



**BENICIA CITY COUNCIL
REGULAR MEETING AGENDA**

**City Council Chambers
August 21, 2012
7:00 PM**

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

Please Note:

**Regardless of whether there is a Closed Session scheduled for 6:00 pm,
the open session will begin at 7:00 pm.**

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:

Interview dates with the City Council subcommittee are currently being finalized for early September. The City will continue to accept applications for boards and commissions until those interview dates are set. If you have questions, please contact the City Manager's Office at (707) 746-4200.

Building Board of Appeals
2 full terms
Open Until Filled

SolTrans Public Advisory Committee
1 full term
Open Until Filled

Benicia Community Sustainability Commission
1 unexpired term
Open Until Filled

Open Government Commission
1 unexpired term
Open Until Filled

Benicia Human Services Board
1 unexpired term
3 full terms
Open Until Filled

Economic Development Board
2 full terms
Open Until Filled

Benicia Housing Authority Board of Commissioners
1 full term
Open Until Filled

Historic Preservation Review Commission
2 full terms
Open Until Filled

Library Board of Trustees
1 full term
Open Until Filled

Art and Culture Commission
2 unexpired terms
Open Until Filled

Planning Commission
1 Full Term

The City is inviting applications for the Planning Commission until August 31, 2012, which will be considered along with the current active applications on file for this commission.

3. Mayor's Office Hours:

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

4. Benicia Arsenal Update:

B. APPOINTMENTS.

C. PRESENTATIONS.

D. PROCLAMATIONS.

1. In Recognition of Muscular Dystrophy Association "Fill the Boot Day"

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 (7:15 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 of the Regular meetings of June 26, 2012, July 17, 2012 and July 24, 2012. (City Clerk).

B. AMENDING THE CITY'S CONFLICT OF INTEREST CODE. (City Attorney)

The City is required to review its conflict of interest code every two years to determine if it needs to be updated. Staff has reviewed the conflict of interest code and has determined that amendments are needed. Changes include updating the designated positions to reflect current job titles and disclosure categories to reflect the economic interest related to the position.

Recommendation: Adopt the resolution amending the City's conflict of interest code.

C. APPROVE THE HUMAN RESOURCES ANALYST I/II JOB DESCRIPTION. (Administrative Services Director)

On June 26, 2012, the City Council approved amendments to the 2012-13 budget, which included the addition of an allocation to Human Resources for a Human Resources Analyst. The Civil Service Commission approved the proposed job specification on August 14, 2012, and the next step is to obtain City Council approval.

Recommendation: Adopt the resolution approving the Human Resources Analyst I/II job description and amending the City's classification plan to add the position.

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

On May 1, 2010, the City entered into an agreement with Renne Sloan Holtzman Sakai, LLP (RSHS) for personnel and labor relations activities. The contract is now being amended to allow for ongoing labor relations services. The expertise and staffing resources required for these services does not exist in-house.

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

E. AUTHORIZE PURCHASE OF REPLACEMENT HYDRAULIC RESCUE TOOLS. (Fire Chief)

The Benicia Fire Department responds to vehicle accidents on Interstates 680 and 780, the Benicia-Martinez Bridge and surface streets within the City of Benicia. Hydraulic rescue tools are essential in order to perform extrication operations to free trapped and injured victims of vehicle accidents. Time is critical for trauma patients, so having the proper tools to perform these extrications can truly make the difference between life and death.

Recommendation: Adopt the resolution authorizing the purchase of replacement hydraulic rescue tools in the amount of \$49,931.78.

F. SECOND READING OF AN ORDINANCE AMENDING SECTION 2.108.060 (MEETING TIME AND PLACE) OF CHAPTER 2.108 (COMMUNITY SUSTAINABILITY COMMISSION) OF TITLE 2 (ADMINISTRATION AND PERSONNEL) OF THE BENICIA MUNICIPAL CODE. (Public Works and Community Development Director)

The Municipal Code currently provides for the regular meetings of the Community Sustainability Commission to begin at 7:00 p.m. This ordinance would establish a 6:00 p.m. start for regular meetings.

Recommendation: Adopt the ordinance amending Section 2.108.060 regarding the Community Sustainability Commission's meeting time.

G. APPROVE THE EXTENSION TO THE NOVEMBER 1, 2011 TO OCTOBER 31, 2012 AGREEMENT BETWEEN THE CITY OF BENICIA AND BENICIA PUBLIC SERVICE EMPLOYEES ASSOCIATION (BPSEA) PART-TIME UNIT. (Administrative Services Director)

In 2010 and 2011, City of Benicia employees took a combined reduction in total compensation of approximately 10%. These concessions assisted the City in addressing budget shortfalls in both fiscal years and achieving ongoing structural savings. Given that the City's fiscal status appears relatively stable for the remainder of the current budget period, in a large part due to the previous, ongoing compensation reductions made by all City employees, the City has offered, and the BPSEA part-time unit has agreed, to extend the current contract for one additional year, to October 30, 2013, with no increases or further reductions to compensation for the remainder of the term.

Recommendation: Adopt the resolution approving the Contract Extension Agreement modifying the existing 2010-2012 Memorandum of Understanding (MOU) with the Benicia Public Service Employees Association (BPSEA) part-time unit. If approved, and unless otherwise modified by the Contract Extension Agreement, all terms of the MOU shall be extended from November 1, 2012 to October 30, 2013.

H. APPROVAL OF AGREEMENT FOR TRANSPORTATION AND DISPOSAL OF WASTEWATER TREATMENT PLANT SLUDGE. (Public Works and Community Development Director)

During the treatment process, the Wastewater Treatment Plant generates sludge that must be hauled off-site to a permitted landfill. Staff sent a Request For Proposal to eight firms and received three proposals for sludge transportation and disposal services. This action approves an agreement with the recommended firm and a budget transfer within the Wastewater Operations Fund.

Recommendation: Adopt the resolution accepting a proposal for Transportation and Disposal of Sludge from the Wastewater Treatment Plant, approving the agreement with Recology Vacaville Solano in the amount of \$75.00 per ton, and authorizing the City Manager to sign the agreement on behalf of the City.

I. AUTHORIZE PURCHASE OF MICROSOFT OFFICE 2010 FOR CITYWIDE UPGRADE. (Administrative Services Director)

The 2011-13 City budget allocates funding for the purchase of Microsoft Office 2010 for a citywide upgrade. The City is currently utilizing Microsoft Office Suite 2000, which is outdated and no longer widely utilized or supported by Microsoft. The majority of public agencies are now utilizing Microsoft Office 2010.

Recommendation: Adopt the resolution authorizing the purchase of Microsoft Office 2010 for a citywide upgrade for a not to exceed amount of \$63,312.46.

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

VIII. BUSINESS ITEMS (7:45 PM):

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

A. SECOND READING AND ADOPTION OF AN ORDINANCE AMENDING THE CONTRACT BETWEEN THE CITY OF BENICIA AND PUBLIC EMPLOYEES' RETIREMENT SYSTEM FOR MISCELLANEOUS EMPLOYEES TO PROVIDE SECTION 21353 (2% AT 60 FORMULA) AND SECTION 20037 (THREE-YEAR FINAL COMPENSATION). (Administrative Services Director)

In 2011-12, the City concluded negotiations with the Benicia Public Service Employees Association (BPSEA), included agreement to a second retirement tier with a formula of 2% @ 60 with a three-year final compensation period. All other miscellaneous units had already agreed to language relative to implementation of a second retirement tier with lower benefit for new miscellaneous members entering membership after the date of the contract amendment. This is compared with the current formula of 2.7% @ 55 and one-year final compensation period. There will be no immediate employer contribution rate impact from this amendment, but ultimately the employer normal cost will decrease over time.

Recommendation: Adopt the ordinance to amend the contract between the City and Public Employee's Retirement System (CalPERS) for miscellaneous employees to provide a second tier of lower benefits, 2% @ 60 retirement formula and three-year final compensation, for new miscellaneous members entering membership after the date of the contract amendment.

B. AMENDING THE MASTER FEE SCHEDULE TO INCREASE FIRE DEPARTMENT SERVICE FEES. (Fire Chief)

Fire code permits are a small component of a code enforcement system. Fire code permits are required for a variety of activities, including repair garages, welding and cutting operations, and the use and storage of certain hazardous materials. The municipal fire official is responsible for the enforcement of the fire code permit system, which consists of taking permit applications, inspections, processing and collecting fees, and issuing permits. The fire department is proposing most fire service fees be increased to fifty dollars, and to have a twenty-five dollar increase each year until permit fees reach one hundred dollars each. It is also recommended facilities requiring multiple permits pay full price for the first permit and fifty percent discount for each subsequent permit.

Recommendation: Adopt the resolution amending the Master Fee Schedule to adjust the Fire Department Service Fees. Most fees will be increased slightly but some remain the same or are decreased.

C. APPROVAL OF REVISIONS TO A DONOR AGREEMENT BETWEEN THE CITY OF BENICIA AND THE STATE OF CALIFORNIA TO SUPPORT KEY SERVICES AT THE BENICIA STATE RECREATION AREA. (Economic Development Manager)

Following recent developments surrounding the State Parks Department's previously unaccounted revenue of approximately \$54 million, staff is proposing revisions to a recently approved donor agreement with the State for the Benicia State Recreation Area (BSRA). On July 17th the City Council approved a donor agreement committing \$15,500 to State Parks to support key services at the BSRA. The proposed revisions change the terms on the timing of the agreement triggering only if and when the State cuts services and when the City submits payment, altering from a one-time payment to quarterly payments.

Recommendation: Approve, by motion, the proposed revisions to the Memorandum of Understanding with the State of California to support key services at the Benicia State Recreation Area.

D. LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE RESOLUTIONS. (City Manager)

The League of California Cities will hold its Annual Conference, September 5-7, 2012 in San Diego. Each year resolutions that focus on municipal issues of statewide importance are considered. This year there are five resolutions being considered by the League.

Recommendation: Consider the resolutions, determine a city position and instruct the voting delegates, by motion, for their representation at the League's 2012 Annual Conference.

E. 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: September 19, 2012

2. Association of Bay Area Governments

(ABAG) <http://www.abag.ca.gov/>.

(Mayor Patterson and Council Member Strawbridge)

Next Meeting Date: Fall Assembly - October 18, 2012

- 3. Finance Committee.
(Vice Mayor Campbell and Council Member Strawbridge)
Next Meeting Date: August 24, 2012**
- 4. League of California Cities.
(Mayor Patterson and Vice Mayor Campbell)
Next Meeting Date: Annual Conference - September 5-7, 2012**
- 5. School Liaison Committee.
(Council Members Strawbridge and Council Member Hughes)
Next Meeting Date: September 13, 2012**
- 6. Sky Valley Open Space Committee.
(Vice Mayor Campbell and Council Member Schwartzman)
Next Meeting Date: November 7, 2012**
- 7. Solano EDC Board of Directors.
(Mayor Patterson and Council Member Strawbridge)
Next Meeting Date: September 19, 2012**
- 8. Solano Transportation Authority.
(STA). <http://www.sta.ca.gov/>
(Mayor Patterson and Council Member Schwartzman)
Next Meeting Date: September 12, 2012**
- 9. Solano Water Authority-Solano County Water Agency
and Delta Committee.
<http://www.scwa2.com/>(Mayor Patterson and Vice Mayor
Schwartzman) Next Meeting Date: September 13, 2012**
- 10. Traffic, Pedestrian and Bicycle Safety Committee.
(Vice Mayor Campbell and Council Member Schwartzman)
Next Meeting Date: October 18, 2012**
- 11. Tri-City and County Regional Parks and Open Space.
(Vice Mayor Campbell and Council Member Hughes)
Next Meeting Date: September 10, 2012**
- 12. Valero Community Advisory Panel (CAP).
(Mayor Patterson and Council Member Hughes)
Next Meeting Date: October 10, 2012**
- 13. Youth Action Coalition.
(Mayor Patterson, Council Member Strawbridge and
Council Member Hughes)
Next Meeting Date: August 22, 2012**

14. **ABAG-CAL FED Task Force-Bay Area Water Forum.**
<http://www.baywaterforum.org/>
(Mayor Patterson)
Next Meeting Date: TBD

15. **SOLTRANS Joint Powers Authority.**
(Mayor Patterson, Council Member Hughes and
Council Member Schwartzman)
Next Meeting Date: August 16, 2012

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.



PROCLAMATION

IN RECOGNITION OF

MUSCULAR DYSTROPHY ASSOCIATION "Fill the Boot Day"

WHEREAS, Muscular Dystrophy refers to a group of more than 40 neuromuscular diseases that caused generalized weakness and muscle wasting; and

WHEREAS, The Muscular Dystrophy Association is a dedicated partnership of scientists and citizens aimed at conquering neuromuscular diseases. MDA is one of the world's leading national health agencies, with seventy five percent of every dollar raised fostering research, patient care and education; and

WHEREAS, members of the Benicia Fire Department Local 1186 serve and protect communities throughout Benicia every day and have become a symbol of pride, honor and strength; and

WHEREAS, members of the Benicia Fire Department Local 1186 unselfishly donate their time and energy to supporting the battle against muscular dystrophy; and

WHEREAS, fire fighters across the nation are some of the largest contributors in the United States to the Muscular Dystrophy Association. Proceeds provide comprehensive medical services to tens of thousands of adults and children with neuromuscular diseases and contributes to research for treatments and cures; and

WHEREAS, in 2012, Benicia Fire Department Firefighters Local 1186 will hit the streets for MDA's Fill-the-Boot campaign to raise funds for local families living with Muscle Disease.

NOW, THEREFORE, BE IT RESOLVED THAT I, Elizabeth Patterson, Mayor of the City of Benicia on behalf of the City Council, do hereby proclaim Friday, August 31, 2012 as MDA Day In Benicia and urge all citizens to "Fill-the Boot"!

Elizabeth Patterson, Mayor
August 21, 2012



MINUTES OF THE
REGULAR MEETING – CITY COUNCIL
June 26, 2012

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

I. CALL TO ORDER:

Mayor Patterson called the meeting to order at 6:01 p.m.

II. CONVENE OPEN SESSION:

A. ROLL CALL

All Council Members were present. Vice Mayor Campbell arrived at 6:01 p.m.

B. PLEDGE OF ALLEGIANCE

Bonnie Silveria led the Pledge of Allegiance.

C. REFERENCE TO THE FUNDAMENTAL RIGHTS OF THE PUBLIC

III. ADOPTION OF AGENDA:

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

Ayes: Patterson, Strawbridge, Schwartzman, Campbell, Hughes

Noes: (None)

IV. OPPORTUNITY FOR PUBLIC COMMENT:

A. WRITTEN COMMENT

B. PUBLIC COMMENT

1. Council Member Strawbridge - Council Member Strawbridge encouraged people to visit the Benicia Historical Museum's exhibit 'What We Wore.'
2. Mayor Patterson - Mayor Patterson discussed the recent vandalism to the restrooms at the Benicia State Park. She would like to discuss the possibility of the City offering a reward to aid in apprehending the vandals. However, since it was not agendized, it would be discussed later. In the meantime, she invited anyone interested in joining her personally to offer a small reward.

V. **BUSINESS ITEMS:**

A. **FISCAL YEAR 2012-13 MIDCYCLE BUDGET REVIEW AND RESOLUTIONS AMENDING THE FISCAL YEAR 2012-13 BUDGET, APPROVING ORGANIZATIONAL CHANGES AND UPDATING THE MASTER FEE SCHEDULE**

RESOLUTION 12-78 - A RESOLUTION APPROVING AND ADOPTING AMENDMENTS TO THE BUDGET AND MASTER FEE SCHEDULE FOR THE 2012-13 FISCAL YEAR

RESOLUTION 12-79 - A RESOLUTION APPROVING AMENDMENTS TO THE POSITION DESCRIPTION FOR ADMINISTRATIVE SERVICES DIRECTOR

RESOLUTION 12-80 - APPROVAL OF AMENDMENTS TO SELECTED JOB SPECIFICATIONS, SELECTED SALARY RANGES AND STAFFING ALLOCATIONS FOR THE ECONOMIC DEVELOPMENT DIVISION

RESOLUTION 12-81 - APPROVAL OF AMENDMENTS TO THE ORGANIZATIONAL STRUCTURE, SELECTED JOB SPECIFICATIONS, SELECTED SALARY RANGES AND STAFFING ALLOCATIONS FOR PUBLIC WORKS AND COMMUNITY DEVELOPMENT

Bill Zenoni, Interim Finance Director, reviewed the staff report and a PowerPoint presentation.

Council and Staff discussed each section of the PowerPoint presentation.

Public Comment:

1. Robert Langston - Mr. Langston discussed concerns regarding renewable energy savings and the budget, concern regarding animal control fees and dog licensing fees. He was concerned of the burden the fees had on senior citizens.

Mayor Patterson and Staff discussed the need for an organizational chart of the City (all departments), confirmation that adopting this budget affirms conservative adjustments for revenue, clarification on CAC's request for \$4,000, clarification on the payback for the loan (there shall be a method that comes back - there should be a revisit of what the purpose of the fund is, along with the consideration of how to refund it over what time and what method), consideration of hardship for the proctor fee, and the possibility of considering a senior discount on the trapped animal removal fee.

Vice Mayor Campbell discussed concern regarding going forward with a study. Council Member Schwartzman suggested Staff come back to Council in a

reasonable amount of time with some fine-tuning to the study. Vice Mayor Campbell agreed that was acceptable.

Council discussed having Staff to come back with more detail on the study. Staff will come up with a scope of work and get input from Council on it.

Council gave direction to Staff to review a potential discount for seniors on designated fees for trapping animals, return to Council with an approach on how to repay the Intermodal Fund and/or reconsider the Intermodal Fund, and to return to Council with an organizational analysis/scope of work in phases.

On motion of Council Member Strawbridge, seconded by Council Member Schwartzman, Council adopted Resolution 12-78, on roll call by the following vote:

Ayes: Patterson, Strawbridge, Schwartzman, Campbell, Hughes

Noes: (None)

On motion of Council Member Strawbridge, seconded by Council Member Schwartzman, Council adopted Resolution 12-79, on roll call by the following vote:

Ayes: Patterson, Strawbridge, Schwartzman, Campbell, Hughes

Noes: (None)

On motion of Council Member Strawbridge, seconded by Council Member Schwartzman, Council adopted Resolution 12-80, on roll call by the following vote:

Ayes: Patterson, Strawbridge, Schwartzman, Campbell, Hughes

Noes: (None)

On motion of Council Member Strawbridge, seconded by Council Member Schwartzman, Council adopted Resolution 12-81, on roll call by the following vote:

Ayes: Patterson, Strawbridge, Schwartzman, Campbell, Hughes

Noes: (None)

VI. STUDY SESSION:

Mayor Patterson adjourned the Open Session at 8:17 p.m., and immediately called the Study Session to order.

A. DISCUSSION OF BOARDS AND COMMISSIONS AND REVIEW OF DRAFT SCOPE OF WORK

Brad Kilger, City Manager, reviewed the staff report.

Public Comment:

None

Council gave direction to Staff to proceed with phase one as described in the

staff report.

VII. ADJOURNMENT:

Mayor Patterson adjourned the Study Session at 8:29 p.m.

MINUTES OF THE
REGULAR MEETING – CITY COUNCIL
July 17, 2012

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. CLOSED SESSION:

A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9)

Name of Case: River Watch vs. City of Benicia

III. CONVENE OPEN SESSION:

Mayor Patterson called the open session to order at 7:04 p.m.

A. ROLL CALL

All Council Members were present.

B. PLEDGE OF ALLEGIANCE

Rona Leon led the Pledge of Allegiance.

C. REFERENCE TO THE FUNDAMENTAL RIGHTS OF PUBLIC

IV. ANNOUNCEMENTS/APPOINTMENTS/PRESENTATIONS/PROCLAMATIONS:

A. ANNOUNCEMENTS

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

Ms. McLaughlin reported the following actions taken during Closed Session meetings:

7/16/12 Closed Session meeting - No reportable action taken.

7/17/12 Closed Session meeting - Council received information from Staff and gave direction to Staff.

2. Openings on Boards and Commissions:

Mayor Patterson announced the openings.

Public Comment:

1. Kathy Kerridge clarified that there were two openings on the Community Sustainability Commission.

Vice Mayor Campbell noted there should be an opening on the Planning Commission.

Ms. Cardwell clarified that the openings reported included openings that Staff is still receiving applications for. However, people can apply for any commission at any time.

Vice Mayor Campbell discussed the need to advertise all board and commission openings.

Building Board of Appeals
2 full terms
Open Until Filled

SolTrans Public Advisory Committee
1 full term
Open Until Filled

Benicia Human Services Board
1 unexpired term 3 full terms
Open Until Filled

Economic Development Board
2 full terms
Open Until Filled

Historic Preservation Review Commission
2 full terms
Open Until Filled

Art and Culture Commission
2 unexpired terms
Open Until Filled

3. Mayor's Office Hours:

4. Benicia Arsenal Update: Verbal Update

Ms. McLaughlin and Mayor Patterson discussed the working groups that were being formed. The subcommittee met last week. They will continue to meet on a regular basis. Future meetings will be announced.

B. APPOINTMENTS

1. Appointment of Lois Requist as the new Poet Laureate.

RESOLUTION 12-82 - A RESOLUTION AFFIRMING THE POET LAUREATE COMMITTEE'S RECOMMENDED APPOINTMENT OF LOIS REQUIST AS THE NEW POET LAUREATE

On motion of Mayor Patterson, Council adopted Resolution 12-82, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, Strawbridge

Noes: (None)

C. PRESENTATIONS

1. Community Sustainability Commission Annual Report.

D. PROCLAMATIONS

1. In Recognition of Jeremiah Rice and Devin Stanovich.

V. ADOPTION OF AGENDA:

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

Ayes: Patterson, Schwartzman, Campbell, Hughes, Strawbridge

Noes: (None)

VI. OPPORTUNITY FOR PUBLIC COMMENT:

A. WRITTEN COMMENT

Two items were received (copies on file).

B. PUBLIC COMMENT

1. Dana Dean - Ms. Dean requested Council agendize the issue of the State of California suspending portions of the Brown Act that involve publications of notices and other things. Ms. McLaughlin discussed the Open Government Ordinance, which addresses Ms. Dean's concerns.

2. Larry Lamoreaux - Mr. Lamoreaux discussed concern regarding the traffic at

Benicia Middle School when children are being dropped off and picked up. Staff discussed the new Safe Routes to Schools plan.

3. Steve Goetz - Mr. Goetz discussed the upcoming 50th anniversary of the Benicia Bridge. He hoped the City of Benicia would have a modest celebration in honor of the anniversary.

VII. CONSENT CALENDAR:

Council pulled item VII.J for discussion.

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

Ayes: Patterson, Schwartzman, Campbell, Hughes, Strawbridge

Noes: (None)

A. APPROVAL OF MINUTES OF THE JUNE 19, 2012 MEETING

On motion of Council Member Hughes, seconded by Council Member Schwartzman, Council approved the minutes of the June 19, 2012 meeting, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, Strawbridge

Noes: (None)

B. RESOLUTION SETTING THE FISCAL YEAR 2012-13 SECURED TAX RATE FOR BONDED INDEBTEDNESS FOR THE REFUNDING GENERAL OBLIGATION BONDS, SERIES 2012

RESOLUTION 12-83 - A RESOLUTION SETTING THE FISCAL YEAR 2012-13 SECURED TAX RATES FOR THE REFUNDING GENERAL OBLIGATION BONDS, SERIES 2012

On motion of Council Member Hughes, seconded by Council Member Schwartzman, Council adopted Resolution 12-83, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, Strawbridge

Noes: (None)

C. DENIAL OF CLAIM AGAINST THE CITY BY JAMES AND KIRSTEN ALFRED AND REFERRAL TO INSURANCE CARRIER

On motion of Council Member Hughes, seconded by Council Member Schwartzman, Council approved the denial of claim against the City by James and Kirsten Alfred and referral to insurance carrier, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, Strawbridge

Noes: (None)

D. APPROVAL OF CHANGE ORDERS THAT EXCEED THE CONTRACT CHANGE LIMIT FOR THE WATER AND SEWER RATE STUDIES

RESOLUTION 12-84 - A RESOLUTION APPROVING CHANGE ORDERS IN THE AMOUNT OF \$13,000 AND \$10,000 FOR THE WATER AND SEWER RATE AND CONNECTION FEE STUDIES RESPECTIVELY, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE CHANGE ORDERS ON BEHALF OF THE CITY

On motion of Council Member Hughes, seconded by Council Member Schwartzman, Council adopted Resolution 12-84, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, Strawbridge

Noes: (None)

E. AWARD OF A LEGAL SERVICES CONTRACT FOR PROFESSIONAL SERVICES FOR THE ARBITRATION REGARDING THE BENICIA FIREFIGHTERS' ASSOCIATION GRIEVANCE

RESOLUTION 12-85 - A RESOLUTION AWARDED A CONSULTANT AGREEMENT FOR LEGAL SERVICES FOR THE BENICIA FIREFIGHTERS' GRIEVANCE ARBITRATION TO MEYERS NAVE FOR \$60,000 AND AUTHORIZING THE CITY ATTORNEY TO SIGN THE DOCUMENT ON BEHALF OF THE CITY

On motion of Council Member Hughes, seconded by Council Member Schwartzman, Council adopted Resolution 12-85, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, Strawbridge

Noes: (None)

F. APPROVAL OF AN UPDATE TO THE CITY'S WORKERS' COMPENSATION RESOLUTION

RESOLUTION 12-86 - A RESOLUTION PROVIDING FOR THE DELEGATION OF AUTHORITY TO THE CITY MANAGER OR APPROPRIATE DESIGNEE TO INVESTIGATE AND RESOLVE WORKERS' COMPENSATION CLAIMS AGAINST THE CITY OF BENICIA

On motion of Council Member Hughes, seconded by Council Member Schwartzman, Council adopted Resolution 12-86, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, Strawbridge

Noes: (None)

G. ACCEPTANCE OF THE 2012 STREET REPAIR & RESURFACING PROJECT

RESOLUTION 12-87 - A RESOLUTION ACCEPTING THE 2012 STREET REPAIR AND RESURFACING PROJECT AS COMPLETE INCLUDING

CHANGE ORDER NOS. 1 THROUGH 3, APPROVING CHANGE ORDER NO. 3 IN THE AMOUNT OF \$19,946.78, AUTHORIZING THE CITY MANAGER TO SIGN THE NOTICE OF COMPLETION, AND AUTHORIZING THE CITY CLERK TO FILE THE SAME WITH THE SOLANO COUNTY RECORDER

On motion of Council Member Hughes, seconded by Council Member Schwartzman, Council adopted Resolution 12-87, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, Strawbridge

Noes: (None)

- H. APPROVAL OF THE AMENDED AND RESTATED BENICIA MARINA HOMEOWNERS ASSOCIATION DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS (CC&RS) AND THE INSURANCE COVERAGE AGREEMENT REQUIRING THE ASSOCIATION TO NAME THE CITY AS ADDITIONAL INSURED**

RESOLUTION 12-88 - A RESOLUTION APPROVING THE AMENDED AND RESTATED BENICIA MARINA HOMEOWNERS ASSOCIATION DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS (CC&Rs) AND THE INSURANCE COVERAGE AGREEMENT REQUIRING THE ASSOCIATION TO NAME THE CITY AS ADDITIONAL INSURED

On motion of Council Member Hughes, seconded by Council Member Schwartzman, Council adopted Resolution 12-88, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, Strawbridge

Noes: (None)

- I. APPROVAL OF SECOND AMENDMENT TO MEMORANDUM OF UNDERSTANDING ON PROVISION OF ANIMAL CARE SERVICES**

RESOLUTION 12-89 - A RESOLUTION APPROVING A SECOND AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF BENICIA, DIXON, FAIRFIELD, RIO VISTA, SUISUN CITY, VACAVILLE AND VALLEJO WITH SOLANO COUNTY TO PROVIDE ANIMAL CARE SERVICES, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AMENDMENT ON BEHALF OF THE CITY

On motion of Council Member Hughes, seconded by Council Member Schwartzman, Council adopted Resolution 12-89, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, Strawbridge

Noes: (None)

- J. INTRODUCTION OF AN ORDINANCE AMENDING THE MEETING TIME FOR THE COMMUNITY SUSTAINABILITY COMMISSION**

ORDINANCE 12- - AN ORDINANCE AMENDING CHAPTER 2.108 (COMMUNITY SUSTAINABILITY COMMISSION) OF TITLE 2

(ADMINISTRATION AND PERSONNEL) OF THE BENICIA MUNICIPAL CODE

Vice Mayor and Staff discussed the reasons for the meeting time change. There was a unanimous request from the commission members. The last two meetings started at 6:00 and it seemed to work out fine.

Public Comment:

None

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

Ayes: Patterson, Schwartzman, Campbell, Hughes, Strawbridge

Noes: (None)

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

VIII. BUSINESS ITEMS:

- A. RESOLUTION OF INTENTION AND INTRODUCTION OF AN ORDINANCE AMENDING THE CONTRACT BETWEEN THE CITY OF BENICIA AND PUBLIC EMPLOYEES' RETIREMENT SYSTEM FOR MISCELLANEOUS EMPLOYEES TO PROVIDE SECTION 21353 (2% AT 60 FORMULA) AND SECTION 20037 (THREE-YEAR FINAL COMPENSATION)**

RESOLUTION 12-90 - A RESOLUTION APPROVING AN AMENDMENT TO CONTRACT BETWEEN THE BOARD OF ADMINISTRATION CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM AND CERTIFYING THE REQUIRED MEMBER CONTRIBUTION RATE

ORDINANCE 12- - AN ORDINANCE OF THE CITY OF BENICIA AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY COUNCIL AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM

Anne Cardwell, Administrative Services Director, reviewed the staff report.

Public Comment:

None

On motion of Council Member Hughes, seconded by Council Member Schwartzman, Council adopted Resolution 12-90, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, Strawbridge

Noes: (None)

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

Ayes: Patterson, Schwartzman, Campbell, Hughes, Strawbridge

Noes: (None)

B. APPROVE THE EXTENSION TO THE JULY 1, 2010 TO JUNE 30, 2012 AGREEMENT BETWEEN THE CITY OF BENICIA AND BENICIA POLICE OFFICERS ASSOCIATION

RESOLUTION 12-91 - A RESOLUTION APPROVING CONTRACT EXTENSION AGREEMENT TO THE JULY 1, 2010 TO JUNE 30, 2012 AGREEMENT WITH BENICIA POLICE OFFICERS ASSOCIATION

Anne Cardwell, Administrative Services Director, reviewed the staff report.

Public Comment:

None

On motion of Council Member Schwartzman, seconded by Council Member Hughes, Council adopted Resolution 12-91, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, Strawbridge

Noes: (None)

C. APPROVAL OF A DONOR AGREEMENT BETWEEN THE CITY OF BENICIA AND THE STATE OF CALIFORNIA TO SUPPORT KEY SERVICES AT THE BENICIA STATE RECREATION AREA

Mario Giuliani, Acting Economic Development Director, reviewed the staff report. He noted the language change in the proposed agreement regarding 'Memorandum of Understanding (MOU).'

Public Comment:

1. Bart Johnson - Mr. Johnson discussed the need to keep the park open, safe, and protected.
2. Roy Stutzman - Mr. Stutzman spoke in support of the proposed MOU.
3. Bob Berman - Mr. Berman spoke in support of the proposed MOU. He urged the City to come up with a 2-year operating plan.
4. Ramon Castellblanch - Mr. Castellblanch spoke in support of the proposed MOU. He supported the ideas of a 2-year plan, forming a subcommittee, finding a way to produce revenues, and holding other county members accountable for assistance.
5. Carol Berman - Ms. Berman spoke in support of the proposed MOU.
6. Susan Lind - Ms. Lind spoke in support of the proposed MOU.

Council Member Schwartzman expressed support for the MOU.

Vice Mayor Campbell expressed support for the MOU. He would like to have a 2-year plan. He discussed getting approval from the State to allow volunteers to address vandalism.

Mayor Patterson and Staff discussed the issue of vandalism and the issue of liability for the volunteers. She discussed the email she sent to the City Manager (copy on file) regarding suggestions including ways to improve communication, collaboration, and cooperation. She and Staff discussed the suggestion of collecting revenue (possibly a credit card machine) for entrance to the park.

Vice Mayor Campbell thought the Benicia State Parks Association was a sufficient subcommittee. He preferred using a volunteer group to assist in the upkeep of the park, as it limited the City's liability.

Mr. Berman discussed the current focus and responsibilities of the Benicia State Park's Association. They have not been negotiating with the State with respect to the Benicia State Recreation Area. If the volunteers were not sanctioned by the State, the City would be liable for them.

Council Member Schwartzman and Mayor Patterson discussed the issue of forming a subcommittee. Council Member Schwartzman encouraged citizens to write their legislators with concerns regarding the State Recreation Area (SRA). He discussed the need to make people aware that they could donate or volunteer.

Belinda Smith stated that Supervisor Seifert's willingness to participate or help out in the City's efforts with the SRA.

Mayor Patterson gave direction to Staff to come back with some options that Council could discuss and take action on at the next Council meeting.

On motion of Council Member Schwartzman, seconded by Council Member Strawbridge, Council approved the Memorandum of Understanding between the City of Benicia and the State of California to support key services at the Benicia State Recreation Area, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, Strawbridge

Noes: (None)

- D. APPROVE A RESOLUTION AWARDING A CONTRACT TO CIVITAS ADVISORS TO ASSIST IN FORMATION OF A BUSINESS IMPROVEMENT DISTRICT AND AUTHORIZING THE CITY MANAGER TO SIGN THE CONTRACT ON BEHALF OF THE CITY**

RESOLUTION 12-92 – A RESOLUTION AWARDING A PROFESSIONAL SERVICES CONSULTANT CONTRACT TO CIVITAS ADVISORS OF

SACRAMENTO, CALIFORNIA IN THE AMOUNT NOT TO EXCEED \$19,000 AND AUTHORIZING THE CITY MANAGER TO SIGN THE CONTRACT ON BEHALF OF THE CITY

Mario Giuliani, Acting Economic Development Director, reviewed the staff report.

Public Comment:

1. Laurie Key - Ms. Key spoke in support of the proposed contract.
2. Eric Martinez - Mr. Martinez spoke in support of the proposed contract.
3. Tom Hamilton - Mr. Hamilton spoke in support of the proposed contract.
4. Leah Shellhorn - Ms. Shellhorn spoke in support of the proposed contract.
5. Carl Lucca - Mr. Lucca spoke in support of the proposed contract.

Vice Mayor Campbell and Staff discussed the issue of the installation of new lights.

Council Member Schwartzman made a motion to approve the Resolution. Vice Mayor Campbell seconded the motion.

Vice Mayor Campbell and Staff discussed the possibility of who might have a conflict of interest due to location on First Street. After a short discussion, Ms. McLaughlin confirmed that Council Members Campbell, Strawbridge, and Schwartzman would have a conflict due to their businesses/homes near the BID.

Council Member Schwartzman withdrew his motion to approve the Resolution.

Ms. McLaughlin had Council Members Campbell, Schwartzman, and Strawbridge draw cards (she had Ace, King, and Queen cards) to see who could participate in the vote on the resolution. Council Members Schwartzman and Strawbridge would abstain from voting on the Resolution.

On motion of Vice Mayor Campbell, seconded by Council Member Hughes, Council adopted Resolution 12-92, on roll call by the following vote:

Ayes: Patterson, Campbell, Hughes

Noes: (None)

E. ALLOCATION OF \$293,653 OF VALERO/GOOD NEIGHBOR STEERING COMMITTEE SETTLEMENT AGREEMENT FUNDS FOR A RESIDENTIAL WATER/ENERGY SAVINGS PROGRAM

RESOLUTION 12-93 - A RESOLUTION APPROVING THE GRANT FUNDING REQUEST FROM WATTZON FOR A BENICIA RESIDENTIAL WATER SAVINGS PROGRAM IN THE AMOUNT OF \$293,653 AND AUTHORIZING THE CITY MANAGER TO SIGN THE CONTRACT ON BEHALF OF THE CITY

Mayor Patterson noted that there was a citizen request to continue this item.

Charlie Knox, Community Development Director, reviewed the staff report.

Vice Mayor Campbell and Staff discussed the issue of cost accountability (audits).

Council Member Hughes and Staff discussed how to measure the success of the program, and whether the program provided recommendations only or solutions as well.

Mayor Patterson and Ms. Amron discussed to what extent they were using the California Urban Water Conservation Practices reference manual (they had developed the water audit based on the best practices from the Bay Area Water Resources Council). They discussed the need for developing performance measures to distinguish performance measures between indoor water efficiency and outdoor water conservation.

Public Comment:

1. Dana Dean, Good Neighbor Steering Committee - Ms. Dean discussed the reasons for her request to continue this item.

Council Member Schwartzman, Staff, and Ms. Dean discussed the funds that were available/received in 2010, 2011, and 2012, and what problems continuing this item might cause.

Council Member Hughes discussed the issue of an early payment received from Valero, and support for proceeding with this item.

Vice Mayor Campbell suggested adding 'subject to funds available' He made a motion to approve the Resolution with the language change. Council Member Hughes seconded the motion.

Ms. Dean asked for a point of order. She noted that the public comment had not been closed. Mayor Patterson agreed, and the maker and seconder withdrew their motions.

2. Mary Frances Kelly Poh - Ms. Kelly Poh expressed support for the continuation of this item. She agreed with the suggestion of adding language 'subject to available funds' if Council decides to proceed.

Vice Mayor Campbell clarified the language change would include 'subject to an accounting, and available funds.'

On motion of Vice Mayor Campbell, seconded by Council Member Hughes, Council adopted Resolution 12-93, as amended, on roll call by the following vote:
Ayes: Patterson, Schwartzman, Campbell, Hughes, Strawbridge
Noes: (None)

F. CLIMATE ACTION PLAN COORDINATOR PRIORITIES

RESOLUTION 12-94 - A RESOLUTION APPROVING THE CLIMATE ACTION PLAN COORDINATOR PRIORITIES, AS RECOMMENDED BY THE COMMUNITY SUSTAINABILITY COMMISSION

Charlie Knox, Community Development Director, reviewed the staff report.

Mayor Patterson and Staff discussed the Green Team.

Council Member Hughes discussed the issues of staff time and the need for more detail regarding funding.

Vice Mayor Campbell and Staff discussed the need to have incentives for residential grey water recycling.

Public Comment:

None

Mayor Patterson clarified that the motion was to approve the Resolution, as recommended by the CSC, and informed by future reports that iterate staff time, the funding source and cost, and the extent to which, if at all, savings in energy would take care of those costs. Staff should report back to Council (at a later time) those incentives for residential grey water (why, how, and permits).

On motion of Council Member Hughes, seconded by Council Member Strawbridge, Council adopted Resolution 12-94, on roll call by the following vote:
Ayes: Patterson, Schwartzman, Campbell, Hughes, Strawbridge
Noes: (None)

G. GENERAL PLAN ANNUAL PROGRESS REPORT TO THE STATE OF CALIFORNIA

Charlie Knox, Community Services Director, reviewed the staff report.

Mayor Patterson discussed the BID being a recommended plan in the General Plan. She discussed the goals and policies in the transit section - the references are incorrect because of the integration of SolTrans. She would like to have the corrections made before it goes to the State. She would like to see the citing of the General Plan in future staff reports.

Public Comment

1. Dana Dean, Amports - Ms. Dean discussed concern regarding a statement in the report regarding 'completed' buffer zones. She would like the report to reflect 'ongoing' issue that needs diligent pursuit. She would like there to be a reference to 'continued consideration of protecting the Industrial Park from

incompatible uses.'

Mayor Patterson clarified that the motion would be to include the requested change regarding the transit language, and to change the buffer zone item from 'completed' to 'ongoing', and adding a reference to compatible uses in the Industrial Park.

On motion of Council Member Schwartzman, seconded by Council Member Hughes, Council approved the General Plan Annual Progress Report to the State of California, as amended, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, Strawbridge

Noes: (None)

H. Council Member Committee Reports:

- 1. Mayor's Committee Meeting. (Mayor Patterson) Next Meeting Date: August 15, 2012**
- 2. Association of Bay Area Governments (ABAG) <http://www.abag.ca.gov/>. (Mayor Patterson and Council Member Strawbridge) Next Meeting Date: Fall Assembly, October 18, 2012**
- 3. Finance, Audit and Budget Committee. (Vice Mayor Campbell and Council Member Strawbridge) Next Meeting Date: July 27, 2012**
- 4. League of California Cities. <http://www.cacities.org/index.jsp> (Mayor Patterson and Vice Mayor Campbell) Next Meeting Date: July 19, 2012**
- 5. School Liaison Committee. (Council Members Strawbridge and Hughes) Next Meeting Date: September 13, 2012**
- 6. Sky Valley Open Space Committee. (Council Members Campbell and Schwartzman) Next Meeting Date: November 7, 2012**
- 7. Solano EDC Board of Directors. (Mayor Patterson and Council Member Strawbridge) Next Meeting Date: July 18, 2012**
- 8. Solano Transportation Authority (STA). <http://www.sta.ca.gov/> (Mayor Patterson and Council Member Schwartzman) Next Meeting Date: September 12, 2012**
- 9. Solano Water Authority-Solano County Water Agency and Delta Committee. <http://www.scwa2.com/> (Mayor Patterson and Council Member Schwartzman) Next Meeting Date: September 12, 2012**

10. **Traffic, Pedestrian and Bicycle Safety Committee. (Vice Mayor Campbell and Council Member Schwartzman) Next Meeting Date: July 19, 2012**
11. **Tri-City and County Regional Parks and Open Space. (Vice Mayor Campbell and Council Member Hughes) Next Meeting Date: September 10, 2012**
12. **Valero Community Advisory Panel (CAP). (Mayor Patterson and Council Member Hughes) Next Meeting Date: TBD**
13. **Youth Action Coalition. (Mayor Patterson, Council Member Strawbridge and Council Member Hughes) Next Meeting Date: August 22, 2012**
14. **ABAG-CAL FED Task Force-Bay Area Water Forum. <http://www.baywaterforum.org/> (Mayor Patterson) Next Meeting Date: TBD**
15. **SOLTRANS Joint Powers Authority (Mayor Patterson, Council Member Hughes and Council Member Schwartzman) Next Meeting Date: July 19, 2012**

IX. ADJOURNMENT:

Mayor Patterson adjourned the meeting to Closed Session at 10:03 p.m.

MINUTES OF THE
REGULAR MEETING – CITY COUNCIL
July 24, 2012

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

I. CALL TO ORDER:

Mayor Patterson called the meeting to order at 6:01 p.m.

II. CLOSED SESSION: WILL BE HELD DIRECTLY FOLLOWING THE OPEN SESSION AT APPROXIMATELY 7:00 P.M.

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

Mr. Kilger introduced Ms. Karan Reid, the City's new Finance Director.

1. Mayor's Office Hours:

B. APPOINTMENTS

- 1. Appointment of Council Member Alan Schwartzman to the City Council Appointment Sub Committee for a one-year term ending July 31, 2013.**

RESOLUTION 12-95 - A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF COUNCIL MEMBER ALAN SCHWARTZMAN TO A CITY COUNCIL APPOINTMENT SUBCOMMITTEE FOR A ONE-YEAR TERM ENDING JULY 31, 2013

On motion of Mayor Patterson, Council adopted Resolution 12-95, on roll call by

the following vote:

Ayes: Patterson, Strawbridge, Schwartzman, Campbell, Hughes

Noes: (None)

C. PROCLAMATIONS

1. In Recognition of National Night Out

V. ADOPTION OF AGENDA:

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

Ayes: Patterson, Strawbridge, Schwartzman, Campbell, Hughes

Noes: (None)

VI. OPPORTUNITY FOR PUBLIC COMMENT:

A. WRITTEN COMMENT

Two handouts (copies on file).

B. PUBLIC COMMENT

1. Susan Street - Ms. Street thanked Staff for the work that was done behind City Hall, as it improved the aesthetics of the area.

VII. BUSINESS ITEMS:

A. AMENDING MEETING LOCATION FOR REGULAR CITY COUNCIL MEETINGS AND THE APPOINTMENT PROCESS FOR COMMITTEES

ORDINANCE 12- - AN ORDINANCE AMENDING SUBSECTION OF SECTION 2.04.010 (MEETING TIME AND PLACE) OF CHAPTER 2.04 (CITY COUNCIL) OF TITLE 2 (ADMINISTRATION AND PERSONNEL) OF THE BENICIA MUNICIPAL CODE IS AMENDED TO DESIGNATE THE MEETING LOCATION FOR THE FOURTH TUESDAY REGULAR MEETINGS

RESOLUTION 12-96 - A RESOLUTION ADOPTING THE RULES OF PROCEDURE FOR THE CONDUCT OF CITY COUNCIL MEETINGS

Heather McLaughlin, City Attorney, reviewed the staff report.

Staff discussed changing language in the ordinance from 'shall' to 'may'.

Vice Mayor Campbell and Staff discussed the proposed meeting location change

(more informal workshop setting), concern regarding not video taping the fourth Tuesday meetings, and concern regarding the ranking process.

Council Member Hughes and Staff discussed support for the workshop setting for the fourth Tuesday meeting, as well as support for the proposed ranking process.

Council Member Schwartzman and Staff discussed support the informal workshop setting (remote video taping is too costly). He supported the proposed ranking system.

Staff clarified that the audio file of the fourth Tuesday meetings could be posted on the City's website and linked to the agenda.

Council Member Strawbridge expressed support for the location change for the fourth Tuesday meeting. She expressed support for putting the audio file of those meetings on the City's website.

Public Comment:

1. Constance Beutel - Ms. Beutel spoke in support of the proposed meeting location change for the fourth Tuesday meetings. She preferred the current appointment process as opposed to the proposed changes.
2. Susan Street - Ms. Street discussed the possibility of allowing the public to have input on what items are discussed at the fourth Tuesday workshop meetings.

Mayor Patterson stated that the audio files of the fourth Tuesday meetings should be linked to the agenda on the City's website. Staff will continue to look into ways of video taping the meetings that take place at the Community Center. Regarding the appointment process, she suggested continuing the item, and allow for community input. She expressed support for receiving comments from the appointment subcommittee members.

Council Member Hughes expressed support for the proposed changes.

Vice Mayor Campbell expressed concern regarding the ranking process.

Council Member Schwartzman expressed support for the proposed changes.

Mayor Patterson summarized the changes to the resolutions: changing the language from 'shall' to 'may', clarifying that any council member may interview candidates (and include a cautionary note about Brown Act). She wondered if it would be better to separate the ranking process from the action being taken (to be discussed later).

Staff clarified that one change was not mentioned was on page 35 (Section B - Membership Selection, deleting resolution 10-99. By making the proposed changes, it is no longer needed.

Mayor Patterson asked if there was a motion to make the changes to the proposed resolution, as well as separate the ranking process.

Council Member Hughes did not feel the need to separate the ranking process. He made a motion to approve the introduction of the ordinance. He also made a motion to approve the resolution with the following edits: changing 'shall' to 'may', changing the wording on the voting order (as requested by the Mayor, and removing the reference to resolution 10-99. Mayor Patterson asked if he would be willing to include her suggestion to add the sentence regarding 'any council member may interview a candidate.' Council Member Hughes agreed that would be part of the motion, providing that Staff would come up with some reasonable language.

Anne Cardwell, Administrative Services Director, reviewed the handout regarding the Board and Commission Openings Notification Process (July 24, 2012).

On motion of Council Member Hughes, seconded by Council Member Schwartzman, Council approved the Introduction and First reading of the above Ordinance, as amended, on roll call by the following vote:

Ayes: Patterson, Strawbridge, Schwartzman, Hughes

Noes: Campbell

On motion of Council Member Hughes, seconded by Council Member Schwartzman, Council adopted Resolution 12-96, as amended, on roll call by the following vote:

Ayes: Patterson, Strawbridge, Schwartzman, Hughes

Noes: Campbell

VIII. CLOSED SESSION:

A. CONFERENCE WITH LABOR NEGOTIATOR (Government Code Section 54957.6 (a))

Agency negotiators: City Manager, Administrative Services Director

Employee organization: Benicia Firefighters Association (BFA).

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

Title: City Attorney.

C. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

(Subdivision (b) of Government Code Section 54957)

Title: City Manager.

IX. ADJOURNMENT:

Mayor Patterson adjourned the meeting to Closed Session at 6:54 p.m.

AGENDA ITEM
CITY COUNCIL MEETING DATE - AUGUST 21, 2012
CONSENT CALENDAR

DATE : July 9, 2012
TO : City Council
FROM : City Attorney
SUBJECT : **AMENDING THE CITY'S CONFLICT OF INTEREST CODE**

RECOMMENDATION:

Adopt the resolution amending the City's conflict of interest code.

EXECUTIVE SUMMARY:

The City is required to review its conflict of interest code every two years to determine if it needs to be updated. Staff has reviewed the conflict of interest code and has determined that amendments are needed. Changes include updating the designated positions to reflect current job titles and disclosure categories to reflect the economic interest related to the position.

BUDGET INFORMATION:

There is no impact on the City's budget.

GENERAL PLAN:

N/A

STRATEGIC PLAN:

N/A

BACKGROUND:

The California Political Reform Act provides that "no public official at any level of state or local government shall make, participate in making, or in any way attempt to use his official position to influence a governmental decision in which he knows or has reason to know he has a financial interest." (Government Code section 87100.) Certain public officials are required to disclose economic interests that could be impacted by the officials' decisions. Whether the official is required to disclose their economic interests is determined by their position being listed in either Government Code section 87200 or the local agency's conflict of interest code. Positions such as the City Council Members, City Treasurer, Planning Commissioners, City Manager, City Attorney, Finance Director and Assistant Finance Director are listed in Government Code section 87200 and so are not listed in the City's conflict of interest code.

Each local agency is required to adopt a conflict of interest code to cover positions that are not listed in Government Code section 87200. The Political Reform Act allows agencies to adopt the provisions of Title 2 California Code of Regulations section 18730. In 1990, the City adopted these provisions and designated "employees" subject to the disclosure provisions. These employees have positions that make or participate in making governmental decisions that may have a material effect on financial interests. These employees are required to disclose various types of financial interests that may be impacted by decisions made by them.

State law requires the City to review its conflict of interest code every two years to make sure that it designates the correct positions and disclosure categories. Staff has reviewed the code and suggested the attached changes. Changes include updating the designated positions to reflect current job titles and disclosure categories to reflect economic interest related to the position. Please see the redlined copy of Appendix A for details. You will note that proposed code includes some positions such as the deputy city attorney are not currently filled by an employee. This allows the city not to have to amend the code every time a position is added or removed.

Several new positions have been added to Appendix A. For example the library managers have been added since they have the ability to act on behalf of the director in her absence; and the management analyst in the police department has also been added since other analysts are included and since this position has decision-making powers.

You will note that some of the changes to Appendix A involve changing the disclosure categories. The categories have also been given a shorthand title for ease of reference. When the code was reviewed it was noted that some disclosure categories better fit the position. See, for example, the Fire Department positions of division chief and fire marshal. The disclosure category for the management analyst in the Community Development Department has been changed from 3 to 2 to better match her job duties.

It is important to note that an employee or official may still have a conflict of interest and have to disqualify him or herself from participating in a decision even though the conflict of interest code does not require that particular interest to be disclosed. A prime example is the employee or official's residence.

Following adoption of the proposed revisions, the Code will be amended and become effective.

VII.B.2

Attachments:

- Resolution Amending the City's Conflict of Interest Code
- Redlined Version of Appendix A

RESOLUTION NO. 12-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA AMENDING THE CITY'S CONFLICT OF INTEREST CODE

WHEREAS, the Political Reform Act of 1974, Government Code section 87100 et seq., requires state and local government agencies to adopt and promulgate conflict of interest codes; and

WHEREAS, the Fair Political Practices Commission has adopted a regulation at Title 2 California Code of Regulations section 18730 which contains terms of a standard conflict of interest code; and

WHEREAS, the standard conflict of interest code may be adopted by reference by the City; and

WHEREAS, the City Council adopted the standard conflict of interest code by Resolution No. 90-200; and

WHEREAS, the City Council now desires to amend its Conflict of Interest Code by amending Appendix A that designates the positions required to file conflict of interests disclosure forms.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Benicia that:

- 1) Appendix A to the City of Benicia Conflict of Interest Code, adopted by the City Council in Resolution No. 90-200, is amended in its entirety as set forth in the attachment to this resolution.
- 2) All other provisions of the City of Benicia Conflict of Interest Code shall remain in full force and effect.

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 21st day of August, 2012 and adopted by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk

Appendix A

CONFLICT OF INTEREST CODE
for the
CITY OF BENICIA

<u>DESIGNATED POSITION</u>	<u>DISCLOSURE CATEGORY</u>
<u>ADMINISTRATIVE SERVICES</u> ¹	
Administrative Services Director	1
Human Resources Director	1
Human Resources Manager	1
Economic Development Manager I/II	1
IT Manager	3
Sr. Human Resources Analyst	2
IT Analyst II	3
Management Analyst	2
<u>CITY ATTORNEY'S OFFICE</u> ¹	
Deputy City Attorney	1
<u>COMMUNITY DEVELOPMENT DEPARTMENT</u>	
Director	1
Principal Planner	1
Senior Planner	1
Associate Planner	1
Assistant Planner	1
Building Official	5
Building Inspector	5
Development Services Technician	5
Management Analyst	2
<u>FINANCE DEPARTMENT</u> ¹	
<u>FIRE DEPARTMENT</u>	
Chief	1
Division Chief	5
Fire Marshal	5

¹ The following positions are required by statute (see Gov. Code §§ 87200-87209) to disclose investments, any business entity in which the filer is a director, officer, partner, trustee, employee or holds any position of management, interests in real property, and income (including gifts and loans): members of planning commissions, mayors, city managers, city attorneys, city treasurers, chief administrative officers, members of city councils, other public officials who manage public investments, and candidates for any of these offices. These "87200 filers" are not designated in the Code.

LIBRARY

Library Director	1
Library Manager	2

PARKS and COMMUNITY SERVICES DEPARTMENT

Director	1
Community Services Superintendent	2
Parks and Building Maintenance Superintendent	2
Management Analyst	2

POLICE DEPARTMENT

Chief	1
Lieutenant	2
Management Analyst	2
IT Analyst II	3

PUBLIC WORKS DEPARTMENT

Director	1
Assistant Public Works Director/Utilities Manager	1
Principal Engineer	2
Senior Civil Engineer	4
Maintenance Superintendent	2
Water Plant Superintendent	2
Management Analyst	2

COMMISSIONS¹

Design Review Commission	1
Historic Preservation Review Commission	1
Open Government Commission	1

CONSULTANTS

See Page 6

RETIRED ANNUITANTS

See Page 6

¹ The following positions are required by statute (see Gov. Code §§ 87200-87209) to disclose investments, any business entity in which the filer is a director, officer, partner, trustee, employee or holds any position of management, interests in real property, and income (including gifts and loans): members of planning commissions, mayors, city managers, city attorneys, city treasurers, chief administrative officers, members of city councils, other public officials who manage public investments, and candidates for any of these offices. These “87200 filers” are not designated in the Code.

DISCLOSURE CATEGORIES

The disclosure categories are based upon the Fair Political Practices Commission's Form 700. For example, if you are required to disclose investments and sources of income, you must disclose investments and sources of income that are located in or; doing business in the City, are planning to do business in the City, or that have done business during the previous two years in the City.

Please note the following:

- Gifts are reportable regardless of the location of the donor. For example, a state agency official with full disclosure must report gifts from sources located outside of California. (Designated employees should consult their disclosure categories to determine if the donor of a gift is of the type that must be disclosed.)
- For reporting interests in real property, property is considered to be located within the City's jurisdiction if any part of the property is located in, or within two miles of, the City or if the property is located within two miles of any land owned or used by the City. Property within the City's jurisdiction must be reported as noted.

Please review the individual Fair Political Practices regulations and Form 700 instructions for a detailed explanation of the rules.

Category 1 **(Broadest Category)**

Persons in this category must disclose all investments, any business entity in which the filer is a director, officer, partner, trustee, employee or holds any position of management, all interests in real property, and all sources of income (including gifts and loans).

Category 2 **(Suppliers, Contractors, Equipment, Etc. Used by Department and Property)**

Persons in this category must disclose all investments, any business entity in which the filer is a director, officer, partner, trustee, employee or holds any position of management, and income (including gifts and loans) from sources that provide services, supplies, materials, machinery or equipment of the type utilized by the person's Department, and all interests in real property.

Category 3 **(Computer Consultants or Equipment Related)**

Persons in this category must disclose investments, any business entity in which the filer is a director, officer, partner, trustee, employee or holds any position of management, and income (including gifts and loans) from sources that provide, supply, manufacture or service computer hardware or software of the type utilized by the City.

Category 4
(Transportation Related Services)

Persons in this category must disclose investments, any business entity in which the filer is a director, officer, partner, trustee, or employee or holds any position of management, and income (including gifts and loans) from sources that provide transportation services subject to the review or approval of the City and all interests in real property.

Category 5
(Planning, Architectural, Building, Fire Related Inspection or Review and Property)

Persons in this category must disclose investments, any business entity in which the filer is a director, officer, partner, trustee, employee or holds any position of management, and income (including gifts and loans) from sources that provide planning, architectural, building, or fire services including inspection subject to the review or approval of the Public Works Department, Community Development Department or Fire Department, and all interests in real property.

Consultants

Consultants shall be included in the list of designated employees and shall disclose pursuant to Category 1, subject to the following limitation:

The City Manager may determine in writing that a particular consultant, although a “designated position,” is hired to perform a range of duties that is limited in scope and thus is not required to file under Category 1. Such written determination shall include a description of the consultant’s duties and, based upon that description, a statement of the extent of alternate disclosure requirements. The City Manager's determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

Retired Annuitants

Retired annuitants who are appointed to positions corresponding to categories listed in this Code shall disclose under that position’s category.

Appendix A

CONFLICT OF INTEREST CODE
for the
CITY OF BENICIA
(Redlined)

<u>DESIGNATED POSITION</u>	<u>DISCLOSURE CATEGORY</u>
<u>ADMINISTRATIVE SERVICES</u> ¹	
Administrative Services Director	1
<u>Human Resources Director</u>	<u>1</u>
Human Resources Manager	1
Economic Development Manager <u>I/II</u>	1
IT Manager	3
<u>Sr. Human Resources Analyst</u>	<u>2</u>
IT Analyst II	3
<u>Management Analyst</u>	<u>2</u>
<u>CITY ATTORNEY'S OFFICE</u> ¹	
Deputy City Attorney	1
<u>COMMUNITY DEVELOPMENT DEPARTMENT</u>	
Director	1
Land Use and Engineering Manager	4
Principal Planner	1
Senior Planner	1
Associate Planner	1
Assistant Planner	1
Building Official	5
Building Inspector	5
Development Services Technician	5
Management Analyst	<u>2</u>
<u>FINANCE DEPARTMENT</u> ¹	
<u>FIRE DEPARTMENT</u>	
Chief	1

¹ The following positions are required by statute (see Gov. Code §§ 87200-87209) to disclose investments, any business entity in which the filer is a director, officer, partner, trustee, employee or holds any position of management, interests in real property, and income (including gifts and loans): members of planning commissions, mayors, city managers, city attorneys, city treasurers, chief administrative officers, members of city councils, other public officials who manage public investments, and candidates for any of these offices. These "87200 filers" are not designated in the Code.

Division Chief	<u>5</u>
Fire Marshal	<u>5</u>
<u>LIBRARY</u>	
Library Director	1
<u>Library Manager</u>	2
<u>PARKS and COMMUNITY SERVICES DEPARTMENT</u>	
Director	1
Assistant Director	4
Community Services Superintendent	2
Parks and Building Maintenance Superintendent	2
Management Analyst	2
<u>POLICE DEPARTMENT</u>	
Chief	1
Deputy Chief	4
Lieutenant	2
Management Analyst	2
<u>IT Analyst II</u>	<u>3</u>
<u>PUBLIC WORKS DEPARTMENT</u>	
Director	1
Assistant Public Works Director/Utilities Manager	1
<u>Principal Engineer</u>	<u>2</u>
Senior Civil Engineer	4
Maintenance Superintendent	2
Water Plant Superintendent	2
Management Analyst	2
<u>COMMISSIONS¹</u>	
Design Review Commission	1
Historic Preservation Review Commission	1
Open Government Commission	1
<u>CONSULTANTS</u>	See Page 6
<u>RETIRED ANNUITANTS</u>	See Page 6

¹ The following positions are required by statute (see Gov. Code §§ 87200-87209) to disclose investments, any business entity in which the filer is a director, officer, partner, trustee, employee or holds any position of management, interests in real property, and income (including gifts and loans): members of planning commissions, mayors, city managers, city attorneys, city treasurers, chief administrative officers, members of city councils, other public officials who manage public investments, and candidates for any of these offices. These “87200 filers” are not designated in the Code.

DISCLOSURE CATEGORIES

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Please note the following:

- Gifts are reportable regardless of the location of the donor. For example, a state agency official with full disclosure must report gifts from sources located outside of California. (Designated employees should consult their disclosure categories to determine if the donor of a gift is of the type that must be disclosed.)
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Category 1 **(Broadest Category)**

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Persons in this category must disclose all investments, any business entity in which the filer is a director, officer, partner, trustee, employee or holds any position of management, and income (including gifts and loans) from sources that provide services, supplies, materials, machinery or equipment of the type utilized by the person's Department, and all interests in real property.

Category 3 **(Computer Consultants or Equipment Related)**

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Category 4
(Transportation Related Services)

Persons in this category must disclose investments, any business entity in which the filer is a director, officer, partner, trustee, employee or holds any position of management, and income (including gifts and loans) from sources that provide transportation services subject to the review or approval of the City and all interests in real property.

Category 5
(Planning, Architectural, Building, Fire Related Inspection or Review and Property)

Persons in this category must disclose investments, any business entity in which the filer is a director, officer, partner, trustee, employee or holds any position of management, and income (including gifts and loans) from sources that provide planning, architectural, building, or fire services including inspection subject to the review or approval of the Public Works Department, Community Development Department or Fire Department, and all interests in real property.

Consultants

Consultants shall be included in the list of designated employees and shall disclose pursuant to Category 1, subject to the following limitation:

The City Manager may determine in writing that a particular consultant, although a “designated position,” is hired to perform a range of duties that is limited in scope and thus is not required to file under Category 1. Such written determination shall include a description of the consultant’s duties and, based upon that description, a statement of the extent of alternate disclosure requirements. The City Manager's determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

Retired Annuitants

Retired annuitants who are appointed to positions corresponding to categories listed in this Code shall disclose under that position’s category.

AGENDA ITEM
CITY COUNCIL MEETING DATE - AUGUST 21, 2012
CONSENT CALENDAR

DATE : August 14, 2012

TO : City Manager

FROM : Administrative Services Director

SUBJECT : **APPROVE THE HUMAN RESOURCES ANALYST I/II JOB DESCRIPTION**

RECOMMENDATION:

Adopt the resolution approving the Human Resources Analyst I/II job description and amending the City's classification plan to add the position.

EXECUTIVE SUMMARY:

On June 26, 2012, the City Council approved amendments to the 2012-13 budget, which included the addition of an allocation to Human Resources for a Human Resources Analyst. The Civil Service Commission approved the proposed job specification on August 14, 2012, and the next step is to obtain City Council approval.

BUDGET:

There is no additional cost to the City associated with the requested action.

STRATEGIC PLAN:

Relevant Strategic Plan Issues and Strategies:
N/A

BACKGROUND:

On June 26, 2012, the City Council approved amendments to the 2012-13 budget, which included an allocation to Human Resources for a Human Resources Analyst I/II position. The City did not have an active job specification for this position, so one was developed by HR staff and brought to the Civil Service Commission for their consideration on August 14, 2012. The Civil Service Commission reviewed and recommended City Council approval of the proposed job specification and so the next step is to obtain City Council approval.

Attachments:

- Resolution
- Human Resources Analyst I/II Job Description

RESOLUTION NO. 12-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING THE HUMAN RESOURCES ANALYST I/II JOB DESCRIPTION AND AMENDING THE CITY'S CLASSIFICATION PLAN TO ADD THE POSITION

WHEREAS, on June 26, 2012, the City Council approved amendments to the 2012-13 budget, which included an allocation for a Human Resources Analyst I/II; and

WHEREAS, the City does not currently have an active job specification for this position; and

WHEREAS, a Human Resources Analyst I/II job description was drafted by staff and agendized for review by the Civil Service Commission; and

WHEREAS, the Civil Service Commission reviewed and recommended City Council approval of the job description on August 14, 2012.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Benicia hereby approves the proposed Human Resources Analyst I/II job description and amends the City's classification plan to add the position.

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 21st day of August, 2012 and adopted by the following vote.

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk



CITY OF BENICIA HUMAN RESOURCES ANALYST I/II

DEFINITION:

To perform professional human resources work in a variety of areas including recruitment and examination, employee and labor relations, classification and compensation, training and development, workers' compensation, and benefits administration; to provide administrative support to higher level Human Resources Department staff; and, to perform other related duties as assigned.

DISTINGUISHING CHARACTERISTICS:

Human Resources Analyst I – This is the entry level class in the professional human resources analyst series that allows the incumbent to develop journey level knowledge and abilities. The incumbent is not expected to perform with the same independence of action and judgment on matters allocated to the journey level. Initially, under immediate supervision, the incumbent performs the more routine and less complex human resources assignments. As experience is gained, there is greater independence of action within established guidelines.

Human Resources Analyst II - This is the journey level classification in the professional human resources analyst series in which incumbents are expected to independently perform the full range of complex, technical and administrative human resources activities. The incumbent receives only occasional instruction or assistance as new or unusual situations arise and is fully aware of the operating procedures and policies of the division.

The Human Resources Analyst I is flexibly staffed with Human Resources Analyst II. Based on the needs of the City, the Human Resources Analyst I may advance to the higher classification upon gaining experience and demonstrating a level of proficiency that meets the qualification requirements of the higher-level class.

SUPERVISION RECEIVED AND EXERCISED:

Human Resources Analyst I

Receives supervision from an assigned supervisor.

May exercise technical and functional supervision over technical and administrative support personnel.

Human Resources Analyst II

Receives direction from assigned manager or supervisor.

May exercise direct supervision over technical and administrative support personnel.

REPRESENTATIVE DUTIES. The representative duties listed include essential and marginal functions of the classifications. Individuals with disabilities will be considered for placement into positions in this class based upon an assessment of the essential functions of the particular position. Duties may include, but are not limited to, the following:

Conduct recruitment activities including job analysis and establishing selection criteria; develop, administer and evaluate recruitment strategies, selection instruments, examination materials and processes, and establish and refer eligibility lists.

Perform job audits and analyses of individual positions, classifications and series; prepare and revise class specifications; prepare reports of findings; and make recommendations regarding position allocation and/or incumbent reclassification as appropriate.

Assist in or conduct salary and benefit surveys; analyze data and make recommendations.

Assist and participate in meet and inform or meet and confer sessions with employee groups and union representatives regarding class descriptions and salary recommendations and other human resources activities.

Prepare or assist in the preparation of agenda items and supporting materials for the Civil Service Commission and the City Council.

Assist in the development, implementation and evaluation of new or revised human resources policies, procedures, and programs.

Provide technical support to and participate in collective bargaining with employee groups including conducting cost analyses and preparing reports and agreements.

Assist in the development and presentation of human resources training programs.

Provide administrative assistance on various employee benefit programs including assisting employees in filing claims for benefits; interacting with benefit plan providers to resolve coverage and claims issues; evaluating requests for FMLA benefits and tracking usage; and, assisting in open enrollment activities.

Serve as a resource to City managers, supervisors and employees, the public, and other agencies and City staff regarding human resources matters; interpret and explain human resources policies and regulations and related provide information as requested.

Research, collect, compile, and analyze complex data and statistical information from various sources.

Prepare or assist in the preparation of technical records and reports to present and interpret data, identify alternatives, and make and justify recommendations.

Oversee, coordinate and monitor human resources information and applicant tracking systems, procedures and processes.

Maintain confidential human resources records and files.

May conduct or assist in internal investigations and documentation of complaints.

May make public presentations on a variety of human resources topics.

Perform related duties as assigned.

QUALIFICATIONS:

Human Resource Analyst I

Knowledge of:

Basic principles and practices of human resources administration including recruitment and selection, classification and compensation, training, benefits administration, and employee relations.

Applicable Federal and State laws related to employment and labor.

Basic principles and methods of mathematical and statistical research and analysis.

Principles of business letter writing and report preparation including presentation of statistical data and complex analyses of a variety of human resources issues.

Techniques and principles of effective interpersonal communication.

Correct business English usage, including spelling, grammar, construction, and punctuation.

Ability to:

Understand and apply pertinent policies, procedures, memoranda of understanding, laws, rules and regulations.

Learn to operate and use human resources information and applicant tracking systems.

Communicate clearly and concisely, both orally and in writing.

Operate modern office equipment including using various computer applications related to the job.

Maintain confidentiality of human resource information.

Organize and prioritize work to handle multiple tasks/projects concurrently and meet critical deadlines under pressure.

Accurately collect, compile, analyze and evaluate a variety of information from various sources.

Make accurate arithmetic and statistical calculations and perform statistical analysis.

Exercise initiative and sound judgment within established guidelines.

Interact tactfully and effectively with others at all levels of the organization, as well as the public.

Analyze issues and problems, formulate reasonable alternatives and conclusions and recommend effective resolutions.

Make effective presentations to groups.

Experience and Education:

Experience: One year of human resources experience that demonstrates application of the above knowledge, skills and abilities is required. Public sector human resources experience is preferred.

Education: Equivalent to a Bachelor's degree with course work in human resources, public or business administration, behavioral science, psychology, or a closely related field from an accredited college or university.

Additional human resources related experience can be substituted for education on a year for year basis.

WORKING CONDITIONS:

Willingness and ability to work the hours necessary to accomplish the assigned duties; attend evening meetings; travel out of town and attend workshops, conferences, seminars during working and non-working hours.

Essential duties require the mental and/or physical ability to; work in a standard office environment; drive a vehicle; read fine print and Video Display Terminals; operate a computer keyboard; converse by telephone, in person, and to large groups and be clearly understood; stamina to work additional hours to meet deadlines and attend night meetings. The need to transport files, paper and documents weighing up to 25 pounds also is required.

LICENSE OR CERTIFICATE:

Possession of a valid California Class "C" Driver's License is required for independent travel.

Human Resource Analyst II

Knowledge of:

Working knowledge of the principles and practices of human resources administration, including recruitment and selection, classification and compensation, training, benefits administration, workers' compensation, safety, insurance, risk management, labor and employee relations.

Applicable Federal, State, and local laws, codes and regulations including Civil Service Rules and administrative and departmental policies and procedures.

Principles and practices of human resources recordkeeping.

Functions and structure of a municipal organization.

Principles and practices of effective supervision.

Ability to:

Interpret and apply pertinent policies, procedures, memoranda of understanding, laws, rules and regulations.

Conduct investigations and obtain basic data necessary to evaluate solutions to complex problems and issues with multiple variables.

Collect and analyze a variety of complex data and prepare reports documenting findings.

Analyze complex issues and problems, formulate reasonable alternatives and conclusions and implement effective resolutions within general guidelines.

Experience and Education:

Experience: In addition to the Human Resources Analyst I experience requirements, two years of professional experience equivalent to that of a Human Resources Analyst I with the City of Benicia.

Education: Equivalent to a Bachelor's degree with course work in human resources, public or business administration, behavioral science, psychology, or a closely related field from an accredited college or university. Possession of a Master's degree is preferred.

Additional human resources related experience can be substituted for education on a year for year basis.

WORKING CONDITIONS:

Willingness and ability to work the hours necessary to accomplish the assigned duties; attend evening meetings; travel out of town and attend workshops, conferences, seminars during working and non-working hours.

Essential duties require the mental and/or physical ability to; work in a standard office environment; drive a vehicle; read fine print and Video Display Terminals; operate a computer keyboard; converse by telephone, in person, and to large groups and be clearly understood; stamina to work additional hours to meet deadlines and attend night meetings. The need to transport files, paper and documents weighing up to 25 pounds also is required.

LICENSE OR CERTIFICATE:

Possession of a valid California Class “C” Driver’s License is required for independent travel.

POSITION INFORMATION:

Originated: August 2012

Approved by Civil Service Commission: N/A

Approved by City Council:

FLSA: Exempt

Bargaining Unit: N/A

AGENDA ITEM
CITY COUNCIL MEETING DATE - AUGUST 21, 2012
CONSENT CALENDAR

DATE : August 6, 2012
TO : City Manager
FROM : Administrative Services Director
SUBJECT : **APPROVAL OF A CONTRACT AMENDMENT FOR RENNE SLOAN HOLTZMAN SAKAI, LLP**

RECOMMENDATION:

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

EXECUTIVE SUMMARY:

On May 1, 2010, the City entered into an agreement with Renne Sloan Holtzman Sakai, LLP (RSHS) for personnel and labor relations activities. The contract is now being amended to allow for ongoing labor relations services. The expertise and staffing resources required for these services does not exist in-house.

STRATEGIC PLAN:

N/A

BUDGET INFORMATION:

This amendment provides for up to an additional \$35,000 in consulting services and the General Fund account 010-2505-8260 will be utilized for these costs.

Is this a request for an outside consultant Yes No

The expertise and staffing resources required for these services do not exist in-house. The work performed by the firm to date has clearly demonstrated the expertise that is necessary to effectively provide the needed labor relations services.

SUMMARY:

Renne Sloan Holtzman Sakai LLP has been providing labor relations and personnel related services for the City since May 1, 2010. The City continues to require the firm's services for ongoing negotiations with Benicia Firefighters Association (BFA).

Attachments:

- Proposed Resolution
- Contract Amendment

RESOLUTION NO. 12-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING THE CONTRACT AMENDMENT IN THE AMOUNT OF \$35,000 WITH RENNE SLOAN HOLTZMAN SAKAI, LLP, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY

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

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

WHEREAS, funds from General Fund account 010-2505-8260 will be utilized for these costs.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Benicia approves the contract amendment in the amount of \$35,000 with Renne Sloan Holtzman Sakai, LLP.

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

* * * * *

On motion of Council Member _____, seconded by Council Member _____, the above Resolution was introduced and passed by the City Council of the City of Benicia at a regular meeting of said Council held on the 21st of August, 2012 and adopted by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

ATTEST:

Lisa Wolfe, City Clerk

AMENDMENT TO AGREEMENT

This Amendment of the Agreement, entered into this _____ day of August, 2012, by and between the City of Benicia, a municipal corporation (“CITY”) and Renne Sloan Holtzman Sakai, LLP, a limited liability partnership with its primary office located at 350 Sansome Street, Suite 300, San Francisco, CA 94194 (herein “CONSULTANT”), is made with reference to the following:

RECITALS:

A. On May 1, 2010, an agreement was entered into by and between CITY and CONSULTANT. (“Agreement”).

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

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

- 1. Paragraph 3 (a) of the Agreement is modified to read as follows: Compensation. The total cost for services provided by CONSULTANT shall not exceed \$360,500.

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

Renne Sloan Holtzman Sakai, LLP

City of Benicia,
A Municipal Corporation

By _____
Charles Sakai, Managing Partner

By _____ Date: _____
Brad Kilger, City Manager

RECOMMENDED FOR APPROVAL:

Anne Cardwell, Administrative Services Director

APPROVED AS TO FORM:

Heather McLaughlin, City Attorney

AGENDA ITEM
CITY COUNCIL MEETING DATE - AUGUST 21, 2012
CONSENT CALENDAR

DATE : July 25, 2012
TO : City Manager
FROM : Fire Chief
SUBJECT : **AUTHORIZE PURCHASE OF REPLACEMENT HYDRAULIC RESCUE TOOLS**

RECOMMENDATION:

Adopt the resolution authorizing the purchase of replacement hydraulic rescue tools in the amount of \$49,931.78.

EXECUTIVE SUMMARY:

The Benicia Fire Department responds to vehicle accidents on Interstates 680 and 780, the Benicia-Martinez Bridge and surface streets within the City of Benicia. Hydraulic rescue tools are essential in order to perform extrication operations to free trapped and injured victims of vehicle accidents. Time is critical for trauma patients, so having the proper tools to perform these extrications can truly make the difference between life and death.

BUDGET INFORMATION:

The purchase price for the hydraulic rescue tools is \$49,931.78, which includes new hydraulic pumps, a spreader, a cutter, and telescopic rams. This purchase is budgeted for, and sufficient funds are available in, the Equipment Replacement Fund, Account No. 115-6105-9118.

Fire Service Specification & Supply is the only authorized Holmatro dealer on the West Coast. Not only is the new equipment compatible with the existing equipment we have purchased from them in the past, but every other fire department in Solano County, along with the Contra Costa Fire Department, uses Holmatro rescue tools, making us compatible with those organizations as well.

GENERAL PLAN:

Relevant General Plan Goals:

- General Plan Goal 2.28: Improve and Maintain Public Facilities and Services.

STRATEGIC PLAN:

Relevant Strategic Plan Goals and Strategies:

- Strategic Issue #1: Protect Community Health and Safety.
 - Strategy #2: Maintain Quality Emergency Services

Purchase of the new hydraulic rescue tools is consistent with the above Strategic Goals and Issues. This purchase will allow the Fire Department to have the necessary tools available in order to provide vital health and safety services to the community. These services can be critical for patient survival.

BACKGROUND:

The current hydraulic rescue tools are due to be replaced in fiscal year 2012/13. The new equipment is significantly more powerful in terms of cutting and spreading capabilities. While the current tools are still serviceable, they will be kept as back-up equipment. This increase in capability has been necessitated by the increased strength of materials used in automobile construction. The purchase of this equipment will allow the Benicia Fire Department to continue to provide the exceptional level of service our community expects.

Attachments:

- Proposed Resolution
- Hydraulic Tools Quote

RESOLUTION NO. 12-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA AUTHORIZING THE PURCHASE OF REPLACEMENT HYDRAULIC RESCUE TOOLS UTILIZING EQUIPMENT REPLACEMENT FUNDS

WHEREAS, the purchase of replacement hydraulic rescue tools was authorized by City Council on August 21, 2012; and

WHEREAS, the replacement tools will be purchased from Fire Service Specification & Supply; and

WHEREAS, Fire Service Specification & Supply is the only authorized Holmatro dealer on the West Coast and is the sole source provider of the compatible rescue tools needed; and

WHEREAS, there are sufficient funds available from the FY 2012/2013 Equipment Replacement Fund, account number 115-6105-9118 to cover the cost of the replacement hydraulic rescue tools.

NOW, THEREFORE, BE IT RESOLVED THAT, the City Council of the City of Benicia approves the expenditure not-to-exceed \$49,931.78 from the Equipment Replacement Fund, account number 115-6105-9118, for the purchase of replacement hydraulic rescue tools.

On motion of Council Member _____, seconded by _____, 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 21st day of August, 2012, and adopted by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

ATTEST:

Lisa Wolf, City Clerk

Quote



Fire Service Specification & Supply

Status: Open
 Date 6/12/2012
 Quote # 2012-1023
 Expiration Date 11/2/2012

FS3 TO
 P.O. Box 10817
 Santa Ana, Ca 92711-0817
 Phone 707.689.3119
 Fax 714.832.5296
 jjurado@holmatro-fs3.com

Benica FD
 Attn: Todd Matthews
 250 East L Street
 Benicia, Ca. 94510
 707-746-4275

Salesperson	Job	Delivery Date	Payment Terms
John Jurado			

Description	Qty.	Unit Price	Discount	Line total
DPU31 COMPACT DUO PUMP CORE	2	\$9,085.00	10%	\$16,353.00 T
4240 SPREADER CORE	1	\$6,836.00	8%	\$6,289.12 T
4055NCT CUTTER CORE	2	\$6,150.00	8%	\$11,316.00 T
4340 SHORT TELESCOPIC RAM CORE	1	\$3,850.00	8%	\$3,542.00 T
4350 LONG TELESCOPIC RAM CORE	1	\$4,750.00	8%	\$4,370.00 T
4150 COMBI TOOL CORE	1	\$4,859.00	8%	\$4,470.28 T
Total Discount			\$4,424.60	
				Subtotal
				\$46,340.40
				Sales Tax
				\$3,591.38
				Total
				\$49,931.78

Quotation prepared by: _____

This is a quotation on the goods named, subject to the conditions noted below:

To accept this quotation, sign here and return: _____

Thank you for your business!

AGENDA ITEM
CITY COUNCIL MEETING DATE - AUGUST 21, 2012
CONSENT CALENDAR

DATE : August 2, 2012

TO : City Manager

FROM : Community Development Director

SUBJECT : **SECOND READING OF AN ORDINANCE AMENDING SECTION 2.108.060 (MEETING TIME AND PLACE) OF CHAPTER 2.108 (COMMUNITY SUSTAINABILITY COMMISSION) OF TITLE 2 (ADMINISTRATION AND PERSONNEL) OF THE BENICIA MUNICIPAL CODE**

RECOMMENDATION:

Adopt the ordinance amending Section 2.108.060 regarding the Community Sustainability Commission's meeting time.

EXECUTIVE SUMMARY:

The Municipal Code currently provides for the regular meetings of the Community Sustainability Commission to begin at 7:00 p.m. This ordinance would establish a 6:00 p.m. start for regular meetings.

BACKGROUND:

The Community Sustainability Commission meets six times each year. Given the typical volume of agenda items, the Commission has requested that meetings start at 6:00 p.m. instead of 7:00 p.m. At its May 21st meeting, the Commission unanimously recommended the 6:00 p.m. start time, and staff supports this recommendation.

Attachment:

- Ordinance

CITY OF BENICIA

ORDINANCE NO. 12-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BENICIA AMENDING CHAPTER 2.108 (COMMUNITY SUSTAINABILITY COMMISSION) OF TITLE 2 (ADMINISTRATION AND PERSONNEL) OF THE BENICIA MUNICIPAL CODE

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BENICIA DOES ORDAIN as follows:

Section 1.

Chapter 2.108.060, Meeting time and place is hereby amended to read as follows:

2.108.060 Meeting time and place.

The commission shall meet on the third Monday of every other month (bimonthly, six times per year) at the hour of 6:00 p.m. in the Commission Room, City Hall, 250 East L Street, Benicia, California. (Ord. 09-16 § 2).

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 17th day of July, 2012, and adopted at a regular meeting of the Council on the 21st day of August, 2012, by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk

AGENDA ITEM
CITY COUNCIL MEETING DATE - AUGUST 21, 2012
CONSENT CALENDAR

DATE : August 6, 2012

TO : City Manager

FROM : Administrative Services Director

SUBJECT : **APPROVE THE EXTENSION TO THE NOVEMBER 1, 2011 TO OCTOBER 31, 2012 AGREEMENT BETWEEN THE CITY OF BENICIA AND BENICIA PUBLIC SERVICE EMPLOYEES ASSOCIATION (BPSEA) PART-TIME UNIT**

RECOMMENDATION:

Adopt the resolution approving the Contract Extension Agreement modifying the existing 2010-2012 Memorandum of Understanding (MOU) with the Benicia Public Service Employees Association (BPSEA) part-time unit. If approved, and unless otherwise modified by the Contract Extension Agreement, all terms of the MOU shall be extended from November 1, 2012 to October 31, 2013.

EXECUTIVE SUMMARY:

In 2010 and 2011, City of Benicia employees took a combined reduction in total compensation of approximately 10%. These concessions assisted the City in addressing budget shortfalls in both fiscal years and achieving ongoing structural savings. Given that the City's fiscal status appears relatively stable for the remainder of the current budget period, in a large part due to the previous, ongoing compensation reductions made by all City employees, the City has offered, and the BPSEA part-time unit has agreed, to extend the current contract for one additional year, to October 31, 2013, with no increases or further reductions to compensation for the remainder of the term.

STRATEGIC PLAN:

Relevant Strategic Plan Issues and Strategies:

Strategic Issue #3: Strengthening Economic and Fiscal Conditions

BUDGET:

There is no additional cost to the City associated with the proposed Contract Extension Agreement.

BACKGROUND:

During the past two fiscal years, all City of Benicia employees, including the City Council, City Clerk, City Manager, and City Attorney, took compensation concessions amounting to nearly \$2 million dollars in ongoing structural savings to the City. These concessions greatly assisted the City in addressing budget shortfalls in both the prior and current fiscal years. For the remainder of this current 2011-13 budget, it is expected, based on a detailed review of financial projections, that the City's revenues and expenditures will remain relatively flat, and on target with what was budgeted in the City's two-year budget for 2011-13.

In light of the current fiscal environment, the BPSEA part-time unit has agreed to extend their current contract for one additional year with no further reductions, but also no increases, to compensation. BPSEA part-time unit members will receive a credit of time off for the Christmas holiday week, similar to what is being offered to the other groups that have agreed to prior concessions and extending the current contract.

Attachments:

- Resolution
- Contract Extension Agreement with BPSEA part-time unit

RESOLUTION NO. 12-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING CONTRACT EXTENSION AGREEMENT TO THE NOVEMBER 1, 2011 TO OCTOBER 31, 2012 AGREEMENT WITH BENICIA PUBLIC SERVICE EMPLOYEES ASSOCIATION (BPSEA) PART-TIME UNIT

WHEREAS, the existing Memorandum of Understanding (MOU) between the City of Benicia and Benicia Public Service Employees Association (BPSEA) part-time unit cover salaries and other conditions of employment for the period of November 1, 2011 to October 31, 2012; and

WHEREAS, the City concluded negotiations with the BPSEA part-time unit in June of 2012; and

WHEREAS, BPSEA has agreed to the Contract Extension Agreement modifying the existing MOU to extend the term one additional year, through October 31, 2013; and

WHEREAS, unless otherwise modified by the Contract Extension Agreement, which is attached as Exhibit A, all terms of the existing MOU shall be extended from November 1, 2012 – October 31, 2013.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Benicia hereby approves the Contract Extension Agreement with the BPSEA part-time unit, extending the term of the current MOU to October 31, 2013.

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 21st day of August, 2012 and adopted by the following vote.

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk

**Amended Agreement
Between
City of Benicia
and
Benicia Public Service Employees Association (BPSEA) Part-Time Unit
Regarding Contract Extension**

June 21, 2012

The City of Benicia, hereby referred to as “City,” and the Benicia Public Service Employees Association (BPSEA) part-time unit employees, hereby referred to as “BPSEA PT,” execute this Contract Extension Agreement modifying the existing Memorandum of Understanding (MOU) with the term of November 1, 2011 – October 31, 2012. Unless otherwise modified by this contract extension agreement, all terms of the MOU shall be extended from November 1, 2011 – October 31, 2013.

The City and BPSEA PT agree to the following:

1. Section 3. Duration, shall read as follows:

Section 3. Duration

It is agreed by the City and the Union that, except as specifically provided otherwise or as agreed to by the City and the Union, any resolution, ordinance or action of the City Council necessary to implement this MOU shall be considered effective on November 1, 2011. This MOU shall remain in full force and effect until October 31, 2013 and the provisions of this MOU shall continue after the date of expirations of this MOU in the event the parties are meeting and conferring on a successor MOU.

The terms and conditions of this MOU shall prevail over any conflicting provisions of the Benicia City Council Charter, ordinance, resolutions and policies of the City of Benicia and/or any Federal/State statutes, rules, regulations which either specifically provide what agreements such as this prevail, confer rights which may be waived by any collective bargaining agreement or are, pursuant to decisional or statutory law, superseded by this provision of an agreement similar to this MOU.

2. See attached staff report describing the one-time Christmas week closure days for employee groups that agreed to prior reductions of approximately 10% and have agreed to a one-year contract extension. It is the City's intention to offer a similar arrangement to the BPSEA part-time unit, and the parties have agreed to implement this paid time off in the following manner:

- Those part-time employees covered by the BPSEA MOU who would normally be scheduled for the Christmas week, but who do not work because the department/division is closed, will receive pay for the scheduled hours that they would have worked that week as paid time.
- Those part-time employees covered by the BPSEA MOU that do work during Christmas week because their department/division is still providing services despite the closure will receive pay for leave credits (Section 16 of MOU) for those hours worked during the Christmas week.

This Contract Extension Agreement shall become effective upon ratification by BPSEA and adoption by the City Council on its regular agenda, in conformance with the Brown Act.

Dated: _____

Dated: _____

For BPSEA PT:

For the City:

Jose Lustan
President

Brad Kilger
City Manager

John Dalrymple
CEA

Anne Cardwell
Administrative Services Director

Ted Kozlick
Vice President

Sharon Williams
Secretary

APPROVED AS TO FORM BY
City Attorney:

Phillip Hannon
Member of BPSEA Part-time unit

Heather McLaughlin

Jean Walker
Member of BPSEA Part-time unit

**AGENDA ITEM
CITY COUNCIL MEETING: MAY 1, 2012
BUSINESS ITEM**

DATE : April 25, 2012

TO : Mayor & City Council

FROM : City Manager

SUBJECT : **APPROVE THE EXTENSIONS TO THE JULY 1, 2010 TO JUNE 30, 2012 AGREEMENTS BETWEEN THE CITY OF BENICIA AND LOCAL #1 AND BENICIA PUBLIC SERVICES EMPLOYEES ASSOCIATION (BPSEA) AND AUTHORIZE THE RECOMMENDED ADMINISTRATIVE ACTION**

RECOMMENDATION:

Adopt the resolution approving the Contract Extension Agreements modifying the existing 2010-2012 Memorandums of Understanding (MOUs) with Local #1 and Benicia Public Services Employees Association (BPSEA) and extending all terms of the respective MOUs from July 1, 2012 to June 30, 2013; and adopt the resolution authorizing the City Manager to take the administrative action necessary to effectuate the one-time closure of City Hall/Community Center during the Christmas holiday week in recognition of those groups agreeing to extend their contracts.

EXECUTIVE SUMMARY:

In 2010 and 2011, City of Benicia employees took a combined reduction in total compensation of approximately 10%. These concessions assisted the City in addressing budget shortfalls in both fiscal years and achieving ongoing structural savings. Given that the City's fiscal status appears relatively stable for the remainder of the current budget period, in a large part due to the previous, ongoing compensation reductions made by City employees, the City has offered, and both Local #1 and BPSEA have agreed, to extend the current contracts for one additional year, to June 30, 2013, with no increases or further reductions to compensation for the remainder of the term. Further, in recognition of those groups that agreed to concessions and the current extension of those agreed upon concessions, staff is recommending that the City Council authorize the closing of non-essential operations for the week of Christmas, December 24-28, 2012.

STRATEGIC PLAN:

Relevant Strategic Plan Issues and Strategies:

Strategic Issue #3: Strengthening Economic and Fiscal Conditions

BUDGET:

There is no additional cost to the City associated with the proposed Contract Extension Agreements.

BACKGROUND:

During the past two fiscal years, all City of Benicia employees, including the City Council, City Clerk, City Manager, and City Attorney, took compensation concessions amounting to nearly \$2 million dollars in ongoing structural savings to the City. These concessions greatly assisted the City in addressing budget shortfalls in both the prior and current fiscal years. For the remainder of this current 2011-13 budget, it is expected, based on a detailed review of financial projections, that the City's revenues and expenditures will remain relatively flat, and on target with what was budgeted in the City's two-year budget for 2011-13. The ongoing reductions in compensation from the various employee groups will help the City stay on target with its budget projections.

In light of the current fiscal environment, both Local #1 and BPSEA have agreed to extend their current contracts for one additional year with no further reductions, but also no increases, to compensation. As with the management groups, the City has also agreed to drop the clause in Local #1's agreement regarding reopening the contract to negotiate concessions as current fiscal circumstances are such that this language is not warranted for such a short contract period. Additionally, language has been added to clarify that the City's contribution toward employee health care remains the same as 2011-12 for both groups.

As an expression of appreciation to those employee groups (senior managers, mid-managers, police mid-managers, Local #1 and BPSEA) who agreed to the prior concessions and who also agree to the current extension, with no increases, City staff is recommending that the City Council authorize the closing of non-essential operations for the week of Christmas, December 24-28, 2012, and credit those employees who are members of those units, but unable to be off during that period, the equivalent amount of leave to be "use or lose" by June 30, 2013. (These days have no cash value and cannot be cashed out.) This closure and the associated leave time is recommended to be one-time and non-precedent setting, and again, its purpose is to recognize the cooperation of those employee units that have agreed to the contract extension.

It is anticipated that this action will have very minimal impact on services to the community, as City Hall services are typically not well utilized during this holiday

week, and will also achieve some savings from reduced energy costs. It is proposed that the Community Center also be closed that week as there is not typically any recreation programming occurring at that time. The library hours for that holiday week are currently being evaluated, but it is anticipated a partial closure will be implemented for that facility in order to lessen any impact on residents. Public safety, water and wastewater facilities will remain open, and parks and facilities would continue to receive any necessary maintenance services.

Attachments:

- Resolution and Exhibit A – Extension Local #1 and BPSEA
- Resolution - Closure

RESOLUTION NO. 12-49

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA AUTHORIZING THE CITY MANAGER TO TAKE THE ADMINISTRATIVE ACTION NECESSARY TO EFFECTUATE THE ONE-TIME CLOSURE OF CITY HALL/COMMUNITY CENTER DURING THE CHRISTMAS HOLIDAY WEEK IN RECOGNITION OF THOSE GROUPS AGREEING TO EXTEND THEIR CONTRACTS

WHEREAS, as an expression of appreciation to those employee groups who agreed to the prior concessions and who also agree to the current extension, with no increases, City staff is recommending that the City Council authorize the closing of non-essential operations for the week of Christmas, December 24-28, 2012; and

WHEREAS, a credit will be applied to those employees who are members of those units, but unable to be off during that period, which equates to the equivalent amount of leave to be "use or lose" by June 30, 2013; and

WHEREAS, this action will have very minimal impact on services to the community, as City Hall services are typically not well utilized during this holiday week, and will also achieve some savings from reduced energy costs; and

WHEREAS, public safety, water and wastewater facilities will remain open, and parks and facilities would continue to receive any necessary maintenance services for the December 24-28, 2012 holiday week.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Benicia hereby authorizes the City Manager to take the administrative action necessary to effectuate the one-time closure of the City Hall/Community Center and whole or partial closure of the Library during the Christmas Holiday week.

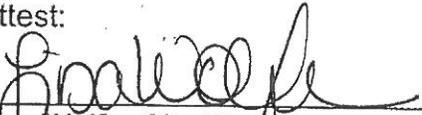
On motion of Council Member **Hughes**, and seconded by Council Member **Strawbridge**, the above Resolution was introduced and passed by the City Council of the City of Benicia at a regular meeting of said Council held on the 1st day of May, 2012 and adopted by the following vote.

Ayes: Council Members Campbell, Hughes, Schwartzman, Strawbridge and Mayor Patterson

Noes: None

Absent: None

Attest:



Lisa Wolfe, City Clerk



Elizabeth Patterson, Mayor

AGENDA ITEM
CITY COUNCIL MEETING DATE - AUGUST 21, 2012
CONSENT CALENDAR

DATE : August 10, 2012

TO : City Manager

FROM : Public Works Director

SUBJECT : **APPROVAL OF AGREEMENT FOR TRANSPORTATION AND DISPOSAL OF WASTEWATER TREATMENT PLANT SLUDGE**

RECOMMENDATION:

Adopt the resolution accepting a proposal for Transportation and Disposal of Sludge from the Wastewater Treatment Plant, approving the agreement with Recology Vacaville Solano in the amount of \$75.00 per ton, and authorizing the City Manager to sign the agreement on behalf of the City.

EXECUTIVE SUMMARY:

During the treatment process, the Wastewater Treatment Plant generates sludge that must be hauled off-site to a permitted landfill. Staff sent a Request For Proposal to eight firms and received three proposals for sludge transportation and disposal services. This action approves an agreement with the recommended firm and a budget transfer within the Wastewater Operations Fund.

BUDGET INFORMATION:

At the plant's current sludge output level of 2,400 tons per year, staff estimates the annual cost of these services to be \$180,000. Sludge disposal costs have increased dramatically due to fuel costs and landfill tipping fees (which previously were not charged). Therefore, a budget transfer of \$20,000 from Account No. 014-8305-8100 (Contract Services) to 014-8305-8751 (Material Disposal) is being requested.

GENERAL PLAN:

Relevant General Plan Goals and Policies include:

- Goal 2.28: Improve and maintain public facilities and services

STRATEGIC PLAN:

Relevant Strategic Plan Issue and Strategy:

- Strategic Issue #1: Protecting Community Health and Safety

BACKGROUND:

A Request For Proposal (RFP) for transportation and disposal of wastewater treatment plant sludge was sent to eight firms. Three firms submitted a proposal as summarized below. The figures below represent the cost per load (per day) based on 7.7 tons per day. (The RFP indicated the plant produces 2,400 tons of sludge per year. Normal delivery days are Monday through Saturday, which equates to 313 days per year.)

RANK	VENDOR'S NAME AND CITY	COST PER LOAD
1	<u>Recology Vacaville Solano (Vacaville)</u> Quote: \$75 per ton Calculation: $\$75 \times 7.7 \text{ tons/day} = \577.50	\$577.50
2	<u>Republic Services, Inc. (Fairfield)</u> Quote: \$20 per ton plus \$600 per pull Calculation: $\$20 \times 7.7 \text{ tons/day} + \$600 = \$754$	\$754.00
3	<u>Waste Management (Livermore)</u> Quote: \$45.76 per ton plus \$947 per pull Calculation: $\$45.76 \times 7.7 \text{ tons/day} + \$947 = \$1,299.35$	\$1,299.35

The proposals were reviewed and evaluated. Both Recology and Republic met the RFP requirements. Waste Management did not submit all the required information (e.g., qualifications, map, emergency plan, references.) Staff recommends that Council approve an agreement with Recology because this firm met all the RFP requirements and submitted the lowest quote.

The City's sludge meets beneficial reuses at the landfill for recycle credit. This material can be used as alternative daily cover or for landfill liner. The term of this agreement will be two years with two renewal options of two years each at the consumer price index rate for each extension.

Attachments:

- Proposed Resolution
- Agreement for Contract Services

RESOLUTION NO. 12-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA ACCEPTING A PROPOSAL FOR TRANSPORTATION AND DISPOSAL OF SLUDGE FROM THE WASTEWATER TREATMENT PLANT, APPROVING THE AGREEMENT WITH RECOLOGY VACAVILLE SOLANO IN THE AMOUNT OF \$75 PER TON, AND AUTHORIZING THE CITY MANAGER TO SIGN THE AGREEMENT ON BEHALF OF THE CITY

WHEREAS, Requests for Proposals were sent to eight firms for Transportation and Disposal of Sludge from the Wastewater Treatment Plant and three proposals were received; and

WHEREAS, Recology Vacaville Solano ranked first in the proposal selection process and is the recommended firm; and

WHEREAS, the term of this agreement is two years with two renewal options of two years each at the consumer price index rate for each extension.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Benicia hereby accepts a proposal for transportation and disposal of sludge from the Wastewater Treatment Plant and approves the agreement with Recology Vacaville Solano in the amount of \$75 per ton, and authorizes the City Manager to sign the agreement on behalf of the City, subject to approval by the City Attorney.

BE IT FURTHER RESOLVED THAT funds sufficient (\$20,000) to cover the cost of the sludge transportation and disposal will be transferred from Account No. 014-8305-8100 (Contract Services) to Account No. 014-8305-8751 (Materials Disposal).

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 21st day of August, 2012, and adopted by the following vote.

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk

AGREEMENT FOR CONTRACT SERVICES

THIS AGREEMENT is made and entered into between the City of Benicia, a general law city in Solano County, California, hereinafter called "CITY" and Recology Vacaville Solano hereinafter called "CONTRACTOR".

CONTRACTOR'S Business Address: 1 Town Square, Suite 200, Vacaville, CA, 95688.

The parties to this agreement mutually agree as follows:

1. DESCRIPTION OF SERVICES TO BE PROVIDED

CONTRACTOR shall provide services to CITY in accordance with the Request for Proposal ("RFP") dated June 26, 2012 and Proposal dated July 20, 2012 for the transportation and disposal of wastewater treatment plant sludge from the City's Wastewater Treatment Plant. The price for the initial two years (7/1/12-6/30/14) of service will be \$75/ton. At the discretion of the public works director, the term of this agreement may be extended for, up to, two two-year extensions, from 6/30/14 to 6/30/18. Any extension shall be made by written notice from the public works director. Applicable escalators will be applied if contract is extended. The cost per ton will be adjusted at the beginning of year three of the contract, if the contract is extended and each extension year thereafter. Compensation for the extended terms shall be the current price per ton plus the CPI. The adjustment will be based on the percent change in the U.S. Department of Labor, Bureau of Labor Statistic's Consumer Price Index, U.S. city average, All Urban Consumers, Garbage and trash collection, not seasonally adjusted (CPI-series ID CUUR0000SEHG02), as published for the month of May in accordance with the following formula:

$$\text{CPI (current year)} - \text{CPI (previous year)} / \text{CPI (previous year)}$$

The RFP and Proposal are incorporated herein by reference and are attached as Exhibit "A" and Exhibit "B", respectively. The RFP shall define the Scope of Work. CONTRACTOR shall perform the services contemplated hereunder in a competent and professional manner and to the satisfaction of the CITY'S Public Works Director and/or her designee.

2. PAYMENT

CONTRACTOR shall be paid for the above-described services in the amount stated in the Proposed Budget in the Proposal. The compensation agreed to be paid to CONTRACTOR shall be the sole and exclusive consideration paid or provided to the CONTRACTOR by the CITY.

CONTRACTOR shall be paid for the service it/he/she renders hereunder:

X within 30 days after receipt of any invoice therefore.

 within 30 days after the completion of the work.

 on a monthly basis, beginning on in equal installments of \$ each.

3. CONTRACT TERMINATION

Both parties agree and understand that this contract may be terminated under the following conditions:

- and/or
- (a) by failure of the CONTRACTOR to substantially perform the above described services;
 - (b) the CITY reserves the right to cancel the work or services before the work or service begins, even though advertised and requested for.

In the event the contract is canceled under the circumstances described in paragraph 3(b), the determination of payment to the CONTRACTOR shall be at the discretion of the City's Public Works Director or his/her designee.

4. CONTRACTOR RELATIONSHIP

CONTRACTOR understands and agrees that in performing the above described services, the CONTRACTOR shall act as an independent contractor and not an employee of the CITY.

The CONTRACTOR shall be solely responsible for the reporting of income for taxable purposes.

5. COMPLIANCE WITH THE LAW

CONTRACTOR, in the conduct of the services contemplated hereunder, shall comply with all statutes, state or federal, and all ordinances, rules and regulations of the City Council of the City or of the City's Public Works Department.

6. SUPPLIES

CONTRACTOR shall acquire, provide, maintain, and repair at its/ his/her sole cost and expense such equipment, materials, supplies, etc., as CONTRACTOR needs for its/his/her use for the proper conduct of the aforesaid work or services.

7. INDEMNIFICATION AND INSURANCE

(a) CONTRACTOR agrees to indemnify, release, defend, and hold harmless the CITY, its officers, agents and employees ("indemnities") from and against any and all claims, demands, losses, defense costs, or liability of any kind or nature which indemnities may sustain or incur or which may be imposed upon them for injuries to or death of persons, or damages or injury to property as a result of, arising out of, or in any manner connected with CONTRACTOR'S performance under the terms of this agreement.

(b) In the event CONTRACTOR desires to hire or employ any other company or person to perform any part of the services contemplated herein, the written approval therefore must be first obtained from the CITY. The CITY may withhold such approval for any reason. If approval is given by the CITY, CONTRACTOR shall secure Worker's Compensation insurance covering said approved employee(s) in statutory amounts and providing 30 days' advance notice to CITY in the event said policy is canceled.

(c) Without limiting CONTRACTOR'S indemnification, it is agreed that CONTRACTOR shall maintain in force at all times during the performance of this contract, the following types of insurance providing coverage on an "occurrence" basis. Said insurance shall name the CITY, its officers, agents and employees as additional insureds and provide for 30 days' advance notice of cancellation. Evidence of said insurance shall be delivered to CITY at the same time CONTRACTOR signs this Agreement in certificate forms acceptable to the CITY.

 X Automobile insurance for the vehicle(s) CONTRACTOR uses in connection with the performance of this Agreement. Coverage: \$1,000,000 per occurrence for bodily injury and property damage.

 X Commercial general liability and property damage insurance. Coverage: \$1,000,000 combined, single limit.

 X Worker's Compensation insurance to cover its employees as required by the Labor Code of the State of California. CONTRACTOR's worker's compensation insurance shall include the following language: "All rights of subrogation are hereby waived against the CITY, its officers and employees when acting within the scope of their appointment or employment." In the event any class of employees engaged in hazardous work under this Contract is not protected under Workers' Compensation Statutes, the CONTRACTOR shall provide adequate and suitable insurance for the protection of its employees not otherwise protected.

_____ Pollution and/or Asbestos Pollution Liability and/or Errors and Omissions insurance.
Coverage: \$1,000,000 per occurrence, \$2,000,000 policy aggregate.

8. ASSIGNMENT

The parties acknowledge that the above-described services shall not under any circumstances be assigned to any other person without the prior written consent of the CITY. It is further recognized by the parties hereto that a substantial inducement to the CITY for entering into this agreement was, and is, the professional reputation and competence of the CONTRACTOR.

9. GOVERNING LAW

This Agreement shall be governed by the laws of the State of California. It constitutes the entire agreement between the parties regarding its subject matter. If any provision in this Agreement is held by any court to be invalid, void, or unenforceable, the remaining provisions shall nevertheless continue in full force.

WITNESS THE EXECUTION THEREOF, this _____ day of _____, 2012

CITY OF BENICIA

CONTRACTOR

BY _____
Brad Kilger
CITY MANAGER


Signature

GENERAL MANAGER
Title

ATTEST:

Lisa Wolfe
CITY CLERK

APPROVED AS TO FORM:

Heather McLaughlin
CITY ATTORNEY



CITY HALL • 250 EAST L STREET • BENICIA, CA 94510 • (707) 746-4200 • FAX (707) 747-8120

Public Works Department

June 28, 2012

SUBJECT: REQUEST FOR PROPOSAL (RFP) – TRANSPORTATION AND DISPOSAL OF WASTEWATER TREATMENT PLANT SLUDGE – CITY OF BENICIA WASTEWATER TREATMENT PLANT

Dear Prospective Proposer:

Enclosed is a Request for Proposal (RFP) to provide for the transportation and disposal of wastewater treatment plant sludge from the City of Benicia Wastewater Treatment Plant. The firms receiving this RFP are listed on the enclosed mailing list.

The RFP includes the following:

- ✓ Major Work Tasks – Appendix A
- ✓ Agreement for Contract Services – Appendix B
- ✓ Summary of Analytical Testing (Years 2009-2011) – Appendix C

Proposals should be presented in accordance with the specified requirements. Three sealed copies of the proposal must be submitted to the Wastewater Treatment Plant, Attention: Jeff Gregory, Plant Superintendent, no later than **2:00 pm, July 20, 2012**. City staff in accordance with the selection criteria specified will evaluate proposals received by the deadline. The selected firm must be prepared to enter into an agreement with the City using the contract document, including insurance requirements provided as Appendix B.

Questions regarding this RFP should be directed to me at (707) 746-4336.

Sincerely,

Jeff Gregory
Wastewater Treatment Plant Superintendent

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Cc: Melissa Morton, Assistant Director of Public Works

Enclosures

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I. INTRODUCTION

The City of Benicia ("City") is requesting proposals from qualified organizations to provide the necessary services to transport and dispose of the sludge from the City's wastewater treatment plant.

A. Background.

The City of Benicia is a general law city located in Solano County. It is a full-service city providing police, fire, public works (including water and wastewater treatment), planning, library, economic development, parks, and community services. The City's wastewater treatment plant is located at 614 East Fifth Street. The plant produces approximately 2,400 tons of digested sludge per year.

The plant's sludge is anaerobically digested and meets minimum EPA PRP (process to reduce pathogens) standards for landfill application. The sludge is tested semi-annually for EPA 8240 (volatile organic compounds), 8270 (semi-volatile organic compounds), and 8081 and 8082 (PCBs and pesticides). Cyanide, fluoride salts, organic lead, dioxin, and CAM 17 metals are tested annually. Sludge does not exceed minimum standards for landfill application. Total solids and volatile solids testing are performed weekly and the sludge is consistently over 17% total solid by weight. The sludge is without free liquids and is a dry mud-like consistency. A summary of the last three years of analytical testing is provided as Appendix C.

B. Purpose of the Request.

The City desires to obtain the services of an outside organization to assist the City in disposing of its wastewater sludge. Presently, the sludge is transported by Recology Vacaville Solano to the Hay Road Landfill in Solano County where it is primarily used as liner material thereby providing beneficial reuse credits to the City. The selected organization will provide a full range of services including: provision of a dump box, truck, bin or other portable container capable of containing and transporting sludge. The existing provider supplies two 20-yard box containers that are rotated in the morning to ensure continuous service. The container must be equipped with a movable lid system that can be opened while filling the container and closed to seal the container during non-operational hours. In addition, the container must be fitted with a 4 inch hose disconnect fitting. This fitting will enable the City's to connect an odor scrubber evacuation hose to the container during hours when the container is not being filled. The container must be water tight to ensure leakage does not occur onsite and/or during transportation to the landfill. The provider must ensure regular transportation of the sludge so as to provide uninterrupted operation of the City's solids handling process, which will likely require daily rotation of the container; disposal at an approved site; and confirmation of beneficial reuse credits. The provider shall submit an annual report to the City by January 15 outlining the previous year's (January 1 to December 31) sludge hauling information. This report will summarize the quantity of sludge hauled, the site (landfill) at which the material was disposed at, and what the material was used for (liner, alternative daily cover, other beneficial reuses). Continuous, uninterrupted service is absolutely critical to a successful working relationship with the City. The normal container rotation will be Monday through Saturday. Under normal circumstances, an empty container is dropped off, and a filled

container is removed early in the day (7:00 to 8:00 a.m.). This allows City staff to fill the empty container during normal City work hours (7:00 a.m. to 4:00 p.m.). Container drop off/pickups are not allowed prior to 7:00 a.m. There will be times during the year when the City will require the provider to perform container drop off/pickups and sludge disposal twice in a day and/or on Sundays. Normally the notification lead times for these events will be 24 hours or less to the provider.

II. SCOPE OF SERVICES

Attached as Appendix A is a list of major work tasks that should be accomplished as part of the scope of work. The proposer is asked to define the approach and the specific scope of work and methodology to achieve the objectives presented in this RFP. The proposer should include a refined scope of work by developing a detailed description of all tasks, both those tasks suggested in this RFP and any changes, additions or recommendations proposed. The description of each task should include:

- Scheduling
- Personnel
- Costs
- A detailed description of the methods used to transport and dispose of the sludge
- How beneficial reuse credit will be achieved
- Landfill site information, including location, classification and any environmental considerations
- Sludge quality requirements
- Sludge monitoring requirements beyond the testing performed by the City as previously described
- Anticipated landfill life (projected closure date), and any pending issues which could affect operation status of the company and/or landfill
- Additional monitoring that will be required prior to initial acceptance of the sludge.
- Provide annual reports to the City by January 15 outlining the previous year's (January 1 to December 31) sludge hauling information. This report will summarize the quantity of sludge hauled, the site (landfill) at which the material was disposed at, and what the material was used for (liner, alternative daily cover, other beneficial reuses).

Costs for transporting and disposal should show a quantity cost per ton. Additionally, as mentioned above, continuous, uninterrupted service is absolutely critical to a successful working relationship with the City. Provide detailed information on how this goal will be met. Cover such issues as work stoppages, inclement weather, road closures, equipment shortages, regulatory problems, etc. A site visit is scheduled for July 13, 2012 at 9:00 a.m. Proposers are strongly encouraged to visit the site at that time to gain an understanding of the plant's sludge pressing operation, to ask questions, and to understand ingress and egress issues to the sludge processing area.

III. PROPOSAL FORMAT

All proposals shall include the following minimum information:

A. Approach.

A short discussion of the intended approach to meet the City's needs that demonstrates the proposer's understanding of the issues and tasks and the proposer's ability to address them.

B. Description of Organization, Management and Team Members.

A description of the organization and a work plan that identifies the personnel to be assigned to each task. The organization description should clearly identify who will be the day-to-day contact person for the job and off-hours emergency contacts and phone numbers.

C. Organization Qualifications.

Provide an outline of the organization's qualifications indicating relevant background experience and capabilities for this work.

D. Scope of Work.

The proposal should contain a description of each work task with an explanation of how the proposer plans to approach the tasks and the steps that will be taken to complete the task.

E. Routes and Emergencies

The proposal shall include a map of the intended route taken from the treatment plant to the disposal site.

Provide an outline or emergency plan document describing procedures followed in the event of a sludge spill on a public roadway.

F. Proposed Budget.

Indicate the costs to provide the service, on a task-by-task basis. Prices quoted must be binding for a minimum of two (2) years. Indicate escalators such as CPI that would be applied for renewal options, as the City will entertain contract extensions. Indicate how billing will be processed within City's requirements of being billed monthly with individual tickets attached.

G. References, Related Experience and Examples of Work.

Client references with phone numbers for relevant work. Specify the client, location, firm members and participating individuals and role on team (principal, primary contact, etc.), type of work, implementation results or status, examples of work, and other relevant information as needed.

Regulatory references with contacts. List all agencies under which the disposal site is regulated, applicable permit numbers and expiration dates, and the name and phone number of a contact person at each agency.

IV. SELECTION PROCESS

A. Qualifications.

All proposals received by the due date will be evaluated by the City. Only information which is received in response to the RFP or any subsequent interview will be evaluated. The City will judge the responses of each proposing firm in several critical areas. Selected proposers may be invited to an oral interview.

B. Selection Criteria.

The City will select the most qualified proposal based on the following factors. Responses to the RFP should address the qualities and indicators that are listed below:

1. Ability of the Firm to Design an Approach and Work Plan to Meet the Requirements.

An assessment of the overall quality of the proposal. Qualities and indicators that will receive consideration include the proposer's performance in converting the Scope of Services into a work plan; the detail and clarity of the discussion as to the proposer's approach to undertaking the work; the proposer's performance in identifying any special problems or concerns which may be associated with the work and preliminary ideas about how these obstacles should be addressed; the inclusion of any unique approaches which are designed to save time and money or increase the benefits or effectiveness of the proposed work; and the demonstrated ability to work with governmental bodies and a full understanding of applicable laws or regulations that relate to the work.

2. Ability of the Proposer to Carry Out and Manage the Proposed Work.

An assessment of the past experience of the organization in general. Qualities and indicators that will receive consideration include the number and types of relevant work the organization or its employees have completed; the variety of work completed and a demonstration of the organization's ability to undertake this work, the general level of experience in the areas of supervision, observing and monitoring such work; the organization's ability to realize timetables and quality control objectives; and the demonstrated general ability to bring about a successful completion of the work tasks under the proposer's direction.

3. Capabilities of the Organization and/or Team.

Assessment of the capabilities of the organization and individuals that will be engaged in the work. Qualities and indicators that will receive consideration include what professionals will be doing/working on each task; the various professional, technical, and educational achievements and registrations of each organization and individuals involved; the applicable experience of the

proposed assigned staff, and the specific experience gained in similar work.

4. Current Workload of the Organization and/or Team.

An assessment of the perceived ability of each organization to devote the necessary human resources and management attention to the work. Qualities and indicators that will receive consideration include the number and size of the work efforts presently being performed by each organization and the assigned staff; the status of existing work; the past ability of the organization to deliver work tasks on a timely basis; and the nature of existing work efforts that are behind schedule or past the completion date.

5. Proximity to the Work Site Involved for the Proposer and/or Team.

The application of this criteria shall include an assessment of the geographic proximity to the plant site; the location of the office from which the proposed work effort will be administered; the perceived response time and general availability of the proposer's management to be on site; the perceived effect that management location will have on price and the ability of the work to be expedited on a timely basis; and the availability of special travel or communication plans which would effectively mitigate difficulties associated with location.

6. Willingness to Comply with the Proposed Agreement Terms.

A sample agreement (Appendix B) is attached. Proposals will be rated based on the exceptions taken to the proposed agreement.

7. Cost of Proposal.

Cost, while not determinative, will be considered in the selection process.

C. Proposed Selection/Agreement Start Date Schedule.

Proposal Due Date:	July	20, 2012
Projected Agreement Start Date:		September 1, 2012

D. Award of Contract.

It is anticipated that any award of an agreement for services will be made by the City Council at the meeting of August 21, 2012.

V. PROPOSAL DUE DATE AND DELIVERY

Three sealed copies of the proposal, clearly marked with the project description, should be submitted no later than: **2:00 p.m. on July 20, 2012**

to the address below. All copies received by that time will be date and time stamped. Proposals will not be accepted after this time. Proposals should be addressed to:

Jeff Gregory, Superintendent
Wastewater Treatment Plant
City of Benicia
614 East Fifth Street
Benicia, CA 94510

Faxed proposals will not be accepted. Hand carried proposals will be accepted at the above address.

VI. CONDITIONS OF REQUEST

A. General Conditions.

The City reserves the right to cancel or reject all or a portion or portions of the request for proposals without notice. Further, the City makes no representations that any agreement will be awarded to any organization submitting a proposal. The City reserves the right to reject any and all proposals submitted in response to this request or any addenda thereto.

The City also reserves the right to reject any subcontractor or individual working on a team and to replace the subcontractor or individual with a mutually acceptable replacement.

Any changes to the proposal requirements will be made by written addendum.

B. Liability of Costs and Responsibility.

The City shall not be liable for any costs incurred in response to this request for proposals. All costs shall be borne by the person or organization responding to the request. The person or organization responding to the request shall hold the City harmless from any and all liability, claim or expense whatsoever incurred by or on behalf of that person or organization. All submitted material becomes the property of the City of Benicia.

The selected lead organization will be required to assume responsibility for all services offered in the proposal whether or not they possess them within their organization. The selected lead organization will be the sole point of contact with regard to contractual matters, including payment of any and all charges resulting from the contract.

C. Validity.

The proposer agrees to be bound by its proposal for a period of ninety (90) days commencing July 20, 2012 during which time the City may request clarification or correction of the proposal for the purpose of evaluation. Amendments or clarifications shall not affect the remainder of the proposal, but only that portion so amended or clarified.

D. Standard Agreement.

A sample agreement has been provided as Appendix B for the proposer's review and comment. If a proposer wishes to take exception to any of the terms and conditions contained in the agreement, these should be identified specifically; otherwise it will be assumed that the proposer is willing to enter into the agreement as it is written. Failure to identify contractual issues of dispute can later be the basis for the City disqualifying a proposer. Any exceptions to terms, conditions, or other requirements must be clearly stated. Otherwise, the City will consider that all items offered are in strict compliance with the RFP, and the successful proposer will be responsible for compliance. The City will consider such exceptions as part of the evaluation process which may constitute grounds for rejection of the proposal. The agreement will not be executed by the City without first being signed by the proposer.

E. Permits and Licenses.

Proposer, and all of proposer's subcontractors, at its and/or their sole expense, shall obtain and maintain during the term of any agreement, all appropriate permits, certificates and licenses including, but not limited to, a **City of Benicia Business License** which will be required in connection with the performance of services hereunder.

F. Oral and Written Explanations.

The City will not be bound by oral explanations or instructions given at any time during the review process or after the award. Oral explanations given during the review process and after award become binding when confirmed in writing by an authorized City official. Written responses to question(s) asked by one proposer will be provided to all proposers who received a Request for Proposal.

G. Proposer's Representative.

The person signing the proposal must be a legal representative of the firm authorized to bind the firm to an agreement in the event of the award.

H. Deliverables.

During the term of the agreement, the Contractor shall provide monthly weight reports of sludge transported from the City's wastewater treatment plant.

I. Restrictions on Lobbying.

The agreement will be subject to 24 CFR 87 which prohibits the payment of Federal funds to any person for influencing or attempting to influence, any public officer or employee in connection with that award, making, entering into, extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan or agreement.

J. Insurance.

General liability, automobile, and worker's compensation insurance are required in the amount set forth in the attached sample agreement.

K. Applicable Laws.

The Contractor must be compliant with all Federal, State and Local laws current, pending and future during the term of the agreement. These include compliance with laws regarding the handling, transport and disposal of sewage sludge's and air pollution control.

VII. AVAILABILITY OF DOCUMENTS

Copies of the previous three years sludge data are available for review during business hours at the City of Benicia Wastewater Treatment Plant located at 614 East Fifth Street, Benicia, California. Business hours are 8:00 am – 5:00 pm Monday – Thursday and 8:00 am – 3:30 pm Fridays.

APPENDIX A

MAJOR WORK TASKS

The following is a list of major tasks that should be accomplished as part of the scope of work:

- Provide of a non-leaking dump box, truck, bin or other portable container capable of containing and transporting sludge that incorporates a movable lid and quick disconnect hose connection for odor control.
- Regular transportation so as to provide uninterrupted operation of the City's solids handling process which will likely require daily rotation of the container Monday through Saturday with the ability to perform twice a day and/or Sunday pickups when needed.
- Disposal at an approved landfill site.
- Confirmation of applicable beneficial reuse credits.
- Provider annual report to the City by January 15 outlining the previous year's (January 1 to December 31) sludge hauling information. This report will summarize the quantity of sludge hauled, the site (landfill) at which the material was disposed at, and what the material was used for (liner, alternative daily cover, other beneficial reuses).
- Payments issued in a monthly format with daily tickets attached.

APPENDIX B

AGREEMENT FOR CONTRACT SERVICES

THIS AGREEMENT is made and entered into between the City of Benicia, a general law city in Solano County, California, hereinafter called "CITY" and _____ hereinafter called "CONTRACTOR".

CONTRACTOR'S Business Address _____

The parties to this agreement mutually agree as follows:

1. DESCRIPTION OF SERVICES TO BE PROVIDED

CONTRACTOR shall provide services to CITY in accordance with the Request for Proposal ("RFP") dated _____ and Proposal dated _____ for the transportation and disposal of wastewater treatment plant sludge from the City's Water Treatment Plant. The RFP and Proposal are incorporated herein by reference and are attached as Exhibit "A" and Exhibit "B", respectively. The RFP shall define the Scope of Work. CONTRACTOR shall perform the services contemplated hereunder in a competent and professional manner and to the satisfaction of the CITY'S Public Works Director and his/her designee.

2. PAYMENT

CONTRACTOR shall be paid for the above-described services in the amount stated in the Bid Schedule in the Proposal. The compensation agreed to be paid to CONTRACTOR shall be the sole and exclusive consideration paid or provided to the CONTRACTOR by the CITY.

CONTRACTOR shall be paid for the service it/he/she renders hereunder:

X within 30 days after receipt of any monthly statement therefore.

_____ within 30 days after the completion of the work.

_____ on a monthly basis, beginning on _____, in equal installments of \$_____ each.

3. CONTRACT TERMINATION

Both parties agree and understand that this contract may be terminated under the following conditions:

- (a) by failure of the CONTRACTOR to substantially perform the above described services; and/or
- (b) the CITY reserves the right to cancel the work or services before the work or service begins, even though advertised and requested for.

In the event the contract is canceled under the circumstances described in paragraph 3(b), the determination of payment to the CONTRACTOR shall be at the discretion of the City's Public Works Director or his/her designee.

4. CONTRACTOR RELATIONSHIP

CONTRACTOR understands and agrees that in performing the above described services, the CONTRACTOR shall act as an independent contractor and not an employee of the CITY.

The CONTRACTOR shall be solely responsible for the reporting of income for taxable purposes.

5. COMPLIANCE WITH THE LAW

CONTRACTOR, in the conduct of the services contemplated hereunder, shall comply with all statutes, state or federal, and all ordinances, rules and regulations of the City Council of the City or of the City's Public Works Department.

6. SUPPLIES

CONTRACTOR shall acquire, provide, maintain, and repair at its/his/her sole cost and expense such equipment, materials, supplies, etc., as CONTRACTOR needs for its/his/her use for the proper conduct of the aforesaid work or services.

7. INDEMNIFICATION AND INSURANCE

(a) CONTRACTOR agrees to indemnify, release, defend, and hold harmless the CITY, its officers, agents and employees ("indemnities") from and against any and all claims, demands, losses, defense costs, or liability of any kind or nature which indemnities may sustain or incur or which may be imposed upon them for injuries to or death of persons, or damages or injury to property as a result of, arising out of, or in any manner connected with CONTRACTOR'S performance under the terms of this agreement.

(b) In the event CONTRACTOR desires to hire or employ any other company or person to perform any part of the services contemplated herein, the written approval therefore must be first obtained from the CITY. The CITY may withhold such approval for any reason. If approval is given by the CITY, CONTRACTOR shall secure Worker's Compensation insurance covering said approved employee(s) in statutory amounts and providing 30 days' advance notice to CITY in the event said policy is canceled.

(c) Without limiting CONTRACTOR'S indemnification, it is agreed that CONTRACTOR shall maintain in force at all times during the performance of this contract, the following types of insurance providing coverage on an "occurrence" basis. Said insurance shall name the CITY, its officers, agents and employees as additional insureds and provide for 30 days' advance notice of cancellation. Evidence of said insurance shall be delivered to CITY at the same time CONTRACTOR signs this Agreement in certificate forms acceptable to the CITY.

 X Automobile insurance for the vehicle(s) CONTRACTOR uses in connection with the performance of this Agreement. Coverage: \$1,000,000 per occurrence for bodily injury and property damage.

 X Commercial general liability and property damage insurance. Coverage: \$1,000,000 combined, single limit.

 X Worker's Compensation insurance to cover its employees as required by the Labor Code of the State of California. CONTRACTOR's worker's compensation insurance shall include the following language: "All rights of subrogation are hereby waived against the CITY, its officers and employees when acting within the scope of their appointment or employment." In the event any class of employees engaged in hazardous work under this Contract is not protected under Workers' Compensation Statutes, the CONTRACTOR shall provide adequate and suitable insurance for the protection of its employees not otherwise protected.

 Pollution and/or Asbestos Pollution Liability and/or Errors and Omissions insurance. Coverage: \$1,000,000 per occurrence, \$2,000,000 policy aggregate.

8. ASSIGNMENT

The parties acknowledge that the above-described services shall not under any circumstances be assigned to any other person without the prior written consent of the CITY. It is further recognized by the parties hereto that a substantial inducement to the CITY for entering into this agreement was, and is, the professional reputation and competence of the CONTRACTOR.

9. GOVERNING LAW

This Agreement shall be governed by the laws of the State of California. It constitutes the entire agreement between the parties regarding its subject matter. If any provision in this Agreement is held by any court to be invalid, void, or

unenforceable, the remaining provisions shall nevertheless continue in full force.

WITNESS THE EXECUTION THEREOF, this _____ day of _____, 2012

CITY OF BENICIA

CONTRACTOR

BY _____
Brad Kilger
CITY MANAGER

Signature

Title

ATTEST:

Lisa Wolfe
CITY CLERK

APPROVED AS TO FORM:

Heather McLaughlin
CITY ATTORNEY

APPENDIX C
SUMMARY OF ANALYTICAL TESTING
(Years 2009 - 2011)

CITY OF BENICIA, CALIFORNIA
WASTEWATER TREATMENT FACILITY
2011 Filter Press Cake Priority Pollutant Data

Table 6

NR=not reported within scan
 NA = not analyzed by lab
 ND = not detected at MDL
 NS = not sampled by POTW
 MDL = method detection limit

EPA 8260B Volatile Organics (mg/kg)

Analyte	1st Quarter (wet wt.) Wet Season (TTLC) January 7, 2011		3rd Quarter (wet wt.) Dry Season (TTLC) July 15, 2011	
	Det. Limit (mg/kg)	(mg/kg)	Det. Limit (mg/kg)	(mg/kg)
Acrolein	1.0	ND	1.0	ND
Acrylonitrile	0.50	ND	0.50	ND
Benzene	0.025	ND	0.025	ND
Bromobenzene	0.025	ND	0.025	ND
Bromochloromethane	0.025	ND	0.025	ND
Bromodichloromethane	0.025	ND	0.025	ND
Bromoform	0.025	ND	0.025	ND
Bromomethane (Methyl Bromide)	0.10	ND	0.10	ND
n-Butylbenzene	0.025	ND	0.025	ND
sec-Butylbenzene	0.025	ND	0.025	ND
tert-Butylbenzene	0.025	ND	0.025	ND
Carbon tetrachloride	0.025	ND	0.025	ND
Chlorobenzene	0.025	ND	0.025	ND
Chloroethane (Ethyl Chloride)	0.10	ND	0.10	ND
Chloroform	0.025	ND	0.025	ND
Chloromethane (Methyl Chloride)	0.10	ND	0.10	ND
2-Chlorotoluene	0.025	ND	0.025	ND
4-Chlorotoluene	0.025	ND	0.025	ND
Dibromochloromethane	0.025	ND	0.025	ND
1,2-Dibromo-3-chloropropane	0.025	ND	0.025	ND
1,2-Dibromoethane (EDB)	0.025	ND	0.025	ND
Dibromomethane	0.025	ND	0.025	ND
1,2-Dichlorobenzene	0.025	ND	0.025	ND
1,3-Dichlorobenzene	0.025	ND	0.025	ND
1,4-Dichlorobenzene	0.025	ND	0.025	ND
Dichlorodifluoromethane (F-12)	0.050	ND	0.050	ND
1,1-Dichloroethane	0.025	ND	0.025	ND
1,2-Dichloroethane (EDC)	0.025	ND	0.025	ND
1,1-Dichloroethene	0.025	ND	0.025	ND
cis-1,2-Dichloroethene	0.025	ND	0.025	ND
trans-1,2-Dichloroethene	0.025	ND	0.025	ND
1,2-Dichloropropane	0.025	ND	0.025	ND
1,3-Dichloropropane	0.025	ND	0.025	ND
2,2-Dichloropropane	0.025	ND	0.025	ND
1,1-Dichloropropene	0.025	ND	0.025	ND
cis 1,3-Dichloropropene	0.025	ND	0.025	ND
trans 1,3-Dichloropropene	0.025	ND	0.025	ND
Dichlorotrifluoroethane (F-123)	0.025	ND	0.025	ND
Ethylbenzene	0.025	ND	0.025	ND
Hexachlorobutadiene	0.025	ND	0.025	ND
4-Isopropyltoluene	0.025	ND	0.025	ND
Methyl tert-butyl Ether (MTBE)	0.025	ND	0.025	ND
Methylene chloride	0.15	ND	0.15	ND
Naphthalene	0.025	ND	0.025	ND
n-Propylbenzene	0.025	ND	0.025	ND
Styrene	0.025	ND	0.025	ND
1,1,1,2-Tetrachloroethane	0.025	ND	0.025	ND
1,1,2,2-Tetrachloroethane	0.025	ND	0.025	ND
Tetrachloroethene (PCE)	0.025	ND	0.025	ND
Toluene	0.025	ND	0.025	ND
1,2,3-Trichlorobenzene	0.025	ND	0.025	ND
1,2,4-Trichlorobenzene	0.025	ND	0.025	ND
1,1,2-Trichloroethane	0.025	ND	0.025	ND
1,1,1-Trichloroethane (TCA)	0.025	ND	0.025	ND
Trichloroethene (TCE)	0.025	ND	0.025	ND
Trichlorofluoromethane (F-11)	0.025	ND	0.025	ND
1,2,3-Trichloropropane	0.025	ND	0.025	ND
Trichlorotrifluoroethane (F113)	0.050	ND	0.050	ND
1,2,4-Trimethylbenzene	0.025	ND	0.025	ND
1,3,5-Trimethylbenzene	0.025	ND	0.025	ND
Vinyl Chloride	0.025	ND	0.025	ND
Xylenes, Total	0.025	ND	0.025	ND

Table 7

CITY OF BENICIA, CALIFORNIA
WASTEWATER TREATMENT FACILITY
2011 Filter Press Cake Priority Pollutant Data

EPA 8270 Semi-volatile Organics (mg/kg)

NA = not analyzed by lab
 ND = not detected at MDL
 NR = not reported within scan
 NS = not sampled by POTW
 B = Detected in Method Blank

Analyte	1st Quarter Wet Season (TTLIC) January 7, 2011		3rd Quarter Dry Season (TTLIC) July 15, 2011	
	Det. Limit (mg/kg)	(mg/kg)	Det. Limit (mg/kg)	(mg/kg)
Acenaphthene	20	ND	5.0	ND
Acenaphthylene	20	ND	5.0	ND
Aniline	20	ND	5.0	ND
Anthracene	20	ND	5.0	ND
Benzidene	40	ND	10	ND
Benzo (a) anthracene	20	ND	5.0	ND
Benzo (b) fluoroanthene	20	ND	5.0	ND
Benzo (k) fluoroanthene	20	ND	5.0	ND
Benzo (a) pyrene	20	ND	5.0	ND
Benzo (g, h, i) perylene	20	ND	5.0	ND
Benzoic Acid	102	ND	26	ND
Benzyl Alcohol	20	ND	5.0	ND
Benzyl butyl phthalate	20	ND	5.0	ND
4 - Bromophenyl phenyl ether	20	ND	5.0	ND
Carbazole	20	ND	5.0	ND
4 - Chloroaniline	20	ND	5.0	ND
Bis (2 - chloroethoxy) methane	20	ND	5.0	ND
Bis (2 - chloroethyl) ether	20	ND	5.0	ND
Bis (2 - chloroisopropyl) ether	20	ND	5.0	ND
4-Chloro-3-methylphenol	20	ND	5.0	ND
2 - Chloronaphthalene	20	ND	5.0	ND
2-Chlorophenol	20	ND	5.0	ND
4 - Chlorophenyl phenyl ether	20	ND	5.0	ND
Chrysene	20	ND	5.0	ND
Dibenzo (a, h) anthracene	20	ND	5.0	ND
Dibenzofuran	20	ND	5.0	ND
1, 2 - Dichlorobenzene	20	ND	5.0	ND
1, 3 - Dichlorobenzene	20	ND	5.0	ND
1, 4 - Dichlorobenzene	20	ND	5.0	ND
3, 3' - Dichlorobenzidine	20	ND	5.0	ND
2,4- Dichlorophenol	20	ND	5.0	ND
Diethylphthalate	20	ND	5.0	ND
2,4- Dimethylphenol	20	ND	5.0	ND
Dimethylphthalate	20	ND	5.0	ND
Di-n-butylphthalate	20	ND	5.0	ND
2, 4 - Dinitrophenol	20	ND	5.0	ND
2, 4 - Dinitrotoluene	20	ND	5.0	ND
2, 6 - Dinitrotoluene	20	ND	5.0	ND
Di-n-octylphthalate	20	ND	5.0	ND
1, 2 - Diphenylhydrazine/ Azobenzene	20	ND	5.0	ND
Bis (2 - Ethylhexyl) phthalate	20	ND	5.0	39
Fluoranthene	20	ND	5.0	ND
Fluorene	20	ND	5.0	ND
Hexachlorobenzene	20	ND	5.0	ND
Hexachlorobutadiene	20	ND	5.0	ND
Hexachlorocyclo pentadiene	20	ND	5.0	ND
Hexachloroethane	20	ND	5.0	ND
Indeno(1, 2, 3 - cd)pyrene	20	ND	5.0	ND
Isophorone	20	ND	5.0	ND
2-Methyl-4,6-dinitrophenol	20	ND	5.0	ND
2 - Methyl-naphthalene	20	ND	5.0	ND
2-Methylphenol (o-Cresol)	20	ND	5.0	ND
3 & 4-Methylphenol (m&p Cresol)	20	ND	5.0	ND

**CITY OF BENICIA, CALIFORNIA
WASTEWATER TREATMENT FACILITY
2011 Filter Press Cake Priority Pollutant Data**

Table 8

EPA 8270 Semi-volatile Organics (mg/kg)

NA = not analyzed by lab
 ND = not detected at MDL
 NR = not reported within scan
 NS = not sampled by POTW
 MDL = method detection limit

Analyte	1st Quarter Wet Season (TTL) January 7, 2011		3rd Quarter Dry Season (TTL) July 15, 2011	
	Det. Limit (mg/kg)	(mg/kg)	Det. Limit (mg/kg)	(mg/kg)
Naphthalene	20	ND	5.0	ND
2 - Nitroanile	20	ND	5.0	ND
3 - Nitroanile	20	ND	5.0	ND
4 - Nitroanile	20	ND	5.0	ND
Nitrobenzene	20	ND	5.0	ND
2-Nitrophenol	20	ND	5.0	ND
4-Nitrophenol	20	ND	5.0	ND
N-Nitrosodimethylamine	20	ND	5.0	ND
N-Nitrosodi-n-propylamine	20	ND	5.0	ND
N-Nitrosodiphenylamine	20	ND	5.0	ND
Pentachlorophenol	20	ND	5.0	ND
Phenanthrene	20	ND	5.0	ND
Phenol	20	ND	5.0	ND
Pyrene	20	ND	5.0	ND
Pyridine	20	ND	5.0	ND
1, 2, 4 - Trichlorobenzene	20	ND	5.0	ND
2, 4, 5 - Trichlorophenol	20	ND	5.0	ND
2, 4, 6 - Trichlorophenol	20	ND	5.0	ND
Total Cresol	20	ND	NR	

CITY OF BENICIA, CALIFORNIA
WASTEWATER TREATMENT FACILITY
2011 Filter Press Cake Priority Pollutant Data

NA = not analyzed by lab
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 NR = not reported within scan
 NS = not sampled by POTW
 MDL = method detection limit

EPA 8082 Polychlorinated Biphenyls

Analyte	1st Quarter Wet Season January 7, 2011		3rd Quarter Dry Season 15-Jul-11	
	Det. Limit (mg/kg)	(mg/kg)	Det. Limit (mg/kg)	(mg/kg)
PCB 1016	0.042	ND	0.042	ND
PCB 1221	0.042	ND	0.042	ND
PCB 1232	0.042	ND	0.042	ND
PCB 1242	0.042	ND	0.042	ND
PCB 1248	0.042	ND	0.042	ND
PCB 1254	0.042	ND	0.042	ND
PCB 1260	0.042	ND	0.042	ND

EPA 8321 Carbamate Pesticides

As of June 1, 2008 this is no longer required

CITY OF BENICIA, CALIFORNIA
WASTEWATER TREATMENT FACILITY
2011 Filter Press Cake Metals, Misc, and Pesticides Data

RL = Reporting Limit
 NA = not analyzed by lab
 ND = not detected at MDL
 NR = not reported within scan
 NS = not sampled by POTW

% Solids of Sample Submitted
 1st Quarter =
 3rd Quarter =

Analyte	TITLE 22 TTLC (mg/kg)	RL	1st Quarter Wet Season January 7, 2011 TTLC (mg/kg)	RL	3rd Quarter Dry Season July 15, 2011 TTLC (mg/kg)
Antimony (EPA SW-846 #6010B)	500	2.0	ND		
Arsenic (EPA SW-846 #6010B)	500	2.0	ND	2.0	2.7
Barium (EPA SW-846 #6010B)	10,000	1.0	67		
Beryllium (EPA SW-846 #6010B)	75	0.20	ND	0.20	0.21
Cadmium (EPA SW-846 #6010B)	100	0.20	0.34	0.20	0.31
Chromium (EPA SW-846 #6010B)	2,500	1.0	6.8	1.0	8.3
Hexavalent Chromium (EPA SW #7196)	500	5.000	ND		
Cobalt (EPA SW-846 #6010B)	8,000	0.4	0.6		
Copper (EPA SW-846 #6010B)	2,500	2.0	44	2.0	52
2,4-D	100	0.80	ND		
Fluoride (Salts SW-9056)	18,000	0.50	8		
Lead (EPA SW-846 #6010B)	1,000	1.0	2.8	1.0	3.3
Mercury (EPA SW-846 #7471)	20	0.020	0.15	0.041	0.22
Molybdenum (EPA SW-846 #6010B)	3,500	1.0	1.8		
Nickel (EPA SW-846 #6010B)	2,000	1.0	4.2	1.0	4.9
Organic Lead (EPA SW-846 #6010B)	1	1.0	ND		
Selenium (EPA SW-846 #6010B)	100	2.0	2.3	2.0	2.8
Silver (EPA SW-846 #6010B)	500	1.0	1.4	1.0	2.4
Thallium (EPA SW-846 #6010B)	700	2.0	ND		
Vanadium (EPA SW-846 #6010B)	2,400	0.40	4.2		
Zinc (EPA SW-846 #6010B)	5,000	4.0	140	4.0	173
Cyanide (EPA SW-846 #9010A)	0.48	0.080	0.12		
Dioxin (2,3,7,8-TCDD) (ng/g)	0.01	0.000588	ND		

EPA 8081 Chlorinated Pesticides

mg/kg - wet weight

Aldrin	1.4	0.024	ND	0.012	ND
alpha-, beta-, delta-, gamma-BHC (Lindane)	4	0.024	ND	0.012	ND
Chlordane	2.5	0.048	ND	0.024	ND
4, 4' - DDD, DDE, - DDT	1	0.024	ND	0.012	ND
Dieldrin	8	0.024	ND	0.012	ND
Endosulfan (I, II, Sulfate)		0.024	ND	0.012	ND
Endrin	0.2	0.024	ND	0.012	ND
Endrin aldehyde		0.024	ND	0.012	ND
Heptachlor	4.7	0.024	ND	0.012	ND
Heptachlor Epoxide		0.024	ND	0.012	ND
Methoxychlor	100	0.024	ND	0.012	ND
Toxaphene	5	0.48	ND	0.24	ND

Note: Values reported as "less than" the value stated were not detected at the detection limit.

CITY OF BENICIA, CALIFORNIA
WASTEWATER TREATMENT FACILITY
2010 Filter Press Cake Priority Pollutant Data

EPA 8260B Volatile Organics (mg/kg)

NR=not reported within scan
 NA = not analyzed by lab
 ND = not detected at MDL
 NS = not sampled by POTW
 MDL = method detection limit

Analyte	1st Quarter Wet Season (TTLIC) 1/4-1/8/2010		3rd Quarter Dry Season (TTLIC) 7/12-7/16/2010	
	Det. Limit (mg/kg)	(mg/kg)	Det. Limit (mg/kg)	(mg/kg)
Acrolein	1.0	ND	1.0	ND
Acrylonitrile	0.50	ND	0.50	ND
Benzene	0.025	ND	0.025	ND
Bromobenzene	0.025	ND	0.025	ND
Bromochloromethane	0.025	ND	0.025	ND
Bromodichloromethane	0.025	ND	0.025	ND
Bromoform	0.025	ND	0.025	ND
Bromomethane (Methyl Bromide)	0.10	ND	0.10	ND
Carbon tetrachloride	0.025	ND	0.025	ND
Chlorobenzene	0.025	ND	0.025	ND
Chloroethane (Ethyl Chloride)	0.10	ND	0.10	ND
Chloroform	0.025	ND	0.025	ND
Chloromethane (Methyl Chloride)	0.10	ND	0.10	ND
2-Chlorotoluene	0.025	ND	0.025	ND
4-Chlorotoluene	0.025	ND	0.025	ND
Dibromochloromethane	0.025	ND	0.025	ND
1,2-Dibromo-3'chloropropane	0.025	ND	0.025	ND
1,2-Dibromoethane (EDB)	0.025	ND	0.025	ND
Dibromomethane	0.025	ND	0.025	ND
1,2-Dichlorobenzene	0.025	ND	0.025	ND
1,3-Dichlorobenzene	0.025	ND	0.025	ND
1,4-Dichlorobenzene	0.025	ND	0.025	ND
Dichlorodifluoromethane (F-12)	0.050	ND	0.050	ND
1,1-Dichloroethane	0.025	ND	0.025	ND
1,2-Dichloroethane (EDC)	0.025	ND	0.025	ND
1,1-Dichloroethene	0.025	ND	0.025	ND
cis-1,2-Dichloroethene	0.025	ND	0.025	ND
trans-1,2-Dichloroethene	0.025	ND	0.025	ND
1,2-Dichloropropane	0.025	ND	0.025	ND
2,2-Dichloropropane	0.025	ND	0.025	ND
1,3-Dichloropropane	0.025	ND	0.025	ND
1,1-Dichloropropene	0.025	ND	0.025	ND
cis 1,3-Dichloropropene	0.025	ND	0.025	ND
trans 1,3-Dichloropropene	0.025	ND	0.025	ND
Dichlorotrifluoroethane (F-123)	0.025	ND	0.025	ND
Ethylbenzene	0.025	ND	0.025	ND
Hexachlorobutadiene	0.025	ND	0.025	ND
4-Isopropyltoluene	0.025	ND	0.025	ND
Methyl tert-butyl Ether (MTBE)	0.025	ND	0.025	ND
Methylene chloride	0.15	ND	0.15	ND
Naphthalene	0.025	ND	0.025	ND
n-Butylbenzene	0.025	ND	0.025	ND
n-Propylbenzene	0.025	ND	0.025	ND
Tert-Butylbenzene	0.025	ND	0.025	ND
1,1,2-Tetrachloroethane	0.025	ND	0.025	ND
1,1,1,2-Tetrachloroethane	0.025	ND	0.025	ND
Tetrachloroethene (Perc, or PCE)	0.025	ND	0.025	ND
Toluene	0.025	ND	0.025	ND
1,2,3-Trichlorobenzene	0.025	ND	0.025	ND
1,2,4-Trichlorobenzene	0.025	ND	0.025	ND
1,1,1-Trichloroethane (TCA)	0.025	ND	0.025	ND
1,1,2-Trichloroethane	0.025	ND	0.025	ND
Trichloroethene (TCE)	0.025	ND	0.025	ND
Trichlorofluoromethane (F-11)	0.025	ND	0.025	ND
1,2,3-Trichloropropane	0.025	ND	0.025	ND
1,3,5-Trimethylbenzene	0.025	ND	0.025	ND
sec-Butylbenzene	0.025	ND	0.025	ND
Vinyl Chloride	0.025	ND	0.025	ND
Xylenes, Total	0.025	ND	0.025	ND

Table 7

CITY OF BENICIA, CALIFORNIA
WASTEWATER TREATMENT FACILITY
2010 Filter Press Cake Priority Pollutant Data

EPA 8270 Semi-volatile Organics (mg/kg)

NA = not analyzed by lab
 ND = not detected at MDL
 NR = not reported within scan
 NS = not sampled by POTW
 B = Detected in Method Blank

Analyte	1st Quarter Wet Season (TTLIC) 1/4-1/8/2010		3rd Quarter Dry Season (TTLIC) 7/12-7/16/2010	
	Det. Limit (mg/kg)	(mg/kg)	Det. Limit (mg/kg)	(mg/kg)
Acenaphthene	20	ND	13	ND
Acenaphthylene	20	ND	13	ND
Aniline	20	ND	13	ND
Anthracene	20	ND	13	ND
Benzidene	40	ND	27	ND
Benzoic Acid	100	ND	68	ND
Benzo (a) anthracene	20	ND	13	ND
Benzo (b) fluoroanthene	20	ND	13	ND
Benzo (k) fluoroanthene	20	ND	13	ND
Benzo (a) pyrene	20	ND	13	ND
Benzo (g, h, i) perylene	20	ND	13	ND
Benzyl Alcohol	20	ND	13	ND
Benzyl butyl phthalate	20	ND	13	ND
Bis (2 - chloroethyl) ether	20	ND	13	ND
Bis (2 - chloroethoxy) methane	20	ND	13	ND
Bis (2 - chloroisopropyl) ether	20	ND	13	ND
Bis (2 - ethylhexyl) phthalate	20	ND	33	ND
4 - Bromophenyl phenyl ether	20	ND	13	ND
Carbazole	20	ND	13	ND
4 - Chloroaniline	20	ND	13	ND
2 - Chloronaphthalene	20	ND	13	ND
4 - Chlorophenyl phenyl ether	20	ND	13	ND
Chrysene	20	ND	13	ND
Dibenzo (a, h) anthracene	20	ND	13	ND
Dibenzofuran	20	ND	13	ND
Di-n-butylphthalate	20	ND	13	ND
1, 2 - Dichlorobenzene	20	ND	13	ND
1, 3 - Dichlorobenzene	20	ND	13	ND
1, 4 - Dichlorobenzene	20	ND	13	ND
3, 3' - Dichlorobenzidine	20	ND	13	ND
Diethylphthalate	20	ND	13	ND
Dimethylphthalate	20	ND	13	ND
2, 4 - Dinitrophenol	20	ND	13	ND
2, 4 - Dinitrotoluene	20	ND	13	ND
2, 6 - Dinitrotoluene	20	ND	13	ND
Di-n-octylphthalate	20	ND	13	ND
1, 2 - Diphenylhydrazine/ Azobenzene	20	ND	13	ND
Fluoranthene	20	ND	13	ND
Fluorene	20	ND	13	ND
Hexachlorobenzene	20	ND	13	ND
Hexachlorobutadiene	20	ND	13	ND
Hexachlorocyclo pentadiene	20	ND	13	ND
Hexachloroethane	20	ND	13	ND
Indeno(1, 2, 3 - cd)pyrene	20	ND	13	ND
Isophorone	20	ND	13	ND
2 - Methylnaphthalene	20	ND	13	ND
Naphthalene	20	ND	13	ND
2 - Nitroanile	20	ND	13	ND
3 - Nitroanile	20	ND	13	ND
4 - Nitroanile	20	ND	13	ND
Nitrobenzene	20	ND	13	ND
N-Nitrosodimethylamine	20	ND	13	ND
N-Nitrosodiphenylamine	20	ND	13	ND
N-Nitrosodi-n-propylamine	20	ND	13	ND
Phenanthrene	20	ND	13	ND
Pyrene	20	ND	13	ND
1, 2, 4 - Trichlorobenzene	20	ND	13	ND

Table 8

CITY OF BENICIA, CALIFORNIA
WASTEWATER TREATMENT FACILITY
2010 Filter Press Cake Priority Pollutant Data

EPA 8270 Semi-volatile Organics (mg/kg)

NA = not analyzed by lab
 ND = not detected at MDL
 NR = not reported within scan
 NS = not sampled by POTW
 MDL = method detection limit

Analyte	1st Quarter Wet Season (TTLIC) 1/4-1/8/2010		3rd Quarter Dry Season (TTLIC) 7/13-7/17/2010	
	Det. Limit (mg/kg)	(mg/kg)	Det. Limit (mg/kg)	(mg/kg)
4-Chloro-3-methylphenol	20	ND	13	ND
2 - Chlorophenol	20	ND	13	ND
2, 4 - Dichlorophenol	20	ND	13	ND
2, 4 - Dimethylphenol	20	ND	13	ND
2, 4 - Dinitrophenol	20	ND	13	ND
2 Methyl 4, 6 - Dinitro-phenol	20	ND	13	ND
2-Methylphenol (o-cresol)	20	ND	13	ND
3 & 4-Methylphenol(m&p Cresol)	20	ND	13	ND
2 - Nitrophenol	20	ND	13	ND
4 - Nitrophenol	20	ND	13	ND
Pentachlorophenol	20	ND	13	ND
Phenol	20	ND	13	ND
2, 4, 5 - Trichlorophenol	20	ND	13	ND
2, 4, 6 - Trichlorophenol	20	ND	13	ND

**CITY OF BENICIA, CALIFORNIA
WASTEWATER TREATMENT FACILITY
2010 Filter Press Cake Priority Pollutant Data**

NA = not analyzed by lab
 ND = not detected at MDL
 NR = not reported within scan
 NS = not sampled by POTW
 MDL = method detection limit

EPA 8082 Polychlorinated Biphenyls

Analyte	1st Quarter Wet Season 1/4-1/8/2010		3rd Quarter Dry Season 7/13-7/17/2010	
	Det. Limit (mg/kg)	(mg/kg)	Det. Limit (mg/kg)	(mg/kg)
PCB 1016	0.21	ND	0.14	ND
PCB 1221	0.21	ND	0.14	ND
PCB 1232	0.21	ND	0.14	ND
PCB 1242	0.21	ND	0.14	ND
PCB 1248	0.21	ND	0.14	ND
PCB 1254	0.21	ND	0.14	ND
PCB 1260	0.21	ND	0.14	ND

EPA 8321 Carbamate Pesticides

As of June 1, 2008 this is no longer required

Table 10

CITY OF BENICIA, CALIFORNIA
WASTEWATER TREATMENT FACILITY
2010 Filter Press Cake Metals, Misc, and Pesticides Data

RL = Reporting Limit
 NA = not analyzed by lab
 ND = not detected at MDL
 NR = not reported within scan
 NS = not sampled by POTW

% Solids of Sample Submitted
 1st Quarter =
 3rd Quarter =

Analyte	TITLE 22 TTLC (mg/kg)	RL	1st Quarter Wet Season 1/4 - 1/8/2010 TTLC (mg/kg)	RL	3rd Quarter Dry Season 7/12-7/16/2010 TTLC (mg/kg)
Antimony (EPA SW-846 #6010B)	500	2.0	ND	2.0	ND
Arsenic (EPA SW-846 #6010B)	500	2.0	ND	2.0	ND
Barium (EPA SW-846 #6010B)	10,000	1.0	57	1.0	59
Beryllium (EPA SW-846 #6010B)	75	0.20	ND	0.20	ND
Cadmium (EPA SW-846 #6010B)	100	0.20	0.41	0.20	0.41
Chromium (EPA SW-846 #6010B)	2,500	1.0	4.2	1.0	6.4
Hexavalent Chromium (EPA SW #7196)	500			10	ND
Cobalt (EPA SW-846 #6010B)	8,000	0.4	ND	0.4	0.5
Copper (EPA SW-846 #6010B)	2,500	2.0	39	2.0	44
2,4-D	100			0.80	ND
Fluoride (Salts SW-9056)	18,000			0.50	24.4
Lead (EPA SW-846 #6010B)	1,000	1.0	2.9	1.0	3.1
Mercury (EPA SW-846 #7471)	20	0.020	0.16	0.020	0.19
Molybdenum (EPA SW-846 #6010B)	3,500	1.0	1.6	1.0	3.2
Nickel (EPA SW-846 #6010B)	2,000	1.0	3.1	1.0	3.6
Organic Lead (EPA SW-846 #6010B)	1			1.0	ND
Selenium (EPA SW-846 #6010B)	100	2.0	2.0	2.0	2.2
Silver (EPA SW-846 #6010B)	500	1.0	1.5	1.0	1.9
Thallium (EPA SW-846 #6010B)	700	2.0	ND	2.0	ND
Vanadium (EPA SW-846 #6010B)	2,400	0.40	3.4	0.40	3.5
Zinc (EPA SW-846 #6010B)	5,000	4.0	130	4.0	138
Cyanide (EPA SW-846 #9010A)	0.48			0.080	ND
Dioxin (2,3,7,8-TCDD)	0.01			0.0269	ND

EPA 8081 Chlorinated Pesticides
 mg/kg - wet weight

Aldrin	1.4	0.060	ND	0.040	ND
gamma BHC (Lindane)	4	0.060	ND	0.040	ND
Chlordane	2.5	0.12	ND	0.080	ND
p, p - DDD, DDE, - DDT	1	0.080	ND	0.040	ND
Dieldrin	8	0.060	ND	0.040	ND
Endosulfan (I, II, Sulfate)		0.060	ND	0.040	ND
Endrin	0.2	0.060	ND	0.040	ND
Endrin Aldehyde		0.060	ND	0.040	ND
Heptachlor	4.7	0.060	ND	0.040	ND
Heptachlor Epoxide		0.060	ND	0.040	ND
Methoxychlor	100	0.060	ND	0.040	ND
Toxaphene	5	1.2	ND	0.80	ND

Note: Values reported as "less than" the value stated were not detected at the detection limit.

Table 6

CITY OF BENICIA, CALIFORNIA
WASTEWATER TREATMENT FACILITY
2009 Filter Press Cake Priority Pollutant Data

NR=not reported within scan
 NA = not analyzed by lab
 ND = not detected at MDL
 NS = not sampled by POTW
 MDL = method detection limit

EPA 8260B Volatile Organics (mg/kg)

Analyte	1st Quarter Wet Season (TTLIC) 1/6-1/9/2009		3rd Quarter Dry Season (TTLIC) 7/13-7/17/2009	
	Det. Limit (mg/kg)	(mg/kg)	Det. Limit (mg/kg)	(mg/kg)
Acrolein	1.000	ND	1.0	ND
Acrylonitrile	0.500	ND	0.50	ND
Benzene	0.025	ND	0.025	ND
Bromobenzene	0.025	ND	0.025	ND
Bromochloromethane	0.025	ND	0.025	ND
Bromodichloromethane	0.025	ND	0.025	ND
Bromoform	0.025	ND	0.025	ND
Bromomethane (Methyl Bromide)	0.10	ND	0.10	ND
Carbon tetrachloride	0.025	ND	0.025	ND
Chlorobenzene	0.025	ND	0.025	ND
Chloroethane (Ethylchloride)	0.10	ND	0.10	ND
Chloroform (Chlorinated H2O)	0.025	ND	0.025	ND
Chloromethane (Methyl chloride)	0.10	ND	0.10	ND
2 -Chlorotoluene	0.025	ND	0.025	ND
4-Chlorotoluene	0.025	ND	0.025	ND
Dibromochloromethane	0.025	ND	0.025	ND
1,2-Dibromo-3chloropropane (DBCP)	0.025	ND	0.025	ND
1,2-Dibromoethane (EDB)	0.025	ND	0.025	ND
Dibromomethane	0.025	ND	0.025	ND
1,2-Dichlorobenzene	0.025	ND	0.025	ND
1,3-Dichlorobenzene	0.025	ND	0.025	ND
1,4-Dichlorobenzene	0.025	ND	0.025	ND
Dichlorodifluoromethane (F-12)	0.050	ND	0.050	ND
1,1-Dichloroethane	0.025	ND	0.025	ND
1,2-Dichloroethane (EDC)	0.025	ND	0.025	ND
1,1-Dichloroethene	0.025	ND	0.025	ND
cis-1,2-Dichloroethene	0.025	ND	0.025	ND
trans-1,2-Dichloroethene	0.025	ND	0.025	ND
1,2-Dichloropropane	0.025	ND	0.025	ND
2,2-Dichloropropane	0.025	ND	0.025	ND
1,3-Dichloropropane	0.025	ND	0.025	ND
1,1-Dichloropropene	0.025	ND	0.025	ND
1,3-Dichloropropene (C+t)	NR	NR	NR	NR
Dichlorotrifluoroethane (F-123)	0.025	ND	0.025	ND
Ethyl benzene	0.025	ND	0.025	ND
Hexachlorobutadiene	0.025	ND	0.025	ND
4-Isopropyltoluene	0.025	ND	0.025	ND
Methyl tert-butyl Ether (MTBE)	0.025	ND	0.025	ND
Methylene Chloride (Dichloromethane)	0.15	ND	0.15	ND
Naphthalene	0.025	ND	0.025	ND
n-butylbenzene	0.025	ND	0.025	ND
n-propylbenzene	0.025	ND	0.025	ND
Tert-Butylbenzene	0.025	ND	0.025	ND
1,1,2,2-Tetrachloroethane	0.025	ND	0.025	ND
1,1,1,2-Tetrachloroethane	0.025	ND	0.025	ND
Tetrachloroethene (Perc, or PCE)	0.025	ND	0.025	ND
Toluene	0.025	ND	0.025	ND
1,2,3-Trichlorobenzene	0.025	ND	0.025	ND
1,2,4-Trichlorobenzene	0.025	ND	0.025	ND
1,1,1-Trichloroethane (TCA)	0.025	ND	0.025	ND
1,1,2-Trichloroethane	0.025	ND	0.025	ND
Trichloroethene (TCE)	0.025	ND	0.025	ND
Trichlorofluoromethane (F-11)	0.025	ND	0.025	ND
1,2,3-Trichloropropane	0.025	ND	0.025	ND
1,3,5-Trimethylbenzene	0.025	ND	0.025	ND
Sec-Butylbenzene	0.025	ND	0.025	ND
Vinyl Chloride	0.025	ND	0.025	ND
Xylenes, Total	0.025	ND	0.025	ND

Table 7

CITY OF BENICIA, CALIFORNIA
WASTEWATER TREATMENT FACILITY
2009 Filter Press Cake Priority Pollutant Data

NA = not analyzed by lab
 ND = not detected at MDL
 NR = not reported within scan
 NS = not sampled by POTW
 B = Detected in Method Blank

EPA 8270 Semi-volatile Organics (mg/kg)

Analyte	1st Quarter Wet Season (TTL) 1/6-1/9/2009		3rd Quarter Dry Season (TTL) 7/13-7/17/2009	
	Det. Limit (mg/kg)	(mg/kg)	Det. Limit (mg/kg)	(mg/kg)
Acenaphthene	5.0	ND	20	ND
Acenaphthylene	5.0	ND	20	ND
Aniline	5.0	ND	20	ND
Anthracene	5.0	ND	20	ND
Benzidene	10	ND	40	ND
Benzoic Acid	26	ND	100	ND
Benzo (a) anthracene	5.0	ND	20	ND
Benzo (b) fluoroanthene	5.0	ND	20	ND
Benzo (k) fluoroanthene	5.0	ND	20	ND
Benzo (a) pyrene	5.0	ND	20	ND
Benzo (g, h, i) perylene	5.0	ND	20	ND
Benzyl Alcohol	5.0	ND	20	ND
Benzyl butyl phthalate	5.0	ND	20	ND
Bis (2 - chloroethyl) ether	5.0	ND	20	ND
Bis (2 - chloroethoxy) methane	5.0	ND	20	ND
Bis (2 - chloroisopropyl) ether	5.0	ND	20	ND
Bis (2 - ethylhexyl) phthalate	5.0	10	20	ND
4 - Bromophenyl phenyl ether	5.0	ND	20	ND
Carbazole	5.0	ND	20	ND
4 - Chloroaniline	5.0	ND	20	ND
2 - Chloronaphthalene	5.0	ND	20	ND
4 - Chlorophenyl phenyl ether	5.0	ND	20	ND
Chrysene	5.0	ND	20	ND
Dibenzo (a, h) anthracene	5.0	ND	20	ND
Dibenzofuran	5.0	ND	20	ND
Di-n-butylphthalate	5.0	ND	20	ND
1, 2 - Dichlorobenzene	5.0	ND	20	ND
1, 3 - Dichlorobenzene	5.0	ND	20	ND
1, 4 - Dichlorobenzene	5.0	ND	20	ND
3, 3 - Dichlorobenzidine	5.0	ND	20	ND
Diethyl phthalate	5.0	ND	20	ND
Dimethyl phthalate	5.0	ND	20	ND
2, 4 - Dinitrophenol	5.0	ND	20	ND
2, 4 - Dinitrotoluene	5.0	ND	20	ND
2, 6 - Dinitrotoluene	5.0	ND	20	ND
Di-n-octylphthalate	5.0	ND	20	ND
1, 2 - Diphenylhydrazine	5.0	ND	20	ND
Fluoranthene	5.0	ND	20	ND
Fluorene	5.0	ND	20	ND
Hexachlorobenzene	5.0	ND	20	ND
Hexachlorobutadiene	5.0	ND	20	ND
Hexachlorocyclopentadiene	5.0	ND	20	ND
Hexachloroethane	5.0	ND	20	ND
Indeno (1, 2, 3 - cd) pyrene	5.0	ND	20	ND
Isophorone	5.0	ND	20	ND
2 - Methylnaphthalene	5.0	ND	20	ND
Naphthalene	5.0	ND	20	ND
2 - Nitroaniline	5.0	ND	20	ND
3 - Nitroaniline	5.0	ND	20	ND
4 - Nitroaniline	5.0	ND	20	ND
Nitrobenzene	5.0	ND	20	ND
N-Nitrosodimethylamine	5.0	ND	20	ND
N-Nitrosodiphenylamine	5.0	ND	20	ND
N-Nitrosodi-n-propylamine	5.0	ND	20	ND
Phenanthrene	5.0	ND	20	ND
Pyrene	5.0	ND	20	ND
1, 2, 4 - Trichlorobenzene	5.0	ND	20	ND

**CITY OF BENICIA, CALIFORNIA
WASTEWATER TREATMENT FACILITY
2009 Filter Press Cake Priority Pollutant Data**

Table 8

EPA 8270 Semi-volatile Organics (mg/kg)

NA = not analyzed by lab
 ND = not detected at MDL
 NR = not reported within scan
 NS = not sampled by POTW
 MDL = method detection limit

Analyte	1st Quarter Wet Season (TTLIC) 1/6-1/9/2009		3rd Quarter Dry Season (TTLIC) 7/13-7/17/2009	
	Det. Limit (mg/kg)	(mg/kg)	Det. Limit (mg/kg)	(mg/kg)
4-Chloro-3-methylphenol	5.0	ND	20	ND
2 - Chlorophenol	5.0	ND	20	ND
2, 4 - Dichlorophenol	5.0	ND	20	ND
2, 4 - Dimethylphenol	5.0	ND	20	ND
2, 4 - Dinitrophenol	5.0	ND	20	ND
2 Methyl 4, 6 - Dinitro-phenol	5.0	ND	20	ND
2-Methylphenol (p-cresol)	5.0	ND	20	ND
m/p-cresol (3&4 Methyl phenol)	5.0	ND	20	ND
2 - Nitrophenol	5.0	ND	20	ND
4 - Nitrophenol	5.0	ND	20	ND
Pentachlorophenol	5.0	ND	20	ND
Phenol	5.0	ND	20	ND
2, 4, 5 - Trichlorophenol	5.0	ND	20	ND
2, 4, 6 - Trichlorophenol	5.0	ND	20	ND

CITY OF BENICIA, CALIFORNIA
WASTEWATER TREATMENT FACILITY
2009 Filter Press Cake Priority Pollutant Data

NA = not analyzed by lab
 ND = not detected at MDL
 NR = not reported within scan
 NS = not sampled by POTW
 MDL = method detection limit

EPA 8082 Polychlorinated Biphenyls

Analyte	1st Quarter Wet Season 1/6-1/9/2009		3rd Quarter Dry Season 7/13-7/17/2009	
	Det. Limit (mg/kg)	(mg/kg)	Det. Limit (mg/kg)	(mg/kg)
PCB 1016	0.10	ND	0.042	ND
PCB 1221	0.10	ND	0.042	ND
PCB 1232	0.10	ND	0.042	ND
PCB 1242	0.10	ND	0.042	ND
PCB 1248	0.10	ND	0.042	ND
PCB 1254	0.10	ND	0.042	ND
PCB 1260	0.10	ND	0.042	ND

EPA 8321 Carbamate Pesticides

As of June 1, 2008 this is no longer required

CITY OF BENICIA, CALIFORNIA
WASTEWATER TREATMENT FACILITY
2009 Filter Press Cake Metals, Misc, and Pesticides Data

% Solids of Sample Submitted
 1st Quarter = 16.7%
 3rd Quarter = 15.7%

RL = Reporting Limit
 NA = not analyzed by lab
 ND = not detected at MDL
 NR = not reported within scan
 NS = not sampled by POTW

Analyte	TITLE 22 TTLC (mg/kg)	RL	1st Quarter Wet Season 1/6 - 1/9/2009 TTLC (mg/kg)	RL	3rd Quarter Dry Season 7/13-7/17/2009 TTLC (mg/kg)
Antimony (EPA SW-846 #6010B)	500	2.0	ND		
Arsenic (EPA SW-846 #6010B)	500	2.0	ND	2.0	ND
Barium (EPA SW-846 #6010B)	10,000	1.0	61		
Beryllium (EPA SW-846 #6010B)	75	0.20	ND	0.20	ND
Cadmium (EPA SW-846 #6010B)	100	0.20	0.37	0.20	0.31
Chromium (EPA SW-846 #6010B)	2,500	1.0	3.6	1.0	4.3
Hexavalent Chromium (EPA SW #7196)	500	3.1	8.8		
Cobalt (EPA SW-846 #6010B)	8,000	0.4	ND		
Copper (EPA SW-846 #6010B)	2,500	2.0	35	2.0	45
2,4-D	100	7.7	ND		
Fluoride (Salts SW-9056)	18,000	19.0	165		
Lead (EPA SW-846 #6010B)	1,000	1.0	3.1	1.0	2.7
Mercury (EPA SW-846 #7471)	20	0.020	0.22	0.039	0.21
Molybdenum (EPA SW-846 #6010B)	3,500	1.0	1.8		
Nickel (EPA SW-846 #6010B)	2,000	1.0	3.6	1.0	3.3
Organic Lead (EPA SW-846 #6010B)	1	1.0	ND		
Selenium (EPA SW-846 #6010B)	100	2.0	ND	2.0	2.1
Silver (EPA SW-846 #6010B)	500	1.0	1.8	1.0	2.4
Thallium (EPA SW-846 #6010B)	700	2.0	ND		
Vanadium (EPA SW-846 #6010B)	2,400	4.0	0.40		
Zinc (EPA SW-846 #6010B)	5,000	4.0	160	4.0	140
Cyanide (EPA SW-846 #9010A)	0.48	0.08	ND		
Dioxin (2,3,7,8-TCDD)	0.01	0.00196	ND		

EPA 8081 Chlorinated Pesticides

mg/kg - wet weight

Aldrin	1.4	0.060	ND	0.12	ND
gamma BHC (Lindane)	4	0.060	ND	0.12	ND
Chlordane	2.5	0.12	ND	0.24	ND
p, p - DDD, DDE, - DDT	1	0.060	ND	0.12	ND
Dieldrin	8	0.060	ND	0.12	ND
Endosulfan (I, II, Sulfate)		0.060	ND	0.12	ND
Endrin	0.2	0.060	ND	0.12	ND
Endrin Aldehyde		0.060	ND	0.12	ND
Heptachlor	4.7	0.060	ND	0.12	ND
Heptachlor Epoxide		0.060	ND	0.12	ND
Methoxychlor	100	0.060	ND	0.12	ND
Toxaphene	5	0.90	ND	2.4	ND

Note: Values reported as "less than" the value stated were not detected at the detection limit.

2012 Proposal for:

**Transportation and Disposal of
Wastewater Treatment Plant Sludge for
The City of Benicia, California**

PRESENTED BY
RECOLOGY VACAVILLE SOLANO
1 Town Square Place, Suite 200 Vacaville, California 95688



A. Approach

A short discussion of the intended approach to meet the City's needs that demonstrates the proposer's understanding of the issues and tasks and the proposer's ability to address them.

Recology Vacaville Solano (RVS) and Recology Hay Road Landfill (Hay Road) are experienced in the collection and transportation of biosolids (sludge) for conversion to landfill alternative daily cover (ADC) and/or landfill site development material. One of our most important strengths is the service commitment we have in serving our customers in a smooth running, efficient, cost-effective manner.

Recology Vacaville Solano and its partner subsidiaries are experienced and effective in transporting and diverting wastewater treatment plant sludge. Today we haul and divert sludge for the City of Benicia and process sludge for the Cities of Vallejo, Vacaville and Petaluma. Currently, our companies are contracted to transport daily sludge loads from a variety of communities to our Hay Road Landfill near Vacaville. There the material is received and beneficially reused resulting in diversion / recycling credits for the respective City and County treatment facilities.

Recology is prepared to transport and divert the City of Benicia's sludge to our Hay Road Landfill located in rural Solano County near Vacaville. From October 15 through April 15 the material will be placed in a specifically designed lined retention basin constructed for the storage of sludge during the rainy season. After April 15, the sludge that was in this retention pond is removed and placed in a special land treatment unit (LTU) to reduce the moisture content of the sludge. Sludge delivered to Hay Road Landfill between April 15 and October 15 is delivered directly to this LTU for processing. Once this material is completely processed, it is stockpiled on site to be used as ADC or other diverted materials.

Depending on the amount of biosolids received from the City, we may opt to transport dried biosolids to Recology Ostrom Road Landfill, Inc. for use as ADC and/or landfill site development material.

If future markets develop, your sludge may also be converted and recycled into compost. Hay Road Landfill has a fully permitted composting facility that would be utilized for this purpose.

B. Description of Organization, Management and Team Members

A description of the organization and a work plan that identifies the personnel to be assigned to each task. The organization description should clearly identify who will be the day-to-day contact person for the job.

The person in charge of the transportation portion of the service will be Ed Farewell, General Manager, Recology Vacaville Solano. Assisting Ed is Fred Stemmler, Operations Manager for Recology Vacaville Solano. He oversees the day-to-day operations of the collection and transportation logistics as well as safety and environmental compliance during transport. Fred and his safety manager will be responsible for 24 hour emergency response and their contact information will be provided upon the awarding of the contract.

The person in charge of the landfill portion of our services to you will be Greg Pryor, General Manager, Recology Hay Road Landfill. Assisting Greg is Chris Taylor, the site's Operations Manager. He oversees the day-to-day operations including refuse placement, composting, ADC materials management, regulatory compliance and air quality issues.

C. Organization Qualifications

Provide an outline of the organization's qualifications indicating relevant background experience and capabilities for this work.

Transportation and Hauling of biosolids (sludge): Recology currently hauls over two thousand tons of biosolids per year, one to two loads per day, six days per week from Benicia to our facility at Hay Road. We have partnered with the facility for the past several years to build a customized collection process that is the current standard proposed in

the RFP process. We have all materials, personnel and equipment to continue service in an uninterrupted process with no changes required by the plant personnel or the manner of current operations.

Hay Road is a fully permitted and operational 256-acre Class II, Subtitle D equivalent landfill located at 6426 Hay Road in Vacaville, California with capacity to continue accepting materials for the next 50+ years based on current trending and usage. It can accept and process the City's biosolids for use as ADC or landfill site development material. All related tonnage that is not deemed contaminated will receive diversion credit and be reported back to the treatment facility. No permit modifications or revisions will be necessary to receive and prepare the City of Benicia's sludge at the facility. The landfill is aware of the content and related testing for the sludge and is prepared to accept the material once the acceptance criteria have been satisfied. The landfill will require an abbreviated sampling due to the existing contract and prior completed testing. These details will be reviewed at the time of awarding or upon request by facility personnel. See Appendix A for the Recology Sampling Requirements and Acceptance Criteria.

Hay Road has a disposal module available to the City that is currently approved for use by the Regional Water Quality Control Board and is dedicated as a biosolids storage area for wet weather operations. Material changes to the moisture content or an increased detection of physical contaminants over the course of the contract would trigger additional testing requirements and corrective measures. Recology is committed to compliant operations for state, federal and county rules, laws and regulations and will change its operation procedures as needed to ensure continued compliance. Any changes effecting the operations of this service will be promptly communicated to the treatment plant.

Our staff is highly experienced and familiar with the unique issues in biosolids management and has technical support and financial backing from the largest private employee owned solid waste management service provider in the United States. Qualified personnel are on site at the landfill with the expertise to ensure required monitoring and testing is completed in a timely and accurate manner.

D. Scope of Work

The proposal should contain a description of each work task with an explanation of how the proposer plans to approach the tasks and the steps that will be taken to complete the task.

We propose spotting an empty twenty- cubic-yard biosolids container at your Benicia facility each day and picking up a full container at that time to be transported to our Hay Road Landfill six days per week. Based on your RFP's tonnage estimates as well as a review of prior data collected from your facility, this should be adequate storage on a daily basis. If the need exists for an additional pickup, a call to Recology Vacaville Solano will send an additional vehicle to your site. If it is determined that some other pickup schedule is more appropriate we will make the appropriate changes to accommodate your needs.

Upon arrival at the Hay Road gate, the material will be weighed on a certified scale. The driver will be directed to the appropriate off loading module and then return to the scale to weigh out. The material will be placed in the appropriate storage facility, depending on season, for storage in the wet season or the LTU during the dry season. When acceptable moisture levels have been achieved, the biosolids will be transported either to the sludge storage area or to the landfill's active face for use as ADC.

Annual weight reports summarizing the weight of sludge transported from the City's wastewater treatment plant for the previous year will be provided to the City by January 15. Monthly reports can additionally be provided. An example of the monthly reporting is included in Appendix B.

The landfill operates year round. As this is a Recology-owned facility, your material will have access to the facility if it is necessary to deliver outside of normal delivery hours. Recology has close proximity to other Recology hauling companies and landfills, maintains spare equipment for use in emergencies and has the ability to borrow or rent additional equipment from subsidiaries or vendors. This makes routing maintenance or the occasional equipment breakdown unnoticeable to you, the customer.

E. Routes and Emergencies

The proposal shall include a map of the intended route taken from the treatment plant to the disposal site.

Provide an outline or emergency plan document describing procedures followed in the event of a sludge spill on a public roadway

Map of Intended Route – A map of the intended route is included in Appendix C. The bold line indicates the primary route while the faded line indicates an alternate route in the event the primary route is unavailable.

Emergency Plans –

- A. Spills on Public Roadways: Incidents such as spills on public roadways, accidents, road closures, etc. are covered in procedures outlined on company manuals and regular employee safety training sessions. All drivers have two-way radio communication with the dispatcher and are able to receive and coordinate emergency procedures and cleanups with the appropriate agencies. Our safety department is additionally managed by a full time employee with extensive history in the related fields and will be coordinating any timely response required in the event of a service emergency. We will additionally coordinate with safety and operations managers at our Recology Vallejo subsidiary as needed during an emergency response.
- B. On site services: Contact information for Fred Stemmler and his Safety manager will be provided for events requiring alternate or additional service schedules outside of the regular scope of work. This contact information will include personal cell phone contacts to ensure communication links stay open through “off hours.”
- C. Personnel strikes: Recology maintains many operating subsidiaries in the Bay Area with multiple subsidiaries operating in Solano County. In the event of a strike at the Treatment plant or a Recology location, Recology will be ready to provide both union and non-union personnel to continue with uninterrupted service of the treatment plant.

F. Proposed Budget

Prices quoted must be binding for a minimum of two (2) years.

Indicate escalators such as CPI that would be applied for renewal options, as the City will entertain contract extensions.

Costs of Providing Service for first two years of contract – The price for the initial two years of service will be **\$75.00 per ton**. This rate includes delivery of empty sludge container, pickup of loaded sludge container, delivery to Hay Road Landfill, processing and diversion of the materials.

Escalators applicable if contract is extended – The Cost per ton will be adjusted at the beginning of year three of the contract, if the contract is extended and each extension year thereafter. The adjustment will be based on the percent change in the U.S. Department of Labor, Bureau of Labor Statistics Consumer Price Index, U.S. city average, All Urban Consumers, Garbage and trash collection, not seasonally adjusted (CPI=series ID CUUR0000SEHG02), as published for the month of August in accordance with the following formula:

$$(CPI_C - CPI_P) / CPI_P$$

Where:

- CPI_C = Published CPI for the Current Year
- CPI_P = Published CPI for the Previous Year

G. References, Related Experience and Examples of Work

Client References with phone numbers for relevant work. Specify the client, location, firm members and participating individuals and role on team (principal, primary contact, etc.), type of work, implementation results or status, examples of work and other relevant information as needed.

City of Benicia
Wastewater Treatment Plant
614 East Fifth St.
Benicia, CA 94510
Contact: Jeff Gregory - Superintendent
(707) 746-4336

City of Vacaville
Easterly Wastewater Treatment Plant
6040 Vaca Station
Elmira, CA 95625
Contact: Tom Reyes
(707) 469-6400

City of Vallejo
Public Works/Water Division
Vallejo, CA
Contact: Sue Littlefield
(707) 649-3473

REGULATORY - Landfill
Solano Country Resource Management
Contact: Ed Padilla
(707) 784-6765

AGENDA ITEM
CITY COUNCIL MEETING DATE - AUGUST 21, 2012
CONSENT CALENDAR

DATE : August 6, 2012

TO : City Manager

FROM : Administrative Services Director

SUBJECT : **AUTHORIZE PURCHASE OF MICROSOFT OFFICE 2010 FOR CITYWIDE UPGRADE**

RECOMMENDATION:

Adopt the resolution authorizing the purchase of Microsoft Office 2010 for a City-wide upgrade for a not to exceed amount of \$63,312.46.

EXECUTIVE SUMMARY:

The 2011-13 City budget allocates funding for the purchase of Microsoft Office 2010 for a citywide upgrade. The City is currently utilizing Microsoft Office Suite 2000, which is outdated and no longer widely utilized or supported by Microsoft. The majority of public agencies are now utilizing Microsoft Office 2010.

BUDGET INFORMATION:

The total amount for the software is \$63,312.46. This purchase is budgeted for, and sufficient funds are available in Account No. 011-3305-9186. The purchase will be made through the State of California Software Licensing Program with CompuCom Systems, Inc. via Contract Number #SLP-11-70-00135. By purchasing through this California Department of General Services contract, the City is able to obtain the best pricing for the software due to the massive volume purchasing power of the State. State agencies purchase via this purchasing vehicle and the State allows local government agencies to utilize this contract.

GENERAL PLAN:

Relevant General Plan Goals:

- General Plan Goal 2.28: Improve and Maintain Public Facilities and Services.

STRATEGIC PLAN:

Relevant Strategic Plan Goals and Strategies:

- Strategic Issue #4: Preserving and Enhancing Infrastructure
 - Strategy #3: Address Technology Needs

BACKGROUND:

The City is currently utilizing Microsoft Office Suite 2000, which is no longer widely utilized by other businesses or public agencies, and is no longer directly supported by Microsoft. Microsoft Office 2010 is the most widely commonly utilized product available from Microsoft, and the majority of public agencies and other entities the City interacts with are using this version. Currently, City staff experience difficulties in working with the current software and in communicating with other public agencies that utilize Office Suite 2010. This version of Microsoft Office is also necessary in order to fully utilize the City's SIRE Agenda Management application, which the City recently upgraded to the latest version (version 6.3). While Microsoft Office 2013 is currently projected to be released within the next year, it is not yet fully supported by SIRE and would not be for some time, nor will it work with the Windows XP operating system the City currently utilizes.

With City Council approval of this budgeted purchase, the upgrade of City computers can take place in early September.

Attachments:

- Proposed Resolution

RESOLUTION NO. 12-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING THE PURCHASE OF MICROSOFT OFFICE 2010 FOR A CITY-WIDE UPGRADE

WHEREAS, the City is currently utilizing Microsoft Office 2000, which is no longer widely utilized or supported by Microsoft; and

WHEREAS, the City can purchase Microsoft Office 2010 at a substantial cost savings through the State of California Software Licensing program with CompuCom Systems, Inc. for a total cost of \$63,312.46; and

WHEREAS, this purchase is budgeted, and sufficient funds are available in Account No. 011-3305-9186; and

WHEREAS, with Council approval of this budgeted purchase, the upgrade of City computers can take place in early September 2012.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council hereby approves the purchase of Microsoft Office 2010 for a total cost of \$63,312.46 from CompuCom Systems, Inc. for a citywide upgrade of its software program.

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 21st day of August 2012 and adopted by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk

AGENDA ITEM
CITY COUNCIL MEETING DATE - AUGUST 21, 2012
BUSINESS ITEM

DATE : August 6, 2012

TO : City Manager

FROM : Administrative Services Director

SUBJECT : **SECOND READING AND ADOPTION OF AN ORDINANCE AMENDING THE CONTRACT BETWEEN THE CITY OF BENICIA AND PUBLIC EMPLOYEES' RETIREMENT SYSTEM FOR MISCELLANEOUS EMPLOYEES TO PROVIDE SECTION 21353 (2% AT 60 FORMULA) AND SECTION 20037 (THREE-YEAR FINAL COMPENSATION)**

RECOMMENDATION:

Adopt the ordinance to amend the contract between the City and Public Employee's Retirement System (CalPERS) for miscellaneous employees to provide a second tier of lower benefits, 2% @ 60 retirement formula and three-year final compensation, for new miscellaneous members entering membership after the date of the contract amendment.

EXECUTIVE SUMMARY:

In 2011-12, the City concluded negotiations with the Benicia Public Service Employees Association (BPSEA), included agreement to a second retirement tier with a formula of 2% @ 60 with a three-year final compensation period. All other miscellaneous units had already agreed to language relative to implementation of a second retirement tier with lower benefit for new miscellaneous members entering membership after the date of the contract amendment. This is compared with the current formula of 2.7% @ 55 and one-year final compensation period. There will be no immediate employer contribution rate impact from this amendment, but ultimately the employer normal cost will decrease over time.

BUDGET INFORMATION:

The current fiscal year 2012-13 employer rate for miscellaneous employees is 15.187% of reportable earnings. For new miscellaneous employees hired after the date of the contract amendment, the fiscal year 2012-13 rate will remain the same and thus there will not be immediate cost savings. However, as existing employees retire and new replacement employees are hired at the lower retirement tier, cost savings will occur in future years.

STRATEGIC PLAN:

Relevant Strategic Plan Issues and Strategies include:

Strategic Issue 3: Strengthening Economic and Fiscal Conditions.

BACKGROUND:

In late 2011 the City concluded negotiations with the bargaining groups representing City miscellaneous employees, which includes senior managers, mid-managers, Local One, Benicia Dispatch Association, and the Benicia Public Service Employees Association (BPSEA) full-time and part-time units. During these negotiations, an agreement was reached to change the contract with CalPERS to add a lower second tier retirement system for new miscellaneous members entering membership after the date of the contract amendment. The second tier reflects the 2% @ 60 retirement formula and three-year final compensation period and would apply to all newly hired miscellaneous employees in the above bargaining units, as well as to unrepresented employees not in public safety. Further, the local miscellaneous member contribution rate will be 7% of reportable earnings for those miscellaneous members entering membership for the first time in the miscellaneous classification after the effective date of this amendment to the contract, and each MOU defines the percentage paid by City and employee.

CalPERS has a defined process that needs to be followed to make a contract amendment. CalPERS regulations require that a resolution of intention to approve an amendment to the CalPERS contract be presented to the City Council and shall be made public at a public meeting at least two weeks prior to the adoption of any changes. An additional requirement is that the matter not be placed on a consent calendar. The Council approved the resolution of intent, along with the first reading of the ordinance, on July 17, 2012. At this time, the second reading and adoption of the ordinance is presented for Council consideration. If approved by the City Council, the contract amendment would be effective with the October payroll period.

The new benefit tier will decrease the employer contribution rate for new miscellaneous members entering membership. As previously noted, the new benefit tier benefits would be the 2% @ 60 benefit formula along with a three-year final compensation period. This is compared with the current formula of 2.7% @ 55 and one-year final compensation period. The exact dollar amounts of savings to the City will depend on the number of employees hired after the contract amendment is made. Cost savings initially will be minimal. However, as existing employees retire and new replacement employees are hired at the lower retirement tier, the cost savings will increase dramatically in future years.

Attachments:

- ❑ Ordinance
- ❑ Contract Amendment – Exhibit
- ❑ Resolution No. 12-90

CITY OF BENICIA

ORDINANCE NO. 12-

AN ORDINANCE OF THE CITY OF BENICIA AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY COUNCIL AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM

The City Council of the City of Benicia does ordain as follows:

SECTION 1.

That the amendment to the contract between the City Council of the City of Benicia and the Board of Administration, California Public Employees' Retirement System is hereby authorized, a copy of said amendment being attached hereto, marked Exhibit, and by such reference made part hereof as though herein set out in full.

SECTION 2.

The Mayor of the City Council of the City of Benicia is hereby authorized, empowered, and directed to execute said amendment for and on behalf of said Agency.

SECTION 3.

This ordinance shall take effect thirty (30) days after the date of its adoption, and prior to the expiration of fifteen (15) days from the passage thereof shall be published at least once in the Benicia Herald, a newspaper of general circulation, published and circulated in the City of Benicia and thenceforth and thereafter the same shall be in full force and effect.

* * * * *

On a motion of Council Member _____, seconded by Council Member _____, the foregoing Ordinance was introduced at a regular meeting of the City Council held on the 17th day of July, 2012 and adopted at a regular meeting of said Council held on the _____ day of _____, 2012 by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

ATTEST:

Lisa Wolfe, City Clerk



EXHIBIT

California
Public Employees' Retirement System

AMENDMENT TO CONTRACT

Between the
Board of Administration
California Public Employees' Retirement System
and the
City Council
City of Benicia

The Board of Administration, California Public Employees' Retirement System, hereinafter referred to as Board, and the governing body of the above public agency, hereinafter referred to as Public Agency, having entered into a contract effective October 1, 1967, and witnessed September 11, 1967, and as amended effective July 1, 1971, August 1, 1973, November 1, 1974, January 1, 1977, March 1, 1981, March 1, 1982, April 1, 1986, January 1, 1987, April 17, 1987, May 1, 1992, May 1, 1993, September 18, 1993, November 6, 1998, November 18, 2000, July 1, 2002, June 1, 2011 and November 1, 2011 which provides for participation of Public Agency in said System, Board and Public Agency hereby agree as follows:

- A. Paragraphs 1 through 15 are hereby stricken from said contract as executed effective November 1, 2011, and hereby replaced by the following paragraphs numbered 1 through 16 inclusive:
1. All words and terms used herein which are defined in the Public Employees' Retirement Law shall have the meaning as defined therein unless otherwise specifically provided. "Normal retirement age" shall mean age 55 for local miscellaneous members entering membership in the miscellaneous classification on or prior to the effective date of this amendment to contract, age 60 for local miscellaneous members entering membership for the first time in the miscellaneous classification after the effective date of this amendment to contract, age 50 for local safety members entering membership in the safety classification on or prior to June 1, 2011 and age 55 for local safety members entering membership for the first time in the safety classification after June 1, 2011.

VIII.A.5

2. Public Agency shall participate in the Public Employees' Retirement System from and after October 1, 1967 making its employees as hereinafter provided, members of said System subject to all provisions of the Public Employees' Retirement Law except such as apply only on election of a contracting agency and are not provided for herein and to all amendments to said Law hereafter enacted except those, which by express provisions thereof, apply only on the election of a contracting agency.

3. Public Agency agrees to indemnify, defend and hold harmless the California Public Employees' Retirement System (CalPERS) and its trustees, agents and employees, the CalPERS Board of Administration, and the California Public Employees' Retirement Fund from any claims, demands, actions, losses, liabilities, damages, judgments, expenses and costs, including but not limited to interest, penalties and attorneys fees that may arise as a result of any of the following:
 - (a) Public Agency's election to provide retirement benefits, provisions or formulas under this Contract that are different than the retirement benefits, provisions or formulas provided under the Public Agency's prior non-CalPERS retirement program.
 - (b) Public Agency's election to amend this Contract to provide retirement benefits, provisions or formulas that are different than existing retirement benefits, provisions or formulas.
 - (c) Public Agency's agreement with a third party other than CalPERS to provide retirement benefits, provisions, or formulas that are different than the retirement benefits, provisions or formulas provided under this Contract and provided for under the California Public Employees' Retirement Law.
 - (d) Public Agency's election to file for bankruptcy under Chapter 9 (commencing with section 901) of Title 11 of the United States Bankruptcy Code and/or Public Agency's election to reject this Contract with the CalPERS Board of Administration pursuant to section 365, of Title 11, of the United States Bankruptcy Code or any similar provision of law.
 - (e) Public Agency's election to assign this Contract without the prior written consent of the CalPERS' Board of Administration.
 - (f) The termination of this Contract either voluntarily by request of Public Agency or involuntarily pursuant to the Public Employees' Retirement Law.

- (g) Changes sponsored by Public Agency in existing retirement benefits, provisions or formulas made as a result of amendments, additions or deletions to California statute or to the California Constitution.
4. Employees of Public Agency in the following classes shall become members of said Retirement System except such in each such class as are excluded by law or this agreement:
 - a. Local Fire Fighters (herein referred to as local safety members);
 - b. Local Police Officers (herein referred to as local safety members);
 - c. Employees other than local safety members (herein referred to as local miscellaneous members).
 5. In addition to the classes of employees excluded from membership by said Retirement Law, the following classes of employees shall not become members of said Retirement System:

NO ADDITIONAL EXCLUSIONS

6. The percentage of final compensation to be provided for each year of credited prior and current service as a local miscellaneous member in employment before and not on or after July 1, 2002 shall be determined in accordance with Section 21354 of said Retirement Law (2% at age 55 Full).
7. The percentage of final compensation to be provided for each year of credited prior and current service as a local miscellaneous member in employment on or after July 1, 2002 and not entering membership for the first time in the miscellaneous classification after the effective date of this amendment to contract shall be determined in accordance with Section 21354.5 of said Retirement Law (2.7% at age 55 Full).
8. The percentage of final compensation to be provided for each year of credited current service as a local miscellaneous member entering membership for the first time in the miscellaneous classification after the effective date of this amendment to contract shall be determined in accordance with Section 21353 of said Retirement Law (2% at age 60 Full).
9. The percentage of final compensation to be provided for each year of credited prior and current service as a local safety member entering membership in the safety classification on or prior to June 1, 2011 shall be determined in accordance with Section 21362.2 of said Retirement Law (3% at age 50 Full).

10. The percentage of final compensation to be provided for each year of credited current service as a local safety member entering membership for the first time in the safety classification after June 1, 2011 shall be determined in accordance with Section 21363.1 of said Retirement Law (3% at age 55 Full).
11. Public Agency elected and elects to be subject to the following optional provisions:
 - a. Sections 21624, 21626 and 21628 (Post-Retirement Survivor Allowance) for local safety members only.
 - b. Section 20042 (One-Year Final Compensation) for local safety members entering membership on or prior to June 1, 2011 and for those local miscellaneous members entering membership on or prior to the effective date of this amendment to contract.
 - c. Section 20965 (Credit for Unused Sick Leave).
 - d. Section 21573 (Third Level of 1959 Survivor Benefits) for local miscellaneous members only.
 - e. Section 20903 (Two Years Additional Service Credit).
 - f. Section 20434 ("Local Fire Fighter" shall include any officer or employee of a fire department employed to perform firefighting, fire prevention, fire training, hazardous materials, emergency medical services, or fire or arson investigation services as described in Government Code Section 20434).
 - g. Section 21024 (Military Service Credit as Public Service).
 - h. Section 21574 (Fourth Level of 1959 Survivor Benefits) for local safety members only.
 - i. Section 21548 (Pre-Retirement Option 2W Death Benefit) for local police members only.
 - j. Section 20475 (Different Level of Benefits). Section 21363.1 (3% @ 55 Full formula) and Section 20037 (Three-Year Final Compensation) are applicable to local safety members entering membership for the first time in the safety classification after June 1, 2011.

Section 21353 (2% @ 60 Full formula) and Section 20037 (Three-Year Final Compensation) are applicable to local miscellaneous members entering membership for the first time in the miscellaneous classification after the effective date of this amendment to contract.

- k. Section 20516 (Employees Sharing Cost of Additional Benefits):
Section 21362.2 (3% @ 50 Full formula) and Section 21363.1 (3% @ 55 Full formula) for local police members. From and after November 1, 2011 the police employees of Public Agency shall be assessed an additional 5.336% of their compensation for a total contribution rate of 14.336% pursuant to Government Code Section 20516.
12. Public Agency, in accordance with Government Code Section 20790, ceased to be an "employer" for purposes of Section 20834 effective on March 1, 1981. Accumulated contributions of Public Agency shall be fixed and determined as provided in Government Code Section 20834, and accumulated contributions thereafter shall be held by the Board as provided in Government Code Section 20834.
13. Public Agency shall contribute to said Retirement System the contributions determined by actuarial valuations of prior and future service liability with respect to local miscellaneous members and local safety members of said Retirement System.
14. Public Agency shall also contribute to said Retirement System as follows:
 - a. Contributions required per covered member on account of the 1959 Survivor Benefits provided under Section 21573 of said Retirement Law. (Subject to annual change.) In addition, all assets and liabilities of Public Agency and its employees shall be pooled in a single account, based on term insurance rates, for survivors of all local miscellaneous members.
 - b. Contributions required per covered member on account of the 1959 Survivor Benefits provided under Section 21574 of said Retirement Law. (Subject to annual change.) In addition, all assets and liabilities of Public Agency and its employees shall be pooled in a single account, based on term insurance rates, for survivors of all local safety members.
 - c. A reasonable amount, as fixed by the Board, payable in one installment within 60 days of date of contract to cover the costs of administering said System as it affects the employees of Public Agency, not including the costs of special valuations or of the periodic investigation and valuations required by law.
 - d. A reasonable amount, as fixed by the Board, payable in one installment as the occasions arise, to cover the costs of special valuations on account of employees of Public Agency, and costs of the periodic investigation and valuations required by law.

15. Contributions required of Public Agency and its employees shall be subject to adjustment by Board on account of amendments to the Public Employees' Retirement Law, and on account of the experience under the Retirement System as determined by the periodic investigation and valuation required by said Retirement Law.
16. Contributions required of Public Agency and its employees shall be paid by Public Agency to the Retirement System within fifteen days after the end of the period to which said contributions refer or as may be prescribed by Board regulation. If more or less than the correct amount of contributions is paid for any period, proper adjustment shall be made in connection with subsequent remittances. Adjustments on account of errors in contributions required of any employee may be made by direct payments between the employee and the Board.

B. This amendment shall be effective on the _____ day of _____, _____.

BOARD OF ADMINISTRATION
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

CITY COUNCIL
CITY OF BENICIA

BY _____
KAREN DE FRANK, CHIEF
CUSTOMER ACCOUNT SERVICES DIVISION
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

BY _____
PRESIDING OFFICER

Witness Date

Attest:

Clerk

RESOLUTION NO. 12-90

A RESOLUTION OF INTENTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING AN AMENDMENT TO CONTRACT BETWEEN THE BOARD OF ADMINISTRATION CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM AND CERTIFYING THE REQUIRED MEMBER CONTRIBUTION RATE

WHEREAS, the Public Employees' Retirement Law permits the participation of public agencies and their employees in the Public Employees' Retirement System by the execution of a contract, and sets forth the procedure by which said public agencies may elect to subject themselves and their employees to amendments to said Law; and

WHEREAS, one of the steps in the procedures to amend this contract is the adoption by the governing body of the public agency of a resolution giving notice of its intention to approve an amendment to said contract, which resolution shall contain a summary of the change proposed in said contract; and

WHEREAS, the following is a statement of the proposed change:

To provide Section 20475 (Different Level of Benefits). Section 21353 (2% @ 60 Full formula) and Section 20037 (Three-Year Final Compensation) are applicable to local miscellaneous members entering membership for the first time in the miscellaneous classification after the effective date of this amendment to contract.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Benicia does hereby give notice of intention to approve an amendment to the contract between said public agency and the Board of Administration of the Public Employees' Retirement System, a copy of said amendment being attached hereto, as an "Exhibit" and by this reference made a part hereof.

* * * * *

On Motion of Council Member **Hughes**, seconded by Council Member **Schwartzman**, the above resolution was introduced and passed by the Council of the City of Benicia at a regular meeting of said Council on the 17th day of July, 2012, and adopted by the following vote:

Ayes: Council Members Campbell, Hughes, Schwartzman, Strawbridge, and Mayor Patterson

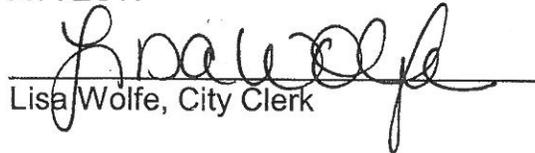
Noes: None

Absent: None



Elizabeth Patterson, Mayor

ATTEST:



Lisa Wolfe, City Clerk

AGENDA ITEM
CITY COUNCIL MEETING DATE - JULY 17, 2012
BUSINESS ITEMS

DATE : July 6, 2012

TO : City Manager

FROM : Fire Chief

SUBJECT : **AMENDING THE MASTER FEE SCHEDULE TO INCREASE FIRE DEPARTMENT SERVICE FEES**

RECOMMENDATION:

Adopt the proposed resolution amending the Master Fee Schedule to adjust the Fire Department's Service Fees. Most fees will be increased slightly, but some will remain the same or are decreased.

EXECUTIVE SUMMARY:

Fire code permits are a small component of a code enforcement system. Fire code permits are required for a variety of activities, including repair garages, welding and cutting operations, and the use and storage of certain hazardous materials. The municipal fire official is responsible for the enforcement of the fire code permit system, which consists of taking permit applications, inspections, processing and collecting fees, and issuing permits. The Fire Department is proposing most fire service fees be increased to fifty dollars, and to have a twenty-five dollar increase each year until each permit fee reaches one hundred dollars. The Fire Department is also recommending that facilities requiring multiple permits pay full price for the first permit, and receive a fifty percent discount price for each subsequent permit.

BUDGET INFORMATION:

The Fire Department is recommending increasing permit fees gradually over the next three years in order to recover increased administrative costs associated with the permit process.

GENERAL PLAN:

Relevant General Plan Goals:

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

STRATEGIC PLAN:

Relevant Strategic Plan Goals and Strategies:

- Strategic Issue #1: Protect Community Health and Safety

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

BACKGROUND:

The California Building and Standards Commission adopted and published the 2010 California Fire Code on July 1, 2010. The California Fire Code (CFC), also referred to as Title 24 Part 9 of the California Code of Regulations, took effect on January 1, 2011. There are forty-seven types of operational use permits and thirteen construction permits that are listed in the California Fire Code (CFC).

The CFC Section 105.1 states, "Permits required by this code shall be obtained from the fire code official. Permit fees, if any, shall be paid prior to issuance of the permit. Issued permits shall be kept on the premises designated therein at all times and shall be readily available for inspection by the fire code official".

Since January 1, 2009, we have been consistently collecting Fire Code Permit and Inspection Fees as provided through the City of Benicia Master Fee Schedule. The City Council, as part of the City of Benicia Master Fee Schedule, has approved the Fire Department Service Fees by passing Resolution No. 09-73. By collecting the Fire Department Service Fees, we are able to recover a portion of the administrative costs associated with the permit and inspection process.

The history of our fire fee schedule dates back to the mid 1980's. During that time, a fee schedule was passed by Council Resolution No. 88-52. The authority was based on the 1985 Uniform Fire Code (UFC) section 4.101. Permit Fees were collected off and on, and permits were issued sporadically over the last twenty-five years. Today, we are operating under our current fee schedule. With few exceptions, our service fees have not been adjusted for inflation or industry standards for over 20 years. Our service fees are significantly lower than fees charged by neighboring fire agencies (see Exhibit A). These lower fees create challenges in continuing to provide the high level of service our community has come to expect. By increasing these fees over a three year time period, we will continue to recover a portion of the costs for the fire permit service we provide.

In order to maintain an effective and sustainable Fire and Life Safety program, it is our recommendation that we increase the cost recovery on the Fire Department Service Fees. It is staff's recommendation that the City adopt a graduated fee schedule that allows for annual increases over three consecutive years. The three-year fee schedule is attached to the resolution as Exhibit B. Adopting a graduated fee schedule will lessen the financial impact on business owners while working toward cost recovery for city services rendered. Note that this action does not increase Fire Department fees for Construction-Field Inspections-Plan Review, Building Code Review for Fire Code Compliance, Other

Inspections, Fire Alarms, Fire Department Response Charges or Miscellaneous Charges. These fees remain the same.

As in the past, a letter will be sent out to all businesses and business groups advising of the service fee revision. The sample letter is attached as Exhibit C.

The Benicia Fire Department recently had a successful discussion with the Benicia Industrial Park Association and a meeting with the Benicia Chamber of Commerce to discuss the proposed increase in fees. The Chamber concurred that what the Fire Department is proposing is "reasonable". A copy of the Benicia Chamber of Commerce letter is attached as Exhibit D.

Attachments:

- ❑ Proposed Resolution
- ❑ Fee Comparison Chart, Exhibit A
- ❑ Three-year Fee Schedule, Exhibit B
- ❑ Sample Letter, Exhibit C
- ❑ Benicia Chamber of Commerce Letter, Exhibit D

RESOLUTION NO. 12-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA
AUTHORIZING THE AMENDMENT OF THE MASTER FEE SCHEDULE TO
INCREASE FIRE DEPARTMENT SERVICE FEES**

WHEREAS, fire code permits are a required component of the Fire Department's code enforcement system and the Department is responsible for processing permit applications, issuing permits, collecting fees and conducting inspections; and

WHEREAS, the Benicia Fire Department's Service Fees have not been adjusted for inflation or alignment with industry standards for over 20 years; and

WHEREAS, the Fire Department is recommending a graduated increase in permit fees over the next three consecutive years to recover a greater portion of the true costs of performing these services; and

WHEREAS, the City Council held a public hearing to review proposed Fire Department Service Fee increases on August 21, 2012.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Benicia approves amending the Master Fee Schedule on a graduated basis over the next three consecutive years in order to recover increased administrative costs associated with the permit process.

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 21st day of August, 2012, and adopted by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

ATTEST:

Lisa Wolf, City Clerk

PERMIT FEES COMPARISONS
EXHIBIT A

PERMIT DESCRIPTION	Benicia	Fairfield	Vacaville	Vallejo
Aerosol Products	37	125	191	146
Battery Systems	27	125	452	146
Candles, open flame - A occupancy	27	125	78	146
Carnivals - Fairs	105	125	616	146
Cellulose Nitrate Film-Storage	37	125	191	146
Combustible Fiber Storage	53	125	232	146
Combustible Material Storage	53	125	232	146
Compressed Gases	53	125	228	146
Commercial Rubbish - Handling	53			146
Cryogenes	37	125	232	146
Dry Cleaning Plants	37	125	183	146
Dust Producing Operations	37	125	232	146
Explosive Blasting Agents	37	125	316	146
Fireworks /Pyrotechnical effects	237	125	489	146
Flammable Liquid Storage, Handling Use	27	125	99	146
Underground Storage Tank Dispensing	37	125	476	
Aboveground Storage Tank - Install	37	125	476	
Waste Oil Tanks	37	125		
Fumigation-Fogging	11	125		
Hazardous Materials	53	125	278	146
High Piled Combustible Stock	53	125	376	146
Hot Work Operations	27	125	74	146
LPG Storage Use	32	125	228	259
Lumber Yards	69	125	232	146
Magnesium Working	37	125	191	
Mall Covered	105	125	157	146
Motor Vehicle Fuel Dispensing	37	125	232	146
Open Burning	27	125	162	
Organic Coatings	37	125	316	146
Ovens - Industrial	37	125	232	146
Places of Assembly	37	125	183	146
Radioactive Material	37	125		
Refrigeration Equipment	37	125	232	146
Repair Garages	37	125	183	
Spraying - Dipping	37	125	228	
Tents - Canopies	40	125	189	
Tire Storage	37	125	191	146
Excessive Fire Inspection Fee	74	500	168	

EXHIBIT B

#	Service Fee Description		1st Year			2nd Yr		3rd Year	
			Current Fee	FY 2012-2013	FY 2013-2014	FY 2014-2015			
601	Fire Clearance Fee-Business License		\$ 37	\$ 50	\$ 75	\$ 100			
	Fire Code Permits (FCP) as listed								
602	Aerosol Products		\$ 37	\$ 50	\$ 75	\$ 100			
603	Amusement Buildings		\$ 100	\$ 50	\$ 75	\$ 100			
604	Battery Systems		\$ 27	\$ 50	\$ 75	\$ 100			
605	Covered Mall Buildings		\$ 27	\$ 50	\$ 75	\$ 100			
606	Carnivals-Fairs		\$ 105	\$ 105	\$ 105	\$ 105			
607	Cellulose Nitrate Film -storage		\$ 37	\$ 50	\$ 75	\$ 100			
608	Combustible Fiber Storage		\$ 53	\$ 50	\$ 75	\$ 100			
609	Combustible Material Storage		\$ 53	\$ 50	\$ 75	\$ 100			
609A	Exhibits and Trade Shows	New		\$ 50	\$ 75	\$ 100			
610	Compressed Gases		\$ 53	\$ 50	\$ 75	\$ 100			
611	Commercial Rubbish -Handling		\$ 53	\$ 50	\$ 75	\$ 100			
612	Cryogenes		\$ 37	\$ 50	\$ 75	\$ 100			
613	Cutting and Welding		\$ 58	\$ 50	\$ 75	\$ 100			
614	Dry Cleaning Plants		\$ 37	\$ 50	\$ 75	\$ 100			
615	Dust Producing Operations		\$ 37	\$ 50	\$ 75	\$ 100			
616	Explosive-Blasting Agents		\$ 37	\$ 50	\$ 75	\$ 100			
617	Fire Hydrants, Water Control Valves		\$ 37	\$ 50	\$ 75	\$ 100			
	Flammable/Combustible Liquids								
618	Combustible Liquid Storage		\$ 58	\$ 50	\$ 75	\$ 100			
619	Flammable Liquid Pipelines	per line	\$ 158	\$ 158	\$ 158	\$ 158			
620	Flammable Liquid Storage, Handling, Use		\$ 27	\$ 50	\$ 75	\$ 100			
621	Underground Storage Tank-Pumping		\$ 37	\$ 50	\$ 75	\$ 100			
622	Underground Storage Tank-Install or Remove (1)		\$ 69	\$ 50	\$ 75	\$ 100			
623	Underground Storage Tank-Install or Remove each additional		\$ 37	\$ 50	\$ 75	\$ 100			
624	Aboveground Storage Tank -Install		\$ 37	\$ 50	\$ 75	\$ 100			
625	Waste Oil Tanks		\$ 37	\$ 50	\$ 75	\$ 100			
626	Fumigation-Fogging		\$ 11	\$ 50	\$ 75	\$ 100			
627	Hazardous Materials		\$ 53	\$ 50	\$ 75	\$ 100			
628	High-Piled Combustible Storage		\$ 53	\$ 50	\$ 75	\$ 100			
629	Hot-Work Operations		\$ 27	\$ 50	\$ 75	\$ 100			
630	LPG storage use		\$ 32	\$ 50	\$ 75	\$ 100			
631	Lumber Yards		\$ 69	\$ 50	\$ 75	\$ 100			
632	Magnesium Working		\$ 37	\$ 50	\$ 75	\$ 100			

EXHIBIT B

Service Fee Description	Current Fee	1st Year	2nd Yr	3rd Year
		FY 2012-2013	FY 2013-2014	FY 2014-2015
	\$ 105	105	105	105
633 Mall-Covered	\$ 37	50	75	100
634 Motor Vehicle Fuel Dispensing	\$ 27	50	75	100
635 Open Burning, Flames, Torches and Candles	\$ 37	50	75	100
636 Organic Coatings	\$ 37	50	75	100
637 Ovens - Industrial	\$ 100	100	100	100
638 Pyroxylin Plastics	\$ 37	50	75	100
639 Places of Assembly	\$ 237	237	237	237
640 Pyrotechnical -Special Effects/Fireworks	\$ 37	50	75	100
641 Radioactive Material	\$ 37	50	75	100
642 Refrigeration Equipment	\$ 37	50	75	100
643 Repair Garages	\$ 37	50	75	100
644 Spraying -Dipping	\$ 40	50	75	100
645 Tents -Canopies	\$ 37	50	75	100
646 Tire Storage	\$ 37	50	75	100
647 Wood Products - Storage	\$ 37	50	75	100
648 Excessive Fire Inspection Fee	\$ 74	100	100	100
649 additional inspection				
State Required Inspections				
Residential	\$ 56	50	75	100
3-14 units	\$ 79	75	75	100
650 15-99 units	\$ 111	111	111	111
651 100-249 units	\$ 198	198	198	198
652 250 +	\$ 95	95	95	95
653 Family Care Homes	\$ 40	50	75	100
654 Day Care	\$ 105	105	105	105
655 Private Schools				
656				

No proposed change to fee shown in blue font

EXHIBIT C

Date:

Dear Business Owner,

Since January 1, 2009, the Benicia Fire Department has increased its focus on issuing Fire Code Permits as part of our Fire and Life Safety Inspection Program. Firefighters and Fire Prevention staff have been visiting local businesses to conduct Fire and Life Safety Inspections. While conducting these inspections it has been necessary for them to determine whether an occupancy or activity is required to obtain a Fire Code Permit. Fire Code Permits shall be issued annually by the Fire Department in accordance with the California Fire Code (Chapter 1 sec. 105) and the Benicia Municipal Code (8.28.060 subsection D). There is a small fee associated with the issuance of each Fire Code Permit in accordance with the City of Benicia Master Fee Schedule. The costs of the fees vary depending on the occupancy use or activity.

In order to continue to provide this necessary and mandatory service to the business community, the Benicia Fire Department Service Fees will begin to gradually increase starting January 1, 2013. These fees will gradually increase over a three-year period in order to lessen the impact to the business community while working toward cost recovery for the necessary services provided. To see a list of current associated fees relating to Fire Department inspections, please visit the City of Benicia website at <http://www.ci.benicia.ca.us/> a copy of the Master Fee Schedule can be found in the Finance section.

The cooperation of local business owners and property managers will help contribute to the success of this program. The Benicia Fire Department would like to thank all business owners and property managers in advance for their assistance with this very important community based program. Thank you for helping us keep Benicia safe!

Sincerely,

Steve Vucurevich
Fire Chief



BENICIA CHAMBER OF COMMERCE & VISITORS CENTER

"Promoting Business For A Better Benicia"

601 First Street, Suite 100, Benicia CA 94510

707-745-2120 / Fax 707-745-2275

www.visitbenicia.com • www.beniciachamber.com • email: beniciachamber@aol.com

EXHIBIT D

July 10, 2012

Steve Vucurevich, Fire Chief
Nick Thomas, Division Chief
Benicia Fire Department
City of Benicia
150 Military West
Benicia, California 94510

Dear Steve & Nick:

Please accept our sincere appreciation for your willingness to communicate with the Benicia Industrial Park Association (BIPA) regarding the potential for permit fee increases which will directly impact business.

We are in agreement that ongoing dialogue with the City on issues affecting business is crucial and ultimately contributes to a healthy business community. Additionally, based on your verbal conversations with BIPA regarding these fees, the Benicia Chamber of Commerce concurs that what you are proposing to the City Council for consideration is "reasonable".

Thank you for your service to Benicia's Business community and we look forward to working with you to carry out our mission to Promote Business For A Better Benicia.

Sincerely,

Tami Schreiner
Chairman of the Board

AGENDA ITEM
CITY COUNCIL MEETING DATE - AUGUST 21, 2012
BUSINESS ITEMS

DATE : August 13, 2012

TO : City Manager

FROM : Economic Development Manager

SUBJECT : **APPROVAL OF REVISIONS TO A DONOR AGREEMENT BETWEEN THE CITY OF BENICIA AND THE STATE OF CALIFORNIA TO SUPPORT KEY SERVICES AT THE BENICIA STATE RECREATION AREA**

RECOMMENDATION:

Approve, by motion, the proposed revisions to the Memorandum of Understanding with the State of California to support key services at the Benicia State Recreation Area.

EXECUTIVE SUMMARY:

Following recent developments surrounding the State Parks Department's previously unaccounted revenue of approximately \$54 million, staff is proposing revisions to a recently approved donor agreement with the State for the Benicia State Recreation Area (BSRA). On July 17th the City Council approved a donor agreement committing \$15,500 to State Parks to support key services at the BSRA. The proposed revisions change the terms on the timing of the agreement triggering only if and when the State cuts services and when the City submits payment, altering from a one-time payment to quarterly payments.

STRATEGIC PLAN:

Relevant Strategic Plan Goals and Strategies:

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

- Strategic Issue 3: Strengthening Economic and Fiscal Conditions
 - Strategy 5: Increase economic viability of industrial park and other commercial areas, while preserving existing economic strengths and historic resources.

BUDGET INFORMATION:

The total costs to perform the above noted key services are \$15,500. The approximate annual costs are as follows:

Water: \$6,700

Chemical Toilets: \$3,000

Trash Service: \$5,500

BACKGROUND:

On July 17th following months of discussion and negotiations between City and State staff, the City Council approved a donor agreement with State Parks to support key services at the BSRA. Since that approval there has been great fluidity with the State of California's planned approach to close and/or eliminate services at various State Parks, prompting City staff to bring back this item for the Council to consider some revisions.

On July 20th it was reported that the State Department of Parks and Recreation had identified previously unaccounted funding in the millions of dollars. Following this revelation the Parks' Director Ruth Colman resigned and the Deputy Director's employment with the State was terminated. This news was followed two weeks later that the Governor's office planned to use the newly accounted funds to support State Parks.

Notwithstanding the pronouncement from the Governor's office, there is still uncertainty as to exactly how and where those funds will be utilized. In light of this ever changing situation, staff is recommending the City Council approve the proposed revised agreement as an assurance to our community that should the present situation deteriorate, certain key services will in fact continue at the BSRA.

In an effort to encapsulate these changing circumstances, staff has proposed some revisions to the previously agreed upon MOU. First, the agreement will only go into affect when the State announces that services will in fact cease. Additionally, staff is proposing only quarterly payments instead on a one-time payment as a way to insure against overpaying the state in case services resume. For ease of review, these changes are reflected with underline text of the proposed agreement.

This effort is designed to attempt to get ahead of the constantly changing "Parks Closure" environment. In light of recent statements made by State officials, its staff's assessment that the State will in fact continue to operate the BSRA, but given the incredible revelations of recent weeks, its best to be prepared for anything.

Moving forward, staff is also seeking the City Council preference and direction on the creation of an Ad-hoc City Council sub-committee to work with regional partners to advocate on behalf of our South Solano State Parks. Looking ahead, staff has worked with Solano County Supervisor Linda Seifert and her staff Belinda Smith to schedule a meeting on Thursday, August 27th to continue the dialogue with our regional partners and develop a concerted collation to work for the betterment of our State Parks.

Staff is recommending approval of the proposed revised agreement with State Parks and requests the Council provide direction and if necessary the appropriate action to create a formal City Council sub-committee focused on the advocacy of our State Parks.

Attachment:

- Proposed Revised Agreement

**Memorandum of Understanding
By and Between
The State of California, Department of Parks and Recreation
And
City of Benicia
Regarding
The Maintenance and Operation of Benicia State Recreation Area**

This Memorandum of Understanding (“MOU”) is made and entered into by and between the California Department of Parks and Recreation (DPR) and the City of Benicia (“City”), collectively the “Parties”, for the continued provision of services by State Parks at Benicia State Recreation Area (“BSRA”).

Recitals

Whereas, State Parks is a department of the State of California and is charged with the administration and operation of the State Park System, and BSRA is a unit of that system; and

Whereas, BSRA has been selected for closure due to reductions to State Parks’ budget; and

Whereas, the City of Benicia is a municipal corporation that desires to support the provision of services at BSRA; and

Whereas, City desires to contribute funds to State Parks, and State Parks desires to accept these funds to allow State Parks to continue providing services at BSRA, so that key services may continue and the park may remain open to pedestrian and bicycle traffic for the benefit and enjoyment of the public beginning at such time when services provided by the State are terminated, beginning no earlier than September 1, 2012 through June 30, 2013; and

Whereas, DPR desires to deposit any funds received pursuant to this MOU into a separate account in the State Park Contingent Fund; and

Whereas, the Parties understand that City’s support may not equal the costs for State Parks to keep BSRA open to the public with full services 365 days a year and may only allow State Parks to keep BSRA open to the public with reduced services and/or on a limited time basis; and

Whereas, the Parties agree that State Parks will keep BSRA open to the public with reduced services and/or on a limited time basis at State Parks sole discretion as the support allows; and

Now, Therefore, In consideration of the following mutual covenants and obligations, and subject to the terms and conditions set forth herein, it is mutually agreed and understood as follows:

Covenants

I. Term

This MOU shall become effective on the last date of signature by the Parties and shall remain in force and effect until June 30, 2013.

II. Roles and Responsibilities

A. City Roles and Responsibilities:

1. City shall contribute up to \$15,500 funds to State Parks, paid on a quarterly basis (period of three (3) months). Within Fourteen (14) days after notice of intent by State to the cessation of State Services at the BSRA, City shall pay State Parks a three month service payment of \$3,875, at the sole discretion of State Parks, to maintain key services at BSRA and keep the park open to pedestrian and bicycle traffic through June 30, 2013.

2. Other than providing the funding pursuant to this MOU, City shall have no responsibility for maintaining or operating BSRA.

B. State Parks Roles and Responsibilities:

1. State Parks shall inform City on an annual basis of the estimated funds required for each fiscal year, should City desire to fund such services for an additional year, to perform key services at BSRA.

2. Upon receipt of the funds from City, State Parks shall deposit such funds in a separate account within the State Park Contingent Fund to be used exclusively for the maintenance and operation by State Parks of BSRA. State Parks shall administer this account as follows:

i. State Parks shall track the revenue and expenses of BSRA and provide City an account statement on a quarterly basis.

3. State Parks shall maintain and operate BSRA at its sole discretion with the purpose of protecting park resources and keeping BSRA open for the benefit and enjoyment of the public with reduced services and/or on a limited time basis as the funds allow as follows:

- i. Provide water to BSRA, including but not limited to, drinking fountains and irrigation to the Forest Deaner Garden.
- ii. Provide and service two chemical toilets. One toilet to be located near the Forest Deaner Garden and the second to be located near Dillon Pointe.
- iii. Provide two dumpsters and weekly service for trash and debris.

4. Any interest accrued on these funds shall be available for use by State Parks in accordance with this MOU.

5. Any funds remaining in the account at the end of a fiscal year shall remain in the account and be available for expenditure by State Parks for the next fiscal year in accordance with this MOU.

III. Modification

This MOU may only be modified in writing by the mutual agreement of both Parties.

IV. Termination

A. Prior to the receipt of funds by State Parks, either Party may terminate this MOU for convenience upon 30 days written notice to the other Party. After the receipt of funds by State Parks, either Party may terminate this MOU for convenience upon 180 days written notice to the other Party. Upon termination, State Parks shall not be obligated to return to City any funds previously received by State Parks.

B. In the event City cannot provide State Parks the funds required to maintain and operate BSRA at the agreed upon maintenance, operation, or service levels stated herein, the Parties agree to release each other from the obligations of this MOU.

V. Compliance with Laws

This MOU is governed by the laws of the State of California in all respects as to interpretation, construction, operation, effect, and performance.

VI. Partial Invalidity

If any term, covenant, condition, or provision of this MOU is held by a court of competent jurisdiction to be invalid, void, or unenforceable, it shall be severable from this MOU and the remaining terms, covenants, conditions, and/or provisions shall remain in full force and effect and shall in no way be affected, impaired, or invalidated thereby.

VII. No Third Party Beneficiaries

This MOU does not confer any additional legal rights, liabilities, or obligations between the Parties or to third parties that do not already exist.

VIII. No Assignment

This MOU is not assignable by either Party, in whole or in part, without prior written consent of the other Party, which shall not be withheld unreasonably. Any such transfer or assignment made in violation of this section shall be void.

IX. Paragraph Titles

The paragraph titles of this MOU are inserted only as a matter of convenience and for reference, and in no way define, limit, or describe the scope or intent of this MOU or in any way affect this MOU.

X. Mutual Drafting

This MOU shall be deemed to have been drafted by both Parties, with each having equal say and status. In no event shall any term be interpreted more favorably as to one Party or the other.

XI. Other MOUs

This MOU in no way restricts either Party from participation in similar MOUs with other public or private entities.

XII. Complete MOU

This MOU and any incorporated addenda constitute the entire MOU between the Parties and it supersedes any and all prior oral or written MOUs between them. No representations, warranties, or inducements expressed or implied have been made by either Party to the other, except as set forth herein.

XIII. Successors in Interest

Unless otherwise provided in this MOU, the terms, covenants, and conditions contained herein shall apply to and bind the heirs, successors, executors, administrators, and assigns of the Parties, all of who shall be jointly and severally liable hereunder.

XIV. Authority to Execute

Each Party warrants that they have the authority to execute this MOU and agree for their respective successors and assigns to be bound by its terms and conditions.

Signatures

INTERIM DIRECTOR, JANELLE BELAND
STATE OF CALIFORNIA, DEPARTMENT OF PARKS AND RECREATION

DATE

BRAD KILGER, CITY MANAGER
CITY OF BENICIA

DATE

Approved as to Form:

HEATHER MCCLAUGHLIN, CITY ATTORNEY
CITY OF BENICIA

DATE

AGENDA ITEM
CITY COUNCIL MEETING DATE - AUGUST 21, 2012
BUSINESS ITEMS

DATE : July 16, 2012
TO : City Council
FROM : City Manager
SUBJECT : **LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE RESOLUTIONS**

RECOMMENDATION:

Consider the resolutions, determine a city position and instruct the voting delegates, by motion, for their representation at the League's 2012 Annual Conference.

EXECUTIVE SUMMARY:

The League of California Cities will hold its Annual Conference, September 5-7, 2012 in San Diego. Each year resolutions that focus on municipal issues of statewide importance are considered. This year there are five resolutions being considered by the League.

BUDGET INFORMATION:

N/A

GENERAL PLAN:

See below.

STRATEGIC PLAN:

See below.

BACKGROUND:

At each Annual Conference, the League considers resolutions introduced by elected or appointed City Officials and City, Divisions, Departments or Policy committees or the Board of Directors. The League's Annual Conference Resolutions process is one way that city officials can directly participate in the development of League policy.

The resolution packets were mailed to mayors, city managers and city clerks. Each city council was asked to designate a voting delegate and an alternate to represent their city at the Annual Business Meeting. On June 19, 2012 the City Council approved by motion, Mayor Patterson as the City of Benicia's voting

delegate at the General Assembly and City Manager Brad Kilger as the alternate.

This year, the League of California Cities received five resolutions. Each city council is encouraged to consider the resolutions and to determine a city position for their voting delegates so they can represent their city's position on the resolutions. The attached resolution packet contains information related to the resolution process and background information on each resolution that will be discussed by the General Assembly at the Annual Conference. In addition the packet sets forth the League Board's adopted guidelines for use by delegates when considering how to vote on a resolution.

LEAGUE GUIDELINES FOR ANNUAL CONFERENCE RESOLUTIONS

1. Only issues that have a direct bearing on municipal affairs should be considered or adopted at the Annual Conference.
2. The issue is not of a purely local or regional concern.
3. The recommended policy should not simply restate existing League policy.
4. The resolution should be directed at achieving one of the following objectives:
 - a. Focus public or media attention on an issue of major importance to cities.
 - b. Establish a new direction for League policy by establishing general principals around which more detailed policies may be developed by policy committees and the Board of Directors.
 - c. Consider important issues not adequately addressed by the policy committees and Board of Directors.
 - d. Amend the League bylaws (requires 2/3 vote at General Assembly).

Below are the titles of the League resolutions contained in the League packet. As policy statements they address areas that may or may not directly affect the City of Benicia. Staff has reviewed the resolutions and evaluated consistency with City Council adopted policies such as those contained within the City's General Plan and the City Council's Strategic Plan.

PROPOSED LEAGUE OF CITIES GENERAL RESOLUTIONS 2012

Resolution #1: Correct Inefficiencies in the Audit System, Distribution System and Inequities in the Formulas for Distributing Court Ordered Arrest and Citation Fines, Fees and Assessments Generated by Local Government

Staff Recommendation: Support

Strategic Plan:

- Strategic Issue 3: Strengthening Economic and Fiscal Conditions
- Strategy 3.4: Manage [City] Finances Prudently

General Plan:

N/A

This resolution is consistent with the City of Benicia's Strategic Plan. It is also consistent with League Policy by preserving local authority and accountability and ensuring the integrity of local revenues.

Resolution #2: Raising Public Awareness and Supporting Tougher Laws Related to Internet Crimes Against Children

Staff Recommendation: Support

Strategic Plan:

- Strategic Issue 1: Protecting Community Health and Safety

General Plan:

- Goal 4.1: Make community health and safety a high priority for Benicia.

The resolution increases public awareness and proposes changes to current state laws covering the exploitation of children and how law enforcement can help reduce instances of child exploitation. This resolution is consistent with the City of Benicia's Strategic Plan and General Plan. It is consistent with League Policy by recognizing the State's most valuable resource is our children, and it promotes public safety through stiffer penalties for violent offenders.

Resolution #3: Encouraging California Cities to oppose the California Desert Protection Act of 2011 (S. 138)

Staff Recommendation: Support

Strategic Plan:

- Strategic Issue 2: Protecting and Enhancing the Environment
- Strategic Issue 3: Strengthening Economic and Fiscal Conditions

General Plan:

- The overarching goal of the General Plan is 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.

This resolution could be found consistent with the City of Benicia's Strategic Plan and General Plan. Conservation of natural resources is an important priority of the Benicia City Council, as is Economic Development. City Strategic Plan Issue 2., Protecting and Enhancing the Environment, calls specifically for facilitating renewable energy generation, which promotes both resource conservation and economic development. There are no specific League policies that address this issue, however it is consistent with one of the Leagues 2012 Strategic Priorities: Promote Local Control for Strong Cities.

As public utilities and private interests seek large, remote areas for solar and wind power projects, support of this resolution offers deference to the cities that legitimately seek to maintain local control over options for economic development that include renewable energy generation. The legislation was introduced in the U.S. Senate in January 2011 and has not yet been taken up by a committee. Furthermore this bill is a re-introduction of a 2009 bill that did not make it out of the Senate Committee on Energy and Natural Resources.

Resolution #4: Request Suspension of Implementation or Revision of the Global Warming Solutions Act (AB 32 of 2006)

Staff Recommendation: Review and Discuss

Strategic Plan:

- Strategic Issue 2: Protecting and Enhancing the Environment
 - Strategy 2.1: Reduce greenhouse gas emissions and energy consumption
- Strategic Issue 3: Strengthening Economic and Fiscal Conditions
 - Strategy 3.2: Strengthen Benicia Industrial Park competitiveness
 - Strategy 3.3: Retain and attract businesses

General Plan:

- The overarching goal of the General Plan is sustainability.
- Goal 2.6: Attract and retain a balance of different kinds of industrial uses to Benicia.
- Goal 2.7: Attract and retain industrial facilities that provide fiscal and economic benefits to – and meet the present and future needs of – Benicia.

In addition to the City's General Plan and Strategic Plan policies, the Benicia City Council adopted the City's first Climate Action Plan in 2009. The purpose of the plan is to provide objectives and strategies that guide the development and implementation of actions that cut Benicia's greenhouse gas emissions (GHG) from municipal and community-wide activities to meet its goal of reducing GHG

emissions to 2005 levels by 2010 and reducing GHG emissions to 10 percent below 2000 levels by 2020. The Plan addresses the major sources of emissions in Benicia and sets forth objectives and strategies in eight focus areas that the City and community can implement to achieve greenhouse gas reductions; this includes industrial and commercial activities.

The Emissions Inventory conducted for the plan determined that approximately 95 percent of the community's total emissions are related to commercial and industrial uses. The focus area identified strategies to reduce local greenhouse gas emissions through industrial and commercial building efficiency, business operations, and large emitters, such as the Valero Refinery and Port of Benicia. The plan acknowledged that GHG emissions related to the refinery and port are primarily regulated by federal and State agencies.

Per the League's staff analysis this resolution encourages California cities to:

- 1.) Adopt resolutions requesting the suspension of the implementation of some, if not all, the regulations promulgated under the California Global Warming Solutions Act (AB 32) until such time as the legal and regulatory inconsistencies can be resolved;
- 2.) Request the California Air Resources Board (CARB) and other applicable state agencies examine the impact of the regulations promulgated pursuant to AB 32, and for potential conflict with other existing regulations at both the State and Federal level including, but not limited to, the potential for gains in one area to jeopardize progress in another; and,
- 3.) Request the CARB and other applicable state agencies examine the overall economic impact of the regulations promulgated pursuant to AB 32 and their interaction with other existing regulations with emphasis upon the potential for job and other economic activity "flight" from California; and,
- 4.) Request the State to encourage the resolution of internal conflicts between and among existing Federal programs by supporting items, including but not limited to:
 - a. Reopening the Federal Clean Air Act;
 - b. New Source Review Reform; and,
 - c. Efforts to regulate greenhouse gas emissions under a comprehensive federal program.

Included in the attached material is the League's Climate Change Policy. The policy contains ten principles that primarily focus on how cities should address the issue of climate change at the local level. In addition the introduction makes the following declarations:

“The League recognizes that climate change is both immediate and long term, with the potential for profound environmental, social and economic impacts to the planet and to California.”

“.....Although uncertainty remains about the pace, distribution and magnitude of the effects of climate change, the League recognizes the need for immediate actions to mitigate the sources of greenhouse gas emissions”

The City of Benicia's Vision expressed in the Strategic Plan is to “work together to build a sustainable community.” The overarching goal of the General Plan is sustainability and the Plan defines sustainable development as that which “maintains or enhances economic opportunity and community well-being while protecting and restoring the natural environment upon which people and economies depend.” Strategic Plan Issue 3, Strengthening Economic and Fiscal Conditions, calls for updating current zoning “to encourage clean energy, high-tech R&D uses in industrial districts.” These types of uses are expected to succeed in California due to demand resulting from changing consumer behavior, including in response to implementation of AB 32.

Credible current research indicates that requirements associated with AB 32 will have some negative financial impacts on petrochemical businesses but will boost other industries, such as electric vehicle manufacturing. One of these requirements, the statewide “cap-and-trade” program, will require refiners (and other industries) to set aside funds for renewable energy and conservation projects, some of which is expected to return to local cities as a revenue source.

As to this specific resolution, its scope is problematic. For instance it goes beyond addressing AB 32 and recommends reconsideration of Federal air quality rules and regulations.

BE IT FURTHER RESOLVED, that California cities request the State of California by and through its Governor, Legislature, and applicable state agencies should encourage the resolution of internal conflicts between and among existing Federal programs by supporting items including but not limited to: reopening the Federal Clean Air Act, New Source Review Reform, and efforts to regulate GHGs under a comprehensive Federal program.

In summary AB 32 is and will remain controversial. Its provisions are extremely complex and there are extensive studies for and against its implementation due to projected positive and negative social and economic impacts. From a policy standpoint the League of Cities Board of Directors acknowledges that climate warming is a real threat, but has chosen not to weigh into the political and economic debate and focus on how cities can best address the effects of global warming at the local level. So too the Benicia City Council has adopted policy to promote a balance between local economic development and the protection of the natural environment that contributes to community well being. In that regard the City has adopted a Climate Action Plan to reduce the community's contribution to global GHG.

Prior efforts to overturn AB 32 have not been successful. Therefore regardless of the fate of this resolution the City of Benicia needs to proactively plan on how to best work cooperatively with businesses that will be affected by the new requirements. This includes exploring opportunities to work with businesses that will benefit from AB 32 and working with our industrial partners in the community to minimize any negative economic impacts that may be associated with implementation of AB 32. Therefore in light of the above issues a strong argument can be made for taking no position on this resolution.

Resolution #5: Calling for an Emergency Management Mission for California Cities

Staff Recommendation: Support

Strategic Plan:

- Strategic Issue #1: Protecting Community Health and Safety
- Strategy 3: Provide a high state of preparedness for disasters/emergencies
- Action 3 (a): Educate our citizens on the Community Alert Notification System, and conduct EOC trainings

General Plan:

- Goal 4.22: Update and maintain the City's Emergency Response Plan.

The resolution supports existing League Policy by seeking a clear statement of support for emergency preparedness. This resolution is consistent with the City of Benicia's Strategic Plan and General Plan. The Benicia Emergency Response Team (BERT) is an excellent example of how the City of Benicia supports disaster preparedness education and training of our community members. This training not only helps citizens to be self-sufficient when disasters strike, but also enables our community to be more disaster resilient. In addition to BERT Members, the Volunteers in Police Services Programs (VIPS), the Benicia Amateur Radio Corp

(BARC), the Benicia Medical Reserve Corp (MRC), and the Benicia Volunteer Firefighters are all community organizations that will assist with response to, and mitigation of, the effects of natural disasters and large-scale emergency events.

The City of Benicia has adopted both the National Incident Management System (NIMS) and the Standard Emergency Management System (SEMS) and has a designated Emergency Operations Center and an adopted Emergency Operations Plan. The City has been a leader in our region when it comes to educating and training our community members in disaster preparedness.

Attachment:

- League of California Cities Resolutions Packet 2012



1400 K Street, Suite 400 • Sacramento, California 95814
Phone: 916.658.8200 Fax: 916.658.8240
www.cacities.org

July 12, 2012

TO: Mayors, City Managers and City Clerks
League Board of Directors

RE: Annual Conference Resolutions Packet
Notice of League Annual Meeting

Enclosed please find the 2012 Annual Conference Resolutions Packet.

Annual Conference in San Diego. This year's League Annual Conference will be held September 5 - 7 at the San Diego Convention Center in San Diego. The conference announcement has previously been sent to all cities and we hope that you and your colleagues will be able to join us. More information about the conference is available on the League's Web site at www.cacities.org/ac. We look forward to welcoming city officials to the conference.

Annual Luncheon/Business Meeting - Friday, September 7, 12:00 p.m. The League's Annual Business Meeting will be held at the San Diego Convention Center.

Resolutions Packet. At the Annual Conference, the League will consider the five resolutions introduced by the deadline, Saturday, July 7, 2012, midnight. These resolutions are included in this packet. We request that you distribute this packet to your city council.

We encourage each city council to consider the resolutions and to determine a city position so that your voting delegate can represent your city's position on each resolution. A copy of the resolutions packet is posted on the League's website for your convenience: www.cacities.org/resolutions.

The resolutions packet contains additional information related to consideration of the resolutions at the Annual Conference. This includes the date, time and location of the meetings at which resolutions will be considered.

Voting Delegates. Each city council is encouraged to designate a voting delegate and two alternates to represent their city at the Annual Business Meeting. A letter asking city councils to designate their voting delegate and two alternates has already been sent to each city. Copies of the letter, voting delegate form, and additional information are also available at: www.cacities.org/resolutions.

Please Bring This Packet to the Annual Conference
September 5 - 7 — San Diego

I.
INFORMATION AND PROCEDURES

RESOLUTIONS CONTAINED IN THIS PACKET: The League bylaws provide that resolutions shall be referred by the president to an appropriate policy committee for review and recommendation. Resolutions with committee recommendations shall then be considered by the General Resolutions Committee at the Annual Conference.

This year, five resolutions have been introduced for consideration by the Annual Conference and referred to the League policy committees.

POLICY COMMITTEES: Three policy committees will meet at the Annual Conference to consider and take action on resolutions referred to them. The committees are Environmental Quality, Public Safety, and Revenue & Taxation. These committees will meet on Wednesday, September 5, 2012, at the San Diego Marriott Marquis & Marina Hotel in San Diego. Please see page iii for the policy committee meeting schedule. The sponsors of the resolutions have been notified of the time and location of the meetings.

Two other policy committees may also be meeting: Administrative Services and Employee Relations. Administrative Services will meet pending League Board (July 19 & 20) action to determine whether the committee will review any November General election ballot initiatives. Employee Relations will meet if the Legislature acts on pension reform in August. If pension reform is passed, the committee will meet to discuss the details of the proposal. For now, please plan to attend the meeting at the Annual conference. If for some reason this changes, League staff will send an email notifying the committee.

Three policy committees will not be meeting at the annual conference. These committees are: Community Services; Housing, Community & Economic Development; and Transportation, Communication, & Public Works.

GENERAL RESOLUTIONS COMMITTEE: This committee will meet at 1:00 p.m. on Thursday, September 6, at the San Diego Convention Center, to consider the reports of the three policy committees regarding the five resolutions. This committee includes one representative from each of the League's regional divisions, functional departments and standing policy committees, as well as other individuals appointed by the League president. Please check in at the registration desk for room location.

ANNUAL LUNCHEON/BUSINESS MEETING/GENERAL ASSEMBLY: This meeting will be held at 12:00 p.m. on Friday, September 7, at the San Diego Convention Center.

PETITIONED RESOLUTIONS: For those issues that develop after the normal 60-day deadline, a resolution may be introduced at the Annual Conference with a petition signed by designated voting delegates of 10 percent of all member cities (48 valid signatures required) and presented to the Voting Delegates Desk at least 24 hours prior to the time set for convening the Annual Business Session of the General Assembly. This year, that deadline is 12:00 p.m., Thursday, September 6. If the petitioned resolution is substantially similar in substance to a resolution already under consideration, the petitioned resolution may be disqualified by the General Resolutions Committee.

Resolutions can be viewed on the League's Web site: www.cacities.org/resolutions.

Any questions concerning the resolutions procedures may be directed to Meg Desmond at the League office: mdesmond@cacities.org or (916) 658-8224.

II.
GUIDELINES FOR ANNUAL CONFERENCE RESOLUTIONS

Policy development is a vital and ongoing process within the League. The principal means for deciding policy on the important issues facing cities and the League is through the League's eight standing policy committees and the board of directors. The process allows for timely consideration of issues in a changing environment and assures city officials the opportunity to both initiate and influence policy decisions.

Annual conference resolutions constitute an additional way to develop League policy. Resolutions should adhere to the following criteria.

Guidelines for Annual Conference Resolutions

1. Only issues that have a direct bearing on municipal affairs should be considered or adopted at the Annual Conference.
2. The issue is not of a purely local or regional concern.
3. The recommended policy should not simply restate existing League policy.
4. The resolution should be directed at achieving one of the following objectives:
 - (a) Focus public or media attention on an issue of major importance to cities.
 - (b) Establish a new direction for League policy by establishing general principals around which more detailed policies may be developed by policy committees and the Board of Directors.
 - (c) Consider important issues not adequately addressed by the policy committees and Board of Directors.
 - (d) Amend the League bylaws (requires 2/3 vote at General Assembly).

**III.
LOCATION OF MEETINGS**

**Policy Committee Meetings
Wednesday, September 5, 2012
San Diego Marriott Marquis & Marina Hotel
333 W. Harbor Drive, San Diego**

**POLICY COMMITTEES MEETING AT ANNUAL CONFERENCE TO
DISCUSS AN ANNUAL CONFERENCE RESOLUTION**

9:00 a.m. – 10:30 a.m.	Environmental Quality; Revenue and Taxation
10:30 a.m. – 12:00 p.m.	Public Safety

**TENTATIVE POLICY COMMITTEE MEETINGS AT ANNUAL CONFERENCE
TO DISCUSS OTHER ISSUES**

9:00 a.m. – 10:30 a.m.	Administrative Services
10:30 a.m. – 12:00 p.m.	Employee Relations

Note: These policy committees will ***NOT*** meet at the Annual Conference:
Community Services
Housing, Community & Economic Development
Transportation, Communication & Public Works



**General Resolutions Committee
Thursday, September 6, 2012, 1:00 p.m.
San Diego Convention Center**



**Annual Business Meeting and General Assembly Luncheon
Friday, September 7, 2012, 12:00 p.m.
San Diego Convention Center**

**IV.
KEY TO ACTIONS TAKEN ON RESOLUTIONS**

Resolutions have been grouped by policy committees to which they have been assigned. **Please note that one resolution has been assigned to more than one committee. This resolution is noted by this sign (♦).**

Number	Key Word Index	Reviewing Body Action		
		1	2	3

1 - Policy Committee Recommendation to General Resolutions Committee
2 - General Resolutions Committee
3 - General Assembly

ENVIRONMENTAL QUALITY POLICY COMMITTEE

		1	2	3
3	Desert Protection Act			
4	Global Warming			

PUBLIC SAFETY POLICY COMMITTEE

		1	2	3
♦1	Fines and Forfeitures			
2	Internet Crimes Against Children			
5	Emergency Management Mission for California Cities			

REVENUE AND TAXATION POLICY COMMITTEE

		1	2	3
♦1	Fine and Forfeitures			

Please note: These committees will ***NOT*** meet at the annual conference: Community Services; Housing, Community & Economic Development; and Transportation, Communication & Public Works

Information pertaining to the Annual Conference Resolutions will also be posted on each committee's page on the League website: www.cacities.org. The entire Resolutions Packet will be posted at: www.cacities.org/resolutions.

KEY TO ACTIONS TAKEN ON RESOLUTIONS (Continued)

KEY TO REVIEWING BODIES

1. Policy Committee
2. General Resolutions Committee
3. General Assembly

KEY TO ACTIONS TAKEN

- A - Approve
- D - Disapprove
- N - No Action
- R - Refer to appropriate policy committee for study
- a - Amend
- Aa - Approve as amended
- Aaa - Approve with additional amendment(s)
- Ra - Amend and refer as amended to appropriate policy committee for study
- Raa - Additional amendments and refer
- Da - Amend (for clarity or brevity) and Disapprove
- Na - Amend (for clarity or brevity) and take No Action
- W - Withdrawn by Sponsor

Action Footnotes

- * Subject matter covered in another resolution
- ** Existing League policy
- *** Local authority presently exists

Procedural Note: Resolutions that are approved by the General Resolutions Committee, as well as all qualified petitioned resolutions, are reported to the floor of the General Assembly. In addition, League policy provides the following procedure for resolutions approved by League policy committees but *not* approved by the General Resolutions Committee:

Resolutions initially recommended for approval and adoption by all the League policy committees to which the resolution is assigned, but subsequently recommended for disapproval, referral or no action by the General Resolutions Committee, shall then be placed on a consent agenda for consideration by the General Assembly. The consent agenda shall include a brief description of the basis for the recommendations by both the policy committee(s) and General Resolutions Committee, as well as the recommended action by each. Any voting delegate may make a motion to pull a resolution from the consent agenda in order to request the opportunity to fully debate the resolution. If, upon a majority vote of the General Assembly, the request for debate is approved, the General Assembly shall have the opportunity to debate and subsequently vote on the resolution.

V.
2012 ANNUAL CONFERENCE RESOLUTIONS

RESOLUTIONS REFERRED TO ENVIRONMENTAL QUALITY POLICY COMMITTEE

3. **RESOLUTION ENCOURAGING CALIFORNIA CITIES TO OPPOSE THE CALIFORNIA DESERT PROTECTION ACT OF 2011**

Source: City of Needles

Referred To: Environmental Quality Policy Committee

Recommendation to General Resolutions Committee:

WHEREAS, in 1993 Senator Diane Feinstein introduced the California Desert Protection Act of 1994 which became federal law and was passed by the United States Congress on October 8, 1994, and

WHEREAS, this act established the Death Valley and Joshua Tree National Parks and the Mojave National Preserve in the California desert; and

WHEREAS, this act designated 69 wilderness areas as additions to the National Wilderness Preservation System within the California Desert Conservation Area (CDCA), the Yuma District, the Bakersfield District, and the California Desert District of the Bureau of Land Management permits grazing in such areas; and

WHEREAS, the Act abolished Death Valley National Monument, established in 1933 and 1937, and incorporated its lands into a new Death Valley National Park administered as part of the National Park System. Grazing of domestic livestock was permitted to continue at no more than the then-current level. The Act also required the Secretary of the Interior to study the suitability of lands within and outside the boundaries of the park as a reservation for the Timbisha Shoshone Tribe; and

WHEREAS, the Act abolished Joshua Tree National Monument, established in 1936, and incorporated its lands into Joshua Tree National Park; and

WHEREAS, the Act established the Mojave National Preserve, consisting of approximately 1,419,800 acres (5,746 km²; 2,218.4 sq mi), and abolished the East Mojave National Scenic Area, which was designated in 1981. The preserve was to be administered in accordance with National Park System laws. Hunting, fishing and trapping were permitted as allowed by federal and state laws, with certain exceptions. Mining claims were governed by the National Park System laws, and grazing was permitted to continue at no more than the then-current level; and

WHEREAS, the Act required the Secretary of the Interior to ensure that American Indian people have access to the lands designated under the Act for traditional cultural and religious purposes, in recognition of their prior use of these lands for these purposes. Upon the request of an Indian tribe or religious community, the Secretary must temporarily close specific portions to the general public to protect the privacy of traditional cultural and religious activities; and

WHEREAS, flights by military aircraft over the lands designated by the Act were not restricted or precluded, including over flights that can be seen or heard from these lands; and

WHEREAS, Congress found that federally owned desert lands of southern California constitute a public wildland resource of extraordinary and inestimable value for current and future generations; these desert wildlands have unique scenic, historical, archeological, environmental, ecological, wildlife, cultural,

scientific, educational and recreational values; the California desert public land resources are threatened by adverse pressures which impair their public and natural values; the California desert is a cohesive unit posing difficult resource protection and management challenges; statutory land unit designations are necessary to protect these lands; and

WHEREAS, Senator Dianne Feinstein, author of the 1994 California Desert Protection Act has introduced legislation “California Desert Protection Act of 2011” that will set aside new land in the Mojave Desert for conservation, recreation and other purposes; and

WHEREAS, the proposed legislation will take AN ADDITIONAL 1.6 million acres of Bureau of Land Management land out of potential development, including mining exploration, by designating two new “National Monuments”, one adjacent to the Mojave National Preserve which will take 1.5 million acres out of BLM multiple use in addition to 800,000 acres out of private ownership and one adjacent to the Joshua Tree National Park; and

WHEREAS, this legislation will result in just about every square inch of the desert spoken for, either for military use, national parks, wilderness and special conservation areas, Indian reservations and other types of land management (half of the lands under BLM management are protected under wilderness or special conservation area restrictions); and

WHEREAS, projects, such as California mandated solar energy development, that would disturb or destroy habitat must make up for that loss by purchasing private habitat at ratios of at least three acres for every one acre disturbed; and

WHEREAS, at that rate, even in the nation’s largest county, San Bernardino, just three solar projects on federal land will require an amount of private land acquisition of 22,000 acres, or roughly 34 square miles, land will come off of the county’s tax rolls and we will literally run out of mitigation land after a handful of projects; and

WHEREAS, the Federal Energy Policy Act of 2005 requires that 10,000 megawatts of renewable energy be generated on public land in the west. To meet California’s mandate of having 33 percent of our energy come from renewable sources, it requires more that 20,000 megawatts of production and they are looking mainly at public lands. If we approve that much solar, the result would be a regulatory lockdown on the rest of the Desert by the Federal Fish and Wildlife Service and the State Department of Fish and Game; and

WHEREAS, the Desert Protection Act of 1994 encompassed 1.5 million acres or 2,218.4 square miles plus an additional 800,000 acres of private land or 1,250 square miles; Fort Irwin, 1,000 square miles; 29 Palms Marine Base, 931.7 square miles and they have also applied for an additional 420,000 acres in 2008, or 659.375 square miles totaling 6,059.48 square miles; and

WHEREAS, the California Desert Protection Act of 2011 will take OVER 2,300 square miles, not including the acreage of wilderness located outside any of the above mentioned areas (this total mileage would roughly encompass Rhode Island, Delaware, and Connecticut); and

WHEREAS, these public lands have long supported a range of beneficial uses and efforts have been made to protect the desert inhabitants. Let’s not destroy the desert or our ability to use and enjoy it.

NOW, THEREFORE, BE IT RESOLVED, by the General Assembly of the League of California Cities assembled at the Annual Conference in San Diego, September 7, 2012, that the

League encourages California cities to adopt resolutions in opposition to the California Desert Protection Act of 2011.

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League of California Cities Staff Analysis

Staff: Kyra Ross, Legislative Representative, (916) 658-8252
Committee: Environmental Quality Policy Committee

Summary:

This resolution encourages California cities to oppose the California Desert Protection Act of 2011.

Background:

The California Desert Protection Act of 2011 (S. 138) is legislation proposed by Senator Dianne Feinstein which would provide for conservation, enhanced recreation opportunities, and development of renewable energy in the California Desert Conservation Area. The Measure would:

- Create two new national monuments: the 941,000 acres Mojave Trails National Monument along Route 66 and the 134,000 acres Sand to Snow National Monument, which connects Joshua Tree National Park to the San Bernardino Mountains.
- Add adjacent lands to Joshua Tree National Park, Death Valley National Park and Mohave National Preserve;
- Protect nearly 76 miles of waterways;
- Designate five new wilderness areas;
- Designate approximately 250,000 acres of Bureau of Land Management wilderness areas near Fort Irwin;
- Enhance recreational opportunities; and,
- Designate four existing off-highway vehicle areas in the California Desert as permanent.

S. 138 is a re-introduction of S. 2921, the California Desert Protection Act of 2010 which is now dead. S. 138 was introduced in January 2011 and was referred to the Senate Committee on Energy and Natural Resources. The measure has not yet been set for hearing by the Committee.

Fiscal Impact:

Unknown. No direct fiscal impact to city general funds.

Existing League Policy:

The League's Mission Statement is "to expand and protect local control for cities through education and advocacy to enhance the quality of life for all Californians."

Specific to this Resolution, existing policy offers no specific policy on this issue.

The League's Strategic Priorities for 2012, as adopted by the League Board of Directors, include:

2) Promote Local Control for Strong Cities: Support or oppose legislation and proposed constitutional amendments based on whether they advance maximum local control by city governments over city revenues, land use, redevelopment and other private activities to advance the public health, safety and welfare of city residents.

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4. RESOLUTION REQUESTING CONSIDERATION OF SUSPENSION OF IMPLEMENTATION OR REVISION OF THE CALIFORNIA GLOBAL WARMING SOLUTIONS ACT (AB 32 of 2006)

Source: City of Needles

Referred to: Environmental Quality Policy Committee

Recommendation to General Resolutions Committee:

WHEREAS, in 2006 the California Legislature adopted the California Global Warming Solutions Act, commonly referred to as AB 32 (Health & Safety Code §§38500 et seq.); and

WHEREAS, AB 32 aims to reduce California's greenhouse gas emissions (GHGs) to 1990 levels by 2020 (Health & Safety Code §38550) and to 80 percent below 1990 levels by 2050; and

WHEREAS, the California Air Resources Board (CARB) is the government agency charged with determining how the AB 32 goals will be reached (Health & Safety Code §38510); and

WHEREAS, CARB's implementation of AB32 aims to reduce California's GHG emissions by 169 million metric tons of carbon dioxide equivalent (MMTCO₂E) through a variety of strategies, including sector-specific regulations, market mechanisms, voluntary measures, fees, incentives and other policies and programs; and

WHEREAS, there are portions of the state that have been designated as nonattainment for the national ambient air quality standards (NAAQS) for Ozone and PM, nonattainment for state ambient air quality standards (SAAQS) for Ozone, PM, Sulfates and Hydrogen Sulfide, and identified by CARB pursuant to as overwhelmingly impacted by transported air pollution from upwind air basins; and

WHEREAS, areas designated nonattainment are mandated under the provisions of the Federal Clean Air Act (FCAA) to require pursuant to New Source Review (NSR) rules, Best Available Control Technology (BACT) and offsetting emissions reductions (Offsets) on major new or modified stationary sources of those nonattainment air pollutants and their precursors (42 U.S.C. §§7502(c)(5), 7503) regardless of whether or not the area so designated has any control or not over the pollution causing the nonattainment finding; and

WHEREAS, the United States Environmental Protection Agency (USEPA) has requested that a program be developed to implement the Prevention of Significant Deterioration (PSD) which will require additional analysis for new or modified sources of attainment pollutants including but not limited to greenhouse gases, which will also necessitate emissions reductions and BACT in some cases for attainment pollutants; and

WHEREAS, due in part to the limited number of existing sources of air pollutants and the overwhelming impact of transport some or a majority of the cities have few if any available emissions reductions available to provide such offsets; and

WHEREAS, many technologies used to attain BACT levels of air pollution control are based upon the combustion of fossil fuels which also causes emissions of GHGs; and

WHEREAS, there are a variety of Federal regulations promulgated and proposed by the USEPA regarding greenhouse gasses that have the potential to conflict both directly and in their implementation with regulatory measures to implement AB32 as adopted and proposed by CARB; and

WHEREAS, there are a variety of other mandates and regulations at the State level (municipal waste diversion, renewable energy mandate etc.) which have the potential to conflict both directly and in due to their implementation with regulatory measures to implement AB32 as adopted and proposed by CARB; and

WHEREAS, such conflicts severely impede the cities or state as well as regulated industry efforts to comply with both the applicable Federal regulations and regulations implementing AB32; and

WHEREAS, the existing and proposed regulations on both the State and Federal level result in an overall regulatory structure that is inconsistent and confusing making it virtually impossible or incredibly slow to start any new large scale projects within the State at a time where California infrastructure and its economy are in most need of refurbishment; and

WHEREAS, the existing and proposed regulations and unclear guidelines will also make it more difficult for smaller, pollution transport impacted air districts like the MDAQMD, to properly implement and enforce the regulations;

NOW, THEREFORE, BE IT RESOLVED, by the General Assembly of the League of California Cities assembled at the Annual Conference in San Diego, September 7, 2012, that the League encourages the existing 482 California cities to adopt resolutions requesting a suspension of the implementation of some, if not all, the regulations promulgated under the California Global Warming Solutions Act (AB 32 of 2006) until such time as the legal and regulatory inconsistencies can be resolved; and

BE IT FURTHER RESOLVED, that California cities request the California Air Resources Board and other applicable state agencies examine the impact of the regulations promulgated pursuant to AB 32 and for potential direct and indirect conflict with other existing regulations at both the State and Federal level including but not limited to the potential for gains in one area to jeopardize progress in another; and

BE IT FURTHER RESOLVED, that California cities request the California Air Resources Board and other applicable state agencies examine the overall economic impact of the regulations promulgated pursuant to AB 32 and their interaction with other existing regulations with emphasis upon the potential for job and other economic activity "flight" from California; and

BE IT FURTHER RESOLVED, that California cities request the State of California by and through its Governor, Legislature, and applicable state agencies should encourage the resolution of internal conflicts between and among existing Federal programs by supporting items including but not limited to: reopening the Federal Clean Air Act, New Source Review Reform, and efforts to regulate GHGs under a comprehensive Federal program.

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League of California Cities Staff Analysis on Resolution No. 4

Staff: Kyra Ross, Legislative Representative, (916) 658-8252
Committee: Environmental Quality Policy Committee

Summary:

This resolution encourages California cities to:

- 1.) Adopt resolutions requesting the suspension of the implementation of some, if not all, the regulations promulgated under the California Global Warming Solutions Act (AB 32) until such time as the legal and regulatory inconsistencies can be resolved;
- 2.) Asks cities to request the California Air Resources Board (CARB) and other applicable state agencies examine the impact of the regulations promulgated pursuant to AB 32, and for potential conflict with other existing regulations at both the State and Federal level including, but not limited to, the potential for gains in one area to jeopardize progress in another; and,
- 3.) Asks cities to request the CARB and other applicable state agencies examine the overall economic impact of the regulations promulgated pursuant to AB 32 and their interaction with other existing regulations with emphasis upon the potential for job and other economic activity “flight” from California; and,
- 4.) Asks cities to request the State to encourage the resolution of internal conflicts between and among existing Federal programs by supporting items, including but not limited to:
 - a. Reopening the Federal Clean Air Act;
 - b. New Source Review Reform; and,
 - c. Efforts to regulate greenhouse gas emissions under a comprehensive federal program.

Background:

AB 32 passed in 2006 and requires the State to reduce greenhouse gas emissions to 1990 levels by 2020. As the implementing agency, CARB developed and passed a Scoping Plan in 2008, outlining emission reduction measures to help the state meet its statutory reduction of greenhouse gas emissions. Since 2008, a number of measures outlined in the Scoping Plan have been implemented. Measures of interest to cities include: voluntary local government 15% reduction in greenhouse gas emissions; regional transportation-related greenhouse gas targets; landfill methane control; and green building codes.

At the same time, many of California’s 15 air basins are facing ongoing challenges to meeting federal air quality standards. It’s important to note that regulation of air quality in California is separated into two levels of regulation. CARB regulates air pollution from cars, trucks, buses and other sources, often referred to as “mobile sources”. Local air districts regulate businesses and industrial facilities. Local air districts are the bodies that regulate ozone, PM 2.5 and PM 10. Ground level ozone (ozone), more commonly referred to as smog, is a pollutant that forms on hot summer days (not to be confused with the ozone that forms in the upper atmosphere or stratosphere). Ozone is not directly emitted by one source but comes from a combination of volatile organic compounds and nitrogen oxides. In the presence of sunlight, especially on hot summer days, this mixture forms ozone. Particulate Matter (PM) is made up of fine solid or liquid such as dust, fly ash, soot, smoke, aerosols, fumes, mists, and condensing vapors. US EPA has set health based standards for particles smaller than 10 microns (PM 10) and particles smaller than 2.5 microns (PM 2.5). When these particles become airborne, they can be suspended in the air for long periods of time. Both PM 10 and PM 2.5 have been determined to cause serious adverse health effects.

According to an April 2012 report by the California Air Pollution Control Officer’s Association “California’s Progress Toward Clean Air”:

Despite significant improvements, air quality remains a major source of public health concern in large metropolitan areas throughout California. The San Joaquin and South Coast Air Basin

continue to face significant challenges in meeting the federal health-based standards for ozone and fine particles, despite their regional and state-level controls on mobile and stationary sources that are the most stringent in the nation. In 2007, both regions sought extension for meeting the 1997 8-hour federal ambient air quality standard for ozone. A comparable challenge faces each region with respect to attainment of the 1997 PM2.5 standard. Due to continued progress in health research, the federal EPA lowered the ambient concentration for the 8-hour ozone and 24-hour PM 2.5 standards in 2008 and 2006, respectively. The net effect of these stricter standards is to raise the performance bar for California air basins. This will extend the timeframe for attainment in highly polluted regions as well as increase the number of basins with non-attainment status. Challenges also exist for air districts across California who are in attainment with the federal standards, as they continue to strive for attainment of the State's health-based ozone and PM standards, which are more stringent than the standards adopted by the US EPA.

According to the Sponsor, areas designated nonattainment are mandated under the provision of the federal Clean Air Act to require (pursuant to New Source Review Rules) Best Available Control Technology (BACT) and offsetting emissions reduction on major new or modified stationary sources of those nonattainment air pollutants and their precursors regardless of whether or not the area so designated has any control and not over the pollution causing the nonattainment finding.

The Sponsor also notes that there are a variety of other mandates and regulations at the state level that have the potential to conflict both directly and indirectly with the implementation of AB 32 measures being proposed and implemented by CARB. Two measures pointed out by the Sponsor are the existing mandate for local jurisdictions to divert 50% of solid waste from landfills (Public Resources Code 41780) and the state Renewable Portfolio Standard (RPS) that requires all retail sellers (Investor Owned Utilities, electric service providers, and community choice aggregators) and all publicly owned utilities to procure at least 33% of electricity delivered to their retail customers from renewable resources by 2020.

Fiscal Impact:

Unknown. No direct fiscal impact to city general funds.

Existing League Policy:

Specific to this Resolution, existing policy states:

Air Quality

- The League believes cities should have the authority to establish local air quality standards and programs that are stricter than state and federal standards. The League opposes efforts to restrict such authority.
- The League opposes legislation redirecting the funds authorized by Health and Safety Code Section 44223, which are currently used by local governments for locally based air quality programs.
- The League opposes air quality legislation that restricts the land use authority of cities.

Climate Change

- The League recognizes that climate change is both immediate and long term, with the potential for profound environmental, social and economic impacts to the planet and to California.
- Through the Global Warming Solutions Act of 2006 (AB 32 (Nuñez) Chapter 488, Statutes of 2006) California has embarked on a plan that requires the reduction of greenhouse gas emissions to 1990 levels by 2020. Although uncertainty remains about the pace, distribution and magnitude of the effects of climate change, the League recognizes the need for immediate actions to mitigate the sources of greenhouse gas emissions and has adopted the following principles:

1. Action Plans for Mitigating Greenhouse Gas Emissions. Encourage local governments to complete

an inventory of greenhouse gas emissions, set appropriate reduction targets, and create greenhouse gas emission reduction action plans.

2. Smart Growth. Consistent with the League's Smart Growth policies, encourage the adoption of land use policies designed to reduce sprawl, preserve open space, and create healthy, vibrant, and sustainable communities.
3. Green Technology Investment Assistance. Support tax credits, grants, loans and other incentives to assist the public, businesses, and local agencies that invest in energy efficient equipment and technology, and fuel efficient, low emission vehicles.
4. Energy and Water Conservation and Efficiency. Encourage energy efficiency, water efficiency, and sustainable building practices in new and existing public, residential and commercial buildings and facilities. This may include using the U.S. Green Building Council's LEED program or similar systems.
5. Increase the Use of Clean Alternative Energy. Promote the use and purchase of clean alternative energy through the development of renewable energy resources, recovery of landfill methane for energy production and waste-to-energy technologies.
6. Reduction of Vehicle Emissions in Public Agency Fleets. Support the reduction of vehicle emissions through increased fuel efficiency, use of appropriate alternative fueled vehicles, and/or low emission vehicles in public agency fleets. Encourage the use of appropriate alternative fueled vehicles, and/or low emission vehicles in private fleets.
7. Climate Change Impacts. Encourage all levels of government to share information to prepare for climate change impacts.
8. Coordinated Planning. State policy should encourage and provide incentive for cities to coordinate and share planning information with neighboring cities, counties, and other governmental entities so that there are agreed upon regional blueprints and strategies for dealing with greenhouse gas emissions.
9. Water Supply for New Development. Encourage exchange of water supply information between state and local agencies, including information on the impacts of climate change on state and local water supplies.
10. Recycles Content and Green Purchasing Policies. Encourage the adoption and implementation of recycled content and green procurement policies, if fitness and quality are equal, including the adoption of an Environmental Management System and authorization of local agencies to consider criteria other than only cost in awarding contracts for services.

Additionally, the League's Mission Statement is "to expand and protect local control for cities through education and advocacy to enhance the quality of life for all Californians."

Finally, the League's Strategic Priorities for 2012, as adopted by the League Board of Directors, include:

In addition, the Strategic Priorities for 2012, as adopted by the League Board of Directors, are to:

1) Support Sustainable and Secure Public Employee Pensions and Benefits: Work in partnership with state leaders and other stakeholders to promote sustainable and secure public pensions and other post-employment benefits (OPEBs) to help ensure responsive and affordable public services for the people of our state and cities.

2) Promote Local Control for Strong Cities: Support or oppose legislation and proposed constitutional amendments based on whether they advance maximum local control by city governments over city revenues,

land use, redevelopment and other private activities to advance the public health, safety and welfare of city residents.

3) Build Strong Partnerships for a Stronger Golden State: Collaborate with other public and private groups and leaders to reform the structure and governance, and promote transparency, fiscal integrity, and responsiveness of our state government and intergovernmental system.

RESOLUTIONS REFERRED TO PUBLIC SAFETY POLICY COMMITTEE

◆1 A RESOLUTION CALLING UPON THE GOVERNOR AND LEGISLATURE TO ENACT LEGISLATION THAT WOULD CORRECT INEFFICIENCIES IN THE AUDIT SYSTEM, DISTRIBUTION SYSTEM AND INEQUITIES IN THE FORMULAS FOR DISTRIBUTING COURT ORDERED ARREST AND CITATION FINES, FEES AND ASSESSMENTS GENERATED BY LOCAL GOVERNMENT.

Source: City of Glendora
Referred to: Revenue & Taxation Policy Committee
Recommendation to General Resolutions Committee:

WHEREAS, the primary purpose of criminal and traffic laws is to improve safety for the public, where the cost involved to implement enforcement falls primarily upon local law enforcement agencies throughout the State; and

WHEREAS, if State laws are to be effectively enforced then local cities must have a fair revenue structure to pay the cost of making arrests and issuing citations for criminal and traffic violators; and

WHEREAS, the significant inequity in the amount cities receive in relation to the full cost of a citation and/or arrest results in an unfair distribution of revenue to cities that are generated by court fines, fees, surcharges, penalties and assessments levied on offenders; and

WHEREAS, the current inefficiencies in the system makes it practically impossible for cities to insure transparency and effectively audit, administer and manage public funds that are generated by cities and distributed by the State and County; and

WHEREAS, to adequately protect and serve the public during this time of declining revenue and deteriorating services the inequities in the system needs to be changed; and

WHEREAS, court-ordered debt collection and revenue distribution is a complex system where there are few audits, if ever, done to determine if cities are receiving their fair share of disbursements; and

WHEREAS, once a debt has been collected, in whole or in part, distributing the money is not simple as there are over 150 ways collection entities are required to distribute revenue collected from traffic and criminal court debts. Depending on the fine, fee, surcharge or penalty assessment imposed by the court has more than 3,100 separate court fines, fees, surcharges, penalties and assessments levied on offenders that appear in statutes spanning 27 different state code sections; and

WHEREAS, the current system makes it practically impossible for cities to effectively administer and manage public funds that are generated by cities. Because of the complex system cities cannot determine if they are receiving their fair share of the fines collected; and

WHEREAS, Counties and the State have statutory responsibility and power to conduct their audits, while cities do not currently have clear legal standing to demand access to court records for purposes of conducting audits in a thorough and transparent manner which further shrouds the understanding of when and how revenue is distributed; and

WHEREAS, in December 2011 at the request of the Glendora Police Department the Los Angeles Superior Court conducted a sample audit of 15 Glendora Police Department-issued citations from 2010. The results of the sample audit revealed the City of Glendora received about 12% (\$253) of the \$2,063 in paid fines for the 12 of the 15 citations submitted. Three (3) of the citations in the audit were sent to collection or warrants. Based on those results, the city received an average of \$21, while the State and County received an average of \$172 for each of the 12 citations. The percentage breakdown for the city was 12.25% as compared to the State and County's share of 86.75%; and

WHEREAS, issuing a typical vehicle code violation citation can involve up to an hour of the issuing officer's time and the time of a records clerk tasked with entering citations into the database costing approximately \$82 per hour. If the citation is challenged the cost increases another \$135 to cover the cost of court time and handling of the notices associated with such an appeal. Therefore, the cost incurred to issue a citation currently is between \$82 and \$217, while the sample audit reveals the city is receiving about \$21 in cost recovery; and

WHEREAS, officials with Superior Court openly admit that similar results would be expected for almost every jurisdiction in the State issuing citations due to the complexity and "Priority of Distribution" they must follow from the State of California. "Priority Distribution" is triggered when a court reduces a fine for a citation. This process prohibits Judges from reducing penalty assessments and thus the only discretion Judges have in reducing fines, fees and costs is to reduce the base fine, or city portion, of the total fine. This process has a significant impact on the amount of money cities issuing the citation will receive. Rarely is the reduction in the fine taken from other stakeholders. Cities are one of the lowest priorities on the distribution list and often find themselves receiving significantly less share-or no share after deducting State and County fees and surcharges; and now there let it be

RESOLVED by the General Assembly of the League of California Cities, assembled in San Diego on September 7, 2012, that the League of California Cities calls upon the State Legislature and Governor to:

1. Create an efficient system to provide cities with a clear authority to audit the distribution of fines, fees, assessments and administrative costs for criminal and traffic violations;
2. Enact legislation that changes the "Priority Distribution" mandate so cities receive the total cost of issuing, processing and testifying in court on criminal cases and traffic violations; and
3. That any reduction in fines, fees, assessments or costs should be equally distributed from the total fine imposed, not just from the city base fine.

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Background Information on Resolution No. 1

Source: City of Glendora

Background:

Court-ordered debt collection and revenue distribution is a complex system where there are few audits, if ever, done to determine if cities are receiving their fair share of disbursements. The current system makes it practically impossible for cities to effectively administer and manage public funds that are generated by cities. Because of the complex system cities cannot determine if they are receiving their fair share of the fines collected.

Once a debt has been collected, in whole or in part, distributing the money is not simple as there are over 150 ways collection entities are required to distribute revenue collected from traffic and criminal court debts, depending on the fine, fee, surcharge or penalty assessment imposed by the court and California has more than 3,100 separate court fines, fees, surcharges, penalties and assessments levied on offenders that appear in statutes spanning 27 different government code.

County and state have statutory responsibility and power to conduct their audits, while cities do not currently have clear legal standing to demand access to court records for purposes of conducting audits in a thorough and transparent manner which further shrouds the understanding of when and how revenue is distributed.

At the request of the City of Glendora, in December 2011, the Los Angeles Superior Court conducted a sample audit of 15 Glendora Police Department-issued citations from 2010. The results of the sample audit revealed the Glendora received about 12% (\$253) of the \$2,063 in paid fines for the 12 of the 15 citations submitted. Three (3) of the citations in the audit had been sent to collection or warrants. Based on those results, the city received an average of \$21, while the state and county received an average of \$172 for each of the 12 citations. The percentage breakdown for the city was 12.25% as compared to the state and county's share of 86.75.%

Issuing a typical vehicle code violation citation can involve up to an hour of the issuing officer's time and the records clerk tasked with entering citations into the database costing approximately \$82 per hour. If the citation is challenged the cost increases another \$135 to cover the cost of court time and handling of the notices associated with such an appeal. Therefore, the cost incurred to issue a citation that is currently between \$82 about \$217, while the sample audit reveals the city is receiving about \$21 in cost recovery.

Officials with Superior Court openly admit that similar results would be expected for almost every jurisdiction in the state because when a court reduces a fine it triggers a process called "Priority Distribution." This process prohibits Judges from reducing penalty assessments imposed by the county and state and thus the only discretion that Judges have in reducing fines is to reduce the Base Fine (City Portion) of the total fine. This mandate has a significant impact on the amount of money cities issuing the citation receive. Rarely is the reduction in the fine taken from other stakeholders. Cities are one of the lowest priority on the distribution so often they find themselves receiving significantly less share-or no share after deducting state and county fees and surcharges.

The primary cost to implement enforcement falls upon local law enforcement agencies throughout the state. This Resolution calls upon the State Legislature and Governor to create an efficient system to provide cities with a clear authority to audit the distribution of fines, fees, assessments and administrative costs for criminal and traffic violations. In addition, legislation should be developed and passed that changes the "Priority Distribution" mandate so the cities receive the total cost of issuing, processing and testifying in court on criminal cases and traffic violations and that any reduction in fines, fees, assessments or costs should be equally distributed from the total fine imposed.

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League of California Cities Staff Analysis on Resolution No. 1

Staff: Dorothy Holzem, Assoc. Legislative Representative, (916) 658-8214
Committee: Public Safety Policy Committee

Staff: Dan Carrigg, Legislative Representative, (916) 658-8222
Committee: Revenue and Taxation Policy Committee

Summary:

This Resolution urges the League of California Cities, through legislative or administrative means, to clarify the authority for cities to audit the distribution of court imposed fines, fees, penalty assessments and administrative costs for criminal and traffic violations.

It also urges the League to seek legislative changes to the “Priority Distribution” statutory formula so that cities receive the total cost of issuing, processing and testifying in court on criminal cases and traffic violations. The current statutory formula allows reductions to the base fine but maintains the same level of penalty assessments, based upon the full penalty charge.

Finally, any reductions that may occur in fines, fees, assessments or costs determinations should be equally distributed from the total fine imposed, not just from the city base fine.

This Resolution raises several policy questions:

- 1) Should cities have the authority to request audits and receive reports from a county or the state on the local share of revenue resulting from criminal and traffic violation penalties?
- 2) Should cost-recovery be a driving factor in setting monetary penalties for criminal or traffic violations?
- 3) Should reductions (as ordered by a judge) to the fines owed by violators be taken just out of the base fine, or should the base fine and related penalty assessments be reduced proportionately?

Background:

In California, criminal offenders may have additional penalty assessments made to their base fines. These penalty assessments are based on the concept of an “abusers fee,” in which those who break certain laws will help finance programs related to decreasing those violations. For example, drug and alcohol offenses and domestic violence offenses are enhanced by special assessments on fines that directly fund county programs designed to prevent the violations. All other criminal offenses and traffic violations are subject to penalty assessments that are used to fund specific state programs.

According to the Resolution sponsor, the City of Glendora, the court-ordered collection of penalty fines and additional assessments, as well as the subsequent revenue distribution, is a complex system where few audits are conducted to determine if cities are receiving their share of collections. The current system makes it practically impossible for cities to effectively administer and manage public funds that are generated by cities.

The League recently held in-depth policy discussions related to audit authority in light of the misconduct charges against the City of Bell in 2011. The League convened a technical working group to review audit legislation and administrative efforts by the State Controller’s Office. Following the work of this group, the League Board adopted principles supporting transparent, accurate financial and performance information. (See “Existing Policy” section below.) However, these principles did not address expanding cities’ audit authority over the state, counties, or other public agencies.

The sponsors state that there are over 150 ways collection entities are required to distribute revenue collected from traffic and criminal court debts. Depending on the fine, fee, surcharge or penalty assessment imposed, there are more than 3,100 separate court fines, fees, surcharges, penalties and assessments levied on offenders that appear in statutes spanning 27 different state code sections.

Generally, the base fines for criminal and traffic citations are significantly lower than the additional penalty assessments levied by the state and counties. In some instances, the penalty assessment for state and local programs can be three or four times the amount collected by the city or county agency that issued the citation through their local enforcement authority. The amount each program account receives is based on a statutory formula. For example, if a driving under the influence (DUI) fine is \$1000, specific dollar amounts proportionate to the base fine are added under six different code sections for a total price tag of \$3,320 for the offense.

Some examples of program accounts receiving penalty assessment revenues include Peace Officer Standards and Training (POST), victim witness protection and services, court security, court construction, forensic laboratories for DNA identification, and automated fingerprint identification. The impact of programs largely funded, if not solely funded, by penalty assessment revenue casts a wide net of stakeholders including counties, sheriffs, district attorneys, public defenders, fish and game wardens, victim advocates, and access to the judicial system advocates. Cities are also partial benefactors of penalty assessment funded programs related to law enforcement.

For the last three decades, this policy area has been under great scrutiny and study but with little reform taking place. The recommendations from past studies and reports to consolidate penalty assessment accounts or their collections efforts, which would require legislative action, have likely not gained traction because of the inevitable loss of revenue for the specific programs and the affected interest groups.

In 1986, the Legislature enacted Senate Concurrent Resolution 53, requiring the Legislative Analyst Office (LAO) to study the statutory penalty assessments that are levied by the courts on offenders and the state programs that the funds support. The completed 1988 study found a complicated system of collection and distribution of penalty funds. The LAO was unable to fully identify the source offenses that generated penalty revenues because of limitations in most county collection systems.

In 2005, the California Research Bureau issued a report for the Assembly Public Safety Committee on county penalty assessments that drew similar conclusions. They stated the complexity of the system means poor revenue collection, disproportionate justice for debtors, and undermines the usefulness of fines as a punishment or deterrent. They recommended efforts to streamline and consolidate collections, funding, and appropriations.

After some delay, the state created the Administrative Office of the Court's Court-Ordered Debt Task Force, which is charged with evaluating and exploring means to streamline the existing structure for imposing and distributing criminal and traffic fines and fees. This Task Force has been asked to present preliminary recommendations to the Legislature regarding the priority in which court-ordered debt should be satisfied and the use of comprehensive collection programs. Currently, the League of California Cities has two appointments to the Task Force. However, the Task Force has been put on hiatus and has not met for approximately 12 months due to significant state cuts to the court budget in recent years.

Currently, legislation was introduced this year to address the issue of cities not recouping the costs of issuing citations. The response has been to increase the base fine and not change penalty assessments. Assembly Bill 2366 (Eng) would increase the base fine of "fix-it" tickets from \$10 to \$25 dollars. This has largely been successful in the legislative fiscal committees because with every increase to the base fine for the issuing agency, so increases the state and county share of penalty assessments proportionately.

Lastly, in most instances when the legislature takes into consideration a fine increase, be it for manufacturer product responsibility or criminal acts, the legislature focuses on how the increased fine will alter behavior, not on recovering the costs of enforcing that violation.

Fiscal Impact:

Unknown. Potential additional revenue received by cities, if any, would vary based on total citations issued and collected.

Existing League Policy:

Related to this Resolution, existing policy offers:

- Cities and the League should continue to emphasize efficiency and effectiveness, encouraging and assisting cities to achieve the best possible use of city resources.
- The League supports efforts to preserve local authority and accountability for cities, state policies must ensure the integrity of existing city revenue sources for all cities, including the city share and situs allocation, where applicable, of property tax, sales tax, vehicle license fee, etc.

Audit Principles Adopted by the League Board

- Given the State already has substantial authority to examine local government financial practices, and recognizes the significant resources required by auditors and local governments to complete audits, additional authority should only be granted to a State agency when there are documented insufficiencies in its existing authority.
- Governmental financial audits and performance audits ensure financial integrity and promote efficient, effective and accountable local government.
- Transparent, accurate financial and performance information is necessary for citizens to have confidence that their interests are being served, and for decision makers to be accountable for ensuring that public funds are spent appropriately and effectively.
- Public trust is inspired when auditors perform their work with independence, objectivity and integrity, remaining free from personal, external and organizational impairments to that independence, both in fact and in appearance.
- Public confidence in government is maintained and strengthened when financial and performance information is collected, managed and reported in accordance with nationally recognized professional accounting and auditing standards.

The League’s Mission Statement is “to expand and protect local control for cities through education and advocacy to enhance the quality of life for all Californians.”

In addition, the Strategic Priorities for 2012, as adopted by the League Board of Directors, are to:

1) Support Sustainable and Secure Public Employee Pensions and Benefits: Work in partnership with state leaders and other stakeholders to promote sustainable and secure public pensions and other post-employment benefits (OPEBs) to help ensure responsive and affordable public services for the people of our state and cities.

2) Promote Local Control for Strong Cities: Support or oppose legislation and proposed constitutional amendments based on whether they advance maximum local control by city governments over city revenues,

land use, redevelopment and other private activities to advance the public health, safety and welfare of city residents.

3) Build Strong Partnerships for a Stronger Golden State: Collaborate with other public and private groups and leaders to reform the structure and governance, and promote transparency, fiscal integrity, and responsiveness of our state government and intergovernmental system.

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2. RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES RAISING PUBLIC AWARENESS AND SUPPORTING TOUGHER LAWS RELATED TO INTERNET CRIMES AGAINST CHILDREN

Source: San Diego County Division
Referred To: Public Safety Policy Committee
Recommendation to General Resolutions Committee:

WHEREAS, technology has brought significant changes to our society over the past two decades, many of which have had a positive effect on our quality of life while some have threatened the safety and well-being of our young children; and

WHEREAS, the internet has made victimization of children easier than ever before; and

WHEREAS, the internet has also significantly increased the availability of child pornography, with more than 6.5 million images being shared via the internet, compared to only a few hundred photos less than a generation ago; and

WHEREAS, some see viewing child pornography as a “victimless crime,” however these images are never completely eradicated from the internet and the victims continue to have their horrific photos viewed over and over again by pedophiles for sexual gratification; and

WHEREAS, in 2007 the National Center for Missing and Exploited Children reported it had identified 9.6 million images and videos of child pornography and believed there were millions more not identified; and

WHEREAS, in the 2006 Butner Redux Study, 98 percent of convicted child pornographers had molested children before their capture; and

WHEREAS, the United States is the number one producer and consumer of child pornography in the world, with more than 624,000 child pornography users identified nationwide.

NOW THEREFORE BE IT RESOLVED by the General Assembly of the League of California Cities assembled at the Annual Conference in San Diego, September 7, 2012, that the League of California Cities:

1. Desires to increase public awareness and educate others about the critical issue of internet crimes against children statewide.
2. Requests the League advocate for the State Legislature to adopt tougher laws for child pornographers.

3. Requests the League advocate for additional and more permanent funding for Internet Crimes Against Children Task Forces (ICAC) statewide.

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Background Information on Resolution No. 2

Source: San Diego County Division

Background:

Technology has brought significant changes to our society over the past two decades. While most have had a positive effect on our quality of life, many have threatened the safety and well-being of our young children.

The internet has made victimization of children much easier than ever before. Today, pedophiles can network with one another online, encourage one another to commit crimes against children, and share tips on evading law enforcement. Worse yet, they often use the internet – social media sites, in particular – to find and prey on young children. Many times, these innocent children are lured away from their homes by these perpetrators and never seen again.

The internet has also significantly increased the availability of child pornography. More than 6.5 million child abuse images are being shared via the internet today. Before this technology was in place, the number of photos available numbered in the few hundreds.

While some see viewing child pornography as a “victimless crime,” nothing could be further from the truth. One study showed that 98 percent of convicted child pornographers had molested children before being captured (Butner Redux Study, 2006).

Additionally, these images can never be completely eradicated from the internet once they are placed online. Therefore, victims continue to suffer the irrevocable damage of knowing their horrific photos are being viewed over and over again for sexual gratification by pedophiles.

Many believe these horrendous crimes happen mostly in other countries. Sadly, the United States is the number one producer and consumer of child pornography in the world, and American children are the primary victims. More than 624,000 child pornography users have been identified nationwide and thousands of these reside in San Diego County.

While the internet is exploited by these predators to harm children, it ironically is the same tool used by law enforcement to track down and arrest these criminals.

Your help is urgently needed to secure resources for this effort, increase public awareness, work to support tougher laws and educate others on this critical issue. While San Diego has one of the nation’s 61 ICAC task forces, its six trained investigators are overwhelmed with cases due to funding shortfalls.

With your help, these predators can be taken off the street and our children will be safer. Here is what needs to be done:

Change state law. The current "wobbler" (misdemeanor and felony) wording should be eliminated. All child pornography charges should be made a straight felony.

Strengthen sentencing. State sentencing on child pornography cases needs to be more in line with

federal sentencing.

Toughen discovery statutes. State discovery statutes should be amended to comply with the Adam Walsh Act. Child pornography is contraband that is easily reproduced and should be treated as such.

Change pornography evidence rules. Stop the practice of giving copies of child pornography evidence to the defense. Instead, provide the defense a secure area where they can view the evidence but not take possession of it.

Strike current law about possession/distribution of child pornography. Currently, state law allows for a defendant's conviction for possession and distribution of child pornography to be set aside if he/she has complied with all probation conditions, pursuant to Penal Code Section 1203.4.

Strengthen disclosure laws. If applying for any job other than public office, licensure by any state or local agency, or for contracting with the state lottery, a convicted possessor of child pornography does not need to disclose their prior conviction. That allows people who have been convicted of possessing or dealing in photos of child exploitation to get closer to children. PC 1203.4 already has exceptions for convictions of PC 286(c), 288, 288a(c), 2813.5, 289m, felony 261.5(d) and 42001(b) of the Vehicle Code. These convictions may not be set aside per PC 1203.4 and must always be disclosed. PC 311.1, 311.2, 311.3, 311.4, 311.10 and 311.11 should be added to the list of charges to which this type of relief does not apply.

Update reporting laws. The existing mandatory reporting law should be updated to include librarians and computer technicians.

Provide permanent funding for ICAC. Significantly more permanent funding is needed for Internet Crimes Against Children Task Forces (ICAC's). They are tasked with investigating crimes against children involving electronic devices. The crimes include child pornography, child molestation and peer-to-peer bullying. ICAC task force's are severely undersized and underfunded to keep up with the magnitude of the growing problem.

Increase public awareness. Public awareness of the issue needs be heightened particularly to parents and children as well as all public officials and the community in order to protect our children against these unspeakable crimes.

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League of California Cities Staff Analysis on Resolution No. 2

Staff: Dorothy Holzem, Assoc. Legislative Representative, (916) 658-8214
Committee: Public Safety Policy Committee

Summary:

This Resolution seeks to increase public awareness of the prevalence of internet crimes against children. To help promote this goal, the Resolution requests the League of California Cities advocate for legislation that creates tougher laws for child pornographers and provides additional, more permanent funding for Internet Crimes Against Children (ICAC) Task Forces.

Background:

According to the Resolution sponsors, the U.S. Census Bureau (2005) estimates that there are over 24.5 million internet users in the United States between the ages of 10 and 17. They cite that the rapid growth of internet accessibility has brought forth helpful tools for our children and youth. Unfortunately, it has also brought with it the increased potential for online victimization including unwanted exposure to sexual material, unwanted sexual solicitations, and online harassment.

The Internet Crimes Against Children (ICAC) Program was created to help federal, state and local law enforcement agencies enhance their investigative responses to offenders who use the internet, online communication systems, or computer technology to sexually exploit children. The program is funded by the United States Department of Justice, Office of Juvenile Justice and Delinquency Prevention. The program is a national network of 61 coordinated task forces representing over 3,000 federal, state, and local law enforcement and prosecutorial agencies. These agencies are engaged in proactive investigations, forensic investigations, and criminal prosecutions.

In FY 2009, ICAC Program received \$25 million under the Omnibus Appropriation Act to support ICAC task forces, training, and technical assistance. The ICAC Program received an additional \$50 million through the **American Reinvestment and Recovery Act** to support ICAC task forces, training, technical assistance, and research. In each of the past two fiscal years, the program received \$30 million nationally.

Existing California law addresses the policy area extensively in the areas of solicitation, pornography, and harassment with additional penalties often levied when the victim is a minor less than 14 years of age. Internet-based crimes against minors have been a popular topic in recent legislative proposals especially as new web-based technology is brought into the market. Legislation has included both increased penalties and greater protections or remedies for victims.

Fiscal Impact:

Unknown. No direct fiscal impact to city general funds.

Existing League Policy:

Related to this Resolution, existing policy offers:

The League believes that the children of California must be recognized as our state’s most valuable resource. Their development, education, and well-being are key to our state’s future. Further, it is essential that each child have the support needed to become a productive citizen in the world of the 21st Century.

The League supports the promotion of public safety through stiffer penalties for violent offenders.

The League’s Mission Statement is “to expand and protect local control for cities through education and advocacy to enhance the quality of life for all Californians.”

In addition, the Strategic Priorities for 2012, as adopted by the League Board of Directors, are to:

- 1) **Support Sustainable and Secure Public Employee Pensions and Benefits:** Work in partnership with state leaders and other stakeholders to promote sustainable and secure public pensions and other post-employment benefits (OPEBs) to help ensure responsive and affordable public services for the people of our state and cities.
- 2) **Promote Local Control for Strong Cities:** Support or oppose legislation and proposed constitutional amendments based on whether they advance maximum local control by city governments over city revenues, land use, redevelopment and other private activities to advance the public health, safety and welfare of city residents.
- 3) **Build Strong Partnerships for a Stronger Golden State:** Collaborate with other public and private groups and leaders to reform the structure and governance, and promote transparency, fiscal integrity, and responsiveness of our state government and intergovernmental system.

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5. A RESOLUTION CALLING FOR AN EMERGENCY MANAGEMENT MISSION FOR CALIFORNIA CITIES

Source: League Public Safety Policy Committee
Referred To: Public Safety Policy Committee
Recommendation to General Resolutions Committee:

WHEREAS, emergency management is a basic responsibility of city government and a fundamental duty of all city employees; and

WHEREAS, prepared, disaster resilient communities save lives, prevent injuries, protect property, promote economic stability, and rapid recovery; and

WHEREAS, employees who have a family plan and supplies will be more likely to stay at work or come to work after an emergency incident; and

WHEREAS, the National Incident Management System (NIMS) provides guidelines and requirements to ensure a national coordinated emergency response system, including training requirements; and

WHEREAS, the Standardized Emergency Management System (SEMS) provides the foundation for California cities to ensure a state-wide coordinated, standardized emergency response system. SEMS is intended to be flexible and adaptable to the needs of all emergency responders in California; and

WHEREAS, emergency managers are responsible for promoting and encouraging personal, family and community preparedness and readiness. It is critical to focus on and support public education and training to ensure that the public understands that government entities may need time to recover from disaster situations, and to spread the message that disaster resilience, or the ability to recover from a disaster situation, requires participation from the whole community; and

WHEREAS, The League of California Cities (League) recognizes that cities, counties and the state do not have the reserves to support residents with food, water, and other necessary supplies after an “emergency event”. Now, therefore let it be

RESOLVED, at the League General Assembly, assembled at the League Annual Conference on September 7, 2012, in San Diego, that the League encourages cities to actively pursue employee and resident emergency preparedness. In addition, the League encourages cities to actively engage residents in emergency preparedness programs that promote creating a family plan, including having supplies of food and water, in the promotion of self-reliance.

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League of California Cities Staff Analysis on Resolution No. 5

Staff: Dorothy Holzem, Assoc. Legislative Representative, (916) 658-8214
Committee: Public Safety Policy Committee

Summary:

This Resolution seeks to create a clear statement of support for emergency preparedness in the League of California Cities existing policy and guiding principles. Specifically, it requests that the League encourages cities to actively pursue employee and resident emergency preparedness and to engage residents in

emergency preparedness programs that promote creating a family plan, that includes provisions for supplies of food and water, in the promotion of self-reliance, with the ultimate goal of creating “disaster resilient” cities.

Background:

This resolution was brought to the Public Safety Policy Committee by that committee’s Emergency and Disaster Preparedness Subcommittee to create a clear statement of support for emergency response, management, and recovery efforts as a community. While the League has extensive policy that supports related activities, there is no explicit statement of support in the existing policy or guiding principles.

In addition, numerous articles in *Western City Magazine*, the League’s monthly publication, have featured case studies and best practices about emergency response and disaster preparedness. This topic has been a key component of the Public Safety Committee’s work program for the last five years.

Fiscal Impact:

Unknown. This Resolution does not seek to create new requirements for the League or cities. Possible costs to cities that take steps to educate community members about disaster preparedness could be off-set by future limited damage and loss of life or injury due to those preparedness efforts.

Existing League Policy:

Related to this Resolution, existing policy provides:

The League supports the 2-1-1 California telephone service as a non- emergency, human and community services and disaster information resource.

The League supports “Good Samaritan” protections that include both medical and non-medical care when applicable to volunteer emergency, law enforcement, and disaster recovery personnel. The League also supports providing “Good Samaritan” protections to businesses that voluntarily place automated external defibrillators (AEDs) on their premises to reduce barriers to AED accessibility

The League supports activities to develop and implement statewide integrated public safety communication systems that facilitate interoperability and other shared uses of public safety spectrum with local state and federal law enforcement, fire, emergency medical and other public safety agencies.

The League supports a single, efficient, performance-based state department (the California Emergency Management Agency) to be responsible for overseeing and coordinating emergency preparedness, response, recovery and homeland security activities.

The League supports disaster recovery legislation that includes mitigation for losses experienced by local government.

The League’s Mission Statement is “to expand and protect local control for cities through education and advocacy to enhance the quality of life for all Californians.”

In addition, the Strategic Priorities for 2012, as adopted by the League Board of Directors, are to:

1) Support Sustainable and Secure Public Employee Pensions and Benefits: Work in partnership with state leaders and other stakeholders to promote sustainable and secure public pensions and other post-employment benefits (OPEBs) to help ensure responsive and affordable public services for the people of our state and cities.

2) Promote Local Control for Strong Cities: Support or oppose legislation and proposed constitutional amendments based on whether they advance maximum local control by city governments over city revenues,

land use, redevelopment and other private activities to advance the public health, safety and welfare of city residents.

3) Build Strong Partnerships for a Stronger Golden State: Collaborate with other public and private groups and leaders to reform the structure and governance, and promote transparency, fiscal integrity, and responsiveness of our state government and intergovernmental system.

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RESOLUTION REFERRED TO REVENUE AND TAXATION POLICY COMMITTEE

- ◆1 **A RESOLUTION CALLING UPON THE GOVERNOR AND LEGISLATURE TO ENACT LEGISLATION THAT WOULD CORRECT INEFFICIENCIES IN THE AUDIT SYSTEM, DISTRIBUTION SYSTEM AND INEQUITIES IN THE FORMULAS FOR DISTRIBUTING COURT ORDERED ARREST AND CITATION FINES, FEES AND ASSESSMENTS GENERATED BY LOCAL GOVERNMENT.**

Resolution #1 also referred to Public Safety Policy Committee. Please see Public Safety Policy Committee section for the resolution, background and staff analysis information.

AGENDA ITEM
CITY COUNCIL MEETING: AUGUST 21, 2012
COUNCIL MEMBER COMMITTEE REPORTS

DATE : August 15, 2012
TO : Mayor Patterson
FROM : City Manager
SUBJECT : **MAYORS' COMMITTEE MEETING**

The following information is provided for your committee report at the August 21, 2012 City Council meeting.

The Mayors' Committee meetings are held on the third Wednesday of every other month at 6:30 pm. The Mayors' Committee met on August 15, 2012 and the agenda for that meeting and the minutes from the April 18, 2012 meeting are attached. The next meeting is scheduled for September 19, 2012 and the agenda for that meeting is not currently available.

Attachments:

- ❑ August 15, 2012 Meeting Agenda
- ❑ April 18, 2012 Meeting Minutes

SOLANO COUNTY MAYORS' COMMITTEE MEETING

**Pietro's #1
407 Cernon Street
Vacaville, California**

**Wednesday
August 15, 2012
6:00 PM**

AGENDA

- 1. Roll Call/Call to Order**
- 2. Introductions by Mayor Hardy**
- 3. Public Comment**
(Members of the public may address the Committee on matters not listed on the agenda, but within the jurisdiction of the Committee.)
- 4. Business:**
 - A. Approval of Minutes for the April 18, 2012 Mayor's Committee meeting.**
 - B. Discussion on attendance and future direction of Committee.**
 - C. Roundtable Discussion of City Issues of Mutual Interest.**
- 5. Adjournment**

SOLANO COUNTY MAYORS' COMMITTEE MEETING

MINUTES APRIL 18, 2012

4. Roll Call/Call to Order

Chairperson/Mayor Hardy called the meeting to order.

Mayors Present:

Steve Hardy, Mayor of Vacaville
Elizabeth Patterson, Mayor of Benicia
Harry Price, Mayor of Fairfield
Pete Sanchez, Mayor of Suisun City

Others in Attendance:

Laura Kuhn, City Manager of Vacaville

5. Introductions by Mayor Hardy

All attendees were acknowledged and welcomed by Mayor Hardy.

6. Public Comment

(Members of the public may address the Committee on matters not listed on the agenda, but within the jurisdiction of the Committee.)

There were no speakers under public comment.

4. Business:

D. Approval of Minutes for the February 15, 2012, Mayor's Committee Special meeting.

The Minutes of the February 15, 2012 meeting were approved.

E. Roundtable Discussion of City Issues of Mutual Interest.

General discussion of issues.

5. Adjournment

Meeting adjourned.

SOLANO COUNTY

CITY SELECTION COMMITTEE MEETING

**Pietro's No. 1
407 Cernon Street
Vacaville, California**

**Wednesday
August 15, 2012
6:00 PM**

AGENDA

- 1. Roll Call/Call to Order**
- 2. Introductions by Mayor Steve Hardy**
- 3. Public Comment**
(Members of the public may address the Committee on matters not listed on the agenda, but within the jurisdiction of the committee.)
- 4. Business:**
 - A. Approval of Minutes for the April 18, 2012 meeting.**
 - B. Appointment to the Airport Land Use Commission/Solano County Aviation Advisory Committee. 4 year term to expire January 2016 City of Vacaville and City of Vallejo representatives**
 - C. Discussion on time and place of meeting.**
- 5. Adjournment to the Mayors' Committee Meeting.**

SOLANO COUNTY
CITY SELECTION COMMITTEE MEETING

Pietro's No. 1
407 Cernon Street
Vacaville, California

Wednesday, April 18, 2012

MINUTES

1. Roll Call/Call to Order

Mayor Steve Hardy called the meeting to order at 6:00 p.m. Present were Mayor of Suisun City Pete Sanchez, Mayor of Vacaville Steve Hardy, Mayor of Benicia Elizabeth Patterson, and Mayor of Fairfield Harry Price. Mayor of Rio Vista Jan Vick and Mayor of Dixon Jack Batchelor, Jr. and Mayor of Vallejo Osby Davis were excused.

2. Introductions by Mayor Steve Hardy

All attendees were acquainted and a quorum was present.

3. Public Comment

There was no one from the public present at this meeting.

4. Business

MINUTES FOR THE CITY SELECTION COMMITTEE MEETING OF DECEMBER 7, 2011 APPROVED

On motion of Mayor Price and seconded by Mayor Patterson, the Committee acted to approve the minutes of the meeting of December 7, 2011. So ordered by unanimous vote.

**DISCUSSION REGARDING APPOINTMENT TO AIRPORT LAND USE
COMMISSION/SOLANO COUNTY AVIATION ADVISORY COMMITTEE (CITY OF
VACAVILLE AND CITY OF VALLEJO)**

Vacaville City Manager Laura Kuhn noted that there were two vacancies on the Airport Land Use Commission/Solano County Aviation Advisory Committee due to the resignation of Ray Schoch, representing the City of Vacaville, and the removal of Michael Cavanagh, representing the City of Vallejo, due to his absence from three consecutive regular monthly meetings of the Airport Land Use Commission.

Ms Kuhn noted that they would begin the recruitment process by advertising and soliciting applications for the appointment and would notify the City of Vallejo to do the same. Ms. Kuhn reported that section 21670(e) of the Public Utilities Code provided information on the qualifications of the members who serve on the Airport Land Use Commission as having expertise in aviation meaning a person who, by way of education, training, business, experience, vocation, or avocation has acquired and possesses particular knowledge of, and familiarity with, the function, operation, and role of airports.” It was also noted that each appointee was required to be a resident of the city that they were representing.

It was noted that nominations would be presented to the City Selection Committee on June 20, 2012 for appointment.

5. ADJOURNMENT

This meeting of the City Selection Committee adjourned at 6:08 p.m.

Respectfully submitted,

Patricia J. Crittenden
City Selection Committee Secretary
Clerk of the Board of Supervisors

AGENDA ITEM
CITY COUNCIL MEETING: August 21, 2012
COUNCIL MEMBER COMMITTEE REPORTS

DATE : August 13, 2012

TO : Mayor Patterson
Council Member Strawbridge

FROM : City Attorney

SUBJECT : **ABAG COMMITTEE MEETING**

The following information is provided for your committee report at the August 21, 2012 council meeting:

- The Fall Assembly is scheduled for Thursday, October 18, 2012 at the Hyatt Regency Embarcadero in San Francisco. The topic has not been determined.

AGENDA ITEM
CITY COUNCIL MEETING: August 21, 2012
COUNCIL MEMBER COMMITTEE REPORTS

DATE : August 14, 2012

TO : Council Member Campbell
Council Member Strawbridge

FROM : Finance Director

SUBJECT : **FINANCE COMMITTEE REPORT**

The following information is provided for your committee report at the August 21, 2012 Council meeting.

The Regular Finance Committee meeting scheduled for July 27, 2012 was cancelled. A Special Finance Committee meeting was held on August 10, 2012. The draft minutes from that meeting are attached for your review. The next meeting of the Finance Committee will be held on Friday August 24, 2012 at 8:00 am. The agenda for the August 24th meeting is also attached.

Attachment:

- ❑ August 10, 2012 Finance Committee Meeting Draft minutes
- ❑ August 24, 2012 Finance Committee Meeting Agenda

**FINANCE COMMITTEE
REGULAR MEETING AGENDA
COMMISSION ROOM
August 24, 2012 - 8:00AM**

1. **Call to Order**
2. **Roll Call**
3. **Pledge of Allegiance**
4. **Notice to the Public**

ACTION ITEMS

5. **Approval of Agenda**
6. **Approval of minutes for meetings held on June 22, 2012 and August 10, 2012**
7. **Review June 30, 2012 Investment Report**
The Finance Committee reviews the City's investment portfolio on a quarterly basis.
Recommendation: Approve Report and Forward to the City Council

DISCUSSION ITEMS

8. **Follow-up Review of Analysis of City of Benicia Water and Wastewater Rates Presented August 10, 2012**
9. **Update on Status of Reformatting Monthly Financial Report**
10. **Update on Status of Updating Long Range Budget Model Projections**
11. **Review Financial Reports for the Month of June 2012**
The Finance Committee reviews monthly financial reports.
Recommendation: Review Monthly Financial Report
12. **Review Warrant Registers for Months of June and July 2012**
A monthly audit of payments to vendors that supply services to the City of Benicia. Members of the Finance Committee review the warrant register and request that further information be provided by staff as necessary. It is encouraged that Committee Members submit their questions to the Finance Director prior to the meeting.
Recommendation: Review Warrant Registers
13. **Review Listing of Outstanding City Debt**
14. **Review Draft Policies**
15. **Approve City Council Report of Finance Committee Work Plan for Fiscal Year 2012-13**
16. **Public Comment**
17. **Adjournment**

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

All items listed on this agenda are for 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 Finance Committee.

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.

Posted at City Hall on August 16, 2012 at 5:00 pm by the Finance Director.

FINANCE COMMITTEE
****DRAFT** REGULAR MEETING MINUTES**
AUGUST 10, 2012 – 8:00 AM

1. Call to Order at 8:04 AM

2. Roll Call

Attended by Chairperson Dennis Lowry; Committee Members: Chris Carvalho, Michael Clarke, and Larry Grossman; Council Member Christina Strawbridge. Absent: Committee Member Lee Wines, Council Member Tom Campbell and City Treasurer Bob Langston. Staff present: Karan Reid, Bill Zenoni, Melissa Morton, Carrie Wenslawski and Nicolas Thomas.

3. Pledge of Allegiance

Not performed due to lack of flag in the meeting room at the Wastewater Treatment Plant.

4. Notice to the Public

Advised by Chairperson Lowry

5. Review Analysis of City of Benicia Water and Wastewater Rates

Interim Public Works Director Melissa Morton made a presentation on Benicia's Water and Wastewater systems and recent updates to the Water and Wastewater Master Plans. Ms. Morton explained that the City had contracted with rate consultants Bartle Wells Associates to prepare a financial analysis of each system and that copies of the draft reports would be distributed at the end of the meeting. Ms. Morton stated that the fiscal analysis supported rate adjustments for both Water and Wastewater beginning in 2013 and that drivers for the adjustments include covering annual operating costs, shoring up reserves to be in compliance with both debt requirements and the City Council's fund balance reserve policy, and setting aside funds to construct capital projects on a pay as you go basis.

The Committee suggested several changes to the power point presentation which would clarify the City's message and better explain why rates have not kept pace with costs. Chairperson Lowry requested a copy of the power point presentation be provided to all of the Committee members and requested confirmation that the City Council approved Fund Balance policy setting a minimum reserve balance of 20% covers the Enterprise funds as well as the City's General Fund.

Staff explained that increases to water and wastewater rates are subject to the requirements of Proposition 218, a constitutional initiative approved by the voters in 1996 that seeks to ensure most taxes and charges to property owners are subject to voter approval. After the passage of Proposition 218, questions were raised as to whether water and wastewater rates were subject to Prop 218 and the Supreme Court Case, Big Horn-Desert View Water Agency v. Verjil, upheld that those rate increases are subject to Prop 218. Chairperson Lowry requested copies of Proposition 218 and the Big Horn court case.

Committee Member Carvalho supported an income-based discount. However, staff stated that the enterprise funds are required to charge the same rates to all customers and any discounted rate structure would need to be subsidized from non-enterprise funds, most likely the City's General Fund.

Committee Member Grossman commented on the dramatic increases proposed over a five-year period and requested a response as to why rate increases were suspended in 2006. Committee Member Grossman commented that long-range planning for these enterprise systems was deficient and recommended rates be adjusted on a regular basis to ensure the Water and Wastewater systems are on a sustainable path. Member of the public, Dan Miceli, inquired as to the impact on the business park.

Staff agreed to provide responses to the information requested at the meeting as well as to any additional questions received from the Committee at the next regular Finance Committee meeting scheduled for August 24th. The rate consultants will also be available at that meeting to respond to questions on the financial analysis studies.

6. Public Comment

There was no additional public comment.

7. Adjournment

There being no further business, the meeting was adjourned at 9:57 AM.

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

**AGENDA ITEM
CITY COUNCIL MEETING: AUGUST 21, 2012
COUNCIL MEMBER COMMITTEE REPORTS**

DATE : August 15, 2012

TO : Mayor Patterson
Vice Mayor Campbell

FROM : City Manager

SUBJECT : **LEAGUE OF CALIFORNIA CITIES**

The following information is provided for your committee report at the August 21, 2012 City Council meeting.

The most recent North Bay Division meeting was held on July 19, 2012 in Novato, and the agenda for that meeting was previously attached. The League of CA Cities Annual Conference will be held in San Diego, September 5-7, 2012.

<http://s4.goeshow.com/cacities/annual/2012/index.cfm>

AGENDA ITEM
CITY COUNCIL MEETING: AUGUST 21, 2012
COUNCIL MEMBER COMMITTEE REPORTS

DATE : August 15, 2012

TO : Council Member Strawbridge
Council Member Hughes

FROM : City Manager

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

The following information is provided for your committee report at the August 21, 2012 City Council meeting.

This committee meets quarterly at the Benicia Community Center located at 370 East L Street. The next meeting will be Thursday, September 13, 2012 at 8:30 am at the Community Center, and the agenda for that meeting is not currently available.

AGENDA ITEM
CITY COUNCIL MEETING: AUGUST 21, 2012
COUNCIL MEMBER COMMITTEE REPORTS

DATE : August 14, 2012

TO : Vice Mayor Campbell
Council Member Schwartzman

FROM : City Manager

SUBJECT : **SKY VALLEY OPEN SPACE COMMITTEE**

The following information is provided for your committee report at the August 21, 2012 Council meeting.

The Sky Valley Open Space Committee meets quarterly. The first meeting of 2012 (Feb 1) was cancelled due to a lack of agenda items. The second and third meetings of 2012 (May 2 and August 1) were also cancelled due to a lack of agenda items.

The next (and last remaining) meeting for the 2012 calendar year is set to occur on Wednesday, November 7, 2012.

**AGENDA ITEM
CITY COUNCIL MEETING: AUGUST 21, 2012
COUNCIL MEMBER COMMITTEE REPORTS**

DATE : July 27, 2012

TO : Mayor Patterson
Council Member Strawbridge

FROM : City Manager

SUBJECT : **SOLANO EDC BOARD OF DIRECTORS**

The following information is provided for your committee report at the August 21, 2012 Council meeting.

The last Board of Directors meeting was held on Thursday, July 26, 2012. The agenda for that meeting is attached. The minutes are not yet available.

The next Board of Directors meeting is scheduled for Wednesday, September 19, 2012 at 9:00 am at Jelly Belly Candy Company. The agenda for that meeting is not yet available.

Attachment:

- Agenda for July 26, 2012



Solano EDC
Board of Directors Meeting
Thursday, July 26, 2012
Jelly Belly Candy Company (Corporate Offices)

AGENDA

- | | | | |
|-------------|----|---|-----------------------|
| 9:00 am | 1. | Call to Order | Scott Reynolds, Chair |
| Action Item | 2. | Consent Agenda | |
| | | o Approval of 05/16/12 Meeting Minutes | |
| | | o Financial Summary June 2012 | |
| | | o Board Replacement: Ed Farewell for Bruce Gondry, Recology | |
| | 3. | 2012 Remaining board meetings
September 19 | |
| | | ➤ Discussion item: revisions to bylaws
Reschedule November 21 to November 14 | |
| | | ➤ Discussion items: budget and succession | |
| | 4. | 2013 proposed meeting schedule
2 nd Thursday (odd months) 9 am at Jelly Belly Candy Company
January 10, March 14, May 09, July 11, Sept 12, Nov 14 | |
| | 5. | Highway 12 Study Update | Dale Pfeiffer |
| | 6. | Advocacy Committee Update | Steve Huddleston |
| | 7. | President's Report | Sandy Person |
| | 8. | Items from Directors | |
| 10:00 am | 9. | Adjourn Meeting | |

Calendar of Events

- August 6, 2012 Solano EDC Golf Classic at Green Valley
- August 16, 2012 Manex Lean Manufacturing Workshop
- September 13, 2012 Membership Breakfast – Cap and Trade Impacts
- September 19, 2012 Board of Directors meeting
- September 26, 2012 North Bay Business Journal Impact Solano
- October 31, 2012 Membership Breakfast – Hospital Council Impact Study
- November, 2012 Holiday Reception
- December 6, 2012 Spirit of Solano luncheon

AGENDA ITEM
CITY COUNCIL MEETING: AUGUST 21, 2012
COUNCIL MEMBER COMMITTEE REPORTS

DATE : August 15, 2012

TO : Mayor Patterson
Council Member Schwartzman

FROM : Director of Public Works and Community Development

SUBJECT : **SOLANO TRANSPORTATION AUTHORITY**

The following information is provided for your committee report at the August 21, 2012 City Council meeting.

STA Board meetings are held in the Suisun City Hall Council Chambers.

The next meeting is scheduled for September 12, 2012 at Suisun City Hall and the agenda is for that meeting is not currently available.

**AGENDA ITEM
CITY COUNCIL MEETING: AUGUST 21, 2012
COUNCIL MEMBER COMMITTEE REPORTS**

DATE : August 15, 2012

TO : Mayor Patterson
Vice Mayor Campbell

FROM : Director of Public Works and Community Development

SUBJECT : **SOLANO COUNTY WATER AGENCY**

The following information is provided for your committee report at the August 21, 2012 City Council meeting.

The minutes of the July 12, 2012 meeting and the agenda for the August 9, 2012 meeting are attached. The SCWA also has a Delta Committee that typically meets each month directly before the regular SCWA meeting. The next meeting date is September 13, 2012 and the agenda for that meeting is not currently available.

Attachments:

- ❑ SCWA Agenda for August 9, 2012
- ❑ July 12, 2012 SCWA Minutes

SOLANO COUNTY WATER AGENCY



BOARD OF DIRECTORS MEETING

DATE: Thursday, August 9, 2012

TIME: 6:30pm (Note earlier start time due to CCCC meeting at 7:00pm)

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 July 12, 2012 is recommended.
- (B) Expenditure Approvals: Approval of the July checking account register and specified purchase orders is recommended.
- (C) Amendment to Agreement with BSK Associates: Authorization of Chairman to execute Amendment with BSK Associates to extend time of performance for Putah Creek Mercury Assessment is recommended.
- (D) Resolution No. 2012-5: Approval of Resolution No. 2012-5 for the application for grant funds from the Local Groundwater Assistance Grant Program under the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Proposition 84) is recommended.

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



- (E) ACWA JPIA BOARD REPRESENTATIVE: Appointment of Director Dale Crossley as SCWA's representative to the Association of California Water Agencies Joint Powers Insurance Authority (ACWA/JPIA) Board of Directors is recommended.

6. **BOARD MEMBER REPORTS**

RECOMMENDATION: For information only.

7. **GENERAL MANAGER'S REPORT**

RECOMMENDATION: For information only.

8. **PUTAH CREEK RESTORATION PROJECT**

RECOMMENDATION: Authorize staff to participate on the Project Team for the "Lower Putah Creek Restoration from the Toe Drain to Putah Diversion Dam: Project Description Development, CEQA Compliance, Permits, Selected Final Design" grant project managed by the Yolo Basin Foundation.

9. **DELTA REPORT**

RECOMMENDATION: Hear report from staff on current Delta issues and provide direction as appropriate.

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

Thursday, September 13, 2012 at 7:00 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.

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

MEETING DATE: July 12, 2012

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

Mayor Elizabeth Patterson, City of Benicia
Mayor Jack Batchelor, City of Dixon
Mayor Harry Price, City of Fairfield
Mayor Jan Vick, City of Rio Vista
Mayor Pete Sanchez, City of Suisun City
Mayor Steve Hardy, City of Vacaville
Mayor Osby Davis, City of Vallejo
Supervisor Barbara Kondylis, Solano County District 1
Supervisor John Vasquez, Solano County District 4
Director Bob Bishop, Solano Irrigation District
Manager Don Holdener, Maine Prairie Water District
Director Dale Crossley, Reclamation District 2068

CALL TO ORDER

The meeting was called to order at 7:05 P.M. by Chairman Bob Bishop.

APPROVAL OF AGENDA

On a motion Mayor Sanchez and a second by Mayor Price, the Board unanimously approved the agenda.

PUBLIC COMMENT

There were no public comments.

CONSENT ITEMS

On a motion by Supervisor Kondylis and a second Supervisor Sanchez the Board unanimously approved the following consent items:

- (A) Minutes
- (B) Expenditure Approvals

BOARD MEMBER REPORTS

There were no Board Member reports.

GENERAL MANAGER'S REPORT

There were no additions to the General Manager's written report.

GROUNDWATER WORKSHOP

Principle Water Resources Specialist Chris Lee explained there are two groundwater sub-basins in Solano County, one in the Suisun Valley and a larger one that extends from the foothills of the Vacaville Mountains to past the Sacramento River. Vacaville, Rio Vista, Dixon, local farmers, the Rural North Vacaville Water District, and the Solano Irrigation District use groundwater as a source for their water supply. With some localized exceptions, groundwater quality is good.

The first groundwater assessment was by the USGS in 1912. During the 1940's and 1950's groundwater levels began to decrease due to technological improvements in irrigation pumping. The lowest groundwater level was reached in 1959 and was an impetus for the development of the Solano Project. With surface water, groundwater levels were recharged and increased during the 1960's through the 1980's.

Since 1995 the Agency has prepared biannual reports on the groundwater conditions for member agencies. Information for the reports is collected from DWR, Reclamation, SID, Vacaville and Dixon, and USGS. In 2006 the Agency installed four research monitoring wells and two subsidence stations in the County. Then a grant award allowed the Agency to enhance understanding of the geology of the aquifer and to also implement a pilot conjunctive use well. The conjunctive use well is located in RD 2068. It was part of a 2011 pilot project where RD 2068 utilized groundwater to offset its Delta surface water supply allowing its Delta supply to be available as a dry year water transfer to cities. The data has shown that groundwater pumping at the well has not had an adverse effect on local groundwater levels and provides for a viable source of dry year water supply as a transfer but it is a small supply. The Solano cities have many other sources of water supplies and are not necessarily interested in the conjunctive use supply. The future of this program is uncertain, but we now know that conjunctive use is possible.

The Delta legislation of 2009 created the California Statewide Groundwater Monitoring Program for which the Agency will take the lead role in reporting groundwater data. This Program requires reports to the State similar to the reporting the Agency is already performing for member agencies.

The Agency will continue to perform ongoing groundwater studies and monitoring, utilizing grant funding when it is available, to be good stewards of the groundwater basin.

DIXON-AREA FLOOD CONTROL PROJECT

John Curry from the Dixon Regional Watershed Joint Powers Authority described the Dixon Main Drain and V-Drain Enlargement Project which would continue the flood control and drainage improvements by expanding existing infrastructure in the eastern area of Solano County. On a motion by Mayor Batchelor and a second by Mayor Hardy the Board unanimously approved referral to staff and the Flood Control Advisory Committee for recommendations for additional funding for this Project.

LOWER SACRAMENTO RIVER FLOODPLAIN COORDINATING COMMITTEE

The Central Valley Flood Protection Plan is only conceptual at this time but it will be updated by 2017. The updated Plan will include an overall plan and it will also include 9 regional plans which are to be completed by 2013. Grants will provide funding for the regions to participate in developing the regional plans. Yolo County has initiated the Lower Sacramento River Floodplain Coordinating Committee representing Solano and Yolo Agencies involved in flood control. This Committee will feed into the Plan's regional plan group. On a motion by Mayor Batchelor and a second by Mayor Patterson the Board unanimously approved the following recommendations:

1. Authorize participation in the Lower Sacramento River Floodplain Coordinating Committee and appropriate Regional Working Groups to develop Regional Flood Management Plans that are to be part of the Central Valley Flood Protection Plan.
2. Support efforts to develop Regional Working Groups that include the Yolo Bypass in a single Regional Working Group.
3. Support membership in Regional Working Groups that provide fair representation of stakeholders, including Reclamation Districts.

TIME AND PLACE OF NEXT MEETING

The next regularly scheduled meeting will be Thursday, August 9, 2012 at 6:30 P.M. at the Solano County Water Agency offices.

ADJOURNMENT

This meeting of the Solano County Water Agency Board of Directors was adjourned at 8:17 P.M.

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

July.2012.BOD.min

A-16

**AGENDA ITEM
CITY COUNCIL MEETING: AUGUST 21, 2012
COUNCIL MEMBER COMMITTEE REPORTS**

DATE : August 14, 2012

TO : Vice Mayor Campbell
Council Member Schwartzman

FROM : Director of Public Works

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

The following is provided for your committee report at the August 21, 2012 Council meeting.

The last Safe Routes to School Task Force Meeting was held on Monday, June 11, 2012, at 6:30 pm in City Council Chambers. That meeting agenda is attached.

The last TPBS Committee meeting was held on July 19, 2012. That meeting agenda is attached. The draft minutes are in process.

The next regularly scheduled TPBS Committee meeting is scheduled for Thursday, October 18, 7:00 pm in the Commission Room.

Attachments:

- SR2S Task Force Agenda, June 11, 2012
- TPBS Agenda July 19, 2012

BENICIA

SAFE ROUTES TO SCHOOL COMMUNITY TASK FORCE MEETING AGENDA

Monday, June 11, 2012
6:30 p.m. to 7:30 p.m.

Benicia City Hall
250 East L Street
Benicia, CA 94510



ITEM ACTIVITY

ADMINISTRATOR

- | | |
|---|---|
| <p>I. CALL TO ORDER—SELF INTRODUCTIONS</p> | <p>Danelle Carey, STA</p> |
| <p>II. APPROVAL OF AGENDA</p> | <p>Committee</p> |
| <p>III. Walk Audits & SR2S Projects</p> <ol style="list-style-type: none"> 1. Draft Improvement Plan 2. 2nd walk audit-status/strategy discussion 3. Citywide call for SR2S projects | <p>Casey Hildreth, Alta
Planning & Design</p> |
| <p>IV. Draft Route Maps</p> <ol style="list-style-type: none"> 1. Review of methodology/approach 2. City/District review process 3. Parent/Public Outreach | <p>Casey Hildreth, Alta
Planning & Design</p> |
| <p>V. SR2S Program Marketing</p> <ol style="list-style-type: none"> 1. Revised website 2. SR2S school banners | <p>Casey Hildreth, Alta
Planning & Design</p> |
| <p>VI. ACTION ITEMS</p> <p>A. Approve review/decision timeline for items I/II</p> | <p>Committee</p> |
| <p>VII. INFORMATION ITEMS</p> <p>A. Future Meeting Agenda Items</p> | <p>Danelle Carey</p> |
| <p>VIII. ADJOURNMENT</p> | <p>Danelle Carey</p> |

BENICIA SR2S COMMUNITY TASK FORCE MEMBERS

Alan Schwartzman
Council Member
City of Benicia

Rose Switzer
Board Member
Benicia Unified School
District

Melissa Morton
Asst. Director of Public
Works/Engineer
City of Benicia
Mike Roberts
Senior Civil Engineer
City of Benicia

Christine Moore
Vice-Principal
Benicia Middle School

Tom Campbell
Vice Mayor
City of Benicia

Bob Oettinger
Lieutenant
City of Benicia PD

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DATE: June 11, 2012
TO: Benicia's Safe Routes to School (SR2S) Community Task Force
FROM: Danelle Carey, Program Coordinator
RE: Action and Information Item Summaries

Item III. Benicia SR2S Draft School Improvement Plan

Alta Planning and Design has prepared draft improvement maps for participating walk audit schools that include existing conditions and recommended facilities. These maps will serve as the basis for preparing detailed school travel plans and for identifying the majority of Safe Routes to School projects to be prioritized for the draft SR2S Plan update. Alta will present the current draft maps for discussion and comment to ensure that the improvements capture known priorities and meet City standards/expectations before the accompanying (draft) narrative and cost estimates are developed. Priority SR2S projects outside of walk audit schools will also be solicited by the consultant. (Attachment A)

Item IV. Benicia SR2S Draft Maps

The Alta Planning and Design team, led by Brian Fulfrust & Associates, has completed an initial site assessment of all SR2S Program schools and developed initial draft routing maps for review and discussion. These maps include sidewalk/crosswalk suitability scores and the identification of a "core" walking route network that has been developed utilizing automated GIS analysis tools and best available student address information. Limited revisions to the automated route selection process have occurred where walk audit or additional information (such as crossing guard location) has been available.

Significant revisions and cartographic enhancements to the initial draft route maps are anticipated by the consultant (in preparation for fall 2012 promotion). These revisions will be based on additional data to be made available, as well as feedback from the SR2S Task Force, SR2S Advisory Committee, School District representatives and individual principals, parents, and other stakeholders. In addition to an online Google mapping tool that has been developed to assess key issues and routes (and which will be available on the revised SR2S website), draft route maps (PDF files) will also be made available for download and review. (Attachment B)

Item V. SR2S Program Marketing

SR2S banners are designed and in production with a target distribution to all elementary and middle schools in Solano County pending the approval of each designated school district. The new SR2S website has been developed; the structure and online content will drive website traffic and provide in-depth learning experiences for visitors of the site. The STA plans to take the website live by the week of June 18th.

Action Item Summary:

Item VI. Approve review/decision timeline

With the overview provided by Casey Hildreth from Alta Planning and Design on Benicia's draft maps and school improvement plan, a discussion will result in the following recommendation;

Recommendation: Approval of draft maps, improvement plan reviews and decision timeline.

Information Item Summaries:

Item VII. Future Meeting Agenda Items

Community Task Force members will recommend any items/topics they would like to discuss on future agendas.

Attachments:

- A. Benicia SR2S Draft Route to School Maps
- B. Benicia SR2S Draft Improvement Plan



City of Benicia
**TRAFFIC PEDESTRIAN &
BICYCLE SAFETY (TPBS) COMMITTEE**
Regular Meeting

7:00 pm
Thursday, July 19, 2012
COMMISSION ROOM

AGENDA

I. Call To Order

- A. Roll Call
- B. Pledge of Allegiance
- C. Fundamental rights statement

II. Approval of Minutes

- A. April 19, 2012 Meeting Minutes

III. Public Comments

IV. Verbal Update

- 1. Capital Improvement Projects Scheduled for the Upcoming Months

V. Action Items

- 1. **Safety Review for a Bike Route Request** (7:10 to 7:30 pm)
The Committee will receive a presentation, hear public comments and consider recommending the bike route installation from a safety viewpoint.
- 2. **Rose Drive Traffic Calming Project – Proposed Plan** (7:30 to 8:30 pm)
In this meeting, Fehr & Peers, the City's traffic calming consultant, will present the draft project plan, the Committee will hear any concerns of the residents, and then consider a recommendation for City Council approval.

VI. 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 agendized and non-agendized 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 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 Trinque, Administrative Secretary, by 5:00 pm, Wednesday, April 18, 2012 for distribution to Committee Members.***

AGENDA ITEM
CITY COUNCIL MEETING: AUGUST 21, 2012
COUNCIL MEMBER COMMITTEE REPORTS

DATE : August 14, 2012

TO : Vice Mayor Campbell
Council Member Schwartzman

FROM : City Manager

SUBJECT : **TRI-CITY AND COUNTY COOPERATIVE PLANNING GROUP**

The following information is provided for your committee report at the August 21, 2012 Council meeting.

The Tri-City and County Cooperative Planning Group last met on June 11, 2012.

Remaining meetings for this calendar year:

- Monday, September 10, 2012
- Monday, December 10, 2012

**AGENDA ITEM
CITY COUNCIL MEETING: AUGUST 21, 2012
COUNCIL MEMBER COMMITTEE REPORTS**

DATE : August 15, 2012

TO : Mayor Patterson
Council Member Hughes

FROM : City Manager

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

The following information is provided for your committee report at the August 21, 2012 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 October 10, 2012. The agenda for that meeting is not currently available.

AGENDA ITEM
CITY COUNCIL MEETING: AUGUST 21, 2012
COUNCIL MEMBER COMMITTEE REPORT

DATE : August 14, 2012

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

FROM : Youth Action Coalition

SUBJECT : **YOUTH ACTION COALITION**

The Benicia Youth Action Coalition did not meet in July. The next BYAC meeting will be on August 22, 2012.

**AGENDA ITEM
CITY COUNCIL MEETING: AUGUST 21, 2012
COUNCIL MEMBER COMMITTEE REPORTS**

DATE : August 15, 2012
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 August 21, 2012 City Council meeting.

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

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

AGENDA ITEM
CITY COUNCIL MEETING: August 21, 2012
COUNCIL MEMBER COMMITTEE REPORTS

DATE : August 14, 2012

TO : Mayor Patterson
Council Member Hughes
Council Member Schwartzman

FROM : Finance Director

SUBJECT : **SOLANO COUNTY TRANSIT BOARD MEETING**

The following information is provided for your committee report at the August 21, 2012 Council meeting.

The Solano County Transit Joint Powers Authority held a regular meeting on July 19, 2012 in the City of Benicia City Council Chambers. The meeting agenda and meeting highlights are attached for your review.

The next regular meeting of the SolTrans Board is scheduled for Thursday, August 16, 2012 at 4:00 p.m. and will be held in the City of Vallejo City Council Chambers.

Attachment:

- July 19, 2012 SolTrans Board Meeting Agenda
- July 19, 2012 SolTrans Board Meeting Highlights



**BOARD MEETING AGENDA
4:00 p.m., Regular Meeting
Thursday, July 19, 2012
Benicia Council Chambers**

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

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 Suzanne Fredriksen, Interim Clerk of the Board, at (707) 648-4046 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 SolTrans office, 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 suzanne@soltransride.com.

Supplemental Reports: Any reports or other materials that are issued after the agenda has been distributed may be reviewed by contacting the SolTrans Clerk of the Board and copies of any such supplemental materials will be available on the table at the entry to the meeting room.

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

ITEM

BOARD/STAFF PERSON

1. CLOSED SESSION:

A. ANTICIPATED LITIGATION – one case
(3:30 – 4:00 p.m.)

2. CALL TO ORDER/PLEDGE OF ALLEGIANCE
(4:00 – 4:05 p.m.)

Elizabeth Patterson, Mayor
City of Benicia

3. CONFIRM QUORUM/ STATEMENT OF CONFLICT

Suzanne Fredriksen
Clerk of the Board

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.

SOLTRANS BOARD MEMBERS

Elizabeth Patterson	Mark Hughes	Erin Hannigan	Osby Davis	Jim Spring	Harry Price
City of Benicia	City of Benicia	City of Vallejo	City of Vallejo	MTC Representative	STA Ex-Officio
Alternate Board Member Alan Schwartzman		Alternate Board Member Stephanie Gomes			

4. APPROVAL OF AGENDA

5. OPPORTUNITY FOR PUBLIC COMMENT

(4:05 – 4:10 p.m.)

COMMENTS FROM STAFF

(4:10 – 4:15 p.m.)

6. Report from the General Manager

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Mona Babauta

CONSENT CALENDAR

Recommendation:

Approve the following consent items in one motion.

(Note: Items under consent calendar may be removed for separate discussion.)

(4:15 – 4:20 p.m.)

7a. Meeting Minutes of June 21, 2012

Recommendation:

Approve the meeting minutes of June 21, 2012.

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Suzanne Fredriksen,
Clerk of the Board

**7b. Resolution to Accept FY 2011 and FY 2012 Proposition
1B CalEMA Security Grant Funds and Authorize the
General Manager to Execute and Submit Grant
Documents**

Recommendation:

*Adopt Resolution of the Solano County Transit Board of
Directors Authorizing Acceptance of FY 2011 and FY 2012
Proposition 1B Grant Allocations from the California Transit
Security Grant Program-California Transit Assistance Fund
(CTSGP-CTAF) for Video Surveillance System Components
and Authorizing the General Manager to Execute and Submit
all Documents Required for Obtaining Financial Assistance
from the California Emergency Management Agency.*

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Mona Babauta,
General Manager

7c. Contract for SolTrans Legal Services

Recommendation:

*Authorize the General Manager to execute an agreement with
Solano County Counsel for the provision of legal services for
a one year period, for a not-to-exceed amount of \$55,000*

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Mona Babauta,
General Manager

REGULAR CALENDAR

8. Fiscal Year 2013 Contract Extension with MV Transportation

Mona Babauta,
General Manager

Recommendation:

- 1) Authorize the General Manager to execute a contract extension with MV Transportation for FY 2013 (July 1, 2012-June 30, 2013) in an amount not to exceed \$7,632,054;
- 2) Authorize an increase in the FY 2013 appropriations by \$107,054 for the service contract with MV, which would include a \$75,000 contract contingency, and a commensurate increase in operating revenues with one-time STAF-Population Based funds from MTC;
- 3) Delegate authority to the General Manager to spend the appropriation and amend the contract as needed, and;
- 4) Affirm the General Manager's authority to make a decision at the staff level to 1) initiate a solicitation process for a new service contract, or 2) negotiate a contract extension to meet SolTrans' service needs beyond FY 2013; the proposed contract generated through either process would come back to the Board for final approval in the spring of 2013.

(4:20 – 4:40 p.m.)

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INFORMATIONAL

9. FY 2013 Funding Update

Mona Babauta,
General Manager

Recommendation:

Informational.

(4:40 – 4:50 p.m.)

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10. Update on the FY 2013 Services Agreement with the Water Emergency Transportation Authority (WETA)

Mona Babauta,
General Manager

Recommendation:

Informational.

(4:50 – 5:00 p.m.)

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11. Service Change Outreach Update

Ward Stewart,
Project Manager

Recommendation:

Informational.

(5:00 – 5:10 p.m.)

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INFORMATIONAL - NO DISCUSSION

12. Bus Shelter Project Update

Recommendation:

Informational.

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Greg Anderson,
Director of Administrative Services

13 Update on Curtola/Lemon Park and Ride Facility, Various Issues

Recommendation:

Informational.

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Jim McElroy,
Project Manager

14. BOARD MEMBERS COMMENTS

15. ADJOURNMENT

The next regular meeting of the SolTrans Board is *tentatively* scheduled for **Thursday, August 16, 2012, 4:00 p.m., Vallejo Council Chambers.**



SOLANO COUNTY TRANSIT
SolTrans Board Meeting Highlights
4:00 p.m., July 19, 2012

TO: City Council of Benicia and Vallejo, and STA Board
(Attn: City Clerks and STA Clerk of the Board)
FROM: Suzanne Fredriksen, SolTrans Clerk of the Board
RE: Summary Actions of the July 19, 2012 SolTrans Board Meeting

Following is a summary of the actions taken by SolTrans at the Board Meeting of July 19, 2012. If you have any questions regarding specific items, please call me at the following number:
(707) 648-4046.

BOARD MEMBERS PRESENT:

Elizabeth Patterson, Mayor	City of Benicia, Chair
Erin Hannigan, Vice Mayor	City of Vallejo, Vice Chair
Alan Schwartzman, Councilmember	City of Benicia, Alternate
Jim Spering, Supervisor, County of Solano	MTC Representative
Harry Price, Mayor	Ex-Officio – STA Representative

BOARD MEMBERS ABSENT:

Mark Hughes, Councilmember	City of Benicia
Osby Davis, Mayor	City of Vallejo

CLOSED SESSION

The special meeting was called to order at 3:40 p.m., which recessed into closed session to discuss anticipated litigation. There were no matters to report.

COMMENTS FROM STAFF

6. Report from the General Manager

CONSENT CALENDAR

On a motion by Vice Chair Hannigan, and a second by Board Member Spering, the SolTrans JPA Board approved Consent Calendar Items 7a through 7c.

7a. Meeting Minutes of June 21, 2012

Recommendation:

Approve the meeting minutes of June 21, 2012.

7b. Resolution to Accept FY 2011 and FY 2012 Proposition 1B CalEMA Security Grant Funds and Authorize the General Manager to Execute and Submit Grant Documents

Recommendation:

Adopt Resolution of the Solano County Transit Board of Directors Authorizing Acceptance of FY 2011 and FY 2012 Proposition 1B Grant Allocations from the California Transit Security Grant Program-California Transit Assistance Fund (CTSGP-CTAF) for Video Surveillance System Components and Authorizing the General Manager to Execute and Submit all Documents Required for Obtaining Financial Assistance from the California Emergency Management Agency.

7c. Contract for SolTrans Legal Services

Recommendation:

Authorize the General Manager to execute an agreement with Solano County Counsel for the provision of legal services for a one year period, for a not-to-exceed amount of \$55,000.

REGULAR CALENDAR

8. Fiscal Year 2013 Contract Extension with MV Transportation

Recommendation:

Details of the revised recommendation will be provided during the Board Meeting.

- ~~1) Authorize the General Manager to execute a contract extension with MV Transportation for FY 2013 (July 1, 2012-June 30, 2013) in an amount not to exceed \$7,632,054;~~
- ~~2) Authorize an increase in the FY 2013 appropriations by \$107,054 for the service contract with MV, which would include a \$75,000 contract contingency, and a commensurate increase in operating revenues with one-time STAF Population Based funds from MTC;~~
- ~~3) Delegate authority to the General Manager to spend the appropriation and amend the contract as needed, and;~~
- ~~4) Affirm the General Manager's authority to make a decision at the staff level to 1) initiate a solicitation process for a new service contract, or 2) negotiate a contract extension to meet SolTrans' service needs beyond FY 2013; the proposed contract generated through either process would come back to the Board for final approval in the spring of 2013.~~

Staff Comments:

Mona Babauta noted that the recommendation had been revised as shown above in ~~strikethrough~~ ***bold italics*** directly following recent changes to MV Transportation's original proposal, namely a significant reduction in staffing.

After discussion, Mona Babauta provided the following details of the revised recommendation to the Board:

- 1) Approve a two month contract extension under the FY 2012 contract terms to expire on August 31, 2012;*
- 2) Direct staff to continue negotiations with MV Transportation to obtain a best and final offer by August 1, 2012 for a continued contract extension for FY 2013, in order to bring the contract extension back for Board approval by August 16, 2012;*

- 3) *Direct staff to work with an appointed subcommittee to develop a potential request for proposal (RFP) for services beyond FY 2013.*

Board Comments:

After discussion and further consideration, the SolTrans Board voted to make a second amendment to the recommendation to read as follows:

Recommendation:

- 1) Approve a two month contract extension under the FY 2012 contract terms to expire on August 31, 2012;
- 2) Direct staff to continue negotiations with MV Transportation to obtain a best and final offer by August 1, 2012 for a continued contract extension for FY 2013, in order to bring the contract extension back for Board approval by August 16, 2012;
- 3) Direct staff to work with an appointed subcommittee to develop a potential request for proposal (RFP) for services ~~beyond~~ *for FY 2013 and beyond.*

Chair Patterson offered to serve on the subcommittee and nominated Board Member Sperring as the second Board member representative on the subcommittee.

On a motion by Board Member Sperring and a second by Vice Chair Hannigan, the SolTrans JPA Board unanimously approved the subcommittee nominations and the recommendation as amended shown above in ~~strikethrough~~ *bold italics.*

INFORMATIONAL

9. **FY 2013 Funding Update**
10. **Update on the FY 2013 Services Agreement with the Water Emergency Transportation Authority (WETA)**
11. **Service Change Outreach Update**

INFORMATIONAL - NO DISCUSSION

12. **Bus Shelter Project Update**
13. **Update on Curtola/Lemon Park and Ride Facility, Various Issues**

14. BOARD MEMBERS COMMENTS

15. ADJOURNMENT

The meeting was adjourned at 5:00 p.m. The next regular meeting of the SolTrans Board is *tentatively* scheduled for **Thursday, August 16, 2012, 4:00 p.m., Vallejo Council Chambers.**

