

**BENICIA CITY COUNCIL  
REGULAR MEETING AGENDA - AMENDED**

**City Council Chambers  
September 02, 2014  
6:00 PM**

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

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

**II. CLOSED SESSION (6:00 PM):**

**A. CONFERENCE WITH LABOR NEGOTIATOR**

**(Government Code Section 54957.6 (a))**

**Agency negotiators: City Manager, Assistant City Manager and Senior Human Resources Analyst**

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

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

**A. ROLL CALL.**

**B. PLEDGE OF ALLEGIANCE.**

**C. REFERENCE TO THE FUNDAMENTAL RIGHTS OF 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:**

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 Phyllis McKeever to the Benicia Housing Authority Board of Commissioners for a full term ending July 31, 2018

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

Subcommittee recommendation to Mayor of Claire McFadden to the Economic Development Board for a full term ending July 31, 2018

Subcommittee recommendation to Mayor of Duane Oliveria to the Economic Development Board for a full term ending July 31, 2018

Subcommittee recommendation to Mayor of Trevor Macenski to the Historic Preservation Review Commission for an unexpired term ending July 31, 2016

Subcommittee recommendation to Mayor of John Potter to the Finance Committee for an unexpired term ending January 31, 2015

Subcommittee recommendation to Mayor of Mike Caplin to the Human Services Board for a full term ending July 31, 2018

Subcommittee recommendation to Mayor of Sharon Petrellese to the Human Services Board for a full term ending July 31, 2018

Additional Board and Commission Applications

**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 NATIONAL PREPAREDNESS MONTH - SEPTEMBER 2014**
- 2. IN RECOGNITION OF BENICIA OLDTIMERS WINNING THE 2014 NORTHERN CALIFORNIA OLDTIMERS BASEBALL ASSOCIATION CHAMPIONSHIP**

**C. APPOINTMENTS.**

**D. PRESENTATIONS.**

- 1. Presentation on Enterprise Resource Planning (ERP) Assessment by NexLevel Information Technology, Inc.**
- 2. Solano State Parks Committee Update**
- 3. Jack Wolf of Wolf Communications will provide annual update on Tourism and Marketing Program**

**V. ADOPTION OF AGENDA:**

**VI. OPPORTUNITY FOR PUBLIC COMMENT:**

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

**A. WRITTEN COMMENT.**

**B. PUBLIC COMMENT.**

## **VII. CONSENT CALENDAR (7:45 PM):**

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

### **A. APPROVAL OF THE MINUTES OF THE AUGUST 19, 2014 CITY COUNCIL MEETING. (City Clerk).**

### **B. AWARD OF CONSTRUCTION CONTRACT FOR THE EAST SECOND STREET OVERLAY PROJECT TO MCK SERVICES IN THE AMOUNT OF \$582,216.90 TO BE FUNDED PRIMARILY WITH A FEDERAL GRANT. (City Manager)**

This grant-funded project will repair and resurface East Second Street along three sections: East O Street to Military East leading to the downtown, East S Street to approximately 300 ft. north of the Corporation Yard entrance to support adjacent residential areas, and the eastern abutment of the East Second Street Bridge over West Channel Road to just east of Reservoir Road in the industrial park. Five (5) bids were submitted and staff is recommending award of the construction contract to the low bidder, MCK Services, Inc. of Concord, California. The project scope of work was expanded after the initial June bid to make full use of the grant funding.

**Recommendation: Adopt a resolution rejecting all bids submitted for the June 12, 2014 bid opening for the East Second Street Overlay Project, accepting bids for August 14, 2014 bid opening for the same, awarding the construction contract to MCK Services, Inc. in the amount of \$582,216.90, and authorizing the City Manager to execute the contract on behalf of the City.**

### **C. RESPONSE TO 2013-2014 GRAND JURY REPORT "GEOGRAPHICAL INFORMATION SYSTEM (GIS)". (Assistant City Manager)**

The 2013-14 Grand Jury reviewed the Geographical Information System (GIS) program in Solano County. In spite of the value seen by users of the system, the Grand Jury has determined there are areas for improvement. 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 minute action, the response to the 2013-2014 Grand Jury Report entitled "Geographic Information System (GIS)."**

### **D. APPROVE THE AGREEMENTS BETWEEN THE CITY OF BENICIA AND**

**SENIOR MANAGERS, MID MANAGERS, BENICIA POLICE OFFICERS ASSOCIATION, BENICIA PUBLIC SERVICE EMPLOYEES ASSOCIATION, LOCAL ONE, BENICIA DISPATCH ASSOCIATION AND AMENDMENTS VIA RESOLUTION FOR CITY MANAGER, CITY ATTORNEY AND UNREPRESENTED EMPLOYEES. (Assistant City Manager)**

The City recently concluded negotiations with the majority of its employee bargaining units. The proposed agreements were ratified by a majority of each unit's members, with the exception of BPOA, BDA and Local One, who have scheduled their votes for early September in order to comply with unit by-laws regarding voting procedures. The proposed MOUs for the majority of above-noted groups are for a three-year term, from July 1, 2014 - June 30, 2017. Similar modifications are recommended for employees not represented by employee bargaining units, i.e., City Attorney, City Manager, and other unrepresented employees. Mid manager employees have agreed to a two-year agreement, July 1, 2014 - June 30, 2016.

**Recommendation: Adopt the resolution:**

- 1) Approving July 1, 2014 – June 30, 2017 Memorandums of Understanding (MOUs) for senior managers, Benicia Police Officers Association (BPOA), Benicia Public Service Employees Association (BPSEA), Benicia Dispatch Association (BDA) and Local One;**
- 2) Approving similar three-year modifications for the City Attorney, City Manager and unrepresented employees; and**
- 3) Approving the July 1, 2014 – June 30, 2016 MOU for mid managers; and**
- 4) Authorizing the City Manager to take the necessary administrative steps to implement the provisions of the agreements.**

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

**VIII. BUSINESS ITEMS (8:00 PM):**

**A. CANDIDATE FORUM 2014 AND REVIEW OF BENICIA MUNICIPAL CODE 1.42.110 (CANDIDATE FORUM). (City Attorney)**

The Open Government Commission met with a representative from the League of Women Voters about holding their annual Candidate Forum and the League's debate. While the Commission recommended canceling this year's Forum as the incumbent council members are running unopposed, the Commission suggests the Council discuss the format of the Forum including the date, inclusion of a ballot measures debate, and the possibility of combining efforts with the League of Women Voters.

**Recommendation: Consider cancellation of the Open Government Candidate Forum and provide direction on the recommendations by the**

**Open Government Commission for forums in this and future years.**

**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

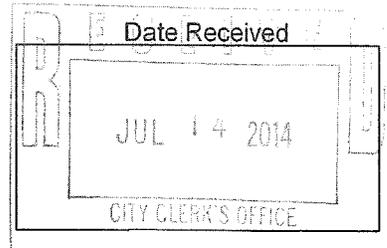
petition for administrative writ of mandate challenging any final City decisions regarding planning or zoning.

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.

<b>Public Records</b>
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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](http://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**

*Reapt.*

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

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

- 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
- Sky Valley Open Space Committee

Name: Phyllis McKeever

Address: [REDACTED], Benicia

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

(Cell) [REDACTED] Fax: NA

Email: [REDACTED] Years as Benicia resident: 46

Occupation/Employer: Retired from BUSD

Please note your most recent community or civic volunteer experience: Benicia Housing Authority, Neighborhood Watch Program Tutor 3<sup>rd</sup> grader with reading, writing & spelling (free)

Please describe any applicable experience/training: Served as a Commissioner BHA 24 yrs. Hire & set policy during time of 5 executive directors, passed ethics training test. Nat. Ass. of Housing & redevelopment conference, S.F. Commissioner's training, D.C. Registrar's Conference, Palm Springs budget & voucher training, served on all BHA committees over the years.  
All applications are considered public records and will be retained in an active file for at least one year from date of receipt.

Signature: Phyllis McKeever Date: 7-21-14



## Housing Authority Board of Commissioners Application

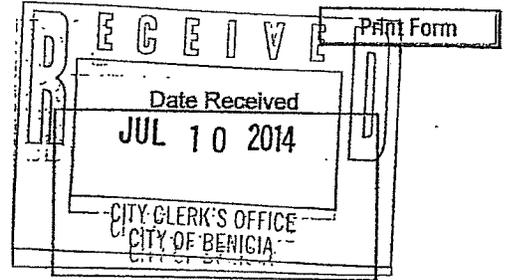
In addition to completing the City of Benicia Board/Commission/Committee Application form, please respond to the following questions:

1. What interests you about the Housing Authority Board? *Our family resided in Capitol Heights (BHA) for 14 years. We moved out, rented & bought our home. I have an unique experience of living in assisted housing and now setting policy for BHA. I understand how BHA is a valuable part of Benicia. It gives people in need safe, quality, low-cost housing and an opportunity for the future. Being a Commissioner is my way to give back to BHA and Benicia.*
2. What are your expectations for this Board and how do you see your role on the Board? *Set policies for the executive director to maintain a balanced budget, to maintain full lease occupancy and maintain safe, affordable, quality housing for all 7 BHA programs. Continue to support the self-sufficiency program which helps residents learn personal budgeting and establish and escrow account to purchase a home.*
3. This Board meets on the 4<sup>th</sup> Wednesday of the month. Currently the meetings begin at 6:00 pm. In addition, there may be several meetings of smaller Board committees during the year. Does this present a problem for you? If so, please explain. *Because I am retired from BUSD, I am always available. I come prepared for every board meeting. I consider reading the board packet carefully my job as a Commissioner.*
4. What has your experience been with the Housing Authority, if any?
  - 24 years on The BHA Board of Commissioners.
  - Chairperson 3 years.
  - While Chairperson, recruited a new Executive Director.
  - Chairperson during 2 years of remodeling Capitol Heights.
  - Reviewed plans and approved the plan to build Riverhill Park.
  - Spoke at the grand opening of Burgess Point project on behalf of BHA.
  - Served several years on the budget Committee.
  - Served on the policy and personnel Committees to revise and update the handbooks.
  - Served on the selection committee to hire 2 new Executive directors

Page 2 of 2

**IV.A.3.2**

- After meeting with a large crowd of residents and allowing every person to express her/his opinions, I chaired the Committee to write the Animal Policy for the resident handbook



**City of Benicia Board/Commission/Committee Application**

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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: SEAN FINN

Address: [REDACTED] BENICIA

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

(Cell) [REDACTED] Fax: [REDACTED]

Email: [REDACTED] Years as Benicia resident 39 (ENTIRE LIFE)

Occupation/Employer: OWNER / F3 & ASSOCIATES

Please note your most recent community or civic volunteer experience: \_\_\_\_\_

BENICIA LITTLE LEAGUE MANAGER/ COACH

Please describe any applicable experience/training: \_\_\_\_\_

BUSINESS OWNER / COMMERCIAL PROPERTY OWNER

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: 7/9/14



### 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?

FROM MY EXPERIENCE GROWING A BUSINESS IN BENICIA I HAVE INVITED MARIO BULMANI TO MY OFFICE TO DISCUSS OUR SUCCESS AND CHALLENGES GROWING A BUSINESS IN TOWN. WE HAVE MET OTHER TIMES SINCE THEN.

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?

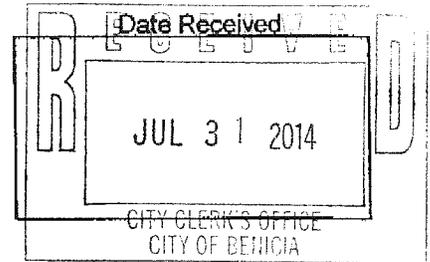
I DO NOT, I WOULD LIKE TO OFFER MORE TIME,

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

YES.  
I OWN F3 1/2 ASSOCIATES. WE HAVE 70 EMPLOYEES.

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](http://www.ci.benicia.ca.us)), and Economic Development Strategy (available online at [www.BeniciaBusiness.com](http://www.BeniciaBusiness.com)) which do you feel the EDB should focus on, and why?

I AM EXCITED TO GET INVOLVED AND LEARN MORE, BUT I BELIEVE A FOCUS ON GROWTH IN THE INDUSTRIAL PARK WOULD BE A GOOD START. BENICIA SHOULD BE A HUB FOR INNOVATION AND TECHNOLOGY.



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- Planning Commission
- Sustainability Commission
- Sky Valley Open Space Committee
- Uniform Code Board of Appeals

Claire M. McFadden

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: (Work) \_\_\_\_\_ (Home) \_\_\_\_\_

(Cell) \_\_\_\_\_ Fax: \_\_\_\_\_

Email: \_\_\_\_\_ Years as Benicia resident: 10 (previously)

Occupation/Employer: Heritage Hotel Group

Please note your most recent community or civic volunteer experience: \_\_\_\_\_

Economic Development Board; Tourism Committee Chair/present member; Former President, Benicia Chamber of Commerce; Present Board Member, Benicia Chamber of Commerce; Chair

Please describe any applicable experience/training: Original Stakeholder in

Tourism Committee; many boards/commission over; 25+ Benicia honorees

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

Signature: Claire McFadden Date: 7/31/14



## 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 am a current board member; I would like to continue to be an advocate for the Benicia business community. Our city is a unique collaboration of several types: Industrial; Suburban; Small Town; Waterfront Community; Various Retail Center Types; Historic landmark sites.

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 believe I will be able to attend the board meetings; my schedule this year had been quite difficult; however, my calendar has cleared a bit.

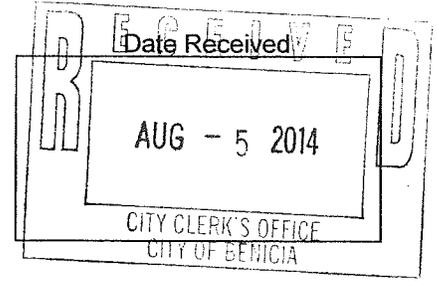
3. Are you the employee or owner of a Benicia business? If so, please describe the business and your role?

I am a consultant to the business located in Benicia and to the other 30 hotels within our hotel group. I have been with them since the hotel opening in 1988.

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](http://www.ci.benicia.ca.us)), and Economic Development Strategy (available online at [www.BeniciaBusiness.com](http://www.BeniciaBusiness.com)) which do you feel the EDB should focus on, and why?

Primary focus must remain with the Benicia Industrial Park, and its major employers. Revenue for the park have been somewhat volatile in recent months; further, revenues from the park look to be in a downturn. It is our responsibility as member of the community to facilitate and ensure its continued success. Not only for us as businesses, but FOR THE COMMUNITY AS A WHOLE.

Broadband/Internet connectivity, reliability and competitive pricing is a good start. Better Infrastructure will help us attract more business to the park.



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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: Duane S. Oliveira

Address: [REDACTED]

Phone: (Work) [REDACTED] (Home) N/A

(Cell) [REDACTED] Fax: \_\_\_\_\_

Email: [REDACTED] Years as Benicia resident: 10

Occupation/Employer: Attorney

Please note your most recent community or civic volunteer experience: 8 years on EDB (longest sitting member); member & Past-President of Benicia Rotary Club

Please describe any applicable experience/training: legal training, including Brown Act; founding member of Yuba-Sutter Economic Development Corp & member of their Bd of Directors

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

Signature: Duane S Oliveira Date: 8/4/14



## 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 have been a member for 8 years, having been appointed by former Mayor, Steven Messina, and re-appointed by Mayor Elizabeth Patterson. While serving 2 years as Chairperson of the EDB I established the EDB Tourism Sub-Committee and the Business Retention and Attraction Sub-Committee – both of which are still operating. Was very instrumental in obtaining the original \$280,000 funding for the Tourism Program and served on the panel that hired Jack Wolf. Was the person who suggested and/or initiated the City's involvement in Sunset Celebration Weekend 4 years ago

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?

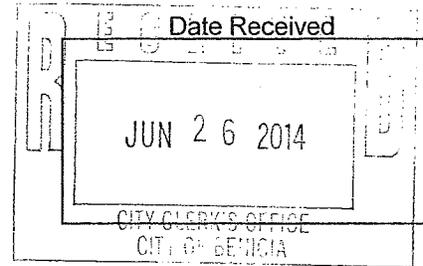
Not at all. I have missed less than a handful of meetings during my 8 years on the Board

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

Owner of Oliveira Law Firm -- 701 Southampton Road, Suite 204, Benicia

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](http://www.ci.benicia.ca.us)), and Economic Development Strategy (available online at [www.BeniciaBusiness.com](http://www.BeniciaBusiness.com)) which do you feel the EDB should focus on, and why?

Right now the primary focus should be on continuing to upgrade the infrastructure at the Industrial Park (including Broadband). The City and Economic Development Division needs to focus on attracting new businesses to the Industrial Park, particularly ones that generate sales tax; keep the tourism program operating with a hopeful increase in funding when City finances warrant; continue funding of the BRIC program of grants/loans for Industrial Park businesses, and one day, expand it to other businesses in the City



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- 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: Trevor Macenski

Address: [REDACTED]

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

(Cell) [REDACTED] Fax: [REDACTED]

Email: [REDACTED] Years as Benicia resident: 1

Occupation/Employer: Environmental Consultant- Stantec

Please note your most recent community or civic volunteer experience: \_\_\_\_\_  
Hiddenbrooke Homeowners Association- Secretary. 2 1/2 Yrs. Park Construction Committee  
Association of Environmental Professionals- Chapter Director both San Francisco and Sacramento

Please describe any applicable experience/training: \_\_\_\_\_  
As a Environmental Consultant I advise my clients on the environmental permitting process in which compliance with Section 106 of the National Historic Preservation Act frequently. Adjunct Prof. UCD

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

Signature:  Digitally signed by trevor.macenski@stantec.com  
DN: cn=trevor.macenski@stantec.com Date: 2014.06.26 10:47:31 -07'00' Date: 6/11/14



## Historic Preservation Review 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? Have you attended a Historic Preservation Review Commission meeting? If so, when?**  
I have an interest in engaging in our community to offer my expertise to help protect the historic resources and help integrate new development into the historic fabric of our community. As an environmental consultant I have presented to many historic/design review/ and planning commissions on historic preservation and compliance with Section 106. I am new to the community and have not yet attended a city HPRC meeting; however, prior to filling out this application I did review the Arsenal Specific Plan, Downtown Mixed Use Mater Plan, and City's historic context statement.

2. **Participation on this Commission involves monthly meetings, periodically special meetings, and possibly attending community events related to historic preservation. Do you feel you have the time and commitment to be a viable member of this Commission?**

As an environmental consultant one of the advantages is the ability to flex my time to participate in my community activities. Previously I have sat on the Hiddenbrooke Homeowners Association Board and the Association of Environmental Professionals Board of Directors and understand how valuable other commission members time is. I don't anticipate the schedule being problematic.

3. **Is there a particular segment of historic preservation and/or design review that interests you more than others?**

From a technical perspective I prefer the visual appearance evaluation process. Being proficient in the visual impact assessment methodologies of multiple federal agencies, BLM, FHA, Etc. I have taken a liking to identifying reasonable methods to integrate structures into historic contexts. On the history side of the equation I enjoy learning more about bay area culture and Benicia's historic past.

4. **Why do you think historic preservation and/or design review needs to play a lead role in fortifying the quality of life in Benicia? Do you see an area of historic preservation that needs to be expanded at this point?**

Historic preservation and design review are two critical mechanisms in local land use review that help protect, preserve, and enhance the "character" of our community. It's our community's character which makes Benicia unique and desirable place to live. Consequently, evaluating a project to determine how it is compatible with the community or enhances it is something that every resident notices as they walk down first street or tours the Arsenal area. I have a particular interest in facilitating economic development and historic preservation. Identifying ways to stimulate re-use of historic structures by establishment of evaluation protocols for historic districts or structures.

5. Explain how you meet the qualifications below:

A. Each member of the historic preservation review commission shall be a Benicia resident and have a demonstrated special interest, competence or knowledge of historic preservation.

Advanced understanding of land use and environmental evaluations related to historic structures and compliance with Section 106 of the National Historic Preservation Act. Advanced negotiation with SHPO on California Historic Structures, such as San Quintin Prison and Folsom State Prison.

B. Members shall, to the extent possible, be:

1. Professionals in the disciplines of history, architecture, architectural history, planning, pre-historic and historic archeology, folklore, cultural anthropology, curation, conservation, and landscape architecture or related disciplines, such as urban planning, American studies, American civilization, or cultural geography, to the extent that such professionals are available in the community; or
2. Lay members who have demonstrated special interest, competence, experience, or knowledge in historic preservation.

B.S. UC Davis- Environmental Policy Analysis and Planning

M.S. Johns Hopkins University- Environmental Science

12 Years as an Environmental Consultant working with CEQA and Section 106 Compliance

Adjunct Faculty- University of California, Davis- Environmental Impact Assessment Methodologies

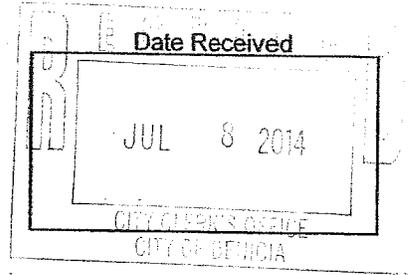
C. At least two members shall be owners of a historic property within the historic district. One of these members shall be the owner of a residence in the historic district. The other member shall be the owner of either a residence or business property in the historic district.

I do not own a historic property in Benicia, but I do own a historically eligible property in the City of Sacramento. Currently I live in the Waters End Neighborhood of Benicia.

6. What special skills or attributes do you have that would foster civic pride, particularly related to historic preservation?

I believe one of my skills that would most benefit the commission and foster civic pride is my ability to communicate well. I have been told by clients, agencies, and citizens that I have the ability to take complicated and sometimes over bearing material and distill it down to a level which is meaningful to the public. As an active member of our community and an educator my ability to inform and communicate with the development community and the public, regarding improvements to applications to ensure they are context sensitive to their surroundings as well as identifying ways to avoid historic,cultural, native resources is a key to the balance of development and preservation.





### City of Benicia Board/Commission/Committee Application

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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
- Sky Valley Open Space Committee

Name: John L. Potter

Address: [REDACTED]

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

(Cell) NA Fax: [REDACTED]

Email: [REDACTED] Years as Benicia resident: 43

Occupation/Employer: Retired - Engineer/Controllership

Please note your most recent community or civic volunteer experience: \_\_\_\_\_

Commissioner - Solano County Airport Land-Use Commission  
Treasurer - Tula Sister Cities Assn

Please describe any applicable experience/training: \_\_\_\_\_

MBA, PG&E Controllership (Goable Canyon Nuclear Power Plant)

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: 7/4/14



## 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.

*To be able to use my extensive experience in enhancing Benicia's success in money management & long-term planning in finance & budgeting. I have read through the Finance Committee minutes*

2. Please list current and past volunteer positions.

- \* Treasurer - Benicia Tule Santa Clara Assn - '86 - present
- \* Commission - 3rd 4 yr term - Solano County Airport Land Use Commission
- \* Ben Unified School District - Trustee '75 - '77
- \* US Naval Academy Board of Trustees/Committee @ 12 yr
- \* US Naval Academy BSG officer (Recruitment), 23 high schools - 38 yrs.

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?

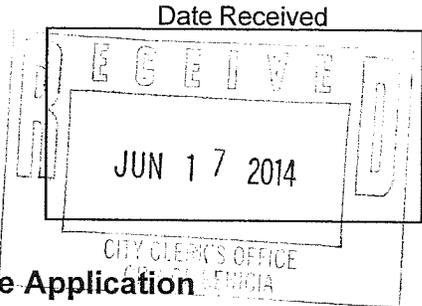
*I will make the time.*

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

*Achieve full transparency in city government finances and improve financial/budgetary planning.*

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

*Governance - In most participation I have personally taken responsibility to rewrite bylaws / guidance. \**  
*25 yrs PGE - Dir of Comm Mgr. Pwr Plant - Major contract administration & Budget / Accounting management.*  
*"Arctic Slope World Soc" Consultant in project audits (Impact Eskimos) - 3 yrs.*



**City of Benicia Board/Commission/Committee Application**

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- 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
- Sky Valley Open Space Committee

Name: MICHAEL CAPLIN

Address: [REDACTED]

Phone: (Work) N/A (Home) [REDACTED]

(Cell) [REDACTED] Fax: N/A

Email: [REDACTED] Years as Benicia resident: 32

Occupation/Employer: RETIRED / TRAVEL INDUSTRY

Please note your most recent community or civic volunteer experience: CHAIR,

BENICIA HUMAN SERVICES BOARD, CHAIR, TOURISM COMMITTEE (EDB)  
VOLUNTEER DOCENT - BENICIA CAPITOL SHIP + BENICIA HISTORICAL MUSEUM

Please describe any applicable experience/training: 2-3 PREVIOUS TERMS  
ON HSB, NUMEROUS FUNDRAISING CAMPAIGNS

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

Signature: Michael Caplin Date: 6/10/14



## 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?

CURRENTLY SERVING ON THE HSB AND  
WANT TO CONTINUE HELPING THE  
NEEDY IN 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?

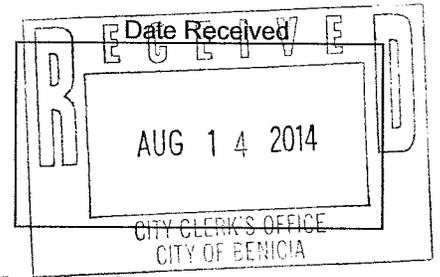
YES

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

HELPING WITH FUNDRAISING EVENTS

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?

WITH THE ECONOMY STILL IN RECOVERY,  
THERE ARE MORE AND MORE PEOPLE IN  
NEED OF AVAILABLE SERVICES AND MANY  
OF THOSE SERVICES NEED TO BE EXPANDED.



### City of Benicia Board/Commission/Committee Application

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- Arts and Culture Commission
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- 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: Sharon Petrellese

Address: [REDACTED]

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

(Cell) [REDACTED] Fax: \_\_\_\_\_

Email: [REDACTED] Years as Benicia resident: 21

Occupation/Employer: \_\_\_\_\_

Please note your most recent community or civic volunteer experience: \_\_\_\_\_

HUMAN SERVICES BOARD SINCE 2006

Please describe any applicable experience/training: \_\_\_\_\_

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

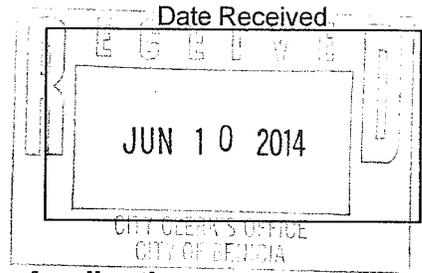
Signature: Sharon Petrellese Date: 8/13/14



## 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?  
*Curthy Vice Chair*
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?  
*yes*
3. Is there a particular segment of human services and/or arts that interests you more than others?
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?  
*Need More Awareness.*



### City of Benicia Board/Commission/Committee Application

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- Economic Development Board
- Historic Preservation Review Commission
- Human Services & Arts Board
- Open Government Commission
- Parks, Recreation & Cemetery Commission
- Planning Commission
- Sky Valley Open Space Committee

Name: Sharon Anderson

Address: [REDACTED]

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

(Cell) \_\_\_\_\_ Fax: \_\_\_\_\_

Email: \_\_\_\_\_ Years as Benicia resident: ~ 25

Occupation/Employer: Attorney - Contra Costa County

Please note your most recent community or civic volunteer experience: \_\_\_\_\_

Benicia Housing Authority

Please describe any applicable experience/training: I practice civil

law for a public agency & am familiar with the laws, rules &

*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: 6-3-14

*regulations that govern housing authorities.*



## Housing Authority Board of Commissioners Application

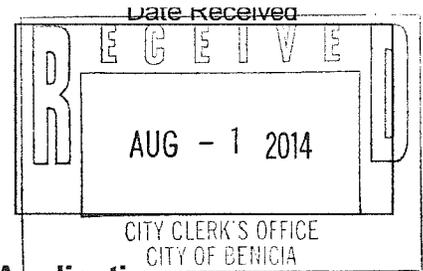
In addition to completing the City of Benicia Board/Commission/Committee Application form, please respond to the following questions:

1. What interests you about the Housing Authority Board?

It is an excellent, well-run agency that helps people meet critical housing needs. The Housing Authority is a positive program that makes Benicia a better place to live & work.
2. What are your expectations for this Board and how do you see your role on the Board?

To provide policy direction to the Executive Director in fulfilling the mission of the Housing Authority.
3. This Board meets on the 4<sup>th</sup> Wednesday of the month. Currently the meetings begin at 6:00 pm. In addition, there may be several meetings of smaller Board committees during the year. Does this present a problem for you? If so, please explain. NO
4. What has your experience been with the Housing Authority, if any?

I have been a Board member for many years.



### City of Benicia Board/Commission/Committee Application

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- 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: Ryan Andrew Houseman

Address: [REDACTED]

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

(Cell) [REDACTED] Fax: [REDACTED]

Email: [REDACTED] Years as Benicia resident: 16

Occupation/Employer: Student/Father/Creative Designer for Game Construct, LLC

Please note your most recent community or civic volunteer experience: \_\_\_\_\_

Volunteered at Benicia Historical Museum prior to the year 2000. Helped design a website for the city of Benicia.

Please describe any applicable experience/training:  
Years of experience in management; including a team in Tomsk, Russia. Officer position for two years in Future Business Leaders of America during High School. Started a club during senior year of high school.

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

Signature: *Ry H* Date: 7/30/14

5. Explain how you meet the qualifications below:

A. Each member of the historic preservation review commission shall be a Benicia resident and have a demonstrated special interest, competence or knowledge of historic preservation.

As an owner of a historically contributing property in Benicia I have the unique position to be a representation of a resident or have a consumer point of view.

B. Members shall, to the extent possible, be:

1. Professionals in the disciplines of history, architecture, architectural history, planning, pre-historic and historic archeology, folklore, cultural anthropology, curation, conservation, and landscape architecture or related disciplines, such as urban planning, American studies, American civilization, or cultural geography, to the extent that such professionals are available in the community; or
2. Lay members who have demonstrated special interest, competence, experience, or knowledge in historic preservation.

2. In an attempt to renovate my home within the guidelines of the HPRC, out of necessity, I have reviewed in detail the standards and documentation. Additionally, I have attended multiple HPRC meetings before and after they concerned my particular project.

C. At least two members shall be owners of a historic property within the historic district. One of these members shall be the owner of a residence in the historic district. The other member shall be the owner of either a residence or business property in the historic district.

I am the owner of a contributing building of historical significance in the downtown district, built in 1870. I am also going through the process of a major renovation gaining knowledge with each design, nail, and stroke of a brush. My property also neighbors five historical commercial properties. Any decisions made to historical commercial properties would also affect our home. I have built a relationship with one of the business owners and look forward to nurturing a relationship with the other four.

6. What special skills or attributes do you have that would foster civic pride, particularly related to historic preservation?

I have always had an interest in history, especially the history of Benicia. Having left the city and lived in multiple locations around the country and the world, I can see the potential for our beautiful city. There are many opportunities in economics and tourism that directly relate to the preservation of the history of Benicia. During my time in Benicia, I have lived in both the Historic District and the Southampton area.



# PROCLAMATION

IN RECOGNITION OF

## NATIONAL PREPAREDNESS MONTH

**WHEREAS**, September is National Preparedness Month, a time set aside annually to encourage Americans to take necessary steps to prepare for any and all emergencies in their homes, businesses and communities; and

**WHEREAS**, the City of Benicia has made it a high priority to continue to build a strong and viable “culture of preparedness” throughout the private sector, the general public and through community organizations like BERT; and

**WHEREAS**, the recent South Napa Earthquake is a palpable reminder of the need to be prepared; and

**WHEREAS**, those who prepare for emergencies recover faster and can help others who also may be affected, demonstrating community spirit in the face of adversity; and

**WHEREAS**, emergency preparedness is a shared responsibility, and every family that is able should prepare to be self-sufficient for the first 72 hours after disaster strikes; and

**WHEREAS**, Benicia families can start their preparedness actions by making an emergency plan and stocking at least three days’ of essential supplies including water and food that won’t spoil and a hand-crank or battery-powered radio and extra batteries to hear emergency information.

**NOW, THEREFORE BE IT RESOLVED THAT I**, Elizabeth Patterson, Mayor of the City of Benicia on behalf of the City Council, do hereby recognize September 2014 as National Preparedness Month, a time to remember and a time to prepare, and I encourage all citizens to be ready for emergencies by taking steps to prepare for emergencies at home, at work and in our communities.

**BE IT FUTHER RESOLVED**, the City of Benicia recognizes the damage and losses sustained by our neighboring cities and their residents and offer its support and assistance.

---

Elizabeth Patterson, Mayor  
September 2, 2014







# PROCLAMATION

IN RECOGNITION OF

## Benicia Oldtimers Baseball

2014 Northern California Oldtimers Baseball Association Champions

**WHEREAS**, the Benicia Oldtimers Baseball Association is a non-profit group chartered to provide baseball playing and spectator experiences for the citizens of Benicia free of charge at local baseball fields; and

**WHEREAS**, the Association membership is comprised of Benicia players and dedicated Benicia baseball fans, which also provides financial assistance to the Benicia High School Baseball program; and

**WHEREAS**, Benicia Oldtimers have been a member of Nor Cal since 1960 and the formation of the team dates back to the 1950's; and

**WHEREAS**, the Benicia roster includes 27 players of which 21 are former Benicia High School players; and

**WHEREAS**, Benicia beat Vallejo 15-2 in the finals; and

**WHEREAS**, Benicia Oldtimers won their 4<sup>th</sup> title in the past nine years; and

**WHEREAS**, Benicia Oldtimers won the Nor Cal Oldtimers Baseball Association Championship for 2014.

**NOW, THEREFORE BE IT RESOLVED THAT I**, Elizabeth Patterson, Mayor of the City of Benicia on behalf of the City Council, do hereby recognize and congratulate the Benicia Oldtimers Baseball team on winning the 2014 Northern California Oldtimers Baseball Association Championship.



---

Elizabeth Patterson, Mayor  
September 2, 2014



**AGENDA ITEM**  
**CITY COUNCIL MEETING DATE - SEPTEMBER 2, 2014**  
**PRESENTATION**

**DATE** : August 14, 2014  
**TO** : City Manager  
**FROM** : Parks and Community Services Director  
**SUBJECT** : **SOLANO STATE PARKS COMMITTEE UPDATE**

**RECOMMENDATION:**

Receive Update on the efforts of the Solano State Parks Committee, the efforts of the Parks Forward Commission, and the status of State Parks funding.

**EXECUTIVE SUMMARY:**

The Solano State Parks Committee was formed in 2012 as a forum to facilitate a coordinated regional response and partnership in the wake of the proposed closures of the Benicia State Recreation Area and Benicia Capitol State Historic Park. The Committee developed a Letter of Understanding to guide cooperative efforts, and has engaged in several cooperative efforts to advocate the Legislature and Parks Forward Commission. The Committee forum facilitated several related AB 1478 Agreements between State Parks and local partners including the City of Benicia, Benicia State Parks Association, Solano County, and the City of Vallejo. These Agreements have helped stabilize operations at both parks while the Parks Forward Commission, Legislature, and State Parks staff chart the course forward for the State Park system.



MINUTES OF THE  
REGULAR MEETING – CITY COUNCIL  
August 19, 2014

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

**I. CALL TO ORDER:**

Mayor Patterson called the Closed Session to order at 6:00 p.m.

All Council Members were present.

**II. CLOSED SESSION:**

**A. CONFERENCE WITH LABOR NEGOTIATOR**

(Government Code Section 54957.6 (a))

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

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

**B. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**

(Subdivision (a) of Government Code Section 54956.9)

Name of cases: Lewis v. City of Benicia (one case)

**C. CONFERENCE WITH REAL PROPERTY NEGOTIATOR**

(Government Code Section 54956.8)

City-Owned Property, North of Lake Herman Road - APN's: 181230050, 181230060, 181240020, 181230010

**III. CONVENE OPEN SESSION:**

Mayor Patterson called the Open Session to order at 7:08 p.m.

**A. ROLL CALL**

**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**

Mike Dotson, Parks & Community Services Director, reviewed the memo given to Council and the public (copy on file) regarding power line clearance.

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

Heather McLaughlin, City Attorney, reported that Council gave direction to Staff on all three items.

**2. Openings on Boards and Commissions:**

We are currently in the process of interviewing for Board and Commission recommendations for appointment.

**3. Mayor's Office Hours:**

**4. Benicia Arsenal Update**

Update from City Attorney

Heather McLaughlin, City Attorney, reported that the Council Subcommittee was working on the orders that came out. They are planning meetings with the other responsible parties.

**B. PROCLAMATIONS**

**1. IN RECOGNITION OF ADULT LITERACY AWARENESS MONTH - SEPTEMBER 2014**

**2. IN RECOGNITION OF BELLE - ROTARY EXCHANGE STUDENT FROM TAIPEI, TAIWAN**

**C. APPOINTMENTS**

**1. Appointment of Council Member Mark Hughes to the City Council Appointment Sub-Committee for a one-year term ending July 31, 2015.**

**RESOLUTION 14-89 - A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF COUNCILMEMBER MARK HUGHES TO A CITY COUNCIL APPOINTMENT SUBCOMMITTEE FOR A ONE-YEAR TERM**

**ENDING JULY 31, 2015**

On motion of Mayor Patterson Motion to Approve Appointment of Council Member Mark Hughes to the City Council Appointment Sub-Committee for a one-year term ending July 31, 2015, on roll call by the following vote:

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

**D. PRESENTATIONS**

**V. ADOPTION OF AGENDA:**

On motion of Council Member Schwartzman, seconded by Council Member Hughes, Motion to Approve ADOPTION OF AGENDA:, on roll call by the following vote:

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

**VI. OPPORTUNITY FOR PUBLIC COMMENT:**

**A. WRITTEN COMMENT**

5 items received (copies on file).

**B. PUBLIC COMMENT**

Public comment:

1. Andres Soto, Benicians for a Safe and Healthy Community – Mr. Soto discussed concerns regarding yard signs being stolen out of private yards. Larger signs have also been stolen. He also discussed concern regarding the group being harassed, threatened, and intimidated during Farmer's Market.
2. Larry Fullington - Mr. Fullington discussed concerns regarding the merge lane on I-780 by the State Park. There needs to be a concrete barrier installed along the entire segment of the merge lane, as it is a safety hazard.
3. Dan Clark – Mr. Clark discussed the Benicia Old Towne Theatre Group's reinstatement of their nonprofit status and concern with a wooden sign in the Benicia Industrial Park.
4. Jon Van Landschoot discussed concerns regarding losing water. He also discussed HPRC activities.

5. Vice Mayor Campbell - Vice Mayor Campbell discussed how Chief Bidou would be missed, and what an extraordinary job he has done for the City of Benicia.

## **VII. CONSENT CALENDAR:**

Council pulled items VII.D and VII.F for discussion.

On motion of Council Member Hughes, seconded by Council Member Strawbridge, Motion to Approve CONSENT CALENDAR , on roll call by the following vote:

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

- A. APPROVAL OF THE MINUTES OF THE JULY 15, 2014, JULY 22, 2014, AND JULY 28, 2014 CITY COUNCIL MEETINGS. (City Clerk)**
- B. DENIAL OF CLAIM AGAINST THE CITY BY STEVE ANDRETICH AND REFERRAL TO INSURANCE CARRIER**
- C. DENIAL OF CLAIM AGAINST THE CITY BY VENTURA ALBOR AND REFERRAL TO INSURANCE CARRIER**
- D. APPROVAL OF A CONSULTANT AGREEMENT WITH CARDNO FOR THE DESIGN OF THE ST. AUGUSTINE FLOOD RELIEF PROJECT**

**RESOLUTION 14-92 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING A CONSULTANT AGREEMENT WITH CARDNO TO COMPLETE THE DESIGN OF THE ST. AUGUSTINE FLOOD RELIEF PROJECT FOR A NOT-TO-EXCEED COST OF \$57,540 AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY**

### Public Comment:

1. Andrew Estrada - Mr. Estrada spoke in support of the proposed resolution.
2. Pat Store - Ms. Store discussed concern regarding the priority of the project.

Mayor Patterson and Staff discussed the pipe, stream, ditch, and the engineering process with the project. They discussed the issue of water quality, a holding area for the water, concerns regarding funding for a solution for the issue, local flooding due to severe weather, and the need to be adaptable so we

have more flexibility and agility. She hoped Council would direct Staff to make sure that all possibilities are looked at.

Vice Mayor Campbell discussed concern regarding funding. He discussed the importance of Measure C money to be able to address issues such as this one.

Public Comment:

1. Ms. Estrada - Ms. Estrada discussed concern regarding previous requests for preventive measures, and concern regarding a wall that was built by another homeowner that created a dam.

Mayor Patterson discussed the need to address the issues now, before it worsens in the future.

Vice Mayor Campbell discussed concern about the dam/wall that was built. He discussed concerns regarding the costs to address the flooding.

Mayor Patterson and Staff discussed concerns regarding short-term fixes and long-term solutions. Mayor Patterson discussed concerns regarding funding to explore long-term solutions vs. funding availability for multiple objective project. Integrated water management is state policy. It is easier to get money for that rather than for a local flood safety issue, and more cost effective in the long-run.

Council Member Hughes discussed support for moving forward with Staff's recommendations, and asking the consultants to address the suggestions made by Mayor Patterson. Trying to do both right now might delay the project.

Vice Mayor Campbell discussed support for moving forward with Staff's recommendations, but also for looking into more long-term solutions.

Council Member Schwartzman discussed support for moving forward with Staff's recommendations, then going back to look at a better plan for the future.

Mayor Patterson discussed the need to come up with an alternative multiple objective project. She would like the consultant to come up with a proposal for alternative solutions.

Council Member Hughes discussed concerns regarding slowing the process down. His motion is to approve the agreement and move forward, share the ideas discussed tonight, and ask the consultant to come back to Council with a cost for moving forward with that.

Staff discussed the issue of a lack of a flood control plan. He suggested getting this repair taken care of to deal with the immediate problem, but give direction to Staff to find money to do the master plan and get some projects on the board so the City could compete for funding.

Mayor Patterson discussed concern regarding whether the consultant was asked

to look at alternatives.

Council Member Schwartzman asked for clarification on Council Member Hughes' motion. Council Member Hughes clarified that his motion would be to approve the agreement and design as stated in the staff report, and ask the consultant to come back with other 'bigger picture' alternatives and the costs associated with those alternatives.

Mayor Patterson discussed the costs associated with asking the consultants to do the work on the alternatives.

Council Member Hughes clarified that he was not prepared to spend money on alternative proposals at this time. He would like Staff to indicate to the consultant that Council and Staff had the discussion about alternative solutions and for them to give the City their thoughts on that, and also come back as quickly as possible with the short-term solution so they can move forward.

He again clarified that the motion was to approve the agreement for \$57,540 with the consultant, and ask them to move forward as quickly as possible with the short-term solution. At the same time, the City will share with them tonight's discussion about the alternative solutions, and ask the consultant to provide their thoughts, but not to spend more money.

Mayor Patterson tried to shorten the motion by stating that the motion would be to approve the existing contract, seek a report from the consultant about potential alternatives and costs for looking at those alternatives.

Council Member Hughes clarified that all he was looking for was the consultant to come back with their thoughts on the alternatives. He didn't want an extensive report. He didn't want to spend money on the analysis.

Ms. McLaughlin clarified that if the consultant looks at alternatives, they might not do it for free.

Council Member Hughes clarified that the action tonight would not be spending any more than the \$57,540.

Vice Mayor Campbell suggested voting on the consent calendar item and separately directing Staff to talk to the consultant regarding alternatives.

Council and Staff discussed the suggestion, but chose to keep the motion the way it was.

On motion of Council Member Hughes, seconded by Council Member Schwartzman, Council approved Resolution 14-92, and directed Staff to seek a report back from the consultant about potential alternatives and costs for looking at those alternatives, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, Strawbridge

Noes: (None)

- E. ACCEPTANCE OF A CALIFORNIA LIBRARY LITERACY SERVICES (CLLS) LITERACY AWARD FOR 2014/15 AND AUTHORIZATION FOR THE LIBRARY DIRECTOR TO SIGN ANY NECESSARY DOCUMENTS TO SECURE ADDITIONAL GRANT FUNDING**

**RESOLUTION 14-90 - 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 2014/15 AND AUTHORIZING THE APPROPRIATION OF FUNDS FOR THE LIBRARY'S STATE- FUNDED LITERACY ACCOUNT**

- F. APPROVAL OF THE AGREEMENT FOR CONSULTING SERVICES WITH ENVIRONMENTAL RISK SERVICES CORPORATION ("ERS") FOR THE BENICIA ARSENAL CLEANUP PROJECT**

**RESOLUTION 14-93 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING THE AGREEMENT FOR CONSULTING SERVICES WITH ENVIRONMENTAL RISK SERVICES CORPORATION ("ERS") FOR THE BENICIA ARSENAL CLEANUP PROJECT AND AUTHORIZING THE CITY MANAGER TO SIGN THE CONTRACT ON BEHALF OF THE CITY**

Public Comment:

Jasmine Powell - Ms. Powell discussed concern regarding the cost of the agreement.

Heather McLaughlin, City Attorney, discussed the scope of work for the agreement.

Council Member Schwartzman discussed the City's requirement to respond to the orders by the DTSC.

Vice Mayor Campbell and Staff discussed the funding for the agreement.

Council Member Strawbridge and Staff discussed the properties involved in the clean-up project.

On motion of Council Member Hughes, seconded by Council Member Schwartzman, Council approved Resolution 14-93, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, Strawbridge

Noes: (None)

- G. APPROVE THE JULY 1, 2014 TO JUNE 30, 2016 MEMORANDUM OF UNDERSTANDING WITH THE PUBLIC EMPLOYEES UNION, LOCAL ONE

**RESOLUTION 14-91 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING THE JULY 1, 2014 TO JUNE 30, 2016 MEMORANDUM OF UNDERSTANDING WITH THE PUBLIC EMPLOYEES UNION, LOCAL ONE**

- H. REVIEW OF JULY WATER REPORT
- I. FIRST READING OF A ZONING ORDINANCE TEXT AMENDMENT TO INCORPORATE REGULATIONS PERTAINING TO MOBILE FOOD VENDING IN THE INDUSTRIAL ZONING DISTRICTS
- J. Approval to waive the reading of all ordinances introduced and adopted pursuant to this agenda.

**VIII. BUSINESS ITEMS:**

- A. ADOPTION OF CITYWIDE COST ALLOCATION PLAN

**RESOLUTION 14-94 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA ADOPTING THE COST ALLOCATION PLAN FOR FISCAL YEAR 2014-15**

Brenda Olwin, Interim Finance Director, and Tim Seufert, Managing Director NBS Consulting, reviewed the staff report and a PowerPoint presentation.

Vice Mayor Campbell and Staff discussed the analysis process for taking the money that was being spent by the General Fund to cover Wastewater and Water administration, and putting it back into the General Fund.

Council and Staff discussed the Water, Wastewater, and General Funds.

Public Comment:

None

On motion of Council Member Strawbridge, seconded by Council Member Schwartzman, Council adopted Resolution 14-94, on roll call by the following vote:

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

**B. BIENNIAL UPDATE: RESOLUTION AMENDING THE FISCAL YEAR 2014-15 BUDGET**

**RESOLUTION 14-95 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA AMENDING THE MUNICIPAL BUDGET FOR FISCAL YEAR 2014-15**

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

Council Member Schwartzman, Council Member Hughes, and Staff discussed the Columbus Parkway road widening project.

Vice Mayor Campbell and Staff discussed the developer's responsibility to make improvements once a certain number of homes were built. They also discussed the Water Reserve balance, what normal reserves were for Water and Wastewater Funds, and the negative \$1.5 million in the General Fund.

Vice Mayor Campbell and Staff discussed the billboard revenues, and what fund they would be going in. Currently the City is collecting rent on the billboard; however, there is not a set fund, only a 'holding place' at this time.

Public Comment:

None

On motion of Council Member Hughes, seconded by Council Member Strawbridge, Council adopted Resolution 14-95, on roll call by the following vote:

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

**C. ADOPTION OF RESOLUTION APPROVING A TWO-YEAR EXPENDITURE PLAN FROM PROCEEDS OF MEASURE C**

**RESOLUTION 14-96 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING A TWO-YEAR EXPENDITURE PLAN FROM PROCEEDS OF MEASURE C "THE BENICIA QUALITY OF LIFE MEASURE"**

Mario Giuliani, Economic Development Manager, reviewed the staff report and a PowerPoint presentation.

Council Member Schwartzman and Staff discussed the proposed amounts to be spent on improving the roads, and whether what is passed tonight would be set in stone (no).

Council Member Hughes and Staff discussed reasons for not spending more money on the Benicia Industrial Park in the first year.

Council Member Strawbridge and Staff discussed the money slated for the downtown sidewalk repairs.

Mayor Patterson discussed the money for the Benicia Industrial Park and the various monies being invested in the Park. She and Staff discussed the sidewalk repairs on streets other than the downtown area. She wondered why there wasn't a resolution establishing an oversight committee. Staff suggested amending the Finance Committee's resolution. Mayor Patterson suggested having a separate resolution. Staff suggested doing that at a future meeting, as it was not agendaized tonight. The future resolution should incorporate the resolution attached to this agenda item.

Public Comment:

None

On motion of Council Member Schwartzman, seconded by Council Member Strawbridge, Council adopted Resolution 14-96, on roll call by the following vote:

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

**D. LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE  
RESOLUTIONS**

Brad Kilger, City Manager, reviewed the staff report.

Mayor Patterson clarified that the support for the marijuana issue was nothing against marijuana; it was against irresponsible cultivation practices that are having adverse effects on water in communities.

Public Comment:

None

On motion of Mayor Patterson Council unanimously approved Staff's recommendation on this item, on roll call by the following vote:

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

**E. Council Member Committee Reports:  
(Council Member serve on various internal and external committees**

on behalf of the City. Current agendas, minutes and meeting schedules, as available, from these various committees are included in the agenda packet. Oral reports by the Council Members are made only by exception.)

1. **Mayor's Committee Meeting.(Mayor Patterson) Next Meeting Date: September 17, 2014**
2. **Association of Bay Area Governments (ABAG)<http://www.abag.ca.gov/>. (Mayor Patterson and Council Member Strawbridge)Next Meeting Date: TBD**
3. **Finance Committee. (Vice Mayor Campbell and Council Member Strawbridge) Next Meeting Date: August 22, 2014**
4. **League of California Cities. (Mayor Patterson and Vice Mayor Campbell) Next Meeting Date: TBD**
5. **School Liaison Committee. (Council Members Strawbridge and Council Member Hughes) Next Meeting Date: September 4, 2014**
6. **Sky Valley Open Space Committee. (Vice Mayor Campbell and Council Member Schwartzman) Next Meeting Date: TBD**
7. **Solano EDC Board of Directors. (Mayor Patterson and Council Member Strawbridge) Next Meeting Date: September 11, 2014**
8. **Solano Transportation Authority (STA). <http://www.sta.ca.gov/> (Mayor Patterson and Council Member Schwartzman) Next Meeting Date: September 10, 2014**
9. **Solano Water Authority-Solano County Water Agency and Delta Committee. <http://www.scwa2.com/>(Mayor Patterson and Council Member Mark Hughes) Next Meeting Date: September 11, 2014**
10. **Traffic, Pedestrian and Bicycle Safety Committee. (Vice Mayor Campbell and Council Member Schwartzman) Next Meeting Date: TBD**
11. **Tri-City and County Cooperative Planning Group. (Mayor Patterson and Council Member Strawbridge) Next Meeting Date: September 8, 2014**
12. **Valero Community Advisory Panel (CAP). (Mayor Patterson and Council Member Hughes) Next Meeting Date: TBD**

13. **Youth Action Coalition. (Mayor Patterson, Council Member Strawbridge and Council Member Hughes) Next Meeting Date: August 28, 2014**
14. **ABAG-CAL FED Task Force-Bay Area Water Forum. <http://www.baywaterforum.org/> (Mayor Patterson)Next Meeting Date: TBD**
15. **SOLTRANS Joint Powers Authority (Mayor Patterson, Council Member Hughes and Council Member Schwartzman) Next Meeting Date: August 21, 2014**

**IX. ADJOURNMENT:**

Mayor Patterson adjourned the meeting at 10:06 p.m.

**AGENDA ITEM  
CITY COUNCIL MEETING DATE - SEPTEMBER 2, 2014  
CONSENT CALENDAR**

**DATE** : August 20, 2014

**TO** : City Council

**FROM** : City Manager

**SUBJECT** : **AWARD OF CONSTRUCTION CONTRACT FOR THE EAST SECOND STREET OVERLAY PROJECT TO MCK SERVICES IN THE AMOUNT OF \$582,216.90 TO BE FUNDED PRIMARILY WITH A FEDERAL GRANT**

**RECOMMENDATION:**

Adopt a resolution rejecting all bids submitted for the June 12, 2014 bid opening for the East Second Street Overlay Project, accepting bids for August 14, 2014 bid opening for the same, awarding the construction contract to MCK Services, Inc. in the amount of \$582,216.90, and authorizing the City Manager to execute the contract on behalf of the City.

**EXECUTIVE SUMMARY:**

This grant-funded project will repair and resurface East Second Street along three sections: East O Street to Military East leading to the downtown, East S Street to approximately 300 ft. north of the Corporation Yard entrance to support adjacent residential areas, and the eastern abutment of the East Second Street Bridge over West Channel Road to just east of Reservoir Road in the industrial park. Five (5) bids were submitted and staff is recommending award of the construction contract to the low bidder, MCK Services, Inc. of Concord, California. The project scope of work was expanded after the initial June bid to make full use of the grant funding.

**BUDGET INFORMATION:**

The proposed project budget is outlined below:

***Project Budget***

Proposed Budget	
Federal Grant Fund (Acct. #048-7635-7549) .....	\$495,000
Allied Waste Fee (Acct. #048-7740-7549) .....	\$145,000
<b>Total Project Budget .....</b>	<b>\$640,000</b>

A summary of the anticipated construction expenditures is outlined below:

**Project Expenditures**

Construction Contract .....	\$582,216.90
Construction Contingency (10%) .....	\$57,783.10
<b>Total Project Expenditures .....</b>	<b>\$640,000</b>

**GENERAL PLAN:**

Relevant General Plan Goals and policies include:

- Goal 2.28: Improve and maintain public facilities and services

**STRATEGIC PLAN:**

Relevant Strategic Plan Issue and Strategies include:

- Strategic Issue #4: Preserving and Enhancing Infrastructure
  - Strategy #4: Provide adequate funding for ongoing infrastructure needs
- Strategic Issue #1: Provide safe, functional and complete streets
  - Strategy #1: Fund street maintenance at a level that will improve pavement management index rating.

**ENVIRONMENTAL REVIEW:**

This project is Categorically Exempt per CEQA Section 15301 (c), which applies to repair and maintenance of existing roadways.

**BACKGROUND:**

On June 12, 2014, seven (7) bids were received and opened for the East Second Street Overlay Project as summarized below:

<b>RANK</b>	<b>BIDDER'S NAME AND CITY</b>	<b>BASE BID</b>
1	MCK Services, Inc., Concord	\$507,389.25
2	Argonaut Constructors, Santa Rosa	\$530,686.50
3	Ghilotti Construction Co., Santa Rosa	\$535,218.00
4	Redgwick Construction Co., Oakland	\$547,635.80
5	Vintage Paving Co., Inc., Winters	\$556,367.10
6	JA Gonsalves & Son Construction, Inc., Napa	\$619,858.60
7	Maggiora & Ghilotti Inc., San Rafael	\$635,635.00
--	<i>Engineer's Estimate</i>	<i>\$640,000.00</i>

The low bid amount of \$507,389.25 submitted by MCK Services, Inc., would not have fully utilized the full \$495,000 grant amount, which requires an 11.47% local match. Since any unexpended grant funding would have been reallocated by the Metropolitan Transportation Commission to other jurisdictions, the project scope was expanded and the project was re-bid to fully utilize the available federal funding.

On August 14, 2014, a total of five (5) bids were received and opened for the East Second Street Overlay Project as summarized below:

<b>RANK</b>	<b>BIDDER'S NAME AND CITY</b>	<b>BASE BID</b>
1	MCK Services, Inc., Concord	\$582,216.90
2	Argonaut Constructors, Santa Rosa	\$594,772.15
3	Team Ghilotti, Inc., Petaluma	\$628,428.43
4	Vintage Paving Co., Inc., Winters	\$648,549.15
5	JA Gonsalves & Son Construction, Inc., Napa	\$666,877.15
--	<i>Engineer's Estimate</i>	<i>\$590,000</i>

The low bid of \$582,216.90 submitted by MCK Services, Inc. of Concord was reviewed and determined to be responsive. MCK Services, Inc. has successfully completed asphalt overlay work for the City and other public agencies in the Bay Area and is considered a responsible bidder.

The bid includes asphalt overlaying East Second Street from Military East to East O Street, East S Street to approximately 300 ft. north of the Corporation Yard entrance, and the eastern abutment of the East Second Street Bridge over West Channel Road to just of east of Reservoir Road.

Construction is scheduled to begin in October and be completed within 30 working days.

Attachments:

- Proposed Resolution
- Location Map

**RESOLUTION NO. 14-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA REJECTING ALL BIDS SUBMITTED FOR THE JUNE 12, 2014 BID OPENING FOR THE EAST SECOND STREET OVERLAY PROJECT, ACCEPTING BIDS FOR AUGUST 14, 2014 BID OPENING FOR THE SAME, AWARDING THE CONSTRUCTION CONTRACT TO MCK SERVICES, INC. IN THE AMOUNT OF \$582,216.90, AND AUTHORIZING THE CITY MANAGER TO SIGN THE CONTRACT ON BEHALF OF THE CITY**

**WHEREAS**, on May 20, 2014 the Public Works Department made available the construction plans and specifications for the East Second Street Overlay Project for public bidding; and

**WHEREAS**, on June 12, 2014, seven bids were received and opened and the low bid amount of \$507,389.25 submitted by MCK Services, Inc. of Concord, California was significantly below the engineer's estimate and would not have fully utilized the federal grant funding; and

**WHEREAS**, the scope of work for the East Second Street Project was then expanded in order to fully utilize the grant funding and a notice was sent to contractors advising them that all bids were being rejected and the project was being re-bid; and

**WHEREAS**, on July 23, 2014 the Public Works Department made available the construction plans and specifications for the East Second Street Overlay Project for public bidding with the expanded scope of work; and

**WHEREAS**, on August 14, 2014, five bids were received and opened; and

**WHEREAS**, MCK Services, Inc., of Concord, California was determined to be the bidder submitting the lowest responsive, responsible bid in the amount of \$582,216.90 to overlay East Second Street from Military East to East O Street, East S Street to approximately 300 ft. north of Corporation Yard, and the eastern abutment of the East Second Street Bridge over West Channel Road to just east of east of Reservoir Road; and

**WHEREAS**, this project is categorically exempt from the CEQA pursuant to Section 15301(c) of the CEQA guidelines.

**NOW, THEREFORE, BE IT RESOLVED THAT** the City Council of the City of Benicia hereby rejects all bids for the June 24, 2014 bid opening for the East Second Street Overlay Project, accepts all bids for the August 14, 2014 bid opening, and awards the construction contract in the amount of \$582,216.90 for the East Second Street Overlay Project to MCK Services, Inc.

**BE IT FURTHER RESOLVED THAT** the City Manager is hereby authorized to sign the contract on behalf of the City, subject to approval by the City Attorney.

\*\*\*\*\*

On motion of \_\_\_\_\_, seconded by \_\_\_\_\_, the above Resolution was introduced and passed by the City Council of the City of Benicia at a regular meeting of said Council held on the 2<sup>nd</sup> day of September, 2014, and adopted by the following vote:

Ayes:

Noes:

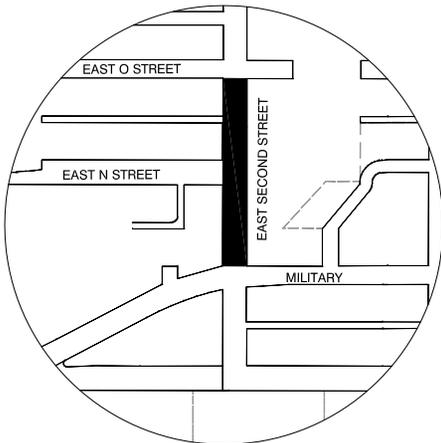
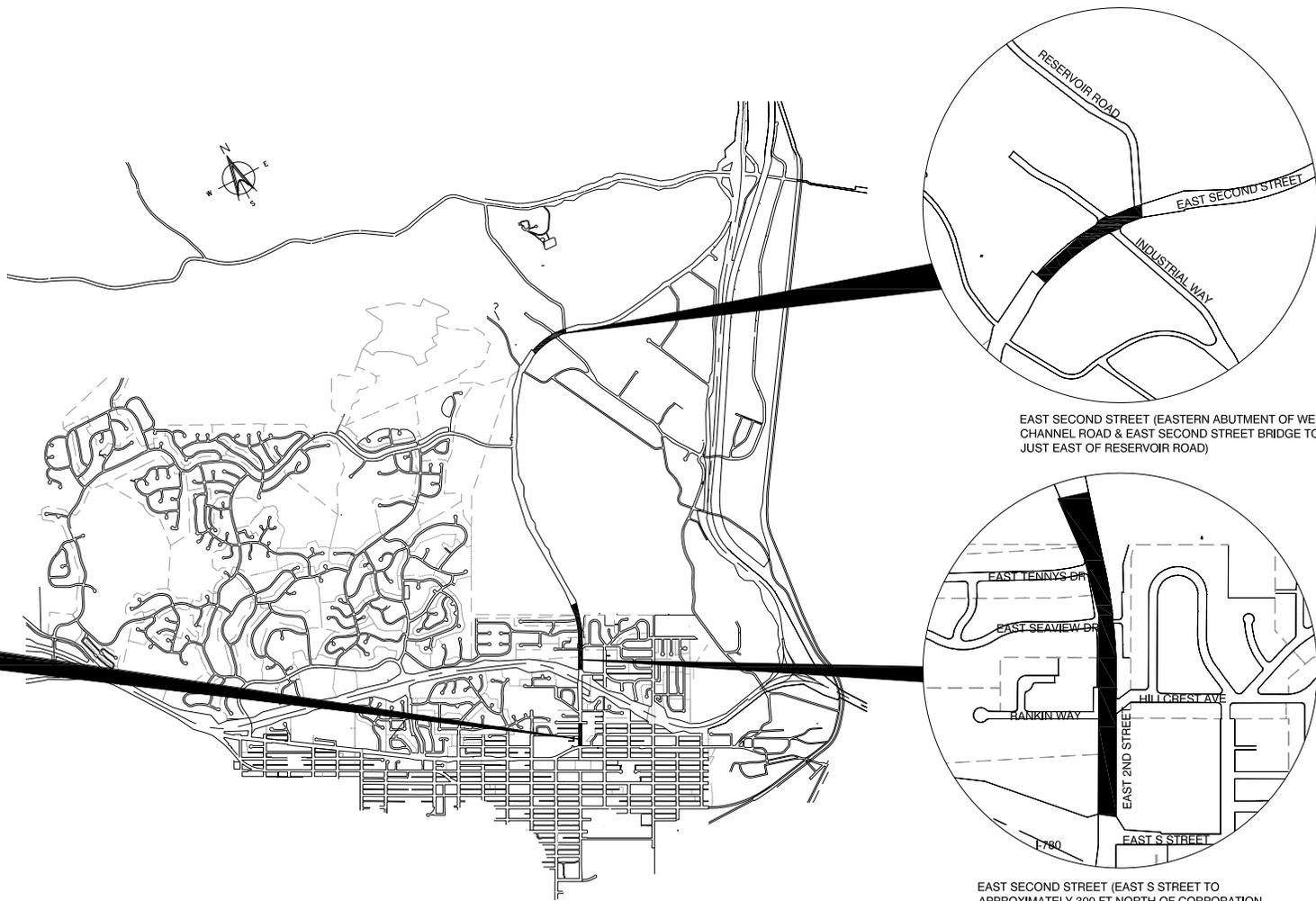
Absent:

\_\_\_\_\_  
Elizabeth Patterson, Mayor

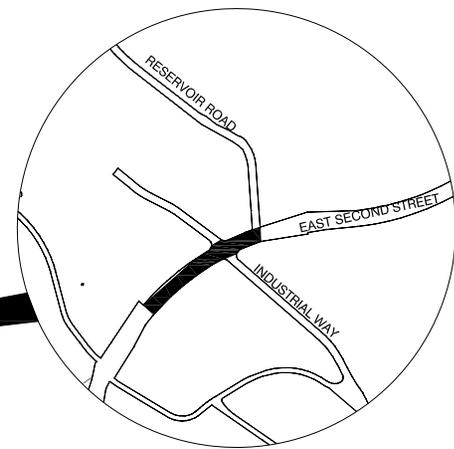
Attest:

\_\_\_\_\_  
Lisa Wolfe, City Clerk

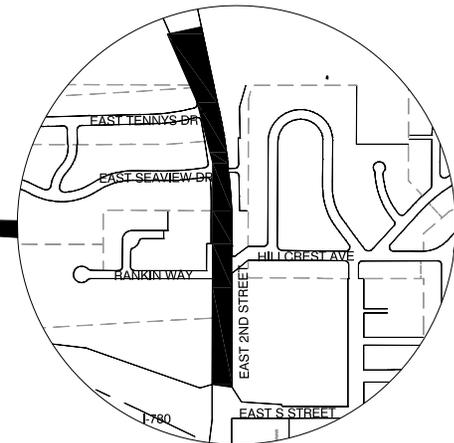
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Date



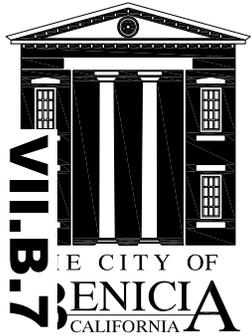
EAST SECOND STREET (MILITARY TO EAST O STREET)



EAST SECOND STREET (EASTERN ABUTMENT OF WEST CHANNEL ROAD & EAST SECOND STREET BRIDGE TO JUST EAST OF RESERVOIR ROAD)



EAST SECOND STREET (EAST S STREET TO APPROXIMATELY 300 FT NORTH OF CORPORATION YARD)



# EAST SECOND STREET OVERLAY PROJECT

## LOCATION MAP





**AGENDA ITEM**  
**CITY COUNCIL MEETING DATE - SEPTEMBER 2, 2014**  
**CONSENT CALENDAR**

**DATE** : August 27, 2014

**TO** : City Manager

**FROM** : Assistant City Manager

**SUBJECT** : **RESPONSE TO 2013-2014 GRAND JURY REPORT**  
**"GEOGRAPHICAL INFORMATION SYSTEM (GIS)"**

**RECOMMENDATION:**

Approve, by minute action, the response to the 2013-2014 Grand Jury Report entitled "Geographic Information System (GIS)."

**EXECUTIVE SUMMARY:**

The 2013-14 Grand Jury reviewed the Geographical Information System (GIS) program in Solano County. In spite of the value seen by users of the system, the Grand Jury has determined there are areas for improvement. 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:**

Goal 4.1: Make Community health and safety a high priority for Benicia.

**STRATEGIC PLAN:**

Relevant Strategic Plan Goals and Strategies:

- Strategic Issue 1: Protecting Community Health and Safety
  - Strategy 4: Promote community preservation and prevent nuisances through increased code enforcement, environmental strategies and community education
    - (b) Utilize technology to produce an effective and efficient use of resources
- Strategic Issue 4: Preserving and Enhancing Infrastructure
  - Strategy 3: Address technology needs
    - (b) Acquire and implement: 1) upgraded public safety technology, and 2) enhanced GIS capabilities

**BACKGROUND:**

The 2013-2014 Solano County Grand Jury performed a review of the Geographical Information System (GIS). The Grand Jury has determined there are areas for improvements. The Grand Jury identified six "Findings and Recommendations" of which the City of Benicia is required to reply to Findings 2, 3, and 4:

**Finding 2** – Some upper levels of public agency management are not actively supporting and participating in the implementation of ReGIS.

**City's Response to Finding 2**

The respondent disagrees partially with the finding. Benicia upper management is regularly briefed on the activities and discussions of the Regis Committee. The City of Benicia supported the ReGIS committee by approving and signing the Pictometry agreement.

**Finding 3** – Management attendance at ReGIS meetings has been poor.

**City's Response to Finding 3**

The respondent agrees with the finding. Benicia was without an Information Technology Manager in 2013. In March of 2014, a new Information Technology Manager was hired. This recommendation has been implemented with our new Information Technology Manager, Naveed Ashraf attending ReGIS meetings.

**Finding 4** – Representation of agencies at ReGIS meetings has been mostly by non-management employees who have limited or no commitment authority.

**City's Response to Finding 4**

The respondent agrees with the finding, but has additional comment. Information Technology Analyst, Sandra Ayala, has been attending ReGIS meetings since 2008. Although she does not have commitment authority, the necessary information has been given to City of Benicia upper management for approval. The recommendation has been implemented with the ReGIS meeting attendance of Information Technology Manager, Naveed Ashraf.

Penal Code Section 933.05 (f) requires a formal response to the Grand Jury's report. The City is required to submit a response to the Grand Jury by September 11, 2014. 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 Cheryl Clower, Administrative Assistant to the Grand Jury on behalf of the City Council.

Attachments:

- Cover Letter Conveying the Grand Jury Report to the City of Benicia
- Report on Geographical Information System (GIS) by the 2013-2014 Solano County Grand Jury
- Proposed Response Letter from the City





**SOLANO COUNTY GRAND JURY**  
2013-2014

**GEOGRAPHIC INFORMATION SYSTEM**  
**(GIS)**

# **Geographic Information System (GIS)**

2013-2014 Solano County Grand Jury

## **I. INTRODUCTION**

Geographic Information System (GIS) is a computer based service that is designed to allow all departments of Solano County government, cities, as well as all agencies serving Solano County, to have instantaneous access to all pertinent public Solano County information. The existing information is gathered from all cities and agencies; is then integrated and made available to all potential users. The information is displayed on the users' computer monitor in a layered graphic representation. It incorporates written documents with 3-dimensional photographs of the County and gives the user a visual image of the selected geography of Solano County.

Currently, Solano County is contracting with Pictometry, Inc., an aerial photography supplier. Due to the advancement in pixelization, Light Detection & Ranging (LiDAR), low level fly-overs with multiple cameras operating simultaneously will give complete 3-dimensional pictures. This produces accurate location photographs of buildings, infrastructure elements such as streets, highways, positioning of utilities such as water delivery, fire hydrants, power lines, sewer manholes, and various other elements. The retrieval of this information allows faster response times for police, fire and other emergencies. It is also useful for infrastructure maintenance, property assessments, planning services and many other applications.

The County Resource Management staff wanted a more integrated system that used GIS and improved workflow to better manage County responsibilities such as code enforcement and tracking of permits. In addition, GIS opened new avenues for delivering more effective scheduling and improving the ability to provide information for integrated decision making, faster delivery and a higher efficiency of services. A web-based GIS interface also provides 24/7 public access to services and the ability to handle the reviewing of permits.

Seen as a positive step forward in information retrieval, GIS is a timesaver for those who depend on retrieval of information that has sometimes taken upwards of a week to obtain. Much of the needed information is now available at the click of a computer mouse.

GIS is a computer based platform that allows input of pertinent data from a variety of sources and then merges that data, along with graphics, to form essentially a 3-dimensional view of information and its location. The entire process is done electronically and reduces substantial amounts of research time and possibility of error. GIS also allows input of constantly updated data from the network of participating agencies. GIS usage in Solano County is still in the developmental stage.

The 2013-2014 Grand Jury reviewed the GIS program in Solano County. In spite of the value seen by users of the system, the Grand Jury has determined there are areas for improvement.

## II. METHODOLOGY

- Attended presentation by Solano County on Geographic Information System “GIS” Geographic Matters
- Attended Regional Geographic Information System (ReGIS) Consortium Steering Committee meetings
- Reviewed Section 215, Assessment Map Standards for Manual Systems
- Interviewed Staff from:
  - Solano County Agricultural Department
  - Solano County Department of Information Technology
  - Solano County Registrar of Voters
  - Solano County Office of Emergency Services
  - Solano County Health & Social Services
  - Solano County Assessor’s/Recorder’s Office
  - Solano County Mosquito Abatement District
  - Solano Transportation Authority
  - City of Rio Vista
  - City of Vacaville
  - City of Vallejo
- Interviewed a Member of Solano County Board of Supervisors

## III. STATEMENT OF FACTS

The ReGIS Steering Committee meets monthly and consists of representatives of Solano County, Travis AFB, City of Fairfield, City of Vacaville, Solano Transportation Authority, Vallejo Sanitation & Flood Control District, Fairfield-Suisun Sewer District, City of Suisun City, City of Benicia, City of Vallejo, City of Rio Vista, City of Dixon, Solano County Water Agency, Solano Irrigation District and Local Agency Formation Commission (LAFCO).

Solano County Department of Information Technology is spearheading the process of building a single website for ReGIS data for the county, cities, and special districts. They are still working out what information is considered pertinent and is shareable by the member organizations and public use.

Neighboring counties using a GIS include Napa, Contra Costa, Lake, Yolo, Sonoma, Alameda, Sacramento, Mendocino, San Francisco and Marin. Neighboring cities using a GIS include Napa, Sacramento, Santa Rosa, San Francisco, San Rafael, Concord, Martinez, Antioch, Pittsburg and Woodland.

Formed in 2000, Pictometry International Corporation (Pictometry) created the aerial oblique business by producing a patented system for image capture (AccuPlus). They then pioneered the use of oblique imagery and measurement analytics across government and commercial sections. Headquartered in Rochester, New York, Pictometry has offices worldwide. Solano County ReGIS acquired the use of Pictometry and finds the data system and program essential and favorable for local use in Solano County.

AccuPlus is a digital imaging process and software program that maps each pixel of a digital land image to geographic locations. Pictometry imagery is captured using the AccuPlus patented system designed to produce orthogonal (straight down views) by capturing the fronts and sides, top and base of an image to retrieve the elevation with the use of 12 oblique aerial angles. These 3-dimensional high resolution images and angles are stitched together showing height and elevation, distance, and pitch, allowing users to have high-resolution direct images of buildings, neighborhoods, landmarks, roads and complete municipalities.

Pictometry provides visual information for Homeland Security, emergency management agencies, first responders (law enforcement and fire), community planning agencies, and transportation departments. This information provides vital benefits for first responders to easily understand the area, distance and surroundings to where they are dispatched.

The first flight contracted between Solano County and Pictometry took place in 2008. An update flight is scheduled to take place in 2014 under a Memorandum of Understanding (MOU) entitled, "*Cooperative County Agreement to Provide Funding for Countywide Aerial Imagery Services*". Participants in this MOU include County of Solano, and the cities of Vacaville, Fairfield, Vallejo, Benicia, Dixon, Suisun, Rio Vista, Fairfield-Suisun Sewer District, the Vallejo Sanitation and Flood Control District, Solano Irrigation District, Solano Transportation Authority, Solano County Water Agency, and the United States Air Force, collectively referred to as "Participants".

The fly-over anticipated for 2013 did not take place. The MOU was not fully executed, as signatures confirming funding were still needed from two agencies. The next time frame for the fly-over is scheduled to take place between December 2014 and February 2015. The aerial flight is done during dormant season of foliage for increased viewing.

The last fly-over took place in 2008.

The Cost Sharing Plan associated with the MOU would cover three flights, one flight every two years during a six year period. Annual projected costs for current participants are:

Participant	Annual Cost	Percentage	Total Projected Costs 6-Year Period
Solano County	\$84,193.12	35.01%	\$505,158.69
City of Vallejo	28,064.37	11.67	168,386.23
City of Fairfield	16,835.26	7.00	101,011.54
City of Vacaville	15,707.29	6.53	94,243.76
City of Benicia	8,973.19	3.73	53,839.15
City of Suisun	2,239.09	0.93	13,434.53
City of Dixon	3,922.61	1.63	23,535.69
City of Rio Vista	3,922.61	1.63	23,535.69
Solano Transportation Authority	14,430.22	6.00	86,581.32
Travis Air Force Base	4,495.01	1.87	26,970.08
Vallejo Sanitation & Flood Control	14,430.22	6.00	86,581.32
Fairfield-Suisun Sewer District	14,430.22	6.00	86,581.32
Solano Irrigation District	14,430.22	6.00	86,581.32
Solano County Water Agency	14,430.22	6.00	86,581.32
Totals	\$240,503.65	100.00%	\$1,443,021.96

Additional participants, joining in at a later time, may wish to avail themselves of the data collected and join in on the MOU. At that time adjusted costs would be redistributed amongst the participants.

The Solano County Office of Emergency Services is providing *Fire Run Map Books*, developed by Solano County ReGIS, to local fire and emergency service agencies. A grant was obtained from Homeland Security to fund 120 map books. There is an apparent need for an additional 80 map books. These books are needed in the fire trucks and other emergency services vehicles as a backup to electronic transmission in case of power outages and communication dead zones.

Solano County Department of Agriculture utilizes ReGIS to provide maps as an aid for several activities, e.g. maps to identify spray and planting areas as specific pesticides are used on specific crop varieties. Maps are also utilized before spraying of crops to anticipate wind drift and protect organic crops. Pest control detection, eradication and pathogen outbreaks are easily plotted using GIS map technology. The agricultural department produces the Solano County Farm Trails map depicting farm stands, tasting rooms, and specialty products. The agricultural department mission statement reads: *Promoting public awareness of Solano County agricultural products, and supporting the economic success of our local growers.* The agricultural department is also responsible for weights and measures, creating a map showing the locations of facilities requiring measurement, inspections, certification and compliance.

The Registrar of Voters (ROV) office uses GIS to map precincts, polling places, and political districts. ROV confirms street addresses are accurate and actually exist on voter registration forms and corrects as required. Maps are available through ROV for political districts. Election results maps are also created through use of ROV data by Department of Information Technology-GIS (DoIt-GIS)

The Assessor/Recorder office works closely with Solano County ReGIS staff on parcel maps. Parcel maps in the Assessor's Office are used for assessment purposes only and must follow Assessment Map Standards for Manual Systems, Assessors' Handbook, Section 215. Some symbols used by GIS can be used on parcel maps. Use of licensed surveyors will continue to be required by the State of California Subdivision Map Act when lot line adjustments are made.

Uses of GIS by entities within Solano County include demographic data, hose layouts for fire departments, landscape districts, lighting districts, safe routes for school children, pinpointing areas of high risk communicable diseases and health issues, pipelines, utilities, transportation, schedules for street sweeping and trash pickup in cities, and a myriad of other useful information.

Some upper levels of agency management are not actively supporting and participating in the implementation of ReGIS. Attendance at ReGIS meetings has been less than stellar. Representation of agencies at ReGIS meetings has been by non-management employees who have limited or no commitment authority.

Some cities and agencies have been generous in sharing their data with ReGIS. These entities are generally managed by persons familiar with GIS. Unfortunately, not all agency management is familiar enough with GIS to actively support and participate in the program. Training is available through Solano County Department of Information Technology; however, not all management personnel have participated or encouraged staff to participate in training. Further, there are no user groups available to share information and training.

Solano County offers public access information on Geographic Information Systems through the Department of Information Technology on the County website. Nonetheless, public awareness of Geographic Information Systems and its attendant benefits are limited.

#### **IV. SUMMARY**

Solano County Department of Information Technology is spearheading the process of building a single website for ReGIS data for the county, cities, and special districts. They are still working out what data is shareable by the member organizations and the general public. GIS is not just for use by government. It is a mission critical technology in monitoring the changes in our world, our country, our state, and our county and cities.

In all interviews and group meetings with current users of ReGIS, nothing but positive comments were made. Additional data is being collected and integrated, and agency usage is increasing exponentially. The ReGIS system is providing important and useful data at a cost substantially less than the former manual retrieval efforts of the various agencies.

When the 2014 fly-over is completed, the results integrated into the current system, there will be another surge of increased interest and usage by County and City agencies and special districts.

ReGIS technology and data delivery will bring increased efficiency and lower costs to all users. Solano County Department of Information Technology is to be congratulated for its work and expertise in developing ReGIS.

**V. FINDINGS AND RECOMMENDATIONS**

**Finding 1**

The Memorandum of Understanding has not been completed by all agencies which has delayed the scheduling of Pictometry's flyover.

**Recommendation 1**

Memorandum of Understanding approvals be completed in a timely manner to ensure the flyover in 2014 takes place.

**Finding 2**

Some upper levels of public agency management are not actively supporting and participating in the implementation of ReGIS.

**Recommendation 2**

Upper levels of public agency management actively support and participate in the implementation of ReGIS.

**Finding 3**

Management attendance at ReGIS meetings has been poor.

**Recommendation 3**

Management attend and encourage attendance by representatives from their agency at ReGIS meetings.

**Finding 4**

Representation of agencies at ReGIS meetings has been mostly by non-management employees who have limited or no commitment authority.

**Recommendation 4**

In the absence of management attendance, management appoint and authorize an employee to commit and support ReGIS activities.

**Finding 5**

There is no user group available to share information on data, methods, procedures and training.

**Recommendation 5**

User group be formed to share data, methods, procedures, and training.

**Finding 6**

Awareness of Geographic Information Systems and its attendant benefits is limited.

**Recommendation 6**

Department of Information Technology schedule and promote public forums to increase awareness to support the Geographic Information System use in Solano County.

**COMMENTS**

The use of GIS throughout Solano County could further unite the County as a complete community. A positive step by our County is to have individual cities, unincorporated areas, agencies, and districts utilizing information, planning and developing insight and common goals.

**REQUIRED RESPONSES**

Solano County Department of Information Technology (Findings 1, 5, 6)  
City of Vallejo (Findings 2, 3, 4)  
City of Fairfield (Findings 2, 3, 4)  
City of Vacaville (Findings 2, 3, 4)  
City of Benicia (Findings 2, 3, 4)  
City of Suisun City (Findings 2, 3, 4)  
City of Dixon (Findings 2, 3, 4)  
City of Rio Vista (Findings 2, 3, 4)  
Solano Transportation Authority (Findings 2, 3, 4)  
Vallejo Sanitation & Flood Control District (Findings 2, 3, 4)  
Fairfield-Suisun Sewer District (Findings 2, 3, 4)  
Solano Irrigation District (Findings 2, 3, 4)  
Solano County Water Agency (Findings 2, 3, 4)

**COURTESY COPIES**

Clerk, Board of Supervisors Solano County  
Commander, Travis Air Force Base  
Local Agency Formation Commission (LAFCO)



**GRAND JURY**



Hall of Justice  
600 Union Ave  
Fairfield, California 94533  
(707) 435-2575  
Fax: (707) 435-2566

[cdclower@solano.courts.ca.gov](mailto:cdclower@solano.courts.ca.gov)

June 11, 2014

**Sent via email**

- |  |                                      |
|--|--------------------------------------|
| City of Vallejo (findings 2, 3, 4)                             | City of Fairfield (findings 2, 3, 4) |
| City of Vacaville (findings 2, 3, 4)                           | City of Benicia (findings 2, 3, 4)   |
| City of Suisun City (findings 2, 3, 4)                         | City of Dixon (findings 2, 3, 4)     |
| City of Rio Vista (findings 2, 3, 4)                           |                                      |
| Solano Transportation Authority (findings 2, 3, 4)             |                                      |
| Vallejo Sanitation & Flood Control District (findings 2, 3, 4) |                                      |
| Fairfield-Suisun Sewer District (findings 2, 3, 4)             |                                      |
| Solano Irrigation District (findings 2, 3, 4)                  |                                      |
| Solano County Water Agency (findings 2, 3, 4)                  |                                      |

RE: 2013-2014 Grand Jury Report Entitled: **Geographic Information System (GIS)**

Enclosed please find a copy of the above named report by the 2013-2014 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 **Friday, June 13, 2014**.

**You are required to respond in writing to the Presiding Judge** and to provide an electronic copy 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 **Thursday, September 11, 2014**.

Also, please provide an electronic copy, original form (not pdf) to the Grand Jury office at [cdclower@solano.courts.ca.gov](mailto: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

A handwritten signature in cursive script, appearing to read "Morland McManigal".

Morland McManigal, Foreman  
2013-2014 Solano County Grand Jury  
MM/cc



September 3, 2014

Honorable E. Bradley Nelson  
Presiding Judge of the Superior Court  
Solano Superior Court  
600 Union Avenue  
Fairfield, CA 94533

**SUBJECT: 2103-2014 Grand Jury Report Entitled: Geographic Information System (GIS)**

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 2013-2014 Solano County Grand Jury Report, the Council of the City of Benicia accepts the Report.

**Finding 2**

Some upper levels of public agency management are not actively supporting and participating in the implementation of ReGIS.

**Recommendation 2**

Upper levels of public agency management actively support and participate in the implementation of ReGIS.

**City's Response to Finding 2**

The respondent disagrees partially with the finding. Benicia upper management is regularly briefed on the activities and discussions of the Regis Committee. The City of Benicia supported the ReGIS committee by approving and signing the Pictometry agreement.

**Finding 3**

Management attendance at ReGIS meetings has been poor.

**Recommendation 3**

Management attends and encourages attendance by representatives from their agency at ReGIS meetings.

**City's Response to Finding 3**

The respondent agrees with the finding. Benicia was without an Information Technology Manager in 2013. In March of 2014, a new Information Technology Manager was hired. This recommendation has been implemented with our new Information Technology Manager, Naveed Ashraf attending ReGIS meetings.

**Finding 4**

Representation of agencies at ReGIS meetings has been mostly by non-management employees who have limited or no commitment authority.

**Recommendation 4**

In the absence of management attendance, management appointment and authorize an employee to commit and support ReGIS activities.

**City's Response to Finding 4**

The respondent agrees with the finding, but has additional comment. Information Technology Analyst, Sandra Ayala, has been attending ReGIS meetings since 2008. Although she does not have commitment authority, the necessary information has been given to City of Benicia upper management for approval. The recommendation has been implemented with the ReGIS meeting attendance of Information Technology Manager, Naveed Ashraf.

This response was drafted by City staff and approved by the City Council at their meeting on September 2, 2014. If you have any further questions, please contact Information Technology Analyst, Sandra Ayala at 707-746-4258 or [sayala@ci.benicia.ca.us](mailto:sayala@ci.benicia.ca.us).

Respectfully submitted,

Anne Cardwell  
Assistant City Manager

cc: City Council  
City Attorney  
City Manager  
Grand Jury

**AGENDA ITEM**  
**CITY COUNCIL MEETING DATE - SEPTEMBER 2, 2014**  
**CONSENT CALENDAR**

**DATE** : August 27, 2014

**TO** : City Manager

**FROM** : Assistant City Manager

**SUBJECT** : **APPROVE THE AGREEMENTS BETWEEN THE CITY OF BENICIA AND SENIOR MANAGERS, MID MANAGERS, BENICIA POLICE OFFICERS ASSOCIATION, BENICIA PUBLIC SERVICE EMPLOYEES ASSOCIATION, LOCAL ONE, BENICIA DISPATCH ASSOCIATION AND AMENDMENTS VIA RESOLUTION FOR CITY MANAGER, CITY ATTORNEY AND UNREPRESENTED EMPLOYEES**

**RECOMMENDATION:**

Adopt the resolution:

- 1) Approving July 1, 2014 – June 30, 2017 Memorandums of Understanding (MOUs) for senior managers, Benicia Police Officers Association (BPOA), Benicia Public Service Employees Association (BPSEA), Benicia Dispatch Association (BDA) and Local One;
- 2) Approving similar three-year modifications for the City Attorney, City Manager and unrepresented employees; and
- 3) Approving the July 1, 2014 – June 30, 2016 MOU for mid managers; and
- 4) Authorizing the City Manager to take the necessary administrative steps to implement the provisions of the agreements.

**EXECUTIVE SUMMARY:**

The City recently concluded negotiations with the majority of its employee bargaining units. The proposed agreements were ratified by a majority of each unit's members, with the exception of BPOA, BDA and Local One, who have scheduled their votes for early September in order to comply with unit by-laws regarding voting procedures. The proposed MOUs for the majority of above-noted groups are for a three-year term, from July 1, 2014 - June 30, 2017. Similar modifications are recommended for employees not represented by employee bargaining units, i.e., City Attorney, City Manager, and other unrepresented employees. Mid manager employees have agreed to a two-year agreement, July 1, 2014 - June 30, 2016.

**BUDGET INFORMATION:**

With Council approval, the 2014-15 Budget will be amended to reflect a cost of approximately \$293,469 and staff will distribute as calculated across the various

funds. Sufficient reserves in each fund exist to cover the cost in the current budget. The estimated cost for 2015-16 is approximately \$378,734 and 2016-17 is approximately \$474,744. Approximately 75% of the estimated cost is General Fund.

### **STRATEGIC PLAN:**

Relevant Strategic Plan Goals and Strategies:

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

### **BACKGROUND:**

In 2010 and 2011, City employees took structural reductions in compensation of at least 10%, resulting in much needed savings for the City's budget. In subsequent years, due to continuing fiscal challenges, the majority of the City's bargaining units agreed to status quo one-year extensions with no salary increases.

In recognition of the City's ongoing efforts to address budget challenges and develop a Sustainable Community Services Strategy with the goal of a fiscally resilient organization, the majority of the above-noted groups has agreed to the following minimal increases to leave time and pay, which are structured in such a way to include no salary increases for the first two years of the agreement. This significantly limits the ongoing cost impact to the City's budget.

- Thirty-two (32) hours of "MOU Leave" each year for the first two years of the agreement. Any leave not utilized by the end of each fiscal year must be cashed out. (MOU Leave cannot be carried forward to the subsequent fiscal year and the MOU Leave provision will sunset as of June 30, 2016.)
- A flat dollar increase to the City's contribution to medical (Employee Only/In Lieu increased by \$20 per month; Employee + 1 increased by \$50 per month; Employee + 2 or more increased by \$75 per month) for each year of the agreement.
- This agreement does not include any ongoing increases to employees' salary ranges until the final, third, year of the agreement, which consists of the equivalent of a 1% salary adjustment effective July 1, 2016 and a 1% salary adjustment on January 1, 2017.
- Finally, with the purpose of recognizing the cooperation of groups in negotiating a multi-year agreement, the City plans to institute a holiday closure each of years of the agreement. This leave, which is the equivalent of four (4) working days each year, has no cash value. In the

event the City is unable to implement the holiday closure, employees will be allowed to take the leave during the remainder of the fiscal year during which it accrued.

The mid-management group has agreed to a similar two-year agreement, which includes the MOU Leave, holiday closure leave, and the increase in City's medical contribution, but does not include the third year or related salary and benefit increases/holiday closure leave.

While the majority of the groups (i.e., senior managers, mid managers, and BPSEA) have ratified the proposed agreements, BPOA, BDA and Local One have not yet been able to do so. The representatives of these groups do have final ratification votes scheduled soon, in conformance with their bylaws. In the event Council approves, but either or both of these groups fail to ratify, this agreement will not apply. In the case of Local One, the 2014-16 MOU approved by Council on August 19, 2014 will remain in effect if the proposed three-year agreement is not ratified. In the case of BPOA and BDA, the parties will return to the table to resume negotiations.

It should be recognized that these employee units have worked very cooperatively and diligently with the City to reach agreement on the proposed MOUs in a timely manner. Their efforts on the proposed agreements are very much appreciated.

Attachments:

- Resolution and Exhibit A (Proposed MOU amendments by group)

## RESOLUTION NO. 14-

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING THE AGREEMENTS BETWEEN THE CITY OF BENICIA AND SENIOR MANAGERS, MID MANAGERS, BENICIA POLICE OFFICERS ASSOCIATION, BENICIA PUBLIC SERVICE EMPLOYEES ASSOCIATION, LOCAL ONE, BENICIA DISPATCH ASSOCIATION AND AMENDMENTS TO AGREEMENTS FOR CITY MANAGER, CITY ATTORNEY AND RESOLUTIONS FOR UNREPRESENTED EMPLOYEES**

**WHEREAS**, the existing Memorandums of Understanding between the City and various employee bargaining units, which cover salaries and other conditions of employment expired on June 30, 2014; and

**WHEREAS**, the City has recently concluded negotiations with senior managers, mid managers, Benicia Police Officers Association (BPOA), Benicia Public Service Employees Association (BPSEA), Local One, Benicia Dispatch Association (BDA); and

**WHEREAS**, the above-noted groups have agreed to the proposed amendments to their Memorandums of Understanding (MOUs) as outlined in Exhibit A, with exception of the BPOA, BDA and Local One units, for which votes of the memberships are currently scheduled; and

**WHEREAS**, if Local One units fails to ratify the proposed amendment to their agreement, Local One's terms and conditions will be as outlined in MOU for the term of July 1, 2014 – June 30, 2016 approved by Council on August 19, 2014; and

**WHEREAS**, unless otherwise amended by the MOU language, outlined by group, in Exhibit A, all terms of the existing MOU shall remain in effect from July 1, 2014 – June 30, 2017, with the exception of the mid management group, for which all other terms of the existing MOU shall remain in effect from July 1, 2014 - June 30, 2016; and

**WHEREAS**, the following structure, agreed to by the majority of the above-noted groups, will also be applied to City Manager, City Attorney and unrepresented employees, as summarized below:

- Thirty-two (32) hours of leave each year for fiscal years 2014-15 and 2015-16. Any leave not utilized must be cashed out at the end of the fiscal year. (This leave cannot be carried forward to the subsequent fiscal year and the leave will sunset June 30, 2016.)
- A flat dollar increase to the City's contribution to medical, in the following amounts (Employee Only/In Lieu increased by \$20 per month; Employee + 1 increased by \$50 per month; Employee+2 or more increased by \$75 per month) each year for fiscal years 2014-15, 2015-16, and 2016-17.

- No increases to salary ranges until the final, third, year of the agreement, which will consist of a 1% salary adjustment effective July 1, 2016 and a 1% salary adjustment on January 1, 2017.
- Holiday closure leave, which will be the equivalent of four (4) working days (thirty-two hours), has no cash value. In the event the City is unable to implement a holiday closure of selected city facilities, the leave may be taken during the remainder of the fiscal year during which it accrued for fiscal years 2014-15, 2015-16 and 2016-17.
- The above-noted changes will be effective September, 2014.

**WHEREAS**, all other terms and conditions as defined for the City Manager and City Attorney in their respective contracts, and for unrepresented employees in existing resolutions will remain as is; and

**WHEREAS**, with this action, the 2014-15 Budget will be amended to reflect a cost of approximately \$293,469 for all units/employees noted in this resolution, and staff will distribute as calculated across the various funds and sufficient reserves in each fund exist to cover the cost in the current budget.

**NOW, THEREFORE, BE IT RESOLVED THAT** the City Council of the City of Benicia hereby approves the amendments to the agreements between the City of Benicia and senior managers, mid managers, Benicia Police Officers Association, Benicia Public Service Employees Association, Benicia Dispatch Association and Local One, as well as amendments to the agreements for City Manager, City Attorney and resolutions for unrepresented employees.

**BE IT FURTHER RESOLVED THAT** the City Council of the City of Benicia authorizes the City Manager to take the necessary administrative steps to implement the provisions of the agreements and actions approved by this resolution.

\*\*\*\*\*

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 2<sup>nd</sup> day of September, 2014 and adopted by the following vote.

Ayes:

Noes:

Absent:

\_\_\_\_\_  
Elizabeth Patterson, Mayor

Attest:

\_\_\_\_\_  
Lisa Wolfe, City Clerk

\_\_\_\_\_  
Date

## EXHIBIT A

Tentative Agreement between the City of Benicia and the Senior Managers  
August 26, 2014

The City of Benicia and the Senior Managers have reached an agreement on the following terms.

- I. TERM: Three (3) year term ending on June 30, 2017.
- II. MOU LEAVE FY 2014/2015 and 2015/2016

Accrual of MOU Leave for FY 2014-15 and FY 2015-16

Effective the later of September 1, 2014 or the first pay period following Council approval of this agreement, employees will accrue 2.66 hours of "MOU leave" per month for fiscal years 2014-15 and 2015-16. This accrual shall cease effective June 30, 2016.

The City will credit employees with the full fiscal year's accrual (up to 32 hours) on the first full pay period following July 1 of the fiscal year. The City will prorate this amount for employees hired after July 1 of the fiscal year or if the agreement takes effect partway through a fiscal year. Example 1: if the Council adopts this agreement prior to September 15, 2014, the City will credit all employees with 26 hours of MOU Leave (2.6 hours times ten months) effective the next pay period. Example 2: if Employee is hired on January 1, 2015, the City will credit Employee with 16 hours of MOU leave (2.6 hours times six months) in the first full pay period following his or her appointment.

Additional Accrual for Fiscal Year 2014-15

Sr. Managers have ratified this agreement prior to September 15, 2014, and therefore the City will credit all bargaining unit members with an additional 5.33 hours of MOU Leave effective the next pay period for a total of 32 hours for the fiscal year.

Use of MOU Leave

Use of MOU Leave will be subject to the same restrictions as vacation leave (e.g., pre-approval by City Manager).

Payout of MOU Leave

If any employee has not used his or her MOU leave by June 30 of the fiscal year in which it has been accrued, any remaining balance will be paid out at the employee's regular rate of pay. MOU leave is not carried forward into the next fiscal year.

Sunset

MOU leave sunsets June 30, 2016.

- III. Holiday Closure 2014/2015/2016 – Sunsets on June 30, 2017

The City agrees to the December holiday leave for 2014, 2015 and 2016, equivalent to four (4) days for each year. This holiday leave will be non-precedent setting, with the purpose of recognizing the cooperation of Senior Managers in negotiating a three-year agreement. The City will determine whether to institute a holiday closure for 2014, 2015 and 2016. For employees scheduled to work during the holiday closure, if instituted, the City will provide them with the equivalent leave hours to be taken any time during the remainder of the fiscal year for which the leave was allotted. There will be no city manager days conferred during this time.

IV. Medical Leave

City contribution per month as follows:

2014/2015

Employee/In Lieu: \$642  
Employee plus One: \$1294  
Family: \$1730.20

2015/2016

Employee/In Lieu: \$662  
Employee plus One: \$1344  
Family: \$1805.20

2016/2017

Employee/In Lieu: \$682  
Employee plus One: \$1385  
Family: \$1880.20

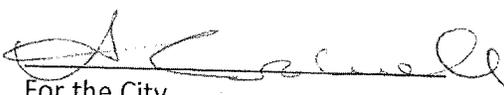
If the Kaiser rate for fiscal year 2016/17 increases by more than 11% over the 15/16 rates, the City and Sr. Managers agree to reopen and discuss the Kaiser rates and contribution structure.

V. Salary

Effective July 1, 2016, each step of the salary range for each classification in this unit shall be increased by 1%

Effective January 1, 2017, each step of the salary range for each classification in this unit shall be increased by 1%

  
\_\_\_\_\_  
For the Sr. Managers  
Date: 8/27/2014

  
  
\_\_\_\_\_  
For the City  
Date: 8-27-14

Tentative Agreement between the City of Benicia and the Mid-Managers  
August 26, 2014

The City of Benicia and the Mid-Managers have reached an agreement on the following terms.

- I. TERM: Two (2) year terms ending on June 30, 2016
- II. MOU LEAVE FY 2014/2015 and 2015/2016

Accrual of MOU Leave for FY 2014-15 and FY 2015-16

Effective the later of September 1, 2014 or the first pay period following Council approval of this agreement, employees will accrue 2.66 hours of "MOU leave" per month for fiscal years 2014-15 and 2015-16. This accrual shall cease effective June 30, 2016.

The City will credit employees with the full fiscal year's accrual (up to 32 hours) on the first full pay period following July 1 of the fiscal year. The City will prorate this amount for employees hired after July 1 of the fiscal year or if the agreement takes effect partway through a fiscal year. Example 1: if the Council adopts this agreement prior to September 15, 2014, the City will credit all employees with 26 hours of MOU Leave (2.6 hours times ten months) effective the next pay period. Example 2: if Employee is hired on January 1, 2015, the City will credit Employee with 16 hours of MOU leave (2.6 hours times six months) in the first full pay period following his or her appointment.

Additional Accrual for Fiscal Year 2014-15

Sr. Managers have ratified this agreement prior to September 15, 2014, and therefore the City will credit all bargaining unit members with an additional 5.33 hours of MOU Leave effective the next pay period for a total of 32 hours for the fiscal year.

Use of MOU Leave

Use of MOU Leave will be subject to the same restrictions as vacation leave (e.g., pre-approval by Department Head).

Payout of MOU Leave

If any employee has not used his or her MOU leave by June 30 of the fiscal year in which it has been accrued, any remaining balance will be paid out at the employee's regular rate of pay. MOU leave is not carried forward into the next fiscal year.

Sunset

MOU leave sunsets June 30, 2016.

III. Holiday Closure 2014 and 2015 – Sunsets on June 30, 2016

The City agrees to the December holiday leave for 2014 and 2015, equivalent to four (4) days for each year. This holiday leave will be non-precedent setting, with the purpose of recognizing the cooperation of Mid-Managers in negotiating a two-year agreement. The City will determine whether to institute a holiday closure for 2014 and 2015. For employees scheduled to work during the holiday closure, if instituted, the City will provide them with the equivalent leave hours to be taken any time during the remainder of the fiscal year for which the leave was allotted. There will be no city manager days conferred during this time.

IV. Medical Leave

City contribution per month as follows:

2014/2015

Employee: */in-lieu* \$642  
Employee plus One: \$1294  
Family: \$1730.20

2015/2016

Employee: */in-lieu* \$662  
Employee plus One: \$1344  
Family: \$1805.20

  
For the Mid-Managers  
Date: *8-27-14*

  
For the City  
Date: *8-27-14*  
*Kim Imbrode*  
*8-27-14*

**Tentative Agreement between the City of Benicia and the BPOA  
on the following terms and clean up language:**

**Term: 3 year term ending on June 30, 2017.**

**MOU Leave Sunsets June 30, 2016:**

Effective the later of September 1, 2014 or the first pay period following Council approval of this agreement, employees will accrue 2.66 hours of "MOU leave" per month for fiscal years 2014-15, and 2015-16. This MOU leave accrual shall cease effective June 30, 2016.

In fiscal year 2014 – 15, the City will credit employees the value of the 2.66 hours of "MOU" leave for the period that represents the first full pay period after adoption of this agreement through June 30, 2015. The City will prorate this amount for employees hired after adoption of this agreement for the remainder of the fiscal year. **Example 1:** if the Council adopts this agreement prior to September 15, 2014, the City will credit all employees with 26 hours of MOU Leave (2.66 hours times ten months) effective the next pay period.

**Example 2:** if Employee is hired on January 1, 2015, the City will credit Employee with 16 hours of MOU leave (2.66 hours times six months) in the first full pay period following his or her appointment.

Additional Accrual for Fiscal Year 2014-15 Only

If POA ratifies this agreement prior to September 11, 2014, the City will credit all bargaining unit members with an additional 5.33 hours of MOU Leave on September 1, 2014 for a total of 32 hours for the fiscal year.

In fiscal year 2015-16, the City will credit employees with the full fiscal year's accrual on the first full pay period following July 1 of the fiscal year.

Use of MOU Leave

Use of MOU Leave will be subject to the same restrictions as vacation leave (e.g., pre-approval by supervisor).

Payout of MOU Leave

If any employee has not used his or her MOU leave by June 30 of the fiscal year in which it has been accrued, any remaining balance will be paid out at the employee's regular rate of pay. MOU leave is not carried forward into the next fiscal year.

**Holidays: 14.3 Holiday Closure Sunsets on June 30, 2017**

If the parties approve and ratify this agreement, the City agrees to the December holiday leave for 2014, 2015 and 2016, equivalent to four (4) working days for each year. There will be no City Manager days conferred

during this time. This Holiday Closure leave will be non-precedent setting, with the purpose of recognizing the cooperation of the POA in negotiating a three-year agreement. The City will determine whether to institute a holiday closure for 2014, 2015 and/or 2016. If instituted, the holiday leaves for POA will correspond with the days of the City's holiday closure. For those employees who are scheduled to work during the holiday closure, if instituted, the City will provide employees with the equivalent leave hours to be taken during the remainder of the fiscal year for which the leave was allocated. This leave has no cash value.

**Salary Plan**

There shall be no salary increases on the salary ranges during the 2014 - 15 or 2015 - 16 fiscal years.

Effective 7/1/2016, there will be a 1% salary adjustment for each salary range in this unit. Effective 1/1/2017, there will be a 1% salary adjustment for each salary range in this unit.

**Insurance: 21.1 Health and Welfare**

(1) The City shall continue to offer hospital-medical, dental and vision plans as those plans are currently structured or as the plans may be amended from time to time by the plan providers through the end of this contract. The City may substitute plans currently offered with plans of substantially similar benefits. The City shall contribute the full premium required by the providers of the dental and vision care plans provided herein through the end of this contract.

~~Effective the first paycheck after ratification of this agreement by the City Council, t~~ Effective the first full pay period after ratification of the MOU by the POA and approval by Council of this agreement, the City's contribution towards medical premiums for the remainder of the fiscal year 2014/2015 fiscal year 2010-2011 shall be a maximum up to the following contributions for any plan:

	<u>Police Officer</u>	<u>Sergeant</u>
Employee:	\$ <u>285.45</u>	\$ <u>216.27</u>
Employee plus One:	\$ <u>927.40</u>	\$ <u>858.18</u>
Employee plus Family:	\$ <u>1,356.20</u>	\$ <u>1,287.71</u>

For fiscal year 2015/2016 beginning on July 1, 2015, the City's contribution towards medical premiums shall be:

	<u>Police Officer</u>	<u>Sergeant</u>
Employee:	\$305.49	\$236.27
Employee plus One:	\$977.40	\$908.18
Employee plus Family:	\$1,431.92	\$1,362.71

For fiscal year 2016/2017 beginning on July 1, 2016, the City's contribution towards medical premiums shall be:

	Police Officer	Sergeant
Employee:	\$325.49	\$256.27
Employee plus One:	\$1,027.40	\$958.18
Employee plus Family:	\$1,506.92	\$1,437.71

~~For fiscal year 12-13, the parties agree the City will continue to contribute the amounts listed above.~~

The City shall allow employees who have dual coverage on their health plan to receive in cash the amount the City contributes towards the single rate based on classification if they decline enrolling in the City's plan **of \$285.45 (police officer) or \$216.27 (Sergeant).** **These cash in lieu amounts will increase to \$305.49 (police officer) or \$236.27 (Sergeant) in FY 15/16 and \$325.49 (police officer) or \$256.27 (Sergeant) in 16/17.**

~~In order to allow employees in Health Net time to transition to the new capped contribution to any plan, for Health Net participants in effect on November 30, 2010 until June 30, 2011 only, the City shall provide the following additional contribution:~~

Employee:	\$91.64
Employee plus One:	\$180.86
Employee plus Family:	\$241.77

~~Effective June 30, 2011 this extra contribution shall expire and the City's contribution for participants for both Kaiser and Health Net shall be as described above.~~

~~During the term of the MOU, the parties agree to participate with the other bargaining units to determine whether or not any medical plan design changes would assist in reduction of costs to the city and/or reduction of premiums for employees. The parties recognize that any such changes in plan design require agreement by all city bargaining units.~~

If the Kaiser rate for fiscal year 2016/17 increases by more than 11% over the 15/16 rates, the City and POA agree to reopen and discuss the Kaiser rates and contribution structure.

(12) Pursuant to State law, whenever any peace officer is killed in the performance of his/her duty or dies as a result of an accident or injury caused by external violence or physical force incurred in the performance of his/her duty, the City shall continue providing health benefits to the deceased employee's spouse under the same terms and conditions provided prior to the death of the employee **consistent with the requirements of State law.** Minor

dependents shall continue to receive benefits under the coverage provided the surviving spouse or, if there is no surviving spouse, until the age of twenty-one (21) years.

21.2 Life Insurance: The City shall pay the entire cost of providing each insurable regular, full-time employee with \$30,000 group term life insurance with said policy to include accidental death and dismemberment coverage. The employee, at his/her option, may purchase through payroll deduction, supplemental life insurance as provided by the group insurance carrier or BPOA.

**Retirement: Note: This is clean up language to conform with new PEPR State Law Changes**

22.1 Retirement System (PERS)

The City shall continue its contract with the Public Employees' Retirement System (PERS).

22.2 **3% @ 50 Formula for Employees hired on or Before May 31, 2011 Only**

Employees employed on or before May 31, 2011 shall receive the retirement benefit option of 3% @ 50 in accordance with Government Code § 21362.3 and shall have their retirement benefit calculated based on their single highest year in accordance with Government Code § 20042.

(1) Based upon actuarial information provided by PERS, in their valuation report dated January 21, 2000, the cost associated with providing the 3% @ 50 retirement benefit for the BPOA has been calculated at 4.774% of salary. The BPOA agrees that the 3% @ 50 retirement benefit option is to be provided with the understanding that, should the City's cost of providing this benefit increase during the term of this agreement, the City has the right to reopen negotiations on payment of this 4.774% cost.

~~(2) The City has agreed not to re-open this section for the period of this contract.~~

22.3 **3% @ 55 Formula for Employees hired on or after June 1, 2011 and on or before December 31, 2012 OR Classic member as defined by CalPERS Only** ~~Second Tier retirement benefit option.~~

The parties agreed to amend the City's contract with Public Employees Retirement System (PERS) ~~to~~ and implemented a ~~second tier~~ **the** retirement benefit ~~option~~ **formula** of 3% @ 55 and average three year compensation formula in accordance with Government Code § 21362.3 for new hires hired on or after January **June 1, 2011 and on or before December 31, 2012 OR are**

**classic members with CalPERS service with no more than six months break in service with CalPERS agency as defined by CalPERS.** ~~or hired upon effective date of the contract amendment consistent with CalPERS requirement.~~ The employees in **this the second** tier shall pay the entire employee share (9%) of retirement cost. ~~This amendment became effective on June 1, 2011.~~

**22.4 Employee's required 9% PERS contribution towards employee share for all employees in the 3% @ 50 and 3% @ 55 formulas**

~~Each~~ employee covered by this MOU **who are covered by the 3% @ 50 and 3% @ 55 CalPERS formulas** shall pay all of the employee's 9% PERS contribution, and employees are able to defer state and federal income taxes on these contributions, in accordance with the City's IRC 414(h)(2) resolution.

22.5 Credit for Unused Sick Leave : Employees may convert unused sick leave to service credit in accordance with Government Code § 20965.

22.6 Military Service Credit: Employees may purchase up to four years of service credit for any action military or merchant marine service prior to employment in accordance with Government Code § 21024.

22.7 CalPERS Fourth Tier 59 Survivor Benefit: The City implemented the Fourth Tier of the 59 Survivor Benefit with PERS on November 6, 1998. The City and the BPOA agree that there is currently no employer premium for this increased benefit level. The BPOA agrees that once the City is notified that there will be an employer's premium due for this benefit, the BPOA shall commence negotiating with the City to determine the method which will be utilized to pay the premium.

22.8 Pre-Retirement Optional Settlement 2 Death Benefits: The City amended its contract with PERS to include the Pre-Retirement Optional Settlement 2 Death Benefits in accordance with Government Code § 21548. Based upon actuarial information provided by PERS, in their valuation report dated January 21, 2000, the cost associated with providing the Pre-Retirement Optional Settlement 2 Death Benefit for the BPOA has been calculated at .0027% of salary. The City has current excess plan assets to cover the cost of this contract amendment. However, the BPOA agrees that the Pre-Retirement Optional Settlement 2 Death Benefit option is to be provided with the understanding that, should the City's cost of providing this benefit increase during the term of this agreement, the City has the right to reopen negotiations on payment of this .0027% cost.

**22.9 PEPRA Employees hired on or After January 1, 2013 and who are not Classic Members as defined by CalPERS.**

**Employees hired on or after January 1, 2013, who have no classic member reciprocity as defined by CalPERS shall be subject to the AB340 PERS pension formula of 2.7% @ 57. Employees shall pay 50% of the normal cost rate for the 2% @ 57 formula as determined by CalPERS.**

**22.9 22.10 All Employees in this bargaining unit Pick-up of Employer's Share of Retirement regardless of CalPERS formula**

Effective November 1, 2011, **all** bargaining unit employees began contributing an additional 5.336% of pensionable compensation towards the employer's share of retirement via a **Government Code Section 20516** pre-tax payroll contribution. (For the months of August and September, and October 2011, employees made this 5.336% of pre-tax deductions towards medical insurance while awaiting CalPERS approval of the contract amendment for cost sharing.)

**Parties agree to amend the GC 20516 CalPERS amendment to include PEPR employees to ensure employer contribution remains a pretax contribution.**

Parties agree to finalize needed clean up language to various sections of MOU as follows: **The City's sick leave program for all employees in this unit shall be consistent with City Policy Number 5; needed changes to incorporate the current Student Resource Officer Program; change in the closing clause that eliminates the evergreen provision; requirement that all paychecks be direct deposit; changes to rename terminal pay to final separation pay and automatic deduction from final check if parties have an existing reimbursement agreement; clarification that employees in this group must get below the vacation maximum cap by January 2015; update of the discrimination provision incorporating recent changes; eliminates outdated canine and jury duty language; and clarifies vacation leave usage for first year new employees.**

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For the BPOA

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For the City

Date:

Date:

City of Benicia Proposed Settlement

➤ Three year agreement

➤ 1<sup>st</sup> Year

- ✓ 32 hours total MOU leave which will be paid out on June 30<sup>th</sup> if not used. 2.2 hours earned monthly starting September 1, 2014 and 5.33 additional hours is BPSEA ratifies this proposed settlement by 9/2.
- ✓ Leave will be cashed out on June 30<sup>th</sup> if not used.
- ✓ Medical Increase of an additional 20.00 for employee only; 50.00 employee plus one and \$75.00 for employee plus family. In lieu pay will increase by these *employee only* amounts.
- ✓ .4 days of holiday leave and no City manager leave day (no cash value) to be taken if City designates holiday closure in December and if not as floating time off
- ✓ The parties will revisit the pay for boots in January, 2014<sup>5</sup>

➤ 2<sup>nd</sup> Year

- ✓ 32 hours total MOU leave which will be paid out on June 30<sup>th</sup> if not used. 2.2 hours earned monthly.
- ✓ Medical Increase of an additional 20.00 for employee only; 50.00 employee plus one and \$75.00 for employee plus family. In lieu pay will increase by these *employee only* amounts.
- ✓ 4 days of holiday leave and no City manager leave day (no cash value) to be taken if City designates holiday closure in December and if not as floating time off

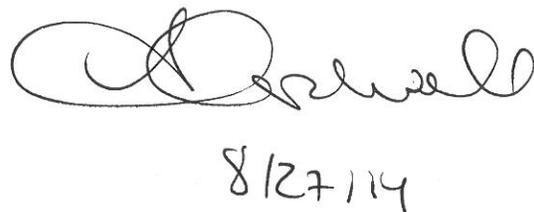
➤ 3<sup>rd</sup> Year

- ✓ Effective July 1, 2016 a 1% increase to the salary range for all classifications in this unit
- ✓ Effective January 1, 2017 a 1% increase to the salary range for all classifications in this unit
- ✓ 4 days of holiday leave and no City manager leave day (no cash value) to be taken if City designates holiday closure in December and if not as floating time off
- ✓ Medical Increase of an additional 20.00 for employee only; 50.00 employee plus one and \$75.00 for employee plus family
- ✓ Reopener on Medical that if the premium difference for Kaiser full family medical between FY2015-2016 and FY 2016-2017 is greater than 11% either party may request in writing to meet and confer on the issue of medical contribution portion only of the contract

FOR BPSEA:

  
8/27/14

For the City:

  
8/27/14



**Offer for 3 year option expires on Sept 10<sup>th</sup> 12:00 pm**

**Alternate Proposal: 3 year term**

The below recaps Year 1 and Year 2 as previously agreed to, and adds a 3<sup>rd</sup> year option.

Health Insurance:

Increase city monthly payments towards medical insurance by \$20, \$50, and \$75 per month in each of the 3 fiscal year respectively, as follows:

Level	Current City Contribution	Proposed City Contribution (1 <sup>st</sup> & 2 <sup>nd</sup> year amounts listed)
Single/In Lieu	\$622	\$642 / \$662 / \$682
EE+1	\$1,244	\$1,294 / \$1,344 / \$1,394
EE+family	\$1,655.20	\$1,730.20 / \$1,805.20 / \$1,880.20

MOU Leave:

32 hours of MOU leave that can either be used or cashed out in FY 14/15 and 32 hours of MOU leave that can either be used or cashed out in FY 15/16.

Holiday Leave:

32 hours of holiday leave (in each FY). If City hall closes during Christmas week, these 32 hours will be used during that week. If City Hall does not close during Christmas week, these 32 hours can be taken at another time during the fiscal year. These hours have no cash out value.

Fiscal Year 16/17 – Salary Range adjustments:

Effective 7/1/16: 1% cost of living adjustment

Effective 1/1/17: 1% cost of living adjustment

All other MOU language changes that were previously agreed to and approved by Council on 8/19/2014 remain.

If the Kaiser rate for fiscal year 2016/17 increases by more than 11% over the 15/16 rates, the City and Local 1 agree to reopen and discuss the Kaiser rates and contribution structure.



## Tentative Agreement between the City of Benicia and the BDA

The City of Benicia and the Benicia Dispatcher's Association have reached a Tentative Agreement on the following terms and clean up language:

### I. MOU LEAVE FY 2014/2015 and 2015/2016

#### Accrual of MOU Leave for FY 2014-15 and FY 2015-16

Effective the later of September 1, 2014 or the first pay period following Council approval of this agreement, employees will accrue 2.66 hours of "MOU leave" per month for fiscal years 2014-15 and 2015-16. This accrual shall cease effective June 30, 2016.

The City will credit employees with the full fiscal year's accrual (up to 32 hours) on the first full pay period following July 1 of the fiscal year. The City will prorate this amount for employees hired after July 1 of the fiscal year or if the agreement takes effect partway through a fiscal year. Example 1: if the Council adopts this agreement prior to September 15, 2014, the City will credit all employees with 26 hours of MOU Leave (2.6 hours times ten months) effective the next pay period. Example 2: if Employee is hired on January 1, 2015, the City will credit Employee with 16 hours of MOU leave (2.6 hours times six months) in the first full pay period following his or her appointment.

#### Additional Accrual for Fiscal Year 2014-15

If BDA ratifies this agreement prior to September 15, 2014, the City will credit all bargaining unit members with an additional 5.33 hours of MOU Leave effective the next pay period for a total of 32 hours for the fiscal year.

#### Use of MOU Leave

Use of MOU Leave will be subject to the same restrictions as vacation leave (e.g., pre-approval by supervisor).

#### Payout of MOU Leave

If any employee has not used his or her MOU leave by June 30 of the fiscal year in which it has been accrued, any remaining balance will be paid out at the employee's regular rate of pay. MOU leave is not carried forward into the next fiscal year.

#### Sunset

MOU leave sunsets June 30, 2016.

## II. Holiday Closure 2014/2015/2016 – Sunsets on June 30, 2017

The City agrees to the December holiday leave for 2014, 2015 and 2016, equivalent to four (4) days for each year. This holiday leave will be non-precedent setting, with the purpose of recognizing the cooperation of BDA in negotiating a three-year agreement. The City will determine whether to institute a holiday closure for 2014, 2015 and 2016. For employees scheduled to work during the holiday closure, the City will provide them with the equivalent leave hours to be taken any time during the remainder of the fiscal year for which the leave was allotted. There will be no city manager days conferred during this time.

## III. Medical Contributions

City contribution per month as follows:

### 2014/2015

Employee:	\$642
Employee plus One:	\$1294
Family:	\$1730.20

### 2015/2016

Employee:	\$662
Employee plus One:	\$1344
Family:	\$1805.20

### 2016/2017

Employee:	\$682
Employee plus One:	\$1385
Family:	\$1880.20

If the Kaiser rate for fiscal year 2016/17 increases by more than 11% over the 15/16 rates, the City and BDA agree to reopen and discuss the Kaiser rates and contribution structure.

## IV. Salary

Effective July 1, 2016, each step of the salary range for each classification in this unit shall be increased by 1%\*

Effective January 1, 2017, each step of the salary range for each classification in this unit shall be increased by 1%\*

\*Effective July 1, 2016, BDA will apply the above referenced salary increases towards reducing their additional health deduction.

V. Solo Dispatch:

The City agrees to change the current MOU provision of \$40.00 per 4 hours to \$10.00 per hour.

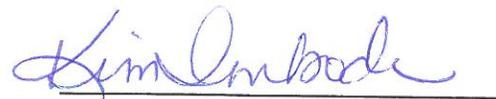
VI. On-Call

The City agrees to pay employees ten dollars (\$10.00) per day when on-call.

VII. Language clean-up

The parties agree to finalize MOU non-substantive changes and remove or update out-dated language as soon as possible for sections including: Retirement (incorporate PEPR language), comp time maximum comp time accrual, and language change throughout MOU of supervisor to lead.

  
\_\_\_\_\_  
For the BDA  
Date: 8/28/14

  
\_\_\_\_\_  
For the City  
Date 8/28/14



**AGENDA ITEM**  
**CITY COUNCIL MEETING DATE - SEPTEMBER 2, 2014**  
**BUSINESS ITEMS**

**DATE** : August 13, 2014

**TO** : City Council

**FROM** : City Attorney

**SUBJECT** : **CANDIDATE FORUM 2014 AND REVIEW OF BENICIA MUNICIPAL CODE 1.42.110 (CANDIDATE FORUM)**

**RECOMMENDATION:**

Consider cancellation of the Open Government Candidate Forum and provide direction on the recommendations by the Open Government Commission for forums in this and future years.

**EXECUTIVE SUMMARY:**

The Open Government Commission met with a representative from the League of Women Voters about holding their annual Candidate Forum and the League's debate. While the Commission recommended canceling this year's Forum as the incumbent council members are running unopposed, the Commission suggests the Council discuss the format of the Forum including the date, inclusion of a ballot measures debate, and the possibility of combining efforts with the League of Women Voters.

**BUDGET INFORMATION:**

N/A

**BACKGROUND:**

A Candidate Forum is sponsored each election year by the Open Government Commission on the Friday, Saturday, or Sunday before general election for all candidates for city council or mayor. BMC 1.42.110 (Candidate Forum) states, "The questions shall relate to last minute "hit pieces," and will allow candidates the opportunity to respond to inflammatory statements and misinformation. All questions asked shall be selected from questions submitted by residents of, and nonprofit organizations and business entities located in, the city of Benicia." This forum provides a good opportunity for voters to come out and hear from the candidates on their positions right before the election.

At the August 11, 2014 meeting of the Open Government Commission, the Commission discussed the Candidate Forum scheduled for this year in November and met with Belinda Smith, representative of the League of Women

Voters, for a collaboration of ideas as the League holds a similar candidate forum each year. The Commission recommends that the Council review and discuss the positions for three possible changes to the traditional format of the forum.

1. Date: As stated in BMC 1.42.110 the Candidate Forum must be held the Friday, Saturday, or Sunday immediately prior to the election. This was established to allow a place to address last minute "hit pieces" that could not be rebutted with a mailer or other traditional media and to address last minute funding for the campaigns that could cause a candidate to change positions on a matter. Holding the forum as close to the voting date as possible has, in the past, served to allow voters to question the candidates one last time on their positions on important topics and respond to any "hit pieces."

The Open Government Commission recommends that the date of the forum be moved several weeks earlier based on statistics about vote by mail ballots. Ms. Smith provided the following statistics. Currently there are 17,451 registered voters in the City, 57% of which are registered to vote by mail; that is 9,960 voters. In previous election years, the statistics for the number of votes actually received shows an even greater percentage of votes coming in by mail. In 2009, 70% of votes were received by mail and 30% were from in person voters. In 2011, 69% votes were by mail and 31% were in person. These numbers reflect that voters registered to vote by mail are also more likely to vote in general than voters who intend to vote in person. Voters who mail in their votes, must mail them prior to the election date and in many cases make their decisions quite early. A candidate forum that occurs immediately before the election does not reach this large percent of voters.

2. Combine with the League of Women's Voters: The Open Government Commission has considered combining forces with the League of Women Voters in order to host the forum. There are several advantages that this would bring to both parties. The two events, but especially the League's forum draws a large crowd of both voters and supporters of candidates. Over the years, it has become increasingly more expensive for the League of Women's Voters to sponsor their event especially with building rental, recording equipment, and insurance costs all adding into it. The Commission and the League would mutually benefit from shared event cost, collaboration of ideas and promotion of the forum, as well as drawing the crowds together. The League prefers to hold their forum in early October before the election in an effort to reach citizens who vote, so Council's discussion on the date of the Open Government Forum may effect approval on combining forums. This election, the League is proposing to hold their debate on October 11.

There is a difference in styles between the Open Government Commission's event and the League's. The Open Government Commission's event is a forum and the League's is a debate. Some details would need to be worked out if the events are combined.

3. Ballot Measures: In addition to holding a forum for city official candidates, the League of Woman Voters routinely holds forums for school board candidates and include speakers on the ballot measures. While the City should remain uninvolved in School District related matters as BUSD is a separate agency, the Commission would like to propose including ballot measures in the Candidate Forum. Whether or not the Commission combines efforts with the League, the inclusion of ballot measures in the forum discussions would be highly beneficial for public information. The Commission proposes asking neutral parties to present the arguments both in favor of and opposing the proposed ballot measures. Particular care would need to be taken so that the City is not seen as spending money on advocating a particular position on a ballot measure.

There are several options for adding ballot measures to the forum. The first is to add these presentations on the ballot measures to the regular Candidate Forum as the voting on the measures will occur during the voting for the election of these candidates. Another option would be to conduct a separate Ballot Measure Forum. This option may be ideal if adding the ballot measures to the regular forum will make the forum too long.

While the Open Government Commission recommends canceling the Candidate Forum 2014 since the incumbent council members are running unopposed, discussion in favor of adding ballot measures to the forum may be a cause to reconsider holding this year's forum for this purpose.

