

**BENICIA CITY COUNCIL  
REGULAR MEETING AGENDA**

**City Council Chambers  
October 04, 2011  
7:00 PM**

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

**I. CALL TO ORDER (7:00PM):**

**II. CLOSED SESSION:**

**III. CONVENE OPEN SESSION:**

**A. ROLL CALL.**

**B. PLEDGE OF ALLEGIANCE.**

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

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

**IV. ANNOUNCEMENTS/APPOINTMENTS/PRESENTATIONS/PROCLAMATIONS:**

**A. ANNOUNCEMENTS.**

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

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

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

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

**4. Benicia Arsenal Update:**

**B. APPOINTMENTS.**

**C. PRESENTATIONS.**

**D. PROCLAMATIONS.**

**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 (7:10 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 FOR THE SPECIAL AND REGULAR MEETINGS OF SEPTEMBER 20, 2011. (City Clerk).**

**B. CHANGING THE MEETING LOCATION FOR THE PARKS, RECREATION AND CEMETERY COMMISSION FROM CITY HALL TO THE BENICIA COMMUNITY CENTER. (City Attorney)**

Since the new Benicia Community Center is now open, the Parks, Recreation and Cemetery Commission would like to hold its meetings at the Center.

**Recommendation: Introduce the ordinance amending Section 2.76.040 to change Park, Recreation and Cemetery Commission's meeting location to the Benicia Community Center.**

**C. SECOND READING OF AMENDMENTS TO THE ARTS AND CULTURE COMMISSION ORDINANCE NO. 09-15 TO ADD SECTION 2.104.070 (E) AND AMEND SECTION 2.104.080 (E) TO PROVIDE AUTHORIZATION FOR FUNDRAISING. (Library Director)**

The Benicia Arts and Culture Commission was established in 2009. To meet the goals established through their purpose and mission statement, the Commission is requesting the ordinance establishing the Commission be amended to include authorization to include the option for fundraising to fall within the Powers and Duties of the Commission.

**Recommendation: Adopt the ordinance to amend the Municipal Code to add section 2.104.070 (E) to include fundraising as a power of the Benicia Arts and Culture Commission (BACC) and to amend 2.104.080 (E) to include the option to coordinate fundraising activities within BACC's duties.**

**D. DENY THE CLAIM AGAINST THE CITY BY RICHARD MOALE. (City Attorney)**

Claimant alleges that liability rests upon the city for his inattentiveness when he exited his vehicle and stepped on straw wattles which are used to keep mud and debris from entering into storm drains. Claimant claims he tripped and fell causing injury to himself.

**Recommendation: Deny the claim by Richard Moale.**

**E. ACCEPT THE QUIT CLAIM DEED FROM THE COUNTY FOR LAND ADJACENT TO THE CITY CEMETERY. (City Attorney)**

The County recently reviewed properties it owned to determine if they were surplus or not. One of the properties is a piece of land adjacent to the City Cemetery. This land was determined to be surplus to the County. The County is offering to quit claim the land to the City.

**Recommendation: Adopt the resolution accepting the quit claim deed.**

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

**VIII. BUSINESS ITEMS (7:30 PM):**

**A. CLIMATE ACTION PLAN COORDINATOR REQUEST FOR PROPOSALS.  
(Public Works and Community Development Director)**

At its August 16, 2011 regular meeting, the City Council approved the allocation of \$150,000 in Valero/Good Neighbor Steering Committee funds for a two-year contract Climate Action Plan Coordinator. As a condition of this approval, staff was directed to bring the RFP back to Council for review. Per Council direction, the Chair and Vice Chair of the Community Sustainability Commission have reviewed and provided input on the RFP.

**Recommendation: Review and approve the Climate Action Plan (CAP) Coordinator Request for Proposal (RFP) prior to its release.**

**B. REQUEST FOR ITEM ON COUNCIL AGENDA:**

Request to agendize discussion of providing enhanced public information relative to employee compensation, for example, developing a “glossary” and general cost information, by MOU, that would be available on the City’s website.

**Recommendation: Consider Council Member Ioakimedes’ request to agendize this topic for a future City Council meeting.**

**IX. ADJOURNMENT (8:30 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](http://www.ci.benicia.ca.us) under the heading "Agendas and Minutes." Public records related to an open session agenda item that are distributed after the agenda packet is prepared are available before the meeting at the City Manager's Office located at 250 East L Street, Benicia, or at the meeting held in the Council Chambers. If you wish to submit written information on an agenda item, please submit to the City Clerk as soon as possible so that it may be distributed to the City Council. A complete proceeding of each meeting is also recorded and available through the City Clerks Office.



MINUTES OF THE  
SPECIAL MEETING – CITY COUNCIL  
September 20, 2011

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

**I. CALL TO ORDER:**

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

**II. CONVENE OPEN SESSION:**

**A. ROLL CALL**

Council Member Campbell arrived at 6:10 p.m.

**B. PLEDGE OF ALLEGIANCE**

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

**III. CLOSED SESSION:**

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

Agency negotiators: City Manager, Administrative Services Director

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

**IV. ADJOURNMENT:**

Mayor Patterson adjourned the Closed Session meeting at 6:49 p.m.



MINUTES OF THE  
REGULAR MEETING – CITY COUNCIL  
September 20, 2011

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 7:01 p.m.

**II. CLOSED SESSION:**

**III. CONVENE OPEN SESSION:**

**A. ROLL CALL**

Council Member Campbell arrived immediately following roll call.

**B. PLEDGE OF ALLEGIANCE**

Mr. Richard Bortolazzo 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.**

Ms. McLaughlin reported that Council received information from Staff. She noted that Council also reached a tentative agreement with BPSEA. The final contract will be presented to Council on September 28, 2011.

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

Historic Preservation Review Commission: Two full Terms to July 31, 2015 Open until filled

Soltrans Public Advisory Committee: Three full terms open until filled

Sky Valley Open Space Committee: One full term to January 31, 2015 open until filled

Building Board of Appeals: Three full terms to January 31, 2015 Open

until filled

Solano Transportation Authority Pedestrian Advisory Committee: One full term open until filled

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

**4. Benicia Arsenal Update:**

Mayor Patterson reviewed the staff report.

**B. APPOINTMENTS**

**C. PRESENTATIONS**

**D. PROCLAMATIONS**

**1. Welcoming Sofia - Rotary Exchange Student**

**V. ADOPTION OF AGENDA:**

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

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

**VI. OPPORTUNITY FOR PUBLIC COMMENT:**

**A. WRITTEN COMMENT**

**B. PUBLIC COMMENT**

Richard Bortolazzo - Mr. Bortolazzo requested an update on the Housing Element process.

Staff and Council discussed a brief update on the Housing Element Process.

Stan Golovich - Mr. Golovich discussed the issues of the City's energy, energy reduction, energy consumption, alternative energy, etc.

Claudia Frasier - Ms. Frasier discussed a problem she was having with her window replacement project, permitting issues, and lack of response from Staff. She will meet with Staff to discuss the issues.

## VII. CONSENT CALENDAR:

Council pulled items VII.C, VII.D, VII.E, VII.F, and VII.G for discussion.

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

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

### A. **APPROVAL OF MINUTES FOR THE SPECIAL AND REGULAR MEETINGS OF SEPTEMBER 6, 2011**

On motion of Vice Mayor Schwartzman, seconded by Council Member Hughes, Council approved the minutes for the special and regular meetings of September 6, 2011, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

### B. **AWARD OF CONSTRUCTION CONTRACT FOR THE 2011 STREET RESURFACING PROJECT**

**RESOLUTION 11-113 - A RESOLUTION REJECTING ALL BIDS SUBMITTED FOR THE BID OPENING OF JULY 19, 2011 FOR THE 2011 STREET RESURFACING PROJECT, ACCEPTING THE BIDS FOR THE BID OPENING OF AUGUST 30, 2011 FOR THE SAME, AWARDING THE CONSTRUCTION CONTRACT TO MCK SERVICES, INC. IN THE AMOUNT OF \$317,777, AND AUTHORIZING THE CITY MANAGER TO SIGN THE CONTRACT ON BEHALF OF THE CITY**

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

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

### C. **ADDING FUNDRAISING AS A POWER AND DUTY OF THE ARTS AND CULTURE COMMISSION**

Ms. McLaughlin clarified item VII.C. The language drafted was 'coordinate fund raising project', which concerned some individuals that they may be required to do fundraising. The intent was to give the commission the option to do fundraising if they needed to. The language could be changed to reflect that it was an option, not a requirement.

#### Public Comment:

1. Lee Wilder-Snyder - Ms. Wilder-Snyder spoke in support of having fundraising as an option for the commission.

Council Member loakimedes disclosed ex parte communications. He discussed

concerns some organizations charging for services. The playing field needed to be leveled.

Mayor Patterson suggested the commission keep Council informed when they work on their rules and procedures regarding this issue.

On motion of Vice Mayor Schwartzman, seconded by Council Member loakimedes, Council approved the item, as amended, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

**D. AUTHORIZE PURCHASE OF THREE (3) REPLACEMENT POLICE PATROL VEHICLES**

Council Member Hughes requested item VII.G be heard prior to item VII.D, as his question was comparing items VII.D and VII.G. Council agreed item VII.G could be heard first.

**RESOLUTION 11-116 - A RESOLUTION AUTHORIZING THE PURCHASE OF THREE (3) REPLACEMENT POLICE PATROL VEHICLES UTILIZING EQUIPMENT REPLACEMENT FUNDS**

Council Member loakimedes and Staff discussed whether the City would receive any sales tax benefits from this item (it would not, as it was a sale situation, not a lease).

Vice Mayor Schwartzman and Staff discussed the type of vehicles being purchased.

Public Comment

None

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

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

**E. PURCHASE OF REPLACEMENT PUMPS AT THE CORDELIA PUMP STATION**

**RESOLUTION 11-117 - A RESOLUTION APPROVING A CONTRACT FOR PUMP REPLACEMENT AT THE CORDELIA PUMP STATION WITH R.F. MACDONALD COMPANY IN THE AMOUNT OF \$84,758, AND AUTHORIZING THE CITY MANAGER TO SIGN THE CONTRACT ON BEHALF OF THE CITY**

Council Member loakimedes and Staff discussed whether there was an opportunity for localized purchase of this item (no - not available within city)

limits). He would like to see a statement to that affect in future staff reports regarding purchases.

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

**F. ADOPT THE ORDINANCE TO CHANGE THE STIPEND AND BENEFITS OF THE CITY TREASURER**

**ORDINANCE 11-09 - AN ORDINANCE ADDING A NEW CHAPTER 2.48 (CITY TREASURER) TO DIVISION 1 (ORGANIZATION) OF TITLE 2 (ADMINISTRATION AND PERSONNEL) OF THE BENICIA MUNICIPAL CODE**

Public Comment:

1. Hugh Autz - Mr. Autz discussed concerns regarding the proposed changes. The elected treasurer should have input on the job duties.
2. Leland Wines, Finance Committee - Mr. Wines spoke in opposition to the proposed ordinance. He felt the position should be eliminated.

Vice Mayor Schwartzman read comments from Finance Committee Member Michael Clark (copy on file). Staff noted that the concerns raised in the letter were addressed in the ordinance. Staff clarified that since it is an elected office, the qualifications are the City's 'wish list'; it's not that they will do those things. If Council wants to give the person the ability to do any of the things listed under the qualifications section, it needs to be listed under the section 'powers and duties.'

Council Member Ioakimedes and Staff discussed concern regarding circumventing the elected position process.

Public Comment:

1. Robert Langston - Mr. Langston spoke in support of the proposed ordinance. He urged Council to move forward with the process. He felt the treasurer should be the chairman of the Finance Committee.
2. Michael Clark - Mr. Clark clarified the appointment process.

Council Member Hughes discussed Council's obligation to address the treasurer's duties and responsibilities.

Mayor Patterson discussed the need to sit down in 90-days with the elected treasurer to discuss duties and responsibilities.

Council Member Ioakimedes discussed concern regarding violating the sanctity

of an elected office.

Council Member Campbell discussed concerns regarding listing qualifications. He would like to wait until the person is elected before the duties/qualifications are listed.

Council Member loakimedes discussed concern regarding the need to take the issue to the voters. He would rather let the elected person have input on the duties/responsibilities.

Council Member Hughes discussed the issue of basing the compensation on the duties/responsibilities of the position.

Council Member Campbell discussed the issue of salary/stipend reductions.

Vice Mayor Schwartzman reiterated his desire to make the changes requested in the letter from Mr. Clark.

Mayor Patterson clarified the motion was to adopt the ordinance as written, and as clarified by the City Attorney (on the duties), but not changed.

On motion of Council Member Hughes, seconded by Mayor Patterson, Council adopted the Ordinance, on roll call by the following vote:

Ayes: Patterson, Campbell, Hughes

Noes: Schwartzman, loakimedes

#### **G. SUPPLEMENTAL LAW ENFORCEMENT GRANT FUND SPENDING PLAN FOR FISCAL YEAR 2011/12**

##### **RESOLUTION 11-115 - A RESOLUTION AUTHORIZING THE SPENDING PLAN OF THE SUPPLEMENTAL LAW ENFORCEMENT GRANT FUND FOR FISCAL YEAR 2011/2012**

Council Member Hughes and Staff discussed whether there was a creative way to use the grant funding rather than the Internal Service Fund for this item (it was not possible).

Chief Bidou explained how the COPS money had to be used.

##### **Public Comment:**

None

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

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

- H. **RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA AMENDING THE VALUE OF EMPLOYER PAID MEMBER CONTRIBUTIONS (EPMC) OF EMPLOYEES' COMPENSATION EARNABLE TO THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM (PERS) FOR BENICIA PUBLIC SERVICE EMPLOYEES ASSOCIATION (BPSEA) EMPLOYEES EFFECTIVE SEPTEMBER 1, 2011**

**RESOLUTION 11-114 - A RESOLUTION AMENDING THE PAYING OF EMPLOYER PAID MEMBER CONTRIBUTIONS (EPMC) FO EMPLOYEES' COMPENSABLE EARNINGS TO THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM (PERS) FOR BENICIA PUBLIC SERVICES EMPLOYEE ASSOCIATION (BPSEA) EMPLOYEES EFFECTIVE SEPTEMBER 1, 2011**

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

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

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

VIII. **BUSINESS ITEMS:**

- A. **APPROVE AN AMENDMENT TO THE JULY 1, 2010 TO JUNE 30, 2012 AGREEMENT BETWEEN THE CITY OF BENICIA AND THE BENICIA DISPATCHERS ASSOCIATION (BDA)**

**RESOLUTION 11-118 - A RESOLUTION APPROVING AN AMENDMENT TO THE JULY 1, 2010 TO JUNE 30, 2012 AGREEMENT WITH BENICIA DISPATCHERS ASSOCIATION (BAD)**

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

Public Comment:

1. Bob Langston - Mr. Langston clarified that the other employee groups did not agree to the concession, they were imposed on them.

Staff reiterated that the groups did not agree to the concessions, however, since that vote, Council had reached a tentative agreement with BPSEA. The final agreement would be presented to Council on 9/28/11.

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

Ayes: Patterson, Schwartzman, Campbell, Hughes

Noes: loakimedes

## **B. BIENNIAL PAVEMENT CONDITION UPDATE REPORT**

Margot Yapp, Nichols Consulting, reviewed a PowerPoint presentation.

Staff and Ms. Yapp explained what happened to the funding for road pavement. Other cities/counties have adopted sales tax to help with the roads. She also explained the rate that is established per gallon at the tank. California is a donor state.

Council Member Ioakimedes and Staff discussed the need to separate out the data for the Industrial Park roads.

Mayor Patterson and Staff discussed the rating for the road West Second Street above Military.

Council Member Hughes and Staff discussed the road condition on lower Rose Drive.

Council Member Campbell and Staff discussed Ms. Yapp's recommendations for where the City should be spending its money.

### Public Comment:

1. Dan Smith - Mr. Smith discussed the need to isolate funds from the Business License Tax to go towards repairing the poor roads in the Industrial Park.

Mayor Patterson requested Staff carve out the data from the report regarding the Industrial Park.

Vice Mayor Schwartzman and Staff discussed the \$145,000 road impact fees from the solid waste agreement.

Council Member Ioakimedes and Staff discussed the issue of incorporating the documentation presented into a business recruitment policy.

Council Member Campbell discussed the need to come up with policy/criteria on this issue, so the City can decide whether it would spend the money on residential streets or Industrial Park roads.

Staff reviewed the current policy, which is to apply the funds to the streets that are the least costly to maintain and extend their life (maximum benefit for the cost). However, Staff would like to focus on bringing the levels up to the average level. Staff felt the money could be split up fairly evenly between residential and the Industrial Park, focusing on trying to stay between the 40-55 range, trying to keep those roads in the best condition possible.

Mayor Patterson asked what criteria needed to be established to ensure the City

does not jump around. Staff and Council needs to spend quality time discussing the issue. She suggested Staff look into other revenue sources for funds to maintain the roads.

Council Member Ioakimedes and Staff discussed the issue of other monies (like the RM2 funds) that are limited. He wondered if there were more funds like that.

Council Member Campbell discussed the issue of sales tax.

Mr. Kilger discussed the need for the City to be more proactive in addressing its roads. Staff would get back to Council on the issue.

**C. TERMINATION OF THE CITY'S INTERESTS IN OBSOLETE EASEMENTS ACROSS 270 WEST H STREET PURSUANT TO A MEDIATED SETTLEMENT AGREEMENT, AND TERMINATION OF OBSOLETE EASEMENT OVER 285 WEST G STREET**

Steve Gizzi, outside counsel, reviewed the staff report.

Council Member Campbell disclosed ex parte communications regarding this issue.

Council Member Campbell and Staff discussed the City's legal risks involved with this issue.

Council Member Ioakimedes and Staff discussed the City's policy regarding 'block approach', what constitutes the obsolescence of an easement.

Vice Mayor Schwartzman would like to know who is responsible for the paved road.

Proponent:

1. LeAnn Taagepera - property owner - spoke in support of the proposed resolution.
2. Steven Bulvarnik - Mr. Bulvarnik, counsel for the proponent, spoke in support of the proposed resolution.

Opponents:

1. Jack MacCoun - Mr. MacCoun spoke in opposition to the proposed resolution.
2. Kathleen Olson - Ms. Olson spoke in opposition to the proposed resolution.
3. Mr. Dasari - Mr. Dasari spoke in opposition to the proposed resolution.

Mr. Gizzi summarized Staff's recommendation to Council (as listed in the staff

report).

Mayor Patterson and Mr. Gizzi discussed the obsolescence of the easement, and the issue of abandoning the whole easement.

Vice Mayor Schwartzman and Staff discussed whether there was any public interest in the easement from 229 to 271 (there was - as it is a public easement).

Council Member Hughes discussed concerns regarding terminating the easement.

Council Member Campbell and Staff discussed the issue of an easement by necessity. He discussed the issue of the neighbors not getting along. He suggested abandoning the easement, which would stop all of the mounting legal fees.

Council Member Ioakimedes discussed lack of support for any termination of easement unless there are two or three property owners who are in support of the action.

Vice Mayor Schwartzman discussed the issue of the obsolete easement, however the easement is necessary for the people who need to access their properties. He suggested making it a private road.

Mayor Patterson discussed the issue of the purpose of an easement that no longer exists. She would like the issue resolved tonight, as it is costing everyone money. Moving forward tonight would not cause the public any harm.

Council Member Ioakimedes did not believe the proposed action would do the public any good.

Council Member Hughes made a motion to deny the proposed resolution. On motion of Council Member Hughes, seconded by Council Member Ioakimedes, Council denied the Resolution, on roll call by the following vote:  
Ayes: Schwartzman, Hughes, Ioakimedes  
Noes: Patterson, Campbell

#### **1. MOTION TO CONTINUE MEETING PAST 11:00 P.M.**

On motion of Council Member Hughes, seconded by Council Member Ioakimedes, Council approved continuing the meeting to hear items VIII.D and VIII.E, on roll call by the following vote:  
Ayes: Patterson, Schwartzman, Campbell, Hughes, Ioakimedes  
Noes: (None)

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

Mayor Patterson and Mr. Kilger briefly reviewed the resolutions.

Council discussed whether or not to take a position on the resolutions.

Council agreed to approve the staff position on this item, including on categorical policy decisions, it is 'no position.'

On motion of Council Member Hughes, seconded by Council Member loakimedes, Council approved Staff's position on this item, including 'no position' on categorical policy decisions, on roll call by the following vote:

Ayes: Patterson, Hughes, loakimedes

Noes: Schwartzman, Campbell

**E. RESOLUTION OF INTENTION AND INTRODUCTION OF AN ORDINANCE AMENDING THE CONTRACT BETWEEN THE CITY OF BENICIA AND PUBLIC EMPLOYEES' RETIREMENT SYSTEM FOR LOCAL SAFETY EMPLOYEES TO PROVIDE SECTION 20516 (5.336% EMPLOYEES SHARING COST OF ADDITIONAL BENEFITS) APPLICABLE TO SECTION 21362.2 (3% @ 50 FULL FORMULA) AND SECTION 21363.1 (3% AT 55 FULL FORMULA) FOR LOCAL POLICE MEMBERS**

**RESOLUTION 11-119 - A RESOLUTION TO APPROVE AN AMENDMENT TO THE CONTRACT BETWEEN THE BOARD OF ADMINISTRATION CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM AND THE CITY COUNCIL OF THE CITY OF BENICIA**

**ORDINANCE 11- - AN EMERGENCY ORDINANCE AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY COUNCIL AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM**

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

Public Comment:

None

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

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

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

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

**F. Council Member Committee Reports**

- 1. Mayor's Committee Meeting. (Mayor Patterson) Next Meeting Date: October 19, 2011**
- 2. Association of Bay Area Governments (ABAG). (Mayor Patterson and Council Member Iokimedes) Next Meeting Date: October 13, 2011**
- 3. Finance Committee. (Vice Mayor Schwartzman and Council Member Campbell) Next Meeting Date: September 23, 2011**
- 4. League of California Cities. (Mayor Patterson and Vice Mayor Schwartzman) Next Meeting Date: Annual Conference and Expo will be held September 21- 23, 2011**
- 5. School Liaison Committee. (Council Members Iokimedes and Hughes) Next Meeting Date: TBD**
- 6. Sky Valley Open Space Committee. (Council Members Campbell and Hughes) next Meeting Date: November 2, 2011**
- 7. Solano EDC Board of Directors. (Mayor Patterson and Council Member Campbell) Next Meeting Date: September 22, 2011**
- 8. Solano Transportation Authority (STA). (Mayor Patterson and Council Member Iokimedes) Next Meeting Date: October 12, 2011**
- 9. Solano Water Authority-Solano County Water Agency and Delta Committee. (Mayor Patterson and Vice Mayor Schwartzman) Next Meeting Date: October 13, 2011**
- 10. Traffic, Pedestrian and Bicycle Safety Committee. (Council Members Hughes and Iokimedes) next Meeting Date: October 20, 2011**
- 11. Tri-City and County Regional Parks and Open Space. (Council Members Campbell and Hughes) Next Meeting Date: December 12, 2011**
- 12. Valero Community Advisory Panel (CAP). (Council Member Hughes) Next Meeting Date: TBD**
- 13. Youth Action Coalition. (Vice Mayor Schwartzman and Council Member Campbell) Next Meeting Date: September 28, 2011**

**14. ABAG-CAL FED Task Force-Bay Area Water Forum. (Mayor Patterson) Next Meeting Date: September 26, 2011**

**IX. ADJOURNMENT:**

Mayor Patterson adjourned the meeting at 11:10 p.m.



**AGENDA ITEM**  
**CITY COUNCIL MEETING DATE - OCTOBER 4, 2011**  
**CONSENT CALENDAR**

**DATE** : September 19, 2011

**TO** : City Council

**FROM** : City Attorney

**SUBJECT** : **CHANGING THE MEETING LOCATION FOR THE PARKS,  
RECREATION AND CEMETERY COMMISSION FROM CITY HALL  
TO THE BENICIA COMMUNITY CENTER**

**RECOMMENDATION:**

Introduce the ordinance amending Section 2.76.040 to change Park, Recreation and Cemetery Commission's meeting location to the Benicia Community Center.

**EXECUTIVE SUMMARY:**

Since the new Benicia Community Center is now open, the Parks, Recreation and Cemetery Commission would like to hold its meetings at the Center.

**BUDGET INFORMATION:**

There is no additional budget impact from this change.

**GENERAL PLAN:**

N/A

**STRATEGIC PLAN:**

N/A

**BACKGROUND:**

The Benicia Community Center had a grand opening on September 30, 2011. Staff and classes have been operating out of the facilities since early summer. The current meeting location for the Parks, Recreation and Cemetery Commission is the Commission Room at City Hall. The Commission inquired as to whether the Benicia Community Center was a better location for the Commission meeting since the staff offices are there and since many programs and activities of the Commission are located there as well. This ordinance changes the meeting location to the Benicia Community Center's Program Room 2.

Attachment:

- Proposed Ordinance



CITY OF BENICIA

ORDINANCE NO. 11-\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BENICIA AMENDING SECTION 2.76.040 (MEETING TIME AND PLACE) OF CHAPTER 2.76 (PARKS, RECREATION AND CEMETERY COMMISSION) OF TITLE 2 (ADMINISTRATION AND PERSONNEL) OF THE BENICIA MUNICIPAL CODE TO CHANGE THE LOCATION OF THE MEETING TO BENICIA COMMUNITY CENTER, PROGRAM ROOM 2**

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

**Section 1**

Section 2.76.040 (Meeting time and place) of Chapter 2.76 (Parks, Recreation and Cemetery Commission) of Title 2 (Administration and Personnel) of the Benicia Municipal Code is amended to read as follows:

2.76.040 Meeting time and place. The commission shall meet on the second Wednesday of each month at 6:30 p.m. at program room 2 of the Benicia Community Center, 370 East L Street, Benicia, California.

**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.

**Section 3.**

Effective date. This ordinance shall become effective thirty (30) days after the date of adoption.

\* \* \* \* \*

On motion of Council Member \_\_\_\_\_, seconded by Council Member \_\_\_\_\_, the foregoing Ordinance was introduced at a regular meeting of the City Council on the 4<sup>th</sup> day of October, 2011, and adopted at a regular meeting of the Council held on the \_\_\_\_\_ day of October, 2011, by the following vote:

Ayes:

Noes:

Absent:

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

Attest:

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

**AGENDA ITEM**  
**CITY COUNCIL MEETING DATE - OCTOBER 4, 2011**  
**CONSENT CALENDAR**

**DATE** : September 22, 2011

**TO** : City Manager

**FROM** : Library Director

**SUBJECT** : **SECOND READING OF AMENDMENTS TO THE ARTS AND CULTURE COMMISSION ORDINANCE NO. 09-15 TO ADD SECTION 2.104.070 (E) AND AMEND SECTION 2.104.080 (E) TO PROVIDE AUTHORIZATION FOR FUNDRAISING**

**RECOMMENDATION:**

Adopt the ordinance to amend the Municipal Code to add section 2.104.070 (E) to include fundraising as a power of the Benicia Arts and Culture Commission (BACC) and to amend 2.104.080 (E) to include the option to coordinate fundraising activities within BACC's duties.

**EXECUTIVE SUMMARY:**

The Benicia Arts and Culture Commission was established in 2009. To meet the goals established through their purpose and mission statement, the Commission is requesting the ordinance establishing the Commission be amended to include authorization to include the option for fundraising to fall within the Powers and Duties of the Commission.

**BUDGET INFORMATION:**

This will have minimal budget impact, although it may potentially increase revenue available for distribution to grantees through the Arts and Culture Commission.

**GENERAL PLAN:**

Relevant Goals and Policies:

- Goal 3.6: Support and promote the arts as a major element of Benicia's community identity.
  - Policy 3.6.3: Enhance public places with art.

**STRATEGIC PLAN:**

Relevant Strategic Plan Issue and Strategies:

- Strategic Plan Issue #3: Strengthening Economic and Fiscal Conditions

- Strategy #1: Implement Economic Development Strategy
  - Action: Continue funding for non-profit arts and culture organization grants
  
- Strategic Plan Issue #5: Maintain and Enhance a High Quality of Life
  - Strategy #3: Promote arts and culture
    - Action (b): Pursue funding sources for arts and culture activities

**SUMMARY:**

As part of their strategic plan, the Commission has established the following mission statement:

**The City of Benicia Arts and Culture Commission exists to ensure that arts and culture are integral to our community's quality of life, economic vitality and central identity.**

Adding the power to coordinate fundraising activities to section 2.104.070 (E) will allow the Commission the power to coordinate events to raise money for grantees and/or to fund public art in the community.

In addition, as section 2.014.080 (E) essentially replicates the duties described in section 2.014.080 (C), the Commission would like to have this section changed to provide language authorizing fundraising to fall within the scope of its duties.

**CITY OF BENICIA**

**ORDINANCE NO. 11-\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BENICIA AMENDING CHAPTER 2.104 (ARTS AND CULTURE COMMISSION) OF DIVISION 2 (BOARD AND COMMISSIONS) OF TITLE 2 (ADMINISTRATION AND PERSONNEL) OF THE BENICIA MUNICIPAL CODE BY ADDING A NEW SUBSECTION (E) OF SECTION 2.104.070 (POWERS) AND AMENDING SUBSECTION (E) OF SECTION 2.104.080 (DUTIES)**

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

**Section 1.**

Section 2.104.070 (Powers) of Chapter 2.104 (Arts and Culture Commission) of Division 2 (Boards and Commissions) of Title 2 Administration and Personnel) of the Benicia Municipal Code by adding a new subsection E to read as follows:

E. The Commission will have the power to coordinate fundraising activities for arts and culture activities.

**Section 2.**

Section 2.104.080 (Duties) of Chapter 2.104 (Arts and Culture Commission) of Division 2 (Boards and Commissions) of Title 2 Administration and Personnel) of the Benicia Municipal Code by amending subsection E to read as follows:

E. Have the option to coordinate fundraising projects to augment City funding and to raise funds to be used to stimulate arts and culture activities, events and projects in the community.

**Section 3.**

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

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

\*\*\*\*\*

On motion of Council Member \_\_\_\_\_, seconded by Council Member \_\_\_\_\_, the foregoing ordinance was introduced at a regular meeting of the City Council on the 20<sup>th</sup> day of September, 2011, and adopted at a regular meeting of the Council held on the 4<sup>th</sup> day of October, 2011, by the following vote:

Ayes:

Noes:

Absent:

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

Attest:

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

**AGENDA ITEM**  
**CITY COUNCIL MEETING DATE - OCTOBER 4, 2011**  
**CONSENT CALENDAR**

**DATE** : September 28, 2011

**TO** : City Council

**FROM** : City Attorney

**SUBJECT** : **DENY THE CLAIM AGAINST THE CITY BY RICHARD MOALE**

**RECOMMENDATION:**

Deny the claim by Richard Moale.

**EXECUTIVE SUMMARY:**

Claimant alleges that liability rests upon the city for his inattentiveness when he exited his vehicle and stepped on straw wattles which are used to keep mud and debris from entering into storm drains. Claimant claims he tripped and fell causing injury to himself.

**BUDGET INFORMATION:**

The amount of this claim is undetermined at this time.

**GENERAL PLAN:**

N/A

**STRATEGIC PLAN:**

N/A-there is not a relevant Strategic Plan Goal that relates to this agenda item.

**BACKGROUND:**

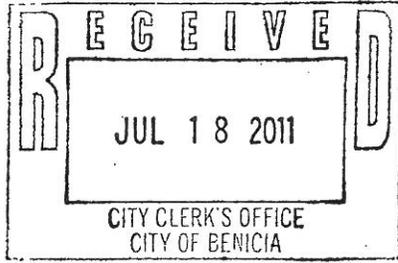
Upon rejection of the claim, the city clerk should issue a rejection notice using ABAG's Form Letter No. 3 of the ABAG Plan Claims Procedures Manual and process with the proof of service by mail form (located in the form directory). A copy of the rejection notice and proof of service by mail form should be sent to Jim Nagal (ABAG Claims Examiner) and the City Attorney.

Attachment:

- Copy of the Claim Filed Against the City



U.S. Mail



CLAIM AGAINST THE CITY OF BENICIA

Please return to the City Clerk, 250 East L Street, Benicia, CA 94510

Complete the following, adding additional sheets as necessary.

1. CLAIMANT'S NAME (Print): Richard Moak

2. CLAIMANT'S ADDRESS: [REDACTED]  
(Street or P.O. Box Number, City, State, Zip Code)

HOME PHONE: [REDACTED] WORK PHONE: [REDACTED]

3. AMOUNT OF CLAIM: \$ unknown, bills pending (Attach copies of bills/estimates)

If amount claimed is more than \$10,000, indicate where jurisdiction rests:

Limited Civil Case \_\_\_\_\_  
Unlimited Civil Case X

4. Address to which notices are to be sent, if different from lines 1 and 2 (Print):

Law Offices  
Terry D. Buller, P.C.  
1418 Lakeside Drive  
Oakland, CA 94612  
(Name)  
(Street or P.O. Box Number, City, State, Zip Code)

5. DATE OF INCIDENT: 2/2/11 TIME OF INCIDENT: 830

LOCATION OF INCIDENT: Simple Court, Benicia

6. Describe the incident or accident including your reason for believing that the City is liable for your damages: Mesh covering used by city employees

7. Describe all damages which you believe you have incurred as a result of the incident: Fractured left wrist, injury to forearm & hip

8. Names of public employee(s) causing the damages you are claiming:

UNKNOWN

Terry D. Buller  
Signature of Claimant Law Offices  
Terry D. Buller, P.C.  
1418 Lakeside Drive  
Oakland, CA 94612

Any person who, with intent to defraud, presents any false or fraudulent claim may be punished by imprisonment or fine or both.

Note: YOU must file a claim in compliance with Government Code Section 911.2.

(revised 12/18/02)



**AGENDA ITEM**  
**CITY COUNCIL MEETING DATE - OCTOBER 4, 2011**  
**CONSENT CALENDAR**

**DATE** : September 28, 2011

**TO** : City Council

**FROM** : City Attorney

**SUBJECT** : **ACCEPT THE QUIT CLAIM DEED FROM THE COUNTY FOR LAND ADJACENT TO THE CITY CEMETERY**

**RECOMMENDATION:**

Adopt the resolution accepting the quit claim deed.

**EXECUTIVE SUMMARY:**

The County recently reviewed properties it owned to determine if they were surplus or not. One of the properties is a piece of land adjacent to the City Cemetery. This land was determined to be surplus to the County. The County is offering to quit claim the land to the City.

**BUDGET INFORMATION:**

There is no cost to obtain the land.

**GENERAL PLAN:**

N/A

**STRATEGIC PLAN:**

N/A

**BACKGROUND:**

The City previously deeded the County this 6600 square foot to be used for communications facilities. The deed required that the County give the land back to the City if it were no longer needed for communication facilities. The County has determined that the property is no longer necessary for this purpose. The Board of Supervisors authorized the granting of the quitclaim deed to the City at their July 26, 2011 meeting.

Accepting this quitclaim deed will return this parcel to City ownership.

Attachments:

- Resolution Accepting the Quitclaim Deed
- County's Resolution
- Quitclaim Deed



**RESOLUTION NO. 11-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA  
ACCEPTING A QUIT CLAIM DEED FROM THE COUNTY FOR ASSESSORS  
PARCEL NUMBER 0087-021-170 ADJACENT TO THE BENICIA CITY  
CEMETERY AND AUTHORIZING THE CITY CLERK TO RECORD THE  
QUITCLAIM DEED**

**WHEREAS**, the City previously deeded the County Assessors Parcel Number 0087-021-170 (“the Parcel”) with the condition that it be returned to the City if it were no longer needed for radio communications facilities; and

**WHEREAS**, the County has determined that the Parcel is surplus and no longer needed for radio communication facilities; and

**WHEREAS**, the City has offered to quit claim the Parcel to the City.

**NOW, THEREFORE, BE IT RESOLVED THAT** the City Council of the City of Benicia accepts the quitclaim deed for Assessors Parcel Number 0087-021-170 and authorizes the City Clerk to record the water line easement.

\*\*\*\*\*

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 4<sup>th</sup> day of October, 2011, and adopted by the following vote:

Ayes:

Noes:

Absent:

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

ATTEST:

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



RESOLUTION NO. 2011- 212

**RESOLUTION DECLARING COUNTY-OWNED REAL PROPERTY AS SURPLUS TO THE NEEDS OF THE COUNTY AND AUTHORIZING THE EXECUTION OF A QUITCLAIM DEED TO THE CITY OF BENICIA (ASSESSOR PARCEL NUMBER 0087-021-170)**

**WHEREAS**, the County of Solano owns the unimproved real property in the city of Benicia described as Assessor Parcel Number 0087-021-170 and approximately 6600 square feet in size (the "Property"); and

**WHEREAS**, there is no present or contemplated use that would preclude the Board of Supervisors from declaring the Property as surplus; and

**WHEREAS**, the Property is no longer required for County use; and

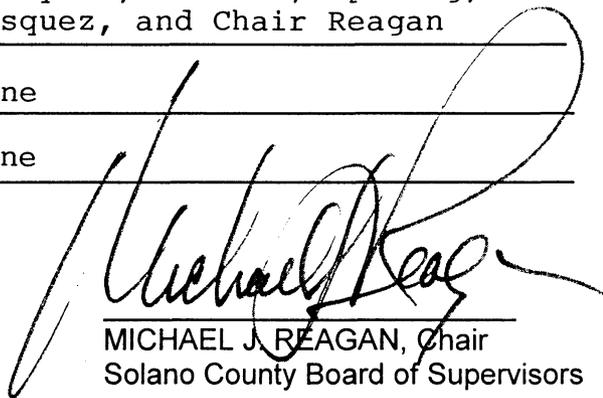
**WHEREAS**, California Government Code § 25365 authorizes the Board to quitclaim surplus real property in the manner proposed; and

**WHEREAS**, transfer of the Property to the City of Benicia is in the best interests of the County of Solano, the City of Benicia and the general public.

**RESOLVED**, the County Administrator is authorized to execute the quitclaim deed to the City of Benicia for any interest in the Property and take all other steps necessary to effectuate the intent of this action.

Passed and adopted by the Solano County Board of Supervisors at its regular meeting on July 26, 2011 by the following vote:

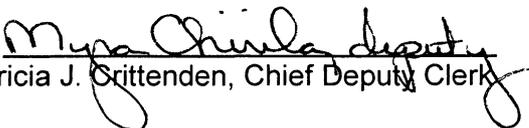
AYES:	SUPERVISORS:	Kondylis, Seifert, Spering, Vasquez, and Chair Reagan
NOES:	SUPERVISORS	None
EXCUSED:	SUPERVISORS	None



MICHAEL J. REAGAN, Chair  
Solano County Board of Supervisors

ATTEST:

Birgitta E. Corsello, Clerk  
Solano County Board of Supervisors

By:   
Patricia J. Grittenden, Chief Deputy Clerk



RECORDING REQUESTED BY AND  
WHEN RECORDED MAIL TO:

City of Benicia  
250 East L Street  
Benicia, CA 94510  
Attn: Michael Dotson

SPACE ABOVE THIS LINE FOR RECORDER'S USE

## QUITCLAIM DEED

A.P.N.: 0087-021-170

The undersigned grantor(s) declare(s):

Documentary transfer tax is \$0.00      City transfer tax is \$0.00

- Computed on full value of property conveyed, or
- Computed on full value less value of liens and encumbrances  
remaining at time of sale

FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

**COUNTY OF SOLANO, a political subdivision of the State of California (“GRANTOR”)**

**does hereby REMISE, RELEASE AND FOREVER QUITCLAIM TO**

**CITY OF BENICIA**

The following described real property in the County of Solano, State of California:

**See Exhibit “A”, attached hereto and made a part hereof for full legal description.**

GRANTOR:

COUNTY OF SOLANO

Dated: \_\_\_\_\_, 2011

\_\_\_\_\_  
Birgitta E. Corsello, County Administrator



## EXHIBIT "A"

Commencing at the intersection of the centerline of the 80 foot right of way for West R Street with the centerline of the 80 foot right of way for West 3rd Street as shown on the Official Map of the City of Benicia made by Benjamin W. Barlow, C. E., and filed in the Office of the Solano County Recorder in Book 1 of Maps, page 124, thence southwesterly along the centerline of West 3rd Street 165 feet more or less to the westerly prolongation of the southerly line of Lot 13, Block 115; thence southeasterly along said prolongation 40 feet more or less to the easterly line of West 3rd Street; thence northeasterly along said easterly line 165 feet more or less to the centerline of West R Street; thence northwesterly along said centerline 40 feet more or less to the point of beginning.



**AGENDA ITEM**  
**CITY COUNCIL MEETING DATE - OCTOBER 4, 2011**  
**BUSINESS ITEMS**

**DATE** : September 26, 2011

**TO** : City Manager

**FROM** : Public Works and Community Development Director

**SUBJECT** : **CLIMATE ACTION PLAN COORDINATOR REQUEST FOR PROPOSALS**

**RECOMMENDATION:**

Review and approve the Climate Action Plan (CAP) Coordinator Request for Proposal (RFP) prior to its release.

**EXECUTIVE SUMMARY:**

At its August 16, 2011 regular meeting, the City Council approved the allocation of \$150,000 in Valero/Good Neighbor Steering Committee funds for a two-year contract Climate Action Plan Coordinator. As a condition of this approval, staff was directed to bring the RFP back to Council for review. Per Council direction, the Chair and Vice Chair of the Community Sustainability Commission have reviewed and provided input on the RFP.

**BUDGET INFORMATION:**

City Council approved allocation of \$150,00 of Valero/Good Neighbor Steering Committee Agreement funds for the CAP Coordinator.

**GENERAL PLAN:**

The overarching Goal of the General Plan is Sustainability, embodied by the CAP.

**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

**BACKGROUND:**

At its August 16, 2011 regular meeting, the City Council approved the allocation of \$150,000 in Valero/Good Neighbor Steering Committee funds for a two-year contract Climate Action Plan Coordinator. As a condition of this approval, staff

was directed to bring the RFP back to Council for review. Per Council direction, the Chair and Vice Chair of the Community Sustainability Commission have reviewed and provided input on the RFP.

**SUMMARY:**

CAP Coordinator duties include:

- Facilitate agency and community partnerships and alliances to achieve greenhouse gas (GHG) reduction strategies through implementation of the CAP.
- Develop programs to implement CAP strategies, as recommended by the CSC and approved by the City Council.
- Collect, analyze and compile emissions data to meet ICLEI and City Council reporting requirements.
- Report expenditures of funds allocated to CAP implementation.
- Assist City staff in preparing reports for the CSC and City Council.
- Plan, organize and facilitate education and community outreach pertaining to achievement of CAP objectives, strategies, and actions.
- Represent the mission of the CAP via a strong, positive image.
- Write and submit grants that will expedite CAP implementation, including grants that would fund a CAP intern.
- Administer fundraising records and documentation.

Staff will work with the Council-designated CSC Commissioners (Chair and Vice-Chair) to release the Request for Proposals to potential consultants, including Benicia residents and business owners. Staff plans to distribute the RFP to at least the following parties:

Pacific Municipal Consulting
CityCentric
Urban Planning Partners
Design, Community, & Environment
Opticos Design
A/E Consultants Information Network
Strategic Energy Innovations
Mike Marcus, Sustainability Consultant
Mary Jean Fitzgerald, Benicia Resident
Town Green, Stephen Coyle, Benicia Resident

Alexa Bach, Benicia Resident
Local Government Commission **
U.S. Green Building Council **
APA NorCal **
CalPoly Regional Planning
Dominican University
GreenBiz.com **
Sustainable Business Alliance **
San Jose State
Sonoma State Center for Sustainability
UC Berkeley
City's website
CLG list serve
** Organizations that will distribute RFP to various vendor lists

A working group will evaluate the proposals and conduct interviews to identify the most qualified consultant for review by the full Commission and consideration by the City Manager. It is anticipated that the contract will be brought to Council for award on December 20, 2011.

Attachments:

- Proposed Resolution
- Draft Request for Proposals
- City Council Resolution No. 11-105
- August 16, 2011 City Council minutes
- August 16, 2011 City Council report



**RESOLUTION NO. 11-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING THE REQUEST FOR PROPOSAL (RFP) FOR A CLIMATE ACTION PLAN COORDINATOR**

**WHEREAS**, a qualified consultant is needed to support the City in implementing the Climate Action Plan (CAP); and

**WHEREAS**, the proposed Climate Action Plan Coordinator is a two-year contract position; and

**WHEREAS**, at its May 16, 2011 meeting, the Community Sustainability Commission recommended hiring a qualified consultant for this position, with Commission administrative support responsibility continuing to be provided by staff; and

**WHEREAS**, at its August 16, 2011 meeting, the City Council authorized allocation of \$150,000 in Valero/Good Neighbor Steering Committee funds for a two-year contract Climate Action Plan Coordinator; and

**WHEREAS**, at its August 16, 2011 meeting, the City Council requested that the RFP for the Climate Action Plan Coordinator be brought before Council for review and comment prior to it being released.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council has reviewed the RFP for the Climate Action Plan Coordinator and authorizes staff to release the document.

**BE IT FURTHER RESOLVED** that the City Council confirms that Chair and Vice Chair of Community Sustainability Commission are authorized to work with staff to interview candidates and identify a preferred candidate for review and recommendation of the full Commission and consideration by the City Manager and award of contract by the City Council.

\* \* \* \* \*

On motion of Council Member \_\_\_\_\_, seconded by Council Member \_\_\_\_\_, the above Resolution was introduced and passed by the City Council of the City of Benicia at a regular meeting of said Council on the 4<sup>th</sup> day of October, 2011.

Ayes:

Noes:

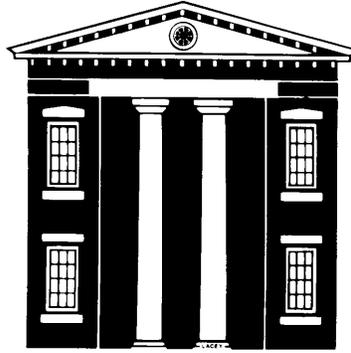
Absent:

Abstain:

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

Attest:

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



THE CITY OF  
**BENICIA**  
CALIFORNIA

## REQUEST FOR PROPOSAL

### CLIMATE ACTION PLAN (CAP) COORDINATOR

#### Important Dates:

Proposal Due Date: Friday, November 4, 2011

Selection Interviews: Week of November 14, 2011

Award of Agreement: December 20, 2011

Project Agreement Start Date: January 2012

#### Contact:

Gina Eleccion, Management Analyst  
Public Works & Community Development  
250 East L Street  
Benicia, CA 94510  
Phone: (707) 746-4278  
Fax: (707) 747-1637  
Email: [geleccion@ci.benicia.ca.us](mailto:geleccion@ci.benicia.ca.us)

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## I. INTRODUCTION

The City of Benicia (“City”) is requesting proposals from qualified individuals and/or firms (“Proposer”) to assist the City as the Climate Action Plan Coordinator.

### BACKGROUND.

The City of Benicia is a general law city located in Solano County with a population of 28,000. The City’s 1999 General Plan and the FY 20011-2013 Strategic Plan have identified sustainable development and carbon reduction as a top priority. In 2009, the City adopted a Climate Action Plan (CAP), which provides objectives and strategies that will guide the development and implementation of actions that will cut Benicia’s greenhouse gas emissions (GHG) to 2005 levels by 2010 and to reduce GHG emissions to 10 percent below 2000 levels by 2020. Also in 2009, the City formed a Community Sustainability Commission (CSC) whose duties include advising the City Council on the implementation of the Climate Action Plan and related measures. A CAP Coordinator is needed to ensure the timely achievement of actions to meet the 2020 GHG reduction objectives in the CAP. The CAP Coordinator would not provide administrative support to the Community Sustainability Commission. That responsibility would continue to be provided by City staff. It is the City’s goal to have the CAP Coordinator position supplementally self-funded through grant sources.

### PURPOSE OF THE REQUEST.

The City desires to obtain the services of an outside consultant to help the City implement the Climate Action Plan.

Position duties include:

- Facilitate agency and community partnerships and alliances to achieve greenhouse gas (GHG) reduction strategies through implementation of the CAP.
- Develop programs to implement CAP strategies, as recommended by the CSC and approved by the City Council.
- Collect, analyze and compile emissions data to meet ICLEI and City Council reporting requirements.
- Report expenditures of funds allocated to CAP implementation.
- Assist City staff in preparing reports for the CSC and City Council.
- Plan, organize and facilitate education and community outreach pertaining to achievement of CAP objectives, strategies, and actions.
- Represent the mission of the CAP via a strong, positive image.
- Write and submit grants that will expedite CAP implementation, including grants that would fund a CAP intern.
- Administer fundraising records and documentation.

Performance measures include:

- Quantity and dollar amount of grants awarded.
- Number of CAP strategies implemented.
- Meeting of deadlines for reporting to ICLEI and City Council.
- Accuracy in monitoring and reporting Greenhouse Gas Emission reductions

## **II. SCOPE OF SERVICES**

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

Deliverables.

The number and format of deliverables is to be determined by the Land Use & Engineering Manager, and will be based on the specific CAP strategies achieved.

At the outset of the agreement, the consultant will submit a description of the software to be used in preparation of the reports and graphics. The City currently uses Word for word processing and Excel for spreadsheets and graphs. Unless pre-approved by City, all final documents shall be provided in Microsoft Word and Microsoft Excel at a minimum.

## **III. PROPOSAL FORMAT**

All proposals shall include the following minimum information:

**APPROACH.**

A short discussion of the intended approach to the project that demonstrates the proposer’s understanding of the issues and tasks and the proposer’s ability to address them.

**DESCRIPTION OF ORGANIZATION, MANAGEMENT AND TEAM MEMBERS.**

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

**ORGANIZATION QUALIFICATIONS.**

Provide an outline of the organization qualifications indicating relevant background experience and capabilities for this work. A list of major projects, both ongoing and planned, to which the organization is committed during the time frame of this project should also be provided. Include the staff resources devoted to those projects and the status of the projects.

#### SCOPE OF WORK.

The proposal should contain a description of each work task with an explanation of how the proposer plans to approach the tasks and the steps that will be taken to complete the task including analytical methods and tools. Proposers must demonstrate that they understand the magnitude and importance of each individual task. Tasks should be organized into phases constituting measurable deliverables.

#### PROPOSED PROJECT SCHEDULE.

Time is of the essence for this agreement. The proposal shall include a schedule to undertake the work program. The project is anticipated to start by January 2012 and be completed by January 2014, unless additional funding for the CAP Coordinator position is obtained via grants.

#### PROPOSED BUDGET.

Indicate the costs and hours for the total project, on a lump sum basis, and on a subconsultant basis, inclusive of reimbursables. Prices quoted must be binding for the life of the project. The total City budget shall not exceed \$75,000 per calendar year for a period not to exceed two years.

#### REFERENCES, RELATED EXPERIENCE AND EXAMPLES OF WORK.

Provide at least 3 client references with phone numbers for relevant work. Specify the client, location, consultant firm members and participating individuals and role on team [*principal, project director, etc.*], type of work, implementation results or status, examples of work, and other relevant information as needed.

### IV. SELECTION PROCESS

#### QUALIFICATIONS.

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

- Three years of sustainability experience, California-based preferred.

- Bachelor's degree in relevant field; master's degree preferred.
- Strong verbal and written communication skills, including public speaking and grant writing.
- Strong conflict resolution and decision making skills.
- Strong computer skills, particularly in the analysis and presentation of complex data.
- Experience maintaining official records and documents, and ability to ensure compliance with federal, State and local regulations.
- Working knowledge of significant developments and trends in the field of sustainability, and excellent understanding of climate action issues.
- Experience publicizing the activities of municipal entities, programs and goals.
- History of establishing successful working relationships and cooperative arrangements with community groups and organizations.
- Ability to explain programs and climate action objectives to agencies, organizations, and the public.
- Experience with organization budgets and accounting.

## SELECTION CRITERIA.

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

1. *Ability of the Lead Consultant to Design an Approach and Work Plan to Meet the Project Requirements.*

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

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

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

3. *Capabilities of the Consultant Organization and/or Team.*

Assessment of the capabilities of the organization and individuals that will be engaged in the project. Qualities and indicators that will receive consideration include the individual professionals who will be working on each task; the various professional, technical, and educational achievements and registration/licenses of each organization and individuals involved; the applicable experience of the proposed assigned staff; and the specific experience gained on similar projects.

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

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

5. *The Proposer and/or Team's Proximity to the Project.*

An assessment of the geographic proximity to the project; the location of the office from which the proposed project will be administered; the perceived response time and general availability of the proposer's management to be on site; the perceived effect that project management location will have on price and the ability of the project to be completed on a timely basis; and the availability of special travel or communication plans which would effectively mitigate difficulties associated with location.

6. *Willingness to Comply with the Proposed Agreement Terms.*

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

7. *Cost of Proposal.*

Cost shall not exceed \$75,000 per 12-month period. Cost, while not determinative, may be considered in the selection process.

## V. PROPOSAL DUE DATE, DELIVERY AND AWARD

### PROPOSED SELECTION AND PROJECT SCHEDULE.

Tentative Selection Interviews Date: Week of November 14, 2011

Agreement Approval Date: December 20, 2011

Project Completion: January 2014

**DELIVERY.**

6 sealed copies of the proposal, clearly marked with the project description, should be submitted no later than:

**3:00 p.m. Friday, November 4, 2011**

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

Gina Eleccion, Management Analyst  
City of Benicia  
250 East L Street  
Benicia, CA 94510

Emailed proposals will be accepted. Hand carried proposals will be accepted at the above address.

**AWARD OF CONTRACT.**

It is anticipated that any award of an agreement for services will be made by the City Council at their December 20, 2011 meeting

**VI. CONDITIONS OF REQUEST**

**GENERAL CONDITIONS.**

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

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

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

**LIABILITY OF COSTS AND RESPONSIBILITY.**

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

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

#### PUBLIC NATURE OF PROPOSAL MATERIAL.

Responses to this Request for Proposal become the exclusive property of the City. At such times as a formal recommendation to award an agreement to one proposer is made to the awarding authority, all submittals received in response to this Request for Proposal become a matter of public record and shall be regarded as public records, with the exception of those elements in each submittal which are defined by the proposer as business or trade secrets and plainly marked as “Confidential,” “Trade Secret,” or “Proprietary” or if disclosure is required under the California Public Records Act. Any submittal which contains language purporting to render all or significant portions of the proposal “Confidential,” “Trade Secret,” or “Proprietary,” shall be regarded as non-responsive.

Although the California Public Records Act recognizes that certain confidential trade secret information may be protected from disclosure, the City may not be in a position to establish that the information that a proposer submits is a trade secret. If a request is made for information marked “Confidential,” “Trade Secret,” or “Proprietary,” the City will provide the proposer who submitted the information with reasonable notice to allow the proposer to seek protection from disclosure by a court of competent jurisdiction.

#### VALIDITY.

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

#### STANDARD AGREEMENT.

A sample agreement has been provided as Appendix B for the proposer’s review and comment. If a proposer wishes to take exception to any of the terms and conditions contained in the consultant agreement, these should be identified specifically; otherwise, it will be assumed that the proposer is willing to enter into the agreement as it is written. Failure to identify contractual issues of dispute can later be the basis for the City disqualifying a proposer. Any exceptions to terms, conditions, or other requirements must be clearly stated. Otherwise, the

City will consider that all items offered are in strict compliance with the RFP, and the successful proposer will be responsible for compliance. The City will consider such exceptions as part of the evaluation process, which may constitute grounds for rejection of the proposal. The agreement will not be executed by the City without first being signed by the proposer.

#### PERMITS AND LICENSES.

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

#### ORAL AND WRITTEN EXPLANATIONS.

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

#### PROPOSER'S REPRESENTATIVE.

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

#### RESTRICTIONS OR CONDITIONS BASED ON FUNDING OF PROJECT.

The terms of this contract are limited to two calendar years.

#### INSURANCE.

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

### VII. AVAILABILITY OF DOCUMENTS

A copy of the Benicia Climate Action Plan has been provided with the Request for Proposals and is also accessible on the City of Benicia website ([www.ci.benicia.ca.us](http://www.ci.benicia.ca.us)). Copies of the Benicia Climate Action Plan are available for review at the Public Works & Community Development Department office located at 250 East L Street, Benicia, CA, and at the Benicia Public Library located at 150 East L Street, Benicia, CA.

Appendices:

In the interest of reducing waste, all appendices are provided as electronic documents and include:

- A. Major Work Tasks
- B. Benicia Climate Action Plan PDF can be downloaded at: <http://www.benicia.ca.us> and click on “Climate Action/Sustainability”
- C. Standard Agreement

**APPENDIX A**  
**CLIMATE ACTION PLAN COORDINATOR RFP - MAJOR WORK TASKS**

A qualified consultant is needed to support the City in implementing the Climate Action Plan (CAP). Work products will be based on the Community Sustainability Commission (CSC) priorities, as approved by the City Council. The current approved priorities are listed as examples of the types of projects needing implementation. These priorities will change as the CSC makes recommendation to the City Council. The current priorities are:

1. EO-1.1 Update and Maintain Website
2. EO-1.3 Educational Workshops
3. B-3.7 Change a Light Program
4. WW-1.5 Incentives for Residential Plumbing Fixture Upgrades
5. SW-1.1 Limit City Spending on Bottled Water
6. IC-1.1 Building Audit and Energy Program
7. IC-2.1 Promote Green Business Certification Program
8. P-2.4 Reduce Mowing Frequency at Parks Facilities
9. WW-1.1 Cash for Grass Rebate Program
10. T-9.5 Amend Zoning Regulations for Accessory Dwelling Units

Aside from the strategies identified above, the following tasks are necessary for the ongoing monitoring of the Climate Action Plan and are also a priority:

11. MP-1 Climate Action Plan Monitoring - ICLEI
12. MP-2 Climate Action Plan Monitoring - Benicia
13. MP-3 VIP Fund Tracking

The CAP Coordinator would perform the following duties in the implementation of the approved strategies:

- Facilitate agency and community partnerships and alliances to achieve greenhouse gas (GHG) reduction strategies through implementation of the CAP.
- Develop programs to implement CAP strategies, as recommended by the CSC and approved by the City Council.
- Collect, analyze and compile emissions data to meet ICLEI and City Council reporting requirements.
- Report expenditures of funds allocated to CAP implementation.
- Assist City staff in preparing reports for the CSC and City Council.
- Plan, organize and facilitate education and community outreach pertaining to achievement of CAP objectives, strategies, and actions.
- Represent the mission of the CAP via a strong, positive image.
- Write and submit grants that will expedite CAP implementation, including grants that would fund a CAP intern.
- Administer fundraising records and documentation.

Performance measures include:

- Quantity and dollar amount of grants awarded.
- Number of CAP strategies implemented.
- Meeting of deadlines for reporting to ICLEI and City Council.
- Accuracy in monitoring and reporting Greenhouse Gas Emission reductions

**PROJECT TRACKING AND REPORTING:**

Consultant shall maintain up-to-date CAP implementation tracking. A work plan will be developed and any reports/deliverables will be determined by the City’s Land Use & Engineering Manager in consultation with the consultant.

Project tracking will include any deliverables specified in the work plan, detail the work accomplished to date, and identify and discuss any problems or issues which have the potential to adversely affect the scope or progress of the project.

**FINAL PRODUCTS:**

Prior to completion of work with the City, Consultant shall submit all final products, if applicable, as specified in the work plan and as outlined below.

- If applicable, one unbound copy of each final document and a computer disk containing all final documents and all information are to be provided. At the outset of the agreement, the consultant will submit a description of the software to be used in preparation of the reports and graphics. The City currently uses Word for word processing and Excel for spreadsheets and graphs. Unless pre-approved by City, all final documents shall be provided in Microsoft Word and Microsoft Excel at a minimum.



RESOLUTION O. 11-105

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA ALLOCATING \$150,000 IN VALERO/GOOD NEIGHBOR STEERING COMMITTEE FUNDS FOR A TWO-YEAR CONTRACT CLIMATE ACTION PLAN COORDINATOR**

**WHEREAS**, a qualified consultant is needed to support the City in implementing the Climate Action Plan (CAP); and

**WHEREAS**, the proposed Climate Action Plan Coordinator is a two-year contract position; and

**WHEREAS**, funding is available from the Valero/Good Neighbor Steering Committee Agreement funds; and

**WHEREAS**, at its May 16, 2011 meeting, the Community Sustainability Commission recommended hiring a qualified consultant for this position, with Commission administrative support responsibility continuing to be provided by staff.

**NOW THEREFORE BE IT RESOLVED**, that the City Council of the City of Benicia authorizes allocation of \$150,000 in Valero/Good Neighbor Steering Committee funds for a two-year contract Climate Action Plan Coordinator.

**BE IT FURTHER RESOLVED** that the City Council confirms that Chair and Vice Chair of Community Sustainability Commission are authorized to work with staff to prepare a Request for Proposal for the position, interview candidates and identify a preferred candidate for review and recommendation of the full Commission and consideration by the City Manager and award of contract by the City Council.

\* \* \* \* \*

On motion of Council Member **Campbell**, seconded by Council Member **Schwartzman**, the above Resolution was introduced and passed by the City Council of the City of Benicia at a regular meeting of said Council on the 16<sup>th</sup> day of August, 2011.

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

**Noes: None**

**Absent: Council Member Ioakimedes**

**Abstain: None**

  
Elizabeth Patterson, Mayor

Attest:

  
Lisa Wolfe, City Clerk



**AGENDA ITEM**  
**CITY COUNCIL MEETING: AUGUST 16, 2011**  
**BUSINESS ITEMS**

**DATE** : July 26, 2011  
**TO** : City Manager  
**FROM** : Public Works & Community Development Director  
**SUBJECT** : **FUNDING FOR CLIMATE ACTION PLAN COORDINATOR**

**RECOMMENDATION:**

Allocate \$150,000 in Valero/Good Neighbor Steering Committee funds for a two-year contract Climate Action Plan Coordinator.

**EXECUTIVE SUMMARY:**

With the limited availability of resources, a qualified consultant is needed to support the City in implementing the Climate Action Plan (CAP). There is no current effort to seek an intern to assist staff or the consultant, and the CAP Coordinator would function at a much higher level than an intern.

At its May 2011 meeting the Community Sustainability Commission (CSC) recommended that Council allocate funding for this position and prospectively designate two Commissioners to work with staff to solicit, interview and identify a consultant for the full Commission to recommend for consideration by the City Manager.

**GENERAL PLAN:**

The overarching Goal of the General Plan is Sustainability, embodied by the CAP.

**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

**BUDGET INFORMATION:**

The hiring of a consultant to function as CAP Coordinator would utilize Valero/Good Neighbor Steering Committee Agreement funds. As of July 2011,

the current balance in that account is about \$415,000 (not including roughly \$265,000 in the tree fund).

**BACKGROUND:**

In November 2010, CSC discussed implementation of 37 of the 115 strategies in the CAP and proposed 13 for implementation in 2011. In December 2010, the Council affirmed those as the Commission's priorities. A key factor in determining the ability to complete these projects was the availability of staff to support the CSC at that time, which has since diminished considerably.

Thus far in 2011, the Commission has considered and the Council has approved implementation and associated funding for three of those 13 strategies: Educational Workshops (EO-1.3 in the CAP), Change a Light Program (B-3.7) and Residential Plumbing Fixture Upgrades (WW-1.5). The educational workshops have proceeded, but staff has not yet been able to begin implementation of the other two strategies.

**SUMMARY:**

Staff and CSC recommend hiring a qualified consultant to implement the CAP. (The CAP Coordinator would not provide administrative support to the Commission; that responsibility would continue to be provided by staff.) Ideally, the consultant would work 30-40 hours per week to:

- Ensure progress in carrying out the Council-approved CAP priorities;
- Seek partnerships to reduce greenhouse gas emissions and leverage available funding;
- Facilitate collection and input of emissions related data to meet reporting requirements;
- Analyze available funding, prepare project and program budgets, and monitor and report on funding;
- Track and report the progress of sustainability efforts; and
- Communicate and work effectively with the Commission, staff, volunteers and other agency personnel.

For the CAP Coordinator to be successful, the consultant should possess:

- Working knowledge regarding sustainability issues, greenhouse gas reduction, water and energy conservation, and renewable energy;
- Writing skills, including report and grant preparation;
- Knowledge regarding key environmental regulations, federal and local environmental entities, and developments and trends within the sustainability community;
- Experience working with volunteers;
- Project management skills; and
- Conflict resolution and decision-making expertise.

If funding for the CAP Coordinator is approved by the Council, staff will work with the designated Commissioners (Chair and Vice-Chair) to prepare and release a Request for Proposals to potential consultants, including Benicia residents and business owners. That working group will then evaluate the proposals and conduct interviews to identify the most qualified consultant for review by the full Commission and consideration by the City Manager.

Attachments:

- Proposed Resolution
- May 16, 2011 Community Sustainability Commission minutes



Council adopted the Resolution, on roll call by the following vote:  
Ayes: Patterson, Schwartzman, Campbell, Hughes  
Noes: (None)

#### **D. FUNDING FOR CLIMATE ACTION PLAN COORDINATOR**

##### **RESOLUTION 11-105 - A RESOLUTION ALLOCATING \$150,000 IN VALERO/GOOD NEIGHBOR STEERING COMMITTEE FUNDS FOR A TWO-YEAR CONTRACT CLIMATE ACTION PLAN COORDINATOR**

Council Members Campbell, Hughes, Schwartzman, and Mayor Patterson disclosed exparte communications.

Charlie Knox, Public Works & Community Development Director, reviewed the staff report.

Council Member Campbell and Staff discussed concern regarding the issue of hiring consultants, paying the person as if they were an employee, as opposed to how consultants are typically paid, and the issue of performance measures.

##### **Public Comment:**

1. Constance Beutel - Dr. Beutel spoke in support of the proposed resolution.
2. Sharon Maher - Ms. Maher spoke in support of the proposed resolution.
3. Bob Livesay - Mr. Livesay spoke in opposition of the proposed resolution.
4. Grant Cook - Mr. Cook spoke in support of the proposed resolution.
5. Marilyn Bardet - Ms. Bardet spoke in support of the proposed resolution.
6. Kathy Kerridge - Ms. Kerridge spoke in support of the proposed resolution.
7. Roger Straw - Mr. Straw spoke in support of the proposed resolution.
8. Rick Stierwalt - Mr. Stierwalt spoke in support of the proposed resolution.
9. Ellen Kolowich - Ms. Kolowich spoke in support of the proposed resolution.
10. Jeanine Seeds - Ms. Seeds spoke in support of the proposed resolution.
11. Ryan Swan - Mr. Swan spoke in support of the proposed resolution.

Mayor Patterson discussed her support for the proposed resolution.

Council Member Hughes and Staff discussed concerns regarding the cost of hiring a coordinator (given the current economic conditions, staff cutbacks, etc.), and how and when the City will actually see a return on the investment of hiring the coordinator.

Council Member Campbell and Staff discussed the possibility of an extern/intern program.

Vice Mayor Schwartzman and Staff discussed the possibility of leveraging the \$150,000 to get a longer contract term, needing a detailed job description,

exploring the possibility of using recent graduates (PhD candidates) who could be involved in this, his preference for a flat contract rather than a per hour rate, and when the City could expect grants, and how much the grants could be.

Mayor Patterson clarified that Council would be giving approval for this to go forward, however, in the staff report, Staff would indicate the salary range for the field, that the people are at a certain level of expertise (competitive with other professionals), how to leverage and structure the contract in a such a way that would have demonstrable return in terms of the granting. Council expects a staff report back that addresses the issues.

Vice Mayor Schwartzman discussed the possibility that a there might be a company out there who might be interested in having an employee work at the City (which could open up opportunities for them in other jurisdictions), as it could provide experience for less money.

Council Member Campbell made a motion to approve the introduction of the ordinance with the changes regarding trying to extend the contract more than two years, trying to get an extern if possible, and the other possibilities discussed.

Council discussed the importance of Staff incorporating the suggestions made by Council.

Mayor Patterson suggested amending the motion to reflect that Staff prepare a request for proposal for the position, and upon approval by the Council, interview candidates and identify a preferred candidate for review.

Council and Staff clarified that the language would read 'request for proposal for the position, as approved by Council, (interview candidates)' then it goes back to Staff and the Sustainability Commission are interviewing the candidates and identify preferred candidates for review and recommendation by the full commission, and consideration by the City Manager, and Council will award the contract.

Vice Mayor Schwartzman asked for clarification that the RFP would come back to Council first, and then the contract itself would come back to Council as well.

Council Member Hughes stressed the importance of the contract being very 'tight' when it comes back to Council.

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

Ayes: Patterson, Schwartzman, Campbell, Hughes

Noes: (None)

## REQUEST FOR ITEM ON COUNCIL AGENDA

Requested by: Council Member Ioakimedes

Requested Council Meeting Date: October 18, 2011

Agenda Item Name:

**Request to agendize discussion of providing enhanced public information relative to employee compensation, for example, developing a “glossary” and general cost information, by MOU, that would be available on the City’s website.**

