

**BENICIA CITY COUNCIL
REGULAR MEETING AGENDA**

**City Council Chambers
December 15, 2015
7:00 PM**

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

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

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

II. CLOSED SESSION (6:00 PM):

A. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8

Property: Clock Tower, 1189 Washington Street, Benicia

Agency Negotiator: City Manager and Economic Development Manager

Negotiating parties: City of Benicia and Lit San Leandro

Under negotiation: Price and terms of payment

B. CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION

Pursuant to Government Code Section 54956.9(d)(1)

Name of case: Ramsey-Smith, Matle and Orr vs. City of Benicia et al.

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

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/PROCLAMATIONS/ APPOINTMENTS/PRESENTATIONS:

A. ANNOUNCEMENTS.

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

2. Openings on Boards and Commissions:

Benicia Housing Authority
1 unexpired term (Tenant)
open until filled

Community Sustainability Commission
2 unexpired terms
1 student commissioner term
open until filled

Library Board of Trustees
1 unexpired term
open until filled

Open Government Commission
1 unexpired term
open until filled

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

Update from City Attorney

B. PROCLAMATIONS.

C. APPOINTMENTS.

D. PRESENTATIONS.

1. PRESENTATION OF LIBRARY'S ANNUAL REPORT

V. ADOPTION OF AGENDA:

VI. OPPORTUNITY FOR PUBLIC COMMENT:

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

A. WRITTEN COMMENT.

B. PUBLIC COMMENT.

VII. CONSENT CALENDAR (7:30 PM):

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

**A. Approval of the Minutes of the December 1, 2015 City Council Meeting.
(City Clerk)**

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

The Amendment to Agreement will provide for continuing the Contract Senior Civil Engineer position on a full-time basis through March 31, 2016. The consultant has the expertise necessary to fill this role on an interim basis. City staff does not have the capacity to perform this work in-house.

Recommendation: Adopt a resolution approving an Amendment to Agreement for continued staff augmentation services for the Public Works Department with Pakpour Consulting Group, Inc. for a not-to-exceed cost of \$76,560 and authorizing the City Manager to sign the

Amendment to Agreement on behalf of the City.

C. APPROVE CONTRACT AND ACCEPT FUNDING FROM THE BENICIA UNIFIED SCHOOL DISTRICT TO SUPPLEMENT EXISTING ADULT LITERACY SERVICES OFFERED BY THE LIBRARY. (Library Director)

The Benicia Public Library (Library) has offered adult literacy services through the Adult Literacy Services (ALS) and English as a Second Language (ESL) Program since 1987. The Benicia Unified School District (BUSD) was offered funding for similar services through AB86, and is requesting that BUSD and the City work together rather than creating redundant services. These enhanced services would increase the Library's ability to provide additional classroom support for ESL services, additional High School Equivalency programs (GED and Kaplan), and computer training to assist adult learners to gain job skills. Supplemental services would start January 1, 2016 and would end June 30, 2016.

Recommendation: Approve a contract with the Benicia Unified School District to supplement the existing adult literacy services being offered by the Library, and accept, by resolution, additional funds for these services.

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

An inspection identified defects beyond repair, necessitating the immediate removal of the Clock Tower elevator from operation. A number of weddings and other large events had already been scheduled at the Clock Tower throughout the fall. Staff therefore entered into contracts to provide temporary alternate access to the second floor of the Clock Tower that meets Americans with Disabilities Act standards and to purchase and install the permanent replacement elevator. Provided is an update on the status of both the temporary and permanent replacement elevators.

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

E. SOLANO CITY-COUNTY COORDINATING COUNCIL'S DRAFT PROPOSED 2016 STATE & FEDERAL LEGISLATIVE PLATFORM. (City Manager)

Staff recommend several changes to the Solano City-County Coordinating Council's Draft Proposed 2016 State & Federal Legislative Platform. At Council's direction, these recommendations would be forwarded to the City-

County Coordinating Council for consideration when it adopts its 2016 legislative priorities.

Recommendation: Review and forward recommended changes to the draft proposed 2016 State & Federal Legislative Platform for the City-County Coordinating Council's consideration.

F. APPROVAL OF AMENDMENTS TO THREE CONTRACTS (ONE CONTRACT FOR 4LEAF, INC., AND TWO CONTRACTS FOR BUREAU VERITAS) FOR CONTINUED STAFF AUGMENTATION AND PLAN CHECK SERVICES FOR THE COMMUNITY DEVELOPMENT DEPARTMENT, AND A BUDGET AMENDMENT FOR \$112,300 TO BE FUNDED BY GENERAL FUND RESERVES. (Community Development Director)

The three amendments to contracts with 4Leaf, Inc. and Bureau Veritas will provide for continuing the Contract Building Official, Building Inspector and Plan Check Services through June, 2016. A portion of the amended agreements requires a Community Development Department budget amendment of \$112,300, to be funded by General Fund reserves, which staff believes will be off-set by increased building division revenues. The consultants have the expertise necessary to fill this role on an interim basis. The City does not have the capacity to perform this work in-house. The contract amendments are necessary to address increased building division activity.

Recommendation: Adopt a resolution approving an amendment to the contract with 4LEAF, Inc. for \$63,360, adopt a resolution approving an amendment to the staffing services contract with Bureau Veritas for \$84,100, and adopt a resolution approving an amendment with Bureau Veritas to extend the term of the plan check services contract to June 30, 2015; and authorize the City Manager to execute the contract amendments on behalf of the City. As part of the Bureau Veritas resolutions, staff recommends a Community Development Department budget amendment of \$112,300 to be funded through General Fund reserves. This amount is expected to be off-set by increased building division revenues.

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

VIII. BUSINESS ITEMS (7:45 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. WIND ENERGY REQUEST FOR PROPOSALS. (Community Development Director)

At the January 6, 2015 City Council meeting, the Council directed staff to prepare an RFP to request an evaluation of potential wind turbine sites within the City. As directed, this RFP includes community outreach, development of criteria, and explorations of financing options. Staff recommends that Council review the Request for Proposals (RFP) to solicit developer bids for the evaluation and possible development of a wind energy generation project(s), including project siting criteria, and community engagement campaign.

Recommendation: Review the City of Benicia Wind Energy Request for Proposals (RFP) and direct the City Manager to issue the RFP and solicit bids.

B. SECOND STEP OF MAYOR PATTERSON'S 2-STEP PROCESS REQUEST TO DISCUSS BENICIA'S LARGE FAMILY DAY CARE HOME REGULATIONS. (Community Development Director)

At the October 20, 2015 City Council meeting Mayor Patterson brought a 2-step process request to the Council to consider changes to Benicia Municipal Code (BMC) regulating Large Family Day Care facilities. The Council directed staff to agendize the item for discussion and to include a work plan for Council consideration.

Recommendation: Review draft work plans and give staff direction on evaluating the City of Benicia's Large Family Day Care regulations.

C. SOLAR AND MCE ENERGY FINANCIAL PERFORMANCE REPORT 2015. (Finance Director)

In 2010, the City of Benicia worked with Chevron Energy Solutions to complete energy efficiency upgrades at seven City facilities, install solar photovoltaic (PV) panels at 10 sites and replace approximately 95% of City-owned street lighting with energy efficient fixtures. In 2015, the City of Benicia joined Marin Clean Energy (MCE), a community choice energy program that offers 50% and 100% renewable electricity to its customers, including the City. This report provides an overview of the performance of efficiency upgrades and solar PV, as well as an estimate of cost savings achieved as a result of these upgrades and of joining MCE. The report compares projected savings to actual savings. The savings, (i.e., cost avoidance), have been absorbed through the regular budget process and do not constitute an actual physical credit to the City. Instead the savings has allowed the City to avoid the impacts of the electricity cost inflation over time. The City receives California Solar Initiative (CSI) credits that have been used to reduce the debt service payments as well as helped to establish a maintenance and replacement plan for the assets (solar

panels, inverters, and other equipment).

Recommendation: Review solar project financial performance and cost savings achieved since joining Marin Clean Energy (MCE) for June until November 2015. Included is a report from Opterra (formerly Chevron Energy Solutions) that provides an overview of project performance since installation of the City's 10 site solar project.

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: December 21, 2015**
- 2. Association of Bay Area Governments (ABAG)
<http://www.abag.ca.gov/>.
(Vice Mayor Hughes and Council Member Schwartzman)
Next Meeting Date: TBD**
- 3. Finance Committee.
(Vice Mayor Hughes and Council Member Strawbridge)
Next Meeting Date: December 17, 2015**
- 4. League of California Cities.
(Mayor Patterson and Vice Mayor Hughes)
Next Meeting Date: TBD**
- 5. School Liaison Committee.
(Vice Mayor Hughes and Council Member Strawbridge)
Next Meeting Date: TBD**
- 6. Sky Valley Open Space Committee.
(Vice Mayor Hughes and Council Member Campbell)
Next Meeting Date: TBD**
- 7. Solano EDC Board of Directors.
(Vice Mayor Hughes and Council Member Strawbridge)
Next Meeting Date: January 14, 2016**
- 8. Solano Transportation Authority (STA).
<http://www.sta.ca.gov/>**

(Mayor Patterson and Council Member Campbell)
Next Meeting Date: January 13, 2016

9. Solano Water Authority-Solano County Water Agency and Delta Committee. <http://www.scwa2.com/>
(Mayor Patterson, Vice Mayor Hughes and Council Member Campbell)
Next Meeting Date: January 7, 2016
10. Traffic, Pedestrian and Bicycle Safety Committee.
(Vice Mayor Hughes and Council Member Strawbridge)
Next Meeting Date: January 21, 2016
11. Tri-City and County Cooperative Planning Group.
(Vice Mayor Hughes and Council Member Schwartzman)
Next Meeting Date: March 14, 2016
12. Valero Community Advisory Panel (CAP).
(Council Member Campbell and Council Member Schwartzman)
Next Meeting Date: TBD
13. Youth Action Coalition.
(Vice Mayor Hughes and Council Member Strawbridge)
Next Meeting Date: TBD
14. ABAG-CAL FED Task Force-Bay Area Water Forum.
<http://www.baywaterforum.org/> (Mayor Patterson)
Next Meeting Date: TBD
15. SOLTRANS Joint Powers Authority.
(Mayor Patterson, Vice Mayor Hughes and Council Member Campbell)
Next Meeting Date: December 17, 2015
16. Marin Clean Energy.
(Council Member Schwartzman and Council Member Strawbridge)
Next Meeting Date: December 17, 2015

IX. ADJOURNMENT (9:30 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) 746-4200. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the meeting.

Meeting Procedures

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

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

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

Public Records

The agenda packet for this meeting is available at the City Manager's Office and the Benicia Public Library during regular working hours. To the extent feasible, the packet

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

Benicia Public Library

MEMORANDUM

To: Brad Kilger, City Manager
Board of Library Trustees

From: Diane Smikahl, Library Director

Date: December 8, 2015

Re: Library's Annual Report

Attached please find the Annual Report submitted by the Benicia Public Library to the California State Library. This report was approved by the Board of Library Trustees on December 8, 2015, and is ready for the City Manager's review. This report covers information from July 1, 2014 through June 30, 2015, prepared and presented to the State Library in December 2015.

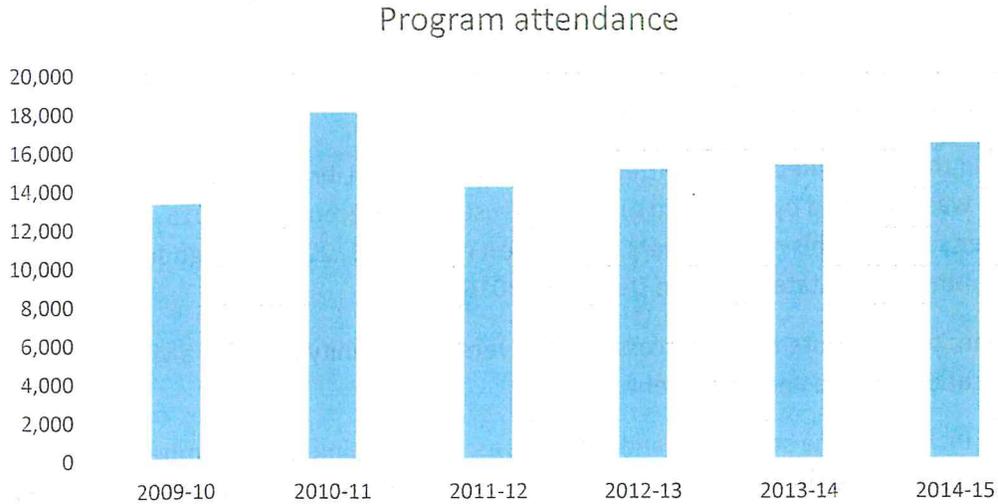
The Library's mission: to contribute to the success of our diverse community by being a vital center of learning, communication, culture and enjoyment.

Fiscal Year 2014-15 included some staff shifts and promotions: one full-time staff member retired, a Library Technician was promoted to fill the position, and in August 2015, a part-time staff member was hired to fill the Library Technician position. Department Aide and Page positions are typically filled by college students and young adults, so turnover of Department Aides and Pages was high as usual due to college moves, fulltime job opportunities, and personal reasons. Permanent staff continued to supplement as needed to ensure that materials were ready for patrons as quickly as possible, and key part-time staff continued to backfill for vacant/frozen full-time positions, allowing us to continue to provide essential services to the public.

This year, staff focused extensively on outreach to the public, taking services out of the Library and into the community. 159 programs were hosted offsite, with 4,527 people attending events that included the reception for Wind, Water, Land (public art), poetry contests, and monthly attendance at the Farmer's Market. Many of these offsite programs were done at the schools, where librarians talked to children and adults at "School Registration" and "Back to School Night" and provided book talks and training for databases and other resources in the classroom. An additional children's librarian is approved for hire during 2015-16, and s/he will help with these efforts.

Library staff continued to evaluate services, offering new programs and eliminating those that were not successful, demonstrating their ongoing commitment to providing excellent services to the public. For example, in the area of Children's services, we added occasional curriculum-friendly STEM programs, and, in partnership with Matthew Turner Elementary School, presented three hour-long sessions for six weeks, one for each of Turner's third-grade classes, providing information on books and library services. The Library experimented with a series of classic movies shown once per month, but dropped them after attendance dipped and the cost per attendee in staff time and film licensing grew too high. The Library continued to develop partnerships with community organizations, beginning ongoing sponsorships with Benicia Makerspace and the Carquinez Village Project, both designed to help underserved demographics. Worth noting is that the Library was approached by the schools and other organizations to partner in their programs, indicating that the Library is seen as a central gathering place for all ages. In order to accommodate these new programs, staff discontinued offering the

“20-something’s bookclub,” because 20-something’s lives are so in-flux that regular meetings are not possible. A newly hired Library Technician has been working at enhancing all elements of programming for adults, especially those for underserved user groups like the “Millennials” and seniors. These efforts resulted in increased attendance.



Realizing that a customer service survey had not been taken in the last few years, staff and volunteers collected over 500 surveys that provided answers related to use of the library. Approval ratings for services were at 95.6%. Worth noting is that there were numerous comments about opening earlier on Friday, Saturday and Sunday. Staff will be evaluating whether hours of operation need to be shifted to a different schedule.

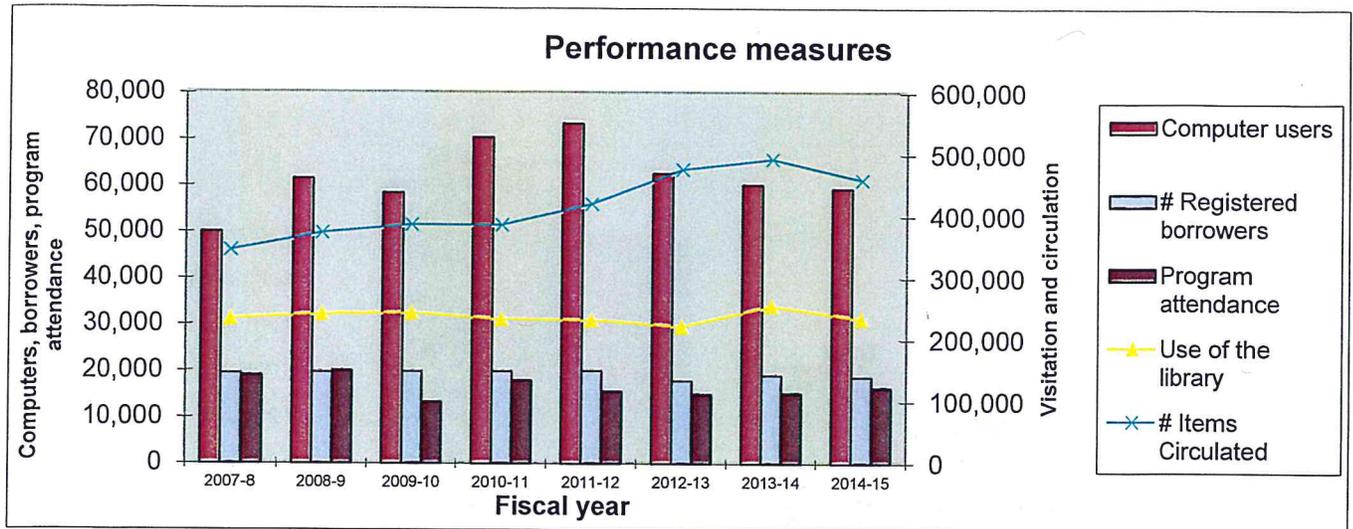
Our regional consortiums continued to create a robust infrastructure that enhanced the services the Library provided to Benicia residents. NorthNet Library System provided grant funding for staff development and training, allowing us the opportunity to send staff to the California Library Association’s Annual Conference, Internet Librarian, and the American Library Association’s Annual Convention. Additional training was obtained from Infopeople webinars and workshops, and technology training sessions on system enhancements were provided by vendors like OCLC, EBSCO and others.

Our local partnership, the Solano, Napa and Partners (SNAP) group, has worked together on opportunities to provide different, less expensive ways of obtaining shared services. Unfortunately, in August 2015, the Napa County Library chose to separate from the system. Patrons who use Napa County’s libraries and Napa residents who use Benicia or Solano County libraries will need to have two separate library cards after March 31, 2016, and the separation will slightly reduce the number of discrete titles available. However, we are looking ahead to obtaining Link Plus through our SNAP partnership, as this Interlibrary loan system will connect Benicia’s Library to other regional (including Napa, Sonoma, Marin, and Sacramento), national, and international library collections. This system will make borrowing materials more seamless, allowing patrons to request materials without staff intervention, and reducing staff time required for requesting materials.

Performance measures in libraries often are based upon visits, circulation, public access computer use, and program attendance, so data in each of these areas is being provided. As the graph below indicates,

IV.D.1.2

the change in circulation and use is not extreme, and numbers are still higher than in many previous years.

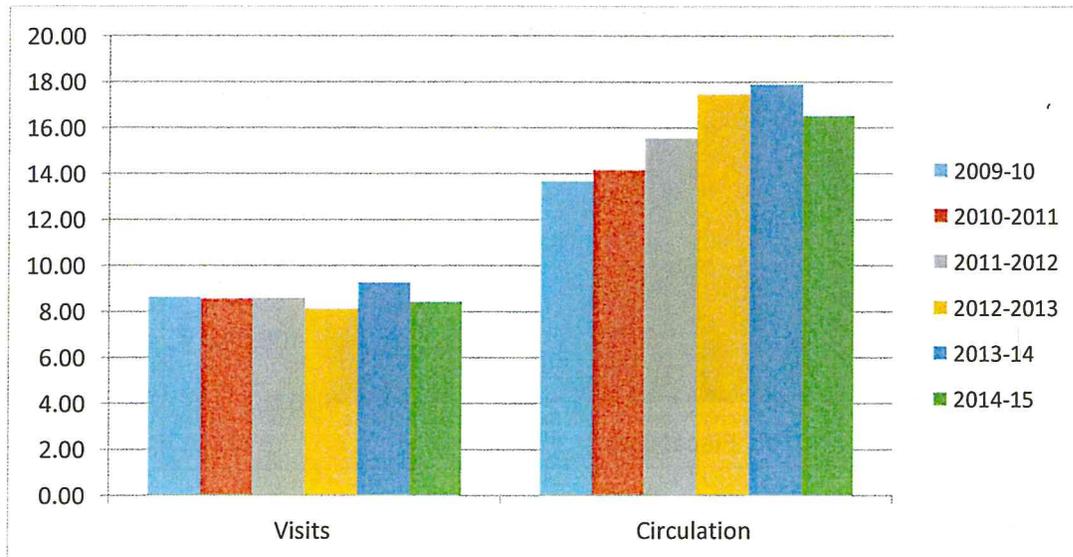


	2011-12	2012-13	2013-14	2014-15	Total change	% change
Registered borrowers	16,550	17,925	19,105	18,734	- 371	-2%
Program attendance	15,618	15,016	15,245	16,396	1,151	8%
Reference questions	30,110	27,090	26,264	21,392	-4,872	-23%
Public Internet use	73,504	62,709	60,319	59,471	-11,017	-1%
Circulation	418,396	474,472	490,984	457,329	-73,195	-7%
Visits	231,197	220,798	254,225	233,386	-20,839	-9%
Virtual visits	N/A	117,444	132,229	168,892	36,663	28%
Circulation of electronic materials	N/A	5,671	9,328	10,188	860	9%

Number of visits to the Library decreased from the number in 2013-14: as noted, we are providing more offsite programs than in the past, and this is one factor that has impacted the door-count at the Library. Remote services are being used more than ever before, as is demonstrated through the 28% increase in virtual visits and the 9% increase in circulation of e-materials. The increase in virtual visits exceeds the reduction in actual visits, giving the Library a net gain in number of visits (+15,824). In addition, while the amount of actual visits was less than the prior year, it exceeded the number in all the years preceding the peak in 2013-14.

Circulation also declined, primarily in the areas of DVD and CD. This may decrease farther as the public's use of downloadable materials increases.

The drop, however, has not been extreme, and use and circulation on a per capita basis are still relatively steady.



Generally speaking, the way that people access information has changed somewhat, and the decrease in face-to-face reference questions and the increase of virtual visits (which includes access to Request Partner service), and especially, access to the Library’s databases, reflects this. The type of questions reference staff are helping with have shifted, and although the quantity of questions answered has declined, the type of questions being asked has become more complex. There are fewer “ready reference questions”, with simple, uncomplicated answers, and librarians are now spending more time helping Library patrons adjust to the technological demands of the 21st century. Reference librarians are now providing help with setting up email accounts, printing out Powerpoint presentations, finding pictures of Indian baskets (for example) for children’s school reports and then formatting them to make posters. Library staff assist people of all ages and help with online classes and assignments, assist with online applications for jobs, medical services, and more.

Also, as mentioned before, the decrease in the number of reference questions has allowed librarians to perform more outreach services. Youth Services staff in particular regularly turn down requests for programming and information on Library services, and with the reinstated Children’s Librarian position, we will be able to fulfill more of these requests. Library staff feel that reaching this age group assists our schools in providing better educational opportunities and are anxious to re-establish some of the services that were discontinued in this area due to lack of staffing.

Getting Library staff into the community is one of the Library’s strategic priorities, as this allows us to discover what services we can develop as we continue to meet the needs of 21st century Benicia, while continuing to provide traditional library services.

IV.D.1.4

National Trends

The Pew Research Center recently completed a report titled "Libraries at the Crossroads."¹ This report notes that

"...the share of Americans who report using a library has ebbed somewhat over the past several years, though it is too early to identify a definitive national trend... A trend in the other direction is that mobile access to library resources has taken on more prominence."

"These findings highlight how this is a crossroads moment for libraries. The data paint a complex portrait of disruption and aspiration. There are relatively active constituents who hope libraries will maintain valuable legacy functions such as lending printed books. At the same time, there are those who support the idea that libraries should adapt to a world where more and more information lives in digital form, accessible anytime and anywhere."

It appears that more people are finding information online, yet there is still support for libraries serving as components to community growth and development and providing digital resources and up-to-date skills development opportunities for our residents.

In ICMA's PM Magazine, September 2015, authors Rashad Young and Susan Benton wrote an article on "Strengthening the Library's Strategic Role: prepare to focus on public access technology."² In this article, the authors suggest that technology is of vital importance to the future role of libraries.

Technology has become essential to success and progress in daily life, and public libraries are go-to resources for digital access and trusted guides in the increasingly complex digital world. Today, no other institution rivals the significance of public libraries as technology gateways providing a wide range of resources that meet personal and professional needs, support local economies, and build stronger communities.

The breadth of public technology services available in libraries is growing exponentially, placing increased pressure on library budgets and staff to not only keep abreast of community needs and changing technologies, but also to plan for the future.

As the library's strategic role in the community expands, being able to assess the scope and effectiveness of library services, measure outcomes, and make informed decisions about future investments becomes even more important for library directors and local government managers.

MEETING PUBLIC ACCESS TECHNOLOGY NEEDS

Public access technology today covers far more than Internet access and desktop computers for use in public libraries. Those digital-access services continue to be essential, supplemented by innovative programs outside library walls to close the digital divide, including Wi-Fi access in remote locations and hotspot lending programs that provide home mobile broadband wireless Internet access, particularly for use when libraries are closed, and Wi-Fi enabled bookmobiles.

Libraries also support a growing range of these technology services that address community priorities and improve community outcomes:

¹ <http://www.pewinternet.org/2015/09/15/libraries-at-the-crossroads/>

² [http://icma.org/en/Article/106142/Strengthening the Librarys Strategic Role.](http://icma.org/en/Article/106142/Strengthening_the_Librarys_Strategic_Role.)

- *Workforce development and entrepreneurship through organized online resources for job seeking, employment skill-building, professional certification, small business development, and career testing.*
- *E-government access through links to local, state, and federal resources with instructions for identifying, finding, and using online government services.*
- *Education opportunities for learners of all ages that involve web-based read-along programs, online resources for homework help, access to education testing preparation, and high-tech teen learning centers.*
- *Health and wellness including access to online medical databases, health care providers, and resources to improve health literacy.*

"The role of the public library has evolved dramatically over the years, particularly in relation to technology services," said San Antonio City Manager Sheryl Sculley. "The scope of library services is changing at such a fast pace today that it's sometimes hard to keep up and predict where we want to be."

Taking a broad look, rather than a piecemeal approach at public access technology services and developing a digital strategy that aligns library services with community priorities can help local government managers and library leaders stay on top of change while planning for the future.

"I'm certainly not a technology expert, but I am a futurist," Sculley said. "I want to look three to five years down the road to assess where we want to be and what we need to do today to get there."

Edge, a new tool developed by a coalition of national organizations including the International City/County Management Association (ICMA) with funding from the Bill & Melinda Gates Foundation, and led by the Urban Libraries Council, offers a framework for assessing public access services and developing a technology roadmap.

THE EDGE SYSTEM

Edge is a performance-management system built around 11 benchmarks that identify essential public access technology services and 30 indicators that identify desired outcomes for measuring progress³. Since its national launch in January 2014, nearly 1,900 public libraries have completed an online assessment of their technology services, in partnership with their local government.

The process of examining public access services against national benchmarks can help library leaders and managers:

- *Quantify what people expect from their public library.*
- *Develop metrics to defend and justify proposed investments in library infrastructure, programs, and services.*
- *Compare library performance with national averages from library systems of similar size.*
- *Develop a multi-year action plan to address the most pressing needs first while scheduling action on future needs.*

Like other performance-management systems that may be in use in local government, the Edge assessment produces data for setting priorities, allocating resources, and achieving higher levels of

³ <http://www.libraryedge.org/>

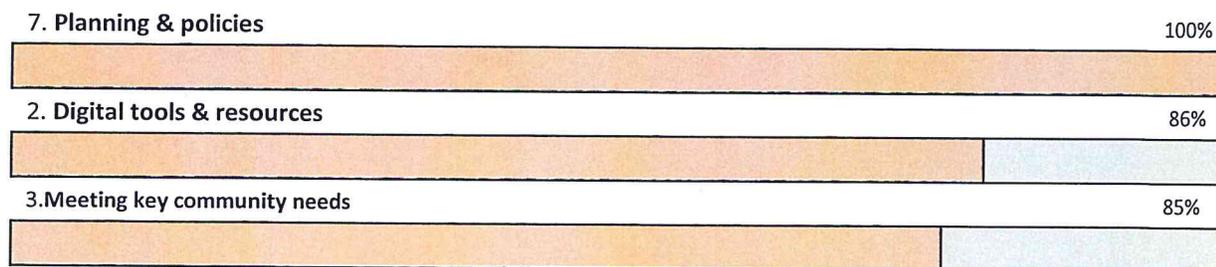
performance. The framework also provides outcomes that help define the value of the public library in the community and guides smart decisions about investments in library programs.

“As a city manager, it is important for me to identify and implement methodologies that generate valid information on how to deliver services to better meet community needs,” said Tommy Gonzalez, city manager of El Paso, Texas. “At the end of the day, we want to increase the number of people using library services and give the end user a better product. Edge is a valuable tool for making that happen.”

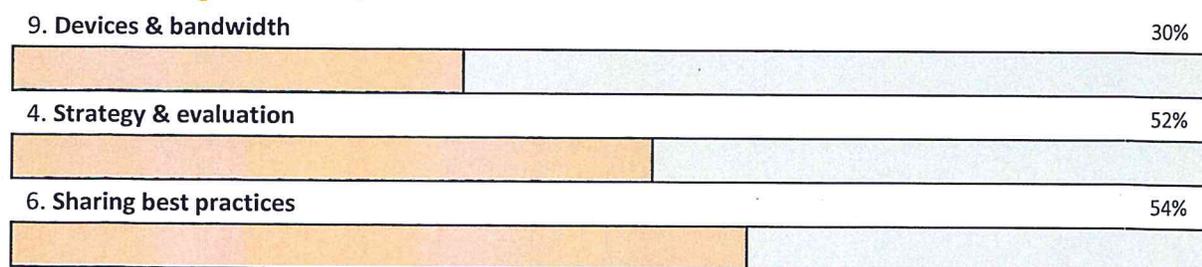
Benicia Public Library completed the Edge Assessment in 2014, and has a solid infrastructure in place to meet the demands of local residents. Library professionals are committed to facilitating individual opportunity and community progress, and to advance a legacy of reading through a digitally inclusive society.

Summary results for Benicia Public Library: The Edge

Highest Scoring Benchmarks



Lowest Scoring Benchmarks



In addition to the summary results above, peer library comparisons are provided at the end of this report. Continued planning around technology and results from the Edge Assessment will be incorporated into the Library’s strategic plan (currently being developed). In area 9, devices and bandwidth, the Library’s score will improve with the connection to the CENIC network, anticipated in early 2016, and will also improve as we continue to increase the number of mobile devices available for patron use on a regular basis.

The Library’s July 2015 patron survey included questions on public technology, and this improves our score in area 4.3 (Strategy & evaluation) and 6.2 (Sharing best practices). With more specific questions

about workforce development, e-government, and health and wellness, the score for area 4.4 (in Strategy and Evaluation) would also improve.

It is clear that the role of the library is changing and that we must be ever vigilant in reaching out to the community for input. Evaluation services available through tools like “The Edge” assist us in looking ahead, as we balance traditional offerings and the public’s requirements related to emerging technology, and as we continue to reconfigure and re-vitalize the services being offered. The American Library Association has suggested that Libraries today Libraries today are less about what they have for people and more about what they do for and with people and has provided libraries with tools for change in the [Libraries Transform](#) initiative. These and other resources will be used during this and strategic plans as we look to the future.



PEER COMPARISON REPORT
 BENICIA PUBLIC LIBRARY
 SEPTEMBER 20, 2014

The Benicia Public Library recently completed the Edge Assessment to evaluate its public access technology services and resources. This peer comparison report—along with the assessment evaluation, training opportunities, and action plan feature—is a management and leadership tool to aid the library planning process.

This report shows the Benicia Public Library results in the context of other libraries serving populations of a similar size. Benicia Public Library belongs to the "Medium Single Outlet" peer group, made up of libraries serving communities with a population between 15,001 and 65,000 with only 1 outlet. The peer library scores are derived from the results of a random sample of public libraries across the nation. The scores below will help the library understand the assessment results in the context of possible points and the average points attained by libraries in the Medium Single Outlet peer group.

No library is expected to achieve 100% on the assessment. In fact, libraries are encouraged to focus on the particular service needs they have identified through community assessments, customer feedback, and community-wide initiatives. Peer scores should not be seen as competitive, but as reference points to support strategic planning. Libraries with below average scores for a targeted benchmark may choose to move resources to that area. Libraries with above average scores for particular benchmarks may have strategies and stories that can inspire other libraries.

Strategic Area	Benchmark	Points Achieved	Peer Average	Points Possible
Community Value	1. Digital literacy	45	52	75
	2. Digital tools and resources	90	69	105
	3. Meeting key community needs	110	72	130
	Total	245	193	310
Engaging the Community	4. Strategy and evaluation	80	74	155
	5. Strategic partnerships	60	38	75
	6. Sharing best practices	35	38	65
	Total	175	150	295
Organizational Management	7. Planning and policies	50	32	50
	8. Staff expertise	65	60	80
	9. Devices and bandwidth	40	60	135
	10. Technology management	70	57	90
	11. Technology inclusiveness	30	17	40
	Total	255	226	395
	Overall Score	675	569	1000

Your score in context:

The overall score for Benicia Public Library is 675 of 1000 possible points.

Benicia Public Library is a member of the Medium Single Outlet peer group (population between 15,001 and 65,000 with only 1 outlet).

In a representative sample of libraries in the Medium Single Outlet peer group scores ranged from 235-930.

The average score for libraries in the Medium Single Outlet peer group was 505-649.

The table below shows your library's assessment results in the context of possible points and the average attained by libraries in the Medium Single Outlet peer group. The results are shown at the indicator level to help identify areas where your library excels and to diagnose areas where additional activity might enhance patron outcomes.

Strategic Area	Benchmark	Points Achieved	Peer Average	Points Possible
Community Value	1. Digital literacy			
	1.1 Digital literacy group training	0	14	25
	1.2 Digital literacy individual training	45	37	50
	2. Digital tools and resources			
	2.1 Digital content creation	30	24	40
	2.2 Website content monitoring	25	21	30
	2.3 Website information resources	35	25	35
	3. Meeting key community needs			
	3.1 Workforce development	25	17	30
	3.2 eGovernment and legal	25	13	30
	3.3 Educational opportunities	35	26	40
	3.4 Health and wellness	25	15	30
	Engaging the Community	4. Strategy and evaluation		
4.1 Maintaining community relationships		35	32	45
4.2 Community analysis and assessment		20	12	40
4.3 Patron surveys		0	1	20
4.4 Technology services evaluation		10	13	25
4.5 Strategic planning		15	15	25
5. Strategic partnerships				
5.1 Partnership development		30	26	45
5.2 Technology outreach		30	12	30
6. Sharing best practices				
6.1 Community of practice	35	31	45	
6.2 Annual survey	0	6	20	
Organizational Management	7. Planning and policies			
	7.1 Data management policies	50	32	50
	8. Staff expertise			
	8.1 Staff technology training	35	32	40
	8.2 Staff technology competencies	10	12	20
	8.3 Patron technology support	20	16	20
	9. Devices and bandwidth			
	9.1 Device availability	0	6	30
	9.2 Bandwidth capacity	0	17	30
	9.3 Device session periods	25	27	35
	9.4 Peripheral technology equipment	15	19	40
10. Technology management				
10.1 Internet connectivity	20	21	35	
10.2 Out-of-service devices	25	21	30	
10.3 Technology service metrics	25	15	25	
11. Technology inclusiveness				
11.1 Assistive technology	30	17	40	

EDGE TOOLKIT

Account status: Not enrolled

The complete Edge Toolkit is available to libraries enrolled in Edge either through a state library program or individually. You always have access to your [account settings](#) and [past assessment results](#).

[LEARN MORE ABOUT ENROLLING IN EDGE](#)

PREVIOUS ASSESSMENT REVIEW

Assessment Information

Date Started:
April 21, 2014
Date Completed:
September 20, 2014

Reports

[Edge Assessment Results \(PDF\)](#)
Detailed report of your library's responses and results.

[Peer Comparison Report \(PDF\)](#)
Your library's results compared to its peer group.

[All Peer Group Scores \(PDF\)](#)
Summary report of all peer group responses and results.

Highest Scoring Benchmarks

7: Planning and policies 100%



2: Digital tools and resources 86%



3: Meeting key community needs 85%



Lowest Scoring Benchmarks

9: Devices and bandwidth 30%



4: Strategy and evaluation 52%



6: Sharing best practices 54%



Action Plan

You completed 0 out of 0 action items.

Your entire Action Plan will be accessible when you enroll in Edge.

EDGE: WHERE PEOPLE CONNECT, COMMUNITIES ACHIEVE

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[BACK TO TOP](#)

IV.D.1.11

12/7/2015

Benicia 2014-15 California Public Library Survey

CURRENT YEAR

PREVIOUS YEAR

Directory Update #1-45

THE FIELDS (IN GREEN) BELOW ARE FOR CSL USE ONLY

1	LIBRARY_ID	M813	<i>M813</i>
2	FSCS_ID	CA0163	<i>CA0163</i>
3	Short_Name	Benicia	<i>Benicia</i>
4	Name	BENICIA PUBLIC LIBRARY	<i>BENICIA PUBLIC LIBRARY</i>

Director

(If position is not filled, enter "VACANT" in 6 and leave 7 & 8 blank)

5	Courtesy Title (Ms., Mr., Dr.)	Ms.	<i>Ms.</i>
6	First Name	Diane	<i>Diane</i>
7	Middle Name or Initial (only if used)		
8	Last Name	Smikahl	<i>Smikahl</i>
9	Title	Library Director	<i>Library Director</i>
10	Street Address	150 E. L ST.	<i>150 E. L ST.</i>
11	City	BENICIA	<i>BENICIA</i>
12	Zip	94510	<i>94510</i>
13	Zip4	3281	<i>3281</i>
14	Mailing Address	150 E. L ST.	<i>150 E. L ST.</i>
15	Mail City	BENICIA	<i>BENICIA</i>
16	Mail Zip	94510	<i>94510</i>
17	Mail Zip4	3281	<i>3281</i>
18	Public Phone Number- Administration	(707) 746-4343	<i>(707) 746-4343</i>
19	Reference Phone Number	(707) 746-4343	<i>(707) 746-4343</i>
20	FAX	(707) 747-8122	<i>(707) 747-8122</i>
21	TDD for Deaf.	N/A	<i>N/A</i>
22	Library Director's Email address	dsmikahl@ci.benicia.ca.us	<i>dsmikahl@ci.benicia.ca.us</i>
23	Library's Public Email address	N/A	<i>N/A</i>
24	Library's Web Address	http://www.benicialibrary.org	<i>http://www.benicialibrary.org</i>
25	ILL Period: # of Weeks	4	<i>4</i>
26	ILL Photocopy free up to 10 pages?	Y	<i>Y</i>
27	Copy fee. ONLY if answer to #29 is No; otherwise, leave blank.		
28	Name of person completing this survey.	Diane Smikahl	<i>Toni Yosick</i>
29	Phone # of person completing this survey.	(707) 746-4340	<i>(707) 746-4354</i>
30	Email address of person completing this survey.	dsmikahl@ci.benicia.ca.us	<i>tyosick@ci.benicia.ca.us</i>

THE FIELDS (IN GREEN) BELOW ARE FOR CSL USE ONLY

31	Size Sq. Miles	12.6	<i>12.6</i>
32	Interlibrary Relationship Code	ME	<i>ME</i>
33	Legal Basis Code	CI	<i>CI</i>

34	Administrative Structure Code	SO	SO
35	FSCS Public Library Definition	Y	Y
36	Geographic Code	CII	CII
37	Legal Service Area Boundary Change	N	N
38	LIBR_TYPE	PHMD	PHMD
39	MSA_NAME	SFNS	SFNS
40	COUNTY	SOLANO	SOLANO
41	CLSASYSTEM	NLS	NLS
42	TABLE	6	6
43	STATE	CA	CA
44	FISCAL_YR	2014-15	2013-14
45	INST_CODE	P	P

Population and Outlets #201-212

201	Population of the Legal Service Area	27,454	27,454
202	Population of Children under 5 Years	1,286	1,954
203	Population of Children Age 5-14	3,671	3,313
204	Registered Users as of June 30	18,734	19,105
205	Children Borrowers Age 0-14	3,154	3,448
206	Main Library (<i>Enter 1 if there is a main or central library, leave blank if not</i>)	1	1
207	Branches (<i>See Instructions</i>)	0	0
208	Stations (<i>See Instructions. Must have staff & separate quarters</i>).	0	0
209	Total Branches + Stations (#207 + #208)	0	0
210	Bookmobiles. Vehicle count.	0	0
211	TOT_OUTLET(#206 + #207 + #208 + #210)	1	1
212	TOT_SQFEET (SUM #31 ALL OUTLETS)	31,700	31,700

Library Staff #251-259

251	Total count of persons employed - full and part time.	45	45
252	ALA Librarians (FTE) who have accredited ALA Masters	5.75	5.88
253	FTE Total Librarians (ALA or other)	5.75	5.88
254	FTE Special Professionals	1.66	1.65
255	FTE Lib. Tech. Assistants	5	5
256	FTE Other	6.35	6.8
257	ALL_SUPPRT (#254 + #255 + #256)	13.01	13.45
258	TOTAL_STAF (#253 + #257)	18.76	19.33
259	FTE Volunteers (<i>Average FTE per week - not hours</i>)	3.66	3.66

Income - for Operational Expenses #301-307

301	Local Government (<i>all sources - see Help</i>)	\$1,865,611	\$1,816,141
302	State Funds (e.g. CLSA, PLF, ELLI, etc.)	\$25,227	\$18,128
	nds (e.g. LSTA or other)	\$0	\$6,118

304	All Other Operating Income	\$82,331	\$138,228
305	Total Operating Income (#301 + #302 + #303 + #304)	\$1,973,169	\$1,978,615

THE FIELDS (IN GREEN) BELOW ARE FOR CSL USE ONLY

307 CA Library Literacy Services

Income - for Capital Outlay #309-313

309	Local Government (<i>taxes and allocations - see Help</i>)	\$11,500	\$26,810
310	State Funds	\$0	\$0
311	Federal Funds	\$0	\$0
312	Other Income	\$9,249	\$0
313	Total Capital Outlay Income CAPOUT_INC (#309 + #310 + #311 + #312)	\$20,749	\$26,810

Standard Operating Expenditures #401-411

401	Salaries & Wages Expenditures	\$1,068,814	\$1,062,687
402	Employee Benefits Expenditures	\$462,635	\$458,996
403	Total Staff Expenditures (#401 + #402)	\$1,531,449	\$1,521,683
404	Print Materials Expenditures (except Serials)	\$63,058	\$78,942
405	Print Serial Subscription Expenditures	\$5,879	\$6,407
406	Total Print Materials Expenditures (#404 + #405)	\$68,937	\$85,349
407	Electronic Materials Expenditures	\$30,284	\$17,072
408	Other Materials Expenditures	\$48,356	\$61,932
409	Total Collection Expenditures (#406 + #407 + #408)	\$147,577	\$164,353
410	All Other Operating Expenditures	\$308,910	\$268,526
411	Total Operating Expenditures (#403 + #409 + #410)	\$1,987,936	\$1,954,562

Capital Expenditures #500

500	Capital Expenditures	\$20,749	\$26,810
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Specific Expenditures #501-503

501	Preservation	\$12,008	\$0
502	Expenditure for Children's Materials	\$34,917	\$29,447
503	Adult Literacy Program	\$60,530	\$65,352

Collections #601-619

601	Children's Books Added	2,367	2,245
602	Books Children Held as of June 30	38,831	38,598
603	Books Young Adult Held as of June 30	6,014	5,959
604	Book Volumes Added	5,990	6,561
605	Book Titles Added	4,899	5,426
606	Books Total Held as of June 30	90,258	92,380

607	Government Documents in separate Collections	351	325
608	Total Print Materials Held (#606 + #607)	90,609	92,705
609	Electronic Books	13,909	12,854
610	Total Physical Audio Materials	6,644	5,851
611	Total Online Audio Materials	2,212	1,873
612	Total Physical Video Materials	6,527	4,931
613	Total Online Video Materials	0	0
614a	Databases - Local/Coops & Other	21	19
614b	Databases - State	0	0
614c	Databases - Total (#614a + #614b)	21	19
615	Number of Current Print Serial Subscriptions	159	150
616	Number of records in library catalog as of June 30	88,791	88,057
617	Children's Audio Materials held as of June 30	1,069	959
618	Children's Video Materials held as of June 30	1,758	1,690
619	Equipment that Circulates held as of June 30	0	

Library Services, Annual #801-823

800	Total Public Service Hours (SUM #21 + #23) from Bookmobiles & Outlets respectively	3,060	3,065
801	Library Visits	233,386	254,225
802	Reference Questions (<i>omit directional</i>)	21,392	26,264
802a	Technology Assistance	0	
803	Circulation of Children's Materials	182,422	189,445
804	Circulation Non-English	3,118	3,678
805	Circulation Non-Book	171,183	188,618
805a	Circulation of Equipment	678	
806	Circulation of Electronic Materials	10,188	9,328
807	Total Circulation	457,329	490,984
808	ILL loans to others	50,447	53,490
809	ILL loans received	58,732	60,101
810	Pre-School Programs - Number	225	218
811	Pre-School Programs - Attendance	5,651	4,886
812	School Age Programs - Number	162	190
813	School Age Programs - Attendance	4,394	4,713
814	Young Adult Programs - Number	182	166
815	Young Adult Programs - Attendance	4,057	3,301
816	Adult Programs - Number	114	120
817	Adult Programs - Attendance	2,294	2,345
818	Offsite Programs - Number	177	
819	Offsite Programs - Attendance	5,099	
820	Children's Programs - Number (#810 +	387	408

821	Children's Program Attendance (#811 + #813)	10,045	9,599
822	Total Programs - Number (#810 + #812 + #814 + #816)	683	694
823	Total Programs - Attendance (#811 + #813 + #815 + #817)	16,396	15,245

Salary Survey #901-918

901	Director (monthly rate) - Begin	9,181	9,181
902	Director (monthly rate) - Final	11,160	11,160
903	Assistant Dir. - Begin	5,905	5,905
904	Assistant Dir. - Final	7,178	7,178
905	Chief Lib. Div. - Begin	5,135	5,135
906	Chief Lib. Div. - Final	6,242	6,242
907	Branch Libn - Begin		N/A
908	Branch Libn - Final		N/A
909	Entry Level Librarian - Begin	4,069	4,069
910	Entry Level Librarian - Final	4,934	4,934
911	Journeyman Librarian - Begin	4,465	4,465
912	Journeyman Librarian - Final	6,427	5,427
913	Lib. Tech. Asst. - Begin	3,066	3,066
914	Lib. Tech. Asst. - Final	3,727	3,727
915	Clerk Non-Pro. (<i>see Help</i>) - Begin	3,138	3,138
916	Clerk Non-Pro. (<i>see Help</i>) - Final	3,815	3,815
917	Mgr. Of Spec. Services (non-MLS) - Begin	4,044	4,044
918	Mgr. Of Spec. Services (non-MLS) - Final	4,916	4,916

Electronic Services #856-863

856	Took advantage of CA Teleconnect subsidies during this report year.	No	No
857	Took advantage of federal E-RATE subsidies during this report year.	No	No
858	Does your library meet CIPA compliance requirements? Y/N (<i>see Help for Children's Internet Protection Act requirements</i>)	No	No

Electronic Resources Usage

859	Uses (sessions) of Public Internet Computers (per year)	39,331	41,211
860	Virtual Visits to Library Website	168,892	132,229
861	Wireless Sessions per year	20,140	19,108
862	Does your library use the Radio Frequency Identification (RFID) system for circulation? Y/N	No	No
863	GP TERMS (#28 + #39) from Bookmobiles and Outlets respectively.	20	20

Referenda #870-877

Please [leave blank](#) if no referenda occurred [during the report year](#). Do not report referenda from prior years.

870 Referenda Election Date (MM/DD/YYYY)

- 871 Local Agency Authorizing Election
- 872 Funding Purpose
- 873 Type of Tax
- 874 Percentage of "Yes" Vote (Ex.: 66.5)
- 875 Vote Requirement to Pass
- 876 Vote Outcome
- 877 Notes

Mobile Libraries #1-31

If no mobile libraries then leave blank.

THE FIELDS (IN GREEN) BELOW ARE FOR CSL USE ONLY

- 1 FSCS_ID
- 2 LIBRARY_ID
- 3 LIB_CODE
- 4 Short_Name
- 5 Bookmobile Name
- 6 Street:
- 7 City:
- 8 Zip:
- 9 Zip4:
- 10 County:
- 11 Phone:
- 12 Type:
- 13 Make:
- 14 Model:
- 15 Year:
- 16 Chassis Manufacturer:
- 17 Length:
- 18 Book Capacity in Volumes:
- 19 Miles traveled/year:
- 20 Number of individual stops on route per week:
- 21 Total hours in public service for the year (*omit travel time*):
- 22 Total number of weeks per year in public service:
- 23 Librarians on vehicle - FTE
- 24 Driver/clerks on vehicle - FTE
- 25 Support Staff off vehicle - FTE
- 26 Total materials circulation per year
- 27 Yearly operating and maintenance cost. (*Examples: fuel, maintenance, repair, labor and parts. Do not include personnel costs.*)
- 28 Number of Internet Terminals - General Public
- 29 FISCAL_YR
- 30 C_MSA

2014-15

Library Outlet #1-44

THE FIELDS (IN GREEN) BELOW ARE FOR CSL USE ONLY

1	FSCS_ID	CA0163.002	CA0163.002
2	LIBRARY_ID	M813	M813
3	LIB_Code	M813.001	M813.001
4	Short_Name	Benicia	Benicia
5	Outlet Name:	BENICIA PUBLIC LIBRARY	BENICIA PUBLIC LIBRARY
6	Street Address:	150 E. L ST.	150 E. L ST.
7	City:	BENICIA	BENICIA
8	ZIP:	94510	94510
9	ZIP+4:	3281	3281
10	Mail Address:	150 E. L St.	150 E. L St.
11	Mail City:	Benicia	Benicia
12	Mail ZIP:	94510	94510
13	Mail ZIP+4:	3281	3281
14	County:	SOLANO	SOLANO
15	FAX:	(707) 747-8122	(707) 747-8122
16	Phone:	(707) 746-4343	(707) 746-4343
17	Type of Outlet:	CE	CE
18	This Facility is Owned by:	CITY - City	CITY - City
19	This Facility is in need of:	N/A - Not Applicable	N/A - Not Applicable
20	Population Served By Outlet.	27,454	27,454
21	Total Outlet Staff, in FTE.	18.76	20
22	Hours Open, Weekly.	62	62
23	Hours Open, Annually.	3,060	3065
24	Weeks Open, Annually.	51	52
25	Total Number of Volumes Held by Outlet.	105,296	92,705
26	Total Annual Circulation by Outlet.	457,210	490,984
27	Total Outlet Operating Expenditures.	1,997,842	1,926,181
28	Year in which Outlet was Originally Built.	1993	1993
29	Month and Year outlet opened (i.e., 06/2008)	06/1993	06/1993
30	Year in which Outlet was Remodeled.	N/A	N/A
31	LEED Certification?	No	
32	Size of Outlet, sq. ft.	31700	31700
33	Number of Reader Seats in Outlet	210	210
34	Days per week outlet is open to the public.	7	7
35	Staffed when open to public by at least 1 paid librarian & 1 paid clerical?	Yes	Yes
36	Housed in separate quarters?	Yes	Yes
37	Established schedule of hours for public service?	Yes	Yes
38	Degree of Adequacy of this Facility.	9	9
39	Number of Internet Terminals--General Public.	20	20

40	Internet Connection. What is your library branch's highest connection speed to the Internet?	6.1Mbps - 10Mbps	<i>6.1Mbps - 10Mbps</i>
41	Wi-Fi. Is Wireless available at this location? (Y/N)	Yes	<i>Yes</i>
42	MSA (Metropolitan Statistical Area) Status:	NC	<i>NC</i>
43	FISCAL_YR CODE	2014-2015	<i>2013-14</i>
44	OUTLET_TYPE_SORT_CODE	N/A	<i>N/A</i>

MINUTES OF THE
REGULAR MEETING – CITY COUNCIL
December 01, 2015

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

I. CALL TO ORDER:

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

II. CLOSED SESSION:

III. CONVENE OPEN SESSION:

A. ROLL CALL

All Council Members were present.

B. PLEDGE OF ALLEGIANCE

Leah Shellhorn led the Pledge of Allegiance.

C. REFERENCE TO THE FUNDAMENTAL RIGHTS OF THE PUBLIC.

IV. ANNOUNCEMENTS/PROCLAMATIONS/APPOINTMENTS/PRESENTATIONS:

A. ANNOUNCEMENTS

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

2. Openings on Boards and Commissions:

Arts and Culture Commission
1 unexpired term
open until filled

Library Board of Trustees
1 unexpired term
open until filled

Benicia Housing Authority
1 unexpired term (Tenant)
open until filled

Community Sustainability Commission
2 unexpired terms
1 student commissioner term
open until filled

Open Government
1 unexpired term
open until filled

3. Mayor's Office Hours:

4. Benicia Arsenal Update

Update from City Attorney

Heather McLaughlin, City Attorney, reported there is an upcoming meeting scheduled with City Staff and one of the property owners. There should be more information for Council at the 12/15/15 meeting.

B. PROCLAMATIONS

C. APPOINTMENTS

D. PRESENTATIONS

1. ECONOMIC DEVELOPMENT ANNUAL PRESENTATION

V. ADOPTION OF AGENDA:

Anne Cardwell, Assistant City Manager, stated that Staff was recommending a change to Item VII.B - adoption of the 2016 City Council Regular, by cancelling the 11/22/16 and 12/27/16 meetings, as they are close to the holidays.

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

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

VI. OPPORTUNITY FOR PUBLIC COMMENT:

Mayor Patterson asked for a moment of silence in honor of Rosie Switzer, who recently passed away.

A. WRITTEN COMMENT

Three items received (copies on file).

B. PUBLIC COMMENT

None

VII. CONSENT CALENDAR:

Council pulled item VII.A for discussion.

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

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

A. APPROVAL OF THE MINUTES OF THE NOVEMBER 17, 2015 CITY COUNCIL MEETING. (City Clerk)

Mayor Patterson reviewed her requested changes to the minutes.

Council Member Campbell requested adding “perception” to line 6 of paragraph 1 on page 8, so it would read, “so there would not be the possibility or perception of impropriety or conflict”.

Vice Mayor Hughes asked if Council Members Campbell and Schwartzman were okay with the Mayor's suggested edits to their discussions. Council confirmed the changes were acceptable.

On motion of Vice Mayor Hughes, seconded by Council Member Strawbridge, Council approved the Minutes of the November 17, 2015 City Council meeting, as amended, on roll call by the following vote:

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

B. ADOPTION OF THE 2016 CITY COUNCIL REGULAR MEETING CALENDAR

During the adoption of the agenda, Council approved cancelling the 11/22/16 and 12/27/16 City Council meetings.

C. SECOND READING OF AN AMENDMENT TO THE ARTS AND

CULTURE COMMISSION'S ORDINANCE CHANGING THE NUMBER OF COMMISSIONERS FROM NINE TO SEVEN

ORDINANCE 15-8 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BENICIA AMENDING CHAPTER 2.104 (ARTS AND CULTURE COMMISSION) OF DIVISION 2 (BOARD AND COMMISSIONS) OF TITLE 2 (ADMINISTRATION AND PERSONNEL) OF THE BENICIA MUNICIPAL CODE BY REVISING SECTION 2.104.010 TO REDUCE THE NUMBER OF COMMISSIONERS FROM NINE MEMBERS TO SEVEN

D. AWARD OF CONTRACT FOR 2015 URBAN WATER MANAGEMENT PLAN

RESOLUTION 15-135 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA AWARDED THE CONTRACT TO TULLY & YOUNG, INC. IN AN AMOUNT UP TO \$90,000 TO ASSIST IN PREPARATION OF THE FIVE-YEAR UPDATE TO THE CITY'S URBAN WATER MANAGEMENT PLAN AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACT ON BEHALF OF THE CITY

E. UPDATE ON EMERGENCY CONTRACTS FOR CLOCK TOWER ELEVATOR REPLACEMENT

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

VIII. BUSINESS ITEMS:

A. AWARD OF CONTRACT FOR WATER METER REPLACEMENT/ADVANCE METERING INFRASTRUCTURE CONSULTANT

RESOLUTION 15-136 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA AWARDED CONTRACT TO SIEMENS INDUSTRY, INC. FOR THE BENICIA WATER METER REPLACEMENT/ADVANCE METERING INFRASTRUCTURE PROJECT IN THE AMOUNT OF \$128,600. AUTHORIZING THE CITY MANAGER TO SIGN THE CONTRACT ON BEHALF OF THE CITY

Scott Rovnpera, Water Superintendent, reviewed the staff report and a PowerPoint presentation.

Vice Mayor Hughes and Staff discussed the issue of age-based deployment vs. geographical-based deployment of the new meters. He asked Staff to consult with the manufacturer/consultant on the issue. Vice Mayor Hughes also discussed the issue of tightening the belt on labor savings once the new meters are installed and asked how the City will pay for the new meters without

having significant increase to water rates.

Staff discussed the review that Management Partners will be doing of the overall Public Works Department and how to best utilize staff time for the work that needs to be done.

Mayor Patterson and Staff discussed the scope-of-work that was submitted by Siemens, the industry standard for employees in public works departments, and the goal of being effective and efficient.

Council Member Campbell and Staff discussed why, in 2012, the non-revenue water was low in comparison to the other years listed, and the issue of collecting fees to pay for the new meters.

Council Member Schwartzman and Staff discussed how, with the new meters, the City will be able to identify leaks faster. They also discussed the possibility of residents being able to log into a system and view their water usage.

Vice Mayor Hughes discussed the benefits of having access to more sophisticated and detailed reports with the new meters and software.

Mayor Patterson and Staff discussed the issues of the firms having some funding/financing experience, what lessons Siemens had learned from the recent jobs they did in other Bay Area cities (so Benicia can refine its approach - and have that information imbedded into its agreement), the need for a connection to energy - showing the money the City would be saving by using the new meters, and what some of the things in the City are that are not getting done (leak detection, valve exercising, etc.) because staff has to physically go out and spend time reading the water meters.

Public Comment:

1. Citizen - the citizen asked what the typical lifespan of the current meters is (10-15 years), and what the lifespan and accuracy is of the new meters.

On motion of Council Member Schwartzman, seconded by Vice Mayor Hughes, Council adopted Resolution 15-136, on roll call by the following vote:

Ayes: Patterson, Strawbridge, Schwartzman, Campbell, Hughes

Noes: (None)

B. COUNCILMEMBER SCHWARTZMAN'S REQUEST TO AGENDIZE DISCUSSION OF THE POTENTIAL METROPOLITAN TRANSIT

**COMMISSION/ASSOCIATION OF BAY AREA GOVERNMENTS
(MTC/ABAG) MERGER**

Council Member Schwartzman reviewed his request.

Mayor Patterson suggested thinking about this in terms of strong participation by the City when this is discussed by ABAG/MTC.

Council Member Schwartzman discussed Council coming to an early decision on this and letting ABAG/MTC know Council's stand.

Council Member Campbell asked if they planned on coming up with a Plan B in case things don't work out the way we want them, and are left with options we don't like with MTC. Council Member Campbell hoped that would be a part of the overall discussion.

Mayor Patterson discussed the importance of the Council getting on-record with their concerns and staying engaged so they can influence the process.

Public Comment:

None

On motion of Vice Mayor Hughes, seconded by Council Member Schwartzman, Council approved Council Member Schwartzman's request to place discussion of the potential Metropolitan Transit Commission/Association of Bay Area Governments (MTC/ABAG) merger on a future agenda, on roll call by the following vote:

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

IX. ADJOURNMENT:

Mayor Patterson adjourned the meeting at 8:33 p.m. in memory of Rosie Switzer.

AGENDA ITEM
CITY COUNCIL MEETING DATE - DECEMBER 15, 2015
CONSENT CALENDAR

DATE : December 1, 2015

TO : City Manager

FROM : Public Works Director

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

RECOMMENDATION:

Adopt a resolution approving an amendment to the agreement for continued staff augmentation services for the Public Works Department with Pakpour Consulting Group, Inc. for a not-to-exceed cost of \$76,560 and authorizing the City Manager to sign the Amendment to Agreement on behalf of the City.

EXECUTIVE SUMMARY:

The amendment to the agreement will provide for continuing the Contract Senior Civil Engineer position on a full-time basis through March 31, 2016. The consultant has the expertise necessary to fill this role on an interim basis. City staff does not have the capacity to perform this work in-house.

BUDGET INFORMATION:

The not-to-exceed cost of the continued staff augmentation services is \$76,560. The contract will be budgeted within the General Fund under engineering and administration costs. These costs are captured through the City's cost allocation project. Expected funds to be impacted by this contract are Water, Wastewater, Gas Tax, and General Fund. Each fund has sufficient budget to cover this contract.

Public Works would also like to use Pakpour Consulting Group for the engineering and project management for the 2015-2017 street resurfacing projects funded by Measure C; estimated cost is \$5000. On August 19, 2014 the City Council approved a Measure C allocation plan. Included within that plan was an allocation of \$50,000 for engineering plans and specifications for the Industrial Way project. The remaining balance of \$45,000 will be applied later when design and specification plans are needed. Finance has requested that these costs be invoiced separately so as to bill directly to the Measure C construction project.

GENERAL PLAN:

Relevant General Plan Goals:

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

STRATEGIC PLAN:

Relevant Strategic Plan Issue:

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

BACKGROUND:

The City and Pakpour Consulting Group, Inc. entered into a Consultant Agreement on July 13, 2015 for staff augmentation services of Steven Yee, P.E. to serve as the Contract Assistant Public Works Director for July and August 2015 at a not-to-exceed cost of \$43,200. The City entered into a subsequent amendment to agreement with Pakpour Consulting Group, Inc. for continued staff augmentation services to continue the Contract Assistant Public Works Director role until the position was permanently filled. After the position was filled on October 5 and transition time was allotted, the role transitioned into a part-time Contract Senior Civil Engineer for the time period September through December 2015 at a not-to-exceed cost of \$66,960.

On October 14, 2015, the Associate Civil Engineer position became vacant, so someone is needed to manage capital improvement projects, the NPDES Stormwater Permit Program, Marina dredging program, development review, encroachment permit processing and other duties.

Staff proposes to enter into a second amendment to agreement with Pakpour Consulting for continued staff augmentation services to continue the services of Mr. Yee as a full-time Contract Senior Civil Engineer role from the time his existing contract ends (estimated mid-December) through March 31, 2016 at a total not-to-exceed cost of \$76,560.

Mr. Yee's duties will include the following:

- Capital Improvement Program (CIP) Review
- Measure C Street Resurfacing Projects (Industrial & Southampton)
- Annual Street Resurfacing/Pavement Management Program
- St. Augustine Storm Drain Improvements
- I-80/680/12 Raw Water Transmission Line Relocation
- Cordelia Raw Water Transmission Line Replacement
- Engineering Master Fee Schedule

- Industrial Park Transportation & Employment Center Plan
- Closed-Circuit Television (CCTV) Sewer Lines
- Other Daily Engineering support

City staff does not have the capacity to perform all this work in-house. Pakpour Consulting Group is the most capable in all material aspects to perform the contract requirements and is highly qualified to perform the staff augmentation services for the Public Works Department. City staff also contacted Regional Government Services and Municipal Resources Group, but neither have available Associate Civil Engineers.

Mr. Yee has been an invaluable asset to the City and has provided oversight of the water and wastewater utility operations as well as street maintenance operations, project coordination (e.g., I-80/I-680 Water Transmission Pipeline Relocation and water meter replacement), and support for the utility rate study and work plan review (e.g., routine street light and traffic signal maintenance) in the past seven months. He continues to provide proposed strategies and solutions to date that have been practical, cost effective and aligned with City objectives.

Mr. Yee has demonstrated the expertise necessary for these specialized public works projects. He has over 20 years of engineering experience in the public sector. Mr. Yee is a registered professional engineer, currently obtaining a Master of Public Administration degree, and has successfully completed a Senior Executive in Local and State Government Program at Harvard University. His work quality has proven to be professional and he has shown responsiveness throughout previous work for the Public Works Department. City staff does not have the capacity to perform this work in-house. The hourly rate for this contract is consistent with the rate proposed in Pakpour Consulting Group's recent on-call engineering contract dated September 25, 2015.

Staff recommends that the City Council approve the amendment to agreement for continued staff augmentation services with Pakpour Consulting Group, Inc. for a cost not-to-exceed \$76,560.

Attachments:

- Proposed Resolution
- Amendment to Agreement
- Pakpour Proposal

RESOLUTION NO. 15-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING AN AMENDMENT TO AGREEMENT FOR CONTINUED STAFF AUGMENTATION SERVICES FOR THE PUBLIC WORKS DEPARTMENT WITH PAKPOUR CONSULTING GROUP, INC. FOR A NOT-TO-EXCEED COST OF \$76,560 AND AUTHORIZING THE CITY MANAGER TO SIGN THE AMENDMENT TO AGREEMENT ON BEHALF OF THE CITY

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

WHEREAS, the City entered into a subsequent amendment to agreement with Pakpour Consulting Group, Inc. for continued staff augmentation services for a Contract Assistant Public Works Director, which transitioned into a part-time Contract Senior Civil Engineer for September through December 2015 at a not-to-exceed cost of \$66,960; and

WHEREAS, Mr. Yee with Pakpour Consulting Group, Inc. has over 20 years of engineering experience in the public sector and has proven to propose strategies and solutions to date that have been practical, cost effective and aligned with City objectives; and

WHEREAS, staff recommends a second amendment to agreement with Pakpour Consulting Group, Inc. for continued staff augmentation services to continue the services of Mr. Yee as a full-time Contract Senior Civil Engineer through March 31, 2016 at a not-to-exceed cost of \$76,560; and

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

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

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Benicia hereby approves an Amendment to Agreement for continued staff augmentation services for the Public Works Department with Pakpour Consulting Group, Inc. for a not-to-exceed cost of \$76,560 [funded 25% (\$19,140) Measure C-Streets Acct. No. 330-8705-9152; 25% (\$19,140) Water Capacity Acct. No. 045-8045-8106; 20% (\$15,312) Wastewater Acct. No. 014-8305-8106; 15% (\$11,484) Engineering Acct. No. 010-8805-8106; and 15% (\$11,484) Gas Tax Acct. No. 017-8705-8106] and authorizes the City Manager to sign the Amendment to Agreement on behalf of the City, subject to approval by the City Attorney.

On motion of Council Member _____, and seconded by Council Member _____, the above Resolution was introduced and passed by the City Council of the City of Benicia at a regular meeting of said Council held on the 15th day of December, 2015, and adopted by the following vote.

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk

Date

AMENDMENT TO AGREEMENT

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

RECITALS:

A. On July 13, 2015, an agreement was entered into by and between CITY and Pakpour Consulting Group, Inc. ("Agreement").

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

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

1. Paragraph 2 (Scope of Services) of the Agreement is modified to include: Continue staff augmentation services for the Public Works Department through March 31, 2016 on a full-time basis as a Contract Senior Civil Engineer. Scope of Services dated November 6, 2015 attached.
2. Paragraph 3 (Compensation) of the agreement is modified to: Add an additional \$76,560.
3. Except as expressly modified herein, all other terms and covenants set forth in the Agreement shall remain the same and shall be in full force and effect.

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

Pakpour Consulting Group

By 

Joubin Pakpour, P.E.
President

City of Benicia, a Municipal Corporation

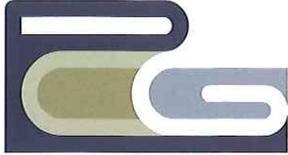
By _____
Brad Kilger
City Manager

RECOMMENDED FOR APPROVAL:

Department Head

APPROVED AS TO FORM:

City Attorney



Pakpour Consulting Group, Inc.

November 6, 2015

EXHIBIT A

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

10006.17

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

Dear Mr. Wadsworth,

We understand the City of Benicia would like Steven Yee to continue in his staff augmentation role in assisting the Public Works Department until the end of March 31, 2016. He will assist in performing the tasks listed below for the engineering division as well as continued support for other Public Works divisions.

- CIP Program Review
- Measure C Street Resurfacing Projects (Industrial & Southampton)
- Annual Street Resurfacing
- St. Augustine Storm Drain Improvements
- I-80/680/12 Raw Water Transmission Line Relocation
- Cordelier Raw Water Transmission Line Replacement
- Engineering Master Fee Schedule
- BIP Transportation & Employment Center Plan
- CCTV Sewer Lines
- Other daily Engineering support

As of September 30, 2015 there is 325 hours remaining on our existing contract. This new contract will start once the 325 hours are expended. Based on the upcoming holidays and Steven's vacation schedule we estimate an additional 528 hours for Steven to remain on full time assignment at the City of Benicia through the March 31, 2016. We propose a contract amount of \$76,560 (528 hours x \$145 per hour). PCG will bill on a time and material basis for Steven's time actually spent at the City.

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

Very truly yours
Pakpour Consulting Group, Inc.

Joubin Pakpour, P.E.
President

AGENDA ITEM
CITY COUNCIL MEETING DATE - DECEMBER 15, 2015
CONSENT CALENDAR

DATE : December 1, 2015

TO : City Manager

FROM : Library Director

SUBJECT : **APPROVE CONTRACT AND ACCEPT FUNDING FROM THE BENICIA UNIFIED SCHOOL DISTRICT TO SUPPLEMENT EXISTING ADULT LITERACY SERVICES OFFERED BY THE LIBRARY**

RECOMMENDATION:

Approve a contract with the Benicia Unified School District to supplement the existing adult literacy services being offered by the Library, and accept, by resolution, additional funds for these services.

EXECUTIVE SUMMARY:

The Benicia Public Library (Library) has offered adult literacy services through the Adult Literacy Services (ALS) and English as a Second Language (ESL) Program since 1987. The Benicia Unified School District (BUSD) was offered funding for similar services through AB86, and is requesting that BUSD and the City work together rather than creating redundant services. These enhanced services would increase the Library's ability to provide additional classroom support for ESL services, additional High School Equivalency programs (GED and Kaplan), and computer training to assist adult learners to gain job skills. Supplemental services would start January 1, 2016 and would end June 30, 2016.

BUDGET INFORMATION:

The amount being offered by Benicia Unified School District is \$46,000 and is one-time money that would be allocated into fund 089-3487 (ESL) and fund 089-7189 (Literacy Match).

GENERAL PLAN:

GOAL 3.4: Support the library and the services it provides to the community.
Policy 3.4.1: Maintain and expand library services

STRATEGIC PLAN:

STRATEGIC ISSUE 5: Maintain and Enhance a High Quality of Life
Strategy 6) Support Benicia Public Library's ability to meet the public's expanding needs for information, communication and literacy.

BACKGROUND:

Solano County was allotted money in the Governor's Budget through AB86, Adult Education Leadership, and the Benicia Unified School District (BUSD) was offered a percentage of these funds for adult education programs. BUSD has suggested a partnership with the Library that would expand existing literacy services through June 30, 2016 rather than creating redundant or competing services through the school district.

Staff has explored what the Library would be able to offer in the six month period of this program. In the past, we had two consultants coach our volunteer tutors in GED prep for math and writing, and this service was extremely valuable, helping seven adults acquire their GED in a very short period of time. This service was discontinued in the wake of elimination of funding from the State in 2011. Currently, our learners are accessing GED practice tests in Learning Express in our computer lab or self-studying using the Kaplan GED Test Premier 2015 manuals.

Having GED prep software for our computer lab would be a valuable enhancement, and would allow the Library to provide additional study manuals and other resources in accordance with the budget supplied by the District. In addition, this will provide an opportunity for additional staff resources to be provided for this program, and some contract funds are available to provide an individual to assist in the lab. The Library would be able to offer a much more comprehensive GED preparation program to our learners.

In the current budget, the Library Director proposed increasing the hours for the Literacy Specialist to .75 FTE, adding an additional 8 hours/week. This was approved by Council, but the money to fund this addition would have reduced the reserve account for the Literacy program. Additional funding from BUSD will allow the Library to enhance the existing program without spending additional city funds.

The Library Director is requesting approval of the contract provided by BUSD, a resolution to accept the funds and adjust the budget to incorporate the additional staff time and supplies, and complete any other paperwork required by BUSD for this program.

Attachments:

- Resolution Accepting Funding from BUSD
- Contract with BUSD
- W9 form for BUSD

RESOLUTION NO. 15-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA AUTHORIZING THE CITY TO ENTER INTO A CONTRACT WITH THE BENICIA UNIFIED SCHOOL DISTRICT FOR SUPPLEMENTAL ADULT LITERACY SERVICES AND TO ACCEPT FUNDING OF UP TO \$46,000 FOR THESE SERVICES

WHEREAS, the Benicia Public Library has been approached by the Benicia Unified School District (BUSD) to partner in providing Adult Literacy Services; and

WHEREAS, this will provided needed funding to provide enhanced literacy services to Benicia residents; and

WHEREAS, these funds will provide additional services including, but not limited to, literacy staff salaries, operating costs such as instructional resources, library materials, office supplies, printing costs, contract services, and equipment costs related to the computer lab as are specified within the contract.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Benicia hereby authorizes the acceptance of \$46,000 to be placed in Literacy Match (089-7189-7523) and English as a Second Language (089-) accounts.

BE IT FURTHER RESOLVED that the City Council authorizes the City Manager to sign the contract and complete any other necessary documents to receive these grant funds.

* * * * *

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 15th day of December 2015, and adopted by the following vote:

Ayes:
Noes:
Absent:

Elizabeth Patterson, Mayor

ATTEST:

Lisa Wolfe, City Clerk

Date



BENICIA UNIFIED SCHOOL DISTRICT
350 East K Street, Benicia, CA 94510

INDEPENDENT CONTRACTOR AGREEMENT

This Agreement is entered into between the Benicia Unified School District (DISTRICT) and
The Benicia Library (CONTRACTOR) and is dated, for reference ___11/20/15.

The parties agree as follows:

1. **CONTRACTOR SERVICES.** CONTRACTOR agrees to perform during the term of this Agreement, the tasks, obligations and services as set forth in the "**Scope of Services**" attached to and incorporated in the Agreement as **Appendix "A"**.

2. **PAYMENT FOR SERVICES.** CONTRACTOR agrees to undertake the work defined in **Appendix "A"** for:

(a) a total price not to exceed \$ 46,000.00
(A lump sum paid upon completion of Agreement.)

or

(b) payment at the rate of \$ _____
or \$ _____ per hour for periods of less than one day:
for a total price not to exceed \$ _____

All payments will be based on invoices submitted to DISTRICT by CONTRACTOR and approved by DISTRICT'S authorized representative. CONTRACTOR will invoice DISTRICT not more frequently than monthly for services performed. DISTRICT will render payment to CONTRACTOR within 30 days of receipt of invoice, except that if payment is based on a total price under (a) above, DISTRICT will retain 10 percent (10%) of the total contract amount until all services under this Agreement have been completed satisfactorily.

3. **TERM OF AGREEMENT.** The term of this Agreement begin 1/3/16. The work shall be completed no later than 6/30/16. Extension or renewal requires approval of DISTRICT or the authorized representative. Unless compensation is fixed on the basis of a daily or hourly rate, compensation will not be increased upon extension of the Agreement without approval of the DISTRICT or authorized representative. This Agreement may be terminated by DISTRICT at any time on 15 calendar days prior written notice to CONTRACTOR. In the event of termination for cause, CONTRACTOR need be compensated only to the extent required by law.

4. **TIME FOR PERFORMANCE.** All services required of the CONTRACTOR will be completed on or before the specified end of the term.

5. **RECORDS.** CONTRACTOR will maintain full and accurate records in connection with this Agreement and will make them available to DISTRICT for inspection at any time. Any work product produced under this Agreement shall be the property of DISTRICT.

6. **STATUS OF CONTRACTOR.** DISTRICT and CONTRACTOR agree that CONTRACTOR, in performing the services specified in this Agreement, shall act as an independent contractor and shall have control of all work and the manner in which it is performed. CONTRACTOR shall be free to contract for similar service to be performed for other employers while under contract with DISTRICT; CONTRACTOR will not accept such engagements which interfere with performance under this Agreement. CONTRACTOR is not entitled to participate in any pension plan, insurance, bonus or similar benefits DISTRICT provides for its employees. CONTRACTOR shall complete the "**Independent Contractor Status Checklist**" attached to and incorporated in the Agreement as **Appendix "B"**.



7. **HOLD HARMLESS.** Contractor shall hold DISTRICT, its officers, agents and employees harmless from all suits, claims and liabilities resulting from negligent acts or omissions of CONTRACTOR, its officers, agents or employees taken under this Agreement.

8. **COMPLIANCE WITH LAWS.** Contractor shall comply with all applicable federal, state and local laws, rules, regulations and ordinances involving its employees, including worker's compensation and tax law.

9. **MODIFICATION OR ASSIGNMENT.** This Agreement may not be modified or assigned by either party without express written consent to the other. No modification shall be effective unless approved in writing by DISTRICT or the authorized representatives.

DISTRICT INFORMATION:

CONTRACTOR INFORMATION:

_____/_____
Printed Name of District Requestor Date

Signature of CONTRACTOR Date

_____/_____
District Chief Business Official Signature Date

Printed Name of CONTRACTOR

_____/_____
District Superintendent Signature Date

CONTRACTOR Social Security #/Tax ID #

DISTRICT Budget Code

CONTRACTOR Address

CONTRACTOR City, State and Zip Code

QUESTIONS FOR CONTRACTOR TO COMPLETE:

- Are you presently or have you ever been a member of STRS? ___ Yes ___ No
- Are you presently or have you ever been a member of PERS? ___ Yes ___ No
- Are you presently an employee of Benicia Unified School District? ___ Yes ___ No

SEE ATTACHED APPENDIX "A" FOR SCOPE OF SERVICES.

SEE ATTACHED APPENDIX "B" FOR INDEPENDENT CONTRACTOR STATUS CHECKLIST.



BENICIA UNIFIED SCHOOL DISTRICT INDEPENDENT CONTRACTOR AGREEMENT APPENDIX “A”

SCOPE OF SERVICES

CONTRACTOR agrees to perform during the term of this Agreement, the tasks, obligations and services as set forth below:

The Benicia Library will enter into collaboration with Benicia Unified School District to subcontract AB 86 Adult Education services:

- To teach classes on English as a Second Language
- Adult Basic Education
- High School Equivalency classes and testing
- To create, promote and advertise the Collaborative services with logos from the Benicia Unified School District and The Benicia Library.



Independent Contractor's Name: Benicia Public Library

Current school employee? Yes No

Retired school employee? Yes No

Check all items that are true and correct:

- 1. **NO INSTRUCTIONS** – The worker will not be required to follow explicit instructions to accomplish the job; however, the school district may provide job specifications.
- 2. **NO TRAINING** – The worker will not receive training provided by the school district.
- 3. **RIGHT TO HIRE OTHERS** – The worker is being hired to provide a result and will have the right to hire others to assist with the scope of services as defined by the separate Independent Contractor Agreement.
- 4. **OWN WORK HOURS** – The worker will establish the work hours for the job.
- 5. **CONTROL OF ASSISTANTS** – If assistants are hired, it will be at the worker's sole discretion. The worker will be responsible for hiring, supervising and paying those assistants.
- 6. **TIME TO PURSUE OTHER WORK** – The worker will have time to pursue other gainful work.
- 7. **BASIS OF PAYMENT** – Overall compensation may be based on the projected number of days/hours needed to do the job times a fixed daily/hourly rate. However, this Compensation will be set in advance of the job.
- 8. **WORK FOR MULTIPLE FIRMS** – The worker may work for more than one firm or agency at a time.
- 9. **OWN TOOLS/EQUIPMENT** – The worker will furnish the tools/equipment needed for the job.
- 10. **SERVICES AVAILABLE TO GENERAL PUBLIC** – The worker makes his/her services available to the General public by (check one or more):
 - Having an office and/or assistants
 - Having business signs
 - Having a business license
 - Listing services in a business directory
 - Advertising his/her services
 - Other _____
- 11. **POSSIBLE PROFIT OR LOSS** – The worker can make a profit or a loss (check one or more):
 - The worker hires, directs and pays assistants.
 - The worker has his/her own office, equipment, materials, or facilities.
 - The worker has continuing and recurring liabilities.
 - The worker has agreed to perform specific jobs for prices agreed upon in advance.

I _____ (contractor's printed name) certify that all the statements as checked above are true and correct according to the best of my knowledge.

▶ _____
Contractor Signature

Date

Reviewed by:

▶ _____

Requesting Administrator

Date

Benicia Library Budget

English as a Second Language	\$20,000.00
Advertisement and promotion	\$ 1,000.00
Adult Basic Education & GED	\$20,000.00
Materials	\$ 1,000.00
GED Instructor	\$ 4,000.00
Total	\$46,000.00

Benicia Unified School District will purchase the Burlington English and Aztec Licenses and the CASAS-Topspro software to be used at the Library.

Request for Taxpayer Identification Number and Certification

**Give Form to the
 requester. Do not
 send to the IRS.**

Print or type See Specific Instructions on page 2.	1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.	
	2 Business name/disregarded entity name, if different from above	
	3 Check appropriate box for federal tax classification; check only one of the following seven boxes: <input type="checkbox"/> Individual/sole proprietor or single-member LLC <input type="checkbox"/> C Corporation <input type="checkbox"/> S Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Trust/estate <input type="checkbox"/> Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=partnership) ▶ _____ Note. For a single-member LLC that is disregarded, do not check LLC; check the appropriate box in the line above for the tax classification of the single-member owner. <input type="checkbox"/> Other (see instructions) ▶ _____	4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3): Exempt payee code (if any) _____ Exemption from FATCA reporting code (if any) _____ <i>(Applies to accounts maintained outside the U.S.)</i>
	5 Address (number, street, and apt. or suite no.)	Requester's name and address (optional)
	6 City, state, and ZIP code	
	7 List account number(s) here (optional)	

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

Note. If the account is in more than one name, see the instructions for line 1 and the chart on page 4 for guidelines on whose number to enter.

Social security number	
	- -
or	
Employer identification number	
	-

Part II Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
3. I am a U.S. citizen or other U.S. person (defined below); and
4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions on page 3.

Sign Here	Signature of U.S. person ▶	Date ▶
------------------	----------------------------	--------

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. Information about developments affecting Form W-9 (such as legislation enacted after we release it) is at www.irs.gov/fw9.

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following:

- Form 1099-INT (interest earned or paid)
- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)

- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding? on page 2.

By signing the filled-out form, you:

1. Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
2. Certify that you are not subject to backup withholding, or
3. Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income, and
4. Certify that FATCA code(s) entered on this form (if any) indicating that you are exempt from the FATCA reporting, is correct. See *What is FATCA reporting?* on page 2 for further information.

Note. If you are a U.S. person and a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

Definition of a U.S. person. For federal tax purposes, you are considered a U.S. person if you are:

- An individual who is a U.S. citizen or U.S. resident alien;
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States;
- An estate (other than a foreign estate); or
- A domestic trust (as defined in Regulations section 301.7701-7).

Special rules for partnerships. Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax under section 1446 on any foreign partners' share of effectively connected taxable income from such business. Further, in certain cases where a Form W-9 has not been received, the rules under section 1446 require a partnership to presume that a partner is a foreign person, and pay the section 1446 withholding tax. Therefore, if you are a U.S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U.S. status and avoid section 1446 withholding on your share of partnership income.

In the cases below, the following persons must give Form W-9 to the partnership for purposes of establishing its U.S. status and avoiding withholding on its allocable share of net income from the partnership conducting a trade or business in the United States:

- In the case of a disregarded entity with a U.S. owner, the U.S. owner of the disregarded entity and not the entity;
- In the case of a grantor trust with a U.S. grantor or other U.S. owner, generally, the U.S. grantor or other U.S. owner of the grantor trust and not the trust; and
- In the case of a U.S. trust (other than a grantor trust), the U.S. trust (other than a grantor trust) and not the beneficiaries of the trust.

Foreign person. If you are a foreign person or the U.S. branch of a foreign bank that has elected to be treated as a U.S. person, do not use Form W-9. Instead, use the appropriate Form W-8 or Form 8233 (see Publication 515, Withholding of Tax on Nonresident Aliens and Foreign Entities).

Nonresident alien who becomes a resident alien. Generally, only a nonresident alien individual may use the terms of a tax treaty to reduce or eliminate U.S. tax on certain types of income. However, most tax treaties contain a provision known as a "saving clause." Exceptions specified in the saving clause may permit an exemption from tax to continue for certain types of income even after the payee has otherwise become a U.S. resident alien for tax purposes.

If you are a U.S. resident alien who is relying on an exception contained in the saving clause of a tax treaty to claim an exemption from U.S. tax on certain types of income, you must attach a statement to Form W-9 that specifies the following five items:

1. The treaty country. Generally, this must be the same treaty under which you claimed exemption from tax as a nonresident alien.
2. The treaty article addressing the income.
3. The article number (or location) in the tax treaty that contains the saving clause and its exceptions.
4. The type and amount of income that qualifies for the exemption from tax.
5. Sufficient facts to justify the exemption from tax under the terms of the treaty article.

Example. Article 20 of the U.S.-China income tax treaty allows an exemption from tax for scholarship income received by a Chinese student temporarily present in the United States. Under U.S. law, this student will become a resident alien for tax purposes if his or her stay in the United States exceeds 5 calendar years. However, paragraph 2 of the first Protocol to the U.S.-China treaty (dated April 30, 1984) allows the provisions of Article 20 to continue to apply even after the Chinese student becomes a resident alien of the United States. A Chinese student who qualifies for this exception (under paragraph 2 of the first protocol) and is relying on this exception to claim an exemption from tax on his or her scholarship or fellowship income would attach to Form W-9 a statement that includes the information described above to support that exemption.

If you are a nonresident alien or a foreign entity, give the requester the appropriate completed Form W-8 or Form 8233.

Backup Withholding

What is backup withholding? Persons making certain payments to you must under certain conditions withhold and pay to the IRS 28% of such payments. This is called "backup withholding." Payments that may be subject to backup withholding include interest, tax-exempt interest, dividends, broker and barter exchange transactions, rents, royalties, nonemployee pay, payments made in settlement of payment card and third party network transactions, and certain payments from fishing boat operators. Real estate transactions are not subject to backup withholding.

You will not be subject to backup withholding on payments you receive if you give the requester your correct TIN, make the proper certifications, and report all your taxable interest and dividends on your tax return.

Payments you receive will be subject to backup withholding if:

1. You do not furnish your TIN to the requester,
2. You do not certify your TIN when required (see the Part II instructions on page

3. The IRS tells the requester that you furnished an incorrect TIN,

4. The IRS tells you that you are subject to backup withholding because you did not report all your interest and dividends on your tax return (for reportable interest and dividends only), or

5. You do not certify to the requester that you are not subject to backup withholding under 4 above (for reportable interest and dividend accounts opened after 1983 only).

Certain payees and payments are exempt from backup withholding. See *Exempt payee code* on page 3 and the separate Instructions for the Requester of Form W-9 for more information.

Also see *Special rules for partnerships* above.

What is FATCA reporting?

The Foreign Account Tax Compliance Act (FATCA) requires a participating foreign financial institution to report all United States account holders that are specified United States persons. Certain payees are exempt from FATCA reporting. See *Exemption from FATCA reporting code* on page 3 and the Instructions for the Requester of Form W-9 for more information.

Updating Your Information

You must provide updated information to any person to whom you claimed to be an exempt payee if you are no longer an exempt payee and anticipate receiving reportable payments in the future from this person. For example, you may need to provide updated information if you are a C corporation that elects to be an S corporation, or if you no longer are tax exempt. In addition, you must furnish a new Form W-9 if the name or TIN changes for the account; for example, if the grantor of a grantor trust dies.

Penalties

Failure to furnish TIN. If you fail to furnish your correct TIN to a requester, you are subject to a penalty of \$50 for each such failure unless your failure is due to reasonable cause and not to willful neglect.

Civil penalty for false information with respect to withholding. If you make a false statement with no reasonable basis that results in no backup withholding, you are subject to a \$500 penalty.

Criminal penalty for falsifying information. Willfully falsifying certifications or affirmations may subject you to criminal penalties including fines and/or imprisonment.

Misuse of TINs. If the requester discloses or uses TINs in violation of federal law, the requester may be subject to civil and criminal penalties.

Specific Instructions

Line 1

You must enter one of the following on this line; **do not** leave this line blank. The name should match the name on your tax return.

If this Form W-9 is for a joint account, list first, and then circle, the name of the person or entity whose number you entered in Part I of Form W-9.

a. **Individual.** Generally, enter the name shown on your tax return. If you have changed your last name without informing the Social Security Administration (SSA) of the name change, enter your first name, the last name as shown on your social security card, and your new last name.

Note. ITIN applicant: Enter your individual name as it was entered on your Form W-7 application, line 1a. This should also be the same as the name you entered on the Form 1040/1040A/1040EZ you filed with your application.

b. **Sole proprietor or single-member LLC.** Enter your individual name as shown on your 1040/1040A/1040EZ on line 1. You may enter your business, trade, or "doing business as" (DBA) name on line 2.

c. **Partnership, LLC that is not a single-member LLC, C Corporation, or S Corporation.** Enter the entity's name as shown on the entity's tax return on line 1 and any business, trade, or DBA name on line 2.

d. **Other entities.** Enter your name as shown on required U.S. federal tax documents on line 1. This name should match the name shown on the charter or other legal document creating the entity. You may enter any business, trade, or DBA name on line 2.

e. **Disregarded entity.** For U.S. federal tax purposes, an entity that is disregarded as an entity separate from its owner is treated as a "disregarded entity." See Regulations section 301.7701-2(c)(2)(iii). Enter the owner's name on line 1. The name of the entity entered on line 1 should never be a disregarded entity. The name on line 1 should be the name shown on the income tax return on which the income should be reported. For example, if a foreign LLC that is treated as a disregarded entity for U.S. federal tax purposes has a single owner that is a U.S. person, the U.S. owner's name is required to be provided on line 1. If the direct owner of the entity is also a disregarded entity, enter the first owner that is not disregarded for federal tax purposes. Enter the disregarded entity's name on line 2, "Business name/disregarded entity name." If the owner of the disregarded entity is a foreign person, the owner must complete an appropriate Form W-8 instead of a Form W-9. This is the case even if the foreign person has a U.S. TIN.

Line 2

If you have a business name, trade name, DBA name, or disregarded entity name, you may enter it on line 2.

Line 3

Check the appropriate box in line 3 for the U.S. federal tax classification of the person whose name is entered on line 1. Check only one box in line 3.

Limited Liability Company (LLC). If the name on line 1 is an LLC treated as a partnership for U.S. federal tax purposes, check the "Limited Liability Company" box and enter "P" in the space provided. If the LLC has filed Form 8832 or 2553 to be taxed as a corporation, check the "Limited Liability Company" box and in the space provided enter "C" for C corporation or "S" for S corporation. If it is a single-member LLC that is a disregarded entity, do not check the "Limited Liability Company" box; instead check the first box in line 3 "Individual/sole proprietor or single-member LLC."

Line 4, Exemptions

If you are exempt from backup withholding and/or FATCA reporting, enter in the appropriate space in line 4 any code(s) that may apply to you.

Exempt payee code.

- Generally, individuals (including sole proprietors) are not exempt from backup withholding.
- Except as provided below, corporations are exempt from backup withholding for certain payments, including interest and dividends.
- Corporations are not exempt from backup withholding for payments made in settlement of payment card or third party network transactions.
- Corporations are not exempt from backup withholding with respect to attorneys' fees or gross proceeds paid to attorneys, and corporations that provide medical or health care services are not exempt with respect to payments reportable on Form 1099-MISC.

The following codes identify payees that are exempt from backup withholding. Enter the appropriate code in the space in line 4.

- 1—An organization exempt from tax under section 501(a), any IRA, or a custodial account under section 403(b)(7) if the account satisfies the requirements of section 401(f)(2)
- 2—The United States or any of its agencies or instrumentalities
- 3—A state, the District of Columbia, a U.S. commonwealth or possession, or any of their political subdivisions or instrumentalities
- 4—A foreign government or any of its political subdivisions, agencies, or instrumentalities
- 5—A corporation
- 6—A dealer in securities or commodities required to register in the United States, the District of Columbia, or a U.S. commonwealth or possession
- 7—A futures commission merchant registered with the Commodity Futures Trading Commission
- 8—A real estate investment trust
- 9—An entity registered at all times during the tax year under the Investment Company Act of 1940
- 10—A common trust fund operated by a bank under section 584(a)
- 11—A financial institution
- 12—A middleman known in the investment community as a nominee or custodian
- 13—A trust exempt from tax under section 664 or described in section 4947

The following chart shows types of payments that may be exempt from backup withholding. The chart applies to the exempt payees listed above, 1 through 13.

IF the payment is for . . .	THEN the payment is exempt for . . .
Interest and dividend payments	All exempt payees except for 7
Broker transactions	Exempt payees 1 through 4 and 6 through 11 and all C corporations. S corporations must not enter an exempt payee code because they are exempt only for sales of noncovered securities acquired prior to 2012.
Barter exchange transactions and patronage dividends	Exempt payees 1 through 4
Payments over \$600 required to be reported and direct sales over \$5,000 ¹	Generally, exempt payees 1 through 5 ²
Payments made in settlement of payment card or third party network transactions	Exempt payees 1 through 4

¹ See Form 1099-MISC, Miscellaneous Income, and its instructions.

² However, the following payments made to a corporation and reportable on Form 1099-MISC are not exempt from backup withholding: medical and health care payments, attorneys' fees, gross proceeds paid to an attorney reportable under section 6045(f), and payments for services paid by a federal executive agency.

Exemption from FATCA reporting code. The following codes identify payees that are exempt from reporting under FATCA. These codes apply to persons submitting this form for accounts maintained outside of the United States by certain foreign financial institutions. Therefore, if you are only submitting this form for an account you hold in the United States, you may leave this field blank. Consult with the person requesting this form if you are uncertain if the financial institution is subject to these requirements. A requester may indicate that a code is not required by providing you with a Form W-9 with "Not Applicable" (or any similar indication) written or printed on the line for a FATCA exemption code.

A—An organization exempt from tax under section 501(a) or any individual retirement plan as defined in section 7701(a)(37)

B—The United States or any of its agencies or instrumentalities

C—A state, the District of Columbia, a U.S. commonwealth or possession, or any of their political subdivisions or instrumentalities

D—A corporation the stock of which is regularly traded on one or more established securities markets, as described in Regulations section 1.1472-1(c)(1)(i)

E—A corporation that is a member of the same expanded affiliated group as a corporation described in Regulations section 1.1472-1(c)(1)(i)

F—A dealer in securities, commodities, or derivative financial instruments (including notional principal contracts, futures, forwards, and options) that is registered as such under the laws of the United States or any state

G—A real estate investment trust

H—A regulated investment company as defined in section 851 or an entity registered at all times during the tax year under the Investment Company Act of 1940

I—A common trust fund as defined in section 584(a)

J—A bank as defined in section 581

K—A broker

L—A trust exempt from tax under section 664 or described in section 4947(a)(1)

M—A tax exempt trust under a section 403(b) plan or section 457(g) plan

Note. You may wish to consult with the financial institution requesting this form to determine whether the FATCA code and/or exempt payee code should be completed.

Line 5

Enter your address (number, street, and apartment or suite number). This is where the requester of this Form W-9 will mail your information returns.

Line 6

Enter your city, state, and ZIP code.

Part I. Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. If you are a resident alien and you do not have and are not eligible to get an SSN, your TIN is your IRS individual taxpayer identification number (ITIN). Enter it in the social security number box. If you do not have an ITIN, see *How to get a TIN* below.

If you are a sole proprietor and you have an EIN, you may enter either your SSN or EIN. However, the IRS prefers that you use your SSN.

If you are a single-member LLC that is disregarded as an entity separate from its owner (see *Limited Liability Company (LLC)* on this page), enter the owner's SSN (or EIN, if the owner has one). Do not enter the disregarded entity's EIN. If the LLC is classified as a corporation or partnership, enter the entity's EIN.

Note. See the chart on page 4 for further clarification of name and TIN combinations.

How to get a TIN. If you do not have a TIN, apply for one immediately. To apply for an SSN, get Form SS-5, Application for a Social Security Card, from your local SSA office or get this form online at www.ssa.gov. You may also get this form by calling 1-800-772-1213. Use Form W-7, Application for IRS Individual Taxpayer Identification Number, to apply for an ITIN, or Form SS-4, Application for Employer Identification Number, to apply for an EIN. You can apply for an EIN online by accessing the IRS website at www.irs.gov/businesses and clicking on Employer Identification Number (EIN) under Starting a Business. You can get Forms W-7 and SS-4 from the IRS by visiting IRS.gov or by calling 1-800-TAX-FORM (1-800-829-3676).

If you are asked to complete Form W-9 but do not have a TIN, apply for a TIN and write "Applied For" in the space for the TIN, sign and date the form, and give it to the requester. For interest and dividend payments, and certain payments made with respect to readily tradable instruments, generally you will have 60 days to get a TIN and give it to the requester before you are subject to backup withholding on payments. The 60-day rule does not apply to other types of payments. You will be subject to backup withholding on all such payments until you provide your TIN to the requester.

Note. Entering "Applied For" means that you have already applied for a TIN or that you intend to apply for one soon.

Caution: A disregarded U.S. entity that has a foreign owner must use the appropriate Form W-8.

Part II. Certification

To establish to the withholding agent that you are a U.S. person, or resident alien, sign Form W-9. You may be requested to sign by the withholding agent even if items 1, 4, or 5 below indicate otherwise.

For a joint account, only the person whose TIN is shown in Part I should sign (when required). In the case of a disregarded entity, the person identified on line 1 must sign. Exempt payees, see *Exempt payee code* earlier.

Signature requirements. Complete the certification as indicated in items 1 through 5 below.

1. Interest, dividend, and barter exchange accounts opened before 1984 and broker accounts considered active during 1983. You must give your correct TIN, but you do not have to sign the certification.

2. Interest, dividend, broker, and barter exchange accounts opened after 1983 and broker accounts considered inactive during 1983. You must sign the certification or backup withholding will apply. If you are subject to backup withholding and you are merely providing your correct TIN to the requester, you must cross out item 2 in the certification before signing the form.

3. Real estate transactions. You must sign the certification. You may cross out item 2 of the certification.

4. Other payments. You must give your correct TIN, but you do not have to sign the certification unless you have been notified that you have previously given an incorrect TIN. "Other payments" include payments made in the course of the requester's trade or business for rents, royalties, goods (other than bills for merchandise), medical and health care services (including payments to corporations), payments to a nonemployee for services, payments made in settlement of payment card and third party network transactions, payments to certain fishing boat crew members and fishermen, and gross proceeds paid to attorneys (including payments to corporations).

5. Mortgage interest paid by you, acquisition or abandonment of secured property, cancellation of debt, qualified tuition program payments (under section 529), IRA, Coverdell ESA, Archer MSA or HSA contributions or distributions, and pension distributions. You must give your correct TIN, but you do not have to sign the certification.

What Name and Number To Give the Requester

For this type of account:	Give name and SSN of:
1. Individual	The individual
2. Two or more individuals (joint account)	The actual owner of the account or, if combined funds, the first individual on the account ¹
3. Custodian account of a minor (Uniform Gift to Minors Act)	The minor ²
4. a. The usual revocable savings trust (grantor is also trustee) b. So-called trust account that is not a legal or valid trust under state law	The grantor-trustee ¹ The actual owner ¹
5. Sole proprietorship or disregarded entity owned by an individual	The owner ³
6. Grantor trust filing under Optional Form 1099 Filing Method 1 (see Regulations section 1.671-4(b)(2)(i)(A))	The grantor*
For this type of account:	Give name and EIN of:
7. Disregarded entity not owned by an individual	The owner
8. A valid trust, estate, or pension trust	Legal entity ⁴
9. Corporation or LLC electing corporate status on Form 8832 or Form 2553	The corporation
10. Association, club, religious, charitable, educational, or other tax-exempt organization	The organization
11. Partnership or multi-member LLC	The partnership
12. A broker or registered nominee	The broker or nominee
13. Account with the Department of Agriculture in the name of a public entity (such as a state or local government, school district, or prison) that receives agricultural program payments	The public entity
14. Grantor trust filing under the Form 1041 Filing Method or the Optional Form 1099 Filing Method 2 (see Regulations section 1.671-4(b)(2)(i)(B))	The trust

¹ List first and circle the name of the person whose number you furnish. If only one person on a joint account has an SSN, that person's number must be furnished.

² List first and circle the name of the minor and furnish the minor's SSN.

³ You must show your individual name and you may also enter your business or DBA name on the "Business name/disregarded entity" name line. You may use either your SSN or EIN (if you have one), but the IRS encourages you to use your SSN.

⁴ List first and circle the name of the trust, estate, or pension trust. (Do not furnish the TIN of the personal representative or trustee unless the legal entity itself is not designated in the account title.) Also see *Special rules for partnerships* on page 2.

*Note. Grantor also must provide a Form W-9 to trustee of trust.

Note. If no name is circled when more than one name is listed, the number will be considered to be that of the first name listed.

Secure Your Tax Records from Identity Theft

Identity theft occurs when someone uses your personal information such as your name, SSN, or other identifying information, without your permission, to commit fraud or other crimes. An identity thief may use your SSN to get a job or may file a tax return using your SSN to receive a refund.

To reduce your risk:

- Protect your SSN,
- Ensure your employer is protecting your SSN, and
- Be careful when choosing a tax preparer.

If your tax records are affected by identity theft and you receive a notice from the IRS, respond right away to the name and phone number printed on the IRS notice or letter.

If your tax records are not currently affected by identity theft but you think you are at risk due to a lost or stolen purse or wallet, questionable credit card activity or credit report, contact the IRS Identity Theft Hotline at 1-800-908-4490 or submit Form 14039.

For more information, see Publication 4535, Identity Theft Prevention and Victim Assistance.

Victims of identity theft who are experiencing economic harm or a system problem, or are seeking help in resolving tax problems that have not been resolved through normal channels, may be eligible for Taxpayer Advocate Service (TAS) assistance. You can reach TAS by calling the TAS toll-free case intake line at 1-877-777-4778 or TTY/TDD 1-800-829-4059.

Protect yourself from suspicious emails or phishing schemes. Phishing is the creation and use of email and websites designed to mimic legitimate business emails and websites. The most common act is sending an email to a user falsely claiming to be an established legitimate enterprise in an attempt to scam the user into surrendering private information that will be used for identity theft.

The IRS does not initiate contacts with taxpayers via emails. Also, the IRS does not request personal detailed information through email or ask taxpayers for the PIN numbers, passwords, or similar secret access information for their credit card, bank, or other financial accounts.

If you receive an unsolicited email claiming to be from the IRS, forward this message to phishing@irs.gov. You may also report misuse of the IRS name, logo, or other IRS property to the Treasury Inspector General for Tax Administration (TIGTA) at 1-800-366-4484. You can forward suspicious emails to the Federal Trade Commission at: spam@uce.gov or contact them at www.ftc.gov/idtheft or 1-877-IDTHEFT (1-877-438-4338).

Visit IRS.gov to learn more about identity theft and how to reduce your risk.

Privacy Act Notice

Section 6109 of the Internal Revenue Code requires you to provide your correct TIN to persons (including federal agencies) who are required to file information returns with the IRS to report interest, dividends, or certain other income paid to you; mortgage interest you paid; the acquisition or abandonment of secured property; the cancellation of debt; or contributions you made to an IRA, Archer MSA, or HSA. The person collecting this form uses the information on the form to file information returns with the IRS, reporting the above information. Routine uses of this information include giving it to the Department of Justice for civil and criminal litigation and to cities, states, the District of Columbia, and U.S. commonwealths and possessions for use in administering their laws. The information also may be disclosed to other countries under a treaty, to federal and state agencies to enforce civil and criminal laws, or to federal law enforcement and intelligence agencies to combat terrorism. You must provide your TIN whether or not you are required to file a tax return. Under section 3406, payers must generally withhold a percentage of taxable interest, dividend, and certain other payments to a payee who does not give a TIN to the payer. Certain penalties may also apply for providing false or fraudulent information.

AGENDA ITEM
CITY COUNCIL MEETING DATE - DECEMBER 15, 2015
CONSENT CALENDAR

DATE : December 2, 2015

TO : City Council

FROM : City Manager

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

RECOMMENDATION:

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

EXECUTIVE SUMMARY:

An inspection identified defects beyond repair, necessitating the immediate removal of the Clock Tower elevator from operation. A number of weddings and other large events had already been scheduled at the Clock Tower throughout the fall. Staff therefore entered into contracts to provide temporary alternate access to the second floor of the Clock Tower that meets Americans with Disabilities Act standards and to purchase and install the permanent replacement elevator. Provided is an update on the status of both the temporary and permanent replacement elevators.

BUDGET INFORMATION:

The total cost for use of the temporary elevator is estimated at \$99,096. The purchase and installation of the permanent replacement elevator is estimated at \$236,668. The funds for both of these items will be drawn from the General Fund reserves and transferred to the Internal Services Fund-Facilities, Account No. 113-9205-9521.

GENERAL PLAN:

Relevant General Plan Goals and Policy:

- GOAL 2.11: Encourage the retention and continued evolution of the lower Arsenal into a historic/cultural/commercial/industrial center of mutually compatible uses.
- GOAL 2.16: Ensure access needs of individuals with disabilities.
 - POLICY 2.16.1: Provide for adequate public access in all forms (walks, buildings, transportation) in conformance with the

Americans with Disabilities Act (ADA).

- Program 2.16.A: In places that accommodate the public, remove barriers to access or provide alternative services when barriers cannot be removed.
- Program 2.16.B: Require that publicly sponsored programs, activities and transportation facilities are accessible to individuals with disabilities (including employees).
- GOAL 2.28: Improve and maintain public facilities and services.
- GOAL 3.1: Maintain and enhance Benicia's historic character.

STRATEGIC PLAN:

Relevant Strategic Issues and Strategies and Actions:

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

BACKGROUND:

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

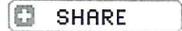
Bigge Crane and Rigging Company installed the temporary elevator, which is currently in use. Installation of the permanent replacement elevator by Dream Ride Elevator is expected to be completed in late December. The new permanent elevator will need to be approved by the State prior to use by the public, which is expected to occur in late December or early January.

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

Attachment:

- Excerpt from Benicia Municipal Code – Emergency Contracting Procedures

3.09.050 Emergency contracting procedures.



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

AGENDA ITEM
CITY COUNCIL MEETING DATE - DECEMBER 15, 2015
CONSENT CALENDAR

DATE : December 2, 2015

TO : City Council

FROM : City Manager

SUBJECT : **SOLANO CITY-COUNTY COORDINATING COUNCIL'S DRAFT
PROPOSED 2016 STATE & FEDERAL LEGISLATIVE PLATFORM**

RECOMMENDATION:

Review and forward recommended additions to the draft proposed 2016 State & Federal Legislative Platform for the City-County Coordinating Council's consideration.

EXECUTIVE SUMMARY:

The Solano City-County Coordinating Council (CCCC) adopts a State and Federal Legislative Platform every year, and is seeking input on items of greater than local (e.g., countywide, regional) significance that member cities would like added to the 2016 platform. City staff is recommending minor additions to the Legislative Platform. At Council's direction, these recommendations would be forwarded to the City-County Coordinating Council for consideration when it adopts its 2016 legislative priorities.

BUDGET INFORMATION:

There is no direct budget impact. However, coordinated legislative advocacy could increase the likelihood of acquiring grants and improve alignment of state and federal funding with local priorities and emerging concerns.

GENERAL PLAN:

Relevant General Plan goals:

- Overarching Goal of the General Plan: Sustainability
- Goal 2.28: Improve and maintain public facilities and services
- Goal 4.1: Make community health and safety a high priority for Benicia

STRATEGIC PLAN:

Relevant Strategic Plan Issues and Strategies:

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

BACKGROUND:

The Solano City-County Coordinating Council (CCCC) consists of the Mayors of all seven cities in Solano County and the five members of the County Board of Supervisors. The CCCC was established in 1991, with the primary goal of improving city/county communications, coordination, and problem resolution. The CCCC also explores issues of regional importance and seeks ways to respond effectively to the actions of other levels of government, including to sponsor or support legislation at the State and Federal level that is of regional importance.

The CCCC began adopting annual State and Federal legislative platforms in 2006. The legislative platform represents a compilation of shared concepts and priorities created with input from Solano cities, the County, the Solano County Water Agency, the Solano Transportation Authority, the Travis Community Consortium, Yolo-Solano Air Quality Management District, and our public higher education institutions (Solano Community College, UC Davis, and CSU Maritime Academy). The platform is developed with the goal of capturing all of the significant regional priorities, as well as the priorities established by other regional entities such as the Solano County Board of Supervisors and Solano Transportation Authority, and umbrella organizations such as the California League of Cities and the California State Association of Counties.

In City staff's review of the CCCC Draft Proposed Legislative Platform, several emerging policy issues were identified that staff felt were of regional significance and should therefore be included in the Platform. Goals identified by staff are reflected in the attached "Redlined Draft Proposed 2016 CCCC Legislative Platform with City of Benicia Recommended Changes." In summary, the recommended changes address the following regional policy areas:

- Support for funding for flood management in relation to sea-level rise mitigation and adaptation.
- Support for regional hazard mitigation planning.
- Support for restored funding and organizational changes to stabilize State Parks operations.

Attachment:

- Redlined Draft Proposed 2016 CCCC Legislative Platform with City of Benicia Recommended Changes

Overview

The Solano City-County Coordinating Council (CCCC) consists of the Mayors of all seven cities in Solano County – Benicia, Dixon, Fairfield, Rio Vista, Suisun, Vacaville and Vallejo - and the five members of the County Board of Supervisors. On an annual basis, the CCCC adopts a legislative platform; recommending positions and strategies on both state and federal legislative and budget related issues. The platform takes into consideration and seeks to support the legislative priorities of all seven cities, the County of Solano, Solano Transportation Agency (STA), Solano County Water Agency (SCWA), Travis Community Consortium (TCC), Yolo-Solano Air Quality Management District and our public higher education institutions (Solano College, UC Davis and CSU Maritime Academy).

Listed below are the CCCC's highest State and Federal legislative priorities as well as other significant policy issues. These are issues that CCCC believes are important to support and partner on. These priorities are extracted from other regional entities and are not intended to conflict or compete, but rather support and compliment efforts to improve funding of regional needs and priorities.

2015 State and Federal Legislative Priorities (Listed Alphabetically)

1. **Funding for Key Infrastructure Projects.** Support efforts in Congress to authorize and fund infrastructure projects in Solano cities and the county, including key water infrastructure initiatives pursuant to the newly authorized Army Corp's project selection process under the Water Resources Reform and Development Act (WRRDA).
2. **Protect the Sacramento-San Joaquin Delta.** Ensure that Solano cities and the county is adequately represented in efforts to develop policy impacting the Sacramento-San Joaquin Delta, including policies to address water quality and supply, flood protection, environmental preservation and emergency response. Support legislation that protects Solano County water sources and supplies and provides for mitigation with regard to disaster preparedness, water rights, North Delta Water Agency Contract with the California Department of Water Resources, socio-economic vitality, water quality, water elevations, levee protection, loss of agricultural production, aquaculture, and access to fresh water supplies. Support efforts to develop other water supply options outside the areas-of-origin so as to reduce stresses in the Delta region. In general, support legislation that would provide for assurances and mitigations to the County, local Districts, and our residents and ensure sustainable funding outside of the General Fund for existing and future obligations created by State / Federal water projects and their Habitat Conservation Plans. Support appropriations from Proposition 1 that will facilitate key water infrastructure projects.
3. **Public Safety and Emergency Preparedness.** Support funding for programs that assist Solano cities and the county with efforts aimed at reducing crime and enhancing public safety through community partnerships and multi-jurisdictional efforts, such as the Community Oriented Policing Services (COPS) program and the Justice Assistance Grant (JAG) program. In addition, support funding for programs that assist the County and cities with disaster response and preparedness and homeland security-related needs, including efforts aimed at achieving communications interoperability. Monitor legislation and state budget actions regarding the implementation of Proposition 47 to ensure that proper resources exist at the local level.
4. **State Realignment & Cost-Shifts.** Oppose proposals to restructure, realign, or otherwise shift the cost of state programs to local government, without commensurate compensation and a legislative ability for counties to draw down available federal funding. Support efforts to constitutionally guarantee continued funding for realigned programs. Support efforts to obtain and improve the stability of current Solano cities and the county's revenue sources.

Oppose any realignment initiatives which fail to fully fund services shifted to the County and cities. Advocate for funding for local police agencies and the Sheriff's Office dealing with the increase in specific crimes in Solano cities and the county due to realignment.

2015 State and Federal Legislative Principles (Sections Listed Alphabetically)

Agriculture, Natural Resources, and Water

1. Support efforts to protect the Suisun Marsh consistent with the Suisun Marsh Preservation Act and the Suisun Marsh Plan;
2. Support improved mapping of flood hazard areas and advocate for the US Army Corps of Engineers and other federal and state agencies to protect Solano cities and the county from these hazards, either directly or via funding and technical assistance.
3. Support, develop, or seek out legislation that protects the Solano cities and the county's quality of life, its diverse natural resources, and preserves the essence and history of Solano.
4. Support legislation to establish the Sacramento-San Joaquin Delta National Heritage Area to protect and promote the economic vitality and cultural, historical, and natural assets of the region.
5. Support protections and assurances to assure a reliable supply and access to high quality water for drinking, agriculture and recreation in the County.
6. Support funding for an alternate intake to the North Bay Aqueduct.
7. Support legislative or regulatory efforts to maintain local control/involvement in allocation of water resources.
8. Support new funding to support local priorities for implementing water storage, recycling, and conservation measures.
9. Support funding for efforts to mitigate or adapt to sea-level rise impacts, including shoreline restoration, **flood mitigation**, and recreation projects.

General Government

1. Support efforts to realign government services with necessary funding in order to improve the delivery of services and make government more accountable and efficient to the people they serve.
2. Seek out, develop, and support legislative, regulatory, and budget efforts that protect and/or enhance local governments' revenues, maximize Solano cities and the county's access to Federal funding sources, and/or increases local funding flexibility.
3. Support legislation that provides tax and funding formulas and regulations for the equitable distribution of Federal monies while opposing attempts to decrease, restrict, or eliminate Solano cities special districts and the county's revenue sources.
4. Support any expansion, continuation, and/or increased flexibility in the bidding/procurement, delivery, and management of construction projects.
5. Oppose legislative or administrative actions that would create State or Federal unfunded mandates and/or preempt local decision-making authority.
6. Oppose attempts to restrict local authority with respect to issues that affect local communities.
7. Oppose any effort to balance the state budget through the taking of local government resources.
8. Support the enactment of legislation to allocate statewide bond funding based on objective criteria developed with local input.
9. Support budgetary efforts for outstanding Payment-in-Lieu-of-Taxes (PILT) funding that is owed to the County and support legislative and budgetary efforts to reinstate ongoing future PILT funding.

Housing, Community and Economic Development, and Workforce Investment

1. Support Housing Element reform that provides for self-certification process for all jurisdictions that have a housing allocation, and that provides greater flexibility to agencies with limited urban services and strong city centered development policies.
2. Support continued funding for existing programs including the Community Development Block Grant (CDBG) program, the HOME Investment Partnerships Program (HOME), and the Neighborhood Stabilization Program (NSP). Oppose efforts to reduce funding and operational flexibility for these programs.
3. Encourage and seek legislation to facilitate orderly economic expansion and growth, and increase the opportunity for discretionary revenues, programmatic and financial flexibility for Solano cities and the county.
4. Support funding and incentives for smart growth and sustainable development, including infrastructure funding.
5. Oppose Federal legislation that would reduce U.S. Economic Development Administration (EDA) funds and support the expanded eligibility and access to these funds.
6. Support legislation that encourages job growth and the success of the business community.
7. Support legislation that provides a stable national-level appropriation for workforce development programs as a longer-term investment strategy for the nation's economy.
8. Support or seek federal grant funding opportunities that advance and improve housing, community and economic development, and workforce investment opportunities Solano cities and the county.
9. Support and/or advocate for funding programs that would provide funding for community youth programs, including programs targeting underserved youth.
10. Oppose Federal legislation that would reduce funding to the Department of Housing and Urban Development (HUD) that provides rent subsidies and administrative funding to the Housing Choice Voucher (Section 8) Programs.
11. Support State legislation that would create a new funding mechanism for local governments to provide funding for affordable housing (new construction, acquisition and rehabilitation)
12. Support State legislation that would create funding for local governments for economic development purposes.
13. Support efforts to increase employment opportunities and linking training programs to local available employment.

Public Safety and Emergency Disaster Preparedness

1. Support the preservation of funding levels for existing public safety programs such as the Byrne Justice Assistance Grant (Byrne/JAG) Program, California State Law Enforcement Funding (SLEF), California Fire Fighter Joint Apprenticeship Committee (CFFJAC), Office of Traffic Safety (OTS) grant funding, Department of Alcohol and Beverage Control programs, and the Community Oriented Policing Services (COPS) program. Oppose efforts to reduce or divert funding away from these programs.
2. Support continued or new funding for emergency disaster preparedness programs such as FEMA - Emergency Management Performance Grants (EMPG), the Urban Areas Security Initiative (UASI), and emergency disaster preparedness and infrastructure damage recovery programs. Oppose efforts to reduce or divert funding away from these programs.
3. Support funding for the State Office of Emergency Services to enhance Disaster Preparedness by linking local Emergency Operations Centers and by providing training.
4. Support funding to integrate climate change and sea level rise impacts into Local Hazard Mitigation Plans and Emergency Operation Plans. Support funding for regional hazard mitigation planning.
5. Support funding to address emergency preparedness needs, particularly those that include communications equipment, training/exercises, or ongoing operations and maintenance costs.

6. Support the preservation of funding for the State's Police Officer Standards and Training program that reimburses local agencies for training.
7. Support changes to US Corps of Engineer's current flood control inspection standards that have resulted in the loss of Public Law 84-99 eligibility for post disaster restoration funding for local governments.
8. Support legislation that improves the availability, affordability and coverage for earthquake and flood insurance.
9. Support efforts to improve safety of hazardous materials transported by rail, including crude by rail and enhance capacity of local emergency responders to appropriately respond to potential emergency events resulting from derailment or releases.

Resource Management, Environmental Health, and Sustainability

1. Support measures and funding for County, city, and special district programs and projects that address sustainability issues such as air quality improvement, energy efficiency, water efficiency, renewable energy, fuel efficiency, energy adequacy, and security while balancing the reduction of emissions with impacts on business.
2. Support legislation and administrative action that further the goals of the Solano cities and the county's climate protection and sustainability efforts, including programs that promote energy-efficient home improvements like the Property Assessed Clean Energy (PACE) program and as referenced in their approved Climate Action Plans.
3. Support Federal and state climate change legislation and policies that include local government funding and consideration for implementation at the local level.
4. Support legislation and grant funding opportunities that improve land use planning for major economic drivers and infrastructure projects in Solano cities and the county.
5. Support sensible CEQA reform that streamlines processes for broader range of infill development while maintaining strong analytic and mitigation requirements for large projects that clearly have significant environmental consequences at a regional or statewide level.
6. Support regulatory processes that are not a one-size-fits-all approach and maintain flexibility for Solano cities, special districts, and the County to determine the best means of achieving water conservation mandates.
7. Support legislation that fosters, establishes or expands regional purchasing capabilities and inter-jurisdictional infrastructure development to achieve local environmental and sustainability goals/requirements.
8. Support legislation that enhances funding options for sustaining and expanding a countywide parks system.
9. Support efforts to direct Cap and Trade revenues to reduce greenhouse gas emissions in communities disproportionality impacted by large sources of industrial pollution.
10. Support restored State Parks funding and legislation that facilitates implementation of the recommendations of the Parks Forward Commission and the State Parks Transformation Team.

Transportation

1. Support efforts to reduce requirements and restrictions on the use of street maintenance funding by local agencies.
2. Support efforts to maintain existing or increased funding for transportation programs and projects within the County.
3. Support legislative efforts for Federal transportation reauthorization measures that reflect the needs of Solano cities and the county and project priority in funding streams.
4. Support consideration of an increase or the indexing of the Federal gasoline tax and alternative sources of funding for pavement maintenance.
5. Support legislation and budget action that provides additional and continuing funding for local infrastructure, including local roads, bridges, and transit priorities.
6. Ensure that existing transportation funding sources are retained.

7. Seek to reverse the current diversion of the Off highway vehicle funding so that it returns to local source.
8. Continue to seek funding from Cap and Trade for enhancements to the county's transportation network that reduce greenhouse gas emissions including regionally integrated transit, active transportation, congestion relief, trade corridor improvements, and clean vehicle deployment consistent with the region's sustainable communities strategy - Plan Bay Area.
9. Support or sponsor legislation that provides for the establishment, extension, or increase of a special tax for the purpose of providing funding for local transportation projects, including pavement maintenance, and lowers the threshold for voter approval to 55%.
10. Support legislation and administrative rule making that improves rail and rail car safety for transport of hazardous material including crude oil.
11. Seek funding and maximize opportunities to develop, support, and maintain a robust active regional transportation strategy, with particular attention to transportation and health equity issues.

Other Agency Interests

1. Travis Community Consortium. Support the mission of all military organizations located within the County. Support the 2014-2018 strategy adopted by the Travis Community Consortium. Work with the Governor's Military Council to protect California's interest with the decline in defense spending and the probable realignment of missions and closure of bases. Support Travis AFB moving forward in 2015 with the Public-Private Partnership (P4) process. Work, with the TCC, to ensure a bridge mission is in place at Travis to neutralize the impact to the retirement of the KC-10. Advocate for new missions and operations at Travis.
2. Solano Transportation Authority. Support the 2015 legislative state priorities and programs as outlined and adopted by the Solano Transportation Authority.

AGENDA ITEM
CITY COUNCIL MEETING DATE - DECEMBER 15, 2015
CONSENT CALENDAR

DATE : November 30, 2015

TO : City Manager

FROM : Community Development Director

SUBJECT : **APPROVAL OF AMENDMENTS TO THREE CONTRACTS (ONE CONTRACT FOR 4LEAF, INC., AND TWO CONTRACTS FOR BUREAU VERITAS) FOR CONTINUED STAFF AUGMENTATION AND PLAN CHECK SERVICES FOR THE COMMUNITY DEVELOPMENT DEPARTMENT, AND A BUDGET AMENDMENT FOR \$112,300 TO BE FUNDED BY GENERAL FUND RESERVES**

RECOMMENDATION:

Adopt a resolution approving an amendment to the contract with 4LEAF, Inc. for \$63,360, adopt a resolution approving an amendment to the staffing services contract with Bureau Veritas for \$84,100, and adopt a resolution approving an amendment with Bureau Veritas to extend the term of the plan check services contract to June 30, 2015; and authorize the City Manager to execute the contract amendments on behalf of the City. As part of the Bureau Veritas resolutions, staff recommends a Community Development Department budget amendment of \$112,300 to be funded through General Fund reserves. This amount is expected to be off-set by increased building division revenues.

EXECUTIVE SUMMARY:

The three amendments to contracts with 4Leaf, Inc. and Bureau Veritas will provide for continuing the Contract Building Official, Building Inspector and Plan Check Services through June, 2016. A portion of the amended agreements requires a Community Development Department budget amendment of \$112,300, to be funded by General Fund reserves, which staff believes will be off-set by increased building division revenues. The consultants have the expertise necessary to fill this role on an interim basis. The City does not have the capacity to perform this work in-house. The contract amendments are necessary to address increased building division activity.

BUDGET INFORMATION:

Building permit activity has increased 5% from this quarter last year and based upon current Building Division revenue projections for FY 2015-2016, the Building Division is on target to generate revenues, which will off-set the amount staff is requesting from General Fund reserves.

Both consultants have existing contracts with the City. The existing contract amounts, requested augments for FY 2015-2016 and total new not-to-exceed agreement amounts are listed below.

Consultant	Current Agreement Amount	Additional Funding Amount	Total New Not-to Exceed Request
4LEAF	\$104,999	\$63,360	\$168,359
Bureau Veritas (staffing)	\$75,000	\$84,100	\$159,100
Bureau Veritas (Plan Check)	\$100,000	-0-*	\$100,000

*The amendment for the Plan Check contract is an extension of the term of the contract.

The Department has partial funding for these contracts, but there is a shortfall of \$112,300, which staff is requesting be funded from General Fund reserves. Staff anticipates this cost will be off-set by building division revenues.

The amounts for the 4Leaf amendment and the Bureau Veritas amendments is proposed to be split among the following funds at the amounts shown:

4Leaf, Inc.

\$63,360 Full-time salary savings, Account No. 010-4205-8001

Bureau Veritas (Staffing)

\$11,800 Full-time salary savings, Account No. 010-4205-8001

\$72,300 General Fund reserves transferred to Professional/Technical Services, Account No. 010-4205-8106

Bureau Veritas (Plan Check)

\$40,000 General Fund reserves transferred to Professional/Technical Services, Account No. 010-4205-8106

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 Building Division is experiencing a 5% increase in building permit activity this quarter over last year. We continue to rely on contract staff to complete daily

building inspections, plan check and building official duties, as well as streamlining the plan check review process, ensuring consistency and safeguarding legal compliance for the division. The contract Building Official has implemented a revised building permit application process, resulting in faster plan check times, more accurate fee collection and a more efficient permitting process overall.

The City has relied on contract employees to assist the Building Division for approximately 10 years, including both 4LEAF, Inc. and Bureau Veritas. Prior to the retirement of the full-time Chief Building Official in 2012, and the retirement of the Building Inspector in May 2015, these services consisted of occasional on-call plan review and inspection services when workload was unusually high, during staff absences, or for specialized types of construction (such as at the Valero refinery). As building permit activity increases, the need for staffing to continue to provide excellent service to the community increases as well. While staff continues to recruit to backfill the Building Inspector position, vacated in May of this year, additional contract assistance is required to address both the vacant position and the increase in building permit activity.

Conclusion

As building activity increases, staff is evaluating the level of contract assistance required in the Building Division. Cutbacks during the recession have put us in a position where we do not have enough permanent staff to perform the necessary day to day work.

The amendments to these three agreements in conjunction with the budget augment will ensure the continued efficiency and improved customer service while we recruit for the Building Inspector position and evaluate the potential benefits of the continued contract Building Official versus the possibility of unfreezing the permanent position. Staff anticipates bringing additional information before the Council for discussion early next year.

Attachments:

- Proposed Resolutions
- 4LEAF Contract and Proposed Amendment
- Bureau Veritas Contract and Proposed Amendments

RESOLUTION NO. 15-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING A CONTRACT AMENDMENT WITH 4LEAF, INC. IN THE AMOUNT OF \$130,300 TO THE EXISTING CONTRACT AMOUNT OF \$104,999, FOR A TOTAL NOT-TO-EXCEED AMOUNT OF \$235,299 FOR FISCAL YEAR 15/16, FOR CONTRACT STAFFING, 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 contract staffing, architectural, structural, energy and accessibility plan review services as assigned by the Community Development Director; and

WHEREAS, 4LEAF, Inc. has demonstrated the expertise necessary to provide the required professional services for the division.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Benicia approves the contract amendment in the amount of \$63,360 to the existing contract amount of \$104,999, for a total not-to-exceed amount of \$168,359 for Fiscal Year 15/16 with 4Leaf, Inc. 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 Council of the City of Benicia at a regular meeting of said Council held on the 15th day of December, 2015 and adopted by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk

Date

RESOLUTION NO. 15-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING A CONTRACT AMENDMENT OF \$84,100, FOR A TOTAL NOT-TO-EXCEED AMOUNT OF \$159,100 FOR FISCAL YEAR 2015-2016, WITH BUREAU VERITAS FOR BUILDING INSPECTION AND PLAN REVIEW SERVICES, AND AMENDING THE BENICIA BUDGET IN THE AMOUNT OF \$72,300 TO BE FUNDED BY GENERAL FUND RESERVES, 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; and

WHEREAS, the Benicia budget is amended in the amount of \$72,300 to be funded by General Fund reserves, and that amount transferred to Professional/Technical Services, Account No. 010-4205-8106.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Benicia approves the contract amendment of \$84,100, for a total not-to-exceed amount of \$159,100 for Fiscal Year 2015-2016, 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 Council of the City of Benicia at a regular meeting of said Council held on the 15th day of December, 2015 and adopted by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk

Date

RESOLUTION NO. 15-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING A CONTRACT AMENDMENT TO EXTEND THE TERM OF THE CONTRACT THROUGH JUNE 30, 2016 FOR A TOTAL NOT-TO-EXCEED AMOUNT OF \$100,000 FOR FISCAL YEAR 2015-2016, WITH BUREAU VERITAS FOR PLAN REVIEW SERVICES FOR THE VALERO REFINERY ANNUAL PERMIT, AND AMENDING THE BENICIA BUDGET IN THE AMOUNT OF \$40,000 TO BE FUNDED BY GENERAL FUND RESERVES, 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; and

WHEREAS, the Benicia budget is amended in the amount of \$40,000 to be funded by General Fund reserves, and that amount transferred to Professional/Technical Services, Account No. 010-4205-8106.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Benicia approves the contract amendment to extend the term of the contract June 30, 2016 for a total not-to-exceed amount of \$100,000 for Fiscal Year 2015-2016, 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 Council of the City of Benicia at a regular meeting of said Council held on the 15th day of December, 2015 and adopted by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk

Date

CONSULTANT AGREEMENT

This agreement ("Agreement") entered into March 28th, 2015, is between the City of Benicia, a municipal corporation (hereinafter "CITY"), and 4Leaf, Inc. a corporation with its primary office located at 2110 Rheem Drive, Suite A, Pleasanton, CA 94588 (hereinafter "CONSULTANT") (collectively, "the Parties").

RECITALS

WHEREAS, CITY has determined it is necessary and desirable to secure certain professional services for building official and plan check services. The scope of work for said service (hereinafter "Project") is attached hereto as Exhibit A. The "Estimated Fee Summary" is attached hereto as Exhibit B. Both Exhibits are hereby incorporated by reference; and

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

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

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

AGREEMENT

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

2. SCOPE OF SERVICE.

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

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

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

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

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

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

3. COMPENSATION.

(a) Schedule of Payment. The compensation to be paid by CITY to CONSULTANT for the services rendered hereunder shall be on a time and materials basis based upon the rate schedule in Exhibit A attached hereto and hereby incorporated by reference. The rate schedule in Exhibit A itemizes those standard and expected expenses for which CONSULTANT shall receive compensation. If CONSULTANT obtains CITY'S prior written approval from City Engineer CONSULTANT may be reimbursed for extraordinary costs incurred on the Project. The maximum amount of compensation shall be \$49,999 per fiscal year.

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

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

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

all right to compensation for such work or services.

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

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

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

5. TERM OF AGREEMENT. This Agreement shall be effective immediately upon the signatures of both Parties and shall remain in effect until completed, amended pursuant to Section 7, or terminated pursuant to Section 6.

6. TERMINATION:

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

(b) If CITY issues a notice of termination,

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

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

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

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

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

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

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

11. NOTICE. Any notices or other communications to be given to either party pursuant to this Agreement shall be in writing and delivered personally or by certified U.S. mail, postage prepaid, addressed to the party at the address set forth below. Either party may change its

address for notices by complying with the notice procedures in this Section. Notice so mailed shall be deemed delivered three (3) business days after deposit in the U.S. mail. Nothing shall preclude the giving of notice by facsimile machine provided, however, that notice by facsimile machine shall be followed by notice deposited in the U.S. mail as discussed above.

If to CITY: Christina Ratcliffe, Director
Community Development Department
City of Benicia
250 East L Street
Benicia, CA 94510

If to CONSULTANT: Craig Tole
Director of Development Services
2110 Rheem Drive, Suite A
Pleasanton, CA 94588

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

13. EMPLOYEES; ASSIGNMENT; SUBCONTRACTING.

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

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

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

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

15. WAIVER.

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

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

16. NONDISCRIMINATION.

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

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

17. INDEMNITY. CONSULTANT specifically agrees to indemnify, defend, and hold harmless CITY, its officers, agents, and employees from and against any and all actions, claims, demands, losses, expenses including attorneys' fees, damages, and liabilities resulting from injury or death of a person or injury to property, arising out of or in any way connected with the performance of this Agreement, however caused, regardless of any negligence of the CITY, whether active or passive, excepting only such injury or death as may be caused by the sole negligence or willful misconduct of the CITY. The CONSULTANT shall pay all costs that may be incurred by CITY in enforcing this indemnity, including reasonable attorneys' fees.

18. INSURANCE.

(a) Required Coverage. Without limiting CONSULTANT indemnification provided hereunder, CONSULTANT, at its sole cost and expense, shall obtain and maintain in full force and effect throughout the entire term of this Agreement the following described insurance

coverage. This coverage shall insure not only CONSULTANT, but also, with the exception of workers' compensation and employer's liability insurance, shall name as additional insured the CITY, its officers, agents, employees, and volunteers, and each of them:

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

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

The CONSULTANT shall require all Subconsultants similarly to provide workers' compensation insurance as required by the Labor Code of the State of California for all of the subconsultant's employees. All workers' compensation policies shall be endorsed with the provision that it will not be cancelled without first giving thirty (30) days prior notice to the CITY. CONSULTANT further agrees that it will comply with such provisions before commencing the performance of the work under this Agreement.

(c) General Liability Insurance. Including bodily injury and property damage insurance for all activities of the CONSULTANT and its subconsultants arising out of or in connection with this contract, written on a comprehensive general liability form including, but

not limited to, Broad Form Property Damage, blanket contractual, completed operations, vehicle coverage, products liability and employers non-ownership liability coverage in an amount no less than \$1 million dollars combined, single limit personal injury and property damage for each occurrence, with a general annual aggregate of not less \$2 million. The completed operations and product liability insurance shall continue for not less than 365 days or for the full period allowed by law following acceptance of the work by CITY and shall be maintained for a minimum of five (5) years. In the event CONSULTANT fails to obtain or maintain completed operations coverage as required by this contract, the CITY may at its sole discretion purchase such coverage and the cost shall be paid by the CONSULTANT.

(d) Additional Insured. The City of Benicia is named as an additional insured for all liability arising out of the operations by or on behalf of the named insured, and this policy protects the additional insured, its officers, agents and employees against liability for personal and bodily injuries, deaths or property damage or destruction arising in any respect, directly or indirectly, in the performance of the contract.

(i) Each such policy shall be endorsed with the following language:
The City, its elected or appointed officers, officials, employees and volunteers are included as insured with regard to damages and defense of claims arising from: (a) activities performed by or on behalf of the Named Insured, including the insured's general supervision of the Named Insured, (b) products and completed operations of the Named Insured, or (c) premises owned, leased or used by the Named Insured.

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

(iii) The inclusion of more than one insured shall not operate to impair the rights of one insured against another insured, and the coverages afforded shall apply as though separate policies had been issued to each insured.

(iv) The Additional Insured coverage under the CONSULTANT's policy shall be primary and non-contributory and will not seek contribution from the CITY's insurance or self-insurance and shall be at least as broad as CG 20 01 04 13.

(v) The coverage provided by this policy shall not be cancelled without thirty (30) days prior written notice given to the CITY.

(e) Subconsultants. CONSULTANT agrees to include with all subconsultants in the subcontract the same requirements and provisions of this contract including the indemnity and insurance requirements to the extent they apply to the scope of the subconsultant's work.

Subconsultants hired by the CONSULTANT agree to be bound to CONSULTANT and the CITY in the same manner and to the same extent as CONSULTANT is bound to the CITY under the Contract Documents. Subconsultant further agrees to include these same provisions with any subconsultant. A copy of the City's Contract Document indemnity and insurance provisions will be furnished to the Subconsultant upon request. The CONSULTANT shall require all subconsultants to provide a valid certificate of insurance and the required endorsements included in the agreement prior to the commencement of any work and will provide proof of compliance to the CITY.

(f) Acceptability of Insurers. CONSULTANT shall obtain insurance acceptable to the CITY in a company or companies admitted in California and with a Best rating of no less than A VII or as acceptable to the CITY. The endorsements, naming the CITY as an additional insured, are to be signed by a person authorized by CONSULTANT'S insurer to bind coverage on its behalf. The required documentation of such insurance shall be furnished to the CITY at the time CONSULTANT returns the executed contract. The proper insurance shall be provided within ten (10) days of the date of mailing of the notice that the contract has been awarded and prior to the CITY executing the contract and issuing a notice to proceed. The CONSULTANT shall not commence work nor shall s/he allow her/his employees or subconsultant or anyone to commence work until all insurance required hereunder has been submitted and approved and a notice to proceed has been issued.

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

(g) Deductibles and Self-Insured Retentions. Any deductibles or self-insured retentions must be declared to and approved by CITY. All self-insured retentions (SIR) must be disclosed to the City's Risk Management for approval and shall not reduce the limits of liability. Policies containing any self-insured (SIR) provision shall provide or be endorsed to provide that the SIR may be satisfied by either the named insured or the CITY. The CITY reserves the right to obtain a full certified copy of any insurance policy and endorsements. Failure to exercise this right shall not constitute a waiver of the right to exercise later. Any deductible or self-insured retentions must be declared to and approved by CITY. At the option of CITY, insurer shall reduce or eliminate such deductible or self-insured retention as respects CITY, its officers and employees or CONSULTANT shall procure a bond guaranteeing payment of losses and related investigation, claims, administration and defense expenses.

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

20. CONFLICT OF INTEREST. CONSULTANT shall exercise reasonable care and diligence to prevent any actions or conditions which could result in a conflict with CITY'S interest. During the term of this Agreement, CONSULTANT shall not accept any employment or engage in any consulting work which creates a conflict of interest with CITY or in any way compromises the services to be performed under this Agreement. CONSULTANT shall immediately notify CITY of any and all violations of this Section upon becoming aware of such violation.

21. TIME OF THE ESSENCE. CONSULTANT understands and agrees that time is of the essence in the completion of the work and services described in Section 2.

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

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

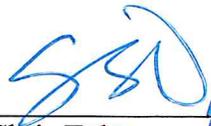
24. COSTS AND ATTORNEYS' FEES. If either party commences any legal action against the other party arising out of this Agreement or the performance thereof, the prevailing party in such action may recover its reasonable litigation expenses, including court costs, expert witness fees, discovery expenses,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

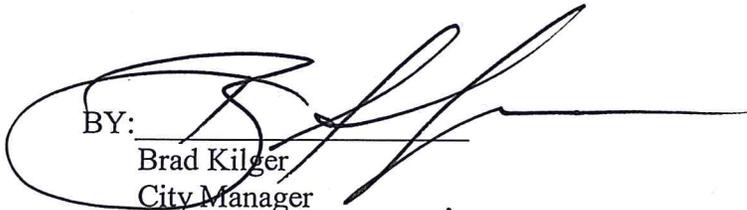
25. INTEGRATION. This Agreement represents the entire understanding of CITY and CONSULTANT as to those matters contained herein and supersedes all prior negotiations, representations, or agreements, both written and oral. This Agreement may not be modified or altered except in accordance with Section 7.

Executed by CITY and CONSULTANT on the date shown below their respective signatures.
The effective date of this Agreement shall be the date of execution by the CITY.

CONSULTANT NAME

CITY OF BENICIA

BY: 
Chris Tote
KEVIN DUGGAN

BY: 
Brad Kilger
City Manager

DATED: 4/30/15

DATED: 4/28/15

RECOMMENDED FOR APPROVAL


Christina Ratcliffe
Community Development Director

APPROVED AS TO FORM

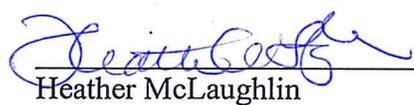

Heather McLaughlin
City Attorney

EXHIBIT A SCOPE OF SERVICES

Consultant has 3 key tasks:

1. Provide Certified Building Official on an as-needed basis.
2. Provide Building Plan Review as-needed
3. Provide On-Call Building Department staffing including building inspectors, permit technicians, on-site plans examiners/engineers, code enforcement personnel, etc. on an as-needed basis.

1. Building Official Services

- 4LEAF will provide a Certified Building Official. The assigned Building Official will have the following duties:
 - A. Develops, coordinates, and maintains the overall building inspection and plan check programs for the City ensuring compliance with all applicable codes, ordinances, and regulations.
 - B. Supervises and directs employees involved in the operation of the division; selects, trains, and evaluates subordinate employees
 - C. Provides technical training and direction to program managers and other employees involved in the operation of the division; prepares and implements efficient counter procedures in plan check and inspection activities.
 - D. Interprets building, housing, state-mandated, and other applicable codes adopted or enforced by the City related to the construction and life-safety of buildings and occupants.
 - E. Ensures buildings are constructed in accordance with approved plans and in accordance of applicable codes, regulations, and ordinances.
 - F. Meets with engineers, architects, contractors, business community, property owners, and the public to discuss and interpret codes, ordinances, and division policies.
 - G. Performs plan checking, site inspections, and issues Certificate of Occupancy, as necessary.
 - H. Provides technical assistance in the investigation of complaints related to building and other related matters.
 - I. Coordinates and supervises damage assessment teams and operations; inspects and collects field data; reports findings in time of disaster.
 - J. Represents the City at professional and technical meetings; provides comments and analysis concerning new and revised codes and standards.
 - K. Coordinates the preparation, training, and implementation of the adoption of new and/or revised codes, standards, ordinances, or other regulations applicable to the building, fire prevention, and code enforcement activities of the division.
 - L. Performs other work as assigned by the Director or Deputy Director.

**EXHIBIT A
SCOPE OF SERVICES**

2. Plan Review Services

- The Consultant (4LEAF) shall review all plans and supporting documents submitted for projects for which a Building Permit is requested. If, after the initial review the documents are found to be in substantial compliance with the State Building Codes and local ordinances, the plans and documents shall be stamped as reviewed and acceptable for construction. If corrections are found to be needed a report shall be prepared by the Consultant specifying the needed corrections and transmitted to the applicant. When plans and supporting documents are deemed acceptable for permit issuance, the applicant shall deliver the Building Permit application and all supporting documents to the Consultant (or City Office) for permit processing.
- City shall collect direct from the applicant costs for plan review at time of submittal of plans and documents. Building permit fees shall be paid prior to issuance of the Building Permit. City shall mark/stamp permits PAID upon receipt of funds by applicant.
- Plan Reviews will be subject to the following turn-around times (Turn-Around Times may vary with the complexity and magnitude of the projects):
 - Residential.....Up to 10 Days
 - Multi-Family.....Up to 10 Days
 - Commercial.....Up to 10 Days
 - Industrial.....Up to 10 Days

Plan Review is generally performed at the Consultant's corporate headquarters in Pleasanton, CA and an employed courier is available at all times for pick-up and delivery for plan review services. If for any reason site technical support is required, Consultant is capable of complying on an as-needed basis for all aspects of this support.

3. Provide On-Call Building Department Support Staff (As-needed)

- 4LEAF will provide building department support staff to include building inspectors, permit technicians, on-site plans examiners/engineers, off-site plan review, code enforcement personnel, etc. on an on-call basis for the City of Benicia.
- 4LEAF will provide interim staff within one business day and full-time staff within two business days. 4LEAF will provide staff from their database of qualified personnel. For requests made with less than 24 hours notice, 4LEAF will make every effort possible to secure suitable candidates.
- These positions vary from full-time staff, idle staff (temporarily in-between assignments, and pre-qualified staff which include personnel who are available subject to client demand.

EXHIBIT A
SCOPE OF SERVICES

- All on-call requests should be made directly to 4LEAF management. 4LEAF's recruiting manager, will handle the placement of all 4LEAF staff. 4LEAF's designated manager is:

Craig Tole
4LEAF, Inc.
2110 Rheem Drive
Pleasanton, CA 94588

(925) 462-5959 – Office
(925) 462-5958 – Fax
(925) 580-4055 – Cell
ctole@4leafinc.com



CERTIFICATE OF LIABILITY INSURANCE

4LEAF-1

OP ID: P3

DATE (MM/DD/YYYY)

04/27/2015

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Granite Insurance & E-COMP 6600 Koll Center Parkway #100 Pleasanton, CA 94566 Renee Rice		CONTACT NAME: Renee Rice PHONE (A/C, No, Ext): 925-462-8400 FAX (A/C, No): 925-462-8888 E-MAIL ADDRESS: rrice@graniteins.com															
INSURED 4LEAF, Inc. 2110 Rheem Drive, Ste. A Pleasanton, CA 94588		<table border="1"> <thead> <tr> <th>INSURER(S) AFFORDING COVERAGE</th> <th>NAIC #</th> </tr> </thead> <tbody> <tr> <td>INSURER A : Travelers Indemnity Co of Conn</td> <td>004003</td> </tr> <tr> <td>INSURER B : American Fire & Casualty</td> <td>000128</td> </tr> <tr> <td>INSURER C : State Compensation Ins. Fund</td> <td>004028</td> </tr> <tr> <td>INSURER D : National Union Fire Ins. Co PA</td> <td>002351</td> </tr> <tr> <td>INSURER E : Alterra Excess & Surplus Ins C</td> <td>003677</td> </tr> <tr> <td>INSURER F :</td> <td></td> </tr> </tbody> </table>		INSURER(S) AFFORDING COVERAGE	NAIC #	INSURER A : Travelers Indemnity Co of Conn	004003	INSURER B : American Fire & Casualty	000128	INSURER C : State Compensation Ins. Fund	004028	INSURER D : National Union Fire Ins. Co PA	002351	INSURER E : Alterra Excess & Surplus Ins C	003677	INSURER F :	
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INSURER F :																	

COVERAGES**CERTIFICATE NUMBER:****REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:			6808C544948	04/09/2015	04/09/2016	EACH OCCURRENCE \$ 2,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 2,000,000 GENERAL AGGREGATE \$ 4,000,000 PRODUCTS - COMP/OP AGG \$ 4,000,000
B	<input checked="" type="checkbox"/> AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS			BAA(16)56458228	04/09/2015	04/09/2016	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
D	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> EXCESS LIAB <input type="checkbox"/> RETENTION \$			EBU024548241	04/09/2015	04/09/2016	<input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS-MADE EACH OCCURRENCE \$ 3,000,000 AGGREGATE \$
C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below Y/N <input type="checkbox"/> N/A			9009868-15	04/09/2015	04/09/2016	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000
E	Professional Liability			MAX7PL0001704	04/11/2015	04/11/2016	Limit 2,000,000 Retention 50,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDER**CANCELLATION**

CIOFBE1 City of Benicia Attn.: Christina Ratcliffe Community Development Dept. 250 East L Street Benicia, CA 94510	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE 
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VII.F.26

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AMENDMENT TO AGREEMENT

This Amendment of the Agreement, entered into this ____ day of _____, 2015, by and between the City of Benicia, a municipal corporation ("CITY") and 4Leaf, Inc., a corporation with its primary office located at 2110 Rheem Drive, Suite A, Pleasanton, CA 94588, ("CONSULTANT"), is made with reference to the following:

RECITALS:

A. On April 30, 2015, an agreement was entered into by and between CITY and 4Leaf, Inc. ("Agreement"). An amendment was executed on September 15, 2015.

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. Paragraph 3A of the Agreement is modified to read as follows:

An additional \$63,360 is added to the existing contract amount of \$104,999, for a total not-to-exceed amount of \$168,359 for Fiscal Year 15/16.

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.

4Leaf, Inc.

City of Benicia, A Municipal Corporation

By _____
Kevin Duggan
President

By _____
Brad Kilger
City Manager

RECOMMENDED FOR APPROVAL:

Christina Ratcliffe, AICP
Department Head

APPROVED AS TO FORM:

City Attorney

Amendment to Agreement

This Amendment of the Agreement, entered into this 15th day May 2013, 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 February 25, 2009, an agreement was entered into by and between CITY and Bureau Veritas ("Agreement").
- B. CITY and CONSULTANT desire to modify the Agreement on the terms and conditions set forth herein.
- C. CONSULTANT shall perform inspection and plan review services for Valero Refinery's annual permit inspections as assigned by the Building Official.

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

- 1. Section 3(a) of the Agreement is modified to read as follows: The compensation to be paid by CITY to CONSULTANT for the services rendered hereunder shall be on a time and materials basis based upon the rate schedule in Exhibit B attached hereto and hereby incorporated by reference. The rate schedule in Exhibit B itemizes those standard and expected expenses for which CONSULTANT shall receive compensation. The total not-to-exceed amount is \$100,000.
- 2. Section 5 of the Agreement is modified to read as follows: This Agreement shall be effective immediately upon the signatures of both Parties and shall remain in effect until December 31, 2014, amended pursuant to Section 7, or terminated pursuant to Section 6.
- 3. Except as expressly modified herein, all other terms and covenants set forth in the Agreement shall remain the same and shall be in full force and effect.

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

Bureau Veritas

By [Signature]
Patrick R. Field, Director of Operations

City of Benicia, A Municipal Corporation

By [Signature]
Brad Kilger, City Manager

RECOMMENDED FOR APPROVAL:

[Signature]
Department Head

APPROVED AS TO FORM:

[Signature]
City Attorney

ORIGINAL

VII.F.30

EXHIBIT B

Building Plan Review Fees

Bureau Veritas proposes to provide the services of an inspector, and plan review engineers on a time and materials basis to meet the needs of the project. We acknowledge the RFP states that at the beginning of the project, the Building Official will provide an estimate of the cost of the report based on the fees collected for the year. The estimate (which averages \$20,000/year over the past 3 years) will become the NTE fee. The proposed rates are as follows:

Personnel Charges – Plan Review Services

<u>Personnel Description</u>	<u>Hourly Billing Rate</u>
Principal	\$165
Project Manager	\$150
Mechanical Engineer	\$125
Structural Plan Review Engineer	\$135
Electrical Plan Review Engineer	\$125
Senior Inspector	\$ 85
Document Control	\$ 60
Administration	\$ 60
BVnet Admin	\$ 60

These rates are effective from January 1, 2013 through December 31, 2014. Overtime will be charged at 1.50% of the standard hourly rates. No overtime will be charged without prior authorization by client.

Reimbursable Expenses

Reimbursable expenses shall include, but will not be limited to the following:

Travel (for client requested meetings)	No Charge
Mileage	Current IRS Rate
Domestic Travel Per Diem	\$45/day + Lodging
Outside Consultants	Cost +10%
Other Direct Project Expenses	Cost +10% including:

- Public transportation, charter, or rental
- Printing, graphics, photography, and reproduction
- Rental or purchase of special equipment and materials
- Long distance telephone and special shipping

Communication Fee

Three percent (3%) project labor, which includes telecommunications, faxes, standard U.S. mail, mobile phones, and internet access and hardware.

Direct Expenses

Reimbursement for direct expenses, as listed below, incurred in connection with the work, will be at cost plus ten percent (10%) for such items such as:

- Maps, photographs, reproductions, printing, equipment rental and special supplies related to the work.
- Consultants, soils engineers, surveyors, contractors, and other outside services.
- Rented vehicles, local public transportation and taxis, travel and subsistence..
- Specific telecommunications and delivery charges.
- Special fees, insurance, permits, and licenses applicable to the work.
- Outside computer processing, computation, and proprietary programs purchased for the work.
- Counter Services

AMENDMENT TO AGREEMENT

This Amendment of the Agreement, entered into this ___ day of December 2015, 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 February 25, 2009, an agreement was entered into by and between CITY and Bureau Veritas (“Agreement”) with amendments on May 15, 2013.
- 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. Paragraph 5 of the Agreement is modified to read as follows: Term of the Agreement. This Agreement shall be effective immediately upon the signatures of both Parties and shall remain in effect until **June 30, 2016**, unless amended pursuant to Section 7, or terminated pursuant to Section 6.
- 2. Except as expressly modified herein, all other terms and covenant 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:

Christina Ratcliffe, Department Head

APPROVED AS TO FORM:

Heather McLaughlin, City Attorney

AMENDMENT TO AGREEMENT

This Amendment of the Agreement, entered into this _ day of December, 2015, 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 addendums on January 26, 2012, October 4, 2012, July 18, 2013, March 3, 2015 and June 15, 2015.

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 February 11, 2015) replaces the previous exhibit (dated June 11, 2013) 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 \$159,100 for fiscal year 2015-2016 at the rates set forth in Exhibit A.
3. Except as expressly modified herein, all other terms and covenants set forth in the Agreement shall remain the same and shall be in full force and effect.

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

Bureau Veritas

City of Benicia,
A Municipal Corporation

By _____

By _____ Date: _____
Brad Kilger, City Manager

APPROVED AS TO FORM:

Heather McLaughlin, City Attorney

AGENDA ITEM
CITY COUNCIL MEETING DATE - DECEMBER 15, 2015
BUSINESS ITEMS

DATE : December 7, 2015
TO : City Council
FROM : Community Development Director
SUBJECT : **WIND ENERGY REQUEST FOR PROPOSALS**

RECOMMENDATION:

Review the City of Benicia Wind Energy Request for Proposals (RFP) and direct the City Manager to issue the RFP and solicit bids.

EXECUTIVE SUMMARY:

At the January 6, 2015 City Council meeting, the Council directed staff to prepare an RFP to request an evaluation of potential wind turbine sites within the City. As directed, this RFP includes community outreach, development of criteria, and explorations of financing options. Staff recommends that Council review the Request for Proposals (RFP) to solicit developer bids for the evaluation and possible development of a wind energy generation project(s), including project siting criteria, and community engagement campaign.

BUDGET INFORMATION:

If Council authorizes the City Manager to issue a Request for Proposals (RFP), additional Staff time will be needed to manage the consultant selection process. This project is already part of the CAP Coordinator's Council approved work plan, but the Community Development Director, Senior Planner, and City Attorney will need to devote additional time to review developer proposals, participate in Community engagement and siting criteria and review any associated agreements between a developer and the City. Staff projects that this would be approximately \$7,693 in staff time.

The project, if approved, could generate \$75,000 (or more) in annual revenue to the City. The RFP states that there shall be no upfront cost to the City for the development of the project, siting criteria, or the community engagement campaign.

ENVIRONMENTAL REVIEW:

An RFP is not a project under CEQA. Any and all required CEQA analysis will be determined if and when a project is submitted to the City. The RFP clearly states that the developer is financially responsible for all environmental analysis of

specific projects.

GENERAL PLAN:

The project supports the overarching Goal of the General Plan, which is Sustainability.

STRATEGIC PLAN:

Relevant Strategic Plan Issues and Strategies:

- Strategic Issue #2: Protecting and Enhancing the Environment
 - Strategy #1: Reduce greenhouse gas emissions and energy consumption
 - Strategy #3: Pursue and adopt sustainable practices

BACKGROUND:

Since 2008, the City Council has expressed interest in evaluating potential wind resources in Benicia and the opportunity to build wind energy generation projects for on-site energy use and to sell to a utility company at a fixed price as part of a power-purchase agreement (PPA). Some studies have already been completed and the City has been approached by developers interested in building a project (see discussion in January 6, 2015 Staff Report, attached).

On January 6, 2015, City Council discussed an RFP that addressed the opportunity to develop a three megawatt (MW) wind energy generation facility on City-owned property at the Water Treatment Plant or a small turbine to offset the remaining energy use at the plant not currently supplied by the existing solar system.

The Council gave direction to staff to develop a revised RFP that included an evaluation of all potential wind generation sites within the City, significant community outreach, funding options, and siting criteria to assist in objectively analyzing potential wind energy generation opportunities in the future. The revised RFP is attached. Below are some key topics that the Council directed staff to address in the revised RFP.

Community Engagement

Actively engaging the community is essential. The developer will be responsible for conducting a pre-screening to identify sites that could be viable sites for future wind generation projects. The developer will then engage the community and staff in developing siting criteria and vetting potential sites.

The RFP clearly states that the developer and/or teaming partners will need to develop a comprehensive community engagement campaign that educates, informs, and empowers the public from day one. In addition, community

engagement for any potential project must include outreach from conception through planning, to approval, and construction. The City will not be financially responsible for this outreach. The developers will include the cost of these services in their financial proposals.

Siting Criteria

Once the screening is complete, and the community engagement begun, the developer, in conjunction with the community and City staff will develop siting criteria. In this way, the City can assess each site against siting criteria to determine what locations are most viable for future wind generation projects. The Environmental Protection Agency's (EPA) RE-Powering Initiative has provided guidance on this criteria and the RFP requests that the developer consider it when proposing criteria for Benicia. Some siting criteria may include:

- System Type
- Electricity Costs
- Energy Demand
- Contaminated Site Considerations, Status, and Readiness
- Policy Considerations (including community support or opposition)
- Federal and State rebates and incentives
- Installation costs
- Visual Impacts
- Environmental Impacts
- Benicia zoning designations and the Benicia Municipal Code

Once the pre-screening process is complete and the siting criteria have been developed and vetted by City Staff, CAP Coordinator team, and the Planning Commission, the developer will be responsible for creating a map that identifies all viable sites in the City.

Environmental Impacts

As Lead Agency, the City is required to conduct environmental review of any application that is a project under CEQA. However, the RFP specifies that the developer will be financially responsible for preparation of all environmental documentation, as well as obtaining all relevant permits from the City, County or other agencies. View, noise, habitat, and bird impacts (among others) will all be assessed during this review.

Cost of Project

Staff time needed to evaluate proposals, participate in community outreach, vet siting criteria and process contracts is estimated at \$7,693. The developer must identify financing options and incentives that make this project financially viable. This may be a combination of utility, state, and federal incentives and tax credits. The City will evaluate all financial options and determine what proposal provides the most benefit to the City. The City may also choose to select none of the proposals and all costs developing the response(s) will be the proposer's.

Conclusion

Issuing a RFP would allow the City an opportunity to continue its implementation of the Climate Action Plan, increase renewable energy on the grid, and generate revenue for the City. An RFP does not commit the City to any particular project, but it does provide developers an opportunity to develop proposals that address the City's desire to increase wind energy generation, meaningfully engage the community in the discussion, and develop criteria to site future projects.

Attachments:

- City of Benicia Wind Energy Request for Proposals (RFP)
- City Council Staff Report, with attachments – January 6, 2015
- Council Minutes

City of Benicia Wind Energy Request for Proposals (RFP)

I. INTRODUCTION

You are invited to review and respond to this Request for Proposals (RFP), entitled **City of Benicia Wind Energy 2015** for location evaluation and the installation and operation of wind energy generation systems under a third party ownership power purchase agreement (PPA) business model. In submitting your response you must comply with all instructions as provided in this RFP.

II. BACKGROUND

The City desires to implement its Climate Action Plan (CAP) and increase the amount of renewable energy generated within City boundaries. In February 2009, a consultant evaluated the feasibility of a project at the Water Treatment Plant (WTP). The 250 kW project was proposed to offset 37% of the plant's energy use. Rather than a wind powered turbine, the City subsequently invested in a photovoltaic (PV) system that supplies approximately 80% of the plant's energy needs. The remaining energy needed to power the plant could be generated by a smaller wind turbine, but the City is uncertain if this project would be financially feasible. Since 2009, another company undertook some initial evaluation of the site and suggested that two 1.5 megawatt (MW) wind turbines were feasible options at the WTP. In January 2015, the City Council directed City Staff to develop an RFP seeking formal bids for wind power generation at the WTP (see attached Site Map) and to evaluate other publicly owned parcels within the City where wind turbines may be feasible.

III. PURPOSE OF THE REQUEST

The City of Benicia owns a 35 acre parcel of land where its WTP is located (100 Water Way, 94510). The parcel is zoned "Public" and the project is subject to the restrictions in Benicia Municipal Code section 17.86 "Wind Energy Conversion Systems." The City understands that the site could accommodate a wind energy generation facility that could generate power that would be sold back to the grid (Feed-in Tariff (FIT) project), participate in the Local Government Renewable Energy Self-Generation Bill Credit Transfer Program (RES-BCT, formerly known as AB 2466), and/or that could generate energy needed to offset the WTP's remaining energy use not supplied by an existing solar system, which provides 318.99 kW of power (SolarWorld, SW 245 panels, 1302 total panels).

The bidder should undertake a detailed assessment of the feasibility of installing a wind energy generation facility at the WTP (see Section VII.2.). This includes the ability of the bidder to finance, design, engineer, construct, install, operate, and maintain the system. The bidder should also discuss three options:

1. Participating in either Pacific Gas & Electric Company (PG&E) or Marin Clean Energy (MCE) Feed-in Tariff programs or
2. Developing a smaller scale wind turbine that would supply enough power to satisfy the remaining energy demand at the WTP. (See Attachment A for annual generation and energy use at the WTP) and/or

3. Participating in PG&E's RES-BCT; note that to participate in this program, the City would have to opt out of MCE and return to PG&E for electricity service. The City is most interested in whether power generated at the WTP could be credited to the Wastewater Treatment Plant's bill, reducing the City's overall energycosts.

The bidder must explain how a new Net Energy Metering (NEM) agreement for wind generation would impact the existing solar NEM agreement. The bidder must also discuss the proposed license agreement terms for the use of the site, the annual license payment to City and the options at termination including plans for decommissioning if applicable.

Additionally, the City wishes to actively engage the public in the process. The bidder must submit a comprehensive public outreach plan. Bidders are reminded that they will be responsible for all costs related to and necessary for the implementation and maintenance of the wind system for the term of the agreement. The City also desires to understand the value of all environmental attributes and Renewable Energy Credits (REC's), e.g. whether the City can take credit for those attributes and the estimated greenhouse gas (GHG) reductions in CO₂e.

Finally, the City also understands that there may be additional public and private sites that may be suitable for future wind energy development. The bidder should conduct a pre-screening¹, for all public and private sites and identify criteria (sample listed below) for future individual site screening and financial screening of future proposed projects.

It should be understood by all bidders that the City is under no obligation to award a contract to construct a wind turbine facility. This RFP is solely for a feasibility assessment, proposal to construct a turbine facility, and community engagement.

IV. SCOPE OF SERVICES

Below is a list of key tasks that should be completed as part of the Scope of Work. The bidder is asked to define the approach and methodology to achieve the objectives presented in this RFP. The bidder should include a detailed description of how all project tasks will be completed (including any tools/third party contractors that will be utilized), and also any changes, additions, or recommendations proposed to the Scope of Work.

The bidder is notified that the Council may choose not to move forward with the project.

However, if a contract is awarded to construct the turbine(s), the bidder must demonstrate that it can carry out the responsibilities listed below.

V. BIDDER RESPONSIBILITIES

1. Determine technical and economic feasibility of proposed project
2. Execute the wind agreements after project award

¹ Pre-screening criteria is taken from the Environmental Protection Agency's (EPA) Solar and Wind Site Screening Decision Trees available at <http://www2.epa.gov/re-powering/re-powering-mapping-and-screening-tools#tab-3>.

3. Finance the system installation
4. Design the installation for site-specific conditions and provide complete information and documentation to facilitate reviews and construction inspections.
5. Apply for and secure any and all environmental documentation and permits and City permits as necessary and/or required.
6. Construct and install system equipment in compliance with approved plans, specifications, and applicable California Building Codes and regulations, as well as any City requirements.
7. Apply for incentives and interconnection as per utility or incentive program requirements.
8. Install system metering and interconnection to utility grid as per requirements.
9. Own, maintain, and operate the system for the term of the wind agreements.
10. Be familiar with, and knowledgeable of, all requirements of the wind agreements, and adhere to these requirements.
11. Develop criteria to streamline the future selection of additional public and private sites for wind energy generation. Create map with potential sites identified.

VI. DELIVERABLES.

Three (3) double-sided copies of the complete proposal and one (1) electronic copy on a USB drive shall be provided to the City.

VII. PROPOSAL FORMAT APPROACH.

A description of the bidder's proposed approach to completing tasks outlined below (maximum of 8 pages).

1. Opportunity for Wind Development – Identify additional public and private sites for future wind energy development; the developer must conduct a pre-screening of all parcels within City limits and the City's Sphere of Influence by evaluating the following:
 - Wind Resource
 - Available Area
 - Distance to Existing Infrastructure, e.g. transformer or distribution lines
 - Site Topography
 - Redevelopment Priorities & Land Use Exclusions
 - Potential community support or opposition

Additionally, the selected bidder will be responsible for developing criteria that the City can use to conduct site and financial screenings at locations that are considered "viable" after the pre-screening phase. The Environmental Protection Agency's (EPA) RE-Powering Initiative has provided guidance on this criterion and the following factors should be considered:

- Owner interest
- System Type
- Electricity Costs
- Energy Demand
- Contaminated Site Considerations, Status, and Readiness

- Policy Considerations (including community support or opposition)
- Federal and State rebates and incentives
- Installation costs
- Benicia zoning designations and the Benicia Municipal Code

At the conclusion of the pre-screening process, a map must be created that identifies viable sites with a narrative explanation of why these sites are most viable with proposed next steps and timeline.

2. Opportunity for Wind Development – WTP

The bidder shall also describe the opportunity for wind energy generation at the WTP. This includes a description of the proposed technology including manufacturer and model with detailed height, blade span, acoustic levels, and potential shadow impacts and an assessment of current and past solar generation at the WTP and energy demand to determine feasibility of on-site use of wind energy. The bidder should also address the following:

2.1 Energy Production Profile

Hourly forecast of the expected net energy (in kW) provided by the wind energy facility for a typical calendar year. Proposals should also include the source and basis of the wind speed data use in the development of energy projections for the project.

2.2 Acoustic Analysis

Projected acoustic emission characteristics of the wind turbines that will be deployed at the facility. Indicate the magnitude of the turbine noise output at the source of emission (the noise level if the observer were to place his or her ear directly against the turbine nacelle).

2.3 Zoning

The Benicia Municipal Code section 17.86 limits turbines to 100 foot maximum height. If necessary, the bidder will need to indicate its approach to handling this ordinance by requesting a special use permit, variance, or other exception to the code limitation. In addition, according to the code, unless the use permit is granted by the Community Development Director, a public hearing is required. Finally, all property owners within 1,000 feet of the proposed site shall be notified of the public hearing. The bidder should address this requirement as part of its Community Outreach Plan (see #8 below). Finally, the bidder needs to explain how it will conform to Chapter 17.40 - Public and Semi-Public District zoning.

2.4 California Environmental Quality Action (CEQA)

Describe the level of anticipated environmental analysis that will be required under CEQA and contingency plans if the Benicia Planning Commission determines that additional review is necessary. Provide examples of similar projects and environmental review outcomes.

2.5 Photo Simulations

Provide detailed photo simulations of the wind turbine(s) from at least 5 vantage points in the City. Special consideration should be given to views from nearby residential areas including Waters End. The City also has 3D imaging of the Water Treatment available for use in simulations.

2.6 Travis Air Force Base & Solano County Airport Land Use Commission

Travis Air Force Base must review and approve all proposed wind energy projects in Benicia. A bidder has already submitted a possible proposal to install two 1.5 megawatt (MW) wind turbines (360 feet tall) near the WTP to Travis for review of any impacts on planes landing or taking off from the turbines. The bidder received two Federal Aviation Administration (FAA) findings of "No Hazard to Air Navigation" on September 26, 2014 for both turbines (two letters) valid until March 26, 2016. Copies of these letters are available upon request.

Any new or different proposal selected and approved by the City Council would need to be resubmitted to Travis and then presented to the Solano County Air Land Use Commission for a Consistency Determination with existing Airport Land Use Plans, e.g. Travis Air Force Base. It may be possible to extend the existing FAA findings validity date to accommodate a new project schedule; the bidder shall be responsible for coordinating with Travis Air Force Base to resolve this issue.

2.7 Financing

Describe the approach to finance the proposed wind energy generation facility. The City is requesting evaluation of "Feed-in Tariff" (FIT), Net Energy Metering (NEM) and/or Local Government Renewable Energy Self-Generation Bill Credit Transfer Program (RES-BCT) projects. The bidder must also describe the current status of the Federal Investment Tax Credit (ITC) and Production Tax Credit (PTC) and how those incentives will affect the financial viability of the proposed project. Finally, the bidder shall describe any tax depreciation approaches and the value of those approaches to the bidder and to the City.

The City joined Marin Clean Energy (MCE) in November 2014, and so the bidder must evaluate both MCE and PG&E FIT programs.

Finally, the bidder must explain all financing options including power purchase agreement (PPA), lease, City-ownership, or any combination of these as well as any other viable options.

2.8 License Agreement - Term Sheet

The bidder shall include a draft license term sheet as part of its proposal. The term of the wind agreements for the installation of the proposed wind project and purchase of wind energy shall not exceed 20 years from the establishment of the Commercial Operation Date (COD), the date that the bidder notifies the City the system is operational.

The term sheet should also include the City's options after the initial term of the license agreement. For example, option to install new technology or removal of turbines. The bidder should also discuss the means by which the system could be decommissioned, including but not limited to a surety bond, a collateral bond, an escrow account, or any other alternative form of security or other financial assurance. The term sheet should clearly outline the total project costs and projected revenues, including how the bidder arrived at the proposed payment amount to the City for use of its land. If the bidder needs more information to present estimated project costs, the bidder shall provide an estimate utilizing information available and indicate data needed to complete a full cost-analysis.

2.9 Local Government Renewable Energy Self-Generation Bill Credit Transfer Program (RES-BCT)

The bidder shall assess the possibility of participating in this PG&E program and crediting generation at the WTP to the Wastewater Treatment Plant and any other City facilities. This assessment should include a detailed financial assessment of potential cost savings the City could achieve by enrolling in this program versus other options, e.g. FIT or NEM solar project at the WTP. The bidder should also demonstrate its experience managing the RES-BCT application and interconnection process or other similar experience that makes it well-suited to assist the City if it chooses this option.

3. Community Outreach Plan

Provide outline of a comprehensive public outreach process. Outreach must occur from the time contract is awarded, prior to and after application to the Planning Commission, and if the project is approved, prior to the construction phase. The outline must include the bidders (or subcontractor's) relevant experience with wind energy or renewable energy projects in residential areas and community outreach related to climate action or sustainability action plans and renewable energy planning efforts. The proposal must also demonstrate the ability of the proposer to effectively engage the community in a public decision making process. The outline should indicate if a subcontractor is needed to develop and implement the comprehensive outreach plan and must state clearly the subcontractor's direct experience with wind energy projects or other similar programs and projects. The proposer will also be responsible for creating a "toolkit" for future outreach related to wind energy development so that City Staff can effectively engage the public in future similar projects.

DESCRIPTION OF BIDDER, MANAGEMENT AND TEAM MEMBERS.

A description of the bidder, and a work plan that identifies the personnel to be assigned to each task. The bidder description should clearly identify who will be the project manager and the day-to-day contact person for the job. If the firm/team contemplates any subcontractor for the performance of any contract tasks, please identify those tasks and subcontractors.

BIDDER QUALIFICATIONS.

Provide an outline of the bidder qualifications indicating relevant background experience and capabilities for this work. Include the staff resources devoted to and the status of the projects. See Attachment C for more information on the desired experience.

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 no later than February 1, 2016.

PROPOSED BUDGET.

Indicate the costs and hours for the total project, on a task-by-task basis and on a subconsultant basis, inclusive of reimbursables (office overhead, travel, etc.). Prices quoted must be binding for the term of the Agreement. Bidder shall indicate the cost to develop all proposed projects, cost to conduct pre-screening and develop screening criteria for other available wind energy generation sites, and the cost of community outreach.

REFERENCES, RELATED EXPERIENCE AND EXAMPLES OF WORK.

Provide at least three (3) client references with phone numbers for relevant work that is indicative of the ability to carry out this Project. 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.

VIII. SELECTION PROCESS

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

1. Ability of the Bidder to Meet the Project Requirements.

An assessment of the overall quality of the proposal. Qualities and indicators that will receive consideration include the bidder's performance in converting the Scope of Services into a work plan; the detail and clarity of the discussion as to the bidder's approach to undertaking the project; the bidder'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 Bidder to Carry Out and Manage the Proposed Project.

An assessment of the past experience of the bidder in general. Qualities and indicators that will receive consideration include the number and types of projects the bidder or its employees have completed; the variety of projects completed and a demonstration of

the bidder's ability to undertake this project; the general level of experience in the areas of supervision, observing and monitoring projects; the bidder'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 bidder's direction.

3. Capabilities of the Bidder and/or Team.

Assessment of the capabilities of the bidder 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 bidder and individuals involved; the applicable experience of the proposed assigned staff; and the specific experience gained on similar projects. Please see Attachment C for other qualities and indicators that should be addressed and will be evaluated by the City.

4. Current Workload of the Bidder and/or Team.

An assessment of the ability of each bidder 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 bidder and the assigned staff; the status of existing projects; the past ability of the bidder 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 Bidder 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 bidder'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 (Attachment D). Proposals will be rated based on the exceptions taken to the proposed agreement.

7. Cost of Proposal.

The City expects that the bidder will cover all costs related to the design, construction, operation, and maintenance of the proposed wind energy generation facility. The City's Consulting CAP Coordinator will serve as Project Manager and coordinate all project tasks and support community outreach. The bidder shall estimate additional City Staff time needed to complete this project, e.g. City Attorney, City Planner, and time for public outreach support.

VIX. CONDITIONS OF REQUEST

The City reserves the right to cancel or reject all or a portion or portions of the RFP without notice. Further, the City makes no representations that any agreement will be awarded

to any bidder 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 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.

X. LIABILITY OF COSTS AND RESPONSIBILITY.

The City shall not be liable for any costs incurred in response to this RFP. All costs shall be borne by the person or bidder responding to the request. The person or bidder responding to the request shall hold the City harmless from any and all liability, claim or expense whatsoever incurred or on behalf of that person or bidder. 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 bidder. 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.

XI. PUBLIC NATURE OF PROPOSAL MATERIAL.

Responses to this RFP become the exclusive property of the City. At such times as a formal recommendation to award an agreement to one bidders 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 bidder 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 bidder submits is a trade secret. If a request is made for information marked "Confidential," "Trade Secret," or "Proprietary," the City will provide the bidder who submitted the information with reasonable notice to allow the bidder to seek protection from disclosure by a court of competent jurisdiction.

XII. VALIDITY.

The bidder 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.

XIII. STANDARD AGREEMENT.

A sample agreement has been provided as Attachment D for the bidder's review and comment. If a bidder 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 bidder 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 bidder. 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 bidder 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 bidder.

XIV. PERMITS AND LICENSES.

Bidder, and all of bidder's subcontractors, 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 Business License, which will be required in connection with the performance of services hereunder.

XV. 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 bidder will be provided to all bidders who received this RFP.

XVI. BIDDER'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.

XVII. RESTRICTIONS OR CONDITIONS BASED ON FUNDING OF PROJECT.
INSURANCE.

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

XVIII. REQUIRED DOCUMENTATION

The following documents are not required with your bid proposal, but will be required for the eventual transactions in this program:

1. Site License Agreement (SLA) between City and Bidder
2. Wind Power Purchase Agreement (WPPA) between City and Bidder and Third Party (utility company or community choice aggregator).
3. Design and installation documentation
4. Proof of contractor's liability and workman's compensation insurance
5. Performance bond documentation
6. User's Manual for each wind turbine

The City understands that there are several utility documents that need to be processed in order to install the wind system. These include the following:

1. Incentive application for wind incentives.
2. Interconnection agreements.
3. Incentive agreement and award.

XXIX. OTHER CONSIDERATIONS

California Alternative Energy Incentives Applicability and Limitations

The City assumes that the bidder will take maximum permissible advantage of available incentives for the installation of wind systems, as offered by each utility service entity or any other granting authority. All bidders should seek to take maximum advantage of any other applicable incentives, such as state and federal tax credits and any allowable accelerated depreciation.

Bidders should anticipate that reservation requests or applications for utility incentives related to wind have not been submitted nor secured for any City sites. The City will not be responsible for the payment of any incentive deposits or fees. Bidders should account for the required wind incentive reservation deposit as a part of the project cost.

In the event that the rules and regulations associated with the alternative energy incentives or other relevant incentive program change, as mandated by the California Public Utility Commission (CPUC) and as it relates specifically to any energy efficiency requirements, and if the City's facility is deemed to not be in compliance with any new requirements as such, the City will evaluate the feasibility and timing of complying with these new requirements, and at their sole discretion will decide to either implement the necessary energy efficiency requirements, or terminate the agreements.

Taxes on Wind Power Sales

Bidders are advised that they are responsible for any and all tax obligations associated with the sale of wind power to the City or third party.

California Independent System Operator Queue

The City of Benicia does not have available interconnection capacity via a California Independent System Operator (CAISO) queue position or CAISO Large Generator Interconnection Agreement (LGIA). The bidder is expected to apply for a new queue position.

Federal Investment Tax Credit (ITC) and Production Tax Credit (PTC)

The ITC and PTC are currently expired. Expected to be renewed. Describe how this will impact the project from a financial perspective. (See section VII. 10.)

Tax Advantages

The bidder should discuss any tax advantages it plans to exercise such as the expire Modified Accelerated Cost Recovery System (MACRS) that could impact the overall financial viability of the project. (See section VII. 10.)

XX. AVAILABILITY OF DOCUMENTS

In the interest of reducing waste, all appendices are available online at www.ci.benicia.ca.us. Go to Community Development Department/Planning/Current Projects/WindEnergyDevelopment. To request hard copies of the appendices, email tolson@ci.benicia.ca.us and they will be provided to you.

Attachment A

Water Treatment Complex – 2014 Data

Month	Bill	Usage	Net Usage	Generation	% of use	Relative Cost	Usage*RC	% of Total Cost
July	-\$	48,211.56	-11,723.82	59,935	124.32%	1.00	48099.01	15.45%
August	-\$	47,134.47	-8,858.28	55,993	118.79%	1.01	47477.80	16.38%
September	-\$	45,386.21	-3,434.29	48,821	107.57%	0.98	44449.81	16.34%
October	-\$	46,208.28	8,942.41	37,266	80.65%	0.98	45242.34	18.18%
November	-\$	47,250.18	22,287.69	24,962	52.83%	0.95	44667.35	20.46%
December	-\$	50,734.77	35,486.64	15,248	30.05%	0.95	48095.88	28.54%
January	-\$	49,029.22	25,901.09	23,128	47.17%	0.95	46770.00	31.88%
February	-\$	24,566.88	0.00	24,567	needs data	0.97	23877.64	20.27%
March	-\$	0.00	0.00	0	needs data	0.97	0.00	#DIV/0!
April	-\$	0.00	0.00	0	needs data	0.97	0.00	#DIV/0!
May	-\$	0.00	0.00	0	needs data	1.00	0.00	#DIV/0!
June	-\$	0.00	0.00	0	needs data	0.98	0.00	#DIV/0!
Totals:		-\$			79.46%			19.66%

Attachment B - Finance, Design, and Installation Specifics

The products and services required by this RFP are for the finance, design and installation of a wind system at the City's WTP, and the sale of the power generated by the wind systems to a third party (PG&E or MCE) under a FIT agreement or to the City under a power purchase agreement. The successful bidder shall own, operate and maintain the wind system for the term of the agreement. Bidders must clearly identify in their bid response the member of the team who will retain ownership.

All wind systems will be designed and installed in accordance with all applicable California Building Codes, City requirements, and any other applicable rules or regulations.

The interconnection facility will be designed to meet the interconnection requirements of the serving utility or community choice aggregator. In addition, the facility must comply with the City's Municipal Code; see Section 2.3 Zoning. Bidders must indicate the preferred approach to modifying the City's code or if the bidder plans to apply for a variance, or other approved deviation from the existing code requirements.

Bidders should assume that no pre-feasibility study has been conducted to evaluate the location and conditions of the WTP.

Interested bidders will be responsible for ascertaining relevant site conditions and making their own finding of appropriate wind system installation conditions *prior to submitting a proposal*. The WTP is in an "as-is" state of condition, and bidders should not anticipate the City will make any accommodations or efforts to assist in establishing feasibility of installation of the wind system. Interested bidders are advised that any and all costs associated with the design, installation and construction, operation, and maintenance of the wind system are the responsibility of the Bidder. This includes identification of potential point of interconnection to the PG&E grid.

No Provision For A "Wind Energy Efficiency Bundle"

No bundling of energy efficiency measures will be permitted in this procurement. Bidders should assume that the City has conducted an energy audit in the past three years and has recently installed or will install energy efficiency measures in line with any requirements associated with any applicable California incentive program (for the utility service territories affected by these requirements).

Wind System Specifications

Responses to this RFP must include all processes and equipment needed to produce wind generated electric power suitable for use by the electrical system. The design, construction, and finalized installation shall be completed in accordance with the latest applicable version of the National Electrical Code (NEC), Uniform Building Code (UBC), California Building Code (CBC), International Building Code (IBC), American Society of Civil Engineers (ASCE), American Society of Mechanical Engineers (ASME), American Society for Testing and Materials (ASTM), American National Standards Institute (ANSI), Underwriters Laboratory (UL), Institute of Electrical and Electronics Engineers (IEEE), American Concrete Institute (ACI), California Occupational Safety and Health (Cal-OSHA), all Federal, State, and Local construction and interconnections codes and all other codes required by the SGIP, PGE, and all other incentive and rebate programs. The design of integrating the wind system with other existing on site power sources

(e.g. emergency back-up generation and solar) or building systems will be the responsibility of the Bidder. Final project installation proposals must include all costs to achieve commercial operation. All warranties provided by the wind turbine manufacturers should also be discussed.

Guarantee of Minimum Output Performance

The City has an expectation with regards to the amount of wind energy that will be delivered by each wind system based on awarded projects and as per the executed wind agreements. Each bidder must state a quantity of power (expressed in kWh) they expect to deliver during commercial operations. Moreover, each bidder must be prepared to guarantee a minimum output performance from the wind system for each fiscal year during the term of the wind agreements, at a minimum level equal to 75% of the stated expected performance output.

Form of Price Bid

This RFP seeks price offers on a cents per kWh basis for the generation and delivery of wind energy to the metered point of electrical interconnection, for a contractual term not to exceed 20 years from the establishment of the Commercial Operation Date. Bidders are to submit firm and specific price bids.

Price Bid Form Options

The price bid for the wind energy delivered and sold to the utility company or community choice aggregator or to the City is a fixed price rate (cents per unit of energy) for each unit of energy delivered to and metered at the point of interconnection, and the value of any environmental attributes and the Renewable Energy Credits (REC's), for the duration of the Agreements.

Effective Period of Price Bids

Bid prices must remain in effect for at least 90 days from the required date of proposal submission. Bid prices must also remain in effect for 120 days after bid award to the final successful bidder if the wind agreements have not been executed.

Attachment C - Experience

Project System Design and Engineering

Each bidder shall provide information and explanation of the bidder and/or bidder's team wind system design and engineering experience (maximum 10 pages), as follows:

- Proof of designing and engineering wind turbines engineered and designed over the last three (3) years which are currently in commercial operations. Emphasis should be on wind systems of similar size and type as contemplated in the bidder's response.
- Proof of engineering and designing electrical interconnection facilities for the purposes of electrically interconnecting commercial scale wind systems, at medium voltage levels (e.g. 4160 V and 12 kV).
- Proof of experience with engineering and designing metering and meter data solutions for both billing and data presentation purposes. Bidder should also include any experience or capacity to integrate wind system metering solutions to facility energy management systems.
- Proof of experience engineering and designing wind systems with consideration for environmental issues. Bidder should have technical expertise in wind-related environmental issues including shadow flicker analysis/modeling, and in raptor and other wildlife behavior in the siting/design of wind turbines.

Installation Qualifications and Experience

Each bidder shall provide information and explanation of the bidder and/or bidder's team wind system installation and construction experience (maximum 8 pages), as follows:

- Total kW of generating capacity of on-site wind installed over the last three (3) years which are currently in commercial operations. Emphasis should be on wind systems of similar size and type as contemplated in the bidder's response.
- Description of individual wind systems installed over the last three (3) years which are currently in commercial operation.
- Description of wind systems installed in California over the last three (3) years. Bidder should include wind systems installed in PG&E and Marin Clean Energy (MCE) territory.
- Provide information and evidence of having in its possession the appropriate contractor's licenses and certifications for installing wind systems on a commercial scale in California.

Project Management, Implementation, and Delivery Capabilities, Capacity and Experience

Each bidder shall provide information and explanation of the bidder and/or bidder's team wind system project management, implementation and delivery capabilities, capacity and experience (maximum 5 pages), as follows:

- Bidder shall describe their engineering and design management capabilities and experience for all of the wind systems installed over the last three years that are currently in commercial operation.

- Bidder shall describe their construction and installation management capabilities and experience for all of the wind systems installed over the last three years that are currently in commercial operation.
- Bidder shall describe their capacity and experience to manage and deliver, at a minimum, the equivalent amount and types of wind systems as submitted in bidder's response to this RFP.
- Bidder shall describe their abilities and experience in managing the construction and installation of wind systems, at a minimum, equivalent to the amount and types of wind systems as submitted in bidder's response to this RFP.
- Bidder shall describe their ability to manage a comprehensive community outreach process.

Energy Generation Output Monitoring and Billing

Each bidder shall provide information and explanation of the bidder and/or bidder's team wind system generation output monitoring and billing capabilities and experience (maximum 3 pages), as follows:

- Bidder shall provide proof of their capabilities and experience in monitoring wind system performance and submits a plan that details how the bidder will monitor wind system performance, including diagnosing and tracking system performance over time and the term of the wind agreements.
- Bidder shall provide proof of their capabilities and experience in maintaining wind systems of the size and types contemplated in this RFP. Bidder shall also submit a plan that includes a description of the various maintenance and service activities, tasks, and schedules for the wind systems contemplated in the bidder's response to this RFP.
- Bidder shall identify the system and method for tracking wind system generation output. Bidder shall describe the system for billing the Host customer as required in this RFP. Bidder shall also describe the system and method for meeting the requirements to make interval and billing data and information available to the Host site, as well as near real time access to system performance and data.
- Bidder shall demonstrate an understanding of utility tariffs and applicable regulations as they affect the installation and operation of grid connected wind systems contemplated in this RFP. Bidder should also include how they monitor changes in both utility tariffs and applicable regulations in California.

Project Finance Experience

Each bidder shall provide information and explanation of the bidder and/or bidder's team wind system project financing capabilities and experience (maximum 3 pages), as follows:

- Bidder shall provide examples and evidence of having financed at least \$10 million worth of wind systems in the last three (3) years in California.
- Bidder shall describe the financing methods employed on past wind projects installed and currently in commercial operation, as well as the financing method that is to be contemplated for the wind projects contemplated by bidder's response to this RFP.
- Bidder shall provide information regarding all of the wind systems that have been installed by the bidder and currently in commercial operation that utilize the third party

ownership and power purchase agreement business model. Bidder must have installed at least three (3) wind systems currently in commercial operation and under its management utilizing the third party power purchase agreement business model.

Financial/Business Strength of Bidder

Each bidder shall provide information and explanation of the bidder and/or bidder's team financial and business strength (maximum 3 pages, including letters from the required entities as listed), as follows:

- Bidder shall provide evidence that it has the ability to secure financing for the total installed cost of each wind system for all of the projects contemplated in bidder's response to this RFP. This should be in the form of a commitment letter from the anticipated funding source or sources. Bidder should be advised that in accordance with this RFP, the funding sources as identified in bidder's response to this RFP will be considered as a member of the bidder's team and as such any changes to the source of financing will be subject to review and approval by the City.
- Bidder shall provide information that the anticipated funding sources for financing are financially solvent and that funds are available for the projects for all of the projects contemplated in bidder's response to this RFP.
- Bidder shall provide evidence that it has sufficient bonding capacity to meet the requirements of this RFP. This should be in the form of a letter from a bonding company that is licensed to conduct business in California.
- Bidder shall provide evidence that it can meet the insurance requirements as listed in this RFP. This should be in the form of a letter from the bidder's insurance broker.
- Bidder shall provide evidence that it is a creditworthy company registered to conduct business in California and is in good standing. Bidder should submit credit rating information from either Standard and Poor's, Moody's, Fitch, Dunn and Bradstreet, A.M. Best, or a detailed explanation if none of these are available.

Attachment D - Standard Agreement

Standard Agreement immediately follows this page.

Attachment E:



AGENDA ITEM
CITY COUNCIL MEETING DATE - JANUARY 6, 2015
BUSINESS ITEMS

DATE : December 18, 2014

TO : City Manager

FROM : Interim Community Development Director

SUBJECT : **WIND ENERGY REQUEST FOR PROPOSALS - WATER TREATMENT PLANT**

RECOMMENDATION:

Review wind facility options at Water Treatment Plant and direct City Manager to issue a Request for Proposals (RFP) to solicit developer bids.

EXECUTIVE SUMMARY:

The City has the opportunity to enter into a contract with a third party developer and sell wind energy to Pacific Gas & Electric Company (PG&E) or to Marin Clean Energy (MCE). To demonstrate the potential on the site, a major commercial-scale wind-energy development company, Foundation Wind Power (FWP), prepared plans for 2 (1.5MW), 360 feet tall wind turbines at the City of Benicia Water Treatment Plant. The turbines would generate 9,000 mWh of power and would generate \$75,000 in an annual lease payment for the use of City-owned property. Staff recommends that Council direct staff to prepare a Request of Proposals (RFP) to solicit developer bids, and provide any parameters, including public outreach it thinks would be appropriate in regard to the RFP.

BUDGET INFORMATION:

If Council authorizes the City Manager to develop and issue a Request for Proposals (RFP), additional Staff time will be needed to develop it and manage the consultant selection process. This project is already part of the CAP Coordinator's Council approved work plan, but the Interim Community Development Director, Principal Planner, and City Attorney will need to devote additional time to the development and review of the RFP and developer proposals. The project, if approved, could generate \$75,000 (or more) in annual revenue to the City.

ENVIRONMENTAL REVIEW:

The level of CEQA analysis will be determined if the project is presented to Council for approval.

GENERAL PLAN:

The project supports the overarching Goal of the General Plan, which is Sustainability.

STRATEGIC PLAN:

Relevant Strategic Plan Issues and Strategies:

- Strategic Issue #2: Protecting and Enhancing the Environment
 - Strategy #1: Reduce greenhouse gas emissions and energy consumption
 - Strategy #3: Pursue and adopt sustainable practices

CLIMATE ACTION PLAN:

Relevant Climate Action Plan Issues and Strategies:

- Strategy E-4.1. Increase Wind Energy Generation within City Limits

BACKGROUND:

In 2008, the City commissioned the consulting firm HDR to conduct a wind analysis for select water and wastewater treatment facilities. The study concluded that a 250 kilowatt (kW) turbine at the Water Treatment Plant could supply 37% of the plant's annual electricity demand. In addition, the study found that two pump stations are potentially viable sites for wind turbines, although a detailed analysis of these sites was not included in the scope of this study. No formal action was taken by Council as a result of this study.

In 2009, the City Council adopted the Climate Action Plan (CAP) with a goal of reducing greenhouse gas (GHG) emissions in Benicia. The plan indicates that the City has wind resources that present a considerable opportunity. In 2012, a coordinator was selected to implement the CAP and in 2014, the CAP Coordinator included Strategy E-4.1. Increase Wind Energy Generation within City limits in her work plan that was approved by Council in March 2014.

3 megawatt (MW) Wind Project

Since 2009, Foundation Wind Power (FWP) indicated it was interested in developing a wind project in Benicia. With the understanding that there was no commitment to FWP, it worked with the CAP Coordinator to investigate opportunities at the Water Treatment Plant.¹ FWP found that 2, 1.5 megawatt (MW) wind turbines (360 feet tall, generating 9,000 megawatt hours (mWh) of energy) would be feasible at the plant. It submitted a plan for such turbines to Travis Air Force Base and received findings that they would not present a hazard to air traffic.

¹ FWP previously submitted a proposal to the City in response to the Renewable Energy RFP released in 2009 and proposed a similar project at the water treatment plant.

250 kilowatt (kW) Wind Project (for on-site energy use only)

As mentioned above, HDR evaluated an alternate project at the Water Treatment Plant. The 250 kW project was proposed to offset 37% of the plant's energy use - HDR did not evaluate the financial feasibility of participating in a Feed-in Tariff (FIT) program – see below for further discussion) with Pacific Gas & Electric Company (PG&E). The City subsequently invested in a photovoltaic (PV) system that supplies approximately 80% of the plant's energy needs. The remaining 20% of energy needed to power the plant could be generated by a smaller (250kW) wind turbine and used on-site, but that would prevent the City from participating in a feed-in tariff program (see below for further discussion). Developers tend not offer funding for the construction, maintenance, and interconnection of smaller wind turbine projects because the incentives are lower leading to longer payback periods that make the project financially infeasible. The City may have the option of installing a smaller turbine, but may have to identify a funding source to cover the project management, equipment, construction, and grid interconnection costs.

Feed-in Tariff Programs

A larger facility would provide power to the grid under a "Feed-in Tariff" (FIT) program. Both MCE and PG&E offer FIT programs. FIT programs are administered by utility companies and community choice aggregators (CCAs) and offer payment for the guaranteed generation of renewable energy from small generation projects such as a potential wind project at the City's Water Treatment Plant. PG&E's program is the Electric Renewable Market Adjusting Tariff (E-ReMAT) program, a feed-in tariff program approved by the California Public Utilities Commission (CPUC) and effective on July 24, 2013. The E-ReMAT program encourages development of renewable wind energy projects between 1.5-3MW. These projects assist PG&E to meet its renewable portfolio standard (RPS) requirements – 33% of its power from renewable resources by 2020.

Marin Clean Energy's (MCE) standard-offer FIT contract is available to anyone in MCE territory wishing to sell the power output from small-scale renewable energy projects over a 20-year term, ensuring a stable power supply for MCE customers. The FIT limits project size to 1 MW because it allows developers to avoid having to schedule the power with the California Independent System Operator (California ISO). For many small installations, the added cost of scheduling power would limit the financial viability of the project. For a 3 MW project in MCE's service territory (such as that suggested by FWP), the project developer might consider entering into bilateral negotiations with MCE to develop a Power Purchase Agreement (PPA); the price would likely not be as high as the current FIT contract prices, but MCE would consider the local nature of the project in determining the price it would pay for the generating capacity. Alternatively, the developer could also apply for three separate 1MW

interconnections and then submit three separate FIT applications. These options would be included in the RFP.

Project View Impacts

Attached to this report are five different viewpoint simulations of 360 foot tall turbines so that Council can get a sense of what the turbines would look like if installed. In addition, photos of an identical turbine installed at the Budweiser plant in Vacaville are attached for reference.

Conclusion

Issuing a RFP would allow the City an opportunity to continue its implementation of the Climate Action plan, increase renewable energy on the grid, and generate revenue for the City. However, the 1.5MW turbines are tall and could affect the views of the hills or even biological resources. If Council chooses to move forward, it can authorize the City Manager to develop and issue an RFP to identify eligible developers for the project and come back to Council with a recommendation for selection of consultant to build the project at the plant.

Staff is seeking direction now so that it can set forth appropriate parameters for the RFP process. If projects of the size suggested by FWP are unlikely to be deemed appropriate by the Council, then staff would set parameters that would be consistent with Council direction. An RFP does not commit the City to any particular project, and alternative approaches may come back that involve less impact. However, FWP has suggested a project size that it believes is feasible in today's market; staff has not explored the degree to which smaller scale projects are feasible. Of course, staff assures that the City will solicit public input as part of the project evaluation process.

Attachments:

- MCE FIT Tariff
- PG&E E-ReMAT Tariff
- City of Benicia Viewpoint Simulations
- Budweiser Plant (Vacaville) Turbine

Marin Clean Energy
Feed-In Tariff for Distributed Renewable Generation (FIT)

Revised February 2014

I. Applicability

This Schedule is optional for customers who wish to sell to Marin Clean Energy (“MCE”) the electric output from an Eligible Small-Scale Distributed Renewable Generation Resource (“Eligible Resource”), with capacity of not more than one (1) megawatt (“MW”), as defined in the General Conditions section of this Schedule.

Service under this schedule is on a first-come, first-served basis until the combined rated generation capacity within the Eligible Territory (as measured by Eligible Resources under contract with MCE) reaches ten (10) MW or until such combined rated generation capacity is increased beyond the current level of ten (10) MW by MCE’s Board of Directors.

II. Territory

This Schedule is available to any Eligible Resources located within any member jurisdiction of the MCE (the “Eligible Territory”), which meets the eligibility requirements established in this Schedule.

III. General Conditions

1. REQUIRED CONTRACT

Any Eligible Resource accepting service under this tariff shall execute a power purchase agreement (“PPA”) with MCE.

2. CONTRACT DELIVERY TERM

The tariff shall be offered for a contract Delivery Term of twenty (20) years.

3. PARTICIPATION IN OTHER MCE PROGRAMS

Customers taking service under this Schedule may not also obtain benefits from any of the following:

- a. A power purchase agreement with MCE for deliveries from the same facility; or
- b. Any net metering option for energy deliveries from the same facility.

4. ENVIRONMENTAL ATTRIBUTES

A distributed generation resource accepting service under this tariff will deliver to MCE both the energy generated and any environmental attributes associated with that energy.

5. DEFINITION OF ELIGIBLE RESOURCES

For purposes of this Schedule, *Eligible Resource* shall have the following meaning: an electric generating facility meeting the California Renewables Portfolio Standard eligibility requirements described in the California Energy Commission's Renewables Portfolio Standard Guidebook: <http://www.energy.ca.gov/2012publications/CEC-300-2012-006/CEC-300-2012-006-CMF.pdf>, as this document may be amended or supplemented from time to time, which also meets the capacity requirements/limitations described herein.

6. ELECTRICAL INTERCONNECTION

Distributed generation resources receiving service under this Schedule Tariff shall be interconnected within the Eligible Territory and shall be required to: 1) comply with applicable interconnection procedures established by PG&E and/or the California Independent System Operator ("CAISO"); and 2) shall execute applicable agreements with PG&E and/or the CAISO to establish and maintain interconnection with such transmission or distribution system. Any resources not meeting the requirements specified in the applicable interconnection procedures of PG&E and/or the CAISO will *not* be eligible for service under this Schedule.

7. METERING REQUIREMENTS

Eligible Resources receiving service under this Schedule shall comply with all applicable rules in installing a meter appropriate for full buy/sell or excess sale agreements, and which can be read daily by means acceptable to PG&E and MCE. All costs associated with such installation will be the responsibility of the customer. The customer shall be responsible for procuring and maintaining any communication link required by PG&E for retrieving meter data.

IV. Payments for Electric Generation Produced by Eligible Resources

Under this Schedule, MCE will pay for the Eligible Resource according to the applicable price for metered energy, consistent with the Energy Delivery Profile specified.

Applicable prices are presented below in Section VI, Prices for Energy Produced by Eligible Resources, and will also be reflected in MCE's Small Renewable Generator Power Purchase Agreement, with prices differentiated by Delivery Profile.

V. Renewable Energy Delivery Profiles

MCE has established the following Energy Delivery Profiles, which will be used to determine applicable energy prices to be paid for Eligible Resources.

Energy Delivery Profile	Delivery Characteristics	Representative Fuel Type
Peak	Under normal operating conditions, 90 percent or more of daily electric generating output is produced and delivered between the hours of 6:00 A.M. and 10:00 P.M. (On-Peak Hours)	Photovoltaic Solar and Solar Thermal
Baseload	Under normal operating conditions, the annual capacity factor for the generator typically exceeds 75 percent, inclusive of planned outages (maintenance)	Landfill Gas, Biomass, Fuel Cell
Intermittent	Delivery characteristics are not consistent with either of the described Peak or Baseload Energy Delivery Profiles	Wind

VI. Prices for Energy Produced by Eligible Resources

MCE has established the following price schedule, consistent with the Energy Delivery Profiles specified in this Schedule, which will be used to determine prices paid to Eligible Resources meeting the requirements of this Schedule. MCE's Board of Directors may periodically review and revise this price schedule.

Prices Shall Apply Under the Following Conditions	Peak Energy Prices (20-year Term, \$/MWh)	Baseload Energy Prices (20-year Term, \$/MWh)	Intermittent Energy Prices (20-year Term, \$/MWh)
Condition 1	\$ 137.66	\$ 116.49	\$ 100.57
Condition 2	\$ 120.00	\$ 105.00	\$ 95.00
Condition 3	\$ 115.00	\$ 100.00	\$ 90.00
Condition 4	\$ 110.00	\$ 95.00	\$ 85.00
Condition 5	\$ 105.00	\$ 90.00	\$ 80.00

Condition 1: For any Eligible Resource such that the addition of such Eligible Resource occurs before the combined rated generation capacity within the Eligible Territory (as measured by Eligible Resources under contract with MCE) reaches 2 MW.

Condition 2: For any Eligible Resource such that the addition of such Eligible Resource occurs after the combined rated generation capacity within the Eligible Territory (as measured by Eligible Resources under contract with MCE) has reached 2 MW but before such combined rated generation capacity reaches 4 MW.

Condition 3: For any Eligible Resource such that the addition of such Eligible Resource occurs after the combined rated generation capacity within the Eligible Territory (as measured by Eligible Resources under contract with MCE) has reached 4 MW but before such combined rated generation capacity reaches 6 MW.

Condition 4: For any Eligible Resource such that the addition of such Eligible Resource occurs after the combined rated generation capacity within the Eligible Territory (as measured by Eligible Resources under contract with MCE) has reached 6 MW but before such combined rated generation capacity reaches 8 MW.

Condition 5: For any Eligible Resource such that the addition of such Eligible Resource occurs after the combined rated generation capacity within the Eligible Territory (as measured by Eligible Resources under contract with MCE) has reached 8 MW but before such combined rated generation capacity reaches 10 MW.



ELECTRIC SCHEDULE E-REMAT
RENEWABLE MARKET ADJUSTING TARIFF (REMAT)

Sheet 1 (N)
 (N)
 (N)

A. APPLICABILITY

(N)

The Electric - Renewable Market Adjusting Tariff schedule (E-ReMAT or this Schedule) implements the renewable resource Feed-In Tariff Program pursuant to California Public Utilities Code (PUC) Section 399.20 and California Public Utilities Commission (CPUC) Decision (D.) 12-05-035, D.13-01-041, and D.13-05-034. This Schedule is available, on a first-come, first-served basis, to Applicants that own or control a Facility (or Project), meet the eligibility criteria below, and submit a complete Program Participation Request (PPR).

The maximum combined contract capacities of participating Facilities under E-ReMAT, E-SRG, and E-PWF is 218.2 megawatts (MW) (Program Cap), which represents PG&E's allocated share of the total statewide program cap of 750 MW, as provided for in PUC Section 399.20 and CPUC D.12-05-035.

B. EFFECTIVE DATE

The Effective Date of E-ReMAT is July 24 2013, as determined in CPUC D.13-05-034.

C. TERRITORY SERVED

PG&E's electric service territory.

D. ELIGIBILITY CRITERIA

An applicant for E-ReMAT (Applicant) must own or control the Project and the Applicant's proposed Project must meet the following eligibility criteria for ReMAT (Eligibility Criteria):

1. Territory: The Project must be physically located within PG&E's electric service territory and must be interconnected to PG&E's electric distribution system.
2. Eligible Renewable Energy Resource: The Project must be an Eligible Renewable Energy Resource as defined in PUC Section 399.12.
3. Qualifying Facility: The Project must be a Qualifying Facility, as defined by the Federal Energy Regulatory Commission. See 16 U.S.C. § 824a-3(b); 18 C.F.R. § 292.304(a) (2).
4. Contract Capacity: The Contract Capacity for the Project cannot exceed 3.0 MW.

(N)

(Continued)

Advice Letter No: 4246-E
 Decision No. 13-05-034

Issued by
Brian K. Cherry
 Vice President
 Regulatory Relations

Date Filed June 24, 2013
 Effective July 24, 2013
 Resolution No. _____



ELECTRIC SCHEDULE E-REMAT
RENEWABLE MARKET ADJUSTING TARIFF (REMAT)

Sheet 2 (N)
 (N)
 (N)

D. ELIGIBILITY CRITERIA (Cont'd.)

(N)

5. Interconnection Study/Strategically Located: An Applicant must have passed the Fast Track screens, passed Supplemental Review, completed a PG&E System Impact Study in the Independent Study Process, or completed a PG&E Phase 1 Study in the Cluster Study Process for its Project (Interconnection Study).
 - a. The Project must be interconnected to PG&E's distribution system, and the Project's most recent Interconnection Study or Interconnection Agreement must affirmatively support the Project's ability to interconnect (a) within twenty four (24) months of the execution of the E-ReMAT power purchase agreement (PPA) form #79-1150 and (b) without requiring transmission system Network Upgrades in excess of \$300,000.
 - b. If both PG&E's Rule 21 and PG&E's Wholesale Distribution Tariff (WDT) are applicable and available to a Project in a given situation, the Project can choose to pursue interconnection under either PG&E's Rule 21 or PG&E's WDT, until the CPUC makes a determination otherwise. After such a CPUC decision, the Project must interconnect as stipulated in that CPUC determination unless the next sentence applies. Those Projects that request interconnection pursuant to PG&E's Rule 21 or PG&E's WDT and have submitted a completed PPR under this Schedule prior to any final CPUC determination will not be required to switch interconnection tariffs and will continue to be eligible to receive service under this Schedule, provided the Project is otherwise eligible.
6. Site Control: The Applicant must provide to PG&E an attestation that it has 100% site control for the Project through: (a) direct ownership; (b) lease; or (c) an option to lease or purchase that may be exercised upon execution of the ReMAT PPA. The Applicant is required to submit a map showing the boundary of the Site for which the Applicant has control as part of the PPR. PG&E reserves the right to request additional information.
7. Developer Experience: The Applicant must provide to PG&E an attestation that at least one member of its development team has: (a) completed the development of at least one project of similar technology and capacity; or (b) begun construction of at least one other project of similar technology and capacity. A project less than 1 MW will be deemed to be similar capacity to a Project up to 1 MW. A project between 1 MW to 3 MW will be deemed to be a similar capacity to a Project up to 3 MW. For example, for a 3 MW Project, a project of similar capacity cannot be smaller than 1 MW.
8. Daisy Chaining: The Applicant must provide to PG&E an attestation that the Project is the only exporting project being developed, owned or controlled by the Applicant on any single or contiguous pieces of property. PG&E may, at its sole discretion, determine that the Applicant does not satisfy this Eligibility Criteria if the Project appears to be part of a larger installation in the same general location that has been or is being developed by the Applicant or the Applicant's Affiliates.

(N)

(Continued)

Advice Letter No: 4246-E
 Decision No. 13-05-034

Issued by
Brian K. Cherry
 Vice President
 Regulatory Relations

Date Filed June 24, 2013
 Effective July 24, 2013
 Resolution No. _____



ELECTRIC SCHEDULE E-REMAT
RENEWABLE MARKET ADJUSTING TARIFF (REMAT)

Sheet 3 (N)
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D. ELIGIBILITY CRITERIA (Cont'd.)

(N)

9. Other Incentives: A Project that previously received incentives under the California Solar Initiative (CSI) or the Self-Generation Incentive Program (SGIP) is ineligible for ReMAT if the incentives were received within ten (10) years or less of the date that Applicant submits a PPR for ReMAT for such Project. An Applicant for a Project that previously received incentive payments under CSI, SGIP must provide an attestation to PG&E stating that, as of the date the Applicant submits the PPR: (1) the Project has been operating for at least ten (10) years from the date the Applicant first received ratepayer-funded incentive payments under CSI or SGIP for the Project; and (2) to the extent the CPUC requires reimbursement of any ratepayer-funded incentive, the Applicant can demonstrate the Project's owner has provided the applicable incentive administrator with any required refunds of incentives.
10. Net Energy Metering: An Applicant that is a net energy metering (NEM) customer can only participate in ReMAT if the Applicant terminates its participation in the NEM program for the Project prior to the ReMAT PPA's Commercial Operation Date (COD).

E. PROGRAM PARTICIPATION REQUEST (PPR)

The PPR requirements and review process are described below.

1. An Applicant must submit a complete PPR to be eligible for ReMAT and must submit the following PPR items. Information on how to submit the PPR will be available on PG&E's website. A PPR must include:
 - a. PPR Fee: Applicant must pay a \$2/kilowatt (kW) non-refundable application fee as part of each PPR submission. The PPR fee will not be applicable towards the Collateral Requirement under a ReMAT PPA. The manner and form of payment will be specified by PG&E on its website and/or information technology system.
 - b. PPR Form: Applicant must submit the PPR form in a manner and form specified by PG&E.
 - c. Supporting Documentation: Supporting documentation, including but not limited to the items below, must be submitted.
 - (1) Copy of the most recent Interconnection Study for the Project. Any new or amended Interconnection Study or Interconnection Agreement must be submitted to PG&E within five (5) business days of receipt of the study or agreement.
 - (2) A completed copy of Appendix E of the ReMAT PPA, including (but not limited to) a single line diagram and a site map clearly outlining the border of the Project site for which site control exists.

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(Continued)

Advice Letter No: 4246-E
 Decision No. 13-05-034

Issued by
Brian K. Cherry
 Vice President
 Regulatory Relations

Date Filed June 24, 2013
 Effective July 24, 2013
 Resolution No. _____



ELECTRIC SCHEDULE E-REMAT
RENEWABLE MARKET ADJUSTING TARIFF (REMAT)

Sheet 4 (N)
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E. PROGRAM PARTICIPATION REQUEST (PPR) (Cont'd.)

(N)

- (3) An attestation that includes the percentage ownership that the Applicant and Applicant's Affiliates have in each Project for which a ReMAT PPR has been submitted. The determination of the percentage of ownership that an Applicant holds in a Project will be made by the Applicant, based on accounting standards and/or project financing conventions. PG&E will not have an obligation to review materials or documents related to an Applicant's ownership or financing of a Project and will not have an obligation to advise an Applicant on the percentage ownership that an Applicant has in a Project. PG&E shall have the right to request and review the Applicant's ownership calculations and supporting documentation. The Applicant must submit an updated attestation within five (5) business days if changes occur.
- (4) The attestations required in this Schedule.
- (5) Such other information and documentation that PG&E may request to verify compliance with the Eligibility Criteria.

d. Review Period and ReMAT Queue Number Assignment: Within twenty (20) business days of receiving a PPR, PG&E, in its sole discretion, will confirm whether the Applicant's PPR is deemed complete and satisfies the Eligibility Criteria. Applicants will be assigned a program position (ReMAT Queue Number) once the PPR is deemed complete. If the PPR is deemed complete, the ReMAT Queue Number assignment will be based on the date and time that the PPR was received by PG&E, provided PPRs received on or before 5:00 PM Pacific Standard Time (PST) on October 7, 2013 are deemed received at the same time and the sequence of ReMAT Queue Numbers for PPRs received during that period will be assigned by lottery or other randomized basis.

e. PPR Rejection: If an Applicant's PPR is deemed incomplete, or the Applicant is otherwise ineligible for a ReMAT PPA, PG&E will notify the Applicant that the PPR has been rejected (i.e., the PPR is null and void). If rejected, the Applicant will be required to submit a new, correct and complete PPR demonstrating the Applicant's eligibility. The Applicant's ReMAT Queue Number will be based on the date and time of the re-submitted, correct and complete PPR.

(N)

(Continued)

Advice Letter No: 4246-E
 Decision No. 13-05-034

Issued by
Brian K. Cherry
 Vice President
 Regulatory Relations

Date Filed June 24, 2013
 Effective July 24, 2013
 Resolution No. _____



ELECTRIC SCHEDULE E-REMAT
RENEWABLE MARKET ADJUSTING TARIFF (REMAT)

Sheet 5 (N)
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 (N)

E. PROGRAM PARTICIPATION REQUEST (PPR) (Cont'd.)

(N)

- f. Cure Period: PG&E, in its sole discretion, may permit the Applicant to cure minor deficiencies, as determined by PG&E, by re-submitting the PPR (or a subset thereof) within ten (10) business days of notice from PG&E of the deficiency. To be permitted to cure the deficiencies identified by PG&E, the Applicant's original PPR must demonstrate that the Applicant's project was eligible at the time of submittal. Applicants whose PPRs contain material substantive issues with program eligibility will be deemed incomplete and rejected. PG&E will review a re-submitted PPR within twenty (20) business days of receipt of the re-submitted PPR. If the re-submitted PPR is deemed complete after the second review, the ReMAT Queue Number assignment will be based on the date that the PPR was initially received by PG&E, provided PPRs received on or before 5:00 PM PST on October 7, 2013 are deemed received at the same time and the sequence of ReMAT Queue Numbers for PPRs received during that period will be assigned by lottery or other randomized basis. Failure to re-submit the PPR within ten (10) business days of notice from PG&E to correct the minor deficiency shall result in the PPR being rejected, as described in PPR, Section E.1.e. above.
- g. Change in Eligibility: If an Applicant and/or Project previously deemed eligible to participate in ReMAT no longer meets the Eligibility Criteria, the Applicant must immediately notify PG&E and shall relinquish its ReMAT Queue Number for the applicable PPR. The PPR will be deemed to be rejected, as described in PPR, Section E.1.e. above.
- 2. Once an Applicant has a ReMAT Queue Number for its proposed Project, the information provided in the PPR regarding the Project may not be modified, unless permitted or approved by PG&E, and shall be used for the completion of the ReMAT PPA. PG&E will indicate what information, if any, in the PPR can be modified in its PPR materials, website, and/or information technology system.
- 3. An Applicant may contest a determination of ineligibility through the CPUC's standard complaint procedure set forth in Article 4 (Complaints) of the CPUC's Rules of Practice and Procedure.

F. DATES AND PROGRAM PERIODS

- 1. Initial PPR Submission Date: Applicants will be able to submit a PPR for a Project beginning at 9:00 a.m. PST on October 1, 2013 (Initial PPR Submission Date).
- 2. Program Periods: The Program shall be divided into bi-monthly program periods (Periods). Period 1 will begin on November 1, 2013. Each subsequent Period shall be numbered sequentially (e.g., Period 2, Period 3, etc.) and shall occur on the first business day of the second month following the beginning of the previous Period.

(N)

(Continued)

Advice Letter No.: 4246-E
 Decision No. 13-05-034

Issued by
Brian K. Cherry
 Vice President
 Regulatory Relations

Date Filed June 24, 2013
 Effective July 24, 2013
 Resolution No. _____



ELECTRIC SCHEDULE E-REMAT
RENEWABLE MARKET ADJUSTING TARIFF (REMAT)

Sheet 6 (N)
(N)
(N)

F. DATES AND PROGRAM PERIODS (Cont'd.)

(N)

3. Final Period: The final Period (Final Period) is the Period which ends twenty-four (24) months after the end of the Period in which the total remaining capacity for any Product Type reaches zero or a *de minimis* amount approaching zero for the first time. At the close of the Final Period, this Schedule will close for all new customers and no new REMAT PPAs will be offered or executed by PG&E.

G. CAPACITY ALLOCATION

ReMAT capacity shall be allocated as follows:

1. On the Effective Date of ReMAT, the initial program capacity will be calculated by subtracting the sum of the capacity of then existing contracts under E-SRG and E-PWF from the Program Cap (Initial Program Capacity). On the Effective Date, the Initial Program Capacity and its calculation will be published on PG&E's website.
2. On the Effective Date of ReMAT, PG&E will assign an equal portion of the Initial Program Capacity to three Product Types: 1) Baseload, 2) As-Available Peaking, and 3) As-Available Non-Peaking (Initial Allocation). On the Effective Date of ReMAT, the Initial Allocations will be published on PG&E's website. The amount of capacity available (Available Allocation) for Subscription for each Product Type for any Period throughout the Program will be 5 MW (unless the remaining program capacity for such Product Type is less than 5 MW, in which case the minimum for such Period shall be the remaining program capacity for such Product Type).
3. On the Effective Date of ReMAT and on the first business day of each Period, PG&E shall publish the Available Allocation for each Product Type, the total remaining program capacity, and the total remaining program capacity for each Product Type on PG&E's website.
4. Any capacity associated with E-SRG or E-PWF PPAs that are terminated prior to the Initial Energy Delivery Date defined in the E-SRG or E-PWF PPA will be equally allocated among Product Types. ReMAT PPAs that are terminated prior to the Delivery Term will be allocated by PG&E to the Product Type applicable to the terminated Project. Any capacity associated with E-SRG, E-PWF, or ReMAT PPAs that are terminated after the Initial Energy Delivery Date as defined in the E-SRG or E-PWF PPA will not be re-allocated.

H. PRICE

The prices for ReMAT PPAs will be determined as follows:

1. The initial ReMAT Contract Price offered for each Product Type in Period 1 will equal \$89.23/Megawatt-hour (MWh), pre- time of delivery adjustments. See the ReMAT PPA for contractual terms related to Contract Price.

(N)

(Continued)

Advice Letter No: 4246-E
Decision No. 13-05-034

Issued by
Brian K. Cherry
Vice President
Regulatory Relations

Date Filed June 24, 2013
Effective July 24, 2013
Resolution No. _____



ELECTRIC SCHEDULE E-REMAT
RENEWABLE MARKET ADJUSTING TARIFF (REMAT)

Sheet 7 (N)
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H. PRICE (Cont'd.)

(N)

2. The Contract Price for each Product Type will be published on PG&E's website on the first business day of every Period. After Period 1, the Contract Price for each Product Type will adjust independently for each Period as follows:
 - a. A Contract Price adjustment in a subsequent period will be triggered only if at the beginning of the prior Period there are at least five (5) eligible Projects from five (5) different Applicants (including Applicant's Affiliates) with ReMAT Queue Numbers for the applicable Product Type. If an Applicant or its Affiliates have any ownership interest (based on the information provided by and attested to by the Applicant in PPR Section E.1 (c) (3)), in a Project, the Project will be attributed to the Applicant(s) for purposes of this provision. If there are fewer than (5) eligible Projects from five (5) different Applicants in the queue for any Product Type at the beginning of any Period, then the Contract Price for that Product Type will remain the same in the next Period. If at least five (5) eligible Projects from five (5) different Applicants are in the queue for a Product Type, the Contract Price for that Product Type may increase or decrease in the next Period based on the criteria described below in Price Sections H.2.b and H.2.d.
 - b. Price Increase: If the Subscription for a Period is less than 20% of the Available Allocation for that Product Type, the Contract Price for that Product Type for the next Period will be increased by the following amounts for each Period in which the Subscription for the preceding Period is less than 20% of the Available Allocation for that Product Type and the criteria in Price Section H.2.a above are satisfied in an uninterrupted series of increases:
 - (1) First increase in a series: +\$4/MWh
 - (2) Second increase in a series: +\$8/MWh
 - (3) Third increase in a series: +\$12/MWh
 - (4) All subsequent increases in a series: +\$12/MWh.
 - (5) Increases that occur after a Period in which the Contract Price was unchanged or decreased will reset and begin at \$4/MWh and proceed as described above.
 - c. Price Unchanged: If the Subscription for a Period is at least 20% of the Available Allocation for that Product Type but the price decrease in Price Section H.2.d below was not triggered, the Contract Price is unchanged in the next Period. The Contract Price will remain unchanged in any circumstance if the criteria in Price Section H.2.a above are not satisfied.

(N)

(Continued)

Advice Letter No: 4246-E
 Decision No. 13-05-034

Issued by
Brian K. Cherry
 Vice President
 Regulatory Relations

Date Filed June 24, 2013
 Effective July 24, 2013
 Resolution No. _____



ELECTRIC SCHEDULE E-REMAT
RENEWABLE MARKET ADJUSTING TARIFF (REMAT)

Sheet 8 (N)
 (N)
 (N)

H. PRICE (Cont'd.)

(N)

d. Price Decreases: If the Subscription for a Period is at least 100% of the Available Allocation for that Product Type or it is Deemed Fully Subscribed (as that term is defined in Subscription Section I.3 below), the Contract Price for that Product Type for the next Period will be decreased by the following amounts for each Period in which the Subscription for that preceding Period is at least 100% of the Available Allocation for that Product Type and the criteria in Price Section H.2.a. above are satisfied in an uninterrupted series of decreases:

- (1) First decrease in a series: $-\$4/\text{MWh}$
- (2) Second decrease in a series: $-\$8/\text{MWh}$
- (3) Third decrease in a series: $-\$12/\text{MWh}$
- (4) All subsequent decreases in series: $-\$12/\text{MWh}$ decrease
- (5) Decreases that occur after a Period in which the price was unchanged or increased will reset at $-\$4/\text{MWh}$ and proceed as described above.

3. Payment Allocation Factors: Contract Prices will be adjusted by the Payment Allocation Factors included in the ReMAT PPA in accordance with the terms of the ReMAT PPA. The Payment Allocation Factors are based on time-of-delivery periods and whether the Project is an energy-only facility or has full capacity deliverability. The ReMAT PPA provides further detail regarding monthly payment calculations and the Payment Allocation Factors.

I. SUBSCRIPTION

Subscription shall occur as follows:

- 1. Within ten (10) business days after the first business day of each Period, Applicants must provide PG&E with notice indicating whether or not the Applicant is willing to execute a ReMAT PPA based on the applicable Contract Price (Accept the Contract Price or Reject the Contract Price). PG&E's website, information technology systems, or materials shall specify how Applicant shall provide written notice to PG&E.
- 2. Failure to provide PG&E with written notice by 5:00 p.m. PT on the tenth (10th) business day after the first business day of a Period will be deemed to be notice that the Applicant Rejects the Contract Price for that Period.

(N)

(Continued)

Advice Letter No: 4246-E
 Decision No. 13-05-034

Issued by
Brian K. Cherry
 Vice President
 Regulatory Relations

Date Filed June 24, 2013
 Effective July 24, 2013
 Resolution No. _____



ELECTRIC SCHEDULE E-REMAT
RENEWABLE MARKET ADJUSTING TARIFF (REMAT)

Sheet 9 (N)
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I. SUBSCRIPTION (Cont'd.)

(N)

3. PG&E will award ReMAT PPAs to Applicants that meet the Eligibility Criteria in ReMAT Queue Number order until the Available Allocation for the Product Type is met or Deemed Fully Subscribed. PG&E will input information from the PPR into the ReMAT PPA for execution. PG&E will provide written notice to Applicants that are awarded a ReMAT PPA for a Period directing the Applicant to provide to PG&E an executed PPA within ten (10) business days following the deadline for Applicants to Reject the Contract Price or Accept the Contract Price. If the Contract Capacity of the next Project that has provided notice to PG&E within ten (10) business days after the first business day of a Period indicating a willingness to execute a ReMAT PPA, in ReMAT Queue Number order, for a Product Type is larger than the remaining Available Allocation, that next Applicant will not be awarded a ReMAT PPA and PG&E will deem the Available Allocation to be fully subscribed (Deemed Fully Subscribed).
4. Applicants who Reject the Contract Price or Accept the Contract Price but are not awarded a ReMAT PPA will retain their ReMAT Queue Number, except as otherwise specified in this Schedule.
5. Applicants that are awarded a ReMAT PPA for a Period must submit an executed ReMAT PPA to PG&E within ten (10) business days of receiving written notice of the ReMAT PPA award from PG&E. If the Applicant fails to return an executed ReMAT PPA to PG&E within ten (10) business days of PG&E's written notice, the Applicant will be deemed to have rejected the ReMAT PPA and the Applicant's ReMAT Queue Number will be revoked. The capacity associated with the Applicant's Project will be allocated per Capacity Allocation Section G.4 of this Schedule.
6. The Project may not have an existing PPA or other contract for energy and/or capacity deliveries to PG&E, or to any other counterparty, from the same Project at the time of execution of the ReMAT PPA or, if allowed per the terms of the existing contract, the Seller must provide documentation demonstrating that the existing contract will be terminated on a date certain that is within the COD timing allowed in the ReMAT PPA prior to the execution of the ReMAT PPA. Notwithstanding the foregoing, to the extent Seller is seeking an excess sales Re-MAT PPA for the Project, Seller is not required to terminate or demonstrate future termination of any applicable contractual arrangements with respect to serving any Site Host Load.
7. Within ten (10) business days of the execution of the ReMAT PPA by both the Applicant and PG&E, PG&E shall provide on its website information regarding the executed ReMAT PPA as required by the CPUC in D.12-05-035.

J. ReMAT PPA (Form 79-1150)

The ReMAT PPA will be completed by PG&E for execution by the Applicant and shall include the information submitted in the PPR, which includes, but is not limited to, the information listed below.

1. Seller Name: Must be a legal entity
2. Project Name

(N)

(Continued)

Advice Letter No: 4246-E
 Decision No. 13-05-034

Issued by
Brian K. Cherry
 Vice President
 Regulatory Relations

Date Filed June 24, 2013
 Effective July 24, 2013
 Resolution No. _____



ELECTRIC SCHEDULE E-REMAT
RENEWABLE MARKET ADJUSTING TARIFF (REMAT)

Sheet 10 (N)
 (N)
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J. ReMAT PPA (Form 79-1150)

(N)

- 3. Facility street address (or nearest intersection) (or coordinates if no intersection or street address)
- 4. Type of Facility: Baseload or As-Available
- 5. Renewable Resource Type: Solar PV, Biogas, etc.
- 6. Interconnection Queue Position
- 7. Interconnection Point
- 8. Service Voltage
- 9. Delivery Point
- 10. Expected Commercial Operation Date: No later than twenty-four (24) months from execution date of the ReMAT PPA
- 11. Contract Capacity
- 12. Delivery Term: 10, 15, or 20 years
- 13. Transaction: Full Buy/Sell or Excess Sale
- 14. Contract Quantity: Provide estimates in kWh/year, net of Station Use and Site Host Load for each year of the Delivery Term

K. METERING

Projects must be electrically independent and separately metered. Metering requirements are described in the ReMAT PPA.

L. SPECIAL CONDITIONS

The following special conditions apply to ReMAT and the ReMAT program:

- 1. COD Extension Policy: The COD for the ReMAT PPA may only be extended pursuant to the terms in the ReMAT PPA. The ReMAT PPA requires that the Project achieve its COD within twenty-four (24) after the Execution Date of the ReMAT PPA, with the possibility of one six (6) month extension for Permitted Extensions as set forth in the ReMAT PPA.
- 2. Termination of Service: Unless terminated earlier pursuant to the ReMAT PPA, the ReMAT PPA automatically terminates immediately following the last day of the Delivery Term.

(N)

(Continued)

Advice Letter No: 4246-E
 Decision No. 13-05-034

Issued by
Brian K. Cherry
 Vice President
 Regulatory Relations

Date Filed June 24, 2013
 Effective July 24, 2013
 Resolution No. _____



ELECTRIC SCHEDULE E-REMAT
RENEWABLE MARKET ADJUSTING TARIFF (REMAT)

Sheet 12 (N)
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N. DEFINITIONS

(N)

Capitalized terms in this Schedule shall have the same meaning as the defined term in the ReMAT PPA (Form 79-1150), unless the term is otherwise defined in this Schedule.

1. Baseload: For the purposes of this Schedule, Baseload shall have the same meaning as the defined term "Baseload Facility" in Appendix A of the ReMAT PPA.
2. As-Available Peaking: For the purposes of this Schedule, As-Available Peaking shall have the same meaning as the defined term "As-Available Facility" in Appendix A of the ReMAT PPA and have a generation profile demonstrating intermittent energy delivery with 95% or more of the expected output generated in the super-peak and shoulder-peak periods. PG&E reserves the right to request a generation profile and supporting information for the Project to confirm the generation profile.
3. As-Available Non-Peaking: For the purposes of this tariff, As-Available Non-Peaking shall have the same meaning as the defined term "As-Available Facility" in Appendix A of the PPA and have a generation profile demonstrating intermittent energy delivery with less than 95% of the expected output in the super-peak and shoulder-peak periods. PG&E reserves the right to request a generation profile and any supporting information for the Project to confirm the generation profile.
4. Subscription: For the purposes of this Schedule, Subscription is defined as the total capacity of Applicants willing to accept the Contract Price in a Period.

(N)

Advice Letter No: 4246-E
 Decision No. 13-05-034

Issued by
Brian K. Cherry
 Vice President
 Regulatory Relations

Date Filed June 24, 2013
 Effective July 24, 2013
 Resolution No. _____

City of Benicia Wind Turbine Photo Simulations

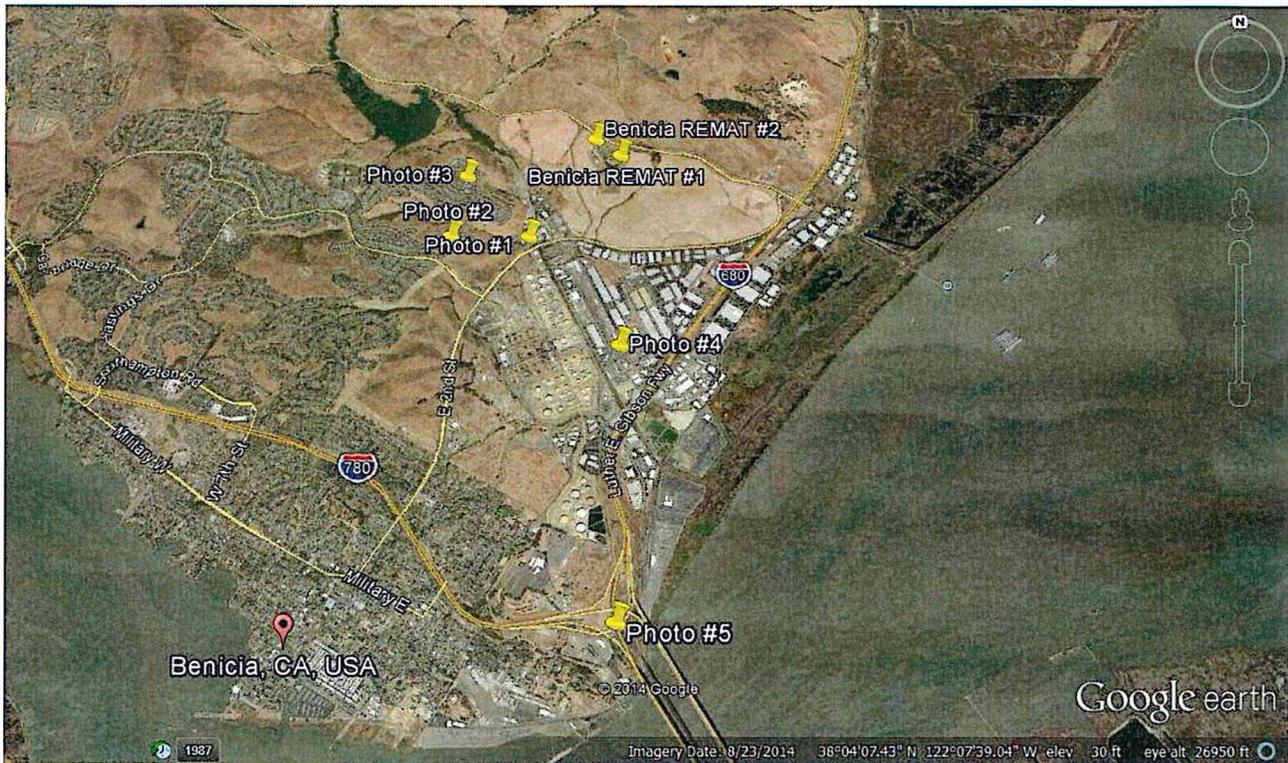


Photo Locations



Photo #1 (view from I-680 looking North)

505 Sansome Street, Suite 450, San Francisco, CA 94111



Photo #2 (view from McAllister Dr. looking North)



Photo #3 (view from Waters End Park looking North)

505 Sansome Street, Suite 450, San Francisco, CA 94111



Photo #4 (view from intersection of Park Rd. & Bayshore Rd. looking North)

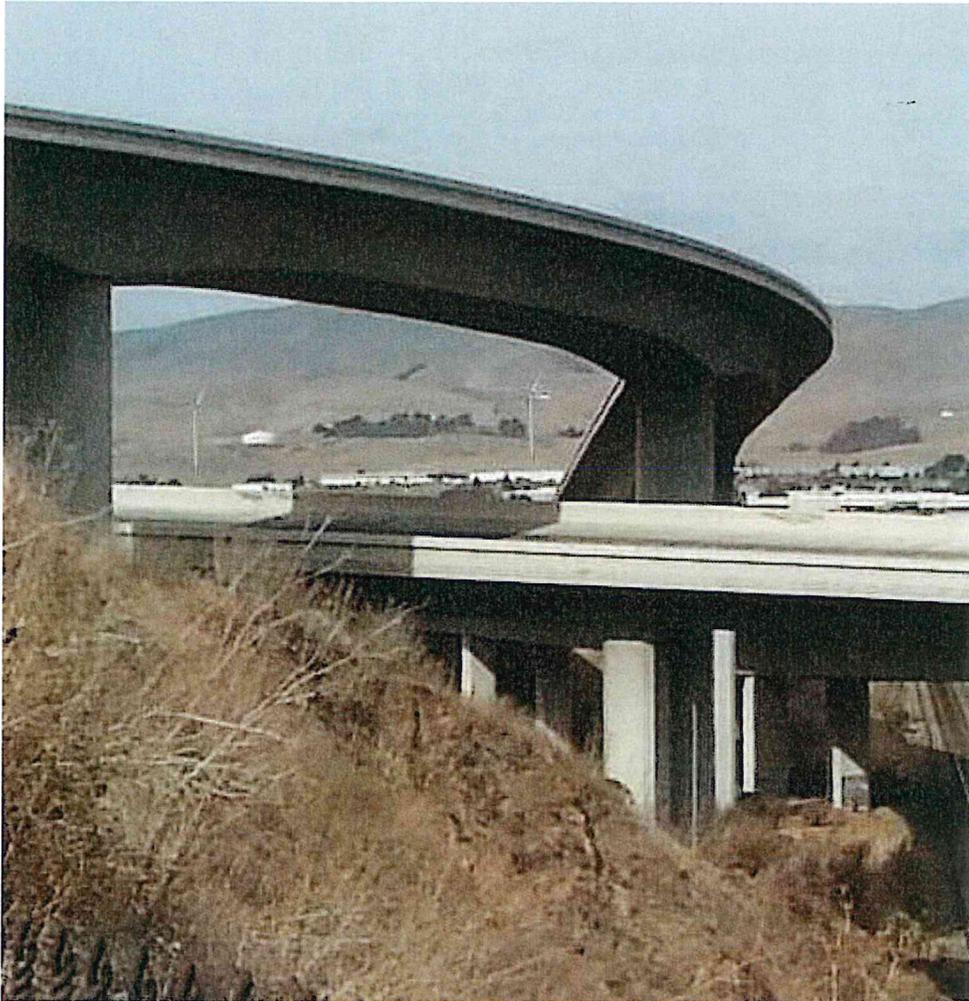
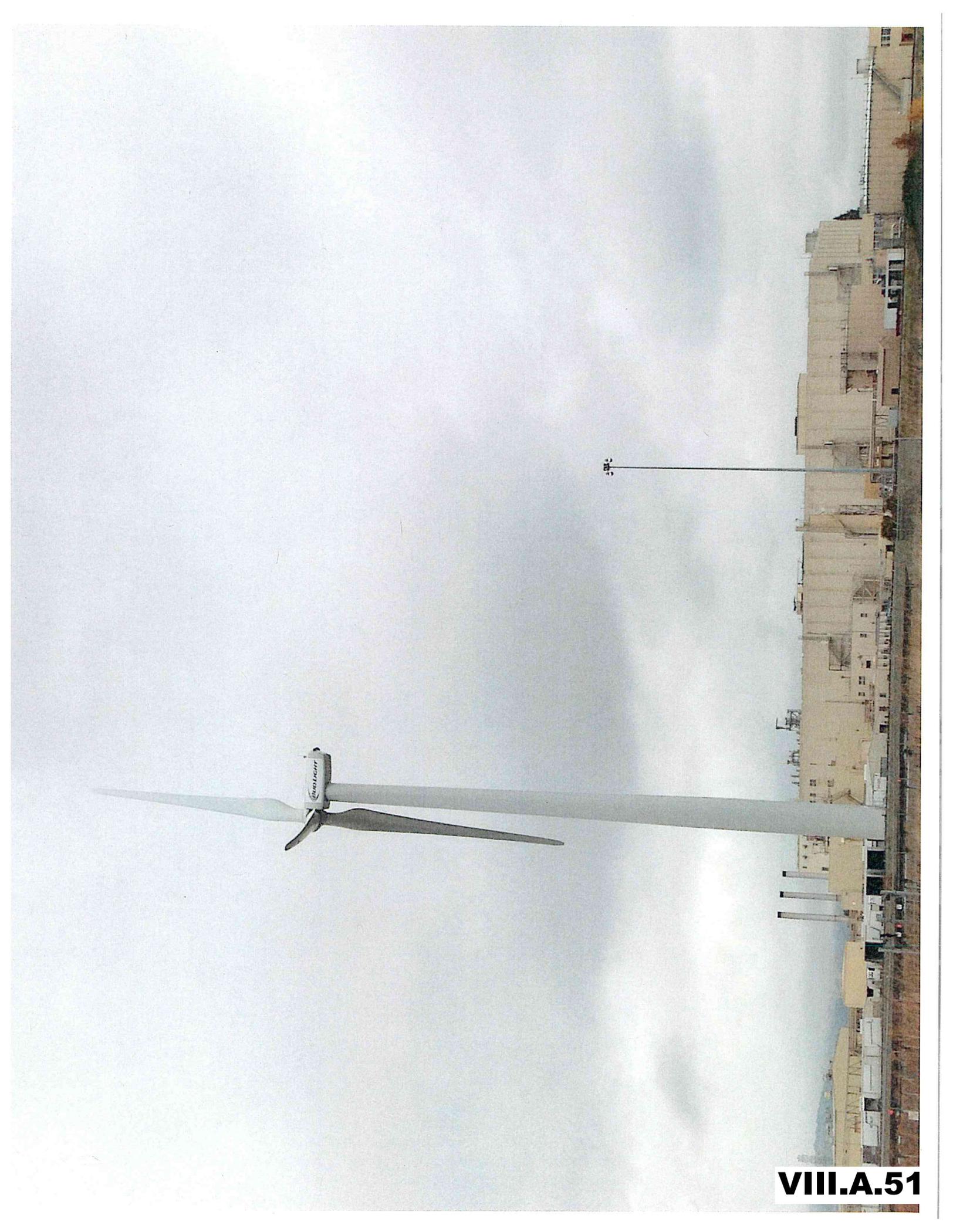


Photo #5 (view from I-680/I-780 interchange looking north)

505 Sansome Street, Suite 450, San Francisco, CA 94111



VIII.A.51

MINUTES OF THE
REGULAR MEETING – CITY COUNCIL
January 06, 2015

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

I. CALL TO ORDER:

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

Council Member Schwartzman was absent.

All other Council Members were present.

II. CLOSED SESSION:

- A. CONFERENCE WITH LABOR NEGOTIATOR
(Government Code Section 54957.6 (A))
Agency negotiators: City Manager, Assistant City Manager, Senior HR Analyst
Employee organization: Benicia Public Employees' Association
(BPSEA) Part-time**
- B. PUBLIC EMPLOYEE PERFORMANCE EVALUATION
(Subdivision (b) of Government Code Section 54957)
Title: City Manager**

III. CONVENE OPEN SESSION:

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

A. ROLL CALL

Council Member Schwartzman was absent.

All other Council Members were present.

B. PLEDGE OF ALLEGIANCE

Dalene Waranietz led the Pledge of Allegiance.

C. REFERENCE TO THE FUNDAMENTAL RIGHTS OF THE PUBLIC

On motion of Council Member Strawbridge, seconded by Council Member Hughes, Council adopted Resolution 15-03, on roll call by the following vote:

Ayes: Patterson, Strawbridge, Campbell, Hughes

Noes: (None)

D. WIND ENERGY REQUEST FOR PROPOSALS - WATER TREATMENT PLANT

Alex Porteshawver, Climate Action Plan Coordinator, reviewed the staff report.

Council Member Campbell and Staff discussed whether Staff had talked with Budweiser (as they have similar wind turbines as the ones being proposed), the cost of the proposed turbines, initial cost, whether this was a financially viable project, etc. Staff clarified that there would be no up-front cost to the City. The City would get \$75,000 per unit to lease the land to the developer. The developer would pay for all of the up-front costs to build the project, and they would sell the generated electricity to PG&E or Marin Clean Energy (MCE).

Vice Mayor Hughes and Staff discussed the size of the proposed turbines, the expected revenue if the power were sold back to MCE or PG&E.

Council Member Strawbridge and Staff discussed the tariff, and since the City joined MCE, would it make a difference in what is sold back to PG&E, the size of the turbines, and the issue of community outreach.

Mayor Patterson discussed the need to have demonstrated project experience with public process, and whether there was any benefit to the City for reduced greenhouse gas emissions.

Council Member Campbell and Staff discussed concern regarding possible concerns that will come from citizens regarding birds, unsightly structures, etc. He would like to see what the community thinks prior to moving forward.

Mayor Patterson and Staff discussed the importance of public outreach and involving the community stakeholders from the beginning.

Vice Mayor Hughes discussed concern over the issue of overloading Staff's plate at this time.

Brad Kilger, City Manager, clarified that the majority of staff time would be from the Climate Action Plan Coordinator, who has already accounted for this in her time. He discussed the issue of 'project creep.'

Heather McLaughlin, City Attorney discussed the need to use outside resources

for this project, as it is very unique, and her time is quite limited right now.

Vice Mayor Hughes expressed concern regarding the timing and Staff resources for this project.

Council Member Campbell and Staff discussed action that Council took a few months ago regarding the sphere of influence and Lake Herman Road. He wondered if this was part of the 5-year study. Staff clarified that the project being discussed tonight was totally separate from the proposed Lake Herman project.

Mayor Patterson discussed having an overall energy plan and an understanding of what the City's capacity is for siting these things. She suggested asking for the plan in the RFP.

Council Member Strawbridge and Staff discussed her interest in this project. She did not want to see this project get lost. It is a great opportunity for the City.

Vice Mayor Hughes discussed concern regarding moving forward, as the details of the RFP had not been worked out, where the project fits in Council's priorities, etc. He stated that if Staff was comfortable with having enough resources to get the City through the RFP process, he was comfortable with supporting it at this time.

Ms. McLaughlin clarified that this would take some of her time, but it sounded like Council would approve her using outside resources for the bulk of the work.

Public Comment:

None

Mayor Patterson discussed the issue of planning. She clarified that within the RFP, it needed to identify the opportunities for wind turbines and where they could go, and criteria that would be necessary in order to address community concerns. The planning process could be simplified to address those two questions. She was looking for a motion to approve the direction to staff to authorize the preparation of an RFP.

Vice Mayor Hughes clarified that part of the RFP would be for looking at alternatives from developers, and also asking for revenue sharing options.

Mr. Kilger suggested getting the draft RFP, which would include Council's discussion tonight, including opportunities and criteria for siting windmills and a public outreach program, and bring it back to Council for review.

Mayor Patterson approved the above direction to Staff.

AGENDA ITEM
CITY COUNCIL MEETING DATE - DECEMBER 15, 2015
BUSINESS ITEMS

DATE : December 15, 2015

TO : City Council

FROM : City Manager

SUBJECT : **SECOND STEP OF MAYOR PATTERSON'S 2-STEP PROCESS**
REQUEST TO DISCUSS BENICIA'S LARGE FAMILY DAY CARE
HOME REGULATIONS

RECOMMENDATION:

Review draft work plans and give staff direction on evaluating the City of Benicia's Large Family Day Care regulations.

EXECUTIVE SUMMARY:

At the October 20, 2015 City Council meeting Mayor Patterson brought a 2-step process request to the Council to consider changes to Benicia Municipal Code (BMC) regulating Large Family Day Care facilities. The Council directed staff to agendize the item for discussion and to include a work plan for Council consideration.

BUDGET INFORMATION:

The costs associated with evaluating changes to the BMC are in staff time and direct expenses related to public notification.

GENERAL PLAN:

Relevant General Plan Goals and Policies include:

GOAL 2.5: Facilitate and encourage new uses and development which provide substantial and sustainable fiscal and economic benefits to the City and the community while maintaining health, safety and quality of life.

STRATEGIC PLAN:

Strategy 3.3: Retain and attract businesses

BACKGROUND:

At the October 20, 2015, City Council meeting, Mayor Patterson brought a 2-step process request to the Council to consider agendizing a discussion of changes to the BMC regulating Large Family Day Care facilities. The Council directed

staff to agendize the discussion of potentially reducing the notification requirement from 500-ft to 100-ft, and to provide a work plan, including community outreach for exploring possible further changes to the BMC for Council consideration. Excerpted minutes from the October 20, 2015 Council meeting, outlining the Council discussion and direction are attached.

California Code Requirements

California State Code 1597.43(c)(3) limits the regulatory role that local governments can play in the review and approval of large family day care homes to one of three options:

- 1) Allow large family day care homes to be established by right (no local land use permit is required).
- 2) Require a nondiscretionary permit, with no hearing, as long as the proposal meets "prescribed reasonable standards" related to only four potential impact factors: parking, traffic, noise, and spacing or concentration of homes with similar facilities.
- 3) Require a conditional use permit and process with the following restrictions:
 - a. May only address the four "prescribed reasonable standards" for potential impacts from parking, traffic, noise and spacing or concentration of homes with similar facilities.
 - b. Require public noticing within 100 feet of the proposed location.
 - c. Must hold a hearing only if requested by an affected party.
 - d. Must be approved if the applicant meets the State's four prescribed reasonable standards.

Benicia Municipal Code and Noticing Requirements

The BMC 17. 24.020 currently requires the third option, a use permit. Section 17.104.040 regarding Use Permit notification states that a notice must be mailed to property owners within a 500-ft radius. The interpretation of state code is that the 100-ft radius is the minimum distance for notification.

The issue of notification radius came up during a recent appeal of a large family day care, as it was argued that the potential impacts of such a use would not reach properties beyond the 100-ft radius. While Benicia's code is in compliance with State Code, the Council may wish to consider a smaller notification requirement for large family day care homes in order to ease the permitting process so as to encourage these uses, while maintaining the current use permit requirement process.

Initial research reveals that very few jurisdictions require a use permit process for large family day care homes. Most are either allowed by right or allowed with a nondiscretionary permit.

VIII.B.2

Staff notes that Benicia has had very few use permit applications for large family day care homes, a total of six applications have been processed since 2004, and all have been approved.

Work Plan: Change in notification radius

Should the Council wish staff to draft an amendment that only reduces the notification radius for large family day care homes to 100-ft.; this would be a straightforward amendment to the BMC, which would require minimal staff time. Staff estimates that total cost would be less than \$1,800 and could be accommodated with current staff resources in early 2016.

Work Plan: Revision to application process for large family day care homes

Based on City Council's direction, staff has prepared a potential approach for amendment of the City's current code requirements for large family day care. Staff recommends the following work plan process:

1. Staff will further research existing processes in various jurisdictions. Staff will evaluate and compare the different approaches and explore how utilizing these approaches might benefit Benicia.
2. Staff will schedule a public hearing before the Planning Commission to discuss options.
3. Staff will take Planning Commission recommendations to the City Council at a public hearing.

Economic and Quality of Life Impacts

Staff will research any existing studies done on the economic and quality of life impacts of large family day care homes on local communities. Staff will evaluate the different approaches to creating greater ease in the permitting process, their benefits to the economy, quality of life, and how utilization of these approaches might benefit Benicia. Staff is not proposing an independent analysis of the benefits or needs of Benicia, but rather a search of existing documents that can inform the discussion.

Discussion Topics

It is anticipated that recommendations will be developed through community discussion and will involve the benefits of allowing large family day care by right, allowing these uses with a nondiscretionary permit, or maintaining the current use permit requirement. Staff anticipates that permit fees will also be discussed.

Public Notification Process/Cost for permitting requirements for large family day care homes:

In order to solicit input from staff will provide notification for the proposed public workshop, Planning Commission and Council meetings to all interested parties, as well as through social media, the City's web page and local newspaper. The

total cost of public notification is outlined below.

Type of Notification	PC	City Council	Total Notification Cost
Email*	-	-	-
Mailed Notice*	\$120	\$120	\$240
Newspaper Legal Notice	\$45	\$45	\$ 90
Total			\$330

*Provided to day care facilities and when requested by interested persons. As part of the public outreach, staff will encourage interested parties to sign up for email notifications for future meetings.

In addition to costs associated with public noticing there are staff time cost implications to the work plan. We estimate the following in staff time:

Staff	Hourly Rate	Estimated Hours	Estimated Cost
City Attorney	\$165.65	20	\$3,313.00
CD Director	\$132.53	20	\$2,650.60
Principal Planner	\$95.10	30	\$2,853.00
Assistant Planner	\$67.98	20	\$1,359.60
Deputy City Clerk	\$58.77	1	\$58.77
Administrative Staff	\$58.63	10	\$586.30
Total estimated Staff Time/Cost:		101	\$10,821.27

Final Report to City Council

Upon completion of the community and Planning Commission discussions, a recommendation would be presented to the City Council in the form of a final report and draft ordinance amendment, if needed. Staff anticipates that this process will take approximately five months.

CONCLUSION:

The proposed work plan for the change in notification area only, can be achieved in early 2016 with existing staff resources and within the status-quo budget. The second, more complex amendment option represents a significant effort of staff time that is not currently in the status-quo budget as outlined in the Budget Implementation Plan (BIP). At this time, given existing discretionary projects and priority projects, as directed by Council, staff does not have the capacity to move forward with this amendment. Staff anticipates that we could move forward beginning in July of 2016, with an anticipated completion date in late 2016.

REQUESTED ACTION:

Direct staff as to the course of action the Council wishes to pursue, and what BIP Project Priority level the amendment(s) should be assigned. The Council may wish to move forward with the reduction in notification area, the more complex BMC amendment, or both, as the 100-foot notification amendment can be accommodated in a timelier manner than a complex amendment of the Large Family Day Care regulations.

Upon direction from Council, staff will return on January 19th with an amendment to the BIP Priority Project List for Council action. The BIP priority project list is attached for reference.

Attachments:

- Mayor Patterson's two-step process request staff report, with attachments
- City Council Minutes: October 20, 2015
- BIP Priority Projects

AGENDA ITEM
CITY COUNCIL MEETING DATE - OCTOBER 20, 2015
BUSINESS ITEMS

DATE : October 13, 2015
TO : City Council
FROM : City Manager
SUBJECT : **MAYOR PATTERSON'S REQUEST TO AGENDIZE DISCUSSION OF RESIDENTIAL CHILD CARE ORDINANCE**

RECOMMENDATION:

Consider Mayor Patterson's request to agendize a discussion of Residential Child Care Ordinance.

EXECUTIVE SUMMARY:

Mayor Patterson would like the City Council to consider amending the BMC to comply with State Health and Safety Code Section 1597.43(c)(3) on noticing distance of 100 feet and also consider the revisions to the BMC 17.24 for large family child care homes in residential zones.

Attachment:

- Council member request to agendize and related attachments

APPENDIX A: COUNCIL MEMBER REQUESTED AGENDA ITEM

Requested by: Mayor Patterson _____

Desired Initial Council Meeting Date: October 6 or October 20, 2015 _____

Desired Date for Second Step or Policy Calendar Review: in a timely manner

Deadline for Action, if any: _____

Problem/Issue/Idea Name: There are two requests. The first is to amend BMC to comply with State Health and Safety Code Section 1597.43(c)(3) on noticing distance of 100 feet.

Description of Problem/Issue/Idea: _____

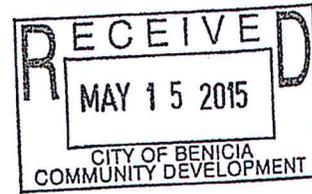
The second part of this request to to direct the Planning Commison to consider the revisions to BMC 17.24 for large family child care homes in residential zones. Few jurisdctions allow by right large family child care homes, but many have a more streamlined process with clear permit requirements and findings. Advocates have subitted letters and testified last spring for this more streamlined process including "by right". The current Benicia process was deemed one of the more complex approaches that the city can choose from. Attached is a useful document as background for this request.

COUNCIL DIRECTION

- No Further Action
- Schedule for Second Step on _____
- Schedule for Policy Calendar Review on _____
- Refer to: Staff _____
- Commission _____
- Board _____
- Committee _____

Date Due: _____

May 14, 2015



To whom it may concern,

We would like to express our support to "Miss Kristi" and Baby MacBean.

Our 5 year-old son Tristan has been going to Baby MacBean for the past 3 years, and our 3 year-old son Conner has been with Baby MacBean for the past 2 years. We cannot express enough how grateful we are to have Miss Kristi and her staff care for our children.

Miss Kristi provides a professional, yet loving and caring environment to nurture our children. The montesorri philosophy is factor that drew us to choosing Baby Macbean. However, the true dedication to their families is seen in their "Gentle Entry process" of slowly introducing a new child to their care. The provider first does a home visit, then the parent and child make several visits to Baby MacBean together to build the child's trust of the child care environment. Though it takes extra time on behalf of the parents as well, it also demonstrates the parents' dedication to providing the best for their child.

Miss Kristi's home is very clean (a top priority when we were interviewing daycare providers) and her property surroundings are always well maintained. Our children are happy at Baby MacBean, and often want to stay longer when it is time to go home.

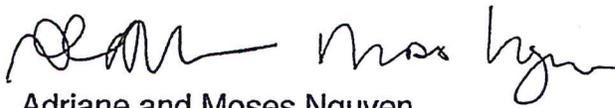
My husband and I are both hardworking professionals who work full-time; he is a systems technician for AT&T at Concord, and I am a family physician at Kaiser Permanente in Vallejo. We are given peace of mind knowing our children are cared for by the best while we are busy during the day with our careers.

We respect Miss Kristi's surrounding neighbors. We do not speed up and down the streets when we drop off our kids. We are also respectful of the law and where we park when we drop off our children. We teach our children safety and respect for others, and we do so by example. We see the same with all other parents we have met at Baby MacBean.

More specifically, during the times my husband and I have dropped off or picked up our boys- there are no more than three cars at a time upon drop-off, and usually less. We favor the use of Miss Kristi's driveway, and would never park illegally or in other neighboring driveways.

We want to extend our strong support for Miss Kristi and Baby MacBean. Please allow her to move to a bigger home to would provide more space for our children to play and learn, and also more personal space for Miss Kristi and her husband to enjoy.

Yours respectfully,

A handwritten signature in black ink, appearing to read "Adriane and Moses Nguyen". The signature is fluid and cursive, with the first name starting with a large 'A' and the last name starting with a large 'M'.

Adriane and Moses Nguyen
Home: (707) 652-5245

Gentle Entry: The Process

The first steps of gentle entry begin with the providers making home visits and the Primary Caregiver/Mother greeting the providers as if they were family, with hugs, all in view of the infant, of course. These visits are very short, usually 10 minutes or less.

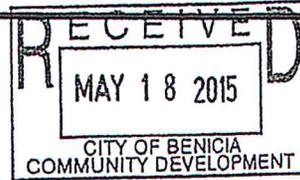
Then about a month before enrollment the Mother and baby will start visiting Baby MacBean for short but frequent visits. Perhaps several in a week but only for a 10 or 15 minute duration. This is to again let the baby see and be familiar with the providers, but in the child care environment. After about two weeks into these visits Mother will put baby down to play on the floor and let the child see Mother leave the room for 5 seconds and return. On subsequent visits Mother will walk out of the room and return. At first mother will only be gone for a few seconds. But over time this will increase to several minutes, always making sure baby sees Mother leave and return.

One week before the infant is to be enrolled the mother will come into the child care environment at the time of day that will be normal for her work schedule. She will care for her infant in our environment, feeding, diapering and napping, so that her infant will be familiar with the sights, sounds and smells of our environment with Mother doing all the care. Starting on the third day the provider may hold or interact with the baby but with Mother always in view. On the 4th day the provider will start holding, feeding & diapering the baby some of the time. On the 5th day the provider will act as the primary caregiver with the mother always in sight of the baby.

The last step of gentle entry is the first day of care without Mom.

Amy Million

From: Kathy Lago <KLago@SOLANOFAMILY.ORG>
Sent: Friday, May 15, 2015 11:07 AM
To: Amy Million
Subject: Copy of letter for record
Attachments: Letter support K Claverie Lg FCC.doc; Benicia Child Care Data March 2015.pdf



Hello Ms. Million,

Thank you for all of your work on Kristie Claveries' Large FCCH Permit process. I hope for everyone's sake that it is over. I wanted to send you a copy of my original letter ad data that I sent back in April. I may have submitted it before the first hearing and that is why it was not part of the information that Chair members and the public received.

I also want to extend my support to review the city planning and permit process if it is something that the city would like to revise. I did not bring up the 100 foot notification that is state law, during last night's meeting, because I felt like it was a moot point.

Our agency is here to support the availability of quality child care to all families in Benicia and look forward to assisting the city in any way that we can to mitigate long drawn out processes that use up city resources.

Sincerely,

Kathy Lago
Resource & Referral Program Manager

Solano Family & Children's Services
Your Child Care Connection
421 Executive Court North
Fairfield CA 94534
(707) 864-4620
www.solanofamily.org
www.facebook.com/solanofamily

~ Serving Solano County for over 36 years ~

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Child Care Provider Profile Demographics for Benicia, CA

Prepared: March 6, 2015

SUPPLY

of Centers: 15 (4 subsidized & 11 private/for profit)
of FCC Homes: 19

of Family Child Care Homes that offer:
Transportation: 6
Weekend care: 1
24 hour care: 0

Of the 19 licensed homes that are currently active in Benicia - there is a total capacity of 210 , which means family childcare providers could potentially serve 210 children if they all chose to operate at the maximum capacity. Of those spaces, providers have a desired capacity of 140, meaning, providers are choosing to serve less than their total capacity. Of that desired capacity, there are currently 30 openings, meaning 79% of the family child care capacity is full and 21% is currently available.

NEED (not to be confused with DEMAND)

Total number of children needing Child Care in Benicia city is 105
From 3/6/2014-3/6/2015

Age Category Total

Number of infants needing care: 41
Number of children from 2y through 4.11 months: 32
Number of children from 5y through school age: 32

Schedule

Children requiring full time child care: 77
Children requiring part time child care: 22
Children requiring both full and part time care: 6
Children requiring 24 hour care: 0

Type of Care Requested

Center/Pre-School: 53 Note: Some families requested both
Family Child Care: 97 center and family child care homes.

The information above, provided by Solano Family & Children's Services is data taken from our child care database which is maintained and updated regularly. Using the Child Care Portfolio, found at www.rnetwork.org may also be helpful in looking at the over all state of the industry, business operations, pricing strategies, strengths, and weaknesses. Solano Counties Child Care Report Card can be found at www.childnet.org, and can also assist in developing a base of data. Solano Family & Children's Services offers assistance to Child Care Providers, Families, Communities and Businesses as it relates to child care.

Solano Family Children's Services
421 Executive Court N. Fairfield 94534
www.solanofamily.org (707) 864-4620

SOLANO FAMILY & CHILDREN'S SERVICES

421 Executive Court North ♦ Fairfield, CA 94534-4019

Tele: (707) 863-3950 ♦ Fax: (707) 863-3975 ♦ Toll Free: 1-888-861-1594 ♦ E-mail: info@solanofamily.org

April 6, 2015

Amy Million
Principal Planner, Community Development Department
250 East L Street, Benicia, California 94510
City of Benicia

RE: 579 Cooper Drive – Claverie Family Child Care Home

Dear Ms. Million,

Solano Family & Children's Services is the State Department of Education funded Child Care Resource & Referral agency for Solano County. We collect and maintain data pertaining to the supply and demand of licensed child care for each of the cities in the county. Benicia has a mix of both licensed Family Child Care and Centers that are used by families that are working, seeking work and looking for preschool experiences for their children. Family child care settings offer a homelike atmosphere that provides a smaller more personalized setting as an alternative to larger child care center settings. We believe that choosing child care that meets the needs of each individual family is one of the most important decisions made by a family in a child's early years.

Benicia has a very low number of Licensed Family Child Care Homes available for use, compared to other surrounding cities such as Vallejo and Fairfield, per capita. As you will see in the attached report for Benicia, there are 19 Family Child Care Homes licensed and active as of March 6, 2015. If all of the settings ran at full capacity, there would be 210 spaces, but as is typical; these sites do not all run at full capacity and the possible spaces is only 140 at this time. We update quarterly with each Family Child Care Home and recently confirmed a vacancy rate for Benicia as of today, April 6, 2015 with 31 spaces available.

The report shows the number of requests that our agency has received for child care and the type of care requested from March 2014-15. With 105 children needing care and only 140 spaces, this does not allow for much range of options or choices for families seeking care. As you will note in the report, family child care settings with more flexible hours and lower cost for care is requested by 92% of the families that needed care. Having a variety of choices and options for families to meet their personal needs has historically been an issue in Benicia. In a better case scenario, a family would have 3-5 times the number of spaces available to choose from in order to find that setting that meets their needs. Child care is a relationship and more choices create a healthier range of options to meet a child's needs.

The location of the Claverie Family Child Care setting at 579 Cooper Drive is the only licensed Family Child Care Home on that street. The next closest two licensed family child care homes are 1 mile and 1.6 miles away. Licensed family child care in a neighborhood setting provides the ability for families to lower their carbon footprint by not driving across town to drop children off for care, possibly walk to and from care, help to develop a sense of neighborhood, be another set of eyes and ears in the neighborhood during the work day and offer a marketing tool for realtors when families looking to move into a neighborhood want to know that education services are nearby.

If I can answer any specific questions related to the supply and requests for care in Benicia, please do not hesitate to call me.

Sincerely,

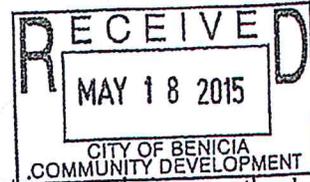
Kathy Lago
Resource & Referral Program Manager
klago@solanofamily.org (707) 864-4620

cc Kristie Claverie

Solano Family & Children's Services promotes and advocates for the well-being of children, their families, and child care providers by offering access to a variety of child care resources.

Amy Million

From: Kristi Claverie <kristiclaverie@gmail.com>
Sent: Friday, May 15, 2015 6:12 AM
To: Amy Million
Subject: Fwd: Daycare



I didn't see his email until this morning and it may be a moot point now, but in case there is another hearing, below is an email from one of my existing neighbors on Gill Way. He lives directly across the street from my child care.

Kristi

----- Forwarded message -----

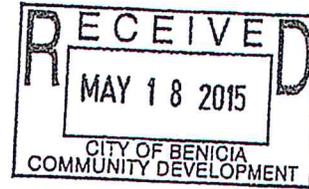
From: david pillsbury <david_pillsbury@sbcglobal.net>
Date: Thu, May 14, 2015 at 3:50 PM
Subject: Daycare
To:
Cc: kristiclaverie@gmail.com

Re:Daycare Kristi Claverie has been running a daycare center across from my home for several years. I was one of the neighbors who protested the daycare for traffic and noise reasons. Instead ,its been smoothly operated with little traffic or noise concerns in fact, I enjoy having it across the street and watching the small children. My wife and I will actually miss them when they move. (The world is full of surprises!)
David & Sharon Pillsbury at 139 Gill Way Benicia,Ca

--
Kristi C.

Amy Million

From: Nai Paz <naifou@gmail.com>
Sent: Thursday, May 14, 2015 11:15 PM
To: Amy Million
Cc: Claudia Claverie
Subject: 579 Cooper Drive Permit



Dear Amy,

I had a chance to speak briefly at the hearing earlier this evening but was not able to express everything I wanted to say there. Please share this message with the City Planning Commission as well.

I strongly support moving Baby MacBean to the new Cooper Drive location and urge that you expedite the approval of the permit. This delayed process has not only caused undue financial and emotional hardship for Kristi and James Claverie but also unnecessary city time and expenses at the taxpayer expense to address neighbor complaints that are unsubstantiated.

I have been a 5+ year client of Baby MacBean, ever since they were at the Eaton Court location. I have two boys currently under their care (5 yrs and 2 yrs) and am expecting a third boy in September. I also plan on putting my third son under Ms. Kristi's care. My oldest started at the Eaton location when he was 5 months old and we followed them to the Gill location. Then we had our second son and he's been in Ms. Kristi's care since he was 3 months old. Both of my boys love Ms. Kristi and the daycare. I trust her and feels she provides the absolute best quality child care possible.

During the 5 years I've been sending my boys to Baby MacBean, I have never seen any issues arise regarding parking, traffic, noise, or safety. The neighbors brought up concerns that there will be traffic from having up to 14 extra cars coming through the street each day. Keep in mind that this does not occur all at once. When I drop off/pick up my children, I usually only see one other car there, sometimes, none, and a few times two cars. The most cars I've seen during dropoff/pickup is three (very rare) and the cars are in and out within 5-10 minutes. The cars are not parked there for long periods of time. The parents of the kids under Ms. Kristi's care are all educated working professionals who are respectful and courteous. We have never and would never block driveways or streets to cause a safety hazard. With regard to noise, I've never heard any complaints about the children being so loud that it was bothersome to the neighbors. What is more pleasant than hearing children laughing and having fun vs. a barking dog nonstop or a rock band playing all night next door?

I myself am a Benicia resident and taxpayer and believe it is not fair for a group of neighbors to drag out this process and waste taxpayer dollars. I believe the neighbors are being selfish and only looking at what they perceive to be an inconvenience to them. They are not looking at the overall big picture of how powerful and important having a quality in home daycare is to the community. In many ways, in home daycare is the beginning of a child's education. It develops our kids into self-sufficient responsible adults who will contribute to our local community as they grow. Ms. Kristi's daycare provides this environment for the kids to thrive and become the great people they were meant to be.

Again, please approve the permit so our kids can have a bigger place to play and learn.

Thank you,

Nai Paz

Parent and Client of Baby MacBean



**Responding to Child Care Facilities:
A Practical Guide for
City & County Planners**

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The California Chapter of the American Planning Association (CCAPA) supports the provision of adequate and abundant child care facilities in all communities, including providing a streamlined planning process that is appropriate to local needs and consistent with state law. The CCAPA supports the use of this Guide as a starting place for city and county planners in their review of child care facilities.

This guide was made possible through funding from the **David and Lucile Packard Foundation** and LIIF's Affordable Buildings for Children's Development Initiative (ABCD). The ABCD Initiative is a California-wide collaboration of existing organizations dedicated to building a comprehensive and sustainable financing and support system for child care and preschool facility development.

Low Income Investment Fund:

LIIF is a community development financial institution dedicated to creating pathways of opportunity for low income people and communities. LIIF fosters healthy communities by providing a bridge between private capital markets and low income neighborhoods. By investing capital and providing technical assistance in affordable housing, education and child care, LIIF spurs economic advancement for the very poor. For more information about LIIF, visit www.liifund.org.

Table Of Contents

Introduction	4
Child Care Definitions and Descriptions	5
Reviewing Child Care Planning Applications	8
Supporting Child Care Facilities Through Policy	18
Resources	24

INTRODUCTION

Quality child care is in high demand by parents and employers because it provides a safe environment for the care and development of young children while parents work. Child Care is recognized by policy makers as a community priority because it contributes significantly to job creation and economic development. The child care industry employs about 123,000 people in California and generates approximately \$5.4 billion in revenue statewide, and those funds remain in the communities in which they are generated¹. However, in many communities barriers exist that prevent the child care sector from meeting the demand for expanded services, including navigating challenging land use approval processes.

Planners are also unwillingly put into uncomfortable situations when there is neighbor opposition to child care applications but planners have no discretion regarding these applications or find no negative impacts. While state law may limit a planner's discretion and/or the evidence does not support denial of a use permit, the neighbor may not find that to be a satisfactory conclusion.

The unique nature of child care can make it difficult sometimes for city and county planners to process applications for land use permits. Further, misconceptions and unknowns about the industry have led to land use regulations (or lack of) that are not relevant or are inconsistent with state law. Unnecessary environmental studies (traffic and noise, most often) and extra public hearings and appeal processes can result in land use application processes for child care facilities that are expensive and lengthy for both planners and child care operators.

This document is intended to demonstrate to city and county planners how child care planning applications can be processed in an objective, impartial and efficient way. We will focus on licensed child care facilities that meet state health and safety requirements, including centers and home-based care. Some types of care arrangements are exempt from state licensure. These include care of children by relatives, as well as many public recreation programs and school-run after school programs.

Unlike public education, child care operates predominantly through the private sector, with limited public subsidies available to help parents pay for the service. Many working parents cannot afford to pay the true cost of child care, especially quality child care. That means that most child care facilities struggle to make ends meet. As a result, developers of new or expanded child care facilities tend to have limited resources for the development process. And those seeking to open or expand a child care facility typically are not professional developers. Often their first and only experience with opening a new business may be the child care project. To complicate matters further, the child care facility development process is complex and often lengthy. In addition to the *local government* planning, building and safety, and fire department approvals, licensed child care must receive final approval and license from the *State*- the California Department of Social Services, Community Care Licensing Division (referred to simply as "Licensing" by most people in the child care world and in this document).

¹ National Economic Development and Law Center. The Economic Impact of the Child Care Industry in California. Oakland, CA: NEDLC, 2001.

Licensing regulates health and safety issues. These issues may resemble those overseen by local government (land use, building, and fire), however the emphasis and objective of Licensing is on the health and safety of children in the context of the day-to-day operations of a child care program; and Licensing's requirements may conflict with local government's requirements. One example is that Licensing stresses operator-control² of all exits, typically through locked doors, or doors that cannot be opened by children. The Fire Department naturally has a different take on this. As another example, Licensing has definite requirements about outdoor space. Local governments, concerned about noise, may want to impose requirements incompatible with the need for the facility to provide ample, useable outdoor space.

Planners who clearly understand how child care is regulated and how operators use space can provide better analysis, suggest appropriate recommendations, make better decisions, and offer better information to neighboring property owners, the community and decision makers. Coupled with this understanding, a streamlined land use approval process specifically geared to child care can ease the burden on planners by establishing realistic, clear, and child care applicable guidelines about what is needed for applications to be approved. This guide will help planners implement such processes.

CHILD CARE DEFINITIONS AND DESCRIPTIONS

Over the years, planners have experienced a changing landscape of cities and counties. They constantly must anticipate population shifts, and work hard to balance the competing demands of environmental protection and economic development. Similarly the child care field has changed and evolved over the years to meet the growing demands brought about by shifts in family dynamics, population growth and economic realities.

Formal or organized child care in the U.S. can be traced back to before the turn of the 20th century when it was primarily available to the destitute through religious and charitable organizations. World War II thrust mothers into the work force and required that they find places to care for their children. In the twenty-first century most mothers work and child care is perceived to be not only a means to permit parents to work but also an educational opportunity for children. Today, child care is in high demand by parents of all economic backgrounds, and research tells us that quality child care can result in children being more successful in school and later on in life.

It is important that language used to describe child care keep pace with its changing reality. As such, planners should use terms to describe child care that are accurate and consistent with terms used by others in this highly regulated field.

The first important distinction to make is between names of programs and the facility types in which they operate. In California, licensed facility types are defined in state law as either Family Child Care Homes or Child Care Centers. Family Child Care exists in an operator's home and

² For purposes of this document and to ensure appropriate identification terminology for planners, the term *operator* refers to the licensee named on a facility license issued by the State of California, Department of Social Services, Community Care Licensing Division.

Child Care Centers are facilities other than an operator's home. Planners should use *Family Child Care Home* and *Child Care Center* to describe licensed child care facilities and should insure that local ordinances refer to them in a manner consistent with state law.

An example of a program that takes place in either type facility is Head Start, a part-day preschool program funded by the federal government. There also are infant programs, toddler programs, preschool, school readiness, latchkey, Montessori, after school, and a host of other programs that can take place in either type of facility. The table on the right illustrates how various types of programs can be administered in either Family Child Care Homes or Child Care Centers. It is important to remember that these various programs do not describe the facility type.

For land use planning purposes, the facility type is relevant, while the program is not. The table below contains Licensing's definitions for both facility types.

PROGRAMS & FACILITY TYPES		
<u>Program</u>	<u>Child Care Center</u>	<u>Family Child Care Home</u>
Day Care	✓	✓
Head Start and Early Head Start	✓	✓
Infant Program	✓	✓
Montessori	✓	✓
Nursery School	✓	✓
Preschool	✓	✓
Reggio Emilia	✓	✓
State Subsidy Contractor (Title V)	✓	

Child care homes are further distinguished by Licensing as large or small Family Child Care Homes. We highly recommended that for definitional purposes and specifically within zoning ordinances, the following three terms be used for child care facility types:

LICENSING FACILITY DEFINITIONS	
<u>Child Care Center</u>	<u>Family Child Care Home</u>
<i>California Health and Safety Code § 1596.76</i>	<i>California Health and Safety Code § 1596.78</i>
Child Care Center (a.k.a. "Day Care Center") means any child day care facility other than a family day care home, and includes infant centers, preschools, and extended day care facilities.	Family Child Care Home (a.k.a. "Family Day Care Home") means a home that regularly provides care, protection, and supervision for 14 or fewer children, in the operator's (a.k.a. "provider's") home, for periods of less than 24 hours per day, while the parents or guardians are away, and is either a large family day care home or a small family day care home.

- Family Child Care Home, Small
- Family Child Care Home, Large
- Child Care Center

Some child care programs not subject to licensing, i.e., "Exempt," could occur in either Child Care Centers or Family Child Care Homes. This guide does not address these Exempt programs.

Descriptions and technical information related to these categories are contained in the following tables.

FAMILY CHILD CARE HOME

Family child care is operated in single- or multi-family housing. The make up of a family child care program often includes children of varying age groups. Within family child care environments children need adequate space to engage in different age-appropriate activities at the same time. State law preempts some local land use regulations for family child care, outlined in this chart.

<u>Local Land Use Requirements</u>
<i>Small Family Child Care Homes are allowable by right in residential zones for single-family residences. Business licenses, fees or taxes may not be imposed.</i>
<i>Large Family Child Care Homes are allowed by right, unless the jurisdiction chooses to require either a non-discretionary permit or a special/conditional use permit.</i>
<i>If a Large Family Child Care home is subject to a permit, local land use considerations are limited to traffic, parking, spacing and concentration, and noise.</i>

<u>Community Care Licensing Regulatory Requirements</u>
<i>Family child care is a residential use: Cal. Health & Safety Code § 1597.43.</i>
<i>Small Family Child Care Homes are licensed for up to 8 children with restriction on age make up of children.</i>
<i>Large Family Child Care Homes are licensed for up to 14 children with restriction on age make up of children.</i>
<i>Large Family Child Care Homes must pass inspection by the local Fire Authority.</i>
<i>The licensed facility is the operator's primary residence.</i>

CHILD CARE CENTER

A Child Care Center can be a stand alone facility, a facility co-located with a housing development, on a school campus, or at a church, medical facility, or other commercial/retail development. Child Care Centers are operated by public agencies, proprietary/small businesses, non-profits, and faith-based organizations. State law does not preempt local land use considerations.

<u>Local Land Use Considerations</u>
<i>"By right" for a specific zone varies by jurisdiction; special/conditional use permit may be required; public notification and hearing processes vary by jurisdiction.</i>
<i>The most prevalent issues include parking, traffic, and noise; most jurisdictions lack suitable child care policies for these three issues.</i>
<i>Some jurisdictions require at least one designated parking space.</i>

<u>Community Care Licensing Regulatory Requirement</u>
<i>Facility must comply with state and local fire and building codes. Facility must pass inspection by the local Fire Authority.</i>
<i>A minimum of 35 square feet of usable indoor space is required per child; square footage does not include separate sleeping areas for infants, toilets, built-in furnishings/cabinets and storage. Most quality facilities are 75-100 square feet per child.</i>
<i>A minimum of 75 square feet of outdoor space per child is required, surrounded by a minimum 4' high fence. There must be separate outdoor space for preschoolers (ages 3-5) and infants/toddlers (ages birth -2).</i>
<i>Facilities are licensed by age group for any number of children and include age-specific classrooms.</i>
<i>Licensing regulates a host of other issues related to child safety including type of flooring, materials used in play yards, location of diaper changing tables, ratio of toilets and sinks to number of children, and more.</i>

REVIEWING CHILD CARE PLANNING APPLICATIONS

This section is intended to give planners a guide to reviewing planning applications for licensed child care³. Though we will discuss most considerations, and explain the relationships among the different types of child care as they apply to various facility types, we acknowledge that we cannot cover every circumstance planners will encounter. We hope this guide will supplement planners' experience and result in simplified and streamlined processes for review of child care facility applications.

A. SMALL FAMILY CHILD CARE HOME

"Small Family Child Care Home" is defined in the California Health and Safety Code as a facility licensed to provide non-medical care in the operator's home for 8 or fewer children. Licensing has a strong interest in making child care available and accordingly allows, with few restrictions, home-based options that have a limited local impact. Specifically, California Health and Safety Code §1597.43 states:

The Legislature finds and declares all of the following:

- (a) Family day care homes operating under the standards of state law constitute accessory uses of residentially zoned and occupied properties and do not fundamentally alter the nature of the underlying residential uses. Family day care homes draw clients and vehicles to their sites during a limited time of day and do not require the attendance of a large number of employees and equipment.

In order to comply, then, with state law, jurisdictions must treat Small Family Child Care Homes as residential uses. Local zoning ordinances may include a definition (which is recommended) and a provision specifying that Small Family Child Care Homes are a permitted use in single family residential zones, but local governments cannot impose additional restrictions or any discretionary approval process for Small Family Child Care Homes.

If neighbors are concerned about impacts from a Small Family Child Care Home, planners should encourage the concerned neighbor to talk directly with the Family Child Care Home operator to try to resolve the problem. However, state law does not allow typical "neighbor" issues to be addressed through zoning or other local land use regulation. Planners also may refer to Appendix J, *Being a Good Neighbor- Tips for Family Child Care Providers*, in Kristen Anderson's book, "Planning for Child Care in California." (See the Resource section of this document.) Keep in mind that the state requires licensed child care to comply with health and safety requirements, so if the neighbor is concerned with the number of children on the site, the adequacy of the supervision or other conduct or activity, they should be referred to Licensing for assistance in resolving the problem. (See the Resource section of this document to find the appropriate Licensing Regional Office.)

³ Facilities which are issued a license by the State's Community Care Licensing Division.

B. LARGE FAMILY CHILD CARE HOME

“Large Family Child Care Home” is defined in the California Health and Safety Code as a facility licensed to provide non-medical care in the operator’s home for 9 to 14 children. Pursuant to Health and Safety Code § 1597.46 a jurisdiction must do one of the following with respect to Large Family Child Care Homes on lots zoned for single family residences:

- Classify a Large Family Child Care Home as a permitted use and allowed by right; or
- Grant a nondiscretionary, administrative permit when Large Family Child Care Homes comply with “local ordinances prescribing reasonable standards, restrictions, and requirements concerning spacing and concentration, traffic control, parking, and noise control” and “any regulations adopted by the State Fire Marshall”⁴; or
- Require a use permit process, which must be approved if the Large Family Child Care Home complies with “local ordinances, if any, prescribing reasonable standards, restrictions, and requirements concerning spacing and concentration, traffic control, parking, and noise control” and “any regulations adopted by the State Fire Marshall.” A public hearing may be conducted **only if**, under the use permit requirement, the applicant or any affected party requests a hearing (Health and Safety Code § 1597.46(a)).

If a jurisdiction’s zoning ordinance does not contain language specifying either an administrative permit or a use permit process, the jurisdiction must allow Large Family Child Care Homes as a permitted use on lots zoned for single family residences, similar to Small Family Child Care Homes.

Assuming a jurisdiction elects to adopt a use permit process for Large Family Child Care Homes, that process should be relatively straightforward since the issues that can be raised are limited in scope. The jurisdiction, for example, may not require that the applicant demonstrate that the use is necessary and desirable. Also, because the city or county cannot deny an application due to the size of the home, there should be no requirement for a detailed site plan.

Consistent with the limitations imposed by state law⁵ on the scope of Large Family Child Care Homes, local jurisdictions should facilitate efficient permit review by designing a separate application for Large Family Child Care Homes that will save time and expense for both the jurisdiction and the applicant.

Finally, it is important to remember that there is a limited allowable notice and hearing process for Large Family Child Care permits. Notice may only be given to owners of property within a 100-foot radius of the proposed Large Family Child Care Home. A hearing may only be held on the application if the applicant or any affected person requests a hearing.

⁴ Normally planners do not impose fire regulations- the State Fire Marshall has that responsibility, and local fire departments interpret those regulations. Thus, Fire Regulations are not discussed in this document. However, coordination between planners and fire inspectors is strongly encouraged to ensure consistent regulations and streamlined processes are enforced.

⁵State law requires that applications for Large Family Child Homes be processed “as economically as possible” (Health & Safety Code § 1597.46(d)).

The Health and Safety Code limits the areas in which a jurisdiction may condition the issuance of a permit for Large Family Child Care Homes to “spacing and concentration, traffic control, parking, and noise control” as specified in local ordinances. In addition, consideration of signage and play equipment location may be relevant. State law dictates that requirements placed on Large Family Child Care Homes regarding signage and play equipment be consistent with the jurisdiction’s zoning ordinance as it relates to similarly zoned properties. As fire regulations are not the purview of planning, this topic will not be discussed, but be aware that Large Family Child Care Homes have to pass an inspection by the local fire authority.

1. Spacing and Concentration

If the concern of local governments relating to spacing and concentration is that a particular neighborhood, but more precisely, a street or block, may be negatively impacted by numerous Large Family Child Care Homes, it is recommended, based on the experience of the authors that jurisdictions consider the following restrictions:

- Two Large Family Child Care Homes should not be located on adjacent parcels unless the adjacency exists on properties fronting different streets.
- No more than three Large Family Child Care Homes are allowed on the same side of the street of any residential block.
- Large Family Child Care Homes are not allowed on the same street when located either immediately across the street from one another or across the street and within one parcel of one another.
- Only one Large Family Child Care Home is allowed on a court or cul de sac with four or fewer homes.

2. Traffic

Child care poses a challenge to planners who normally want to review specific traffic (trip) generation information related to the land use, but this information normally is not available for Large Family Child Care Homes. This type of facility, however, has characteristics that may help reduce traffic and parking impacts in many cases. These characteristics are:

- Children under the age of 10 who are cared for in a Large Family Child Care Home in which they live are counted towards license capacity.
- Parents who enroll more than one child in a Large Family Child Care Home normally are bringing or picking up those children at the same time.
- Operators of Large Family Child Care Homes who serve only children under the age of 5 cannot serve more than 12 children at a time, reducing the maximum capacity from 14 to 12.
- Large Family Child Care Home assistants who live in the home, or are neighbors within walking distance, don't normally drive to the home.
- Large Family Child Care Homes in close proximity to elementary schools have the advantage of caring for children who can walk to child care directly from the school.
- Generally, trips to/from Large Family Child Care Homes are shared with a primary trip to work, school or some other activity. So often a trip to/from a Large Family Child Care Home is a “pass-by trip.”

A Large Family Child Care Home is a “neighborhood business” and, as such, can be considered a neighborhood service. One of the criteria parents use when selecting care is how close the child care facility is to their family’s home. Family child care conveniently located near a family’s home can result in reduced vehicle trips.

The Institute of Traffic Engineers (ITE) Trip Generation Manual has a category for “Child Care Center” (see Section III.C. below) but not for Family Child Care Home. This is because of the residential character of Family Child Care Homes. Planners, therefore, must rely on professional experience and common sense by offering operational strategies that will help reduce traffic impacts. The mitigations below are offered as ways to reduce or avoid neighborhood traffic impacts.

- Require the operator to inform parents and guardians dropping-off or picking-up children about neighborhood traffic conditions.
- Require the operator to create a “traffic circulation plan” that parents and guardians would follow in order make traffic flow smoothly. (Asking parents not to use driveways to turnaround but rather travel “through” the neighborhood is one example.)
- Require the operator to provide parents and guardians with regular reminders (for example, a newsletter) about speed limits, circulation issues and recommended procedures.

3. Parking

Often parking related to Large Family Child Care Homes is an issue raised by neighbors opposed to the use. Child care operators have a number of strategies available to minimize parking impact. In those rare instances when a potential problem is identified, ways to mitigate the potential problem can be found. Furthermore, experience shows that in cases where Large Family Child Care Homes were formerly Small Family Child Care Homes, which is common, the relative increase in parking demand is quite small.

One issue related to parking and Large Family Child Care Homes is that of employee parking. A Large Family Child Care Home requires at least one (1) additional caregiver in addition to the operator. If the additional caregiver lives in the operator’s home there is no need for employee parking. Employee parking for a Large Family Child Care Home should only be required off-street if the additional employee does not reside at or within close proximity to the location where child care is being provided and there is a limited amount of on-street parking.

Another parking issue may be that of parent parking. Normally, parents are at a Large Family Child Care Home to pick-up or drop-off their children, in most cases for not more than 10 minutes at a time. Further, this drop-off/pick-up activity is generally staggered as all parents do not arrive at the same time. For these reasons, on-street parking should be allowed to be counted for drop-off and pick-up activity.

In summary, then, the following should apply to a Large Family Child Care Home:

- “Employee” parking: One designated off-street parking space for a non-resident caregiver (employee) if sufficient on-street parking is not available. An employee who resides within walking distance should be classified as a “resident.”
- Parent parking: Allowed on-street given the short-term nature of the need. Consideration should be given to allowing the Large Family Child Care Home operator to paint the curb adjacent to his/her property as “passenger loading” during designated hours.
- Operators can establish policies, enforced through contracts, for parents to follow, identifying appropriate drop-off locations and setting schedules that stagger the typical drop off and pick up times.

4. Noise

Health & Safety Code § 1597.46 provides that “Any noise standards shall be consistent with local noise ordinances implementing the noise element of the general plan and shall take into consideration the noise levels generated by children.” This means planners rarely have to impose special noise standards for a Large Family Child Care Home. It is sufficient simply to require that the Large Family Child Care Home comply with the noise ordinance applicable to residential uses. Even in those rare cases in which a special noise standard might be needed (for example, if a particular residential area has unique noise sensitivity), any such standard should reflect the fact that Family Child Care Homes are a residential use, that children will be outside for parts of the day and that those children will make some amount of noise. Thus, reasonable limits on outside play time might be appropriate in exceptional circumstances only.

We recognize that some neighbors might be concerned about noise, imagining 14 children in the back yard all day playing as loudly as they can. Common sense and experience tells us that this scenario simply does not happen. Large Family Child Care Homes provide care to children varying in age from infant to pre-teen. Children of differing age groups have different interests and schedules throughout the day. Accordingly, the number of children who occupy the outdoor space at the same time is usually much less than the licensed capacity.

Since most cities use 60 or 65 dBA as an outdoor noise level standard, noise should not be an impact with respect to Large Family Child Care Homes. Studies done on child care noise levels show that “normalized” sound levels for a group of ten children, 2-3 year olds at 30 feet from the center of the play area was 65 dBA and for a group of ten children, 4-5 years old also at 30 feet from the center of the play area was 67dBA. Sound levels of infants and toddlers are even lower⁶.

⁶ Unpublished article by Jeffrey K. Pack, Edward L. Pack Associates, Inc., Acoustical Consultant, San Jose, CA (2003).

Planners can offer mitigations for potential noise impacts, such as:

- Requiring an operator to limit the number of children of specific ages who play outside at any one time, as long as reasonable indoor and outdoor supervision of children is not jeopardized.
- Consider moving outside play equipment to an area of the yard where noise might be attenuated by buildings or vegetation.
- Requiring an operator to plant noise attenuating vegetation.

5. Signage

State law does not provide special protection to family child care for signage. Family Child Care Homes must comply with any signage requirements that apply to similarly zoned residences. Note that many family child care operators do not want signage for safety reasons.

6. Play Equipment

The location of play equipment is regulated by Licensing for health and safety reasons. Local residential zoning ordinances address the location of “accessory buildings” or structures such as sheds, garages and patio covers. If a play structure meets the local definition of accessory building or structure, it would be subject to the same requirements that apply to any residence. However, play equipment might be located in an area where noise could be a consideration, and in this case the possibility of relocating the play equipment should be explored. (See the Noise discussion above.)

C. CHILD CARE CENTER

“Child Care Center” is defined in the California Health and Safety Code as a facility other than a child care home. Thus, a Child Care Center is a non-residential land use and has more extensive and restrictive licensing requirements. Normally, Child Care Centers can be located in a number of different zoning districts, such as Commercial and High Density Residential districts. Though not required to do so, Child Care Centers typically accommodate more children than Large and Small Family Child Care Homes.

Jurisdictions normally require a use permit process for Child Care Centers, although permits are not required by the Health and Safety Code. In fact, there are examples in which jurisdictions allow Child Care Centers by right. The City of Los Angeles, allows Child Care Centers with less than 50 children to be located within multi-family or commercial zones so long as all requirements of Licensing are met. The City of San Diego allows Child Care Centers in Industrial zones so long as clearance is received from the County verifying that no hazardous substances are used within 1000 feet of the site. While these examples might not seem applicable to smaller cities, every jurisdiction has similar zones and land uses (e.g., Multi-family, Commercial, Industrial) and so there is relevance to all jurisdictions.

While requiring a use permit process is acceptable, jurisdictions should consider the possibility of either “by right” permitting or simplifying the use permit process in certain zones and under specified conditions. In particular, Commercial zones, which normally can accommodate the parking and traffic associated with a Child Care Center, may be appropriate for “by right” designation.

Regardless of the process established by jurisdictions, guidance is provided to jurisdictions relating to spacing and concentration, traffic, parking, and noise. Since Fire Regulations are the purview of both Licensing and the local Fire Marshall, they are not addressed in this document.

1. Spacing and Concentration

Child Care Centers are market driven making it extremely unlikely multiple centers will be proposed within a small geographical area. In the unlikely case that two Child Care Centers are located in close proximity, a jurisdiction should consider spacing and concentration an issue only if traffic generation and parking affecting the same street system and intersections is projected to be a problem.

2. Traffic

Staff and parents generate traffic to and from a Child Care Center. For example, a center serving 80 children and employing 12 staff will generate traffic of up to 92 individuals. If these individuals are coming and going from the center each day this center would generate a maximum of about 184 trips. According to the Institute of Traffic Engineers (ITE) Trip Generation Manual, a Child Care Center, including employee trips, generates an average of 0.8 trips per student in the a.m. peak hour and 0.82 trips per student in the p.m. peak hour. Thus, the 80 child center, according to the ITE, is likely to generate 64 trips occurring in the a.m. peak and approximately 66 occurring in the p.m. peak, as other trips are staggered throughout the day.

Similar to Large Family Child Care Homes, there are characteristics of Child Care Centers that may reduce perceived impacts on traffic (and parking, in many cases). These characteristics are:

- Many trips to/from a Child Care Center are incidental to a primary trip to work or school.
- Locations can offer self-mitigating conditions, such as:
 - Near churches and schools where additional traffic resulting from a Child Care Center may simply go unnoticed, especially if only one or two classrooms are being utilized for child care.
 - Within or in close proximity to residential areas, where parents may be able to walk their children to the Child Care Center and avoid vehicle trips altogether.
 - At an employment center or individual business, i.e. employer-based, where the vehicle trip to the Child Care Center is the same as that to work.

3. Parking

Child Care Centers need parking for employees and parents. However, parking needs can be easily over estimated resulting in Child Care Centers dedicating space to parking that goes unused. Given the high demand for child care services, the land allocated to unused parking could serve the community better if designated for more child care spaces. Additionally, in downtown areas and dense neighborhoods, designated drop off/pick up street parking is common, practical, safe and adequate for Child Care Centers.

One parking space should be designated on-site for each employee, based on the maximum number on-site at one time (accounting for overlapping shifts). Considerations for reduction in requirements should be made when transit usage, carpooling or other mitigating conditions exist. Off-site or shared parking arrangements may be necessary in some cases.

A real parking issue is where parents will park when dropping off or picking up their children. Similar to Large Family Child Care Homes, parents normally stop at Child Care Centers for no more than 10 minutes at a time. This drop-off/pick-up activity is generally staggered as all parents do not arrive at the same time. Even with programs that have designated class times, parents are arriving within 5-15 minutes of each other. For these reasons, for smaller Child Care Centers, (those with fewer than 40 children), on-street loading and unloading area should be allowed for drop-off and pick-up activity.

For larger Child Care Centers (more than 40 children) in addition to on-street loading and unloading areas, appropriate off-street loading and unloading areas (rather than individual parking spaces) should be considered.

Visitor parking needs are limited at Child Care Centers. While prospective parents and others will occasionally visit a Child Care Center, it is not a routine situation. Thus, no more than 1 or 2 parking spaces should be required for visitors.

Some jurisdictions, like San Francisco, recognize that existing commercial space may already have deficit parking and if child care creates equivalent deficit parking, no additional parking spaces may be required. For example, if the planning code requires two parking spaces at an existing commercial facility which currently has no parking spaces and the new Child Care Center's parking requirements are two parking spaces, the local jurisdiction may conclude that the new Child Care Center's deficit parking is equivalent to the existing current condition and no additional parking spaces would be required.

The following recommendations are provided for parking related to Child Care Centers:

- One off-street space per employee, including the Child Care Center operator and/or administrator.
- Parent Parking: provided on-street, off-street or in a shared situation, as follows:

1-25 Children	=	1-3 Spaces
25-49 Children	=	4 Spaces
50-99 Children	=	6 Spaces
>100 Children	=	10 Spaces

4. Noise

It is rare that Child Care Centers will generate adverse noise impacts. In most Child Care Centers, play times are staggered, and play is supervised more closely than it is in other venues (for example, parks, or malls) and thus extreme noise is rare. Extensive child care playground noise level data collected by Bollard & Brennan, Inc. in recent years indicates that *average* noise levels associated with playground usage can be expected to range from 55 to 60 dB L_{eq} at a distance of approximately 100 feet from the central play area.

In particular, Child Care Centers proposed in commercial areas should not be considered to have noise impacts. External noise (primarily vehicular in nature) should effectively ameliorate or reduce any significant noise impacts associated with child care.

Child Care Centers proposed in residential areas (usually Multifamily) may pose some concern, especially if the play areas are near residential living areas. However, where there is a concern that the play area may be too close to the residential living areas, planners can consider any or all of the following:

- The actual noise impact in light of the ambient noise level in the area;
- Moving the location of the outdoor play area, if possible;
- Requiring the Child Care Center to develop limitations on the use of the play area, either in terms of the outside hours of play or the number of children in the play area at any one time, as long as the supervision of children and children's access to outdoor playtime are not unreasonably jeopardized.; or
- Requiring vegetation or other noise attenuation material, such as acoustical fencing.

5. Signage

Signage for a Child Care Center should be subject to the jurisdiction's sign ordinance or the development's sign program if one exists.

6. Play Equipment

The type and location of play equipment is not specified by any regulatory entity, but Licensing and governmental playground safety standards require large fall zones around play structures and resilient surfacing underneath. These regulations often limit the location of such structures. In any zone, play equipment can be screened with landscaping and/or fencing to address visual impact, privacy, noise and safety concerns.

Licensing requires that child care playgrounds be secured by four-foot fences. Most Child Care Centers, however, build higher fences for safety reasons, at least in high traffic areas.

D. CALIFORNIA ENVIRONMENTAL QUALITY ACT

Compliance with the California Environmental Quality Act (CEQA) is related to all land use applications. The table below summarizes CEQA's applicability to the three major categories of child care- Small Family Child Care Homes, Large Family Child Care Homes, and Child Care Centers. In summary, CEQA's applicability reflects the variability of planners to review child care facilities, from no discretion with a Small Family Child Care Home (categorical exemption), to limited discretion with a Large Family Child Care Home (statutory exemption), to full discretion with a Child Care Center (Negative Declaration /Mitigated Negative Declaration /Environmental Impact Report).

How Does CEQA Apply to Child Care Facilities?

Child Care Facility Type	CEQA Applicability	Reference	Options for Addressing Land Use Impacts or Neighbor-Generated Complaints
Small Family Child Care Home	Statutory exemption	Health and Safety Code §1597.45(a).	Recommend or facilitate neighbor-to-neighbor discussion. A complainant should be directed to Licensing if the concerns are not related to zoning.
Large Family Child Care Home	Statutory exemption	Health and Safety Code §1597.46(b)	Zoning code must specify standards related to traffic, parking, noise & spacing, if a non-discretionary or modified use permit is required. Recommend or facilitate neighbor-to-neighbor discussion. A complainant should be directed to Licensing if the concerns are not related to zoning.
Child Care Center	CEQA applies to any discretionary permit	Public Resources Code section 21000	Conform to standards contained in zoning ordinance and/or conditions of approval

SUPPORTING CHILD CARE FACILITIES THROUGH POLICY

Child care is a land use that while necessitating regulation in some instances, also warrants support as an integral element of planning and developing communities. Planners can play an important role in balancing regulation and support. This section provides language based on earlier information in this guide that can be incorporated into jurisdictions' general plans (policy level) and zoning ordinances (regulatory level) to streamline the child care land use planning process.

GENERAL PLAN

General plans represent jurisdictions' long-term goals and policies to guide development decisions. Because child care is an integral part of planning and development, it should warrant specific policy statements in the Land Use, Housing, Circulation and Open Space Elements. In addition, jurisdictions increasingly are opting to include Economic Development and Public Facilities and Services elements. If this is the case, child care is well suited for these elements as well.

The following are offered as suggested objectives to be integrated into general plans.

LAND USE ELEMENT:

Objective: Encourage the inclusion of Child Care Centers at major job centers to serve the employees of those centers, as well as those to whom the location provides convenient access.

Objective: Support the integration of Child Care Centers within residential and commercial zoning districts to provide viable options for parents to find child care either close to home or close to work.

Objective: Support Child Care Centers in all zoning districts, at appropriate locations and with adequate safeguards, in order to provide a needed service for working parents and a benefit to the community.

Objective: Streamline the permit process to the extent practical to promote and support the development of Family Child Care Homes and Child Care Centers.

HOUSING ELEMENT:

Objective: Support the siting of Child Care Centers in all residential zones, but in particular multifamily residential zones, to enable working parents to find child care in close proximity to where they live.

Objective: Work proactively with all housing developers to incorporate, where feasible, child care that serves families of all incomes and children of all ages.

CIRCULATION ELEMENT:

Objective: Allow and encourage the siting of child care within or near transit centers or along major transportation corridors.

Objective: Include child care as an appropriate use within overlay zones created around major transportation nodes.

OPEN SPACE ELEMENT:

Objective: Maximize the use and productivity of parks and recreation facilities by encouraging child care facilities to be located adjacent to or nearby to allow children who are under care and supervision to utilize the public space.

ECONOMIC DEVELOPMENT ELEMENT:

Objective: Encourage the siting of Child Care Centers within or in close proximity to job centers, recognizing that child care near a parent's place of employment reduces absenteeism, improves employee morale, and allow parents to retain their jobs.

PUBLIC FACILITIES AND SERVICES ELEMENT:

Objective: Support the designation of land zoned for child care either adjacent to or in close proximity to elementary and middle school sites, libraries and recreation centers to take advantage of complimentary or supportive land uses.

Objective: Encourage and support the use of public and faith-based facilities for child care, in particular at those facilities where the connection with child care is significant, such as schools and community and recreation centers.

ZONING ORDINANCE

A zoning ordinance is a regulatory document that provides specific standards relating to parcelization, land use, and buildings in order to promote orderly growth and maintain appropriate and desired community values as they pertain to the built environment. Zoning can be thought of as a quality-of-life tool.

Child care is a quality-of-life issue for families as well. For some families access to quality child care is a vital educational service that supports children's development and prepares children to enter kindergarten. Additionally, the availability of quality, affordable child care may be the determining factor in a parent's ability to seek or retain a job instead of seeking public assistance. For this reason, zoning ordinances should represent a practical and supportive approach to child care. The following standards are suggested for incorporation into zoning ordinances.

DEFINITIONS

Include the following definitions:

- Family Child Care Home, Small: A home in which care, protection, and supervision is provided by the full-time resident of the home for 8 or fewer children for periods of less than 24 hours per day.
- Family Child Care Home, Large: A home in which care, protection, and supervision is provided by the full-time resident of the home for 14 or fewer children for periods of less than 24 hours per day.
- Child Care Center: A facility other than a Family Child Care Home in which care, protection, and supervision is provided for children for periods of less than 24 hours per day.

USE PERMIT, LARGE FAMILY CHILD CARE HOME

If a jurisdiction elects to require a use permit process for Large Family Child Care Homes, it is recommended that the process be administrative in nature; that is, considered at the staff level only. The following procedures should apply:

- Noticing: A public hearing notice is required to be sent to only those property owners within 100 feet.
- Public Hearing: A public hearing shall only be held if requested by the applicant or any affected party.

Appeals:

It is recommended that the appeal process for the applicant or any affected party be the following:

- If an Administrative process, to the Zoning Administrator
- If non-Administrative, to the Planning Commission first and then the City Council or County Board of Supervisors

It is recommended the following standards be incorporated into zoning ordinances and be used to evaluate applications for Large Family Child Care:

Spacing and Concentration:

When spacing and concentration concerns exist consider one or more of the following options that are based on the authors' experience in this area.

Large Family Child Care Homes are allowed on adjacent properties when the adjacency exists on properties fronting different streets, for example a corner parcel fronting Street "A" and the adjacent parcel fronting Street "B."

No more than three Large Family Child Care Homes are allowed on the same side of the street of any residential block.

Large Family Child Care Homes are not allowed on the same street when located either immediately across the street from one another or across the street and within one parcel of one another.

Only one Large Family Child Care Home will be allowed on a court or cul de sac with four or fewer homes.

Traffic:

Except in exceptional circumstances, Large Family Child Care Homes in residential zones are determined to be an accessory use of residentially zoned and occupied property and do not fundamentally alter the nature of the underlying residential use.

Where necessary or desired, a Large Family Child Care Home operator will provide a drop-off/pick-up schedule, a copy of which will be prepared and distributed to parents or guardians of the children for whom care is being provided. The schedule may include a circulation plan for the neighborhood if deemed necessary.

Parking:

Non-resident caregiver (employee): One designated off-street parking space for a non-resident caregiver (employee) should be provided if it is determined that insufficient on-street parking is available. An employee who resides within walking distance should be classified as a “resident.”

Parent Parking: On-street parking for drop-off/pick-up is allowed. Consideration should be given to allowing the Large Family Child Care Home operator to paint a street curb for “Passenger Loading” during select times of the day.

Noise:

Due to the residential character of Large Family Child Care Homes, it is determined that noise will not exceed the city’s/county’s noise standard applicable to similarly zoned parcels.

Where appropriate, Large Family Child Care Home operators may be required to do one or more of the following:

- limit the number of children of specific ages who may play outside at any one time;
- locate play equipment where noise may be attenuated by buildings or vegetation; and
- plant noise attenuation vegetation.

Signage:

Regulate by sign ordinance that applies to all similarly zoned parcels.

Play Equipment:

Play equipment is regulated by Community Care Licensing for health and safety reasons.

Regulate accordingly play structures that meet the definition of an auxiliary building or structure.

Play equipment may be relocated for noise considerations to the extent that its new location does not violate Licensing requirements.

USE PERMIT, CHILD CARE CENTER

A Child Care Center is a non-residential use and, as such, a special or conditional use permit may be required. It is recommended the following zoning standards and/or language be used to evaluate Child Care Centers and incorporated into zoning ordinances:

Spacing and Concentration:

No standards need be established but an application should be evaluated based on traffic, parking, and noise.

Traffic:

Estimate a maximum of one trip each way for each staff and student. Following the Child Care Center traffic impact estimates, as determined by the Institute of Traffic Engineers and contained in the Trip Generation Manual, is deemed acceptable.

Trips per day per student, including employee trips-

.8 AM Peak Hour trips

.82 PM Peak Hour trips

Parking:

Employee: One off-street space per employee

Operator/administrator: One off-street space.

Parent Parking: Available on-site or shared spaces as follows for loading and unloading of children:

1-25 Children	=	1-3 Spaces
25-49 Children	=	4 Spaces
50-99 Children	=	6 Spaces
>100 Children	=	10 Spaces

Parking for parents can be provided in any of the following categories or in a combination of the three:

- Off-street parking
- On-street parking
- Shared parking

In the case of on-street parking, parking on the opposite side of a street from the Child Care Center will not be counted towards the required parking.

In the case of on-street and shared parking, not more than 50% of the total spaces available should be allocated to the Child Care Center to meet its requirement.

Noise:

Noise impacts are a function of the number of children who will utilize the play area at any one time and the location of the outdoor play area.

The following standards apply to Child Care Centers:

≤ 24 children utilizing outdoor play area at any one time:

*No significant noise impact

Play area > 100 feet from any public or private gathering place:

*No significant noise impact regardless of number of children

> 24 children utilizing outdoor play area at any one time and play area within 100 feet of any public or private gathering place:

*Possible noise impacts; screening or noise attenuation required.

Signage:

Comply with city/county Sign Ordinance.

Play Equipment:

Comply with city/county requirements related to fences and screening of equipment/storage material.

RESOURCES

Pertinent Laws and Regulations:

California Health & Safety Code (www.leginfo.ca.gov)

Definitions of child care types §1596.750-1597.621

Preemption of local regulation of Family Child Care Homes §1597.40-1597.47

§1596.750. "Child day care facility" means a facility that provides non-medical care to children under 18 years of age in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual on less than a 24-hour basis. Child day care facility includes day care centers, employer-sponsored child care centers, and family day care homes.

1596.76. "Day care center" means any child day care facility other than a family day care home, and includes infant centers, preschools, and extended day care facilities.

1596.78. (a) "Family day care home" means a home that regularly provides care, protection, and supervision for 14 or fewer children, in the provider's own home, for periods of less than 24 hours per day, while the parents or guardians are away, and is either a large family day care home or a small family day care home.

(b) "Large family day care home" means a home that provides family day care for 7 to 14 children, inclusive, including children under the age of 10 years who reside at the home, as set forth in Section 1597.465 and as defined in regulations.

(c) "Small family day care home" means a home that provides family day care for eight or fewer children, including children under the age of 10 years who reside at the home, as set forth in Section 1597.44 and as defined in regulations.

Community Care Licensing, CA Dept. of Social Services website

http://ccl.dss.cahwnet.gov/ChildCareL_1728.htm

List of District Offices: <http://www.ccl.dss.ca.gov/res/pdf/CCListingMaster.pdf>

Regulations (Title 22, Division 12): www.dss.cahwnet.gov/ord/CCRTitle22_715.htm

Regulation highlights (separate for centers and homes)

<http://ccl.dss.ca.gov/res/pdf/CCCRegulationHighlights.pdf>

Legal Assistance related to Child Care Issues

Child Care Law Center

221 Pine Street, 3rd Floor, San Francisco, CA 94104

(415) 394-7144 www.childcarelaw.org

Public Counsel Law Center/Child Care Law Project

601 So. Ardmore Ave., Los Angeles, CA 90005

(213) 385-2977 www.publiccounsel.org

Public Law Center

Community Organizations Legal Assistance Project

601 Civic Center Dr. W., Santa Ana, CA 92701

(714) 541.1010 www.publiclawcenter.org

Publications

Anderson, Kristen. *Planning for Child Care in California*. Point Arena, Calif.: Solano Press Books, 2006.

Child Care Law Center. *A Child Care Advocacy Guide to Land Use Principles*. San Francisco, Calif.: Child Care Law Center, 2003.

Karpilow, Kate. *Understanding Child Care—A Primer for Policy Makers*. Sacramento, Calif.: California Working Families Project, A Partnership of the California Commission on the Status of Women and the Institute for Research on Women and Families, Calif. State University-Sacramento, 1999. (www.ccrwf.org/publications/childcare.pdf). Note: While this publication is dated, it provides a useful comprehensive explanation of the child care and early education system.

Development Assistance

Low Income Investment Fund
100 Pine Street, Suite 1800, San Francisco, CA 94111
(415) 772-9094 www.liifund.org

Other Resources

Building Child Care: A clearinghouse of materials designed to support the child care field with facility development, www.buildingchildcare.org

MINUTES OF THE
REGULAR MEETING – CITY COUNCIL
October 20, 2015

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

I. CALL TO ORDER:

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

All Council Members were present.

II. CLOSED SESSION:

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

Number of potential cases: One (1)

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

III. CONVENE OPEN SESSION:

Mayor Patterson called the Open Session to order at 7:04 p.m.

A. ROLL CALL

All Council Members were present.

Council Member Schwartzman arrived at 7:05 p.m.

B. PLEDGE OF ALLEGIANCE

Gina Eleccion led the Pledge of Allegiance.

C. REFERENCE TO THE FUNDAMENTAL RIGHTS OF PUBLIC

IV. ANNOUNCEMENTS/PROCLAMATIONS/ APPOINTMENTS/PRESENTATIONS:

A. ANNOUNCEMENTS

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

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

II.A - Council received information from Staff and gave direction to Staff.

II.B - Council received information from Staff and gave direction to Staff.

2. Openings on Boards and Commissions:

Arts and Culture Commission

1 unexpired term

Open until filled

Community Sustainability Commission

2 unexpired terms

1 Student Commissioner term

Open until filled

3. Boards and Commissions - Council Subcommittee Recommendation:

Subcommittee recommendation to Mayor of Temma Roby to the Civil Service Commission for a three year term ending July 31, 2018

4. Mayor's Office Hours:

5. Benicia Arsenal Update

Update from City Attorney

Heather McLaughlin, City Attorney stated there was nothing new to report. Staff hopes to have information to present to Council at the December 2, 2015 Council meeting.

B. PROCLAMATIONS

C. APPOINTMENTS

D. PRESENTATIONS

- 1. JOINT PRESENTATION BY REBUILDING TOGETHER SOLANO COUNTY AND THE AMERICAN RED CROSS UPCOMING SMOKE DETECTOR EVENT IN BENICIA - OCTOBER 24, 2015**

2. DEMONSTRATION GARDEN PRESENTATION BY ELIZABETH HOFFMAN

V. ADOPTION OF AGENDA:

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

Ayes: Patterson, Schwartzman, Campbell, Hughes, Strawbridge

Noes: (None)

VI. OPPORTUNITY FOR PUBLIC COMMENT:

A. WRITTEN COMMENT

Seven items received (copies on file).

B. PUBLIC COMMENT

None

VII. CONSENT CALENDAR:

Council pulled item VII.D for discussion.

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

Ayes: Patterson, Schwartzman, Campbell, Hughes, Strawbridge

Noes: (None)

A. APPROVAL OF THE MINUTES OF THE OCTOBER 6, 2015 CITY COUNCIL MEETING

B. UPDATE ON EMERGENCY CONTRACTS FOR CLOCK TOWER ELEVATOR REPLACEMENT

C. APPROVAL TO EXTEND CONTRACT FOR LABOR RELATIONS SERVICES TO RENNE SLOAN HOLTZMAN SAKAI

RESOLUTION 15-123 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA EXTENDING THE CONTRACT FOR LABOR RELATIONS SERVICES TO RENNE SLOAN HOLTZMAN SAKAI

D. INTRODUCTION AND FIRST READING OF AN AMENDMENT TO BENICIA MUNICIPAL CODE CHAPTER 2.108 TO ALLOW THE COMMUNITY SUSTAINABILITY COMMISSION (CSC) TO ENGAGE IN FUNDRAISING ACTIVITIES AND CONCURRENTLY APPROVE FUNDRAISING GUIDELINES

ORDINANCE 15- - AN ORDINANCE AMENDING CHAPTER 2.108 (COMMUNITY SUSTAINABILITY COMMISSION) OF DIVISION 2 (BOARDS AND COMMISSIONS) OF TITLE 2 (ADMINISTRATION AND PERSONNEL) OF THE BENICIA MUNICIPAL CODE BY ADDING A NEW SECTION 2.108.100 (POWERS) TO ESTABLISH FUNDRAISING POWER FOR THE COMMISSION

Vice Mayor Hughes pulled this item to clarify that this amendment was completely consistent with the way the other amendments were made with the other two boards and commissions.

Brad Kilger, City Manager, stated that it was identical with the Arts & Culture Commission. The Human Services Board was slightly different, as they have a different mission. The Community Sustainability Commission's fundraising guidelines were modeled after the Arts & Culture Commission's guidelines.

Public Comment:

None

After the vote was taken, Council Member Schwartzman stated he had a question he meant to ask. He requested the item be reopened.

The motion to reconsider this item was approved by Council.

Council Member Schwartzman and Staff discussed the language on page VII.D.10, item no. 6 - 'allocations from the CSC shall be approved by the City Council after receiving a recommendation from the CSC.' He did not think that was the way it was being done. He thought it was 'it may be, and is subject to...' He would like clarification on the issue.

Christina Ratcliffe, Community Development Director, stated that Staff did not intend for Council to approve everything the CSC recommends. They wanted to ensure that Council approval was needed in order to disperse funds.

Mr. Kilger and Staff discussed the existing language and the amended language. He thought it was a matter of wording.

Heather McLaughlin, City Attorney, stated she thought the language could be improved. The goal was to say that Council has to approve any of the allocations, not the CSC. So, it has to come to Council for approval.

Council Member Schwartzman stated he would like that on the record, because

if you read that, it could be construed as something different.

Ms. McLaughlin stated that what was being discussed was the policy, not the ordinance. The way to correct that is to refer to the ordinance, so Staff can insert a footnote into the policy.

Council Member Schwartzman stated that was an acceptable fix for his issue.

Public Comment:

None

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

Ayes: Patterson, Schwartzman, Campbell, Hughes, Strawbridge

Noes: (None)

On motion of Council Member Schwartzman, seconded by Council Member Hughes, Council approved the reconsideration of this item, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, Strawbridge

Noes: (None)

On motion of Council Member Schwartzman, seconded by Council Member Hughes, Council approved the Introduction and First Reading of the above Ordinance, with the amendment of adding a footnote to the policy, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, Strawbridge

Noes: (None)

E. AWARD OF CONSTRUCTION CONTRACT FOR THE MEASURE C 2015 PAVEMENT REPAIR PROJECT #2015-03

RESOLUTION 15-124 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA REJECTING BIDS FOR OCTOBER 5, 2015 BID OPENING FOR THE 2015 PAVEMENT REPAIR PROJECT #2015-03, SUSPENDING COMPETITIVE BIDDING FOR THE PROJECT, AWARDED A NEGOTIATED CONSTRUCTION CONTRACT TO DRT GRADING & PAVING, INC. IN THE AMOUNT OF \$174,964.50, AND AUTHORIZING THE CITY MANAGER TO SIGN THE CONTRACT ON BEHALF OF THE CITY

F. ACCEPTANCE OF A GRANT DEED FOR 472 EAST N STREET

RESOLUTION 15-125 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA AUTHORIZING THE CITY MANAGER TO EXECUTE A SETTLEMENT AGREEMENT FOR THE PROPERTY AT 472 EAST N STREET, TO ACCEPT A GRANT DEED FOR THE PROPERTY AND TO TAKE ALL NECESSARY STEPS FOR THE SETTLEMENT AGREEMENT INCLUDING RECORDING THE GRANT DEED

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

VIII. BUSINESS ITEMS:

- A. APPROVAL OF AMENDMENT TO AGREEMENT WITH BROWN AND CALDWELL FOR CONSULTANT SERVICES FOR A FEASIBILITY STUDY AND ENVIRONMENTAL REVIEW FOR THE BENICIA WATER REUSE PROJECT**

RESOLUTION 15-126 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING AN AMENDMENT TO THE AGREEMENT WITH BROWN AND CALDWELL FOR PERFORMING A FEASIBILITY STUDY AND PREPARING ENVIRONMENTAL DOCUMENTATION FOR THE WATER REUSE PROJECT AND AUTHORIZING THE CITY MANAGER TO SIGN THE AMENDMENT TO AGREEMENT ON BEHALF OF THE CITY

Dan Jackson, Water Quality Supervisor, reviewed the staff report.

Council Member Campbell and Staff discussed the costs of doing steps 2-4 listed on the Water Reuse Project Major Milestones listed on page VIII.A.3. Staff confirmed that a good 2/3 of the project money will be spent by the time the City can have the discussion with Valero on water reuse. Valero has been positive about the overall project. Council Member Campbell was concerned about the possibility of the City spending a lot of money and Valero changing their minds.

Council Member Schwartzman and Staff discussed the financial feasibility, annual costs, and the public's interest in getting recycled water from the Wastewater Treatment Plant.

Mayor Patterson and Staff discussed the issue of reliable water supplies, Valero's delay in participation in previous projects, and how the City could ensure that Valero stays on track with meeting the schedules in the milestones. She requested that Staff keep Council informed if there are delays.

Public Comment:

None

Council Member Campbell and Staff discussed the issue of capital financing that was listed in the staff report.

On motion of Council Member Schwartzman, seconded by Council Member Strawbridge, Council adopted Resolution 15-126, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, Strawbridge

Noes: (None)

B. RECEIVE AND FILE THE BUDGET TO ACTUAL REPORTS: ALL FUNDS FOR THE QUARTER ENDING SEPTEMBER 30, 2015 AND ADOPT RESOLUTION AMENDING THE FISCAL YEAR 2015-2016 BUDGET TO INCLUDE FY 2014-2015 CARRYOVERS AND FY 2015-2016 AMENDMENTS

RESOLUTION 15-127 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA AMENDING THE MUNICIPAL BUDGET FOR FISCAL YEAR 2015-2017

Karin Schnaider, Finance Director, reviewed the staff report.

Vice Mayor Hughes and Staff discussed the management analyst position, replacement of the inoperable Community Alert Notification (CAN) system.

Council Member Schwartzman and Staff discussed the budget adjustments and committed reserves.

Council Member Strawbridge and Staff discussed the issue of dredging.

Council Member Campbell and Staff discussed the expenditures in 2014-15 and 2015-16, and why the number was \$8 million higher in the latter. They discussed the issue of a balanced operating budget, and the reason there were no committed reserves in 2016.

Mayor Patterson and Staff discussed the status of the CAN Project, the need for having information on lifecycle expectancy and replacement cost.

Public Comment:

None

On motion of Council Member Hughes, seconded by Council Member Schwartzman, Council approved receiving and filing the Budget to Actual Reports: All Funds for the Quarter Ending September 30, 2015, on roll call by the following vote:

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

On motion of Council Member Hughes, seconded by Council Member Schwartzman, Council adopted Resolution 15-127, on roll call by the following vote:

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

C. FY 2015-17 BUDGET IMPLEMENTATION PLAN - QUARTERLY UPDATE

Karin Schnaider, Finance Director, reviewed the staff report.

Council Member Strawbridge requested Council add the issue of downtown parking to the list, as it affects tourism. She and Staff discussed the parking issue in the downtown area.

Council Member Schwartzman and Staff discussed the issue of downtown parking and enforcement.

Vice Mayor Hughes and Staff discussed what effect the lack of parking would have on the City's tourism.

Mayor Patterson and Staff discussed the CAN replacement project and whether the cost included maintenance and replacement costs (it did not), the importance of building money into the budget so we don't always have to do big budget adjustments (as with vehicle replacement).

Public Comment:

1. Leah Shellhorn, Downtown Business Alliance - Ms. Shellhorn discussed the issue of the lack of parking in the downtown area. They are requesting courtesy zones, green zones, and 20-minute parking spaces for the businesses.

Mayor Patterson requested a short report on enforcement and costs. Staff will draft a work plan and come back to Council. Staff discussed concerns regarding staffing, tickets, etc.

Heather McLaughlin cautioned Council that she was concerned with discussing the issue of parking downtown, as there was several conflicts of interest for Council.

Mayor Patterson stated that the sense of discussion and direction was for Staff to come back with status report, there would be an enforcement program after first of the year (if sooner, Council would be informed), and the possibility of Staff

meeting with the Downtown Business Alliance.

Council Member Schwartzman suggested staffing for parking enforcement only at busy times to start with to break people in.

Council Member Strawbridge discussed the need to inform business owners that the courtesy zones were reinstated, and the need to educate business owners on parking options and alternatives.

On motion of Council Member Hughes, seconded by Council Member Strawbridge, Council approved, by motion, the FY 2015-17 Budget Implementation Plan - Quarterly Update, and provided direction to Staff , on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, Strawbridge

Noes: (None)

D. MAYOR PATTERSON'S REQUEST TO AGENDIZE DISCUSSION OF RESIDENTIAL CHILD CARE ORDINANCE

Mayor reviewed her request.

Council Member Schwartzman and Staff discussed the issue of the 100 ft. change. If the change to the ordinance stayed focused on the distance change, it would be simple. The issue of revising the entire ordinance would be more complex. Staff thought revising the entire ordinance would need to be dealt with using study sessions, etc.

Mayor Patterson thought the bigger issue (ordinance revision) would need to be sent back to the Planning Commission. Staff suggested they come back at a later date with a work plan and suggestions on policy. The 100 ft. issue could come back as an action item fairly soon.

Vice Mayor Hughes discussed the two step process. He did not expect Staff to come back with a formal work plan. He envisioned they would come back with information on what the item is and some options and information on how complex it would be to address.

Council Member Campbell and Staff discussed the current noticing codes. He could not support reducing the noticing distance.

Public Comment:

1. Raycraft - Mr. Raycraft spoke in support of reducing the noticing to 100 ft. for large family daycare.

Mayor Patterson clarified that the motion was to approve agendizing the 100 ft. noticing requirement and potential approach for amendment for City's current

ordinance on residential child care.

On motion of Council Member Hughes, seconded by Council Member Strawbridge, Council approved agendizing the 100 ft. noticing requirement and directing Staff to come up with a potential approach for amendment of the City's current ordinance on residential child care, on roll call by the following vote:

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

E. MAYOR PATTERSON'S REQUEST TO AGENDIZE DISCUSSION OF COMPLEX GREY WATER SYSTEM

Mayor Patterson reviewed her request.

Council Member Campbell and Staff discussed how the City currently addresses grey water.

Vice Mayor Hughes and Staff discussed leaving the timing of this item to go on the agenda up to staff.

Public Comment:

1. Kathy Kerridge - Ms. Kerridge spoke in support of placing this item on a future agenda.

Council Member Campbell stated that he did not want to add more permits, but wants to discuss the overall issue.

On motion of Council Member Hughes, seconded by Vice Mayor Campbell, Council approved placing the item on a future agenda for discussion, on roll call by the following vote:

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

F. Council Member Committee Reports:

1. **Mayor's Committee Meeting. (Mayor Patterson) Next Meeting Date: December 16, 2015**
2. **Association of Bay Area Governments (ABAG)**
<http://www.abag.ca.gov/>. (Vice Mayor Hughes and Council Member Schwartzman) Next Meeting Date: TBD
3. **Finance Committee. (Vice Mayor Hughes and Council Member Strawbridge) Next Meeting Date: October 22, 2015**

4. **League of California Cities. (Mayor Patterson and Vice Mayor Hughes) Next Meeting Date: TBD**
5. **School Liaison Committee. (Vice Mayor Hughes and Council Member Strawbridge) Next Meeting Date: December 10, 2015**
6. **Sky Valley Open Space Committee. (Vice Mayor Hughes and Council Member Campbell) Next Meeting Date: TBD**
7. **Solano EDC Board of Directors. (Vice Mayor Hughes and Council Member Strawbridge) Next Meeting Date: November 12, 2015**
8. **Solano Transportation Authority (STA). <http://www.sta.ca.gov/> (Mayor Patterson and Council Member Campbell) Next Meeting Date: December 9, 2015**
9. **Solano Water Authority-Solano County Water Agency and Delta Committee. <http://www.scwa2.com/>(Mayor Patterson, Vice Mayor Hughes and Council Member Campbell) Next Meeting Date: November 12, 2015**
10. **Traffic, Pedestrian and Bicycle Safety Committee. (Vice Mayor Hughes and Council Member Strawbridge) Next Meeting Date: TBD**
11. **Tri-City and County Cooperative Planning Group. (Vice Mayor Hughes and Council Member Schwartzman) Next Meeting Date: December 14, 2015**
12. **Valero Community Advisory Panel (CAP). (Council Member Campbell and Council Member Schwartzman) Next Meeting Date: TBD**
13. **Youth Action Coalition. (Vice Mayor Hughes and Council Member Strawbridge) Next Meeting Date: October 28, 2015**
14. **ABAG-CAL FED Task Force-Bay Area Water Forum. <http://www.baywaterforum.org/> (Mayor Patterson) Next Meeting Date: TBD**
15. **SOLTRANS Joint Powers Authority (Mayor Patterson, Vice Mayor Hughes and Council Member Campbell) Next Meeting Date: December 17, 2015**
16. **Marin Clean Energy. (Council Member Schwartzman and Council**

Member Strawbridge) Next Meeting Date: TBD

IX. ADJOURNMENT:

Mayor Patterson adjourned the meeting at 9:09 p.m.

Budget Implementation Plan - FY 2015-2017

Proposed: Items that are recommended for addition to the project priority list for FY 2015-2017; may need funding consideration or allocation of current resources

LEVEL 1-Funded: Currently included in FY15-17 budget based

Level 2-Unfunded: Not currently recommended for funding due to insufficient funding resources, but next in priority order for any additional funds that become available.

Level 3-Deferred: Not currently recommended for funding due to insufficient resources (funding, time and/or staff)

PRIORITY PROJECT SELECTION CRITERIA (Project must meet one or more of these criteria to be placed on project list)

- 1 The work implements the City Council’s Strategic Plan
- 2 The work would assist the City in achieving fiscal sustainability
- 3 The work is mandated by the State (or other agency); the City could be fined or face similar consequences if
- 4 The work would generate revenue, grants or other funding
- 5 The work would prevent higher costs from deferred maintenance
- 6 The work would protect public health or safety
- 7 The City is significantly committed financially to the project
- 8 The work would promote job creation or investment in the community

Notes: Measure C projects are shaded

Proposed

Dept	Existing Priority Project (X) or New Project (N)	Project Name	Project Description	Status Update	Expected Completion	Completed	On Target	Revised Target	Selection Criteria	Related Strategic Issue	Mandated
Fire	N	Community Alert Notification (CAN) System Update	The exploration of options to upgrade the Community Alert Notification System was included in the FY 15-17 budget narrative. This included the potential for modernizing the sirens and providing an electronic notification system with capabilities to contact cell phones, as well as send text and email alerts	Funding consideration on Oct 20, 2015;	TBD				1,5,6	#1 Health & Safety	No

Finance	N	Replace banking services	Replace citywide treasury and banking services	Send out a Request for Qualification for services; move treasury services to new bank	Apr-16		X		1,2,5,6	#3 Fiscal Conditions	Yes
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LEVEL 1-Funded

Dept	Existing Priority Project (X) or New Project (N)	Project Name	Project Description	Status Update	Expected Completion	Completed	On Target	Revised Target	Selection Criteria	Related Strategic Issue	Man-dated
Library/ED	N	Arts and Economic Prosperity Survey V (AEP5)	Participation in the AEP5	Contract with Americans for the Arts has been signed. Welcome packet/survey information to be sent to us December 2015.	Jun-17		x		1	#3 Fiscal Conditions and #5 Quality of Life	No
P&CS	N	Replace Clock Tower elevator	The elevator, which had been in place for over 100 years, had been repaired many times. A July inspection identified the need to remove the elevator from use immediately.	A temporary elevator is in place on the exterior of the building. The former elevator has been removed, and work is underway to install the permanent replacement elevator.	Nov-15		x		1,3,6	#4 Infrastructure	Yes
CAO	X	Arsenal Cleanup	Monitor and assist with the clean up of former Army properties in the Arsenal.	On-going.	On-going		X		1,2,3,6,8	#1 Health & Safety	Yes
CAO	X	Complete update of American's with Disabilities Act (ADA) Transition Plan	Update the City's ADA Transition Plan.	RFP for consultants is being drafted.	Jun-16		X		1,3,6	#1 Health & Safety	Yes
CAO	X	Update Sign Ordinance	Modernize the sign ordinance.	Draft is being reviewed for changes in light of Reed case.	Jun-16		X		1,4,8	#3 Fiscal Conditions	No
CDD	X	Adaptation Plan and Vulnerability Study as part of Climate Action Plan Implementation (Grants)	Research and public outreach to create Vulnerability Assessment Report and Adaptation Plan, which implements CAP strategies and goals.	Vulnerability Report complete, Expecting Administrative Draft of Adaptation Plan in late October of 2015.	Mar-16		X		1,3,4,6,8	#2 Environment	No
CDD	X	Approve Contract with PMC for Climate Action Plan Staffing (GNCS Funds)	Scope and budget for 1-year CAP implementation and Monitoring.	Contract in place. Working with consultant on projects and Capacity building.	Jun-16	x			1,2,4,8	#2 Environment	No
CDD	X	Mills Act Contracts - Increase to a maximum of 40 contracts	Change ordinance to allow up to 40 Mills Act contracts	Ordinance updated and approved by Council	Sept.-2015	X			1	#5 Quality of Life	No
CDD	X	New Federal Emergency Management Area (FEMA) Flood Insurance Maps Update	Outreach and public education of new FEMA flood maps	Outreach complete, final date to appeal new FEMA flood designation Sept. 8, 2015.	Sept.-2015	X			3,4,6	#2 Environment	Yes
CDD	X	Update Construction Hours - Noise Ordinance	Shorten allowed construction hours.	Ordinance updated and approved by Council	Aug-15	X			1,6	#2 Environment	No

CDD	X	Update Solar Photovoltaics (PV) Permitting Procedures	Adopt and implement streamlined process for small residential solar permits	Ordinance created and approved by Council	Aug-15	X			3,4,6	#2 Environment	Yes
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LEVEL 1-Funded

Dept	Existing Priority Project (X) or New Project (N)	Project Name	Project Description	Status Update	Expected Completion	Completed	On Target	Revised Target	Selection Criteria	Related Strategic Issue	Man-dated
CDD	X	Wireless Telecommunications Facilities (WTF) Ordinance	Develop a WTF ordinance in compliance with Federal regulations.	Federally mandate to update wireless ordinance to be in conformance with Federal standards.	Feb-16		X		3	#4 Infrastructure, #5 Quality of Life	Yes
CDD	X	Municipal Services Review	Evaluates the public services provided by the City and any proposed changes to the City's sphere of influence.	Initial research begun.	Mar-15		X		3	#2 Environment, #5 Quality of Life	Yes
CDD	X	Mills Act Program Updat	Evaluate the current Mills Act Program and possible changes.	Anticipateed start of public outreach in late 2015.	Apr-16		X		3,	#5 Quality of Life	No
CDD	X	Airport Land Use Plan General Plan Amendment	Ammend General Plan to be in conformance with the Solano County Airport Land Use Master Plan	County requirement that we ammend our General Plan to incorporate the County Airport Land Use Plan. County is expected to adopt the plan in late 2015.	May-16		X		3	#5 Quality of Life	Yes
CDD	X	Distribution of CDBG funds	Public process and distribution of remaining Community Development Block Grant funds.	Searching for a consultant to assist with this public process.	Aug-16		X		1,7,8	#5 Quality of Life	Yes
CMO	X	Boards & Commissions Manual	Develop a citywide manual for Boards and Commissions	First draft has been edited and returned to consultant. Next draft expected in October. A draft will need to be circulated among all Boards and Commissions for feedback. Final will be approved by City Council.	Mar-16				7	#3 Fiscal Conditions, #5 Quality of Life	No
CMO	X	Sustainable Community Services Strategy: Additional Analysis on Parks/Public Works Maintenance	In depth analysis of the Public Works and Parks/Facilities departments.	Staff is currently discussing the scope and expectations of the analysis with the consultant.	Jun-16		X		1,2,7	All Strategic Issues	No
CMO	X	Sustainable Community Services Strategy: Phase 2 and 3	A series of community outreach programs that will lead into a new strategic planning process.	Staff is currently planning the community outreach meetings.	Jun-17		X		1,2,7	All Strategic Issues	No
ED	X	Benicia Industrial Park Broadband Project	Develop agreement with Lit San Leandro to build and manage broadband fiber network to improve internet capacity & enhance BIP competitiveness.	Draft agreement with Lit San Leandro Complete (Oct. 1.2015). Staff assessing risk with agreement. Staff is also pursuing other financing mechanisms to fully pay for broadband project.	Jun-17		X		1,4,7,8	#3 Fiscal Conditions	No
ED	X	Benicia Industrial Park Market Study Phase II	Includes targeted business recruitment, marketing of BIP and continuatation of retention effrots.	Approved contract with Chabin Concepts (Oct.6.2015) to develop and implement BIP Vision 2020 Strategy. Council to review Strategy Jan/Feb. 2016.	Jun-16		X		1,2,4,7,8	#3 Fiscal Conditions	No
ED	X	Benicia Industrial Park Transportation and Employment Center Plan (Grants)	Traffic Circulation Study for BIP	Staff is currently reviewing draft plans. Public meetings to review plan and offer feedback to occur in December 2015 and January 2016.	Mar-16		X		1,4, 5, 6, 7, 8	#4 Infrastructure	No

ED	X	Implement Benicia Industrial Park Recruitment/Retention Program	Continuation of Business Resource Incentive Program (focus on water, fuel), offering Tax Credit Workshop; assist businesses with ETP, and SBDC services.	Ongoing. California Tax Competes Credit - Workshop to occur January 2016.	Ongoing		X		1,2,4,7,8	#3 Fiscal Conditions	No
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LEVEL 1-Funded

Dept	Existing Priority Project (X) or New Project (N)	Project Name	Project Description	Status Update	Expected Completion	Completed	On Target	Revised Target	Selection Criteria	Related Strategic Issue	Man-dated
Finance	X	Deferred Maintenance Policy (All funds)	Establish the definition of Preventive and Capital Maintenance	Completed: Definitions of Preventive and Capital Maintenance completed	Sep-15		X		1,2,3,4,5,6,7,8	#3 Fiscal Conditions	No
Finance	X	Develop funding strategy for Internal Service Funds (Workers Compensation, Vehicle Replacement, Equipment, Building Maintenance) (All Funds)	1. Apply Preventive and Capital Maintenance Policy to list of infrastructure needs (Vehicle Replacement, Equipment, Building and Infrastructure Maintenance) 2. Evaluate other City liabilities and recommend appropriate funding policies (Pension, Other Post Retirement Benefits-OPEB, Workers Compensation, General Liability, Self-Insurance)	1. Completed: Developed and presented funding options for Water and Wastewater to the City Council Next Step: Developed and presented funding options for General Fund infrastructure to the City Council 2. Next Step: Update the actuarial reports and unfunded liability totals for "other liabilities". Develop best practices, policies, and procedures for funding these liabilities.	Jun-17		X		1,2,5,6	#3 Fiscal Conditions	No
Finance	X	Enterprise Resource Planning System (Phases 1-3: Request For Proposals/Implementation/Conversion)	Implementation of ERP	1. Completed contract and hired project manager 2. Next step: develop detail time line of each phase	Jun-18		X		1,2,7	#3 Fiscal Conditions	No
Finance	X	Fee Study (with building)	Propose new fees for building inspection	1. Develop RFP for building fee study	Dec-16				2,3,4,7	#3 Fiscal Conditions	No
Finance	X	Fee Study (without building)	Complete update of citywide fees (excluding building inspection)	1. Completed: Initial study completed 2. Department review in progress 3. Community outreach	Jun-16				2,3,4,7	#3 Fiscal Conditions	No
Finance	X	Water and Wastewater Capacity Fee Study (Water/Wastewater Funds, General Fund)	Propose update of capacity fees	1. Develop RFP for capacity study	Jun-16		X		2,4,5,6,8	#3 Fiscal Conditions	No
Finance	X	Water and Wastewater Rate Study (Water/Wastewater Funds)	Complete update of citywide fees (excluding building inspection)	1. Initial study underway 2. City Council begin Prop 218 review and process	Mar-16		X		2,4,5,6,8	#3 Fiscal Conditions	No

VIII.B.60

Fire	X	Adopt Updated Uniform Codes	Complete adoption of Uniform Fire and Building Codes at next revision n 2016		Nov-16		X		3,6	#1 Health & Safety	Yes
Fire	X	Emergency Operations Plan Update	Update and adopt changes to Plan	1. Initial review of sample documents available from Dixon and Solano County	Jun-16		X		3,6	#1 Health & Safety	Yes

LEVEL 1-Funded

Dept	Existing Priority Project (X) or New Project (N)	Project Name	Project Description	Status Update	Expected Completion	Completed	On Target	Revised Target	Selection Criteria	Related Strategic Issue	Man-dated
Fire	X	Local Hazard Mitigation Plan (LHMP)	Complete 5-year update of current LHMP	1. Staff has completed workshop series on current plan requirements	Mar-16		X		3,5,6	#1 Health & Safety	Yes
Fire	X	Purchase "Wild land" Fire Engine for Grass Fires (Measure C)	Acquire replacement Type 3 fire engine to replace aging equipment		TBD		X		1,2,5,6	#1 Health & Safety	No
Fire	X	Replace Type 1 Fire Engine (Measure c)	Acquire replacement Type 1 fire engine to replace aging equipment		TBD		X		1, 2, 5, 6	#1 Health & Safety	No
HR	X	Employee Compensation Study	Develop a Request for Qualification for services for a consultant to complete an employee compensation study.	RFP expected in FY 2016-2017	Jun-18		X		1,2,7	#3 Fiscal Conditions	No
HR	X	Update Personnel Rules and Regulations	Update Personnel Rules and Regulations	Working with Civil Services Board to update Personnel Rules and Regulations. First draft expected in June 2016 to staff and draft to bargaining units in June 2017 and final approval sent to City Council in Dec 2017	Dec-17		X		2,7	#3 Fiscal Conditions #5 Quality of Life	No
IT	X	Develop Information Technology (IT) Plan for City	Development of IT Master Plan		Jun-17		X		1,2,5,7	#4 Infrastructure	No
Library	X	Migration to new Integrated Library System (ILS) with Solano Napa and Partners (SNAP) & connection through Solano County to Corporation for Education Initiatives in California (CENIC) High-speed broadband		Contract is being negotiated with new ILS vendor. CENIC is in phase 2 of 8, and is moving ahead.	ILS completion: 7/1/16; CENIC completion: 1/1/16		X		1,5,6,7	#5 Quality of Life	Yes
Library	X	Revision of Solano Napa and Partners (SNAP) agreement to create Joint Powers Agreement with Partner Libraries		Partners are currently determining whether to continue to contract directly with Solano County for services, as creation of JPA between partners would add additional expenses to SNAP operation.	Jul-16		X		1,5,6,7	#5 Quality of Life	Yes
P&S	X	Continued funding of State Capitol Building Turf/Landscaping Maintenance	City maintenance of the highly visible landscaping fronting First Street and West G Street.	Ongoing as planned	Ongoing		X		1,5	#4 Infrastructure	No

LEVEL 1-Funded

Dept	Existing Priority Project (X) or New Project (N)	Project Name	Project Description	Status Update	Expected Completion	Completed	On Target	Revised Target	Selection Criteria	Related Strategic Issue	Man-dated
PC&S	X	Repair Pool Deck/Improvements to Registration area (Measure C)	Close pool for repairs to deck and registration area		Oct-17		X		1,4,5,6,7,8	#4 Infrastructure	No
PC&S	X	Replace playground at Community Park (Measure C)	Replace original playground equipment	Project is in process	Oct-15		X		1,5,6,7,8	#4 Infrastructure, #5 Quality of Life	No
PC&S	X	Replace Rail on First Street Promenade (Measure C)	Replace existing rail	Bid documents in process, plan to bid the project this fall. May delay project start until spring to avoid conflict with tree lighting.	Fall 2016 or Spring 2017		X		1,5,6,7,8	#4 Infrastructure	No
PC&S	X	Seek funding for engineering and design for Waterfront Master Plan (Grants)	Waterfront Park Master Plan for First Street Green area adopted November 2014.	Grant proposal submitted to Coastal Conservancy in September, 2015. Decision expected in January 2016. Additional proposals will be submitted for other programs if opportunity arises.	Ongoing		X		1,4,7	#2 Environment, #4 Infrastructure, #5 Quality of Life	No
P&CS	X	Staff to Solano State Parks Committee	Meetings, advocacy, and joint projects to support operations at the Benicia SRA and Benicia Capitol SHP: includes State Parks, CoB, Solano County, Benicia State Parks Association, Bay Area Ridge Trail Council, City of Vallejo, and Bay Trail Project	City continues maintenance agreement for the grounds at the Capitol SHP. State Parks are still implementing projects associated with the Benicia/Vallejo/Solano County AB 1478 Agreement at Benicia SRA. Pathway and road repaving project recently completed at SRA by Vallejo PW, with State Parks and Benicia PW and PCS assistance. Bimonthly meetings ongoing.	Ongoing		X		1,5	#4 Infrastructure, #5 Quality of Life	No
PD	X	Computer Aided Dispatch (CAD) /Records Management System (RMS) for Police Department (Measure C)					X		5,7,8	#1 Health & Safety	No
PD	X	Replace Outdated Radios for Police (Measure C)					X		1,2,5,6	#1 Health & Safety	No
PW	X	24" water line in Park Road from Industrial Way to Sulphur Springs Creek (Water Capacity Funds)	Install a new water line as part of the Bus Hub Project	Under construction	Dec-15		X		6, 7	#4 Infrastructure	No
PW	X	Annual Street Resurfacing (Gas Tax Funds)	Overlay and slurry seal city streets	Begin design in 2016	Sep-17		X		1,5,6,7	#4 Infrastructure	No
PW	X	Bayshore Road Sanitary Sewer Crossovers (Wastewater Capacity Funds)	Make improvements to a portion of a 7 mile sewer force main	This project is funded in FY 16/17. The Sewer Collection division has to investigate the number of remaining crossovers.	Jun-17		X		1,5,6,7	#4 Infrastructure	No

LEVEL 1-Funded

Dept	Existing Priority Project (X) or New Project (N)	Project Name	Project Description	Status Update	Expected Completion	Completed	On Target	Revised Target	Selection Criteria	Related Strategic Issue	Man-dated
PW	X	Bridge Maintenance (Gas Tax)	Four bridges are in need of inspection. A fifth bridge, Grant Street Bridge, is due for inspection for structural damage and maintenance in FY 15/16.	Construction at Grant Street Bridge as time permits	TBD			X	1,5	#4 Infrastructure	No
PW	X	Closed Circuit Television Video (CCTV) Pipeline Inspection (Wastewater Fund)	Per Settlement Agreement, the City must inspect and assess (via CCTV) all gravity sewer lines within 200 feet of bay waters. Additionally the City will include the Bayshore Force Main gravity sections and manholes.	Rejecting sole bid which was higher than the available funding. Plan to issue a new RFP before 2016.	Oct-17		X		3,5,6	#4 Infrastructure	Yes
PW	X	Columbus Parkway Widening Project (TIF)	Widen westbound Columbus Pkwy to provide 2 through travel lanes and a dedicated right turn lane to northbound Rose Drive	Requested design proposals and will award a contract in October 2015	Dec-16		X		1,5,8	#4 Infrastructure	No
PW	X	Design Industrial Way and Southampton Road Overlay Projects (Measure C)	Purchase equipment and software or contract with a consultant to design the overlay projects	Begin design in December 2015	Feb-16		X		1,5,7,8	#4 Infrastructure	No
PW	X	Design/Construct Industrial Park Bus Hub (Grants)	Park-and-ride with amenities the southwest corner of Park Road and Industrial Way	Under construction	Dec-15		X		1, 5, 6, 7, 8	#4 Infrastructure	No
PW	X	Develop Stormwater Management and Flood Mitigation Plan (Measure C)	Prepare a plan to identify improvements necessary to maintain a functioning storm water system and mitigate potential flooding within the City	Preparing project scope to prepare RFP to issue in November 2015	May-16		X		4,6	#2 Environment	Yes
PW	X	Implement Drought/Water Conservation Plan (Water Fund)	Public outreach to support the City's water conservation plan and participation in County-wide water conservation efforts. This is an annual program, but extra effort is being made because of the drought.	Benicia residents and businesses have achieved impressive monthly water use reductions of 30-40% in 2015 compared to 2013. The City is in compliance with the mandatory reduction targets set by the State.	On-going		X		2, 4, 6, 7	#1 Health & Safety, #2 Environment, and #3 Fiscal Conditions	Yes
PW	X	Landscape and Lighting District Assessments (L&D funds)	An Engineer's Report is prepared annually for the upcoming assessment year	Send RFP for consultant services	Annually in Spring		X		2,4,5,6	#5 Quality of Life	No
PW	X	Military @ West 7th Street Intersection Improvements Study (TIF)	Replace traffic signal to add protected left turns on Military West, upgrade 5 crosswalks, and improve signal timing	On hold pending grant. Controller will be replaced in 2015. If grant is obtained, then construct in 2017.	TBD			X	6	#4 Infrastructure	No
PW	X	Odor Scrubber at A Basin (Wastewater Capacity Funds)	Design and construct an odor treatment system for the Aeration Basin located at the Wastewater Treatment Plant	On hold until the Water Reuse Project (WRP) is further developed since components of the WRP may require odor treatment. Constructing one scrubber system that serves both process areas is more efficient and cost effective than construction two separate systems.	TBD			X	3, 5, 6	#4 Infrastructure	No

LEVEL 1-Funded

Dept	Existing Priority Project (X) or New Project (N)	Project Name	Project Description	Status Update	Expected Completion	Completed	On Target	Revised Target	Selection Criteria	Related Strategic Issue	Man-dated
PW	X	Repair and Repave Industrial Way from Teal to Lake Herman Road (Measure C)	Repair and repave a portion of Industrial Way	Begin design in December 2015	Aug-16		X		1,5,6,7	#4 Infrastructure	No
PW	X	Repair and Repave Southampton, Panorama and Hastings (Measure C)	Repair and repave a portion of Southampton Road	Begin design in December 2015	Aug-16		X		1,5,6,7	#4 Infrastructure	No
PW	X	Repair Sidewalks Downtown (Measure C)	Various sidewalk sections and curb ramps on First Street are in need of repair	Requested bids and award contract in October 2015	Feb-16		X		2,5,6,7	#4 Infrastructure	No
PW	X	Road Repair of 250 Damaged Sections (Measure C)	250 roadway section in the City are in need of repair	Currently out to bid and award contract in October 2015	Feb-16		X		1,2,5,6,7,8	#4 Infrastructure	No
PW	X	Rose Drive Crosswalks and ADA ramps (TIF)	Project scope TBD for intersections that need high visibility crosswalks and ramps	On hold	TBD			X	1,5,6,7	#4 Infrastructure	No
PW	X	St. Augustine Flood Relief Project	Replace undersized storm drain line, replace roadside drain inlet and construct additional downstream storm water collection improvements	Engineering consultant is completing the project design	Sep-16		X		3,5,6	#4 Infrastructure	No
PW	X	Urban Water Management Plan (UWMP)	Every 5 years the state mandates an update of the City's UWMP	Prepared draft RFP to hire a consultant to prepare the UWMP	Jun-16		X		3	#2 Environment	Yes
PW	X	Water Lines at Lower Arsenal: Adams, Jefferson and Jackson (Water Capacity Funds)	Remove and replace water line in the lower arsenal	On hold due to lack of water operations funding	TBD			X	4, 6	#4 Infrastructure	No
PW	X	Water Meter Replacement Program and Automatic Meter Infrastructure (Water Fund)	Replace existing, aging, residential and commercial water meters as well as install a remote meter read system.	RFP has been issued	Dec-16		X		2,4	#3 Fiscal Conditions	No
PW	X	Water Reuse Project	Prepare a feasibility study and environmental documents for the project that would further treat Wastewater Treatment Plant effluent to tertiary recycled water standards and provide recycled water to Valero Benicia Refinery for use in cooling towers. If constructed, this project could reduce the City's need for imported water by more than 20%, allowing the banking of water during wet years for use in future droughts.	City Council approved the consultant contract on 8/18/15 with a request for review of the project scope. Effluent characterization study started 9/14/15.	Feasibility Study June 2016; Env Review Nov 2016; Design 2017; Construct 2018.		X		6	#2 Environment	No

Level 2-Unfunded

Dept	Existing Priority Project (X) or New Project (N)	Project Name	Project Description	Status Update	Expected Completion	Completed	On Target	Revised Target	Selection Criteria	Related Strategic Issue	Mandated
P&CS	N	Parks Master Plan/Turf Removal Analysis	Update 1997 Parks, Trails & Open Space Master Plan. Include comprehensive assessment of possible turf removal throughout the park system, amend in projects such as the Waterfront Park Plan and regional trail plans that have been completed since 1997.	On hold until Council approval					1,4,6,7,8	#2 Environment, #4 Infrastructure, #5 Quality of Life	No
IT	N	Update the City Council Chamber Technology	Evaluation of the technology needs in the City Council Chamber	Need to initiate an assessment					1,2,5,6	#4 Infrastructure	No
CMO	X	Identify funding source to restore employee training							2,3,6,7	#1 Health & Safety, #3 Fiscal Conditions, #5 Quality of Life	No
PW	N	Geographical Information System (GIS) and Maintenance Management System (MMS)	Development of a GIS and MMS for the City. The GIS will allow staff to map the City's infrastructure and parcel information by geographical location. The MMS will be used to store information related to the City's infrastructure and facility assets in order to schedule preventative maintenance and track maintenance history.	On hold pending funding					5	#4 Infrastructure	No
PW	N	Pavement Patching Equipment	Purchase pavement patching equipment for the public works department	Funding not available					1,6	#4 Infrastructure	No
PW	N	East 5th Street Roadway Improvements (Safe Routes to Schools)	Construct a bulb-out and crosswalk with flashing beacons on East 5th Street @ Vecino Street and extend the eastern sidewalk of East 5th Street to I-780 along with adding 2 new streetlights	Applied for CalTrans HSIP grant in July 2015.					6	#4 Infrastructure	No
CDD	X	Update to Downtown Historic Conservation Plan (Grants)							1	#5 Quality of Life	No

Level 3-Deferred

Dept	Existing Priority Project (X) or New Project (N)	Project Name	Project Description	Status Update	Expected Completion	Completed	On Target	Revised Target	Selection Criteria	Related Strategic Issue	Mandated
CAO	X	Adopt Alcohol Ordinances	Draft ordinances to improve City's ability to regulate alcohol sales.	On hold until Council approval.					6	#1 Health & Safety	No
CAO	X	Adopt Smoking Ordinance	Update smoking ordinance to include a prohibition on smoking in more locations.	On hold until Council approval.					6	#1 Health & Safety	No
CDD	X	Obtain Grant(s) for Transitional Shelter							1, 6	#5 Quality of Life	No
CDD	X	Adopt Lower Arsenal Specific Plan							1, 5, 8	#5 Quality of Life	No
HR	X	Update Employer Employee Relations Resolution (EERR)	Update Employer Employee Relations Resolution (EERR)	On hold					2,7	#3 Fiscal Conditions #5 Quality of Life	No
Library	X	Prepare Public Arts Master Plan	On hold	On hold					1	#5 Quality of Life	No
Library	X	Library Basement Remodel	On hold	On hold					1	#4 Infrastructure	No
P&CS	X	Retrofit City Hall Windows							1,2,5,6	#4 Infrastructure	No
PD	X	Address Police Building Space Needs							1,5,6	#1 Health & Safety #4 Infrastructure	No
PW	N	Wastewater Treatment Plant Electrical System Modernization (Wastewater Fund)	On hold	Project planned for FY 17/18.					3, 5, 6	#4 Infrastructure	No
PW	N	Wastewater Treatment Plant Effluent Pipeline Assessment and Repair (Wastewater Fund)	On hold	Project planned for FY 17/18.					3, 5, 6	#4 Infrastructure	No
PW	N	Wastewater Treatment Plant Reliability Plan Update (Master Plan) (Wastewater Capacity)	On hold	Project planned for FY 17/18.					3, 5, 6	#4 Infrastructure	No
PW	N	Replacement of Two Chemical Tanks at Wastewater Treatment Plant (Wastewater Fund)	On hold	Ideally would like to replace tanks in FY 16/17.					3, 5, 6	#4 Infrastructure	No
PW	N	Replace Human Machine Interface (HMI) Nodes at Wastewater Treatment Plant (Wastewater Fund)	On hold	Ideally would like to replace HMI nodes in FY 16/17.					3, 5, 6	#4 Infrastructure	No

Level 3-Deferred

Dept	Existing Priority Project (X) or New Project (N)	Project Name	Project Description	Status Update	Expected Completion	Completed	On Target	Revised Target	Selection Criteria	Related Strategic Issue	Mandated
PW	N	Additional Sewer Pipeline Replacement on 100-year cycle (Wastewater Fund)	On hold	Project planned for FY 17/18.					3, 5, 6	#4 Infrastructure	No
PW	N	24-Inch Cordelia Transmission Main Replace Project (at Interstate 80) (Water Capacity)	On hold	Ideally would like to have a Study conducted in FY 16/17.					2, 4, 5, 6	#4 Infrastructure	No

AGENDA ITEM
CITY COUNCIL MEETING DATE - DECEMBER 15, 2015
BUSINESS ITEMS

DATE : December 8, 2015

TO : City Manager

FROM : Finance Director

SUBJECT : **SOLAR AND MCE ENERGY FINANCIAL PERFORMANCE REPORT 2015**

RECOMMENDATION:

Review solar project financial performance and cost savings achieved since joining Marin Clean Energy (MCE) for June until November 2015. Included is a report from Opterra (formerly Chevron Energy Solutions) that provides an overview of project performance since installation of the City's 10 site solar project.

EXECUTIVE SUMMARY:

In 2010, the City of Benicia worked with Chevron Energy Solutions to complete energy efficiency upgrades at seven City facilities, install solar photovoltaic (PV) panels at 10 sites and replace approximately 95% of City-owned street lighting with energy efficient fixtures. In 2015, the City of Benicia joined Marin Clean Energy (MCE), a community choice energy program that offers 50% and 100% renewable electricity to its customers, including the City. This report provides an overview of the performance of efficiency upgrades and solar PV, as well as an estimate of cost savings achieved as a result of these upgrades and of joining MCE. The report compares projected savings to actual savings. The savings, (i.e., cost avoidance), have been absorbed through the regular budget process and do not constitute an actual physical credit to the City. Instead the savings has allowed the City to avoid the impacts of the electricity cost inflation over time. The City receives California Solar Initiative (CSI) credits that have been used to reduce the debt service payments as well as helped to establish a maintenance and replacement plan for the assets (solar panels, inverters, and other equipment).

BUDGET INFORMATION:

There is no fiscal impact associated with this action, as the cost savings mentioned in this report were considered during budget development. Staff will be evaluating the possibility of refinancing the Certificates of Participation (COP). This items will return as a new item for consideration in the next year.

GENERAL PLAN:

The project supports the overarching Goal of the General Plan, which is Sustainability.

STRATEGIC PLAN:

Relevant Strategic Plan Goals and Strategies:

- Goal 8.00: Build Organizational Quality and Capacity
 - Strategy 8.20: Measure and track service (i.e. financial) performance

BACKGROUND:

The City Council adopted a Climate Action Plan in 2009. The plan contains close to 100 strategies aimed at reducing greenhouse gas (GHG) emissions consistent with state law and state reduction targets. This report provides an overview of the estimated and actual cost savings and GHG emissions reductions associated with the City's solar project and joining Marin Clean Energy (MCE).

These projects directly implement the following CAP strategies:

- Strategy E-2.6. Community Choice Aggregation Feasibility Assessment
- Strategy E-2.3. Renewable Energy For City Facilities

Solar:

In 2010, the City installed solar PV at 10 City-owned sites, completed energy efficiency upgrades at seven City facilities, and installed energy efficient street lighting. The project was funded by Certificates of Participation (COP). Per the March 2011 staff report, "The project will be funded at no cost to the City using a combination of lease financing, California Solar Initiative (CSI) rebates, and electricity savings. Although the City's General Fund is ultimately responsible, the payments on the financing would be recovered via energy cost savings to the City." Subsequently, in April 2014, the Finance Department updated the City Council on the return on investment that resulted from the installation of the solar and traffic lights. The April 2014 report concluded that:

The City will clearly meet major strategic objectives and is on-track to achieve 2030 greenhouse gas reduction targets outlined in the adopted Climate Action Plan. The (Energy Conservation Measures) ECM projects were originally approved as a collective project to meet those strategic objectives at little or no cost to the City. Based upon the assumptions and information described above, the ECM projects collectively total an approximate net present value of \$0.6 million. The separate savings and costs related to the individual projects will reside within those funds where the site-construction occurred.

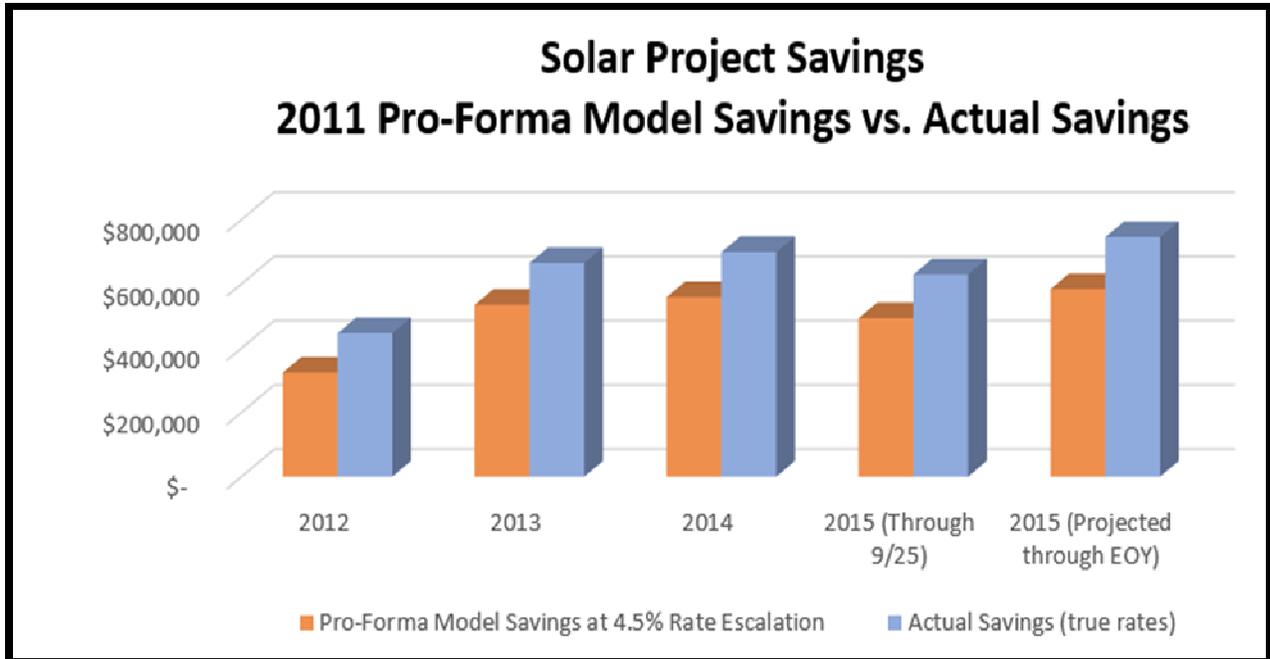
This report does not attempt to change the conclusions from that report; instead, it provides an overview of solar production (generation) since the solar PV systems were installed as well as cost savings estimates and compare those estimates to actual cost avoidance. Cost avoidance is defined as the City's ability to lower their annual energy costs through the self-production of solar power. The City was able to redirect the cost savings to the repayment of the COP annual debt repayments. Over time, the cost avoidance exceeds the debt service repayments creating a positive return on investment.

The goal of this report was to provide more of an “apples to apples” comparison of the assumed cost avoidance from the original 2010 proposal and actual cost avoidance based upon the true cost inflation of PG&E rates. The City staff received a significant amount of help on this report from Opterra, formerly Chevron Energy Solutions.

The solar sites met or exceeded energy production goals in every year. It is significant that the year with the lowest production was the year prior to the City contracting for maintenance of the solar sites. For a large portion of that year, the City's energy production was down, because of a broken solar panel. In addition, the energy production showed a direct correlation to regular maintenance and cleaning of the solar panels; this is especially important through the first five years of production because the City receives CSI credits based on total generation (see below for CSI credit data). This data clearly demonstrates that a strong, proactive maintenance contract would continue to benefit the production levels and generate greater savings credit to the City. The total cost avoidance was approximately \$745,000; with street lighting the savings exceed \$863,000.

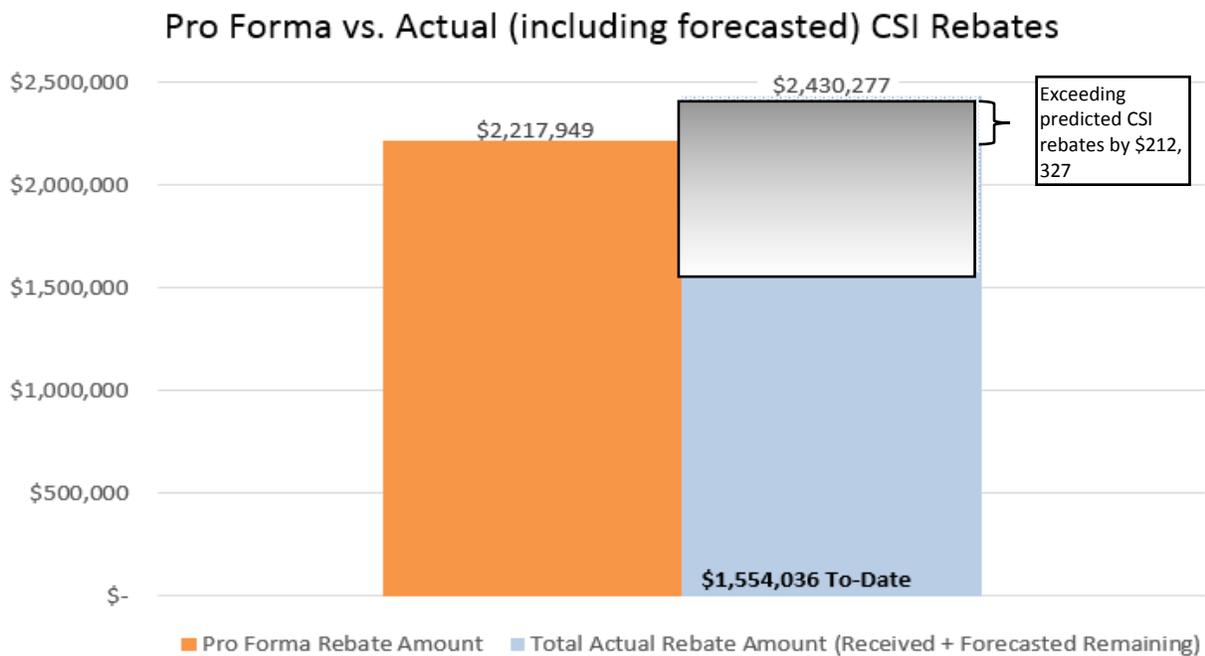
Annual Summary of Solar Savings 2012 through 2015

Year	Predicted Savings (From 2011-04-05 Table 1)				Actual Savings				Exceeded Predicted \$ Savings by:
	Solar	Streetlights	Other ECMS	Total	Solar (From Bill Offsets based on actual production)	Streetlights (Assumed Savings)	Other ECMS (Assumed Savings)	Total Actual Savings	
2012	\$323,820	UNK	UNK	\$323,820	\$446,206	UNK	UNK	\$446,206	\$122,386
2013	\$534,659	\$69,760	\$38,494	\$642,913	\$665,020	\$69,760	\$38,494	\$773,274	\$130,361
2014	\$558,719	\$72,899	\$40,226	\$671,844	\$698,851	\$72,899	\$40,226	\$811,976	\$140,132
2015	\$583,861	\$76,180	\$42,036	\$702,077	\$745,122	\$76,180	\$42,036	\$863,338	\$161,261
				\$2,340,654				\$2,894,795	\$554,140



In addition, the City received rebates (California Solar Initiative rebates) and annual production credits. As of June 30, 2015, the City has received over \$1.5 million of the CSI rebates. The total expected rebates are \$2.4 million. This exceeds the original estimations by approximately 10%

California Solar Initiative (CSI) Rebates 2011 Pro Forma (Predicted) CSI Rebates vs. Actual

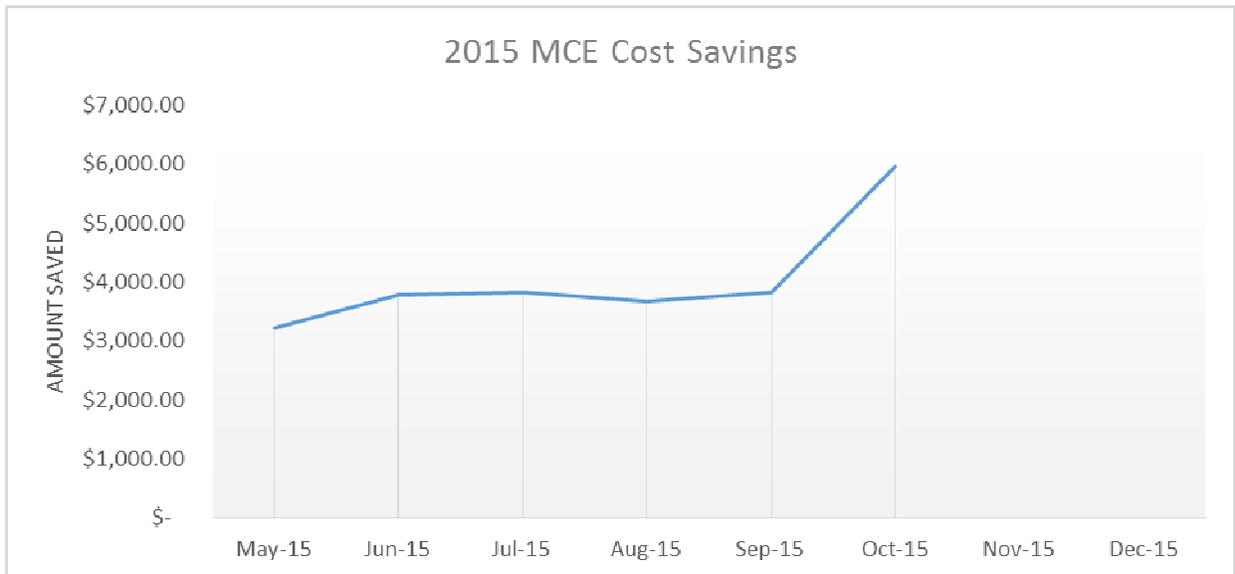


In summary, here are the main highlights from the Opterra Report:

- Created \$5.0 million in electrical savings (through 2015) and rebates
- Out-performing promised electrical savings by 23%
- Community benefit:
 - Visible sustainability leadership
 - Shaded parking
- Environment benefit: 9,305,848 kWh saved

Marin Clean Energy (MCE):

In November 2014, the City of Benicia joined Marin Clean Energy (MCE), a community choice energy program that offers 50% and 100% renewable energy to its customers. Before joining MCE, the City Council commissioned a third party study to evaluate the cost savings estimates generated by MCE as part of its required membership analysis. Both the MCE report and the third-party assessment concluded that the City would save approximately \$42,000 by switching to MCE because MCE offers lower rates than PG&E. All City accounts were enrolled in MCE on the meter read date in May 2015. Since then, the City has reduced their total citywide energy costs by an average of \$3,600 monthly; and to date, the City estimates it has saved \$24,000 annually for the regular electricity charges.



The savings do not account for changes in use at City facilities or changes in weather that could increase or decrease energy use. The savings were calculated utilizing an Excel-based tool created by the Climate Action Plan Coordinator team. The tool allows staff to calculate savings by taking total energy usage (kilowatt hours) multiplied by MCE rates and then by PG&E rates as they were in May 2015 (summer rates) and in October 2015 (when winter rates begin). This calculator shows differences in generation costs, but not in

delivery costs, which are the same with PG&E or MCE. However, these savings do reflect the Power Charge Indifference Adjustment (PCIA), which is charged to customers that leave PG&E to ensure that customers who opt to stay with PG&E are not impacted by rate increases to balance out the loss of customers. The City did not pay this fee when it was a PG&E customer. Despite the additional PCIA charge, the City is still seeing savings as a result of switching to MCE.

Greenhouse Gas (GHG) Reductions:

The Excel-based tool also calculates greenhouse gas (GHG) emissions reductions achieved by installing solar and by switching to MCE. Since solar was installed, the City has saved approximately 430 metric tons of carbon dioxide equivalent (MTCO₂e) annually. Since joining MCE in May, the City has saved an additional 60 MTCO₂e, because of MCE's cleaner fuel supply. These are annual figures and are calculated as follows:

1. Avoided kilowatt hours (kWh) or those produced by the solar systems x PG&E emissions factor (factor that represents the environmental attributes of PG&E's power mix).
2. Total kWhs for City facilities multiplied by PG&E and then MCE emissions factors and then compared to measure savings.

Refinancing the Certificates of Participation (COP):

Staff believes that the City has an opportunity to refinance the current COP used to finance the original solar and energy conservation project. Early estimates expect the annualized savings could be as much as \$50,000 a year through a lower interest rate. It should be noted that no other terms of the COP are expected to change. This would include the term of the loan and the collateralization requirement. Staff will return with a full report in 2016 on the possibility of refinancing the COP.

Conclusion: Improved Cost Avoidance resulting in Improved Return on Investment

The energy efficiency measures that were put into place have created an estimated total of \$120,000 in cost avoidance citywide through the solar production and new MCE partnership. As mentioned, the savings from cost avoidance resulting from solar production were used to shift the cost of electricity over to the repayment of the debt and to help fund maintenance and replacement costs of the assets. The MCE cost avoidance allows for direct savings within the appropriate budgets. These savings were considered during the FY 2015-2017 budget cycle, as well as the forecasting models of the General Fund, Water, and Wastewater funds.

With the new MCE energy services contract, the City is expected to have larger annual solar credits resulting from their participation in MCE energy services; although this will not occur until June 2016. In addition, the City has seen an immediate improvement in solar productivity with the new maintenance contract. It is believed that a contract that is more proactive (i.e., the maintenance company will respond directly to service calls automatically) versus reactive (the City staff must monitor and initiate all calls for services and request for repairs) may further improve cost avoidance with improved productivity and annual solar credits. These credits may offset a portion of maintenance contract.

Finally, the City has been using the PG&E solar credits to help fund the long term replacement and repair costs of solar. The increased MCE solar credits, as well as, further cost avoidance savings will continue to improve the return on investment over the life of the asset. In addition, the refinancing of the COP can be reinvested into the asset. Together these small adjustments will improve the overall return on investment, as well as, help to establish the maintenance and replacement reserves.

Attachments:

- April 29, 2014 Staff Report - Update Energy Conservation Project and PowerPoint
- March 15, 2011 Staff Report - Approval of Energy Conservation Project
- Opterra CSI Summary Chart and Graph_2015-12-15_v1 Opterra Solar Savings

AGENDA ITEM
CITY COUNCIL MEETING DATE - APRIL 29, 2014
BUSINESS ITEMS

DATE : April 23, 2014

TO : City Manager

FROM : Interim Finance Director

SUBJECT : **STUDY SESSION REGARDING THE ACCOUNTING, FINANCING, AND OPERATIONS OF THE ENERGY CONSERVATION MEASURE PROJECTS**

RECOMMENDATION:

Receive the presentation reviewing the accounting, financing, and operational considerations related to the Energy Conservation Measure (EMC) Projects.

EXECUTIVE SUMMARY:

In September 2010, the City Council approved a contract with Chevron Energy Solutions (CES) for energy projects primarily consisting of converting energy usage at City facilities from non-renewable to renewable resources through the installation of photovoltaic (PV), and interior lighting retrofits at seven City facilities. In April 2011, Council approved the issuance of \$13.2 Certificates of Participation to fund the projects approved above, in addition to funding PV-arrays at Pump Station #3 and a street light retrofit project. Since that time, all projects have been constructed and are operational, and the Council has requested an overview of the accounting, financing, and operational considerations of the project.

BUDGET INFORMATION:

Not applicable - Information session only.

GENERAL PLAN:

The ECM projects contribute significantly to sustainability which is the overarching goal of the General Plan.

STRATEGIC PLAN:

Relevant Strategic Plan Goals and Strategies:

- Strategic Issue #2 Protecting and Enhancing the Environment
 - Strategy 2.1 Reduce greenhouse gas emissions and energy consumption
 - Strategy 2.3 Pursue and adopt sustainable practices
 - Action 2.3 (a) Pursue LEED certification for community center

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

BACKGROUND AND DISCUSSION:

In September 2008, the City adopted greenhouse gas emissions reduction targets based on an inventory that included community-wide and City operations emissions. Adopted reduction targets were as follows:

GREENHOUSE GAS EMISSIONS TARGETS	Percent Below 2000 Levels	
	2010 Target Reduction	2020 Target Reduction
City Operations	25%	33%
Community Wide	Equal 2005 Level	10%

Concurrently, the City developed a Climate Action Plan (CAP) as a comprehensive strategy to achieve the greenhouse gas emissions targets. In 2009, the City issued a request for proposal (RFP) for professional assistance in transitioning from non-renewable energy sources to renewable energy sources “at no or very low cost to the City.” As a result of this initiative, the City ultimately hired Chevron Energy Solutions (CES) and issued certificates of participation in the amount of \$13,195,000 to fund the following energy conservation measures:

CITY SITES	PV (SOLAR)		LIGHTING RETROFIT
	MOUNTING METHOD	FINAL SIZE KILOWATT DC	NUMBER OF LIGHTS
City Hall	CANOPY	195.51	44
Aquatics Center	CANOPY	41.16	—
Community Center	CANOPY	129.36	—
Community Park	CANOPY	72.03	21
Fire Station #12	ROOF	24.01	—
Corporation Yard	CANOPY	87.36	22
Water Treatment Plant	GROUND	318.99	214
Pump Station #1	GROUND	144.06	—
Pump Station #2	GROUND	205.8	—
Pump Station #3	GROUND	456.19	—
Camel Barn	—	—	100
Library	—	—	546
Police Station	—	—	29
Wastewater Treatment Plant	—	—	451
Street Light Replacement	—	—	2,000
TOTAL		1,674.47	3,427

The ECM projects also included the City Hall Parking Lot improvement conceived as a demonstration of low-impact development techniques, and the installation of two wind turbines for meteorological conditions in anticipation of future wind generation projects.

Since the issuance of debt and the initiation of the energy construction project in April 2011, the understanding of the accounting for, and optimal operation and maintenance of, the ECM projects has evolved. The purpose of this report is to provide information regarding the following:

- 1) Energy Conservation Project Internal Service Fund
- 2) Introduction of Solar Production Concept
- 3) Accounting for Solar Energy Production
- 4) Solar Financial Analysis
- 5) Accounting for Lighting Retrofit
- 6) Lighting Financial Analysis
- 7) Financial Model Inputs
- 8) PV-System Function and Production

Energy Conservation Internal Service Fund

The City created an “Energy Conservation” Fund whereby internal user-charges are developed and charged to ECM project sites based upon the related energy project. The user-charges received are utilized to pay for related debt and operating costs depending upon each of the energy project-types: **PV-Arrays (Solar) or Lighting Retrofit.**

SOLAR

Introduction of Solar Production Concept

The concept of “avoided cost savings” is based on the premise that – with the aide of current government rebate incentive programs and existing California solar tariff rates – it is possible that the capital, financing, and operating costs associated with owning PV-arrays are, over a span of time, less than the costs that would be paid to a conventional energy-provider; resulting in “avoided cost savings” over the life of the system.

Theoretically, if an adequate level of conventional electric energy is displaced by the production of solar energy, the solar-owner will substantially or completely reduce conventional energy costs (payments to PG&E) and such savings will be greater than the costs incurred to construct, operate, and maintain the system over time.

Accounting for Solar Energy Production

The accounting for the PV-arrays treats the 10-site system collectively as an “Internal Electric Utility Provider”. Under this philosophy the City “owns and distributes” the solar energy produced at each of the sites. Since the City incurs costs to produce and provide solar energy, an adequate level of solar utility user-fees are charged based upon the relative annual use of solar energy at each site.

This accounting model works in that the City’s solar operation costs are charged at sites located across both the City’s General Fund and the Water Enterprise Fund. Under California Proposition 218, staff interprets that the City may not charge the Water Fund PV-sites more than the calculated share of the City’s cost of operating and maintaining the collective PV-system. More specifically, Article XIII D Section 6 of Prop 218 relates to water consumption charges which states that revenue from the (water) fee or charge must not be used for any purpose other than that for which the fee or charge is imposed.

Solar Financial Analysis

The goal of preparing a cash flow analysis is to compare the predicted avoided-cost for energy (i.e. savings achieved from not paying for conventional energy) against the debt service, maintenance, operations, and required component replacement costs related to operating the PV-arrays over a twenty-five year period. This analysis also is performed utilizing the “net present value” method on a predictive model as it is the preferred method for determining the financial viability of a project decision. The inputs to the cash flow analysis are:

Baseline Avoided Costs (Savings): Baseline cost at each site is the actual cost of energy in fiscal year 2010-11 per PG&E electricity bills. In that year, the cost of energy for the ten PV-sites was \$550,160. These baseline costs are assumed to grow at 4.5% as predicted in the original decision model. It is assumed that energy usage at each site will remain flat.

CSI Rebates (Savings): For the first five years of operation at each site, PG&E pays an additional 90¢ per Kwh of solar generated. This rebate defrays a significant portion of the cost of the system. The model assumes approximately \$2.3 million in CSI rebates.

Financing, Operating, and Maintaining the System (Costs): Cost inputs for building, financing, operating, and maintaining the system are:

Debt Service Payments: This cost represents the financing payments

required to fund the initial capital installation. Such payments are financed over a twenty-five year period at an average rate of 5.868%.

Operations and Maintenance: Costs are estimated at \$35,000 a year beginning in FY2014-15. This would include, among other tasks, monitoring the system for abnormalities associated with damaged panels, annual visual inspection and annual panel washing.

Replacement Reserve: This reserve is accumulated at approximately \$40,000 per year beginning in FY2014-15. This reserve is established to allow for complete inverter replacement every 15 years, which is recommended by the manufacturer, as well as some allowance for estimated repair costs.

Other Miscellaneous: This cost category includes administrative overhead costs of the system. Costs are currently estimated at \$2,500 annually.

Net Present Value (NPV): The table below combines the inputs: avoided cost savings and cost of solar-ownership to reflect the current predicted net present value of avoided cost savings.

Solar System Costs and Savings	
Net Avoided Savings: \$	12,228,789
Debt Costs: \$	11,546,502
Inverter Costs: \$	454,598
Other O&M Costs: \$	646,961
Total Cost: \$	12,648,061
Net Present Value: \$	(419,272)

Design and construction issues occurred that affected the net present value analysis; the major differences are as follows:

- Construction delays due to land acquisition issues at Pump Station #3, and panel design changes at the Swimming Pool, resulted in those sites beginning production approximately six months after the first eight sites. The estimated NPV cost for those two site delays total approximately \$200,000. Additionally, the fund incurred cash flow issues during FY 2012-13 due to the delay in CSI Rebates for those sites.

- Panel design changes required at the Swimming Pool and Pump Station #2 sites resulted in lower avoided savings. Panel design changes at both sites related primarily to either natural aesthetics (trees at the pool) or operational practicalities (access to water tanks). The reduced avoided savings at those sites is partially offset by additional capacity at the other sites.

LIGHTING RETROFIT

Accounting for the Lighting Retrofit Project

The lighting retrofit energy project is accounted for differently than the PV-arrays in that this project constitutes only capital financing costs incurred to retrofit lights in order to reduce the PG&E electricity and maintenance costs for the 3,427 lighting sites. Unlike the PV-system, there is no “production” occurring at the lighting retrofit sites; therefore, each site pays only the proportional debt service cost of the total debt issued to fund the ECM projects. The cost of the lighting retrofit project accounted for approximately 9.4% of the total cost of the project. Based on this, each year the lighting retrofit sites are charged an internal utility user-fee that represents 9.4% of the related energy conservation debt services costs.

This accounting model works in that the majority of the retrofitted lighting sites reside in restricted tax or Proposition 218-related assessment funds. As cited above, under Prop 218, staff interprets the City may not charge more than the proportionate share of the debt service costs related to the capitalized cost of retrofitting the lights. The lighting retrofit sites do not pay for any costs related to the PV-arrays.

Lighting Retrofit Financial Analysis

This cash flow compares the predicted project savings against the allocated share of the debt service and future light-replacement costs. Again, this analysis is performed utilizing the “net present value” method on a predictive model. The inputs to the cash flow model include the predicted PG&E lighting and “call-out” maintenance savings offset by the allocated share of project debt service and predicted future costs of bulb replacement in approximately 20 years, as follows:

Lighting Replacement Costs and Savings	
Avoided Cost Savings: \$	2,812,588
Debt Costs: \$	1,126,118
Replacement Costs: \$	651,075
Total Costs: \$	1,777,193
Net Present Value: \$	1,035,395

As shown, on a net present value basis, the analysis confirms significant savings. Under the accounting described above, the savings will remain with the funds where the projects occurred. For the streetlight replacement, this consists of the Gas Tax and Landscape and Lighting District restricted funds.

FINANCIAL MODEL INPUTS

Assumptions

Annual Energy Cost Increase	4.50%
Annual Inflation	2.50%
Percentage of Bond – Lighting	9.39%
Discount Rate Used for NPV – Bond Rate	5.87%
Baseline Energy Costs – 10 Sites	\$ 550,160
Panel Degradation Rate	0.80%

The original ECM project cash flows involve engineering and cost calculations requiring a high degree of industry knowledge. While staff vetted cash flow assumptions with both CES and an independent solar expert, the model contains numerous assumptions and predictions which may vary from actual experience over the operating life of the system. The possibility that reality will differ from the predictions is known as model risk. The further into the future a cash flow is located, the greater the susceptibility to risk.

Given the highly predictive and static nature of the model inputs, the net present value gives an indication of the financial viability of the project, however, does not represent a risk-adjusted return on investment.

Staff considers that certain model inputs, such as production sampling and weather variability, are susceptible to a high degree of risk. For example, current energy metering contracts for PV-systems have been under scrutiny and the California Public Utilities Commission recently ruled that the current contracts would be grandfathered for a period of twenty-years from the time of system interconnection. This is excellent news in terms of cash flows for the next twenty-

years; however, no firm information exists regarding contract terms during the last five years of the City's project where a high degree of positive cash flow resides.

These examples illustrate that the risk-adjusted predictions and assumptions are complex to model and staff considers further analysis unproductive at this point given that the City owns the system and must focus attention on operating the system diligently and effectively. Furthermore, operating the panels beyond twenty-five years, which is highly probably, will offset a portion of the risks.

PV-SYSTEM FUNCTION AND PRODUCTION

The City received a grant for an independent solar expert, Sage Renewables, to review the PV-arrays constructed. Sage Renewables reported that "the systems were installed in a professional manner and designed to generate maximum production within the constraints of aesthetic, structural and site limitations*.....All system components were verified to be installed per final contract agreement."

To date, the system has produced approximately 4.8 million kilowatt hours (kWh) of electricity – which is better than predicted due to advantageous weather patterns over the past two years. This information may be accessed at http://live.deckmonitoring.com/?id=city_of_benicia.

CONCLUSION

The City will clearly meet major strategic objectives and is on-track to achieve 2030 greenhouse gas reduction targets outlined in the adopted Climate Action Plan. The ECM projects were originally approved as a collective project to meet those strategic objectives at little or no cost to the City. Based upon the assumptions and information described above, the ECM projects collectively total an approximate net present value of \$0.6 million. The separate savings and costs related to the individual projects will reside within those funds where the site-construction occurred.

*The report indicated that tree shading at Fire Station #12 would need to be addressed as the trees continue to grow.

City of Benicia

ECM STUDY SESSION

Presentation Outline

- ▶ Project Overview
- ▶ Accounting for Solar and Lighting
- ▶ Financial Analysis
- ▶ Solar Considerations
- ▶ Future Project Considerations

Energy Conservation Measures

IN APRIL 2011, THE CITY ISSUED DEBT IN THE FORM OF CERTIFICATES OF PARTICIPATION IN THE AMOUNT OF \$13,195,000 TO FUND PHOTOVOLTAIC-ARRAYS, INTERIOR AND STREETLIGHT RETROFITS, AND THE CITY HALL PARKING LOT AND TWO WIND TURBINES.

ECM PROJECT

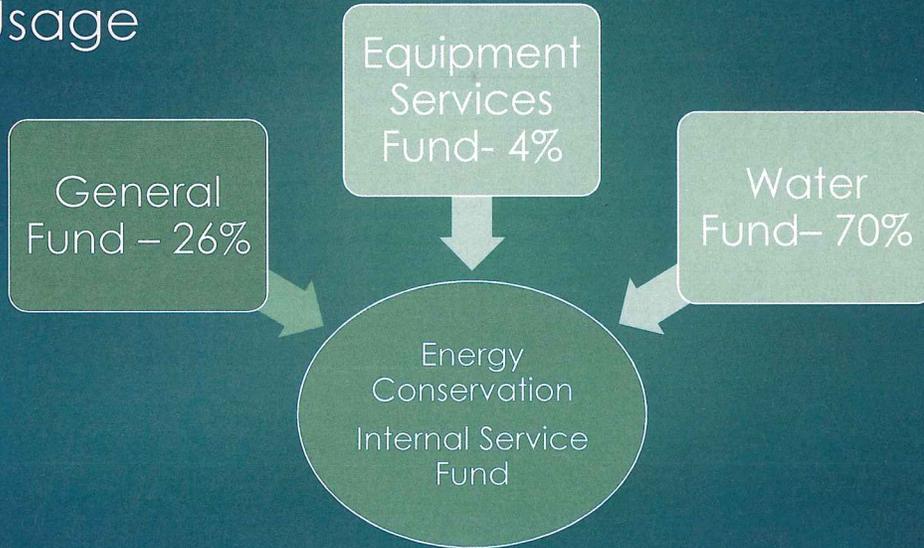
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	MOUNTING METHOD	FINAL SIZE KILOWATT	NUMBER OF LIGHTS
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Police Station	—	—	29
Wastewater Treatment Plant	—	—	451
Street Light Replacement	—	—	2,000
TOTAL		1,674.47	3,427

THE TOTAL ECM PROJECT

- ▶ The total ECM Project has a positive net value
- ▶ Net positive value is allocated based on underlying fund restrictions

ACCOUNTING FOR THE ECM PROJECT

Photovoltaic Accounting: Relative Usage

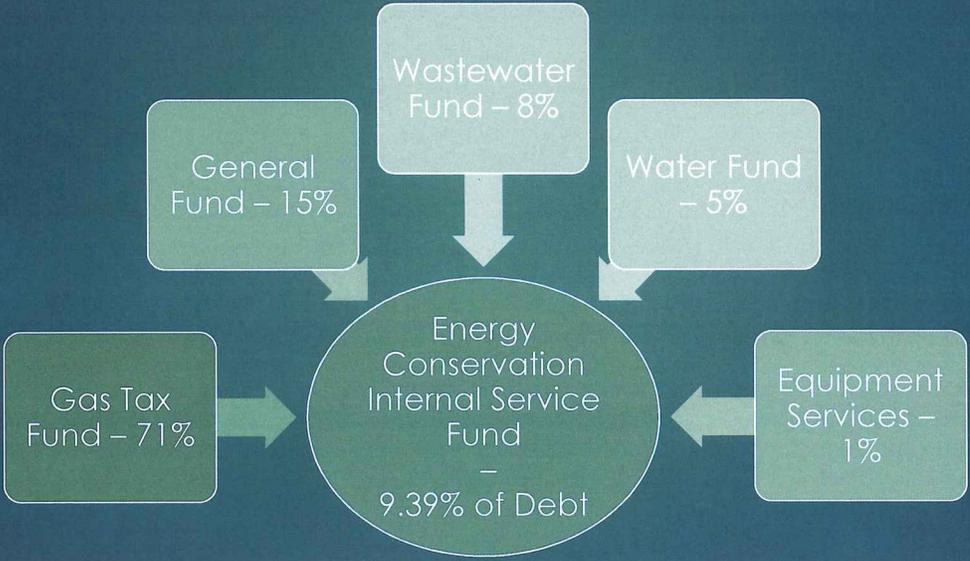


Proposition 218

REVENUES DERIVED FROM THE FEE OR CHARGE SHALL NOT BE USED FOR ANY PURPOSE OTHER THAN THAT FOR WHICH THE FEE OR CHARGE IS IMPOSED.

ASSOCIATION OF CALIFORNIA WATER AGENCIES "PROPOSITION 218 LOCAL AGENCY GUIDELINES FOR COMPLIANCE"

Lighting Replacement Accounting



State Gas Tax

FOR EXPENDITURES TO BE ELIGIBLE UNDER THE HIGHWAY USERS TAX PROGRAM "THE WORK MUST BE FOR A STREET OR ROAD PURPOSE".

1"CALIFORNIA STATE CONTROLLER'S OFFICE: GUIDELINES RELATING TO GAS TAX EXPENDITURES".

Financial Analysis

ECM STUDY SESSION

“

A Dollar Today is Better
than a Dollar Tomorrow

”

Why Present Value is Important for Comparison

Net Present Value

- ▶ Each individual Cash Flow is modified to represent its value in today's dollars:
 - ▶ Modification Factor is known as "Discount Rate"
 - ▶ 5.868% - the average cost of debt issued
- ▶ Final value is in today's dollars, loss or gain

Net Present Value

NPV is an analytical tool that does not take into account other factors that may make an investment worth pursuing. For the ECM project, this includes the City's Climate Action Plan and accomplishing the strategic goal of greenhouse gas reduction.

Solar

PHOTO-VOLTAIC SYSTEM – COST ANALYSIS

PV-System Functionality

- ▶ Independent Solar Expert
 - ▶ Sage Renewables
- ▶ Verified that the system was properly installed and operating

Assumptions

PREDICTING ENERGY COSTS AVOIDED BY INSTALLING PV SYSTEMS

Avoided Cost Values – Net Inputs

- ▶ Average Annual Energy Price Increase
 - ▶ Same as originally modeled
 - ▶ 4.5%

- ▶ Delay Cost
 - ▶ \$214,200

- ▶ Baseline Cost – Cost of Energy (at our PV Sites) in FY10-11
 - ▶ **\$550,159**

Avoided Cost Values - Net Inputs

- ▶ CSI Rebates
 - ▶ Five Years from Interconnection
 - ▶ **\$2.3 million** estimated
- ▶ Offset by Post Installation PG&E bills
 - ▶ **\$65,000** estimated annually

\$12,026,462

Previously Reported \$12,228,789

TOTAL ASSUMED AVOIDED ENERGY COSTS (NET INPUTS)

– PRESENT VALUE

Assumptions

PREDICTING WHAT THE PHOTOVOLTAIC SYSTEM WILL COST

Costs of Ownership - Outputs

- ▶ Primarily Debt Service Payments
- ▶ Maintenance and Staffing Costs
 - ▶ **\$37,500** annually

Inverter Costs -
\$40,000
Annually

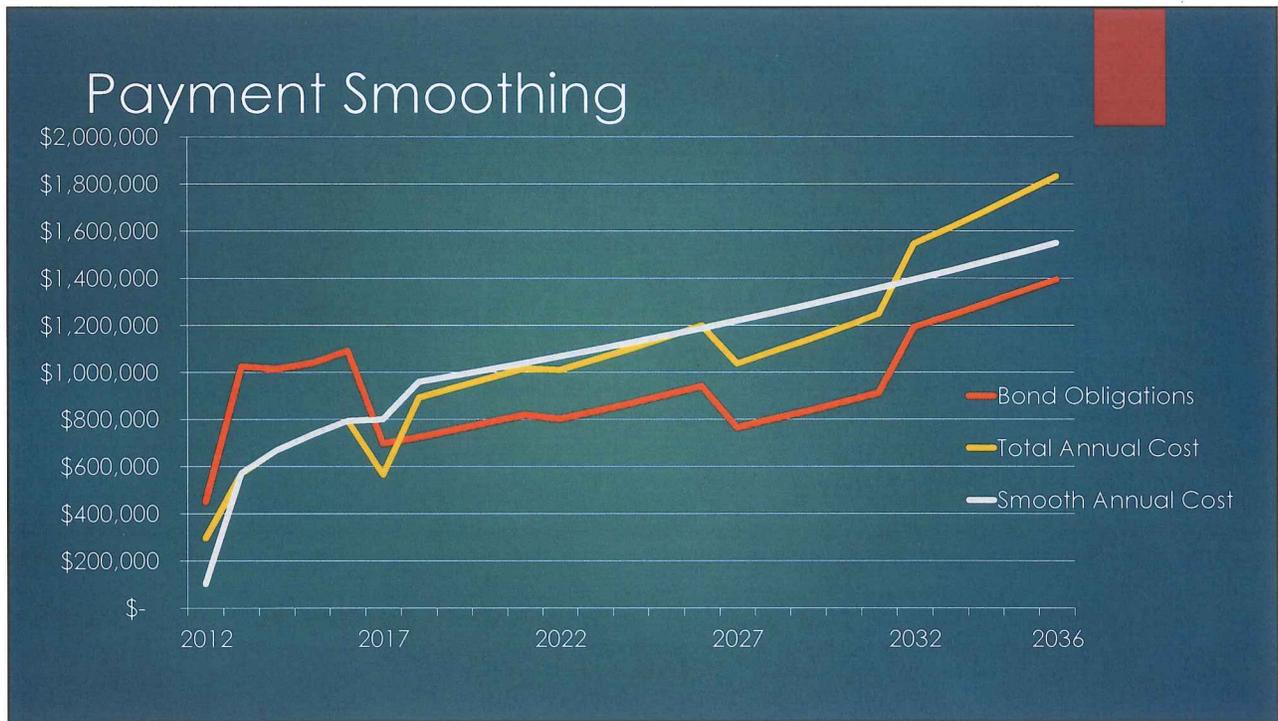
Payment Includes:

- ▶ Total Replacement Every 15 Years
 - ▶ As estimated by manufacturer
- ▶ Estimated Average Includes Both Repair and Replacement Costs

Panel Degradation-

Payment Includes:

- ▶ Panels degrade on average 0.8% a year to a minimum production of 80% of initial



\$12,648,061

TOTAL ASSUMED SYSTEM COST

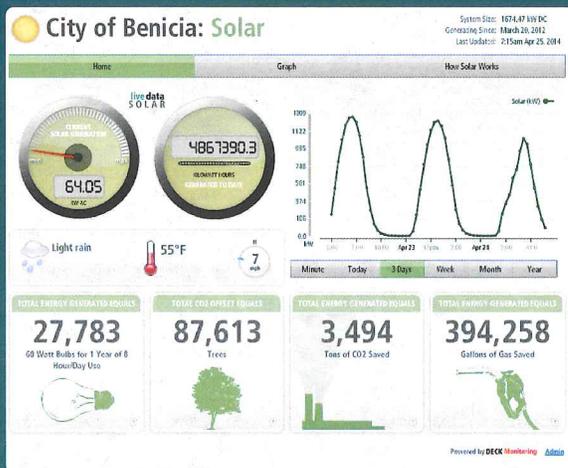
PRESENT VALUE

\$(621,599)

Previously Reported \$(419,272)

TOTAL PREDICTED NET PRESENT VALUE OF SYSTEM INCLUDES THE COST OF THE CITY HALL PARKING LOT – BASE COST \$790,000

– PRESENT VALUE



Environmental Benefit

http://live.deckmonitoring.com/?id=city_of_benicia

Carbon Emission Reduction (CO₂)

- ▶ DECK Measurement
 - ▶ 3,500 Tons of CO₂ Avoided
 - ▶ Uses General EPA Emission Factors
- ▶ Staff Measurement
 - ▶ 1,000 Tons of CO₂ Avoided
 - ▶ Uses Specific PG&E Emission Factors

Lighting

LIGHTING REPLACEMENT- COST ANALYSIS

Lighting Savings Present Value

- ▶ Avoided Costs (Energy and O&M)
 - ▶ \$2,812,588
 - ▶ 74% Energy Costs Savings
 - ▶ 26% O&M Savings

Lighting Costs Present Value

- ▶ Debt Costs
 - ▶ \$1,126,118
- ▶ Replacement Costs
 - ▶ \$651,075

Lighting Net Present Value

- ▶ Total Net Savings
- ▶ \$1,035,395

Total ECM Net Present Value

\$413,796

Previously Reported \$627,996



Current NPV Model is
Based on Predicted
Data Inputs Today



Solar Considerations

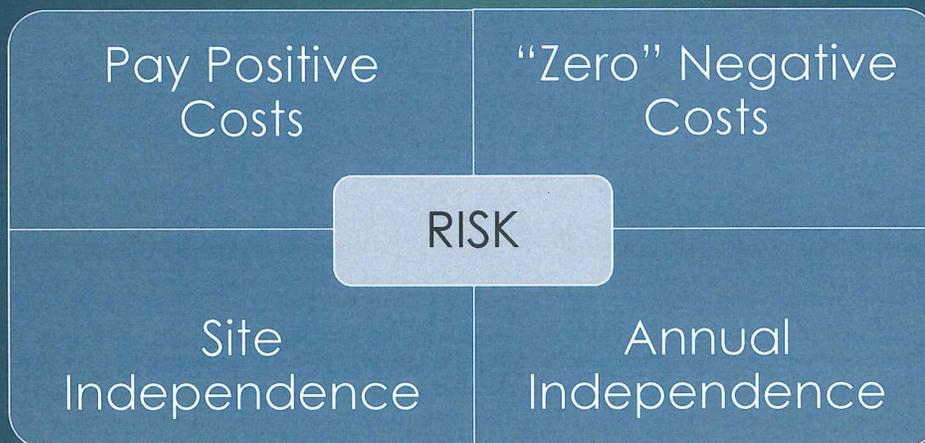
WHY DILIGENCE IS NECESSARY

Model Risk

- ▶ The risk that reality will differ from the model
- ▶ Variability Factors
 - ▶ Weather
 - ▶ Change in Energy Prices
 - ▶ Rate Structuring – NEM Contracts
 - ▶ Energy Demands

Understanding PG&E Billing

“Net Metering”



Net Metering Contract (NEM) Risks

- ▶ Currently the NEM rate is very advantageous for solar sites – Grandfathered 20 years
- ▶ Model does not include assumptions for NEM changes

System Life

- ▶ With proper maintenance and diligence the system has operating potential beyond the 25 year projection
- ▶ Avoided costs which occur outside the 25-year scope of this model will mitigate downside risk

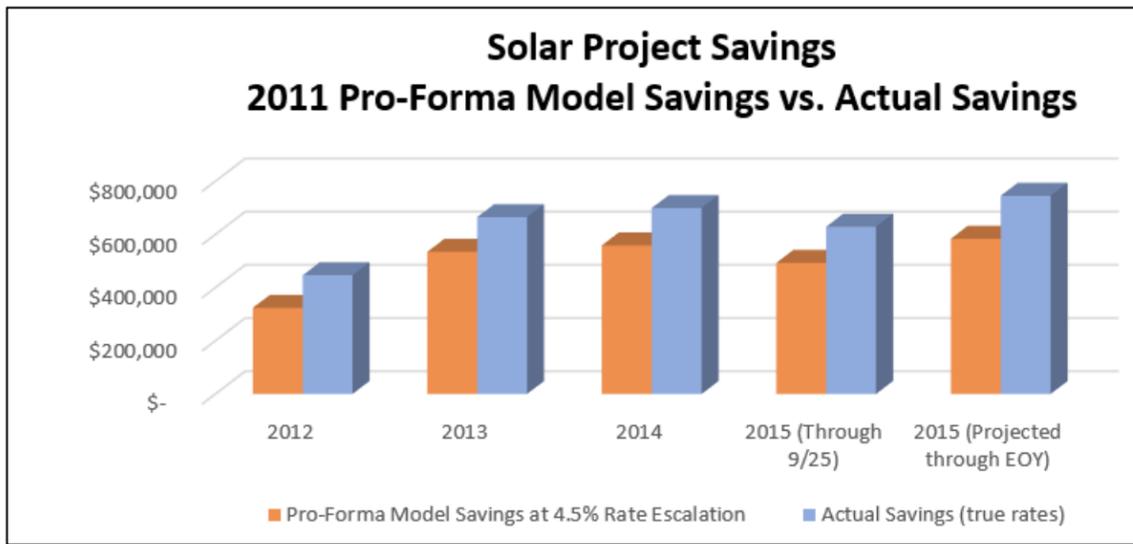
Future Considerations

- ▶ The City must remain vigilant in reducing energy consumption at solar sites – will improve calculated net present value
- ▶ “Early Adoption” goals must be balanced against City’s capacity to take on risk and workload related to managing new activities

Summary

- ▶ ECM Project is installed, operational, and functioning within design parameters
- ▶ ECM Project is net overall positive value
- ▶ ECM Project is advancing City’s strategic Climate Action Plan objectives

Comparison of 2011 Pro-Forma Model Savings vs. True Savings Based on Actual Rates City of Benicia Solar Project – 10 Sites



Actual savings based on true PGE rates exceed savings in 2011 Pro-Forma Model by over \$550,000 for 2012 through 2015.

Annual Summary 2012 through 2015

Year	Pro-Forma Model Savings at 4.5% Rate Escalation	Actual Savings (true rates)	Net over-performance
2012	\$ 323,820	\$ 446,206	\$ 122,387
2013	\$ 534,659	\$ 665,020	\$ 130,361
2014	\$ 558,719	\$ 698,851	\$ 140,133
2015 (Through 9/25)	\$ 492,868	\$ 628,996	partial result
2015 (Projected through EOY)	\$ 583,861	\$ 745,122	\$ 161,261
			\$ 554,141

Savings Detail 2012 through 2015

Year	Site	Total kWh	Produced (kWh) Less True-Up	Adjusted Actual	Total \$ Value Less True-Up	True-Up (Excess kWh produced)	True-Up (Wholesale Surplus Rate: \$0.04/kWh)	Total \$ Value of Solar PV Including True-Up	Adjusted Actual (\$)	Pro-Forma Model	Delta Adjusted Actual vs. Pro-Forma Model (\$)	Date system went online	% of yearly production based on date
2012	Site	Actual	Adjusted Actual	Actual	Actual								
	Fire Station #12	26,777	26,777	\$ 7,231	\$ -	\$ 7,231	\$ -	\$ 7,231	\$ 6,809	\$ 7,231	\$ 421	26-Mar	83%
	City Hall	255,976	255,976	\$ 66,204	\$ -	\$ 66,204	\$ -	\$ 66,204	\$ 32,841	\$ 33,362	\$ 33,362	20-Mar	83%
	Pump Station #1	188,993	188,993	\$ 47,400	\$ -	\$ 47,400	\$ -	\$ 47,400	\$ 44,300	\$ 3,100	\$ 3,100	20-Mar	83%
	Pump Station #2	270,000	270,000	\$ 70,223	\$ -	\$ 70,223	\$ -	\$ 70,223	\$ 71,805	\$ (1,582)	\$ (1,582)	20-Mar	83%
	Pump Station #3	203,722	203,722	\$ 50,689	\$ -	\$ 50,689	\$ -	\$ 50,689	\$ 42,866	\$ 7,823	\$ 7,823	17-Aug	31%
	Community Center	141,794	141,794	\$ 36,856	\$ -	\$ 36,856	\$ -	\$ 36,856	\$ 19,310	\$ 17,546	\$ 17,546	29-Mar	81%
	Community Park	78,940	78,940	\$ 21,867	\$ -	\$ 21,867	\$ -	\$ 21,867	\$ 6,914	\$ 14,953	\$ 14,953	21-Mar	31%
	Aquatics Center	1,738	1,738	\$ 248	\$ -	\$ 248	\$ -	\$ 248	\$ 1,041	\$ (793)	\$ (793)	27-Nov	5%
	Corporation Yard	117,811	117,811	\$ 30,648	\$ -	\$ 30,648	\$ -	\$ 30,648	\$ 17,030	\$ 13,619	\$ 13,619	20-Mar	84%
	Water Treatment Plant	440,901	440,901	\$ 114,841	\$ -	\$ 114,841	\$ -	\$ 114,841	\$ 80,903	\$ 33,938	\$ 33,938	20-Mar	84%
				\$ 446,206			\$ 446,206	\$ 323,820	\$ 122,387				
2013	Site	Actual	Adjusted Actual	Actual	Actual								
	Fire Station #12	31,405	31,405	\$ 8,288	\$ -	\$ 8,288	\$ -	\$ 8,288	\$ 8,605	\$ (317)	\$ (317)		
	City Hall	296,490	296,490	\$ 74,695	\$ -	\$ 74,695	\$ -	\$ 74,695	\$ 41,304	\$ 33,391	\$ 33,391		
	Pump Station #1	216,436	216,436	\$ 52,950	\$ -	\$ 52,950	\$ -	\$ 52,950	\$ 55,798	\$ (2,848)	\$ (2,848)		
	Pump Station #2	302,398	302,398	\$ 77,884	\$ -	\$ 77,884	\$ -	\$ 77,884	\$ 90,072	\$ (12,188)	\$ (12,188)		
	Pump Station #3	781,668	781,668	\$ 195,882	\$ -	\$ 195,882	\$ -	\$ 195,882	\$ 145,837	\$ 50,045	\$ 50,045		
	Community Center	177,322	166,282	\$ 42,207	\$ (11,040)	\$ 442	\$ 442	\$ 42,649	\$ 24,824	\$ 17,825	\$ 17,825		
	Community Park	112,239	112,239	\$ 29,104	\$ -	\$ 29,104	\$ -	\$ 29,104	\$ 23,527	\$ 5,577	\$ 5,577		
	Aquatics Center	61,658	61,658	\$ 15,801	\$ -	\$ 15,801	\$ -	\$ 15,801	\$ 22,204	\$ (6,403)	\$ (6,403)		
	Corporation Yard	135,727	112,463	\$ 27,505	\$ (23,264)	\$ 931	\$ 931	\$ 28,436	\$ 21,205	\$ 7,231	\$ 7,231		
	Water Treatment Plant	545,808	545,808	\$ 139,331	\$ -	\$ 139,331	\$ -	\$ 139,331	\$ 101,283	\$ 38,048	\$ 38,048		
			\$ 663,648				\$ 665,020	\$ 534,659	\$ 130,361				
2014	Site	Actual	Adjusted Actual	Actual	Actual								
	Fire Station #12	30,273	30,273	\$ 9,112	\$ -	\$ 9,112	\$ -	\$ 9,112	\$ 8,992	\$ 120	\$ 120		
	City Hall	276,483	276,483	\$ 80,187	\$ -	\$ 80,187	\$ -	\$ 80,187	\$ 43,163	\$ 37,025	\$ 37,025		
	Pump Station #1	150,462	150,462	\$ 42,936	\$ -	\$ 42,936	\$ -	\$ 42,936	\$ 58,309	\$ (15,373)	\$ (15,373)		
	Pump Station #2	294,628	294,628	\$ 84,870	\$ -	\$ 84,870	\$ -	\$ 84,870	\$ 94,125	\$ (9,256)	\$ (9,256)		
	Pump Station #3	731,732	731,732	\$ 207,755	\$ -	\$ 207,755	\$ -	\$ 207,755	\$ 152,400	\$ 55,356	\$ 55,356		
	Community Center	171,106	160,546	\$ 45,911	\$ (10,560)	\$ 422	\$ 422	\$ 46,333	\$ 25,941	\$ 20,392	\$ 20,392		
	Community Park	101,222	101,222	\$ 28,965	\$ -	\$ 28,965	\$ -	\$ 28,965	\$ 24,586	\$ 4,380	\$ 4,380		
	Aquatics Center	59,451	59,451	\$ 17,027	\$ -	\$ 17,027	\$ -	\$ 17,027	\$ 23,203	\$ (6,177)	\$ (6,177)		
	Corporation Yard	130,133	112,731	\$ 31,845	\$ (17,402)	\$ 696	\$ 696	\$ 32,541	\$ 22,159	\$ 10,382	\$ 10,382		
	Water Treatment Plant	516,741	516,741	\$ 149,125	\$ -	\$ 149,125	\$ -	\$ 149,125	\$ 105,841	\$ 43,284	\$ 43,284		
			\$ 697,733				\$ 698,851	\$ 558,719	\$ 140,133				
2015 (Through 9/25)	Site	Actual	Adjusted Actual	Actual	Actual								
	Fire Station #12	24,611		\$ 7,951	\$ -	\$ 7,951	\$ -	\$ 7,951	\$ 7,932	\$ 18	\$ 18		
	City Hall	230,864		\$ 71,094	\$ -	\$ 71,094	\$ -	\$ 71,094	\$ 38,075	\$ 33,018	\$ 33,018		
	Pump Station #1	165,412		\$ 48,787	\$ -	\$ 48,787	\$ -	\$ 48,787	\$ 51,437	\$ (2,650)	\$ (2,650)		
	Pump Station #2	238,855		\$ 73,802	\$ -	\$ 73,802	\$ -	\$ 73,802	\$ 83,032	\$ (9,229)	\$ (9,229)		
	Pump Station #3	598,023		\$ 182,739	\$ -	\$ 182,739	\$ -	\$ 182,739	\$ 134,438	\$ 48,301	\$ 48,301		
	Community Center	141,864		\$ 43,733	\$ -	\$ 43,733	\$ -	\$ 43,733	\$ 22,884	\$ 20,849	\$ 20,849		
	Community Park	88,226		\$ 27,486	\$ -	\$ 27,486	\$ -	\$ 27,486	\$ 21,688	\$ 5,798	\$ 5,798		
	Aquatics Center	48,488		\$ 14,918	\$ -	\$ 14,918	\$ -	\$ 14,918	\$ 20,468	\$ (5,550)	\$ (5,550)		
	Corporation Yard	105,801		\$ 32,832	\$ -	\$ 32,832	\$ -	\$ 32,832	\$ 19,548	\$ 13,285	\$ 13,285		
	Water Treatment Plant	409,406		\$ 125,654	\$ -	\$ 125,654	\$ -	\$ 125,654	\$ 93,366	\$ 32,288	\$ 32,288		
			\$ 628,996				\$ 628,996	\$ 492,868	\$ 136,128				
Predicted through end of 2015 (based on 2014 pattern)													
2015 (Predicted through EOY)	Site	Actual	Adjusted Actual	Actual	Actual								
	Fire Station #12	29,205		\$ 9,380	\$ -	\$ 9,380	\$ -	\$ 9,380	\$ 9,397	\$ (17)	\$ (17)		
	City Hall	276,579		\$ 83,978	\$ -	\$ 83,978	\$ -	\$ 83,978	\$ 45,105	\$ 38,873	\$ 38,873		
	Pump Station #1	195,301		\$ 56,791	\$ -	\$ 56,791	\$ -	\$ 56,791	\$ 60,933	\$ (4,142)	\$ (4,142)		
	Pump Station #2	285,067		\$ 87,376	\$ -	\$ 87,376	\$ -	\$ 87,376	\$ 98,361	\$ (10,985)	\$ (10,985)		
	Pump Station #3	719,112		\$ 217,519	\$ -	\$ 217,519	\$ -	\$ 217,519	\$ 159,258	\$ 58,261	\$ 58,261		
	Community Center	168,289		\$ 51,334	\$ -	\$ 51,334	\$ -	\$ 51,334	\$ 27,108	\$ 24,226	\$ 24,226		
	Community Park	105,145		\$ 32,398	\$ -	\$ 32,398	\$ -	\$ 32,398	\$ 25,692	\$ 6,706	\$ 6,706		
	Aquatics Center	57,416		\$ 17,504	\$ -	\$ 17,504	\$ -	\$ 17,504	\$ 24,247	\$ (6,743)	\$ (6,743)		
	Corporation Yard	125,480		\$ 38,529	\$ -	\$ 38,529	\$ -	\$ 38,529	\$ 23,156	\$ 15,372	\$ 15,372		
	Water Treatment Plant	494,218		\$ 150,314	\$ -	\$ 150,314	\$ -	\$ 150,314	\$ 110,604	\$ 39,710	\$ 39,710		
			\$ 745,122				\$ 745,122	\$ 583,861	\$ 161,261				

**AGENDA ITEM
CITY COUNCIL MEETING DATE – MARCH 15, 2011
ACTION ITEM**

DATE : March 9, 2011

TO : City Manager

FROM : Finance Director
Public Works and Community Development Director

SUBJECT : **APPROVAL OF THE RENEWABLE ENERGY AND CONSERVATION PROJECT, INCLUDING APPROVAL OF CONTRACT CHANGE ORDER 1 WITH CHEVRON ENERGY SOLUTIONS FOR STREET LIGHT RETROFITTING, THE LEASE FINANCING FOR THE PROJECT, AND CREATION OF THE ENERGY CONSERVATION FUND**

RECOMMENDATION:

1. Adopt the resolution approving change order 1 to the Energy Service Contract to add street light retrofits, determining the amended project and financing are the final project for the purposes of CEQA and authorizing the City Manager to execute the change order with Chevron Energy Solutions.
2. Adopt the resolution approving the form and authorizing the execution of certain lease financing documents in connection with the offering and sale of Certificates of Participation relating thereto to finance various energy conservation projects throughout the geographic boundaries of the City and authorizing and directing certain actions with respect thereto.
3. Adopt the resolution creating the Energy Conservation Fund to collect the energy savings from the Renewable Energy and Conservation Project, make the lease payments, and fund future energy conservation measures.

EXECUTIVE SUMMARY:

In October 2010, Council approved a contract with Chevron Energy Solutions for \$11.1 million in improvements (primarily solar arrays) and directed staff to return with financing for the project. Since then it has been determined that additional energy and cost savings can be realized by adding to the project replacement of sodium vapor streetlights citywide. Staff recommends a Financing Agreement with Municipal Acquisitions California I, LLC, whereby a "Private-Placement" Certificate of Participation will be issued to fund the project, capitalized interest during the construction period, and costs of issuance. Final terms and pricing will be set before the Council Meeting and relayed to the Council immediately, with maximum limits of \$12.95 million for all

costs and 6.75% interest for 26.5 years, and a minimum annual net savings target of \$50,000 to go into a new Energy Conservation Fund for future projects.

BUDGET INFORMATION:

The project will be funded at no cost to the City using a combination of lease financing, California Solar Initiative rebates and electricity savings. Although the City's General Fund is ultimately responsible, the payments on the financing would be recovered via energy cost savings to the City.

GENERAL PLAN:

The project supports sustainability, which is the overarching objective of the General Plan.

STRATEGIC PLAN:

The project fulfills the following Strategic Plan issues, strategies and actions:

Relevant Strategic Plan Issues and Strategies:

- ❑ Strategic Issue 2 Protecting and Enhancing the Environment
 - Strategy 2.1 Reduce greenhouse gas emissions and energy consumption
 - Action 2.1 (d) Facilitate private construction of at least one alternative energy project
 - Strategy 2.3 Pursue and adopt sustainable practices
 - Action 2.3 (a) Pursue LEED certification for community center

CLIMATE ACTION PLAN:

The project supports the following Climate Action Plan objective and strategies:

- ❑ Objective B-1 Increase Building and Energy Efficiency in Municipal Buildings by 10% by 2020
- ❑ Objective E-2 Increase Amount of Renewable Energy in Benicia
 - Strategy E-2.1 Renewable Energy Project Manager
 - Strategy E-2.3 Renewable Energy for City Facilities
- ❑ Objective E-3 Increase Amount of Solar Energy Production in Benicia
 - Strategy E-3.1 Encourage Parking Lot Solar Photovoltaic Arrays
- ❑ Objective E-4 Increase Amount of Wind Energy Production in Benicia to 15% by 2020
 - Strategy E-4.1 Increase Wind Energy Generation within City Limits

ENVIRONMENTAL REVIEW:

Each of the construction projects is Categorical Exempt per California Environmental Quality Act Guidelines Section 15332, which applies to infill development projects within the city limits and consistent with the General Plan, and Section 15303 (e), which applies to construction of small structures, including carports. In addition, construction at the City Hall parking lot site was reviewed for potential effects on historical resources, and the Historic Preservation Review Commission approved that project and a Categorical Exemption per CEQA Guidelines Section 15303 (e) on July 22, 2010.

The added streetlight retrofit portion of the project is also Categorical Exempt per California Environmental Quality Act Guidelines Section 15302 (c), which applies to replacement or reconstruction of existing utility facilities involving negligible or no expansion of capacity.

BACKGROUND:

Summary. On October 5, 2010, the City Council approved a contract with Chevron Energy Solutions (CES) to implement the Renewable Energy and Conservation Project for \$9,300,500 in base project costs and \$1,817,500 in alternate project costs. The City Council further directed that staff develop recommendations for financing the project, including an analysis of Taxable Build America Bonds, Tax-Exempt Certificates of Participation, and Tax-Exempt Capital Lease Financing.

While researching the financing alternatives, staff was made aware that additional project savings could be realized by expanding the project scope. Therefore, the Council is also being asked to approve an added component to the project consisting of replacement of approximately 2,000 sodium vapor streetlights citywide with induction bulbs at a cost of \$742,000 and additional annual net cost savings of \$69,460. This replacement of City streetlights is in addition to the approximately 175 retrofits along Military and East 2nd already funded via the federal Energy Efficiency Block Grant program and scheduled to be bid this spring. The 65 lights on First Street are not included in either project due to Historic Preservation Review Commission concerns regarding the appearance of non-sodium vapor lights along First Street. Chevron Energy Solutions is looking into finding induction bulbs to match the color and intensity of the First Street lights for a possible future return to Council on the subject.

Total savings from the project may also include revenue from the sale of renewable energy credits to corporations needing offsets under State law,

federal guidelines and/or voluntary greenhouse gas reduction programs. The credits are estimated to be worth \$10,000-20,000 annually.

After a lengthy search for the best financing package, staff recommends entering a "Private-Placement" Certificate of Participation financing with Municipal Acquisitions to fund the amended project, to fund capitalized interest during the construction period, and to fund costs of issuance. The final terms and pricing will be set before the City Council Meeting and relayed to the City Council as soon as they are received, with the maximum parameters set at \$12,950,000 at 6.75% for 26.5 years. The minimum annual net savings target for the project financing is \$50,000. This is inclusive of both Pump Station #3 and the Street Light Retrofits.

In order to facilitate the collection of total annual savings to be applied towards the lease payments, a special Energy Conservation Fund will be created with Council approval. It is recommended the fund be allowed to accumulate reserves of at least \$150,000, after which, excess funds will be made available for sponsoring other energy conservation measures.

Project Summary and Contract Change Order. In May 2009, CES responded to a Request for Proposals from firms interested in providing the City with implementing renewable energy strategies. Following Council approval in September 2009, CES has been analyzing City operations and designing a series of energy generation projects and conservation measures that will convert up to 22% of the City's electrical use to solar power and increase energy efficiency at City facilities by 3%.

On October 5, 2010, the City Council approved a contract with Chevron Energy Solutions (CES) to implement the Renewable Energy and Conservation Projects they recommended at a contract price of \$9,300,500 in base project costs and \$1,817,500 in alternate additional project costs for Pump Station 3. (Note: Pump Station #3 has since been included in the project with the receipt of a commitment letter from the Valero Refinery, which is attached to this report.)

The project, without Pump Station 3, results in a greenhouse gas emission reduction at City facilities to meet the Climate Action Plan goal of 25% below 2000 levels. The collection of sites included in the project will generate 62% of their electrical needs through solar power.

While researching the financing alternatives, staff was made aware that additional project savings could be realized by expanding the project scope. Therefore, the Council is also being asked to approve an added component to the project consisting of replacement of approximately 2,000 sodium vapor

streetlights citywide with induction bulbs at a cost of \$742,000 and additional annual net cost savings of \$69,460. This is referred to in the attached resolution as Change Order 1.

This replacement of City streetlights is in addition to the approximately 175 retrofits along Military and East 2nd already funded via the federal Energy Efficiency Block Grant program and scheduled to be bid this spring. The 65 lights on First Street are not included in either project due to Historic Preservation Review Commission concerns regarding the appearance of non-sodium vapor lights along First Street. Chevron Energy Solutions is looking into finding induction bulbs to match the color and intensity of the First Street lights for a possible future return to Council on the subject.

Total savings from the project may also include revenue from the sale of renewable energy credits to corporations needing offsets under State law, federal guidelines and/or voluntary greenhouse gas reduction programs. The credits are estimated to be worth \$10,000-20,000 annually.

The costs and annual savings of the Renewable Energy and Conservation Project are summarized below in *Table 1*. You will notice that all but two of the project and conservation measures generate annual electrical savings. The two projects that do not generate savings include the two meteorological stations (Wind Testing) costing \$20,000 and the rehabilitation of the City Hall rear parking lot costing \$700,000.

Financing Quest

The City Council then directed that staff return with recommendations for financing the project, including an analysis of Taxable Build America Bonds, Tax-Exempt Certificates of Participation, and Tax-Exempt Capital Lease Financing.

In order to assist in evaluating the best financing arrangement, staff issued requests for proposals to three financial advisory firms and selected Mark Pressman from Wulff, Hansen and Company. Mr. Pressman's research has focused on the financial projections provided by CES and the conversion of the energy savings into the most efficient form of financing, specifically Certificates of Participation and Capital Leases.

The energy cost-savings displayed in *Table 1* were also integrally linked to the financial structure required to fund the project. This was made evident by the inclusion of the California Solar Initiative credits in the first five years, as well as the annual maintenance reserve accounts required to replace certain energy

retrofit projects at the end of their useful lives, many of which expire at the end of 15 years.

Table 1.

Summary of Solar Projects				
Location	Structure Type	Arrays	Construction Cost	Beginning Annual Savings
City Hall	Parking Canopy	2	\$ 989,000	\$ 41,304
Community Center	Parking Canopy	3	\$ 730,250	\$ 24,824
Community Park	Parking Canopy	2	\$ 396,750	\$ 23,527
Corporation Yard	Parking Canopy	2	\$ 483,000	\$ 21,205
Water Treatment Plant	Ground-mounted	1	\$ 1,447,890	\$ 101,283
Pump Station #1	Ground-mounted	1	\$ 702,800	\$ 55,798
Pump Station #2	Ground-mounted	1	\$ 1,287,980	\$ 90,072
Aquatics Center	Shade Canopy	2	\$ 494,700	\$ 22,204
Fire Station #12	Roof Mounted	1	\$ 113,808	\$ 8,605
Pump Station #3 (Alternate)	Ground-mounted	1	\$ 1,817,500	\$ 145,837
Total Amended Project			\$ 8,463,678	\$ 534,659

Summary of Energy Conservation Measures				
Location	Type of ECM	Number of Retrofits	Construction Cost	Beginning Annual Savings
Energy Analysis	General	-	\$60,000	
Engineering, PM/CM, Contin.	General		\$1,620,461	
CSI Application Fees	Solar Credits	-	n/a	
Community Park	Lighting	21	\$8,997	\$989
Camel Barn	Lighting	100	\$15,633	\$1,725
Corporation Yard	Lighting	22	\$7,884	\$1,932
City Hall	Lighting	44	\$14,070	\$1,874
Library	Lighting	546	\$69,508	\$4,665
Police Station	Lighting	29	\$8,749	\$1,034
Wastewater Treatment Plant	Lighting	451	\$82,766	\$15,959
Water Treatment Plant	Lighting	214	\$46,255	\$10,315
Install 2 Meteorological Stations	Wind Data	2	\$20,000	
R&R City Hall Parking Lot	Prep for Canopy		\$700,000	
Street Light Replacement	Lighting	2000	\$742,000	\$ 69,760
Total ECM & Other Costs			\$ 3,396,322	\$ 108,254

Total Approved Project Cost	\$ 11,860,000	\$ 642,913
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Contingency	Land/Other	\$ 300,000
Capitalized Interest	Financing	\$ 400,000
Cost of Issuance	Financing	\$ 390,000
Total Financing Amount		\$ 12,950,000

Using this framework, the financing structure was designed to assure the project viability throughout at least the 25-year to 26.5 year expected term of the financing. The annual cost-savings threshold was also established at a

reasonable amount, \$50,000, to provide further assurance the savings could cover any possible short-term shortfalls for the term of the financing.

With these assumptions in place, the financing team set out to analyze the best financing “fit” for the City. The following is a brief explanation of each.

Taxable Build America Bonds. The Taxable Build America Bonds (BAB's) were ruled out early, due to the timing restrictions imposed by the Federal Government, which would have forced them to be issued by December 31, 2010. According to Mr. Pressman, the financing rates in December were typically higher than other times of the year, a situation that became very evident as the month of November passed. BAB's are no longer an option.

Tax-Exempt Certificates of Participation. The next most typical form of financing is the issuance of Certificates of Participation (COP). These resemble a Capital Lease in their legal framework but are capable of being structured in a way that changes the annual principal payment to match the cash flow from a project, such as this one. The upside to a COP is the tax-exempt standing of the financing, plus the market's acceptance of this form of financing. This results in extremely low interest rates that are currently running between 2% and 6%, depending on the maturity date up to 30 years. As of the writing of this report, the estimated average interest cost for all maturities was 5.9%.

The downside to a COP is the costs of issuance, which can include Bond Counsel, Disclosure Council, Underwriter Fees and Insurance. For a \$13 million dollar issue, the costs of issuance could reach \$570,000. Even so, these costs can be combined with the interest rate savings to become a very desirable solution.

All that said, in November 2010, the sole remaining “Triple A” insurer of COP's for municipalities, Assured Guaranty Municipal Inc., was downgraded to “AA+.” This has created a situation in the COP market in which investors are reluctant to purchase COP's without a significant increase in the investment return. As an alternative, issuers are turning to the “Cash Reserve Method” to appeal to investors. This method requires that additional funds be borrowed and placed in a reserve account that can be accessed should the borrower suffer financial difficulties. In Benicia's case, a cash funded reserve fund would require an additional \$1.4 million be borrowed, which reduces the overall savings from the project and would place COP's out of our reach in the current interest rate environment.

Tax-Exempt Capital Lease Financing. In the last two years, several companies that specialize in Capital Lease Financing of governmental equipment have been extending the amortization periods beyond the typical 15-year period.

During the preliminary review of the project, an amortization period of 25 years was determined to be the most desirable. Shorter periods, such as 15 years, increased the annual payment to a point beyond the annual savings and required subsidy of the projects by the City until the project is fully paid off. Typically, capital leases have a fixed interest rate slightly higher than COP's but have significantly less costs of issuance due to their private placement.

Recommended Financing Actions.

Mr. Pressman spent several weeks trying to find an investor that would be interested in a private placement lease for a 25-year term. In December 2010, Municipal Acquisitions ("MA") expressed such an interest and the City agreed to pursue structuring the financing package. During the assembly process, MA advised the City that a financial rating would be required, along with a more standard Certificate of Participation ("COP") structure. While we were disappointed about the more costly structure of the financing package, it was understandable given the negative sentiment in the municipal bond market caused by a number of threatened defaults by both state and municipal agencies.

Mr. Pressman, as the Financial Advisor, and Brian Quint, as the Bond Counsel then set out to design a financing structure that ended up being unique and uncommon for municipalities, a "Private Placement COP." It is a hybrid of the standard COP but with one very important deviation, it does not have a requirement for a Reserve Fund, which would require that the City borrow an additional \$1.4 million. When combined with the Standard & Poor's rating, which assigned the City an "A+" rating, the financing package was able to be solicited to the MA group of investors and the initial interest was very good.

Acting as the investor contact, MA has been able to supply an interest rate "maximum" quote of 6.75%. While this was higher than we expected, there has been several positive movements in the market lately and both MA and Mr. Pressman feel the rate could be substantially lower when the pricing is finalized.

Due to its lateness in arrival, staff is recommending the City Council approve the financing package with "maximum parameters" until the actual numbers can be presented and definitely by the Council Meeting. Even so, the maximum financing amounts presented herein are designed to yield annual net cost savings of \$55,450 per year. The target goal is no less than \$50,000 in annual net savings when the final interest rate is quoted and the parameters are adjusted to best meet the needs of the City. Specifically, it is the secondary goal of staff to achieve a 25-year term, which more closely matches the warranty on the solar arrays. It should be noted, however, that adequate funding has been set-

aside to maintain all of the improvements for the next 25 years, including replacement of certain panels outside of warranty coverage.

In summary, if approved by the City Council, the attached resolution and accompanying documents will authorize the execution of lease financing documents in connection with the offering for sale of Certificates of Participation issued at a maximum of \$12,950,000, with a maximum term of 26.5 years and a maximum interest rate of 6.75%. This will yield annual net cost-savings of \$55,450 per year.

Table 2. displays the maximum parameters recommended by staff and a listing of the total interest, payments and savings over the maximum 26.5 year term. Again, these are expected to change when the final interest rate quote is received.

Table 2.

ANALYSIS OF CERTIFICATES OF PARTICIPATION	
Prepared by Wulff, Hansen & Co.	
<i>Preliminary estimates and subject to change.</i>	
Description	Expanded Project
Project Funding	\$ 11,860,000
Contingency	\$ 300,000
Capitalized Interest	\$ 400,000
Costs of Issuance*	\$ 390,000
Maximum Total Financing	\$ 12,950,000
Maximum Term Years	26.5
Maximum Average Interest Rate	6.75%
Annual Savings/(Loss)	\$ (55,450)
Total Interest Paid	\$ 16,398,400
Total Payments	\$ 29,348,400
Total Savings	\$ (1,110,025)

Table 3.

Costs of Issuance* Prepared by Wulff, Hansen & Co. <i>Preliminary estimates and subject to change.</i>	
Description	Expanded Project
Bond Counsel	\$ 47,500
Financial Advisor	\$ 66,440
Title Insurance	\$ 10,000
Rating	\$ 14,000
PPFCC Leasing Assignee	\$ 3,500
Trustee	\$ 2,500
Miscellaneous	\$ 6,810
Mucipal Acquisitions, Initial Lessor	\$ 194,250
Government Leasing	\$ 45,000
Total Costs of Issuance	\$ 390,000

Temporary Collateralization Required. The issuance of the COP requires that a form of collateral be pledged. For this reason, staff recommends assigning the City Hall Administration Building and the Clocktower as collateral for the construction of the project. There are no recourse or foreclosure covenants, and the documents permit the substitution of the leased property in the future if the City desires.

Valero Property at Pump Station 3. On January 28, 2011, Valero Benicia Refinery Vice President and General Manager Doug Comeau informed the City Manager in a letter (attached) that Valero is agreeable to making the land necessary to support a solar array to power Pump Station 3 available via a lease or purchase to be worked out a future date. This agreement made it possible to include the Pump Station 3 alternate into the overall project on the same 2011 construction schedule as the remainder of the project. City staff is in active discussions with Valero to perfect access to and use of the site and very much appreciates Valero's continuing cooperation and interest in the project and the City's renewable energy goals.

Energy Conservation Fund. In order to assure the stabilization of the electrical savings over time and potential sponsorship of future energy conservation measures, staff recommends the creation of the Energy Conservation Fund (ECF). The ECF would collect the energy savings from each of the participating divisions and funds in the City and use the funds to maintain the solar arrays and make the lease payments.

Using the information provided by CES, it is possible to extrapolate the savings over the life of the debt issue, thus “locking in” electrical costs for each division. The costs will be reconciled annually to ensure adequate coverage of the maintenance and debt service.

An area of risk for the project lies in the forecasting of future PG&E rate increases, currently set at 4.5% in the CES forecasts. If the rate increases average less than 4.5%, the City's annual savings would be less. If the rate increases average more than 4.5%, the City's annual savings would be more. Between 1970 and 2007, PG&E rate increases have averaged 5.5%.

Using the ECF approach, the fund will grow by at least \$50,000 per year. Any additional cost savings from PG&E rates escalating more than 4.5% will accrue to the individual divisions. This will allow the fund to grow to \$150,000 at the end of three years. Staff recommends delaying any sponsorship of energy conserving projects until that time, in order to allow for fund stability in the future.

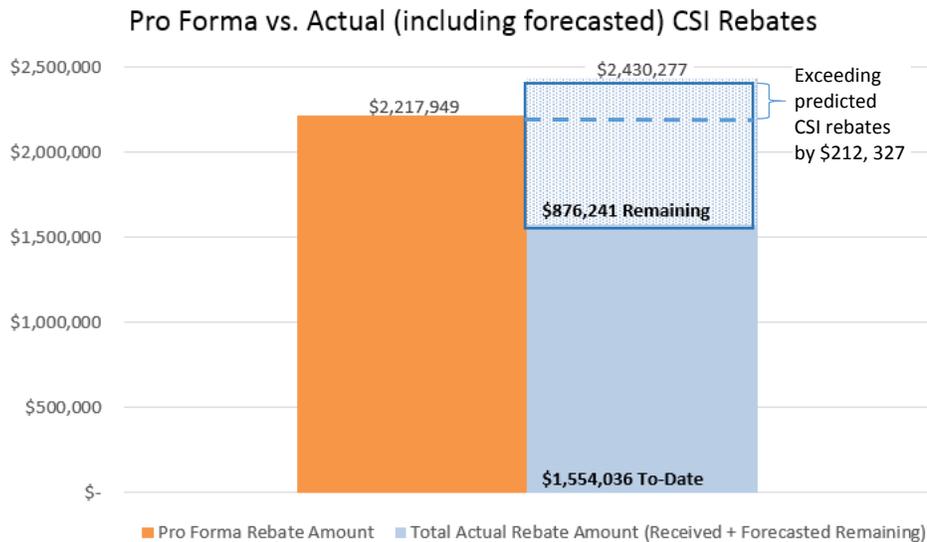
Attachments:

- ❑ Resolution approving change order 1 to the Energy Service Contract to add street light retrofits, determining the amended project and financing the final project for the purposes of CEQA and authorizing the City Manager to execute the change order with Chevron Energy Solutions
- ❑ Resolution approving the form and authorizing the execution of certain lease financing documents in connection with the offering and sale of Certificates of Participation relating thereto to finance various energy conservation projects throughout the geographic boundaries of the City and authorizing and directing certain actions with respect thereto
- ❑ Resolution creating the Energy Conservation Fund to collect the energy savings from the Renewable Energy and Conservation Project, make the lease payments, and fund future energy conservation measures
- ❑ Site and Facility Lease
- ❑ Lease Agreement
- ❑ Certificate Purchase Agreement
- ❑ Trust Agreement
- ❑ Chevron Contract Change Order 1
- ❑ Valero letter regarding Pump Station 3
- ❑ HPRC Minutes of July 22, 2010
- ❑ Private Placement COP Payment Schedule

City of Benicia 10 Solar Sites – Performance on California Solar Initiative (CSI) Rebates

Pro Forma CSI Rebate Amounts vs. Actual (as of 8/2015) CSI Rebate amounts (including forecasted)

Pro Forma Model CSI Rebates	
Year 1	\$449,844
Year 2	\$446,695
Year 3	\$443,568
Year 4	\$440,463
Year 5	\$437,380
Total	\$2,217,950



Site Name	Number of monthly checks remaining*	Total Monthly Checks Expected	Forecasted Remaining Rebate Amount**	Total Actual Rebate Amount Expected (Actual Received + Forecasted Remaining)
Community Park	23	60	\$ 38,797.42	\$ 104,517.33
Corporation Yard	20	60	\$ 38,359.40	\$ 126,339.23
Mills Community Center	20	60	\$ 50,603.52	\$ 164,192.60
Pump Station 1	21	60	\$ 60,487.14	\$ 184,540.97
Water Treatment Plant	20	60	\$ 154,131.54	\$ 500,261.80
City Hall	20	60	\$ 83,997.48	\$ 274,421.62
Fire Station 12	20	60	\$ 6,974.07	\$ 23,046.80
Pump Station 2	20	60	\$ 87,947.26	\$ 286,521.12
Pump Station 3	27	60	\$ 325,927.85	\$ 709,760.08
Swimming Pool	32	60	\$ 29,014.74	\$ 56,675.06
			\$ 876,240.41	\$ 2,430,276.60
Pro Forma CSI Rebate Amount upon City Council Approval April 2011:				\$ 2,217,949.00
				\$ 212,327.60

* As of August, 2015

**Forecasted remaining rebate amounts based on past actual site production and past actual check amounts

AGENDA ITEM
CITY COUNCIL MEETING: DECEMBER 15, 2015
COUNCIL MEMBER COMMITTEE REPORTS

DATE : December 1, 2015
TO : Mayor Patterson
FROM : City Manager
SUBJECT : **MAYORS' COMMITTEE MEETING**

The following information is provided for your committee report at the December 15, 2015 City Council meeting.

The Mayors' Committee meetings are held quarterly in Dixon. The next meeting is scheduled for December 21, 2015 and the agenda is not yet available.

AGENDA ITEM
CITY COUNCIL MEETING: DECEMBER 15, 2015
COUNCIL MEMBER COMMITTEE REPORTS

DATE : November 30, 2015

TO : Vice Mayor Mark Hughes
Council Member Alan Schwartzmann

FROM : City Attorney

SUBJECT : **ABAG COMMITTEE MEETING**

The following information is provided for your committee report at the December 15, 2015 Council meeting.

- The draft minutes are not yet available for the Spring General Assembly meeting held May 14, 2015.
- The date has not yet been scheduled for the next meeting.

AGENDA ITEM
CITY COUNCIL MEETING: DECEMBER 15, 2015
COUNCIL MEMBER COMMITTEE REPORTS

DATE : December 4, 2015

TO : Vice Mayor Hughes
Council Member Strawbridge

FROM : Assistant City Manager

SUBJECT : **FINANCE COMMITTEE REPORT**

The following information is provided for your committee report at the December 15, 2015 Council meeting.

The last Finance Committee meeting was held on November 19, 2015; draft minutes for the meeting are attached. The next meeting will be on Thursday, December 17, 2015 at 9:00 a.m.

Attachment:

- November 19, 2015 Draft Meeting Minutes

**Finance Committee
DRAFT MEETING MINUTES
Thursday, November 19, 2015
Commission Room**

- I. Roll Call at 9:00 a.m.
Attended by: Chairperson Michael Clarke; Vice-Chairperson Kathy Griffin, Committee Members Alan Nadritch, John Potter, Josh Wilson; City Treasurer Ken Paulk; Council Members Christina Strawbridge & Mark Hughes
Staff present: Anne Cardwell, Assistant City Manager; Karin Schnaider, Finance Director; Abigail Urrutia, Assistant Finance Director
- II. Pledge of Allegiance
- III. Notice to the Public
A plaque stating the Fundamental Rights of each member of the public is posted at the entrance of the Commission Room per Section 4.04.0300 of City of Benicia Ordinance No. 05-6 (Open Government Ordinance)
- IV. **ACTION ITEMS**
 - A. **Approval of Agenda** – moved and seconded.
Ayes: Chairperson Clarke; Griffin, Committee Members Nadritch, Potter, Wilson
Noes: none
 - B. **Approval of minutes for meeting held on October 22, 2015** – moved and seconded with changes to include votes by Member Wilson
Ayes: Chairperson Clarke; Vice-Chairperson Griffin, Committee Members Nadritch, Potter, Wilson
Noes: none
 - C. **Approval of 2016 Meeting Calendar** – amended calendar provided as a handout - moved and seconded.
Ayes: Chairperson Clarke; Vice-Chairperson Griffin, Committee Members Nadritch, Potter, Wilson
Noes: none
- V. **DISCUSSION ITEMS**
 - A. **Review Warrant Register for the Month of October 2015**
Questions were received prior to the meeting and responses were provided at the meeting. City Treasurer expressed his satisfaction on how the City handles expenses.
Additional questions and public comments: Finance Director Schnaider provided explanations for union dues paid to BPSEA and the strategic planning services for Prop 218 (public outreach) of water and sewer rates paid to Lew Edwards Group. Finance Director Schnaider provided explanations for bus service for Kids K.

Assistant City Manager Cardwell provided explanation for payment to Catholic Social Services, a recipient of a grant from the Human Services Board. Finance Director Schnaider provided explanation to the bus hub project and the beverage recycling program.

B. Update from Finance Sub-Committee on Request for Qualification for banking services

Updates were provided by City Treasurer Paulk and Member Nadritch, stating the sub-committee's emphasis on technology and efficiencies offered by the banks. Responses for the RFQ by the banking world were very satisfactory; with the top three being invited for interviews. Finance Director Schnaider announced that Wells Fargo has the most comprehensive contract and the best fit for the City - has emphasis on technology, saves on efficiency and came with a plan. Assistant City Manager Cardwell commended Finance Director Schnaider for the great work and effort she has done on finding a replacement bank for the City in such a short timeframe, with the involvement of the Finance Committee. Treasurer Paulk commended Finance staff Kauzer for asking the right questions during the interview process.

C. Update Enterprise Resource Planning (ERP)

Finance Director Schnaider presented and explained the memo (provided to the committee) that goes to the Council on the status of the ERP. An official kick-off on the Tyler MUNIS

system will be held on December 1, 2015 for all employees. Employee participation and training are the major emphasis for the new ERP. July 1, 2015 will be the go live date for the General Ledger. Finance Director Schnaider is not concerned on Tyler going bankrupt as the company has been around for years and still growing and has a wide variety of clients.

D. Finance Committee Work Plan

Finance Director discussed the current work plan for the next few months, with recurring items included. Marin Clean Energy (MCE), the energy source for the City, will be coming in December and the update on rates will be in January. MCE reports will include the current participation (which residents decided to stay or opt out of MCE) and the solar energy report (showing the original energy savings that will be achieved and the actual savings). The audit is wrapping up and the bi-annual reports that need to be done are the OPEB and Workers Comp RFPs. The water meter replacement will be brought to the City Council on December 1st. The ERP will be in phases within the next 18 months, overlapping with the banking implementation. Community outreach is currently underway for the water/wastewater rates.

VI. Public Comment - none

VII. Committee Member Comment

Chairperson Clarke commented on the US Supreme Court hearing a case on union dues.

VIII. Adjournment at 10:12 a.m.

AGENDA ITEM
CITY COUNCIL MEETING: DECEMBER 15, 2015
COUNCIL MEMBER COMMITTEE REPORTS

DATE : December 1, 2015

TO : Mayor Patterson
Vice Mayor Hughes

FROM : City Manager

SUBJECT : **LEAGUE OF CALIFORNIA CITIES**

The following information is provided for your committee report at the December 15, 2015 City Council meeting.

The next North Bay Division General Membership Meeting is TBD.

AGENDA ITEM
CITY COUNCIL MEETING: DECEMBER 15, 2015
COUNCIL MEMBER COMMITTEE REPORTS

DATE : December 1, 2015

TO : Vice Mayor Hughes
Council Member Strawbridge

FROM : City Manager

SUBJECT : **CITY COUNCIL/SCHOOL BOARD LIAISON COMMITTEE**

The following information is provided for your committee report at the December 15, 2015 City Council meeting.

This committee meets quarterly. The meeting scheduled for December 10, 2015, was canceled and will be rescheduled sometime in January 2016. Meetings for 2016 will be held at the City of Benicia Community Center.

**AGENDA ITEM
CITY COUNCIL MEETING: DECEMBER 15, 2015
COUNCIL MEMBER COMMITTEE REPORTS**

DATE : November 23, 2015

TO : Vice Mayor Hughes
Council Member Campbell

FROM : City Manager

SUBJECT : **SKY VALLEY OPEN SPACE COMMITTEE**

The following information is provided for your committee report at the December 15, 2015 Council meeting.

The meetings of the Committee are now scheduled on an as-needed basis. At this time, the next meeting date is unknown.

AGENDA ITEM
CITY COUNCIL MEETING: DECEMBER 15, 2015
COUNCIL MEMBER COMMITTEE REPORTS

DATE : November 23, 2015

TO : Vice Mayor Hughes
Council Member Strawbridge

FROM : City Manager

SUBJECT : **SOLANO EDC BOARD OF DIRECTORS**

The following information is provided for your committee report at the December 15, 2015 Council meeting.

The last Board of Directors meeting is scheduled for Thursday, November 12, 2015 at 9:00 AM at Jelly Belly Visitors Center in Fairfield. The agenda for this meeting is attached. The minutes are not yet available.

The next Board of Directors event is the Spirit of Solano luncheon on Thursday, December 3, 2015. The next Board of Directors meeting will be held on Thursday, January 14, 2016. The agenda for this meeting is not yet available.

Attachments:

- Agenda, Solano EDC Board of Directors November 12, 2015



**Solano EDC
Board of Directors Meeting
Thursday, November 12, 2015
Jelly Belly Candy Company**

AGENDA

9:00 am	1.	Call to Order	Laura Kuhn, Chair
Action Item	2.	Approval of 09/10/15 Meeting Minutes	Laura Kuhn, Chair
Action Item	3.	Treasurer’s Report – October 2015	Louise Walker, Treasurer
Action Item	4.	2016 Board Nominations	Laura Kuhn, Chair
Action Item	7.	2016 Budget	Sandy Person
	8.	Moving Solano Forward Phase 2	Birgitta Corsello
	9.	President’s Report	Sandy Person
	10.	Items from Directors	
10:00 am	11.	Adjourn Meeting	

Calendar

Dec 03 Westamerica Bank Partner Event: Spirit of Solano luncheon



SOLANO EDC BOARD OF DIRECTORS MEETING

September 10, 2015

MINUTES

CALL TO ORDER

Chairman Kuhn called the meeting to order at 9:01 am at the Jelly Belly Candy Company.

Attending were:

Greg Armstrong	Robert Arp	Stan Arterberry	Len Augustine
John Barkey	Jack Batchelor	Dr. Ramona Bishop	Bill Browne
Michele Daugherty	Pippin Dew-Costa	Mario Giuliani	J. Paul Harrington
Steve Huddleston	Mark Hughes	Ron Kott	Laura Kuhn
Melyssa Laughlin	Albert Lavezzo	James McCracken	Patrick McGuire
Barry Nelson	Sandy Person	Sean Quinn	Scott Reynolds
Michael Segala	Tom Sheaff	Scott Sheldon	Talyon Sortor
Jay Speck	Patsy Van Ouwerkerk	Louise Walker	David White

Absent were:

Travis Armstrong	Robert Bloom	Suzanne Bragdon	Rebecca Brandt
Tim Chapa	Birgitta Corsello	Daryl Halls	Erin Hannigan
Dilenna Harris	Marc Hutt	Dan Keen	Brad Kilger
Bridgit Koller	Jim Lindley	Deanna Mott	Harry Price
Jon Quick	Tom Recknagel	Scott Thomas	

NEW BOARD MEMBER

Chairman Kuhn welcomed Michele Daugherty with Associated Builders and Contractors Inc. to the Board.

APPROVAL OF MINUTES

Chairman Kuhn called for approval of minutes of the July meeting. Upon motion duly made (Reynolds) and seconded (Segala) it was RESOLVED, that the minutes of the July 9, 2015 meeting of the Solano EDC Board of Directors be accepted as submitted.

TREASURERS REPORT

Treasurer Walker presented the financial report for the month of August 2015. Upon motion duly made (Batchelor) and seconded (Reynolds) it was RESOLVED, that the Treasurer's Report be accepted.

ADVOCACY COMMITTEE

Chair-elect Huddleston presented a letter from addressing the impact of SB 3 minimum wage adjustment. Since the letter was drafted SB 3 stalled in an Assembly appropriations committee. He asked the Board to authorize letter with edits to reflect the latest development. Upon motion duly made (Lavezzo) and seconded (Batchelor) it was RESOLVED, letter be approved.

MOVING SOLANO FORWARD

Sean Quinn, Solano EDC Project Manager for the Moving Solano Forward phase 2 project informed the group the RFP will go out next week. Over the next 18 months the EDC will host four forums addressing the quality of life issues identified in the report.

PRESIDENT'S REPORT

President Person provided an update on: prospect activity; Moving Solano Forward next steps; Manex workshop; Solano Energy Watch; broadband grant and Impact Solano event.

Calendar items were discussed. The meeting adjourned 10:07 am.

Sandy Person
President
sandy@solanoedc.org

Patrick McGuire
Vice President
patrick@solanoedc.org

Patricia Uhrich
Office Manager
pat@solanoedc.org

J. Paul Harrington
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**AGENDA ITEM
CITY COUNCIL MEETING: DECEMBER 15, 2015
COUNCIL MEMBER COMMITTEE REPORTS**

DATE : December 1, 2015

TO : Mayor Patterson
Council Member Campbell

FROM : Director of Public Works

SUBJECT : **SOLANO TRANSPORTATION AUTHORITY**

The following information is provided for your committee report at the December 15, 2015 City Council meeting.

Attached is the Agenda for the December 9, 2015 Regular Board meeting. STA's 25th Anniversary Awards were held on November 4, 2015 at the Clock Tower, so there were no minutes.

The next regular meeting will be on January 13, 2016 at Suisun City Hall and the agenda for that meeting is unavailable.

Attachment:

- Agenda from the December 9, 2015 Regular Board Meeting



MEETING AGENDA

5:00 p.m., STA Board Workshop
5:30 p.m., Closed Session
6:00 p.m., STA Board Regular Meeting
Wednesday, December 9, 2015
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 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. **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 3 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.ca.gov **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

- 1. STA BOARD WORKSHOP – DISCUSSION OF STA’S 2016 LEGISLATIVE PRIORITIES**
(5:00 – 5:30 p.m.)
- 2. CLOSED SESSION** Bernadette Curry
(5:30 – 6:00 p.m.)
Potential exposure to litigation pursuant to GC § 54956.9: One case
- 3. CALL TO ORDER/PLEDGE OF ALLEGIANCE** Chair Patterson
(6:00 – 6:05 p.m.)
- 4. CONFIRM QUORUM/ STATEMENT OF CONFLICT** Chair Patterson
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.

STA BOARD MEMBERS

Elizabeth Patterson (Chair)	Norman Richardson (Vice Chair)	Jack Batchelor, Jr.	Harry Price	Pete Sanchez	Len Augustine	Osby Davis	Jim Spering
City of Benicia	City of Rio Vista	City of Dixon	City of Fairfield	City of Suisun City	City of Vacaville	City of Vallejo	County of Solano

STA BOARD ALTERNATES

Tom Campbell	David Hampton	Jerry Castanon, Jr.	Chuck Timm	Lori Wilson	Curtis Hunt	Jesse Malgapo	Erin Hannigan
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The complete STA Board Meeting Packet is available on STA's Website at www.sta.ca.gov
 (Note: STA Board Meetings are held at Suisun City Hall, 6:00 p.m. on the 2nd Wednesday of every month except August (Board Summer Recess) and November (Annual Awards Ceremony).)

- 5. APPROVAL OF AGENDA**
(6:05 – 6:10 p.m.)
- 6. OPPORTUNITY FOR PUBLIC COMMENT**
(6:10 – 6:15 p.m.)
- 7. EXECUTIVE DIRECTOR’S REPORT – Pg. 7**
(6:15 – 6:20 p.m.) Daryl K. Halls
- 8. REPORT FROM THE METROPOLITAN
TRANSPORTATION COMMISSION (MTC)**
(6:20 – 6:25 p.m.) Jim Spering,
MTC Commissioner
- 9. STA PRESENTATIONS**
(6:25 – 6:35 p.m.)
- A. Federal Legislative Update** Susan Lent, Akin Gump
 - B. Solano Commute Challenge- Results** Sean Hurley
 - C. Directors Reports:**
 - 1. Planning** Robert Macaulay
 - 2. Projects** Janet Adams
 - 3. Transit/Rideshare/Mobility Management** Sarah Fitzgerald
- 10. 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 Special Meeting of November 4, 2015** Johanna Masiclat
Recommendation:
Approve STA Board Special Meeting Minutes of November 4, 2015.
Pg. 11
 - B. Draft Minutes of the TAC Meeting of November 18, 2015** Johanna Masiclat
Recommendation:
Approve Draft TAC Meeting Minutes of November 18, 2015.
Pg. 13
 - C. Fiscal Year (FY) 2014-15 Fourth Quarter Budget Report** Susan Furtado
Recommendation:
Receive and file.
Pg. 17
 - D. Fiscal Year (FY) 2015-16 First Quarter Budget Report** Susan Furtado
Recommendation:
Receive and file.
Pg. 23

- E. STA Employee 2016 Benefit Summary Update** Susan Furtado
Recommendation:
 Receive and file.
Pg. 27
- F. Contract Amendment for STA Legal Services** Daryl Halls
Recommendation:
 Authorize the Executive Director to extend the agreement with Solano County Counsel for the provision of legal services for a two year period, with the option for a two year extension, for a not-to-exceed annual amount of \$80,000.
Pg. 35
- G. Active Transportation Program (ATP) Update – ATP Grant for Solano Safe Routes to School** Sarah Fitzgerald
Recommendation:
 Approve the STA Resolution of Local Support No. 2015-10 for \$3,067,000 for the Solano County Safe Routes to School for the Active Transportation Program Grant Submittal.
Pg. 37
- H. SolanoExpress Regional Measure 2 (RM2) Funding** Philip Kamhi
Recommendation:
 Approve the attached STA Resolution No. 2015-11 and RM2 application to the Metropolitan Transportation Commission for SolanoExpress RM2 funding up to \$421,000, Attachment B.
Pg. 45
- I. Consolidated Transportation Services Agency (CTSA) Advisory Committee Representation for Veteran/Low-Income** Liz Niedziela
Recommendation:
 Approve adding a member that represents Veterans/Low-Income residents to the CTSA Advisory Committee.
Pg. 59
- J. Contract Change Order for North Connector Mitigation Site** Janet Adams
Recommendation:
 Authorize the Executive Director to issue a Contract Change Order to Cagwin and Dorward in an amount not-to-exceed \$10,000 to perform North Connector Mitigation Site maintenance activities.
Pg. 61
- K. I-80/I-680/State Route (SR) 12 Interchange Project – Bridge Toll Fund Transfer** Janet Adams
Recommendation:
 Approve the attached STA Resolution No. 2015-12 and Funding Allocation Transfer Request from Metropolitan Transportation Commission (MTC) to transfer \$2.189 million in Regional Measure 2 or AB1171 Bridge Toll funds to the right-of-way phase of the I-80/I-680/SR 12 Interchange – CP2 for utility relocations.
Pg. 63

- L. I-80/I-680/SR12 Interchange Project – Package 2 Advanced Utility Relocation** Janet Adams
- Recommendation:
 Approve the following actions, to be implemented within a total amount not-to-exceed budget amount of \$2,189,000:
1. Authorize the Executive Director to finalize and execute the attached utility relocation agreements (Attachment A) between STA and utility owners (City of Benicia and Fairfield Suisun Sanitary District (FSSD); and
 2. Authorize the Executive Director to finalize and execute the attached agreement (Attachment B) between STA and Discovery Builders, Inc. for relocation of the City of Benicia and FSSD facilities.
- Pg. 81**
- M. I-80 Express Lanes Project – Cooperative Agreement between STA and Bay Area Infrastructure Financing Authority (BAIFA)** Janet Adams
- Recommendation:
 Authorize the Executive Director to finalize and execute the Cooperative Agreement between STA and BAIFA for funding for final design, right-of-way acquisition and utilities for the I-80 Express Lanes – Red Top Road to I-505 project as shown in Attachment A.
- Pg. 95**
- N. Contract Amendment - I-80/I-680/State Route (SR) 12 Interchange Project – Construction Package 2** Janet Adams
- Recommendation:
 Approve a contract amendment for BKF Engineers in the amount of \$245,820, to cover design engineering services for the I-80/I-680/SR 12 Interchange – Construction Package 2.
- Pg. 109**
- O. Contract Amendment - Jepson Parkway Project Cultural Re-Validation** Janet Adams
- Recommendation:
 Authorize the Executive Director to execute a contract amendment to develop a cultural resource monitoring plan for construction of the Phase 1A and 2A Projects in an amount not to exceed \$15,000.
- Pg. 115**
- P. I-80 Express Lanes Project – Construction Administration** Janet Adams
- Recommendation:
 Authorize the Executive Director to send a letter to Caltrans, requesting approval for STA, in conjunction with BAIFA, to provide construction administration for the I-80 Express Lanes project.
- Pg. 117**

11. ACTION FINANCIAL ITEMS

- A. **STA's Annual Audit for Fiscal Year (FY) 2014-15** Susan Furtado
Recommendation:
Receive and file STA's Annual Audit for FY 2014-15.
(6:40 – 6:45 p.m.)
Pg. 119

12. ACTION NON-FINANCIAL ITEMS

- A. **Draft 2015 Solano Travel Safety Plan** Robert Macaulay
Recommendation:
Authorize the Executive Director to release the Draft 2015 Solano Travel Safety Plan for 30-day public comment period.
(6:45 – 6:55 p.m.)
Pg. 121

13. INFORMATIONAL ITEMS – DISCUSSION

- A. **Regional Sustainable Communities Strategy and One Bay Area Grant Update** Robert Macaulay
(6:55 – 7:05 p.m.)
Pg. 167
- B. **State Transportation Improvement Program (STIP) Update** Daryl Halls
(7:05 – 7:15 p.m.)
Pg. 241

NO DISCUSSION

- C. **Legislative Update** Jayne Bauer
Pg. 249
- D. **Solano Employer Commute Challenge 2015 – Results** Sean Hurley
Pg. 261
- E. **Summary of Funding Opportunities** Drew Hart
Pg. 265
- F. **STA Board and Advisory Committee Meeting Schedule for Calendar Year 2016** Johanna Masiclat
Pg. 269

14. BOARD MEMBERS COMMENTS

15. ADJOURNMENT

The next regularly scheduled meeting of the STA Board is at **6:00 p.m., Wednesday, January 13, 2016**, Suisun Council Chambers.

AGENDA ITEM
CITY COUNCIL MEETING: DECEMBER 15, 2015
COUNCIL MEMBER COMMITTEE REPORTS

DATE : December 1, 2015

TO : Mayor Patterson
Vice Mayor Hughes
Council Member Campbell

FROM : Director of Public Works

SUBJECT : **SOLANO COUNTY WATER AGENCY**

The following information is provided for your committee report at the December 15, 2015 City Council meeting.

The draft minutes of the November 12, 2015 meeting are attached. The agenda for the regular meeting on December 10, 2015 is attached. The next meeting is scheduled for January 7, 2016.

Attachments:

- Draft minutes of the November 12, 2015 regular meeting
- Agenda for December 10, 2015 regular meeting

**SOLANO COUNTY WATER AGENCY
BOARD OF DIRECTORS MEETING MINUTES**

MEETING DATE: November 12, 2015

The Solano County Water Agency Board of Directors met this evening at the Solano County Water Agency. Present were:

Supervisor Erin Hannigan, Solano County District 1
Supervisor Linda Seifert, Solano County District 2
Supervisor James Spering, Solano County District 3
Supervisor John Vasquez, Solano County District 4
Supervisor Skip Thomson, Solano County District 5
Council Member Curtis Hunt, City of Vacaville
Mayor Pete Sanchez, City of Suisun City
Mayor Jack Batchelor, City of Dixon
Mayor Harry Price, City of Fairfield
Mayor Elizabeth Patterson, City of Benicia
Mayor Osby Davis, City of Vallejo
Director J. D. Kluge, Solano Irrigation District
Director Dale Crossley, Reclamation District 2068
Manager Don Holdener, Maine Prairie Water District

CALL TO ORDER

The meeting was called to order at 6:30 P.M. by Chairman Crossley.

APPROVAL OF AGENDA

On a motion by Mayor Patterson and a second by Supervisor Hannigan the Board unanimously approved the agenda.

PUBLIC COMMENT

There were no comments.

CONSENT ITEMS

On a motion by Supervisor Hannigan and a second by Mayor Batchelor the Board unanimously approved the following Consent Items:

- (A) Minutes
- (B) Expenditure Approvals
- (C) Contract amendment for continued administration of Proposition 84 Bay Area Integrated Regional Water Management Conservation Grant
- (D) Contract with Integrated Environmental Restoration Services, Inc. (IERS)
- (E) PG&E/Water Agency High Efficiency Washer Rebate Initiative
- (F) Bay Area Proposition 84 integrated Regional Water Management Grant

BOARD MEMBER REPORTS

There were no Board Member reports.

GENERAL MANAGER'S REPORT

There were no additions to the General Manager's written report.

SCWA STRATEGIC PLANNING UPDATE

Jodie Monaghan, a sub-contractor of Kennedy Jenks Consultants, presented the aggregated results of the strategic plan stakeholder's interviews for Phase I of the strategic plan update. She outlined the following stakeholder concerns based on the assessment: Reliability, Infrastructure, Groundwater Management, Drought/Climate Change, Flood Management, Watershed Management, Funding, Regulations, Public Outreach, and SCWA's role related to these concerns. SCWA's strengths and weaknesses based on the assessment were discussed as well as the expectations and the schedule of the strategic plan update.

There was considerable discussion regarding the need for an overall policy discussion at the Board level on the future role (expense?) of the Agency in countywide water issues. A careful discussion to determine the roles of the Agency, County, Cities, and overlaps in a manner that does not infringe on each agency responsibilities would be required. The Strategic Planning Group will review the Agency's current function, mission, and vision and make a recommendation on next steps. The Board requested copies of Jodie's presentation, and background materials: Strategic Planning Stakeholder Group Charter, and Agency formation act for review.

On a motion by Supervisor Seifert and a second by Mayor Patterson the Board unanimously approved the following:

1. Expand the SCWA Strategic Planning Stakeholder Group to include representation from Vallejo, Rio Vista, and the City of Suisun City.
2. Affirm that the strategic plan will be a 10 year plan with a 20-25 year planning horizon.

**GROUNDWATER MANAGEMENT OF SOLANO SUB-BASIN PURSUANT TO
SUSTAINABLE GROUNDWATER MANAGEMENT ACT AND WATER POLICY
UPDATES**

On a motion by Mayor Patterson and a second by Mayor Sanchez the Board unanimously approved moving these two agenda items to a future meeting date due to time constraints with the 4 C's meeting occurring following the tonight's board meeting.

TIME AND PLACE OF NEXT MEETING

The next regularly scheduled meeting will be Thursday, December 10, 2015 at 6:30 p.m. in the Berryessa Room located at the Solano County Water Agency offices.

ADJOURNMENT

This meeting of the Solano County Water Agency Board of Directors was adjourned at 7:53 p.m.

Roland Sanford
General Manager & Secretary to the
Solano County Water Agency

SOLANO COUNTY WATER AGENCY



BOARD OF DIRECTORS:

Chair:

Director Dale Crossley
Reclamation District No. 2068

Vice Chair:

Supervisor Erin Hannigan
Solano County District 1

Mayor Len Augustine
City of Vacaville

Mayor Jack Batchelor
City of Dixon

Mayor Osby Davis
City of Vallejo

Director John D. Kluge
Solano Irrigation District

Mayor Elizabeth Patterson
City of Benicia

Mayor Harry Price
City of Fairfield

Mayor Norm Richardson
City of Rio Vista

Director Gene Robben
Maine Prairie Water District

Mayor Pete Sanchez
City of Suisun City

Supervisor Linda Seifert
Solano County District 2

Supervisor Jim Spering
Solano County District 3

Supervisor Skip Thomson
Solano County District 5

Supervisor John Vasquez
Solano County District 4

GENERAL MANAGER:

Roland Sanford
Solano County Water Agency

BOARD OF DIRECTORS MEETING

DATE: Thursday, December 10, 2015

TIME: 6:30 p.m.

PLACE: Berryessa Room
Solano County Water Agency Office
810 Vaca Valley Parkway, Suite 203
Vacaville

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. APPROVAL OF AGENDA
4. PUBLIC COMMENT

Limited to 3 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 November 12, 2015 is recommended.

(B) Expenditure Approvals: Approval of the November checking account register is recommended.

(C) State Water Project Tolling Agreement: Authorize General Manager to execute the sixth amendment to the Tolling Waiver Agreement with the California Department of Water Resources regarding State Water Project charges.

(D) Flood Control Advisory Committee Re-Appointments: Reappoint public members Ron Campbell, Terry Connelly, Ron Koehne, and Laura Peters to two year terms on the Flood Control Advisory Committee.

810 Vaca Valley Parkway, Suite 203
Vacaville, California 95688
Phone (707) 451-6090 • FAX (707) 451-6099
www.scwa2.com



VIII.D.9.5

(E) Amendment to the Putah South Canal Headworks Project: Authorize General Manager to execute Amendment No. 2, for an increase of \$47,000, with Smith Inspection.

6. **BOARD MEMBER REPORTS**

RECOMMENDATION: For information only.

7. **GENERAL MANAGER'S REPORT**

RECOMMENDATION: For information only.

8. **STATUS UPDATE: PREPARATION OF SCWA STRATEG PLAN**

RECOMMENDATION: Hear General Manager's report and provide direction to staff

9. **STATUS UPDATE: GROUNDWATER MANAGEMENT OF SOLANO SUBBASIN PURUSANT TO SUSTAINABLE GROUNDWATER MANAGEMENT ACT**

RECOMMENDATION: Hear General Manager's report and provide direction to staff

10. **AGREEMENT WITH AG INNOVATIONS FOR SUPPLEMENTAL FACILITATION SERVICES**

RECOMMENDATION: Authorize General Manager to execute \$81,140 agreement with AG Innovations for supplemental facilitation services in support of GSA (Groundwater Sustainability Agency) formation for the Solano Subbasin.

11. **WATER POLICY UPDATES**

RECOMMENDATIONS:

1. Hear report from staff on current and emerging Delta and Water Policy issues and provide direction.
2. Hear status report from Committee Chair Supervisor Seifert on activities of the SCWA Water Policy Committee.
 - Next Scheduled Meeting: January 11, 2015 at Solano County Water Agency in Vacaville.
3. Hear report from Supervisor Thomson on activities of the Delta Counties Coalition and Delta Protection Commission.
4. Hear report from Legislative Committee.

12. **TIME AND PLACE OF NEXT MEETING**

Thursday, January 7, 2015 at 6:30 p.m. at the SCWA offices.

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.

Dec.2015.bod.agd

AGENDA ITEM
CITY COUNCIL MEETING: DECEMBER 15, 2015
COUNCIL MEMBER COMMITTEE REPORTS

DATE: December 4, 2015

TO: Vice Mayor Hughes
Council Member Strawbridge

FROM: Director of Public Works

SUBJECT: **TRAFFIC, PEDESTRIAN AND BICYCLE SAFETY (TPBS) COMMITTEE**

The following information is provided for your committee report at the December 15, 2015 City Council meeting.

The TPBS Committee last met on October 15, 2015. The next scheduled meeting of the TPBS Committee will be held on January 21, 2016 at 7:00 p.m. and will be held in the City of Benicia, Commission Room, 250 East L Street, Benicia.

AGENDA ITEM
CITY COUNCIL MEETING: DECEMBER 15, 2015
COUNCIL MEMBER COMMITTEE REPORTS

DATE : December 8, 2015

TO : Vice Mayor Hughes
Council Member Schwartzman

FROM : City Manager

SUBJECT : **TRI-CITY AND COUNTY COOPERATIVE PLANNING GROUP**
“SOLANO OPEN SPACE”

The following information is provided for your committee report at the December 15, 2015 Council meeting.

The Solano Open Space Committee of December 14, 2015 was canceled due to lack of agenda items. The next regular meeting is scheduled for March 14, 2016.

AGENDA ITEM
CITY COUNCIL MEETING: DECEMBER 15, 2015
COUNCIL MEMBER COMMITTEE REPORTS

DATE : December 1, 2015

TO : Council Member Campbell
Council Member Schwartzman

FROM : City Manager

SUBJECT : **VALERO COMMUNITY ADVISORY PANEL (CAP)**

The following information is provided for your committee report at the December 15, 2015 Council meeting.

The CAP meets quarterly at 6:30 p.m. at the refinery at 610 Industrial Way. The next meeting is TBD.

AGENDA ITEM
CITY COUNCIL MEETING: DECEMBER 15, 2015
COUNCIL MEMBER COMMITTEE REPORT

DATE : December 3, 2015

TO : Council Member Christina Strawbridge
Council Member Mark Hughes

FROM : Youth Action Coalition

SUBJECT : **YOUTH ACTION COALITION**

The following information is provided for your committee report at the December 15, 2015 City Council meeting.

The Youth Action Coalition did not meet in November. They will have a November/December combined meeting on December 9th. That report will be in the January Committee Report.

**AGENDA ITEM
CITY COUNCIL MEETING: DECEMBER 15, 2015
COUNCIL MEMBER COMMITTEE REPORTS**

DATE : December 1, 2015
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 December 15, 2015 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: DECEMBER 15, 2015
COUNCIL MEMBER COMMITTEE REPORTS

DATE : December 2, 2015

TO : Mayor Patterson
Council Member Campbell

FROM : Assistant City Manager

SUBJECT : **SOLANO COUNTY TRANSIT (SolTrans) BOARD MEETING**

The following information is provided for your committee report at the December 15, 2015 Council meeting.

The Solano County Transit (SolTrans) Joint Powers Authority did not have a regular meeting in November 2015.

The next regular meeting of the SolTrans Board will be held on December 17, 2015 at 4:00 p.m. and will be held in the SolTrans Conference Room, 1850 Broadway Street, Vallejo. The Agenda and Executive Report for this meeting were not available as of the date of this report.

AGENDA ITEM
CITY COUNCIL MEETING: DECEMBER 15, 2015
COUNCIL MEMBER COMMITTEE REPORTS

DATE : December 2, 2015

TO : Council Member Schwartzman
Council Member Strawbridge

FROM : Community Development Director

SUBJECT : **MARIN CLEAN ENERGY (MCE)**

The following information is provided for your committee report at the December 15, 2015 Council meeting.

The last regularly scheduled board meeting took place on Thursday, November 19, 2015. The meeting materials can be accessed at this link: <http://mcecleanenergy.org/wp-content/uploads/2015/11/11.19.15-Board-Packet.pdf> and the agenda is attached to this report.

The next meeting is scheduled for Thursday, December 17, 2015 at 7p.m.

Attachments:

- November 19, 2015 Board Meeting Agenda



Kathrin Sears, Chair
County of Marin

Tom Butt, Vice Chair
City of Richmond

Bob McCaskill
City of Belvedere

Alan Schwartzman
City of Benicia

Sloan C. Bailey
Town of Corte Madera

Greg Lyman
City of El Cerrito

Barbara Coler
Town of Fairfax

Kevin Haroff
City of Larkspur

Garry Lion
City of Mill Valley

Brad Wagenknecht
County of Napa

Denise Athas
City of Novato

Carla Small
Town of Ross

Ford Greene
Town of San Anselmo

Genoveva Calloway
City of San Pablo

Andrew McCullough
City of San Rafael

Ray Withy
City of Sausalito

Emmett O'Donnell
Town of Tiburon

1125 Tamalpais Avenue
San Rafael, CA 94901

1 (888) 632-3674
mceCleanEnergy.org

**Marin Clean Energy
Board of Directors Meeting
Thursday, November 19, 2015
7:00 P.M.**

**The Charles F. McGlashan Board Room
1125 Tamalpais Avenue, San Rafael, CA 94901**

Agenda Page 1 of 2

1. Board Announcements (Discussion)
2. Public Open Time (Discussion)
3. Report from Chief Executive Officer (Discussion)
4. Consent Calendar (Discussion/Action)
 - C.1 10.15.15 Board Meeting Minutes
 - C.2 Approved Contracts Update
 - C.3 Monthly Budget Report
 - C.4 1st Addendum to 7th Agreement with Maher Accountancy
 - C.5 1st Addendum to 4th Agreement with Ellison, Schneider & Harris, LLP
 - C.6 4th Addendum to 3rd Agreement with Association for Energy Affordability
 - C.7 2nd Addendum to 4th Agreement with Community Energy Services Corporation
 - C.8 MCE Proclamation on Climate
5. Certification of MCE Richmond Solar PV Project Environmental Impact Report (Discussion/Action)



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Kathrin Sears, Chair
County of Marin

Tom Butt, Vice Chair
City of Richmond

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City of Belvedere

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1125 Tamalpais Avenue
San Rafael, CA 94901

1 (888) 632-3674
mceCleanEnergy.org

**Marin Clean Energy
Board of Directors Meeting
Thursday, November 19, 2015
7:00 P.M.**

**The Charles F. McGlashan Board Room
1125 Tamalpais Avenue, San Rafael, CA 94901**

Agenda Page 2 of 2

- 6. MCE Compensation Analysis (Discussion/Action)
- 7. Energy Efficiency Update (Discussion)
- 8. Communications Update (Discussion)
- 9. Regulatory and Legislative Updates (Informational Only)
- 10. Board Member & Staff Matters (Discussion)
- 11. Adjourn



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