

September 1, 2009 - Regular Meeting

BENICIA CITY COUNCIL

REGULAR MEETING AGENDA

City Council Chambers

September 1, 2009

7:00 P.M.

Times set forth for the agenda items are estimates.

Items may be heard before or after the times designated.

I. CALL TO ORDER (7:00 P.M.):

II. CLOSED SESSION:

III. CONVENE OPEN SESSION:

A. ROLL CALL

B. 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.

2. Openings on Boards and Commissions:

Arts & Culture Commission

Nine full term openings for four years

Community Sustainability Commission

Six full term openings for four years

Senior Coalition of Solano County

One full term opening for two years

Sky Valley Open Space Committee

One unexpired term to September 30, 2010

One full term to January 31, 2013

Human Services and Arts Board

One unexpired term to June 30, 2010

One full term to July 31, 2013

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.

B. APPOINTMENTS:

1. [Appointment of Sanil Budhdev to serve as the Youth Commissioner to the Parks, Recreation and Cemetery Commission for a one-year term.](#)

2. [Appointment of Council Member Ioakimedes to serve on the Solano Transportation Authority's Regional Transportation Impact Fee \(RTIF\) Stakeholders Committee.](#)

C. PRESENTATIONS:

D. PROCLAMATIONS:

1. [Recognition of Literacy Awareness Day – September 8, 2009](#)

2. [Recognizing the 35th Anniversary of Nouro Glass Studio](#)

V. ADOPTION OF AGENDA:

VI. OPPORTUNITY FOR PUBLIC COMMENT:

This portion of the meeting is reserved for persons wishing to address the Council on any matter not on the agenda that is within the subject matter jurisdiction of the City Council. State law prohibits the City Council from responding to or acting upon matters not listed on the agenda.

Each speaker has a maximum of five minutes for public comment. If others have already expressed your position, you may simply indicate that you agree with a previous speaker. If appropriate, a spokesperson may present the views of your entire group. Speakers may not make personal attacks on council members, staff or members of the public, or make comments which are slanderous or which may invade an individual's personal privacy.

A. WRITTEN COMMENT

B. PUBLIC COMMENT

VII. CONSENT CALENDAR (7:45 P.M.):

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 August 18, 2009.](#) (City Clerk)

B. [Approval of an Interagency Cooperative Agreement Establishing the Model Technical Advisory Committee and Model Land Use Committee.](#) (Public Works and Community Development Director)

This action will establish a Model Technical Advisory Committee and Model Land Use Committee to allow participating agencies from Solano County to provide formal oversight of the multi-modal Napa Solano Travel Demand Model. This model predicts how current and future land use, traffic patterns, and transit use will impact regional roads. It is the primary tool used by the Solano Transportation Authority for their Congestion Management Program. With further refinement, the model could be used to demonstrate the benefits of an intermodal transportation station and to justify regional traffic impact fees. No impacts to the budget are associated with this item.

Recommendation: Adopt a resolution approving an interagency cooperative agreement establishing the Model Technical Advisory Committee and Model Land Use Committee and authorizing the City Manager to sign the agreement on behalf of the City.

C. [Agreement with the State of California for a Certified Local Government Grant for a historic context statement.](#) (Public Works and Community Development Director)

The State Office of Historic Preservation has awarded the City of Benicia a grant for \$25,000 from the 2009 Certified Local Government Grant Program in order to prepare a citywide historic context statement. This is an important step in the City's commitment to ongoing preservation efforts.

Recommendation: Adopt a resolution authorizing the City Manager to execute a Project Agreement with the State of California Office of Historic Preservation for a Certified Local Government Grant to prepare a historic context statement for Benicia.

D. [Second reading and adoption of an ordinance to amend the advisory body section of the Benicia Municipal Code to incorporate the term of office for the student member of the sustainability commission.](#) (City Attorney)

At its July 21, 2009 meeting, the City Council introduced an ordinance to establish a Community Sustainability Commission. Because this Commission will have a student member, the general term of office for commissioners must be amended to provide for a one year term for the student.

Recommendation: Adopt the ordinance amending section 12.60.030 (Term of Office) of Chapter 2.60 (Advisory Bodies) of Title 2 (Administrative and Personnel) of the Benicia Municipal Code to provide for the term of office for the student member of the Sustainability Commission.

E. Approve amendment to the lease agreement between the City of Benicia and Juan Vallejo For 356 East I Street. (Economic Development Manager)

The existing lease with Juan Vallejo for the house at 356 East I Street expires on September 30, 2009. The proposed lease amendment would extend the term through the end of the calendar year while the City considers the feasibility of another use for the property.

Recommendation: Approve an amendment to the existing lease agreement between the City of Benicia and Juan Vallejo, extending the term of the lease to Dec. 31, 2009.

F. Approval of modification to the allocation of positions in the Fire Department. (Fire Chief)

The proposed staffing allocation change involves the replacement of the existing Deputy Chief position with an allocation for a full time Management Analyst II.

Recommendation: Adopt the resolution modifying the allocation of positions in the Fire Department.

G. Introduction of an ordinance adopting a Transient Registration and Occupancy Ordinance for all hotels and motels in the City of Benicia.(City Attorney)

A hotel register would assist the police in monitoring illegal activity at motels or hotels. The register would contain the true names, addresses, vehicle description, license plates and hotel room number of all people staying at the hotel or motel. The register would be made available for inspection by any police officer upon request. Prohibiting rentals of less than a day will help limit illegal activities.

Recommendation: Introduce an ordinance requiring local hotels and motels to maintain a register of their guests and limiting occupancy of the hotels and motels to registered guests and prohibiting rentals for less than a day.

H. Consideration of a renewal agreement with Mitel Leasing, Inc. for telecommunications and voicemail equipment. (Finance Director)

The City has been leasing telephone equipment from Mitel Leasing, formerly "Inter-Tel Leasing," since 2001. The lease was renewed in 2006 for \$52,989 per year and is set to expire on October 15, 2009. Mitel Leasing has offered to reduce the lease by \$12,111 to \$40,878 per year for five years and will upgrade identified telecommunications hardware and software. The lease includes equipment, parts, maintenance and training. The lease amount is reduced due to the current incentives offered by the manufacturer to standardize their support product base. In addition, Mitel Leasing has offered a lease incentive of \$6,813 off of the first four months payments by deferring two months payments, and offering two more months at a 50% reduced rate. Staff recommends renewing the lease agreement under the sole-source provision in the City's purchasing policy.

Recommendation: Adopt the resolution authorizing the City Manager to enter a Renewal Agreement with Mitel Leasing, Inc. for telecommunications and voicemail equipment.

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

VIII. PUBLIC HEARINGS:

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.

IX. ACTION ITEMS:

X. INFORMATIONAL ITEMS (8:00 P.M.):

A. City Manager Reports

XI. COUNCIL MEMBER REPORTS:

A. [Request to agendize consideration of regulations for storage containers \(PODS\) on residential properties.](#) (Mayor Patterson)

Mayor Patterson has requested that the Council consider creating regulations related to the placement of the storage containers known as PODS on residential properties.

Recommendation: Consider agendizing for a future Council meeting.

B. [Request to schedule an informative presentation on public retirement systems.](#) (Mayor Patterson)

Mayor Patterson has requested that the Council consider scheduling a presentation regarding public retirement systems, with particular attention to PERS, for an upcoming Council meeting.

Recommendation: Consider agendizing for a future Council meeting.

XII. ADJOURNMENT (8:30 P.M.):

Public Participation

The Benicia City Council welcomes public participation.

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

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

Disabled Access

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

Meeting Procedures

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

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

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

Public Records

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

 [IV-B-1 Youth Commissioner.pdf](#)

 [IV-B-2 STA Appointment.pdf](#)

 [IV-D-1 Literacy Proclamation.pdf](#)

 [IV-D-2 Nourot Proclamation.pdf](#)

 [VII-A-1 Minutes.pdf](#)

 [VII-B-1 Model-Technical Land Use Committee.pdf](#)

 [VII-C-1 Local Government Grant.pdf](#)

 [VII-D-1 Sustainability Commission.pdf](#)

 [VII-E-1 Lease Agreement Juan Vallejo.pdf](#)

 [VII-F-1 Allocation of Positions - Fire Dept.pdf](#)

 [VII-G-1 Transient Ordinance.pdf](#)

 [VII-H-1 Mitel Lease Agreement.pdf](#)

 [XI-A-1 Agenda Request PODS.pdf](#)

 [XI-B-1 Agenda Request PERS.pdf](#)

RESOLUTION NO. 09-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA
CONFIRMING THE MAYOR'S APPOINTMENT OF SANIL BUDHDEV AS THE
YOUTH COMMISSIONER TO THE PARKS, RECREATION AND CEMETERY
COMMISSION**

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Benicia that the appointment of Sanil Budhdev as the Youth Commissioner to the Parks, Recreation and Cemetery Commission for a one-year term by Mayor Patterson is hereby confirmed.

The above Resolution was approved by roll call by the City Council of the City of Benicia at a regular meeting of said Council held on the 1st day of September, 2009 and adopted by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk

**MEMO FROM DIRECTOR OF PARKS &
COMMUNITY SERVICES**

IV-B-1-2



Parks and Community Services
MEMORANDUM

DATE: August 18, 2009

TO: Jim Erickson
City Manager

FROM: Michael Alvarez
Director of Parks and Community Services

SUBJECT: APPROVAL OF SANIL BUDHDEV TO SERVE AS THE YOUTH COMMISSIONER TO THE PARKS, RECREATION AND CEMETERY COMMISSION

Per the Youth Commission By Laws, the Youth Commission shall elect from its membership a Chairperson to serve for a one (1) year term and recommend to the Mayor the appointment of the Chairperson to serve as a voting member on the Parks, Recreation & Cemetery Commission. In May 2009 the Youth Commission elected Sanil Budhdev chairperson for the 2009/10 Youth Commission term. Provided below is a bio on Sanil Budhdev.

Sanil began his junior year at Benicia High School (BHS) this fall and is looking forward to the scholastic challenges of honors/AP classes as well as managing his busy extracurricular schedule. Sanil is involved with BHS's Leadership Club, Key Club, president of Tennis Club, member of California Scholarship Foundation, and a member of the varsity tennis team.

Sanil has been interested in community projects from a young age. Since Sanil moved to Benicia in 2001, he has raised money for Benicia Historical Society while at Matthew Turner, was a president of National Junior Honor Society at Benicia Middle School, and awarded the Mary Harding Citizenship Award in eighth grade.

Benicia Youth Commission (BYC) was a natural fit for Sanil and his interest in becoming more involved in the community. During his first year with BYC he volunteered at Clock Tower dances, Fall Festival, and the Benicia Cancer Walk. As incoming Commission Chair, Sanil's primary goal is to provide the commission more opportunities to give back to their community. Some of the other community services projects & events he is familiar with and would like BYC do be involved with are BEF Run for Education, Adopt A Family, The Leukemia & Lymphoma Society Coin Drive, Make A Wish Foundation, and Blood Drives.

Please ask the Mayor to consider this nomination for the Council meeting scheduled for September 1, 2009.

IV-B-1-3

RESOLUTION NO. 09-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA
CONFIRMING THE MAYOR'S APPOINTMENT OF MIKE IOAKIMEDES TO THE
SOLANO TRANSIT AUTHORITY REGIONAL TRANSPORTATION IMPACT FEE
STAKEHOLDERS COMMITTEE**

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Benicia that the appointment of Mike Ioakimedes to the Solano Transit Authority Regional Transportation Impact Fee Stakeholders Committee by Mayor Patterson is hereby confirmed.

The above Resolution was approved by roll call by the City Council of the City of Benicia at a regular meeting of said Council held on the 1st day of September, 2009 and adopted by the following vote:

Ayes:

Noes:

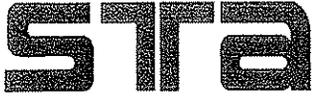
Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk

APPLICATION



Solano Transportation Authority

... working for you!

SOLANO TRANSPORTATION AUTHORITY

Member Agencies:
Benicia • Dixon • Fairfield • Rio Vista • Suisun City • Vacaville • Vallejo • Solano County

One Harbor Center, Suite 130, Suisun City, CA 94585-2473 • Telephone (707) 424-6075 / Facsimile (707) 424-6074
Email: staplan@sta-snci.com • Website: solanolinks.com

August 5, 2009

Elizabeth Patterson, Mayor
City of Benicia
250 East L Street
Benicia, CA 94510

**RE: Mayoral Appointments to the Solano Transportation Authority (STA)
Regional Transportation Impact Fee (RTIF) Stakeholders Committee**

Dear Mayor Patterson:

I am writing to request your appointment of a city council member to represent your city on the Solano Transportation Authority's Regional Transportation Impact Fee (RTIF) Stakeholders Committee. STA Board has established this Stakeholder Committee to help develop and assess options for the development of a proposed Regional Transportation Impact Fee (RTIF) on new development.

The Solano Transportation Authority (STA) is studying the potential to establish a Regional Transportation Impact Fee (RTIF) to help address Solano County's projected growth in population and jobs over the next 25 years. RTIFs have been successfully implemented in a variety of counties throughout the State of California to help fund transportation projects. Solano County will need to be creative and proactive to find funding for new critically needed projects. The Stakeholders Committee will help provide us with valuable input and advice the process. Attached for your information is the list of invited participants. The scheduled date for the initial RTIF Stakeholders Committee meeting is 1:30 p.m., Thursday, September 17, 2009 at Suisun City Hall.

It has been recommended by the STA Board that you consider appointing a non-STA Board member and your appointment is requested to be made by **Friday, August 28, 2009**. Once you have made your appointment, please contact Johanna Masiclat, STA Clerk of the Board, at (707) 424-6008, jmasiclat@sta-snci.com, so that STA staff can provide your appointed representative with RTIF background materials prior to the Stakeholders Committee's first meeting.

For more information about the STA's RTIF Study's Scope of Work, please visit www.solanolinks.com or contact Sam Shelton, STA's Project Manager, at (707) 424-6075.

Thank you for your attention to this matter.

Sincerely,

Daryl K. Halls
Executive Director

IV-B-2-3



PROCLAMATION

“Literacy Awareness Day” September 8, 2009

WHEREAS, our community’s greatest resource is its people; and

WHEREAS, the growth and stability of our community are significantly affected by the ability of its citizens to read and write; and

WHEREAS, literacy is at the heart of basic education for everyone, empowering individuals to recognize the importance of participation, citizenship and social development; and

WHEREAS, it is in the best interests of our society to help increase the literacy levels of all its members; and

WHEREAS, Benicia Public Library has utilized the services of volunteer tutors since 1987 to increase the literacy levels in Benicia and surrounding areas by offering free, private English language literacy tutoring and small group classes for adults; and

WHEREAS, the Library’s Adult Literacy & English As a Second Language (ESL) Program trains volunteers to provide literacy instruction to adults and to help adult literacy learners read to their children, thus helping to build “a community of readers”; and

WHEREAS, International Literacy Day is observed worldwide on September 8 and in Benicia will be celebrated with special literacy programming and information throughout the month at the Benicia Public Library.

NOW, THEREFORE, BE IT RESOLVED THAT I, Elizabeth Patterson, Mayor, on behalf of the city of Benicia, do hereby proclaim September 8, 2009 as Literacy Awareness Day. I commend the efforts of the hundreds of volunteers, tutors and adult learners who have worked through the Library’s Adult Literacy & ESL Program in the past 22 years. I urge all citizens to support the goals of the Library’s literacy program to make Benicia a more literate community.

Elizabeth Patterson, Mayor
September 1, 2009

IV-D-1-1



PROCLAMATION

Recognizing the 35th Anniversary of Nourot Glass Studio

WHEREAS, Nourot Glass Studio is owned and managed by Micheal Nourot and Ann Corcoran Nourot; and

WHEREAS, in seeking a larger space to produce larger glass works Micheal and Ann secured a large industrial space; and

WHEREAS, in August of 1974, Benicia became the new home of the Nourot Studio; and

WHEREAS, in 1974, Micheal Nourot formed a partnership with Ann Corcoran whom he married later that year; and

WHEREAS, in December 1987, Nourot Glass Studio received an important commission from Pope John Paul II for 1,200 "ciboria" for the Mass at Candlestick Park which provided a great deal of publicity and spurred growth; and

WHEREAS, the studio moved to the 1954 vintage Yuba Research and Development Building at 675 East H Street which was a move into the next century for the glass works; and

WHEREAS, each and every piece of Nourot Glass is always made by one of the two partners, no molds are ever used. The signature on every piece of studio glass is the same now as it was in 1974: two letter code for the series, piece number, year and artist's initials.

NOW, THEREFORE, BE IT RESOLVED THAT I, Elizabeth Patterson, Mayor of the City of Benicia, on behalf of the City Council, do hereby congratulate Micheal Nourot and Ann Corcoran Nourot on their 35 years of business in Benicia and wish them much continued success.

Elizabeth Patterson, Mayor
September 1, 2009

IV-D-2-1



MINUTES OF THE
REGULAR MEETING – CITY COUNCIL
AUGUST 18, 2009

The regular meeting of the City Council of the City of Benicia was called to order by Mayor Elizabeth Patterson at 7:01 p.m. on Tuesday, August 18, 2009 in the City Council Chambers, City Hall, 250 East L Street, complete proceedings of which are recorded on tape.

ROLL CALL:

Present: Council Members Campbell, Hughes, Ioakimedes, Schwartzman, and Mayor Patterson

Absent: None

PLEDGE OF ALLEGIANCE:

Council Member Hughes led the pledge to the flag.

FUNDAMENTAL RIGHTS:

A plaque stating the Fundamental Rights of each member of the public is posted at the entrance to the Council Chambers per Section 4.04.030 of City of Benicia Ordinance No. 05-6 (Open Government Ordinance).

ANNOUNCEMENTS/APPOINTMENTS/PRESENTATIONS/PROCLAMATIONS:

ANNOUNCEMENTS:

Openings on Boards and Commissions:

- Sky Valley Open Space Committee:
 - One unexpired term to September 30, 2010
 - One full term to January 31, 2013
- Human Services and Arts Board:
 - One unexpired term to June 30, 2010
 - One full term to July 31, 2013

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.

Mayor Patterson announced that the Council meeting would be adjourned in memory of Joe Thomas, former City of Benicia Planning Commissioner. The City of Benicia mourns the loss of one of its most valuable members, Joe Thomas, who passed away on July 27 following a struggle with pancreatic cancer.

APPOINTMENTS:

Mayor Patterson stated that she would like to read the appointments and have them approved with one motion.

DRAFT

RESOLUTION 09-74 - A RESOLUTION CONFIRMING THE MAYOR'S REAPPOINTMENT OF ELLEN BLAUFARB TO THE HUMAN SERVICES AND ARTS BOARD TO A FULL TERM ENDING JULY 31, 2013

RESOLUTION 09-75- A RESOLUTION CONFIRMING THE MAYOR'S REAPPOINTMENT OF SANDRA KOZAK TO THE HUMAN SERVICES AND ARTS BOARD TO A FULL TERM ENDING JULY 31, 2013

RESOLUTION 09-76 - A RESOLUTION CONFIRMING THE MAYOR'S REAPPOINTMENT OF RON ARRANTS TO THE LIBRARY BOARD OF TRUSTEES TO A FULL TERM ENDING JULY 31, 2012

RESOLUTION 09-77 - A RESOLUTION CONFIRMING THE MAYOR'S REAPPOINTMENT OF JANICE AMENTA TO THE BENICIA HOUSING AUTHORITY BOARD OF COMMISSIONERS TO A FULL TERM ENDING JULY 31, 2013

RESOLUTION 09-78 - A RESOLUTION CONFIRMING THE MAYOR'S REAPPOINTMENT OF SANDY MORIARTY TO THE PARKS, RECREATION AND CEMETERY COMMISSION TO A FULL TERM ENDING JULY 31, 2013

RESOLUTION 09-79 - A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF KEN PAULK TO THE PARKS, RECREATION AND CEMETARY COMMISSION TO A FULL TERM ENDING JULY 31, 2013

RESOLUTION 09-80 - A RESOLUTION CONFIRMING THE MAYOR'S REAPPOINTMENT OF STEVE MCKEE TO THE HISTORIC PRESERVATION REVIEW COMMISSION TO A FULL TERM ENDING JULY 31, 2013

RESOLUTION 09-81 - A RESOLUTION CONFIRMING THE MAYOR'S REAPPOINTMENT OF TONI HAUGHEY TO THE HISTORIC PRESERVATION REVIEW COMMISSION TO A FULL TERM ENDING JULY 31, 2013

RESOLUTION 09-82 - A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF JAMES WALLACE TO THE OPEN GOVERNMENT COMMISSION TO A FULL TERM ENDING JULY 31, 2013

On motion of Council Member Hughes, seconded by Council Member Schwartzman, the above Resolutions were adopted, on roll call by the following vote:

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

Noes: None

PRESENTATIONS:

PROCLAMATIONS:

Children's Network Of Solano County

Mr. Gerry Raycraft, Childcare Planning Council, discussed the need for quality, affordable childcare in Solano County. A Video regarding quality childcare in Solano County was shown.

ADOPTION OF AGENDA:

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

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

Noes: None

OPPORTUNITY FOR PUBLIC COMMENT:

WRITTEN:

PUBLIC COMMENT:

1. Gene Doherty – Mr. Doherty spoke in favor of having a child daycare center in the Benicia Business Park Project. He discussed the possible fee increase for the California State Parks.
Mayor Patterson discussed the ten California State Parks that have been closed. She discussed Benicia's lack of tolerance for closing its two State Parks.
2. Dan Smith – Mr. Smith congratulated Council on its recent appointments. He thanked the City for its class and consideration of Mr. Joe Thomas. He thanked the Children's Network for their efforts.
3. Brent Roath – Mr. Roath spoke in favor of maintaining the open space in the City of Benicia.

CONSENT CALENDAR:

Council pulled items VII-C, VII-D, VII-H, and VII-K.

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

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

Noes: None

Council approved the Minutes of July 17, 2009 and July 21, 2009.

Council approved the denial of the claim against the City by Joseph Arone and referral to insurance carrier.

ORDINANCE 09-15 - AN ORDINANCE AMENDING SECTION 2.60.120 (APPLICATION) OF CHAPTER 2.60 (ADVISORY BODIES) BY ADDING A NEW SUBSECTION K AND ADDING A NEW CHAPTER 2.104 (ARTS AND CULTURE COMMISSION) TO DIVISION 2 (BOARDS AND COMMISSIONS) OF TITLE 2 (ADMINISTRATION AND PERSONNEL) OF THE BENICIA MUNICIPAL CODE

ORDINANCE 09-16 – AN ORDINANCE AMENDING SECTION 2.60.120 (APPLICATION) OF CHAPTER 2.60 (ADVISORY BODIES) BY ADDING A NEW SUBSECTION L AND ADDING A NEW CHAPTER 2.108 (COMMUNITY SUSTAINABILITY COMMISSION) TO DIVISION 2 (BOARDS AND COMMISSIONS) OF TITLE 2 (ADMINISTRATION AND PERSONNEL) OF THE BENICIA MUNICIPAL CODE

RESOLUTION 09-83 - A RESOLUTION AUTHORIZING THE PURCHASE OF CRUSHED AGGREGATE ROCK FOR FY 2009/10 FROM SYAR INDUSTRIES INC. OF VALLEJO, CALIFORNIA, FOR A NOT-TO-EXCEED COST OF \$35,000

Council accepted the Annual Report of the Open Government Commission.

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

(END OF CONSENT CALENDAR)

Council took the following actions:

Denial of the Claim against the City by Richard Carl and referral to insurance carrier:
Vice Mayor Campbell and Staff discussed the issue of the City tree falling on the car.

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

Ayes: Council Members Hughes, Schwartzman, and Mayor Patterson

Noes: Council Members Campbell and Ioakimedes

Approve 2009-11 Agreement between the City of Benicia and Benicia Main Street:
Council Member Ioakimedes discussed the lack of responses on Benicia Main Street's 2000 survey. He would like language inserted regarding requiring a certain number of respondents (10-39).

Staff discussed the issue of performance measures.

Public Comment:

1. Nancy Martinez, Benicia Main Street – Ms. Martinez discussed the proposed number of required respondents (10-39), the surveys that Benicia Main Street sends to the merchants on First Street after each event and possible alternative methods of conducting surveys (phone).
Staff suggested not listing a specific number of required respondents, and possibly thinking more about what that number should be.
2. Ken Paulk – Mr. Paulk discussed the need to see a return on the City's investments. He would like to see Benicia Main Street work more closely with the Chamber of Commerce on tourism events, etc.

Mayor Patterson suggested Council give direction to Staff to amend the language stating that the survey would seek more data that is more reliable to give indications of the effectiveness of the programs with something that is statistically significant.

On motion of Council Member Ioakimedes, seconded by Council Member Schwartzman, to approve the agreement, as amended, on roll call by the following vote:

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

Noes: None

Proposed Identity Theft Prevention (FTC Red Flags Rule) Program:

Council discussed concerns regarding the major hardship this would create for small businesses, how credit cards purchases are handled at City Hall, identity theft statistics in the City, the expertise required to deal with the issue of identity theft, and a suggestion that Staff prepare a list of suggestions to protect citizens' identity.

Public Comment:

1. Gene Doherty – Mr. Doherty discussed the effect the program would have on small businesses. He offered to share his knowledge and expertise regarding the issue with Staff.

On motion of Council Member Schwartzman, seconded by Vice Mayor Campbell, Council approved the Identity Theft Prevention Program – Red Flags, on roll call by the following vote:

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

Noes: None

First reading of an amendment to the General Provisions Chapter of the Municipal Code regarding City Council issuing of subpoenas:

Council Member Schwartzman and Staff discussed why Council might want the authority to issue subpoenas.

Vice Mayor Campbell discussed his lack of support for this item at this time.

Council and Staff discussed the proposed ordinance, how Council could currently handle situations that would require a subpoena, changing the existing ordinances that refer to the Council's ability to issue subpoenas, subpoenas relating to actions taken during closed session, when the last subpoena was issued by Council, giving direction to Staff to draft amend the existing ordinances to remove the policy regarding subpoenas, Council's ability to draft an ordinance in the future (if needed) granting it the authority to issue subpoenas, and how this could relate to the campaign finance issue.

Vice Mayor Campbell made a motion to deny the introduction and first reading of the proposed ordinance.

Council Member Schwartzman stated that he would second the motion if Council specified that the current ordinances remain unchanged (regarding subpoenas).

Public Comment:

1. Kimble Goodman – Mr. Goodman discussed concern regarding individuals working on different campaigns. He inquired what other cities the size of Benicia did regarding issuing subpoenas.
2. Jubal Biggs – Mr. Biggs discussed the issue of the subpoena power not being exercised for the last 15 years or so.

On motion of Vice Mayor Campbell, seconded by Council Member Campbell, Council denied the Introduction and First reading of the amendment to the General Provisions Chapter of the Municipal Code regarding City Council issuing of subpoenas, on roll call by the following vote:

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

Noes: None

PUBLIC HEARINGS:

None

ACTION ITEMS:

Consideration of entering an agreement with the Solano Transportation Authority and the City of Vallejo to study the implementation of the South Solano Transit Authority:

Jim Erickson, City Manager, introduced the item.

Vice Mayor Campbell and Staff discussed concerns regarding Route 78 (more costly/less efficient).

Rob Sousa, Finance Director, discussed Route 78, the issue of consolidation, initial meetings held regarding the consolidation, how the consolidation would reduce the City's carbon footprint, simplify, improve and enhance the service, Vallejo's transit agency being a separately funded entity (from the City of Vallejo), Staff's efforts to cover all bases regarding the issue, and dealing with Route 75/78 issue.

Vice Mayor Campbell discussed concerns regarding 'less direct oversight.'

Mr. Erickson discussed the issue of ridership on Route 78 and Route 75, the effects of the current economy on ridership, and the issue of equal partnership (not being a second class player).

Mayor Patterson and Staff discussed the issue of consolidation, adverse effects on rural and small communities, guiding principles, not diminishing the existing service, concerns regarding the City being adversely affected, the skill and expertise that the Vallejo Transit staff bring, and the opportunity to deal with para-transit and senior transportation.

Council Member Hughes discussed sharing Vice Mayor Campbell's concerns, doing nothing not being a good option for the City at this time, concerns regarding the consolidation, pointing out that this was 'to study', and how he was impressed with the work the committee did regarding the guiding principles.

Vice Mayor Campbell discussed the gun range near the City of Cordelia and the money the City of Benicia lost.

Council Member Campbell discussed Benicia's lack of an equal voice regarding Route 78 and the need for an equal voice in the proposed JPA.

Daryl Halls, Solano Transit Authority, discussed the issue of the City of Benicia entering an agreement with the Solano Transportation Authority and the City of Vallejo to study the implementation of the South Solano Transit Authority. He reviewed a PowerPoint presentation (copy on file).

Public Comment:

1. Mary Francis Kelly Poh – Ms. Kelly Poh discussed the need for adequate transportation in the northern part of Benicia, difficulties her clients have in getting to and from County programs, problems she has had with local transit.
2. Ken Paulk – Mr. Paulk discussed the need to increase revenues and become more efficient, possibly looking at consolidation in a piece-meal scenario – starting small.
3. Jubal Biggs – Mr. Biggs discussed the need to pay attention to the issue of the merger being profitable, concerns regarding it becoming a bureaucratic agency, how Israel is currently addressing public transportation.

Council and Mr. Halls discussed the piece-meal approach, partnership approach, having one transit authority, and why MTC is telling the City that they will not put money into a single option.

Vice Mayor Campbell, Staff, and Mr. Halls discussed Route 75, Route 78, decrease in ridership, the County rail system, the issue of flexibility, problems regarding Route 78, the need to do the review, the issue of choice riders, the need to serve every segment of our transit population, adding 'all' to 'ridership', making language in the guiding principles stronger (taking out loose language), the need for an opt-out clause, why the City went to a more expensive bus system (Route 78), and STA working with Staff regarding the accounting ledger.

Council Member Hughes prefaced his motion with a comment that this was a step to evaluate what the City's options were.

RESOLUTION 09-84 - A RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING BY AND AMONG THE SOLANO TRANSPORTATION AUTHORITY, THE CITY OF BENICIA AND THE CITY OF VALLEJO FOR THE IMPLEMENTATION OF THE SOUTH SOLANO TRANSIT AUTHORITY

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

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

Noes: None

Mayor Patterson called for a 5-minute break at 9:33 p.m.
The meeting resumed at 9:40 p.m.

Appeal of City Manager's decision not to interview Intergy Corporation for the
Renewable Energy Project:

Jim Erickson, City Manager, and Charlie Knox, Public Works & Community
Development Director, reviewed the staff report.

Council and Staff discussed the RFP and bid process, the need for a comprehensive plan
(Climate Action Plan), consultant interview process, Vice mayor Campbell, Mayor
Patterson, and Council Member Schwartzman disclosed ex-parte communications,
renewable energy at City Hall, and using a wider approach.

Appellant:

Grant Cooke, Intergy Corporation, explained why he thought Intergy Corporation was the
approach that was best suited for the City. He reviewed a PowerPoint presentation (copy
on file). He urged Council to accept the leadership and potential that this City deserved.

Council Member Hughes asked if Intergy was a project management or project
integration company that then contracts with others for specific projects. Mr. Cook stated
that in this example, they were energy efficiency implementers. He discussed the lighting
project they are currently doing for the State preschools.

Mayor Patterson discussed concern regarding the process. She was troubled that Council
had not heard from any of the other applicants. To be fair, it would need to hear from the
other companies. If that is the direction they would be going, that would need to happen.

Council Member Schwartzman and Staff discussed wind study management. He asked
Mr. Cooke if he was informed about the actual project. Mr. Cooke stated he was at the
meetings and it could have been said.

RESOLUTION 09-85 - A RESOLUTION UPHOLDING THE CITY MANAGER'S
DECISION NOT TO EXTEND AN INTERVIEW TO INTERGY CORPORATION
FOR THE COMPREHENSIVE RENEWABLE ENERGY PROJECT

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

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

Noes: None

Designation of League of California Cities Annual Conference voting delegates and
alternates and review of League resolutions packet:

Jim Erickson, City Manager, reviewed the staff report.

Council Members discussed their schedules and availability for the conference. Mayor Patterson and Council Member Ioakimedes would be attending the conference.

On motion of Council Member Schwartzman, seconded by Council Member Hughes, to designate Mayor Patterson as the voting delegate and Council Member Ioakimedes as the alternate voting delegate for the League of California Cities Annual Conference, on roll call by the following vote:

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

Noes: None

Council discussed taking action on League of California Cities resolution packet.

Council Member Schwartzman and Staff discussed the social host issue and concerns regarding the foreclosure issue.

INFORMATIONAL ITEMS:

Reports from City Manager:

None

Council Member Committee Reports:

1. Mayor's Committee Meeting - (Mayor Patterson) - Next Meeting Date: Wednesday, August 19, 2009
2. Association of Bay Area Governments (ABAG) - (Mayor Patterson & Vice Mayor Campbell) - Next Meeting Date: October 22, 2009
3. Finance, Audit & Budget Committee - (Vice Mayor Campbell & Council Member Schwartzman) - Next Meeting Date: August 28, 2009
4. League of California Cities - (Mayor Patterson & Council Member Schwartzman) - Next Meeting Date: Annual Conference and Exposition - September 16-18, 2009 San Jose Convention Center
5. School Liaison Committee - (Council Members Ioakimedes & Hughes) - Next Meeting Date: August 19, 2009
6. Sky Valley Open Space Committee - (Vice Mayor Campbell & Council Member Ioakimedes) - Next Meeting Date: August 5, 2009
7. Solano EDC Board of Directors - (Mayor Patterson & Council Member Ioakimedes) - Next Meeting Date: September 24, 2009
8. Solano Transportation Authority (STA) - (Mayor Patterson & Council Member Schwartzman) - Next Meeting Date: September 9, 2009
9. Solano Water Authority/Solano County Water Agency and Delta Committee - (Mayor Patterson & Vice Mayor Campbell) - Next Meeting Date: September 10, 2009
10. Traffic, Pedestrian and Bicycle Safety Committee - (Vice Mayor Campbell & Council Member Hughes) - Next Meeting Date: October 15, 2009
11. Tri-City and County Regional Parks and Open Space - (Vice Mayor Campbell & Council Member Hughes) - Next Meeting Dates: September 21, 2009

12. Valero Community Advisory Panel (CAP) - (Council Member Hughes) - Next Meeting Date: To be determined
13. Youth Action Coalition - (Council Members Ioakimedes & Schwartzman) - Next Meeting Date: August 26, 2009
14. ABAG/CAL FED Task Force/Bay Area Water Forum - (Mayor Patterson) - Next Meeting Date: August 24, 2009

COUNCIL MEMBER REPORTS:

Request to agendize consideration of the establishment of a process for expressing Mayor & Council support of legislation:

Mayor Patterson reviewed the Council report.

On motion of Vice Mayor Campbell, seconded by Council Member Schwartzman, Council agreed to agendize the issue on a future agenda, on roll call by the following vote:

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

Noes: None

ADJOURNMENT:

Mayor Patterson adjourned the meeting at 10:40 p.m.

AGENDA ITEM
CITY COUNCIL MEETING: SEPTEMBER 1, 2009
CONSENT CALENDAR

DATE: August 4, 2009

TO: City Manager

FROM: Public Works & Community Development Director

SUBJECT: **APPROVAL OF AN INTERAGENCY COOPERATIVE AGREEMENT ESTABLISHING THE MODEL TECHNICAL ADVISORY COMMITTEE AND MODEL LAND USE COMMITTEE**

RECOMMENDATION:

Adopt a resolution approving an interagency cooperative agreement establishing the Model Technical Advisory Committee and Model Land Use Committee and authorizing the City Manager to sign the agreement on behalf of the City.

EXECUTIVE SUMMARY:

This action will establish a Model Technical Advisory Committee and Model Land Use Committee to allow participating agencies from Solano County to provide formal oversight of the multi-modal Napa Solano Travel Demand Model. This model predicts how current and future land use, traffic patterns, and transit use will impact regional roads. It is the primary tool used by the Solano Transportation Authority for their Congestion Management Program. With further refinement, the model could be used to demonstrate the benefits of an intermodal transportation station and to justify regional traffic impact fees. No impacts to the budget are associated with this item.

GENERAL PLAN:

Relevant Goals and Policies include:

- Goal 2.17: Provide an efficient, reliable, and convenient transit system
- Goal 2.20: Provide a balanced street system to serve automobiles, pedestrians, bicycles, and transit, balance vehicle-flow improvements with multi-modal considerations
- Goal 2.28: Improve and maintain public facilities and services

STRATEGIC PLAN:

Relevant Strategic Plan Issues and Strategies:

- Strategic Issue #4: Preserving and Enhancing Infrastructure
 - Strategy #1: Provide safe, functional, and complete streets
 - Strategy #2: Increase mass transit use, including an intermodal transportation station in the vicinity of the Benicia Industrial Park and Benicia Business Park
 - Strategy #4: Provide adequate funding for ongoing infrastructure needs

BUDGET INFORMATION:

There are no budget impacts associated with this item. The Napa Solano Travel Demand Model has been funded with State and Federal monies obtained by the Solano Transportation Authority.

BACKGROUND:

In 2001, the Solano Transportation Authority (STA) Board authorized the development of the first multi-modal Napa Solano Travel Demand Model. It was recognized that to provide the best evaluation of traffic impacts, modeling needed to evolve from a jurisdictional basis to a regional uniform modeling system for Solano and Napa Counties.

The first version of the model was adopted by the STA Board in 2005 and an update was approved in 2008. The 2008 update was calibrated with travel demand assumptions from the Association of Bay Area Governments Projections 2005 and transportation funded projects from the Metropolitan Transportation Commission's 2005 Regional Transportation Plan. This updated model can forecast traffic conditions through 2030. It is used to predict current and future traffic impacts given land use, traffic patterns, and transit use and is the primary tool used by the STA for their Congestion Management Program.

Since the model was first authorized in 2001, public works representatives from the seven cities and County of Solano have met informally with the Solano Transportation Authority to supervise the maintenance and updating of the model. Attendance at these meetings varied. Establishing a formal Technical Advisory Committee will ensure agency representation and provide consistent oversight of the model.

Guidance from planning representatives through the establishment of a Model Land Use Committee would also be beneficial because land use planning throughout Solano County is increasingly related to transportation impacts and the need for transportation facilities.

In 2008, the STA Board authorized a feasibility study for a Regional Traffic Impact Fee (RTIF) for Solano County. If a RTIF program is implemented in the future, projects included in STA's Routes of Regional Significance, such as Lake Herman Road, will be eligible for RTIF funds. In this situation the model will be used to establish a nexus between land use development and impact fees. The model could also demonstrate the traffic congestion relief benefits of transit capital facilities and the intermodal transportation station currently being proposed near the Benicia Industrial Park.

Given the emerging role of the model and potential benefits to the City, staff recommends approval of the Interagency Cooperative Agreement Establishing the Model Technical Advisory Committee and Model Lane Use Committee.

Attachments:

- Proposed Resolution
- Cooperative Agreement Establishing the Model Technical Advisory Committee and Model Land Use Committee

Proposed Resolution

RESOLUTION NO. 09-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING AN INTERAGENCY COOPERATIVE AGREEMENT ESTABLISHING THE MODEL TECHNICAL ADVISORY COMMITTEE AND MODEL LAND USE COMMITTEE AND AUTHORIZING THE CITY MANAGER TO SIGN THE AGREEMENT ON BEHALF OF THE CITY

WHEREAS, in 2001 the Solano Transportation Authority Board authorized the development of the first Napa Solano Travel Demand Model to develop a uniform regional system for evaluating regional traffic impacts and solutions to transportation and transit congestion; and

WHEREAS, since the time public works representatives from the seven cities and County of Solano have met informally with the Solano Transportation Authority to oversee the maintenance and development of the Napa Solano Travel Demand Model; and

WHEREAS, guidance from planning representatives from said participating public agencies would be beneficial because land use planning throughout Solano County is increasingly related to transportation impacts and the need for transportation facilities; and

WHEREAS, establishing a multi-agency public works technical advisory working group and planning land use working group will provide formal agency representation and oversight of the maintenance and development of the Napa Solano Travel Demand Model; and

WHEREAS, the model is significant to the Solano County region because it is the primary tool used by the Solano Transportation Authority for their Congestion Management Program; and

WHEREAS, the future development of the model is significant to the City of Benicia because it could be used to demonstrate the benefits of an intermodal transportation station and to justify fees for regional roads if the proposed Regional Traffic Impact Fee Program is implemented.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Benicia hereby approves the Interagency Cooperative Agreement Establishing the Model Technical Advisory Committee and the Model Land Use Committee and authorizes the City Manager to sign the agreement on behalf of the City, subject to minor changes approved by the City Attorney.

On motion of _____, 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 1st day of September, 2009, and adopted by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk

Cooperative Agreement Establishing the
Model Technical Advisory Committee
and Model Land Use Committee

Cooperative Agreement for
Traffic Model Technical Advisory Committee
and Model Land Use Committee

**INTERAGENCY COOPERATIVE AGREEMENT
ESTABLISHING THE MODEL TECHNICAL ADVISORY COMMITTEE
AND THE MODEL LAND USE COMMITTEE
BY AND AMONG
THE SOLANO TRANSPORTATION AUTHORITY,
THE COUNTY OF SOLANO,
THE CITY OF BENICIA,
THE CITY OF DIXON,
THE CITY OF FAIRFIELD,
THE CITY OF RIO VISTA,
THE CITY OF SUISUN CITY,
THE CITY OF VACAVILLE,
THE CITY OF VALLEJO, AND
THE NAPA COUNTY TRANSPORTATION AND PLANNING AGENCY**

THIS COOPERATIVE AGREEMENT is made and entered into as of this _____ day of _____, 2009, by and among the SOLANO TRANSPORTATION AUTHORITY, a joint powers entity organized under Government Code section 6500 et seq. and the Congestion Management Agency of Solano County, hereinafter referred to as "STA", and the governmental entities in Solano County; to wit:

THE COUNTY OF SOLANO, a political subdivision of the State of California;
and

THE SEVEN MUNICIPAL CORPORATIONS in Solano County:

The City of Benicia,
The City of Dixon,
The City of Fairfield,
The City of Rio Vista
The City of Suisun City,
The City of Vacaville,
The City of Vallejo; and

THE NAPA COUNTY TRANSPORTATION AND PLANNING AGENCY, a joint powers entity organized under Government Code section 6500 et seq. and the Congestion Management Agency of Napa County, hereinafter referred to as the "NCTPA."

Unless specifically identified, the various public agencies herein may be commonly referred to as "the Parties" or "MTAC Members" as the context may require.

Cooperative Agreement for
Traffic Model Technical Advisory Committee
and Model Land Use Committee

RECITALS

WHEREAS, the Parties have worked cooperatively in the pursuit of solutions to transportation and transit issues in Solano County through mechanisms such as the STA's Technical Advisory Committee, the membership of which consists of the Public Works Directors, City Engineers, or other staff of the various member agencies of the STA; and

WHEREAS, land use planning throughout Solano County is increasingly related to transportation impacts and the need for transportation facilities; and

WHEREAS, traffic modeling has developed from a jurisdiction by jurisdiction basis to recognition of the need also to have a comprehensive and consistent traffic modeling system for Solano and Napa Counties and the broader Northern California region, in order to provide the best evaluation to Agency policy makers of regional traffic impacts; and

WHEREAS, the Parties have, over the past several years, worked cooperatively to develop and maintain a comprehensive traffic model for Solano and Napa Counties and have recognized the need for a uniform system for evaluation of regional traffic impacts and the solutions to transportation and transit congestion; and

WHEREAS, the Parties have informally met to supervise the maintenance and updating of the traffic model and now wish to more formally establish a multi-agency working group to provide oversight and supervision of the Napa-Solano Travel Demand Model.

COOPERATIVE AGREEMENT

NOW, THEREFORE, the parties mutually agree to create the Model Technical Advisory Committee and a Model Land Use Committee as follows:

1. **Model Technical Advisory Committee:** There is hereby created a Model Technical Advisory Committee for the Napa Solano Travel Demand Model, hereinafter "MTAC."
2. **Membership:** The MTAC membership shall consist of one representative from the STA, one representative from Solano County, and one representative from each city in Solano County. The MTAC members shall be appointed by the Public Works Director or City Engineer of Solano County and each city, or the

**Cooperative Agreement for
Traffic Model Technical Advisory Committee
and Model Land Use Committee**

City Manager in the absence of a Public Works Director or City Engineer. The STA member shall be appointed by the STA Director of Planning. The Napa County Transportation and Planning Agency may appoint one member to the MTAC. Alternates may also be designated to serve when the primary appointee is unable to attend a meeting. The representatives of Solano County, each of the cities in Solano County, and the NCTPA shall each have one vote. The STA MTAC representative shall be the Committee Chair, but shall not vote.

3. **Model Land Use Committee:** There is hereby created a Model Land Use Committee for the Napa Solano Travel Demand Model, hereinafter the MLUC.
4. **Membership.** The MLUC membership shall consist of one representative from the STA, one representative from Solano County, and one representative from each city in Solano County, or their designees. The MLUC members shall be appointed by the Planning Directors of each city and Solano County or the City Manager in the absence of a Planning Director. The STA member shall be appointed by the STA Director of Planning. The Napa County Transportation and Planning Agency may appoint one member to the Land Use Committee. Alternates may also be designated to serve when the primary appointee is unable to attend a meeting. The representatives of Solano County, each of the cities in Solano County, and the NCTPA shall each have one vote. The STA MLUC representative shall be the Committee Chair, but shall not vote.
5. **Meetings:** MTAC meetings shall be called by the Chair as necessary. The MTAC shall meet at least quarterly. MLUC meetings shall be called by the Chair as necessary. The MLUC shall meet at least semi-annually. The STA shall call the meetings, prepare and distribute an agenda and supporting material, and perform all other administrative tasks necessary for these meetings.
6. **Brown Act:** MTAC and MLUC meetings shall be open to the public and subject to the provisions of the Ralph M. Brown Act. The STA shall be responsible for all administrative tasks necessary to meet the Brown Act requirements.
7. **Purposes and Functions of the MTAC:** The MTAC shall have the following purposes and functions:
 - a. Provide oversight and supervision of the Napa-Solano Travel Demand Model and seek to develop consensus on use, development and adjustments to the Napa-Solano Travel Demand Model.
 - b. Review and propose changes to the road network and assumptions that are a part of the Napa-Solano Travel Demand Model. All recommendations

Cooperative Agreement for
Traffic Model Technical Advisory Committee
and Model Land Use Committee

of the Model TAC shall be reviewed by the STA's Technical Advisory Committee. Final approval of changes in the Napa-Solano Travel Demand Model shall be made by the STA Board of Directors.

8. **Quorum and Votes:** A quorum of the Model TAC shall be 5 or more members. All actions taken by the Model TAC shall require the vote of at least 2/3 of the voting members present at a meeting where a quorum has been established.
9. **Purposes and Functions of the MLUC:** The MLUC will review and propose changes to the land use data (including but not limited to base year and future year assumptions) that are part of the Napa-Solano Travel Demand Model. All recommendations of the MLUC shall be reviewed by the Planning Directors of Solano County and the cities. Final approval of changes in the Napa-Solano Travel Demand Model shall be made by the STA Board of Directors.
10. **Quorum and Votes:** A quorum of the Land Use Subcommittee shall be 5 or more members. All actions taken by the Land Use Subcommittee shall require the vote of at least 2/3 of the voting members present at a meeting where a quorum has been established.
11. **Additional Function of the STA:** The STA shall be the agency to update the existing network and land use information of the Napa-Solano Travel Demand Model on a yearly basis unless more frequent modifications are necessary and appropriate.
12. **Notices.** All notices required or authorized by this Cooperative Agreement shall be in writing and shall be delivered in person or by deposit in the United States mail, by certified mail, postage prepaid, return receipt requested. Any mailed notice, demand, request, consent, approval or communication that a PARTY desires to give to the other PARTIES shall be addressed to the other PARTIES at the addresses set forth below. A PARTY may change its address by notifying the other PARTIES of the change of address. Any notice sent by mail in the manner prescribed by this paragraph shall be deemed to have been received on the date noted on the return receipt or five days following the date of deposit, whichever is earlier.

SOLANO TRANSPORTATION AUTHORITY
Daryl K. Halls, Executive Director
One Harbor Center, Suite 130
Suisun City, CA 94585

**Cooperative Agreement for
Traffic Model Technical Advisory Committee
and Model Land Use Committee**

Attn: Robert Macaulay, STA Director of Planning

CITY OF BENICIA

Jim Erickson, City Manager
250 East "L"
Benicia, CA 94510

Attn: Charlie Knox, Community Development and Public Works Director

CITY OF DIXON

Nancy Huston, City Manager
600 East "A"
Dixon, CA 95620

Attn: Royce Cunningham, City Engineer

CITY OF FAIRFIELD

Sean Quinn, City Manager
1000 Webster St.
Fairfield, CA 94533

Attn: Gene Cortright, Director of Public Works

CITY OF RIO VISTA

Hector De La Rosa
City Manager
One Main Street
Rio Vista, CA 94571

Attn: Emi Theriault, Planning Manager

SUISUN CITY

Suzanne Bragdon, City Manager
701 Civic Center
Suisun City, CA 94585

Attn: Public Works Director

CITY OF VACAVILLE

Laura Kuhn, City Manager
650 Merchant St.

**Cooperative Agreement for
Traffic Model Technical Advisory Committee
and Model Land Use Committee**

Vacaville, CA 95688
Attn: Rod Moresco, Public Works Director

CITY OF VALLEJO

Robert Adams, City Manager
555 Santa Clara St.
Vallejo, CA 94590
Attn: Gary Leach, Public Works Director

COUNTY OF SOLANO

Michael Johnston, County Executive Officer
675 Texas St., Suite 5500
Fairfield, CA 94533
Attn: Paul Wiese, Engineering Manager

NAPA COUNTY TRANSPORTATION AND PLANNING AGENCY

Paul W. Price
Executive Director
707 Randolph Street, Suite 100
Napa, CA 94559-2912

13. **Amendment/Modification.** Except as specifically provided herein, this Agreement may not be modified or amended with the prior written consent of STA and the PARTIES.
14. **Interpretation.** Each PARTY has reviewed this Agreement and any question of doubtful interpretation shall not be resolved by any rule or interpretation providing for interpretation against the drafting party. This Cooperative Agreement shall be construed as if all Parties drafted it. The headings used herein are for convenience only and shall not affect the meaning or interpretation of this Agreement. The terms of the Agreement are set out in the text under the headings. This Agreement shall be governed by the laws of the State of California.
15. **Disputes and Dispute Resolution.** If a dispute should arise between some or all of the PARTIES to this Agreement relative to the performance and/or enforcement of any provision of this Agreement, the dispute shall first be considered by the STA TAC. Final resolution of disputes will be determined by the STA Board of Directors.

Cooperative Agreement for
Traffic Model Technical Advisory Committee
and Model Land Use Committee

16. **Conflict of Interest.** The PARTIES hereby covenant that they presently have no interest not disclosed, and shall not acquire any interest, direct or indirect, which would conflict in any manner or degree with the performance of its obligations hereunder, except for such conflicts that the PARTIES may consent to in writing prior to the acquisition by a PARTY of such conflict.
17. **Entirety of Cooperative Agreement.** This MOU constitutes the entire agreement between the PARTIES relating to the subject matter of this Agreement and supersedes all previous agreements, promises, representations, understandings and negotiations, whether written or oral, among the PARTIES with respect to the subject matter hereof.

IN WITNESS WHEREOF, this Agreement was executed by the PARTIES hereto as of the date first above written.

SOLANO TRANSPORTATION AUTHORITY

APPROVED AS TO FORM

By: _____
Daryl K. Halls, Executive Director

By: _____
Charles Lamoree, STA Legal
Counsel

NAPA COUNTY TRANSPORTATION
AND PLANNING AGENCY

APPROVED AS TO FORM

By: _____
Paul W. Price, Executive Director

By: _____
Silva Darbanian, NCTPA Legal
Counsel

CITY OF BENICIA

APPROVED AS TO FORM

By: _____
Jim Erickson, City Manager

By: _____
Heather McLaughlin, City Attorney

CITY OF DIXON

APPROVED AS TO FORM

By: _____
Nancy Huston, City Manager

By: _____
Michael Dean, City Attorney

Cooperative Agreement for
Traffic Model Technical Advisory Committee
and Model Land Use Committee

CITY OF FAIRFIELD

By: _____
Sean Quinn, City Manager

CITY OF RIO VISTA

By: _____
Hector De La Rosa, City Manager

CITY OF SUISUN CITY

By: _____
Suzanne Bragdon, City Manager

CITY OF VACAVILLE

By: _____
Laura Kuhn, City Manager

CITY OF VALLEJO

By: _____
Robert Adams, City Manager

COUNTY OF SOLANO

By: _____
Michael D. Johnson, County Administrator

APPROVED AS TO FORM

By: _____
Greg Stepanicich, City Attorney

By: _____
Kara Ueda, City Attorney

APPROVED AS TO FORM

By: _____
Sky Woodruff, City Attorney

APPROVED AS TO FORM

By: _____
Shana Faber, Assistant City Attorney

APPROVED AS TO FORM

By: _____
Fred Soley, City Attorney

APPROVED AS TO FORM

By: _____
Lori Mazzella, Dep. County Counsel

**AGENDA ITEM
CITY COUNCIL MEETING: SEPTEMBER 1, 2009
CONSENT CALENDAR**

DATE : August 12, 2009
TO : City Manager
FROM : Public Works & Community Development Director
SUBJECT : **AGREEMENT WITH THE STATE OF CALIFORNIA FOR A
CERTIFIED LOCAL GOVERNMENT GRANT FOR A HISTORIC
CONTEXT STATEMENT**

RECOMMENDATION:

Adopt a resolution authorizing the City Manager to execute a Project Agreement with the State of California Office of Historic Preservation for a Certified Local Government Grant to prepare a historic context statement for Benicia.

EXECUTIVE SUMMARY:

The State Office of Historic Preservation has awarded the City of Benicia a grant for \$25,000 from the 2009 Certified Local Government Grant Program in order to prepare a citywide historic context statement. This is an important step in the City's commitment to ongoing preservation efforts.

GENERAL PLAN:

Relevant General Plan Policies and Programs:

- Goal 2.1: Preserve Benicia as a small-sized city.
- Policy 2.1.1: Ensure that new development is compatible with adjacent existing development and does not detract from Benicia's small town qualities and historic heritage, (and to the extent possible, contributes to the applicable quality of life factors noted above).
- Program 2.1.A: Adopt development guidelines that retain the scale and character of the city, preserve public view corridors, and reflect the subdivision and development patterns within existing neighborhoods.

- Goal 3.1: Maintain and enhance Benicia's historic character.
- Policy 3.1.4: Promote the preservation and enhancement of historic neighborhoods, commercial areas, and governmental districts.
- Policy 3.1.5: Permit new development, remodeling and building renovation in historic districts when consistent with the policies of the applicable Historic Conservation Plan.

- Goal 3.7: Maintain and reinforce Benicia's small-town visual characteristics.
- Policy 3.7.1: Ensure that new development is compatible with the surrounding architectural and neighborhood character.

A historic context statement will provide a framework by which new development, remodeling and building renovation is more compatible with existing historic resources.

The historic context statement will provide a comprehensive basis for evaluating and designating historic resources, and will more formally document the historic heritage of Benicia. It will assist in the preservation and protection of existing historic resources, as well as identification of new historic resources and/or districts. In addition, it will provide an additional resource for staff and property owners to determine compatibility with new development and building renovation of both historic and non-historic properties.

STRATEGIC PLAN:

Relevant Strategic Plan Issues and Strategies:

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

BUDGET INFORMATION:

The grant was awarded at the full \$25,000 requested. In-kind services will be used for the City's required 40% funding match. Both City staff and volunteers will work in conjunction with the selected consultant. No additional funds are being requested.

BACKGROUND:

On April 24, 2009, the City of Benicia submitted a Certified Local Government (CLG) grant application to the State Office of Historic Preservation in the amount of \$25,000 for the preparation of a historic context statement. Staff was notified in June that the grant application was successful. As a result, the State of California has provided a Project Agreement to authorize the payment of the grant funds to the City. The Agreement must be returned to the State prior to September 15, 2009 in order to secure these federal funds.

Historic context statements provide the foundation for preservation planning and are critical for understanding, identifying, and evaluating historic resources. Based on one or more themes, a geographical area, and periods of significance, context statements describe the broad patterns of historical development of a community or region that are represented by the physical development and character of the built environment. They also identify important associated property types, and establish eligibility criteria and integrity thresholds. Context-based surveys make it possible to evaluate resources for land use planning purposes without needing to research

each individual property. An initial context statement should be developed during the early stages of survey planning in order to utilize cost-effective survey methods that will result in the identification of significant resources.

In 1991 the City adopted a Downtown Historic Conservation Plan (DHCP). The plan established a context for the Downtown area based on prevalent architectural styles and building types, defined the current boundaries of the district, and established design guidelines to help preserve the historic character of the Downtown area.

During the recent 2009 update to the City's historic resource inventory, the State Office of Historic Preservation advised the City to develop a formal historic context statement. This recommendation is supported by City staff, the Historic Preservation Review Commission, and the Benicia Historical Society. A formal context statement will provide a tool for evaluating and designating properties for more than just their architectural significance and integrity. The context statement will document the history of development in a wider area than just the Downtown and Arsenal H Overlay districts. Of particular interest is the research and potential documentation of the Portuguese influence on development in Benicia.

City staff has issued an RFP for these consultant services. The award of this contract will be presented to the City Council for approval in the near future.

Attachments:

- Proposed Resolution
- Letter dated July 30, 2009 – including Project Agreement and Terms

PROPOSED RESOLUTION

RESOLUTION NO. 09-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA
AUTHORIZING THE CITY MANAGER TO EXECUTE A PROJECT AGREEMENT
WITH THE STATE OF CALIFORNIA OFFICE OF HISTORIC PRESERVATION FOR
A CERTIFIED LOCAL GOVERNMENT GRANT**

WHEREAS, on April 24, 2009, City of Benicia staff submitted a Certified Local Government (CLG) Grant application for the preparation of a historic context statement for the city; and

WHEREAS, on June 18, 2009, the California State Office of Historic Preservation awarded the City of Benicia a CLG grant in the amount of \$25,000; and

WHEREAS, said grant agreement will fund up to \$25,000 to provide consultant services for the context statement; and

WHEREAS, the matching funds required will be funded through in-kind contributions of city staff time and volunteer labor.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Benicia hereby accepts the Certified Local Government grant in the amount of \$25,000 and agrees to the terms of the project agreement.

BE IT FURTHER RESOLVED that the City Council hereby authorizes the City Manager to sign the project 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 1st day of September, 2009 and adopted by the following vote:

Ayes:
Noes:
Absent:
Abstain:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk

**LETTER DATED JULY 30, 2009
(INCLUDING PROJECT AGREEMENT & TERMS)**

**OFFICE OF HISTORIC PRESERVATION
DEPARTMENT OF PARKS AND RECREATION**

P.O. BOX 942896
SACRAMENTO, CA 94296-0001
(916) 653-6624 Fax: (916) 653-9824
www.ohp.parks.ca.gov



July 30, 2009

Submitted by email
Gina Eleccion
Management Analyst
City of Benicia
250 East I Street
Benicia, CA 94510
geleccion@ci.benicia.ca.us

Dear Ms. Eleccion:

Historic Preservation Fund (HPF) Grant 06-09-21810 – Project Agreement

The Office of Historic Preservation is pleased to advise you that your project to prepare an historic context for Downtown Historic Overlay District has been selected for funding under the HPF Certified Local Government grant program for the federal fiscal year 2009--2010.

Please prepare five copies of your budget and return with the five signed copies of the contract to the above address by September 15, 2009. It is important to meet this deadline as project agreements must be executed prior to the federal fiscal year that begins October 1.

You will receive a fully executed copy of the contract for your files once this office has processed it.

If you have any questions regarding the project scope, please contact Marie Nelson at (916) 653-9514 or mnelson@parks.ca.gov. If you have fiscal questions or need further assistance processing the new contract, please contact me at (916) 653-9125 or jthomas@parks.ca.gov.

Sincerely,

A handwritten signature in cursive script that reads "John Thomas".

John Thomas
Federal Grant Manager
Office of Historic Preservation

Enclosures

VII-C-7

1 Evaluation; and National Register Bulletin 16A: How to Complete the National Register
2 Registration Forms and Instructions for Recording Historical Resources (March 1995).

- 3
- 4 (b) furnish the Participant with the appropriate Historic Resources Inventory forms (DPR523
5 series) to allow the Participant to document each resources in the final inventory;
- 6
- 7 (c) provide at the request of the Participant advice and technical information related to
8 identifying and evaluating historic resources.

9

10 **OBLIGATION OF THE PARTICIPANT**

11 The Participant shall:

- 12
- 13 (a) perform all work and provide all materials, except as noted above, to complete the project;
- 14
- 15 (b) ensure that identification and evaluation are comprehensive; i.e., that all parts of the survey
16 area are examined and all resources over 45 years old considered;
- 17
- 18 (c) follow the guidelines of the Secretary of Interior's Standards and Guidelines for Archeology
19 and Historic Preservation and in Nation Register Bulletin 24 as they pertain to the
20 identification of historic resources;
- 21
- 22 (d) follow the instructions set forth in Instruction for Recording Historical Resources (March
23 1995)
- 24
- 25 (e) employ services of a principal investigator who meets the Secretary of Interior's professional
26 qualifications for historian or architectural historian, and or archaeologists as appropriate;
- 27
- 28 (f) establish standards, based on historic contexts and defined property types, which:
- 29
- 30 (1) explain how the National Register criteria are to be applied and what associative or
31 physical characteristics and kinds of integrity a property must have to meet the National
32 Register criteria, and;

1 (2) set standards for judging property of importance;

2
3 (g) compile and inventory of historic resources;

4
5 (h) include in the inventory:

6
7 (1) all resources that appear eligible for listing in the National Register of Historic Places
8 and,

9 (2) all other resources that meet evaluation criteria established for the National Register
10 evaluation categories numbered four (4) through seven (7), in the State's Instructions of
11 Recording Historic Resources (March 1995)

12
13 (i) select and evaluation committee consisting of persons with expertise in fields such as history,
14 architectural history, archaeology and urban planning to review inventory entries;

15
16 (j) ensure that the committee evaluates each resources to determined which ones appear eligible
17 for the National Register of Historic Places and which ones appear eligible for local listing;

18
19 (k) ensure that the committee evaluates each resources for both its individual significance as a
20 part of a group of contiguous resources, i.e. part of a district;

21
22 (l) add to the committee's evaluations if a majority of the committee does not meet the Secretary
23 of the Interior's professional qualification standards, evaluations made by the principal
24 investigator, and;

25
26 (m) submit to the State no later than at the end of the project period:

27
28 (1) two (2) sets of completed inventory forms, including at least one set with original
29 photographs, for all resources included in the inventory, and;

30 (2) two (2) maps or sets of maps showing the locations of all resources in the inventory.
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SUBSEQUENT OBLIGATIONS OF THE STATE

After Participant submits the forms and maps to the State, although not necessarily during the project period, the State shall:

- (a) review the submittal for accuracy, completeness, and suitability for incorporation into the State Historic Resources Inventory;
- (b) if the submittal is found suitable, incorporate the inventory into the State Historic Resources Inventory, and;
- (c) promptly communicate to the Participant in writing any changes made by the State to the significance rating assigned by the Participant to any resource or group of resources.
- (d) Once the inventory is so incorporated, use it to facilitate other program activities, including but not limited to:
 - (1) preservation and land planning;
 - (2) National Register for Historic Places, California Register of Historical Resources, and other registration programs.
 - (3) rehabilitation tax credit applications under the Tax Reform Act of 1986, and;
 - (4) Review of federally assisted projects pursuant to Section 1206 of the National Historic Preservation Act.

**NATIONAL HISTORIC PRESERVATION ACT OF 1966
HISTORICAL RESOURCES PRESERVATION PROJECT AGREEMENT**

State of California - The Resources Agency
DEPARTMENT OF PARKS AND RECREATION

SUBGRANT PROGRAM

2009 CALIFORNIA HISTORIC PRESERVATION FUND

PARTICIPANT

CITY OF BENICIA

PROJECT PERIOD

OCTOBER 1, 2009- SEPTEMBER 30, 2010

PROJECT NUMBER

06-09-21810

PROJECT SCOPE

1
2 The City of Benicia, hereafter the Participant, will contract with a consultant meeting the Secretary of the Interior's
3 Professional Qualifications for historian or architectural historian as set forth in 36 CFR part 61, Appendix A to
4 prepare a historic context statement for the City of Benicia*** The historic context statement will discuss significant
5 themes in the historical development of Benicia, identify associated property types with their character defining
6 features, and establish evaluation criteria and integrity thresholds for important property types sufficient to provide a
7 framework for evaluating resources for the National, California, and local registration programs. All work shall be
8 performed and deliverables produced in accordance with Secretary of the Interior's Standards for Preservation
9 Planning, Identification, Evaluation and Registration when such standards are applicable, the National Register
10 Bulletin #24 - Guidelines for Local Surveys: A Basis for Preservation Planning, and the Office of Historic
11 Preservation's instructions.
12
13 **PROGRESS REPORTS:**
14
15 Participant shall submit to the State Office of Historic Preservation (OHP) regular progress reports, in accordance
16 with the following schedule. A work plan will be developed and the deliverables to be included with each progress
17 report will be determined in consultation with the OHP coordinator, the chosen consultant, and the CLG grant
18 manager at the beginning of the grant period and the agreed upon work plan will become part of the contract.
19
20 Progress reports will include any deliverables specified in the work plan, detail the work accomplished to date, and
21 identify and discuss any problems or issues which have the potential to adversely affect the scope or progress of the
22 project. OHP may ask for additional progress reports or drafts of work papers during the project period.
23
24 OHP reserves the right to withhold disbursement of up to half the grant amount until the final products have been
25 determined to meet the Secretary of the Interior's Standards. Participant may submit billings for partial payment as
26 the work progresses.
27
28 **9 November 2009:** On or before this date, Participant shall submit a progress report which will provide evidence that
29 a contract has been executed and work has begun on the project.
30
31
32
33
34

Continued on Page--1a-- Attached

PROJECT FUNDING

Total costs supported by Federal grant funds under the National Historic Preservation Act of 1966:

Twenty-five thousand dollars (\$25,000.00).

Minimum contributions of the Participant to match Federal grant funds under the National Historic Preservation

Act of 1966: Sixteen thousand, six hundred and sixty-seven dollars. (\$16,667.00).

AGENCY

STATE DEPARTMENT OF PARKS AND RECREATION

BY

TITLE

STATE HISTORIC PRESERVATION OFFICER

DATE

PARTICIPANT

CITY OF BENICIA

BY

TITLE

DATE

VII-C-12

PROGRESS REPORTS:

8 Feb 2010: On or before this date, Participant shall submit a progress report which will detail work accomplished to date and identify and discuss any problems or issues which have the potential to adversely affect the scope or progress of the project. Work samples shall include those items specified in the work plan.

3 May 2010: On or before this date, Participant shall submit a progress report which will detail work accomplished to date and identify and discuss any problems or issues which have the potential to adversely affect the scope or progress of the project. Work samples shall include those items specified in the work plan.

7 July 2010: On or before this date, Participant shall submit a progress report and a draft of the context statement and the survey forms for OHP's review.

30 September 2010: On or before this date, Participant shall submit all final products as specified in the work plan and a final report as outlined below.

10 October 2010: On or before this date, the Final Report outlined in the Subgrant Procedural Guide and the final Request for Reimbursement (DPR 417) shall be submitted, with all claims for project costs dated prior to the end of the project period (30 September 2009).

The attached General Contract Terms (12 pages) and Contract Terms for Preservation Planning, Identification, and Evaluation (4 pages) are incorporated and made a part hereof. Additionally, the budget as submitted in the grant application is incorporated and made a part hereof. The above referenced work plan as agreed to by OHP, the CLG, and the consultant is incorporated and made a part hereof.

FINAL PRODUCTS will include:

- A historic context statement for the City of Benicia*** which will identify significant property types with their character defining features and establish eligibility standards and integrity thresholds for resources associated with the important themes of the context.
- A Final Survey Report which documents the 1) project objectives; 2) area surveyed; 3) research design; 4) methodology; 5) results; 6) recommendations. The results section will include a discussion of how the survey findings will be incorporated into local planning.

1
2
3 **Project Agreement**
4 **General Terms**
5

6 **DEFINITIONS**
7

8 **The term "Interior" as used herein shall mean the agency of the federal government which**
9 **is acting as the delegate of the United States Secretary of the Interior to administer grant programs**
10 **authorized by the National Historic Preservation Act of 1966 as amended.**
11

12 **The term "State" as used herein shall mean the California Office of Historic Preservation of**
13 **the State of California.**
14

15 **The term "Participant" as used herein shall mean the recipient of subgranted (q.v.) federal**
16 **funds named as Participant on the cover page of this agreement.**
17

18 **The term "Subgrant" as used herein shall mean the award of federal funds, already**
19 **granted to the State, to the agency, institution, organization, other legal entity, or individual by the**
20 **State.**
21

22 **The term "Project" as used herein shall mean the work described in the "Project Scope" of**
23 **this agreement performed during the time period set forth as the "Project Period" on the cover**
24 **page of this agreement.**
25

26 **The term "Secretary of the Interior's Standards" as used herein shall mean the "Secretary**
27 **of the Interior's Standards and Guidelines for Archeology and Historic Preservation", including**
28 **standards for planning, identification, evaluation, registration, historical documentation,**
29 **architectural and engineering documentation, archaeological documentation, historic preservation**
30 **projects, and professional qualifications, as published in the Federal Register, September 29, 1983**
31 **(Vol. 48, No. 190), pp. 44716 et seq.**
32

1
2
3 **GENERAL**
4

5 **This agreement is entered under the provisions of the National Historic Preservation Act of**
6 **1966, 16 USCA Section 470 et seq., and regulations enacted pursuant thereto, 36 CFR Part 60.**
7

8 **In addition to the terms detailed in this subgrant agreement, all federal requirements**
9 **governing grants (Office of Management and Budget Circulars A-21, A-87, or A-122, A-102, A-110,**
10 **A-128, or A-133) are applicable. The State and the Participant shall comply with, and shall not**
11 **interpret any part of this agreement to be in conflict with, all applicable provisions of those**
12 **circulars in carrying out this agreement.**
13

14 **The Participant agrees to complete the project in accordance with this agreement.**
15

16 **The Participant shall perform all work and supply material necessary to complete the**
17 **project described in the paragraph entitled "Project Scope:" on p.1 of this agreement within the**
18 **period specified. Failure of the Participant to render satisfactory progress or to complete this or**
19 **any other project which is subject to federal assistance under this program to the satisfaction of the**
20 **State may be cause for suspension of all obligations of Interior and the State under this agreement.**
21

22 **However, failure of the Participant to comply with the terms of this agreement shall not be**
23 **cause for the suspension of all such obligations if, in the judgement of Interior, such failure was due**
24 **to no fault of the Participant. In such case, any amount required to settle at minimum costs any**
25 **irrevocable obligations properly incurred shall be eligible for assistance under this agreement.**
26

27 **This agreement is executed in counterparts, each of which shall be deemed a duplicate**
28 **original.**
29

30 **This agreement may be amended only by agreement in writing executed by both of the**
31 **parties hereto.**
32

1 The Participant may upon written notice to the State unilaterally terminate this agreement
2 at any time prior to the commencement of the project. The State may upon written notice to the
3 Participant unilaterally terminate this agreement at any time prior to the commencement of the
4 project. The project shall be deemed commenced when the Participant makes any expenditure or
5 incurs any obligation with respect to the project.

6
7 After the project commences, the Participant and the State may terminate the agreement by
8 mutual consent, in which case they shall negotiate termination conditions.

9
10 If the Participant materially fails to comply with the terms of the agreement, the State shall
11 provide written notice of non-compliance, which states the nature of the deficiency. If the
12 Participant is still not in compliance thirty (30) days after receipt of the notice, the State may in
13 addition to other remedies: (1) withhold cash payments until the deficiency is removed; (2)
14 administer the project itself as it deems necessary to fulfill the requirement of the Interior, in which
15 case the Participant agrees to reimburse the State for any costs or expenses incurred thereby; (3)
16 terminate the agreement and make no further payments hereunder; (4) disallow costs; and (5)
17 disqualify the Participant from further subgrants.

18
19 The Participant hereby waives all claims and recourse against the State including the right
20 to contribution for loss or damage to persons or property arising from, growing out of, or in any
21 way connected with or incident to this agreement, except claims arising from the concurrent or sole
22 negligence of the State, its officers, agents, and employees. The Participant shall indemnify the
23 State and its officers, agents, and employees against and hold the same free and harmless from any
24 and all claims, demands, damages, losses, costs, and/or expenses of liability due to, or arising out of,
25 either in whole or in part, whether directly or indirectly, the organization, development,
26 construction, operation, or maintenance of the project. Participant shall waive and indemnify State
27 only in proportion to and to the extent that such claims, demands, damages, losses, costs, and/or
28 expenses of indemnification are caused by or result from the negligent or intentional acts or
29 omission of Participant, its officers, agents, or employees.

30
31 The State and the Participant shall ensure that the following conflict of interest provisions
32 are enforced:

VII-C-16

1 a) No official or employee of the State or the Participant who is authorized in his or
2 her capacity to negotiate, make, or approve, or to take part in such decisions regarding a
3 contract or subcontract in connection with the project shall have any financial or other
4 personal interest in any such contract or subcontract;

5
6 (b) No person performing services for the State or the Participant in connection
7 with this project shall have a financial or other personal interest other than his or her
8 employment or retention by the State or the Participant, in any contract or subcontract in
9 connection with this project;

10
11 (c) No member or delegate to Congress shall be admitted to any share or part of this
12 agreement, or to any benefit to arise hereupon, unless such benefit shall be in the form of an
13 agreement made to a corporation for its general benefit.

14
15 **PROJECT EXECUTION**

16
17 The Participant shall carry out its work in accordance with the Secretary's Standards
18 named in the "Definitions Section" of this agreement.

19
20 If the project scope requires research in history, architectural history, or archeology, the
21 Participant shall ensure that the principal investigator meets the applicable Secretary of the
22 Interior's professional qualifications standards. If the project scope requires architectural plans,
23 the Participant shall ensure that the architect producing those plans meets the applicable Secretary
24 of the Interior's professional qualifications standards. If the project scope requires an expert
25 practitioner in another field, the Participant shall ensure that such expert meets standards of
26 education and experience similar to those of the Secretary of the Interior's professional
27 qualifications standards.

28
29 After selection of an employee or contractor to perform professional work outlined in the
30 previous paragraph, but before making any financial commitment to that person, the Participant
31 shall submit the person's resume to the State for review. The State shall either approve or
32 disapprove use of the person on the project within twenty (20) working days after receipt of the

1 resume. The Participant may consider failure of the State to respond within the period to
2 constitute approval.

3
4 The Participant shall commence work on the project no later than thirty (30) days after the
5 Participant receives from the State a fully executed duplicate original of this agreement.

6
7 When requested to do so by the State, the Participant shall make available to the State draft
8 reports, studies, plans, drawings, or other preliminary documents prepared during the project.
9 The Participants shall permit periodic site visits by the State to ensure that work is progressing on
10 scheduled and according to applicable instructions and standards.

11
12 As outlined on the cover form of this agreement, or date approved by the State, but no later
13 than at the end of the project period, the Participant shall furnish to the State all final work
14 products mentioned in the project scope and elsewhere in this agreement.

15
16 Participant shall submit progress reports and interim work products on the dates indicated
17 on the cover page of this agreement. Progress reports shall be in such form and contain such
18 information as the State instructs.

19
20 State shall not be obligated to provide federal funds for work products that, in the opinion
21 of the State, do not conform to the terms of this agreement or to the applicable Secretary of the
22 Interior's Standards.

23
24 As outlined, but no later than the end of the project period, the Participant shall furnish to
25 the State a final performance report, acceptable to the State, which compares actual
26 accomplishments to planned objectives and, if appropriate, gives reasons that the objectives were
27 not met as planned. The State shall provide further instructions for the form and content of the
28 final report.

29
30 **FINANCIAL ADMINISTRATION**

31
32 The Participant shall use a financial management system that: permits the preparation of
financial reports required herein, permits the preparation of financial reports required herein,

VII-C-18

1 provides an accounting of funds expended on the project, and follows the standards set forth by the
2 aforementioned Office of Management and Budget Circulars. The Participant shall expend funds
3 only on allowable costs as set forth in the budget established in the approved project notification.

4 Unless another percentage is indicated in the Project Funding section of the agreement, the
5 Participant shall pay for and furnish not less than 40 percent of the actual project costs, which shall
6 constitute its matching share. Non-monetary contribution may constitute part or all of the
7 Participant's match. Valuation of such contribution shall be set forth by the State.

8
9 **Determination of Value of Goods and Services:** Goods in the form of equipment, whether
10 owned, purchased, leased, or donated, will be valued on a use basis of actual costs of operation or of
11 purchase or lease or prevailing costs of goods if donated. Residual market value of purchased
12 equipment shall be credited to project costs upon completion. Goods in the form of supplies and
13 material will be valued at actual direct costs to Participant or, if donated, according to the
14 prevailing costs in the marketplace. Services will be valued in the actual amounts of salaries, wages,
15 and direct overhead costs expended on the project.

16
17 **Volunteer services** will be valued for contribution purposes at the rates paid for similar
18 technical skills and work in other activities of State. Specific procedures for the Participant in
19 establishing the value of in-kind contributions from non-Federal third parties are set forth below:

20
21 **Valuation of Volunteer Services:** Volunteer services may be furnished by professional and
22 technical personnel, consultants, and other skilled and unskilled labor. Volunteered service may be
23 counted as cost sharing or matching if the service is an integral and necessary part of an approved
24 program.

25
26 **Rates for Volunteer Services:** Rates for volunteers should be consistent with those paid for
27 similar work in other activities of State and local government. In those instances in which the
28 required skills are not found in the Participant's organization, rates should be consistent with those
29 paid for similar work in the 15 labor market in which the grantee competes for the kind of services
30 involved. Volunteers with no historic preservation education or experience may claim only the
31 minimum wage rate.

1 **Volunteers Employed by Other Organizations:** When an employer, other than the Grantee,
2 furnishes the services of an employee, these services shall be valued at the employee's regular rate
3 of any (exclusive of fringe benefits and overhead costs), provided these services are in the same skill
4 for which the employee is normally paid. This rate shall not exceed the maximum daily rate of
5 compensation for a GS-18 position in the federal civil service, as established by law.

6
7 **The State shall not pay federal funds hereunder if the Participant has used financial**
8 **assistance under any other federal program or activity (not including federal revenue sharing**
9 **funds, community block grants, and any other federal funds allowable as match) as a match on the**
10 **project.**

11
12 **BILLING**

13
14 **Taking into account a four-to-six-week delay between the time a payment request is**
15 **submitted to the State and the time the State provides the requested federal funds, the Participant**
16 **shall submit its payment requests so as to minimize the time elapsing between receipt and**
17 **disbursement of funds.**

18
19 **The Participant shall have sufficient working capital to ensure that the project progresses**
20 **on schedule even though payments from the State are unexpectedly delayed.**

21
22 **When seeking reimbursements, the Participant shall base its billings upon financial records**
23 **for both the federal and nonfederal shares of project costs which are supported by appropriate**
24 **documentation. All reimbursement requests shall be accompanied by copies of timesheets,**
25 **cancelled checks, receipts, etc., for State's verification before payment.**

26
27 **The Participant shall submit billings during the project period for this agreement. The**
28 **final billing statement with documentation sufficient for audit dated prior to end of the contract**
29 **period, shall be submitted with the Final Report as described on p.1 of this agreement.**

30
31 **Participant may also submit supplemental billing statements during the project period with**
32 **progress reports but must include an itemization of expenditures or receipts or timesheets of work**
completed.

VII-C-20

1
2 The Participant shall submit billings on the billing statement form (DPR 417) prescribed by
3 the State. The State need not make payment on billings submitted in other formats. The
4 Participant shall submit billings in quadruplicate, each with an original signature, to: Office of
5 Historic Preservation, Department of Parks and Recreation, ATTN: Grants Officer, P.O. Box
6 942896, Sacramento, California 94296-0001. The Participant shall ensure that the billing form
7 bears the signature of the Participant's project representative.
8

9 After reviewing each billing for accuracy and appropriateness, the State shall pay the least
10 of the following: (a) sixty percent of the amount of the total project costs incurred during the billing
11 period shown on the billing; (b) the amount of cash outlays made during the billing period as shown
12 on the billing; and (c) the amount of federal grant funds available for support of the project as
13 shown in the project funding section of this agreement.
14

15 The State will not reimburse more than fifty (50%) percent of allocated grant funds until
16 the State has verified completion of the project in accordance with the Secretary of Interior's
17 Standards, and if necessary, until an audit approval has been received by the State for the Audits
18 Section of the Department of Parks and Recreation.
19

20 CHANGES

21

22 The Participant and State understand that the Participant is permitted to re-budget within
23 the approved direct cost budget to meet unanticipated requirements and may make program
24 changes to the project.
25

26 Notwithstanding the provisions of the foregoing paragraph, the Participant shall obtain
27 from the State prior approval for: (a) any substantive revision of the scope, objectives, or budget of
28 the project; (b) extension of the need for federal funds; (c) changes in key persons, including all
29 persons filling positions for which the incumbent must meet the Secretary of the Interior's
30 professional qualifications standards; (d) additional contracts or hiring to perform activities that
31 are central to the project; and (e) new or revised performance or reporting milestones.
32

1 The Participant shall make requests for such changes in writing. The State shall approve or
2 disapprove in writing. If appropriate, the Participant and the State shall amend this agreement to
3 include approved changes.
4
5

6 **REPORTS AND RECORDS**

7

8 Records of personal services contributions, whether paid or volunteer, shall include
9 timesheets bearing the signature of the person whose time is contributed and of the supervisor
10 verifying that the record is accurate. "Personnel Activity Reports" as specified in OMB Circular
11 A-21 and its successors shall be acceptable as documentation of time spent on this project by
12 "professional" and "professorial" staff. Volunteer records shall show the actual hours worked, the
13 specific duties performed, and the basis for determining the rate of contribution. These records
14 shall be included with the audit material. The Participant shall keep such records, maps, and
15 reports as State and Interior prescribe, including records that fully disclose the dispositions by the
16 Participant of federal grant funds, total cost of the project, the amount and nature of that portion
17 of the cost of the project supplied by other sources, and such other records as will facilitate an
18 effective audit.
19

20 During its regular office hours, the Participant shall make financial records available to the
21 State, Interior, the Comptroller General of the United States, or any of their duly authorized
22 representatives for the purpose of inspection, copying, and audit. The Participant shall provide
23 copies of such records to the State if requested to do so by the State and shall retain such records
24 for three years following project termination. Project records shall be retained by Participant for
25 three years following project completion or longer until notification that the Federal audit covering
26 the project has been closed.
27

28 If a local government, the Participant shall comply with the Single Audit Act of 1984, and
29 furnish the State with a copy of the audit report within thirty (30) days after issuance. If a
30 university or nonprofit organization, the Participant shall comply with the audit requirements of
31 OMB Circular A-133.
32

The Participant shall reimburse the State for costs disallowed during an audit.

VII-C-22

1
2 **PUBLICATIONS**
3

4 In regard to all copyrightable material, which are produced as a deliverable under this
5 project, including but not limited to books reports, plans, photographs, drawings, films, recordings,
6 videotapes, and computer programs, which are produced as part or result of this project, the
7 Participant understands and shall ensure that all of the Participant's affected officers, employees,
8 agents, contractors, and volunteer workers also understand that: (a) other such material may not
9 be copyrighted without prior review from the State; (b) the authors of all such material, whether
10 copyrighted or not, award to the State and federal governments, and to their officers, agents, and
11 employees acting within the scope of their official duties, as a condition of subgrant assistance to the
12 Participant, a royalty-free, nonexclusive, irrevocable license throughout the world for
13 governmental purposes to disclose, publish, translate, reproduce, and use such materials.
14

15 Any publications (including books, brochures, films, videotapes, and other materials
16 designed for public distribution) resulting from the project shall contain the following statements:
17

18 * * * * *

19
20 "The activity which is the subject of this (type of publication) has been financed in
21 part with Federal funds from the National Park Service, Department of the Interior,
22 through the California Office of Historic Preservation. However, the contents and opinions
23 do not necessarily reflect the views or policies of the Department of the Interior or the
24 California Office of Historic Preservation, nor does mention of trade names or commercial
25 products constitute endorsement or recommendation by the Department of the Interior or
26 the California Office of Historic Preservation."
27

28 * * * * *

29
30 "This program receives Federal financial assistance for identification and protection
31 of historic properties. Under Title VI of the Civil Rights Act of 1964, Section 504 of the
32 Rehabilitation Act of 1973, and the Age Discrimination Act of 1975, as amended, the U.S.
Department of the Interior prohibits discrimination on the basis of race, color, national

1 origin, disability, or age in its federally assisted programs. If you believe you have been
2 discriminated against in any program, activity, or facility as described above, or if you
3 desire further information, please write to:

4
5 **Office of Equal Opportunity**
6 **National Park Service**
7 **1849 C Street, N.W.**
8 **Washington, D.C. 20240**
9

10 **The Participant shall provide six copies of all publications to the State no later than at the**
11 **end of the project period.**

12
13 **OTHER REQUIREMENTS**
14

15 **The Participant shall not spend the federal funds provided under this agreement except in**
16 **conformance to the provisions of the following sentence: "No part of the money appropriated by**
17 **any enactment of Congress shall, in the absence of express authorization by Congress, be used**
18 **directly or indirectly to pay for any personal service, advertisement, telegram, telephone, letter,**
19 **printed or written matter, or other device, intended or designed to influence in any manner a**
20 **Member of Congress, to favor or oppose, by vote or otherwise, any legislation or appropriation by**
21 **Congress, whether before or after the introduction of any bill or resolution proposing such**
22 **legislation or appropriation; but this shall not prevent officers or employees of the United States or**
23 **of its departments or agencies from communicating to Members of Congress on the request of any**
24 **Member of Congress, through proper official channels, requests of legislation or appropriations**
25 **which they deem necessary for the efficient conduct of the public business."**
26

27 **The Participant shall not discriminate against any person on the basis of race, color, sex,**
28 **age, or national origin in the execution of this agreement, and shall comply with the terms and**
29 **intent of Title VI of the Civil Rights Act of 1964, P.L. 88-352 (1964), and of the regulations**
30 **promulgated pursuant to such act by the Secretary of the Interior and contained in 43 CFR 17.**
31

32 **The Participant shall, in complying with Section 504 of the Rehabilitation Act of 1973 (P.O.**
93-112, as amended, 29 USC 794 et seq.) ensure that no qualified handicapped individual is solely,

VII-C-24

1 by reason of handicap, excluded from participation in, denied the benefits of, or subjected to
2 discrimination under the project that is the subject of this agreement.

3
4 No officer or employee of the Participant whose principal employment is in connection with
5 any activity which is financed in whole or in part pursuant to this agreement shall take part in any
6 of the political activity proscribed in the Hatch Political Activity Act, 5 USC 118K, with the
7 exclusions therein enumerated.

8
9
10 **SEVERABILITY**

11
12 The Contract Documents shall be governed by the laws of the State of California. If any provision
13 of the contract Documents, including without limitation these General Conditions shall be invalid,
14 illegal, or unenforceable, the validity, legality, and enforceability of the remaining provisions shall
15 not in any other way be affected or impaired.

**AGENDA ITEM
CITY COUNCIL MEETING: SEPTEMBER 1, 2009
CONSENT CALENDAR**

DATE : August 19, 2009

TO : City Council

FROM : City Attorney

SUBJECT : **ADOPT AN ORDINANCE TO AMEND THE ADVISORY BODY SECTION OF THE BENICIA MUNICIPAL CODE TO INCORPORATE THE TERM OF OFFICE FOR THE STUDENT MEMBER OF THE SUSTAINABILITY COMMISSION**

RECOMMENDATION:

Adopt the ordinance amending section 12.60.030 (Term of Office) of Chapter 2.60 (Advisory Bodies) of Title 2 (Administrative and Personnel) of the Benicia Municipal Code to provide for the term of office for the student member of the Sustainability Commission.

EXECUTIVE SUMMARY:

At its August 18, 2009 meeting, the City Council adopted an ordinance to establish a Community Sustainability Commission. An ordinance was introduced at the August 18, 2009 Council meeting because this Commission will have a student member and the general term of office for commissioners must be amended to provide for a one year term for the student.

GENERAL PLAN:

Sustainability is the overarching goal of the General Plan; relevant Goals and Policies include but are not limited to:

- Goal 2.5: Facilitate and encourage new uses and development which provide substantial and sustainable fiscal and economic benefits to the City and the community while maintaining health, safety and quality of life
- Goal 2.36: Ensure an adequate water supply for current and future residents and businesses
 - Policy 2.36.3: Implement measures to reduce water consumption
 - Policy 2.36.4: Encourage public and private uses to minimize water use and to recycle processed water whenever and wherever feasible
- Goal 2.42: Enhance the recycling of solid waste
 - Policy 2.42.1: Strive to accomplish the mandated objectives of the California Integrated Waste Management Act

STRATEGIC PLAN:

Relevant Strategic Plan Issues and Strategies:

- Strategic Issue #2: Protecting and Enhancing the Environment
 - Strategy #1: Reduce greenhouse gas emissions and energy consumption
 - Strategy #2: Implement new water conservation projects/programs
 - Pursue and adopt sustainable practices
 - Protect air quality
- Strategic Issue #3: Strengthening Economic and Fiscal Conditions
 - Strategy #3: Continue and expand business support tools and policies that balance sustainability with economic vitality

BUDGET INFORMATION:

The estimated annual expense of \$75,000 to staff the commission will be fully funded for FY 09-10 with funds from the 2008 Valero Improvement Project (VIP) Settlement Agreement. Projects that the Commission oversees could be eligible for additional VIP Settlement Agreement funds, federal stimulus dollars, and/or other grants.

BACKGROUND:

The Sustainability Commission will have a student member. The term of office for board and commission members is 4 years per Section 2.60.030 unless otherwise provided. This ordinance amends that section to provide for a one year term for the student member with an optional additional year. This is the same provision for the Parks, Recreation and Cemetery Commission student member.

Attachment:

- Proposed Ordinance

PROPOSED ORDINANCE

CITY OF BENICIA

ORDINANCE NO. 09-__

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BENICIA AMENDING CHAPTER 2.60 (ADVISORY BODIES) OF TITLE 2 (ADMINISTRATIVE AND PERSONNEL) OF THE BENICIA MUNICIPAL CODE BY AMENDING SUBSECTION 12.28.030 (TERM OF OFFICE) AND SUBSECTION 12.60.120 (APPLICATION)

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

Section 1.

Chapter 2.60 (Advisory Bodies) of Title 2 (Administrative and Personnel) of the Benicia Municipal Code is amended by adding Section 3. to Subsection 2.60.030 (Term of Office) to read as follows:

3. Sustainability Commission. The term of office for the student member is one year with the option of a second term at the recommendation of the commission and reappointment in accordance with BMC 2.60.040.

Section 2.

Chapter 2.60 (Advisory Bodies) of Title 2 (Administrative and Personnel) of the Benicia Municipal Code is amended by adding Sections K. and L. to Subsection 2.60.120 (Application) to read as follows:

This chapter applies to the following advisory bodies:

- K. Arts and culture commission,
- L. Sustainability commission.

Section 3.

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

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

* * * * *

On motion of Council Member _____,
seconded by Council Member _____, the
foregoing Ordinance was introduced at a regular meeting of the City Council on
the 18th day of August, 2009, and adopted at a regular meeting of the Council
held on the _____ day of _____ 2009, by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk

**AGENDA ITEM
CITY COUNCIL MEETING: SEPTEMBER 1, 2009
CONSENT CALENDAR**

DATE : August 11, 2009

TO : City Manager

FROM : Economic Development Manager

SUBJECT : **APPROVE AMENDMENT TO THE LEASE AGREEMENT
BETWEEN THE CITY OF BENICIA AND JUAN VALLEJO FOR
356 EAST I STREET**

RECOMMENDATION:

Approve an amendment to the existing lease agreement between the City of Benicia and Juan Vallejo, extending the term of the lease to Dec. 31, 2009.

EXECUTIVE SUMMARY:

The existing lease with Juan Vallejo for the house at 356 East I Street expires on September 30, 2009. The proposed lease amendment would extend the term through the end of the calendar year while the City considers the feasibility of another use for the property.

STRATEGIC PLAN:

Relevant Strategic Plan Goal:

Strategic Issue 3: Strengthening Economic and Fiscal Conditions

Keeping City-owned property in productive use economically strengthens the City.

BUDGET INFORMATION:

This monthly rent under the current lease is \$1050, so a three-month extension would have a value of \$3150.

DISCUSSION:

The City Council approved a Residential Lease Agreement with Juan Vallejo beginning in October 2006 for the house at 356 East I Street. The lease expires on September 30, 2009. Meanwhile, a local non-profit agency has approached the City about partnering with the City to use the house for its programs. While this idea is being explored for financial feasibility, it is proposed to extend the current lease three months, through the end of the calendar year. By this fall, it is anticipated that more will be known about funding for the potential project with the non-profit. At that point, staff can return to Council with more information about that project, or with a longer lease extension for the current tenant.

Attachment:

- Proposed Amendment

AMENDMENT TO RESIDENTIAL LEASE AGREEMENT

This Amendment of the Residential Lease Agreement, entered into this ____ day of September, 2009, by and between the City of Benicia, a municipal corporation ("CITY") and Juan Vallejo ("LESSEE"), an individual, is made with reference to the following:

RECITALS:

A. On September 15, 2006, a residential lease agreement for 356 East I Street was entered into by and between CITY and Juan Vallejo ("Agreement").

B. CITY and LESSEE 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 2 of the Agreement is amended to read as follows:

2. Initial Term.

The term of this Lease is three (3) calendar years and three (3) months, beginning October 1, 2006 ("Commencement Date"), and ending at midnight of December 31, 2009, unless extended or sooner terminated as provided for in this Lease.

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

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

Juan Vallejo, Lessee

City of Benicia,
A Municipal Corporation

By _____

By _____

RECOMMENDED FOR APPROVAL:

Department Head

APPROVED AS TO FORM:

City Attorney

**AGENDA ITEM
CITY COUCL MEETING: SEPTEMBER 1, 2009
CONSENT CALENDAR**

DATE : August 24, 2009

TO : Jim Erickson, City Manager

FROM : Steve Vucurevich, Fire Chief

SUBJECT : **APPROVAL OF MODIFICATION TO THE
ALLOCATION OF POSITIONS IN THE FIRE
DEPARTMENT**

RECOMMENDATION:

Adopt the resolution modifying the allocation of positions in the Fire Department.

EXECUTIVE SUMMARY:

The proposed staffing allocation change involves the replacement of the existing Deputy Chief position with an allocation for a full time Management Analyst II.

BUDGET INFORMATION:

This allocation change will result in a significant cost savings within the approved Fire Department budget. The top step salary for Deputy Chief is \$11,168/month; the top step salary for Management Analyst II is \$6,879/month.

BACKGROUND:

The Fire Department reorganization that was approved by Council in August of 2008 envisioned that the Deputy Fire Chief position would be evaluated at the point it became vacant, in order to determine the most effective assignment of those duties. The Deputy Fire Chief retired at the beginning of this fiscal year. As part of the subsequent evaluation, it was determined that many of the responsibilities of Deputy Fire Chief could be reassigned at a different level in order to enhance operational effectiveness.

Currently, the former Deputy Fire Chief's duties have been distributed amongst the Chief Officers on a temporary basis. In evaluating the specific functions of the Division Chiefs, it became clear that many of the administrative duties would be more appropriately assigned to a non-sworn Management Analyst. Specifically, the proposed analyst would be responsible for budget analysis, purchasing, grant proposals and management, training administration, and project management. Such duties clearly fall within the job scope of a Management Analyst and do not require sworn status. Additionally, the cost of an

analyst is significantly less than a chief officer, and redistribution of these duties will allow the Division Chiefs to more effectively allocate their time to the higher-level functions that are part of their job scope.

Another component of the organizational evaluation resulting from the Deputy Chief's retirement involves undertaking a classification review of the existing Assistant Fire Marshal position. Because many of the responsibilities of the Fire Marshal, which is a role currently assigned to a Division Chief, have been assumed by the Assistant Fire Marshal; it has been proposed that the Assistant Fire Marshal be reclassified to Fire Marshal. Further, it is anticipated that the cost savings from the Deputy Chief position will fully cover the cost of this reclassification and thus will be well within the existing appropriated FY 2009-11 Fire Department budget. Should the proposed reclassification be the outcome of the classification review, approval of the Fire Marshal position description and associated salary range will be agendaized for a future Council meeting.

Attachments:

- Resolution
- Current Organization Chart
- Proposed Organization Chart (includes proposed reclassification for Fire Marshal)

RESOLUTION

RESOLUTION NO. 09-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA
MODIFYING THE ALLOCATION OF POSITIONS IN THE BENICIA FIRE
DEPARTMENT**

WHEREAS, the proposed modification involves the replacement of the existing Deputy Chief position with an allocation for a full time Management Analyst II; and

WHEREAS, following the retirement of the Deputy Chief, an evaluation of the current organizational structure was completed; and

WHEREAS, as a result of that evaluation it was determined that many of the responsibilities of the chief officers could be reassigned at a different level in order to enhance operational effectiveness; and

WHEREAS, many of the administrative duties currently performed by chief officers would be more appropriately assigned to a non-sworn Management Analyst II.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Benicia hereby approves the removal of the Deputy Chief allocation and addition of the full time Management Analyst II position to the Fire Department.

On motion of Council Member , seconded by Council Member , the above resolution was introduced and passed by the Council of the City of Benicia at a regular meeting of said Council on the 1st day of September, 2009, and adopted by the following vote:

Ayes:

Noes:

Absent:

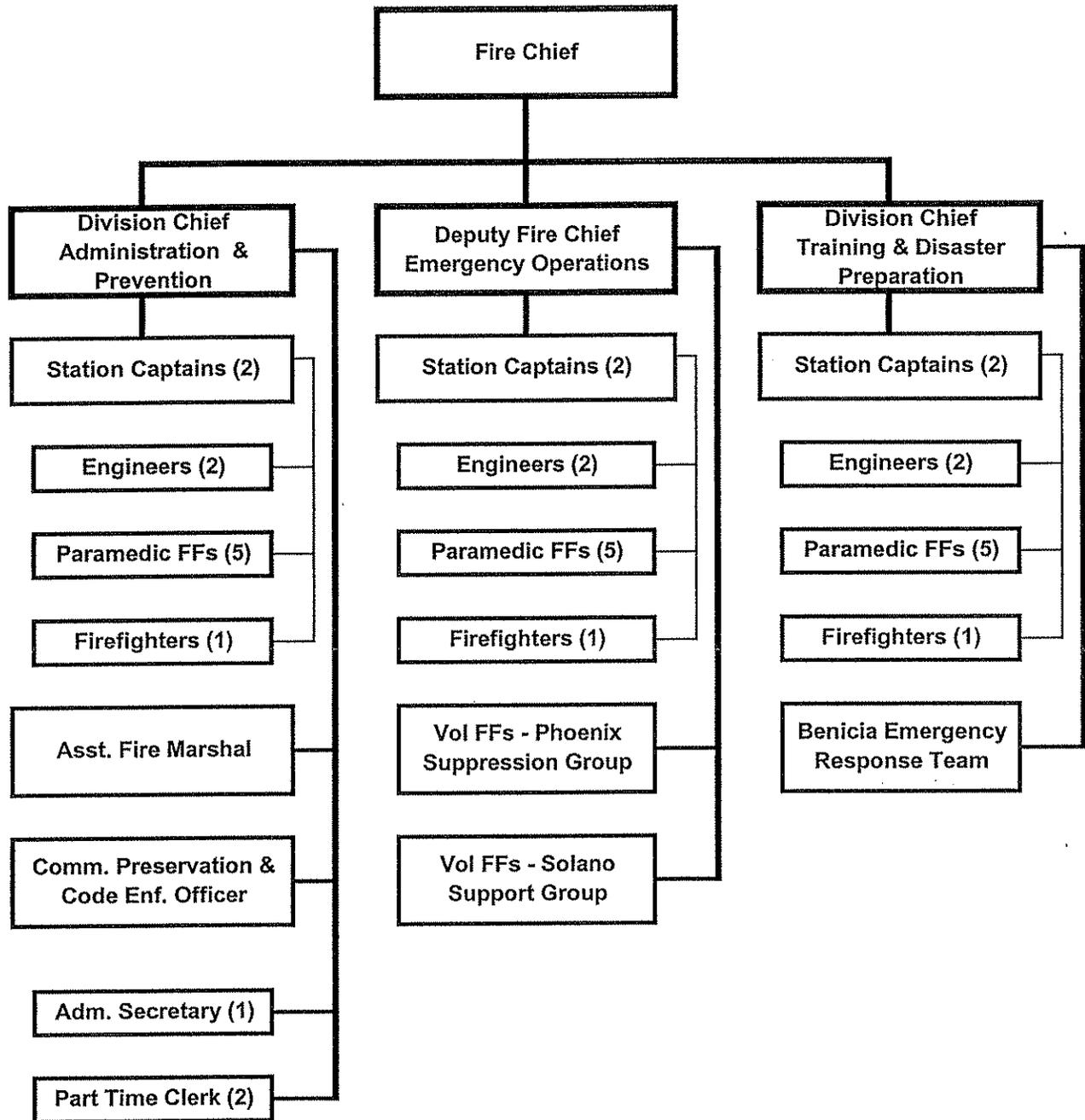
Elizabeth Patterson, Mayor

ATTEST:

Lisa Wolfe, City Clerk

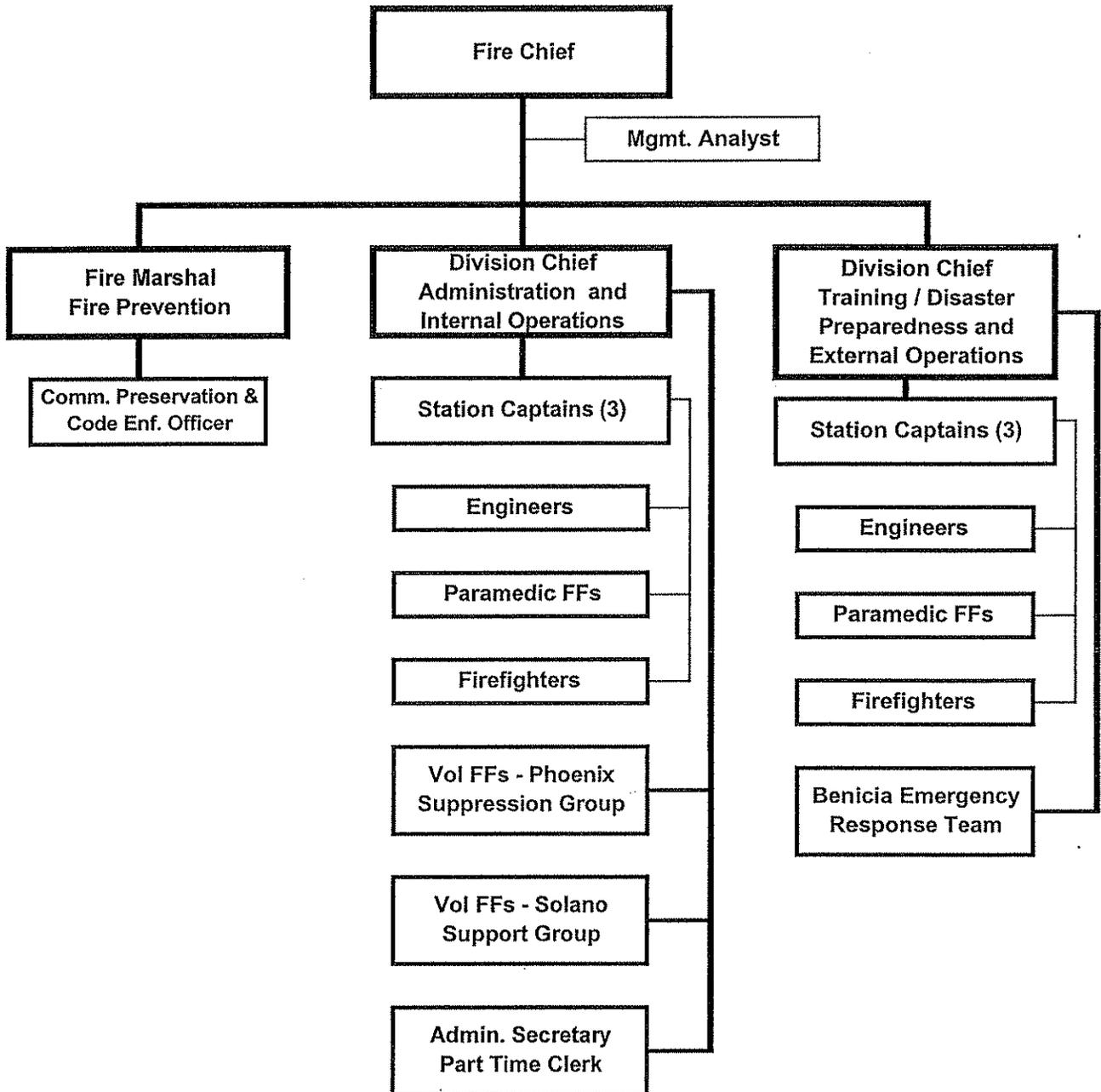
CURRENT ORGANIZATION CHART

Benicia Fire Department Organization Chart



PROPOSED ORGANIZATION CHART

Benicia Fire Department Organization Chart



**AGENDA ITEM
CITY COUNCIL MEETING: SEPTEMBER 1, 2009
CONSENT CALENDAR**

DATE : August 21, 2009
TO : City Council
FROM : City Attorney / Police Chief
SUBJECT : **INTRODUCTION OF AN ORDINANCE ADOPTING A
TRANSIENT REGISTRATION AND OCCUPANCY ORDINANCE
FOR ALL HOTELS AND MOTELS IN THE CITY OF BENICIA**

RECOMMENDATION:

Introduce an ordinance requiring local hotels and motels to maintain a register of their guests and limiting occupancy of the hotels and motels to registered guests and prohibiting rentals for less than a day.

EXECUTIVE SUMMARY:

A hotel register would assist the police in monitoring illegal activity at motels or hotels. The register would contain the true names, addresses, vehicle description, license plates and hotel room number of all people staying at the hotel or motel. The register would be made available for inspection by any police officer upon request. Prohibiting rentals of less than a day will help limit illegal activities.

STRATEGIC PLAN:

Relevant Strategic Plan Goals and Strategies:

Goal 1.00: Protect Community Health and Safety

Strategy 1.30: Protect neighborhoods from risks to health and safety

BUDGET INFORMATION:

None.

BACKGROUND:

Benicia has been fortunate to have a relatively low crime rate for its hotels/motels/bed and breakfast establishments (generically "hotels" for this report) as well as very few major crimes. However, criminals such as drug dealers, drug users, unregistered sex offenders, unregistered drug offenders, prostitutes, parolees and probationers out of compliance with the terms of their probation/parole, and child abductors use hotel rooms in which to stage their activities. Most

hotel employees wish to cooperate with the police but are prevented from doing so due to corporate policies often generated from a fear of being sued. Several hotel corporate offices require their employees to refuse cooperation with police absent a court order or search warrant requiring the surrender of such information. While we have had a cooperative relationship with the current operators, the current operators may change and we have a new operator opening soon. This ordinance will require the operators to obtain certain information regarding their guests.

This ordinance is designed to deter criminals from using local hotel rooms and to assist the police in solving any crimes that may happen in a hotel. People using hotel rooms are transient and not easily identifiable (without this ordinance) in the event criminal activity occurs in a hotel room. San Ramon, Concord, Livermore, San Leandro, Richmond, and Union City are among the cities that have adopted ordinances similar to the proposed ordinance. These cities have found that having immediate information about hotel guests helps solve crimes like sexual assaults, drug related crimes, and child abductions. Having to seek a warrant to get this information hinders this effort. As noted above, Benicia has few problems with the existing establishments but this may change with the State's impending prisoner release and crack down on where sex offenders can reside.

The proposed ordinance also prohibits renting rooms for less than a day. This is in order to limit crimes such as prostitution.

Staff has notified the motels, hotels and, bed and breakfast establishments in town about the proposed ordinance. In response to comments from two of the current operators, adjustments were made to the ordinance and staff report. The proposed ordinance meets the needs of the City, the police department and hotels while avoiding any unnecessary inconvenience to hotel staff or guest.

Attachment:

- Proposed Transient Registration Ordinance

ORDINANCE

CITY OF BENICIA

ORDINANCE NO. 09-__

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BENICIA ADDING A NEW CHAPTER 9.56 (TRANSIENT REGISTRATION) TO TITLE 9 (PUBLIC PEACE, MORALS AND WELFARE) OF THE BENICIA MUNICIPAL CODE

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

Section 1.

Title 9 (Public Peace, Morals and Welfare) of the Benicia Municipal Code is amended by adding a new Chapter 9.56 (Transient Registration) to read as follows:

Chapter 9.56

TRANSIENT REGISTRATION

Sections:

- 9.56.010 Definitions.
- 9.56.020 Registration.
- 9.56.030 Required identification.
- 9.56.040 Period of retention.
- 9.56.050 False information.
- 9.56.060 Register inspection.
- 9.56.070 Unlawful to occupy room without registering.
- 9.56.080 Room rates.

9.56.010 Definitions. As used in this chapter, the terms "hotel," "occupancy," "operator," "person," "rent," and "transient" are as defined in section 3.24.020 of Chapter 3.24 (Transient Occupancy Tax) of Title 3 (Revenue and Finance) of the Benicia Municipal Code.

9.56.020 Registration. Every operator of a hotel in the city of Benicia shall, from and after the adoption of this chapter, maintain a register in which all transients shall enter the following information in a legible and organized fashion:

- A. The true name(s) and address(es) of all persons taking occupancy;
- B. The make, model, year, license plate number and state of registration of any automobile, trailer or other vehicle being used during their occupancy; or provide a parking permit to be displayed on the dash area of the vehicle while parked on the premises. Hotels with pay parking or event centers are exempt from this requirement;
- C. The correct day, month and year in which the information was entered into the register or hotel database; and

D. The room(s) identification number to be occupied by such person(s). It shall be unlawful for any operator of a hotel in the city of Benicia to refuse or neglect to comply with the requirements set forth in this chapter.

9.56.030 Required identification. The operator providing the hotel accommodations, as specified in BMC 9.56.020, shall require photographic identification to be presented upon registration that is sufficient to confirm the identity of the transient(s) taking occupancy, and shall set forth in the register the type of identification so presented.

9.56.040 Period of retention. All of the information received and set forth in the hotel register or database, pursuant to the provisions outlined in BMC 9.56.020, shall be kept onsite and in an accessible area for a period of not less than one (1) year by the operator.

9.56.050 False information. It shall be unlawful for any transient(s) taking occupancy in a hotel within the city of Benicia to use or allow the use of any name other than his or her true name in so registering.

9.56.060 Register inspection. Such register, as described in BMC 9.56.020, shall at all times be available for inspection by any peace officer during the hours that such hotel is occupied and open for business.

9.56.070 Unlawful to occupy room without registering. It shall be unlawful for any person or persons to occupy any room or rooms as a transient or transients in any hotel without first having registered as provided by this chapter. The number of registered transients and guests of any transients shall not exceed the lawful occupancy for the room.

9.56.080 Room Rates. Room rates shall be posted in a prominent location in the guest rooms. Posting room rates in the reception area is strongly encouraged. Guests shall not be charged in excess of posted rates. A range of rates is acceptable. No owner of any hotel shall charge or accept money or other consideration by an hourly rate or any rate less than that which is charged or accepted for one full day's accommodation within any twenty four (24) hour period. No guestroom shall be rented more than once in any twenty four (24) hour period.

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 _____ day of _____, 2009, and adopted at a regular meeting of the Council held on the _____ day of _____, 2009, by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk

AGENDA ITEM
CITY COUNCIL MEETING: SEPTEMBER 1, 2009
CONSENT CALENDAR

DATE : August 10, 2009

TO : City Manager

FROM : Finance Director

SUBJECT : **CONSIDERATION OF A RENEWAL AGREEMENT WITH MITEL LEASING INC. FOR TELECOMMUNICATIONS AND VOICEMAIL EQUIPMENT**

RECOMMENDATION:

Adopt the resolution authorizing the City Manager to enter a Renewal Agreement with Mitel Leasing, Inc. for telecommunications and voicemail equipment.

EXECUTIVE SUMMARY:

The City has been leasing telephone equipment from Mitel Leasing, formerly "Inter-Tel Leasing," since 2001. The lease was renewed in 2006 for \$52,989 per year and is set to expire on October 15, 2009. Mitel Leasing has offered to reduce the lease by \$12,111 to \$40,878 per year for five years and will upgrade identified telecommunications hardware and software. The lease includes equipment, parts, maintenance and training. The lease amount is reduced due to the current incentives offered by the manufacturer to standardize their support product base. In addition, Mitel Leasing has offered a lease incentive of \$6,813 off of the first four months payments by deferring two months payments, and offering two more months at a 50% reduced rate. Staff recommends renewing the lease agreement under the sole-source provision in the City's purchasing policy.

BUDGET INFORMATION:

The total five-year cost of the lease is \$204,391 and will be paid to Mitel Leasing in monthly installments of \$3,407.

BACKGROUND:

The City entered a five-year lease with Inter-Tel Leasing, Inc. in July 2001 and renewed the lease in October 2006. On April 26, 2007, Inter-Tel was acquired by Mitel Leasing and the City has been satisfied with the reliable equipment and responsive maintenance provided by Mitel. The renewal of the lease will allow the City to continue with the present telecommunications system with several identified improvements being completed by Mitel upon the signing of the renewal agreement.

The current condition of the phone system central processing unit is outdated. Most equipment was installed in 2001 except for the upgrades provided in the last lease agreement; therefore, future upgrades, replacements, or revisions would be carried by the City if this proposal is not accepted and we remain status quo. The new processing hardware will also provide greater flexibility when adding new technologies, such as future changes in the police and fire communication systems.

A comparison of the existing lease and the renewal option is included in the following table and highlights the total annual savings of \$16,310 and five-year savings of \$81,554.

Mitel Lease Agreement Comparisons *Current to Proposed			
Changes to System	Current	Proposed	
Original Agreement	\$4,103.37	\$3,406.52	
Supplemental 1	\$74.23		
Supplemental 2	\$51.48		
Supplemental 3	\$32.58		
Supplemental 4	\$32.58		
Supplemental 5	\$15.79		
Supplemental 6	\$17.16		
Supplemental 7	\$17.16		
Supplemental 8	\$34.32		
Supplemental 9	\$15.79		
Supplemental 10	\$21.29		Monthly Savings
Lease Total per Month	\$4,415.75	\$3,406.52	\$1,009.23
Lease Total per Year	\$52,989.00	\$40,878.24	\$12,110.76
			Annual Savings

Total Cost of Lease for 5 years **\$204,391.20**

Additional Factors

Added Cost for Micro-Call Software	\$100.00	Estimated Add/Month
Subtracted Cost for T-1 Service Removal	\$450.00	Estimated Savings
<i>Lease Amount</i>	\$1,009.23	Savings
Total Monthly Savings from "Current Payment Amount"	\$1,359.23	Per Month
Estimated Total Annual Savings	\$16,310.76	Per Year
5 Year Total Savings of ...	\$81,553.80	Life of Lease

Add the additional incentives of \$6,813.04 listed above and bring the total lease savings to \$88,366.84

MITEL PROPOSAL



**Mitel
PhoneSystem
Recast
Proposal
for
City of
Benicia
7/27/2009**

Term	Pool	City Hall	Corp Yard	Fire #1	Fire #2	Waste	Water	Youth	Total	Mthly Savings
Original	\$41.75	\$4,167.59	\$508.14	\$183.18	\$104.38	\$641.70	\$467.62	\$135.64	\$6,250.00	0
Current	\$20.88	\$3,167.93	\$335.21	\$92.91	\$72.19	\$380.70	\$278.11	\$67.82	\$4,415.75	\$1,834.25
Proposed	\$0.00	\$2,286.56	\$381.77	\$0.00	\$0.00	\$401.79	\$336.40	\$0.00	\$3,406.52	\$1,009.23

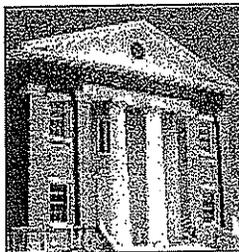
Note: Above quote does not include taxes, where applicable.

*New TSP lease totals \$3,406.52 for a new monthly savings of \$1,009.23 per month, \$60,553.80 over the lease term.

- * Mitel Leasing promotion will defer the first 2 payments of the new TSP leases and pay ½ of the first 2 payments providing an additional savings of \$6,813.04
- * Additional savings may be derived from 3 less T-1/PRI for voice networking or re-purposing the T-1's to provide additional bandwidth.
- * These new TSP leases will be eligible for renewal at ½ of the prevailing lease rate at the end of this new TSP term.

All IP phones have been replaced with current generation 8000 series IP Phones
 New voicemail is Lynix based, no moving parts, flash ROM storage, no Microsoft, VM in all 5000's
 New applications to provide efficiency, MicroCall Call Accounting, Xarios Personal Call Handler
 Extends 24/7/365 Premium maintenance coverage for 60 months
 Software Assurance provides free software upgrades on main system for full term
 IP Networking is more efficient, can re-purpose point to point T-1s for data or remove
 IP Identifier on all systems to enable IP phones on all





the city of
BENICIA, CA

Prepared by:	Scott Chandler
Prepared for:	City of Benicia City Hall 250 East L. Street Benicia, Ca. 94510 USA
Date	27-Jul-2009
Quote Reference:	76988-1248734608



Mitel 5000 Network Communications Solutions Overview	3
Architecture.....	3
Hardware Platform.....	3
Features.....	5
Station Connectivity.....	5
Network Connectivity.....	6
Supported Analog Trunks.....	6
Supported Digital Trunks.....	6
IP Networking.....	6
SIP Trunking.....	6
Recovery from Power Outage.....	7
LAN Requirements.....	7
Embedded System Features.....	7
Embedded Basic Voice Mail (BVM).....	7
Automatic Call Distribution (ACD).....	8
Remote Working.....	8
Auto Attendant.....	9
Phones and Communications Appliances.....	9
8622 IP Desktop Telephone.....	9
8662 IP Desktop Telephone.....	10
5340 IP Desktop Telephone.....	12
Cordless Handset and Cordless Headset.....	13





Mitel 5000 Network Communications Solutions Overview

Architecture

The 5000 CP provides the City of Benicia with a central network to connect geographically dispersed employees and locations. It uniquely provides the choice to implement IP communications, digital communications or a combination of both.

As it is based on online networking, the 5000 CP is able to easily support a wide variety of world-class productivity and business-process applications including messaging, unified communications, conferencing and teleworking. This capacity alone helps the City of Benicia adopt new technologies cost-effectively.

Growth opportunities also exist in the 5000 CP's end-point capacity levels. At maximum capacity, it can support up to 250 IP devices and 192 digital devices as well as up to 146 trunk circuits. We offer three 5000 CP controllers, each of which accommodates a particular user capacity. Through the stackable component and license design of the 5000 CP, the City of Benicia can easily upgrade to the next model with a separate purchase. The transition from one server to the next is accomplished without hardware or software obsolescence.

- CS-5200 (up to 75 IP devices, 144 digital devices)
- CS-5400 (up to 175 IP devices, 192 digital devices)
- CS-5600 (250 IP devices, 250 digital devices)

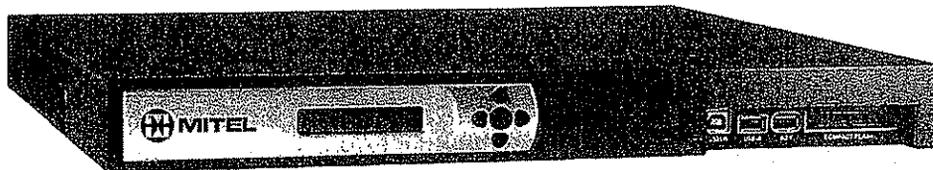
Individual 5000 CPs can be networked to individual systems, providing local or remote site expansion as needed.

All 5000 CP controllers use a common base server in a one-unit rack-mountable chassis. The CS-5200 includes the base server and licensing. The CS-5400 includes the same plus a processor expansion card. The CS-5600 includes the base server and licensing plus a processor expansion card and processing server.

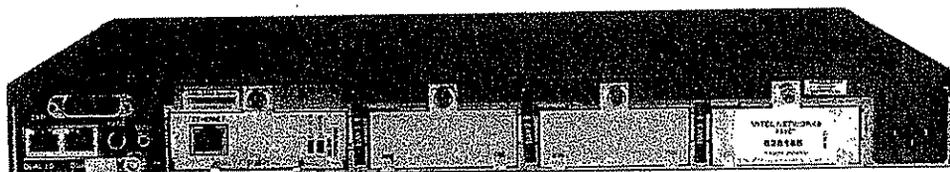
In case of a complete power failure, the 5000 CP includes two loop start trunk ports and two single-line station ports for power fail transfer.

Hardware Platform





Front View of 5000 CP



Back View of 5000 CP

The 5000 CP is a robust IP communication solution. It is built on a 32-bit architecture using the Linux operating system and is packaged in a 1 U data-centric, rack-mountable chassis. The list below highlights its fundamental hardware components.

- Linux operating system
- loop start, T1, T1/PRI, E1/PRI, and IP gateway (MGCP and SIP) trunk connectivity
- messaging, including basic voice mail and unified messaging
- networking over T1/E1 spans
- compact flash memory card for storing system applications, customer database, and voice mail messages/applications
- USB flash drive for backing up voice mail
- supports full range of Mitel IP and digital desk and wireless phones
- digital signal processor (DSP) support of DTMF, ANI, conferencing, etc.
- power fail bypass circuitry
- wide area network (WAN) fail survivability

To keep the platform cost-effective, the 5000 CP standard basic voice mail (BVM) is integrated on a compact flash card.

The 5000 CP supports both a switched IP core and a traditional circuit-switched TDM bus. This provides the flexibility of supporting a complete IP implementation (phones, trunks, and applications), a TDM





implementation (digital phones and trunks, analog phones and trunks), or a combination of both on a common IP platform.

Features

The 5000 CP enables the City of Benicia to blend its voice system into its data network, creating a cost-effective, efficient communications environment. Main 5000 CP features include:

- Linux-based operating system
- fax over IP (FoIP) (T.38), 5000 CP to 5000 CP nodes only
- programmable call-processing features for enhanced business productivity
- Intelligent Directory
- hunt groups (uniform call distribution and automatic call distribution)
- multilingual support
- definable Music on Hold
- paging
- ability to optimize high-quality voice in data networks
- support for multi-protocol Mitel phones
- IP networking capability
- embedded voice mail
- embedded conferencing (up to three to four parties)
- voice mail storage on compact flash (excluding the CS-5600)
- additional industry-leading voice mail and unified communications applications (optional purchase)
- compact and quiet design (ideal for small offices)
- full-featured WAN survivability in a networked system
- remote database programming
- Web-based diagnostics

Station Connectivity

To provide the City of Benicia with a communications solution that is as flexible as it is efficient, the 5000 CP supports a range of station connections including:

- 10/100/1000Base-T Ethernet connection, for IP phones to connect to the system through an Ethernet LAN (1000Base-T is supported with optional Mitel Gigabit Ethernet Stand)
- on-premises analog station port (24 V per port) for industry-standard DTMF analog phones. External loop resistance on these stations is 600 ohms or less, and the loop length is 5,000 feet (1,500 meters) on a 26-gauge wire.
- digital interface ports for digital Mitel phones and support for consoles
- wireless connection with Wi-Fi/802.11 to permit the easy addition of wireless IP handsets to an existing controller





Network Connectivity

The 5000 CP connects to the data network using a 10/100 LAN connection port. It supports IP, wireless, analog, or digital technologies and can easily grow and add technologies as needed.

Supported Analog Trunks

- Loop Start
- E&M
- Direct Inward Dial (DID) (via an external Single Line Adapter)
- Loop/Tie

Note: The 5000 CP also supports analog devices such as phones, fax machines, and modems, and offers resources for system fail transfer, paging, and Music on Hold.

Supported Digital Trunks

- T1/E1
- Primary Rate Access (PRI)

Note: Digital network connectivity (T1/E1/PRI) is provided through embedded digital trunk modules residing directly in the controller. These services can be either full links (T1/E1/PRI) or channeled to where services are provided by the carrier.

IP Networking

IP networking can be used as the primary communication between controllers or as a backup to TDM networking. Instead of leasing dedicated voice circuits, Benicia can route voice traffic over the existing LAN/WAN infrastructure. The 5000 CP IP network routing automatically directs voice packets to the most efficient route between source and destination, resulting in the most cost-effective use of resources.

The IP networking feature supports both G.711 and G.729 encoding. No additional hardware is required for G.729.

SIP Trunking

SIP trunking allows the 5000 CP system to transmit both voice and data packets to a service provider over a single IP circuit. This eliminates the need for VoIP gateways or separate voice connections such as T1, ISDN PRI or analog lines. Since SIP calls travel over the Internet or provider's IP network before terminating on the local PSTN, the City of Benicia would save not only equipment costs, but also long-distance charges.

SIP trunking enables ISDN-like features (direct inward dialing, caller ID, call forwarding, call blocking, etc.) over a data connection. It also transmits both voice and data traffic over the Internet, making it possible to support converged applications such as video and collaboration.





Recovery from Power Outage

Each 5000 CP platform stores its configuration files on the local compact flash card. In a power failure, the system would restart and read the database from the compact flash card then begin processing calls. The database can also be backed up by a TCP/IP or modem connection and stored on a network drive. This allows for system recovery should the database on the compact flash card become unusable or system configuration be transferred to another physical system. If preferred, the 5000 CP can also perform regular database backups to a local PC or server.

LAN Requirements

As we do not manufacture LAN and WAN equipment, we take extra care to ensure our data networking subsystems do not require the use of proprietary protocols. To this end, we have successfully integrated our IP systems into every major LAN/WAN communications equipment vendor in the industry. This allows us to utilize all switch equipment regardless of manufacturer and diverse network deployment.

For voice prioritization at network Layer 3, our proposed solution requires the use of industry-standard QoS mechanisms such as IEEE 802.1p/q and TOS or Diffserv. Mitel IP phones are compliant to the IEEE 802.3af standard for power over Ethernet.

For best performance, we recommend the City of Benicia have the following LAN elements in place for 5000 CP implementation:

- **Managed Ethernet Switch:** a multi-port, 10/100/1000Base-T auto-sensing, managed Ethernet switch with full 802.1p/q and VLAN support, used to connect various internal resources directly to the LAN
- **Quality of Service Mechanisms:** fully programmable IEEE 802.1p/q support for DiffServ, VLAN services, and priority settings (programmable by system, subnet, or through an IP address range)
- **DHCP Configuration for IP Phones:** The administrator can assign IP addresses from the 5000 CP or by external DHCP server.
- **Spanning Tree:** We recommend the use of Spanning Tree on the 5000 CP network.

Embedded System Features

Embedded Voice Mail (BVM)

For optimum availability and rapid response times, the 5000 CP offers a complete suite of voice-processing applications including voice mail, message notification and retrieval, automated attendant and





Record-a-Call. This includes four embedded voice mail ports (up to 16 with user licensing) and over 80 hours of voice mail storage (upgradable to 200 hours).

Features:

- password-protected user mailboxes
- a tutorial that assists new subscribers with mailbox setup
- simple message retrieval
- easy-to-use menus that allow users to send urgent (priority), private, or certified messages
- notification of waiting messages
- Record-a-Call – allows users to record a conversation and save it in their voice mailbox
- Standard Unified Messaging – allows users to forward voice messages to an e-mail address

Automatic Call Distribution (ACD)

The 5000 CP offers the option of fully integrated Automatic Call Distribution (ACD) functionality including call distribution, agent mobility, feature configuration, administration and recorded announcements. The integrated ACD functionality of the 5000 CP can be enhanced by the Mitel Customer Service Manager, which would enable the City of Benicia to maximize the efficiency of its contact center.

The optional Mitel 5000 ACD offers the following features:

- ability to use agent IDs (1,000) for up to 75 hunt groups
- ability to route calls based longest idle, balanced call count, and circular and linear distribution
- announcements for position in queue and estimated wait time
- supervisor features: station monitor, Record-a-Call, Barge, and Steal Call
- Join and Record

Remote Working

The 5000 CP's embedded remote working feature requires no server, no licensing and no additional cost. Included in the base price of the 5000 CP solution, this feature provides City of Benicia home workers, road warriors and day-extenders with seamless, secure access to the communication capabilities of head office. By using the same voice mail, conferencing and corporate security features as their in-office colleagues, City of Benicia remote workers can become more productive and in touch. At the corporate level, the remote working feature can enable Benicia to decrease overhead expenses and long-distance call charges.

The remote working capability can be implemented quickly and easily using a Mitel IP phone. Once head office's remote gateway IP address is entered by telephone keypad, the phone automatically establishes a connection to the 5000 CP and becomes registered as a valid extension of the office phone system.





Auto Attendant

The 5000 CP auto attendant is a programmable feature that provides a direct automated call-answering service. Alternatively, it can provide back-up call answering for multiple departments or the entire system. Auto attendant can be operational full time or can be programmed to only take specific calls.

A system call routing announcement application utilizes digit translation to enable the caller to dial a station, voice mailbox, a fax-on-demand application, or hunt group. The layered call routing announcement capabilities with digit translation allow users to create auto attendant trees and various levels of programmable digit-translation nodes.

Phones and Communications Appliances

8622 IP Desktop Telephone



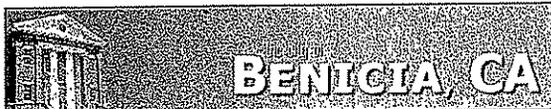
The Mitel 8622 is a cost-effective, multiprotocol IP phone that enables users to handle calls and access features quickly. The convenient, two-line LCD display window shows details such as the dialed number and caller ID. With programmable buttons and message-waiting indication, users can respond to important business matters promptly. The 8622 also features a second LAN port for peripheral devices such as computers or IP printers.





- two-line x 16-character LCD, which shows numbers dialed, elapsed time of calls, caller ID, current call costs, reminder messages and Do-Not-Disturb status
- function keys such as on-hook dialing, hold, message access, ringer volume, transfer, conference and forward
- extra switch port provides a second LAN port for peripheral devices
- red LEDs to indicate a call is active, ringing or on hold
- message-waiting lamp
- provides Quality of Service and Web-based programming
- upgradeable through software
- supports G.711 a-law, G.711 u-law, G.729a, and G.729a/b vocoders
- supports centralized power over LAN (IEEE compatible)
- enables Dynamic Host Configuration Protocol (DHCP) or static IP addressing
- adjustable base and wall mount
- full duplex speakerphone
- dedicated headset support
- user-configurable TCP and UDP port number
- configurable in Mitel Protocol mode
- supports VLAN tagging, which eases management, improves call quality and increases security

8662 IP Desktop Telephone





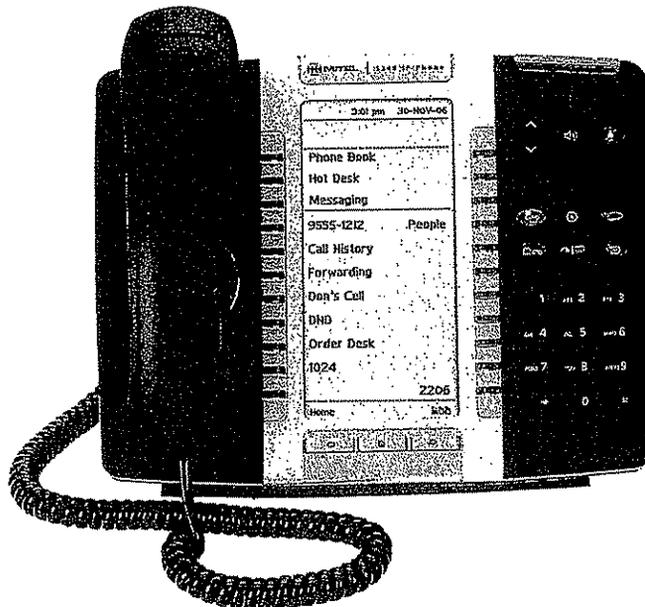
The Mitel 8662 is the ideal phone for business professionals throughout the City of Benicia enterprise. It supports diverse user needs and provides simple communications management.

- six-line x 16-character LCD and embedded softkeys for efficient call handling and easy message management
- quick-access feature buttons such as: Hold, Mute, Do Not Disturb, Transfer, Forward, Conference, and Page
- message-waiting lamp
- adjustable base and wall mount
- full duplex speakerphone
- dedicated headset support
- red LEDs to indicate a call is active, ringing or holding
- Quality of Service and Web-based programming
- upgradeable through software
- supports G.711 a-law, G.711 u-law, G.729a, and G.729a/b vocoders
- supports centralized power over LAN (IEEE compatible)
- enables DHCP or static IP addressing
- user-configurable TCP and UDP port number
- extra switch port
- configurable in Mitel Protocol mode
- supports VLAN tagging, which eases management, improves call quality and increases security





5340 IP Desktop Telephone



The Mitel 5340 IP Phone delivers one-touch access to many phone features and applications. A full-featured telephone, it provides a large backlit graphics display with 42 programmable self-labeling keys. The 5340 IP Phone is ideal for any enterprise executive or manager, office managers or administrators, hot desk users, teleworkers, and contact center agents and supervisors.

Features:

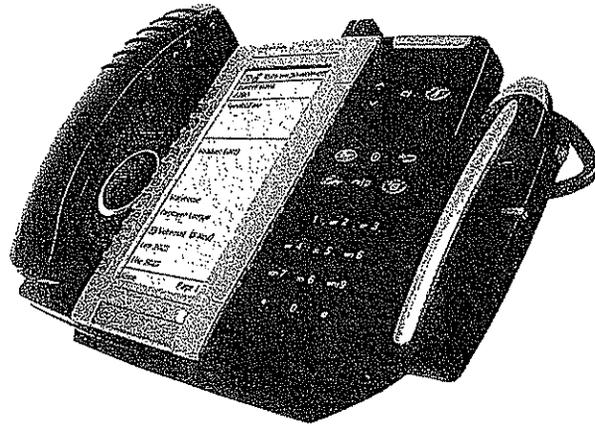
- large backlit graphics display (160 x 320) with auto dimming
- 42 programmable, multi-function, self-labeling keys, provided in three pages of 14 keys each (for one-touch access to speed calls, line appearances, features). A separate add-on programmable key module is not required to support soft labeling and line indicators.
- peripherals and modules support: wireless LAN stand, gigabit Ethernet stand
- 13 fixed function keys: Hold, Settings, Message, Speaker, Mute, Transfer, Redial, Cancel, Volume/Ringing/Contrast Up & Down, Home Page, Previous Page, Next Page
- eight context-sensitive softkeys for intuitive feature access
- supports remote workers
- support for MiNET protocol
- hands-free speakerphone operation (full duplex)
- dual-port IP phone (10/100 Mb integrated Ethernet switch)
- language support: English, Spanish, Japanese





- dedicated headset interface
- 802.3af power compliant (IEEE standard)
- designed for power conservation: 3.2 watts typical (idle) power consumption

Cordless Handset and Cordless Headset



The Mitel Cordless Handset and Mitel Cordless Headset offer unprecedented convenience and corridor mobility for Mitel 5330 and 5340 IP Phone users. They allow the user to continue to communicate on his desk phone even when he is 300 feet (100 m) from his desk.

Features:

- Initiate Call/End Call key
- volume control keys
- Mute key
- built-in ringer (Cordless Handset)
- Speak@Ease or "0" or Secretary speed call
- LED indicators on the Cordless Module, Handset and Headset indicate both connectivity and charging status
- eight hours talk time
- 43 hours standby time
- warning tone when out of communications range
- support for two cordless devices (handset and headset) per cordless module
- integrated Cordless Headset functionality eliminates the need for a handset lifter
- DECT-based design: DECT 6.0 cordless technology provides higher quality voice transmission, density, and less interference compared to Bluetooth





Axxess Migration Promotion from Mitel Managed Services

Axxess to Mitel 5000 or 3300 Migration Campaign

SYSTEM MANAGEMENT SERVICES

- Full service & warranty
- Fixed rates for expansion
- Fixed migration pricing
- Equipment buy-back & re-cast programs
- System upgrade flexibility
- Software upgrades
- Risk-of-loss coverage
- Free training
- Guaranteed renewal option

NETSOLUTIONS NETWORK SERVICES

- Local & long distance services
- Internet services
- WAN solutions
- Network management

Now is the time for Axxess® customers to switch to a Mitel 5000 or 3300. From May 1 to July 31, 2009, Mitel's exciting migration campaign offers a significant price promotion, giving customers all the benefits of upgrading with incredible savings.

Take advantage of our most popular 60-month TotalSolution® Managed Services plan and Mitel NetSolutions® Services, and you'll receive:

- FREE NetSolutions network services for six months*
- FREE NetSolutions upgrades
- FREE site moves on network services
- NO TotalSolutions payments for 60 days
- HALF OFF your first four TotalSolution payments

Mitel's advanced IP and converged communications platforms enable businesses of any size to cost effectively improve business processes, reduce costs and boost their bottom line. And with the Mitel TotalSolution program, you can get a comprehensive communications solution designed specifically for your business that includes built-in obsolescence protection, so you can leverage new technology as you need it ... without incurring any penalty.

* NetSolutions 60 month service agreement with a minimum monthly commitment of \$250.00 required. Free moves and upgrades provides for a waiver of the one-time nonrecurring charges otherwise billable by NetSolutions. Additional monthly recurring charges may apply based on final configuration.





**Mitel
PhoneSystem
Recast
Proposal
for
City of
Benicia**

7/27/2009

Term	Pool	City Hall	Corp Yard	Fire #1	Fire #2	Waste	Water	Youth	Total	Monthly Savings
Original	\$41.75	\$4,167.59	\$508.14	\$183.18	\$104.38	\$641.70	\$467.62	\$135.64	\$6,250.00	0
Current	\$20.88	\$3,167.93	\$335.21	\$92.91	\$72.19	\$380.70	\$278.11	\$67.82	\$4,415.75	\$1,834.25
Proposed	\$0.00	\$2,286.56	\$381.77	\$0.00	\$0.00	\$401.79	\$336.40	\$0.00	\$3,406.52	\$1,009.23

Note: Above quote does not include taxes, where applicable.

*New TSP lease totals \$3,406.52 for a new monthly savings of \$1,009.23 per month.

* Mitel Leasing promotion will defer the first 2 payments of the new TSP leases and pay ½ of the first 3 payments providing an additional savings of \$60,553.80 over the lease term.

* Additional savings may be derived from 3 less T-1/PRI for voice networking or re-purposing the T-1's to provide additional bandwidth.

* These new TSP leases will be eligible for renewal at ½ of the prevailing lease rate at the end of this new TSP term.





IMPROVEMENTS TO SYSTEM:

- New Mitel 5000 IP Communication Platform is IP at the core
- Software Assurance will upgrade software at any time during lease for free
- Embedded Voicemail with all current functionality
- Voicemail is Lynix based, no Microsoft
- Voicemail has no moving parts, no harddrive, all flash ROM
- Voicemail has 600 hours of storage
- Voicemail is centralized with 16 ports, all 5000's have embedded 4 port Voicemail with local Auto Attendant
- Embedded Voicemail software is upgraded through Software Assurance
- Voicemail has SMTP forwarding that can forward copy of voicemail to email client
- Total Solution Program recast extends premium 24/7/365 maintenance coverage for 5 years
- IP Networking replaces T-1/PRI networking. You can remove or re-purpose T-1's for additional cost savings.
- All systems have IP System Identifier (takes the place of IP cards in the 5000) to enable IP phones on any system.
- All IP phones have been refreshed with Mitel model 8660 and 8622 current generation IP phones
- All new power bricks for IP Phones
- CT Gateway to share information between sites. Enables sharing applications between sites (customer agreed to provide PC for CT Gateway/Xarios/MicroCall minimum P4 with NIC Card)
- Xarios Personal Call Handler 250 concurrent users
 - View system and personal speed dials
 - View the status of colleagues on the DSS console
 - On-screen call control and call status information
 - Call history and missed call tracking
 - Highlight and dial functionality
 - 'Do Not Disturb' status control
- New MicroCall 500 user Software with 1 year maintenance coverage, unlimited phone access to MicroCall support for 1 year.





The City of Benicia

Total Solution Program Recast

Current Monthly Payment	3,167.93
Original Monthly Payment	4,167.59 (plus add-ons)
Proposed Equipment and Implementation	2,258.68
Software Assurance	27.88
Total (plus applicable taxes)	2,286.56
Agreement Period	60 Months
Deposit	First Month's Payment, Plus Tax

RATES QUOTED ARE GUARANTEED FOR THIRTY (30) DAYS

Monthly Payment Includes:

- Free Software Upgrades and Disaster Recovery Provision
- Rental of all Hardware and Software Associated with Your System
- Repair Service for the Full Term
- Installation
- System Training
- Financial Commitment
- Guaranteed Rates for Expansion
- Upgrade Flexibility
- Risk of Loss Coverage
- Guaranteed Renewal Option
- Discounted System Relocation



VII-H-21



SCHEDULE 1 of EQUIPMENT

City of Benicia

City Hall

Mitel 5000 Communications Platform rel. 3.1

Mitel 5000 Communications Platform - Base Packages, System Hardware

- 1 Axxess to Mitel 5000 Tech Upgrade Package
- 3 CHASSIS DIGITAL EXPANSION INTERFACE
- 9 PCBA DIGITAL ENDPOINT MDUL (DEM-16)
- 2 PCBA DUAL T1/E1/PRI
- 1 KIT CS-5400

Mitel 5000 Communications Platform - Software Licenses

- 1 Second Port Enable Lic for Dual T1/E1
- 2 PRI License-Axxess to 5000
- 1 Lic for 2nd Digit Exp Inter-Axxess to 5K
- 1 Lic for 3rd Digit Exp Inter-Axxess to 5K
- 1 Lic for 4th Digit Exp Inter-Axxess to 5K
- 1 ACD Premium Feature-Axxess to 5000
- 1 LICENSE INTL5400 IP NETWORKING
- 38 LICENSE INTL5000 IP ENDPOINT A
- 1 LICENSE INTL5000ANALOG VM HG
- 1 LIC INTL5000 SYSTEM OAI EVENTS
- 1 LIC INTL5000 SYSOAI 3RD PTY CALLCTR
- 1 LICENSE INTL5000 IP ENDPOINT D
- 1 LIC INTL5000 DUAL T-1 SECOND PORT
- 2 LIC INT5000 FILE BASED MUSIC SOURCE

Mitel 5000 Communications Platform - Voicemail, Enterprise Messaging

- 3 LICENSE INTL5000 BVM 4 PORTS

Approved and Accepted By:

Customer: _____ Date: _____

Mitel Representative: _____ Date: _____





SCHEDULE 1 of EQUIPMENT

City of Benicia

City Hall

Desktop Devices - 5200/5300 IP Phones and Peripherals

- 17 Mitel Model 8622P IP Phone
- 21 Mitel Model 8660 IP Phone
- 1 5340 IP PHONE
- 1 48VDC ETNT PWR ADPT 100-240V 50-60Hz(ES)
- 1 CORDLESS HEADSET & MODULE
- 39 PWR CRD C7 2.5A 125V-NA PLUG

Desktop Devices - Mitel 5000 CP/Axxess Phones, Accessories

- 38 KIT PS 8662/8620 (C7 PWR CORD REQ)

OEM Connectivity, Equipment Racks, RAD, Power, UPS, CSU

- 10 CBL DEM ADAPT RJ45 TO AMP 50P 15FT
- 4 MOD 8POS T-1 SURGE S2 VRMS CLAMP SC
- 1 Minuteman UPS 2000VA RACK MNT UPS
- 2 EXTD BATT PCK;E2000RM2U-E3000RM2U

Professional Services - Implementation

- 58 Implementation - 5000 & Axxess only

Professional Services - Plan, Design & Optimize

- 2 FEE PROFESSIONAL SERVICE - 1 UNIT

Approved and Accepted By:

Customer: _____

Date: _____

Mitel Representative: _____

Date: _____





SCHEDULE 1 of EQUIPMENT

City of Benicia

City Hall

Other

- 38 Connect and Program New IP Phones
- 40 Cross Connect Analog Devices
- 86 Cross Connect Existing 4400 Digital Phones
- 59 Cross Connect Existing 4500 Digital Phones
- 1 Install Existing CCS Server Software
- 2 Migrate and Connect Bell Model #481149
- 1 Migrate and Connect Existing IP SLA

Software Assurance

- 1 5000 Software Assurance: 4 Year

Gateways

- 1 KIT MULTI-APP CT GATEWAY V4.1 for Xarios and MicroCall (requires customer provided PC, min P4 with NIC card)
- 2 TOTAL ACCESS 624 Analog Station Gateway
- 2 Adtran Total Access Serial Adaptor
- 2 Adtran Custom Extended Services Remote
- 2 Adtran TSP Warranty
- 1 Install and Program Xarios
- 2 Adtran Total Access Installation Kit
- 10 Overtime Installation Labor

Call Accounting

- 1 (MICROCALL 500) MICROCALL 500 EXTENSIONS

Personal Call Manager

- 1 (XAS-2) XARIOS APPLICATION SERVER MULTI-Site 250 users

Approved and Accepted By:

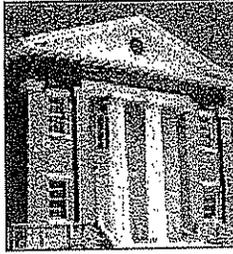
Customer: _____

Date: _____

Mitel Representative: _____

Date: _____





THE CITY OF
BENICIA, CA

Prepared by:	Scott Chandler
Prepared for:	City of Benicia Water Treatment Lake Herman Road Benicia, Ca. 94510
Date	23-Jul-2009
Quote Reference:	76988-1248401903



City of Benicia

Water Treatment

Total Solution Program Recast

Current Monthly Renewal Payment	\$278.11
Original Monthly Payment	\$467.62
Proposed Recast	
Equipment and Implementation	305.99
Software Assurance	30.41
Total (plus applicable taxes)	336.40
Agreement Period	60 Months
Deposit	First Month's Payment, Plus Tax

RATES QUOTED ARE GUARANTEED FOR THIRTY (30) DAYS

Monthly Payment Includes:

- Free Software Upgrades and Disaster Recovery Provision
- Rental of all Hardware and Software Associated with Your System
- Repair Service for the Full Term
- Installation
- System Training
- Financial Commitment
- Guaranteed Rates for Expansion
- Upgrade Flexibility
- Risk of Loss Coverage
- Guaranteed Renewal Option
- Discounted System Relocation





SCHEDULE 1 Of Equipment Benicia Water Treatment

Mitel 5000 Communications Platform rel. 3.1

Mitel 5000 Communications Platform - Base Packages, System Hardware

- 1 Axxess to Mitel 5000 Tech Upgrade Package

Mitel 5000 Communications Platform - Software Licenses

- 1 LICENSE INTL5200 IP NETWORKING
- 1 LICENSE INTL5000ANALOG VM HG
- 1 LIC INTL5000 SYSTEM OAI EVENTS
- 1 LIC INTL5000 SYSOAI 3RD PTY CALLCTR
- 1 LIC INT5000 FILE BASED MUSIC SOURCE

OEM Connectivity, Equipment Racks, RAD, Power, UPS, CSU

- 1 CBL DEM ADAPT RJ45 TO AMP 50P 15FT
- 1 Minuteman Rackmount UPS750VA/600W R/T 120V IN/OUT
- 1 Minuteman EXT'D BATT PACK
- 1 XTRA-CPCTY FLSH-MNTD WALL BRCKT 19

Professional Services - Implementation

- 20 Implementation - 5000 & Axxess only

Other

- 6 Migrate and Cross Connect Existing Model 550.4400 Digital Phone
- 4 Migrate and Cross Connect Existing Model 550.4500 Digital Phone
- 1 OT Labor for Partial After Hours Installation

Software Assurance

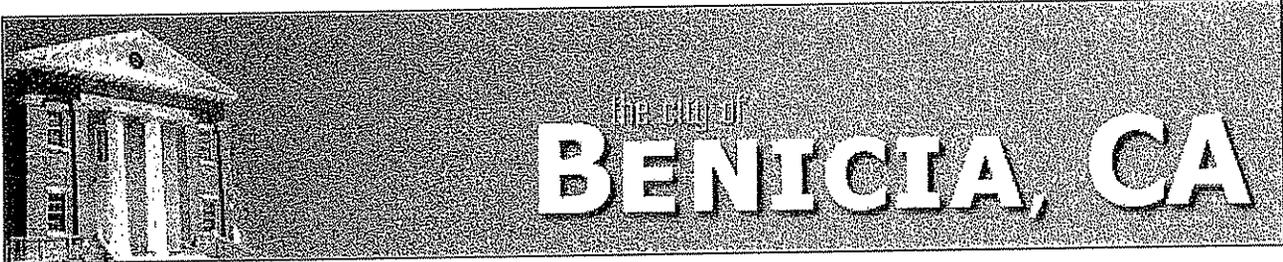
- 1 5000 Software Assurance: 4 Year

Approved and Accepted By:

Customer: _____ Date: _____

Mitel Representative: _____ Date: _____





Prepared by:	Scott Chandler
Prepared for:	City of Benicia Waste Water Treatment 614 East 5 th Street Benicia, Ca. 94510
Date	24-Jul-2009
Quote Reference:	76988-1248488518



**City of Benicia
Waste Water Treatment
Total Solution Program Recast**

Current Monthly Renewal Payment	380.70
Original Monthly Payment	641.70
Equipment and Implementation	371.38
Software Assurance	30.41
Total (plus applicable taxes)	401.79
Agreement Period	60 Months
Deposit	First Month's Payment, Plus Tax

RATES QUOTED ARE GUARANTEED FOR THIRTY (30) DAYS

Monthly Payment Includes:

- Free Software Upgrades and Disaster Recovery Provision
- Rental of all Hardware and Software Associated with Your System
- Repair Service for the Full Term
- Installation
- System Training
- Financial Commitment
- Guaranteed Rates for Expansion
- Upgrade Flexibility
- Risk of Loss Coverage
- Guaranteed Renewal Option
- Discounted System Relocation





SCHEDULE 1 of EQUIPMENT BENICIA WAST WATER TREATMENT

Mitel 5000 Communications Platform rel. 3.1

Mitel 5000 Communications Platform - Base Packages, System Hardware

- 1 Axxess to Mitel 5000 Tech Upg Pkg
- 1 PCBA DIGITAL ENDPOINT MDUL (DEM-16)

Mitel 5000 Communications Platform - Software Licenses

- 1 LICENSE INTL5200 IP NETWORKING
- 1 LICENSE INTL5000ANALOG VM HG
- 1 LIC MT 5000 VP MSG NETWORKING
- 1 LIC INTL5000 SYSTEM OAI EVENTS
- 1 LIC INTL5000 SYSOAI 3RD PTY CALLCTR

OEM Connectivity, Equipment Racks, RAD, Power, UPS, CSU

- 2 CBL DEM ADAPT RJ45 TO AMP 50P 15FT
- 1 EXT'D BATT PACK
- 1 750VA/600W R/T 120V IN/OUT

Professional Services - Implementation

- 21 Implementation - 5000 & Axxess only

Other

- 1 Migrate and Connect Existing DSS
- 1 Migrate and Connect Existing DSS DSS Connector
- 16 Migrate and Cross Connect Existing Model 550.4400 Digital Phone
- 8 Migrate and Cross Connect Existing Model 550.4500 Digital Phone
- 1 OT Labor for Partial After Hours Installation

Software Assurance

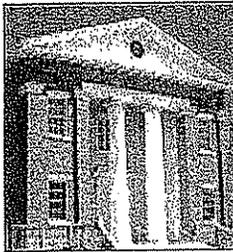
- 1 5000 Software Assurance: 4 Year

Approved and Accepted By:

Customer: _____ Date: _____

Mitel Representative: _____ Date: _____





THE CITY OF
BENICIA, CA

Prepared by:	Scott Chandler
Prepared for:	City of Benicia Corporation Yard 2400 E. 2 nd Street Benicia, Ca. 94510
	USA
Date	27-Jul-2009
Quote Reference:	76988-1248491651



City of Benicia

Corporation Yard

Total Solution Program Recast

Current Monthly Renewal Payment	335.21
Original Monthly Payment	508.14
Equipment and Implementation	351.36
Software Assurance	30.41
Total (plus applicable taxes)	381.77
Agreement Period	60 Months
Deposit	First Month's Payment, Plus Tax

RATES QUOTED ARE GUARANTEED FOR THIRTY (30) DAYS

Monthly Payment Includes:

- Free Software Upgrades and Disaster Recovery Provision
- Rental of all Hardware and Software Associated with Your System
- Repair Service for the Full Term
- Installation
- System Training
- Financial Commitment
- Guaranteed Rates for Expansion
- Upgrade Flexibility
- Risk of Loss Coverage
- Guaranteed Renewal Option
- Discounted System Relocation





SCHEDULE 1 Of Equipment Benicia Corporation Yard

Mitel 5000 Communications Platform rel. 3.1

Mitel 5000 Communications Platform - Base Packages, System Hardware

- 1 Axxess to Mitel 5000 Tech Upgrade Package (4 analog CO lines, 4 port VM, IP Identifier)
- 1 PCBA SINGLE LINE MODULE (SLM-8) DEI (total of 10 analog station ports)

Mitel 5000 Communications Platform - Software Licenses

- 1 LICENSE INTL5200 IP NETWORKING
- 1 LICENSE INTL5000ANALOG VM HG
- 1 LIC MT 5000 VP MSG NETWORKING
- 1 LIC INTL5000 SYSTEM OAI EVENTS
- 1 LIC INTL5000 SYSOAI 3RD PTY CALLCTR

OEM Connectivity, Equipment Racks, RAD, Power, UPS, CSU

- 1 CBL DEM ADAPT RJ45 TO AMP 50P 15FT
- 1 Minuteman UPS 750VA/600W R/T 120V IN/OUT
- 1 UPS EXT'D BATT PACK
- 1 XTRA-CPCTY FLSH-MNTD WALL BRCKT 19 to wall mount 5000

Professional Services - Implementation

- 21 Implementation - 5000 & Axxess only

Other

- 1 Migrate Existing Bell
- 1 Migrate and Connect DSS Connector
- 1 Migrate and Connect PCDPM DSS Connector
- 8 Migrate and Cross Connect Existing 550.4400 Digital Phone
- 4 Migrate and Cross Connect Existing 550.4500 Digital Phone

Software Assurance

- 1 5000 Software Assurance: 4 Year

Approved and Accepted By:

Customer: _____ Date: _____

Mitel Representative: _____ Date: _____



SOLE SOURCE JUSTIFICATION:

Staff is recommending the sole source renewal of the lease with Mitel based upon the following:

- Mitel designed and built the current phone system, including all phone sets.
- The current phone system meets the needs and expectations of employees.
- Mitel has provided excellent service on a 24/7 basis for the last nine years.
- Mitel is the sole distributor of its proprietary "Mitel" brand system components.
- Mitel recovered the *initial equipment investment* during the first term of the lease and substantial savings are now available. If another vendor is considered, our initial investment will be lost, roughly \$200,000 in current dollars.

Attachment:

- Resolution

RESOLUTION

RESOLUTION NO. 09-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA
AUTHORIZING A FIVE-YEAR RENEWAL AGREEMENT WITH INTER-TEL
LEASING INC. FOR TELECOMMUNICATIONS AND VOICEMAIL EQUIPMENT**

WHEREAS, the City's current telecommunications and voicemail system has been leased successfully from Mitel Leasing Inc. since October 15, 2001; and

WHEREAS, Mitel Leasing Inc. has offered the City a substantial reduction in lease costs from \$52,989 to \$40,878 per year and provided additional incentives for \$6,813; and

WHEREAS, Mitel Leasing Inc. is the sole source vendor for the "Mitel" brand system components; and

WHEREAS, Mitel Leasing Inc. has offered to upgrade identified equipment and software, provide continued lease support, and reduce the lease amount after five years to one-half the current proposed amount.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Benicia does hereby authorize the City Manager to enter a Renewal Agreement with Mitel Leasing Inc. to provide telecommunications and voicemail equipment and maintenance for a period of five years at a cost of \$40,878 per year, subject to minor changes authorized by the City Attorney.

On motion of _____, 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 1st day of September, 2009, and adopted by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

ATTEST:

Lisa Wolfe, City Clerk

REQUEST FOR ITEM ON COUNCIL AGENDA

Requested by:

Mayor Patterson

Requested Council Meeting Date:

September 1, 2009

Agenda Item Name:

Request to agendize consideration of regulations for storage containers (PODS) on residential properties. (Mayor Patterson)

Mayor Patterson has requested that the Council consider creating regulations related to the placement of the storage containers known as PODS on residential properties.

REQUEST FOR ITEM ON COUNCIL AGENDA

Requested by:

Mayor Patterson

Requested Council Meeting Date:

September 1, 2009

Agenda Item Name:

Request to schedule an informative presentation on public retirement systems. (Mayor Patterson)

Mayor Patterson has requested that the Council consider scheduling a presentation regarding public retirement systems, with particular attention to PERS, for an upcoming Council meeting.