

February 5, 2008 Regular City Council Meeting

**BENICIA CITY COUNCIL
REGULAR MEETING AGENDA
City Council Chambers**

February 5, 2008

7:00 P.M.

I. CALL TO ORDER:

II. CLOSED SESSION:

III. CONVENE OPEN SESSION:

A. ROLL CALL

B. PLEDGE OF ALLEGIANCE

C. REFERENCE TO THE FUNDAMENTAL RIGHTS OF PUBLIC

IV. ANNOUNCEMENTS/APPOINTMENTS/ PRESENTATIONS/ PROCLAMATIONS:

A. ANNOUNCEMENTS:

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

2. Openings on Boards and Commissions:

Sky Valley Open Space Committee:

-Two unexpired terms to September 30, 2010

Historic Preservation Review Commission

-Two full terms to February 28, 2011

3. Mayor's Office Hours:

Mayor Patterson will maintain an open office every Monday (except holidays) in the Mayor's Office of City Hall from 6:00 p.m. to 7:00 p.m. No appointment is necessary. Other meeting times may be scheduled through the City Hall office at 746-4210 or by email acardwell@ci.benicia.ca.us.

B. APPOINTMENTS:

[Appointment of Mayor Patterson and Vice Mayor Campbell to the Raw Water Contract Negotiations with Valero Subcommittee](#)

C. PRESENTATIONS:

[Save Benicia State Recreation Area from Closure](#)

-By Eugene Doherty, Forrest Deaner Native Plant Botanic Garden, California Native Plants Society – Willis Linn Jepson Chapter

D. PROCLAMATIONS:

[Recognition of the Third Annual Winter Quarters Conference at the Benicia Historical Museum](#) – February 9-10, 2008

V. ADOPTION OF AGENDA:

VI. OPPORTUNITY FOR PUBLIC COMMENT:

A WRITTEN

B. PUBLIC COMMENT

VII. 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.

A. [Approval of Minutes of January 15, 2008.](#) (City Clerk)

B. [Denial of the Claim Against the City By Ellyn and M. Danny Levin and Referral to Insurance Carrier.](#) (City Attorney)

This claim involves damage to the claimants' home as a result of the grass fire caused by juveniles playing with matches in the open space. The claimants allege that the city did not clear a firebreak and were late in responding. The fire chief has confirmed that the firebreak was scheduled but was delayed by the contractor. The contractor, however, did complete all firebreaks within the contract terms. The fire department did respond immediately to the area where the fire started, however this fire went to multiple alarms. As mutual aid arrived from outside fire agencies, they were assigned to other locations, which is why the Suisun fire department was the first to arrive at this location.

Recommendation: Deny the claim against the City by Ellyn and M. Danny Levin and referral to insurance carrier.

C. [Approval of Sewer System Management Plan.](#) (Public Works Director)

All publicly-owned wastewater utilities are required by the state to develop and implement a Sewer System Management Plan (SSMP). The SSMP formalizes procedures for proper management, operation and maintenance of all parts of the sanitary sewer system to help reduce and prevent sanitary sewer overflows. Development of this plan does not have any significant impact to the FY 2007/09 budget.

Recommendation: Adopt a resolution approving the implementation of a Sewer System Management Plan in accordance with the requirements of the state and regional water quality control boards.

D. [Annual review of City Investment Policy with minor changes.](#) (Finance Director)

The City Council is required to review the Investment Policy annually to assure compliance with changes in State law, principally Government Code §53646. There are minor changes recommended this year, as extensive revisions were approved in October 2005. There is no impact on the City's budget by adopting this resolution.

Recommendation: Adopt the resolution recognizing the annual review of the City of Benicia Investment Policy in accordance with California State Government Code §53646.

E. [Review Investment Report for the quarter ended September 2007.](#) (Finance Director)

The investment portfolio is in compliance with the City's Investment Policy and California Law. Additionally, the City has adequate investments to meet its expenditure needs for the next six months. The Audit and Finance Committee has reviewed these reports and recommends acceptance. There is no affect on the City's budget.

Recommendation: Accept, by motion, the investment report for the quarter ended September 2007.

F. [Consideration of a resolution authorizing the filing of an application for Federal Transit Administration Section 5307 funding.](#) (Finance Director)

The Metropolitan Transportation Commission (MTC) is coordinating a one year federal grant program for the purchase of transit capital and operational needs from the FTA Section 5307 funds allocated to seven urbanized areas in the Bay Area region for fiscal years 2008-09.

Benicia Breeze is in need of this funding program to reduce local expenditures and to enhance the reliability of its capital equipment. Projects that are either replacement or rehabilitation will be funded as priorities, while operational subsidies and preventative maintenance

requests only receive funding if there are surplus funds remaining after Benicia Breeze, Vallejo Transit and VINE priority projects have been funded. All of the Benicia Breeze projects are contained in the Benicia Breeze Short Range Transit Plan. The purchases will be funded 80% through the FTA Section 5307 Grant and 20% through local Transportation Development Act (TDA) funds.

Recommendation: Adopt the resolution authorizing staff to file an application for Federal Transit Administration (FTA) Section 5307 to support various capital and operational needs for Benicia Breeze transit system as identified in the Benicia Breeze Mini Short Range Transit Plan and the Benicia Transit Short Range Transit Plan. The resolution must be delivered to the Metropolitan Transportation Commission no later than March 5, 2008.

G. Celebrating 25 years of Benicia Breeze providing transit service within the City of Benicia and to regional destinations. (Finance Director)

Benicia Breeze, formerly known as Benicia Bay Connection and Benicia Transit, began operations on July 1, 1986 as the City's first transit service connecting residents to Pleasant Hill BART Station. The City also provided a subsidy to Benicia/Vallejo Stage, a private transit provider, which provided transit service to Vallejo York & Main Transfer Center from Solano Square until October 1, 1989, when Benicia Transit began operating through the entire corridor. Benicia Dial-A-Ride began as a contracted operation to Marsha Kent, who ran Benicia Yellow Cab Company back in January 1982. Over the past 25 years, transit service in Benicia has benefited residents and visitors of the City. Staff is planning a small celebration sometime this spring to promote Benicia Breeze and celebrate 25 years to the residents, visitors and most importantly, our riders. There is no impact to the Transit Fund or the General Fund.

Recommendation: Adopt the resolution celebrating 25 years of providing transit services to the City of Benicia.

H. Endorsement of the proposed strategic planning process for the Youth Action Task Force. (City Manager)

Benicia Unified School District (BUSD) representatives (School Board Members Steinmann and Switzer and the BUSD Superintendent) and City representatives, (Mayor Patterson, Council Member Schwartzman and the City Manager) have met recently regarding the Youth Action Task Force. Together, this group developed the idea of pursuing a strategic planning process with YATF stakeholders in order to clarify and confirm the purpose, programs and operations plan of the YATF. At the January 23, 2008 YATF meeting, this recommendation was conveyed to the YATF group. The importance of including stakeholder groups in this process was emphasized as a way to help ensure a truly collaborative process and a successful outcome. The next step in initiating the strategic planning process for YATF is to request City Council endorsement of this approach.

Recommendation: Endorse, by motion, the proposed strategic planning process for the Youth Action Task Force, as recommended by the Council subcommittee comprised of Mayor Patterson and Council Member Schwartzman.

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

VIII. PUBLIC HEARINGS:

A. Consideration of a resolution to authorize the filing of a revised tariff for taxicab rates and authorize increases in Safe Ride program fares. (Finance Director)

Vallejo/Benicia City Taxicab and Yellow Cab of Vallejo and Benicia have requested a rate increase to compensate for increased insurance, lease and fuel costs associated with the operation of taxicab service. Staff recommends increasing taxicab rates to match those recently approved in the City of Vallejo. Effective March 1, 2008, the initial "Flag Drop" (the charge for boarding a passenger) will be decreased from \$2.25 to \$2.00 and the "per mile" rate will increase from \$2.25 to \$2.50. Effective January 1, 2009, the "Flag Drop" will be increased from \$2.00 to \$2.25 and the "per mile" rate will increase from \$2.50 to \$2.75. Taxicab service has struggled in the City of Benicia because of the low fare return from passengers traveling in the City, particularly during the night hours. In an effort to improve night taxicab service, staff is recommending raising the Safe Ride Program fares from \$8.00 to \$10.00 beginning March 1, 2008, of which \$2.00 will come from a General Fund Subsidy. Alcohol-serving businesses may continue pre-purchasing vouchers at the present rate of \$8.00. Patrons of non-participating alcohol-serving businesses will also continue to pay \$8 directly to the taxicab driver if they have a voucher with no monetary value issued to them. The taxicab company will continue to submit the vouchers to the City to recover the voucher-based fares.

Recommendation: Adopt the resolution to authorize the filing of a revised tariff for taxicab rates within the City of Benicia and to authorize increases in Safe Ride Program fares.

IX. ACTION ITEMS:

A. Introduction and first reading of an ordinance revising Section 5.32.120 (Taxicabs) of the Benicia Municipal Code. (Finance Director)

After Regency Cab discontinued taxicab service in Benicia in 2006, the quality of taxicab service has declined, reportedly due to the lack of permitted taxicab drivers in Benicia. The majority of taxicab drivers from the two licensed carriers, Vallejo/Benicia City Taxicab and Yellow Cab of Vallejo & Benicia, are only permitted in Vallejo because of the time and cost to obtain a taxicab driver permit in Benicia. Because of the Benicia taxicab driver shortage, there have been many nights that either no taxicab service was available or the response times were not within an acceptable time range. Staff from the Benicia Police Department and Vallejo Police Department have been meeting to develop a plan for improving the permitting process shared by the two cities. The Vallejo Police Department recently improved its taxicab driver permitting process and committed to remain vigilant in conducting background checks. Based on this information, the Benicia Police Chief recommends that Vallejo taxicab driver permits be accepted as valid taxicab driver permits in Benicia, as long as the company is also authorized to operate in Benicia.

Recommendation: Introduce the ordinance to authorize taxicab drivers with valid City of Vallejo Taxicab Driver Permits to operate taxicab service within the City of Benicia, as long as the taxicab driver is employed by a carrier that has a taxicab carrier permit authorized by the Benicia City Council.

B. Authorization of additional communications expressing opposition to the proposal to close the Benicia State Recreation Area and the historic State Capitol Building. (City Manager)

The Governor's recent budget proposal includes closing the Benicia State Recreation Area (SRA) and the Benicia State Capitol Historic Park. A letter expressing the City's concern with

the proposed closures of these two sites was sent to the Governor's Office on January 11, 2008. As illustrated by the Save Benicia State Park presentation scheduled for the City Council meeting on February 5th, the SRA, as well as the State Capitol Building, are very much valued by the local community and tourists visiting our city. The Council may wish to consider authorizing City staff to send additional communications to the Governor and State legislators regarding these proposed closures.

Recommendation: Authorize additional communications regarding the proposal for closure of the Benicia State Park and Benicia State Capitol Building to the Governor and appropriate State legislators.

X. INFORMATIONAL ITEMS:

A. Reports from City Manager.

XI. COMMENTS FROM COUNCIL MEMBERS:

A. [Request to agendize removal of the newspaper racks on First Street near G Street.](#) (Vice Mayor Campbell)

Vice Mayor Campbell has requested that the City Council consider placing an item on a future agenda addressing the removal of the newspapers racks on First Street near the State Capitol building.

Recommendation: Consider agendizing for a future City Council meeting.

XII. ADJOURNMENT:

Public Participation

The Benicia City Council welcomes public participation.

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

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

Disabled Access

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

Meeting Procedures

All items listed on this agenda are for 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.

 [IV-B Appointment.pdf](#)

 [IV-C Presentation.pdf](#)

 [IV-D Proclamation.pdf](#)

 [VI-A Public Comment.pdf](#)

 [VII-A Minutes.pdf](#)

 [VII-B Denial of Claim.pdf](#)

 [VII-C Sewer System Management Plan.pdf](#)

 [VII-D Review of Investment Policy.pdf](#)

 [VII-E Investment Report.pdf](#)

 [VII-F FTA Application.pdf](#)

 [VII-G Celebrating Benicia Breeze.pdf](#)

 [VII-H Youth Action Task Force.pdf](#)

 [VIII-A Public Hearing.pdf](#)

 [IX-A Taxicab Ordinance.pdf](#)

 [IX-B Opposition to State Closures.pdf](#)

 [XI-A Request to Agendize.pdf](#)

RESOLUTION NO. 08-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA
CONFIRMING THE MAYOR'S APPOINTMENT OF MAYOR PATTERSON AND
VICE MAYOR CAMPBELL TO THE RAW WATER CONTRACT NEGOTIATIONS
WITH VALERO SUBCOMMITTEE**

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Benicia that the appointment of Mayor Patterson and Vice Mayor Campbell to the Raw Water Contract Negotiations with Valero Subcommittee is hereby confirmed.

The above Resolution was approved by roll call by the City Council of the City of Benicia at a regular meeting of said Council held on the 5th day of February 2008 and adopted by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk

Benicia State Recreation Area



Benicia SRA, Southampton Bay

Benicia City Council
February 5, 2008

Gene Doherty
Forrest Deaner Native Plant Botanic Garden
California Native Plant Society – Willis Linn Jepson Chapter

Benicia State Recreation Area



San Francisco Bay Trail Dillon Point

- ◆ 740 acres along the Carquinez Straits between Benicia and Vallejo California

- ◆ Southampton Bay Natural Reserve
- ◆ Important Bird Area designation by The Audubon Society
- ◆ Bay Area Ridge Trail [2.2 mile section] ADA conforming
- ◆ The San Francisco Bay Trail [about 4 mile section]
- ◆ Forrest Deaner Native Plant Botanic Garden

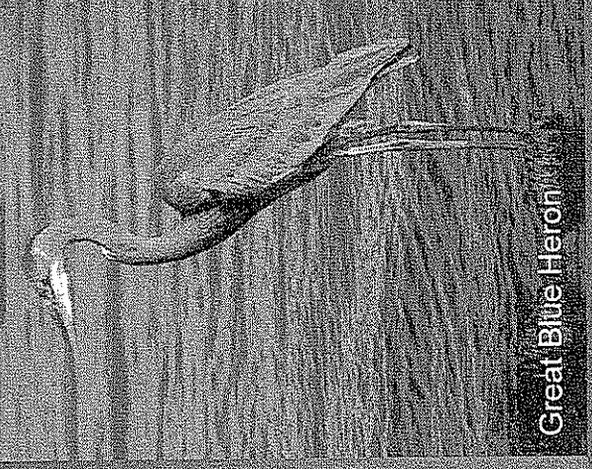
Benicia State Recreation Area



- Community park
- Biking & Hiking
- Fishing
- Family Picnics
- Bird Watching
- Living Outdoor Classroom
 - 200 Benicia Third Graders
 - Solano Community College
 - Boy Scouts Tenderfoot
 - Arts Benicia
- Volunteerism
 - California Coastal Clean-up (111 volunteers in 2007)
 - Napa/Solano Audubon (Annual Bird Count)
 - Boys Scouts Organization (Annual Conservation Day approx 50-150 participants)

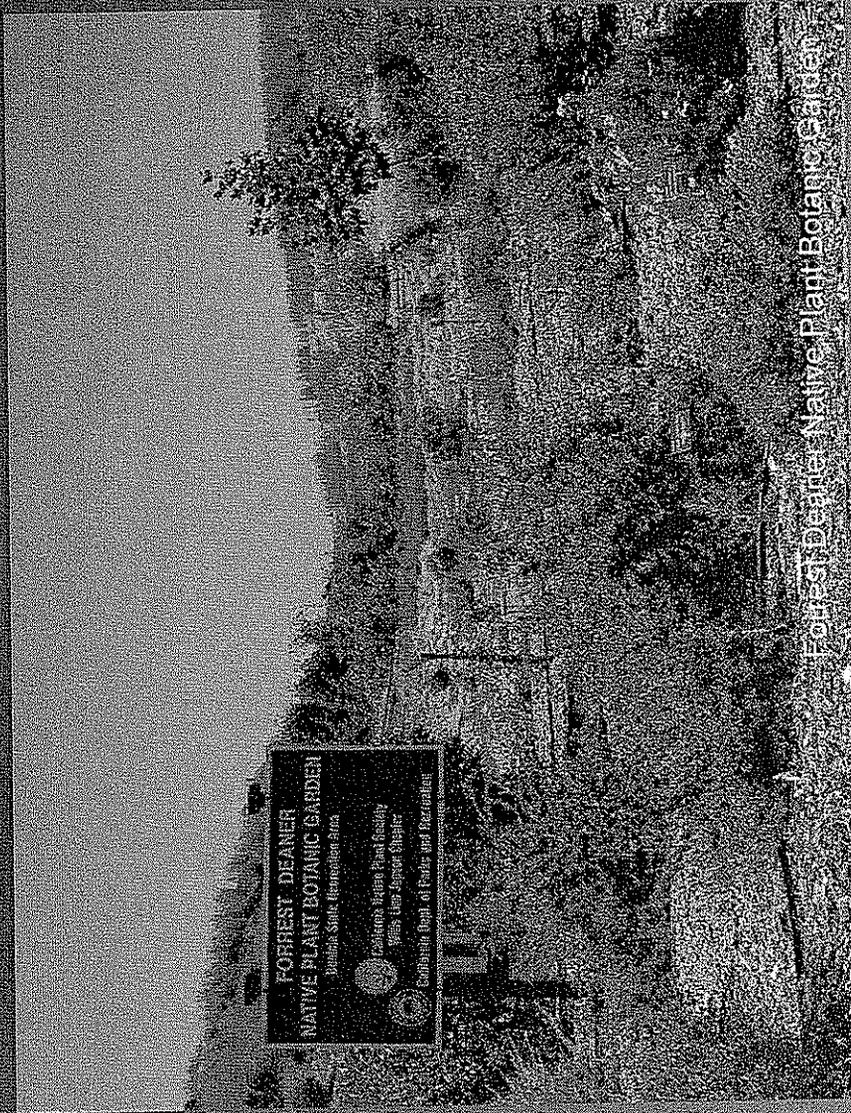


February 5, 2008



Great Blue Heron

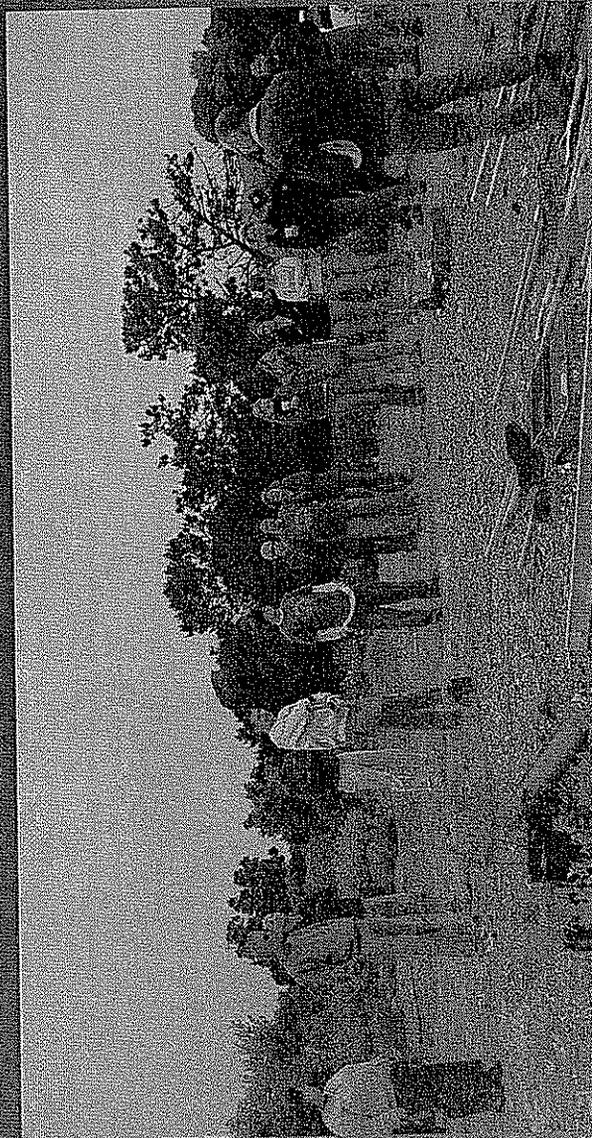
Forrest Deaner Native Plant Botanic Garden



- ◆ Opened to the public in 2004
- ◆ Only public California Native Plant Botanic Garden in Solano County
- ◆ Home to more than 2,500 native plants representing over 200 species

- ◆ 100% Volunteer Serviced (Planning, Development, and Maintenance)
- ◆ The CA State Coastal Conservancy funded \$60,000 for initial startup
- ◆ \$15,000 of additional donations from corporate donors and private citizens

Forrest Deaner Native Plant Botanic Garden



➔ Over 9,000
volunteer hours
including:

- Earth Day
- Eagle Scout Projects
- Every Saturday

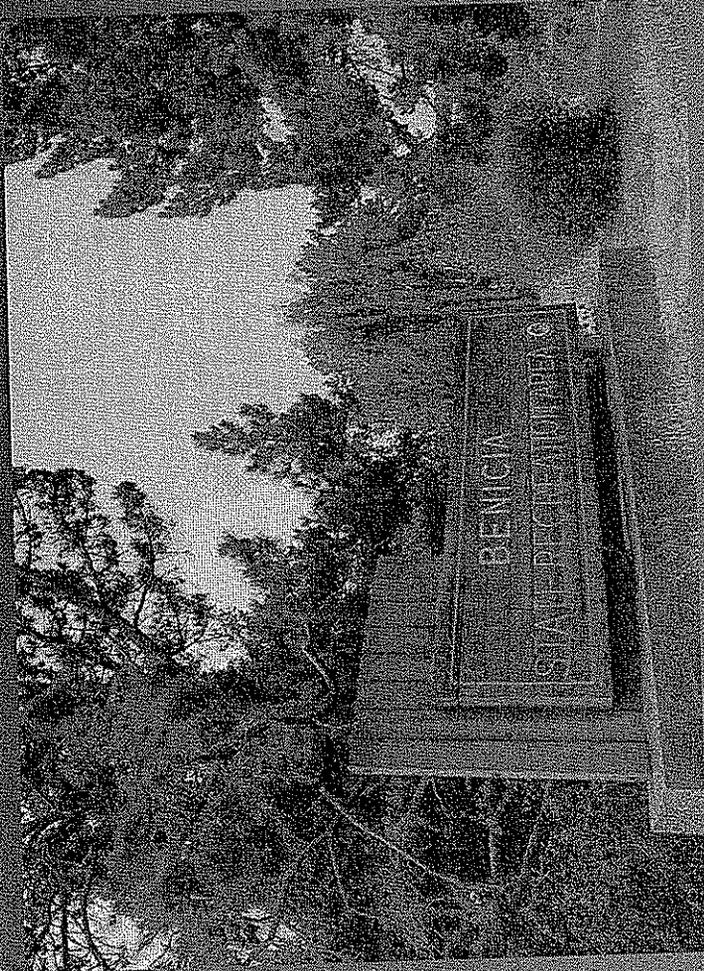


February 5, 2008

5

www.SaveBeniciaSRA.org

Benicia State Recreation Area



- Governor's 2008-2009 Budget Proposal includes closing public access to the Benicia State Recreation Area
- Estimated to have 246,825 annual visitors generating \$37,818 in revenues primarily by parking fees

- 3 full time State employees who currently maintain the park and the Benicia Capitol SHP building are likely to be laid off
- Estimated savings to the General Fund is unknown, however based on published total savings it could be about \$215,000 (\$8.683 million / 124 employees = \$71,637) * 3

Benicia State Recreation Area

www.SaveBeniciaSRA.org



Bay Area Ridge Trail

- ◆ The methodology used to determine the park closures did not consider the adverse impact on the community it serves.
- ◆ Our State Representatives will be voting on the Budget soon, contact them to express your concerns. Contact information is our website.

IV-C-7



PROCLAMATION

Recognizing the Third Annual Winter Quarters Conference at the Benicia Historical Museum

WHEREAS, on February 9-10, 2008, the National Civil War Association will hold its third annual Winter Quarters conference in Benicia at the Benicia Historical Museum; and

WHEREAS, it is the only conference of its kind on the West Coast; and

WHEREAS, the conference provides a full program of seminars on a variety of topics, including elements of the Civil War and the history of the arsenal and camel barns, with scholars and speakers from throughout the country; and

WHEREAS, the National Civil War Association chose Benicia because of its historic relevance during the Civil War; and

WHEREAS, few people realize that the Union depended heavily on California during the war and that the Benicia Arsenal was the first arsenal built in the West; and

WHEREAS, the Benicia Historical Museum is thrilled to have the opportunity to host this exciting event, and hopes that the community will become involved in welcoming the attendees of the conference.

NOW, THEREFORE, BE IT RESOLVED THAT I, Elizabeth Patterson, Mayor of the City of Benicia, welcome the National Civil War Association to the historic city of Benicia, and encourage the local community to become involved in this interesting and educational conference.

Elizabeth Patterson, Mayor
February 5, 2008

PUBLIC COMMENT - WRITTEN

>>> "M.D. Levin" <mdlevin727@yahoo.com> 1/28/2008 9:55 AM >>>
Please review the attached prior to your February 5,2008, meeting

Our claim was rejected based on:

1) The city contract to cut the firebreak had a completion date of July 1. (No mention of the fact that cutting was delayed this year. Also-we were told years ago that the firebreaks should be completed to coincide with the end of the school year-when the kids were out.

2) The military west fire department didn't respond because they were "somewhere else"

Information not included in the original claim document: First 911 call was made by the sister of the boys starting the fire. (I saw the smoke and the two responding vehicles from my back yard-where I was working) The smoke was over four blocks away. The second 911 call was made by my wife when the flames were about four blocks away-the response: we're aware of it. At that point I was hosing down the roof and fence. Our SECOND 911 call was made when the flames were about two blocks away-The response: help is on the way.

The Suisun fire department arrived when the fence was already totally in flames (I had to go in before that-the heat was so intense.

Please note: We have NOT asked to be compensated for the many, many hours working with contractors (7) our insurance adjuster and locating and purchasing the myriad of items that had to be replaced.

Also, we have NOT requested compensation for our trauma!

Thanks you for your consideration

Elly and Danny Levin
340 Larkin Dr.
Benicia,CA. 94510

Never miss a thing. [Make Yahoo your homepage.](#)

VI-A-2

MINUTES OF THE
SPECIAL MEETING – CITY COUNCIL
JANUARY 15, 2008

The special meeting of the City Council of the City of Benicia was called to order by Mayor Elizabeth Patterson at 6:01 p.m. on Tuesday, January 15, 2008, in the City Council Chambers, City Hall, 250 East L Street, complete proceedings of which are recorded on tape.

ROLL CALL:

Present: Council Members Campbell, Hughes, Ioakimedes, Schwartzman, and Mayor Patterson

Absent: None

PLEDGE OF ALLEGIANCE:

Mayor Patterson led the pledge to the flag.

FUNDAMENTAL RIGHTS:

A plaque stating the Fundamental Rights of each member of the public is posted at the entrance to the Council Chambers per Section 4.04.030 of City of Benicia Ordinance No. 05-6 (Open Government Ordinance).

OPPORTUNITY FOR PUBLIC COMMENT:

1. Steve Goetz – Mr. Goetz discussed the Benicia Business Park Project, Benicia First, and a public forum that was held in October 2007. He submitted two separate petitions regarding the Benicia Business Park (on file).
2. Jerome Page, Benicia First – Mr. Page spoke in opposition of the proposed Benicia Business Park. Benicia First would like to present alternatives to Council and the Community with regards to criteria for the project.
3. Kristina Lawson of Miller, Starr, Regalia Law Firm – On behalf of her client, Discovery Builders, Ms. Lawson requested Council schedule a hearing for certification of the EIR that was prepared for the Benicia Business Park project. Discovery Builders' presence tonight to request a hearing was not a waiver of their right to challenge the closed session that Council was holding.
4. Marilyn Bardet – Ms. Bardet discussed the proposed Benicia Business Park. Benicia First would like to introduce some ideas to help guide the development of the property.

ANNOUNCEMENT OF CLOSED SESSION:

Lisa Wolfe, City Clerk, read the announcement of Closed Session.

CLOSED SESSION:

- A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (Subdivision (a) of Government Code Section 54956.9)**

Name of claim: King Solomon Church

B. CONFERENCE WITH LEGAL COUNSEL -EXISTING LITIGATION

(Subdivision (a) of Government Code Section 54956.9)

Name of case: City of Benicia v. Nationwide

C. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9

Number of potential cases: 1 - Discovery Builders

Ms. McLaughlin reminded Council that the City had at least two threats of litigation by the attorneys for Discovery Builders if the City does not schedule a hearing for the certification of the EIR soon. That is why Council and Staff were meeting in Closed Session to discuss the issue.

Vice Mayor Campbell asked if some sort of presentation would get the ball rolling. Mr. Erickson stated that he and the Mayor would review the next agenda in the next week to week and a half. Depending on what else is on the agenda and Council's views, they would consider scheduling a presentation.

ADJOURNMENT:

Mayor Patterson adjourned the meeting at 6:14 p.m.

MINUTES OF THE
REGULAR MEETING – CITY COUNCIL
JANUARY 15, 2008

The regular meeting of the City Council of the City of Benicia was called to order by Mayor Elizabeth Patterson at 7:01 p.m. on Tuesday, January 15, 2008, in the City Council Chambers, City Hall, 250 East L Street, complete proceedings of which are recorded on tape.

ROLL CALL:

Present: Council Members Campbell, Hughes, Ioakimedes, Schwartzman, and Mayor Patterson

Absent: None

PLEDGE OF ALLEGIANCE:

Mayor Patterson led the pledge to the flag.

FUNDAMENTAL RIGHTS:

A plaque stating the Fundamental Rights of each member of the public is posted at the entrance to the Council Chambers per Section 4.04.030 of City of Benicia Ordinance No. 05-6 (Open Government Ordinance).

ANNOUNCEMENTS/APPOINTMENTS/PRESENTATIONS/PROCLAMATIONS:

ANNOUNCEMENTS:

Announcement of Action taken in Closed Session:

Item A – Council gave direction unanimously to settle the claim.

Item B – Council gave direction to settle case with a 4-1 vote.

Item C – Council gave direction to Staff to schedule the EIR for certification on February 19, 2008.

PUBLIC COMMENT:

1. Ann Hansen – Ms. Hansen discussed the recent power outage at the Benicia Historical Museum. She thanked staff for their efforts. She announced various upcoming events at the museum.

Openings on Boards and Commissions:

- Sky Valley Open Space Committee:
Two unexpired terms to September 30, 2010
- Open Government Commission:
One full term to November 30, 2011
- Historic Preservation Review Commission
Two full terms to February 28, 2011

Mayor's Office Hours:

Mayor Patterson will maintain an open office every Monday (except holidays) in the Mayor's Office of City Hall from 6:00 p.m. to 7:00 p.m. No appointment is necessary.

Other meeting times may be scheduled through the City Hall office at 746-4210 or by email acardwell@ci.benicia.ca.us.

APPOINTMENTS:

RESOLUTION 08-01- A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF GEORGE DELACRUZ TO THE OPEN GOVERNMENT COMMISSION TO A FULL TERM ENDING NOVEMBER 30, 2011

The above Resolution was adopted, on roll call by the following vote:

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

Noes: None

PRESENTATIONS:

None

PROCLAMATIONS:

None

ADOPTION OF AGENDA:

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

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

Noes: None

OPPORTUNITY FOR PUBLIC COMMENT:

WRITTEN:

PUBLIC COMMENT:

1. Bill Royal – Mr. Royal discussed his disappointment with his issue not being placed on the agenda, as he previously requested. He cannot refinance his property unless the City removes the lien. His house will go into foreclosure in a week and a half unless he is able to refinance. He requested that his issue be placed on the next Council agenda.

Mr. Erickson stated that Mr. Royal provided Staff with information on his issue on Friday. Staff will evaluate the information and make a recommendation to Council. Council could direct Staff to place an item on the agenda if it wishes. The lien is on the property because the property owner filed suit against the City for damages. The claim was basically found lacking merit, and the City was awarded the settlement, which resulted in the lien being placed on the property.

2. Linda Lewis – Ms. Lewis discussed an ongoing problem with seepage in the street at her property. She asked for Council's help in getting the ongoing problem resolved. She has been dealing with the problem since 2000.

DRAFT

Council suggested Staff work with Ms. Lewis to try and get the issue resolved. If the issue could not be resolved at Staff level, Staff should bring the issue back to Council.

3. Jon Van Landschoot – Mr. Van Landschoot discussed the issue of the Governor of California’s recommendation to close the State Park and the State Capitol building, how it would affect the City possibly being branded as a historical town. He urged Council to find a way to keep the building open.

Council and Staff discussed possibly doing some groundwork to find out how much it costs to maintain the State Capitol building at various levels, setting up a meeting with the Director of the State Parks and Recreation, and the fact that the City had notified the Governor’s office that it did not want to see the State Park or the State Capitol building closed.

4. Dana Dean – Ms. Dean spoke in support of keeping the Benicia State Park and the State Capitol building open.
5. J.B. Davis – Mr. Davis spoke in support of keeping the Benicia State Park and the State Capitol building open.
6. Rick Ernst – Mr. Ernst requested that wireless Internet be installed at Benicia City Hall.

Mr. Sousa stated that there were security concerns as well as the fact that it would be very expensive to install wireless Internet at City Hall. At the present times, there are no funds available for such a project.

CONSENT CALENDAR:

Council pulled item VII-A.

RESOLUTION 08-02 - A RESOLUTION AUTHORIZING THE PURCHASE OF TWO REPLACEMENT BACKWASH PUMP SYSTEMS FOR THE WATER TREATMENT PLANT FROM G3 ENGINEERING, INC. IN THE AMOUNT OF \$26,315.47

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

Ayes: Council Members Campbell, Hughes, Ioakimedes, Schwartzman, and Mayor

Patterson

Noes: None

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

(END OF CONSENT CALENDAR)

Council took the following actions:

Approval of minutes of November 27, 2007, December 6, 2007, and December 18, 2007:
Council Members Campbell and Ioakimedes were not on the Council at the November 27, 2007 meeting.

On motion of Council Member Schwartzman, seconded by Council Member Hughes, Council approved the minutes of November 07, 2007, on roll call by the following vote:

Ayes: Council Members Hughes, Schwartzman, and Mayor Patterson

Noes: None

Abstain: Council Members Campbell and Ioakimedes

On motion of Council Member Schwartzman, seconded by Council Member Hughes, Council approved the minutes of December 6, 2007 and December 18, 2007, on roll call by the following vote:

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

Noes: None

PUBLIC HEARINGS:

None

ACTION ITEMS:

Review of Water Purchase Opportunity with Solano Irrigation District:

Dan Schiada, Public Woks Director, reviewed the staff report.

Council and Staff discussed the Mojave Agreement, issue of the one-time payment, possibly negotiating a payment schedule over 5 or 10 years, cost benefit, Valero VIP project, possible savings on the blending process, reliability of water availability being significantly higher, the need to have strategies to pay for the water purchase, storage and entitlement, and the need to have a broader portfolio for water resources.

On motion of Council Member Schwartzman, seconded by Vice Mayor Campbell, Council directed Staff to proceed with its efforts to potentially purchase Solano Project water from Solano Irrigation District, on roll call by the following vote:

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

Noes: None

Authorize developer Request for Qualifications and beginning of community involvement process for the City-owned E Street lot:

Council Member Schwartzman recused himself from discussion on this item due to a conflict of interest.

Amalia Lorentz, Economic Development Manager, reviewed the staff report. Since the draft Request for Qualifications (RFQ) was sent out last week, some comments have come up that she would like to incorporate in the document such as 1) adding a statement that the property is located within the Downtown Historic Conservation District, 2) a statement that the property has a drainage channel on site that needs environmental analysis, 3) emphasizing the neighborhood's role in the community process. She stated that the City might also wish to add a statement that interested developers are requested

not to contact the Council directly while the RFQ is open. The recommendation is to start the ball rolling on the Downtown Master Plan.

Council and Staff discussed the current zoning in the area, characterizing the site as a 'sensitive drainage site', the potential for the site being used as a small performing arts center, and the need for more detailed minutes going to the applicant for consideration.

Public Comment:

1. Lee Syracuse – Mr. Syracuse discussed the property's history. He emphasized the importance of keeping the property as public parking for First Street as well as the need to landscape the parking lot.
2. Jon Van Landschoot – Mr. Van Landschoot discussed the need for community outreach with regards to this issue.
3. Sandra Shannonhouse – Ms. Shannonhouse encouraged Council to investigate how the lot was filled, why it was filled, etc. She hoped Council would keep historic preservation in mind when proceeding with the lot.
4. Cory Stanhope – Mr. Stanhope discussed keeping the lot as open space.
5. Joe Kearns – Mr. Kearns spoke in opposition to giving the lot away to developers.

On motion of Council Member Hughes, seconded by Vice Mayor Campbell, Council directed Staff to issue a Request for Qualifications for a development partner, who will lead the community involvement process, for the City-owned E Street lot, including the additional language suggested by Ms. Lorentz, on roll call by the following vote:

Ayes: Council Members Campbell, Hughes, Ioakimedes, and Mayor Patterson

Noes: None

Abstain: Council Member Schwartzman

Amendment of Resolution No. 07-103 approving the Benicia Views ("Raffanti Project") tentative subdivision map (East H and East I Streets east of East Sixth Street) to augment buffer language:

Heather McLaughlin, City Attorney, reviewed the staff report. She stated that one of the property owners had been difficult to reach, and that she would like to make the Resolution contingent upon all of the parties signing off on the agreement.

Council and Staff discussed the current zoning, legal ramifications for the surrounding areas not covered by the agreement, creating two classes of property owners, noise, tiered alternative dispute resolution process, easement dispute resolution, the fact that the residents were there first, possible residual effects from the agreement, whether or not the City could condition a project on Amports' property, previous changes to the property's zoning, the need to be conscious of a better planning process, and the community's perception of Amports.

Public Comment:

1. Dana Dean – Ms. Dean stated that filing the lawsuit was a function of preserving the statute. She thanked everyone involved in the process. She urged Council to look at this particular property, in this particular project, and move forward.

2. Dan Raffanti – Mr. Raffanti asked Ms. McLaughlin to clarify the covenants in the agreement.

Ms. McLaughlin clarified that she was responsible for providing advice to Council and not the developers. She clarified the covenants in question.

3. Jim Pucci – Mr. Pucci discussed loud noises that were coming from the Amports parking lot and Amports' lack of respect for its neighbors.
4. Eric Hogan – Mr. Hogan discussed the issue of onerous concessions being made for a select number of neighbors in the area.
5. Sandra Shannonhouse – Ms. Shannonhouse urged Council stop waffling and to take a stance with Amports.
6. Citizen – The citizen discussed Amports' behavior. Amports should behave as the citizens want them to behave. The citizens should not behave as Amports wants them to.
7. J.B. Davis – Mr. Davis discussed Amports and the future of the City and the port.

RESOLUTION 08-03 - A RESOLUTION AMENDING RESOLUTION NO. 07-103 WHICH APPROVED THE "YUBA HEIGHTS" TENTATIVE SUBDIVISION MAP FOR THE SUBDIVISION OF FOUR VACANT RESIDENTIAL PARCELS INTO SEVEN RESIDENTIAL PARCELS LOCATED ON EAST H AND EAST I STREETS EAST OF EAST SIXTH STREET, AND ADOPTING THE INITIAL STUDY/MITIGATED NEGATIVE DECLARATION FOR THE PROPOSED SUBDIVISION

Council Member Hughes stated that he would make a motion to approve the Resolution with the amendment to Finding J, contingent upon all parties signing off on the agreement.

On motion of Council Member Hughes, seconded by Council Member Schwartzman, the above Resolution was adopted as amended, on roll call by the following vote:

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

Noes: None

ACTION ITEM:

Clarification of City Council direction regarding the commitment for a new skate park south of Highway 780:

Jim Erickson, City Manager, introduced the item.

Council and Staff discussed the need to cleanly separate this and the next agenda item in its discussions. It was suggested Council hear Item X-A prior to hearing item IX-D so the discussions could be cleanly separated.

On motion of Council Member Schwartzman, seconded by Council Member Ioakimedes, Council agreed to hear X-A prior to item IX-D, on roll call by the following vote:

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

Noes: None

COMMENTS FROM COUNCIL MEMBERS:

Request to reconsider Willow Glenn Skate Park:

Public Comment:

1. Cory Stanhope – Mr. Stanhope spoke in support of Council reconsidering the closure of the Willow Glen skate park.
2. Citizen – The citizen spoke in support of Council reconsidering the closure of the Willow Glen skate park. He would like to see a copy of the actuary report and the person who made the reports qualifications.
3. J.B. Davis – Mr. Davis spoke in support of Council reconsidering the closure of the Willow Glen skate park.
4. Paul Winder – Mr. Winder spoke in support of Council reconsidering the closure of the Willow Glen skate park. He questioned the protocol for the park's closure. He would like the report from ABAG to be made public.

Ms. McLaughlin confirmed that ABAG's report had not yet been finalized. When the report is finalized, it could be made public. Mr. Alvarez confirmed that Staff became aware of the uneven surfaces at the park and contacted the City Attorney's office to request ABAG perform an inspection on the park.

5. Gene Unser – Mr. Unser spoke in opposition of Council reconsidering the closure of the Willow Glen skate park. He hoped Council would end this situation tonight.
6. Ann May – Ms. May spoke in support of Council reconsidering the closure of the Willow Glen skate park.
7. Bonnie Silveria – Ms. Silveria spoke in opposition of Council reconsidering the closure of the Willow Glen skate park.
8. Citizen – the citizen spoke in support of Council reconsidering the closure of the Willow Glen skate park. He suggested getting both sides together to have a mediated discussion.
9. Michael McClellan – Mr. McClellan spoke in support of Council reconsidering the closure of the Willow Glen skate park.

Vice Mayor Campbell asked for clarification on whether the issue was closing 'a skate park' or closing a historic skate park.

A citizen confirmed that the Willow Glen skate park was the first publicly funded skate park in California. It is an issue of it being a historic park and needing a skate park south of I-780.

10. Bob Mutch – Mr. Mutch discussed public democracy, the park's history, and the need for more public discussion.
11. Citizen – The citizen spoke in support of Council reconsidering the closure of the Willow Glen skate park.
12. Norm Koerner – Mr. Koerner spoke in opposition of Council reconsidering the closure of the Willow Glen skate park. He requested Council make a final

decision tonight. Council is opening the door to reconsider every decision that has been made by other councils.

13. Citizen – The citizen asked Council why it would want to close a perfectly good park.
14. Les Mahler – Mr. Mahler spoke in opposition of Council reconsidering the closure of the Willow Glen skate park.
15. Council Member Schwartzman clarified that he was not present at the Council meeting when it voted to close the Willow Glen skate park.
16. Scott Dean – Mr. Dean spoke in opposition of Council reconsidering the closure of the Willow Glen skate park. He suggested fencing off part of the X-Park for the younger kids. He discussed the issues of underage smoking, littering, and enforcement.
17. Joe Kearns – Mr. Kearns asked if there were any claims against the City with regards to the Willow Glen skate park. He spoke in support of Council reconsidering the closure of the Willow Glen skate park.
18. Joseph Lee – Mr. Lee spoke in support of Council reconsidering the closure of the Willow Glen skate park.

Mayor Patterson reviewed the reasons for requesting this item be reconsidered for placement on a future agenda.

Council and Staff discussed the current location of the Willow Glen skate park, finding an alternate location for a smaller skate park South of I-780, forwarding the issue to the Parks, Recreation and Cemetery Commission for consideration, devoting the City's efforts to finding a new location for a smaller skate park, and the need for the citizens to be involved in the process of finding an alternate location for a skate park.

Due to lack of support for reconsidering this item, it will not be re-agendized.

Mayor Patterson called for a 5-minute break at 10:02 p.m.
The meeting resumed at 10:08 p.m.

ACTION ITEM:

Clarification of City Council direction regarding the commitment for a new skate park south of Highway 780:

Mike Alvarez, Parks and Community Services Director, reviewed the staff report. He stressed the importance of coming up with a master plan. He did not know how long it would take to build the park. Money will be an issue. Staff was prepared to discuss the issue with the Parks, Recreation, and Cemetery Commission in December 2007. Staff was looking into a permanent facility with portable units. Staff has not looked at possible locations. The Mills site was a possible location for a small skate park. There could be a sub-committee formed within the Parks, Recreation, and Cemetery Commission to look into the issues. At the City's mid-year review, Staff might be ready to start with the demolition of the Willow Glen skate park.

Council and Staff discussed having a stakeholders meeting to discuss a future park, funding issues, possibly having a 'skater's newsletter' to keep the skater community

involved in the process, having a committee that included representatives from the skater community, fast tracking the process, the need to identify a funding mechanism, having a park that had phases for the different age groups, and possibly installing fencing at the X-Park to separate an area for the younger kids.

Public Comment:

1. Bob Mutch – Mr. Mutch discussed the assessment process for the design of a new skate park. It is important to nail down the design, set a deadline, etc. so that the costs won't continue to rise, as they did with the X-Park. He volunteered his efforts towards the new skate park.
2. Citizen – The citizen stated that there would be problems with the Mills site because it too is surrounded by residential property. He discussed his frustration with the process and conversation.
3. Rick Ernst – Mr. Ernst suggested contacting Amports to discuss possible funding for the park.
4. Joseph Lee – Mr. Lee requested the City look into installing lights at the X-Park so people could skate longer. He stressed the importance of having the skater community involved in the design process.

Mr. Alvarez stated that Staff could gather the meetings in the next 30-45 days. As soon as it could get consensus from the stakeholders with regards to location, it could start working on the design. Staff would move this item along as soon as possible. He confirmed Staff could have the location and design within six months, if not sooner.

Mr. Erickson clarified that there are some other high priority projects that are coming up in the near future.

Mayor Patterson stated that the direction to staff was to fast track the new skate park, look at creative financing, have design ready for consideration in 6 months, and to make it a stakeholder process.

Vice Mayor Campbell discussed using the Mills site for the skate park.

INFORMATIONAL ITEMS:

Reports from City Manager:

None

Council Member Committee Reports:

1. Mayor's Committee Meeting (Mayor Patterson) - Next Meeting Date: January 16, 2008
2. Association of Bay Area Governments (ABAG). (Mayor Patterson & Vice Mayor Campbell) - Next Meeting Date: April 24, 2008 – Spring General Assembly
3. Audit & Finance Committee. (Vice Mayor Campbell & Council Member - Schwartzman) - Next Meeting Date: February 8, 2008

DRAFT

4. League of California Cities. (Mayor Patterson & Council Member Schwartzman) - Next Meeting Date: January 16-18, 2008 - New Mayors & Council Members Academy
5. School Liaison Committee (Council Members Ioakimedes & Hughes) - Next Meeting Date: March 13, 2008
6. Sky Valley Open Space Committee (Vice Mayor Campbell & Council Member Iokimedes) - Next Meeting Date: February 6, 2008
7. Solano EDC Board of Directors (Mayor Patterson & Council Member Ioakimedes) - Next Meeting Date: January 17, 2008
8. Solano Transportation Authority (STA) (Mayor Patterson & Council Member - Schwartzman) - Next Meeting Date: February 13, 2008
9. Solano Water Authority/Solano County Water Agency (Mayor Patterson & Council Member Schwartzman) - Next Meeting Date: February 14, 2008
10. Traffic, Pedestrian and Bicycle Safety Committee (Vice Mayor Campbell & Council Member Hughes) - Next Meeting Date: January 17, 2008 – Vice Mayor Campbell requested that Council direct the committee to have an additional meeting in February 2008 to discuss the traffic signal at Benicia High School. Mr. Erickson stated that he would look into whether or not the meeting could be facilitated.
11. Tri-City and County Regional Parks and Open Space (Vice Mayor Campbell & Council Member Hughes) - Next Meeting Date: February 20, 2008 – Citizen’s Advisory Committee
12. Valero Community Advisory Panel (CAP) (Council Member Hughes) - Next Meeting Date: January 24, 2008
13. Youth Action Task Force (Council Members Ioakimedes & Schwartzman) - Next Meeting Date: January 23, 2008
14. ABAG/CAL FED Task Force/Bay Area Water Forum (Mayor Patterson) - Next Meeting Date: February 11, 2008

ADJOURNMENT:

Mayor Patterson adjourned the meeting at 10:47 p.m.

AGENDA ITEM
CITY COUNCIL MEETING: FEBRUARY 5, 2008
CONSENT CALENDAR

DATE : January 17, 2008
TO : City Council
FROM : City Attorney
SUBJECT : **DENIAL OF THE CLAIM AGAINST THE CITY BY ELLYN AND M. DANNY LEVIN AND REFERRAL TO INSURANCE CARRIER**

RECOMMENDATION:

Deny the claim against the City by Ellyn and M. Danny Levin and referral to insurance carrier.

EXECUTIVE SUMMARY:

This claim involves damage to the claimants' home as a result of the grass fire caused by juveniles playing with matches in the open space. The claimants allege that the city did not clear a firebreak and were late in responding. The fire chief has confirmed that the firebreak was scheduled but was delayed by the contractor. The contractor, however, did complete all firebreaks within the contract terms. The fire department did respond immediately to the area where the fire started, however this fire went to multiple alarms. As mutual aid arrived from outside fire agencies, they were assigned to other locations, which is why the Suisun fire department was the first to arrive at this location.

BUDGET INFORMATION:

The amount of the claim is \$1,000.00.

BACKGROUND:

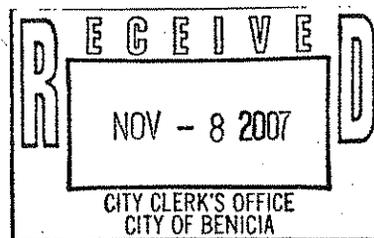
Upon rejection of the claim, the City Clerk should issue a rejection notice using ABAG's Form Letter No. 3 of the ABAG Plan Claims Procedures Manual and process with the proof of service by mail form (located in the forms directory). A copy of the rejection notice and proof of service by mail form should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

Attachment:

- Copy of Claim Filed Against the City

ATTACHMENT

CLAIM AGAINST THE CITY OF BENICIA



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

Complete the following, adding additional sheets as necessary.

- 1. CLAIMANT'S NAME (Print): ELLYN AND M. DANNY LEVIN
- 2. CLAIMANT'S ADDRESS: 340 LARKIN DR., BENICIA, CA 94510
(Street or P.O. Box Number, City, State, Zip Code)

HOME PHONE: (707) 746-0551 WORK PHONE: RETIRED

- 3. AMOUNT OF CLAIM: \$ 1000.00 (Attach copies of bills/estimates)

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

Limited Civil Case _____
Unlimited Civil Case _____

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

(Name)

(Street or P.O. Box Number, City, State, Zip Code)

- 5. DATE OF INCIDENT: 12 JUNE 2007 TIME OF INCIDENT: APP 1:30 P.M.

LOCATION OF INCIDENT: GREEN SPACE & BACK YARD OF ABOVE ADDRESS

- 6. Describe the incident or accident including your reason for believing that the City is liable for your damages:

SEE ATTACHED

- 7. Describe all damages which you believe you have incurred as a result of the incident:

SEE ATTACHED

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

WHOEVER IS RESPONSIBLE FOR GETTING THE FIRE BREAKS OUT!

Ellyn Levin & M. Danny Levin
Signature of Claimant

8 NOVEMBER 2007
Date

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

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

(revised 12/18/02)

340 Larkin Dr.
Benicia, CA 94510
November 7, 2007

The fire on June 12, 2007, destroyed the back yard, 1/3 of our solar panels as well as all the windows on the back of the house. The total damage was \$56,474.51. Our insurance paid all but the \$1000.00 deductible (see attached).

We were notified via the attached letter that our insurance will not attempt to recoup their \$55,474.51- which is why we are entering this claim to recoup our deductible.

The City did ***NOT*** clear a fire break as it has in previous years. When the city manager was here after the fire, he stated that "It probably wouldn't have made any difference" If that be true, why does the city create this break every year? And-why did I buy a new weed eater and cut the weeds down to the point where the city has cleared in the past?

In addition to the cause listed above, the fire department was slow to react. 911 was called first by the sister of the boys who started the blaze-that brought an engine and a truck. When the fire was about 4 blocks away, we called 911-and were told" we are aware of the fire" When the fire was much closer, we called 911 again and were told" Help is on the way". The Suisun fire department arrived at the same time the fire was burning down our fence. We are curious why the Military west station didn't respond-they certainly would have gotten here faster than all the engines from everywhere else.

We hope this provides you with sufficient information to honor our claim. If not, please feel to contact us.

Thanks you for your help.

Sincerely,

Ellyn Levin

M. Danny Levin

Ellyn and M.Danny Levin
(707)746-0551

THIS WAS THE FIRST PAYMENT FROM OUR INSURANCE CARRIER



Nationwide Mutual Fire Insurance Company

Dan Mountford
1125 B Arnold Dr. #213
Martinez, CA 94553-4108
(925) 216-9109 Cell (800) 742-4108 Fax
mountfd@nationwide.com

Summary for Fire

Dwelling				16,615.23
Other Structures				8,717.66
UPP(Contents)				3,277.06
<hr/>				
Line Item Total				28,609.95
Total Adjustments for Base Service Charges				127.34
Material Sales Tax	@	8.250% x	11,291.85	931.58
<hr/>				
Subtotal				29,668.87
Overhead	@	10.0% x	17,459.19	1,745.92
Profit	@	10.0% x	17,459.19	1,745.92
<hr/>				
Replacement Cost Value				33,160.71
Less Recoverable Depreciation				(1,809.73)
Less Non-Recoverable Depreciation				<284.10>
<hr/>				
Actual Cash Value				31,066.88
Less Deductible				(1,000.00) ←
<hr/>				
Net Claim				30,066.88
<hr/> <hr/>				
Total Recoverable Depreciation				1,809.73
Net Claim if Depreciation is Recovered				31,876.61
<hr/> <hr/>				

Dan Mountford



**Allied
Insurance**

a Nationwide® company
On Your Side™

Pacific Coast Regional Office Claim Dept.
3820 109th St., Dept. 5577
Des Moines, IA 50391-5577
(800) 552-2437
FAX (800) 742- 1341

October 28, 2007

Dan & Ellyn Levin
340 Larkin Dr.
Benicia, CA 94510-1419

Re: Claim Number: 840N8742
Policy Number: 7204 MP 0000118814
Date of Loss: 6/12/07
Loss Location: 340 Larkin Dr. Benicia, CA
Type of Loss: Fire

Dear Mr. & Mrs. Levin:

As we discussed, you have received checks in the amount of \$55,474.51 under separate covers. The payment is based on the Replacement Cost to repair the dwelling and contents damages less your deductible. Except for the 2 trees, which we will not know about until spring this, completes your claim. Pending contact regarding them, if any, I will be closing your claim. Please be advised we are not pursuing subrogation on this loss.

We would like to take this opportunity to advise you of the suit provision in your policy. The suit provision in your Nationwide Insurance Elite II Homeowners Policy, Fire 2502 is found on pages 8 and 9 of 18 and reads as follows:

SECTION I - CONDITIONS

- 7. Suit Against Us.** No action can be brought unless there has been compliance with the policy provisions and the action is started within one year after the date of loss or damage.

Based upon this Condition, and the time allowed to investigate your claim, you would have until 11/1/08 to bring action or submit new information to be reviewed. Any claims made or paperwork received after this date may be denied.

If I may be of any further assistance to you, please do not hesitate to contact me at (925) 216-9109.

VII-B-6

AGENDA ITEM
CITY COUNCIL MEETING: FEBRUARY 5, 2008
CONSENT CALENDAR

DATE: January 10, 2007
TO: City Manager
FROM: Director of Public Works
SUBJECT: **APPROVAL OF A SEWER SYSTEM MANAGEMENT PLAN**

RECOMMENDATION:

Adopt a resolution approving the implementation of a Sewer System Management Plan in accordance with the requirements of the state and regional water quality control boards.

EXECUTIVE SUMMARY:

All publicly-owned wastewater utilities are required by the state to develop and implement a Sewer System Management Plan (SSMP). The SSMP formalizes procedures for proper management, operation and maintenance of all parts of the sanitary sewer system to help reduce and prevent sanitary sewer overflows. Development of this plan does not have any significant impact to the FY 2007/09 budget.

BUDGET INFORMATION:

Implementation of sewer system management plan does not have any significant impact to the current FY 2007/09 budget. As the plan develops, biennial reviews of the City wastewater collections system budget may be necessary to remain in compliance with state requirements.

BACKGROUND INFORMATION:

The City of Benicia is required by the State Water Resources Control Board (SWRCB) and the Regional Water Quality Control Board (RWQCB) to develop and implement a Sewer System Management Plan (SSMP). These requirements are applicable to all municipalities and other public entities that own or operate sanitary sewer systems greater than one mile in length that collect and/or convey untreated or partially treated wastewater to a publicly owned treatment facility.

The Public Works Department has developed and implemented most of the measures that result in a reduction of sewage spills. To date, much of the work has been compiling existing policies and procedures. In fact, the completed sections are available on the City's newly redesigned website under: City Departments/Public Works/Publications.

Our SSMP includes sections describing our performance goals, our organizational structure, the legal authority to prevent illicit discharges into the sewer system, and our emergency response plan for sewer overflows. (Excerpts of the completed sections are attached). Sections to be completed this year include updating our sewer system capital improvement program and establishing a performance monitoring system. The goal of our plan is to have a formal structure for the efficient management, operation and maintenance of our sewer system and take into consideration cost and risk.

Failure to implement a SSMP could result in third party lawsuits and/or regulatory agency enforcement actions. The City has satisfied all RWQCB deadlines (which are up to 15 months earlier than the State deadlines) associated with the development of the SSMP. The final deadline is August 31, 2008. The SSMP is to be reviewed on a regular basis along with supplementary training hosted by California Water Environment Association.

It is therefore recommended the City Council supports formalizing our policies and procedures and approving the implementation of our formal sewer system management plan.

Attachments:

- Proposed Resolution
- SWRQC Order No. 2006-003 DWQ
- Excerpts fro Benicia SSMP
- Benicia SSMP webpage

cc: City Attorney

Proposed Resolution

RESOLUTION NO. 08-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA
APPROVING THE IMPLEMENTATION OF A SEWER SYSTEM
MANAGEMENT PLAN IN ACCORDANCE WITH THE REQUIREMENTS OF
THE STATE AND REGIONAL WATER QUALITY CONTROL BOARDS**

WHEREAS, the City of Benicia, along with all public entities that own or operate sanitary sewer systems, is required by State Water Resources Control Board (SWRCB) Order No. 2006-0003-DWQ to develop and implement a Sewer System Management Plan in accordance with implementation schedules mandated by the State and Regional Water Boards; and

WHEREAS, the City Council supports and endorses the formalization of policies and procedures intended to properly manage, operate and maintain all parts of the sanitary sewer system to help reduce and prevent sanitary sewer overflows.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Benicia hereby approves the implementation of a Sewer System Management Plan in accordance with the requirements of the state and regional water quality control boards.

* * * * *

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 5th day of February, 2008, and adopted by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolf, City Clerk

SWRCB Order No. 2006-0003-DWQ



California Regional Water Quality Control Board

San Francisco Bay Region



Ja S. Adams
Secretary for
Environmental Protection

1515 Clay Street, Suite 1400, Oakland, California 94612
(510) 622-2300 • Fax (510) 622-2460
<http://www.waterboards.ca.gov/sanfranciscobay>

Arnold Schwarzenegger
Governor

Date: SEP 29 2006
File No. 1210.57 (MTC)

TO: Sewer System Authorities (attached list)

SUBJECT: Impact of Statewide Sanitary Sewer Overflow Requirements (State Water Board Order No.2006-003) on SF Bay Water Board Sewer System Authorities

This letter is to notify you, as a Sanitary Sewer Collection System Agency, that new statewide sanitary sewer overflow (SSO) requirements were recently adopted by the State Water Resources Control Board (State Water Board) on May 2, 2006. These General Waste Discharge Requirements (SSO WDR) are applicable to federal and state agencies, municipalities, counties, districts, and other public entities that own or operate sanitary sewer systems greater than one mile in length that collect and/or convey untreated or partially treated wastewater to a publicly-owned treatment facility in the State of California.

The SSO WDR contains a schedule for sanitary sewer collection system agencies to accomplish the following:

1. Apply for coverage under the new statewide system – November 2, 2006
2. Begin regular reporting to a new statewide electronic reporting system – May 2, 2007
3. Develop sewer system management plans – see below for deadlines.

Bay Area collection system agencies should continue to report SSOs through the SF Bay Water Board's existing electronic reporting system up through May 1, 2007; on May 2, 2007, they should switch over to the statewide system. **Bay Area collection system agencies will still submit their Annual Reports to the SF Bay Water Board by March 15th of each year.** Your agency is required to enroll in the statewide electronic reporting system, and State Water Board staff will provide you with enrollment instructions.

SF Bay Water Board and the Bay Area Clean Water Agencies staffs have been meeting with State Water Board staff over the last couple of years, prior to the adoption of the new statewide requirements, to ensure that as much as possible that requirements of the new statewide SSO WDR are compatible with the SSO control program in place in the SF Bay Region. However, there are some differences between the programs that we would like to bring to your attention. Please refer to the attachment, which shows a *summary* comparison of the two programs.

We would like to especially call your attention to the deadlines associated with submittal of your Sewer System Management Plan (SSMP). For the SF Bay Water Board, the deadlines established by the July 7, 2005, letter to your agency still apply and are listed in the following table:

Required Schedule for SSMP Elements

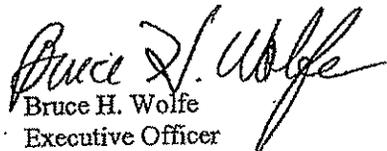
SSMP Element	Required Completion Date
<ul style="list-style-type: none">• Goals• Organization• Overflow Emergency Response Plan• Fats, Oils, and Grease (FOG) Control Program	August 31, 2006
<ul style="list-style-type: none">• Legal Authority• Measures and Activities• Design and Construction Standards	August 31, 2007
<ul style="list-style-type: none">• Capacity Management• Monitoring, Measurement, and Program Modifications• SSMP Audits	August 31, 2008

Although the contents of SSMP elements are slightly different between the regional and statewide programs, it is recommended that only one SSMP be developed, with information required by both programs incorporated. It is satisfactory to use the SF Bay Water Board SSMP element headings for the documentation.

The State Water Board, in cooperation with the California Water Environment Association, is currently in the process of developing training materials and workshops for the new statewide program. It is anticipated that this training will start in Fall 2006, and that SF Bay Area trainings will be conducted in early 2007. It is important that collection system agencies participate in these trainings since the statewide reporting system differs somewhat from the SF Bay Water Board's existing program.

If your agency has questions about program requirements or SSMPs, please contact Michael Chee at mchee@waterboards.ca.gov or (510) 622-2333.

Sincerely,


Bruce H. Wolfe
Executive Officer

Attachment: List of Sewer System Authorities
Comparison of Statewide SSO WDR with SF Bay Water Board Program



**STATE WATER RESOURCES CONTROL BOARD
ORDER NO. 2006-0003-DWQ**

**STATEWIDE GENERAL WASTE DISCHARGE REQUIREMENTS
FOR
SANITARY SEWER SYSTEMS**

The State Water Resources Control Board, hereinafter referred to as "State Water Board", finds that:

1. All federal and state agencies, municipalities, counties, districts, and other public entities that own or operate sanitary sewer systems greater than one mile in length that collect and/or convey untreated or partially treated wastewater to a publicly owned treatment facility in the State of California are required to comply with the terms of this Order. Such entities are hereinafter referred to as "Enrollees".
2. Sanitary sewer overflows (SSOs) are overflows from sanitary sewer systems of domestic wastewater, as well as industrial and commercial wastewater, depending on the pattern of land uses in the area served by the sanitary sewer system. SSOs often contain high levels of suspended solids, pathogenic organisms, toxic pollutants, nutrients, oxygen-demanding organic compounds, oil and grease and other pollutants. SSOs may cause a public nuisance, particularly when raw untreated wastewater is discharged to areas with high public exposure, such as streets or surface waters used for drinking, fishing, or body contact recreation. SSOs may pollute surface or ground waters, threaten public health, adversely affect aquatic life, and impair the recreational use and aesthetic enjoyment of surface waters.
3. Sanitary sewer systems experience periodic failures resulting in discharges that may affect waters of the state. There are many factors (including factors related to geology, design, construction methods and materials, age of the system, population growth, and system operation and maintenance), which affect the likelihood of an SSO. A proactive approach that requires Enrollees to ensure a system-wide operation, maintenance, and management plan is in place will reduce the number and frequency of SSOs within the state. This approach will in turn decrease the risk to human health and the environment caused by SSOs.
4. Major causes of SSOs include: grease blockages, root blockages, sewer line flood damage, manhole structure failures, vandalism, pump station mechanical failures, power outages, excessive storm or ground water inflow/infiltration, debris blockages, sanitary sewer system age and construction material failures, lack of proper operation and maintenance, insufficient capacity and contractor-caused damages. Many SSOs are preventable with adequate and appropriate facilities, source control measures and operation and maintenance of the sanitary sewer system.

SEWER SYSTEM MANAGEMENT PLANS

5. To facilitate proper funding and management of sanitary sewer systems, each Enrollee must develop and implement a system-specific Sewer System Management Plan (SSMP). To be effective, SSMPs must include provisions to provide proper and efficient management, operation, and maintenance of sanitary sewer systems, while taking into consideration risk management and cost benefit analysis. Additionally, an SSMP must contain a spill response plan that establishes standard procedures for immediate response to an SSO in a manner designed to minimize water quality impacts and potential nuisance conditions.
6. Many local public agencies in California have already developed SSMPs and implemented measures to reduce SSOs. These entities can build upon their existing efforts to establish a comprehensive SSMP consistent with this Order. Others, however, still require technical assistance and, in some cases, funding to improve sanitary sewer system operation and maintenance in order to reduce SSOs.
7. SSMP certification by technically qualified and experienced persons can provide a useful and cost-effective means for ensuring that SSMPs are developed and implemented appropriately.
8. It is the State Water Board's intent to gather additional information on the causes and sources of SSOs to augment existing information and to determine the full extent of SSOs and consequent public health and/or environmental impacts occurring in the State.
9. Both uniform SSO reporting and a centralized statewide electronic database are needed to collect information to allow the State Water Board and Regional Water Quality Control Boards (Regional Water Boards) to effectively analyze the extent of SSOs statewide and their potential impacts on beneficial uses and public health. The monitoring and reporting program required by this Order and the attached Monitoring and Reporting Program No. 2006-0003-DWQ, are necessary to assure compliance with these waste discharge requirements (WDRs).
10. Information regarding SSOs must be provided to Regional Water Boards and other regulatory agencies in a timely manner and be made available to the public in a complete, concise, and timely fashion.
11. Some Regional Water Boards have issued WDRs or WDRs that serve as National Pollution Discharge Elimination System (NPDES) permits to sanitary sewer system owners/operators within their jurisdictions. This Order establishes minimum requirements to prevent SSOs. Although it is the State Water Board's intent that this Order be the primary regulatory mechanism for sanitary sewer systems statewide, Regional Water Boards may issue more stringent or more

prescriptive WDRs for sanitary sewer systems. Upon issuance or reissuance of a Regional Water Board's WDRs for a system subject to this Order, the Regional Water Board shall coordinate its requirements with stated requirements within this Order, to identify requirements that are more stringent, to remove requirements that are less stringent than this Order, and to provide consistency in reporting.

REGULATORY CONSIDERATIONS

12. California Water Code section 13263 provides that the State Water Board may prescribe general WDRs for a category of discharges if the State Water Board finds or determines that:

- The discharges are produced by the same or similar operations;
- The discharges involve the same or similar types of waste;
- The discharges require the same or similar treatment standards; and
- The discharges are more appropriately regulated under general discharge requirements than individual discharge requirements.

This Order establishes requirements for a class of operations, facilities, and discharges that are similar throughout the state.

13. The issuance of general WDRs to the Enrollees will:

- a) Reduce the administrative burden of issuing individual WDRs to each Enrollee;
- b) Provide for a unified statewide approach for the reporting and database tracking of SSOs;
- c) Establish consistent and uniform requirements for SSMP development and implementation;
- d) Provide statewide consistency in reporting; and
- e) Facilitate consistent enforcement for violations.

14. The beneficial uses of surface waters that can be impaired by SSOs include, but are not limited to, aquatic life, drinking water supply, body contact and non-contact recreation, and aesthetics. The beneficial uses of ground water that can be impaired include, but are not limited to, drinking water and agricultural supply. Surface and ground waters throughout the state support these uses to varying degrees.

15. The implementation of requirements set forth in this Order will ensure the reasonable protection of past, present, and probable future beneficial uses of water and the prevention of nuisance. The requirements implement the water quality control plans (Basin Plans) for each region and take into account the environmental characteristics of hydrographic units within the state. Additionally, the State Water Board has considered water quality conditions that could reasonably be achieved through the coordinated control of all factors that affect

water quality in the area, costs associated with compliance with these requirements, the need for developing housing within California, and the need to develop and use recycled water.

16. The Federal Clean Water Act largely prohibits any discharge of pollutants from a point source to waters of the United States except as authorized under an NPDES permit. In general, any point source discharge of sewage effluent to waters of the United States must comply with technology-based, secondary treatment standards, at a minimum, and any more stringent requirements necessary to meet applicable water quality standards and other requirements. Hence, the unpermitted discharge of wastewater from a sanitary sewer system to waters of the United States is illegal under the Clean Water Act. In addition, many Basin Plans adopted by the Regional Water Boards contain discharge prohibitions that apply to the discharge of untreated or partially treated wastewater. Finally, the California Water Code generally prohibits the discharge of waste to land prior to the filing of any required report of waste discharge and the subsequent issuance of either WDRs or a waiver of WDRs.
17. California Water Code section 13263 requires a water board to, after any necessary hearing, prescribe requirements as to the nature of any proposed discharge, existing discharge, or material change in an existing discharge. The requirements shall, among other things, take into consideration the need to prevent nuisance.
18. California Water Code section 13050, subdivision (m), defines nuisance as anything which meets all of the following requirements:
 - a. Is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property.
 - b. Affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal.
 - c. Occurs during, or as a result of, the treatment or disposal of wastes.
19. This Order is consistent with State Water Board Resolution No. 68-16 (Statement of Policy with Respect to Maintaining High Quality of Waters in California) in that the Order imposes conditions to prevent impacts to water quality, does not allow the degradation of water quality, will not unreasonably affect beneficial uses of water, and will not result in water quality less than prescribed in State Water Board or Regional Water Board plans and policies.
20. The action to adopt this General Order is exempt from the California Environmental Quality Act (Public Resources Code §21000 et seq.) because it is an action taken by a regulatory agency to assure the protection of the environment and the regulatory process involves procedures for protection of the environment. (Cal. Code Regs., tit. 14, §15308). In addition, the action to adopt

this Order is exempt from CEQA pursuant to Cal.Code Regs., title 14, §15301 to the extent that it applies to existing sanitary sewer collection systems that constitute "existing facilities" as that term is used in Section 15301, and §15302, to the extent that it results in the repair or replacement of existing systems involving negligible or no expansion of capacity.

21. The Fact Sheet, which is incorporated by reference in the Order, contains supplemental information that was also considered in establishing these requirements.
22. The State Water Board has notified all affected public agencies and all known interested persons of the intent to prescribe general WDRs that require Enrollees to develop SSMPs and to report all SSOs.
23. The State Water Board conducted a public hearing on February 8, 2006, to receive oral and written comments on the draft order. The State Water Board received and considered, at its May 2, 2006, meeting, additional public comments on substantial changes made to the proposed general WDRs following the February 8, 2006, public hearing. The State Water Board has considered all comments pertaining to the proposed general WDRs.

IT IS HEREBY ORDERED, that pursuant to California Water Code section 13263, the Enrollees, their agents, successors, and assigns, in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted hereunder, shall comply with the following:

A. DEFINITIONS

1. **Sanitary sewer overflow (SSO)** - Any overflow, spill, release, discharge or diversion of untreated or partially treated wastewater from a sanitary sewer system. SSOs include:
 - (i) Overflows or releases of untreated or partially treated wastewater that reach waters of the United States;
 - (ii) Overflows or releases of untreated or partially treated wastewater that do not reach waters of the United States; and
 - (iii) Wastewater backups into buildings and on private property that are caused by blockages or flow conditions within the publicly owned portion of a sanitary sewer system.
2. **Sanitary sewer system** – Any system of pipes, pump stations, sewer lines, or other conveyances, upstream of a wastewater treatment plant headworks used to collect and convey wastewater to the publicly owned treatment facility. Temporary storage and conveyance facilities (such as vaults, temporary piping, construction trenches, wet wells, impoundments, tanks, etc.) are considered to be part of the sanitary sewer system, and discharges into these temporary storage facilities are not considered to be SSOs.

For purposes of this Order, sanitary sewer systems include only those systems owned by public agencies that are comprised of more than one mile of pipes or sewer lines.

3. **Enrollee** - A federal or state agency, municipality, county, district, and other public entity that owns or operates a sanitary sewer system, as defined in the general WDRs, and that has submitted a complete and approved application for coverage under this Order.
4. **SSO Reporting System** – Online spill reporting system that is hosted, controlled, and maintained by the State Water Board. The web address for this site is <http://ciwqs.waterboards.ca.gov>. This online database is maintained on a secure site and is controlled by unique usernames and passwords.
5. **Untreated or partially treated wastewater** – Any volume of waste discharged from the sanitary sewer system upstream of a wastewater treatment plant headworks.
6. **Satellite collection system** – The portion, if any, of a sanitary sewer system owned or operated by a different public agency than the agency that owns and operates the wastewater treatment facility to which the sanitary sewer system is tributary.
7. **Nuisance** - California Water Code section 13050, subdivision (m), defines nuisance as anything which meets all of the following requirements:
 - a. Is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property.
 - b. Affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal.
 - c. Occurs during, or as a result of, the treatment or disposal of wastes.

B. APPLICATION REQUIREMENTS

1. **Deadlines for Application** – All public agencies that currently own or operate sanitary sewer systems within the State of California must apply for coverage under the general WDRs within six (6) months of the date of adoption of the general WDRs. Additionally, public agencies that acquire or assume responsibility for operating sanitary sewer systems after the date of adoption of this Order must apply for coverage under the general WDRs at least three (3) months prior to operation of those facilities.
2. **Applications under the general WDRs** – In order to apply for coverage pursuant to the general WDRs, a legally authorized representative for each agency must submit a complete application package. Within sixty (60) days of adoption of the general WDRs, State Water Board staff will send specific instructions on how to

apply for coverage under the general WDRs to all known public agencies that own sanitary sewer systems. Agencies that do not receive notice may obtain applications and instructions online on the Water Board's website.

3. Coverage under the general WDRs – Permit coverage will be in effect once a complete application package has been submitted and approved by the State Water Board's Division of Water Quality.

C. PROHIBITIONS

1. Any SSO that results in a discharge of untreated or partially treated wastewater to waters of the United States is prohibited.
2. Any SSO that results in a discharge of untreated or partially treated wastewater that creates a nuisance as defined in California Water Code Section 13050(m) is prohibited.

D. PROVISIONS

1. The Enrollee must comply with all conditions of this Order. Any noncompliance with this Order constitutes a violation of the California Water Code and is grounds for enforcement action.
2. It is the intent of the State Water Board that sanitary sewer systems be regulated in a manner consistent with the general WDRs. Nothing in the general WDRs shall be:
 - (i) Interpreted or applied in a manner inconsistent with the Federal Clean Water Act, or supersede a more specific or more stringent state or federal requirement in an existing permit, regulation, or administrative/judicial order or Consent Decree;
 - (ii) Interpreted or applied to authorize an SSO that is illegal under either the Clean Water Act, an applicable Basin Plan prohibition or water quality standard, or the California Water Code;
 - (iii) Interpreted or applied to prohibit a Regional Water Board from issuing an individual NPDES permit or WDR, superseding this general WDR, for a sanitary sewer system, authorized under the Clean Water Act or California Water Code; or
 - (iv) Interpreted or applied to supersede any more specific or more stringent WDRs or enforcement order issued by a Regional Water Board.
3. The Enrollee shall take all feasible steps to eliminate SSOs. In the event that an SSO does occur, the Enrollee shall take all feasible steps to contain and mitigate the impacts of an SSO.
4. In the event of an SSO, the Enrollee shall take all feasible steps to prevent untreated or partially treated wastewater from discharging from storm drains into

flood control channels or waters of the United States by blocking the storm drainage system and by removing the wastewater from the storm drains.

5. All SSOs must be reported in accordance with Section G of the general WDRs.
6. In any enforcement action, the State and/or Regional Water Boards will consider the appropriate factors under the duly adopted State Water Board Enforcement Policy. And, consistent with the Enforcement Policy, the State and/or Regional Water Boards must consider the Enrollee's efforts to contain, control, and mitigate SSOs when considering the California Water Code Section 13327 factors. In assessing these factors, the State and/or Regional Water Boards will also consider whether:
 - (i) The Enrollee has complied with the requirements of this Order, including requirements for reporting and developing and implementing a SSMP;
 - (ii) The Enrollee can identify the cause or likely cause of the discharge event;
 - (iii) There were no feasible alternatives to the discharge, such as temporary storage or retention of untreated wastewater, reduction of inflow and infiltration, use of adequate backup equipment, collecting and hauling of untreated wastewater to a treatment facility, or an increase in the capacity of the system as necessary to contain the design storm event identified in the SSMP. It is inappropriate to consider the lack of feasible alternatives, if the Enrollee does not implement a periodic or continuing process to identify and correct problems.
 - (iv) The discharge was exceptional, unintentional, temporary, and caused by factors beyond the reasonable control of the Enrollee;
 - (v) The discharge could have been prevented by the exercise of reasonable control described in a certified SSMP for:
 - Proper management, operation and maintenance;
 - Adequate treatment facilities, sanitary sewer system facilities, and/or components with an appropriate design capacity, to reasonably prevent SSOs (e.g., adequately enlarging treatment or collection facilities to accommodate growth, infiltration and inflow (I/I), etc.);
 - Preventive maintenance (including cleaning and fats, oils, and grease (FOG) control);
 - Installation of adequate backup equipment; and
 - Inflow and infiltration prevention and control to the extent practicable.
 - (vi) The sanitary sewer system design capacity is appropriate to reasonably prevent SSOs.

(vii) The Enrollee took all reasonable steps to stop and mitigate the impact of the discharge as soon as possible.

7. When a sanitary sewer overflow occurs, the Enrollee shall take all feasible steps and necessary remedial actions to 1) control or limit the volume of untreated or partially treated wastewater discharged, 2) terminate the discharge, and 3) recover as much of the wastewater discharged as possible for proper disposal, including any wash down water.

The Enrollee shall implement all remedial actions to the extent they may be applicable to the discharge and not inconsistent with an emergency response plan, including the following:

- (i) Interception and rerouting of untreated or partially treated wastewater flows around the wastewater line failure;
- (ii) Vacuum truck recovery of sanitary sewer overflows and wash down water;
- (iii) Cleanup of debris at the overflow site;
- (iv) System modifications to prevent another SSO at the same location;
- (v) Adequate sampling to determine the nature and impact of the release; and
- (vi) Adequate public notification to protect the public from exposure to the SSO.

8. The Enrollee shall properly, manage, operate, and maintain all parts of the sanitary sewer system owned or operated by the Enrollee, and shall ensure that the system operators (including employees, contractors, or other agents) are adequately trained and possess adequate knowledge, skills, and abilities.
9. The Enrollee shall allocate adequate resources for the operation, maintenance, and repair of its sanitary sewer system, by establishing a proper rate structure, accounting mechanisms, and auditing procedures to ensure an adequate measure of revenues and expenditures. These procedures must be in compliance with applicable laws and regulations and comply with generally acceptable accounting practices.
10. The Enrollee shall provide adequate capacity to convey base flows and peak flows, including flows related to wet weather events. Capacity shall meet or exceed the design criteria as defined in the Enrollee's System Evaluation and Capacity Assurance Plan for all parts of the sanitary sewer system owned or operated by the Enrollee.
11. The Enrollee shall develop and implement a written Sewer System Management Plan (SSMP) and make it available to the State and/or Regional Water Board upon request. A copy of this document must be publicly available at the Enrollee's office and/or available on the Internet. This SSMP must be approved by the Enrollee's governing board at a public meeting.

12. In accordance with the California Business and Professions Code sections 6735, 7835, and 7835.1, all engineering and geologic evaluations and judgments shall be performed by or under the direction of registered professionals competent and proficient in the fields pertinent to the required activities. Specific elements of the SSMP that require professional evaluation and judgments shall be prepared by or under the direction of appropriately qualified professionals, and shall bear the professional(s)' signature and stamp.
13. The mandatory elements of the SSMP are specified below. However, if the Enrollee believes that any element of this section is not appropriate or applicable to the Enrollee's sanitary sewer system, the SSMP program does not need to address that element. The Enrollee must justify why that element is not applicable. The SSMP must be approved by the deadlines listed in the SSMP Time Schedule below.

Sewer System Management Plan (SSMP)

- (i) **Goal:** The goal of the SSMP is to provide a plan and schedule to properly manage, operate, and maintain all parts of the sanitary sewer system. This will help reduce and prevent SSOs, as well as mitigate any SSOs that do occur.
- (ii) **Organization:** The SSMP must identify:
- (a) The name of the responsible or authorized representative as described in Section J of this Order.
 - (b) The names and telephone numbers for management, administrative, and maintenance positions responsible for implementing specific measures in the SSMP program. The SSMP must identify lines of authority through an organization chart or similar document with a narrative explanation; and
 - (c) The chain of communication for reporting SSOs, from receipt of a complaint or other information, including the person responsible for reporting SSOs to the State and Regional Water Board and other agencies if applicable (such as County Health Officer, County Environmental Health Agency, Regional Water Board, and/or State Office of Emergency Services (OES)).
- (iii) **Legal Authority:** Each Enrollee must demonstrate, through sanitary sewer system use ordinances, service agreements, or other legally binding procedures, that it possesses the necessary legal authority to:
- (a) Prevent illicit discharges into its sanitary sewer system (examples may include I/I, stormwater, chemical dumping, unauthorized debris and cut roots, etc.);

- (b) Require that sewers and connections be properly designed and constructed;
 - (c) Ensure access for maintenance, inspection, or repairs for portions of the lateral owned or maintained by the Public Agency;
 - (d) Limit the discharge of fats, oils, and grease and other debris that may cause blockages, and
 - (e) Enforce any violation of its sewer ordinances.
- (iv) **Operation and Maintenance Program.** The SSMP must include those elements listed below that are appropriate and applicable to the Enrollee's system:
- (a) Maintain an up-to-date map of the sanitary sewer system, showing all gravity line segments and manholes, pumping facilities, pressure pipes and valves, and applicable stormwater conveyance facilities;
 - (b) Describe routine preventive operation and maintenance activities by staff and contractors, including a system for scheduling regular maintenance and cleaning of the sanitary sewer system with more frequent cleaning and maintenance targeted at known problem areas. The Preventative Maintenance (PM) program should have a system to document scheduled and conducted activities, such as work orders;
 - (c) Develop a rehabilitation and replacement plan to identify and prioritize system deficiencies and implement short-term and long-term rehabilitation actions to address each deficiency. The program should include regular visual and TV inspections of manholes and sewer pipes, and a system for ranking the condition of sewer pipes and scheduling rehabilitation. Rehabilitation and replacement should focus on sewer pipes that are at risk of collapse or prone to more frequent blockages due to pipe defects. Finally, the rehabilitation and replacement plan should include a capital improvement plan that addresses proper management and protection of the infrastructure assets. The plan shall include a time schedule for implementing the short- and long-term plans plus a schedule for developing the funds needed for the capital improvement plan;
 - (d) Provide training on a regular basis for staff in sanitary sewer system operations and maintenance, and require contractors to be appropriately trained; and

- (e) Provide equipment and replacement part inventories, including identification of critical replacement parts.

(v) **Design and Performance Provisions:**

- (a) Design and construction standards and specifications for the installation of new sanitary sewer systems, pump stations and other appurtenances; and for the rehabilitation and repair of existing sanitary sewer systems; and
- (b) Procedures and standards for inspecting and testing the installation of new sewers, pumps, and other appurtenances and for rehabilitation and repair projects.

(vi) **Overflow Emergency Response Plan** - Each Enrollee shall develop and implement an overflow emergency response plan that identifies measures to protect public health and the environment. At a minimum, this plan must include the following:

- (a) Proper notification procedures so that the primary responders and regulatory agencies are informed of all SSOs in a timely manner;
- (b) A program to ensure an appropriate response to all overflows;
- (c) Procedures to ensure prompt notification to appropriate regulatory agencies and other potentially affected entities (e.g. health agencies, Regional Water Boards, water suppliers, etc.) of all SSOs that potentially affect public health or reach the waters of the State in accordance with the MRP. All SSOs shall be reported in accordance with this MRP, the California Water Code, other State Law, and other applicable Regional Water Board WDRs or NPDES permit requirements. The SSMP should identify the officials who will receive immediate notification;
- (d) Procedures to ensure that appropriate staff and contractor personnel are aware of and follow the Emergency Response Plan and are appropriately trained;
- (e) Procedures to address emergency operations, such as traffic and crowd control and other necessary response activities; and
- (f) A program to ensure that all reasonable steps are taken to contain and prevent the discharge of untreated and partially treated wastewater to waters of the United States and to minimize or correct any adverse impact on the environment resulting from the SSOs, including such accelerated or additional monitoring as may be necessary to determine the nature and impact of the discharge.

(vii) **FOG Control Program:** Each Enrollee shall evaluate its service area to determine whether a FOG control program is needed. If an Enrollee determines that a FOG program is not needed, the Enrollee must provide justification for why it is not needed. If FOG is found to be a problem, the Enrollee must prepare and implement a FOG source control program to reduce the amount of these substances discharged to the sanitary sewer system. This plan shall include the following as appropriate:

- (a) An implementation plan and schedule for a public education outreach program that promotes proper disposal of FOG;
- (b) A plan and schedule for the disposal of FOG generated within the sanitary sewer system service area. This may include a list of acceptable disposal facilities and/or additional facilities needed to adequately dispose of FOG generated within a sanitary sewer system service area;
- (c) The legal authority to prohibit discharges to the system and identify measures to prevent SSOs and blockages caused by FOG;
- (d) Requirements to install grease removal devices (such as traps or interceptors), design standards for the removal devices, maintenance requirements, BMP requirements, record keeping and reporting requirements;
- (e) Authority to inspect grease producing facilities, enforcement authorities, and whether the Enrollee has sufficient staff to inspect and enforce the FOG ordinance;
- (f) An identification of sanitary sewer system sections subject to FOG blockages and establishment of a cleaning maintenance schedule for each section; and
- (g) Development and implementation of source control measures for all sources of FOG discharged to the sanitary sewer system for each section identified in (f) above.

(viii) **System Evaluation and Capacity Assurance Plan:** The Enrollee shall prepare and implement a capital improvement plan (CIP) that will provide hydraulic capacity of key sanitary sewer system elements for dry weather peak flow conditions, as well as the appropriate design storm or wet weather event. At a minimum, the plan must include:

- (a) **Evaluation:** Actions needed to evaluate those portions of the sanitary sewer system that are experiencing or contributing to an SSO discharge caused by hydraulic deficiency. The evaluation must provide estimates of peak flows (including flows from SSOs

that escape from the system) associated with conditions similar to those causing overflow events, estimates of the capacity of key system components, hydraulic deficiencies (including components of the system with limiting capacity) and the major sources that contribute to the peak flows associated with overflow events;

- (b) **Design Criteria:** Where design criteria do not exist or are deficient, undertake the evaluation identified in (a) above to establish appropriate design criteria; and
- (c) **Capacity Enhancement Measures:** The steps needed to establish a short- and long-term CIP to address identified hydraulic deficiencies, including prioritization, alternatives analysis, and schedules. The CIP may include increases in pipe size, I/I reduction programs, increases and redundancy in pumping capacity, and storage facilities. The CIP shall include an implementation schedule and shall identify sources of funding.
- (d) **Schedule:** The Enrollee shall develop a schedule of completion dates for all portions of the capital improvement program developed in (a)-(c) above. This schedule shall be reviewed and updated consistent with the SSMP review and update requirements as described in Section D. 14.

(ix) **Monitoring, Measurement, and Program Modifications:** The Enrollee shall:

- (a) Maintain relevant information that can be used to establish and prioritize appropriate SSMP activities;
- (b) Monitor the implementation and, where appropriate, measure the effectiveness of each element of the SSMP;
- (c) Assess the success of the preventative maintenance program;
- (d) Update program elements, as appropriate, based on monitoring or performance evaluations; and
- (e) Identify and illustrate SSO trends, including: frequency, location, and volume.

(x) **SSMP Program Audits** - As part of the SSMP, the Enrollee shall conduct periodic internal audits, appropriate to the size of the system and the number of SSOs. At a minimum, these audits must occur every two years and a report must be prepared and kept on file. This audit shall focus on evaluating the effectiveness of the SSMP and the

Enrollee's compliance with the SSMP requirements identified in this subsection (D.13), including identification of any deficiencies in the SSMP and steps to correct them.

- (xi) **Communication Program** – The Enrollee shall communicate on a regular basis with the public on the development, implementation, and performance of its SSMP. The communication system shall provide the public the opportunity to provide input to the Enrollee as the program is developed and implemented.

The Enrollee shall also create a plan of communication with systems that are tributary and/or satellite to the Enrollee's sanitary sewer system.

14. Both the SSMP and the Enrollee's program to implement the SSMP must be certified by the Enrollee to be in compliance with the requirements set forth above and must be presented to the Enrollee's governing board for approval at a public meeting. The Enrollee shall certify that the SSMP, and subparts thereof, are in compliance with the general WDRs within the time frames identified in the time schedule provided in subsection D.15, below.

In order to complete this certification, the Enrollee's authorized representative must complete the certification portion in the Online SSO Database Questionnaire by checking the appropriate milestone box, printing and signing the automated form, and sending the form to:

State Water Resources Control Board
Division of Water Quality
Attn: SSO Program Manager
P.O. Box 100
Sacramento, CA 95812

The SSMP must be updated every five (5) years, and must include any significant program changes. Re-certification by the governing board of the Enrollee is required in accordance with D.14 when significant updates to the SSMP are made. To complete the re-certification process, the Enrollee shall enter the data in the Online SSO Database and mail the form to the State Water Board, as described above.

15. The Enrollee shall comply with these requirements according to the following schedule. This time schedule does not supersede existing requirements or time schedules associated with other permits or regulatory requirements.

Sewer System Management Plan Time Schedule

<u>Task and Associated Section</u>	Completion Date			
	Population > 100,000	Population between 100,000 and 10,000	Population between 10,000 and 2,500	Population < 2,500
Application for Permit Coverage Section C	6 months after WDRs Adoption			
Reporting Program Section G	6 months after WDRs Adoption ¹			
SSMP Development Plan and Schedule No specific Section	9 months after WDRs Adoption ²	12 months after WDRs Adoption ²	15 months after WDRs Adoption ²	18 months after WDRs Adoption ²
Goals and Organization Structure Section D 13 (i) & (ii)	12 months after WDRs Adoption ²		18 months after WDRs Adoption ²	
Overflow Emergency Response Program Section D 13 (vi)	24 months after WDRs Adoption ²	30 months after WDRs Adoption ²	36 months after WDRs Adoption ²	39 months after WDRs Adoption ²
Legal Authority Section D 13 (iii)				
Operation and Maintenance Program Section D 13 (iv)				
Grease Control Program Section D 13 (vii)				
Design and Performance Section D 13 (v)	36 months after WDRs Adoption	39 months after WDRs Adoption	48 months after WDRs Adoption	51 months after WDRs Adoption
System Evaluation and Capacity Assurance Plan Section D 13 (viii)				
Final SSMP, incorporating all of the SSMP requirements Section D 13				

1. In the event that by July 1, 2006 the Executive Director is able to execute a memorandum of agreement (MOA) with the California Water Environment Association (CWEA) or discharger representatives outlining a strategy and time schedule for CWEA or another entity to provide statewide training on the adopted monitoring program, SSO database electronic reporting, and SSMP development, consistent with this Order, then the schedule of Reporting Program Section G shall be replaced with the following schedule:

Reporting Program Section G	
Regional Boards 4, 8, and 9	8 months after WDRs Adoption
Regional Boards 1, 2, and 3	12 months after WDRs Adoption
Regional Boards 5, 6, and 7	16 months after WDRs Adoption

If this MOU is not executed by July 1, 2006, the reporting program time schedule will remain six (6) months for all regions and agency size categories.

2. In the event that the Executive Director executes the MOA identified in note 1 by July 1, 2006, then the deadline for this task shall be extended by six (6) months. The time schedule identified in the MOA must be consistent with the extended time schedule provided by this note. If the MOA is not executed by July 1, 2006, the six (6) month time extension will not be granted.

E. WDRs and SSMP AVAILABILITY

1. A copy of the general WDRs and the certified SSMP shall be maintained at appropriate locations (such as the Enrollee's offices, facilities, and/or Internet homepage) and shall be available to sanitary sewer system operating and maintenance personnel at all times.

F. ENTRY AND INSPECTION

1. The Enrollee shall allow the State or Regional Water Boards or their authorized representative, upon presentation of credentials and other documents as may be required by law, to:
 - a. Enter upon the Enrollee's premises where a regulated facility or activity is located or conducted, or where records are kept under the conditions of this Order;
 - b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Order;

- c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order; and
- d. Sample or monitor at reasonable times, for the purposes of assuring compliance with this Order or as otherwise authorized by the California Water Code, any substances or parameters at any location.

G. GENERAL MONITORING AND REPORTING REQUIREMENTS

1. The Enrollee shall furnish to the State or Regional Water Board, within a reasonable time, any information that the State or Regional Water Board may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Order. The Enrollee shall also furnish to the Executive Director of the State Water Board or Executive Officer of the applicable Regional Water Board, upon request, copies of records required to be kept by this Order.
2. The Enrollee shall comply with the attached Monitoring and Reporting Program No. 2006-0003 and future revisions thereto, as specified by the Executive Director. Monitoring results shall be reported at the intervals specified in Monitoring and Reporting Program No. 2006-0003. Unless superseded by a specific enforcement Order for a specific Enrollee, these reporting requirements are intended to replace other mandatory routine written reports associated with SSOs.
3. All Enrollees must obtain SSO Database accounts and receive a "Username" and "Password" by registering through the California Integrated Water Quality System (CIWQS). These accounts will allow controlled and secure entry into the SSO Database. Additionally, within 30 days of receiving an account and prior to recording spills into the SSO Database, all Enrollees must complete the "Collection System Questionnaire", which collects pertinent information regarding a Enrollee's collection system. The "Collection System Questionnaire" must be updated at least every 12 months.
4. Pursuant to Health and Safety Code section 5411.5, any person who, without regard to intent or negligence, causes or permits any untreated wastewater or other waste to be discharged in or on any waters of the State, or discharged in or deposited where it is, or probably will be, discharged in or on any surface waters of the State, as soon as that person has knowledge of the discharge, shall immediately notify the local health officer of the discharge. Discharges of untreated or partially treated wastewater to storm drains and drainage channels, whether man-made or natural or concrete-lined, shall be reported as required above.

Any SSO greater than 1,000 gallons discharged in or on any waters of the State, or discharged in or deposited where it is, or probably will be, discharged in or on any surface waters of the State shall also be reported to the Office of Emergency Services pursuant to California Water Code section 13271.

H. CHANGE IN OWNERSHIP

1. This Order is not transferable to any person or party, except after notice to the Executive Director. The Enrollee shall submit this notice in writing at least 30 days in advance of any proposed transfer. The notice must include a written agreement between the existing and new Enrollee containing a specific date for the transfer of this Order's responsibility and coverage between the existing Enrollee and the new Enrollee. This agreement shall include an acknowledgement that the existing Enrollee is liable for violations up to the transfer date and that the new Enrollee is liable from the transfer date forward.

I. INCOMPLETE REPORTS

1. If an Enrollee becomes aware that it failed to submit any relevant facts in any report required under this Order, the Enrollee shall promptly submit such facts or information by formally amending the report in the Online SSO Database.

J. REPORT DECLARATION

1. All applications, reports, or information shall be signed and certified as follows:
 - (i) All reports required by this Order and other information required by the State or Regional Water Board shall be signed and certified by a person designated, for a municipality, state, federal or other public agency, as either a principal executive officer or ranking elected official, or by a duly authorized representative of that person, as described in paragraph (ii) of this provision. (For purposes of electronic reporting, an electronic signature and accompanying certification, which is in compliance with the Online SSO database procedures, meet this certification requirement.)
 - (ii) An individual is a duly authorized representative only if:
 - (a) The authorization is made in writing by a person described in paragraph (i) of this provision; and
 - (b) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity.

K. CIVIL MONETARY REMEDIES FOR DISCHARGE VIOLATIONS

1. The California Water Code provides various enforcement options, including civil monetary remedies, for violations of this Order.
2. The California Water Code also provides that any person failing or refusing to furnish technical or monitoring program reports, as required under this Order, or

falsifying any information provided in the technical or monitoring reports is subject to civil monetary penalties.

L. SEVERABILITY

1. The provisions of this Order are severable, and if any provision of this Order, or the application of any provision of this Order to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this Order, shall not be affected thereby.
2. This order does not convey any property rights of any sort or any exclusive privileges. The requirements prescribed herein do not authorize the commission of any act causing injury to persons or property, nor protect the Enrollee from liability under federal, state or local laws, nor create a vested right for the Enrollee to continue the waste discharge.

CERTIFICATION

The undersigned Clerk to the State Water Board does hereby certify that the foregoing is a full, true, and correct copy of general WDRs duly and regularly adopted at a meeting of the State Water Resources Control Board held on May 2, 2006.

AYE: Tam M. Doduc
Gerald D. Secundy

NO: Arthur G. Baggett

ABSENT: None

ABSTAIN: None



Song Her
Clerk to the Board

STATE WATER RESOURCES CONTROL BOARD

MONITORING AND REPORTING PROGRAM NO. 2006-0003-DWQ STATEWIDE GENERAL WASTE DISCHARGE REQUIREMENTS FOR SANITARY SEWER SYSTEMS

This Monitoring and Reporting Program (MRP) establishes monitoring, record keeping, reporting and public notification requirements for Order No. 2006-2003-DWQ, "Statewide General Waste Discharge Requirements for Sanitary Sewer Systems." Revisions to this MRP may be made at any time by the Executive Director, and may include a reduction or increase in the monitoring and reporting.

A. SANITARY SEWER OVERFLOW REPORTING

SSO Categories

1. Category 1 - All discharges of sewage resulting from a failure in the Enrollee's sanitary sewer system that:
 - A. Equal or exceed 1000 gallons, or
 - B. Result in a discharge to a drainage channel and/or surface water; or
 - C. Discharge to a storm drainpipe that was not fully captured and returned to the sanitary sewer system.
2. Category 2 – All other discharges of sewage resulting from a failure in the Enrollee's sanitary sewer system.
3. Private Lateral Sewage Discharges – Sewage discharges that are caused by blockages or other problems within a privately owned lateral.

SSO Reporting Timeframes

4. Category 1 SSOs – All SSOs that meet the above criteria for Category 1 SSOs must be reported as soon as: (1) the Enrollee has knowledge of the discharge, (2) reporting is possible, and (3) reporting can be provided without substantially impeding cleanup or other emergency measures. Initial reporting of Category 1 SSOs must be reported to the Online SSO System as soon as possible but no later than 3 business days after the Enrollee is made aware of the SSO. Minimum information that must be contained in the 3-day report must include all information identified in section 9 below, except for item 9.K. A final certified report must be completed through the Online SSO System, within 15 calendar days of the conclusion of SSO response and remediation. Additional information may be added to the certified report, in the form of an attachment, at any time.

The above reporting requirements do not preclude other emergency notification requirements and timeframes mandated by other regulatory agencies (local

County Health Officers, local Director of Environmental Health, Regional Water Boards, or Office of Emergency Services (OES)) or State law.

5. Category 2 SSOs – All SSOs that meet the above criteria for Category 2 SSOs must be reported to the Online SSO Database within 30 days after the end of the calendar month in which the SSO occurs (e.g. all SSOs occurring in the month of January must be entered into the database by March 1st).
6. Private Lateral Sewage Discharges – All sewage discharges that meet the above criteria for Private Lateral sewage discharges may be reported to the Online SSO Database based upon the Enrollee's discretion. If a Private Lateral sewage discharge is recorded in the SSO Database, the Enrollee must identify the sewage discharge as occurring and caused by a private lateral, and a responsible party (other than the Enrollee) should be identified, if known.
7. If there are no SSOs during the calendar month, the Enrollee will provide, within 30 days after the end of each calendar month, a statement through the Online SSO Database certifying that there were no SSOs for the designated month.
8. In the event that the SSO Online Database is not available, the enrollee must fax all required information to the appropriate Regional Water Board office in accordance with the time schedules identified above. In such event, the Enrollee must also enter all required information into the Online SSO Database as soon as practical.

Mandatory Information to be Included in SSO Online Reporting

All Enrollees must obtain SSO Database accounts and receive a "Username" and "Password" by registering through the California Integrated Water Quality System (CIWQS). These accounts will allow controlled and secure entry into the SSO Database. Additionally, within thirty (30) days of receiving an account and prior to recording SSOs into the SSO Database, all Enrollees must complete the "Collection System Questionnaire", which collects pertinent information regarding an Enrollee's collection system. The "Collection System Questionnaire" must be updated at least every 12 months.

At a minimum, the following mandatory information must be included prior to finalizing and certifying an SSO report for each category of SSO:

9. Category 2 SSOs:
 - A. Location of SSO by entering GPS coordinates;
 - B. Applicable Regional Water Board, i.e. identify the region in which the SSO occurred;
 - C. County where SSO occurred;
 - D. Whether or not the SSO entered a drainage channel and/or surface water;
 - E. Whether or not the SSO was discharged to a storm drain pipe that was not fully captured and returned to the sanitary sewer system;

- F. Estimated SSO volume in gallons;
- G. SSO source (manhole, cleanout, etc.);
- H. SSO cause (mainline blockage, roots, etc.);
- I. Time of SSO notification or discovery;
- J. Estimated operator arrival time;
- K. SSO destination;
- L. Estimated SSO end time; and
- M. SSO Certification. Upon SSO Certification, the SSO Database will issue a Final SSO Identification (ID) Number.

10. Private Lateral Sewage Discharges:

- A. All information listed above (if applicable and known), as well as;
- B. Identification of sewage discharge as a private lateral sewage discharge; and
- C. Responsible party contact information (if known).

11. Category 1 SSOs:

- A. All information listed for Category 2 SSOs, as well as;
- B. Estimated SSO volume that reached surface water, drainage channel, or not recovered from a storm drain;
- C. Estimated SSO amount recovered;
- D. Response and corrective action taken;
- E. If samples were taken, identify which regulatory agencies received sample results (if applicable). If no samples were taken, NA must be selected.
- F. Parameters that samples were analyzed for (if applicable);
- G. Identification of whether or not health warnings were posted;
- H. Beaches impacted (if applicable). If no beach was impacted, NA must be selected;
- I. Whether or not there is an ongoing investigation;
- J. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the overflow and a schedule of major milestones for those steps;
- K. OES control number (if applicable);
- L. Date OES was called (if applicable);
- M. Time OES was called (if applicable);
- N. Identification of whether or not County Health Officers were called;
- O. Date County Health Officer was called (if applicable); and
- P. Time County Health Officer was called (if applicable).

Reporting to Other Regulatory Agencies

These reporting requirements do not preclude an Enrollee from reporting SSOs to other regulatory agencies pursuant to California state law. These reporting requirements do not replace other Regional Water Board telephone reporting requirements for SSOs.

1. The Enrollee shall report SSOs to OES, in accordance with California Water Code Section 13271.

Office of Emergency Services
Phone (800) 852-7550

2. The Enrollee shall report SSOs to County Health officials in accordance with California Health and Safety Code Section 5410 et seq.
3. The SSO database will automatically generate an e-mail notification with customized information about the SSO upon initial reporting of the SSO and final certification for all Category 1 SSOs. E-mails will be sent to the appropriate County Health Officer and/or Environmental Health Department if the county desires this information, and the appropriate Regional Water Board.

B. Record Keeping

1. Individual SSO records shall be maintained by the Enrollee for a minimum of five years from the date of the SSO. This period may be extended when requested by a Regional Water Board Executive Officer.
3. All records shall be made available for review upon State or Regional Water Board staff's request.
4. All monitoring instruments and devices that are used by the Enrollee to fulfill the prescribed monitoring and reporting program shall be properly maintained and calibrated as necessary to ensure their continued accuracy;
5. The Enrollee shall retain records of all SSOs, such as, but not limited to and when applicable:
 - a. Record of Certified report, as submitted to the online SSO database;
 - b. All original recordings for continuous monitoring instrumentation;
 - c. Service call records and complaint logs of calls received by the Enrollee;
 - d. SSO calls;
 - e. SSO records;
 - f. Steps that have been and will be taken to prevent the SSO from recurring and a schedule to implement those steps.
 - g. Work orders, work completed, and any other maintenance records from the previous 5 years which are associated with responses and investigations of system problems related to SSOs;
 - h. A list and description of complaints from customers or others from the previous 5 years; and
 - i. Documentation of performance and implementation measures for the previous 5 years.
6. If water quality samples are required by an environmental or health regulatory agency or State law, or if voluntary monitoring is conducted by the Enrollee or its agent(s), as a result of any SSO, records of monitoring information shall include:

- a. The date, exact place, and time of sampling or measurements;
- b. The individual(s) who performed the sampling or measurements;
- c. The date(s) analyses were performed;
- d. The individual(s) who performed the analyses;
- e. The analytical technique or method used; and,
- f. The results of such analyses.

C. Certification

1. All final reports must be certified by an authorized person as required by Provision J of the Order.
2. Registration of authorized individuals, who may certify reports, will be in accordance with the CIWQS' protocols for reporting.

Monitoring and Reporting Program No. 2006-0003 will become effective on the date of adoption by the State Water Board.

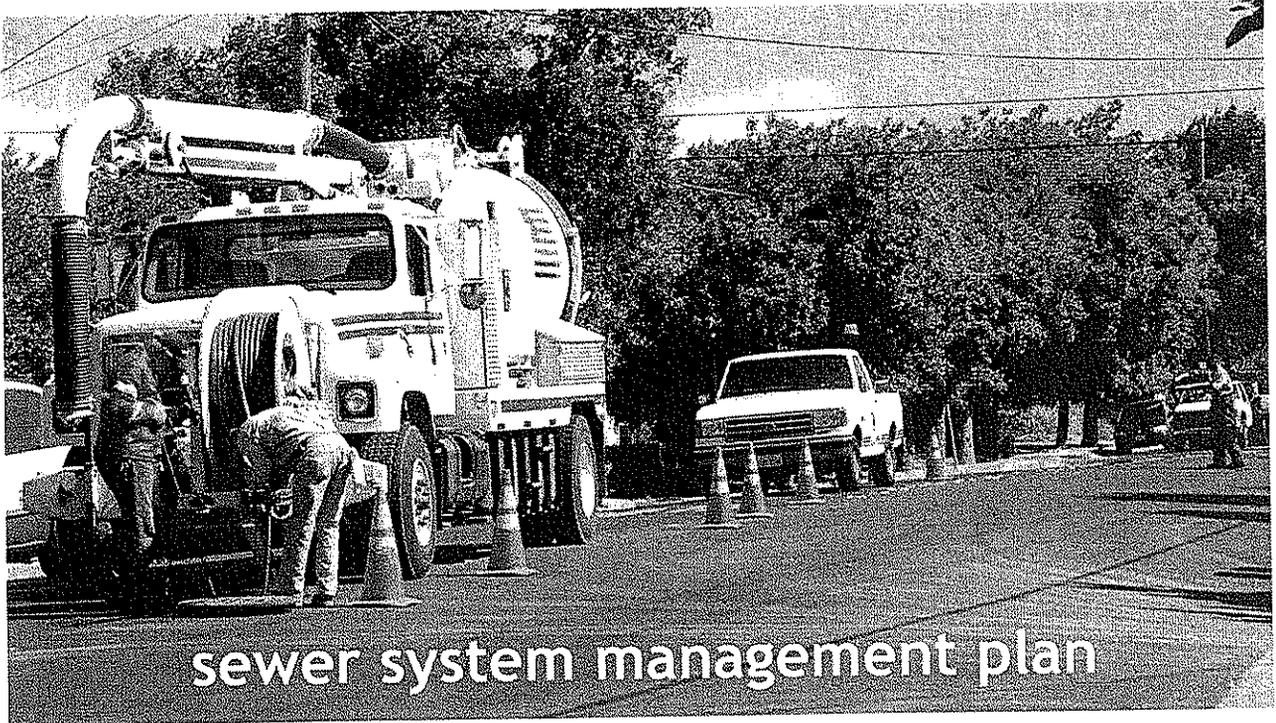
CERTIFICATION

The undersigned Clerk to the Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Board held on May 2, 2006.

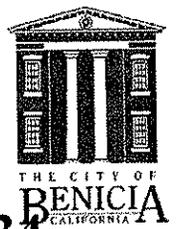


Song Her
Clerk to the Board

Excerpts from Benicia SSMP
(Sections 1 through 7)



Public Works Department
250 East L Street
Benicia, California
707 746-4240



VII-C-34

City of Benicia

Sewer System Management Plan

Introduction

City Of Benicia

The City of Benicia has a population of approximately 28,000 and is located approximately 35 miles northeast of San Francisco and 57 miles southwest of Sacramento. It was founded in 1847 along the north shore of the Carquinez Strait, where the combined flows of the Sacramento and San Joaquin rivers have cut a deep gorge through the Coast Range. The Strait is a crucial link in northern California's inland waterway, connecting San Pablo Bay and San Francisco Bay to the west with the Sacramento and San Joaquin River deltas to the east. Through the Strait, ocean-going ships can reach the Port of Benicia or continue on to the Central Valley ports of Sacramento and Stockton. Until 1957 untreated sewage was being discharged directly into the Carquinez Strait from nine principal outfalls and numerous minor outfalls spaced over two miles of shoreline. Federal and State Legislators recognized that Cities all across the country were polluting large bodies of water and jeopardizing public health by hampering the beneficial use of these waters. In 1958 the City of Benicia completed construction of a Wastewater Treatment Plant on East 5th Street which has been upgraded and expanded several times and serves the community today.

Sanitary Sewer Overflow Reduction

The City of Benicia is committed to reducing Sewer System Overflows (SSOs) in order to decrease the risk to both human health and the environment; the number and size of SSOs generally can be reduced, if not prevented, through the application of sound and appropriate operation, infrastructure maintenance, and management principles to wastewater collection systems. In accordance with State Water Resources Control Board, Order No. 2006-0003 entitled, "Statewide General Discharge Requirements for Sanitary Sewer Systems," all sanitary sewer systems over one mile in length are required to implement a Sanitary Sewer System Management Plan (SSMP). The city will develop and implement a citywide Sewer System Management Plan (SSMP). The SSMP will include the applicable elements that provide proper and cost effective management, operation, and maintenance of collection systems, while taking into consideration risk management and cost benefit analysis.

The City of Benicia has already implemented measures to reduce SSOs, and utilizes a statewide electronic reporting system for SSOs.

City of Benicia Sewer System Management Plan

Sewer System Management Plan - Goals

1. Properly manage, operate and maintain all parts of the wastewater collection system to provide reliable and uninterrupted service 99% of the time.
2. Provide adequate capacity to convey peak flows and reduce annual inflow and infiltration in the collection system.
3. Minimize the frequency of sanitary sewer overflows (SSOs) to less than twelve per year.
4. Mitigate the impact of SSOs utilizing safe, practical, proven and effective methods.
5. Provide Operations and Maintenance (O & M) training for all field crew and stand-by personnel who are involved in responding to Sewer System Overflows.

Sewer System Management Plan - Organization

The City of Benicia has defined these roles and responsibilities for members of the Public Works Department to comply with the SSMP:

The Director of Public Works will establish policy, plan strategy, lead staff, allocate resources, delegate responsibility, authorize outside contractors to perform services and will serve as public information officer. Provides information updates to Board or City Council. Arranges for emergency meetings if necessary.

City Engineer will prepare collection system planning documents, manage the capital improvement delivery system, document new and rehabilitated assets and coordinate development and implementation of the city's SSMP.

Public Works Inspector will ensure that new and rehabilitated assets meet city standards, work with field crews to handle emergencies when contractors are involved and provide verbal reports to the City Engineer.

City Engineering Staff will work as needed on implementing applicable permits, laws, capital projects and regulations and provides support to all parts of operation.

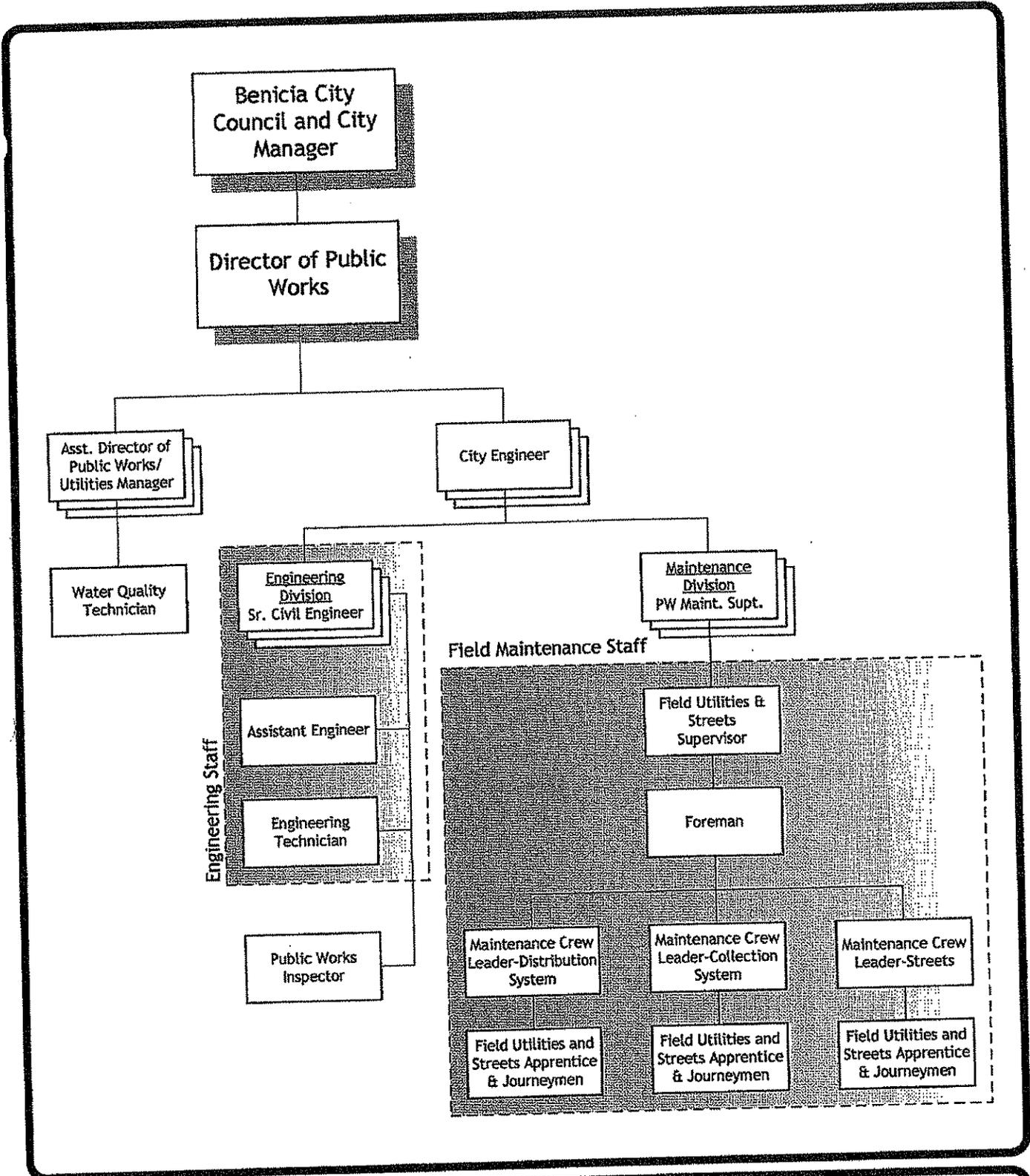
Maintenance Superintendant manages field operations and maintenance activities, provides relevant information to agency management, prepares and implements contingency plans, leads emergency response, investigates and reports SSOs and trains field crews.

Field Maintenance Staff will staff preventive maintenance activities, mobilize and respond to notification of stoppages and SSOs (mobilize sewer cleaning equipment, by-pass pumping equipment, and portable generators).

Assistant Director/Utilities Manager establishes funding sources, rates; oversees O & M and capital budgets; oversees FOG program implementation.

Water Quality Technician implements FOG program, performs industrial inspections, works with the Field Maintenance Staff to determine the sources of FOG blockages.

An organization chart is attached which details the relationships of staff involved in the city's SSMP. (Attachment A)



REVISIONS			
NO.	DESCRIPTION	BY	DATE
0	Submitted to SWRCB	<i>[Signature]</i>	8-30-06

PW SSMP Org Chart Rev. 08/29/2006



CITY OF BENICIA

SANITARY SEWER MANAGEMENT PLAN ORGANIZATION CHART

PUBLIC WORKS DEPARTMENT

PROJECT
2006 SSMP

DATE
AUGUST 2006

SHEET
ORG CHART 1

VILC-38

SECTION III—LEGAL AUTHORITY

Requirement¹

Each Enrollee must demonstrate, through sanitary sewer system use ordinances, service agreements, or other legally binding procedures, that it possesses the necessary legal authority to:

- a. Prevent illicit discharges into its sanitary sewer system;
- b. Require that sewers and connections be properly designed and constructed;
- c. Ensure access for maintenance, inspection, or repairs for portions of the lateral owned or maintained by the Public Agency;
- d. Limit the discharge of fats, oils, and grease and other debris that may cause blockages, and
- e. Enforce any violation of its sewer ordinance.

Existing Legal Authority

The City possesses the necessary legal authority to prevent, require, ensure, limit and enforce specific features and operations required by the Order. A summary of the relevant sections of the Benicia Municipal Code and other adopted documents is shown in Table 1.

A copy of each document follows the table.

¹ SWRCB Order No. 2006-0003-DWQ § B.13 (iii)

TABLE III.1--SUMMARY OF LEGAL AUTHORITY

Legal Authority To:	Existing Authority
a. Prevent illicit discharges into the sanitary sewer system	BMC 13.50.010 BMC 13.50.040 BMC 13.50.042 BMC 13.50.070
b. Require that sewers and connections be properly designed and constructed	BMC 13.50.150 BMC 13.60 et seq BMC 13.64.020 BMC 15.04.010 BMC 15.12.010 BMC 15.22 et seq
c. Ensure access for maintenance, inspection or repairs for portions of the lateral owned by the City	BMC 13.50.200 BMC 13.60.050 BMC 13.64.040 BMC 8.04 et seq UAC 202.3
d. Limit the discharge of fats, oils and grease and other debris that may cause blockages	BMC 13.50.040 BMC 13.50.050 BMC 13.50.070
e. Enforce any violation of City sewer ordinances	BMC 1.08 et seq BMC 8.04 et seq BMC 13.50.255 through .315 BMC 13.76 et seq

SECTION IV—MEASURES AND ACTIVITIES

Requirement¹

- a. Maintain an up-to-date map of the sanitary sewer system, showing all gravity line segments and manholes, pumping facilities, pressure pipes and valves, and applicable stormwater conveyance facilities;
- b. Describe routine preventative operation and maintenance activities by staff and contractors, including a system for regular maintenance and cleaning of sanitary sewer system with more frequent cleaning and maintenance targeted at know problem areas. The Preventative Maintenance program should have a system to document scheduled and conducted activities, such as work orders;
- c. Develop a rehabilitation and replacement plan to identify and prioritize system deficiencies and implement short-term and long-term rehabilitation actions to address each deficiency. The program should include regular visual and TV inspections of manholes and sewer pipes, and a system for ranking the condition of sewer pipes and scheduling rehabilitation. Rehabilitation and replacement should focus on sewer pipes that are at risk of collapse or prone to more frequent blockages due to pipe defects. Finally, the rehabilitation and replacement plan should include a capital improvement plan that addresses proper management and protection of the infrastructure assets. The plans shall include a time schedule for implementing the short- and long-term plans plus a schedule for developing the funds needed for the capital improvement plan;
- d. Provide training on a regular basis for staff in sanitary sewer system operations and maintenance, and require contractors to be properly trained; and
- e. Provide equipment and replacement part inventories, including identification of critical replacement parts.

Supporting Documents

A summary of the Benicia measures and activities related to this section and the supporting official documents are shown in Table IV.1.

A copy of each document follows the table.

¹ SWRCB Order No. 2006-0003-DWQ § B.13 (iv)

TABLE IV.1—SUMMARY OF MEASURES AND ACTIVITIES

Item Required	Supporting Documents
a. Maintain an up-to-date map of the sanitary sewer system	<u>Water, Sewer and Storm Drain Utility Maps. 2001.</u> City of Benicia Engineering Division.
b. Describe routine preventative operation and maintenance activities by staff and contractors	<u>City of Benicia Operation and Maintenance Procedures—Preventative Maintenance.</u> August 2007. Memorandum from PW Maintenance Superintendent.
c. Develop a rehabilitation and replacement plan to identify and prioritize system deficiencies and implement short-term and long-term rehabilitation actions to address each deficiency	<u>Capital Improvement Program FY 2007–2012.</u> June 2007. City of Benicia. <u>City of Benicia Operation and Maintenance Procedures—Infrastructure Continuous Improvement.</u> August 2007. Memorandum from PW Maintenance Superintendent.
d. Provide training on a regular basis for staff in sanitary sewer system operations and maintenance, and require contractors to be properly trained	<u>City of Benicia Operation and Maintenance Procedures—Training.</u> August 2007. Memorandum from PW Maintenance Superintendent.
e. Provide equipment and replacement part inventories, including identification of critical replacement parts	<u>City of Benicia Operation and Maintenance Procedures—Equipment and Replacement Parts.</u> August 2007. Memorandum from PW Maintenance Superintendent. LS Spare. August 2007. Email from WWTP Superintendent.

SECTION V—DESIGN AND CONSTRUCTION STANDARDS

Requirement¹

- a. Design and construction standards and specifications for the installation of new sanitary sewer systems, pump stations and other appurtenances; and for the rehabilitation and repair of existing sanitary sewer systems; and
- b. Procedures and standards for inspecting and testing the installation of new sewers, pumps, and other appurtenances and for rehabilitation and repair projects.

Supporting Documents

The City possesses the necessary design and construction standards and specifications to install, rehabilitate, repair, test and inspect new and existing sewers and pump stations required by the Order. A summary of the Benicia standards and other official documents are shown in Table 1.

A copy of each document follows the table.

¹ SWRCB Order No. 2006-0003-DWQ § B.13 (v)

TABLE V.1—SUMMARY OF DESIGN AND CONSTRUCTION STANDARDS

Item Required	Supporting Document
Design and construction standards and specifications for the installation of new sanitary sewer systems, pump stations and other appurtenances	<u>Engineering Design Standards and Standard Plans</u> . December 1992 with Adopted Revisions. City of Benicia Public Works Department. <u>SSMP Criteria for Lift Stations</u> . August 2007. City of Benicia Wastewater Treatment Plant Superintendent.
Design and construction standards and specifications for the rehabilitation and repair of existing sanitary sewer systems	Included with above documents
Procedures and standards for inspecting and testing the installation of new sewers, pumps and other appurtenances	Included with above documents
Procedures and standards for rehabilitation and repair projects	Included with above documents

Sewer System Management Plan - Overflow Emergency Response Plan

The City of Benicia utilizes the "Sanitary Sewer Overflow and Backup Response Plan" published by ABAG Plan Corporation. The City was instrumental in the development of the plan since its inception in 2004 and the August 2005 revision. The plan contains all the elements required by the SSMP.

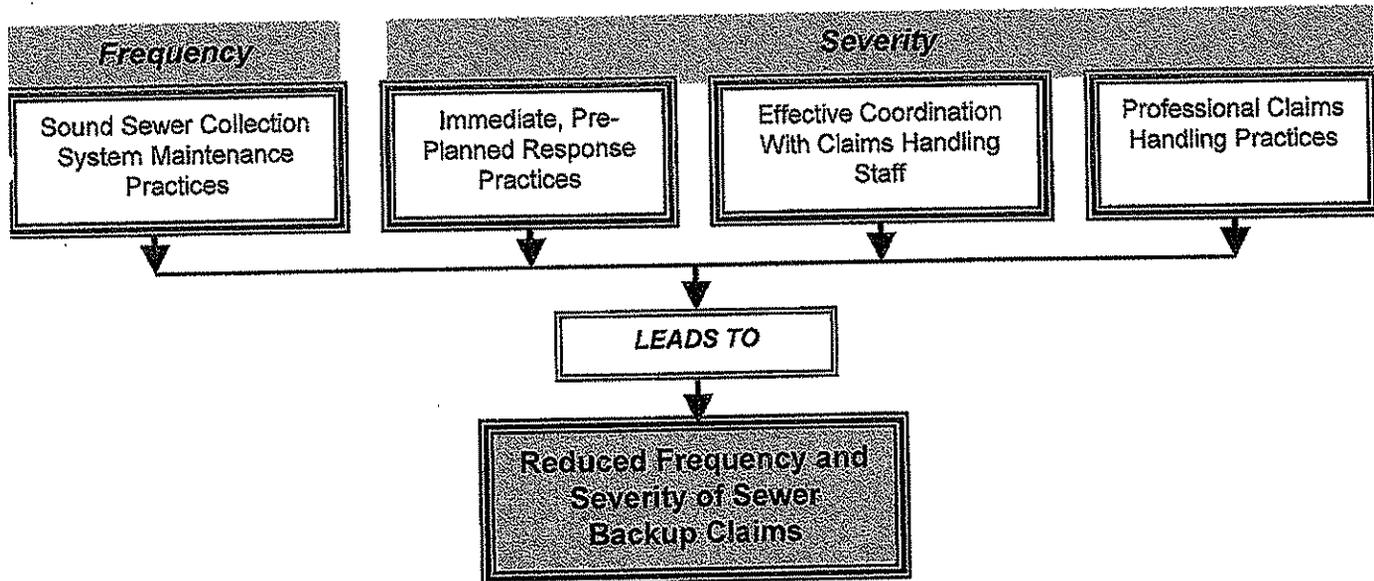
The policy requires that City employees report all water overflows found and to take the appropriate action to secure the wastewater overflow area, relieve the cause of the overflow, and ensure that the affected area is cleaned as soon as possible to minimize health hazards to the public and protect the environment. The City's goal is to respond to sewer system overflows during the regularly scheduled workday within 30 minutes. After hours response time is dependant on the location of the assigned stand-by personnel and the typical response time is less than one hour.

See attached "Sanitary Sewer Overflow and Backup Response Plan". (Attachment B)

SANITARY SEWER OVERFLOW & BACKUP RESPONSE PLAN

Produced By ABAG PLAN Corporation

For City of Benicia



Rev. August 2005

Prepared by David Patzer, Risk Management Solutions

707.373.9709 or losscontrol@sbcglobal.net

Copyright August 2004

VII-C-46

Sewer System Management Plan - FOG Control Program

The Fats Oil and Grease (FOG) Program is a component of the SSMP. The City of Benicia evaluated its service area and determined that a FOG Control Program was needed. Many of the elements required are already in place as part of the City's routine sewer system maintenance. Several legal elements will need to be implemented, such as the authority to inspect grease producing facilities and the legal authority to prohibit discharges.

The FOG Control Program consists of 6 elements as follows:

- ▶ Public education and outreach implementation plan and schedule,
- ▶ Obtain legal authority to prohibit illegal discharges, FOG blockages, and prevent sanitary sewer overflows (SSOs),
- ▶ Require installation of grease removal devices and a means to standardize their installation,
- ▶ Obtain the authority to inspect grease-producing facilities and enforce noncompliant facilities,
- ▶ Identify system locations subject to FOG blockages and establish maintenance schedules, and,
- ▶ Develop and implement source control measures for all FOG discharged to the sanitary sewer system.

Each element will describe the SSMP FOG Control Plan requirements, what the City is currently doing, and the City's plan and timeframe to implement the remaining requirements.

Public Education and Outreach

The public education component consists of developing a plan and implementation schedule for FOG Control public education and outreach.

Public Education and Outreach - Current Program

In 2005, the City distributed approximately 10,000 Fat-Free Sewer brochures to residents in their water and sewer bills. City employees received the same flyer in their paychecks. For the past two years, the City's Water Quality Technician (WQT) has distributed approximately 250 "Fat Trappers" to residents during Pollution Prevention week, generally the second or third week in September, at a public library display and during May's Public Works Week open house held at the wastewater treatment plant. The "Fat Trappers" are plastic containers that are used to house a foil-lined disposable paper bag. The intent is to have residents use the bag to collect and dispose of FOG in their household waste rather than washing the FOG down the drain. The City's WQT is planning to distribute additional Fat Trappers at a Farmer's Market display booth in August and will also do so during the fall of 2006.

Public Education and Outreach - Proposed Program

The City plans to continue to educate the community on methods to handle FOG and to reduce the disposal of FOG into the collection system. To avoid permit fees and to establish a working agreement with the food service industry, the City's Industrial Inspector/Pollution Prevention (P2) Coordinator will provide food service establishments specific best management practices or BMPs for the handling and disposing of FOG. In addition, as part of a residential outreach program, a mailer will be distributed to residents encouraging them to use FOG BMPs. The mailer is being developed by the Bay Area Pollution Prevention Group (BAPPG) and is targeted for distribution in September 2006. The City is also working with BAPPG to purchase FOG scrappers in 2006 and targeting 2006/2007 for distribution to the community and City employees.

Year	General Public	Targeted Grease Producing Businesses	City Employees
2006	BAPPG FOG brochure Included in water billing and Purchase BAPPG FOG Scrappers and begin distribution	FOG BMPs distributed to food service establishments	BAPPG FOG brochure
2007	Distribute FOG Scrappers Distribute FOG door hangers to "hot spots"	Inspect hot spots and continue to educate with FOG BMPs	Distribute FOG Scrappers
2008	Distribute FOG door hangers to "hot spots"	Continue to educate with FOG BMPs	Distribute FOG BMPs

Legal Authority

The City is required to obtain legal authority to prohibit illegal discharges, FOG blockages, and prevent sanitary sewer overflows (SSOs).

Legal Authority-Current Program

The City currently has no specific legal language with respect to FOG control. The City uses an array of existing laws to halt noncompliant situations or events. For example, the City uses Fish and Game Code 5650(a) *Polluting Water*, which states, amongst other things, that is unlawful to deposit harmful substances in waterways. The City also uses Health and Safety Code 5411, *Discharge of Sewage or Other Waste*, which states that no person shall discharge sewage or other waste in any manner that results in contamination or nuisance. The City currently writes letters or visits the site to explain the noncompliant activity. This action has been fairly successful in the past.

Legal Authority-Proposed Program

In addition to existing regulations based on the 2001 California Plumbing Code section 1009.0 and 1009.1 for newly constructed and newly permitted facilities, the City is planning to adopt a FOG Control ordinance to regulate FOG discharges. The ordinance will focus on the reduction of FOG that is contributed by nonresidential facilities. The ordinance will require food service establishments to install a grease-removing device for new development or significant (>\$30,000) tenant improvements. Food establishments will be required to maintain their grease removal dictated by their loading. The City will be considering a practical discharge limit for FOG. The City's Industrial Inspector will be inspecting businesses to ensure ordinance compliance. The ordinance will also contain a menu of enforcement responses for ordinance violations. The schedule for adopting the FOG ordinance is listed in the table below.

Year	Action Items
2006	Review ordinances
2007	Spring-Draft of propose ordinance Summer-Approval of draft ordinance from Assistant Public Works Director Obtain legal authority approval from City Attorney Fall-Present ordinance to City Council for approval Open ordinance to public comments Adopt FOG ordinance
2008	Implement FOG ordinance

FOG Removal Devices

The City will require food service establishments to install grease removal devices and a means to standardize their installation.

FOG Removal Devices - Current Program

One of the main components for controlling FOG from nonresidential facilities is the requirement for installing FOG removal devices. Currently, the City has not standardized its procedure of requiring grease removal devices for new food service establishments and for tenants who make major improvements to their kitchen area.

FOG Removal Devices - Proposed Program

The proposed FOG ordinance will most likely require food service establishments that apply for a new business license or food service tenants who make improvements exceeding \$25,000 to install a FOG removal device. A FOG removal device can either be a grease trap or interceptor, depending on location or the size of the tenant improvement. The size and type of grease removal device are also predicated on the flow volume of the business. The location for the grease removal device installation will be standardized in the FOG ordinance. The definitions for grease trap and interceptor will be included in the FOG ordinance

Inspection and Enforcement Authority

The City is required to obtain the authority to inspect grease-producing facilities and enforce noncompliant facilities.

Inspection and Enforcement Authority - Current Program

The City currently does not have the legal authority to inspect and enforce FOG noncompliance. The City's pretreatment ordinance does contain language that prohibits the discharge of any substance that can create a public nuisance.

Inspection and Enforcement Authority - Proposed Program

The adoption of a FOG ordinance will grant the City's industrial inspector (WQT) the authority to inspect FOG producing facilities and enforce noncompliant facilities. The inspection and public outreach of food service establishments in the identified "hot spot" areas will be a critical component of the City's source control program for FOG. The food service establishments will be required to maintain a regular cleaning schedule for its grease-removing device (either a grease trap or interceptor) and must be able to furnish proof upon request. The FOG ordinance will also grant the City the legal authority to prohibit illegal discharges, FOG blockages, and prevent sanitary sewer overflows (SSOs). The City anticipates adopting a FOG ordinance at the end of calendar year 2007. The WQT will be developing an Enforcement Response Plan (ERP) to identify potential violations and responses by key personnel.

The City's WQT will also be working with the field maintenance crew to determine the sources of FOG blockages. Subsequently, the WQT will inspect the targeted locations/facilities to determine if one, or combinations of the following remedies are required: enforcement actions, increased maintenance by the business, or public outreach and education.

Identification of FOG Blockages and Establishment of Maintenance Schedules

The City is required to identify locations of FOG blockages and establishing a routine maintenance schedule to avoid SSOs.

Identification of FOG Blockages and Maintenance Schedules - Current Program

The City has identified the locations that routinely contain heavy concentrations of FOG, which require routine cleaning of the sewer lines. These grease blockage areas or locations are commonly known as "hot spots." The City has identified 67 hot spots that are cleaned on a regular schedule; 47 hot spots are cleaned twice a year and the remaining 20 are cleaned on a quarterly basis. From July 2004 to January 2006, 20 sewer calls were

recorded for grease-related cleaning problems. However, these locations were not identified as hot spots. A map of the identified hot spots is attached for your review (Attachment C).

Identification of Regular FOG Blockages and Maintenance Schedules - Proposed Program

The City intends to maintain its regular maintenance/cleaning schedule since it has been successful at reducing sanitary sewer overflows (SSOs) due to FOG. The City is planning to conduct more public outreach and education to the areas or locations that require high FOG maintenance. The City's WQT will be working with the field maintenance crew to distribute or hand out FOG door hangers to the neighborhoods where they respond to FOG blockage problems. The City is targeting the summer of 2007 to begin distributing FOG door hangers.

FOG Source Control Program

The City is required to develop and implement source control measures for FOG control.

FOG Source Control-Current Program

The City's current FOG source control program consists of public outreach and education and the requirement to install grease removal devices for new businesses that produce grease and tenants who make major improvements to their site. The public outreach and education program includes distributing FOG BMPs to food service establishments, *Fat-Free Sewer* mail inserts, and distributing Fat Trappers at the Farmers Market and at public library displays and other selected public events.

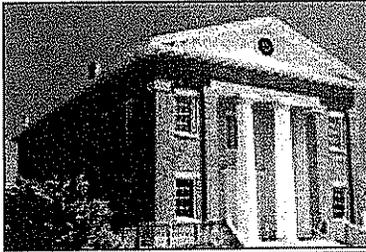
FOG Source Control-Proposed Program

The City will continue to place strong emphasis on its public outreach and education program for FOG control. The City's plan of action is as follows:

- Purchase and distribute FOG scrappers to the public
- Increase its appearances at the Farmers Market to distribute more Fat Trappers and to educate the public about the importance of reducing FOG to the sewers
- Distribute FOG door hangers and FOG BMPs to "hot spots" areas
- Distribute BAPPG FOG brochures

In addition, the City will require the installation of grease removal devices for all food service establishments who apply for a new business license or food service tenants who make improvements exceeding \$25,000.

Benicia
SSMP Webpage



the city of BENICIA, CA

City Service Request System	Business Services	City Departments	Community & Events	Government & Officials
Home	<h2 style="text-align: center;">Sewer System Management Plan</h2> <p>The City of Benicia is mandated by the State Water Resources Control Board (SWRCB) and their regional implementing agency, the SF Regional Water Quality Control Board (RWQCB), to develop a system-specific plan to ensure proper and efficient management, operation and maintenance of our public sanitary sewer collection system. The following documents constitute our plan.</p> <ul style="list-style-type: none"> SWRCB Order 2006-0003 The legal requirements from the State Water Resources Control Board (200k) RWQCB Instructions The Regional Water Quality Control Board issued implementation instructions September 29, 2006. Note that the deadlines in this letter supercede the SWRCB deadlines (700k) 2006 Statement of Compliance Notification to the Water Board that the City was in compliance with the August 30, 2006 deadline 2007 Statement of Compliance Notice to the Water Board that the City was in compliance with the August 31, 2007 deadline Section 1 Goals This section describes the goals and objectives of our plan (400k) Section 2 Organization Description of Benicia's sewer system management organization (200k) Section 3 Legal Authority This section outlines the legal authority to protect and maintain our sewer system (3800k) Section 4 Measures and Activities Maintenance and preventative maintenance plan for our sewer system (3500k) Section 5 Design and Construction Standards Engineering standards for the design and construction of pipelines and lift stations (2600k) Section 6 Overflow Emergency Response Plan Description of how the City responds to sewer overflows and backups (3900k) Section 7 FOG Control Program This section describes how the City responds to and prevents fats, oils and grease (FOG) from clogging the system (800k) 			<h3>For More Information</h3> <p>Please contact the Public Works Maintenance Division 707 746-4296 during normal business hours</p>
Agendas & Minutes				
Code Enforcement				
Job Openings				
Meeting Schedules				
Municipal Code				
Public Announcements				
Website Directory				
Disclaimer				
<p>In City Departments:</p> <ul style="list-style-type: none"> City Manager City Attorney Community Development Finance Fire Library Parks & Community Services Police Public Works <ul style="list-style-type: none"> Forms Publications Wastewater Treatment Water Treatment Winter Storms 				
 <p>Get Adobe Reader</p>				
<p>Search</p> <div style="border: 1px solid black; padding: 5px; display: inline-block;"> <input style="width: 100px;" type="text"/> <input type="button" value="GO"/> </div> <p> <input checked="" type="radio"/> Full Site <input type="radio"/> This Section </p> <p>Search Tips</p>				

**AGENDA ITEM
CITY COUNCIL MEETING: FEBRUARY 5, 2008
CONSENT CALENDAR**

DATE : January 16, 2008
TO : City Manager
FROM : Finance Director
SUBJECT : **ANNUAL REVIEW OF CITY OF BENICIA INVESTMENT
POLICY WITH MINOR CHANGES**

RECOMMENDATION:

Adopt the resolution recognizing the annual review of the City of Benicia Investment Policy in accordance with California State Government Code §53646.

EXECUTIVE SUMMARY:

The City Council is required to review the Investment Policy annually to assure compliance with changes in State law, principally Government Code §53646. There are minor changes recommended this year, as extensive revisions were approved in October 2005. The changes focus on providing more precise definitions of eligible investments and percentage limitations, as well as clarifying the requirements for selecting Brokers.

BUDGET INFORMATION:

There is no impact on the City's budget by adopting this resolution.

BACKGROUND:

David Lee, MBIA Client Services Manager, and Carlos Oblites, PFM Senior Management Consultant have assisted staff in updating the City's Investment Policy to be consistent with all enacted State legislation. The policy went through extensive review and modification in October 2005 as the City retained the use of professional Investment Advisors to assist in the oversight of the City's investment portfolio.

The Audit and Finance Committee reviewed the Investment Policy on December 7, 2007 and recommends approval of the attached Resolution.

Attachments:

- Resolution
- City of Benicia Investment Policy (~~Strikeout Version~~)
- City of Benicia Investment Policy

RESOLUTION

RESOLUTION NO. 08-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING THE ANNUAL REVIEW OF THE CITY'S INVESTMENT POLICY WITH MINOR CHANGES

WHEREAS, the City Council has determined that it is in the City's best interest to adopt and periodically review the City's Investment Policy in accordance with California State Government Code §53600 et seq.; and

WHEREAS, the Audit and Finance Committee and Finance Director have reviewed the City Investment Policy and recommend approval of the annual review process with minor changes; and

WHEREAS, the City Council last reviewed the Investment Policy on October 3, 2006, recognizing the City's investment reporting practices are in accordance with California State Government Code §53600 et seq.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Benicia hereby approves the annual review of the City's Investment Policy as presented.

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 the Council held on the 5th day of February, 2008 and adopted by the following vote:

Ayes:
Noes:
Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk

**CITY OF BENICIA
INVESTMENT POLICY
(~~Strikeout Version~~)**

City of Benicia Investment Policy

(Revised ~~September 20, 2005~~ February 5, 2008)

The City Council of the City of Benicia (the "City") has adopted this Investment Policy (the "Investment Policy") in order to establish the investment scope, objectives, delegation of authority, standards of prudence, reporting requirements, internal controls, eligible investments and transactions, diversification requirements, risk tolerance, and safekeeping and custodial procedures for the investment of the funds of the City. All City funds will be invested in accordance with this Investment Policy and with applicable sections of the California Government Code.

This Investment Policy was endorsed and adopted by the City Council of the City of Benicia on ~~September 20, 2005~~ February 5, 2008 pursuant to City Council Resolution No. ~~05-154~~ _____. It replaces any previous investment policy of the City.

I. SCOPE

The provisions of this Investment Policy shall apply to all financial assets of the City.

All cash shall be pooled for investment purposes. The investment income derived from the pooled investment account shall be allocated to the contributing funds based upon the proportion of the respective average balances relative to the total pooled balance in the City's investment portfolio. Interest earnings shall be distributed to the individual funds not less than annually.

II. OBJECTIVES

The principal investment objectives of the City are:

1. Preservation of capital and protection of investment principal.
2. Maintenance of sufficient liquidity to meet anticipated cash flows.
3. Attainment of a market value rate of return.
4. Diversification to avoid incurring unreasonable market risks.
5. Compliance with the City's Municipal Code and with all applicable City resolutions, California statutes and Federal regulations.

III. DELEGATION OF AUTHORITY

Management responsibility for the City's investment program is delegated annually by the City Council to the Treasurer pursuant to California Government Code Section 53607, and has been further delegated to the Finance Director and the Assistant Finance Director. The Finance Director has primary responsibility for daily management of the City's investment portfolio. No person may engage in an investment transaction except as expressly provided under the terms of this Investment Policy.

The Finance Director shall develop written administrative procedures and internal controls, consistent with this Investment Policy, for the operation of the City's investment program. Such procedures shall be designed to prevent losses of public funds arising from fraud, employee error, misrepresentation by third parties, or imprudent actions by employees of the City.

The City may engage the support services of outside investment advisors in regard to its investment program, so long as it can be clearly demonstrated that these services produce a net financial advantage or necessary financial protection of the City's financial resources.

The Treasurer, the Finance Director and the Assistant Finance Director, acting as an investment committee will meet monthly to review the day to day management of the City's investment portfolio. They will meet quarterly to discuss overall portfolio performance.

IV. PRUDENCE

The standard of prudence to be used for managing the City's investments shall be California Government Code Section 53600.3, the prudent investor standard which states, "When investing, reinvesting, purchasing, acquiring, exchanging, selling, or managing public funds, a trustee shall act with care, skill, prudence, and diligence under the circumstances then prevailing, including, but not limited to, the general economic conditions and the anticipated needs of the agency, that a prudent person acting in a like capacity and familiarity with those matters would use in the conduct of funds of a like character and with like aims, to safeguard the principal and maintain the liquidity needs of the agency."

The City's overall investment program shall be designed and managed with a degree of professionalism that is worthy of the public trust. The City recognizes that no investment is totally ~~riskless~~ without risk and that the investment activities of the City are a matter of public record. Accordingly, the City recognizes that occasional measured losses ~~are inevitable~~ may occur in a diversified portfolio and shall be considered within the context of the overall portfolio's return, provided that adequate diversification has been implemented and that the sale of a security is in the best long-term interest of the City.

The Finance Director and authorized investment personnel acting in accordance with written procedures and exercising due diligence shall be relieved of personal responsibility for an individual security's credit risk or market price changes, provided that the deviations from expectations are reported in a timely fashion to the City Council and appropriate action is taken to control adverse developments.

V. ETHICS AND CONFLICTS OF INTEREST

Elected officials and City employees involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program or could impair or create the appearance of an impairment of their ability to make impartial investment decisions. Elected officials and employees shall disclose to the City Council any

business interests they have in financial institutions that conduct business with the City and they shall subordinate their personal investment transactions to those of the City. In addition, the Treasurer, the Finance Director, the Assistant Finance Director and others with delegated investment authority shall file a Statement of Economic Interests each year in accordance with California Government Code Section 87203 and regulations of the Fair Political Practices Commission and the City's Open Government Ordinance.

VI. AUTHORIZED SECURITIES AND TRANSACTIONS

All investments and deposits of the City shall be made in accordance with California Government Code Sections 16429.1, 53600-53609 and 53630-53686, except that in accordance with California Government Code Section 5903(e), proceeds of bonds and any moneys set aside or pledged to secure payment of the bonds may be invested in securities or obligations described in the ordinance, resolution, indenture, agreement, or other instrument providing for the issuance of the bonds. Any revisions or extensions of these code sections will be assumed to be part of this Investment Policy immediately upon being enacted. However, in the event that amendments to these sections conflict with this Investment Policy and past City investment practices, the City may delay adherence to the new requirements when it is deemed in the best interest of the City to do so. In such instances, after consultation with the City Attorney, the Finance Director will present a recommended course of action to the City Council for approval.

The City has further restricted the eligible types of securities and transactions as follows:

1. United States Treasury bills, notes, bonds, or strips with a final maturity not exceeding five years from the date of purchase.
2. Federal Agency debentures and mortgage-backed securities with a final maturity not exceeding five years from the date of purchase issued by the Government National Mortgage Association (GNMA).
3. Federal Instrumentality (government sponsored enterprise) debentures, discount notes, callable and step-up securities, with a final maturity not exceeding five years from the date of purchase, issued by the following only: Federal Home Loan Banks (FHLB), Federal National Mortgage Association (FNMA), Federal Farm Credit Banks (FFCB) and Federal Home Loan Mortgage Corporation (FHLMC). Federal Instrumentality securities shall be rated at least AAA or the equivalent by a nationally recognized statistical-rating organization (NRSRO) at the time of purchase.
4. Repurchase Agreements with a final termination date not exceeding 30 days collateralized by U.S. Treasury obligations, Federal Agency securities, or Federal Instrumentality securities listed in items 1, 2 and 3 above with the maturity of the collateral not exceeding 10 years. For the purpose of this section, the term collateral shall mean purchased securities under the terms of the City's approved Master Repurchase Agreement. The purchased securities shall have a minimum market value including accrued interest of 102% of the dollar value of the funds borrowed. Collateral shall be held in the City's custodian bank, as safekeeping agent,

and the market value of the collateral securities shall be marked-to-the-market daily. Repurchase agreements with any one counterparty shall be limited to \$1 million.

Repurchase Agreements shall be entered into only with broker/dealers recognized as a primary dealer by the Federal Reserve Bank of New York, or with ~~financial firms~~ broker/dealers that have a primary dealer within their holding company structure. Approved Repurchase Agreement counterparties shall have a short-term credit rating of at least A-1 or the equivalent and a long-term credit rating of at least A or the equivalent by a NRSRO. Repurchase agreement counterparties shall execute a City approved Master Repurchase Agreement with the City. The Finance Director shall maintain a copy of the City's approved Master Repurchase Agreement along with a list of broker/dealers who have executed same.

5. Prime Commercial Paper with a maturity not exceeding 270 days from the date of purchase with the highest ranking or of the highest letter and number rating as provided for by a NRSRO. The entity that issues the commercial paper shall meet all of the following conditions in either sub-paragraph A. or sub-paragraph B. below:

A. The entity shall (1) be organized and operating in the United States as a general corporation, (2) have total assets in excess of five hundred million dollars (\$500,000,000) and (3) have debt other than commercial paper, if any, that is rated "A" or higher by a NRSRO.

B. The entity shall (1) be organized within the United States as a special purpose corporation, trust, or limited liability company, (2) have program wide credit enhancements, including, but not limited to, over collateralization, letters of credit or surety bond and (3) have commercial paper that is rated "A-1" or higher, or the equivalent, by a NRSRO.

~~Purchases of eligible commercial paper may not represent more than 10% of the outstanding commercial paper of any single corporate issue. No more than \$1 million shall be invested~~
The total investment in the commercial paper of any one issuer shall be limited to the lesser of 10% of the City's total portfolio or \$1 million, and the aggregate investment in commercial paper shall not exceed 25% of the City's total portfolio.

6. Eligible Bankers Acceptances rated at least A-1 or the equivalent by each NRSRO that rates them at the time of purchase, with maturities not exceeding 180 days from the date of purchase; issued by a FDIC insured commercial bank whose senior long-term debt is rated at the time of purchase A or the equivalent by a NRSRO. The total investment in bankers acceptances of any one issuer shall be limited to the lesser of 5% of the City's total portfolio or \$3 million, and the aggregate investment in bankers acceptances shall not exceed 20% of the City's total portfolio.

7. Non-negotiable Certificates of Deposit with a maturity not exceeding five years, in ~~state or nationally chartered banks or savings banks with a California branch office that are insured~~

~~by the FDIC. Time Certificates of Deposit exceeding FDIC coverage shall be secured in accordance with California Government Code Section 53652.~~ banks that meet the criteria set forth in Section X of this Investment Policy. The aggregate amount invested in Certificates of Deposit shall not exceed 25% of the City's total portfolio.

8. State of California's Local Agency Investment Fund (LAIF), created by California Government Code Section 16429.1.
9. Money Market Funds registered under the Investment Company Act of 1940 that (1) are "no-load" (no commission or fee shall be charged on purchases or sales of shares); (2) have a constant daily net asset value per share of \$1.00; (3) invest only in the securities and obligations authorized in the applicable California statutes this Investment Policy and (4) have a rating of at least AAA or the equivalent by a NRSRO. The total investment in money market funds of any one issuer shall be limited to the lesser of 10% of the City's total portfolio or \$5 million, and the aggregate investment in money market funds shall not exceed 20% of the City's total portfolio.

It is the intent of the City that the foregoing list of authorized securities and transactions is strictly interpreted. Any deviation from this list must be pre-approved by resolution of the City Council.

VII. PORTFOLIO MATURITIES AND LIQUIDITY

To the extent possible, investments shall be matched with anticipated cash flow requirements and known future liabilities. The City will not invest in securities maturing more than five years from the date of purchase, unless the City Council has by resolution granted authority to make such an investment at least three months prior to the date of investment.

VIII. SELECTION OF BROKER/DEALERS

The Finance Director shall maintain a list of ~~authorized broker/dealers approved for investment purposes, and it shall be the policy of the City to purchase securities only from those authorized firms. To be eligible, a firm must be licensed by the State of California as a broker/dealer as defined in California Corporations Code Section 25004, and shall~~ brokers and the firms they represent. Each approved broker/dealer must possess an authorizing certificate from the California Commissioner of Corporations as required by Section 25210 of the California Corporations Code. The firms they represent must:

1. be recognized as a ~~primary dealers~~ primary dealer by the Federal Reserve Bank of New York or have a primary dealer within their holding company structure, or
2. report voluntarily to the Federal Reserve Bank of New York, or
3. qualify under Securities and Exchange Commission (SEC) Rule 15c3-1 (Uniform Net Capital Rule).

Broker/dealers will be selected by the Finance Director on the basis of their expertise in public cash management and their ability to provide services for the City's account.

Annually, each authorized broker/dealer shall submit a City approved Broker/Dealer Information Request form and the firm's most recent financial statements. ~~The Finance Director shall maintain a list of approved broker/dealers, along with each firm's most recent Broker/Dealer Information Request form.~~

The City may purchase commercial paper from direct issuers even though they are not on the approved broker/dealer list as long as the purchase meets the criteria outlined in Item 5 of the Authorized Securities and Transactions section of this Investment Policy.

IX. COMPETITIVE TRANSACTIONS

Each investment transaction shall be competitively transacted with approved broker/dealers. At least three broker/dealers shall be contacted for each transaction and their bid or offering prices shall be recorded.

If the City is offered a security for which there is no other readily available competitive offering, then the Finance Director will document quotations for comparable or alternative securities.

~~When purchasing original issue instrumentality securities, no competitive offerings will be required as all dealers in the selling group offer those securities at the same original issue price.~~

X. SELECTION OF BANKS

The Finance Director shall maintain a list of FDIC insured banks approved to provide depository and other banking services for the City. To be eligible, a bank ~~must be a member of the FDIC,~~ shall qualify as a depository of public funds in the State of California as defined in California Government Code Section 53630.5 and shall secure deposits in excess of FDIC coverage in accordance with California Government Code Section 53652.

XI. SAFEKEEPING AND CUSTODY

The Finance Director shall select one or more ~~financial institutions~~banks to provide safekeeping and custodial services for the City, in accordance with the provisions of Section 53608 of the California Government Code. A Safekeeping Agreement approved by the City shall be executed with each custodian bank prior to utilizing that bank's safekeeping services.

Custodian banks will be selected on the basis of their ability to provide services for the City's account and the competitive pricing of their safekeeping related services.

The purchase and sale of securities and repurchase agreement transactions shall be settled on a delivery versus payment basis. All securities shall be perfected in the name of the City. Sufficient evidence to title shall be consistent with modern investment, banking and commercial practices.

All investment securities, except non-negotiable Certificates of Deposit, Money Market Funds and LAIF will be delivered by either book entry or physical delivery and will be held in third-party safekeeping by a City approved custodian bank, its correspondent bank or its Depository Trust Company (DTC) participant account.

All Fed wireable book entry securities shall be held in the Federal Reserve system in a customer account for the custodian bank which will name the City as "customer."

All DTC eligible securities shall be held in the custodian bank's DTC participant account and the custodian bank shall provide evidence that the securities are held for the City as "customer."

All non-book entry (physical delivery) securities shall be held by the custodian bank or its correspondent bank and the custodian bank shall provide evidence that the securities are held by the bank for the City as "customer."

XII. PORTFOLIO PERFORMANCE

The investment portfolio shall be designed to attain a market rate of return throughout budgetary and economic cycles, taking into account prevailing market conditions, risk constraints for eligible securities, and cash flow requirements. The performance of the City's investments shall be compared to the average yield on the U.S. Treasury security that most closely corresponds to the portfolio's actual weighted average effective maturity. When comparing the performance of the City's portfolio, its rate of return will be computed net of all fees and expenses.

XIII. REPORTING

Quarterly, the Treasurer, the Finance Director and the Audit and Finance Committee shall submit to the City Manager and the City Council a report of the investment earnings and performance results of the City's investment portfolio. The report shall include the following information:

1. Investment type, issuer, date of maturity, par value and dollar amount invested in all securities, and investments and monies held by the City;
2. The weighted average maturity of the investment portfolio;
3. A description of investments that are under the management of contracted parties;
4. A market value as of the date of the report and the source of the valuation;
5. A statement of compliance with this Investment Policy or an explanation of non-compliance; and
6. A statement of the City's ability to meet expenditure requirements for the following six months or an explanation of why sufficient funds may not be available.

Within 60 days after the close of the second and fourth quarters ending in June and December, the Finance Director or his designee shall file copies of the most recent reports referred to above with the California Debt and Investment Advisory Commission.

XIV. POLICY REVIEW

This Investment Policy shall be adopted by resolution of the City Council. It shall be reviewed at least annually by the Treasurer, the Finance Director and the Audit and Finance Committee to ensure it remains consistent with the City's investment objectives, current law and economic trends. Any revisions to this Investment Policy must be approved by the City Council.

**CITY OF BENICIA
INVESTMENT POLICY**

City of Benicia
Investment Policy
(Revised February 5, 2008)

The City Council of the City of Benicia (the "City") has adopted this Investment Policy (the "Investment Policy") in order to establish the investment scope, objectives, delegation of authority, standards of prudence, reporting requirements, internal controls, eligible investments and transactions, diversification requirements, risk tolerance, and safekeeping and custodial procedures for the investment of the funds of the City. All City funds will be invested in accordance with this Investment Policy and with applicable sections of the California Government Code.

This Investment Policy was endorsed and adopted by the City Council of the City of Benicia on February 5, 2008 pursuant to City Council Resolution No._____. It replaces any previous investment policy of the City.

I. SCOPE

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5. Compliance with the City's Municipal Code and with all applicable City resolutions, California statutes and Federal regulations.

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The Treasurer, the Finance Director and the Assistant Finance Director, acting as an investment committee will meet monthly to review the day to day management of the City's investment portfolio. They will meet quarterly to discuss overall portfolio performance.

IV. PRUDENCE

The standard of prudence to be used for managing the City's investments shall be California Government Code Section 53600.3, the prudent investor standard which states, "When investing, reinvesting, purchasing, acquiring, exchanging, selling, or managing public funds, a trustee shall act with care, skill, prudence, and diligence under the circumstances then prevailing, including, but not limited to, the general economic conditions and the anticipated needs of the agency, that a prudent person acting in a like capacity and familiarity with those matters would use in the conduct of funds of a like character and with like aims, to safeguard the principal and maintain the liquidity needs of the agency."

The City's overall investment program shall be designed and managed with a degree of professionalism that is worthy of the public trust. The City recognizes that no investment is totally without risk and that the investment activities of the City are a matter of public record. Accordingly, the City recognizes that occasional measured losses may occur in a diversified portfolio and shall be considered within the context of the overall portfolio's return, provided that adequate diversification has been implemented and that the sale of a security is in the best long-term interest of the City.

The Finance Director and authorized investment personnel acting in accordance with written procedures and exercising due diligence shall be relieved of personal responsibility for an individual security's credit risk or market price changes, provided that the deviations from expectations are reported in a timely fashion to the City Council and appropriate action is taken to control adverse developments.

V. ETHICS AND CONFLICTS OF INTEREST

Elected officials and City employees involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program or could impair or create the appearance of an impairment of their ability to make impartial investment decisions. Elected officials and employees shall disclose to the City Council any

business interests they have in financial institutions that conduct business with the City and they shall subordinate their personal investment transactions to those of the City. In addition, the Treasurer, the Finance Director, the Assistant Finance Director and others with delegated investment authority shall file a Statement of Economic Interests each year in accordance with California Government Code Section 87203 and regulations of the Fair Political Practices Commission and the City's Open Government Ordinance.

VI. AUTHORIZED SECURITIES AND TRANSACTIONS

All investments and deposits of the City shall be made in accordance with California Government Code Sections 16429.1, 53600-53609 and 53630-53686, except that in accordance with California Government Code Section 5903(e), proceeds of bonds and any moneys set aside or pledged to secure payment of the bonds may be invested in securities or obligations described in the ordinance, resolution, indenture, agreement, or other instrument providing for the issuance of the bonds. Any revisions or extensions of these code sections will be assumed to be part of this Investment Policy immediately upon being enacted. However, in the event that amendments to these sections conflict with this Investment Policy and past City investment practices, the City may delay adherence to the new requirements when it is deemed in the best interest of the City to do so. In such instances, after consultation with the City Attorney, the Finance Director will present a recommended course of action to the City Council for approval.

The City has further restricted the eligible types of securities and transactions as follows:

1. United States Treasury bills, notes, bonds, or strips with a final maturity not exceeding five years from the date of purchase.
2. Federal Agency debentures and mortgage-backed securities with a final maturity not exceeding five years from the date of purchase issued by the Government National Mortgage Association (GNMA).
3. Federal Instrumentality (government sponsored enterprise) debentures, discount notes, callable and step-up securities, with a final maturity not exceeding five years from the date of purchase, issued by the following only: Federal Home Loan Banks (FHLB), Federal National Mortgage Association (FNMA), Federal Farm Credit Banks (FFCB) and Federal Home Loan Mortgage Corporation (FHLMC). Federal Instrumentality securities shall be rated at least AAA or the equivalent by a nationally recognized statistical-rating organization (NRSRO) at the time of purchase.
4. Repurchase Agreements with a final termination date not exceeding 30 days collateralized by U.S. Treasury obligations, Federal Agency securities, or Federal Instrumentality securities listed in items 1, 2 and 3 above with the maturity of the collateral not exceeding 10 years. For the purpose of this section, the term collateral shall mean purchased securities under the terms of the City's approved Master Repurchase Agreement. The purchased securities shall have a minimum market value including accrued interest of 102% of the dollar value of the funds borrowed. Collateral shall be held in the City's custodian bank, as safekeeping agent,

and the market value of the collateral securities shall be marked-to-the-market daily. Repurchase agreements with any one counterparty shall be limited to \$1 million.

Repurchase Agreements shall be entered into only with broker/dealers recognized as a primary dealer by the Federal Reserve Bank of New York, or with broker/dealers that have a primary dealer within their holding company structure. Approved Repurchase Agreement counterparties shall have a short-term credit rating of at least A-1 or the equivalent and a long-term credit rating of at least A or the equivalent by a NRSRO. Repurchase agreement counterparties shall execute a City approved Master Repurchase Agreement with the City. The Finance Director shall maintain a copy of the City's approved Master Repurchase Agreement along with a list of broker/dealers who have executed same.

5. Prime Commercial Paper with a maturity not exceeding 270 days from the date of purchase with the highest ranking or of the highest letter and number rating as provided for by a NRSRO. The entity that issues the commercial paper shall meet all of the following conditions in either sub-paragraph A. or sub-paragraph B. below:

A. The entity shall (1) be organized and operating in the United States as a general corporation, (2) have total assets in excess of five hundred million dollars (\$500,000,000) and (3) have debt other than commercial paper, if any, that is rated "A" or higher by a NRSRO.

B. The entity shall (1) be organized within the United States as a special purpose corporation, trust, or limited liability company, (2) have program wide credit enhancements, including, but not limited to, over collateralization, letters of credit or surety bond and (3) have commercial paper that is rated "A-1" or higher, or the equivalent, by a NRSRO.

The total investment in the commercial paper of any one issuer shall be limited to the lesser of 10% of the City's total portfolio or \$1 million, and the aggregate investment in commercial paper shall not exceed 25% of the City's total portfolio.

6. Eligible Bankers Acceptances rated at least A-1 or the equivalent by each NRSRO that rates them at the time of purchase, with maturities not exceeding 180 days from the date of purchase; issued by a FDIC insured commercial bank whose senior long-term debt is rated at the time of purchase A or the equivalent by a NRSRO. The total investment in bankers acceptances of any one issuer shall be limited to the lesser of 5% of the City's total portfolio or \$3 million, and the aggregate investment in bankers acceptances shall not exceed 20% of the City's total portfolio.
7. Non-negotiable Certificates of Deposit with a maturity not exceeding five years, in banks that meet the criteria set forth in Section X of this Investment Policy. The aggregate amount invested in Certificates of Deposit shall not exceed 25% of the City's total portfolio.

8. State of California's Local Agency Investment Fund (LAIF), created by California Government Code Section 16429.1.
9. Money Market Funds registered under the Investment Company Act of 1940 that (1) are "no-load" (no commission or fee shall be charged on purchases or sales of shares); (2) have a constant net asset value per share of \$1.00; (3) invest only in the securities and obligations authorized in the applicable California statutes and (4) have a rating of at least AAA or the equivalent by a NRSRO. The total investment in money market funds of any one issuer shall be limited to the lesser of 10% of the City's total portfolio or \$5 million, and the aggregate investment in money market funds shall not exceed 20% of the City's total portfolio.

Credit criteria and maximum percentages listed in this section refer to the credit of the issuing organization and/or maturity at the time the security is purchased. The City may from time to time be invested in a security whose rating is downgraded. In the event a rating drops below the minimum allowed rating category for that given investment type, the investment advisor shall notify the Finance Director and/or Designee and recommend a plan of action.

It is the intent of the City that the foregoing list of authorized securities and transactions is strictly interpreted. Any deviation from this list must be pre-approved by resolution of the City Council.

VII. PORTFOLIO MATURITIES AND LIQUIDITY

To the extent possible, investments shall be matched with anticipated cash flow requirements and known future liabilities. The City will not invest in securities maturing more than five years from the date of purchase, unless the City Council has by resolution granted authority to make such an investment at least three months prior to the date of investment.

VIII. SELECTION OF BROKER/DEALERS

The Finance Director shall maintain a list of broker/dealers approved for investment purposes, and it shall be the policy of the City to purchase securities only from those brokers and the firms they represent. Each approved broker/dealer must possess an authorizing certificate from the California Commissioner of Corporations as required by Section 25210 of the California Corporations Code. The firms they represent must:

1. be recognized as primary dealers by the Federal Reserve Bank of New York or have a primary dealer within their holding company structure, or
2. report voluntarily to the Federal Reserve Bank of New York, or
3. qualify under Securities and Exchange Commission (SEC) Rule 15c3-1 (Uniform Net Capital Rule).

Broker/dealers will be selected by the Finance Director on the basis of their expertise in public cash management and their ability to provide services for the City's account.

Annually, each authorized broker/dealer shall submit a City approved Broker/Dealer Information Request form and the firm's most recent financial statements.

The City may purchase commercial paper from direct issuers even though they are not on the approved broker/dealer list as long as the purchase meets the criteria outlined in Item 5 of the Authorized Securities and Transactions section of this Investment Policy.

IX. COMPETITIVE TRANSACTIONS

Each investment transaction shall be competitively transacted with approved broker/dealers. At least three broker/dealers shall be contacted for each transaction and their bid or offering prices shall be recorded.

If the City is offered a security for which there is no other readily available competitive offering, then the Finance Director will document quotations for comparable or alternative securities.

X. SELECTION OF BANKS

The Finance Director shall maintain a list of FDIC insured banks approved to provide depository and other banking services for the City. To be eligible, a bank shall qualify as a depository of public funds in the State of California as defined in California Government Code Section 53630.5 and shall secure deposits in excess of FDIC coverage in accordance with California Government Code Section 53652.

XI. SAFEKEEPING AND CUSTODY

The Finance Director shall select one or more banks to provide safekeeping and custodial services for the City, in accordance with the provisions of Section 53608 of the California Government Code. A Safekeeping Agreement approved by the City shall be executed with each custodian bank prior to utilizing that bank's safekeeping services.

Custodian banks will be selected on the basis of their ability to provide services for the City's account and the competitive pricing of their safekeeping related services.

The purchase and sale of securities and repurchase agreement transactions shall be settled on a delivery versus payment basis. All securities shall be perfected in the name of the City. Sufficient evidence to title shall be consistent with modern investment, banking and commercial practices.

All investment securities, except non-negotiable Certificates of Deposit, Money Market Funds and LAIF will be delivered by either book entry or physical delivery and will be held in third-party safekeeping by a City approved custodian bank, its correspondent bank or its Depository Trust Company (DTC) participant account.

All Fed wireable book entry securities shall be held in the Federal Reserve system in a customer account for the custodian bank which will name the City as "customer."

All DTC eligible securities shall be held in the custodian bank's DTC participant account and the custodian bank shall provide evidence that the securities are held for the City as "customer."

All non-book entry (physical delivery) securities shall be held by the custodian bank or its correspondent bank and the custodian bank shall provide evidence that the securities are held by the bank for the City as "customer."

XII. PORTFOLIO PERFORMANCE

The investment portfolio shall be designed to attain a market rate of return throughout budgetary and economic cycles, taking into account prevailing market conditions, risk constraints for eligible securities, and cash flow requirements. The performance of the City's investments shall be compared to the return on the U.S. Treasury index that most closely corresponds to the portfolio's target weighted average effective maturity or duration. When comparing the performance of the City's portfolio, its rate of return will be computed net of all fees and expenses.

XIII. REPORTING

Quarterly, the Treasurer, the Finance Director and the Audit and Finance Committee shall submit to the City Manager and the City Council a report of the investment earnings and performance results of the City's investment portfolio. The report shall include the following information:

1. Investment type, issuer, date of maturity, par value and dollar amount invested in all securities, and investments and monies held by the City;
2. The weighted average maturity of the investment portfolio;
3. A description of investments that are under the management of contracted parties;
4. A market value as of the date of the report and the source of the valuation;
5. A statement of compliance with this Investment Policy or an explanation of non-compliance; and
6. A statement of the City's ability to meet expenditure requirements for the following six months or an explanation of why sufficient funds may not be available.

XIV. POLICY REVIEW

This Investment Policy shall be adopted by resolution of the City Council. It shall be reviewed at least annually by the Treasurer, the Finance Director and the Audit and Finance Committee to ensure it remains consistent with the City's investment objectives, current law and economic trends. Any revisions to this Investment Policy must be approved by the City Council.

AGENDA ITEM
CITY COUNCIL MEETING: FEBRUARY 5, 2008
CONSENT CALENDAR

DATE : January 16, 2008
TO : City Manager
FROM : Finance Director
SUBJECT : **REVIEW INVESTMENT REPORT FOR THE QUARTER ENDED
SEPTEMBER 2007**

RECOMMENDATION:

Accept the investment report for the quarter ended September 2007.

EXECUTIVE SUMMARY:

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

BUDGET INFORMATION:

There is no affect on the City's budget.

BACKGROUND:

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

The City has adequate investments to meet its expenditure requirements for the next six months. In addition, the City's investment portfolio is in compliance with Government Code Sections 53600 et seq. and the City's Investment Policy. The Audit and Finance Committee has reviewed these reports and recommends acceptance.

The attached schedules identify the City's investments by maturity date, investment type, custodian of investment and cost. The market value information is provided by Union Bank and California State Controller's Office for the LAIF investments.

Attachment:

- Investment Report for the quarter ended September 2007.

**INVESTMENT REPORT FOR
THE QUARTER ENDED SEPTEMBER 2007**

**City of Benicia
Investment Report
As of September 30, 2007**

Type of Investment	Name of Issuer	Custodian / Manager	Maturity Date	Current Yield	Par Value	Cost of Investment	Current Market Value
On Demand							
L.A.I.F.	L.A.I.F.	L.A.I.F., City		5.240%	\$ 18,455,167.15	\$ 18,455,167.15	\$ 18,465,381.77
L.A.I.F.	L.A.I.F.	L.A.I.F., McAllister Bond		5.240%	32,981.30	32,981.30	32,999.55
Checking	Bank of America	Bank of America		2.000%	247,387.71	247,387.71	247,387.71
Money Market	WestAmerica Bank	WestAmerica Bank		0.150%	2,948.24	2,948.24	2,948.24
Money Market	Union Bank	Union Bank/PFM		4.520%	1,377,061.30	1,377,061.30	1,377,061.30
Money Market	Union Bank	Union Bank/MBIA		4.520%	939,844.20	939,844.20	939,844.20
Subtotal					21,055,389.90	21,055,389.90	21,065,622.78
Up to 6 Months							
US Obligation	U.S. Treasury	Union Bank/MBIA	30-Nov-07	4.250%	1,000,000.00	996,484.38	1,000,390.00
US Obligation	FFCB	Union Bank/PFM	17-Dec-07	3.010%	1,000,000.00	971,525.00	995,940.00
US Obligation	FNMA	Union Bank/PFM	15-Feb-08	5.730%	1,000,000.00	1,022,843.00	1,002,810.00
US Obligation	FHLB	Union Bank/MBIA	14-Mar-08	4.750%	1,000,000.00	991,700.00	999,380.00
Subtotal					4,000,000.00	3,982,552.38	3,998,520.00
6 Months to 1 Year							
US Obligation	FHLMC	Union Bank/PFM	18-Apr-08	5.120%	1,000,000.00	998,173.00	1,001,250.00
US Obligation	FHLB	Union Bank/PFM	15-May-08	4.020%	2,000,000.00	1,955,409.00	1,990,000.00
US Obligation	FHLB	Union Bank/MBIA	15-May-08	4.020%	1,000,000.00	984,620.00	995,000.00
US Obligation	FHLMC	Union Bank/PFM	15-Jun-08	3.900%	500,000.00	493,143.00	496,875.00
US Obligation	FHLB	Union Bank/MBIA	12-Sep-08	4.620%	500,000.00	497,300.00	500,000.00
Subtotal					5,000,000.00	4,928,645.00	4,983,125.00
1 Year to 2 Years							
US Obligation	FFCB	Union Bank/MBIA	10-Oct-08	4.260%	1,000,000.00	983,240.00	997,190.00
US Obligation	FNMA	Union Bank/PFM	15-Oct-08	4.490%	1,500,000.00	1,490,478.00	1,503,750.00
US Obligation	U.S. Treasury	Union Bank/MBIA	30-Nov-08	4.590%	1,000,000.00	993,906.25	1,007,660.00
US Obligation	FHLMC	Union Bank/MBIA	12-Jan-09	3.910%	1,250,000.00	1,212,975.00	1,240,237.50
US Obligation	FNMA	Union Bank/PFM	15-Feb-09	3.300%	1,500,000.00	1,436,589.00	1,475,625.00
US Obligation	FHLMC	Union Bank/PFM	5-Mar-09	4.730%	750,000.00	746,885.25	752,812.50
US Obligation	FNMA	Union Bank/PFM	9-Mar-09	4.310%	750,000.00	740,331.75	748,357.50
US Obligation	FHLMC	Union Bank/PFM	24-Apr-09	4.730%	1,000,000.00	991,952.00	1,004,690.00
US Obligation	FHLB	Union Bank/MBIA	15-May-09	5.300%	1,000,000.00	1,013,980.00	1,014,060.00
US Obligation	FHLMC	Union Bank/PFM	21-May-09	5.180%	980,000.00	981,991.36	992,553.80
US Obligation	FNMA	Union Bank/PFM	15-Jun-09	6.180%	550,000.00	561,569.80	567,358.00
US Obligation	U.S. Treasury	Union Bank/MBIA	15-Aug-09	4.800%	500,000.00	501,210.94	508,045.00
US Obligation	FFCB	Union Bank/MBIA	21-Sep-09	4.940%	1,000,000.00	1,003,740.00	1,011,250.00
Subtotal					12,780,000.00	12,658,849.35	12,823,589.30
2 Years to 3 Years							
US Obligation	U.S. Treasury	Union Bank/MBIA	15-Nov-09	4.570%	500,000.00	500,781.25	506,485.00
US Obligation	U.S. Treasury	Union Bank/MBIA	15-Feb-10	4.670%	500,000.00	502,812.50	508,515.00
US Obligation	FHLB	Union Bank/PFM	16-Apr-10	5.550%	500,000.00	500,000.00	500,155.00
US Obligation	FHLB	Union Bank/MBIA	11-Jun-10	5.150%	500,000.00	502,590.00	510,155.00
US Obligation	FHLB	Union Bank/PFM	11-Jun-10	5.150%	1,250,000.00	1,267,018.00	1,275,387.50
US Obligation	FHLMC	Union Bank/MBIA	16-Aug-10	4.820%	500,000.00	497,190.00	505,950.00
Subtotal					3,750,000.00	3,770,391.75	3,806,647.50
3 Years to 5 Years							
US Obligation	FHLMC	Union Bank/MBIA	8-Dec-10	4.710%	500,000.00	499,370.00	504,065.00
US Obligation	FNMA	Union Bank/MBIA	18-Jan-11	5.090%	500,000.00	496,590.00	500,780.00
US Obligation	FFCB	Union Bank/MBIA	25-Apr-11	4.750%	500,000.00	498,780.00	505,155.00
US Obligation	FNMA	Union Bank/MBIA	19-May-11	5.520%	500,000.00	499,218.75	509,530.00
US Obligation	FFCB	Union Bank/MBIA	8-Dec-11	4.620%	500,000.00	495,205.00	500,155.00
US Obligation	FHLMC	Union Bank/MBIA	5-Mar-12	4.720%	1,000,000.00	1,003,890.00	1,005,630.00
US Obligation	FHLMC	Union Bank/MBIA	3-Apr-12	5.200%	500,000.00	499,820.00	504,690.00
US Obligation	FFCB	Union Bank/PFM	1-Aug-12	5.110%	500,000.00	509,923.50	513,750.00
Subtotal					4,500,000.00	4,502,797.25	4,543,755.00

Total (before fiscal agent accounts) \$ 51,085,389.90 \$ 50,898,625.63 \$ 51,221,259.58

Fiscal Agent Accounts 461,466.36 461,466.36

TOTAL INVESTMENT PORTFOLIO **\$ 51,360,091.99 \$ 51,682,725.94**

WEIGHTED AVERAGE MATURITY OF THE INVESTMENT PORTFOLIO 1.66 Years

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

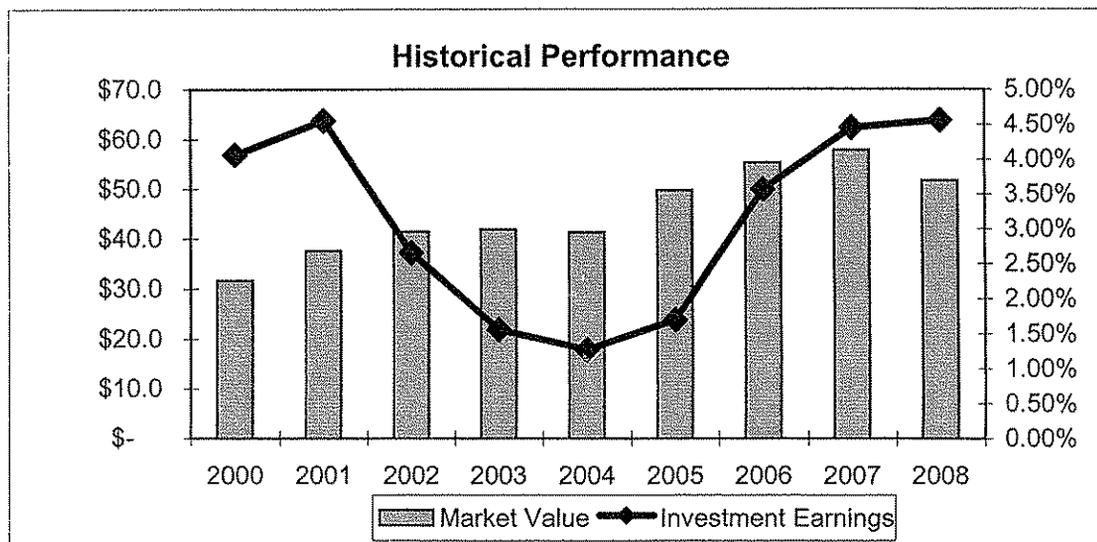

Robert Sousa, Director of Finance 11/19/2007
Date

VII-E-3

**City of Benicia
Historical Portfolio Comparison**

Market Value (Millions)					
Fiscal Year / Quarter	1st Qtr	2nd Qtr	3rd Qtr	4th Qtr	Annual Average
2000	\$ 28.4	\$ 31.2	\$ 31.8	\$ 35.1	\$ 31.6
2001	33.0	36.7	37.7	42.8	37.5
2002	39.3	41.5	40.3	44.6	41.4
2003	39.7	43.4	39.5	44.8	41.8
2004	39.3	42.8	41.1	41.8	41.3
2005	38.7	53.8	50.0	56.6	49.8
2006	46.9	54.9	55.1	64.3	55.3
2007	57.4	59.3	54.4	60.1	57.8
2008	51.7				51.7

Investment Earnings					
Fiscal Year / Quarter	1st Qtr	2nd Qtr	3rd Qtr	4th Qtr	Annual Average
2000	3.53%	4.17%	4.15%	4.41%	4.06%
2001	4.76%	4.82%	4.58%	4.07%	4.55%
2002	3.62%	2.72%	2.27%	2.01%	2.66%
2003	1.90%	1.61%	1.41%	1.34%	1.57%
2004	1.38%	1.28%	1.24%	1.20%	1.28%
2005	1.31%	1.43%	1.74%	2.33%	1.70%
2006	2.52%	3.76%	3.84%	4.16%	3.57%
2007	4.34%	4.44%	4.46%	4.57%	4.45%
2008	4.56%				4.56%



**AGENDA ITEM
CITY COUNCIL MEETING: FEBRUARY 5, 2008
CONSENT CALENDAR**

DATE : January 16, 2008

TO : City Manager

FROM : Finance Director

SUBJECT : **CONSIDERATION OF A RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION FOR FEDERAL TRANSIT ADMINISTRATION SECTION 5307 FUNDING**

RECOMMENDATION:

Adopt the resolution authorizing staff to file an application for Federal Transit Administration (FTA) Section 5307 to support various capital and operational needs for Benicia Breeze transit system as identified in the Benicia Breeze Mini Short Range Transit Plan and the Benicia Transit Short Range Transit Plan. The resolution must be delivered to the Metropolitan Transportation Commission no later than March 5, 2008.

EXECUTIVE SUMMARY:

The Metropolitan Transportation Commission (MTC) is coordinating a one year federal grant program for the purchase of transit capital and operational needs from the FTA Section 5307 funds allocated to seven urbanized areas in the Bay Area region for fiscal years 2008-09. Benicia Breeze is in need of this funding program to reduce local expenditures and to enhance the reliability of its capital equipment. Projects that are either replacement or rehabilitation will be funded as priorities, while operational subsidies and preventative maintenance requests only receive funding if there are surplus funds remaining after Benicia Breeze, Vallejo Transit and VINE priority projects have been funded. All of the Benicia Breeze projects are contained in the Benicia Breeze Short Range Transit Plan.

BUDGET INFORMATION:

The purchases will be funded 80% through the FTA Section 5307 Grant and 20% through local Transportation Development Act (TDA) funds. A table below shows the funding split for each project:

Project	FTA Section 5307 (80%)	TDA or Other Source (20%)	Total Cost of Project
GFI Genfare Farebox System	\$52,000	\$13,000	\$65,000
Administrative Car	\$21,695	\$4,305	\$26,000

Two Replacement Minivans	\$80,104	\$15,896	\$96,000
One Replacement Cutaway Vehicle	\$58,770	\$13,230	\$72,000
Benicia Breeze Maintenance Facility	\$440,000	\$110,000	\$550,000
Shop Equipment	\$80,000	\$20,000	\$100,000
Office Equipment	\$20,000	\$5,000	\$25,000
ADA Operations	\$46,400	\$11,600	\$58,000
Preventative Maintenance	\$27,200	\$6,800	\$34,000
Bus Stop Shelter Replacements (7)	\$33,600	\$8,400	\$42,000
Bus Stop Shelter Purchases (5)	\$24,000	\$6,000	\$30,000
Security Cameras on 14 Buses	\$72,000	\$18,000	\$90,000
Shop Truck Replacement	\$32,000	\$8,000	\$40,000
Radio Equipment on 18 Vehicles	\$32,000	\$8,000	\$40,000
TOTALS	\$1,019,769	\$248,231	\$1,268,000

BACKGROUND:

The Metropolitan Transportation Commission (MTC) is coordinating a one year federal grant program for the purchase of transit capital and operational needs from the FTA Section 5307 funds allocated to seven urbanized areas in the Bay Area region for fiscal years 2008-09. This is the last year of programming funds under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). Benicia Breeze is in need of this funding program to reduce local expenditures and to enhance the reliability of its capital equipment. Staff has been successful in obtaining FTA Section 5307 funds in the past for use to purchase various capital equipment.

The funds that will be allocated to the City come from the federally established *Vallejo Urbanized Area* which allows the expenditure of these funds from Vallejo Transit, Benicia Breeze and VINE (transit operator of Napa County on behalf of American Canyon). WestCAT (on behalf of Crockett), even though eligible for these funds in the Vallejo Urbanized Area, has opted to use funds from the San Francisco/Oakland Urbanized Area.

The City has a pressing need to continue to enhance and improve the quality of its equipment. The MTC has an established process for scoring projects that are funded by FTA Section 5307 funds. Projects that are either replacement or rehabilitation will be funded, since they are a "Score 16" project under the Transit Capital Priorities Process. The City's request for Security Cameras, ADA Operations and Preventative Maintenance are lower scoring projects and may not

be funded unless there are surplus funds left over after all Benicia Breeze, Vallejo Transit and VINE "Score 16" projects have been funded. All of the projects presented are located in the Benicia Breeze Mini Short Range Transit Plan adopted in November 2006 and the Benicia Transit Short Range Transit Plan adopted in September 2005. The City is presently updating its Short Range Transit Plan and these projects will again be included in that document and presented to City Council for adoption.

Adopting the resolution authorizes staff to file the application with the MTC to request FTA Section 5307 funds for the projects listed above.

Attachment:

- Resolution

Resolution

RESOLUTION NO. 08-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA
AUTHORIZING THE FILING OF AN APPLICATION FOR FTA SECTION 5307
FUNDING FOR VARIOUS CAPITAL AND OPERATION PROJECTS SUPPORTING
BENICIA BREEZE AND COMMITTING THE NECESSARY LOCAL MATCH FOR
THE PROJECTS AND STATING THE ASSURANCE OF THE CITY OF BENICIA TO
COMPLETE THE PROJECTS**

WHEREAS, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) (Public Law 109-59, August 10, 2005) continue the Federal Transit Administration Formula Programs (23 U.S.C. 53) and Surface Transportation Program (23 U.S.C. 133); and

WHEREAS, pursuant to SAFETEA-LU, and the regulations promulgated there under, eligible project sponsors wishing to receive Federal Transit Administration (FTA) Section 5307 grants for a project shall submit an application first with the appropriate metropolitan planning organization (MPO), for review and inclusion in the MPO's Transportation Improvement Program (TIP); and

WHEREAS, the Metropolitan Transportation Commission is the MPO for the San Francisco Bay region; and

WHEREAS, the City of Benicia is an eligible project sponsor for FTA Section 5307 funds; and

WHEREAS, the City of Benicia wishes to submit a grant application to MTC for funds from the FY 2008-09 FTA Section 5307 funds for the following projects:

GFI Genfare Farebox System, Administrative Car, Two Replacement Minivans, One Replacement Cutaway Vehicle, Benicia Breeze Maintenance Facility, Shop Equipment, Office Equipment, ADA Operations, Preventative Maintenance, Bus Stop Shelter Replacements (7), Bus Stop Amenities (5), Security Cameras on 14 Buses, Shop Truck Replacement, Radio Equipment on 18 Vehicles.

WHEREAS, MTC requires, as part of the application, a resolution stating the following:

- 1) the commitment of necessary local matching funds of at least 20% for FTA Section 5307; and
- 2) that the sponsor understands that the FTA Section 5307 funding is fixed at the programming amounts, and therefore any cost increases cannot be expected to be funded FTA Section 5307; and
- 3) the assurance of the sponsor to complete the project as described in the application, and if approved, as programmed in the MTC's TIP; and
- 4) that the sponsor understands that FTA funds must be obligated within three years of programming and the Surface Transportation Program funds must be obligated by

September 30 of the year that the project is programmed for in the TIP, or the project may be removed from the program.

NOW, THEREFORE, BE IT RESOLVED THAT by the City Council of the City of Benicia that the City of Benicia is authorized to execute and file an application for funding under the FTA Section 5307 in the amount of \$1,019,769 for GFI Genfare Farebox System, Administrative Car, Two Replacement Minivans, One Replacement Cutaway Vehicle, Benicia Breeze Maintenance Facility, Shop Equipment, Office Equipment, ADA Operations, Preventative Maintenance, Bus Stop Shelter Replacements (7), Bus Stop Amenities (5), Security Cameras on 14 Buses, Shop Truck Replacement, Radio Equipment on 18 Vehicles; and

BE IT FURTHER RESOLVED that the City Council of the City of Benicia by adopting this resolution does hereby state that:

1. The City of Benicia will provide \$248,231 in local matching funds; and
2. The City of Benicia understands that the FTA Section 5307 funding for the project is fixed at \$1,019,769 and that any cost increases must be funded by the City of Benicia from local matching funds, and that the City of Benicia does not expect any cost increases to be funded with FTA Section 5307 funds; and
3. GFI Genfare Farebox System, Administrative Car, Two Replacement Minivans, One Replacement Cutaway Vehicle, Benicia Breeze Maintenance Facility, Shop Equipment, Office Equipment, ADA Operations, Preventative Maintenance, Bus Stop Shelter Replacements (7), Bus Stop Amenities (5), Security Cameras on 14 Buses, Shop Truck Replacement, Radio Equipment on 18 Vehicles will be built as described in this resolution and, if approved, for the amount shown in the Metropolitan Transportation Commission (MTC) Transportation Improvement Program (TIP) with obligation occurring within the timeframe established below; and
4. The program funds are expected to be obligated by September 30 of the year the project is programmed for in the TIP.

BE IT FURTHER RESOLVED that, that the City of Benicia is an eligible sponsor of projects in the FTA Sections 5307 and 5309 FG and STIP Programs; and

BE IT FURTHER RESOLVED that, that the City of Benicia is authorized to submit an application for FTA Sections 5307 and 5309 FG and STIP Programs for GFI Genfare Farebox System, Administrative Car, Two Replacement Minivans, One Replacement Cutaway Vehicle, Benicia Breeze Maintenance Facility, Shop Equipment, Office Equipment, ADA Operations, Preventative Maintenance, Bus Stop Shelter Replacements (7), Bus Stop Amenities (5), Security Cameras on 14 Buses, Shop Truck Replacement, Radio Equipment on 18 Vehicles; and

BE IT FURTHER RESOLVED that there is no legal impediment to the City of Benicia making applications for FTA Sections 5307 and 5309 FG and STP funds; and

BE IT FURTHER RESOLVED that there is no pending or threatened litigation which might in any way adversely affect the proposed project, or the ability of City of Benicia to deliver such project; and

BE IT FURTHER RESOLVED that a copy of this resolution will be transmitted to the MTC in prior to MTC programming the FTA Section 5307 funded project in the Transportation Improvement Program (TIP); and

BE IT FURTHER RESOLVED that MTC is requested to support the application for the project described in the resolution and to program the project, if approved, in the MTC's TIP.

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 the Council held on the 5th day of February, 2008 and adopted by the following vote:

Ayes:
Noes:
Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk

**AGENDA ITEM
CITY COUNCIL MEETING: FEBRUARY 5, 2008
CONSENT CALENDAR**

DATE : January 16, 2008

TO : City Manager

FROM : Finance Director

SUBJECT : **CELEBRATING 25 YEARS OF BENICIA BREEZE PROVIDING
TRANSIT SERVICE TO THE CITY OF BENICIA AND TO
REGIONAL DESTINATIONS**

RECOMMENDATION:

Adopt the resolution celebrating 25 years of providing transit services to the City of Benicia.

EXECUTIVE SUMMARY:

Benicia Breeze, formerly known as Benicia Bay Connection and Benicia Transit, began operations on July 1, 1986 as the City's first transit service connecting residents to Pleasant Hill BART Station. The City also provided a subsidy to Benicia/Vallejo Stage, a private transit provider, which provided transit service to Vallejo York & Main Transfer Center from Solano Square until October 1, 1989, when Benicia Transit began operating through the entire corridor. Benicia Dial-A-Ride began as a contracted operation to Marsha Kent, who ran Benicia Yellow Cab Company back in January 1982. Over the past 25 years, transit service in Benicia has benefited residents and visitors of the City. Staff is planning a small celebration sometime this spring to promote Benicia Breeze and celebrate 25 years to the residents, visitors and most importantly, our riders.

BUDGET INFORMATION:

There is no impact to the Transit Fund or the General Fund.

BACKGROUND:

Benicia Breeze, formerly known as Benicia Bay Connection and Benicia Transit, began operations on July 1, 1986 as the City's first transit service connecting residents to Pleasant Hill BART Station using a fleet of Champion cutaway vehicles. The City also provided a subsidy to Vallejo/Benicia Stage, a private transit operator, which provided transit service to Vallejo York & Main Transfer Center until October 1, 1989, when Benicia Transit began operating through the entire corridor.

Benicia Dial-A-Ride began as a contracted operation to Marsha Kent, who ran Benicia Yellow Cab back on January 1982. Benicia Dial-A-Ride in 1996 was merged with the Benicia Transit

Contractor at the time to ensure compliance with the Americans with Disabilities Act (ADA) and was expanded in October of 2001 to provide both general public dial-a-ride and ADA paratransit service. After the passage of ADA in 1990 and the elimination of the countywide paratransit service, since the non-profit provider declared bankruptcy, the Cities of Vallejo and Benicia jointly implemented Vallejo/Benicia Runabout, as the ADA paratransit provider from June 1, 1995 to September 30, 2001.

The City has made a significant investment in public transportation. The City has purchased transit buses, cutaway vehicles and minivans, purchased bus shelters and bus stop signs, coordinated with other transit providers and participated in regional committees, contracted with professional transit firms to manage, operate and maintain the transit system, became an FTA grantee and has been able to secure over \$5 million dollars in federal grants to replace capital equipment, developed four Short Range Transit Plans from 1996 to present and implemented a marketing campaign to increase ridership on the transit system.

Over the past 25 years, transit service in Benicia has benefited residents and visitors of the City and provided regional connections to Vallejo Ferry Terminal and Pleasant Hill BART Station. The City has become a true regional transit provider. The City had a transit leader – that person being Alan Nadrich, the City's former Finance Director from July 11, 1988 to August 1, 2003. Transit ended up in the Finance Department, due to Alan's love for trains. Most cities run transit in their Public Works Department or as a stand-alone department. Alan, through his hard work and dedication, grew Benicia Bay Connection from a small two bus operation and four taxi cabs into a 13 bus operation. Without Alan's enthusiasm and dedication, the City would not have the transit system that you see in operation today.

Attachments:

- Resolution
- Timeline of Benicia Transit Operations

Resolution

RESOLUTION NO. 08-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA
CELEBRATING 25 YEARS OF BENICIA BREEZE PROVIDING TRANSIT SERVICE
TO THE CITY OF BENICIA AND TO REGIONAL DESTINATIONS**

WHEREAS, the City of Benicia currently operates a transit service that over 590 passengers on an average weekday rely on called Benicia Breeze, and

WHEREAS, the City of Benicia has previously operated transit service under the name Benicia Bay Connection and Benicia Transit, and

WHEREAS, the City of Benicia has been providing bus service for twenty five years starting back in January of 1982 with dial-a-ride service and July of 1986 with fixed route service, and,

WHEREAS, over the past 25 years, the City has made great investments in the transit system to ensure that Benicia residents and visitors are ensured mobility and opportunities to make regional connections and;

WHEREAS, with the hard work of previous and current staff, Benicia Breeze has become a successful and efficient transit operation that serves the transportation needs of the community.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Benicia hereby celebrates 25 years of Benicia Breeze providing transit services to the City of Benicia and to regional destinations.

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 5th day of February, 2008, and adopted by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

Lisa Wolfe, City Clerk

Timeline



Timeline of Benicia Breeze
1982 to Present



Date	Event
January 1982	City creates Benicia Dial-A-Ride, a general public dial-a-ride service through a contract with Benicia Yellow Cab Company. City provides a cutaway for use on Benicia Dial-A-Ride.
July 1, 1986	City develops new fixed route transit system to connect Benicia residents to Pleasant Hill BART Station. This service is called Benicia Bay Connection. Service is contracted to Community Transit Services, Inc using Champion cutaway vehicles maintained in Martinez.
July 1, 1986	City begins providing a subsidy to Benicia-Vallejo Stage, a private transit operator.
1988	City purchases another cutaway for Benicia Dial-A-Ride
October 1, 1989	Benicia Transit is created combining Benicia Bay Connection and Benicia-Vallejo Stage. Service is contracted with Community Transit Services, Inc. City purchases minivans for use on Benicia Dial-A-Ride.
1990	Americans with Disabilities Act is enacted by President George Bush.
1991	City purchases more minivans for use on Benicia Dial-A-Ride. Transfer Agreements are signed with The County Connection and Vallejo Transit.
May 1991	City creates new Southampton Express commuter service to Pleasant Hill BART Station.
1992	City purchases five used thirty foot transit coaches for use on Benicia Transit. Transfer Agreement is signed with Napa Valley Transit. Benicia Yellow Cab begins certifying passengers for ADA paratransit services. Bus shelters and trash cans are constructed and installed throughout the City.
1993	City creates a new tripper route for taking students from the elementary schools in the City to the Youth Activity Center.
1994	City begins service on the main Benicia Transit route to Martinez Amtrak Station. City purchases new minivan for Benicia Dial-A-Ride. Community Transit Services, Inc is renamed DAVE Transportation, Inc. Operations are moved to Fairfield. Buses remained parked in Martinez.
November 1994	Solano Paratransit Provider – Solano Economic Development Corporation goes bankrupt. Solano Transportation Authority – through Fairfield/Suisun Transit System assumes operation of Solano Paratransit.

1995	City purchases new cutaway vehicle for Benicia Transit. Limited service is provided to the Vallejo Ferry Terminal on Mare Island Way with the creation of Vallejo Ferry.
August 1995	City begins participation in Vallejo/Benicia Runabout with the City of Vallejo.
1996	DAVE Transportation Services is sold to Laidlaw Transit Services, Inc. City conducts first Short Range Transit Plan by JKaplan & Associates. City becomes a Federal Transit Administration Grantee. Fare increase occurs on Benicia Transit services. Benicia Transit Citizens Advisory Committee was formed.
November 1996	Benicia Dial-A-Ride is transitioned to be operated by the fixed route transit contractor (DAVE Transportation Services and then Laidlaw Transit Services, Inc). City begins effort with the Solano Transportation Authority to promote SolanoLinks – a coordinated effort of Intercity routes in Solano County. City receives a report from JKaplan & Associates regarding Vallejo/Benicia Transit Consolidation.
1997	Service is discontinued to the Martinez Amtrak Station due to low ridership. City purchases new cutaway and minivans for Benicia Dial-A-Ride. City receives grant from Bay Area Air Quality Management District for the Southampton Express and the Main Route.
1998	City purchases new cutaway vehicle for Benicia Transit. Benicia Transit buses are maintained and dispatched in Martinez. City conducts study to build and operate a ferry service between Benicia and Martinez. Delta Shuttle submits proposal to operate a water taxi between Benicia and Martinez.
2000	MV Transportation, Inc awarded contract to operate Benicia Transit services. Benicia buses are operated and maintained in Fairfield. City conducts a Short Range Transit Plan update by JKaplan & Associates. City takes delivery of two new 35 foot transit buses from Gillig and retires four 30 feet used Gillig Phantom buses. City takes delivery of two cutaway vehicles. City install bike racks on all transit buses – funded by a grant from the Bay Area Air Quality Management District.
2001	Southampton Express was discontinued due to low ridership. Tripper to the Youth Activity Center was discontinued and incorporated into the Benicia Flyer. New Benicia Flyer route was created to provide an improved

<p>2001 (con't)</p>	<p>level of transit service in the Southampton Hills. Two minivans were purchased to use on Benicia Dial-A-Ride. City discontinues participation in Vallejo/Benicia Runabout and expands Benicia Dial-A-Ride to provide ADA paratransit services. Fare increase occurs on Benicia Transit services. City takes delivery of final 35 foot transit bus from Gillig and retires the final 30 foot used Gillig Phantom bus. City takes delivery of one cutaway vehicle. City of Vallejo submits application under the Regional Express Bus Program to operate bus service between Vallejo and Walnut Creek (Route 70).</p>
<p>2002</p>	<p>Benicia Flyer discontinued due to low ridership. Benicia Rocket created to serve the Benicia Industrial Park for a six month demonstration period. Benicia Transit is maintained and operated in Benicia.</p>
<p>2003</p>	<p>Alan Nadrich retires; Robert Sousa begins as new Finance Director and continues to oversee Transit. Benicia Rocket is discontinued due to low ridership. Benicia Dial-A-Ride expanded with additional service hours from the discontinued Benicia Rocket service. Fare increase occurs on Benicia Transit services. Benicia Transit route between Vallejo and Pleasant Hill is known as Route 1. Two new school tripper routes are created to serve areas in the Southampton Hills. MTC redirects funds for Vallejo to operate Route 70 due to a lack of an implementation plan. City of Vallejo manages Benicia Transit for a one year period while transition Finance Directors.</p>
<p>2004</p>	<p>City resumes administration of Benicia Transit. Benicia Transit operations and maintenance combined in Vallejo to save costs. Policy changes are made to Benicia Dial-A-Ride to ensure compliance with FTA requirements.</p>
<p>March 2005</p>	<p>City hires first part time Transit Services Manager, John Andoh.</p>
<p>July 2005</p>	<p>City begins discussions with the City of Vallejo regarding the implementation of a combined Vallejo/Benicia Runabout and a new express commuter route using Regional Measure 2 funding. City starts new summer school tripper service. City begins participation in the Regional Transit Discount Card program. City purchases GFI Genfare Electronic Fareboxes from WHEELS.</p>

<p>August 2005</p>	<p>City makes schedule changes to Benicia Transit routes, expands service to Vallejo Ferry Terminal, begins providing service to Martinez Amtrak Station, all routes are numbered for passenger convenience, route is streamlined to serve Sun Valley Mall in one direction to improve schedule reliability and coordination is improved with Vallejo Transit and BART routes.</p> <p>City promotes the acceptance of Vallejo Transit bus passes on Benicia Transit.</p> <p>City leases three thirty five foot buses from WHEELS to ensure peak pullout is being met.</p> <p>City begins new taxi scrip program for seniors and persons with disabilities and eliminates Sunday ADA paratransit service.</p> <p>City orders three paratransit buses with FTA funds.</p> <p>City begins participation on the TransLink Consortium and the Bay Area Partnership.</p>
<p>September 2005</p>	<p>Benicia Transit completes the FY 05-06 Short Range Transit Plan update and City Council adopts the plan and proposed fare increase for a three-year period.</p> <p>City begins performing ADA certification instead of contractor.</p>
<p>October 2005</p>	<p>Caltrans Division of Rail begins Amtrak California Thruway Bus Service to Benicia.</p> <p>Transfer Agreement signed with Tri Delta Transit, Fairfield/Suisun Transit System, Capitol Corridor and Caltrans Division of Rail.</p> <p>City authorizes new taxi company – Regency Cab to begin operations in Benicia.</p> <p>City renames Route 1 to Route 75 to match the route number scheme in Solano County. All school tripper routes receive numbers as well (15, 16, 17 & 18).</p> <p>City leases three 1991 35-foot buses from Livermore/Amador Valley Transit Authority for use on all fixed routes.</p> <p>New schedules are published. Route 75 frequency is improved and service departs on the half hour from terminals instead of the hour.</p> <p>New Route 23 to Martinez Amtrak Station begins.</p>
<p>November 2005</p>	<p>City takes delivery of three new cutaway vehicles from El Dorado National and retires two minivans.</p>
<p>December 2005</p>	<p>City begins first annual Holiday Tour'dlights – a light tour around the City.</p> <p>Transfer Agreement is signed with WestCAT.</p> <p>Staff issues new Request for Proposals for Transit Operations</p>
<p>February 2006</p>	<p>City Council approves the renaming of Benicia Transit to Benicia Breeze.</p>
<p>April 2006</p>	<p>City begins discussions with the City of Vallejo regarding the potential of a weekend/holiday ferry service.</p>

June 2006	<p>City awards Transit Operations and Maintenance contract to MV Transportation, Inc for five years. Benicia Breeze operations are separated from Vallejo Runabout operations, however buses continue to be based in Vallejo.</p> <p>City receives grant for install bike bollards at bus stops.</p> <p>City begins accepting BART Plus and Baylink Ferry passes on Benicia Breeze.</p> <p>City begins development of FY 06-07 Mini Short Range Transit Plan.</p>
July 2006	<p>City implements and distributes first all in one Rider's Guide.</p> <p>City implements new fare increase.</p> <p>City replaces general public dial-a-ride service with new flex routes and a dedicated paratransit service</p> <p>City implements new medical shuttle with direct service to hospitals in Vallejo.</p> <p>City begins cost sharing arrangement with other Solano County cities. City receives funding from the City of Vallejo, STA and the County for Route 75 and paratransit service. City contributes funding to Route 40 to begin stopping in Benicia.</p> <p>City begins selling bus passes at area Safeway and Raley's stores in Vallejo, Benicia, Pleasant Hill and Martinez.</p>
August 2006	<p>City combines four school tripper routes into two.</p> <p>City begins construction on new bus stop for Fairfield/Suisun Transit System Solano Express Route 40 to stop at Park Road @ Industrial Way.</p> <p>All buses have been decaled Benicia Breeze.</p> <p>City receives grant for new Industrial Park Flex Route</p> <p>City receives grant for computer dispatch software.</p>
October 2006	<p>SolanoLinks is renamed SolanoExpress. City participates in SolanoExpress marketing efforts.</p> <p>City installs new bus shelter on Southampton Road @ Raley's.</p>
November 2006	<p>Fairfield/Suisun Transit System Solano Express Route 40 begins to stop at Park Road @ Industrial Way.</p> <p>Regency Cab discontinues operations in Benicia.</p>
December 2006	<p>2nd Annual Holiday Tour' dlights provides Benicia residents a holiday light tour around the City.</p> <p>City installs new bus stop signs with Benicia Breeze logo and route specific information.</p> <p>City purchased new cutaway bus for the flex routes from Bus West.</p>
January 2007	<p>New Riders Guide is published.</p> <p>City installed and begins using new GFI Genfare CentsABill Fareboxes on all fixed and flex route buses.</p> <p>City begins planning work on an Intermodal station and Ferry dock.</p> <p>City begins participating on the transit.511.org website and</p>

January 2007 (Con't)	information is included on the Take Transit Trip Planner. 511 telephone is updated with transit information from Benicia Breeze by calling 511 and then say "Benicia Breeze" or "Benicia Breeze Paratransit"
March 2007	City begins installation of Level 3 Particulate Traps on all diesel Benicia Breeze Cutaway Buses. City receives new transit cutaway bus from Bus West to replace Bus #115.
August 2007	City implements service changes and produces new Rider's Guide. Benicia Breeze begins using new Benicia/Martinez Bridge after shuttling passengers to the opening ceremony event in Benicia and Martinez. City places four donated 1996 40-foot transit buses from Foothill Transit in service on Route 75. City begins work on FY 07-08 Short Range Transit Plan. City returns three 1991 leased buses back to Livermore/Amador Valley Transit Authority.
September 2007	Benicia Breeze Going Your Way Advertising Campaign Begins. City receives Federal Transit Administration Funding for Particulate Traps, Preventative Maintenance, Bus Shelter and Bus Rehabilitation from the Vallejo Urbanized Area. City purchase new gasoline cutaway bus from Bus West.
November 2007	City implements temporary service reductions on Route 75 and Flex Routes 21 and 22 to reduce deficit.
December 2007	3 rd Annual Holiday Tour' dlights provides Benicia residents a holiday light tour around the City. City begins work on mid-life rehabilitation of three 35-foot and four 40-foot transit buses. All diesel powered buses have Level 3 diesel particulate traps installed.

**AGENDA ITEM
CITY COUNCIL MEETING: FEBRUARY 5, 2008
CONSENT CALENDAR**

DATE : January 28, 2008

TO : Mayor & City Council

FROM : City Manager

SUBJECT : **ENDORSEMENT OF THE PROPOSED STRATEGIC PLANNING
PROCESS FOR THE YOUTH ACTION TASK FORCE**

RECOMMENDATION:

Endorse, by motion, the proposed strategic planning process for the Youth Action Task Force (YATF), as recommended by the Council subcommittee comprised of Mayor Patterson and Council Member Schwartzman.

EXECUTIVE SUMMARY:

Per direction from the January 29, 2008 Special City Council meeting, this item is placed on this agenda.

Benicia Unified School District (BUSD) representatives (School Board Members Steinmann and Switzer and the BUSD Superintendent) and City representatives, (Mayor Patterson, Council Member Schwartzman and the City Manager) have met recently regarding the Youth Action Task Force. Together, this group developed the idea of pursuing a strategic planning process with YATF stakeholders in order to clarify and confirm the purpose, programs and operations plan of the YATF. At the January 23, 2008 YATF meeting, this recommendation was conveyed to the YATF group. The importance of including stakeholder groups in this process was emphasized as a way to help ensure a truly collaborative process and a successful outcome. The next step in initiating the strategic planning process for YATF is to request City Council endorsement of this approach.

BUDGET INFORMATION:

A facilitated workshop would cost between \$2,500 and \$5,000. The School District representatives have said they would be interested in sharing costs with the City. City funding would be obtained from within existing appropriations.

BACKGROUND:

In 1997, a coalition composed of City and School District representatives, local and county service representatives, and clergy formed to discuss the escalating drug and alcohol use among youth. The group took on the task of formulating an action plan to address the issue of substance

abuse in Benicia. After assessing community needs, the original coalition developed a plan to enhance services and programs available to youth and families. In an effort to implement this plan, the Youth Action Task Force was formed.

YATF members include two City Council Member representatives (Council Members Schwartzman and Ioakimedes) and several City staff members. A rough list of all stakeholders participating is attached. Among the areas that would be addressed in a strategic planning process include:

- Clarification of purpose
- Clarification of programs and funding
- Clarification of membership
- Clarification of reporting relationships
- Conduct of meetings

The proposed strategic planning process would involve selection of a skilled facilitator, sending requests for participation to stakeholder groups, conducting a Strategic Planning workshop, development of recommendations from stakeholders, presentation of recommendations to stakeholder groups, and implementation of recommendations.

Attachment:

- List of YATF attendees

LIST OF YATF ATTENDEES

YATF Attendees*
01/25/08

City of Benicia:	
Council Members	2
Staff:	
Library Teen Programs	1
Library (Adult Services)	1
Public Works	1
Police:	
Chief	1
Division Commander	1
Detective Sgt.	1
Youth Srvc. Officer	1
School Res. Officer	2
Parks & Com. Srvc.	1
FRC	2
AIM Counselor	1
Parks & Rec. Comm.	2
Benicia Citizen Core Council	1
Benicia Unified School District:	
Board Members	1
Staff:	
Supt.	1
Dir. Special Services	1
Psychologist	1
BUSD Principal	1
BUSD Vice Principal	1
Solano County:	
Staff:	
ACT Coordinator	1
ADAB Chair	1
MSA Chair	1
Solano County Office of Education	
Special Services	2
Youth Outreach Specialist	1
Faith Community:	
Police Chaplain	1
Crisis Response Team	1
Family Learning Center	1
Community Action Council	1
Reach Out in Benicia	1
Foster A Dream	1
Bridging the Gap	1
Panther Foundation	1
Community-at-large	<u>2</u>
 Total Membership	 40

* list is comprised of both active and inactive participants

**AGENDA ITEM
CITY COUNCIL MEETING: FEBRUARY 5, 2008
PUBLIC HEARING**

DATE : January 23, 2008

TO : City Manager

FROM : Finance Director

SUBJECT : **CONSIDERATION OF A RESOLUTION TO AUTHORIZE THE FILING OF A REVISED TARIFF FOR TAXICAB RATES AND AUTHORIZE INCREASES IN SAFE RIDE PROGRAM FARES**

RECOMMENDATION:

Adopt the resolution to authorize the filing of a revised tariff for taxicab rates within the City of Benicia and to authorize increases in Safe Ride Program fares.

EXECUTIVE SUMMARY:

Vallejo/Benicia City Taxicab and Yellow Cab of Vallejo and Benicia have requested a rate increase to compensate for increased insurance, lease and fuel costs associated with the operation of taxicab service. Staff recommends increasing taxicab rates to match those recently approved in the City of Vallejo. Effective March 1, 2008, the initial "Flag Drop" (the charge for boarding a passenger) will be decreased from \$2.25 to \$2.00 and the "per mile" rate will increase from \$2.25 to \$2.50. Effective January 1, 2009, the "Flag Drop" will be increased from \$2.00 to \$2.25 and the "per mile" rate will increase from \$2.50 to \$2.75.

Taxicab service has struggled in the City of Benicia because of the low fare return from passengers traveling in the City, particularly during the night hours. In an effort to improve night taxicab service, staff is recommending raising the Safe Ride Program fares from \$8.00 to \$10.00 beginning March 1, 2008, of which \$2.00 will come from a General Fund Subsidy. Alcohol-serving businesses may continue pre-purchasing vouchers at the present rate of \$8.00. Patrons of non-participating alcohol-serving businesses will also continue to pay \$8 directly to the taxicab driver if they have a voucher with no monetary value issued to them. The taxicab company will continue to submit the vouchers to the City to recover the voucher-based fares.

BUDGET INFORMATION:

The \$2.00 subsidy of the Safe Ride Program should cost the General Fund \$1,200 per year. The program is averaging around 50 Safe Rides per month or 600 per year.

BACKGROUND:

Taxicab Rate Increase

The City of Benicia taxicabs are regulated pursuant to Benicia Municipal Code Chapter 5.32 – Taxicabs. The ordinance states that rate increases are to be filed with the City and approved by the City Council. The last City Council resolution to increase taxicab rates was July 19, 2005 and established the following rate structure:

Flag Drop:	\$2.25
Per Mile Rate:	\$2.25 per mile
Wait Time:	\$22.50 per hour

In June 2007, Benicia staff were contacted by the General Managers of Vallejo/Benicia City Taxicab and Yellow Cab of Vallejo & Benicia requesting a rate increase. At that time, staff recommended waiting until the City of Vallejo took action before considering a rate increase. On December 12, 2007, the City of Vallejo adopted two yearly rate increases for taxicab operations in the City. The justification for the rate increases were rising fuel and driver/subcontractor costs.

As a result of the Vallejo action, and in the interest of matching taxicab rates in both cities, staff is recommending the following rate changes in Benicia Taxicab Rates for Vallejo/Benicia City Taxicab and Yellow Cab of Vallejo & Benicia:

Effective March 1, 2008

Flag Drop	\$2.00 per pick up (Reduction of \$0.25 to match Vallejo)
Per Mile (1/6 Mile Increments)	\$2.50 per mile (Increase of \$0.25 per mile)
Wait Time (No Change)	\$22.50 per hour

Effective January 1, 2009

Flag Drop	\$2.25 per pick up (Increase of \$0.25)
Per Mile (1/6 Mile Increments)	\$2.75 per mile (Increase of \$0.25 per mile)
Wait Time (No Change)	\$22.50 per hour

Staff has conducted public outreach, through placement of public notices in the Benicia Herald and the Vallejo Times-Herald, flyers on board all Benicia Breeze buses, taxicabs operated by Vallejo/Benicia City Taxicab and Yellow Cab of Vallejo & Benicia, at the senior centers, alcohol establishments and delivered notices to the owners of the two taxicab companies. The consensus from the public is the rate increase is appropriate and they are generally supportive.

Safe Ride Program

The overall goal of the Safe Ride Program is to provide a safe, efficient and affordable means of alternative transportation to individuals who may have acquired a short-term driving impairment, primarily through taxicab service. Unfortunately, taxicab service has struggled in the City of Benicia because of the low fare return from passengers traveling in the City, particularly during the night hours. The situation has been accentuated recently by the drop in the number of drivers permitted to operate in Benicia and the reluctance of permitted drivers to travel from Vallejo to Benicia for a small fare.

In an effort to improve night taxicab service, staff is recommending raising the Safe Ride Program fares from \$8.00 to \$10.00 with a \$2.00 subsidy from the General Fund. The subsidy should amount to \$1,200 per year, given the current average of 50 rides per month.

Alcohol-serving businesses can pre-purchase "\$10.00 Vouchers" through the Finance Department at the present rate of \$8.00. Non-participating alcohol-serving businesses (those who do not pre-purchase vouchers) will be issued "Unpaid Vouchers" that allow the patron to pay \$8 directly to the taxicab driver.

The two taxicab companies would then submit the voucher for reimbursement to the Transit Services Division. Those submitting \$10.00 vouchers would receive the face amount. Those submitting Unpaid Vouchers would receive \$2.00, since the rider already paid \$8.00 directly to the driver. The Transit Services Division will monitor the program on a regular basis to ensure it is operating within prescribed guidelines.

The following changes in the Safe Ride Program are recommended:

Current Rate Structure

Safe Ride Program:	\$8.00 within Benicia
	\$12.00 to Glen Cove (Estimated Meter Rate)
	\$20.00 to Vallejo (Estimated Meter Rate)

Effective March 1, 2008

Safe Ride Program:	\$10.00 within Benicia
	- \$8.00 Prepaid Voucher
	- \$2.00 Subsidy from Benicia General Fund
	Metered rates to Glen Cove & Vallejo

Attachment:

- Resolution

Resolution

RESOLUTION NO. 08-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA
AUTHORIZING THE FILING OF A REVISED TARIFF FOR TAXICAB RATES AND
AUTHORIZING INCREASES IN THE SAFE RIDE PROGRAM FARES**

WHEREAS, the City of Benicia, through its Municipal Code regulates all taxicab operations doing business in Benicia; and

WHEREAS, the Benicia Municipal Code states that taxicab operators are to file a tariff with the City; and

WHEREAS, it is in the best interest of the City of Benicia that taxi companies operating in Benicia remain financially viable in order to deliver quality service to Benicia residents; and

WHEREAS, the City Council has considered the request of the taxicab companies to increase the taxicab rates and agrees that the taxicab rate increase at this time is reasonable; and

WHEREAS, the City Council has considered changes and rate increases in the Safe Ride Program and determined the proposed changes and rate increases are reasonable and appropriate.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Benicia hereby authorizes the increase in taxicab rates according to the following schedule:

Effective March 1, 2008

Flag Drop (reduction to match Vallejo)	\$2.00 per pick up
Per Mile (1/6 Mile Increments)	\$2.50 per mile
Wait Time (No Change)	\$22.50 per hour

Effective January 1, 2009

Flag Drop	\$2.25 per pick up
Per Mile (1/6 Mile Increments)	\$2.75 per mile
Wait Time (No Change)	\$22.50 per hour

BE IT FURTHER RESOLVED THAT the City Council of the City of Benicia hereby authorizes increases in Safe Ride Program Fares according to the following schedule:

Effective March 1, 2008

Safe Ride Program:	\$10.00 within Benicia
	-\$8.00 Prepaid Voucher
	-\$2.00 Subsidy from Benicia General Fund
	Metered rates to Glen Cove & Vallejo

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 5th day of February, 2008, and adopted by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

Lisa Wolfe, City Clerk

**AGENDA ITEM
CITY COUNCIL MEETING: FEBRUARY 5, 2008
ACTION ITEMS**

DATE : January 16, 2008
TO : City Council
FROM : City Attorney
SUBJECT : **INTRODUCTION AND FIRST READING OF AN
ORDINANCE REVISING SECTION 5.32.120 (TAXICABS)
OF THE BENICIA MUNICIPAL CODE**

RECOMMENDATION:

Introduce the ordinance to authorize taxicab drivers with valid City of Vallejo Taxicab Driver Permits to operate taxicab service within the City of Benicia, as long as the taxicab driver is employed by a carrier that has a taxicab carrier permit authorized by the Benicia City Council.

EXECUTIVE SUMMARY:

After Regency Cab discontinued taxicab service in Benicia in 2006, the quality of taxicab service has declined, reportedly due to the lack of permitted taxicab drivers in Benicia. The majority of taxicab drivers from the two licensed carriers, Vallejo/Benicia City Taxicab and Yellow Cab of Vallejo & Benicia, are only permitted in Vallejo because of the time and cost to obtain a taxicab driver permit in Benicia. Because of the Benicia taxicab driver shortage, there have been many nights that either no taxicab service was available or the response times were not within an acceptable time range.

Staff from the Benicia Police Department and the Vallejo Police Department have been meeting to develop a plan for improving the permitting process shared by the two cities. The Vallejo Police Department recently improved its taxicab driver permitting process and committed to remain vigilant in conducting background checks. Based on this information, the Benicia Police Chief recommends that Vallejo taxicab driver permits be accepted as valid taxicab driver permits in Benicia, as long as the company is also authorized to operate in Benicia.

BUDGET INFORMATION:

There is no new fiscal impact from these changes.

BACKGROUND:

The City of Benicia has two authorized taxicab companies, Vallejo/Benicia City Taxicab with 25 taxicab drivers and Yellow Cab of Vallejo & Benicia with 20 taxicab drivers. Each of the two taxicab companies has reported high turnover rates and problems in obtaining permits in both the City of Benicia and the City of Vallejo.

Most recently, the City of Vallejo Police Department assigned a dedicated officer to conduct background checks and monitor the taxicab permit processing. As a result of the enhanced process, several taxi cab drivers failed background checks and were terminated by Vallejo/Benicia City Taxicab and Yellow Cab of Vallejo & Benicia.

The revised Vallejo process has also allowed Benicia's Police Chief and Police Captain to be more comfortable with Vallejo's taxicab driver permitting process, which has led to their recommendation to accept valid Vallejo permits within the City of Benicia. Vallejo has also committed to remain vigilant in administering the taxicab permitting process.

The recommended ordinance change will authorize a taxicab driver with a valid City of Vallejo permit to operate in the City of Benicia, as long as the carrier/owner has been authorized by the City of Benicia. As an additional safeguard, the ordinance allows the Benicia City Manager to require a Benicia taxicab driver's permit if the City Manager is unable to rely upon the Vallejo permitting process or if the City of Vallejo changes its requirements for driver's permits.

The owners of the two taxicab companies support the ordinance changes and Benicia staff have the owners' commitment to provide more timely service in Benicia when the ordinance takes effect.

Attachment:

- Proposed Ordinance

PROPOSED ORDINANCE

CITY OF BENICIA

ORDINANCE NO. 08-__

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BENICIA
AMENDING SECTION 5.32.120 (DRIVER'S PERMIT – REQUIRED) OF TITLE 5
(TAXICABS) OF THE BENICIA MUNICIPAL CODE

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

Section 1.

Section 5.32.120 (Driver's Permit – Required) of Title 5 (Taxicabs) of the Benicia Municipal Code is amended in its entirety to read as follows:

5.32.120. Driver's permit – Required. No person may drive a taxicab without a valid driver's permit. A valid driver's permit is a permit either (1) issued by the City of Benicia in accordance with BMC Chapter 5.32 (Taxicabs) or (2) issued by the City of Vallejo and the driver is employed by a carrier/owner that has a carrier/owner permit authorized by the city of Benicia. The city manager may require a driver with a Vallejo driver's permit to obtain a City of Benicia driver's permit if the city manager is unable to rely upon the Vallejo permitting process or if the City of Vallejo changes its requirements for driver's permits.

Section 2.

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

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

On motion of Council Member _____, seconded by Council Member _____, the foregoing ordinance was introduced at a regular meeting of the City Council on the 5th day of February, 2008 and adopted at a regular meeting of the Council held on the _____ day of _____, 2008, by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk

**AGENDA ITEM
CITY COUNCIL MEETING: FEBRUARY 5, 2008
ACTION ITEMS**

DATE : January 28, 2008
TO : Mayor & City Council
FROM : City Manager
SUBJECT : **AUTHORIZATION OF ADDITIONAL COMMUNICATIONS
EXPRESSING OPPOSITION TO THE PROPOSAL TO CLOSE
THE BENICIA STATE RECREATION AREA AND HISTORIC
STATE CAPITOL BUILDING**

RECOMMENDATION:

Authorize additional communications regarding the proposal for closure of the Benicia State Park and Benicia State Capitol Building to the Governor and appropriate State legislators.

EXECUTIVE SUMMARY:

The Governor's recent budget proposal includes closing the Benicia State Recreation Area (SRA) and the Benicia State Capitol Historic Park. A letter expressing the City's concern with the proposed closures of these two sites was sent to the Governor's Office on January 11, 2008. As illustrated by the Save Benicia State Park presentation scheduled for the City Council meeting on February 5th, the SRA, as well as the State Capitol Building, are very much valued by the local community and tourists visiting our city. The Council may wish to consider authorizing City staff to send additional communications to the Governor and State legislators regarding these proposed closures.

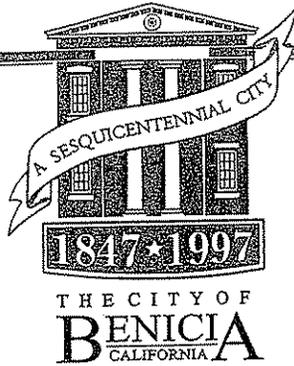
BUDGET INFORMATION:

No budget impact at this time.

Attachment:

- January 11, 2008 letter to Governor Schwarzenegger

JANUARY 11, 2008 LETTER



January 11, 2008

The Honorable Arnold Schwarzenegger
Governor of California
State Capitol
Sacramento, CA 95814

Dear Governor Schwarzenegger:

We want to thank and commend you for your bold and decisive action declaring a fiscal emergency and proposing a difficult, but responsible Budget to the Legislature. Notwithstanding our support for your action, we urge reconsideration of the proposal to close two State Parks in our City, Benicia State Park and the State Capitol Building.

You have kept your commitment to local government by recognizing that borrowing from local government revenues is not a solution to the budget crisis. Your support for Prop. 1-A two years ago and electing, now, not invoke the emergency borrowing powers provided in it show your steadfast commitment to strong local government and your recognition that the State must solve its budget problems through evaluation of State programs and State revenues.

The proposal to close urban parks in our city is, however, very troubling. Your Budget calls for closure of Benicia SRA and the Benicia State Capitol Building. Closure of these facilities should be reconsidered. We know that cuts and revenue increases must occur, but we would ask you to reconsider the recommendation to close these two facilities that are enjoyed by many thousands of visitors each year from Northern California, as well as Benicia. If some parks must be closed, we have difficulty understanding the rationale for closure of these two given their proximity to millions of Bay Area residents, its intensity of use and the overall environmental and historical value to the people of the region and the State. Additionally, these are not the lowest-revenue generating parks, and they attract an amazing number of visitors given their small sizes.

Closure of the State Capitol building will have a very deleterious impact on our historic Downtown. The Capitol Building is our most notable and visited Downtown asset, enjoyed by students and general visitors. The loss of these visitors to a closed Capitol Building will severely impact our retail and restaurant businesses and the overall health

Governor Arnold Schwarzenegger
January 11, 2008
Page 2

of Downtown. The Capitol is an irreplaceable piece of California history; shutting it down would, in effect, erase the past.

Again, we congratulate you on your respect for local government in your Budget proposal and ask you to reconsider the proposed closure of our two urban parks, Benicia State RA and the Benicia State Capitol.

Sincerely,



Jim Erickson
City Manager

cc: Mayor & City Council
Assembly Member Lois Wolk
Senator Pat Wiggins
Amy O'Gorman, League of California Cities

CITY COUNCIL MEMBER

REQUEST FOR ITEM ON COUNCIL AGENDA

Please submit this request by the Friday preceding the agenda packet distribution day, or 12 calendar days prior to the meeting. (For example, for a Council meeting on March 21st, please submit the request by March 10th.)

Requested by:

Vice Mayor Campbell

Requested Council Meeting Date:

February 5, 2008

While every effort will be made to include your item on the requested date, please note that depending on the number of items already on an agenda, it may be placed on the subsequent meeting date.

Agenda Item Name:

Request to agendize removal of the newspaper racks on First Street near G Street

Description of Item (i.e., the text that will go on the agenda as the middle paragraph, between the title and recommendation):

Vice Mayor Campbell has requested that the City Council consider placing an item on a future agenda addressing the removal of the newspapers racks on First Street near the State Capitol building.

If you would like any attachments regarding your item included in the packet, please note them below and forward them via email to acardwell@ci.benicia.ca.us, if possible, along with this completed form. If attachment(s) are not available via email, please describe the attachment(s) desired and any information you may have on where to locate (website, etc.) so they can be included in the packet.

A copy of this completed form will be included in the packet, followed by any attachments you note above. Thank you!