



**BENICIA CITY COUNCIL
CITY COUNCIL MEETING AGENDA**

**Benicia City Hall, 250 East L Street
March 3, 2020
7:00 PM**

Call To Order

1. Closed Session (6:00 P.M.)

1.A - CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2):

Number of potential cases: 1

2. Convene Open Session (7:00 P.M.)

3. Roll Call

4. Pledge Of Allegiance

5. Reference To The Fundamental Rights Of The Public

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

6. Announcements

6.A - ANNOUNCEMENTS FROM CLOSED SESSION, IF ANY

6.B - 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 to 7:00 p.m. No appointment is necessary. Other meeting times may be scheduled through City Hall by calling 707-746-4200.

6.C - OPENINGS ON BOARDS AND COMMISSIONS

- Arts & Culture Commission
1 Full Term, Expiring January 31, 2024

- Community Sustainability Commission
2 Partial Terms, Expiring January 31, 2023
1 Full Term, Expiring January 31, 2024

- Historic Preservation Review Commission
2 Full Terms, Expiring January 31, 2024

- Housing Authority Board
2 Full Terms, Expiring January 31, 2024

- Library Board of Trustees
1 Partial Term, Expiring July 31, 2023

- Planning Commission
1 Partial Term, Expiring January 31, 2022
2 Full Terms, Expiring January 31, 2024

- Sky Valley Open Space Committee
2 Full Terms, Expiring January 31, 2024

- Open Government Commission
1 Full Term, Expiring January 31, 2024

7. Proclamations

None

8. Appointments

8.A - REAPPOINTMENT OF MICHAEL L. WHITE TO THE BOARD OF TRUSTEES FOR THE SOLANO COUNTY MOSQUITO ABATEMENT DISTRICT TO A FULL TERM ENDING APRIL 30, 2024

[1. Recommendation Letter - Michael White](#)

[2. Resolution - Michael White](#)

9. Presentations

None

10. Adoption Of Agenda

11. Opportunity For Public Comments

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.

12. Written Comment

13. Public Comment

14. Consent Calendar

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.

14.A - APPROVAL OF CITY COUNCIL MINUTES FROM FEBRUARY 18, 2020 (City Clerk)

Recommendation:
Approve the minutes.

[February 18, 2020 City Council Meeting Minutes](#)

14.B - APPROVAL OF AMENDMENT TO AGREEMENT WITH A&L SERVICES, INC. FOR FIRE DEPARTMENT VEGETATION MANAGEMENT SERVICES (Fire Chief)

The annual vegetation management contract minimizes the risk and spread of fire in our wild land urban interface areas. This project consists of vegetation maintenance and the creation of firebreaks, fire trails and fire access roads, and is part of a larger vegetation management program.

Recommendation:

Adopt the resolution (Attachment 1), approving the amendment to the agreement A&L Services, Inc. (Attachment 2), in the amount of \$107,887.17, for vegetation management services for 2020, and authorizing the City Manager to sign the contract amendment on behalf of the City.

[Staff Report - Amendment to Agreement for Vegetation Management Services](#)

[1. Resolution - Amendment to Agreement for Vegetation Management Services](#)

[2. Amendment to Agreement with A&L Services, Inc.](#)

[3. Original Contract with A&L Services, Inc. - April 15, 2019](#)

14.C - APPROVE LIST OF STREET PROJECTS TO RECEIVE GAS TAX FUNDING PER SENATE BILL 1 (SB1) (Public Works Director)

Senate Bill 1 (SB1) requires each local agency to submit a list of proposed street maintenance and rehabilitation projects to the California Transportation Commission (CTC) annually as a prerequisite to receive funding. The CTC also requires the proposed project list be included in the City's Capital Improvement Program (CIP) Budget. The adoption of the proposed resolution will fulfill these requirements.

Recommendation:

Adopt the resolution (Attachment 1) approving the list of streets for maintenance and rehabilitation projects and funding of gas tax expenses per SB1 (Attachment 2).

[Staff Report - List of Street Projects to Receive Gas Tax Funding per SB1](#)

[1. Resolution – List of Street Projects to Receive Gas Tax Funding per SB1](#)

[2. Exhibit A - List of Microsurfacing Streets for FY 19-20](#)

14.D - APPOINTING CITY OF BENICIA'S REPRESENTATIVES FOR COMMUNITY ACTION PARTNERSHIP OF SOLANO, JOINT POWERS AUTHORITY (City Manager)

The City of Benicia is part of the Community Action Partnership (CAP) of Solano, Joint Powers Authority (JPA), which is a collaboration of local governments in Solano County that provides oversight and resources to organizations that creatively deliver successful services to low-income people. Currently there are no representatives for the City of Benicia in the agency.

Recommendation:

Appoint Police Chief Erik Upson as the primary representative and Assistant City Manager Alan Shear as an alternate.

[Staff Report - Appointing City of Benicia's Representatives for Community Action Partnership of Solano JPA](#)

[1. Resolution – Appointing City of Benicia’s Representatives for Community Action Partnership of Solano JPA](#)

14.E - APPROVAL OF AMENDMENT TO AGREEMENT WITH TRB & ASSOCIATES FOR BUILDING INSPECTION AND PLAN REVIEW SERVICES (Community Development Director)

Approval of an amendment of the agreement with TRB & Associates is needed for ongoing building inspection and plan review services at a not-to-exceed amount of \$65,000, which represents a \$40,000 increase to the TRB contract and a corresponding decrease from the Interwest contract. The Community Development Department continues to need staff augmentation as the volume of permit applications and necessary plan review increases. It is necessary to amend the current agreement to continue through December 31, 2020 and increase the amount for Fiscal Year 19-20.

Recommendation:

Adopt the resolution (Attachment 1) to amend the agreement (Attachment 2) with TRB & Associates for building inspection and plan review services.

[Staff Report- Agreement Amendment with TRB & Associates](#)

[1. Resolution – Amendment to Agreement with TRB & Associates](#)

[2. Amendment to Agreement with TRB & Associates](#)

14.F - APPROVAL TO WAIVE THE READING OF ALL ORDINANCES INTRODUCED OR ADOPTED PURSUANT TO THIS AGENDA (City Attorney)

15. Business Items

15.A - APPROPRIATION OF \$138,000 TO CONTINUE EXPLORATION OF HOTEL DEVELOPMENT FEASIBILITY (City Manager)

In July 2019, the City Council adopted a Work Plan for Fiscal Year 2019-20 that included, among the projects and initiatives noted as high priority, the exploration of constructing a hotel on a City-owned parcel known as the “E Street parking lot” located at E Street and E. 2nd Street. This report requests a funding appropriation of \$138,000 for various studies and consulting services needed to determine the viability of the site for a future hotel.

Recommendation:

Move to adopt the attached resolution (Attachment 1) that appropriates \$138,000 from the General Fund’s unassigned fund balance into the General Fund to cover costs associated with analyzing the viability of developing a hotel on City owned property as described in this report.

[Staff Report - Funding Request for Exploration of Hotel Development Feasibility](#)

[1. Resolution – Funding Request for Exploration of Hotel Development Feasibility](#)

[2. Pat O’Keeffe Biography](#)

15.B - INTRODUCTION OF AN ORDINANCE AMENDING BENICIA MUNICIPAL CODE CHAPTERS 1.36 (VOLUNTARY CODE OF FAIR CAMPAIGN PRACTICES), 1.40 (DISCLOSURE OF CONTRIBUTIONS AND EXPENDITURES IN CANDIDATE AND BALLOT MEASURE ELECTIONS) AND 1.42 (CONTRIBUTION AND VOLUNTARY SPENDING LIMITS) (City Attorney)

On January 6, 2020, the Benicia City Council considered amendments to the Benicia Municipal Code (“BMC”) Chapters 1.36 (Voluntary Code of Fair Campaign Practices), 1.40 (Disclosure of Contributions and Expenditures in Candidate and Ballot Measure Elections) and 1.42 (Contribution and Voluntary Spending Limits) proposed by the Benicia Open Government Commission (“OGC”). The City Council provided direction to the City Attorney’s office as to which of the OGC’s proposed amendments should be included in an ordinance. The City Attorney’s office has drafted an ordinance reflecting the City Council’s direction.

Recommendation:

Move to waive the first reading and introduce an ordinance (Attachment 1) of the City Council amending Benicia Municipal Code Chapters 1.36 (Voluntary Code of Fair Campaign Practices), 1.40 (Disclosure of Contributions and Expenditures in Candidate and Ballot Measure Elections) and 1.42 (Contribution and Voluntary Spending Limits) and finding the ordinance exempt under the California Environmental Quality Act.

[Staff Report – Amendments to Campaign Related Regulations](#)

[1. Ordinance – Amendments to Campaign Related Regulations](#)

15.C - MID-YEAR BUDGET UPDATE FOR FY2019-21 (Finance Director)

The City Council adopted the biennial budget for Fiscal Years 2019-2021 on June 25, 2019. Throughout the 2-year budget cycle, staff monitors the economic environment and provides status updates to the Council. This mid-year progress report for the Fiscal Years 2019-20 and 2020-21 budgets presents Council adopted budget adjustments approved since July 1, 2019 and contains other proposed adjustments to reflect current information and re-appropriations for project carryovers and encumbrances from Fiscal Year 2018-19. The report also includes recommended appropriations from the General Fund unassigned fund balance toward Council’s priority projects and initiatives.

Recommendation:

Move to adopt the attached resolution (Attachment 1) amending the Fiscal Years 2019-20 and 2020-21 total budgets as shown in the proposed amendments for a revised total budget of \$112.4 million and \$95.5 million, respectively; and move to adopt the attached resolution (Attachment 2) appropriating approximately \$9.6 million from the unassigned General Fund balance to achieve Council priorities as described in this report.

Staff Report - Mid-Year Budget 2019-21

1. Resolution Amending FY 2019-20 and FY 2020-21 Budgets

1a. Exhibit A - General Fund Budget Summary for FY 2019-20

1b. Exhibit B - General Fund Budget Summary for FY 2020-21

1c. Exhibit C - All Funds Budget Summary for FY 2019-20

1d. Exhibit D - All Funds Budget Summary for FY 2020-21

2. Resolution to Appropriate Unassigned Fund Balance

2a. Exhibit A - Additional Streets and Roads Funding

16. Adjournment (10:30 P.M.)

Public Participation

The Benicia City Council and its Boards and Commissions welcome 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 Alan Shear, 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.

Contact Your Council Members

If you would like to contact the Mayor or a Council Member, please call the number listed below to leave a voicemail message.

Mayor Patterson: 746-4213

Vice Mayor Strawbridge: 746-4213

Council Member Campbell: 746-4213

Council Member Young: 746-4213

Council Member Largaespada: 746-4213

Mayor Patterson,

It is my recommendation the City of Benicia reappoints Mike White to represent the city on the Board of Trustees of the Solano County Mosquito Abatement District (SCMAD). Mr. White's strong commitment to protecting public health from mosquito-borne viruses and nuisance mosquitoes has been evident in his role as a trustee. Mike has endeavored to increase his knowledge of mosquito biology, their impact on public health as well as attend ethics classes and special district governing courses. Mike has served as board president, vice president, secretary and served on district budget, finance and salary and benefits committees. Mike always displays a spirit of unity and respect for fellow trustee's perspectives and opinions. This united approach helps strengthen the District and provides grounds for maintaining a clear vision of the future, a unity of purpose and a cohesive board of trustees. Mike has initiated and participated in the district's public outreach events at the City of Benicia farmers market. The term of a trustee appointments can be either 2 or 4 years, to be determined by the appointing body. Thank you for your consideration of this matter and please contact me if you have any questions.

Respectfully,

Richard Snyder
District Manager
Solano County Mosquito Abatement District
[REDACTED]

RESOLUTION NO. 20-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA
CONFIRMING THE MAYOR’S APPOINTMENT OF MICHAEL L. WHITE TO THE
BOARD OF TRUSTEES FOR THE SOLANO COUNTY MOSQUITO ABATEMENT
DISTRICT TO A FULL TERM ENDING APRIL 30, 2024**

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Benicia that the appointment of Michael L. White to the Board of Trustees for the Solano County Mosquito Abatement District by Mayor Patterson is hereby confirmed.

* * * * *

On motion of Council Member _____, seconded by Council Member _____, the above resolution was adopted by the City Council of the City of Benicia at a regular meeting of said Council held on the 3rd day of March, 2020 by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk

Date

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MINUTES OF THE
REGULAR MEETING – CITY COUNCIL
FEBRUARY 18, 2020
7:00 PM

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

CALL TO ORDER (7:00 P.M.)

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

1) **CONVENE OPEN SESSION**

2) **ROLL CALL**

Present: Council Member Campbell, Council Member Largaespada, Vice Mayor Strawbridge,
Council Member Young

Absent: Mayor Patterson

Excused: None

3) **PLEDGE OF ALLEGIANCE**

4) **REFERENCE TO THE FUNDAMENTAL RIGHTS OF THE PUBLIC**

5) **ANNOUNCEMENTS**

5.A - MAYOR'S OFFICE HOURS

5.B - OPENINGS ON BOARDS AND COMMISSIONS

6) **PROCLAMATIONS**

7) **APPOINTMENTS**

8) **PRESENTATIONS**

9) **ADOPTION OF AGENDA**

On motion of Council Member Largaespada, seconded by Council Member Young, Council approved the Adoption of the Agenda, as presented, on a roll call by the following vote:

Ayes: Council Member Campbell, Council Member Largaespada, Vice Mayor Strawbridge, Council Member Young

Noes: (None)

10) OPPORTUNITY FOR PUBLIC COMMENTS

11) WRITTEN COMMENT

None

12) PUBLIC COMMENT

1. Allison Nagle - Ms. Nagle provided an update on the work that Sustainable Solano has been doing in Benicia.
2. Wayne Goodman - Mr. Goodman discussed Grand Jury Awareness Month. He encouraged people to volunteer to serve on the Solano County Grand Jury.
3. Will Emes - Mr. Emes discussed the issue of voter outreach.

13) CONSENT CALENDAR

13.A - APPROVAL OF CITY COUNCIL MINUTES FROM JANUARY 21, 2020; FEBRUARY 4, 2020 SPECIAL MEETING; FEBRUARY 4, 2020 REGULAR MEETING (City Clerk)

- January 21, 2020 City Council Meeting Minutes 
- February 4, 2020 Special City Council Meeting Minutes 
- February 4, 2020 Regular City Council Meeting Minutes 

13.B - ACCEPT THE COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR FISCAL YEAR ENDED JUNE 30, 2019 (Finance Director)

- Staff Report - CAFR 2019 
- 1. Comprehensive Annual Financial Report for Fiscal Year Ending June 30, 2019 
- 2. Memorandum on Internal Control for Fiscal Year Ending June 30, 2019 

Council Member Campbell and Staff whether there was a plan for adjustments between the budgeted numbers and the available unassigned funds, how much money the City could comfortably spend, the need to consider going back to quarterly budget reviews, and the water and wastewater budgets.

Council Member Largaespada and Staff discussed the reported budget surplus, the need to continue with the conservative approach, the need to keep an eye on the Measure C revenues, the need to allocate more money for streets and roads, support for spending \$2 million on streets and roads, and the need to bring back the status of the Finance Committee.

Council Member Young and Staff discussed the difference between the CAFR and the budget, the need to have a discussion on the water and wastewater funds when it is brought back in April 2020, and whether Staff was confident the City is on track with

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revenues and expenditures (so there would not be an additional \$2 million surplus next year).

Council Member Campbell and Staff discussed the City's indebtedness and liabilities.

Public Comment:

None

Vice Mayor Strawbridge discussed support for resurrecting the Finance Committee, and the need for trends for the City's sales tax.

On motion of Council Member Largaespada, seconded by Council Member Campbell, Council approved acceptance of the Comprehensive Annual Financial Report (CAFR) for the fiscal year ended June 30, 2019, on a roll call by the following vote:

Ayes: Council Member Campbell, Council Member Largaespada, Vice Mayor Strawbridge, Council Member Young

Noes: (None)

13.C - ACCEPTANCE OF THE BENICIA PUBLIC LIBRARY ROOF REPLACEMENT PROJECT (Parks and Community Services Director)

[Staff Report - Acceptance of the Benicia Public Library Roof Replacement Project](#) 

[1. Resolution - Acceptance of the Benicia Public Library Roof Replacement Project](#) 

[2. Notice of Completion - Benicia Public Library Roof Replacement Project](#) 

RESOLUTION 20-10 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA ACCEPTING THE BENICIA PUBLIC LIBRARY ROOF REPLACEMENT PROJECT, AUTHORIZING THE CITY MANAGER TO SIGN THE NOTICE OF COMPLETION, AND AUTHORIZING THE CITY CLERK TO FILE THE NOTICE OF COMPLETION WITH THE SOLANO COUNTY RECORDER

13.D - ACCEPTANCE OF THE JAMES LEMOS SWIM CENTER BOILER REPLACEMENT PROJECT (Parks and Community Services Director)

[Staff Report - Acceptance of the James Lemos Swim Center Boiler Replacement Project](#) 

[1. Resolution - Acceptance of the James Lemos Swim Center Boiler Replacement Project](#) 

[2. Notice of Completion - James Lemos Swim Center Boiler Replacement Project](#) 

RESOLUTION 20-11 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA ACCEPTING THE JAMES LEMOS SWIM CENTER BOILER REPLACEMENT PROJECT, AUTHORIZING THE CITY MANAGER TO SIGN THE NOTICE OF COMPLETION, AND AUTHORIZING THE CITY

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CLERK TO FILE THE NOTICE OF COMPLETION WITH THE SOLANO COUNTY RECORDER

13.E - APPROVAL OF TASK ORDER NO. 02 WITH CULLEN-SHERRY & ASSOCIATES, INC. FOR ENGINEERING SERVICES TO DESIGN THE WEST H AND WEST I STREET SHORELINE STABILIZATION (Public Works Director)

Staff Report - West H and West I Street Shoreline Stabilization

1. Resolution - West H and West I Street Shoreline Stabilization
2. Task Order No. 02 - Cullen-Sherry & Associates, Inc.
3. Master Professional Agreement with Cullen-Sherry & Associates, Inc.

RESOLUTION 20-15 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING TASK ORDER NO. 02 WITH CULLEN-SHERRY & ASSOCIATES, INC. FOR PROFESSIONAL ENGINEERING SERVICES TO DESIGN THE WEST H AND WEST I STREET SHORELINE STABILIZATION PROJECT AT A NOT-TO-EXCEED COST OF \$54,770 AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE TASK ORDER ON BEHALF OF THE CITY

Council Member Young and Staff discussed what the term 'revetment' meant, which is basically a barricade or sea wall, and is sometimes called riprap. They also discussed whether the line needed to be moved, and whether Staff anticipated faster rising sea levels.

Public Comment:
None

On motion of Council Member Young, seconded by Council Member Largaespada, Council approved the adoption of Resolution 20-15, on a roll call by the following vote:

Ayes: Council Member Campbell, Council Member Largaespada, Vice Mayor Strawbridge, Council Member Young
Noes: (None)

13.F - ACCEPTANCE OF THE 2019 STREET RESURFACING PROJECT (Public Works Director)

Staff Report - Acceptance of the 2019 Street Resurfacing Project

1. Resolution- Acceptance of the 2019 Street Resurfacing Project
2. Notice of Completion - 2019 Street Resurfacing Project
3. Exhibit A - Summary of Contract Changes

RESOLUTION 20-12 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING CHANGE ORDERS AND ACCEPTING THE 2019 STREET RESURFACING PROJECT #2019-01 AS COMPLETE AND

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AUTHORIZING THE CITY MANAGER TO SIGN THE NOTICE OF COMPLETION, AND AUTHORIZING THE CITY CLERK TO FILE SAME WITH THE SOLANO COUNTY RECORDER'S OFFICE

- 13.G - AWARD OF CONSTRUCTION CONTRACT WITH KEREX ENGINEERING, INC. FOR THE HSIP – EAST 5TH AND VECINO STREET PEDESTRIAN IMPROVEMENT PROJECT AND BUDGET ADJUSTMENT (Public Works Director)**

- Staff Report - HSIP - East 5th & Vecino St. Pedestrian Improvement Project 
1. Resolution – HSIP - East 5th & Vecino St. Pedestrian Improvement Project 
2. Construction Contract – Kerex Engineering, Inc. 
3. Site Map - HSIP – East 5th & Vecino St. Pedestrian Improvement Project 

RESOLUTION 20-13 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA AWARDING A CONSTRUCTION CONTRACT TO KEREX ENGINEERING, INC. OF PLEASANT HILL, CA FOR THE EAST 5TH AND VECINO STREET PEDESTRIAN IMPROVEMENT PROJECT IN THE AMOUNT OF \$563,475 AND APPROVING A 10% CONTINGENCY IN THE AMOUNT OF \$56,347.50 AND AUTHORIZING THE CITY MANAGER TO EXECUTE AGREEMENT AND ANY CHANGE ORDERS UP TO THE PROJECT BUDGET ON BEHALF OF THE CITY

- 13.H - BENICIA CAPITOL STATE HISTORIC PARK OPERATING AGREEMENT (Parks and Community Services Director)**

1. Resolution - Benicia Capitol State Historic Park Operating Agreement 
Staff Report - Benicia Capitol State Park Operating Agreement 
2. Operating Agreement - Benicia Capitol State Historic Park 

RESOLUTION 20-14 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING THE OPERATING AGREEMENT FOR BENICIA CAPITOL STATE HISTORIC PARK

- 13.I - APPROVAL TO WAIVE THE READING OF ALL ORDINANCES INTRODUCED OR ADOPTED PURSUANT TO THIS AGENDA (City Attorney)**

Council pulled Items 13.B and 13.E for discussion.

On motion of Council Member Largaespada, seconded by Council Member Young, Council approved the adoption of the Consent Calendar, as amended, on a roll call by the following vote:

Ayes: Council Member Campbell, Council Member Largaespada, Vice Mayor Strawbridge, Council Member Young
Noes: (None)

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14) BUSINESS ITEMS

**14.A - TWO-YEAR STREET AND ROAD REPAIR FUNDING REQUEST
(Public Works Director)**

- Staff Report - Two-Year Street and Road Repair Funding Request 
1. Resolution - Two-Year Street and Road Repair Funding Request 
2. List of Microsurfacing Streets for FY 19-20 
3. List of Resurfacing Streets for FY 20-21 

RESOLUTION 20-16 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING THE TWO-YEAR STREET AND ROAD REPAIR REQUEST FOR FY 19/20 AND FY 20/21

Will Tarbox, Public Works Director, reviewed the staff report.

Council Member Campbell and Staff discussed Measure C Funding.

Council Member Largaespada and Staff discussed whether Council could give direction to allocate \$2 million from the Unassigned Fund to the street and road repair projects.

Council Member Young and Staff discussed whether Staff keeps a database of all street and road complaints received (yes), how the road repairs are prioritized, the advanced technology being used by the City for road maintenance and repairs, and whether the Camel Barn parking lot could be repaved when Park Road is being worked on.

Council Member Campbell and Staff discussed support for the additional \$2 million from the Unassigned Fund, how much would be left in Measure C funds at the end of 6/30/2021, and how much would be left in the Unassigned Fund.

Lorie Tinfow, City Manager, stated Staff would be bringing answers to the above questions at the next meeting when the mid-year budget update item is discussed. Staff could add in an update on the Measure C funds.

Public Comment:

1. Citizen - the citizen discussed the level of disrepair the City's streets are in. She discussed support for the proposed item.

Council Member Young made a motion to approve the proposed resolution, which was seconded by Council Member Largaespada.

Ben Stock, City Attorney, clarified the additional direction to Staff to come back at the next meeting with a \$2 million allocation for streets and roads from the Unassigned Fund. The other items brought up would be discussed at the next meeting when the mid-year budget item is presented.

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On motion of Council Member Young, seconded by Council Member Largaespada, Council approved the adoption of Resolution 20-16, on a roll call by the following vote:

Ayes: Council Member Campbell, Council Member Largaespada, Vice Mayor Strawbridge, Council Member Young

Noes: (None)

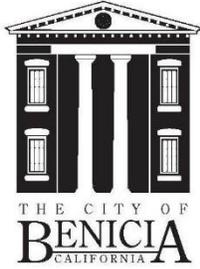
15) COUNCIL MEMBER COMMITTEE REPORTS:

15.A - COUNCIL MEMBER COMMITTEE REPORTS

[Committee Reports](#) 

16) ADJOURNMENT (9:15 P.M.)

Vice Mayor Strawbridge adjourned the meeting at 8:50 p.m.



**AGENDA ITEM
CITY COUNCIL MEETING DATE – MARCH 3, 2020
CONSENT CALENDAR**

TO : City Manager

FROM : Fire Chief

SUBJECT : **APPROVAL OF AMENDMENT TO AGREEMENT WITH A&L SERVICES, INC. FOR FIRE DEPARTMENT VEGETATION MANAGEMENT SERVICES**

EXECUTIVE SUMMARY:

The annual vegetation management contract minimizes the risk and spread of fire in our wild land urban interface areas. This project consists of vegetation maintenance and the creation of firebreaks, fire trails and fire access roads, and is part of a larger vegetation management program.

RECOMMENDATION:

Adopt the resolution (Attachment 1), approving the amendment to the agreement A&L Services, Inc. (Attachment 2), in the amount of \$107,887.17, for vegetation management services for 2020, and authorizing the City Manager to sign the contract amendment on behalf of the City.

BUDGET INFORMATION:

The total cost of the vegetation management contract is \$107,887.17, which includes all services, contingency, and management/engineering support services. Authorization of appropriation from the Weed Abatement account (0106000-7015), in which sufficient monies are available, is requested to cover these costs.

BACKGROUND:

The goal of vegetation management is to control plant material to prevent the spread of wildfire by changing the characteristics of the vegetation surrounding homes and other structures. The focus of vegetation management is not to remove all vegetation within this area, but rather to create both horizontal and vertical separation between the various vegetation in the area and adjacent structures. The separation serves to slow the spread of a wildfire, thereby improving fire containment efforts. The efforts to carry out this task are not a one-time event. The City of Benicia utilizes multiple approaches in its vegetation management program, including disking, spraying, and goats.

The City of Benicia has a number of moderate to large open space areas, as well as additional open, city-owned lots in the community, which require vegetation management to reduce the potential impacts of fire. The City is responsible for the management of roughly 2000 acres of open space and City lots.

The vegetation management contractor has the required knowledge, skill and experience to perform work orders in accordance with Chapter 8.08 of the Benicia Municipal Code and Fire Department Standard G-701.

The project consists of maintenance and creation of firebreaks, fire trails, and fire access roads. The project is expected to begin no later than May 1, 2020 and all work will be completed no later than June 30, 2020.

On March 4, 2019, one bid was received for the vegetation management contract with the results summarized in the table below:

2019 Bid Results:

<i>RANK</i>	<i>BIDDER'S NAME AND ADDRESS</i>	<i>Total BASE BID</i>
1	A&L Services, 36445 County Road 31, Davis, CA 94616	\$107,887.17

On April 2, 2019, in accordance with the contract specifications, the City Council adopted Resolution No. 19-31, awarding the vegetation management contract to A&L Services. Per Section 21 of the contract (see Attachment 3), the contract is renewable for a total of one (1) year based on performance. Based on the satisfactory work performed by the contractor in 2019, the City proposes to extend the contract with A&L Services to perform 2020 Vegetation Management services in the amount of \$107,887.17.

NEXT STEPS:

If approved, the contract amendment would be executed. Discing work would commence no later than May 1, 2020.

ALTERNATIVE ACTIONS:

If not approved, there would be no additional vegetation management for 2020.

General Plan	Goal 2.28: Improve and maintain public facilities and services.
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Priority Based Budgeting	Strategic City Result Impacted by this Agenda Item
	<p>The City Council and community identified six (6) key “Results” that establish the key goals for which the City of Benicia aspires to achieve with our programs and services. Agenda Items often influence multiple Results, the primary Result impacted by this Agenda Item is (please check one):</p> <p> <input checked="" type="checkbox"/> Protect Community Health & Safety <input type="checkbox"/> Maintain & Enhance A High Quality of Life <input type="checkbox"/> Preserve & Enhance Infrastructure <input type="checkbox"/> Strengthen Economic & Fiscal Conditions <input type="checkbox"/> Protect & Enhance the Environment <input type="checkbox"/> High Performing Government </p>
	City Programs Impacted by This Agenda Item (Top 3):
	<ol style="list-style-type: none"> 1. Fire – Prevention – Vegetation Management 2. Fire – Operations – Emergency Response – Fire 3. Fire – Operations – Fire & Emergency Services Equipment
	Priority Based Budgeting (PBB) Website:
	Coming soon in Spring 2020 will be a link to the City of Benicia’s PBB website to learn more about these programs and their costs.

CEQA Analysis	Vegetation management and control activities, including maintenance of firebreaks and discing, are implementation activities of the General Plan and were analyzed in the Final Environmental Impact Report (State Clearinghouse #97122023) to the General Plan, which was certified and adopted on June 15, 1999.
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ATTACHMENTS:

1. Resolution - Amendment to Agreement for Vegetation Management Services
2. Amendment to Agreement with A&L Services, Inc.
3. Original Contract with A&L Services, Inc. – April 15, 2019

For more information contact: Josh Chadwick, Fire Chief

Phone: 707-746-4275

E-mail: jchadwick@ci.benicia.ca.us

RESOLUTION NO. 20-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING THE AMENDMENT TO AGREEMENT WITH A&L SERVICES, INC. FOR 2020 VEGETATION MANAGEMENT SERVICES IN THE AMOUNT OF \$107,887.17 AND AUTHORIZING THE CITY MANAGER TO SIGN THE CONTRACT AMENDMENT ON BEHALF OF THE CITY

WHEREAS, the City of Benicia's vegetation management contract was advertised for bids and one sealed bid was properly received and opened on March 4, 2019; and

WHEREAS, the vegetation management project reduces the risk and potential spread of fire within our wild land urban interfaces areas; and

WHEREAS, on April 2, 2019, City Council adopted Resolution No. 19-31, awarding the vegetation management contract to A&L Services, Inc., who was the only bidder; and

WHEREAS, the City desires to extend the contract for 2020 Vegetation Management Services to A&L Services, Inc.; and

WHEREAS, sufficient funds are available in the Weed Abatement account 0106000-7015.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Benicia hereby approves the amendment to the agreement with A&L Services, Inc. for 2020 vegetation management services, in the amount of \$107,887.17.

BE IT FURTHER RESOLVED THAT the City Manager is hereby authorized to sign the amendment to the agreement with A&L Services, Inc. on behalf of the City.

On motion of Council Member _____, seconded by Council Member _____, the above Resolution was adopted by the City Council of the City of Benicia at a regular meeting of said Council held on the 3rd day of March, 2020 by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk

Date

CONTRACT # _____ - _____

AMENDMENT TO AGREEMENT

This Amendment of the Agreement, entered into this 30th day of January, 20²⁰, by and between the City of Benicia, a municipal corporation (hereinafter "CITY") and A&L Services, Inc., a California corporation, with its primary office located at 36445 Country Road 31, Davis, CA 95616, (hereinafter "CONTRACTOR"), is made with reference to the following:

RECITALS

A. On April 15, 2019, an agreement was entered into by and between CITY and CONTRACTOR, ("Agreement"); and

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 (Payment) of the Agreement is modified to: For 2020, CITY shall pay CONTRACTOR for the described services in the amount of \$107,887.17.
2. Paragraph 21 (Completion of Terms) of the Agreement is modified to extend the term of the Agreement until June 30, 2020. For the 2020 phase of work, CONTRACTOR agrees to commence work no later than May 1, 2020, and work on a continuous basis, with a completion date no later than June 30, 2020.
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.

[SIGNATURES ON THE FOLLOWING PAGE]

CONTRACTOR

CITY OF BENICIA
A Municipal Corporation

BY: _____

Gregory McNece

Title: _____

VP

Lorie Tinfow
CITY MANAGER

RECOMMENDED BY:

Josh Chadwick
FIRE CHIEF

APPROVED AS TO FORM:

Benjamin L. Stock
CITY ATTORNEY

ORIGINAL

CONTRACT # _____ - _____

AGREEMENT FOR CONTRACT SERVICES

[\$50,000 and above (BMC 3.10.030 A)]

THIS AGREEMENT ("Agreement") is made and entered into this 15th day of April 2019 between the City of Benicia, a municipal corporation in Solano County, California, (hereinafter "CITY") and A&L Services, Inc., a California corporation, with its primary office located at 36445 County Road 31, Davis, CA 95616 (hereinafter "CONTRACTOR") (collectively, "the Parties").

RECITALS

WHEREAS, CITY and CONTRACTOR each desire to enter into an Agreement whereby CONTRACTOR will perform contracting services for CITY; and

WHEREAS, CITY staff does not have the expertise or capacity to perform this work in-house.

NOW, THEREFORE, BE IT RESOLVED BY AND BETWEEN THE PARTIES AS FOLLOWS:

1. DESCRIPTION OF SERVICES TO BE PROVIDED

CONTRACTOR shall provide services to CITY in accordance with the Request for Proposal ("RFP") dated February 4, 2019 and Proposal dated March 1, 2019 for the **Benicia Vegetation Management Project**. The Request for Bids and Proposals are incorporated herein by reference. CONTRACTOR shall perform the services contemplated hereunder in a competent and professional manner and to the satisfaction of the CITY's Department Head or his/her designee.

2. PAYMENT

CONTRACTOR shall be paid for the above described services in the amount of \$107,887.17. The compensation agreed to be paid to CONTRACTOR shall be the sole and exclusive consideration paid or provided to the CONTRACTOR by the CITY.

CONTRACTOR shall be paid for the service it/he/she renders hereunder:

- within 30 days after receipt of any invoice therefore.
- within 30 days after the completion of the work.
- on a monthly basis, beginning on _____, in equal installments of \$_____ each.

3. CONTRACT TERMINATION

Both parties agree and understand that this contract may be terminated under the following conditions:

- (a) by failure of the CONTRACTOR to substantially perform the above described services; and/or
- (b) the CITY reserves the right to cancel the work or services before the work or service begins, even though advertised and requested for.

In the event the contract is canceled under the circumstances described in paragraph 3(a), the determination of payment to the CONTRACTOR shall be at the discretion of the CITY's Department Head, or his/her designee.

4. INDEMNIFICATION

(a) CONTRACTOR agrees to indemnify, release, defend and hold harmless the CITY, its officers, agents and employees ("indemnitees") from and against any and all claims, demands, losses, defense costs or liability of any kind or nature which indemnitees may sustain or incur or which may be imposed upon them for injuries to or death of persons, or damage or injury to property as a result of, arising out of, or in any manner connected with CONTRACTOR's performance under the terms of this Agreement. CONTRACTOR or any approved Subcontractor's responsibility for such defense and indemnity obligations shall survive the termination or completion of this Agreement for the full period of time allowed by law. The defense and indemnification obligations of the Agreement are undertaken in addition to, and shall not be in any limited by, the insurance obligations contained in this Agreement.

(b) Further, CONTRACTOR will indemnify CITY, and hold it harmless, from an assertion that as a result of providing services to CITY, CONTRACTOR or any of its employees or persons performing work pursuant to this Agreement is entitled to benefits from, or is covered by, the Social Security retirement system or the California Public Employees Retirement Systems. Notwithstanding the foregoing, however, CONTRACTOR's obligations for any payments to such claimant shall be limited to those payments which CITY may be required to pay.

5. INSURANCE

(a) Required Coverage. Without limiting CONTRACTOR's indemnification, it is agreed that CONTRACTOR shall maintain in force at all times during the term of this Agreement the following types of insurance providing coverage on an "occurrence" basis. Said insurance, with the exception of Worker's Compensation and Errors & Omissions Liability, shall name the CITY as additional insureds and evidence of said insurance shall be delivered to CITY in certificate and endorsement forms acceptable to the CITY prior to execution of this Agreement.

- Automobile insurance for the vehicle(s) CONTRACTOR uses in connection with the performance of this Agreement. Coverage: \$1,000,000 per occurrence for bodily injury and property damage.
- Commercial general liability and property damage insurance. Coverage: \$1,000,000 per occurrence. The general aggregate limit shall be twice the required occurrence limit.
- Worker's Compensation insurance to cover its employees as required by the Labor Code of the State of California. CONTRACTOR's worker's compensation insurance shall include the following language: "All rights of subrogation are hereby waived against the CITY, its officers and employees when acting within the scope of their appointment or employment." In the event any class of employees engaged in hazardous work under this Agreement is not protected under Workers' Compensation Statutes, the CONTRACTOR shall provide adequate and suitable insurance for the protection of its employees not otherwise protected.
- Pollution and/or Asbestos Pollution Liability and/or Errors and Omissions insurance. Coverage: \$1,000,000 each occurrence, \$2,000,000 policy aggregate.

(b) General Provisions.

(i) CONTRACTOR 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 CONTRACTOR's insurer to bind coverage on its behalf.

(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 limits of insurance required in the Agreement 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.

(iv) Any failure to comply with reporting provisions of the policies shall not affect coverage provided to the CITY, its elected or appointed officers, officials, employees, agents or volunteers.

(v) The insurance provided by these policies shall not be suspended, voided, canceled, or reduced in coverage or in limits except after thirty days written notice has been received by the CITY.

(c) Additional Insured. The CITY will be 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 insureds 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) This policy shall be considered primary insurance as respects the CITY, its elected or appointed officers, officials, employees, agents and volunteers. Any insurance maintained by the CITY, including any self-insured retention the City may have, shall be considered excess insurance only and shall not contribute with it.

(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 CONTRACTOR'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.

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

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

(f) Subcontractors. In the event CONTRACTOR desires to hire or employ any other company or person to perform any part of the services contemplated herein, the written approval therefore must be first obtained from the CITY. The CITY may withhold such approval for any reason.

(i) If approval is given by the CITY, CONTRACTOR agrees to include with all Subcontractors 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 Subcontractor's work. Subcontractors hired by the CONTRACTOR agree to be bound to CONTRACTOR and CITY in the same manner and to the same extent as CONTRACTOR is bound to the CITY under the Agreement Contract Documents. Subcontractor further agrees to include these same provisions with any Subcontractor. A copy of the CITY's Agreement Contract Document indemnity and insurance provisions will be furnished to the Subcontractor upon request. The CONTRACTOR shall require all subcontractors 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.

(ii) CONTRACTOR shall secure and provide CITY with evidence securing said Worker's Compensation insurance covering said approved employee(s) in statutory amounts and providing 30 days' advance notice to CITY in the event said policy is canceled.

When box is checked the following Section 6 ("PREVAILING WAGE") will apply:

6. PREVAILING WAGE

(a) CONTRACTOR will comply with all applicable laws, rules & regulations including, but not limited to, the requirements of Labor Code §3800 regarding workers' compensation insurance and shall, prior to CITY's execution of this Agreement, provide CITY with either a Certificate of Insurance documenting CONTRACTOR's workers' compensation insurance coverage from a company acceptable to City or a letter stating CONTRACTOR has no employees.

(b) For services deemed public works, CONTRACTOR, by signing this Agreement, CONTRACTOR is certifying pursuant to Labor Code section 1861, "I am aware of the provisions of

Section 3700 of the Labor Code which require every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that code, and I will comply with such provisions before commencing the performance of the work of this contract."

(c) CONTRACTOR shall comply with the requirements of the California Labor Code including, but not limited to, hours of labor, nondiscrimination, payroll records, apprentices, workers' compensation and prevailing wages.

(d) Not less than the general prevailing rate of per diem wages, and not less than the general prevailing rate of per diem wages for holidays and overtime work, for each craft, classification or type of worker needed to execute the work under this Agreement shall be paid to workers, laborers, and mechanics employed in the execution of the work by CONTRACTOR or any Subcontractor doing or contracting any part of the work. The appropriate determination of the Director of the California Department of Industrial Relations shall be filed with, and available for inspection, at the City offices. CONTRACTOR shall post, at each job site, a copy of the general prevailing rate of per diem wages. The CONTRACTOR shall forfeit two hundred dollars (\$200.00) per day for each calendar day or portion thereof, for each worker paid less than the stipulated prevailing wage rates for any public work done under this Agreement by the CONTRACTOR or any Subcontractor under the CONTRACTOR.

(e) CONTRACTOR shall also comply with Labor Code Sections 1776, 1777.5, 1777.6, 1777.7 and 1810.

When box is checked the following Section 7 ("LIQUIDATED DAMAGES") will apply:

7. LIQUIDATED DAMAGES

It is agreed that CONTRACTOR's failure to complete the work within the time allowed will result in damages being sustained by the CITY. Such damages are, and will continue to be, impracticable and extremely difficult to determine. For each consecutive calendar day in excess of the time specified, as adjusted in accordance with standard specifications, for completion of the work the CONTRACTOR shall pay to the CITY, or have withheld from moneys due it, the sum of \$2,000 per day. Progress payments made after the scheduled completion date shall not constitute a waiver of liquidated damages.

8. CONTRACTOR RELATIONSHIP

CONTRACTOR understands and agrees that in performing the above described services, the CONTRACTOR shall act as an independent contractor and not an employee of the CITY.

CONTRACTOR shall be solely responsible for the reporting of income for tax purposes.

9. COMPLIANCE WITH THE LAW

CONTRACTOR, in the conduct of the services contemplated hereunder, shall comply with all statutes, state or federal, and all ordinances, rules and regulations of the City Council, and City of Benicia. Prior to commencement of work, CONTRACTOR shall procure a City business license.

10. SUPPLIES

CONTRACTOR shall acquire, provide, maintain and repair at its/his/her sole cost and expense such equipment, materials, supplies, etc., as CONTRACTOR needs for its/his/her use for the proper conduct of the aforesaid work or services.

11. ASSIGNMENT

The parties acknowledge that the above-described services shall not under any circumstances be assigned to any other person without the prior written consent of the CITY. It is further recognized by the parties hereto that a substantial inducement to the CITY for entering into this agreement was, and is, the professional reputation and competence of the CONTRACTOR

12. NOTICES

(a) Any notice to be provided pursuant to this Agreement shall be in writing, and all such notices shall be delivered by personal service or by deposit in the United States mail, certified or registered, return receipt requested, with postage prepaid, and addressed to the parties as follows:

To the CITY: Josh Chadwick
Fire Chief
City of Benicia
250 East L Street
Benicia, CA 94510

To CONTRACTOR: Jim Lamont
President
A&L Services, Inc.
36445 County Road 31
Davis, CA 95616

(b) Notices, payments and other documents shall be deemed delivered upon receipt by personal service or as of the second (2nd) day after deposit in the United States mail.

13. GOVERNING LAW AND VENUE

This Agreement shall be administered and interpreted under California law as if written by both parties. If any provision in this Agreement is held by any court to be invalid, void, or unenforceable, the remaining provisions shall nevertheless continue in full force. **If any action is brought to interpret or enforce any term of this Agreement, the action shall be brought in a state court situated in the County of Solano, State of California or, if necessary, in a federal court situated in the City and County of Sacramento, California.**

14. ENTIRE AGREEMENT

(a) This Agreement supersedes any and all other agreements, either oral or written, between the CITY and CONTRACTOR with respect to the subject matter of this Agreement.

(b) This Agreement contains all of the covenants and agreements between the parties with respect to the subject matter of this Agreement, and each party to this Agreement acknowledges that no representations, inducements, promises, or agreements have been made by or on behalf of any party except those covenants and agreements embodied in this Agreement.

(c) No agreement, statement, or promise not contained in this Agreement shall be valid or binding.

15. WAIVER

(a) No waiver shall be binding, unless executed in writing by the party making the waiver.

(b) No waiver of any provision of this Agreement shall be deemed, or shall constitute, a waiver of any other provision, whether or not similar, nor shall any such waiver constitute a continuing or subsequent waiver of the same provision.

(c) Failure of either party to enforce any provision of this Agreement shall not constitute a waiver of the right to compel enforcement of the remaining provisions of this Agreement.

16. SEVERABILITY

If any one or more of the sentences, clauses, paragraphs or sections contained herein is declared invalid, void or unenforceable by a court of competent jurisdiction, the same shall be deemed severable from the remainder of this Agreement and shall not affect, impair or invalidate any of the remaining sentences, clauses, paragraphs or sections contained herein.

17. LITIGATION EXPENSES AND ATTORNEY'S FEES

In the event any action, suit or proceeding is brought for the enforcement of, or the declaration of any right or obligation pursuant to this Agreement or as a result of any alleged breach of any provision of this Agreement, the prevailing party in such suit or proceeding shall be entitled to recover its costs and expenses, including reasonable attorney's fees, from the losing party, and any judgment or decree rendered in such a proceeding shall include an award thereof.

18. AUTHORITY TO ENTER AGREEMENT

CONTRACTOR has all requisite power and authority to conduct its business and to execute, deliver, and perform the Agreement. Each party warrants that the individuals who have signed this Agreement have the legal power, right, and authority to make this Agreement and to bind each respective party.

19. PROHIBITED INTERESTS

CONTRACTOR maintains and warrants that it has not employed nor retained any company or person, other than a bona fide employee working solely for CONTRACTOR, to solicit or secure this Agreement. Further, CONTRACTOR warrants that it has not paid nor has it agreed to pay any company or person, other than a bona fide employee working solely for CONTRACTOR, any fee, commission, percentage, brokerage fee, gift or other consideration contingent upon or resulting from the award or making of this Agreement. For breach or violation of this warranty, CITY shall have the right to rescind this Agreement without liability. For the term of this Agreement, no member, officer, or employee of CITY, during the term of his or her service with CITY, shall have any direct interest in this Agreement, or obtain any present or anticipated material benefit arising therefrom.

20. NONDISCRIMINATION

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

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

21. TIME OF THE ESSENCE

1. Time is of the essence in the performance of this Agreement. CONTRACTOR agrees to complete the work no later than June 30, 2019 and in accordance with the Notice to Proceed (or approved extensions thereof) and to the entire satisfaction of the CITY before final payment is made. The CONTRACTOR is required to give at least one day's advance notice of the date upon which work is commenced and the date upon which the work is to be completed.

2. This contract is renewable for a total of one (1) years, based on performance.

[SIGNATURES ON THE FOLLOWING PAGE]

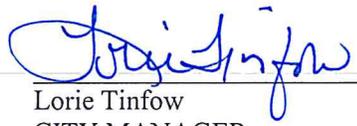
IN WITNESS WHEREOF, the undersigned execute this Agreement on the date first written above.

CONTRACTOR

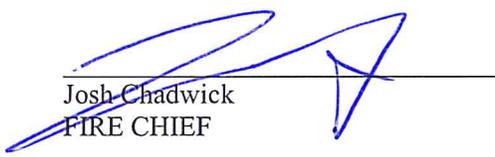
CITY OF BENICIA
A Municipal Corporation

BY:


Jim Lamont
PRESIDENT


Lorie Tinfow
CITY MANAGER

RECOMMENDED BY:


Josh Chadwick
FIRE CHIEF

APPROVED AS TO FORM:


Benjamin Stock
CITY ATTORNEY

Attachments: Insurance and Bid Bond

IN WITNESS WHEREOF, the undersigned execute this Agreement on the date first written above.

CONTRACTOR

CITY OF BENICIA
A Municipal Corporation

BY: 
Jim Lamont
PRESIDENT


Lorie Tinfow
CITY MANAGER

RECOMMENDED BY:


Josh Chadwick
FIRE CHIEF

APPROVED AS TO FORM:


Benjamin Stock
CITY ATTORNEY

Attachments: Insurance and Bid Bond

POLICY NUMBER: 60457945

CG 20 10R 12 11

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

**ADDITIONAL INSURED – OWNERS, LESSEES OR CONTRACTORS
(WITH LIMITED COMPLETED OPERATIONS COVERAGE)**

This endorsement modifies insurance provided under the following:

**COMMERCIAL GENERAL LIABILITY COVERAGE PART
BUSINESSOWNERS COVERAGE FORM**

SCHEDULE

NAME OF PERSON OR ORGANIZATION

Any person or organization to whom or to which the named insured is obligated by a virtue of a written contract to provide insurance that is afforded by this policy. Where required by contract, the officers, officials, employees, directors, subsidiaries, partners, successors, parents, divisions, architects, surveyors and engineers are included as additional insureds. All other entities, including but not limited to agents, volunteers, servants, members and partnerships are included as additional insureds, if required by contract, only when acting within the course and scope of their duties controlled and supervised by the primary (first) additional insured. If an Owner Controlled Insurance Program is involved, the coverage applies to off-site operations only. If the purpose of this endorsement is for bid purposes only, then no coverage applies.

the qualifying language above because of payments we make for injury.

LOCATION OF JOB:

The job location must be within the State of domicile of the named insured, or within any contiguous State thereto.

DESCRIPTION OF WORK:

The type of work performed must be that as described under classifications in the CGL Coverage Part Declarations.

WHO IS AN INSURED: (Section II)

This section is amended to include as an insured the person or organization within the scope of the qualifying language above, but only to the extent that the person or organization is held liable for your acts or omissions in the course of "your work" for that person or organization by or for you. The "products-completed operations hazard" portion of the policy coverage as respects the additional insured does not apply to any work involving or related to properties intended for residential or habitational occupancy (other than apartments). This clause does not affect the "products-completed operations" coverage provided to the named insured(s).

PRIMARY CLAUSE:

When this endorsement applies and when required by written contract, such insurance as is afforded by the general liability policy is primary insurance and other insurance shall be excess and shall not contribute to the insurance afforded by this endorsement.

EXCLUSION

This insurance provided to the additional insured does not apply to "bodily injury", "property damage" or "personal and advertising injury" arising out of an architect's, engineer's or surveyor's rendering or failure to render any professional services, including:

1. The preparing, approving, or failing to prepare or approve, maps, designs, shop drawings, opinions, reports, surveys, field orders, change orders, or drawings and specifications; and
2. Supervisory, inspection, architectural or engineering activities.

WAIVER OF SUBROGATION:

We waive any right of recovery, when required by written contract, that we may have against the person or organization within the scope of

Endorsement EFFECTIVE DATE: SEE DEC

Endorsement EXPIRATION DATE: SEE DEC

DATE (MM/DD/YYYY)
9/19/2018



CERTIFICATE OF LIABILITY INSURANCE

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 SUBROGRATION 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 Willis Towers Watson 12980 Metcalf Ave Suite 500 Overland Park KS 66213	CONTACT NAME: Sacramento	
	PHONE (A/C, No Ext): (916) 256-1000	FAX (A/C, NO): (360) 828-0699
EMAIL ADDRESS: Jennifer.Summers@bbsihq.com		
INSURER(S) AFFORDING COVERAGE		NAIC #
INSURER A:	ACE American Insurance Company	22667
INSURER B:		
INSURER C:		
INSURER D:		
INSURER E:		
INSURER F:		

INSURED
 Barrett Business Services, Inc. L/C/F
 A & L SERVICES, INC. DBA A&L SERVICES, INC.
 PO BOX 1830
 DAVIS, CA 95617

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 ISSUES 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 INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS		
	GENERAL LIABILITY <input type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PROJ-ECT <input type="checkbox"/> LOC						EACH OCCURRENCE	\$	
							DAMAGE TO RENTED PREMISES (Ea occurrence)	\$	
							MED EXP (Any one person)	\$	
							PERSONAL & ADV INJURY	\$	
							GENERAL AGGREGATE	\$	
							PRODUCTS - COMP/OP AGG	\$	
								\$	
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS						COMBINED SINGLE LIMIT (Ea accident)	\$	
							BODILY INJURY (Per person)	\$	
							BODILY INJURY (Per accident)	\$	
							PROPERTY DAMAGE	\$	
								\$	
	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> OCCUR DED <input type="checkbox"/> RETENTION \$						EACH OCCURRENCE	\$	
							AGGREGATE	\$	
								\$	
A	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	N/A	X	C65204058	10/01/18	10/01/2019	<input checked="" type="checkbox"/> WC STATU-TORY LIMITS <input type="checkbox"/> OTH-ER	
							E.L. EACH ACCIDENT	\$2,000,000	
							E.L. DISEASE - EA EMPLOYEE	\$2,000,000	
							E.L. DISEASE - POLICY LIMIT	\$2,000,000	

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)
 In the event of any payment under this policy for a Loss for which the named insured has waived the right of recovery in a written contract entered into prior to the Loss, insurer hereby agrees to also waive our right of recovery but only with respect to such Loss.

CERTIFICATE HOLDER	CANCELLATION
City of Benicia Benicia Fire Dept, 150 Military West Benicia CA 94510	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATA THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE Authorized Rep <i>Ben Hester</i>

AGENCY CUSTOMER ID: _____

LOC: # _____



ADDITIONAL REMARKS SCHEDULE

Page 2 of 2

AGENCY Lockton Affinity		NAMED INSURED: Barrett Business Services, Inc. L/C/F A & L SERVICES, INC. DBA A&L SERVICES, INC. PO BOX 1830 DAVIS, CA 95617	
POLICY NUMBER C65204058			
CARRIER ACE American Insurance Company	NAIC CODE 22667	EFFECTIVE DATE: 10/01/18	

ADDITIONAL REMARKS

THIS ADDITIONAL REMARKS FORM IS A SCHEDULE TO ACORD FORM,
FORM NUMBER: 25 FORM TITLE: Certificate of Liability (01/14)

CERTIFICATE HOLDER: City of Benicia
ADDRESS: Benicia Fire Dept, 150 Military West Benicia CA 94510

City of Benicia, its elected and appointed officials, employees, agents, volunteers Re: City of Benicia Weed Abatement for the Benicia Open Space Areas & City Urban Lots

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

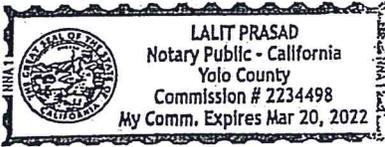
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of YOLO)
On 03-01-2019 before me, Lalit Prasad, Notary Public,
Date Here Insert Name and Title of the Officer
personally appeared JAMES LAMONT
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature Lalit Prasad
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: Proposal Bid Bond Document Date: 3-1-2019
Number of Pages: _____ Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____
 Corporate Officer — Title(s): _____
 Partner — Limited General
 Individual Attorney in Fact
 Trustee Guardian or Conservator
 Other: _____
Signer Is Representing: _____

Signer's Name: _____
 Corporate Officer — Title(s): _____
 Partner — Limited General
 Individual Attorney in Fact
 Trustee Guardian or Conservator
 Other: _____
Signer Is Representing: _____

Any claims under this bond may be addressed to:

CASHIER'S CHECK

(Name and address of Surety's agent for service of process)

(In California, if different from above)

(Telephone number of Surety's agent in California)

(Seal and Notary Acknowledgment of surety)

W/A
SURETY

By:

(Attorney-in-Fact)

NOTICE:

No substitution or revision to this bond form will be accepted. Sureties must be authorized to do business in and have an agent for service of process in California. Certified copy of Power of Attorney must be attached.

**PROPOSAL
CONTRACTOR'S CERTIFICATE
REGARDING WORKER'S COMPENSATION**

Owner and Description of Contract: **CITY OF BENICIA
BENICIA VEGETATION MANAGEMENT PROJECT**

Labor Code Section 3700:

"Every employer except the State and all political subdivisions or institutions thereof, shall secure the payment of compensation in one or more of the following ways:

(a) By being insured against liability to pay compensation in one or more insurer duly authorized to write compensation insurance in this State.

(b) By securing from the Director of Industrial Relations a certificate of consent to self-insure, which may be given upon furnishing proof satisfactory to the Director of Industrial Relations of ability to self-insure and to pay any compensation that may become due to CONTRACTOR's employees".

I am aware of the provisions of Section 3700 of the Labor Code which require every employer to be insured against liability for worker's compensation or to undertake self-insurance in accordance with the provisions of that code, and I will comply with such provisions before commencing the performance of the work of this Contract.

Dated: 3/1, 2019

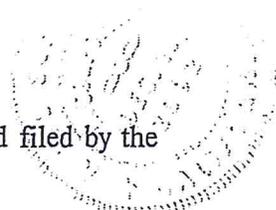
A+L SERVICES INC
(Contractor)

By: James P. [Signature]
(Signature)

President
(Official Title)

(SEAL)

(Labor Code Section 1861 provides that the above certificate must be signed and filed by the Contractor with the Owner prior to performing any work.)





March 1, 2019

City of Benicia – Fire Department
Attention: Jed Matcham – Division Chief
150 Military West Street
Benicia, CA 94510

Dear Division Chief Matcham:

We respectfully submit our bid for the 2019 Contract for Vegetation Management Abatement at \$107,887.17.

Statement of Bidder's Qualifications:

We have successfully and timely completed the hazardous scope of work in this contract for the City of Benicia Fire Department for many of the previous twenty years without any moving violations, damages to city or private property, accidents or injuries to anyone. We can complete the job in 14 days.

We use equipment that has specialized lowered suspension in order to prevent rolling over on the slopes which are far too steep for the use of conventional rubber tire or rubber track equipment. Our equipment modifications have provided lower center of gravity in order to allow completion of the work while minimizing the danger to the life of the equipment operator. Due to the extremely dangerous nature of this job, as well as firsthand knowledge of the numerous unmarked hazards, only Jim Lamont will operate the machinery on this project as he has safely and successfully for over 20 years.

References for similar work are:

Valero Benicia Refinery 3300 Bayshore Road Benicia, CA 94510	15 years	Annual fire break discing Contact: Chip (707) 745-7253
Amports (old Benicia industries) P O Box 315 Benicia, CA 94510	25 years	Annual discing Simon Phillips (707) 745-2394

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads 'James Lamont'.

James Lamont
President



SERVICES, INC.

General Engineering License #823087

March 1, 2019

City of Benicia
Benicia Fire Department
150 Military West
Benicia, CA 94510

Dear City of Benicia/Benicia Fire Department:

Thank you for the opportunity to provide a brief description of our services. We are a bondable company that offers more than 25 years of experience in earth moving and site preparation. Our steadfast commitment to quality, follow up and client satisfaction has built our client base. This has provided continued repeat business and expanded our referral network.

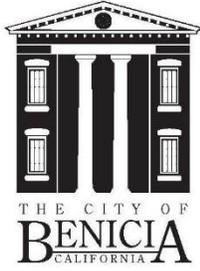
Our services are varied but include the following: Excavation, compaction, and grading for building site preparation, individual/commercial building pad construction, demolition & site cleanup, dirt constructed holding ponds, flood control projects, rip rap rock placement, disking/mowing for weed abatement and fire breaks. We specialize in wetland waterway construction/environmental mitigation ponds, streambed alteration and washout repairs. All of which have been successfully completed in various projects with Solano County, Yolo County, City of Benicia, City of Vacaville, Solano Irrigation District, developers and private owners.

We pride ourselves on a job well done and a willingness to work with project and budget constraints. We welcome the opportunity to meet and discuss your current or future project needs. Thank you again for your time and consideration. We gladly provide client references upon request. Please visit our website excavationcalifornia.com for more information.

Respectively yours,

A handwritten signature in black ink, appearing to read 'Jim Lamont', is written over a white background.

Jim Lamont, President
A & L Services, Inc.
Mobile # (530) 219-3029



**AGENDA ITEM
CITY COUNCIL MEETING DATE – MARCH 3, 2020
CONSENT CALENDAR**

TO : City Manager

FROM : Public Works Director

SUBJECT : **APPROVE LIST OF STREET PROJECTS TO RECEIVE GAS TAX FUNDING PER SENATE BILL 1 (SB1)**

EXECUTIVE SUMMARY:

Senate Bill 1 (SB1) requires each local agency to submit a list of proposed street maintenance and rehabilitation projects to the California Transportation Commission (CTC) annually as a prerequisite to receive funding. The CTC also requires the proposed project list be included in the City’s Capital Improvement Program (CIP) Budget. The adoption of the proposed resolution will fulfill these requirements.

RECOMMENDATION:

Adopt the resolution (Attachment 1) approving the list of streets for maintenance and rehabilitation projects and funding of gas tax expenses per SB1 (Attachment 2).

BUDGET INFORMATION:

The proposed action will allow the City to receive approximately \$520,710 in FY 19-20 of Road Maintenance and Rehabilitation Account (RMRA) funding for eligible roadways. Funds shall be deposited in the RMRA Fund (Acct. No. 3118050).

BACKGROUND:

In April 2017, the Senate legislature passed SB1, which was subsequently signed by the Governor. The purpose of SB1 is to provide a dedicated funding source for street and road maintenance and repair. Specifically, SB1 increases the per gallon excise fuel taxes, diesel fuel sales taxes, vehicle inspection registration fees, as well as inflationary adjustments to tax rates in future years.

In January 2018, the State Controller began depositing portions of SB1 funding into the newly created RMRA. The RMRA funding will be apportioned by formula to eligible cities and counties for basic road maintenance rehabilitation and critical safety projects on the local streets and roads system. The City of Benicia is projected to receive \$520,710 in FY 19-20 of RMRA funding.

Each year, SB1 requires the City to submit a list of projects to the CTC that are proposed to be funded with the RMRA funding. For FY 19-20, the project list must be submitted to the CTC by May 1, 2020.

Staff recommends the approval of the attached resolution (Attachment 1) and the microsurfacing project list (Attachment 2). The maintenance and rehabilitation project costs for the listed streets are much greater than the available RMRA funding in FY 19-20; however, including a comprehensive list of needed projects will provide the City flexibility to maximize SB1 funds. Due to the limited amount of SB1 funds available, the following list of other available funding will be used for design and the resurfacing of the listed streets in the attached resolution, as well as construction management costs.

Allied Waste.....	\$ 160,000
Measure C.....	\$1,232,075
<u>SB 1 (RMRA).....</u>	<u>\$ 507,925</u>
TOTAL BUDGET.....	\$1,900,000

In accordance with CTC requirements, the project list provides the project description, limits, schedule for completion, and calculated useful life elements.

NEXT STEPS:

If the City Council adopts the resolution, staff will submit the list of projects to CTC and will be eligible to receive additional gas tax funding from SB1 for roadway projects.

ALTERNATIVE ACTIONS:

The City Council could choose to direct staff to change the list of projects. If the City Council does not approve the list of projects and funding, then the City will not be eligible for additional funding per SB1.

General Plan	Goal 2.20: Provide a balanced street system to service automobiles, pedestrians, bicycles, and transit
	Goal 2.28: Improve and maintain public facilities and services

Priority Based Budgeting	Strategic City Result Impacted by this Agenda Item
	<p>The City Council and community identified six (6) key “Results” that establish the key goals for which the City of Benicia aspires to achieve with our programs and services. Agenda Items often influence multiple Results, the primary Result impacted by this Agenda Item is (please check one):</p> <p><input type="checkbox"/> Protect Community Health & Safety</p> <p><input type="checkbox"/> Maintain & Enhance A High Quality of Life</p> <p><input checked="" type="checkbox"/> Preserve & Enhance Infrastructure</p> <p><input type="checkbox"/> Strengthen Economic & Fiscal Conditions</p> <p><input type="checkbox"/> Protect & Enhance the Environment</p> <p><input type="checkbox"/> High Performing Government</p>

	City Programs Impacted by This Agenda Item (Top 3):
	<ol style="list-style-type: none"> 1. Capital Improvement Program 2. Pavement Management Program 3. Maintenance and Repair of Asphalt Pavements
	Priority Based Budgeting (PBB) Website:
	Coming soon in Spring 2020 will be a link to the City of Benicia's PBB website to learn more about these programs and their costs.

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

1. Resolution - List of Street Projects to Receive Gas Tax Funding per SB1
2. Exhibit A - List of Microsurfacing Streets for FY 19-20

For more information contact: William Tarbox, Public Works Director

Phone: 707.746.4240

E-mail: wtarbox@ci.benicia.ca.us

RESOLUTION NO. 20-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING THE LIST OF STREETS FOR MAINTENANCE AND REHABILITATION PROJECTS AND FUNDING OF GAS TAX EXPENSES PER SENATE BILL 1 (SB1)

WHEREAS, Senate Bill 1 (SB1), the Road Repair and Accountability Act of 2017 (Chapter 5, Statutes of 2017), was passed by the Legislature and signed into law by the Governor in April 2017; and

WHEREAS, SB1 increases the per gallon fuel excise tax, diesel fuel sales tax and vehicle registration fees to provide additional funds to maintain local streets and roads; and

WHEREAS, SB1 allocates a portion of revenues collected to local agencies; and

WHEREAS, an estimated total of \$520,710 in Road Maintenance and Rehabilitation Account (RMRA) funding has been allocated to Benicia in Fiscal Year 2019-20 from SB1; and

WHEREAS, in order to be eligible to receive its SB1 allocation, each local agency must adopt and file with the California Transportation Commission (CTC), an annual list of qualifying projects the agency may direct these revenues to.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Benicia does hereby approve the attached project list (Exhibit A) and funding of Gas Tax Expenses per Senate Bill No. 1 (SB1).

On motion of Council Member _____, seconded by Council Member _____, the above Resolution was adopted by the City Council of the City of Benicia at a regular meeting of said Council held on the 3rd day of March, 2020 by the following vote:

Ayes:

Noes:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk

Date

Exhibit A

List of Microsurfacing Streets for FY 19-20

City of Benicia

Summer 2020

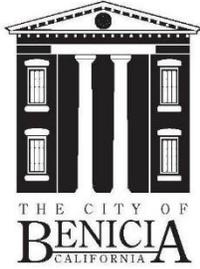
Street Name	Beg Location	End Location	TOTAL COST *	PCI
East H St. - 100	e/o E-2nd St.	w/o E-4th St.	\$57,521	80
East H St. - 100	w/o E-4th St.	w/o E-5th St.	\$19,887	77
East L St. - 100	e/o E-6 St.	w/o E-7 St.	\$19,887	77
Park Rd. - 1450	s/o Stone Rd.	s/o E-2nd St.	\$106,341	76
Hastings Dr. - 400	s/o Solano Dr.	n/o Zinna Ct.	\$47,692	75
East 3rd St. - 1100	n/o E-K St	s/o E-L St	\$10,496	74
Panorama Dr. - 001	n/o Southampton Rd.	n/o Larkin Dr.	\$91,089	61
Panorama Dr. - 001	e/o Chelsea Hills Dr.	200' e/o Tustin Ct.	\$44,815	74
Panorama Dr. - 001	n/o Tustin Ct.	s/o Rose Dr.	\$54,505	62
Panorama Dr. - 001	e/o Chesea Hills Dr.	e/o Larkin Dr.	\$42,536	69
East I St. - 100	350' e/o E-2nd St.	w/o E-3rd St.	\$5,985	73
Industrial Way - 101	e/o Bayshore Rd.	w/o Park Rd.	\$36,460	72
Military West - 100	w/o Drolette Way	e/o Southampton Rd.	\$221,432	72
Industrial Way - 101	w/o Park Rd.	600' w/o Teal Dr.	\$60,398	71
East 2nd St. - 1400	n/o E-D St.	n/o E-F St.	\$31,074	70
East I St. - 100	e/o E-5th St.	w/o E-6th St.	\$15,468	70
		Estimate Total Cost	\$865,585	

*Preliminary Cost Estimate assumptions: \$0.62/SF of microsurfacing (includes nonpavement cost), 10% Contingency & 35% for PE/CM

Summer 2020

Street Name	Beg Location	End Location	Total Cost **	PCI
Lake Herman Rd. - 1	e/o E-2nd St.	e/o slide	\$132,040	52
Lake Herman Rd. - 1	e/o slide	w/o Reservoir Rd.	\$326,624	55
Lake Herman Rd. - 1	w/o Reservoir Rd.	City Limits	\$174,729	24
		AC Shoulder Cost	\$176,425	
		AB Shoulder Cost	\$226,832	
			\$1,036,650	

*Preliminary Cost Estimate assumptions: \$0.94/SF of rubber cape seal, 40% for digouts & non-pavement, 10% contingency, and 30% PE/CM



**AGENDA ITEM
CITY COUNCIL MEETING DATE – MARCH 3, 2020
CONSENT CALENDAR**

TO : City Council

FROM : City Manager

SUBJECT : **APPOINTING CITY OF BENICIA’S REPRESENTATIVES FOR COMMUNITY ACTION PARTNERSHIP OF SOLANO, JOINT POWERS AUTHORITY**

EXECUTIVE SUMMARY:

The City of Benicia is part of the Community Action Partnership (CAP) of Solano, Joint Powers Authority (JPA), which is a collaboration of local governments in Solano County that provides oversight and resources to organizations that creatively deliver successful services to low-income people. Currently there are no representatives for the City of Benicia in the agency.

RECOMMENDATION:

Appoint Police Chief Erik Upson as the primary representative and Assistant City Manager Alan Shear as an alternate.

BUDGET INFORMATION:

There is no expected budget impact associated with the appointment.

BACKGROUND:

In July of 1999, the Solano County Board of Supervisors established a Joint Exercise of Powers Agreement called the Solano Safety Net Consortium (SSNC). This agreement included seven cities: Benicia, Dixon, Fairfield, Rio Vista, Suisun, Vacaville and Vallejo, as well as the unincorporated portions of Solano County, represented by the Board of Supervisors. The membership was to include eight members representing each of the entities.

The SSNC was established to:

1. provide oversight and coordination of homeless and safety net services to the residents of Solano County;
2. serve as the conduit for safety net funding support;
3. administer such funds and make grants available to other non-profit entities for services to the homeless;
4. set policy and be the central agency for the oversight and technical assistance for the operation of homeless shelters, transitional housing, homeless assistance centers, community action councils and other safety net services; and
5. undertake such other programs as the Board of Directors may authorize.

The current name of this agency is Community Action Partnership of Solano, Joint Powers Authority.

NEXT STEPS:

If appointed, Police Chief Erik Upson or Assistant City Manager Alan Shear, in his absence, will attend the agency’s monthly meeting.

ALTERNATIVE ACTIONS:

The Council could not appoint Police Chief Erik Upson or Assistant City Manager Alan Shear and find another representative for the City of Benicia.

General Plan	Goal 2.28 Improve and maintain public facilities and services.
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Priority Based Budgeting	Strategic City Result Impacted by this Agenda Item
	The City Council and community identified six (6) key “Results” that establish the key goals for which the City of Benicia aspires to achieve with our programs and services. Agenda Items often influence multiple Results, the primary Result impacted by this Agenda Item is (please check one):
	<input type="checkbox"/> Protect Community Health & Safety <input checked="" type="checkbox"/> Maintain & Enhance A High Quality of Life <input type="checkbox"/> Preserve & Enhance Infrastructure <input type="checkbox"/> Strengthen Economic & Fiscal Conditions <input type="checkbox"/> Protect & Enhance the Environment <input type="checkbox"/> High Performing Government
	City Programs Impacted by This Agenda Item (Top 3):
	1. Intergovernmental Relations - City Manager's Office
	Priority Based Budgeting (PBB) Website:
	Coming soon in Spring 2020 will be a link to the City of Benicia’s PBB website to learn more about these programs and their costs.

CEQA Analysis	The requested action is exempt from CEQA because it will not result in a direct or indirect physical change in the environment and therefore is not a project as defined in CEQA Guidelines Section 15378.
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ATTACHMENT:

1. Resolution – Appointing City of Benicia’s Representatives for Community Action Partnership of Solano JPA

*For more information contact: Lorie Tinfow, City Manager
 Phone: 707-746-4200
 E-mail: ltinfow@ci.benicia.ca.us*

RESOLUTION NO. 20-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPOINTING CITY OF BENICIA’S REPRESENTATIVES FOR COMMUNITY ACTION PARTNERSHIP OF SOLANO, JOINT POWERS AUTHORITY

WHEREAS, the City of Benicia is a part of the Community Action Partnership of Solano, Joint Powers Authority; and

WHEREAS, the Community Action Partnership of Solano, Joint Powers Authority provides oversight and resources to organizations that creatively deliver successful services to low-income people; and

WHEREAS, currently there is no representative for the City of Benicia in the Community Action Partnership of Solano, Joint Powers Authority.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Benicia does hereby appoint Police Chief Erik Upson as the main representative, and Assistant City Manager Alan Shear as the alternate, for the Community Action Partnership of Solano, Joint Powers Authority.

On motion of Council Member _____, seconded by Council Member _____, the above Resolution was adopted by the City Council of the City of Benicia at a regular meeting of said Council held on the 3rd day of March, 2020 by the following vote:

Ayes:

Noes:

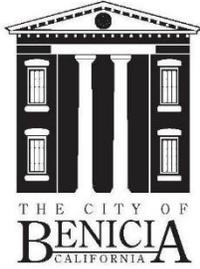
Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk

Date



**AGENDA ITEM
CITY COUNCIL MEETING DATE – MARCH 3, 2020
CONSENT CALENDAR**

TO : City Manager

FROM : Community Development Director

SUBJECT : **APPROVAL OF AMENDMENT TO AGREEMENT WITH TRB & ASSOCIATES FOR BUILDING INSPECTION AND PLAN REVIEW SERVICES**

EXECUTIVE SUMMARY:

Approval of an amendment of the agreement with TRB & Associates is needed for ongoing building inspection and plan review services at a not-to-exceed amount of \$65,000, which represents a \$40,000 increase to the TRB contract and a corresponding decrease from the Interwest contract. The Community Development Department continues to need staff augmentation as the volume of permit applications and necessary plan review increases. It is necessary to amend the current agreement to continue through December 31, 2020 and increase the amount for Fiscal Year 19-20.

RECOMMENDATION:

Adopt the resolution (Attachment 1) to amend the agreement (Attachment 2) with TRB & Associates for building inspection and plan review services.

BUDGET INFORMATION:

There is no budgetary impact due to this increase in contract amount. Increased funds were originally approved for the Interwest Consulting Group in August 2019 and these funds now are being reduced and used to the increase funding for TRB & Associates.

BACKGROUND:

In September 2016, the Community Development Department sent a Request for Qualifications (RFQ) to firms for professional consulting services for various Building Division services, including plan check and building inspection services. TRB & Associates was one of the firms selected to provide building inspection services to the Building Division. Additionally, Interwest Consulting Group was selected to provide building inspection services. From mid-January 2019 to November 2019, Interwest Consulting Group has primarily provided building inspection services, with TRB & Associates as the back-up firm.

In November 2019, Interwest Consulting Group no longer had building inspectors available to provide to the City while the Building Inspector I/II position remained vacant. For this reason, TRB & Associates became the primary firm providing building inspectors to the Community Development Department. Although a full-time building inspector was recently hired, the need for TRB & Associates services continues.

NEXT STEPS:

Upon approval by the City Council, a contract amendment will be executed to ensure no lapse in building inspection services.

ALTERNATIVE ACTIONS:

If no action is taken, the City will be unable to pay outstanding invoices owed to TRB & Associates and to continue to meet the needs of the public.

General Plan	Goal 2.28: Improve and maintain public facilities and services.
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Priority Based Budgeting	Strategic City Result Impacted by this Agenda Item
	The City Council and community identified six (6) key “Results” that establish the key goals for which the City of Benicia aspires to achieve with our programs and services. Agenda Items often influence multiple Results, the primary Result impacted by this Agenda Item is (please check one):
	<input checked="" type="checkbox"/> Protect Community Health & Safety <input type="checkbox"/> Maintain & Enhance A High Quality of Life <input type="checkbox"/> Preserve & Enhance Infrastructure <input type="checkbox"/> Strengthen Economic & Fiscal Conditions <input type="checkbox"/> Protect & Enhance the Environment <input type="checkbox"/> High Performing Government
	City Programs Impacted by This Agenda Item (Top 3):
	<ol style="list-style-type: none"> 1. Residential and Multi Family Plan Review and Inspections 2. Commercial and Industrial Plan Review and Inspections 3. Permit Services
	Priority Based Budgeting (PBB) Website:
	Coming soon in Spring 2020 will be a link to the City of Benicia’s PBB website to learn more about these programs and their costs.

CEQA Analysis	The Agreement Amendment does not constitute a project as defined by the California Quality Act Guidelines (CEQA) Section 15378 (b) (2) which excludes continuing administrative activities, therefore this action is not subject to environmental review pursuant to CEQA Guidelines Section 15060 (c) (3).
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ATTACHMENTS:

1. Resolution – Amendment to Agreement with TRB & Associates
2. Amendment to Agreement with TRB & Associates

For more information contact: Brad Misner, Community Development Director

Phone: 707.746.4309

E-mail: BMisner@ci.benicia.ca.us

RESOLUTION NO. 20-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING AN AMENDMENT TO THE AGREEMENT WITH TRB & ASSOCIATES FOR BUILDING INSPECTION AND PLAN REVIEW SERVICES AND AUTHORIZING THE CITY MANAGER TO SIGN THE AMENDMENT ON BEHALF OF THE CITY

WHEREAS, the City has utilized the staff augmentation services of TRB & Associates since Fiscal Year 18-19, due to position vacancies and increased workload in the Community Development Department; and

WHEREAS, the position of Building Inspector I/II remained vacant from January 2019 through February 2020 and there remains a need for assistance in conducting necessary and required building inspections and plan review services; and

WHEREAS, staff recommends approving an amendment to the agreement with TRB & Associates to continue the building inspection and plan review services through December 31, 2020 at a not-to-exceed amount of \$65,000; and

WHEREAS, in order to maintain inspection service levels, contract services are needed to augment City staffing; and

WHEREAS, TRB & Associates is the most capable in all material aspects to perform the contract requirements and is highly qualified to perform these services for the City.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Benicia does hereby approve the amendment to the agreement with TRB & Associates to continue building inspection and plan review services for the Community Development Department until December 31, 2020 for a not-to-exceed amount of \$65,000 and authorizes the City Manager to sign the amendment on behalf of the City.

On motion of Council Member _____, seconded by Council Member _____, the above Resolution was adopted by the City Council of the City of Benicia at a regular meeting of said Council held on the 3rd day of March, 2020 by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk

Date

CONTRACT # ____-____

AMENDMENT TO AGREEMENT

This Amendment of the Agreement, entered into this 25th day of February, 2020 by and between the City of Benicia, a municipal corporation (hereinafter "CITY") and TRB & Associates, a California corporation, with its primary office located at 3180 Crow Canyon Place, Suite 216, San Ramon, CA 94583, (hereinafter "CONTRACTOR"), is made with reference to the following:

RECITALS

- A. On August 14, 2019, an agreement was entered into by and between CITY and CONTRACTOR, ("Agreement"); and
- 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 3 (Payment) of the Agreement is modified to increase payment amount to \$65,000.
- 2. Paragraph 5 (Term) of the Agreement is modified to extend contract to December 31, 2020.
- 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.

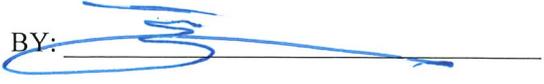
[SIGNATURES ON THE FOLLOWING PAGE]

Attachment 2 - Amendment to Agreement with TRB & Associates

CONTRACTOR

CITY OF BENICIA
A Municipal Corporation

BY: _____



Todd Bailey
President
TRB & Associates

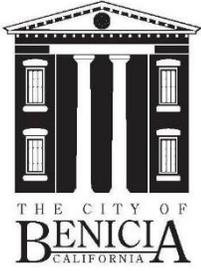
Lorie Tinfow
CITY MANAGER

RECOMMENDED BY:

Brad Misner
COMMUNITY DEVELOPMENT DIRECTOR

APPROVED AS TO FORM:

Benjamin L. Stock
CITY ATTORNEY



**AGENDA ITEM
CITY COUNCIL MEETING DATE – MARCH 3, 2020
BUSINESS ITEM**

TO : City Council

FROM : City Manager

SUBJECT : **APPROPRIATION OF \$138,000 TO CONTINUE EXPLORATION OF HOTEL DEVELOPMENT FEASIBILITY**

EXECUTIVE SUMMARY:

In July 2019, the City Council adopted a Work Plan for Fiscal Year 2019-20 that included, among the projects and initiatives noted as high priority, the exploration of constructing a hotel on a City-owned parcel known as the “E Street parking lot” located at E Street and E. 2nd Street. This report requests a funding appropriation of \$138,000 for various studies and consulting services needed to determine the viability of the site for a future hotel.

RECOMMENDATION:

Move to adopt the attached resolution (Attachment 1) that appropriates \$138,000 from the General Fund’s unassigned fund balance into the General Fund to cover costs associated with analyzing the viability of developing a hotel on City owned property as described in this report.

BUDGET INFORMATION:

The City Council is asked to appropriate \$138,000 from the General Fund unassigned fund balance into City Manager Contractual Services 0102200-7008 to cover the costs of the studies and consultant assistance described in this report to determine the feasibility of a hotel on the site. A hotel on the site noted would generate transient occupancy tax revenue as well as support the success of 1st Street businesses that could yield additional sales tax revenue. Revenue estimates will be developed as part of the project analysis..

BACKGROUND:

The City of Benicia currently has three hotels and two bed-and-breakfasts that combined generate approximately \$500,000 per year in transient occupancy tax revenue. The room occupancy rate is high and indicates likely market demand for additional hotel rooms. A significant portion of the room occupancy serves as temporary housing for Benicia businesses such as Valero Refinery and other Benicia Industrial Park business locations. Other needs exist as well for business travelers and leisure travelers.

Funding Needed for Hotel Project Analysis

The E Street parking lot is currently used to support 1st Street businesses and downtown events. A parking study focused on 1st Street and the adjacent side streets, including East and West 2nd Streets, has just been completed and is scheduled for Council review on March 17, 2020. The study included

initial parking demand for hotel development on this site (click here <https://tinyurl.com/Draft-Downtown-Parking-Study> to view a copy of the Parking Study; hotel parking analysis begins on page 41 of the study). The study reviewed the current use of the site as public parking, and concludes that the major use of the site for parking occurs during the weekly Farmers Market held on Thursdays from 4:00 p.m. to 8:00 p.m. There is minor use of the lot for parking at other times and in general it is underutilized.

In order to determine the feasibility of the site for an income generating hotel use, staff recommends several steps and studies, including the following:

- Complete a soils analysis (needed for any type of development on the site for construction constraints and potential contamination disposal);
- Complete a property value appraisal for negotiating the purchase price with a developer;
- Undertake an analysis of the applicability of *AB 1486 Surplus Land* to determine the ability of the City to offer the parcel for hotel development;
- If the parcel can be offered for hotel development, complete in-depth market analysis conducted by a firm with hotel industry expertise;
- If the site is viable for hotel use, prepare a conceptual site plan by an architectural firm, for site development potential, to be included in an offering document; and
- Prepare a summary report to the City Council with the results of the above analysis with a recommendation on whether to proceed to offer the property for sale.

In addition, expertise is needed to lead the City’s effort and Pat O’Keeffe has been engaged for this first phase of work. Mr. O’Keeffe has been a Special Advisor with Management Partners for the past six years and is a retired City Manager with a background in economic development. His career included 18 years as Economic Development Director, then City Manager in Emeryville during its transformation from 1995 to 2013. A copy of his biography is attached (see Attachment 2). He has been engaged to assist with the preparation of this report and will attend the City Council meeting to answer questions. If Council directs staff to proceed with the hotel analysis and approves this appropriation request, the scope of Mr. O’Keeffe’s engagement will be expanded.

The following table summarizes the various consulting elements and the estimated cost:

ANALYSIS	FIRM TYPE	ESTIMATED COST	NOTES
Soils Analysis	Spoils Engineering	\$16,000	Soils characteristics
Soils Analysis	Soils Engineering	\$22,000	Phase I & II toxics
Property Appraisal	MAI Appraiser	\$5,000	
Hotel Market Study	Hotel Consultant	\$50,000	
Conceptual Plan	Architect	\$20,000	Concept Plan
Project Coordination	Management Partners	\$25,000	Hotel analysis
Total		\$ 138,000	Total Estimate

Once the studies are complete and assuming the hotel site is viable, the City would have two choices on how to proceed: (1) Place the property on the market with a broker and entertain purchase offers; or (2) Conduct a competitive selection process through the issuance of a Request for Proposals to identify the best partner for developing a hotel. Staff recommends the latter approach, as it gives the City the

greatest control over the qualifications of the developer, type of facility, and design. Mr. O’Keeffe would lead these efforts on the City’s behalf.

Future Housing Site Analysis

In addition to the hotel site, Mr. O’Keeffe is available to assist with exploring the viability of other City parcels for housing, including affordable housing. As Council is aware, cities are being required to identify and facilitate the construction of housing. Some of the same steps outlined that are related to the hotel project will be required to analyze the suitability of City properties for housing. If Council expresses interest in this direction, staff will return with more information and a further funding request.

Conclusion

Tonight’s requested action is to appropriate funding in the amount of \$138,000 for the exploration of the E Street parking lot as a future hotel site.

NEXT STEPS:

With Council’s approval, staff will implement the appropriation and report back when the site has been fully evaluated for further decision-making.

ALTERNATIVES:

Provide direction not to analyze the E. 2nd St. City parcel for viability as a future hotel.

Provide direction to analyze E. 2nd St. the City parcel for housing.

Provide direction to begin the housing site analysis process for other City owned parcels.

General Plan	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.
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Priority Based Budgeting	Strategic City Result Impacted by this Agenda Item
	<p>The City Council and community identified six (6) key “Results” that establish the key goals for which the City of Benicia aspires to achieve with our programs and services. Agenda Items often influence multiple Results, the primary Result impacted by this Agenda Item is (please check one):</p> <p><input type="checkbox"/> Protect Community Health & Safety</p> <p><input type="checkbox"/> Maintain & Enhance A High Quality of Life</p> <p><input type="checkbox"/> Preserve & Enhance Infrastructure</p> <p><input checked="" type="checkbox"/> Strengthen Economic & Fiscal Conditions</p> <p><input type="checkbox"/> Protect & Enhance the Environment</p> <p><input type="checkbox"/> High Performing Government</p>
	City Programs Impacted by This Agenda Item (Top 3):
	<ol style="list-style-type: none"> 1. Business Attraction 2. Management of City-Owned Property

	<p>3. Community Engagement and Public Relations – Economic Development</p> <p>Priority Based Budgeting (PBB) Website: Coming soon in Spring 2020 will be a link to the City of Benicia’s PBB website to learn more about these programs and their costs.</p>
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<p>CEQA Analysis</p>	<p>This report is exempt from CEQA under Section 15061(b)(3) the “general rule” exemption, which states that where it can be seen with certainty that there is no environment, the activity is exempt from CEQA.</p>
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ATTACHMENTS:

1. Resolution – Funding Request for Exploration of Hotel Development Feasibility
2. Pat O’Keeffe Biography

For more information contact: Lorie Tinfow, City Manager

Phone: 707.746.4200

E-mail: ltinfow@ci.benicia.ca.us

RESOLUTION NO. 20-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING THE ALLOCATION OF \$138,000, AND AUTHORIZING THE CITY MANAGER TO ENTER INTO CONSULTING AGREEMENTS FOR DETERMINING THE FEASIBILITY OF A HOTEL DEVELOPMENT ON THE CITY OWNED PARCEL ON EAST 2ND STREET

WHEREAS, on July 16, 2019, the City Council of the City of Benicia approved the Work Plan for Fiscal Year 2019-20, which includes an Economic Development Program; and

WHEREAS, the Work Plan includes undertaking studies to determine the feasibility of a hotel development on a City owned parcel on E. 2nd Street; and

WHEREAS, a budget, source of funds, and list of studies required has been developed and recommended to the City Council for approval, including soils analysis, market analyses, appraisal, conceptual plan and project management.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Benicia does hereby appropriate \$138,000 from the General Fund's unassigned fund balance for the undertaking of various studies and project management.

BE IT FURTHER RESOLVED THAT the City Council of the City of Benicia authorizes the City Manager to enter into agreements for the following consultants:

- Soils engineering for determining soils characteristics
- Soils engineering for determining potential soils contamination
- Property appraisal to determine value of parcel for resale for development
- Hotel market study to determine feasibility of hotel development
- Conceptual plan by an architect to determine hotel feasibility
- Project management services to coordinate consultants and provide summary analyses

Attachment 1 - Resolution – Funding Request for Exploration of Hotel Development Feasibility

On motion of Council Member _____, seconded by Council Member _____, the above Resolution was adopted by the City Council of the City of Benicia at a regular meeting of said Council held on the 3rd day of March, 2020 by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk

Date



Management Partners

Patrick O’Keeffe, Special Advisor

Patrick has 39 years of public sector management experience, including over six years as a city manager. He serves as a facilitator for council workshops, other policy level group discussions, and management team retreats. Pat has facilitated council workshops for the cities of Half Moon Bay, Tulare, San Leandro, El Cerrito and Foster City, and numerous policy sessions for a group of agencies comprising the Tri-Valley Utilities. Those agencies are the cities of Livermore, Pleasanton, San Ramon and Dublin; the Alameda County Zone 7 Water Agency; and, the Dublin San Ramon Services District. Since joining Management Partners, Pat has provided expert executive management services and economic development project consulting to numerous Bay Area cities including South San Francisco, Redwood City, Hayward, Vallejo, Albany, El Cerrito, Walnut Creek, Pacifica and Martinez. He has updated the economic development plans for the cities of El Cerrito and Walnut Creek, and has facilitated performance evaluations for City Manager and City Attorney for the cities of Dublin and Saratoga. He has also provided organizational assessments for the Bay Area Rapid Transit District and the City of Sacramento. He has served in interim positions as the City Manager and Public Works Director for Albany, Assistant City Manager and Economic Development Director for South San Francisco, and Community Development Director for Martinez. He has served 26 cities in his five years with Management Partners.

He began his career with the City of Concord Redevelopment Agency where he served as project manager of public facility projects and public/private economic development partnerships. Patrick then served as director of the Community Development Department/ Redevelopment Agency Executive Director for the City of El Cerrito. Next, he was hired as director of economic development and housing for the City of Emeryville. He served in that role for 12 years and was then appointed city manager and served an additional six years.

Contact:

pokeeffe@managementpartners.com

(925) 997-7753



**AGENDA ITEM
CITY COUNCIL MEETING DATE – MARCH 3, 2020
BUSINESS ITEMS**

TO: City Council

FROM: City Attorney

SUBJECT: **INTRODUCTION OF AN ORDINANCE AMENDING BENICIA MUNICIPAL CODE CHAPTERS 1.36 (VOLUNTARY CODE OF FAIR CAMPAIGN PRACTICES), 1.40 (DISCLOSURE OF CONTRIBUTIONS AND EXPENDITURES IN CANDIDATE AND BALLOT MEASURE ELECTIONS) AND 1.42 (CONTRIBUTION AND VOLUNTARY SPENDING LIMITS)**

EXECUTIVE SUMMARY:

On January 6, 2020, the Benicia City Council considered amendments to the Benicia Municipal Code (“BMC”) Chapters 1.36 (Voluntary Code of Fair Campaign Practices), 1.40 (Disclosure of Contributions and Expenditures in Candidate and Ballot Measure Elections) and 1.42 (Contribution and Voluntary Spending Limits) proposed by the Benicia Open Government Commission (“OGC”). The City Council provided direction to the City Attorney’s office as to which of the OGC’s proposed amendments should be included in an ordinance. The City Attorney’s office has drafted an ordinance reflecting the City Council’s direction.

RECOMMENDATION:

Move to waive the first reading and introduce an ordinance (Attachment 1) of the City Council amending Benicia Municipal Code Chapters 1.36 (Voluntary Code of Fair Campaign Practices), 1.40 (Disclosure of Contributions and Expenditures in Candidate and Ballot Measure Elections) and 1.42 (Contribution and Voluntary Spending Limits) and finding the ordinance exempt under the California Environmental Quality Act.

BUDGET INFORMATION:

No financial or budgetary impacts.

BACKGROUND:

On January 15, 2019, the City Council directed the OGC to consider possible updates and amendments to the City’s campaign-related laws and regulations. The City Council further recommended the creation of an Ad Hoc Committee to evaluate potential amendments. The Ad Hoc Committee met over a series of months to evaluate the City’s existing laws and regulations regarding campaign practices, expenditures and spending limits.

On October 21, 2019, the OGC convened to finalize proposed amendments regarding the City's campaign regulations. On January 6, 2020, the City Council received a staff presentation and public testimony regarding the OGC's proposed amendments. The City Council discussed the proposed amendments and directed the City Attorney's office to present, at first reading, an ordinance which amends the Benicia Municipal Code as follows:

1. Amends Chapters 1.36, 1.40 and 1.42 to clarify that all campaign-related regulations of the City of Benicia apply to recalls, initiatives, and other City ballot measures.
2. Amends Chapter 1.42 to add a provision providing that the OGC may sponsor an additional Mayoral and City Council candidates' forum.
3. Amends Chapter 1.40 to add a section regarding persuasive polls which:
 - includes definitions of "persuasive poll" and "scientific poll";
 - requires that any person who is responsible for or administers a persuasive poll file a disclosure statement within 24 hours of initiating a persuasive poll;
 - establishes a process in which the City Attorney may recommend that an independent hearing officer conduct a hearing to determine if a persuasive poll has been made and a disclosure statement needs to be filed. The hearing officer shall make findings as to whether a poll amounts to a persuasive poll as that term is defined in the BMC.

AB 2880 Alternative.

The City Attorney's office has also evaluated an alternative process regarding determination of persuasive polls by an independent hearing officer. The City Council may wish to consider pursuing an option available in which the FPPC would assume responsibility for enforcement of the City's campaign and ethics regulations and laws. AB 2880 (codified as Government Code 83123.6) became effective on January 1, 2019. The bill authorizes the FPPC to administer and enforce a local campaign finance ordinance or government ethics law upon mutual agreement between the FPPC and a city. Where a city and the FPPC enter into such an agreement, the following notable conditions would apply:

1. The FPPC is permitted to act as civil prosecutor of a city's campaign finance ordinance including providing advice, investigating possible violations, and initiating administrative and civil actions. The FPPC is not required to obtain authorization from a city to bring an administrative or civil action.
2. A city is required to consult with the FPPC prior to adopting and amending any local campaign finance ordinance or government ethics law that is subsequently enforced by the FPPC.
3. A city is required to reimburse the FPPC for all costs borne in carrying out its obligations under the agreement.

If the City Council wishes to pursue an AB 2880 agreement with the FPPC, doing so would place the enforcement responsibility for the City's persuasive poll ordinance (in addition to all other campaign

related laws) in the hands of the FPPC as opposed to an independent hearing officer. While the AB 2880 alternative would provide a neutral, measured enforcement mechanism for the City’s campaign and ethics laws, it would also remove some local control and discretion. Specifically, the FPPC could determine when and under what circumstances it opted to initiate administrative or civil actions for violations of the City’s regulations. Additionally, the City would be subject to the FPPC’s timelines and strategies for pursuing particular violations. There is no guarantee that the FPPC would indeed enter into an AB 2880 agreement with the City, but the City Attorney’s office could pursue such an agreement.

NEXT STEPS:

If passed, consider ordinance at second reading and adopt ordinance.

ALTERNATIVE ACTIONS:

Direct City Attorney to make certain changes and/or amendments to the ordinance.

General Plan	N/A
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Priority Based Budgeting	Strategic City Result Impacted by this Agenda Item
	The City Council and community identified six (6) key “Results” that establish the key goals for which the City of Benicia aspires to achieve with our programs and services. Agenda Items often influence multiple Results, the primary Result impacted by this Agenda Item is (please check one):
	<input type="checkbox"/> Protect Community Health & Safety <input type="checkbox"/> Maintain & Enhance A High Quality of Life <input type="checkbox"/> Preserve & Enhance Infrastructure <input type="checkbox"/> Strengthen Economic & Fiscal Conditions <input type="checkbox"/> Protect & Enhance the Environment <input checked="" type="checkbox"/> High Performing Government
	City Programs Impacted by This Agenda Item (Top 3):
	1. Boards and Commissions - Open Government Commission 2. Legal Counsel for City Council 3. Elections Administration
	Priority Based Budgeting (PBB) Website:
	Coming soon in Spring 2020 will be a link to the City of Benicia’s PBB website to learn more about these programs and their costs.

CEQA Analysis	N/A
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ATTACHMENTS:

1. Ordinance – Amendments to Campaign Related Regulations

For more information contact: Benjamin Stock, City Attorney

Phone: 415-755-2600

E-mail: bstock@ci.benicia.ca.us

CITY OF BENICIA

ORDINANCE NO. 20-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BENICIA AMENDING BENICIA MUNICIPAL CODE CHAPTERS 1.36 (VOLUNTARY CODE OF FAIR CAMPAIGN PRACTICES), 1.40 (DISCLOSURE OF CONTRIBUTIONS AND EXPENDITURES IN CANDIDATE AND BALLOT MEASURE ELECTIONS) AND 1.42 (CONTRIBUTION AND VOLUNTARY SPENDING LIMITS) OF TITLE 1 (GENERAL PROVISIONS) REGARDING VARIOUS CAMPAIGN RELATED REGULATIONS

WHEREAS, on January 15, 2019, the City Council directed the Benicia Open Government Commission to consider possible updates and amendments to the City’s campaign-related laws and regulations; and

WHEREAS, the City Council further recommended the creation of an Ad Hoc Committee to evaluate potential amendments to the City’s campaign-related laws and regulations; and

WHEREAS, the Ad Hoc Committee met over a series of months to evaluate the City’s existing laws and regulations regarding campaign practices, expenditures and spending limits; and

WHEREAS, on October 21, 2019, the Open Government Commission convened to finalize proposed amendments regarding the City’s campaign regulations; and

WHEREAS, on January 6, 2020, the City Council received a staff presentation and public testimony regarding the Open Government Commission’s proposed amendments to Benicia Municipal Code Chapters 1.36, 1.40 and 1.42; and

WHEREAS, on January 6, 2020, the City Council discussed each proposed amendment, deliberated, and provided direction to the City Attorney’s office to return with an ordinance amending Chapters 1.36, 1.40 and 1.42; and

WHEREAS, the City Council of the City of Benicia held a duly noticed public hearing on the proposed amendments and introduced Ordinance No. _____ on March 3, 2020.

NOW, THEREFORE, the City Council of the City of Benicia does hereby ordain as follows:

Section 1. Chapter 1.36 (Voluntary Code of Fair Campaign Practices), 1.40 (Disclosure of Contributions and Expenditures in Candidate and Ballot Measure Elections) and 1.42 (Contribution and Voluntary Spending Limits) of Title 1 (General Provisions) of the Benicia Municipal Code is hereby amended as set forth in Attachment 1, attached hereto and incorporated herein by reference.

Section 2. **Severability.** If any section, subsection, phrase or clause of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

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

Section 3. **Compliance with CEQA.** The City Council hereby finds that the action to adopt this Ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA), pursuant to Section 15061(b)(3) of the CEQA Guidelines, because it can be seen with certainty that there is no possibility the adoption of this Ordinance may have a significant effect on the environment and pursuant to CEQA Guidelines section 15060, subd. (c)(2), because the ordinance will not result in a direct or reasonably foreseeable indirect physical change in the environment.

Section 4. **Publication.** The City Clerk is hereby ordered and directed to certify the passage of this Ordinance by the City Council of the City of Benicia, California and cause the same to be published in accordance with State law.

Section 5. **Effective Date.** This Ordinance shall be in full force and effective thirty (30) days after its adoption and shall be published and posted as required by law.

On motion of Council Member _____, seconded by Council Member _____, the foregoing ordinance was introduced at a regular meeting of the City Council on the 3rd day of March, 2020, and adopted at a regular meeting of the Council held on the _____ day of _____ 2020, by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk

Date

**ATTACHMENT 1
TO ORDINANCE NO. _____**

Chapter 1.36

VOLUNTARY CODE OF FAIR CAMPAIGN PRACTICES

Sections:

1.36.010 Findings.

1.36.020 Purpose.

1.36.030 Application

1.36.0~~430~~ Qualification for compliance.

1.36.010 Findings.

The city council finds as follows:

A. There are basic principles of honesty, fairness, responsibility and respect to which every candidate for public office should adhere in order to be worthy of the public office that that candidate seeks.

B. Campaign communications should present only information that is fair, relevant and truthful to the voters for their consideration.

C. Candidates who fall short of adhering to such principles alienate the public from the electoral process and erode the public's trust and confidence in the offices that those candidates seek.

D. Electoral campaigns are subject to unacceptable levels of negativism, attack advertising and other practices that demean representative democracy and undermine elected officials' ability to serve in the public interest.

E. Negative, attack-oriented campaigns are a major factor in the growing cynicism, alienation and nonparticipation among American voters, striking at the heart of the American system of government.

F. Candidates have a responsibility to conduct civil, issue-oriented debates with fellow candidates and provide opponents with a meaningful opportunity to respond to any claims concerning their positions or qualifications to hold office.

G. Candidates for public office should have the ability to conduct clean and ethical campaigns. (Ord. 07-01 § 1).

1.36.020 Purpose.

The city council enacts this chapter to accomplish the following purposes:

A. To promote the principles of honesty, fairness, responsibility and respect in campaigning for public office.

B. To promote campaign communications to the public that are fair, relevant and truthful.

C. To induce candidates to adhere to principles which enhance the electoral process and build the public's trust and confidence.

D. To eliminate unacceptable levels of negativism, attack advertising and other practices that demean representative democracy and undermine an elected official’s ability to serve the public interest.

E. To promote responsible civil conduct and issue-oriented debates.

F. To promote candidates for public office to conduct clean and ethical campaigns. (Ord. 07-01 § 1).

1.36.030 **Application**

This chapter shall apply to all election campaigns including campaigns for Mayor and City Council, citizen initiatives, referenda, recalls and all other City ballot measures.

1.36.040 **Qualification for compliance.**

A candidate (or controlled committees of such candidates running for office or a committee formed for the purpose of a recall) qualifies as a participating candidate for an election campaign period if the following requirements are met:

A. The candidate voluntarily endorses, subscribes to, and solemnly pledges to conduct his or her campaign in accordance with the current version of the Benicia Code of Fair Campaign Practices.

B. The candidate will immediately and publicly repudiate those who take actions that either help a candidate’s candidacy or hurt an opponent’s candidacy, which are inconsistent with the Benicia Code of Fair Campaign Practices.

C. At the time an individual files his or her declaration of candidacy, nomination papers, or any other paper evidencing an intention to be a candidate for public office, the elections official shall give the individual a blank form of the Benicia Code of Fair Campaign Practices and a copy of this chapter. The elections official shall inform each candidate for public office that subscription to the code is voluntary.

D. If the candidate agrees to voluntarily endorse, subscribe to, and solemnly pledge to conduct their campaign in accordance with the current version of the Benicia Code of Fair Campaign Practices:

1. The cost for setup and printing of each candidate’s statement will be borne by the city; and
2. The cost of printing the statement of qualifications in English and inspection costs to determine the accuracy and legal form of the nomination papers shall be borne by the city.

E. Candidates for public office who do not voluntarily endorse, subscribe to, and solemnly pledge to conduct their campaign in accordance with the current version of the Benicia Code of Fair Campaign Practices will be responsible for any and all cost for the setup and printing of each candidate’s statement and the printing of the statement of qualifications in English and inspection costs to determine the accuracy and legal form of the nomination papers. (Ord. 07-01 § 1).

Chapter 1.40

DISCLOSURE OF CONTRIBUTIONS AND EXPENDITURES IN CANDIDATE AND BALLOT MEASURE ELECTIONS

Sections:

- 1.40.010 Purpose.
- 1.40.020 Definitions.
- 1.40.030 Application
- 1.40.0~~4~~30 Additional campaign statements.
- 1.40.0~~5~~40 Supplemental independent expenditure reports in candidate elections.
- 1.40.0~~6~~410 Independent expenditure in 45 days preceding election.
- 1.40.0~~7~~420 Disclaimer requirements for campaign communications funded by independent expenditures.
- 1.40.0~~8~~50 Access to records.
- 1.40.0~~9~~60 Ballot measure finance disclosure.
- 1.40.10070 Contributor occupation and employer.
- 1.40.1~~0~~508010 Campaign literature – Filing with city clerk.
- 1.40.1~~0~~09020 Recordkeeping.
- 1.40.1~~2~~0030 Disclaimers on campaign communications.
- 1.40.140 Persuasive Polls
- 1.40.1~~3~~1050 Duties of city clerk and city attorney.
- 1.40.1~~4~~2060 Enforcement.
- 1.40.1~~5~~4070 Verification.
- 1.40.1~~6~~5080 Injunction.

1.40.010 Purpose.

This chapter is intended to supplement the Political Reform Act of 1974. (Ord. 09-08 § 1; Ord. 07-18 § 1).

1.40.020 Definitions.

The definitions set forth in the Political Reform Act of 1974 as amended (Government Code Sections 82000 through 82055) shall govern the interpretation of this chapter, unless otherwise specified herein. (Ord. 09-08 § 1; Ord. 07-18 § 1).

1.40.030 Application

This chapter shall apply to all election campaigns including campaigns for Mayor and City Council, citizen initiatives, referenda, recalls and all other City ballot measures.

1.40.0~~4~~30 Additional campaign statements.

A. In addition to the campaign statements required to be filed pursuant to the Political Reform Act, commencing with Government Code Section 8100, as amended, candidates for mayor and city council, their controlled committees and committees primarily formed to support or oppose these candidates shall file an additional pre-election statement by 4:30 p.m. on the Wednesday immediately preceding the election. This statement shall have a closing date of the prior Sunday and shall cover activity and payments occurring from the closing date of the last report filed by the candidate or committee through and including that Sunday.

B. In addition to the campaign statements required to be filed pursuant to the Political Reform Act, commencing with Government Code Section 8100, as amended, candidates for mayor and city council, their controlled committees and committees primarily formed to support or oppose these candidates shall file a post-election statement by 4:30 p.m. on the Friday immediately following the election. This statement shall include all activity and payments occurring from the closing date of the last report filed by the candidate or committee through and including Election Day. (Ord. 09-08 § 1; Ord. 07-18 § 1).

1.40.0540 Supplemental independent expenditure reports in candidate elections.

Any person or committee making independent expenditures totalling \$1,000 or more in a calendar year, supporting or opposing a candidate for mayor or city council, regardless of where or when it files its campaign reports under the Political Reform Act, the Federal Election Campaign Act, or any similar law, shall file a California Supplemental Independent Expenditure Report (Form 465) with the city clerk at the same time as the mayoral and city council candidates, covering the same period and disclosing the information required by that statement. (Ord. 09-08 § 1; Ord. 07-18 § 1).

1.40.06041 Independent expenditures in 45 days preceding election.

A. Disclosure of Expenditures. Any person, including any committee, that makes or incurs independent expenditures of \$1,000 or more in support of or in opposition to any city measure or candidate for mayor or city council, in the 45 days before an election in which the measure or candidate appears on the ballot, shall notify the city clerk within 24 hours by personal delivery, fax or email each time one or more expenditures which meet this threshold are made.

B. Contents of Notice.

1. The notice shall specify:

- a. Each candidate or measure supported or opposed by the expenditure;
- b. The amount spent to support or oppose each candidate or measure;
- c. Whether the candidate or measure was supported or opposed;
- d. The date and amount of each expenditure;
- e. A description of the type of communication for which the expenditure was made;
- f. The name and address of the person making the expenditure; and
- g. The name and address of the payee.

2. The notice shall include a statement that the expenditure was not made at the behest of any candidate or ballot measure proponent who benefited from the expenditure.

3. The notice shall be signed under penalty of perjury by both a responsible officer and the treasurer of the committee making the expenditure.

C. Notification to Candidates of Expenditures. The city clerk will notify all candidates by fax or e-mail in the affected race within one business day after receiving the notice of independent expenditures of \$1,000 or more. The notification will indicate the candidate who was supported or opposed by the expenditure and include a copy of the communication provided by the person or group making the expenditure.

D. Exemption for Regularly Published Newsletters. For purposes of the notification required by subsection (A) of this section, payments by an organization for its regularly published newsletter or periodical, if the circulation is limited to the organization's members, employees, shareholders, other

affiliated individuals and those who request or purchase the publication, shall not be required to be reported. (Ord. 09-08 § 1).

1.40.07042 Disclaimer requirements for campaign communications funded by independent expenditures.

A. Campaign communications funded by an independent expenditure supporting or opposing city candidates or city measures shall include the phrase “Not authorized by a candidate,” and shall also include the name of any contributor of \$2,500 or more made in the past six months to a committee funding the independent expenditure, in the phrase “Major Funding Provided By [Name of Contributor(s)].” Expenditures of \$2,500 or more that are earmarked for any other candidate or ballot measure outside of the city of Benicia need not be disclosed.

B. The disclosures required by this section shall be presented in a clear and conspicuous manner to give the reader, observer or listener adequate notice, as specified below:

1. For printed campaign communications that measure no more than 24 inches by 36 inches, all disclosure statements required by this section shall be printed using a typeface that is easily legible to an average reader or viewer, but is not less than 10-point type in contrasting color to the background on which it appears. For printed campaign communications larger than this size in area, all disclosure statements shall constitute at least five percent of the height of the material and shall be printed in contrasting color.

2. For video broadcasts including television, satellite and cable campaign communications, the information shall be both written and spoken either at the beginning or at the end of the communication, except that if the disclosure statement is written for at least five seconds of a broadcast of 30 seconds or less or 10 seconds of a 60-second broadcast, a spoken disclosure statement is not required. The written disclosure statement shall be of sufficient size to be readily legible to an average viewer and air for not less than four seconds.

3. For audio, telephone call or radio advertisement campaign communications, the disclosures shall be spoken in a clearly audible manner at the same speed and volume as the rest of the telephone call or radio advertisement at the beginning or end of the communication and shall last at least three seconds.

C. For purposes of this section, “campaign communication” means any of the following items:

1. More than 200 substantially similar pieces of campaign literature distributed within a calendar month, including but not limited to mailers, flyers, faxes, pamphlets, door hangers, e-mails, campaign buttons 10 inches in diameter or larger, and bumper stickers 60 square inches or larger;
2. Posters, yard or street signs, billboards, supergraphic signs and similar items;
3. Television, cable, satellite and radio broadcasts;
4. Newspaper, magazine, Internet website banners and similar advertisements;
5. Two hundred or more substantially similar live or recorded telephone calls made within a calendar month.

D. For purposes of this section, “campaign communication” does not include: small promotional items such as pens, pencils, clothing, mugs, potholders, skywriting or other items on which the statement required by this section cannot be reasonably printed or displayed in an easily legible typeface; communications paid for by a newspaper, radio station, television station or other recognized news

medium; and communications from an organization to its members other than a communication from a political party to its members.

E. The disclaimer on campaign communications must be updated when a new person qualifies as a disclosable contributor or when the committee's name changes. Broadcast advertisement disclosures must be amended within five calendar days after a new person qualifies as a disclosable contributor or a committee's name changes.

A committee shall be deemed to have complied with this section if the amended advertisement is mailed, containing a request that the advertisement immediately be replaced, to all affected broadcast stations by overnight mail no later than the fifth day. For printed campaign communications and other material, disclosure information must be amended to reflect accurate disclosure information every time an order to reproduce the communication is placed. (Ord. 09-08 § 1).

1.40.0850 Access to records.

All campaign reports required to be filed by any candidate or committee with the city clerk shall be scanned and stored in .pdf format. The reports shall be posted on the city's website no later than two working days after filing. (Ord. 09-08 § 1; Ord. 07-18 § 1).

1.40.0960 Ballot measure finance disclosure.

Unless otherwise indicated, if a recall, referendum or initiative petition impacting city elected officials or city law is filed, the proponent shall be subject to the same provisions of this chapter as are applicable to candidates for elective city office, and any committee supporting or opposing the measure shall be subject to the same disclosure provisions as are applicable to committees making contributions or expenditures in connection with city candidate elections. (Ord. 09-08 § 1).

1.40.1070 Contributor occupation and employer.

No contribution shall be deposited into a campaign checking account of a candidate for mayor or city council unless the name, address, occupation and employer of the contributor are on file in the records of the recipient of the contribution. (Ord. 09-08 § 1).

1.40.1180 Campaign literature – Filing with city clerk.

An independent expenditure committee that makes an expenditure for 200 or more recorded telephone calls or any other forms of electronic or facsimile transmission of substantially similar content, or that makes an expenditure of \$1,000 or more for a radio or television advertisement, or that mails or otherwise distributes more than 200 substantially similar pieces of campaign literature in support of or opposition to any candidate for mayor or city council, shall give a copy of the literature or script used for each communication to the city clerk within 24 hours of the first time the mailings, calls, transmissions, or advertisements are made or aired. (Ord. 09-08 § 1).

1.40.1290 Recordkeeping.

Candidates for mayor and city council, and committee treasurers, shall maintain such detailed accounts, records, invoices and receipts as are necessary to prepare campaign statements and to comply with the Political Reform Act, the regulations of the Fair Political Practices Commission and this chapter. (Ord. 09-08 § 1).

1.40.1300 Disclaimers on campaign communications.

Any committee who mails or otherwise distributes more than 200 substantially similar pieces of campaign literature shall print, display or incorporate the following words anywhere within the communication: "Paid for by" immediately followed by the name, address and city of that committee. If the sender of a mass mailing is a controlled committee, the name of the person controlling the committee shall also be included. If an acronym is used to specify a committee name, the full name of any

sponsoring organization of the committee shall be included in the campaign communication disclaimer required by this section. (Ord. 09-08 § 1).

1.40.140 Persuasive Polls

A. For purposes of this section, the following terms shall have the following meanings:

1. “Persuasive Poll” shall mean any survey or series of surveys made by telephone, mail, text, e-mail or other electronic means, that refer to a clearly identified candidate for City elective office and for which all of the following are true:

- a. The survey includes an untrue statement about a candidate for City elective office,
- b. The person(s) conducting or responsible for the survey do not collect or tabulate survey results for all of the surveys,
- c. The survey is designed or intentionally conducted in a manner calculated to influence the vote of the respondent.

Persuasive polls are expenditures as that term is used in the Political Reform Act of 1974. A scientific poll is not persuasive poll regardless of whether the poll meets the standards of subsections (a)-(c) of this subsection.

2. “Scientific Poll” shall mean any survey or series of surveys made by telephone, mail, text, e-mail or other electronic means, targeted at a random sampling of the population in order to obtain statistical data on opinions regarding a candidate(s) for City elective office.

B. Disclosure Statement Required.

1. Any person who authorizes, administers or makes payment for a persuasive poll shall, within 24 hours after initiation of said persuasive poll, file a disclosure statement with the City Clerk of the City of Benicia which statement shall include the following information:

- a. The dates during which the persuasive poll was conducted,
- b. The complete script used in conducting the persuasive poll, including every question asked in the survey and every statement made to respondents in the survey.
- c. Verification, under penalty of perjury, as to the accuracy and completeness of the information provided in the disclosure statement.

2. A person authorizing, administering or making payment for a persuasive poll is not required to file a disclosure statement under this section if the person is aware that another person authorizing, administering or making payment for the same persuasive poll has filed a disclosure statement for the persuasive poll as required by this section.

C. Determination of Persuasive Poll.

1. If, pursuant to a complaint or notification by any person, the City Attorney becomes aware that a persuasive poll has been made, and a disclosure statement has not been filed pursuant to subsection (B) of this section, the City Attorney may recommend that an independent hearing officer, who is neither an employee nor official of the City, conduct a hearing to determine whether a persuasive poll has been made and a disclosure statement need be filed.

2. In making its determination as to whether a persuasive poll has been made and a disclosure statement need be filed, the hearing officer shall make findings, based on evidence presented to it, which findings establish whether or not a poll amounts to a persuasive poll as that term is defined in subsection (A) of this section. Notwithstanding Chapter 1.44, the determination of the hearing officer shall be final and not subject to appeal.

1.40.1510 Duties of city clerk and city attorney.

The city clerk shall administer the provisions of this section. In addition to other duties required under this chapter, the clerk shall:

- A. Report apparent violations of this section and applicable state law to the city attorney.
- B. Conduct audits of reports and statements filed by candidates and committees supporting or opposing candidates for mayor and city council, as well as proponents and committees supporting or opposing city ballot measures. The city clerk may employ or contract with auditors when necessary to audit reports filed under this chapter.
- C. The city attorney and city clerk may subpoena witnesses, compel their attendance and testimony, administer oaths and affirmations, take evidence and require by subpoena the production of any books, papers, records or other items necessary to the audit and investigation of candidates and committees. (Ord. 09-08 § 1).

1.40.1620 Enforcement.

A. Criminal Enforcement. Any person who knowingly or willfully violates any provisions of this chapter is guilty of a misdemeanor. Any person who causes any other person to violate any provision of this chapter, or who aids and abets any other person in the violation of any provision of this chapter, shall be liable under the provisions of this section. Prosecution for violation of any provision of this chapter must be commenced within two years after the date on which the violation occurred.

B. Civil Enforcement.

1. Any person who intentionally or negligently violates any provision of this chapter shall be liable in a civil action brought by the city attorney. Where no specific civil penalty is provided, a person may be liable for an amount up to \$2,000 for each violation.
2. Any person who intentionally or negligently makes or receives a contribution, or makes an expenditure, in violation of any provision of this chapter shall be liable in a civil action brought by the city attorney for an amount up to three times the amount of the unlawful contribution or expenditure.
3. If two or more persons are responsible for any violation, they shall be jointly and severally liable.
4. In determining the amount of liability under this subsection, the court may take into account any mitigating factors and any aggravating factors.
5. No civil action alleging a violation of this chapter shall commence more than two years after the date of the election for which the funds at issue were contributed or expended. (Ord. 09-08 § 1).

1.40.1740 Verification.

All notices, reports and statements filed under this chapter shall be signed and verified by the filer under penalty of perjury. The person signing shall read, know and understand the contents of all such documents. (Ord. 09-08 § 1).

1.40.1850 Injunction.

The city attorney on behalf of the people of the city of Benicia may sue for injunctive relief to enjoin violations or threatened violations or to compel compliance with the provisions of this chapter. (Ord. 09-08 § 1).

Chapter 1.42

CONTRIBUTION AND VOLUNTARY SPENDING LIMITS

Sections:

- 1.42.010 Purpose.
- 1.42.020 Definitions.
- 1.42.030 Application
- 1.42.0~~3~~40 Campaign contribution limitations.
- 1.42.04~~5~~0 Loans.
- 1.42.05~~6~~0 Use of personal funds.
- 1.42.06~~7~~0 Voluntary expenditure limits.
- 1.42.07~~8~~0 Lifting of voluntary expenditure limits.
- 1.42.08~~9~~0 Notification by non-participating candidate regarding expenditure ceiling.
- 1.42.09~~1~~00 Candidate acceptance or rejection of the voluntary expenditure limit.
- 1.42.10~~1~~0 Adjustment of limits for inflation.
- 1.42.11~~2~~0 Candidate forum.
- 1.42.12~~3~~0 Enforcement.

1.42.010 Purpose.

This chapter is intended to supplement the Political Reform Act of 1974. (Ord. 09-12 § 1).

1.42.020 Definitions.

The definitions set forth in the Political Reform Act of 1974 as amended (Government Code Sections 82000 through 82055) shall govern the interpretation of this chapter, unless otherwise specified herein.

“Candidate Forum” means a place, meeting or medium where ideas and views on particular issues are shared in a non-debate format and to which all registered candidates for Mayor or City Council offices have been invited.

“Debate” means a discussion between two or more candidates who have qualified to appear on a ballot for an elective city office that is moderated by an independent third party and that is attended by the public.

“Election” means any candidate election held for elective city office in the city of Benicia, including a general municipal election, a run-off election, a special election and a recall election.

“Elective city office” means the offices of mayor, city council member, city clerk and city treasurer.

“Elective city officer” means any individual who is a mayor, city council member, city clerk or city treasurer, whether appointed or elected.

“Qualified campaign expenditure” means:

1. Any expenditure made by a candidate for city council or mayor, or by a committee controlled by such a candidate, for the purpose of influencing or attempting to influence the actions of the voters for or against the election of a candidate for city council or mayor.
2. A nonmonetary contribution provided at the behest of or with the approval of the candidate or committee controlled by the candidate. (Ord. 09-12 § 1).

1.42.030 Application

This chapter shall apply to all election campaigns including campaigns for Mayor and City Council, citizen initiatives, referenda, recalls and all other City ballot measures.

1.42.040 Campaign contribution limitations.

No person shall contribute a total of more than \$250.00 to any candidate for city council, mayor, city clerk or city treasurer and to his or her controlled committee for a single election. A candidate for city council, mayor, city clerk or city treasurer, and his or her controlled committee together shall not accept any contribution or contributions totaling more than \$250.00 from any person for a single election. Nothing in this section is intended to limit the amount a candidate may contribute to his or her campaign from his or her personal funds. (Ord. 09-12 § 1).

1.42.050 Loans.

No person shall make, and no person or candidate shall solicit or accept, any loan for a period of more than 30 days in connection with an election for city council or mayor. Loans to a candidate or to a candidate's controlled committees shall be counted against the contribution limitations applicable to the candidate. A candidate is not prohibited from obtaining a personal loan of any amount from a licensed financial lending institution in the regular course of business, unless the loan is made for political purposes. This section shall not limit the amount or duration of loans from the candidate to his or her own campaign. (Ord. 09-12 § 1).

1.42.060 Use of personal funds.

No candidate shall expend more than \$5,000 in personal funds, whether contributed or loaned, in connection with his or her campaign for elected city office until the following conditions have been met:

A. All personal funds to be expended by the candidate shall first be deposited in the candidate's campaign contribution checking account at least 30 days before the election.

B. The candidate shall mail or personally deliver a letter noting the depositing of personal funds exceeding \$5,000 and the amount of the deposit by guaranteed overnight mail to the city clerk within 48 hours of the deposit date. The city clerk shall notify all other candidates running for that office of the deposit and amount within 24 hours. The hour limits exclude weekends and city holidays. (Ord. 09-12 § 1).

1.42.070 Voluntary expenditure limits.

A. Notwithstanding any other provision of this chapter, any candidate for city council or mayor who files a statement of acceptance of the voluntary expenditure limits specified in this section shall be allowed to collect contributions or loans in twice the amounts specified in BMC 1.42.030.

B. The maximum qualified campaign expenditures for a candidate for mayor or city council shall be \$28,000. (Ord. 09-12 § 1).

1.42.080 Lifting of voluntary expenditure limits.

If a candidate for mayor or city council declines to accept the voluntary expenditure limit and makes qualified campaign expenditures in excess of the expenditure limit, or if a committee makes independent expenditures in the aggregate of more than the same limit in support of or in opposition to any such candidate, the applicable expenditure ceiling shall no longer be binding on any candidate running for the same office. (Ord. 09-12 § 1).

1.42.090 Notification by non-participating candidate regarding expenditure ceiling.

A candidate for mayor or city council who decides not to accept the voluntary expenditure limits shall notify the city clerk by telephone and by confirming telegram, fax or e-mail on the day the candidate

raises more than 100 percent of the applicable expenditure ceiling and again on the day the candidate spends more than 100 percent of the applicable expenditure limit. The city clerk shall notify all other candidates for the same office by telephone, fax or e-mail within one business day. (Ord. 09-12 § 1).

1.42.090100 Candidate acceptance or rejection of the voluntary expenditure limit.

At the time of filing his or her declaration of intention, each candidate for city council or mayor shall also file a letter with the city clerk indicating acceptance or rejection of the applicable voluntary expenditure limit. (Ord. 09-12 § 1).

1.42.1010 Adjustment of limits for inflation.

Beginning January 1, 2011, the contribution and voluntary expenditure limits established by this chapter shall be adjusted biennially by a percentage equal to the change in the San Francisco Bay Area All Urban Consumer Price Index (CPI) for the previous two years. The amounts shall be rounded to the nearest \$10.00. The city clerk shall calculate such increase and post the new limits in a conspicuous place in the city clerk's office. (Ord. 09-12 § 1).

1.42.1120 Candidate forum.

The open government commission shall sponsor a forum on the Friday, Saturday or Sunday before the general election for all candidates for city council or mayor who meet the criteria of this section.

Although Saturday is strongly preferred, Friday or Sunday may be selected to prevent a conflict with other events of general interest occurring in, or of interest to, the voters of the city of Benicia.

Additionally, the open government commission may, pursuant to a request from any member of the public or the City Council, sponsor an additional candidate forum during the weeks preceding or following the issuance of mail-in ballots for any given election. The commission shall be responsible for selecting the dates of ~~any~~the forum after discussion and consideration of potential conflicts. The chair of the commission shall moderate the forum or shall select another member of the commission to serve as moderator. The questions shall relate to last minute "hit pieces," and will allow candidates the opportunity to respond to inflammatory statements and misinformation. All questions asked shall be selected from questions submitted by residents of, and nonprofit organizations and business entities located in, the city of Benicia. The forum may be canceled in its entirety by unanimous consent of the candidates, delivered to the chair of the commission at least 24 hours before the scheduled forum date. (Ord. 11-07 § 1).

1.42.1230 Enforcement.

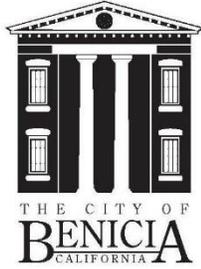
A. Criminal Enforcement. Any person who knowingly or willfully violates any provision of this chapter is guilty of a misdemeanor. Any person who causes any other person to violate any provision of this chapter, or who aids and abets any other person in the violation of any provision of this chapter, shall be liable under the provisions of this section. Prosecution for violation of any provision of this chapter must be commenced within two years after the date on which the violation occurred.

B. Civil Enforcement.

1. Any person who intentionally or negligently violates any provision of this chapter shall be liable in a civil action brought by the city attorney. Where no specific civil penalty is provided, a person may be liable for an amount up to \$2,000 for each violation.
2. Any person who intentionally or negligently makes or receives a contribution, or makes an expenditure, in violation of any provision of this chapter shall be liable in a civil action brought by the city attorney for an amount up to three times the amount of the unlawful contribution or expenditure.
3. If two or more persons are responsible for any violation, they shall be jointly and severally liable.

4. In determining the amount of liability under this subsection, the court may take into account any mitigating factors and any aggravating factors.

5. No civil action alleging a violation of this chapter shall commence more than two years after the date of the election for which the funds at issue were contributed or expended. (Ord. 09-12 § 1).



**AGENDA ITEM
CITY COUNCIL MEETING DATE – MARCH 3, 2020
BUSINESS ITEM**

TO : City Manager

FROM : Finance Director

SUBJECT : **MID-YEAR BUDGET UPDATE FOR FY2019-21**

EXECUTIVE SUMMARY:

The City Council adopted the biennial budget for Fiscal Years 2019-2021 on June 25, 2019. Throughout the 2-year budget cycle, staff monitors the economic environment and provides status updates to the Council. This mid-year progress report for the Fiscal Years 2019-20 and 2020-21 budgets presents Council adopted budget adjustments approved since July 1, 2019 and contains other proposed adjustments to reflect current information and re-appropriations for project carryovers and encumbrances from Fiscal Year 2018-19. The report also includes recommended appropriations from the General Fund unassigned fund balance toward Council’s priority projects and initiatives.

RECOMMENDATION:

Move to adopt the attached resolution (Attachment 1) amending the Fiscal Years 2019-20 and 2020-21 total budgets as shown in the proposed amendments for a revised total budget of \$112.4 million and \$95.5 million, respectively; and move to adopt the attached resolution (Attachment 2) appropriating approximately \$9.6 million from the unassigned General Fund balance to achieve Council priorities as described in this report.

BUDGET INFORMATION:

There are sufficient funds available to support the amendments as presented. With Council’s adoption of the recommended budget adjustments, the 2019-20 and 2020-21 General Fund Budgets will be \$53.2 million and \$47.0 million, respectively; total budgets for All Funds for 2019-20 and 2020-21 will be \$112.4 million and \$95.5 million, respectively. Staff is also recommending use of approximately \$9.6 million of unassigned General Fund balance to advance various Council priorities.

BACKGROUND:

The City Council adopted the original biennial budget for FY 2019-2021 on June 25, 2019. This report presents updated budget information associated with the General Fund (Attachment 1a and 1b) and All Funds (Attachment 1c and 1d) for both fiscal years. The recommended actions in this report illustrate the following:

- ❖ A balanced budget;

- ❖ The incorporation of various Council approved changes, including the approved labor contracts for all bargaining units executed in 2019; administrative corrections; and other Council directions; and
- ❖ A recommendation of uses of unassigned fund balance from the General Fund to achieve Council's priorities.

Mid-year Budget Amendments

Staff is recommending several other changes, including updates to various revenue projections and to various expenditure categories, changes to the amended 2019-20 budget, including updates to various revenue projections and to various expenditure categories. A copy of the recommended revised General Fund Budget Summary is included as Attachments 1a and 1b and a copy of the recommended revised All Funds Budget Summary is included as Attachments 1c and 1d. The table below identifies the list of mid-year budget adjustments recommended for both fiscal years. More information about the recommended changes follows.

GENERAL FUND

General Fund Revenue Adjustments

This section contains information on recommended revenue adjustments in the General Fund, which includes all discretionary revenue sources such as property taxes, sales taxes, business license tax, other taxes, and charges for services, etc.

The total of all General Fund revenue budget adjustments including previously approved Council actions is approximately \$1.1 million for FY 2019-20 and \$1.1 million for FY 2020-21.

Staff is proposing General Fund revenue adjustments totaling \$833,000 for FY 2019-20 and \$773,000 in FY 2020-21. Highlights of the new General Fund revenue adjustments are as follows:

- An increase of \$180,000 in FY 2019-20 for the City's property tax revenue based on estimates from the City's property tax consultant.
- An increase of \$112,000 in FY 2019-20 and \$426,000 in FY 2020-21 for the City's sales tax revenue based on estimates from the City's sales tax consultant.
- An increase of \$431,000 in FY 2019-20 and \$316,000 in FY 2020-21 for the City's Measure C sales tax revenue based on estimates from the City's sales tax consultant.

Previously approved Council adjustments for the General Fund include an increase of approximately \$278,000 FY 2019-20 and \$284,000 in FY 2020-21 related to an agreement with Valero to fully fund the cost of an additional Division Fire Chief position.

General Fund Expenditure Adjustments

Total General Fund expenditure adjustments include previously approved Council actions that total \$3.4 million in FY 2019-20 and \$1.3 million in FY 2020-21.

Previously approved Council adjustments for the General Fund include an increase of \$2.0 million for a transfer into the City's Section 115 trust fund in FY 2019-20; an increase of approximately \$278,000 in FY 2019-20 and \$284,000 in FY 2020-21 for an additional Fire Division Chief position fully funded by an agreement with Valero; \$400,000 in FY 2019-20 for a Citywide Parks, Landscape and Lighting Assessment District (PLLAD) and an update to the City's 1997 Parks, Trails, and Open Space Master Plan; and \$143,000 in FY 2020-21 for the City's match of FEMA's Staffing for Adequate Fire and Emergency Response (SAFER) Grant for three additional limited term firefighters.

Staff is proposing approximately \$720,000 in new General Fund expenditure adjustments in FY 2019-20 and \$832,000 in new General Fund expenditure adjustments in FY 2020-21. Highlights of the new General Fund expenditures adjustments are as follows:

- **All Departments**
 - An increase of \$1.2 million in FY 2019-20 and \$1.5 million in FY 2020-21 for the City's new labor agreements. Labor negotiations were ongoing during the budget adoption in June 2019. The adopted budget included an allocation for increases to salaries and benefits. The increases are being distributed to the City departments during the mid-year budget process.
- **City Manager's Office**
 - An increase of \$56,000 for FY 2019-20 and \$220,000 in FY 2020-21 related to a limited duration Human Resources Analyst and limited duration Human Resources Tech to assist with the implementation of the City's ERP. The Human Resources and Payroll modules are expected to go live in October 2020, requiring an increase in staff resources needed to evaluate and convert the data, test the system, and implement changes.
 - An increase of \$10,000 for additional employee overtime in FY 2019-20 related to Citywide recruitments.
 - An increase of \$14,000 for FY 2019-20 and FY 2020-21 for employee recognition. This amount was omitted from the original budget.
 - An increase of \$115,000 in FY 2019-20 for additional economic development studies and activities.
- **Non-Departmental**
 - An increase of \$238,000 in FY 2019-20 to correct an administrative error in the original budget related to the internal service charge for facility maintenance.
- **City Attorney Office's**
 - An increase of \$279,000 for various legal settlements.
- **Police**
 - An increase of \$10,000 in both FY 2019-20 and FY 2020-21 related to the reorganization of the City's Communication Center through the conversion of an existing Lead Dispatcher position to a Dispatch Supervisor position.

- **Fire**
 - An increase of \$197,000 in both FY 2019-20 and FY 2020-21 related to Wells Fargo equipment lease debt service erroneously excluded from the original budget.
 - An increase of \$9,000 for fire prevention for supplies omitted in the original budget.
- **Public Works**
 - An increase of \$31,000 for the City’s annual sidewalk grinding, fully offset by revenue from the Joint Powers Authority, the Plan (formerly ABAG).
 - An increase of \$14,000 in both FY 2019-20 and FY 2020-21 related to the Wells Fargo equipment lease debt service erroneously excluded from the original budget.
- **Transfers to Other Funds**
 - An increase of \$47,000 in FY 2019-20 and \$50,000 in FY 2020-21 to the Landscape and Lighting funds to cover increases to negotiated labor costs.
 - A decrease of \$300,000 to Measure C Capital Fund to execute Council direction for negotiated labor costs.

Encumbrances & Project Carryovers

The City has projects, purchase orders, and contracts that span multiple fiscal years. Budgets for projects, purchase orders, and contracts that have not been fully expended at the end of the fiscal year need to be carried over to the next fiscal year so the balances can be spent. This action is only for Fiscal Year 2019-20 to cover carryovers from Fiscal Year 2018-19.

For the General Fund, approximately \$2.6 million was carried over for encumbrances, projects, and contracts. The largest components of this carryover are \$1.1 million for the continued ERP implementation, \$600,000 for various professional and technical services, \$200,000 for cannabis related activities in community development and police, \$155,000 for the police CAD project, and \$112,000 for the Solano Partner Libraries St. Helens (SPLASH) program for the Library.

General Fund encumbrance and project carryovers are shown in a separate column on the General Fund summary, included as Attachment 1a.

ALL FUNDS

All Funds Adjustments

The All Funds Budget Summary (Attachment 1c and 1d) includes the General Fund as well as all other funds held by the City. Proposed budget recommendations and adjustments are based upon preliminary financial results as of December 31, 2019, along with other information gathered leading up to this report. All information listed below excludes General Fund revenue and expenditure adjustments, which are addressed in the previous section.

All Funds Revenue Adjustments

At this time, staff is also proposing that the budgets of Other Funds be adjusted to reflect current activity, address timing issues or to make corrections to the original budget. Total revenue adjustments, including previously approved adjustments, results in a decrease in revenues of \$4.3 million in FY 2019-20 and a decrease of \$1.4 million in FY 2020-21 compared to the original budgets, primarily due to the correction of errors in the original budget.

Previously approved council adjustments for All Funds includes the receipt of FEMA's SAFER grant plus the City's match transferred in from the General Fund, totaling \$124,000 and \$434,000 in FY 2019-20 and FY 2020-21, respectively.

Staff's proposed budget adjustments decrease other fund revenue by approximately \$4.4 million dollars in FY 2019-20 and \$1.9 million in FY 2020-21. Highlights of proposed changes to revenues and transfers in are as follows:

- **Road Maintenance and Rehabilitation Fund (RMRA)**
 - An increase of \$53,000 and \$66,000 in FY 2019-20 and FY 2020-21, respectively, due to revised RMRA estimates per California City Finance.
- **Landscape and Lighting Districts**
 - An increase of \$47,000 and \$50,000 in FY 2019-20 and FY 2020-21, respectively, as the result of a transfer in from the General Fund to cover increases in negotiated labor costs.
- **Other Special Revenue Funds**
 - An increase of \$35,000 in FY 2019-20 in the Library Donations funds as the result of a donation from Friends of the Library.
 - A decrease of \$80,000 in the City's Recycling Grants fund to correct an administrative error in the original budget. A transfer in was erroneously counted as both a revenue and transfer in.
- **Measure C Capital Fund**
 - A decrease of \$300,000 in both FY 2019-20 and FY2020-21 to execute Council direction for negotiated labor costs.
- **Wastewater Funds**
 - A decrease of \$2.0 million in FY 2019-20 and \$440,000 in FY 2020-21 to correct an administrative error in the original budget that is offset by the revenue adjustment noted previously. A transfer from Wastewater Operations fund to Wastewater Capital fund was erroneously counted as both revenue and a transfer in.
- **Water Funds**
 - A decrease of \$2.3 million in FY 2019-20 and \$1.7 million in FY 2020-21 to correct an administrative error in the original budget. A transfer from Water Operations fund to Water Capital fund was erroneously counted as both revenue and a transfer in.
 - An increase of \$24,000 in the Water Operations fund for a grant received for turf replacement rebates. These rebates will be given to residents who install and maintain less intensive groundcover for their lawns.
- **Internal Service Funds**
 - An increase of \$68,000 in FY 2019-20 for various Internal Service funds to balance charges that were omitted in the original budget.

All Funds Expenditure Adjustments

Total other funds expenditure amendments, including previously approved Council actions, are \$870,000 for FY 2019-20 and \$4.7 million for FY 2020-21.

Previously approved Council adjustments for FY 2019-20 include \$1.7 million from Measure C for projects such as microsurfacing of streets, \$400,000 for various equipment and professional services for Wastewater and Water, \$124,000 for SAFER grant salaries and benefits partially offset by grant revenue, \$65,000 for a police replacement vehicle, and \$50,000 for the Military West and 7th Street pedestrian improvement project.

Previously approved Council adjustments for FY 2020-21 include \$4.2 million from Measure C for FY 2020-21 street resurfacing and the Park Road Improvement Project and \$433,000 for SAFER grant salaries and benefits, partially offset by grant revenue.

The totals above do not include the General Fund amounts that were described in the previous section. Highlights of the proposed additional appropriations for other funds are outlined below:

- **All Other Funds**
 - An increase of \$370,000 in FY 2019-20 and \$440,000 in FY 2020-21 for the City's new labor agreements. Labor negotiations were ongoing during the budget adoption in June 2019.
- **Other Special Revenue Funds**
 - An expenditure increase of \$35,000 in FY 2019-20 in the Library Donations fund is an offset of a donation from Friends of the Library.
- **Wastewater Funds**
 - A decrease of \$2.0 million in FY 2019-20 and \$440,000 in FY 2020-21 to correct an administrative error in the original budget. A transfer between the Wastewater Operations and Wastewater Capital Funds was erroneously included as an expense and a transfer out.
 - An increase of \$34,000 in both FY 2019-20 and FY 2020-21 related to Wells Fargo equipment lease debt service erroneously excluded from the original budget.
- **Water Funds**
 - An increase of \$24,000 in FY 2019-20 for turf replacement rebates given to residents who install and maintain less intensive groundcover for their lawns. This will be fully offset by the grant revenue listed in the revenue section.
 - An increase of \$6,000 in FY 2019-20 for sales tax and shipping for the purchase of a THM analyzer previously approved by City Council.
 - An increase of \$9,000 in both FY 2019-20 and FY 2020-21 related to Wells Fargo equipment lease debt service erroneously excluded from the original budget.
- **Marina Fund**
 - An increase of \$35,000 in FY 2019-20 for the Marina conditions survey.

- **Internal Service Funds**

- An increase of \$81,000 for FY 2019-20 for various Internal Service funds to balance charges that were omitted in the original budget.

Encumbrances & Project Carryovers

The All Funds Budget Summary (Attachment 1c and 1d) shows approximately \$9.9 million in budget carryovers for encumbrances, project and contracts. Some of the major project carryovers and other contractual obligations (encumbrances) in Other Funds include \$3.4 million for various Measure C projects including street resurfacing, computer system update, police and parks projects, \$3.2 million in Wastewater funds including the Master Facilities Plan at the Wastewater Treatment Plant and the Grit Basin Improvement project, and \$2.7 million in Water funds including the Master Facilities plan at the Water Treatment Plant and Water Treatment Plant Utility Water System Design study.

Encumbrance and project carryovers are showing in a separate column on the All Fund Summary included as Attachment 1c. This action is only for Fiscal Year 2019-20 to cover carryovers from Fiscal Year 2018-19.

RECOMMENDED USE OF UNASSIGNED GENERAL FUND BALANCE TO MEET COUNCIL PRIORITIES:

The Comprehensive Annual Financial Report (CAFR) for 2018-19 shows an “unassigned fund balance” of \$13,644,315 that could be appropriated to meet City needs. The City Council’s Work Plan 2019-20 identified eleven high priorities, many of which need additional funding for implementation.

Staff has reviewed the Work Plan and is recommending Council appropriate \$9,603,000 in funding to meet Council priorities. This action would leave \$4,041,315 in remaining funds to serve as our default legal reserve as well as contingency funds for needs that will be determined later (i.e., the full Economic Development strategy) or those that are unknown at this time (i.e., possible additional funds for capital project cost increases).

Unassigned Fund Balance CAFR 2018-19	\$13,644,315
Recommended Appropriations 3/3/20	<u>(\$9,603,000)</u>
Remaining Available Fund Balance	\$4,041,315

A summary table follows with staff’s recommended actions as reflected in the attached Resolution.

Table 1. Summary of Unassigned Fund Balance Appropriation

COUNCIL PRIORITIES	Recommended amount to be appropriated	Total for each Priority	Description
Priority #1 Employee Retention & Attraction			
Phase I City Hall Upgrades 2020	\$2,000,000		Upgrade electrical, renovate Council Chamber/office suites, install new security access system
Additional Amount to Pension Trust	\$2,000,000		Approval would bring total in trust to \$5.5 million
Sub-total		\$4,000,000	
Priority #2 Economic Development			
Clean Tech Expo	\$20,000		To be held in Fall 2020
Hotel Consultant + associated activities	\$138,000		Separate report on 3/3/20 agenda
Business Resource Incentive Program (BRIP)	\$50,000		Additional funding for existing successful program
Other possible ED activities not yet determined	\$320,000		ED studies; business retention activities
Sub-total		\$528,000	

(Table 1. Summary of Unassigned Fund Balance continued from the prior page)

Priority #3 Street & Roadway Improvements			
Additional Funding to street & road improvement projects	\$2,000,000		Council indicated interest in appropriating additional funds for streets on 2/18/20. See attachment 2a for the list of additional streets.
Sub-total		\$2,000,000	
Priority #4 Water & Wastewater Utilities	n/a	\$0	Funded through Enterprise Fund not General Fund
Priority #5 Landscape & Lighting Districts	n/a	\$0	Funding appropriated in January 2020; included in mid-year budget update
Priority #6 New Police Facility			
Set aside for new facility planning efforts	\$1,500,000		Additional planning activities need funding
Sub-total		\$1,500,000	
Priority #7 Historic Preservation	n/a	\$0	Efforts on hold pending staff capacity
Priority #8 Activities to prepare for and respond to Climate Change impacts, i.e., B Street			
Climate Action Coordinator (full-time management analyst position, limited duration for 2 years)	\$350,000		Council indicated interest in appropriating funding for limited duration 2-year position at 7/16/19 meeting
Sub-total		\$350,000	

(Table 1. Summary of Unassigned Fund Balance continued from the prior page)

Priority #9 Tax Revenue Enhancements			
Funding for consulting expertise	n/a		Funding included in mid-year budget update
Sub-total		n/a	
Priority #10 Library Lower Level Completion			
Project cost escalation: Estimated construction cost has increased significantly	TBD		Staff plans to discuss more fully at Council goal-setting on 3/28
Sub-total		TBD	
Priority #11 ERP Completion			
Additional temporary HR staff needed while completing the HR/Payroll module implementation	n/a		Funding included in mid-year budget update for 2019-21
Sub-total		\$0	
Other considerations			
Public Art funding	\$50,000		Council indicated interest in appropriating more funding for public art projects at 7/16/19 meeting
Public Art Coordinator (management analyst position, limited duration, half-time, for 2 years)	\$175,000		
Reserve Council-authorized funding for MOU implementation	\$1,000,000		
Sub-total		\$1,225,000	
TOTAL ADDITIONAL FUNDING RECOMMENDED		\$9,603,000	

PERSONNEL LEVEL:

After the adoption of the budget in June 2019, Council approved various actions that require personnel and position updates. Staff is also asking for some personnel updates to achieve the Council’s priorities. These positions will be formalized in the proposed mid-year resolution (See Attachment 1). This includes the following:

- One additional Fire Division Chief position funded from the Valero agreement through June 30, 2025.
- Three paramedic/firefighter positions funded from FEMA’s SAFER grant funded through March 2023.
- Limited duration Human Resource Analyst position and a limited duration Human Resource Technician position for the implementation of the Enterprise Resource Planning software’s HR/Payroll module to be funded from unassigned General Fund balance through Fiscal Year 2020-21.
- Reorganization of the Police Department’s Communication Center through the conversion of an existing Lead Dispatcher position to a Dispatch Supervisor position.
- Limited duration two-year Climate Action Coordinator position at a level of a management analyst position funded from unassigned General Fund balance.
- Limited duration two-year half-time Public Art Coordinator position at a level of a management analyst position funded from unassigned General Fund balance.

NEXT STEPS:

Staff will continue to monitor revenues and expenses and will return to Council with a mid-cycle budget update in summer 2020.

ALTERNATIVE ACTIONS:

Provide staff with any additional direction regarding the Mid-Year Budget Update.

General Plan	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.
	Goal 2.28: Improve and maintain public facilities services

Priority Based Budgeting	<p>Strategic City Result Impacted by this Agenda Item</p> <p>The City Council and community identified six (6) key “Results” that establish the key goals for which the City of Benicia aspires to achieve with our programs and services. Agenda Items often influence multiple Results, the primary Result impacted by this Agenda Item is (please check one):</p> <p><input type="checkbox"/> Protect Community Health & Safety</p> <p><input type="checkbox"/> Maintain & Enhance A High Quality of Life</p> <p><input type="checkbox"/> Preserve & Enhance Infrastructure</p> <p><input type="checkbox"/> Strengthen Economic & Fiscal Conditions</p> <p><input type="checkbox"/> Protect & Enhance the Environment</p> <p><input checked="" type="checkbox"/> High Performing Government</p>
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	City Programs Impacted by This Agenda Item (Top 3):
	<ol style="list-style-type: none"> 1. Budget Development & Management 2. Financial Planning
	Priority Based Budgeting (PBB) Website:
	Coming soon in Spring 2020 will be a link to the City of Benicia’s PBB website to learn more about these programs and their costs.

CEQA Analysis	The Mid-Year Budget Report is exempt from the California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3), the “general rule” exemption which states that where it can be seen with certainty that there is no possibility the activity in question may have a significant effect on the environment, the activity is exempt from CEQA. The City has determined that the proposed changes will not have an impact on the environment and therefore are exempt from CEQA under the general rule.
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ATTACHMENTS:

1. Resolution Amending FY 2019-20 and FY 2020-21 Budgets
 - 1a. Exhibit A – General Fund Budget Summary for FY 2019-20
 - 1b. Exhibit B – General Fund Budget Summary for FY 2020-21
 - 1c. Exhibit C – All Funds Budget Summary for FY 2019-20
 - 1d. Exhibit D – All Funds Budget Summary for FY 2020-21
2. Resolution to Appropriate Unassigned Fund Balance
 - 2a. Exhibit A – Additional Streets and Roads Funding

For more information contact: Cindy Mosser, Finance Director

Phone: (707) 746-4217

E-mail: cmosser@ci.benicia.ca.us

RESOLUTION NO. 20-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA AMENDING THE MUNICIPAL BUDGET FOR FISCAL YEARS 2019-2020 AND 2020-2021

WHEREAS, the City Council, on June 25, 2019, adopted the FY 2019-2021 Biennial Budget; and

WHEREAS, based upon a review of revenues and expenditures, the City Manager has prepared and proposed additional adjustments to the FY 2019-2021 Biennial Budget; and

WHEREAS, the City Council previously accepted FEMA's Staffing for Adequate Fire and Emergency Response (SAFER) Grant, which partially funds three paramedic/firefighter positions through March 2023; and

WHEREAS, the City Council previously accepted an agreement with Valero to fund an additional Fire Division Chief position to monitor compliance with the agreement and strengthen the working relationship between the City and Valero; and

WHEREAS, staff is proposing to reorganize the Communication Center to have one Dispatch Supervisor position and two Lead Dispatcher positions to align supervisory roles and responsibilities with the Communication Center's needs; and

WHEREAS, staff is requesting one limited duration Human Resource Analyst position and one limited duration Human Resource Technician position to assist with the City's Enterprise Resource Planning implementation of the Human Resources and Payroll modules; and

WHEREAS, the City Council has considered information related to these matters, as presented at a public meeting of the City Council, including any supporting documents and reports by City staff, and any information provided during that public meeting; and

WHEREAS, the City Council has reviewed the level of budgeting control needed by the City Manager to ensure efficiency in managing the operations of the City, including the authorization of budget transfers between funds.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Benicia hereby adopts the Revised Municipal Budget for Fiscal Year 2019-2020 as presented in the attached Exhibits A and C; and for Fiscal Year 2020-21 as presented in the attached Exhibits B and D.

On motion of Council Member _____, seconded by Council Member _____, the above Resolution was adopted by the City Council of the City of Benicia at a regular meeting of said Council held on the 3rd day of March, 2020 by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk

Date

Exhibit A

General Fund Budget Summary
Midyear Update
Fiscal Year 2019-20

PROPOSED GENERAL FUND	FY 2019-20 ADOPTED BUDGET	ENCUMBRANCE / PROJECT CARRYOVER	MID YEAR ADJUSTMENTS	FY 2019-20 REVISED BUDGET
<u>REVENUES</u>				
PROPERTY TAXES	\$ 18,532,800	\$ -	\$ 180,000	\$ 18,712,800
SALES TAX	6,535,200	-	111,800	6,647,000
MEASURE C SALES TAX	5,558,000	-	431,000	5,989,000
UTILITY USER TAX (UUT)	4,598,000	-	-	4,598,000
OTHER TAXES	3,319,300	-	-	3,319,300
LICENSES & PERMITS	950,900	-	-	950,900
FINES & FORFEITURES	168,880	-	-	168,880
USE OF MONEY AND PROPERTY	894,100	-	-	894,100
OTHER AGENCY	229,800	-	40,350	270,150
CHARGES FOR SERVICES	2,039,170	-	-	2,039,170
OTHER REVENUES	186,280	-	278,000	464,280
OTHER REVENUES COST ALLOCATION	1,700,000	-	69,500	1,769,500
TOTAL GENERAL FUND REVENUES	\$ 44,712,430	\$ -	\$ 1,110,650	\$ 45,823,080
<u>OTHER GENERAL FUND - SOURCES</u>				
TRANSFERS IN FROM OTHER FUNDS	\$ 480,130	\$ -	-	\$ 480,130
APPROPRIATION FROM UNASSIGNED GENERAL FUND BALANCE	-	-	332,660	332,660
APPROPRIATION FROM ENCUMBRANCE & PROJECT CARRYOVERS	-	2,603,681	-	2,603,681
APPROPRIATION FROM GENERAL FUND FOR PENSION TRUST SECTION 115	1,500,000	-	2,000,000	3,500,000
APPROPRIATION FROM GENERAL FUND FOR COUNCIL BUDGET DIRECTION	305,160	-	-	305,160
APPROPRIATION FROM GF PENDING COUNCIL DIRECTION RELATED TO COMMUNITY DEVELOPMENT FEES	145,000	-	-	145,000
TOTAL GENERAL FUND SOURCE OF FUNDS	\$ 47,142,720	\$ 2,603,681	\$ 3,443,310	\$ 53,189,711
<u>EXPENDITURES</u>				
ELECTED OFFICIALS	\$ 309,180	\$ -	\$ 4,800	\$ 313,980
CITY MANAGER	3,483,970	135,975	278,200	3,898,145
NON-DEPARTMENTAL (OTHER)	2,077,840	90,367	238,140	2,406,347
NON-DEPARTMENTAL (LABOR NEGOTIATIONS)	1,237,950	-	(1,237,950)	-
CITY ATTORNEY	950,000	55,748	279,000	1,284,748
FINANCE	1,721,910	1,121,469	137,200	2,980,579
LIBRARY & CULTURAL ARTS	1,364,770	180,662	77,500	1,622,932
COMMUNITY DEVELOPMENT	2,223,790	265,067	29,800	2,518,657
POLICE	10,437,030	291,876	166,700	10,895,606
FIRE	8,722,990	303,027	907,320	9,933,337
PUBLIC WORKS	3,326,300	136,441	217,190	3,679,931
PARKS & COMMUNITY SERVICES	6,214,790	23,049	552,800	6,790,639
TOTAL GENERAL FUND PROPOSED OPERATING EXPENDITURES	\$ 42,070,520	\$ 2,603,681	\$ 1,650,700	\$ 46,324,901
<u>OTHER GENERAL FUND - USES</u>				
TRANSFERS OUT TO OTHER FUNDS	772,200	-	92,610	864,810
TRANSFERS OUT PENSION TRUST SECTION 115	1,500,000	-	2,000,000	3,500,000
TRANSFERS OUT - MEASURE C CAPITAL	2,800,000	-	(300,000)	2,500,000
TOTAL OTHER USES	\$ 5,072,200	\$ -	\$ 1,792,610	\$ 6,864,810
TOTAL GENERAL FUND USE OF FUNDS	\$ 47,142,720	\$ 2,603,681	\$ 3,443,310	\$ 53,189,711
NET SURPLUS	\$ -	\$ -	\$ -	\$ -

Exhibit B

General Fund Budget Summary
Midyear Update
Fiscal Year 2020-21

PROPOSED GENERAL FUND	FY 2020-21 ADOPTED BUDGET	MID YEAR ADJUSTMENTS	FY 2019-20 REVISED BUDGET
<u>REVENUES</u>			
PROPERTY TAXES	\$ 18,903,900	\$ -	\$ 18,903,900
SALES TAX	6,363,300	426,300	6,789,600
MEASURE C SALES TAX	5,673,000	316,000	5,989,000
UTILITY USER TAX (UUT)	4,598,000	-	4,598,000
OTHER TAXES	3,674,100	-	3,674,100
LICENSES & PERMITS	995,900	-	995,900
FINES & FORFEITURES	171,480	-	171,480
USE OF MONEY AND PROPERTY	894,100	-	894,100
OTHER AGENCY	229,800	31,000	260,800
CHARGES FOR SERVICES	2,106,230	-	2,106,230
OTHER REVENUES	186,280	284,000	470,280
OTHER REVENUES COST ALLOCATION	1,700,000	-	1,700,000
TOTAL GENERAL FUND REVENUES	\$ 45,496,090	\$ 1,057,300	\$ 46,553,390
<u>OTHER GENERAL FUND - SOURCES</u>			
TRANSFERS IN FROM OTHER FUNDS	\$ -	-	\$ -
APPROPRIATION FROM UNASSIGNED GENERAL FUND BALANCE	-	201,500	201,500
APPROPRIATION FROM ENCUMBRANCE & PROJECT CARRYOVERS	-	-	-
APPROPRIATION FROM GENERAL FUND FOR PENSION TRUST SECTION 115	-	-	-
APPROPRIATION FROM GENERAL FUND FOR COUNCIL BUDGET DIRECTION	19,860	-	19,860
APPROPRIATION FROM GF PENDING COUNCIL DIRECTION RELATED TO COMMUNITY DEVELOPMENT FEES	198,000	-	198,000
TOTAL GENERAL FUND SOURCE OF FUNDS	\$ 45,713,950	\$ 1,258,800	\$ 46,972,750
<u>EXPENDITURES</u>			
ELECTED OFFICIALS	\$ 311,620	\$ 7,700	\$ 319,320
CITY MANAGER	3,463,240	326,700	3,789,940
NON-DEPARTMENTAL (OTHER)	1,886,810	-	1,886,810
NON-DEPARTMENTAL (LABOR NEGOTIATIONS)	921,110	(921,110)	-
CITY ATTORNEY	950,000	-	950,000
FINANCE	1,742,510	140,500	1,883,010
LIBRARY & CULTURAL ARTS	1,390,580	88,100	1,478,680
COMMUNITY DEVELOPMENT	2,470,620	36,000	2,506,620
POLICE	10,736,680	258,500	10,995,180
FIRE	9,025,530	1,108,020	10,133,550
PUBLIC WORKS	3,213,020	169,690	3,382,710
PARKS & COMMUNITY SERVICES	6,023,980	151,900	6,175,880
TOTAL GENERAL FUND PROPOSED OPERATING EXPENDITURES	\$ 42,135,700	\$ 1,366,000	\$ 43,501,700
<u>OTHER GENERAL FUND - USES</u>			
TRANSFERS OUT TO OTHER FUNDS	778,250	192,800	\$ 971,050
TRANSFERS OUT PENSION TRUST SECTION 115	-	-	-
TRANSFERS OUT - MEASURE C CAPITAL	2,800,000	(300,000)	2,500,000
TOTAL OTHER USES	\$ 3,578,250	\$ (107,200)	\$ 3,471,050
TOTAL GENERAL FUND USE OF FUNDS	\$ 45,713,950	\$ 1,258,800	\$ 46,972,750
NET SURPLUS	\$ -	\$ -	\$ -

Exhibit C



**All Funds Budget Summary
Mid-Year Update
Fiscal Year 2019-20**

ESTIMATED ALL FUNDS	FY 2019-20 ADOPTED BUDGET	ENCUMBRANCE / PROJECT CARRYOVERS	MID YEAR ADJUSTMENTS	2019-20 ESTIMATED BUDGET (FY 2020)
<u>REVENUES / TRANSFERS IN</u>				
General Fund	45,192,560	-	1,110,650	46,303,210
Special Revenue Funds				
Gas Tax	742,360	-	-	742,360
RMRA	455,000	-	52,900	507,900
Landscape & Lighting Districts	588,750	-	47,110	635,860
Other Special Revenue Funds	1,513,170	-	79,050	1,592,220
Subtotal Special Revenue Funds	3,299,280	-	179,060	3,478,340
Capital Project Funds				
Traffic Mitigation	18,000	-	-	18,000
Measure C Capital	2,800,000	-	(300,000)	2,500,000
Other Capital Project Funds	576,500	-	-	576,500
Subtotal Capital Project Funds	3,394,500	-	(300,000)	3,094,500
Enterprise Funds				
Wastewater	15,672,640	-	(2,000,000)	13,672,640
Water	16,980,270	-	(2,242,545)	14,737,725
Marina	613,500	-	-	613,500
Subtotal Enterprise Funds	33,266,410	-	(4,242,545)	29,023,865
Debt Service Funds	683,890	-	-	683,890
Internal Services Funds	7,437,050	-	68,190	7,505,240
TOTAL REVENUES / TRANSFERS IN	93,273,690	-	(3,184,645)	90,089,045
<u>OTHER FUNDING SOURCES</u>				
Appropriation from unassigned fund balance	1,950,160		2,332,660	4,282,820
Appropriation from encumbrances and project carryovers-General Fund	-	2,603,681	-	2,603,681
Appropriation from encumbrances and project carryovers - other funds	-	9,921,142	-	9,921,142
Use of restricted fund balance - other funds	-		5,468,440	5,468,440
TOTAL ALL FUNDS - SOURCE OF FUNDS	95,223,850	\$ 12,524,823	\$ 4,616,455	\$ 112,365,128
<u>Expenses / Transfers Out</u>				
General Fund	47,142,720	2,603,681	3,443,310	53,189,711
Special Revenue Funds				
Gas Tax	900,100	107,879	51,540	1,059,519
RMRA	235,000	1,160	-	236,160
Landscape & Lighting Districts	615,870	6,250	13,740	635,860
Other Special Revenue Funds	3,114,930	129,889	202,500	3,447,319
Subtotal Special Revenue Funds	4,865,900	245,178	267,780	5,378,858
Capital Project Funds				
Traffic Mitigation	261,080	127,522	2,730	391,332
Measure C Capital	917,020	3,355,017	1,684,310	5,956,347
Other Capital Project Funds	575,000	26	-	575,026
Subtotal Capital Project Funds	1,753,100	3,482,565	1,687,040	6,922,705
Enterprise Funds				
Wastewater	18,642,655	3,165,341	(1,746,351)	20,061,645
Water	16,692,370	2,721,612	481,115	19,895,097
Marina	638,890	47,592	34,900	721,382
Subtotal Enterprise Funds	35,973,915	5,934,546	(1,230,336)	40,678,125
Debt Service Funds	676,590	-	-	676,590
Internal Services Funds	5,114,640	258,853	145,646	5,519,139
Total Expenses / Transfers Out	95,526,865	\$ 12,524,823	\$ 4,313,440	\$ 112,365,128

Exhibit D



**All Funds Budget Summary
Mid-Year Update
Fiscal Year 2020-21**

ESTIMATED ALL FUNDS	FY 2020-21 ADOPTED BUDGET	ENCUMBRANCE / PROJECT CARRYOVERS	MID YEAR ADJUSTMENTS	2020-21 ESTIMATED BUDGET (FY 2021)
<u>REVENUES / TRANSFERS IN</u>				
General Fund	45,496,090	-	1,057,300	46,553,390
Special Revenue Funds				
Gas Tax	743,010	-	-	743,010
RMRA	455,000	-	65,700	520,700
Landscape & Lighting Districts	595,100	-	50,000	645,100
Other Special Revenue Funds	1,520,420	-	353,390	1,873,810
Subtotal Special Revenue Funds	3,313,530	-	469,090	3,782,620
Capital Project Funds				
Traffic Mitigation	18,000	-	-	18,000
Measure C Capital	2,800,000	-	(300,000)	2,500,000
Other Capital Project Funds	1,500	-	-	1,500
Subtotal Capital Project Funds	2,819,500	-	(300,000)	2,519,500
Enterprise Funds				
Wastewater	12,873,390	-	(440,000)	12,433,390
Water	14,878,200	-	(1,166,000)	13,712,200
Marina	613,500	-	-	613,500
Subtotal Enterprise Funds	28,365,090	-	(1,606,000)	26,759,090
Debt Service Funds	602,280	-	-	602,280
Internal Services Funds	5,710,740	-	-	5,710,740
TOTAL REVENUES / TRANSFERS IN	86,307,230	-	(379,610)	85,927,620
<u>OTHER FUNDING SOURCES</u>				
Appropriation from unassigned fund balance	-		201,500	201,500
Appropriation from encumbrances and project carryovers-General Fund	-	-	-	0
Appropriation from encumbrances and project carryovers - other funds	-	-	-	0
Use of restricted fund balance - other funds	-		9,400,260	9,400,260
TOTAL ALL FUNDS - SOURCE OF FUNDS	\$ 86,307,230	\$ -	\$ 9,222,150	\$ 95,529,380
<u>Expenses / Transfers Out</u>				
General Fund	45,713,950		1,258,800	46,972,750
Special Revenue Funds				
Gas Tax	1,189,660		1,760	1,191,420
RMRA	705,000		-	705,000
Landscape & Lighting Districts	624,700		19,320	644,020
Other Special Revenue Funds	1,741,780		476,910	2,218,690
Subtotal Special Revenue Funds	4,261,140	-	497,990	4,759,130
Capital Project Funds				
Traffic Mitigation	137,720		2,310	140,030
Measure C Capital	4,044,700		4,233,830	8,278,530
Other Capital Project Funds	-		-	0
Subtotal Capital Project Funds	4,182,420	-	4,236,140	8,418,560
Enterprise Funds				
Wastewater	15,804,660		(210,300)	15,594,360
Water	13,476,670		162,700	13,639,370
Marina	638,890		-	638,890
Subtotal Enterprise Funds	29,920,220	-	(47,600)	29,872,620
Debt Service Funds	594,980		-	594,980
Internal Services Funds	4,886,560		24,780	4,911,340
Total Expenses / Transfers Out	\$ 89,559,270	\$ -	\$ 5,970,110	\$ 95,529,380

RESOLUTION NO. 20-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA
APPROPRIATING THE USE OF THE UNASSIGNED GENERAL FUND BALANCE TO
MEET COUNCIL PRIORITIES**

WHEREAS, the City's Comprehensive Annual Financial Report (CAFR) for the fiscal year ending June 30, 2019 shows an "unassigned fund balance" of \$13,644,315 that could be appropriated to meet City needs; and

WHEREAS, based upon a review the Work Plan, the City Manager has proposed and is recommending various options for the FY 2019-2020 budget; and

WHEREAS, the Council's Priority #1 for Employee Retention and Attraction totals \$4 million, consisting of \$2 million for Phase 1 of City Hall upgrades and an additional \$2 million for the Pension trust; and

WHEREAS, the Council's Priority #2 for Economic Development totals \$528,000, consisting of \$20,000 for Clean Tech Expo; \$138,000 for a hotel consultant and associated activities; \$50,000 for the Business Resource and Incentive Program (BRIP); and \$320,000 for other possible Economic Development activities; and

WHEREAS, the Council's Priority #3 for Street and Roadway Improvements totals \$2 million for additional funding of street and road improvement with a list of additional streets noted in Exhibit A; and

WHEREAS, the Council's Priority #6 for New Police Facility totals \$1.5 million to set aside for new facility planning efforts; and

WHEREAS, the Council's Priority #8 for Activities to prepare for and respond to Climate Change impacts totals \$350,000 for a two-year limited duration Climate Action Coordinator position at a level of a management analyst position; and

WHEREAS, there are other considerations, including public art funding of \$50,000; a two-year, half-time, limited duration Public Art Coordinator position at a level of a management analyst position in the amount of \$175,000; and a Reserve in the amount of \$1,000,000 for funding labor agreement implementations; and

WHEREAS, the City Council has reviewed the level of budgeting control needed by the City Manager to ensure efficiency in managing the operations of the City, including the authorization of budget transfers between funds.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Benicia hereby adopts the uses of the unassigned General Fund balance totaling \$9,603,000, including the list of streets attached as Exhibit A.

On motion of Council Member _____, seconded by Council Member _____, the above Resolution was adopted by the City Council of the City of Benicia at a regular meeting of said Council held on the 3rd day of March, 2020 by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk

Date

Exhibit A**Grind 3-inch & Pave 3-inch**

Street Name	Beg Location	End Location	Lanes	Functional Class	Length	Width	Area	Total Cost *	PCI
Wainwright St. - 800	w/o W-8th St.	e/o W-9th St.	2	R - Residential/Local	600	27	16,200	\$121,085	19
West J St. - 100	w/o W-8th St.	e/o W-9th St.	2	R - Residential/Local	600	28	16,800	\$125,570	11
Clifton Ct - 800	s/o Channing Circle	625' s/o Channing	2	R - Residential/Local	625	29	18,125	\$135,473	13
Channing Circle - 800	w/o Oxford Way	w/o Oxford Way	2	R - Residential/Local	1800	33	59,400	\$443,978	13
Campus Ct. - 800	w/o Dorset Way	100' w/o Dorset Way	2	R - Residential/Local	100	45	4,500	\$33,635	15
Dover Circle - 800	s/o Oxford Way	n/o Hanlon Way	2	R - Residential/Local	1100	33	36,300	\$271,320	13
Hanlon Way - 800	e/o Oxford Way	w/o Dorset Way	2	R - Residential/Local	1180	33	38,940	\$291,052	13
Walsh Ct. - 800	e/o Channing Circle	150' e/o Channing Circle	2	R - Residential/Local	150	29	4,350	\$32,514	10
Mills Dr. - 400	n/o Cambridge Dr.	e/o Larkin Dr	2	R - Residential/Local	2200	33	72,600	\$542,640	17

\$1,997,266

* Assumptions: \$175/ton AC; 40% for non-pavement items (i.e. curb ramps, mobilization); 15% Design; 15% CE/CM; 10% Contingency