



**BENICIA CITY COUNCIL
REGULAR MEETING AGENDA**

**City Council Chambers
September 18, 2012
7:00 PM**

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

Please Note:

**Regardless of whether there is a Closed Session scheduled for 6:30 pm,
the open session will begin at 7:00 pm.**

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

II. CLOSED SESSION (6:30PM):

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

Agency negotiators: City Manager, Administrative Services Director

Employee organizations: Benicia Firefighters Association (BFA)

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

A. ROLL CALL.

B. PLEDGE OF ALLEGIANCE.

C. REFERENCE TO THE FUNDAMENTAL RIGHTS OF PUBLIC.

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

IV. ANNOUNCEMENTS/APPOINTMENTS/PRESENTATIONS/PROCLAMATIONS:

A. ANNOUNCEMENTS.

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

2. Openings on Boards and Commissions:

Building Board of Appeals

1 full term

Open Until Filled

SolTrans Public Advisory Committee

1 full term

Open Until Filled

Historic Preservation Review Commission

1 full term

Open Until Filled

Art and Culture Commission

2 unexpired terms

Open Until Filled

3. Mayor's Office Hours:

Mayor Patterson will not be available for office hours on Monday, September 17th, 2012.

Mayor Patterson's regular open office hours will resume on Monday, September 24, 2012 in the Mayor's Office of City Hall from 6:00 p.m. to 7:00 p.m. No appointment is necessary. Other meeting times may be scheduled through the City Hall office at 746-4200.

4. Benicia Arsenal Update:

B. APPOINTMENTS.

1. Appointment of Ariana Chaney as the Youth Commissioner to the Parks, Recreation and Cemetery Commission.

C. PRESENTATIONS.

D. PROCLAMATIONS.

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 (7:20 PM):

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

A. APPROVAL OF MINUTES OF THE AUGUST 21, 2012, THE AUGUST 28, 2012 AND THE SEPTEMBER 4, 2012 MEETINGS. (City Clerk).

B. APPROVAL OF A CONTRACT AMENDMENT FOR BUILDING OFFICIAL, PLAN REVIEW AND INSPECTION SERVICES. (Community Development Director)

Bureau Veritas has been providing contract assistance to the Building Division for eight years, including a Building Official 14 hours per week since January 2012. Division staff currently consists of one full-time inspector and a technician shared with the Planning Division (compared to 3 full-time employees in 2010). Following a competitive request for proposals process, Bureau Veritas has proposed a new rate structure that will increase the on-site presence of a Building Official (who can also perform inspections) from 14 to 20 hours per week, which is essential to the City's ability to continue to provide daily counter service and next-day inspections, for the same not-to-exceed cost of \$75,000 per year. The cost is fully recovered through fees. The contractor will also be able to review building plans and perform inspections as needed during the expanded 20 hours per week.

Recommendation: Adopt a resolution approving a contract amendment not-to-exceed \$75,000 per fiscal year with Bureau Veritas, North America, Inc., for Building Official, plan review, and building inspection services, and authorize the City Manager to execute the contract amendment on behalf of the City.

C. ACCEPTANCE OF THE CLEARWELL COATING IMPROVEMENT PROJECT. (Public Works Director)

This utility funded project replaced the liner of the Water Treatment Plant's 3 million gallon Clearwell Tank, which temporarily stores treated water before it is released into the distribution system. The last step of the project requires formal acceptance by the City Council and filing of the Notice of Completion by the City Clerk, which allows the City to process the final payment to the contractor. The final construction cost is \$658,685.78, which includes Change Order Nos. 1 through 8.

Recommendation: Adopt a resolution accepting the Clearwell Coating Improvement Project as complete, including approval of Change Order Nos. 1 through 8, authorizing the City Manager to sign the Notice of Completion and authorizing the City Clerk to file same with the Solano County Recorder.

D. SECOND READING OF A ZONING ORDINANCE AMENDMENT TO REMOVE REMNANT REFERENCES TO THE FORMER DOWNTOWN COMMERCIAL ZONING DISTRICT. (Community Development Director)

In May 2007, the City Council adopted Ordinance No. 07-12, which established regulations for Formula Businesses. Subsequently the City Council adopted the Downtown Mixed Use Master Plan (DMUMP) in September 2007, which updated the standards and regulations in the downtown area. Implementation of the DMUMP resulted in rezoning most of Downtown including the First Street corridor. This rezoning replaced the Downtown Commercial (CD) zoning district, thus eliminating its presence within Title 17. At the time of adoption, the Zoning Ordinance was amended to reflect these changes; however, a reference to the CD zoning district in Section 17.70.350 Formula Business was mistakenly not removed. The purpose of this text amendment is to remove this obsolete regulation pertaining to the CD zoning district and instead reference the DMUMP, which now regulates this area of the City.

Recommendation: Adopt an ordinance to amend Benicia Municipal Code Section 17.70.350 to remove remnant standards and regulations pertaining to the former Downtown Commercial (CD) zoning district and instead properly reference the Downtown Mixed Use Master Plan.

E. ACCEPTANCE OF THE BENICIA COMMUNITY CENTER PROJECT, INCLUDING CHANGE ORDERS. (Parks and Community Services Director)

The Benicia Community Center project was a renovation of the interior and exterior of the building and was completed in June of 2011. The work to perform this project has been completed to the satisfaction of City staff.

To complete the construction phase of the project it was necessary to move forward with additional change orders. The total cost of the changes orders is \$91,637. These change orders were previously approved in accordance with City policy, Administrative Instructions No. 18. These appropriations will leave a contingency fund balance of \$19,192.

Recommendation: Adopt a resolution accepting the rehabilitation project for Benicia Community Center at 370 East "L" Street, including final change orders, as complete, authorizing the City Manager to sign the Notice of Completion, and authorizing the City Clerk to file said notice with the Solano County Recorder.

F. REVIEW AND ACCEPTANCE OF THE INVESTMENT REPORT FOR THE QUARTER ENDED JUNE 30, 2012. (Finance Director)

The investment portfolio is in compliance with the City's Investment Policy and California Law. Additionally, the City has adequate investments to meet its expenditure needs for the next six months. The Finance Committee has reviewed and accepted this report.

Recommendation: Accept, by motion, the Investment Report for the quarter ended June 30, 2012.

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

VIII. BUSINESS ITEMS (7:30 PM):

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

A. FISCAL YEAR 2011-12 ANNUAL ACCOUNTING OF VALERO/GOOD NEIGHBOR STEERING COMMITTEE SETTLEMENT AGREEMENT FUND EXPENDITURES. (Community Development Director)

Section 6 of the 2010 Valero/Good Neighbor Steering Committee (GNSC) Amendment to the 2008 VIP Agreement (together, "Agreement") calls for delivery to Valero, GNSC and the Community Sustainability Commission (CSC) of an annual tally of expenditures for the prior fiscal year. That section of the Agreement also calls for reporting those expenditures at a regular City Council meeting within 60 days. All fund expenditures are separately brought to the Council for action. Staff is meeting with GNSC prior to the Council meeting to address comments from GNSC. These comments should not delay Council acceptance of the accounting as it is strictly an informational item, and staff will provide an update, if any, based on the discussion with GNSC.

Recommendation: Receive information in the form of the FY 2011-12 Valero/Good Neighbor Steering Committee Settlement Agreement Fund annual accounting.

B. ALLOCATION OF \$9,000 OF VALERO/GOOD NEIGHBOR STEERING COMMITTEE SETTLEMENT AGREEMENT FUNDS FOR A FALL 2012 OR SPRING 2013 WORKSHOP SERIES TO BE FACILITATED BY DOMINICAN UNIVERSITY. (Community Development Director)

In 2011, Dominican University presented a series of 6 seminars focused on Green Business. CSC and Dominican propose to continue the series. Benicia commercial and industrial representatives could continue to attend the seminars taught by Dominican faculty to deepen their knowledge of sustainable business practices and opportunities.

Recommendation: Adopt a resolution approving the Community Sustainability Commission (CSC) recommendation to allocate \$9,000 in Valero/Good Neighbor Steering Committee Settlement Agreement funds for a Fall 2012 or Spring 2013 Workshop Series to be facilitated by Dominican University.

C. FILLING THE VACANCY IN THE OFFICE OF THE CITY TREASURER. (City Attorney)

Due to the recent passing of City Treasurer Bob Langston, the City Council must decide how to fill the vacancy in the office of city treasurer. The Government Code provides that the City Council may fill the vacancy in the office of city treasurer by either appointing someone to the office or calling a special election to fill the office.

Recommendation: Either approve, by resolution, an appointment process or call, by resolution, a special election to fill the vacancy in the office of city treasurer.

**D. 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: October 17, 2012**
- 2. Association of Bay Area Governments (ABAG).
<http://www.abag.ca.gov/>
(Mayor Patterson and Council Member Strawbridge)
Next Meeting Date: October 18, 2012**
- 3. Finance Committee.
(Vice Mayor Campbell and Council Member Strawbridge)
Next Meeting Date: September 28, 2012**
- 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 13, 2012**
- 6. Sky Valley Open Space Committee.
(Vice Mayor Campbell and Council Member Schwartzman)
Next Meeting Date: November 7, 2012**
- 7. Solano EDC Board of Directors.
(Mayor Patterson and Council Member Strawbridge)
Next Meeting Date: September 19, 2012**
- 8. Solano Transportation Authority (STA).
<http://www.sta.ca.gov/>
(Mayor Patterson and Council Member Schwartzman)
Next Meeting Date: TBD**

9. **Solano Water Authority-Solano County Water Agency and Delta Committee.**
<http://www.scwa2.com/>
 (Mayor Patterson and Vice Mayor Schwartzman)
 Next Meeting Date: October 11, 2012
10. **Traffic, Pedestrian and Bicycle Safety Committee.**
 (Vice Mayor Campbell and Council Member Schwartzman)
 Next Meeting Date: October 18, 2012
11. **Tri-City and County Cooperative Planning Group.**
 (Vice Mayor Campbell and Council Member Hughes)
 Next Meeting Date: December 10, 2012
12. **Valero Community Advisory Panel (CAP).**
 (Mayor Patterson and Council Member Hughes)
 Next Meeting Date: October 10, 2012
13. **Youth Action Coalition.**
 (Mayor Patterson, Council Member Strawbridge and Council Member Hughes)
 Next Meeting Date: September 26, 2012
14. **ABAG-CAL FED Task Force-Bay Area Water Forum.**
<http://www.baywaterforum.org/>
 (Mayor Patterson)
 Next Meeting Date: TBD
15. **SOLTRANS Joint Powers Authority**
 (Mayor Patterson, Council Member Hughes and Council Member Schwartzman)
 Next Meeting Date: September 20, 2012

IX. ADJOURNMENT (10:00 PM):

Public Participation

The Benicia City Council welcomes public participation.

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

raised during the public comment period although informational answers to questions may be given and matters may be referred to staff for placement on a future agenda of the City Council.

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

Disabled Access or special Needs

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

Meeting Procedures

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

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

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

Public Records

The agenda packet for this meeting is available at the City Manager's Office and the Benicia Public Library during regular working hours. To the extent feasible, the packet is also available on the City's web page at www.ci.benicia.ca.us under the heading "Agendas and Minutes." Public records related to an open session agenda item that are distributed after the agenda packet is prepared are available before the meeting at the City Manager's Office located at 250 East L Street, Benicia, or at the meeting held in

the Council Chambers. If you wish to submit written information on an agenda item, please submit to the City Clerk as soon as possible so that it may be distributed to the City Council. A complete proceeding of each meeting is also recorded and available through the City Clerks Office.

RESOLUTION NO. 12-

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

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

* * * * *

The above Resolution was approved by roll call by the City Council of the City of Benicia at a regular meeting of said Council held on the 18th day of September 2012 and adopted by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk



Parks and Community Services

MEMORANDUM

DATE: September 6, 2012

TO: Brad Kilger
City Manager

FROM: Michael Dotson
Director of Parks and Community Services

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

Per the Youth Commission By Laws, the Youth Commission shall elect from its membership a Chairperson to serve for a one (1) year term and recommend to the Mayor the appointment of the Chairperson to serve as a voting member on the Parks, Recreation & Cemetery Commission. In September 2012 the Youth Commission elected Ariana Chaney chairperson for the 2012/13 Youth Commission term. Provided below is a bio on Ariana Chaney.

Ariana began her senior year at Benicia High School this fall, where she will juggle a strong academic schedule complete with AP classes, math and science, along with extracurricular activities, such as soccer and dance.

During 2012, Ariana volunteered her time at Tony LaRussa's Animal Rescue Foundation, St. Helena Hospital in their "Follow a Nurse" Program, and as an assistant coach in the Top Soccer Program. Ariana began her role as volunteer the summer before she started 7th grade. She started at the Animal Rescue Foundation and continued services for almost 5 years. She recently left to pursue a role at St. Helena Hospital through their "Follow a Nurse" Program, where she hopes to gain experience beneficial to her life's career goal... to become nurse with a 4 year BSN degree. She has enjoyed coaching soccer for mentally and physically challenged kids in Benicia's Top Soccer Program for the past 4 years. Community Service has been a big part of her life.

Benicia Youth Commission is perfect for Ariana, as she is excited for the opportunity to have a hand in evolving the community. In the time she has been in BYC she has volunteered for the Clock Tower dances, The Princess Project, and the Run for Education. As Commission Chair, Ariana's main goal is to

continue to have one or more projects and/or events per month. Some of the service projects/events she is particularly interested in are Adopt a Family and Red Ribbon Week.

Please ask the Mayor to consider this nomination for the Council meeting scheduled for September 18, 2012.

MINUTES OF THE
REGULAR MEETING – CITY COUNCIL
August 21, 2012

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

I. CALL TO ORDER:

Mayor Patterson called the meeting to order at 7:00 p.m.

II. CLOSED SESSION:

III. CONVENE OPEN SESSION:

A. ROLL CALL

All Council Members were present.

B. PLEDGE OF ALLEGIANCE

Larry Fullington led the Pledge of Allegiance.

C. REFERENCE TO THE FUNDAMENTAL RIGHTS OF PUBLIC

IV. ANNOUNCEMENTS/APPOINTMENTS/PRESENTATIONS/PROCLAMATIONS:

A. ANNOUNCEMENTS

1. Announcement of action taken at Closed Session, if any.
2. Openings on Boards and Commissions:

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

Building Board of Appeals
2 full terms
Open Until Filled

SolTrans Public Advisory Committee
1 full term
Open Until Filled

Benicia Community Sustainability Commission
1 unexpired term
Open Until Filled

Open Government Commission
1 unexpired term
Open Until Filled

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

Economic Development Board
2 full terms
Open Until Filled

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

Historic Preservation Review Commission
2 full terms
Open Until Filled

Library Board of Trustees
1 full term
Open Until Filled

Art and Culture Commission
2 unexpired terms
Open Until Filled

Planning Commission
1 Full Term

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

3. Mayor's Office Hours

4. Benicia Arsenal Update:

Ms. McLaughlin reported that Staff was working on the insurance and setting up the working group.

B. APPOINTMENTS

C. PRESENTATIONS

D. PROCLAMATIONS

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

V. ADOPTION OF AGENDA:

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

Ayes: Patterson, Strawbridge, Schwartzman, Hughes, Campbell

Noes: (None)

VI. OPPORTUNITY FOR PUBLIC COMMENT:

A. WRITTEN COMMENT

Five items received (all relating to the California Desert Protection Act of 2011 – copies on file).

B. PUBLIC COMMENT

1. Ellen Kolowich - Ms. Kolowich discussed concerns regarding the recent announcement of the closure of Mike & Gayle’s restaurant. She discussed concerns regarding the landlord of the Southampton Shopping Center, and urged citizens to write letters to Weingarten Realty Management Company to state their concerns.
2. Leanne Cawley - Ms. Cawley discussed the upcoming Relay for Life event. She urged citizens to participate.
3. Larry Fullington - Mr. Fullington suggested the City look into using the underground tunnels along First Street as a tourism draw. He will work with the Historical Society and provide Council with a future update.
4. Marilyn Bardet - Ms. Bardet discussed a recent article written on Benicia. She discussed concerns regarding the recent fire at the Chevron refinery, and concerns regarding the need for an adequate air monitoring system in the City.
5. Constance Beutel – Ms. Beutel encouraged citizens to get involved and write

letters to the landlords of the Southampton Shopping Center, she discussed the success of National Night Out, and announced the upcoming symposium being sponsored by the Community Sustainability Commission

6. Elizabeth d'Huart – Ms. d'Huart announced the current and upcoming exhibits at the Benicia Historical Museum.

VII. CONSENT CALENDAR:

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

Ayes: Patterson, Strawbridge, Schwartzman, Hughes, Campbell

Noes: (None)

A. APPROVAL OF MINUTES OF THE REGULAR MEETINGS OF JUNE 26, 2012, JULY 17, 2012 AND JULY 24, 2012

On motion of Council Member Hughes, seconded by Council Member Strawbridge, Council approved the minutes of June 26, 2012, July 17, 2012, and July 24, 2012, on roll call by the following vote:

Ayes: Patterson, Strawbridge, Schwartzman, Hughes, Campbell

Noes: (None)

B. AMENDING THE CITY'S CONFLICT OF INTEREST CODE

RESOLUTION 12-97 - A RESOLUTION AMENDING THE CITY'S CONFLICT OF INTEREST CODE

On motion of Council Member Hughes, seconded by Council Member Strawbridge, Council adopted Resolution 12-97, on roll call by the following vote:

Ayes: Patterson, Strawbridge, Schwartzman, Hughes, Campbell

Noes: (None)

C. APPROVE THE HUMAN RESOURCES ANALYST I/II JOB DESCRIPTION

RESOLUTION 12-98 - A RESOLUTION APPROVING THE HUMAN RESOURCES ANALYST I/II JOB DESCRIPTION AND AMENDING THE CITY'S CLASSIFICATION PLAN TO ADD THE POSITION

On motion of Council Member Hughes, seconded by Council Member Strawbridge, Council adopted Resolution 12-98, on roll call by the following vote:

Ayes: Patterson, Strawbridge, Schwartzman, Hughes, Campbell

Noes: (None)

D. APPROVAL OF A CONTRACT AMENDMENT FOR RENNE SLOAN HOLTZMAN SAKAI, LLP

RESOLUTION 12-99 - A RESOLUTION APPROVING THE CONTRACT AMENDMENT IN THE AMOUNT OF \$50,000 WITH RENNE SLOAN HOLTZMAN SAKAI, LLP, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY

On motion of Council Member Hughes, seconded by Council Member Strawbridge, Council adopted Resolution 12-99, on roll call by the following vote:
Ayes: Patterson, Strawbridge, Schwartzman, Hughes, Campbell
Noes: (None)

E. AUTHORIZE PURCHASE OF REPLACEMENT HYDRAULIC RESCUE TOOLS

RESOLUTION 12-100 - A RESOLUTION AUTHORIZING THE PURCHASE OF REPLACEMENT HYDRAULIC RESCUE TOOLS UTILIZING EQUIPMENT REPLACEMENT FUNDS

On motion of Council Member Hughes, seconded by Council Member Strawbridge, Council adopted Resolution 12-100, on roll call by the following vote:
Ayes: Patterson, Strawbridge, Schwartzman, Hughes, Campbell
Noes: (None)

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

ORDINANCE 12-3 - AN ORDINANCE AMENDING CHAPTER 2.108 (COMMUNITY SUSTAINABILITY COMMISSION) OF TITLE 2 (ADMINISTRATION AND PERSONNEL) OF THE BENICIA MUNICIPAL CODE

On motion of Council Member Hughes, seconded by Council Member Strawbridge, Council adopted Ordinance 12-3, on roll call by the following vote:
Ayes: Patterson, Strawbridge, Schwartzman, Hughes, Campbell
Noes: (None)

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

RESOLUTION 12-101 - A RESOLUTION APPROVING CONTRACT EXTENSION AGREEMENT TO THE JULY 1, 2010 TO OCTOBER 30, 2012 AGREEMENT WITH BENICIA PUBLIC SERVICE EMPLOYEES ASSOCIATION (BPSEA) PART-TIME UNIT

On motion of Council Member Hughes, seconded by Council Member Strawbridge, Council adopted Resolution 12-101, on roll call by the following vote:

Ayes: Patterson, Strawbridge, Schwartzman, Hughes, Campbell

Noes: (None)

- H. APPROVAL OF AGREEMENT FOR TRANSPORTATION AND DISPOSAL OF WASTEWATER TREATMENT PLANT SLUDGE**

RESOLUTION 12-102 - A RESOLUTION ACCEPTING A PROPOSAL FOR TRANSPORTATION AND DISPOSAL OF SLUDGE FROM THE WASTEWATER TREATMENT PLANT, APPROVING THE AGREEMENT WITH RECOLOGY VACAVILLE SOLANO IN THE AMOUNT OF \$75 PER TON, AND AUTHORIZING THE CITY MANAGER TO SIGN THE AGREEMENT ON BEHALF OF THE CITY

On motion of Council Member Hughes, seconded by Council Member Strawbridge, Council adopted Resolution 12-102, on roll call by the following vote:

Ayes: Patterson, Strawbridge, Schwartzman, Hughes, Campbell

Noes: (None)

- I. AUTHORIZE PURCHASE OF MICROSOFT OFFICE 2010 FOR CITYWIDE UPGRADE**

RESOLUTION 12-103 - A RESOLUTION APPROVING THE PURCHASE OF MICROSOFT OFFICE 2010 FOR A CITY-WIDE UPGRADE

On motion of Council Member Hughes, seconded by Council Member Strawbridge, Council adopted Resolution 12-103, on roll call by the following vote:

Ayes: Patterson, Strawbridge, Schwartzman, Hughes, Campbell

Noes: (None)

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

VIII. BUSINESS ITEMS:

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

ORDINANCE 12-4 - AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY COUNCIL AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM

Public Comment:

None

On motion of Council Member Schwartzman, seconded by Council Member Hughes, Council adopted Ordinance 12-4, on roll call by the following vote:
Ayes: Patterson, Strawbridge, Schwartzman, Hughes, Campbell
Noes: (None)

- B. AMENDING THE MASTER FEE SCHEDULE TO INCREASE FIRE DEPARTMENT SERVICE FEES**

RESOLUTION 12-104 - A RESOLUTION AUTHORIZING THE AMENDMENT OF THE MASTER FEE SCHEDULE TO INCREASE FIRE DEPARTMENT SERVICE FEES

Council Member Hughes and Staff discussed who was currently paying the fees (commercial occupancy – majority by business in the Industrial Park) and how many permits are issued on an annual basis (approximately 500).

Public Comment:

None

On motion of Council Member Hughes, seconded by Council Member Schwartzman, Council adopted Resolution 12-104, on roll call by the following vote:
Ayes: Patterson, Strawbridge, Schwartzman, Hughes, Campbell
Noes: (None)

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

Mario Giuliani, Economic Development Manager, reviewed the staff report.

Public Comment:

1. Bob Berman – Mr. Berman discussed the staff recommendations. He supported Staff's recommendations. He discussed concerns regarding the park being abandoned, the recent fire, and the lack of cleanup in the park. He asked that City Staff ensure that the park is maintained by the State of California staff the way they are required to maintain it.

Mayor Patterson summarized by stating that closure of the park was not an option. She directed Staff to further define 'termination' in the agreement (to be negotiated with the State. She clarified that it had been noted previously that it is touch and go with the issue of the State's management and maintenance of the recreation area (The issues of trash, watering, etc. need to be clarified with the State).

Mr. Kilger discussed the issues of maintenance of the park. Staff will look into the issues further and will get back to Council and advise accordingly.

Council Member Strawbridge discussed the need to have a long-term solution for the park. She discussed the need to form a task force to address the long-term issues.

Mayor Patterson clarified that not all the money found by the State could be used for the parks. Some of the funds were restricted. However, she fully supported the League's audit of the funds. She wanted to ensure that a portion of the available \$20 million would be made available for the two State Parks in Benicia.

Mayor Patterson and Staff discussed the makeup of the ad-hoc committee that was being proposed.

Council Member Schwartzman made a motion to approve the revisions to the agreement, as amended (further definition of the term 'termination'). Ms. McLaughlin requested that Council add 'authorize the City Manager to execute the agreement, subject to the minor changes approved by the City Attorney.' Council confirmed that was acceptable.

Mayor Patterson clarified that the direction to Council was consideration of establishing an ad-hoc subcommittee consisting of the mayor and a council member. Council Member Strawbridge volunteered to serve on the committee with Mayor Patterson.

Vice Mayor Campbell inquired whether there would be a local subcommittee and a regional subcommittee. Mr. Kilger clarified that Council previously encouraged regional involvement. It has been clear from our legislators that the City gets as much regional support as it could. This was not just about Benicia, but also about Solano County. Two council members would work directly with Staff to develop an approach to getting regional support.

On motion of Council Member Schwartzman, seconded by Council Member Hughes, Council approved the revisions to a donor agreement between the City of Benicia and the State of California to support key services at the Benicia State Recreation Area, as amended, 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 Staff and Council supported resolution #'s 1, 2, and 5. She suggested voting on support for those resolutions, then discussing and voting on resolutions 3 and 4.

Public Comment:

None

Mr. Kilger reviewed resolution #4 (California Desert Protection Act).

Mayor Patterson discussed property she owned in Desert Hot Springs. She asked Ms. McLaughlin if she had a conflict of interest on this item. After clarification, Ms. McLaughlin confirmed she was not conflicted out on this item.

Council Member Schwartzman and Staff clarified that Staff was supporting the opposition to the California Dessert Protection Act.

Mayor Patterson discussed the additional handouts that were received on the California Desert Protection Act, and wondered if it should be considered as additional substantial materials, and whether the item should be continued. Council confirmed they all had a chance to read through the handouts, and did not need to continue the item.

Council Member Hughes discussed concern regarding the California Desert Protection Act being overreaching.

Council Member Schwartzman discussed whether a 'no position' would be a better way to go with this resolution.

Public Comment:

1. Constance Beutel – Ms. Beutel expressed concern regarding not protecting the dessert resources. Mayor Patterson clarified what the intent of the resolution was.

Vice Mayor Campbell and Mayor Patterson discussed the water bank in the desert.

Council Member Strawbridge discussed concern regarding the proponent of the resolution (Needles, CA.), and the list of supporters of the resolution. She was concerned the resolution was political in nature. She was not sure it was something the City of Benicia needed to get involved with.

Vice Mayor Campbell made a motion to take 'no position' on this item, which was seconded by Council Member Schwartzman.

Council Member Schwartzman discussed his support for not taking a position on this item. There is not enough information on this item.

Mr. Kilger reviewed resolution #5 (AB32).

Public Comment:

1. Constance Beutel – Ms. Beutel recommended the City oppose the resolution to undo AB32.

Mayor Patterson discussed support opposing the resolution.

Council Member Hughes discussed support for taking 'no position' on this resolution.

Council Member Strawbridge discussed support for taking 'no position' on this item.

Mayor Patterson asked for a motion to oppose this resolution. Vice Mayor Campbell made a motion to oppose this resolution, which was seconded by Mayor Patterson.

On motion of Council Member Hughes, seconded by Council Member Strawbridge, Council voted to support League of California Cities resolution #'s 1, 2, and 5, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, Strawbridge

Noes: (None)

On motion of Vice Mayor Campbell, seconded by Council Member Schwartzman, Council voted to take 'no position' on League of California Cities resolution #3, on roll call by the following vote:

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

On motion of Vice Mayor Campbell, seconded by Mayor Patterson, Council voted to oppose League of California Cities resolution #4, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell
Noes: Hughes, Strawbridge

E. Council Member Committee Reports:

- 1. Mayor's Committee Meeting.
(Mayor Patterson)
Next Meeting Date: September 19, 2012**
- 2. Association of Bay Area Governments
(ABAG) <http://www.abag.ca.gov/>.
(Mayor Patterson and Council Member Strawbridge)
Next Meeting Date: Fall Assembly - October 18, 2012**
- 3. Finance Committee. (Vice Mayor Campbell and Council Member Strawbridge) Next Meeting Date: August 24, 2012**
- 4. League of California Cities. (Mayor Patterson and Vice Mayor Campbell) Next Meeting Date: Annual Conference - September 5-7, 2012**
- 5. School Liaison Committee. (Council Members Strawbridge and Council Member Hughes) Next Meeting Date: September 13, 2012**
- 6. Sky Valley Open Space Committee. (Vice Mayor Campbell and Council Member Schwartzman) Next Meeting Date: November 7, 2012**
- 7. Solano EDC Board of Directors. (Mayor Patterson and Council Member Strawbridge) Next Meeting Date: September 19, 2012**
- 8. Solano Transportation Authority (STA). <http://www.sta.ca.gov/>
(Mayor Patterson and Council Member Schwartzman) Next Meeting Date: September 12, 2012**
- 9. Solano Water Authority-Solano County Water Agency and Delta Committee. <http://www.scwa2.com/>(Mayor Patterson and Council**

Member Schwartzman) Next Meeting Date: September 13, 2012

- 10. Traffic, Pedestrian and Bicycle Safety Committee. (Vice Mayor Campbell and Council Member Schwartzman) Next Meeting Date: October 18, 2012**
- 11. Tri-City and County Regional Parks and Open Space. (Vice Mayor Campbell and Council Member Hughes) Next Meeting Date: September 10, 2012**
- 12. Valero Community Advisory Panel (CAP). (Mayor Patterson and Council Member Hughes) Next Meeting Date: October 10, 2012**
- 13. Youth Action Coalition. (Mayor Patterson, Council Member Strawbridge and Council Member Hughes) Next Meeting Date: August 22, 2012**
- 14. ABAG-CAL FED Task Force-Bay Area Water Forum. <http://www.baywaterforum.org/> (Mayor Patterson) Next Meeting Date: TBD**
- 15. SOLTRANS Joint Powers Authority (Mayor Patterson, Council Member Hughes and Council Member Schwartzman) Next Meeting Date: August 16, 2012**

IX. ADJOURNMENT:

Mayor Patterson adjourned the meeting at 8:51 p.m.

MINUTES OF THE
REGULAR MEETING – CITY COUNCIL
August 28, 2012

Benicia Community Center, 370 East L Street, complete proceedings of which are recorded on tape.

I. CALL TO ORDER:

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

II. CONVENE OPEN SESSION:

A. ROLL CALL

All Council Members were present.

B. PLEDGE OF ALLEGIANCE

Mayor Patterson led the Pledge of Allegiance.

C. REFERENCE TO THE FUNDAMENTAL RIGHTS OF THE PUBLIC

III. ADOPTION OF AGENDA:

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

Ayes: Patterson, Schwartzman, Campbell, Hughes, Strawbridge

Noes: (None)

IV. OPPORTUNITY FOR PUBLIC COMMENT:

A. WRITTEN COMMENT

None

B. PUBLIC COMMENT

None

V. STUDY SESSION:

A. STUDY SESSION ITEMS: 1) PRIORITIZATION OF POLICY ITEMS, 2) REVIEW STATUS OF PRIORITY PROJECTS AND 3) UPDATE ON BOARD & COMMISSION REVIEW

Council, Staff, and the public discussed the prioritization of policy items, reviewed the status of priority projects, and discussed the update on board and commission review. (For specific details, please review the audio file on the City's website.).

VI. ADJOURNMENT:

Mayor Patterson adjourned the meeting at 8:28 p.m. in honor of Robert Langston.

MINUTES OF THE
REGULAR MEETING – CITY COUNCIL
September 04, 2012

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

I. CALL TO ORDER:

Mayor Patterson called the meeting to order at 7:00 p.m.

II. CLOSED SESSION:

III. CONVENE OPEN SESSION:

A. ROLL CALL

All Council Members were present.

B. PLEDGE OF ALLEGIANCE

Larnie Fox led the Pledge of Allegiance.

C. REFERENCE TO THE FUNDAMENTAL RIGHTS OF THE PUBLIC.

IV. ANNOUNCEMENTS/APPOINTMENTS/PRESENTATIONS/PROCLAMATIONS:

A. ANNOUNCEMENTS

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

2. Openings on Boards and Commissions:

Building Board of Appeals 1 full term Open Until Filled

SolTrans Public Advisory Committee 1 full term Open Until Filled

Historic Preservation Review Commission 1 full term Open Until Filled

Art and Culture Commission 2 unexpired terms Open Until Filled

Planning Commission 1 Full Term Open Until Filled

3. Mayor's Office Hours:

4. Benicia Arsenal Update: Verbal Update

B. APPOINTMENTS

C. PRESENTATIONS

D. PROCLAMATIONS

1. In Recognition of International Literacy Day

V. ADOPTION OF AGENDA:

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

Ayes: Patterson, Strawbridge, Schwartzman, Campbell, Hughes

Noes: (None)

VI. OPPORTUNITY FOR PUBLIC COMMENT:

A. WRITTEN COMMENT

None

B. PUBLIC COMMENT

None

VII. CONSENT CALENDAR (7:30 PM):

Council pulled items VII.B, VII.C, and VII.D for discussion.

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

Ayes: Patterson, Strawbridge, Schwartzman, Campbell, Hughes

Noes: (None)

- A. Due to technical difficulties with the Sire Minutes Plus Software, the minutes from the August 21, 2012 meeting are not currently available. They should be on the next regular meeting agenda. (City Clerk)**

B. APPROVAL OF AN AMENDMENT TO A LEASE AGREEMENT FOR A WIRELESS COMMUNICATION FACILITY AT CITY RESERVOIR 1 SITE WITH STC FIVE, LLC

RESOLUTION 12-106 - A RESOLUTION APPROVING AN AMENDMENT TO THE LEASE AGREEMENT BETWEEN THE CITY OF BENICIA AND STC FIVE, LLC, A DELAWARE LIMITED LIABILITY COMPANY, FOR A WIRELESS COMMUNICATION FACILITY AT 1471 PARK ROAD, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AMENDMENT ON BEHALF OF THE CITY

Council Member Hughes and Staff discussed how the City knew whether this was a good lease agreement. They discussed whether Staff compared the agreement with other companies' agreements.

Public Comment

None

On motion of Council Member Strawbridge, seconded by Council Member Hughes, Council adopted Resolution 12-106, on roll call by the following vote:
Ayes: Patterson, Strawbridge, Schwartzman, Campbell, Hughes
Noes: (None)

C. SECOND READING OF ORDINANCE AMENDING MEETING LOCATION FOR REGULAR CITY COUNCIL MEETINGS

ORDINANCE 12-5 - AN ORDINANCE AMENDING SUBSECTION B OF SECTION 2.04.010 (MEETING TIME AND PLACE) OF CHAPTER 2.04 (CITY COUNCIL) OF TITLE 2 (ADMINISTRATION AND PERSONNEL) OF THE BENICIA MUNICIPAL CODE IS AMENDED TO DESIGNATE THE MEETING LOCATION FOR THE FOURTH TUESDAY REGULAR MEETINGS

Vice Mayor Campbell discussed concerns regarding the meetings not being recording, changing the priority lists, and the meetings not being as accessible to the public.

Council Member Schwartzman discussed concerns raised to him by citizens regarding the lack of internet broadcasting of the meeting. He and Staff discussed other broadcasting options Staff had looked into. Staff confirmed that Council Chambers is available on the fourth Tuesday.

Council Member Hughes discussed the informal atmosphere Council and Staff were trying to achieve with the workshops. He was not sure the low attendance of the last workshop was linked to the location, but rather the items on the agenda.

Mayor Patterson discussed support for the workshop setting. She suggested

giving it a 3-month trial period to see if the public could get used to it, or if the video recording could be worked out at the Community Center. If the kinks are not worked out in three months, Council could revisit returning to the Council chambers for the fourth Tuesday meeting.

Vice Mayor Campbell and Staff clarified that Council's Rules of Procedure didn't change, regardless of where the meeting was held.

Council Member Hughes discussed how nervous some people feel when they have to get up and speak at the podium. He felt the relaxed environment was more conducive to a workshop atmosphere. People are more likely to speak up and speak.

Public Comment:

1. Jon Van Landschoot - Mr. Van Landschoot spoke in favor of the fourth Tuesday (workshop) meetings being held at the Community Center.

Mayor Patterson directed Staff to pursue video recording options for the fourth Tuesday Council meetings, look into using BUSD boardroom, and add that a 3-month evaluation would be done on the use of the Community Center for the meetings.

On motion of Council Member Hughes, seconded by Council Member Strawbridge, Council adopted Ordinance 12-5, as amended, on roll call by the following vote:

Ayes: Patterson, Strawbridge, Schwartzman, Campbell, Hughes

Noes: (None)

D. DENIAL OF CLAIM AGAINST THE CITY BY BOBBY RICHARDSON AND REFERRAL TO INSURANCE CARRIER

Vice Mayor Campbell inquired what the City's rights were regarding frivolous lawsuits.

Public Comment:

None

Mayor Patterson discussed recent legislature that was passed that strengthens the ability to deal with so-called frivolous lawsuits. She requested the City Attorney report back to Council on that.

On motion of Vice Mayor Campbell, seconded by Council Member Hughes, Council approved the denial of claim against the City by Bobby Richardson, and referral to insurance carrier, on roll call by the following vote:

Ayes: Patterson, Strawbridge, Schwartzman, Campbell, Hughes

Noes: (None)

E. GRANTING SIGNATURE AUTHORITY TO SPECIFIED OFFICERS RELATED TO CITY BANK ACCOUNTS

RESOLUTION 12-105 - A RESOLUTION AUTHORIZING THE SIGNING AND ENDORSING OF CHECKS AND OTHER FINANCIAL INSTRUMENTS

On motion of Council Member Schwartzman, seconded by Council Member Hughes, Council adopted Resolution 12-105, on roll call by the following vote:
Ayes: Patterson, Strawbridge, Schwartzman, Campbell, Hughes
Noes: (None)

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

VIII. BUSINESS ITEMS:

A. INTRODUCTION OF A ZONING ORDINANCE AMENDMENT TO REMOVE REMNANT REFERENCES TO THE FORMER DOWNTOWN COMMERCIAL ZONING DISTRICT

ORDINANCE 12- - AN ORDINANCE AMENDING SECTION 17.70.350 (FORMULA BUSINESSES) OF CHAPTER 17.70 (SITE REGULATIONS), OF TITLE 17 (ZONING) OF THE BENICIA MUNICIPAL CODE TO UPDATE THE DEVELOPMENT STANDARDS AND REGULATIONS REFLECTING THE ELIMINATION OF THE CD DOWNTOWN COMMERCIAL ZONING DISTRICT WITH ADOPTION OF THE DOWNTOWN MIXED USE MASTER PLAN

Amy Million, Principal Planner, reviewed the staff report.

Council Member Schwartzman and Staff discussed the previously approved number of formula based businesses allowed, which he thought was 10, and whether the proposed amendment would change that number. Staff did not believe the limit was 10. It is limited to one formula based business per establishment.

Council Member Hughes and Staff discussed the issue of multiple (duplicate) businesses in one area; he thought the number was 12. He discussed concerns regarding possibly sending businesses away. Staff clarified how 'formula businesses' were defined (more than 4 in the Bay Area).

Ms. McLaughlin looked through the ordinance regarding formula based businesses, and did not see 10 or 12, but did see 4. The definition of a formula based business was if it has four or more establishments in the Bay Area (not Benicia). As Staff previously noted, the City could only have one of those

businesses in one establishment/area. She could go back and look at the original documentation to verify that.

Mr. Knox clarified that when the issue of formula based businesses was previously discussed, he remembered Council talking about 9 or 10, but decided not to put that number in the ordinance because it was felt at the time that by limiting it to no more than one in that area we would not get such proliferation. Also, at that time the discussion was surrounding 'how many total', then it was limited to the Downtown area.

Council Member Schwartzman asked for clarification that the proposed change to the code was only changing the formula based businesses aspect of the code, and that it was not changing the Downtown Mixed Use. Staff confirmed that was correct.

Public Comment:

None

Mayor Patterson requested Staff provide Council with the Planning Commission minutes. She expressed concern regarding the graphics in the staff report. She suggested Staff use PowerPoint presentations when detailed graphics are used.

Vice Mayor Campbell and Staff discussed whether various Council Members would be conflicted out on this item. Staff clarified that no Council Members would be conflicted out, as it was a technical change.

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

Ayes: Patterson, Strawbridge, Schwartzman, Campbell, Hughes

Noes: (None)

B. APPROVAL OF THE BENICIA PUBLIC ART PROGRAM PREPARED BY THE BENICIA ARTS AND CULTURE COMMISSION

RESOLUTION 12-107 – A RESOLUTION APPROVING THE BENICIA PUBLIC ART PROGRAM PREPARED BY THE BENICIA ARTS AND CULTURE COMMISSION

Dian Smikahl, Library Director, reviewed the staff report.

Mayor Patterson and Staff discussed that the direction was to approve this by motion, not resolution. What the process would be for identifying this in the future if the Council changes, and no one remembered? McLaughlin suggested passing this by resolution, and repeal Resolution 90-5. She could draft a resolution that Council could adopt tonight.

Council Member Strawbridge and Staff discussed the language 'may' as opposed to 'will' in the proposed document. They discussed development policy, permitting, etc. Mr. Knox suggested adding 'Staff and the commission will be available to assist the property owner.' He reviewed previous City Council minutes regarding public art in the Downtown area.

Mayor Patterson and Staff discussed the issue of public art with respect to the Harbor Walk Project.

Mr. Kilger discussed the need to flush out some more information regarding how the City treats private development and how those developments would participate in a public art program.

Council Member Hughes and Staff discussed concern regarding restricting what a business might consider as art. He suggested adding 'it will come to City Council for placement' to page VIII.B.20 – authorize the placement of art based on recommendations from the Arts & Culture Commission.

Vice Mayor Campbell and Staff confirmed that the action tonight had to be done by a resolution. Ms. McLaughlin suggested language for the resolution, which Council approved. Mr. Knox suggested referencing 16.32.120 in the resolution (second whereas).

Public Comment:

1. Larnie Fox, Arts Benicia - Mr. Fox spoke in support of the proposed resolution. He suggested the City look into the possibility of temporary public art. He offered Arts Benicia's assistance with this issue.
2. Mayor Patterson suggested adding the issue into the second whereas.
3. Patty Gavin, Benicia Arts & Culture Commission - Ms. Gavin thanked Staff and citizens for their efforts on this.
4. Jon Van Landschoot - Mr. Van Landschoot spoke in favor of the proposed resolution. He inquired when art could be considered as a sign. Staff discussed the need to adhere to size regulations with signs.

Mayor Patterson summarized by stating that the resolution would be replacing the existing resolution, the details were outlined by Staff, with several whereas which include elements of the General Plan, the Strategic Plan, previously adopted resolution, existing ordinance, advice from the Benicia Arts and Culture Commission (its recommendations), and Staff would be adding language in the resolution that deals with temporary art, and the placement of the art. She clarified that the fee issue would not be included, as it was not part of the discussion. Ms. McLaughlin clarified that the last two items would go in the policy, not the resolution.

Mr. Kilger clarified that regarding the question of the fee issue, Staff would

evaluate its current work list and develop a project description, and it would look at how the City would develop impact fees, and bring it back to Council. Staff would work with the Arts and Culture Commission on the issue.

On motion of Council Member Strawbridge, seconded by Council Member Hughes, Council adopted Resolution 12-107, on roll call by the following vote:
Ayes: Patterson, Strawbridge, Schwartzman, Campbell, Hughes
Noes: (None)

IX. ADJOURNMENT:

Mayor Patterson adjourned the meeting at 8:14 p.m.

AGENDA ITEM
CITY COUNCIL MEETING DATE - SEPTEMBER 18, 2012
CONSENT CALENDAR

DATE : August 29, 2012

TO : City Manager

FROM : Community Development Director

SUBJECT : **APPROVAL OF A CONTRACT AMENDMENT FOR BUILDING OFFICIAL, PLAN REVIEW AND INSPECTION SERVICES**

RECOMMENDATION:

Adopt a resolution approving a contract amendment not-to-exceed \$75,000 per fiscal year with Bureau Veritas, North America, Inc., for Building Official, plan review, and building inspection services, and authorize the City Manager to execute the contract amendment on behalf of the City.

EXECUTIVE SUMMARY:

Bureau Veritas has been providing contract assistance to the Building Division for eight years, including a Building Official 14 hours per week since January 2012. Division staff currently consists of one full-time inspector and a technician shared with the Planning Division (compared to 3 full-time employees in 2010). Following a competitive request for proposals process, Bureau Veritas has proposed a new rate structure that will increase the on-site presence of a Building Official (who can also perform inspections) from 14 to 20 hours per week, which is essential to the City's ability to continue to provide daily counter service and next-day inspections, for the same not-to-exceed cost of \$75,000 per year. The cost is fully recovered through fees. The contractor will also be able to review building plans and perform inspections as needed during the expanded 20 hours per week.

BUDGET INFORMATION:

The Council-approved FY 2011-13 Building Division budget includes \$75,000 in General Fund monies for each fiscal year for contract Building Official, plan review and inspection services (Account No. 010-4205-8106). A full-time building official would require approximately \$145,000 in total compensation from the General Fund (which was not fully recovered through fees), while the prior half-time arrangement with the former building official as a retired annuitant required \$55,000 annually from the General Fund. How much of the allocated \$75,000 will be expended will depend on what portion of the 20 hours per week will be staffed by which personnel from Bureau Veritas, as they have different

billing rates, with a minimum of \$55,000 expected to be needed. However, that expense is fully offset by fees paid by applicants.

GENERAL PLAN:

Relevant General Plan Goal and Policy:

- ❑ Goal 2.28: Improve and Maintain Public Facilities and Services

STRATEGIC PLAN:

Relevant Strategic Issues and Strategies and Actions:

- ❑ Strategic Issue 3: Strengthening Economic and Fiscal Conditions
 - Strategy 3.3: Retain and attract business

BACKGROUND:

The City has relied on contractors to assist the Building Division for about 10 years, including Bureau Veritas since 2004. Until the retirement of the longstanding full-time Building Official in 2010, these services consisted of plan review and inspection services when workload for the three-person division was unusually high, during staff absences, or for specialized types of construction (such as at the Valero refinery).

With the freezing of the Building Official position, however, the Building Division has required part-time Building Official services, as well as plan check and inspection assistance on occasion. Bureau Veritas has been providing these additional services under a prior contract since January 2012.

In June 2012, the City sought proposals from contractors to continue the range of Building Official, plan review and inspection services. The following firms submitted proposals:

Primary Consultant	Office Location	Bldg. Official Rate
Bureau Veritas	Sacramento	\$90-100/hr
Building Code Consultants	Martinez	\$55/hr
Interwest	Pleasanton	\$120/hr

During the interview and negotiation process, the top two teams, Bureau Veritas and Building Code Consultants, joined forces, which results in significant benefits to the City. First, Brian Fenty (originally with Building Code Consultants) will work as a Bureau Veritas contractor from City Hall at the rate of \$55/hour for 20 hours per week (7 hours each Monday and Wednesday, and 6 hours Friday). This represents an expansion over the current arrangement whereby the contract Building Official works from City Hall 14 hours per week (7 hours on Mondays and Wednesdays). Fridays are typically a busy day for inspections, so Brian's presence on Fridays will greatly assist the Building Inspector in ensuring that the City can continue to honor our tradition of next-day inspections (i.e., call

Thursday afternoon for an inspection Friday).

In addition, Brian (former Building Official for the City of El Cerrito) will be supported by Steve Jensen and Tom Garcia, the contract Building Officials currently provided by Bureau Veritas. Steve (former Building Official for the City of Napa) is a registered engineer who therefore is able to review complex structural plans at no additional charge to the City or applicants. Steve also has been providing fire sprinkler and alarm system review in the absence of a full-time Fire Marshal. Both Steve and Tom (former Building Official for the City of Fairfield, who has filled in for Steve during absences) have been very well received by contractors, businesses and homeowners.

If the contract amendment is approved by Council, the new arrangement will begin October 1.

Attachments:

- Proposed Resolution
- Revised Rate Proposal
- Proposed Contract Amendment

RESOLUTION NO. 12-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING A CONTRACT AMENDMENT FOR AN AMOUNT NOT-TO-EXCEED \$75,000 PER FISCAL YEAR WITH BUREAU VERITAS FOR BUILDING OFFICIAL, PLAN REVIEW AND INSPECTION SERVICES, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY

WHEREAS, a professional consulting firm is needed for building functions including architectural, structural, energy and accessibility plan review services as assigned by the Building Official; and

WHEREAS, Bureau Veritas has demonstrated the expertise necessary to provide the required professional services for the division, primarily for review of ongoing major construction at the Valero Refinery.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Benicia approves the contract amendment in the amount not-to-exceed \$75,000 per fiscal year with Bureau Veritas for professional services for the Building Division, Community Development Department and authorizes the City Manager to execute the agreement on behalf of the City, subject to approval by the City Attorney.

* * * * *

On motion of Council Member _____, seconded by Council Member _____, the above Resolution was introduced and passed by the City Council of the City of Benicia at a regular meeting of said Council held on the 18th day of September, 2012, and adopted by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

ATTEST:

Lisa Wolfe, City Clerk



**BUREAU
VERITAS**

August 21, 2012

City of Benicia
Charlie Knox, Director
Public Works & Community Development Department
250 East L Street
Benicia, CA 94510

Re: ADDENDUM 2 to the Request for Proposal - Plan Review, Inspection, and Building Official Services

Dear Mr. Knox,

We are pleased to provide this Addendum to our proposal for Plan Review, Inspection, and Building Official Services to better meet the needs of the City of Benicia.

Bureau Veritas' top priority is to continue to provide exceptional service as an extension of the City's staff. Our proposal is to place Brian Fenty in the capacity of Plan Checker, Inspector, and Building Official for the City. Our proposal is that Brian would be present in the office three days per week (Mondays, Wednesdays, and Fridays) for 7 hours per day on Mondays and Wednesdays, and 6 hours per day on Fridays. Brian will be available for short phone calls (approx 15 minutes) during off days at no additional charge. Steve Jensen and Tom Garcia will provide periodic Chief Building Official and Engineering resources and support.

Bureau Veritas will provide all other overflow, or complex plan review services for the City from our office in Sacramento. This work would be done on a percentage of the City collected plan review fee, or provided on an hourly basis for unusual projects or requests. Additionally, we will provide backup services utilizing Steve Jensen, FPE, CBO, and Tom Garcia, PE as needed.

Bureau Veritas will provide the above staffing and plan review services for the following rates:

Brian Fenty- Plan Check, Inspection, and Building Official Services	\$55 per hour
Outside Plan Review*	60% for full plan review 40% for Structural only
Chief Building Official Backup and Support Steve Jensen and/or Tom Garcia	Steve - \$100 per hour Tom - \$90 per hour

*% is based on City collected plan review fee

Thank you for the opportunity to provide services. We are ready to start immediately.

Sincerely,

Pete Guisasola, CBO Director of Municipal Code Compliance
180 Promenade Circle, Suite 150
Sacramento, CA 95834
T. 916.725.4200 / F. 916.725.8242
pete.guisasola@us.bureauveritas.com

AMENDMENT TO AGREEMENT

This Amendment of the Agreement, entered into this ____ day of September, 2012, by and between the City of Benicia, a municipal corporation (“CITY”) and Bureau Veritas, a Delaware Corporation with its primary office located at 180 Promenade Circle, Suite 150, Sacramento, CA 95834, herein called “CONSULTANT”, is made with reference to the following:

RECITALS:

A. On April 13, 2007, an agreement was entered into by and between CITY and Bureau Veritas (“Agreement”). An amendment was executed on January 31, 2008, with an addendum on January 26, 2012.

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

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

1. Exhibit A (dated August 21, 2012) replaces the previous exhibit (dated January 25, 2012) and includes Building Official, Plan Review and Inspection Services.
2. Paragraph 3 (a) of the Agreement is modified to read as follows: Compensation. The total cost for services provided by CONSULTANT shall not exceed \$75,000.00 per fiscal year at the rates set forth in Exhibit A.
2. Except as expressly modified herein, all other terms and covenants set forth in the Agreement shall remain the same and shall be in full force and effect.

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

Bureau Veritas

City of Benicia,
A Municipal Corporation

By _____

By _____ Date: _____
Brad Kilger, City Manager

RECOMMENDED FOR APPROVAL:

Charlie Knox, Community Development Director

APPROVED AS TO FORM:

Heather McLaughlin, City Attorney

AGENDA ITEM
CITY COUNCIL MEETING DATE - SEPTEMBER 18, 2012
CONSENT CALENDAR

DATE : September 6, 2012

TO : City Manager

FROM : Interim Public Works Director

SUBJECT : **ACCEPTANCE OF THE CLEARWELL COATING IMPROVEMENT PROJECT**

RECOMMENDATION:

Adopt a resolution accepting the Clearwell Coating Improvement Project as complete, including approval of Change Order Nos. 1 through 8, authorizing the City Manager to sign the Notice of Completion and authorizing the City Clerk to file same with the Solano County Recorder.

EXECUTIVE SUMMARY:

This utility funded project replaced the liner of the Water Treatment Plant's 3 million gallon Clearwell Tank, which temporarily stores treated water before it is released into the distribution system. The last step of the project requires formal acceptance by the City Council and filing of the Notice of Completion by the City Clerk, which allows the City to process the final payment to the contractor. The final construction cost is \$658,685.78, which includes Change Order Nos. 1 through 8.

STRATEGIC PLAN:

Relevant Strategic Plan Issues:

- Strategic Issue #1: Protecting Community Health and Safety
- Strategic Issue #4: Preserving and Enhancing Infrastructure

GENERAL PLAN:

Relevant General Plan Goal:

- Goal 2.28: Improve and maintain public facilities and services

BUDGET INFORMATION:

The Clearwell Coating Improvement Project has a budget and expenditures comprised of the following:

Project Budget

Construction Contract.....	\$609,100.00
Construction Contingency	60,910.00
Construction Management/Engineering Support	<u>79,820.00</u>
Total Construction Budget	\$749,830.00

Project Expenditures

Original Construction Contract, per Resolution No. 11-68.....	\$609,100.00
Contract Change Orders (staff approved)	
CCO1 Replace inlet valve.....	\$19,202.30
CCO2 Modification to Inlet pipe	5,606.17
CCO3 Deduction for no primer coat.....	(39,000.00)
CCO4 Taping vertical joints.....	34,650.00
CCO5 Addition of sample line	3,436.20
CCO6 Coating of inlet pipe	1,007.41
CCO7 Removal of rain water that leaked through the roof.....	17,643.70
CCO8 Bond breaker of additional cracks	<u>7,040.00</u>
Change Order Total.....	\$49,585.78

Final Construction Cost..... \$658,685.78

Construction Management/Engineering Support	\$79,819.25
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Total Project Cost \$738,505.03

The final construction cost is \$658,685.78, which includes \$49,585.78 for Change Order Nos. 1 through 8. The total change order amount represents an 8.14% cost increase from the original construction contract amount, which is within the normal range for construction projects. The total project cost is \$738,505.03, which includes \$79,819.25 for construction management/engineering support. Sufficient funds are available in Account Nos. 596-8259-9960 (Water Major Capital Projects Fund) and 045-8045-9896 (Water Capital Connection Projects).

BACKGROUND:

The Water Treatment Plant's three million-gallon Clearwell tank stores treated water before it flows into the City's distribution system. This project replaced the interior liner that was leaking with a spray-applied coating. The contractor completed the Clearwell Coating Improvement Project to the satisfaction of the City. It is recommended, therefore, that Council accept this project as complete, including Change Order Nos. 1 through 8.

Attachments:

- Proposed Resolution with Exhibit A – Summary of Final Contract Change Orders
- Notice of Completion

RESOLUTION NO. 12-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA ACCEPTING THE CLEARWELL COATING IMPROVEMENT PROJECT AS COMPLETE, INCLUDING CHANGE ORDER NOS. 1 THROUGH 8, AUTHORIZING THE CITY MANAGER TO SIGN THE NOTICE OF COMPLETION, AND AUTHORIZING THE CITY CLERK TO FILE SAME WITH THE SOLANO COUNTY RECORDER

WHEREAS, by Resolution No. 11-68, City Council awarded the construction contract for the Clearwell Coating Improvement Project to Spiess Construction Company of Santa Maria in the amount of \$609,100; and

WHEREAS, during the course of construction Contract Change Order Nos. 1 through 8, in the cumulative amount of \$49,585.78 (see Exhibit A), were necessary to construct the project properly; and

WHEREAS, Spiess Construction Company has completed the work in accordance with the plans and specifications and to the satisfaction of the City for a final construction cost of \$658,685.78, including Change Order Nos. 1 through 8.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Benicia hereby accepts the Clearwell Coating Improvement Project as complete for a final construction cost of \$658,685.78 (funded 50% 596-8259-9960 and 50% 045-8045-9896).

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to sign the Notice of Completion and the City Clerk is authorized to file said Notice with the Solano County Recorder.

* * * * *

On motion of Council Member _____, seconded by Council Member _____, the above Resolution was introduced and passed by the City Council of the City of Benicia at a regular meeting of said Council held on the 18th day of September, 2012, and adopted by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk

EXHIBIT A

SUMMARY OF FINAL CONTRACT CHANGE ORDERS

REFERENCE	DESCRIPTION	AMOUNT
CONTRACT CHANGES APPROVED BY THIS RESOLUTION		
CCO1	Replace inlet valve	\$19,202.30
CCO2	Modification to Inlet pipe	5,606.17
CCO3	Deduction for no primer coat	(39,000.00)
CCO4	Taping vertical joints	34,650.00
CCO5	Addition of sample line	3,436.20
CCO6	Coating of inlet pipe	1,007.41
CCO7	Removal of rain water that leaked through the roof	17,643.70
CCO8	Bond breaker of additional cracks	<u>7,040.00</u>
CONTRACT CHANGES APPROVED BY THIS RESOLUTION		\$49,585.78

Recorded at the request of:
CITY OF BENICIA

After recording return to:
CITY OF BENICIA
ATTN: PUBLIC WORKS DIRECTOR
250 EAST L STREET
BENICIA, CA 94510

NOTICE OF COMPLETION

NOTICE IS HEREBY GIVEN THAT:

1. The City of Benicia, 250 East L Street, Benicia, CA, 94510, is the owner of the property described as:

Clearwell Coating Improvement Project, located at 100 Water Way, situated in the City of Benicia, County of Solano, State of California, (APN 0080-030-150)

Nature of title as stated owner: In Fee.

2. A work of improvement known as the **Clearwell Coating Improvement Project** at the property described was completed and accepted by the City Council of the City of Benicia on September 18, 2012.
3. The name of the contractor for the improvement is **Spieß Construction Company of Santa Maria, California.**

CITY OF BENICIA

Dated: _____

By: _____
Brad Kilger, City Manager

Attest: _____
Lisa Wolfe, City Clerk

The undersigned, being duly sworn, says: that she is the person signing the above document; that she has read the same and knows the contents thereof, and that the facts stated therein are true, under penalty of perjury.

Lisa Wolfe, City Clerk

AGENDA ITEM
CITY COUNCIL MEETING DATE - SEPTEMBER 18, 2012
CONSENT CALENDAR

DATE : September 5, 2012

TO : City Manager

FROM : Community Development Director

SUBJECT : **SECOND READING OF A ZONING ORDINANCE AMENDMENT TO REMOVE REMNANT REFERENCES TO THE FORMER DOWNTOWN COMMERCIAL ZONING DISTRICT**

RECOMMENDATION:

Adopt an ordinance to amend Benicia Municipal Code Section 17.70.350 to remove remnant standards and regulations pertaining to the former Downtown Commercial (CD) zoning district and instead properly reference the Downtown Mixed Use Master Plan.

EXECUTIVE SUMMARY:

In May 2007, the City Council adopted Ordinance No. 07-12, which established regulations for Formula Businesses. Subsequently the City Council adopted the Downtown Mixed Use Master Plan (DMUMP) in September 2007, which updated the standards and regulations in the downtown area. Implementation of the DMUMP resulted in rezoning most of Downtown including the First Street corridor. This rezoning replaced the Downtown Commercial (CD) zoning district, thus eliminating its presence within Title 17. At the time of adoption, the Zoning Ordinance was amended to reflect these changes; however, a reference to the CD zoning district in Section 17.70.350 Formula Business was mistakenly not removed. The purpose of this text amendment is to remove this obsolete regulation pertaining to the CD zoning district and instead reference the DMUMP, which now regulates this area of the City.

ENVIRONMENTAL REVIEW:

In accordance with the California Environmental Quality Act (CEQA), environmental review of the Formula Business text amendments and Downtown Mixed Use Master Plan (DMUMP) were completed during their relative adoption process. The formula business ordinance was determined to be categorically exempt per Section 15308, which excludes actions by regulatory agencies to protect the environment. For the adoption of the DMUMP, an Initial Study was conducted to determine whether the draft DMUMP could have a significant adverse effect on the environment. The result of that evaluation was the

preparation and adoption of a Mitigated Negative Declaration. No additional environmental review is required.

BUDGET INFORMATION:

No budget impacts are associated with this item.

STRATEGIC PLAN:

N/A

GENERAL PLAN:

Staff has identified the following General Plan Goal that relates to the proposed text amendment:

Goal 2.1: Preserve Benicia as a small-sized city.

“Small-sized city” refers to Benicia’s open and uncluttered space, safe neighborhoods and streets, pedestrian-friendly streets, the “Main Street” character of First Street, open vistas of hills and water, historic sites and buildings, strong sense of community and civic pride, good schools, well developed community facilities including parks and a library, low-crime, small town atmosphere, and numerous community-wide celebrations, cultural events, and family-oriented activities.

BACKGROUND:

The ordinance was introduced at the September 4, 2012 City Council meeting.

In December 2006 the City Council established a subcommittee of Vice-Mayor Schwartzman and Council Member Patterson to determine how to address formula businesses. The subcommittee directed staff to draft an ordinance to initiate Council discussion of options for regulating formula businesses. At its February 20, 2007 regular meeting, Council considered the draft ordinance and directed the Planning Commission to provide a recommendation to Council regarding the drafted ordinance.

At its February 28, 2007 meeting, the Economic Development Board considered the draft formula businesses ordinance and adopted a motion in favor of limiting the number of operations of any particular formula business in the combined First Street and Solano/Davies Square area.

At its March 8, 2007 meeting, the Planning Commission considered the draft ordinance. After hearing public comment, the Planning Commission decided formula businesses and big box businesses should be regulated.

At its May 1, 2007 meeting, the City Council adopted Ordinance 07-12 to regulate formula businesses.

ANALYSIS:

One of the goals in the adoption of the Formula Business regulations was to preserve the small-town atmosphere of Benicia and more specifically the downtown area.

Zoning Ordinance Section 17.12.030 defines "Formula business" as: *an **eating and drinking establishment** that maintains any of the following features in common with more than four other establishments in the nine Bay Area counties: standardized array of services and/or merchandise, trademark, logo, service mark, symbol, sign, decor, uniform, menu, or other similar standardized feature.*

Staff evaluated the several different possibilities for incorporating the DMUMP that would meet the intent of Section 17.70.350 Formula Business. When the regulations for formula business were added, restricting the regulations to the Downtown Commercial (CD) zoning district and Solano/Davies Square areas provided a set boundary. The adoption of the Downtown Mixed Use Master Plan (DMUMP) essentially established a new boundary for Benicia’s downtown. This new boundary is much larger than that of the CD zoning district.

PROPOSED AMENDMENT

The proposed amendment would clarify that the formula business regulations apply to the Town Core, Town Core-Open and Neighborhood General-Open zoning districts in addition to Solano/Davies Square. The Neighborhood General zoning district is primarily occupied by residential uses (single-family and multi-family) and allows only limited types of commercial uses that do not include eating and drinking establishments. The table below in Figure 1 shows a simplified outline of the land use regulations in the DMUMP. The use classifications in the DMUMP that coincide with the definition of “formula business” are “Bar, tavern, night club” and “Restaurant, café, coffee shop”.

Figure 1: Downtown Mixed Use Master Plan Retail/Office Use Table

	Town Core (TC)	Town Core-Open (TC-O)	Neighborhood General (NG)	Neighborhood General-Open (NG-O)
Bar, tavern, night club	P ¹	UP ²	-	-
Restaurant, café, coffee shop	P	MUP	-	MUP

P = Permitted Use
UP = Use Permit (Commission-level)
MUP = Minor Use Permit (Staff-level)
- = Not Permitted
1= Operating between 9pm and 7am requires a Use Permit
2 = Operating between 9pm and 7am is not permitted

The proposed amendment would replace the CD with the entire DMUMP area

in the regulations for formula business in order to include all parcels previously regulated. It is possible to meet the intent of the formula business regulations by limiting the regulations to Town Core, Town Core-Open and Neighborhood General-Open zoning districts only. However, given that the language in Section 17.70.350 regulates Solano/Davies Square by a geographic area, it would be consistent to extend the regulations to the DMUMP as a geographic area as well.

The proposed amendment is shown with a strikeout through the text to be removed and the new text is underlined.

Section 17.70.350 Formula Business. In the combined ~~CD district~~ Downtown Mixed Use Master Plan and Solano/Davies Square areas (bounded by Military, N and West and East Second Streets), no more than one establishment of any particular formula business shall be allowed.

ALTERNATIVE AMENDMENT ANALYSIS

Staff also evaluated replacing the CD zoning district with the Town Core (TC) zoning district only. The proposed text amendment would essentially change the language in Section 17.70.350 to be TC district instead of CD district. The former CD zoning district encompassed approximately 150 parcels throughout downtown including, but not limited to the First Street corridor. The TC zoning district is exclusive to the First Street corridor and therefore includes a fewer number of parcels, approximately 70 parcels. Although regulating Formula Business through the TC zoning district would cover the main commercial corridor, Benicia's small-town atmosphere is established by more than First Street. There are many parcels along the east and west lettered streets that contribute to the promotion and success of Benicia's small-town character. Limiting the regulations to First Street only would continue to allow many of the downtown parcels to have an unlimited number of formula businesses.

Attachments:

- Draft Ordinance
- Planning Commission Minutes from August 9, 2012 Meeting

CITY OF BENICIA

ORDINANCE NO. 12-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BENICIA AMENDING SECTION 17.70.350 (FORMULA BUSINESSES) OF CHAPTER 17.70 (SITE REGULATIONS), OF TITLE 17 (ZONING) OF THE BENICIA MUNICIPAL CODE TO UPDATE THE DEVELOPMENT STANDARDS AND REGULATIONS REFLECTING THE ELIMINATION OF THE CD DOWNTOWN COMMERCIAL ZONING DISTRICT WITH ADOPTION OF THE DOWNTOWN MIXED USE MASTER PLAN.

Section 1.

The first sentence of Section 17.70.350 (Formula businesses.) of Title 17 (Zoning) of the Benicia Municipal Code is amended to read as follows:

Section 17.70.350 Formula Business. In the combined Downtown Mixed Use Master Plan and Solano/Davies Square areas (bounded by Military, N and West and East Second Streets), no more than one establishment of any particular formula business shall be allowed.

Section 2.

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

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

* * * *

On motion of Council Member _____, seconded by Council Member _____, the ordinance was introduced at a regular meeting of the City Council on the 4th day of September, 2012, and adopted at a regular meeting of the City Council held on the 18th day of September, 2012, by the following vote:

Ayes:

Noes:

Abstain:

Absent:

Elizabeth Patterson, Mayor

ATTEST:

Lisa Wolfe, City Clerk

Ms. Wellman stated that there is some flexibility with the timeline and the City's desire is not to burden the applicant. Good progress is being made with the property owner and she will consider adding a bond to ensure that the public access trail will be built.

Vice-chair Dean asked for clarification in case an executed agreement with the property owner is not reached and how would that impact this applicant's use permit.

Ms. Wellman responded that the Use Permit could return to the Planning Commission for re-consideration. However, both parties are moving forward with the agreement and she anticipates that the agreement will be completed in time.

(Edgar Montigue, a member of the public, spoke in support of this business and the proposed use permit. However, public comment was closed).

A motion was made by Commissioner Oakes and seconded by Commissioner Thomas, to approve Use Permit 12PLN-00019 allowing the operation of a tattoo body art studio as an ancillary use to an art gallery located at 131 First Street, Suite E, based on the findings and subject to the conditions of approval set forth in the draft resolution and adopted by the following vote:

Ayes: Commissioners Oakes, Syracuse, Thomas and Vice-Chair Dean

Noes: None

Absent: Commissioners Grossman and Smith

Abstain: Chair Sherry

B. PROPOSED ZONING ORDINANCE AMENDMENT TO SECTION 17.70.350 TO REMOVE REMNANT REFERENCES TO THE FORMER DOWNTOWN COMMERCIAL ZONING DISTRICT

PROPOSAL:

In May 2007 the City Council adopted Ordinance 07-12, which established regulations for Formula Businesses. Subsequently the City Council adopted the Downtown Mixed Use Master Plan (DMUMP) in September 2007, which updated the standards and regulations in the downtown area.

Implementation of the DMUMP resulted in rezoning most of Downtown including the First Street corridor. This rezoning replaced the Downtown Commercial (CD) zoning district, thus eliminating its presence within Title 17. At the time of adoption, the Zoning Ordinance was amended to reflect these changes; however, the reference to the CD zoning district in Section 17.70.350 Formula Business was mistakenly not removed. The purpose of this

text amendment is to remove this obsolete regulation pertaining to the CD zoning district and instead reference the DMUMP, which now regulates this area of the City.

Recommendation:

Adopt a resolution recommending the City Council adopt an ordinance to amend Benicia Municipal Code Section 17.70.350 to remove remnant standards and regulations pertaining to the former Downtown Commercial (CD) zoning district and instead properly reference the Downtown Mixed Use Master Plan.

Chair Sherry returned to the meeting.

Amy Million, Principal Planner, provided a review of the staff report, explained Exhibit A "Downtown Map (Town Core Vs. Downtown Commercial) and that staff's intention with the proposed amendment is to be consistent with the General Plan to keep the "small town" feel of Benicia's downtown.

Commissioner Dean asked if this is the only proposed revision to the Zoning Ordinance (yes); and asked if this is the only affected location (yes).

No further discussion by Commissioners was held.

No public comments were received.

Chair Sherry clarified that the amendment is basically increasing the area that regulates formula based businesses along First Street to the area from West 2nd to East 2nd Streets.

On motion of Commissioner Thomas, seconded by Commissioner Syracuse, the proposed resolution recommending City Council approval of a Zoning Text Amendment to Section 17.70.350 to remove reference to the CD, Downtown Commercial Zoning District and incorporate the Downtown Mixed Use Master Plan was adopted by the following vote:

- Ayes: Commissioners Dean, Oakes, Syracuse, Thomas and Chair Sherry
- Noes: None
- Absent: Commissioners Grossman and Smith
- Abstain: None

V. PRESENTATION – INDUSTRIAL ZONING DISTRICTS TEXT AMENDMENTS

Presentation on a city-initiated proposal to amend Industrial zoning to promote business retention and attraction in the Benicia Industrial Park.

**AGENDA ITEM
CITY COUNCIL MEETING DATE - SEPTEMBER 18, 2012
CONSENT CALENDAR**

DATE : September 6, 2012

TO : City Manager

FROM : Parks and Community Services Director

SUBJECT : **ACCEPTANCE OF THE BENICIA COMMUNITY CENTER PROJECT,
INCLUDING CHANGE ORDERS**

RECOMMENDATION:

Adopt a resolution accepting the rehabilitation project for Benicia Community Center at 370 East "L" Street, including final change orders, as complete, authorizing the City Manager to sign the Notice of Completion, and authorizing the City Clerk to file said notice with the Solano County Recorder.

EXECUTIVE SUMMARY:

The Benicia Community Center project was a renovation of the interior and exterior of the building and was completed in June of 2011. The work to perform this project has been completed to the satisfaction of City staff.

To complete the construction phase of the project it was necessary to move forward with additional change orders. The total cost of the changes orders is \$91,637. These change orders were previously approved in accordance with City policy, Administrative Instructions No. 18. These appropriations will leave a contingency fund balance of \$19,192.

STRATEGIC PLAN:

Relevant Strategic Plan Goals and Strategies:

- Strategic Issue 2: Protecting and Enhancing the Environment
 - Strategy 3: Pursue and adopt sustainable practices

- Strategic Issue 5: Maintain and Enhance a High Quality of Life
 - Strategy 1: Provide community activity centers

BUDGET INFORMATION:

The Community Center has the following construction budget and was funded by the Valero Good Neighbor Steering Committee Agreement and the Capital Project budget:

Project Budget

Construction Contract (BRCO Constructors Inc.).....	\$2,684,000
Construction Contingency.....	\$ 297,128
Total Project Budget	\$2,981,128

Project Expenditures

Construction Contract	\$2,684,000
Contract change order (approved at 2/15/11 City Council Meeting).....	\$ 141,464
Contract change order (approved at 2/15/11 City Council Meeting).....	\$ 25,424
Project related expenditures (approved at 2/15/11 City Council Meeting)...	\$ 19,411
Proposed change order (See exhibit A, List 1, 9/18/12).....	\$ 91,637
Total Project Expenditures	\$2,961,936

Total Remaining Fund Balance **\$ 19,192**

BACKGROUND:

On August 3, 2010, the Benicia City Council awarded BRCO Construction Incorporation a contract for the Benicia Community Center project. Beginning in September of 2010 work began to renovate the interior and exterior of the building. This project included, among other things, construction of a new entrance, new registration area, carpet, paint, furniture, exterior hardscape, and new parking lot. All construction was completed in June 2011, and has been performed to the satisfaction of the staff.

In order to complete the project it was necessary to perform additional work and it is recommended that Council approve the contract changes shown on Exhibit A, List 1. List 1 from Exhibit A details \$91,637 worth of changes needed to be performed by the contractor, including such things such as, remove and replace A/C paving for new sewer line and drain inlet for storm water collection, remove and replace concrete walkway, add additional drainage along with curb and gutter, replace damaged fire alarm wiring under the concrete slab of the South wing, and additional exterior and interior painting.

The culmination of the Benicia Community Center Project occurred in September of 2011 with the dedication and grand opening of the facility, celebrating the renovation efforts and reopening of the facility.

Attachments:

- ❑ Proposed Resolution
- ❑ Exhibit A, List 1 – Summary of Contract Changes
- ❑ Notice of Completion

RESOLUTION NO. 12-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA AUTHORIZING THE DIRECTOR OF PARKS & COMMUNITY SERVICES TO EXECUTE, ON BEHALF OF THE CITY, CONTRACT CHANGE ORDERS AFFIRMING STAFF-AUTHORIZED COSTS WITH BRCO CONSTRUCTORS, INC. FOR THE BENICIA COMMUNITY CENTER PROJECT, THE APPROPRIATION OF \$91,637 FROM THE CONTINGENCY AND ACCEPTING THE BENICIA COMMUNITY CENTER PROJECT AT 370 EAST L STREET, AUTHORIZING THE CITY MANAGER TO SIGN THE NOTICE OF COMPLETION AND CITY CLERK TO FILE SAME WITH THE SOLANO COUNTY RECORDER

WHEREAS, on August 3, 2010, the City Council awarded BRCO Constructors Inc. the construction contract for the Benicia Community Center Project; and

WHEREAS, due to unforeseen site issues and repairs during construction various contract change orders and modifications are necessary to accommodate new work; and

WHEREAS, an appropriation of \$91,637 is required to be taken from the construction contingency; and

WHEREAS, sufficient funds are available in the Benicia Community Center's Project fund to make this appropriation; and

WHEREAS, said work was completed to the satisfaction of City staff.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Benicia hereby authorizes the Director of Parks & Community Service to execute on behalf of the City those contract change orders with BRCO Constructors Inc., for the Benicia Community Center Project described in the attached Summary of Contract Changes Exhibit A (List 1) in the amount of \$91,637.

BE IT FURTHER RESOLVED that the City Council of the City of Benicia hereby accepts the Benicia Community Center project at 370 East L Street as complete for the final construction cost of \$2,961,936.

BE IT FURTHER RESOLVED THAT the City Council of the City of Benicia authorizes the City Manager to sign the Notice of Completion and authorizes the City Clerk to file said notice with the Solano County Recorder.

On motion of Council Member _____, seconded by Council Member _____, the above Resolution was introduced and passed by the City Council of the City of Benicia at a regular meeting of said Council held on the 18th day of September 2012, and adopted by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk

EXHIBIT A—SUMMARY OF CONTRACT CHANGES

REFERENCE	DESCRIPTION	AMOUNT
LIST 1— CONTRACT CHANGES APPROVED BY STAFF AND AFFIRMED BY THIS RESOLUTION		
CCO 12	Re – install batt insulation T & M	\$4,371
CCO 22	Remove AC paving install new DI and storm drain to alley	\$38,038
CCO 23	Concrete side walk and drive remove and replace for drainage	\$19,836
CCO 43	Repair damaged fire alarm wire under concrete slab	\$4,897
CCO 58	Framing to adjust for LED lighting	\$3,437
CCO 67	Paint exterior window frames	\$11,740
CCO 77	Provide power not on drawings	\$2,026
CCO 80	Additional interior painting	\$6,887
CCO 87	Additional fans for commissioning flush out	\$405
Contract Changes Approved by This Resolution		\$91,637

Recorded at the request of:
CITY OF BENICIA

After recording return to:
CITY OF BENICIA
ATTN: CITY ENGINEER
250 EAST L STREET
BENICIA, CA 94510

NOTICE OF COMPLETION

NOTICE IS HEREBY GIVEN THAT:

1. The City of Benicia, 250 East L Street, Benicia, California 94510, is the owner of the property described as:

370 East L Street

The nature of City's title is lease

2. A work of improvement known as the Benicia Community Center within the property described was completed and accepted by the City Council of the City of Benicia at a regular meeting thereof on September 18, 2012, for a final construction cost of \$2,961,936.
3. The name of the contractor such improvements was BRCO Constructors Inc. of Loomis, California.

CITY OF BENICIA

Dated: _____

By: _____
Brad Kilger, City Manager

Attest: _____
Lisa Wolfe, City Clerk

THE UNDERSIGNED, BEING DULY SWORN, SAYS: THAT SHE IS THE PERSON SIGNING THE ABOVE DOCUMENT; THAT SHE HAS READ THE SAME AND KNOWS THE CONTENTS THEREOF, AND THAT THE FACTS STATED THEREIN ARE TRUE, UNDER PENALTY OF PERJURY.

Lisa Wolfe, City Clerk

AGENDA ITEM
CITY COUNCIL MEETING DATE - SEPTEMBER 18, 2012
CONSENT CALENDAR

DATE : September 10, 2012

TO : City Manager

FROM : Finance Director

SUBJECT : **REVIEW AND ACCEPTANCE OF THE INVESTMENT REPORT FOR THE QUARTER ENDED JUNE 30, 2012**

RECOMMENDATION:

Accept, by motion, the Investment Report for the quarter ended June 30, 2012.

EXECUTIVE SUMMARY:

The investment portfolio is in compliance with the City's Investment Policy and California Law. Additionally, the City has adequate investments to meet its expenditure needs for the next six months. The Finance Committee has reviewed and accepted this report.

BUDGET INFORMATION:

This report has no impact on the City's budget.

GENERAL PLAN:

There is no effect on the City's General Plan.

STRATEGIC PLAN:

Relevant Strategic Plan Issues and Strategies:

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

BACKGROUND:

The City's investment portfolio consists of cash balances in checking accounts (less outstanding checks), Local Agency Investment Fund, treasury bills, federal agency notes and trustee accounts which manage the installment payments and reserves for bonds issued by the City.

The City has adequate investments to meet its expenditure requirements for the next six months. In addition, the City's investment portfolio is in compliance with Government Code Sections 53600 et seq. and the City's Investment Policy. The Finance Committee reviewed and accepted the Investment Report at its August 24, 2012 meeting. The attached schedules identify the City's investments by maturity date, investment type, custodian of investment and cost.

Attachments:

- Investment Report for the quarter ended June 30, 2012

**City of Benicia
Investment Report
As of June 30, 2012**

Type of Investment	Name of Issuer	Purchase Date	Maturity Date	Current Yield	Yield to Maturity	Par Value	Cost of Investment	Current Market Value
On Demand								
L.A.I.F.	L.A.I.F.			0.360%		\$ 12,639,095.40	\$ 12,639,095.40	\$ 12,654,510.58
Checking	Bank of America			0.600%		2,333,931.23	2,333,931.23	2,333,931.23
Money Market	Union Bank			0.000%		39,721.65	39,721.65	39,721.65
Money Market	Union Bank			0.000%		106,160.79	106,160.79	106,160.79
Subtotal						15,118,909.07	15,118,909.07	15,134,324.25
Up to 6 Months								
Comm Paper	Kells Funding LLC	14-Mar-12	24-Aug-12	0.600%		500,000.00	498,664.31	499,730.00
Subtotal						500,000.00	498,664.31	499,730.00
6 Months to 1 Year								
US Obligation	FNMA	15-Jan-10	22-Feb-13	1.730%	1.780%	325,000.00	324,679.71	328,006.25
US Obligation	FHLB	22-Mar-11	20-Mar-13	1.610%		700,000.00	712,242.30	706,839.00
US Obligation	FHLMC	4-Mar-10	15-Apr-13	1.610%	1.670%	1,000,000.00	998,600.00	1,010,710.00
US Obligation	FHLMC	22-Mar-11	15-Apr-13	1.610%		700,000.00	711,956.00	707,497.00
US Obligation	FHLMC	26-Apr-10	29-May-13	3.400%	1.820%	1,200,000.00	1,260,252.00	1,235,472.00
Subtotal						3,925,000.00	4,007,730.01	3,988,524.25
1 Year to 2 Years								
US Obligation	FHLB	20-Jul-11	28-Aug-13	0.500%	0.560%	850,000.00	848,988.50	852,031.50
US Obligation	FHLB	3-Aug-11	9-Sep-13	1.110%		750,000.00	758,985.00	757,342.50
US Obligation	FHLMC	24-Jan-11	25-Feb-14	1.350%	1.310%	1,500,000.00	1,502,790.00	1,525,260.00
US Obligation	FFCB	16-Aug-11	5-Mar-14	2.060%		750,000.00	782,550.00	771,772.50
US Obligation	US Treasury	1-Apr-11	15-Mar-14	1.230%	1.250%	875,000.00	874,965.82	888,772.50
US Obligation	US Treasury	26-Mar-10	30-Apr-14	1.820%	2.220%	275,000.00	271,315.43	282,735.75
US Obligation	FHLB	10-Jun-11	28-May-14	1.350%		500,000.00	507,305.00	510,115.00
Subtotal						5,500,000.00	5,546,899.75	5,588,029.75
2 Years to 3 Years								
US Obligation	FHLMC	11-Jul-11	11-Jul-14	1.130%		500,000.00	500,000.00	500,095.00
US Obligation	US Treasury	25-Aug-11	15-Aug-14	0.500%		750,000.00	752,988.28	752,520.00
US Obligation	FHLMC	24-Aug-11	27-Aug-14	0.990%	0.620%	750,000.00	758,490.00	760,192.50
US Obligation	FNMA	28-Jan-11	16-Sep-14	2.840%	1.580%	1,000,000.00	1,050,010.00	1,058,070.00
US Obligation	FHLMC	14-Sep-11	19-Sep-14	0.500%	0.600%	1,100,000.00	1,096,642.58	1,101,793.00
US Obligation	FNMA	19-Sep-11	19-Sep-14	0.700%		500,000.00	499,705.00	500,315.00
US Obligation	FNMA	7-Nov-11	7-Nov-14	1.000%		1,000,000.00	1,000,000.00	1,001,870.00
US Obligation	FHLMC	1-Jun-12	25-Nov-14	0.740%	0.500%	760,000.00	764,628.40	765,700.00
US Obligation	US Treasury	11-Jan-12	15-Dec-14	0.250%	0.350%	750,000.00	747,802.73	748,065.00
US Obligation	FHLMC	29-Dec-11	19-Dec-14	1.000%		500,000.00	501,400.00	500,790.00
US Obligation	US Treasury	29-Feb-12	28-Feb-15	2.260%	0.440%	760,000.00	803,951.56	799,725.20
Subtotal						8,370,000.00	8,475,618.55	8,489,135.70

**City of Benicia
Investment Report
As of June 30, 2012**

Type of Investment	Name of Issuer	Purchase Date	Maturity Date	Current Yield	Yield to Maturity	Par Value	Cost of Investment	Current Market Value
3 Years to 5 Years								
US Obligation	US Treasury	15-Mar-12	31-Jul-15	1.680%	0.580%	325,000.00	337,695.31	337,872.93
US Obligation	US Treasury	28-Jun-12	31-Jul-15	1.680%	0.460%	700,000.00	727,753.91	727,727.32
US Obligation	FNMA	9-Sep-11	9-Sep-15	1.000%		500,000.00	500,000.00	501,990.00
US Obligation	FNMA	14-Sep-11	26-Oct-15	1.570%	0.930%	1,050,000.00	1,079,578.47	1,087,600.50
US Obligation	FHLMC	24-Feb-12	24-Feb-16	0.990%		700,000.00	702,898.00	703,367.00
US Obligation	FHLMC	21-Mar-12	21-Mar-16	0.990%		500,000.00	500,515.00	502,675.00
US Obligation	US Treasury	18-Aug-11	31-Jul-16	0.990%		500,000.00	512,382.81	518,010.00
US Obligation	FHLMC	29-Dec-11	2-Nov-16	1.690%		500,000.00	502,000.00	501,825.00
US Obligation	FNMA	11-Jan-12	15-Nov-16	1.340%	1.150%	500,000.00	505,234.99	511,750.00
US Obligation	FNMA	28-Dec-11	28-Dec-16	1.000%		1,000,000.00	999,250.00	1,003,150.00
US Obligation	US Treasury	27-Feb-12	31-Jan-17	0.870%	0.880%	600,000.00	599,882.81	605,202.00
US Obligation	FNMA	29-May-12	3-May-17	1.730%		900,000.00	910,098.00	909,738.00
US Obligation	FHLMC	8-Jun-12	6-Jun-17	1.190%		500,000.00	501,925.00	502,700.00
Subtotal						8,275,000.00	8,379,214.30	8,413,607.75

Total (before fiscal agent accounts)

\$ 41,688,909.07 \$ 42,027,035.99 \$ 42,113,351.70

Fiscal Agent Accounts

2,947,547.62

TOTAL INVESTMENT PORTFOLIO

\$ 44,974,583.61 \$ 45,060,899.32

INVESTMENTS WITH PFM

\$ 14,592,983.87 \$ 14,666,408.10

INVESTMENTS WITH CUTWATER

\$ 12,461,025.49 \$ 12,458,501.79

WEIGHTED AVERAGE MATURITY OF THE INVESTMENT PORTFOLIO

2.51 Years

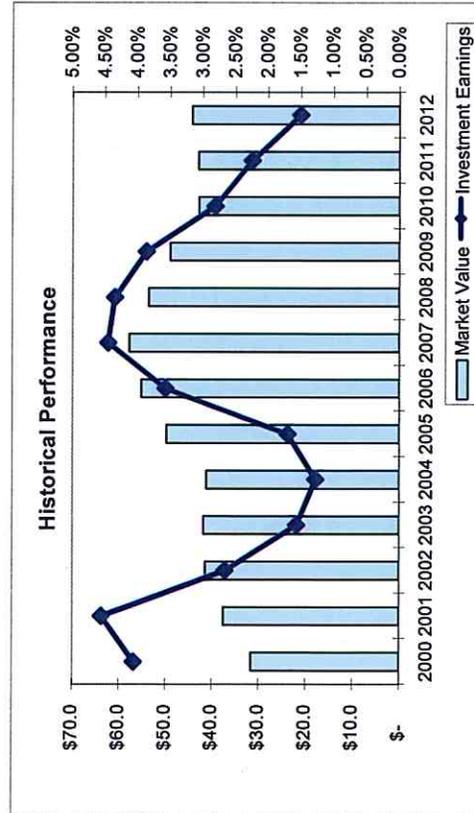
The City of Benicia complies with Government Code Sections 53600 et seq. and the City's Investment Policy. The source of market value is Union Bank of California. The City has the ability to meet expenditure requirements for the next six months. This report to the best of my knowledge, is accurate representation of the City of Benicia's investments.


Karan Reid, Finance Director

**City of Benicia
Historical Portfolio Comparison**

Market Value (Millions)					
Fiscal Year / Quarter	1st Qtr	2nd Qtr	3rd Qtr	4th Qtr	Annual Average
2000	\$ 28.4	\$ 31.2	\$ 31.8	\$ 35.1	\$ 31.6
2001	33.0	36.7	37.7	42.8	37.5
2002	39.3	41.5	40.3	44.6	41.4
2003	39.7	43.4	39.5	44.8	41.8
2004	39.3	42.8	41.1	41.8	41.3
2005	38.7	53.8	50.0	56.6	49.8
2006	46.9	54.9	55.1	64.3	55.3
2007	57.4	59.3	54.4	60.1	57.8
2008	51.9	54.7	51.4	56.8	53.7
2009	48.1	52.1	47.3	48.7	49.1
2010	42.6	43.7	39.4	45.7	42.9
2011	37.6	46.2	35.7	52.6	43.0
2012	46.6	45.7	40.2	45.0	44.4

Investment Earnings					
Fiscal Year / Quarter	1st Qtr	2nd Qtr	3rd Qtr	4th Qtr	Annual Average
2000	3.53%	4.17%	4.15%	4.41%	4.06%
2001	4.76%	4.82%	4.58%	4.07%	4.55%
2002	3.62%	2.72%	2.27%	2.01%	2.66%
2003	1.90%	1.61%	1.41%	1.34%	1.57%
2004	1.38%	1.28%	1.24%	1.20%	1.28%
2005	1.31%	1.43%	1.74%	2.33%	1.70%
2006	2.52%	3.76%	3.84%	4.16%	3.57%
2007	4.34%	4.44%	4.46%	4.57%	4.45%
2008	4.58%	4.48%	4.20%	4.15%	4.35%
2009	4.01%	4.07%	4.03%	3.36%	3.87%
2010	3.17%	2.83%	2.65%	2.60%	2.81%
2011	2.51%	2.38%	2.15%	1.95%	2.25%
2012	1.76%	1.64%	1.43%	1.21%	1.51%



Investment Earnings - Dollars						
Fiscal Year / Quarter	1st Qtr	2nd Qtr	3rd Qtr	4th Qtr	Mark to Market *	Annual Average
2008	319,769	789,398	474,720	327,578	403,879	578,836
2009	275,114	580,504	577,776	489,555	267,309	542,565
2010	299,040	294,913	226,519	289,374	(196,842)	228,251
2011	267,030	235,311	185,343	162,677	(352,938)	119,356
2012	46,173	132,626	130,494	Not available		103,098

* Mark to market is the difference between current year minus prior year's mark to market gain or loss.

AGENDA ITEM
CITY COUNCIL MEETING DATE - SEPTEMBER 18, 2012
BUSINESS ITEMS

DATE : August 29, 2012

TO : City Manager

FROM : Community Development Director

SUBJECT : **FISCAL YEAR 2011-12 ANNUAL ACCOUNTING OF VALERO/GOOD NEIGHBOR STEERING COMMITTEE SETTLEMENT AGREEMENT FUND EXPENDITURES**

RECOMMENDATION:

Receive information in the form of the FY 2011-12 Valero/Good Neighbor Steering Committee Settlement Agreement Fund annual accounting.

EXECUTIVE SUMMARY:

Section 6 of the 2010 Valero/Good Neighbor Steering Committee (GNSC) Amendment to the 2008 VIP Agreement (together, "Agreement") calls for delivery to Valero, GNSC and the Community Sustainability Commission (CSC) of an annual tally of expenditures for the prior fiscal year. That section of the Agreement also calls for reporting those expenditures at a regular City Council meeting within 60 days. All fund expenditures are separately brought to the Council for action. Staff is meeting with GNSC prior to the Council meeting to address comments from GNSC. These comments should not delay Council acceptance of the accounting as it is strictly an informational item, and staff will provide an update, if any, based on the discussion with GNSC.

BUDGET INFORMATION:

The Valero/Good Neighbor Steering Committee Settlement Agreement account is independent of the General Fund and is used to collect and disburse funds for projects either specifically listed in the Agreement or determined to be "future projects" per the terms of the Agreement. The total funds subject to City Council approval are \$10.6 million, of which approximately \$1.3 million remains to be designated for specific purposes.

GENERAL PLAN:

Water and energy conservation and Climate Action Plan implementation activities support the overarching General Plan goal of Sustainability.

STRATEGIC PLAN:

The Agreement and funds support all of the strategies of Strategic Issue 2 – Protecting and Enhancing the Environment.

CLIMATE ACTION PLAN:

The Agreement and funds support all Climate Action Plan objectives.

BACKGROUND:

The attached FY 2011-12 annual accounting was delivered to Valero, GNSC, and CSC in July 2012. Format and several minor line items have been updated since then. The annual expenditures are shown in the Actual 2011-12 column.

Per Benicia Municipal Code (BMC) Section 2.108.090 B., CSC provides recommendations to the City Council regarding the distribution of climate action and water conservation funds per the Agreement. Of the \$10.6 million allocated for climate action and water conservation per Section 3A of the Agreement, about \$1.3 million remains unallocated. This total does not include \$1.6 million that is preferentially available for Phase 2 of the Valero Condensate Recovery Project, if certain conditions specified by the agreement are met and funds are still available at the time it is considered.

Although the majority of the \$10.6 million in expenditures are anticipated to occur by the end of 2014, Sections 3A and 3C of the Agreement allow for funding to continue thereafter until all monies subject to City Council review are expended.

Tree program expenditures are recommended to Council by the Parks, Recreation and Cemetery Commission and its Tree Committee. Expenditures by the Benicia Unified School District (BUSD), and by Valero for watershed and refinery buffer purposes, are not subject to Council approval.

The inclusion of ex-officio CSC members representing Valero and GNSC (as well as BUSD and Amparts; per BMC 2.108.050) provides those parties with opportunity to comment on any expenditure recommended by CSC in advance of any Council consideration. In addition, GNSC has provided comments regarding the FY 2011-12 accounting (see August 8, 2012 letter attached). Representatives of the City, GNSC and Valero are scheduled to meet prior to the September 18 Council meeting to address GNSC's concerns.

Attachments:

- ❑ Valero/Good Neighbor Steering Committee Settlement Agreement Fund Annual Accounting 2011-12
- ❑ 2010 Valero/Good Neighbor Steering Committee Amendment to the 2008 VIP Agreement
- ❑ 2008 VIP Agreement, including Exhibit A
- ❑ Benicia Municipal Code Section 2.108
- ❑ August 8, 2012 GNSC comment letter

City of Benicia - Valero Good Neighbor Steering Committee Settlement Agreement

Description	Agreement Section	Allocation	Year Allocated	Receipts 2009-10	Expenditures 2009-10	Receipts 2010-11	Expenditures 2010-11	Receipts 2011-12	Expenditures 2011-12	Balance 2011-12
(2) Tree Program		\$ 700,000	2010	\$ 281,500	\$ (151,799)	\$ 282,500	\$ (150,102) 5,453	\$ 93,000 46,453	\$ (69,911) 1,739	\$ 285,188 7,192 46,453
Investment Earnings (Trees) Grant Reimbursement (Trees)	2008									
(1) Climate Action Plan Projects										
Community Center LEED Design	3.B	158,000	2009	158,000	(158,000)					
Hearthstone Solar Panels	3.B	30,000	2009	30,000	(30,000)					
Sustainability Staff Support	3.B	75,000	2009	75,000	(67,826)		(3,753)		(144)	3,278
Elementary Education I	3.B	10,000	2009	10,000	(8,262)		(1,713)		-	26
Public Education on Sustainability	3.B	10,000	2009	10,000	(2,528)		(3,568)		(2,500)	1,404
CAP Efficiency/Renewable Projects	3.B	85,000	2009	85,000	-		(12,372)		(950)	71,678
Renewable Energy Manager	3.B	15,000	2009	15,000	-				-	15,000
Residential Retrofit Program	3.B	185,000	2009	185,000	-				-	185,000
Energy/Water Audits for Residential	3.B	100,000	2009	100,000	(23,994)		(34,211)		(19,585)	22,211
Subtotal		668,000								
(1) Benicia Community Center	3.G	2,850,000	2010			850,000	(850,000)	1,500,000	(1,500,000)	-
(1) Future CAP Projects										
Elementary Education II	3.H	12,000	2010				(7,760)		(4,285)	(12,045)
Sustainability Intern	3.H	7,000	2010				(7,000)			(7,000)
Residential Audits - WattzOn	3.H	46,880	2010						(3,864)	(3,864)
Educational workshop	3.H	29,000	2010						(24,216)	(24,216)
CAP Coordinator	3.H	150,000	2010						(16,800)	(16,800)
Sustainability Website	3.H	17,000	2011						(1,688)	(1,688)
Sustainable Management Program	3.H	625,000	2011							
Sustainability Resource Materials - Library	3.H	1,500	2012							
Pump Station 3 - Solar Project	3.H	256,909	2012						(256,909)	(256,909)
(1) In Lieu of Attorney Fees										
Renewable Energy Manager	3.1	20,000	2010	20,000						20,000
Bicycle Storage Racks, etc.	3.1	30,000	2010	30,000			(9,635)		(18,042)	2,323
Benicia Community Gardens	3.1	20,000	2010							
Benicia CAC Solar Panels	3.1	40,000	2010							
BUSD Horticulture Program	3.1	40,000	2010							
Investment Earnings - 2405 General Projects	4				(20)		3,983		1,326	5,289
Investment Earnings - 4105 Planning Projects	4				2,914		2,325		613	5,852
Replenishment #1	3.C							300,000		300,000
(1) Future Undesignated Projects		1,309,711								
Total		\$ 6,123,000		\$ 718,000	\$ (287,717)	\$ 850,000	\$ (923,703)	\$ 1,800,000	\$ (1,847,042)	\$ 309,539

* Tree Fund balance is not included in available cash.

Benicia Unified School District - Valero Good Neighbor Steering Committee Settlement Agreement

Description	Agreement Section	Allocation	Year Allocated	Receipts 2009-10	Expenditures 2009-10	Receipts 2010-11	Expenditures 2010-11	Receipts 2011-12	Expenditures 2011-12	Balance 2011-12
(2) BUSD GHG Reduction	1.5	\$ 400,000	2010						(224,900) ?	\$ 175,100
(1) BUSD BHS Sage Program	3.B	40,000	2010	40,000	(40,000)					-
(1) BUSD BHS Green Academy	3.B	240,000	2010						(240,000) ?	-
(1) BUSD BHS On-Site Healthy Lunch	3.B	197,000	2010						(197,000) ?	-
Subtotal		477,000								
(1) BUSD District Offices/Liberty	3.G	1,000,000	2010						(455,000) ?	545,000
Total		\$ 1,877,000		\$ 40,000	\$ (40,000)	\$ -	\$ -	\$ -	\$ (1,116,900)	\$ 720,100

Valero - Good Neighbor Steering Committee Settlement Agreement

Description	Agreement Section	Allocation	Year Allocated	Receipts 2009-10	Expenditures 2009-10	Receipts 2010-11	Expenditures 2010-11	Receipts 2011-12	Expenditures 2011-12	Balance 2011-12
(2) Hybrid Cars	2008	\$ 50,000	2010		\$ (50,000)					\$ -
(2) Refinery Buffer	2008	1,000,000	2010						(852,000)	148,000
(2) Watershed Acquisition	2008	1,000,000	2010		(5,000)					(5,000)
(2) Air Quality Monitoring-Equipment Ops/Shelter	1.1	250,000	2010						(241,167)	8,833
(1) Valero Condensate Recovery-Phase I	3.F	1,400,000	2010						(1,400,000)	-
(1) Valero Condensate Recovery-Phase II	3.F	1,600,000	2010						(1,600,000)	-
Total		\$ 5,300,000		\$ -	\$ (55,000)	\$ -	\$ -	\$ -	\$ (4,093,167)	\$ 151,833

Grand Total Including Tree Program

\$ 14,000,000

Reconciliation:

(1) Water and Energy

\$ 10,600,000

(2) Other

3,400,000

? Expenditures as reported by BUSD and/or Valero, year of expenditures not identified.

\$ 14,000,000

AMENDMENT OF AGREEMENT

This Amendment of the Agreement ("Amendment"), entered into this 4TH day of May, 2010, by and between the City of Benicia, a municipal corporation ("City"), the Good Neighbor Steering Committee, an unincorporated association ("GNSC"), and Valero Refining Company-California, a California corporation ("Valero"), (collectively the "parties") is made with reference to the following:

RECITALS:

A. On July 10, 2008, GNSC and Valero entered into the "2008 VIP Agreement" ("Agreement") in order to resolve their disputes about preparing an Addendum to the Valero Improvement Project ("VIP") Certified Environmental Impact Report for the VIP Amendments.

B. On July 10, 2008, the City's Planning Commission incorporated the terms of the Agreement, along with its Exhibit A, into the conditions of approval for the VIP Amendments use permit.

C. The City, GNSC, and Valero now desire to modify the Agreement, particularly Exhibit A, on the terms and conditions set forth herein to provide more clarity about the uses of the funds.

D. The City, GNSC, and Valero disagree on the interpretation of certain terms of the Agreement including, but not limited to (1) the methodology for interest calculation and distribution and (2) timing of performance related to air quality monitoring requirements. However, the parties now wish to resolve and settle their differences through this Amendment.

E. Since the interpretation of the City's conditions of approval for the VIP Amendments regarding the payment of funds is at issue, the City Council is the proper body to approve this Amendment on behalf of the City.

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

1. The Introductory Paragraph and Paragraphs 1 and 2 of the Commitment to Air Quality Monitoring Section of Exhibit A of the Agreement are replaced as follows:

"1. The Two Hundred and Fifty Thousand Dollars (\$250,000.00) for air monitoring equipment, its maintenance and upkeep, etc. shall be expended for air monitoring equipment and services as detailed in the purchase order and the contract for services attached as Attachment A and Attachment B. Such expenditure shall be completed no later than February 20, 2010. These additional expenditures shall be prioritized by Argos Scientific Inc. ("Argos") and shall include data management, analysis of the data, and a payment for Argos' services as detailed in Attachment A and Attachment B. These additional expenditures shall be completed by May 3, 2010 and any equipment shall be in operation by June 1, 2010."

2. Paragraph 5 of the Commitment to GHG Reduction Initiatives Section of Exhibit A of the Agreement is replaced as follows:

“5. Provide a total not to exceed Four Hundred Thousand Dollars (\$400,000.00) to the Benicia Unified School District (BUSD) for BUSD GHG reduction measures. Such funds shall be paid by Valero to BUSD within thirty (30) days written notice from BUSD District Administration that said funds will be expended for energy conservation projects and costs as identified by BUSD Board of Trustees.”

As of the date of this agreement, \$136,937 has been paid by Valero to BUSD for energy conservation projects and costs as identified by BUSD Board of Trustees as described in Paragraph 5 above.

3. Paragraph 1 of the Commitment to Water Conservation Section of Exhibit A of the Agreement is replaced as follows:

“A. Ten Million Dollar Commitment

Valero shall pay to the City of Benicia Ten Million Dollars (\$10,000,000.00) for water conservation and climate action plan projects as detailed in this Paragraph. These climate action plan projects are in addition to those contemplated in Paragraph 4 of the Commitment to GHG Reduction Initiatives. It is anticipated by the Parties that payment will be made in installments over a 5-year period beginning with the execution of this Amendment. The 5-year period may be more or less in time depending on the funding of projects as specified below.

B. Initial Deposit

Within ten (10) days written notice from the City or BUSD that a separate account (“City VIP Water Fund Account,” “City VIP Account,” or “BUSD Account,” as the case may be) has been established and shall be maintained for the purposes set out herein, Valero shall deliver an initial deposit of One Million One Hundred and Forty-Five Thousand Dollars (\$1,145,000.00) for immediate distribution by the City or BUSD for the following expenditures identified and agreed to by Valero, GNSC, and the City:

• Community Center LEED Design	\$158,000.00
• Hearthstone Solar Panels	30,000.00
• Sustainability Staff Support	75,000.00
• Elementary Education	10,000.00
• BUSD BHS Sage Program	40,000.00
• Public Education on Sustainability	10,000.00
• CAP efficiency/renewable projects	85,000.00
• Solar Installation Incentives for residential properties in Benicia	185,000.00
• Energy/Water Audits for residential properties in Benicia	100,000.00
• Renewable Energy Manager	15,000.00
• BUSD BHS Green Academy	240,000.00
• BUSD BHS On-Site Healthy Lunch	197,000.00
Initial Total	\$1,145,000.00

The parties acknowledge that Valero has already deposited Two Hundred Fifty Thousand Dollars (\$250,000.00) of the above Initial Total with the City for the Solar Panels, Staff Support, Elementary Education, Sage Program, Public Education, and Efficiency/renewable projects.

Upon the required notice, Valero shall deposit Four Hundred Thirty Seven Thousand Dollars (\$437,000.00) with BUSD for the BHS Green Academy and the BHS On-Site Healthy Lunch Program and Four Hundred Fifty Eight Thousand Dollars (\$458,000.00) with the City for the remainder of the projects identified above.

C. Draw Down and Replenishment of City VIP Account

It is anticipated that the City will draw down the City VIP Account to pay for projects and expenses in accordance with this Amendment. Upon thirty (30) days notice from the City that the City VIP Account has declined to Three Hundred Thousand Dollars (\$300,000.00) or less, Valero shall deliver to the City funds sufficient to raise the City VIP Account balance to at least Six Hundred Thousand Dollars (\$600,000.00) until such time that Valero has paid Ten Million Dollars (\$10,000,000.00) into the account.

D. Costs Exceeding City Account Thresholds

It is anticipated by the Parties that from time to time approved projects and costs will exceed the regular City VIP Account threshold of Six Hundred Thousand Dollars (\$600,000.00). In that event and upon thirty (30) days written notice, Valero shall pay to the City good funds sufficient to meet the additional approved project costs and replenish the City VIP Account to at least Six Hundred Thousand Dollars (\$600,000.00). Except as detailed in Sections E, F, and G below, such payments shall not exceed Two Million Dollars (\$2,000,000.00) annually.

The estimated annual spending is set forth in this chart:

Year	Funds	Reserved	Available	Spent	Total Spent/Reserved
2009	\$250,000	N/A		\$250,000	\$250,000
2010	\$2,000,000	\$2,000,000 ¹	\$0.0	TBD	\$2,000,000
2011	\$2,000,000	\$1,750,000 ²	\$250,000	TBD	\$2,000,000
2012	\$2,000,000	\$1,545,000 ³	\$455,000	TBD	\$2,000,000
2013	\$2,000,000	\$1,000,000 ⁴	\$1,000,000	TBD	\$2,000,000
2014	\$1,750,000	\$1,600,000 ⁵	\$150,000	TBD	\$1,750,000
				Total	10,000,000

¹ \$850,000 available for the BCC, \$895,000 available for initial projects \$150,000 for attorney fee in lieu payments identified in §3I, and \$105,000 available for the BUSD campus projects.

² \$1,400,000 available for the CRP I and \$350,000 available for BUSD campus projects.

³ \$1,000,000 available for the BCC and \$545,000 available for the BUSD campus projects.

⁴ \$1,000,000 available for the BCC.

⁵ \$1,600,000 available for CRP II only if terms of §3F are met.

Except for funds reserved for the Condensate Project, if funds have been reserved for a project but not been spent in the calendar year for which they are reserved, the funds may be rolled to the next calendar year only. Unless otherwise agreed to in writing by the parties, any reserved funds not spent by next calendar year are forfeited and go into the total funds available for consideration for future projects pursuant to Section H of this Agreement.

E. Anticipated Annual Threshold

It is anticipated that the payment and distribution of funds will not generally exceed Two Million Dollars (\$2,000,000.00) per year as originally agreed to by the Parties in the Agreement. However, the parties anticipate that projects may come forward for consideration that require payment that exceeds the anticipated annual threshold of Two Million Dollars (\$2,000,000.00). The Parties agree that in such an event and upon written approval from each of the parties, funds shall be advanced from subsequent anticipated annual thresholds.

F. Valero Condensate Recovery Project

Paragraph 1 of the Commitment to Water Conservation Section of Exhibit A of the Agreement provided that Valero could submit projects to receive some of the Water Conservation funding if the projects were discretionary and not regulatorily mandated. Valero has identified projects, known as Condensate Recovery Projects ("CRP I" and "CRP II"). Within five years, these projects, estimated to cost Ten Million Dollars, are expected to recover at least 40,000,000 gallons of water per year for reuse in the Valero Benicia Refinery. The Condensate Recovery Project – Phase I -is anticipated to save 23,652,000 gallons of water per year or the equivalent of the water used by 192 households based on the Benicia average for water usage. The resulting water savings will also result in energy savings since the water will not have to be reheated when the water is reused to make steam.

The parties, therefore, agree that if: (1) Valero commits to construction of Condensate Recovery Project – Phase I ("CRP I"); (2) CRP I has a demonstrable and verifiable water reduction of at least 23,000,000 gallons of water per year; and (3) CRP I is reviewed by the Sustainability Commission; and (4) Valero has secured all permits and approvals necessary to operate CRP I by 12/31/2012, then Valero shall receive a credit toward payment required under paragraph 3(A) above of One Million Four Hundred Thousand Dollars (\$1,400,000.00) to be expended on construction of CRP I. In addition, the disputed interest earnings on the funds held by Valero for the Agreement may be used for this project.

The parties also agree that completion of the Condensate Recovery Projects is valuable to the community. Accordingly, if CRP I is constructed or is in the process of being constructed and (1) Condensate Recovery Project – Phase II ("CRP II") has a demonstrable and verifiable water reduction of at least 17,000,000 gallons of water per year; (2) CRP II is reviewed by the Sustainability Commission; and (3) has received all necessary permits and approvals; and (4) funds have not been used for other water conservation projects identified, reviewed, and approved by the City prior to the Sustainability Commission review of CRP II, then Valero shall receive a credit toward payment required under Paragraph 3(A) above of One Million Six Hundred Thousand Dollars (\$1,600,000.00) to be expended on the construction of the CRP II.

G. Benicia Community Center Construction

The construction of the new Benicia Community Center ("BCC") at the former Mills School site will be another project that (1) will be energy efficient and use techniques and materials in accordance with the City's Climate Action Plan; (2) to the extent permissible under public contracting laws will utilize BUSD's CTE program members, Green Academy, Pathways or similar BUSD technical training pre-apprenticeship program for the construction of the project; (3) will provide a demonstration or model of water conservation, energy efficiency and sustainability; and (4) will be designed and constructed with the objective of LEED certification. To assist in the timely construction of this project, the parties agree that Two Million, Eight Hundred and Fifty Thousand Dollars (\$2, 850,000.00) of the Ten Million Dollars (\$10,000,000.00) shall be designated for this project and drawn down in accordance with Paragraph C above. The City has agreed to accept the Two Million, Eight Hundred and Fifty Thousand Dollars (\$2,850,000.00) over time to allow the Two Million Dollar (\$2,000,000.00) annual threshold to remain in effect.

In addition, One Million Dollars (\$1,000,000.00) shall be designated and drawn down in a manner consistent with Paragraph 2 above for upgrades to the BUSD District Offices/Liberty High School campus for projects that (1) will be designed and constructed with the objective of LEED certification; (2) to the extent permissible under public contracting laws will utilize BUSD's CTE program members Green Academy, Pathways or similar technical training pre-apprenticeship program for the design and construction of the project; (3) will provide a demonstration or model of water conservation, energy efficiency and sustainability; and (4) will help integrate the District/Liberty campus with the BCC.

H. Future Projects

The City's Sustainability Commission shall review and recommend to the City Council for approval additional projects for funding which provide verifiable water reduction by the City, community residents, BUSD, Valero and businesses in Benicia. Any proposed Valero water conservation projects must be discretionary and not regulatorily mandated. Priority shall be given to water reduction projects but additional projects that are greenhouse gas reducing, sustainable or energy efficient and support the City's Climate Action Plan may be considered and recommended for approval if the Sustainability Commission finds that the project will provide a greater value than proposed water reduction projects."

I. Attorneys Fees

In lieu of payment of Attorneys Fees to GNSC, Valero shall, within ten (10) day of full execution of this agreement, pay One Hundred and Fifty Thousand Dollars (\$150,000) on GNSC's behalf as follows:

(a) \$20,000.00 to the Benicia Community Gardens, Inc. a 501(C) 3, for use in their efforts to promote locally produced food;

(b) \$20,000.00 to the City of Benicia to be used to augment the \$15,000.00 already allocated to the Renewable Energy Manager;

(c) \$40,000.00 to the Benicia Community Action Council ("CAC") for installation of solar panels at its Military East location and for implementation of any additional energy conservation measures CAC should choose;

(d) \$40,000.00 to the BUSD to support the horticulture program at Liberty High School, including but not limited to payment of staff salary, benefits; and other costs BUSD deems necessary to maintain and enhance the program.

(e) \$30,000.00 to the City of Benicia for the purchase and installation of bicycle racks (or other appropriate bicycle storage mechanism) throughout the City in order to promote the use of bicycles in the City of Benicia; Each bicycle rack or storage unit shall include a placard indicating the unit is made possible by the efforts of the Good Neighbor Steering Committee. The City agrees that such installation shall occur within 6 months of the execution of this Amendment.

Said payments shall be designated clearly as "on Good Neighbor Steering Committee's behalf."

4. A new Section "Interest on Funds" is added after the Section "Commitment to Water Conservation" Section to Exhibit A of the Agreement as follows:

"Interest on Funds

All interest on funds held by a party shall remain the property of that party. Interest that accrues in the City or BUSD funds such as the City Water Fund Account or the BUSD GHG Reduction Fund, etc. shall become a part of that identified fund and be made available for projects and costs that meet the criteria for expenditures from said fund. Interest earned shall not be credited against payments due from Valero under this or any other agreement and shall not be considered a part of Valero's obligations for such payments. Interest earned shall not be used for projects or costs that do not meet the criteria for expenditures from said funds."

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

6. Consideration

The Parties acknowledge that the commitments and promises made herein are material to each Party's determination to enter into this Amendment and in particular GNSC's determination to forgo action against the City and/or Valero at this time.

Valero expressly acknowledges that performance required under this Agreement is a condition of approval of the VIP Use Permit as originally issued in 2003 and amended in 2008 and as a result, the City has authority to enforce the Agreement and Amendment through the Benicia Municipal Code ("BMC"), including imposition of civil penalties (BMC § 17.128.080) or suspension or revocation the VIP Amendments use permit (BMC § 17.128.060), if Valero materially fails to perform its obligations under the Agreement and Amendment.

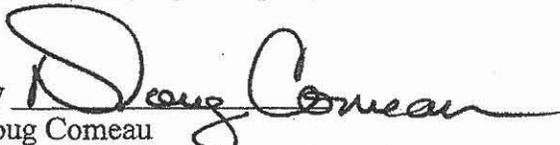
The City agrees that in consideration for GNSC's forbearance, beginning on July 7, 2010 and continuing until all funds available to the City under the Agreement are expended, the City shall produce and deliver to GNSC, Valero, and the Sustainability Commission a detailed annual accounting of all expenditures made by the City pursuant to the terms of the Agreement ("the Accounting".) Additionally, within 60 days of the referenced delivery, the Accounting shall be agendized and reported out at a regularly scheduled and agendized City Council meeting.

7. Recognition

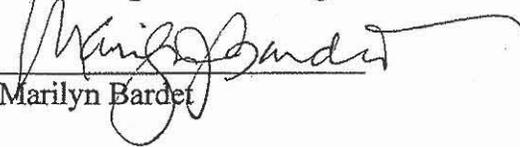
The Agreement and all Amendments to it shall from hereafter be referred to by the Parties as the **Valero/Good Neighbor Steering Committee Agreement, Settlement or Amendments**, as the case may be.

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

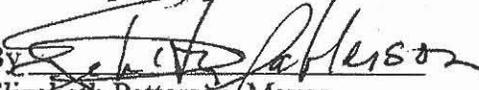
Valero Refining Company-California

By 
Doug Comeau
Vice President of Operations and
General Manager

Good Neighbor Steering Committee


Marilyn Bardet

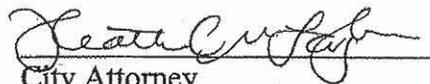
City of Benicia,
A Municipal Corporation

By 
Elizabeth Patterson, Mayor

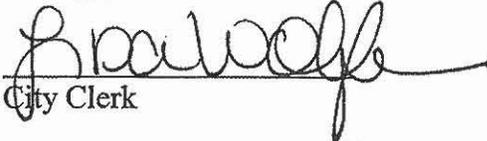
RECOMMENDED FOR APPROVAL:


City Manager

APPROVED AS TO FORM:


City Attorney

ATTEST:


City Clerk

To:
CEREX SCIENTIFIC
DBA ARGOS SCIENTIFIC INC
416 NE 153RD AVE
VANCOUVER WA 98684-3379

Invoice Address:
Valero Refining Company - CA
SAHQAP_BENICIA@VALERO.COM
Fax Number 210-370-6356
PO Box 691330
San Antonio TX 78269-1330

Ship To:
Valero Refining Company - CA
Benicia Plant
3300 Bayshore Road
Benicia, CA 94510

Purchase Order
PO Number: **4501868836**
PO Date: 02/19/2010
Contact Person: Susan Dyar
Telephone: 707/745-7326
Fax Number: (707)745-7992
Email: Susan.Dyar@valero.com
Vendor No: 186336
Delivery Date: 03/01/2010
Requisition No: 10857399

Purchase order number must appear on all packages, invoices, packing lists, and shipping notices.

This purchase order is subject to California state and local taxes if applicable. Valero Refining Company's Seller's Permit Number is SZOHC 97-695409 and its FEIN is 74-2651789.

All goods and services under this P.O. Release will be governed by the terms and conditions of the following contract as amended through the date hereof: ENVIRONMENTAL SERVICES AGREEMENT 2/16/2010

Freight Terms: Payment Terms: NET DUE 30 DAYS
ATTN: DON GAMILES

THIS PURCHASE ORDER IS IN ACCORDANCE WITH THE "ENVIRONMENTAL SERVICES AGREEMENT" EFFECTIVE FEB.16,2010 SIGNED BY DON GAMILES, ARGOS SCIENTIFIC INC. ON FEB.18, 2010 AND DOUG COMEAU, VICE PRESIDENT & GENERAL MANAGER OF THE VALERO BENICIA REFINERY ON FEB. 19, 2010.

PLEASE ADVISE BY FAX RECEIPT OF THIS PURCHASE ORDER OR E-MAIL TO SUSAN DYAR susan.dyar@valero.com, VERIFY CURRENT PRICING AND DELIVERY DATE(S) WITHIN 24 HOURS- THANKS

FAILURE TO PROVIDE THE ABOVE INFORMATION WILL RESULT IN DELAYED PAYMENT

Item	Material#	Description	Quantity	U/M	Unit Price	Net Value
00010		Monthly Support for Monitoring System	1.000	Perf. unit		
Gross Price					30,000.00	30,000.00 USD

To:
 CEREX SCIENTIFIC
 DBA ARGOS SCIENTIFIC INC
 416 NE 153RD AVE
 VANCOUVER WA 98684-3379

Purchase Order
 4501868836

Date
 02/19/2010

Page
 2 of 2

Item	Material#	Description	Quantity	U/M	Unit Price	Net Value	
		Non-Deductible Tax				2,512.50	USD
		Net incl. tax			32,512.50	32,512.50	USD
00020		Maintenance & Calibration Support					
		1.000 Perf. unit	1.000	Perf. unit			
		Gross Price			32,400.00	32,400.00	USD
		Non-Deductible Tax				2,713.50	USD
		Net incl. tax			35,113.50	35,113.50	USD
00030		Canister Sampling Analytic Support					
		1.000 Perf. unit	1.000	Perf. unit			
		Gross Price			9,960.00	9,960.00	USD
		Non-Deductible Tax				834.15	USD
		Net incl. tax			10,794.15	10,794.15	USD
00040		Educational Outreach Program					
		1.000 Perf. unit	1.000	Perf. unit			
		Gross Price			10,200.00	10,200.00	USD
		Non-Deductible Tax				854.25	USD
		Net incl. tax			11,054.25	11,054.25	USD
Total Purchase Order Value:						82,560.00	USD

To:
CEREX SCIENTIFIC
DBA ARGOS SCIENTIFIC INC
416 NE 153RD AVE
VANCOUVER WA 98684-3379

Invoice Address:
Valero Refining Company - CA
SAHQAP_BENICIA@VALERO.COM
Fax Number 210-370-6356
PO Box 691330
San Antonio TX 78269-1330

Ship To:
Valero Refining Company - CA
Benicia Plant
3300 Bayshore Road
Benicia, CA 94510

Purchase Order
PO Number: **4501863918**
PO Date: 02/12/2010
Contact Person: Susan Dyar
Telephone: 707/745-7326
Fax Number: (707)745-7992
Email: Susan.Dyar@valero.com
Vendor No: 186336
Delivery Date: 03/01/2010
Requisition No: 10857396

Purchase order number must appear on all packages, invoices, packing lists, and shipping notices.

This purchase order is subject to California state and local taxes if applicable. Valero Refining Company's Seller's Permit Number is SZOHC 97-695409 and its FEIN is 74-2651789.
Freight Terms: **Payment Terms: NET DUE 30 DAYS**
ATTN: DON GAMILES

PLEASE ADVISE BY FAX RECEIPT OF THIS PURCHASE ORDER OR E-MAIL TO SUSAN DYAR susan.dyar@valero.com, VERIFY CURRENT PRICING AND DELIVERY DATE(S) WITHIN 24 HOURS- THANKS

FAILURE TO PROVIDE THE ABOVE INFORMATION WILL RESULT IN DELAYED PAYMENT
NOTE: ALL PAPERWORK (PACKING LISTS, INVOICES, ETC.), MUST INCLUDE VALERO'S PURCHASE ORDER NUMBER AND/OR REQUISITION NUMBER. ALSO, ALL PACKAGES MUST HAVE THE PURCHASE ORDER NUMBER ON THE OUTSIDE OF THE PACKAGE(S) AND TAG NUMBERS, WHERE APPLICABLE. IF MATERIAL IS SHIPPED WITHOUT EITHER OF THESE NUMBERS, VALERO HAS THE RIGHT TO REFUSE DELIVERY.

WAREHOUSE HOURS ARE 8:00 A.M. TO 4:25 P.M. THERE IS NO ENTRY FOR DELIVERIES BETWEEN 11:30 A.M. A.M. 12:30.

A government issued Transportation Worker Identification Credential (TWIC) is required for entry into the Benicia Refinery. Any delivery driver not in possession of a TWIC will be delayed at the gate while waiting to be escorted into the refinery.

The parties responsible for transporting materials to Valero's Benicia Refinery MUST provide, on the delivery company letterhead, the driver's name, driver's license and vehicle plate numbers. This information must be faxed to 707-745-7831 at least 24 hours in advance of the delivery. Failure to provide this information in advance may result in the delivery being delayed or refused.

To:
 CEREX SCIENTIFIC
 DBA ARGOS SCIENTIFIC INC
 416 NE 153RD AVE
 VANCOUVER WA 98684-3379

Purchase Order
 4501863918

Date
 02/12/2010

Page
 2 of 4

Item	Material#	Description	Quantity	U/M	Unit Price	Net Value
00010		Entech TO-14 Canister Sampling Hardware	16.000	each		
		Gross Price			120.00	1,920.00 USD
		Non-Deductible Tax				160.80 USD
		Net incl. tax			130.05	2,080.80 USD
00020		OdaLogger Portable H2S Monitor	1.000	each		
		Gross Price			4,875.00	4,875.00 USD
		Non-Deductible Tax				408.28 USD
		Net incl. tax			5,283.28	5,283.28 USD
00030		RM Young Meteorological Station	1.000	each		
		Gross Price			4,000.00	4,000.00 USD
		Non-Deductible Tax				335.00 USD
		Net incl. tax			4,335.00	4,335.00 USD
00040		Met One PM 2.5 Sampling System	1.000	each		
		Gross Price			14,128.00	14,128.00 USD
		Non-Deductible Tax				1,183.22 USD
		Net incl. tax			15,311.22	15,311.22 USD

To:
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 VANCOUVER WA 98684-3379

Purchase Order
 4501863918

Date
 02/12/2010

Page
 3 of 4

Item	Material#	Description	Quantity	U/M	Unit Price	Net Value	
00050		Ozone Monitor - 2B Tech Model #202	1.000	each			
		Gross Price			7,900.00	7,900.00	USD
		Non-Deductible Tax				661.63	USD
		Net incl. tax			8,561.63	8,561.63	USD
00060		Black Carbon Monitor - Model #AE42	1.000	each			
		Gross Price			24,800.00	24,800.00	USD
		Non-Deductible Tax				2,077.00	USD
		Net incl. tax			26,877.00	26,877.00	USD
00070		Open-Path UV Fenceline Monitor	1.000	each			
		Gross Price			45,640.00	45,640.00	USD
		Non-Deductible Tax				3,822.35	USD
		Net incl. tax			49,462.35	49,462.35	USD
00080		Automated GC Analysis System Model	1.000	each			
		Gross Price			47,470.00	47,470.00	USD
		Non-Deductible Tax				3,975.61	USD
		Net incl. tax			51,445.61	51,445.61	USD
Total Purchase Order Value:						150,733.00	USD

SETTLEMENT AGREEMENT

This Settlement Agreement and Mutual Release of all Claims ("Agreement") is made by and between GOOD NEIGHBOR STEERING COMMITTEE ("GNSC") an unincorporated association, and VALERO REFINING COMPANY-CALIFORNIA. The parties to this agreement are referred to collectively as the "Parties."

I. DEFINITIONS

"GNSC" shall refer to GOOD NEIGHBOR STEERING COMMITTEE, an unincorporated association of Benicia residents and business owners who are concerned about potential environmental impacts of Benicia Refinery operations generally and the VIP and amendments specifically.

"VALERO" shall refer to Valero Refining Company-California, a California corporation duly organized and existing under and by virtue of the laws of the State of California and including, but not limited to its executors, administrators, trustors, trustees, beneficiaries, predecessors, successors, assigns, indemnities, partners, partnerships, parent, subsidiary, affiliated and related entities, officers, directors, principals, agents, employees, servants, representatives, and all persons, firms, associations and/or corporations connected with them (including but not limited to all consultants, engineers, trade contractors, subcontractors, material suppliers, title officers, sales persons and sales organizations), who are or may ever become liable to them, including, without limitation, their insurers, sureties and attorneys;

"City" shall refer to the City of Benicia – a municipal corporation located in Solano County California. The City is the lead agency with respect to approval of the subject project and is responsible for complying with provisions of local law and the California Environmental Quality Act (CEQA.)

"VIP" shall refer to Valero Improvement Project as permitted by the City on or about April 28, 2003 and amended by the related June 3, 2003 Settlement Agreement between Valero and the City.

"VIP amendments" shall refer to the amendments to the VIP currently proposed by Valero.

II. RECITALS

A. On April 28, 2003 the City of Benicia Planning Commission approved a Use Permit with Conditions for the VIP, certified the project EIR, and adopted the related Mitigation and Monitoring Program ("MMRP")

B. GNSC and others subsequently appealed the Planning Commission's April 28, 2003 actions based on, among other things, their concerns regarding plant expansion.

C. In order to settle the appeal, Valero and the City entered into an agreement, the terms of which involved additional requirements for Valero's performance of the Conditions of Approval for VIP.

D. In or about early 2008, Valero applied to the City for certain amendments to the VIP Use Permit.

E. On or about June 2008, the City released an Addendum to the VIP EIR for public review and comment related to the VIP Amendments;

F. On July 10, 2008, the Planning Commission will hold a public hearing and consider the acceptance of the Addendum and approval of a Use Permit for the VIP Amendments;

G. GNSC has submitted written comments to the City alleging, among other things:

(1) that the Addendum is an inadequate environmental review because there exists significant change to the surrounding circumstances since the approvals of the original VIP EIR. Such changes include but are not limited to changes in the reliability of water supply, climates changes effect on the project, and the project effects on climate change;

(2) that the mitigations and conditions of approval as currently proposed for adoption by the Planning Commission are insufficient to mitigate potential significant impacts in such areas as water supply; general plan compliance; global warming, etc.;

H. Valero believes the proposed VIP Amendments and/or the original VIP project implementation address GNSC concerns and/or such concerns are not specifically related to the approval of the proposed VIP Amendments and an Addendum is the appropriate environmental review for the VIP Amendments as the implementation of the VIP amendments would not result in new significant environmental effects or a substantial increase in severity of previously identified significant effects and that there are no project alternatives or mitigation measures previously found to be infeasible that are, in fact, feasible and that would substantially reduce one or more significant effects on the environment;

I. There is, therefore, a current and ongoing dispute and controversy that exists between the Parties. The Parties wish to resolve the dispute between them and avoid further proceedings. This Agreement is entered into between the Parties to bring to a close all disputes, controversies and/or claims regarding the Addendum to the VIP EIR and the amended Use Permit for VIP Amendments, and any potential future claims or complaints in any way related to the current and future Industrial Activities on the current and future use of the Project.

NOW, THEREFORE, IN CONSIDERATION OF THE TERMS AND CONDITIONS SET FORTH IN THIS MUTUAL AGREEMENT, THE PARTIES AGREE AS FOLLOWS:

III. INCORPORATION OF RECITALS

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

IV. COVENANTS

A. In exchange for the Covenants made by Valero herein, GNSC agrees and covenants to forego any appeal of a Planning Commission approval of the VIP Amendments and any subsequent approvals associated with the VIP Amendments so long as said VIP Amendments approval includes adoption and acceptance by the City of the additional commitments as detailed in Exhibit A, attached hereto, incorporated by reference, and agreed to by Valero herein. In so covenanting, GNSC expressly reserves all rights to comment on and otherwise challenge subsequent projects that may result in a substantial change to VIP amendments as defined herein.

B. In exchange for the Covenants made by GNSC herein, Valero agrees and covenants to abide by the additional commitments as detailed in Exhibit A, so long as the July 10, 2008 Planning Commission approvals are issued and upheld without amendment on any appeal by no later than August 31, 2008. All of said commitments become operable 30 days after final approval.

C. This Agreement is a compromise and settlement of disputed claims among the Parties and shall not be construed as an admission of liability by any of the parties hereto. It is expressly understood and agreed by the Parties that this Agreement is the result of a compromise of disputed claims and that the Parties deny any liability whatsoever to each other, but in executing this Agreement, it is the intention of the Parties to fully and finally dispose of any and all claims which exist or may hereafter exist arising out of or in any manner connected with or related to the claims or the lawsuit resulting therein.

D. The parties hereby represent, warrant and agree as follows: The Parties have made no statement, representation, or promise, other than as set forth herein, to the opposing parties in entering into this Agreement which has been relied upon in entering into or executing Agreement; any representation, warranty, promise, or condition, whether written or oral, not specifically incorporated herein shall not be binding upon any of the parties hereto; the parties acknowledge that in entering into the Agreement they have not relied upon any representation, promise, or conditions not specifically set forth herein; and that the parties have the full legal right and authority to enter into this Agreement and fully authorize and release the matters referred to herein.

E. The Agreement may be executed in one or more counter parts, each of which shall be deemed an original, and which taken together, shall constitute one and the same instrument. If the Parties sign this Agreement on different dates, then the latest date of signing by a Party shall be the Effective Date.

F. The Parties acknowledge and agree that the drafting of this Agreement has been a joint effort by the parties and that the Agreement shall not be deemed prepared or drafted by any one of the Parties.

G. This Agreement constitutes a single, integrated, written contract and expresses the entire agreement of the Parties hereto with respect to the subject matter of this Agreement. No supplement, modification, or amendment of this Agreement shall be binding unless executed in writing by all the Parties hereto.

H. This Agreement constitutes the entire agreement between the Parties and it is expressly understood and agreed that this Agreement may not be altered, amended, modified or otherwise changed in any respect or particular whatsoever except by a writing duly executed by authorized representatives of the Parties. The Parties hereby agree and acknowledge that they will not claim at any time or place that this Agreement has been orally altered or modified or otherwise changed by oral communication of any kind or character. There are not oral understandings, statements, or stipulations bearing upon the effect of this Agreement, which have not been incorporated herein.

I. The invalidity or unenforceability of any provision of this Agreement, or any part of any such provision, as determined by a court of competent jurisdiction, shall in no way affect the validity or enforceability of any other provision of this Agreement or the remainder of such provision. Each party agrees to bear its own attorneys fees and costs in the drafting of this document.

J. In the event of any controversy, claim or dispute between or among any of the parties arising out of this Agreement, the prevailing party, as defined by California Code of Civil Procedure section 1032(4), except that the prevailing party may be determined in mediation, by the arbitrator or by a court and such prevailing party shall be entitled to recover from the losing party or parties its reasonable attorneys' fees and costs after mediation, arbitration and/or court.

K. This Agreement is made, and shall be construed and enforced in accordance with the laws of the State of California. Nothing contained herein shall be construed so as to require the commission of any acts contrary to law, and wherever there appears a conflict between any provision of this Agreement and any present or future statute, law, ordinance or regulation, operation of this Agreement shall be curtailed and limited only to the extent necessary to make it comply with such statute, law, ordinance or regulation.

L. Paragraph and section headings within this settlement agreement are of no legal force and effect, but are provided solely for convenience.

WHEREFORE, the Parties hereto have executed this Agreement the day and year indicated below.

Date: 7-10-08, VALERO

By: Doug Comeau
Doug Comeau

Date: July 10 2008, GNOSC

By: Marilyn Bardet
Marilyn Bardet

Exhibit A

To be incorporated as additional Use Permit Conditions into the Valero Refining Company-California, dba, Valero Benicia Refinery ("Valero") proposed Valero Improvement Project Amendments (07PLN-32) July 10, 2008, Planning Commission approvals.

Commitment to Air Quality Monitoring

To ensure the continued availability of air quality monitoring data, Valero will support ongoing operation of the existing temporary open-path air quality monitoring station for the next 5 years.

1. Provide a total not to exceed \$10,000 per year for 5 years for continued operation of the community air monitoring equipment. These funds would be used for equipment and site maintenance, data management, and communication of results.
2. Within one year of the approval of the VIP Amendments, construct a permanent monitoring shelter (estimated at \$200,000) for the community air monitoring equipment.
3. Sponsor a joint community workshop with the Bay Area Air Quality Management District ("BAAQMD") to discuss air quality data gathered to date.
4. Valero will work in good-faith with the GNSC, the Community Advisory Panel ("CAP"), and the BAAQMD to maintain permanently an air monitoring station at the present location.
5. Provide routine air quality data reports about air quality monitoring results directly to the CAP and make such information available to the City upon request.

Commitment to Refinery Buffer Area

Valero recognizes the importance of a buffer zone between the refinery processing area and surrounding community residences. Valero has no plans to develop nor will they seek to develop refinery process units or storage tanks west of East 2nd Street or in areas east of East 2nd designated in the Benicia General Plan as limited industrial.

Valero also supports the possible future acquisition of land between refinery operations and the community to enhance the buffer zone. To that end, Valero will in good faith support acquisition of additional buffering land on its own or in partnership with others. Valero will make available a total not to exceed \$1,000,000 to be used to acquire such lands.

Commitment to GHG Reduction Initiatives

Valero recognizes the GNSC concerns over GHG emissions. To that end, Valero will:

1. Commit to the implementation of projects at the refinery that improve energy efficiency and reduces GHG emissions
2. Provide a total not to exceed \$700,000 to the City for a tree program.
3. Provide a total not to exceed \$50,000 to the City toward the purchase of hybrid vehicles for the City's vehicle fleet.
4. Provide a total not to exceed \$200,000 per year for 3 years to the City for projects identified in the City's Climate Action Plan now under development.
5. Provide a total not to exceed \$400,000 to BUSD toward implementation of GHG reductions measures identified from energy audits conducted by the BUSD.
6. Provide routine reports about refinery GHG emission inventory and future compliance plans for AB 32 directly to the CAP and make such information available to the City upon request.

Commitment to Water Conservation

Valero remains committed to water conservation in our operations. As a demonstration of this commitment, Valero will:

1. Provide a total not to exceed \$2,000,000 per year for 5 years to the City toward City-approved water conservation projects. The annual amount must be used for verifiable water reduction projects implemented by the City, community residents, Valero, and businesses in Benicia. Any proposed Valero water conservation projects must be discretionary and not regulatorily mandated.
2. In good faith support acquisition of land on its own or in partnership with others to be used for watershed protection/watershed preservation. Valero will make available a total not to exceed \$1,000,000 to be used to acquire such lands.
3. Provide routine reports about refinery water usage directly to the CAP and make such information available to the City upon request.

Satisfaction of the items 1 through 3 above fulfills any remaining obligation that Valero might have under Provision 5 of the June 5, 2003 Settlement Agreement.

Commitment to VIP Project Timing

Valero will construct and operate the FCCU/Coker Scrubber before the beginning of operation of the sulfur plant expansion.

Chapter 2.108 COMMUNITY SUSTAINABILITY COMMISSION

Sections:

- [2.108.010](#) Established – Membership.
- [2.108.020](#) Purpose.
- [2.108.030](#) Definitions.
- [2.108.040](#) Members – Qualification.
- [2.108.050](#) Members – Ex officio.
- [2.108.060](#) Meeting time and place.
- [2.108.070](#) Officers – Appointment.
- [2.108.080](#) Officers – Duties.
- [2.108.090](#) Duties.

2.108.010 Established – Membership.

The community sustainability commission is established in the city. The commission consists of seven voting members, one of whom shall be a high school student. (Ord. 09-16 § 2).

2.108.020 Purpose.

The purpose of the commission is to educate, advocate and provide oversight for integrated solutions that seek a sustainable equilibrium for economic, ecological, and social health and well-being, both now and in the future. (Ord. 09-16 § 2).

2.108.030 Definitions.

“Sustainability,” as defined by the Benicia general plan and by the World Commission on Environment and Development (a.k.a. 1987 Brundtland Commission), is meeting the needs of the present generation without compromising the ability of future generations to meet their needs. Sustainability is an evolving concept and the definition will evolve over time. (Ord. 09-16 § 2).

2.108.040 Members – Qualification.

A. Each member of the community sustainability commission shall have expertise and/or demonstrated interest in one or more of the following areas:

1. Water quality, water use efficiency and conservation;
2. Air quality;
3. Local and regional ecology;
4. Energy;
5. Mobility;
6. Land use/stewardship;
7. Green site planning and building;
8. Waste management;
9. Community and regional economics/finance;
10. Social justice;

11. Public relations;

12. Local based business management (merchants, etc.).

B. One member of the commission shall be a high school student with junior or senior standing who resides in Benicia. (Ord. 09-16 § 2).

2.108.050 Members – Ex officio.

The commission shall have nonvoting ex officio members from:

A. Benicia Unified School District, President or designee;

B. Valero Refinery, General Manager or designee;

C. Amports, General Manager or designee;

D. Good Neighbor Steering Committee, Chair or designee.

To increase participation, an ex officio member may only represent one of the above categories. (Ord. 09-16 § 2).

2.108.060 Meeting time and place.

The commission shall meet on the third Monday of every other month (bimonthly, six times per year) at the hour of 7:00 p.m. in the Commission Room, City Hall, 250 East L Street, Benicia, California. (Ord. 09-16 § 2).

2.108.070 Officers – Appointment.

The commission shall elect a chairperson and a vice-chairperson from among its members. The chairperson and vice-chairperson serve for a term of one year and until the successor of each takes office. The commission shall also appoint a secretary. The secretary need not be a member of the commission. (Ord. 09-16 § 2).

2.108.080 Officers – Duties.

A. Chairperson. The chairperson shall preside at all meetings of the commission, appoint all committees, and perform the duties necessary or incidental to that office.

B. Vice-Chairperson. The vice-chairperson is chairperson in the absence of the chairperson or in case of the inability of the chairperson to act.

C. Secretary. The secretary shall keep minutes of each meeting and shall record the official action taken. On all official actions on which a vote is taken, the secretary shall take the vote by roll call, in alphabetical order, with the chairperson voting last. The secretary shall certify each official document and resolution of the commission. The secretary shall maintain records of operation and shall perform such other duties as the commission assigns. (Ord. 09-16 § 2).

2.108.090 Duties.

The commission shall:

A. Advise the city council on implementation of the Benicia climate action plan and related city strategic plan performance measures, as appropriate.

B. Provide recommendations regarding the distribution of climate action and water conservation funds from the 2008 Valero Improvement Plan Settlement Agreement and from future funding sources allocated to support the efforts of making Benicia a more sustained community with reference to the climate action plan.

VIII.A.28

C. Advise the city council on matters related to sustainability, climate change and greenhouse gas reductions, including recommendations on forthcoming innovative programs and amendments to the climate action plan, if necessary.

D. Facilitate public outreach, education and collaboration with regards to community sustainability to guide Benicia's transition towards being a sustainable, socially just, economically vibrant, and green community.

E. Prepare an annual report to city council on implementation of this chapter.

F. Make recommendations to the city council regarding funding, including the search for private and public grants consistent with the needs of the community. (Ord. 09-16 § 2).

This page of the Benicia Municipal Code is current through Ordinance 12-02, passed April 17, 2012.

Disclaimer: The City Clerk's Office has the official version of the Benicia Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

City Website: <http://www.ci.benicia.ca.us/>
(<http://www.ci.benicia.ca.us/>)

City Telephone: (707) 746-4201

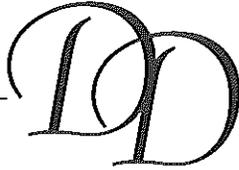
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Dana Dean
Amber Kemble Of Counsel
Venus Viloría Berdan Associate

Law Offices of
DANA DEAN



Real Estate • Land Use

283 East H Street
Benicia, California 94510
p 707.747-5206 • f 707.747-5209

August 8, 2012

Charlie Knox
Director of Community Development
City of Benicia
250 East L Street
Benicia, California 94510
Via Electronic Mail Only

Re: Valero Good Neighbor Steering Committee Settlement
Annual Accounting

Dear Charlie:

Thank you for transmitting the above-referenced Accounting to me on July 30, 2012. Before anything else, on behalf of the GNSC, I want to assure you that we appreciate your hard work and that of your staff's in producing this document. We recognize that there are many disparate programs and transactions that need to be tracked and accounted for and that to do so takes time and effort. Please know that we regard the Accounting as more than an exercise. It is important work.

We consider the Accounting and its review vital to maintaining the integrity of the Valero Good Neighbor Steering Committee Settlement Agreement ("the Agreement") and its implementation. This is particularly true now, as some programs have matured and significant funds have been expended or committed. In addition, the Accounting is really the best tool available to the parties and the public to see what funds remain available under the Agreement and how the City has used the funds it has received. It is, therefore, incredibly important that the document is accurate, reliable, and usable. For those reasons, we have reviewed the Accounting with an eye toward ensuring that all the information needed to accurately assess the state of the City expenditures is in the document.

Please recall that the 2010 Amendment to the Valero Good Neighbor Steering Committee Settlement Agreement ("2010 Amendment" or "the Amendment") contains the following language in Section 6, Consideration:

The City agrees that in consideration for GNSC's forbearance, beginning on July 7, 2010 and continuing until all funds available to the City under the Agreement are expended, the City shall produce and deliver to GNSC, Valero, and the Sustainability Commission a *detailed annual accounting of all expenditures made by the City* pursuant to the terms of the Agreement ("the Accounting".) Additionally, within 60 days of the

referenced delivery, the Accounting shall be agendized and reported out at a regularly scheduled and agendized City Council meeting. (Emphasis added.)

Initial Concerns

A couple of initial points are worth note regarding the requirements of Section 6. First and foremost, this section indicates a requirement for a *detailed* accounting of the City expenditures, not a *summary* of same. The Amendment does not require the City to account for or otherwise detail expenditures made directly by Valero either for direct purchase or for payments to other entities, such as the Community Action Council, Benicia Community Gardens, or the BUSD. Nor is the City required to track those entities' expenditures.

Instead, the Amendment requires the City to report to the GNSC, Valero, and the CSC on how the monies allocated and distributed to the City were spent. Unfortunately, the Accounting provided presents only a general summary of most, but not all, of the City's expenditures along with partial information about the original allocations.

As noted, one basic reason for requiring the Accounting was so that all the parties, as well as the public, can be assured that the settlement monies that have been given to the City are being spent according to the terms of the settlement. In addition, the annual accounting should give all involved the opportunity to review what of the original allocations remains available for distribution, as well as how much money the City currently holds in its accounts to spend on the various items. For the three parties to the Agreement, the annual accounting also presents an opportunity to revisit underperforming or underutilized funds, (for example the \$35,000.00 set aside for a for the Renewable Energy Manager) to adjust the terms if appropriate.

Another important threshold matter is the need to eliminate any confusion about allocations and remainders vs. money the City received and spent. Fundamentally, there are *two* measures involved in the necessary accounting. First is the amount of each original allocation and what remain to be distributed to the City from that original allocation. For example, \$2,850,000.00 was allocated for the BCC. Apparently, Valero has sent the City \$2,350,000.00 specifically designated for the BCC. Thus, \$500,000.00 remains to be distributed. This information does not appear in the document.

The second measure, and the one more relevant to the accounting required by the Agreement, is the amount of money the City has received for a particular category, what it has been spent on, and what remains of that money in the City account after expenditures. For example, the City appears to have received \$300,000.00 in undesignated funds, as well as earned roughly \$11,000.00 in interest. At the same time the City had spent over \$322,500.00 in undesignated funds, leaving a negative balance of approximately -\$11,500.00. This information does not appear in clear terms in the document.

Both types of information are important, not just because they are required, but also because the information will help the parties and the public know what funds remain available at any given time for the City to spend.

Specific Concerns Regarding the Document

We found sixteen (16) items in the document that are either reported in error, missing information, or otherwise require additional work. To make it easier to follow and track these items, we have attached a copy of the accounting with footnotes which are detailed here.

FN 1.

This year, the column indicating when funds were received by the City has been removed. This information is particularly significant in determining compliance with the Agreement, because, while the City has presented the Accounting on a fiscal year basis, the annual thresholds and other performance measures in the Agreement are calendar year based. For example under section 3D the City was to receive \$1,000,000.00 for the BCC and \$455,000.00 for undesignated projects for a total of \$1,455,000.00. However as the accounting fails to indicate, in calendar year 2012 the City has already received \$1.5 million for the BCC and \$300,000.00 for undesignated funds for a total of \$1,800,00.00, thus exceeding the annual allotment by \$345,000.00.¹

FN 2.

A column should be added indicating how much of the original allocation is left to be distributed to the City. For example, under Future CAP Projects \$46,880.00 has been allocated for Residential Audits- Wattz On, apparently in 2010. One cannot tell from the document if any of that allocation has been distributed to the City. This has particular significance since the City Council recently approved a new multi year contract with Wattz-On for \$293,653.00. It is unclear from the Accounting where these funds are coming from or if some of the previously allocated funds are available for that purpose. It would also be helpful if this information was tracked and noted with an annual remainder. It may be best to set out the allocations and remainders on a separate page from the receipts and expenses.

FN 3.

The interest earned with tree program funds has been listed in the expenditures column. Earned interest is not an expense. The earnings should be listed under receipts.

¹ Even reading the chart in section D to mean fiscal year as opposed to calendar year, which it does not, does not eliminate this problem, because the City was only entitled to a distribution of \$250,000.00 in 2011.

FN 4.

Each balance under future CAP projects shows as a negative number, giving the appearance that they have been paid for without funds to do so. In fact, most should have a zero balance since the City has received \$300,000.00 in undesignated funds and earned \$11,141.00 in interest. The total for those negative balances is -\$322,522.00. Thus, setting aside the issues of whether or not the City should be spending funds it does not have and how (or if) such expenditures have been reviewed or approved by Council, at most this column should reflect negative balances totaling about -\$11,381.00.

FN 5.

The new Wattz On project should have been included in the list of Future Projects since it has been reviewed and approved by the City Council. The \$293,653.00 should be included in the list of allocations. As detailed herein, this is important to an understanding of just how much funding is left to be designated and how much money the City has on hand to pay for such projects.

FN 6.

The \$10,000 for the Change a Light and Plumbing Upgrade program approved by the Council in 2011 is missing from the list of future projects.

FN 7.

For ease of use and to help ensure accuracy, each category should be subtotaled in the same manner as was done in "Climate Action Plan Projects" section.

FN 8.

Accounting for the Benicia Community Gardens, CAC Solar Panels, and BUSD Horticulture Program is not the responsibility of the City and inclusion of such tends to confuse. If these are to be included it would be helpful to move this and other references to outside transactions to a separate page.

FN 9.

The interest earned has been listed in the expenditures column. Earned interest is not an expense. The earnings should be listed under receipts.

FN 10.

The amount indicated as available for undesignated funds, \$1,309,711.00 is incorrect. Based on information in the accounting and otherwise available from the City the real number appears to be \$406,058.00 in available undesignated funds.

It looks like the accounting may somehow include the \$600,000.00 designated in the 2008 agreement for "projects identified in the Climate Action Plan" as part of undesignated funds. Under the 2008 Agreement, Valero was required to pay out \$200,000.00 a year over 3 years for such projects. There is no indication in the

Accounting or elsewhere which of the so-called climate action projects is identified in the Climate Action Plan or, more importantly, which was funded under that section of the Agreement. If it is the City's intention to attribute certain expenditures to the Climate Action Plan Fund, it would be helpful if those expenditures were set out in their own subsection with the details of receipts and expenditures included.

In any case if the full \$600,000.00 is included, the total available would only be about \$1,006,058.00, not \$1,309,711.00.

FN 11.

The totals do not add up and will change in any case with the addition of the Change a Light and WattzOn projects.

FN 12.

The SMP was approved by the City Council in March, 2012, not 2011.

FN. 13

It should be noted, by footnote or otherwise, that ALL of the \$309,539.00 is committed to originally designated projects. There is no mechanism in the agreement that allows the City to spend those funds on anything else without the express written consent of the parties. More importantly, once the balances are corrected to reflect the money *already spent* by the City as noted in FN 4, the actual balance of funds held by the City is approximately-\$11,500.00.

FN. 14.

See FN 8. As noted above the City is not required to detail expenditures by Valero or outside entities. In this section only the SAGE program was the responsibility of the City. It would perhaps be helpful to move the item up into the second section because it was a project that was specifically approved and designated in the Amendment.

FN 15.

See FN 8.

FN 16.

The plain language of the Amendment calls for a credit to Valero in 2014, if certain threshold requirements, including verification of water savings, are met. Not only is the credit not available until then, the project is yet to be built so the water savings could not have possibly be verifiable. Whether or not the City is responsible for reporting this item or the credit requirements have been met, this item does not belong on any chart reflecting numbers for 2012.

One final request is that you consider using a landscape setting and larger fonts in the final document so that it is less difficult for the reader to get the necessary information from the document.

As you know I had hoped we could schedule a meeting of the parties for perhaps sometime next week, so the we might review these matters as well as a few of the other issues regarding other portions of the Agreement. I recognize that you may need a little time to put together the necessary revisions the Accounting. For your information, I will be out of town August 20th through August 22nd. Other than that I will do my best to accommodate your schedule.

I will look forward to hearing from you. Thank you again for your efforts.

Regards,

Dana Dean

DD/sag
Encl.

Cc: Heather McLaughlin
Brad Kilger
Chris Howe
Sue Fisher Jones
GNSC Members

City of Benicia - Valero Good Neighbor Steering Committee Settlement Agreement

Description	Agreement Section	Allocation	Year Allocated	Receipts 2009-10	Expenditures 2009-10	Receipts 2010-11	Expenditures 2010-11	Receipts 2011-12	Expenditures 2011-12	Balance 2011-12
(2) Tree Program Investment Earnings (Trees) Grant Reimbursement (Trees)	2008	\$ 700,000	2010	\$ 281,500	\$ (151,799)	\$ 282,500	\$ (150,102) 5,453	\$ 93,000 46,453	\$ (69,911) 1,739	\$ 285,188 7,192 46,453
(1) Climate Action Plan Projects Community Center LEED Design Hearthstone Solar Panels Sustainability Staff Support Elementary Education I Public Education on Sustainability CAP Efficiency/Renewable Projects Renewable Energy Manager Residential Retrofit Program Energy/Water Audits for Residential	3.B	158,000	2009	158,000	(158,000)					
	3.B	30,000	2009	30,000	(30,000)					
	3.B	75,000	2009	75,000	(67,826)		(3,753)		(144)	3,278
	3.B	10,000	2009	10,000	(8,262)		(1,713)		-	26
	3.B	10,000	2009	10,000	(2,528)		(3,568)		(2,600)	1,404
	3.B	85,000	2009	85,000	-		(12,372)		(950)	71,678
	3.B	15,000	2009	15,000	-		-		-	15,000
	3.B	185,000	2009	185,000	-		-		-	185,000
	3.B	100,000	2009	100,000	(23,994)		(34,211)		(19,585)	22,211
Subtotal		668,000								
(1) Benicia Community Center	3.G	2,850,000	2010			850,000	(850,000)	1,500,000	(1,500,000)	-
(1) Future CAP Projects Elementary Education II Sustainability Intern Residential Audits - WaltzOn Educational workshop CAP Coordinator Sustainability Website Sustainable Management Program Sustainability Resource Materials - Library Pump Station 3 - Solar Project	3.H	12,000	2010				(7,760)		(4,285)	(12,045)
	3.H	7,000	2010				(7,000)			(7,000)
	3.H	46,880	2010						(3,864)	(3,864)
	3.H	29,000	2010						(24,216)	(24,216)
	3.H	150,000	2010						(16,800)	(16,800)
	3.H	17,000	2011						(1,668)	(1,668)
	3.H	625,000	2011							
	3.H	1,500	2012							
	3.H	256,909	2012						(256,909)	(256,909)
(1) In Lieu of Attorney Fees Renewable Energy Manager Bicycle Storage Racks, etc. Benicia Community Gardens Benicia CAC Solar Panels BUSD Horticulture Program	3.I	20,000	2010	20,000						20,000
	3.I	30,000	2010	30,000			(9,635)		(18,042)	2,323
	3.I	20,000	2010							
	3.I	40,000	2010							
	3.I	40,000	2010							
Investment Earnings - 2405 General Projects Investment Earnings - 4105 Planning Projects Replenishment #1	4 4 3.C				(20) 2,914		3,983 2,325	300,000	1,326 613	5,289 5,852 300,000
(1) Future Undesignated Projects		1,309,711								
Total		\$ 6,123,000		\$ 718,000	\$ (287,717)	\$ 850,000	\$ (923,703)	\$ 1,800,000	\$ (1,847,042)	\$ 309,539

* Tree Fund balance is not included in available cash.

Benicia Unified School District - Valero Good Neighbor Steering Committee Settlement Agreement

Description	Agreement Section	Allocation	Year Allocated	Receipts 2009-10	Expenditures 2009-10	Receipts 2010-11	Expenditures 2010-11	Receipts 2011-12	Expenditures 2011-12	Balance 2011-12
(2) BUSD GHG Reduction	1.5	\$ 400,000	2010						(224,900) ?	\$ 175,100
(1) BUSD BHS Sage Program	3.B	40,000	2010	40,000	(40,000)					-
(1) BUSD BHS Green Academy	3.B	240,000	2010						(240,000) ?	-
(1) BUSD BHS On-Site Healthy Lunch	3.B	197,000	2010						(197,000) ?	-
Subtotal		477,000								
(1) BUSD District Offices/Liberty	3.G	1,000,000	2010						(455,000) ?	545,000
Total		\$ 1,877,000		\$ 40,000	\$ (40,000)	\$ -	\$ -	\$ -	\$ (1,116,900)	\$ 720,100

Valero - Good Neighbor Steering Committee Settlement Agreement

Description	Agreement Section	Allocation	Year Allocated	Receipts 2009-10	Expenditures 2009-10	Receipts 2010-11	Expenditures 2010-11	Receipts 2011-12	Expenditures 2011-12	Balance 2011-12
(2) Hybrid Cars	2008	\$ 50,000	2010		\$ (50,000)					\$ -
(2) Refinery Buffer	2008	1,000,000	2010						(852,000)	148,000
(2) Watershed Acquisition	2008	1,000,000	2010		(5,000)					(5,000)
(2) Air Quality Monitoring-Equipment Ops/Shelter	1.1	250,000	2010						(241,167)	8,833
(1) Valero Condensate Recovery-Phase I	3.F	1,400,000	2010						(1,400,000)	-
(1) Valero Condensate Recovery-Phase II	3.F	1,600,000	2010						(1,600,000)	-
Total		\$ 5,300,000		\$ -	\$ (55,000)	\$ -	\$ -	\$ -	\$ (4,093,167)	\$ 151,833

Grand Total Including Tree Program \$ 14,000,000

? Expenditures as reported by BUSD and/or Valero, year of expenditures not identified.

Reconciliation:
 (1) Water and Energy \$ 10,600,000
 (2) Other 3,400,000
 \$ 14,000,000

AGENDA ITEM
CITY COUNCIL MEETING DATE - SEPTEMBER 18, 2012
BUSINESS ITEMS

DATE : August 28, 2012

TO : City Manager

FROM : Community Development Director

SUBJECT : **ALLOCATION OF \$9,000 OF VALERO/GOOD NEIGHBOR STEERING COMMITTEE SETTLEMENT AGREEMENT FUNDS FOR A FALL 2012 OR SPRING 2013 WORKSHOP SERIES TO BE FACILITATED BY DOMINICAN UNIVERSITY**

RECOMMENDATION:

Adopt a resolution approving the Community Sustainability Commission (CSC) recommendation to allocate \$9,000 in Valero/Good Neighbor Steering Committee Settlement Agreement funds for a Fall 2012 or Spring 2013 Workshop Series to be facilitated by Dominican University.

EXECUTIVE SUMMARY:

In 2011, Dominican University presented a series of 6 seminars focused on Green Business. CSC and Dominican propose to continue the series. Benicia commercial and industrial representatives could continue to attend the seminars taught by Dominican faculty to deepen their knowledge of sustainable business practices and opportunities.

BUDGET INFORMATION:

These series would be funded from the Climate Action portion of the Valero/Good Neighbor Steering Committee (V/GNSC) Settlement Agreement account. Approximately \$350,000 of the original \$600,000 for Climate Action purposes remains unallocated, not including funds needed to initiate the Sustainable Management Program (revolving loan) portion of the Business Development Action Plan (which are estimated at no more than \$120,000 during calendar 2012). No General Fund money will be used.

GENERAL PLAN:

The overarching Goal of the General Plan is Sustainability.

STRATEGIC PLAN:

Relevant Strategic Plan Issue and Strategies:

- Strategic Issue #2: Protecting and Enhancing the Environment

- Strategy #1: Reduce greenhouse gas emissions and energy consumption
- Strategy #3: Pursue and adopt sustainable practices

CLIMATE ACTION PLAN:

Relevant Climate Action Plan Objectives and Strategies:

- Objective EO-1: Increase Public Awareness and Education About Climate Change
 - Strategy EO-1.3: Educational Workshops

BACKGROUND:

CSC Work Group 1 (Education and Outreach) submitted a grant funding application in the amount of \$9,000 for a Fall 2012 or Spring 2013 Workshop Series to be facilitated by Dominican University. The CSC reviewed the grant funding request at its July 16, 2012 regular meeting, and recommended City Council approval.

In 2011, Dominican University presented a series of 6 seminars focused on Green Business. Almost 40 participants attended the entire series. CSC recommends that the series continue, building on the momentum established during the first program. Benicia commercial and industrial representatives would be invited to attend a series of seminars to deepen their knowledge of sustainable business practices and opportunities in a graduate-level format taught by Dominican University California faculty.

If approved, CSC Work Group 1 will work with Dominican University to formalize the workshop series content and course descriptions. A contract, with the final work plan, will be presented to City Council for final approval.

Attachments:

- Draft Resolution
- CSC Work Group 1 Grant Funding Request
- Portion of July 16, 2012 CSC Draft meeting minutes

RESOLUTION NO. 12-__

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA
APPROVING A GRANT FUNDING REQUEST FROM COMMUNITY
SUSTAINABILITY COMMISSION WORK GROUP 1 FOR A FALL 2012 OR
SPRING 2013 WORKSHOP SERIES TO BE FACILITATED BY DOMINICAN
UNIVERSITY IN THE AMOUNT OF \$9,000**

WHEREAS, CSC Work Group 1 submitted a grant funding request to the Community Sustainability Commission in the amount of \$9,000 for a Fall 2012 or Spring 2013 Workshop Series to be facilitated by Dominican University; and

WHEREAS, the Community Sustainability Commission reviewed the grant-funding request at its July 16, 2012 meeting, found it consistent with both the Climate Action Plan and the Valero/Good Neighbor Steering Committee Settlement Agreement, and recommended City Council approval of this request; and

WHEREAS, the City Council held a public hearing on September 18, 2012 and reviewed the grant funding request and proposal for the Dominican University Workshop Series.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Benicia hereby approves the funding request by CSC Work Group 1 for \$9,000 from the Valero/Good Neighbor Steering Committee Settlement Agreement funds for a Fall 2012 or Spring 2013 Dominican University Workshop Series.

BE IT FURTHER RESOLVED THAT CSC Work Group 1 will work with Dominican University to formalize the workshop series content and course description.

BE IT FURTHER RESOLVED THAT a contract, with the final work plan, will be presented to the City Council for final approval.

BE IT FURTHER RESOLVED THAT funds sufficient to cover the contract in the amount of \$9,000 will be allocated from the Valero/Good Neighbor Steering Committee Settlement Agreement funds, subject to prior completion of the FY 2012-2013 annual VIP Account summary and availability of funding.

On motion of Council Member _____, seconded by Council Member _____, the above Resolution was introduced and passed by the City Council of the City of Benicia at a regular meeting of said Council held on the 18th day of September 2012, and adopted by the following vote.

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk



Community Development Department

MEMORANDUM

Date: July 5, 2012
To: Community Sustainability Commission
From: Gina Eleccion, Management Analyst
Re: Grant Funding Request – CSC Work Group 1 Dominican University Workshop Series

Recommendation:

Review a grant funding application from CSC Work Group 1 for a Dominican University Fall 2012 or Spring 2013 Workshop Series.

Summary:

Work Group 1 has submitted a grant funding application in the amount of \$9,000 for a Fall 2012 or Spring 2013 Workshop Series to be facilitated by Dominican University. In 2011 Dominican University presented a series of 6 seminars focused on Green Business. This successful series had 39 participants attend the entire series. In 2012 or 2013 it is proposed that this seminar series on Green Business continue to build on the momentum and base established by the first program. Benicia commercial and industrial enterprises would attend a series of seminars to deepen their knowledge of sustainable business practices and opportunities through a "graduate" level and highly respected tailored subjects taught by Dominican University California faculty.

Per the grant funding process, the application should be reviewed and scored for qualitative and technical merit according to the criteria below.

	EVALUATION CRITERIA	POINTS
A.	Project commensurate with the Commission's mission and purposes	20
B.	Project to address particular strategy or strategies of the CAP	20
C.	Quantifiable goals attached to measurable and specific outcomes	15
D.	Ability to leverage grant with other funding sources or thru collaboration with other organizations, private or public	10
E.	Other sources of funding and board matching funds (not in-kind)	10
F.	Outreach Plan with educational "ripple effect" through the community	15
G.	Previous organizational experience, managing and completing a project, etc...	10
	<u>TOTAL POSSIBLE POINTS</u>	<u>100</u>

Currently, there is approximately \$2.5 million of unallocated Valero/Good Neighbor Steering Committee Settlement Agreement Funds (including \$1.6 million preferentially available for CRPII). City Council is scheduled to review a request by WattzOn for \$293,653 for residential water/energy audits. This was recommended for approval by the CSC.

Attachment:

- CSC Work Group 1 grant funding request – Dominican University Fall 2012 Workshop Series

3.
CITY OF BENICIA
COMMUNITY SUSTAINABILITY COMMISSION
2011 - 2013 GRANT APPLICATION

TITLE PAGE

PART A – BASIC INFORMATION

1. PROJECT/PROGRAM NAME: Community Sustainability Commission: Public Outreach and Education work Group 1.

Amount of Funding Request: For year 2012, \$9,000 (nine thousand dollars)

Organization and/or Person(s) Submitting Proposal: Community Sustainability Commission Workgroup 1

2. ORGANIZATION INFO:

Name:

Address:

Phone:

Fax:

Federal ID # (for non-profit or business)

3. If a non-profit organization, the year legally established:

State in which established:

4. If a business, the year established, number of years:

Location:

4. CONTACT PERSON (for this Application)

Name: Constance Beutel, EdD

Title: Chair, Community Sustainability Commission – Work Group 1: Public Education and Outreach

Address: c/o City of Benicia

Phone:

Email:

Fax:

1.
CITY OF BENICIA
COMMUNITY SUSTAINABILITY COMMISSION
2011 - 2013 GRANT APPLICATION

5. The proposed Project/Program will serve FOCUS AREAS of the Benicia Climate Action Plan [CAP] to reduce green house gases [GHG] and thereby also support Community Sustainability. Please list all FOCUS AREAS that will be addressed (fully or partially) by the proposed Project/Program and assign a number to each one in order of priority of importance to the Project/Program's mission. [See CAP page 15 for Focus Areas.]

EDUCATION/PUBLIC OUTREACH	ENERGY PRODUCTION	TRANSPORTATION & LAND USE	BUILDINGS
1			
INDUSTRIAL & COMMERCIAL	WATER & WASTEWATER	SOLID WASTE	PARKS & OPEN SPACE

6. The proposed Project/Program will serve STRATEGIES of the Climate Action Plan that are categorized in the CAP under the Focus Areas cited above. The CAP identifies EIGHT (8) strategic themes [CAP, page 18]. Please identify by all pertinent and relevant CAP STRATEGIES that the proposed Project/Program will serve and assign a number to each one in order of priority of importance to the proposed Project/Program's mission. [Example: Priority 2: Strategy B-2.2. Promote Local Green Building Projects.]

Public Outreach	Solar Energy	Wind Energy	Transportation
EO – Education and Public Outreach EO-1.3 – Educational Workshops			

Green Building	Energy Efficiency	Water Conservation	Carbon Sequestration

2.
**CITY OF BENICIA
COMMUNITY SUSTAINABILITY COMMISSION
2011 - 2013 GRANT APPLICATION**

7. **ORGANIZATION CERTIFICATION:** I hereby certify that all information contained in this application and any attachments is true and accurate.

NO CITY EMPLOYEE SHALL BE SIGNATORY ON BEHALF OF AN APPLICANT ORGANIZATION REQUESTING FUNDS FROM THE COMMUNITY SUSTAINABILITY COMMISSION.

Authorizing Signature Chair, Community Sustainability Commission Title 6/26/2012 Date

Constance M. Beutel, EdD
Typed Name

3.
CITY OF BENICIA
COMMUNITY SUSTAINABILITY COMMISSION
2011 - 2013 GRANT APPLICATION

PART B – BUDGET INFORMATION

8. Please provide a budget for the proposed Project/Program. Expenses listed in this document should be consistent with the Project Description. This budget is only for the Project utilizing grant monies. Do not leave any blank boxes. Use “N/A”, if cost category is not applicable.

Note: Column “A” = Total cost of the proposed Project.

Column “B” = Amount requested in this grant application.

Column “C” = The difference between Column A and Column B, or the costs of the Project

that are not included in this grant request, if any.

PROJECT DIRECT EXPENSES	TOTAL PROJECT COSTS (A)	GRANT REQUEST AMOUNT (B)	APPLICANT'S OTHER COSTS (C)
Personnel (direct ¹)	N/A		
Personnel (direct ¹)	N/A		
Personnel (support ¹)	N/A		
Benefits (direct ¹)	N/A		
Contract Services – see attached	\$9,000		
Project Supplies - Books	N/a		
Project Equipment	TBD		
Transportation costs: e.g., gas, rental	N/A		
Other Direct Costs	N/A		
SUBTOTAL	\$9,000	\$	\$

PROJECT DIRECT EXPENSES	TOTAL PROJECT COSTS (A)	GRANT REQUEST AMOUNT (B)	APPLICANT'S OTHER COSTS (C)

¹. [Provide names, titles & total estimated annual salary or stipend. Attach additional sheets if needed and summarize total here.]

4.
CITY OF BENICIA
COMMUNITY SUSTAINABILITY COMMISSION
[DRAFT] 2011 - 2013 GRANT APPLICATION

PART B – BUDGET INFORMATION (con't)

INDIRECT EXPENSES				
Administrative - personnel		N/A		
Benefits		N/A		
Space/office rental		N/A		
Utilities		N/A		
Telephone		N/A		
Office Supplies		N/A		
Transportation (gas, rental)		N/A		
Other Indirect Costs		N/A		
SUBTOTAL		\$0	\$	\$
TOTAL COSTS (direct & indirect)		\$9,000	\$	\$

5.
CITY OF BENICIA
COMMUNITY SUSTAINABILITY COMMISSION
[DRAFT] 2011 - 2013 GRANT APPLICATION

PART B – BUDGET INFORMATION (con't.)

9. **APPLICANT'S FINANCIAL SOURCES:** Please provide sources of other funds for the proposed Project/ Program. Total amount should correspond with Total in Column C (from previous page). Do not include your entire budget here. (It should be attached).

Applicant's Sources of Other Funding (be specific)	Amount or Value	Cash or In-kind (indicate)
N/A		
TOTAL	\$	\$

List any prior City of Benicia grants or loans awarded to your organization and the number of Benicians served with the funds. (If more space is needed to complete your answer, use the reverse side of this page).

Fiscal Year	Project/Program	Amount of City Grant or Loan	Benicians served
2010 - 11	N/A		
2009 - 10	N/A		
2008 - 09	N/A		
2007 - 08	N/A		
2006 - 07	N/A		
2005 -06	N/A		
2004 - 05	N/A		
2003 - 04	N/A		
TOTALS		\$	

6.
CITY OF BENICIA
COMMUNITY SUSTAINABILITY COMMISSION
[DRAFT] 2011 - 2013 GRANT APPLICATION

PART C – PROJECT/PROGRAM ORGANIZATION DISCUSSION (Please limit Part C to 5 pages)

Brief Project/Program Summary (Three to four sentences describing the grant proposal).

a) In 2011 Dominican University presented a series of 6 seminars focused on Green Business. This successful series had 39 participants attend the entire series. In 2012 or early 2013 it is proposed that this seminar series on Green Business continue to build on the momentum and base established by the first program.

Describe the Project/Program's general purpose and activities:

a) Benicia professionals (residents), Benicia commercial and industrial enterprises would attend a series of seminars to deepen their knowledge of sustainable business practices and opportunities through a 'graduate' level and highly respected tailored subjects taught by Dominican University of California Faculty.

Activities: Up to 6 seminars on topics ranging from:

- Sustainability: Making the Case for Business
- Lean and Green: Sustainable Operations Management For Your Organization
- Metrics, Policy and Trends: What They Mean for Your Organization
- Green and Social Marketing Tactics and Strategies
- The Power of More in Times of Less: Leveraging Synergies and Conflict
- Action Plans: Profit, People, Planet

If sponsored by a non-profit or business, list all financial liabilities or pending legal action:

N/A

If applying for other grants for fiscal years 2011 - 2013, please list the project, funding source(s), proposed budgets and requested amount(s).

N/A

At what location(s) will the proposed Project/Program take place, and, if applicable, how long has the organization been at this location?

The exact location TBD (Benicia Community Center). It needs to comfortably seat up to 40 people;

7.
CITY OF BENICIA
COMMUNITY SUSTAINABILITY COMMISSION
2011 - 2013 GRANT APPLICATION

PART C – PROJECT/PROGRAM ORGANIZATION DISCUSSION (con't)

What are your proposed hours of operations for this Project/Program? Please indicate hours that actual services will be provided, and how this may or may not differ from the hours project staff will be available to respond to inquiries by phone or email, answer general questions, etc.?

Twice a month for up to three months

Describe the Project/Program associated with this grant request. Include the goals to be achieved and the strategy that will be used to meet the goals. Be specific when discussing what will be achieved as a result of the proposed Project/Program, with respect to goals of the Benicia Climate Action Plan to reduce GHG emissions.

As this question relates to GHG, the Climate Action Plan does not specify direct GHG reductions.

Please describe why the proposed Project/Program is necessary for citizens of Benicia and the community as a whole?

a) Attending substantive business seminars offered by a prestigious and recognized university will provide a significant opportunity to expand the knowledge, expertise and business resilience and sustainability of professionals living in Benicia and professionals working in the commercial and industrial sectors of our community.

How will outreach be conducted so that services provided will have an educational “ripple effect” throughout the community?

a) The series will be promoted via the CSC’s website, local press and through the local non-profit groups. The graduate alumni of the first 2011 series will also provide mentoring and networking for this program.

8.
CITY OF BENICIA
COMMUNITY SUSTAINABILITY COMMISSION
2011 - 2013 GRANT APPLICATION

PART C – PROJECT/PROGRAM ORGANIZATION DISCUSSION (con't)

20a. List the specific, quantifiable goals of the proposed Project/Program. (Please state the goals in numbers of individuals, families, households or groups projected to be served and then estimate the amount of energy or water savings that may be achieved for each, then total those figures in each category and estimate GHG reduced by the Project/Program over one year.)

ANNUAL GOALS	Numbers served, e.g. individuals, families, households and/or groups	Water & Energy Savings in 1 year	GHG reductions (estimate) in 1 year
Attendance –	35 – 40 attendees		
Expansion of the Green business network in Benicia	From 39 to 80		

20b. Discuss how this data will be collected, organized and disseminated throughout the community.

Attendance sheets will be kept for each session. The report will be made with the annual CSC report to City Council and posted on the CSC's website.

If the proposed Project/Program is an already existing activity, or part of an existing program of the applicant or his or her organization or business, please explain.

Yes, the Community Sustainability Commission and Work Group 1, Public Education and Outreach has successfully sponsored two educational series in 2010: Stewards of our Children's Future (175 attending) and Sustainable Benicia: Green Business. (39 attending a total of 6 sessions) and Sustainable Benicia: Energy (134 attending).

Identify similar projects or programs in the community and how the proposed Project/Program differs from them.

a) NONE! –

9.
**CITY OF BENICIA
 COMMUNITY SUSTAINABILITY COMMISSION
 2011 - 2013 GRANT APPLICATION**

PART C – PROJECT/PROGRAM ORGANIZATION DISCUSSION (con't)

REQUIRED ATTACHMENTS: Please verify and check off confirmation indicating that the following required items are attached to the original application.

Do not leave any blank – if an item is not applicable, indicate by “N/A”

Attachment Confirmation	Item No.	Item Description
N/a ()	1.	IRS Letter of Tax Exempt Status
N/a ()	2.	Organization’s total budget for the current year
N/a ()	3.	Copy of most recent audit or financial statement
N/a ()	4.	Names and addresses of Board of Directors
N/a ()	5.	List of paid principal staff and positions
N/a ()	6.	Job descriptions for principal staff and personnel <i>to be paid partially or in full with grant funding.</i>
N/a ()	7.	Copy of resolution or board meeting minutes indicating organization’s support of the project application.
N/a ()	8.	If a partnership, or involving any collaboration with other group or entity, letters of commitment from each organization indicating degree of participation and a budget showing each organization’s financial responsibility to the proposed Project/Program.

THANK YOU!

C. CONSIDERATION OF GRANT APPLICATION – CSC WORKGROUP 1 – FALL 2012/SPRING 2013 DOMINICAN UNIVERSITY WORKSHOP SERIES

Chair Beutel provided an introduction to the Dominican University seminars focused on Green Business. Chair Beutel recommended to the Commission that this program continue in the fall and work towards increasing the number of participants.

Commission discussed the series and commented that the information provided at the workshop was valuable.

Public comment was opened.

A citizen had a question regarding those who attended and if there was follow up with them. The Commission explained that the attendees provided assessments on the seminars; however, no additional follow up has happened.

Dana Dean commented on the value of modifying the program based on the feedback from the previous attendees. Ms. Dean suggested that the Commission wait to recommend the \$9,000 in funding until the Valero Good Neighbor Settlement Agreement funds are available for allocation.

Commission discussed the seminar, possible follow up options, and the cost to attend.

Kimble Goodman commented that the program was valuable and asked if the Commission could forward the results of the survey. He continued to state that he would like to see how the attendees applied the information.

The Commission and the public discussed the benefits of the seminars and how beneficial it would be to reach out to previous attendees for input on how to make the next seminar better.

On motion of Commissioner Shannon, seconded by Commissioner Fiscallini, a recommendation to approve the grant application was approved by the following vote:

Ayes: Commissioners Fiscalini, Kerridge, Lamoreux, Shannon and Chair Beutel
Noes: None
Absent: Commissioner Tupfer
Abstain: None

AGENDA ITEM
CITY COUNCIL MEETING DATE - SEPTEMBER 18, 2012
BUSINESS ITEMS

DATE : September 11, 2012

TO : City Council

FROM : City Attorney

SUBJECT : **FILLING THE VACANCY IN THE OFFICE OF THE CITY TREASURER**

RECOMMENDATION:

Either approve, by resolution, an appointment process or call, by resolution, a special election to fill the vacancy in the office of city treasurer.

EXECUTIVE SUMMARY:

Due to the recent passing of City Treasurer Bob Langston, the City Council must decide how to fill the vacancy in the office of city treasurer. The Government Code provides that the City Council may fill the vacancy in the office of city treasurer by either appointing someone to the office or calling a special election to fill the office.

BUDGET INFORMATION:

The office of city treasurer receives \$200 per month in salary and retirement benefits. The position does not receive other benefits. There are also the minimal costs of business cards, new letterhead, etc. If an election is required to fill the vacancy, the estimated cost of the election is \$15/voter for an election with polling places. The current budget does not include the costs of a special election, which is estimated to cost \$264,510.

GENERAL PLAN:

N/A

STRATEGIC PLAN:

N/A

BACKGROUND:

Unfortunately, recently elected City Treasurer Bob Langston passed away on August 25, 2012. Because he passed while holding the office of City Treasurer, there is again a vacancy in the office of City Treasurer. In accordance with Benicia Municipal Code Section 2.48.010, the only duties of the city treasurer are to countersign warrants and attend Finance Committee meetings. Until the vacancy is filled, warrants will be countersigned by the Mayor and authorized

staff members.

The process for filling the vacancy remains the same as 2010 when City Treasurer Teddie Bidou passed. The only change is that the time frame for Council action has been extended. Government Code Section 36512 provides for the filling vacancies in elected offices such as the City Treasurer. This section now requires action by the City Council within 60 days from the date of the vacancy, instead of 30 days. Thus, **October 25th** is the last day for action by the Council.

Government Code Section 36512 requires the City Council to fill the vacancy either by appointing someone to the office or by calling a special election to fill the vacancy. The appointment to fill the vacancy must be made within 60 days from the date of the vacancy. If the council chooses to call for an election instead of an appointment, the election must be called within 60 days of the vacancy. The special election must be held on the next regularly established election date not less than 114 days from the call of the election. There are three regular election dates for each year per Elections Code Section 1000. Since it is too late to put this item on the November election, the next available election to fill the vacant City Treasurer position would be in March of 2013.

Whether the vacancy is filled by appointment or election, the City Treasurer must be an elector of the city at the time of appointment and must maintain residency during the term of office. See Government Code Section 36502. The term of office whether appointed or elected will be the remainder of the former City Treasurer's term (December of 2015). In 2010, the City Council decided to appoint Teri Davena as Treasurer until the end of City Treasurer Bidou's term. An election was then held and Bob Langston won the position.

Appointment Process:

In the fall of 2010, the City Council considered whether to appoint or call for an election for the vacant City Treasurer position. At the special City Council meeting on September 28, 2010, the City Council opted for an appointment process to fill out the remainder of City Treasurer Bidou's term. Approximately a week was allowed for application submittals with applications due on October 5 at 5 p.m. Interviews by the City Council and the final council decision on the appointment was then made at a special meeting of the Council on October 12. This time frame required a couple of special meetings.

Because the Council has more time to make a decision, the interviews and final action could happen at regular meetings either on October 2 or October 16. If October 2 is selected as the date for the interviews, the application deadline should be September 25th to meet the agenda deadlines. If October 16 is selected for the interviews, the application deadline can be later. If October 16 is selected there is less room for additional meetings if needed. An extended

period of time for applications is probably not needed given the interest already expressed for the position. H.R. Autz, the other candidate who ran for City Treasurer, has expressed interest to me in being appointed. Teri Davena is willing, if need be, to be appointed, as well.

A copy of the application form used last time is attached. The same application could be used this time. Although the salary and benefits have already been reduced there is some budget impact as noted in the budget section of this report.

The interviews of the applicants were conducted in public. Each applicant was allowed a one-minute opening statement. Then, the City Council asked each of the three applicants four questions:

1. Why do you want to be City Treasurer?
2. Describe the background and experiences that make you a desirable candidate.
3. What is your understanding of the City's Investment Policy as approved by the City Council?
4. Are you willing to serve the full unexpired term until December 2011 (now 2015)?

There were no time limits on the response time for the applicants and none of the candidates talked excessively. The Council decided that follow up questions could be asked but wanted to keep the questions the same for each applicant. No follow up questions were actually asked of the applicants.

Each applicant was asked, and agreed, to wait outside the Council Chamber until it time for the applicant's interview. Order of the interviews was determined by a coin toss since initially only two of the applicants were present. Drawing cards could be used if there are more than two applicants.

Public comment was allowed after all the applicants spoke. The City Council then deliberated and selected and appointed Teri Davena as the City Treasurer. As noted above, there are minimum qualifications for the City Treasurer position. The City Council may appoint anyone, including a City employee, who is an elector of the City.

Election:

If the City Council would like to submit the matter to the voters to choose the City Treasurer, the Council must adopt a resolution calling for a special election. The next available election date is March 5, 2013. The cost of a special election is estimated to be \$15 per registered voter. There are currently 17,634 registered voters. Thus, a regular election would cost approximately \$264,510. No funds have been allocated for this election cost. A budget adjustment would be required.

Draft resolutions are attached for your consideration to call the election and receive County services.

Ballot Measure to Consider Elected vs. Appointed City Clerk and City Treasurer: In 2010, the City Council decided not to pursue a ballot measure to make the City Treasurer position or City Clerk position appointed. You may recall that in 1998 the question of whether the City Clerk and City Treasurer positions was put to a vote of the people. Although the measures failed at that time, it may be appropriate to reconsider the issues. A copy of former Finance Director Rob Sousa's comments about the evolution of the treasurer position are attached as well as the information on the previous ballot measure.

Attachments:

- ❑ Benicia Municipal Code Chapter 2.48
- ❑ Government Code Section 36512
- ❑ Government Code Section 36502
- ❑ October 12, 2010 City Council Minutes
- ❑ Resolution Requesting Applications
- ❑ Application
- ❑ Resolutions Calling a Special Election and Requesting County Services
- ❑ Finance Director Rob Sousa's Comments
- ❑ Previous City Clerk/City Treasurer Ballot Measure Information
- ❑ 1998 Ballot Information

Chapter 2.48 CITY TREASURER

Sections:

- [2.48.010](#) Powers and duties.
- [2.48.020](#) Compensation and benefits.
- [2.48.030](#) Qualifications.

2.48.010 Powers and duties.

All statutory duties and responsibilities not heretofore transferred to the county, the city manager or the finance director which are now performed by the city treasurer are transferred to the city clerk, who is ordered to perform all such duties, including but not limited to those duties required by law.

The city treasurer shall countersign warrants and serve on the finance committee. (Ord. 11-09 § 1).

2.48.020 Compensation and benefits.

The city treasurer shall receive a \$200.00 per month stipend and related retirement benefit but no other benefits.(Ord. 11-09 § 1).

2.48.030 Qualifications.

The city treasurer is an elected position so the only qualifications are that the individual be a registered voter of the city. Therefore, the following qualifications are desirable, but not required.

A. Knowledge of:

1. Municipal revenue sources;
2. Methods, practices and principles related to the investment of city idle funds;
3. Basic assessment district and bond financing techniques; and
4. Methods, practices and principles related to evaluating municipal cash flow needs.

B. Ability to:

1. Invest city idle funds in a wise and prudent manner;
2. Meet the public and provide required information pleasantly and efficiently;
3. Communicate effectively and tactfully in both oral and written forms;
4. Establish and maintain complex and extensive financial record keeping systems and files;
5. Operate and use a variety of office equipment;
6. Establish and maintain effective work relationships with those contacted in the performance of required duties. (Ord. 11-09 § 1).

C

Effective: January 1, 2011

West's Annotated California Codes [Currentness](#)

Government Code ([Refs & Annos](#))

Title 4. Government of Cities ([Refs & Annos](#))

▣ [Division 3. Officers \(Refs & Annos\)](#)

▣ [Part 1. General \(Refs & Annos\)](#)

→ → **§ 36512. Vacancies; fill by appointment or special election; term; ordinances governing appointments or elections; restrictions**

(a) If a vacancy occurs in an appointive office provided for in this chapter, the council shall fill the vacancy by appointment. A person appointed to fill a vacancy holds office for the unexpired term of the former incumbent.

(b) If a vacancy occurs in an elective office provided for in this chapter, the council shall, within 60 days from the commencement of the vacancy, either fill the vacancy by appointment or call a special election to fill the vacancy. The special election shall be held on the next regularly established election date not less than 114 days from the call of the special election. A person appointed or elected to fill a vacancy holds office for the unexpired term of the former incumbent.

(c) Notwithstanding subdivision (b) and [Section 34902](#), a city may enact an ordinance that does any of the following:

(1) Requires that a special election be called immediately to fill every city council vacancy and the office of mayor designated pursuant to [Section 34902](#). The ordinance shall provide that the special election shall be held on the next regularly established election date not less than 114 days from the call of the special election.

(2) Requires that a special election be held to fill a city council vacancy and the office of mayor designated pursuant to [Section 34902](#) when petitions bearing a specified number of verified signatures are filed. The ordinance shall provide that the special election shall be held on the next regularly established election date not less than 114 days from the filing of the petition. A governing body that has enacted such an ordinance may also call a special election pursuant to subdivision (b) without waiting for the filing of a petition.

(3) Provides that a person appointed to fill a vacancy on the city council holds office only until the date of a special election which shall immediately be called to fill the remainder of the term. The special election may be held on the date of the next regularly established election or regularly scheduled municipal election to be held throughout the city not less than 114 days from the call of the special election.

(d)(1) Notwithstanding subdivision (b) and [Section 34902](#), an appointment shall not be made to fill a vacancy on a city council if the appointment would result in a majority of the members serving on the council having been

appointed. The vacancy shall be filled in the manner provided by this subdivision.

(2) The city council may call an election to fill the vacancy, to be held on the next regularly established election date not less than 114 days after the call.

(3) If the city council does not call an election pursuant to paragraph (2), the vacancy shall be filled at the next regularly established election date.

CREDIT(S)

(Added by Stats.1949, c. 79, p. 144, § 1. Amended by Stats.1975, c. 283, p. 703, § 1; Stats.1977, c. 1205, p. 4076, § 89; Stats.1992, c. 136 (A.B.2295), § 1; Stats.1993, c. 229 (A.B.1282), § 12, eff. July 29, 1993; Stats.2010, c. 38 (A.B.1668), § 10.)

Current with urgency legislation through Ch. 171 of 2012 Reg.Sess. and all propositions on the 6/5/2012 ballot.

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END OF DOCUMENT

C

Effective:[See Text Amendments]

West's Annotated California Codes [Currentness](#)

Government Code ([Refs & Annos](#))

Title 4. Government of Cities ([Refs & Annos](#))

▣ Division 3. Officers ([Refs & Annos](#))

▣ Part 1. General ([Refs & Annos](#))

→→ **§ 36502. Councilmember, clerk or treasurer; qualifications; vacancy upon nonresidence; term limits; electoral approval**

(a) A person is not eligible to hold office as councilmember, city clerk, or city treasurer unless he or she is at the time of assuming the office an elector of the city, and was a registered voter of the city at the time nomination papers are issued to the candidate as provided for in [Section 10227 of the Elections Code](#).

If, during his or her term of office, he or she moves his or her place of residence outside of the city limits or ceases to be an elector of the city, his or her office shall immediately become vacant.

(b) Notwithstanding any other provision of law, the city council of a general law or charter city may adopt or the residents of the city may propose, by initiative, a proposal to limit or repeal a limit on the number of terms a member of the city council may serve on the city council, or the number of terms an elected mayor may serve. Any proposal to limit the number of terms a member of the city council may serve on the city council, or the number of terms an elected mayor may serve, shall apply prospectively only and shall not become operative unless it is submitted to the electors of the city at a regularly scheduled election and a majority of the votes cast on the question favor the adoption of the proposal. Notwithstanding the provisions of this subdivision, the provisions of any city charter that, on January 1, 1996, impose limitations on the number of terms a member of the city council may serve on the city council, or the number of terms an elected mayor may serve, shall remain in effect. Unless otherwise prohibited by a city charter, any city charter may be amended pursuant to this section or pursuant to the procedures specified in the charter, to include the limitation authorized in this subdivision.

CREDIT(S)

(Added by Stats.1949, c. 79, p. 143, § 1. Amended by Stats.1957, c. 635, p. 1842, § 1; Stats.1961, c. 1682, p. 3650, § 1; Stats.1975, c. 1030, p. 2432, § 4, eff. Sept. 24, 1975; [Stats.1994, c. 923 \(S.B.1546\)](#), § 71; [Stats.1995, c. 432 \(S.B.2\)](#), § 5.)

Current with urgency legislation through Ch. 171 of 2012 Reg.Sess. and all propositions on the 6/5/2012 ballot.

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END OF DOCUMENT

MINUTES OF THE
SPECIAL MEETING – CITY COUNCIL
October 12, 2010

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

I. CALL TO ORDER:

Mayor Patterson called the meeting to order at 5:31 p.m.

II. CONVENE OPEN SESSION:

A. ROLL CALL

Council Member Campbell was absent.

B. PLEDGE OF ALLEGIANCE

Council Member Hughes led the Pledge of Allegiance.

C. REFERENCE TO THE FUNDAMENTAL RIGHTS OF THE PUBLIC:

III. OPPORTUNITY FOR PUBLIC COMMENT:

A. WRITTEN COMMENT

B. PUBLIC COMMENT

Marilyn Bardet - Ms. Bardet thanked the City and citizens of Benicia for making the 2010 Climate Action Day a success. She invited anyone interested in helping out with the new garden to contact her.

IV. ADOPTION OF AGENDA:

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

Ayes: Patterson, Schwartzman, Hughes, Ioakimedes

Noes: (None)

V. ACTION ITEMS:

A. FILLING THE VACANCY IN THE OFFICE OF THE CITY TREASURER

Heather McLaughlin, City Attorney, reviewed the staff report. She described the duties of the City Treasurer. The Finance Department already does almost all of

the duties that used to be required of the position. There is no real power associated with the position. The treasurer would not have the ability to override any duties or information in reports, etc.

Council Member Hughes and Staff discussed any consequences that could occur if Council did not make a decision tonight.

Council concurred with the questions suggested by the City Attorney. The same four questions would be asked of each applicant. Each applicant would wait outside until it was their turn to answer the questions. Council agreed to do a coin toss to see which applicant would go first, since only two of the applicants were present. Chief Vucurevich tossed a coin, and Ms. Davena won the toss. She would go first. Mayor Patterson asked Staff to contact Mr. Fullington to see if he would be attending.

Ms. Davena read an opening statement. Council then asked Ms. Davena the four predetermined questions. No additional questions were asked by Council.

Staff clarified that Mr. Fullington was unaware of the time of the meeting. He was on his way, and should be arriving shortly.

Mr. Langston read an opening statement. Council asked Mr. Langston the four predetermined questions. No additional questions were asked of Mr. Langston.

Council discussed what to do, since Mr. Fullington was still not present. At 6:00 p.m., Council agreed to take a break until Mr. Fullington arrived, or for 15 minutes, whichever came first.

Mr. Fullington arrived at 6:14 p.m.

Mr. Fullington made an opening statement. Council asked Mr. Fullington the four predetermined questions. No additional questions were asked of Mr. Fullington.

Mayor Patterson and Staff discussed the issue of possible conflict if a City employee were appointed (none). They discussed rules regarding candidates who are serving on existing boards or commissions.

Council Member Ioakimedes and Staff discussed the issue of abolishing the position of treasurer in the future. They also discussed what would happen if the issue were put on a ballot, along with the position of the treasurer being on the ballot.

Vice Mayor Schwartzman and Staff discussed the previous direction to Staff to begin working on the issue of eliminating the position of City Treasurer. Ms. McLaughlin clarified that it was her plan to bring forward calling an election to eliminate the position, to bring forward a resolution to reduce the salary to zero,

and to transfer any remaining duties to the City Clerk. Mayor Patterson clarified that it was her understanding that Council had a discussion and asked Ms. McLaughlin to do the research so Council could have further discussions on the issue.

Council discussed whether they would make a decision tonight, or continue the decision to 10/19/10, which would be one day past the deadline. Council agreed it could make a decision tonight.

Public Comment:

None

Council Member Hughes thanked the three candidates for applying. He thought it was the intent and vision of the Council that the position was ceremonial. Based on that, he would select Ms. Davena for the position.

Vice Mayor Schwartzman agreed with Council Member Hughes. He would like to see Teri Davena in the position.

Council Member loakimedes discussed the position of the City Treasurer. It was an opportunity for Council to do an experiment. They have the chance to bring it in-house and try it for a year. He encouraged the other applicants to stay tuned, as the status of the position could change in the future.

Mayor Patterson thanked the candidates for applying. Mayor Patterson discussed her desire to appoint Teri Davena to the position. She was impressed with Mr. Langston's resume, and hoped the City could find a position for him on a commission or board.

Mayor Patterson clarified the previous direction to staff regarding the position of City Treasurer was to pursue the issue of eliminating the position, and to report back to Council on the findings.

On motion of Vice Mayor Schwartzman, seconded by Council Member Hughes, Council adopted the Resolution, appointing Teri Davena as City Treasurer, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Hughes, loakimedes

Noes: (None)

B. ARSENAL INVESTIGATION AND REMEDIATION COMMITTEE REPORT ON MEETING WITH THE DEPARTMENT OF TOXIC SUBSTANCES CONTROL

Heather McLaughlin, City Manager, reviewed the staff report. She discussed the meeting that took place with DTSC, DOJ, Army Corp of Engineers, and various property owners. She discussed Staff's recommendation for the City to hire an

experienced consultant to assist the City with the issue. She recommended sending out a request for qualifications, and having her and the Council Subcommittee review the applications and report back to Council on their findings and recommendations.

Mayor Patterson discussed the need for a person who has experience in dealing with DTSC and the DOD, to ensure the City's interests are protected. She discussed the need to deliver a clear message to them that they need to pay for the pollution that they left. She discussed the devastation that could have been caused by the grenade that was found at the Valero refinery in 2008. Valero feels they need more information and clarity on the situation. She discussed the Army blowing off the issue of the trichloroethylene in the area. She discussed the Army's delay tactics. She was determined to make sure the Army steps up and takes responsibility, at their cost, and not the cost of the City or property owners. She wants to make sure the message to the federal and state elected representatives that we need to challenge the U.S. Government that they need to come forward and put money on the table so we can take the next step and get clarity on contamination, develop standards for clean up, and then do the process of a clean up. She discussed the DOJ's involvement. There needs to be a clear process of clarity and transparency with the property owners. She hoped there would be a direction to the City Attorney to hire consultant who has a successful track record in negotiating with the DTSC and with the federal government (particularly with the Army).

Vice Mayor Schwartzman discussed the City and property owners being stuck in between two bureaucracies (DTSC and DOD). He hoped to find a way to move forward with no cost to the City or property owners. He did not know how that would be done without the property owners coming up with money and not be on the line for the cost of the characterization. The City needs to have an experienced consultant on board. The City might also need an environmental attorney on board. That will be a cost to the City. He did not think the City would be able to recoup the costs. He found some encouragement in the meeting regarding some of the properties not having to be included in the process.

Council Member Hughes discussed his expectation there would be a common sense approach to this that would not have a financial hardship on the property owners. He did not understand why DTSC was not taking that into consideration. Mayor Patterson explained the issues between DTSC and DOD.

Council discussed the differences between an order and a voluntary consent to clean the property up.

Council Member Ioakimedes discussed the bureaucracy that he experienced at the meeting with the DTSC and DOD. They are not our allies in this situation. The DOD and DOJ's goal is to keep this at arms length and spend a minimal amount of money. DTSC's goal is to clean this up, and they will steamroll right

through the City to get it done. Common sense does not enter into it. He agreed the City needed professional help to deal with the issue. The City needs to work with its citizens. He was uncomfortable with why the Arsenal issues had gone underground. He would like to have a conversation as to what happened.

Mayor Patterson discussed how DTSC deals with responsible parties in situations such as this. She discussed the process going 'underground' in 2005.

Public Comment:

Marilyn Bardet - Ms. Bardet discussed her frustration with the City's processes with the Arsenal. She discussed the suspected problems throughout the Arsenal. She discussed her concern for the small-scale property owners in the Arsenal. She discussed the need to involve the EPA. The army should pay its fair share.

Dana Dean, Attorney representing Amports - Ms. Dean discussed DTSC's waking up because the City asked them to. She discussed the DTSC and their obligation to the property owners. The City does not have authority over the DTSC. She asked Council to ask for either a consent order in place or an endangerment order in place. She disagreed with DTSC that an order on the property did not make a difference. Things to think about are the DTSC wanting the City to enter into a contract by 12/9/10. She asked Council to ask the DTSC to slow the process down, so it could be more rational. Potentially responsible parties (PRP) could be identified down the line. She hoped they could work through the negotiating process until Army comes up with a list of PRP's. She agreed the City needs a consultant and a lawyer who is experienced in this area of expertise.

Mayor Patterson discussed Staff seeking clarification on what DTSC wanted to hear by the 12/9/10 date.

Vice Mayor Schwartzman and Ms. Dean discussed various communications between the parties involved, and the need for everyone to have copies of all communications.

Council Member Ioakimedes asked Ms. Dean for clarification on what she would like the City to ask the DTSC for. Other potential courses of action could be PRP letters going out, or entering into a voluntary clean up agreement. Ms. Dean would like the state and federal officials to respect the PRP identification process, and work through the clean up agreement process before they issue endangerment orders.

Council Member Hughes discussed the need for horsepower to move forward with this. He agreed Council should try to get DTSC to slow the process down.

Mayor Patterson discussed the Potter's property, and the issue of

trichloroethylene. She discussed the need to be cautious and not get caught in a trap by the Army, and end up liable for any of this.

Ms. Dean requested the City apply the same kind of political pressure that brought DTSC forward in the first place.

Mayor Patterson and Staff discussed the \$4.9 million cost for sight characterization. Mayor Patterson discussed the need for clarification from the DTSC on the estimates.

Vice Mayor Schwartzman discussed the issue of DTSC's concerns regarding UXO's (unexploded ordnance), plume, and health risk concerns.

Council Member loakimedes discussed the need to figure out what could have been done differently in February 2010 that could have prevented this situation from getting to this point. He would like to have a conversation about that.

Jim Lessenger - Dr. Lessenger discussed the original letter from the Army Core of Engineers many years ago. It is somewhere in the City's archives. It is an embarrassing letter for the Army Core of Engineers. He discussed the State owned property in the Arsenal. He discussed the various other PRP's. He discussed the 1912 explosion at the Clock Tower, and how the Army dealt with it. The issue of UXO's has not been totally answered by the Army Corp of Engineers.

Mayor Patterson gave direction to have Staff find consultant/attorney with experience negotiating with DTSC and the U.S. Government (Army), work on developing a communication plan, coming up with a strategy that would get the Army to look at the munitions of environmental concern and the UXO's, and perhaps providing a priority to look at that, develop strategy for state and federal assistance, getting a clarification of characterization steps and cost, having a strategy meeting with DOJ for the report that is due 12/9/10, getting an understanding of the priority areas in the Arsenal, develop strategy to convince DTSC to slow down, developing a parallel track to convince the Army to look at the UXO's and MEC's (munitions and explosives of concern), and identify a funding mechanism for consultant/attorney costs. Staff will issue an RFQ, and work with the Council Subcommittee, then bring it back to Council. Staff will present this to Council at the second meeting in November. Staff and Council discussed working with the DOJ, coming up with a report, and the possibility of the DTSC working with the City on the 12/9 due date.

VI. INFORMATIONAL ITEM:

A. Verbal update on Pipelines and Safety

Chief Vucurevich reviewed the staff report.

Council Member Ioakimedes and Staff discussed the issue of shutoff valves.

Vice Mayor Schwartzman and Staff discussed the age of various pipelines, potential issues (not on PG&E's top 100 list), and the proximity of the pipelines to seismic areas.

Mayor Patterson and Staff discussed possibly getting a video showing the response of the San Bruno explosion for training purposes (lessons learned, etc).

Council Member Hughes discussed the press conference PG&E had today regarding moving forward with improved maintenance of pipelines. Property owners could go online for information on pipelines (www.pge.com).

Public Comment:

Marilyn Bardet - Ms. Bardet discussed an experience she had in the 1990's with a gas leak.

Mr. Erickson discussed how proactive Staff had been with PG&E since the San Bruno explosion.

VII. CLOSED SESSION:

Heather McLaughlin read the announcement of Closed Session.

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

**Agency negotiators: Council Subcommittee, City Manager,
Administrative Services Director**

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

**B. PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Subdivision (b)
of Government Code Section 54957) Title: City Manager**

- C. PUBLIC EMPLOYEE APPOINTMENT (Government Code Section §54957(b)) Employee: City Manager
- D. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (Subdivision (a) of Government Code Section 54956.9) Name of case: City of Benicia vs. Lighthouse Covenant Fellowship, et al.
- E. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9 Number of Potential cases: #1

VIII. **ADJOURNMENT:**

Mayor Patterson adjourned the meeting to Closed Session at 8:07 p.m.

Lisa Wolfe, City Clerk

RESOLUTION NO. 12-

A RESOLUTION OF THE BENICIA CITY COUNCIL DECLARING THE POSITION OF CITY TREASURER VACANT, DIRECTING THE CITY CLERK TO POST A NOTICE OF INTENTION TO FILL THE POSITION AND TO ADVERTISE FOR APPLICATIONS TO FILL THE VACANCY

WHEREAS, City Treasurer Robert Langston passed away on August 25, 2012 prior to the end of his elected term of office, December 2015; and

WHEREAS, California Government Code Section 1770 declares the death of an incumbent in the office of the City Treasurer creates a vacancy and the City Council of the City of Benicia now states a vacancy exists; and

WHEREAS, California Government Code Section 36512 provides for a manner to fill the vacant position of City Treasurer of General Law cities; and

WHEREAS, it is the desire of the Benicia City Council to consider filling the vacancy through the appointment of an eligible resident of the City of Benicia.

NOW, THEREFORE, BE IT RESOLVED that the Benicia City Council finds as follows:

- (1) That the City Council hereby declares that there exists a vacancy in the position of City Treasurer.
- (2) That it is in the best interest of the City of Benicia to seek applications to consider filling the vacancy by appointment to assure continuity in our local government.
- (3) That the City Council hereby directs the City Clerk to post a Notice of Intention to Fill a Vacancy in the position of City Treasurer and to advertise for applications to fill the vacancy and require that applications be returned by no later than Tuesday, September 25, 2012 at 5:00 p.m.

BE IT FURTHER RESOLVED THAT the City Council of the City of Benicia hereby retains the right to fill the vacancy through the special election process as prescribed by Government Code 36512 even after receiving eligible applications should they so desire without statement of cause or explanation.

On a motion of Council Member _____, seconded by Council Member _____, the above resolution was introduced and passed by the City Council of the City of Benicia at the regular meeting of said Council held on the 18th day of September, 2012, and adopted by the following vote:

Ayes:
Noes:
Absent:
Abstain:

Elizabeth Patterson, Mayor

ATTEST:

Lisa Wolfe, City Clerk



CITY OF BENICIA
Application for
City Treasurer

This application and any documents you attach are public records under the Public Records Act. Completion and submission of this application are required for consideration of appointment to the City Treasurer position, term ending December 2015. This application must be submitted with an original signature no later than the deadline of September 25, 2012 by 5:00 p.m. You must be an elector of the City of Benicia and 18 years or older.

Please be advised that the position for which you are applying will require a Statement of Economic Interest if you are appointed.

It is the policy of the City of Benicia that no qualified disabled person will be denied the opportunity to participate. Appropriate arrangements will be made to accommodate individuals as needed.

PLEASE RETURN COMPLETED APPLICATIONS TO: City Clerk Department
250 East L Street
Benicia, CA 94510
(707) 746-4200

APPLICANT'S NAME: _____
(Please print- no nicknames).

HOME ADDRESS: _____
(Street Address)

(City) (Zip Code) (Phone Number)

EMAIL ADDRESS: _____

CURRENT EMPLOYER: _____
(Company Name)

(Company address)

(City) (Zip Code) (Phone Number)

POSITION TITLE: _____

DRIVER'S LICENSE NUMBER: _____
(Or Date of Birth if no driver's license) (CA) (Number)

I have been a resident for _____ years.

PLEASE ATTACH A SUMMARY OF YOUR RELEVANT BACKGROUND, EXPERIENCE AND EDUCATION THAT QUALIFIES YOU FOR THE CITY TREASURER POSITION.

What are your main areas of interest in Benicia City government? _____

What relevant experience can you bring to this position? _____

What community organizations and associations do you belong to? _____

Are you serving or have you served on any Benicia advisory groups? (Please indicate dates of service) _____

To assist in evaluating your qualifications for appointment as City Treasurer, please provide related background and education.

In light of the City's budget issues, are you willing, and would you, voluntarily waive any stipend or benefits associated with the City Treasurer position? (Circle one) YES / NO

You may attach to this application any additional materials that may be considered for appointments (i.e., resumes, letters of recommendation). Please keep in mind the application and responses are public records.

=====

Applicant's Signature

Date Submitted

Thank you for your willingness to serve your community. The City appreciates your commitment.

=====

OFFICIAL USE ONLY

_____ BPD Background Check

Comments _____

RESOLUTION NO. 12-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA
CALLING AND GIVING NOTICE OF THE HOLDING OF A SPECIAL
MUNICIPAL ELECTION TO BE HELD ON TUESDAY, MARCH 5, 2013, FOR
THE ELECTION OF ONE CITY TREASURER FOR THE CITY AS REQUIRED
BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA
RELATING TO GENERAL LAW CITIES AND WAIVING THE FEES FOR
CANDIDATES**

WHEREAS, under the provisions of the laws relating to general law cities in the State of California, a Special Municipal Election on the 5th day of March, 2013 may be held to fill one (1) vacancy in the office of City Treasurer; and

WHEREAS, candidates for the office of City Treasurer are required to file nomination papers for the office selected prior to the election.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Benicia does hereby resolve, declare, determine, and order as follows:

1. Pursuant to the requirements of the laws of the State of California relating to general law cities within the State, there shall be, and there is hereby called and ordered held in the City of Benicia, on the 5th day of March, 2013 a Special Municipal Election of the qualified electors of the City for the purpose of electing one (1) City Treasurer.
2. The \$511.00 cost for setup and printing of each Candidate's Statement will be borne by the City. The cost of printing the Statement of Qualifications in English and inspection costs to determine the accuracy and legal form of the nomination papers shall be borne by the City.
3. The polls will be open between the hours of 7:00 a.m. and 8:00 p.m.
4. The election shall be conducted in accordance with the laws of the State of California.

On motion of Council Member _____, seconded by Council Member _____, the above resolution was introduced and passed by the Council of the City of Benicia at a regular meeting of said Council held on the 18th day of September, 2012 and adopted by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

ATTEST:

Lisa Wolfe, City Clerk

RESOLUTION NO. 12-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA
PROVIDING FOR AND REQUESTING THE BOARD OF SUPERVISORS
TO PERMIT A SPECIAL MUNICIPAL ELECTION TO BE HELD MARCH
5, 2013**

WHEREAS, pursuant to Elections Code Section 10002, the Board of Supervisors of the County of Solano is hereby requested to permit the Registrar of Voters to provide the following services to the City of Benicia in connection with the conduct of a Special Municipal Election to be held in the City of Benicia on March 5, 2013:

- a) Precinct consolidation, establishment of polling places, securing election officers, and preparing and mailing notices of appointment;
- b) Printing sample ballots, sample ballot envelopes, ballot measures, polling place cards, ballot arguments and mailing to registered voters;
- c) Printing of official ballots;
- d) Purchase precinct supplies and absent voter supplies;
- e) Provide for absentee voting at Office of Registrar of Voters, Election Division;
- f) Cartage of voting booths, ballots, ballot boxes and precinct supplies to precincts;
- g) Supervision and conduct of election;
- h) Tabulation of votes;
- i) Canvass the returns;
- j) Consolidate with any other election to be held on that date; and
- k) All things necessary or incidental to the above functions as may be requested from time to time by the City Clerk or as necessary to conduct the election in accordance with the Elections Code; and

WHEREAS, the City shall reimburse the County in full for services performed pursuant to this Resolution upon presentation of a bill to the City.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Benicia requests the Board of Supervisors permit the Registrar of Voters to provide specified services for a Special Municipal Election to be held March 5, 2013.

* * * * *

On motion of Council Member _____, seconded by Council Member _____, the above Resolution was introduced and passed by the City Council of the City of Benicia at a regular meeting of said Council held on the 18th day of September, 2012 and adopted by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

ATTEST:

Lisa Wolfe, City Clerk

City Council Meeting
June 7, 2011
Business Item E: City Treasurer
Rob Sousa, Finance Director
Speaking 2:29:25-2:33:25

Thank you very much, Mayor and Council. I appreciate the opportunity to offer a few points on this very important position. I'd also like to comment that I have not had any conversations with anybody regarding the duties of the treasurer. None of the speakers tonight have talked to me about the role of the treasurer in the City of Benicia. I would have to offer that in my tenure as Finance Director, I have seen the beginning of the vanishing need for a treasurer. It came along with electronic bookkeeping. It was furthered in the '70s by tremendous gains in checking, checking stock, the securities that the banks were able to exercise over the money they held in our name, removed a lot of the need for the treasurer, which in the old days that was their primary duty. A secondary duty was in the monitoring and control of investments. In those days, we actually received coupons or CDs and held them in-house, and when they matured we had to submit them to the financial institution to get our money and that was the other primary role of the treasurer. Today we have book-entry everything. We never take custody of an investment. We have reports from third party custodians that have the right of stewardship for those investments, so those two primary roles of the treasurer are gone. The other minor role may have been reporting to the City Council but, more often than not, that was allocated to the Finance Officer or Finance Director. I can say that, even that role, the Council sees on a regular basis. We have state laws that mandate that you see, on a quarterly basis, a copy of our investment reports. We do that, on a quarterly basis, so the treasurer doesn't have oversight need anymore in that area. Audit requirements have increased enormously in the last two decades, especially since Orange County went under in the '90s. We now have auditors that come in and examine, not just test, but examine every single piece of investment material that we have. They look at all of our bank recs. They test our checks. They go through them with a fine-tooth comb. That is another function that the treasurer would have served. Today, I serve as the treasurer for the City, not only in fact, but non-ceremoniously, because I do the work on a daily basis and I do appreciate the fact that there isn't a need for a treasurer to get in because it is very complex and somebody would take years to gather the knowledge as a citizen in coming into the role and so you would have a tremendous learning curve. You would have to find somebody that was an investment broker if you're going to find maximum return on the training that you're going to provide them, or perhaps a CPA, although we don't see CPAs coming in and taking on that role. Primarily treasurers are not professionals; they're members of the community. The span of control that we have today, the level of responsibility, the dual reporting, the passwords, the PINs, everything removes the need for a treasurer because we have so much oversight built into the system that, again, the need for the treasurer has been waning, and if not, vanished completely. And I would offer that the City Council serves as the prima facie treasurer for the City. And, again, I thank you for the opportunity to, I guess, speak my mind on this. And, again, I wish somebody would have called or talked to me about what the treasurer's duties actually are here in Benicia because they've been non-existent since I've been here.

**AGENDA ITEM
CITY COUNCIL MEETING: JULY 7, 1998
NEW BUSINESS**

DATE : June 25, 1998

TO : Mayor & City Council

FROM : City Manager

SUBJECT : **BALLOT MEASURE REGARDING POSITIONS OF CITY CLERK
AND CITY TREASURER:**

RECOMMENDATION:

- The City Council approve a resolution calling for a special municipal election to be held November 3, 1998 requesting the Solano County Board of Supervisors to permit the Registrar of Voters to provide specified services in connection with this Special Election.
- Approve Council arguments in favor of ballot measures.

BUDGET INFORMATION:

- Election will cost the City approximately \$16,000
- Reorganization as recommended will save the City \$25,585.00 per year

SUMMARY:

In keeping with the City's continuing efforts to provide the most cost effective and efficient service to the community, staff examined the operation and function of City Clerk and City Treasurer positions. As a result of this examination, it is recommended that the position of City Treasurer be eliminated and that the position of Deputy City Clerk and City Clerk be combined, creating one (1) position appointed by the City Manager. This reorganization will result in a net savings to the City of \$25,585.00 per year.

As we all know, the City just celebrated its Sesquicentennial in 1997. The positions of City Clerk and City Treasurer were created in 1850, some 148 years ago, when the City's population was around 100, and the number of employees working for the City was a one digit number. Since then, the City has grown to a population of 28,000 with a full time work force of 198

employees. With the growth of the City the functions previously performed by the City Treasurer have been absorbed by the Finance Director and the Finance Department staff. Given the passage of time and the absorption of the functions previously performed by the City Treasurer, the City Treasurer position is now ceremonial rather than requisite.

In September 1989, the City created the position of Deputy City Clerk in an effort to support the part-time elected position of City Clerk. Like the position of City Treasurer, because of the current evolution of the City, it is very clear that one full-time position could accomplish the work currently performed by the full-time Deputy City Clerk position and the part-time elected position of City Clerk. It is also clear that reorganization of these two positions into one (1) full-time City Clerk position would create the most cost effective, efficient operation for the position of City Clerk.

If Council approves the resolution as presented by staff, two questions will be presented to the voters at the November 3, 1998 General Election. The questions will be:

1. Shall the office of City Clerk be appointive?
2. Shall the office of City Treasurer be appointive?

Although the staff report is recommending, as part of the reorganization, the elimination of the City Treasurer position and consolidation of the Deputy City Clerk and City Clerk positions into one City Clerk position, the questions posed to the voters are worded as required by law. If the voters approve the appointive nature of the positions of City Clerk and City Treasurer, the Council, by ordinance, would then formally incorporate the duties and responsibilities previously vested in the City Treasurer into the role description of the City Finance Director. Also, by ordinance, the City Council would place the position of City Clerk with those employees appointed by the City Manager.

Arguments in favor of or against the measures may be submitted to the voters pursuant to Election Code Section 9282-9287. The City Council must decide whether to author an argument in favor of the measures. This decision need not be made with adoption of the resolution, but must be made prior to August 7, 1998. Attached for your review and action are Council arguments in favor of these measures. Also attached for your information is the City Attorney's Impartial Analysis of each ballot measure.

The Council may also choose to allow rebuttal arguments. However, this decision must be made this evening when the resolution calling for the special election is adopted, pursuant to Section 9285(b) of the Election Code. You should note, the resolution before you allows for rebuttal arguments. Based upon the time reasonably necessary to prepare and print the arguments and sample ballots and to permit the ten (10) day public examination period, the Council should set August 7, 1998 as the date after which no arguments for or against the measure may be submitted, according to Section 9286 of the Election Code.

X1.A.2

Just a point of information, the Board of Supervisors must take action consolidating the City's special municipal election with the Statewide General Election in November no later than August 7, 1998. The Board meets on August 4, 1998. Therefore, this resolution must reach the County Registrar of Voters by July 20, 1998.



Otto Wm. Giuliani
City Manager

OWG:tb
/Agen77.98

Attachments:

- Draft Resolution
- Financial Analysis
- City Attorney Impartial Analysis (City Clerk)
- City Attorney Impartial Analysis (City Treasurer)
- Council Argument in Favor of Measure (City Clerk)
- Council Argument in Favor of Measure (City Treasurer)

M E M O R A N D U M

TO : CITY MANAGER

FROM : FINANCE DIRECTOR 

ABOUT : ELIMINATION OF CITY CLERK, ASSISTANT CITY CLERK, AND CITY TREASURER POSITIONS

DATE : 26 FEBRUARY 1998

In reference to your request, the following is provided:

<u>DESCRIPTION</u>	<u>AMOUNT SAVED</u> (BASED ON 1997.98 BUDGET)
Elimination of Elected City Clerk Position	\$ 16,195
Elimination of Deputy City Clerk Position	46,780
Elimination of Elected City Treasurer Position	9,390
Sub Total--->>	<u>\$ 72,365</u>
Creation of Appointed City Clerk Position	(46,780)
Total Savings	\$ 25,585

Should you have question or comment concerning this data, please see me.

XI.A.6

**CITY ATTORNEY'S
IMPARTIAL ANALYSIS**

MEASURE D

SHALL THE CITY CLERK BE ELECTED OR APPOINTED

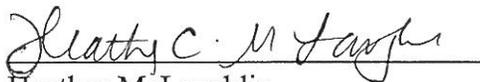
This Ballot Measure is about the office of the City Clerk. The City Clerk of the City of Benicia performs a variety of duties on behalf of the City Council. Some of these duties include:

- Acting as the official custodian of City records;
- Conducting City elections;
- Administering oaths;
- Maintaining the Benicia Municipal Code;
- Serving as clerk to the City Council;
- Providing notice of public hearings;
- Receiving and maintaining statements of economic interests from City employees; and
- Keeping and maintaining custody of the City seal.

The City Clerk now is elected by the voters to a four-year term. This Ballot Measure would change the City Clerk's office from an elective office to an appointive office. If this Ballot Measure passes, the current City Clerk would continue to serve the remainder of her term. At the expiration of her term or upon a vacancy in the office and with the adoption of an ordinance delegating appointment of the City Clerk to the City Manager, the City Manager would appoint a City Clerk. If the City Clerk is appointed, the duties and responsibilities of the office will remain identical to those now set forth in the State law and in the Benicia Municipal Code. In 167 California cities, the City Clerk is elected. In 302 California cities, the City Clerk is appointed.

A yes vote will approve the Ballot Measure and make the City Clerk an appointive office.

A no vote will disapprove the Ballot Measure and keep the City Clerk as an elective office.


Heather McLaughlin
City Attorney

**CITY ATTORNEY'S
IMPARTIAL ANALYSIS**

MEASURE E

SHALL THE CITY TREASURER BE ELECTED OR APPOINTED

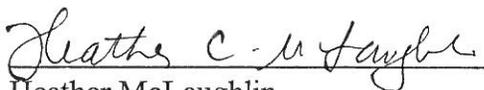
This Ballot Measure is about the office of the City Treasurer. The City Treasurer of the City of Benicia has certain duties and responsibilities set forth in State law. The City Treasurer is required to:

- Invest city monies in accordance with State law and the investment policy adopted by the City Council;
- Prepare and submit a monthly report to the City Council accounting for all receipts, disbursements, and fund balances;
- Sign disbursements in the name of the City of Benicia upon the direction and authorization of the City Council.

Currently, most of these tasks are performed by the Finance Director, and the position of City Treasurer is largely ceremonial.

The City Treasurer now is elected by the voters to a four-year term. This Ballot Measure would change the City Treasurer's office from an elective office to an appointive office. If this Ballot Measure passes, the current City Treasurer would continue to serve the remainder of her term. At the expiration of her term or upon a vacancy in the office and with the adoption of an ordinance delegating appointment of the City Treasurer to the City Manager, the City Manager would appoint a City Treasurer. If the City Treasurer is appointed, the duties and responsibilities of the office will remain identical to those now set forth in the State law. There are 472 cities in California. There are 183 elected City Treasurers.

A yes vote will approve the Ballot Measure and make the City Treasurer an appointed office. A no vote will disapprove the Ballot Measure and keep the City Treasurer as an elective office.


Heather McLaughlin
City Attorney

RESOLUTION NO. 98-116

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING
BALLOT ARGUMENT IN FAVOR OF MEASURE D

WHEREAS, a Ballot Argument in Favor of Measure D was submitted for public viewing, Council approval and signing prior to submission to the County Clerk for incorporation in the November 3, 1998 Election.

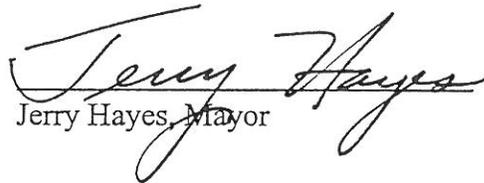
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Benicia that Ballot Argument in Favor of Measure D be and it hereby is approved.

On motion of Council Member Gizzi, seconded by Council Member Corbaley, the above resolution was introduced and passed by the Council of the City of Benicia at a regularly scheduled meeting of said Council held on the 21st day of July, 1998 and adopted by the following vote:

Ayes: Councilmembers Corbaley, Gizzi and Mayor Hayes

Noes: Councilmembers Cox-Golovich and Messina

Absent: None


Jerry Hayes, Mayor

Attest:


Linda S. Purdy, City Clerk

I, Linda S. Purdy, City Clerk of the City of Benicia, County of Solano, State of California, hereby certify that the foregoing Resolution was adopted by the City Council of the City of Benicia at a regular meeting held July 21, 1998.


Linda S. Purdy, City Clerk

**BALLOT ARGUMENT
IN FAVOR OF
MEASURE D**

SHALL THE CITY CLERK BE ELECTED OR APPOINTED

Since the City was incorporated in 1847, the City Clerk has been elected by the voters. In our early days as a City, and for many years thereafter, the City Clerk personally wrote and maintained the minutes of the City Council meetings and other official records of the City.

Today, the City Clerk is responsible for keeping public records, giving notice of public hearings and serving as clerk to the City Council. These are important duties which carry both fiduciary and legal responsibilities for which the City Council hold both the City Manager and City Attorney accountable.

The City Council relies on the City Manager to oversee the day-to-day operations of the City, including the very important operations of the City Clerk's Office. The City Manager is accountable to the City Council for all City services, and appoints all of the other department managers, except for the City Attorney. Your vote in favor of Measure D and an enabling ordinance by the City Council would permit the City Manager to consolidate the full-time Deputy City Clerk and part-time City Clerk positions into one full-time appointed City Clerk position. This consolidation would save the City more than \$16,000 a year.

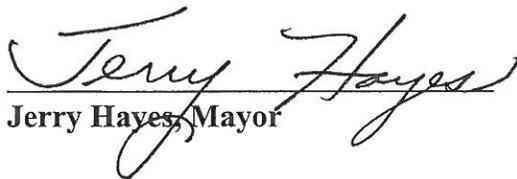
A vote in favor of Measure D will save precious tax dollars.

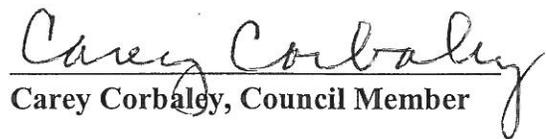
A vote in favor of Measure D is a vote for better government.

A vote in favor of Measure D is a vote for responsible government.

A vote in favor of Measure D is a vote for efficient government.

Please vote **YES** on **MEASURE D** on **November 3, 1998**


Jerry Hayes, Mayor


Carey Corbaley, Council Member


Steve Gizzi, Council Member

RESOLUTION NO. 98-117

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING
BALLOT ARGUMENT IN FAVOR OF MEASURE E

WHEREAS, a Ballot Argument in Favor of Measure E was submitted for public viewing, Council approval and signing prior to submission to the County Clerk for incorporation in the November 3, 1998 Election.

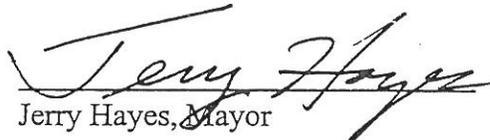
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Benicia that Ballot Argument in Favor of Measure E be and it hereby is approved.

On motion of Council Member Corbaley, seconded by Council Member Gizzi, the above resolution was introduced and passed by the Council of the City of Benicia at a regularly scheduled meeting of said Council held on the 21st day of July, 1998 and adopted by the following vote:

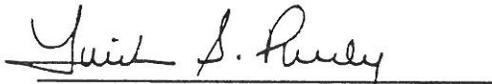
Ayes: Councilmembers Corbaley, Gizzi and Mayor Hayes

Noes: Councilmembers Cox-Golovich and Messina

Absent: None


Jerry Hayes, Mayor

Attest:


Linda S. Purdy, City Clerk

I, Linda S. Purdy, City Clerk of the City of Benicia, County of Solano, State of California, hereby certify that the foregoing Resolution was adopted by the City Council of the City of Benicia at a regular meeting held July 21, 1998.


Linda S. Purdy, City Clerk

**BALLOT ARGUMENT
IN FAVOR OF
MEASURE E**

SHALL THE CITY TREASURER BE ELECTED OR APPOINTED

The variety and complexity of today's financial transactions were unimaginable in 1883 when the State created the position of City Treasurer and required the City Treasurer to be elected by the voters. With the complexities of City finance and the law, the City Council transferred all but ceremonial duties of the City Treasurer to the Finance Director in 1976 in accordance with the Government Code and Benicia Municipal Code. This action left the City Treasurer with purely ceremonial duties. For twenty-two (22) years, it has been the Finance Director's job to be the expert on the financial transactions for the City, to maintain controls over the proper expenditure of City revenue, and to help prepare and administer the City budget. Benicia no longer needs an elected City Treasurer. Elimination of the elected City Treasurer will save the City \$9,000 a year in salary and benefits.

Your vote in favor of Measure E would stop the waste of taxpayer dollars on a ceremonial position. Benicia cannot afford to waste our limited tax dollars.

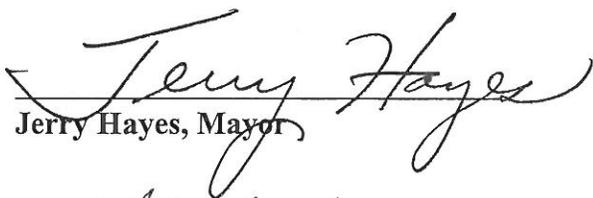
A vote in favor of Measure E will save precious tax dollars.

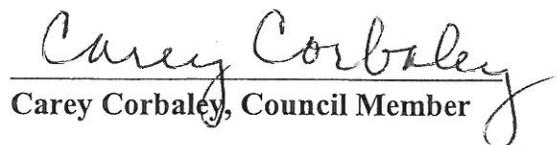
A vote in favor of Measure E is a vote for better government.

A vote in favor of Measure E is a vote for responsible government.

A vote in favor of Measure E is a vote for efficient government.

Please vote **YES** on **MEASURE E** on **November 3, 1998**


Jerry Hayes, Mayor


Carey Corbaley, Council Member


Steve Gizzi, Council Member

AGENDA ITEM
CITY COUNCIL MEETING: SEPTEMBER 18, 2012
COUNCIL MEMBER COMMITTEE REPORTS

DATE : September 11, 2012
TO : Mayor Patterson
FROM : City Manager
SUBJECT : **MAYORS' COMMITTEE MEETING**

The following information is provided for your committee report at the September 18, 2012 City Council meeting.

The Mayors' Committee meetings are held on the third Wednesday of every other month at 6:30 pm. The Mayors' Committee met on August 15, 2012 and the agenda for that meeting and the minutes from the April 18, 2012 meeting were previously attached. The next meeting is scheduled for October 17, 2012 and the agenda for that meeting is not currently available.

AGENDA ITEM
CITY COUNCIL MEETING: September 18, 2012
COUNCIL MEMBER COMMITTEE REPORTS

DATE : September 6, 2012

TO : Mayor Patterson
Council Member Strawbridge

FROM : City Attorney

SUBJECT : **ABAG COMMITTEE MEETING**

The following information is provided for your committee report at the September 18, 2012 council meeting:

- The Fall Assembly is scheduled for Thursday, October 18, 2012 at the Hyatt Regency Embarcadero in San Francisco.
- The topic for the Fall Assembly is "Creating a Resilient Region Protecting Our Investments."
- Expert keynote speakers and local government panels will examine regional investments and the Bay Area's economic future, and link the region's economic resilience to the importance of planning for long-term disaster resilience and recovery.

Attachments:

- Service Matters newsletter September-October 2012 Edition.



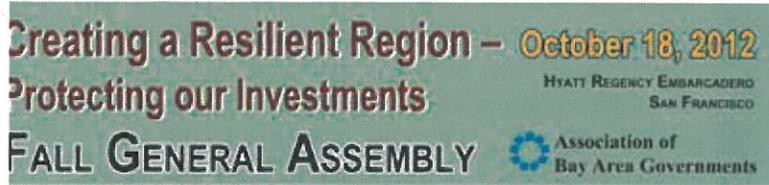
Service Matters

“Creating a Resilient Region—Protecting Our Investments”

Fall General Assembly • October 18th at the San Francisco Regency Hyatt Embarcadero

Exploring why resilient cities, towns, counties, and disaster recovery planning are interconnected and good for the economy is the focus of ABAG’s Fall General Assembly on Thursday, October 18th in San Francisco. This conference features the

National Academies and author of *Disaster Resilience: A National Imperative*, will discuss the national disaster recovery planning dimension in creating resilient regions. Panels of expert speakers from local government and business will examine regional investments and the Bay Area’s economic future, and link the region’s economic resilience to the importance of planning for long-term disaster resilience and recovery.



The General Assembly begins at 8:30 a.m. and will end with a hands-on practical work session for local governments on how to make post-disaster land use planning and policy-making a practical reality. A suite of topical handouts, entitled “Recovery Toolkit for Elected Officials, will be provided. Elected and appointed officials, planning directors, business leaders, and community stakeholders are encouraged to register online at www.abag.ca.gov/events. For additional information, call 510/464-7900.

release by the Bay Area Council Economic Institute of the *Bay Area Economic Strategy Framework*, a 2012 economic report quantifying the Bay Area’s economic resilience and vitality. The report was produced at the request of the Regional Joint Policy Committee of ABAG, MTC, the Air District, and the San Francisco Bay Conservation and Development Commission. It is a comprehensive analysis of the Bay Area as a business and economic center, with insights into the region’s business climate, economic competitiveness, workforce, commute patterns, and current and emerging business and economic trends.

Keynote speaker Enrico Moretti, Economics professor and author of *New Geography of Jobs*, will open the General Assembly with a perspective on today’s labor and urban economic vitality. Dr. Moretti is a Professor of Economics at the University of California, Berkeley, and Director of the Infrastructure and Urbanization Program at the International Growth Centre-London School of Economics and Oxford University. Luncheon speaker Lauren Alexander Augustine, Director, Disasters Roundtable,

The Great California Shake Out October 18 at 10:18 AM

DROP, COVER AND HOLD ON!

The Great California Shake Out is an annual opportunity to practice how to be safer during big earthquakes, as well as a reminder to review and update emergency preparedness plans and supplies. Why? What we do now will determine our quality of life after our next big earthquake. Are we prepared to survive and recover quickly? ABAG will be participating by marking The Great California Shake Out within ABAG’s Fall General Assembly being held on October 18th.

(see General Assembly article to left)

If you wish to sign up and join more than 5.9 million California participants who have already stepped forward, go to <http://www.shakeout.org/california/>. At this site, you can access a comprehensive array of preparedness and “Shake Out” materials from drill manuals, “safely out” preparedness kits, to resolutions and posters/flyers. Visit <http://quake.abag.ca.gov/> for additional info on disaster preparedness and hazard mitigation for residents, businesses, local governments, students, professionals, and researchers.

In This Issue

Fall General Assembly	Pg. 1	San Francisco Bay Shoreline Guide	Pg. 3
Great California Shake Out	Pg. 1	San Francisco Estuary Partnership Project Highlight	Pg. 3
New Campaign to Recycle Used Motor Oil	Pg. 2	Calendar of Events	Pg. 4
e Sewer Smart Summit	Pg. 2	Notable Numbers	Pg. 4

VIII.D.2.2

of the Association of Bay Area Governments, the planning and services agency for the San Francisco Bay Area’s nine counties and 101 cities.

New Campaign Reminds Us to Recycle Used Motor Oil and Oil Filters Together “Local Governments are being asked to help spread the word”

A recent survey by California’s Department of Resources Recycling and Recovery (CalRecycle) revealed a serious gap in awareness among drivers who change their own motor oil. While 95 percent of Do-It-Yourself (DIY) oil changers said they recycle their used motor oil, approximately one-third admitted to dumping their used oil filters in the trash, potentially contaminating the environment with hazardous waste. DIYers who indicated they threw away their used oil filters acknowledged they were not aware that filters could be recycled, revealing a critical opportunity to improve oil filter recycling practices across the Golden State.

Recycling Oil Filters has significant impact because each year Californians generate nearly 70 million used automotive filters. After filters are drained, each one still holds about 10 ounces of toxic oil residue and is therefore considered hazardous waste that cannot be thrown in the trash. This trapped motor oil could add up to 2 million gallons of toxic waste going into California’s environment, water systems, or landfills each year, if not properly



recycled. According to CalRecycle, recycling these filters, which contain about a pound of steel, could produce enough metal to build three large sports stadiums.

As a result, new efforts to build stronger awareness of the importance of recycling oil filters are rolling out statewide. “California’s home mechanics are recycling their motor oil, but we need to make sure they finish the job correctly and take in their filters, too,” CalRecycle Director Carol Mortensen said. “We are asking news professionals, local businesses, and our local government partners to help us spread the word. Together, we can make big strides to increase oil filter recycling and keep toxic materials out of the environment.” CalRecycle, which is the state’s leading authority on recycling, waste reduction, and product reuse, is using public service announcements, filter exchange events, and other grassroots initiatives to educate the public about the importance of recycling used motor oil and filters together. Local governments are encouraged to tap into these outreach materials and use them to reach out to their communities and raise awareness. Bay Area and residents statewide can find a list of local Certified Collection Centers on the CalRecycle website, www.calrecycle.ca.gov.

2012 BeSewerSmart Summit
Protect & improve your most valuable asset: your Sewer System

Tuesday, October 23rd, 2012
9 am to 2:30 pm
Continental breakfast & lunch included

- Clean Water Act: Changes to WDRs & Compliance
- New EPA Wastewater/Stormwater Regulations & How They Affect Your SSMP
- Best Practices: Funding Infrastructure Improvements
- SSMP Audit Updates & New Audit Tool
- Prevent SSO's: Root Control & Other Best Practices
- New Pipe Video, FOG & Green Tech Demos

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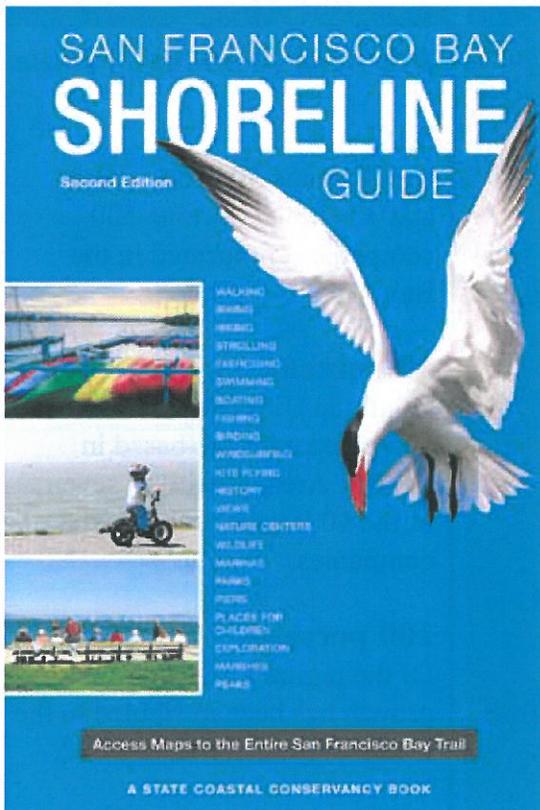
REGISTER www.sewersmart.org
QUESTIONS mlt@workingimages.com

The logo for PLAN Corporation, which stands for Public Law and National Association, is located in the bottom left corner. To its right is a small icon of a globe showing the Earth.

The 2012 Be Sewer Smart Summit, sponsored by ABAG’s PLAN Corporation and the California Sanitation Risk Management Authority, will be held Tuesday, October 23rd from 9 a.m. to 2:30 p.m. at the MetroCenter Auditorium in Oakland. Since 2005, the Sewer Summits have focused on protecting and improving a city, town and county’s sewer system. With more than 200 Public Works Directors, City Engineers, Sanitary Districts Operators, Water District Operators, and other city and county staff attending, this year’s Summit features sessions on Clean Water Act compliance updates and new EPA Wastewater/Stormwater regulations. It includes presentations and videos on best practices on funding infrastructure improvements and root control. *For more information on best practices and technology and “Be Sewer Smart” presentations from past summits, visit www.sewersmart.org.*

The San Francisco Bay Shoreline Guide Your Passport to the San Francisco Bay Trail

The second edition of the popular *San Francisco Bay Shoreline Guide* has just been released. This book is a passport to the San Francisco Bay Trail and is essential for anyone who wants to explore the remarkably diverse San Francisco Bay shoreline. Published by UC Press and funded by the State Coastal Conservancy, the Guide is comprehensive, compact, user-friendly, and studded with full-color maps and illustrations that cover the more than 325 miles of the shoreline San Francisco Bay Trail already open to the public.



The Guide shows how the Bay Trail offers access to commercial, industrial and residential neighborhoods, featuring points of historic, natural and cultural interest; recreational areas like beaches, marinas, fishing piers, boat launches, and over 130 parks and wildlife preserves. Passing through highly urbanized areas like

downtown San Francisco as well as remote natural areas like the San Francisco Bay National Wildlife Refuge, the Bay Trail consists of paved multi-use paths, dirt trails, bike lanes, and sidewalks. The Guide includes natural, cultural, and historic features that reveal the Bay Area's rich multicultural heritage. It also highlights the various ecosystems that coexist along this unique urban shoreline. Common plant and animal species are illustrated and described for easy identification. Access maps with icons indicate sites suitable for various activities: boating, fishing, biking, hiking, bird watching, picnicking, and wheelchair riding. A reference section contains public transit information, names of Bay-related organizations, many useful phone numbers, and websites.

Since the Guide's first publication in 1995, more than 150 miles have been added to the Bay Trail, which will eventually

encircle San Francisco and San Pablo Bays with continuous 500-miles of bicycling and hiking trails. The Second Edition Guide showcases those new additions as well as the incredible array of amenities and activities featured along the Bay Trail. ABAG's Bay Trail Project directed the comprehensive updates and new contributions, with Maureen Gaffney serving as editor and Laura Thompson, Bay Trail Project Manager, and Lee Huo providing additional revisions and updates. *For more information about the Bay Trail and where you can order your copy (just \$29.95 + shipping and handling), go to www.baytrail.org.*

San Francisco Estuary Partnership Launches Project for Stormwater Improvements along San Pablo Avenue

ABAG's San Francisco Estuary Partnership has begun the San Pablo Avenue *Green Stormwater Spine* project. This innovative, multi-jurisdictional pilot project will feature alternative stormwater management measures along the right-of-way of San Pablo Avenue, a major arterial spanning numerous Easy Bay cities. The Partnership will manage all elements of the project including design and construction of green stormwater facilities such as rain gardens, bio-swales, and permeable paving which slow stormwater runoff and filter out pollutants. The partnering cities of Oakland, Emeryville, Berkeley, Albany, El Cerrito, Richmond, and San Pablo will select the project sites and take ownership of built facilities in their respective jurisdictions when project components are complete.



One Example of Existing Rain Gardens on San Pablo Avenue in El Cerrito

The Green Stormwater Spine project components include post-construction water quality monitoring, a plant establishment management period, regional outreach to promote further use of green technologies, and operations and maintenance training for partnering municipalities. Multiple sources fund this \$5 million project including grants from Environmental Protection Agency (EPA), the Integrated Water Resources Management Program (IRWMP), and the Strategic Growth Council. The majority of construction funding will be supplied by Caltrans as mitigation for impacts associated with the eastern expansion of the San Francisco Oakland Bay Bridge. *For more information, contact Watershed Specialist Josh Bradt, San Francisco Estuary Partnership, jbradt@waterboards.ca.gov, or 510/622-5048.*

Mark Your Calendar!

SEPTEMBER 2012

September 20
Legislation & Governmental Organization Committee 3:30 PM
ABAG Conference Room B

Finance & Personnel Committee 5:00 PM
ABAG Conference Room B

ABAG Executive Board 7:00 PM
MetroCenter, Auditorium

September 21
ABAG/BAAQMD/MTC Joint Policy Committee 10:00 AM
MetroCenter, Auditorium

September 28
Regional Airport Planning Committee 9:30 AM
MetroCenter, Auditorium

OCTOBER 2012

October 3
Regional Planning Committee Meeting 1:00 PM
MetroCenter, Auditorium

October 11
Bay Trail Steering Committee 1:30 PM
ABAG Conference Room B

October 18
Fall General Assembly 8:30 AM
Hyatt Regency Embarcadero
San Francisco

October 19
PLAN Risk Management Committee 1:30 PM
ABAG Conference Room B

October 23
Sewer Summit 9:00 AM
MetroCenter, Auditorium

October 24
San Francisco Restoration Authority Governing Board 12:00 PM
MetroCenter, Room 171

October 25
ABAG POWER Annual Board Meeting 10:30 AM
MetroCenter, Auditorium

Notable Numbers

Bay Area Economic Profile

30
U.S. Fortune 500 companies and 10 Global Fortune 500 companies are located in the Bay Area.

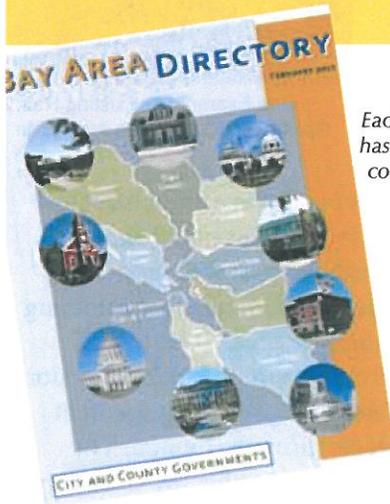
30 Percent
Of all the U.S. Global Cleantech 100 companies are based in the Bay Area, as well as seven of the 10 largest social media companies.

100 percent
Of the region's economic growth has been attributed to the technology sector since 2002.

30 percent
Of the region's economy is in the technology sector.

\$78,815
Is the Bay Area's Gross Domestic Product per capita, the highest in the United States.

Bay Area Council Economic Institute, March 2012



Each jurisdiction has received one complimentary copy

ABAG 2012 Bay Area Directory

ON SALE at: www.abag.ca.gov click Webstore

or contact: ABAG Publications 510-464-7900

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ABAG President
Supervisor, Napa County

Julie Pierce
ABAG Vice President
Councilmember, City of Clayton

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ABAG Immediate Past President
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Halimah Anderson Writer
Leah Zippert Writer

Vicki Rutherford - Design and Production

AGENDA ITEM
CITY COUNCIL MEETING: SEPTEMBER 18, 2012
COUNCIL MEMBER COMMITTEE REPORTS

DATE : August 24, 2012

TO : Council Member Campbell
Council Member Strawbridge

FROM : Finance Director

SUBJECT : **FINANCE COMMITTEE REPORT**

The following information is provided for your committee report at the September 18, 2012 Council meeting.

The Finance Committee held a meeting on August 24, 2012. The draft minutes from that meeting are attached for your review. The next meeting will be held on Friday September 28, 2012 at 8:00 am. The agenda for the September 28th meeting is also attached.

Attachment:

- August 24, 2012 Finance Committee Meeting Draft minutes
- September 28, 2012 Finance Committee Meeting Agenda

FINANCE COMMITTEE
****DRAFT** REGULAR MEETING MINUTES**
AUGUST 24, 2012 – 8:00 AM

1. Call to Order at 8:00 AM

2. Roll Call

Attended by Chairperson Dennis Lowry; Vice Chairperson Lee Wines, Committee Members: Michael Clarke and Larry Grossman; Council Member Tom Campbell. Absent: Committee Member Chris Carvalho, Council Member Christina Strawbridge and City Treasurer Bob Langston. Staff present: Brad Kilger, Anne Cardwell, Karan Reid, Bill Zenoni, Melissa Morton and Carrie Wenslawski. Consultants present: Reed Schmidt, Catherine Tseng and Jason Bartlett from Bartle Wells Associates.

3. Pledge of Allegiance

4. Notice to the Public

Advised by Chairperson Lowry

5. Approval of Agenda

On motion of Vice Chairperson Wines, seconded by Committee Member Grossman, the Committee approved the Agenda, as presented, on roll call by the following vote:

Ayes: Clarke, Grossman, Wines, Lowry
Noes: (None)

6. Approval of Minutes from the meetings held on June 22, 2012 and August 10, 2012 as amended to reference the August 10, 2012 meeting as a Special meeting

On motion of Committee Member Clarke, seconded by Committee Member Grossman, the Committee approved the minutes of the June 22, 2012 and August 10, 2012 meetings as amended on roll call by the following vote:

Ayes: Clarke, Grossman, Wines, Lowry
Noes: (None)

7. Review June 30, 2012 Investment Report

Karan Reid presented the Investment Report for the quarter ended June 30, 2012. Vice Chairperson Wines inquired about the rationale of purchasing a US Treasury investment with a yield of 0.25%. Carlos Oblites from PFM, the City's investment manager, will attend the October committee meeting to discuss the September 2012 Quarterly report and will address the question at that time.

On motion of Vice Chairperson Wines, seconded by Committee Member Grossman, the Committee recommend that the City Council accept the Investment Report as written on roll call by the following vote:

Ayes: Clarke, Grossman, Wines, Lowry
Noes: (None)

8. Follow-up Review Analysis of City of Benicia Water and Wastewater Rates presented August 10, 2012

As a follow-up to the August 10, 2012 presentation on adjustments to the Water and Wastewater rates, Karan Reid and Interim Public Works Director Melissa Morton presented an overview and responses to questions and comments raised with regards to the financial analysis and proposed adjustments to the Water and Wastewater rates. The rate consultants, Bartle Wells Associates, were also present and responded to questions related to the financial analysis. Documents requested at the August 10th meeting were attached to the staff report. Chairperson Lowry requested written responses to questions raised by Chairperson Lowry and Committee Member Grossman be prepared and distributed to the Finance Committee. Those responses were distributed on September 5, 2012 and were included in the agenda packet for the Special Meeting held on September 18, 2012. Council Member Campbell requested the financial goals of the study be highlighted in the final draft of the reports and illustrations of how each goal is calculated be provided as well. A summary of the goals and calculations were also distributed with the written responses and included in the September 18, 2012 agenda report.

9. Update on Status of Reformatting Monthly Financial Report

This item will be re-agenized for the September 28, 2012 meeting.

10. Update on Status of Updating Long Range Budget Model Projections

This item will be re-agenized for the September 28, 2012 meeting.

11. Review Finance Reports for the Month of June 2012

This item will be re-agenized for the September 28, 2012 meeting.

12. Review Warrant Registers for Months of June and July 2012

This item will be re-agenized for the September 28, 2012 meeting.

13. Review Listing of Outstanding Debt

This item will be re-agenized for the September 28, 2012 meeting.

14. Review Draft Policies

This item will be re-agenized for the September 28, 2012 meeting.

15. Approve City Council Report of Finance Committee Work Plan for Fiscal Year 2012-13

This item will be re-agenized for the September 28, 2012 meeting.

16. Public Comment

There was no public comment.

17. Adjournment

There being no further business, the meeting was adjourned at 10:03 AM.

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

**FINANCE COMMITTEE
REGULAR MEETING AGENDA
COMMISSION ROOM
SEPTEMBER 28, 2012 - 8:00AM**

- 1. Call to Order**
- 2. Roll Call**
- 3. Pledge of Allegiance**
- 4. Notice to the Public**

ACTION ITEMS

- 5. Approval of Agenda**
- 6. Approval of minutes for meetings held on August 24, 2012 and September 18, 2012**

DISCUSSION ITEMS

- 7. Discussion with City's Independent Auditors**
The Auditor's annual discussion on Audit Timing, Management Representations, and Fraud Considerations.
Recommendation: Review and provide comments to City Auditors.
- 8. Update on Status of Reformatting Monthly Financial Report**
- 9. Update on Status of Updating Long Range Budget Model Projections**
- 10. Review Financial Reports for the Months of July and August 2012**
The Finance Committee reviews monthly financial reports.
Recommendation: Review Monthly Financial Report
- 11. Review Warrant Register for Months of July and August 2012**
A monthly audit of payments to vendors that supply services to the City of Benicia. Members of the Finance Committee review the warrant register and request that further information be provided by staff as necessary. It is encouraged that Committee Members submit their questions to the Finance Director prior to the meeting.
Recommendation: Review Warrant Register
- 12. Review Listing of Outstanding City Debt**
- 13. Review Work Plan for Fiscal Year 2012-13**
- 14. Public Comment**
- 15. Adjournment**

Public Participation

The Benicia Finance Committee welcomes public participation.

Pursuant to the Brown Act, each public agency must provide the public with an opportunity to speak on any matter within the subject matter jurisdiction of the agency and which is not on the agency's agenda for that meeting. The Finance Committee allows speakers to speak on non-agendized matters under public comment, and on agendized items at the time the agenda item is addressed at the meeting. Comments are limited to no more than 5 minutes per speaker. By law, no action may be taken on any item raised during the public comment period although informational answers to questions may be given and matters may be referred to staff for placement on a future agenda of the Finance Committee.

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

Disabled Access

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

Meeting Procedures

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

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

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

Posted at City Hall on July 19, 2012 at 5:00 pm by the Assistant Finance Director.

AGENDA ITEM
CITY COUNCIL MEETING: SEPTEMBER 18, 2012
COUNCIL MEMBER COMMITTEE REPORTS

DATE : September 11, 2012

TO : Mayor Patterson
Vice Mayor Campbell

FROM : City Manager

SUBJECT : **LEAGUE OF CALIFORNIA CITIES**

The following information is provided for your committee report at the September 18, 2012 City Council meeting.

The North Bay Division held an Installation Luncheon on Wednesday, September 5th at the League of CA Cities Annual Conference held in San Diego, September 5-7, 2012.

AGENDA ITEM
CITY COUNCIL MEETING: SEPTEMBER 18, 2012
COUNCIL MEMBER COMMITTEE REPORTS

DATE : September 11, 2012

TO : Council Member Strawbridge
Council Member Hughes

FROM : City Manager

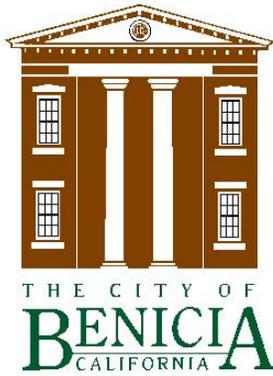
SUBJECT : **CITY COUNCIL/SCHOOL BOARD LIAISON COMMITTEE**

The following information is provided for your committee report at the September 18, 2012 City Council meeting.

This committee meets quarterly at the Benicia Community Center located at 370 East L Street. The next meeting will be Thursday, September 13, 2012 at 8:30 am at the Community Center, and the agenda for that meeting is attached along with the minutes from the April 5, 2012 meeting.

Attachments:

- ❑ September 13, 2012 Meeting Agenda
- ❑ April 5, 2012 Meeting Minutes



BENICIA CITY COUNCIL/SCHOOL BOARD LIAISON COMMITTEE

AGENDA

Benicia Community Center, Program Room 1

370 East L Street

September 13, 2012 8:30-10:00am

- I. Call to Order and Pledge of Allegiance**
- II. Reference to the Fundamental Rights of the Public and Public Comment**
- III. Consent Calendar**
 - A. Approval of Minutes of the Regular Meeting April 05, 2012**
- IV. Business Items**
 - A. Presentation of Proposed Water/Sewer Rate Adjustments**

The committee will receive a presentation from City Public Works Staff on the proposed water/sewer rate adjustments and the impact on BUSD utility costs.
 - B. Copper Wire Theft Enforcement**

The committee will discuss how the Benicia Police Department is working with BUSD and local businesses to address the on-going problem of copper thefts.
 - C. Report on Benicia Middle STEM (Science Technology Engineering and Math) Before and After School Program.**

The committee will hear a report on the STEM Program.
 - D. Southampton Shopping Center and BUSD Student Conduct**

The Southampton Shopping Center is a popular meeting place for Middle and High School students. The committee will discuss the recent tenant movements and the affect on student activities in the center.
 - E. Field Maintenance**

The committee will discuss
- V. Future Agenda Items**
- VI. Adjournment**

BENICIA CITY COUNCIL/SCHOOL BOARD LIAISON COMMITTEE

AGENDA

Benicia Community Center, Program Room 1

370 East L Street

Public Participation

The City Council/School Board Liaison Committee welcomes public participation.

Pursuant to the Brown Act, each public agency must provide the public with an opportunity to speak on any matter within the subject matter jurisdiction of the agency and which is not on the agency's agenda for that meeting. The City Council/School Board Liaison Committee allows speakers to speak on matters under public comment. Comments are limited to no more than 5 minutes per speaker. By law, no action may be taken on any item raised during the public comment period although informational answers to questions may be given and matters may be referred to staff for placement on a future agenda of the City Council/School Board Liaison Committee.

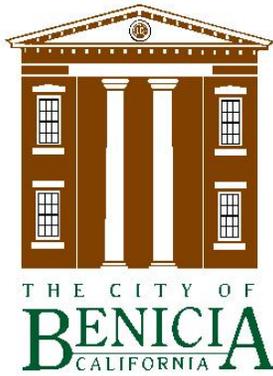
Should you have material you wish to enter into the record, please submit it to the City Manager.

Disabled Access

In compliance with the Americans with Disabilities Act (ADA), if you need special assistance to participate in this meeting, please contact Anne Cardwell, the ADA Coordinator, at (707) 746-4200. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

Meeting Procedures

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



**BENICIA CITY COUNCIL/SCHOOL BOARD LIAISON COMMITTEE
MINUTES**

Benicia Community Center, Program Room 2

April 5, 2012, 8:30-10:00am

I. Call to Order and Pledge of Allegiance: Brad Kilger, City Manager of the City of Benicia, called the meeting to order at 8:32 a.m.

A. Present:

Brad Kilger – City Manager
Mark Hughes – City Council Member
Mike Dodson – Parks and Community Services Director
Ann Dunleavy – Parks and Community Services
Andrew Bidou – Chief of Police
Mike Greene – Police Lieutenant
Mike Roberts – Public Works
Janice Adams – Superintendent of Schools
Dana Dean – School Board Member
Ron Wheat – Benicia High School
Tim Rahill – BUSD Chief Business Officer
Roy Owens – Supervisor of Maintenance and Facilities, BUSD

II. Reference to the Fundamental Rights of the Public and Public Comment

Kilger noted the fundamental rights of the public. There was no public comment.

III. Consent Calendar

A. Approval of Minutes of the Regular Meeting January 12, 2012

On a motion by Mark Hughes, seconded by Ron Wheat, the minutes were approved as submitted.

IV. Business Items

A. Report on BUSD Strategic Planning Workshop

Adams advised the Workshop is scheduled for Saturday, April 28 at the Yacht Club. the BUSD Board, Site Councils, PTAs, Council Members, city staff and citizens will provide input to begin setting priorities then write the action plan. She noted that in community interviews, a trend is emerging expressing the need for updated technology in the District.

Minutes

Benicia City Council / School Board Liaison Committee

B. Report on Every 15 Minutes

Wheat advised the Every 15 Minutes event would take place on Tuesday, April 17, followed by assemblies for the students and an evening assembly for parents and community on the 18th. Neighborhood residents and parents will be notified beforehand as there will be parking issues in the area. Hughes confirmed that statistics have reduced to every 20-25 minutes. Rahill noted the event occurs just prior to Prom on the 21st. Wheat noted that the Rotary Club would be providing free rides for students, no questions asked. Adams thanked the City for their support of the program and noted that each school in the district will be doing Code Red drills this month. They will notify the Police Department of the dates.

C. Report on Benicia Community Sports Complex

Rahill advised the District architect did sketches of what the project might look like. The project is broken down to the all-weather field, the bleachers, and support facilities at \$2M each for a total of \$6-7M. In looking for funding, using volunteer grant writers has not worked. District staff will meet with professional grant writers to see what might be out there. The group discussed prioritizing the three phases of the project and perhaps spreading them out over time, and applying for sustainability funds. Kilger encouraged the District to include Parks & Community Services staff and Public Works and Community Development staff be included in those discussions.

The group discussed the majority of use of the facilities being by the school and the community, especially on weekends. Hughes asked that the use be quantified in preparation for asking for funding. Dotson advised he could provide that information to the District.

D. Discussion of Proposed SolTrans Short Range Transportation Plan (SRTP)

Roberts discussed the merge of Benicia and Vallejo Transit into SolTrans and the meeting on April 19 to solicit public input on the SRTP. The group discussed maintaining routes to schools and reduction in other routes with low ridership. Kilger noted that Roberts will be the District's primary contact on this issue. Adams advised the District will work to get input from the families of the student ridership.

V. Future Agenda Items

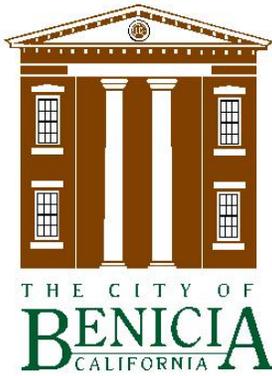
Kilger noted Council voted to approve the maintenance agreement with State on the State Capitol and thanked Dotson and staff for their work. He advised the City will be caretakers of the property until the State can get its house in order and take it back with the goal being to keep it from being a blight and maintaining a public restroom mid-street. Dotson advised he is still working with the State on the State Recreation Area.

Rahill noted the Run for Education will be Sunday, April 15 and noted the Benicia Education Foundation is working closely with the City.

Brad thanked District staff and City staff for working together and addressing issues.

VI. Adjournment

The meeting was adjourned at 9:13 a.m.



**BENICIA CITY COUNCIL/SCHOOL BOARD LIAISON COMMITTEE
MINUTES**

Benicia Community Center, Program Room 2

April 5, 2012, 8:30-10:00am

I. Call to Order and Pledge of Allegiance: Brad Kilger, City Manager of the City of Benicia, called the meeting to order at 8:32 a.m.

A. Present:

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Dana Dean – School Board Member
Ron Wheat – Benicia High School
Tim Rahill – BUSD Chief Business Officer
Roy Owens – Supervisor of Maintenance and Facilities, BUSD

II. Reference to the Fundamental Rights of the Public and Public Comment

Kilger noted the fundamental rights of the public. There was no public comment.

III. Consent Calendar

A. Approval of Minutes of the Regular Meeting January 12, 2012

On a motion by Mark Hughes, seconded by Ron Wheat, the minutes were approved as submitted.

IV. Business Items

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Adams advised the Workshop is scheduled for Saturday, April 28 at the Yacht Club. the BUSD Board, Site Councils, PTAs, Council Members, city staff and citizens will provide input to begin setting priorities then write the action plan. She noted that in community interviews, a trend is emerging expressing the need for updated technology in the District.

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Benicia City Council / School Board Liaison Committee

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Kilger noted Council voted to approve the maintenance agreement with State on the State Capitol and thanked Dotson and staff for their work. He advised the City will be caretakers of the property until the State can get its house in order and take it back with the goal being to keep it from being a blight and maintaining a public restroom mid-street. Dotson advised he is still working with the State on the State Recreation Area.

Rahill noted the Run for Education will be Sunday, April 15 and noted the Benicia Education Foundation is working closely with the City.

Brad thanked District staff and City staff for working together and addressing issues.

VI. Adjournment

The meeting was adjourned at 9:13 a.m.

AGENDA ITEM
CITY COUNCIL MEETING: SEPTEMBER 18, 2012
COUNCIL MEMBER COMMITTEE REPORTS

DATE : September 11, 2012

TO : Vice Mayor Campbell
Council Member Schwartzman

FROM : City Manager

SUBJECT : **SKY VALLEY OPEN SPACE COMMITTEE**

The following information is provided for your committee report at the September 18, 2012 Council meeting.

The Sky Valley Open Space Committee meets quarterly. The first meeting of 2012 (Feb 1) was cancelled due to a lack of agenda items. The second and third meetings of 2012 (May 2 and August 1) were also cancelled due to a lack of agenda items.

The next (and last remaining) meeting for the 2012 calendar year is set to occur on Wednesday, November 7, 2012.

AGENDA ITEM
CITY COUNCIL MEETING: SEPTEMBER 18, 2012
COUNCIL MEMBER COMMITTEE REPORTS

DATE : September 5, 2012

TO : Mayor Patterson
Council Member Strawbridge

FROM : City Manager

SUBJECT : **SOLANO EDC BOARD OF DIRECTORS**

The following information is provided for your committee report at the September 18, 2012 Council meeting.

The last Board of Directors meeting was held on Thursday, July 26, 2012. The agenda for that meeting was previously issued. The minutes are attached.

The next Board of Directors meeting is scheduled for Wednesday, September 19, 2012 at 9:00 am at Jelly Belly Candy Company. The agenda for that meeting is attached.

Attachment:

- Minutes for July 26, 2012
- Agenda for September 19, 2012



SOLANO EDC BOARD OF DIRECTORS MEETING
July 26, 2012, 9:00 AM

CALL TO ORDER

Chairman Reynolds called the meeting to order at 9:04 am at the Jelly Belly Candy Company.

Attending were:

Jim Dunbar	Kevin Finn	Mario Giuliani	Daryl Halls	Steve Hardy
Norm Hattich	S. Huddleston	Albert Lavezzo	Kurt Lohide	Sy Neilson
Sandy Person	Dale Pfeiffer	Steve Pierce	Mike Reagan	Tom Recknagel
Scott Reynolds	Jay Speck	Hermie Sunga	Scott Thomas	P. Van Ouwerkerk

Absent were:

Jack Batchelor	Robert Bloom	Rebecca Brandt	Elaine Crombie	Joanie Erickson
Ed Farewell	Terry Glubka	Brad Kilger	Jack Krebs	Laura Kuhn
Jowel Laguerre	Steve Lessler	Jim Lindley	Catherine Moy	E. Patterson
Brooks Pedder	Sean Quinn	Debra Russo	Bob Simpson	Talyon Sortor
Sue Vaccaro	Louise Walker			

CONSENT AGENDA

The Executive Committee recommended adding the minutes and financials to a consent agenda to streamline the meeting. Directors were emailed a copy of the documents prior to the meeting.

Chairman Reynolds called for approval of the consent agenda which included the minutes of the May 16, 2012 meeting; June 2012 financial summary and change Recology's board representative from Bruce Gondry to Ed Farewell. Upon motion duly made (Reagan) and seconded (Lavezzo) it was RESOLVED, that the consent agenda items be accepted as submitted.

2012 REMAINING BOARD MEETINGS

Directors were informed that the next meeting will be held on September 19 where revisions to the bylaws will be discussed. Directors will be sent the proposed revisions prior to the next meeting. The November 21 meeting is being rescheduled to November 14 where budget and succession will be discussed.

At the January board meeting there was discussion on changing leadership in July. The Executive Committee recommended waiting until January for the change. At that time Vice Chair Van Ouwerkerk will succeed as chair. Beyond that a succession plan needs to be implemented. Directors were asked to contact the EDC if they were interested in a leadership role. They were also asked for recommendations for new board members and suggestions on topics or speakers they would like presented at future board meetings.

HIGHWAY 12 STUDY UPDATE

Project Manager Dale Pfeiffer provided background information and an update on the Highway 12 Comprehensive Corridor Economic Analysis Project. The study is complete. An advisory group was formed to review the analysis. Community meetings were held in Rio Vista and the report was presented to the STA Board.

ADVOCACY COMMITTEE UPDATE

Vice Chair Huddleston provided information on AB32 the Global Warming Solutions Act. He, Sandy and Al Lavezzo recently met with Scott Folwarkow, Governmental Affairs for Valero. Scott was invited to speak at a breakfast meeting on the impact of cap and trade.

PRESIDENT'S REPORT

President Person provided updates on: increased prospect activity; highlights from newsletter; loss of volunteer Curt Johnston; retention program launched in Benicia; Manex workshop on Lean Manufacturing at Calbee; East Bay Broadband Consortium; Spirit of Solano and NorthBay Business Journal's Impact Solano.

Calendar items were discussed. The meeting adjourned 10:01 am.

Sandy Person

President

sandy@solanoedc.org

Patricia Uhrich

Office Manager

pat@solanoedc.org

Address:

360 Campus Lane, Suite 102
Fairfield, CA 94534

Phone:

707.864.1855

Fax:

707.864.6621

Toll Free:

888.864.1855

Website:

www.solanoedc.org



Solano EDC
Board of Directors Meeting
Wednesday, September 19, 2012
Jelly Belly Candy Company (Corporate Offices)

AGENDA

- | | | | |
|-------------|----|--|-----------------------------------|
| 9:00 am | 1. | Call to Order | Patsy Van Ouwerkerk, Acting Chair |
| Action Item | 2. | Consent Agenda | |
| | | o Approval of 07/26/12 Meeting Minutes | |
| | | o Financial Summary July 2012 | |
| Action Item | 3. | By-law revisions | Patsy Van Ouwerkerk, Acting Chair |
| | 4. | Advocacy Committee Update | Steve Huddleston |
| | 5. | Special Topic: Delta Water Update | Mike Reagan |
| | 6. | President's Report | Sandy Person |
| | 7. | Items from Directors | |
| 10:00 am | 8. | Adjourn Meeting | |

Calendar of Events

- September 26, 2012 North Bay Business Journal Impact Solano
- 2013 board meeting schedule: 2nd Thursday (odd months)
9 am at Jelly Belly Candy Company: Jan 10, March 14, May 09, July 11, Sept 12, Nov 14

AGENDA ITEM
CITY COUNCIL MEETING: SEPTEMBER 18, 2012
COUNCIL MEMBER COMMITTEE REPORTS

DATE : September 11, 2012

TO : Mayor Patterson
Council Member Schwartzman

FROM : Director of Public Works and Community Development

SUBJECT : **SOLANO TRANSPORTATION AUTHORITY**

The following information is provided for your committee report at the September 18, 2012 City Council meeting.

STA Board meetings are held in the Suisun City Hall Council Chambers.

The next meeting is scheduled for September 12, 2012 at Suisun City Hall and the agenda for that meeting is attached along with the minutes from the July 11, 2012 meeting.

Attachments:

- September 12, 2012 Agenda
- July 11, 2012 Meeting Minutes



STA BOARD MEETING AGENDA
6:00 p.m., Regular Meeting
Wednesday, September 12, 2012
Suisun City Hall Council Chambers
701 Civic Center Drive
Suisun City, CA 94585

Mission Statement: To improve the quality of life in Solano County by delivering transportation system projects to ensure mobility, travel safety, and economic vitality.

Public Comment: Pursuant to the Brown Act, the public has an opportunity to speak on any matter on the agenda or, for matters not on the agenda, issues within the subject matter jurisdiction of the agency. Comments are limited to no more than 2 minutes per speaker unless modified by the Board Chair, Gov't Code § 54954.3(a). By law, no action may be taken on any item raised during the public comment period (Agenda Item IV) although informational answers to questions may be given and matters may be referred to staff for placement on a future agenda of the agency. **Speaker cards are required in order to provide public comment. Speaker cards are on the table at the entry in the meeting room and should be handed to the STA Clerk of the Board. Public comments are limited to 2 minutes or less.**

Americans with Disabilities Act (ADA): This agenda is available upon request in alternative formats to persons with a disability, as required by the ADA of 1990 (42 U.S.C. §12132) and the Ralph M. Brown Act (Cal. Govt. Code §54954.2). Persons requesting a disability related modification or accommodation should contact Johanna Masiclat, Clerk of the Board, at (707) 424-6008 during regular business hours at least 24 hours prior to the time of the meeting.

Staff Reports: Staff reports are available for inspection at the STA Offices, One Harbor Center, Suite 130, Suisun City during regular business hours, 8:00 a.m. to 5:00 p.m., Monday-Friday. You may also contact the Clerk of the Board via email at jmasiclat@sta-snci.com. **Supplemental Reports:** Any reports or other materials that are issued after the agenda has been distributed may be reviewed by contacting the STA Clerk of the Board and copies of any such supplemental materials will be available on the table at the entry to the meeting room.

Agenda Times: Times set forth on the agenda are estimates. Items may be heard before or after the times shown.

ITEM

BOARD/STAFF PERSON

- | | |
|---|------------------------|
| <p>I. CALL TO ORDER/PLEDGE OF ALLEGIANCE
(6:00 – 6:05 p.m.)</p> | <p>Chair Batchelor</p> |
| <p>II. CONFIRM QUORUM/ STATEMENT OF CONFLICT
<i>An official who has a conflict must, prior to consideration of the decision; (1) publicly identify in detail the financial interest that causes the conflict; (2) recuse himself/herself from discussing and voting on the matter; (3) leave the room until after the decision has been made. Cal. Gov't Code § 87200.</i></p> | <p>Chair Batchelor</p> |

STA BOARD MEMBERS

Jack Batchelor, Jr. Chair City of Dixon	Steve Hardy Vice-Chair City of Vacaville	Elizabeth Patterson City of Benicia	Harry Price City of Fairfield	Jan Vick City of Rio Vista	Pete Sanchez City of Suisun City	Osby Davis City of Vallejo	Jim Spering County of Solano
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STA BOARD ALTERNATES

Rick Fuller	Ron Rowlett	Alan Schwartzman	Rick Vaccaro	Janith Norman	Mike Hudson	Erin Hannigan	John Vasquez
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III. APPROVAL OF AGENDA

IV. OPPORTUNITY FOR PUBLIC COMMENT

(6:05 – 6:10 p.m.)

V. EXECUTIVE DIRECTOR’S REPORT – Pg. 1

(6:10 – 6:15 p.m.)

Daryl K. Halls

VI. COMMENTS FROM CALTRANS, THE METROPOLITAN TRANSPORTATION COMMISSION (MTC), AND STA

(6:15 – 6:35 p.m.)

A. Directors Report:

1. Planning

Robert Macaulay

2. Projects

Janet Adams

3. Transit/Rideshare

Judy Leaks/Liz Niedziela

a) SNCI FY 2011-12 Highlight

b) 2012 Solano Employer Commute

Challenge Update

VII. CONSENT CALENDAR

Recommendation:

Approve the following consent items in one motion.

(Note: Items under consent calendar may be removed for separate discussion.)

(6:35 - 6:40 p.m.)

A. Minutes of the STA Board Meeting of July 11, 2012

Johanna Masiclat

Recommendation:

Approve STA Board Meeting Minutes of July 11, 2012.

Pg. 7

B. Draft Minutes of the TAC Meeting of August 29, 2012

Sheila Jones

Recommendation:

Approve Draft TAC Meeting Minutes of August 29, 2012.

Pg. 15

C. Fiscal Year (FY) 2012-13 Transportation Development Act (TDA) Matrix – September 2012 – Dixon and Rio Vista

Liz Niedziela

Recommendation:

Approve the FY 2012-13 TDA Matrix – September 2012 for the Cities of Dixon and Rio Vista as shown in Attachment B.

Pg. 21

D. East Fairfield Community Based Transportation Plan (CBTP) Report

Liz Niedziela

Recommendation:

Approve the Final East Fairfield Community Based Transportation Plan as specified in Attachment B.

Pg. 27

- E. 2012 Local Ridership Studies for Dixon Read-Ride, Fairfield and Suisun Transit (FAST), Rio Vista Delta Breeze, and Vacaville City Coach** Liz Niedziela
Recommendation:
Approve the 2012 Local Transit Ridership Study Reports as shown in Attachment A.
Pg. 33
- F. Solano Napa Commuter Information (SNCI) Fiscal Year (FY) 2012-13 Work Program and FY 2011-12 Year-End Report** Judy Leaks
Recommendation:
Approve the Solano Napa Commuter Information Work Program for FY 2012-13 as shown in Attachment A.
Pg. 37
- G. Fiscal Year (FY) 2012-13 Indirect Cost Allocation Plan (ICAP) Rate Application** Susan Furtado
Recommendation:
Approve the following:
 1. *STA's ICAP Rate Application for FY 2012-13; and*
 2. *Authorize the Executive Director to submit the ICAP Rate Application to Caltrans.***Pg. 47**
- H. Contract Extension for On-Call Model Service and Funding Agreement with Napa County Transportation and Planning Agency (NCTPA)** Robert Guerrero
Recommendation:
Approve the following:
 1. *Authorize the Executive Director to extend an agreement with Napa County Transportation and Planning Agency (NCTPA) to administer on-call traffic modeling services with an annual contribution of \$16,000 per year for a two-year period; and*
 2. *Authorize the Executive Director to extend an agreement with Cambridge Systematics for On-Call Modeling Service as specified in Attachment A for an amount not to exceed \$25,000 per year for a two-year term.***Pg. 51**
- I. Solano Countywide Bicycle and Pedestrian Wayfinding Signage System (Phase 1)** Sara Woo
Recommendation:
Approve the following:
 1. *Local preference goal of 9% for the Solano Countywide Bicycle and Pedestrian Wayfinding Signage System (Phase 1); and*

2. *Authorize the Executive Director to enter into a procurement contract for the Solano Countywide Bicycle and Pedestrian Wayfinding Signage System (Phase 1) for an amount not-to-exceed \$15,000.*

Pg. 57

J. Resolution Determining STA Board to Hear Resolution's of Necessity for Westbound (WB) I-80 to State Route (SR) 12 (West) Connector and Green Valley Road Interchange Improvements Project and Resolution authorizing the Executive Director to Accept Grants Conveying Interests in Real Property to the STA

Janet Adams

Recommendation:

Approve the following:

1. *Resolution No. 2012-14 determining that STA Board will hear Resolutions of Necessity for the WB I-80 to SR 12 (West) Connector and Green Valley Road Interchange Improvements Project in Solano County; and*
2. *Resolution No. 2012-15 authorizing the Executive Director to accept and consent to grants conveying interests in real property to the Solano Transportation Authority.*

Pg. 59

K. Issue Request for Proposals for Environmental Mitigation for the I-80/I-680/State Route (SR) 12 Interchange Project

Janet Adams

Recommendation:

Authorize the Executive Director to issue a Request for Proposals (RFP) to select a firm/team to provide environmental mitigation required by the I-80/I-680/SR12 Interchange – Phase 1 Project.

Pg. 65

L. Request For Proposals (RFP) for SNCI Marketing Services for Fiscal Year (FY) 2012-13

Jayne Bauer

Recommendation:

Approve the following:

1. *Local preference goal of 1% for the SNCI Program Marketing for FY 2012-13; and*
2. *Authorize the Executive Director to issue a Request For Proposals for consultant services for SNCI Program Marketing; and*
3. *Authorize the Executive Director to enter into an agreement in an amount not-to-exceed \$38,000 for marketing consultant services for SNCI for FY 2012-13.*

Pg. 69

- M. Request For Proposals (RFP) for Regional Measure 2 (RM 2) SolanoExpress Fiscal Year (FY) 2012-13 Transit Marketing Consultant Services** Jayne Bauer
- Recommendation:
Approve the following:
1. *Local preference goal of 2% for the SolanoExpress Transit Marketing FY 2012-13; and*
 2. *Authorize the Executive Director to issue a Request For Proposals for consultant services for SolanoExpress transit marketing; and*
 3. *Authorize the Executive Director to enter into an agreement in an amount not to exceed \$206,600 for the FY 2012-13 SolanoExpress transit marketing.*
- Pg. 73**
- N. Contract Amendment for State Legislative Advocacy Services** Jayne Bauer
- Recommendation:
Authorize the Executive Director to execute contract amendment to the State Lobbying Consultant Services Agreement with Shaw/Yoder/Antwih, Inc. for a 2-year term in an amount not-to-exceed \$46,500 annually.
- Pg. 77**
- O. Contract with Nancy Whelan Consulting for Project Management Services and Financial Analysis** Liz Niedziela
- Recommendation:
Authorize the Executive Director to enter into an agreement with Nancy Whelan Consulting for Project Management Services and Financial Analysis for an amount not to exceed \$82,860 with a term ending December 31, 2013.
- Pg. 81**
- P. Extension of STA Management Agreement with SolTrans to Operate SolanoExpress Route 78** Liz Niedziela
- Recommendation:
Authorize the Executive Director to enter into a STA management agreement with SolTrans to operate SolanoExpress Rt. 78.
- Pg. 87**
- Q. Paratransit Coordinating Council (PCC) Reappointment** Liz Niedziela
- Recommendation:
Reappoint Kurt Wellner to the Paratransit Coordinating Council for an additional three-year term.
- Pg. 105**

VIII. ACTION NON-FINANCIAL ITEMS

- A. **Legislative Update** Jayne Bauer
Recommendation:
Adopt the following positions on State legislative bills:
 AB 2200 (Ma) – neutral
 SB 878 (DeSaulnier) - neutral
(6:40 – 6:45 p.m.)
Pg. 107
- B. **OneBayArea Grant (OBAG) Funding Criteria** Robert Macaulay
Recommendation:
Adopt the revised public input schedule as shown in Attachment C.
(6:45 – 7:00 p.m.)
Pg. 151

IX. ACTION FINANCIAL ITEMS

- A. **OneBayArea Grant (OBAG) Local Streets and Roads Project Funding** Robert Macaulay
Recommendation:
Adopt Resolution No. 2012-16 certifying that the Solano OBAG Local Streets and Roads Call for Projects meet the requirements of the MTC OBAG Guidelines and establishing OBAG Local Streets and Roads funding amounts for each eligible jurisdiction.
(7:00 – 7:15 p.m.)
Pg. 163
- B. **Public-Private Partnership Feasibility Study** Sam Shelton
Recommendation:
Authorize the Executive Director to enter into a contract for consultant services with KPMG for a Public Private Partnership (P3) Feasibility Study for an amount not-to-exceed \$150,000.
(7:15 – 7:20 p.m.)
Pg. 185

X. INFORMATION – NO DISCUSSION

- A. **2012 Solano Employer Commute Challenge** Sorel Klein
Pg. 199
- B. **Funding Opportunities Summary** Sara Woo
Pg. 201
- C. **STA Board and Advisory Committee Meeting Schedule for Calendar Year 2012** Johanna Masiclat
Pg. 205

XI. BOARD MEMBERS COMMENTS

XII. ADJOURNMENT

The next regular meeting of the STA Board is scheduled at **6:00 p.m., Wednesday, October 10, 2012, Suisun City Hall Council Chambers.**



SOLANO TRANSPORTATION AUTHORITY
Board Minutes for Meeting of
July 11, 2012

I. CALL TO ORDER

Chair Batchelor called the regular meeting to order at 6:00 p.m. A quorum was confirmed.

MEMBERS

PRESENT: Jack Batchelor, Chair City of Dixon
Steve Hardy, Vice-Chair City of Vacaville
Elizabeth Patterson City of Benicia
Harry Price City of Fairfield
Jan Vick City of Rio Vista
Pete Sanchez City of Suisun City
Osby Davis City of Vallejo
John Vasquez County of Solano
(Alternate Member)

MEMBERS Jim Sperring County of Solano

ABSENT:

STAFF

PRESENT: Daryl K. Halls Executive Director
Bernadette Curry Legal Counsel
Janet Adams Deputy Executive Director/Director of Projects
Robert Macaulay Director of Planning
Johanna Masielat Clerk of the Board
Susan Furtado Accounting & Administrative Svc. Manager
Liz Niedziela Transit Manager
Judy Leaks Program Manager
Robert Guerrero Senior Planner
Sam Shelton Project Manager
Judy Kowalsky Accounting Technician
Sara Woo Associate Planner
Jessica McCabe Assistant Project Manager
Danelle Carey Commute Consultant
Sheila Jones Administrative Assistant
Teliyah Bush High School Intern
Hannah Vincent High School Intern

ALSO

PRESENT:

In Alphabetical Order by Last Name:

Morrie Barr	City of Dixon
George Gwynn, Jr.	Resident, City of Suisun City
Dr. Robert Fountain	Economist, SR 12 Economic Study
Dan Kasperson	City of Suisun City
Rod Moresco	City of Vacaville
Sandy Person	President, Solano EDC
Dale Pfeiffer	Project Manager, SR 12 Economic Study
Mike Roberts	City of Benicia
Matt Tuggle	County of Solano

II. CONFIRM QUORUM/STATEMENT OF CONFLICT

A quorum was confirmed by the Clerk of the Board. There was no Statement of Conflict declared at this time.

III. APPROVAL OF AGENDA

On a motion by Board Member Patterson, and a second by Alternate Board Member Vasquez, the STA Board approved the agenda to include an urgency provision due to the timing of comments to submit to MTC under Agenda Item IX.B, OBAG Project Selection. MTC issued the Regional Transportation Plan (RTP) Notice of Preparation (NOP) in June and has requested comments back by July 11, 2012. Several of the Bay Area Congestion Management Agencies (CMAs) have prepared letters in response to the RTP NOP. Therefore, an additional attachment containing the draft comments were prepared by STA staff. Staff is recommending Board authorization for the STA Chair to forward the RTP NOP comment letter to MTC as specified in Attachment H.

Under Agenda Item IX.B, OBAG Project Selection, the recommendation was modified as shown below in ***bold italics***:

Recommendation:

Approve the following:

1. Adopt Resolution No. 2012-12, provided as Attachment B, certifying that the Solano Existing OBAG Projects meet the requirements of the MTC OBAG Guidelines;
2. Issuance of a Unified Call for Projects for Solano OBAG projects as provided in Attachment F;
3. The programming of Cycle 2 OneBayArea Grant (OBAG) funds for the Dixon West B Street Undercrossing project as follows: \$1.141 M of Transportation Enhancements (TE) funds; and, \$1.394 M of Congestion Management and Air Quality (CMAQ) funds for a total of \$2.535 M;
4. Adopt Resolution No. 2012-13 of Local Support for Federal Funding provided as Attachment E, authorizing the filing of an application for federal funding and committing the necessary non-federal match and stating the assurance to complete the project;
5. Approve issuance of a Local Streets and Roads Call for Projects for Solano OBAG funds as provided in Attachment G; and
6. ***Approve transmittal of the comments specified in Attachment H to MTC in response to the RTP Notice of Preparation.***

IV. OPPORTUNITY FOR PUBLIC COMMENT

George Gwynn, Jr. commented on various budget issues. He commented on STA funds and that the agency should cut its costs.

V. EXECUTIVE DIRECTOR’S REPORT

Daryl Halls provided an update on the following topics:

- State Route (SR) 12 Economic Study
- STA FY 2012-13 & FY 2013-14 Budgets
- OneBayArea Grant (OBAG) Implementation
- Priority Development Areas (PDAs) Investment Strategy
- Annual Report on STA’s Local Preference Policy

VI. COMMENTS FROM METROPOLITAN TRANSPORTATION COMMISSION (MTC), CALTRANS, AND STAFF:

A. MTC Report:
None presented.

B. Caltrans Report:
None presented.

C. STA Reports:

A. Draft State Route 12 Economic Study

Dale Pfeiffer summarized the SR 12 Economic Study. Dr. Fountain discussed some of the key economic findings.

B. Directors Report:

1. Planning
2. Projects
3. Transit/Rideshare

VII. CONSENT CALENDAR

On a motion by Board Member Price, and a second by Alternate Board Member Vasquez, the STA Board approved Consent Calendar Items A through F to include modifications to Item C, STA Purchasing System Policies and Manual (Protest and Appeals Procedure). At the request of Bernadette Curry, STA Legal Counsel, Section 800 of the Protest and Appeals Procedure was modified as shown below in *bold italics*.

A. Minutes of the STA Board Meeting of June 13, 2012
Recommendation:
Approve STA Board Meeting Minutes of June 13, 2012.

B. Draft Minutes of the TAC Meeting of June 27, 2012
Recommendation:
Approve Draft TAC Meeting Minutes of June 27, 2012.

C. STA Purchasing System Policies and Manual (Protest and Appeals Procedure)
Recommendation:
Adopt the attached Protest and Appeals Procedure included in Attachment A for incorporation in the STA Purchasing Systems Policies and Manual.

STA’s Legal Counsel, Bernadette Curry requested to modify (shown in *bold italics*) Section 800. Appeal of Decision to read as follows:

800. Appeal of Decision

If requested, the Clerk of the Board shall schedule the appeal for hearing by an independent hearing officer, *selected by the STA Legal Counsel*, and provide written notice to the appellant by personal service not less than ten (10) calendar days from the date of the hearing.

D. Safe Routes to School (SR2S) Agreement Amendment #2 for Sub-Recipient Agreement with Solano County Public Health

Recommendation:

Authorize the Executive Director to enter into an agreement amendment retroactively to July 1, 2012 with Solano County Public Health to operate and deliver project and program tasks described in the SR2S 2-year Work Plan for Fiscal Years 2011-12 and 2012-13 as described in Attachment A.

E. Fiscal Year (FY) 2012-13 Transportation Development Act (TDA) Matrix – July 2012

Recommendation:

Approve the FY 2012-13 Solano TDA Matrix – July 2012 as shown in Attachment A.

F. Fiscal Year (FY) 2012-13 Transportation Development Act (TDA) Article 3 Project Resolutions

Recommendation:

Approve the following FY 2012-13 TDA Article 3:

1. Resolution No. 2012-10 as specified in Attachment A; and
2. Resolution No. 2012-11 as specified in Attachment B.

VIII. ACTION - FINANCIAL ITEMS

A. STA's Five (5) Year Estimated Operating Budget FY 2012-13 through FY 2016-17

Daryl Halls and Susan Furtado presented STA's five-year (FY 2012-13 through FY 2016-17) estimated expenditure projections for STA's operating budget. She cited that the report shows the estimated operating cost for programs and project activities over the next five years, which focuses on staffing cost and the general operating cost.

Public Comments:

George Gwynn, Jr. commented on the STA's projected budget increases.

Daryl Halls commented that the projected costs are estimates based on existing staff, insurance costs and the level of effort necessary for STA's programs and delivery of projects.

Board Comments

Board Member Patterson expressed her appreciation for staff's good work in putting together STA's five year budget projection, and she requested staff provide routine updates on the line-up of revenues with expenditures as well as assumptions that are used.

Daryl Halls commented that a five-year revenue projection will be provided as part of the mid-year budget update.

Recommendation:

Receive and file.

On a motion by Board Member Patterson, and a second by Board Member Price, the STA Board unanimously approved the recommendation.

IX. ACTION – NON-FINANCIAL ITEMS

A. SolanoExpress Intercity Ridership Study

Liz Niedziela provided an overview of STA’s 2012 SolanoExpress Intercity Ridership Study. She summarized the purpose of the study and provided a brief summary of the survey results. She cited that the local ridership studies summaries would be provided to the STA Board in September 2012.

Public Comments:

None presented.

Board Comments

None presented.

Recommendation:

Approve the 2012 Intercity Transit Ridership Survey Reports as shown in Attachment A *with the revised Appendix II.*

On a motion by Board Member Sanchez, and a second by Board Member Patterson, the STA Board unanimously approved the recommendation as amended shown above in *bold italics.*

B. Amended - OneBayArea Grant (OBAG) Project Selection

Robert Macaulay presented the project selection process for the OneBayArea Grant (OBAG) for FY 2012-13 through FY 2015-16. He explained the OBAG funds available to STA and the certification of existing commitments. He reviewed the programming of Cycle 2 OneBayArea Grant (OBAG) funds for the Dixon West B Street Undercrossing project as follows: \$1.141 M of Transportation Enhancements (TE) funds; and, \$1.394 M of Congestion Management and Air Quality (CMAQ) funds for a total of \$2.535 M. He cited that a Board Workshop to discuss the OBAG Project Selection Criteria and Priorities will be scheduled in September 2012.

He stated that as a part of the RTP process, MTC is required to prepare an Environmental Impact Report (EIR). Prior to preparation of the Draft EIR (DEIR), MTC is required to issue a Notice of Preparation (NOP). An NOP is a notice to interested parties that a DEIR will be prepared, and a request that those interested parties comment on what the scope and content of the DEIR should be.

MTC issued the RTP NOP in June, and has requested comments back by July 11, 2012. Several of the Bay Area Congestion Management Agencies (CMAs) have prepared letters in response to the RTP NOP.

Attachment H contains the draft comments prepared by STA staff. This letter focuses on key areas of interest to STA and its member agencies. He noted staff is recommending Board authorization for the STA Chair to forward the RTP NOP

comment letter to MTC.

Public Comments:

George Gwynn, Jr. expressed his opposition to further work on the train station in Dixon.

Board Comments

Board Member Patterson commented on the STA’s response letter to MTC’s NOP on Plan Bay Area. She stated that the existing RTP should also be analyzed using the current RTP environmental standards, and asked that wording to that effect be put in the STA’s comment letter. She also noted that lack of funds to implement projects in Plan Bay Area is a serious issue, and the EIR should address the lack of funding. Finally, she concluded that sea level rise is occurring, and it may not make sense for the EIR to address what would happen if the sea level rise did not occur. She commented on flood concerns for coastal communities.

Steve Hardy commented that he doesn’t support Agenda 21 and questioned if it related to this topic in any way.

Daryl Halls stated that staff is taking a regional approach to frame it so future transportation investment can take place. He stated there are different opinions on Agenda 21, but STA is focused on complying with state statutes.

Steve Hardy commented that he strongly opposes Agenda 21 and concluded with his appreciation to Mr. Halls and STA staff on their planning efforts.

Recommendation:

Approve the following:

1. Adopt Resolution No. 2012-12, provided as Attachment B, certifying that the Solano Existing OBAG Projects meet the requirements of the MTC OBAG Guidelines;
2. Issuance of a Unified Call for Projects for Solano OBAG projects as provided in Attachment F;
3. The programming of Cycle 2 OneBayArea Grant (OBAG) funds for the Dixon West B Street Undercrossing project as follows: \$1.141 M of Transportation Enhancements (TE) funds; and, \$1.394 M of Congestion Management and Air Quality (CMAQ) funds for a total of \$2.535 M;
4. Adopt Resolution No. 2012-13 of Local Support for Federal Funding provided as Attachment E, authorizing the filing of an application for federal funding and committing the necessary non-federal match and stating the assurance to complete the project;
5. Approve issuance of a Local Streets and Roads Call for Projects for Solano OBAG funds as provided in Attachment G; and
6. ***Approve transmittal of the comments specified in Attachment H to MTC in response to the RTP Notice of Preparation.***

On a motion by Board Member Sanchez, and a second by Board Member Price, the STA Board unanimously approved the recommendation as amended shown above in ***bold italics***.

C. Development of Priority Development Area (PDA) Investment Strategy and Schedule

Robert Guerrero reviewed the development of PDA Investment Strategy Plan. He cited that the purpose of the PDA Investment Strategy is to ensure that CMAs have a transportation priority-setting process for OBAG funding that supports and encourages development in the region's PDA. He cited that staff is recommending a four-year PDA Implementation Process and Schedule that includes reconvening participants from the Transportation of Sustainable Communities Plan Working Group to provide technical assistance in developing the PDA Investment Strategy.

Public Comments:

None presented.

Board Comments

None presented.

Recommendation:

Approve the process and schedule for the development of Solano's Priority Development Strategy as outlined in Attachment B.

On a motion by Board Member Hardy, and a second by Board Member Patterson, the STA Board unanimously approved the recommendation.

X. INFORMATIONAL

A. STA's Local Preference Policy FY 2011-12 Year-End Report

Judy Kowalsky provided a year-end report for STA's Local Preference Policy (LPP) for FY 2011-12. She reported the percent of local vendors and total contracts initiated that were subject to LPP based on the type of funding source used to fund the activity. She added that STA executed a total of fifteen (15) contracts in which two (2) were subject of the LPP requirement. She concluded by stating that the number of local vendors utilized in the delivery of various projects and programs increased from seventy (70) to eight-four (84) percent with total local dollars spent increased in the amount of \$518,228.

B. Highway Projects Status Report:

- 1. I-80/I-680/State Route (SR) 12 Interchange**
- 2. I-80 Eastbound Cordelia Truck Scales Relocation**
- 3. I-80 Express Lanes**
- 4. Redwood Pkwy -Fairgrounds Dr. Access Improvements**
- 5. Jepson Parkway**
- 6. State Route 12 (Jameson Canyon)**
- 7. State Route 12 East SHOPP**
- 8. I-80 SHOPP Rehabilitation**

Janet Adams provided an overview of the construction status of the I-80 Cordelia Truck Scales Relocation project, the State Route (SR) 12 Jameson Canyon, and SR 12 East SHOPP Rehabilitation.

AGENDA ITEM
CITY COUNCIL MEETING: SEPTEMBER 18, 2012
COUNCIL MEMBER COMMITTEE REPORTS

DATE : September 12, 2012

TO : Mayor Patterson
Vice Mayor Campbell

FROM : Director of Public Works

SUBJECT : **SOLANO COUNTY WATER AGENCY**

The following information is provided for your committee report at the September 18, 2012 City Council meeting.

The amended minutes for the May 10, 2012 meeting, the draft minutes of the August 9, 2012 meeting and the agenda for the September 13, 2012 meeting are attached. The SCWA also has a Delta Committee that typically meets each month directly before the regular SCWA meeting. The next meeting date is October 11, 2012 and the agenda for that meeting is not currently available.

Attachments:

- ❑ SCWA Agenda for September 13, 2012
- ❑ August 9, 2012 SCWA Minutes
- ❑ Amended Minutes for May 10, 2012

SOLANO COUNTY WATER AGENCY



BOARD OF DIRECTORS MEETING

DATE: Thursday, September 13, 2012

TIME: 7:00 p.m.

PLACE: Berryessa Room
Solano Irrigation District / Solano County Water Agency Office
810 Vaca Valley Parkway, Suite 203
Vacaville, CA 95688

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **APPROVAL OF AGENDA**
4. **PUBLIC COMMENT**

Limited to 5 minutes for any one item not scheduled on the Agenda.

5. **CONSENT ITEMS**

(A) Minutes: Approval of the Minutes of the Board of Directors meeting of August 9, 2012 and May 10, 2012 Addendum to minutes is recommended.

(B) Expenditure Approvals: Approval of the August checking account register is recommended.

6. **BOARD MEMBER REPORTS**

RECOMMENDATION: For information only.

7. **GENERAL MANAGER'S REPORT**

RECOMMENDATION: For information only.

810 Vaca Valley Parkway, Suite 203
Vacaville, California 95688
Phone (707) 451-6090 • FAX (707) 451-6099
www.scwa2.com



VIII.D.9.3

8. **PUTAH CREEK STUDY – LEAD AGENCY**

RECOMMENDATION: Authorize SCWA to be lead CEQA Agency for upper portion of “Lower Putah Creek Restoration from the Toe Drain to Putah Diversion Dam” grant project managed by the Yolo Basin Foundation.

9. **DELTA WATER PRINCIPLES/ASSURANCES**

RECOMMENDATION: Adopt Solano County Delta Water Principles/Assurances.

10. **LAKE BERRYESSA QUAGGA MUSSEL PROGRAM**

RECOMMENDATION: Authorize staff to develop a program, in conjunction with Napa County and the US Bureau of Reclamation and dependent on State funding, to address potential quagga mussel infestation of the Solano Project and Lake Berryessa. Staff to bring back to the Board a program recommendation at a later date.

11. **TIME AND PLACE OF NEXT MEETING**

Thursday, October 11, 2012 at 6:30 -7:00 pm at the SCWA offices. City County Coordinating Council is planned to meet at 7:00.

The Full Board of Directors packet with background materials for each agenda item can be viewed on the Agency’s website at www.scwa2.com.

Any materials related to items on this agenda distributed to the Board of Directors of Solano County Water Agency less than 72 hours before the public meeting are available for public inspection at the Agency’s offices located at the following address: 810 Vaca Valley Parkway, Suite 203, Vacaville, CA 95688. Upon request, these materials may be made available in an alternative format to persons with disabilities.

Sept.2012.bod.agd.doc

**SOLANO COUNTY WATER AGENCY
BOARD OF DIRECTORS MEETING MINUTES**

MEETING DATE: August 9, 2012

The Solano County Water Agency Board of Directors met this evening at the Solano County Water Agency. Present were:

Mayor Elizabeth Patterson, City of Benicia
Mayor Jack Batchelor, City of Dixon
Mayor Harry Price, City of Fairfield
Mayor Jan Vick, City of Rio Vista
Mayor Steve Hardy, City of Vacaville
Supervisor Barbara Kondylis, Solano County District 1
Supervisor Linda Seifert, Solano County District 2
Supervisor Jim Spering, Solano County District 3
Supervisor John Vasquez, Solano County District 4
Supervisor Mike Reagan, Solano County District 5
Director Bob Bishop, Solano Irrigation District
Manager Don Holdener, Maine Prairie Water District
Manager Mike Hardesty, Reclamation District No. 2068

CALL TO ORDER

The meeting was called to order at 6:35 P.M. by Supervisor Linda Seifert.

APPROVAL OF AGENDA

On a motion Mayor Patterson and a second by Supervisor Vasquez, the Board unanimously approved the agenda.

PUBLIC COMMENT

There were no public comments.

CONSENT ITEMS

On a motion by Supervisor Kondylis and a second Mayor Price the Board unanimously approved the following consent items:

- (A) Minutes
- (B) Expenditure Approvals
- (C) Amendment to Agreement with BSK Associates
- (D) Resolution No. 2012-5 – Groundwater Grant Application
- (E) ACWA/JPIA Board Representative

BOARD MEMBER REPORTS

Mayor Vick commented on the film “Over Troubled Waters” presented by Restore the Delta which tells a broad informative story of the Delta. The film is well crafted and reminds viewers of the value of the Delta.

GENERAL MANAGER’S REPORT

There were no additions to the General Manager’s written report.

PUTAH CREEK RESTORATION PROJECT

Manager Okita reported on a new project, the “Lower Putah Creek Restoration from the Toe Drain to Putah Diversion Dam: Project Description Development, CEQA Compliance, Permits, Selected Final Design”. There are two parts to this project. One part would create a new channel in the Yolo Bypass that would connect the Yolo Bypass with lower Putah Creek and provide a pathway for salmon and steelhead to enter Putah Creek. The second part of the project includes planning and permitting for restoration projects from the Yolo Bypass to the Putah Diversion Dam.

The Yolo Bypass project would provide the CEQA documents, permitting, plans and specifications. The portion of the project from the Bypass to the Putah Diversion Dam provides environmental documentation and permitting for creek restoration projects which will also provide a benefit to obtain grant funding for these projects. The Lower Putah Creek Coordinating Committee is the planning lead for the portion of the project from the Bypass to the Putah Diversion Dam. The Yolo Basin Foundation will be the planning lead for the portion of the project from the Yolo Bypass to the Toe Drain.

The Agency will be participating in the entire project. The Agency has concern that more salmon and steelhead in the Creek could create risk for the Solano Project because it is possible that there would be a request for more water releases. The Agency would like to get assurances to protect against these risks for the Solano Project.

On a motion by Mayor Patterson and a second by Mayor Hardy the Board unanimously approved staff to participate on the Project Team for the “Lower Putah Creek Restoration from the Toe Drain to Putah Diversion Dam: Project Description Development, CEQA Compliance, Permits, Selected Final Design”.

DELTA REPORT

There were no additions to the written report.

TIME AND PLACE OF NEXT MEETING

The next regularly scheduled meeting will be Thursday, September 13, 2012 at 7:00 P.M. at the Solano County Water Agency offices.

ADJOURNMENT

This meeting of the Solano County Water Agency Board of Directors was adjourned at 7:00 P.M.

David B. Okita, General Manager
and Secretary to the Board of Directors of the
Solano County Water Agency

SOLANO COUNTY WATER AGENCY

ADDENDUM TO BOARD OF DIRECTORS MEETING MINUTES

MEETING DATE: May 10, 2012

The Solano County Water Agency Board of Directors met this evening at the Solano County Water Agency. Present were:

Mayor Elizabeth Patterson, City of Benicia
Mayor Jack Batchelor, City of Dixon
Mayor Harry Price, City of Fairfield
Mayor Pete Sanchez, City of Suisun
Mayor Steve Hardy, City of Vacaville
Supervisor Barbara Kondylis, Solano County District 1
Supervisor Linda Seifert, Solano County District 2
Supervisor Jim Spering, Solano County District 3
Supervisor John Vasquez, Solano County District 4
Supervisor Mike Reagan, Solano County District 5
Director Bob Bishop, Solano Irrigation District
Manager Don Holdener, Maine Prairie Water District

CLOSED SESSION

The Board entered closed session at 6:44 p.m. With respect to every item of business to be discussed in closed session pursuant to Section 54956.9:

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Solano County Water Agency, Napa County Flood Control and Water Conservation District, City of Yuba City, and County of Butte v. State Department of Water Resources: Sacramento Superior Court Case No. 34-2008-00016388 CU-BC-GDS

The Board exited from closed session at 7:14.

Reportable Action from Closed Session: On a motion from Mayor Seifert and a second from Mayor Hardy the Board approved the Agreements in Principal for the subject case on an 11-1 vote. Supervisor Reagan opposed the approval.

David B. Okita, General Manager
and Secretary to the Board of Directors of the
Solano County Water Agency

**AGENDA ITEM
CITY COUNCIL MEETING: SEPTEMBER 18, 2012
COUNCIL MEMBER COMMITTEE REPORTS**

DATE : September 6, 2012

TO : Vice Mayor Campbell
Council Member Schwartzman

FROM : Director of Public Works

SUBJECT : **TRAFFIC, PEDESTRIAN AND BICYCLE SAFETY (TPBS) COMMITTEE**

The following is provided for your committee report at the September 18, 2012 Council meeting.

The last Safe Routes to School Task Force Meeting was held on Monday, September 17, 2012, at 6:30 pm at the Community Center, Program Room 2 Chambers.

The last TPBS Committee meeting was held on July 19, 2012.

The next regularly scheduled TPBS Committee meeting is scheduled for Thursday, October 18, 7:00 pm in the Commission Room. The agenda is being developed.

Attachments:

- SR2S Task Force Agenda, September 17, 2012
- TPBS Agenda July 19, 2012



City of Benicia
**TRAFFIC PEDESTRIAN &
BICYCLE SAFETY (TPBS) COMMITTEE**
Regular Meeting

7:00 pm
Thursday, July 19, 2012
COMMISSION ROOM

AGENDA

I. Call To Order

- A. Roll Call
- B. Pledge of Allegiance
- C. Fundamental rights statement

II. Approval of Minutes

- A. April 19, 2012 Meeting Minutes

III. Public Comments

IV. Verbal Update

- 1. Capital Improvement Projects Scheduled for the Upcoming Months

V. Action Items

- 1. **Safety Review for a Bike Route Request** (7:10 to 7:30 pm)
The Committee will receive a presentation, hear public comments and consider recommending the bike route installation from a safety viewpoint.
- 2. **Rose Drive Traffic Calming Project – Proposed Plan** (7:30 to 8:30 pm)
In this meeting, Fehr & Peers, the City's traffic calming consultant, will present the draft project plan, the Committee will hear any concerns of the residents, and then consider a recommendation for City Council approval.

VI. Adjournment

Public Participation

The Traffic Pedestrian and Bicycle Safety (TPBS) Committee welcomes public participation.

Pursuant to the Brown Act, each public agency must provide the public with an opportunity to speak on any matter within the subject matter jurisdiction of the agency and which is not on the agency's agenda for that meeting. The TPBS Committee allows speakers to speak on agendized and non-agendized matters under public comment. Comments are limited to no more than 5 minutes per speaker. By law, no action may be taken on any item raised during the public comment period although informational answers to questions may be given and matters may be referred to staff for placement on a future agenda of the TPBS Committee.

Disabled Access

In compliance with the Americans with Disabilities Act (ADA), if you need special assistance to participate in this meeting, please contact Anne Cardwell, the ADA Coordinator at (707) 746-4200. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

Meeting Procedures

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

Public Records

The agenda packet for this meeting is available at the Public Works Department, City Clerk's Office and the Benicia Public Library during regular work hours. To the extent feasible, the packet is also available on the City's web page at www.ci.benicia.ca.us under the heading "Agendas and Minutes." ***If you wish to submit written information on an agenda item, please submit to Kathy Trinque, Administrative Secretary, by 5:00 pm, Wednesday, April 18, 2012 for distribution to Committee Members.***

BENICIA

SAFE ROUTES TO SCHOOL COMMUNITY TASK FORCE MEETING AGENDA

Monday, September 17, 2012
6:30 p.m. to 7:30 p.m.

Benicia Community Center
370 East L Street, Program Room 2
Benicia, CA 94510



ITEM ACTIVITY

ADMINISTRATOR

I. Call to Order—Self Introductions

Danelle Carey, STA

II. Approval of Agenda

Committee

III. Information Items

A. SR2S One Bay Area Grant (OBAG) Proposal

Judy Leaks, STA

- Complete Streets Compliance

IV. Action Items

A. Review Draft School Improvement Plans

Casey Hildreth, Alta
Planning and Design

- Matthew Turner Elementary School
- Robert Semple Elementary School

Recommendation:

1. Approve the draft school improvement plan to be included in the final SR2S plan update.

B. Set Priority Projects for Benicia

Casey Hildreth, Alta
Planning and Design

Recommendation:

1. Approve the Community Task Force suggested priority projects to be included in the final SR2S plan update.

V. Committee Member Comments & Future Agenda Items

Danelle Carey, STA

VI. Adjournment

Danelle Carey, STA

BENICIA SR2S COMMUNITY TASK FORCE MEMBERS

Alan Schwartzman
Council Member
City of Benicia

Rose Switzer
Board Member
Benicia Unified School
District

Melissa Morton
Asst. Director of Public
Works/Engineer
City of Benicia
Mike Roberts
Senior Civil Engineer
City of Benicia

Tom Campbell
Vice Mayor
City of Benicia

Lindsay Dalske
Vice-Principal
Benicia Middle School

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DATE: August 30, 2012
TO: Benicia Safe Routes to School (SR2S) Community Task Force
FROM: Danelle Carey, Assistant Program Manager
RE: Information and Action Item Summaries

Information Item Summary:

Item III. SR2S One Bay Area Grant (OBAG)

The Solano Transportation Authority (STA) issued a Call for Projects for \$7.6M One Bay Area Grant (OBAG) funds. The federal CMAQ guidelines allowed that funds be spent on projects or programs that reduce congestion or air pollutant emissions. The STA required that the projects or programs be contained in an STA plan and have a public agency sponsor, and be complete street compliant.

While the SR2S Plan is still in draft form, seventeen (17) walk audits were conducted countywide indicating the need for additional infrastructure funding to create safer walking/biking environments around schools. Draft lists of priority projects have been identified for each community in Solano County. A review of the draft plan indicated that approximately \$3M of infrastructure needs were identified, \$2M of which could be priority projects.

On August 15, 2012, the SR2S Advisory Committee approved the recommendation to create a SR2S Engineering Program to be used to fund the priority infrastructure projects that are identified through the updated SR2S plan over the next four years. The SR2S program requested \$1.2M from the One Bay Area Grant for this purpose.

Action Item Summary:

Item IV.A Review Draft School Improvement Plan (Casey Hildreth, Alta Planning)

The Alta consultant team has completed a draft school improvement plan for two schools in Benicia; Matthew Turner Elementary School and Robert Semple Elementary School. Initially reviewed by Community Task Forces in the spring, the improvement plans have been revised to incorporate comments received as well as the data and walking routes identified through the suggested routes mapping process. (Attachment A, pgs.4-7)

Item IV.B. Set Priority Projects for Benicia

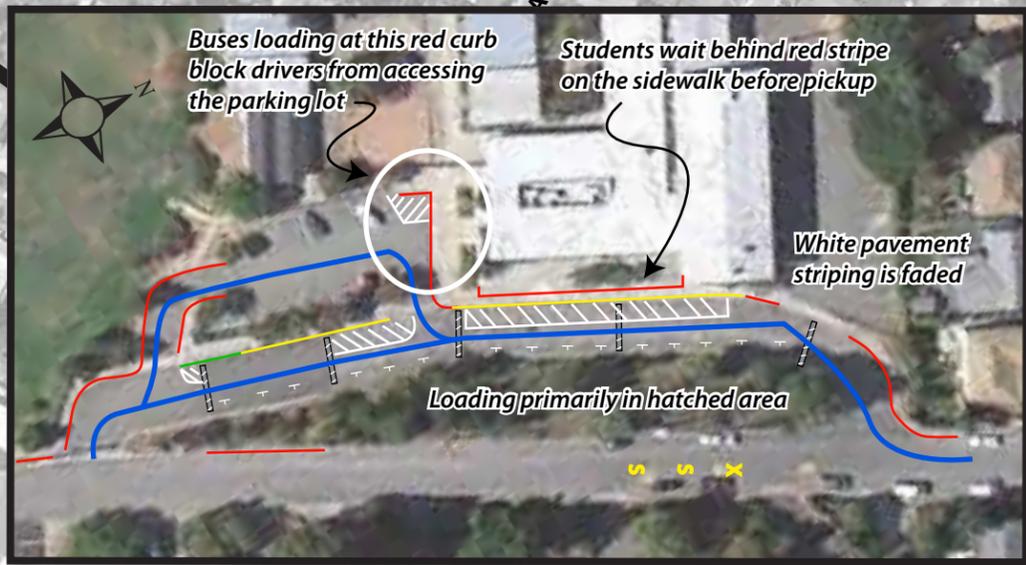
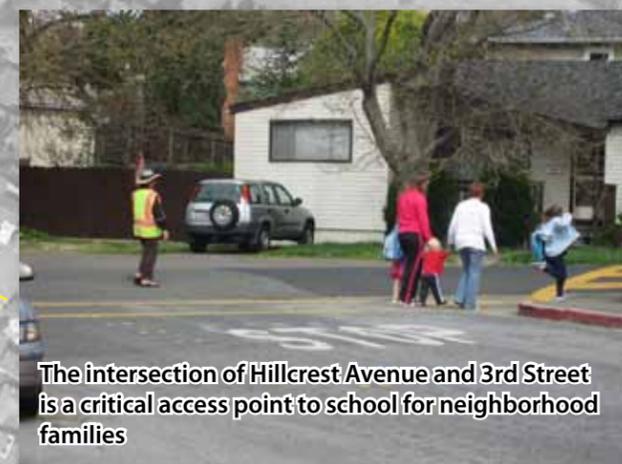
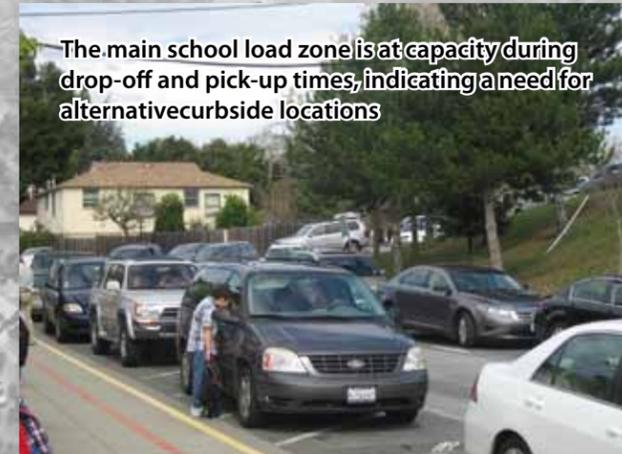
Recommendations for engineering projects have been developed for Benicia by the Alta consultant team through the plan update process. Based on the list of engineering projects identified, members of the Benicia SR2S Community Task Force will set priority projects to be included in the final SR2S Plan Update. (Attachment B, pg.8)

Attachments:

- A. Draft Improvement Plans
- B. Benicia Draft List of Priority Projects

VII.D.10.8

- Loading Zones
- Driver Circulation Route
- Observed Walking Routes
- Sidewalk Gaps
- Conflict Points
- Crossing Guard
- Pedestrian Pathway



Robert Semple Elementary School Existing Conditions

DRAFT 7-31-2012



(L) Loading Zones
 - - - Proposed Vehicle Circulation Route
 - - - Proposed Walking School Bus Route
 - - - New Sidewalk
 Crossing Guard
 Pedestrian Pathway
 Improvements not to scale

Move north to Tennys Drive



- 1 Robert Semple Parking Lot**
 - Replace yellow curb loading zone with white curb; refresh white parking zones pavement striping
 - Recruit older students as volunteer valets to speed up drop-off process; outfit with florescent vests
 - Install signage on 3rd Street directing pedestrians to cross at S Street
- 2 3rd Street at Hillcrest Avenue**
 - Construct curb extension in the southwest corner
 - Upgrade southern crosswalk to high-visibility yellow, refresh other crosswalks where necessary
 - Use hatch markings and soft-hit posts (as necessary) to square up La Cruz Ave and El Bonito Way intersections with reduced curb radii and additional pedestrian waiting areas
- 3 2nd Street at Hillcrest Avenue**
 - Replace existing yellow transverse crosswalks with high-visibility yellow crosswalks
 - Retrofit pathway and curb ramp for ADA compliance
- 4 3rd Street at S Street**
 - Construct sidewalk on the north side of S Street to close existing gap; stripe and sign as new load zone
 - Install curb extensions with curb ramps at northwest and southwest legs of intersection; consider filling in dirt landscape strip along 3rd Street to anticipate/respond to increased demand for walking
 - Replace existing yellow transverse crosswalks with high-visibility yellow crosswalks
 - Stripe a new high-visibility crosswalk in the east leg and reduce crossing distances/curb radii with hatched bulb-outs and soft hit posts if necessary
- 5 Interstate 780 Pedestrian Tunnel & Pathway**
 - Install additional lighting in tunnel
 - Regrade and repave sidewalk to improve ADA access and compliance
- 6 Sidewalk Gap Closures**
 - Construct sidewalk segments on north side of El Bonito Way, south side of Hillcrest Ave, and north side of Vista Grande Ave to close priority gaps
 - Use hatch markings and soft-hit posts (as necessary) to square up the Vista Grande Ave/Hillcrest Ave/Linda Vista St intersection; locate stop signs in center or roadway where possible to maximize walking space along narrow sidewalks

VIII.D.10-9

Robert Semple Elementary School Recommended Improvements*

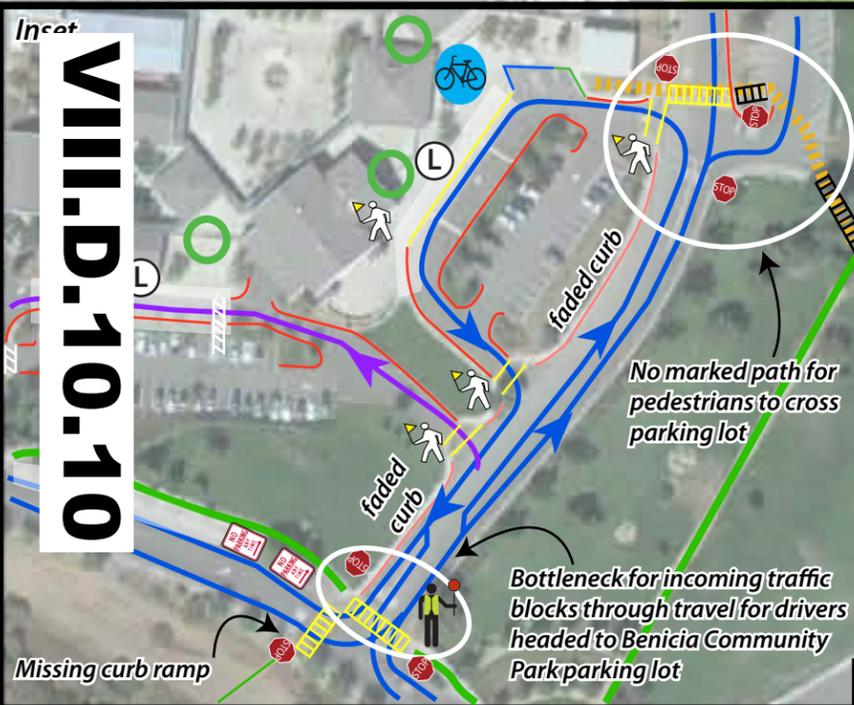
DRAFT 7-31-2012

*The list of recommended improvements is limited. The improvements listed are only recommendations, and will need funding for construction and maintenance before implementation can be considered.



Inset

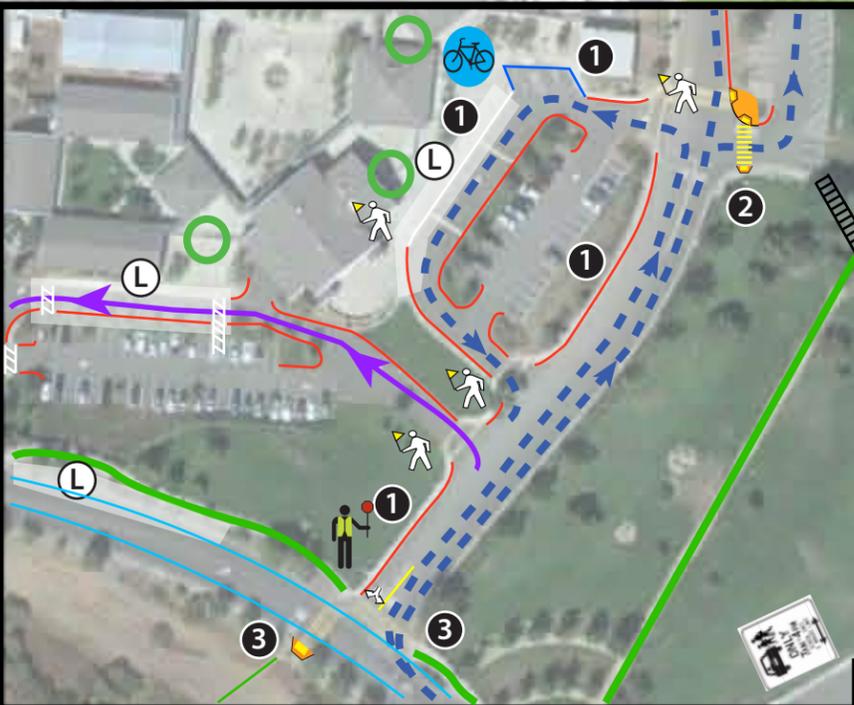
VIII.D.10.10



Parents and students cross the Benicia Community Park parking lot entrance to walk down to Kearney Street. There are no established crossing options for this route



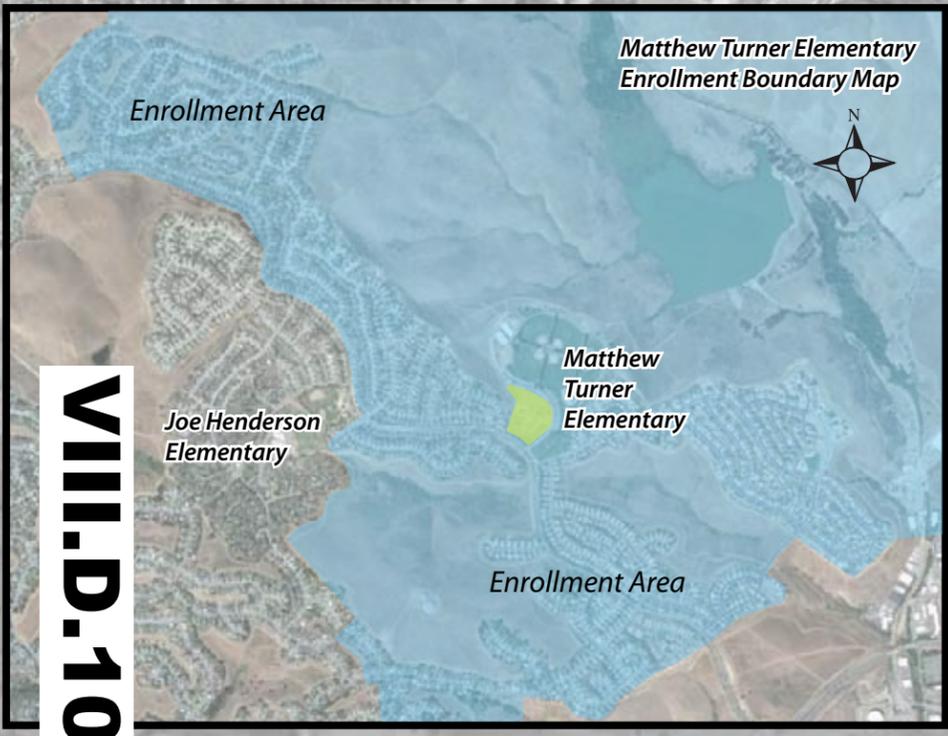
When traffic on Dempsey Drive backs up to Rose Drive, drivers are blocked from accessing the Benicia Community Park parking lot, which many parents use as a remote drop-off/pick-up site



Improvements not to scale

- Parent volunteer/ School Patrol
- Existing Crossing Guard
- Existing Loading Zone
- Proposed Circulation Route
- Existing Shuttle Van Route
- Existing Pedestrian Pathways
- Bike Lanes
- Pedestrian Gate
- Bicycle Parking
- Proposed Walking School Bus Route
- Disabled-Accessible Parking

- 1 School Grounds Curb Painting**
 - Refresh red curb along the school-adjacent side of Dempsey Drive
 - Replace the yellow curb in the loading zone with white curb
 - Replace the green 5-minute parking curb with additional blue curb for disabled parking
 - 2 Benicia Community Park parking lot entrance**
 - Construct a landing pad for the existing crosswalk on the eastern side of Dempsey Drive
 - Stripe a high-visibility yellow crosswalk across the parking lot entrance, with curb ramps at both ends
 - 3 Dempsey Drive at Rose Drive**
 - Reconfigure Dempsey Drive at the intersection, with only one egress lane and two ingress lanes, allowing for a dedicated lane to access the Benicia Community Park parking lot
 - Construct a curb ramp at southern end of the crosswalk across Rose Drive
 - 4 Rose Drive at Primrose Lane**
 - Stripe red curb at this intersection to improve driver sightlines and reduce instances of drivers encroaching the crosswalk to look for cross-traffic
 - 5 Rear School Gate**
 - Unlock rear gate and use adjacent sidewalk as an additional loading zone
 - Recruit a parent volunteer to monitor the gate while open
 - 6 Kearney Street Crossing**
 - Install Assembly B signage at this crossing and Assembly D signage in advance of the crossing
 - Erect Passenger Loading signage, in effect during pick-up and drop-off periods only, on the northern side of Kearney Street beside the park
 - 7 Walking School Bus**
 - Work with Matthew Turner PTA to organize walking school buses from the two neighborhoods to the east
 - 8**
 - Designate specific walking school bus stops along the routes
- Rose Drive Bike Lanes**
- Implement bike lanes planned for Rose Drive



VIII.D.10.11



Benicia - Safe Routes to School Capital Project List (DRAFT)

Total Project Costs Identified \$396,000

Total Priority Projects \$312,000

Grants (Reasonable Anticipated, 5 years) \$200,000

School District	School Name	Project ID # (from audit)	Project Description	School Walk Score/ Mode Share	Grant Competitive	Proximity to Crashes	On Routes	Project in other plans or contributes to multiple modes	Achieves Gap Closure	Benefit/Cost	City/School Support (TBD)	Overall Priority (Preliminary)	Lead Agency	Cost Estimates
Benicia Unified	Robert Semple Elementary	4	<ul style="list-style-type: none"> Construct sidewalk on the north side of S Street to close existing gap Install curb extensions at northwest and southwest legs; fill in landscape strip along 3rd Street Replace existing yellow transverse crosswalks with high-visibility yellow crosswalks Stripe a new high-visibility crosswalk in the east leg and reduce crossing distances/curb radii by providing hatched bulb-outs and/or soft hit posts. 	Medium	Medium	Low	High	Medium	High	Medium/High		Medium/High	City of Benicia	\$140,000
Benicia Unified	Robert Semple Elementary	7	<ul style="list-style-type: none"> Construct sidewalk segments on El Bonito Way to close gaps on two blocks adjacent to the school Construct a sidewalk segment on the north side of Vista Grande Avenue Construct sidewalk segment on Hilcrest Ave (south side) 	Medium	Medium	Low	High	High	High	Medium		Medium/High	City of Benicia	\$86,000
Benicia Unified	Robert Semple Elementary	2 and 4	<ul style="list-style-type: none"> Use hatch markings and/or soft hit posts to square up the El Bonito Ave/Hla Cruz Ave intersections Install curb extension on southwest corner of Hilcrest Ave/3rd Street with new high visibility crosswalk and curb ramps Enhance southern crosswalk to high-visibility yellow Use hatch markings and/or soft hit posts to square up the Vista Grande Ave/Hilcrest Ave/Linda Vista St intersection 	Medium	Medium	Low	High	High	High	High		High	City of Benicia	\$45,000
Benicia Unified	Robert Semple Elementary	5	<ul style="list-style-type: none"> Install additional lighting in tunnel Repace sidewalk approach and retrofit pathway to ensure ADA access and compliance 	Medium	Medium	Medium	High	Medium	Low	Medium		Medium	City of Benicia	\$42,000
Benicia Unified	Benicia Middle	3	<ul style="list-style-type: none"> Widen sidewalks on north side of Southampton Road Provide truncated domes on curb ramps Replace white diagonal crosswalk in school parking lot with high-visibility yellow crosswalk Study options for full signalization, pedestrian hybrid signal (HAWK), or construction of a raised intersection 	High	Low	Low	High	High	Medium	Medium		Medium/High	City of Benicia	\$25,000
Benicia Unified	St. Dominic's Catholic School	Requested by City	Install pedestrian-actuated flashing beacon at East J and 5th Streets	Medium	Low	Low	High	Medium	Low	Low		Low	City of Benicia	\$15,000
Benicia Unified	Benicia Middle	2	Widen sidewalks west of school driveway entrance	High	Low	Low	High	Medium	Low	Medium		Medium	BUSD	\$10,000
Benicia Unified	Matthew Turner Elementary	8	Implement the planned bike lanes on Rose Drive	Low	Low	Medium	High	High	Medium	Medium		Medium/High	City of Benicia	\$10,000
Benicia Unified	Benicia Middle	1	<ul style="list-style-type: none"> Post SHARE the Road signs to improve awareness of bicyclists during loading times. Install Shared Lane Markings and consider a floating bike lane. 	High	Low	Low	High	Medium	Medium	Medium		Medium	City of Benicia	\$7,500
Benicia Unified	Matthew Turner Elementary	3	<ul style="list-style-type: none"> Reconfigure Dempsey Drive at intersection, with only one egress lane two ingress lanes, allowing dedicated lane to access Benicia Community Park parking lot Construct a curb ramp at southern end of the crosswalk across Rose Drive 	Low	Low	Low	High	Low	Low	Medium		Medium	City of Benicia	\$6,000
Benicia Unified	Matthew Turner Elementary	2	<ul style="list-style-type: none"> Construct a landing pad for the existing crosswalk on the eastern side of Dempsey Drive Stripe a high-visibility yellow crosswalk across the parking lot entrance, with curb ramps at both ends 	Low	Low	Low	High	Medium	Medium	High		High/Medium	City of Benicia	\$5,000
Benicia Unified	Benicia Middle	6	Consider striping a high-visibility yellow crosswalk across Southampton Street with pedestrian crossing warning signs and SLOW SCHOOL XING pavement markings for eastbound drivers	High	Low	Low	Low	Medium	Medium	Medium		Medium/Low	City of Benicia	\$1,000
Benicia Unified	Benicia Middle	7	Consider striping a high-visibility yellow crosswalk across Southampton Street with pedestrian crossing warning signs and SLOW SCHOOL XING pavement markings for westbound drivers	High	Low	Low	High	Medium	Medium	Medium		Medium	City of Benicia	\$1,000
Benicia Unified	Matthew Turner Elementary	6	<ul style="list-style-type: none"> Install Assembly B signage at this crossing and Assembly D signage in advance of the crossing Erect Passenger Loading signage, in effect during pick-up and drop-off, on the northern side of Kearney Street beside the park 	Low	Low	Low	High	Medium	Medium	High		High/Medium	City of Benicia	\$1,000
Benicia Unified	Robert Semple Elementary	1	<ul style="list-style-type: none"> Replace yellow curb loading zone at the school entrance with white curb Designate yellow curb area to the west as bus/van loading zone Make western parking lot an additional loading zone Refresh white pavement striping in loading zones 	Medium	Medium	Low	High	Low	Low	Medium		Low/Medium	BUSD	\$1,000
Benicia Unified	Matthew Turner Elementary	1	Refresh curb paint and signage at load zones	Low	Low	Low	High	Low	Low	Medium		Medium/Low	BUSD	\$500
Benicia Unified	Robert Semple Elementary	3	Retrofit pedestrian pathway to be ADA compliant	Medium	Medium	Medium	High	Low	Low	Medium		Medium/Low	BUSD	N/A

AGENDA ITEM
CITY COUNCIL MEETING: SEPTEMBER 18, 2012
COUNCIL MEMBER COMMITTEE REPORTS

DATE : September 11, 2012

TO : Vice Mayor Campbell
Council Member Schwartzman

FROM : City Manager

SUBJECT : **TRI-CITY AND COUNTY COOPERATIVE PLANNING GROUP**

The following information is provided for your committee report at the September 18, 2012 Council meeting.

The Tri-City and County Cooperative Planning Group last met on June 11, 2012. The meeting set for September 10 was canceled due to a lack of quorum.

Remaining meetings for this calendar year:

- Monday, December 10, 2012

AGENDA ITEM
CITY COUNCIL MEETING: SEPTEMBER 18, 2012
COUNCIL MEMBER COMMITTEE REPORTS

DATE : September 11, 2012

TO : Mayor Patterson
Council Member Hughes

FROM : City Manager

SUBJECT : **VALERO COMMUNITY ADVISORY PANEL (CAP)**

The following information is provided for your committee report at the September 18 , 2012 Council meeting.

The CAP meets quarterly at 6:30 p.m. at the refinery at 610 Industrial Way. The next meeting will be held on October 10, 2012. The agenda for that meeting is not currently available.

AGENDA ITEM
CITY COUNCIL MEETING: SEPTEMBER 18, 2012
COUNCIL MEMBER COMMITTEE REPORT

DATE : September 6, 2012

TO : Mayor Elizabeth Patterson
Council Member Christina Strawbridge
Council Member Mark Hughes

FROM : Youth Action Coalition

SUBJECT : **YOUTH ACTION COALITION**

The Benicia Youth Action Coalition met on August 22, 2012. The minutes are not yet available. Below are the meeting highlights.

- Coalition appointed Jerry Pollard to serve as BYAC chairman and Gary Wing as vice chairman
- 2012/13 County contract received
- Upcoming events:
 - BYAC will attend Middle/High School Parent Back to School Nights
 - Prescription Drug Take Back Day-Sept. 29th 10:00-2:00 at PD
 - Red Ribbon Week –October 23-31
- County submitted Strategic Prevention Plan for ATOD Programs

Next BYAC meeting, September 26th, 3:30 in the Commission Room.

**AGENDA ITEM
CITY COUNCIL MEETING: SEPTEMBER 18, 2012
COUNCIL MEMBER COMMITTEE REPORTS**

DATE : September 11, 2012
TO : City Council
FROM : Mayor Patterson
SUBJECT : **ABAG/CAL FED TASK FORCE/BAY AREA WATER FORUM**

The following information is provided for your committee report at the September 18, 2012 City Council meeting.

The Bay Area Water Forum's last meeting was held on March 26, 2012.

This was the last meeting of the Bay Area Water Forum for 2012, due to a lack of funding.

AGENDA ITEM
CITY COUNCIL MEETING: SEPTEMBER 18, 2012
COUNCIL MEMBER COMMITTEE REPORTS

DATE : September 6, 2012

TO : Mayor Patterson
Council Member Hughes
Council Member Schwartzman

FROM : Finance Director

SUBJECT : **SOLANO COUNTY TRANSIT BOARD MEETING**

The following information is provided for your committee report at the September 18, 2012 Council meeting.

The Solano County Transit Joint Powers Authority held a regular meeting on August 16, 2012 in the City of Vallejo City Council Chambers. The meeting agenda is attached for your review; the meeting highlights were not available at the time this report was prepared.

The next regular meeting of the SolTrans Board is scheduled for Thursday, September 20, 2012 at 6:30 p.m. and will be held in the City of Vallejo City Council Chambers.

Attachment:

- August 16, 2012 SolTrans Board Meeting Agenda



**BOARD MEETING AGENDA
4:00 p.m., Regular Meeting
Thursday, August 16, 2012
Vallejo Council Chambers**

Public Comment: Pursuant to the Brown Act, the public has an opportunity to speak on any matter on the agenda or, for matters not on the agenda, issues within the subject matter jurisdiction of the agency. Comments are limited to no more than 3 minutes per speaker unless modified by the Board Chair, Gov't Code § 54954.3(a). By law, no action may be taken on any item raised during the public comment period (Agenda Item IV) although informational answers to questions may be given and matters may be referred to staff for placement on a future agenda of the agency.

Americans with Disabilities Act (ADA): This agenda is available upon request in alternative formats to persons with a disability, as required by the ADA of 1990 (42 U.S.C. §12132) and the Ralph M. Brown Act (Cal. Govt. Code §54954.2). Persons requesting a disability related modification or accommodation should contact Suzanne Fredriksen, Interim Clerk of the Board, at (707) 648-4046 during regular business hours at least 24 hours prior to the time of the meeting.

Staff Reports: Staff reports are available for inspection at the SolTrans office, during regular business hours, 8:00 a.m. to 5:00 p.m., Monday-Friday. You may also contact the Clerk of the Board via email at suzanne@soltransride.com.

Supplemental Reports: Any reports or other materials that are issued after the agenda has been distributed may be reviewed by contacting the SolTrans Clerk of the Board and copies of any such supplemental materials will be available on the table at the entry to the meeting room.

Agenda Times: Times set forth on the agenda are estimates. Items may be heard before or after the times shown.

ITEM

BOARD/STAFF PERSON

- 1. CALL TO ORDER/PLEDGE OF ALLEGIANCE**
(4:00 – 4:05 p.m.)

Elizabeth Patterson, Mayor
City of Benicia

- 2. CONFIRM QUORUM/ STATEMENT OF CONFLICT**

Suzanne Fredriksen
Clerk of the Board

An official who has a conflict must, prior to consideration of the decision; (1) publicly identify in detail the financial interest that causes the conflict; (2) recuse himself/herself from discussing and voting on the matter; (3) leave the room until after the decision has been made. Cal. Gov't Code § 87200.

- 3. APPROVAL OF AGENDA**

SOLTRANS BOARD OF DIRECTORS

Elizabeth Patterson	Mark Hughes	Erin Hannigan	Osby Davis	Jim Spring	Harry Price
City of Benicia	City of Benicia	City of Vallejo	City of Vallejo	MTC Representative	STA Ex-Officio
Alternate Director Alan Schwartzman		Alternate Director Stephanie Gomes			

4. OPPORTUNITY FOR PUBLIC COMMENT

(4:05 – 4:10 p.m.)

5. GENERAL MANAGER’S REPORT

Mona Babauta

Pg. 1

(4:10 – 4:15 p.m.)

CONSENT CALENDAR

Recommendation:

Approve the following consent items in one motion.

(Note: Items under consent calendar may be removed for separate discussion.)

(4:15 – 4:20 p.m.)

6a. Meeting Minutes of July 19, 2012

Suzanne Fredriksen,
Clerk of the Board

Recommendation:

Approve the meeting minutes of July 19, 2012.

Pg. 13

6b. Approval of Participation in the Golden State Risk Management Authority for Insurance and Risk Management Services

Bernadette Curry,
Legal Counsel

Recommendation:

- 1. Authorize participation in the Golden State Risk Management Authority and authorize the Chair to execute the agreement;*
- 2. Approve a Resolution authorizing application to the Director of Industrial Relations, State of California for a Certificate of Consent to Self-Insure Workers Compensation Liabilities program;*
- 3. Delegate execution authority to SolTrans Legal Counsel for all other agreements related to insurance.*

Pg. 21

6c. On-Call Professional Services RFP

Greg Anderson,
Director of Administrative Services

Recommendation:

Authorize the General Manager to release the RFP for on-call professional services.

Pg. 35

REGULAR CALENDAR

ACTION ITEMS

7. Fiscal Year 2012-13 Service Contract Extension with MV Transportation

Mona Babauta,
General Manager

Recommendation

- 1) Authorize the General Manager to execute a second contract extension with MV Transportation for the period of September 1, 2012 through June 30, 2013;*

- 2) *Authorize a total FY 2012-13 contract amount for MV Transportation (July 1, 2012 – June 30, 2013) in an amount not to exceed \$7,945,253, which would reflect the total sum of costs associated with the first and second contract extensions;*
- 3) *Authorize an increase in the FY 2012-13 appropriations by \$360,253, from \$7,600,000 to \$7,960,253, for the service contract with MV Transportation, which would include a \$15,000 contract contingency, and a commensurate increase in operating revenues with one-time transition funds from MTC, and;*
- 4) *Delegate authority to the General Manager to spend the appropriation and amend the contract as needed.*

(4:20 – 4:35 p.m.)

Pg. 37

8. Route 78 Status Update

Philip Kamhi,
Finance Officer

Recommendation:

Authorize staff to continue to analyze route data, develop a proposed schedule to improve the route's cost-efficiency and farebox recovery, gather public input on the proposal, and seek approval from the Solano Transportation Authority (STA) Intercity Transit Consortium and the Board before returning to the SolTrans Board for final approval.

(4:35 – 4:45 p.m.)

Pg. 45

9. Fiscal Year 2012-13 SolTrans Performance Measures

Mona Babauta,
General Manager

Recommendation:

Approve the SolTrans Performance Goals and Objectives for FY 2012-13 and require that the General Manager return to the Board in September 2012 with a further refined set of goals and objectives that include specific performance measures and/or project milestones that are quantifiable.

(4:45 – 5:05 p.m.)

Pg. 47

NON-ACTION/ INFORMATIONAL ITEMS

10. Fiscal Year 2011-12 Year-end Fixed Route Ridership Reports

Mona Babauta,
General Manager

Recommendation:

Informational.

(5:05 – 5:15 p.m.)

Pg. 59

11. Presentation on Proposed SolTrans Retirement Benefits Plan

Joy Apilado,
STA

Recommendation

Informational.

(5:15 – 5:25 p.m.)

Pg. 69

12. SolTrans Back-to-School Community Event

Ward Stewart,
Project Manager

Recommendation:

Informational.

(5:25 – 5:35 p.m.)

Pg. 105

STAFF BRIEFINGS

This time is reserved for SolTrans staff to provide a five-minute briefing to the Board on various items of interest. No action will be taken on these matters except to possibly place a particular item on a future agenda for Board consideration.

13. Bus Shelter Project Update

Greg Anderson,
Director of Administrative Services

Recommendation:

Informational.

(5:35 – 5:40 p.m.)

Pg. 109

14. BOARD MEMBERS COMMENTS

15. ADJOURNMENT

The next regular meeting of the SolTrans Board is *tentatively* scheduled as one of two annual evening meetings to occur on **Thursday, September 20, 2012, 6:30 p.m., Benicia Council Chambers.**