICIA MUNICIPAL CODE SECTION ON CANDIDATE DEBATES TO CLARIFY THE PURPOSE AND ALLOWABLE DATES

ORDINANCE 11-07 - AN ORDINANCE AMENDING SECTION 1.42.110 (CANDIDATE DEBATE) OF CHAPTER 1.42 (CONTRIBUTION AND VOLUNTARY SPENDING LIMITS) OF TITLE 1 (GENERAL PROVISIONS) OF THE BENICIA MUNICIPAL CODE

Vice Mayor Schwartzman asked for clarification that the title of the event would be changed from debate to forum. Staff confirmed the language would reflect the title as a forum.

On motion of Vice Mayor Schwartzman, seconded by Council Member Hughes, Council adopted the Ordinance, as amended, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

E. REVIEW AND ACCEPTANCE OF THE INVESTMENT REPORT FOR THE QUARTER ENDED MARCH 2011

On motion of Vice Mayor Schwartzman, seconded by Council Member loakimedes, Council approved the review and acceptance of the investment report for the quarter ending March 2011, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

F. PROCEDURE FOR RESOLVING TIE VOTES FOR ELECTIVE OFFICES AT GENERAL MUNICIPAL ELECTIONS

RESOLUTION 11-84 - A RESOLUTION ESTABLISHING THE PROCEDURE FOR DETERMINING TIE VOTES FOR ELECTIVE OFFICES IN THE CITY OF BENICIA BY LOT

Vice Mayor Schwartzman inquired if there were any other mechanisms for resolving tie votes. He and Staff discussed a scenario when three candidates were running for office, and how that would be affected by the proposed procedures.

Council Member Campbell and Staff discussed the cost of a special election. Council Member Campbell stated that he thought a special election would cost \$15.00 per registered voter (which would be approximately \$200,000), as opposed to the \$35,000 quoted in the staff report.

Council Member loakimedes and Staff discussed the recount procedures that were in place. He suggested inserting language referencing the recount procedures that are followed. They discussed recounts that were done by the

courts, and recounts requested by the candidates. Council Member Ioakimedes wanted to ensure that the proposed resolution did not interfere with the candidate's right to request a recount.

Mayor Patterson suggested that language be inserted in the motion that the resolution would not contravene the existing guidance for a recount.

Council Member Hughes stated he also had concerns regarding three candidates running in a scenario where there was a tie.

Vice Mayor Schwartzman asked if language could be inserted stating that the proposed procedures would be accepted if there were two candidates running, however if there were three candidates running, there would need to be a special election.

Council Member Campbell discussed his lack of support for having a special election, as he was sure the cost was higher than reflected in the staff report.

Council Member Hughes stated he would not be willing to spend money on a special election, regardless of the cost.

Vice Mayor Schwartzman stated he would not be supportive of a special election if the cost were \$200,000, however, it was \$35,000 that was different.

Public Comment:

None

Ms. McLaughlin suggested the following language in Section 1 of the Resolution, as discussed by Council: 'In the event two or more candidates for a municipal elective office receive an equal and the highest number of votes, creating a tie, including a tie after a statutory recount, if requested, the tie shall be resolved as outlined in exhibit A, attached hereto.'

Vice Mayor Schwartzman stated he would rather defer this item until the actual cost of a special election was confirmed.

Ms. Wolfe stated that the \$35,000 quoted in the staff report was the cost to add an item to an existing election. She agreed with Council Member Campbell that a special election was more in line with \$10-\$15 per registered voter. She would confirm that for Council, but felt Council Member Campbell was correct in the higher estimated costs (over \$200,000).

Vice Mayor Schwartzman stated if that were the case, he would not support a special election if the costs were that high.

Council Member Campbell and Staff discussed the cost of a statutory recount. He suggested looking into the City paying for a recount if the votes were very close. Staff confirmed they would look into the issue for future consideration. On motion of Council Member Hughes, seconded by Vice Mayor Schwartzman, Council adopted the Resolution, as amended, on roll call by the following vote:
Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes
Noes: (None)

G. TRANSFER OF TRANSIT OPERATIONS TO SOLANO COUNTY TRANSIT

RESOLUTION 11-85 - A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE DOCUMENTS AND TAKE FURTHER ACTIONS AS MAY BE NECESSARY IN ORDER TO ACCOMPLISH THE GOALS CONTEMPLATED BY THE SOLANO COUNTY TRANSIT JOINT POWERS AGREEMENT

Council Member Campbell and Staff discussed the need to know what the administrative costs were (8% of the total budget - \$1.5 million in savings due to the consolidation), what the administrative compensation was (less than normal overhead costs - main costs were the contracts with MV), and the number of employees there would be (5 paid positions). Council Member Campbell stated that the costs should be listed in the future.

Mayor Patterson clarified that SolTrans was a JPA, and it was operating independently. She suggested Council Member Campbell look at the business plan for SolTrans.

Mr. Sousa clarified that the final financial element would be brought back on 7/19/11. Technically, the positions are not yet filled. The CEO was the only position that had been decided on.

Council Member Campbell stated he thought all this would be cleared up by now.

Council Member loakimedes discussed SolTrans being a solid and solvent partnership with the City of Vallejo, as it was not part of Vallejo's bankruptcy. SolTrans was already in operation.

Public Comment:

None

Vice Mayor Schwartzman asked who would be making decisions on SolTrans' employee compensation (SolTrans Board).

Council Member Campbell stated he would be voting no until all the parts of the

puzzle were revealed, and he has not seen all the employee compensation information yet.

On motion of Council Member Hughes, seconded by Council Member Ioakimedes, Council adopted the Resolution, on roll call by the following vote:
Ayes: Patterson, Schwartzman, Hughes, Ioakimedes
Noes: Campbell

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

VIII. BUSINESS ITEMS:

A. BEST PRACTICES FOR GRANTEES OF THE CITY

Heather McLaughlin, City Attorney, reviewed the staff report.

Mayor Patterson disclosed ex parte communications. She discussed the Human Services Fund's process. She discussed the reporting process being led by the City of Benicia. There are inconsistency in what is being asked of Benicia Main Street and the Benicia Historical Museum. She discussed Benicia Main Street's fantastic program. If the City wants more from Benicia Main Street, they have to make what they want very clear.

Vice Mayor Schwartzman and Staff discussed who at the City oversaw the museum (mostly Parks, Recreation & Cemetery Commission).

Council Member Campbell discussed the recent audit done by the Finance Department. He inquired about the Chamber of Commerce (the only money the City gives them is for its membership).

Public Comment:

1. James Lessenger - Mr. Lessenger stated that the best practices need to be laid out more clear than had been done so in the staff report. He asked that a list of best practices be submitted for review.

Ms. McLaughlin reviewed the best practices that were proposed by the Open Government Commission.

2. John Van Landschoot - Mr. Van Landschoot discussed the need to add service contracts to the best practices.
3. Christina Strawbridge - Ms. Strawbridge discussed the Economic Development portion of Benicia Main Street's contract. EDB oversees the contract with Benicia Main Street.
4. Bonnie Silveria - Ms. Silveria discussed Benicia Main Street's budget. She discussed how their board reviews and decides which events are successful

and profitable.

Mayor Patterson suggested adding performance measures to the report. She and Staff discussed the confusion between the services being provided vs. the grantees that are receiving grants. Mayor Patterson discussed the need to have the reports reflect the differences.

Mr. Kilger discussed Benicia Main Street being an independent contractor. He discussed support for standardization and consistency. There is work to be done with the reporting, however there needs to be some flexibility with the service agreements.

Vice Mayor Schwartzman discussed the difference between grantees and service groups.

Council Member Campbell expressed concern regarding Council getting too involved in dictating what programs the organizations put their money towards, although there should be a way to track it.

Council Member Hughes agreed with Council Member Campbell's and Mr. Lessenger's ideas. The groups are providing different services. There should be adequate oversight.

Council Member Ioakimedes discussed concern regarding comments such as 'analyzing the return on investments.' He did not want to make the process overly governmental.

Mayor Patterson summarized there was more work to be done with standardization, basic level reporting, and specialization for approach and expectations. The process should not be overly bureaucratic or paper-heavy. The City should make sure the responsible commissions have and fulfill that responsibility. The bottom line is that the best practices should be implemented, and that each organization could adapt in a way that is suitable for the use of those best practices, without infringing on their operation and what they are trying to achieve.

Ms. McLaughlin clarified that the best practices that the Open Government Commission recommended were for the grantees, and are the best practices that they are currently following.

Mayor Patterson agreed, and stated that there were no changes, and there was not a desire on the Council to see changes in the current practices by the Human Services Fund Board and the Arts & Cultural Commission. The remainder is for the processes that are ongoing, the standardization that Mr. Kilger referred to, and should be adaptable to the various organizations.

Council Member Hughes clarified stated that he would rather the City share the best practices with the groups, and let them, along with some City guidance, determine if some of those are appropriate for the work that they are doing.

Mayor Patterson agreed that was what she was saying.

B. NAMING OF THE NINTH STREET LAUNCHING FACILITY PARK

RESOLUTION 11-86 - A RESOLUTION NAMING THE PARK AT NINTH STREET LAUNCHING FACILITY, ALVAREZ NINTH STREET PARK, AFTER RETIRING PARKS AND COMMUNITY SERVICES DIRECTOR MICHAEL ALVAREZ

Mike Dotson reviewed the staff report.

Bonnie Silveria, former Parks, Recreation & Cemetery Commissioner, discussed the commission's recommendation to name the park after Mr. Alvarez. She discussed the letter she sent to Council (copy on file) regarding the issue.

Public Comment:

1. Mike Smith - Mr. Smith spoke in opposition to the proposed renaming of the park. He suggested putting the issue on a ballot, so the citizens could vote on it.
2. Nancy Cockerham, Parks, Recreation & Cemetery Commissioner - Ms. Cockerham discussed how the recommendation was made, the public input and comments that were made at meetings in support of the renaming of the park. She spoke in support of the renaming of the park.

Mayor Patterson discussed her support for the renaming of the park.

Council Member Hughes discussed the feedback he had heard and read regarding the renaming of the park. He discussed his support for renaming the park.

Vice Mayor Schwartzman discussed his support for renaming the park. He discussed the need to come up with parameters for renaming parks.

Council Member loakimedes discussed his support for renaming the park.

Council Member Campbell discussed the need to have a policy in place for naming facilities, streets, etc.

Council gave direction to Staff to consider some sort of protocol on this issue.

C. DISCUSSION OF REDISTRICTING MAPS FOR THE CITY OF BENICIA

Brad Kilger, City Manager, reviewed the staff report.

Mayor Patterson discussed a forum that was held on this issue a few weeks ago. It was very informative. They were clear about what sort of comments that would be considered.

Vice Mayor Schwartzman discussed the importance of Council discussing this issue. There would definitely be changes for the City of Benicia. One of the changes that would have the most impact on the City is the congressional change. If Council has a strong feeling about any of the issues, they should submit those comments to the Redistricting Commission.

Mayor Patterson discussed the points that the Commission had to look at (as referenced in the staff report). She discussed concern regarding Council's ability to come up with recommendations to the commission in such a short timeframe.

Council Member Campbell discussed what congressional district the City of Benicia was in. He did not have any interest in submitting written comments to the Redistricting Commission.

Council Member Ioakimedes discussed concern regarding changing from being part of the Bay Area to only being part of Solano County. He discussed how many other ports there were in the district the City of Benicia was in. He was concerned that there might be more of an interest in agriculture.

Vice Mayor Schwartzman discussed the 1,100 signatures that were submitted to the commission by the City of American Canyon. He offered to draft comments to send to the commission.

Mayor Patterson discussed concern regarding submitting a 'gripe' letter to the commission.

Vice Mayor Schwartzman clarified that if comments were submitted, they would need to be concrete concerns listed.

Council Member Hughes discussed concern regarding submitting concerns to the commission that were not convincing and reasonable. He did not want to spend a lot of staff time on the issue.

Mayor Patterson stated the door would not be closed on the issue. Vice Mayor Schwartzman could work with Staff to draft comments that Council could review. Staff should not spend a lot of time on this issue.

Public Comment:

None

IX. ADJOURNMENT:

Mayor Patterson adjourned the meeting to Closed Session at 9:25 p.m.

AGENDA ITEM
CITY COUNCIL MEETING DATE - JULY 19, 2011
CONSENT CALENDAR

DATE : June 22, 2011

TO : City Council

FROM : City Manager

SUBJECT : **DESIGNATION OF LEAGUE OF CALIFORNIA CITIES VOTING DELEGATES AND ALTERNATES**

RECOMMENDATION:

Approve, by motion, the designation of Mayor Elizabeth Patterson (voting delegate) and Council Member Mike Ioakimedes as the alternate voting delegate from the Council for the upcoming League of California Cities Annual Business Meeting.

EXECUTIVE SUMMARY:

The League of California Cities' 2011 Conference will be held September 21 - 23, 2011 in San Francisco. The Annual Business Meeting at the conference will be on Friday, September 23, 2011 and, in order to vote at that meeting, the City Council must designate a voting delegate. The City may appoint up to two alternate voting delegates in the event that the designee is unable to serve in that capacity. A designated voting delegate must be present at the meeting in order to cast a vote. The League membership considers and acts on resolutions that establish League policy at the meeting.

BUDGET INFORMATION:

There is no budget impact associated with this action.

STRATEGIC PLAN:

Not applicable.

**AGENDA ITEM
CITY COUNCIL MEETING DATE - JULY 19, 2011
CONSENT CALENDAR**

DATE : June 24, 2011

TO : City Manager

FROM : Police Chief

SUBJECT : **RESOLUTION AWARDING MOTOROLA A PURCHASE ORDER FOR COMMUNICATIONS EQUIPMENT**

RECOMMENDATION:

Adopt the resolution authorizing the purchase of Communications Equipment as approved in a Homeland Security Grant.

EXECUTIVE SUMMARY:

The communications equipment will be purchased with Federal grant funding from Motorola with pricing consistent with the California Convenience contract modeled off of the Western States Contracting Alliance (WSCA) contract #22348. This satisfies the requirements of the City's Municipal Code section 3.08.110(I) concerning bid processes and takes advantage of joint purchasing with other agencies.

BUDGET INFORMATION:

The cost of the Communications Equipment is \$43,541.20. The Federal grant provides funding for the total amount of these purchases on a reimbursement basis.

GENERAL PLAN:

N/A

STRATEGIC PLAN:

Relevant Strategic Plan Issues and Strategies:

- ❑ Strategic Issue #2: Protecting Community Health and Safety
- ❑ Strategy #3: Provide a high state of preparedness for disasters/emergencies

BACKGROUND:

The grant funding was accepted by council at the October 20, 2009 council meeting. Solano County OES is identified as a sub-grantee on this grant. Benicia PD will purchase communication equipment with the grant funding.

Benicia PD will then submit receipts for the equipment to Solano County OES. Solano County OES will in turn submit the receipt to the California Emergency Management Agency (Cal-EMA). Cal-EMA will send reimbursement funds totaling the amount on the receipt(s) to Solano County OES. Solano County OES will then give those reimbursement funds to Benicia PD.

The grant program will reimburse Benicia PD for qualified expenses as they are incurred. There is no matching requirement. The Consolidated Security, Disaster Assistance and Continuing Appropriations Act of 2009 (Public Law 110-329) provided funding for this program.

Attachment:

- Resolution

RESOLUTION NO. 11-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA AWARDING
A PURCHASE ORDER TO MOTOROLA FOR COMMUNICATIONS EQUIPMENT**

WHEREAS, the City of Benicia was successful in securing federal grant assistance toward the purchase of communications equipment for Police Department services; and

WHEREAS, the City of Benicia has secured pricing consistent with the California Convenience contract modeled off of the Western States Contracting Alliance (WSCA) contract #22348 for the purchase of communications equipment identified in the federal grant thus assuring the lowest price possible and quick delivery terms; and

WHEREAS, Motorola is the vendor to whom the contract for communications equipment has been awarded.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Benicia hereby awards a purchase order to Motorola for communications equipment for \$43,541.20.

On motion of Council _____ 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 19th day of July, 2011, and adopted by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk

AGENDA ITEM
CITY COUNCIL MEETING DATE - JULY 19, 2011
CONSENT CALENDAR

DATE : June 28, 2011

TO : City Manager

FROM : Public Works and Community Development Director

SUBJECT : **PARTICIPATION IN BEACON AWARD PROGRAM**

RECOMMENDATION:

Adopt a resolution approving participation in the Institute for Local Government's Beacon Award Program.

EXECUTIVE SUMMARY:

The Beacon Award recognizes and celebrates California cities and counties that adopt policies and programs to address climate change and promote sustainability. Participating in the voluntary program provides positive recognition for saving energy, conserving resources, promoting sustainability and reducing greenhouse gas emissions.

BUDGET INFORMATION:

There is no budget impact associated with participation in the program.

GENERAL PLAN:

The program recognizes the City's efforts to achieve sustainability, the overarching goal of the General Plan.

STRATEGIC PLAN:

The Beacon program relates to all of the strategies and actions under Strategic Issue 2: Protecting and Enhancing the Environment.

CLIMATE ACTION PLAN:

The program is tied to all of the objectives, strategies and actions of the Climate Action Plan.

BACKGROUND:

The Beacon Award: Local Leadership toward Solving Climate Change is a newly established program of the Institute for Local Government (ILG) recognizing and celebrating cities and counties that reduce greenhouse gas emissions and energy use; adopt policies and programs to address climate change; and promote sustainability. ILG is the non-profit research and education affiliate of

the League of California Cities and the California State Association of Counties.

The Beacon Award program is funded by the California utility ratepayers and administered by Pacific Gas and Electric Company, San Diego Gas and Electric Company, Southern California Edison and Southern California Gas Company, under the auspices of the California Public Utilities Commission.

In order to continue to participate in the Beacon Award in the future, the City must achieve measurable greenhouse gas reductions and energy savings in agency facilities, and achieve measurable greenhouse gas reductions and promote energy conservation activities in the community.

Participating cities and counties may be recognized with Silver, Gold and Platinum Beacon Award for achieving specified reductions. The program will also recognize participants for interim accomplishments. Awards are achieved through the tiered scale of criteria below:

<i>Silver Beacon Award</i>	
Agency Facilities & Operations	
GHG Reduction:	5 percent in agency facilities & operations
Energy Savings:	5 percent in agency facilities & operations from energy efficiency retrofits
Community	
GHG Reduction:	5 percent in the community as a whole
Energy Savings:	1 activity that promotes energy efficiency in the community
Best Practice Areas:	One activity in each of the ten Best Practice Areas

<i>Gold Beacon Award</i>	
Agency Facilities & Operations	
GHG Reduction:	10 percent in agency facilities & operations
Energy Savings:	10 percent in agency facilities & operations from energy efficiency retrofits
Community	
GHG Reduction:	10 percent in the community as a whole
Energy Savings:	2 activities that promote energy efficiency in the community
Best Practice Areas:	2 activities in each of the ten Best Practice Areas

Platinum Beacon Award	
Agency Facilities & Operations	
GHG Reduction:	20 percent in agency facilities & operations
Energy Savings:	20percent in agency faculties & operations from energy efficiency retrofits
Community	
GHG Reduction:	20 percent in the community as a whole
Energy Savings:	4 activities that promote energy efficiency in the community
Best Practice Areas:	3 activities in each of the ten Best Practice Areas

The ten Best Practice Areas referenced are from ILG's California Climate Action Network's Best Practices Framework, which offers suggestions for action to reduce greenhouse gas emissions in each of the areas, for both agency facilities and the community at large. The ten Best Practice Areas are:

1. Energy Efficiency & Conservation
2. Water & Wastewater Systems
3. Green Building
4. Waste Reduction & Recycling
5. Climate-Friendly Purchasing
6. Renewable Energy & Low-Carbon Fuels
7. Efficient Transportation
8. Land Use & Community Design
9. Open Space & Offsetting Carbon Emission
10. Promoting Community & Individual Action

City staff has received assurance from ILG that Benicia will be accepted upon submission of the attached resolution as a Beacon Award participant, after which we will work towards achieving one or more of the three award levels. There is no deadline or timeline for meeting award level criteria; awards are given out on an ongoing basis. Participants also are asked to provide periodic information about their efforts to reduce greenhouse gas emissions and save energy, as well as activities in the ten best practice areas.

Participants will receive special recognition at League of California Cities and California State Association of Counties events, be highlighted on the Beacon Award website, and receive certificates and other materials to display in agency facilities. They may also receive other appropriate and visible public tributes acknowledging their accomplishments.

Additional detailed information about the program can be found at www.ca-ilg.org/BeaconAward.

Woodland and San Ramon are among the 17 cities, plus Sonoma and Yolo counties, that have been recognized under the Beacon program, largely for completing greenhouse gas inventories and adopting climate action plans. San Rafael became the first participant in September 2010 for efforts including adoption of a green building ordinance prior to the State requirement.

Attachment:

- Proposed Resolution

RESOLUTION NO. 11-

A RESOLUTION OF THE CITY OF BENICIA IN SUPPORT OF PARTICIPATION IN THE INSTITUTE FOR LOCAL GOVERNMENT'S BEACON AWARD: LOCAL LEADERSHIP TOWARD SOLVING CLIMATE CHANGE

WHEREAS, the City of Benicia is undertaking policies, programs and activities to reduce greenhouse gas emissions and save energy; and

WHEREAS, these policies, programs and activities conserve natural resources, save energy and money, and promote sustainable land use and transportation planning in the community; and

WHEREAS, cities and counties statewide are leading by example by adopting innovative sustainability programs and policies, including working with community residents, business groups and others; and

WHEREAS, the City is in the process of completing an approximately \$12 million project consisting of solar photovoltaic arrays at 10 City operations sites, more than 2000 induction streetlights and energy conservation and efficiency measures at City facilities; and

WHEREAS, the City wishes to expand these activities, share its experiences with other communities, and be recognized for its accomplishments; and

WHEREAS, the Beacon Award: Local Leadership Toward Solving Climate Change is a voluntary program of the Institute for Local Government, the non-profit research and education affiliate of the California State Association of Counties and the League of California Cities; and

WHEREAS, the Beacon Award recognizes and celebrates achievements of cities and counties that reduce greenhouse gas emissions and save energy; and

WHEREAS, participating in the Beacon Award is an opportunity for the City to be recognized for its efforts to promote sustainability, reduce greenhouse gas emissions and save energy.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Benicia agrees to participate in the Beacon Award: Local Leadership Toward Solving Climate Change.

BE IT FURTHER RESOLVED, that the City of Benicia will work towards achieving the Silver, Gold and/or Platinum Beacon Award levels.

* * * * *

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 on the 19th day of July, 2011.

Ayes:

Noes:

Absent:

Abstain:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk

**AGENDA ITEM
CITY COUNCIL MEETING DATE - JULY 19, 2011
CONSENT CALENDAR**

DATE : July 12, 2011

TO : City Manager

FROM : Administrative Services Director

SUBJECT : **RESOLUTION AMENDING THE VALUE OF EMPLOYER PAID MEMBER CONTRIBUTIONS (EPMC) OF EMPLOYEES' COMPENSATION EARNABLE TO THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM (PERS) FOR THE CITY MANAGER AND CITY ATTORNEY, SENIOR MANAGEMENT EMPLOYEES, MID MANAGEMENT EMPLOYEES, POLICE MANAGEMENT EMPLOYEES AND UNREPRESENTED EMPLOYEES, EFFECTIVE JULY 1, 2011**

RECOMMENDATION:

Adoption of the resolution approving reducing the value Employer Paid Member Contributions (EPMC) compensation earnable to the Public Employees' Retirement System (PERS) for the City Manager and City Attorney, Senior Management employees, Mid-Management Employees, and (pending approval of the related Business Items on July 19th.) the Police Management Employees and unrepresented employees, effective July 1, 2011.

EXECUTIVE SUMMARY:

With the recent conclusion of negotiations with some of the bargaining groups, the City Council approved the modification (reduction) of the Employer Paid Member Contributions (EPMC) paid on behalf of the employees.

BACKGROUND:

Effective July 1, 2011 the new EPMC amounts for each group, and reported as compensation, are as follows:

- | | |
|----------------------------------|-----------|
| □ City Manager and City Attorney | 4% EPMC |
| □ Senior Managers (safety) | 4.5% EPMC |
| □ Senior Managers (non-safety) | 4% EPMC |
| □ Mid Managers (safety) | 4.5% EPMC |
| □ Mid Managers (non-safety) | 3% EPMC |
| □ Police Managers | 5.5% EPMC |
| □ Unrepresented | 5% EPMC |

The remaining portion of the employee rate of PERS will be paid by the employee pursuant to Government Code 20691, on a pre-tax basis as offered by section 414(h)(2) of the IRC. The City previously received approval from PERS to implement Internal Revenue Code, 414 (h)(2) postponing State and Federal taxes on the amount of the contribution until distribution either through retirement allowance or a lump sum payment (refund) of the miscellaneous member's contribution.

BUDGET INFORMATION:

There is no additional budget impact. The fiscal savings for each group was reported in the resolutions approving the concession packages.

Attachment:

- Resolution

RESOLUTION 11-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA AMENDING THE PAYING AND REPORTING OF THE VALUE OF EMPLOYER PAID MEMBER CONTRIBUTIONS (EPMC) OF EMPLOYEES' COMPENSABLE EARNINGS TO THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM (PERS) FOR THE CITY MANAGER AND CITY ATTORNEY, SENIOR MANAGEMENT EMPLOYEES, MID MANAGEMENT EMPLOYEES, POLICE MANAGEMENT EMPLOYEES, AND UNREPRESENTED EMPLOYEES EFFECTIVE JULY 1, 2011

WHEREAS, the governing body of the City of Benicia has the authority to implement Government Code Section 20636(c)(4) pursuant to Section 20691; and

WHEREAS, the governing body of the City of Benicia has a written labor agreement which specifically provides for the normal member contributions to be paid by the employer, and reported as additional compensation; and

WHEREAS, one of the steps in the procedures to implement, or modify, Section 20691 is the adoption by the governing body of the City of Benicia of a Resolution to commence paying and reporting the value of said Employer Paid Member Contributions (EPMC); pursuant to CCR title 2 section 571(a)(1); and

WHEREAS, the governing body of the City of Benicia has identified the following conditions for the purpose of its election to pay EPMC:

- This benefit shall apply to all employees including the City Manager and City Attorney, Senior Management, Mid Management, Police Management Groups, and the Unrepresented employees, effective July 1, 2011.
- This benefit shall consist of paying a portion of the normal contributions of the miscellaneous and safety category members of PERS in the above groups as EPMC and reporting the same percent (value) of compensation earnable {excluding Government Code Section 20636(c)(4)} as additional compensation. The amounts of EPMC for each group is as follows:
 - City Manager and City Attorney: 4% EPMC
 - Senior Managers
 - Safety members: 4.5% EPMC
 - Non-Safety members: 4% EPMC
 - Mid Managers
 - Safety members: 4.5% EPMC
 - Non-Safety members: 3% EPMC
 - Unrepresented Employees: 5% EPMC

The effective date of this Resolution shall be July 1, 2011.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Benicia elects to amend and pay EPMC, as set forth above.

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 19th day of July, 2011, and adopted by the following vote.

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk

AGENDA ITEM
CITY COUNCIL MEETING DATE - JULY 19, 2011
CONSENT CALENDAR

DATE : June 29, 2011

TO : City Manager

FROM : Finance Director

SUBJECT : **SETTING 2011-12 SECURED TAX RATES FOR BONDED INDEBTEDNESS FOR THE 1997 GENERAL OBLIGATION SEWER BONDS**

RECOMMENDATION:

Adopt the resolution setting the 2011-12 bonded indebtedness secured tax rate for the 1997 Sewer Bonds (Series A and B).

EXECUTIVE SUMMARY:

Each year at this time, the City is required to adopt the attached resolution that sets the bonded indebtedness secured tax rates for the new fiscal year. This resolution is forwarded to the County Tax Assessor's office for inclusion in property owners' property taxes within the City of Benicia. Due to a slight increase in Assessed Valuation, the rate for each homeowner will have a decrease from .01713 to .01646 per hundred dollars of assessed valuation. The total amount to be collected is \$756,436 and will be used to pay interest and principal on the G.O. Sewer Bonds.

BUDGET INFORMATION:

There is no budget impact for the City.

GENERAL PLAN:

There is no General Plan impact.

STRATEGIC PLAN:

Relevant Strategic Plan Goals and Strategies:

- Goal 4.00: Preserving and Enhancing Infrastructure
 - Strategy 4.00: Provide adequate funding for on-going infrastructure needs

BACKGROUND:

Each year at this time, the City is required to adopt the attached resolution that sets the bonded indebtedness secured tax rates for the new fiscal year. This resolution is forwarded to the County Tax Assessor's office for inclusion in property owners' property taxes within the City of Benicia.

The resolution sets one rate for the City's remaining general obligation debt: the 1997 General Obligation Sewer Bonds. The City was authorized to issue up to \$30,000,000 in bonds to complete the wastewater treatment plant project. Due to obtaining a State Revolving Fund Loan, the City issued only \$10,000,000 in bonds, of which \$5,055,000 remains outstanding. These bonds will be retired by September 2019.

The rate is set according to a formula using both secured and unsecured property valuations, which are estimated to be \$4.835 billion for 2011-12. The rates are then used to allocate the bonded indebtedness to each property in order to collect an anticipated \$756,436 that will be used to pay interest and principal on the G.O. Bond.

Due to an increase in Assessed Valuation, the rate for each homeowner will have a decrease from .01713 to .01646 per hundred dollars of assessed valuation. For example, if an individual owns a home assessed at \$300,000, the homeowner would pay $\$300,000 (.01646) / 100 = \49.37 for the 1997 Sewer Bonds for fiscal year 2011-12. The amount is \$2.03 or 4.0% less than a homeowner with a property assessed at \$300,000 paid in fiscal year 2010-11.

Attachments:

- Resolution setting the 2011-12 secured tax rates for the 1997 Sewer Bonds
- Exhibit I

RESOLUTION NO. 11-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA SETTING THE 2011-12 SECURED TAX RATES FOR THE 1997 SEWER BONDS

WHEREAS, the City is required to set tax rates on secured property for payment of the 1997 sewer bonds indebtedness.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Benicia hereby adopts the following secured tax rates required to pay the City of Benicia bonded indebtedness:

SECURED TAX RATES REQUIRED FOR FISCAL YEAR 2011-12

<u>BOND</u>	<u>AMOUNT</u>	<u>RATE PER \$100</u>
1997 Sewer Bonds	\$756,436	0.01646

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 19th day of July, 2011 and adopted by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk

EXHIBIT I
City of Benicia 1997 General Obligation Bonds
Calculation of Ad Valorem Secured Tax Rate for Fiscal Year 2011-12

	1997 Wastewater Bonds	
Net Unsecured Tax Roll	\$ 238,153,608	
Adjusted Unsecured Tax Roll	2,381,536	
FY 10/11 Secured Tax Rate	0.01713	
	40,806	
Principal and Interest	797,243	
less amount paid by unsecured	(40,806)	
Total to be paid by secured	756,436	
Net Local Secured	4,595,261,350	
SBE values	1,379,398	
Net Total Secured	4,596,640,748	
Adjusted	45,966,407	
Tax Rate for FY 11/12	756,436	= 0.01646
	45,966,407	

Tax on \$300,000 Assessed Value

Balance Due:	\$ 5,055,000
Total Tax Base	\$ 48,347,944
Example based on \$300,000	300,000
Tax Rate for FY 11/12	0.0165
	4,937
	100
Total Tax on \$300,000 value	\$ 49.37

	1997 Wastewater Bonds
Debt Requirements	
Interest	\$ 59,750
Interest	52,500
Principal	290,000
Subtotal, Series A	402,250
Interest	63,090
Interest	56,903
Principal	275,000
Subtotal, Series B	394,993
Total Debt Requirement for FY	\$ 797,243

**AGENDA ITEM
CITY COUNCIL MEETING DATE - JULY 19, 2011
BUSINESS ITEMS**

DATE : July 7, 2011

TO : City Manager

FROM : Administrative Services Director

SUBJECT : **APPROVE AN AMENDMENT TO THE JULY 1, 2010 TO JUNE 30, 2012 AGREEMENT BETWEEN THE CITY OF BENICIA AND POLICE MANAGEMENT EMPLOYEES**

RECOMMENDATION:

Adopt the resolution approving the following reductions to the police managers compensation packages: 1) a decrease in the Employer Paid Member Contribution (EPMC) of 3.5% (saving the City approximately \$17,224 per year), 2) a 4.00% reduction in the City's contribution to deferred compensation (saving the City approximately \$14,812 per year), 3) a monthly pre-tax deduction toward health care costs totaling approximately \$1,895 per year for the police management group; 4) a reduction of 8 holiday pay hours (saving the city approximately \$1,717 per year) and 5) a reduction of 36 hours of admin leave and the elimination of the admin leave cash out option (saving the city approximately \$6,410 per year). These concessions achieve a total savings of approximately \$42,058 per year, and is the equivalent of a 6.86% reduction in base pay plus associated payroll costs.

EXECUTIVE SUMMARY:

Not unlike most jurisdictions in California, the City of Benicia has identified a structural deficit due to the unprecedented downturn of the economy. The City has identified a structural deficit that is anticipated to continue for the next 10 years, with a projected shortfall of approximately \$1.7 million for 2011-12. The salary and benefit reductions for the police management group recommended in this City Council agenda item are consistent with salary and benefit concessions that are being sought through negotiations with the employee associations representing other City employees. This action will assist the City's efforts to make ongoing reductions in order to address the City's structural deficit.

STRATEGIC PLAN:

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

BUDGET:

The proposed reductions, to take effect July 1, 2011, result in the equivalent of a 6.86% salary-based reduction for the police management employees. This is the same reduction that is being sought with the City's employee bargaining groups as part of the City's \$1.7 million dollars reduction required to balance the City's 2011-2012 budget. This achieves a total savings of approximately \$42,058 per year, and is the equivalent of a 6.86% reduction in base pay plus associated payroll costs.

BACKGROUND:

As part of the 2011-13 budget process, the Council received a presentation at the April 26th budget study session regarding the projected shortfall for the 2011-12 budget, which currently is projected to be approximately \$1.7 million. Following the presentation, the Council provided direction to staff to return on May 3rd and conduct a public hearing to consider options to address the projected shortfall including position reductions and associated service level impacts.

These options were considered by the Council including the option of exercising the reopener clauses of the seven 2010-12 Memorandums of Understanding (MOUs) with employee groups as potential sources of the needed savings to meet the projected budget deficit for next fiscal year. Following discussion of the various options, Council directed staff to reopen the 2010-12 MOUs in order to seek a portion of the needed savings. Specifically, the direction was given to pursue approximately 75% of the \$1.7 million, or \$1.3 million in wage and benefit concessions from employees. This direction was based on the percentage split of the General Fund that is employee compensation, which is approximately 75%. Further, the Council has expressed an interest in achieving structural changes to employee compensation, particularly as they relate to managing rising pension and benefit costs.

At this time, the City is in negotiations with employee associations and is seeking wage and benefit reductions in order to address the budget deficit and minimize program reductions. Therefore, in recognition of the current fiscal situation, the police managers have agreed to this reduction. Further, the reductions are consistent with the desire of Council to achieve structural change relative to employee compensation including reducing the City's pension, health care, and additional pay costs.

Attachment:

- Resolution

RESOLUTION NO. 11-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING AN AMENDMENT TO THE JULY 1, 2010 TO JUNE 30, 2012 AGREEMENT WITH THE BENICIA POLICE MANAGEMENT EMPLOYEES

WHEREAS, the existing Agreement between the City of Benicia and Benicia Police Managers covers salaries and other conditions of employment for the period of July 1, 2010 to June 30, 2012; and

WHEREAS, the City has an estimated \$1.7 million dollar deficit for 2011-12; and

WHEREAS, the City requested Benicia Police Managers to negotiate concessions towards closing the \$1.7 million dollar gap; and

WHEREAS, the City has concluded negotiations with Benicia Police Managers relative to amendments to the Agreement for the term covering July 1, 2010 to June 30, 2012 that achieve the requested concessions, which will become effective July 1, 2011; and

WHEREAS, Benicia Police Managers accepted the terms of the July 1, 2010 to June 30, 2012 amendments to the Agreement.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Benicia hereby approves changes to the July 1, 2010 through June 30, 2012 Agreement with Benicia Police Managers, and the City Council authorizes the City Manager to execute an amendment to the Agreement to accomplish the following items:

1. A decrease in the Employer Paid Member Contribution to PERS of 3.5% public safety police management employees;
2. A 4.0% reduction in the City's contribution to deferred compensation;
3. In addition to the regular employee contribution to the employer sponsored health plan selected, the police management employees shall contribute a monthly pre-tax contribution to health care costs that will achieve a total of \$1,895 per year in savings for the police management group;
4. A reduction of 8 hours of annual holiday pay;
5. A reduction of 36 hours of annual administrative leave, and elimination of the cash out option.

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 19th day of July, 2011, and adopted by the following vote.

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk

**AGENDA ITEM
CITY COUNCIL MEETING: JULY 19, 2011
BUSINESS ITEM**

DATE : July 7, 2011

TO : Mayor & City Council

FROM : City Manager

SUBJECT : **APPROVAL OF SALARY AND BENEFIT REDUCTIONS FOR UNREPRESENTED CONFIDENTIAL EMPLOYEES**

RECOMMENDATION:

Adopt the resolution authorizing salary and benefit reductions for the unrepresented employees in the classifications of Legal Technician and Senior Human Resources Analyst in the following manner: 1) a decrease in the Employer Paid Member Contribution (EPMC) of 2% (saving the City approximately \$2,440 per year), 2) a 2% reduction in the City's contribution to Vantage Care (saving the City approximately \$2,126 per year), 3) a monthly pre-tax deduction toward health care costs totaling approximately \$366 per year for the unrepresented employees; 4) a reduction in base salary of 3.442% (saving the City approximately \$4,651 per year). These concessions achieve a total savings of approximately \$9,583 per year, and is the equivalent of a 6.86% reduction in base pay plus associated payroll costs.

EXECUTIVE SUMMARY:

Not unlike most jurisdictions in California, the City of Benicia has identified a structural deficit due to the unprecedented downturn of the economy. The City has identified a structural deficit that is anticipated to continue for the next 10 years, with a projected shortfall of approximately \$1.7 million for 2011-12. The salary and benefit reductions for the unrepresented employees recommended in this City Council agenda item are consistent with salary and benefit concessions that are being sought through negotiations with the employee associations representing other City employees. This action will assist the City's efforts to make ongoing reductions in order to address the City's structural deficit.

STRATEGIC PLAN:

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

BUDGET:

The proposed reductions, to take effect July 1, 2011, result in the equivalent of a 6.86% salary-based reduction for the unrepresented employees. This is the same reduction that is being sought with the City's employee bargaining groups as part of the City's \$1.7 million dollars reduction required to balance the City's 2011-2012 budget. This achieves a total savings of approximately \$9,583 per year, and is the equivalent of a 6.86% reduction in base pay plus associated payroll costs.

BACKGROUND:

As part of the 2011-13 budget process, the Council received a presentation at the April 26th budget study session regarding the projected shortfall for the 2011-12 budget, which currently is projected to be approximately \$1.7 million. Following the presentation, the Council provided direction to staff to return on May 3rd and conduct a public hearing to consider options to address the projected shortfall including position reductions and associated service level impacts.

These options were considered by the Council including the option of exercising the reopener clauses of the seven 2010-12 Memorandums of Understanding (MOUs) with employee groups as potential sources of the needed savings to meet the projected budget deficit for next fiscal year. Following discussion of the various options, Council directed staff to reopen the 2010-12 MOUs in order to seek a portion of the needed savings. Specifically, the direction was given to pursue approximately 75% of the \$1.7 million, or \$1.3 million in wage and benefit concessions from employees. This direction was based on the percentage split of the General Fund that is employee compensation, which is approximately 75%. Further, the Council has expressed an interest in achieving structural changes to employee compensation, particularly as they relate to managing rising pension and benefit costs.

At this time, the City is in negotiations with employee associations and is seeking wage and benefit reductions in order to address the budget deficit and minimize program reductions. Therefore, in recognition of the current fiscal situation, the unrepresented employees have agreed to this reduction. Further, the reductions are consistent with the desire of Council to achieve structural change relative to employee compensation including reducing the City's pension, health care, and additional pay costs.

Historically the unrepresented employees received wages and benefits similar to the employees in the Local 1 bargaining unit. The City is still in negotiations with Local 1, but wishes to proceed with changes to the unrepresented employees. Upon completion of negotiations with Local 1, the City will revisit and modify the

resolution covering the unrepresented employees, should the changes with Local 1 result in an unintended economic impact to the unrepresented employees beyond the equivalent of the 6.86% reduction in base pay plus associated payroll costs that is being sought with all of the City's bargaining units.

Attachment:

- Resolution

RESOLUTION NO. 11-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING SALARY AND BENEFIT REDUCTIONS FOR UNREPRESENTED EMPLOYEES

WHEREAS, the City's two unrepresented classifications of Legal Technician and Senior Human Resources Analyst are covered by resolution; and

WHEREAS, the City has an estimated \$1.7 million dollar deficit for 2011-12; and

WHEREAS, the City requested all employees to agree to concessions towards closing the \$1.7 million dollar gap; and

WHEREAS, the unrepresented employees have agreed to the amendments outlined in this resolution.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Benicia hereby approves changes to the salary and benefits for the unrepresented employees in the classifications of Legal Technician and Senior Human Resources Analyst by way of following items:

1. A decrease in the Employer Paid Member Contribution to PERS of 2%
2. A 2.0% reduction in the City's contribution to Vantage Care;
3. In addition to the regular employee contribution to the employer sponsored health plan selected, the unrepresented employees contribute a monthly pre-tax contribution to health care costs that will achieve a total of \$366 per year in savings for the amounts budgeted for the unrepresented employees;
4. A salary reduction of 3.442%.

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 19th day of July, 2011, and adopted by the following vote.

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk

AGENDA ITEM
CITY COUNCIL MEETING DATE - JULY 19, 2011
BUSINESS ITEMS

DATE : July 6, 2011

TO : City Manager

FROM : Public Works and Community Development Director

SUBJECT : **FIRST READING OF AN ORDINANCE AMENDING THE 2010 CALIFORNIA GREEN BUILDING STANDARDS CODE**

RECOMMENDATION:

Conduct a public hearing and first reading of a proposed ordinance of the Benicia Municipal Code to amend Chapter 15.18 California Green Building Standard of Title 15 Buildings and Construction of the Benicia Municipal Code.

EXECUTIVE SUMMARY:

As directed by the City Council prior to re-consideration and adoption, staff and the Community Sustainability Commission conducted outreach regarding the proposed amendment to the California Green Building Standards Code that went into effect on January 1, 2011. The proposed amendment would make the California Green Building Standards Code more stringent by requiring specific construction projects for existing residential buildings to either conform to certain provisions of the Building Standards Code or complete energy efficiency upgrades.

BUDGET INFORMATION:

The adoption of this ordinance will not result in any significant cost to the City.

GENERAL PLAN:

Relevant General Plan Goals:

- ❑ Overarching Goal of the General Plan: Sustainability
- ❑ 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.
- ❑ Goal 3.27: Improve energy efficiency.
 - Policy 3.27.1: Promote energy conservation in all new development and during rehabilitation of existing homes.

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
- ❑ Strategic Issue #4: Preserving and Enhancing Infrastructure
 - Strategy #1: Provide safe, functional and complete streets

CLIMATE ACTION PLAN:

Relevant Climate Action Plan Objectives:

- ❑ Objective B-1: Increase Building and Energy Efficiency in Municipal Buildings by 10% by 2020
- ❑ Objective B-2: Increase Building Efficiency by 20% in New Single and Multifamily Residential Construction by 2020
 - Strategy B-2.1: Adopt a Tiered Green Building Ordinance
- ❑ Objective B-3: Reduce Energy Use by 20% in Existing Single and Multifamily Residential by 2020
 - Strategy B-3.1: Residential Energy Conservation Ordinance
 - Strategy B-3.2: Adopt Build It Green's Home Remodel Standards or Equivalent

BACKGROUND:

Benicia is located next to a densely populated major metropolitan area (the San Francisco Bay Area) that generates and releases into the atmosphere significant quantities of green house gases, which has a detrimental effect to the local climate as determined by the State of California. Reduction of total and peak energy use as a result of incremental energy efficiency measures required by this ordinance amendment will have local and regional benefits in the cost-effective reduction of energy costs for building owners, additional available system energy capacity and a reduction in green house gas emissions.

The mandatory California Green Building Standards Code (CALGREEN) went into effect on January 1, 2011 and will require new buildings and improvements to new buildings to become more energy efficient and environmentally responsible. Since CALGREEN also allows cities to impose more stringent standards, the Sustainability Commission recommended two additional standards to CALGREEN at its meeting in October 2010. First, the provisions of

CALGREEN shall also apply to residential room additions that total 600 square feet or more, with a few code exceptions. Secondly, residential construction projects with a valuation of \$20,000 or more will be required to complete one or more energy efficiency upgrades including, but not limited to, the installation of ceiling insulation, replacement of toilet tanks, insulation of exposed hot water pipes and the installation of new windows. The entire list of acceptable upgrades will be identified in the Municipal code, if adopted.

When these recommendations were presented to the City Council in December 2010, Council directed the Commission to conduct outreach to the construction community prior to re-considering and adopting these additional provisions. Staff collaborated with the Commission and last month, letters were mailed to all the contractors that were issued building permits in the last two years who most likely would be affected by these proposed amendments to CALGREEN. The letters detailed the proposed amendments and the contractors were asked to respond with comments within a two-week period. No comments were received.

Additionally, an article was published in the Benicia Herald that described the proposed amendments. Some comments were posted in response to the online version that opposed the concept of imposing any new regulations but the City did not receive any comments directly. Finally, fliers that contained the same information included in the letter sent to contractors were available during the Earth Day event on April 21, 2011. During the event, one suggestion was received to include replacement refrigerators as part of the list of acceptable upgrades for residential construction projects with a valuation of \$20,000 or more.

Attachments:

- ❑ Proposed Ordinance Amendment (clean copy)
- ❑ Proposed Ordinance Amendment (changes shown)
- ❑ Outreach Letter
- ❑ Benicia Herald article

CITY OF BENICIA

ORDINANCE NO. 11-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BENICIA AMENDING CHAPTER 15.18 (CALIFORNIA GREEN BUILDING STANDARDS CODE) OF DIVISION I (CONSTRUCTION STANDARDS AND STRUCTURE RELOCATION) OF TITLE 15 (BUILDINGS AND CONSTRUCTION) OF THE BENICIA MUNICIPAL CODE BY ADDING A NEW SECTION 15.18.030 (AMENDMENTS MADE IN THE CALIFORNIA GREEN BUILDING STANDARDS CODE)

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

Section 1.

Chapter 15.18, (California Green Building Standards Code), of Division I. (Construction Standards and Structure Relocation) of Title 15 (Buildings and Construction) of the Benicia Municipal Code is hereby amended by adding a new Section 15.18.030 (Amendments made in the California Green Building Standards Code) as follows:

15.18.030 Amendments made in the California Green Building Standards Code.

The California Green Building Standards Code is amended and changed in the following respects:

- A. Section 101.3.1 is added to California Green Building Standards Code Section 101.3.1 to read as follows:

The provisions of this code, except 4.504.2 through and including 4.504.5.1, shall apply to residential room additions of 600 square feet or more.

- B. Section 101.3.2 is added to the California Green Building Standards Code to read as follows:

When the total cost of a residential construction project exceeds a valuation threshold of 20,000 dollars or more based on the January 2011 "ENR US20 Cities" average construction cost index is required to comply with one or more of the following for the existing dwelling. The item(s) must be specified on the plans prior to permit issuance. The required cost of the work is not required to exceed 2% of the construction cost. The selected item(s) must be complete prior to the final inspection of the permit.

1. Install ceiling insulation to bring thermal resistance value of ceiling insulation to R-30.

Exempt: Those buildings with no attic, or inadequate attic space between roof and ceiling below. Inadequate space is defined as that where the roof slope is less than two and one-half feet in twelve feet, and that there is less than thirty (30) inches of vertical clear height at the roof ridge, measured from the top of the bottom chord of the truss or ceiling joist to the underside of the roof structural members or rafters.

Not Exempt: Houses or units having an attic but no attic access hole. A permanent access hole must be constructed, and R30 or greater insulation installed, including on the access cover.

2. Furnace ducts are sealed at plenum and all joints in air duct system, and ducts insulated to resistance value R3 or greater.

Exempt: Ducts between floors, inside interior walls or otherwise inaccessible without alteration.

3. Replace existing tank or flushometer-type toilets with fixtures designed to comply with the standards referenced in Table 5.303.
4. Low-flow devices installed in all shower fixtures, sink and lavatory faucets designed to comply with the standards referenced in Table 5.303.
5. All exposed hot water pipes insulated to at least a thermal resistance value of R3 in pumped, recirculating domestic forced hot water heating systems.
6. Insulate to at least a thermal resistance of R3 exposed hot and cold water pipes within 5 feet of water heater.

Exempt: Hot water pipes between floors, inside interior walls, or otherwise inaccessible without alteration.

7. Incandescent light bulbs replaced with lamps of at least 25 lumens per watt.
8. Approved weather stripping installed on all exterior doors, including doors to unheated garages, basements, crawl spaces, attics and porches. Weather strip must be permanently affixed; adhesive strip insulation tape does not meet the requirements unless it is screwed or tacked in place every six inches.
9. Approved dampers, doors or other devices to block airflow and reduce heat loss through chimneys.
10. Replace existing windows not affected by the renovation with windows rated with a minimum U-factor of 0.40.

VIII.C.6

11. Considerations may be made for other energy improvements if approved by the Building Official. Items from the list performed within 6 months of the permit application may also be considered with verification.

Section 2.

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

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

On motion of Council member _____, seconded by Council member _____, the foregoing ordinance was introduced at a regular meeting of the City Council on the 19th day of July 2011, and adopted at a regular meeting of the Council held on the 16th day of August, 2011 by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk

CITY OF BENICIA

ORDINANCE NO. 11-Redline

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BENICIA AMENDING CHAPTER 15.18 (CALIFORNIA GREEN BUILDING STANDARDS CODE) OF DIVISION I (CONSTRUCTION STANDARDS AND STRUCTURE RELOCATION) OF TITLE 15 (BUILDINGS AND CONSTRUCTION) OF THE BENICIA MUNICIPAL CODE BY ADDING A NEW SECTION 15.18.030 (AMENDMENTS MADE IN THE CALIFORNIA GREEN BUILDING STANDARDS CODE)

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

Section 1.

Chapter 15.18, (California Green Building Standards Code), of Division I. (Construction Standards and Structure Relocation) of Title 15 (Buildings and Construction) of the Benicia Municipal Code) is hereby amended by adding a new Section 15.18.030 (Amendments made in the California Green Building Standards Code) as follows:

**Chapter 15.18
CALIFORNIA GREEN BUILDING STANDARDS CODE**

Sections:

- [15.18.010](#) Adoption by reference.
- [15.18.020](#) Copies on file.
- 15.18.030 Amendments made in the California Green Building Standards Code.

15.18.010 Adoption by reference.

The California Green Building Standards Code, 2010 Edition is adopted by reference the same as though fully set forth in this chapter.

15.18.020 Copies on file.

One copy of the California Green Building Standards Code as adopted by BMC [15.18.010](#), and all amendments thereto, shall be kept on file in the building official’s office for inspection by the public.

15.18.030 Amendments made in the California Green Building Standards Code.

The California Green Building Standards Code is amended and changed in the following respects:

- A. Section 101.3.1 is added to California Green Building Standards Code Section 101.3.1 to read as follows:

The provisions of this code, except 4.504.2 through and including 4.504.5.1, shall apply to residential room additions of 600 square feet or more.

- B. Section 101.3.2 is added to the California Green Building Standards Code to read as follows:

When the total cost of a residential construction project exceeds a valuation threshold of 20,000 dollars or more based on the January 2011 "ENR US20 Cities" average construction cost index is required to comply with one or more of the following for the existing dwelling. The item(s) must be specified on the plans prior to permit issuance. The required cost of the work is not required to exceed 2% of the construction cost. The selected item(s) must be complete prior to the final inspection of the permit.

1. Install ceiling insulation to bring thermal resistance value of ceiling insulation to R-30.

Exempt: Those buildings with no attic, or inadequate attic space between roof and ceiling below. Inadequate space is defined as that where the roof slope is less than two and one-half feet in twelve feet, and that there is less than thirty (30) inches of vertical clear height at the roof ridge, measured from the top of the bottom chord of the truss or ceiling joist to the underside of the roof structural members or rafters.

Not Exempt: Houses or units having an attic but no attic access hole. A permanent access hole must be constructed, and R30 or greater insulation installed, including on the access cover.

2. Furnace ducts are sealed at plenum and all joints in air duct system, and ducts insulated to resistance value R3 or greater.

Exempt: Ducts between floors, inside interior walls or otherwise inaccessible without alteration.

3. Replace existing tank or flushometer-type toilets with fixtures designed to comply with the standards referenced in Table 5.303.

4. Low-flow devices installed in all shower fixtures, sink and lavatory faucets designed to comply with the standards referenced in Table 5.303.

5. All exposed hot water pipes insulated to at least a thermal resistance value of R3 in pumped, recirculating domestic forced hot water heating systems.
6. Insulate to at least a thermal resistance of R3 exposed hot and cold water pipes within 5 feet of water heater.

Exempt: Hot water pipes between floors, inside interior walls, or otherwise inaccessible without alteration.
7. Incandescent light bulbs replaced with lamps of at least 25 lumens per watt.
8. Approved weather stripping installed on all exterior doors, including doors to unheated garages, basements, crawl spaces, attics and porches. Weather strip must be permanently affixed; adhesive strip insulation tape does not meet the requirements unless it is screwed or tacked in place every six inches.
9. Approved dampers, doors or other devices to block airflow and reduce heat loss through chimneys.
10. Replace existing windows not affected by the renovation with windows rated with a minimum U-factor of 0.40.
11. Considerations may be made for other energy improvements if approved by the Building Official. Items from the list performed within 6 months of the permit application may also be considered with verification.

Section 2.

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

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

On motion of Council member _____, seconded by Council member _____, the foregoing ordinance was introduced at a regular meeting of the City Council on the 19th day of July 2011, and adopted at a regular meeting of the Council held on the 16th day of August, 2011 by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk



April 11, 2011

Dear Contractor:

In January 2011, the State adopted the California Green Building Standards Code. These standards, which apply to new detached residential construction in Benicia, require energy conservation measures such as those listed in this letter, as well as placing limitations on construction waste. To further support energy conservation, the City's Community Sustainability Commission is proposing that the Green Building Standards also apply to:

- residential additions 600 feet or larger, whether or attached or detached to an existing dwelling; and
- residential construction valued at \$20,000 or more, with required energy saving measures not required to exceed 2% of construction costs.

Consideration of this proposal will be considered by the City Council following comment by the local contracting community, and you will be notified of the date of that consideration.

The second item above is proposed as follows:

When the total cost of a residential construction project exceeds a valuation threshold of \$20,000 or more based on the January 2011 ENR US20 Cities average construction cost index, the project is required to comply with one or more of the following requirements for the entire dwelling. The item(s) must be specified on the plans prior to permit issuance; the required cost of the work is not required to exceed 2% of the construction cost; and the selected item(s) must be completed prior to final inspection.

1. Install ceiling insulation to bring thermal resistance value of ceiling insulation to R-30.

Exempt: Those buildings with no attic or inadequate attic space between roof and ceiling below. Inadequate space is defined as where the roof slope is less than two and one-half feet in twelve feet, and that there is less

than thirty (30) inches of vertical clearance height at the roof ridge, measured from the top of the bottom chord of the truss or ceiling joist to the underside of the roof structural members or rafters.

Not Exempt: Houses or units having an attic but no attic access hole. A permanent access hole must be constructed, and R30 or greater insulation installed, including on the access cover.

2. Seal furnace ducts at plenum and all joints in air duct system, and insulate ducts to resistance value R3 or greater.

Exempt: Ducts between floors, inside interior walls or otherwise inaccessible without alteration.

3. Replace existing tank or flushometer-type toilets with fixtures designed to comply with the standards referenced in Table 5.303.
4. Install low-flow devices in all shower fixtures, sink and lavatory faucets designed to comply with the standards referenced in Table 5.303.
5. Insulate exposed hot water pipes to at least a thermal resistance value of R3 in pumped, re-circulating domestic forced hot water heating systems.
6. Insulate all exposed hot and cold water pipes to at least a thermal resistance of R3 within 5 feet of a water heater.

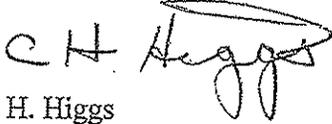
Exempt: Hot water pipes between floors, inside interior walls, or otherwise inaccessible without alteration.

7. Replace incandescent light bulbs replaced with compact fluorescent lamps of at least 25 lumens per watt.
8. Install approved weather stripping on all exterior doors, including doors to unheated garages, basements, crawl spaces, attics and porches. Weather stripping must be permanently affixed; adhesive strip insulation tape does not meet the requirements unless it is screwed or tacked in place every six inches.
9. Install approved dampers, doors or other devices to block airflow and reduce heat loss through chimneys.
10. Replace existing windows not affected by the renovation with windows rated with a minimum U-factor of 0.40.

11. Receive credit for other energy-conservation measures as determined by the Building Official, potentially including measures onsite completed six months or less prior to the permit application.

Should you have any questions, please contact me at 707-746-4230. Comments will be received until Friday, April 29, 2011.

Sincerely,

A handwritten signature in black ink, appearing to read "C. H. Higgs". The signature is written in a cursive style with a large, sweeping flourish over the "H" and "Higgs".

C. H. Higgs
Building Official

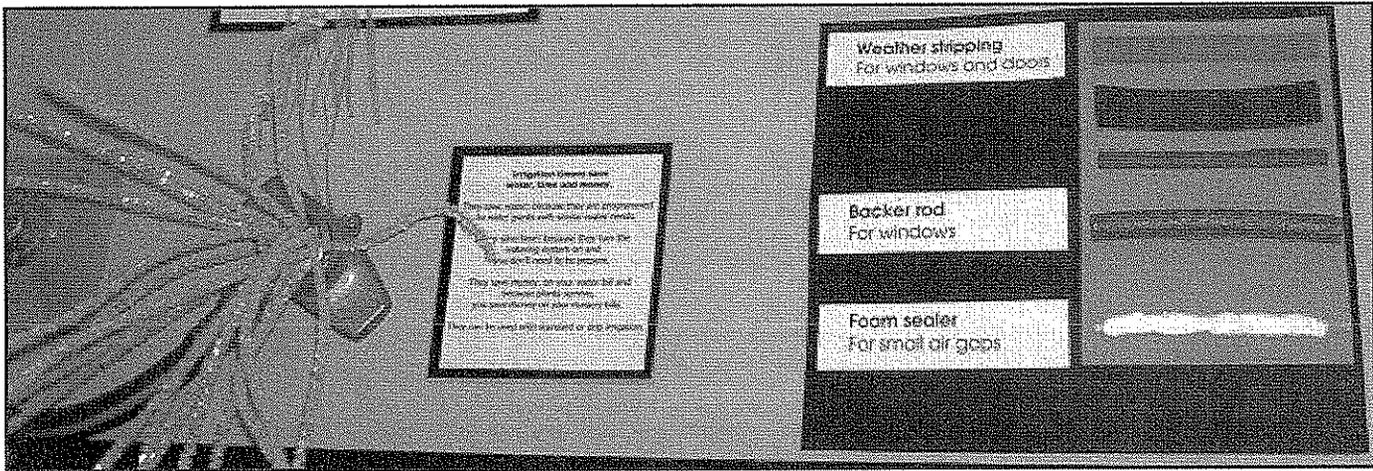
CHH:sh
F:CDD/Building/Staff/Harvey/Calif. Green Building Standards Outreach #2

The Benicia Herald

Benicia's best news source, now as always

Green building standards in Benicia may expand

with 7 comments



DISPLAY BOARDS created by building inspectors to explain requirements of the California Green Building Standards Code will be on display for Earth Day Thursday at the Veterans Hall.

Courtesy Harvey Higgs

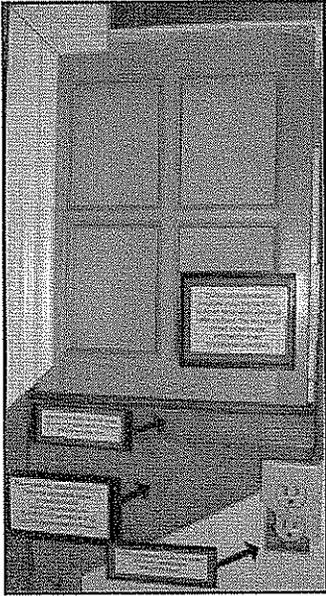
*By Donna Beth Weilenman
Staff Reporter*

California's Green Building Standards Code, requiring new home construction to be accompanied by energy and water conservation measures and reduction of construction waste, became effective in January.

Benicia isn't likely to experience much of that type of building, said Harvey Higgs, Benicia's building official. Instead, most residential construction is expected to involve additions or renovation.

So the Benicia Community Sustainability Commission has started a move that would allow the state's new code to apply to residential additions of 600 feet or more, or projects valued at \$20,000 or more. Higgs said he hopes to hear opinions of local contractors on the idea before the proposal comes before the City Council later this year.

He wants to include their views in his report to the Council.



He even wrote a letter to local builders April 11, advising them of the commission's proposal and what it might require of them if the Council confirms the plan. So far, he said, there's been no reaction.

It could be that contractors don't object to the proposal. After all, if a project is valued at \$20,000 or more, the required energy-saving measures wouldn't exceed 2 percent of construction costs. That would be \$400 in improvements for a \$20,000 project, he said.

Higgs said perhaps contractors don't object to his "punch list" of conservation projects from which the contractor could choose to add prior to final inspection.

For instance, ceilings could be insulated to bring thermal resistance value up to a rating of R-30. Insulation also could be applied to hot water pipes, or both hot and cold water pipes that are within five feet of a water heater.

Furnace ducts could be sealed. Water-saving toilets could replace older models. Low-flow fixtures could be installed in showers, sinks and lavatory faucets.

Contractors or property owners may worry about the initial cost, Higgs said, but the additional work actually will save money in the long run. "You look at the items in the punch list. They would save the homeowners on their utility bills," he said. "People will find if they do these things, they'll be gratified they did them."

Comments are due by April 29 to Higgs in the Department of Public Works and Community Services at City Hall, 250 East L St. More information will be available at the city's Earth Day event Thursday from 4-7:30 at the Veterans Memorial Hall, 1150 First St.

AGENDA ITEM
CITY COUNCIL MEETING DATE - JULY 19, 2011
BUSINESS ITEMS

DATE : July 9, 2011

TO : City Manager

FROM : Acting Economic Development Manager

SUBJECT : **APPROVE A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA AWARDING A CONTRACT TO WOLF COMMUNICATIONS OF SANTA ROSA, CALIFORNIA IN THE AMOUNT NOT TO EXCEED \$50,000 TO PERFORM TOURISM AND MARKETING SERVICES AND AUTHORIZING THE CITY MANAGER TO SIGN THE CONTRACT ON BEHALF OF THE CITY**

RECOMMENDATION:

Approve, by resolution, an agreement through June 30, 2012 for tourism marketing services provided by Wolf Communications at a contractual value not to exceed \$50,000.

EXECUTIVE SUMMARY:

Following the development and deployment of the City's tourism program, it is staff's recommendation to continue a professionally concerted and comprehensive tourism and marketing program. Presently, the City does not possess the expertise nor time to perform the tasks that have occurred within the last twenty months. Furthermore, the knowledge of Benicia's unique tourism infrastructure and professional relationships Wolf Communications has courted on Benicia's behalf, make Wolf Communications the best and most responsible firm to continue Benicia's tourism effort. Staff is recommending the City continue that relationship with a new contract, valued at a not to exceed amount of \$50,000.

STRATEGIC PLAN:

Relevant Strategic Plan Goals and Strategies:

Strategic Issue 3: Strengthening Economic and Fiscal Conditions

- Strategy #1: Implement Tourism Plan
- Strategy #3: Retain and Attract Business

BUDGET INFORMATION:

The contract funding is included in the 2011-2013 adopted budget, Account No. 010-2605-8256. The contract is valued at a not to exceed amount of \$50,000.

BACKGROUND:

Tourism was identified as a key component for Benicia's economy in the 2007 Economic Development Strategy, and a Strategic Tourism Marketing Plan (Plan) was completed in 2008. Following this plan the City engaged in limited advertising, installed way-finding signage in the downtown and main gateways, and created a new visitor-oriented website, www.VisitBenicia.org.

As part of the 2009-11 Budget, the City Council allocated significant funding to the tourism program. It was one of the Economic Development Board's (EDB) priorities and was recommended by the Ad Hoc Tourism Committee. Following these recommendations and funding allocation, the City Council approved a contract with Wolf Communications in October 2009.

During the preceding twenty months Wolf Communications, lead by Jack Wolf, have enhanced and updated our visitbenicia.org web site, managed our Facebook page, maintained a community event notification system through Wiggio, organized and carried out our ad buys, in print, online and radio mediums.

The reach/success of our tourism effort one may be quantified by how many persons have been touched by our advertising campaign, or using industry terms, how many impressions have been made. This includes print, radio and online media:

Print

The print campaign has a total of 24 insertions. At the end of June the print campaign will have generated a total of approximately 7.0 million impressions. The circulation of each publication is as follows:

- Sunset Magazine: 350,000 monthly circulation
- San Francisco Magazine: 100,000 monthly circulation
- Diablo Magazine: 43,500 monthly circulation
- Alameda/Oakland Magazines: 20,000 circulation, 7x/yr.
- Inside Benicia: 14,000 monthly circulation

Radio

The radio schedule delivered 6.2 million impressions among adults 35+ years of age.

Online

The online portion of the campaign includes kcbs.com, koit.com, diablomag.com, sanfranmag.com and sunsetgetaways.com. Also, Google adwords and Facebook were utilized. This is expected to generate more than 300,000 impressions over the course of the campaign.

The total number of impressions of the campaign was **13.5 million**.

In addition to the ad buys purchased through this campaign was a marketing effort. Serving as an exclamation point for our marketing program was Benicia's profile in the June issue of Sunset Magazine! This profile is highlighted in the attached Wolf Communications quarterly report but it's worth highlighting within this report that this profile, consisting of two full pages, has an ad value of \$100,840, based on Sunset magazine's ad rate of \$50,420 for a full page.

The total ad-value of the marketing campaign was valued at \$327,310. The budgeted amount of this portion of the campaign was \$148,000. Meaning that through Wolf Communications efforts, the City more than doubled our investment in marketing.

A concerted and professional tourism campaign has been a long-standing goal, for which many community members, Economic Development Boards, and City Councils have worked to achieve. The partnership with Wolf Communications, which began in October 2009, was a seminal moment for Benicia's tourism efforts, but it was just the beginning.

The effort and exposure over the last twenty-months have built a tourism foundation; a formula of ad buys, marketing and social media, that is professionally conceived and executed, has been formed. A virtual "tourism facility" has been built. The City must now operate from it.

The new contract parameters mirror much of what Wolf Communications performed under the previous agreement just at much reduced levels. Just over 25% of the new agreement will go towards the development and purchase of ad buys, such as radio advertisements and print ads. The balance of the contract will be directed to maintaining and updating the tourism web content, including the visitbenicia.org page, and the visit Benicia Facebook page, as well as direct market efforts. One area where City staff will take a larger role, as compared to the previous agreement, will be routine updates to our social media sites, such as Facebook. Wolf Communications will provide support, but the primary responsibility of keeping those mediums updated will rest with economic development staff.

The contract scope of work was reviewed with the EDB at a special meeting on

June 28th. The EDB suggested increasing ad buy funding, which was increased to \$13,000 from \$12,000. Additionally the EDB suggested that staff look into methods of improving our online “linking” strategies, in other words, develop key words that search engines, like Google, will rank high and link to the visitbenicia.org page. While this particular task is outside the scope of the Wolf Communications contract, staff will work to improve our online “link” drivers. The EDB unanimously recommended the approval of the contract with Wolf Communications.

Recognizing the value and success of our tourism efforts and the need to continue the momentum that has been gained over the last twenty months, but sensitive to the City’s fiscal challenges, staff is recommending a one year contract with Wolf Communications valued at a not to exceed amount of \$50,000.

Attachments:

- Proposed Resolution
- 2011/2012 Proposed Contract With Wolf Communications

RESOLUTION NO. 11-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA AWARDING THE TOURISM MARKETING CONSULTANT CONTRACT TO WOLF COMMUNICATIONS OF SANTA ROSA, CALIFORNIA IN THE AMOUNT NOT TO EXCEED \$50,000 AND AUTHORIZING THE CITY MANAGER TO SIGN THE CONTRACT ON BEHALF OF THE CITY

WHEREAS, the City of Benicia has recognized that tourism is a key element of our economic development strategy; and

WHEREAS, Wolf Communications was hired as the City's tourism and marketing consulting firm in October 2009; and

WHEREAS, Wolf Communications performed admirably and to the satisfaction of City staff and tourism stakeholders the duties and obligations of the contract of 2009; and

WHEREAS, the City desires to continue a professionally concerted tourism and marketing campaign; and

WHEREAS, Wolf Communications, having worked on behalf of the City for the last twenty months, acquiring an understanding of Benicia's unique market and developing marketing relationships, is the best equipped and most responsible firm to continue on with Benicia's tourism effort; and

WHEREAS, Wolf Communications and principal Jack Wolf have almost 20 years of experience in public relations and marketing, and a current and former client list including the Calistoga Chamber of Commerce, City of Santa Rosa, and Sonoma County Convention and Visitors Bureau; and

WHEREAS, the Economic Development Board at their June 2011 meeting evaluated the body of work of Wolf Communications and unanimously recommended to the City Council that Wolf Communications of Santa Rosa, California be retained to perform tourism and marketing services.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Benicia awards the consultant contract to Wolf Communications in the amount not to exceed \$50,000 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 the City Manager or his designee is authorized to review and approve all expenditures related to the delivery of goods and services outlined in the contract.

BE IT FURTHER RESOLVED THAT funds sufficient to cover the consultant contract of \$50,000 exist in the tourism program account 010-2605-8256.

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 19th day of July, 2011, and adopted by the following vote.

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk

CONSULTANT AGREEMENT

This agreement ("Agreement") entered into July , 2011, is between the City of Benicia, a municipal corporation (hereinafter "CITY"), and Wolf Communications, a California sole proprietor with its primary office located at 2245 Sunlit Ann Drive, Santa Rosa, California, 95403 (hereinafter "CONSULTANT") (collectively, "the Parties").

RECITALS

WHEREAS, CITY has determined it is necessary and desirable to secure certain professional services for tourism marketing. The scope of work for said service (hereinafter "Project") is attached hereto as Exhibit A and is hereby incorporated by reference; and

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 SERVICES.

(a) Services to be Furnished. Subject to such policy direction and approvals as CITY through its staff may determine from time to time, CONSULTANT shall perform the services set forth in the Scope of Work labeled Exhibit A, which is attached hereto and incorporated herein by reference. CONSULTANT and CITY, through the project manager, may mutually agree to adjust the Scope of Work to respond to market conditions.

(b) Schedule for Performance. CONSULTANT shall perform the services identified in Exhibit A according to the completion schedule included in Exhibit B 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 Exhibit B represents the best estimate of the schedule. CONSULTANT shall comply with completion dates noted in Exhibit B unless the CITY's project manager grants a written waiver.

(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. Such delays will be identified in writing by CONSULTANT to CITY; if accepted by CITY, a written waiver to the completion dates will be granted pursuant to Section 2(b)(i) above.

(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 to the full satisfaction and approval of the City Manager or his designee.

(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.

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 in Exhibit B attached hereto and hereby incorporated by reference. The rate schedule in Exhibit B itemizes those standard and expected expenses for which CONSULTANT shall receive compensation.

(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) 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.

(ii) 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 dedicated to each item in Exhibit A's Scope of Work, as well as all other directly related costs by line item in accordance with Exhibits A and B. 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.
- (d) Total Compensation. The total amount of compensation to be paid under this contract shall not exceed \$50,000 without written authorization of the City Manager.
- (e) Deliverables. Payments are tied to the successful completion of the deliverables identified in Exhibit B.

4. PRODUCT REVIEW AND COMMENT. Unless otherwise specified, CONSULTANT shall provide CITY with at least one (1) copy of each work product described in Exhibit B. Upon the completion of each product, CONSULTANT shall be available to meet with CITY. If CITY requires additional review and/or revision, CITY shall conduct reviews in a timely manner.

5. TERM OF AGREEMENT. This Agreement shall be effective from July 20, 2010 through June 30, 2012, unless it is amended pursuant to Section 7 or terminated pursuant to Section 6.

6. TERMINATION:

(a) CITY shall have the right to terminate this Agreement for any reason whatsoever at any time by serving upon CONSULTANT 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 CITY 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 and website files and records, drawings, blueprints, printing, photostating, 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 Exhibit B. 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 that 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.

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 electronic mail provided, however, that notice by electronic mail shall be followed by notice deposited in the U.S. mail as discussed above. CITY's project manager is the Economic Development Manager.

If to CITY: Mario Giuliani, Acting Economic Development Manager
City of Benicia
250 East L Street
Benicia, California 94510

If to CONSULTANT: Jack Wolf
Wolf Communications
2245 Sunlit Ann Drive
Santa Rosa, California 95403

12. OWNERSHIP OF MATERIALS. CITY is the owner of everything 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, files, 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.

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. CITY reserves the right to request substitution of employees.

(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. CITY reserves the right to request substitution of subcontractors.

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 specifically agrees to indemnify, defend, and hold harmless CITY, its officers, agents, and employees from and against any and all actions, claims, demands, losses, expenses including attorneys' fees, damages, and liabilities resulting from injury or death of a person or injury to property, arising out of or in any way connected with the performance of this Agreement, however caused, regardless of any negligence of the CITY, whether active or passive, excepting only such injury or death as may be caused by the sole negligence or willful misconduct of the CITY. The CONSULTANT shall pay all costs that may be incurred by CITY in enforcing this indemnity, including reasonable attorneys' fees.

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 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 |

(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 volunteers. Any insurance or self-insurance maintained by CITY, its officers, officials, employees, or 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 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 except after giving CITY 30 days’ prior written notice by certified mail, return receipt requested.

(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 that 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 that 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 that creates a conflict of interest with CITY or in any way compromises the services to be performed under this Agreement. CITY and CONSULTANT shall immediately notify each other of any and all violations of this Section upon becoming aware of such violation, and CONSULTANT must immediately correct the conflict upon such notice.

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.

WOLF COMMUNICATIONS

CITY OF BENICIA

BY: _____
JACK WOLF

BY: _____
BRAD KILGER, CITY MANAGER

DATED:

DATED:

APPROVED AS TO FORM

HEATHER C. MC LAUGHLIN, CITY ATTORNEY

EXHIBIT A
SCOPE OF WORK AND BUDGET

A) Marketing

1) Online:

- a) Provide occasional content (text and photos) for www.VisitBenicia.org (up to 42 hours of work per year).
- b) Administer site and maintain it on the server (up to 15 hours a year).
- c) Provide occasional content for the Visit Benicia Facebook page (up to 42 hours of work per year).
- d) Write a Benicia tourism blog, to be updated twice a month, on VisitBenicia.org.

2) Publicity:

- a) Research, write, lay out and distribute five press releases per year.
- b) Follow-up with selected journalists.
- c) Pitch story ideas to selected journalists, and respond to media inquiries.

3) Quarterly newsletter:

- a) Send quarterly e-newsletter with a design consistent with the website to general email list.

B) Client/Community/Public Liaison:

- 1) Present progress reports at two City Council meetings and two Economic Development Board meetings per year.
- 2) Provide a seven- to 10-page summary report on campaign results twice a year.

C) Media Buys/Advertising

- 1) Develop and buy advertising with a placement value of up to \$13,000.
- 2) Develop creative content for Client's approval (up to 15 hours of work)

EXHIBIT B

SCHEDULE, MEASUREMENT METRICS, DELIVERABLES, AND RATES

Due by September 30, 2011 (quarterly thereafter)

First quarterly e-newsletter

Due By December 31, 2011 (semi-annually thereafter)

First semi-annual report.

First presentation to EDB

First presentation to City Council

Regular Reports to Cover:

Evaluation of key message delivery and brand positioning in media coverage

Website hits, significant changes, and user/subscriber counts

Online/social media work

Advertising placed and evaluation of its effectiveness

Media Hits (stories placed)

Newsletter distribution, open rates, and click-throughs

Hourly Rates:

Jack Wolf: \$150

Cheri Lieurance: \$105

Kat Braunstein (approved subcontractor): \$95

Associate: \$60

Other Subcontractors TBD

**AGENDA ITEM
CITY COUNCIL MEETING DATE - JULY 19, 2011
BUSINESS ITEMS**

DATE : July 6, 2011

TO : City Manager

FROM : Acting Economic Development Manager

SUBJECT : **APPROVE 2011-2012 CONTRACT SERVICES AGREEMENT AND LEASE AGREEMENT BETWEEN THE CITY OF BENICIA AND BENICIA MAIN STREET**

RECOMMENDATION:

Approve an agreement with Benicia Main Street ("BMS") for 2011-12 for downtown support services; and approve amendment to lease agreement with Benicia Main Street for the Southern Pacific Depot to continue the current rent reduction arrangement and extend the term of the lease until July 5, 2012.

EXECUTIVE SUMMARY:

Due to the unique nature of services provided, including planning, organizing and staffing events such as Farmers Market, Art and Jazz Festival and 3rd and 4th of July festivities, being an on site First Street liaison with merchants and business owners and promoting an inviting atmosphere on First Street, City staff is recommending contracting these services to BMS. While it is possible for City staff to ascertain and develop the skills necessary to perform the work provided by BMS, City staff is ill equipped to staff all the activities and work obligated to BMS by this agreement. Therefore, it is necessary to contract these services. Additionally, BMS requests continuation of the previous approved revenue - sharing rent structure lease agreement for the Southern Pacific Depot. With this third amendment, staff is also proposing to extend the term of the lease agreement to July 5, 2012, coinciding with the conclusion of the contract for services.

BUDGET INFORMATION:

This contract's funding is included in the 2011-2013 approved Budget, valued at \$127,000, is in Account No. 010-2605-8252. In response to the present economic challenges, this contract is approximately 15% less than the contract approved in 2009.

The income derived from the Depot lease revenue is reserved for improvements at the Depot, and is deposited in Account No. 038-9205-7458.

STRATEGIC PLAN:

Relevant Strategic Plan Goals and Strategies:

Strategic Issue 3: Strengthening Economic and Fiscal Conditions

- Strategy #3: Retain and Attract Business

BACKGROUND:

The proposed contract is a manifestation of previous agreements between the City and BMS and a response to community and merchant feedback regarding desires for enhanced services and greater specificity in reporting.

Regarding improved services, staff has proposed the following enhancements to the agreement:

1. Increase in entertainment funding to \$9,000 (from \$6,000 in 2009)
2. Development of a walking tour brochure/map
3. Funding for semiannual planting of flowers on First Street.

While the overall funding for the agreement is down, primarily due to a reduction in advertising funding¹, this agreement does increase funding for First Street entertainment to \$9,000, compared to a budgeted amount of \$6,000 in 2009 and \$4,000 in 2010. This categorized service is designed to promote an inviting atmosphere, with music, movies and other activities to enhance the shopping and dining experience.

Additionally, the agreement tasks BMS to prepare a walking tour brochure. This map/brochure will note locations of interest, including, but not limited to, the arsenal area, Arts Benicia Gallery, historic assets, art studios/venues, public restrooms, parking, featured restaurants, and tourist related businesses. If possible the map shall also note the Bay Trail and a "Bridge to Bridge" bike trail.

Another addition is funding for semiannual flower planting on First Street. Like the other above-mentioned enhancements, staff received many comments from merchants requesting greater "color" in the form of hanging baskets or just more planted flowers. While staff is unable, at this time, to move ahead with hanging baskets, planting more flowers on First Street is an achievable goal and is thus included in the new agreement.

The proposed agreement continues to maintain funding for previous services, with one notable exception, the obligation to clean the sidewalks on First Street has been returned to the Public Works Department. In the past contract BMS offered to coordinate the sidewalk cleaning effort, but in practice it is far more

¹ Advertising changed from \$35,000 in 2009 to \$25,000 in the proposed agreement

efficient, due to storm water management issues, to have City staff manage the sidewalk cleaning.

Regarding enhanced reporting, staff has proposed the following reporting improvements:

1. Detailed monthly invoices (previous agreements were bi-monthly)
2. Analytical description of merchant surveys and tracking worksheet in bi-monthly reports
3. Increase number of store visits by BMS Executive Director. (Agreement calls for two visits per year by Executive Director).
4. One-year contract term. (Previous agreement had a term of two years.)

In an effort to improve an overall understanding of the services BMS performs, staff has proposed improvements to the invoices BMS submits. To begin, invoices will now be submitted on a monthly basis. Previous agreements called for bi-monthly invoices. Additionally, invoices will contain detailed line items, noting staff hours and costs associated with performing the services described in the agreement. The purpose for these changes is to better illustrate to the community and staff those BMS costs paid for by the City.

Staff has also proposed that the bimonthly reports provided by BMS to the City also include an analytical report of surveys performed after promotional events. Presently, BMS conducts surveys (most recently using Survey Monkey) to help evaluate the success of an event. However, the surveys lack a summary and/or an interpretation of the data. To remedy that, staff has proposed including a report that accompanies each survey detailing the results, BMS' staff assessment of the data, also noting a participation tracking worksheet that measures foot traffic as compared to previous years. It is with this analysis that the respective staffs of BMS and the City can use to develop measurement matrixes to evaluate successful events. More precisely, however, these will be tools that can be used to improve various aspects of an event from year-to-year. Events/promotions take time to mature and develop, but using analytical tools and borrowing best-practice methods employed by other Main Street programs, the respective staffs can elevate the current success of Benicia's Main Street program to new heights.

The contract scope of work also includes semiannual visits by the BMS executive Director to each restaurant/retailer. During onsite visits with merchants and discussion during public meetings, there was great desire to see more visits from City and BMS staff. Being responsive to that request staff has proposed doubling the required visits by BMS to two per year and requiring those visits be performed by the Executive Director. Additionally, City staff will make site visits on opposite months of BMS to insure routine contact with First Street merchants.

Another noticeable change is the term of the agreement. Staff is proposing a one-year term. The purpose of the one-year term is to provide staff and BMS flexibility in making changes to improve the manner in which services are delivered and reported. As noted above, over the next twelve months staff will look to borrow methods of other Main Street programs to enhance the manner in which programs are evaluated. Clearly, there are some BMS programs that need no measurement, but those programs designed to promote First Street businesses are suitable areas where measurement tools can be utilized.

Staff is also proposing changing the term dates to July 1, 2011 to July 5, 2012. This change is to functionally catch the contract up to the past practice of paying in advance for Fireworks. As noted in the proposed agreement, the funding for fireworks remains constant at \$14,000, however, the funding is to pay for costs associated with "4th of July" festivities of July 2012.

The agreement continues to require bimonthly reports to the Economic Development Board and an annual report on economic conditions downtown. BMS will also continue to perform business attraction services, encompassing work with property owners and brokers to market spaces, and respond to inquiries from prospective business owners.

Staff recommends approval of the contract for downtown support services with Benicia Main Street.

SP DEPOT LEASE AGREEMENT AMENDMENT

On February 15th of the this year the City Council agreed to the second lease amendment with Benicia Main Street for lease of the SP Depot. The term of that amendment expired on June 30th. This proposed third amendment continues the rent arrangement, originally approved in the first and second lease amendments, allowing BMS to forgo base rent, which would otherwise be \$2,100 monthly, in favor of a payment of 50% net profit, based on its approved annual budget. Additionally the third amendment extends the term of the lease to July 5, 2012. This rent arrangement would remain in effect until the expiration of the amended lease agreement on July 5, 2012.

The rent adjustment was originally put in place in January 12, 2010 as a way to alleviate declining revenue. BMS had requested rent abatement continue through the life of the existing lease (2012) during discussions of the second amendment; however, staff only recommended extending it through June 2011 so a further continuation could be considered at the same time the 2011-12 contract is under review.

At this time staff is proposing to continue the rent abatement structure and to

synchronize the terms of the lease agreement and the contract for services. Over the course of the next twelve months the respective staff's of the City and BMS will work to develop new budget parameters for BMS with the goal of restoring monthly rent payments.

Attachments:

- ❑ Proposed Agreement For Downtown Services
- ❑ Proposed Amendment No. 3 to Benicia Southern Pacific Depot Building Lease
- ❑ BMS 2011/2012 Budget (to be handed out on the night of the meeting, as it will be approved on 7/19/11 by BMS Board)

AGREEMENT FOR DOWNTOWN SUPPORT SERVICES

This agreement is entered into by and between the City of Benicia, a municipal corporation of the State of California (hereinafter "CITY"), and Benicia Main Street, a California non-profit corporation, with its primary office located at 90 First Street, Benicia, California, 94510 (hereinafter "BMS"), as of July 1, 2011.

RECITALS

WHEREAS, CITY and BMS each desire to enter into an Agreement whereby BMS will perform services for CITY to support downtown's economic vitality.

NOW, THEREFORE, BE IT RESOLVED BY AND BETWEEN THE PARTIES AS FOLLOWS:

1. BMS shall perform downtown business retention and attraction activities within BMS' geographic program area, as further described in Exhibit A.
2. CITY agrees to pay BMS as full compensation for all services and duties performed, except as otherwise provided herein, the sum of \$127,000, of which \$25,000 must be spent on direct advertising, \$14,000 for July 4th festivities (July 2012), \$1,200 for semiannual sidewalk flower planting, and \$9,000 for First Street entertainment/atmosphere, as provided herein. The total compensation to be paid under this Agreement shall not exceed \$127,000 for the term.
3. The term of this Agreement shall be from July 1, 2011 to July 5, 2012. Either party may terminate this Agreement by giving written notice to the other party. This Agreement shall be terminated one (1) month from and after the date of delivery or mailing of the notice, unless the notice specifies later. Any payment due at effective termination date shall be calculated pro-rata, billed by BMS, and paid within thirty (30) days upon its approval by CITY.
4. CITY's Economic Development Board, in its capacity as a citizens' advisory commission, shall receive a midterm evaluation presentation from BMS and, if it wishes, make a recommendation to the CITY at midpoint and end of term regarding performance. A survey of downtown businesses should be conducted to help evaluate performance six months before the end of term.
5. BMS shall render an itemized monthly invoice at the end of each month period to CITY, which shall be paid upon its approval by CITY.
6. CITY has no obligation to provide office space, supplies, equipment, nor support services connected with the services. BMS shall comply with all CITY policies regarding use of CITY resources.
7. In the performance of the services in this Agreement, BMS is an independent contractor and is not an agent or employee of CITY. BMS, 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. BMS 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 BMS in the performance of said service hereunder. BMS 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.

8. Except as otherwise stated herein, any and all obligations of CITY and BMS are fully set forth and described in this Agreement. Any changes in this Agreement, including any increase or decrease in the amount of compensation or any change in the term, which shall be mutually agreed upon by and between CITY and BMS, shall be set forth in written amendments to this Agreement.

9. **NONDISCRIMINATION.**

(a) BMS 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, BMS agrees that harassment or discrimination directed toward a job applicant, a CITY employee, or a citizen by BMS or BMS' 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. BMS agrees that any and all violation of this provision shall constitute a material breach of the Agreement.

10. BMS shall defend, indemnify, and hold harmless, CITY, its officers, employees and agents from and against any and all claims, lawsuits, damage, injury and liability for damages arising in the performance of BMS' services under this Agreement. CITY shall not be responsible for claims, losses, damage, injury or liability for damages resulting from BMS.

11. BMS shall take out and maintain at all times during the life of this contract, general liability, workers' compensation, and automobile liability insurance in an amount satisfactory to CITY. BMS' insurance shall be primary with respect to the CITY and shall list CITY as an additional insured. BMS shall submit to CITY an endorsement evidencing its required insurance signed by the insurance agent and companies named. Any deductible or self-insured retentions must be declared to and approved by CITY.

12. This agreement serves as a license to use the CITY's tourism branding logo on products for sale in BMS' retail store, subject to: a) Economic Development Manager's (or designee) prior approval of each new item for its suitability for the tourism message, and b) semiannual payment to City of 50% of the net profit from each item bearing the logo.

13. Written communications and invoices under this agreement shall be addressed as follows:

If to CITY: Mario Giuliani, Acting Economic Development Manager
City of Benicia
250 East L Street
Benicia CA 94510

If to BMS: Nancy Martinez, Executive Director
Benicia Main Street
90 First Street
Benicia CA 94510

14. This Agreement shall be deemed to have been executed and entered into in the City of Benicia, County of Solano, State of California.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed on the date set opposite their respective names.

CITY OF BENICIA
A municipal corporation
of the State of California

BENICIA MAIN STREET

By: _____
BRAD KILGER DATE
CITY MANAGER

HELAINÉ BOWLES DATE
PRESIDENT

NANCY MARTINEZ DATE
EXECUTIVE DIRECTOR

APPROVED AS TO FORM:

HEATHER C. McLAUGHLIN DATE
CITY ATTORNEY

EXHIBIT A

SCOPE OF SERVICES/PERFORMANCE STANDARDS

General Goals: Promote sales tax growth, increase visitors downtown, and support downtown business development.

BMS shall be responsible for the following activities in the downtown business district (defined as First Street and one block west and east of First Street, from Military south to waterfront):

1. First Street promotions & business retention, which will include, but not be limited to, the following services:

a.	Provide merchandising assistance (Executive Director shall visit each retail and restaurant business at least twice per year) and act as retail marketing resource for businesses.
b.	Merchant coordination for special business-oriented promotions/events (at least 3 major promotions per 12-month period, one of which is the winter holidays). Act as resource and facilitator for smaller self-organized merchant promotions.
c.	Organize Merchant Meeting (or similar "general membership" meetings) at least twice per year.
d.	Organize community-oriented special events that create foot traffic downtown, including July 3 rd and 4 th festivities "Picnic in the Park" and fireworks, to which \$14,000 of total funding is dedicated for "4 th of July" activities for July 2012. If BMS does not use \$14,000 in City funding for this event, BMS will not include that funding on any invoice.
e.	Help promote City-sponsored events (training, special events, etc.) of interest to business owners. Support City efforts to work with property owners to fill vacancies.
f.	Implement Annual Advertising Plan (Exhibit B) with \$25,000 investment provided by City. BMS' Board may amend the approved Plan without prior notice to City until cumulative changes to any one part of Plan exceed \$500, which requires City approval by Economic Development Manager.
g.	Prepare a walking tour brochure, ready for distribution by 2011. The map(s) shall be visually appealing, including color and graphics. The map(s) shall note locations of interest, including, but not limited to, the arsenal area, Arts Benicia Gallery, historic assets, art studios/venues, public restrooms, parking, featured restaurants, tourist related businesses. If possible the map(s) shall note the Bay Trail and a "Bridge to Bridge" bike trail. BMS is encouraged to solicit sponsorships for this project; proceeds of which may be used for operational costs.
h.	Keep current a First Street Business directory.
i.	Coordinate entertainment activities and inviting atmosphere on First Street, for the months of July 2011, August 2011, September 2011 and June 2012, for which up to \$9,000 of total funding is allocated. BMS will use the sponsorship funds for cost-effective entertainment/atmosphere such as, but not limited to, movies, music, live entertainment. BMS shall adopt an entertainment/atmosphere plan by August 2011 and shall be implemented after receiving approval from City's Economic Development Manager.
j.	Semiannual sidewalk flower planting, for which up to \$1,200 of total funding is allocated.

2. **Business Attraction, which will include, but not be limited to, the following services:**
 - a. Respond to inquiries from prospective businesses by providing requested information or directing to appropriate resources.
 - b. Work with City staff, brokers, and property owners to market available spaces.
 - c. Organize events and promotions that create a positive atmosphere downtown that is conducive to new business success.

3. **Deliverables**

- a. BMS shall submit detailed, itemized monthly invoices noting staff time and costs associated with performing the duties assigned to BMS by this agreement.
- b. Submit bimonthly reports documenting results and challenges in each task area. Report shall be in a form approved by CITY, and suitable for distribution to the City of Benicia and the community. The bi-monthly reports shall include tracking event participation spreadsheets, noting number of visitors per event as compared to previous years.
- c. BMS shall also submit an annual Downtown Economic Report.

4. **Other Provisions**

- a. BMS agrees to respond to calls and e-mails from businesses within service area within 2 days on average in order to provide the best customer service.
- b. BMS shall present bimonthly reports at Economic Development Board meetings.
- c. BMS agrees that BMS may not make comments to the media on a speculative topic, on policies not adopted by CITY, or that reflect negatively on CITY or Downtown Benicia.
- d. BMS staff will be available for regular monthly meetings with CITY staff.
- e. Data to be tracked to measure the performance of BMS in meeting the goals of this contract include aggregate sales tax, number of customers that visit the historic Depot and merchant satisfaction as reported in regular surveys. The surveys should have a statistically significant number of responses. Surveys shall be conducted after each business-oriented promotion as described in section 1b of Exhibit A. BMS staff shall submit a survey report summary describing and analyzing the survey results.

EXHIBIT B

ANNUAL ADVERTISING PLAN FOR DOWNTOWN

The parties agree that consistent advertising is essential for business success, and share an understanding that Downtown businesses should benefit from an advertising plan that treats the area as a shopping district. The advertising should not benefit any particular business, including Benicia Main Street, more than another, but rather promote events and activities within the program area. To that end, the parties agree that Benicia Main Street will spend no less than \$25,000 on advertising in media such as Internet travel/tourism sites, newspapers (such as the *Contra Costa Times*, *Patch.com*), and magazines (such as *Benicia Magazine*, *Diablo*, and *San Francisco*) throughout the year as follows.

<u>Time of Year (examples of promotions)</u>	<u>Minimum Amount to be Spent on Advertising</u>
July/August (summer festivals, Back to School)	\$3,000
September/October (fall events, Halloween)	\$2,750
November/December (holidays)	\$9,000
January/February (Valentine's Day)	\$2,750
March/April (spring events)	\$2,750
May/June (summer festivals, 4th of July)	\$2,750
New Promotions/Promotion Enhancement	\$2,000
Total:	\$25,000

The advertising placed under this Plan shall incorporate the City's tourism branding elements (waterfront, California history, art, dining, and shopping), and where practical, use the City's tourism logo to indicate the City's sponsorship.

Examples of the placed advertising must be included in the bimonthly reports.

**AMENDMENT NO. 3
TO BENICIA SOUTHERN PACIFIC DEPOT BUILDING LEASE**

Lessee: Benicia First Corporation dba Benicia Main Street

Address: 90 First Street, Benicia, California

APN(s): 0080-200-07-0

The Parties hereby agree that the Lease dated February 7, 2002 ("Lease") by and between the CITY OF BENICIA, a municipal corporation, hereinafter referred to as "City", and Lessee, is hereby amended as follows to clarify the terms and conditions of the Lease.

I. Paragraph 2, first sentence of the Lease is struck and amended to add the following:

The term of this Lease is ten (10) calendar years and one hundred twelve (112) days, beginning March 14, 2002 and ending at midnight, on July 5, 2012 unless extended or sooner terminated as provided for in the Lease.

II. Paragraph 3 of the Lease is amended to add the following:

C. Third Minimum Rent Payment and Period:

There shall be no minimum rent for the period of July 1, 2011 through July 5, 2012. Rent for this period, paid on August 5, 2012, shall be:

❖ 50% of the profit based on year to date actuals for months of July 2011 through July 5, 2012.

In no event shall the payment made be less than zero, nor shall the City be interpreted to owe any payment to Lessee under this rental structure. The Finance Director or his designee may review Lessee's financial records to determine compliance with this provision and accuracy of the records. Lessee may from time to time amend its 2011/2012 Budget without City's prior approval; however, when making the final rental payment, the income and expenses numbers will be those shown on the original version of the 2011/2012 Budget (attached; approved by the Lessee's Board of Directors on July 19, 2011).

II. Except as expressly modified herein, all other terms and covenants set forth in the Lease shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have executed this Amendment to Lease on _____, 2011.

CITY OF BENICIA:

LESSEE:

Brad Kilger, City Manager

Helaine Bowles, Board President

ATTEST:

Lisa Wolfe, City Clerk

Nancy Martinez, Executive Director

APPROVED AS TO FORM:

Heather McLaughlin, City Attorney

AGENDA ITEM
CITY COUNCIL MEETING: JULY 19, 2011
BUSINESS ITEM

DATE : July 13, 2011
TO : Mayor & City Council
FROM : City Manager
SUBJECT : **REQUEST FOR POSITION ON ASSEMBLY BILL 1178 (MA)**

RECOMMENDATION:

Discuss and consider Mayor Patterson's request that the City take a position opposing Assembly Bill 1178 (Ma). AB 1178 seeks to prevent counties from placing restrictions on the importation of garbage.

EXECUTIVE SUMMARY:

AB 1178 prohibits a city or county, including by an ordinance enacted by initiative by the voters of a city or county, from otherwise restricting or limiting in any way the importation of solid waste into a privately owned solid waste facility in that city or county based on place of origin, except as specified with regard to requiring a privately owned or operated solid waste facilities facility to accept certain waste, allowing a privately owned solid waste facility to abrogate certain agreements, or the preventing a city or county from exercising local Land use authority.

Mayor Patterson has submitted a Council Member Agenda Request Form (attached) requesting that the City Council take a position of opposed on AB 1178. Per the Council's Rules of Procedure, requests for Legislative Support or Opposition do not require the two-step process.

II. AGENDAS

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

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

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

Attachments:

- Assembly Bill 1178 (Ma)
- AB 1178 Bill Analysis
- Seifert Email
- Benicia Herald Article
- Mayor Patterson Council Member Agenda Request Form

AMENDED IN SENATE JUNE 22, 2011
AMENDED IN ASSEMBLY MAY 10, 2011
AMENDED IN ASSEMBLY APRIL 4, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1178

**Introduced by Assembly Member Ma
(Coauthor: Assembly Member Cedillo)**

February 18, 2011

An act to amend Sections 40002, 40900.1, and 41903 of the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 1178, as amended, Ma. Solid waste: place of origin.

Existing law authorizes a city or county to assess special fees of a reasonable amount on the importation of waste from outside of the county to publicly owned or privately owned facilities.

This bill would prohibit a city or county, *including by an ordinance enacted by initiative by the voters of a city or county*, from otherwise restricting or limiting ~~in any way~~ the importation of solid waste into a *privately owned solid waste facility* in that city or county based on place of origin, except as specified with regard to *requiring a privately owned or operated solid waste facilities facility to accept certain waste, allowing a privately owned solid waste facility to abrogate certain agreements, or the preventing a city or county from exercising local land use authority.*

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

1 paper waste, purchase recycled products, and implement measures
2 that minimize the generation of waste.

3 (d) Local, state, and federal agencies generating solid waste that
4 is sent to a host jurisdiction for disposal should be encouraged to
5 provide the host jurisdiction with information on the amount of
6 solid waste and regarding any solid waste source reduction,
7 recycling, or composting programs that have been implemented
8 by the agency, to assist the host jurisdiction in developing and
9 implementing the planning requirements of this division.

10 ~~(e) Restrictions or limits on the importation of solid waste based~~
11 ~~on the place of origin are not aspects of solid waste handling~~
12 ~~subject to local government determination because they~~
13 ~~unreasonably limit the disposal of solid waste.~~

14 SEC. 3. Section 41903 of the Public Resources Code is
15 amended to read:

16 41903. (a) A city or county may assess special fees of a
17 reasonable amount on the importation of waste from outside of
18 the county to publicly owned or privately owned facilities.

19 (b) ~~(1) A city or county~~ *A city or county, including by an*
20 *ordinance enacted by the voters of that city or county,* may not
21 otherwise restrict or limit ~~in any way~~ the importation of solid waste
22 into *a privately owned facility in* that city or county based on the
23 place of origin.

24 ~~(2) Paragraph (1) does not do any of the following:~~

25 ~~(A) Restrict a publicly owned solid waste facility from limiting~~
26 ~~or restricting its acceptance of solid waste from outside the~~
27 ~~jurisdiction of the public agency that owns the facility.~~

28 ~~(2) This subdivision does not do any of the following:~~

29 ~~(B)~~

30 *(A) Require a privately owned solid waste facility or privately*
31 *operated solid waste facility to accept solid waste from outside the*
32 *city or county where the facility is located.*

33 *(B) Allow a privately owned solid waste facility to abrogate a*
34 *written disposed agreement guaranteeing permitted capacity to a*
35 *host jurisdiction, including a regional agency.*

36 *(C) Prevent a city or county from exercising its land use*
37 *authority, including making a zoning, permitting, or other land use*
38 *determination that is subject to paragraph (1).*

BILL ANALYSIS

AB 1178

SENATE COMMITTEE ON ENVIRONMENTAL QUALITY
 Senator S. Joseph Simitian, Chairman
 2011-2012 Regular Session

BILL NO: AB 1178
 AUTHOR: Ma
 AMENDED: June 22, 2011
 FISCAL: Yes HEARING DATE: July 6, 2011
 URGENCY: No CONSULTANT: Caroll
 Mortensen

SUBJECT :

SUMMARY : SOLID WASTE IMPORT RESTRICTIONS

Existing law :

- 1) Under the California Constitution, authorizes a city or county to "make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general law." (Cal. Const. Art. XI §7).
- 2) Under Planning and Zoning Law, requires cities and counties to adopt a general plan that includes seven mandated elements (land use, circulation, housing, conservation, open space, noise, safety). It also requires cities and counties to adopt zoning ordinances regulating, for example, the use of buildings, structures, and land. (Government Code §65000 et seq.).
- 3) Under the California Environmental Quality Act (CEQA), requires lead agencies with the principal responsibility for carrying out or approving a proposed discretionary project to prepare a negative declaration, mitigated declaration, or environmental impact report (EIR) for this action, unless the project is exempt from CEQA (CEQA includes various statutory exemptions, as well as categorical exemptions in the CEQA guidelines). (Public Resources Code §21100 et seq.).
- 4) Under the California Integrated Waste Management Act of 1989 (Act):

AB 1178
 Page 2

- a) Requires each city or county source reduction and recycling element to include an implementation schedule that shows a city or county must divert 25% of solid waste from landfill disposal or transformation by January 1, 1995, and must divert 50% of solid waste on and after 2000.
- b) Declares that it is in the public interest for the state to authorize and require local agencies, as subdivisions of the state, to make adequate provisions for solid waste handling, both within their respective jurisdictions and in response to regional needs (Public Resource Code §40002).
- c) Makes the following findings and declarations:
 - i) That integrated waste management plans prepared and adopted by local agencies shall conform, to the maximum extent possible to the policies and goals established under the Act.
 - ii) That decisions involving the establishment or expansion of solid waste facilities should be guided by an effective planning process, including meaningful public and private solid waste industry participation.
 - iii) That it is the policy of the state and the intent of the Legislature that each state, regional, and local agency concerned with the solid waste facility planning and siting process involve the public through public hearings and informative meetings and that, at those hearings and other public forums, the public be granted the opportunity to respond to clearly defined

alternative objectives, policies, and actions.

- iv) That it is the policy of the state and the

AB 1178
Page 3

intent of the Legislature to foster and encourage private solid waste enterprises. In furtherance of that policy, it is the intent of the Legislature that each state, regional, and local agency concerned with the solid waste facility planning and siting process involve the private solid waste industry.

- d) Requires that if a county determines that existing capacity will be exhausted within 15 years or additional capacity is desired and that there is no area available for the location of a new solid waste transformation or disposal facility or the expansion of an existing solid waste transformation or disposal facility which is consistent with any applicable city or county general plan, the siting element must include a specific strategy for the transformation or disposal of solid waste in excess of remaining capacity. (§41703).
- e) States that local, state, and federal agencies generating solid waste that is sent to a host jurisdiction for disposal should be encouraged to provide the host jurisdiction with information on the amount of solid waste, and regarding any solid waste source reduction, recycling, or composting programs that have been implemented by the agency, to assist the host jurisdiction in developing and implementing planning (§40900.1).
- f) Authorizes a city or county to assess special fees of a reasonable amount on the importation of waste from outside of the county to publicly owned or privately owned facilities (§41903).

This bill :

- 1) Prohibits a city or county, including by an ordinance enacted by the voters of that city or county, from restricting or limiting the importation of solid waste into a privately owned solid waste facility in that city or county based on the place of origin.

AB 1178
Page 4

- 2) States that the restriction above does not do any of the following:
- a) Require a privately owned solid waste facility or privately operated solid waste facility to accept solid waste from outside the city or county where the facility is located.
- b) Allow a privately owned solid waste facility to abrogate a written disposal agreement guaranteeing permitted capacity to a host jurisdiction, including a regional agency.
- c) Prevent a city or county from exercising its land use authority, including making a zoning, permitting, or other land use determination - subject to #1 above.

COMMENTS :

1) Purpose of Bill . According to the author, AB 1178 ensures the ability to import and export solid waste and recyclable materials without barriers; maintains adequate and appropriate capacity for the proper management of waste and recyclables; and keeps the competition high and consumer rates affordable for these services.

2) Background . Before the passage of the Act, the state did

not have a coherent policy to ensure that its solid waste was managed in an effective and environmentally sound manner. Over 90% of the state's solid waste was disposed into landfills, some of which posed a threat to groundwater, air quality, and public health. In 1989, the Legislature passed the Act acknowledging that there was an urgent need for state and local agencies to enact and implement an aggressive new integrated waste management program.

3) Measure E and Potrero Hills . According to the author, AB 1178 is in response to Measure E, a 1984 Solano County initiative that limits the amount of solid waste imported into Solano County to a maximum of 95,000 tons per year.

AB 1178
Page 5

At the time of this initiative, Solano County was importing approximately 500,000 tons of solid waste annually from San Francisco.

In 1992, the Legislative Counsel of California and the County Counsel of Solano County opined that Measure E violated the commerce clause of the United State Constitution because it discriminates against interstate commerce. In light of these opinions, the Solano County Board of Supervisors (Board) announced that it would not enforce Measure E. Without Measure E, solid waste has been exported from other areas of the state to Solano County for disposal at facilities like the Potrero Hills Landfill.

The Potrero Hills Landfill in Solano County currently receives approximately 900,000 tons of solid waste annually, including 600,000 tons originating from outside of the county. The landfill is expected to reach capacity by 2016. There are plans to expand the Potrero Hills Landfill from 320 acres to 580 acres and to increase the maximum height from 220 feet to 345 feet, which will extend the life of the landfill for another 35 years. The project contains habitat mitigation that includes preserving and enhancing approximately 994 acres of grassland, wetland, and water features. The cost of the project is approximately \$110 million.

On June 9, 2009, the Board certified a final Environmental Impact Report (EIR) for the Potrero Hills Landfill Expansion project. Due to legal challenges, this was the third time in four years that the Board certified the final EIR. On October 21, 2010, the San Francisco Bay Conservation and Development Commission approved a permit for the project.

On June 10, 2009, the day after the Board certified the final EIR, the opponents of the project filed a lawsuit in the Solano County Superior Court to enforce Measure E.

On May 12, 2010, the court issued an opinion acknowledging that Measure E as drafted raises valid commerce clause concerns because it would limit the importation of waste

AB 1178
Page 6

from out of state. However, the court invoked a rarely used judicial authority to actually rewrite Measure E to make it constitutional. The court explained that "Measure E, if rewritten to apply only to waste generated within other counties in California, would not offend the commerce clause." The court ruling has been appealed to the California Court of Appeal.

If the outcome of the case is in support of Measure E, the Potrero Hills Landfill's current waste load would be cut by as much as 85%, and could be even lower depending on how much of the 95,000 ton quota imposed by Measure E would be allocated to the facility. Counties in the Bay Area and other parts of Northern California rely on the Potrero Hills Landfill for its solid waste management. Thus, these counties would have to find alternative ways to manage their solid waste that would otherwise go to the Potrero Hills Landfill.

4) Anti-Trust Issues . Beginning in 2008, then-California Attorney General Jerry Brown and the U.S. Department of Justice investigated the merger of two of the three largest waste-hauling companies in the country, Republic Services, Inc. (Republic) and Allied Waste Industries, Inc. (Allied), for antitrust-law implications. The investigation found that, before the merger, Republic's Potrero Hills Landfill, Allied's Keller Canyon facility in Contra Costa County, and Republic's Vasco Road site in Alameda County were the primary competitors in the waste disposal industry in the San Francisco Bay Area. Moreover, the Attorney General determined that competition between these three landfills kept the price charged for disposal (i.e. tipping fees) to competitive levels. To address the loss of competition that would occur if one company controlled all three landfills, the Attorney General entered into a consent decree that allowed Allied and Republic to merge, but required the divestiture of the Potrero Hills Landfill. The Potrero Hills Landfill is now owned by Waste Connections, Inc.

Attorney General Brown filed an amicus brief in the Measure E litigation explaining that if Measure E was enforced, the

AB 1178
Page 7

Potrero Hills Landfill would only be able to accept a very limited amount of out-of-county waste and the competitive benefits of the divestiture required by the Attorney General and the U.S. Department of Justice will be lost. The Attorney General concluded that Measure E would increase municipal solid waste disposal costs in the San Francisco Bay Area and "businesses in the area will be placed at a competitive disadvantage to their competitors in other areas and states where [waste disposal] competition is greater."

5) Don't forget the general plan, zoning, and CEQA . The general plan is the "constitution for all future development." The general plan is the single most important planning document. Any subordinate land use action, such as a zoning ordinance, tentative map, or development agreement that is not consistent with a general plan is invalid at the time it is passed. The land use element, for example, must designate the general location and extent of land uses for certain purposes, such as housing, open space, education, public buildings and grounds, solid and liquid waste disposal facilities, and other categories of public and private land uses. Zoning ordinances regulate the use of buildings, structures, and land.

AB 1178 provides that this bill does not prevent a city or county from exercising its land use authority - as long as it is subject to the key provision in this bill prohibiting restrictions or limits on importation of solid waste into a privately owned facility based on the place of origin. This is an indirect effort to preempt local land use authority. If a city or county had very limited areas identified in the general plan for solid waste disposal that does not accommodate solid waste from outside the jurisdiction, for example, AB 1178 seeks to trump the general plan and related zoning ordinance provisions. While AB 1178 does not allow a privately owned solid waste facility to abrogate a written "disposal agreement" guaranteeing permitted capacity to a host jurisdiction - there is nothing requiring a facility operator to accept such a provision. Moreover, "disposal agreement" is not

AB 1178
Page 8

even defined in state law.

If there is a condition of approval for a solid waste facility relating to importation of solid waste, AB 1178 enables that to be ignored if there is no "disposal agreement." If such a condition was based on a mitigation measure that was part of a certified EIR under CEQA, then AB 1178 would also override a mitigation measure under CEQA.

An unintended consequence of AB 1178 may be for local governments to simply not approve new or expanded solid waste facilities knowing that importation restrictions are prohibited. For example, why should Sonoma County approve a solid waste facility to accommodate solid waste from a portion of that county for 20 years without importation based on its general plan, if the facility owner can turn around and fill it up in 2 years with imported waste from San Francisco?

6) Other policy considerations . AB 1178 poses the potential for changing the dynamic of waste flows in California. While AB 1178 is intended to address the Measure E issue in Solano County, it is not limited to Solano County and has statewide effect. The flow of waste in the state has followed typical market dynamics (e.g., cost, availability, access). There have been instances where local initiatives and state policymakers have intervened, but the original tenets of the Act have largely prevailed.

Also, the May 2010 decision of the Solano County Superior Court is under appeal. The passage of AB 1178 would negate the outcome of that appeal.

Given the renewed interest in waste flow issues, solid waste facility capacities, and local control versus statewide policy, it would be prudent to have a wider policy discussion on these issues.

7) Support and Opposition Arguments . Supporters of the bill generally contend that limiting importation and exportation of waste conflict with the goals of the Act and obstruct the flow of waste throughout the state. They contend that

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AB 1178
Page 9

many local jurisdictions depend on state-of-the-art regional facilities for their recycling needs and flow restrictions prevent effective and environmentally sound facilities from being utilized. Supporters state that AB 1178 preserves local authority to site, permit, and oversee waste activities while preserving the regional waste system established by the Act. Also, they note that in the past 10 years over 100 landfills have closed while no new landfills have opened.

Opponents to AB 1178 state that it interferes with judicial matters, usurps local authority and hinders local jurisdictions' solid waste planning activities. They also contend that AB 1178 will have unintended consequences by eliminating local jurisdictions' flexibility to manage their long-term community needs. Opponents from the area around the Potrero Hills Landfill state that Measure E should be enforced to limit out-of-jurisdiction waste. They state that expansion of Potrero Hills is not needed as there is adequate regional, as well as statewide, capacity.

8) Amendments needed . If AB 1178 passes this Committee, it should be amended to change, on page 3, line 34, the word "disposed" to "disposal." The terms "disposal agreement" and "abrogate" should also be clarified for effective implementation. Also, the intent language is too far reaching and should be stricken from the bill.

SOURCE : California Refuse Recycling Council

SUPPORT : Atlas Disposal Industries
Blue Line Transfer, Inc.
Bridgeport Sales and Service
Burrtec Waste Industries
Calasian Chamber of Commerce
California Association of Sanitation Agencies
California Teamsters
City of Fairfield
City of Vacaville
Commercial Fleet Services, Inc.
Consolidated Fabricators Corp.

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AB 1178

County of Sacramento Board of Supervisors
 Davis Waste Removal
 Desert Valley Disposal
 East Bay Sanitation Company
 EDCO Waste and Recycling Services
 Elk Grove Waste Management
 Freeman and Williams, LLP.
 Fremont Recycling and Transfer Station
 Garaventa Enterprises
 Garden City Sanitation, Inc.
 Gilton Solid Waste Management, Inc.
 Heffernan Insurance Brokers
 Livermore Sanitation, Inc.
 Marin Sanitary Service
 Napa Recycling and Waste Services, LLC.
 National Solid Waste Management Association
 Olympic Wire and Equipment, Inc.
 Palm Springs Disposal Services
 Palo Verde Valley Disposal Service
 Recology, Inc.
 Rebig Pacific Company
 SSI Schaefer Systems International
 Sacramento Recycling and Transfer Station
 Salinas Valley Solid Waste Authority
 Soft-Pak
 Solano County Board of Supervisors
 Solid Waste Insurance Managers
 South Lake Refuse and Recycling
 South San Francisco Scavenger Co.
 Southern California Disposal and Recycling Co.,
 Inc.
 Stockton Tri Industries, Inc.
 Truck Lubrication Co., Inc.
 Turlock Scavenger Company
 Upper Valley Disposal and Recycling
 Vacaville Chamber of Commerce
 Varner Bros., Inc.
 Varner and Sons, Inc.
 Vence Consulting
 Waste Connections, Inc.
 Westhoff, Cone and Holmstedt

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OPPOSITION : Alameda County
 California Resource Recovery Association
 Californians Against Waste
 California League of Conservation Voters
 Center of Biological Diversity
 City of Glendale
 Kern County Board of Supervisors
 League of California Cities
 Los Angeles County Solid Management Authority
 Merced County Regional Waste Management
 Authority
 Natural Resources Defense Council
 North Valley Coalition
 Northern California Recycling Association
 Orange County Board of Supervisors
 Sierra Club California
 Solano County Orderly Growth Commission
 Solid Waste Association of North America
 Stopwaste.org
 Sustainability, Parks, Recycling and Wildlife
 Legal Defense Fund
 Western Placer Waste Management Authority
 Yuba Group Against Garbage

Tonya Gilmore - Fwd: AB 1178

From: Brad Kilger
To: Tonya Gilmore
Date: 7/13/2011 9:35 AM
Subject: Fwd: AB 1178

>>> "Smith, Belinda T." <BTSmith@SolanoCounty.com> 7/13/2011 9:30 AM >>>

Dear Mayor Patterson:

The purpose of this email is to make you and members of the Benicia City Council aware of AB 1178 (Ma) Solid Waste Import Restrictions. This legislation specifically targets Solano County Measure E, passed in 1984 by a 2/3 majority, to limit the amount of solid waste imported into the County. If approved AB 1178 would serve to undermine the local initiative process, as well as effective solid waste management strategies embodied in AB 939.

Measure E limits the amount of waste imported into the County to 95,000 tons annually, thereby preserving landfill capacity for waste generated within the County, and meeting AB 939 goals of 15 years of landfill capacity. There has been much controversy regarding Measure E, and Solano County has not enforced the Measure which has allowed 600,000 tons of waste to be imported annually. This legislation is a bill drafted by solid waste companies to overturn a recent Solano County Superior Court decision ordering Solano County to comply with Measure E. Passage of AB 1178 would strip local jurisdictions of the authority to protect the public health and environment through legislation or through the initiative process.

I hope you will join me in opposing this legislation and thereby preserving the local initiative process and local decision making.

Sincerely,
Linda Seifert, Supervisor District 2

Belinda T. Smith, District Representative for
Supervisor Linda J. Seifert

675 Texas Street, Suite 6500
Fairfield, CA 94533-6342
707 784-2974
btsmith@solanocounty.com

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AB 1178 is bad for Solano County

By Linda Seifert

Solano County voters passed Measures E and L in 1984 to protect Lynch Canyon and to keep Solano County from becoming a dumping ground for garbage from outside the county.



Today Lynch is owned by the Solano Land Trust. It is a wonderful place to watch birds, enjoy a hike, and — from its upper vistas — see all the way to the Golden Gate Bridge. Back in 1984, we felt it was our right to “just say no” to filling up Lynch Canyon with trash from around the Bay Area. Measure L passed by a two-thirds vote. Solano citizens also said it was our right to limit how much trash could be imported into county landfills from other Bay Area communities. Measure E also passed by a two-thirds vote.

But now, 27 years later, Measure E is not being enforced. In fact an effort is afoot to override the express message from the citizens. State Assembly Bill 1178 seeks to prevent counties from placing restrictions on the importation of

Linda Seifert is Solano County supervisor for District 2, which includes Benicia.

I was always taught that the will of the voters should prevail unless a court finds that a proposition or initiative is unconstitutional. No court has ever made such a finding about Measure E.

When I became aware of our county's failure to enforce Measure E, I was perplexed. How can any Board of Supervisors not enforce a voter-passed initiative? As an attorney, I was always taught that the will of the voters should prevail unless a court finds that a proposition or initiative is unconstitutional. No court has ever made such a finding about Measure E. In fact, the Sierra Club and a coalition of East Bay waste reduction organizations sued Solano Coun-

ty to enforce Measure E, and won. The county is appealing the decision. Supervisor Barbara Kondy and I voted against filing an appeal.

The more I've learned about landfills, the more concerned I've become. Because our landfills import almost a million tons of trash every year, they generate about 100 large truck trips every day from all over the region. These trucks run on diesel, they add to our air pollution, increase traffic problems, cause excess wear on our highways, increase trash along our roadways and increase the chances of dangerous accidents.

Our largest landfill, Potrero Hills Landfill, sits right on the edge of Suisun Marsh, the largest marsh of its kind in the country. It is a valuable nursery for young waterfowl and home to tule elk, marsh otters, eagles and innumerable migratory birds. Fishermen are a common sight. We put this sensitive habitat at risk by allowing Potrero Hills to expand. Not only is the landfill expanding, it cannot even guarantee space for Solano County's garbage.

Now that the courts are finding that Measure E is enforceable, the garbage industry has turned to the state Legislature for help. They are backing AB 1178, which, if passed, will invalidate Measure E. We are fortunate that our Assemblymembers Markko Yamada and Micheal Allen strongly oppose AB 1178. Still, it has passed the Assembly and now we have to work to defeat this dangerous bill in the Senate.

Please contact our state Senators Noreen Evans and Lois Wolk and urge them to vote “no” on AB 1178.

The opinions expressed on this page are those of the authors and artists and not necessarily of The Benicia

APPENDIX A: COUNCIL MEMBER REQUESTED AGENDA ITEM

Requested by:

Mayor Patterson

Agendize for July 19, 2011

Desired Initial Council Meeting Date:

Desired Date for Second Step or Policy Calendar Review:

Deadline for Action, if any:

Requires action on July 19th because there is no Council meeting for August 2nd and action could be taken before mid August.

Problem/Issue/Idea Name:

AB 1178

Description of Problem/Issue/Idea:

Request for being on record that the Benicia City County opposes AB 1178.

Solano County voters passed Measures E and L in 1984 to protect Lynch Canyon and to keep the county's voters from becoming a dumping ground for garbage from outside the county. Measure L was passed by a two-thirds vote.

Solano County citizens also said it was our right to limit how much trash could be imported into Solano County landfills from the Bay Area. Measure E was also passed by a two-thirds vote. However, Measure E is not being enforced. AB1178 seeks to prevent counties from placing restrictions on the importation of garbage.

The county's largest landfill, Potrero Hills Landfill, sits right on the edge of Suisun Marsh -- the largest such marsh in the country. It is a valuable nursery for young waterfowl, the home to tule elk, marsh otters, eagles, and innumerable migratory birds. Fishermen are a common sight. We put this sensitive habitat at risk by allowing Potrero Hills Landfill to expand. Not only is the landfill expanding, it cannot even guarantee space for Solano County's garbage. Now that the courts are finding that Measure E is enforceable the

garbage industry has turned to the state Legislature for help. They are backing AB1178 which, if passed, will invalidate Measure E.

Assemblymembers Mariko Yamada and Michael Allen strongly opposed AB1178. However it did pass the Assembly and now this bill is in the Senate.

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: JULY 19, 2011
COUNCIL MEMBER COMMITTEE REPORTS

DATE : July 12, 2011
TO : Mayor Patterson
FROM : City Manager
SUBJECT : **MAYORS' COMMITTEE MEETING**

The following information is provided for your committee report at the July 19, 2011 City Council meeting.

The Mayors' Committee meetings are held on the third Wednesday of each month at 6:30 pm. The next Mayors' Committee Meeting is scheduled for Wednesday, July 20, 2011 beginning at 6:00 pm at Foster's Bighorn in Rio Vista. The agenda is not yet available.

AGENDA ITEM
CITY COUNCIL MEETING: July 19, 2011
COUNCIL MEMBER COMMITTEE REPORTS

DATE : July 8, 2011

TO : Mayor Patterson
Vice Mayor Schwartzman

FROM : City Attorney

SUBJECT : **ABAG COMMITTEE MEETING**

The following information is provided for your committee report at the July 19, 2011 council meeting:

- The date for the Fall Assembly is scheduled for October 13, 2011.
- The location for the Fall Assembly will be held at the Westin St. Francis Hotel in San Francisco.
- The topic for the Fall Assembly is "Greening Our Communities".

Attachment: Service Matters July-August Edition Page 2.

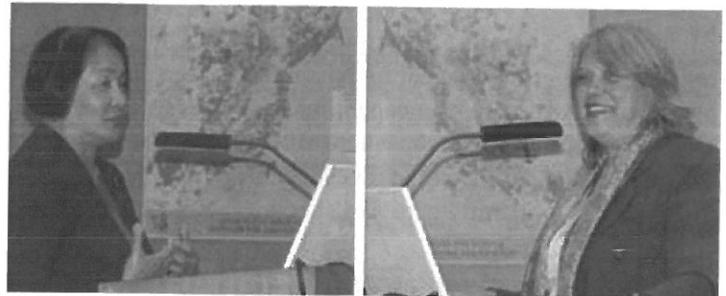
Shaken Awake cont. from pg. 1

California Earthquake Authority representatives, Communications Director Chris Nance and Chief Mitigation Officer Janiele Maffei, shared the results of their disaster messaging study and plans for a retrofit incentive program that will provide cash rebates to homeowners who retrofit their homes.

Four panels addressed best practices in housing retrofit and mitigation, local government planning recovery tools, the role of the business community, and finding political will to make retrofitting and rapid housing recovery a reality. More than sixteen panelists from across the region shared best practices and policy barriers they have encountered, and discussed better planning methods for housing recovery and community engagement. Recognizing that a major earthquake becomes a regional economic resilience issue, seven main themes emerged:

- **Financing retrofits** - lack of funding for cities to help provide homeowner assistance. Suggestions for soft story funding included reducing business tax for owners and special assessment districts.
- **Lack of insurance coverage** - Currently only 6.5 to 7% of residential losses will be covered by insurance, an unprecedented lack of coverage for natural disasters. High annual premiums and high deductibles block adequate insurance coverage.
- **Owner liability** - A recent court case (*Myrick v. Mastagni*) held an owner liable for two deaths resulting from a URM building collapsing in the 2003 San Simeon earthquake. The case may have implications for soft story owners who fail to retrofit.
- **Public education** – Many panelists cited a need to better inform owners about their homes' vulnerability. The City of San Leandro's building department visits middle school science classes, publishes stories in the City's newsletter, makes presentations at homeowner association meetings, and provides a hands-on retrofit training course for city residents.

- **Disclosure of building vulnerabilities** – Debate continued over whether tenants and visitors have the right to know about vulnerabilities in their buildings or whether this notification will drive tenants away, making it even more difficult for building owners to have the funds to perform retrofits.
- **Role of regional agencies**— Panelists discussed how regional agencies such as ABAG can act as conveners, working to break down silos and bring together a variety of stakeholders to plan together. Regional agencies can provide local governments with technical assistance, identify and help remove regulatory barriers to recovery, as well as perform post-disaster studies on the disaster's impact on housing, infrastructure and the economy.
- **Recovery planning and implementation** – Panelists all agreed that recovery is messy. Charlie Eadie, manager for the Santa Cruz Downtown Recovery Plan after Loma Prieta, introduced the notion of dynamic tensions after a disaster: a quick return to normalcy balanced with the need for long-term planning. The City and County of San Francisco is already engaged in this forward thinking conversation and is defining a standard for how it wants its housing to perform and defining a strategy for how to get there.



Oakland Mayor Jean Quan, (left), along with Marin County Supervisor and ABAG Vice President Susan Adams, (right), and Berkeley Mayor Tom Bates, shared ideas for implementing better earthquake policies at Shaken Awake on June 13, 2011.

All of the conference materials, including agendas and speaker bios, presentations, video recording and photos, have been posted online at <http://quake.abag.ca.gov/housing/shaken-awake/>. Conference summary will be posted in July.

ATTENTION
ABAG FALL GA LOCATION
CHANGE

ABAG Fall General Assembly
Thursday, October 13, 2011
Westin St. Francis Hotel, San Francisco

GREENING OUR COMMUNITIES: **Healthy People, Healthy Bay, Healthy Economy**

Exploration of greening our urban lands around the region, greening the edge of the Bay for flood control, water quality and quality of life, greening for healthier communities, and a nuts and bolts look at local government projects in action helping create a healthy Bay, healthy people and a healthy economy. Expert keynote speakers and local government panels will be announced in September.

AGENDA ITEM
CITY COUNCIL MEETING: JULY 19, 2011
COUNCIL MEMBER COMMITTEE REPORTS

DATE : July 12, 2011

TO : Vice Mayor Schwartzman
Council Member Campbell

FROM : Finance Director

SUBJECT : **FINANCE COMMITTEE REPORT**

The following information is provided for your committee report at the Council meeting.

The Finance Committee held a meeting on June 24, 2011. The minutes are not available at this time but a copy of the Agenda is attached. The next meeting will be held July 22, 2011.

**FINANCE COMMITTEE
REGULAR MEETING AGENDA
COMMISSION ROOM
JUNE 24, 2011 - 8:00AM**

- 1. Call to Order**
- 2. Notice to the Public**
- 3. Approval of Agenda**
- 4. Approval of Minutes from the meetings held on May 27 and June 10, 2011**
- 5. Review Long Range Calendar**
Monthly review of future FIN Agenda topics.
Recommendation: Provide suggestions and timing of future Agenda topics
- 6. Review Monthly Financial Report for May 31, 2011**
The FIN requested monthly financial reports that include the most recent warrant register postings. The agenda packet will include the General Fund report only but an Excel file of all funds will be provided via email.
Recommendation: Review Monthly Financial Reports
- 7. Review Monthly Warrant Register for May 31, 2011**
A monthly audit of payments to vendors that supply services to the City of Benicia. Members of the FIN committee review the warrant register and request that further information be provided by staff as necessary.
Recommendation: Approve Warrant Registers
- 8. Review FY 2011-13 Municipal Budgets**
A FIN-level review of the FY 2011-13 Municipal Budgets. Public Workshops will be conducted in the Council Chambers on June 21 at 7 PM, June 23 at 6 PM and June 28 at 7 PM. You are welcomed to attend the meetings.
Recommendation: Review Municipal Budgets and direct comments to staff.
- 9. Public Comment**
- 10. Adjournment**

The FIN... helping to steady the course through challenging financial waters.

Public Participation

The Benicia Finance Committee 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 Finance Committee 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 5 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 Finance Committee.

Should you have material you wish to enter into the record, please submit it to the Finance Director.

Disabled Access

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

Meeting Procedures

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Pursuant to Government Code Section 65009, if you challenge a decision of the Finance Committee 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 Finance Committee 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 Finance Committee 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.

**AGENDA ITEM
CITY COUNCIL MEETING: JULY 19, 2011
COUNCIL MEMBER COMMITTEE REPORTS**

DATE : July 12, 2011

TO : Mayor Patterson
Vice Mayor Schwartzman

FROM : City Manager

SUBJECT : **LEAGUE OF CALIFORNIA CITIES**

The following information is provided for your committee report at the July 19, 2011 City Council meeting.

The agenda for the upcoming North Bay Division meeting to be held on Thursday, July 28th in American Canyon is attached.

Attachment:

- July 28, 2011 Agenda



**NORTH BAY DIVISION
MEMBER CITIES**

MARIN COUNTY

BELVEDERE
CORTE MADERA
FAIRFAX
LARKSPUR
MILL VALLEY
NOVATO
ROSS
SAN ANSELMO
SAN RAFAEL
SAUSALITO
TIBURON

NAPA COUNTY

AMERICAN CANYON
CALISTOGA
NAPA
ST. HELENA
YOUNTVILLE

SOLANO COUNTY

BENICIA
DIXON
FAIRFIELD
RIO VISTA
SUISUN CITY
VACAVILLE
VALLEJO

SONOMA COUNTY

COTATI
HEALDSBURG
ROHNERT PARK
SANTA ROSA
SEBASTOPOL
SONOMA
WINDSOR

OFFICERS

PRESIDENT

CURTIS HUNT
COUNCILMEMBER, VACAVILLE

FIRST VICE PRESIDENT

JOHN DUNBAR
MAYOR - YOUNTVILLE

SECOND VICE PRESIDENT

GREG BROCKBANK
VICE MAYOR - SAN RAFAEL

PAST PRESIDENT

ERNESTO OLIVARES
MAYOR - SANTA ROSA

DIVISION DIRECTOR

ALICE FREDERICKS
COUNCILMEMBER - TIBURON

STAFF

NANCY HALL BENNETT
REGIONAL PUBLIC AFFAIRS
MANAGER

**NORTH BAY DIVISION
GENERAL MEMBERSHIP MEETING**

Hosted by the City of American Canyon

Thursday, July 28, 2011

Doubletree Napa Valley American Canyon Hotel & Spa
"Formerly the Gaia Hotel"
3600 Broadway Street, "Highway 29"
American Canyon, CA 94503

Welcome Reception 6:00 pm
Dinner 7:00 pm
Program Begins 7:15 pm

Special Presentation:

**Natasha Karl, Legislative Representative
for the League of California Cities**

Ms. Karl will address the Division on the League's new policy position related to Pension Reform. This presentation is very timely as the League Board plans to adopt a new policy relative to pension reform on July 21st- one week prior to this meeting.

Dinner Buffet::

*Organic Field Green Salad, Fresh Bread with Olive Pesto
Tapenade, Roasted Half Sonoma Chicken with Sage Mustard
Sauce, Baked Pacific Snapper with Mushroom Caper Tomato
Sauce Served with Rice Pilaf and Fresh Seasonal Vegetables*

*Dessert, coffee and tea will be included with dinner price of \$43
- Cash Bar -*

Please RSVP by Friday, July 15th to:
Shelley Martin SMartin@cityofvacaville.com

Please make checks payable to North Bay Division, LOCC

Pay at the door or check mailed to:
Shelley Martin
City of Vacaville
650 Merchant Street
Vacaville CA 95688

Questions? Please contact Nancy Hall Bennett, (415) 302-2032

**AGENDA ITEM
CITY COUNCIL MEETING: JULY 19, 2011
COUNCIL MEMBER COMMITTEE REPORTS**

DATE : July 12, 2011

TO : Council Member Ioakimedes
Council Member Hughes

FROM : City Manager

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

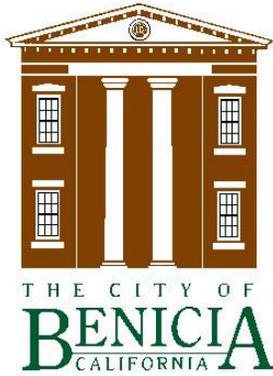
The following information is provided for your committee report at the July 19, 2011 City Council meeting.

This committee meets quarterly in the Benicia Unified School District meeting room.

The agenda from the meeting held on Thursday, June 23, 2011 is included along with the minutes from the March 10, 2011 regular meeting.

Attachments:

- ❑ June 23, 2011 Agenda
- ❑ March 10, 2011 Minutes



• Since 1849 •

AGENDA

BENICIA CITY COUNCIL/SCHOOL BOARD LIAISON COMMITTEE

District Board Room

350 East K St

June 23, 2011 8:30-10:00am

- I. Call to Order and Pledge of Allegiance**
- II. Reference to the Fundamental Rights of the Public and Public Comment**
- III. Consent Calendar**
 - A. Approval of Minutes of the Regular Meeting March 10, 2011**
- IV. Business Items**
 - A. Update and Discussion on the New Garbage Contract**
The committee will discuss the new garbage contract.
 - B. Update and Discussion on the Amendment No. 1 to the Agreement Between the City of Benicia and Benicia Unified School District Relating to Joint Use of Facilities (Benicia Middle School).**
The committee will discuss the Amendment No. 1 to the Joint Use Agreement for the Benicia Middle School.
 - C. Update and Discussion on Marketing for the City and the District**
The committee will discuss marketing for the City and the District.
- V. Future Agenda Items**
- VI. Adjournment**
- VII. Tour of the New Community Center**

Public Participation

The City Council/School Board Liaison Committee welcomes public participation.

VIII.G.5.3

AGENDA

Benicia City Council / School Board Liaison Committee
Benicia Unified School District Board Room
350 East K St

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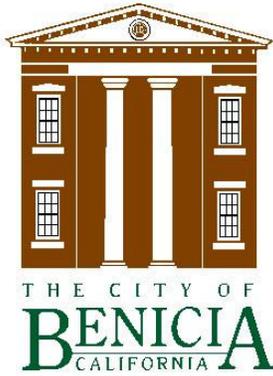
Should you have material you wish to enter into the record, please submit it to the Superintendent.

Disabled Access

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Meeting Procedures

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• Since 1849 •

MINUTES

BENICIA CITY COUNCIL/SCHOOL BOARD LIAISON COMMITTEE

District Board Room

350 East K St

March 10, 2011 8:30-10:00am

Present:

Janice Adams, Superintendent of Schools

Rosie Switzer – School Board Member

Dana Dean – School Board Member

Tim Rahill – Chief Business Official

Joe Amaral – Supervisor of Maintenance and Facilities, BUSD

Ron Wheat – BHS Vice -Principal

Brad Kilger – City Manager

Mike Alvarez – Parks and Community Services Director

Mike Dodson - Parks and Community Services Assistant Director

Mark Hughes – City Council Member

Mike Ioakimedes – City Council Member

Andrew Bidou – Chief of Police

Bob Oettinger – Benicia Police

Call to Order and Pledge of Allegiance:

Janice Adams, Superintendent of Schools, called the meeting to order at 8:35 a.m. on Thursday, March 10, 2011. She referenced the Fundamental Rights of the public.

Ms Adams led the pledge of allegiance.

Consent Calendar:

It was moved and seconded to approve the Minutes of the Regular Meeting December 9, 2010. The motion passed unanimously.

Business Items:

A. Update and Discussion on SRO's

Chief Bidou stated that the police department reduced their staff due to budget cuts. This caused a ½ cut to the SRO position; however, Chief Bidou stated that they will leave 2 SRO's. Brad Kilger, City

Minutes

Benicia City Council / School Board Liaison Committee
Benicia Unified School District Board Room
350 East K St

Manager, stated that the city is still looking at the budget and there may still be some changes.

B. Report on Field Maintenance

Tim Rahill, Chief Business Official, stated that he and Joe Amaral have been working with Mike Alvarez and Mike Dodson. They would like the city to continue to do the maintenance on the larger school fields and the district would take over the smaller school fields. The city has notified the district that they would take the high school and the middle school and the district would take back Henderson and Semple. Mike Alvarez added that the city will take the proceeds from one of the cell towers to use for this maintenance. The Joint Use Agreements will be revised to reflect these changes. Trustee Dean expressed concern about the indemnity agreement regarding the cell towers. Tim Rahill stated that they will be meeting with the youth sports teams to discuss field needs and new fees. Janice Adams also stated the School Board is looking at a policy that will change the fee schedule for the use of fields.

C. Report on Summer Programs for Youth

Janice Adams, Superintendent, stated that the District has been looking at child care programs. The programs have had a drop off at two of the school sites. She would like to have a conversation about any overlap that might be occurring. Ms. Adams stated that the District is trying to build the program back up at the sites. She stated that our program is much more expensive because the district uses Certificated personnel and the program is on campus and there is no transportation involved. The city uses students and has an after school recreation program. Mike Alvarez stated that the City spends a significant amount of money on transportation. The program currently is after school only. The City might be willing to take on a program with Certificated personnel if they could keep the cost down. Trustee Dean stated that it was good to keep a variety of options for parents. She would like to keep the different options. Mark Hughes stated that the City and District need to work together on exploring this. Tim Rahill stated that the door is open right now because three of the Child Care Teachers are retiring this year. The District gets State funds for Robert Semple's program and we would like to keep that program. The program at Joe Henderson is still successful, while the other two sites are struggling. The City program will be moved to the Community Center when it is completed. The City and District staff will continue to pursue this issue.

D. Update on the Benicia Community Center Site

Mike Dodson, Parks and Community Services Assistant Director stated that they are still on track to open in June. Mr. Dodson stated that the Film Production class has been filming the construction and students from Liberty have helped with the project. Mike Alvarez,

Minutes

Benicia City Council / School Board Liaison Committee
Benicia Unified School District Board Room
350 East K St

Parks and Community Services director, stated that they are still seeking LEED Certification. Mark Hughes recommended that the next meeting of this committee be held there.

E. Benicia Tree Foundation Work at BHS

Janice Adams, Superintendent, stated that there is work starting on the planting of 80 trees at Benicia High School, due to grant money from the Tree Foundation.

Mark Hughes reminded the committee that both agencies are having budget issues and it is great that this committee can come together and work on these issues. Ms. Adams stated that the collaboration between the City and District has always been great.

Future Agenda Items

- **The implementation of the new garbage contract. (Mike Ioakimedes)**
- **Tour the community center.**
- **Marketing for the City and District. (Dana Dean)**
- **June 23rd is the next meeting.**

The meeting adjourned at 9:22 a.m.

Public Participation

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

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Meeting Procedures

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Minutes

Benicia City Council / School Board Liaison Committee

Benicia Unified School District Board Room

350 East K St

recommended action does not limit, or necessarily indicate, what action may be taken by the City Council/School Board Liaison Committee.

AGENDA ITEM
CITY COUNCIL MEETING: JULY 19, 2011
COUNCIL MEMBER COMMITTEE REPORTS

DATE : July 11, 2011

TO : Mayor Patterson
Vice Mayor Campbell

FROM : City Manager

SUBJECT : **SKY VALLEY OPEN SPACE COMMITTEE**

The following information is provided for your committee report at the July 19, 2011 Council meeting.

The most recent meeting of the Sky Valley Open Space Committee was held on Wednesday, May 4, 2011 and an update was provided in the previous committee report on May 17. Since then, there have been no additional meetings.

The next scheduled meeting will occur on Wednesday, August 3, 2011.

The committee meets quarterly.

**AGENDA ITEM
CITY COUNCIL MEETING: JULY 19, 2011
COUNCIL MEMBER COMMITTEE REPORTS**

DATE : July 6, 2011

TO : Mayor Patterson
Council Member Campbell

FROM : City Manager

SUBJECT : **SOLANO EDC BOARD OF DIRECTORS**

The following information is provided for your committee report at the July 19, 2011 Council meeting.

The last Board of Directors meeting was held on Thursday, May 26, 2011. The agenda and minutes for that meeting were previously issued.

The next Board of Directors meeting will be held on Thursday, July 28, 2011 at 9:00 am at Jelly Belly Candy Company. The agenda for that meeting is not yet available.

**AGENDA ITEM
CITY COUNCIL MEETING: JULY 19, 2011
COUNCIL MEMBER COMMITTEE REPORTS**

DATE : July 12, 2011

TO : Mayor Patterson
Council Member Ioakimedes

FROM : Director of Public Works and Community Development

SUBJECT : **SOLANO TRANSPORTATION AUTHORITY**

The following information is provided for your committee report at the July 19, 2011 City Council meeting.

The minutes from the STA Board meeting held on June 8, 2011 are attached, the agenda was attached previously. Also attached is the agenda from the meeting held on July 13, 2011. The minutes are not currently available.

STA Board meetings are held in the Suisun City Hall Council Chambers. The next scheduled meeting of the STA Board is September 14, 2011 and the agenda for that meeting is not currently available.

Attachments:

- July 13, 2011 Agenda
- June 8, 2011 Minutes



**SOLANO TRANSPORTATION AUTHORITY
BOARD MEETING AGENDA**

5:30 p.m., Closed Session
6:00 p.m., Regular Meeting
Wednesday, July 13, 2011
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 2 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 2 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 Masiclat, 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 jmasiclat@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

I. CLOSED SESSION:

A. PERSONNEL

Pursuant to **CA Gov't Code § 549547** et seq.; Public Employee Performance Review – Executive Director; and

B. CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to **CA Gov't Code § 54054.6** et seq., STA Board Chairman – STA Executive Director

<u>STA BOARD MEMBERS</u>							
Harry Price Chair City of Fairfield	Jack Batchelor, Jr. Vice-Chair City of Dixon	Elizabeth Patterson City of Benicia	Jan Vick City of Rio Vista	Pete Sanchez City of Suisun City	Steve Hardy City of Vacaville	Osby Davis City of Vallejo	Jim Spering County of Solano
<u>STA BOARD ALTERNATES</u>							
Rick Fuller	Chuck Timm	Mike Ioakimedes	Janith Norman	Mike Hudson	Ron Rowlett	Erin Hannigan	John Vasquez

The complete STA Board Meeting Packet is available on STA's Website at www.sta.ca.gov

- II. CALL TO ORDER/PLEDGE OF ALLEGIANCE** Chair Price
(6:00 – 6:05 p.m.)
- III. CONFIRM QUORUM/ STATEMENT OF CONFLICT** Chair Price
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.
- IV. APPROVAL OF AGENDA**
- V. OPPORTUNITY FOR PUBLIC COMMENT**
(6:05 – 6:10 p.m.)
- VI. EXECUTIVE DIRECTOR'S REPORT – Pg. 1** Daryl Halls
(6:10 – 6:15 p.m.)
- VII. COMMENTS FROM CALTRANS, THE METROPOLITAN TRANSPORTATION COMMISSION (MTC), AND STA**
(6:15 – 6:25 p.m.)
- A. Proclamations of Appreciation for:**
1. **Mike Ammann, Solano EDC** Chair Price
2. **Paul Wiese, County of Solano** Board Member Spring
- B. Directors Report:**
1. **Planning** Robert Macaulay
2. **Projects** Janet Adams
3. **Transit/Rideshare** Elizabeth Richard
- VIII. CONSENT CALENDAR**
- Recommendation:*
Approve the following consent items in one motion.
(Note: Items under consent calendar may be removed for separate discussion.)
(6:25 - 6:30 p.m.)
- A. STA Board Meeting Minutes of June 8, 2011** Johanna Masiplat
Recommendation:
Approve STA Board Meeting Minutes of June 8, 2011.
Pg. 11
- B. Draft TAC Meeting Minutes of June 29, 2011** Johanna Masiplat
Recommendation:
Approve Draft TAC Meeting Minutes of June 29, 2011.
Pg. 17
- C. Fiscal Year (FY) 2011-12 Transportation Development Act (TDA) Article 3 Bicycle Projects** Robert Guerrero
Recommendation:
Approve the FY 2011-12 TDA Article 3 Resolution No. 2011-11.
Pg. 23

- D. Fiscal Year (FY) 2011-12 Transportation Development Act (TDA) Matrix – July 2011** Elizabeth Richards
Recommendation:
Approve the FY 2011-12 Solano TDA Matrix – July 2011 as shown in Attachment A.
Pg. 31
- E. Solano Napa Commuter Information (SNCI) Fiscal Year (FY) 2011-12 Work Program** Judy Leaks
Recommendation:
Approve the Solano Napa Commuter Information Work Program FY 2011-12 as shown in Attachment A.
Pg. 35
- F. Fiscal Year (FY) 2011-12 Transportation for Clean Air (TFCA) Program** Robert Guerrero
Recommendation:
Approve the allocation of \$17,909.36 each for SNCI’s Rideshare Incentives Program and Solano SR2S Program from the remaining FY 2011-12 TFCA Program Manager fund balance.
Pg. 39
- G. Project Delivery Schedule for Fiscal Year (FY) 2011-12** Jessica McCabe
Recommendation:
Approve the project delivery schedules and milestones for FY 2011-12 projects, as part of the STA Project Delivery policies as shown in Attachment B.
Pg. 41
- H. Fiscal Year (FY) 2011-12 Intercity Transit Funding Agreement Schedule** Elizabeth Richards
Recommendation:
Approve the FY 2011-12 Cost-Sharing Intercity Transit Funding Agreement as shown in Attachment B.
Pg. 51
- I. Safe Routes to School (SR2S) Countywide Walking School Bus/Bicycle Train Program Grant Request** Sam Shelton
Recommendation:
Authorize staff to apply for the Cycle 3 Federal Safe Routes to School Program grant for up to \$500,000 for the Scope of Work as shown in Attachment B.
Pg. 57

- J. 2011 Solano Napa Travel Demand Model Update** Robert Guerrero
Recommendation:
Approve the following:
1. *Authorize the Executive Director to amend Cambridge Systematics' agreement to:*
 - a. *Extend on-call modeling services until June 30, 2012; and*
 - b. *Include the Model Update as described in Attachment A; and*
 2. *Work with Caltrans to model traffic impacts related to ramp metering on Solano County's freeway corridors.*
- Pg. 61**
- K. Final Countywide Greenhouse Gas Emission Inventory** Robert Macaulay
Recommendation:
Approve the submittal of a request to the City County Coordinating Council (4'Cs) to coordinate the submittal of a grant to the Strategic Growth Council (SGC) for development of a multi-agency Climate Action Plan (CAP).
- Pg. 71**
- L. Project Management Services for Jepson Parkway– Contract Amendment** Janet Adams
Recommendation:
Authorize the Executive Director to:
1. *Amend the Quincy Engineering, Inc. contract for project management and design oversight services for an amount not-to-exceed \$150,000 with a term of June 30, 2013;*
 2. *Release a Request for Proposals for Jepson Parkway Concept Plan Update; and*
 3. *Enter into an agreement with a consultant for Concept Plan Update Services for an amount not-to-exceed \$100,000.*
- Pg. 73**
- M. Detailed Preliminary Engineering for the I-80/I-680/State Route (SR) 12 Interchange - Contract Amendment** Janet Adams
Recommendation:
Authorize the Executive Director to negotiate a scope and fee and execute a contract amendment with the MTCO/Nolte team to complete the environmental document/detailed preliminary engineering for the I-80/I-680/SR 12 Interchange for an amount not-to-exceed \$2,100,000.
- Pg. 81**
- N. I-80/I-680/State Route (SR) 12 Interchange Project Allocation** Janet Adams
Recommendation:
Approve Resolution No. 2011-14 and Funding Allocation Request from Metropolitan Transportation Commission (MTC) for \$7 million in Regional Measure 2 funds for the I-80/I-680/SR 12 Interchange Project for the environmental document/detailed preliminary engineering.
- Pg. 83**

- O. Approve Cooperative Agreement with Metropolitan Transportation Commission (MTC) for Construction of the I-80 Eastbound Cordelia Truck Scales Relocation Project** Janet Adams
Recommendation:
Authorize the Executive Director to finalize and execute the agreement between STA and MTC for AB 1171 funding for construction of I-80 Eastbound Cordelia Truck Scales Relocation Project.
Pg. 105
- P. Award Construction Contract for the Tree Removal as Advanced Construction Work for the I-80 Cordelia Truck Scales Relocation Project** Janet Adams
Recommendation:
Approve Resolution No. 2011-12 for the tree removal as advanced construction work for the I-80 Eastbound Cordelia Truck Scales Relocation Project.
Pg. 119
- Q. Amendment to Funding Agreement Between the Solano Transportation Authority, the County of Solano and the City of Suisun City for the Travis Air Force Base (AFB) Access Improvement Project** Janet Adams
Recommendation:
Authorize the Executive Director to execute an Amendment to the Funding Agreement between the Solano Transportation Authority, County of Solano and the City of Suisun City for the Travis Air Force Base (AFB) Access Improvement Project to remove the North Gate work from the Agreement.
Pg. 127
- R. Amendment to the STA's Deferred Compensation Program** Joy Apilado
Recommendation: Susan Furtado
Approve Resolution No. 2011-15 authorizing the Executive Director to execute amendments to the Deferred Compensation Program as specified.
Pg. 133

IX. ACTION FINANCIAL ITEMS

- A. STA's Fiscal Year (FY) 2011-12 Budget Revision and FY 2012-13 Proposed Budget** Susan Furtado
Recommendation:
Approve the following:
 1. *Adopt the STA's FY 2011-12 Budget Revision as shown in Attachment A; and*
 2. *Adopt the STA's FY 2012-13 Proposed Budget as shown in Attachment B.*
(6:30 – 6:45 p.m.)
Pg. 137

- B. Jepson Parkway Project Update** Janet Adams
Recommendation:
Approve the Jepson Parkway Funding Agreement between the STA, the City of Fairfield and Solano County.
(6:45 – 6:50 p.m.)
Pg. 151

X. ACTION NON-FINANCIAL ITEMS

- A. STA Marketing Plan for FY 2011-12 and FY 2012-13** Jayne Bauer
Recommendation:
Approve the STA FY 2011-12 and FY 2012-13 Marketing Plan.
(6:50 – 7:00 p.m.)
Pg. 171

XI. INFORMATIONAL

- A. Summary of Discussion From STA Board Workshop of June 27, 2011** Daryl Halls
Informational
(7:00 – 7:15 p.m.)
Pg. 177

NO DISCUSSION

- B. Local Project Delivery Update** Jessica McCabe
Informational
Pg. 183
- C. STA Funding Opportunities Report** Sara Woo
Informational
Pg. 189
- D. STA Board Meeting Schedule for Calendar Year 2011** Johanna Masielat
Informational
Pg. 195

XII. BOARD MEMBERS COMMENTS

XIII. ADJOURNMENT

The next regular meeting of the STA Board is scheduled at **6:00 p.m., Wednesday, September 14, 2011, Suisun City Hall Council Chambers.**



SOLANO TRANSPORTATION AUTHORITY
Board Minutes for Meeting of
June 8, 2011

I. CLOSED SESSION

There were no matters to report.

II. CALL TO ORDER

Chair Price called the regular meeting to order at 6:05 p.m. A quorum was confirmed.

MEMBERS

PRESENT:	Harry Price, Chair	City of Fairfield
	Jack Batchelor, Vice Chair	City of Dixon
	Elizabeth Patterson	City of Benicia
	Jan Vick	City of Rio Vista
	Pete Sanchez	City of Suisun City
	Steve Hardy	City of Vacaville
	Osby Davis	City of Vallejo
	Jim Spering	County of Solano

MEMBERS

ABSENT: None.

STAFF

PRESENT:	Daryl K. Halls	Executive Director
	Bernadette Curry	Legal Counsel
	Janet Adams	Deputy Executive Director/ Director of Projects
	Robert Macaulay	Director of Planning
	Johanna Masiclat	Clerk of the Board
	Susan Furtado	Accountant and Administrative Services Manager
	Liz Niedziela	Transit Analyst
	Judy Leaks	Program Manager
	Robert Guerrero	Senior Planner
	Sam Shelton	Project Manager
	Jessica McCabe	Assistant Project Manager

ALSO

PRESENT:

In Alphabetical Order by Last Name:

Sean Cunningham	City of Vacaville
George Gwynn	Tax Payers Association
George Hicks	City of Fairfield
Mike Hudson	City of Suisun City Councilmember and STA Board Alternate Member
Dan Kasperson	City of Suisun City
Gus Khouri	Shaw/Yoder/Antwih, Inc.
David Kleinschmidt	City of Vallejo
Jeff Knowles	City of Vacaville and Winner of Bike Team of the Year (Vaca 5)
Wayne Lewis	City of Fairfield
Brian McLean	City of Vacaville/Vacaville City Coach
Mike Roberts	City of Benicia
Belinda Smith	County of Solano
Jamie Simmons	Bike Commuter of the Year
Paul Wiese	County of Solano

III. CONFIRM QUORUM/STATEMENT OF CONFLICT

A quorum was confirmed by the Clerk of the Board. There was no Statement of Conflict declared at this time.

IV. APPROVAL OF AGENDA

On a motion by Board Member Sanchez, and a second by Vice Chair Batchelor, the STA Board approved the agenda.

V. OPPORTUNITY FOR PUBLIC COMMENT

George Gwynn, Jr. raised concerns on the Bay Bridge Toll Authority's bridge toll fund financing.

VI. EXECUTIVE DIRECTOR'S REPORT

Daryl Halls provided an update on the following topics:

- I-80 Cordelia Truck Scales Relocation Project
- Annual Update on Rail from the Capitol Corridor
- SolTrans Transition Proceeds Forward New Transit Center Opens in Vallejo
- Senior and People with Disabilities Plan Update and Funding Priorities
- Bike to Work Week Wrap Up and Bike Commuter of the Year
- Discussion of STA Board Workshop Topics

VII. COMMENTS FROM METROPOLITAN TRANSPORTATION COMMISSION (MTC), CALTRANS, AND STAFF:

A. MTC Report:

None presented.

B. Caltrans Report:

None presented.

- C. **STA Reports:**
 - A. **State Legislative Update presented by Gus Khouri (Shaw/Yoder/Antwih, Inc.)**
 - B. **Capitol Corridor Presentation presented by David Kutrosky (Capitol Corridor Joint Powers Authority)**
 - C. **Fairfield-Vacaville Train Station Update presented by Steve Hartwig (City of Fairfield)**
 - D. **Directors Report:**
 - 1. **Planning**
 - 2. **Projects**
 - 3. **Transit/Rideshare**

VIII. CONSENT CALENDAR

On a motion by Vice Chair Batchelor, and a second by Board Member Patterson, the STA Board approved Consent Calendar Items A through M.

- A. **STA Board Meeting Minutes of May 11, 2011**
Recommendation:
 Approve STA Board Meeting Minutes of May 11, 2011.
- B. **Draft TAC Meeting Minutes of May 25, 2011**
Recommendation:
 Approve Draft TAC Meeting Minutes of May 25, 2011.
- C. **Fiscal Year (FY) 2010-11 Final Budget Revision**
Recommendation:
 Adopt the FY 2010-11 Final Budget Revision as shown in Attachment A.
- D. **Fiscal Year (FY) 2011-12 Transportation Development Act (TDA) Matrix – June 2011**
Recommendation:
 Approve the FY 2011-12 Solano TDA Matrix – June 2011 as shown in Attachment A.
- E. **Contract Amendment for STA Legal Services**
Recommendation:
 Authorize the Executive Director to amend the agreement with Solano County Counsel for the provision of legal services for a two year period, with the option for a two year extension, for a not-to-exceed annual amount of \$80,000.
- F. **Contract Amendment for STA Personnel and Human Resources Consulting Services**
Recommendation:
 Authorize the Executive Director to amend the agreement with Joy Apilado for the provision of Human Resource Services for a two year period, with the option for a two year extension, for a not-to-exceed annual amount of \$15,000.
- G. **Contract Amendment for STA Transit Project Management Consultant**
Recommendation:
 Authorize the Executive Director to extend the consultant contract with John Harris for Transit Project Management until December 31, 2011 for an amount not-to-exceed \$20,000.

- H. Contract Amendment for Jepson Parkway Project Environmental Document**
Recommendation:
Authorize the Executive Director to amend the contract with Atkins for \$67,000 for the additional work required to complete the Record of Decision (ROD) for the Jepson Parkway project.
- I. Award Construction Contract for the Solano Irrigation District Facilities Modification as Advanced Construction Work for the I-80 Cordelia Truck Scales Relocation Project**
Recommendation:
Approve Resolution No. 2011-09 for the Solano Irrigation District Facilities Modification as advanced construction work for the I-80 Cordelia Truck Scales Relocation Project.
- J. Award Construction Contract for the Building Demolition as Advanced Construction Work for the I-80 Cordelia Truck Scales Relocation Project**
Recommendation:
Approve Resolution No. 2011-10 for the Building Demolition as advanced construction work for the I-80 Cordelia Truck Scales Relocation Project.
- K. Reprogramming Funds from Travis Air Force Base (TAFB): North Gate to Jepson Parkway (Vanden Road) Project**
Recommendation:
Approve the reprogramming of \$793,000 in remaining Federal earmark funds from the Travis AFB: North Gate Project and transfer the funds to the Jepson Parkway Vanden Road segment for Plans, Specifications, and Estimate (PS&E).
- L. Fiscal Year (FY) 2011-12 State Transit Assistance Funds (STAF) Regional Paratransit Project Funding**
Recommendation:
Approve the following:
1. Fund Faith in Action Senior and People with Disabilities Volunteer Driver Program for FY 2011-12 in the amount of \$40,000; and
 2. To authorize the Executive Director to enter into an agreement with Faith in Action and the County of Solano.
- M. Solano Paratransit Vehicle Surplus**
Recommendation:
Authorize the Executive Director to:
1. Donate one Compressed Natural Gas (CNG) van to the Fairfield Suisun Community Action Council;
 2. Auction the six surplus vehicles as identified in Attachment B; and
 3. Enter into an agreement with SolTrans for the use of the two 5310 buses.

IX. ACTION – FINANCIAL ITEMS

A. None presented.

X. ACTION NON-FINANCIAL ITEMS

A. None presented.

XI. INFORMATIONAL – NO DISCUSSION

A. Discussion of Agenda Topics for STA Board Workshop of June 27, 2011

Daryl Halls presented the seven specific topic areas to be discussed at the STA Board Workshop scheduled on June 27, 2011 at the Solano County Events Center. The topics are listed as follows:

1. Solano County's Comprehensive Transportation System;
2. STA Priorities for the State Route 12 Corridor – Funding, 2 Lanes versus 4 Lanes, Rio Vista Bridge an Economic Analysis;
3. Implementation on I-80 Corridor – Express Lanes, Freeway Performance Initiative and Ramp Meeting on I-80;
4. Opportunities for Public Private Partnerships – P3 Study for Transit Centers and Partnerships with Private Sector to Deliver Local Corridor Improvements;
5. Development of Long Range Transit Sustainability Plan;
6. Implementation of Sustainable Communities Strategy – Development of Alternative Fuels Strategy and Infrastructure for Transit; and
7. Funding of Local Priorities such as Safe Routes to School, Senior and Disabled Mobility, and Local Streets and Roads.

NO DISCUSSION

B. Legislative Update

C. Highway Projects Status Report:

1. **I-80/I-680/State Route (SR) 12 Interchange**
2. **I-80 Eastbound Cordelia Truck Scales Relocation**
3. **I-80 Express Lanes**
4. **I-80 Freeway Performance Initiative**
5. **Redwood Pkwy -Fairgrounds Dr. Access Improvements**
6. **Jepson Parkway**
7. **State Route 12 (Jameson Canyon)**
8. **State Route 12 East SHOPP Project**
9. **I-80 SHOPP Rehabilitation Projects**

D. Fiscal Year (FY) 2010-11 Abandoned Vehicle Abatement (AVA) Program Third Quarter Report

E. Local Project Delivery Update

F. STA Funding Opportunities Report

G. STA Board Meeting Schedule for Calendar Year 2011

XII. BOARD MEMBER COMMENTS

XIII. ADJOURNMENT

The meeting was adjourned at 7:20 p.m. The next regular meeting of the STA Board is scheduled at **6:00 p.m., Wednesday, July 13, 2011, Suisun City Hall Council Chambers.**

Attested by:



Johanna Masielat
Clerk of the Board

/July 5, 2011
Date

AGENDA ITEM
CITY COUNCIL MEETING: JULY 19, 2011
COUNCIL MEMBER COMMITTEE REPORTS

DATE : July 12, 2011

TO : Mayor Patterson
Vice Mayor Schwartzman

FROM : Director of Public Works and Community Development

SUBJECT : **SOLANO WATER AUTHORITY**

The following information is provided for your committee report at the July 19, 2011 City Council meeting.

The draft minutes from the meeting held on June 9, 2011 are attached. The agenda from the meeting held on July 14, 2011 is attached, the minutes are not currently available.

The next Solano Water Authority (SWA) Board of Directors meeting will be on August 11, 2011, the agenda for that meeting is attached.

The SWA also has a Delta Committee that typically meets each month directly before the regular SWA meeting.

Attachments:

- July 14, 2011 Meeting Agenda
- June 9, 2011 Draft minutes

SOLANO COUNTY WATER AGENCY



BOARD OF DIRECTORS MEETING

DATE: Thursday, July 14, 2011

TIME: 7:00 p.m.

PLACE: Berryessa Room
Solano Irrigation District / Solano County Water Agency Office
810 Vaca Valley Parkway, Suite 203
Vacaville, CA 95688

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 June 9, 2011 is recommended.
- (B) Expenditure Approvals: Approval of the June checking account register and list of checks \$500 and over to be paid is recommended.
- (C) Legislation – Volunteer Labor: Support of AB 587 (as introduced on February 16, 2011) by Assemblymember Gordon that extends the repeal date to 2017 for exemption of volunteer labor for specified public works projects is recommended.
- (D) Agreement with UC Davis for the Lake Solano Aquatic Vegetation Study: Authorization of Chairman to execute agreement with UC Davis for the Lake Solano Aquatic Vegetation Study is recommended. Cost is \$43,500.

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



VIII.G.9.3

- (E) Agreements with Luhdorff & Scalmanini Consulting Engineers for Groundwater Studies: Authorization of Chairman to execute agreement with Luhdorff & Scalmanini Consulting Engineers (LSCE) for Future Groundwater Activities Study and Amendment No. 7 to the existing agreement with LSCE for tasks regarding installation of groundwater monitoring wells and subsidence detection equipment is recommended.
- (F) SCWA Procurement Policy: Adoption of the revised Solano County Water Agency Procurement Policy to include provision for local purchasing preference is recommended.
- (G) LPCCC: Putah Creek Floodplain Restoration Project: Authorization of General Manager to execute an agreement with the lowest, responsible bidder for Putah Creek Floodplain Restoration (Phase 1 and 2) is recommended.
- (H) Amendment No. 7 to Agreement with Winzler & Kelly Consulting Engineers for the Solano County CII Water Conservation Program: Authorization of Chairman to execute Amendment No. 7 to the Agreement with Winzler & Kelly Consulting Engineers for implementing a Commercial, Industrial and Institutional (CII) Water Conservation Program is recommended.
- (I) Statements of Understanding – Central California Coast Steelhead Recovery Program: Authorization of Chairman to sign Statements of Understanding for the Central California Coast Steelhead Recovery Program between the National Marine Fisheries Service, Santa Rosa Office of the Southwest Region, and local public agencies is recommended.

6. BOARD MEMBER REPORTS

RECOMMENDATION: For information only.

7. GENERAL MANAGER'S REPORT

RECOMMENDATION: For information only.

8. CLOSED SESSION

With respect to every item of business to be discussed in closed session pursuant to Section 54956.9:

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

1. Alameda County Flood Control & Water Conservation District Zone 7. ET. AL, v. State Department of Water Resources, ET. AL. Sacramento Superior Court Case No. 05AS01775 Consolidated with Case No. 07AS04901
2. Solano County Water Agency, Napa County Flood Control and Water Conservation District, City of Yuba City, and County of Butte v. State Department of Water Resources; Sacramento Superior Court Case No. 34-2008-00016388 CU-BC-GDS

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

Thursday, August 11, 2011 at 6:30 pm 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.

July.2011.bod.agd.doc

SOLANO COUNTY WATER AGENCY
BOARD OF DIRECTORS MEETING MINUTES

MEETING DATE: June 9, 2011

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

Mayor Steve Hardy, City of Vacaville
Mayor Elizabeth Patterson, City of Benicia
Mayor Jack Batchelor, City of Dixon
Mayor Harry Price, City of Fairfield
Mayor Pete Sanchez, City of Suisun
Mayor Osby Davis, City of Vallejo
Mayor Jan Vick, City of Rio Vista
Supervisor Barbara Kondylis, Solano County District 1
Supervisor Linda Seifert, Solano County District 2
Supervisor Jim Spering, Solano County District 3
Supervisor John Vasquez, Solano County District 4
Supervisor Mike Reagan, Solano County District 5
Director Bob Bishop, Solano Irrigation District
Manager Don Holdener, Maine Prairie Water District
Manager Mike Hardesty, Reclamation District 2068

CALL TO ORDER

The meeting was called to order at 7:05 P.M. by Chairman Jack Batchelor.

APPROVAL OF AGENDA

On a motion by Mayor Vick and a second by Supervisor Kondylis, the Board unanimously approved the agenda.

PUBLIC COMMENT

There were no public comments.

CONSENT ITEMS

Mayor Patterson requested Item G be removed from the consent items. On a motion by Supervisor Seifert and a second by Mayor Patterson the Board unanimously approved the following consent items:

- (A) Minutes
- (B) Expenditure Approvals
- (C) Pre-Approval of Fiscal Year 2011-2012 Payments
- (D) Statement of Investment Policy
- (E) Appropriations Limit
- (F) Lower Putah Creek Coordinating Committee Membership
- (H) LPCCC: Putah Creek Floodplain Restoration Project
- (I) Resolution 2011-05 – LPCCC Priority Projects

CONSENT ITEM G – SUISUN VALLEY FLOOD MANAGEMENT

Manager Okita described the boundaries of Study as Suisun Creek and Ledgewood Creek. Mayor Patterson suggested the Study have a prospective scope which includes the influence of sea level rise. On a motion from Mayor Patterson and a second by Supervisor Sperring the Board unanimously approved Consent Item G.

BOARD MEMBER REPORTS

There were no board member reports.

GENERAL MANAGERS REPORT

There were no additions to the written report.

SCWA BUDGET FOR FISCAL YEAR 2011 - 2012

General Manager Okita summarized the proposed FY 2011-2012 budget, as recommended by the Executive Committee, for the Board to consider. He discussed that the operating expenditures in the 2011-2012 budget continue to be met by annual revenues without using reserves. Some capital-type projects are funded by reserves. A motion was made by Supervisor Vasquez with a second by Mayor Price for adoption of the Water Agency's fiscal year 2011-2012 budget.

CONSULTANT CONTRACTS

On a motion to by Supervisor Vasquez and a second by Supervisor Sperring the Board unanimously approved to authorize the Chairman to execute the following agreements and amendments for consultant services through fiscal year 2011-2012:

1. 3QC, SCWA Labor Compliance Program, amendment for extension of term, amended Scope of Work and increase of \$40,000 from \$11,500 to \$51,500;
2. AD Consultants, Modeling/Optimization and Data Management, amendment for extension of term, amended Scope of Work and increase of \$31,500 from \$179,600 to \$211,100;
3. Agrichem, Nuisance Vegetation Management, new contract - contract limit of \$36,112
4. ARCADIS U.S. Inc., Cache Slough Watershed Group, amendment for extension of term and increase of \$50,000 from \$80,000 to \$130,000;
5. ARCADIS U.S. Inc., McCoy Basin Management Plan, amendment for extension of term and increase of \$5,000 from \$171,675 to \$176,675;
6. Blankinship & Associates, Inc., Compliance and Monitoring for Aquatic Pesticides Usage, amendment for extension of term, amended Scope of Work and increase of \$44,500 from \$262,350 to \$306,850;
7. BSK Associates, Putah Creek Mercury Assessment, new contract - contract limit of \$11,550;
8. Camp, Dresser & McKee, NBA Alternate Intake Studies, new contract - contract limit of \$110,000
9. CH2MHILL, Solano HCP EIR/EIS, amendment for extension of term and amended Scope of Work;
10. Clean Lakes, Campbell Lake Algaecide Treatments, new contract - contract limit of \$35,000;
11. Conservision Consulting, Outdoor Water Survey Program, amendment for extension of term, amended Scope of Work and increase of \$15,000 from \$45,000 to \$60,000;
12. Creativemark Design & Photography, Water Conservation/Water Education component to the Water Agency website, amendment for extension of term, amended Scope of Work and increase of \$7,000 from \$35,000 to \$42,000;

13. Electric & Gas Industries Association, Solano County High-Efficiency Rebate Program, amendment for extension of term, amended Scope of Work and increase of \$200,000 from \$260,000 to \$460,000;
14. Eyasco, Inc., Data and Website Management, new contract, contract limit of \$247,450;
15. Grunstad Landscaping, Landscape Maintenance, amendment for extension of term, amended Scope of Work and increase of \$17,500 from \$66,122 to \$83,622;
16. LSA Associates, Habitat Conservation Plan, new contract - contract limit of \$377,966;
17. Mike Bobbitt and Associates, Geographical Information System Services, amendment for extension of term and amended Scope of Work;
18. MWH Americas, Permanent Water Treatment Research Facility, amendment for extension of term only;
19. Solano RCD, Watershed and Flood Control, amendment for increase of \$30,000 from \$337,272 to \$367,272;
20. Somach, Simmons and Dunn, amendment for extension of term and amended Scope of Work;
21. Southwest Environmental, Inc., Installation of High-Efficiency Toilets at CII locations, amendment for extension of term, amended Scope of Work and increase of \$125,000 from \$376,000 to \$501,000;
22. Summers Engineering, Solano Project R&B Planning and Implementation, new contract - contract limit of \$70,000;
23. W.R. Davis Collaborative, HCP Steering Committee Facilitation, amendment for extension of term only;
24. Western Hydrologic Systems, Maintenance of stream gages and flow measurement, amendment for extension of term only;
25. Wildlife Survey & Photo Service, Solano Project/LPCCC Biomonitoring for Effects of New Zealand Mud Snails, new contract - contract limit of \$151,502;
26. Winzler & Kelly, Solano County CII Water Conservation Program, amendment for extension of term, amended Scope of Work and increase of \$100,000 from \$368,000 to \$468,000;

STATE WATER PROJECT TAX RATE

On a motion by Supervisor Reagan and a second by Mayor Price the Board unanimously approved to establish a tax rate of \$0.02 per \$100.00 of assessed valuation for State Water Project Property Tax for fiscal year 2011-2012.

URBAN WATER MANAGEMENT PLAN

Although SCWA is not technically an urban water supplier and therefore not required by law to create an Urban Water Management Plan the Agency has prepared a Plan. Having a Plan is a benefit in obtaining State grant.

A public hearing was opened and closed with no comments. Manager Okita mentioned a discussion would occur with the cities prior to the 2015 Plan update regarding whether to have a consolidated Agency Plan that would include the cities. On a motion from Mayor Price and a second from Supervisor Sperring the board unanimously approved the Urban Water Management Plan.

DELTA REPORT

The Delta Conservancy, a new organization, and the Delta Protection Commission are both working to determine their roles in the Delta given the development of the Bay Delta Conservation Plan (BDCP) and the Delta Stewardship Council's Delta Plan. There are habitat conversion projects under development in the Cache Slough, the Yolo Bypass and the Suisun Marsh that are independent of the BDCP and the Delta Plan.

The State administration and water contractors have differences with the Federal government on BDCP issues such as environmental effects, and size of facilities and solutions to these differences are in the works. The new State administration has formed 13 working groups for the BDCP which are expected to provide some input although they only meet for a relatively short period of time.

The forth draft of the Delta Plan is expected on June 13, 2011. That draft will be the basis for a draft EIR. The Delta Plan is due by December 2011. An issue of the Delta Plan is the authority of the Delta Stewardship Council. The Delta Plan is expected to include controversial issues including the need for enhanced groundwater management statewide and a recommendation for a public goods charge by including a surcharge on water bills.

TIME AND PLACE OF NEXT MEETING

The next regularly scheduled meeting will be Thursday, July 14, 2011 at 7:00 p.m. at the Solano County Water Agency offices.

ADJOURNMENT

This meeting of the Solano County Water Agency Board of Directors was adjourned at 7:58 P.M.

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

**AGENDA ITEM
CITY COUNCIL MEETING: JULY 19, 2011
COUNCIL MEMBER COMMITTEE REPORTS**

DATE : July 11, 2011

TO : Council Member Hughes
Council Member Ioakimedes

FROM : Director of Public Works and Community Development

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

The following is provided for your committee report at the July 19, 2011 Council meeting.

The Traffic, Pedestrian and Bicycle Safety (TPBS) Committee meets quarterly at 7:00 p.m. in the Commission Room at City Hall.

Two special committee meetings for the West K Street Traffic Calming Plan were held, the first on **Monday, April 25** (minutes attached), and the second on **Monday, June 27**, (agenda attached).

The next regular meeting is scheduled for Thursday, July 21, at 7:00 pm at the City Hall Commission Room. That agenda is being developed.

Attachments:

- TPBS Committee April 25, 2011 special meeting minutes
- TPBS Committee June 27, 2011 special meeting agenda

Approved June 27, 2011
MINUTES
CITY OF BENICIA
TRAFFIC, PEDESTRIAN AND BICYCLE SAFETY (TPBS) COMMITTEE
Special Meeting – West K Street Traffic Calming
Monday, April 25, 2011
6:30 pm

I. Call to Order

Meeting called to order at 6:35 pm

Location: Southwest corner of West K and West 10th Streets

1. Roll Call:

Committee Members Present:

Chair, Council Member Mark Hughes
Council Member, Mike Ioakimedes
Police Chief Andrew Bidou
City Engineer, Melissa Morton
Senior Civil Engineer, Mike Roberts

Absent: None

Staff Present:

Officer Mark Simonsen, Police Department Traffic Division.
Kathy Trinke, Administrative Secretary

2. Pledge of Allegiance

3. Fundamental Rights Statement

II. Walk-About - observe traffic conditions and receive neighborhood input

Committee members and members of the public met at the intersection of West K and West 10th Streets. Committee Chair, Mark Hughes introduced the committee members and began the discussion by asking for input from residents about what they have seen, what works and what doesn't and what they would like to see happen to improve this street.

Residents' observations and comments:

Vehicles are not stopping at stop signs.

Vehicles speed up between stop signs.

Vehicles are speeding.

Street is not safe for bike riders and pedestrians.

The City needs to educate drivers not to speed.

Bicyclists don't observe stop signs.

There are too many stop signs.

Traffic volume has increased since Military West was improved from W 9th Street to Southampton Rd (west).

West K Street is perceived by drivers to be a "through street" (compared to Military West) since the new signal and other improvements were installed.

The eastbound 25 mph signs near West K Street/Military intersection and West K/West 13th St are not visible.

The entry to West K Street from Military West needs to better identify it as a residential street as opposed to an alternate through street to downtown.

Meeting re-convened at City Hall – Commission Room

Called to Order at 7:18 pm

Chair Mark Hughes welcomed everyone for the second part of the meeting.

III. West K Street Traffic Calming Development

A. Traffic Calming Presentation

A power point was presented by Christine Carey of Fehr and Peers, the City's traffic calming consultant. Christine provided an overview of traffic calming and the City's traffic calming program. Traffic calming is defined as a method to affect driver behavior. The reasons for a program are to effect vehicle speed and volumes. There are three components to traffic calming that include: Education, Enforcement and Engineering. Christine provided pictures of various types of traffic calming tools and outlined the advantages and disadvantages of each component.

B. Identify Issues and Potential Solutions

The meeting was opened for public comment.

A resident expressed concern that a pedestrian walkway is needed on West K Street at West 11 Street, near the park.

A resident requested additional signs on West K Street, from the I-780 freeway ramps to encourage vehicles to use Military rather than West K Street.

A resident asked if any funds from the western gateway intermodal project could be used for traffic calming on West K Street.

Melissa Morton responded, "No, the City would need to pay for it from local funds. The design engineers will look at this issue as part of the project design, which will be a gateway to draw vehicles onto Military West.

Mr. North requested installing flashing radar speed signs.

Ms. Morton responded that fixed radar signs can lose their effectiveness as drivers get used to them. A radar speed trailer, that moves around, with PD enforcement may be more effective.

Committee members and residents discussed a possible median island without a sign and an additional chicane placed at the entry (intersection) of West K Street /I-780 freeway/Military West.

Christine Carey reviewed the West K Street traffic data – there is an average daily total of 2,000 vehicles; 85% of the cars travel at 33 mph; 10 collisions reported from 10/2005 to 9/2010, which rates Benicia as “very safe.”

C. Next steps

Chair Hughes opened public comment.

Residents’ requests for inclusion in the proposed Traffic Calming plan:

- 1) More enforcement by PD
- 2) Striping and signage to detour traffic from West K Street to Military
- 3) Knock-down pedestrian crossing signs and striping
- 4) High visibility crosswalks at 9th and 10th Streets
- 5) Speed limits painted on the street pavement
- 6) Flashing signs and lights (note that this item could change the character of the street)
- 7) Create a residential street atmosphere
- 8) Re-visit safe routes to school
- 9) Chicane at West 14th Street with bike lanes added
- 10) More public education
- 11) Stop sign at West 8th Street

The information received at this meeting will be considered for the Draft Phase 1 Traffic Plan by Fehr and Peers. After staff’s review of the Plan, a special Traffic Pedestrian and Bicycle Safety Committee meeting will be scheduled with residents.

Chair Hughes asked the residents for patience while this work is being done.

Police Chief Bidou introduced Officer Mark Simonsen who will be working with residents on extra enforcement for West K Street.

The meeting was adjourned at 9:25 pm.



City of Benicia
**TRAFFIC PEDESTRIAN &
BICYCLE SAFETY (TPBS) COMMITTEE**

**Special Meeting
West K Street Traffic Calming**

**7:00 pm
Monday, June 27, 2011**

AGENDA

I. Call To Order

- A. Pledge of Allegiance
- B. Fundamental rights statement
- C. Committee introductions

II. Approval of Minutes

- A. April 25, 2011 Special Meeting Minutes

III. West K Street Traffic Calming Draft Plan

- A. Traffic Calming Plan Presentation – Christine Corey, Fehr & Peers
- B. Public Comments
- C. Committee review and discussion
- D. Next step

IV. Adjournment

Public Participation

The Traffic Pedestrian and Bicycle Safety (TPBS) Committee 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 TPBS Committee allows speakers to speak on agenda and non-agenda matters under public comment. Comments are limited to no more than 5 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 TPBS Committee.

Disabled Access

In compliance with the Americans with Disabilities Act (ADA), if you need special assistance to participate in this meeting, please contact Anne Cardwell, the ADA Coordinator at (707) 746-4200. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

Meeting Procedures

All items listed on this agenda are for the TPBS Committee 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 TPBS Committee.

Public Records

The agenda packet for this meeting is available at the Public Works & Community Development Department, City Clerk's Office and the Benicia Public Library during regular work 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." If you wish to submit written information on an agenda item, please submit to Kathy Trinke, Administrative Secretary, as soon as possible so that it may be distributed to the Committee.

AGENDA ITEM
CITY COUNCIL MEETING: JULY 19, 2011
COUNCIL MEMBER COMMITTEE REPORTS

DATE : July 11, 2011

TO : Mayor Patterson
Vice Mayor Campbell

FROM : City Manager

SUBJECT : **TRI-CITY AND COUNTY COOPERATIVE PLANNING GROUP**

The following information is provided for your committee report at the July 19, 2011 Council meeting.

The Tri City and County Cooperative Planning Group met Monday, June 13, 2011. The minutes from that meeting are in draft form and will be provided after they are adopted at the next scheduled Tri City and County Meeting, which is set to take place on Monday, September 12, 2011.

AGENDA ITEM
CITY COUNCIL MEETING: JULY 19, 2011
COUNCIL MEMBER COMMITTEE REPORTS

DATE : July 12, 2011
TO : Council Member Hughes
FROM : City Manager
SUBJECT : **VALERO COMMUNITY ADVISORY PANEL (CAP)**

The following information is provided for your committee report at the July 19, 2011 Council meeting.

The CAP meets quarterly at 6:30 p.m. at the refinery at 610 Industrial Way. The next meeting will be held on July 13, 2011, the agenda is attached along with the minutes from the meeting held on May 4, 2011.

Attachment:

- July 13, 2011 Agenda
- May 4, 2011 Minutes



**Valero Benicia Refinery
Community Advisory Panel (CAP)
Valero East Conference Center
610 Industrial Way, Benicia, CA**

**Wednesday, July 13, 2011
6:30 PM – 8:30 PM**

DRAFT AGENDA

Call to Order	5 minutes
<ul style="list-style-type: none">• Introductions of CAP members and Guests• Approval of Agenda• Summary Minutes from May 4, 2011	
General Refinery Updates – Doug Comeau	30 minutes
VPP Star Sites – VPP Committee Presentation	30 minutes
Acronyms of Refinery Terms – (handout)	15 minutes
Benicia Community Air Monitoring Station [BCAMS] – Sue Fisher Jones & Marilyn Bardet	30 minutes
<ul style="list-style-type: none">• Review of added information since May meeting• Discuss date(s) for public launch presentation	
Other	10 minutes
<ul style="list-style-type: none">• Future CAP topics• Next CAP meeting	
Adjourn	

Valero Community Advisory Panel (CAP)

DRAFT -- Summary Meeting Minutes

May 4, 2011

Valero East, Conference Room B

CALL TO ORDER

The meeting was called to order at 6:40 p.m.

The following attended:

CAP Members

Marilyn Bardet Good Neighbor Steering Committee

Tom Gavin Community at Large

Mark Hughes Benicia City Council

Steve McClure Benicia Chamber of Commerce

Libbey McKendry Community at Large

Absent: Brian Tulloch, BIPA

Andre Stewart, BUSD

Valero Representatives

Doug Comeau Vice President & General Manager, Benicia Refinery

Chris Howe Health, Safety, Environment & Governmental Affairs Director, Benicia Refinery

Sonny Menzel Turnaround & Major Projects Start-Up Director, Benicia Refinery

Josh Cross Project Construction Start-Up Supervisor Control, Benicia Refinery

Sue Fisher Jones Public Affairs Manager, Benicia Refinery

Alysia Porter Staff Office Assistant, Benicia Refinery

Others in Attendance

Elizabeth Patterson Mayor, City of Benicia

Brad Kilger City Manager, City of Benicia

Steve Vucurevich Fire Chief, Benicia Fire Department

Nicolas Thomas Division Chief, Benicia Fire Department

Approval of Agenda

Agenda approved.

Approval of Minutes

Summary minutes from the July 15, 2010 CAP meeting were approved.

2010 Valero Social Responsibility Report – Chris Howe

- The report summarizes Valero’s environmental, safety and social responsibilities. The Benicia Refinery was recognized for its Cal/OSHA VPP (Voluntary Protection Program) Star Site recertification in 2010, as well as for its world-class electrical reliability program and Flue Gas Scrubber project.

General Refinery Updates – Doug Comeau

- VPP Recertification – Only two refineries in California have earned VPP star status – Benicia and Wilmington – both Valero refineries. The refinery mentors other companies with the VPP process.
- Turnaround – The turnaround was largest on record in Benicia and ran January through mid-March. Valero employees had an excellent safety performance with zero recordable injuries. Contractor recordable injuries were disappointing, increasing from zero during the 2004 turnaround to six in 2011.
- Industry Fundamentals – Presently, crude is highly volatile. The refinery was not running January-February; we are looking for favorable margins April-June.

- VIP Permit Agreement and Amendment to the Agreement – Progress has been made on funding agreement obligations including the following: air quality monitoring, greenhouse gas reduction projects (Benicia Tree Program, Mills Community Center, Community Sustainability Commission projects, etc.), water conservation (Valero Condensate Recovery Project – Phase 1) and the purchase of additional buffer zone land (\$0.852MM) on Industrial Way.
- Organizational Excellence – Effective July 11, 2001, the operations teams will be organized into 5 complexes and 12-hour shifts to improve reliability, reduce operation errors, increase unit accountability, and lower operational costs (overtime). Deferred retirements and the hiring of trainees have created an excess of 40 employees in the plant. No layoffs planned; attrition will help over the next four years.
- Life Saving Rules – These seven rules were implemented in October 2010 with a zero tolerance. If any one of the rules is violated, there is immediate suspension with the likelihood of termination.
- Refinery Process Water – Valero had a discussion with the city regarding refinery process water being taken to the POTW.
- Corporate internal audits are scheduled for mid-June in Benicia for Environmental, Health and Safety, Process Safety Management, and CTEMS (Commitment to Excellence Management System).

2011 Refinery Wide Turnaround – Sonny Menzel

- Turnaround work included equipment maintenance, catalyst change out, tie-in of the Flue Gas Scrubber.
- Turnaround safety, environmental, reliability, schedule, and budget were discussed.
- Valero employee safety performance was excellent. Zero recordable injuries
- Valero and contract employees worked 1,875,000 work hours associated with Turnaround, with 1,490,000 work hours completed during the T/A execution window which was Dec 14th, 2010 through February 18th, 2011. (2004 T/A contractors and Valero worked a total of 1,220,000 work hours)
- \$250 million spent on Turnaround; \$750 million spent on the new Flue Gas Scrubber.
- Next turnaround will be in 6-7 years.

Flue Gas Scrubber Update – Josh Cross

- Discussed the purpose of the Flue Gas Scrubber, the overall process of how the scrubber works, and the layout of scrubber at the refinery. The project has met all expectations.

Benicia Community Air Monitoring Station [BCAMS] – Marilyn Bardet & Sue Fisher Jones

- The public website is not yet available; Argos Scientific is still developing content and design. Progress on the website project has been slow; air monitoring equipment is operational and data is being collected.

Other

- Topics for the next CAP meeting will be: VPP star sites with Terry Schulte, Benicia VPP coordinator, to speak; acronyms of refinery terms; and the air monitoring station.
- Next meeting will be held within the next two months.

Adjourn

- The meeting adjourned at 8:40 p.m.

AGENDA ITEM
CITY COUNCIL MEETING: JULY 19, 2011
COUNCIL MEMBER COMMITTEE REPORT

DATE : July 7, 2011

TO : Mayor Elizabeth Patterson
Council Member Mike Ioakimedes
Council Member Schwartzman

FROM : Youth Action Coalition

SUBJECT : **YOUTH ACTION COALITION**

The Benicia Youth Action Coalition does not meet in July. The next meeting will be held on Wednesday, August 31, 2011 at 3:30 pm in the Commission Room at City Hall. The agenda is not yet available.

The minutes from the May 25th meeting are attached.

Attachment:

- May 25, 2011 Minutes

BENICIA YOUTH ACTION COALITION
MAY 25, 2011
MINUTES

Present

Jerry Pollard	Chairman, Police Chaplaincy, Faith
Gary Wing	Vice Chair, Member at Large (Crisis/Faith)
Heidi Wing	Student, Youth Commission
Jim Trimble	Vice Chair, County Reducing Rates Coalition
Allison Angell	Youth Services, Benicia Public Library
Ted Criado	Detective-Youth Services-Benicia Police Dept.
Keith Jordan	School Psychologist, BUSD
Annie Lloyd	Retired Teacher/Member at Large
Betty Jensen	Administrative Asst-Superintendent, BUSD
Ron Wheat	Vice Principal, Benicia High School
Mike Ioakimedes	Councilmember, City of Benicia
Alan Schwartzman	Vice Mayor, City of Benicia
Spence Rundberg	Member at Large (retired BUSD)
Patti Baron	BYAC Coordinator

Guests: Lynne Cannady, LPC Consulting Associates

Call to Order:

Chairman Jerry Pollard called the meeting to order at 3:33 p.m. Chairman Pollard referred to the Fundamental Rights of the Public.

Welcome and Introductions: Chairman Pollard welcomed guest Lynne Cannady, LPC Consulting.

Approve Agenda: Agenda was approved as submitted.
Motion: Jim Trimble Second: Gary Wing Approved: unanimous

Approve Minutes:
The minutes of the April 27, 2011 were approved as submitted.
Motion: Jim Trimble Second: Gary Wing Approved: unanimous

Reducing Rates Coalition Updates: Jim Trimble reported the RRC continues to meet with the County to discuss the merge with Health Care Access. Doug Hayward will receive a contract to develop a planning process to merge the two groups and a new public health approach. City Teams will be funded, but no funding for RRC administration. AIM maybe funded through Health and Social Services.

Patti reported the County budget has been cut by \$7,365, new budget \$84,042. Patti stated she had to respond quickly to let the county know where the cuts would be made in order to get the contract processed. She stated she did not cut any of the existing programs but from operating expenses. Patti stated she had spoken to Chief Bidou and he has no plans to cut our City match budget at this time.

Community Organizing Plan: Lynne Cannady reported she would have a draft ready for the Coalition to review next week. She asked if there were any changes to submit by the next meeting. She needs to print and submit the plan to the county before June 30th. Lynne reminded

the group the plan is a living document and can be changed as the coalition plans and budgets change in the future.

Bosma Evaluation: Linda Bosma will be conducting the last of the coalition member interviews and will have the evaluation completed by June 30th.

Parent Open Houses: Patti thanked Gary Wing for his help setting up the BYAC info booth at Liberty's Parent Open House on May 18th.

World Cafe: Patti thanked members Annie Lloyd, Gary Wing, Karen LaRiviere and Judith Tata for attending the World Café in Fairfield. Although the attendance was considerably less than last year, the interaction was good.

Discussion ensued regarding how to reach parents regarding ATOD issues. The idea was discussed to get parents committed through the schools by establishing a sports/extra curricular activities parent policy relating to ATOD issues. Parents and students that want to participate in sports, band and other activities would have to attend a meeting and sign a contract stating they would not allow ATOD uses. To implement this may need the School Board's approval and agreement by the coaches. Betty Jensen indicated she would talk to Janice Adams about the idea and check to see if this would require a formal approval by the School Board.

Ron Wheat reported the High School hopes to bring back the Link Crew Program. This program links freshman with upper class students to serve as mentors and role models. The Link Program was re-introduced this past year on a smaller scale, but plans to expand the program to 42 freshmen next year.

Drug Take Back Program: Patti reported the Police Department held its first Drug Take Back Program on Saturday, April 30th and 70 residents from Vallejo and Benicia turned in 152 pounds of unwanted, expired or unused prescription medications. The Police Department will schedule another event in six months.

Youth Summit: The Solano County Youth Summit on truancy held on May 11th was very successful. Mayor Patterson, Chief Bidou, Janice Adams, Jane Abelee, Patti Baron and School Resource officers attended. The new Solano County District Attorney Don DuBain hosted the event and expressed his commitment to the cities to establish an effective Truancy Court. Statistics given indicated Benicia had a very low truancy rate of 4%. Vallejo is 49%. The event provided an opportunity to learn about how the truancy process works and ways in which the school districts, police departments and the courts could work together to provide early intervention. One of the major problems identified was the parents of younger students who do not send their children to school for various reasons. After much discussion on this topic, Jim Trimble offered a motion to send a letter to DA DuBain, (cc'd to City Chiefs/Sheriff), asking him to take a leadership role in helping to obtain grants for early intervention programs for the county. Ted Criado seconded the motion, motion carried.

Social Host Marketing Campaign: Patti reported the County wide social host marketing campaign will kick off the last week in May with posters and press releases. The posters will be placed in grocery/liquor stores and high traffic locations. Press releases will be submitted to all of the county newspapers. The campaign will be year round.

Relay for Life: Patti reported Benicia's American Cancer Society Relay for Life 24 hour event took place on May 22nd at the High School football field. The Police Department and BYAC had a booth at the event and promoted no tobacco campaign with lots of giveaways and educational

materials. Patti passed out the Smoke Free America rubber wristbands. Patti added that there were a large number of high school students who participated in the Relay.

Safe and Sober Graduation- Root Beer Floats: Patti reminded the group and asked for volunteers to help serve the root beer floats "Safe and Sober Graduation" campaign at Liberty High School on June 1st and Benicia High on June 3rd.

Responsible Beverage Service Training: Patti reported the annual RBS training for employees of the local bars and restaurants will be held on June 16th at the Best Western. This training is funded by the county and provides valuable training from owners and their servers.

New Business: None

Member Comments: None

Public Comments: None

Adjourn: The meeting was adjourned at 5:00 p.m.

Next Meeting: June 22nd, 3:30 p.m. Commission Room

**AGENDA ITEM
CITY COUNCIL MEETING: JULY 19, 2011
COUNCIL MEMBER COMMITTEE REPORTS**

DATE : July 12, 2011
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 July 19, 2011 City Council meeting.

The next meeting is scheduled for Monday, September 26, 2011, the agenda is not currently available.

