

**BENICIA CITY COUNCIL
REGULAR MEETING AGENDA**

**City Council Chambers
September 01, 2015
7:00 PM**

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

*Please Note:
Regardless of whether there is a Closed Session scheduled, the open session will begin
at 7:00 PM*

I. CALL TO ORDER (6:30 PM):

II. CLOSED SESSION (6:30 PM):

- A. CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)
Name of case: Willis.**

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

- A. ROLL CALL.**
- B. PLEDGE OF ALLEGIANCE.**
- C. REFERENCE TO THE FUNDAMENTAL RIGHTS OF THE PUBLIC.**

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

IV. ANNOUNCEMENTS/PROCLAMATIONS/APPOINTMENTS/PRESENTATIONS:

- A. ANNOUNCEMENTS.**

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

2. Openings on Boards and Commissions:

Community Sustainability Commission
1 unexpired term
1 full term (Student Commissioner)
Open until filled

Civil Service Commission
1 full term
Open until filled

3. Boards and Commissions - Council Subcommittee Recommendations:

Subcommittee recommendation to Mayor of Lionel Largaespada to the Economic Development Board for a full term ending July 31, 2019

Subcommittee recommendation to Mayor of Martin Jones to the Economic Development Board for an unexpired term ending July 31, 2016

Subcommittee recommendation to Mayor of Steven Sillen to the Economic Development Board for a full term ending July 31, 2019

Subcommittee recommendation to Mayor of Penny Nichols Stell to the Economic Development Board for an unexpired term ending July 31, 2018

Subcommittee recommendation to Mayor of Joshua Wilson to the Finance Committee for an unexpired term ending January 31, 2019

Subcommittee recommendation to Mayor of Alan Nadritch to the Finance Committee for a full term ending July 31, 2019

4. Mayor's Office Hours:

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

5. Benicia Arsenal Update

Update from City Attorney

B. PROCLAMATIONS.

- 1. IN RECOGNITION OF INTERNATIONAL LITERACY DAY -
SEPTEMBER 8, 2015**
- 2. IN RECOGNITION OF NATIONAL SUICIDE PREVENTION WEEK -
SEPTEMBER 7-13, 2015**

C. APPOINTMENTS.

- 1. Appointment of Vicki Potts to the Human Services Board for an unexpired term ending July 31, 2018**
- 2. Appointment of Brandon Greene to the Open Government Commission for an unexpired term ending July 31, 2017**
- 3. Appointment of Trevor Macenski to the SolTrans Public Advisory Committee for a three year term ending January 31, 2018**
- 4. Appointment of Terry Scott to the Arts and Culture Commission for an unexpired term ending July 31, 2017**

D. PRESENTATIONS.

- 1. STATE OF THE PAVEMENT PRESENTATION**

V. ADOPTION OF AGENDA:

VI. OPPORTUNITY FOR PUBLIC COMMENT:

This portion of the meeting is reserved for persons wishing to address the Council on any matter not on the agenda that is within the subject matter jurisdiction of the City Council. State law prohibits the City Council from responding to or acting upon matters not listed on the agenda. Each speaker has a maximum of five minutes for public comment. If others have already expressed your position, you may simply indicate that you agree with a previous speaker. If appropriate, a spokesperson may present the views of your entire group. Speakers may not make personal attacks on council members, staff or members of the public, or make comments which are slanderous or which may invade an individual's personal privacy.

A. WRITTEN COMMENT.

B. PUBLIC COMMENT.

VII. CONSENT CALENDAR (7:30 PM):

Items listed on the Consent Calendar are considered routine and will be enacted, approved or adopted by one motion unless a request for removal or explanation is received from a Council Member, staff or member of the public. Items removed from the Consent Calendar shall be considered immediately following the adoption of the Consent Calendar.

A. APPROVAL OF THE MINUTES OF THE JULY 21, 2015 AND AUGUST 18, 2015 CITY COUNCIL MEETINGS. (City Clerk)

B. CONTRACT WITH STEVEN CARMICHAEL FOR PROJECT MANAGEMENT OF THE ENTERPRISE RESOURCE PLANNING (ERP) IMPLEMENTATION. (Finance Director)

On July 7, 2015, the City Council approved the contract from Tyler Munis for the replacement of the City financial software, Enterprise Resource Planning (ERP). The contract with Tyler will replace three existing contracts currently supporting multiple, incompatible financial modules, Sunguard/Bi-Tech (accounting and payroll), Harris (utility billing), and Accela (permitting and licensing). The implementation project will take approximately 24 months to fully convert from the old software to the new Munis software. To facilitate the process, staff sought expertise of a Project Manager to assist the City in meeting budgets, schedules, work plans, and performance requirements. The contract proposes a two-year contract with an option to extend one-year. City staff does not have the full expertise or capacity to perform this work in-house. The consultant has the expertise necessary for this specialized project.

Recommendation: Adopt the resolution authorizing the City Manager to execute a contract with Steven Carmichael for the services of Project Manager of the Enterprise Resource Planning (ERP) implementation.

C. AWARD OF CONTRACT TO INNOVATIVE CLAIM SOLUTIONS FOR WORKERS COMPENSATION THIRD PARTY ADMINISTRATOR SERVICES. (Assistant City Manager)

In April 2015, the City of Benicia prepared and released a Request for Proposal (RFP) for workers compensation third party administrator services. The City has historically contracted out for such services, as City staff has neither the expertise nor capacity to administer the City's workers compensation claims. Upon completion of the RFP process, staff is recommending award of the contract for these services to Innovative Claim Solutions (ICS). The City has been utilizing ICS over the last several years and has been very satisfied with their services. Their fee proposal was competitive with the other firms that bid on the City's RFP.

Recommendation: Adopt the resolution approving the contract with Innovative Claim Solution (ICS) for workers compensation third party administrator services and authorize the City Manager to execute an agreement.

D. UPDATE ON EMERGENCY CONTRACTS FOR CLOCK TOWER ELEVATOR REPLACEMENT. (Parks and Community Services Director)

An early July, 2015 inspection identified defects beyond repair and indicated the need to remove the elevator from operation immediately. A number of weddings and other large events are scheduled at the Clock Tower through fall. Therefore, staff have entered into contracts in order to provide temporary alternate access to the second floor of the Clock Tower that meets Americans with Disabilities standards and to purchase and install the permanent replacement elevator. Provided is an update on the status of both the temporary and permanent replacement elevators.

Recommendation: Review the report and affirm by a 4/5 vote that continued emergency contracting by the City Manager is necessary to provide temporary ADA access and to purchase and install a permanent replacement elevator and associated improvements at the historic Clock Tower.

E. APPROVAL OF AMENDMENT TO AGREEMENT FOR CONTINUED STAFF AUGMENTATION FOR THE PUBLIC WORKS DEPARTMENT. (Public Works Director)

The Amendment to Agreement will provide for continuing the Contract Assistant Public Works Director position while the recruitment for the permanent Assistant Public Works Director is completed and it also will provide for reassigning the contract position to a Contract Senior Civil Engineer through the end of 2015. The consultant has the expertise necessary to fill this role on an interim basis. City staff does not have the capacity to perform this work in-house.

Recommendation: Adopt a resolution approving an Amendment to Agreement for continued staff augmentation services for the Public Works Department with Pakpour Consulting Group, Inc. for a not-to-exceed cost of \$66,960 and authorizing the City Manager to sign the Amendment to Agreement on behalf of the City.

F. APPROVAL OF THE 2014 UPDATE OF THE BENICIA SEWER SYSTEM MANAGEMENT PLAN. (Public Works Director)

All publicly-owned wastewater utilities are required by the state to develop and implement a Sewer System Management Plan (SSMP). The SSMP formalizes

procedures for proper management, operation and maintenance of all parts of the sanitary sewer system to help reduce and prevent sanitary sewer overflows. SSMPs are to be updated every five years and then recertified by the governing board. This action approves the 2014 updates to the City's SSMP.

Recommendation: Adopt a resolution approving the 2014 update of the Benicia Sewer System Management Plan in accordance with the requirements of the State and Regional Water Quality Control Boards.

G. RESPONSE TO 2014-2015 GRAND JURY REPORT "FIRE PROTECTION: COMMUNICATION CONSOLIDATION". (Fire Chief)

The 2014-2015 Grand Jury investigated the feasibility of consolidating Solano County fire agency resources. The Grand Jury issued a report of their findings and associated recommendations to which the City of Benicia needs to respond in writing under the State Law. The City Council must first approve the response.

Recommendation: Approve, by motion, the response to the 2014-2015 Grand Jury Report entitled "Fire Protection: Communication Consolidation."

H. SECOND READING AND ADOPTION OF AN ORDINANCE AMENDING THE CITY OF BENICIA MUNICIPAL CODE TO PROVIDE AN EXPEDITED STREAMLINED PERMITTING PROCESS FOR SMALL RESIDENTIAL ROOFTOP SOLAR SYSTEMS. (Community Development Director)

Adoption of this amendment to the Benicia Municipal Code Title 8 will bring the City into compliance with AB 2188, which mandates that local jurisdictions adopt a streamlined expedited permitting process for small residential rooftop solar energy systems on or before September 30, 2015. The first reading of this amendment occurred on August 18, 2015.

Recommendation: Conduct a second reading and adopt an amendment to add a new chapter 15.40 to the Benicia Municipal Code Title 8 (Buildings and Construction).

I. ALL-WAY STOP SIGN WARRANT UPDATE TO INCLUDE ASSESSMENT OF GREENHOUSE GAS (GHG) EMISSIONS. (Public Works Director)

According to the 2010 Greenhouse Gas (GHG) Inventory Update (a survey of all sources of emission in Benicia), transportation is the second largest contributor to GHG emissions, representing 44% of community-wide emissions. One way to reduce emissions is to address the efficiency of the trips made within the City.

Each year, the CAP Coordinator develops a list of priority strategies for implementation. In March 2014, the CAP Coordinator presented her 2014-15 Work Plan to the Community Sustainability Commission (CSC) that included Strategy T2.4 Traffic Signal and Stop Sign Optimization. Strategy 2.4: Traffic Signal and Stop Sign Optimization focuses on minimizing stop signs on uphill approaches to intersections thereby reducing GHG emissions. Staff proposes the All-Way Stop Sign Warrants be modified to include an assessment of GHG emissions resulting from the installation or removal of stop signs. These warrants will be applied throughout the City as part of a stop sign assessment to develop a baseline value for GHG emissions. Following the assessment, recommendations will be made regarding the placement of stop signs throughout the City, particularly on uphill street approaches where GHG emissions are the greatest.

Recommendation: Adopt a resolution updating the City of Benicia All-Way Stop Sign Warrants to include assessment of greenhouse gas (GHG) emissions associated with installing or removing stop signs.

J. MONTHLY WATER UPDATE. (Public Works Director)

Benicia's state-mandated water conservation target is 20%. Benicia already is ahead of state-mandated targets thanks to the community's water conservation efforts. Benicia has reduced its water use by 29.8% in the last 12 months compared to the 2013 baseline. In June, Benicia's water conservation rate was 36.2%, compared to the statewide average of 27.3%. In July, Benicia's water use was reduced by 36.8% compared to July 2013. The Wastewater Treatment Plant has recognized a 7% reduction in discharge over the past five months and this is a direct reflection of indoor water conservation by the community. The water reductions of all Benicia water customers are acknowledged and appreciated.

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

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

VIII. BUSINESS ITEMS (7:45 PM):

**A. WORK PLAN TO EVALUATE BENICIA MILLS ACT PROGRAM.
(Community Development Director)**

In 2003, Council approved the City of Benicia Mills Act Program and assigned initial review and recommendation of Mills Act Contract applications to the Historic Preservation Review Commission (Resolution No. 03-12). At their April 21, 2015 meeting, City Council directed staff to provide a work plan for

potentially updating the City's Mills Act program.

Recommendation: Review proposed work plan and give staff direction on evaluating the City of Benicia Mills Act Program.

IX. ADJOURNMENT (9:00 PM):

Public Participation

The Benicia City Council welcomes public participation.

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

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

Disabled Access or Special Needs

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

Meeting Procedures

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

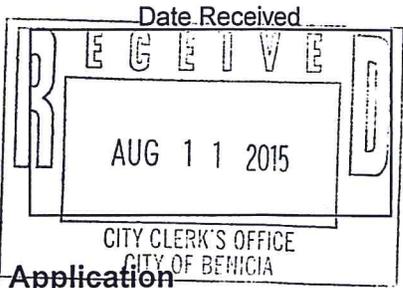
Pursuant to Government Code Section 65009, if you challenge a decision of the City Council in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to, the public hearing. You may also be limited

by the ninety (90) day statute of limitations in which to challenge in court certain administrative decisions and orders (Code of Civil Procedure 1094.6) to file and serve a petition for administrative writ of mandate challenging any final City decisions regarding planning or zoning.

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

Public Records

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



City of Benicia Board/Commission/Committee Application

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

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

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

Name: Lionel Largaespada

Address: _____

Phone: (Work) _____ (Home) _____

(Cell) _____ Fax: _____

Email: _____ Years as Benicia resident: ¹⁰ _____

Occupation/Employer: Director of Marketing/F3 & Associates

Please note your most recent community or civic volunteer experience: _____
The majority of my volunteering experience has involved supporting the students and teachers at Matthew Turner Elementary as well as the children and coaches at Benicia Youth Soccer and

Please describe any applicable experience/training: _____
I am an accomplished marketing professional and client services specialist with 20 years of experience executing large scale campaigns for corporate clients and strategic marketing

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

Signature: Lionel Largaespada Date: 8/10/15



Economic Development Board Application

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

1. What interests you about this Board? Have you attended a meeting within the last six months?

I want to work with our town council, city staff, municipal partners, local businesses and volunteers who share my passion for Benicia to develop and implement economic development activities that will attract new businesses and assist existing business with expansion. The gains provided by additional revenues from incremental as well as organic economic growth will improve our local infrastructure, parks, schools, library and emergency services. In lieu of attending EDB meetings, I read the minutes online to remain apprised of the group's initiatives and progress.

2. Participation on the Board involves monthly meetings on the 3rd Wednesday at 5:30 at City Hall, as well as reading the packet distributed in advance. Do you have any concerns with this commitment?

I eagerly accept this commitment.

3. Are you the employee or owner of a Benicia business? If so, please describe the business and your role?

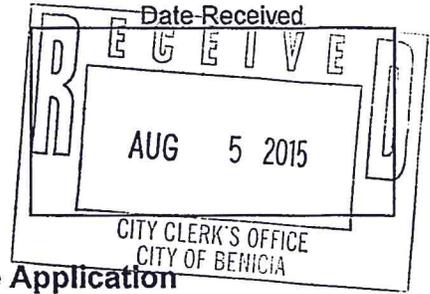
I am an employee of Benicia-based F3 & Associates. F3 is an award winning professional services firm providing data capture for large scale construction and engineering purposes. Our services includes traditional land surveying, 3D laser scanning, point cloud modeling and 3D prints for architects, engineers and contractors. I am the Director of Marketing at F3, responsible for brand strategy, corporate communications and sales operations.

4. Given the adopted economic development goals in the City's General Plan (available online at the Community Development Department webpage on www.ci.benicia.ca.us), and Economic Development Strategy (available online at www.BeniciaBusiness.com) which do you feel the EDB should focus on, and why?

Given my review of Benicia's General Plan, I recommend the EDB focus of the following initiatives:

- Lower development fees;
- Provide incentives to lower commercial rent downtown; and
- Expand the availability of unique tax incentive programs for qualified businesses.

In summary, the focus should be to provide the necessary incentives to make business expansion or relocation to Benicia a reality for global companies in the areas of manufacturing, service businesses such as high technology, pharmaceuticals and call centers. The additional



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

Name: MARTIN JONES

Address: _____

Phone: (Work) 707.580.0506 (Home) _____

(Cell) _____ Fax: _____

Email: _____ years as Benicia resident: 30

Occupation/Employer: SALES MGMT / FASTENCO

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

NA

Please describe any applicable experience/training: 13+ YEARS

OF NEW BUSINESS DEVELOPMENT

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

Signature: [Handwritten Signature] Date: 8/5/15



Economic Development Board Application

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

1. What interests you about this Board? Have you attended a meeting within the last six months?

AS A BUSINESS MANAGER W/ LONG TERM PLANS FOR GROWTH WITHIN BENICIA I WOULD LIKE TO BE MORE INVOLVED W/ ECONOMIC DEVELOPMENT. NO

2. Participation on the Board involves monthly meetings on the 3rd Wednesday at 5:30 at City Hall, as well as reading the packet distributed in advance. Do you have any concerns with this commitment?

NONE

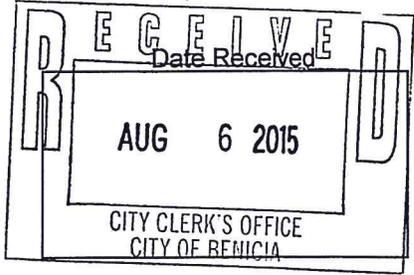
3. Are you the employee or owner of a Benicia business? If so, please describe the business and your role?

YES. I MANAGE SALES & P&L FOR THE FASTENAL LOCATION IN BENICIA @ 5466 GATEWAY PLAZA DR.

4. Given the adopted economic development goals in the City's General Plan (available online at the Community Development Department webpage on www.ci.benicia.ca.us), and Economic Development Strategy (available online at www.BeniciaBusiness.com) which do you feel the EDB should focus on, and why?

LOOKING AT THE SERVICES PROVIDED I BELIEVE THE (BUSINESS RESOURCE INCENTIVE PROGRAM) BUSINESS INCENTIVES & WORKFORCE INFORMATION AND ASSISTANCE WOULD BE THE MOST BENEFICIAL TO

Page 2 of 2 FOCUS ON .



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- Open Government Commission
- Parks, Recreation & Cemetery Commission
- Planning Commission
- Sustainability Commission
- Sky Valley Open Space Committee
- Uniform Code Board of Appeals

N/A
8-11-
8/18

Name: Steven Sillen

Address: _____

Phone: (Work) _____ (Home) _____

(Cell) _____ Fax: _____

Email: _____ Years as Benicia resident: ^{one} _____

Occupation/Employer: Retired

Please note your most recent community or civic volunteer experience: ^{coached} _____

soccer and basketball, two vallejo chamber of commerces, two Solano Grand Jury ^{es}

Please describe any applicable experience/training: ^{Have an MBA in Finance and} _____

Marketing from Pepperdine, Finance Director for Divisions of E.D.S. and Hertz

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

Signature: Steven Sillen Date: 8-6-15



Economic Development Board Application

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

1. What interests you about this Board? Have you attended a meeting within the last six months?

I think with my skill set I have a lot to contribute to this board

2. Participation on the Board involves monthly meetings on the 3rd Wednesday at 5:30 at City Hall, as well as reading the packet distributed in advance. Do you have any concerns with this commitment?

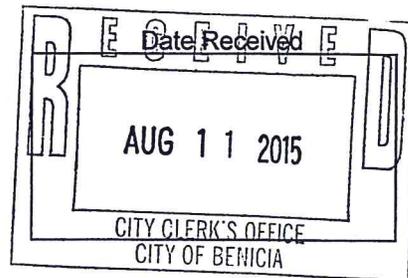
None

3. Are you the employee or owner of a Benicia business? If so, please describe the business and your role?

I am not

4. Given the adopted economic development goals in the City's General Plan (available online at the Community Development Department webpage on www.ci.benicia.ca.us), and Economic Development Strategy (available online at www.BeniciaBusiness.com) which do you feel the EDB should focus on, and why?

I would concentrate on improving tourism and attracting varied businesses both downtown and in the industrial park



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

Name: Penny Nichols Stell

Address: _____

Phone: (Work) _____ (Home) _____

(Cell) _____ Fax: _____

Email: _____ Years as Benicia resident: 13 yrs.

Occupation/Employer: Schruma Fine Papers etc.

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

Deaf Hope, Tourism Board 2 yrs, BYC, Fashion show

Please describe any applicable experience/training: Regional mgr for 24 stores

Asst Bd BYC, Deaf Hope

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Signature: [Handwritten Signature]

Date: 8/10/15

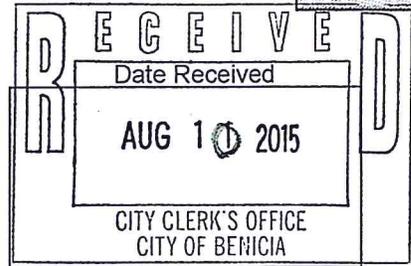


Economic Development Board Application

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

1. What interests you about this Board? Have you attended a meeting within the last six months?
No I have not attended meeting
I care about Benicia staying relevant and a town that is viable. want to be more involved in town. It was suggested to me
2. Participation on the Board involves monthly meetings on the 3rd Wednesday at 5:30 at City Hall, as well as reading the packet distributed in advance. Do you have any concerns with this commitment?
None
3. Are you the employee or owner of a Benicia business? If so, please describe the business and your role?
No I am not
4. Given the adopted economic development goals in the City's General Plan (available online at the Community Development Department webpage on www.ci.benicia.ca.us), and Economic Development Strategy (available online at www.BeniciaBusiness.com) which do you feel the EDB should focus on, and why?

Business growth
Historic character
Promote town and special events
Value small town
Main Street Retail Development



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- Open Government Commission
- Parks, Recreation & Cemetery Commission
- Planning Commission
- Sustainability Commission
- Sky Valley Open Space Committee
- Uniform Code Board of Appeals

Name: Joshua S. Wilson

Address: _____

Phone: (Work) _____ (Home) _____

(Cell) _____ Fax: _____

Email: _____ Years as Benicia resident: 12

Occupation/Employer: Ameriprise Financial Advisor

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

None

Please describe any applicable experience/training: _____

15 years as a financial advisor, own my own practice for 13 years, Series 7 & Series 66, Business degree

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Signature: [Handwritten Signature] Date: 8/10/2015



Finance, Audit & Budget Committee Supplemental Application

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

1. What interests you about serving on the Finance, Audit & Budget Committee? Please describe your familiarity with the Committee.

I feel it is time to become involved in the city of Benicia and this would allow me to use my budgeting/finance qualifications in a positive way. As an informed citizen I try and stay current by reading the minutes that are posted online.

2. Please list current and past volunteer positions.

Just a little league coach but I have never been involved with any city business. This would be my first.

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

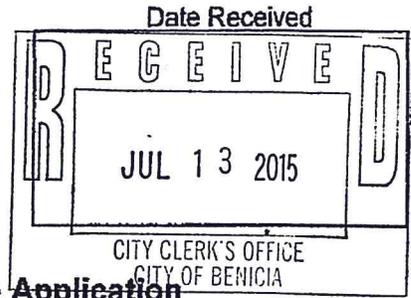
Yes, as a business owner for over 13 years I understand the importance of time management. In addition, my position allows me to make my own schedule and make changes that may be necessary.

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

Become a trusted and valuable member of the committee.

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

My family and I purchased a home in Benicia back in 2003 and we fell in love with the small town charm. Now that we are raising a small family here, I want to make sure that we have a sound budget and are appropriating our limited dollars wisely.



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- Human Services & Arts Board
- Open Government Commission
- Parks, Recreation & Cemetery Commission
- Planning Commission
- Sky Valley Open Space Committee

Name: ALAN NADRI'TCH

Address: _____

Phone: (Work) _____ (Home) SAME

(Cell) _____

Is a resident: 27

Occupation/Employer: RETIRED

Please note your most recent community or civic volunteer experience:

I'VE BEEN ON FINANCE COMMITTEE FOR ONE YEAR.

Please describe any applicable experience/training:

I WAS A TEACHER IN THE ADULT LITERACY.

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

Signature: [Signature] Date: 7.10.15



Finance Committee Supplemental Application

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

1. What interests you about serving on the Finance Committee? Please describe your familiarity with the Committee.

I WISH TO MAKE A FURTHER CONTRIBUTION TO THE CITY. I AM FAMILIAR WITH THE COMMITTEE'S MEMBERS + GOALS.
2. Please list current and past volunteer positions.

AS NOTED ABOVE I TAUGHT IN THE LIBRARY'S . ADULT LITERARY PROGRAM.
3. Participation on this Committee involves supporting the Finance Committee in a number of venues. These include: attending monthly Finance Committee meetings and sometimes appearing at City Council meetings. Do you feel you have the time and commitment to be a viable member of this committee?

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

SECURE THE CITY'S GENERAL FUND REVENUE RECEIPTS + RESERVES.
5. Is there anything else you would like to share with us regarding your qualifications and/or interests?

I VOLUNTEERED FOR THE COMMITTEE'S BANKING REVIEW



PROCLAMATION

IN RECOGNITION OF

International Literacy Day September 8, 2015

WHEREAS, the United Nations' International Literacy Day is celebrated each year on September 8 to raise people's awareness of and concern for literacy issues in the world; and

WHEREAS, the theme of this year's celebration is "*Literacy and Sustainable Societies*"; and

WHEREAS, literacy is a key driver for sustainable development, with literacy skills being a prerequisite for a broader set of skills, attitudes and values required for creating sustainable societies; and

WHEREAS, education and literacy are central to an effort to improve the lives of all people, to guarantee their basic human rights, and to strengthen the capabilities of individuals, families and communities; and

WHEREAS, the Benicia Public Library's Adult Literacy & English as a Second Language (ESL) Program trains volunteers to provide literacy instruction to participating adults; and

WHEREAS, in Benicia, International Literacy Day will be celebrated throughout the month at the Benicia Public Library.

NOW, THEREFORE, BE IT RESOLVED THAT I, Elizabeth Patterson, Mayor of the City of Benicia and on behalf of the City Council, do hereby proclaim September 8, 2015 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, and 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, 2015



PROCLAMATION

IN RECOGNITION OF

2015 Suicide Prevention Week

September 7-13, 2015

WHEREAS, suicide is the 10th leading cause of death in the United States and the 2nd leading cause of death among individuals between the ages of 15 to 34; and

WHEREAS, the Center for Disease Control and Prevention (CDC) indicates that over one million adults reported making a suicide attempt in the past year. In the U.S., one person completes suicide every 12.8 minutes resulting in 41,149 suicides in 2013; and

WHEREAS, latest statistics provided by the 2013-14 California Healthy Kids Survey indicates that Benicia High School has a higher suicide ideation rate of 21-22%; compared to the National suicidal ideation rate of 16%; and

WHEREAS, there was one suicide completion of a 16 year old adolescent in the City of Benicia in 2014, which not only directly impacted numerous family members, but also friends, loved ones, and by extension the whole community; and

WHEREAS, the Solano County Suicide Prevention Committee, Solano County Office of Education, Solano County Behavioral Health, Fairfield-Suisun Unified School District, Children's Nurturing Project, and A Better Way, Inc. have partnered to coordinate the distribution of a National Suicide Prevention Week School Toolkit to middle and high schools across Solano County; and

WHEREAS, over 90% of people who die by suicide have a diagnosable and treatable mental illness. The stigma associated with mental illness and suicidality works against suicide prevention by discouraging persons at risk for suicide from seeking life-saving help and further traumatizes survivors of suicide; and

WHEREAS, suicide is largely preventable with the right actions and knowledge about suicide, and with a change in society's view of suicide, which would make it more acceptable to seek help.

NOW, THEREFORE, BE IT RESOLVED THAT I, Elizabeth Patterson, Mayor of the City of Benicia and on behalf of the City Council, do hereby proclaim September 7-13, 2015 as "National Suicide Prevention Week" in Benicia.

Elizabeth Patterson, Mayor
September 1, 2015



RESOLUTION NO. 15-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA CONFIRMING THE MAYOR'S APPOINTMENT OF VICKI POTTS TO THE HUMAN SERVICES BOARD TO FILL AN UNEXPIRED TERM ENDING JULY 31, 2018

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Benicia that the appointment of Vicki Potts to the Human Services Board 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 2015 and adopted by the following vote:

Ayes:

Noes:

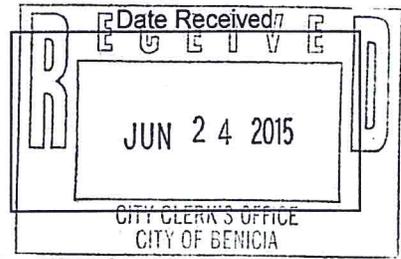
Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk

Date



City of Benicia Board/Commission/Committee Application

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

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

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

Name: VICKI POTTS (AKA MARY V.)

Address: _____

Phone: (Work) 3- _____ (Home) _____

(Cell) _____ Fax: _____

Email: _____ 3 years as Benicia resident: 3

Occupation/Employer: MCCONNELL GROUP (I AM A CONTRACTOR @ TRAVIS AFB)

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

LAST 40 YEARS FOR TURN ON TO AMERICA - CONTRA COSTA CHARITY (T.O.T.A.)

I HAVE DONE A VARIETY OF THINGS. SFAIDS WALK FOR 13 YEARS (VOLUNT)

VOLUNTEER FOR TOTA. WORKING W/ HOMELESS AND REFUGEES AS A NURSE

I AM A LONG TIME NURSE, WAS AT ONE POINT. FIRST AID + TRIAGE NURSE

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

Signature: Mary Potts Date: 17 June 2015

FOR
BERKELEY
HHS@
BERKELEY
HIGH
SCHOOL?



Human Services Board Application

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

1. What interests you about this Board? Have you attended a Human Services Board meeting? If so, when?

No I have not attended a board meeting. I have been looking for a volunteering experience since moving to Benicia.

2. Participation on this Board involves annual visits to an assigned grantee and attending outreach events, as well as review of grantee quarterly reports. Do you feel you have the time and commitment to be a viable member of this Board?

It depends on how much time I do have a job.

3. Is there a particular segment of human services and/or arts that interests you more than others?

Caring for people, assisting them in getting their goals, I love working with teens.

4. Why do you think human services needs to play a lead role in fortifying the quality of life in Benicia? Do you see an area of human services that needs to be expanded at this point?

I think there are enough people in Benicia that could use a hand. I don't even know what Benicia offers but I would like to find out.

RESOLUTION NO. 15-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA CONFIRMING THE MAYOR'S APPOINTMENT OF BRANDON GREENE TO THE OPEN GOVERNMENT COMMISSION TO FILL AN UNEXPIRED TERM ENDING JULY 31, 2017

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Benicia that the appointment of Brandon Greene to the Open Government Commission by Mayor Patterson is hereby confirmed.

The above Resolution was approved by roll call by the City Council of the City of Benicia at a regular meeting of said Council held on the 1st day of September 2015 and adopted by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk

Date



R E C E I V E	Print Form
	Date Received JUN 29 2015
	CITY CLERK'S OFFICE CITY OF BENICIA

City of Benicia Board/Commission/Committee Application

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

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

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

Name: Brandon Greene

Address: _____

Phone: (Work) : _____ (Home) : _____

(Cell) _____ Fax: _____

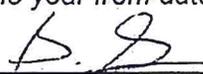
Email: _____ Years as Benicia resident: 1

Occupation/Employer: Attorney/Campaign Manager ColorOfChange.org

Please note your most recent community or civic volunteer experience: _____
Diversity Chair - Candidates Advisory Board for Launch Progress. Diversity Vice-Chair - American Bar Association Young Lawyers Division

Please describe any applicable experience/training: _____
I am an attorney who has worked on issues of open government within the civil rights context in the areas of education and transportation.

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

Signature:  Date: 6/29/15



Open Government Commission Application

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

1. What interests you about the Opening Government Commission?
What interests me about the Opening Government Commission is working to ensure that our local government functions in a transparent and efficient fashion that is easy for citizens to navigate. I have seen first hand how it can sometimes be hard citizens to fully participate in the issues of importance to them and when this happens the whole community suffers. As a resident, I would like to do my part in helping our city government and community work together.

2. What are your expectations for this Commission and how do you see your role on the Commission?
My expectations of this Commission is that I and my fellow Commission members will work to ensure that the City agencies have easy to understand processes in place. In addition, we will be tasked with offering trainings on how to properly implement the relevant regulation and in offering guidance on ways that such implementation can be improved - if necessary.

I see my role as be one member of a body that is working to bring government and its citizens closer together by ensuring that policies and procedures are carried out in a way that is transparent, reliable, and beneficial to all interested parties.

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

RESOLUTION NO. 15-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA CONFIRMING THE MAYOR'S APPOINTMENT OF TREVOR MACENSKI TO THE SOLTRANS PUBLIC ADVISORY COMMITTEE FOR A THREE YEAR TERM ENDING JANUARY 31, 2018

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Benicia that the appointment of Trevor Macenski to the SolTrans Public Advisory 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 2015 and adopted by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk

Date

Date Received

[Empty box for Date Received]



City of Benicia Board/Commission/Committee Application

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

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

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

Name: TREVOR MACENSU

Address: _____

Phone: (Work) _____ (Home) _____

(Cell) _____ Fax: _____

Email: _____ years as Benicia resident: 2+

Occupation/Employer: PRINCIPAL CONSULTANT, STANTEC

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

I CURRENTLY SERVE ON THE CITY OF BENICIA'S APPC.

Please describe any applicable experience/training: I HAVE WORKED ON

PERMITTING FOR MULTIPLE TRANSPORTATION PROJECTS

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

Signature: [Handwritten Signature] Date: 7/9/2015

RESOLUTION NO. 15-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA CONFIRMING THE MAYOR'S APPOINTMENT OF TERRY SCOTT TO THE ARTS AND CULTURE COMMISSION TO FILL AN UNEXPIRED TERM ENDING JULY 31, 2017

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Benicia that the appointment of Terry Scott to the Arts and Culture Commission by Mayor Patterson is hereby confirmed.

The above Resolution was approved by roll call by the City Council of the City of Benicia at a regular meeting of said Council held on the 1st day of September 2015 and adopted by the following vote:

Ayes:

Noes:

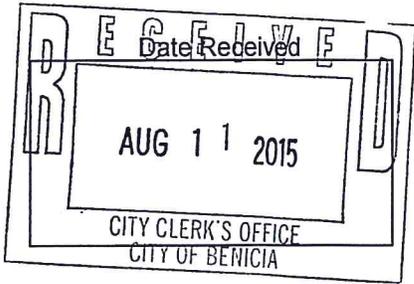
Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk

Date



City of Benicia Board/Commission/Committee Application

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

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

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

8/11 5:30 p.m.

Name: TERRY A. SCOTT

Address: _____

Phone: (Work) _____ (Home) _____

(Cell) _____ Fax: _____

Email: _____ Years as Benicia resident: 3

Occupation/Employer: SELF

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

Please describe any applicable experience/training: Fine Arts Degree, 20

years AS GLOBAL HEAD HASBRO, INC Creative SVS + 17 years

ADV Agency Creative Leadership

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

Signature: [Signature] Date: 8/10/2015



Arts and Culture Commission Application

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

1. What interests you about this Commission?
Spent A LIFE TIME WORKING IN CREATIVE AND ARTS WORLD. WOULD LIKE TO CONTRIBUTE TO EXPANDING AND ENHANCING ARTS + CULTURE OPPORTUNITIES
2. Please describe any background or experience you may have in the arts ^{IN BENICIA} (e.g., visual arts, cultural and/or performing arts, etc.)?
 - MANAGED 2ND LARGEST VIDEO PRODUCTION FACILITY ON EAST COAST
 - MANAGE 275 GLOBAL CREATIVE TEAM FOR GRAPHIC DEVELOPMENT AND COORDINATE WITH HOLLYWOOD MOVIE STUDIOS FOR VISUAL SUPPORT
 - MANAGED + OWNED A TOP 100 AD AGENCY
3. Are you currently on any other City boards or commissions, and/or on the board of other organized arts or cultural groups? (The ordinance establishing this commission indicates that members shall not be on other city boards or commissions or a board member of other organized arts or cultural groups.)
NO
4. How do you see the Arts and Culture Commission supporting arts and culture in the Benicia community?
 - CLOSER TIES TO ARTS BENICIA
 - OPEN UP COMMISSIONS ROLE TO PROVIDE A PLATFORM FOR LOCAL ARTISTS TO PARTICIPATE. GET MORE PEOPLE INVOLVED.



“STATE OF THE PAVEMENT”

City of Benicia Council Meeting

September 1, 2015

Benicia's Street Network

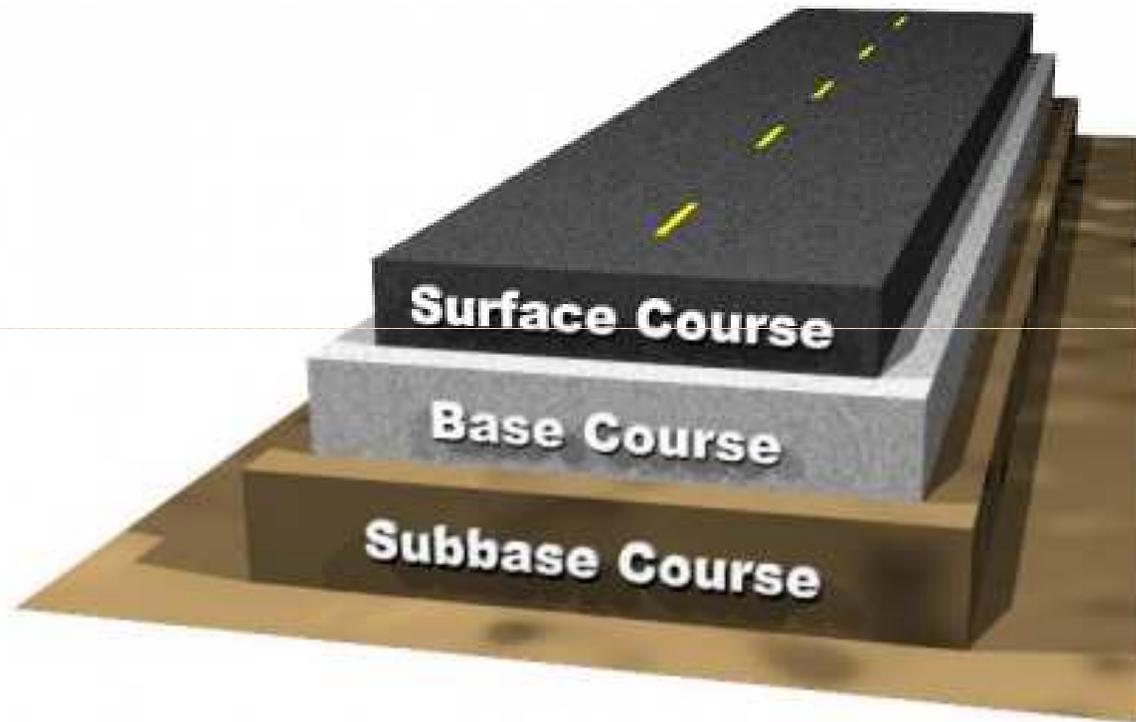
- 95.63 centerline miles
- Estimated value of \$111.5 million roadway network

FUNCTIONAL CLASS	TOTAL CENTERLINE MILES
Arterial	19.02
Collector	15.26
Residential	61.35
Total	95.63

MTC's StreetSaver® Software

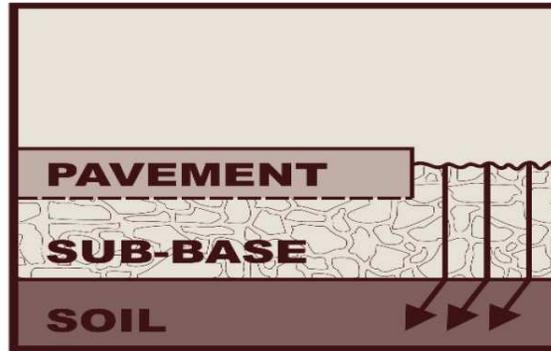
- Help make cost-effective repair decisions on street pavements
- Answers four main questions:
 - What does Benicia have in the street network?
 - What condition is it in?
 - What repairs are needed and when?
 - How much money is required to maintain or improve streets cost-effectively?

Typical Pavement Section

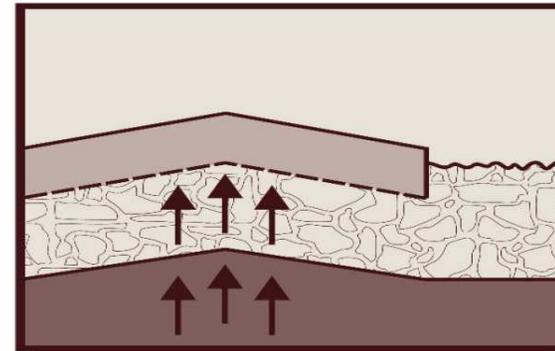


Birth of a pothole

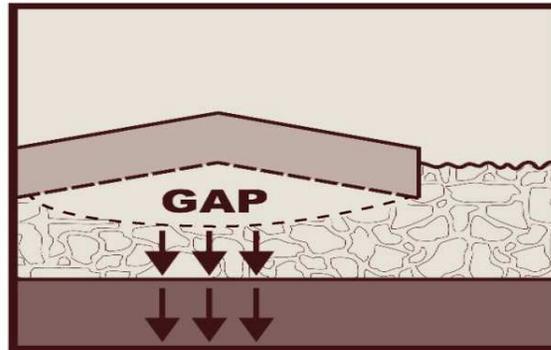
BIRTH OF A POTHOLE



Potholes begin after rain or snow seeps into cracks and down into the soil below the road surface. The soil turns into mud and with no support, a hole can form under the pavement.



Repeated freezing and thawing or heavy traffic causes the ground to expand, pushing the pavement up.



As temperatures rise, the ground returns to a normal level but the pavement often remains raised. This creates a gap, or hollow space between the pavement and the ground below it.



When vehicles drive over this cavity, the pavement surface cracks and falls into the hollow space, leading to the birth of another pothole.

Courtesy of Michigan Department of Transportation.

Reporting of Pothole

- Request Partner (www.ci.benicia.ca.us)
- Call Corporation Yard @ 707-746-4296
- Email Maintenance Superintendent @ Nrankin@ci.benicia.ca.us

Keeping the Surface Sealed with Crack Sealing (up to \$1.90 LF)



Keeping the Surface Sealed with Slurry Seal (up to \$2.35/SY)



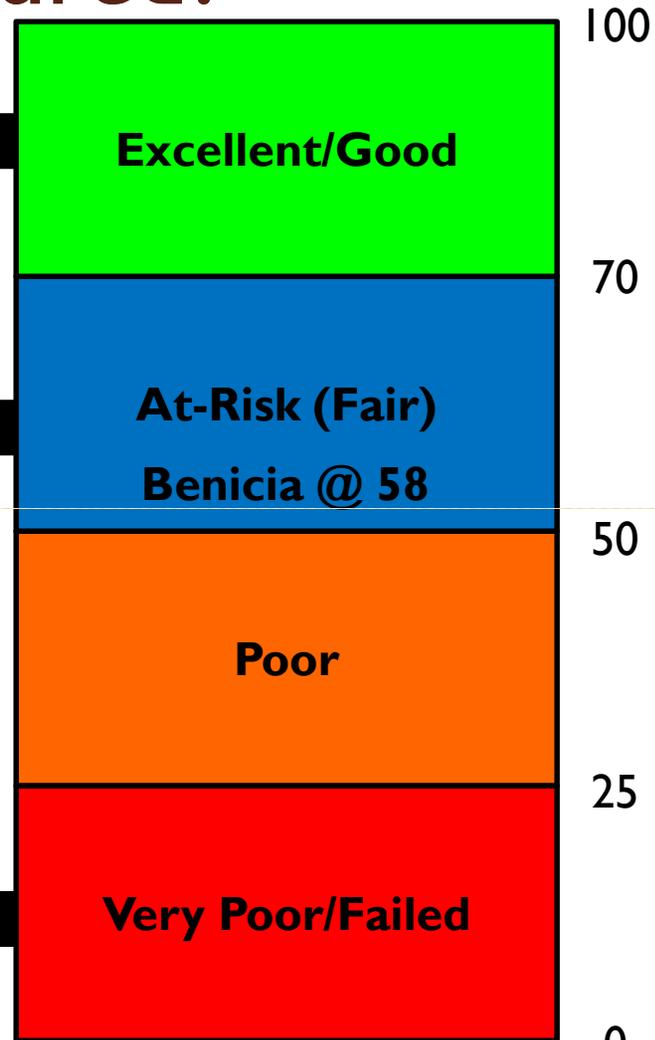
Pavement Overlay (up to 47.50/SY)



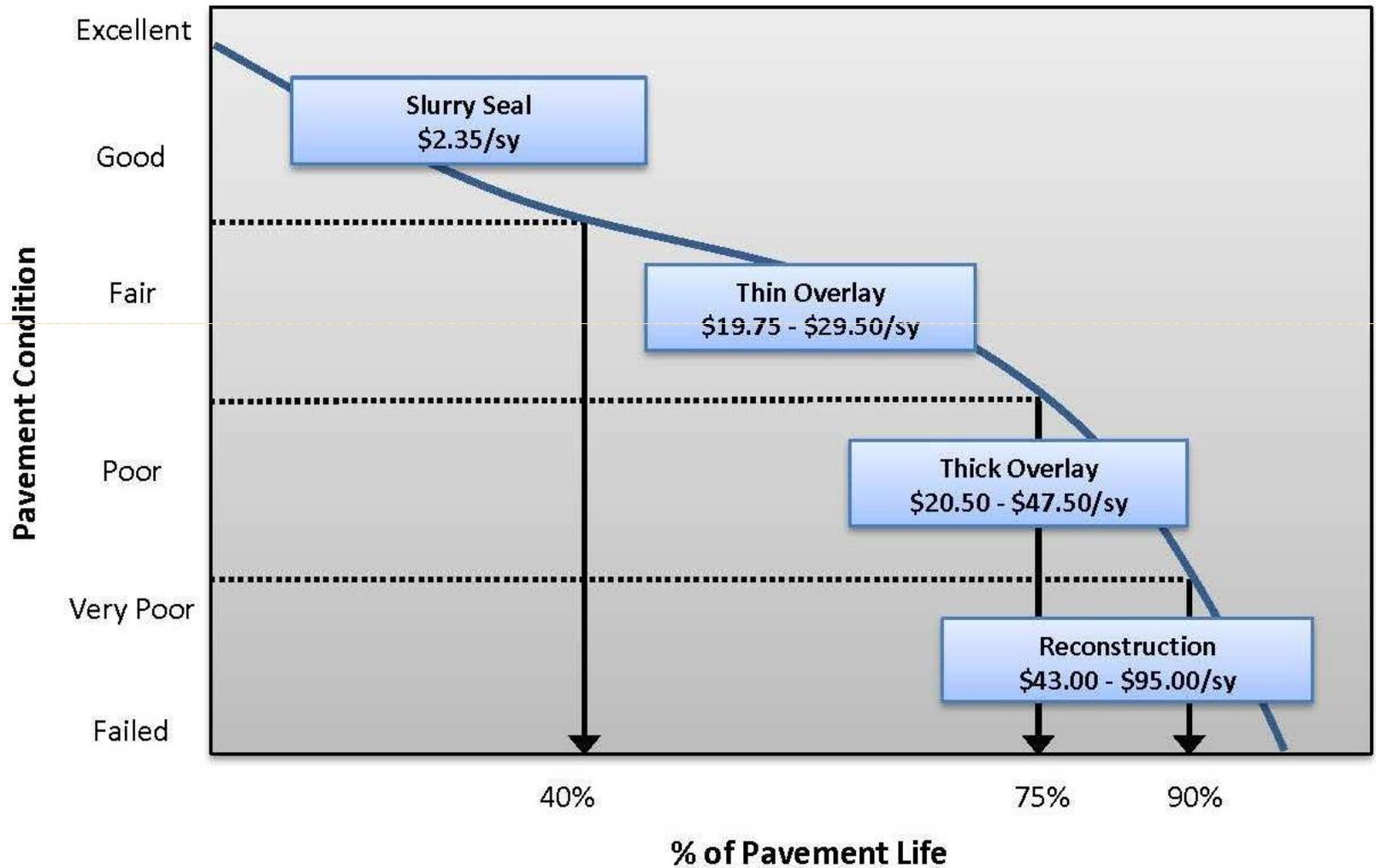
Pavement Reconstruction (up to \$95/SY)



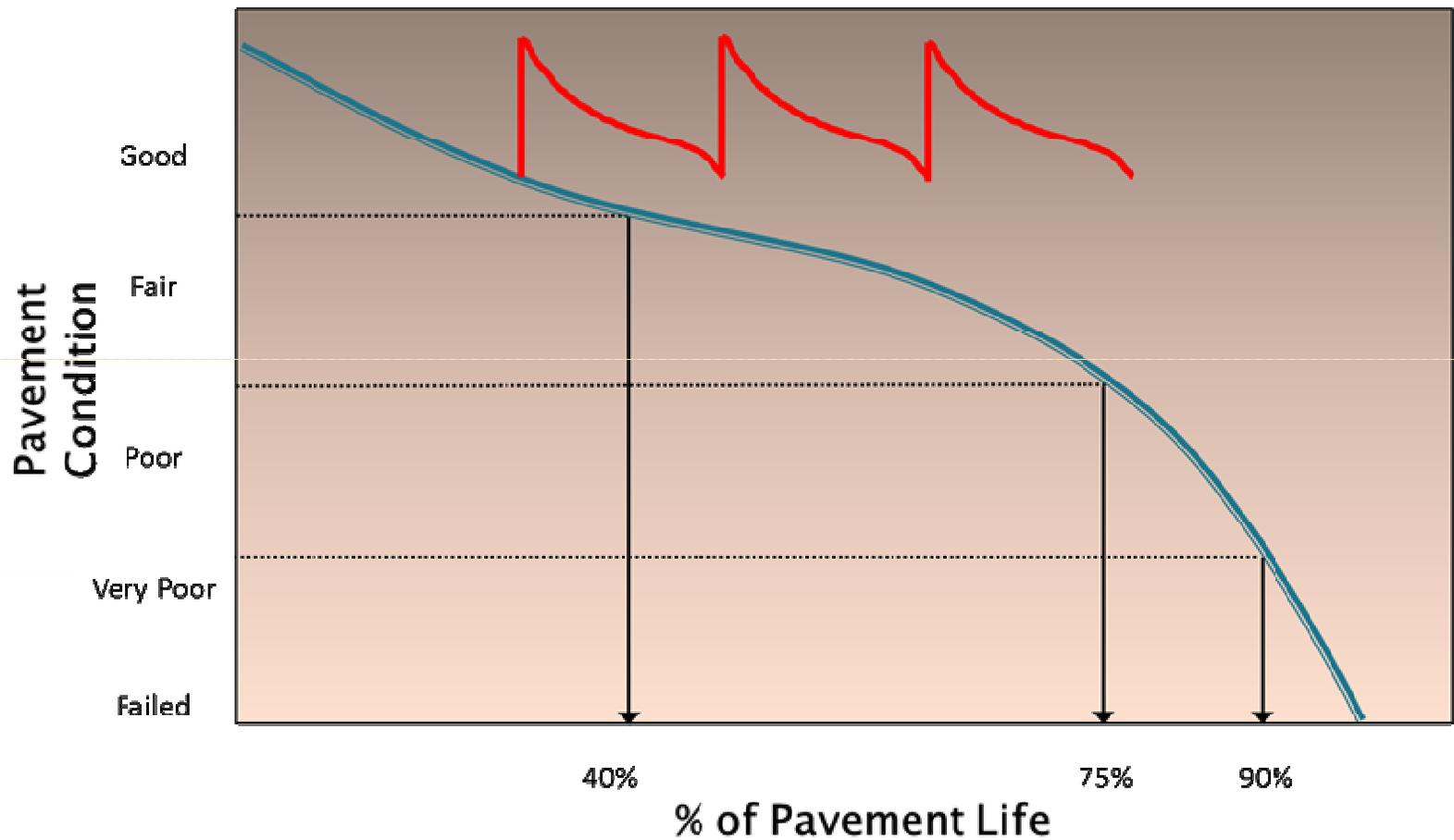
How is the condition measured?



Cost of Maintaining Pavements over Time



Curve with Slurry Seal



Cost Effective Approach

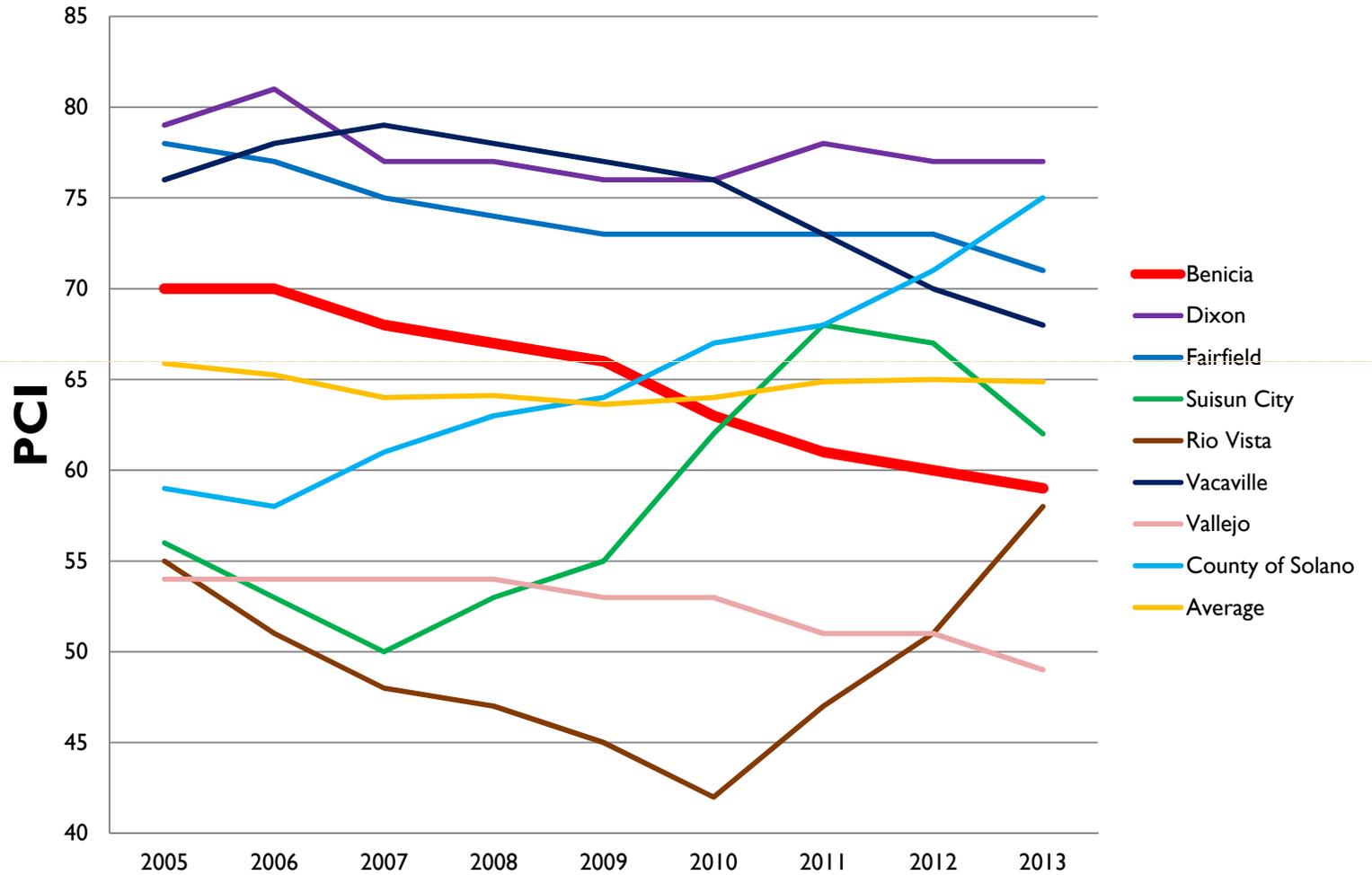
- Keep water out of road base with crack sealing
- It is most cost effective to maintain good streets in good condition with slurry seal
- A large investment in streets sooner than later is the most cost effective investment
- Use economy of scale with overlays and slurry seals every other year

How does Benicia compare to other cities in Solano County?

Year	Benicia	Dixon	Fairfield	Suisun City	Rio Vista	Vacaville	Vallejo	Solano County	Average
2005	70	79	78	56	55	76	54	59	65.9
2006	68	81	78	53	51	78	54	58	65.3
2007	68	77	77	50	48	79	54	61	64.0
2008	67	77	75	53	47	78	54	63	63.8
2009	66	76	73	55	45	77	53	64	63.6
2010	63	76	73	62	42	76	53	67	64.0
2011	61	78	73	68	47	73	51	68	64.9
2012	60	77	73	67	51	70	51	71	65.0
2013	59	77	71	62	58	68	49	75	64.9

Benicia moved from fourth in 2005 to sixth in 2013 out of eight agencies

How does Benicia compare to other cities in the county?



Last Five Year Expenditures in Benicia – Average of \$700,000 / year

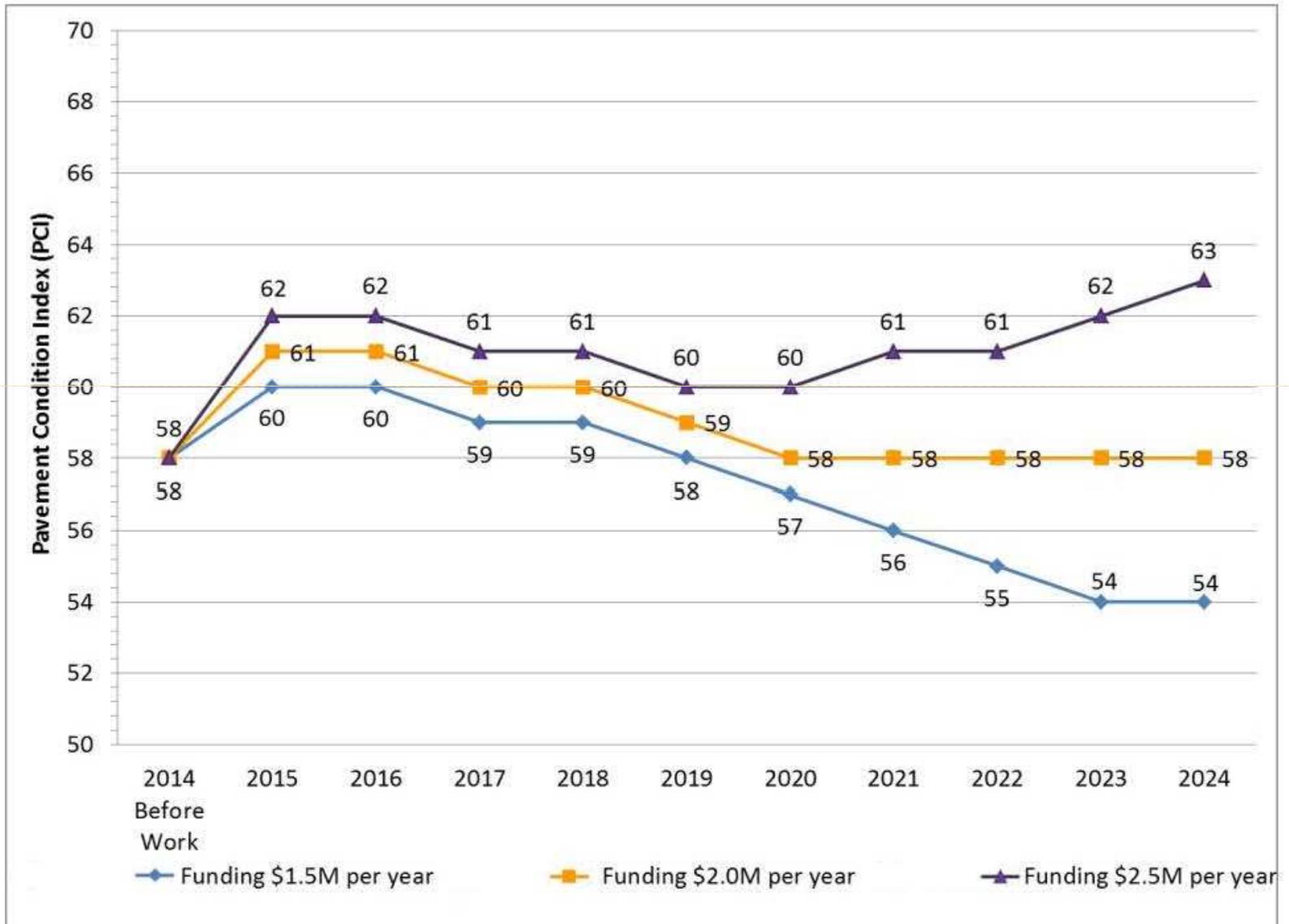
	FY10	FY11	FY12	FY13	FY14
Expenditures	\$537,000	\$500,000	\$1,085,000	\$780,000	\$599,000
PCI	63	61	60	59	58

PCI in 2005 was 70

Funding Scenarios in StreetSaver® for Next 10 years

- Funding \$1.5 million per year
- Funding \$2.0 million per year
- Funding \$2.5 millions per year
- Funding \$48 million over 10 years and “front loaded” with most of funding in early years

Annual Pavement Condition Index



Needs Analysis:

PCI Treated = \$47.9 in 10 years

PCI Untreated = \$0 in 10 years

Year	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	Total
Needs (\$Millions)	19.8	5.0	6.9	4.8	4.3	2.4	0.9	0.1	0.9	2.8	47.9
PCI Treated	79	79	81	82	83	83	82	81	81	83	--
Needs (\$Millions)	0	0	0	0	0	0	0	0	0	0	0
PCI Untreated	58	55	53	51	49	46	44	42	40	38	--

Funding Scenarios in StreetSaver® for Next 10 years

- No Funding: PCI = 38
- Funding \$1.5 million per year: PCI = 54
- Funding \$2.0 million per year: PCI = 58
- Funding \$2.5 millions per year: PCI = 63
- Funding \$4.8 millions per year: PCI = 83
- Every \$1 million per year increases the average annual PCI by 10 in 10 years

Budget Recommendation

- **FY 2015/16**
 1. Crack sealing (General Fund)
 2. 250 Pothole Repairs (Measure C)
 3. Southampton Road (Measure C)
 4. Park Road (Regional Measure 2)
- **FY 2016/17**
 1. Crack sealing (General Fund)
 2. Slurry Seal 20 miles of streets (Gas Tax)
 3. Industrial Way (Measure C)



Question?

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

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

I. CALL TO ORDER:

Mayor Patterson called the Closed Session to order at 6:30 p.m.

All Council Members were present.

II. CLOSED SESSION:

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

Number of potential cases: Five (5)

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

Agency negotiators: City Manager, Assistant City Manager and
Senior HR Analyst

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

III. CONVENE OPEN SESSION:

A. ROLL CALL

All Council Members were present.

B. PLEDGE OF ALLEGIANCE

Don Wilson led the Pledge of Allegiance.

C. REFERENCE TO THE FUNDAMENTAL RIGHTS OF PUBLIC

IV. ANNOUNCEMENTS/PROCLAMATIONS/ APPOINTMENTS/PRESENTATIONS:

A. ANNOUNCEMENTS

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

Heather McLaughlin, City Attorney, reported the following actions taken during Closed Session:

II.A - Council gave direction to Staff.

II.B - Council gave direction to Staff.

2. Openings on Boards and Commissions:

Arts & Culture Commission

1 unexpired term

Application due date: July 31, 2015

Civil Service Commission

1 full term

Application due date: July 31, 2015

Community Sustainability Commission

1 unexpired term

Application due date: July 31, 2015

Economic Development Board

2 unexpired term

2 full terms

Application due date: July 31, 2015

Finance Committee

1 unexpired term

1 full term

Application due date: July 31, 2015

Human Services Board

1 unexpired term

Application due date: July 31, 2015

SoITrans Public Advisory Committee

1 full term

Application due date: July 31, 2015

Open Government Commission

1 unexpired term

Application due date: July 31, 2015

3. Mayor's Office Hours:

4. Benicia Arsenal Update

Update from City Attorney

Heather McLaughlin, City Attorney, stated there was nothing new to report.

B. PROCLAMATIONS

1. IN RECOGNITION OF NATIONAL NIGHT OUT - AUGUST 4, 2015

C. APPOINTMENTS

D. PRESENTATIONS

1. PRESENTATION OF ECO-AWARDS

2. QUARTERLY WATER UPDATE

V. ADOPTION OF AGENDA:

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

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

VI. OPPORTUNITY FOR PUBLIC COMMENT:

A. WRITTEN COMMENT

Two items received (copies on file).

B. PUBLIC COMMENT

1. Duane Wyler - Mr. Wyler spoke in support of the Valero Crude by Rail project.
2. Donna Beth Weilenman- Ms. Weilenman discussed the Benicia Herald and its history in the City. She asked citizens to read the paper and use it for advertisements when needed.
3. Don Wilson, Plant Manager, Valero Refinery - Mr. Wilson introduced himself to Council, Staff, and the public.

VII. CONSENT CALENDAR:

Council pulled item VII.D for discussion.

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

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

- A. APPROVAL OF THE MINUTES OF THE JULY 7, 2015 CITY COUNCIL MEETING**
- B. AWARD OF CONSTRUCTION CONTRACT FOR THE BENICIA INDUSTRIAL PARK BUS HUB PROJECT**

RESOLUTION 15-75 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA ACCEPTING BIDS FOR JUNE 23, 2015 BID OPENING FOR THE BENICIA INDUSTRIAL PARK BUS HUB PROJECT, AWARDING THE CONSTRUCTION CONTRACT TO GRADE TECH, INC. IN THE AMOUNT OF \$1,434,991.00, AUTHORIZING THE CITY MANAGER TO SIGN THE CONTRACT AND ANY CHANGE ORDERS UP TO THE BUDGET AMOUNT ON BEHALF OF THE CITY

- C. DENIAL OF CLAIM AGAINST THE CITY BY RICHARD MATLE AND JILLENE ORR AND REFERRAL TO INSURANCE CARRIER**
- D. SECOND READING AND ADOPTION OF AN AMENDMENT TO CHAPTER 6.32 (ANIMAL KEEPING) OF THE BENICIA MUNICIPAL CODE TO ALLOW BEEKEEPING IN THE CITY OF BENICIA, AFTER A DETERMINATION THAT THE TEXT AMENDMENT IS EXEMPT FROM CEQA**

ORDINANCE 15-4 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BENICIA REPEALING SECTION 6.32.060 (BEE KEEPING) AND ADDING CHAPTER 6.33 (BEEKEEPING) OF TITLE 6 (ANIMAL KEEPING) OF THE BENICIA MUNICIPAL CODE ESTABLISHING STANDARDS AND PERMIT REQUIREMENTS FOR HONEYBEE MANAGEMENT WITHIN THE CITY OF BENICIA

Public Comment:

1. Jeff Brooner - Mr. Brooner spoke in opposition to the proposed ordinance. He discussed concerns regarding beekeeping in residential neighborhoods.

2. Bob Surrat - Mr. Surrat discussed concerns regarding the City's ability to monitor and enforce the code.

On motion of Council Member Strawbridge, seconded by Council Member Hughes, Council adopted Ordinance 15-4, on roll call by the following vote:

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

- E. **SECOND READING AND ADOPTION OF AN ORDINANCE FOR AN AMENDMENT TO TITLE 8 HEALTH AND SAFETY TO REDUCE THE PERMITTED HOURS OF CONSTRUCTION IN THE CITY OF BENICIA, AFTER DETERMINING THAT THE PROJECT IS EXEMPT FROM CEQA**

ORDINANCE 15-3 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BENICIA AMENDING SECTION 8.20.150 (CONSTRUCTION OF BUILDINGS AND PROJECTS) OF CHAPTER 8.20 (NOISE REGULATIONS) OF TITLE 8 (HEALTH AND SAFETY) OF THE BENICIA MUNICIPAL CODE TO REDUCE THE HOURS OF CONSTRUCTION FOR RESIDENTIAL DISTRICTS, DOWNTOWN MIXED-USE DISTRICTS, AND AREAS WITHIN 500 FEET OF A RESIDENTIAL ZONE OR DOWNTOWN MIXED-USE DISTRICT

- F. **EMERGENCY CONTRACTS FOR CLOCK TOWER ELEVATOR REPLACEMENT**

RESOLUTION 15-76 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA DELEGATING AUTHORITY TO THE CITY MANAGER TO DIRECT THE PURCHASE AND INSTALLATION OF A REPLACEMENT ELEVATOR AND ASSOCIATED IMPROVEMENTS AT THE CLOCK TOWER IN THE AMOUNT OF \$229,900 ALLOCATED FROM THE GENERAL FUND

RESOLUTION 15-77 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA AUTHORIZING THE RENTAL AND INSTALLATION OF A TEMPORARY ELEVATOR AND ASSOCIATED IMPROVEMENTS AT THE CLOCK TOWER IN THE AMOUNT OF \$71,232 ALLOCATED FROM THE GENERAL FUND

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

VIII. BUSINESS ITEMS:

A. DROUGHT SURCHARGE UPDATE

Karin Schnaider, Finance Director, reviewed the staff report.

Mayor Patterson and Staff discussed the issue of the surcharge being volumetric, the issue of true-ups, fixed costs, ongoing conservation efforts (and the impacts of those costs), and water stewardship.

Council Member Campbell and Staff discussed what happens when the drought is over, and when the City would stop the surcharge.

Mayor Patterson requested Staff use units that the public could understand when preparing the staff reports. Staff confirmed that they were using the same units of measure that are listed on the water bills so as not to confuse the public.

Public Comment:

None

B. REQUEST FOR PROPOSALS FOR WATER METER REPLACEMENT PROGRAM

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

Council Member Schwartzman and Staff discussed the timing of the equipment installation, the typical lifespan of the proposed meters (15 years or a million gallons), the total cost (approximately \$5 million), and how long it would take the City to recoup the cost.

Vice Mayor Hughes and Staff discussed other cities that had transitioned to the proposed meters, and the basis for concluding the meters were responsible for the unaccounted water as opposed to leaks.

Council Member Campbell and Staff discussed the proposed cost of the project, how the City would pay for the meter replacement, and the need for more concrete numbers regarding how long it would take to recoup the cost.

Public Comment:

1. Greg Artrell - Mr. Artrell spoke in support of the proposed project. He discussed the challenges of finding whether the problems are caused by unmetered water or leaks. He encouraged Staff to look for grants to help pay for the project.

Mayor Patterson and Staff discussed the issue of grants, and sub meters for the

landscape areas of commercial sites.

Vice Mayor Hughes and Staff discussed the issues of increased revenue once the new meters are installed.

Council Member Strawbridge and Staff discussed the recent Grand Jury report on cities not being able to track water, doing a meter replacement program throughout Solano County (quantity driving down the cost of the meters), and being able to take advantage of a county grant program.

Mayor Patterson and Staff discussed what financing mechanisms other cities had used for similar projects, and concern regarding the consultant's lack of experience with water districts in the Bay Area.

Mayor Patterson suggested tweaking the request for proposal (RFP) to make sure we are sending signals to the firms that we are looking for financing mechanisms that go beyond just a loan. There could be financing mechanisms that tie in with some other things that we have going on in the City with energy conservation, etc. She provided some language earlier today that might convey that. If there is general agreement that the financing mechanism that we are asking for in the RFP - that there be a more detailed description of the choices that might be considered for financing the project. We are asking them to consider that. She wanted to emphasize that there should be more of a discussion about what the possibilities are to encourage some creative thinking.

Karin Schnaider, Finance Director, clarified that this was mainly to get the RFP out. There will be a request for quotes (RFQ) specifically for financing once we get the RFP back. At that time we can ask for these vendors and other vendors to provide optional funding like the Mayor was asking for. This is not quite the mechanism for financing. It is just to allow the RFP's to say yes, we provide funding, so that when we send out an RFQ, it will go out to everyone, and anyone will be allowed to respond with RFQ's for financing once we approve the scope of the project.

Mayor Patterson discussed the difference between planners and finance people. All she was looking for were some kinds of approaches that we have used for financing. She was not looking for an actual finance plan. Ideas – what do they have experience in, what are they thinking about, what's out there, what is cutting edge, etc.

Brad Kilger, City Manager, clarified that Staff wanted to make sure that when the companies are giving us options on financing, they are looking beyond tradition and seeing if there are innovative ways that can help us achieve our goals and possibly save money.

Mayor Patterson said there might be a tie-in with some of the City's energy conservation programs. So, if Staff can just do that for the RFP. She asked if there needed to be a vote on this issue.

Mr. Kilger confirmed Staff would need to get Council's consensus.

Council Member Hughes stated he was very comfortable with the way Mr. Kilger just phrased it - fairly general.

Mayor Patterson stated that without objection, there would be very general language that we are looking for what the City Manager said.

Mayor Patterson stated this would be a minute action confirming Council's concurrence with the proposed RFP for the water meter replacement program.

Heather McLaughlin, City Attorney, clarified that Council did not need to vote on this item. The action was only to review and concur, and it looked like all Council Members concurred.

Mayor Patterson stated that there was no objection to the concurrence with the proposed RFP, modified as directed to Staff.

C. Council Member Committee Reports:

- 1. Mayor's Committee Meeting.(Mayor Patterson) Next Meeting Date: September 16, 2015**
- 2. Association of Bay Area Governments (ABAG) <http://www.abag.ca.gov/>. (Vice Mayor Hughes and Council Member Schwartzman) Next Meeting Date: TBD**
- 3. Finance Committee. (Vice Mayor Hughes and Council Member Strawbridge) Next Meeting Date: July 23, 2015**
- 4. League of California Cities. (Mayor Patterson and Vice Mayor Hughes) Next Meeting Date: July 29, 2015**
- 5. School Liaison Committee. (Vice Mayor Hughes and Council Members Strawbridge) Next Meeting Date: September 3, 2015**
- 6. Sky Valley Open Space Committee. (Vice Mayor Hughes and Council Member Campbell) Next Meeting Date: TBD**
- 7. Solano EDC Board of Directors. (Vice Mayor Hughes and Council Member Strawbridge) Next Meeting Date: September 10, 2015**
- 8. Solano Transportation Authority (STA). <http://www.sta.ca.gov/> (Mayor Patterson and Council Member Campbell) Next Meeting Date: September 9, 2015**

9. **Solano Water Authority-Solano County Water Agency and Delta Committee. <http://www.scwa2.com/> (Mayor Patterson, Vice Mayor Hughes and Council Member Campbell) Next Meeting Date: August 13, 2015**
10. **Traffic, Pedestrian and Bicycle Safety Committee. (Vice Mayor Hughes and Council Member Strawbridge) Next Meeting Date: July 16, 2015**
11. **Tri-City and County Cooperative Planning Group. (Vice Mayor Hughes and Council Member Schwartzman) Next Meeting Date: July 27, 2015**
12. **Valero Community Advisory Panel (CAP). (Council Member Campbell and Council Member Schwartzman) Next Meeting Date: TBD**
13. **Youth Action Coalition. (Vice Mayor Hughes and Council Member Strawbridge) Next Meeting Date: August 26, 2015**
14. **ABAG-CAL FED Task Force-Bay Area Water Forum. <http://www.baywaterforum.org/> (Mayor Patterson) Next Meeting Date: TBD**
15. **SOLTRANS Joint Powers Authority. (Mayor Patterson, Vice Mayor Hughes and Council Member Campbell) Next Meeting Date: September 17, 2015**
16. **Marin Clean Energy (MCE). (Council Member Schwartzman and Council Member Strawbridge) Next Meeting: August 20, 2015**

IX. ADJOURNMENT:

Mayor Patterson adjourned the meeting at 9:30 p.m.

MINUTES OF THE
REGULAR MEETING – CITY COUNCIL
August 18, 2015

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

I. CALL TO ORDER:

Mayor Patterson called the Closed Session to order at 6:30 p.m.

All Council Members were present.

II. CLOSED SESSION:

- A. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**
Significant exposure to litigation pursuant to subdivision (b) of
Section 54956.9
Number of potential cases: #1 (one)

III. CONVENE OPEN SESSION:

A. ROLL CALL

All Council Members were present.

B. PLEDGE OF ALLEGIANCE

Steve Goetz led the Pledge of Allegiance.

C. REFERENCE TO THE FUNDAMENTAL RIGHTS OF PUBLIC

IV. ANNOUNCEMENTS/PROCLAMATIONS/ APPOINTMENTS/PRESENTATIONS:

A. ANNOUNCEMENTS

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

Heather McLaughlin, City Attorney, reported there was no action taken during Closed Session.

- 2. Openings on Boards and Commissions:**

We are currently in the process of interviewing for Board and

Commission recommendations for appointment.

3. Boards and Commissions - Council Subcommittee Recommendations:

Subcommittee recommendation to Mayor of Vicki Potts to the Human Services Board for an unexpired term ending July 31, 2018

Subcommittee recommendation to Mayor of Brandon Greene to the Open Government Commission for an unexpired term ending July 31, 2017

Subcommittee recommendation to the Mayor of Trevor Macenski to the SolTrans Public Advisory Committee for an unexpired term ending January 31, 2018

Subcommittee recommendation to Mayor of Terry Scott to the Arts and Culture Commission for an unexpired term ending July 31, 2017

4. Mayor's Office Hours:

Mayor Patterson noted that she would be at a conference next Monday and would not be in her office.

5. Benicia Arsenal Update

Update from City Attorney

Heather McLaughlin, City Attorney reported that Staff had been busy coming up with plans of work for both properties, and Staff was hoping to have a facilitated meeting with the property owners and their crews later in September.

B. PROCLAMATIONS

1. IN RECOGNITION OF BENICIA RELAY FOR LIFE 2015

C. APPOINTMENTS

D. PRESENTATIONS

1. SOFITCITY PRESENTATION BY O. JOHNSON

2. PRESENTATION ON THE ARTS AND ECONOMIC PROSPERITY V SURVEY

V. ADOPTION OF AGENDA:

Anne Cardwell, Assistant City Manager, clarified that the correct name for the Valero Improvement Project (VIP) account was the Valero/GNSC Fund.

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

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

VI. OPPORTUNITY FOR PUBLIC COMMENT:

A. WRITTEN COMMENT

B. PUBLIC COMMENT

1. Steve Goetz – Mr. Goetz discussed the Benicia Tree Foundation.
2. Gene Pedrotti, owner of Pedrotti Ace Hardware – Mr. Pedrotti discussed his plans to close the Trailer Park on East 5th Street, and withdrew his plan to close the park. He pledged a \$100,000 commitment to the Community Action Council (CAC).
3. Nancy Lund – Ms. Lund discussed the Benicia Bicycle Club's upcoming event "Bridge to Bridge." Marilyn Bardet - Ms. Bardet discussed a disturbing advertisement she read in Benicia Magazine regarding Valero Refinery. It inferred that the Valero Crude by Rail project was approved.
4. Dan Smith – Mr. Smith discussed various changes to some changes in the SolTrans services.
5. Elizabeth du'Huart, Benicia Historical Museum – Ms. du'Huart discussed upcoming events at the Benicia Historical Museum.

VII. CONSENT CALENDAR:

Council pulled Items VII.A and VII.I for discussion.

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

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

A. PROPERTY ASSESSED CLEAN ENERGY (PACE) PROGRAMS AND COLLABORATIVE SERVICES AGREEMENT

RESOLUTION 15-80 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA, CALIFORNIA CONSENTING TO INCLUSION OF PROPERTIES WITHIN THE CITY'S JURISDICTION IN THE CALIFORNIA HOME FINANCE AUTHORITY COMMUNITY FACILITIES DISTRICT NO. 2014-1 (CLEAN ENERGY) TO FINANCE RENEWABLE ENERGY IMPROVEMENTS, ENERGY EFFICIENCY AND WATER CONSERVATION IMPROVEMENTS AND ELECTRIC VEHICLE CHARGING INFRASTRUCTURE AND APPROVING ASSOCIATE MEMBERSHIP IN THE JOINT EXERCISE OF POWERS AUTHORITY RELATED THERETO

RESOLUTION 15-81 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA, CALIFORNIA, CONSENTING TO INCLUSION OF PROPERTIES WITHIN THE CITY'S JURISDICTION IN THE CALIFORNIA HOME FINANCE AUTHORITY, PROGRAM TO FINANCE RENEWABLE ENERGY GENERATION, ENERGY AND WATER EFFICIENCY IMPROVEMENTS AND ELECTRIC VEHICLE CHARGING INFRASTRUCTURE AND APPROVING ASSOCIATE MEMBERSHIP IN THE JOINT EXERCISE OF POWERS AUTHORITY RELATED THERETO

RESOLUTION 15-82 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA, CALIFORNIA, APPROVING ASSOCIATE MEMBERSHIP BY THE CITY IN THE CALIFORNIA ENTERPRISE DEVELOPMENT AUTHORITY; AUTHORIZING AND DIRECTING THE EXECUTION OF AN ASSOCIATE MEMBERSHIP AGREEMENT RELATING TO ASSOCIATE MEMBERSHIP OF THE CITY IN THE AUTHORITY; AUTHORIZING THE CITY TO JOIN THE FIGTREE PACE PROGRAM; AUTHORIZING THE CALIFORNIA ENTERPRISE DEVELOPMENT AUTHORITY TO CONDUCT CONTRACTUAL ASSESSMENT PROCEEDINGS AND LEVY CONTRACTUAL ASSESSMENTS WITHIN THE TERRITORY OF THE CITY OF BENICIA; AND AUTHORIZING RELATED ACTIONS

RESOLUTION 15-83 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA CONSENTING TO THE INCLUSION OF PROPERTIES WITHIN THE TERRITORY OF THE CITY IN THE CSCDA OPEN PACE PROGRAMS; AUTHORIZING THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY TO ACCEPT APPLICATIONS FROM PROPERTY OWNERS, CONDUCT CONTRACTUAL ASSESSMENT PROCEEDINGS AND LEVY CONTRACTUAL ASSESSMENTS WITHIN THE TERRITORY OF THE CITY; AND AUTHORIZING RELATED ACTIONS

Council Member Schwartzman discussed the PACE program and issues and consequences surrounding it. He discussed SB 555, which allows an extension of melow roos. He requested feedback from Staff on the issue.

Christina Ratcliffe, Community Development Director, agreed with Council Member Schwartzman. 555 gives people more options.

Alex Porteshawver, Climate Action Plan Coordinator and Emily Goodwin, Ygrene Energy Fund, discussed Fannie & Freddy loans. There were no issues with FHFA using SB555 in her company, which has been in business since 2005.

Vice Mayor Hughes requested more layman terms in what Council Member Schwartzman was asking about.

Council Member Campbell discussed his own solar panels. He used HERO. He asked Staff to explain how to use PACE.

Ms. Porteshawver recommended checking the website or outreach/educational services.

Mayor Patterson stated that she was impressed with City Staff for moving forward on programs like these.

Oriana from the HERO program discussed Council Member Schwartzman's questions regarding consumer protection.

Council Member Strawbridge and Staff discussed how many residents had taken advantage of the HERO program. HERO had 37 approved and 19 projects completed. The City is adding more programs to create competition in hopes to drive down interest rates.

Public Comment:

None

On motion of Council Member Schwartzman, seconded by Council Member Strawbridge, Council adopted Resolution 15-80, on roll call by the following vote:

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

On motion of Council Member Strawbridge, seconded by Council Member Schwartzman, Council adopted Resolution 15-81, on roll call by the following vote:

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

On motion of Council Member Strawbridge, seconded by Council Member Schwartzman, Council adopted Resolution 15-82, on roll call by the following vote:

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

On motion of Council Member Strawbridge, seconded by Council Member Schwartzman, Council adopted Resolution 15-83, on roll call by the following vote:

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

B. ACCEPTANCE OF WATER TREATMENT PLANT PLC REPLACEMENT PROJECT

RESOLUTION 15-78 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA ACCEPTING THE WATER TREATMENT PLANT PLC REPLACEMENT PROJECT AS COMPLETE, INCLUDING CHANGE ORDER NOS. 1 AND 2, AUTHORIZING THE CITY MANAGER TO SIGN THE NOTICE OF COMPLETION, AND AUTHORIZING THE CITY CLERK TO FILE SAME WITH THE SOLANO COUNTY RECORDER

C. FIRST READING OF AN ORDINANCE AMENDING THE CITY OF BENICIA MUNICIPAL CODE TO PROVIDE AN EXPEDITED, STREAMLINED PERMITTING PROCESS FOR SMALL RESIDENTIAL ROOFTOP SOLAR SYSTEMS

ORDINANCE 15- - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BENICIA ADDING A NEW CHAPTER 15.40 TO TITLE 15 (BUILDINGS AND CONSTRUCTION) OF THE BENICIA MUNICIPAL CODE TO PROVIDE AN EXPEDITED, STREAMLINED PERMITTING PROCESS FOR SMALL RESIDENTIAL ROOFTOP SOLAR SYSTEMS

D. ACCEPT THE CALIFORNIA LIBRARY LITERACY SERVICES (CLLS) AWARD FOR 2015/16 AND AUTHORIZE THE LIBRARY DIRECTOR TO SIGN ANY NECESSARY DOCUMENTS TO SECURE LITERACY GRANT FUNDING

RESOLUTION 15-79 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA AUTHORIZING SUBMITTAL OF AN APPLICATION FOR A CALIFORNIA LIBRARY LITERACY SERVICE MATCHING FUNDS GRANT FOR FISCAL YEAR 2015/16 AND AUTHORIZING THE APPROPRIATION OF FUNDS FOR THE LIBRARY'S STATE FUNDED LITERACY ACCOUNT

E. DENIAL OF CLAIM AGAINST THE CITY BY MELISSA INGLE, EVA INGLE & EMILY INGLE, HEIRS TO ARLEN INGLE

F. DENIAL OF CLAIM AGAINST THE CITY BY GAIL RAMSEY AND

REFERRAL TO INSURANCE CARRIER

- G. DENIAL OF CLAIM AGAINST THE CITY BY SUNSET VILLAS HOA AND REFERRAL TO INSURANCE CARRIER**
- H. SECOND READING AND ADOPTION OF AN AMENDMENT TO THE ARTS AND CULTURE COMMISSION'S ORDINANCE CHANGING TIME, FREQUENCY, AND LOCATION OF MEETINGS**

ORDINANCE 15-5 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BENICIA AMENDING CHAPTER 2.104 (ARTS AND CULTURE COMMISSION) OF DIVISION 2 (BOARD AND COMMISSIONS) OF TITLE 2 (ADMINISTRATION AND PERSONNEL) OF THE BENICIA MUNICIPAL CODE BY REVISING SECTION 2.104.040 TO AMEND THE COMMISSION'S MEETING TIME AND PLACE

- I. CLOCK TOWER TEMPORARY AND REPLACEMENT ELEVATOR UPDATE**

Council Member Campbell and Staff discussed where the funds for the repairs would come from.

Public Comment:

None

On motion of Council Member Hughes, seconded by Council Member Strawbridge, Council received the Clock Tower temporary and replacement elevator update, on roll call by the following vote:

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

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

VIII. BUSINESS ITEMS:

- A. VALERO IMPROVEMENT PROJECT (VIP) ACCOUNT COMMUNITY SUSTAINABILITY COMMISSION GRANT FUNDING RECOMMENDATIONS**

RESOLUTION 15-84 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING ALLOCATIONS FROM THE VIP ACCOUNT, AND AUTHORIZING THE CITY MANAGER TO EXECUTE GRANT AGREEMENTS

Council Member Hughes and Staff discussed programs that have water use reductions. Staff pointed out that the numbers on VIII.A.4.were incorrect, which partly answered Council Member Hughes' question.

Sharon Maher, Chair, Community Sustainability Commission (CSC), discussed how the Commission scored the applications. She Compared WattzOn and Water Smart.

Vice Mayor Hughes and Staff discussed the settlement agreement language. How could a program be ranked number one and have no water savings at all (Solar).

Ms. Maher explained the Committee's decision to rank Solar higher than water. Reducing greenhouse gases eventually leads to water savings.

Council Member Campbell thought Council had previously agreed to spend VIP money on energy efficiency programs. Water wasn't the only priority.

Vice Mayor Hughes explained that he was reading into the language of the Settlement Agreement.

Council Member Schwartzman discussed the importance of the City getting the "biggest bang for your buck" out of these programs.

Mayor Patterson discussed the need to respect the CSC's work and concern for Council's suggestions to move things around.

Council Member Strawbridge and Mario Giuliani, Economic Development Director, discussed the BRIP Program. Mr. Giuliani explained that the Economic Development Department didn't apply because they already received a generous portion of the funds.

Council Member Campbell and Mayor Patterson discussed the Turf and Water Smart. programs

Mayor Patterson explained how successful the Turf Replacement Program has been in Benicia for water conservation.

Brad Kilger, City Manager, asked that Council give the CSC guidance if they're asked to move things around, as they need to be clear about the Council's expectations.

Public Comment:

1. Dana Dean - Ms. Dean discussed the point that 'priority shall be given to water reduction.'
2. Marilyn Bardet – Ms. Bardet discussed how the decision-making process works and the balance that is needed.

On motion of Vice Mayor Campbell, seconded by Council Member Schwartzman, Council adopted Resolution 15-84, on roll call by the following vote:

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

B. APPROVAL OF CONTRACT WITH MICHAEL BAKER INTERNATIONAL (FORMERLY PMC) FOR CLIMATE ACTION PLAN (CAP) IMPLEMENTATION AND MONITORING SERVICES

Public Comment:

1. Marilyn Bardet – Ms. Bardet spoke in favor of Alex Porteshawver, and losing her would hurt the City because she is able to set us up for years to come and has institutional knowledge.
2. Sharon Maher, CSC – Ms. Maher agreed with Ms. Bardet and agrees that other Cities were looking at Benicia.

On motion of Council Member Hughes, seconded by Council Member Strawbridge, Council approved, by motion, the contract with Michael Baker International (Formerly PMC) for Climate Action Plan (CAP) implementation and monitoring services, on roll call by the following vote:

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

C. APPROVAL OF AGREEMENT WITH BROWN AND CALDWELL FOR ENGINEERING SERVICES FOR A FEASIBILITY STUDY FOR THE BENICIA WATER REUSE PROJECT

RESOLUTION 15-85 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING A CONSULTANT AGREEMENT WITH BROWN AND CALDWELL FOR ENGINEERING SERVICES RELATED TO THE WATER REUSE PROJECT FOR A NOT-TO-EXCEED COST OF \$662,543 AUTHORIZING THE CITY MANAGER TO SIGN THE AGREEMENT ON BEHALF OF THE CITY AND APPROPRIATING \$814,043 OF WASTEWATER CAPACITY FEE FUNDS

Graham Wadsworth, Public Works Director, and Dan Jackson, Water Quality Supervisor, reviewed the staff report.

Council Member Campbell discussed questions about the steps of water treatment. Is the City doing all these extra steps for raw, non-drinking water, and if so, why? He and Staff discussed the cost effectiveness of it. There are

requirements in place. It is easier for the City to add on a step because this would be done at the Waste Water Treatment Plant (WWTP). Residents are asking WWTP for recycled water to water their lawns, etc.

Council Member Campbell and Staff discussed the \$6 million from that the City could get from grants, and where the remaining funds would come from. Staff explained there is a risk, but if the City could move quickly, it only has one customer and we have a pretty good chance. Staff discussed Valero's potential input as well as residents.

Mr. Wadsworth reiterated the value for the City residents, businesses and for Valero – the demand would be less.

Council Member Schwartzman and Staff discussed what place in the line the City was, Valero's incentives. Staff explained that Benicia was already in talks with Valero and they are going well, and Valero was serious. The incentive for Valero is water reliability.

Council Member Schwartzman and Staff discussed how much Valero was paying right now (approximately \$450,000).

Mr. Wadsworth explained that Benicia has a water tower that it owns. It's old but it hasn't been inspected.

Council Member Hughes was concerned about the City not going forward with this project.

Mr. Jackson discussed the fact that the contract has a clause that states the City could pull the plug on the project if, for whatever reason, it didn't want to go forward.

Vice Mayor Hughes and Staff discussed the savings involved in owning a tank. Staff confirmed they would get back to Council with that cost.

Vice Mayor Hughes and Staff discussed reverse osmosis. Staff noted that Valero had very strong opinions that reverse osmosis is not necessary.

City Manager, Brad Kilger, stated that he would be asking for monthly updates on this particular project.

Mayor Patterson suggested that the City look at water recycling as part of the City's water portfolio.

Public Comment:

1. Marilyn Bardet – Ms. Bardet spoke in favor of this project.
2. Andres Soto – Mr. Soto discussed concern about how little Valero would be asked to contribute to this project.

3. Dana Dean – Ms. Dean questioned the Wastewater Capacity Fees. She discussed the use of the funds, reimbursement of the funds and the lifecycle of the existing infrastructure.
4. Judith Sullivan – Ms. Sullivan agreed with Ms. Bardet and Mr. Soto and questioned why Valero would not pay a part of the feasibility fees.
5. Pat Todd Smith – Mr. Smith asked what was in it for her and the City of Benicia.
6. Jane Kurl – Ms. Kurl spoke in support of the project. She was concerned that the WWTP was located in a residential area.
7. Mary Frances Kelly Poh – Ms. Kelly Poh inquired about the CEQA process.
8. Rebecca, Valero - Rebecca discussed Valero's interest in the Water Reuse Project. She offered up Valero's lab for any testing.

Council Member Campbell expressed concern for the "time is of the essence" statement. He reminded everyone that the Council is ultimately responsible. He was concerned about the "what ifs". He'd like to continue it and was not ready to vote.

Mayor Patterson agreed with Council Member Campbell. The scope of work doesn't seem to acknowledge the work that's already been done. The \$900K feasibility study might be re-doing the work that may have already have been done. Why would the City pay for that?

Mayor Patterson noted there were still unanswered questions and issues. She asked Staff to redo the scope of work.

Vice Mayor Hughes wanted the questions answered but was concerned about the timeline and wouldn't support continuing this but did support giving direction to Staff.

Council Member Campbell thought the questions would be answered in the report (the feasibility study) He was not as concerned about the timeline. He agreed to continue this for a few weeks.(are we sure – contradicted in statement below)

Council Member Schwartzman did not think that Benicia would get an answer from Valero, nor a feasibility study. He thought the City needed to go through the process before the Valero would agree. The City has to take the risk, spend the money and get started. He agreed with Council Member Campbell that two weeks wasn't going to make a difference.

Mayor Patterson asked Staff if they could get all answers back in two weeks. Mr. Wadsworth stated they could not, and there were risks with delaying this for two

weeks.

Mayor Patterson suggested adding to the current resolution: Clarification, Valero's role, CEQA's process and public process, use of existing documents, revised scope of work.

Council discussed continuing this item for two weeks to next the meeting, revision of scope of work, and in future there would be more specific direction to Staff.

Mayor Patterson suggested making a motion that approves the resolution as written, and give direction to Staff to acknowledge the discussion from tonight's meeting, and come back to Council with an explanation on how to address that, separate from the scope of work and the action Council would take tonight.

Heather McLaughlin, City Attorney, clarified that based on the discussion tonight; Staff would amend the scope of work. She asked if Council wanted to delegate the authority to Staff to sign the amendments. Mayor Patterson confirmed that was correct and Staff should bring it back to Council, as was done with the Michael Baker issue.

On motion of Council Member Hughes, seconded by Council Member Strawbridge, Council adopted Resolution 15-85, on roll call by the following vote:

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

D. ADOPT A RESOLUTION URGING THE STATE TO PROVIDE NEW SUSTAINABLE FUNDING FOR TRANSPORTATION INFRASTRUCTURE

RESOLUTION 15-86 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA URGING THE STATE TO PROVIDE NEW SUSTAINABLE FUNDING FOR STATE AND LOCAL TRANSPORTATION INFRASTRUCTURE

Anne Cardwell, Assistant City Manager, reviewed the staff report.

Council Member Hughes and Staff discussed concern regarding the lack of information on how much the tax would be increased, and whether it would be voted on by the public.

Mayor Patterson discussed the background on this item and how it came about.

Public Comment:

None

On motion of Council Member Schwartzman, seconded by Council Member Strawbridge, Council adopted Resolution 15-86, on roll call by the following vote:

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

E. DESIGNATION OF LEAGUE OF CALIFORNIA CITIES VOTING DELEGATES AND ALTERNATES

Anne Cardwell, Assistant City Manager, reviewed the staff report.

Vice Mayor Hughes offered to be the alternate.

On motion of Council Member Schwartzman, seconded by Vice Mayor Campbell, Council approved, by motion, the designation of Mayor Patterson as the League of California Cities Voting Delegate, and Vice Mayor Hughes as alternate, on roll call by the following vote:

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

F. Council Member Committee Reports:

1. **Mayor's Committee Meeting.(Mayor Patterson) Next Meeting Date: September 16, 2015**
2. **Association of Bay Area Governments (ABAG) <http://www.abag.ca.gov/>. (Vice Mayor Hughes and Council Member Schwartzman) Next Meeting Date: TBD**
3. **Finance Committee. (Vice Mayor Hughes and Council Member Strawbridge) Next Meeting Date: August 27, 2015**
4. **League of California Cities. (Mayor Patterson and Vice Mayor Hughes) Next Meeting Date: August 23, 2015**
5. **School Liaison Committee. (Vice Mayor Hughes and Council Member Strawbridge) Next Meeting Date: September 3, 2015**
6. **Sky Valley Open Space Committee. (Vice Mayor Hughes and Council Member Campbell) Next Meeting Date: TBD**
7. **Solano EDC Board of Directors. (Vice Mayor Hughes and Council Member Strawbridge) Next Meeting Date: September 10, 2015**

8. Solano Transportation Authority (STA). <http://www.sta.ca.gov/> (Mayor Patterson and Council Member Campbell) Next Meeting Date: September 9, 2015
9. Solano Water Authority-Solano County Water Agency and Delta Committee. <http://www.scwa2.com/> (Mayor Patterson, Vice Mayor Hughes and Council Member Campbell) Next Meeting Date: September 10, 2015
10. Traffic, Pedestrian and Bicycle Safety Committee. (Vice Mayor Hughes and Council Member Strawbridge) Next Meeting Date: October 15, 2015
11. Tri-City and County Cooperative Planning Group. (Vice Mayor Hughes and Council Member Schwartzman) Next Meeting Date: September 14, 2015
12. Valero Community Advisory Panel (CAP). (Council Member Campbell and Council Member Schwartzman) Next Meeting Date: TBD
13. Youth Action Coalition. (Vice Mayor Hughes and Council Member Strawbridge) Next Meeting Date: August 26, 2015
14. ABAG-CAL FED Task Force-Bay Area Water Forum. <http://www.baywaterforum.org/> (Mayor Patterson) Next Meeting Date: TBD
15. SOLTRANS Joint Powers Authority (Mayor Patterson, Vice Mayor Hughes and Council Member Campbell) Next Meeting Date: September 17, 2015
16. Marin Clean Energy (MCE). (Council Member Schwartzman and Council Member Strawbridge) Next Meeting: August 20, 2015

IX. ADJOURNMENT:

Mayor Patterson adjourned the meeting at 11:45 p.m.

AGENDA ITEM
CITY COUNCIL MEETING DATE - SEPTEMBER 1, 2015
CONSENT CALENDAR

DATE : August 25, 2015

TO : City Manager

FROM : Finance Director

SUBJECT : **CONTRACT WITH STEVEN CARMICHAEL FOR PROJECT MANAGEMENT OF THE ENTERPRISE RESOURCE PLANNING (ERP) IMPLEMENTATION**

RECOMMENDATION:

Adopt the resolution authorizing the City Manager to execute a contract with Steven Carmichael for the services of Project Manager of the Enterprise Resource Planning (ERP) implementation.

EXECUTIVE SUMMARY:

On July 7, 2015, the City Council approved the contract from Tyler Munis for the replacement of the City financial software, Enterprise Resource Planning (ERP). The contract with Tyler will replace three existing contracts currently supporting multiple, incompatible financial modules, Sunguard/Bi-Tech (accounting and payroll), Harris (utility billing), and Accela (permitting and licensing). The implementation project will take approximately 24 months to fully convert from the old software to the new Munis software. To facilitate the process, staff sought expertise of a Project Manager to assist the City in meeting budgets, schedules, work plans, and performance requirements. The contract proposes a two-year contract with an option to extend one-year. City staff does not have the full expertise or capacity to perform this work in-house. The consultant has the expertise necessary for this specialized project.

BUDGET:

The City Council committed \$800,000 to ERP project. Of the total, staff is recommending a two-year contract with an option to extend to three years. Total potential contract should not exceed \$300,000.

BACKGROUND:

Steven Carmichael was selected as the best qualified to assist the City with the ERP implementation after staff conducted a thorough consultant selection process. The process included soliciting seven consultants. Five of these responded and only one would dedicate the necessary time to this project. Mr. Carmichael is well qualified for the work having managed several other conversions to the Tyler Munis system.

The ERP (Enterprise Resource Planning) Project Manager position manages the governance, functional, and operational (as opposed to the technical) aspects and processes associated with the ERP system. The Project Manager is expected to ensure proper procedures and processes are efficiently used to maintain control of scope, schedule, and budget. He is expected to work with City's and Vendor's project teams to ensure quality and timely delivery of projects. The Project Manager will help to establish best practices in accordance with Generally Accepted Accounting Principles (GAAP) with an emphasis on efficiency and business process improvements. This work involves leading and facilitating the citywide integration of ERP processes and procedures with a strong focus on the evaluation, installation, configuration, and deployment of the City's ERP systems. The Project Manager will report to the Finance Director, but may receive direction from other members of the ERP project team.

Attachments:

- Resolution
- Scope of Work for ERP Project Management

RESOLUTION NO. 15-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA AWARDING A CONSULTANT AGREEMENT FOR ENTERPRISE RESOURCE PLANNING (ERP) PROJECT MANAGEMENT SERVICES TO STEVEN CARMICHAEL FOR A NOT-TO-EXCEED COST OF \$300,000 AND AUTHORIZING THE CITY MANAGER TO SIGN THE DOCUMENT ON BEHALF OF THE CITY

WHEREAS, ERP project will replace multiple incompatible and out of date software modules with a single product; and

WHEREAS, the conversion to the ERP requires a Project Manager to make sure that proper procedures and processes are efficiently used to maintain control of scope, schedule, and budget; and

WHEREAS, the Project Manager will help to establish best practices in accordance with Generally Accepted Accounting Principles (GAAP) with an emphasis on efficiency and business process improvements; and

WHEREAS, City staff conducted a thorough consultant proposal review, interview, and selection process; and

WHEREAS, City staff does not have the full expertise or capacity to perform this work in-house; and

WHEREAS, Steven Carmichael is the most capable in all material aspects to perform full contract requirements and is highly qualified to perform the project manager services for the ERP project.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Benicia hereby awards a consultant agreement for ERP Project Management services to Steven Carmichael for a not-to-exceed cost of \$300,000 and authorizes the City Manager to sign the contract on behalf of the City, subject to approval by the City Attorney.

On motion of Council Member _____, and seconded by Council Member _____, the above Resolution was introduced and passed by the City Council of the City of Benicia at a regular meeting of said Council held on the 1st day of September, 2015, and adopted by the following vote.

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk

Date

- Works with Finance Director and ERP project team members on establishing priorities, maintaining budget, setting performance standards, and building effective cross-functional relationships.
- Establishes and assures adherence to budgets, schedules, work plans, and performance requirements.
- Ensures proper Change Control procedures and processes are efficiently used to maintain control of scope, schedule, and budget Works with project team to ensure quality and timely delivery of projects.
- Accountable for ensuring appropriate/optimal engagement of delivery resources. Works with managers to allocate resources.
- Develops and assemble project plans and ensures that the scope and deliverables are fully understood by all stakeholders and actively seeks clarifications/ verification, as appropriate.
- Manages and coordinates of both internal and external resources to ensure appropriate resourcing levels are engaged and maintained throughout the life of the project.
- Manages the program's internal and external communications; communicating effectively with vendor, ERP project team, and City staff. Strong verbal and written communication skills: presentation, meeting facilitation, and documentation.
- Monitors and communicates the progress of project delivery and ensures timely and effective communication of project status in terms of cost, forecast, schedule, and assessment of risk/issues.
- Submits bi-weekly memorandum to update Finance Director and Assistant City Manager on status of implementation; summarizing SWOT (strength, weakness, opportunities, and threats) analysis both on implementation progress and module completions.
- Identifies and tracks key project milestones.
- Identifies and mitigates risks by identifying barriers to success and escalation of issues as required.
- Proactively anticipates project risks and issues and ensures adequate mitigation is in place so that project delivery in not compromised.
- General consulting skills: team facilitation, business case development, strong business analysis, process mapping, business process redesign and implementation.
- Able to facilitate meetings and working sessions with client and internal personnel on complex and possibly divisive or controversial subjects and topics.

- Provides both management and technical leadership. Leading organizational changes and business process improvements with client to create a project team atmosphere of trust, seeking diverse views to encourage improvement and innovation and mentoring staff. This would include a hands-on style management and leading by example.
- Lead practice development efforts; e.g., capturing knowledge capital and developing/conducting internal training courses.
- Ability to provide coaching and counsel to leaders and team members. Ability to train and direct multiple skill levels in use of ERP and business processes.
- Ensures that the morale, productivity, training, quality of work, and discipline of assigned staff is at an effective level.
- Involvement in change management tasks with end users.
- Strong business knowledge of various functional areas such as Finance, Procurement, Payables and Receivables, Budgeting, Capital Planning, HR, Payroll, and Permitting as it relates to GAAP and GASB.
- Evaluate current processes, recommend best practices, and establish networking among other Tyler Munis agencies.
- Systems implementation skills: requirements/process analysis, conceptual and detailed design, configuration, testing, training, change management, support.
- User focused problem solving attitude -Project planning and management skills -High degree of initiative -Time/resource management and organization skills -Quest for new technology and a thirst for knowledge - Systems/project planning, estimating, tracking and management.
- Good organizational, multi-tasking, interpersonal, and planning skills.
- Managing a broad range of project types such as business process improvement, custom development, design and implementation, data migrations, mergers and acquisitions, etc.
- Analyzing business/technical requirements and objectives, perform fit/gap analysis, business processes mapping and in the day-to-day activities of ERP advisory engagements for various departments within the City, including process analysis and design, functional system design and specifications, system configuration, development of system tests, procedures, and documentation.
- Perform quality control functions as it relates to development work to ensure that the work-product meets and exceeds established business standards and practices.

- Assist with internal control policies, procedures, and reviews; makes recommendations for improvement.
- Evaluate and recommend new vendors; maintain vendor relationships.
- Build, develop, and grow any business relationships vital to the success of the project.
- Coordinate all facility requirements to support teamwork, training, and go-live support.

AGENDA ITEM
CITY COUNCIL MEETING DATE - SEPTEMBER 1, 2015
CONSENT CALENDAR

DATE : August 24, 2015

TO : City Manager

FROM : Assistant City Manager

SUBJECT : **AWARD OF CONTRACT TO INNOVATIVE CLAIM SOLUTIONS FOR WORKERS COMPENSATION THIRD PARTY ADMINISTRATOR SERVICES**

RECOMMENDATION:

Adopt the resolution approving the contract with Innovative Claim Solution (ICS) for workers compensation third party administrator services and authorize the City Manager to execute an agreement.

EXECUTIVE SUMMARY:

In April 2015, the City of Benicia prepared and released a Request for Proposal (RFP) for workers compensation third party administrator services. The City has historically contracted out for such services, as City staff has neither the expertise or capacity to administer the City's workers compensation claims. Upon completion of the RFP process, staff is recommending award of the contract for these services to Innovative Claim Solutions (ICS). The City has been utilizing ICS over the last several years and has been very satisfied with their services. Their fee proposal was competitive with the other firms that bid on the City's RFP.

BUDGET INFORMATION:

The FY 2015-17 City Budget assumes \$67,120 per fiscal year for these services for a three year term, with the option of two one-year extensions. ICS charges a flat annual fee for their services, specifically \$51,000 for year one, \$52,530 for year two and \$54,106 for year three, plus a \$5,000 annual management fee. These fees are well within with the City's budgeted amount for this service.

GENERAL PLAN:

N/A

STRATEGIC PLAN:

Relevant Strategic Plan Goals and Strategies:

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

BACKGROUND:

Due to the volume of work and complexity involved with administering workers compensation claims, which includes claims handling, bill review utilization review, investigation, litigation defense and medical management, the City has historically utilized an outside firm to assist Human Resources in managing the City's workers compensation program.

In the spring of 2015, staff prepared an RFP for workers compensation third party administrator services and received bids from four firms. Following a review of proposals by both Human Resources and Finance staff, as well as on-site interviews with each of the firms, staff is recommending that the City continue to utilize Innovative Claim Solutions (ICS) for these services.

Amongst the firms reviewed, ICS was quite competitive in terms of both cost and types of services provided. ICS implements a series of Best Claim practices, which are attached to this report, in order to ensure high quality services to their clients. Additionally, each year ICS is audited by Local Agencies Workers Compensation Excess Joint Powers Authority or (LAWCX), which the City is a member of, and ICS consistently achieves high scores on these audits.

Attachments:

- Resolution
- Proposed Agreement with ICS

RESOLUTION NO. 15-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA AWARDING AN AGREEMENT FOR WORKERS COMPENSATION THIRD PARTY ADMINISTRATOR SERVICES TO INNOVATIVE CLAIM SOLUTIONS FOR A NOT TO EXCEED COST OF \$67,120 PER FISCAL YEAR AND AUTHORIZING THE CITY MANAGER TO SIGN THE DOCUMENT ON BEHALF OF THE CITY

WHEREAS, the City of Benicia released a Request for Proposal for workers compensation third party administrator services; and

WHEREAS, the City has historically contracted out for such services; and

WHEREAS, City staff does not have the full expertise or capacity to perform this work in-house; and

WHEREAS, City staff conducted a thorough proposal review, interview, and selection process for all RFP respondents; and

WHEREAS, upon completion of that RFP process, staff found the proposal from Innovative Claim Solutions, Inc. (ICS) to be competitive in terms of cost and the most responsive to the City's needs as identified in the RFP.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Benicia hereby awards an agreement for workers compensation third party administrator services to ICS for a not to exceed cost of \$67,120 per fiscal year for the term of the agreement and authorizes the City Manager to sign the contract on behalf of the City, subject to approval by the City Attorney.

On motion of Council Member _____, and seconded by Council Member _____, the above Resolution was introduced and passed by the City Council of the City of Benicia at a regular meeting of said Council held on the 1st day of September, 2015, and adopted by the following vote.

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk

Date

CONSULTANT AGREEMENT

THIS AGREEMENT ("Agreement") is made and entered into this ___ day of _____ 20__ between the City of Benicia, a municipal corporation in Solano County, California, (hereinafter "CITY") and **Innovative Claim Solutions (ICS), California corporation** with its primary office located at **2430 Camino Ramon, #200 San Ramon, CA 94583** (hereinafter "CONTRACTOR") (collectively, "the Parties").

RECITALS

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

WHEREAS, CITY has historically contracted out for such services as CITY staff has neither the expertise nor capacity to administer the CITY'S worker's compensation claims.

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

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

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

AGREEMENT

1. INCORPORATION OF RECITALS

The recitals set forth above, and all defined terms set forth in such recitals and in the introductory paragraph preceding the recitals, are hereby incorporated into this Agreement as if set forth herein in full.

2. SCOPE OF SERVICE

(a) Services to be Furnished. Subject to such policy direction and approvals as CITY through its staff may determine from time to time, CONSULTANT shall perform the services set forth in the Proposal labeled Exhibit A, which is attached hereto and incorporated herein by reference.

(b) Schedule for Performance. CONSULTANT shall perform the services identified in Exhibit A according to the completion schedule and performance standards outlined in the Proposal and as expeditiously as is consistent with generally accepted standards of professional skill and care, and the orderly progress of work.

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

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

(c) Standard of Quality. All work performed by CONSULTANT under this Agreement shall be in accordance with all applicable legal requirements and shall meet the standard of quality ordinarily to be expected of competent professionals in CONSULTANT'S field of expertise at the time Consultant's work is performed. CONSULTANT shall function as a technical advisor to CITY, and all of CONSULTANT'S activities under this Agreement shall be performed to the full satisfaction and approval of the **Assistant City Manager**.

(d) Compliance with Laws. CONSULTANT shall comply with all applicable federal, state, and local laws, codes, ordinances, regulations, orders, and decrees. CONSULTANT represents and warrants to CITY that CONSULTANT shall, at its own cost and expense, keep in effect or obtain at all times during the term of this Agreement any licenses, permits, insurance and approvals which are legally required for CONSULTANT to practice its profession or are necessary and incident to the due and lawful prosecution of the services it performs under this Agreement. CONSULTANT shall maintain a City of Benicia business license. CONSULTANT shall at all times during the term of this Agreement, and for one year thereafter, provide written proof of such licenses, permits, insurance, and approvals upon request by CITY. CITY is not responsible or liable for CONSULTANT'S failure to comply with any or all of the requirements contained in this paragraph.

3. COMPENSATION

(a) Schedule of Payment. The compensation to be paid by CITY to CONSULTANT for the services rendered hereunder shall be on a time and materials basis based upon the rate schedule in Exhibit B attached hereto and hereby incorporated by reference. The rate schedule in Exhibit B itemizes those standard and expected expenses for which CONSULTANT shall receive compensation. Among these expenses, CITY also agrees to pay an annual fee of \$5,000.00, in addition to other fees mentioned therein, for management of the Trust Account. If CONSULTANT obtains CITY'S prior written approval from the **Assistant City Manager**, CONSULTANT may be reimbursed for extraordinary costs incurred on the Project.

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

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

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

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

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

4. PRODUCT REVIEW AND COMMENT

CONSULTANT shall provide CITY with at least two (2) copies of each product described in Exhibit A. Upon the completion of each product, CONSULTANT shall be available to meet with CITY. If additional review and/or revision is required by CITY, CITY shall conduct reviews in a timely manner.

5. TERM OF AGREEMENT

This Agreement shall be effective immediately upon the signatures of both Parties and shall remain in effect for three years until **June 30, 2018**, unless amended pursuant to Section 7, or terminated pursuant to Section 6. Upon the sole option of the City, the Agreement may be extended on the same terms and conditions for up to two additional one year terms.

6. TERMINATION

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

(b) If CITY issues a notice of termination,

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

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

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

7. AMENDMENTS

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

8. NONDISCLOSURE OF CONFIDENTIAL INFORMATION

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

9. INSPECTION

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

10. INDEPENDENT CONTRACTOR

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

11. NOTICES

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

To City: Anne Cardwell, Assistant City Manager
City of Benicia
250 East L Street
Benicia, CA 94510

To Consultant: Cheryl Westernen, President, COO
Innovative Claim Solutions, Inc.
2430 Camino Ramon, #200
San Ramon, CA 94583

12. OWNERSHIP OF MATERIALS

CITY is the owner of all records and information created, produced, or generated as part of the services performed under this Agreement. At any time during the term of this Agreement, at the request of CITY, CONSULTANT shall deliver to CITY all writings, records, and information created or maintained pursuant to this Agreement. In addition, CONSULTANT shall not use any of the writing, records, or information generated for the Project under this Agreement for any other work without CITY's consent.

13. EMPLOYEES; ASSIGNMENT; SUBCONTRACTING

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

(b) Assignment. CONSULTANT shall not assign, delegate, or transfer its duties, responsibilities, or interests in this Agreement without the prior express written consent of CITY. Any attempted assignment without such approval shall be void and, at CITY's option, shall terminate this Agreement and any license or privilege granted herein.

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

14. BINDING AGREEMENT

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

15. WAIVER

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

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

16. NONDISCRIMINATION

(a) CONSULTANT shall not discriminate in the conduct of the work under this Agreement against any employee, applicant for employment, or volunteer on the basis of race, religious creed, color, national origin, ancestry, physical or mental disability, marital status, pregnancy, sex, age, sexual orientation or other prohibited basis.

(b) Consistent with City's policy that harassment and discrimination are unacceptable employer/employee conduct, CONSULTANT agrees that harassment or discrimination directed toward a job applicant, a City employee, or a citizen by CONSULTANT or CONSULTANT'S employee or subcontractor on the basis of race, religious creed, color, national origin, ancestry, physical or mental disability, marital status, pregnancy, sex, age, sexual orientation or other prohibited basis will not be tolerated. CONSULTANT agrees that any and all violation of this provision shall constitute a material breach of the Agreement.

17. INDEMNIFICATION

CONSULTANT agrees to defend any demand, claim or legal action commenced against CITY its officers, employees, agents or others engaged by CITY; caused directly or indirectly by wrongful or negligent acts of CONSULTANT’S officers, employees, agents or others engaged by CONSULTANT. CONSULTANT will indemnify CITY and its members against any liability, loss, fine, penalty, cost or damage, including attorney fees resulting there from. CITY agrees to defend any demand, claim or legal action commenced against CONSULTANT caused directly or indirectly by the wrongful or negligent acts of its officers, employees, agents or others engaged by CITY or its members; and indemnify CONSULTANT against any liability, loss, cost or damage, including attorney fees resulting there from.

18. INSURANCE

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

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

(b) Deductibles and Self-Insured Retentions. All self-insured retentions (SIR) must be disclosed to the CITY's Risk Management for approval and shall not reduce the limits of liability. At the option of CITY, either: the insurer shall reduce or eliminate such deductibles or self-insurance retention as respects the CITY, its officers, officials, agents, employees and volunteers; or CONSULTANT shall procure a bond guaranteeing payment of losses and related investigations, claim administration and defense expenses.

Policies containing any self-insured (SIR) provision shall provide or be endorsed to provide that the SIR may be satisfied by either the named insured or the CITY. The CITY reserves the right to obtain a full copy of any insurance policy and endorsements. Failure to exercise this right shall not constitute a waiver of the right to exercise later.

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

(i) For any claims related to this Project, the Additional Insured coverage under CONSULTANT'S insurance policy shall be primary and non-contributory as respects CITY, its officers, officials, employees, and volunteers. Any insurance or self-insurance maintained by CITY, its officers, officials, employees, or volunteers shall be in excess of the CONSULTANT'S insurance and shall not contribute with it and shall be at least as broad as CG 20 01 04 13;

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

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

(iv) CONSULTANT shall provide notice regarding any change of coverage, voiding, or cancellation of all policies.

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

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

(f) It shall be a requirement under this contract that any available insurance proceeds broader than or in excess of the specified minimum insurance coverage requirements and/or limits shall be available to the Additional Insured. Furthermore, the requirements for coverage and limits shall be (1) the broader coverage and maximum limits specified in this contract; or (2) the broader coverage and maximum limits of coverage of any insurance policy or proceeds available to the named insured; whichever is greater.

(g) The limits of insurance required in the contract may be satisfied by a combination of primary and umbrella or excess insurance. Any umbrella or excess insurance shall contain or be endorsed to contain a provision that such coverage shall also apply on a primary and noncontributory basis for the benefit of the CITY before the CITY's own insurance or self-insurance shall be called upon to protect it as a named insured.

19. WORKERS' COMPENSATION

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

(b) Waiver of Subrogation. CONSULTANT and CONSULTANT'S insurance company agree to waive all rights of subrogation against CITY, its elected or appointed officials, agents, and employees for losses paid under CONSULTANT'S workers' compensation insurance policy which arise from the work performed by CONSULTANT for CITY.

20. FINANCIAL RECORDS

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

21. CONFLICT OF INTEREST

CONSULTANT shall exercise reasonable care and diligence to prevent any actions or conditions which could result in a conflict with CITY'S interest. During the term of this Agreement, CONSULTANT shall not accept any employment or engage in any consulting work which creates a conflict of interest with CITY or in any way compromises the services to be performed under this Agreement. CONSULTANT shall immediately notify CITY of any and all violations of this Section upon becoming aware of such violation. CONSULTANT shall file FPPC form 700 the City Clerk if required by CITY's Conflict of Interest Code.

22. SEVERABILITY

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

23. TIME OF THE ESSENCE

CONSULTANT understands and agrees that time is of the essence in the completion of the work and services described in Section 2.

24. GOVERNING LAW AND CHOICE OF FORUM

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

25. COSTS AND ATTORNEYS' FEES

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

26. INTEGRATION

This Agreement represents the entire understanding of CITY and CONSULTANT as to those matters contained herein and supersedes all prior negotiations, representations, or agreements, both written and oral. This Agreement may not be modified or altered except in accordance with Section 7. Executed by CITY and CONSULTANT on the date shown next to their respective signatures. The effective date of this Agreement shall be the date of execution by the CITY as shown below.

WITNESS THE EXECUTION THEREOF, this ____ day of _____, 20 ____.

CONSULTANT

CITY OF BENICIA

BY: _____
Signature

Title

Brad Kilger
CITY MANAGER

RECOMMENDED BY:

ASSISTANT CITY MANAGER

APPROVED AS TO FORM:

CITY ATTORNEY

Best Claim Practices

Innovative Claim Solutions, Inc. takes pride in its systems and its people. We feel a balanced combination of both provide our clients with a working atmosphere that greatly enhances and improves their claims administration program. What follows is a description of key service areas in the execution of our claims management program.

Caseloads

ICS standard calls for each examiner to handle no more than 150 open indemnity claims including resolved future medical claims on a rolling quarterly average. Caseloads are reviewed each month to make sure staff is in compliance with this standard.

Communication

In serving our clients, we recognize that there are two customers: the employer and the employee. Each has very different needs and must be communicated within a manner appropriate to their needs.

Subject to client request, ICS conducts quarterly claim reviews, providing our clients with an opportunity to review in detail jointly selected, key claims. We would recommend the Unit Manager attend all meetings, but would propose a rotational attendance for the assigned claims examiners to ensure coverage in the office for your program. We also want to ensure the volume of claims selected for review will not detract from the examiners ability to stay current on their caseloads.

Semi-annual program evaluations are conducted providing our clients with extensive information regarding trends in frequency and severity, patterns of claims, risk control recommendations and their expected results, and medical management activities as well as other important claims management information. We also outline areas where ICS feels improvement may be realized including a clear plan to assist in implementing recommended improvements.

Daily Communications

We have continual interaction and communications with our clients during normal day-to-day claims management. Our policies require that all phone calls shall be returned within 1 day and all efforts to do so are clearly documented in the notes. Additionally, all written inquiries are responded to within 5 days of receipt. The following is a brief list of selected, daily communications:

- Initial contact upon receipt of new claims as part of our 24-hour strategy, i.e., contact with employer, employee and medical provider for early intervention and implementation/exploration of modified work possibilities.
- Discussion of and strategic planning on all claims placed on delay status.
- Discussion of and strategic planning on all claims recommended for denial.



- Written and verbal communications on all prospective settlements in accordance with the client's requirements.
- Discussion of claims involving potential referral for outside investigation including subrosa investigations.
- Discussion of claims where proposed reserve increases exceeds pre-established thresholds.
- Communication at any other interval as required by each client.

New Claim Reporting

ICS offers our clients several different ways to report new claims. Clients can call-in, mail, fax or e-mail new reports of claims to ICS staff. In addition, clients have two options to electronically transmit claims. First, using the ICS Web Site, the client can log in and input all relevant claims information on-line. ICS will download the information into our claim system for claim setup. Second, the client can go directly in to our claim system through their dial-up connection and input the claim into the claim system.

ICS Management reviews all new claims to make sure the data is accurate and complete. The claim staff then reviews the claim data regularly to update fields with the most current information.

New Claim Setup

All new claims are entered as pending claims in the claim management system upon receipt and immediately routed to the appropriate Unit Manager for urgent handling. Each unit manager reviews these new claims and documents initial recommendations for acceptance, denial or investigation as appropriate, and routes them to the appropriate examiner for immediate handling. Additionally, the unit manager enters all new claims in a log and tracks for completion of set-up. The examiner evaluates each new claim and begins execution of ICS' procedures for handling of new claims. All communication is clearly documented and new claims creations must be complete within 72 hours of ICS knowledge.

Initial Contact

All injured employees will be contacted within 24 hours of ICS' knowledge of the claims. This contact serves several purposes. We establish a non-adversarial relationship, answering questions and giving direction.

Additionally we obtain factual information surrounding this incident, i.e., witnesses, past medical history, etc. We also receive information regarding the quality of medical care from the employee's perspective. In this manner we will encourage future communication and avoid litigation. We will send each injured worker an Injury Questionnaire that asks questions regarding past injuries and treatment that can assist with apportionment issues, should permanent disability result.

ICS requires all examiners to maintain unsolicited communication with each injured worker until they return to work. These calls take place monthly, at least. We also require each examiner to contact all injured workers prior to issuing any mandatory benefit notices for the duration of the claim. The state-required language in these notices can be perceived as adversarial, so contact is required to explain why the notice is being sent and to ensure the injured employee understands the language contained in each notice and the processes to come.

This approach towards *Employee Advocacy* is also the first step in the ICS litigation avoidance process and continues until each claim is closed.

Contact is also established with the employer to obtain information regarding the specifics of the incident, witnesses and any other pertinent information the employer may have to contribute. We encourage the individual departments to participate in the workers' compensation process, extending their control whenever possible. ICS will assure modified work alternatives have been explored.

The medical provider is contacted within 24 hours of our knowledge to obtain information regarding the nature and extent of injuries, prognosis, and estimations on length of disability, etc. ICS will continually explore with the treating physicians the possibility of releasing the injured employee to modified work at the earliest possible date.

ICS claims examiners will maintain close ongoing communications with injured employees, medical providers as well as individual departments on lost time claims. All communication will be clearly documented in the computer system, which is accessible to the Unit Manager as well as the designated client contacts.

Compensability Determination

All claims are initially reviewed by a Unit Manager who gives instruction on any claims that appear to be questionable based solely on the information contained in the initial report. As the examiner executes our three point contact and gathers additional information, another assessment regarding compensability is made. A claim would likely be accepted if the description of the injury is consistent and in line with that employee's job responsibilities, if the medical history and diagnosis are also consistent with the facts surrounding the incident and the employer has provided no contradicting information and has no concerns regarding compensability. The examiner would also take into consideration factual and medical information/history obtained through contact with the injured employee.

The most crucial information required is an accurate description of the injury, a thorough medical history and a medical opinion supporting compensability. In addition to all of the above, the examiner must ensure each claim meets the legal threshold for compensability. All decisions to delay claims must be approved by a Unit Manager, and all decisions to accept compensability once a claim has been placed on delay, or to deny claims, must also be approved by a Unit Manager. Discussion and decisions on delaying or denying benefits is also discussed with each client.

On all claims that will be delayed, ICS will issue a delay notice within 14 days from the employer's date of knowledge, or 14 days from the return of the DWC-1 claim form.

Investigations

ICS investigates all lost-time claims. The initial investigation is completed by the Unit Manager who is responsible for reviewing all new claims each day outlining any AOE/COE issues to be explored when completing initial calls. When deemed necessary by the Unit Manager, recorded statements will be obtained from injured workers or witnesses, and referral may be made to an outside investigative firm with your advance approval.

Typically, all alleged stress or psychiatric injuries are placed on delay and investigated by our staff. Initial investigation includes discussions with immediate supervisors or managers of the allegedly injured employee and possible discussion with co-workers. We also obtain copies of personnel files and assess the need for scheduling of medical evaluations.

On questionable indemnity claims, investigative assignments will be made to outside vendor within 5 days of ICS notice of claim to obtain statements from witnesses and the injured employee.

ICS will contact the injured employee via telephone within 24 hours of notice of injury on all cases to verify injury, prior related medical history, and accident information and to explain benefits. The results of this contact and all contact attempts will be documented in the claim file. Subsequent regular contact with disabled employees will be maintained.

Medical verification of causation and disability will be obtained prior to each payment of disability benefits. An estimate as to length of disability and extent of disability will be obtained.

Where medical causation is unclear, a medical evaluation will be requested with a qualified physician. All relevant medical records and investigative information will be provided to the physician for review prior to the date of examination

All referrals to investigators will be specific in nature, outlining time frames for completion. We will have original reports addressed to defense attorneys utilized by your firm to avoid obligations to provide copies of any investigative reports should claim files be subpoenaed. Investigative assignments will address the applicability of apportionment, subrogation potential and the need for surveillance or activity checks.

Outside investigative services will be retained on an as-needed basis with concurrence from the Client. The need for outside services will be clearly documented in the file.

ICS recommends development of a specific panel of investigators to be utilized in concert with your organization. We further recommend identifying specific firms for use in fraud investigations and subrosa.



Diary

All unresolved indemnity claim files are on an examiner 30-day diary and manager 90-day diary for Plan of Action management. Additionally, all unresolved claims are on diary for reserve reviews every 90 days, while resolved claims are reviewed for reserves every 180 days. Future Medical claims are on an examiner 90-day diary and manager 180-day diary. Each Plan of Action entry is clearly labeled as such, as are Reserve entries. Reserve entries are a combined Reserve and Plan of Action review. The following is a brief list of items that are reviewed at each diary:

- Reserves
- Plan of Action
- Coding
- Subrogation Status
- Excess Reporting
- Treatment Status
- Disability Status
- Closure Posture
- Plan for resolution

Claim Supervision

ICS has developed a claim review frequency we feel affords us optimal quality control. Instead of conducting audits on a specified group of claims we have scheduled mandatory reviews, or audits, of all claims. Unit Managers are responsible for conducting these reviews and we have customized audit forms that are completed in association with each review. What follows is a list of mandatory supervisory reviews:

- All New Claims
- All claims after file creation
- All proposed denials
- All proposed delayed claims
- Delayed claims every 45 days until a decision is made
- Delayed claims when the examiner proposes acceptance
- All reserve changes made beyond the first 30 days, other than legal reserves
- All proposed claim closures
- All proposed settlements, prior to submission to the client
- All legal mail
- All award calculations before award payments are made
- Unresolved open indemnity files at 90 days from date of creation, and every 90 days thereafter until closure or claim settlement
- Settled indemnity files every 180 days
- 15 days prior to mandatory settlement conferences
- 15 days prior to scheduled trials
- All medical only claims open after 90 days from date entered



- All medical only claims whose payments exceed \$3000
- All medical only claims for injured workers on modified duty for more than 60 days

High Visibility Claims

ICS recognizes that each client may have unique circumstances that generate claims that may involve sensitive or high profile issues. ICS can offer our clients the option of suppressing those injured worker names in reports and limit viewing of those designated claims through on-line access. We also realize that some of these claim circumstances may require special handling and an elevated level of communication. In some extreme circumstances our clients may elect to have the Unit Manager or Vice President of Operations handle those cases. ICS is prepared and able to offer our clients many options to support their needs for these unique circumstances.

Benefits Delivery

Initial and subsequent indemnity payment and DWC notices will be processed in full compliance with the Labor Code. Through utilization of the computer system's automated payment system, we can virtually eliminate any penalty exposure. Additionally, ICS can tailor a payment-tracking system to meet your organization's needs for any potential salary continuation program. This system can encompass payments by check, voucher posting, or a combination of the two.

Disability Payment Options

With our current clients we have developed Temporary Disability, Salary Continuation and LC 4850 payment procedures that coincide with payroll periods or other directives from the client. We can pay LC 4850 as full salary or break-out the TD portion and the non-TD portion as separate payments based on client request. We can make payments as checks or vouchers posting, or any combination of the two, as directed by our clients. We are confident of our ability to customize a process to meet the Client's needs.

Assuring Reserve Accuracy

ICS trains its professional staff to reserve all claims based on their ultimate probable cost. We understand the importance of establishing accurate reserves as early in the life of a claim as possible. Reserving files accurately requires a combination of experience, skill, judgment and astute analysis of all available data.

All open unresolved indemnity claims will be scheduled for reserve review and potential adjustment at 30 days from date of creation, 90 days from date of creation and every 90 days thereafter for the duration of the claim. Reserves will also be adjusted when developments are revealed that will likely affect the ultimate cost of a given claim. This approach will preclude any reserve "stair stepping". Once claims are settled they are moved to a diary review for reserves every 180 days.



All reserve changes beyond the first 30 days must be reviewed and approved by a supervisor and documented in our computer system. A reserve analysis worksheet is also completed in association with every reserve change and is viewable through our client's on-line access.

Medical Control

ICS oversees a medical management program that encompasses Bill Review, Utilization Review, Preferred Provider Organization access, and other Medical Management services.

Actual bill review for reduction to fee schedule and appropriateness of charges is completed by the outside bill review company. However examiners are responsible for reviewing and approving each bill for payment ensuring all prescriptions, or treatment provided, adheres to what has been authorized. All treatment requests are responded to timely and documented in the claim management system. Referrals are made to the selected utilization review company for concurrent reviews when treatment appears to be excessive, or at time of treatment requests if they meet the referral trigger criteria. Additionally, examiners are responsible for reviewing all medical reports and documenting a brief recap of all reports in the claim management system.

Medical verification of disability will be obtained in a timely manner and maintained in the claim file to document the need for continuing indemnity benefits. Medical treatment provided will be reviewed for necessity, reasonableness, and relationship to the industrial injury.

Catastrophic injury claims and extensive lost-time claims will be reviewed by a qualified medical management provider. Claims referred for outside medical management services will reflect the intent and scope of services requested.

Recommendations for back surgery shall be confirmed through a second opinion unless objective signs of neurological involvement and radiculopathy exist.

Pre-existing medical conditions and medical records will be explored/obtained on all lost-time claims.

Treatment recommendations for care such as physical therapy, chiropractic manipulations, etc., will be verified with the physician as to duration, frequency and anticipated results.

Medical bills submitted without a supporting medical report shall not be paid until a medical report is obtained. All bills will be adjusted according to the fee schedule and paid or objected to according to the law.

Medical-legal costs will be reviewed for appropriateness and necessity. Bills which do not qualify as valid medical-legal expense will be objected to on a timely basis.

Utilization Review

The following details the ICS list of triggers that should be used as a guideline for referring cases to UR:

- All requests for spinal surgery that are not being authorized outright. If there is any question regarding authorization a referral must be made to UR immediately. If UR denies the surgery, we must formally object and request a 2nd opinion. All of this must take place within 10 days of receipt of the request for surgery. If the UR decision is late, we must authorize the surgery. Likewise, if UR recommends the surgery, it must be authorized immediately – there is no option for a 2nd opinion. This applies only to claims with dates of injury prior to 1/1/13 – and only until 6/30/13. Thereafter, only submit requests for spinal surgery to UR if the request meets another referral trigger detailed below.
- Physical Therapy/Occupational Therapy, Chiropractic or Acupuncture treatment requests when the number of recommended visits has reached or exceeded 18, not including post-operative treatment.
- Post-Operative Physical/Occupational Therapy or Chiropractic treatment requests when the number of recommended post-operative visits has reached or exceeded 18.
- All authorization requests for experimental, new, or not commonly performed surgical or other procedures.
- All requests for authorization of Durable Medical Equipment, expected to be used for more than 60 days, or suggested for a purchase price in excess of \$500.
- All authorization requests for inpatient surgery if the expected admission is beyond 4 days in duration. (The exception would be requests for spinal surgeries, as detailed above.)
- All authorization requests for referrals to nursing, convalescent or residential homes or for home health care services not related to post-surgical care.
- All home health care service requests for a period beyond 2 weeks post-surgery, or 2 weeks post release from hospital.
- All cases where psychiatric or psychological therapy extends beyond 180 days.
- All cases where the doctor specialty does not match diagnosis, i.e. chiropractic care for the diagnosis of a fracture, etc.
- Any other additional criteria requested by our clients.

On occasion, a referral to Utilization is inappropriate. Instead, we are seeking the opinion of a physician regarding past or future treatment recommendations. Those occasions require referral for a Peer or Physician Review. As these services are more costly, Unit Manager approval is required prior to referral.

The following is the ICS list of triggers that should be used as a guideline for when a Peer or Physician Review referral is recommended:

- All authorization requests for repeat diagnostic testing (CT/myelogram, discogram, diagnostic injections, angiogram, MRI, and EMG's) unless required due to the poor

quality of prior studies, or when requested by a QME/AME, or when original studies are more than 12 months old.

- All authorization requests for referrals to Pain Management Programs.
- All authorization requests for Inpatient or Outpatient chemical dependency or weight loss programs.
- All cases where there is a need to obtain a second opinion on long-term need/use of prescriptions.
- Requests for treatment not recognized within LC 4600, such as massage therapy, gym memberships, etc.
- Any other additional criteria requested by our clients.

Catastrophic Injury Claims Handling

The following details the step by step process ICS has in place and puts in play following a serious, or potential catastrophic, injury or circumstance:

- Each client should have access to after hours or emergency contact telephone numbers allowing them access to the appropriate Unit Manager, Vice President of Operations or co-Presidents of ICS.
- Upon notice, from any source, of a catastrophic situation, the Unit Manager, Vice President of Operations and client must be notified immediately.
- Depending on the severity of injuries that have occurred, a medical case manager should immediately be assigned to the case. In serious injury cases we frequently are dealing with medical practitioners not familiar with the reporting and communication responsibilities associated with treatment of work related injuries. A medical case manager will assist in ensuring we are provided timely and frequent information regarding the status of the injured workers' medical condition.
- In most circumstances, an investigator should be immediately dispatched to the site of the incident to screen and identify witness, ascertain the potential of subrogation opportunities, evaluate exposure for Serious and Willful Misconduct, obtain or determine if police reports will be available and ascertain information required to determine compensability.
- The appropriate client Safety or Loss Control personnel should immediately be notified and they likely will be dispatched for purposes of a site visit, especially in circumstances where OSHA has been contacted.
- In circumstances where injured workers are hospitalized for longer than overnight for purposes other than observation, an ICS representative should meet with the injured worker or their family members, whenever possible. The purpose of the visit would be to personally explain benefits due, explain the processes to come, notify who will be the daily contact person available to them and answer any other questions they may have.
- When feasible, the medical case manager assigned should jointly meet the injured worker or family members with the ICS representative.
- Depending on each client's excess coverage and policy, the excess carrier should immediately be notified.

- In circumstances involving multiple injured workers, all files should be coded to reflect they are part of a catastrophic incident to ensure appropriate excess reporting and tracking capabilities are in place.
- In cases of serious injury, updates should be provided to the Unit Manager, Vice President of Operations and client no less frequently than monthly for a period of time to be determined, depending on the seriousness of each incident.

Return to Work

ICS is a huge proponent of early return to work, modified duty and early intervention disability management programs. ICS is committed to developing a thorough working knowledge of the Client's program including the Client's retirement system. We would work with the Client to customize our approach to any programs they have in place at this time, or will work with the Client to create a program that is specific to their needs. ICS has worked with many different client programs and designated consultants.

We also suggest the creation of a customized Medical Referral Form, as mentioned above, designed to optimize results and communication with treating physicians. The goal of such a form would be to force the treating physician to outline detailed work restrictions on every patient at every visit, or explicitly explain why that is not feasible. We find this to be a valuable tool in supporting return to work programs.

Once specific work restrictions have been outlined, or confirmation obtained that the employee has been removed from work, we work to ensure those details have been shared with the designated person for each client immediately so that accommodations can be evaluated at the earliest possible time. We focus on what we call the 'window of opportunity' which is the first 72 hours following an injury. If we can return employees to work, even in a modified duty capacity, within this window we can help our clients avoid the high costs of temporary disability associated with indemnity claims.

We suggest that all employees who are off work, or working modified duty, be evaluated by their treating physician at least every two weeks so that updated work restrictions can be obtained. This also assists the examiner in evaluating evidence of improvement, as work restrictions should decline throughout the process of recovery. For individuals who have undergone surgery, depending on the severity of that surgery, we suggest re-evaluations no less frequently than monthly. We feel we can easily integrate our approach to the existing disability management program with any program already in place for the Client.

Claim Settlements

Intertwined in all of the ICS procedures and philosophies is one ultimate goal: ***claim resolution in a cost-effective manner***. This is accomplished either by claim closure or claim settlement. It is ICS' responsibility to identify as early as possible the potential for permanent disability. If none is anticipated or documented, claim closure is pursued rapidly. If permanent residuals are anticipated, a plan for claim resolution is placed in motion.

We recommend that the client provide settlement authority to ICS that would allow us to resolve cases of nominal value in a time and cost effective manner. Cases beyond an agreed to dollar value should follow the agreed to procedure for procuring settlement authority. Regardless of the settlement authority value, all settlements will be discussed and approved by the Unit Manager, and basis for recommendations will be clearly documented in the claims management system.

Medicare Reporting

Per CMS guidelines, we submit a Query file of all claims from 2010 to CMS quarterly. CMS will process and return that file identifying Medicare Recipients to ICS. That information is uploaded to Renaissance. We also keep a log each time of all of the claims that have been reported and those that are Medicare Recipients.

We then go to each newly identified Medicare Recipient in Renaissance and input the necessary data to complete the Claim report to CMS. We also review other claims to determine if an update or change needs to be reported such as a TPOC or legal representation. We transmit the new and updated Claim files to CMS quarterly with all of the new claim information.

Medicare Recipient claims are flagged in the Renaissance system so the examiners will make sure their settlements incorporate the protection of Medicare's interests.

Subrogation

ICS aggressively pursues subrogation on behalf of its clients. Clear policies and procedures are in place to assure that any case offering subrogation potential is thoroughly and expeditiously pursued. ICS identifies all opportunities for subrogation although action is not taken unless your organization has specifically authorized such action.

ICS will identify subrogation opportunities immediately upon receipt of a claim and put in motion a plan to obtain information regarding the responsible party. As soon as a responsible third party is identified, notice of our intent to pursue recovery will be issued, and regular contract will be maintained until a recovery is made.

Often, it is not financially feasible to pursue subrogation or a claim may involve a conflict of interest for your organization. All subrogation efforts that also involve a property loss to your organization will be coordinated with you and/or your liability program administrator. ICS will notify the client as soon as it is felt a complaint in Civil court may be needed to protect the statute of limitations so appropriate legal referrals can be made. ICS will ensure credits are asserted against an injured workers' net recovery for future benefits whenever possible.

In addition, the claims supervisor maintains a separate diary of all claims on which we are pursuing subrogation recoveries to ensure all statutes are protected.

Excess Claims

ICS will provide the initial report, follow-up reports and settlement requests to the Client Excess Insurance Carrier when necessary. ICS maintains a listing of all reporting requirements as well as the Self Insured Retention level for each policy period. ICS will also prepare and send requests for reimbursement on claims that have payments exceeding the SIR. ICS examiners and managers have diaries set to ensure timelines are met for reporting claims and requesting reimbursements.

Offers of Permanent Modified Alternate Positions

Now that vocational rehabilitation has been eliminated on claims with dates of injury beyond 2004, ICS has developed specific procedures to ensure timely notification to our clients on all claims that involve permanent disability and/or permanent work restrictions. We ensure notification is provided so that all clients can take advantage of any potential decrease in permanent disability afforded by offering permanent modified positions. Conversely, this process ensures we can provide any increased benefits due injured workers who are severely disabled and for which our clients cannot provide ongoing work. The ICS standard is to forward any Permanent and Stationary reports that detail permanent disability within 1 business day of receipt with an inquiry regarding the ability to extend an offer of continuing employment, with or without restriction, and provide the corresponding form that needs to be utilized for any offer. ICS will work with each Client on procedures that meet timelines and provide necessary information to all individuals' involved so informed decisions can be made.

Fraud Claims Management

ICS has an in-house fraud investigations unit that consists of both Presidents, VP of Operations and all Unit Managers; however, we do not have in-house investigators. The actual investigative assignment would be referred to an outside vendor.

All ICS examiners are trained as to the "red flags" indicative of potential fraud cases. Additionally, ICS will incorporate fraud awareness training into our training program for all of your supervisors and managers.

In addition to training your supervisors in fraud awareness, we conduct extensive training of our staff as well.

Subrosa Investigation

While a subrosa investigation can be a useful tool, referrals of this nature must be justified due to the high cost and the relative low ratio of success. All subrosa investigations must have both supervisory and client approval.

Subrosa Guidelines

- Examiner will specify number of hours authorized.
- Investigator will stop, or request authority to continue, if no activity in four continuous hour period.
- No use of second vehicle or investigator without prior approval of examiner.
- All videotapes will be sent with the report and are the property of the Client.
- Examiner must approve all records checks prior to conducting them.
- All expenses are to be itemized, including office expenses, and must show date of activity.
- Reports should be received by ICS within 10 working days of completion of assignment.

Litigation Management

The purpose of the ICS litigation management program is to reduce the client's overall cost of risk, taking into consideration both loss and cost factors in litigated claims.

ICS accomplishes this by taking a proactive approach to litigation. We encourage and foster early resolution. We closely monitor the activities of defense counsel and hearing representatives to assure early disposition. It is contrary to ICS' operating procedures for the examiner to relegate claims handling tasks to a defense attorney or hearing representative. Rather, the claims examiner will continue to actively manage all such litigated claims.

The mere fact that a claim goes into litigation is insufficient cause to trigger an outside referral. ICS' preference in many cases is that the claims examiners continue with the day-to-day handling of the claim. The second choice is referral to a qualified defense attorney with the client's concurrence.

When a defense attorney is optioned, ICS holds defense counsel to strict standards of reporting frequency, report content, cost containment, billing protocol and overall handling. Attorneys will not be authorized to perform or be reimbursed for tasks that are the responsibility of ICS.

Closing Ratios

Closing ratios are directly related to examiner competence, staffing levels, and indemnity caseloads. ICS standards require a minimum-closing ratio of 100% in the first six months after transfer of the program. After the transition period, we will be substantially more familiar with employee demographics and the program's operating environment to establish appropriate on-going closing ratio goals above 100% and develop appropriate performance benchmarks.

ICS employs a continuous improvement philosophy. Therefore, merely attaining the initial closing-ratio goal is viewed as a temporary accomplishment. Once we have assimilated



your program, we will then strive toward higher closing ratios and enhanced performance benchmarks.

Medical Only Claims Management

ICS has developed a separate set of standards and protocol for the management of Medical Only claims. While most of our competitors place little or no effort towards management of these claims, ICS has established work flow that addresses claims management criteria similar to the standards required for management of lost time claims. ICS has created a Medical Only Examiner position that handles a blend of medical only and future medical claims and requires mandatory supervisor review of all open medical only claims every 90 days in addition to other review triggers. The medical only examiner is required to review all open claims every 30 days. We believe early and effective management of these claims can assist in controlling their progression to higher cost indemnity claims. If requested, we would be happy to share our procedures and protocol for managing these claims.

File Documentation and Structure

Although the computer system offers many capabilities, hard copy files are still maintained. ICS maintains hard copies of all benefit notices issued and all other correspondence in each claim file, although those documents can also be viewed on-line in the claim management system. ICS also documents all file balancing. Claims that have been closed for six months or more are stored off-site in a secure sub-contracted data storage facility.

Records, Files and Transcripts

Although the computer system offers many capabilities, hard copy files are still maintained. Claims that have been closed for six months or more are stored off-site in a secure sub-contracted data storage facility.

ICS requires all examiners maintain a uniform segregation of information in our claim files. All bills and EOB's are maintained in one section while medical reports are contained in another. All remaining communication is maintained in chronologic order, including hard copies of all completed reserve worksheets, benefit notices and any other written communication.

All claim activity is documented and maintained in the notepad area of our claims management system. Every phone call, every email, etc., are all clearly documented. ICS requires all examiners enter all mail received in the notepad area as well and our expectations are that this is done on a daily basis. ICS requires a Plan of Action entry on all unresolved claims every 30 days and a more extensive Plan of Action entry and Reserve recap every 90 days on unresolved claims. For resolved claims these detailed reviews are conducted every 90 days. Evidence of file balancing is also reflected in the notes.

Index System

ICS subscribes to the Index Systems; a clearinghouse that receives and facilitates the sharing of reported claims information among some 3000 organizations nationwide. ICS files its Index reports electronically.

ICS proposes that all indemnity claims, as well as, medical only claims with extensive treatment issues be indexed. The initial report should be made immediately upon receipt of sufficient information, then at annual intervals thereafter. ICS will promptly file inquiries on any matches that the system finds. Costs for each claim report to the Index System will be paid off the claim file.

Trust Fund

Trust Fund or Zero Balance accounts will be maintained for all clients. Check production is password-protected and signature requirements are client-specific.

ICS works with each client on specific funding and banking procedures including frequency of reimbursement, bank reconciliation and signature authority. ICS will customize a reporting mechanism of checks issued to meet each client's need.

ICS ensures that safeguards are in place for the check printing process so that individuals entering checks and vendors into the system cannot also be the ones to sign and release the checks.

We do not have "check stock" but instead each account has the MICR coding embedded by the printer and check software. Only certain individuals are able to access the check printing system as it is password and rights protected.

All checks over a client's designated threshold amount must be reviewed by a manager prior to signatures or mailing.

Closed File Storage

ICS uses the services of a professional file storage company for off-site storage of older closed claims. All closed claims are inventoried prior to transfer to the storage company. Closed claims are easily obtained from the off-site company if needed. ICS will maintain closed claims at our cost for five years from closing date. After that, the client may be charged for continued storage of the files. Closed files can be retrieved by the client upon contract termination.

If the Client terminates the services with ICS and selects a new TPA for claims administration, ICS will box up all open and closed files so that the new TPA can pick them up at our location. ICS will not pay for transport of the files to the new location.

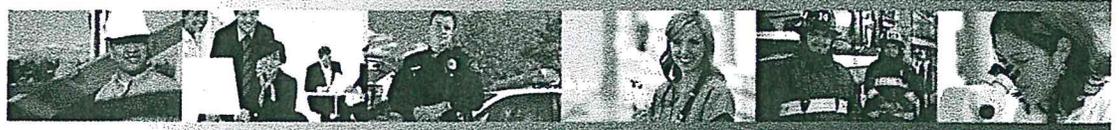


Staff Training

ICS is a strong proponent of training and education and covers the cost of all pertinent training courses for our employees. In addition, management provides on-going training and education to all ICS examiners on a regular basis, and has been doing so even before the new legislative requirements. ICS has averaged over 5 hours per month of training and education programs for our staff. ICS keeps examiners up to date on legislative and adjudicated changes that could affect your account. ICS trains all examiners and claim assistants through a combination of IEA accredited courses and in-house training.



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A Workers' Compensation Claims Administrator serving your needs in California

Claim Audits

ICS is constantly audited by our clients, LAWCX, Self-Insurance Plans, CSAC-EIA, DWC and other organizations. We are proud to report that we have consistently achieved very high scores on these audits.

Sample Audit Scoring Summaries are included in this addendum.

Exhibit 1 – Workers' Compensation Audit Scoring Summary

Audit Category	2015 Audit Scores
Critical Claim Audit Areas	
Contact with injured worker*	100%
Contact with member	100%
Diary systems: how often are files reviewed?*	100%
Documentation/explanation of file activities*	100%
Planning, direction, and follow-up	100%
Medical direction and control*	100%
Handling permanent disability issues	100%
Settlement of claims and closure efforts*	100%
Organization, appearance, and file maintenance	100%
Direction of Special Issues and Control of Vendors	
Litigation direction and management*	100%
Rehabilitation/SJDB direction and management	100%
Investigation and subrosa activity*	100%
Subrogation identification and management	n/a
Excess insurance identification and management	100%
Excess insurance identification and reporting	100%
Financial Accountability	
Reserve adequacy and accuracy*	100%
Medical payment processing	100%
Indemnity payments processed accurately*	100%
File information equals computer data*	100%
Reconciling or "balancing" the claim file	100%

Aggregate Scoring – Weighted

The overall score achieved by ICS is **100%**. This score applies additional significance to categories marked with an asterisk (*) (weighted averaging). Those marked categories make up 75% of the scoring impact.

Exhibit 1 – Workers' Compensation Audit Scoring Summary

Audit Category	2013 Audit Scores
Critical Claim Audit Areas	
Contact with injured worker*	92.8%
Contact with member	92.8%
Diary systems: how often are files reviewed?*	100%
Documentation/explanation of file activities*	92.8%
Planning, direction, and follow-up	100%
Medical direction and control*	100%
Handling permanent disability issues	100%
Settlement of claims and closure efforts*	100%
Organization, appearance, and file maintenance	100%
Direction of Special Issues and Control of Vendors	
Litigation direction and management*	100%
Rehabilitation/SJDB direction and management	100%
Investigation and subrosa activity*	100%
Subrogation identification and management	n/a
Excess insurance identification and management	100%
Excess insurance identification and reporting	100%
Financial Accountability	
Reserve adequacy and accuracy*	92.8%
Medical payment processing	100%
Indemnity payments processed accurately*	100%
File information equals computer data*	92.8%
Reconciling or "balancing" the claim file	100%

Aggregate Scoring – Weighted

The overall score achieved by ICS is **97.64%**. This score applies additional significance to categories marked with an asterisk (*) (weighted averaging). Those marked categories compose 75% of the scoring impact.

Exhibit 1 – Workers' Compensation Audit Scoring Summary

Audit Category	2013 Audit Scores
Critical Claim Audit Areas	
Contact with injured worker*	100%
Contact with member	100%
Diary systems: how often are files reviewed?*	100%
Documentation/explanation of file activities*	100%
Planning, direction, and follow-up	100%
Medical direction and control*	100%
Handling permanent disability issues	100%
Settlement of claims and closure efforts*	100%
Organization, appearance, and file maintenance	100%
Direction of Special Issues and Control of Vendors	
Litigation direction and management*	100%
Rehabilitation/SJDB direction and management	100%
Investigation and subrosa activity*	100%
Subrogation identification and management	100%
Excess insurance identification and management	86%
Excess insurance identification and reporting	86%
Financial Accountability	
Reserve adequacy and accuracy*	93%
Medical payment processing	100%
Indemnity payments processed accurately*	100%
File information equals computer data*	90%
Reconciling or "balancing" the claim file	100%
Medicare Set Aside identification/handling	100%

Aggregate Scoring – Weighted

The overall score achieved by ICS is 98.8%. This score applies additional significance to categories marked with an asterisk (*) (weighted averaging). Those marked categories compose 75% of the scoring impact.

Exhibit 1 – Workers' Compensation Audit Scoring Summary

Audit Category	2012 Audit Scores
Critical Claim Audit Areas	
Contact with injured worker*	100%
Contact with member	100%
Diary systems: how often are files reviewed?*	81.3%
Documentation/explanation of file activities*	93.8%
Planning, direction, and follow-up	93.8%
Medical direction and control*	100%
Handling permanent disability issues (e.g., apportionment)	100%
Settlement of claims and closure efforts*	88%
Organization, appearance, and claim information maintenance	100%
Direction of Special Issues and Control of Vendors	
Litigation direction and management*	100%
Rehabilitation/SJDB direction and management	100%
Investigation and subrosa activity*	100%
Subrogation identification and management	100%
Excess insurance identification and management*	100%
Excess insurance identification and reporting*	100%
Financial Accountability	
Reserve adequacy and accuracy*	93.8%
Medical payment processing	100%
Indemnity payments processed timely and accurately*	100%
File information equals computer data*	100%
Reconciling or "balancing" the claim file	100%
MSA identification and handling	100%

Aggregate Scoring – Weighted

The overall score achieved by ICS is **97.1%**. This score applies additional significance to categories marked with an asterisk (*) (weighted averaging). Those marked categories carry 75% of the overall score.

Score of asterisked items	96.4% average × .75 =	72.3%
Score of non-asterisked items	99.3% average × .25 =	24.8%
Overall weighted score	=	97.1%

Workers' Compensation Audit Scoring Summary

Audit Category	2011 Audit Scores
Critical Claim Audit Areas	
Contact with injured worker*	100%
Contact with member	100%
Diary systems (examiner and supervisor); review frequency*	78%
Documentation – file activity*	100%
Documentation – plan of action adherence	100%
Medical direction and control*	100%
Permanent disability management (e.g., apportionment)	100%
Settlement/closure efforts*	100%
Organization, appearance, and file maintenance	85%
Direction of Special Issues and Control of Vendors	
Litigation management*	100%
VR/SJDB management	100%
Investigation and subrosa activity*	78%
Subrogation identification and management	100%
Excess insurance identification and management*	100%
Excess insurance identification and reporting*	100%
Financial Accountability	
Reserve adequacy and accuracy*	70%
Medical payment processing	100%
Indemnity payments processed timely and accurately*	89%
File information versus electronic data integrity*	100%
Claim balancing consistency	100%

Aggregate Scoring – Weighted

The overall score achieved by ICS is **94.22%**. Categories marked with an asterisk (*) carry 75% of the overall score:

$92.92 \times .75 = 69.69$ is added to $98.13 \times .25 = 24.53$, yielding a total score of 94.22%

Exhibit 1 – Audit Scoring Summary

	% Compliance with Industry Standards
Audit Category	2011 Audit Score
Technical Claim Audit Areas	
Contact with injured worker*	96.7%
Contact with member	96.7%
Diary systems (files reviewed timely)*	97.1%
Medical direction and control*	98%
Handling permanent disability issues	98%
Settlement of claims and closure efforts*	97.1%
Organization, appearance, and file maintenance	99%
Direction of Special Issues and Control of Vendors	
Litigation direction and management*	98%
Vocational Rehabilitation direction and management	100%
Investigation and subrosa activity*	96.7%
Subrogation identification and management	100%
Excess insurance identification and reporting*	92.3%
Supervision	98%
Staffing Adequacy	100%
Financial Accountability	
Reserve adequacy and accuracy*	96.7%
Medical payment processing	100%
Indemnity payments calculated and processed accurately*	98%
File information reconciles with computer data	100%

Aggregate Scoring

FCS utilized a *weighted* scoring methodology. The categories marked with an asterisk (*) comprised 75% of the overall scoring.

The average *weighted* score achieved by ICS for this audit is **97.8%**.

Exhibit B

a. Explain the fee structure for claims administration for each type of service, if offered:

- **Claims Handling**
- **Utilization Review**
- **Bill Review**
- **Investigative**
- **Disability Case Management**
- **Medical Provider Network**
- **MMSEA Reporting**

ICS develops our fee based on our direct salary and overhead costs. We develop a flat annual fee for our services. We propose the following flat annual fee quote for the Client's program:

Cost Factors

The ICS fee is broken down as follows:

Year 1 - Flat Annual Fee of \$51,000

Year 2 - Flat Annual Fee of \$52,530

Year 3 - Flat Annual Fee of \$54,106

The above described fees are based on the following assumptions:

- Open Indemnity inventory of approximately 39 claims and all open medical only claims
- An average of 12-15 new indemnity claims per year

Should the open Indemnity Claims and the new Indemnity claim submissions increase or decrease by more than 10%, resulting in a change to the actual open inventory of 10% or more, ICS will contact the Client to negotiate an increase or decrease in fees, as appropriate.

In addition there is an annual banking fee of \$5000 for handling of the trust account and bank reconciliation by ICS.

There are no extra fees for:

- Account Management
- Annual Administration
- Medicare Reporting
- Examiner handling of subrogation
- Monthly Adjustments for open inventory
- Claim Reviews

- Client Meetings
- Standard and most Ad Hoc reports
- Internet claim reporting
- On-line access to claim system
- Legislative and Case Law Updates
- Training Programs

Conversion Costs

Since we are the current claims administrator, there is no cost for conversion of your claim data.

ICS currently provides a medical management program that encompasses Bill Review, Utilization Review, Preferred Provider Network, and other Medical Management services to our clients through use of outside vendors. We are more than willing to work with vendors selected by the Client.

Utilization Review

ICS proposes to use GENEX for all Utilization and Physician/Peer Review services, whose charges are as follows and paid off the claim files:

- \$100.00 per RN determination, including all letters
- \$220.00/hr (billed in ¼ hr increments) Physician Advisor Review, including letters
- \$310.00/hr (billed in ¼ hr increments) Specialty Physician Reviews on Appeals, including letters
- \$310.00/hr (billed in ¼ hr increments) Peer Review, with report

Bill Review

ICS proposes to use Diamond Bill Review Services to provide all bill review functions, whose charges are as follows and paid off the claim files:

Medical bills	\$3.00 Header per bill, \$1.00 per line
Inpatient Bills	20% of savings
Outpatient Bills	16% of savings
Out of Network Bills	25% of savings
PPO Network	20% of savings*
Fees for Review Only bills and liens	\$100.00 flat rate

ICS recommends jointly developing a vendor panel with our clients for all other related services such as investigators, Medical Case Managers and copy services. If the City has specific firms with which they have positive working relationships, ICS will work with the City designated firms. However, ICS will ensure all firms selected adhere to our standards and protocols. If requested, ICS will make recommendations for firms that

meet the City's geographic needs. ICS selects firms based on a combination of their knowledge, experience, quality of work, customer service, willingness to meet our performance standards and cost of service

ICS will provide MMSEA reporting to CMS on behalf of the client.

b. Identify the amount of payment received by your firm by any contracted service (i.e. bill review, utilization reviews, etc.). Please include provided costs with and without these services.

ICS does not receive payments from outside vendors except for Diamond Bill Review which pays rent to ICS to house their staff on-site in our San Ramon office.

Since ICS uses outside vendors for these services there is no difference in our fee.

c. Provide the name of each firm that provides the above services to the claims adjusting company.

As mentioned above, ICS is proposing Diamond Bill Review for bill review services and Genex for Utilization Review services.

AGENDA ITEM
CITY COUNCIL MEETING DATE - SEPTEMBER 1, 2015
CONSENT CALENDAR

DATE : August 20, 2015

TO : City Council

FROM : City Manager

SUBJECT : **UPDATE ON EMERGENCY CONTRACTS FOR CLOCK TOWER ELEVATOR REPLACEMENT**

RECOMMENDATION:

Review the report and affirm by a 4/5 vote that continued emergency contracting by the City Manager is necessary to provide temporary ADA access and to purchase and install a permanent replacement elevator and associated improvements at the historic Clock Tower.

EXECUTIVE SUMMARY:

An early July, 2015 inspection identified defects beyond repair and indicated the need to remove the elevator from operation immediately. A number of weddings and other large events are scheduled at the Clock Tower through fall. Therefore, staff have entered into contracts in order to provide temporary alternate access to the second floor of the Clock Tower that meets Americans with Disabilities standards and to purchase and install the permanent replacement elevator. Provided is an update on the status of both the temporary and permanent replacement elevators.

BUDGET INFORMATION:

The total cost for use of the temporary elevator for 12 weeks is estimated at \$69,660. The purchase and installation of the permanent replacement elevator is estimated at \$234,050. The funds for both of these items will be drawn from the General Fund reserves and transferred to the Internal Services Fund-Facilities, Account No. 113-9205-9521.

GENERAL PLAN:

Relevant General Plan Goals and Policy:

- GOAL 2.11: Encourage the retention and continued evolution of the lower Arsenal into a historic/cultural/commercial/industrial center of mutually compatible uses.
- GOAL 2.16: Ensure access needs of individuals with disabilities.

- POLICY 2.16.1: Provide for adequate public access in all forms (walks, buildings, transportation) in conformance with the Americans with Disabilities Act (ADA).
 - Program 2.16.A: In places that accommodate the public, remove barriers to access or provide alternative services when barriers cannot be removed.
 - Program 2.16.B: Require that publicly sponsored programs, activities and transportation facilities are accessible to individuals with disabilities (including employees).
- GOAL 2.28: Improve and maintain public facilities and services
- Goal 3.1, Maintain and enhance Benicia's historic character.

STRATEGIC PLAN:

Relevant Strategic Issues and Strategies and Actions:

- Strategic Issue 5: Maintain and Enhance a High Quality of Life
 - Strategy 4: Preserve City-owned Historic Structures
 - Action 4.b.: Maintained City-owned historic structures (e.g. Benicia Historical Museum, SP Depot, Clock Tower)

BACKGROUND:

The Clock Tower, which the City acquired in 1964, is the City's largest rental facility with a maximum seating capacity of 536 and maximum standing capacity of 750. The facility is heavily used and is rented for more than 100 events per year. It is also used for several classes offered through the City. Staff believes the existing Clock Tower elevator was installed prior to 1915. As a result of two malfunctions of the elevator, staff had the elevator professionally inspected in early July, 2015. The inspection identified defects that could not be repaired, making it necessary to immediately remove the elevator from operation and install a temporary elevator until the permanent elevator is completed. Per the emergency contracting provisions used to get the elevator in working order, staff is required to provide Council a report on project status every two weeks until the work is done.

Bigge Crane and Rigging Company installed the temporary elevator, which the Occupational Safety and Health Administration approved for public use on August 14. The installation was completed for \$44,760, with ongoing rental costing \$8,300 per month.

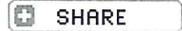
The permanent replacement elevator has been ordered from Dream Ride Elevator. Removal of the old elevator is scheduled to begin on August 27.

Staff will continue to provide City Council with updates on project progress at every subsequent Council meeting until the project has been completed or terminated.

Attachment:

- Excerpt from Benicia Municipal Code – Emergency Contracting Procedures

3.09.050 Emergency contracting procedures.



- A. In the event of an emergency, the city council, pursuant to Section 22050(b)(1) of the Public Contract Code of California, delegates to the city manager or, in his/her absence, the public works director, the authority to repair or replace a public facility, take any directly related and immediate action required by that emergency, and procure the necessary equipment, services, and supplies for those purposes, without giving notice for bids to let contracts.
- B. If the city manager or public works director orders any action specified in subsection (A) of this section, that person shall report to the city council, at its next meeting required herein, the reasons justifying why the emergency will not permit a delay resulting from a competitive solicitation for bids and why the action is necessary to respond to the emergency.
- C. The city council shall initially review the emergency action not later than seven days after the action, or at its next regularly scheduled meeting if that meeting will occur not later than 14 days after the action, and at least at every regularly scheduled meeting thereafter until the action is terminated, to determine, by a four-fifths vote, that there is a need to continue the action, unless the city manager or public works director has terminated that action prior to the city council reviewing the emergency action and making a determination pursuant to this subsection.
- D. When the city council reviews the emergency action pursuant to subsection (C) of this section, it shall terminate the action at the earliest possible date that conditions warrant so that the remainder of the emergency action may be completed by giving notice for bids to let contracts. (Ord. 03-5).

AGENDA ITEM
CITY COUNCIL MEETING DATE - SEPTEMBER 1, 2015
CONSENT CALENDAR

DATE : August 17, 2015

TO : City Manager

FROM : Public Works Director

SUBJECT : **APPROVAL OF AMENDMENT TO AGREEMENT FOR CONTINUED STAFF AUGMENTATION FOR THE PUBLIC WORKS DEPARTMENT**

RECOMMENDATION:

Adopt a resolution approving an Amendment to Agreement for continued staff augmentation services for the Public Works Department with Pakpour Consulting Group, Inc. for a not-to-exceed cost of \$66,960 and authorizing the City Manager to sign the Amendment to Agreement on behalf of the City.

EXECUTIVE SUMMARY:

The Amendment to Agreement will provide for continuing the Contract Assistant Public Works Director position while the recruitment for the permanent Assistant Public Works Director is completed and it also will provide for reassigning the contract position to a Contract Senior Civil Engineer through the end of 2015. The consultant has the expertise necessary to fill this role on an interim basis. City staff does not have the capacity to perform this work in-house.

BUDGET INFORMATION:

The not-to-exceed cost of the continued staff augmentation services is \$66,960. It is proposed to split the cost 40% or \$26,784 from Acct No. 090-8205-8106 (Water Treatment Operations – Professional/Technical Services), 40% or \$26,784 from Acct. No. 014-8305-8106 (Wastewater Treatment Operations – Professional/Technical Services), and 20% from Acct. No. 010-8805-8106 (Engineering – Professional/Technical Services.)

GENERAL PLAN:

Relevant General Plan Goals:

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

STRATEGIC PLAN:

Relevant Strategic Plan Issue:

- Strategic Issue #2: Protecting and Enhancing the Environment
- Strategy #2: Implement new water conservation projects/programs
- Strategic Issue #4: Preserving and Enhancing Infrastructure

BACKGROUND:

The City and Pakpour Consulting Group, Inc. entered into a Consultant Agreement on April 2, 2015 for a Contract Assistant Public Works Director at a not-to-exceed cost of \$64,800. Then a subsequent Agreement was entered into on July 13, 2015 to continue the Assistant Director position for July and August 2015 at a not-to-exceed cost of \$43,200. Steven Yee, P.E. has been serving as the Contract Assistant Public Works Director since April.

Mr. Yee has been helpful to the City and has worked on development review, capital improvement projects (e.g., St. Augustine Flood Relief Project and Bus Hub Project), project coordination (e.g., I-80/I-680 Water Pipeline Relocation Project), and document review (e.g., Vulnerability Assessment and Adaptation Plan, and Benicia Industrial Park Transportation and Employment Center Plan). He has proven to propose strategies and solutions to date that have been practical, cost effective and aligned with City objectives.

Mr. Yee has demonstrated the expertise necessary for these specialized public works projects. He has over 20 years of engineering experience in the public sector. Mr. Yee is a registered professional engineer, currently obtaining a Master of Public Administration degree, and has successfully completed a Senior Executive in Local and State Government Program at Harvard University. His work quality has proven to be professional and he has shown responsiveness throughout previous work for the Public Works Department. City staff does not have the capacity to perform this work in-house. Additionally, Pakpour Consulting Group's hourly rates are about 15 percent below similar positions at other firms.

Staff proposes to continue the staff augmentation services of Pakpour Consulting Group, Inc., by continuing the services of Mr. Yee as the full-time Contract Assistant Public Works Director for September 2015 while the recruitment for the permanent Assistant Director is completed, and then reassigning Mr. Yee to the position of part-time Contract Senior Civil Engineer for October through December 2015 at a total not-to-exceed cost of \$66,960.

Mr. Yee's duties will include the following:

- 1) Continue staff augmentation as Contract Assistant Public Works Director in September 2015 (up to 4 weeks).
- 2) Transition Assistant Public Works Director's role to new staff (up to 2 weeks) for

the following programs:

- Weekly coordination meetings with Water, Wastewater, Water Quality, Engineering and Maintenance Divisions
- Public Works and Parks & Community Services Coordination meetings
- Public Works Department Budgets
- Water and Wastewater Rate Study
- Lighting and Landscape Assessment Districts
- Wastewater Treatment Plant Assessments
- Sanitary Sewer Closed Caption Television (CCTV) Inspections and Cleaning (RiverWatch)
- West H Sanitary Sewer Shoreline Erosion

3) Contract Senior Civil Engineer for the following on-going projects/programs near completion (remainder of year).

- Transportation and Employment Center Plan for Benicia Industrial Park
- I-680/80/12 Improvements - Raw water transmission main relocation
- I-680/Red Top Road Improvements - Raw water transmission main relocation
- Hwy 12/raw water main cathodic protection replacement
- Water Meter Replacement Request for Proposal
- Wastewater Treatment Plant Helical Skimmer Replacement

4) Assist in updating/developing standard operating procedures for Maintenance Division per industry standards (remainder of year).

5) Assist in establishing maintenance work plans per industry standards (remainder of year).

6) Assist in establishing (routine and on-call) maintenance and service contracts in Maintenance, Water and Wastewater Divisions (remainder of year).

Staff recommends that Council approve the amendment to agreement for continued staff augmentation services with Pakpour Consulting Group, Inc. for a cost not-to-exceed \$66,960.

Attachments:

- Proposed Resolution
- Amendment to Agreement
- Pakpour Proposal

RESOLUTION NO. 15-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING AN AMENDMENT TO AGREEMENT FOR CONTINUED STAFF AUGMENTATION SERVICES FOR THE PUBLIC WORKS DEPARTMENT WITH PAKPOUR CONSULTING GROUP, INC. FOR A NOT-TO-EXCEED COST OF \$66,960 AND AUTHORIZING THE CITY MANAGER TO SIGN THE AMENDMENT TO AGREEMENT ON BEHALF OF THE CITY

WHEREAS, the City entered into a consulting agreement with Pakpour Consulting Group, Inc. on April 2, 2015 for staff augmentation services for a Contract Assistant Public Works Director at a not-to-exceed cost of \$64,800; and

WHEREAS, the City entered into a second consulting agreement with Pakpour Consulting Group, Inc. on July 13, 2015 for staff augmentation services for a Contract Assistant Public Works Director for July and August 2015 at a not-to-exceed cost of \$43,200; and

WHEREAS, Mr. Yee with Pakpour Consulting Group. Inc. has 18 years of engineering experience in the public sector and has proven to propose strategies and solutions to date that have been practical, cost effective and aligned with City objectives; and

WHEREAS, staff recommends an amendment to agreement for continued staff augmentation services to continue the services of Mr. Yee as the Contract Assistant Public Works Director for September 2015 and then reassign Mr. Yee to the position of Contract Senior Civil Engineer for October through December 2015 at a not-to-exceed cost of \$66,960; and

WHEREAS, City staff does not have the capacity to perform this work in-house; and

WHEREAS, Pakpour Consulting Group is the most capable in all material aspects to perform the contract requirements and is highly qualified to perform the staff augmentation services for the Public Works Department.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Benicia hereby approves an Amendment to Agreement for continued staff augmentation services for the Public Works Department with Pakpour Consulting Group, Inc. for a not-to-exceed cost of \$66,960 (funded 40% or \$26,784 from Acct No. 090-8205-8106, 40% or \$26,784 from Acct. No. 014-8305-8106, and 20% from Acct. No. 010-8805-8106) and authorizes the City Manager to sign the Amendment to Agreement on behalf of the City, subject to approval by the City Attorney.

On motion of Council Member _____, and seconded by Council Member _____, the above Resolution was introduced and passed by the City Council of the City of Benicia at a regular meeting of said Council held on the 1st day of September, 2015, and adopted by the following vote.

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk

Date

AMENDMENT TO AGREEMENT

This Amendment of the Agreement, entered into this ____ day of _____, 2015, by and between the City of Benicia, a municipal corporation (hereinafter "CITY") and Pakpour Consulting Group, Inc. a California Corporation, with its primary office located at 5776 Stoneridge Mall Road, Suite 320, Pleasanton, CA 94588 (hereinafter "CONSULTANT"), is made with reference to the following:

RECITALS:

- A. On July 13, 2015, an agreement was entered into by and between CITY and Pakpour Consulting Group, Inc. ("Agreement").
- B. CITY and CONTRACTOR 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 (Scope of Services) of the Agreement is modified to include:
Continue staff augmentation services for the Public Works Department from September through December 2015 (Contract Assistant Public Works Director and then transition to Contract Senior Civil Engineer.) Scope of Services dated August 14, 2015 attached.
- 2. Paragraph 3 (Compensation) of the agreement is modified to:
Add an additional \$66,960.
- 3. 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.

Pakpour Consulting Group

City of Benicia, a Municipal Corporation

By 
Joubin Pakpour, P.E.
President

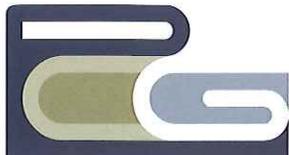
By _____
Brad Kilger
City Manager

RECOMMENDED FOR APPROVAL:

Department Head

APPROVED AS TO FORM:

City Attorney



Pakpour Consulting Group, Inc.

August 14, 2015

EXHIBIT A

Graham S. Wadsworth, P.E.
Public Works Director
City of Benicia
250 East "L" Street
Benicia, CA 94510

10006.17

**Subject: Proposal to Provide Staff Augmentation Services
City of Benicia**

Dear Mr. Wadsworth,

We understand you would like Steven Yee to continue in his staff augmentation role in assisting the City of Benicia's Public Works Department until the end of 2015 as contract senior civil engineer. He will transition his duties to the new deputy director and work part-time on special projects under your direction.

The current contract is set to expire on August 28th. We have budget for 4 full time weeks (40 hours per week) until September 25th followed by 14 part-time weeks (24 hours per week) until December 31st.

We propose a contract amount of \$66,960 (4 weeks x 5 days x 8 hours x \$135 per hour + 14 weeks x 3 days x 8 hours x \$135 per hour). PCG will bill on a time and material basis for Steven's time actually spent at the City. We will honor our full time rate of \$135 per hour for the contract extension; however future contract extensions will be billed at our standard billing rate of \$145 per hour for Senior Engineer.

Steve's scope of work will include:

1. Continue staff augmentation as Interim Assistant Public Works Director in September 2015 (up to 4 weeks).
2. Transition Assistant Public Works Director's role to new staff (up to 2 weeks) for following programs:
 - Weekly coordination meetings with Water, Wastewater, Water Quality, Engineering and Maintenance Divisions
 - Public Works and Parks Coordination meetings
 - Public Works Department budgets
 - Water and Wastewater rate study
 - Lighting and Landscape Assessment Districts
 - Wastewater Treatment Plant Assessments
 - Sanitary Sewer CCTV and Cleaning (RiverWatch)
 - West H Sanitary Sewer Shoreline Erosion

3. Project liaison for the following on-going projects/programs near completion (remainder of year)

- TEC Plan
- 680/80/12 Improvements - Raw water transmission main relocation
- 680/Red Top Road Improvements - Raw water transmission main relocation
- Hwy 12/raw water main cathodic protection replacement
- Water meter RFP
- WWTP helical skimmer replacement

4. Assist in updating/developing standard operating procedures for Maintenance Division per industry standards (remainder of year).

5. Assist in establishing maintenance work plans per industry standards (remainder of year).

6. Assist in establishing (routine and on-call) maintenance and service contracts in Maintenance, Water and Wastewater Divisions (remainder of year).

Thank you once again for considering *Pakpour Consulting Group*. Should you have any questions please do not hesitate to contact me at (925) 224-7717.

Very truly yours

Pakpour Consulting Group, Inc.



Joubin Pakpour, P.E.
President

J:\Projects\Benicia - 10006.00\17-Staff Augmentation\Contract\2015\PSA#4 - \$66,960\17-BEN-Wadsworth-15.08.14-Staff Augmentation Proposal-v3.docx

AGENDA ITEM
CITY COUNCIL MEETING DATE - SEPTEMBER 1, 2015
CONSENT CALENDAR

DATE : August 17, 2015

TO : City Manager

FROM : Public Works Director

SUBJECT : **APPROVAL OF THE 2014 UPDATE OF THE BENICIA SEWER SYSTEM MANAGEMENT PLAN**

RECOMMENDATION:

Adopt a resolution approving the 2014 update of the Benicia Sewer System Management Plan in accordance with the requirements of the State and Regional Water Quality Control Boards.

EXECUTIVE SUMMARY:

All publicly-owned wastewater utilities are required by the state to develop and implement a Sewer System Management Plan (SSMP). The SSMP formalizes procedures for proper management, operation and maintenance of all parts of the sanitary sewer system to help reduce and prevent sanitary sewer overflows. SSMPs are to be updated every five years and then recertified by the governing board. This action approves the 2014 updates to the City's SSMP.

BUDGET INFORMATION:

No budget impacts are associated with this action. The Fiscal Years 2015-2017 budget includes staffing, equipment and contract services to implement the SSMP.

GENERAL PLAN:

Relevant General Plan Goals:

- Overarching Goal of the General Plan: Sustainability
- Goal 2.28: Improve and maintain public facilities and services.

STRATEGIC PLAN:

Relevant Strategic Plan Issue and Strategy:

- Strategic Issue #1: Protecting Community Health and Safety

BACKGROUND

The City of Benicia is required by the State Water Resources Control Board (SWRCB) and the Regional Water Quality Control Board (RWQCB) to develop, implement, and update a Sewer System Management Plan (SSMP). These requirements are applicable to all municipalities and other public entities that own or operate a sanitary sewer system. SWRCB Order No. 2006-0003-DWQ mandates the implementation of the SSMP and requires reporting of sanitary sewer overflows (SSOs). A SSMP formalizes policies and procedures intended to properly manage, operate and maintain all parts of the sanitary sewer system to help reduce and prevent sanitary sewer overflows. SSMPs must be updated every five years and re-certified by the City's governing board when significant updates are made.

The City's original SSMP was approved by City Council in 2009. Since that time, periodic minor updates have been made, with more significant updates made in 2014 to reflect revisions to the Monitoring and Reporting Program of Order No. 2006-0003-DWQ along with other changes in the City's program for operation and maintenance of its sanitary sewer system. The City's SSMP can be found on the City's website (www.ci.benicia.ca.us) under: City Departments>Public Works>Publications>Sewer System Management Plan.

The most significant change in the City's SSMP occurred in the May 2014 revision, in response to the State Water Board adopting a new Monitoring and Reporting Program (MRP) for the Statewide General Order for Sanitary Sewer Systems. The revised MRP made significant changes to the Statewide Order's monitoring and reporting requirements, including the creation of a whole new category of SSOs, changes in notification/reporting requirements, new requirements for sampling and submittal of a technical report for SSO's that exceed 50,000 gallons, and other changes.

The City's Emergency Response Plan (which is part of the SSMP) was updated to conform to these changes. The SSMP was also revised to reflect the RWQCB's actions in eliminating requirements that it had put into place prior to adoption of the Statewide Order. These included electronic reporting through the RWQCB's website, requirements for submittal of an annual report, and requirements for an annual audit. All of these items are covered by requirements in the Statewide Order and have been updated in the City's SSMP as part of the 2014 update. Other minor changes, such as contact list revisions and replacing reports with the most recent, were also part of the update. Excerpts from the City's SSMP are attached.

Below is a table showing the number of miles of sewer lines cleaned, sewer lines repaired and SSOs from January 2009 to December 2014.

Measures	2009	2010	2011	2012	2013	2014
Miles of Sewer Lines Cleaned	28	29	30	19	20	22
Number of Sewer Lines Repaired	20	14	8	4	18	23
Sanitary Sewer Overflows (SSOs)	22	10	13	15	14	22

The Public Works Maintenance sewer collection team focused on cleaning sewer lines in 2009 to 2012. Then starting in 2013, the team has continued to do a fair amount of cleanings, but has also focused more on repairs and will continue to do so. The team has set a goal to clean the entire 150 miles of sewer pipelines in the city by year 2020. The team plans to top down clean 40 miles of sewer line per year for over the next four years. Cleanings are important to remove buildup caused from fats, oils and grease known as FOG, remove buildup in pipelines with an inadequate slope or a “belly”, and to remove any roots that have intruded into the pipes in an effort to keep the wastewater flowing properly.

The sewer collection team is now fully staffed and is on pace to meet their cleaning goal. The team will also perform annual maintenance at all 23 lift stations, or about four or five each month to keep them clean in order to prevent sewer sludge from being pumped into the force mains. Additionally, the team will maintain an ongoing training program to enhance staff capabilities and assure continued staff safety.

Construction of the Inflow and Infiltration (I&I) Project in 2005 has helped prevent SSOs, especially during the December 2014 storm when many agencies in the San Francisco Bay Area experienced overflows, and Benicia did not have any overflows during that storm event.

The City is in the process of hiring a contractor to perform a Closed Circuit Television (CCTV) Condition Assessment of all gravity sewer lines. This is important so defective sewer lines can be identified and then prioritized for repair or replacement. A Request for Proposal has been issued for this work. It is anticipated that work will begin this fall.

Attachments:

- Resolution – Approval of the 2014 Update of the Benicia Sewer System Management Plan
- Excerpt from City’s SSMP – Cover, Table of Contents and Section I
- Excerpt from City’s SSMP – Section VI – Emergency Response Plan

RESOLUTION NO. 15-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING THE 2014 UPDATE OF THE CITY'S SEWER SYSTEM MANAGEMENT PLAN IN ACCORDANCE WITH THE REQUIREMENTS OF THE STATE AND REGIONAL WATER QUALITY CONTROL BOARDS

WHEREAS, the City of Benicia, along with all public entities that own or operate sanitary sewer systems, is required by State Water Resources Control Board (SWRCB) Order No. 2006-0003-DWQ to develop and implement a Sewer System Management Plan (SSMP) in accordance with implementation schedules mandated by the State and Regional Water Boards; and

WHEREAS, the SSMP must be updated every five years and re-certified by the City's governing board when significant updates are made; and

WHEREAS, the SSMP has undergone periodic minor updating since the original SSMP was approved in 2009, with more significant updates made in 2014 to reflect revisions to the Monitoring and Reporting Program of Order No. 2006-0003-DWQ and other changes in the City's program for operation and maintenance of its sanitary sewer system; and

WHEREAS, the City Council supports and endorses the formalization of policies and procedures intended to properly manage, operate and maintain all parts of the sanitary sewer system to help reduce and prevent sanitary sewer overflows.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Benicia hereby approves the 2014 update of the City's Sewer System Management Plan in accordance with the requirements of the State and Regional Water Quality Control Boards.

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, 2015, and adopted by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk

Date

City of Benicia Sewer System Management Plan (SSMP)



City of Benicia
..... Public Works Department
..... 250 East L Street
..... Benicia, California 94510
..... (707) 746-4240

Table of Contents

Section I	Goals
Section II	Organization
Section III	Legal Authority
Section IV	Measures and Activities
Section V	Design and Construction Standards
Section VI	Emergency Response Plan
Section VII	FOG Control Program
Section VIII	Capacity Management
Section IX	Monitoring, Measurement and Program Modifications
Section X	SSMP Audits
Section XI	Communication Program

Attachments

SWRCB Order 2006-003-DWQ with SWRCB Order 2013-0058-EXEC incorporated
2006-2008 Statements of Compliance (for SSMP Development)
RWB October 3, 2012 letter “Discontinuation of Requirements for Annual Reports of
Sanitary Sewer Overflows (SSOs), and Annual Sewer System Management Plan
(SSMP) Audits”
Enrollee’s Guide to SSO Database (Cover and Table of Contents only, with a link to
full document on the SCWCB web site)
SSMP Update Log
Benicia City Council Resolution No. 08-05 (SSMP Implementation Approval)
Benicia City Council Resolution No. 09-69 (Approval of the 2009 SSMP)

SECTION I—GOALS

Requirement¹

The goal of the SSMP is to provide a plan and schedule to properly manage, operate, and maintain all parts of the sanitary sewer system. This will help to reduce and prevent SSOs, as well as mitigate any SSOs that do occur.

Goals

1. Properly manage, operate and maintain all parts of the wastewater collection system to provide reliable and uninterrupted service 99% of the time.
2. Provide adequate capacity to convey peak flows and reduce annual inflow and infiltration in the collection system.
3. Take all feasible steps to eliminate or reduce sanitary sewer overflows (SSOs) to less than twelve per year, declining over time to zero.
4. Mitigate the impact of SSOs utilizing safe, practical, proven and effective methods.
5. Provide Operations and Maintenance (O & M) training for all field crew and stand-by personnel who are involved in responding to Sewer System Overflows.

¹ SWRCB Order No. 2006-0003-DWQ § B.13 (i)

BACKGROUND

City of Benicia

The City of Benicia has a population of approximately 28,000 and is located approximately 35 miles northeast of San Francisco and 57 miles southwest of Sacramento. It was founded in 1847 along the north shore of the Carquinez Strait, where the combined flows of the Sacramento and San Joaquin rivers have cut a deep gorge through the Coast Range. The Strait is a crucial link in northern California's inland waterway, connecting San Pablo Bay and San Francisco Bay to the west with the Sacramento and San Joaquin River deltas to the east. Through the Strait, ocean-going ships can reach the Port of Benicia or continue on to the Central Valley ports of Sacramento and Stockton.

Until 1957 untreated sewage was being discharged directly into the Carquinez Strait from nine principal outfalls and numerous minor outfalls spaced over two miles of shoreline. Federal and State Legislators recognized that Cities all across the country were polluting large bodies of water and jeopardizing public health by hampering the beneficial use of these waters. In 1958 the City of Benicia completed construction of a Wastewater Treatment Plant on East 5th Street which has been upgraded and expanded several times and serves the community today. The City has 150 miles of sewer pipelines, over 9,000 service connections and 23 sewer lift stations.

Sanitary Sewer Overflow Reduction

The City of Benicia is committed to reducing Sewer System Overflows (SSOs) in order to decrease the risk to both human health and the environment; the number and size of SSOs generally can be reduced, if not prevented, through the application of sound and appropriate operation, infrastructure maintenance, and management principles to wastewater collection systems. In accordance with State Water Resources Control Board, Order No. 2006-0003 entitled, "Statewide General Discharge Requirements for Sanitary Sewer Systems," all sanitary sewer systems over one mile in length are required to implement a Sanitary Sewer System Management Plan (SSMP). The city has developed and implemented a citywide Sewer System Management Plan (SSMP). The SSMP includes the applicable elements that provide proper and cost effective management, operation, and maintenance of collection systems, while taking into consideration risk management and cost benefit analysis.

The City of Benicia has already implemented measures to reduce SSOs, and utilizes a statewide electronic reporting system for SSOs. The City has a maintenance crew of six and a supervisor for cleaning and repairing the sewer collection system. A staff of seven and a supervisor operate and maintain the 23 lift stations and 4.5 million gallons per day (MGD) wastewater treatment plant. Four laboratory technicians and a supervisor take water quality samples.

SECTION VI—EMERGENCY RESPONSE PLAN

Requirement¹

Each Enrollee shall develop and implement an overflow emergency response plan that identifies measures to protect public health and environment. At a minimum, this plan must include the following:

- (a) Proper notification procedures so that the primary responders and regulatory agencies are informed of all SSOs in a timely manner;
- (b) A program to ensure an appropriate response to all overflows;
- (c) Procedures to ensure prompt notification to appropriate regulatory agencies and other potentially affected entities (e.g. health agencies, Regional Water Boards, water suppliers, etc.) of all SSOs that potentially affect public health or reach the waters of the State in accordance with the MRP. All SSOs shall be reported in accordance with this MRP, the California Water Code, other State Law, and other applicable Regional Water Board WDRs or NPDES permit requirements. The SSMP should identify the officials who will receive immediate notification;
- (d) Procedures to ensure that appropriate staff and contractor personnel are aware of and follow the Emergency Response Plan and are appropriately trained;
- (e) Procedures to address emergency operations, such as traffic and crowd control and other necessary response activities; and
- (f) A program to ensure that all reasonable steps are taken to contain and prevent the discharge of untreated and partially treated wastewater to waters of the United States and to

¹ SWRCB Order No. 2006-0003-DWQ § B.13 (vi)

minimize or correct any adverse impact on the environment resulting from the SSOs, including such accelerated or additional monitoring as may be necessary to determine the nature and impact of the discharge.

Supporting Documents

1. "SSO Regulatory Notification, Reporting and Record Keeping" 2-21-14. (Replaced "Spill and Bypass Reporting" document).
2. "Sanitary Sewer Overflow and Backup Response Plan" 2009 Update (to be replaced by 2014 Update when finalized).
3. SSO Monitoring Plan. October 2014

The City of Benicia utilizes the "Sanitary Sewer Overflow and Backup Response Plan" published by ABAG Plan Corporation. The City was instrumental in the development of the plan since its inception in 2004 and the subsequent revisions. The plan contains all the emergency response elements required by the SSMP.

The policy requires that City employees report all water overflows found and to take the appropriate action to secure the wastewater overflow area, relieve the cause of the overflow, and ensure that the affected area is cleaned as soon as possible to minimize health hazards to the public and protect the environment. The City's goal is to respond to sewer system overflows during the regularly scheduled workday within 30 minutes. After hours response time is dependant on the location of the assigned stand-by personnel and the typical response time is less than one hour.

SSO Regulatory Notification, Reporting and Record Keeping

Spill Categories

Table VI-1 from the Monitoring and Reporting Program (MRP) of Statewide Order 2006-003-DWQ summarizes the categories of spills as defined in the Order. Correct identification of the spill category is important because reporting requirements vary depending on the spill category. The most critical is a Category 1 spill, for which a 2-hr notification requirement applies.

Table VI-1. Spill Categories and Definitions

CATEGORIES	DEFINITIONS [see Section A on page 5 of Order 2006-0003-DWQ, for Sanitary Sewer Overflow (SSO) definition]
CATEGORY 1	Discharges of untreated or partially treated wastewater of any volume resulting from an enrollee's sanitary sewer system failure or flow condition that: <ul style="list-style-type: none"> • Reach surface water and/or reach a drainage channel tributary to a surface water; or • Reach a Municipal Separate Storm Sewer System (MS4) and are not fully captured and returned to the sanitary sewer system or not otherwise captured and disposed of properly. Any volume of wastewater not recovered from the MS4 is considered to have reached surface water unless the storm drain system discharges to a dedicated storm water or groundwater infiltration basin (e.g., infiltration pit, percolation pond).
CATEGORY 2	Discharges of untreated or partially treated wastewater of 1,000 gallons or greater resulting from an enrollee's sanitary sewer system failure or flow condition that do not reach surface water, a drainage channel, or a MS4 unless the entire SSO discharged to the storm drain system is fully recovered and disposed of properly.
CATEGORY 3	All other discharges of untreated or partially treated wastewater resulting from an enrollee's sanitary sewer system failure or flow condition.
PRIVATE LATERAL SEWAGE DISCHARGE (PLSD)	Discharges of untreated or partially treated wastewater resulting from blockages or other problems within a privately owned sewer lateral connected to the enrollee's sanitary sewer system or from other private sewer assets. PLSDs that the enrollee becomes aware of may be <u>voluntarily</u> reported to the California Integrated Water Quality System (CIWQS) Online SSO Database.

Notification, Reporting, and Certification Requirements

Table VI-2, also from the Statewide Order's MRP, summarizes notification, reporting, monitoring and record keeping requirements. More detailed information is provided below and in the MRP, which is included as an Attachment to this SSMP.

Table VI-2. Notification, Reporting, Monitoring, and Record Keeping Requirements

ELEMENT	REQUIREMENT	METHOD
<p>NOTIFICATION (see section B of MRP)</p>	<ul style="list-style-type: none"> • Within two hours of becoming aware of any Category 1 SSO <u>greater than or equal to 1,000 gallons discharged to surface water or spilled in a location where it probably will be discharged to surface water</u>, notify the California Office of Emergency Services (Cal OES) and obtain a notification control number. 	<p>Call Cal OES at: (800) 852-7550</p>
<p>REPORTING (see section C of MRP)</p>	<ul style="list-style-type: none"> • Category 1 SSO: Submit draft report within three business days of becoming aware of the SSO and certify within 15 calendar days of SSO end date. • Category 2 SSO: Submit draft report within 3 business days of becoming aware of the SSO and certify within 15 calendar days of the SSO end date. • Category 3 SSO: Submit certified report within 30 calendar days of the end of month in which SSO the occurred. • SSO Technical Report: Submit within 45 calendar days after the end date of any Category 1 SSO in which 50,000 gallons or greater are spilled to surface waters. • “No Spill” Certification: Certify that no SSOs occurred within 30 calendar days of the end of the month or, if reporting quarterly, the quarter in which no SSOs occurred. • Collection System Questionnaire: Update and certify every 12 months. 	<p>Enter data into the CIWQS Online SSO Database (http://ciwqs.waterboards.ca.gov/), certified by enrollee’s Legally Responsible Official(s).</p> <p>In the event CIWQS is unavailable, fax a hard copy report (using a blank CIWQS report printout as a template) to the Regional Water Board at (510) 622-2460. Submit the electronic report through CIWQS when available.</p>
<p>WATER QUALITY MONITORING (see section D of MRP)</p>	<ul style="list-style-type: none"> • Conduct water quality sampling <u>within 48 hours</u> after initial SSO notification for Category 1 SSOs in which 50,000 gallons or greater are spilled to surface waters. 	<p>Water quality results are required to be uploaded into CIWQS for Category 1 SSOs in which 50,000 gallons or greater are spilled to surface waters.</p>
<p>RECORD KEEPING (see section E of MRP)</p>	<ul style="list-style-type: none"> • SSO event records. • Records documenting Sanitary Sewer Management Plan (SSMP) implementation and changes/updates to the SSMP. • Records to document Water Quality Monitoring for SSOs of 50,000 gallons or greater spilled to surface waters. • Collection system telemetry records if relied upon to document and/or estimate SSO volume 	<p>Self-maintained records shall be available during inspections or upon request.</p>

The requirement for 2-hr notification to Cal-OES applies to any Category 1 SSO greater than or equal to 1,000 gallons discharged to surface water or spilled in a location where it probably will be discharged to surface water, The 2-hr period starts upon the City “becoming aware” of such a spill. In some cases, such awareness may require field verification. Note that reporting an SSO in CIWQS within 2 hours is not required.

Creating an SSO Report in the State Online Reporting System (CIWQS)

To create an SSO report in CIWQS, go to <http://ciwqs.waterboards.ca.gov/> and enter your user name and password. Select the “SS) – Sanitary Sewer Overflow” link, then the sanitary sewer system (only one choice for the City of Benicia), and then the “Reporting New SSO” link. The program will prompt you for basic information about SSO location, volumes, and disposition (e.g. did it reach surface water), and based on that information will then direct you automatically to the appropriate reporting screens (Category 1, 2, or 3). For a Category 1 spill, you must have the OES control number for that SSO.

The *Enrollee’s Guide to the SSO Database* provides detailed guidance for the use of the CIWQS system. The *Enrollee’s Guide* is available on the City’s SSMP web site and also at http://www.waterboards.ca.gov/water_issues/programs/ssso/docs/discharger_workbook.pdf

For both Category 1 and Category 2 SSOs, a draft report must be submitted through CIWQS within three business days of becoming aware of the SSO. (This is in addition to the 2-hr notification for Category 1 spills of greater than 1000 gallons).¹ The draft reports must be “certified” within 15 calendar days of the SSO end date. In the event CIWQS is unavailable, fax a hard copy report (using a blank CIWQS report printout as a template) to the Regional Water Board at (510) 622-2460. Submit the electronic report through CIWQS when available.

For Category 3 SSOs, no draft report is required. Instead, a single (certified) report must be submitted within 30 calendar days of the end of the month in which the SSO has occurred.

The 2-hr notification and draft reports can be submitted through CIWQS by either a designated “Data Submitter” or by a designated “Legally Responsible Official (LRO)”. However, only a LRO can certify reports. Currently, the City’s Public Works Maintenance Superintendent, the Wastewater Treatment Plant Superintendent and Public Works Director are designated LROs. Normal procedure is for the City’s Public Works Maintenance Superintendent to conduct all on-line reporting. However, circumstances may require other staff to file the 2-hr notification or draft reports.

¹ The CIWQS system allows a user to save a “work in progress” version of the SSO report online. Saving a “work-in-progress” version does not meet the requirement for submitting a draft report.

Amending and Recertifying SSO Reports

A certified SSO report can be amended (or additional information attached) for up to 120 calendar days after the SSO end date. After 120 days, special approval is required to amend a report. See Section C.4.b.iv of the MRP.

Private Sewer Lateral Discharge (PSLD)

CIWQS provides the option for reporting SSOs from private sewer laterals, which are not consider the responsibility of the reporting agency. In CIWQS, records of PSLDs are maintained separately from records of SSOs the agency's own facilities. The City typically does not report PSLDs.

No Spill Certification

For months during which there are no SSOs, a "no spill certification" must be submitted in CIWQS by an LRO within 30 days after the end of the month. [Note: The 2013 MRP amendment allows no spill certifications to be filed quarterly]. Filing the No-spill certification is normally the responsibility of the Public Works Maintenance Superintendent.

Annual Questionnaire

The City must annually update and certify certain information regarding the collection system. The questionnaire must be certified in CIWQS by an LRO. Certification is normally the responsibility of the Public Works Maintenance Superintendent.

Spills Exceeding 50,000 Gallons that Reach Surface Waters

The MRP requires that water quality sampling be conducted for spills of 50,000 gallons or greater that reach surface waters, and that the SSO be documented in an SSO Technical Report. Water quality monitoring for SSOs is described in greater detail below and in the SSO Monitoring Plan provided elsewhere in this Section. Requirements for the Technical Report are described in Section C.5 (p. 5-6) of the MRP.

Record Keeping

The MRP requires that records be maintained for a minimum of five years for all SSOs, including complaints received by the City that do not result in an SSO. See MRP Section E for specific requirements. The *Sanitary Sewer Report* was developed to assist staff in creating detailed and complete documentation of SSO. A copy is included as page OP-2 of the *Overflow Emergency Response Plan*. In documenting SSOs, particular attention should be given to the method(s) by which spill volumes are estimated.

Records documenting changes to the SSMP since the last certification must be maintained and attached to the SSMP. See MRP Section C.E.3. The Public Works Department Management Analyst has responsibility for maintaining the SSMP Update log.

SSO Volume Estimation

Procedures for estimating the volume of SSOs are described in Section FG 4.1-4.3 and FG 6.1 of the *Overflow Emergency Response Plan*. Upon completion of the 2015 update of that document, the City plans to conduct refresher training of field crew in SSO volume estimation methods. The Specific method(s) used to estimate the SSO volume and all supporting calculations must be thoroughly documented in the SSO spill report. If volumetric formulas are used, calculations should be checked by the Public Works engineering staff. Regulatory agencies will scrutinize spill volume estimates closely as part of inspections or enforcement actions.

Water Quality Impact Monitoring

Visual monitoring is part of the initial response to determine what immediate actions should be taken. After the initial response and documentation of spill volume, an assessment of possible impacts on surface water should be conducted as part of the spill evaluation process. Where it is safe and practical, surface water in the vicinity of the SSO should be inspected visually, with observations recorded on the *Sanitary Sewer Overflow Report*. Signs of receiving water impacts include tell-tell signs of sewage (solids, grease, paper), abnormal color, fish kills, etc. Photographs should be taken for documentation.

For those SSOs that may imminently and substantially endanger human health and SSOs that cause fish kills, and if feasible and safe, water quality monitoring of surface waters should be conducted. For less serious circumstances, monitoring can be conducted if doing so is likely to provide useful information and does not impede clean-up activities. (Note: Monitoring is required for large SSOs as described below).

In cases where monitoring is optional, the collections crew should exercise their best judgment in deciding whether to conduct monitoring, and consult with the Public Works Maintenance Supervisor or City Engineer if uncertain. Water quality monitoring should not be given precedence over stopping the SSO or protection of public health. However, if sufficient personnel are available, monitoring can be conducted in parallel with these activities or with the clean-up effort. Any monitoring should be conducted in accordance with the *SSO Monitoring Plan* located in this Section.

The 2013 revisions to the Monitoring and Reporting Program for Order No. 2006-003-DWQ require water quality monitoring (sampling) within 48 hours after initial SSO notification for Category 1 SSOs in which 50,000 gallons or greater are spilled to surface water. For smaller spills, monitoring may be conducted at the City's option or at the direction of the Solano County Environmental Health Services Division. As a rule of thumb for sampling of smaller SSOs, the City's informal policy is to collect samples for those SSOs in which 1,000 gallons or more reach surface waters. Any sampling conducted under this requirement shall be in accordance with the *SSO Monitoring Plan*. Results shall be reported in CIWQS and in the Technical Report that must be submitted for Category 1 SSOs in which 50,000 gallons or greater are spilled to surface waters.

SSO Monitoring Plan

Purpose

This monitoring plan is to be used to guide the collection of surface water samples collected in the event of a sanitary sewer overflow (SSO), in accordance with the Monitoring and Reporting Program (MRP) for the Statewide General Waste Discharge Requirements for Sanitary Sewer Systems (Statewide Permit). The MRP, which was revised by the SWRCB in 2013 (Order WQO 2013-0058-EXEC) requires water quality monitoring (sampling) within 48 hours after initial SSO notification for Category 1 SSOs in which 50,000 gallons or more are spilled to surface waters. For smaller spills, monitoring may be conducted at the City's option or at the direction of the Solano County Environmental Health Services Division. As a rule of thumb for sampling of smaller SSOs, the City's informal policy is to collect samples for those SSOs in which 1,000 gallons or more reach surface waters. However, in any particular situation, site-specific conditions or other factors may dictate a different threshold for sampling of smaller SSOs, based on the judgment of staff at the scene and/or in consultation with supervisors.

Protocols for Sampling and Analysis

General

The purpose of sampling is to aid in assessing the impact of an SSO on surface waters. The general approach is to collect samples at locations representative of conditions upstream, at the discharge point, and downstream. For large spills or in quickly moving water, samples should be collected at additional downstream locations. As a general rule, the upstream and downstream locations should be 100-feet from the point where the spill enters surface water, however, conditions at the site may dictate other distances. In a tidally influenced channel, reverse flows may occur during an incoming tide, making identification of upstream and downstream directions more difficult.

For large spills, multiple sampling events will typically be needed to demonstrate that impact of the spill has attenuated over time. County Health may require ongoing sampling until the results indicate a return to "background" concentrations of bacterial indicators.

Sample Personnel

If possible, samples should be collected by staff from City's Wastewater/Water Treatment Plant laboratory. [Note: all references to "lab" and "laboratory" in this Plan refer to the City's laboratory, unless otherwise indicated]. Lab staff are the most familiar with proper sample collection and handling procedures. Contact numbers for lab staff are on the sampling instructions sheet included in the sample kit. If lab staff are unavailable,

samples are collected by the City's Field Maintenance staff (collections crew). However lab staff should still be alerted that samples will be arriving at the lab.

Sampling for Bacterial Indicator

For SSOs' that require water quality sampling, the analysis must include a bacterial indicator. The allowable indicators are total coliform, fecal coliform, enterococcus, or E. coli. The City's Water Quality Laboratory is ELAP-accredited to analyze for total/fecal coliform (multiple tube method) and enterococcus (Enterolert[®] method). Because enterococcus is considered a superior indicator for the presence of fecal contamination, and because the test produces result relatively quickly, enterococcus is generally the preferred bacterial indicator for SSO monitoring. The required media for the Enterolert[®] analysis is available at the laboratory at all times. Although the Statewide Permit requires testing using a single indicator, County Health may require testing for additional bacterial indicators.

Sampling for Other Constituents

The Statewide Permit also requires sampling for ammonia, which is normally present in wastewater but not in surface water, and thus serves as another indicator for the presence of wastewater. The laboratory is ELAP-certified for the ammonia analysis. If samples are to be analyzed within 24-hours of collection, a preservative is not required, otherwise a preservative is added to the sample at the laboratory.

Other water quality measurements that are typically run on samples from SSO events include dissolved oxygen and pH. In some cases conductivity may be useful to distinguish upstream from downstream samples in a tidal area. All of these tests are performed at the laboratory.

Sampling Equipment

The treatment plant laboratory maintains kits for use by lab staff or collection crew in collecting samples for SSOs. Kits include the following supplies:

- Bacterial samples: Pre-sterilized plastic bottles, 500 ml
- Ammonia and other samples: Plastic bottles, 1000 ml
- Dissolved oxygen: 300 ml glass BOD bottle with stopper
- Gloves, safety glasses, sample bottle labels, pen
- Forms for chain-of-custody, sampling instructions (with lab staff contact information), SSO testing instructions, and laboratory sample report
- Sampling pole and zip ties

Sample Collection Procedure

Refer to the "Sewer Overflow Instructions" (sampling instructions) form and training for specifics related to sample collection.

Accounting for Spill Travel Time

In cases where surface water monitoring is required, estimate the rate of flow of the water body (if applicable) and document how the estimate was made. This should be done even if conditions do not permit actual sampling.

The simplest method to estimate flow rate is to observe the distance an object present in the water (or placed in the water) moves in a given period of time. For example, if an object moves 25 feet in 10 seconds, the flow rate is $25/10 = 2.5$ ft/second. For best accuracy, measurement over a larger distance and longer time are preferred (e.g. 100 ft is preferable to 10 feet). For time, use a stopwatch rather than counting (most cell phones are equipped with a stopwatch). An object that is mostly submerged works best, as it will be less affected by wind and surface currents. An orange or brightly colored rubber ball that floats low in the water works well for this purpose. Make sure to note if the surface water is tidally influenced, and if so, indicate whether the tide is incoming or outgoing at the time of sampling. For sampling in the Bay, note the direction of tidal flow at the time of sampling, and provide an estimate of flow velocity if possible.

Information regarding spill travel time should be used to inform decisions about sampling locations, both initial and follow-up. If water is moving quickly, the distance to downstream sample locations should be increased. A stream moving at 1 ft/second will travel 3600 feet (approximately $\frac{3}{4}$ of a mile) in one hour. A spill into rapidly moving water would be expected to dissipate quickly, whereas impacts of a spill into a marshland may persist for a long period. For water bodies that are tidally influenced, the impact of the spill may extend in multiple directions.

Sample Transport and Chain-of-Custody

Samples should be placed in the cooler with frozen blue ice (or other means to keep samples at <10 °C) and keep in a location out of the sun. Complete a chain-of-custody form and bring samples as soon as possible to the laboratory. If samples are brought in from the field by collections staff and lab staff are present, relinquish the samples to staff, who then assume chain-of-custody responsibility. If lab staff are not present, and it is clear that the laboratory will be unable to analyze the bacterial samples within the hold time, the bacteriological samples should be delivered to one of the alternative laboratories at the address listed below.

Hold Times

Analysis for bacterial indicator samples should begin within 8 hours of sample collection wherever possible. If ammonia sample will not be analyzed within 24-hrs of sample collection, preserve the sample with sulfuric acid per laboratory protocol. The hold time for preserved ammonia samples is 28 days maximum.

Follow-up Sampling

In general, follow-up sampling should be conducted if results from initial sampling indicate the continued presence of wastewater in the water body, and repeated until levels return to background conditions. The sampling locations may need to be adjusted and/or additional locations added based on information from the initial sampling.

Analytical Methods

The following analytical methods are used at the City's Laboratory:

- Enterococcus: IDEXX Enterolert[®] – preferred bacterial indicator for SSOs (SM9230D)
- Total Coliforms: Multiple Tube Fermentation - alternative bacterial indicator for SSOs (SM 9221)
- Fecal Coliforms: Multiple Tube Fermentation - alternative bacterial indicator for SSOs (SM 9221E)
- Ammonia: Ammonia selective electrode with distillation (SM 4500-NH3-D)
- Dissolved Oxygen: Luminescence based sensor (Hach Method 10360)
- pH: (SM 4500-H⁺ B)
- Salinity: Electrical conductivity (SM2520 B)

Use of Accredited Laboratory

Samples for ammonia and bacterial indicators must be analyzed by an accredited or certified laboratory. The City's Wastewater/Water Plant laboratory is accredited to analyze for enterococcus, total coliform, fecal coliform, and ammonia. If analysis by the laboratory is not possible, it can be performed by the City's contract lab (CalTest) or the California Department of Public Health laboratory. Information for these labs is as follows:

Caltest Analytical Laboratory	Napa - Solano County Public Health Laboratory
1885 North Kelly Road Napa, CA 94558 phone: 707-258-4000 Fax: 707-226-1001 Contact: Mike Hamilton	2201 Courage Dr. Fairfield, CA 94533 Phone:(707-784-4410

Equipment Maintenance and Calibration

Lab staff are responsible for having a supply of appropriate sampling containers on hand, and for adding preservatives where required. Lab staff also are responsible for calibrating instruments that are maintained at the lab (e.g. D.O., pH, and conductivity meters).

Training:

Lab staff conduct annual training for City collections crew in the procedures described in this Plan.

Attachments:

- Sewer Overflow Instructions (sampling instructions)
- Sanitary Sewer Overflow Testing Instructions (instructions to lab staff)
- Sanitary Sewer Overflow Form (form for recording testing results)
- Example Chain of Custody Form

SEWER OVERFLOW SAMPLING INSTRUCTIONS

- RESPOND TO OVERFLOW
- **FOR A CATEGORY 1 SSO THAT EXCEEDS 1000 GALLONS, CALL THE CALIFORNIA OFFICE OF EMERGENCY SERVICES (CAL OES) at 800-852-7550 and get a CONTROLNUMBER.**
- **IF 50,000 GALLONS OR MORE OF THE OVERFLOW GOES INTO A CREEK, THE BAY OR STORM DRAIN SAMPLES MUST BE COLLECTED WITHIN 48 HRS OF BECOMING AWARE OF THE SSO. FOR LESSER QUANTITIES, SAMPLING IS OPTIONAL, BUT SHOULD BE DONE IF POSSIBLE. CONTACT WATER QUALITY STAFF TO COLLECT SAMPLES (phone numbers below). IF THIS IS NOT POSSIBLE, SAMPLES WILL BE TAKEN BY COLLECTIONS CREW.**
 - DETERMINE DIRECTION OF WATER MOVEMENT FROM POINT OF DISCHARGE. ESTIMATE AND RECORD WATER VELOCITY.
 - COLLECT UPSTREAM (**BLUE TAPE**), DOWNSTREAM (**GREEN TAPE**), AND DISCHARGE POINT (**ORANGE TAPE**) SAMPLES. Fill the bottles the way you were shown in training. RECORD Date & Time, SAMPLE LOCATIONS, & YOUR NAME on the “Chain of Custody” (COC) form. **Don’t write on the blue or green tape**
- CALL WASTEWATER PLANT LABORATORY TO ADVISE THAT TESTING IS REQUIRED. TAKE SAMPLES TO WTP LAB (OR CONTRACT LAB) FOR ANALYSIS AS SOON AS POSSIBLE
- COPY UTILITY MAP PAGE & IDENTIFY UPSTREAM, DOWNSTREAM, AND DISCHARGE POINT LOCATIONS.
- REPORT CATEGORY 1 SSOs IN CIWQS WITHIN 3 BUSINESS DAYS.

Water Quality Division Emergency Info (Confidential!!)				
Employee	Work Phone	Direct connect	Cell Ph #	Home Ph #
Allison Connor	4781			
Erika Sheetenhelm	4781			
Nicole Van Aken	4781			

Sanitary Sewer Overflow (SSO) Testing Instructions:

The Corp yard will collect samples, call you, then bring samples to the lab.

Step 1:

Sign and fill out Chain of Custody (COC) form. Make sure to have the sampler sign the COC also (or whoever has delivered the samples).

Step 2:

Take pH and temperature, record on SSO form.

Step 3:

Measure Dissolved Oxygen, record on SSO form.

Step 4:

Shake and pour plastic Caltest bottles into HNO₃ preserved plastic pints (located in the acid cabinet under the muffle furnace). Store in refrigerator.

Step 5:

A fecal coliform sample needs to be set up. The hold time for this is 8 hrs. Will a lab tech be able to set this for you within 8 hrs? If yes, refrigerate sample and go to Step 5. If no, place sample in cooler with ice for transport to the WTP. You will need to set up an Enterolert Quantitray sample at the WTP. Incubate at 41 degC for 24-28 hrs.

An alternative to this would be to contact Caltest and drive the sample to them for analysis.

Step 6:

An ammonia sample needs to be run. The unpreserved hold time for this is 24 hrs. Will a lab tech be able to run this within 24 hrs? If yes, refrigerate sample. If no, the sample must be preserved. Shake and pour sample into a plastic pint containing H₂SO₄ (located in the acid cabinet under the muffle furnace). Store in refrigerator.



Original sent to Corp Yard: _____

Copy to WWTP Sup't.: _____

Copy to Lab Files: _____

(Date and initial ALL before copying)

BENICIA SANITARY SEWER OVERFLOW FORM

Benicia WWTP Laboratory - ELAP Lab Certificate No. 1510

(Attach this form to the Map Page and Benicia COC)

Date: _____ Time Received: _____ Sample received by: _____

Overflow Location: _____ **Map Page No.** _____

Address (IF EXACT ADDRESS IS KNOWN): _____

WATER QUALITY DIVISION LAB DATA REPORT

Upstream location: _____ Sample time: _____ Sampler: _____

pH: _____ Standard Units Fecal Coliform or Enterococci (circle one): _____ MPN/100 mLs

Dissolved Oxygen: _____ mg/L Ammonia: _____ mg/L

Downstream location: _____ Sample time: _____ Sampler: _____

pH: _____ Standard Units Fecal Coliform or Enterococci (circle one): _____ MPN/100 mLs

Dissolved Oxygen: _____ mg/L Ammonia: _____ mg/L

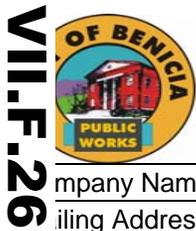
Any other sample locations: _____ Sample time: _____ Sampler: _____

pH: _____ Standard Units Fecal Coliform or Enterococci (circle one): _____ MPN/100 mLs

Dissolved Oxygen: _____ mg/L Ammonia: _____ mg/L

Comments: _____

Reviewed by Lab Director or Lab Analyst (initials): _____ **Date:** _____



City of Benicia Laboratory ELAP #1510

CHAIN OF CUSTODY

Company Name: **City of Benicia WWTP** Project: **Sanitary Sewer Overflow Located at :**
 Billing Address: **614 E. 5th St.**
 City: **Benicia** State: **CA** Zip Code: **94510**
 Telephone: **(707) 746-4294** Fax #: **(707) 745-1199**
 Report To: **Nate Rankin/Jeff Gregory** E-mail Address: _____ QC Data: _____
 Sampler Signature: _____ Sampler (Print Name): _____

Attach map page showing exact locations of OVERFLOW, Upstream & Downstream Locations

Cal EMA 800-852-7550 AND
SoCo R M 784-6765 M-F or SoCo Sheriff
Dispatch 421-7090 RB 510-622-2369
& F&G 800-645-7911

ANALYSES REQUESTED (Please provide method)

Upstream Sample Location:	Date / Time Sampled	Matrix Desc.	# of Cont.	Container Type	LabLite's Sample #	NH3	DO	Ent	pH	ANALYSES REQUESTED (Please provide method)					Comments/Temp.(If required)	
		AQ	1	pint poly		X										
		AQ	1	pint poly				X								
		AQ	1	BacT bottle				X								Remove foil & fill to shoulder
		AQ	1	glass BOD w/ stopper		X										Fill Up and Cap
Downstream Sample Location:	Date / Time Sampled															
		AQ	1	1 pint poly		X										
		AQ	1	1 pint poly				X								
		AQ	1	BacT bottle				X								Remove foil & fill to shoulder
		AQ	1	glass BOD w/ stopper		X										Fill Up and Cap
												NOTE – RUN FECAL COLIFORM OR ENTEROLERT				

Relinquished By: _____ Received By: _____ Date / Time: _____
 Relinquished By: _____ Received By: _____ Date / Time: _____
 Relinquished By: _____ Received By: _____ Date / Time: _____
 Were Samples Received in Good Condition? Yes No Samples on Ice? Yes No f:\pw\lab\SPILL KITS\COC Benicia SSO.DOC July 09

AGENDA ITEM
CITY COUNCIL MEETING DATE - SEPTEMBER 1, 2015
CONSENT CALENDAR

DATE : August 19, 2015

TO : City Manager

FROM : Fire Chief

SUBJECT : **RESPONSE TO 2014-2015 GRAND JURY REPORT "FIRE PROTECTION: COMMUNICATION CONSOLIDATION"**

RECOMMENDATION:

Approve, by motion, the response to the 2014-2015 Grand Jury Report entitled "Fire Protection: Communication Consolidation."

EXECUTIVE SUMMARY:

The 2014-2015 Grand Jury investigated the feasibility of consolidating Solano County fire agency resources. The Grand Jury issued a report of their findings and associated recommendations to which the City of Benicia needs to respond in writing under the State Law. The City Council must first approve the response.

BUDGET INFORMATION:

Reviewing the Grand Jury report and preparing the response to the Grand Jury requires staff time. There are no other budget impacts.

GENERAL PLAN:

Relevant General Plan Goals and Policies:

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

STRATEGIC PLAN:

Relevant Strategic Plan Goals and Strategies:

- Strategic Issue 1: Protecting Community Health and Safety
 - Strategy 2: Maintain adequate staffing for public safety and a strong EMS program

BACKGROUND:

The 2014-2015 Solano County Grand Jury investigated the feasibility of consolidating Solano County fire agency resources. The Grand Jury issued a report of their findings and recommendations to which the City is required to reply:

Finding 2

City Fire Departments and Independent Fire Districts in the County have begun to collaborate in acquiring equipment in compliance with Federal mandates.

Recommendation 2

City Fire Departments and Independent Fire Districts implement a “shared consolidation” for the purpose of obtaining equipment, hardware, and software.

City's Response to Finding 2 and Recommendation 2

The City of Benicia believes there is value in the concept of “shared consolidation” from the perspective of potential efficiencies and savings that may result during the acquisition of equipment, hardware, and software. An example of these opportunities includes the pursuit of regional grant funding for specialized equipment. Another example of a “shared consolidation” that has resulted in efficiencies is the Solano County Hazardous Materials Incident Team JPA. This regional approach has allowed for the ability to provide necessary services to all of Solano County at a reduced cost. We believe there are likely additional opportunities to enhance the concepts of “shared consolidation” through the establishment of a lead agency with a sustainable funding source to expand upon the concept and opportunities.

Finding 3

Fire communications consolidation will improve public safety.

Recommendation 3

Implement fire communications consolidation to enhance public safety.

City's Response to Finding 3 and Recommendation 3

The City of Benicia acknowledges the potential for increased efficiency in the management of emergency resources through the consolidation of the Fire Communications System. We believe that there are a number of options that can be considered ranging from a “virtual consolidation” that can be accomplished through technology that results in a standardized CAD system being used in all centers or an interface that allows the existing CAD systems to operate as a single system. This would increase the situational awareness as to the availability of resources and allow for the closest, most appropriate resources, regardless of jurisdiction, to be assigned to an emergency. The potential to achieve these efficiencies would also exist in the establishment of a single dispatch agency responsible for fire dispatch services for all agencies in Solano County. Additional technological deployments, such as the establishment of a countywide Public Safety radio system similar to those in nearby counties will further enhance the public's safety. These systems again provide for seamless communications during emergency operations and reduce the impediments of jurisdictional boundaries.

The City of Benicia would be interested in exploring any of these solutions, provided that they maintain the levels of service to which our community has become accustomed, as well as providing some form of value added to the community. In addition, we believe that a lead agency with a sustainable funding source should be established through a JPA that would provide governance and oversight of the consolidated communications system. This would allow the local jurisdiction to still have a level of oversight and control of the services provided to their community.

We are concerned that a potential reduction in services may occur with the consolidation of dispatch with respect to duties that are currently provided by our dispatchers at the Police Department. The consolidation may result in the need for additional staff to address those duties currently performed by the dispatchers, resulting in a potential increased cost of operations for the City.

Penal Code Section 933.05 requires a formal response to the Grand Jury's report. The City is required to submit a response to the Grand Jury by September 23, 2015. This response requires the City to state whether it agrees, disagrees wholly, or disagrees partially with the findings. Further, the response should report what actions the City has or will take in response to the Grand Jury's recommendations. The attached response letter will be sent to the Presiding Judge of the Superior Court on behalf of the City Council.

Attachments:

- Cover Letter Conveying the Grand Jury Report to the City of Benicia
- Report on Fire Protection: Communication Consolidation by the 2014-2015 Solano County Grand Jury
- Proposed Response Letter from the City

GRAND JURY



Hall of Justice
600 Union Ave
Fairfield, California 94533
(707) 435-2575
Fax: (707) 435-2566

cdclower@solano.courts.ca.gov

June 24, 2015

Sent via email

City of Benicia
City of Dixon
City of Fairfield
City of Rio Vista

City of Suisun City
City of Vacaville
City of Vallejo

RE: 2014-2015 Grand Jury Report Entitled: **Fire Protection: Commuication Consolidation**

Enclosed please find a copy of the above named report by the 2014-2015 Solano County Grand Jury. This report is provided to you **in advance of public release** as provided for in Penal Code §933.05(f). Please note that Penal Code §933.05(f) specifically prohibits any disclosure of the contents of this report by a public agency, its departments, officers or governing body prior to its release to the public, which will occur on **Monday, June 29, 2015**.

You are required to respond in writing to the Presiding Judge and to provide an electronic copy in pdf form to the Grand Jury regarding the Findings and Recommendations contained in the report pursuant to Penal Code §933.05. This section of the Penal Code is very specific as to the format of the responses. The Penal Code is also specific about the deadline for responses. You are required to submit your response to the Grand Jury by **Wednesday, September 23, 2015** on signed letterhead.

The electronic copy should be sent to the Grand Jury office at cdclower@solano.courts.ca.gov.

Responses are public records. Should you have any questions, please contact Cheryl Clower, Administrative Assistant to the Grand Jury at (707)435-2575.

Sincerely,

Terry L. Riddle, Foreman
2014-2015 Solano County Grand Jury



SOLANO COUNTY GRAND JURY

2014 - 2015

Fire Protection

Communication Consolidation

Fire Protection Communication Consolidation
SOLANO COUNTY GRAND JURY
2014 - 2015

Summary

The 2014-2015 Grand Jury has looked into the history and investigated the feasibility of consolidating Solano County fire agency resources.

Fire agencies consolidation on a countywide level is an elusive goal. Within the Solano County fire community, collaboration in the acquisition of specialized communication equipment encourages a level of inter- agency cohesiveness and county wide quality of service that fire agencies strive to provide.

Municipal administrations are continually expected to improve services and reduce expenses. Consolidating fire services is one means of accomplishing both.

The absence of such a system cost lives and untold millions of dollars in disasters.

Solano County does not have a system that allows multiple first responder agencies to communicate effectively with each other.

As a national plan to unify communications for emergency responders is implemented, a path to “consolidation” may be evolving.

Introduction /Background

Public Safety services in a community are typically the most costly. Law enforcement and fire services are the usual recipients of the largest share of taxes and fees levied on residents and businesses. Fire services, due to the similarities of protocols and procedures, are often looked at as having the most likely potential for consolidation to save money in a region or county. Solano County Local Agency Formation Commission (LAFCO) began a process to determine if, and how, fire protection agencies might be consolidated. Solano County officials are in the process of determining the viability of consolidation.

Solano County has been considering consolidating fire agency resources for over thirty years. Opportunities for consolidation have worked well in areas where small communities have joined as a necessity because of limited tax base. Mergers have also been accomplished in large metropolitan areas where city borders are distinguishable only by lines drawn on a map and each have had fire departments with similar functions and responsibilities.

Historically, Solano County consolidation difficulties have persisted partly because municipal development occurred independently when cities were more geographically isolated. An early State Capitol, the City of Benicia, was a regional powerhouse in the 1800's and flourished in its heyday independent of the rest of the county. Vallejo came of age and grew during the Second World War primarily as a naval center. Fairfield grew because of the strategic importance of Travis Air Force Base and both Vacaville and Dixon flourished because of their agricultural significance. Rio Vista and Suisun City were more often described as communities conveniently suited more for residents than as business or industrial locations. Cities have established histories of independent growth and have long established public services. Some cities have become imbedded in their own organizational structures and practices.

METHODOLOGY

REVIEWED

- National Fire Protection Association Report: The Oakland/Berkeley Hills Fire October 20, 1991
- Donahue, Amy, and Robert Tuohy, "Lessons We Don't Learn: A Study of the Lessons of Disasters, Why We Repeat Them, and How We Can Learn Them" Homeland Security Affairs 2, Article 4 (July 2006) <https://hsaj.org/articles/167>

Studies and Municipal Service Reviews (MSR):

- 1994 Warner Group Study: "Public Safety Interoperability"
- 2002 Feasibility Study: RCC Consultants
- 2011 Consolidated Dispatch Feasibility Study AECOM Consultants
- 2006 LAFCO Municipal Service Review: Fire Districts
- 2014 LAFCO Municipal Service Review: Fire Districts/with Review to Cities

Solano County Grand Jury Reports:

- 2002-03 "Public Safety Radio Interoperability"
- 2003-04 "Emergency Services County and cities of Solano"
- 2004-05 "Solano County Emergency Services: A Patchwork of Protection"
- 2007-08 "Solano County Fire Protection Districts"

Interviewed

- City Fire Chiefs
- Solano Fire District Chiefs
- City Police Chiefs

- Members of Solano County LAFCO
- Member of the Solano County Office of Emergency Services
- Member of the Solano County Board of Supervisors
- Member of the Solano County Administration

Toured

- Solano County Sheriff's Dispatch/Office of Emergency Services (OES)

Statement of Facts

Consolidation of Service: Considering a unified Solano County Fire Dispatch Center

Recent discussions of fire communication consolidation surfaced because of a potential relocation of the Sheriff's Communication and Dispatch Center/Office of Emergency Services from its present site, near the county courthouse, to a more appropriate spot near Claybank Rd and Airbase Parkway in Fairfield. The Solano Fire Chief's Association considers the potential new site as an opportunity. Plans for a proposed new building could be drawn to accommodate a consolidated fire dispatch center. County officials are in the process of initiating formal discussions on the subject.

More so than with police agencies, fire operations and emergency responder procedures within Solano County are alike. They describe functions and protocols that are similar, and which for individual agencies differ primarily with population densities and open landscape/urban landscape mixes.

Consolidation of fire dispatch to one location has been analyzed in the documents and studies cited in the methodology section of this report. The scenarios considered ranged from partial mergers to full consolidation of all county and city dispatch centers. Except for the outdated financial details described in the 2011 AECOM Feasibility Study, costing \$140,000, the basic findings and potential benefit conclusions remain the same.

Current Structure of Dispatch Service

Six of Solano County's independent Fire Districts contract with the Sheriff's Office for dispatch services. All city dispatch services for fire are provided by respective city law enforcement dispatch centers. No city fire department operates or maintains a separate fire dispatch center.

There is a considerable amount of redundancy. The Fairfield Police Department, Suisun City Police Department and the Solano County Sheriff's Office each operates and maintains separate law enforcement/fire dispatch centers within a one and one-half mile radius of each other. The cities of Vallejo and Benicia have a similar situation, each operating dispatch centers in relative

close proximity. The City of Vacaville operates its own independent law enforcement/fire dispatch center. The cities of Dixon and Rio Vista contract with the Sheriff's Office for dispatch services.

Potential Benefits of Consolidation:

Consolidation of fire dispatch services is one of the ways available for government to provide constituents with better quality service and at the same time reduce costs.

Advantages of merging fire dispatch facilities include:

- Reduced overhead costs
- Shared Administration (*see Glossary – Joint Power Authority*)
- Merged employee positions
- Common facility
- Shared equipment and maintenance costs
- Improvement in emergency response time during medium and large incidents
- Shared costs for training and operations
- Reduction in radio dispatch duplication
- Community and firefighter safety would improve
- Costs would be reduced over a period of time

Alameda, Sacramento, Marin, Contra Costa, and Santa Clara counties have been successful in consolidating fire services.

Fire dispatch consolidations have occurred in Monterey, San Francisco, Santa Cruz, Shasta, Stanislaus and Yolo counties.

Why consolidation has not occurred in Solano County:

There are problems encountered with mergers and consolidations:

1. Consolidation means that a city administration will relinquish direct control over fire dispatch.
2. City officials are concerned with the complexities involving merging employee wage, health and pension benefits. Some merged employees get a raise and/or others take a pay cut. Union contracts come into play.
3. Opposition comes also from individual city police departments who now control city fire/police communications as it would affect budget revenues and loss of trained personnel. Financial investments made by a city to the hiring and training processes along with the outlay for extensive background checks would be lost if fire dispatch jobs

are merged away to another agency. The process of acquiring replacement dispatchers along with the background checks and job training required is expensive and time consuming.

4. Participating cities would have to share the financial expense of the consolidated center apportioned according to total calls received.

A Joint Powers Authority (JPA) is a considered model to lead a consolidation and administer that new consolidated agency. A JPA administration for a consolidated dispatch center requires equal involvement from all participating agencies. City managers and city councils have failed to demonstrate any actions toward consolidation.

It was also pointed out during this inquiry that the establishment of a JPA, although recommended by many of the cited reports, cannot compel city participation and thus could not necessarily begin a consolidation process.

As a result, dispatch consolidation is at an impasse. These issues have remained the same for years, the fire community for, and the cities basically against, consolidation.

Mutual Aid

A major piece of a preparation scenario is the concept of 'mutual aid'. Mutual aid is a reliance on other emergency responders to lend assistance across jurisdictional boundaries. When first responder resources are overwhelmed, other city or county fire agencies are called in and lend whatever assistance is necessary. For mutual aid events the public has expectations of fire agency cooperation that is not apparent until an emergency arises.

Firefighters and paramedics are the primary emergency responders for communities. Both professional and volunteer fire agencies are obliged to continually assess and upgrade their abilities to perform in a variety of disaster scenarios. After-incident reports of responses to such large events as the 1989 Loma Prieta earthquake are carefully analyzed in order to improve tactical response planning and training. This is done so future occurrences can be better prepared for and that deployment of resources be more effectively managed.

Radio Communication is Critical

The reality of multiple agencies responding to the many simultaneous aspects of a single event is highly challenging. The coordination of fire suppression, rescue, evacuation and medical involvement with continuing evaluation of all ongoing aspects requires well thought out preparation. A common thread in after- incident reports of a majority of large mutual aid situations is the unreliability of inter-agency radio communications.

Lack of common radio frequencies among responders and overloading of command channel frequencies are found numerous times in the reports. Events such as the 1991, Oakland Hills/Berkeley Fire, 1995 the Oklahoma City terrorist bombing, 2001, “Twin Towers” disaster, and the 2005 Hurricane Katrina response describe such problems. Reading the after-incident analyses of these events one gets a look at the overwhelming confusion and uncertainty that is too often the reality of multiple agencies confronting a large scale event.

Rapid establishment of a single command center with common communication ability, that is, an ability to communicate with all personnel during a crisis, is critical. Analyses of these mutual aid types of events describe situations when multiple confusing sources of directives, along with inability to communicate have led to avoidable injury and tragic loss of life among responders and civilians. Directives going out from and responses being received back to a single source is the ideal. In a disaster when mutual aid is required, the lack of a means of common, shared communications can defeat the intent of emergency response.

Solano County Emergency responders - Multiple Frequencies

Within Solano County there are five independent fire districts responsible for unincorporated areas and seven city fire agencies. A military fire unit based at Travis Air Force Base and the State organization, Cal Fire, which has range and wild land responsibilities and a fire unit from California Medical Facility, Solano round out the list of regional responders. All agencies will assist under mutual aid agreements if needed.

Two or three different districts or agencies might respond to a major emergency incident. Not all responders in Solano County share a common radio frequency. Communication in some situations becomes a challenge. For example:

- City of Benicia Fire Department uses VHF
- City of Dixon Fire Department uses 800 MHz
- City of Fairfield Fire Department uses 800 MHz
- Rio Vista/Delta Fire Department uses VHF
- City of Suisun City Fire Department uses VHF
- City of Vacaville Fire Department uses 800 MHz
- City of Vallejo Fire Department uses UHF

The five County Fire Protection Districts; Cordelia, Dixon, Montezuma, Suisun and Vacaville use 156.000 MHz and all contract with the Solano County Sheriff for dispatch service.

Each of these radio frequency bands contains multiple frequencies.

Incidents where communications have to be directed through different dispatch centers are the reality with the present arrangement of city and fire district radio communications.

Developments at the National Level

Innovation in technology:

In the 1990s' a series of national disasters (ones listed above as well as others) had exposed the limitation of emergency radio communications for mutual aid purposes. The federal government began a process to develop digital radio for secure network purposes. "Project 25" is the name given to a collaborative effort by federal agencies and communications companies to develop standards to enable secure emergency radio interoperability. Public safety administrators across the country have been complying with the standards and acquiring the equipment necessary to implement the changes.

The Motorola APX7000 radio, for example, is a type of the hand held, P25 compliant, all channel radio that has become available. This radio has the capacity to receive and respond across all emergency channels used in the County and the State. Rather than have to affect any current radio operations, acquisition of this all-band capacity radio overcomes the need for individual cities to change their operational radio frequencies. All cities can retain what they use currently but with the addition of this radio equipment would have the ability to coordinate with any outside agency in a mutual response situation.

Grants and funding sources to alleviate the costs of the hand-held radios are available through the State and Federal Governments. Vallejo Fire Department has recently received fourteen of these radios from Solano County Office of Emergency Services (OES). The radios were purchased with money from a grant obtained by OES. City of Vallejo Fire Department can now communicate directly with county fire districts as well as the County Sheriff's dispatch center and any of Solano County's fire and law enforcement departments.

Other Solano Public Safety agencies have also been acquiring P25 compliant radios as federally mandated change-over dates approach. Vacaville and Fairfield City Managers have begun to coordinate their efforts to acquire compatible equipment as implementation of the national communication standards come due.

Change over to a common radio type has brought about a major improvement in mutual aid responder communication. This allows contemplation of the advantages of a "shared services" consolidation which was discussed in detail in the 2011 AECOM Report and both the 2006 and 2014 LAFCO Municipal Service Reports.

Shared Services:

In a shared services consolidation, major communications components are shared among multiple agencies. Typically this includes the Computer Aided Dispatch (CAD), Geographical Information System (GIS) mapping, and Records Management System (RMS). In a shared services consolidation, these critical systems are maintained in a single location and all dispatch centers access these systems via Internet Protocol (IP) interface. *(See Glossary)*

Another type of shared services consolidation is where all agencies agree to use a common vendor for CAD, RMS and radio consoles. In this type of shared services environment, many of the dispatch centers maintain their own CAD and RMS servers, but they are configured in a way that facilitates a common operating picture among all dispatch centers.

Information and management systems with P25 levels of security and which have the ability to interface seamlessly are being obtained by fire departments nationwide. When equipment is upgraded at “end of life” dates, opportunities to purchase common use equipment presents itself.

Costs and the overall number of systems to be purchased and maintained can be reduced. Shared services also offer the advantage of a shared technical support. Another advantage is the increased interoperability and operational awareness among agencies. In a shared services environment, it is possible for participating agencies to see a common operating picture, to see at once, all emergency response assets.

Currently, almost all dispatch centers in Solano County use different equipment for CAD and little effort is made to coordinate with adjacent agencies. Even in the case where different dispatch centers use the same CAD vendor, systems not interfaced or interconnected have problems sharing data. This is particularly troublesome when multiple dispatch centers are directing fire departments and rescue squads to the same incident. In addition, different RMS systems are used throughout the county which do not interface or communicate with each other.

Findings and Recommendations

Finding 1

Studies done over the past thirty years have recommended consolidation of fire agency resources.

Recommendation 1

Solano County Board of Supervisors take the lead to create a formal leadership group to implement a plan to consolidate fire agency resources.

Finding 2

City Fire Departments and Independent Fire Districts in the County have begun to collaborate in acquiring equipment in compliance with Federal mandates.

Recommendation 2

City Fire Departments and Independent Fire Districts implement a “shared consolidation” for the purpose of obtaining equipment, hardware, and software.

Finding 3

Fire communications consolidation will improve public safety.

Recommendation 3

Implement fire communications consolidation to enhance public safety.

Comments

Municipal administrations are continually expected to improve services and reduce expenses. Consolidating fire services is one means of accomplishing both. Accumulated studies and reports do little more than demonstrate lack of purpose and do not accomplish meaningful change. Actions are required.

When lives are at stake in emergency situations, the necessity of an efficient communications system for multiple agency first responders working together is vital. The absence of such a system cost lives and untold millions of dollars in disasters such as the 1989 Loma Prieta earthquake, the 1991 Oakland Hills fire, and the most notable, the 9/11 World Trade Center disaster in 2001. In earthquake zones like Solano County is in, the likelihood of a disaster is an ever present threat. Solano County does not have a system that allows multiple first responder agencies to communicate with each other effectively.

Glossary

Computer Aided Dispatch (CAD) CAD systems allow public safety operations and communications to be augmented by an automated system. It can include computer controlled emergency vehicle dispatch, vehicle status, incident reporting and information management. It is used for entry of incident information, recommend resources to be dispatched, track status of units to an incident, maintain records of calls and call times related to an incident and provide assorted records and reports for analysis and documentation.

Geographical Information Systems (GIS) GIS is a computer system that allows mapping, modeling and analyzing large amounts of data within a single database according to location. GIS gives the power to integrate information, create maps, visualize scenarios and develop effective solutions. “With the ability to place critical data such as resources, events, conditions, weather, assets and threats onto the actual geography of a disaster area, emergency managers now have the ability to make decisions based on realistic representation of the visual data.”

Internet Protocol (IP) IP is a name given to a means of how computers find and send information to one another. IP defines how communication from a digital address to another works. It has the task of delivering *packets* from the source host to a destination host based solely on IP addresses in the packet headers. IP also defines packet structures that encapsulate data to be delivered.

Joint Powers Authority (JPA) A JPA is an entity whereby two or more public authorities (e.g. local governments or districts) may jointly exercise any power common to all of them. Some local examples are: Community Action Partnership Solano (CAP Solano JPA) and /Solano Emergency Medical Services Cooperative (SEMSC). CAP Solano is a leadership group consisting of members of government agencies, from participating cities and the County, created to provide oversight and coordination of homeless and safety net services to the residents of Solano County. Its purpose is to develop and carry out strategies that help low-income and homeless people become self- sufficient.

Local Area Formation Commission (LAFCO) Solano County LAFCO is an agency whose role is to control urban sprawl and to encourage the orderly formation and development of local governmental agencies. LAFCO is responsible for coordinating logical and timely changes in local governmental boundaries, including annexations and detachments of territory, incorporations of cities, formations of special districts, and consolidations, mergers and dissolutions of districts as well as reviewing ways to reorganize, simplify and streamline governmental structure.

Municipal Service Review (MSR) A report produced in order for a LAFCO commission to study and evaluate core municipal services within a county. Required on a five year cycle, reports are used as a means of information for a LAFCO and the community it serves.

Record Management System (RMS) Record management system is an agency wide system that provides for the storage, retrieval, retention, manipulation, archiving and viewing of information, records, documents or files pertaining to departmental operations. An important part of the RMS is a computer program designed to enter and track appropriate data and provide management staff with information to manage the agency. RMS must interface with State and Federal databases so that automatic recording occurs. Statistics are gathered to provide state and national safety data.

Required Responses

Solano County Board of Supervisors (Finding All)

City of Benicia (Findings 2, 3)

City of Dixon (Findings 2, 3)

City of Fairfield (Findings 2, 3)

City of Rio Vista (Findings 2, 3)

City of Suisun City (Findings 2, 3)

City of Vacaville (Findings 2, 3)

City of Vallejo (Findings 2, 3)

Fire Districts:

Cordelia (Findings 2, 3)

Dixon (Findings 2, 3)

East Vallejo (Findings 2, 3)

Montezuma (Findings 2, 3)

Suisun (Findings 2, 3)

Vacaville (Finding 2, 3)

Courtesy Copies

Solano County Sheriff's Office

Solano County Office of Emergency Services

September 2, 2015

Honorable E. Bradley Nelson
Presiding Judge of the Superior Court
Solano Superior Court
600 Union Avenue
Fairfield, CA 94533

RE: 2014-2015 Grand Jury Report Entitled: Fire Protection: Communication Consolidation

Dear Honorable Presiding Judge Nelson:

Pursuant to the provisions of Section 933.05 of the California Penal Code, the governing body of any public agency subject to the Grand Jury's review authority must respond to recommendations and findings pertaining to matters under their control. Therefore, the purpose of this letter is to comply with the aforementioned law and to advise you that after review of the 2014-2015 Solano County Grand Jury Report, the Council of the City of Benicia accepts the Report.

Finding 2

City Fire Departments and Independent Fire Districts in the County have begun to collaborate in acquiring equipment in compliance with Federal mandates.

Recommendation 2

City Fire Departments and Independent Fire Districts implement a "shared consolidation" for the purpose of obtaining equipment, hardware, and software.

City's Response to Finding 2 and Recommendation 2

The City of Benicia believes there is value in the concept of "shared consolidation" from the perspective of potential efficiencies and savings that may result during the acquisition of equipment, hardware, and software. An example of these opportunities includes the pursuit of regional grant funding for specialized equipment. Another example of a "shared consolidation" that has resulted in efficiencies is the Solano County Hazardous Materials Incident Team JPA. This regional approach has allowed for the ability to provide necessary services to all of Solano County at a reduced cost. We believe there are likely additional opportunities to enhance the concepts of "shared consolidation" through the establishment of a lead agency with a sustainable funding source to expand upon the concept and opportunities.

Finding 3

Fire communications consolidation will improve public safety.

Recommendation 3

Implement fire communications consolidation to enhance public safety.

City's Response to Finding 3 and Recommendation 3

The City of Benicia acknowledges the potential for increased efficiency in the management of emergency resources through the consolidation of the Fire Communications System. We believe that there are a number of options that can be considered ranging from a "virtual consolidation" that can be accomplished through technology that results in a standardized CAD system being used in all centers or an interface that allows the existing CAD systems to operate as a single system. This would increase the situational awareness as to the availability of resources and allow for the closest most appropriate resources, regardless of jurisdiction, to be assigned to an emergency. The potential to achieve these efficiencies would also exist in the establishment of a single dispatch agency responsible for fire dispatch services for all agencies in Solano County. Additional technological deployments, such as the establishment of a countywide Public Safety radio system similar to those in nearby counties will further enhance the public's safety. These systems again provide for seamless communications during emergency operations and reduce the impediments of jurisdictional boundaries.

The City of Benicia would be interested in exploring any of these solutions, provided that they maintain the levels of service to which our community has become accustomed, as well as providing some form of value added to the community. In addition, we believe that a lead agency with a sustainable funding source should be established through a JPA that would provide governance and oversight of the consolidated communications system. This would allow the local jurisdiction to still have a level of oversight and control of the services provided to their community.

We are concerned that a potential reduction in services may occur with the consolidation of dispatch with respect to duties that are currently provided by our dispatchers at the Police Department. The consolidation may result in the need for additional staff to address those duties currently performed by the dispatchers, resulting in a potential increased cost of operations for the City.

This response was drafted by City staff and approved by the City Council at their meeting on September 1, 2015. If you have any further questions, please let me know.

Respectfully submitted,

Brad Kilger
City Manager

cc: City Council
City Attorney
Fire Chief
Grand Jury

AGENDA ITEM
CITY COUNCIL MEETING DATE - SEPTEMBER 1, 2015
CONSENT CALENDAR

DATE : August 21, 2015

TO : City Manager

FROM : Community Development Director

SUBJECT : **SECOND READING AND ADOPTION OF AN ORDINANCE AMENDING THE CITY OF BENICIA MUNICIPAL CODE TO PROVIDE AN EXPEDITED STREAMLINED PERMITTING PROCESS FOR SMALL RESIDENTIAL ROOFTOP SOLAR SYSTEMS**

RECOMMENDATION:

Conduct a second reading and adopt an amendment to add a new chapter 15.40 to the Benicia Municipal Code Title 8 (Buildings and Construction).

EXECUTIVE SUMMARY:

Adoption of this amendment to the Benicia Municipal Code Title 8 will bring the City into compliance with AB 2188, which mandates that local jurisdictions adopt a streamlined expedited permitting process for small residential rooftop solar energy systems on or before September 30, 2015. The first reading of this amendment occurred on August 18, 2015.

BUDGET INFORMATION:

The Building Division does not anticipate any significant budgetary impacts for expedited processing of small residential rooftop solar systems, as it does not vary from our existing procedure.

ENVIRONMENTAL ANALYSIS:

The proposed amendment is exempt from the California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3), the "general rule" exemption that states that where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is exempt from CEQA. City staff has determined that the draft amendment to the Benicia Municipal Code will not have an impact on the environment and therefore is exempt from CEQA under the general rule.

GENERAL PLAN:

The text amendment supports one of the overarching goals of the General Plan, which is Sustainability.

STRATEGIC PLAN:

Relevant Strategic Plan Issues and Strategies:

- Strategic Issue #2: Protecting and Enhancing the Environment
 - 1) Reduce greenhouse gas emissions and energy consumption
 - 2) Pursue and adopt sustainable practices.

BACKGROUND:

The Solar Rights Act was created in 1978 (AB 3250, 1978), and it created a legal framework for solar access. The law includes protections to allow consumers access to sunlight (and prevent shading of solar systems) and it limits the ability of homeowner associations (HOA) and local governments from preventing installation of solar energy systems.

The Solar Rights Act sought to promote and encourage the widespread use of solar energy and to "protect and facilitate adequate access to the sunlight which is necessary to operate solar energy systems." Even though the law is more than 30 years old, the Solar Rights Act contributes significantly to California's strong policy commitment to solar energy, and the policy rationale for the Act is relevant today and continues to support California's solar energy policy initiatives.

AB 2188 amends two of the several statutes that compose the Solar Rights Act; Civil Code Section 714 and Government Code Section 65850.5, and applies to all cities and counties that have jurisdiction over permitting. The amended law seeks to standardize statewide requirements at the local jurisdictional level to expedite and streamline the permitting process for small residential rooftop solar energy systems. The amendment recognizes that these types of small 10kw or less solar energy systems are standardized in their manufacturing and quality allowing for local jurisdictions to use a streamlined process to permit the installation of eligible solar energy systems.

The Benicia Building Division has been processing small residential rooftop solar systems as an over-the-counter permit for the last two years. The draft ordinance brings the City into compliance with AB 2188, as well as codifying the standard practice of the Building Division for processing of small residential rooftop solar projects.

The City Council introduced the ordinance and conducted a first reading on August 18, 2015. No public comment was received. A final draft ordinance and eligibility checklist are attached for review and adoption.

Attachments:

- Draft Ordinance
- Draft Eligibility Checklist

ORDINANCE NO. 15-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BENICIA ADDING A NEW CHAPTER 15.40 TO TITLE 15 BUILDINGS AND CONSTRUCTION OF THE BENICIA MUNICIPAL CODE TO PROVIDE AN EXPEDITED, STREAMLINED PERMITTING PROCESS FOR SMALL RESIDENTIAL ROOFTOP SOLAR SYSTEMS

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

Section 1.

A new Chapter 15.40 (Streamlined Permitting for Residential Rooftop Solar) of Title 15 (Building and Construction) of the Benicia Municipal Code is hereby added as follows:

Chapter 15.40
STREAMLINED PERMITTING FOR RESIDENTIAL ROOFTOP SOLAR

Sections:

- 15.40.010 Definitions.
- 15.40.020 Purpose.
- 15.40.030 Applicability.
- 15.40.040 Solar energy system requirements.
- 15.40.050 Duties of the building division and building official.
- 15.40.060 Permit review and inspection requirements.

15.40.010 Definitions. For the purpose of this chapter, the following words and phrases shall be construed as hereafter set out, unless it shall be apparent from the context that they have a different meaning.

“Association” means a nonprofit corporation or unincorporated association created for the purpose of managing a common interest development.

“Common interest development” means any of the following:

- (1) A community apartment project.
- (2) A condominium project.
- (3) A planned development.
- (4) A stock cooperative.

“Electronic submittal” means the utilization of one or more of the following:

- (1) Email;
- (2) The Internet;
- (3) Facsimile.

“Reasonable restrictions” on a solar energy system are those restrictions that do not significantly increase the cost of the system or significantly decrease its efficiency or

specified performance, or that allow for an alternative system of comparable cost, efficiency, and energy conservation benefits.

“Restrictions that do not significantly increase the cost of the system or decrease its efficiency or specified performance” means:

- (1) For Water Heater Systems or Solar Swimming Pool Heating Systems: an amount exceeding 10 percent of the cost of the system, but in no case more than one thousand dollars (\$1,000), or decreasing the efficiency of the solar energy system by an amount exceeding 10 percent, as originally specified and proposed.
- (2) For Photovoltaic Systems: an amount not to exceed one thousand dollars (\$1,000) over the system cost as originally specified and proposed, or a decrease in system efficiency of an amount exceeding 10 percent as originally specified and proposed.

“Small residential rooftop solar energy system” means all of the following:

- (1) A solar energy system that is no larger than 10 kilowatts alternating current nameplate rating or 30 kilowatts thermal.
- (2) A solar energy system that conforms to all applicable state fire, structural, electrical, and other building codes as adopted or amended by the city, and all state and city health and safety standards.

“Solar Energy System” means either of the following:

- (1) Any solar collector or other solar energy device whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating, space cooling, electric generation, or water heating.
- (2) Any structural design feature of a building, whose primary purpose is to provide for the collection, storage, and distribution of solar energy for electricity generation, space heating or cooling, or for water heating.
- (3) A solar energy system that is installed on a single or duplex family dwelling.
- (4) A solar panel or module array that does not exceed the maximum legal building height as defined by the city.

“Specific, adverse impact” means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, and written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

15.40.020 Purpose. The purpose of the chapter is to adopt an expedited, streamlined solar permitting process that complies with the Solar Rights Act and AB 2188 (Chapter 521, Statutes 2014) to achieve timely and cost-effective installations of small residential rooftop solar energy systems. This chapter encourages the use of solar

systems by removing unreasonable barriers, minimizing costs to property owners and the city, and expanding the ability of property owners to install solar energy systems. This chapter allows the city to achieve these goals while protecting the public health and safety.

15.40.030 Applicability.

- A. This chapter applies to the permitting of all small residential rooftop solar energy systems in the city.

- B. Small residential rooftop solar energy systems legally established or permitted prior to the effective date of this chapter are not subject to the requirements of this chapter unless physical modifications or alterations are undertaken that materially change the size, type, or components of a small rooftop energy system in such a way as to require new permitting. Routine operation and maintenance or like-kind replacements shall not require a permit.

15.40.040 Solar energy system requirements.

- A. All solar energy systems shall meet applicable health and safety standards and requirements imposed by the state and the city including the Benicia Fire Department.

- B. Solar energy systems for heating water in single-family residences and for heating water in commercial or swimming pool applications shall be certified by an accredited listing agency as defined by the California Plumbing and Mechanical Code.

- C. Solar energy systems for producing electricity shall meet all applicable safety and performance standards established by the California Electrical Code, the Institute of Electrical and Electronics Engineers, and accredited testing laboratories such as Underwriters Laboratories and, where applicable, rules of the Public Utilities Commission regarding safety and reliability.

- D. All solar energy systems shall meet all the eligibility requirements of the adopted checklist to qualify for the expedited plan review process.

15.40.050 Duties of the building division and building official.

- A. All documents required for the submission of an expedited solar energy system application shall be made available on the publicly accessible City of Benicia Website.

- B. Electronic submittal of the required permit application and documents by email, the Internet, or facsimile shall be made available to all small residential rooftop solar energy system permit applicants.

- C. An applicant's electronic signature shall be accepted on all forms, applications, and other documents in lieu of a wet signature.

- D. The Building Division shall adopt a standard plan and checklist of all requirements with which small residential rooftop solar energy systems shall comply to be eligible for expedited review.

E. The small residential rooftop solar system permit process, standard plan(s), and checklist(s) shall substantially conform to recommendations for expedited permitting, including the checklist and standard plans contained in the most current version of the *California Solar Permitting Guidebook* adopted by the Governor's Office of Planning and Research.

F. All fees prescribed for the permitting of small residential rooftop solar energy system must comply with Government Code Section 65850.55, Government Code Section 66015, Government Code Section 66016, and State Health and Safety Code Section 17951 and are adopted by resolution.

15.40.060 Permit review and inspection requirements.

A. The Building Division shall adopt an administrative, nondiscretionary review process to expedite approval of small residential rooftop solar energy systems within 30 days of the adoption on this Chapter. The Building Division shall issue a building permit or other nondiscretionary permit [the same day for over-the-counter applications or within [1-3] business days for electronic applications] of receipt of a complete application and meets the requirements of the approved checklist and standard plan. A building official may require an applicant to apply for a use permit if the official finds, based on substantial evidence, that the solar energy system could have a specific, adverse impact upon the public health and safety. Such decisions may be appealed to the planning commission.

B. Review of the application shall be limited to the building official's review of whether the application meets local, state, and federal health and safety requirements.

C. If a use permit is required, a building official may deny an application for the use permit if the official makes written findings based upon substantive evidence in the record that the proposed installation would have a specific, adverse impact upon public health or safety and there is no feasible method to satisfactorily mitigate or avoid, as defined, the adverse impact. Such findings shall include the basis for the rejection of the potential feasible alternative for preventing the adverse impact. Such decisions may be appealed to the planning commission.

D. Any condition imposed on an application shall be designed to mitigate the specific, adverse impact upon health and safety at the lowest possible cost.

E. "A feasible method to satisfactorily mitigate or avoid the specific, adverse impact" includes, but is not limited to, any cost-effective method, condition, or mitigation imposed by the city on another similarly situated application in a prior successful application for a permit. The city shall use its best efforts to ensure that the selected method, condition, or mitigation meets the conditions of subparagraphs (A) and (B) of paragraph (1) of subdivision (d) of Section 714 of the Civil Code defining restrictions that do not significantly increase the cost of the system or decrease its efficiency or specified performance.

F. The city shall not condition approval of an application on the approval of an association, as defined in Section 4080 of the Civil Code.

VII.H.6

G. If an application is deemed incomplete, a written correction notice detailing all deficiencies in the application and any additional information or documentation required to be eligible for expedited permit issuance shall be sent to the applicant for resubmission.

H. Only one inspection shall be required and performed by the Building Division for small residential rooftop solar energy systems eligible for expedited review.

I. The inspection shall be done in a timely manner. An inspection will be scheduled within two (2) business days of a request and provide a four (4) hour inspection window.

J. If a small residential rooftop solar energy system fails inspection, a subsequent inspection is authorized but need not conform to the requirements of this Chapter.

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 _____, 2015, and
adopted at a regular meeting of the Council held on the ____ day of _____, 2015, by
the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk

Date



ELIGIBILITY CHECKLIST FOR EXPEDITED SMALL ROOFTOP SOLAR PANEL PERMITTING FOR SINGLE FAMILY DWELLINGS

Building Division Effective:
September 1, 2015

Property Address _____ Permit Number _____

GENERAL REQUIREMENTS:

- | | Yes | No |
|---|-------|-------|
| 1. System size is 10kw AC CEC rating or less | _____ | _____ |
| 2. The solar array is roof mounted on single family residence | _____ | _____ |
| 3. The solar panel/module arrays don't exceed building height | _____ | _____ |
| 4. Solar system is utility interactive and no battery storage | _____ | _____ |
| 5. PV array weighs less the 4 lbs./sq. ft. | _____ | _____ |

ELECTRICAL REQUIREMENTS:

- | | Yes | No |
|---|-------|-------|
| 6. Maximum back feed breaker of 60 amps. | _____ | _____ |
| 7. Max of 4 PV module strings connected to each MPPT input where source circuit fusing is included in the inverter. | _____ | _____ |
| a) No more than 2 strings per MPPT input where source circuit fusing is not included. | _____ | _____ |
| b) Fuses (if needed) are rated to the series fuse rating of the PV module. | _____ | _____ |
| c) No more than one non-inverter, integrated DC combiner is utilized per inverter. | _____ | _____ |
| 8. For central inverter systems: No more than 2 inverters are utilized. | _____ | _____ |
| 9. The PV system is connected to the load side of the utility distribution equipment. | _____ | _____ |
| 10. Minimum EGC solid bare copper on roof of AWG #6. | _____ | _____ |
| 11. A solar PV standard plan and supporting documentation is completed and attached. | _____ | _____ |

STRUCTURAL REQUIREMENTS:

- | | Yes | No |
|---|-------|-------|
| 12. A completed structural criteria and supporting documentation is attached. | _____ | _____ |

FIRE SAFETY REQUIREMENTS:

- | | Yes | No |
|--|-------|-------|
| 13. Clear access pathways provided (3 feet below ridge, 3 feet from gable ends) | _____ | _____ |
| 14. Fire classification solar system is provided. | _____ | _____ |
| 15. All required markings and labels are provided. | _____ | _____ |
| 16. A diagram of the roof layout of all panels, modules, clear access pathways and approximate locations of electrical disconnecting means and roof access points is completed and attached. | _____ | _____ |

***Notes:**

- These criteria are intended for expedited solar permitting process.*
- If any items are checked NO, revise design to fit within Eligibility Checklist, otherwise permit application may go through standard process.*

I hereby certify that the photovoltaic system will be installed in accordance with the requirements set forth above and in accordance with the 2013 California Electric Code. I declare under penalty of perjury that the foregoing statement is true.

Signature _____ Date _____

AGENDA ITEM
CITY COUNCIL MEETING DATE - SEPTEMBER 1, 2015
CONSENT CALENDAR

DATE : August 17, 2015

TO : City Manager

FROM : Public Works Director

SUBJECT : **ALL-WAY STOP SIGN WARRANT UPDATE TO INCLUDE ASSESSMENT OF GREENHOUSE GAS (GHG) EMISSIONS**

RECOMMENDATION:

Adopt a resolution updating the City of Benicia All-Way Stop Sign Warrants to include assessment of greenhouse gas (GHG) emissions associated with installing or removing stop signs.

EXECUTIVE SUMMARY:

According to the 2010 Greenhouse Gas (GHG) Inventory Update (a survey of all sources of emission in Benicia), transportation is the second largest contributor to GHG emissions, representing 44% of community-wide emissions. One way to reduce emissions is to address the efficiency of the trips made within the City.

Each year, the CAP Coordinator develops a list of priority strategies for implementation. In March 2014, the CAP Coordinator presented her 2014-15 Work Plan to the Community Sustainability Commission (CSC) that included Strategy T2.4 Traffic Signal and Stop Sign Optimization. Strategy 2.4: Traffic Signal and Stop Sign Optimization focuses on minimizing stop signs on uphill approaches to intersections thereby reducing GHG emissions. Staff proposes the All-Way Stop Sign Warrants be modified to include an assessment of GHG emissions resulting from the installation or removal of stop signs. These warrants will be applied throughout the City as part of a stop sign assessment to develop a baseline value for GHG emissions. Following the assessment, recommendations will be made regarding the placement of stop signs throughout the City, particularly on uphill street approaches where GHG emissions are the greatest.

BUDGET INFORMATION:

Modifying the Stop Sign Warrant application will not require any additional expenditure. The CAP Coordinator has established the appropriate formulas to update the All-Way Stop Sign Warrant application. Future analysis of GHG emissions will not require additional staff time since the formula is embedded in the document allowing staff to insert data already collected as part of the

traffic engineering analysis to calculate increase or decrease in emissions.

GENERAL PLAN:

Relevant General Plan Goals and policies include:

- Overarching Goal of the General Plan: Sustainability
- Goal 4.1: Make community health and safety a high priority for Benicia
- Goal 4.8: Protect sensitive receptors from hazards
- Goal 4.9: Ensure clean air for Benicia residents
- Goal 4.10: Support improved regional air quality

STRATEGIC PLAN:

Relevant Strategic Plan Issue and Strategies include:

- Strategic Issue #2: Protecting and Enhancing the Environment
 - Strategy #1: Reduce greenhouse gas emissions and energy consumption
- Strategic Issue #4: Preserving and Enhancing Infrastructure
 - Strategy #1: Provide safe, functional, and complete streets

CLIMATE ACTION PLAN:

Relevant Climate Action Plan Goals and policies include:

- Strategy 2.4: Traffic Signal and Stop Sign Optimization

ENVIRONMENTAL REVIEW:

Modification of the All-Way Stop Sign Warrants to include assessment of greenhouse gas emissions is not considered a project as defined in the California Environmental Quality Act (CEQA), and is categorically exempt.

BACKGROUND:

In 2009, the City Council adopted the Benicia Climate Action Plan (CAP), a comprehensive document that guides the City's efforts to reduce greenhouse gas (GHG) emissions locally. The CAP is divided into eight sectors that contain strategies to reduce emissions. One sector is *Transportation and Land Use*. Transportation related emissions are linked to the mode of transportation, trip length, number of trips, efficiency of vehicles, and from land use and development patterns. Strategy T-2.4 Traffic Signal and Stop Sign Optimization indicates that improving traffic flow and minimizing idling can reduce GHG emissions and overall traffic flow. The CAP Coordinator has researched traffic

signal and stop sign optimization and determined that updating the Stop Sign Warrant application is a simple, no-cost action that can bring attention to emissions related to installing or removing a stop sign in Benicia.

When a stop sign request application is submitted, the TPBS Committee already evaluates traffic counts, circulation, efficiency, speed, and safety. It does not currently evaluate any increase or decrease in GHG emissions as a result of stop sign installation or removal.

A typical vehicle always burns some amount of fuel when the engine is on, even when the vehicle is not moving (idling), although modern vehicles use much less fuel when idling than in motion. Since burning fuel releases air pollutants and GHGs, cutting down on idling time can help improve air quality and reduce emissions. Stop signs result in idling, so when examining whether to add or remove a stop sign, it is important to look at the emissions that would result. To create this calculation, the CAP Coordinator took the following steps:

1. Identify emissions per gallon of fuel used. In 2015, the average vehicle on the road in Solano County will emit about 17.9 pounds of carbon dioxide equivalent (CO₂e) per gallon of fuel used.¹

2. Determine amount of fuel used per second of vehicle idling. According to a study by the Argonne National Laboratory, a 26 mpg car uses about 0.0000737 gallons of fuel per second of idling time.² In Solano County, it is estimated at about 16.36 mpg for 2015.³ This means that for every second a typical Solano County vehicle is stopped at a stop sign, it emits 0.00158 pounds of CO₂e. This is the per-second value for a single car, so a stop sign evaluation should also look at the number of cars moving through the intersection and the average idling time of each. For example, if there were 100 cars stopped at a stop sign per day and each one idles for three seconds, then the total emissions would be 173.01 pounds of CO₂e per year: *0.00158 pounds of CO₂e per second per car, multiplied by 100 cars per day, multiplied by 3 seconds per car, multiplied by 365 days per year.*

3. Identify total number of cars at an intersection under consideration. The City Engineer will utilize traffic counts for the intersection under consideration.

4. Identify total idling time. The CAP Coordinator worked with the Engineering staff to assess an average idling time per vehicle traveling 25 miles per hour and

¹ California Air Resources Board (CARB), Mobile Source Emission Inventory - EMFAC 2011, <http://www.arb.ca.gov/msei/modeling.htm>.

² Argonne National Laboratory, *Which is Greener: Idle, or Stop and Restart?*, http://www.afdc.energy.gov/uploads/publication/which_is_greener.pdf.

³ CARB EMFAC 2011 (see FN 1).

stopping at a 4-way stop intersection. The Engineering staff estimated that each car spends 8-10 seconds at a stop sign.⁴

5. Estimate total greenhouse gas (GHG) emissions. Multiply total idling time x gallons of fuel used x emission factor. This will be completed once total idling time is defined.

For example, 9 seconds x 0.00158 pounds of CO₂e = 0.14 lbs. of CO₂e for every car that stops at the stop sign. If 300 vehicles (minimum peak hour demand that warrants a new stop sign) pass through the intersection under consideration, then 0.14 lbs. of CO₂e multiplied by 300= 42 lbs. of CO₂e per day or 1,557 lbs. of CO₂e per year would be added if a stop sign were installed. There may be other considerations such as public safety and traffic flow that outweigh the importance of the City's GHG reduction goals, but the emissions should still be considered when evaluating the installation or removal of a stop sign.

Since traffic counts will vary by intersection, the CAP Coordinator has provided the Public Works Department with an excel-based formula that uses traffic counts to generate a GHG emissions estimate. The modified warrants will be used when evaluating whether to install a stop sign, particularly at uphill stop sign locations. The collection of GHG emissions data for all proposed locations will allow the City to better understand overall emissions impact and opportunity for further reductions.

The CAP Coordinator presented a memo about changing the All-Way Stop Sign Warrants to the CSC on March 16, 2015. The Commission recommended the report and proposed change be considered by the Traffic Pedestrian and Bicycle Safety (TPBS) Committee. On April 16, 2015 the TPBS Committee recommended the proposed All-Way Stop Sign Warrants be approved by City Council.

Attachment:

- Proposed Resolution

⁴ See Richardson, Anthony J., A Delay Model for Multiway Stop-Sign Intersections, *Transportation Research Record* 1112.

RESOLUTION NO. 15-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA UPDATING THE ALL-WAY STOP SIGN WARRANT TO INCLUDE ASSESSMENT OF GREENHOUSE GAS (GHG) EMISSIONS

WHEREAS, the City of Benicia established All-Way Stop Sign Warrants on September 20, 1994; and

WHEREAS, the All-Way Stop Sign Warrants include criteria for the consistent placement of all-way stop signs at intersections within the city; and

WHEREAS, the Climate Action Plan (CAP) Coordinator has identified the assessment of greenhouse gas (GHG) emissions in the All-Way Stop Sign Warrant as a priority strategy for implementation of the Climate Action Plan; and

WHEREAS, the Community Sustainability Commission considered the item on March 16, 2015 and recommended the item be discussed by the Traffic, Pedestrian and Bicycle (TPBS) Committee; and

WHEREAS, the TPBS Committee considered the item on April 16, 2015 and recommends the City Council approve updating the All-Way Stop Sign Warrant to include assessment of greenhouse gas (GHG) emissions when installing or removing stop signs.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Benicia hereby approves updating the All-Way Stop Sign Warrant to include assessment of greenhouse gas (GHG) emissions when installing or removing stop signs.

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, 2015, and adopted by the following vote:

Ayes:

Noes:

Absent:

Attest:

Elizabeth Patterson, Mayor

Lisa Wolfe, City Clerk

Date

AGENDA ITEM
CITY COUNCIL MEETING DATE - SEPTEMBER 1, 2015
CONSENT CALENDAR

DATE : August 18, 2015
TO : City Manager
FROM : Public Works Director
SUBJECT : **MONTHLY WATER UPDATE**

RECOMMENDATION:

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

EXECUTIVE SUMMARY:

Benicia's state-mandated water conservation target is 20%. Benicia already is ahead of state-mandated targets thanks to the community's water conservation efforts. Benicia has reduced its water use by 29.8% in the last 12 months compared to the 2013 baseline. In June, Benicia's water conservation rate was 36.2%, compared to the statewide average of 27.3%. In July, Benicia's water use was reduced by 36.8% compared to July 2013. The Wastewater Treatment Plant has recognized a 7% reduction in discharge over the past five months and this is a direct reflection of indoor water conservation by the community. The water reductions of all Benicia water customers are acknowledged and appreciated.

BUDGET INFORMATION:

No budget impacts are associated with this update.

GENERAL PLAN:

Relevant General Plan Goals:

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

STRATEGIC PLAN:

Relevant Strategic Plan Issue and Strategy:

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

BACKGROUND

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

statewide reduction from 2013 usage (see section "Governor's April 1 Executive Order" below.) Northern California has experienced record low rainfall and snow accumulation so far this year. As a result of the four years of drought, communities in California need to significantly cutback water use.

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

The City has 3,100 acre-feet of reliable water supply and has purchased water from various agencies when needed. Allocations of water from the SWP have varied from 5% to 65%, with a 15-year average of 58% allocation. When the allocation exceeded 35%, then the City had adequate water supply. Lake Oroville is 31% full and the current SWP allocation is 25%. The lowest recorded percentages of capacity in Lake Oroville were 26% in 1977, 31% in 2008 and 30% in 2014. On average, about 75% of the state's average annual precipitation falls between November and March.

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

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

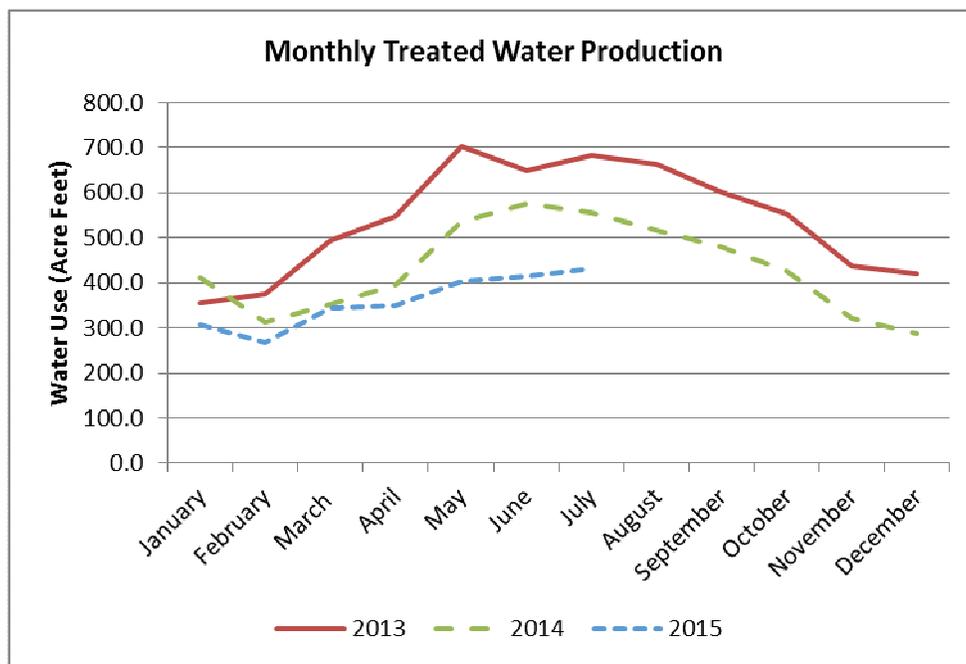
MONTHLY WATER UPDATE

Table 1 and Graph 1 show the monthly treated water production through July. The 12-month cumulative water conservation is 29.8% (from August 2014 through July 2015 compared to the 2013 baseline) shows that the conservation efforts in 2015 are even better than in 2014.

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

	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec
2013	354.8	375.6	494.1	546.0	703.4	648.5	682.5	662.9	601.8	551.8	438.5	419.2
2014	411.8	312.4	352.3	394.7	534.7	575.0	557.0	515.0	478.2	426.1	320.8	286.5
2015	308.8	268.4	345.0	351.1	402.6	413.6	431.5					
2014 percent difference from 2013	16%	-17%	-29%	-28%	-24%	-11%	-18%	-22%	-21%	-23%	-27%	-32%
2015 percent difference from 2013	-13%	-29%	-30%	-36%	-43%	-36%	-37%					

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



Residential Water Use

Monthly reports about residential customer water use are submitted to the State Water Resources Control Board (SWRCB.) Benicia's per capita water use was 86 gallons per person per day (GPPD) in June, compared to the statewide average of 97.7 GPPD, which is the latest information available. Note that various factors can affect the per capita water use comparison such as precipitation, temperature, population, socio-economic measures and even water prices.

Table 2 below shows Benicia's residential gallons per capita per day by month. These figures are calculated by multiplying the monthly treated water production by the residential percentage of treated water (54%), multiplying by a conversion factor of 325,851, dividing by Benicia's population (28,086) and then dividing by the number of days in the month.

Table 2
Residential – Gallons Per Capita Per Day (R-GPCD)

Year	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec
2013	72	84	100	114	147	135	138	134	126	112	92	85
2014	83	70	71	82	112	120	113	104	100	86	67	58
2015	62	60	70	73	81	86	87					

Governor's April 1 Executive Order and State-Mandated Conservation Targets

On April 1, 2015, Governor Brown issued an Executive Order mandating a 25% reduction in water use for all urban water users from 2013 usage. The cuts apply to all California urban water suppliers, who are classified into tiers based on per capita water consumption with reduction targets for each agency ranging from 8% to 36% depending on the residential daily water use per person. On June 9, 2015 Benicia's water conservation standard (i.e. reduction target) was reduced from 28% to 20%. Benicia's target was adjusted after the City submitted revised gallon per person calculations that more accurately reflected water production in 2014 and complied with the Water Board's reporting requirements.

Benicia already is ahead of state-mandated conservation standard of 20% thanks to the community's water conservation efforts. In June, Benicia's water conservation rate was 36.2%, compared to the statewide average of 27.3%. This is commendable especially since June was the hottest on record. Of the 405 California water suppliers that reported June data to the State, 265 suppliers (65%) met, or were within 1% of their conservation standard; 53 suppliers (13%) are between 1-5% of meeting their conservation standard; 71 suppliers (18%) are between 5-15% of meeting their conservation standard; and 16 suppliers (4%) are more than 15% from meeting their conservation standard.

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

**Table 3
Water Conservation Enforcement Statistics**

Monthly Enforcement Statistics	Jan	Feb	Mar	Apr	May	June	July
Water Waste Complaints	0	0	0	14	13	10	9
Contact Follow-ups	0	0	0	14	13	10	9
Warning Actions (door hangers)	1	4	10	16	1	3	0
Warning Letters	0	0	1	0	1	0	1
Penalties (fines issued)	0	0	0	0	0	0	0

Current Water Portfolio

Table 4 details the usage of all three water supplies in 2014 and 2015.

**Table 4
2014 and 2015 Source Water Usage
(acre-feet)**

	<i>Total Raw Water Demand</i>	<i>State Water Project Supply</i>	<i>Solano Project Supply</i>	<i>Lake Herman Supply</i>	<i>Lake Herman Stored Water</i>
2014					
2014 Total	9,954	6,785	2,138	1,031	0
2015					
January	800	147	0	653	
February	679	541	111	27	
March	813	27	724	62	
April	787	0	742	44	
May	923	489	453		20
June	920	1,126	0		206
July	958	1,062	0		104
2015 Total	5,880	3,392	2,030	786	330

Table 5 identifies the different accounts within the Benicia Water Supply Portfolio. The State Water Project water that the City is guaranteed comes from our “Table A” contract water (4,300-AF), the Carryover from previous years (6,800-AF), and the remaining water banked with the Mojave Water Agency (1,000-AF). Solano County Water Agency has approved the exchange between Benicia and Vallejo to trade a portion of Benicia's Carry-over water for Vallejo's Permit Water, at a 1:2 ratio. Vallejo's Permit Water originates from the same source as the North Bay Aqueduct, and can be described as a “use it or lose it” water each calendar year. This exchange with Vallejo can only occur while Vallejo has access to its Permit Water (State Water Resources Control Board rescinded “junior” permit water on May 1).

Table 5
Benicia Water Portfolio for 2014, 2015 and 2016
(in acre-feet)

Water Source	2014	2015	2016
SWP - Table A Allocation	860	4,300	860 ¹
SWP- Advanced Table A	0	?	?
SWP – Carryover	9,396	6,800	10,850
SWP - Article 21	0	?	?
Vallejo Permit Water Exchange	588	211 ²	500 ²
SWP - Settlement Water	1,580	504	?
SWP - Mojave Water Agency Bank	1,000	1,000	0
SWP - Yuba Accord Water	266	?	?
SWP-NOD Allocation	0	?	?
State Water Project Sub-Total	13,690	12,815	12,210
SP - Vallejo 1962 Agreement	1,100	1,100	1,100
SP - SID 2009 Agreement	2,000	2,000	2,000
SP - Vacaville Purchase (July & Dec)	4,000	0	?
SP- Vallejo Exchange (Sept 2014)	166	?	?
SP-Total Carryover	4,697	9,942	11,942
Solano Project Sub-Total	11,963	13,042	15,042
Lake Herman - Projected Supply	1,590	750	750
Grand Total	27,243	26,607	28,002

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

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

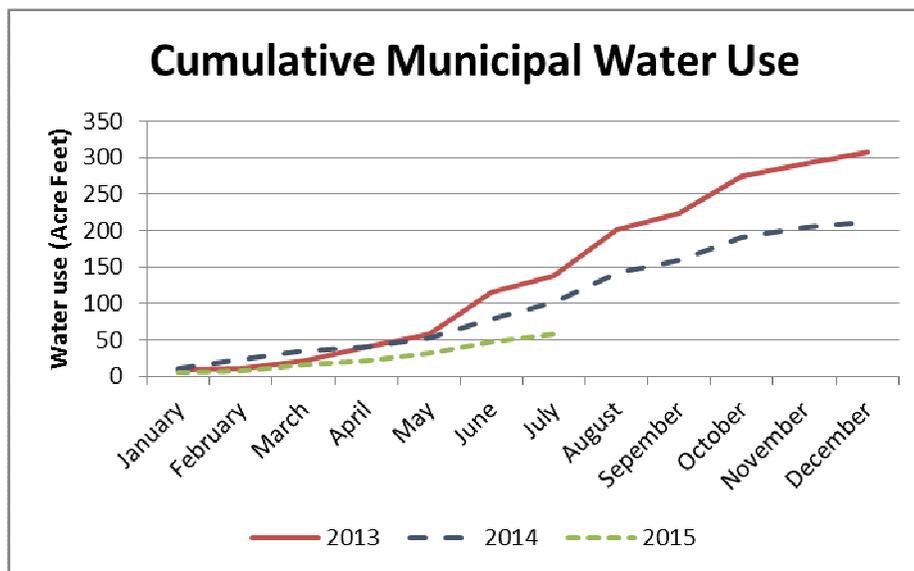
Municipal (City Facilities) Water Use

Table 6 and Graph 2 show the amount of water the City municipal meters have used during this same period. A total of 308 acre-feet were used in 2013 and 212 acre-feet were used in 2014, which is a 31% annual reduction. Major sources of reductions are reduced watering at City parks and the in-plant recycled water project at the Wastewater Treatment Plant that saves 27,000 gallons per day.

Table 6
City Facilities Metered Water Use
(in acre-feet)

	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec
2013	8.8	2.3	10.0	18.9	17.9	57.5	22.9	63.3	21.7	50.6	17.8	16.2
2014	10.0	13.6	11.8	4.8	12.5	26.8	22.1	40.3	17.6	30.8	14.1	7.4
2015	4.9	1.6	8.9	6.6	9.8	15.9	10.4					
2014 percent difference from 2013	14%	491%	18%	-75%	-30%	-53%	-4%	-36%	-19%	-39%	-21%	-54%
2015 percent difference from 2013	-44%	-30%	-11%	-65%	-45%	-72%	-55%					

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



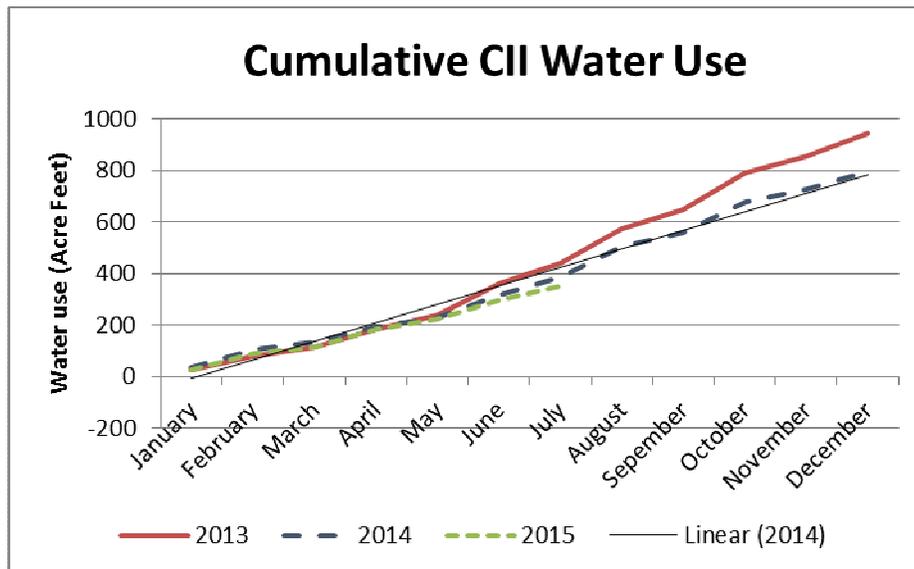
Commercial/Industrial/Institutional (Businesses) Water Use

Table 7 and Graph 3 show the amount of water the Commercial/Industrial/Institutional customers (i.e. includes businesses, schools and churches, but not City facilities) have used during this same period. A total of 945 acre-feet were used in 2013 and 794 acre-feet were used in 2014, which is a 16% annual reduction.

Table 7
Commercial/Industrial/Institutional (CII) Metered Water Use
(in acre-feet)

	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec
2013	27.5	51.1	34.2	69.6	53.5	124.1	78.4	135.1	72.4	146.5	65.2	87.7
2014	34.1	72.6	27.4	57.6	37.3	88.4	69.2	117.7	57.0	116.8	50.0	66.2
2015	24.7	67.2	24.5	67.1	40.5	72.9	54.6					
2014 percent difference from 2013	24%	42%	-20%	-17%	-30%	-29%	-12%	-13%	-21%	-20%	-23%	-25%
2015 percent difference from 2013	-10%	32%	-28%	-4%	-24%	-41%	-30%					

Graph 3
Cumulative Commercial/Industrial/Institutional (CII) Metered Water Use
(in acre-feet)



Solano County Turf Replacement Program Update

The Solano County Water Agency (SCWA) has administered a turf-replacement program since 2010 using state Proposition 84 grant funding that provides rebates to residents who replace their water thirsty lawn with drought-tolerant landscaping. This program will reimburse a property owner \$1.00 per square foot, up to \$1,000 per project.

Last year, the Benicia Community Sustainability Commission (CSC) provided a \$100,000 grant funding for an additional \$1.00/ sq. ft. rebate for Benicia residents for an enhanced rebate of \$2.00 per sq. ft., up to \$2,000, until the grant funds are exhausted. As of August 6, \$99,886 of the \$100,000 CSC grant has been paid to 133 Benicia residents. The plan for the balance remaining of \$114 is for SCWA to hold on to it and combine it with possible grant funding in the near future (in lieu of offering one customer a partial, minimal rebate).

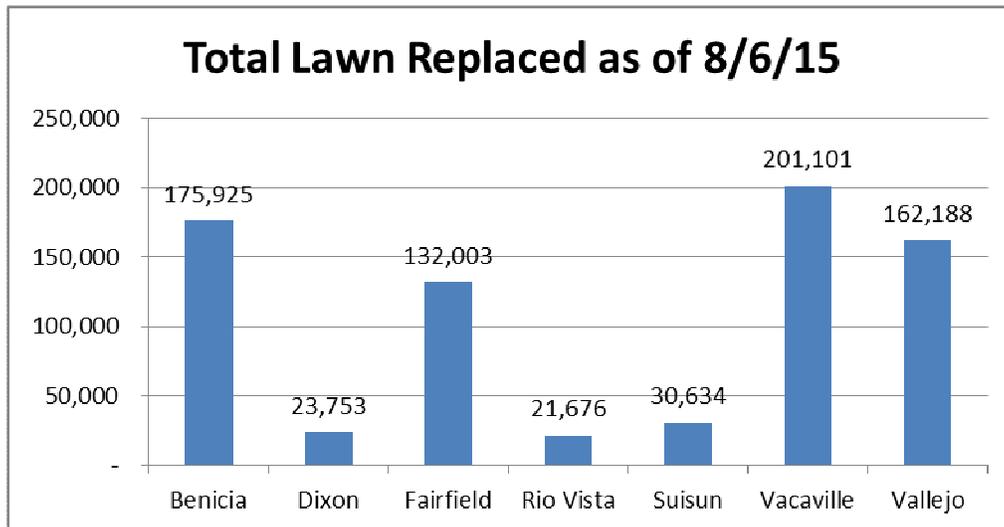
The Table below shows the number of Benicia residents that took advantage of the various water conservation rebates and surveys the City offers through its partnership with Solano County Water Agency. The graph below shows the square footage of lawn replaced in each city in Solano County in FY 2014/15 and year-to-date FY 2015/16. Benicia residents have received the largest number of rebates (114) as of May 2015 compared to other Solano County cities (Vacaville 99, Vallejo 97, Fairfield 54, Rio Vista 21, Suisun 10, and Dixon 9.)

On July 20, 2015, the CSC recommended allocating \$60,000 to provide a supplemental \$0.50 per square foot for Benicia turf replacement projects during 2015. On August 18, 2015, the Council approved the CSC recommendation. As before, the supplemental payments will be handled by SCWA as part of the turf replacement program.

Table 8
Water Conservation Program Statistics

Water Conservation Programs	2007	2008	2009	2010	2011	2012	2013	2014	2015	Totals
High Efficiency Washer Rebates	90	220	387	54	46	76	95	126	64	1133
High Efficiency Toilet Rebates (program discontinued)	3	55	75	139	56	74	130	197	14	743
SCWA Residential Surveys			138	143	61	143	65	55		605
Turf Replacement Rebates					2	5	14	81	76	132
Commercial/Industrial/Institutional High Efficiency Toilet Rebates		99				300				399

Graph 4
Total Amount of Lawn Replaced that Received a Rebate from 7/1/14 to 8/6/15
(in square feet)



Water Leak Detection

The City has hired a leak detection contractor, Utility Services Association, to find leaks throughout the City. A majority of the work was done in July – 65 miles completed of the 110 miles contracted. The remainder of the work is planned for August. Depending on the number of leaks found, the work can take longer than anticipated.

On July 17 at 3:00 a.m. Utility Services Association found a leak on East 2nd Street. There was an abandoned waterline that was leaking in two locations. It is presumed to be the service line that used to supply water to a horse ranch where the Sterling Heights Apartment complex is now. Public Works Maintenance crew was able to successfully stop the leak. A Field Utilities and Streets Supervisor calculated that the leak had a flow rate of approximately 9 gallons per minute or 13,000 gallons per day. Using the \$200 per acre foot price of the water purchased from Vacaville, fixing the leak will save approximately \$3,000 per year. This is the largest leak that USA has found since they began the leak detection work in May 2014 and brings the total water savings from leak repairs to approximately 33,000 gallons per day or 12 million gallons per year or 37 acre-feet of water per year. This is as much water as used in 15 to 20 homes.

Table 9 below shows the City's leak repair history. The Public Works Department goal for Fiscal Year 2015/16 is to repair 150 leaks. So far in 2015, the Department is off to a good start.

**Table 9
Leak Repairs**

WATER LEAK REPAIRS - 2013													
	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	YEAR END TOTALS
Main	0	1	1	1	3	0	2	0	1	2	10	2	23
Service Lateral	10	12	10	5	3	5	7	5	4	5	5	5	76
Total Water Calls	10	13	11	6	6	5	9	5	5	7	15	7	99
Leak Volume	228960	135360	1287776	1938075	566187	45361	37890	12525	65294	60531	14957	138	4393054

WATER LEAK REPAIRS - 2014													
	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	YEAR END TOTALS
Main	2	1	0	0	2	2	2	1	3	4	2	2	21
Service Lateral	4	2	0	5	6	3	9	13	8	4	8	6	68
Total Water Calls	6	3	0	5	8	5	11	14	11	8	10	8	89
Leak Volume	3835	3664		8170	19441	5803	5164	47982	251550	133475	13123	6096	498303

WATER LEAK REPAIRS - 2015													
	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	YEAR END TOTALS
Main	1	2	1	2	2	2	2						12
Service Lateral	6	6	9	5	5	11	10						52
Total Water Calls	7	8	10	7	7	13	12						64
Leak Volume	6581	35411	45159	145730	16737	25428	106555						381601

Benicia Water Reuse Project

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

To obtain grants and loans, the City must prepare a Feasibility Study and Facility Planning Report that will specify how the recycled water will be produced at the Benicia Wastewater Treatment Plant (WWTP) and transported to Valero. In addition, the City must prepare environmental review documentation before

the project can be considered "shovel-ready" and eligible for construction grants and/or loans.

In May 2015, City staff sent a request for proposals for engineering services to 20 companies, seeking a firm to prepare a feasibility study, assist with securing grants and loans, and to also provide design and construction support services if approved by the Council at a later time. Four firms responded with proposals, and on June 23, three teams of consultants were interviewed by City staff. Brown and Caldwell (B&C) was selected as the most qualified firm.

On July 27, 2015, the City entered into a Pre-Feasibility Study agreement with B&C, with an amount not to exceed \$25,000, to develop information necessary for the Council to make an informed decision about whether to proceed with the Feasibility Study. The main tasks for the Pre-Feasibility Study were: 1) Develop water quality objectives and confirm that reverse osmosis treatment would not be necessary; 2) design the sampling and analysis plan so that costs can be estimated; and 3) develop a scope of work for the regulatory analysis of different treatment and conveyance alternatives.

Discussions with Valero staff resulted in a clear consensus among the Valero, City, and B&C technical staff that salt removal by reverse osmosis would not be necessary, which was one of the main causes for high costs in the 2008 Feasibility Study. In addition, B&C developed a scope of work for regulatory analysis, and EOA Inc. submitted a bid of \$30,000 for this work. An amendment to EOA's agreement to add the regulatory analysis to their current scope of services will be brought to the City Council for consideration on September 15.

City staff met with Valero and B&C staff to develop the year-long sampling and analysis plan needed to characterize the City's Wastewater Treatment Plant (WWTP) effluent to refine water quality objectives and to inform B&C's treatment alternatives. The contract laboratory cost for new analyses (not already being performed at the WWTP) would be approximately \$95,000. However, the City Laboratory can perform 70% of the analyses, primarily basic wet chemistry tests, for a cost savings of \$14,000, and Valero's lab has committed to running metals analyses for a cost savings of \$29,000. The sampling program is scheduled to begin in mid-September to provide as much data as possible before the wet weather season.

On August 18, 2015, the City Council voted to approve the agreement with B&C, and gave direction to staff to seek some modifications to B&C's scope of work. An amendment to the agreement with B&C will be brought back to the City Council for approval in October.

Water Meter Replacement & Automated Metering Infrastructure Improvement Project

The Public Works Department is preparing a "Request for Proposal" to hire a contractor to administer and possibly locate financing for this project. Proposals are due back in September and the City Council will decide on the award of contract at the October 20 City Council meeting. If the project is awarded, the contractor will begin work in December 2015 and water meter replacement and Automated Metering Infrastructure (AMI) deployment will start no later than February 2016. Pre-1985 residential water meters will be replaced in the spring of 2016, followed by commercial and industrial meters in the summer, and post-1985 residential meters in the fall of 2016. Full integration of the AMI system with the City's Tyler Munis Enterprise Resource Program software is scheduled for October 2016. The City is specifying a 9-month construction schedule (February – October), with project completion slated for end of 2016.

Reviewing the Business Case Analyses provided by five competent vendors, the most-likely estimated cost to replace all 9,800 water meters is \$3,020,000 and the estimated cost to install a City-wide automated meter infrastructure is \$1,500,000. The total cost of \$4,520,000 would be paid back in 2.07 years by the anticipated annual revenue gain of \$2,180,827 resulting from accurate meter reads. The estimated return on investment over the 20-year life of the meters is \$43,616,500. These estimates will be validated once the contractor performs the Investment Grade Audit of water meters and determines the true pay-back period for the project.

It has become apparent that most of the City's non-revenue water is due to low-reading meters. If all the non-revenue water was due to leaks, then the volume of water produced at the Water Treatment Plant would not change with water conservation, and the percentage of non-revenue water would increase as the community conserves water. If all non-revenue water was due to low-reading meters and if the low-reading meters are always off by the same percentage then as the community conserves water, then amount of non-revenue water would also decrease while the percentage of the total water production would be the same. The City's water data is revealing that the percentage of non-revenue water is staying the same from year to year, which is consistent with water meters being the biggest problem.

Attachments:

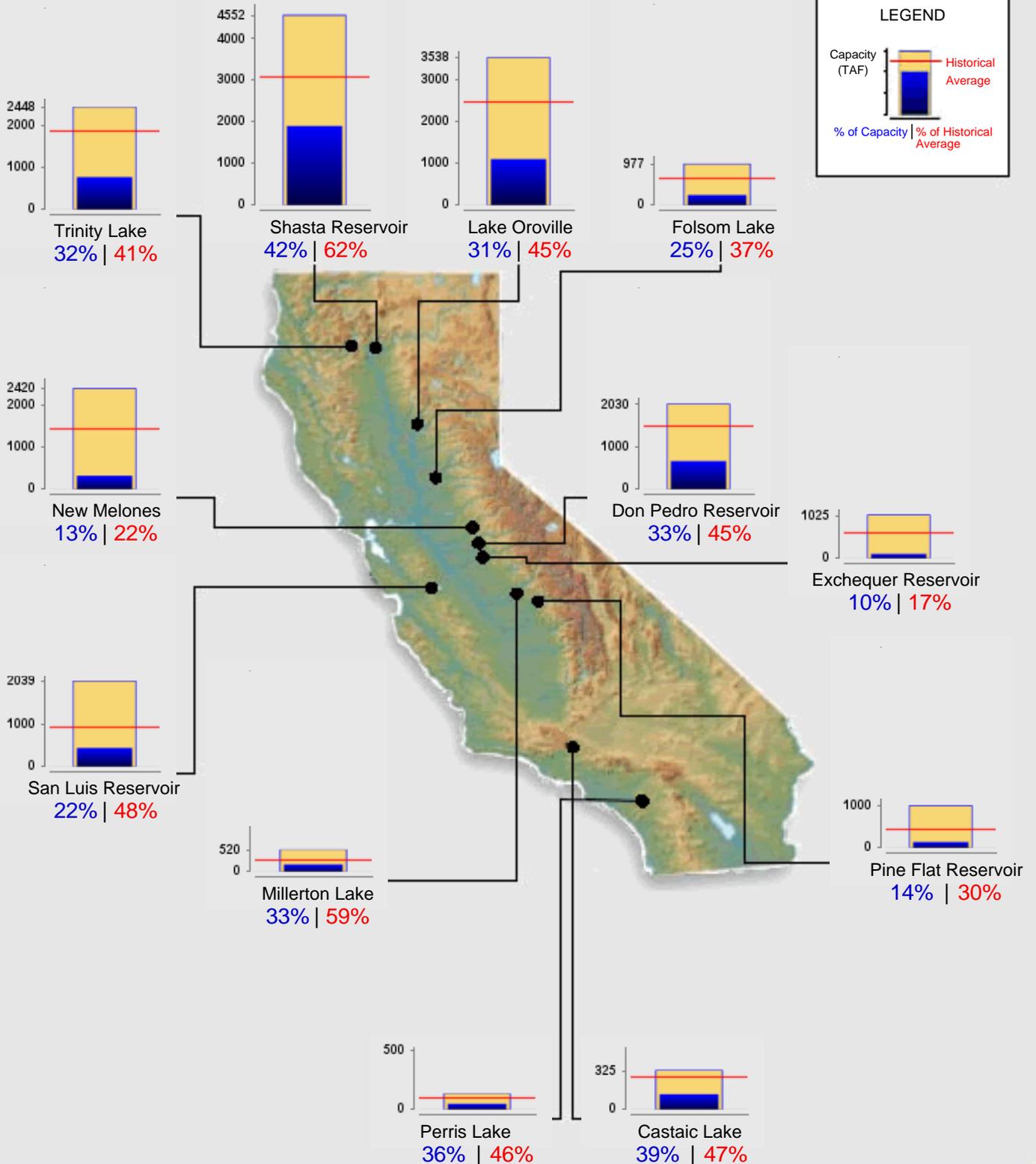
- DWR Reservoir Conditions
- SCWA Weekly Report and Lake Berryessa Storage Graph
- Supply and Demand Forecast through 2018



Reservoir Conditions

Ending At Midnight - August 13, 2015

CURRENT RESERVOIR CONDITIONS



SOLANO COUNTY WATER AGENCY
WEEKLY REPORT

For Week Ending Sunday, August 09, 2015

Last Updated: Tuesday, August 11, 2015

SOLANO PROJECT

Lake Berryessa Surface Elevation	400.99 ft (top of Glory Hole is 439.96 ft)
Surface Elevation Changes from 8/1/2015	-0.71 ft
Lake Berryessa Storage (acre-feet)	890,989 AF (Max 1.6 Million AF)
Storage Changes from 8/1/2015	-10,598 AF
Lake Berryessa % Capacity	55.69%
Distance to Glory Hole	38.97 feet BELOW
Decrease from High Point	171,158 AF (Lake high of 1,062,147 on 02/26/2015)
Putah Creek Releases	40 cfs
Putah Creek Flood Releases	0.00 cfs

Operating to August I-80 requirement of 10 cfs. Minimum release at Diversion Dam for August is 34 cfs.

NORTH BAY AQUEDUCT

Current Allocations of Contract Amount

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

Delta Conditions: Balanced conditions effective March 16. Term 91 was imposed on April 30.

Flows for the week of 8/2/2015 to 8/9/2015 (units are in CFS)

Monday	88
Tuesday	76
Wednesday	73
Thursday	84
Friday	82
Saturday	83
Sunday	79

RAINFALL			
Lake Solano		Lake Berryessa	
Annual Rainfall Average	Year to Date Rainfall Total	Annual Rainfall Average	Year to Date Rainfall Total
24.15	17.85	25.82	19.09

GENERAL MANAGER'S NOTES

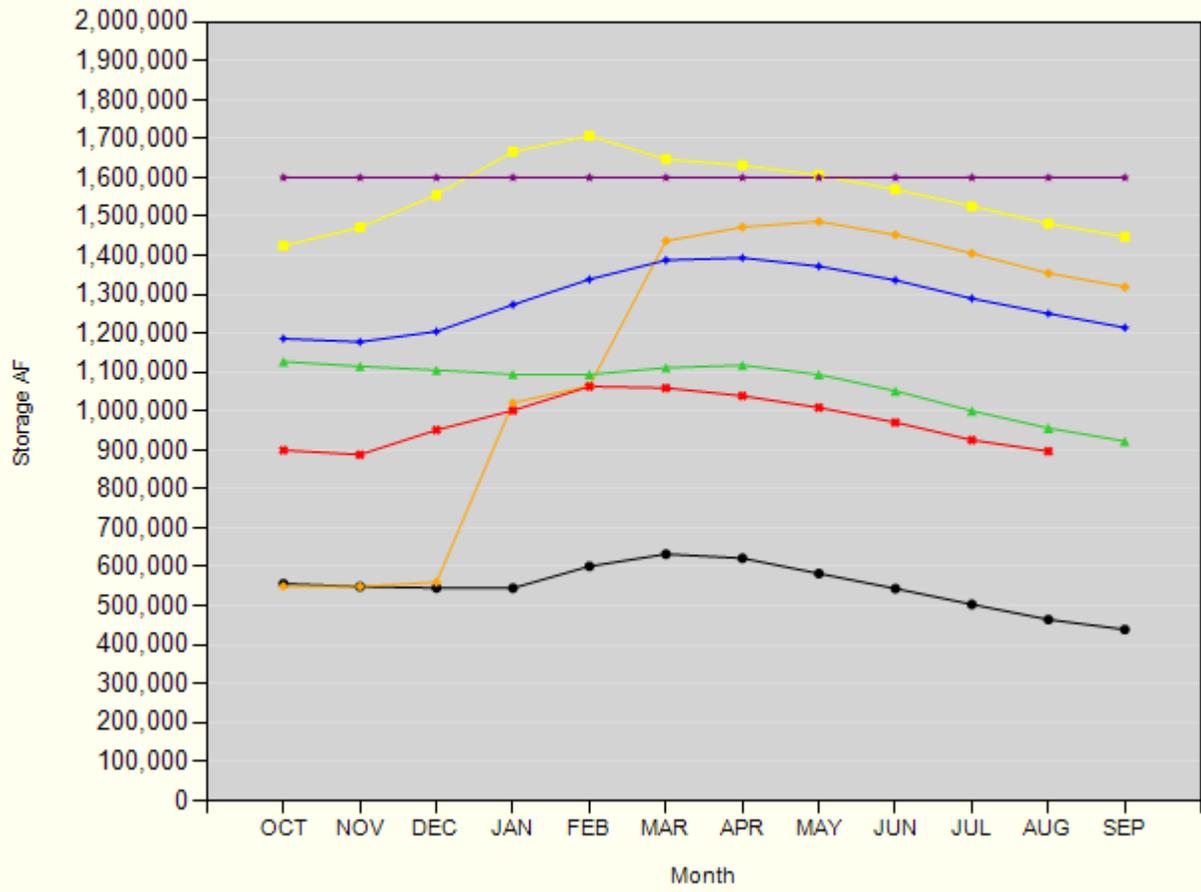
Next Advisory Commission meeting will be **August 26, at 12:30 PM at SCWA Office.**

The next SCWA Board Meeting will take place on **August 13, at 6:00 PM at SCWA Board Room.**

The next Flood Control Advisory Committee Meeting will be on **December 5, at 6:00 PM at SCWA Office.**

Lake Berryessa Storage

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



2014 - 2018 Supply versus Demand Table

Last Update August 10, 2015	2015 Available Water Supply (AF) ^{1, 3, 4, 5 & 6}	2015 New Water Supply	2015 Projected Water Usage (AF)	2016 Available Water Supply (AF) ^{1 & 7}	2016 New Water Supply	2016 Projected Water Usage (AF)	2017 Available Water Supply (AF) ^{1 & 7}	2017 New Water Supply	2017 Projected Water Usage (AF)	2018 Available Water Supply (AF) ^{1 & 7}
State Water Project	6,800	5,804	6,519	6,085	860	5,384	1,561	860	860	1,561
Solano Project Water	13,091	3,100	2,482	13,709	3,100	4,075	12,734	3,100	8,525	7,309
Lake Herman	750	1,028	917	750	452	452	750	526	526	750
Total Water Supply (AF)	20,641		9,918	20,544		9,007	15,045		9,911	9,620
Municipal & Industrial - TW			4,549			4,968			4,968	
Valero Industrial - RW			4,990			4,943			4,943	
Total Water Demand (AF)			9,539			9,911			9,911	

¹ Assumes 750-AF of runoff into Lake Herman from winter rains

² Includes purchase of 4,000 AF of Solano Project Water from Vacaville

³ Includes reclassification of carryover to settlement water

⁴ Includes the transfer of 1000-AF of Mojave banked water in 2015

⁵ Includes transfer of 166-AF of Vallejo SP carryover in 2014

⁶ Includes exchange of 197-AF of Vallejo Permit water in 2015

⁷ Assumes 5% Allocation of SWP

AGENDA ITEM
CITY COUNCIL MEETING DATE - SEPTEMBER 1, 2015
BUSINESS ITEMS

DATE : August 24, 2015

TO : City Manager

FROM : Community Development Director

SUBJECT : **WORK PLAN TO EVALUATE BENICIA MILLS ACT PROGRAM**

RECOMMENDATION:

Review proposed work plan and give staff direction on evaluating the City of Benicia Mills Act Program.

EXECUTIVE SUMMARY:

In 2003, Council approved the City of Benicia Mills Act Program and assigned initial review and recommendation of Mills Act Contract applications to the Historic Preservation Review Commission (Resolution No. 03-12). At their April 21, 2015 meeting, City Council directed staff to provide a work plan for potentially updating the City's Mills Act program.

BUDGET INFORMATION:

The costs associated with evaluating the Mills Act Program are in staff time and direct expenses related to public notification.

GENERAL PLAN:

Relevant General Plan Goals and Policies include:

GOAL 3.1: Maintain and enhance Benicia's historic character.

Policy 3.1.2: Enhance the economic potential of historic and architectural assets.

Policy 3.1.4: Promote the preservation and enhancement of historic neighborhoods, commercial areas, and governmental districts.

Policy 3.1.6: Promote restoration of public and privately-owned historic and architecturally significant properties.

STRATEGIC PLAN:

There are no issues, strategies or actions related to preservation of private historic properties.

BACKGROUND:

In 2012, the City Council established a maximum annual Mills Act Program cost

of \$35,000 (staff time and reduced property tax revenue). At the November 18, 2014 City Council meeting, the City Council approved two additional Mills Act contracts anticipated to bring annual cost of the program to the maximum \$35,000. At that meeting, the Council also directed staff to provide a status of the program along with an assessment of the benefits to the City of continuing support of the Mills Act Program.

Staff took the discussion item to the Historic Preservation Review Commission (HPRC) to engage the community and receive input from the HPRC given their important role in the program's implementation. On March 26, 2015, the HPRC discussed staff's recommendations, received input from the community, and made several recommendations pertaining to expanding the program.

On April 21, 2015 the City Council discussed HPRC's recommendations to expand the program and also directed staff to increase the total number of Mills Act Program contracts to 40, with an anticipated annual cost of \$38,000. The resolution increasing the total number of Mills Act contracts was approved on May 19, 2015.

The Council also directed staff to come back with a work plan to update the Mills Act Program. The work plan was to include reaching out to the community through the HPRC and/or other means. Minutes from the April 21, 2015 meeting, outlining the Council discussion and direction are attached (Item VIII. B).

Work Plan

Based on City Council's direction, staff has prepared a draft work plan to evaluate and update the City's Mills Act Program. As evidenced by the public participation in the Mills Act Program discussion in the spring of 2015, the community is interested in discussing changes to the City's Mills Act Program. Particularly those relating to the continuation or modifications of existing contracts, as well as expansion of the Program in the future. Should the Council wish to go forward with an evaluation of the City's Mills Act Program, staff recommends the following work plan process:

1. Staff will research existing studies done on the economic impact of Historic Preservation Programs on the local economy. Staff will evaluate and compare the different approaches to preservation and explore how utilizing these approaches might benefit Benicia.
2. Staff will hold a community workshop to vet discussion topics listed below and elicit ideas and input from the community.
3. Staff will schedule a public hearing at the HPRC to discuss options for the future sustainability of the Program.
4. Staff will take HPRC recommendations to the City Council at a public hearing.

Economic Impacts of Preservation

Staff will research existing studies done on the economic impacts of preservation on local communities. Staff will evaluate the different approaches to preservation, their benefits to the economy and how utilization of these approaches might benefit Benicia. Staff is not proposing an independent analysis of the benefits of preservation, but rather a search of existing documents that can inform the current process.

Discussion Topics

It is anticipated that recommendations for the long-term sustainability of the program will be developed through community discussion. Staff recommends that the following discussion topics be used as a framework relating to eligibility or evaluation criteria (i.e.: ranking or scoring of applications). These topics are identified for discussion purposes only, are not meant to be an exhaustive list of all possible topics, and do not constitute a recommendation at this time.

- 1. Maintenance Only Contracts vs. Rehabilitation Contracts.** The City's current program allows for new contracts that do not have a work program, but are "maintenance only" from the date of contract execution. Rehabilitation contracts, which make up the majority of contracts, have a work program "rehabilitation contract" ("Exhibit C" of the contract). The benefits and disadvantages of this approach should be explored.

Example: In the City of Pasadena applicants are required to submit a plan for future rehabilitation of a historic property; properties that already rehabilitated or without a need of future rehabilitation are ineligible for a contract.

- 2. Inclusion of properties not currently designated as "historic".** The City's current program only allows properties designated as "contributing" or "landmark" to be eligible for a Mills Act contract. Some buildings in the historic district that are not currently designated as historic may be reconsidered upon completion of an updated survey and/or reversal of inappropriate alterations.

Example: In the City of Pasadena properties that are not designated as historic may be considered if a nomination for designation is submitted to the State concurrent with the Mills Act Program application.

- 3. Establishing a Valuation Threshold.** The City's current program does not consider the assessed value of a property when reviewing a request for Mills Act Contract. Due to the methodology used in calculating the Mills

Act Contract value, it is most likely that a property with a higher non-Mills Act assessed value would have a larger tax savings (and also a larger ongoing cost impact) with the approval of a Mills Act contract.

Example: In the City of Pasadena, contracts for single-family houses are limited to properties with a total assessed value of \$1.5 million or less.

- 4. Preservation and Economic Hardship.** The City's current program may want to consider if approval of a contract would substantially contribute to the preservation of a historic resource threatened by deterioration, abandonment, or conflicting regulations. The City may also want to consider the potential to enhance opportunities for maintaining or creating affordable housing; and/or facilitate preservation and maintenance of a property in cases of economic hardship. This may require inclusion of properties not currently designated as "historic" as outlined in item #3 above.
- 5. "Highest" Level of Significance.** The City's current program considers whether or not the property is a historic structure, but does not consider the history of the parcel and reason why it is historic. Some jurisdictions consider whether or not the contract will specifically support the protection of properties with the highest level of architectural or historic significance such as: Notable Architects, local Landmarks, and properties listed individually in the National Register of Historic Places (including National Historic Landmarks).
- 6. Sustainable or "Green" Rehabilitation.** The City's current program does not specifically encourage sustainable rehabilitation. Sustainable practices may include reuse and repair of existing materials (which is also encouraged by the Secretary of Interior Standards for Treatment of Historic Properties), or use of salvaged materials in lieu of new. One consideration may be that rehabilitation projects listed in an applicant's work program favor "green" or sustainable practices. This would also be in conformance with Objective B-4 of the Climate Action Plan, to Green 30% of Historic Structures by 2020.
- 7. Identify "Appropriate Improvements".** The City's current program does not have a previously identified list of common rehabilitation projects. Examples would include: replacement of non-historic/inappropriate windows, removal of asbestos siding, etc. which would be recognized as appropriate work plan items. Each contract is evaluated on its own with previous contracts used for reference.

Example: the City of St. Helena has a list of “appropriate improvements” to guide applicants in the creation of the proposed work plan. The proposed plan may include both interior and exterior work, and must utilize all of the estimated tax savings.

8. **Focus on specific Architectural Styles/Neighborhoods.** The City's current program does not have a particular focus on preserving either specific styles or focusing on individual blocks or neighborhoods. The City could look into these methods as an alternative to first-come, first served.
9. **Fees.** The fee for a Mills Act Contract application is \$550. Once the contract is approved, no other fees are required. Fees could be assessed to recoup some ongoing program costs, such as amendments to the agreement or monitoring and enforcement.

Example: The City of San Diego established additional fees for monitoring and enforcement:

- **\$1,185 for the historic designation process**, due upon submittal of the nomination or in cases when there is a backlog of nominations, prior to staff review of the submittal;
- **\$590 for the Mills Act Program agreement**, due with the property owner's application;
- **\$492 to be assessed for monitoring** with the initial Mills Act Program agreement and every five years thereafter, due upon submittal of a signed and notarized Mills Act Program agreement; and
- **\$949 for enforcement of a Mills Act agreement** when remedies for violations are sought and as part of an enforcement action by the City.

Public Notification Process/Cost for Mills Act Work Program:

Public notification is not legally required in order to consider or make changes to the Mills Act Program. However, in order to solicit input from the existing Mills Act Contract holders and other interested parties, staff will continue to provide a courtesy notification for the proposed public workshop, HPRC and Council meetings. The total cost of public notification is outlined below:

Type of Notification	Workshop	HPRC	City Council	Total Notification Cost
Email*	-	-	-	-
Mailed Notice*	\$120	\$120	\$120	\$360
Newspaper Legal Notice	\$45-61	\$45-61	\$45-61	\$135-\$183
Newspaper ¼ Page Ad	\$221	\$221	\$221	\$663
				\$1,158 – 1,206

*Provided only to the existing Mills Act Contract properties and when requested by interested persons. As part of the public outreach, staff will encourage interested parties to sign up for email notifications for future meetings.

In addition to costs associated with public noticing there are staff time cost implications to the work plan. We estimate the following in staff time:

Staff	Hourly Rate	Estimated Hours	Estimated Cost
City Attorney	\$165.65	20	\$3,313.00
CD Director	\$132.53	20	\$2,650.60
Principal Planner	\$95.10	30	\$2,853.00
Senior Planner	\$82.66	20	\$1,653.20
Assistant Planner	\$67.98	40	\$2,719.20
Deputy City Clerk	\$58.77	1	\$58.77
Administrative Staff	\$58.63	10	\$586.30
Total estimated Staff Time/Cost:		141	\$13,834.07

Final Report to City Council

Upon completion of the community and HPRC discussions, a recommendation would be presented to the City Council in the form of a final report and draft resolution. The report will also address the issue of thresholds or cost containment, which in the past have previously been explored as a cap on total program costs or total number of contracts. Staff anticipates that this process will be completed over the next 9-12 months, with a recommendation to the City Council by the summer of 2016.

CONCLUSION/NEXT STEPS:

The proposed work plan represents a significant effort of staff time that is not currently in the status-quo budget as outlined in the Budget Implementation Plan (BIP). However, the *Update of the Downtown Conservation Plan* was on the BIP as a Priority Level 2, but was dependent upon a grant that was not funded. This task should now be moved to Priority Level 3 (not currently recommended for funding due to insufficient resources).

The staff time that would have been used as matching for that project is therefore available to complete this task. Should the Council wish to give direction to staff to proceed with the proposed work plan to evaluate the City of Benicia Mills Act Program, the project would need to be added to the BIP as a Priority Project.

ATTACHMENT:

- City Council Minutes: 4-21-2015

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

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

I. CALL TO ORDER:

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

II. CLOSED SESSION:

III. CONVENE OPEN SESSION:

A. ROLL CALL

All Council Members were present.

B. PLEDGE OF ALLEGIANCE

Larry Fullington led the Pledge of Allegiance.

C. REFERENCE TO THE FUNDAMENTAL RIGHTS OF PUBLIC

IV. ANNOUNCEMENTS/PROCLAMATIONS/ APPOINTMENTS/PRESENTATIONS:

A. ANNOUNCEMENTS

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

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

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

2. Openings on Boards and Commissions:

Arts & Culture Commission
1 unexpired term
Open until filled

Finance Committee
1 full term

Open until filled

Open Government Commission
1 unexpired term
Open until filled

SolTrans Public Advisory Committee
1 full term
Open until filled

Human Services Board
1 unexpired term
Open until filled

3. Mayor's Office Hours:

4. Benicia Arsenal Update

Update from City Attorney

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

B. PROCLAMATIONS

1. IN RECOGNITION OF LAW DAY

C. APPOINTMENTS

D. PRESENTATIONS

V. ADOPTION OF AGENDA:

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

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

VI. OPPORTUNITY FOR PUBLIC COMMENT:

A. WRITTEN COMMENT

Two items received (copies on file).

B. PUBLIC COMMENT

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

VII. CONSENT CALENDAR:

Council pulled item VII.E for discussion.

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

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

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

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

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

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

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

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

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

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

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

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

Public Comment:

None

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

Ayes: Patterson, Schwartzman, Campbell, Hughes, Strawbridge

Noes: (None)

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

VIII. **BUSINESS ITEMS:**

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

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

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

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

Public Comment:

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

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

Ayes: Patterson, Schwartzman, Campbell, Hughes, Strawbridge

Noes: (None)

B. STATUS OF MILLS ACT PROGRAM

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

Amy Million, Principal Planner, reviewed the Staff report.

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

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

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

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

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

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

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

Public Comment:

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

of historic preservation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Public Comment:

None

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

Ayes: Patterson, Schwartzman, Campbell, Hughes, Strawbridge

Noes: (None)

D. Council Member Committee Reports:

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

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

IX. ADJOURNMENT:

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

Lisa Wolfe, City Clerk