



**BENICIA CITY COUNCIL
CITY COUNCIL MEETING AGENDA**

**Benicia City Hall, 250 East L Street
September 17, 2019
7:00 PM**

Call To Order

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

1.A - CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION

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

Name of case: APS West Coast dba Ampports v. City of Benicia etal. regarding Yuba or 678 East H Street

1.B - CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code Section 54757.6

Agency designated representatives: City Manager, Assistant City Manager, Human Resources Manager

Employee Organizations: Benicia Fire Fighters Association, Middle Management Employees, Senior Management Employees, and Unrepresented Employees

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

- Building Board of Appeals
1 Full Term, Expiring July 31, 2023

- Economic Development Board
2 Full Terms, Expiring July 31, 2023

- Library Board of Trustees
3 Full Terms, Expiring July 31, 2022

- Community Sustainability Commission
3 Full Terms, Expiring July 31, 2023

- Open Government Commission
1 Partial Term, Expiring July 31, 2021

7. Proclamations

7.A - NATIONAL SUICIDE PREVENTION WEEK 2019

[Proclamation - National Suicide Prevention Week](#)

7.B - NATIONAL DRIVE ELECTRIC WEEK

[Proclamation - National Drive Electric Week](#)

8. Appointments

None

9. Presentations

9.A - UPDATE TO CITY'S WEBSITE

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 - SEPTEMBER 3, 2019 CITY COUNCIL MINUTES (City Clerk)

Approve minutes.

[September 3 2019 City Council Meeting Minutes](#)

14.B - UPDATE TO ORDINANCE ESTABLISHING A LIBRARY BOARD OF TRUSTEES (Director of Library and Cultural Services)

Upon recommendation of the City Council at their November 1, 2018 meeting that each City Board or Commission bring its establishing documentation up to date, the Library Board of Trustees appointed a subcommittee to propose revisions to their ordinance, and now brings proposed amendments to the ordinance forward for Council approval.

Recommendation:

Conduct the first reading of an ordinance (Attachment 1) to amend the existing ordinance establishing the Benicia Public Library's Board of Trustees.

[Staff Report - Ordinance Amendment - Library Board of Trustees](#)

[1. Ordinance Amendment - Library Board of Trustees](#)

[2. Municipal Code 2.64 Board of Library Trustees](#)

14.C - JAMES LEMOS SWIM CENTER BOILER REPLACEMENT PROJECT (Parks and Community Services Director)

This project will replace the two current boilers that heat the James Lemos Swim Center pools. Due to a prior failure of one of the units and the age of both, staff is requesting authorization to purchase and install two new boilers.

Recommendation:

Adopt a resolution (Attachment 1) authorizing the City Manager to sign a purchase order with Knorr Systems, Inc. of Livermore, CA in the amount of \$206,556.55 for the removal and replacement of the two boilers at the James Lemos Swim Center.

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

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

14.D - SECOND READING AND ADOPTION OF AN ORDINANCE AMENDING CHAPTER 17.84 OF THE BENICIA MUNICIPAL CODE PERTAINING TO RETAIL CANNABIS OPERATIONS (PUBLIC HEARING), AFTER A DETERMINATION THAT THE PROJECT IS EXEMPT FROM CEQA (Interim Community Development Director)

The proposed ordinance would amend Benicia Municipal Code Chapter 17.84 (Cannabis) to reduce the number of permitted cannabis retailers from two (2) to one (1), amend and add certain definitions, and change the permissible locations of cannabis retailers for which applications have not yet been received.

The City Council conducted a public hearing and introduced the ordinance on September 3, 2019.

RECOMMENDATION:

Adopt the ordinance amending Benicia Municipal Code Chapter 17.84 (Cannabis) to reduce the number of permitted cannabis retailers from two (2) to one (1), amend and add certain definitions, and change the permissible locations of cannabis retailers for which applications have not yet been received.

[Staff Report - Cannabis Retail](#)

[1. Ordinance Amending Title 17 - Cannabis Retail](#)

14.E - PROPOSITION 68 PER CAPITA FUNDING (Parks and Community Services Director)

The City is eligible to receive \$200,000 in Proposition 68 Per Capita Program funding from California State Parks for qualifying projects that expand access to recreation.

Recommendation:

Adopt a resolution (Attachment 1) approving an application for \$200,000 from State Parks' Proposition 68 Per Capita Program.

[Staff Report - Proposition 68 Per Capita Funding](#)

[1. Resolution - Proposition 68 Per Capita Program](#)

14.F - CONTRACT WITH BENICIA UNIFIED SCHOOL DISTRICT FOR ADULT LITERACY SERVICES GRANT (Director of Library and Cultural Services)

The Benicia Public Library (Library) has offered an adult literacy program since 1987. In 2015, the Benicia Unified School District (BUSD) approached the City to collaborate in providing adult literacy services. The City Council approved an agreement with BUSD in December 2015, and the supplemental funding provided enhanced classroom support for ESL (English as a Second Language) services, new High School Equivalency programs (GED and Burlington English) and additional computer training to assist adult learners to gain job skills. This agreement provides \$33,000 grant funding and services to continue the enhanced adult literacy program for FY19-20.

Recommendation:

Adopt the resolution (Attachment 1), accepting the adult literacy services grant from the Benicia Unified School District (BUSD) in the amount of \$33,000 and approving the agreement between the City and BUSD to supplement the existing adult literacy services offered by the Benicia Library for FY19-20.

[Staff Report - BUSD Contract for Literacy Services 2019- 2020](#)

[1. Resolution - BUSD Grant](#)

[2. Contract - BUSD Grant](#)

14.G - ACCEPT CALIFORNIA STATE LIBRARY LITERACY SERVICES GRANT (Director of Library and Cultural Services)

The Benicia Public Library (Library) has offered adult literacy services through the Adult Literacy Services (ALS) and English as a Second Language (ESL) Programs since 1987 and has received grant funding from the State Library to assist in providing these services. The Benicia Public Library has been notified of a grant award in the amount of \$18,000 for the program for FY19-20, with an additional amount to be determined and awarded later in the year.

Recommendation:

Authorize, by resolution (Attachment 1), the acceptance of a California Library Literacy Services (CLLS) annual grant in the amount of \$18,000, to be added to the Library's State Funded Literacy Program account. In addition, authorize the Library Director and Finance Director to sign any necessary documents to secure these funds, and any subsequent matching funds awarded and to appropriate the funds for the Library's State Funded Literacy Services budget.

[Staff Report - State Library Literacy Services Grant](#)

[1. Resolution - State Library Literacy Services Grant](#)

14.H - APPROVAL OF AGREEMENT AMENDMENT WITH INDEPENDENT CODE CONSULTANTS, INC. FOR PLAN REVIEW SERVICES FOR CIVIL, BUILDING, AND SAFETY (Interim Community Development Director)

Approval of the agreement amendment with Independent Code Consultants, Inc. is needed for ongoing building, safety, and civil plan review services for a not-to-exceed amount of \$100,000. With limited staffing and an increase in cannabis manufacturing applications, the Community Development Department requires ongoing technical assistance with plan check review services.

Recommendation:

Move to approve the resolution (Attachment 1) amending the agreement (Attachment 2) to Independent Code Consultants, Inc. for building, safety, and civil plan review services.

[Staff Report - Agreement Amendment with Independent Code Consultants, Inc](#)

[1. Resolution - Agreement Amendment with Independent Code Consultants, Inc](#)

[2. Agreement Amendment with Independent Code Consultants, Inc.](#)

[2a. Scope of Work - Independent Code Consultants, Inc.](#)

14.I - APPROVAL OF AGREEMENT AMENDMENT WITH INTERWEST CONSULTING GROUP FOR BUILDING INSPECTION SERVICES (Interim Community Development Director)

Approval of the agreement amendment with Interwest Consulting Group is needed for ongoing building inspection services at a not-to-exceed amount of \$165,000. The Community Development Department continues to need staff augmentation as the Building Inspector I/II position has been vacant since February 2019. It is necessary to amend the current agreement to continue through June 30, 2020 and increase the amount for Fiscal Year 19-20.

Recommendation:

Move to approve the resolution (Attachment 1) to amend the agreement (Attachment 2) with Interwest Consulting Group for building inspection services.

[Staff Report- Agreement Amendment with Interwest Consulting Group](#)

[1. Resolution - Agreement Amendment with Interwest Consulting Group](#)

[2. Agreement Amendment with Interwest Consulting Group](#)

[2a. Scope of Work - Interwest Consulting Group](#)

14.J - APPROVE THE AGREEMENT BETWEEN THE CITY OF BENICIA AND BENICIA FIREFIGHTER’S ASSOCIATION (Human Resources Manager)

The City’s contract with the Benicia Firefighter’s Association (BFA) expired on June 30, 2019. The City has reached a tentative agreement on a two-year successor Memorandum of Understanding (MOU) with BFA, and they have ratified their agreement.

Recommendation:

Adopt the resolution (Attachment 1) approving the September 1, 2019 to June 30, 2021 Memorandum of Understanding (MOU) between the City and the Benicia Firefighter’s Association (BFA) (Attachment 2).

[Staff Report - BFA](#)

[1. Resolution - BFA](#)

[2. Exhibit A - BFA MOU 9-1-2019 to 6-30-2021](#)

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

15. Business Items

15.A - TWO-STEP REQUEST FOR CANNABIS DISPENSARY ADVISORY MEASURE (City Manager)

Councilmember Tom Campbell submitted a two-step process request (see Attachment 1) for Council’s consideration of placing a cannabis dispensary advisory measure on the November 2020 ballot.

Recommendation:

Discuss the request and provide direction to staff.

[Staff Report - 2-Step-Cannabis Dispensary Advisory Measure](#)

[1. Two Step Request, Councilmember Tom Campbell](#)

15.B - FUNDING OPTIONS FOR STREET AND ROADWAY REPAIRS (Assistant City Manager)

During Council meetings on October 16, 2018, and April 2, 2019, the City Council discussed the City’s overall poor street condition represented by a Pavement Condition Index rating of 56. During those meetings, staff presented several budget scenarios and received direction to prepare documents to issue Certificates of Participation (COPs) as a financing mechanism to fund \$20 million in street improvements. Before the City Council tonight is the opportunity to proceed with issuing COPs as well

as information about two funding alternatives for its consideration—both of which would require voter approval.

Recommendation:

Move to direct staff to prepare documents necessary to place a sales tax measure before the voters in November 2020 along with a companion advisory measure indicating the use of the revenue for street and infrastructure repairs.

[Staff Report - Funding Options for Street and Roadway Repairs](#)

[1. Resolution Authorizing Commencement of Financing for Certificates of Participation](#)

15.C - APPROVAL OF THE AGREEMENT BETWEEN THE CITY OF BENICIA AND SENIOR MANAGEMENT (City Manager)

The City Council is asked to approve the attached agreement between the City and the Senior Management employee group. Employee retention and attraction are growing challenges for the City, primarily because our salary ranges have lagged behind those offered by many other public agencies. The agreement includes adjustments to Senior Managers' salaries and benefits similar to those offered to other bargaining units as well as language to allow consideration of all years of public service for leave accruals, etc., as a means of retention and recruitment.

Recommendation:

Adopt the attached resolution (Attachment 1) approving the agreement with the Benicia Senior Managers (Department Directors) effective September 1, 2019 (Attachment 2).

[Staff Report - Senior Managers](#)

[1. Resolution - Senior Managers](#)

[2. Exhibit A – Senior Management Agreement 9-1-19 to 6-30-21](#)

16. Council Member Committee Reports:

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

16.A - COUNCIL MEMBER COMMITTEE REPORTS

[Committee Reports](#)

17. Adjournment (10:00 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.

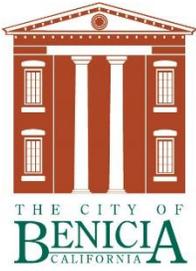
Mayor Patterson: 746-4213

Vice Mayor Strawbridge: 746-4213

Council Member Campbell: 746-4213

Council Member Young: 746-4213

Council Member Largaespada: 746-4213



PROCLAMATION

IN RECOGNITION OF

National Suicide Prevention Week September 8-14, 2019

WHEREAS, suicide is the 10th leading cause of death in the United States and the 2nd leading cause of death among individuals between the ages of 10 to 34 (American Foundation for Suicide Prevention); and

WHEREAS, in the United States, one person completes suicide every 12.3 minutes, resulting in over 44,000 suicides each year (Centers for Disease Control); and

WHEREAS, on average, one person dies by suicide every two hours in California (American Foundation for Suicide Prevention); and

WHEREAS, in 2018, Solano County experienced 62 suicide deaths, of which 50% were individuals between the ages of 30-59 years old; of the 62 suicide deaths, 82% were male residents; 39% of the reported suicide deaths involved the use of a firearm; and 13 individuals who died were veterans (Solano County Sheriff Coroner's Office); and

WHEREAS, in 2018, the City of Benicia experienced 2 suicide deaths (Solano County Sheriff Coroner's Office).

WHEREAS, over 90% of the people who die by suicide have a diagnosable and treatable mental health condition, although often that condition is not recognized or treated; and

WHEREAS, the stigma associated with mental health conditions and suicidality works against suicide prevention by discouraging persons at risk for suicide from seeking life-saving help and further traumatizes those who have attempted suicide and the loved ones of suicide loss; and

WHEREAS, suicide is a preventable national, state, and local public health problem and no single suicide prevention program or effort will be appropriate for all populations or communities; and

WHEREAS, as a community, we can promote awareness that there is no single cause for suicide and that efforts should be made to develop and implement strategies to increase access to quality mental health, substance abuse, and suicide prevention services; and



WHEREAS, Solano County Behavioral Health, in partnership with the Solano County Suicide Prevention Committee and the community, continues to strive to impact change by saving lives and envisioning a suicide free community, achieved through education and trainings, stigma reduction efforts, collaboration with partners and the provision of resources to combat suicide.

NOW, THEREFORE, BE IT RESOLVED THAT I, Elizabeth Patterson, Mayor of the City of Benicia, and on behalf of the City Council of the City of Benicia, hereby proclaim September 8-14, 2019, as “National Suicide Prevention Week” in Benicia, and encourage all residents of Benicia to learn more about the detection and prevention of suicide.

Elizabeth Patterson, Mayor
September 17, 2019



PROCLAMATION

IN RECOGNITION OF

National Drive Electric Week September 14-22, 2019

WHEREAS, petroleum-fueled vehicles are responsible for over 50% of our local greenhouse gas emissions and are a contributing factor to air pollution and climate change, threatening the health of our citizens and the sustainability of our planet; and

WHEREAS, the imbalance between gasoline resources and worldwide demand could cause escalating gasoline prices to levels that overburden commerce, hurt economic growth and cause hardship to our citizens; and

WHEREAS, the transportation sector needs support to move toward adoption of clean energy technology, including plug-in electric vehicles, that reduces our dependence on foreign fuels, supports a healthy environment and economy, and reduces greenhouse gas emissions; and

WHEREAS, Benicia, California is dedicated to being a leader in the use of clean energy, establishing policies and programs that conserve energy and promote sustainability; and

WHEREAS, September 14-22, has been designated as “National Drive Electric Week” throughout the United States to educate our citizens about the benefits of plug-in electric vehicles and to promote their adoption; and

WHEREAS, there will be an electric vehicle exhibit at the September 26th Farmer’s Market.

NOW, THEREFORE, BE IT RESOLVED THAT I, Elizabeth Patterson, Mayor of the City of Benicia and on behalf of the City Council of the City of Benicia, hereby proclaim September 14-22, 2019 as “National Drive Electric Week” in Benicia and call upon all residents of Benicia to join me in supporting the aims and goals of this worthwhile effort.

Elizabeth Patterson, Mayor
September 17, 2019



DRAFT

MINUTES OF THE
REGULAR MEETING – CITY COUNCIL
SEPTEMBER 3, 2019
6:00 PM

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

CALL TO ORDER (6:00 P.M.)

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

1) ROLL CALL

All Council Members were present.

2) PLEDGE OF ALLEGIANCE

Daryl Halls led the Pledge of Allegiance.

3) REFERENCE TO THE FUNDAMENTAL RIGHTS OF THE PUBLIC

4) STUDY SESSION - DISCUSSION OF PRIORITY DEVELOPMENT AREAS / PRODUCTION DEVELOPMENT AREAS

Suzanne Thorsen, Principal Planner, reviewed the staff report and a PowerPoint presentation.

Council Member Largaespada and Staff discussed transit funds possibly being used for charging stations, whether funds had to be used for roads, and whether they could be used for complex engineering projects such as slurry walls.

Council Member Campbell and Staff discussed the issue of the vehicle charging station program, possibly having a shuttle to get people from the new bus hub to their job, and the STA's agreement with Lyft to get riders to and from the bus hub.

Council Member Young and Staff discussed the downtown PDA, and affordable housing.

Vice Mayor Strawbridge and Staff discussed the issue of vehicle miles traveled (VMT), and the status of the ferry.

Mayor Patterson and Staff discussed the positive approach Benicia has taken with the housing element, affirming the City is on record with housing since the General Plan, VMT, what a Specific Plan was, the need to show the projects we have that are of great need, and the need to focus a lot of the resources on the City's infrastructure.

DRAFT

Public Comment:

1. Will Emes - Mr. Eames discussed the need for a plan and a vision.

Council Member Young and Staff discussed converting from a PDA to a PPA.

Vice Mayor Strawbridge suggested including Benicia Main Street when doing outreach on the issue.

Council Member Campbell and Staff discussed the Specific Plan in the Lower Arsenal.

Mayor Patterson stated the direction to Staff was to retain the PDA for Downtown, with the understanding that we need to do a comprehensive outreach to the Downtown. At this time there is no suggestion of changing the boundaries. We may, through the outreach process, learn that there is a desire to do that. On the Benicia Industrial Park, there is interest in doing a PPA and reviewing the boundaries and coming back to the City with recommendations to Staff, which will also require an outreach program.

5) ANNOUNCEMENTS (7:00 P.M.)

5.A - MAYOR'S OFFICE HOURS

5.B - OPENINGS ON BOARDS AND COMMISSIONS

6) **PROCLAMATIONS**

6.A - NATIONAL PREPAREDNESS MONTH

Proclamation - National Preparedness Month 

6.B - INTERNATIONAL LITERACY DAY

Proclamation - International Literacy Day 

6.C - WORLD DUCHENNE AWARENESS DAY

Proclamation - World Duchenne Awareness Day 

7) APPOINTMENTS

8) **PRESENTATIONS**

8.A - DEEP GREEN PRESENTATION BY MCE

Jenna Famular, MCE, reviewed a PowerPoint presentation.

DRAFT

Council Member Young and Ms. Famular discussed how Deep Green worked and how the solar cash outs worked.

Lorie Tinfow, City Manager, reminded Council that they voted to proceed going Deep Green when they adopted their budget.

Vice Mayor Strawbridge and Ms. Famular discussed whether BUSD gets a cash out report like the City does, what percent of Benicia's opt-out rate was (23%), and whether MCE had reached out to those people regarding opting back in.

Council Member Campbell and Ms. Famular discussed how much Benicia has received in cash outs since 2016 (approximately \$400,000), and how MCE compares with PG&E rates.

9) ADOPTION OF AGENDA

On motion of Council Member Largaespada, seconded by Vice Mayor Strawbridge, 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, Mayor Patterson

Noes: (None)

10) OPPORTUNITY FOR PUBLIC COMMENTS

11) WRITTEN COMMENT

Five items received (copies on file).

12) PUBLIC COMMENT

1. Will Emes - Mr. Eames discussed the issue of illegal dumping within the City.
2. Steven Goetz - Mr. Goetz discussed the Benicia Tree Foundations' upcoming tree planting project at Solano Park.
3. Constance Beutel - Ms. Beutel congratulated the City of Benicia for going Deep Green.

13) CONSENT CALENDAR

13.A - AUGUST 20, 2019 CITY COUNCIL MINUTES (City Clerk)

[August 20 2019 City Council Meeting Minutes](#) 

13.B - DENIAL OF THE CLAIM AGAINST THE CITY BY BRIAN COURTNEY AND REFERRAL TO INSURANCE CARRIER (City Attorney)

DRAFT

Staff Report - Courtney Claim 

1. Redacted Claim Form - Courtney Claim 

13.C - SECOND READING AND ADOPTION OF AN ORDINANCE TO REPEAL AND REPLACE THE BENICIA MUNICIPAL CODE CHAPTER 5.52 MESSAGE (Police Chief)

Staff Report - Massage Ordinance Second Reading 

1. Massage Ordinance 

ORDINANCE 19-8 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BENICIA REPEALING AND REPLACING BENICIA MUNICIPAL CODE CHAPTER 5.52 MESSAGE

Public Comment:

1. KC Blackmore-Harris - Ms. Blackmore-Harris discussed concern regarding the possibility of over-regulation and fees increasing, and how to enforce that business owners are certified.

Staff discussed the issue of business owners being certified.

Council Member Young and Staff discussed the issue of owner-operators being certified. Staff noted that if Council wanted to implement that change, the ordinance would have to be brought back for another introduction and first reading. Council could give Staff direction to review the issue of requiring owner-operators being certified.

Mayor Patterson stated the direction to Staff was to look into the issue of requiring owner-operators being certified. Staff indicated it would take approximately 6-12 months to bring the issue back.

On motion of Council Member Young, seconded by Vice Mayor Strawbridge, Council approved the adoption of the above Ordinance, on a roll call by the following vote:

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

Noes: (None)

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

Council pulled item 13.C for discussion.

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

DRAFT

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

14) BUSINESS ITEMS

14.A - INTRODUCTION OF AN ORDINANCE AMENDING CHAPTER 17.84 OF THE BENICIA MUNICIPAL CODE PERTAINING TO RETAIL CANNABIS OPERATIONS (PUBLIC HEARING); AND DISCUSSION OF POSSIBLE REVISIONS PERTAINING TO CANNABIS DELIVERY AND MICROBUSINESS USES (Interim Community Development Director)

Staff Report - Cannabis Retail Amendments

1. Draft Ordinance - Cannabis Retail Amendments
2. Excerpt Council Minutes, May 7, 2019
3. Excerpt Council Minutes, May 21, 2019
4. Planning Commission Minutes, June 5, 2019
5. Excerpt Council Minutes, June 18, 2019
6. Planning Commission Draft Minutes, August 14, 2019
7. Buffer for Commercial Properties

ORDINANCE 19- - AN ORDINANCE AMENDING BENICIA MUNICIPAL CODE CHAPTER 17.84 (CANNABIS REGULATIONS) OF TITLE 17 (ZONING) OF THE BENICIA MUNICIPAL CODE, AND FINDING ADOPTION OF THE ORDINANCE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

Suzanne Thorsen, Principal Planner, reviewed the staff report and a PowerPoint presentation.

Nira Doherty, Assistant City Attorney, stated there was a typo in Chapter 17.84.050 Section B.2.A - on the third line replace 'use permit' with retail cannabis proposal. In subsection 2.B following use permit - add 'and/or public safety license'.

Council Member Largaespada asked for clarification on the process for tonight's discussion and whether the discussion on buffers and the number of retail cannabis businesses could be broken up into two separate discussions.

Council and Staff discussed the best way to handle the discussion tonight.

Mayor Patterson stated there did not appear to be three votes to change the buffer. Council is back to the two questions that the ordinance is addressing which are reducing the retail businesses from two to one, and adding the buffers with the appropriate definitions required.

Council Member Campbell discussed the issue of a freeway being a buffer impediment.

DRAFT

Vice Mayor Strawbridge discussed the buffer around the Southampton Shopping Center. Regardless of the freeway, children still congregate in that area.

Public Comment:

2. Mary Amey - Ms. Amey spoke in support of the Planning Commission's recommendations.

Mayor Patterson stated she was loathed to go against the Planning Commission's recommendations; however, they have not sat through 22 meetings. Although she does not agree with the approach, it is time to move on.

Council Member Young and Staff discussed the current buffer zones and the lack of properties that could entertain a retail cannabis business.

Council Member Campbell discussed his prior votes regarding buffers and the number of cannabis businesses allowed.

Council Member Young suggested a language change regarding 'may not operate on a parcel, any of which were in existence at the time a use permit for a cannabis business was issued'. He thought it should be changed to 'when a cannabis business is applied for.' Staff confirmed that language was acceptable and could be made tonight. Ms. Doherty suggested the language read 'within 600 feet of a school that is in existence at the time the use permit application is deemed complete by Staff.' Council confirmed the language suggested by Staff was acceptable.

Council Member Young requested another amendment to section 17.84.070 A 8, under reasons a permit could be denied, remove the language regarding 'overburdening a neighborhood' because if the above language suggested by Staff is changed, it would not be required.

Council Member Largaespada objected to removing the language regarding overburdening a neighborhood.

Staff cautioned Council that the language in 17.84.070 A 8 did not go before the Planning Commission. If the change is made, the ordinance would have to be brought back to the Planning Commission all over again. The only thing that was before the Planning Commission was the issue of reducing the retail businesses from two to one, and adding the buffers with the appropriate definitions.

Council Member Campbell made a motion to approve the Introduction and First Reading of the proposed ordinance, with the suggested language change by Staff. Council Member Largaespada seconded the motion.

Ms. Doherty clarified that the motion was to approve and waive the first reading of the ordinance that is before Council with the following changes: 1) to Section 17.84.050 B

DRAFT

2A - eliminate the words use permit in the third line to read 'retail cannabis proposal', 2) in Section 17.84.050 B 2B - the third line, add after the words 'use permit' and/or public safety license application, and 3) to Section 17.84.050 B 2A - change the wording 'is issued' in the 5th line to ' use permit for a cannabis application deemed complete by staff.'

Ms. Thorsen reviewed the concepts for future amendments.

Council Member Young suggested allowing a type of retail showroom that could be allowed with microbusinesses where patients could be counseled, pick items out, and then have them delivered.

Mayor Patterson stated that the idea was to remove the cap on the number of microbusinesses and to limit them to the Industrial Park.

Council Member Young and Staff discussed of a company having to list all vehicles used for delivery, with all the pertinent information, why we would need to duplicate the information the State is already collecting, and why the City is limiting the amount of cash a driver can carry to \$3,000. Council Member Young would like to mimic the State requirements to allow drivers to carry \$5,000.

Vice Mayor Strawbridge and Staff discussed the issue of deliveries.

Mayor Patterson stated there was consensus for giving direction to Staff to prepare language to amend the ordinance to remove the cap on microbusinesses, with the understanding it is limited to the Benicia Industrial Park - including the Lower Arsenal, and to allow the use/delivery only per State regulations and law.

Public Comment:

1. Gretchen Burgess - Ms. Burgess spoke in support of bringing business to Benicia that will bring tax dollars.

On motion of Council Member Campbell, seconded by Council Member Largaespada, Council approved the Introduction and First Reading of the above Ordinance, as amended with the three amendments as summarized by Staff, on a roll call by the following vote:

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

Noes: Council Member Young, Mayor Patterson

14.B - TWO-STEP REQUEST FOR CLIMATE EMERGENCY RESOLUTION (City Manager)

Staff Report - Climate Emergency Resolution 

1. Two-Step Request, Mayor Patterson 

2. Draft City of Benicia Climate Emergency Resolution 

Mayor Patterson reviewed her request.

DRAFT

Public Comment:

1. Constance Beutel - Ms. Beutel spoke in support of bringing this forward for discussion.
2. Marilyn Bardet - Ms. Bardet spoke in support of bringing this forward for discussion.
3. Gretchen Burgess - Ms. Burgess spoke in support of bringing this forward for discussion.
4. Steve Goetz - Mr. Goetz spoke in favor of bringing this forward for discussion.
5. Pat Toth-Smith - Ms. Toth Smith spoke in support of bringing this forward for discussion.
6. Kathy Kerridge - Ms. Kerridge spoke in support of bringing this forward for discussion.

Council Member Young spoke in support of bringing this forward for discussion.

Council Member Largaespada clarified that the proposed resolution commits Benicia to a high level of change and development. We need more information.

Council Member Campbell said he would vote to bring it back for discussion; however the resolution as-is will not work for him.

Vice Mayor Strawbridge discussed concern regarding the amount of staff time this will require just to get it to the second step. She would like to see this in a different format.

On motion of Council Member Young, seconded by Council Member Campbell, Council approved bringing this forward at a future workshop, on a roll call by the following vote:

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

Noes: (None)

15) ADJOURNMENT (11:00 P.M.)

Mayor Patterson adjourned the meeting at 9:50 p.m.



**AGENDA ITEM
CITY COUNCIL MEETING DATE – SEPTEMBER 17, 2019
CONSENT CALENDAR**

TO : City Manager

FROM : Director of Library and Cultural Services

SUBJECT : **UPDATE TO ORDINANCE ESTABLISHING A LIBRARY BOARD OF TRUSTEES**

EXECUTIVE SUMMARY:

Upon recommendation of the City Council at their November 1, 2018 meeting that each City Board or Commission bring its establishing documentation up to date, the Library Board of Trustees appointed a subcommittee to propose revisions to their ordinance, and now brings proposed amendments to the ordinance forward for Council approval.

RECOMMENDATION:

Conduct the first reading of an ordinance (Attachment 1) to amend the existing ordinance establishing the Benicia Public Library’s Board of Trustees.

BUDGET INFORMATION:

No budgetary impact.

BACKGROUND:

In 1913, Benicia established a public library, and formed a governing Board of Trustees. Under the State Education Code, certain language was used and is still on the books, despite the shift in the late 1980s, to an “advisory board” rather than a governing board. As an advisory board, the Library Board of Trustees serves to represent the community’s interests in matters concerning its library, and to advise the City Council on policy matters, but does not have the authority to hire and fire, make purchases, or manage the actual day-to-day operations of the Library.

The amendments here proposed, while still complying with state law governing Boards of Library Trustees, make it clear that the Board serves in an advisory, rather than in a governing capacity, with decisions such as the hiring of a Library Director residing with the City Manager, and other day-to-day decision making residing with the Library Director.

An important additional role of a Library Board is that of advocacy on behalf of the Library, as well as on behalf of public libraries generally, and that role has been captured explicitly in the proposed update.

Other important changes include the removal of gender-specific language in favor of more inclusive language.

The Board of Library Trustees approved these proposed amendments at their regular meeting on August 13, 2019.

NEXT STEPS:

Upon approval of the first reading of the amended ordinance, the amended ordinance will return for a second reading at the October 1, 2019 City Council meeting.

ALTERNATIVE ACTIONS:

Council could choose not to approve the first reading of the amended ordinance, thereby leaving the ordinance as it currently is.

General Plan	Goal 3.4 Support the library and the services it provides to the community
Strategic Plan	Strategy 6 Support Benicia Public Library’s ability to meet the public’s expanding needs for information, communication and literacy.
CEQA Analysis	The proposed ordinance update is not a project as defined in CEQA Guidelines Section 15378 since it will not result in a direct or indirect physical change in the environment.

ATTACHMENTS:

1. Ordinance Amendment - Library Board of Trustees
2. Municipal Code 2.64 Board of Library Trustees

*For more information contact: David Dodd, Director of Library and Cultural Services
Phone: 707-746-4343
E-mail: ddodd@ci.benicia.ca.us*

ORDINANCE NO. 19-

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BENICIA
AUTHORIZING THE ADOPTION OF AN ORDINANCE AMENDMENT TO BENICIA
MUNICIPAL CODE CHAPTER 2.64 BOARD OF LIBRARY TRUSTEES**

WHEREAS, in 1913, Benicia established a public library, and formed a governing Board of Trustees, which has been codified at Benicia Municipal Code 2.64;

WHEREAS, an amendment is sought to clarify that the Library Board of Trustees serves in an advisory capacity, rather than a governing one;

WHEREAS, an amendment is sought to further clarify that the Library Board of Trustees plays an important role in advocacy; and

WHEREAS, amendments are needed to update language in the code and remove certain gender-specific language in favor of more inclusive language which better reflects the people and community of the City of Benicia.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Benicia does ordain as follows:

Section 1. Recitals:

The City Council of the City of Benicia does hereby find that the above referenced recitals are true and correct and material to the adoption of this ordinance.

Section 2. Amendments

Chapter 2.64 (Board of Library Trustees) will be amended to read as follows (deletions in ~~strike~~through, additions in underline):

Chapter 2.64
BOARD OF LIBRARY TRUSTEES

Sections:

- 2.64.010 Established.
- 2.64.020 Members – Qualifications.
- 2.64.030 Meeting time and place.
- 2.64.040 Officers – Appointment.
- 2.64.050 Officers – Duties.
- 2.64.060 Powers and duties.
- 2.64.070 Annual report.

2.64.010 Established.

A Board of Library Trustees of the City is established per Calif. Education Code Title 1, Division 1, Part 11, Chapter 5, Article 2 ([18900-18965]).

2.64.020 Members – Qualifications.

Each member of the Board of Library Trustees shall be a qualified elector of the City. A person who holds any salaried public office or employment with the City is not eligible for the board. ~~A~~ Members of the Board of Library Trustees is are not eligible for appointment to any salaried office or employment with the City during such time as ~~he is~~ they are a members of the board. Members serve a three-year term, renewable upon confirmation of the City Council.

2.64.030 Meeting time and place.

The board shall meet on the second Tuesday of each month at 6:30 p.m. at the Benicia Library and conduct other special meetings as necessary to perform the duties outlined in Subsection 2.64.060. The board shall have the power to establish rules for its proceedings, in accordance with applicable provisions of the City’s municipal code and State law.

2.64.040 Officers – Appointment.

The board shall elect a president and president pro tem from among its members. The president and president pro tem serve for a term of one year and until the successor of each is appointed and qualified. The board shall appoint a secretary who need not be a member of the board.

2.64.050 Officers – Duties.

A. President. The president shall preside at all meetings of the board. ~~He~~ and shall appoint all committees and ~~shall~~ perform all the duties necessary or incidental to ~~his~~ the office.

B. President Pro Tem. The president pro tem is president in the absence or inability of the president to act.

C. Secretary. The secretary shall keep minutes of each meeting and shall record each hearing and official action. On all official actions upon which a vote is taken, the secretary shall take the vote by ~~voice vote unless a member requests the vote be taken by roll call. If a roll call vote is used, the vote shall be taken in alphabetical order with the president voting last~~ roll call. The secretary shall examine incoming mail for proper referral and answer correspondence for the board. The secretary shall maintain records of operations and shall perform such other duties as the board may assign.

2.64.060 Powers and duties.

Subject to the direction and approval of the City Council, as provided in Section Chapter 2.60 (Advisory Bodies) of this code, the powers and duties of ~~the~~ the Board of Library Trustees shall be:

A. ~~Make and enforce rules, regulations and bylaws necessary for the administration, government and protection of the public library except for the powers delegated to the personnel officer under Chapter 2.40 BMC, relating to personnel administration~~ To assess and evaluate current and long-range needs of the Library; to formulate and adopt policies, rules and regulations with respect to programs and facilities to meet such needs of the community, including recommendations of the City Council for sites and design of facilities. Such formulations and adoptions shall be made in conjunction with recommendations of the Library Director;

~~B. Administer any trust declared or created for the library and received by property, by gift, demise, or bequest and hold it and, where not otherwise provided, dispose of the property for the benefit of the library~~ To review, comment and make recommendations to the City Council regarding the annual operating budget of the Library;

~~C. Prescribe the duties and powers of the library director and other nonclassified officers and employees of the library and recommend to the city council the number and compensation of the library director, nonclassified library employees and classified library employees~~ To receive and review periodic reports from the Library Director concerning the general operations and functions of the Library;

~~D. Purchase necessary books, journals and publications and other personal property~~ To recommend ways to inform the public of the various programs, services and assistance which the Library provides, and to receive public comment regarding any such services;

~~E. Borrow books from and rent books to and exchange books with other libraries and allow nonresidents to borrow books set upon such conditions as the board prescribes~~ To promote intergovernmental cooperation in the development of library services, patronage and usage (regional, state, and national);

~~F. Do all acts and things necessary or proper to carry out this chapter~~ To advocate for library-related issues with applicable governmental bodies, the community, and other groups;

G. To perform such other duties as may be prescribed by the City Council.

2.64.070 Annual report.

~~The Board of Library Trustees shall on or before the first day of August of each year approve make a report to the City Council giving the condition of the Library on June 30th as of the end of the preceding fiscal year, together with a statement of its proceedings for the year. The board shall forward a statement of its proceedings to the State Library at Sacramento.~~

Section 3. Severability

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

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

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 above Ordinance is introduced and passed by the City Council of the City of Benicia at a regular meeting of the Council held on the 17th day of September, 2019 and adopted by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk

Date

Chapter 2.64
BOARD OF LIBRARY TRUSTEES

Sections:

- [2.64.010](#) Established.
- [2.64.020](#) Members – Qualifications.
- [2.64.030](#) Meeting time and place.
- [2.64.040](#) Officers – Appointment.
- [2.64.050](#) Officers – Duties.
- [2.64.060](#) Powers and duties.
- [2.64.070](#) Annual report.

2.64.010 Established.

A board of library trustees of the city is established. (Ord. 08-05 § 1; Ord. 84-9 N.S. § 1, 1984; prior code § 3-201. Formerly 2.36.010).

2.64.020 Members – Qualifications.

Each member of the board of library trustees shall be a qualified elector of the city. A person who holds any salaried public office or employment with the city is not eligible for the board. A member of the board of library trustees is not eligible for appointment to any salaried office or employment with the city during such time as he is a member of the board. (Ord. 08-05 § 1; prior code § 3-202. Formerly 2.36.020).

2.64.030 Meeting time and place.

The board shall meet on the second Tuesday of each month at 6:30 p.m. at the Benicia Library. (Ord. 14-01 § 1; Ord. 08-05 § 1; Ord. 99-3 N.S.; Ord. 97-14 N.S.; Ord. 94-7 N.S. § 1, 1994; Ord. 87-3 N.S. § 1, 1987; Ord. 85-21 N.S. § 1, 1986; Ord. 85-1 N.S. § 1, 1985; prior code § 3-206. Formerly 2.36.050).

2.64.040 Officers – Appointment.

The board shall elect a president and president pro tem from among its members. The president and president pro tem serve for a term of one year and until the successor of each is appointed and qualified. The board shall appoint a secretary who need not be a member of the board. (Ord. 08-05 § 1; prior code § 3-208. Formerly 2.36.080).

2.64.050 Officers – Duties.

A. President. The president shall preside at all meetings of the board. He shall appoint all committees and shall perform all the duties necessary or incidental to his office.

B. President Pro Tem. The president pro tem is president in the absence or inability of the president to

act.

C. Secretary. The secretary shall keep minutes of each meeting and shall record each hearing and official action. On all official actions upon which a vote is taken, the secretary shall take the vote by voice vote unless a member requests the vote be taken by roll call. If a roll call vote is used, the vote shall be taken in alphabetical order with the president voting last. The secretary shall examine incoming mail for proper referral and answer correspondence for the board. The secretary shall maintain records of operations and shall perform such other duties as the board may assign. (Ord. 08-05 § 1; Ord. 97-14 N.S.; prior code § 3-211. Formerly 2.36.090).

2.64.060 Powers and duties.

The board of library trustees shall:

A. Make and enforce rules, regulations and bylaws necessary for the administration, government and protection of the public library except for the powers delegated to the personnel officer under Chapter 2.40 BMC, relating to personnel administration;

B. Administer any trust declared or created for the library and received by property, by gift, demise, or bequest and hold it and, where not otherwise provided, dispose of the property for the benefit of the library;

C. Prescribe the duties and powers of the library director and other nonclassified officers and employees of the library and recommend to the city council the number and compensation of the library director, nonclassified library employees and classified library employees;

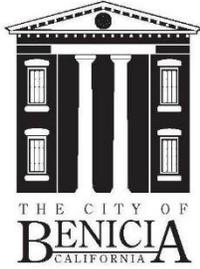
D. Purchase necessary books, journals and publications and other personal property;

E. Borrow books from and rent books to and exchange books with other libraries and allow nonresidents to borrow books set upon such conditions as the board prescribes;

F. Do all acts and things necessary or proper to carry out this chapter. (Ord. 08-05 § 1; Ord. 89-10 N.S. § 1, 1989; prior code § 3-212. Formerly 2.36.120).

2.64.070 Annual report.

The board of library trustees shall on or before the first day of August of each year make a report to the city council giving the condition of the library on June 30th preceding, together with a statement of its proceedings for the year. The board shall forward a statement of its proceedings to the State Library at Sacramento. (Ord. 08-05 § 1; Ord. 97-14 N.S.; prior code § 3-213. Formerly 2.36.130).



AGENDA ITEM
CITY COUNCIL MEETING DATE – SEPTEMBER 17, 2019
CONSENT CALENDAR

TO : City Manager

FROM : Parks and Community Services Director

SUBJECT : **JAMES LEMOS SWIM CENTER BOILER REPLACEMENT PROJECT**

EXECUTIVE SUMMARY:

This project will replace the two current boilers that heat the James Lemos Swim Center pools. Due to a prior failure of one of the units and the age of both, staff is requesting authorization to purchase and install two new boilers.

RECOMMENDATION:

Adopt a resolution (Attachment 1) authorizing the City Manager to sign a purchase order with Knorr Systems, Inc. of Livermore, CA in the amount of \$206,556.55 for the removal and replacement of the two boilers at the James Lemos Swim Center.

BUDGET INFORMATION:

\$240,000 was allocated from the Facilities Maintenance Fund for this project. The cost for the removal and replacement of the current boilers is \$206,556.55. Staff is also asking for a 10% contingency of \$20,656 to complete this project, for a total project cost of \$227,212.55 to be allocated from Facilities Maintenance Fund Account 625-9010-7008, Project # 910001.

BACKGROUND:

The current boilers that maintain the heat for the James Lemos Swim Center pools were installed in early 2002, with an expected lifespan of 10-12 years. Due to budgetary challenges following the Great Recession, staff worked diligently to extend the life of the existing boilers several additional years. However, the cost of maintaining these aging boilers continues to increase and is no longer a fiscally sound course. Further, it is expected that the reduced maintenance requirements for new boilers will free some staff time that can be reallocated to other maintenance projects.

In July 2019, plans and specifications were sent to six (6) nationwide vendors and two (2) local vendors for bids on this specialty item. A mandatory pre-bid meeting was held on site on July 11, 2019. On August 6, 2019, the City received and opened three (3) bids, which are detailed below:

Bid Results:

<i>RANK</i>	<i>BIDDER'S NAME AND ADDRESS</i>	<i>Total BID</i>
1	Knorr Systems Inc. of Livermore, Ca.	\$206,556.55
2	Recreonics Inc. of Louisville, Kentucky	\$215,750.00
3	Raypac Inc. of Oxnard, Ca.	\$210,300.00

Staff recommends awarding the contract to Knorr Systems, Inc. in the amount of \$206,556.55 with a 10% contingency of \$20,656 for a total cost of \$227,212.55.

NEXT STEPS:

Staff will execute the purchase order with Knorr Systems, Inc. Installation of the replacement boilers would begin when the pool is closed for the season in early November 2019 and is scheduled to be completed by February 2020.

ALTERNATIVE ACTIONS:

1. Council could choose to not authorize this purchase, leaving the existing seventeen-year-old boilers in place. Staff does not recommend this course, as there is a significant risk that the boilers could fail in the middle of the 2020 swim season, which would result in an extended pool closure.

General Plan	Goal 2.28: Improve and maintain public facilities and services.
	Goal 2.30: Maintain and improve existing parks and recreation programs.

Strategic Plan	Strategic Issue 4: Preserving and Enhancing Infrastructure
	Strategy 4.4: Provide adequate funding for ongoing infrastructure needs
	Strategic Issue 5: Maintain and Enhance a High Quality of Life

CEQA Analysis	The alternatives are categorically exempt from further California Environmental Quality Act (CEQA) review pursuant to Guidelines Section 15302 (Replacement or Reconstruction), which exempts replacement of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced.
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ATTACHMENTS:

1. Resolution – James Lemos Swim Center Boiler Replacement Project

For more information contact: Rick Knight, Project Manager

Phone: 707.746.4322

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

RESOLUTION NO. 19-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA
AUTHORIZING THE CITY MANAGER TO SIGN A PURCHASE ORDER WITH
KNORR SYSTEMS, INC. FOR THE JAMES LEMOS SWIM CENTER BOILER
REPLACEMENT PROJECT**

WHEREAS, the current boilers at the James Lemos Swim Center have been maintained well beyond their design life and are increasingly difficult and expensive to maintain; and

WHEREAS, in July 2019, staff distributed plans and specifications to multiple vendors for this specialty item; and

WHEREAS, three firms submitted bids prior to the August 6, 2019 deadline; and

WHEREAS, Knorr Systems, Inc. was the lowest responsive, responsible bidder with an amount of \$206,556.55; and

WHEREAS, a 10% contingency of \$20,656 is requested to complete this project, for a total project cost of \$227,212.55 to be allocated from Facilities Maintenance Fund Account 625-9010-7008, Project # 910001; and

WHEREAS, this project is categorically exempt per CEQA Section 15301, which applies to the maintenance of existing facilities.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Benicia does hereby award the James Lemos Swim Center Boiler Replacement Project to Knorr Systems, Inc. of Livermore, CA.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to sign the purchase order, subject to approval by the City Attorney.

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 17th day of September, 2019 by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk

Date



AGENDA ITEM
CITY COUNCIL MEETING DATE – SEPTEMBER 17, 2019
CONSENT ITEM

TO : City Manager

FROM : Interim Community Development Director

SUBJECT : **SECOND READING AND ADOPTION OF AN ORDINANCE AMENDING CHAPTER 17.84 OF THE BENICIA MUNICIPAL CODE PERTAINING TO RETAIL CANNABIS OPERATIONS (PUBLIC HEARING), AFTER A DETERMINATION THAT THE PROJECT IS EXEMPT FROM CEQA**

EXECUTIVE SUMMARY:

The proposed ordinance would amend Benicia Municipal Code Chapter 17.84 (Cannabis) to reduce the number of permitted cannabis retailers from two (2) to one (1), amend and add certain definitions, and change the permissible locations of cannabis retailers for which applications have not yet been received.

The City Council conducted a public hearing and introduced the ordinance on September 3, 2019.

RECOMMENDATION:

Adopt the ordinance (Attachment 1) amending Benicia Municipal Code Chapter 17.84 (Cannabis) to reduce the number of permitted cannabis retailers from two (2) to one (1), amend and add certain definitions, and change the permissible locations of cannabis retailers for which applications have not yet been received.

BUDGET INFORMATION:

On November 29, 2018, following the passage of a Benicia cannabis excise tax, the City Council set the retail cannabis tax rate at 5%. Based on previous cannabis tax revenue estimates prepared by financial consulting firm HdL for the City, HdL estimated tax revenue for two retail cannabis businesses would be approximately \$250,000 annually. Reducing the number of cannabis retailers is likely to reduce the estimated tax revenue associated with this use.

BACKGROUND:

On September 3, 2019, the City Council introduced the proposed ordinance amending Title 17 pertaining to cannabis retail uses. The draft ordinance proposes amending the Benicia Municipal Code to reduce the number of cannabis retailers permitted in Benicia from two (2) to one (1), and

modifying the sensitive land use buffer requirements for such businesses, including the following key amendments:

- BMC Section 17.84.020: amend the definition for “School” and add definitions for “Childcare center”, “Learning center”, “Public park” and “Youth center”. These definitions pertain to the minimum 600-foot separation (“buffer”) required between cannabis retailers and specified sensitive land uses.
- BMC Section 17.84.050: Amend the limitations on cannabis business location to require that applications received after September 10, 2018 be required to maintain a minimum 600-foot separation (buffer) from childcare centers, learning centers, public parks and youth centers and residential districts, in addition to schools. Applications received before September 10, 2018, which are currently under review through the cannabis retailer RFP, would need to maintain a minimum 600-foot buffer from schools as currently required.

The City Council conducted a public hearing on the proposed zoning amendments on September 3, 2019. One person spoke in opposition to the amendment. Following the public hearing, the City Council moved to waive the first reading and introduced the ordinance; by motion, the City Council directed staff to make technical amendments to Sections 17.84.050.B.2.a and 17.84.050.B.2.b of the ordinance clarifying the applicability of the amended buffer requirements. The recommended technical changes are incorporated in the proposed ordinance (Attachment 1).

NEXT STEPS:

If the proposed ordinance is approved, the amendments would become effective on the 30th day following the second reading.

ALTERNATIVE ACTIONS:

The City Council could choose not to amend the cannabis ordinance for retail cannabis or may choose to take an alternative action on amendments to the zoning ordinance. Changes to the proposed ordinance may require a subsequent hearing before the Planning Commission.

General Plan	<p>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.</p> <p>Program 2.5.C: Evaluate future uses on a cost/revenue basis, taking into account economic diversity for the long term and environmental and community costs and benefits.</p>
	<p>Goal 2.6: Attract and retain a balance of different kinds of industrial uses to Benicia.</p> <p>Policy 2.6.1: Preserve industrial land for industrial purposes and certain compatible “service commercial” and ancillary on-site retail uses.</p> <p>Policy 2.6.2: Other land uses should not adversely affect existing industrial and commercial land uses.</p>

	Goal 2.11: Encourage the retention and continued evolution of the lower Arsenal into a historic/cultural/commercial/industrial center of mutually compatible uses. Policy 2.11.1: Retain and expand the mix of compatible and balanced uses in the lower Arsenal area.
	Goal 2.13: Support the economic viability of existing commercial centers. Policy 2.12.1: Direct new commercial ventures first, towards Downtown, and second, to other existing economic centers (instead of dispersing resources to new areas).
	Goal 4.4: Reduce the incidence of substance abuse and strive for a drug-free community.
	Goal 4.6: Prevent and reduce crime in the community.

Strategic Plan	Strategic Issue #3: Strengthening Economic & Fiscal Conditions Strategy #1: Implement Economic Development Strategy Strategy #2: Strengthen Benicia Industrial Park competitiveness Strategy #3: Retain and attract business
	Strategic Issue #4: Preserving and Enhancing Infrastructure Strategy #4: Provide adequate funding for ongoing infrastructure needs

CEQA Analysis	The proposed project is not subject to review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15060, subd. (c)(2) because it will not result in a direct or reasonably foreseeable indirect physical change in the environment, and pursuant to CEQA Guidelines section 15061, subd. (b)(3) because there is no possibility the activity in question may have a significant effect on the environment. Furthermore, Business and Professions Code Section 26055(h) exempts from Division 13 of the Public Resources Code, the adoption of an ordinance, rule, or regulation by a local jurisdiction that requires discretionary review and approval of permits, licenses, or other authorizations to engage in commercial cannabis activity whereby the discretionary review in any such law, ordinance, rule, or regulation includes any applicable environmental review pursuant to Division 13.
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ATTACHMENT:

1. Ordinance Amending Title 17 – Cannabis Retail

For more information contact: Alan Shear, Interim Community Development Director

Phone: 707.746.4277

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

CITY OF BENICIA

ORDINANCE NO. 19-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BENICIA AMENDING BENICIA MUNICIPAL CODE CHAPTER 17.84 (CANNABIS REGULATIONS) OF TITLE 17 (ZONING) OF THE BENICIA MUNICIPAL CODE, AND FINDING ADOPTION OF THE ORDINANCE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

WHEREAS, on February 20, 2018, City Council adopted Ordinance 18-3, establishing new cannabis regulations by adding Benicia Municipal Code Chapter 17.84 and making further amendments to Title 17 (Zoning) related to cannabis; and

WHEREAS, on April 1, 2019, the City Council initiated the first step of its two-step agenda process, by reviewing the City’s cannabis regulations and considering the addition of more sensitive uses to retail cannabis businesses’ required buffers; and

WHEREAS, the City Council, at a regular City Council meeting on May 7, 2019, approved a motion to ban retail cannabis and in so doing, directed staff to prepare amendments to the Benicia Municipal Code to prohibit retail cannabis businesses; and

WHEREAS, the City Council, at a regular meeting on May 21, 2019, considered a request for reconsideration of direction to staff to prepare amendments to the Benicia Municipal Code to prohibit retail cannabis and the City Council did not decide to reconsider the May 7, 2019 direction to prohibit retail cannabis within the City of Benicia; and

WHEREAS, the proposed amendments reflect the City Council direction provided on May 7, 2019 and May 21, 2019; and

WHEREAS, the Planning Commission, at a special meeting on June 5, 2019, conducted a duly noticed public hearing, considered amendments to the Benicia Municipal Code Title 17 to prohibit retail cannabis, and did not recommend approval of said amendments to Title 17 to the City Council; and

WHEREAS, on June 18, 2019, the Benicia City Council conducted a public hearing and first reading on the amendments to ban retail cannabis and provided direction to staff to prepare amendments that would modify the buffer requirements for retail cannabis applications received after September 10, 2019 and reduce the number of retail cannabis use permits from two (2) to one (1); and

WHEREAS, the Planning Commission, at a special meeting on August 14, 2019, conducted a duly noticed public hearing, considered amendments to the Benicia Municipal Code Title 17 to modify buffer requirements for retail cannabis, reduce the number of retail cannabis use permits, add definitions of certain sensitive land uses, and recommended approval of said amendments to Title 17 to the City Council; 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 September 3, 2019.

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

Section 1. Chapter 17.84 of Title 17 of the Benicia Municipal Code (Cannabis) is hereby amended to read as follows (deletions in ~~striketrough~~, additions in underline):

Sections:

- 17.84.010 Purpose and intent.
- 17.84.020 Definitions.
- 17.84.030 Residential cultivation of cannabis.
- 17.84.040 Cannabis businesses – Use permit and license required to operate.
- 17.84.050 Cannabis businesses – General provisions.
- 17.84.060 Use permit for commercial cannabis activities – Requirements.
- 17.84.070 Criteria to review, issuance and/or denial of use permit for commercial cannabis activities.
- 17.84.080 Appeal from planning commission determination.
- 17.84.090 Suspension and revocation by planning commission.
- 17.84.100 Cannabis businesses – Conditions of operation.
- 17.84.110 Business license tax liability.
- 17.84.120 Annual review of cannabis businesses.
- 17.84.130 No vested rights.
- 17.84.140 Public nuisance.

17.84.010 Purpose and intent.

It is the purpose and intent of this chapter to regulate the cultivation, manufacturing, sale, delivery, testing and distribution of medical and adult-use cannabis in order to ensure the health, safety, and welfare of the residents of the city of Benicia. The regulations in this chapter are meant to ensure compliance with the Compassionate Use Act, the Medical Marijuana Program Act, and the Medicinal and Adult Use Cannabis Regulation and Safety Act (hereinafter the “state cannabis laws”) and are not intended to and do not interfere with a patient’s right to use medical cannabis as authorized by the state cannabis laws. Nor do these regulations criminalize the possession or cultivation of cannabis for medical or nonmedical purposes as permitted by the state cannabis laws. Cannabis businesses within the city must comply with all provisions of the Benicia Municipal Code for obtaining permits for a cannabis business and must comply with the state cannabis laws and all other applicable local and state laws. (Ord. 18-03 § 1).

17.84.020 Definitions.

For the purposes of this chapter, the following words and phrases shall have the following meanings:

“Applicant” means a person who is required to file an application for a cannabis business under this chapter, including an individual owner, managing partner, officer of a corporation, or any other dispensary operator, management member, employee, or agent of a cannabis business.

“Cannabis” shall have the meaning set forth in Business and Professions Code Section 26001(f) and as subsequently amended.

“Cannabis business” shall include:

1. Any business, facility, use, establishment, property, or location, whether fixed or mobile, where a commercial cannabis activity takes place.
2. Any building, facility, use, establishment, property, or location where any person or entity establishes, commences, engages in, conducts, or carries on, or permits another person or entity to establish, commence, engage in, conduct, or carry on, any activity that requires a state license under Business and Professions Code Sections 26000 and following, including but not limited to cannabis cultivation, cannabis distribution, cannabis manufacturing, cannabis testing and cannabis retail sales, and the operation of a cannabis microbusiness.

“Cannabis product” shall have the same meaning as in Health and Safety Code Section 11018.1.

“Canopy” means all areas occupied by any portion of a cannabis plant, encompassing all vertical planes (i.e., stacking of plants), whether contiguous or noncontiguous on any one site. The canopy shall be measured by taking the longest length and widest width of existing plants (including all gaps, walkways, and open areas between plants) and multiplying the longest length by the longest width to get the area of the cannabis canopy. Each level of a stacked cultivation will be calculated as a separate canopy.

“Childcare center” means a licensed day care facility that provides nonmedical care to children under 18 years of age on a less than 24-hour basis, and includes infant centers, nursery schools, preschools, extended day care facilities, large family day care homes, and school age child care centers.

“Commercial cannabis activity” shall include the cultivation, possession, manufacturing, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery or sale of cannabis and cannabis products.

“Cultivation” means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.

“Delivery” means the commercial transfer of cannabis or cannabis products to a customer or patient. “Delivery” also includes the use by a retailer of any technology platform owned and controlled by the retailer.

“Distribution” means the procurement, storage, sale, and transport of cannabis and cannabis products between licensees.

“Drug paraphernalia” shall have the meaning set forth in California Health and Safety Code Section 11014.5, and as subsequently amended.

“Edible cannabis product” means cannabis that is intended to be used, in whole or in part, for human consumption.

“Identification card” shall have the meaning set forth in California Health and Safety Code Section 11362.712, and as may be amended from time to time.

“Learning center” means a facility that provides appointment- or classroom-based tutoring, test preparation, drivers’ education, instruction in science, technology, engineering, arts and math (STEAM), and similar instruction for school-aged youth, and state-licensed adult day programs for individuals with developmental or physical disabilities.

“Manufacture” means to compound, blend, extract, infuse, or otherwise make or prepare a cannabis product.

“Medicinal cannabis” or “medicinal cannabis product” shall have the meaning set forth in California Business and Professions Code Section 26001(ai), which includes cannabis or a cannabis product, respectively, intended to be sold for use pursuant to the Compassionate Use Act of 1996 (Proposition 215), found at California Health and Safety Code Section 11362.5, by a medicinal cannabis patient in California who possesses a physician’s recommendation.

“Operator” means any person responsible for management of the cannabis business, any person listed on the cannabis business’s articles of incorporation, any person owning an interest in the cannabis business, and any person that supervises another employee of the cannabis business.

“Owner” shall have that meaning set forth in Business and Professions Code Section 26001(al) and as it may be amended.

“Permittee” means any person issued a use permit for cannabis under this chapter.

“Physician” means a licensed medical doctor, including a doctor of osteopathic medicine as defined in the California Business and Professions Code.

“Property” means the designated structure or structures and land specified in the use permit for cannabis application that is owned, leased or otherwise held under the control of the applicant or permittee where the commercial cannabis activity will be or is conducted.

“Public Park” means an area of land, owned by a public agency, including local, state and/or federal entities, that provides outdoor recreation facilities and programming or provides open space recreational opportunities.

“Qualified registration list” means the list established through a competitive process to determine the best applicants for use permits for cannabis businesses that have retail components, including microbusinesses.

“School” means any public or private school providing instruction in kindergarten or any of grades one to 12, consistent with curriculum content standards adopted by the California State Board of Education, inclusive, but does not include any private school in which education is primarily conducted in private homes.

“State cannabis laws” means and includes California Health and Safety Code Sections 11362.1 through 11362.45, 11362.5 (Compassionate Use Act of 1996) and 11362.7 to 11362.83 (Medical Marijuana Program); California Business and Professions Code Sections 26000, et seq.

(Medicinal and Adult-Use Cannabis Regulation and Safety Act (“MAUCRSA”)); all state laws enacted or amended pursuant to SB-94, Chapter 27, Statutes of 2017; the California Attorney General’s Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use issued in August 2008, as such guidelines may be revised from time to time by action of the Attorney General; California Labor Code Section 147.5; California Revenue and Taxation Code Sections 31020 and 34010 through 34021.5; California Fish and Game Code Section 12029; California Water Code Section 13276; all state regulations adopted pursuant to MAUCRSA; any license issued pursuant to MAUCRSA; and all other applicable laws of the state of California regulating cannabis or cannabis products.

“Testing laboratory” means a laboratory, facility, or entity that offers or performs tests of cannabis or cannabis products. (Ord. 18-03 § 1).

“Youth Center” shall have that meaning set forth in Section 11353.1 of the Health and Safety Code, as that section may be amended.

17.84.030 Residential cultivation of cannabis.

A. No more than six living cannabis plants for personal use may be cultivated at an individual residential unit. Cultivation must not be visible from a public place, including a public right-of-way, and shall only occur:

1. Inside an occupied and inhabited dwelling unit; or
2. Inside a fully enclosed, locked, and secured accessory structure to an occupied and inhabited dwelling unit located in the rear yard or side yard of the same lot where there is (a) no visual or minimal olfactory evidence of cultivation detectable from the public right-of-way or from adjoining properties, (b) the structure is placed at least five feet from the rear yard and side yard property lines, and (c) the structure is no more than 10 feet tall.

B. The drying and processing of cannabis for personal use shall only occur in a fully enclosed structure and shall not be visible from a public place, including a public right-of-way.

C. Persons cultivating cannabis in a residence shall comply with all applicable building code requirements set forth in the Benicia Municipal Code, there shall be no use of gas products (CO₂, butane, propane, natural gas, etc.) on the property for purposes of cannabis cultivation, and the cannabis cultivation shall comply with Health and Safety Code Section 11362.2(a)(3) as it may be amended. (Ord. 18-04 § 1).

17.84.040 Cannabis businesses – Use permit and license required to operate.

It shall be unlawful for any person to engage in, to conduct or carry on (or to permit to be engaged in, conducted or carried on) in or upon property located within the city, the operation of a cannabis business unless that person has first obtained and continues to maintain in full force and effect a valid use permit for commercial cannabis activity issued by the city for that property and a valid cannabis public safety license issued by the city to the owner and/or operator of the cannabis business, pursuant to Chapter 9.60 BMC. (Ord. 18-03 § 1).

17.84.050 Cannabis businesses – General provisions.

A. Cannabis Businesses Allowed.

1. Only those types of cannabis businesses set forth in this section shall be allowed within the city. Any and all cannabis businesses, activities, nonprofits, associations, enterprises, collectives, cooperatives or dispensaries not expressly described herein are expressly prohibited.

- a. Cannabis retailer (“retailer”).
- b. Cannabis manufacturing operation (“manufacturer”).
- c. Cannabis testing laboratory (“testing labs”).
- d. Cannabis distributor (“distributor”).
- e. Cannabis cultivation operation (“cultivator”).
- f. Cannabis microbusiness (“microbusiness”).
- g. Cannabis delivery operations (“delivery”).

2. No more than ~~one~~^{two} cannabis retailer ~~is~~^{s are} permitted in the city.

3. No more than one microbusiness is permitted in the city.

4. An owner or operator of a cannabis business may own or operate more than one cannabis business within the city.

5. All retail operations shall occur in a fully enclosed permanent structure.

B. Limitations on Location.

1. Permissible Zoning. Subject to limitations described in this chapter or other parts of the zoning ordinance, cannabis businesses may only operate in the zones specified in Division II or Division III of the zoning ordinance.

2. Areas and Zones Where Cannabis Businesses Are Not Permitted.

a. Cannabis Retailers – Applications Received Prior to September 10, 2018.
Notwithstanding subsection (A)(1) of this section, cannabis retail businesses whose retail cannabis proposals were received prior to September 10, 2018, may not operate on a parcel or lot located within 600 feet of a school that is in existence at the time the use permit application for a cannabis business is deemed complete by City staff. This distance shall be calculated as a straight line from any parcel line of the property on which the cannabis business is located to the parcel line of the real property on which the facility, building, or structure, or portion of the facility, building or structure, in which the listed use occurs or is located. Locational restrictions shall apply to an entire parcel if any portion of the parcel is located within the applicable buffer distance.

b. Cannabis Retailers – Applications Received After September 10, 2018.
Notwithstanding subsection (A)(1) of this section, cannabis retail businesses whose cannabis use permit and/or public safety license applications were received after September 10, 2018, may not operate on a parcel or lot located within 600 feet of a child care center, youth center,

learning center, any residential district of the City, or public park, any of which were in existence at the time the use permit application for a cannabis business is deemed complete by City staff. This distance shall be calculated as a straight line from any parcel line of the property on which the cannabis business is located to the parcel line of the real property on which the facility, building, or structure, or portion of the facility, building or structure, in which the listed use occurs or is located. Locational restrictions shall apply to an entire parcel if any portion of the parcel is located within the applicable buffer distance.

c. All Other Cannabis Businesses. Notwithstanding subsection (A)(1) of this section, a cannabis business may not operate on a parcel or lot located within 600 feet of a school that is in existence at the time the use permit for a cannabis business is issued. This distance shall be calculated as a straight line from any parcel line of the property on which the cannabis business is located to the parcel line of the real property on which the facility, building, or structure, or portion of the facility, building or structure, in which the listed use occurs or is located. Locational restrictions shall apply to an entire parcel if any portion of the parcel is located within the applicable buffer distance.

C. Transfer of Use Permits for Cannabis Businesses.

1. Permit – Site Specific. A permittee shall not operate a cannabis business under the authority of a use permit for a commercial cannabis activity at any place other than the address of the cannabis business stated in the application for the permit. All permits issued by the city pursuant to this chapter shall be nontransferable to a different location.

2. Transfer of a Permitted Commercial Cannabis Activity. A permittee shall not transfer ownership or control of a cannabis business or attempt to transfer a use permit for a commercial cannabis activity to another person unless and until the transferee obtains an amendment to the permit from the planning commission to the permitting requirements of this chapter stating that the transferee is now the permittee. Such an amendment may be obtained only if the transferee files an application with the community development department in accordance with all provisions of this chapter accompanied by the required transfer review application fee.

3. Request for Transfer with a Revocation or Suspension Pending. No use permit for a commercial cannabis activity may be transferred (and no permission for a transfer may be issued) when the community development department has notified the permittee in writing that the permit has been or may be suspended or revoked for noncompliance with this chapter and a notice of such suspension or revocation has been provided.

4. Transfer without Permission. Any attempt to transfer a use permit for commercial cannabis activity either directly or indirectly in violation of this chapter is declared void, and the permit shall be deemed revoked. (Ord. 18-03 § 1).

17.84.060 Use permit for commercial cannabis activities – Requirements.

A. Except as set forth in this chapter, use permits for commercial cannabis activities shall be processed in accordance with Chapter 17.104 BMC (Use Permits and Variances). The city council shall establish any necessary use permit procedures, by resolution, specific to commercial cannabis activities.

B. Use Permits for Retail and Microbusinesses. Because only ~~a limited number of one cannabis~~ retailer and one cannabis microbusiness ~~are~~is permitted, an application period for these businesses shall be established to allow the selection of the best applicants. The competitive process for selection of the best applicants to be placed on the qualified registration list shall be established by resolution of the city council.

C. Use permit for applications for cannabis retailers shall include a statement as to whether the use will include delivery of cannabis and cannabis products to locations outside the cannabis retail facility. If delivery services will be provided, the application shall describe the operational plan and specific extent of such service, security protocols, and how the delivery services will comply with the requirements set forth in this chapter and state law.

D. The planning commission shall review and approve or deny all complete use permit applications for commercial cannabis activities by utilizing the criteria for approval or denial set forth in this chapter and by separate resolution of the city council. The planning commission shall only approve as many use permits for cannabis applications as permitted by BMC 17.84.050(A). After reviewing an application, the planning commission shall determine whether to issue the use permit for commercial cannabis activities with conditions, or deny the use permit for commercial cannabis activities.

E. Imposition of Permit Fees. Every application for a use permit for commercial cannabis activities shall be accompanied by an application fee (in an amount established by resolution of the city council) at an amount calculated to recover the city's full cost of reviewing and issuing said permit and the filing of a complete required application pursuant to this chapter. The application fee shall be in addition to any other fees or costs, such as business license fees, permit fees, fingerprinting, photographing or background check, as may be imposed by the city or other governmental agencies. (Ord. 18-03 § 1).

17.84.070 Criteria to review, issuance and/or denial of use permit for commercial cannabis activities.

A. Criteria for Issuance. In addition to the findings required by Chapter 17.104 BMC, the planning commission, or the city council on appeal, shall make all of the following findings in determining whether to grant, modify, or deny a use permit for any cannabis business:

1. The cannabis business applicant has been placed on the cannabis qualified registration list.
2. The use permit for cannabis application is complete and the applicant has submitted all information and materials required.
3. The proposed location of the cannabis business is not likely to have an adverse effect on the health, peace, or safety of persons due to the cannabis business's proposed proximity to a school.
4. The proposed location of the cannabis business is not likely to have an adverse effect on the health, peace, or safety of persons due to the cannabis business's proposed proximity to another permitted cannabis business.

5. The design of the storefront or structure within which the cannabis business will operate is architecturally-compatible with surrounding storefronts and structures in terms of materials, color, windows, lighting, sound, and overall design.
6. The proposed size of the cannabis business is appropriate to meet the needs of the local Benicia community for access to cannabis and that the size complies with all requirements of the city's zoning regulations.
7. The location is not prohibited under the provisions of this chapter or any local or state law, statute, rule, or regulation, and no significant nuisance issues or problems are likely or anticipated, and that compliance with other applicable requirements of the city's zoning regulations will be accomplished.
8. The cannabis business is not likely to have an adverse effect on the health, peace, or safety of persons living or working in the surrounding area, overly burden a specific neighborhood, or contribute to a public nuisance, and will generally not result in repeated nuisance activities including disturbances of the peace, illegal drug activity, cannabis use in public, harassment of passersby, excessive littering, excessive loitering, illegal parking, excessive loud noises (especially late at night or early in the morning hours), lewd conduct, or police detentions or arrests.
9. The cannabis business is not likely to violate any provision of the BMC or conditions imposed by a city-issued permit, or any provision of any other local or state law, regulation, or order, or any condition imposed by permits issued in compliance with those laws.
10. The applicant has not made a false statement of material fact or omitted a material fact in the application for a use permit for cannabis, as known at the time of determination on the application.
11. The cannabis business's site plan has incorporated features necessary to assist in reducing potential nuisance and crime-related problems. These features may include, but are not limited to, procedures for allowing entry; reduction of opportunities for congregating and obstructing public ways and neighboring property; and limiting furnishings and features that encourage loitering and nuisance behavior.

B. Supplemental Findings – Cannabis Manufacturing Operation. In addition to the findings required for the approval of a use permit for cannabis as set forth in subsection (A) of this section, the planning commission, or the city council on appeal, shall consider the following supplemental findings in determining whether to grant, modify, or deny a use permit for cannabis for a manufacturer:

1. The manufacturing operation, as proposed, may utilize nonvolatile or volatile solvents for purposes of extracting cannabinoids. Extractions using a volatile solvent, including butane, must be conducted in a professional, closed-loop extraction system. All extraction processes used shall comply with the Benicia Municipal Code (BMC) including the fire and life safety code and with state cannabis laws and be recognized as safe pursuant to the Federal Food, Drug, and Cosmetic Act.

2. The manufacturing operation includes adequate quality control measures to ensure any cannabis product manufactured at the site meets industry standards.

3. The manufacturing operation does not pose a significant threat to the public or to neighboring uses from explosion or from the release of harmful gases, liquids, odors or substances.

C. Supplemental Findings – Cannabis Testing Laboratory. In addition to the findings required for the approval of a use permit for cannabis as set forth in subsection (A) of this section, the planning commission, or the city council on appeal, shall consider the following supplemental findings in determining whether to grant, modify, or deny a use permit for cannabis for a testing lab:

1. The owners, permittees, operators, and employees of the testing lab will not be associated with any other form of commercial cannabis activity.

2. The testing lab is accredited by an appropriate accrediting agency as approved by the state and further described in California Code of Regulations, Title 16, Section 5702 and as it may be amended.

3. The testing lab operating plan demonstrates proper protocols and procedures for statistically valid sampling methods and accurate certification of cannabis and cannabis products for potency, purity, pesticide residual levels, mold, and other contaminants according to adopted industry standards.

D. Criteria for Denial. The planning commission shall deny an application that meets any one of the following criteria:

1. Any supervisor, employee, or person having a 10 percent or more financial interest in the cannabis business has been convicted of a felony or a drug-related misdemeanor reclassified by California Penal Code Section 1170.18 (Proposition 47) within the past 10 years. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere;

2. Any person who is listed on the application or is an owner or operator, is a licensed physician making patient recommendations for medical cannabis pursuant to Health and Safety Code Section 11362.7;

3. Any person who is listed on the application or is an owner or operator is less than 21 years of age;

4. The proposed cannabis business does not comply with the provisions of this chapter or state cannabis laws; and

5. The planning commission is unable to make a required finding contained in this chapter.

E. Planning Commission Determination. If the planning commission denies the application, the planning commission shall specify in writing the reasons for the denial of the application, and notify the applicant that the decision shall become final unless the applicant seeks an appeal pursuant to BMC 17.84.080. (Ord. 18-08 § 1; Ord. 18-03 § 1).

17.84.080 Appeal from planning commission determination.

An applicant or any interested party who disagrees with the planning commission’s decision to issue, issue with conditions, or to deny or revoke a use permit for a commercial cannabis activity may appeal the planning commission’s decision to the city council in accordance with the appeal provisions of Chapter 1.44 BMC. (Ord. 18-03 § 1).

17.84.090 Suspension and revocation by planning commission.

A. Authority to Suspend or Revoke a Use Permit for Cannabis. Any permit issued under the terms of this chapter may be suspended or revoked by the planning commission under BMC 17.128.060.

B. In addition to the required findings set forth in BMC 17.128.060(D), a use permit for a commercial cannabis activity may be revoked if it appears to the planning commission that the cannabis business has violated any of the requirements of this chapter, the cannabis business is being operated in a manner which violates the operational requirements or security plan required by the zoning code, the cannabis business is being operated in a manner which constitutes a nuisance, the cannabis business has ceased to operate for thirty 30 days or more, or the cannabis business is being operated in a manner which conflicts with or violates state cannabis law.

C. Any use permit for a commercial cannabis activity revoked pursuant to this subsection shall be deemed to be expired and shall no longer entitle the permittee to any uses authorized by the use permit.

D. Revocation, expiration or nullification of a cannabis public safety license pursuant to BMC 9.60.060 and 9.60.070 shall automatically terminate the use permit for a commercial cannabis activity issued to the licensee and shall terminate the ability of the licensee to operate a cannabis business without initiation of revocation proceedings by the planning commission. (Ord. 18-03 § 1).

17.84.100 Cannabis businesses – Conditions of operation.

A. All Cannabis Businesses. All cannabis businesses shall be operated, maintained, and managed on a day-to-day basis in compliance with the following operational conditions and requirements:

1. State Licensing. A cannabis business shall maintain a state cannabis license at all times and shall comply with all applicable state licensing requirements, regulations, conditions, and standards. The failure to maintain a state license, revocation of a state cannabis license, or lapse in renewal of a state cannabis license shall be the basis for immediate termination of the right to operate a cannabis business under a city use permit for cannabis.

2. Cannabis Public Safety License. A cannabis business shall maintain a cannabis public safety license, issued under Chapter 9.60 BMC, at all times. The failure to maintain a cannabis public safety license, revocation of a cannabis public safety license, or lapse in renewal of a cannabis public safety license shall be the basis for immediate termination of the right to operate a cannabis business under a use permit for cannabis.

3. Employees. It shall be unlawful for the applicant, owner, operator, or any other person effectively in charge of any cannabis business to employ any person who is not at least 21 years of age.

4. Minors. Persons under the age of 21 years shall not be allowed on the premises of a cannabis business unless they are a qualified patient or a person with an identification card as those phrases are defined by Health and Safety Code Sections 11362.79(c) and (f). Persons under the age of 18 years shall not be allowed on the premises of a cannabis business unless they are accompanied by a parent or guardian at all times. The entrance to cannabis business shall be clearly and legibly posted with a notice indicating that persons under the age of 18 are precluded from entering the premises unless they are a qualified patient and they are in the presence of their parent or guardian.
5. Every cannabis business shall display, at all times during its regular business hours, the use permit for cannabis and cannabis public safety license issued for such cannabis business in a conspicuous place so that the same may be readily seen by all persons entering the cannabis business.
6. No cannabis business shall hold or maintain a license from the State Department of Alcoholic Beverage Control for the sale of alcoholic beverages, or operate a business on the premises of the cannabis business that sells alcoholic beverages, or otherwise allow alcoholic beverages to be possessed, distributed, or consumed on the premises.
7. No cannabis business shall be a retailer of tobacco products.
8. A cannabis business shall be considered a commercial or industrial use, as the case may be, relative to the city's parking requirements in Chapter 17.74 BMC in an amount most similar to the uses contained in the parking requirements as determined by the community development director.
9. Smoking, ingesting, or consuming cannabis on the premises of a cannabis business shall be prohibited. A notice prohibiting smoking, ingesting and consuming cannabis shall be clearly and legibly posted in the cannabis business and shall not obstruct the entrance or windows.
10. Operation of a cannabis business shall not result in illegal redistribution or sale of cannabis obtained, or the use or distribution in any manner which violates state cannabis law or this chapter.
11. Odors. All cannabis businesses shall be sited and/or operated in a manner that prevents cannabis odors from being detected off site. All structures utilized for indoor cannabis cultivation shall be equipped and/or maintained with sufficient ventilation controls (e.g., carbon scrubbers) to eliminate nuisance odor emissions from being detected off site.
12. Site Plan.
 - a. The site plan shall include a lobby waiting area at the entrance to the cannabis business used to receive and screen customers (if applicable), employees, patrons, and guests of the cannabis business and a separate and secure designated area for dispensing cannabis (if applicable) and conducting other operations of the cannabis business.

b. The primary entrance shall be located and maintained clear of barriers, landscaping and similar obstructions so that it is clearly visible from public streets, sidewalks or site driveways.

13. Cannabis businesses shall not be enlarged in size (i.e., increased floor area) without the planning commission's prior review and approval and an approved amendment to the existing use permit for cannabis applied for and issued pursuant to the requirements of this chapter.

14. Security. The cannabis business shall at all times comply with all elements of its security plan, submitted as a part of its cannabis public safety license application pursuant to BMC 9.60.040.

15. Signage. The cannabis business shall comply with all applicable provisions of BMC Title 18.

16. Additional Conditions. The planning commission may impose additional conditions which it deems necessary to ensure that operation of the cannabis business will be in accordance with the standards and regulations provided in the zoning code, the standards set forth by separate resolution of the city council, and applicable state laws.

B. Supplemental Conditions – Retailers.

1. In addition to the conditions of operation set forth in subsection (A) of this section, a cannabis retail operation shall be operated, maintained, and managed in compliance with the following supplemental conditions:

2. Retailers shall not sell drug paraphernalia and implements that may be used to ingest or consume cannabis except where such sales and operations comply with Health and Safety Code Section 11364.5.

3. Retailers shall not be enlarged in size (i.e., increased floor area) without the planning commission's prior review and approval and an approved amendment to the existing use permit for cannabis applied for and issued pursuant to the requirements of this chapter.

4. Retailers that sell medicinal cannabis or medicinal cannabis products shall only sell, deliver, or give away medicinal cannabis or medicinal cannabis products to individuals authorized to receive medicinal cannabis or medicinal cannabis products in accordance with state cannabis laws. Retailers of medicinal cannabis or medicinal cannabis products shall require such persons receiving medicinal cannabis or medicinal cannabis products to provide valid official identification, such as a Department of Motor Vehicles driver's license or state identification card, each time he or she seeks to purchase medicinal cannabis or medicinal cannabis products.

5. Hours of Operation. Retailers may only operate during the hours between 10:00 a.m. through 8:00 p.m. The planning commission may further restrict a retailer's days and hours of operation as a condition of a use permit for cannabis. A retailer shall post its approved days and hours of operation on a sign located on the street frontage of the cannabis business in a manner consistent with the city's sign regulations set forth in BMC Title 18.

6. Retailers shall not have a physician on site to evaluate patients and/or provide recommendations for the use of medical cannabis.

7. State Seller's Permit. Retailers shall, at all times during operation, maintain a valid seller's permit required pursuant to California Revenue and Taxation Code Division 2, Part 1 (commencing with Section 6001).

C. Supplemental Conditions – Manufacturers. In addition to each of the conditions of operation set forth in subsection (A) of this section, a cannabis manufacturing operation shall be operated, maintained, and managed in compliance with the following supplemental conditions:

1. Manufacturers shall not engage in on-site retail sales of cannabis or cannabis products and shall not be open to the members of the general public.

2. Manufacturers may use extraction processes that employ nonvolatile or volatile solvents. Extractions using a volatile solvent, including butane, must be conducted in a professional, closed-loop extraction system. All extraction processes used shall comply with the BMC including the fire and life safety code and with state cannabis laws and be recognized as safe pursuant to the Federal Food, Drug, and Cosmetic Act.

3. Standard of Equipment. Manufacturing, processing and analytical testing devices used by manufacturers must be UL (Underwriters Laboratories) listed or otherwise certified by an approved third party testing agency or engineer and approved for the intended use by the city's building official and fire code official.

4. Food Handler Certification. All owners, employees, volunteers or other individuals that participate in the production of edible cannabis products shall be state certified food handlers. The valid certificate number of each such owner, employee, volunteer or other individual must be on record at the property where that individual participates in the production of edible cannabis products.

5. Edible Product Manufacturing. Manufacturers that sell or manufacture edible cannabis products shall obtain a county health permit to sell and/or manufacture cannabis products. Permit holders shall comply with Health and Safety Code Section 13700 et seq. and county health permit requirements.

D. Supplemental Conditions – Cultivators. In addition to each of the conditions of operation set forth in subsection (A) of this section, a cannabis cultivation operation shall be operated, maintained, and managed in compliance with the following supplemental conditions:

1. Cultivators shall not engage in on-site retail sales of cannabis or cannabis products and shall not be open to members of the general public.

2. Outdoor Commercial Cultivation Prohibited. The cultivation of cannabis for commercial purposes may only be done within a fully enclosed space.

3. The cultivation of cannabis for commercial purposes shall be limited to 22,000 square feet of total canopy size per property.

4. Pesticides. The cultivation of cannabis must be conducted in accordance with all applicable federal, state, and local laws and regulations governing the use of pesticides. Any fumigation or insecticidal fogging shall comply with the California Fire Code Chapter 26 (Fumigation and Insecticidal Fogging).

5. Screening. Cannabis plants shall not be easily visible from off site.

6. Operational Permit. The cultivation of cannabis may not be conducted without an indoor growing operational permit issued pursuant to BMC 8.28.060.

E. Supplemental Conditions – Microbusinesses.

1. The retail aspect of microbusinesses shall be limited to deliveries only. No on-site customers are permitted.

2. Microbusinesses shall not sell drug paraphernalia and implements that may be used to ingest or consume cannabis except where such sales and operations comply with Health and Safety Code Section 11364.5.

3. Microbusinesses that sell medicinal cannabis or medicinal cannabis products shall only sell, deliver, or give away medicinal cannabis or medicinal cannabis products to individuals authorized to receive medicinal cannabis or medicinal cannabis products in accordance with state cannabis laws. Retailers of medicinal cannabis or medicinal cannabis products shall require such persons receiving medicinal cannabis or medicinal cannabis products to provide valid official identification, such as a Department of Motor Vehicles driver's license or state identification card, each time he or she seeks to purchase medicinal cannabis or medicinal cannabis products.

4. Hours of Operation. The planning commission may restrict a microbusiness's days and hours of operation as a condition of a use permit for cannabis. Microbusinesses shall post their approved days and hours of operation on a sign located on the street frontage of the cannabis business in a manner consistent with the city's sign regulations set forth in BMC Title 18.

5. Microbusinesses shall not have a physician on site to evaluate patients and/or provide recommendations for the use of medical cannabis.

6. State Seller's Permit. Microbusinesses shall, at all times during operation, maintain a valid seller's permit required pursuant to California Revenue and Taxation Code Division 2, Part 1 (commencing with Section 6001).

7. Microbusinesses may use extraction processes that employ nonvolatile or volatile solvents. Extractions using a volatile solvent, including butane, must be conducted in a professional, closed-loop extraction system. All extraction processes used shall comply with the BMC including the fire and life safety code and with state cannabis laws and be recognized as safe pursuant to the Federal Food, Drug, and Cosmetic Act.

8. Standard of Equipment. Manufacturing, processing and analytical testing devices used by microbusinesses must be UL (Underwriters Laboratories) listed or otherwise certified by an

approved third party testing agency or engineer and approved for the intended use by the city's building code official and fire code official.

9. Food Handler Certification. All owners, employees, volunteers or other individuals that participate in the production of edible cannabis products shall be state certified food handlers. The valid certificate number of each such owner, employee, volunteer or other individual must be on record at the property where that individual participates in the production of edible cannabis products.

10. Edible Product Manufacturing. Microbusinesses that sell or manufacture edible cannabis products shall obtain a county health permit to sell and/or manufacture cannabis products. Permittees shall comply with Health and Safety Code Section 13700 et seq. and county health permit requirements.

11. Outdoor Commercial Cultivation Prohibited. The cultivation of cannabis for commercial purposes may only be done within a fully enclosed space.

12. The cultivation of cannabis for commercial purposes shall be limited to 22,000 square feet of total canopy size per property.

13. Pesticides. The cultivation of cannabis must be conducted in accordance with all applicable federal, state, and local laws and regulations governing the use of pesticides. Any fumigation or insecticidal fogging shall comply with the California Fire Code Chapter 26 (Fumigation and Insecticidal Fogging).

14. Screening. Cannabis plants shall not be easily visible from off site.

15. Operational Permit. The cultivation of cannabis may not be conducted without an indoor growing operational permit issued pursuant to BMC 8.28.060.

F. Supplemental Conditions – Delivery Operations. In addition to each of the conditions of operation set forth in subsection (A) of this section, a cannabis delivery operation shall be operated, maintained, and managed in compliance with the following supplemental conditions:

1. Delivery of cannabis to locations outside a permitted cannabis retailer shall only be permitted in conjunction with a permitted cannabis retail facility that has a physical location and a retail storefront in Benicia open to the public or a licensed and permitted retail location outside of Benicia. A cannabis retailer shall not conduct sales exclusively by delivery.

2. Delivery of cannabis, whether from a facility located within or outside of Benicia, requires compliance with Chapter 9.60 BMC including obtaining the public safety license.

3. Any person who delivers cannabis shall have in possession a copy of all licenses and permits required by the state of California and the city.

4. A licensed cannabis business which is authorized to conduct deliveries in Benicia shall provide to the chief of police a list of all vehicles to be used for delivery of cannabis and cannabis products, including the vehicle's make, model, year, license plate number and vehicle identification number. The cannabis business shall update the list prior to any vehicle being added to or removed from service.

5. Payments may be made via credit card, check, other means of cashless payment, or by cash. Customers must be provided the option of making payments by noncash payments. Delivery drivers shall not carry more than a combined total of \$3,000 in cash and/or cannabis or cannabis products at any one time while delivering cannabis and/or cannabis products under this chapter.

6. Delivery vehicles shall not be marked or otherwise identified with advertisements, the name of the cannabis business, or any other distinctive marking associated with cannabis.

7. Delivery of cannabis shall be made directly to the residence or business address of the designated recipient. Deliveries to any other location are prohibited.

8. Deliveries of cannabis shall only occur only between the hours of 8:00 a.m. and 8:00 p.m.

G. Maintenance, Access to, and Inspection of Records.

1. Every cannabis business shall maintain on site, at the property designated for the operation of the cannabis business, all records of the cannabis business.

2. Financial Records. The cannabis business shall maintain a written accounting record or ledger of all cash, receipts, credit card transactions, reimbursements, (including any in-kind contributions), and any and all reasonable compensation for services provided by the cannabis business, as well as records of all operational expenditures and costs incurred by the cannabis business in accordance with generally accepted accounting practices and standards typically applicable to business records.

3. Record Retention Period. The records required in this subsection shall be maintained by the cannabis business for a period of five years and shall be made available to the city within 24 hours of written request, subject to the authority set forth in subsection (G)(4) of this section.

4. A duly designated city police department or finance department representative may enter and shall be allowed to inspect the premises of every cannabis business as well as the financial and membership records of the cannabis business required by this chapter at any time during the cannabis business's designated business hours, or at any appropriate time to ensure compliance and enforcement of the provisions of this chapter. It shall be unlawful for any owner, operator, or any other person having any responsibility over the operation of the cannabis business to refuse to allow, impede, obstruct or interfere with an inspection of the cannabis business or the required records thereof. (Ord. 18-10 § 1; Ord. 18-09 § 1; Ord. 18-08 §§ 2, 3; Ord. 18-03 § 1).

17.84.110 Business license tax liability.

An operator of a cannabis business shall be required to apply for and obtain a business tax certificate pursuant to Chapter 5.04 BMC as a prerequisite to obtaining a use permit for cannabis pursuant to the terms of this chapter. Cannabis businesses shall be subject to sales tax and other applicable taxes in a manner required by state law. (Ord. 18-03 § 1).

17.84.120 Annual review of cannabis businesses.

The community development department is hereby authorized to conduct an annual review of the operation of each permitted use permit for a commercial cannabis activity within the city for full compliance with the operational, recordkeeping, nuisance and other requirements of this chapter. A fee in an amount established by resolution of the city council shall be collected in order to reimburse the city for the time involved in the annual review process. The staff may initiate a permit suspension or revocation process for any cannabis business which, upon completion of an annual review, is found not to be in compliance with the requirements of this chapter or which is operating in a manner which constitutes a public nuisance. Staff may, based upon its annual review of the operation of a cannabis business, place on a planning commission meeting agenda, a proposal to suspend or revoke a use permit for cannabis. (Ord. 18-03 § 1).

17.84.130 No vested rights.

No person(s) shall have any vested rights to any permit, right or interest under this chapter, regardless of whether such person(s) cultivated, sold, distributed or otherwise engaged in acts related to the use of cannabis prior to adoption of the ordinance codified in this chapter. (Ord. 18-03 § 1).

17.84.140 Public nuisance.

Any use or condition caused or permitted to exist in violation of any provision of this chapter shall be and hereby is declared a public nuisance and may be summarily abated by the city pursuant to Code of Civil Procedure Section 731 or any other remedy available to the city. (Ord. 18-03 § 1).

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. The City Clerk shall file a Notice of Exemption with the County Clerk.

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 September, 2019, and adopted at a regular meeting of the Council held on the _____ day of _____, 2019, by the following vote:

Ayes:

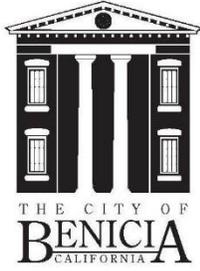
Noes:

Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk



**AGENDA ITEM
CITY COUNCIL MEETING DATE - SEPTEMBER 17, 2019
CONSENT CALENDAR**

TO : City Manager

FROM : Parks and Community Services Director

SUBJECT : **PROPOSITION 68 PER CAPITA FUNDING**

EXECUTIVE SUMMARY:

The City is eligible to receive \$200,000 in Proposition 68 Per Capita Program funding from California State Parks for qualifying projects that expand access to recreation.

RECOMMENDATION:

Adopt a resolution (Attachment 1) approving an application for \$200,000 from State Parks' Proposition 68 Per Capita Program.

BUDGET INFORMATION:

The City is eligible to receive \$200,000 in non-competitive project funding, with a 20% required match, as long as the project meets eligibility criteria. Staff time spent on project planning and project implementation can be counted toward the required match.

BACKGROUND:

Proposition 68, the Parks, Environment, and Water Bond, was approved by voters in June 2018. Proposition 68 created several programs that will fund park projects throughout the state, including the Per Capita Program. Key points of the Per Capita program include:

- Projects must be for recreational purposes that are consistent with the General Plan and/or the Parks, Trails & Open Space Master Plan.
- Projects not serving a “severely disadvantaged community” require a 20% match.
- Up to 25% of the project amount can be for pre-construction costs, such as plans and permits.
- A City Council resolution approving an application for per capita funding must be submitted to State Parks by 11/01/2019.
- The application deadline is 1/31/2020.
- The funded project must be completed by 12/31/2021.

Staff submitted a Per Capita Allocation Questionnaire in April 2019, a required step to ensure that the City would be eligible to apply for funds. A City Council resolution approving the filing of all applications must be submitted to State Parks by November 1, 2019.

NEXT STEPS:

The City Council resolution will be submitted to State Parks prior to the November 1, 2019 deadline. The decision as to which project will be completed with this funding will then be made pending further staff analysis and discussion at the October Parks, Recreation & Cemetery Commission meeting. Staff will then complete the application for submittal prior to the January 31, 2020 deadline. The grant contract is expected to be completed in spring 2020, after which time the City will be able to begin the project.

ALTERNATIVE ACTIONS:

Council could choose to not authorize an application for this funding. However, this would prevent the City from accessing \$200,000 in grant funding for which it is eligible.

General Plan	Goal 2.28: Improve and maintain public facilities and services.
	Goal 2.30: Maintain and improve existing parks and recreation programs

Strategic Plan	Strategic Issue #4: Preserving and Enhancing Infrastructure
	Strategic Issue #5: Maintain and Enhance a High Quality of Life

CEQA Analysis	The proposed amendments are 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 that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.
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ATTACHMENT:

1. Resolution – Proposition 68 Per Capita Funding

For more information contact: Mike Dotson, Parks & Community Services Director

Phone: 707.746.4285

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

RESOLUTION NO. 19-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING APPLICATION FOR PER CAPITA GRANT FUNDS

WHEREAS, the State Department of Parks and Recreation has been delegated the responsibility by the Legislature of the State of California for the administration of the Per Capita Grant Program, setting up necessary procedures governing applications; and

WHEREAS, said procedures established by the State Department of Parks and Recreation require the grantee's governing body to certify by resolution the approval of project applications before submission of said applications to the state; and

WHEREAS, the grantee will enter into a contract with the State of California to complete projects;

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Benicia hereby:

1. Approves the filing of project application for Per Capita program grant project; and
2. Certifies that said grantee has or will have available, prior to commencement of project work utilizing Per Capita funding, sufficient funds to complete the project; and
3. Certifies that the grantee has or will have sufficient funds to operate and maintain the project; and
4. Certifies that all projects proposed will be consistent with the park and recreation element of the City of Benicia's general or recreation plan (PRC 80063(a)); and
5. Certifies that these funds will be used to supplement, not supplant, local revenues in existence as of June 5, 2018 (PRC 80062(d)); and
6. Certifies that it will comply with the provisions of 1771.5 of the State Labor Code; and
7. PRC 80001(b)(8)(A-G)) To the extent practicable, as identified in the "Presidential Memorandum—Promoting Diversity and Inclusion in Our National Parks, National Forests, and Other Public Lands and Waters", dated January 12, 2017, the City of Benicia will consider a range of actions that include, but are not limited to, the following:
 - (A) Conducting active outreach to diverse populations, particularly minority, low-income, and disabled populations and tribal communities, to increase awareness within those communities and the public generally about specific programs and opportunities.
 - (B) Mentoring new environmental, outdoor recreation, and conservation leaders to increase diverse representation across these areas.
 - (C) Creating new partnerships with state, local, tribal, and nonprofit organizations to expand access for diverse populations.

(D) Identifying and implementing improvements to existing programs to increase visitation and access by diverse populations, particularly minority, low-income, and disabled populations and tribal communities.

(E) Expanding the use of multilingual and culturally appropriate materials in public communications and educational strategies, including through social media strategies, as appropriate, that target diverse populations.

(F) Developing or expanding coordinated efforts to promote youth engagement and empowerment, including fostering new partnerships with diversity-serving and youth-serving organizations, urban areas, and programs.

(G) Identifying possible staff liaisons to diverse populations.

8. Agrees that to the extent practicable, the project will provide workforce education and training, contractor, and job opportunities for disadvantaged communities (PRC 80001(b)(5)).
9. Certifies that the grantee shall not reduce the amount of funding otherwise available to be spent on parks or other projects eligible for funds under this division in its jurisdiction. A one-time allocation of other funding that has been expended for parks or other projects, but which is not available on an ongoing basis, shall not be considered when calculating a recipient's annual expenditures (PRC 80062(d)).
10. Certifies that the grantee has reviewed, understands, and agrees to the General Provisions contained in the contract shown in the Procedural Guide; and
11. Delegates the authority to the City Manager or designee to conduct all negotiations, sign and submit all documents, including, but not limited to, applications, agreements, amendments, and payment requests, which may be necessary for the completion of the grant scope; and
12. Agrees to comply with all applicable federal, state and local laws, ordinances, rules, regulations, and guidelines.

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 17th day of September, 2019 by the following vote:

Ayes:

Noes:

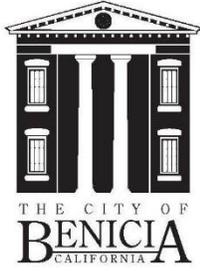
Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk

Date



**AGENDA ITEM
CITY COUNCIL MEETING DATE – SEPTEMBER 17, 2019
CONSENT CALENDAR**

TO : City Manager

FROM : Director of Library and Cultural Services

SUBJECT : **CONTRACT WITH BENICIA UNIFIED SCHOOL DISTRICT FOR ADULT LITERACY SERVICES GRANT**

EXECUTIVE SUMMARY:

The Benicia Public Library (Library) has offered an adult literacy program since 1987. In 2015, the Benicia Unified School District (BUSD) approached the City to collaborate in providing adult literacy services. The City Council approved an agreement with BUSD in December 2015, and the supplemental funding provided enhanced classroom support for ESL (English as a Second Language) services, new High School Equivalency programs (GED and Burlington English) and additional computer training to assist adult learners to gain job skills. This agreement provides \$33,000 grant funding and services to continue the enhanced adult literacy program for FY19-20.

RECOMMENDATION:

Adopt the resolution (Attachment 1), accepting the adult literacy services grant from the Benicia Unified School District (BUSD) in the amount of \$33,000 and approving the agreement between the City and BUSD to supplement the existing adult literacy services offered by the Benicia Library for FY19-20.

BUDGET INFORMATION:

The amount being offered by Benicia Unified School District is \$33,000, and these funds will be placed in the BUSD Literacy Grant fund (account #2707000, Project #710002).

BACKGROUND:

Solano County was allotted money in the Governor's Budget through AEBG (Last year's AB86 transitioned to AEBG, Adult Education Block Grant, implemented by the California Community College Chancellor's Office and the California Department of Education). For a third year, the BUSD and the Benicia Public Library, in partnership, benefitted from the block grant from the Solano County Adult Education Consortium. The Library's Literacy Specialist reports:

Thanks to the BUSD Block Grant, during the fiscal year 2018-2019 we were able to purchase resources, renew programs, pay salaries for GED instructors and invest in professional development programs for these instructors and the Adult Literacy and ESL

Program Coordinator. Added supplies included GED 2019 Study Manuals from Kaplan, subject text books by Steck Vaughn, a complete set of CASAS (Comprehensive Adult Student Assessment System) assessment forms, and classroom supplies such as binders, markers, notebooks, and calculators. We were able to pay the salary for one part-time credentialed instructor, and a substitute instructor. They taught class respectively on Friday and Saturday mornings from 9:00 am-11:00am during the entire year except for one 3-week break during the summer. We had 33 students this year. Total attendance was 420 hours with 210 visits. Four GED students passed their final GED tests and received their H.S. diplomas! Through the year we purchased 3 ads through the Grapevine newspaper to recruit students, in addition to featuring the classes in the City Activity Guide, the Library website and kiosk, and the Solano County Consortium Adult Ed website. Professional Development benefits allotted to the Adult Literacy and ESL Program Coordinator (and ESL Instructor), Bette Shields, to attend the CCAE (California Council of Adult Educators) conference and the CLLS (California Library Literacy Services) conference, were also extended to our part-time GED instructor, Paula Landers, to attend the Fall 2018 GED conference and June 2019 CASAS conference. To enrich the overall program, we added a new class, "Resume Writing and Career Counseling", taught by Paula Landers.

Another major component of the grant was the continuation of the Burlington English Program for ESL (English as a Second Language) learners. The 15 licenses were renewed, and learners worked on the program either during our Monday computer lab or at home. Suzanne Robinson, Burlington English trainer, gave an on-site refresher training for new and continuing learners. Updates on new features added to the program and offers of continued help provided an excellent working relationship with the trainer. While some learners used the program at home, we found that learner-tutor pairs working together on the program during our computer lab or in class is proving to be more effective. We are encouraging this study method for the upcoming fall season.

The block grant also provided funding again for our annual Family Reading Night at the Library. Due to very high attendance last year, almost over facility capacity, we held two Family Reading Nights this year, each attended by the families of two of the four Benicia elementary schools. This worked well, giving families more room and more time. 150+ children and parents attended each night. The events included a pizza and salad dinner, a story read by Che Soto, a performance by the Robert Semple choir, a scavenger hunt, board games, mural drawing, and more.

During the year, June Regis of the BUSD (Benicia Unified School District), who is in charge of their Adult Ed Programs, met with Fran Martinez-Coyne, Kim Jones and Bette Shields for the BUSD/BPL (Benicia Public Library) Collaborative Meetings to cover topics such as the block grant, the consortium, new instructor, professional development, etc. We will be adding an evening ESL class from 6:00-8:00 pm on Thursday nights, to replace the Thursday afternoon ESL class. We hope this will accommodate learners who

work during the day. The Resume Writing and Career Counseling class will continue on Fridays from 12:00 – 1:30 pm.

We are thankful for the block grant which has allowed us to grow our program.

In addition to the GED instructor’s hours, an additional .20 FTE is added to the Literacy Specialist’s hours without using other City funds.

NEXT STEPS:

The Literacy Program will continue to offer the services as specified in the contract for the coming fiscal year of 2019-2020.

ALTERNATIVE ACTIONS:

The Council could choose not to adopt the resolution and not accept the literacy services grant.

General Plan	<p>Goal 3.4: Support the library and the services it provides to the community.</p> <ul style="list-style-type: none"> • Policy 3.4.1: Maintain and expand library services.
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Strategic Plan	<p>Strategy # 5: Maintain and enhance a high quality of life.</p> <p>6: Support Benicia Public Library’s ability to meet the public’s expanding needs for information, communication and literacy</p>
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CEQA Analysis	<p>Renewal of the agreement with BUSD is a fiscal activity that does not constitute a project under the California Environmental Quality Act (CEQA) and is therefore exempt from environmental review pursuant to CEQA Guidelines Section 15378(b)(4) and 15060 (c) (3).</p>
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ATTACHMENTS:

1. Resolution – BUSD Grant
2. Contract – BUSD Grant

*For more information contact: David Dodd, Director of Library and Cultural Services
 Phone: 707.746.4340
 E-mail: ddodd@ci.benicia.ca.us*

RESOLUTION NO. 19-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA
AUTHORIZING THE CITY TO ENTER INTO A CONTRACT WITH THE BENICIA
UNIFIED SCHOOL DISTRICT FOR SUPPLEMENTAL ADULT LITERACY
SERVICES AND TO ACCEPT GRANT FUNDING UP TO \$33,000 TO PROVIDE
THESE SERVICES DURING FY19-20**

WHEREAS, the Benicia Public Library has been approached for a fourth year by the Benicia Unified School District (BUSD) to partner in providing adult literacy services; and

WHEREAS, this grant will provide needed funding to enhance adult literacy services to Benicia residents; and

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

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Benicia hereby authorizes the acceptance of \$33,000 to be placed in the BUSD Literacy Grant Account (Account #2707000, Project #710002).

BE IT FURTHER RESOLVED that the City Council authorizes the Director of Library and Cultural Services to sign the contract and complete any other necessary documents to receive these grant funds.

* * * * *

On motion of Council Member, seconded by Council Member, the above Resolution was introduced and passed by the City Council of the City of Benicia at a regular meeting of said Council held on the 17th day of September 2019, and adopted by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

ATTEST:

Lisa Wolfe, City Clerk

Date



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

INDEPENDENT CONTRACTOR AGREEMENT

This Agreement is entered into between the Benicia Unified School District (DISTRICT) and
The Benicia Library (CONTRACTOR) and is dated, for reference ___08/08/19.

The parties agree as follows:

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

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

(a) a total price not to exceed \$ 33,000.00
(A lump sum paid upon completion of Agreement.)

or

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

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

3. **TERM OF AGREEMENT.** The term of this Agreement begin 07/01/19. The work shall be completed no later than 6/30/20. Extension or renewal requires approval of DISTRICT or the authorized representative. Unless compensation is fixed on the basis of a daily or hourly rate, compensation will not be increased upon extension of the Agreement without approval of the DISTRICT or authorized representative. This Agreement may be terminated by DISTRICT at any time on 15 calendar days prior written notice to CONTRACTOR. In the event of termination for cause, CONTRACTOR need be compensated only to the extent required by law.

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

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

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

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

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

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

DISTRICT INFORMATION:

CONTRACTOR INFORMATION:

JUNE REGIS / 8/19/19
Printed Name of District Requestor Date

Nakell 8/15/2019
District Chief Business Official Signature Date

[Signature] 8/15/19
District Superintendent Signature Date

11-6391-0-4150-1000 - XXXX-555-0200
DISTRICT Budget Code

Signature of CONTRACTOR Date

Printed Name of CONTRACTOR

CONTRACTOR Social Security #/Tax ID #

CONTRACTOR Address

CONTRACTOR City, State and Zip Code

**BENICIA UNIFIED SCHOOL DISTRICT
INDEPENDENT CONTRACTOR AGREEMENT
STATUS
CHECKLIST (To be completed by CONTRACTOR)**



**APPENDIX "B"
INDEPENDENT CONTRACTOR**

Independent Contractor's Name: Benicia Public Library

Current school employee? Yes x No

Retired school employee? Yes x No

Check all items that are true and correct:

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

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

► **Contractor Signature** **Date**

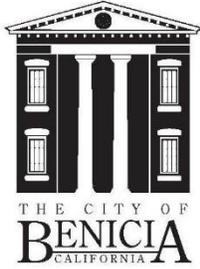
Reviewed by:

▶

Requesting Administrator**Date 8/8/19****Benicia Library Budget**

English as a Second Language	\$15,000.00
Advertisement and promotion	\$ 500.00
Adult Basic Education	\$15,000.00
Materials	\$ 500.00
PD/Conference	\$ 2,000.00
Total	\$33,000.00

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



**AGENDA ITEM
CITY COUNCIL MEETING DATE – SEPTEMBER 17, 2019
CONSENT CALENDAR**

TO : City Manager

FROM : Director of Library and Cultural Services

SUBJECT : **ACCEPT CALIFORNIA STATE LIBRARY LITERACY SERVICES GRANT**

EXECUTIVE SUMMARY:

The Benicia Public Library (Library) has offered adult literacy services through the Adult Literacy Services (ALS) and English as a Second Language (ESL) Programs since 1987 and has received grant funding from the State Library to assist in providing these services. The Benicia Public Library has been notified of a grant award in the amount of \$18,000 for the program for FY19-20, with an additional amount to be determined and awarded later in the year.

RECOMMENDATION:

Authorize, by resolution (Attachment 1), the acceptance of a California Library Literacy Services (CLLS) annual grant in the amount of \$18,000, to be added to the Library’s State Funded Literacy Program account. In addition, authorize the Library Director and Finance Director to sign any necessary documents to secure these funds, and any subsequent matching funds awarded and to appropriate the funds for the Library’s State Funded Literacy Services budget.

BUDGET INFORMATION:

The Benicia Public Library has been notified that they will be awarded a baseline grant amount of \$18,000 to provide literacy services for the community. An additional amount is typically provided by the state in the fall, with these supplemental funds calculated based on the number of learners served and a match amount founded on the amount of local funds raised and expended for adult literacy service in the previous year. In anticipation of this grant funding, an amount of \$18,000 was budgeted in the State Literacy Account budget (Account #2707010 Project #710001).

BACKGROUND:

The Adult Literacy Services (ALS) program has existed in Benicia since 1987. The California Library Literacy Services (CLLS) Literacy Award for FY19-20 is awarded to libraries in the State of California offering literacy services meeting the grant criteria.

The state’s literacy funding formula is based on three components: 1) a baseline amount of \$18,000 to provide a minimum level of local literacy staffing and services; 2) an amount per adult learner served in the previous year; and 3) a match on local funds raised and expended for

adult literacy services. The remainder of the FY19-20 CLLS grant awards will be determined by applying the latter two parts of the formula in the fall, using the FY18-19 actual service statistics and financial data reported to the State Library.

The Director of Library and Cultural Services is requesting authorization to accept the award of \$18,000 for the baseline grant and to sign any necessary documents to secure the supplementary matching grant funds. If additional funds are granted, they will be received by the Library before the end of the year and will be based upon the amount of local dollars expended on the program and the number of adult learners served in the program between July 1, 2018 and June 30, 2019.

The ALS provides 1:1 tutoring and computer lab assistance to English speaking adults. Participants must live or work in Benicia, be over 16 years of age, out of school, and want to improve their basic reading and writing skills.

During FY18-19, 42 volunteer tutors and one instructor assisted 88 adult learners and ESL learners from the US and 25 foreign countries to improve their English language skills (either through one to one tutoring or in conversation groups or ESL class). While not technically a part of the portion of the Literacy Program funded by the state grant, an additional 33 learners took GED classes. Learners were able to supplement their skills through use of the computer lab, building keyboarding skills, learning to use various software programs, strengthening their speaking, reading and writing skills, studying for the high school equivalency tests (GED), learning to access the internet, and receiving additional support from dedicated volunteers. All learners and their tutors are required to complete the "Roles and Goals" form to identify goals they will strive to accomplish together. The goals include progress updates on their monthly tutoring reports that are submitted to the Literacy Office. These statistics are reported to the CLLS offices as required.

NEXT STEPS:

Upon approval of this resolution, staff will accept the grant funds from the State Library and anticipate further funding for FY19-20.

ALTERNATIVE ACTIONS:

Decline the grant.

General Plan	3.4: Support the library and the services it provides to the community. Policy 3.4.1: Maintain and expand library services
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Strategic Plan	5: Maintain and Enhance a High Quality of Life Strategy 6) Support Benicia Public Library’s ability to meet the public’s expanding needs for information, communication and literacy.
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CEQA Analysis	Acceptance of this grant is not a project under Section 15378 (b) of the CEQA Guidelines, which excludes administrative activities of governments. Therefore, it is not subject to CEQA under Guidelines Section 15060 (c).
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ATTACHMENT:

1. Resolution – State Library Literacy Services Grant

For more information contact: David Dodd, Director of Library and Cultural Services

Phone: 707.746.4340

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

RESOLUTION NO. 19-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA
AUTHORIZING THE ACCEPTANCE OF A BASELINE CALIFORNIA LIBRARY
LITERACY SERVICES GRANT OF \$18,000 FOR FISCAL YEAR 2019-20 AND
AUTHORIZING THE APPROPRIATION OF FUNDS FOR THE LIBRARY’S STATE
FUNDED LITERACY ACCOUNT**

WHEREAS, the Benicia Public Library has successfully applied for the California Library Literacy Service grant since 1987; and

WHEREAS, the Library was recently notified of a Literacy Services grant award of \$18,000 for FY19-20; and

WHEREAS, the grant will provide funds needed for the Adult Literacy Services and the English as a Second Language Program services including, but not limited to: literacy staff salaries, instructional resources, library materials, office supplies, printing costs, contract services, and equipment costs related to the computer lab; and

WHEREAS, additional grant funding may be available in the fall with funding based on the number of learners served in the program, and a match of funds expended during the previous fiscal year.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Benicia hereby authorizes the acceptance of a California Library Literacy Services Grant of \$18,000 and subsequent matching funds to be awarded in fall of 2019 for the State Funded Literacy Account (Account #2707010 Project #71001).

BE IT FURTHER RESOLVED that the City Council authorizes the Library Director and Finance Director to sign any necessary documents to secure these and any subsequent matching funds awarded and to appropriate the funds for the Library’s State Funded Literacy Services budget.

On motion of Council Member _____, seconded by Council Member _____, the above Resolution is introduced and passed by the City Council of the City of Benicia at a regular meeting of the Council held on the 17th day of September, 2019 and adopted by the following vote:

Ayes:

Noes:

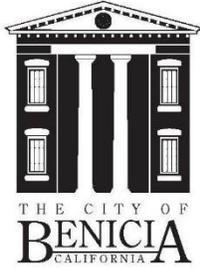
Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk

Date



AGENDA ITEM
CITY COUNCIL MEETING DATE – SEPTEMBER 17, 2019
CONSENT CALENDAR

TO : City Manager

FROM : Interim Community Development Director

SUBJECT : **APPROVAL OF AGREEMENT AMENDMENT WITH INDEPENDENT CODE CONSULTANTS, INC. FOR PLAN REVIEW SERVICES FOR CIVIL, BUILDING, AND SAFETY**

EXECUTIVE SUMMARY:

Approval of the agreement amendment with Independent Code Consultants, Inc. is needed for ongoing building, safety, and civil plan review services for a not-to-exceed amount of \$100,000. With limited staffing and an increase in cannabis manufacturing applications, the Community Development Department requires ongoing technical assistance with plan check review services.

RECOMMENDATION:

Move to approve the resolution (Attachment 1) amending the agreement (Attachment 2) to Independent Code Consultants, Inc. for building, safety, and civil plan review services.

BUDGET INFORMATION:

Sufficient funding exists for the not-to-exceed amount of \$100,000 in the existing department budget, including salary savings.

BACKGROUND:

The Community Development Department previously, in September 2016, sent a Request for Qualifications (RFQ) to three firms for professional consulting services for various Building Division services, including plan check services. TRB & Associates was one of the firms selected to provide plan review services to the Building Division. In early 2018, the turnaround time to review plans began to lag significantly. Consequently, an additional firm was sought to provide plan review services in addition to TRB & Associates.

In July 2018, an agreement was entered into between the City of Benicia and Independent Code Consultants, Inc. for building, safety, and civil plan review services. Independent Code Consultants, Inc. has continued to provide ongoing plan review services and maintained a ten-day turnaround time as staffing has remained low and application submittals have increased over the last year. In addition to the normal increase in applications, the department anticipates the

need for high-level plan review services by outside consultants to process cannabis manufacturing applications.

When a plan or other data is required to be reviewed, a plan review fee is paid at the time of submitting plans and specifications for review. The plan review fee is based on the valuation of the project. The plan review fees are separate fees from the permit fees and are in addition to the permit fees. The plan review fee is used to reimburse consultants or staff for completing the plan review. The funds from each application are to recover consultant costs to complete plan reviews. The Building Division anticipates the need for this type of plan review service to continue throughout the 19-20 Fiscal Year.

NEXT STEPS:

Upon approval by City Council, a contract amendment will be executed to ensure no lapse in plan check services occurs.

ALTERNATIVE ACTIONS:

If no action is taken, the City will be unable to meet the needs of the public and complete plan check review in a timely manner.

General Plan	Goal 2.28: Improve and maintain public facilities and services.
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Strategic Plan	Strategic Issue #1: Protecting Community Health and Safety
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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 – Agreement Amendment with Independent Code Consultants, Inc.
2. Agreement Amendment with Independent Code Consultants, Inc.
 - a. Scope of Work – Independent Code Consultants, Inc.

For more information contact: Alan Shear, Interim Community Development Director

Phone: 707.746.4309

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

RESOLUTION NO. 19-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING AN AGREEMENT AMENDMENT WITH INDEPENDENT CODE CONSULTANTS, INC. FOR BUILDING, SAFETY, AND CIVIL PLAN REVIEW SERVICES.

WHEREAS, the City has utilized the staff augmentation services of Independent Code Consultants, Inc. since Fiscal Year 2018-2019, due to position vacancies and increased work load in the Community Development Department; and

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

WHEREAS, staff recommends approving an agreement amendment with Independent Code Consultants, Inc. for continuing the plan review services through June 30, 2020 at a not-to-exceed cost of \$100,000; and

WHEREAS, Independent Code Consultants, Inc. is the most capable in all material aspects to perform the contract requirements and is highly qualified to perform these services to the City.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Benicia does hereby approve an agreement amendment with Independent Code Consultants, Inc. for building, safety, and civil plan review services for FY19-20, for an amount not to exceed \$100,000, and authorizes the City Manager to sign the amendment to the agreement on behalf of the City, subject to the approval of the City Attorney.

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 17th day of September, 2019 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 10th day of September, 2019, by and between the City of Benicia, a municipal corporation (hereinafter "CITY") and Independent Code Consultants, Inc., with its primary office located at 6280 W. Las Positas Blvd., Suite 200, Pleasanton, CA 94588, (hereinafter "CONTRACTOR"), is made with reference to the following:

RECITALS

A. On July 31, 2018, 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 (Description of Services) of the Agreement is modified to include: Building & Safety, and Civil Plan check services for Fiscal Year 2019-2020 (Exhibit A).
2. Paragraph 3 (Payment) of the Agreement is modified to: CONTRACTOR shall be paid for the described services in the amount not to exceed \$100,000.
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: 

Abigail Obligacion
President
Independent Code Consultants, Inc.

Lorie Tinfow
CITY MANAGER

RECOMMENDED BY:

Alan Shear
INTERIM COMMUNITY
DEVELOPMENT DIRECTOR

APPROVED AS TO FORM:

Benjamin L. Stock
CITY ATTORNEY

STATEMENT OF QUALIFICATIONS

Building & Safety and Civil Plan Review Services

August 1, 2019

SUBMITTED TO:

City of Benicia
250 East L Street
Benicia, CA 94510

Attention:

Ms. Rachel O'Shea
Chief Building Official

SUBMITTED BY:

Independent Code Consultants, Inc.
6280 W. Las Positas Boulevard, Suite 220
Pleasanton, CA 94588

Contact:

Ms. Abigail Obligacion | President
T | 925.264.9559
E | aobligacion@independentcodeconsultants.com

August 1, 2019

Ms. Rachel O'Shea | Chief Building Official
City of Benicia
250 East L Street
Benicia, CA 94510

RE: Statement of Qualifications for Building & Safety and Civil Plan Review Services

Dear Ms. O'Shea:

Independent Code Consultants, Inc. (ICCI) is pleased to submit our qualifications and believe we can provide Building & Safety and Civil plan review services you require. ICCI was originally established in January 1995 by Greg Shriver and remained in operation for nearly 15 years serving approximately 12 clients.

As of January 2018, ICCI has been re-established and is comprised of a team of highly qualified and dedicated professionals that have worked together with a collective plan review experience of 20 years for various Building Divisions and Community Development Departments. With Greg Shriver serving a key role in the revival of the company, ICCI will continue to serve community development departments with the customer service, reliability and quality consistently offered to his clients.

ICCI has teamed up with **dk Engineering**, a leader in the civil engineering, mapping, planning and construction fields. ICCI and dk Engineering has a long relationship working together on several successful projects. We strive to work with you and your team to ensure the planning, design, construction, inspection and coordination of private development projects are reviewed for completeness and accuracy, and compliance with standard engineering practices and conditions of approval. Our team of professionals have extensive knowledge of local engineering requirements and are experts in reviewing plans for completeness and accuracy. We are experts in our specialized fields and are able to provide our clients code compliant solutions that show our team's ability to exercise independent judgment and initiative.

ICCI will always manage all communication and coordination with our Clients through the use of a single point of contact. This contact will coordinate and ensure resources and personnel are made available to you.

Thank you for the opportunity to submit our SOQ and hope that we can fulfill your building and life safety service needs. Should you have any questions or require additional information, please do not hesitate to contact me at 925.264.9559 or by e-mail at aobligacion@independentcodeconsultants.com.

Respectfully Submitted,



Abigail Obligation | President
Independent Code Consultants, Inc.

WHO WE ARE



Quality building, fire, engineering and CASp plan reviews are provided with the following structure:

- ▶ **What:** Our plan reviewers clearly explain in a comment letter what is not in compliance with the plans, details and specifications. In addition, our plan review team will cater their comments based on their audience (i.e. designer, homeowner, engineer, architect or contractor).
- ▶ **Where:** Comment letter will clarify which sheet, detail, etc. where on plans comment refers to
- ▶ **Why:** A code section is cited to explain why the plans/details are not in conformance
- ▶ **How:** The plan reviewer will be able to communicate with the applicant how to resolve the issue when questions arise from the applicant or staff members

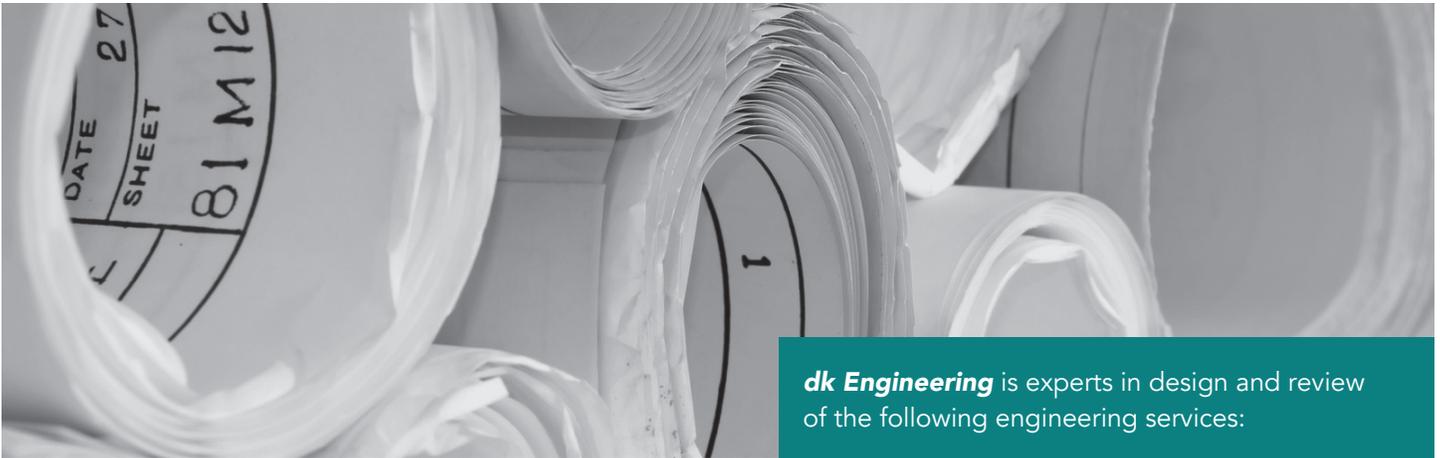
Independent Code Consultants is grounded in the principle that our plan reviews are only as good as what our Clients think. We have provided quality building, fire, engineering and CASp plan reviews for several different municipalities throughout the Bay Area while providing excellent customer service and proactive communication.

The team that makes up Independent Code Consultants has become known for creating dynamic plan review templates that are catered specifically to our Clients including all local ordinances and are continually updated when new information is obtained. New information is obtained as our plan review team will periodically check in to request any feedback and to help streamline processes and procedures between all parties.

In addition to the quality of our plan reviews, we are dedicated to providing proactive communication and excellent customer service. Independent Code Consultants is prepared to accommodate our client's specific needs and are committed to meet or exceed project deadlines while maintaining the quality that our clients expect.

Independent Code Consultants is based in the San Francisco Bay Area with an office located in the City of Walnut Creek. We are centrally located and can be made available to attend and conduct pre-construction meetings as needed. We will always accommodate our Client's needs with advanced scheduling.

SUBCONSULTANTS



dk Engineering is experts in design and review of the following engineering services:

- ▶ Civil Engineering
- ▶ Land Development (residential, commercial, industrial)
- ▶ Master Infrastructure Planning and Design
- ▶ Engineer's Report
- ▶ Roadway Design
- ▶ Feasibility Design
- ▶ Cost Estimating and Bid Documentation
- ▶ Public Infrastructure
- ▶ Public Financing Districts and Proceedings
- ▶ Hillside Grading and Golf Course Engineering
- ▶ Hydrologic and Hydraulic Analysis
- ▶ Storm Detention and Retention
- ▶ Storm Drainage and Flood Control
- ▶ Storm Water Quality Measure
- ▶ SWPPP Permitting and Implementation
- ▶ Wastewater Collection Systems
- ▶ Water Distribution and Supply
- ▶ FEMA (Letters of Map Revision)
- ▶ Erosion Control

dk Engineering adeptly navigates today's environment of ever-changing regulations, providing solidly buildable solutions for a variety of public and private enterprises. We make client's ideas work by apply sound engineering principles while preserving the original design intent. Our goal - always - is to achieve solutions that are at one functional and economical.

Utilizing our trademark innovation, technology and long-standing agency relationships, dk Engineering matches our problem-solving resources with your project's design needs.

dk Engineering will be responsible for:

- ▶ Review of plans for engineering considerations and identifying conditions of approval
- ▶ Review permit plans for completeness and accuracy
Review of compliance with the City's engineering standards, municipal code, conditions of approval, etc.
- ▶ Coordinating review of any map-related documents with City Surveyor
- ▶ Entering necessary agreements between City and developer
- ▶ Securing necessary bonds and permit-related fees

Should the need arise dk Engineering is prepared to provide land survey services: survey estimates, contracts, resolving boundaries and right-of-ways, ALTA surveys, analyzing and computing control surveys, computer calculating and map preparation using AutoCAD, topographic surveys, calculations for staking, preparing legal descriptions, data transfer between data collector and computer and data reduction.

PROJECT MANAGER & KEY PERSONNEL



Abigail Obligacion | President

Ms. Abigail Obligacion has over 12 years of experience as a plan reviewer with nearly 3 years of project management and coordination and served as Director for over 1 year creating a new division for a medium to large size engineering and testing company. Abigail has developed and maintained client relationships through her exceptional customer service, her quality of work, and her attention to detail and organization skills.

Greg Shriver, PE, CASp | Senior Building and Structural Plan Review Engineer

Mr. Greg Shriver has more than 30 years of experience in the performance of plan review engineering services. Greg originally established Independent Code Consultants and offered his clients his expertise in California's Title 24 Rules and Regulations. Greg continues to serve the industry on his expertise to his clients and will assist in providing his business expertise to ensure the revival of his company is a success.

Kelly Park-Li, SE, CASp | Senior Building and Structural Plan Review Engineer

Ms. Kelly Park-Li is a licensed structural engineer with over 4 years of plan review experience in both the public and private sectors. Her experience is built upon a foundation of 7 years as a project engineer for a structural engineering firm. Kelly provided plan review services for city and county jurisdictions in the Bay Area and Central Valley. Kelly is familiar with the design and review of a diverse range of project types including apartment buildings, medical office buildings, senior care facilities, retail, multi-family residential houses and commercial buildings.

Flora Chen, PE | Fire Protection Engineer

Ms. Flora Chen is a licensed Fire Protection Engineer in the States of California and Arizona. Flora also holds a master's degree in fire engineering. She has over 25 years of experience working for local fire departments and consulting firms. She is skilled in fire protection performance-based design, fire hazard evaluation, and code interpretation, modification and alternatives, and has served on various technical committees.

Scott Hartstein, PE | Lead Civil Plan Review Engineer

Mr. Scott Hartstein has nearly 20 years of experience working collaboratively with multi-disciplinary private and public clients within the field of land development and civil engineering. Scott has an array of engineering experience including large complex master-plan communities, commercial, educational, high-end residential projects, renewable energy

projects, and parks/greenspace/agriculture design, involving major infrastructure analysis, planning, funding, design, construction, and environmental processing.

Stacey Gella, PE | Civil Plan Review Engineer

Ms. Stacey Gella has been with dk Engineering since 2005 and has provided plan review services for a number of municipal agencies. Items plan checked include grading plans, improvement plans, hydrology and hydraulic studies, and stormwater control plans. In addition, Stacey has supported the survey department preparing legal descriptions and plat maps, performing calculations for survey staking, reducing topographic survey data, and importing/exporting data files for field survey crews. Her project experience has included work for both private and public/government agencies.

Ben McVeigh, PE, LS, QSD/QSP | Civil Plan Review Engineer

Mr. Ben McVeigh has thirty-four years of civil engineering experience, largely in the field of residential and commercial land development, and expansion of college facilities. Ben has conducted all aspects of the design, processing and coordination of improvements for numerous construction projects including: high-end single houses; sports facilities; shopping centers; apartment complexes; parking lots; and residential subdivisions ranging in size from two-lot splits to multi-phase, multi-year developments of several thousand lots.

On the following pages we have included resumes of our proposed project team members.

ABIGAIL OBLIGACION

PROFILE

Ms. Abigail Obligation has over 13 years of experience as a plan reviewer with nearly 3 years of project management and coordination and served as director for over 1 year creating a new division for a medium to large size engineering company. Abigail has developed and maintained client relationships through her exceptional customer service, her quality of work, and her attention to detail and organization skills.

WORK EXPERIENCE / PROJECT EXPERIENCE

Apple 2 Campus Parking Structure | Cupertino, CA

Reviewed photovoltaic system and parking structure to meet minimum code requirements, attended plan review design meetings.

Tesla Motors Plan Review Services | Lathrop, CA

Project manager for the on-going retooling and expansion projects that included hazardous materials, exiting and overhead clearance.

CEL Consulting: Code Resource Group | San Ramon, CA

Served as Director of the Code Resources Group Division. Created new division from the ground up. Duties include recruitment, project management, staff augmentation, quality control, and created processes and procedures for new division. Generated a million dollars in revenue during first 1.5 years of start-up.

4LEAF, Inc. | Pleasanton, CA

As a senior plans examiner and project manager, Abigail performed plan review quality control and oversaw the daily operational activities from plan review to document control.

TRB and Associates, Inc. | San Ramon, CA

As plan review engineer, Abigail reviewed plans and specifications to verify compliance with various building codes and zoning regulations and zoning regulations ranging from single family dwellings to new townhomes to commercial buildings.

EDUCATION

B.S. | Civil and Environmental
Engineering
University of California | Davis

CERTIFICATIONS

ICC Building Plans Examiner

SKILLS

Exceptional Customer Service
Organizational Skills
Quality of Work

GREG SHRIVER, PE

PROFILE

Mr. Greg Shriver has more than 30 years of experience in the performance of plan review engineering services. Greg originally established Independent Code Consultants and offered his clients his expertise in the California's Title 24 Rules and Regulations. Greg continues to serve the industry on his expertise to his clients and will assist in providing his business expertise to ensure his legacy through the revival of his company.

WORK EXPERIENCE / PROJECT EXPERIENCE

Oracle Building "H" and Parking Structure | Pleasanton, CA

Greg provided the complete shell and tenant improvement plan reviews for this four story building totaling 180,996 SF. The structural systems consisted of conventional footings, structural steel framing and metal deck/concrete fill floor and roof diaphragms and special braced frames. The parking garage consisted of complete plan review services for the four story S-2 building. The Construction type was I-B with a total square footage of 351,265 SF. Structural systems consisted of conventional footings, post tensioned concrete floor slabs, and concrete shearwalls.

6088 / 6100 Sunol Boulevard | Pleasanton, CA

Greg provided the complete shell and tenant improvement plan reviews for this two building project consisting of one-three story building with basement and one two-story building totaling 184,233 SF. The structural systems consisted of conventional footings, structural steel, framing and metal deck/concrete fill floor and roof diaphragms, and special moment resisting frames.

CEL Consulting: Code Resource Group | San Ramon, CA

Served as client liaison of the Code Resources Group Division. Due to his relationship with clients and providing quality plan reviews, Greg helped the division obtain 16 clients during the first 1.5 years of startup.

4LEAF, Inc. | Pleasanton, CA

Greg was responsible for the management and performance of plan review for all of 4LEAF's plan review clientele and assists in the development of 4LEAF's Structural Engineers and Non-structural review staff.

Interwest Consulting Group | Pleasanton, CA

Greg served Interwest Consulting Group for nearly six years performing plan reviews for Fire-Life-Safety, Structural, Accessibility, and Title 24 for many municipalities including Cities of Pleasanton, Dublin, Livermore, Pittsburg, Tiburon, Martinez, etc.

EDUCATION

B.S. | Civil Engineering
California State University | Fresno

LICENSES

State of California
Professional Civil Engineer #38761

CERTIFICATIONS

CASp Certification #096

KELLY PARK-LI, PE, SE

PROFILE

Ms. Kelly Park-Li is a licensed structural engineer with over 5 years of plan review experience in both the public and private sector. Her experience is built upon a foundation of 7 years as a project engineer for a structural engineering firm. Kelly provided plan review services for city and county jurisdictions in the Bay Area. Kelly is familiar with the design and review of a diverse range of project types including apartment buildings, medical office buildings, senior care facilities, retail, multi-family residential housing, and commercial buildings.

WORK EXPERIENCE / PROJECT EXPERIENCE

CEL Consulting: Code Resource Group | San Ramon, CA

Served as plan review engineer. Reviewed projects ranging from apartment buildings, provided quality control for podium type mixed use commercial buildings, custom homes to tract homes.

4LEAF, Inc. | Pleasanton, CA

Responsible for reviewing drawings and documents submitted to obtain building permits for conformance with the California Building Codes. Areas of review included life-safety, structural design, accessibility, energy standards, plumbing, electrical, mechanical and green building.

City of Walnut Creek

As plan check engineer, Kelly was responsible for reviewing drawings and documents submitted to the City, provided over-the-counter plan reviews, and assisted in the assessment of the structural integrity of a 2-story, multi-family residential building immediately after a catastrophic explosion.

KPFF Consulting Engineers

As project engineer, Kelly was responsible for the design and analysis of large and small-scale projects in new and existing construction. Kelly created structural drawings and details, along with calculation packages to obtain permit approvals from the City and OSHPD jurisdictions.

EDUCATION

B.S. | Structural Engineering
University of California | San Diego

LICENSES

State of California
Professional Civil Engineer #C74900

State of California
Professional Structural Engineer
#S5855

CERTIFICATIONS

ICC Building Plans Examiner

ICC Residential Plans Examiner

CASp Certification #762

FLORA CHEN, PE

PROFILE

Ms. Flora Chen is a licensed Fire Protection Engineer in the States of California and Arizona. Flora also holds a Master's degree in fire engineering. She has over 25 years of experience working for local fire departments and consulting firms. She is skilled in fire protection performance-based design, fire hazard evaluation, and code interpretation, modification and alternatives, and has served on various technical committees.

WORK EXPERIENCE / PROJECT EXPERIENCE

Eden Affordable Housing Project | Hayward, CA

Two 5-story buildings containing 151 residential units over 1-story parking structure.

Workday Development | Pleasanton, CA

New 430,000 SF office building on a 6.9-acre BART property adjacent to the West Dublin/Pleasanton station. The project consists of a six-story office building and two parking garages.

Fire Station | Hayward, CA

The new 13,000 SF Fire Station #7 replaces a badly deteriorating temporary structure, which had served as home to one of the Hayward Fire Department's busiest stations for more than a decade. The new 2-story fire station building includes a four-bay wide, double-deep apparatus bay, a public lobby, Battalion Chief quarters, staff work spaces, living quarters, day room, kitchen, dining room, workshop, conference room, exercise room and other necessary facilities.

I-880 / SR-92 Street Improvements | Castro Valley, CA

Flora reviewed street improvements for I-880/SR-92 for street widening, intersection improvements and signal modifications.

EDUCATION

M.S. | Fire Engineering
Canterbury University, Christchurch |
New Zealand

B.S. | Mechanical Engineering
Tongji University, Shanghai, China

CERTIFICATIONS

State of California
Professional Fire Engineer #FP1608

State of Arizona
Registered Professional Engineer
#44893

ICC Certified Commercial Building
Inspector

SCOTT HARTSTEIN, PE

PROFILE

Mr. Scott Hartstein is a talented team leader, working collaboratively with multi-disciplinary private and public clients within the field of land development and civil engineering since 1999. As a project manager and civil engineer, Scott supports clients by integrating and executing their vision throughout the complexities of planning/feasibility, permitting/entitlements, and implementation/construction. Scott has an array of engineering experience including large complex master-plan communities, commercial, educational, high-end residential projects, renewable energy projects, and parks/greenspace/agriculture design, involving major infrastructure analysis, planning, funding, design, construction, and environmental processing. His experience includes direct customer service, instilling leadership skills, and managing design team members from project inception through project closeout.

WORK EXPERIENCE / PROJECT EXPERIENCE

Municipal/Roadway Projects

- ▶ Plan Check Services - City of Pleasanton / Mendocino County
- ▶ Slatten Ranch Road - City of Antioch
- ▶ Bon Air Road Bridge Replacement - City of Larkspur
- ▶ Via La Paz - City of Larkspur - Storm Drain Improvements

Commercial/Mixed-Use Projects

- ▶ Streets of Brentwood - Brentwood, CA - Retail
- ▶ Veeva Hacienda Courtyard - Pleasanton, CA - Office
- ▶ The Learning Experience - Antioch, CA - Educational
- ▶ 2401 Broadway - Oakland, CA - Office/Retail
- ▶ Spring Hills Suites - Hayward, CA - Hotel

Residential Projects

- ▶ Park Ridge - Antioch, CA - 525 Lot Single Family
- ▶ Napa Oaks - Napa, CA - 53 Lot Single Family
- ▶ Renaissance - Concord, CA - 179 Unit Multi-Family
- ▶ Viamonte - Walnut Creek, CA - 171 Independent Senior Housing
- ▶ Del Amigo - Danville, CA - 3 Estate Lots
- ▶ Valley View - El Sobrante, CA 4 Single Family Lots
- ▶ Wilder - Orinda, CA - 60 Lot Single Family Plot Plans

EDUCATION

B.S. | Civil Engineering
Purdue University

MBA
University of California | Davis

LICENSES

State of California
Registered Civil Engineer #63852

State of Illinois
Registered Civil Engineer #062063795

CERTIFICATIONS

Project Management Professional
#1581819

LEED Green Associate

Qualified SWPPP Developer (QSD)

STACEY GELLA, PE

PROFILE

Ms. Stacey Gella joined dk Engineering in 2005. Her responsibilities have included site design, roadway layout, underground utility design, stormwater control analysis, hydrology and hydraulic studies, survey documents, and preparation of stormwater pollution prevention plans. Stacey has provided plan checking services for a number of municipal agencies. Items plan checked include grading plans, improvement plans, hydrology and hydraulic studies, and stormwater control plans. In addition, Stacey has supported the survey department preparing legal descriptions and plat maps, performing calculations for survey staking, reducing topographic survey data, and importing/exporting data files for field survey crews. Her project experience has included work for both private and public/government agencies.

WORK EXPERIENCE / PROJECT EXPERIENCE

Municipal/Roadway Projects

- ▶ Plan Check Services - City of Pleasanton, CA
- ▶ Pittsburg Civic Center – Pittsburg, CA

Residential Projects

- ▶ Matadera – Danville, CA – 22 Lot Residential Subdivision
- ▶ Napa Oaks - Napa, CA - 70 Lot Residential Subdivision
- ▶ Eastridge Unit IV – Fairfield, CA - 25 Lot Residential Subdivision
- ▶ Park Ridge – Antioch, CA – 123 Lot Residential Subdivision
- ▶ Palos Colorados - Moraga, CA - 123 Lot Residential Subdivision
- ▶ Byron Park Expansion - Walnut Creek, CA - 40 Unit Senior Living Facility

Commercial Projects / Mixed-Use

- ▶ Streets of Brentwood – Brentwood, CA – Retail Project
- ▶ Newell Village – Walnut Creek, CA – Retail and Residential
- ▶ Sycamore Crossings – Hercules, CA - Retail

Community Projects

- ▶ Tassajara/Mustang Soccer Complex – Danville, CA

EDUCATION

B.S. | Civil and Environmental
Engineering
University of California | Davis

LICENSES

State of California
Professional Civil Engineer #75679

State of Texas
Professional Civil Engineer #122733

State of Oklahoma
Professional Civil Engineer #28719

State of Wyoming
Professional Civil Engineer #15636

Qualified SWPPP Developer (QSD)

BEN McVEIGH, PE, LS

PROFILE

Ben McVeigh has thirty-four years of civil engineering experience, largely in the field of residential and commercial land development, and expansion of college facilities. Ben has conducted all aspects of the design, processing and coordination of improvements for numerous construction projects including: high-end single houses; sports facilities; shopping centers; apartment complexes; parking lots; and residential subdivisions ranging in size from two-lot splits to multi-phase, multi-year developments of several thousand lots.

He has prepared all the necessary plans, exhibits and calculations for such projects, including: Design of earthwork, streets, highways, storm drains and large culverts, water lines, sewers, retaining walls, erosion control, and detention basins; Preparation of preliminary planning layouts, tentative maps, grading plans, subdivision maps; improvement plans, site plans, house plot-plans, property deeds with plats and descriptions, stormwater pollution prevention plans, clean water treatment plans and calculations; Preparation of sewer capacity, pavement design and structural calculations; grading quantity take-offs; quantity and cost estimating; hydrology, hydraulics, river analysis and detention basin calculations; Coordination with local, state and federal agencies, clients and contractors; appearing at public meetings (design review board, planning commission and city council), and speaking as necessary in order to secure project approval.

WORK EXPERIENCE / PROJECT EXPERIENCE

Commercial Projects

- ▶ Blackhawk Shopping Center – Danville, CA – Retail
- ▶ Dana Plaza Shopping Center Starbucks – Concord, CA – Retail
- ▶ Sycamore Crossing – Hercules, CA – Retail

Residential Projects

- ▶ Blackhawk – Danville, CA
- ▶ Summerset / Trilogy – Rio Vista, CA
- ▶ Waterstone – Vallejo, CA
- ▶ Mohler Ranch – Ripon, CA
- ▶ Positano – Dublin, CA
- ▶ S & S Farms – Brentwood, CA
- ▶ Vista Pointe – San Ramon, CA
- ▶ Alves Ranch – Pittsburg, CA

EDUCATION

B.S. | Civil Engineering
San Jose State University | San Jose

LICENSES

State of California
Professional Civil Engineer #43325

State of California
Land Surveyor #7543

CERTIFICATIONS

Qualified SWPPP Developer / Practitioner (QSD and QSP)

EXPERIENCE



From small residential remodels to high rise buildings our team is comprised of professional individuals ready to assist our clients in all aspects of plan review services. Independent Code Consultants is a small firm that guarantees the staff proposed will be the individuals working on your projects and has the experience to handle any requests. Independent Code Consultants' dedication to our clients is what sets us apart by offering excellent customer service through transparency, and continual development of client relationships.

Coordination with client staff and Independent Code Consultants will be a seamless transition. Our knowledge of our clients' processes and procedures and our diligence of maintaining accurate and comprehensive record keeping (not only each project but for each submittal) are only two examples of our commitment to meeting and exceeding agreed upon turn-around times.

Internal Process and Methodology:

1. Upon receipt of plans, submittals are screened by both our document control department and project manager to ensure all documents required for plan review are received.
2. Plans are the logged into our tracking system and routed to the appropriate plan reviewers.
3. Submittals are reviewed for compliance with the latest adopted version of the California Building Code, California Residential Code, California Green Building Code, California Mechanical Code, California Plumbing Code, California Electrical Code, Title 24 - Accessibility and Energy Conservation requirements, municipal code and all applicable local amendments and ordinances that are recorded in our jurisdiction specific templates.
4. All plan reviews also go through our internal quality control process to ensure big ticket items and local amendments and ordinances are not missed.
5. Due to our team's experience and understanding of construction and permit processing, we will contact our clients for any red flags that may pose a problem either during the plan review process or during construction. Our team will work with our clients and applicants and will be readily available to meet with all stakeholders to ensure all milestones are completed on time while ensure compliance with the latest adopted codes, local amendments and ordinances.



BUILDING, FIRE & CIVIL PLAN REVIEW SERVICES

Pleasanton | CA

Independent Code Consultants' key personnel provided both building and fire plan review services, including on-site plan review and permit technician services, for the City of Pleasanton.

Greg Shriver has worked with the City of Pleasanton for over 20 years. Our team's success is not only due to our quality plan reviews or proactive communication, but our relationships that we have developed with our clients throughout the years. We will incorporate requirements from other City departments, divisions, regulating agencies as it applies to plan review, including process plan revisions to verify that corrections have been satisfactorily made in a timely manner.

CLIENT

City of Pleasanton
200 Old Bernal Avenue
Pleasanton, CA 94566

CONTACT

Mr. Dennis Corbett | CBO
925.931.5300
dcorbett@cityofpleasantonca.gov

KEY PERSONNEL INVOLVED

Abby Obligation | Greg Shriver |
Kelly Park-Li | Venissa Espinosa |
Flora Chen



BUILDING & CIVIL PLAN REVIEW SERVICES

Cupertino | CA

Independent Code Consultants' key personnel provided plan review services for the City of Cupertino for over 4 years.

Abby Obligation has worked with Albert Salvador, CBO, for nearly 10 years. Independent Code Consultants is prepared to do electronic plan review and our staff has been an integral part during the City of Cupertino's transition from paper to electronic plan review.

CLIENT

City of Cupertino
10300 Torre Avenue
Cupertino, CA 95014

CONTACT

Mr. Albert Salvador | CBO
408.777.3228
alberts@cupertino.org

KEY PERSONNEL INVOLVED

Abby Obligation | Greg Shriver |
Kelly Park-Li | Venissa Espinosa



PLAN REVIEW SERVICES

Manteca | CA

Independent Code Consultants' key personnel provided plan review services, including on-site plan review and permit technician services, for the City of Manteca for nearly two (2) years.

Our key personnel have worked with Brad Wungluck, CBO, for nearly 4 years. Our key personnel is familiar with the City of Manteca's "one-stop" permit processing operation responsible for coordination of application review by other City departments, including Development Services, Public Works, Planning and Fire, able to process numerous types of building permits, and assist residents, contractors, and developers through the plan review, permitting and construction process and answer any questions related to construction.

CLIENT

City of Manteca
1001 W. Center Street
Manteca, CA 95337

CONTACT

Mr. Brad Wungluck | CBO
209.456.8562
bwungluck@ci.manteca.ca.us

KEY PERSONNEL INVOLVED

Abby Obligacion | Greg Shriver |
Kelly Park-Li | Venissa Espinosa



PLAN REVIEW SERVICES

Winters | CA

Independent Code Consultants' key personnel provided building plan review services for the City of Winters. Greg Shriver has also worked with the City's Chief Building Official, Mr. Gene Ashdown, through the ICC Napa/Solano Chapter serving as chapter officers and as members of the education committee.

CLIENT

City of Winters
318 1st Street
Winters, CA 95694

CONTACT

Mr. Gene Ashdown | CBO
530.794.6717
Gene.ashdown@cityofwinters.org

KEY PERSONNEL INVOLVED

Abby Obligation | Greg Shriver |
Kelly Park-Li

PRICING & TIMELINES

FEE SCHEDULE

Building Plan Review Services	Unit Rate	Unit
Complete Plan Review Fee (first submittal plus two (2) additional subsequent submittal)	70% of Plan Review Fee	
All other Building, Safety Plan Review Submittals	\$135.00	Hour
Building, MEP, Energy and Green Review	55% of Plan Review Fee	
Building and MEP Review	50% of Plan Review Fee	
MEP, Energy and Green Review	45% of Plan Review Fee	
MEP Review	40% of Plan Review Fee	
Structural Only Review	\$1350.00	Hour
Fire Review	\$145.00	Hour
Building Department Support Staff	Unit Rate	Unit
On-Site Plans Examiner/Engineer	\$135.00	Hour
Building Inspector I	\$80.00	Hour
Building Inspector II	\$90.00	Hour
Senior Building Inspector	\$100.00	Hour
CASp Inspector	*Rate varies by building	
Permit Technician	\$60.00	Hour

Civil Plan Review and Personnel Charges	Unit Rate	Unit
Principal Engineer	\$230.00	Hour
Senior Project Manager	\$200.00	Hour
Project Manager	\$185.00	Hour
Senior Engineer	\$180.00	Hour
Sr. Associate Engineer	\$175.00	Hour
Associate Engineer	\$165.00	Hour
Engineer	\$155.00	Hour
Senior Planner	\$165.00	Hour
Associate Planner	\$160.00	Hour
Planner	\$155.00	Hour
Senior Project Designer	\$165.00	Hour
Project Designer	\$155.00	Hour
Designer	\$130.00	Hour

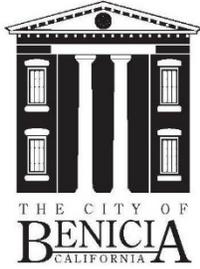
CADD/Draftsperson	\$120.00	Hour
One-Man Field Party	\$190.00	Hour
Two-Man Field Party / GPS Crew	\$250.00	Hour
Three-Man Field Party	\$300.00	Hour
Survey Manager	\$200.00	Hour
Senior Land Surveyor	\$180.00	Hour
Land Surveyor	\$175.00	Hour
Senior Survey Technician	\$165.00	Hour
Survey Technician	\$145.00	Hour
Basis of Charges	Unit Rate	
Work over 8 hours a day	Time and One-Half	
Work over 12 hours, Monday through Friday	Double Time	
Work on Saturdays	Time and One-Half	
Work over 8 hours on Saturday	Double Time	
Work on Sundays/Holidays	Double Time	
Reimbursables	Cost	

PLAN REVIEW TIMELINE

Independent Code Consultants will meet your plan review needs, which includes attending meetings and workshops when necessary. We also are able to meet or exceed the following timelines for plan review services:

Small to Mid-Scale Projects		Larger to More Complex Projects	
Standard Turnaround Times:		Standard Turnaround Times:	
First Submittals:	10 days	First Submittals:	15 days
Subsequent Submittals:	5 days	Subsequent Submittals:	10 days
Expedited Turnaround Times**:		Expedited Turnaround Times**:	
First Submittals:	5 days	First Submittals:	10 days
Subsequent Submittals:	3 days	Subsequent Submittals:	7 days

** Expedited Turnaround Times will be subject to discussion by all concerned parties to ensure milestones are met and completed on-time and on-schedule.



AGENDA ITEM
CITY COUNCIL MEETING DATE – SEPTEMBER 17, 2019
CONSENT CALENDAR

TO : City Manager

FROM : Interim Community Development Director

SUBJECT : **APPROVAL OF AGREEMENT AMENDMENT WITH INTERWEST CONSULTING GROUP FOR BUILDING INSPECTION SERVICES**

EXECUTIVE SUMMARY:

Approval of the agreement amendment with Interwest Consulting Group is needed for ongoing building inspection services at a not-to-exceed amount of \$165,000. The Community Development Department continues to need staff augmentation as the Building Inspector I/II position has been vacant since February 2019. It is necessary to amend the current agreement to continue through June 30, 2020 and increase the amount for Fiscal Year 19-20.

RECOMMENDATION:

Move to approve the resolution (Attachment 1) to amend the agreement (Attachment 2) with Interwest Consulting Group for building inspection services.

BUDGET INFORMATION:

The existing contract is funded from Professional/Technical Services in the Community Development Building Division budget. Sufficient funding exists for the not-to-exceed amount of \$165,000 in the existing department budget, including salary savings.

BACKGROUND:

The Community Development Department previously, in September 2016, sent a Request for Qualifications (RFQ) to three 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. In February 2018, when the Building Inspector I resigned, TRB and Associates was contacted to provide building inspection services. TRB & Associates was unable to provide inspectors to meet the current needs of the department. A scope of work was prepared by Interwest, one of the three selected companies from the September 2016 RFQ process, and the firm began providing inspection services.

Since February 2018, Interwest Consulting Group has provided two part-time inspectors to the department to help meet the building inspection needs. During that time, Interwest Consulting Group has conducted approximately 1,700 building inspections, with an average cost of \$17,000 per month. Until the department is fully staffed, there is a need to augment staffing with contract inspectors as the number of building applications and inspections continues to increase. Once the vacant Building Inspector I/II is filled, there may be a need to utilize Interwest Consulting Group to provide professional guidance and field training to an employee who has limited to minimal experience. The scope of work has been amended to include this additional service Interwest Consulting Group may provide, if necessary.

NEXT STEPS:

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

ALTERNATIVE ACTIONS:

If no action is taken, the City will be unable to meet the needs of the public and there will be no staff available to conduct the required building inspections.

General Plan	Goal 2.28: Improve and maintain public facilities and services.
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Strategic Plan	Strategic Issue #1: Protecting Community Health and Safety
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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 – Agreement Amendment with Interwest Consulting Group
2. Agreement Amendment with Interwest Consulting Group
 - a. Scope of Work – Interwest Consulting Group

*For more information contact: Alan Shear, Interim Community Development Director
 Phone: 707.746.4309
 E-mail: AShear@ci.benicia.ca.us*

RESOLUTION NO. 19-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING AN AMENDMENT TO THE AGREEMENT WITH INTERWEST CONSULTING GROUP FOR BUILDING INSPECTION 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 Interwest Consulting Group since Fiscal Year 18-19, due to position vacancies and increased work load in the Community Development Department; and

WHEREAS, City staff is very pleased with the work product of Interwest Consulting Group; and

WHEREAS, the position of Building Inspector I/II is currently vacant and additional staff is needed to assist in conducting necessary and required building inspections and applicable paperwork and processing; and

WHEREAS, staff recommends approving an agreement amendment with Interwest Consulting Group to continue the building inspection services through June 30, 2020 at a not-to-exceed amount of \$165,000; and

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

WHEREAS, Interwest Consulting Group 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 Consulting Agreement to continue building inspection services for the Community Development Department from July 1, 2019 through June 30, 2020 for a not-to-exceed amount of \$165,000 and authorizes the City Manager to sign the amendment on behalf of the City, subject to the approval of the City Attorney.

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 17th day of September, 2019 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 7th day of September, 2019, by and between the City of Benicia, a municipal corporation (hereinafter "CITY") and Interwest Consulting Group Inc., with its primary office located at 1613 Santa Clara Drive, Suite 100, Roseville, CA 95661, (hereinafter "CONTRACTOR"), is made with reference to the following:

RECITALS

A. On July 31, 2018, 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:

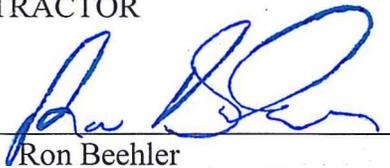
1. Paragraph 2 (Description of Services) of the Agreement is modified to include: Building Plan Review and Insepction Services for Fiscal Years 2019-2020 (Exhibit A).
2. Paragraph 3 (Payment) of the Agreement is modified to: CONTRACTOR shall be paid for the described services in the amount not to exceed \$105,000.
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

BY:



Ron Beehler
Director
Interwest Consulting Group, Inc.

CITY OF BENICIA
A Municipal Corporation

Lorie Tinfow
CITY MANAGER

RECOMMENDED BY:

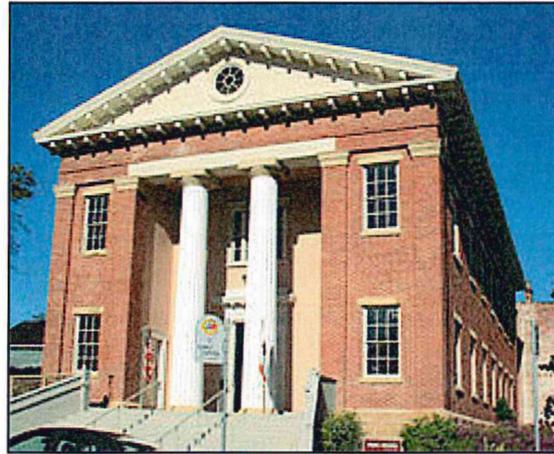
Alan Shear
INTERIM COMMUNITY
DEVELOPMENT DIRECTOR

APPROVED AS TO FORM:

Benjamin L. Stock
CITY ATTORNEY

June 18, 2018

Statement of Qualifications
Building Plan Review & Inspection Services



Prepared for

The City of Benicia

Rachel O'Shea, CBO, CFM
Chief Building Official, Building Division
250 East L Street
Benicia, CA 94510

By

Interwest Consulting Group, Inc.



Ron Beehler, SE, CBO
Director, Building Safety Services
6280 W. Las Positas Boulevard, Suite 200
Pleasanton, California 94588
O | 925.462.1114
C | 916.204.3178

June 18, 2018

Rachel O'Shea, CBO, CFM
Chief Building Official, Building Division
City Floodplain Manager
Community Development Department
250 East L Street
Benicia, CA 94510



Dear Rachel,

The attached Statement of Qualifications (SOQ) provides a detailed overview of the Building Safety Services offered by Interwest Consulting Group in Northern California, as well as a brief overview of the other services our Company offers. We appreciate your time in reviewing this SOQ and hope that we may be of service to the City of Benicia.

Our talented staff of Structural Engineers, Mechanical Engineers, Electrical Engineers, Architects, ICC certified Plans Examiners and certified Building Inspectors have extensive experience providing building plan review and inspection services for large and unique projects. We provide in-house Building Department staff augmentation services to numerous public agencies, including the cities of Folsom, Roseville, Placerville, Rancho Cordova, American Canyon, St. Helena and Pleasanton. We also provide full-service Building Department services to the Town of Atherton, as well as the Cities of Eastvale, Wildomar, Lake Forest and Pomona in Southern California. Detailed descriptions of specific projects we have recently completed for our clients are included in Section 2.

Our goal is to exceed our clients' expectations by:

- Providing all services in a **cost-effective** manner
- Providing **qualified and experienced personnel** who have the ability to effectively communicate and explain relevant code requirements
- Providing a **high level of customer service** for internal and external customers
- Balancing the need to ensure conformance to standards and regulations with the need for **predictability, uniformity and efficiency.**

Interwest also provides city engineering, traffic engineering, municipal planning, transportation program management/funding, grant administration, real estate acquisition, GIS and IT services to public agencies throughout California.

Please feel free to contact me at 916.204.3178 if you have any questions concerning our qualifications or the services we provide. Thank you for taking the time to review our qualifications. We look forward to the opportunity to work with the City of Benicia.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Ron Beehler', is written over a horizontal line.

Ron Beehler, SE, CBO

Director, Building Safety Services

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SECTION 1

Company Overview

COMPANY DESCRIPTION



The seamless integration of municipal service professionals in support of public agencies has been our purpose since Interwest Consulting Group formed in 2002. Interwest was founded by individuals with a passion for serving municipalities. We currently employ approximately 350 employees spanning a multitude of disciplines within city engineering, public works, and building safety departments throughout California. We currently serve more than 200 cities, counties and state agencies.

Interwest is comprised of structural engineers, civil engineers, electrical engineers, fire protection engineers, mechanical engineers, certified building officials, certified plans examiners, certified inspectors and other professionals specializing in providing complete building department plan review and inspection services to local and state government agencies.

As municipal consultants to many jurisdictions, Interwest staff is highly adaptive to all processes and procedures and quickly and seamlessly assimilate to your specialized requirements. All personnel are cross-trained in municipal operations to successfully bridge across departments and are accustomed to partnering, assisting, and coordinating with Planning, Public Works, Code Enforcement and other vital Agency staff and departments.

With extensive backgrounds in providing building support services for a wide array of projects, our personnel are familiar with construction utilizing all types of state-of-the-art structural systems, as well as the latest technology in mechanical and electrical systems. Staff project experience ranges from large single-family dwellings to large multi-story buildings, including numerous California schools, colleges, OSHPD 3 clinics and essential service buildings, commercial buildings, corporate campuses and industrial facilities.

Our business model is built on simple, yet vital customer service principles—offer thorough, quality and timely services. We do not offer design services, therefore avoiding any potential conflicts of interest that could occur with firms engaging in both plan review and design services.

KEY OBJECTIVES & BENEFITS

- **To remain unmatched in furnishing responsive and knowledgeable jurisdictional services.** Our staff currently serves or has served in all facets of municipal work by direct employment experience or as a consultant. Interwest staff knows and understands what is needed from top to bottom.
- **To provide timely and responsive plan review, inspection and permit technician services.** We work with you to help communicate results and information directly to your clients. We have multiple communication solutions available and are flexible to your Agency's unique needs.

- **To share our wealth of code knowledge and building industry experience.** Our staff that has been intimately involved in the development of California codes. We share this unique knowledge by providing code-related training and instruction at industry conferences, various ICC Chapters and, most importantly, training and updates on-site to local jurisdictions.
- **To be responsive to your specific staffing needs.** As construction activity fluctuates and/or staff absences occur, we have qualified staff available to fill those voids allowing you to maintain seamless service to your customers.
- **To provide staff who have the appropriate experience, certifications and knowledge.** We closely evaluate the appropriate staff to provide to you so to fit your specific needs. We encourage and support staff to participate in ongoing specialized training classes related to their field.

AFFILIATIONS

Education and certification are at the very core of our company. We encourage staff to participate in and contribute to the many associations important to the industry. Knowing technical excellence and proficiency is vital to public service. Attendance at specialized training classes, update seminars and industry-related conferences are all part of the Interwest dedication to growing our people to be the best. Many of our staff provides training and hold or have held key positions within the groups listed below.

- League of California Cities
- California Association of Building Officials (CALBO)
- International Code Council
- ICC Chapters of: Sacramento Valley, Peninsula, East Bay, Napa Solano, San Joaquin, Foothill, Shasta Cascade, Yosemite, Los Angeles Basin, Citrus Belt, Coachella, Orange Empire, Ventura
- Institute of Transportation Engineers
- County Building Officials of California
- California Stormwater Quality Association
- California Water Environment Association
- Structural Engineers Association of Northern California (SEAONC)
- Structural Engineers Association of Southern California (SEAOSC)
- American Public Works Association

FINANCIAL STATUS

Interwest Consulting Group is a highly stable consulting firm. We have an excellent credit rating and solid banking relationships. In addition, we are part of a select group of consulting firms nationally who belong to the Design Professionals Risk Control Group (DPRCG), an insurance group accepting only companies with excellent risk management history. We carry very low debt and have no professional liability claims against the company.

INTERWEST OFFICE LOCATIONS



Interwest has fully staffed offices in three Western States, with nine (9) offices in California.

NORTHERN CALIFORNIA

6280 W. Las Positas Blvd, Suite 200
Pleasanton, CA 94588
 925.462.1114 Phone

9300 W. Stockton Blvd., Suite 105
Elk Grove, CA 95758
 916.683.3340 Phone

1613 Santa Clara Drive, Suite 100
Roseville, CA 95661
 916.781.6600 Phone

CENTRAL CALIFORNIA

1171 W. Shaw Ave., Suite 102
Fresno, CA 93711
 559.448.9839 Phone

COLORADO

P.O. Box 18330
Boulder, CO 80308
 303.444.0524 Phone

1218 Ash Street, Suite A
Windsor, CO 80550
 970.674.3300 Phone

SOUTHERN CALIFORNIA

15140 Transistor Lane
Huntington Beach, CA 92649
 714.899.9039 Phone

1500 S Haven Ave., Suite 220
Ontario, CA 91761
 909.705.5957

431 S. Palm Canyon Drive, Suite 200
Palm Springs, CA 92262
 760.417.4329 Phone

316 Tejon Place
Palos Verdes Estates, CA 90274
 714.899.9039 Phone

9519 Chamberlain Street
Ventura, CA 93004
 805.659.0017 Phone

NEVADA

4815 W. Russell Road, Suite 11K
Las Vegas, NV 89118
 702.476.2200 Phone

SECTION 2

Company Qualifications and Experience

Interwest has been in the municipal consulting business since 2002. We provide a full range of staffing for building department services including building official services, building plans examination, building inspection services, building department performance reviews, building and grading plan review, and review of on-site and off-site improvements related to development approval. We also offer city engineering, traffic engineering, construction management, municipal planning, transportation program management/funding, grant administration, real estate acquisition, GIS and IT services.

We offer experienced and licensed engineers, highly qualified and ICC certified building officials, ICC certified plan examiners, ICC certified building inspectors, and ICC certified permit technicians with extensive experience. All of our personnel are knowledgeable jurisdictional staff and understand the procedures, policies, and deadlines necessary to keep building departments running smoothly. We work strictly for public agency clients, thus avoiding any conflict of interest. Our highlights include:

- We provide as-needed building department staffing for many California cities, including Folsom, Roseville, Rancho Cordova, Placerville, Woodland, Elk Grove, Fairfield, Napa, St. Helena, Calistoga, American Canyon, Pleasanton, Fresno, Tulare, Turlock, Modesto, Merced and Tracy, and the Counties of Placer, Yolo, Napa, Fresno and Merced, as well as many other California jurisdictions.
- We currently furnish plan review services to many California cities, including Roseville, Folsom, Rancho Cordova, Placerville, Woodland, Elk Grove, Palo Alto, Berkeley, American Canyon, St. Helena, Napa and Pleasanton, and the Counties of Kern, Yolo, Placer, Napa and Yuba, as well as many other California jurisdictions.
- We are skilled in assisting municipalities in Building Safety Departments. Our body of experience encompasses successful solutions for transitioning, personnel augmentation at all levels, and development of services, policies and procedures throughout all aspects of municipal government.
- Our people have served in all facets of municipal work by direct employment experience or as a consultant and know and understand what is needed from top to bottom.
- Our staff holds a wealth of code knowledge and building industry experience with some involved in the development of the California codes. We share this unique knowledge by providing code-related training and instruction at California Building Officials conferences and training seminars, at various ICC Chapters.
- Our technical and administrative staff is highly trained, attending seminars and code development sessions, and educational conferences to keep current on up-to-date industry methods and information.

RELEVANT BUILDING SAFETY SERVICES PROJECT EXPERIENCE

The following is a small sampling of the types of projects for which we furnish building safety services. We provide full-service building department services, in-house staff augmentation building department services and outsourced building department plans examination services to a multitude of agencies throughout California.

FULL-SERVICE BUILDING DEPARTMENT SERVICES

With many Interwest staff having worked directly for public agencies, we understand the importance and challenges of municipal government. Below are profiles for a few of clients to whom we provide a full range of building safety services.

TOWN OF ATHERTON

2011-Present

Client Contact: **George Rodericks, City Manager**

Telephone: 650.752.0504

Email: grodericks@ci.atherton.ca.us



In addition to providing staff to perform all City Engineering and Building Safety services for the Town of Atherton [population 7,200], Interwest also oversees, manages, and is responsible for the Town's Public Works, Planning, and Code Enforcement functions. We also provide technical assistance and support to the City Manager, City Council, City Council appointed Committees, and the community on Community Services programs, policies, activities and projects.

Interwest serves as the primary link between the Community Services Department and other Town departments, elected officials, regional partners/regulatory agencies, and community stakeholders. Specific responsibilities include:

- Perform policy and technical analysis, prepare all staff reports, and provide recommendations and guidance to the City Manager, City Council, and Town Committees.
- Represent the Town at regional meetings and regulatory agencies regarding projects, issues, and other matters relevant to the Town of Atherton.
- Review agendas and perform staff analysis in support of Council members representing the Town on Regional Transportations Agencies and Boards.
- Responsible for performing all work related to municipal engineering including civil, transportation, development review, traffic engineering, water resources, structural engineering, and GIS.
- Work closely with the Finance Director and City Manager to prepare and administer the Community Services Department operating budget and 5-year Capital Improvement Program.
- Participate in the Town's Strategic Planning activities and continually review and assess performance outcomes to identify and initiate organizational improvements to improve the delivery and value of services to the community.

CITY OF POMONA

2009-Present

Client Contact: **Linda Lowry, City Manager***Telephone:* 909.620.2051*Email:* llowry@ci.pomona.ca.us

Interwest Consulting Group began serving the City of Pomona [population 152,500] in September 2009. Traditionally a full-service city, Pomona examined a number of cost-saving strategies, including contracting for services that had historically been provided by in-house staff. Interwest Consulting Group successfully transitioned all building and safety services from the City's in-house staff and implemented new, streamlined processes and procedures. The change resulted in a higher level of service for the City's customers at a significant cost savings to the city. We currently provide the following on-site services:

- Building Official
- Building Plan Review
- Building and Safety Inspections
- Permit Technician
- Housing Abatement Enforcement
- Front Counter Support
- Administrative Services
- Construction Management

CITY OF EASTVALE

2010-Present

Client Contact: **Michele Nissen, Assistant City Manager***Telephone:* 951.361.0900*Email:* mnissen@eastvaleca.gov

Upon the incorporation of the City of Eastvale [population 57,000] in 2010, Interwest Consulting Group performed a variety of services which resulted in the delivery of efficient and cost-effective City services, including (1) the gathering of essential information and key data which served as the basis for confirming service area responsibilities for the City of Eastvale, (2) preparation of fiscally prudent and conservative operating budgets and (3) identification of cost-effective, efficient and innovative methods of providing Public Works, Planning and Building Safety activities and services transitioned from the County of Riverside.

Since the City's incorporation, Interwest has created and implemented necessary systems and processes to provide the following services:

- Plan Review and Inspections
- Building and Safety Code Compliance
- Building Department Administration
- City Engineering
- Development Engineering and Entitlements
- Transportation Planning
- Traffic Engineering
- Drainage Engineering
- Geographic Information System (GIS)
- Real Estate Acquisition

CITY OF LAKE FOREST

2009-Present

Client Contact: **Gayle Ackerman, Director of Development Services***Telephone:* 949.461.3460*Email:* gackerman@lakeforestca.gov

In April 2009, Interwest Consulting Group began providing turn-key building safety services to the City of Lake Forest [population 83,000]. Recognizing the value and cost benefits attributable to employing a contract services model, the City has contracted for building safety services since its incorporation in 1991. Interwest Consulting Group provides a team of onsite professionals that provide all building safety services—blending seamlessly with existing city staff. We provide a full-time building official, building plan reviewers, building inspectors and a building permit counter technician.

During our tenure, Interwest staff developed the City's first single, combination building permit which allowed for the same permit number to address all of a structure's elements (electrical, mechanical, plumbing and structural) requiring approval, greatly reducing hours and paperwork. We also introduced several key documents that have allowed staff to efficiently communicate, including a work flow tracking sheet to document approvals, a standardized monthly report using the City's EnerGov software, and several of the City's Building Safety handouts, reflecting current codes and standards.

Staffing levels are adjusted based on changes in construction activity to ensure that (1) revenue plus expenditures are monitored to ensure that building safety activities are general fund neutral and (2) a high level of customer service is maintained. Interwest Consulting Group successfully transitioned services from the previous service provider and continues to provide the following services:

- Building Official
- Building Plan Review
- Building Inspection
- Permit Technician
- Front Counter Support

CITY OF WILDOMAR

2008-Present

Client Contact: **Gary Nordquist, City Manager***Telephone:* 951.677.7751*Email:* gnordquist@cityofwildomar.org

Prior to incorporation on July 1, 2008, Interwest Consulting Group worked on initiatives to gather essential information and data which served as the basis for confirming service area responsibilities for the City of Wildomar [population 35,400]. We prepared fiscally prudent and conservative operating budgets and identified cost-effective and innovative processes for providing public works, planning and building safety activities and services transitioned from the County of Riverside.

Since incorporation of the City of Wildomar on July 1, 2008, Interwest has provided the following services:

- Building Department Administration
- Building and Safety Code Compliance
- Building Plan Review and Inspections
- City Engineering
- Development Engineering and Entitlements
- Transportation Planning
- Public Works Inspection
- Traffic Engineering
- Code Enforcement
- Drainage Engineering
- Geographic Information System (GIS)
- Information Technology (IT)
- Real Estate Acquisition
- Grant Writing

STAFF AUGMENTATION BUILDING DEPARTMENT SERVICES

CITY OF AMERICAN CANYON

Interwest Consulting Group provides in-house Building Official services and on-call Building Inspection services. We also provide on-site and overflow plan review services performed within one of our fully staffed regional offices.

CITY OF ST. HELENA

Interwest Consulting Group provides in-house Building Official, Plan Review and Building Inspection services. We also provide on-site and overflow plan review services performed within one of our fully staffed regional offices.

CITY OF FOLSOM

Interwest Consulting Group performs in-house plan review for this jurisdiction, with available overflow plan review services performed within one of our fully staffed regional offices.

CITY OF ROSEVILLE

Interwest Consulting Group performs in-house plan review for this jurisdiction, with available overflow plan review services performed within one of our fully staffed regional offices.

CITY OF PLACERVILLE

Interwest Consulting Group provides in-house Building Official, Plan Review and Building Inspection services. We also provide on-site and overflow plan review services performed within one of our fully staffed regional offices.

CITY OF RANCHO CORDOVA

Interwest Consulting Group provides in-house Building Inspection and Permit Technician services. We also provide on-call Building Technician and Building Inspection services in addition to overflow plan review services performed within one of our fully staffed regional offices.

SAMPLE PROJECT DESCRIPTIONS

The following project descriptions are a small sample of the types of recent projects for which we have provided plan review and inspection services. Our staff have extensive experience providing services for numerous new and remodeled commercial, OSHPD 3 medical facility, industrial, retail, tenant improvement, multi-family residential and custom residential projects. We have also provided services for multiple master plan development projects and publicly owned building projects.

Downtown Commons Tower

SACRAMENTO, CA

Occupancy Type: A-2, A-3, B, M, R-1, R-2, S, S-2
 Type of Construction: I-A
 Stories/Height: 16 plus two levels of below-grade parking
 Building Area: 634,357 SF



Interwest provided plan review services for this 16-story mixed-use tower located adjacent to the new Sacramento Kings arena and a significant component of the new Downtown Commons. This reinforced concrete tower includes two levels of subterranean parking. The first three levels include retail space, restaurant space, hotel lobbies, conference rooms, ballrooms, a pool deck and back-of-house spaces. Level 4 will comprise office space. Levels 5 through 10 will be hotel space, and Level 11 through 16 will comprise the residential (R-2) space. Interwest provided complete plan review services for this project on behalf of the City of Sacramento. Interwest staff have successfully assisted the City, the design team and the Owner to implement and execute a very aggressive phased permitting schedule, allowing this significant and complicated project to move quickly into construction well in advance of a complete design package.

Cal ISO Headquarters

FOLSOM, CA

Occupancy Type: A-2, A-3, B, S-1
 Type of Construction: I-B
 Stories/Height: Multi
 Building Area: 277,000 SF

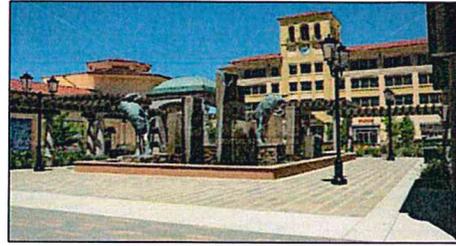


Interwest provided complete plan review services and consultation services for this \$115 million facility complex. This project achieved LEED Platinum rating from the US Green Building Council. The site is 25 acres with three seismically separated wings encompassing approximately 277,000 gross square feet, with four levels. Each wing is constructed using a different structural system: Precast concrete bearing walls, structural steel special moment resisting frames, and hybrid precast concrete moment frames (or PRESS). The PRESS system was not recognized in the current code, and was reviewed and approved under an alternate materials request. Interwest provided all plan review services for this state-of-the-art, award-winning, multi-story office complex which included a multi-level post tensioned parking structure.

Palladio Mall

FOLSOM, CA

Occupancy Type:	S-4
Type of Construction:	V-N
Stories/Height:	Multi
Building Area:	454,000 SF



Interwest provided partial and complete plan review services for several buildings which are part of this mall, including two multilevel S-4 concrete parking structures (structural-only) comprising approximately 454,000 square feet; four-level, mixed-use Building 500 comprising approximately 93,000 square feet (Type I-FR); and one-level Buildings 1600 and 1700, each about 29,000 square feet and Type V-N construction. With the exception of the parking garages, all buildings are structural steel braced frame/moment frame structures. This project was unique in that we collaborated not only with the City, but with other consultants who were assigned other buildings.

Woodland Courthouse

WOODLAND, CA

Occupancy Type:	A, B, S-2, I-3
Type of Construction:	I-A
Stories/Height:	5 Stories & Basement
Building Area:	180,000 SF



Interwest provided plan review services during the working drawing phase and provided construction phase services for the new Woodland Courthouse, a 180,000 SF Type I-A building comprising five stories plus a basement, with an estimated total cost of \$161.4 million. The building is assigned to Risk Category III, and houses Occupancy Groups A, B, S-2 and I-3. The steel-framed structure is supported on deep foundations comprised of augured, pressure-grouted piles. The steel superstructure is a building frame system relying upon special steel moment frames for lateral support.

UC Merced – 2020 Campus Expansion Project

MERCED, CA

Occupancy Type:	<i>Multiple</i>
Type of Construction:	<i>Multiple</i>
Stories/Height:	12 buildings / <i>various</i>
Building Area:	790,000 SF (total)



Interwest was selected to provide plan review services and inspection services for the University's \$1.3 Billion 2020 Campus Expansion Project. This project is spread over 790,000 square feet distributed over 12 separate buildings and will provide significant amounts of new teaching and research facilities, housing, athletics and support space for UC Merced. The ultimate result will be a vibrant, collaborative and sustainable campus that can accommodate 10,000 students. The new construction will nearly double physical capacity of the campus, with an anticipated completion date of Fall 2020.

The project objective is to work with the developer in achieving code compliant buildings in a timely manner while adjusting and remaining flexible for this aggressive delivery. The effort includes LEED Gold certified space plus infrastructure, and will be delivered in three phases:

- “First Delivery” includes 700 new student beds, a 600-seat multipurpose dining facility, new classrooms and 940 new parking spaces.
- “Second Delivery” is 150,800 assignable square feet in size and includes a new wet-laboratory, computational laboratory buildings with faculty offices, and an outdoor competition field.
- “Substantial Completion” is 478,000 assignable square feet in size and includes a new wet-lab building with faculty offices and classrooms, 980 new beds in student housing, 630 new parking spaces, a conference center, a dedicated transit hub for buses, a new wellness center, an enrollment center, expansion of the existing Early Childhood Education Center, a swimming pool, three tennis courts and four basketball courts.

Project highlights include:

- Adopt an aggressive construction schedule that results in substantial completion by 2020 with approximately 790,000 assignable square feet
- Provide mixed-use facilities that allow for interdisciplinary scholarly activities and result in a unique, dynamic, and inspiring environment for students, faculty, and staff
- 1,700 beds of Student Housing
- LEED Gold minimum - “Triple Net Zero” goal (zero net energy usage, zero landfill waste and zero net greenhouse gas emissions by 2020). The campus has been recognized by the U.S. Green Building Council as one of the greenest in the nation.
- Recreation, dining and student life amenities including an NCAA-II class competition pool and competition field

Interwest has developed and implemented a complete building department system with the added challenge of a quick time frame and a custom solution for this design/build model. This required us to reach beyond typical building department norms and embrace this new model and the unique process flow of information. The final solution included a robust plan review, permit issuance, and building inspection tracking system for all fire and building components as well as, plan review and inspections for all utility systems by Interwest. Lastly, a custom software system specific to the UC Merced 2020 project also needed to be developed by the Interwest IT group which allows for and tracks plan review, permit issuance, inspection requests and results, occupancy permits and a host of management tools for tracking.

Santa Clara County Family Justice Center

SANTA CLARA, CA

Occupancy Type:	A-2, A-3, B, I-3, S-2
Type of Construction:	I-A
Stories/Height:	8 Stories & Basement
Building Area:	233,695 SF



Interwest provided plan review services during the working drawing phase and provided construction phase services for this eight-story (with basement) courthouse structure with Groups A-2, A-3, B, I-3 and S-2 occupancy classifications and Type I-A fully sprinkled construction, with an estimated total cost of \$233 million. The total area of the courthouse building is 233,695 square feet. The courthouse building consists of a structural steel frame with exterior curtain wall. The courthouse building contains court rooms, jury chambers, judicial chambers, administrative office spaces, sallyports for security and other associated facilities.

Stoneridge Creek Continuing Care Community

PLEASANTON, CA

Occupancy Type:	R-4, R-2.1, A-3, A-1, B
Type of Construction:	I-B, III-A, V-A, V-B
Stories/Height:	Multi
Building Area:	441,331 SF



Interwest provided complete plan review services and inspection services for Stoneridge Creek Continuing Care Community in Pleasanton. The new 46-acre campus provides for a comprehensive continuing care retirement community consisting of single family units, multiple family units and extended care facilities. The Villas is comprised of 47 one- and two-family dwelling units, with nine building types, with an area of 30,000 SF. These single-story units are occupancy Group R-4 with construction type V-A. The Independent Care Facility is a four-story multiple-family structure with 83 dwelling units and 441,331 SF. The occupancy group is R-2.1, R-4, and A-3 with construction type III-A. The Garden Terrace is multiple family two-story buildings with 34 units and 74,130 SF. Occupancy group is R-2.1 with construction type V-A. The two-story Clubhouse and single story pool house is occupancy group A-1, A-3 and B, with construction type V-A and V-B. The clubhouse is 57,020 SF and the pool house is 8,086 SF. The Maintenance Building and Workshop is a 17,837 SF two-story building. This building provides the support facilities for the campus and is occupancy group F-1 and construction type V-B.

The code review process for this project required close attention to the different types of buildings and functions. Quick response, flexibility and coordination were required to address code issues to meet an aggressive construction schedule.

Ohlone Gardens

EL CERRITO, CA

Occupancy Type:	S-2, M, B (Below Podium) R-2 (Above Podium)
Type of Construction:	I-A (Below Podium) V-A (Above Podium)
Building Area:	32,004 SF (Below Podium) 67,967 SF (Above Podium)



Interwest provided structural and life safety plan review services to the City of El Cerrito for the Ohlone Gardens project, a four-story mixed use project which includes 57 rental units, 3,189 SF of commercial retail space at the street level and a 3,530 SF parking garage. The first level of the building consists of a concrete podium structure which is constructed with cast-in-place concrete walls and columns supporting a post-tensioned concrete slab. The concrete podium supports three stories of wood framed apartments as well as an open-air courtyard with planters, trees, landscaping benches and open area seating. The upper wood framed portion of the building was constructed with typical wood framed walls supporting wood I-joists at the floors and pre-fabricated wood trusses at the roof level. The lateral force resisting system consists of plywood sheathed shear walls at the upper wood framed levels and concrete shear walls below the podium level. The foundation for the structure consists of conventional continuous spread footings below the perimeter and interior walls and pad footings below the interior columns. The exterior of the building is characterized by painted cement plaster, horizontal cement board siding and cement panel board finish materials. Wood framed trellises and awnings were installed over windows and entries to provide shade and provide character to the exterior walls.

Newport Beach Civic Center Project

NEWPORT BEACH, CA

Occupancy Type:	B, A-2, A-3, F-1, S-2
Type of Construction:	II-B
Stories/Height:	4 buildings / various
Building Area:	351,220 SF (total)



Interwest provided plan review services for structural, fire & life safety, electrical, plumbing, mechanical, and fire portions of the project. Interwest also provided complete on-site inspection services.

This \$130 million project consisted of a 103,000 SF, two-story City Hall Office Building, a 25,850 SF, one-story City Hall Assembly Building, a 67,370 SF, two-story addition to an existing Library, and a 155,000 SF, three-story Parking Structure. Also included in the project is a 16-acre park containing numerous retaining walls, pedestrian bridges and a pedestrian bridge connecting two portions of the park. The City Hall Office Building is characterized by wavy roofs to simulate ocean waves. The Council Chambers Building is characterized by a cloth sail to simulate a ship's sail.

The City Hall Office Building, City Hall Assembly Building, the Council Chambers Building and the Library Expansion are constructed of structural steel supporting steel decking with concrete fill at the second floor levels and steel decking at the roof level. The lateral force resisting system for the City Hall Office

Building and the City Hall Assembly Building incorporate buckling restrained braced frames to resist lateral seismic loads. The Parking Structure is constructed of poured-in-place concrete columns supported post-tensioned concrete floor slabs. The lateral force resisting system for the Parking Structure consists of concrete shear walls.

COMPARABLE CLIENTS

Interwest provides complete Building Safety Services, including building official, plan review, field inspection, fire safety plan review and inspection, permit technician, CASp and administrative assistance. We can provide a single staff member or a complete team of professionals to deliver needed services. We pride ourselves in being able to tailor our services and service levels based on our clients' needs. Below, we list a sampling of current Northern and Central California clients to whom we provide Building Safety Services.

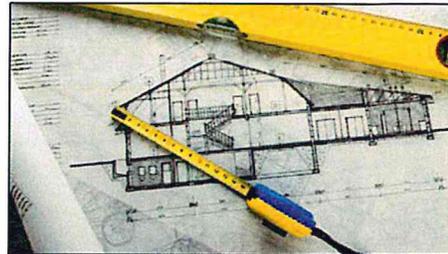
Client	Services Provided
City of American Canyon	Building Official, Plan Review, Building Inspection
City of Berkeley	Plan Review
City of Capitola	Plan Review
City of Elk Grove	Plan Review, Building Inspection, Permit Technician, As-needed Code Enforcement
City of Fairfield	Plan Review
City of Folsom	Plan Review, Fire Plan Review, Building Inspection, Fire Inspection
City of Lathrop	Plan Review, Code Enforcement
City of Lincoln	Building Official, Fire Plan Review, Building Inspection, Fire Inspection
City of Livermore	Plan Review
City of Lodi	Plan Review, Building Inspection
City of Manteca	Building Inspection, Plan Review
City of Modesto	Building Official, Plan Review, Building Inspection
City of Napa	Plan Review, Building Inspection, Permit Technician
City of Placerville	Building Official, Plan Review, Building Inspection, Permit Technician
City of Pleasanton	Plan Review, Building Inspection
City of Rancho Cordova	Plan Review, Building Inspection, Permit Technician
City of Riverbank (LRA)	Building Official, Plan Review, Inspection
City of Roseville	Plan Review
City of Sacramento	Plan Review, Building Inspection, Permit Technician
City of Sonoma	Building Official, Plan Review, Inspection
City of St. Helena	Building Official, Building and Fire Plan Review, Building Inspection
City of Tracy	Plan Review, Building Inspection, Fire Inspection

Client	Services Provided
City of Turlock	Plan Review
City of Woodland	Plan Review, Building Inspection
Menlo Park Fire District	Fire Plan Review, Inspection
County of Fresno	Plan Review, Inspection
County of Madera	Plan Review, Fire Plan Review
County of Napa	Plan Review
County of Placer	Plan Review, Fire Plan Review
County of Yuba	Plan Review, Fire Plan Review, Inspection Services
Town of Atherton	Building Official, Plan Review, Building Inspection, Permit Technician
Administrative Office of the Courts	Plan Review, Building Inspection
California Fairs Finance Authority	Plan Review, Building Inspection

SECTION 3

Building Safety Services

Interwest Consulting Group has extensive experience and a proven track record of seamlessly integrating building plan review, building inspection, building official and permit technician services as-needed in a cost-effective manner. Our services consist of providing a single staff member or a complete team. We tailor our staff to fit your specific needs.



Our role and mission is to provide the following:

- A **team of professionals** with high-level experience and skills in successfully providing building department services, staff with a **customer service focus** and thorough knowledge of building department policies and procedures, and promoting cooperation and partnership with other jurisdiction departments and outside agencies.
- **Licensed Plan Review Engineer or Architect** and/or **ICC Certified Plans Examiners** for thorough and timely plan reviews.
- **Certified Building Inspector(s)**, ICC and/or CASp certified, with broad experience in jurisdictional procedures and the highest commitment to customer service.
- Permit Technicians with **strong customer service** skills and experience.
- Additional staffing as needed when workload increases to maintain exceptional service.
- A high level of **customer service for internal and external customers**.
- Additional services as needed and as requested to meet your workload needs.
- Services in a **cost-effective** manner that remains within budget constraints.

Our Building Safety Services team offers the following:

- Building and Fire Plan Review Services
- Building and Fire Inspection Services
- Building Official Services
- Permit Technician Services

BUILDING AND FIRE PLAN REVIEW SERVICES

All plans examination services will be performed either by a licensed Civil or Structural Engineer, or an ICC Certified Plans Examiner under the direction of a licensed Civil or Structural Engineer and/or licensed Architect. For more complex projects and when needed to meet peak workload demands, additional support will be provided from our regional offices for, on-site or off-site, structural plan review services and non-structural plan review services. Our plans examiners understand and are intimately familiar with applicable building codes and plan review procedures and policies and will readily assist with solutions to complicated plan review issues.



Our staff will work with project applicants in a collaborative and professional manner to quickly identify and resolve violations of codes, standards or local ordinances. They will provide thorough plan reviews in an effort to provide complete and accurate construction documents to minimize questions and problems during the construction phase of projects.

Technical Capabilities in Plan Check Areas

Interwest staff possesses significant technical capabilities in all areas of plans examination competence. All plans examiners are ICC Certified Plans Examiners with extensive experience providing plan review services. All plans examination activities will be performed under the direction of a California licensed professional engineer and/or licensed architect. Our staff will conduct accelerated plan review on an as-needed basis as requested by the Building Official.

Architectural

Interwest's non-structural plans examiners furnish plan review services for a vast array of projects including large residential, commercial, institutional, industrial, retail, and OSHPD 3 medical office buildings. Many of our plans examiners are CASp certified. Completed plan review projects range from single-story residential projects to complex high rise buildings and numerous building additions and remodels. We are experienced and familiar with the use and application of the most current editions of the following model codes:

- California Building Standards Code (Title 24) Parts 1 through 6 and 9
- International Building Code (IBC)
- Americans with Disabilities Act Standards for Accessible Design
- ANSI Standards
- NFPA Codes & Standards
- CA Code of Regulations (CCR) Titles 19 and 25
- Jurisdiction-Adopted Amendments or Ordinances

Structural

Our structural engineers have experience designing and reviewing projects utilizing virtually all building materials. Our structural plan reviewers will verify that structural designs are in compliance with

submitted Geotechnical Report findings and recommendations and Ground Motion Hazard Analysis recommendations for design and construction.

- Wood
- Masonry
- Heavy Timber / Timber Frame
- Concrete
- Structural Steel
- Light Gauge Steel Framing
- Straw Bale
- Rammed Earth

Our engineers have designed or reviewed a wide array of structural systems including:

- FEMA Compliant Steel Moment Frames
- Buckling Restrained Braced Frames
- Eccentric Braced Frames
- Concentric Braced Frames
- Concrete Moment Frames
- Wood Shear-wall Systems
- Masonry Shear-wall Systems
- Concrete Shear-wall Systems
- Cantilevered Column Systems
- Pre-Stressed / Post-Tensioned Concrete
- Various Proprietary Lateral Force Resisting Systems

Our structural engineers and inspectors are experienced with the provisions of most model codes including current versions of:

- CCR Title 24, Part 2, Volume 2
- International Building Code (IBC)
- AISC 341 & 360
- ASCE 7-10
- ASCE 41
- AISC Standards for Cold Formed Steel
- FEMA 350, 351 & 353
- ANSI / AF&PA NDS
- ACI 318 (Concrete)
- NEHRP
- ACI 530 (Masonry)
- CA Historic Building Codes
- CA Existing Building Codes

Mechanical, Plumbing & Electrical

Interwest's Mechanical and Electrical Engineers are well versed in the California Mechanical, Plumbing and Electrical codes.

We will review submitted design documents to ensure compliance to the current edition of the following codes:

- California Building Code
- California Residential Code
- California Plumbing Code
- California Mechanical Code
- California Electrical Code
- Jurisdiction-Adopted Amendments or Ordinances

Other review services are provided based on current editions of local or national standards such as:

- International Building Code
- International Residential Code
- International Mechanical Code
- International Plumbing Code
- NFPA Standards 13 (automatic fire sprinkler systems)
- NFPA Standards 14 (standpipes)
- NFPA Standards 20 (fire pumps)

- NFPA Standards 72 (fire alarms)
- NFPA Standards 99 (medical gases)
- NFPA 101 Life Safety Code
- FEMA & NEHRP Requirements for Existing Building

Energy Compliance

Our engineers and plan reviewers are up-to-date on all California Energy requirements as they relate to both new and remodel construction on large residential and commercial projects. The Energy Efficiency Standards for Residential and Nonresidential Buildings were established in 1978 in response to a legislative mandate to reduce California's energy consumption. These standards are updated periodically to allow consideration and possible incorporation of new energy efficiency technologies and methods.

Green Building Standards

Our staff is familiar with the incorporation of CALGreen building criteria into project designs and the resulting potential impact as related to the building codes. In addition, staff members have participated in the development of various “green” standards for super adobe, rammed earth, and straw bale construction, to name a few.

LEED

Developed by the US Green Building Council (USGBC), LEED provides building owners and operators a framework for identifying and implementing measurable green building design, construction, operations and maintenance solutions. LEED certification consists of a number of different rating systems that apply to many building types—commercial as well as residential and measures how well a building performs across many sustainability metrics including: energy savings, water efficiency, CO₂ emissions reduction, improved indoor environmental quality, and stewardship of resources and sensitivity to their impacts.

Access Compliance – CASp Review and ADA Evaluation

All of Interwest’s CASp-Certified professionals are knowledgeable of state and federal accessibility laws and regulations and possess the expertise necessary to promote access to facilities for persons with disabilities. Our goal is to provide experts in the industry who can perform services for building departments in a seamless manner by customizing our services to correspond with our client’s expectations and needs. We work collaboratively with our clients to resolve plan review and inspection related issues as efficiently as possible, ultimately resulting in an expedited process and successful project.

Our architects and plans examiners are fully trained and familiar with CA Building Code Accessibility requirements and ADA compliance regulations, and are available for plan review and/or evaluations and consultation. We offer support to municipalities for compliance enforcement and/or developing a transition plan, and successfully partner with the disabled community to address the needs and requirements for both entities. We can assist our clients in interpreting various issues relating to access compliance, such as access compliance obligations, transition planning, construction costs, construction phasing, code/law ‘interpretation,’ hardship and code/law changes.

Flood Zones

Interwest's staff of engineers and plans examiners have experience in providing plan reviews for projects located in flood zones, as several of our clients have developments that occur in areas prone to flooding. Interwest's staff has provided numerous plan reviews for projects located in flood zones using FEMA's Technical Bulletins as well as the local jurisdictions ordinances. In addition, members of Interwest's staff have participated in state-sponsored committees to establish guideline and regulations for construction in areas designated as flood zones.

OSHPD 3

Our staff of plans examiners has extensive experience in providing plan reviews for OSHPD 3 projects. Our staff is well versed with the OSHPD 3 requirements contained in the California Building Code. We also employ an OSHPD certified inspector who has recently provided inspection services on behalf of our clients for hemodialysis, outpatient surgery, hyperbolic chamber and general medical clinics.

Fire Code Plan Review

We have a complete staff of experienced and licensed professional fire protection plans examiners and inspectors for your fire life safety needs. Our staff can check plans for compliance with all applicable fire code and standard requirements, including but not limited to the following: ICC Fire Code, Uniform Fire Code, California Fire Code, Life Safety Code, NFPA standards and your local/regional amendments.

Our Fire Plans Examiners and Inspectors are well versed in the use and application of the following model codes, standards and regulations:

- California Fire Code (CFC)
- California Building Code (CBC)
- Local amendments and policies related to the CFC and CBC
- Adopted National Fire Protection Standards
- California Health and Safety Code
- Appropriate listings (CSFM, U.L., etc.) for common systems and materials
- Fire Department Standards
- National Fire Protection Referenced Standards pursuant to the above Codes
- Municipal, State or Federal regulations enforced by Fire Departments and Fire Districts.

Interwest Consulting Group's staff is active with California Fire Prevention Officer's Association, as well as local chapters of Building Officials Organizations throughout the State of California and Nevada. Interwest Consulting Group's staff has also authored a comparison of the Uniform Fire Code (UFC) to the International Fire Code (IFC) for the California Fire Prevention Officer's Association.

BUILDING AND FIRE INSPECTION SERVICES

Building inspectors qualified to perform residential and commercial inspections can be made available as-needed during normal business hours (40 hours/week). Inspectors can also be flexible to assist during special off-hours by request with advance notice.

Assigned staff will perform inspection services, as needed, to verify that the work of construction is in conformance with the approved project plans as well as identifying issues of non-compliance with applicable building and fire codes. Our field inspection services will include site inspections and writing legible and understandable correction and violation notices and field reports. In addition, we will be available to answer in-person or telephone inquiries.



We understand that municipal codes may be frequently updated, so we will ensure that the projects we are inspecting are compliant with current code requirements. More specifically, we will ensure compliance with Title 24 California Building Codes, parts 1, 2, 2.5, 3, 4, 5, 6, 8, 9, 10, 11 and 12, covering structural, fire prevention, life safety, disabled access, energy conservation, green building, plumbing, mechanical and electrical installations in residential, commercial, industrial, existing and historical buildings.

Interwest's ICC/CASp certified inspectors have performed both building and fire inspection services on a wide variety of construction projects including new residential developments, large custom homes, and commercial, institutional, assembly, essential service buildings and industrial projects. When necessary for large or fast-track projects, multiple inspectors are available.

Interwest's inspectors will provide field inspections including site inspections of projects to verify conformance with approved drawings and specifications which will include review of the permit documents to verify that onsite conditions are consistent with the approved documents for square footage, setbacks, heights and any other applicable conditions. At the completion of inspections, Interwest's inspectors will complete all necessary City forms and documents as required to provide seamless service.

We understand that personality and customer service is crucial to on-the-job success, therefore, we have selected inspectors who are well versed in customer service and skilled in dealing with people both at the public counter and in the field. All inspection personnel assigned will be ICC and/or CASp certified as required.

Inspector Qualifications & Certifications

Interwest retains inspectors who are motivated to achieve the highest level of experience and certification. We work hard to match your jurisdiction's level of safety and code compliance. All Interwest Consulting Group inspectors are ICC-certified.

Inspection personnel assigned will be able to read, understand and interpret construction plans, truss drawings and calculations, prepare and maintain accurate records and reports, communicate effectively orally and in writing and to work effectively with contractors, the public and general staff.

Inspectors will possess knowledge of approved and modern methods, materials, tools and safety used in building inspection and the most current building standards.

Inspection Schedule

Interwest Consulting Group will work with your organization to provide inspection staff in a timely manner. Our inspectors are familiar with a multitude of jurisdictional scheduling and tracking systems and can quickly adapt to jurisdiction requirements. Emergency inspections (usually requests that pertain to a serious or urgent life/safety issue) can be provided as they are needed; nights, weekends and holidays. Many of our inspectors are also available to serve at the public counter when needed.

BUILDING OFFICIAL SERVICES

Our certified Building Officials are intimately familiar with the procedures and processes that need to be maintained to ensure a building department runs smoothly. They effectively work with all staff and departments. Interwest can provide Building Official Services on a part-time or full-time basis. Building Official areas of responsibility may include:

- Building Department Administration
- Quality control review of plan checks and inspections
- Building Code updates for Municipal Code adoption
- Resident inquiries and complaints
- Configuration, implementation, and on-going support of an automated permitting system
- Review discretionary applications for preliminary compliance with construction codes
- Coordination of a proactive abatement program
- Building & Safety Procedures Manual
- Monthly/Annual Reporting of Building Safety Activities
- Attend Commission and City Council meetings (as needed)

PERMIT TECHNICIAN SERVICES

Permit/counter technician services are crucial to the success of the entire building safety process and is the first impression the public gets of your building department. Contact with the public at this initial point sets the tone for any additional interaction through the life of a project whether engaging the homeowner, architect, developer or contractor or other community member. Delivery of excellent customer service, maintaining a smooth flow of documents and plans throughout departments, and tracking and reporting, are all key elements to furnishing first-rate, efficient and a memorable experience to your clients.

Our Building Technicians will welcome and work closely with the customers at the public counter answering all questions. Our Building Technician will provide information about permit applications, plan review and inspection requirements, will be excellent at organizing and maintaining the filing systems necessary for tracking in-progress applications, permits issued, plan check in progress, approved plans and any other information required by your jurisdiction. Resumes for proposed Permit Technicians will be presented to the Chief Building Official for approval and acceptance prior to providing services.

SECTION 4

Building Safety Services Staff

Our Building Safety Services staff have significant direct experience working as city employees and as contract staff members in similar jurisdictions throughout California. Individually, the professionals showcased below excel in each of their backgrounds. As a team, they possess the professional capability to innovatively create and implement effective solutions with your interests (and the community's) in mind.

REPRESENTATIVE STAFF

Ron Beehler, SE, CBO	DIRECTOR, BUILDING SAFETY SERVICES
Roger Peterson, SE	SR. STRUCTURAL ENGINEER
Bill Rodgers, SE	SR. STRUCTURAL ENGINEER
John Weninger, SE	SR. STRUCTURAL ENGINEER
Elena Hartsough, SE	SR. STRUCTURAL ENGINEER
JR Rahrck, PE	PROFESSIONAL ENGINEER
Charles Nganga, PE	PROFESSIONAL ENGINEER
Christine Jansen, PE	PROFESSIONAL ENGINEER
Kyle Hansen, EIT	ENGINEER-IN-TRAINING
Denise Reese, CBO, ICC	LIFE SAFETY PLAN REVIEW
Andrew Burke, CASp, ICC	LIFE SAFETY PLAN REVIEW & CASP
Annette Mayfield, EIT, CASp, ICC	LIFE SAFETY PLAN REVIEW & CASP
Derek Poe, ICC	LIFE SAFETY PLAN REVIEW
Daniel Mahoney, ICC	LIFE SAFETY PLAN REVIEW
Gabriela Scott, ICC	LIFE SAFETY PLAN REVIEW
Bob Barks, ICC	LIFE SAFETY PLAN REVIEW
Mark Berg, CBO, ICC	LIFE SAFETY PLAN REVIEW
Brian Reilly, ME, FPE, ICC	MECHANICAL ENGINEER & FIRE PROTECTION ENGINEER
Thomas Trimmerger, ME, CBO, ICC	MECHANICAL ENGINEER
Randy Brumley, ME	MECHANICAL ENGINEER
Dirk Hofheinz, EE	ELECTRICAL ENGINEER
Bill Miller, CASp, CBO, ICC	CASP PLAN REVIEW & INSPECTION
Rick Walters, CASp, LEED, CBO, ICC	CASP PLAN REVIEW & INSPECTION
Robert Porta, CASp, CBO, ICC	CASP PLAN REVIEW & INSPECTION
Christian Cieslewicz, ICC	INSPECTION
Adam Payne III, ICC	INSPECTION
Brian Frenger, ICC	INSPECTION

STAFF BIOGRAPHIES

RON BEEHLER, SE, CBO | DIRECTOR, BUILDING SAFETY SERVICES

Ron utilizes experience gained through more than 35 years of hands on experience performing life safety, accessibility and structural plan reviews to successfully manage building departments, building department services and high profile building projects on behalf of public agencies throughout California. Ron's experience includes establishing and coordinating on-site building department services for large multi-building projects and unique fast paced development projects. Ron has served as Chief Building Official for multiple California public agencies including interim assignments. Ron has also provided building department assessments on behalf of municipal clients to identify inefficiencies and implement best practice improvements. Licensed as a Civil and Structural Engineer in California and Nevada, certified by the International Code Council as a Building Official, Plans Examiner and Building Inspector, Ron is uniquely qualified to evaluate and manage all building department services. His background includes the position of Chief Building Official with the City of Sacramento directing a staff of 120 engineers, plan reviewers and building inspectors, Chief of Engineering Design and Construction for the California National Guard and Senior Structural Engineer with the Office of Statewide Health Planning and Development (OSHPD). Ron has been providing his services to Interwest since 2006.

ROGER PETERSON, SE | SR. STRUCTURAL ENGINEER

With nearly 30 years of experience in structural design and plan review, Roger brings considerable depth and knowledge to any project. Roger has designed and provided plan review services for multi-story steel and concrete-framed buildings, as well as one-story structures utilizing steel, concrete, timber and masonry framing systems. His design experience includes schools, commercial and industrial projects, micro-chip production facilities, power plant installations and multi-family residential projects. Roger's expertise contributes to the success and safety of all projects. Roger has been providing his services to Interwest since 2006.

BILL RODGERS, SE | SR. STRUCTURAL ENGINEER

Bill has more than 28 years of experience in the field of structural engineering, including more than 15 years of experience as a plan review engineer. Bill's wealth of experience includes a varied and vast list of projects throughout Northern California and Nevada. He is in demand for hands-on work within jurisdictions due to his great success in blending excellent engineering skills with responsive customer service. Bill has been providing his services to Interwest since 2006.

JOHN WENINGER, SE | STRUCTURAL ENGINEER

With a Master's Degree in Structural Engineering and a Bachelor's Degree in Civil Engineering, John has more than 40 years of experience in various aspects of the engineering process and code compliance. Recently, John received Honors as a Fellow for the Structural Engineers Association of California. He has a lengthy list of past projects that vary from residential to commercial, from school modernization and the new building design to plan review and project management services. John is also experienced in staff supervision and customer service, which makes him not only accomplished in his skill but also

adaptable to various projects and work situations. John has been providing his services to Interwest since 2012.

ELENA HARTSOUGH, SE | STRUCTURAL ENGINEER

Elena is a dedicated structural engineer with over 15 years of experience designing structures, from small home renovations to large warehouse spaces and custom homes. Elena's strengths include experience with multiple building materials including wood, light-gage, masonry, steel and concrete; knowledge of the California Building Code and proficiency in relevant software programs including Enercalc, SAP2000, L-Pile and AutoCAD. Elena has been providing her services to Interwest since 2014.

JAMES (JR) RAHRICK, PE | PROFESSIONAL ENGINEER

JR offers over 17 years of solid engineering plan review and inspection skills backed by 25 years of engineering design covering a wide spectrum of engineering and construction disciplines. In addition, JR performs commercial and residential general code compliance and disabled access plan reviews. JR has in-depth experience with reinforced and pre-stressed concrete, masonry, timber, and structural steel construction design related to commercial and residential buildings. He is also experienced in the seismic retrofit design of existing commercial and residential buildings (including historical buildings), and engineered demolition, temporary shoring, and heavy lifting design related to bridges and large buildings. Exhibiting a strong professional work ethic, JR provides thorough and timely plan reviews, enjoys and works well with clients, design and construction professionals, and the public. JR has been providing his services to Interwest since 2006.

CHARLES NGANGA, PE | PROFESSIONAL ENGINEER

Charles is a registered civil engineer with a Master of Science degree in Civil Engineering from California Polytechnic State University from San Luis Obispo. He is also a certified ICC plans examiner and has been working for Interwest since early 2014. His work experience, as well as his excellent education, provides Charles with a solid foundation to provide our clients with exceptional service. Charles has been providing his services to Interwest since 2014.

CHRISTINE JANSEN, PE | PROFESSIONAL ENGINEER

Christine is a dedicated California Registered Professional Civil Engineer with more than 12 years of experience designing structures, from remodels and roadway projects to providing her services to California's waterway systems. Christine's strengths include experience with multiple building materials including wood, light-gage, masonry, steel and concrete; knowledge of the California Building Code; and her extensive experience providing both design and quality assurance. Christine has been providing her services to Interwest since 2017.

KYLE HANSEN, EIT | ENGINEER-IN-TRAINING

Kyle is a recent Magna Cum Laude graduate of California State University, Chico with a degree in Civil Engineering, who has recently become an EIT with the State of California. Kyle has excellent organizational, time management and communication skills. Currently, he is working under our Senior Structural Engineers and working towards his professional civil engineering license. Kyle's excellent

education provides him with a solid foundation to provide our clients with exceptional service. Kyle has been providing his services to Interwest since 2016.

DENISE REESE, CBO, ICC | LIFE SAFETY PLAN REVIEW

Denise is an ICC Certified Chief Building Official, Life Safety Plans Examiner and CALGreen Inspector. She has experience performing life-safety, architectural, mechanical, plumbing, electrical, and structural reviews in residential, multifamily and commercial projects. This valuable experience is also evident in that Denise specializes in working with applicants, designers and jurisdictions, having successfully served the City of Rancho Cordova. Denise approaches inspection and plan review with her unique knowledge balancing the delivery of timely and accurate reviews while remaining responsive and approachable. Denise is extremely skilled in all disciplines required to successfully bring projects to approval. Denise has been providing her services to Interwest since 2014.

ANDREW BURKE, CASp, ICC | LIFE SAFETY PLAN REVIEW & CASp

Andrew brings more than 17 years of industry experience in plan review, inspecting, administration and estimating. His formal training in ICC codes, as well as on-the-job experience, helps him to provide thorough and accurate commercial and residential plan reviews and inspections. Andrew's computer and customer service skills allow him to be very helpful as a permit technician. Andrew is an excellent asset to any building department both in the office and out in the field. Andrew has been providing his services to Interwest since 2013.

ANNETTE MAYFIELD, EIT, CASp, ICC | LIFE SAFETY PLAN REVIEW & CASp

Annette has experience performing life-safety, architectural, mechanical, plumbing, electrical, fire codes, accessibility and structural reviews in residential, multifamily and commercial projects, including specialty reviews of OSHPD 3 licensed clinics, industrial facilities, hotel/motels, residential care, and educational facilities. This valuable experience is also evident in that Annette specializes in working directly with applicants, designers and jurisdictions, having successfully served multiple municipalities throughout California and Nevada, with a focus in the Central Valley. Annette approaches plan review with her unique knowledge while balancing the delivery of timely and accurate reviews and remaining responsive and approachable to the public. She is extremely skilled in all disciplines required to successfully bring projects to approval. Annette has been providing her services to Interwest since 2007.

DEREK POE, ICC | LIFE SAFETY PLAN REVIEW

Derek is an ICC Certified Plans Examiner and Building Inspector with experience performing life-safety, architectural, mechanical, plumbing, electrical, and structural reviews in residential, multi-family and commercial projects. This valuable experience is also evident in that Derek specializes in working with applicants, designers and jurisdictions, having successfully served Yolo County Planning and Public Works Department. He approaches plan review with his unique knowledge balancing the delivery of timely and accurate reviews while remaining responsive and approachable. Derek is extremely skilled in all disciplines required to successfully bring projects to approval. Derek has been providing his services to Interwest since 2017.

DANIEL MAHONEY, ICC | LIFE SAFETY PLAN REVIEW

Daniel is a Residential Plans Examiner who holds current ICC certifications as a Building Plans Examiner, Residential Plans Examiner, Residential Building Inspector, Residential Mechanical Inspector, Residential Electrical Inspector, Residential Plumbing Inspector, Residential Combination Inspector and Commercial Building Inspector. Daniel joined Interwest in 2016.

GABRIELA SCOTT, ICC | LIFE SAFETY PLAN REVIEW

Gabriela has 15 years of combined experience in Plan Checking, Construction and various Building Department entities. She is skilled in providing plan checks, as well building and fire sprinkler inspections for residential, commercial and industrial buildings. Gabriela has worked with local agencies for compliance with current regulations to obtain permits for construction. Gabriela has been providing her services to Interwest since 2013.

BOB BARKS, ICC | LIFE SAFETY PLAN REVIEW

Bob brings to Interwest, seven years' experience as a Plan Reviewer at County of Madera. The position involved significant public contact working with architects, engineers, contractors and property owners regarding construction plans and permitting of projects. Bob has extensive experience in the review of non-residential projects for new construction and tenant improvements, as well as residential plans for new homes, additions and alterations. This includes photovoltaic systems, swimming pools and permits for electrical, plumbing, mechanical, etc. Bob has been providing his services to Interwest since 2014.

MARK BERG, CBO, ICC | LIFE SAFETY PLAN REVIEW

Mark is an ICC Certified Building Official, Plans Examiner and Building Inspector with experience performing life-safety, architectural, mechanical, plumbing, electrical, and structural reviews in residential, multi-family and commercial projects. Mark has successfully guided department staff with inspection and plan review of all phases of complex construction projects. He is experienced utilizing building department permit tracking software and managing all common building department responsibilities, including plan review, multi-discipline inspections, plan review and inspection scheduling, field supervision, regulatory compliance, code interpretation, and project acceptance. Mark also makes a difference to our clients and those he works with through his skills in complaint resolution, problem solving, damage assessment and team building. Mark has been providing his services to Interwest since 2017.

BRIAN REILLY, ME, FPE, ICC | MECHANICAL ENGINEER & FIRE PROTECTION ENG.

Brian has over 30 years' of mechanical and fire protection engineering design and plan review experience and brings to the team a unique knowledge and skill set. Brian utilizes his skills and experience to insure projects he reviews are code compliant and adequately designed and detailed. Brian has been providing his services to Interwest since 2014.

THOMAS TRIMBERGER, ME, CBO, ICC | MECHANICAL ENGINEER

Thomas brings over 30 years of experience working within building departments and successfully providing and supervising virtually all building department functions. Thomas is a CA Registered

Mechanical Engineer as well as an ICC Certified CBO, Plans Examiner and Building Inspector, utilizing his vast experience to provide outstanding management, plan review and building inspection services for our clients. Thomas has been providing his services to Interwest since 2016.

RANDY BRUMLEY, ME | MECHANICAL ENGINEER

Randy is a Mechanical Engineer with more than 10 years' experience in design, development and production of complex industrial products. Expertise in multiple materials including composites. Recognized for innovative development and creative design solutions. Accomplished in project management as well as interdisciplinary team building and leadership with proven record meeting challenging timelines and budget requirements for design and manufacturing deliverables. Randy has been providing his services to Interwest since 2017.

DIRK HOFHEINZ, EE | ELECTRICAL ENGINEER

Dirk has more than 25 years of experience performing electrical designs for facilities in California. His background includes all aspects of power, lighting, and signal for complete buildings, offices, department stores, restaurants, schools, and hospitals. Additional work experience includes design of MDF, server rooms and data centers including EPO shut down controls. Dirk's experience includes emergency back-up power systems including generators, inverters, and uninterruptible power supplies. Dirk is dedicated to maintaining his electric skills and knowledge of California building codes, laws and regulations related to his field. His expertise also includes AutoCAD, Energy Pro. Dirk has been providing his services to Interwest since 2014.

BILL MILLER, CASp, CBO, ICC | CASp PLAN REVIEW & INSPECTION

Bill has more than 40 years of experience in the building safety field. He has acquired extensive expertise in plan review, and inspection services through his long tenure as former Chief Building Official for the Town of Truckee, and Building Inspector/Plans Examiner for Nevada County. Bill is skilled in directing, managing, supervising and coordinating all programs and activities of a building department including permit issuance, plan review, building inspection activities and uses a practical approach to solving problems. Bill has been providing his services to Interwest since 2009.

RICK WALTERS, CASp, LEED, CBO, ICC | CASp PLAN REVIEW & INSPECTION

Rick has over 40 years of experience in the construction industry with over 30 of those years in the Building Inspection industry. Rick has experience as a building official and inspector. He has provided services in disaster zones for flood and wildfires. Additionally, Rick is experienced in inspection management, council meetings, field inspections, permit tracking and issuance, record keeping, construction techniques, and office procedures. Rick has been providing his services to Interwest since 2014.

ROBERT PORTA, CASp, CBO, ICC | CASp PLAN REVIEW & INSPECTION

Bob is a highly experienced ICC Certified Chief Building Official, Building Inspector and Plans Examiner with more than 40 years in the building safety profession. He is experienced and respected as a senior structural inspector, senior building inspector and expert witness in the construction industry. Bob is accomplished in all duties, including code enforcement, plan review and approval, multi-discipline

inspections, damage assessment, scheduling, complaint resolution and problem solving, presentations, team building, team leadership, field supervision, regulatory compliance, code interpretation and project acceptance. Robert has been providing his services to Interwest since 2015.

CHRISTIAN CIESLEWICZ, ICC | INSPECTION

Christian brings more than 25 years of building knowledge and experience to the jurisdictions we serve. An ICC certified Building Inspector and Residential Mechanical Inspector, he brings a wealth of hands-on and diverse knowledge in all phases of housing from beginning evaluation through construction. With his construction background, Christian clearly understands the elements of inspecting construction projects and works collaboratively with both residents and developers. In addition to his inspection skills, Christian utilizes his code enforcement knowledge to provide and assist client cities with code enforcement related activities. Christian has been providing his services to Interwest since 2012.

ADAM PAYNE III, ICC | INSPECTION

Adam has more than 20 years of experience working within the construction industry, successfully providing construction and building inspection services in recent years. Adam is ICC Certified as a Residential Building Inspector and Mechanical Building Inspector. He makes a difference by continuously assisting the customer by providing guidance and education on the construction and inspection process. Currently, Adam provides building, plumbing, mechanical and electrical inspections for single family and multi-family residential projects and commercial projects. Adam has been providing his services to Interwest since 2016.

BRIAN FRENGER, ICC | INSPECTION

A Building Inspector and Plans Examiner with experience performing life-safety, architectural, mechanical, plumbing, electrical, and structural reviews in residential, multi-family and commercial projects, Brian is certified by the ICC as a Commercial Building Inspector, Commercial Electrical Inspector, Combination Dwelling Inspector, Plumbing Inspector UPC, Mechanical Inspector UMC and Building Plans Examiner. Brian's experience is evident in that he specializes in working with applicants, designers and jurisdictions, having recently served Sutter County, the City of Oroville and Yolo County. Brian approaches plan review with his unique knowledge, balancing the delivery of timely and accurate reviews while remaining responsive and approachable. Brian has been providing his services to Interwest since 2017.

LICENSES & CERTIFICATIONS

<i>Name</i>	<i>Current Licenses/Certifications</i>	<i>Number</i>
Ron Beehler, SE, CBO <i>Director, Building Safety Services</i>	Professional Structural Engineer (CA)	S3632
	Professional Civil Engineer (CA)	C39404
	Professional Structural Engineer (NV)	CE019992
	Professional Civil Engineer (NV)	SE019992
	CABO Certified Building Official	1492
	ICC Certified Building Official	801789
	ICC Building Plans Examiner	801789
	ICC Building Inspector	801789

<i>Name</i>	<i>Current Licenses/Certifications</i>	<i>Number</i>
Roger Peterson, SE <i>Sr. Structural Engineer</i> <i>Plan Review</i>	Professional Civil Engineer (CA) Professional Structural Engineer (CA) Professional Civil Engineer (ID) Professional Structural Engineer (ID)	C46096 S3846 C8225 S8225
Bill Rodgers, SE <i>Sr. Structural Engineer</i> <i>Plan Review</i>	Professional Structural Engineer (CA) Professional Civil Engineer (CA) Professional Civil Engineer (NV) Professional Structural Engineer (NV)	S4198 C50673 CE18427 SE18427
John Weninger, SE <i>Structural Engineer</i> <i>Plan Review</i>	Professional Civil Engineer (CA) Professional Structural Engineer (CA)	C43746 S3740
Elena Hartsough, SE <i>Structural Engineer</i> <i>Plan Review</i>	Professional Civil Engineer (CA) Professional Structural Engineer (CA)	C67675 S5538
James Rahrick, PE <i>Professional Engineer</i> <i>Plan Review</i>	Professional Civil Engineer (CA) Professional Civil Engineer (UT) Professional Civil Engineer (CO)	C35321 C355766-2202 C34375
Charles Nganga, PE, ICC <i>Professional Engineer</i> <i>Plan Review</i>	Professional Civil Engineer (CA) ICC Residential Plans Examiner	C85710 8325618
Christine Jansen, PE <i>Professional Engineer</i> <i>Plan Review</i>	Professional Civil Engineer (CA)	C79594
Kyle Hansen, EIT <i>Engineer-In-Training</i>	Engineer-In-Training (CA)	EIT-159624
Denise Reese, CBO, ICC <i>Building Official</i> <i>Plan Review</i>	ICC Certified Building Official ICC Building Plans Examiner ICC CAL Green Inspector ICC Permit Technician	8096275 8096275 8096275 8096275
Andrew Burke, CASp, ICC <i>Certified Access Specialist</i> <i>Plan Review</i> <i>Inspection</i>	Certified Access Specialist ICC Building Plans Examiner ICC Residential Building Plans Examiner ICC Residential Building Inspector ICC Residential Electrical Inspector ICC Residential Mechanical Inspector ICC Residential Plumbing Inspector ICC Residential Combo Inspector ICC Certified Permit Technician	CASp-710 8250398 8250398 8250398 8250398 8250398 8250398 8250398 8250398 8250398
Annette Mayfield, EIT, CASp, ICC <i>Certified Access Specialist</i> <i>Plan Review</i>	Engineer-in-Training Certified Access Specialist ICC Building Plans Examiner ICC CA Building Plans Examiner	EIT-130173 CASp-538 8018477 8018477

<i>Name</i>	<i>Current Licenses/Certifications</i>	<i>Number</i>
Derek Poe, ICC <i>Plan Review</i> <i>Inspection</i>	ICC Residential Building Inspector	8029238
	ICC Commercial Building Inspector	8029238
	ICC Residential Electrical Building Inspector	8029238
	ICC Residential Mechanical Building Inspector	8029238
	ICC Residential Plumbing Building Inspector	8029238
	ICC Certified B5 Inspector	8029238
	ICC Certified R5 Inspector	8029238
	Green Building Professional (Green Point Rater)	207136
	HERS I / HERS II Energy Rater	CC2006263
CA General Building Contractor	876468	
Daniel Mahoney, ICC <i>Plan Review</i> <i>Inspection</i>	ICC Building Plans Examiner	8416350
	ICC Residential Plans Examiner	8416350
	ICC Residential Building Inspector	8416350
	ICC Residential Electrical Inspector	8416350
	ICC Residential Mechanical Inspector	8416350
	ICC Residential Plumbing Inspector	8416350
	ICC Residential Combination Inspector	8416350
	ICC Commercial Building Inspector	8416350
Gabriela Scott, ICC <i>Plan Review</i> <i>Inspection</i>	ICC Accessibility Inspector/Plans Examiner	1132495
	ICC Building Inspector	1132495
	ICC Building Plans Examiner	1132495
	ICC CA Building Plans Examiner	1132495
	ICC CA Commercial Building Inspector	1132495
	ICC CA Residential Building Inspector	1132495
Bob Barks, ICC <i>Plan Review</i>	ICC CA Building Plans Examiner	8020051
Mark Berg, CBO, ICC <i>Building Official</i> <i>Plan Review</i> <i>Inspection</i>	ICC Certified Building Official	0859362
	ICC Certified Building Code Official	0859362
	ICC Certified Fire Code Official	0859362
	ICC Certified Building Plans Examiner	0859362
	ICC Fire Plans Examiner	0859362
	ICC Combination Inspector	0859362
	ICC Certified Building Inspector	0859362
	ICC Certified Fire Inspector I	0859362
ICC Certified Fire Inspector II	0859362	
Brian Reilly, ME, FPE, ICC <i>Mechanical Engineer</i> <i>Fire Protection Engineer</i> <i>Plan Review</i>	Professional Fire Protection Engineer (CA)	1339
	Professional Mechanical Engineer (CA)	26263
	ICC Fire Plans Examiner	1046658
	LEED Accredited Professional, USGBC	5646

<i>Name</i>	<i>Current Licenses/Certifications</i>	<i>Number</i>
Thomas Trimberger, ME, CBO, ICC <i>Mechanical Engineer Chief Building Official Plan Review Inspector</i>	Professional Mechanical Engineer (CA) *Registered ME in 14 States* ICC Building Official ICC Mechanical Code Official ICC Plumbing Code Official ICC Building Plans Examiner ICC Mechanical Plans Examiner ICC Plumbing Plans Examiner ICC Mechanical Inspector ICC Plumbing Inspector LEED Accredited Professional Build It Green Certified Green Building Professional Build It Green Greenpoint Rater CABEC Residential & Non-Residential Certified Energy Plans Examiner	M026359 866408 866408 866408 866408 866408 866408 866408 866408 866408 866408 866408
Randy Brumley, ME <i>Mechanical Engineer Plan Review</i>	Professional Mechanical Engineer (CA)	M37959
Dirk Hofheinz, EE <i>Electrical Engineer Plan Review</i>	Professional Electrical Engineer (CA)	EE16365
Bill Miller, CASp, CBO, ICC <i>Certified Access Specialist Building Official Plan Review Inspection</i>	Certified Access Specialist Council of American Building Officials ICBO/IAPMO Plumbing Inspector ICVO/IAPMO Mechanical Inspector CA State Energy Auditor ACE III-Initial Disaster Housing Inspector UBC Building Inspector UMC Mechanical Inspector UPC Plumbing Inspector ICC Plumbing Inspector ICC Residential Combo Inspector ICC Combo Dwelling Inspector ICC Accessibility Inspector ICC Accessibility Plans Examiner ICC Certified Building Official ICC Mechanical Inspector ICC Building Inspector	CASp-087 2171 34090 51131 3134 22121 0819718 0819718 0819718 0819718 0819718 0819718 0819718 0819718 0819718 0819718 0819718 0819718 0819718

<i>Name</i>	<i>Current Licenses/Certifications</i>	<i>Number</i>
Rick Walters, CASp, LEED, CBO, ICC <i>Certified Access Specialist Building Official Plan Review Inspection</i>	Certified Access Specialist	CASp-439
	CA LEED Certified	10436985
	LEED AP BD+C	10436985
	ICC Building Inspector	1061008
	ICC Building Plans Examiner	1061008
	ICC CA Building Plans Examiner	1061008
	ICC CA Combination Inspector	1061008
	ICC Commercial Building Inspector	1061008
	ICC Commercial Electrical Inspector	1061008
	ICC Commercial Plumbing Inspector	1061008
	ICC Commercial Mechanical Inspector	1061008
	ICC Residential Building Inspector	1061008
	ICC Residential Electrical Inspector	1061008
	ICC Residential Plumbing Inspector	1061008
	ICC Residential Mechanical Inspector	1061008
	ICC Certified Building Official	1061008
	ICC Combination Inspector	1061008
ICC Combo Inspector Legacy	1061008	
Robert Porta, CASp, CBO, ICC <i>Certified Access Specialist Building Official Plan Review Inspection</i>	Certified Access Specialist	CASp-430
	ICC Building Official	0449230
	ICC Building Plans Examiner	0449230
	CBC Building Plans Examiner	0449230
	ICC Building Code Official	0449230
	ICC CA Combo Inspector	0449230
	ICC Residential Combo Inspector	0449230
	ICC Commercial Combo Inspector	0449230
	ICC Combo Inspector – Uniform Codes	0449230
	ICC CA Residential Combo Inspect	0449230
	ICC Building Inspector	0449230
	ICC CA Residential Building Inspector	0449230
	ICC Plumbing Inspector	0449230
	ICC Plumbing Inspector UPC	0449230
	ICC CA Residential Plumbing Inspector	0449230
	ICC CA Commercial Plumbing Inspector	0449230
	ICC Mechanical Inspector	0449230
	ICC Mechanical Inspector UMC	0449230
	ICC CA Commercial Mechanical Inspector	0449230
	ICC Electrical Inspector	0449230
	ICC CA Commercial Electrical Inspector	0449230
	ICC CA Residential Electrical Inspector	0449230
	ICC Reinforced Concrete Special Inspector-Legacy	0449230
ICC Pre-Stressed Concrete Special Inspector-Legacy	0449230	
CA Class “B” Contractor’s License		
Christian Cieslewicz, ICC <i>Inspection</i>	ICC Building Inspector	5211393
	ICC Residential Mechanical Inspector	5211393
Adam Payne III, ICC <i>Inspection</i>	ICC Residential Building Inspector	5271708
	ICC Mechanical Building Inspector	5271708

<i>Name</i>	<i>Current Licenses/Certifications</i>	<i>Number</i>
Brian Frenger, ICC <i>Inspection</i> <i>Plan Review</i>	ICC Commercial Building Inspector	5236356
	ICC Commercial Electrical Inspector	5236356
	ICC Combination Dwelling Inspector	5236356
	ICC Mechanical Inspector UMC	5236356
	ICC Plumbing Inspector UPC	5236356
	ICC Building Plans Examiner	5236356
	Certified Green Building Professional	
	PC 832 Code Enforcement	
	CA Safety Assessment Program Post Disaster	
	Fire Inspector 1A, 1B, 1C, 1D	
	Fire Inspector 2A, 2B, 2C, 2D	
	Hazardous Material First Responder (FRA)	
	Hazardous Material Fire Responder (FRO)	
FEMA Professional Certifications/NIMS		

SECTION 5

Proposed Fees

At the city’s option, we propose to provide Plan Review Services on a percent by fee basis. Complete building department plan review services will be provided at a fee of **68%** of the plan review fees collected by the City based on the City’s adopted fee schedule. Structural only plan review services would be provided at **35%**.

The percent of fees includes the initial plan review and two re-checks. Plan review services in excess of three reviews are to be billed using the Schedule of Hourly rates shown below.

Schedule of Hourly Billing Rates

CLASSIFICATION	HOURLY BILLING RATE
Building & Safety Services	
Certified Building Official	135
Licensed Plan Review Engineer (Struct., Mech., Elect., Civil, Grading)	130
ICC Certified Plans Examiner	100
Permit Technician	65
Fire Plans Examiner	100
CASp Services	105
ICC Certified Building / Fire Inspector	75-95
Code Enforcement Officer	80

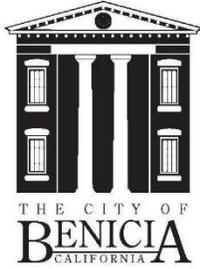
Shipping: There is no charge for courier or shipping services for plan review conducted off-site.

Mileage: Mileage while performing City duties reimbursed at current IRS rate.

Overtime: Overtime for Inspection Services will be charged at 140%.

In addition, there is no charge for supplies or material costs.

The rates displayed in the fee schedule above reflect Interwest’s current fees. Hourly rates are typically reviewed yearly on July 1 and may be subject to revision unless under specific contract obligations.



AGENDA ITEM
CITY COUNCIL MEETING DATE – SEPTEMBER 17, 2019
CONSENT CALENDAR

TO : City Manager

FROM : Human Resources Manager

SUBJECT : **APPROVE THE AGREEMENT BETWEEN THE CITY OF BENICIA AND BENICIA FIREFIGHTER’S ASSOCIATION**

EXECUTIVE SUMMARY:

The City’s contract with the Benicia Firefighter’s Association (BFA) expired on June 30, 2019. The City has reached a tentative agreement on a two-year successor Memorandum of Understanding (MOU) with BFA, and they have ratified their agreement.

RECOMMENDATION:

Adopt the resolution (Attachment 1) approving the September 1, 2019 to June 30, 2021 Memorandum of Understanding (MOU) between the City and the Benicia Firefighter’s Association (BFA) (Attachment 2).

BUDGET INFORMATION:

The total cost of the two-year agreement is approximately \$571,145, all of which is from the General Fund.

BACKGROUND:

The Benicia Firefighter’s Association (BFA) and the City have met and conferred in good faith regarding wages, hours and other working conditions of employment for association members. Exhibit A attached (Attachment 1a) reflects the new specified increases in compensation during the term of this new memorandum of understanding. The major elements of the contract provide for salary increases in both years of the contract, additional MOU leave or cash out in year one, and a contribution into a Vantage Care Retiree Health Savings Account in lieu of increases to the City’s contribution towards medical insurance premiums.

NEXT STEPS:

If the City Council approves the MOU, the City Manager shall take the necessary administrative steps to implement the provisions of the agreement and actions approved.

ALTERNATIVE ACTIONS: N/A

General Plan	N/A
Strategic Plan	Strategy #4: Manage City finances prudently
CEQA Analysis	The project is exempt under CEQA Section 15061 (b)3, in that the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

ATTACHMENTS:

1. Resolution – BFA MOU
2. Exhibit A – BFA MOU 9-1-2019 to 6-30-2021

For more information contact: Kim Imboden, Human Resources Manager

Phone: 707-746-4205

E-mail: kimboden@benicia.org

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF BENICIA AND THE BENICIA FIREFIGHTER'S ASSOCIATION

WHEREAS, the existing Memorandum of Understanding (MOU) between the City and Benicia Firefighter's Association expired on June 30, 2019; and

WHEREAS, the City has recently concluded negotiations and reached a tentative agreement on a successor MOU with the Benicia Firefighter's Association; and

WHEREAS, the City and the Benicia Firefighter's Association have reached agreement on the proposed amendments to the Memorandum of Understanding (MOU) as outlined in Exhibit A; and

WHEREAS, the Benicia Firefighter's Association has ratified the proposed amendments to their Memorandum of Understanding; and

WHEREAS, unless otherwise amended, all terms of the existing MOU shall remain in effect from September 1, 2019 to June 30, 2021; and

WHEREAS, the total cost of the two-year agreement is approximately \$571,145 and is all from the General Fund.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Benicia hereby approves the successor Memorandum of Understanding between the City of Benicia and the Benicia Firefighter's Association, in effect from September 1, 2019 to June 30, 2021.

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

On motion of Council Member _____, seconded by Council Member _____, the above resolution was introduced and passed by the Council of the City of Benicia at a regular meeting of said Council held on the 17th day of September, 2019 and adopted by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk

Date

EXHIBIT A

MEMORANDUM OF UNDERSTANDING

BETWEEN THE

CITY OF BENICIA

AND

BENICIA FIREFIGHTERS ASSOCIATION (BFA)

~~October 1, 2016~~ September 1, 2019

TO

June 30, 2021~~19~~

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SECTION 1. PREAMBLE

This Agreement is entered into by the City of Benicia, hereinafter referred to as the "City," and the Benicia Firefighters Association, hereinafter referred to as the "Association" or "BFA," for the purpose of promoting harmonious relations between the City and the Firefighters, to establish an orderly and peaceful procedure to settle differences which might arise and to set forth the basic, complete and full agreement between the parties concerning salaries and all other conditions of employment, and preclude any further negotiations during its term unless otherwise specifically stated herein.

SECTION 2. RECOGNITION

2.1 The BFA is hereby recognized by the City as the bargaining agent for the Firefighters of the City, and for employees properly included in the said bargaining unit, under the conditions of the State law, and City ordinances providing for collective bargaining for Firefighter employees.

2.2 Both parties aver that this agreement sets forth the terms and conditions to which each party agrees to be bound, and that each agreement has been reached voluntarily without undue or unlawful coercion or force by either party.

SECTION 3. NON-DISCRIMINATION

3.1 The City will not discriminate against any employee because of race, skin color, creed, sex, age (over 40), ~~or~~ national origin, religion, ancestry, veterans status, physical or mental disability, medical condition, genetic information, marital status, sexual orientation, gender, gender identity, or gender expression, political affiliation, or any other categories recognized by state, federal or local law; nor shall the City discriminate against any employee covered by this Memorandum of Understanding because of membership or non-membership in the BFA, or authorized activity, as required in this Memorandum of Understanding, in behalf of the members of the BFA.

3.2 The BFA shall not discriminate against any employee assigned to the Benicia Firefighters representation unit because of membership or non-membership in the BFA or because of race, creed, skin color, national origin, sex, ~~or~~ age (over 40), religion, ancestry, veterans status, physical or mental disability, medical condition, genetic information, marital status, sexual orientation, gender, gender identity, or gender expression, political affiliation, or any other categories recognized by state, federal or local law.

SECTION 4. EMPLOYEE RIGHTS

4.1 Employees shall have the right to fair and equal treatment in all aspects of employment conditions.

4.2 Neither management nor its representatives shall exercise their rights and authority in relationship to conditions of employment in a capricious, arbitrary, or unreasonable manner.

4.3 Employees shall not have any formal punitive personnel action taken which will result in any loss of pay or benefits, unless the employee is notified in writing as to the reason or reasons thereof and is given reasonable opportunity to respond.

4.4 Upon implementation of the City's new payroll system, all paychecks shall be directly deposited to the employee's designated bank. Employees may request that his/her salary shall not be directly deposited in the bank.

4.5 All investigations, disciplinary actions and administrative appeals shall comply with the provisions of the Firefighter Procedural Bill of Rights Act (Government Code Section 3250, et seq) limited to only those classifications in this bargaining unit that FOBOR applies to.

SECTION 5. ASSOCIATION BUSINESS

5.1 The City agrees to provide space on bulletin boards to the BFA for the announcement of meetings, election of officers of the BFA and any other material related to the BFA business. Furthermore, the BFA shall not post material detrimental to the labor-management relationship nor of a political or controversial nature. Subject to the City's Policies including the limitations in this section, the BFA may utilize City telephones, U.S. Mail, the City's Interdepartmental mail system and/or City's electronic mail system to communicate with local association representatives and members in their workplaces, provided this use does not generate a cost to the City.

5.2 No BFA member or representative shall solicit members, engage in organizational work, or participate in other BFA activities during working hours on the City's premises except as provided for in the processing of grievances, or during periods of negotiations to update the membership on the progress of said negotiations. ~~A BFA representative shall have thirty (30) minutes of scheduled time with any new hire during that employee's initial month of employment. This time shall be scheduled between the hours of 0800 and 1600 in coordination with the Fire Chief or Fire Chief's designee.~~

5.3 BFA members or representatives may be permitted to use suitable facilities on the City's premises to conduct BFA business during non-work hours upon obtaining permission from the City's Personnel Officer or his/her designee. Any additional costs involved in such use must be paid for by the BFA.

5.4 BFA representatives shall be permitted to investigate and discuss grievances during working hours on the City's premises if notification is given to the Personnel Officer or his/her designated representative. If the BFA representative is an employee of the City, he/she shall request from his/her immediate supervisor, reasonable time off from his/her regular duties to process such grievances. The City will provide a reasonable number of employees with time off, if required, to attend negotiating meetings.

5.5 The City shall recognize one (1) employee and one (1) alternate designated by BFA on

each shift to act as the delegate and representative of the BFA.

On an annual basis the BFA shall provide the Fire Chief with a list, in writing, of the names of the designated stewards and alternates on each shift, and of any change in same. The City shall not be required to recognize any steward or alternate whose name is not on the list. ~~The alternate steward shall function only in the absence from duty of the regular steward.~~

Stewards shall conduct their activities at such times and in such manner as not to impede Fire Department operations pursuant to Section 5.2 of this Memorandum of Understanding.

5.6 A. Officers, stewards and other members of the BFA, as designated by the Association President, shall be granted leave from duty with regular straight time pay for Association business such as attending training session, conferences, etc. of benefit to the bargaining unit, provided that the total leave provided by the City for such purpose shall not exceed 240 hours in any fiscal year. At least two (2), but preferably five (5) days notice to the Fire Chief is required, unless waived by the Fire Chief.

B. On July 1, of each year, the City shall deduct up to six (6) hours from the vacation and/or compensatory time leave accruals for each bargaining unit member to create the bank of hours to be used pursuant to paragraph (A) above. The BFA shall notify the City by May 1 of each year as to the amount of leave to be deducted from the coming fiscal year. In the event no notification is given, the amount of the deduction shall remain the same as the previous year. Any portion of the bank unused in any fiscal year shall be carried over to the following year and the bank accumulation shall be unlimited.

C. One (1) hour will be deducted from the leave bank for each hour an employee is excused for Union leave. If an overtime assignment is necessary to accommodate the leave request, one and one-half (1 ½) hours will be deducted from the leave bank for each hour the employee is excused for Union leave.

D. There shall be no cost to the City for hours used in accordance with this section.

5.7 New Employee Orientation

New to the bargaining unit employee orientation is defined as the onboarding process, whether in person, online or through other means, which the City provides information regarding employment status, rights, benefits, duties and responsibilities, or any other employment related matters.

The City shall provide written notification to the Association's designee, by email not less than ten (10) calendar days in advance of all new to the City's employee orientations except that a shorter notice may be provided in a specific instance where there is an urgent need critical to the employer's operations that was not reasonably foreseeable.

The Association shall be provided not less than thirty (30) minutes (with more time if operations permit) to meet with the new to the City's employee during the new employee orientation, who

are present without the City. The purposes of the meeting is for the Association to discuss the roles and activities of the exclusive representative related to terms and conditions of employment. If the Association is unable to have a representative present during the new employee orientation, a BFA representative shall have not less than thirty (30) minutes of scheduled time with any new hire during that employee's initial month of employment. This time shall be scheduled between the hours of 0800 and 1600 in coordination with the Fire Chief or Fire Chief's designee.

Within 30 days of hire or by the first pay period of the month following the hire of the new employee, the City shall provide the Association designated representative with the name, job title, department, work location, work, home, and personal cellular telephone numbers, personal email addresses on file with the employer and home addresses. The City shall provide the Association this information for the bargaining group at least every 120 days, except as specified in AB119.

SECTION 6. OVERTIME WORK/COMP/RECALL/SAFETY COMMITTEE

6.1 Overtime Work: All work performed in excess of an employee's normal workday or in excess of an employee's normal workweek shall be considered overtime work.

The parties agree that assignments of overtime work shall rest solely with the department head or the designated representative. The parties agree that the assignment of overtime work is on an involuntary basis and any employee refusing assignment of such work is subject to disciplinary action deemed appropriate by the department head.

6.2 Compensation for Overtime Work: Employees performing compensable overtime work shall be paid time and one-half at their straight-time hourly rate of pay. This overtime rate shall be all inclusive and no additional compensation shall be paid.

6.3 Compensatory Time: Employees may, at the election of the employee, be compensated for overtime work with compensatory time off in lieu of overtime pay. Compensatory time shall accrue at the overtime rate subject to the limitations of the Fair Labor Standards Act and implementing regulations thereto. Use of Compensatory Time-Off shall be pursuant to the provisions of Leave Usage under section 11.4 of this Memorandum of Understanding. The City and BFA agree that this procedure meets FLSA requirements.

6.4 Recall: If an employee is recalled to work at a time other than his/her scheduled work shift, he/she shall be credited with a minimum of two (2) hours at one and one-half (1-1/2) times his/her straight-time hourly rate of pay.

6.5 Safety Committee: The City agrees that at least one (1) member of the BFA representation unit shall serve on the Safety Committee. The BFA member of the Safety Committee may attend all meetings of the Safety Committee which are held while he/she is in an on-duty status. The BFA agrees that no overtime or additional compensation will be authorized for the Safety Committee member.

6.6 **Training:** All requests for training submitted by an employee are conditional and subject to being withdrawn, by the employee, if the request is in anyway altered by management personnel subsequent to submission.

6.7 In the event that employees have their regular hours (24-hour shift) modified to 8 hour days, during a period of out of area training; overtime will be provided each day where the training, travel and meal periods exceed 8 hours.

6.7 Employees assigned to Strike Teams shall work their regular hours (24-hour shift).

6.8 ~~All requests for training submitted by an employee are conditional and subject to being withdrawn, by the employee, if the request is in anyway altered by management personnel subsequent to submission.~~

SECTION 7. AGENCY SHOP

7.1 ~~**Agency Shop:** As a condition of continuing employment, employees shall become and remain members of the Union or shall pay to the Union a service fee in lieu thereof. Such service fee shall be established by the Union and shall not exceed that portion of the Union's dues and initiation fees (herein after collectively termed "service fee") paid by members of the Union as are expended by the Union in fulfilling its responsibilities for representing members of the Representation Unit in the negotiation and administration of the Memorandum of Understanding. Initiation fees shall only apply to employees hired after implementation of this agreement. The Union shall comply with the rules governing the establishment of agency shop fees as set forth in the U.S. Supreme Court's decision in March, 1986 in Chicago Teachers Union v. Hudson.~~

A member of this unit may, at any time execute a payroll deduction authorization form or forms ("Deduction Authorization Form") as furnished by the Association.

7.2 ~~**Implementation:** Not later than thirty (30) days after approval of this Agency Shop Agreement, the City shall deliver to each employee subject to this Memorandum of Understanding who is not also a member of the Union a notice advising that the City has entered into an Agency Shop Agreement with the Union and that all employees subject to the Memorandum of Understanding must either join the Union, pay a service fee to the Union, or execute a written declaration claiming a religious exemption from this requirement. Such notice shall include a form for the employee's signature authorizing payroll deduction of Union dues or a service fee, or a charitable contribution equal to the service fee. The Association will be the custodian of records for such Deduction Authorization Form and will provide the City with a certification that it has and will maintain a Deduction Authorization Form, signed by each individual from whose salary or wages the deduction is to be made ("Certification"). The Association shall not be required to provide the City a copy of the member's Deduction Authorization Form unless a dispute arises about the existence or terms of the Deduction Authorization Form. However, the Certification will contain sufficient information to allow the City to identify the appropriate level of deductions for each employee.~~

7.3 The City shall begin deductions in the amount prescribed by the Association in the first full payroll period after receipt of written Certification from the Association. The employer shall transmit such payments to the Association no later than thirty (30) days after the deduction from the member's earnings occurs.

7.4 Deductions may be revoked only pursuant to the terms of the Deduction Authorization Form. The City shall direct member requests to cancel or change deductions to the Association and shall rely on information provided by the Association regarding whether deductions for a member were properly canceled or changed. However, the parties agree that the City shall automatically cease deductions for any member who is no longer employed in a classification represented by the Association.

7.5 **Other Payroll Deductions:** The City shall deduct Union dues or service fees and premiums for approved insurance programs from the employee's pay in conformity with State and City regulations. The City shall promptly pay over to the designated payee all sums so deducted. The City shall also periodically provide the Union with a list of all persons making charitable deductions pursuant to the religious exemption granted herein.

7.64 **Hold Harmless:** The Union shall indemnify, defend, and hold harmless the City, its officers, employees, and agents acting on its behalf from and against any and all losses, damages, costs, expenses, claims, demands, actions, suits, judgments and other forms of liability arising out of the application or enforcement of this Section. In no event shall the City be required to pay from its own funds Union dues, service fees or charitable contributions, which the employee was obligated to pay, but failed to pay, regardless of the reasons.

~~7.5 **Election:** The election to implement the provisions of this agreement shall not prohibit or restrict an election to rescind this Section as provided for by Section 3502.5 of the Government Code.~~

~~7.6 **Waiver of Election for Newly Represented Employees and New Representation Units:** The accreditation of classifications and/or employees to representation units set forth in this memorandum of Understanding shall not require an election pursuant to subsection 6 herein for the application of this Agency Shop provisions to such classifications and/or employees. The recognition of newly established bargaining units and inclusion of same within this Memorandum of Understanding shall also not require an election pursuant to Subsection 7 herein for the application of this Agency Shop to such units.~~

SECTION 8. NO STRIKE

The BFA agrees that participation in a strike, shall subject employees to disciplinary action, up to and including discharge. The BFA, its representatives, or members shall not engage or cause, instigate, encourage, sanction, or condone a strike of any kind. No employee shall refuse to cross any picket line in the conduct of official City business nor shall the BFA, its representatives, or members, discriminate in any way toward anyone who refuses to participate in a strike.

"Strike" means the concerted failure to perform or report to duty, for the purpose of inducing,

influencing, or coercing a change in the conditions of compensation, or the rights, privileges, or obligations of employment.

SECTION 9. MANAGEMENT RIGHTS

The employee organization BFA, agrees that the City retains all its remaining rights and authority under law and expressly and exclusively retains its management rights not affected by this agreement which include, but are not limited to: The exclusive right to determine the mission of its constituent departments, commissions, boards; set standards and levels of service; determine the procedures and standards of selection for employment and promotions; direct its employees; establish and enforce dress and grooming standards; determine the methods and means to relieve its employees from duty because of lack of work or other lawful reasons; maintain the efficiency of government operations; determine the methods, means and numbers and kinds of personnel by which government operations are to be conducted; determine the content and intent of job classifications; determine methods of financing; determine style and/or types of City-issued wearing apparel, equipment or technology to be used; determine and/or change the facilities, methods, technology, means, organizational structure and size and composition of the work force and allocate and assign work by which the City operations are to be conducted; determine and change the number of locations, relocations, and types of operations, processes and materials to be used in carrying out all City functions including, but not limited to, the right to contract for or subcontract any work operations of the City; to assign work to and schedule employees in accordance with requirements as determined by the City and to establish and change work schedules and assignments upon reasonable notice; establish and modify productivity and performance programs and standards; discharge, suspend, demote, reprimand, withhold salary increases and benefits, or otherwise discipline employees in accordance with applicable law; establish employee performance standards including, but not limited to, quality and quantity standards, and to require compliance therewith; take all necessary actions to carry out its mission in emergencies, and exercise complete control and discretion over its organization and the technology of performing its work. Nothing in this section is meant to be a waiver of protection provided by the Meyers-Milias-Brown Act (MMBA).

SECTION 10. SENIORITY

10.1 The Fire Department shall establish and maintain two (2) seniority lists, one by total service in the department and one by time in each classification held by the employee. They shall be brought up to date on July 1 of each year and immediately posted in both Fire Stations. A copy of the same shall be provided to the BFA. Any objections to the seniority lists, as posted shall be reported to the Fire Chief in written form within ten (10) working days or it shall stand approved.

10.2 Department Seniority shall be followed in the selection of vacations.

10.3 Seniority in each classification shall include all service in a classification since date of original regular appointment in said classification under the City's classified Civil Service System, without break in City service, regardless of a temporary filling of another classification. If there is a tie in seniority in rank then the individual's score on the eligible list will be used to

break the tie.

10.4 Seniority in rank will be considered in all transfers and in the filling of all vacancies until such vacancies are filled by promotion or by limited appointment. Where all else is equal, seniority in rank will be used in breaking a tie.

SECTION 11. VACATION LEAVE AND MOU LEAVE

11.1 Except for those employees who are discharged, dismissed following an absence without leave, or otherwise terminated for cause, the City shall grant vacations to its employees. Employees covered by this Agreement shall be entitled to accumulate vacation time in accordance with the following schedule:

<u>Years of Service</u>	<u>Shifts Off Per Year</u>
Less than 4 years	7
Beginning 4th year	10
Beginning 7th year	11
Beginning 11th year	12
Beginning 14th year	13

Employees assigned to a forty (40) hour workweek shall accrue vacation in accordance with the following schedule:

<u>Years of Service</u>	<u>Shifts</u>	<u>Vacation Days</u>
Less than 4 years	7	15.0
Beginning 4th year	10	21.4
Beginning 7th year	11	23.6
Beginning 11th year	12	25.7
Beginning 14th year	13	27.9

11.2 The vacation accrual limit will equal double the shifts allowed per year. The accrual limit will be imposed on December 31st of each year.

11.3 Vacation Conversion Procedure: Employees who may be reassigned from a fifty-six (56) hour workweek to a forty (40) hour workweek, or vice versa, for more than 30 day periods, shall have their accrued vacation time converted on the following basis:

11.3.1 To determine equivalent vacation hours for new fifty-six (56) hour per week, employees multiply their forty (40) hours per week vacation hours times a conversion factor of 1.4.

11.3.2 To determine equivalent vacation hours for new forty (40) hour per week employees, multiply their fifty-six (56) hour per week vacation hours times a conversion factor of .7143.

11.4 Scheduling Leaves:

Leaves will be scheduled, insofar as possible and practical, at those times requested by each employee. However, because of the nature of the work and the requirements that the orderly performance and continuity of municipal services be maintained, it may be necessary to limit the number or prohibit any employees from taking leaves during a particular period or at the same time. Such request, however, shall not arbitrarily be denied. In terms of scheduling leaves and resolving any conflicts which may arise, the following procedure will be used:

11.4.1 Requests for leave which are submitted during the month of December immediately preceding the calendar year will be processed giving preference to the employee's time in service, with those employees having the most time in service receiving the highest preference. Leaves scheduled pursuant to this paragraph are normally irrevocable once approved by the Department.

Approval will be granted for up to two (2) firefighters per shift per prescheduled date. Sick leave and/or Section 4850 time or outside training shall not reduce the shifts available when selections are being made in the month of December. The parties understand that unusual circumstances such as major incidents may require an exception to this understanding and may require cancellation of all prescheduled leaves.

11.4.2 Requests for leave which are submitted during the actual calendar year will be processed giving preference to the order in which the leave requests are received, with those received first having first priority. In the event requests are received at the same time for the same leave period, then time-in-service will be the determining factor. When selections are made at times other than the month of December, the maximum number of firefighters that may be off per shift remains at two (2). However, if at the same time the request for leave is made, the department is aware that a firefighter will be off for sick leave prior to receipt of the leave request, said person or persons shall be counted towards the maximum of two (2) firefighters off on leave when the request for leave is considered. Union Leave, 4850 time, and scheduled training time shall not count against the two (2) per shift limitation.

The parties further understand and agree that upon a citywide emergency as declared by the City Manager and approved by the City Council limitation may be placed on post December leave selection.

11.4.3 A minimum of one (1) Paramedic Firefighter will be on duty at any given time at each station.

11.4.4 For the purposes of this section, "leave" includes vacation, administrative leave and CTO.

11.5 Minimum Vacation Leave: The minimum annual leave will be two (2) shifts, following a four day period.

The remainder of accumulated leave may be taken when the request for leave is submitted forty-eight (48) hours in advance, upon approval of the Fire Chief. The Fire Chief may at his/her sole discretion may waive the forty-eight (48) hour advance notice under this section.

11.6 Earning Vacation Leave: Full vacation leave as set forth in Section 11.1 shall be earned by:

11.6.1 An employee on sick leave with pay.

11.6.2 An employee on paid leave of absence, due to a disability arising from an on-the-job accident while working for the City.

11.6.3 An employee on jury leave.

Vacation leave as set forth in Section 11.1 shall not be earned by:

11.6.4 An employee on an unpaid leave of absence.

11.6.5 An employee on leave of absence and such leave of absence is covered by the City's private disability insurance plan.

11.7 Sick Leave During Vacation Leave:

An employee may change vacation leave to sick leave upon submission of a doctor's certificate that the employee is ill and unable to work.

11.8 MOU Leave FY 2019/2020 and 2020/2021

11.8.1 Accrual of MOU Leave for FY 2019-20 and FY 2020-21

Effective the first pay period following Council approval of this agreement, employees will accrue the value of 4.67 hours of "MOU leave" per month for fiscal year 2019-20, up to a maximum of 56 hours in FY2019-20 and 28 hours of "MOU leave" for fiscal year 2020-21. This accrual shall cease effective June 30, 2021. The MOU leave will be credited to an employee leave bank in a lump sum each fiscal year. Employees hired during the fiscal year will receive a prorated allotment.

11.8.2 Use of MOU Leave

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

11.8.3 Payout of MOU Leave

If any employee has not used his or her MOU leave by November 20 of the fiscal year in

which it has been accrued, any remaining balance will be paid out at the employee's regular rate of pay in the November paycheck. MOU leave is not carried forward into the next fiscal year.

11.8.4 Sunset

MOU leave sunsets after the term of this contract.

SECTION 12. LEAVE OF ABSENCE

12.1 Definition

A leave of absence is a privilege which may be granted to an employee wishing to leave the City service without pay and in good standing for a limited period of time.

12.2 Procedure

12.2.1 A request for a leave of absence without pay must be made to the department head in writing by the employee stating the dates of leave of absence requested and the reason for the request.

12.2.2 A department head may grant an employee a leave of absence without pay for not more than six (6) twenty-four (24) hour shifts when it is in the best interest of the City. The City Manager must approve a leave of absence without pay exceeding six (6) twenty-four (24) hour shifts.

12.2.3 An employee shall be entitled to payment for any earned vacation and accumulated overtime at the beginning of an approved leave of absence.

12.3 Unauthorized Leave of Absence

The failure of an employee to return to duty upon the termination of an authorized leave of absence is an unauthorized leave of absence.

An unauthorized leave of absence is grounds for disciplinary action, including dismissal, unless upon the employee's return, the employee furnishes reasons satisfactory to the department head and the City Manager for not having obtained an authorized leave of absence. The unauthorized leave of absence shall be treated as time not worked. The City shall deduct from the employee's pay, an amount equal to time absent from City service.

12.4 Jury Leave

When an employee is summoned for jury duty, the employee shall be granted a leave of absence for jury duty, upon presentation of the summons to the employee's department head.

An employee shall receive full pay while on leave for jury duty; provided, however, the

employee must remit compensation received for jury duty, except compensation for mileage. An employee who elects to retain compensation received for jury duty shall not receive salary while on jury duty.

In the event an employee represented by the BFA is selected to serve as a juror, that employee shall not be expected to report for duty on days they are required to be in attendance at court. Upon dismissal from further jury obligation by the trial judge, the employee shall report for duty as scheduled.

12.5 Bereavement Leave

Any employee shall attempt to notify the Fire Chief in advance of an absence due to a death in the employee's family. If the Fire Chief is not readily available, such notification may be given to the Duty Chief Officer. Failure to provide such notification shall result in ineligibility for benefits under this section.

12.5.1 The Fire Chief shall allow an employee a leave of absence up to two (2) consecutive shifts to attend the funeral of a member of the employee's immediate family.

Additional time off related to the death of a member of the employee's immediate family may be granted and charged to compensatory time or vacation leave.

12.5.2 The Fire Chief may allow an employee leave of absence up to one (1) shift to attend the funeral of a person other than a member of the employee's immediate family, chargeable to sick leave, compensatory time, or vacation leave. Additional time may be charged to compensatory time or vacation leave.

12.5.3 For the purposes of this section immediate family shall be defined as follows: Spouse, children, father, mother, brothers, sisters, mother-in-law, father-in-law, sister-in-law, brother-in-law, grandparents, grandchildren and member of the employee's household.

12.6 Military Leave

Military leave shall be granted in accordance with the provisions of state and federal law. An employee taking military leave shall give the employee's department head a copy of the employee's orders to report to military duty.

12.7 Maternity Leave

Time off the job for pregnancy, childbirth, and related medical conditions will be covered as required by State and federal law and applicable City policy.

SECTION 13. SICK LEAVE

13.1 Eligibility and Accrual: BFA employees shall accrue sick leave beginning the first day

of the month following the employee's completion of one month of service; an employee earns leave with pay at the rate of twenty-four (24) hours for each calendar month of service for employees assigned to a 56-hour workweek. Full sick leave is earned by each full-time employee on paid leave of absence, including sick leave and jury leave. It is not earned by an employee on unpaid leave of absence. Conversion from 56 hour workweeks to 40 hour workweeks shall be as set forth in Section 11.3.

13.2 Usage of Sick Leave

13.2.1 Permissible Usage of Sick Leave: Sick leave is provided to continue the salary of an eligible employee who is absent from work because of an illness.

With the prior approval of an employee's Department Head, an employee may use accumulated sick leave for medical or dental appointments. With prior approval of the employee's Department Head, an employee may use accumulated sick leave for the purpose(s) and duration specified in City policies interpreting applicable federal and/or State laws (i.e. Family Medical Leave Act [FMLA]) and California Family Rights Act [CFRA]).

13.2.2 Non-permissible Usage of Sick Leave: No employee shall be entitled to use sick leave with pay while absent from duty under any of the following conditions:

13.2.2.1 Disability arising from sickness or injury sustained while on unpaid leave of absence;

13.2.2.2 Disability arising from sickness or injury related to compensated employment other than with the City;

13.2.2.3 Disability arising from sickness or injury while receiving compensation from the City for an industrial accident pursuant to Section 13;

13.2.2.4 For absence caused by intoxication or abuse of substances, including, but not limited to, drugs and alcohol.

13.3 Accumulation

Accumulation of sick leave by all employees shall be unlimited.

13.4 Notification

To receive sick leave, an employee must notify the employee's supervisor, the on-duty supervisor or other appropriate personnel, before the employee is scheduled to begin the employee's daily duties the night before the shift begins but no less than one (1) hour before the start of the employee's shift each shift employee is sick.

13.5 Sick Leave Bank

Employees in this bargaining unit shall be eligible for benefits of the Sick Leave Bank as outlined in City Policy and Procedure #5. The BFA will be consulted regarding any substantive changes to this existing policy.

13.6 Return to Employment Following Sick Leave

When an employee returns to duty following an absence of three (3) consecutive shifts or longer, the department head or personnel officer may require a signed statement from a doctor or dentist that the employee was incapacitated and unable to perform the employee's duties throughout the entire period of sick leave.

The failure of the employee to file the statement from the doctor or dentist if requested shall result in the employee's ineligibility for sick leave benefits, unless a waiver is granted by the City Manager.

In the case of frequent use of sick leave, the employee's department head or the personnel officer may request that the employee file a doctor's statement for each such illness regardless of duration. An employee may be required to take an examination by a doctor mutually agreed to by the City and the employee. If requested by the City, the employee shall authorize consultation with the employee's doctor concerning the illness.

On the basis of such medical advice, the City Manager shall determine whether an employee is incapacitated for the duties of the employee's position and may take action the City Manager considers appropriate.

13.7 Temporary Light Duty

Attachment "A" to this MOU provides the City's Light Duty Policy.

SECTION 14. HOLIDAYS

14.1 Authorized Holidays

The City observes the following days as legal holidays:

Christmas Day, New Year's Day, Martin Luther King, Jr's Birthday, ~~Lincoln's Birthday~~, Washington's Birthday, ~~Easter Sunday~~, Memorial Day, Independence Day, Labor Day, Columbus Day, Veteran's Day, Thanksgiving Day, and the Friday following Thanksgiving Day. For the purpose of this section, the holiday shall be the actual day of the holiday (e.g. December 25th for Christmas).

14.2 Work Performed on Holidays

14.2.1 The City and the BFA agree that public safety employees are scheduled to work on the aforementioned holidays as a matter of health and safety of the community. Prior

to September of 2011, the City paid sworn employees represented by the BFA a Holiday in lieu payment, and in 2011 negotiated discontinuing holiday in lieu.

Effective the first full pay period in July 2017, 0.5% of base salary wages shall be paid towards holiday pay.

Effective the first full pay period in July 2018, an additional 0.75% of base salary wages shall be paid for a total of 1.25% towards holiday pay.

Holiday payments will be made on December 15th for the months of July – December, and June 15th for the months of January – June.

14.2.2 The Fire Captain/Administrative will observe the twelve (12) paid holidays listed in Section 13.1. For time worked on a holiday the Fire Captain/Administrative will be paid at the rate of one-and-one-half (1 1/2) times the regular rate of pay.

14.2.3 Unless otherwise directed by the Fire Chief based upon the essential operational needs to the department, a modified work schedule consisting of routine equipment and station maintenance, apparatus and equipment readiness, public education and/or customer service programs/issues, and emergency work will be in effect on designated holidays.

14.3 Holiday Closure – Sunsets December 31, 2016

The City agrees to December holiday leave for 2016, equivalent to four (4) eight-hour days. There will be no City Manager days conferred during this time. This Holiday Closure leave will be non-precedent setting, with the purpose of recognizing the cooperation of BFA in negotiating a three-year agreement by September 2016. For 56 hour employees, the Holiday Time Off will be converted pursuant to Section 11.3.1. The parties agree that the use of this holiday leave leads to an increase in overtime cost and that any Holiday Leave not used prior to November 21, 2016 will be cashed out on December 15, 2016 to ensure that additional overtime costs are minimize as a result of this holiday leave. Such holiday leave cash out shall not be persable.

SECTION 15. SALARY ADMINISTRATION

15.1 Salaries

Effective ~~September 1, 2019, the first pay period after BFA ratification and Council approval of this successor MOU on its regular agenda,~~ a ~~one percent~~three and one half percent (~~1.03.5~~)% increase to all salary ranges in this unit.

Effective ~~January-July 1, 2020~~July 1, 2020, a ~~three and one half one~~three and one half (~~1.03.5~~)% increase to all salary ranges in this unit.

~~Effective July 1, 2017, a two and one quarter percent (2.25%) increase to all salary ranges in this unit.~~

~~Effective July 1, 2018, a two percent (2.0%) increase to all salary ranges in this unit.~~

15.2 Surveys

It is the intent of the City to remain competitive in the labor market and provide equitable salaries for its employees.

A. Since July 1, 2005 the following agencies shall be used for the purposes of salary surveys:

City of Davis, City of Dixon, City of Fairfield, City of Folsom, City of El Cerrito, City of Napa, City of Pinole, City of Richmond, City of Vacaville, City of Vallejo and Contra Costa Fire District.

B. The following components will be surveyed to determine the mean average of total compensation:

Base Salary, Education Incentive at the Bachelor's Degree rate, Holiday pay, Uniform allowance, EMT pay, PERS Retirement, and combined Insurance Costs (i.e. Medical, Dental, Vision, Life).

~~15.2.1 The salary for Administrative Fire Captain shall be set at an amount equal to (0.821%) above that of Fire Captain.~~

~~(Note: the Fire Admin Captain differential is based on the annualized value of holiday pay for shift captains)~~

~~15.2.2 The salary for Paramedic Firefighter shall be set at an amount equal to ten percent (10%) above that of Firefighter.~~

~~15.2.3 The salary for Fire Engineer shall be set at an amount equal to ten percent (10%) above that of Firefighter.~~

~~15.2.4 The salary for Fire Captain shall be set at an amount equal to ten percent (10%) above that of Fire Engineer.~~

15.3 Classification Study

~~A compaction study was conducted and the parties met and conferred on the results. The parties have reached an agreement and effective January 1, 2018, the salary range for the position of Firefighter Engineer will be was increased by 2.5%. Effective July 1, 2018, the salary range for the position of Firefighter Engineer will was be increased by an additional 2.5%. The salary for Fire Captain will was also be adjusted to maintain the 10% differential pursuant to Section 15.2.4 of the MOU.~~

~~Within 180 days from the City Council's approval of the MOU, the City shall complete an internal compaction study between the Fire Fighter Paramedic and Fire Fighter Engineer classifications and the Fire Fighter Engineer and Captain classifications. Should the study conclude that there is/are internal compaction (s), the parties agree to meet and confer over the results. No action as a result of the study shall be taken unless the parties are in mutual agreement.~~

15.3.1 The salary for Administrative Fire Captain shall be set at an amount equal to (0.821%) above that of Fire Captain.

(Note: the Fire Admin Captain differential is based on the annualized value of holiday pay for shift captains)

15.3.2 The salary for Paramedic Firefighter shall be set at an amount equal to ten percent (10%) above that of Firefighter.

15.3.3 The salary for Fire Engineer shall be set at an amount equal to five percent (5%) above that of Firefighter Paramedic.

15.3.4 The salary for Fire Captain shall be set at an amount equal to ten percent (10%) above that of Fire Engineer.

15.4 Paramedic/Firefighter

The City pays tuition costs plus overtime pay for class time spent when in an off-duty status for continuing education and related re-certification requirements for each employee in the Paramedic series (including current incumbents identified in Section 15.3) in order to maintain the minimum requirements as set forth by the County of Solano and/or the State of California for Paramedic certification and re-certification. Continuing education must be preauthorized by the Fire Chief or his designated representative in order for the employee to be entitled to the payments provided herein.

15.4.1 The City pays tuition and re-certification costs for those employees wishing to maintain their Paramedic Certification, but who do not meet the requirements of Section 15.4 (i.e. employees in classifications other than Firefighter Paramedic). With the exception of occasional Paramedic training conducted by the Department on duty, all training will be on the employee's own time in an off duty status.

The employees utilizing this Section will assist the Department when called upon to perform Paramedic duties without additional compensation. As a pilot program to be implemented during the term of this contract, any Firefighter Engineer or Fire Captain who maintains their Paramedic Certification will receive an incentive pay equal to 5% of their base salary for any shift during which they are designated as the medic on-duty. Within sixty (60) days from City Council's adoption of this agreement, the parties will meet and confer over implementation of this program. This incentive pay will sunset as of June 30, 2021.

15.5 Salaries - New Employees

A new employee shall be appointed to the first step of the salary range to which the employee is assigned, provided, however, that a new employee may be appointed at a salary in excess of the first step when it is difficult for the City to locate qualified personnel, or when the education and previous training or experience of a new employee is substantially superior to the minimum qualifications for the classification, or (in exceptional cases) at the discretion of the City Manager.

15.6 Anniversary Date

The employee's anniversary date is the first day of the pay period if employment occurs during the first fifteen (15) days of the period; otherwise, the anniversary date is the first day of the next pay period.

The anniversary date of an employee on leave without pay shall be extended by the period of the leave.

15.7 Advancement Within Salary Range

Advancement within the salary range for a classification shall not be automatic. All increases shall be based on merit as established by a record of the employee's performance and shall require the written recommendation of the Department Head and approval by the City Manager. An employee who does not receive an in-grade salary advancement shall be notified in writing by the employee's department head as to the reason for denial.

The City Manager may adjust the salary rate of an employee to any step in the employee's existing salary range to correct gross inequities in salary or to reward outstanding achievement and performance.

15.8 Salary after Promotion or Demotion

When an employee is promoted, the employee's compensation shall be set at Step A or one step higher than the employee's current salary whichever is higher, provided, however, the employee's salary shall increase by at least 5%. The employee's new anniversary date shall be the date of the promotion.

Following the successful completion of a formal examination process, should a Paramedic Firefighter elect to accept the position of Firefighter Engineer, the employee's compensation shall be set at the step in the Firefighter Engineer salary range which is closest to their current salary step.

When an employee is demoted to a class with a lower maximum salary, the employee shall be assigned to the applicable salary step in the new class, provided, however, that there shall be at

least a 5% decrease in salary assuming that the employee's service has been continuous in the new class. The employee shall retain the employee's previous anniversary date.

15.9 Salary after Transfer

When an employee is transferred from one position to another position in the same class or to another class with the same pay range, the employee shall retain the same step and the same anniversary date.

15.10 Out of Class Pay

15.10.1 After meeting department standards for acting out of class for a position, the employee shall be compensated for all time worked in that capacity by 5% additional pay at his/her regular straight-time rate of pay for regular time duty, and at time and one-half for overtime duty. Standards for acting assignments shall be as outlined in the Fire Department's Standard Operating Procedures (SOP) Manual in the SOP titled Acting Chief Officer Assignment Requirements for Driving & Operating Engines (#518.00 dated 10/99) and Administrative Procedures Acting Captain Assignment (#308.00 dated 2/94). Changes to the SOP's which fall within the scope of representation will be subject to the meet and confer process.

All acting assignments shall be offered on the basis of qualifications for such assignment according to the judgment of the department head or the department head's authorized representative and shall be consistent with Personnel Rules.

15.10.2 Interim Captain: Assignment to the position of Interim Captain is determined by the fact that the Captain will be off (due to injury/illness/extended leave of absence, etc.) for nine (9) consecutive shifts or more or if the amount of time the Captain is to be off is unknown, upon completion of nine (9) shifts or more performing a Captain's duties.

Employees in the Interim Captain assignment, perform the essential job duties of the Captain including, but not limited to, supervising personnel, writing performance evaluations, directing fire suppression and controls operations, supervising and personally participating in rescue and Basic Life Support operations and taking charge of a fire station; supervising and participating in the maintenance of quarters and equipment during an assigned shift.

Employees assigned as Interim Captain shall receive a minimum of 7% additional pay and be assigned to a step in the salary range for Fire Captain which is closest to, but not less than the 7%, for the duration of said assignment. The temporary salary increase will be retroactive to the first shift of the assignment.

The City will maintain in effect a captain's eligible list. All Interim assignments shall be made from those employees on the affected shift whose names appear on the eligible list for the Fire Captain classification.

In the event there is no employee on the affected shift whose name appears on the eligible

list, the assignment will be made from those employees who are also on the eligible list but working other shifts. In the event there is no eligible list, the assignment will be made from those employees on the shift who meet the minimum qualifications for the Fire Captain classification followed by those who also meet the minimum qualifications but are working other shifts.

15.11 Haz Mat Pay

~~(incorporating long standing haz mat pay in the current Addendum into body of MOU); full information on program still attached as Addendum~~

~~Hazardous Materials Response Team Members, upon initial completion of Hazardous Materials training and upon the date the Solano County Hazardous Materials Team becomes functional (i.e. able and available to respond to incidents), shall receive 5% additional compensation on base pay. This rate shall be paid each pay period irrespective of whether or not there was an actual Hazardous Materials call back. The Team Members will also serve as Hazardous Materials Coordinators for the Department, as assigned, to provide extra hazardous materials related services such as hazardous materials training (limited to their own scope of training), equipment/supplies evaluation and recommendation, Hazardous Materials incident assistance, response planning and procedures development, etc.~~

- ~~15.11.1 The City intends to continue participation in the development, training, and staffing of the Solano County Hazardous Materials Response Team. The City intends to maintain and support three (3) Team members at all times.~~
- ~~15.11.2 Hazardous Materials Response Team member participation is considered 'voluntary'. No employee shall be required to participate on the Team, or participate in Hazardous Materials 'Technician' or 'Specialist' training. All hours worked will be compensated in accordance with applicable Memorandum of Understanding sections.~~
- ~~15.11.3 The following factors shall be used by the City to determine current and future appointments of Team members and/or Alternates: (1) Ideally, one (1) Team Member per shift, but not required, (2) Past job performance, (3) Expressed interest in training, (4) Recommendation of company officer, (5) Positive attitude, (6) Prior Hazardous Materials experience, (7) Seniority will be used as a factor when all other factors are equal. Employee rank (firefighter, firefighter/paramedic, engineer, captain) shall not be used as criteria for selection. No Team or Alternate applicant shall be evaluated with respect to his/her residential location to the City of Benicia. Applicants for Team or Alternate positions shall receive, from the Fire Chief or his/her designee, written notification of appointment to either position within 30 days of completing an interview. Additionally, a written explanation to applicants who are not appointed as Team members or Alternates will be sent to each applicant that outlines areas of improvement that would increase the employee's chances of future appointment. There will be no retaliation against a Team Member or~~

Alternate who resigns from the Program.

- 15.11.4 The City authorizes training of employees to the minimum qualifications to be a Team Member and will support any necessary training for approved Benicia Fire Department Team Members to maintain this level of certification. Training support of Alternate Members will be limited to minimum requirements to maintain Hazardous Materials Team Certification but will not include the on going drills. Team Alternates shall be utilized first to fill Team positions that become vacant.
- 15.11.5 The City will announce future Team or Alternate vacancies to all Benicia Fire Department personnel covered under the current Memorandum of Understanding 30 days prior to appointing new Team Members or Alternates. The City agrees to announce vacancies, appoint candidates, and provide Hazardous Materials Team training to qualified employees when vacancies on the Team occur, and Alternates are exhausted. It is understood that the City is not obligated to maintain an 'Alternates List' beyond the scope of the Team's initial training.
- 15.11.6 The City will pay any and all costs associated with the Team Members' initial and on-going training, and utilization by the Team during call back. Hazardous Materials Response Team Members, upon initial completion of Hazardous Materials training and upon the date the Solano County Hazardous Materials Team becomes functional (i.e. able and available to respond to incidents), shall receive 5% additional compensation on base pay. This rate shall be paid each pay period irrespective of whether or not there was an actual Hazardous Materials call back. The Team Members will also serve as Hazardous Materials Coordinators for the Department, as assigned, to provide extra hazardous materials related services such as hazardous materials training (limited to their own scope of training), equipment/supplies evaluation and recommendation, Hazardous Materials incident assistance, response planning and procedures development, etc.
- 15.11.7 The City maintains the right to terminate or change the scope of its participation in the Solano County Hazardous Materials Response Team at any time. In the event termination occurs, the 5% compensation for Team Members will end upon 30 days notice by the City.

15.12 Pay Period

The payday for each employee shall be the last day of the month or as authorized by the City Council. The City's Finance Department shall provide each employee with a copy of the employee's time sheet together with the employee's paycheck each payday.

15.13 Separation from Employment Final Pay

An employee who separates from employment with the City is entitled to pay for:

15.13.1 That portion of the final pay period from the first day of the final pay period to the effective date of separation. The day of separation is either the working day specified for the separation or the last day of the pay period if no date is specified;

15.13.2 Accrued vacation actually earned but not taken, subject to the provisions on leave of absence;

15.13.3 Accrued overtime;

In the case of an employee's death, the City shall pay the employee's beneficiary the sums set forth in items 1 through 3 above provided, however, that the employee must have designated a beneficiary on a form specified by the City Manager. If the form specified by the City Manager has not been completed and returned to the finance director, terminal pay shall be paid to the estate of the employee.

Terminal pay shall be paid to an employee only upon submission by the employee of all city-owned property in the employee's possession, including but not limited to, keys, badges and credit cards.

SECTION 16. PARAMEDIC/FIREFIGHTER VOLUNTARY DEMOTION

In the event an employee classified as a Paramedic/Firefighter wishes to relinquish his paramedic designation and voluntarily demote to the classification of Firefighter he/she shall be permitted at the discretion of the Fire Chief to do so subject to the following terms and conditions:

16.1 There must be a vacant position in the rank of Firefighter available for him/her to fill.

16.2 A qualified paramedic is available to fill the vacancy created by the demotion.

For purposes of promotion all time served in the rank of Paramedic/Firefighter shall be considered the same as time spent in the rank of Firefighter.

SECTION 17. DEFERRED COMPENSATION

The City agrees that employees represented by the BFA may participate in the City's deferred compensation plan.

SECTION 18. UNIFORM ALLOWANCE

18.1 The City pays uniform allowance \$75.00 per month (effective 10/1/16).

18.2 All sworn personnel are required to maintain at least one (1) suitable Class A Uniform to be worn when the employee is officially representing the City as directed by the Fire Chief. Bargaining unit members will be responsible for their own linen.

The City agrees to repair or replace uniforms damaged in the line of duty. The Fire Chief or designated representative shall make the determination.

18.3 The City pays up to a maximum of \$75 towards replacement of broken watches damaged while on duty.

18.4 The City will provides employees with the option to wear rubber or leather turnout boots, which shall be provided by the City.

18.5 The City provides employees the option to wear station boots provided by the City or an alternate boot approved by the City, matching the standards of City issued boots. Employees opting to wear alternate station boots shall be reimbursed for the purchase of the alternate boots up to the cost of City provided station boots.

SECTION 19. EDUCATIONAL INCENTIVE

19.1 Employees who were employed by the City on June 30, 1989 shall continue to receive educational incentive pay in accordance with the provisions of Section 19.1 of the 1987-1989 Benicia Firefighters' Association Memorandum of Understanding. The City agrees to pay employees represented by the BFA, two and one-half percent (2-1/2%) over their base salary for completion of thirty (30) units of approved college/university courses from an accredited college/university, and seven and one-half percent (7-1/2%) over their base salary for attainment of approved Associates or Bachelors Degree.

Employees who are hired by the City on or after July 1, 1989 shall be compensated in accordance with the following formula:

19.1.1 Completion of thirty (30) units of approved courses from an accredited college/university: \$70.00 per month.

19.1.2 Attainment of an approved Associates or Bachelors Degree from an accredited college/university: \$210.00 per month.

19.1.3 Effective July 1, 2006 attainment of an approved Associates Degree from an accredited college/university: \$210.00. Attainment of an approved Bachelor's Degree from an accredited college/university: \$280.00 per month.

It is understood that an approved major shall be designated by the Fire Chief and City Manager and shall include Fire Science, Public Administration, Business Administration or other such job related course of study.

Employees who obtain an Associates or Bachelors degree may not receive the official documentation for several months. Therefore, employees who complete a degree shall notify the Personnel Department in writing within ten (10) working days of their completion of the required courses. When the official documentation is provided, the employee shall be compensated from the original date of completion.

19.2 In July 1, 2006 the three percent (3%) separate pay for holding the required current and valid Emergency Medical Technician 1-A Certificate was added to base salary. The City reimburses each such employee for certification fees, if any, which may be required once each two (2) years.

All employees are required to obtain and to maintain a currently effective EMT 1-A Certificate as a condition of continued employment. In the event an employee fails the EMT 1-A re-certification examination, the employee shall be offered the opportunity to retake the examination at the first available opportunity before any action is taken by the City to terminate the employee's employment. An employee will be afforded only one (1) opportunity to retake the re-certification examination.

19.3 Paramedic employees who volunteer to do so may be utilized to conduct in-house EMT 1-A training for employees. Paramedic personnel providing such training shall be properly credentialed and/or certified instructors. The City reserves the right to approve the training program developed by Paramedic instructors for this purpose. The program and instructors shall be approved by the County of Solano and/or the State of California.

SECTION 20. ADDITIONAL DUTY PAY

20.1 Fire Captain Classification: In July 1, 1995 the base salary of Fire Captain was increased by \$75.00 as compensation for performing a major program assignment. Major program assignments include but are not limited to the following: Volunteer Administrator, Training Officer, Hazardous Material Coordinator, Vehicle Maintenance Officer, Equipment and Safety Gear Officer, and Communications Officer. Each major program assignment will be outlined in the Standard Operating Procedures (SOP) Manual. Said increase is reflected in the salary ranges listed in Attachment B.

20.2 Fire Captain/Administration Classification: The full time regular classification of Administrative Captain shall be responsible for coordination of Emergency Medical Services, disaster preparedness, and perform other duties as assigned. The Administrative Captain shall be assigned to a forty (40) hour workweek. Salary for the Administrative Captain shall be as provided under Section 15.1 of this agreement. Vacation accrual rates, holidays, and Out of Class Pay shall be pursuant to those outlined in a side-letter dated July 1, 1991 for Fire Prevention Specialist. Employees holding the permanent rank of Fire Captain shall not be automatically transferred into the Administrative Fire Captain position, should it become vacant.

20.3 Preceptor Pay: Personnel in the Paramedic Firefighter classification who are properly certified and assigned to act as preceptors for new personnel shall receive a 5% differential in compensation during the time that are acting in that capacity.

SECTION 21. HOURS OF WORK

21.1 Application

This section is intended to define the normal hours of work per day or per week in effect at the time of execution of this agreement. Nothing contained herein shall be construed as preventing the City from restructuring the normal workday or workweek for the purpose of promoting the efficiency of municipal government; from establishing the work schedules of employees; and establishing part-time positions.

21.2 Shift Schedule

Suppression Personnel: All employees shall be scheduled to work on a regular shift, and each shift shall have a regular starting and quitting time.

Employees whose workday extends from one calendar day into another, or who work overtime from one calendar day into another, shall be considered as working on the calendar day on which they started the work.

The workweek is established under the FLSA 7(k) work period, and shall consist of fifty-six (56) hours when averaged over a twenty-four (24) day period on a schedule commonly known as a 48/96 plan. Each twenty-four (24) hour workday shall be considered as one (1) tour of duty.

The twenty-four (24) hour workday shall be interrupted by two (2) uninterrupted one (1) hour meal periods provided an emergency situation doesn't exist which would automatically preclude either or both.

The normal workday for full-time employees covered in this agreement shall be as follows:

24 HOUR WORK SCHEDULE

0800-1700 May include, but is not limited to:

- | | |
|---|---------------------------|
| Vehicle checkouts | Hydrant Maintenance |
| Company inspections | Special projects |
| Physical training (90 minutes*) | One (1) hour lunch period |
| Required training and/or Captains drills | Incident response |
| Station cleaning (may be designated on a single day)+ | Special meetings |
| Public Education | Special training |
| Pre-Fire Planning | Station Maintenance |

1700-0700 *Stand-by time
0700-0800 Arise, clean-up station

* Scheduled night training shall be limited to two (2) times per month per shift as scheduled by the department.

*The 90 minute workout shall routinely be scheduled between the hours of 3:30 pm to 5:00 pm unless otherwise approved by the Fire Chief or Fire Chief's designee.

+Excludes cleaning of administrative front office, administrative break room, downstairs training room and downstairs hallway bathrooms at Station 11.

All Other Personnel:

Employees not assigned to suppression may be scheduled to work a forty (40) hour week. Employees working a forty (40) hour week schedule may submit a written request to the department head to work a 9/80 or a 4/10 work schedule. The department head may grant or deny the request based upon the existing needs of the department.

21.3 Work Schedule

Work schedules showing the shifts, workdays, and hours to which employees are assigned shall be posted on all department bulletin boards at all times. Should it be necessary, in the interest of efficient operations, to establish daily or weekly work schedules departing from the normal workday or the normal workweek, the City shall give notice of such change to the BFA as far in advance as is possible and reasonably practical. Work schedules shall not be unjustifiably changed.

21.4 Shift Trades

There will be no limit on shift trades, which are hereby defined as trades of twenty-four (24) hours or less and which are used for the purpose of attending educational instruction courses or for responding to unanticipated events requiring the employee's personal attention. It is understood that all shift trades will be approved by the Chief or his designee by no later than the start of the shift in question. Additional advanced notice of the trade is not required. A shift trade may be approved after the start of the shift provided approval is received by the on call chief officer prior to the start of the trade.

All Shift Trades shall be repaid by the employees involved within nine (9) months of the date of the shift trade. If a shift trade is not repaid within the nine (9) month time period, the Fire Chief shall have the right to schedule the employees in order to have the shift trade repaid. The Association shall be responsible for maintaining records of shift trades and providing the Fire Chief with a biannual report on the status of shift trades.

If the individual employees involved in a shift trade are not of the same rank, the trade shall be permitted as long as the individuals are qualified to perform the duties involved in the requested trade or others on shift are available and are qualified such that minimum staffing requirements for the shift can be maintained. Inter-classification trades shall not result in any additional cost to the City. By accepting an inter-classification trade, trade participants waive any right they might otherwise have to out of class compensation for work performed on the traded shift.

21.5 Staffing

The City and BFA share the same concerns regarding the safety of firefighters which are related to the number of firefighters on duty at a given time. The parties are in agreement that at least three (3) firefighters should be on duty on each engine and/or truck company and that at least two (2) firefighters should be on duty on the rescue vehicle. The City shall make every effort to assure that this staffing level is attained, however, the parties recognize that exigent circumstances, may, from time to time, preclude the City from attaining this objective.

21.6 48/96 Work Schedule

21.6.1 In July 1, 2006, the City transitioned to a 48/96 work schedule for suppression employees. Under this schedule, employees who, by nature of the work, are required to work twenty-four (24) hour shifts, shall be required to work a schedule, on average, of not more than fifty-six (56) hours per workweek. This schedule shall consist of forty eight (48) hours on and ninety-six (96) hours off (XX OOOO XX OOOO XX OOOO).

21.6.2 The maximum number of consecutive hours worked shall not exceed 96 except in case of emergency.

SECTION 22. PROMOTIONS

When, ~~in the City's judgment~~, there are sufficient, two or more qualified applicants for promotion available within the Benicia Fire Department, the City will schedule a closed promotional examination. Qualified employees who do not actually apply for the promotional opportunity shall not be considered for purposes of determining whether there are two or more qualified applicants under this section.

If, however, ~~in the City's judgment~~, there is an insufficient number of eligible and/or qualified applicants available, the City ~~shall~~ may schedule an open promotional examination.

SECTION 23. INSURANCE

23.1 Health and Welfare

The City shall continue to offer hospital-medical, dental and vision plans as those plans are currently structured or as the plans may be amended from time to time by the plan providers. The City may substitute plans currently offered with plans of substantially similar benefits..

~~Effective the City's the first full pay period following adoption by the City Council and ratification by the membership, the City's medical contribution towards medical premiums for the term of the contract shall be a maximum up to the following monthly contributions for any plan:~~

~~Employee: _____ \$ 682.00/month
Employee plus One: _____ \$1,394.00/month
Employee plus Family: _____ \$1,880.00/month~~

~~Effective July 1, 2017, the City's medical contribution towards medical premiums for the term of the contract shall be a maximum up to the following monthly contributions for any plan:~~

~~Employee: \$ 702.00/month
Employee plus One: \$1,444.00/month
Employee plus Family: \$1,955.00/month~~

Effective July 1, 2018 through the end of the term of the 2019-2021 contract, the City's medical contribution towards medical premiums for the term of the contract shall be a maximum up to the following monthly contributions for any plan:

Employee: \$ 722.00/month
Employee plus One: \$1,494.00/month
Employee plus Family: \$2,030.00/month

The City's maximum contribution for employees who have qualifying dual coverage shall be a maximum of \$682.00.

If during the term of this contract a court of competent jurisdictions issues a final decision that is not appealable determining that any medical benefits in lieu contribution is not subject to FLSA , the parties agree to meet and confer over a medical in lieu contribution.

23.2 Life Insurance

The City shall pay the entire cost of providing each insurable regular, full-time employee with \$30,000 group term life insurance with said policy to include accidental death and dismemberment coverage.

23.3 IRS 125 Plan

The City has an IRS 125 Plan that is available to City Employees. The City agrees to maintain the IRS 125 Plan during the term of the contract in accordance with IRS regulations and as long as the IRS allows for such plan.

SECTION 24. RETIREMENT

24.1 Employees in this unit hired on or before May 31, 2011

- a. 3% at 50 CalPERS Pension Formula. The City amended its contract with the Public Employees' Retirement System (PERS) to include the retirement benefit option of 3% @ 50 in accordance with Government Code § 21362.3 for employees hired on or after November 18, 2000 and on or before May 31, 2011.

- b. Effective January 1, 1986 the City's contract with the Public Employees' Retirement System (PERS) was amended to provide for credit for unused sick leave, as provided for in Government Code Section 20965.
- c. The City implemented the Fourth Tier of the 59 Survivor Benefit with CalPERS.

d. Payment of Employees' PERS Contributions

Effective July 1, 1996, the City converted the employer-paid employee 9% P.E.R.S. contribution to salary and employees in the bargaining unit began paying their own P.E.R.S. contribution.

Additionally, the City implemented Internal Revenue Code Section 414 (h) (2) which allows all employees in the bargaining unit to defer paying taxes on their contribution to P.E.R.S. (9%) until retirement or receipt of a lump sum payment (refund).

24.2 Employees in this unit hired on or after June 1, 2011 and on or before December 31, 2012.

- a. **3% at 55 CalPERS Pension Formula.** The City has amended its contract with Public Employees Retirement System (PERS) to implement a second tier retirement benefit option of 3% at 55 and average three year compensation formula in accordance with Government Code Section 21362.3 for new hires hired on or after June 30, 2011.
- b. **Employee Share:** The employees in the second tier shall pay the entire employee share (9%) of retirement cost.

24.3 Employees in this unit hired on or after January 1, 2013

- a. **2.7% at 57 CalPERS Pension Formula.** Employees hired on or after January 1, 2013, who have no classic member reciprocity as defined by CalPERS shall be subject to the AB 340 pension formula of 2.7% @ 57.
- b. These employees shall pay 50% of the normal cost rate for the 2.7% @ 57 formula as determined by CalPERS.

24.4 Additional Employee Pickup of Employers Share of Retirement

Effective October 1, 2011, bargaining unit employees began contributing an additional 4% of pensionable compensation towards the employer's share of retirement via a post-tax payroll contribution. Effective January 1, 2013, this contribution will increase to 5.41%. The City and the BFA agreed to a contract amendment with CalPERS allowing the 5.41% to be pre-tax.

Pursuant to letter of understanding as referenced in Tentative Agreement dated 9/22/14, the 5.41% will reduce to 1.394% effective November 18, 2020.

24.5 CalPERS Reportability

The parties acknowledge that CalPERS is the only entity by statute that determines the PERSability of any and all pay, incentives, or allowances.

24.6 VantageCare RHA Program

During the term of this contract, in lieu of increasing the City's contribution towards employee healthcare premiums, the City will fund retiree health accounts (RHA) through VantageCare as set forth below:

24.6.1 As soon as administratively possible, the City will implement an RHA program through VantageCare for BFA members.

24.6.2 Effective March 2020, the City will deposit \$500 per employee into their RHA accounts.

24.6.3 Effective March 2021, and each March thereafter, the City will contribute an additional \$1,000 to each employee's RHA account.

SECTION 25. GRIEVANCES

25.1 A grievance is any dispute which involves the interpretation or application of any provisions of this Memorandum of Understanding or disciplinary actions.

25.2 Grievances shall be processed in the following manner:

For the purposes of this Section, the term "working days" shall mean those days the City is normally open for business.

25.2.1 The grievance shall be presented in writing either by the employee or by an authorized Association representative to the designated supervisor of the employee within ten (10) working days of the occurrence of the event giving rise to the grievance or within ten (10) working days of the day on which the employee had reason to be aware of the occurrence of the event. However, only in cases where extenuating circumstances exist or for extended leave by the Grievant shall grievances be presented or accepted more than one-hundred eighty (180) calendar days past the occurrence of the event. Grievances which are not presented within these time limits shall be deemed waived and abandoned.

25.2.2 The designated supervisor shall have ten (10) working days from date of receipt of grievance in which to respond. If the grievance is not satisfactorily adjusted within this period, the grievance may be presented in writing either by the employee or by an authorized Association representative within ten (10) working days to the Fire Chief or to such representative as he/she may designate.

25.2.3 The Fire Chief or a designated representative shall have ten (10) working days from date of receipt of grievance in which to respond. If the grievance is not satisfactorily adjusted within this period, the grievance may be presented in writing either by the employee or by an authorized Association representative to the City Manager or to such representative as he/she may designate within ten (10) days.

25.2.4 If the parties are unable, within ten (10) working days, to reach a mutually satisfactory accord on any grievance which arises and is presented during the term of this Memorandum of Understanding, such grievance shall be submitted to an Adjustment Board comprised of two (2) Association representatives, no more than one (1) of whom shall be either an employee of the City or an elected or appointed official of the Association; and two (2) representatives of the City, no more than one (1) of who shall be either an employee of the City or a member of the staff of any organization employed to represent the City in the meeting and conferring process. No decision of the Adjustment Board shall be final and binding without receiving the affirmative votes of a least three (3) members of the Board.

25.2.5 If an Adjustment Board is unable to arrive at a majority decision, either the Association or the City may require that the grievance be referred to an impartial arbitrator who shall be designated by mutual agreement between the Association and the City Manager. The fees and expenses of the arbitrator and of a court reporter shall be shared equally by the Association and the City. Each party, however, shall bear the cost of its own presentation including preparation and post hearing briefs, if any.

25.2.6 Decisions of Adjustment Boards and arbitrators on matters properly before them shall be final and binding on the parties hereto.

25.3 No Adjustment Board and no arbitrator shall entertain, hear, decide or make recommendations on any dispute unless such dispute involves a position in a unit represented by the Association and unless such dispute falls within the definition of a grievance as set forth in Subsection 25.1.

25.4 Proposals to add to or change this Memorandum of Understanding or written agreement or agenda supplementary hereto shall not be arbitrable and no proposal to modify, amend or terminate this Memorandum of Understanding, nor any matter or subject arising out of or in connection with such proposal, may be referred to arbitration under this Section. Neither any Adjustment Board nor any arbitrator shall have the power to amend or modify this Memorandum of Understanding or written agreements or addenda supplementary hereto or to establish any new terms or conditions of employment.

25.5 No grievance involving disciplinary action taken against an employee will be entertained unless it is filed in writing with the City Manager within ten (10) working days of the time at which the affected employee was notified of such action.

25.6 All complaints involving or concerning the payment of compensation shall be initially filed in writing with the City Manager. Only complaints which allege that employees are not being compensated in accordance with the provisions of the Memorandum of Understanding shall be considered as grievances. Any other matters of compensation are to be resolved in the meeting and conferring process and if not detailed in the Memorandum of Understanding which results from such meeting and conferring process shall be deemed withdrawn until the meeting and conferring process is next opened for such discussion. No adjustment shall be retroactive for more than thirty (30) days from the date upon which the complaint was filed.

25.7 The provisions of this Section shall not abridge any rights to which an employee may be entitled under the Civil Service Rules and Regulations.

25.7.1 All grievances of employees in the Firefighter Representation Unit represented by the Association shall be processed under this Section. If the Civil Service Rules and Regulations require that a differing option be available to the employee, no action under paragraph 25.2.4 or 25.2.5 above shall be taken unless it is determined that the employee is not availing himself or herself of such option.

25.7.2 No action under paragraph 25.2.4 or 25.2.5 above shall be taken if action on the complaint or grievance has been taken by the Civil Service Commission, or if the complaint or grievance is pending before the Civil Service Commission.

If the aggrieved employee desires the assistance of a steward as provided in steps 1, 2, 3, or 4 of the grievance procedure, the City shall afford said steward reasonable time off during work hours without loss of compensation or other benefits to investigate and take up said grievance. The grievant and/or the area steward shall obtain the specific approval of the Fire Chief or, in the latter's absence, another authorized Fire Department management official before leaving their duties or work situation or assignment for the purpose of investigating and/or processing a grievance.

SECTION 26. PHYSICAL FITNESS PROGRAM

In order to further the City's effort to improve and maintain employees' health and safety when performing the many physically demanding essential duties required of a Firefighter, the City and the Benicia Firefighters' Association agree to the following:

26.1 The Benicia Firefighters' Association agrees to continue the existing mandatory physical fitness program which affords represented members time on duty for the purpose of maintaining and increasing each individual's level of fitness.

26.2 The Benicia Firefighters' Association agrees that the City may continue the

existing annual testing of individual fitness.

SECTION 27. SEPARABILITY

If any section of this agreement should be found invalid, unlawful, or unenforceable by reason of any existing or subsequent enacted legislation or by judicial authority, all other sections of this agreement shall remain in full force and effect for the duration of this agreement. In the event of invalidation of any section, the City and the BFA agree to meet within thirty (30) days for the purpose of renegotiating said section.

SECTION 28. TERM OF AGREEMENT

28.1 The effective date of this agreement shall be upon adoption of the successor agreement by the City Council on its regular agenda and the agreement shall remain in effect until June 30, 20~~21~~19.

28.2 This agreement shall remain in force after its expiration where negotiations between the City and the BFA have not resulted in a new agreement, until such time as a new agreement is reached by both parties.

28.3 Any benefits in this agreement pertaining to work hours, shifts, or personnel assignments, may be suspended temporarily by the City where a declared emergency exists as defined by the Civil Disaster Emergencies Plan. The City shall have sole power to determine the existence of an emergency and whether benefits will be suspended.

28.4 This Memorandum of Understanding shall be submitted to the City Council for adoption.

SECTION 29. LABOR MANAGEMENT COMMITTEE

The City and BFA have a shared interest in maintaining regular communication, dealing with each other directly, and working together to resolve Departmental issues before those issues escalate. Both the City and BFA recognize a shared commitment to continually work on the issues of trust, respect, and credibility in the "Process" and recognize that these values will foster trust, respect, and credibility among the "participants" individually.

In support of these interests and commitments, representatives from Department management and BFA shall meet regularly to discuss issues of mutual concern within the Department. The parties will endeavor to meet monthly but recognize that scheduling constraints require flexibility in scheduling such meetings.

ADDENDUM

HAZARDOUS MATERIALS RESPONSE TEAM

~~The City intends to participate in the development, training, and staffing of the Solano County Hazardous Materials Response Team. The City intends to maintain and support three (3) Team members at all times.~~

~~Hazardous Materials Response Team member participation is considered 'voluntary'. No employee shall be required to participate on the Team, or participate in Hazardous Materials 'Technician' or 'Specialist' training. All hours worked will be compensated in accordance with applicable Memorandum of Understanding sections.~~

~~The following factors shall be used by the City to determine current and future appointments of Team members and/or Alternates: (1) Ideally, one (1) Team Member per shift, but not required, (2) Past job performance, (3) Expressed interest in training, (4) Recommendation of company officer, (5) Positive attitude, (6) Prior Hazardous Materials experience, (7) Seniority will be used as a factor when all other factors are equal. Employee rank (firefighter, firefighter/paramedic, engineer, captain) shall not be used as criteria for selection. No Team or Alternate applicant shall be evaluated with respect to his/her residential location to the City of Benicia. Applicants for Team or Alternate positions shall receive, from the Fire Chief or his/her designee, written notification of appointment to either position within 30 days of completing an interview. Additionally, a written explanation to applicants who are not appointed as Team members or Alternates will be sent to each applicant that outlines areas of improvement that would increase the employee's chances of future appointment. There will be no retaliation against a Team Member or Alternate who resigns from the Program.~~

~~The City authorizes training of employees to the minimum qualifications to be a Team Member and will support any necessary training for approved Benicia Fire Department Team Members to maintain this level of certification. Training support of Alternate Members will be limited to minimum requirements to maintain Hazardous Materials Team Certification but will not include the on-going drills. Team Alternates shall be utilized first to fill Team positions that become vacant.~~

~~The City will announce future Team or Alternate vacancies to all Benicia Fire Department personnel covered under the current Memorandum of Understanding 30 days prior to appointing new Team Members or Alternates. The City agrees to announce vacancies, appoint candidates, and provide Hazardous Materials Team training to qualified employees when vacancies on the Team occur, and Alternates are exhausted. It is understood that the City is not obligated to maintain an 'Alternates List' beyond the scope of the Team's initial training.~~

~~The City will pay any and all costs associated with the Team Members' initial and on-going training, and utilization by the Team during call back. Hazardous Materials Response Team Members, upon initial completion of Hazardous Materials training and~~

~~upon the date the Solano County Hazardous Materials Team becomes functional (i.e. able and available to respond to incidents), shall receive 5% additional compensation on base pay. This rate shall be paid each pay period irrespective of whether or not there was an actual Hazardous Materials call back. The Team Members will also serve as Hazardous Materials Coordinators for the Department, as assigned, to provide extra hazardous materials related services such as hazardous materials training (limited to their own scope of training), equipment/supplies evaluation and recommendation, Hazardous Materials incident assistance, response planning and procedures development, etc.~~

~~The City maintains the right to terminate or change the scope of its participation in the Solano County Hazardous Materials Response Team at any time. In the event termination occurs, the 5% compensation for Team Members will end upon 30 days notice by the City.~~

Dated: TA signed ~~September 27, 2016~~September 4, 2019; MOU signed on dates below

BENICIA FIREFIGHTER'S ASSOCIATION

CITY OF BENICIA

Carl Littorno, BFA President

Lorie Tinfow, City Manager

Jeff Toynbee, BFA Vice-President

Alan Shear, Assistant City Manager

Kim Imboden, HR Manager

**Ken Martin
Mastagni Holstedt**

**Burke Dunphy
Sloan Sakai Yeung & Wong**

APPROVED AS TO FORM BY

**City Attorney: _____
Ben Stock, Burke Williams Sorensen**

Status Quo

ATTACHMENT A

TEMPORARY LIGHT DUTY

I. OBJECTIVE

The Light Duty Program is designed to restore to productive status as soon as possible, employees who are recovering from an injury or illness until such time as possible they can resume the full work requirements of their position.

II. PURPOSE

To provide, where appropriate, for the return to work as soon as possible of both industrially and non-industrially injured and/or ill employees.

To provide a safe and cost effective system of utilizing personnel resources.

To limit and control the nature of duties assigned to personnel with known physical limitations so that productive assignments can be performed by the employee without fear of aggravating the disability.

To maintain an orderly procedure for monitoring employees on light duty assignments. Employees entitlement or denial to benefits under this program shall be in compliance with California Workers' Compensation Law where applicable.

III. SCOPE

1. Non-Industrial Injury or Illness

An employee on non-industrial sick leave will not be required by the City to return to work in a light duty capacity prior to his being released by his/her physician for the performance of duties. However, the City will entertain requests from employees suffering from non-industrial related injuries or illnesses who have been off work for at least ten (10) shifts, to return to light duty in the event that they wish to avoid exhausting all of their sick leave or in those cases where all remaining sick leave has been used. The Fire Chief may waive the requirement of a ten (10) shift waiting period when warranted in his discretion. In any case, the employee must provide a written Doctor's release authorizing light duty work.

Employees that have received medical clearance to return to work on "light/modified duty" may take up to seven calendar days from the date they are cleared to return to work to make arrangements to return to work provided those days are taken as vacation or comp time and unpaid if no vacation or comp time leave balances exists.

2. Industrial Injury or Illness

An employee disabled as the result of an industrial injury or illness may be required by the City as a condition of continued employment to return to work in a light duty status if his/her physician releases the employee for the performance of light duty work. Such employees released for light duty work shall provide the Personnel Officer with a written light duty release from the doctor promptly upon receiving same. Such light duty assignment shall continue until the physician releases the employee for full duty.

The City reserves the right to exercise its prerogative to protect itself against excessive future liability and insurance risk, and the employee against further aggravation and/or injury. Therefore, light duty assignments will be evaluated and assigned on a case-by-case basis.

IV. PROCEDURE

1. Upon receiving notice of the release of a temporarily disabled employee for light duty work, a determination will be made by the Personnel Officer on the appropriateness of assigning light duty to the injured employee. Such determination shall take into account the opinion and recommendation of the disabled employees treating physician or health care provider. The employee must provide the physician's (or other health care providers) medical release form specifying all work limitations.

2. If the above determination results in a finding that the employee is able to return to a light duty assignment, the Personnel Officer will consult in advance with the Department Head about the availability of a light duty assignment for the employee.

3. If it is determined that the employee can be temporarily assigned to light duty (within the division of original assignment), the employee will be returned to light duty work.

4. Particular duty assignments will be based on the department needs and priorities, individual capabilities, physical limitations and estimated duration of illness/injury.

5. ~~If light duty is not available within the Fire Department an appropriate substitute shall be sought by the Personnel Officer. If such a substitute is available, the employee shall be returned to work in such substitute position.~~

Work requirements, including the number of hours worked and/or shifts and classifications, may be varied to meet the objectives of this program; provided, however, that such schedules shall not exceed the standard straight-time hourly work week.

6. If no light duty work is available within the limitations set by the physician, the employee will remain on a "no work" status and continue to receive those benefits for which they are eligible.

Light duty assignments may continue until such time as the disabled employee is given a full and complete medical release to resume normal work activities.

Employees that have received medical clearance to return to work on “light/modified duty” may take up to seven calendar days from the date they are cleared to return to work to make arrangements to return to work provided those days are taken as vacation or comp time and unpaid if no vacation or comp time leave balances exists.

V. COMPENSATION

When performing light duty work assignments in accordance with this section, employee shall receive their normal salary and benefits for their regular classification of employment.

Employees assigned to light duty work assignments shall not be required to perform the duties of a higher paid classification.

At such time as an industrially injured employee is assigned to light duty pursuant to the provisions of this policy, the employee will no longer be entitled to Section 4850, temporary disability benefits.

ATTACHMENT B

Effective 10/4/2016 (1% COLA)

	A	B	C	D	E
Firefighter	\$6,087	\$6,391	\$6,710	\$7,046	\$7,398
Paramedic/Firefighter	\$6,696	\$7,030	\$7,382	\$7,751	\$8,139
Firefighter/Engineer	\$6,696	\$7,030	\$7,382	\$7,751	\$8,139
Fire-Captain	\$7,365	\$7,734	\$8,120	\$8,526	\$8,953

Effective January 1, 2017 (1% COLA)

	A	B	C	D	E
Firefighter	\$6,147	\$6,455	\$6,778	\$7,116	\$7,472
Paramedic/Firefighter	\$6,763	\$7,101	\$7,456	\$7,829	\$8,220
Firefighter/Engineer	\$6,763	\$7,101	\$7,456	\$7,829	\$8,220
Fire-Captain	\$7,439	\$7,811	\$8,202	\$8,612	\$9,042

Effective July 1, 2017 (2.25% COLA)

	A	B	C	D	E
Firefighter	\$6,301	\$6,616	\$6,947	\$7,294	\$7,659
Paramedic/Firefighter	\$6,932	\$7,278	\$7,642	\$8,024	\$8,425
Firefighter/Engineer	\$6,932	\$7,278	\$7,642	\$8,024	\$8,425
Fire-Captain	\$7,625	\$8,006	\$8,407	\$8,827	\$9,268

Effective July 1, 2018 (2% COLA)

	A	B	C	D	E
Firefighter	\$6,427	\$6,748	\$7,086	\$7,440	\$7,812
Paramedic/Firefighter	\$7,070	\$7,424	\$7,795	\$8,185	\$8,594
Firefighter/Engineer	\$7,070	\$7,424	\$7,795	\$8,185	\$8,594
Fire-Captain	\$7,777	\$8,166	\$8,575	\$9,003	\$9,454

Effective 7/1/2018 (prior MOU)

	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>
<u>Firefighter</u>	<u>\$6,411.24</u>	<u>\$6,731.80</u>	<u>\$7,068.39</u>	<u>\$7,421.81</u>	<u>\$7,792.90</u>
<u>Paramedic/Firefighter</u>	<u>\$7,053.41</u>	<u>\$7,406.08</u>	<u>\$7,776.38</u>	<u>\$8,165.20</u>	<u>\$8,573.46</u>
<u>Firefighter/Engineer</u>	<u>\$7,410.48</u>	<u>\$7,781.00</u>	<u>\$8,170.05</u>	<u>\$8,578.55</u>	<u>\$9,007.48</u>
<u>Fire Captain</u>	<u>\$8,151.62</u>	<u>\$8,559.21</u>	<u>\$8,987.17</u>	<u>\$9,436.52</u>	<u>\$9,908.35</u>

Effective 9/1/2019 (3.5% COLA)

	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>
<u>Firefighter</u>	<u>\$6,635.63</u>	<u>\$6,967.41</u>	<u>\$7,315.78</u>	<u>\$7,681.57</u>	<u>\$8,065.65</u>
<u>Paramedic/Firefighter</u>	<u>\$7,300.28</u>	<u>\$7,665.29</u>	<u>\$8,048.55</u>	<u>\$8,450.98</u>	<u>\$8,873.53</u>
<u>Firefighter/Engineer</u>	<u>\$7,669.84</u>	<u>\$8,053.33</u>	<u>\$8,456.00</u>	<u>\$8,878.80</u>	<u>\$9,322.74</u>
<u>Fire Captain</u>	<u>\$8,436.93</u>	<u>\$8,858.78</u>	<u>\$9,301.72</u>	<u>\$9,766.80</u>	<u>\$10,255.14</u>

Effective 7/1/2020 (3.5% COLA)

	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>
<u>Firefighter</u>	<u>\$6,867.88</u>	<u>\$7,211.27</u>	<u>\$7,571.84</u>	<u>\$7,950.43</u>	<u>\$8,347.95</u>
<u>Paramedic/Firefighter</u>	<u>\$7,555.79</u>	<u>\$7,933.57</u>	<u>\$8,330.25</u>	<u>\$8,746.77</u>	<u>\$9,184.10</u>
<u>Firefighter/Engineer</u>	<u>\$7,938.29</u>	<u>\$8,335.20</u>	<u>\$8,751.96</u>	<u>\$9,189.56</u>	<u>\$9,649.04</u>
<u>Fire Captain</u>	<u>\$8,732.22</u>	<u>\$9,168.83</u>	<u>\$9,627.28</u>	<u>\$10,108.64</u>	<u>\$10,614.07</u>

Paramedic/Firefighter set at 10% above Firefighter
Firefighter/Engineer set at 5% above Paramedic/Firefighter
Fire Captain set at 10% above Firefighter Engineer

ATTACHMENT C – Status Quo

June 12, 2015

Ken Akins
University Research Associates

Todd Matthews
BFA President

RE: PERS Cost Share of Employer Rate for BFA

During negotiations in fall of 2014 for the successor MOU between the City of Benicia and Benicia Firefighters’ Association (BFA), subsequently approved for the period of July 1, 2014 – June 30, 2016, the parties discussed the employee’s cost sharing of the employer rate of CalPERS. The following language, as it appears in the tentative agreement dated 9/22/14 and approved by the City and BFA, and subsequently approved by Council on October 7, 2014, serves to document the understanding of the parties.

In 2012, the City and the Benicia Firefighters Association (BFA) negotiated a cost sharing agreement whereby bargaining unit members would pay a portion of the City contribution towards CalPERS retirement benefits (Employee-paid City contribution). At that time, the BFA understood that, pursuant to the enclosed letter from CalPERS dated June 1, 2011, the Employee-paid City contribution would be reduced from 5.41% to 1.394% effective November 18, 2020. However, because of the amendments to Section 20516 of the California Government Code occasioned by the passage of the Public Employee’s Pension Reform Act (PEPRA), the reduction was no longer required at the time the employees voted to accept the Employee-paid City contribution and the City’s contract with CalPERS does not reflect any reduction in that contribution 2020.

By this letter, the parties confirm their mutual understanding and intent that the Employee-paid City contribution will be reduced from 5.41% to 1.394% effective November 18, 2020. The parties recognize that this understanding may need to be reflected in the language of the MOU and through a further contract amendment with CalPERS in 2020.

For the BFA:

For the City:

Ken Akins

Charles Sakai, RSHS

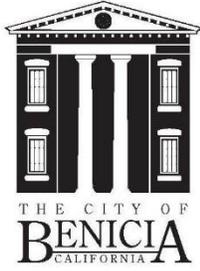
Todd Matthews

Anne Cardwell,
Assistant City Manager

Kim Imboden
Sr. HR Analyst

**signed copy of this letter is contained in the 2014 – 2016. Th side letter will remain in effect for the 2016 – 2019 MOU unless otherwise agreed to by BFA/City.

Status quo for 2019-2021 MOU



AGENDA ITEM
CITY COUNCIL MEETING DATE – SEPTEMBER 17, 2019
BUSINESS ITEMS

TO : City Council

FROM : City Manager

SUBJECT : **TWO-STEP REQUEST FOR CANNABIS DISPENSARY ADVISORY MEASURE**

EXECUTIVE SUMMARY:

Councilmember Tom Campbell submitted a two-step process request (see Attachment 1) for Council’s consideration of placing a cannabis dispensary advisory measure on the November 2020 ballot.

RECOMMENDATION:

Discuss the request and provide direction to staff.

BUDGET INFORMATION:

There is no budget impact for determining whether or not to place this topic on a future agenda for Council discussion.

BACKGROUND:

City Council members may request items be placed on future agendas according to the process described in the “Council Rules of Procedure”, in Section II:

B. TWO-STEP PROCESS.

City Council Members may request that a policy matter be considered by the City Council using the Two-Step Process. A Council Member submits the Council Member Requested Agenda Item form (Attachment 1) to the City Manager. The Council Member shall fill out the form as completely as possible and indicate a desired date for agendization of Step 1 and for Step 2. Once Step 1 is agendized, the City Council shall vote whether or not to pursue study or action on the policy matter. If there is interest by a majority of the City Council, the policy proposal shall be directed to the Policy Calendar Process for scheduling a study session (see Section II.E below) or to an upcoming agenda for action if the subject of the request is time sensitive (Step 2). The Council Member submitting the request shall inform the Council if the item is time sensitive.

Please see attached two-step process request included as Attachment 1.

General Plan	N/A
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Strategic Plan	N/A
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CEQA Analysis	N/A
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ATTACHMENT:

1. Two Step Request, Councilmember Tom Campbell

For more information contact: City Manager Lorie Tinfow

Phone: 707.746.4200

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

APPENDIX A: COUNCIL MEMBER REQUESTED AGENDA ITEM

Requested by: Tom Campbell

Desired Initial Council Meeting Date: Next available meeting

Desired Date for Second Step or Policy Calendar Review: "

Deadline for Action, if any: _____

Problem/Issue/Idea Name:

There are conflicting views as to whether when Benicians/Californians voted to legalize cannabis they were also voting to allow retail cannabis dispensaries. I would like to have the Council consider

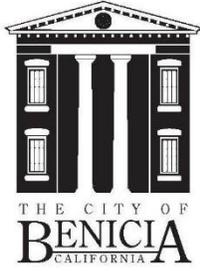
Description of Problem/Issue/Idea:

placing on the Nov. 2020 ballot an advisory vote along the lines of: "Do you support cannabis retail dispensaries in or near residential or commercial zones. in Benicia."

COUNCIL DIRECTION

- No Further Action
- Schedule for Second Step on _____
- Schedule for Policy Calendar Review on _____
- Refer to: Staff _____
Commission _____
Board _____
Committee _____

Date Due: _____



AGENDA ITEM
CITY COUNCIL MEETING DATE – SEPTEMBER 17, 2019
BUSINESS ITEM

TO : City Manager

FROM : Assistant City Manager

SUBJECT : **FUNDING OPTIONS FOR STREET AND ROADWAY REPAIRS**

EXECUTIVE SUMMARY:

During Council meetings on October 16, 2018, and April 2, 2019, the City Council discussed the City’s overall poor street condition represented by a Pavement Condition Index rating of 56. During those meetings, staff presented several budget scenarios and received direction to prepare documents to issue Certificates of Participation (COPs) as a financing mechanism to fund \$20 million in street improvements. Before the City Council tonight is the opportunity to proceed with issuing COPs as well as information about two funding alternatives for its consideration—both of which would require voter approval.

RECOMMENDATION:

Move to direct staff to prepare documents necessary to place a sales tax measure before the voters in November 2020 along with a companion advisory measure indicating the use of the revenue for street and infrastructure repairs.

BUDGET INFORMATION:

Receiving a report on funding options for street and infrastructure repair has no impact to the budget. However, if Council directs staff to pursue debt issuance, there are costs associated with engaging a financial advisor and bond/disclosure counsel that are included in the total financed. If a ballot measure is chosen, the costs related to a ballot measure include polling, educational materials and ballot printing estimated at between \$50,000 and \$100,000.

BACKGROUND:

Benicia’s street network is comprised of approximately 195 lane miles and is valued at \$112 million. The network is evaluated every two to three years using pavement management software to determine the current condition of the pavement based on a 0-100 rating system—a rating of 85 is considered highly desirable by cities but very few can maintain their roadways at that level. The software, called StreetSaver, is used by public agencies throughout the Bay Area and is designed to maximize the agencies’ funding investment by helping to assure the selection of the most cost-effective repairs for the street network.

Shown in the 2018 report, the City’s overall Pavement Condition Index (PCI) rating is 56, down from 58 in 2014. The Solano Transportation Authority (STA) recently downgraded the City’s PCI to 54. Approximately 46% of City streets fall in the poor or failed pavement condition category.

Funding for streets has increased in recent years to approximately \$1.2 million per year; even so, that amount is insufficient to maintain the status quo, let alone improve streets overall, and shows that level of funding will continue to decrease the PCI rating to 53 over the next five years. An average annual allocation of \$2.3 million would be needed to maintain the current PCI rating of 54.

Clearly, the City’s streets and roadways need additional investment to stave off the ongoing deterioration and the Council has asked for information about funding options.

Three Funding Options

At the October 16, 2018 meeting of the City Council, the Council reviewed the PCI report that included six budget scenarios and results to improve the pavement condition in Benicia. (To view this staff report, please copy and paste the following URL into your web browser: <https://tinyurl.com/y6nbcvvh>). After reviewing the budget scenarios and results, Council directed staff to research and report back on funding options for a new budget scenario, “Scenario Seven”, designed to answer the question, “what could the City get (in terms of funding for new street improvements) by designating \$1 million per year from Measure C toward a street bond?”

Responding to the Council direction from the October 2018 meeting, at the April 2, 2019 meeting of the City Council, staff presented a funding option to issue \$20 million in debt for street and road repair utilizing the funding mechanism known as Certificates of Participation (COPs) at an annual debt service cost of \$1.2 million for 30 years. Other funding methods were also discussed, and staff is returning to Council this evening with more information on all three options.

To respond to Council’s direction to provide information on funding for street repair, three financing options for debt issuance are discussed below: Certificates of Participation (COPs), General Obligation (GO) bonds, and a sales tax ballot measure. Furthermore, the three financing options are not mutually exclusive, as possible combinations exist between the opportunities.

1. Lease Financing via Certificates of Participation

One option to quickly obtain funding to improve the City’s pavement condition would be to issue a street pavement bond via Certificates of Participation lease financing and obligate a portion of existing revenue from Measure C to pay the annual debt service. Lease financing is a form of financing that permits cities to borrow to fund new projects as lessee of a financed property and to repay its financing in the form of periodic lease payments. Such a lease financing enables a public entity to finance capital assets over a multi-year period without voter approval and provides an important alternative to other forms of debt financing that do require voter approval. Essential use property of cities used in a lease transaction is not mortgaged or pledged as security and cannot be foreclosed upon. In such a lease financing, the public entity first leases a property to a third party

and then, as lessee, leases back the property from the third party, which can be a joint powers agency, a non-profit leasing company, or other similar entity.

The mechanism for lease financing is called Certificates of Participation (COPs). COPs are sold to investors in the same manner as other bonds and the proceeds of the sale are used for the capital project the issuer wishes to fund. COPs are issued with a final maturity of up to 30 years. The actual annual lease payments are unknown until the certificates are sold and interest rates are locked. Estimated lease payments may vary up or down depending on where market interest rates are at the time the certificates are sold.

City assets with a valuation totaling the full amount of the bond proceeds are required as security for the debt. In Benicia's case, the lease payments will be made by the City under a lease agreement between a non-profit leasing agent and the City for the lease of several City facilities. A significant downside to issuing COPs for street and road repair is it encumbers the City facilities for up to 30 years, thereby preventing the collateralization of the assets for future large projects.

City Council received a report with more information about the use of COPs at its April 2, 2019, meeting. (To view the staff report and related documents, please copy and paste the following URL into your web browser: http://docs.ci.benicia.ca.us/Keep/Apr_2_2019_COP.pdf).

Staff is not recommending using this financing tool to address needed street and road improvements for the following reasons:

- The maximum amount that can be financed based on the value of City assets available to guarantee the financing is \$20 million. While that sounds like a large sum, it is not sufficient to address all the needs. Many streets in need of rebuilding would not receive attention. In fact, the total needed to bring the PCI up to 82 is \$44 million.
- If the City chose to finance \$20 million for street upgrades, the PCI would increase to 70. An additional \$2.26 million per year would be needed to maintain the streets at the 70 PCI. Currently, the City does not have ongoing revenues to meet that additional annual funding need. This means that the investment made could not be maintained without significant operational changes.
- The debt service payments would obligate approximately \$1.2 million annually from current revenues to repay the COPs for 25-30 years.

If the City Council directs staff to finance \$20 million for street and road repair using COPs, a Resolution Authorizing Commencement of Financing for COPs is attached (Attachment 1) to this report in order to move forward with that process.

2. General Obligation Bonds

General Obligation (GO) bonds are the simplest form of local government financing following a successful election outcome. A bond measure is drafted that specifies the amount to be borrowed, the project to be completed, the repayment terms and the estimated amount to be added to the property tax bill. The measure is then placed before the voters and requires a 2/3 approval in order to pass. Agencies borrow a specific amount of money which then must be

repaid over time, typically 20 to 30 years. Revenues to pay GO bond debt service come from an annual property tax levy, based on assessed valuation.

Because of the high voter approval needed to pass a bond measure, staff is not recommending this option at this time.

3. Sales Tax Ballot Measure

A transaction and use sales tax measure similar to Measure C, would require a simple majority of voters at a regular municipal election. If the purpose of the sales tax is unspecified, it is considered a general tax and revenues would flow to the City's General Fund. The City can issue COPs secured by General Fund sales tax revenues. Another option to consider is the City may use increased sales tax revenues to make payments on existing infrastructure COPs.

Below is a summary of all three financing vehicles followed by a breakdown of combining funding options.

Summary of Financing Vehicles

1. Leasing Financing via Certificates of Participation (COPs)

- Issue COPs secured by the City's General Fund.
- Revenues to pay the COPs come from the City's General Fund (similar to the 2016 Energy Conservation financing).
- No election required.
- Funding approximately 90 days from commencement.
- Up to 30 years to repay.
- Maximum amount to be financed is \$20 million.

2. General Obligation Bond via General Election

- Hold an election to approve a General Obligation bond measure supported by an *ad valorem* tax on all property in the city. (Based on assessed value.)
- Revenues to pay GO bond debt service comes from annual property tax levy.
- Must specify purpose of GO proceeds for specific purpose such as infrastructure and to refund general fund debt.
- Requires 2/3 successful vote.
- Possible election in November 2020.
- Up to 30 years to repay.

3. Sales Tax Ballot Measure via General Election

- Hold an election to approve a sales tax measure on transactions within the City.
- If purpose of sales tax is unspecified, it is a "general tax".
- Requires majority successful vote.
- Revenues flow to the City's General Fund.
- City can set a policy that sales tax proceeds will be used for infrastructure or other designated purposes.
- City can issue COPs secured by the City's General Fund revenues.

- City may use increased sales tax revenues to the General Fund to make payments on the existing infrastructure COPs.
- Possible election in November 2020.

Combinations of Possible Financing Options

- A. Do not issue COPs now and wait for November 2020 for an election.
 - a. If successful election (either GO or sales tax),
 - i. can increase annual spending on streets and roads; or
 - ii. can issue bonds to fund infrastructure in early 2021.
 - b. If unsuccessful election, can issue COPs at rates available in early 2021.

- B. Issue COPs to finance infrastructure now. Very low interest rates are available today.

- C. Issue COPs now, can hold election for GO tax measure in November 2020.
 - a. If GO tax measure is successful:
 - i. Can issue GO bonds to pay off the COPs.
 - ii. Can issue GO bonds to supplement COP funded improvements.
 - b. If GO tax measure is unsuccessful:
 - i. Infrastructure COPs are already funded.
 - ii. COPs remain outstanding.

- D. Issue COPs now, can hold election for general sales tax measure in November 2020.
 - a. If general sales tax measure is successful:
 - i. City can use increased general fund revenues to pay on existing infrastructure COPs.
 - ii. City can issue new obligations to supplement infrastructure COPs.
 - b. If general Sales Tax measure is unsuccessful:
 - i. Infrastructure COPs are already funded.
 - ii. COPs remain outstanding.

Based on the discussion and summary above, staff recommends placing a measure on the November 2020 ballot for a sales tax measure. This option provides the flexibility to either increase annual funding to street and road projects and/or to issue debt to achieve the level of street and road repair to increase the PCI to a higher level. Furthermore, staff is confident in the likely success of a sales tax measure based on recent trending of similar efforts statewide. The November 2018 election had a passage rate of 92% (167 out of 153 passed) for City General Tax measures requiring a majority vote.

NEXT STEPS:

Depending upon the direction of the City Council, staff could return to Council with a timeline to place a ballot measure on the November 2020 ballot.

ALTERNATIVE ACTIONS:

1. Council could provide direction to staff to seek other funding scenarios or combinations of funding options to dedicate towards street and road repair.

2. Council could direct staff to issue COPs in the amount of \$20 million. If Council selects this alternative, a Resolution Authorizing Commencement of Financing for COPs is attached to this report in order to move forward with that process.

General Plan	Goal 2.28: Improve and maintain public facilities and services
Strategic Plan	Strategic Issue 4: Preserving and Enhancing Infrastructure
CEQA Analysis	The proposed action is not a Project per Section 15378 of the California Environmental Quality Act (CEQA), because it does not result in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment.

ATTACHMENTS:

1. Resolution Authorizing Commencement of Financing for Certificates of Participation

*For more information contact: Alan Shear, Assistant City Manager
 Phone: 707-746-4200
 E-mail: ashear@ci.benicia.ca.us*

RESOLUTION NO. 19-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA
AUTHORIZING THE COMMENCEMENT OF PROCEEDINGS IN CONNECTION
WITH THE ISSUANCE OF LEASE REVENUE BONDS OR CERTIFICATES OF
PARTICIPATION TO FINANCE INFRASTRUCTURE IMPROVEMENTS
THROUGHOUT THE GEOGRAPHIC BOUNDARIES OF THE CITY, RETAINING A
MUNICIPAL ADVISOR, BOND COUNSEL AND DISCLOSURE COUNSEL AND
DIRECTING CERTAIN ACTIONS WITH RESPECT THERETO**

WHEREAS, the City has determined to finance various infrastructure improvements throughout the geographic boundaries of the City by the issuance of lease revenue bonds or certificates of participation (the “Securities”); and

WHEREAS, the Securities will be secured by lease payments to be made by the City under a lease agreement made from the City’s general fund; and

WHEREAS, it is appropriate that the Council formally appoint a municipal advisor, bond counsel and a disclosure counsel in connection with the execution and delivery of the Securities.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Benicia does hereby declare and order, as follows:

Section 1. The Council authorizes the Mayor, the City Manager, the Finance Director (the “Authorized Officers”) and other appropriate officers and officials of the City to proceed with the preparation of the necessary documents in connection with the issuance, sale and delivery of the Securities, subject to the final approval thereof by the Council at a subsequent meeting.

Section 2. Wulff Hansen & Co. is hereby designated as municipal advisor to the City in connection with the issuance, sale and delivery of the Securities, the compensation for such services to be negotiated by the City Manager or other appropriate officer or official of the City.

Section 3. Quint & Thimmig LLP is hereby designated as bond counsel and disclosure counsel in connection with the issuance of the Securities, the compensation for such services to be negotiated by the City Manager or other appropriate officer or official of the City.

Section 4. All actions of the officers, agents and employees of the City that are in conformity with the purposes and intent of this resolution, whether taken before or after the adoption hereof, are hereby ratified, confirmed and adopted.

Section 5. The City Manager or other appropriate officer or official of the City are hereby authorized and directed to take such action and to execute such documents as may be necessary or desirable to effectuate the intent of this resolution.

Section 6. This resolution shall take effect upon its adoption by the Council.

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 17th day of September, 2019 by the following vote:

Ayes:

Noes:

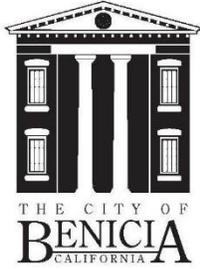
Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk

Date



AGENDA ITEM
CITY COUNCIL MEETING DATE – SEPTEMBER 17, 2019
BUSINESS ITEM

TO : City Council

FROM : City Manager

SUBJECT : **APPROVAL OF THE AGREEMENT BETWEEN THE CITY OF BENICIA AND SENIOR MANAGEMENT**

EXECUTIVE SUMMARY:

The City Council is asked to approve the attached agreement between the City and the Senior Management employee group. Employee retention and attraction are growing challenges for the City, primarily because our salary ranges have lagged behind those offered by many other public agencies.

The agreement includes adjustments to Senior Managers' salaries and benefits similar to those offered to other bargaining units as well as language to allow consideration of all years of public service for leave accruals, etc., as a means of retention and recruitment.

RECOMMENDATION:

Adopt the attached resolution (Attachment 1) approving the agreement with the Benicia Senior Managers (Department Directors) effective September 1, 2019 (Attachment 2).

BUDGET INFORMATION:

The total cost of the two-year agreement is approximately \$412,000 from the General Fund for Senior Managers and approximately \$70,660 from the General Fund for the unrepresented Assistant City Manager position.

BACKGROUND:

As previously noted in a staff report in October 2017, the department director positions have experienced high turnover and the retention and attraction challenges are on-going. While there may be many factors that have contributed to this turnover, our low salaries are certainly a significant one. Our most recent salary survey showed that our top step salaries are well below the market average for each of the positions—some more than 10% below the average. Taking into account total compensation improves the results but we still remain well below the market average.

Senior Managers Compensation Agreement

The agreement included with the resolution as “Exhibit A” between the City and the Senior Managers includes terms as authorized by the City Council and agreed to by the members of the employee group. The Assistant City Manager position is unrepresented, but will receive salary, insurance, and fringe benefits equivalent to other non-safety directors.

The major elements of the new contract are similar to those offered to the other employee groups and are highlighted below. An additional element to attract and retain senior staff is to provide credit for all years of public service for leave accrual purposes, longevity, etc. Other minor and non-economic related changes are outlined in the agreement.

- Effective Date: September 1, 2019
- Salary Increase: 3.5% effective September 1, 2019 and 3.5% effective July 1, 2020 for all classifications in the unit.
- Medical Premium: A flat dollar increase to the City’s contribution to medical (Employee Only increased by \$20 per month; Employee + 1 increased by \$50 per month; Employee + 2 or more increased by \$75 per month), effective September 1, 2019 and July 1, 2020.
- “MOU Leave”: An additional leave or cash out of 40 hours in year one and 20 hours in year two.
- Credit for Years of Public Service: a provision to account for the years of public service which affects leave accrual, increases eligibility for longevity pay, etc.

NEXT STEPS:

With the City Council’s approval of the agreement, the City Manager shall take the necessary administrative steps to implement the provisions of the agreement.

ALTERNATIVE ACTIONS: N/A

General Plan	N/A
Strategic Plan	Strategy #4: Manage City finances prudently
CEQA Analysis	The project is exempt under CEQA Section 15061 (b)3, in that the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

ATTACHMENTS:

1. Resolution – Senior Managers
2. Exhibit A – Senior Management Agreement 9-1-19 to 6-30-21

For more information contact: Lorie Tinfow, City Manager

Phone: 707.746.4200

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

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING THE AGREEMENT BETWEEN THE CITY OF BENICIA AND THE BENICIA SENIOR MANAGERS

WHEREAS, the existing Agreement between the City and Benicia Senior Managers Group expired on June 30, 2019; and

WHEREAS, the City has recently concluded negotiations and reached a tentative agreement on a successor agreement with the Senior Managers; and

WHEREAS, the City and the Senior Managers have reached agreement on the proposed amendments to their Agreements as outlined in Exhibit A; and

WHEREAS, the Senior Managers has ratified the proposed amendments to their Agreement effective September 1, 2019; and

WHEREAS, unless otherwise amended, all terms of the existing MOU shall remain in effect from September 1, 2019 to June 30, 2021; and

WHEREAS, the total cost increase of the two-year agreement is approximately \$412,000 and is all from the General Fund; and

WHEREAS, the Assistant City Manager position is unrepresented, but will receive adjustments to salary, insurance and fringe benefits equivalent to other non-safety directors for a total increased cost of approximately \$70,660 for the two-year period.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Benicia hereby approves the successor Agreement between the City of Benicia and the Senior Managers, in effect from September 1, 2019 to June 30, 2021.

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

On motion of Council Member _____, seconded by Council Member _____, the above resolution was introduced and passed by the Council of the City of Benicia at a regular meeting of said Council held on the 17th day of September, 2019 and adopted by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk

Date

EXHIBIT A



COMPENSATION AND BENEFIT RESOLUTION FOR THE CITY OF BENICIA AND SENIOR MANAGEMENT EMPLOYEES ESTABLISHING A SENIOR MANAGEMENT BENEFIT AND COMPENSATION PROGRAM BEGINNING ~~JULY 1, 2017~~ SEPTEMBER 1, 2019.

I. PREAMBLE

This Agreement is adopted to promote the development of a stronger, more effective management team, not merely for purposes of employer-employee relations but also as a means of recognizing outstanding management performance in all public service areas. These general purposes may be achieved through several means; notably training, more effective communication among departments, clearer identification of goals and objectives, and by relating effective job performance to an incentive program. Also, inherent in such a program is the means of retaining good department heads.

Senior Management employees covered by this Agreement shall include the following positions: Finance Director, Public Works Director, Community Development Director, Parks & Community Services Director, Police Chief, Fire Chief, and Director of Library & Cultural Services. The Assistant City Manager position is unrepresented, but will receive insurance and fringe benefits equivalent to other non-safety directors.

II. COMPENSATION

A. Salaries

Effective ~~July~~September 1, 2017~~9~~, there will be a ~~2.75~~ three and one-half percent (3.5%) cost of living adjustment to the salary ranges. ~~Effective January 1, 2018 there will be a 1% equity adjustment to the salary ranges.~~ Effective July 1, 2018~~20~~ there will be a ~~2.75%~~ three and one-half percent (3.5%) cost of living adjustment to the salary ranges.

Attachment A lists the Salary Schedule Ranges and effective dates approved by this agreement.

B. Salary Setting Format

Merit increase and market adjustments may be made by the City Manager according to established City policy. Salary reviews will occur no less frequently than annually on an employee's anniversary date.

C. Deferred Compensation

Employees may elect monthly payroll deduction in an amount permissible under the City plan to be placed in a deferred compensation program administered at no cost by the City. Such monies deposited would become tax deferred and would be subject to income taxation in the year they are withdrawn from the deferred compensation program. Effective 7/1/11, the parties agreed to reduce the amount the city contributes from 7% to 4% per year of an employee’s salary to a deferred compensation program for non-safety employees, and to 5.5% for the Fire Chief and Police Chief, provided the employee provides a minimum 1% matching share or a maximum amount as defined by federal regulation. Note: The incumbent Fire Chief and incumbent Parks & Community Services Director will receive an additional 5% contribution into deferred compensation. This section is not applicable to the Assistant City Manager.

~~Effective November 1, 2017 the positions of Assistant City Manager and Community Development Director no longer receive a 4% city contribution into deferred compensation. An equity adjustment of 4% was applied to the salary ranges of each position effective November 1, 2017.~~

III. LEAVE

A. Vacation

Senior Management employees shall accumulate vacation time in accordance with the following vacation entitlement schedule:

<u>Years of Service</u>	<u>Weeks of Vacation</u>
0 thru 6 years	3
7 thru 14 years	4
15 thru 20 years	5
21 years and over	6

Upon termination of an employee's service with the City:

1. 100% of unused accumulated vacation leave shall be paid in cash provided he/she has at least 12 month’s continuous service.
2. An employee must reimburse the City for credited vacation taken but not earned.
3. The City Manager may approve an employee moving to a higher level of vacation, or advancing to the next level on an accelerated basis, based on their years of service in local

government in their respective profession.

An employee may take vacation at times approved by the City Manager. It is the policy of the City that employees take their normal vacation each year. However, an employee may take less than a normal vacation in one year and carry the balance of his/her earned time over to the next year. No employee shall be allowed to accumulate more than 200 hours of earned vacation. On June 30th of each year, earned vacation time in excess of 200 hours shall be converted to cash and issued to the employee. Employees may take steps to have their cash out paid into their ICMA 457 Deferred Compensation Program (if available to the employee). Although vacation time may be taken in increments of four hours, at least one week of annual vacation must be taken as five consecutive days.

B. Holidays

The City agrees to provide employees covered by this agreement twelve paid holidays per year to include the following:

1. New Year's Day, January 1
2. Martin Luther King Jr.'s Birthday
3. ~~Lincoln's Birthday~~
4. President's Day, 3rd Monday in February
5. Memorial Day, last Monday in May
6. Independence Day, July 4
7. Labor Day, first Monday in September
8. ~~Columbus Day~~
9. Veterans Day
10. Thanksgiving Day
11. Friday after Thanksgiving
Christmas Eve, December 24
12. Christmas Day, December 25
New Year's Eve, December 31 (note: this holiday will be effective in year 2020)
13. 2 Personal Leave Days

It is the intent of this agreement that employees covered shall receive twelve paid holidays regardless of their assigned work week. When a holiday falls on a Saturday the preceding Friday shall be deemed a holiday. When a holiday falls on a Sunday the following Monday shall be deemed a holiday. When an employee is required to work on a holiday another day may be selected in lieu of the holiday with the consent of the ~~Department Head and the~~ City Manager.

Personal Leave may be taken at any time during the fiscal year with the approval of the City Manager. Personal Leave may not be accumulated and carried forward to the next fiscal year.

C. Administrative Leave

In recognition of the long hours required to perform at the level of top management, including attendance at numerous meetings outside normal working hours, the following Administrative

Leave policy shall be implemented:

1. Upon City Manager approval, each Senior Management employee may receive up to 16 days' administrative leave annually. Administrative Leave is to be taken in increments of one hour or more. (When an employee attends a night meeting or works a late evening, he/she may arrive up to one hour later the next morning & such time is not charged to Administrative Leave.)
2. On June 1st of each year, unused Administrative Leave, up to one-half of the annual authorized Administrative Leave allowance, will be converted to cash and issued to the employee. Employees may individually take steps to have their cash out paid into their ICMA 457 Deferred Compensation Program (if available to the employee) up to the maximum allowed by the IRS. This conversion will be made on the June 30th paycheck.

D. Sick Leave

1. Senior Management employees shall be entitled to one working day of sick leave with pay for each month or major fraction thereof. Sick leave with pay up to the total number of working days accumulated shall be granted by the City Manager in case of bonafide illness or injury.
2. Leave of absence due to pregnancy shall be chargeable to sick leave up to the limit of total accumulated sick leave.
3. Sick leave with pay shall not be granted for any injury attributable to an outside occupation, for which worker's compensation benefits are available and engagement therein has not been authorized by the City Manager.

E. Paid Industrial Accident Leave

The City agrees that each full-time employee shall be granted Paid Industrial Accident Leave (PIA) if the claim is approved by the State Workers' Compensation, with the City paying full, basic salary during such leave. "PIA" shall begin on the first day of said industrial accident and shall extend for a maximum of one year. During such leave, the City shall receive all State Workers' Compensation benefits. When an employee is on "PIA", neither vacation nor sick leave is charged nor is vacation or sick leave accrued.

Safety employees shall be governed by Section 4850 of the Workers' Compensation Act.

F. Leave of Absence

1. Senior Management employees shall be granted a leave of absence with full pay for jury service, appearances required of employee as a witness, or attendance in court resulting from employee's official duties. Any compensation received from those activities shall be remitted to the City.

2. Upon written request, the City Manager may approve in writing a leave of absence without pay for a period not exceeding six months; the City Council may approve such a leave for a period not exceeding one (1) year.

G. Bereavement Leave

Any employee shall obtain the approval of the City Manager in advance of an absence due to a death in the employee's family. Failure to obtain the City Manager's approval shall result in ineligibility for benefits under this section.

In the event of a death in the immediate family of an employee, he/she shall, upon request, be granted such time off with pay as is necessary to make arrangements for the funeral and attend same, not to exceed three (3) regularly scheduled working days. However, up to an additional two (2) days may be granted for out-of-state funerals. This provision does not apply if the death occurs during the employee's paid vacation, or while the employee is on leave of absence, layoff, or sick leave.

For the purposes of this section immediate family shall be defined as follows: Spouse, children, father, mother, brothers, sisters, mother-in-law, father-in-law, sister-in-law, brother-in-law, grandparents, grandchildren and members of the employee's household.

Additional Bereavement Leave may be granted to an employee to attend the funeral of a person other than a member of the employee's immediate family, chargeable to sick leave, compensatory time, or vacation leave.

H. MOU LEAVE FY 2019/2020 and 2020/2021

Accrual of MOU Leave for FY 2019-20 and FY 2020-21

Effective the pay period following Council approval of this agreement, employees who are in full time status will accrue 40 hours of "MOU leave" for fiscal year 2019-20, and 20 hours of "MOU leave" for fiscal year 2020-21. The MOU leave will be credited to an employee leave bank in a lump sum each fiscal year. For fiscal year 2020-21 the lump sum will be credited in July 2020. Employees hired during the fiscal year will receive a prorated allotment. This accrual shall cease effective June 30, 2021.

Use of MOU Leave

Use of MOU Leave can be used in the same manner as vacation with regards to scheduling and approval.

Payout of MOU Leave

If any employee has not used his or her MOU leave by November 20 of the fiscal year in which it has been accrued, any remaining balance will be paid out at the employee's

regular rate of pay in the November paycheck. MOU leave is not carried forward into the next fiscal year.

Sunset

MOU leave sunsets on June 30, 2021.

IV. EDUCATION BENEFITS

In order to promote continued development of skills, knowledge and abilities among the Senior Management team of the City, the City Manager may grant time to attend professional, technical or managerial workshops, courses, conferences, conventions, seminars, or related activities. All such requests shall be submitted in writing to the City Manager with adequate justification. Attendance shall be at the discretion of the City Manager.

The costs for attendance at these activities including travel, registration, tuition, book/course materials, or other reasonable costs are considered legitimate City expenditures when provided for in the annual City Budget and approved by the City Manager.

When approved by the City Manager in advance, an employee covered by this Agreement may elect to pursue job related university/college level of instruction during his/her off-duty time. In this case, the City Manager may authorize tuition reimbursement up to an amount of \$620 in any one twelve (12) month period. In addition, the City Manager may authorize reimbursement for all book materials required for the approved course of study.

V. PROFESSIONAL MEMBERSHIP FEES

Most Senior Management personnel are encouraged to maintain membership in appropriate professional organizations. These memberships serve to acquaint the City with the current state-of-the-art information in these professional areas by means of publications and special activities. The City will include the costs of these membership fees in the respective department budgets, subject to approval by the City Manager.

VI. HEALTH AND MEDICAL INSURANCE

The City shall maintain current health insurance benefits to include a physical exam every two years. Any costs beyond those not covered by the employee's health insurance for the biennial medical examination shall be borne by the City upon prior written approval. The costs for treatment or correction of deficiencies shall be borne by the employee.

The City shall continue to offer hospital-medical-dental and vision plans as those plans are currently structured or as the plans may be amended from time to time by the plan providers. The City may substitute plans currently offered with plans of substantially

similar benefits.

Effective the first full pay period ~~after the of~~ adoption of this tentative agreement by the City Council the City’s contribution towards medical premiums for fiscal year 201~~79~~ – 201~~820~~ shall be a maximum up to the following contributions for any plan:

Employee:	————— \$702.00
Employee plus One:	————— \$1,444.00
Employee plus Family:	————— \$ 1,955.00

Employee:	\$ 722.00 <u>742.00</u>
Employee plus One:	\$ 1,494.00 <u>1,544.00</u>
Employee plus Family:	\$ 2,030.00 <u>2,180.00</u>

Effective 7/1/201~~820~~, the city contributions towards medical premiums shall be a maximum up to the following contributions for any plan:

<u>Employee:</u>	<u>\$ 762.00</u>
<u>Employee plus One:</u>	<u>\$ 1,594.00</u>
<u>Employee plus Family:</u>	<u>\$ 2,255.00</u>

Employees who are legally permitted to opt out due to having an alternate plan that meets the requirements of ACA will be permitted to opt out of the City of Benicia plan and instead receive a maximum of \$682 per month as an opt out stipend.

The City has established an IRS Section 125 tax savings plans for premiums and flexible spending accounts (i.e. medical reimbursements, and dependent care). The employee shall be responsible for any enrollment and administration expenses relating to the flexible spending accounts.

VII. Sick Leave Buyback

1. Senior Managers will be allowed to sell back annual sick leave hours at the following rates:

- a. 0 to 10 years of service = 50%
- b. 10 to 20 years of service = 75%
- c. 20 years or more of service = 100%

These hours will be subtracted from the employee’s sick leave balance at the time.

In addition, upon retirement, an employee may cash out 100% of unused sick leave (not to exceed 500 hours) at the employee’s choice. 100% of unused accumulated vacation leave shall be converted to cash and issued to the employee. Employees may individually take steps to have their cash out paid into their ICMA 457 Deferred

Compensation Program (if available to the employee) up to the maximum allowed by the IRS.

In the event of separation from employment, other than for retirement, only the 100% unused accumulated vacation leave shall be converted to cash. Employees may individually take steps to have their cash out paid into their ICMA 457 Deferred Compensation Program (if available to the employee) up to the maximum allowed by the IRS.

VIII. LIFE INSURANCE

The City agrees to pay the premium on term life insurance of \$100,000 for each insurable Senior Management employee.

IX. RETIREMENT

Effective November 1, 2017 Employer Paid Member Contributions ~~will were~~ be eliminated. The value of such contributions as of October 31, 2017 ~~will were~~ be rolled into base salary.

For employees hired prior to October 1, 2012:

- A. For non-sworn employees the City shall provide the PERS 2.7% at 55 Local Miscellaneous Members Retirement Program.
- B. For sworn employees the City shall provide PERS three (3) percent at age 50 Local Safety Members' Retirement Program (also known as CHP Plan).
- C. The City's contract with the Public Employees' Retirement System (P.E.R.S.) has been amended and shall provide the following additional benefits:
 - 1. One year highest compensation benefit as outlined in Government Code Section 20042 for Miscellaneous Employees.
 - 2. 1959 Survivor Benefit at the increased level, as provided for in Government Code Section 21573.
 - 3. Credit for unused Sick Leave as provided for in Government Code Section 20965.

Second Tier Retirement System:

The Safety and Miscellaneous employees in the Senior Management Group agreed to the implementation of a new, less costly, CalPERS 2nd tier pension formula for new hires contingent on agreement with all other Safety and Miscellaneous employees to the same and effective thereafter as soon as administratively possible consistent with CalPERS contract amendment requirements.

- D. For non-sworn employees hired on or after October 1, 2012, the City shall provide the PERS 2% at 60 Local Miscellaneous Members Retirement Program.
- E. For sworn employees hired on or after June 1, 2011, the City shall provide PERS three (3) percent at age 55 Local Safety Members' Retirement Program.

The City's contract with PERS shall provide the following additional benefits:

1. Three-year average compensation benefit as contained in the Government Code, Section 20037 for miscellaneous employees.
 2. 1959 Survivor Benefit at the increased level, as provided for in Government Code Section 21573.
 3. Credit for unused Sick Leave as provided for in Government Code Section 20965.
- F. Employee Cost Share of Employer's Share of Retirement

Effective November 1, 2011, the Police Chief began contributing an additional 5.336% of pensionable compensation towards the employer's share of retirement via a pre-tax payroll contribution, per requirement of CalPERS for the contract amendment to cost share the employer rate of PERS for all sworn police employees. The necessary adjustments were made to the Police Chief's compensation in order to achieve the equivalent in total reductions that the other senior managers agreed to in 2011, as CalPERS required all sworn police to participate in the contract amendment to add the 5.336% cost share of the employer rate of PERS.

Pension Reform (PEPRA):

- G. For employees not considered "Classic" by CalPERS standards, the City will comply with all PEPRA laws for new hires after January 1, 2013 or non-classic members as defined by CalPERS.

Member Rate of CalPERS

Employees will pay their full member rate of CalPERS on a pre-tax basis pursuant to the 414(h) resolution previously adopted.

The parties acknowledge that CALPERS is the only entity by statute that determines the persability of any and all pay, incentives or allowances.

X. MISCELLANEOUS PROVISIONS

1. During the term of this agreement, the City agrees to provide to all Senior Management employees, up to six (6) hours financial advice or consultation through a qualified professional financial advisor.
2. Calculations for leave accruals and leave cashout provisions, longevity eligibility, and severance allowance are based on total years of public service in a public agency.

XI. SEVERANCE ALLOWANCE

In order to foster job security within a professional climate, Senior Management employees who receive no protection from the City's Civil Service System will be entitled to severance pay when they are discharged from the City service; provided, however, that the department head has been in the employ of the City for at least one year. In addition, employees shall give 30 days' notice prior to voluntary termination. ~~Those employees who had prior reinstatement rights to the Civil Service System shall retain those rights (outdated language no longer applicable.)~~

Senior Management employees shall be entitled to severance pay per the following schedule:

<u>Length of City Service</u>	<u>Severance Pay Entitlement</u>
Up to 4 years	9 weeks base salary
After 4 years	12 weeks base salary
5 years or more	12 weeks + one additional week of base salary for each year of service, up to a maximum of 18 weeks.

These amounts are additional to any accrued vacation leave, unused at the time of termination. The provisions of this section do not apply to any employee discharged for reasons listed in Government Code Section 19572, or any employee who voluntarily resigns from the City service for personal reasons.

XII. LONGEVITY

Effective July 1, 2006, Senior Management employees shall receive additional compensation based upon their length of service according to the following schedules:

<u>Years of Service</u>	<u>Additional Compensation</u>
Completion of 5 years	1.25%
Completion of 10 years	an additional 1.25%
Completion of 15 years	an additional 1.25%
Completion of 20 years	an additional 1.25%
Completion of 25 years	an additional 1.25%

XIII. Uniform Allowance

The Police Chief shall receive ~~\$65.00~~\$100.00 monthly uniform allowance. The fire chief shall receive ~~\$40~~\$100.00 monthly uniform allowance.

IX. SALARY SURVEYS

1. When appropriate, the City shall conduct a Modified Total Compensation Salary and Benefit Survey in order to develop a composite total. Senior management employees shall receive positive salary adjustments that bring their composite total to the mean average of the survey group.
 - a. Salary and Benefit Items to be included shall include the following: Top Step Salary, PERS pick-up, Maximum Healthcare, Vehicle Allowance/Vehicle Usage, Deferred Compensation, Retirement Health Contributions/After Retirement Health Payments, Standard Bonus and Incentive Pays,
 - b. Salary and Benefit Items shall NOT include the following: Personal Accrual or Personal Accrual Trade-ins (such as Vacation Leave, Administrative Leave, Holiday Leave and Sick Leave), Performance-Based Bonus and Incentive Pays, Longevity Pay, Interim Assignment Pay or Acting Pay.
2. Effective July 1, 2006 the following agencies shall be used for the purposes of salary surveys for benchmarked positions:

City of Brentwood	City of Folsom	City of Pinole	City of Vallejo
City of El Cerrito	City of Davis	City of Richmond	City of Pleasant Hill
City of Fairfield	City of Napa	City of Vacaville	City of San Pablo
Contra Costa Fire District		Contra Costa County	Contra Costa Water District
Central Contra Costa Sanitary District		East Bay Municipal Utility District	

X. CLOSING CLAUSE

The terms of this agreement shall remain in effect from date of Council Adoption of ~~October 3, 2017~~ September 17, 2019 until otherwise amended and approved by City Council.

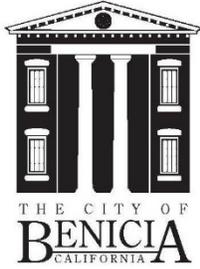
Note: Agreement was approved by Resolution ~~179-154~~ on ~~October 3, 2017~~ _____

Attachment A – Salary Schedule9/1/19 3.5% COLA

<u>Community Development Director</u>	<u>\$11,582.26</u>	<u>\$12,161.37</u>	<u>\$12,769.44</u>	<u>\$13,407.91</u>	<u>\$14,078.30</u>
<u>Finance Director</u>	<u>\$11,835.60</u>	<u>\$12,427.38</u>	<u>\$13,048.75</u>	<u>\$13,701.18</u>	<u>\$14,386.24</u>
<u>Fire Chief</u>	<u>\$12,720.60</u>	<u>\$13,356.63</u>	<u>\$14,024.46</u>	<u>\$14,725.68</u>	<u>\$15,461.97</u>
<u>Library Director</u>	<u>\$10,750.00</u>	<u>\$11,287.50</u>	<u>\$11,851.88</u>	<u>\$12,444.47</u>	<u>\$13,066.70</u>
<u>Parks & Community Services Director</u>	<u>\$11,127.60</u>	<u>\$11,683.98</u>	<u>\$12,268.18</u>	<u>\$12,881.59</u>	<u>\$13,525.67</u>
<u>Police Chief</u>	<u>\$13,577.73</u>	<u>\$14,256.62</u>	<u>\$14,969.45</u>	<u>\$15,717.92</u>	<u>\$16,503.82</u>
<u>Public Works Director</u>	<u>\$11,906.88</u>	<u>\$12,502.23</u>	<u>\$13,127.34</u>	<u>\$13,783.70</u>	<u>\$14,472.89</u>

7/1/2020 3.5% COLA

<u>Community Development Director</u>	<u>\$11,987.63</u>	<u>\$12,587.02</u>	<u>\$13,216.37</u>	<u>\$13,877.19</u>	<u>\$14,571.05</u>
<u>Finance Director</u>	<u>\$12,249.84</u>	<u>\$12,862.34</u>	<u>\$13,505.45</u>	<u>\$14,180.72</u>	<u>\$14,889.76</u>
<u>Fire Chief</u>	<u>\$13,165.82</u>	<u>\$13,824.11</u>	<u>\$14,515.32</u>	<u>\$15,241.08</u>	<u>\$16,003.14</u>
<u>Library Director</u>	<u>\$11,126.25</u>	<u>\$11,682.57</u>	<u>\$12,266.70</u>	<u>\$12,880.03</u>	<u>\$13,524.03</u>
<u>Parks & Community Services Director</u>	<u>\$11,517.07</u>	<u>\$12,092.92</u>	<u>\$12,697.57</u>	<u>\$13,332.45</u>	<u>\$13,999.07</u>
<u>Police Chief</u>	<u>\$14,052.95</u>	<u>\$14,755.60</u>	<u>\$15,493.38</u>	<u>\$16,268.05</u>	<u>\$17,081.45</u>
<u>Public Works Director</u>	<u>\$12,323.62</u>	<u>\$12,939.80</u>	<u>\$13,586.79</u>	<u>\$14,266.13</u>	<u>\$14,979.44</u>



AGENDA ITEM
CITY COUNCIL MEETING DATE – SEPTEMBER 17, 2019
COUNCIL MEMBER COMMITTEE REPORT

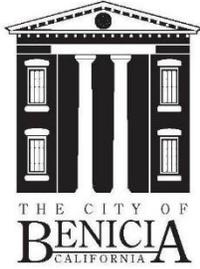
TO : Mayor Patterson
Council Member Campbell

FROM : Interim Community Development Director

SUBJECT : **MARIN CLEAN ENERGY (MCE)**

The following information is provided for your committee report at the September 17, 2019 Council meeting.

The next regular scheduled meeting is October 3, 2019. The meeting schedule and minutes can be found online at: <https://www.mcecleanenergy.org/meeting-archive/>.



AGENDA ITEM
CITY COUNCIL MEETING DATE – SEPTEMBER 17, 2019
COUNCIL MEMBER COMMITTEE REPORT

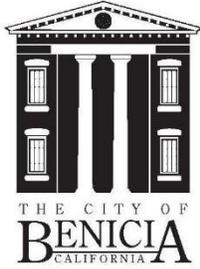
TO : Mayor Patterson
Council Member Strawbridge

FROM : Public Works Director

SUBJECT : **SOLANO COUNTY WATER AGENCY**

The following information is provided for your committee report at the September 17, 2019 Council meeting.

The agenda for the regular board meeting on September 12, 2019 is not available. The next regular board meeting will be on October 10, 2019 at the SCWA office.



AGENDA ITEM
CITY COUNCIL MEETING DATE – SEPTEMBER 17, 2019
COUNCIL MEMBER COMMITTEE REPORT

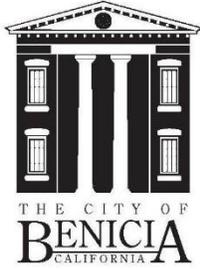
TO : Council Member Young
Council Member Largaespada

FROM : Interim Community Development Director

SUBJECT : **SKY VALLEY OPEN SPACE COMMITTEE**

The following information is provided for your committee report at the September 17, 2019 Council meeting.

These committee meetings are now scheduled on an as-needed basis. At this time, the next meeting date is unknown.



AGENDA ITEM
CITY COUNCIL MEETING DATE – SEPTEMBER 17, 2019
COUNCIL MEMBER COMMITTEE REPORT

TO : Council Members Campbell and Strawbridge
FROM : City Manager
SUBJECT : **SOLANO EDC BOARD OF DIRECTORS**

The following information is provided for your committee report at the September 17, 2019 City Council meeting.

A meeting of the Board of Directors was held on July 11, 2019 at Jelly Belly in Fairfield. The agenda was previously issued. The minutes are attached.

The next meeting was on Thursday, September 12, 2019 at 9:00 a.m. at Benicia Veterans' Memorial Hall. The agenda is attached. Minutes are not yet available.

ATTACHMENTS:

1. Solano EDC minutes, July 11, 2019
2. Solano EDC agenda, September 12, 2019

SOLANO EDC BOARD OF DIRECTORS MEETING
July 11, 2019
MINUTES

CALL TO ORDER

Chairman Nelson called the meeting to order at 9:02 am at the Jelly Belly Candy Company. He welcomed Liz Kelly with Genentech to the board.

Attending were:

Paul Adler	Greg Armstrong	John Barkey	Larry Burkhardt
Nicole Braddock	Robert Burris	Jeremy Craig	Pippin Dew
Kevin English	Lisette Estrella-Henderson		Greg Folsom
Theresa Fortier	Mario Giuliani	Daryl Halls	Steve Huddleston
Liz Kelly	Bridgit Koller	Ron Kott	Albert Lavezzo
Barry Nelson	Harry Price	Scott Reynolds	Scott Sheldon
Talyon Sortor	Sarah Sweitzer	Louise Walker	Scot Van Buskirk

Absent were:

Robert Arp	Thom Bogue	Tom Campbell	Birgitta Corsello
Michele Daugherty	Abhishek Dosi	Celia Esposito-Noy	Kevin Flanagan
Erin Hannigan	Dilenna Harris	Heather Henry	Robert Hickey
Melyssa Laughlin	Jim Lindley	Sheila McCabe	Greg Nyhoff
Scott Pardini	Jon Quick	Sean Quinn	Ron Rowlett
Tom Sheaff	Scott Thomas	Lorie Tinfow	Lori Wilson

APPROVAL OF MINUTES

Chairman Nelson called for approval of minutes of the May meeting. Upon motion duly made (Reynolds) and seconded (Lavezzo) it was RESOLVED, that the minutes of the May 9, 2019 meeting of the Solano EDC Board of Directors be accepted as submitted.

TREASURERS REPORT

Treasurer Craig presented the financial report for June 2019. Upon motion duly made (Lavezzo) and seconded (Price) it was RESOLVED, that the Treasurer's Report be accepted.

2019-2020 BUDGET

President Burris presented the draft 2019-2020 budget. Upon motion duly made (Halls) and seconded (Walker) it was RESOLVED that the budget be approved.

PRESIDENT'S REPORT

President Burris provided an update on: ad in California Investment Guide; 2019 highlights; prospect activity; August 15 Economic Forum breakfast; marketing efforts and launch of research center.

The meeting adjourned 10:15 am.

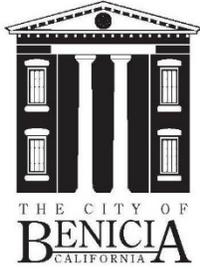


Solano EDC Board of Directors Meeting
September 12, 2019
Benicia Veterans Memorial Hall, 1150 1st St, Benicia

AGENDA

- | | | | |
|-------------|----|---|-----------------------------|
| 9:00 am | 1. | Call to Order | Louise Walker, Acting Chair |
| Action Item | 2. | Approval of July 11, 2019 Meeting Minutes | Louise Walker, Acting Chair |
| Action Item | 3. | Treasurer's Report – July 2019 | Jeremy Craig, Treasurer |
| | 4. | President's Report | Bob Burris, President/CEO |
| | 5. | Items from Directors | |
| 10:00 am | 6. | Adjourn Meeting | |





AGENDA ITEM
CITY COUNCIL MEETING DATE – SEPTEMBER 17, 2019
COUNCIL MEMBER COMMITTEE REPORT

TO : Mayor Patterson
Council Member Largaespada

FROM : Public Works Director

SUBJECT : **SOLANO TRANSPORTATION AUTHORITY (STA)**

The following information is provided for your committee report at the September 17, 2019 Council meeting.

Attached are the minutes from the July 10, 2019 Board meeting and the agenda for the September 11, 2019 Board meeting. There was no meeting in August. The next regular board meeting will be on October 9, 2019 at the City of Suisun Council Chambers.

ATTACHMENTS:

1. Minutes from the July 10, 2019 Board meeting
2. Agenda from the September 11, 2019 Board meeting



SOLANO TRANSPORTATION AUTHORITY
Draft Board Minutes for Meeting of
July 10, 2019

1. CALL TO ORDER

Chair Price called the regular meeting to order at 6:00 p.m. A quorum was confirmed.

MEMBERS

PRESENT: Harry Price, Chair City of Fairfield
Thom Bogue, Vice Chair City of Dixon
Elizabeth Patterson City of Benicia
Ron Kott City of Rio Vista
Lori Wilson City of Suisun City
Ron Rowlett City of Vacaville
Bob Sampayan City of Vallejo
Jim Spering County of Solano

MEMBERS

ABSENT: None.

STAFF

PRESENT: (In alphabetical order by last name.)
Anthony Adams Project Manager
Bernadette Curry Legal Counsel
Triana Crighton Assistant Planner
Susan Furtado Accounting and Administrative Services Manager
Ron Grassi Director of Programs
Robert Guerrero Director of Planning
Daryl Halls Executive Director
Vincent Ma Marketing & Legislative Program Manager
Johanna Masielat Office Manager/Clerk of the Board
Erika McLitus Project Assistant
Lloyd Nadal Program Svcs. Division Manager
Brandon Thomson Transit Program Coordinator

ALSO PRESENT: (In alphabetical order by last name.)

Jack Batchelor District Rep. for Congressman John Garamendi
Robert Burris Solano Economic Development Corporation (Solano EDC)
Greg Folsom City of Suisun City
George Gwynn Suisun City Resident
Beth Kranda Solano County Transit (SolTrans)
Matt Medill City of Suisun City
William Tarbox City of Benicia

2. CONFIRM QUORUM/STATEMENT OF CONFLICT

A quorum was confirmed by the Clerk of the Board, Johanna Masielat. There was no Statement of Conflict declared at this time.

3. APPROVAL OF AGENDA

At this time, the STA Board requested to add *Agenda Item 10.C to authorize the STA Board Chair to forward a letter of support for SMART’s submittal of a state grant funding request to conduct an environmental assessment of rail service paralleling the SR 37 Corridor with a connection from Napa Junction to the Suisun Amtrak Station.*

Daryl Halls noted this item was in follow up to SMART’s SR 37 Rail Feasibility Study provided at the June STA Board meeting.

On a motion by Board Member Patterson, and a second by Board Member Rowlett, the STA Board approved the agenda as amended shown above in *bold italics*. (8 Ayes)

4. OPPORTUNITY FOR PUBLIC COMMENT

George Gwynn Jr. commented on various local and regional transportation issues.

5. EXECUTIVE DIRECTOR’S REPORT

Daryl Halls provided an update on the following items:

- Water Transit Feasibility Study
- Solano EDC Presentation on Status of Moving Solano Forward Economic Study
- Workshop on Extension of County Public Facility Fee (PFF) and Regional Transportation Impact Fee (RTIF) Scheduled
- Status of PCAs and PDAs and New PPAs
- STA Hosts Two Public Works Shops and Face Book Live Event to Showcase Draft Equity Guiding Principles
- New SolanoExpress Red Line Starts Service
- New Vehicle Share Program Vans Arrive
- Solano Commuter Profile and Marketing Research Proposal
- STA Staff Update

6. REPORT FROM THE METROPOLITAN TRANSPORTATION COMMISSION (MTC)

None presented.

7. REPORT FROM CALTRANS

None presented.

8. STA PRESENTATIONS

A. Moving Solano Forward Update

Presented by Robert Burris, Solano EDC

B. Directors Reports:

- 1. Planning**
- 2. Projects**
- 3. Programs**

9. CONSENT CALENDAR

Recommendation:

Approve the following consent items in one motion.

On a motion by Board Member Patterson, and a second by Board Member Ron Rowlett, the STA Board approved Items A through L (8 Ayes)

A. Meeting Minutes of the STA Board Meeting of June 12, 2019

Recommendation:

Approve the Minutes of the STA Board Meeting of June 12, 2019.

B. Draft Minutes of the STA Technical Advisory Committee (TAC) Meeting of June 26, 2019

Recommendation:

Receive and file.

C. Fiscal Year (FY) 2019-20 Transportation Development Act (TDA) Matrix – July 2019 – City of Vacaville (City Coach), Solano County Transit (SolTrans), and Solano Transportation Authority (STA)

Recommendation:

Approve the following:

1. The July 2019 TDA Matrix for FY 2019-20 which includes TDA Claims for the City of Vacaville (City Coach), Solano County Transit (SolTrans) and STA for FY 2019-20 as shown in Attachment B; and
2. STA Resolution No. 2019-08 authorizing the STA's filing of a claim with MTC for the allocation of TDA funds for FY 2019-20.

D. Submittal of Bay Area Air Quality Management District (BAAQMD) Grant for State Route (SR) 37 Corridor Transportation Demand Management (TDM) Pilot

Recommendation:

Authorize the STA Executive Director to jointly apply for the BAAQMD Pilot Trip Reduction Program grant along with Napa Valley Transportation Authority (NVTA), Sonoma County Transportation Authority (SCTA) and Transportation Authority of Marin (TAM) to pilot a coordinated TDM approach focused on reducing single-occupancy vehicle trips and congestion on the SR 37 Corridor.

E. Contract Agreement for Transit and Mobility Programs Services

Recommendation:

Authorize the Executive Director to execute a one year agreement with Elizabeth Niedziela for Transit and Mobility Programs Services for an amount not-to-exceed \$50,000.

F. Authorize to Auction Former Solano Paratransit Bus

Recommendation:

Authorize the Executive Director to Auction former Solano Paratransit Bus Number 707 and allocate the proceeds to the SolanoExpress Bus Replacement Plan.

G. Approval of State Route (SR) 37 Funding Agreement for Land Acquisition between the Bay Area Toll Authority (BATA), Solano County and the Solano Transportation Authority

Recommendation:

Authorize the STA Executive Director to enter into a Funding Agreement between BATA and Solano County for 50 acres of property acquisition along the SR 37 Corridor per Attachments A and B. 232

H. Pedestrian Advisory Committee (PAC) Member Appointment

Recommendation:

Appoint Aaron Trudeau to represent the City of Vacaville on the PAC for a three-year term to expire on August 31, 2022.

I. STA Plan Bay Area 2050 Projects Submittal Board Resolution

Recommendation:

Approve the following:

1. STA Resolution No. 2019-09 for adopting the proposed 2021 Regional Transportation Plan (RTP) Projects List for submittal to the Metropolitan Transportation Commission (MTC) as shown in Attachment A; and
2. The proposed 2021 Regional Transportation Plan (RTP) Projects List as shown in Attachment B.

J. Video Production Consulting Services

Recommendation:

Authorize the Executive Director to enter into an agreement in an amount not-to-exceed \$70,000 for video production consultant services for STA and STA managed programs for FY 2019-20.

K. Mobility Management Contract Amendment - Faith in Action Volunteer Drive Program for Seniors

Recommendation:

Authorize the Executive Director to exercise the renewal option and enter into a one-year contract with Faith in Action for an amount not-to-exceed \$45,000 to provide Transportation Services for Seniors.

L. Contract Amendment for STA Legal Services

Recommendation:

Authorize the Executive Director to extend the agreement with Solano County Counsel for the provision of legal services for a two year period, with the option for a two year extension, for a not-to-exceed annual amount of \$80,000.

11. ACTION – NON FINANCIAL ITEMS

A. Water Transit Feasibility Study

Ashleigh Kanat, EPS presented the Solano County Water Transit Feasibility Study. She identified the opportunities and constraints associated with expanding/introducing ferry service to/from Solano County. She noted that the Study includes a component that assessed the potential for water transit service paralleling the SR 37 Corridor, in addition to assessing the potential for water transit from multiple origins in Solano County to multiple destinations located outside of Solano County. She also commented that the largest potential for expanded water transit service would result from expanding the frequency of the current service between Vallejo and San Francisco.

Board/Public Comments:

Board Member Patterson addressed the following:

- Sacramento and Yolo County employment patterns should be considered in future studies as it may reveal more potential ridership.
- Page 3 Weekday vs Weekend – She requested that future studies may take a different approach by starting with a “pilot” weekend service as opposed to a peak weekday service.
- Page 26 in regards to the Benicia Report. She cited a factual correction noting that the port is a public trust port leased to Amports, in which Valero is a subsidiary, which would mean that Benicia has quite a bit of negotiating power.

Recommendation:

Approve the 2019 Solano County Water Transit Feasibility Study and Conceptual Plan.

On a motion by Board Member Wilson, and a second by Vice Chair Bogue, the STA Board approved the recommendation to include the noted changes listed above requested by Board Member Patterson. (8 Ayes)

B. Legislative Update

Vincent Ma reviewed staff’s recommendation for the STA Board to take a *Watch* position on SB 592, which is currently in the Assembly Committee on Housing & Community Development, and the Committee on Local Government and to *Support* H.R.3193 as it aligns with 2019 STA Legislative Objective #6: “Oppose efforts to reduce or divert funding from transportation projects.” In addition, Mr. Ma introduced and reviewed the proposed rulemaking Safer Affordable Fuel-Efficient (SAFE) Vehicle Rules for Model Years 2021-2026 Passenger Cars and Light Trucks (SAFE Vehicle Rule). He cited that the SAFE Vehicle Rule would roll back national fuel-efficiency standards would limit the ability of STA to deliver transportation projects in Solano County.

Board/Public Comments:

None.

Recommendation:

Approve the following recommended positions:

- *Monitor* AB 101/SB102 – Housing development and financing
- *Monitor* SB 87 – Transportation
- *Monitor* SB 592 – Housing Accountability Act
- *Support* H.R.3193 – Transportation Emergency Relief Funds Availability Act

On a motion by Board Member Wilson, and a second by Vice Chair Bogue, the STA Board approved the recommendation. (8 Ayes)

C. ADDENDUM - Letter of Support for SMART

Recommendation:

Authorize the STA Board Chair to forward a letter of support for SMART’s submittal of a state grant funding request to conduct an environmental assessment of rail service paralleling the SR 37 Corridor with a connection from Napa Junction to the Suisun Amtrak Station.

By consensus, the STA Board approved the recommendation. (8 Ayes)

11. ACTION – NON FINANCIAL ITEMS

A. Solano Commuter Profile and Marketing Research Request for Proposal (RFP)

Lloyd Nadal and Vince Ma reviewed staff's recommendation to bring back the commuter profile for Solano County. They explained that this effort will provide valuable commuter trends and data which will be beneficial to STA's ride program and transportation planning efforts. They outlined the process of expanding the data collection by obtaining cell phone data that will provide more detailed information regarding the travel patterns of Solano County's commuters. They also noted that the data will be helpful in assisting the analysis underway as part of several transit and corridor studies, and will aid STA's Employer/Commuter Programs, SolanoExpress, First Last Mile, and other STA Marketing efforts.

Board/Public Comments:

None presented.

Recommendation:

Authorize the Executive Director to:

1. Make a budget modification to increase the FY 2019-20 Programs Department Budget by \$100,000 to fund the Solano Commuter Profile and Marketing Research; and
2. To enter into an agreement(s) with a consultant(s) to create an updated Commuter Profile for Solano County commuters and commute patterns and additional marketing research to encourage use of SolanoExpress and other alternative travel modes.

On a motion by Board Member Spring, and a second by Board Member Rowlett, the STA Board approved the recommendation. (8 Ayes)

B. Solano-Napa Activity Based Model Update

Robert Guerrero presented staff's recommendation to the update the Solano-Napa Model. He noted that since the model needs a better performing model with up to date data necessary for the 2019 Congestion Management Program and Solano Express Lanes project, staff is proposing to amend the agreement with TJKM to include the new scope of work and budget. He also noted that staff recommends a continued partnership with NVTA for cost savings from common tasks and data acquisition.

Board/Public Comments:

None presented.

Recommendation:

Authorize the Executive Director to amend the agreement with TJKM to include the new scope of work and budget of \$175,000 to update the Solano Napa Activity Based Model as shown in Attachment A.

On a motion by Board Member Rowlett, and a second by Board Member Wilson, the STA Board approved the recommendation. (8 Ayes)

12. INFORMATIONAL – NO DISCUSSION

- A. Status of Priority Development Areas (PDAs) and Priority Production Areas (PPAs) Designation and Implementation**
- B. Regional Transportation Impact Fee (RTIF) – 3rd Quarter Update FY 2018-19**
- C. Schedule for 2020 Surface Transportation Improvement Program (STIP)**
- D. Summary of Funding Opportunities**
- E. 2019 STA Board and Advisory Committee Meeting Schedule**

13. BOARD MEMBER COMMENTS

14. ADJOURNMENT

The meeting was adjourned at 7:40 p.m. The next STA Board meeting is scheduled at **6:00 p.m., Wednesday, September 11, 2019**, Suisun Council Chambers.

Attested by:



Johanna Masielat
Clerk of the Board

MEETING AGENDA



**6:00 p.m., STA Board Regular
Wednesday, September 11, 2019
Suisun City Hall Council Chambers
701 Civic Center Drive
Suisun City, CA 94585**

Mission Statement: To improve the quality of life in Solano County by delivering transportation system projects to ensure mobility, travel safety, and economic vitality.

Public Comment: Pursuant to the Brown Act, the public has an opportunity to speak on any matter on the agenda or, for matters not on the agenda, issues within the subject matter jurisdiction of the agency. Comments are limited to no more than 3 minutes per speaker unless modified by the Board Chair, Gov't Code § 54954.3(a). By law, no action may be taken on any item raised during the public comment period although informational answers to questions may be given and matters may be referred to staff for placement on a future agenda of the agency. **Speaker cards are required in order to provide public comment. Speaker cards are on the table at the entry in the meeting room and should be handed to the STA Clerk of the Board. Public comments are limited to 3 minutes or less.**

Americans with Disabilities Act (ADA): This agenda is available upon request in alternative formats to persons with a disability, as required by the ADA of 1990 (42 U.S.C. §12132) and the Ralph M. Brown Act (Cal. Govt. Code §54954.2). Persons requesting a disability related modification or accommodation should contact Johanna Masiclat, Clerk of the Board, at (707) 399-3203 during regular business hours at least 24 hours prior to the time of the meeting.

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Staff Reports: Staff reports are available for inspection at the STA Offices, One Harbor Center, Suite 130, Suisun City during regular business hours, 8:00 a.m. to 5:00 p.m., Monday-Friday. You may also contact the Clerk of the Board via email at jmasiclat@sta.ca.gov **Supplemental Reports:** Any reports or other materials that are issued after the agenda has been distributed may be reviewed by contacting the STA Clerk of the Board and copies of any such supplemental materials will be available on the table at the entry to the meeting room.

Agenda Times: Times set forth on the agenda are estimates. Items may be heard before or after the times shown.

ITEM

BOARD/STAFF PERSON

- | | |
|---|--------------------|
| <p>1. CALL TO ORDER/ PLEDGE OF ALLEGIANCE
(6:00 p.m.)</p> | <p>Chair Price</p> |
| <p>2. CONFIRM QUORUM/ STATEMENT OF CONFLICT
An official who has a conflict must, prior to consideration of the decision; (1) publicly identify in detail the financial interest that causes the conflict; (2) recuse himself/herself from discussing and voting on the matter; (3) leave the room until after the decision has been made. Cal. Gov't Code § 87200.</p> | <p>Chair Price</p> |

<u>STA BOARD MEMBERS</u>							
Jim Spering	Lori Wilson	Elizabeth Patterson	Thom Bogue (Vice Chair)	Harry Price (Chair)	Ronald Kott	Ron Rowlett	Bob Sampayan
County of Solano	City of Suisun City	City of Benicia	City of Dixon	City of Fairfield	City of Rio Vista	City of Vacaville	City of Vallejo
<u>STA BOARD ALTERNATES</u>							
Erin Hannigan	Mike Segala	Lionel Largaespada	Steve Bird	Chuck Timm	Donald Roos	Dilenna Harris	Robert McConnell

3. APPROVAL OF AGENDA

4. OPPORTUNITY FOR PUBLIC COMMENT

(6:05 – 6:10 p.m.)

5. EXECUTIVE DIRECTOR’S REPORT – Pg. 7

(6:10 – 6:15 p.m.)

Daryl Halls

6. REPORT FROM THE METROPOLITAN TRANSPORTATION COMMISSION (MTC)

(6:15 – 6:20 p.m.)

Jim Spring,
MTC Commissioner

7. REPORT FROM CALTRANS

(6:20 – 6:25 p.m.)

8. STA PRESENTATIONS

(6:25 – 6:45 p.m.)

A. FASTER Bay Area Presentation

Stuart Cohen, FASTER Bay Area Committee,
and Gwen Litvak, Bay Area Council

B. Directors Reports:

1. Planning

2. Projects

3. Programs

Robert Guerrero
Anthony Adams
Ron Grassi/Lloyd Nadal

9. CONSENT CALENDAR

Recommendation:

Approve the following consent items in one motion.

(Note: Items under consent calendar may be removed for separate discussion.)

(6:45 – 6:50 p.m.)

A. Meeting Minutes of the STA Board Meeting of July 10, 2019

Johanna Masiclat

Recommendation:

Approve the Minutes of the STA Board Meeting of July 10, 2019.

Pg. 17

B. Draft Minutes of the STA Technical Advisory Committee (TAC) Meeting of August 28, 2019

Johanna Masiclat

Recommendation:

Receive and file.

Pg. 25

C. Fiscal Year (FY) 2019-20 Indirect Cost Allocation Plan (ICAP) Rate Application for Caltrans

Susan Furtado

Recommendation:

Approve the following:

1. STA’s ICAP Rate Application for FY 2019-20 at 59.76%; and

2. Authorize the Executive Director to submit the ICAP Rate

Application to Caltrans.

Pg. 31

- D. Updated Intercity Bus Replacement Capital Plan** Brandon Thomson
Recommendation:
 Approval of the following:
1. Updated Intercity Bus Replacement Funding Plan (September 2019) as specified in Attachment B adding four SolanoExpress buses for expansion of the Red Line;
 2. Authorize the Executive Director to allocate \$1,695,989 million in Fiscal Year (FY) 2019-20 STAF for the purchase of two SolanoExpress buses by Solano County Transit (SolTrans); and
 3. Program \$847,995 in FY 2020-21 STAF for the funding of one SolanoExpress Bus by SolTrans.
- Pg. 33**
- E. 2019 SolanoExpress Ridership and Analysis Study** Brandon Thomson
Recommendation:
 Authorize the Executive Director to:
1. Issue a Request for Proposal (RFP); and
 2. Enter into a contract for the SolanoExpress Ridership and Analysis Study for an amount not-to-exceed \$125,000.
- Pg. 43**
- F. STA Support of Full Implementation of SolTrans Automated Vehicle Location and Automated Passenger Counting (AVL/APC) System** Brandon Thomson
Recommendation:
 Authorize the Executive Director to:
1. Issue a Request for Proposal (RFP); and
 2. Enter into a contract not to exceed \$75,000 for the support of SolTrans transition to an automated AVL/APC system.
- Pg. 47**
- G. Addendum to the 2019 Solano County Pothole Report** Erika McLitus
Recommendation:
 Approve the Addendum to the 2019 Solano Countywide Pothole Report as shown in Attachment A.
Pg. 49
- H. Bicycle Advisory Committee (BAC) and Pedestrian Advisory Committee (PAC) Appointments** Triana Crighton
Recommendation:
 Approve the following:
1. Reappoint Mike Segala to the BAC for a three-year term; and
 2. Appoint Steve Olry to the PAC for a three-year term.
- Pg. 83**

- I. Authorize to Auction Former Solano Paratransit Buses** Brandon Thomson
Recommendation:
 Authorize the Executive Director to auction former Solano Paratransit Bus Numbers 2014 and 2015 and allocate the proceeds to the SolanoExpress Bus Replacement Program.
Pg. 89
- J. Amendment to Executive Director’s Employment Agreement** Bernadette Curry
Recommendation:
 Approve the Second Amendment to Executive Director Employment Agreement as shown in Attachment A.
Pg. 91

10. ACTION FINANCIAL ITEMS

- A. Conduct Public Hearing and Adopt Resolution of Necessity to Acquire Property by Eminent Domain, if necessary, for the I-80/I-680/SR 12 Interchange Project –Eastbound SR 12W to Eastbound I-80 Connector (Construction Package 2A)** Janet Adams
Recommendation:
1. Conduct a public hearing; and
 2. Adopt the attached Resolution of Necessity No. 2019-10 (Attachment B) to acquire by eminent domain, if necessary, the property needed for the I-80/I-680/SR 12 Interchange Project – Eastbound SR 12W to Eastbound I-80 Connector (Construction Package 2A) as specified in the Resolution of Necessity (Attachment B).
- (6:50 – 7:00 p.m.)
Pg. 95
- B. Funding Proposal for Vallejo Station Phase B** Janet Adams
Recommendation:
 Approve the following:
1. Authorize the STA Board Chair to send a letter to SF Bay Area Water Emergency Transportation Authority (WETA) requesting \$10M RM 3 funding from the Ferry Enhancement Program for Vallejo Station Phase B;
 2. Authorize the STA Board Chair to request \$10M RM 3 funding from the North Bay Transit Access Improvements contingent on WETA funding approval for Vallejo Station Phase B;
 3. Authorize the STA Board Chair to send a letter to the Vallejo Mayor and City Council requesting a commitment of \$5 M plus as the local match funding for the Vallejo Station Phase B project; and
 4. Authorize the Executive Director to enter into a funding agreement with the City of Vallejo for the completion of Vallejo Station Phase B.
- (7:00 – 7:10 p.m.)
Pg. 97

11. ACTION NON-FINANCIAL ITEMS

- A. Legislative Update** Vincent Ma
Recommendation:
Endorse the Final Draft of Caltrans' California Federal Surface Transportation Reauthorization Consensus Principles Document as shown in Attachment H.
(7:10 – 7:15 p.m.)
Pg. 101
- B. Status of Priority Development Areas (PDAs) and Priority Production Areas (PPAs) Designation and Implementation** Robert Guerrero
Recommendation:
Authorize the Executive Director to submit a letter responding to the Metropolitan Transportation Commission's Priority Development Area Action Plan.
(7:15 – 7:20 p.m.)
Pg. 157

12. INFORMATIONAL – DISCUSSION

- A. 2020 State Transportation Improvement Program (STIP) Priorities and Schedule** Janet Adams
(7:20 – 7:25 p.m.)
Pg. 171
- B. Regional Transportation Impact Fee (RTIF) – 4th Quarter Update Fiscal Year (FY) 2018-19** Anthony Adams
(7:25 – 7:30 p.m.)
Pg. 229

NO DISCUSSION

- C. Solano Safe Routes to School Program 4th Quarter Report for FY 2018-19** Lloyd Nadal
Pg. 233
- D. Summary of Funding Opportunities** Triana Crighton
Pg. 241
- E. 2019 STA Board and Advisory Committee Meeting Schedule** Johanna Masiclat
Pg. 245

13. BOARD MEMBERS COMMENTS

14. ADJOURNMENT

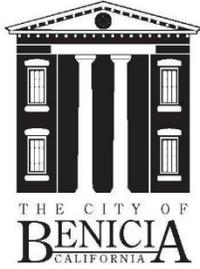
The next regularly scheduled meeting of the STA Board is at **6:00 p.m., Wednesday, October 9, 2019**, at the Suisun Council Chambers.

STA Board Meeting Schedule for Calendar Year 2019

6:00 p.m., Wednesday, October 9, 2019

5:00 p.m., Wednesday, November 13, 2019 (STA's 22nd Annual Awards – City of Fairfield)

6:00 p.m., Wednesday, December 11, 2019



AGENDA ITEM
CITY COUNCIL MEETING DATE – SEPTEMBER 17, 2019
COUNCIL MEMBER COMMITTEE REPORT

TO : Council Member Young
Council Member Largaespada

FROM : Public Works Director

SUBJECT : **TRAFFIC, PEDESTRIAN, BICYCLE SAFETY COMMITTEE**

The following information is provided for your committee report at the September 17, 2019 Council meeting.

The TPBS Committee last met on July 18, 2019. Attached are the agenda from the July 18, 2019 meeting and the approved minutes from the May 30, 2019 Special meeting. The next regular meeting will be Thursday, October 17, 2019, in the City of Benicia Commission Room.

ATTACHMENTS:

1. Minutes – May 30, 2019 Special meeting
2. Agenda – July 18, 2019

Minutes
CITY OF BENICIA
TRAFFIC, PEDESTRIAN, AND BICYCLE SAFETY (TPBS) COMMITTEE
Special Meeting
Thursday, May 30, 2019
7:00 p.m.

1. Call to Order.

Meeting called to order at 7:00 p.m. by Vice Chair, Council Member Lionel Largaespada

1. Roll Call:

Present:

Vice Chair, Council Member Lionel Largaespada, Public Works Director William Tarbox, Police Lieutenant, Damiean Sylvester, Senior Civil Engineer, Nouae Vue, and Public Works Administrative Secretary, Lisa Kemmer

Absent: Chair, Council Member, Steve Young

2. Pledge of Allegiance

3. Fundamental Rights Statement was read by Committee Vice Chair, Council Member, Lionel Largaespada

2. Adoption of the Agenda

Upon a motion by William Tarbox, seconded by Damiean Sylvester, approved the agenda as presented.

3. Approval of February 27, 2019 Meeting Minutes

Upon a motion by William Tarbox, seconded by Nouae Vue, approved the minutes of February 27, 2019, as presented.

4. Public Comments:

Sabrina Boone, 375 West I Street, spoke about traffic safety and speeding on West J Street between 3rd and 4th Street and the need for stop signs and crosswalks.

Damiean Sylvester, will have Police enforcement in the area between the peak traffic times of 9-10 a.m. and 4-6 p.m.

Nouae Vue, Senior Civil Engineer, explained the traffic calming process and will forward application to Ms. Boone.

Nancy Lund passed out the new bicycle brochure to the Committee members.

5. Verbal Staff Updates

A. ATP Grant- Safe Routes to School at five schools in Benicia

Senior Civil Engineer, Nouae Vue, updated the Committee and members of the public on the grant status. Design has been completed and project going out to bid. Expect construction to begin summer of 2019.

B. HSIP Grant application for Military West & West 7th Street Intersection

Senior Civil Engineer, Nouae Vue, updated the Committee and members of the public on the grant status. Advertised project and the bids came in higher than the budget allows. Worked with Caltrans to approve additional funding of \$93,000 and has been approved. Will award contract once approved by City Council July 2, 2019. Construction to begin in August.

C. HSIP Grant application for East 5th & Vecino Street Intersection

Senior Civil Engineer, Nouae Vue, updated the Committee and members of the public on the grant status. This project has been advertised and is currently out to bid with bids due June 20, 2019. Will likely go to construction this summer.

D. HSIP Grant – Pedestrian Crossing (Hasting @ London & Military West @ West 5th)

Senior Civil Engineer, Nouae Vue updated the Committee and members of the public the City Engineering has met with Caltrans to move the authorization to design forward. Design to begin 2019/2020, with construction to take place 2020/2021.

E. HSIP Grant – Citywide Guardrail Improvements

Senior Civil Engineer, Nouae Vue, updated the Committee and members of the public on the status of grant. Have submitted a second application now for funding and have received nearly \$1 million in funding for guardrail improvements with no local match required.

6. ACTION ITEMS

None.

7. ADJOURNMENT

The meeting was adjourned at 7:20 p.m.



**BENICIA TRAFFIC, PEDESTRIAN AND BICYCLE SAFETY COMMITTEE
TRAFFIC PEDESTRIAN & BICYCLE SAFETY (TPBS) COMMITTEE AGENDA**

**City Hall - Commission Room
July 18, 2019
7:00 PM**

1. Call To Order

1. Roll Call
2. Pledge of Allegiance
3. Fundamental Rights Statement

2. Adoption Of Agenda

3. Approval Of Minutes

3.A Approval of May 30, 2019 Minutes

[TPBS Minutes - Draft 5-30-19 Meeting](#)

4. Public Comments

5. Verbal Staff Updates

5.A ATP Grant - Safe Routes to School

5.B HSIP Grant - Application for Military West and West 7th Street Intersection

5.C HSIP Grant - Application for East 5th and Vecino Street Intersection

5.D Southampton Road - North Sidewalk

5.E Reservoir Road Closure

6. Action Items

None.

7. Adjournment

Next Meeting : October 18, 2019

8. Committee Members

Steve Young (Council Member/ Committee Chair)

Lionel Largaespada (Council Member/ Committee Vice Chair)

William Tarbox (Public Works Director)

Edward Criado (Police Department Representative)

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.

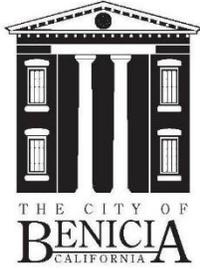
Mayor Patterson: 746-4213

Vice Mayor Strawbridge: 746-4213

Council Member Campbell: 746-4213

Council Member Young: 746-4213

Council Member Largaespada: 746-4213



AGENDA ITEM
CITY COUNCIL MEETING DATE – SEPTEMBER 17, 2019
COUNCIL MEMBER COMMITTEE REPORT

TO : Councilmember Largaespada

FROM : Interim Community Development Director

SUBJECT : **TRI-CITY AND COUNTY COOPERATIVE
PLANNING GROUP “SOLANO OPEN SPACE”**

The following information is provided for your committee report at the September 17, 2019, Council meeting.

The minutes from the most recent meeting on April 22, 2019 are not yet available. The next meeting has not been scheduled yet.

For a list of additional upcoming Solano County outdoor events please visit:
<http://solanoopenspace.org/AandE.asp>.