

**March 18, 2008 Regular Council Meeting**

**BENICIA CITY COUNCIL MEETING**

**REGULAR AGENDA**

**City Council Chambers**

**March 18, 2008**

**7:00 P.M.**

**I. CALL TO ORDER:**

**II. CLOSED SESSION:**

**TO BE HELD AT 6:15 P.M., DIRECTLY PRECEDING THE REGULAR MEETING**

**III. CONVENE OPEN SESSION:**

**A. ROLL CALL**

**B. PLEDGE OF ALLEGIANCE**

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

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

**A. ANNOUNCEMENTS:**

**1. Announcement of Closed Session, if any.**

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

**Sky Valley Open Space Committee:**

**One unexpired term to September 30, 2010**

**Human Services and Arts Board:**

**Two unexpired terms, one to June 30, 2008 and one to June 30, 2009**

**Solano Transportation Authority Pedestrian Advisory Committee:**

**Immediate opening – three-year term**

**Tri-City and County Cooperative Planning Group Citizen Advisory Committee:**

**Immediate opening - term to be determined**

**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](mailto:acardwell@ci.benicia.ca.us).**

**B. APPOINTMENTS:**

**C. PRESENTATIONS:**

**D. PROCLAMATIONS:**

**[Recognizing Spring 2008 as the Benicia Historical Museum Membership Season](#)**

**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 February 19, 2008, February 26, 2008 and March 4, 2008. \(City Clerk\)](#)

[B. Denial of the claim against the City by California State Automobile Association \(CSAA\) and referral to insurance carrier. \(City Attorney\)](#)

Council denied a claim by Christine Shannon at the February 19, 2008 Council meeting. CSAA is Ms. Shannon's insurance company and they also filed a claim against the City as they settled the claim with Ms. Shannon. The claim should be denied for the same reasons as the claim by Ms. Shannon was denied. The claimant alleged that a tree on the corner of First Street and West G Street was not sufficiently pruned, causing a branch to fall on her car. Parks Department records show that the First Street City trees were trimmed in January 2007 and the parks supervisor visually inspected all City trees on a weekly basis. Parks department staff feels the limb failure was caused by spontaneous summer limb drop. The amount of the claim is \$961.38.

Recommendation: Deny the claim against the City by CSAA and referral to insurance carrier.

[C. Approval of a request for Proposition 1B Bond Funding for the State Park Road Bike/Pedestrian Bridge and Trail Project. \(Public Works Director\)](#)

In 2007, California voters approved the sale of almost \$20 billion in bonds for local road and street improvement, congestion relief and traffic safety projects (Proposition 1B). Staff reviewed our transportation needs and recommends requesting from the State that the State Park Road Bike/Pedestrian Bridge and Trail receive the initial \$449,000 allocation.

Recommendation: Adopt a resolution requesting from the California Department of Finance an allocation of Proposition 1B bond funding in the amount of \$449,009.85 for the State Park Road Bike/Pedestrian Bridge and Trail project and authorizing the Director of Public Works to submit the application and all ancillary documents, including minor modifications and revisions required by the State, on behalf of the City.

[D. Approval of the engineering services agreement for the design of the State Park Road/Bike Pedestrian Bridge Project. \(Public Works Director\)](#)

Environmental and preliminary engineering work for the State Park Road Bike/Pedestrian Bridge Project is nearing completion. Staff proposes that the City to continue to use the same consultant, Pakpour Consulting Group, to complete the final design. Staff recommends that \$185,100 be appropriated from the Traffic Impact Fund Reserves to fully fund the consultant fees for this work.

Recommendation: Adopt a resolution approving the engineering services agreement with Pakpour Consulting Group for the State Park Road Bike/Pedestrian Bridge Project, approving Task Order No. 1 in the amount of \$496,334, appropriating \$185,100 from the Traffic Impact Fund Reserves, and authorizing the City Manager to execute the agreement on behalf of the City.

[E. Review Investment Report for the quarter ended December 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 effect on the City's budget.

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

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

**VIII. PUBLIC HEARINGS:**

**A. Design review for non-historic homes in the Downtown Historic Overlay District. (Community Development Director)**

As part of the 2007-09 budget update and strategic planning process, the Historic Preservation Review Commission (HPRC) recommended that the City Council consider design review for all single-family homes in the Downtown Historic Overlay District. The Downtown Historic Conservation Plan (DHCP) currently exempts non-historic single-family residences from design review.

Recommendation: Provide direction to staff regarding amending the Downtown Historic Conservation Plan to require design review in the Downtown Historic Overlay District for construction and remodeling of non-historic single-family homes.

**B. Introduction and first reading of an ordinance amending Subsection B of Section 17.70.300 (Animals) of Chapter 17.70 (Site Regulation) of Title 17 (Zoning) of the Benicia Municipal Code. (Community Development Director)**

At a meeting on December 4, 2007, the City Council adopted an ordinance to amend the animal control provisions of the Benicia Municipal Code. This new ordinance currently conflicts with the existing Zoning Ordinance provisions for caring and keeping animals. The proposed zoning text amendments will remove any conflicts between the two code provisions.

Recommendation: Introduce the ordinance to approve zoning text amendments be consistent with recently adopted changes to Title 6 (Animals) of the Benicia Municipal Code.

**C. Approval of the updated Traffic Impact Fee Program. (Public Works Director)**

Revisions to the Citywide Traffic Impact Fee Program update have been completed. Responses to comments from the November 20, 2007 Council meeting are included in this staff report. This update now calculates a new traffic impact base fee of \$1,858 and is necessary to sufficiently fund future roadway improvements to accommodate projected development in the City.

Recommendation: Adopt a resolution approving an update to the Citywide Traffic Impact Fee Program and authorizing associated fee adjustments.

**IX. ACTION ITEMS:**

**A. Confirmation of the accuracy of the resolution certifying the Benicia Business Park EIR. (City Attorney)**

This item is on the agenda only to verify the resolution accurately reflects the City Council's action. It is not agendaized to change or modify the decision made on February 19, 2008. At the February meeting, the City Council, by a 4-1 vote, adopted a resolution certifying the Benicia Business Park Environmental Impact Report. The City Council added additional direction on other impacts to be evaluated. There is a dispute as to whether LEED or LEED-ND was included as part of the motion.

Recommendation: Confirm that the resolution certifying the Benicia Business Park Environmental Impact Report should include LEED and not LEED-ND.

**X. INFORMATIONAL ITEMS:**

A. Reports from City Manager

## **B. Council Member Committee Reports:**

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

1. Mayor's Committee Meeting. (Mayor Patterson)

Next Meeting Date: April 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: April 4, 2008

4. League of California Cities. (Mayor Patterson & Council Member Schwartzman)

Next Meeting Date: April 16-17, 2008 – Legislative Action Days

5. School Liaison Committee. (Council Members Ioakimedes & Hughes)

Next Meeting Date: June 12, 2008

6. Sky Valley Open Space Committee. (Vice Mayor Campbell & Council Member Ioakimedes)

Next Meeting Date: April 2, 2008

7. Solano EDC Board of Directors (Mayor Patterson & Council Member Ioakimedes)

Next Meeting Date: March 27, 2008

8. Solano Transportation Authority (STA) (Mayor Patterson & Council Member Schwartzman)

Next Meeting Date: April 9, 2008

9. Solano Water Authority/Solano County Water Agency (Mayor Patterson & Vice Mayor Campbell)

Next Meeting Date: April 10, 2008

10. Traffic, Pedestrian and Bicycle Safety Committee (Vice Mayor Campbell & Council Member Hughes)

Next Meeting Date: April 17, 2008

11. Tri-City and County Cooperative Planning Group (Vice Mayor Campbell & Council Member Hughes)

Next Meeting Date: March 24, 2008

12. Valero Community Advisory Panel (CAP) (Council Member Hughes)

Next Meeting Date: April 24, 2008

13. Youth Action Task Force (Council Members Ioakimedes & Schwartzman)

Next Meeting Date: March 26, 2008

14. ABAG/CAL FED Task Force/Bay Area Water Forum (Mayor Patterson)

Next Meeting Date: March 24, 2008

## **XI. COUNCIL MEMBER REPORTS:**

### **A. Request to agendaize discussion of a Benicia Industrial Park Needs Assessment. (Council Member Ioakimedes)**

Council Member Ioakimedes has requested that the City Council consider placing an item on a future agenda regarding consideration of a Benicia Industrial Park Needs Assessment.

Recommendation: Consider agendaizing 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.

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### **Public Records**

The agenda packet for this meeting is available at the City Manager's Office and the Benicia Public Library during regular working hours. To the extent feasible, the packet is also available on the City's web page at [www.ci.benicia.ca.us](http://www.ci.benicia.ca.us) under the heading "Agendas and Minutes." Public records related to an open session agenda item that are distributed after the agenda packet is prepared are available before the meeting at the City Manager's Office located at 250 East L Street, Benicia, or at the meeting held in the Council Chambers. If you

wish to submit written information on an agenda item, please submit to the City Clerk as soon as possible so that it may be distributed to the City Council.

 [IV-D Proclamation.pdf](#)

 [VII-A MINUTES.pdf](#)

 [VII-B claim.pdf](#)

 [VII-C STATE PARK.pdf](#)

 [VII-D AGREEMENT.pdf](#)

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

 [VIII-A DESIGN REVIEW.pdf](#)

 [VIII-B ANIMALS.pdf](#)

 [VIII-C TRAFFIC IMPACT PROGRAM.pdf](#)

 [IX-A reso.pdf](#)

 [committee reports.pdf](#)

 [XI-A AGENDA REQUEST.pdf](#)



# PROCLAMATION

## Recognizing Spring 2008 as the Benicia Historical Museum Membership Season

**WHEREAS**, Benicia is the cradle of California heritage and culture, having firsts in religion, education, communication, transportation and commerce; and

**WHEREAS**, Benicia shares with Monterey the distinction of first incorporated cities in California; and

**WHEREAS**, the Benicia Historic Museum collects, documents, preserves, interprets and exhibits artifacts of Benicia and Arsenal history; and

**WHEREAS**, the museum is an attractive 21<sup>st</sup> century museum where families, children, adults, and students are able to experience history in an interactive and engaging manner; and

**WHEREAS**, in recognition of the museum's 23 years of progress toward becoming the "Best Little Museum" in California and beyond, as well as to celebrate the 80<sup>th</sup> birthday of the museum's esteemed director, Ann Hansen, the Benicia Historical Museum is designating Spring 2008 as the Benicia Historical Museum Membership Season and plans to double the current membership of the museum.

**NOW, THEREFORE, BE IT RESOLVED THAT I**, Elizabeth Patterson, Mayor of the City of Benicia, congratulate the Benicia Historical Museum on its many accomplishments and wish the museum much luck in reaching its membership goal.

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Elizabeth Patterson, Mayor  
March 18, 2008

MINUTES OF THE  
REGULAR MEETING – CITY COUNCIL  
FEBRUARY 19, 2008

The regular meeting of the City Council of the City of Benicia was called to order by Mayor Elizabeth Patterson at 7:03 p.m. on Tuesday, February 19, 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:

Mayor Patterson announced that Staff would be opening the Commission Room so that the citizens could view the Council meeting on the television, as Council Chambers was very crowded.

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

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](mailto:acardwell@ci.benicia.ca.us).

APPOINTMENTS:

RESOLUTION 08-11 - A RESOLUTION CONFIRMING THE MAYOR'S  
APPOINTMENT OF JOHN FURTADO TO THE SKY VALLEY OPEN SPACE  
COMMITTEE TO AN UNEXPIRED TERM ENDING SEPTEMBER 30, 2010

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. Lisa Reynolds – Ms. Reynolds discussed difficulties with communications between the park users and the City regarding the dog park. She discussed concerns regarding a drinking fountain for humans and the lack of a paved entrance.

Mr. Erickson confirmed that he would facilitate a discussion between Staff and the dog park users regarding their concerns.

2. Carl Uebel - Mr. Uebel discussed the Grand Jury, its functions, duties, who could serve as a Grand Juror, and he encouraged citizens to apply to serve on the Grand Jury.
3. Don Basso – Mr. Basso encouraged citizens to apply to serve on the Grand Jury.
4. Jane Brady – Ms. Brady discussed the following concerns with the dog park: muddy access, lack of a paved access, lack of lighting, and water for the dogs.
5. Karen Burns – Ms. Burns asked what the actual distance was from the ramp to the dog park. The current access is prohibitive to handicapped persons. She wants to see handicap access, and lack of water. She asked the City to keep its promises.
6. Tom Hebson – Mr. Hebson discussed concerns regarding lack of access to the dog park.
7. Cynthia Bognar – Ms. Bognar discussed concerns regarding lack of access to the dog park and possibly having a notice regarding gate closure on the City's website.

Council and Staff discussed the issue of access to the dog park. The issue of paving or graveling the road to the dog park would be on the March 4, 2008 Council agenda.

8. David Lockwood – Mr. Lockwood discussed the zoning for the proposed Benicia Business Park, land patents, and rezoning the property back to its current state.

9. Bill Royal – Mr. Royal discussed his feelings toward Staff, how his Constitutional rights were violated, the problems he encountered with the City while working on his project, justice, and the City’s failure to communicate.
10. Megan Lewis – Ms. Lewis announced that the BHS SAGE Team would be hosting a design workshop on the traffic signal by the BHS campus on February 26, 2008
11. Jane Malone – Ms. Malone discussed concerns regarding the lack of water for the dogs at the dog park and the lack of handicap access to the dog park.
12. Gretchen Burgess – Ms. Burgess asked Council to continue item IX-B to a future meeting, as it is scheduled to follow the Seeno Item and would not be heard until very late in the evening. She thanked Staff and Council for agreeing to set up a meeting between the dog park users and Staff to discuss their concerns, and her concerns regarding lack of access to the dog park.

Mayor Patterson asked Ms. McLaughlin if Council could continue item IX-B to a future meeting. Ms. McLaughlin confirmed it could be done. After Mayor Patterson asked for a show of hands from the audience regarding support for continuing the item, Council unanimously agreed to continue the item to the next Council agenda.

13. Jackie Hebson– Ms. Hebson discussed concerns regarding the lack of handicap access to the dog park, and the poor attitude from Staff at the dog park.
14. John Furtado – Mr. Furtado discussed concerns regarding the A-frame signs along First Street. He suggested such signs be included in the discussion regarding the newspaper rack ordinance.

CONSENT CALENDAR:

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

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

Noes: None

The minutes of February 5, 2008 were approved.

Council approved the denial of the claim against the City by Karen Edwards and referral to insurance carrier.

Council approved the denial of the claim against the City by Benicia Marina Homeowners Association and referral to insurance carrier.

Council approved the denial of the claim against the City by Christine Shannon and referral to insurance carrier.

RESOLUTION 08-12 - A RESOLUTION ACCEPTING THE WATER DISTRIBUTION SYSTEM IMPROVEMENT PROJECT AS COMPLETE, INCLUDING CONTRACT CHANGE ORDERS 1 THROUGH 5, AUTHORIZING THE CITY MANAGER TO SIGN THE NOTICE OF COMPLETION. AND

# DRAFT

## AUTHORIZING THE CITY CLERK TO FILE SAME WITH THE SOLANO COUNTY RECORDER

Council approved the amendment to the lease between the City of Benicia and Benicia Main Street:

## ORDINANCE 08-01 - AN ORDINANCE AMENDING SECTION 5.32.120 (DRIVER'S PERMIT – REQUIRED) OF TITLE 5 (TAXICABS) OF THE BENICIA MUNICIPAL CODE

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

(END OF CONSENT CALENDAR)

### PUBLIC HEARINGS:

#### Review of the Benicia Business Park Environmental Impact Report (EIR):

Jim Erickson, City Manager, introduced the item. He confirmed that it was Staff's opinion that option #1 would be the best course of action at this time.

Charlie Knox, Community Development Director, reviewed the staff report. He reviewed the differences between the four options presented by Staff.

Council and Staff discussed the issue of bifurcating an EIR from a project, and current time constraints relating to the EIR.

#### Applicant:

No comment.

#### Opponent:

Mr. Steve Goetz, Benicia First, reviewed a PowerPoint presentation (hard copy on file).

Mr. Knox informed Council that a representative of the applicant notified him (moments before) that the applicant prefers to defer its time for an opportunity of the preparers of the EIR (LSA) to answer questions that may come up. The representatives of LSA and the traffic consultants were on hand to answer any questions that Council might have.

Sal Evola, Discovery Builders – Mayor Patterson informed Mr. Evola that he missed his 15 minutes and asked if he now wished to take them. Mr. Evola indicated that no, he only wanted to clarify what Mr. Knox said. Discovery Builders only paid for the EIR; it was not their document. He was present to answer any questions. Tonight was only for the EIR presentation. He expected LSA to be the group to make a presentation.

Public Hearing Opened

## Public Comment:

1. Elaine Estrada, Robert Semple PTG – Ms. Estrada spoke in opposition to the certification of the EIR.
2. Don Dean – Mr. Dean spoke in opposition to the certification of the EIR.
3. Marilyn Bardet – Ms. Bardet spoke in opposition to the certification of the EIR.
4. Michael Steinmann, GLUMAC, – Mr. Steinmann reviewed a PowerPoint presentation titled ‘Sustainable Development Concepts’ (hard copy on file). He discussed how sustainable development could be incorporated into the project.
5. Jerome Page – Mr. Page spoke in opposition to the certification of the EIR.
6. David Lockwood – Mr. Lockwood spoke in opposition to the certification of the EIR. He did not think it was right for the applicant to be allowed to wait and speak after public comment. He recommended Council approve option #2.
7. Sue Johnson – Ms. Johnson spoke in opposition to the certification of the EIR.
8. Bob Craft – Mr. Craft spoke in opposition to the certification of the EIR. He recommended Council approve option #2.
9. Frank Saitz – Mr. Saitz spoke in favor of the certification of the EIR.
10. Rod Cameron – Mr. Cameron spoke in favor of the certification of the EIR. He urged Council to approve option #1.
11. Dana Dean – Ms. Dean reviewed a letter she submitted to Council on behalf of Citizens Considering the Consequences (hard copy on file). She spoke in opposition to the certification of the EIR.

Council discussed whether the information submitted by Ms. Dean could be considered ‘substantial new information.’ Council decided the information was not substantial new information and it could proceed with the discussion on this agenda item.

12. Brian Tulloch – Mr. Tulloch discussed the need for the City to make a decision on this item so everyone could move on.
13. Joe Kearns – Mr. Kearns spoke in opposition to the certification of the EIR.

Mayor Patterson called for a 5-minute break at 9:34 p.m.  
The meeting resumed at 9:40 p.m.

14. Jeanine Seeds – Ms. Seeds spoke in opposition to the certification of the EIR.

All Council Members confirmed that they did not have contact during the break with members of the public regarding this issue.

Mayor Patterson disclosed that she had ex parte communications with various individuals on this issue.

15. Jim Bird – Mr. Bird spoke in favor of the certification of the EIR.
16. Bob Berman – Mr. Berman suggested Council approve option #2.
17. JB Davis – Mr. Davis spoke in opposition to the certification of the EIR.
18. David Dias – Mr. Dias spoke in favor of the certification of the EIR.

19. Keith Dias – Mr. Dias spoke in favor of certification of the EIR.
20. Ramon Castellblanc – Mr. Castellblanc spoke in opposition of certification of the EIR.
21. Yessenia Martinez – Ms. Martinez spoke in opposition to the certification of the EIR.
22. Sam Kershan – Mr. Kershan discussed how unions operate. He spoke in opposition to the certification of the EIR.
23. Jon Van Landschoot – Mr. Van Landschoot spoke in opposition to the certification of the EIR.
24. Jim Wallace – Mr. Wallace spoke in opposition to the certification of the EIR.
25. Susan Street – Ms. Street spoke in opposition to the certification of the EIR.
26. Jim Gilley – Mr. Gilley spoke in favor of the certification of the EIR.

Mayor Patterson notified Mr. Evola that she had clocked him approximately two hours ago. He could not approach the podium again. Mr. Evola stated that he spoke earlier to clarify why the applicant did not get up to speak initially. He was just looking to exercise his five minutes of public comment time. The applicant tonight was LSA. Ms. McLaughlin confirmed that it would be okay to give Mr. Evola his five minutes, however, LSA was not the applicant, the developer (Discovery Builders) was the applicant. Mayor Patterson notified Mr. Evola that he could have five minutes, however the situation did not reflect well on the applicant.

27. Sal Evola, Discovery Builders – Mr. Evola stated that City Staff requested the bifurcation of the EIR. If the EIR were approved, Discovery Builders would submit a project within the framework of LSA's EIR. It would be the start that could send Discovery Builders back to the drawing board and make modifications to fit within the framework of the EIR, and then bring it back for approval with 100% complete discretion of the Planning Commission and Council. He confirmed that the project, as proposed,

Council and Mr. Evola discussed whom the planning director was who directed them to bifurcate the EIR, and the chain of events that took place when the decision to bifurcate the EIR was made. Mr. Evola confirmed that the current project as proposed was not approvable, however, if the EIR was certified, Discovery Builders would take those mitigation measures and modify the project to fit within the framework to bring before the Planning Commission and Council. With regards to the Hillside Upland alternative, Discovery Builders could look at that preferred alternative first; however, it could not tie its hands.

Council Members Schwartzman and Campbell disclosed ex-parte communications with various individuals regarding this issue.

Council and Mr. Evola discussed the process for certifying an EIR, how Councils change, how the project evolved over the years, the City's General Plan, the project's failure to meet requirements with the General Plan, grading, modifying the project to fit the City's needs, traffic impacts on East Second Street, and the Hillside Upland alternative.

David Clore, LSA, discussed the adequacy of the document, LSA was unbiased in the process, the EIR was an objective document, that the process was consistent, and the possibility of adding additional traffic studies on East Second Street.

Bill Burton, Korve Engineering, discussed his belief that the EIR fully disclosed the traffic impacts the project would have on East Second Street, the actual traffic impacts that were documented in the EIR, safety and access to Robert Semple Elementary, how future volumes for I-680 were developed, the East Second Street and Military intersection, and the I-680 improvements were forecasted in the EIR.

Adam Weinstein, LSA, discussed the air quality surrounding Robert Semple Elementary, and how the impact conclusion was reached in the EIR.

Mayor Patterson discussed air quality standards.

Public Hearing Closed

Council discussed Seeno's reputation in the community, the need for Discovery Builders to earn Council and the community's trust, Staff and LSA's indication that the EIR is adequate, the need to move forward, Seeno's tactic of divide and conquer, bifurcation of the EIR and project, Mr. Evola's stipulation that the current proposed project would not be approved, getting to a project that would be approvable, adding that the Hillside Upland be the preferred alternative, Council's obligation to have certainty in the process, concerns regarding air pollution, saying no to Seeno by certifying the EIR and asking for a new project, saying no to Seeno by sending the EIR back to the Planning Commission, urban decay, consistency with AB 32, effects the project would have on the Downtown, and the need to have an EIR that has all the tools that future Councils need, as it is a 20-year project.

Council and Staff discussed adding language to the resolution in the proposed option 1: having the Hillside Upland alternative further evaluated, having it be lead certifiable, adding in AB 32 consistency, and adding an alternative to the widening of I-780. Council and Staff also discussed the review process the new project would go through, expanding on what the mitigation monitoring program would address – the sustainability issues would be addressed or mitigated by leads and traffic impacts could be addressed by a different mitigation besides the widening of I-780, stating in the resolution that an initial study would need to be done on the new project, the City would not be 'stuck' if the EIR was approved, doing an initial study on the new project, coming up with new mitigation measures for the new project that the applicant would agree to, and how the bifurcation of the project and EIR came about.

On motion of Vice Mayor Campbell, seconded by Mayor Patterson, Council did not approve the Resolution as proposed in Option #2, on roll call by the following vote:  
Aye: Vice Mayor Campbell and Mayor Patterson  
Noes: Council Members Hughes, Ioakimedes, and Schwartzman

Council Member Schwartzman made a motion to add the following amendments to the Resolution proposed as Option #1: directing the applicant and Staff to move forward on an initial study for the Hillside Upland Preservation Alternative, directing the applicant and Staff to incorporate Leadership in Energy and Environmental Design (LEED) and AB 32 into the review of the Hillside Upland Preservation Alternative, the need for a new mitigation measure for the I-780 impacts, and lastly adding language regarding urban decay and sustainability.

RESOLUTION 08-13 - A RESOLUTION CERTIFYING THE BENICIA BUSINESS PARK ENVIRONMENTAL IMPACT REPORT (CONSISTING OF THE DECEMBER 2007 FINAL ENVIRONMENTAL IMPACT REPORT, JULY 2007 RESPONSE TO COMMENTS, AND NOVEMBER 2007 SUPPLEMENTAL RESPONSE TO COMMENTS), AND FURTHER RESOLVING THAT THE PROPOSED PROJECT CONSIDERED BY THE ENVIRONMENTAL IMPACT REPORT CANNOT BE APPROVED WITHOUT SIGNIFICANT MODIFICATION DUE TO NUMEROUS CONFLICTS WITH GENERAL PLAN POLICIES

On motion of Council Member Schwartzman, seconded by Council Member Hughes, the above Resolution was adopted as amended, on roll call by the following vote:  
Ayes: Council Members Hughes, Ioakimedes, Schwartzman, and Mayor Patterson  
Noes: Vice Mayor Campbell

ACTION ITEMS:

Presentation of the Comprehensive Annual Financial Report for the Fiscal Year Ending June 30, 2007 and recognition of Certificate of Achievement for Excellence in Financial Reporting for the June 30, 2006 Report:  
Continued

Introduction and first reading of an ordinance for establishing permitting and regulatory requirements for massage therapists:  
Continued

INFORMATIONAL ITEMS:

Reports from the City Manager:

Council Member Committee Reports:

1. Mayor's Committee Meeting (Mayor Patterson) - Next Meeting Date: February 20, 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: March 7, 2008
4. League of California Cities (Mayor Patterson & Council Member Schwartzman) - Next Meeting Date: April 16-17, 2008 – Legislative Action Days

# DRAFT

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 Ioakimedes) - Next Meeting Date: March 5, 2008
7. Solano EDC Board of Directors (Mayor Patterson & Council Member Ioakimedes) - Next Meeting Date: March 27, 2009
8. Solano Transportation Authority (STA) (Mayor Patterson & Council Member Schwartzman) - Next Meeting Date: March 12, 2008
9. Solano Water Authority/Solano County Water Agency (Mayor Patterson & Vice Mayor Campbell) - Next Meeting Date: March 13, 2008
10. Traffic, Pedestrian and Bicycle Safety Committee (Vice Mayor Campbell & Council Member Hughes) - Next Meeting Date: April 17, 2008
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: April 24, 2008
13. Youth Action Task Force (Council Members Ioakimedes & Schwartzman) - Next Meeting Date: February 27, 2008
14. ABAG/CAL FED Task Force/Bay Area Water Forum (Mayor Patterson) - Next Meeting Date: March 10, 2008

COMMENTS FROM COUNCIL MEMBERS:

None

ADJOURNMENT:

Mayor Patterson adjourned the meeting at 11:48 p.m.

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Lisa Wolfe, City Clerk



MINUTES OF THE  
SPECIAL MEETING – CITY COUNCIL  
FEBRUARY 26, 2008

The special meeting of the City Council of the City of Benicia was called to order by Mayor Elizabeth Patterson at 6:00 p.m. on Tuesday, February 26, 2008, in the Doña Benicia Room, Benicia Public Library, 150 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:

Council Member Ioakimedes 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).

ACTION ITEM:

Rating of 2007-09 Priorities and Policy Issues:

The Mayor went over, briefly, the goals of the meeting and then asked the City Manager to give an overview of what will be covered. The City Manager covered a handout, entitled Meeting Plan. He explained that the goal for the meeting was for the Council to confirm the Top Ten Priorities and Top Ten Policy Issues. He briefly covered some of the resources included in the packet to assist the Council with accomplishing that.

The City Manager also referenced the public hearing advertised for this meeting. He explained what the public hearing is, which is regarding design review as it relates to properties in the downtown historic district. He noted that staff recommends that this particular issue be prioritized similar to the other policy issues, and the scheduled for action. He went over the advantages of taking this approach, including the ability to better notice, etc.

The City Manager explained that Council had been asked to complete rating forms on both the priorities and policy issues, to help guide them in confirming the Top Ten priorities and policy issues. He referenced the nine Strategic Goals and the process that the Council went through during the Strategic Plan Update to determine the City's priorities. He also referenced the Citizen Survey completed in August of 2006, the results of which were also utilized in the Strategic Plan Update, and referenced the summary of results posted on the wall. He reiterated the importance of revisiting this information as the Council looks at the priorities and policy issues.

Next the City Manager noted that he and the other Department Heads could report, by exception, on each of the top ten priorities and policy issues. He commented that there are a few priorities and policy issues overlap, in that they are on both forms. The first one he touched on was the Police Station, in that the priority focuses on the actual remodel, while the policy issue focuses more so on the needs assessment for new or increased space. Council Member Schwartzman and Chief Spagnoli also commented briefly on this, agreeing and confirming that it makes sense for this topic to be on both lists.

Other ones that overlap both lists were noted, including:

Ferry Service – leave this on the project list, take off the policy list.

Arsenal – leave this on the project list, take off policy list.

Council Member Hughes asked about the Commandant's, as it is also on both lists.

The City Manager noted it is on the policy issue as the Commandant's Public/Private Use Study, and then the current project is on the project list. Mike Alvarez, Parks & Community Services Director, expanded on the current project and how it is two different phases – the current stabilization project – and then the second phase, which is looking at how it will be used.

Mayor Patterson noted there are two parts on the use study. The first part is what can it be used for that is consistent with the State's Secretary of Interior's standards, and then the second part is looking at what the City wants to do.

Council Member Hughes clarified what his question was, i.e., defining the project. Mr. Alvarez noted that historic preservation will be part of the study; he explained a bit further what the study will entail.

Council Member Schwartzman hoped that some of the study and restoration can be done simultaneously to facilitate getting the building occupied. Council Member Ioakimedes cautioned against not including the Arsenal as a whole when talking about this project, that this should guide the use of this building. Council Member Schwartzman noted that when the Arsenal Plan comes forward in June, that this will help with looking at the Commandant's. Mayor Patterson asked Mr. Alvarez if that was his understanding as well. He said that likely in September and October more information will be available on how to move forward and will coordinate with the Arsenal Plan.

It was proposed that this just go on the project list and be represented in two phases.

The City Manager noted that he had hoped that most of these priorities and policy issues could be discussed by exception. He noted a few of the additional resources that are available in the packet, particularly on the cultural commission and sustainability task

force. He commented that it is important to look at all options, when it comes to starting new commissions, to see what resources will be required, what the goals will be, etc.

The Mayor suggested that we move to public comment now, noting that she expects that the priorities will go more quickly, with perhaps more discussion about the policy issues.

Council Member Schwartzman requested clarification regarding some of information in the packet on the Climate Action Plan. He asked if whether it should say city, not county, when it references who will do reporting. Ms. Lorentz confirmed it should say city. He also asked Chief Hanley a question regarding the Fire/Rescue Boat Summary and a potential location to berth the boat.

The Mayor asked if there were any additional council comments on the priorities, and there were none. The Mayor invited public comment on the priority list.

Susan Street, on behalf of Brent Street, passed out an addendum to Mr. Street's previous submission on the Fire Rescue Boat. She relayed his comments as described in the handout, noting that the benefits of the boat are zero.

Mr. Surrat spoke re: the fireboat. He noted this was on the list last year and he has discussed this with many in the community. He commented that he has asked previously whether a cost/benefit analysis has been done, but it hasn't, so where does this come from. In the absence of a true cost/benefit assessment, this should be dropped.

The City Manager spoke to where these priorities come from, in this case it was a suggestion, based on community input, of a council member. He noted that does not necessarily mean that staff believes this is the most cost effective way to deal with the need. Generally, he noted that most of the priorities come from public input gathered through the Strategic Planning process. He also referenced the information in the packet that speaks to some of the cost/benefit issues.

Constance Beutel spoke in support of the police building priority and the need for a new facility.

Marilyn Bardet asked for an update on the Arsenal Specific Plan. She also commented on the Energy Conservation priority and how it relates to the information she presented to the Council on February 19<sup>th</sup>, and that should be tied into forming a Sustainability Task Force.

Damon Golubics, Principal Planner, provided an update on the Arsenal Specific Plan. He referenced page III-A-43 in the packet.

Mayor Patterson asked if the Environmental Impact Report (EIR) will tell us the potential costs for the mitigation measures. Mr. Golubics noted that he doesn't think they have gotten that far, that LSA still needs to get involved to sort out the costs.

Mayor Patterson noted that her fear is that the protocol in the mitigation may cause the project to come to a halt. The City Attorney spoke to the phases of the project and the plan for dealing with the mitigation measure.

Bonnie Silveria, representing the Main Street Program, spoke in support of the Tourism Plan and the First St. Pedestrian Friendly Improvements, as well as some beautification needed downtown and at the gateways.

Mayor Patterson asked if Ms. Lorentz would like to comment on the beautification part of the Tourism Plan. Ms. Lorentz noted that there is a small budget line item for \$10,000 for beautification that can be done soon, but this work would not include any major projects or signage construction.

A citizen spoke in support of the recommendations of the Economic Development Board in this area. She would love to see the City incorporate ways to make wind energy, etc. possible. This should not be just City operations, but community-wide.

Council Member Schwartzman commented it would be nice to have incentives to do things like the wind energy, etc., but he wondered if looking at things bigger than what we are currently addressing, such as incentives, etc., if perhaps that should be a project or more of a policy issue. Ms. Lorentz clarified that yes, the project speaks to the current things that are underway, such as climate action plan, green building program, incremental improvements at City Hall, etc. If the Council wants to go further, it should probably be added to the Policy Issue list.

Mayor Patterson noted that she thinks a report should come forward that notes opportunities and what we could be doing, and not necessarily another policy discussion.

Ms. Lorentz and the City Manager further clarified what the current project is and how we could handle additional opportunities and recommendations that will result from the inventory.

J.B Davis commented on the Benicia Business Park Development, he noted he is happy to see that it is on the list. He hopes that whatever project does get completed out there will be consistent with the Economic Development Plan. Regarding the Tourism Plan and the First St. Pedestrian Improvements, it should really be one project. It is kind of hard to do one without the other. He commented that he is also happy to see the Ferry Service on the list, and that this project also goes hand in hand with the Tourism Plan and First St. improvements.

Marilyn Bardet noted that there is a person assigned at the Bay Area Air Quality Management District to help with a workshop on the air monitoring equipment, etc.

Council Member Schwartzman voiced dissatisfaction with the process. He commented that we are all over the map as to how we do this. There has to be a better way to rank

the priorities. He commented there are a number of ties with the current ranking and that he doesn't feel comfortable with this method.

Council Member Hughes noted he agrees to a certain extent, he commented that there has been a different scoring each of the three times the Council has done this, which isn't good. But, in looking at the ratings, it is clear there is some agreement on some projects (both in terms of high and low ratings), but that there are some that are on the bubble – and those are likely the ones we should focus on. He described a more refined process for evaluating the priorities that he talked about with the City Manager, which perhaps they could complete, if needed.

Mayor Patterson commented that based on the current rankings, if we combine the Tourism priority and the First St. Pedestrian priority, then we would have 10 priorities. Council Members Hughes and Schwartzman both commented that they aren't comfortable combining those priorities.

Council Member Schwartzman went on to talk about concern with the ties, for example, with the 4.4 ones, how to determine which goes first. Vice Mayor Campbell noted that you do the one you can afford to do first, this is only part of making the decision. Part of it is also about the financial resources available.

Council Member Ioakimedes noted that the very expensive ones keep waiting to get done, because they keep getting put off due to the cost. He referenced the linking of the projects and how it is difficult to connect the dots when you get them one at a time and don't get the big picture. Suggested looking at broad headings, such as historic preservation, and then allocate dollars as appropriate to projects under those headings – but take into account other projects under that same heading. Looking at what we can do with dollars available to get something done on each project.

Mayor Patterson thanked Council for their comments, and asked the City Manager to speak to the ranking process and the top ten, what does it mean and how does it fit into the Strategic Plan. She agrees with Council Member Ioakimedes that this process is frustrating and asked if the City Manager would bring this back to how this fits into the Strategic Plan.

City Manager referenced the nine strategic goals and that the individual projects relate back to those overarching goals. The Strategic Plan Update process was based on quite a bit of public input, and from that, the goals were developed along with an extensive list of priorities that were narrowed down to the current list. This is an opportunity to confirm these priorities, not go through the whole process again.

Council Member Hughes agreed and said yes, he is now reminded that they did go through that extensive process and that this is a confirmation of those priorities, given the new council, etc.

Mayor Patterson talked about revising the current list, specifically removing the Fire Boat and adding the BHS Traffic Signal and the First St. Pedestrian Friendly Improvements, as well as determining whether there are other projects that need to come off the list.

The City Manager said yes, we are asking the council to confirm the top 10 to really focus on and pursue as priorities. Not to say that other projects won't be continued to be worked on – but will help staff to focus on those top 10 projects that are truly top priorities. He went on to describe an alternative way to prioritize the projects by selecting the “Top Five” and then the “Next Five” approach.

Vice Mayor Campbell said, sure, he would be willing to try that, to try to cross of the list those that are basically done, or ready to be done. Council Member Schwartzman commented that perhaps this is not the way to go, as then maybe the progress on the project will not continue if its not a priority. They discussed the impact of something coming of the priority list and the progress of the project.

Mayor Patterson brought up the Ferry Service, noting that there are a lot of unknowns and pointed out the need for staff to stay in touch with what Vallejo and Antioch are doing. So she sees this as sort of a low-level staff demand project. She also mentioned the State Park Rd. project – that it is so close – and we would lose a lot of funding if that does not get done. She suggested that we just move forward with the list, less the Fire Boat.

Marilyn Bardet noted that on the Strategic Goals that projects such as the Energy Conservation/Air Quality, etc. isn't really reflected in the goals statement and does it fall under community health. Council Member Hughes said yes, that is where he feels it goes.

Council member Schwartzman agreed on taking the fire boat off of the list, and also expressed surprise that the State Park Rd. is so low on the list. Talked a bit about the Ferry Service item and First St. Pedestrian Friendly projects, and integrating various aspects of the projects. For example, with the First St. project, focusing on the relatively inexpensive things that could be done to make progress.

Mayor Patterson noted that the budget discussion will be key in figuring what can be allocated where, but would like to live with this list and go forward.

Vice Mayor Campbell would like staff to look more intensely at a few, narrow down to three or four, and then the rest are sort of on autopilot.

They agreed to take five minutes to go through and note on the large poster listing the priorities what their top priorities are. The Council took a short break and did this.

Mayor Patterson informed the public in attendance that the individual submissions from members of the public submitted to the City Manager's Office did not get scored, just the council ratings are reflected in the final average scores on the poster.

After checking off their top priorities, the top six priorities were as follows:

- Community Center
- Benicia Business Park Development
- Police Building Remodeling
- First Street Pedestrian Friendly Improvements
- Commandant's Residence
- State Park Road Bike/Pedestrian Bridge Project

Sue Johnson expressed frustration regarding the rating forms forwarded by Mayor Patterson. If the City didn't compile the public's input, what is the point of attending the meeting?

Council Member Hughes noted that we went the strategic planning process and took public input, this is just confirming the list of priorities.

Mayor Patterson clarified that we are taking a mid-course review – based on the previous more involved process, we are guided by that – just checking in to confirm priorities. The next step, on the policy issues, will likely provide more of an opportunity to benefit from public input. Nothing is dropping of the list, except the fire boat, because the Council has agreement.

The City Manager gave an overview of the policy issues on the list, and suggested that goal be to select 10 for the remainder of the 2007-09 fiscal period. Last year the Council got through about eight, so if they select more than 10, they will unlikely to be getting through all of them.

The Mayor noted her concerns with a number of the items on the policy list, for example, why is the Tree Ordinance on the list when it is ready to come to the Council. She also wondered about why the Sky Valley Open Space committee and Ahwahnee Principles are on the list as well, as they are basically straightforward.

The City Manager responded to her question by providing a brief overview of why each issues is included on the list.

Council Member Schwartzman asked if the Council is in agreement – is the Arsenal Plan a project. He also asked about Lighting & Landscaping (L&L) Districts policy issue, isn't it a project. He also wondered why YATF and Sky Valley is separated out from the board & commission review policy issue, and also the YATF strategic planning process – staff has been directed to do this – so couldn't that one come off.

Council Member Ioakimedes requested that another item be added to the list – Industrial Parks Needs Assessment – thinks Economic Development should meet with Benicia Industrial Park Association and pursue this.

Mayor Patterson started with the Residential Design Review Authority issue, which based on the Historic Preservation Review Commission's recommendation, should get put on a March meeting.

The City Manager noted that the goal was to try and prioritize these items, including recommendations from commissions, and have that dictate on how the policy calendar is set up.

Mayor Patterson asked if this item could be on an agenda in March. The City Manager said it's fine to schedule this in March, but noted that the Council may want to first prioritize the list.

They discussed the process a bit further. The Mayor asked if the Council could at least agree it will be on a future agenda for action. There was agreement on that.

On L&L, the Mayor suggested that this come back to Council after staff meets with the property owners, so they can hear the feedback, and then it will come back to Council.

They discussed whether some of the items on the list are really policy issues. Council Member Hughes noted that some are already clear what needs to happen, they will just come back as action items. He also noted that some are reconsiderations, because some of have been addressed in the last year.

The City Manager noted that with that some of these, it is a timing issue – in terms of prioritizing the scheduling of the items.

Council Member Schwartzman commented it is not clear how long it takes for staff to gather the information and come back on some of these, and perhaps that is part of the question, assessing the time and resources involved to move forward. So there is a scheduling side, even if some of these are not really policy issues. Also, yes, why are some of these on here if they've already been considered.

Mayor Patterson noted those that are easy to schedule:

- Tree Ordinance
- Design Review
- L&L
- YATF Strategic Planning Process
- Sky Valley Open Space Committee
- Adult Entertainment Ordinance
- Ahwahnee Principles
- Newsrack

She noted that yes, the last four items would be reconsiderations. She commented, that just leaves the Cultural Arts Commission, Sustainability Task Force and the Police Facility Modernization and Space Needs.

Bob Mutch asked when it would be appropriate to ask about the process. There is not a clear coherent tie in with the goals, projects and policies.

Mayor Patterson thanked him for his comments, and suggested that the City Manager reiterate how the list was developed and as we refine the process going forward, she welcomes his ideas.

The City Manager covered why each of the items are on the policy issue list. He listed his thoughts on each of the policy issue items. He noted that with the final four, staff has direction, but there has been a request to revisit each of those.

Council Member Ioakimedes commented that on some of these there is an inherent timeline tied to the item, such as the campaign items, should occur at least 15 months before the next election. He suggested that the Council think about what should be done within the next 90 days.

Vice Mayor Campbell mentioned that he had already submitted a request to reconsider the Campaign Contribution Ordinance for the March 4<sup>th</sup> meeting.

Susan Street noted that the elephant in the room is Seeno. Aren't there things on the list that need to be considered very quickly in the context of Seeno's project coming.

City Attorney noted that any action the Council would take would on Formula Based Business Regulations and Big Box would have very little impact on Seeno.

Marilyn Bardet asked about the Sustainability Task Force and noted that the EDB recommended this to the Council. Ms. Lorentz gave an update on the information provided in the packet and noted that the Sustainability Task Force is on the list of policy issues to be prioritized.

The Mayor asked for clarification on next steps, should a resolution come to the Council forming such a task force. Ms. Lorentz noted that the first step is to prioritize as part of the policy issue discussion, that staff is not ready to give a full-fledged recommendation regarding resources necessary, etc.

Mr. Surratt commented on the cultural arts commission. He noted that the Human Services Arts Board (HSAB) was asked to take on the arts as part of this body. It would be nice to utilize the subcommittee work from the HSAB in looking at this committee.

Sue Johnson spoke to the cultural arts commission being a fabulous idea and talked about the importance of adding this body. She mentioned the importance for tourism, etc.

Another citizen noted she would like to echo what Marilyn Bardet and Susan Street said on sustainability. She noted that she thinks the sustainability should be separate from the Planning Commission.

Bob Mutch commented that it seems we are straying from the process of strategic planning. Thinks there needs to be one common understanding of what strategic planning is.

Dan Clark talked about the cultural arts commission and the need for one. Referenced the study done by the Mayors Committee in 1984 that Bonnie Weidell provided for this meeting. Feels that much of the work done back then is still valid and important – just a little more overdue. He talked about the HSAB and how the human services model didn't adapt very well to the arts community. He noted that this appears to be something that continues to be put off and ignored.

The City Manager noted that we are nearing 9 pm, and that is a cut off time, as the Library closes at that time.

Gretchen Burgess spoke on the dog park and asked when the meeting with the City manager will happen.

The Mayor asked if this meeting would be scheduled and Mr. Alvarez noted they had attempted to schedule it, but were informed at this point, it was not necessary – but if there is still a desire to meet, that is fine. The Mayor asked if this could be resolved outside of this meeting and Ms. Burgess agreed.

Leann Taagepera spoke about the design review item and gave some background on this issue. She referenced her letter to the Council, which is on file. She wondered why we need to ask if we need to comply with what the State already requires. She talked about what the City of Vallejo does in terms of lower fees, etc. She encouraged council to get going on this in March.

JB Davis expressed frustration with the process. He also spoke about sustainability – it is a policy that has already been adopted – so it should move forward. He also talked about the arts and the Main St. Feasibility Study – how this is old stuff that we've been talking about for a long time. If it takes a cultural arts commission to get this stuff done, lets do it.

Donnell Rubay talked about the importance of addressing the design review issue, the City needs to understand where historic property owners are coming from. She also asked that staff look at how other cities are handling and consider whether people will want to be historic property owners.

Mr. Ernst spoke about a lecture he attended last week and reducing use of oil. He provided a report to council on this. He commented that a Sustainability Task Force would be great.

The Mayor suggested organizing the policy issue list as follows:

- Police Building – Beyond 90 days

- ❑ Commandants Public/Private Use Study – Beyond 90 days
- ❑ Design Review – Schedule for action within 30 days
- ❑ L& L – Beyond 90 days
- ❑ ITS – Not sure on timing
- ❑ YATF – Already underway, will need more than 90 days
- ❑ Sky Valley Open Space Committee – Beyond 90 days
- ❑ Voluntary Campaign – Go through the two step process
- ❑ Adult Entertainment Ordinance – Schedule for 2009
- ❑ Ahwahnee Principles – Within 90 days
- ❑ Newsrack – Short term report within 90 days, ordinance after 90 days
- ❑ Tree Ordinance – Within 90 days
- ❑ Campaign Contributions – Two step process
- ❑ Boards & Commissions – Staff recommendation ok
- ❑ Big Box and Formula Based Business – Two step process

On the Cultural Arts Commission, the Mayor suggested that staff get started now on the process of looking at this and then come back to Council, probably outside 90 days. On the Sustainability Task Force, she suggested continuing to research this and then come back with a report.

Council Member Schwartzman expressed frustration with the items that went on the list that have already been addressed within the last year. Council Member Hughes agreed that these are not policy issues until they get three votes to be reconsidered. He noted that he agrees with the Mayor's recommendation, in general, but needs clarification on the Cultural Arts Commission and Sustainability Task Force, as he likes the idea of moving the latter to the Planning Commission. He also noted that he likes the idea of Industrial Park needs assessment, but doesn't think we have the time now.

The City Manager suggested coming back at a future meeting to confirm the list of priorities and policy issues, on either March 4<sup>th</sup> or 18<sup>th</sup>. On the design review issue, it will be scheduled within 30 days. The Mayor suggested noticing this again to make sure the public is aware of the meeting date.

## ADJOURNMENT:

Mayor Patterson adjourned the meeting at approximately 9:05 p.m.



MINUTES OF THE  
SPECIAL MEETING – CITY COUNCIL  
MARCH 4, 2008

The special meeting of the City Council of the City of Benicia was called to order by Mayor Elizabeth Patterson at 6:31 p.m. on Tuesday, March 4, 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:

None

ANNOUNCEMENT OF CLOSED SESSION:

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

CLOSED SESSION:

**A. CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Government Code Section §54956.8)**

**Approval of the land exchange proposal from the property owner at 1356 West K Street**

**Negotiating parties: City Manager, City Attorney, Public Works Director**

ADJOURNMENT:

Mayor Patterson adjourned the meeting at 6:33 p.m.

MINUTES OF THE  
REGULAR MEETING – CITY COUNCIL  
MARCH 4, 2008

The regular meeting of the City Council of the City of Benicia was called to order by Mayor Elizabeth Patterson at 7:00 p.m. on Tuesday, March 4, 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:

Lisa Wolfe, City Clerk 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:

Action taken at Closed Session:

Ms. McLaughlin stated that Council met in Closed Session to discuss the land exchange proposal from the property owner at 1356 West K Street. Council gave direction to Staff to proceed ahead. The matter will go through the usual process and be brought back to Council at a future time.

Openings on Boards and Commissions:

- Historic Preservation Review Commission:  
Two full terms to February 28, 2012  
One unexpired term to February 28, 2009
- Sky Valley Open Space Committee:  
One unexpired term to September 30, 2010
- Human Services and Arts Board:  
One unexpired term to June 30, 2009

City's Commission Appointment Process – Ad Hoc Subcommittee:

Mayor Patterson and Council Member Schwartzman were appointed to the Appointment Process Ad Hoc Subcommittee.

Mayor Patterson reviewed the reasons for the subcommittee being formed and its purpose.

Council and Staff discussed the past practices for making appointments, previous Council discussion on the appointment process, possibly delaying the scheduled appointments to the HPRC so that the subcommittee could look into the process and make suggestions, engaging the public in the appointment process, not delaying the scheduled appointments, time spent interviewing and choosing the proposed appointees,

Public Comment:

1. Jon Van Landschoot - Mr. Van Landschoot discussed ex-post-facto law, HPRC's meeting schedule, the appointment process, the time it would take to get new commissioners up to speed, and his support of moving forward with the proposed HPRC appointments.
2. Gretchen Burgess – Ms. Burgess discussed the appointment process and her support of moving forward with the proposed HPRC appointments.

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](mailto:acardwell@ci.benicia.ca.us).

APPOINTMENTS:

RESOLUTION 08-14 - A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF DAVID CROMPTON TO THE HISTORIC PRESERVATION REVIEW COMMISSION TO A FULL TERM ENDING FEBRUARY 28, 2012

The above Resolution was adopted, on roll call by the following vote:  
Ayes: Council Members Campbell, Hughes, and Mayor Patterson  
Noes: Council Members Ioakimedes and Schwartzman

RESOLUTION 08-15 - A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF LEANN TAAGEPERA TO THE HISTORIC PRESERVATION REVIEW COMMISSION TO A FULL TERM ENDING FEBRUARY 28, 2012

The above Resolution was adopted, on roll call by the following vote:  
Ayes: Council Members Campbell, Ioakimedes and Mayor Patterson  
Noes: Council Members Hughes and Schwartzman

RESOLUTION 08-16 - A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF STEVE MCKEE TO THE HISTORIC PRESERVATION REVIEW COMMISSION TO AN UNEXPIRED TERM ENDING FEBRUARY 28, 2009

The above Resolution was adopted, on roll call by the following vote:  
Ayes: Council Members Campbell, Hughes, and Mayor Patterson  
Noes: Council Members Ioakimedes and Schwartzman

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. Ann Hansen – Ms. Hansen discussed the work that is being done on the Benicia Historical Museum garden, the work Jamie Delahaye did to the entrances to building #7, and the museum's efforts to get the inside of building #7 ready. Ms. Hansen invited everyone to attend her 80<sup>th</sup> birthday celebration at the Museum on 4/8/08.
2. Marilyn Bardet – Ms. Bardet discussed the issue of the microphone system being hard to hear in the front portion of Council chambers, the presentation she gave at the 2/19/08 Council meeting, Leadership in Energy and Environmental Design – Neighborhood Development (LEED-ND), Mr. Steinmann's presentation, her understanding of what Council approved at the 2/19/08 Council meeting (LEED certification and Low Impact Development (LID)), sustainability, and having LEED spelled out in the 2/19/08 Council meeting minutes, and having the sustainability task force as a Council agenda item.

CONSENT CALENDAR:

Council pulled items VII-A and VII-B.

On motion of Council Member Hughes, seconded by Council Member Schwartzman, 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 the Minutes of January 29, 2008, February 15, 2008, and February 19, 2008:

Mayor Patterson stated that there were concerns regarding the content of the minutes of February 19, 2008. She would like those pulled and continued.

On motion of Council Member Schwartzman, seconded by Council Member Campbell, the Minutes of January 29, 2008 and February 15, 2008 were approved, on roll call by the following vote:

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

Noes: None

Approval of the Minutes of February 19, 2008:

Council Member Schwartzman stated that he understood the minutes needed to be reworked, however as the maker of the motion for the resolution, LEED was in there, but Low Impact Development (LID) was not.

Public Comment:

1. Marilyn Bardet – Ms. Bardet discussed her understanding that Council Member Schwartzman did not reject LID as a consideration, LID being embraced in the LEED-ND condition, and Council Member Schwartzman’s reference to Mr. Steinmann’s presentation.

Council Member Schwartzman discussed his recollection that he specifically stated when the LID was suggested that he was not inclined to add it to the motion.

Council Member Ioakimedes requested copies of the written transcripts from the portion of the meeting when the motion was made to adopt the resolution certifying the Seeno EIR.

This item was continued to the next Council meeting.

Adoption of a resolution amending the Rules of Procedure:

Heather McLaughlin, City Attorney, reviewed the staff report.

Council and Staff discussed the appointment process, consent calendar, time limit for public comment, time limit for public hearings, and public comment on appointments.

RESOLUTION 08-17 - A RESOLUTION ADOPTING THE RULES OF PROCEDURE FOR THE CONDUCT OF CITY COUNCIL MEETINGS

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

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

Noes: None

## PUBLIC HEARINGS:

None

## ACTION ITEMS:

### Introduction and first reading of an ordinance for establishing permitting and regulatory requirements for massage therapists - Continued from February 19, 2008 City Council Meeting:

Sandra Spagnoli, Police Chief, reviewed the staff report. Chief Spagnoli suggested waiving City fees to current licensed massage businesses for compliance. Staff received an email from Terry Vacek listing three concerns: 1) fees, 2) the State law coming in to effect – she suggested the City wait to see what happens with the bill before it acts on the proposed ordinance, and 3) grandfather existing businesses or put the ordinance out 9-12 months, which would allow them to see what happens with the current legislation. Staff's recommendation was for the City to continue to move forward so there would be some enforcement means and mechanisms to ensure there is no more unlawful activity in town as it relates to prostitution. Chief Spagnoli recommended adding language regarding male/female consenting adult massage, deleting the language requiring doors only being able to be opened inward, and clarifying the language on page IX-A-17 – third paragraph - the 90 days would be for new businesses coming into town. Existing businesses would be grandfathered in.

Council and Staff discussed the written and practical exam referenced in the proposed ordinance, 60 day timeframe to complete application and background check, background checks, transition and grand fathering clause, satisfactory proof of identification, number of therapists in the City who have a State license, massage therapist certification process, waiving the fees for existing businesses, issue of property/lease documentation, proof of malpractice/liability insurance, existing business permits, required physical/practical exam, annual permit renewal fee, outcalls and ADA compliance, in-home businesses and ADA compliance, and what was considered 'minimal traffic.'

## Public Comment:

1. Jeanine Seeds – Ms. Seeds asked whether City would lump the massage profession with card rooms or physicians.
2. Barbara Patrick, Lily of Gold – Ms. Patrick discussed the State certification process, physical and practical exam, permit requirements, fees, State regulations, striking the medical exam requirement from the ordinance, the need for more time to review the ordinance information, medical exam, and the issue serving alcohol.
3. Shawna Miller – Ms. Miller discussed concerns regarding fees, establishment fees, proposed testing process, proposed doctor exam, door locks, and the issue of serving alcohol in an establishment.
4. Susan Street – Ms. Street inquired about the genesis for the proposed ordinance, prostitution, concern regarding massage therapists being lumped together with card rooms and bars, and the need for more discussion on this issue.

5. Bradley Duet – Mr. Duet discussed the certification process, singling out one particular profession, and the State licensing process.
6. Gretchen Burgess – Ms. Burgess discussed her work on Benicia’s animal ordinances, her experience with massages, the need to rework the proposed ordinance, prostitution and madams, license requirements, sterilization procedures, double permit process, owner-operator license, 60-watt light bulbs, and classifying massage therapists as medical professionals.
7. Casey Blackmore – Ms. Blackmore discussed concerns regarding semantics (parlor, studio, spa, clinic, masseur, technician), timing of the proposed ordinance, and the need for more discussion on this.
8. Linda Tobey – Ms. Tobey discussed concerns regarding the medical testing and the certification process.
9. Tony Shannon – Mr. Shannon discussed concerns regarding practical exams, 60-watt light bulbs, florescent lights, classifying massage therapists, background checks, and prostitution.
10. Kimberly Snyder – Ms. Snyder discussed other industries where prostitution is possible, TB testing, concerns with the proposed physical exam and fees.

Mayor Patterson stated that there needed to be a meeting where everyone could sit down and discuss the concerns raised.

Council and Staff discussed industry regulations, medical testing, fees, protecting the community, protecting the reputable businesses, sending this item back for modifications to the dialogue, nexus between massage therapists and chiropractors, and chiropractic laws.

Mayor Patterson stated that an ordinance was needed, there is a need for additional dialogues, the process needed to be expedited, the light bulb issue needed to be taken seriously, and the medical direction and guidance should be looked into - it is needed to protect the therapists and public.

Mayor Patterson called for a 5-minute break.

Presentation of the Comprehensive Annual Financial Report for the Fiscal Year Ending June 30, 2007 and recognition of Certificate of Achievement for Excellence in Financial Reporting for the June 30, 2006 Report - Continued from February 19, 2008 City Council Meeting:

Rob Sousa, Finance Director, reviewed the staff report.

Council and Staff discussed the fact that the City did not own municipal bonds, property taxes, Gasby’s Rule 34, Marina seawall, storm water, expenditure related to the Valero property tax reimbursement, property tax agreement negotiated between the County and Valero, General Fund Reserve, and the Utility Users Tax.

On motion of Council Member Schwartzman, seconded by Council Member Ioakimedes, Council accepted the Comprehensive Annual Financial Report (CAFR) for the Fiscal

# DRAFT

Year Ending June 30, 2007, and authorized Staff to distribute the document to recipient agencies, on roll call by the following vote:

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

Noes: None

## INFORMATIONAL ITEMS:

### Review of Mid-Year Budget Update for Fiscal Years 2007-09:

Rob Sousa, Finance Director, reviewed the staff report.

Council and Staff discussed adopted protocol for economic uncertainty, Intermodal Fund, the State's current economic decline, certificate of participation, Mills Community Center, the City of Vallejo's current financial troubles as they relate to public safety, the Mayor's recent meeting with the State Director of Parks and Recreation, energy costs, budget shortfall for the next three fiscal years – just short of \$1 million, and using a phased approach to upcoming projects.

### Review of the updated top priorities and policy issues for 2007-09:

Mayor Patterson praised Staff's effort with the staff report.

Jim Erickson, City Manager, reviewed the staff report.

Council and Staff discussed the issue of each Council Member completing the form to rank the list of priorities.

### Reports from City Manager:

None

### COMMENTS FROM COUNCIL MEMBERS:

None

### ADJOURNMENT:

Mayor Patterson adjourned the meeting at 10:37 p.m.

**AGENDA ITEM  
CITY COUNCIL MEETING: MARCH 18, 2008  
CONSENT CALENDAR**

**DATE** : February 27, 2008

**TO** : City Council

**FROM** : City Attorney

**SUBJECT** : **DENIAL OF THE CLAIM AGAINST THE CITY BY CALIFORNIA  
STATE AUTOMOBILE ASSOCIATION (CSAA) AND REFERRAL  
TO INSURANCE CARRIER**

**RECOMMENDATION:**

Deny the claim against the City by CSAA and referral to insurance carrier.

**EXECUTIVE SUMMARY:**

Council denied a claim by Christine Shannon at the February 19, 2008 Council meeting. CSAA is Ms. Shannon's insurance company and they also filed a claim against the City as they settled the claim with Ms. Shannon. This claim should be denied for the same reasons as the claim by Ms. Shannon was denied. The claimant alleged that a tree on the corner of First Street and West G Street was not sufficiently pruned causing a branch to fall on her car. Parks department records show that the First Street City trees were trimmed in January 2007 and the Parks Supervisor visually inspected all City trees on a weekly basis. Parks department staff feels that the limb failure was caused by spontaneous summer limb drop.

**BUDGET INFORMATION:**

The amount of the claim is \$961.38.

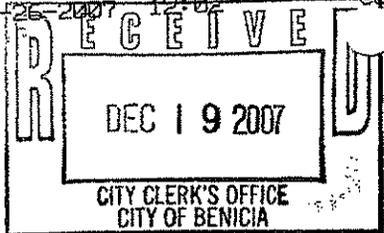
**BACKGROUND:**

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

# **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): Christine Shannon
- 2. CLAIMANT'S ADDRESS: 710 Shady Glen Martinez CA  
(Street or P.O./Box Number, City, State, Zip Code) 94555
- HOME PHONE: 925-228-8424 WORK PHONE: 925-286-3842
- 3. AMOUNT OF CLAIM: \$ 961.38 (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):

CSAA claims Attn: Clm# 02-4W13613  
(Name)  
P.O. BOX 920 Suisun City CA 94585-0920  
(Street or P.O. Box Number, City, State, Zip Code)

5. DATE OF INCIDENT: 8/23/07 TIME OF INCIDENT: 7:00 AM

LOCATION OF INCIDENT: West side of First Street, near West 5th

6. Describe the incident or accident including your reason for believing that the City is liable for your damages: Upon return to parked vehicle on west side of First St. to find damages to vehicle and a tree branch that had fallen off of the tree the vehicle was parked under.

7. Describe all damages which you believe you have incurred as a result of the incident: Driver's side quarter panel dented, trunk dented on top, and scratches on vehicle.

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

N/A Police Report Filed, PR# 1-07-002005

[Signature] Date 12/17/07  
Signature of Claimant

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)

RECEIVED BY CSAA 10/26/2007  
RECEIVED BY CSAA 08/31/2007

**AGENDA ITEM  
CITY COUNCIL MEETING: MARCH 18, 2008  
CONSENT CALENDAR**

**DATE** : February 26, 2008  
**TO** : City Manager  
**FROM** : Director of Public Works  
**SUBJECT** : **APPROVAL OF A REQUEST FOR PROPOSITION 1B BOND  
FUNDING FOR STATE PARK ROAD BIKE/PEDESTRIAN  
BRIDGE AND TRAIL PROJECT**

**RECOMMENDATION:**

Adopt a resolution requesting from the California Department of Finance an allocation of Proposition 1B bond funding in the amount of \$449,009.85 for the State Park Road Bike/Pedestrian Bridge and Trail project and authorizing the Director of Public Works to submit the application and all ancillary documents, including minor modifications and revisions required by the State, on behalf of the City.

**EXECUTIVE SUMMARY:**

In 2007, California voters approved the sale of almost \$20 billion in bonds for local road and street improvement, congestion relief and traffic safety projects (Proposition 1B). Staff reviewed our transportation needs and recommends requesting from the State that the State Park Road Bike/Pedestrian Bridge and Trail receive the initial \$449,000 allocation.

**BUDGET INFORMATION:**

The adopted FY2007–2009 municipal budget for the State Park Road Bike/Pedestrian Bridge and Trail project includes \$571,000 in funding for 35-percent engineering and environmental work.

Estimated Expenditures

|                                    |             |
|------------------------------------|-------------|
| Engineering and Environmental..... | \$756,000   |
| Construction Engineering .....     | 265,000     |
| Construction Contingency.....      | 265,000     |
| Construction.....                  | 2,651,000   |
| <hr/>                              |             |
| Total Estimated Expenditures.....  | \$3,937,000 |

Revenues (Approved, Programmed and Pending)

|                                                      |           |
|------------------------------------------------------|-----------|
| Approved Funding FY 2005–2007                        |           |
| Transportation Development Act (TDA) Article 3 ..... | \$210,000 |
| Local Match from Traffic Mitigation Fund .....       | 361,000   |

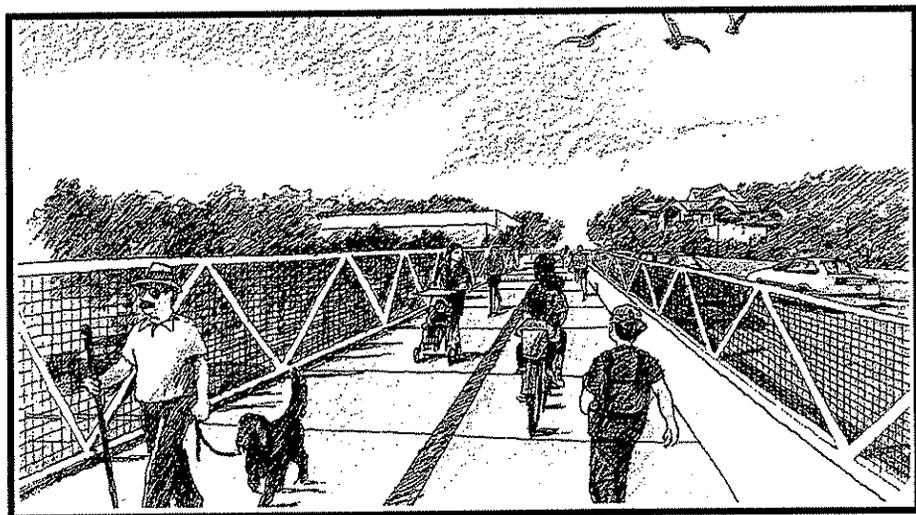
|                                                                |                    |
|----------------------------------------------------------------|--------------------|
| Programmed Funding FY 2008/09                                  |                    |
| TDA Article 3 .....                                            | \$271,000          |
| Congestion Management and Air Quality grant (federal-aid)..... | 671,000            |
| Solano Transp. Authority Transp. For Liveable Communities..... | 1,000,000          |
| Pending Funding Requests FY2007-2009                           |                    |
| SF Bay Ridge Trail grant .....                                 | \$500,000          |
| Local Match                                                    |                    |
| Supplemental Funding from Traffic Mitigation Fund .....        | \$492,000          |
| <b>Proposition 1B (This Request) .....</b>                     | <b>\$449,000</b>   |
| <b>Total Anticipated Revenues .....</b>                        | <b>\$3,954,000</b> |

**BACKGROUND:**

In 2007, California voters approved the sale of \$19.925 billion in bonds for local road and street improvement, congestion relief and traffic safety projects (Proposition 1B). The California Department of Finance (DOF) oversees the bond program and the State Controller’s Office (SCO) makes the actual allocation. Almost \$1 billion in funding is planned to be allocated this fiscal year and according to the SCO, Benicia is expected to receive \$449,009.85 this year with an estimated \$450,000 in future years. The remaining Proposition 1B funds are required to be distributed by 2010 but the timing is not clear at this time.

To receive the funds, the City is required to identify projects that meet certain selection criteria. Many different types of transportation projects and activities are eligible, such as improving traffic flows, increasing traffic safety, rehabilitating and reconstructing streets, reducing traffic congestion, installing traffic control devices, acquiring right-of-way, and performing engineering and environmental reviews. The funds may also be used as a local match to obtain state or federal transportation grants.

Staff, after reviewing the transportation projects included in the FY2007-2009 budget and our 20-year capital



Conceptual View of Bridge Path Crossing Highway 780

improvement program, has determined that the State Park Road Bike/Pedestrian Bridge and Trail project, a top-priority project for the City, meets the bond funding eligibility requirements. This funding, combined with a pending grant request to the SF Bay Ridge Trail organization and supplemental funds from the Traffic Mitigation Fund (to be requested in July 2008), effectively

eliminates any revenue shortfall and can keep the project on schedule for its May 2009 groundbreaking.

It is therefore recommended that the FY2007/08 Proposition 1B funding allocation be assigned to the State Park Road Bike/Pedestrian Bridge and Trail project and that the Director of Public Works submits an application to the California Department of Finance.

Attachments:

- Proposed Resolution
- Proposition 1B Allocation Application

DS/MT:KT

cc: City Attorney  
City Engineer

# Proposed Resolution

**RESOLUTION NO. 08-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA REQUESTING FROM THE CALIFORNIA DEPARTMENT OF FINANCE AN ALLOCATION OF PROPOSITION 1B BOND FUNDING FOR THE STATE PARK ROAD BIKE/ PEDESTRIAN BRIDGE AND TRAIL PROJECT AND AUTHORIZING THE DIRECTOR OF PUBLIC WORKS TO SUBMIT THE APPLICATION ON BEHALF OF THE CITY**

**WHEREAS**, in January 2008 the California Department of Finance announced the availability of Proposition 1B bond funding for eligible transportation projects; and

**WHEREAS**, after review and consideration of the transportation needs of the City of Benicia, the City Council has determined that the State Park Road Bike/Pedestrian Bridge and Trail project meets the eligibility requirements and as a top-priority transportation project should receive the first allocation of Proposition 1B bond funds.

**NOW, THEREFORE, BE IT RESOLVED THAT** the City Council of the City of Benicia requests from the California Department of Finance an allocation of Proposition 1B bond funding in the amount of \$449,009.85 (or as amended by the State Controller's Office) for the State Park Road Bike/Pedestrian Bridge and Trail project and authorizes the Director of Public Works to submit the application and all ancillary documents, including minor modifications and revisions required by the State, on behalf of the City.

\* \* \* \* \*

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 18<sup>th</sup> day of March, 2008, and adopted by the following vote:

Ayes:

Noes:

Absent:

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

Attest:

\_\_\_\_\_  
Lisa Wolf, City Clerk

# Proposed 1B Allocation Application

## Proposition 1B Local Streets and Roads Funding Proposals

2007-08 Data

### **Mandatory Information:**

Entity Name (City or County)  
County in which Recipient Entity is Located  
Principal Contact Data for Prop 1B Program:

Name

E-mail Address

Phone Number

Address

Date Local Prop 1B Streets & Roads Program Budget Adopted by Board/Council

Total from other tabs

Total 2007-08 allocation (should tie to totals on all other tabs)

|                                                                          |
|--------------------------------------------------------------------------|
| Benicia                                                                  |
| Solano                                                                   |
| Dan Schiada                                                              |
| <a href="mailto:dschiada@ci.benicia.ca.us">dschiada@ci.benicia.ca.us</a> |
| 707 746-4240                                                             |
| 250 East L Street, Benicia, CA 94510                                     |
| March 18, 2008                                                           |
| \$ 499,000                                                               |

### **Highly Recommended Information:**

Local web link (for additional overall program information, such as maps, detailed project information, etc. provided by city or county)

|                                                                |
|----------------------------------------------------------------|
| <a href="http://www.ci.benicia.ca.us">www.ci.benicia.ca.us</a> |
|----------------------------------------------------------------|

The following tabs provide separate sheets for three categories of Prop 1B Local Street & Road Maintenance Projects: Maintenance, Minor Projects, and Major Projects.

VII-C -7

# Proposition 1B Local Streets and Roads Funding Proposals

**Maintenance Program**

Note: Major maintenance projects (over \$400,000) may be included here or on the Major Projects spreadsheet.

2007-08 Data

**Project Proposals:**

**Mandatory Information:**

Total Prop 1B Funding to be Used for Local Maintenance Category (in whole dollars)

Estimated Prop 1B Program Completion Date (MM/DD/YYYY)

Average Estimated Useful Life of all Maintenance Category Work Funded with Prop 1B Funds (in years)

|    |    |
|----|----|
| \$ | -  |
|    | 20 |

**Highly Recommended Information:**

Backlog of Maintenance Work as of 7/1/07 (in whole dollars)

Anticipated Backlog of Maintenance Work as of 6/30/08 (in whole dollars)

Un-obligated Balance in Local Road Account as of 6/30/07 (in whole dollars)

|    |           |
|----|-----------|
| \$ | 5,000,000 |
| \$ | 5,500,000 |
| \$ | 450,000   |

**Optional Information (in whole dollars):**

Total Prop 1B Funding for Pavement Repairs (pothole filling/crack filling/minor pavement patching)

Total Prop 1B Funding for Slurry Seals

Total Prop 1B Funding for Resurfacing, Including Full or Partial Reconstruction

Total Prop 1B Funding for Bridge Repair and Replacement

Total Prop 1B Funding for non-Driving Surface Work (landscaping/signage/safety/ADA/sidewalks, etc.)

Total Prop 1B Funding for Weather and Accident Repairs and Snow Removal

**Total** (should equal Maintenance Category total at top of page)

|    |   |
|----|---|
| \$ | - |
| \$ | - |
| \$ | - |
| \$ | - |
| \$ | - |
| \$ | - |
| \$ | - |

## Proposition 1B Local Streets and Roads Funding Proposals

Minor Projects (Projects costing less than \$400,000)

2007-08 Data

**Project Proposals:**

**Required Information:**

Total Prop 1B Funding for Minor non-Maintenance Project Category-Projects Costing Less than \$400,000  
(in whole dollars)

Estimated Prop 1B Program Completion Date (MM/DD/YYYY)

Average Expected Useful Life of Minor Projects Funded with Prop 1B Funds (in years)

|    |    |
|----|----|
| \$ | -  |
|    |    |
|    | 20 |

**Optional Information (in whole dollars):**

Total Prop 1B Funding for New Traffic Signals

Total Prop 1B Funding for Street Extensions and New Streets

Total Prop 1B Funding for New/Improved Landscaping/Signage/Safety/et. al.

Total Prop 1B Funding for Transit related Projects

|    |   |
|----|---|
| \$ | - |
| \$ | - |
| \$ | - |
| \$ | - |
| \$ | - |

**Total** (should equal total Minor Project Category total at top of page)

**Proposition 1B Local Streets and Roads Funding Proposals**  
 Major Projects (Projects costing more than \$400,000)

| Proposed Projects | Project Name (List Each Project Separately)           | Description (Required)                                                       |                     |                                                   |                     |                                    |                                  |                        |                        |                          |                                                |                                             |
|-------------------|-------------------------------------------------------|------------------------------------------------------------------------------|---------------------|---------------------------------------------------|---------------------|------------------------------------|----------------------------------|------------------------|------------------------|--------------------------|------------------------------------------------|---------------------------------------------|
|                   |                                                       | Description<br>(Type of Work,<br>Major Materials,<br>New, or<br>Replacement) | Street/Road Name(s) | Location<br>Starting Point<br>& Ending Point      | Total Cost          | Funding from<br>Prop 1B -<br>LSARs | Funding from<br>other<br>Prop 1B | Other Local<br>Funding | Other State<br>Funding | Other Federal<br>Funding | Planning &<br>Environmental-<br>Beginning Date | Planning &<br>Environmental-<br>Ending Date |
| 1                 | State Park Road Bicyclist/Pedestrian Bridge and Trail | New Bridge and Trail                                                         | State Park Road     | Columbus/Rose<br>Benicia State<br>Recreation Area | \$ 3,938,000        | \$ 498,000                         | \$ -                             | \$ 2,788,000           | \$ -                   | \$ 671,000               | 10/1/2007                                      | 4/21/2008                                   |
| 2                 |                                                       |                                                                              |                     |                                                   |                     |                                    |                                  |                        |                        |                          |                                                |                                             |
| 3                 |                                                       |                                                                              |                     |                                                   |                     |                                    |                                  |                        |                        |                          |                                                |                                             |
| 4                 |                                                       |                                                                              |                     |                                                   |                     |                                    |                                  |                        |                        |                          |                                                |                                             |
| 5                 |                                                       |                                                                              |                     |                                                   |                     |                                    |                                  |                        |                        |                          |                                                |                                             |
| 6                 |                                                       |                                                                              |                     |                                                   |                     |                                    |                                  |                        |                        |                          |                                                |                                             |
|                   |                                                       |                                                                              |                     | <b>Total</b>                                      | <b>\$ 3,938,000</b> | <b>\$ 498,000</b>                  | <b>\$ -</b>                      | <b>\$ 2,788,000</b>    | <b>\$ -</b>            | <b>\$ 671,000</b>        |                                                |                                             |

**Optional Information (In whole dollars):**

|                                                                                           |                     |
|-------------------------------------------------------------------------------------------|---------------------|
| Total Prop 1B Expenses (Including all Projects)                                           | \$ -                |
| Total Prop 1B Funding (Including all Projects)                                            | \$ -                |
| Total Prop 1B Funding for Major Pavement Maintenance and Rehabilitation                   | \$ -                |
| Total Prop 1B Funding for Street Extensions, Lane Additions, and New Streets              | \$ 150,000          |
| Total Prop 1B Funding for Landscaping/Signage/ADA/Art, et.                                | \$ 3,788,000        |
| Total Prop 1B Funding for Bridge Repair, Replacement, and New Construction                | \$ -                |
| Total Prop 1B Funding for Transit Related Projects                                        | \$ -                |
| <b>Total (should equal total of Prop 1B LSARs funding from Project Budget data above)</b> | <b>\$ 3,938,000</b> |

**Proposition 1B Local Streets and Roads Funding Proposals**  
 Major Projects (Projects costing more than \$400,000)

| Proposed Projects | Project Name (List Each Project Separately) |                       |                                                |                                             |                                 |                                  |                                         |                                   |                                       |                     | Expected Benefit (Highly Recommended)         |                                                    |                                                      |  |
|-------------------|---------------------------------------------|-----------------------|------------------------------------------------|---------------------------------------------|---------------------------------|----------------------------------|-----------------------------------------|-----------------------------------|---------------------------------------|---------------------|-----------------------------------------------|----------------------------------------------------|------------------------------------------------------|--|
|                   | Design-<br>Beginning Date                   | Design-Ending<br>Date | Right-of-Way<br>Acquisition-<br>Beginning Date | Right-of-Way<br>Acquisition-<br>Ending Date | Construction-<br>Beginning Date | Construction-<br>Completion Date | Project Closed<br>Out-Beginning<br>Date | Project Closed<br>Out-Ending Date | Expected Useful<br>Life<br>(in years) | Lane Miles<br>Added | Daily<br>Travel<br>Time<br>Savings<br>(hours) | Expected<br>Daily<br>Use<br>(vehicles /<br>riders) | Annual<br>Reduction in<br>the Number of<br>Accidents |  |
| 1                 | 7/1/2005                                    | 3/18/2009             | 10/1/2007                                      | 4/21/2008                                   | 4/27/2009                       | 1/25/2010                        | 1/25/2010                               | 4/1/2010                          | 50                                    | -                   | 30                                            | 50                                                 | -                                                    |  |
| 2                 |                                             |                       |                                                |                                             |                                 |                                  |                                         |                                   |                                       |                     |                                               |                                                    |                                                      |  |
| 3                 |                                             |                       |                                                |                                             |                                 |                                  |                                         |                                   |                                       |                     |                                               |                                                    |                                                      |  |
| 4                 |                                             |                       |                                                |                                             |                                 |                                  |                                         |                                   |                                       |                     |                                               |                                                    |                                                      |  |
| 5                 |                                             |                       |                                                |                                             |                                 |                                  |                                         |                                   |                                       |                     |                                               |                                                    |                                                      |  |
| 6                 |                                             |                       |                                                |                                             |                                 |                                  |                                         |                                   |                                       |                     |                                               |                                                    |                                                      |  |

Optional information (in whole dollars):  
 Projects with a right-of-way acquisition cost may fit into more than one category:  
 Total Prop 1B Funding for Traffic Signal and Traffic Signal Timing  
 Total Prop 1B Funding for Major Pavement Maintenance and Rehabilitation  
 Total Prop 1B Funding for Street Extensions, Lane Additions, and New Streets  
 Total Prop 1B Funding for Landscaping/Signage/ADA/ikes, etc.  
 Total Prop 1B Funding for Bridge Repair, Replacement, and New Construction  
 Total Prop 1B Funding for Transit related Projects  
 Total (should equal total of Prop 1B LS&Rs funding from Project Budget data above)

**Proposition 1B Local Streets and Roads Funding Proposals**  
 Major Projects (Projects costing more than \$400,000)

| Proposed Projects | Project Name (List Each Project Separately) |                                                    | Additional Information (Optional)                              |                                                                        |  |
|-------------------|---------------------------------------------|----------------------------------------------------|----------------------------------------------------------------|------------------------------------------------------------------------|--|
|                   | Lane Miles Maintained                       | Useful Life Extension (major maintenance in years) | Link to Maps or Pictures                                       | Project Contact (e-mail, website, or phone)                            |  |
| 1                 |                                             | 25                                                 | <a href="http://www.ci.benning.ca.us">www.ci.benning.ca.us</a> | <a href="mailto:imulvan@ci.benning.ca.us">imulvan@ci.benning.ca.us</a> |  |
| 2                 |                                             |                                                    |                                                                |                                                                        |  |
| 3                 |                                             |                                                    |                                                                |                                                                        |  |
| 4                 |                                             |                                                    |                                                                |                                                                        |  |
| 5                 |                                             |                                                    |                                                                |                                                                        |  |
| 6                 |                                             |                                                    |                                                                |                                                                        |  |

Optional Information (in whole dollars):  
 Project Type Categories (Individual projects may fit into more than one category):  
 Total Prop 1B Funding for Traffic Signals  
 Total Prop 1B Funding for Major Pavement Maintenance and Rehabilitation  
 Total Prop 1B Funding for Street Extensions, Lane Additions, and New Streets  
 Total Prop 1B Funding for Landscaping/amenities/ADA, et al.  
 Total Prop 1B Funding for Bridge Repair, Replacement, and New Construction  
 Total Prop 1B Funding for Transit-related Projects  
 Total (should equal total of Prop 1B LSA/Rx funding from Project Budget data above)

**AGENDA ITEM  
CITY COUNCIL MEETING: MARCH 18, 2008  
CONSENT CALENDAR**

**DATE** : March 11, 2008  
**TO** : City Manager  
**FROM** : Director of Public Works  
**SUBJECT** : **APPROVAL OF THE ENGINEERING SERVICES AGREEMENT  
FOR THE DESIGN OF THE STATE PARK ROAD BIKE/  
PEDESTRIAN BRIDGE PROJECT**

**RECOMMENDATION:**

Adopt a resolution approving the engineering services agreement with Pakpour Consulting Group for the State Park Road Bike/Pedestrian Bridge Project, approving Task Order No. 1 in the amount of \$496,334, appropriating \$185,100 from the Traffic Impact Fund Reserves, and authorizing the City Manager to execute the agreement on behalf of the City.

**EXECUTIVE SUMMARY:**

Environmental and preliminary engineering work for the State Park Road Bike/Pedestrian Bridge Project is nearing completion. Staff proposes that the City to continue to use the same consultant, Pakpour Consulting Group, to complete the final design. Staff recommends that \$185,100 be appropriated from the Traffic Impact Fund Reserves to fully fund the consultant fees for this work.

**BUDGET INFORMATION:**

The proposed State Park Road Bike/Pedestrian Bridge Project design budget is outlined below:

**Project Design Budget**

|                                                                        |                  |
|------------------------------------------------------------------------|------------------|
| FY 2005/07 Adopted Budget:                                             |                  |
| Special Fund Street Projects (TDA Article 3 Grant)                     | \$210,000        |
| FY 2007/09 Adopted Budget:                                             |                  |
| Special Fund Street Projects (Transfer from Traffic Impact Fee Fund)   | \$361,000        |
| Traffic Impact Fee Fund Reserves Appropriation ( <i>This Request</i> ) | <u>\$185,100</u> |
| <b>Total Design Budget</b>                                             | <b>\$756,100</b> |

**Project Design Expenditures**

|                                                  |                  |
|--------------------------------------------------|------------------|
| Conceptual Plan and Advance Planning Study       | \$85,000         |
| Environmental and Preliminary Engineering        | \$174,800        |
| Final Design Engineering ( <i>This Request</i> ) | <u>\$496,300</u> |
| <b>Total Design Expenditures</b>                 | <b>\$756,100</b> |

The total design cost of \$756,100 is 19% of the total estimated \$3.94 million cost to deliver the project, which is typical for projects of this size that are required to use CALTRANS and Federal Highway Administration procedures and that are subject to their review and approval. A detailed breakdown of project expenditures and revenues are included in the Proposition 1B bond funding staff report. Please note that the \$185,100 requested from the Traffic Impact Fund (TIF) reserves for this contract is included in the \$492,000 of local match (supplemental TIF funds) identified in the project budget (page 2) of the Proposition 1B bond funding report.

## **BACKGROUND:**

The State Park Road Bike/Pedestrian Bridge Project is a top priority project for the City of Benicia and is identified as one of the top four recommended improvements in the Solano Countywide Bicycle Plan. Constructing this project will provide a critical bicycle/pedestrian connector over I-780, linking the Southampton residential neighborhood to the north with the high use recreation area to the south, connecting the Bay Trail with the Ridge Trail, and Benicia with Vallejo.

The Pakpour Consulting Group is nearing completion on the Environmental and Preliminary Engineering phase of the design. Prior to that, this design team successfully completed the Conceptual Plan and Advanced Planning Study. Based upon their performance, familiarity with the project at a detailed engineering level, and extensive experience on similar projects, the Pakpour Consulting Group is the best candidate for the final design phase.

Task Order No. 1 in the amount of \$496,334 has been negotiated with Pakpour for this final design phase. The scope of work includes completing final project plans, specifications, and a detailed cost estimate using Caltrans procedures and subject to Caltrans review and approval. The work involves geotechnical, structural, electrical, right-of-way, and environmental engineering; landscape architecture; and project management including extensive coordination between Caltrans, California State Parks, the City, utility owners, subconsultants, and other stakeholders. Approving the requested task order will ensure that the design is completed by the December 2008 funding deadlines.

It is therefore recommended that the City enter into a consultant agreement with Pakpour Consulting Group for engineering services for the State Park Road Bike/Pedestrian Bridge Project, authorize Task Order No. 1 in the amount of \$496,334 to complete the final design, and appropriate \$185,100 from the Traffic Impact Fund Reserves to fully fund the design of the project.

### **Attachments:**

- Proposed Resolution
- Consultant Agreement and Task Order No.1
- State Park Road Bike/Pedestrian Bridge Project Artistic Rendering

# Proposed Resolution

**RESOLUTION NO. 08-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING A CONSULTANT AGREEMENT WITH PAKPOUR CONSULTING GROUP FOR ENGINEERING SERVICES FOR THE STATE PARK ROAD BIKE/PEDESTRIAN BRIDGE PROJECT, APPROVING TASK ORDER NO. 1 IN THE AMOUNT OF \$496,334, APPROPRIATING \$185,100 FROM THE TRAFFIC IMPACT FEE FUND RESERVES, AND AUTHORIZING THE CITY MANAGER TO SIGN THE AGREEMENT AND TASK ORDER ON BEHALF OF THE CITY**

**WHEREAS**, the State Park Road Bike/Pedestrian Bridge is a top priority capital improvement project for the City of Benicia; and

**WHEREAS**, design for the project must be completed by December, 2008 to retain \$1.7 million in federal grants earmarked for the construction of the project; and

**WHEREAS**, Pakpour Consulting Group of Pleasanton satisfactorily completed the conceptual design, advanced planning study, and environmental and preliminary engineering work for this project and based on their intimate knowledge and experience with the project, they are the most suitable consultant to perform the required engineering services; and

**WHEREAS**, to fully fund the design of the project an additional \$185,100 is required which is available in the Traffic Impact Fund reserves.

**NOW, THEREFORE, BE IT RESOLVED THAT** the City Council of the City of Benicia approves a consultant agreement with Pakpour Consulting Group for engineering services for the State Park Road Bike/Pedestrian Project (Attachment A), approves Task Order No.1 in the amount of \$496,334, appropriates \$185,100 from the Traffic Impact Fee Fund reserves, and authorizes the City Manager to execute the agreement and Task Order No.1 on behalf of the City, with minor changes subject to approval by the City Attorney.

\*\*\*\*\*

On motion of \_\_\_\_\_, seconded by \_\_\_\_\_, 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 18<sup>th</sup> day of March, 2008, and adopted by the following vote:

Ayes:

Noes:

Absent:

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

Attest:

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

**VII-D -4**

Consultant Agreement and  
Task Order No. 1

## ATTACHMENT A

### CONSULTANT AGREEMENT

This agreement ("Agreement") entered into \_\_\_\_\_, <sup>2008</sup>~~2005~~, is between the City of Benicia, a municipal corporation (hereinafter "CITY"), and Pakpour Consulting Group, a California corporation with its primary office located at 5776 Stoneridge Mall Road, Suite 320, Pleasanton, CA 94588 (hereinafter "CONSULTANT") (collectively, "the Parties").

#### RECITALS

WHEREAS, CITY has determined it is necessary and desirable to secure certain professional services for the design of the State Park Road Bike/Pedestrian Bridge Project, Project No.97-4. The scope of work for said service (hereinafter "Project") is attached hereto as Exhibit "A" and is hereby incorporated by reference; and

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

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

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

#### AGREEMENT

1. INCORPORATION OF RECITALS. The recitals set forth above, and all defined terms set forth in such recitals and in the introductory paragraph preceding the recitals, are hereby incorporated into this Agreement as if set forth herein in full.
2. SCOPE OF SERVICE.
  - (a) Services to be Furnished. Subject to such policy direction and approvals as CITY through its staff may determine from time to time, CONSULTANT shall perform the services set forth in the Task Order labeled Exhibit A, which is attached hereto and incorporated herein by reference.
  - (b) Schedule for Performance. CONSULTANT shall perform the services identified in Exhibit A according to the completion schedule included in Exhibit A and as expeditiously as is consistent with generally accepted standards of professional skill and care, and the orderly progress of work.

(i) CONSULTANT and CITY agree that the completion schedule in Exhibit A represents the best estimate of the schedule. CONSULTANT shall comply with completion dates noted in Exhibit A unless a written waiver is granted by the CITY's project manager. In the event that CONSULTANT fails to complete a work product in accordance with the completion date noted in Exhibit A, CONSULTANT agrees to pay the CITY liquidated damages in the amount of \$100.00 per day for each work product that is delayed when such delay is caused by CONSULTANT. CONSULTANT and CITY acknowledge that the actual value of delay is extremely difficult to determine, but the daily penalty specified above represents their best estimate of the daily cost of delay to CITY and shall be the exclusive penalty for delay caused by CONSULTANT.

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

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

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

### 3. COMPENSATION.

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

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

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

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

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

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

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

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

6. TERMINATION:

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

(b) If CITY issues a notice of termination,

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

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

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

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

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

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

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

11. NOTICE. Any notices or other communications to be given to either party pursuant to this Agreement shall be in writing and delivered personally or by certified U.S. mail, postage prepaid, addressed to the party at the address set forth below. Either party may change its address for notices by complying with the notice procedures in this Section. Notice so mailed shall be deemed delivered three (3) business days after deposit in the U.S. mail. Nothing shall preclude the giving of notice by facsimile machine provided, however, that notice by facsimile machine shall be followed by notice deposited in the U.S. mail as discussed above.

If to CITY: Dan Schiada, Director of Public Works  
City of Benicia  
250 East "L" Street  
Benicia, CA 94510

If to CONSULTANT: Joubin Pakpour, President  
Pakpour Consulting Group  
5776 Stoneridge Mall Road  
Suite 320, Pleasanton  
CA 94588

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

13. EMPLOYEES; ASSIGNMENT; SUBCONTRACTING.

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

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

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

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

15. WAIVER.

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

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

16. NONDISCRIMINATION.

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

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

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

18. INSURANCE.

(a) Required Coverage. CONSULTANT, at its sole cost and expense, shall obtain and maintain in full force and effect throughout the entire term of this Agreement the following described insurance coverage. This coverage shall insure not only CONSULTANT, but also, with the exception of workers' compensation and employer's liability insurance, shall name as additional insureds CITY, its officers, agents, employees, and volunteers, and each of them:

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

(b) Deductibles and Self-Insured Retentions. Any deductibles or self-insured retentions must be declared to and approved by CITY.

(c) Required Provisions. The general liability and automobile liability policies are to contain, or be endorsed to contain, the following provisions:

(i) For any claims related to this Project, the CONSULTANT'S insurance coverage shall be primary insurance as respects CITY, its officers, officials, employees, and volunteers. Any insurance or self-insurance maintained by CITY, its officers, officials, employees, or volunteers shall be in excess of the CONSULTANT'S insurance and shall not contribute with it;

(ii) Any failure to comply with reporting or other provisions of the policies including breaches of warranties shall not affect coverage provided to CITY, its officers, officials, employees, or volunteers;

(iii) The CONSULTANT'S insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability;

(iv) Each insurance policy required by this Section shall be endorsed to state that coverage shall not be suspended, voided, canceled by either party, reduced in coverage or in limits except after giving CITY 30 days' prior written notice by certified mail, return receipt requested.

(d) Acceptability of Insurers. CONSULTANT shall place insurance with insurers with a current A.M. Best's rating of no less than [A:VII] unless CONSULTANT requests and obtains CITY'S express written consent to the contrary.

(e) Verification of Coverage. CONSULTANT must provide complete, certified copies of all required insurance policies, including original endorsements affecting the coverage required by these specifications. The endorsements are to be signed by a person authorized by CONSULTANT'S insurer to bind coverage on its behalf. All endorsements are to be received and approved by CITY before work commences.

#### 19. WORKERS' COMPENSATION.

(a) Covenant to Provide. CONSULTANT warrants that it is aware of the provisions of the California Labor Code which require every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that code. CONSULTANT further agrees that it will comply with such provisions before commencing the performance of the work under this Agreement.

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

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

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

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

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

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

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

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

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

PAKPOUR CONSULTING GROUP

CITY OF BENICIA

BY:   
DATED 02/26/08

BY: \_\_\_\_\_  
DATED: \_\_\_\_\_

RECOMMENDED FOR APPROVAL

\_\_\_\_\_  
Director of Public Works

APPROVED AS TO FORM

\_\_\_\_\_  
City Attorney

06/30/03

EXHIBIT A

STATE PARK ROAD BIKE / PEDESTRIAN BRIDGE PROJECT  
TASK ORDER NO. 1  
PAKPOUR CONSULTING GROUP

PROFESSIONAL ENGINEERING SERVICES

1. Purpose:  
The purpose of this TASK ORDER is to authorize and direct the CONSULTANT to proceed with the work specified in Item 2 of this TASK ORDER, in accordance with the provisions of Paragraph 2 of that AGREEMENT between the parties hereto dated, \_\_\_\_\_.
2. Scope of Work:  
The work authorized by this TASK ORDER is outlined in the "Scope of Work" attached hereto.
3. Time of Performance:  
The work authorized by this TASK ORDER shall commence upon execution by both parties and shall be prosecuted diligently to completion.
4. Compensation and Payment:  
Compensation shall be on a time and materials basis as provided in Section 3 of the AGREEMENT dated \_\_\_\_\_ between the parties hereto. The total cost for this Task Order shall not exceed \$496,334. Payment shall be in accordance with Section 3 of the aforementioned AGREEMENT.
5. Effective Date:  
This TASK ORDER shall become effective immediately upon its execution by both parties.
6. Items and Conditions:  
All items and conditions contained in the AGREEMENT for consultant services dated \_\_\_\_\_, between the City of Benicia and Pakpour Consulting Group are incorporated herein by reference.

Executed this \_\_\_\_ day of \_\_\_\_\_, 2008.

CITY OF BENICIA

\_\_\_\_\_  
James R. Erickson  
City Manager

PAKPOUR CONSULTING GROUP

  
\_\_\_\_\_  
Joubin Pakpour  
President

APPROVED AS TO FORM

\_\_\_\_\_  
Heather McLaughlin  
City Attorney

Scope of Work – February 8, 2008  
State Park Road Pedestrian Bridge Project – Final Design  
City of Benicia, CA

The State Park Road Bike/Pedestrian Bridge Project is identified as one of the top four recommended improvements in the Solano Countywide Bicycle Plan. Constructing this project will provide a critical bicycle/pedestrian connector over I-780, linking the Southamptton residential neighborhood to the north with the high use recreation area to the south, connecting the Bay Trail with the Ridge Trail, and Benicia with Vallejo. Currently there is only a 22-inch wide walkway on the existing bridge immediately adjacent to high-speed vehicular traffic getting on and off the freeway. It is vital to separate the bicyclists and pedestrians from the vehicles.

The City of Benicia (City) went through an RFP process in 2000 and selected Berryman & Henigar/Pakpour Consulting Group, and later Pakpour Consulting Group (PCG) exclusively as the lead design team for this project.

This scope of work and budget covers project design from the PSR/PR process and 35% submittal stage through Final PS&E approval. As the project will most likely be constructed with State and Federal grant monies, work will be performed using Caltrans and FHWA procedures and is subject to their review and approval.

PCG will serve as lead consultant for the State Park Road Pedestrian Bridge Project. The design team will include the following subconsultants:

- Quincy Engineering, Inc. (QEI) – Bridge Structural Engineers
- Callander Associates (CA) – Landscape Architect
- Cullen-Sherry & Associates (CSA) - Surveying
- Baseline Environmental Consulting (BEC) – Hazardous Waste Sampling
- Hultgren – Tillis (HT) – Geotechnical Engineers
- YEI Engineers (YEI) – Electrical Engineers
- Associated Right of Way Services, Inc (ARWS) – Right-of-Way Engineering

The tasks in this scope of work are based on our meetings with the City and previous projects completed by PCG. We have included the various items of work to be performed, any assumptions made, a detailed list of deliverables for each of the tasks, and any optional services that PCG is prepared to provide. The tasks shown below correlate directly to the tasks shown on the budget spreadsheet for the project, and together form the basis for final contract negotiations and components of project management as outlined above.

**Task 1.0 35% Design - Additional Services #1**

**Task 1.1 - Pakpour Consulting Group**

Due to the City's budget constraints, PCG has set a budget deferral of **\$15,000** which was anticipated to be incurred during the 35% design phase. This amount is itemized as **35% Design - Additional Services #1** in the approved *Budget Increase Request for Additional Environmental and Survey Work* letter dated September 12, 2007 and includes project management, coordination with Caltrans and sub-consultants, and PDT meeting attendance and preparation of meeting minutes.

The \$15,000 budget was an estimate at the time the budget increase request letter was prepared on September 12, 2007. However, based on the increased level of effort in order to keep the

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project on schedule, PCG has incurred costs above \$15,000 over the last 5 months. The budget summary shows the actual cost of the deferred **35% Design – Additional Services #1** through December 31, 2007.

**Task 1.2 - Quincy Engineering, Inc.**  
No work under this task.

**Task 1.3 - Callander Associates**  
No work under this task.

**Task 1.4 - Cullen-Sherry & Associates**  
No work under this task.

**Task 1.5 – Baseline Environmental Consulting**  
No work under this task.

**Task 1.6 - Hultgren-Tillis Engineers**  
No work under this task.

**Task 1.7 - YEI Engineers, Inc.**  
No work under this task.

**Task 1.8 - Associated Right of Way Services, Inc**  
No work under this task.

**Task 2.0 Project Development Team (PDT) Meetings/Project Management**

For a successful project, it is very important for key personnel from the City, Caltrans, and the design team to periodically meet to thoroughly discuss the project.

**Task 2.1 - Pakpour Consulting Group**

PCG's Project Manager will continue to coordinate and facilitate work between all subconsultants, the City, Caltrans and other stakeholders. PCG's Project Manager will conduct, at a minimum, Project Development Team (PDT) meetings every six (6) weeks between the City, design team, and other stakeholders, such as the public and Caltrans. These PDT meetings will ensure that the project is proceeding in a manner that will lead to satisfactory completion of the work. Progress reports will be given on schedule, performance of sub consultants, and any other concerns that may arise during the design phase of the projects. PCG will be available for up to four (4) PDT meetings.

PCG's Project Manager will coordinate the project between the City, Caltrans, State Parks, Utility Agencies and the sub-consultants. PCG will take the lead on the project to ensure that the project schedule and milestones are achieved. PCG has budgeted approximately 8 to 10 hours per week for project management and coordination.

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**Task 2.2 - Quincy Engineering, Inc.**

The QEI Bridge Project Engineer will attend up to four (4) PDT Meetings in the Caltrans District 04 offices. In addition, QEI staff will be available to support the Design team with Caltrans Structures coordination (assumed level of effort up to 40 hours). QEI assumes that PCG will coordinate with Caltrans District 04.

QEI proposes to provide three (3) photo-realistic bridge renderings that will be produced to assist the City in showing members of the general public in visualizing what the finished facility will look like or to show the various stages during construction. One view will be from the east bound direction of I-780 with a view of the bridge. A second view will be from the off-ramp of southbound I-780 heading north towards Columbus Parkway. The third view will be heading south from Columbus Parkway towards the State Park before the bridge. These visual displays are valuable tools used to effectively communicate relatively technical issues to non-technical people. Each rendering will be available for review by the City for view selection prior to final CAD work. QEI assumes that the City will provide a general direction on the theme of the bridge, decorative fencing and lighting. PCG will provide QEI with high resolution digital images as a base for the photo rendering.

As an option, QEI's Project Engineer can attend public hearings as part of the final design process. QEI will prepare technical information and plans for the Design team's use and present the technical aspects of the bridge portion of the project and/or provide technical support to the design team as needed. This optional scope item has not been included in our cost proposal, but can be negotiated as needed.

*Deliverables: Attend up to four (4) PDT Meetings/provide up to 40 hours of coordination support  
Three (3) Photo-realistic Bridge Renderings  
Attend Public Hearings (Optional)*

**Task 2.3 - Callander Associates**

CA will attend up to four (4) PDT meetings in the Caltrans District 04 offices with stakeholders including the City, Caltrans, design team and State parks staff to review project parameters, environmental process, budget and reference documents. The meeting will be convened by PCG. The initial PDT meeting will serve as an opportunity to become familiar with design team members, project objectives, schedule and constraints.

**Task 2.4 - Cullen-Sherry & Associates**

CSA will attend up to four (4) PDT meetings in the Caltrans District 04 offices with stakeholders including the City, Caltrans, design team and State parks staff to review right-of-way information, survey control, topographic issues, title concerns, and record title documents. CSA will coordinate with PCG, Caltrans and Associated Right of Way Services, Inc. to resolve right of way and property line issues.

**Task 2.5 – Baseline Environmental Consulting**

No work under this task.

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It should be noted that Coordination and meeting attendance by Jones & Stokes was included in the approved *Budget Increase Request for Additional Environmental and Survey Work* letter dated September 12, 2007

**Task 2.6 - Hultgren-Tillis Engineers**

HT will coordinate with other disciplines including, Civil, Structural and Landscaping. HT assumed that this coordination will take place by telephone or email, without attending meetings. HT will prepare for and attend one joint meeting with Caltrans and the City. HT will provide on-call consultation regarding geotechnical issues that may arise during design. HT has assumed 20 hours of labor for this task.

**Task 2.7 - YEI Engineers, Inc.**

YEI will coordinate with other disciplines in the design team. YEI will attend up to four (4) PDT meetings and respond to or incorporate comments of other disciplines. YEI will coordinate with PG&E, Caltrans and the City and attend coordination meetings and respond to or incorporate comments from the above mentioned agencies.

**Task 2.8 - Associated Right of Way Services, Inc**

No work under this task.

**Task 3.0 Combined PSR/PR**

**Task 3.1 - Pakpour Consulting Group**

No work under this task.

**Task 3.2 - Quincy Engineering, Inc.**

No work under this task.

**Task 3.3 - Callander Associates**

**Task 3.3.1 – 1st Submittal**

CA will conduct site reconnaissance to become familiar with the site and photo document visually apparent features.

**Task 3.3.2 - 2nd Submittal**

CA will present the landscape design plan, estimate and design statement at a second PDT meeting. Provide clarification and respond to questions as warranted. Meeting to be convened by PCCG and is assumed to be held at beginning of second review period.

Using electronic base information provided by PCCG, CA will prepare the following documents for incorporation in the PSR/PR:

- *Draft conceptual landscape design plan* at a scale of 1"=100'. Plan to address stakeholder comments, site constraints, proposed improvements, and applicable design standards (Caltrans standards, corridor specific guidelines, etc.) Plan to be hand drawn and color rendered.

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- *Estimate of probable construction costs* for all landscape improvements. Cost estimate to include itemization by type and quantity
- *Landscape design statement* describing areas to be planted, purpose of planting, proposed irrigation, water usage and costs, and maintenance considerations.

*Deliverables: Draft conceptual landscape design plan  
Estimate of probable construction costs  
Landscape design statement  
Provide one (1) electronic copy of each item noted above on CD for clients use and incorporation into PSR/PR.*

**Task 3.3.3 - 3rd/Final Submittal**

CA will provide responses to questions regarding conceptual landscape design plan, design statement and estimate of probable construction costs. Meeting to be convened by PCG and is assumed to be held at the beginning or end of third review period.

In accordance with comments received at the conclusion of the second review period and as warranted for inclusion in PSR/PR, CA will prepare a conceptual landscape design plan. CA will revise and update the estimate of probable construction costs and landscape design statement as warranted in response to comments received at the conclusion of the second review. CA will prepare written responses to Caltrans comments for inclusion by client into overall response statement furnished by PCG to Caltrans.

CA will provide one (1) electronic copy of each item noted above on CD for clients use and incorporation into PSR/PR.

*Deliverables: Draft conceptual landscape design plan  
Estimate of probable construction costs  
Provide one (1) electronic copy of each item noted above on CD for clients use and incorporation into PSR/PR.*

**Task 3.4 - Cullen-Sherry & Associates**

No work under this task.

**Task 3.5 - Baseline Environmental Consulting**

No work under this task.

**Task 3.6 - Hultgren-Tillis Engineers**

No work under this task.

**Task 3.7 - YEI Engineers, Inc.**

No work under this task.

**Task 3.8 - Associated Right of Way Services, Inc**

No work under this task.

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**Task 4.0 35% Draft PS&E Submittal**

**Task 4.1 - Pakpour Consulting Group**

PCG will prepare 35% PS&E's addressing comments from stakeholders on PSR/PR related to the roadway improvements. 35% roadway plans to include at a minimum:

- Title Sheet
- General Notes
- Construction Details
- Plan and Profile of Bike Path
- Horizontal Control Plan
- Demolition Plan

PCG will coordinate the submittals from all consultants and make the submittal to the City and Caltrans.

*Deliverables: 35% Roadway Plans, Technical Specification Index & Estimate of Probable Construction Costs*

**Task 4.2 - Quincy Engineering, Inc.**

No work under this task.

**Task 4.3 - Callander Associates**

CA will prepare 35% PS&E's based on the Combined PSR/PR landscape plans and addressing comments from stakeholders on PSR/PR related to landscape improvements. Drawings to be prepared in Caltrans format in AutoCAD (not Microstation) at a scale of 1"=40'. 35% landscape plans to include:

- plant list, 1 sheet, w/ plant species, size, and spacing indicated planting plan, 3 sheets
- planting details, 2 sheets, utilizing Caltrans standard details for tree staking, shrub planting, MVP (if warranted)
- irrigation plan, 3 sheets
- irrigation legend, 1 sheet, with sprinkler schedule
- irrigation details, 2 sheets, utilizing Caltrans standard details for valve boxes, risers, swing joints

CA will provide a Caltrans technical specification index of sections to be edited for project. CA will update the conceptual level estimate of probable construction costs per plan changes and other input such as recent bid results or other information.

CA has an allowance for one meeting with PDT to review 35% submittal.

*The following are not a part of this scope and may be provided as an additional service as requested: Storm Water Pollution Prevention Plan, irrigation booster pump system design and electrical engineering for irrigation controller (if needed).*

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*Deliverables: 35% Landscape Plans, Technical Specification Index & Estimate of Probable Construction Costs  
One (1) electronic copy of each item noted above on CD for clients use and incorporation into 35% PS&E submittal.*

**Task 4.4 - Cullen-Sherry & Associates, Inc.**

CSA will provide up to 8 hours of on-call survey support for the design engineers. This service will include:

- Locating any specified topographic measurements that are deemed necessary for the bridge / path design.
- Drafting services to add additional topography to the base map.
- Setting temporary markers in the field for design or agency reference and review.

**Task 4.5 - Baseline Environmental Consulting**

No work under this task.

**Task 4.6 - Hultgren-Tillis Engineers**

HT will perform a submittal review including written comments for the 35% design.

**Task 4.7 - YEI Engineers, Inc.**

YEI will visit the site and review 'as built' drawings available from PG&E, Caltrans and City. YEI will prepare 35% electrical plan that shows the relocation of an overhead PG&E line. The electrical plan shall be drawn on civil backgrounds of the project which will be provided by PCG. The design shall meet PG&E, Caltrans and City standard requirements. YEI will prepare electrical details for converting the existing overhead line to an underground line on the ground or on the proposed bicycle/pedestrian bridge. The design shall meet PG&E, Caltrans and City standard requirements. YEI will attend the 35% design review meeting and respond to review comments.

*Deliverables: 35% Electrical Plans, Technical Specification Index & Estimate of Probable Construction Costs*

**Task 4.8 - Associated Right of Way Services, Inc**

No work under this task.

**Task 5.0 Structural Bridge Design**

**Task 5.1 - Pakpour Consulting Group**

No work under this task.

**Task 5.2 - Quincy Engineering, Inc.**

QEI will develop and utilize an efficient bridge design approach that expedites the design process. Tasks are defined in this discussion in accordance with the scope of work typical of a bridge project. This scope assumes that Advanced Planning Study Alternative 3B presented during the preliminary phase of this project will be selected by the City and approved by Caltrans.

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The QEI bridge design process is carried out under procedures that closely parallel those of local agencies and Caltrans. QEI's Management Plan outlines areas of responsibility for key people during the design process and describes Quality Assurance/Quality Control procedures for independent design checks and reviews, as well as the administrative guidelines dealing with signatures, approvals, and records.

**TASK 5.2.1 – Bridge Design**

Based on the Type Selected Bridge Alternative developed under an earlier phase of work, Bridge Design by QEI: Final bridge design will be performed in accordance with Caltrans Bridge Design Specifications and other Caltrans Design Manuals. Design will be based on the "Load Factor Resistance Design" method. Seismic design will be performed in accordance with the Bridge Design Specifications and Caltrans Seismic Design Criteria. QEI does not anticipate having to retrofit the existing bridge as this was previously done by Caltrans.

Utility Relocation: Utility relocation will be coordinated by PCG and designed by YEI Engineers. Utility lines to be carried on the bridge must be coordinated early so that adequate space is made available for accommodation. QEI typically provides for future utility openings. It will be the responsibility of each utility owner to provide a design of their facility in the bridge.

Project Lighting: If bridge lighting is required, QEI bridge plans will refer to lighting plans provided by PCG and YEI.

Existing bridge railing modifications and seismic retrofit are not anticipated as part of this design. If required by Caltrans, this can be provided as an option to the City. If approach guard railing is required, QEI bridge plans will refer to roadway plans provided by PCG.

It is anticipated that bridge aesthetic treatment will consist only of form liners on the railings and abutment/pier concrete faces. Decorative railing and other additional aesthetic components can be developed as an option to the City.

**Task 5.2.2 – Bridge Detailing**

The bridge plan sheets will be prepared in CADD according to the Caltrans' drafting standards. Bridge plans will be prepared in English units and will be consistent with Caltrans' Standard Plans. All bridge plans will be signed by the civil engineer (registered in the state of California) in responsible charge of the design, in accordance with the Local Programs Manual. The bridge plans, special provisions, and estimate (PS&E) will contain the following plan sheets for Alternative 3B:

- Bridge General Plan
- Foundation Plans (Topography provided by PCG)
- Deck Contours
- Abutment Details (2 sheets)
- Bent Details (2 sheets)
- Typical Section
- Girder Layouts
- Chain Link Railing (Modified)
- Miscellaneous Details (2 sheets)

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Bridge Railing and Seismic Retrofit Details (Optional)  
*Log of Test Borings Sheets (by Hultgren-Tillis)*

**Task 5.3 - Callander Associates**  
No work under this task.

**Task 5.4 - Cullen-Sherry & Associates**  
No work under this task.

**Task 5.5 – Baseline Environmental Consulting**  
No work under this task.

**Task 5.6 - Hultgren-Tillis Engineers**  
No work under this task.

**Task 5.7 - YEI Engineers, Inc.**  
No work under this task.

**Task 5.8 - Associated Right of Way Services, Inc**  
No work under this task.

**Task 6.0 Environmental Engineering**

**Task 6.1 - Pakpour Consulting Group**  
No work under this task.

**Task 6.2 - Quincy Engineering, Inc.**  
No work under this task.

**Task 6.3 - Callander Associates**  
No work under this task.

**Task 6.4 - Cullen-Sherry & Associates**  
No work under this task.

**Task 6.5 – Baseline Environmental Consulting**  
Baseline Environmental Consulting (BEC) will be the lead environmental consultant for hazardous material sampling. The purpose of the sampling in the areas associated with the construction will be for construction worker health and safety and in excavation areas for the purpose of characterizing materials for disposal. In addition, hazardous waste sampling is required by Caltrans during the initial design phase to determine the levels of hazardous waste. The following activities are proposed:

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**Task 6.5.1 - Preparation of Workplan**

BEC will prepare a workplan delineating the proposed sampling program. The workplan will be submitted to Caltrans for review and comment. BEC will finalize the workplan upon receipt of comments.

*Deliverables: Sampling Program Workplan*

**Task 6.5.2 – Soil Investigation & Analytical Laboratory**

BEC will collect soil samples in the field following access coordination with PCG and utility notification to Underground Service Alert. Field work will be conducted in accordance with a site-specific health and safety plan. The following sampling approach is proposed.

Path: Collection of soil samples from four locations on the south and north side of the proposed path. Two samples will be collected from each location; one sample will be from the surface (removing any vegetation, if present), and a second sample will be from a depth of two feet. There will be a total 16 samples. All shallow samples will be analyzed for total lead (EPA Method 6010B). On the north side of the proposed trail, where footings for a retaining wall will extend to a depth of about two feet, the deeper samples from the four sampling locations will be analyzed for total metals (EPA Method 6010B); semi-volatile organic compounds (EPA Method 8270C); volatile organic compounds (EPA Method 8260B); and petroleum hydrocarbons as gasoline, diesel, and motor oil (EPA Method 8015 with silica gel cleanup). The deeper samples on the south side of the proposed trail will be analyzed for total lead, depending on the results of the shallow samples.

Staging Area: Four surface samples will be collected from the on-ramp area. These soil samples will be analyzed for total lead (EPA Method 6010B).

Bridge Footings: Samples will be collected from the bridge footing areas in three locations (access permitting and any Caltrans permitting coordinated with PCG). A drill rig will extend borings to a total depth of ten feet below ground surface and three samples will be collected from each borehole. The samples will be from the surface and may be from depths of five and ten feet, depending on field observations. A total of nine samples will be collected. The six deeper samples will be analyzed for total metals (EPA Method 6010B); semi-volatile organic compounds (EPA Method 8270C); volatile organic compounds (EPA Method 8260B); and petroleum hydrocarbons as gasoline, diesel, and motor oil (EPA Method 8015). The three surface samples will be analyzed for total lead (EPA Method 6010B). Depending on the analytical results, soluble metals analyses may be required for classification purposes (i.e., to determine whether the cuttings from the bridge excavations may constitute a hazardous waste). For cost estimating purposes, BEC has assumed that nine soluble metals analyses will be required (using Waste Extraction Test and/or Toxicity Characteristic Leaching Procedure).

**Task 6.5.3 - Documentation**

BEC will prepare a report documenting the results of the field investigation. The report will identify potential health and safety issues for construction workers by screening the analytical results from the samples collected for health and safety purposes against environmental screening levels developed by the San Francisco Bay Regional Water Quality Control Board. We will also determine whether the soil to be excavated will constitute a California or federal hazardous waste for disposal purposes.

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The report will also include recommended language to include in the specifications for the proposed project regarding management of waste streams generated during excavation and health and safety issues.

*Deliverables: Documentation Report  
Project specifications related to waste management*

**Task 6.5.4 Environmental Certification (Jones & Stokes)**

We have budgeted for 8 hours of time for Jones & Stokes to coordinate the environmental certification process with Caltrans which will require filling out a form provided by Caltrans and verifying whether the environmental concerns have been addressed prior to project acceptance. Jones & Stokes has agreed to perform this work under the approved *Budget Increase Request for Additional Environmental and Survey Work* letter dated September 12, 2007.

**Task 6.6 - Hultgren-Tillis Engineers**

No work under this task.

**Task 6.7 - YEI Engineers, Inc.**

No work under this task.

**Task 6.8 - Associated Right of Way Services, Inc**

No work under this task.

**Task 7.0 Right-of-Way Engineering, Appraisal and Acquisition**

**Task 7.1 - Pakpour Consulting Group**

No work under this task.

**Task 7.2 - Quincy Engineering, Inc.**

No work under this task.

**Task 7.3 - Callander Associates**

No work under this task.

**Task 7.4 - Cullen-Sherry & Associates**

**Task 7.4.1 – Right-of-Way Engineering**

For the purposes of this proposal, we assumed that parcel acquisition will be required and completed by a Right-of-Way specialist and the following items will be completed:

- Right of way surveys checklist
- Land Net Data
- Preliminary Title Report (Title Search)
- Final Title Report.

- Cost for Title Insurance can not be estimated at this time due to insufficient information on property and future improvements values. This item will be

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- negotiated with North American Title Company once the Right-of-Way and improvements estimates have been completed.
- Right-of-Way Hard Copy (base map depicting topography with respect to record Right-of-Way lines.)
  - Right-of-Way Appraisal Map.
  - Right-of-Way Legal Descriptions, Plats, and Deeds Packages.
    - Legals, plats, and closure calculations for two transfer parcels (one at each end of bridge)
    - Deeds for two transfer parcels prepared by real estate attorney.
    - Legals, plats and closure calculations for three pathway easements between bridge and Benicia State Park.
    - Deeds for the three pathway easements between bridge and Benicia State Park prepared by real estate attorney.
  - Right-of-Way Certification
  - Project and Right-of-Way Monumentation.
    - It is assumed that there will be two transfer parcels (One at each end of the bridge)
    - Four rebar monuments will be set for each transfer parcel.
  - Right-of-Way Record and Monumentation Maps.
    - A Record of Survey, depicting right-of-way lines and monuments found or set in the field, will be prepared and recorded with Solano County
  - Electronic Copy of plans and right-of-way plans documents

*Deliverables: Right of way surveys checklist  
Land Net Data  
Preliminary and Final Title Reports  
Right-of-Way Hard Copy (base map)  
Right-of-Way Appraisal Map  
Right-of-Way Legal Descriptions and Deeds Packages  
Right-of-Way Certification  
Project and Right-of-Way Monumentation  
Right-of-Way Record and Monumentation Maps  
Electronic Copy of plans and right-of-way plans documents*

**Task 7.5 - Baseline Environmental Consulting**

No work under this task.

**Task 7.6 - Hultgren-Tillis Engineers**

No work under this task.

**Task 7.7 - YEI Engineers, Inc.**

No work under this task.

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**Task 7.8 – Associated Right of Way Services, Inc**

**7.8.1 R/W Data Sheet/Cost Estimating**

ARWS will provide Acquisition, Relocation Assistance, and Title and Escrow estimates as related to preparation of the R/W Data Sheet. PCG will be responsible for providing Utility Relocation, Clearance/Demolition and Construction Contract Work costs.

*Deliverables: Right-of-Way Cost Estimates*

**7.8.2 General Consulting**

ARWS will provide consulting services related to the preparation of a Right of Way Data Sheet and Caltrans Right of Way process. These services include general consultation, project planning related to Right of Way issues, attendance at meetings, liaison between City, project engineer, surveyor and Caltrans Right of Way staff.

*Deliverables: Right-of-Way Certification*

**Task 8.0 65% Draft PS&E Submittal/ Submittal of 65% Bridge Plans (Unchecked Details)**

**Task 8.1 - Pakpour Consulting Group**

The 65% Draft PS&E submittal will consist of 65% roadway plans, technical specifications and construction cost estimates for the project.

Progress plans and preliminary technical specifications will be prepared per City and Caltrans Standards. The design drawings will be prepared in AutoCAD 2008. The specifications will be in MS Word 2003 format and will be incorporated into the City's "boilerplate" to produce final bid documents.

The 65% Plans, Specifications, and Cost Estimates will be submitted for review to the City and Caltrans. PCG will participate fully in this review process.

PCG will prepare draft Traffic detour plans and traffic handling plans and develop project signing.

PCG and Jones and Stokes will prepare draft agreements and permits for SHPO, Army Corp, and Fish and Wildlife

PCG will coordinate the submittals from all consultants and make the submittal to the City and Caltrans.

*Deliverables: 65% Roadway PS&E  
Written responses to 35% comments  
Draft Traffic Detour Plans / Traffic Handling Plans  
Electronic copy of draft permits and draft agreements*

**Task 8.2 - Quincy Engineering, Inc.**

The bridge plans will be submitted to PCG at the 65% completion stage for PCG use in preparing and submitting the project 65% submittal to the City and Caltrans. Open communication between

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the design team and the QEI design staff will allow all parties the opportunity for input during the plan preparation stage. This will ensure that both pathway and bridge design parameters are adequately addressed. QEI proposes that a meeting be held upon completion of the 65% unchecked bridge plans to discuss both the bridge and the pathway plans. This should save considerable time in the City's review of the 90% PS&E because most of the major issues will have been previously discussed and addressed.

*Deliverables: 65% Bridge Plans to PCG*

**Task 8.3 - Callander Associates**

CA will prepare 65% PS&E's addressing comments from stakeholders on 35% submittal. CA will prepare written responses to each comment noting how comment has been addressed.

*Deliverables: 65% Landscape PS&E to PCG*

*Written responses to 35% comments*

*One (1) electronic copy of each item noted above on CD for clients use and incorporation into 65% PS&E submittal.*

**Task 8.4 - Cullen-Sherry & Associates**

No work under this task.

**Task 8.5 - Baseline Environmental Consulting**

No work under this task.

**Task 8.6 - Hultgren-Tillis Engineers**

HT will perform a submittal review including written comments for the 65% design.

**Task 8.7 - YEI Engineers, Inc.**

YEI will prepare 65% electrical plans and details for provision of lights on the proposed bicycle/pedestrian bridge. The design shall meet Caltrans and City requirements. YEI will prepare cable sizing calculations and voltage calculations. YEI will prepare 65% specifications for the electrical work. The specifications shall meet PG&E, Caltrans and City standard requirements. YEI will attend the 65% design review meeting and respond to review comments.

*Deliverables: 65% Electrical Plans, Specifications and Estimate of Probable Construction Costs*

**Task 8.8 – Associated Right of Way Services, Inc**

No work under this task.

**Task 9.0 90% Draft PS&E Submittal**

**Task 9.1 - Pakpour Consulting Group**

The 65% Design Documents will be carried to 90% completion by adding details, additional notes, and addressing City, Caltrans and other agency comments. PCG will prepare written responses to each comment noting how comment has been addressed.

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Bid quantities will be estimated for each item of work and a cost estimate prepared based on unit prices for each item. Unit prices will be determined based on recent bid tabulations from similar projects, job cost media such as Means, and discussions with local contractors.

PCG will coordinate the submittals from all consultants and make the submittal to the City and Caltrans.

*Deliverables: 90% Roadway Plans, Specifications and Estimate of Probable Construction Costs  
Written responses to 65% comments*

**Task 9.2 - Quincy Engineering, Inc.**

**Task 9.2.1 - Independent Bridge Design Check**

Upon receipt of bridge plan comments from the City, Caltrans, and PCG, an independent check of the bridge design will be performed. This involves a completely independent analysis of the project using the 65% unchecked bridge detailed plans and 65% pathway plans by an engineer that has not been intimately involved in the design. This is a big part of QEI's QA/QC Plan and is identical to the Caltrans/Local Agency process. Based upon the independent check and agreement to revisions by the checker and designer, the bridge plans will be revised.

**Task 9.2.2 – Bridge Special Provisions**

Structure Special Provisions based on Caltrans Standard Special Provisions (SSP) will be developed. It is QEI's understanding that the pathway special provisions and the City boilerplate specifications will be developed by PCG. PCG will combine all the technical special provisions with the City's boilerplate. QEI will provide a hard copy and disc copy of the bridge technical special provisions for PCG's use.

**Task 9.2.3 – Bridge Construction Quantities, Estimate, and Schedule**

Bridge construction quantities, estimate of construction costs (Q and E), and a working day schedule will be developed. Quantities will be calculated in accordance with Caltrans' practice and segregated into pay items. The estimate will show quantities and costs. PCG will combine the bridge estimate into the total project estimate.

**Task 9.2.4 – Bridge Quality Control and Constructability Review**

As an integral part of the Quincy QA/QC Program, a senior level engineer will review the entire draft bridge PS&E (90% bridge PS&E) package for uniformity, compatibility and constructability.

The review will include comparing bridge plans with PCG's pathway plans for conflicts or inconsistencies, and to ensure that the final bridge design is in accordance with all environmental documents, permit requirements, and foundation recommendations. The bridge technical specifications and estimate will be reviewed for consistency with the bridge plans, and to ensure that each bridge construction item has been covered.

**Task 9.2.5 – 90% Draft Bridge PS&E Submittal**

The bridge plans, bridge special provisions, and bridge estimate, along with design, check, and quantity calculations, will be submitted to PCG for their use in submitting the 90% PS&E to the City and Caltrans.

Scope of Work – February 8, 2008  
State Park Road Pedestrian Bridge Project – Final Design  
City of Benicia, CA

*Deliverables: QA/QC Bridge Checklist to PCG  
90% Bridge Plans to PCG  
Bridge Technical Special Provisions to PCG  
Bridge Quantities to PCG  
Bridge Construction Cost Estimate and Bridge Working Day Schedule to PCG*

**Task 9.3 - Callander Associates**

Prepare 90% complete PS&E's addressing comments from stakeholders on 65% submittal. Prepare written responses to each comment noting how comment has been addressed. In addition to the items noted previously, provide:

- *Irrigation quantities*, 1 sheet, w/quantities of all irrigation materials noted

Technical specification sections for landscape planting and irrigation improvements to be prepared in Caltrans format to include:

- *Highway Planting and Irrigation Systems* sections including highway planting, preparing planting areas, cultivate, planting, plant establishment work, irrigation systems, valve boxes, gate valves, irrigation system functional test, pipe, valve assembly unit and final irrigation system check.
- *Estimate of Probable Construction Costs* for all of the items of work, shown in bid format to include the following items: 200121, cultivate (soil amendment); 202011, mulch; 203561, jute mesh; 204001, plant (group A); 204008, plant (group H); 204021, plant (group U); 204099, plant establishment work and 208000, irrigation system.

*Deliverables: 90% Landscape PS&E to PCG  
Written responses to 65% comments  
One (1) electronic copy of each item noted above on CD for clients use and incorporation into 90% PS&E submittal.*

**Task 9.4 - Cullen-Sherry & Associates**

No work under this task.

**Task 9.5 - Baseline Environmental Consulting**

No work under this task.

**Task 9.6 - Hultgren-Tillis Engineers**

HT will perform a submittal review including written comments for the 90% design.

**Task 9.7 - YEI Engineers, Inc.**

The electrical plans, specifications, and estimate, along with design, check, and quantity calculations, will be submitted to PCG at the 90% completion stage. YEI will attend the 90% design review meeting and respond to review comments.

*Deliverables: 90% Electrical PS&E*

Scope of Work – February 8, 2008  
State Park Road Pedestrian Bridge Project – Final Design  
City of Benicia, CA

**Task 9.8 – Associated Right of Way Services, Inc**  
No work under this task.

**Task 10.0 100% Draft PS&E Submittal**

**Task 10.1 - Pakpour Consulting Group**  
Upon receiving review comments from the City and Caltrans, each comment will be reviewed, discussed, and addressed in writing. Appropriate modifications will be made to the plans, technical specifications, and cost estimates. The plans and specifications will be finalized for the project including all notes/details and incorporating all comments received.

*Deliverables: 100% Roadway PS&E  
Written responses to 90% comments*

**Task 10.2 - Quincy Engineering, Inc**  
Upon receiving review comments from the City and Caltrans, the bridge plans, special provisions, and estimate, along with design, check, and quantity calculations, will be submitted to PCG at the 100% completion stage.

*Deliverables: 100% Bridge PS&E to PCG  
Written responses to 90% comments*

**Task 10.3 - Callander Associates**  
Upon receiving review comments from the City and Caltrans, CA will prepare 100% complete PS&E's addressing comments from stakeholders on 90% submittal. CA will prepare written responses to each comment noting how the comment has been addressed. CA has an allowance for one meeting with PDT to review 100% submittal.

*Deliverables: 100% Landscape PS&E to PCG  
Written responses to 90% comments  
One (1) electronic copy of each item noted above on CD for clients use and incorporation into 100% PS&E submittal.*

**Task 10.4 - Cullen-Sherry & Associates**  
No work under this task.

**Task 10.5 - Baseline Environmental Consulting**  
No work under this task.

**Task 10.6 - Hultgren-Tillis Engineers**  
HT will perform a submittal review including written comments for the 100% design.

**Task 10.7 - YEI Engineers, Inc.**  
The electrical plans, specifications, and estimate, along with design, check, and quantity calculations, will be submitted to PCG at the 100% completion stage. YEI will attend the 100% design review meeting and respond to review comments.

Scope of Work – February 8, 2008  
State Park Road Pedestrian Bridge Project – Final Design  
City of Benicia, CA

*Deliverables: 100% Electrical PS&E to PCG*

**Task 10.8 – Associated Right of Way Services, Inc**  
No work under this task.

**Task 11.0 - Final PS&E Submittal**

**Task 11.1 - Pakpour Consulting Group**

**Task 11.1.1 - Final PS&E Submittal**

Upon receiving the final review comments from the City/Caltrans, PCG will furnish a final roadway PS&E package in full-sized and half-sized plans as well as hard copy and computer files (MS Word 2003 format) of roadway special provisions to be included in the final bidding documents.

PCG will compile and duplicate the actual bid documents for advertising.

*Deliverables: One (1) stamped wet signed set of vellums of all civil sheets.  
One (1) original, camera ready set of technical specifications for landscape improvements in 8-1/2 X 11 format  
One (1) estimate of probable construction costs in bid format.  
Complete plans, specifications and estimate on CD in AutoCAD and MS Word 2003 formats.*

**Task 11.1.2 - Obtain Encroachment Permit**

Prior to final approval of the construction documents, PCG will prepare the required documents in order to obtain an encroachment permit within Caltrans right of way.

*Deliverables: Caltrans Encroachment Permit*

**Task 11.2 - Quincy Engineering, Inc.**

Upon receiving the final review comments from the City/Caltrans, QEI will furnish a final Bridge PS&E package in full-sized and half-sized plans as well as hard copy and computer files (MS Word 2003 format) of bridge special provisions to PCG for their preparation of the final bidding documents.

*Deliverables: Final Bridge PS&E Package to PCG*

**Task 11.3 - Callander Associates**

CA will prepare final PS&E's addressing comments from stakeholders on 100% submittal related to landscape improvements. The final PS&E will be submitted to PCG for preparation of the final bidding documents.

*Deliverables: Final Landscape PS&E Package to PCG.*

Scope of Work – February 8, 2008  
State Park Road Pedestrian Bridge Project – Final Design  
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**Task 11.4 - Cullen-Sherry & Associates**  
No work under this task.

**Task 11.5 - Baseline Environmental Consulting**  
No work under this task.

**Task 11.6 - Hultgren-Tillis Engineers**  
HT will perform a submittal review including written comments for the final design.

**Task 11.7 - YEI Engineers, Inc.**  
Upon receiving review comments from the City/Caltrans, each comment will be reviewed, discussed, and addressed in writing. All apparent conflicts will be resolved in person or via telephone/fax as necessary. Appropriate modifications will be made to the bridge plans, special provisions, and estimate. YEI will furnish a final electrical PS&E package in full-sized and half-sized plans as well as hard copy and computer files (MS Word 2003 format) of structure special provisions for bidding purposes.

*Deliverables: Final Electrical PS&E Package to PCG*

**Task 11.8 – Associated Right of Way Services, Inc**  
No work under this task.

**Additional Services**

**(Optional) Advertise/Award Period by Pakpour Consulting Group**  
PCG will provide technical assistance to City staff during the advertising period for each task that will include written responses to bidder's inquires (up to ten responses total), preparation of contract addenda, and attendance at a pre-bid conference and site visit.

The individuals that were directly involved in the roadway design will be available during the bid period to interpret the plans and special provisions, attend the pre-bid conference and site visit, assist in the preparation of addenda if needed, and provide general consultation to the team to obtain bids.

*Deliverables: Bidding Assistance (Roadway Portion) - Optional  
Bid Review (Roadway Portion) - Optional*

**(Optional) Bidding Assistance - Quincy Engineering, Inc.**  
The individuals that were directly involved in the bridge design will be available during the bid period to interpret the bridge plans and special provisions, attend the pre-bid conference and site visit, assist in the preparation of addenda if needed, and provide general consultation to the team to obtain bids. When the construction bids are opened, QEI will be available to provide bridge analysis and recommendations before award of the contract.

*Deliverables: Bidding Assistance (Bridge Portion) - Optional  
Bid Review (Bridge Portion) – Optional*

Scope of Work – February 8, 2008  
State Park Road Pedestrian Bridge Project – Final Design  
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**(Optional) Construction Engineering Assistance - Quincy Engineering, Inc.**

After award of the construction contract, QEI will be available to continue providing services such as reviewing contractor submittals, reviewing shop plans, reviewing falsework plans and calculations, preparing and/or reviewing change orders, and making other field observations, at the Design team and City's request. All activities include appropriate recommendations and documentation of our activities.

QEI can also provide construction management services as required by the City. These services include quality control, materials inspection, and construction documentation, as well as general oversight for contract compliance and conformity to State requirements.

Because of the nature of this type of service and the unknowns associated with the contractor's expertise and experience, this task is not included in our design scope.

*Deliverables: Review of Material Submittals, Shop Drawings, and Response to RFIs  
Record Drawing Plans*

**(Optional) Construction Staking – Cullen-Sherry & Associates, Inc.**

CSA will provide an estimate for construction staking of the bridge abutments and path once the 100% design has been completed. Construction staking will include:

- Attending one preconstruction meeting.
- Setting horizontal and vertical control in the field.
- Set offset staking for project improvements.
- Prepare & provide cut sheets of points set in the field.

**Budget - February 8, 2008**  
**State Park Road Pedestrian Bridge Project - Final Design**  
**City of Benicia, CA**

State Park Road Bicycle & Pedestrian Bridge Project  
Budget for 35% to 100% PS&E-Final PS&E

| <u>Consultant</u>                        | <u>Budget</u>         |
|------------------------------------------|-----------------------|
| Pakpour Consulting Group (Civil)         | \$157,010             |
| Quincy Engineers (Structural)            | \$193,410             |
| Callander Associates (Landscape)         | \$37,333              |
| Cullen-Sherry Associates (Survey)        | \$24,340              |
| Baseline Environmental Consulting (Env.) | \$34,891              |
| Hultgren-Tillis (Geotechnical)           | \$15,460              |
| YEI Engineers (Electrical)               | \$23,360              |
| ARWS (Right-of-Way)                      | \$10,530              |
| <hr/> <hr/> Total Project Cost           | <hr/> <hr/> \$496,334 |

Notes:

1. Due to the budget constraints by the City for this project, PCG will not include the typical 15% markup for the subconsultants.

Budget - February 8, 2008  
 State Park Road Pedestrian Bridge Project - Final Design  
 City of Benicia, CA

State Park Road Bicycle & Pedestrian Bridge Project  
 Budget for 35% to 100% PS&E - Final PS&E

| TASK | DESCRIPTION                      | COST            |
|------|----------------------------------|-----------------|
| 1.0  | 35% Design - Add'l Services#1    |                 |
| 1.1  | Pakpour Consulting Group (Civil) | \$29,980        |
|      | <b>Total Task 2.0</b>            | <b>\$29,980</b> |

|     |                                          |                  |
|-----|------------------------------------------|------------------|
| 2.0 | <b>PDT Meetings/Project Management</b>   |                  |
| 2.1 | Pakpour Consulting Group (Civil)         | \$62,800         |
| 2.2 | Quincy Engineers (Structural)            | \$41,000         |
| 2.3 | Callander Associates (Landscape)         | \$635            |
| 2.4 | Cullen-Sherry Associates (Survey)        | \$2,160          |
| 2.5 | Baseline Environmental Consulting (Env.) |                  |
| 2.6 | Hultgren-Tillis (Geotechnical)           | \$8,460          |
| 2.7 | YEI Engineers (Electrical)               | \$6,816          |
| 2.8 | ARWS (Right-of-Way)                      |                  |
|     | <b>Total Task 2.0</b>                    | <b>\$121,871</b> |

|     |                                          |                 |
|-----|------------------------------------------|-----------------|
| 3.0 | <b>Combined PSR/PR</b>                   |                 |
| 3.1 | Pakpour Consulting Group (Civil)         |                 |
| 3.2 | Quincy Engineers (Structural)            |                 |
| 3.3 | Callander Associates (Landscape)         | \$10,173        |
| 3.4 | Cullen-Sherry Associates (Survey)        |                 |
| 3.5 | Baseline Environmental Consulting (Env.) |                 |
| 3.6 | Hultgren-Tillis (Geotechnical)           |                 |
| 3.7 | YEI Engineers (Electrical)               |                 |
| 3.8 | ARWS (Right-of-Way)                      |                 |
|     | <b>Total Task 3.0</b>                    | <b>\$10,173</b> |

|     |                                          |                 |
|-----|------------------------------------------|-----------------|
| 4.0 | <b>35% Draft PS&amp;E</b>                |                 |
| 4.1 | Pakpour Consulting Group (Civil)         | \$8,110         |
| 4.2 | Quincy Engineers (Structural)            |                 |
| 4.3 | Callander Associates (Landscape)         | \$6,645         |
| 4.4 | Cullen-Sherry Associates (Survey)        | \$2,630         |
| 4.5 | Baseline Environmental Consulting (Env.) |                 |
| 4.6 | Hultgren-Tillis (Geotechnical)           | \$1,880         |
| 4.7 | YEI Engineers (Electrical)               | \$5,148         |
| 4.8 | ARWS (Right-of-Way)                      |                 |
|     | <b>Total Task 4.0</b>                    | <b>\$24,413</b> |

|     |                                          |                 |
|-----|------------------------------------------|-----------------|
| 5.0 | <b>Structural Bridge Design</b>          |                 |
| 5.1 | Pakpour Consulting Group (Civil)         |                 |
| 5.2 | Quincy Engineers (Structural)            | \$61,900        |
| 5.3 | Callander Associates (Landscape)         |                 |
| 5.4 | Cullen-Sherry Associates (Survey)        |                 |
| 5.5 | Baseline Environmental Consulting (Env.) |                 |
| 5.6 | Hultgren-Tillis (Geotechnical)           |                 |
| 5.7 | YEI Engineers (Electrical)               |                 |
| 5.8 | ARWS (Right-of-Way)                      |                 |
|     | <b>Total Task 5.0</b>                    | <b>\$61,900</b> |

|     |                                          |                 |
|-----|------------------------------------------|-----------------|
| 6.0 | <b>Environmental Engineering</b>         |                 |
| 6.1 | Pakpour Consulting Group (Civil)         |                 |
| 6.2 | Quincy Engineers (Structural)            |                 |
| 6.3 | Callander Associates (Landscape)         |                 |
| 6.4 | Cullen-Sherry Associates (Survey)        |                 |
| 6.5 | Baseline Environmental Consulting (Env.) | \$34,891        |
| 6.6 | Hultgren-Tillis (Geotechnical)           |                 |
| 6.7 | YEI Engineers (Electrical)               |                 |
| 6.8 | ARWS (Right-of-Way)                      |                 |
|     | <b>Total Task 6.0</b>                    | <b>\$34,891</b> |

|     |                                                |                 |
|-----|------------------------------------------------|-----------------|
| 7.0 | <b>Right of Way Eng., Appraisal &amp; Acq.</b> |                 |
| 7.1 | Pakpour Consulting Group (Civil)               |                 |
| 7.2 | Quincy Engineers (Structural)                  |                 |
| 7.3 | Callander Associates (Landscape)               |                 |
| 7.4 | Cullen-Sherry Associates (Survey)              | \$18,840        |
| 7.5 | Baseline Environmental Consulting (Env.)       |                 |
| 7.6 | Hultgren-Tillis (Geotechnical)                 |                 |
| 7.7 | YEI Engineers (Electrical)                     |                 |
| 7.8 | ARWS (Right-of-Way)                            | \$10,530        |
|     | <b>Total Task 7.0</b>                          | <b>\$29,370</b> |

| TASK | DESCRIPTION | COST |
|------|-------------|------|
|------|-------------|------|

|     |                                          |                 |
|-----|------------------------------------------|-----------------|
| 8.0 | <b>65% Submittal</b>                     |                 |
| 8.1 | Pakpour Consulting Group (Civil)         | \$17,820        |
| 8.2 | Quincy Engineers (Structural)            | \$2,600         |
| 8.3 | Callander Associates (Landscape)         | \$5,606         |
| 8.4 | Cullen-Sherry Associates (Survey)        |                 |
| 8.5 | Baseline Environmental Consulting (Env.) |                 |
| 8.6 | Hultgren-Tillis (Geotechnical)           | \$1,310         |
| 8.7 | YEI Engineers (Electrical)               | \$3,216         |
| 8.8 | ARWS (Right-of-Way)                      |                 |
|     | <b>Total Task 8.0</b>                    | <b>\$30,552</b> |

|     |                                          |                 |
|-----|------------------------------------------|-----------------|
| 9.0 | <b>90% Submittal</b>                     |                 |
| 9.1 | Pakpour Consulting Group (Civil)         | \$10,500        |
| 9.2 | Quincy Engineers (Structural)            | \$64,200        |
| 9.3 | Callander Associates (Landscape)         | \$5,492         |
| 9.4 | Cullen-Sherry Associates (Survey)        |                 |
| 9.5 | Baseline Environmental Consulting (Env.) |                 |
| 9.6 | Hultgren-Tillis (Geotechnical)           | \$1,310         |
| 9.7 | YEI Engineers (Electrical)               | \$2,660         |
| 9.8 | ARWS (Right-of-Way)                      |                 |
|     | <b>Total Task 9.0</b>                    | <b>\$84,162</b> |

|      |                                          |                 |
|------|------------------------------------------|-----------------|
| 10.0 | <b>100% Submittal</b>                    |                 |
| 10.1 | Pakpour Consulting Group (Civil)         | \$8,220         |
| 10.2 | Quincy Engineers (Structural)            | \$12,600        |
| 10.3 | Callander Associates (Landscape)         | \$4,378         |
| 10.4 | Cullen-Sherry Associates (Survey)        |                 |
| 10.5 | Baseline Environmental Consulting (Env.) |                 |
| 10.6 | Hultgren-Tillis (Geotechnical)           | \$1,025         |
| 10.7 | YEI Engineers (Electrical)               | \$2,660         |
| 10.8 | ARWS (Right-of-Way)                      |                 |
|      | <b>Total Task 10.0</b>                   | <b>\$28,883</b> |

|      |                                          |                 |
|------|------------------------------------------|-----------------|
| 11.0 | <b>Final PS&amp;E</b>                    |                 |
| 11.1 | Pakpour Consulting Group (Civil)         | \$9,310         |
| 11.2 | Quincy Engineers (Structural)            | \$1,900         |
| 11.3 | Callander Associates (Landscape)         | \$2,624         |
| 11.4 | Cullen-Sherry Associates (Survey)        |                 |
| 11.5 | Baseline Environmental Consulting (Env.) |                 |
| 11.6 | Hultgren-Tillis (Geotechnical)           | \$1,025         |
| 11.7 | YEI Engineers (Electrical)               | \$2,660         |
| 11.8 | ARWS (Right-of-Way)                      |                 |
|      | <b>Total Task 11.0</b>                   | <b>\$17,519</b> |

|      |                                          |                 |
|------|------------------------------------------|-----------------|
| 12.0 | <b>Direct Costs</b>                      |                 |
| 12.1 | Pakpour Consulting Group (Civil)         | \$10,270        |
| 12.2 | Quincy Engineers (Structural)            | \$9,210         |
| 12.3 | Callander Associates (Landscape)         | \$1,780         |
| 12.4 | Cullen-Sherry Associates (Survey)        | \$710           |
| 12.5 | Baseline Environmental Consulting (Env.) |                 |
| 12.6 | Hultgren-Tillis (Geotechnical)           | \$450           |
| 12.7 | YEI Engineers (Electrical)               | \$200           |
| 12.8 | ARWS (Right-of-Way)                      |                 |
|      | <b>Total Task 12.0</b>                   | <b>\$22,620</b> |

|                           |  |                  |
|---------------------------|--|------------------|
| <b>TOTAL PROJECT COST</b> |  | <b>\$496,334</b> |
|---------------------------|--|------------------|

Pakpour Consulting Group  
 State Park Road Bicycle & Pedestrian Bridge Project  
 Budget for 35% to 100% PS&E - Final PS&E

| TASK               | DESCRIPTION                     | Principal Engr                                                                                                                            |         | Senior Engineer |           | Engineer III |          | Engr. Tech |          | TOTALS |           |
|--------------------|---------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------|---------|-----------------|-----------|--------------|----------|------------|----------|--------|-----------|
|                    |                                 | HRS                                                                                                                                       | COST    | HRS             | COST      | HRS          | COST     | HRS        | COST     | HRS    | COST      |
|                    | Hourly Rate:                    |                                                                                                                                           | \$130   |                 | \$120     |              | \$110    |            | \$80     |        |           |
| 1.1                | 35% Design - Add'l Services#1   |                                                                                                                                           |         | 22              | \$2,640   |              |          |            |          | 22     | \$2,640   |
| 1.1.1              | Oct 2007 - Invoice #570         |                                                                                                                                           |         | 43              | \$5,160   |              |          |            |          | 43     | \$5,160   |
| 1.1.2              | Nov 2007 - Invoice #582         |                                                                                                                                           |         | 83              | \$9,960   |              |          | 7          | \$560    | 90     | \$10,520  |
| 1.1.3              | Dec 2007 - Invoice #595         |                                                                                                                                           |         | 35              | \$4,200   |              |          |            |          | 37     | \$4,460   |
| 1.1.4              | Jan 2008 - Invoice #603         | 2                                                                                                                                         | \$260   |                 |           |              |          |            |          | 60     | \$7,200   |
| 1.1.5              | Feb 2008 - Invoice #614         |                                                                                                                                           |         | 60              | \$7,200   |              |          | 7          | \$560    | 252    | \$29,980  |
|                    | Total Task 1.1                  | 2                                                                                                                                         | \$260   | 243             | \$29,160  |              |          |            |          |        |           |
| 2.1                | PDT Meetings/Project Management |                                                                                                                                           |         | 40              | \$4,800   |              |          |            |          | 40     | \$4,800   |
| 2.1.1              | PDT Meetings                    | 40                                                                                                                                        | \$5,200 | 440             | \$52,800  |              |          |            |          | 480    | \$58,000  |
| 2.1.2              | Overall PM                      |                                                                                                                                           |         |                 |           |              |          |            |          | 520    | \$62,800  |
|                    | Total Task 2.1                  | 40                                                                                                                                        | \$5,200 | 480             | \$57,600  |              |          |            |          |        |           |
| 3.1                | Combined PSR/PR                 |                                                                                                                                           |         |                 |           |              |          |            |          |        |           |
| 3.1.1              | PSR/PR                          |                                                                                                                                           |         |                 |           |              |          |            |          |        |           |
|                    | Total Task 3.1                  |                                                                                                                                           |         |                 |           |              |          |            |          |        |           |
| 4.1                | 35% Draft PS&E                  |                                                                                                                                           |         | 12              | \$1,440   | 12           | \$1,320  | 12         | \$960    | 37     | \$3,850   |
| 4.1.1              | Plans                           | 1                                                                                                                                         | \$130   | 4               | \$480     | 8            | \$880    | 8          | \$640    | 21     | \$2,130   |
| 4.1.2              | Specs                           | 1                                                                                                                                         | \$130   | 4               | \$480     | 8            | \$880    | 8          | \$640    | 21     | \$2,130   |
| 4.1.3              | Estimate                        |                                                                                                                                           |         |                 |           |              |          |            |          | 79     | \$8,110   |
|                    | Total Task 4.1                  | 3                                                                                                                                         | \$380   | 20              | \$2,400   | 28           | \$3,080  | 28         | \$2,240  |        |           |
| 5.1                | Structural Bridge Design        |                                                                                                                                           |         |                 |           |              |          |            |          |        |           |
| 5.1.1              | Bridge Design                   |                                                                                                                                           |         |                 |           |              |          |            |          |        |           |
|                    | Total Task 5.1                  |                                                                                                                                           |         |                 |           |              |          |            |          |        |           |
| 6.1                | Environmental Engineering       |                                                                                                                                           |         |                 |           |              |          |            |          |        |           |
| 6.1.1              | Env. Engineering                |                                                                                                                                           |         |                 |           |              |          |            |          |        |           |
|                    | Total Task 6.1                  |                                                                                                                                           |         |                 |           |              |          |            |          |        |           |
| 7.1                | Right of Way Engineering        |                                                                                                                                           |         |                 |           |              |          |            |          |        |           |
| 7.1.1              | Right of Way Engineering        |                                                                                                                                           |         |                 |           |              |          |            |          |        |           |
|                    | Total Task 7.1                  |                                                                                                                                           |         |                 |           |              |          |            |          |        |           |
| 8.1                | 65% Submittal                   |                                                                                                                                           |         | 16              | \$1,920   | 40           | \$4,400  | 16         | \$1,280  | 74     | \$7,860   |
| 8.1.1              | Plans                           | 2                                                                                                                                         | \$260   | 16              | \$1,920   | 16           | \$1,760  | 16         | \$1,280  | 50     | \$5,220   |
| 8.1.2              | Specs                           | 2                                                                                                                                         | \$260   | 12              | \$1,440   | 16           | \$1,760  | 16         | \$1,280  | 46     | \$4,740   |
| 8.1.3              | Estimate                        | 2                                                                                                                                         | \$260   | 44              | \$5,280   | 72           | \$7,920  | 48         | \$3,840  | 170    | \$17,820  |
|                    | Total Task 8.1                  | 6                                                                                                                                         | \$780   | 44              | \$5,280   | 72           | \$7,920  | 48         | \$3,840  |        |           |
| 9.1                | 90% Submittal                   |                                                                                                                                           |         | 8               | \$960     | 12           | \$1,320  | 12         | \$960    | 34     | \$3,500   |
| 9.1.1              | Plans                           | 2                                                                                                                                         | \$260   | 8               | \$960     | 12           | \$1,320  | 12         | \$960    | 34     | \$3,500   |
| 9.1.2              | Specs                           | 2                                                                                                                                         | \$260   | 8               | \$960     | 12           | \$1,320  | 12         | \$960    | 34     | \$3,500   |
| 9.1.3              | Estimate                        | 2                                                                                                                                         | \$260   | 24              | \$2,880   | 36           | \$3,960  | 36         | \$2,880  | 102    | \$10,500  |
|                    | Total Task 9.1                  | 6                                                                                                                                         | \$780   | 24              | \$2,880   | 36           | \$3,960  | 36         | \$2,880  |        |           |
| 10.1               | 100% Submittal                  |                                                                                                                                           |         | 8               | \$960     | 8            | \$880    | 8          | \$640    | 26     | \$2,740   |
| 10.1.1             | Plans                           | 2                                                                                                                                         | \$260   | 8               | \$960     | 8            | \$880    | 8          | \$640    | 26     | \$2,740   |
| 10.1.2             | Specs                           | 2                                                                                                                                         | \$260   | 8               | \$960     | 8            | \$880    | 8          | \$640    | 26     | \$2,740   |
| 10.1.3             | Estimate                        | 2                                                                                                                                         | \$260   | 24              | \$2,880   | 24           | \$2,640  | 24         | \$1,920  | 78     | \$8,220   |
|                    | Total Task 10.1                 | 6                                                                                                                                         | \$780   | 24              | \$2,880   | 24           | \$2,640  | 24         | \$1,920  |        |           |
| 11.1               | Final PS&E                      |                                                                                                                                           |         | 8               | \$960     | 8            | \$880    | 8          | \$640    | 26     | \$2,740   |
| 11.1.1             | Plans                           | 2                                                                                                                                         | \$260   | 8               | \$960     | 8            | \$880    | 8          | \$640    | 26     | \$2,740   |
| 11.1.2             | Specs                           | 2                                                                                                                                         | \$260   | 8               | \$960     | 8            | \$880    | 8          | \$640    | 26     | \$2,740   |
| 11.1.3             | Estimate                        | 2                                                                                                                                         | \$260   | 8               | \$960     | 8            | \$880    | 8          | \$640    | 9      | \$1,090   |
| 11.1.4             | Obtain Encroachment Permit      | 1                                                                                                                                         | \$130   | 8               | \$960     | 24           | \$2,640  | 24         | \$1,920  | 67     | \$9,310   |
|                    | Total Task 11.1                 | 7                                                                                                                                         | \$910   | 32              | \$3,840   | 24           | \$2,640  | 24         | \$1,920  |        |           |
| TOTAL LABOR        |                                 | 70                                                                                                                                        | \$9,100 | 867             | \$104,040 | 184          | \$20,240 | 167        | \$13,360 | 1288   | \$146,740 |
| DIRECT COSTS:      |                                 | 7% of Direct Labor covers Mileage, Reproduction, Exhibits, Prints, etc. (Accounts for 30 sets of plans for Caltrans review per submittal) |         |                 |           |              |          |            |          |        | \$10,270  |
| TOTAL PROJECT COST |                                 |                                                                                                                                           |         |                 |           |              |          |            |          |        | \$157,010 |

Quincy Engineering  
 State Park Road Bicycle & Pedestrian Bridge Project  
 Budget for 35% to 100% PS&E - Final PS&E

| TASK               | DESCRIPTION                       | Principal Engr                                                          |          | Senior Engineer |          | Associate Engineer |          | Assistant/CADD |          | TOTALS |           |
|--------------------|-----------------------------------|-------------------------------------------------------------------------|----------|-----------------|----------|--------------------|----------|----------------|----------|--------|-----------|
|                    |                                   | HRS                                                                     | COST     | HRS             | COST     | HRS                | COST     | HRS            | COST     | HRS    | COST      |
| Hourly Rate:       |                                   |                                                                         | \$250    |                 | \$200    |                    | \$150    |                | \$100    |        |           |
| 1.2                | 35% Design - Add'l Services#1     |                                                                         |          |                 |          |                    |          |                |          |        |           |
| 1.2.1              | Carry Over from 35%               |                                                                         |          |                 |          |                    |          |                |          |        |           |
|                    | Total Task 1.2                    |                                                                         |          |                 |          |                    |          |                |          |        |           |
| 2.2                | PDT Meetings/Project Management   |                                                                         |          |                 |          |                    |          |                |          | 70     | \$11,500  |
| 2.2.1              | PDT Meetings                      | 20                                                                      | \$5,000  |                 |          | 30                 | \$4,500  | 20             | \$2,000  | 130    | \$21,500  |
| 2.2.2              | Overall PM /Caltrans Coordination | 20                                                                      | \$5,000  |                 |          | 110                | \$16,500 |                |          |        | \$8,000   |
| 2.2.3              | Photo-Realistic Renderings        |                                                                         |          |                 |          | 140                | \$21,000 | 20             | \$2,000  | 200    | \$41,000  |
|                    | Total Task 2.2                    | 40                                                                      | \$10,000 |                 |          | 140                | \$21,000 | 20             | \$2,000  |        |           |
| 3.2                | Combined PSR/PR                   |                                                                         |          |                 |          |                    |          |                |          |        |           |
| 3.2.1              | Combined PSR/PR                   |                                                                         |          |                 |          |                    |          |                |          |        |           |
|                    | Total Task 3.2                    |                                                                         |          |                 |          |                    |          |                |          |        |           |
| 4.2                | 35% Draft PS&E                    |                                                                         |          |                 |          |                    |          |                |          |        |           |
| 4.2.1              | 35% PSE                           |                                                                         |          |                 |          |                    |          |                |          |        |           |
|                    | Total Task 4.2                    |                                                                         |          |                 |          |                    |          |                |          |        |           |
| 5.2                | Structural Bridge Design          |                                                                         |          |                 |          |                    |          |                |          | 330    | \$39,900  |
| 5.2.1              | Bridge Design                     | 4                                                                       | \$1,000  | 20              | \$4,000  | 86                 | \$12,900 | 220            | \$22,000 | 220    | \$22,000  |
| 5.2.2              | Bridge Detailing                  |                                                                         |          |                 |          |                    |          | 440            | \$44,000 | 550    | \$61,900  |
|                    | Total Task 5.2                    | 4                                                                       | \$1,000  | 20              | \$4,000  | 86                 | \$12,900 | 440            | \$44,000 | 550    | \$61,900  |
| 6.2                | Environmental Engineering         |                                                                         |          |                 |          |                    |          |                |          |        |           |
| 6.2.1              | Env. Engineering                  |                                                                         |          |                 |          |                    |          |                |          |        |           |
|                    | Total Task 6.2                    |                                                                         |          |                 |          |                    |          |                |          |        |           |
| 7.2                | Right of Way Engineering          |                                                                         |          |                 |          |                    |          |                |          |        |           |
| 7.2.1              | Right of Way Engineering          |                                                                         |          |                 |          |                    |          |                |          |        |           |
|                    | Total Task 7.2                    |                                                                         |          |                 |          |                    |          |                |          |        |           |
| 8.2                | 65% Submittal                     |                                                                         |          |                 |          |                    |          |                |          |        |           |
| 8.2.1              | Bridge Plan Submittal             | 2                                                                       | \$500    |                 |          | 6                  | \$900    | 12             | \$1,200  | 20     | \$2,600   |
|                    | Total Task 8.2                    | 2                                                                       | \$500    |                 |          | 6                  | \$900    | 12             | \$1,200  | 20     | \$2,600   |
| 9.2                | 90% Submittal                     |                                                                         |          |                 |          |                    |          |                |          |        |           |
| 9.2.1              | Independent Check                 |                                                                         |          | 120             | \$24,000 |                    |          | 30             | \$3,000  | 150    | \$27,000  |
| 9.2.2              | Bridge Special Provisions         |                                                                         |          |                 |          | 40                 | \$6,000  |                |          | 40     | \$6,000   |
| 9.2.3              | Bridge Q, E, and WD Schedule      |                                                                         |          | 8               | \$1,600  |                    |          | 72             | \$7,200  | 80     | \$8,800   |
| 9.2.4              | Bridge QC and CR                  | 40                                                                      | \$10,000 |                 |          |                    |          |                |          | 40     | \$10,000  |
| 9.2.5              | 90% Bridge PS&E Submittal         | 4                                                                       | \$1,000  |                 |          | 36                 | \$5,400  | 60             | \$6,000  | 100    | \$12,400  |
|                    | Total Task 9.2                    | 44                                                                      | \$11,000 | 128             | \$25,600 | 76                 | \$11,400 | 162            | \$16,200 | 410    | \$64,200  |
| 10.2               | 100% Submittal                    |                                                                         |          |                 |          |                    |          |                |          |        |           |
| 10.2.1             | 100% Bridge PS&E Submittal        | 4                                                                       | \$1,000  |                 |          | 24                 | \$3,600  | 80             | \$8,000  | 108    | \$12,600  |
|                    | Total Task 10.2                   | 4                                                                       | \$1,000  |                 |          | 24                 | \$3,600  | 80             | \$8,000  | 108    | \$12,600  |
| 11.2               | Final PS&E                        |                                                                         |          |                 |          |                    |          |                |          |        |           |
| 11.2.1             | Final Bridge PS&E Submittal       | 2                                                                       | \$500    |                 |          | 4                  | \$600    | 8              | \$800    | 14     | \$1,900   |
|                    | Total Task 11.2                   | 2                                                                       | \$500    |                 |          | 4                  | \$600    | 8              | \$800    | 14     | \$1,900   |
| TOTAL LABOR        |                                   | 96                                                                      | \$24,000 | 148             | \$29,600 | 336                | \$50,400 | 722            | \$72,200 | 1302   | \$184,200 |
| DIRECT COSTS:      |                                   | 5% of Direct Labor covers Mileage, Reproduction, Exhibits, Prints, etc. |          |                 |          |                    |          |                |          |        | \$9,210   |
| TOTAL PROJECT COST |                                   |                                                                         |          |                 |          |                    |          |                |          |        | \$193,410 |

Callander Associates  
 State Park Road Bicycle & Pedestrian Bridge Project  
 Budget for 35% to 100% PS&E - Final PS&E

| TASK               | DESCRIPTION                     | Principal Engr                                                          |         | Proj Mgr (3) |          | Assistant (2) |          | Word Processor |         | TOTALS |          |
|--------------------|---------------------------------|-------------------------------------------------------------------------|---------|--------------|----------|---------------|----------|----------------|---------|--------|----------|
|                    |                                 | HRS                                                                     | COST    | HRS          | COST     | HRS           | COST     | HRS            | COST    | HRS    | COST     |
|                    | Hourly Rate:                    |                                                                         | \$155   |              | \$120    |               | \$108    |                | \$90    |        |          |
| 1.3                | 35% Design - Add'l Services#1   |                                                                         |         |              |          |               |          |                |         |        |          |
| 1.3.1              | Carry Over from 35%             |                                                                         |         |              |          |               |          |                |         |        |          |
|                    | Total Task 1.3                  |                                                                         |         |              |          |               |          |                |         |        |          |
| 2.3                | PDT Meetings/Project Management |                                                                         |         |              |          |               |          |                |         | 5      | \$635    |
| 2.3.1              | PDT Meetings                    | 1                                                                       | \$155   | 4            | \$480    |               |          |                |         |        |          |
| 2.3.2              | Overall PM                      |                                                                         |         |              |          |               |          |                |         |        |          |
|                    | Total Task 2.3                  | 1                                                                       | \$155   | 4            | \$480    |               |          |                |         | 5      | \$635    |
| 3.3                | Combined PSR/PR                 |                                                                         |         |              |          |               |          |                |         | 24     | \$2,924  |
| 3.3.1              | First Review                    | 4                                                                       | \$620   | 12           | \$1,440  | 8             | \$864    |                |         | 39     | \$4,553  |
| 3.3.2              | 2nd Submittal                   | 4                                                                       | \$620   | 18           | \$2,160  | 16            | \$1,728  | 0.5            | \$45    | 24     | \$2,696  |
| 3.3.3              | 3rd/Final Submittal             | 1                                                                       | \$155   | 10           | \$1,200  | 12            | \$1,296  | 0.5            | \$45    | 86     | \$10,173 |
|                    | Total Task 3.3                  | 9                                                                       | \$1,395 | 40           | \$4,800  | 36            | \$3,888  | 1              | \$90    |        |          |
| 4.3                | 35% Draft PS&E                  |                                                                         |         |              |          |               |          |                |         | 37     | \$4,091  |
| 4.3.1              | Plans                           | 1                                                                       | \$155   | 4            | \$480    | 32            | \$3,456  |                |         | 8      | \$965    |
| 4.3.2              | Specs                           | 1                                                                       | \$155   | 6            | \$720    |               |          | 1              | \$90    | 14     | \$1,589  |
| 4.3.3              | Estimate                        | 1                                                                       | \$155   | 4            | \$480    | 8             | \$864    | 1              | \$90    | 59     | \$6,645  |
|                    | Total Task 4.3                  | 3                                                                       | \$465   | 14           | \$1,680  | 40            | \$4,320  | 2              | \$180   |        |          |
| 5.3                | Structural Bridge Design        |                                                                         |         |              |          |               |          |                |         |        |          |
| 5.3.1              | Bridge Design                   |                                                                         |         |              |          |               |          |                |         |        |          |
|                    | Total Task 5.3                  |                                                                         |         |              |          |               |          |                |         |        |          |
| 6.3                | Environmental Engineering       |                                                                         |         |              |          |               |          |                |         |        |          |
| 6.3.1              | Env. Engineering                |                                                                         |         |              |          |               |          |                |         |        |          |
|                    | Total Task 6.3                  |                                                                         |         |              |          |               |          |                |         |        |          |
| 7.3                | Right of Way Engineering        |                                                                         |         |              |          |               |          |                |         |        |          |
| 7.3.1              | Right of Way Engineering        |                                                                         |         |              |          |               |          |                |         |        |          |
|                    | Total Task 7.3                  |                                                                         |         |              |          |               |          |                |         |        |          |
| 8.3                | 65% Submittal                   |                                                                         |         |              |          |               |          |                |         | 49     | \$5,606  |
| 8.3.1              | 65% PSE                         | 4                                                                       | \$620   | 12           | \$1,440  | 32            | \$3,456  | 1              | \$90    | 49     | \$5,606  |
|                    | Total Task 8.3                  | 4                                                                       | \$620   | 12           | \$1,440  | 32            | \$3,456  | 1              | \$90    |        |          |
| 9.3                | 90% Submittal                   |                                                                         |         |              |          |               |          |                |         | 48     | \$5,492  |
| 9.3.1              | 90% PSE                         | 4                                                                       | \$620   | 16           | \$1,920  | 24            | \$2,592  | 4              | \$360   | 48     | \$5,492  |
|                    | Total Task 9.3                  | 4                                                                       | \$620   | 16           | \$1,920  | 24            | \$2,592  | 4              | \$360   |        |          |
| 10.3               | 100% Submittal                  |                                                                         |         |              |          |               |          |                |         | 26     | \$3,022  |
| 10.3.1             | 100% Plans                      | 2                                                                       | \$310   | 10           | \$1,200  | 14            | \$1,512  |                |         | 5      | \$570    |
| 10.3.2             | Specs                           |                                                                         |         | 4            | \$480    |               |          | 1              | \$90    | 7      | \$786    |
| 10.3.3             | Estimate                        |                                                                         |         | 4            | \$480    | 2             | \$216    | 1              | \$90    | 38     | \$4,378  |
|                    | Total Task 10.3                 | 2                                                                       | \$310   | 18           | \$2,160  | 16            | \$1,728  | 2              | \$180   |        |          |
| 11.3               | Final PS&E                      |                                                                         |         |              |          |               |          |                |         | 8      | \$982    |
| 11.3.1             | Plans                           | 2                                                                       | \$310   | 2            | \$240    | 4             | \$432    |                |         | 5      | \$605    |
| 11.3.2             | Specs                           | 1                                                                       | \$155   | 3            | \$360    |               |          | 1              | \$90    | 9      | \$1,037  |
| 11.3.3             | Estimate                        | 1                                                                       | \$155   | 3            | \$360    | 4             | \$432    | 1              | \$90    | 22     | \$2,624  |
|                    | Total Task 11.3                 | 4                                                                       | \$620   | 8            | \$960    | 8             | \$864    | 2              | \$180   |        |          |
| TOTAL LABOR        |                                 | 27                                                                      | \$4,185 | 112          | \$13,440 | 156           | \$16,848 | 12             | \$1,080 | 307    | \$35,553 |
| DIRECT COSTS:      |                                 | 5% of Direct Labor covers Mileage, Reproduction, Exhibits, Prints, etc. |         |              |          |               |          |                |         |        | \$1,780  |
| TOTAL PROJECT COST |                                 |                                                                         |         |              |          |               |          |                |         |        | \$37,333 |

Cullen-Sherry Associates  
 State Park Road Bicycle & Pedestrian Bridge Project  
 Budget for 35% to 100% PS&E - Final PS&E

| TASK               | DESCRIPTION                     | Principal Engr                                                          |          | Senior Engineer |       | Engineer I |       | Engr. Tech |       | Survey Crew |         | TOTALS   |          |
|--------------------|---------------------------------|-------------------------------------------------------------------------|----------|-----------------|-------|------------|-------|------------|-------|-------------|---------|----------|----------|
|                    |                                 | HRS                                                                     | COST     | HRS             | COST  | HRS        | COST  | HRS        | COST  | HRS         | COST    | HRS      | COST     |
|                    | Hourly Rate:                    |                                                                         | \$135    |                 | \$120 |            | \$110 |            | \$95  |             | \$200   |          |          |
| 1.4                | 35% Design - Add'l Services#1   |                                                                         |          |                 |       |            |       |            |       |             |         |          |          |
| 1.4.1              | Carry Over from 35%             |                                                                         |          |                 |       |            |       |            |       |             |         |          |          |
|                    | Total Task 1.4                  |                                                                         |          |                 |       |            |       |            |       |             |         |          |          |
| 2.4                | PDT Meetings/Project Management |                                                                         |          |                 |       |            |       |            |       |             |         | 16       | \$2,160  |
| 2.4.1              | PDT Meetings/Project Management | 16                                                                      | \$2,160  |                 |       |            |       |            |       |             |         | 16       | \$2,160  |
|                    | Total Task 2.4                  | 16                                                                      | \$2,160  |                 |       |            |       |            |       |             |         |          |          |
| 3.4                | Combined PSR/PR                 |                                                                         |          |                 |       |            |       |            |       |             |         |          |          |
| 3.4.1              | First Review                    |                                                                         |          |                 |       |            |       |            |       |             |         |          |          |
| 3.4.2              | 2nd Submittal                   |                                                                         |          |                 |       |            |       |            |       |             |         |          |          |
| 3.4.3              | 3rd/Final Submittal             |                                                                         |          |                 |       |            |       |            |       |             |         |          |          |
|                    | Total Task 3.4                  |                                                                         |          |                 |       |            |       |            |       |             |         |          |          |
| 4.4                | 35% Draft PS&E                  |                                                                         |          |                 |       |            |       | 8          | \$760 | 8           | \$1,600 | 18       | \$2,630  |
| 4.4.1              | Survey Support                  | 2                                                                       | \$270    |                 |       |            |       | 8          | \$760 | 8           | \$1,600 | 18       | \$2,630  |
|                    | Total Task 4.4                  | 2                                                                       | \$270    |                 |       |            |       |            |       |             |         |          |          |
| 5.4                | Structural Bridge Design        |                                                                         |          |                 |       |            |       |            |       |             |         |          |          |
| 5.4.1              | Bridge Design                   |                                                                         |          |                 |       |            |       |            |       |             |         |          |          |
|                    | Total Task 5.4                  |                                                                         |          |                 |       |            |       |            |       |             |         |          |          |
| 6.4                | Environmental Engineering       |                                                                         |          |                 |       |            |       |            |       |             |         |          |          |
| 6.4.1              | Env. Engineering                |                                                                         |          |                 |       |            |       |            |       |             |         |          |          |
|                    | Total Task 6.4                  |                                                                         |          |                 |       |            |       |            |       |             |         |          |          |
| 7.4                | Right of Way Engineering        |                                                                         |          |                 |       |            |       |            |       |             |         | 8        | \$1,080  |
| 7.4.1              | ROW Survey Check List           | 8                                                                       | \$1,080  |                 |       |            |       |            |       |             |         | 8        | \$1,080  |
| 7.4.2              | Land Net Data                   | 8                                                                       | \$1,080  |                 |       |            |       |            |       |             |         |          | \$3,500  |
| 7.4.3              | Prelim Title Report (I)         |                                                                         | \$3,500  |                 |       |            |       |            |       |             |         | 12       | \$1,620  |
| 7.4.4              | ROW Appraisal Map               | 12                                                                      | \$1,620  |                 |       |            |       |            |       |             |         | 24       | \$3,240  |
| 7.4.5              | ROW legals & plats              | 24                                                                      | \$3,240  |                 |       |            |       |            |       |             |         |          | \$2,000  |
| 7.4.6              | Deeds by attorney               |                                                                         | \$2,000  |                 |       |            |       |            |       | 16          | \$3,200 | 26       | \$4,550  |
| 7.4.7              | Record of Survey                | 10                                                                      | \$1,350  |                 |       |            |       |            |       |             |         |          | \$1,500  |
| 7.4.8              | County Fees for RS              |                                                                         | \$1,500  |                 |       |            |       |            |       |             |         | 2        | \$270    |
| 7.4.9              | Elect. Trans of info            | 2                                                                       | \$270    |                 |       |            |       |            |       | 16          | \$3,200 | 80       | \$18,840 |
|                    | Total Task 7.4                  | 64                                                                      | \$15,640 |                 |       |            |       |            |       |             |         |          |          |
| 8.4                | 65% Submittal                   |                                                                         |          |                 |       |            |       |            |       |             |         |          |          |
| 8.4.1              | 65% PSE                         |                                                                         |          |                 |       |            |       |            |       |             |         |          |          |
|                    | Total Task 8.4                  |                                                                         |          |                 |       |            |       |            |       |             |         |          |          |
| 9.4                | 90% Submittal                   |                                                                         |          |                 |       |            |       |            |       |             |         |          |          |
| 9.4.1              | 90% PSE                         |                                                                         |          |                 |       |            |       |            |       |             |         |          |          |
|                    | Total Task 9.4                  |                                                                         |          |                 |       |            |       |            |       |             |         |          |          |
| 10.4               | 100% Submittal                  |                                                                         |          |                 |       |            |       |            |       |             |         |          |          |
| 10.4.1             | 100% PS&E                       |                                                                         |          |                 |       |            |       |            |       |             |         |          |          |
|                    | Total Task 10.4                 |                                                                         |          |                 |       |            |       |            |       |             |         |          |          |
| 11.4               | Final PS&E                      |                                                                         |          |                 |       |            |       |            |       |             |         |          |          |
| 11.4.1             | Final PSE                       |                                                                         |          |                 |       |            |       |            |       |             |         |          |          |
|                    | Total Task 11.4                 |                                                                         |          |                 |       |            |       |            |       |             |         |          |          |
| TOTAL LABOR        |                                 | 82                                                                      | \$18,070 |                 |       |            |       |            |       | 24          | \$4,800 | 114      | \$23,630 |
| DIRECT COSTS:      |                                 | 3% of Direct Labor covers Mileage, Reproduction, Exhibits, Prints, etc. |          |                 |       |            |       |            |       |             |         | \$710    |          |
| TOTAL PROJECT COST |                                 |                                                                         |          |                 |       |            |       |            |       |             |         | \$24,340 |          |

Budget - February 8, 2008  
 State Park Road Pedestrian Bridge Project - Final Design  
 City of Benicia, CA

Baseline Environmental Consultants  
 State Park Road Bicycle & Pedestrian Bridge Project  
 Budget for 35% to 100% PS&E - Final PS&E

| TASK               | DESCRIPTION                              | Principal Engr |       | Senior Engineer |       | Engineer I |      | Engr. Tech |      | TOTALS |          |
|--------------------|------------------------------------------|----------------|-------|-----------------|-------|------------|------|------------|------|--------|----------|
|                    |                                          | HRS            | COST  | HRS             | COST  | HRS        | COST | HRS        | COST | HRS    | COST     |
|                    | Hourly Rate:                             |                | \$125 |                 | \$115 |            | \$95 |            | \$75 |        |          |
| 1.5                | 35% Design - Add'l Services#1            |                |       |                 |       |            |      |            |      |        |          |
| 1.5.1              | Carry Over from 35%                      |                |       |                 |       |            |      |            |      |        |          |
|                    | Total Task 1.5                           |                |       |                 |       |            |      |            |      |        |          |
| 2.5                | PDT Meetings/Project Management          |                |       |                 |       |            |      |            |      |        |          |
| 2.5.1              | PDT Meetings                             |                |       |                 |       |            |      |            |      |        |          |
| 2.5.2              | Overall PM                               |                |       |                 |       |            |      |            |      |        |          |
|                    | Total Task 2.5                           |                |       |                 |       |            |      |            |      |        |          |
| 3.5                | Combined PSR/PR                          |                |       |                 |       |            |      |            |      |        |          |
| 3.5.1              | None                                     |                |       |                 |       |            |      |            |      |        |          |
|                    | Total Task 3.5                           |                |       |                 |       |            |      |            |      |        |          |
| 4.5                | 35% Draft PS&E                           |                |       |                 |       |            |      |            |      |        |          |
| 4.5.1              | 35% PSE                                  |                |       |                 |       |            |      |            |      |        |          |
|                    | Total Task 4.5                           |                |       |                 |       |            |      |            |      |        |          |
| 5.5                | Structural Bridge Design                 |                |       |                 |       |            |      |            |      |        |          |
| 5.5.1              | Bridge Design                            |                |       |                 |       |            |      |            |      |        |          |
|                    | Total Task 5.5                           |                |       |                 |       |            |      |            |      |        |          |
| 6.5                | Environmental Engineering                |                |       |                 |       |            |      |            |      |        | \$5,315  |
| 6.5.1              | Prep of a Workplan                       |                |       |                 |       |            |      |            |      |        | \$19,806 |
| 6.5.2              | Soil Investigation & Analytic Laboratory |                |       |                 |       |            |      |            |      |        | \$9,770  |
| 6.5.3              | Report Preparation                       |                |       |                 |       |            |      |            |      |        |          |
| 6.5.4              | Jones & Stokes                           |                |       |                 |       |            |      |            |      |        | \$34,891 |
|                    | Total Task 6.5                           |                |       |                 |       |            |      |            |      |        |          |
| 7.5                | Right of Way Engineering                 |                |       |                 |       |            |      |            |      |        |          |
| 7.5.1              | Right of Way Engineering                 |                |       |                 |       |            |      |            |      |        |          |
|                    | Total Task 7.5                           |                |       |                 |       |            |      |            |      |        |          |
| 8.5                | 65% Submittal                            |                |       |                 |       |            |      |            |      |        |          |
| 8.5.1              | 65% PSE                                  |                |       |                 |       |            |      |            |      |        |          |
|                    | Total Task 8.5                           |                |       |                 |       |            |      |            |      |        |          |
| 9.5                | 90% Submittal                            |                |       |                 |       |            |      |            |      |        |          |
| 9.5.1              | 90% PSE                                  |                |       |                 |       |            |      |            |      |        |          |
|                    | Total Task 9.5                           |                |       |                 |       |            |      |            |      |        |          |
| 10.5               | 100% Submittal                           |                |       |                 |       |            |      |            |      |        |          |
| 10.5.1             | 100% PS&E                                |                |       |                 |       |            |      |            |      |        |          |
|                    | Total Task 10.5                          |                |       |                 |       |            |      |            |      |        |          |
| 11.5               | Final PS&E                               |                |       |                 |       |            |      |            |      |        |          |
| 11.5.1             | Final PS&E                               |                |       |                 |       |            |      |            |      |        |          |
|                    | Total Task 11.5                          |                |       |                 |       |            |      |            |      |        |          |
| TOTAL LABOR        |                                          |                |       |                 |       |            |      |            |      |        | \$34,891 |
| DIRECT COSTS:      |                                          |                |       |                 |       |            |      |            |      |        |          |
| TOTAL PROJECT COST |                                          |                |       |                 |       |            |      |            |      |        | \$34,891 |

Budget - February 8, 2008  
 State Park Road Pedestrian Bridge Project - Final Design  
 City of Benicia, CA

Hultgren-Tillis Engineers  
 State Park Road Bicycle & Pedestrian Bridge Project  
 Budget for 35% to 100% PS&E - Final PS&E

| TASK               | DESCRIPTION                      | Senior Principal                                                        |         | Principal Engineer |          | Engineer I |       | Engr. Tech |      | TOTALS |          |
|--------------------|----------------------------------|-------------------------------------------------------------------------|---------|--------------------|----------|------------|-------|------------|------|--------|----------|
|                    |                                  | HRS                                                                     | COST    | HRS                | COST     | HRS        | COST  | HRS        | COST | HRS    | COST     |
|                    | Hourly Rate:                     |                                                                         | \$200   |                    | \$185    |            | \$115 |            | \$95 |        |          |
| 1.6                | 35% Design - Add'l Services#1    |                                                                         |         |                    |          |            |       |            |      |        |          |
| 1.6.1              | Carry Over from 35%              |                                                                         |         |                    |          |            |       |            |      |        |          |
|                    | Total Task 1.6                   |                                                                         |         |                    |          |            |       |            |      |        |          |
| 2.6                | PDT Meetings/Project Management  |                                                                         |         |                    |          |            |       |            |      | 16     | \$3,020  |
| 2.6.1              | Coordination w/other disciplines | 4                                                                       | \$800   | 12                 | \$2,220  |            |       |            |      | 9      | \$1,680  |
| 2.6.2              | One meeting                      | 1                                                                       | \$200   | 8                  | \$1,480  |            |       |            |      |        |          |
| 2.6.3              | On-call consultations            | 4                                                                       | \$800   | 16                 | \$2,960  |            |       |            |      | 20     | \$3,760  |
|                    | Total Task 2.6                   | 9                                                                       | \$1,800 | 36                 | \$6,660  |            |       |            |      | 45     | \$8,460  |
| 3.6                | Combined PSR/PR                  |                                                                         |         |                    |          |            |       |            |      |        |          |
| 3.6.1              | None                             |                                                                         |         |                    |          |            |       |            |      |        |          |
|                    | Total Task 3.6                   |                                                                         |         |                    |          |            |       |            |      |        |          |
| 4.6                | 35% Draft PS&E                   |                                                                         |         |                    |          |            |       |            |      |        |          |
| 4.6.1              | 35% Review                       | 2                                                                       | \$400   | 8                  | \$1,480  |            |       |            |      | 10     | \$1,880  |
|                    | Total Task 4.6                   | 2                                                                       | \$400   | 8                  | \$1,480  |            |       |            |      | 10     | \$1,880  |
| 5.6                | Structural Bridge Design         |                                                                         |         |                    |          |            |       |            |      |        |          |
| 5.6.1              | Bridge Design                    |                                                                         |         |                    |          |            |       |            |      |        |          |
|                    | Total Task 5.6                   |                                                                         |         |                    |          |            |       |            |      |        |          |
| 6.6                | Environmental Engineering        |                                                                         |         |                    |          |            |       |            |      |        |          |
| 6.6.1              | Env. Engineering                 |                                                                         |         |                    |          |            |       |            |      |        |          |
|                    | Total Task 6.6                   |                                                                         |         |                    |          |            |       |            |      |        |          |
| 7.6                | Right of Way Engineering         |                                                                         |         |                    |          |            |       |            |      |        |          |
| 7.6.1              | Right of Way Engineering         |                                                                         |         |                    |          |            |       |            |      |        |          |
|                    | Total Task 7.6                   |                                                                         |         |                    |          |            |       |            |      |        |          |
| 8.6                | 65% Submittal                    |                                                                         |         |                    |          |            |       |            |      |        |          |
| 8.6.1              | 65% Review                       | 1                                                                       | \$200   | 6                  | \$1,110  |            |       |            |      | 7      | \$1,310  |
|                    | Total Task 8.6                   | 1                                                                       | \$200   | 6                  | \$1,110  |            |       |            |      | 7      | \$1,310  |
| 9.6                | 90% Submittal                    |                                                                         |         |                    |          |            |       |            |      |        |          |
| 9.6.1              | 90% Review                       | 1                                                                       | \$200   | 6                  | \$1,110  |            |       |            |      | 7      | \$1,310  |
|                    | Total Task 9.6                   | 1                                                                       | \$200   | 6                  | \$1,110  |            |       |            |      | 7      | \$1,310  |
| 10.6               | 100% Submittal                   |                                                                         |         |                    |          |            |       |            |      |        |          |
| 10.6.1             | 100% Review                      | 0.5                                                                     | \$100   | 5                  | \$925    |            |       |            |      | 6      | \$1,025  |
|                    | Total Task 10.6                  | 0.5                                                                     | \$100   | 5                  | \$925    |            |       |            |      | 5.5    | \$1,025  |
| 11.6               | Final PS&E                       |                                                                         |         |                    |          |            |       |            |      |        |          |
| 11.6.1             | Final Review                     | 0.5                                                                     | \$100   | 5                  | \$925    |            |       |            |      | 6      | \$1,025  |
|                    | Total Task 11.6                  | 0.5                                                                     | \$100   | 5                  | \$925    |            |       |            |      | 5.5    | \$1,025  |
| TOTAL LABOR        |                                  | 14                                                                      | \$2,800 | 66                 | \$12,210 |            |       |            |      | 80     | \$15,010 |
| DIRECT COSTS:      |                                  | 3% of Direct Labor covers Mileage, Reproduction, Exhibits, Prints, etc. |         |                    |          |            |       |            |      |        | \$450    |
| TOTAL PROJECT COST |                                  |                                                                         |         |                    |          |            |       |            |      |        | \$15,460 |

YEI Engineers, Inc.  
 State Park Road Bicycle & Pedestrian Bridge Project  
 Budget for 35% to 100% PS&E - Final PS&E

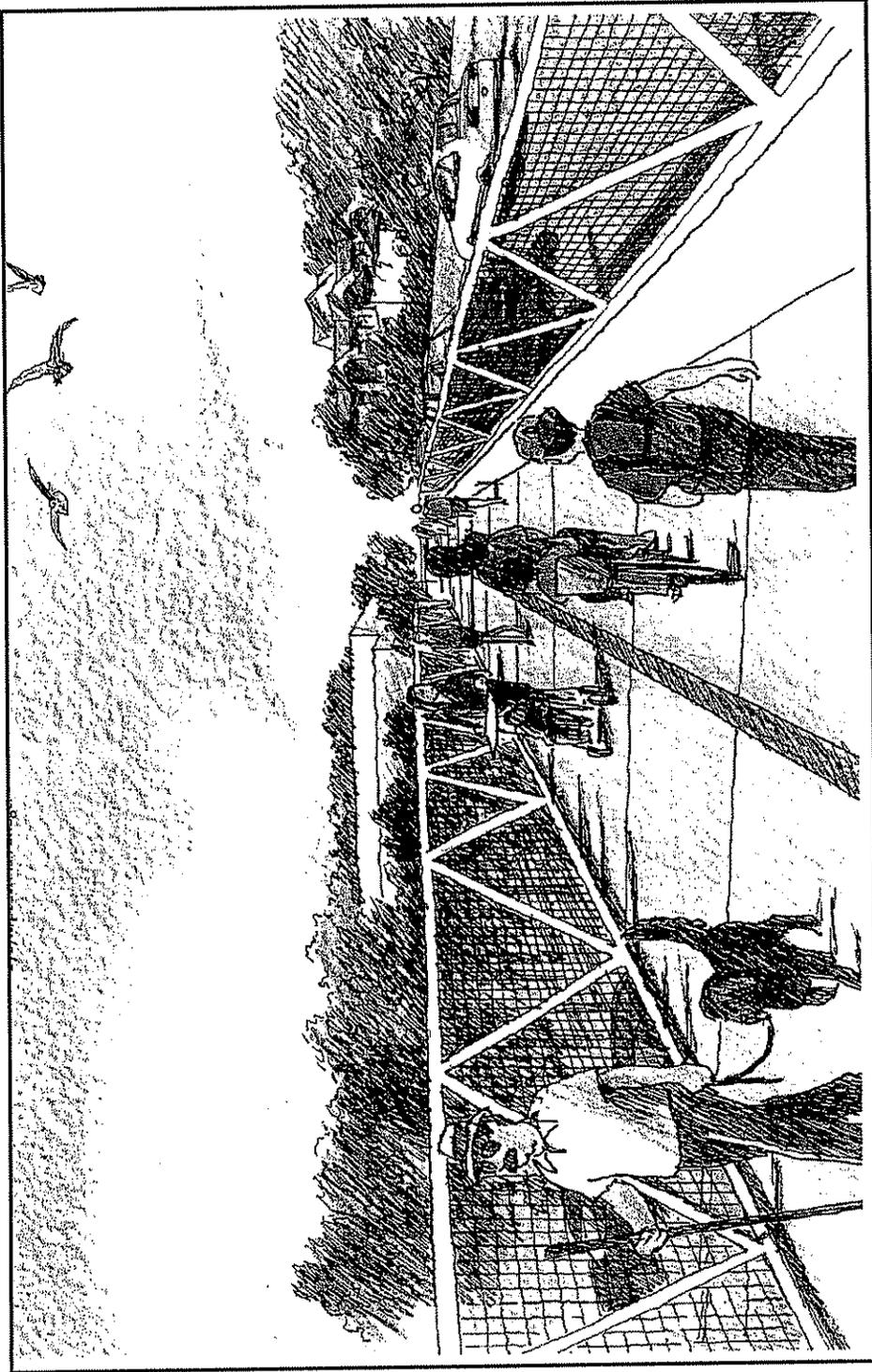
| TASK               | DESCRIPTION                     | Principal Engr                                                    |         | Electrical Engr |          | Engineer I |      | AutoCAD |         | TOTALS |          |
|--------------------|---------------------------------|-------------------------------------------------------------------|---------|-----------------|----------|------------|------|---------|---------|--------|----------|
|                    |                                 | HRS                                                               | COST    | HRS             | COST     | HRS        | COST | HRS     | COST    | HRS    | COST     |
|                    | Hourly Rate:                    |                                                                   | \$164   |                 | \$139    |            | \$95 |         | \$83    |        |          |
| 1.7                | 35% Design - Add'l Services#1   |                                                                   |         |                 |          |            |      |         |         |        |          |
| 1.7.1              | Carry Over from 35%             |                                                                   |         |                 |          |            |      |         |         |        |          |
|                    | Total Task 1.7                  |                                                                   |         |                 |          |            |      |         |         |        |          |
| 2.7                | PDT Meetings/Project Management |                                                                   |         |                 |          |            |      |         |         |        |          |
| 2.7.1              | Project Management              | 4                                                                 | \$656   |                 |          |            |      |         |         | 4      | \$656    |
| 2.7.2              | Coordination with PG&E          | 4                                                                 | \$656   | 4               | \$556    |            |      |         |         | 8      | \$1,212  |
| 2.7.3              | Coordination with City          | 4                                                                 | \$656   | 4               | \$556    |            |      |         |         | 8      | \$1,212  |
| 2.7.4              | Coordination with Caltrans      | 4                                                                 | \$656   | 4               | \$556    |            |      |         |         | 8      | \$1,212  |
| 2.7.5              | Coordinate w/other Disciplines  | 4                                                                 | \$656   | 4               | \$556    |            |      |         |         | 8      | \$1,212  |
| 2.7.6              | Meetings                        | 8                                                                 | \$1,312 |                 |          |            |      |         |         | 8      | \$1,312  |
|                    | Total Task 2.7                  | 28                                                                | \$4,592 | 16              | \$2,224  |            |      |         |         | 44     | \$6,816  |
| 3.7                | Combined PSR/PR                 |                                                                   |         |                 |          |            |      |         |         |        |          |
| 3.7.1              | None                            |                                                                   |         |                 |          |            |      |         |         |        |          |
|                    | Total Task 3.7                  |                                                                   |         |                 |          |            |      |         |         |        |          |
| 4.7                | 35% Draft PS&E                  |                                                                   |         |                 |          |            |      |         |         |        |          |
| 4.7.1              | Site Visits                     | 2                                                                 | \$328   | 2               | \$278    |            |      |         |         | 4      | \$606    |
| 4.7.2              | Review As-built Drawings        | 1                                                                 | \$164   | 2               | \$278    |            |      |         |         | 3      | \$442    |
| 4.7.3              | Provide Electrical Calculations | 2                                                                 | \$328   | 4               | \$556    |            |      |         |         | 6      | \$884    |
| 4.7.4              | Develop 35% Electrical Design   | 2                                                                 | \$328   | 16              | \$2,224  |            |      | 8       | \$664   | 26     | \$3,216  |
|                    | Total Task 4.7                  | 7                                                                 | \$1,148 | 24              | \$3,336  |            |      | 8       | \$664   | 39     | \$5,148  |
| 5.7                | Structural Bridge Design        |                                                                   |         |                 |          |            |      |         |         |        |          |
| 5.7.1              | Bridge Design                   |                                                                   |         |                 |          |            |      |         |         |        |          |
|                    | Total Task 5.7                  |                                                                   |         |                 |          |            |      |         |         |        |          |
| 6.7                | Environmental Engineering       |                                                                   |         |                 |          |            |      |         |         |        |          |
| 6.7.1              | Env. Engineering                |                                                                   |         |                 |          |            |      |         |         |        |          |
|                    | Total Task 6.7                  |                                                                   |         |                 |          |            |      |         |         |        |          |
| 7.7                | Right of Way Engineering        |                                                                   |         |                 |          |            |      |         |         |        |          |
| 7.7.1              | Right of Way Engineering        |                                                                   |         |                 |          |            |      |         |         |        |          |
|                    | Total Task 7.7                  |                                                                   |         |                 |          |            |      |         |         |        |          |
| 8.7                | 65% Submittal                   |                                                                   |         |                 |          |            |      |         |         |        |          |
| 8.7.1              | Develop 65% Electrical Design   | 2                                                                 | \$328   | 16              | \$2,224  |            |      | 8       | \$664   | 26     | \$3,216  |
|                    | Total Task 8.7                  | 2                                                                 | \$328   | 16              | \$2,224  |            |      | 8       | \$664   | 26     | \$3,216  |
| 9.7                | 90% Submittal                   |                                                                   |         |                 |          |            |      |         |         |        |          |
| 9.7.1              | Develop 90% Electrical Design   | 2                                                                 | \$328   | 12              | \$1,668  |            |      | 8       | \$664   | 22     | \$2,660  |
|                    | Total Task 9.7                  | 2                                                                 | \$328   | 12              | \$1,668  |            |      | 8       | \$664   | 22     | \$2,660  |
| 10.7               | 100% Submittal                  |                                                                   |         |                 |          |            |      |         |         |        |          |
| 10.7.1             | Develop 90% Electrical Design   | 2                                                                 | \$328   | 12              | \$1,668  |            |      | 8       | \$664   | 22     | \$2,660  |
|                    | Total Task 10.7                 | 2                                                                 | \$328   | 12              | \$1,668  |            |      | 8       | \$664   | 22     | \$2,660  |
| 11.7               | Final PS&E                      |                                                                   |         |                 |          |            |      |         |         |        |          |
| 11.7.1             | Final Submittal                 | 2                                                                 | \$328   | 12              | \$1,668  |            |      | 8       | \$664   | 22     | \$2,660  |
|                    | Total Task 11.7                 | 2                                                                 | \$328   | 12              | \$1,668  |            |      | 8       | \$664   | 22     | \$2,660  |
| TOTAL LABOR        |                                 | 43                                                                | \$7,052 | 92              | \$12,788 |            |      | 40      | \$3,320 | 175    | \$23,160 |
| DIRECT COSTS:      |                                 | Direct Labor covers Mileage, Reproduction, Exhibits, Prints, etc. |         |                 |          |            |      |         |         |        | \$200    |
| TOTAL PROJECT COST |                                 |                                                                   |         |                 |          |            |      |         |         |        | \$23,360 |

Budget - February 8, 2008  
 State Park Road Pedestrian Bridge Project - Final Design  
 City of Benicia, CA

Associated Right of Way Services, Inc.  
 State Park Road Bicycle & Pedestrian Bridge Project  
 Budget for 35% to 100% PS&E - Final PS&E

| TASK               | DESCRIPTION                     | Managing Consultant |         | Consultant I |         | Admin |         | Engr. Tech |      | TOTALS |          |
|--------------------|---------------------------------|---------------------|---------|--------------|---------|-------|---------|------------|------|--------|----------|
|                    |                                 | HRS                 | COST    | HRS          | COST    | HRS   | COST    | HRS        | COST | HRS    | COST     |
|                    | Hourly Rate:                    |                     | \$150   |              | \$115   |       | \$55    |            |      |        |          |
| 1.8                | 35% Design - Add'l Services#1   |                     |         |              |         |       |         |            |      |        |          |
| 1.8.1              | Carry Over from 35%             |                     |         |              |         |       |         |            |      |        |          |
|                    | Total Task 2.8                  |                     |         |              |         |       |         |            |      |        |          |
| 2.8                | PDT Meetings/Project Management |                     |         |              |         |       |         |            |      |        |          |
| 2.8.1              | PDT Meetings                    |                     |         |              |         |       |         |            |      |        |          |
| 2.8.2              | Overall PM                      |                     |         |              |         |       |         |            |      |        |          |
|                    | Total Task 2.8                  |                     |         |              |         |       |         |            |      |        |          |
| 3.8                | Combined PSR/PR                 |                     |         |              |         |       |         |            |      |        |          |
| 3.8.1              | None                            |                     |         |              |         |       |         |            |      |        |          |
|                    | Total Task 3.8                  |                     |         |              |         |       |         |            |      |        |          |
| 4.8                | 35% Draft PS&E                  |                     |         |              |         |       |         |            |      |        |          |
| 4.8.1              | 35% PSE                         |                     |         |              |         |       |         |            |      |        |          |
|                    | Total Task 4.8                  |                     |         |              |         |       |         |            |      |        |          |
| 5.8                | Structural Bridge Design        |                     |         |              |         |       |         |            |      |        |          |
| 5.8.1              | Bridge Design                   |                     |         |              |         |       |         |            |      |        |          |
|                    | Total Task 5.8                  |                     |         |              |         |       |         |            |      |        |          |
| 6.8                | Environmental Engineering       |                     |         |              |         |       |         |            |      |        |          |
| 6.8.1              | Env. Engineering                |                     |         |              |         |       |         |            |      |        |          |
|                    | Total Task 6.8                  |                     |         |              |         |       |         |            |      |        |          |
| 7.8                | Right of Way Engineering        |                     |         |              |         |       |         |            |      |        |          |
| 7.8.1              | RAW Data Sheet/Cost Estimate    | 4                   | \$600   | 30           | \$3,450 | 8     | \$440   |            |      | 42     | \$4,490  |
| 7.8.2              | General Consulting              | 16                  | \$2,400 | 24           | \$2,760 | 16    | \$880   |            |      | 56     | \$6,040  |
|                    | Total Task 7.8                  | 20                  | \$3,000 | 54           | \$6,210 | 24    | \$1,320 |            |      | 98     | \$10,530 |
| 8.8                | 65% Submittal                   |                     |         |              |         |       |         |            |      |        |          |
| 8.8.1              | 65% PSE                         |                     |         |              |         |       |         |            |      |        |          |
|                    | Total Task 8.8                  |                     |         |              |         |       |         |            |      |        |          |
| 9.8                | 90% Submittal                   |                     |         |              |         |       |         |            |      |        |          |
| 9.8.1              | 90% PSE                         |                     |         |              |         |       |         |            |      |        |          |
|                    | Total Task 9.8                  |                     |         |              |         |       |         |            |      |        |          |
| 10.8               | 100% Submittal                  |                     |         |              |         |       |         |            |      |        |          |
| 10.8.1             | 100% PS&E                       |                     |         |              |         |       |         |            |      |        |          |
|                    | Total Task 10.8                 |                     |         |              |         |       |         |            |      |        |          |
| 11.8               | Final PS&E                      |                     |         |              |         |       |         |            |      |        |          |
| 11.8.1             | Final PS&E                      |                     |         |              |         |       |         |            |      |        |          |
|                    | Total Task 11.8                 |                     |         |              |         |       |         |            |      |        |          |
| TOTAL LABOR        |                                 | 20                  | \$3,000 | 54           | \$6,210 | 24    | \$1,320 |            |      | 98     | \$10,530 |
| DIRECT COSTS:      |                                 |                     |         |              |         |       |         |            |      |        |          |
| TOTAL PROJECT COST |                                 |                     |         |              |         |       |         |            |      |        | \$10,530 |

State Park Road Bicycle/Pedestrian  
Bridge Project –  
Artistic Rendering



Conceptual View of Bridge Path Crossing Highway 780

**AGENDA ITEM**  
**CITY COUNCIL MEETING: MARCH 18, 2008**  
**CONSENT CALENDAR**

**DATE** : March 11, 2008  
**TO** : City Manager  
**FROM** : Finance Director  
**SUBJECT** : **REVIEW INVESTMENT REPORT FOR THE QUARTER ENDED  
DECEMBER 2007**

**RECOMMENDATION:**

Accept, by motion, the investment report for the quarter ended December 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 effect 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 December 2007.

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

**City of Benicia  
Investment Report  
As of December 31, 2007**

| Type of Investment        | Name of Issuer   | Purchase Date | Maturity Date | Current Yield | Par Value        | Cost of Investment | Current Market Value |
|---------------------------|------------------|---------------|---------------|---------------|------------------|--------------------|----------------------|
| <b>On Demand</b>          |                  |               |               |               |                  |                    |                      |
| L.A.I.F.                  | L.A.I.F.         |               |               | 4.960%        | \$ 20,255,807.78 | \$ 20,255,807.78   | \$ 20,269,563.80     |
| L.A.I.F.                  | L.A.I.F.         |               |               | 4.960%        | 33,414.83        | 33,414.83          | 33,433.32            |
| Checking                  | Bank of America  |               |               | 1.500%        | 945,271.50       | 945,271.50         | 945,271.50           |
| Money Market              | WestAmerica Bank |               |               | 0.150%        | 2,949.40         | 2,949.40           | 2,949.40             |
| Money Market              | Union Bank       |               |               | 3.860%        | 3,135,593.29     | 3,135,593.29       | 3,135,593.29         |
| Money Market              | Union Bank       |               |               | 3.860%        | 631,231.86       | 631,231.86         | 631,231.86           |
| Subtotal                  |                  |               |               |               | 25,004,268.66    | 25,004,268.66      | 25,018,043.18        |
| <b>Up to 6 Months</b>     |                  |               |               |               |                  |                    |                      |
| US Obligation             | FNMA             | 18-Jan-06     | 15-Feb-08     | 5.740%        | 1,000,000.00     | 1,022,843.00       | 1,001,250.00         |
| US Obligation             | FHLB             | 2-May-06      | 14-Mar-08     | 4.750%        | 1,000,000.00     | 991,700.00         | 1,000,310.00         |
| US Obligation             | FHLMC            | 10-May-06     | 18-Apr-08     | 5.120%        | 1,000,000.00     | 998,173.00         | 1,001,560.00         |
| US Obligation             | FHLB             | 9-May-06      | 15-May-08     | 4.010%        | 2,000,000.00     | 1,955,409.00       | 1,995,620.00         |
| US Obligation             | FHLB             | 11-Jan-06     | 15-May-08     | 4.010%        | 1,000,000.00     | 984,620.00         | 997,810.00           |
| US Obligation             | FHLMC            | 20-Jun-07     | 15-Jun-08     | 3.890%        | 500,000.00       | 493,143.00         | 498,280.00           |
| Subtotal                  |                  |               |               |               | 6,500,000.00     | 6,445,888.00       | 6,494,830.00         |
| <b>6 Months to 1 Year</b> |                  |               |               |               |                  |                    |                      |
| US Obligation             | FHLB             | 2-Feb-06      | 12-Sep-08     | 4.610%        | 500,000.00       | 497,300.00         | 501,250.00           |
| US Obligation             | FFCB             | 27-Feb-06     | 10-Oct-08     | 4.250%        | 1,000,000.00     | 983,240.00         | 1,000,630.00         |
| US Obligation             | FNMA             | 31-Jan-06     | 15-Oct-08     | 4.490%        | 1,500,000.00     | 1,490,478.00       | 1,504,695.00         |
| US Obligation             | U.S. Treasury    | 31-Jan-07     | 30-Nov-08     | 4.570%        | 1,000,000.00     | 993,906.25         | 1,012,270.00         |
| Subtotal                  |                  |               |               |               | 4,000,000.00     | 3,964,924.25       | 4,018,845.00         |
| <b>1 Year to 2 Years</b>  |                  |               |               |               |                  |                    |                      |
| US Obligation             | FHLMC            | 29-Mar-06     | 12-Jan-09     | 3.880%        | 1,250,000.00     | 1,212,975.00       | 1,248,437.50         |
| US Obligation             | FNMA             | 31-Jan-06     | 15-Feb-09     | 3.270%        | 1,500,000.00     | 1,436,589.00       | 1,489,215.00         |
| US Obligation             | FHLMC            | 17-Apr-07     | 5-Mar-09      | 4.700%        | 750,000.00       | 746,885.25         | 757,500.00           |
| US Obligation             | FNMA             | 17-Apr-07     | 9-Mar-09      | 4.280%        | 750,000.00       | 740,331.75         | 753,750.00           |
| US Obligation             | FHLMC            | 5-Jun-07      | 24-Apr-09     | 4.690%        | 1,000,000.00     | 991,952.00         | 1,012,500.00         |
| US Obligation             | FHLB             | 8-Dec-06      | 15-May-09     | 5.260%        | 1,000,000.00     | 1,013,980.00       | 1,021,560.00         |
| US Obligation             | FHLMC            | 9-Aug-06      | 21-May-09     | 5.140%        | 980,000.00       | 981,991.36         | 1,000,217.40         |
| US Obligation             | FNMA             | 20-Jun-07     | 15-Jun-09     | 6.140%        | 550,000.00       | 561,569.80         | 570,971.50           |
| US Obligation             | U.S. Treasury    | 23-Aug-06     | 15-Aug-09     | 4.740%        | 500,000.00       | 501,210.94         | 513,830.00           |
| US Obligation             | FFCB             | 6-Oct-06      | 21-Sep-09     | 4.890%        | 1,000,000.00     | 1,003,740.00       | 1,023,130.00         |
| US Obligation             | U.S. Treasury    | 30-Nov-06     | 15-Nov-09     | 4.500%        | 500,000.00       | 500,781.25         | 514,415.00           |
| Subtotal                  |                  |               |               |               | 9,780,000.00     | 9,692,006.35       | 9,905,526.40         |

**City of Benicia  
Investment Report  
As of December 31, 2007**

| Type of Investment                                           | Name of Issuer | Purchase Date | Maturity Date | Current Yield | Par Value        | Cost of Investment | Current Market Value |
|--------------------------------------------------------------|----------------|---------------|---------------|---------------|------------------|--------------------|----------------------|
| <b>2 Years to 3 Years</b>                                    |                |               |               |               |                  |                    |                      |
| US Obligation                                                | U.S. Treasury  | 3-Apr-07      | 15-Feb-10     | 4.590%        | 500,000.00       | 502,812.50         | 517,265.00           |
| US Obligation                                                | FHLB           | 23-Aug-06     | 11-Jun-10     | 5.060%        | 500,000.00       | 502,590.00         | 519,065.00           |
| US Obligation                                                | FHLB           | 29-Aug-07     | 11-Jun-10     | 5.060%        | 1,250,000.00     | 1,267,018.00       | 1,297,662.50         |
| US Obligation                                                | FHLMC          | 16-Jan-07     | 16-Aug-10     | 4.730%        | 500,000.00       | 497,190.00         | 515,640.00           |
| US Obligation                                                | FHLMC          | 30-Nov-06     | 8-Dec-10      | 4.610%        | 500,000.00       | 499,370.00         | 515,155.00           |
|                                                              | Subtotal       |               |               |               | 3,250,000.00     | 3,268,980.50       | 3,364,787.50         |
| <b>3 Years to 5 Years</b>                                    |                |               |               |               |                  |                    |                      |
| US Obligation                                                | FNMA           | 2-Feb-06      | 18-Jan-11     | 5.100%        | 500,000.00       | 496,590.00         | 500,315.00           |
| US Obligation                                                | FHLMC          | 17-Dec-07     | 24-Feb-11     | 4.070%        | 750,000.00       | 752,227.50         | 760,545.00           |
| US Obligation                                                | FFCB           | 11-May-07     | 25-Apr-11     | 4.640%        | 500,000.00       | 498,780.00         | 517,500.00           |
| US Obligation                                                | FNMA           | 25-Jul-06     | 19-May-11     | 5.490%        | 500,000.00       | 499,218.75         | 512,030.00           |
| US Obligation                                                | FFCB           | 3-Apr-07      | 8-Dec-11      | 4.530%        | 500,000.00       | 495,205.00         | 510,625.00           |
| US Obligation                                                | FHLMC          | 17-Sep-07     | 5-Mar-12      | 4.600%        | 1,000,000.00     | 1,003,890.00       | 1,032,500.00         |
| US Obligation                                                | FHLMC          | 11-May-07     | 3-Apr-12      | 5.190%        | 500,000.00       | 499,820.00         | 505,985.00           |
| US Obligation                                                | FNMA           | 4-Oct-07      | 18-May-12     | 4.690%        | 750,000.00       | 756,780.00         | 779,295.00           |
| US Obligation                                                | FFCB           | 25-Sep-07     | 1-Aug-12      | 4.980%        | 500,000.00       | 509,923.50         | 527,345.00           |
|                                                              | Subtotal       |               |               |               | 5,500,000.00     | 5,512,434.75       | 5,646,140.00         |
| Total (before fiscal agent accounts)                         |                |               |               |               | \$ 54,034,268.66 | \$ 53,888,502.51   | \$ 54,448,172.08     |
| Fiscal Agent Accounts                                        |                |               |               |               |                  | 261,437.56         | 261,437.56           |
| <b>TOTAL INVESTMENT PORTFOLIO</b>                            |                |               |               |               | \$ 54,149,940.07 | \$ 54,709,609.64   |                      |
| <b>WEIGHTED AVERAGE MATURITY OF THE INVESTMENT PORTFOLIO</b> |                |               |               |               |                  |                    | 1.54 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      3/3/2008  
 Date

**AGENDA ITEM**  
**CITY COUNCIL MEETING: MARCH 18, 2008**  
**PUBLIC HEARING**

**DATE** : March 3, 2008  
**TO** : City Manager  
**FROM** : Community Development Director  
**SUBJECT** : **DESIGN REVIEW FOR NON-HISTORIC HOMES IN THE DOWNTOWN HISTORIC OVERLAY DISTRICT**

**RECOMMENDATION:**

Provide direction to staff regarding amending the Downtown Historic Conservation Plan to require design review in the Downtown Historic Overlay District for construction and remodeling of non-historic single-family homes.

**EXECUTIVE SUMMARY:**

As part of the 2007-09 budget update and strategic planning process, the Historic Preservation Review Commission (HPRC) recommended that the City Council consider design review for all single-family homes in the Downtown Historic Overlay District. The Downtown Historic Conservation Plan (DHCP) currently exempts non-historic single-family residences from design review.

**BUDGET INFORMATION:**

The proposed action would increase staff and HPRC workload by an unknown amount.

**BACKGROUND:**

At its January 25, 2007 meeting, HPRC discussed items to be considered by the City Council during the 2007-09 budget update. Based on commission discussion and public input, HPRC recommended Council consideration of design review for all single-family homes in the Downtown Historic Overlay District.

**SUMMARY:**

The DHCP currently exempts non-historic single-family residences from design review (pages 25 and 28). HPRC is working on updating the DHCP, but that process may extend several or more months before scheduling on a Council agenda is possible.

Staff seeks Council direction regarding design review for both construction and remodeling of non-historic homes in the downtown. Council may wish to regulate any remodel activity that increases height or floor area, or may desire instead to set a percentage threshold for floor area

increase. Significant exterior alteration may also be appropriate for design review, either by staff or HPRC.

Currently the Master Fee Schedule establishes a three-tier approach for design review: \$1750 for most HPRC reviews, \$1025 for most staff-level reviews, and \$350 for minor design review proposals, such as window replacement and awnings. The \$350 minor fee and staff review could also be applied to certain non-historic remodel activities, such as alterations that do not increase height and do not increase floor area beyond a specified amount.

Attachments:

- February 26, 2008 letter from Leann Taagepera
- February 29, 2008 letter from Donnell Rubay

Page 1 of 1

Date: 02/26/08

Time: 10:00 AM

Subject: [Illegible]

Location: [Illegible]

[Illegible text]

## FEBRUARY 26, 2008 LETTER

[Illegible text]

[Illegible text]

[Illegible text]

February 26, 2008

City Council  
City of Benicia

SUBJECT: Removal of exemption for new SFR and alterations to non-historic buildings from Historic Plan

Dear Council,

As you may know, our Downtown Historic Conservation Plan was prepared to include design review of new construction in our historic district and alterations to non-historic buildings within our District. The Secretary of the Interior Standards provide for design standards for such new in-fill construction. Apparently, the City Council at that time, in 1990, decided to exempt such construction from the design standards, which was contrary to the Historic Plan itself as well as how historic districts are typically regulated within California and over the country. As a result, our historic district is filled with buildings which have been constructed, and non-historic buildings which have been altered, in a way which is not compliant with the Secretary of the Interior Standards. This has led to an erosion of the integrity of our District and a lowering of property values by historic property owners. Studies have shown that a protected historic district (design requirements for all development within a District) enjoys increased property value over non-historic areas, but this effect is diminished when incompatible development is allowed to occur adjacent to historic buildings.

On September 25, 2006, Lucinda Woodward provided comments to the City on its CLG application. She provided recommendations for many aspects of Benicia's historic preservation program. She stated that the City in its application was "to make a commitment to a work plan to update its historic preservation program, although the actual revisions and amendments may occur after certification." So, the State Office of Historic Preservation approved the City's CLG status and the city was allowed to make the revisions and amendments to its historic preservation program after certification. What progress has the City made in complying with the recommendations in her letter which were allowed to be complied with after being granted the CLG status? One of these items was to remove the exemption for new Single Family Residential construction and for alterations to non-historic buildings, from the Historic Plan. The HPRC voted to approve this change to the Historic Plan in January of 2007 – what is the hold-up in complying with the recommendations from the HPRC and the State OHP?

Lucinda Woodward writes in her letter, "Currently it appears that there is little or no design review for non-contributing properties within a historic district. I agree that this is a reasonable approach for minor rehabilitation of such properties, including painting, roofing, windows, siding, etc. However, major rehabilitation, such as expanding the

footprint or adding height, could have an impact on the district as a whole. I recommend that such work on non-contributing properties within a historic district be subject to design review. I also recommend that the HPRC review the design of new construction within a historic district; the nature and character of infill construction can affect the historic district." Note that her letter indicates that anything that expands the footprint could impact the District. This would mean the City's plan to offer an exemption to design review if the square footage added was less than 25% of the building would not comply with the State OHP's comments that the City is supposed to comply with to maintain CLG status.

Why does the City have to prioritize whether it will comply with the recommendations of the State Office of Historic Preservation? Why doesn't Benicia simply work toward complying with all of the State's comments? When I asked Lucinda Woodward about this issue at the training session provided by her last month, she was confused, because she told me that she had been told by Charlie Knox that either removing this exemption had already been accomplished or was to be accomplished very shortly. I told her, in fact, that this had not taken place.

I called all of the cities within Solano County and spoke to planners about their historic preservation programs. Benicia, Vallejo, and Vacaville are the only cities in the County to have established historic districts. I spoke with Tyra Hayes of Vacaville's Planning Department today. She said that they do have an ordinance that regulates historic preservation and that the city does regulate the design of new construction within their historic district. Their website is not working well right now and she is going to put information about their program in the mail to me.

I spoke at length yesterday with Bill Tuikka, Secretary to the Architectural Landmarks Commission, City of Vallejo. Vallejo's two historic districts are National Register Historic Districts. The City has gained CLG status and it also offers the Mill's Act tax benefit to owners of historic properties. Mr. Tuikka stated that in order to comply with the City's CLG status, and because it is simply how preservation planning in districts is done, all new construction and alterations to buildings within the two Districts, including non-historic buildings, must comply with the Secretary of the Interior Standards. Many changes to historic or non-historic buildings are approved over the counter where a "certificate of appropriateness" is issued. If there would be no increase in square footage and is not a complicated project, the proposed project is approved over the counter and no fee is charged at all. If a project is reviewed by the City's Architectural Landmarks Commission, the fee is \$450.00 - a contrast to the City of Benicia fee of \$1750.00. He explained that when a project was to be approved over the counter, the members of the Commission are "bcc'ed" on an e-mail and have the opportunity to review the proposed project. The Commission members are allowed to bring the project up for review on a meeting agenda, if they so desire, within a certain time frame.

He told me that the City of Vallejo works to encourage people to come forth for permits and design review by having staff knowledgeable in the Secretary of the Interior Standards who can process approvals over the counter without charging a fee. This encourages restoration and preservation, he indicated. The City charges a Commission design review fee of \$650.00 if a new building is proposed to be constructed within a Historic District. He stressed that if fees are too high and if too many proposed projects are heard by a Commission instead of by knowledgeable, trained staff, then people will not want to receive any oversight by the City on their projects affecting historic buildings and the District. He explained what I already knew – incompatible new development and inappropriate alterations to non-historic buildings result in negative effects on the District as a whole.

The City of Napa also requires that all infill development proposed in Napa's historic districts be subject to review for consistency with the City's "Design Guidelines for Historic Districts", while in the City of Healdsburg, Historic Committee review is required for any alteration of a building within the District involving more than 25% of existing floor area (over a 24-month period of time) or construction of accessory buildings over 400 square feet in floor area. The following is taken from the City of San Jose's Historic District Design Guidelines, "Infill construction that will affect historic properties typically is subject to review per The Secretary of the Interior's Standards for the Treatment of Historic Properties, and specifically, Rehabilitation Standard 9: "New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment." San Jose's Guidelines then list goals for the design of development in the historic district. The City of Orange, in Orange County, has specific Design Guidelines for their historic district and all infill development which meets certain criteria must obtain design approval. These are just a few examples from other cities in California.

I am sure that most jurisdictions with historic districts require some sort of design review for all buildings within the district – that is really the definition of a district. Without this, we simply have a grouping of individually-listed buildings. Let's move forward and comply with the comments of the State Office of Historic Preservation, do what other jurisdictions already do, and require design review for all buildings within our downtown and Arsenal historic districts. Benicia's history and local historic property owners deserve this – they deserved this back in 1990 when the Downtown Historic Conservation Plan was first adopted.

Sincerely,

Leann S. Taagepera

**FEBRUARY 29, 2008 LETTER**

February 29, 2008

Damon,

As we discussed on February 26, I am sending some suggestions for City-handling of the Single Family exemption Removal.

Concerning a description of how other areas handle design review in historic areas, I refer you to Leann Taagepera's memo to the City Council dated February 26, 2008.

I believe that the overall goal of any city proposal to eliminate the single family non-historic exemption must keep the following objectives in mind:

- a. To protect the integrity of Benicia's downtown historic district itself as required by the mitigation measure in the DMUMP (IS/MND p. 18) and by the State Office of Historic Preservation as part of Benicia's CLG status (see Woodward letter of 9/25/06;) and
- b. That people not be scared away from purchasing historic properties. That is, that the rules for design review treat all property owners fairly so that people are encouraged to take on the extra work involved in owning, restoring and maintaining an historic home.

#### **I. Reason to Eliminate the Single Family Non-Historic Exemption**

- a. **So the City may comply with CEQA which equates "a substantial adverse change in the significance of a historical resource" with a significant effect on the environment (section 21084.)** If there is no design review of single family non-historic homes within the historic district, there is no way for the City to prevent possible "substantial adverse change in the significance" of the Historic District itself, which is an historical resource.
- b. **So that the City can comply with the requirement of the DMUMP Mitigated Negative Declaration that alterations to any historic resource (including the historic district itself) shall comply with the Secretary of the Interior's Standards.**
- c. **To avoid the ability of property owners in the new NG-O zones from avoiding design review and harming the District by saying they will build an exempt single family residence which they can use, on Day One, as an office or store.** Since the implementation of the DMUMP, underlying zoning in the Downtown Historic District has changed. Prior to the DMUMP, under the Historic Plan, all underlying zoning was residential. Therefore the single-family

exemption applied only to single family residences. Now under the DMUMP, in the NG-O zone, underlying zoning allows the development of multi-use buildings—residential is allowed but also commercial and office. Thus by retaining the single family exemption while changing underlying zoning—the City has created a situation where any non-historic property owner in the NG-O zone may avoid design review. All these property owners need do is simply say they will build a single-family building; yet on Day One they may use the building for commercial or office purposes.

- d. **So that the City can comply with the Downtown Historic Conservation Plan's promise that historic property owners will be protected from insensitive or incompatible construction (DHCP p. 2.)**
- e. **In order reduce the intensity of concern as to whether or not a house will lose its historic status as the Historic Survey is updated.** (Also this will avoid situations like we recently had with Pat Donaghue attempting to delist his historic building so that he could tear it down and build with more freedom.)
- f. **Protect property values in the historic area.** It is well established that owners of properties that are restricted may be reluctant to invest in their properties if neighboring properties are not restricted. Such a situation often leads to disinvestment in an area (see "Cultural Resources Partnership Notes: Zoning and Historic Preservation" by the National Park Service, Department of the Interior.)

A resistance to historic properties (which will cause selling prices to drop) may already be beginning. A prospective historic home buyer from out of town, who has spoken to me several times over the past year, recently told me that his realtor was advising him against buying an historic house—because of the city rules involved. Further, many people heard prominent local downtown realtor Kathleen Olsen profusely thank the HPRC last Fall for recommending removal of a client's home from the historic list.

- g. **The recent Branding Consultants, hired by the Economic Development Department, emphasized that the City must protect its Downtown Historic District to use as a Tourism Asset.** As the consultants stated: people don't like to come to an historic district and see out of place buildings.

In addition, the recent "Strategic Tourism Marketing Plan" presented to the Economic Development Board on February 27, 2008 states that the degradation of historic buildings is a threat to Benicia tourism which needs to be defended. As the Plan states:

**"Degradation of Historic Buildings:** This is a threat to increasing the history-related tourists and overall appeal of Benicia. This will need to be addressed in the [Tourism] strategic plan."

- h. **The State Office of Historic Preservation expects the City to implement removal of the single family exemption.** According to her September 25, 2006 letter to the City, Lucinda Woodward of the SOHP writes:

“Currently it appears that there is little or no design review for non-contributing properties within a historic district. I agree that this is a reasonable approach for minor rehabilitation of such properties, including painting, roofing, windows, siding, etc. *However, major rehabilitation such as expanding the footprint or adding height, could have an impact on the district as a whole. I recommend that such work on non-contributing properties within a historic district be subject to design review. I also recommend that the HPRC review the design of new construction within a historic district; the nature and character of infill construction can affect the historic district*”(emphasis added.)

## II. Problems With The 25 % Free Pass

The City’s suggestion that the exemption be removed only if a non-historic property owner is to add more than 25% of gross floor area has some problems. These include:

- a. Visible alterations—even if less than 25% of gross floor area—will impact the District. This means the City will continue to not be in compliance with the mitigation measure in the DMUMP discussed above. In addition, the City will be hampered in its ability to comply with the Historic Plan’s promise that historic property owners will be “protected from insensitive or incompatible construction.” Further, the City will have no power to ensure that individual property owners will not reduce the value of the District as a tourism asset.

Also, such a proposal will be in conflict with Lucinda Woodward’s direction to the City in her September 25, 2006 letter: “major rehabilitation, such as expanding the footprint or adding height, could have an impact on the district as a whole. I recommend that such work on non-contributing properties within a historic district be subject to design review.”

- b. Some non-historic homes in the area are quite large. (For example the home the HPRC commissioner says he plans to build is 4700 square feet. A 25% addition to this home would be more than 1,000 square feet. Many historic homes in the area are small—some close to 1000 square feet in size.)

There is another wrinkle here. This proposed 4700 square foot building was recently the subject of an appeal, which involved a negotiated settlement involving an outside design consultant creating a design that protected the integrity of the District. With the 25% free pass, however, once the project is built, the developer could simply add more than 1000 square feet, ignoring the negotiated design and the integrity of the District.

- c. Neighboring Cities with significant historic districts—such as Napa and Vallejo—do not have a “25% free pass.”
- d. The Historic Preservation Design Standards for Old Towne (Orange, CA) does appear to have a “20% free pass” meaning a 20% alteration within a 60 month period is “generally exempt” from CEQA review. However: 1. Note that only a 20% alteration is involved and it is over a 60 month period; 2. The rules specify that the addition does not exceed a height of 1 ½ stories; the project involves the removal of no more than 25% of existing floor area, and it can be **shown that the changes will not have an adverse impact on the existing structure, the surrounding area or the Historic District.**

The highlighted words are particularly important. If Benicia wishes to follow the lead of the City of Orange, it must ensure that changes up to 25% “**will not have an adverse impact on the existing structure, the surrounding area or the Historic District**”—which, in Benicia, has been the job of Design Review.

### III. A Proposal

Currently, historic property owners are charged a fee of \$1750 for design review, if they wish to make changes to their property. It is unclear exactly what benefit property owners are receiving for this fee. Since several historic homes that have gone through Design Review were later deemed non-historic—due to city-approved alterations—this fee is not buying any “special expertise” from the City.

Understandably, non-historic property owners may resist removal of the Historic Plan exemption if they are to be required to pay this substantial (and apparently benefit-less) fee. While feeling sympathy for these property owners, it must be remembered that historic property owners—who are of the same flesh and blood as non-historic owners—are currently paying this fee. That is, if this fee is so horrible it must not be imposed on non-historic property owners, then it should be removed from historic property owners.

Also, when people begin to understand the reality of the situation they may be disinclined to purchase, or maintain, historic properties. Consider the following thinking: A. If I have an historic property and want to maintain it, I have to pay a \$1750 fee—but if I let the building fall into disrepair and “demolish by neglect” I can remodel and even add to it, without any fee; and B. Should I buy an historic property when that means if I want to make a minor change I have to pay \$1750, yet my non-historic neighbor gets to add hundreds of square feet—that may impact my sunlight and view—for free and with no opportunity for me to comment?

Keeping in mind desires to: a. protect the integrity of the District; b. create a situation that does not discourage people from purchasing and maintaining historic properties; and c. not suddenly impose a \$1750 fee on non-historic property owners for minor changes, I propose the following:

- A. Following the practice in Vallejo, home to two National Register Historic Districts, all alterations NOT involving additional square footage or an increase in height—to both historic and non-historic homes—need not, automatically, go through formal design review. Instead, for a small fee (e.g. \$100?) the project would be handled as follows: 1. Staff would review the project for consistency with the Secretary's Standards. Until Staff becomes more versed in this area, s/he may consult with HPRC commissioners or even an outside consultant (paid for with that \$100—Vallejo charges nothing for this level of review.) 2. A brief report of Staff's determination will then be sent to the HPRC and affirmed on the Consent Calendar. This step gives any commissioner the opportunity to view the property, consider the decision and pull the item for discussion if he/she wishes.
- B. For any addition of square footage or height—for historic or non-historic homes—the fee will be \$850. This sum is about half of the current \$1750 that is now charged only to historic property owners. Yes, the fee is reduced (though it is more than any design review fee Vallejo charges)—but the number of people paying is increased. To me this is a far more equitable situation than having only the historic property owners paying the bulk of the fees when both historic and non-historic property owners would be impacting the district via alterations.
- C. For completely new construction—the City can charge the full \$1750.
- D. Finally, if the City does not wish to implement the new fee structure yet—it can still create the new two-tier process—where only additions to square footage are subject to design review (for both historic and non-historic) buildings. This way the fee will kick in only if someone—historic or non-historic—increases the footprint or adds height, actions that—as noted by Lucinda Woodward—should be subject to formal design review.

Yours,

Donnell Rubay

**AGENDA ITEM  
CITY COUNCIL MEETING: MARCH 18, 2008  
PUBLIC HEARING**

**DATE** : February 25, 2008

**TO** : City Council

**FROM** : Community Development Director

**SUBJECT** : **INTRODUCTION AND FIRST READING OF AN ORDINANCE  
AMENDING SUBSECTION B OF SECTION 17.70.300 (ANIMALS)  
OF CHAPTER 17.70 (SITE REGULATION) OF TITLE 17  
(ZONING) OF THE BENICIA MUNICIPAL CODE**

**RECOMMENDATION:**

Introduce the ordinance to approve zoning text amendments be consistent with recently adopted changes to Title 6 (Animals) of the Benicia Municipal Code.

**EXECUTIVE SUMMARY:**

At a meeting on December 4, 2007, the City Council adopted an ordinance to amend the animal control provisions of the Benicia Municipal Code. This new ordinance currently conflicts with the existing Zoning Ordinance provisions for caring and keeping animals. The proposed zoning text amendments will remove any conflicts between the two code provisions.

**BUDGET INFORMATION:**

There are no fiscal impacts that would arise as a result of the proposed text amendments.

**ENVIRONMENTAL ANALYSIS:**

The proposed zoning amendments are Categorically Exempt under Section California Environmental Quality Act Guidelines Section 15321 (Enforcement Actions by Regulatory Agencies) because they do not result in changes in land use.

**SUMMARY:**

The last comprehensive review of the City's animal control regulations occurred in 1987. For the last several years, a subcommittee has worked on revising these regulations by researching current law and reviewing regulations from other agencies. The result of this work, was the City Attorney drafting an ordinance Title 6 (Animals) that was introduced at the November 20, 2007 City Council meeting and adopted by the City Council on December 4, 2007. The changes to

Title 6 (Animals) update the City's regulations to reflect changes in State law and animal control practices. The dangerous dog/vicious dog provisions, in particular, now comply with State law.

The changes to the zoning code Section 17.70.300 (Animals) that the City Council is being asked for approval are very minor and delete outdated rules for care and keeping of animals in the City. These changes eliminate any inconsistency in the number of allowed animals by referencing the numbers in only one part of the Municipal Code. The number of allowed animals is set forth on the attached portions of Title 6.

Attachments:

- Proposed Ordinance Redline Version
- Proposed Ordinance
- Selected Portions of Title 6 re: Number of Animals

**REDLINE VERSION  
PROPOSED ORDINANCE**

CITY OF BENICIA

ORDINANCE NO. 08-\_\_\_ REDLINE VERSION

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BENICIA AMENDING SUBSECTION B OF SECTION 17.70.300 (ANIMALS) OF CHAPTER 17.70 (SITE REGULATION) OF TITLE 17 (ZONING) OF THE BENICIA MUNICIPAL CODE TO BE CONSISTENT WITH TITLE 6 (ANIMALS)

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

**Section 1.** Subsection B of Section 17.70.300 (Animals) of Chapter 17.70 (Site Regulations) of Title 17 (Zoning) of the Benicia Municipal Code is added to read as follows:

B. Domestic and Exotic Animals. In an R district, or in conjunction with any residential uses in any other district, ~~not more than six domestic or three exotic animals, as defined by this title— not more than three of which may be dogs and not more than one of which may be an unspayed female dog— may be kept on a lot, subject to the following requirements~~ domestic and exotic animals, as defined by this title, are subject to the following requirements in addition to the regulations of Title 6.

1. Such animals, except cats, shall not be permitted to run at large, but shall be, at all times, confined within a suitable enclosure or otherwise be under the control of the owner of the property; and

2. Any enclosure shall be located in an interior side or rear yard and set back at least five feet from the property line; and

3. ~~Newborn and baby animals up to the age of three months shall not be counted in determining compliance with the numerical limits of this subsection.~~ The number of allowed animals, as defined by this title, may not exceed the limits set forth in Title 6 unless the property owner has obtained an animal keepers permit and a staff level use permit.

**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 the motion of Council Member \_\_\_\_\_, seconded by  
Council Member \_\_\_\_\_, the foregoing ordinance was  
introduced at a regular meeting of the City Council on the \_\_\_\_\_ day of \_\_\_\_\_, 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

**PROPOSED ORDINANCE**

CITY OF BENICIA

ORDINANCE NO. 08-\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BENICIA AMENDING SUBSECTION B OF SECTION 17.70.300 (ANIMALS) OF CHAPTER 17.70 (SITE REGULATION) OF TITLE 17 (ZONING) OF THE BENICIA MUNICIPAL CODE TO BE CONSISTENT WITH TITLE 6 (ANIMALS)

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

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B. Domestic and Exotic Animals. In an R district, or in conjunction with any residential uses in any other district, domestic and exotic animals, as defined by this title, are subject to the following requirements in addition to the regulations of Title 6.

1. Such animals, except cats, shall not be permitted to run at large, but shall be, at all times, confined within a suitable enclosure or otherwise be under the control of the owner of the property; and

2. Any enclosure shall be located in an interior side or rear yard and set back at least five feet from the property line; and

3. The number of allowed animals, as defined by this title, may not exceed the limits set forth in Title 6 unless the property owner has obtained an animal keepers permit and a staff level use permit.

**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 the motion of Council Member \_\_\_\_\_, seconded by  
Council Member \_\_\_\_\_, the foregoing ordinance was  
introduced at a regular meeting of the City Council on the \_\_\_\_\_ day of \_\_\_\_\_, 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

**TITLE 6 EXCERPTS**

## **Number of Allowed Animals per Benicia Municipal Code Title 6**

### **6.32.030 Keeping household animals.**

A. For single-family detached residences in a residential district, a maximum of three dogs, four cats and other similar household animals are permitted, where the total number of such animals in one place of residence shall not exceed 10.

B. For multifamily residences, a maximum of one dog, two cats and other similar household animals are permitted, where the total number of animals in one place of residence shall not exceed five.

C. Household animals being fostered as a part of a nonprofit agency's program shall not be included for the purposes of determining the number of household animals. The foster program shall be registered with the department and an individual foster animal shall be fostered in a particular residence for a period of no more than six months. (Ord. 07-72 § 4).

### **6.32.040 Keeping birds, fowl and rabbits.**

A. It is unlawful to keep birds, fowl and rabbits in the city, except:

1. In single-family detached residences in a residential district, a maximum combination of 20 birds or rabbits per legal lot are permitted, provided all of them are kept at least 20 feet from any neighboring house built or used for human habitation. In no case shall more than 10 chickens or other fowl be permitted.

2. For multifamily residences, a maximum total combination of six birds, fowl or rabbits per legal lot is permitted; provided, that all of them are kept at least 20 feet from any neighboring house built or used for human habitation.

B. Roosters or other fowl which constitute a nuisance by their loud cries are not allowed in any zone.

C. No person owning, having an interest in, harboring or having charge, control, or custody of any rabbit, bird, and/or fowl shall permit, allow, or suffer any animal to run or fly at large to go upon the premises of any person in the city.

D. Birds, fowl and rabbits being fostered as a part of a nonprofit agency's program shall not be included for the purposes of determining the number of household animals. The foster program shall be registered with the department and an individual foster animal shall be fostered in a particular residence for a period of no more than six months. (Ord. 07-72 § 4).

**AGENDA ITEM  
CITY COUNCIL MEETING: MARCH 18, 2008  
PUBLIC HEARING**

**DATE** : February 28, 2008  
**TO** : City Manager  
**FROM** : Director of Public Works  
**SUBJECT** : **APPROVAL OF THE UPDATED TRAFFIC IMPACT FEE PROGRAM**

**RECOMMENDATION:**

Adopt a resolution approving an update to the Citywide Traffic Impact Fee Program and authorizing associated fee adjustments.

**EXECUTIVE SUMMARY:**

Revisions to the Citywide Traffic Impact Fee Program update have been completed. Responses to comments from the November 20, 2007 Council meeting are included in this staff report. This update now calculates a new traffic impact base fee of \$1,858 and is necessary to sufficiently fund future roadway improvements to accommodate projected development in the City.

**BUDGET INFORMATION:**

Implementing the adjusted fee rates is anticipated to generate \$31.6 million over a 20-year period. The new base fee amount of \$1,858 reflects the increase in project delivery costs over the last five years and increased financial burden placed on the City to fund local freeway interchange improvement projects.

**BACKGROUND:**

In 1992, the City of Benicia adopted a Citywide Traffic Fee (TIF) Program which established the authority for imposing and charging a citywide fee to fund future roadway and intersection improvements necessary to accommodate projected development in the City. Shortly thereafter, the City established the original base fee of \$1,040 per P.M. peak hour trip generated by development.

In 2002 the City Council established a new reduced base fee amount of \$1,019.

In June 2007, the City selected traffic engineering consultant, Omni-Means, to prepare a new update to the Citywide Traffic Impact Fee Program. The update was completed in October 2007 which calculated a new base fee amount of \$1,223. The proposed fee increase was brought

before City Council for review in November 2007 with staff directed to address comments raised in the meeting and resubmit the revised update for Council review in early 2008.

The revised update was completed in February 2008 and calculates a new base fee amount of \$1,858. Traffic impact fee participation on the State Park Road Bike/Pedestrian Bridge and Bayshore Road/Industrial Way Connector projects were increased in the revised update to account for the increased financial burden placed on the City to fund local freeway interchange improvement projects. Increased construction costs due to inflation, scarcity of basic building materials, and labor expenses were previously accounted for in the October 2007 update. The February 2008 update is attached for your information (Attachment A).

The new base fee amount of \$1,858 is significantly higher than \$1,029 fee established by Benicia in 2002. A comparison of traffic fees for a single family residence (SFR) and for a typical commercial use (within a shopping center) was conducted 11 cities surveyed in Solano and Contra Costa County (Attachment B). Benicia's SRF rate of \$1,877 is well below the average of the cities surveyed (which reflects the near residential build-out condition here); however, Benicia's shopping center commercial rate of \$3,484 is within the average of these same cities. The new traffic impact fees for Benicia are also compared with the existing fees for various land uses in Table 1 of this staff report.

#### Response to West Coast Home Builders Comments

In correspondence dated November 20, 2007 (Attachment C), West Coast Home Builders, the developer for the Benicia Business Park, raised three issues in the proposed TIF Program update. The first concern is the projection of 100 new residential units at build-out, which was estimated based upon vacant residential land. While another experienced, licensed traffic engineering firm could project a slightly different number, the overall impact would be insignificant since the 78 PM trips generated by the projected 100 residential units constitutes only 0.40% of the total 19,701 trips generated by future development.

The second concern is the requirement for West Coast Home Builders to participate in the cost of the new east-west connector road between East 2<sup>nd</sup> Street and Park Road (Road Improvement 'd'). All new development will add to traffic volumes in the City and will therefore have to participate in the cost of this improvement, which is identified in the circulation element of the General Plan.

The third concern is regarding "pass-by" traffic, a provision that allows commercial land use a percentage reduction in trip generation. This is to account for the fact that traffic already using an adjacent roadway will enter the site as an intermediate stop on the way from another destination. Omni-Means, in performing their own independent study, elected to use a 50% percent pass-by for commercial zoning, which does result in lower fee rates for new commercial users.

It is important to note that the Benicia Business Park will be subject to the 2002 fee rate, not the new fees proposed in this TIF update. This is because the vesting tentative map for the Benicia Business Park was previously deemed complete by the City, effectively locking in the fees at the rate in effect at that time. The TIF Update includes provisions for charging the Benicia Business Park the current rates.

Response to General Comments received at the November 20, 2007 City Council Meeting:

- 1) New development will increase traffic volumes city-wide. To address traffic/pedestrian safety and quality of life issues, \$650,000 of funding has been provided in the TIF update for traffic calming (Table 2, Roadway Segment 'k').
- 2) The proposed Bayshore Road/Industrial Road Connector (Road Improvement b) will greatly enhance traffic circulation at the Bayshore/Industrial/680 interchange. With this improvement, the Bayshore Road connection between Park Road and Industrial Way will no longer be necessary.
- 3) Cost summaries for intersections and road segments (Table 1 and Table 2 of TIF update) include a 10% contingency factor, which is the accepted practice for preliminary engineering and usually carries through to construction.
- 4) The right-of-way estimates included in the cost summaries (Table 1 & 2 of the TIF update) are very preliminary and can be refined once the design on the improvement begins. The Industrial Way project (Road Improvement 'f') does not include right-of-way costs because the existing right-of-way will accommodate the widening improvements.
- 5) Bicycle and pedestrian projects are well represented in the update. \$853,000 is included for the State Park Road Bike/Pedestrian Bridge Project (Intersection 1) and \$600,000 is included for the Pedestrian/Bike Connection Across I-780 (Road Improvement 'h'). Care needs to be exercised in determining bicycle/pedestrian allocations since new development mainly triggers new vehicle traffic and a nexus needs to be maintained between appropriate costs and fees imposed.
- 6) The General Plan, Benicia Business Park Draft Environmental Impact Report, and City staff were consulted for the update. Regarding the Arsenal Specific Plan, infrastructure improvements and costs are conceptual at this point and so were not included in the TIF Program update. This can be addressed with conditions of approval on specific project submittals and be included in future updates to the TIF when development in the Arsenal moves forward.

DS:MR:kt

Cc: City Attorney  
City Engineer

Attachments:

- Proposed Resolution with Exhibit A
- Attachment A: Citywide Traffic Impact Fee Update, October 2007
- Attachment B: Traffic Impact Fees of Various Cities within Solano and Contra Costa Counties
- Attachment C: Letter from West Coast Home Builders, Inc, dated November 20, 2007

# **Proposed Resolution**

**RESOLUTION NO. 08-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING THE UPDATE TO THE TRAFFIC IMPACT FEE PROGRAM AND AUTHORIZING ASSOCIATED FEE ADJUSTMENTS**

**WHEREAS**, the City Council of the City of Benicia adopted Ordinance No. 92-6 N.S. creating and establishing the authority for imposing and charging a Citywide Traffic Impact Mitigation Fee, herein referred to as the "Fee"; and

**WHEREAS**, the City Council of the City of Benicia adopted Resolution No. 92-34 on March 3, 1992, which established the Traffic Impact Mitigation Fee in accordance with the traffic study prepared by Omni-Means, Ltd., and dated January 1992 with modified Table 4 and Table 5; and

**WHEREAS**, the City Council of the City of Benicia adopted Resolution No. 02-65 on May 7, 2002, which established an Update to the Traffic Impact Mitigation Fee in accordance with the traffic study prepared by Omni-Means, Ltd., and dated July 2001 with modified Table 4; and

**WHEREAS**, in accordance with the requirements contained in AB 1600, a review of the Traffic Impact Fee Program was performed and is outlined in the *Citywide Traffic Impact Fee Program Update* report prepared by Omni-Means, Ltd. and dated February 2008; and

**WHEREAS**, in accordance with the requirements of AB 1600, this review is being conducted at a public hearing to enable interested parties to review and comment on said review.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Benicia that the City Council has reviewed the *Citywide Traffic Impact Fee Program Update* and finds that the project descriptions and cost estimates are a reasonable basis for calculating and imposing the traffic impact fee.

**BE IT FURTHER RESOLVED** that the projects and methodology identified in the update are consistent with the General Plan.

**BE IT FURTHER RESOLVED** that the update is categorically exempt from environmental review pursuant to the California Environmental Quality Act Guidelines sections 15061(b)(3), 15262, and 15306 as the intent of the update and proposed fees is to provide a means of mitigating potential environmental impacts.

**BE IT FURTHER RESOLVED** that the review of the Traffic Impact Fee Program outlined in the *Citywide Traffic Impact Fee Program Update* report, prepared by Omni-Means, Ltd. and dated February 2008 is hereby approved and that the fees shall be increased to a traffic fee base rate of \$1,858 per PM trip for fiscal year 2008/09 commencing on May 17, 2008 or no sooner than sixty (60) days subsequent to adoption of this Resolution incorporating Table 5 of the update attached hereto as Exhibit A.

**BE IT FURTHER RESOLVED THAT** the automatic annual adjustment of the Traffic Impact Mitigation Fee, authorized per Resolution No. 92-34 and revised per Resolution No. 94-116, shall continue to occur on each successive July 1 with the adjustment based upon the Engineering News Record Construction Cost Index (CCI) for the San Francisco Bay Area or its successor. The Finance Director shall compute the percentage difference between the CCI on July 1 of each year and the CCI for the previous July 1. The Finance Director shall then adjust by such percentage the fee set forth in this Resolution. The adjustment amount shall be rounded to the nearest dollar and these amounts shall constitute the fees authorized by Chapter 5.38 of the Benicia Municipal Code and established by Resolution No. 92-34. Should the CCI be revised or discontinued, the Finance Director shall use the revised index or a comparable index as approved by the City Council for determining fluctuations in the cost of development. It is found and determined that the cost of constructing and installing the facilities for which the subject is being assessed are likely to increase over time. Therefore, it is reasonable to include in this fee resolution a provision to increase such fees consistent with the proportionate increase in the cost of providing such facilities. In this connection, it is found and determined that the CCI is an accurate and well-accepted standard by which the industry measures increases in construction costs and the CCI is properly applied to the increases in costs incurred in installing, developing and constructing the transportation facilities to be funded with the fee assessed hereunder.

\* \* \* \* \*

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 18th day of March, 2008, and adopted by the following vote:

Ayes:

Noes:

Absent:

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

Attest:

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

## EXHIBIT A

### TABLE 1

#### COMPARISON OF EXISTING AND PROPOSED TRAFFIC FEES FOR VARIOUS LAND USES

| FEE # | LAND USE                  | EXISTING FEE<br>(2002) | PROPOSED FEE<br>(2007)    |
|-------|---------------------------|------------------------|---------------------------|
| 201   | Single Family Home        | \$1,029/D.U.           | \$1,877/D.U.              |
| 202   | Townhouse/Condo           | \$550/D.U.             | \$1,449/D.U.              |
| 203   | Apartment                 | \$591/D.U.             | \$1,152/D.U.              |
| 205   | Accessory Dwelling        | \$275/D.U.             | \$576/D.U.                |
| 234   | Supermarket               | \$5,864/1,000 sq. ft.  | \$9,708/1,000 sq. ft.     |
| 235   | Convenience Store         | \$17,613/1,000 sq. ft. | \$32,116/1,000 sq. ft.    |
| 236   | Sit-Down Restaurant       | \$3,816/1,000 sq. ft.  | \$6,958/1,000 sq. ft.     |
| 237   | Deli/Hi-Turnover Rest.    | \$5,533/1,000 sq. ft.  | \$10,145/1,000 sq. ft.    |
| 238   | Fast-Food Restaurant      | \$17,058/1,000 sq. ft. | \$32,181/1,000 sq. ft.    |
| 239   | Bank                      | \$16,890/1,000 sq. ft. | \$42,492/1,000 sq. ft.    |
| 240   | Drug Store/Pharmacy       | \$5,299/1,000 sq. ft.  | \$8,008/1,000 sq. ft.     |
| 241   | Service Station with Mart | \$6,817/pump           | \$12,430/fueling position |
| 242   | Quick Lube Vehicle Shop   | \$2,644/stall          | \$4,822/service position  |
| 243   | Hardware/Paint Store      | \$2,252/1,000 sq. ft.  | \$4,496/1,000 sq. ft.     |
| 244   | Day Care Facility         | \$438/student          | \$762/student             |
| 245   | Shopping Center           | \$3,342/1,000 sq. ft.  | \$3,484/1,000sq. ft.      |
| 246   | Motel                     | Study Required         | Study Required            |
| 247   | General Office            | \$1,518/1,000 sq. ft.  | \$2,768/1,000 sq. ft.     |
| 248   | Medical Office            | \$3,730/1,000 sq. ft.  | \$6,912/1,000 sq. ft.     |
| 249   | Light Industrial          | \$999/1,000 sq. ft.    | \$1,821/1,000 sq. ft.     |
| 250   | Warehouse                 | \$520/1,000 sq. ft.    | \$873/1,000 sq. ft.       |
| 251   | Self-Storage Units        | \$31 per unit          | \$56/unit                 |

# **Attachment A**

## **Citywide Traffic Impact Fee Program Update**

**CITYWIDE**

**TRAFFIC IMPACT FEE  
PROGRAM UPDATE**

**Prepared For The  
City Of Benicia**



**February 2008**

Omni-Means, Ltd.  
Engineers and Planners  
1901 Olympic Blvd., Suite 120  
Walnut Creek, CA 94596

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## 1. INTRODUCTION

The City of Benicia performed a comprehensive update to the City Traffic Impact Fee (TIF) program and its associated fees in January 1992.<sup>1</sup> Thereafter, the City has adopted amendments to the fees starting in January 1993 on a yearly basis. These fee increases have been based on construction cost inflation indices. Based on discussions with City Engineering staff, the needed infrastructure, cost of circulation improvements and remaining City development have not changed significantly since the last TIF update (with the exception of traffic impacts and mitigation associated with the proposed Benicia Business Park). As such, the City commissioned Omni-Means in May 2007 to perform a comprehensive update to the TIF. The comprehensive update will ensure fair, adequate and timely funding for necessary improvements. The calculated impact fees are consistent with the nexus requirements in Government Code 66000, et seq.

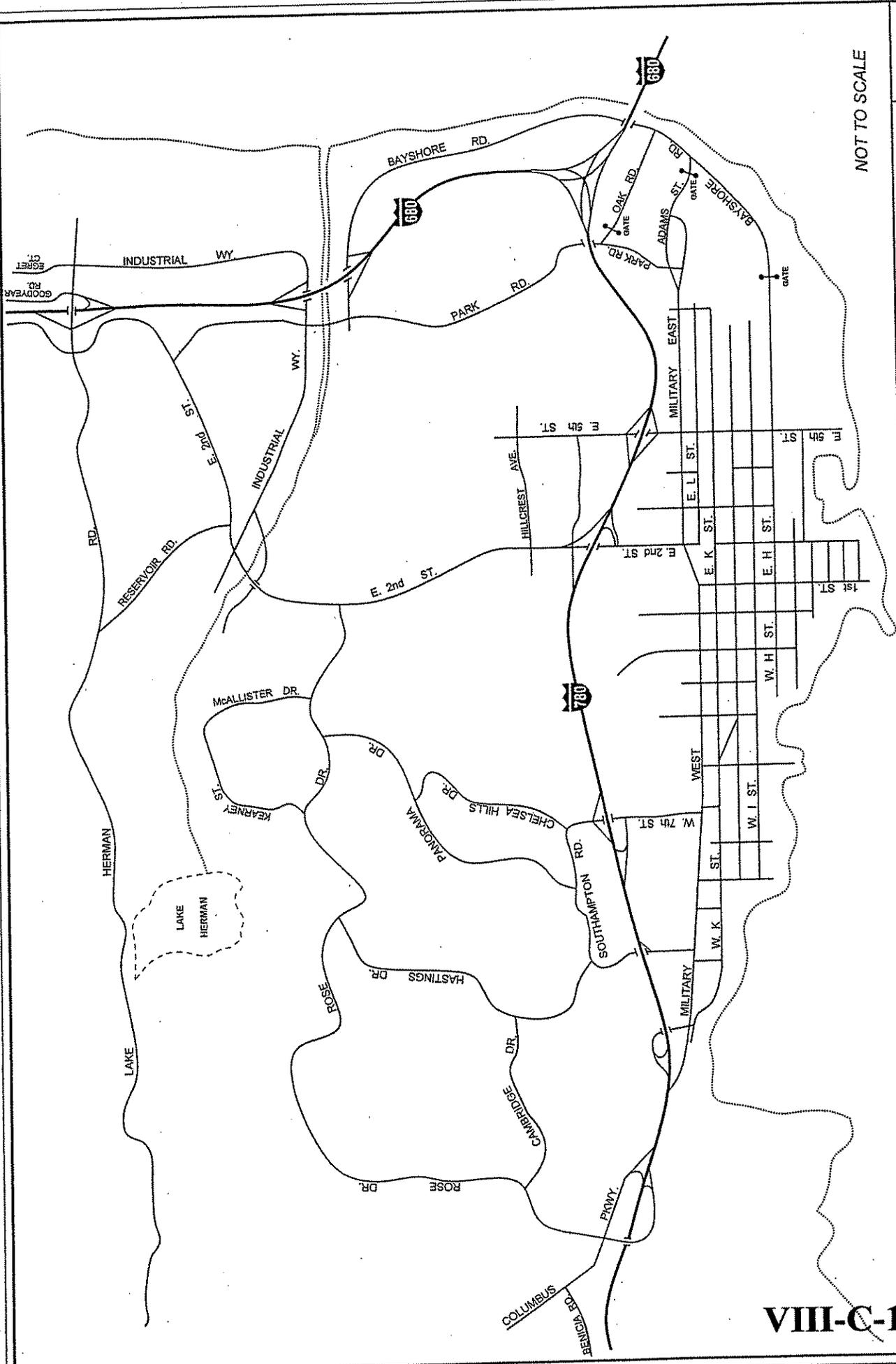
The traffic fees calculated in this report will fund the full cost of the planned traffic facilities, less the costs required for payment or dedication by property owners. Bond financing through a Community Finance District (CFD) is not required because the traffic fee will fund the full cost of the planned facilities.

This report presents the assumptions, methodology and conclusions relative to the preparation of an updated citywide traffic impact fee (TIF) program for the City of Benicia. Specifically, this effort has considered the need for traffic improvements generated by the City's General Plan buildout development and the construction cost of those improvements. The study also addresses the likely apportionment of those costs that could be generated by traffic fees applied to citywide developments as well as the administrative costs associated with the TIF program. The final chapter of this report presents an updated TIF program for the specific types of development included in the existing program.

A continuing premise of the TIF program is that on a citywide basis, traffic improvements will be most important on the major streets. While collector and local streets also serve important travel needs, the major street network is critical in providing the basic transportation network for the City. Thus, this updated TIF has again focused on the major streets and key intersections and interchanges along the major streets (see Figure 1 for street network).

---

<sup>1</sup> Omni-Means Engineers and Planners, Citywide Traffic Impact Fee Program Update, City of Benicia, July, 2001.



NOT TO SCALE



Existing Street Network

figure 1

VIII-C-12



omni-means

## 2. NEEDED TRAFFIC IMPROVEMENTS

### A. Sources of Improvement Needs

Traffic circulation improvements have been identified on the basis of several sources. First, the City's current General Plan outlines a circulation network which includes all of the existing and proposed major streets, and identifies the need for specific street widening and intersection/interchange improvements throughout Benicia.<sup>2</sup> In addition, a more recent traffic study for the Benicia Business Park identifies street widening and intersection/interchange improvements required by that project.<sup>3</sup> The various improvement recommendations have been reviewed in the field and refined as a part of this effort. Finally, discussions were held with City staff in an effort to determine any further improvements which will likely be necessary.<sup>4</sup>

The basic factor involved in the need for improvements is the expected growth in traffic volumes. In Benicia, future growth primarily reflects employment and commercial developments expected to occur throughout the City (a more complete discussion of future development is contained in Section 3.) Together, these developments will generate new PM peak hour vehicle trips. While different types of development land uses will be located in specific areas of the City, development traffic will have citywide effects. Thus, traffic improvements will be needed on a citywide basis to serve the overall traffic growth from development.

### B. Identified Traffic Improvements for Inclusion in the TIF

The various reviews of potential improvements have resulted in a listing of citywide roadway improvements and a number of intersection improvements. Those improvements are listed in the following sections and depicted on Figure 2.

#### Roadway Improvements

- a. Widen/restripe East 5th Street to three lanes (two through lanes and a center lane/median) between the I-780 westbound ramps and Military East;
- b. Construct a new north-south two-lane connector road east of I-680 between Bayshore Road and Industrial Way (includes traffic signals at the I-680 ramp intersections with Bayshore and Industrial);
- c. Widen Park Road from two to four lanes between Sulphur Springs Creek and Industrial Way;
- d. Construct a new two-lane east-west arterial street between East 2nd Street and Park Road;
- e. Widen/realign Park Road (retain two-lane width) between Adams Street and the new east-west connector street;
- f. Widen Industrial Way from two to four lanes between East 2nd Street and the I-680 Northbound

<sup>2</sup> City of Benicia, Benicia General Plan, Chapter 2, Community Development and Sustainability, C. Circulation, Adopted June 15, 1999.

<sup>3</sup> LSA Associates, Inc., Benicia Business Park DEIR, January, 2007

<sup>4</sup> Meeting with Mr. Mike Roberts (Senior Civil Engineer) and Mr. Dan Schiada (Public Works Director), City of Benicia, May 31, 2007.

On-Ramp;

- g. Widen/restripe Military West to three lanes (two through lanes and a center lane/median) between West 2nd Street and West 5th Street;
- h. Construct a new pedestrian/bicycle bridge across I-780 between the Benicia Middle School off Southampton Road and Benicia High School off Military West;
- i. Widen Columbus Parkway at Rose Drive to accommodate a second westbound through lane;
- j. Widen Columbus Parkway to four lanes from Rose Drive to the City limit (funded by the Bordon Development in the City of Vallejo); and
- k. Implement traffic calming/circulation improvements/signalization at Benicia High School

The General Plan also includes the widening of West 7th Street (between I-780 and Military West) to four lanes and Military East to four lanes between East 2nd Street and East 5th Street. However, these improvements are not included in the TIF Program. Further analyses will be required to address the project feasibility and impacts to adjacent residents/properties. In lieu of these improvements, TIF improvements are included for the intersections along these street sections.

### **Intersection Improvements**

Restriping, widening and/or traffic signal improvements will be required at 10 intersections on key streets in the Benicia network. A summary listing of the intersection improvements is as follows (see Figure 2 for intersection improvement locations):

1. Columbus/Rose:
  - widen/restripe northbound and eastbound approaches and widen State Park Road bridge over I-780;
2. Southampton/Hastings:
  - install signal and widen/restripe southbound approach;
3. Southampton/Chelsea Hills:
  - widen/restripe northbound, southbound and westbound approaches;
4. West 7th/I-780 Westbound Ramps:
  - widen/restripe all approaches;
5. West 7th/I-780 Eastbound Ramps:
  - widen/restripe northbound and southbound approaches;
6. East 2nd/Military East:
  - widen/restripe southbound, eastbound and westbound approaches and coordinate with other signals between Military East and I-780 westbound ramps;
7. East 5th/I-780 Westbound Ramps:
  - install signal and widen/restripe all approaches;
8. East 5th/I-780 Eastbound Ramps:
  - install signal and widen/restripe all approaches;
9. East 5th/Military East:
  - widen/restripe all approaches;
10. West 7<sup>th</sup>/Military West:
  - improve signal controls or construct a roundabout intersection;

### **C. Improvements to be Implemented by the Benicia Business Park**

In addition to citywide improvements included in the TIF program, a number of improvement projects were identified as being directly related to the Benicia Business Park development in the recent DEIR prepared

for the project.<sup>5</sup> These improvement projects are identified in Figure 3 and would be as follows:

**Roadway Improvements:**

- Widen Industrial Way to four lanes between East 2nd Street and the Business Park access;
- Construct a new two-lane Industrial Way connection between the Business Park access and Lake Herman Road (Reservoir Road would be abandoned);
- Widen East 2<sup>nd</sup> Street to four lanes (with a median) between Industrial Way and Lake Herman Road;
- Widen Lake Herman Road to four lanes between Benicia Business Park access (A Boulevard) and I-680.

**Intersection Improvements:**

- East 2<sup>nd</sup>/Park/BBP Access:
  - East 2<sup>nd</sup>/Industrial Way:
  - East 2<sup>nd</sup>/Rose Drive:
  - East 2<sup>nd</sup>/I-780 WB Ramps:
  - East 2<sup>nd</sup>/I-780 EB Ramps:
  - Lake Herman/Industrial Way:
  - Lake Herman/East 2<sup>nd</sup> :
  - Lake Herman/I-680 SB Ramps:
  - Lake Herman/I-680 NB Ramps:
  - Park/Bayshore:
  - Park/Industrial Way:
- install signal and widen/restripe all approaches;
  - widen/restripe southbound, eastbound and westbound approaches;
  - widen/restripe southbound, northbound and eastbound approaches;
  - widen/restripe northbound and southbound approaches;
  - widen/restripe westbound approach;
  - install signal;
  - install signal and widen/restripe northbound, eastbound, and westbound approaches;
  - install signal and widen/restripe westbound approach;
  - install signal and widen/restripe northbound, eastbound, and westbound approaches;
  - widen/restripe westbound and southbound approaches;
  - install signal.

These improvements will be the responsibility of the Benicia Business Park development and are not included in the TIF program.

**D. Freeway and Transit Related Improvements**

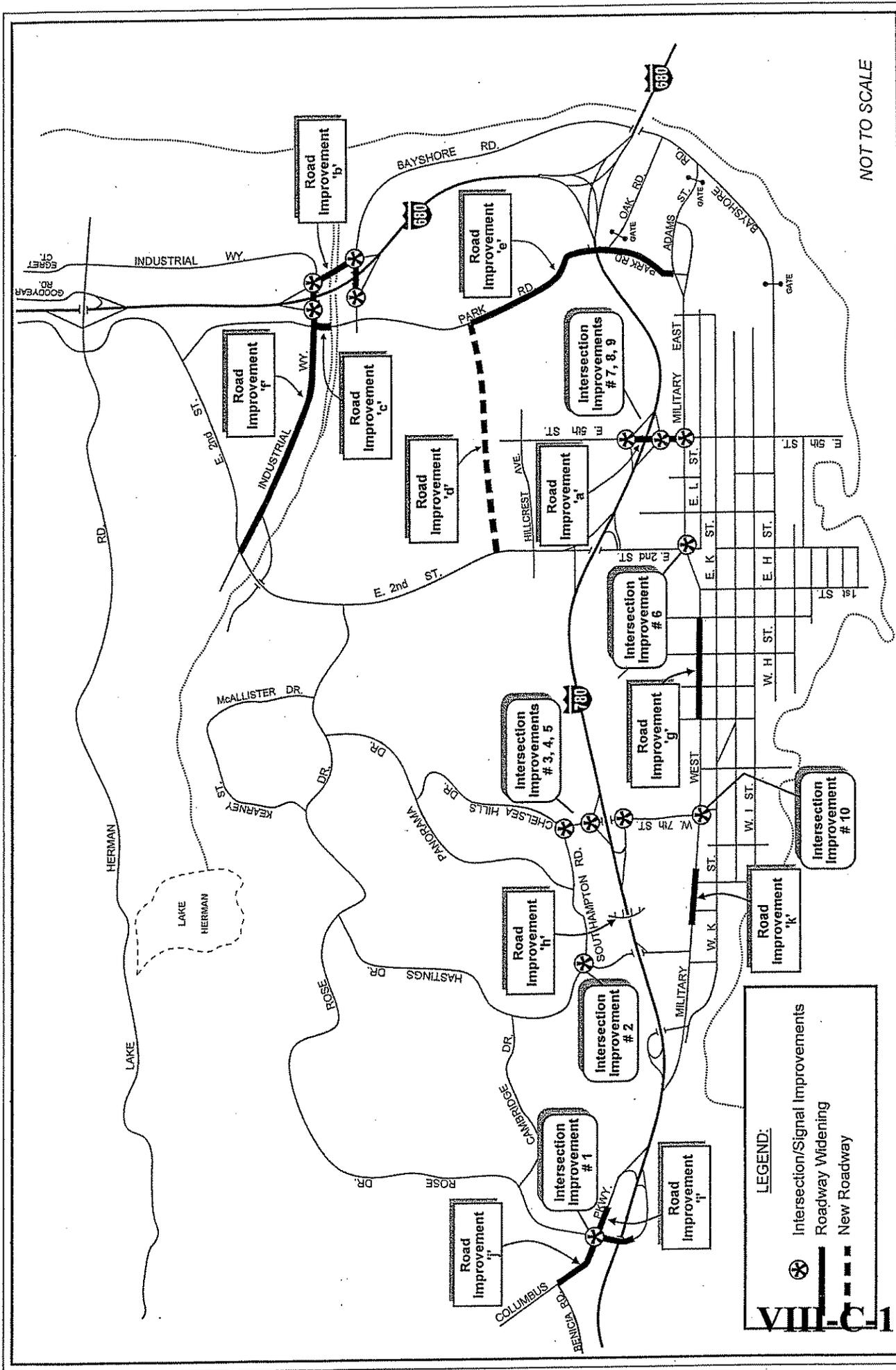
It has been assumed that major construction of freeway interchanges, mainline widening, auxiliary lanes and "park and ride" facilities will be accomplished through independent efforts coordinated between the City, Solano Transportation Authority and Caltrans. Freeway interchange problems reflect current design deficiencies, and it would be inappropriate for future development to pay for "corrections" in these designs. Similarly, mainline improvements and "park and ride" facilities would respond to regional congestion issues. Thus, these freeway related improvements should be the funding responsibility of Caltrans. It is recognized however that due to funding limitations, Caltrans reconstruction of the interchanges could be delayed for many years. With the likely delays, it would be appropriate for the City fee to address particular operational needs at specific interchanges. Therefore, certain intersection modifications and signalization have been recommended at the freeway ramp locations listed above.

It is also noted that major transit related improvements including a potential intermodal station and ferry service would respond to larger scale regional travel issues. Again, it would be inappropriate for future local development to pay for these facilities through the TIF. Other funding sources should be used for these facilities.

<sup>5</sup> LSA Associates, Benicia Business Park DEIR, Transportation and Circulation, page 220, January 2007.

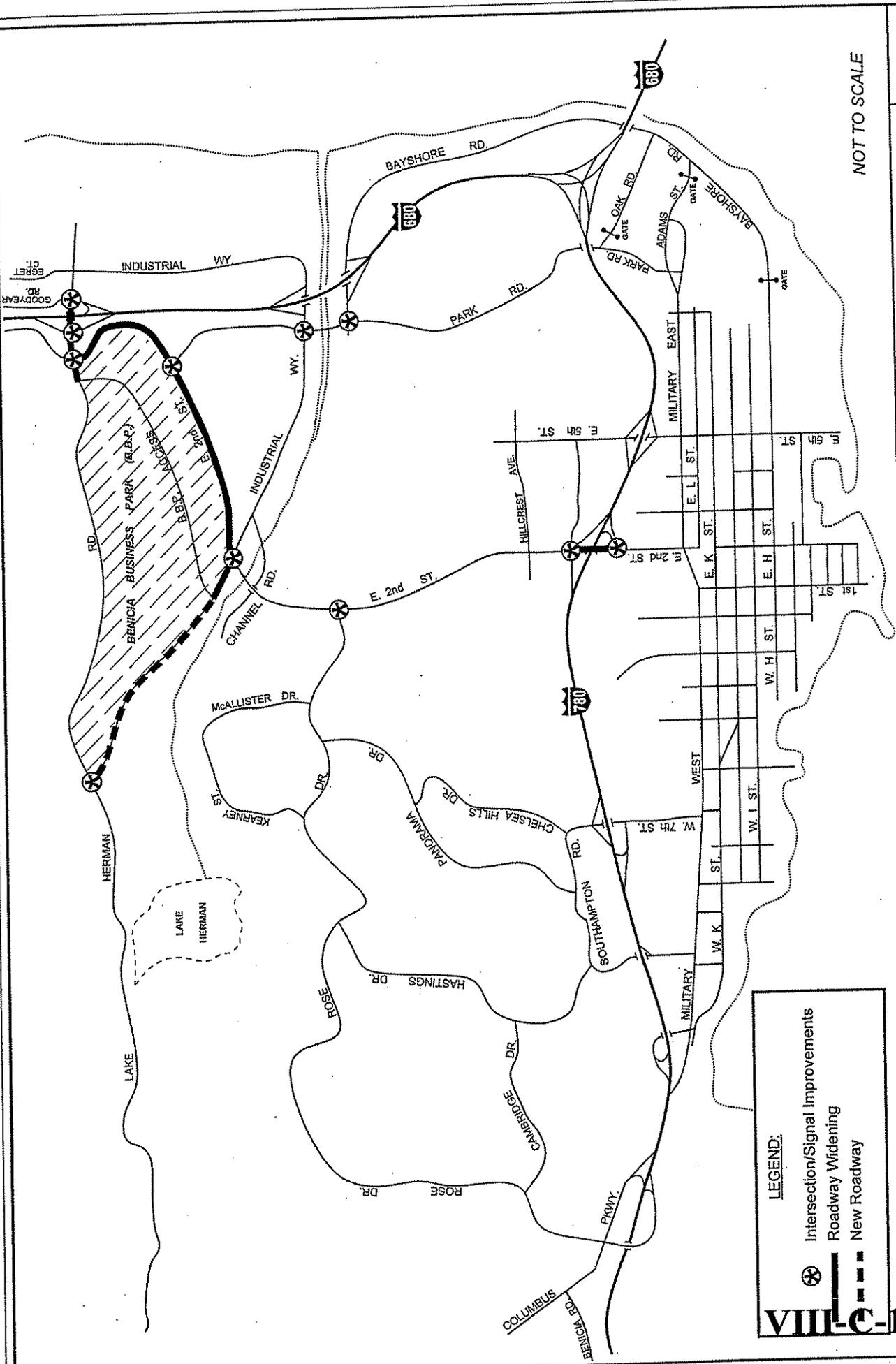
**E. Traffic Calming**

As traffic volumes increase on major routes, issues involving traffic/pedestrian safety and traffic intrusion into neighborhoods will also occur. In response, the TIF program will explore various traffic calming measures on major roads and in neighborhoods to mitigate impacts from increased traffic volumes.



Street Network/Intersection Improvements Included in 2007 T.I.F. Program

VIII-C-1



Street Network/Intersection Improvements To Be Provided By Benicia Business Park  
 (Not Part of 2007 T.I.F. Program)

figure 3

**LEGEND:**

-  Intersection/Signal Improvements
-  Roadway Widening
-  New Roadway

VIII-C-18



omni-means

### 3. TRAFFIC IMPROVEMENT COSTS

#### A. Assumptions Regarding Costs

The costs of various traffic improvements were derived from a review of current cost data for other comparable projects and Caltrans price index costs (adjusted to include 2001-2007 inflation).<sup>6</sup>

For the major streets and intersections, unit costs were derived from recent information received from City Engineering staff on those portions of the costs that would be common to typical major street construction in the City. The costs also include a 25% contingency for engineering, environmental processing and administration of the overall traffic fee program (see below). The unit costs are summarized in the appendix.

Traffic signal costs were based on Omni-Means' recent experience in traffic signal design. Signal installation costs will vary, dependent upon the complexity of the intersection and the need for signal coordination. However, an average cost of \$175,000 per signal would be appropriate for City-wide conditions.

Approximate right-of-way costs were included in the overall cost estimates. It is possible that right-of-way for some of the major street and intersection widening would be dedicated by adjacent properties. A final determination of the need for right-of-way, its cost (and any cost sharing) would require more detailed analyses of each intersection and street improvement.

As outlined in Tables 1 and 2, the recommended intersection and street improvements would cost a total of about \$33.6 million, detailed as follows:

|                            |                |
|----------------------------|----------------|
| • Intersection Costs:      | = \$ 7,403,750 |
| • Roadway Costs:           | = \$26,211,250 |
| • Total Improvement Costs: | = \$33,615,000 |

#### B. Contingency, Environmental/Design and Administration Costs

As noted above, the total calculated improvement costs include a 25% cost factor to cover the following environmental, design and administrative costs:

- 10%: Contingency factor;
- 10%: Environmental Documentation and Design;
- 5%: City staff costs for administration of the program;

The 10% contingency factor provides some flexibility should the actual project construction bids exceed the estimates in this TIF update.

The 10% factor for environmental documentation and design is a general guide for addressing various environmental and design issues. Some projects will have virtually no environmental review costs and the 10% factor will be very ample. Other projects may have more extensive environmental reviews and/or more complicated design issues. This 10% factor should be adequate to address the overall program needs.

<sup>6</sup> Caltrans, Engineering News Record (ENR), Price index construction costs, 2001-2007.

**TABLE 1  
SUMMARY OF  
INTERSECTION IMPROVEMENT COSTS**

| Intersection                                         | Road Construction          | Signal Costs <sup>(2)</sup> | Right-of-Way Costs | Total Costs        |
|------------------------------------------------------|----------------------------|-----------------------------|--------------------|--------------------|
| 1. Columbus Pkwy/<br>Rose Dr. (State Park<br>Bridge) | \$1,192,000 <sup>(1)</sup> | \$50,000                    | \$90,000           | \$1,332,000        |
| 2. Southampton Rd/<br>Hastings Dr                    | \$180,000                  | \$175,000                   | -0-                | \$355,000          |
| 3. Southampton Rd/<br>Chelsea Hills Dr               | \$18,000                   | -0-                         | -0-                | \$18,000           |
| 4. West 7 <sup>th</sup> St/<br>I-780 WB Ramps        | \$455,000                  | \$50,000                    | -0-                | \$505,000          |
| 5. West 7 <sup>th</sup> St/<br>I-780 EB Ramps        | \$18,000                   | \$50,000                    | -0-                | \$68,000           |
| 6. East 2 <sup>nd</sup> St/<br>Military              | \$655,000 <sup>(3)</sup>   | \$50,000                    | \$90,000           | \$795,000          |
| 7. East 5 <sup>th</sup> St/<br>I-780 WB Ramps        | \$180,000                  | \$175,000                   | -0-                | \$355,000          |
| 8. East 5 <sup>th</sup> St/<br>I-780 EB Ramps        | \$180,000                  | \$175,000                   | -0-                | \$355,000          |
| 9. East 5 <sup>th</sup> St/<br>Military              | \$910,000                  | \$50,000                    | \$180,000          | \$1,140,000        |
| 10. West 7 <sup>th</sup> /<br>Military West          | \$1,000,000 <sup>(4)</sup> | -0-                         | -0-                | \$1,000,000        |
| <b>Total Costs<br/>Plus 25%<sup>(5)</sup></b>        |                            |                             |                    | <b>\$7,403,750</b> |

- (1) It is assumed that this project would also include an \$853,000 contribution toward widening of the State Park Road bridge over I-780.
- (2) At certain intersections existing traffic signals are expected to require modifications to accommodate the planned widening, lane changes and changes in signal operation. A \$50,000 cost has been assigned to these locations.
- (3) This cost includes \$200,000 for signal interconnection and minor widening on East 2<sup>nd</sup> between I-780 and Military.
- (4) This cost reflects a "worst case" assumption that a roundabout will need to be constructed.
- (5) The cost estimates include an extra 25% to cover the following items:
- 10% contingency
  - 10% environmental documentation and design
  - 5% City staff costs for administration of the program

**TABLE 2  
SUMMARY OF  
ROADWAY SEGMENT IMPROVEMENT COSTS**

| Roadway Segment                                                | Project                                                   | Construction Costs         | Right-of-Way Costs | Total Costs         |
|----------------------------------------------------------------|-----------------------------------------------------------|----------------------------|--------------------|---------------------|
| a. East 5 <sup>th</sup> Street from I-780 WB ramps to Military | Widen/Restripe from 2 to 3 lanes                          | \$250,000                  | -0-                | \$250,000           |
| b. Bayshore Road Industrial Way Connector                      | Construct a new 2 lane connector road east of I-680       | \$6,900,000 <sup>(1)</sup> | -0-                | \$6,900,000         |
| c. Park Road from Industrial to Sulphur Creek                  | Widen from 2 to 4 lanes                                   | \$910,000                  | \$50,000           | \$960,000           |
| d. Park Road-E 2 <sup>nd</sup> Street Connector                | Construct new 2 lane road                                 | \$5,460,000                | \$400,000          | \$5,860,000         |
| e. Park Road From Adams to Bayshore                            | Widen/Realign (retain 2 lane width)                       | \$1,274,000                | -0-                | \$1,274,000         |
| f. Industrial Way from I-680 NB on to East 2 <sup>nd</sup>     | Widen from 2 to 4 lanes                                   | \$3,640,000                | -0-                | \$3,640,000         |
| g. Military West from W 2 <sup>nd</sup> to W 5 <sup>th</sup>   | Widen/Restripe from 2 to 3 lanes                          | \$635,000                  | -0-                | \$635,000           |
| h. Pedestrian/Bike Connection across I-780                     | Construct ped/bike bridge between middle and high schools | \$600,000 <sup>(2)</sup>   | -0-                | \$600,000           |
| i. Columbus Pkwy at Rose Drive                                 | Widen for 2nd westbound through lane                      | \$100,000                  | \$100,000          | \$200,000           |
| j. Columbus Pkwy                                               | Widen to 4 lanes From Rose to City limit                  | N.A. <sup>(4)</sup>        |                    | N.A.                |
| k. Citywide traffic calming                                    | Provide calming measures on various streets               | \$650,000                  | -0-                | \$650,000           |
| <b>Total Costs Plus 25%<sup>(3)</sup></b>                      |                                                           |                            |                    | <b>\$26,211,250</b> |

- (1) This represents the total project cost with 100% TIF funding.
- (2) This cost represents the City TIF share of this project (project funding to include grants, and School District contribution).
- (3) The cost estimates include an extra 25% to cover the following items:
- 10% contingency
  - 10% environmental documentation and design
  - 5% City staff costs for administration of the program
- (4) Cost to be funded by private development.

With regard to the 5% administrative cost factor (about \$1.3 million over the life of the TIF program), the administration of the TIF program requires resources beyond the existing Public Works Department staff. This cost factor therefore allows the Department to retain a new staff person (or persons) to administer the overall program and administer individual improvement projects (coordinating environmental review, securing design contracts and construction review).

#### 4. DISTRIBUTION OF TRAFFIC IMPROVEMENT COSTS

##### A. Future Development Traffic

As a part of this analysis, Omni-Means has identified citywide traffic growth due to new developments. The need for citywide traffic improvements is linked with the traffic growth generated by these developments. Further, traffic generation is most critical during the PM peak hour of street traffic (the highest hour within the 4-6 PM period). Traffic operation during this peak hour is the basis by which traffic improvement needs are identified. Each land use contributes differently to peak hour traffic. Employment land uses generate a relatively high portion of their daily traffic (15-20%) during the PM peak hour. Similarly, residential development generates 10% of its 24-hour volume during the PM peak hour. Retail commercial land uses tend to have traffic spread throughout the day so that 8-9% of their daily traffic occurs during the PM peak hour. Traffic generated by Benicia's retail uses is predominantly to/from residences in the area. As such, about one-half of the retail traffic could be considered as generated by residential units. Other studies have found that up to one-half of the trips generated by such retail uses are actually diverted from traffic on the adjacent streets. For these reasons, it was determined that the effective traffic generation of the basic retail land uses should be reduced by 50%.

Future development potential was inventoried by City staff from the City's General Plan and the Benicia Business Park project proposal. Projected land uses were further refined through discussions with City Engineering staff. The result of this process was a compilation of the PM peak hour traffic that will be generated by all new development citywide. This calculation yields a total PM peak hour increase of about 19,701 vehicle trips, comprised of 13,752 trips generated by various new developments citywide and 5,949 trips generated by the Benicia Business Park (summarized in Table 3).

##### B. Improvement Costs Relative to Trip Generation

The Benicia Business Park's TIF contribution has already been approved utilizing the current TIF fee of \$1,019 per trip. Therefore, the Benicia Business Park's dollar contribution will be \$6,062,031 (5,949 trips x \$1,019 per trip).

Additionally, the City of Benicia has \$2,000,000 in previously collected TIF monies that would be applied to the overall improvement costs of \$33,615,000.

Therefore, the updated Year 2007 TIF would be the result of calculated improvement costs less the Benicia Business Park's contribution of \$6,062,031 and the existing \$2,000,000 in TIF funds, divided by the remaining citywide PM peak hour trip total of 13,752 trips. As calculated in Table 4, this would yield a basic fee of \$1,858 per PM peak hour trip.

##### C. Development TIF Assessments

The basic TIF fee of \$1,858 has been applied to various land uses that could be developed in the City of Benicia. For each land use, a PM peak hour trip rate has been obtained from the Institute of Transportation Engineers (ITE) document *Trip Generation - 7<sup>th</sup> Edition*. This listing of development TIF assessments is provided in Table 5. This table represents a listing of most potential development in the City of Benicia. For any development proposal not on this list, the ITE document should be used to establish the development's PM peak hour trip generation and resulting TIF assessment.

**TABLE 3  
CALCULATION OF PM PEAK HOUR TRIPS  
GENERATED BY NEW DEVELOPMENT<sup>(1)</sup>**

|                                                                        |   |                        |
|------------------------------------------------------------------------|---|------------------------|
| <u>Vacant Industrial Land:</u>                                         |   |                        |
| • 302.9 acres @ 70% FAR = 9,236,027 sq.ft. @ 0.98/1,000                | = | 9,051 PM trips         |
| <u>Vacant Industrial Land Assuming Partial Development:</u>            |   |                        |
| • 289 acres @ 20% FAR <sup>(2)</sup> = 2,517,768 sq.ft. @ 0.98/1,000   | = | 2,467 PM trips         |
| <u>Underutilized Industrial Land Assuming Infill Development:</u>      |   |                        |
| • 204.3 acres @ 20% FAR <sup>(3)</sup> = 1,779,862 sq.ft. @ 0.98/1,000 | = | 1,744 PM trips         |
| <u>Vacant Retail Commercial Land:</u>                                  |   |                        |
| • 2.47 acres @ 50% FAR = 53,797 sq.ft. @ ITE equation <sup>(4)</sup>   | = | 208 PM trips           |
| <u>Vacant Office Commercial Land:</u>                                  |   |                        |
| • 6.3 acres @ 50% FAR = 137,214 sq.ft. @ 1.49/1,000                    | = | 204 PM trips           |
| <u>Assumed Downtown Residential Infill Development:</u>                |   |                        |
| • 100 units @ 0.78/unit                                                | = | <u>78 PM trips</u>     |
| <b>Total Citywide Trip Generation Applied to New TIF</b>               | = | <b>13,752 PM trips</b> |
| <u>Benicia Business Park Development:</u>                              |   |                        |
| • Trip generation from <i>Benicia Business Park EIR</i> <sup>(5)</sup> | = | <b>5,949 PM trips</b>  |
| <b>B.B.P. Trip Generation Applied to Current TIF</b>                   | = | <b>19,701 PM trips</b> |
| <b>TOTAL CITYWIDE TRIP GENERATION</b>                                  | = | <b>19,701 PM trips</b> |

- 
- (1) Except as noted, the FAR ratios reflect the maximum coverage factors allowed by the General Plan.  
 (2) This parcel, located west of east 2<sup>nd</sup> Street opposite the Valero refinery is assumed to have limited development potential (20% FAR).  
 (3) Currently underutilized industrial lands are projected to have some limited infill development potential (20% FAR).  
 (4) The gross retail trip calculation was reduced by 50% to account for a typical retail “pass-by” trip factor.  
 (5) The gross trip calculation in the EIR was adjusted to account for a typical 50% retail “pass-by” trip factor being applied to the project’s retail development component.

**TABLE 4  
CALCULATION OF TRAFFIC IMPACT FEE  
PER PM PEAK HOUR TRIP**

**CONSTRUCTION COST SUMMARY**

|                                                                                     |              |                                                                  |
|-------------------------------------------------------------------------------------|--------------|------------------------------------------------------------------|
| • Intersection improvement costs                                                    | =            | \$ 7,403,750                                                     |
| • Roadway improvement costs                                                         | =            | <u>\$ 26,211,250</u><br>\$ 33,615,000                            |
| • Less Existing TIF funds                                                           | =            | - <u>\$ 2,000,000</u>                                            |
| • Less Benicia Business Park contribution                                           | =            | (5,949 trips)<br><u>x (\$1,019 per trip)</u><br>= - \$ 6,062,031 |
| <b>TOTAL NET TIF PROGRAM COST</b>                                                   | <b>=</b>     | <b>\$ 25,552,969</b>                                             |
| <br><b>TIF PROGRAM COST<br/>PER PM PEAK HOUR TRIP = \$25,552,969 / 13,752 trips</b> | <br><b>=</b> | <br><b>\$ 1,858</b>                                              |

**TABLE 5  
TRIP RATES AND TRAFFIC FEES FOR VARIOUS LAND USES**

| LAND USE                          | PM PEAK TRIP RATE <sup>(1)</sup> | TRAFFIC FEE               |
|-----------------------------------|----------------------------------|---------------------------|
| <u>Residential:</u>               |                                  |                           |
| Single Family                     | 1.01/D.U.                        | \$1,877/D.U.              |
| Low-Rise Townhouse/Condo          | 0.78/D.U.                        | \$1,449/D.U.              |
| Apartment                         | 0.62/D.U.                        | \$1,152/D.U.              |
| Accessory Dwelling                | 0.31/D.U. <sup>(2)</sup>         | \$576/D.U.                |
| <u>Commercial:</u> <sup>(3)</sup> |                                  |                           |
| Shopping Center                   | 3.75/1,000 sq.ft. <sup>(4)</sup> | \$3,484/1,000 sq.ft.      |
| Supermarket                       | 10.45/1,000 sq.ft.               | \$9,708/1,000 sq.ft.      |
| Convenience Store                 | 34.57/1,000 sq.ft.               | \$32,116/1,000 sq.ft.     |
| Sit-Down Restaurant               | 7.49/1,000 sq.ft.                | \$6,958/1,000 sq.ft.      |
| High-Turnover Sit-Down Rest./Deli | 10.92/1,000 sq.ft.               | \$10,145/1,000 sq.ft.     |
| Fast-Food Restaurant              | 34.64/1,000 sq.ft.               | \$32,181/1,000 sq.ft.     |
| Bank (with drive-through)         | 45.74/1,000 sq.ft.               | \$42,492/1,000 sq.ft.     |
| Drug Store/Pharmacy               | 8.62/1,000 sq.ft.                | \$8,008/1,000 sq.ft.      |
| Service Station/Mart              | 13.38/fueling position           | \$12,430/fueling position |
| Quick-Lube Vehicle Shop           | 5.19/service position            | \$4,822/service position  |
| Hardware/Paint Store              | 4.84/1,000 sq.ft.                | \$4,496/1,000 sq.ft.      |
| Day Care Facility                 | 0.82/student                     | \$762/student             |
| <u>Office:</u>                    |                                  |                           |
| General Office                    | 1.49/1,000 sq.ft.                | \$2,768/1,000 sq.ft.      |
| Medical Office                    | 3.72/1,000 sq.ft.                | \$6,912/1,000 sq.ft.      |
| <u>Industrial:</u>                |                                  |                           |
| Light Industrial                  | 0.98/1,000 sq.ft.                | \$1,821/1,000 sq.ft.      |
| Warehousing                       | 0.47/1,000 sq.ft.                | \$873/1,000 sq.ft.        |
| Self-Storage Units                | 0.03/unit                        | \$56/unit                 |

(1) Institute of Transportation Engineers (ITE), *Trip Generation – 7<sup>th</sup> Edition*, 2003. This table represents a listing of most potential development in the City of Benicia. For any development proposal not on this list, the ITE document should be used to establish the development's PM peak hour trip generation and resulting TIF assessment.

(2) An accessory dwelling represents a small (less than 800 sq.ft.) apartment type unit accessory to a single family dwelling. It is assumed that this type of unit would generate traffic at one-half the standard apartment rate.

(3) The calculated fee for the commercial uses reflects a 50% reduction to account for the fact that about one-half of commercial trips are either pass-by trips or trips to/from residential units.

(4) The trip rate (and resulting TIF) reflect an average sized shopping center. For a specific development proposal, the ITE trip equation for shopping centers should be used.

## **Attachment B**

# **Traffic Impact Fees of Various Cities Within Solano and Contra Costa Counties**

**TRAFFIC IMPACT FEES OF VARIOUS CITIES  
WITHIN SOLANO AND CONTRA COSTA COUNTIES  
(In Effect As Of December, 2007)**

|                             | <u>Residential</u><br>(fee per single family<br>dwelling unit) | <u>Shopping Center</u><br>(fee per 1,000<br>square feet) |
|-----------------------------|----------------------------------------------------------------|----------------------------------------------------------|
| <b>Solano County</b>        |                                                                |                                                          |
| Fairfield                   | \$1,498-\$3,273 <sup>(1)</sup>                                 | \$5,260 or \$13,110 <sup>(2)</sup>                       |
| Suisun City                 | \$4,802                                                        | \$1,879 or \$3,414 <sup>(3)</sup>                        |
| Vacaville                   | \$8,190                                                        | \$4,428                                                  |
| Vallejo                     | \$4,571                                                        | \$2,220                                                  |
| <b>Contra Costa County</b>  |                                                                |                                                          |
| Concord                     | \$2,851                                                        | \$8,150                                                  |
| Danville <sup>(4)</sup>     | \$2,029                                                        | \$1,360                                                  |
| Lafayette                   | \$4,040                                                        | \$1,700                                                  |
| Martinez                    | \$2,028                                                        | \$2,030                                                  |
| Moraga                      | \$1,070                                                        | \$ 460                                                   |
| Pleasant Hill               | \$2,109                                                        | \$5,453                                                  |
| Walnut Creek <sup>(5)</sup> | <u>\$1,578</u>                                                 | <u>\$3,530</u>                                           |
| Overall Averages            | \$3,161-\$3,322                                                | \$3,313-\$4,166                                          |

(1) Fee ranges from minimum of \$1,498 to maximum of \$3,273 based on size of unit.

(2) \$5,260 fee applies to shopping centers greater than 15,000 sq. ft. ("lower" volume retail); \$13,110 fee applies to shopping centers less than 15,000 sq. ft. ("higher" volume retail).

(3) \$1,879 fee applies to "low" volume retail; \$3,414 fee applies to "medium" volume retail.

(4) Fee for Tri-Valley Transportation Development Fee applied to all development within town limits. Several additional fees (benefit districts, sub-regional, transportation improvement program) applicable in various areas.

(5) Walnut Creek has tentatively established new fees to be adopted in early 2008. The new fees will approximately double the existing rates.

Sources: Telephone surveys conducted in January 2008, with supplemental information provided by the Contra Costa Transportation Authority. The listed fees were current at the time of this report, however fees are frequently revised and therefore may change.



## **Attachment C**

**West Coast Home Builders, Inc. letter  
dated November 20, 2007**

**WEST COAST HOME BUILDERS, INC.**  
4021 Port Chicago Highway • P.O. Box 4113 • Concord, California 94520  
Telephone (925) 671-7711 • Fax (925) 687-3366

November 20, 2007

VIA EMAIL & FACSIMILE

Mayor Steve Messina  
and Members of the City Council  
City of Benicia  
250 E. "L" Street  
Benicia, CA 94510-3239

Re: City Council Hearing of November 20, 2007;  
Agenda Item A --Traffic Impact Fee Program Update

Dear Mayor Messina and Members of the City Council:

I am writing on behalf of West Coast Home Builders, Inc., the owner of the property proposed for development as the Benicia Business Park.

We have reviewed the proposed update to the Citywide Traffic Impact Fee Program ("Traffic Fee Update") and offer the following comments for your consideration:

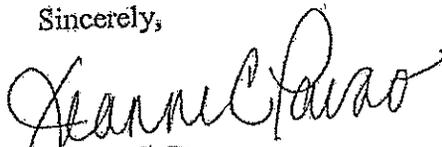
1. Table 3 which provides the calculation of PM peak hour trips generated by new development assumes 78 PM trips for residential development based on an assumed development of only 100 residential units left in the City. We are concerned that this Table significantly underestimates the number of residential units left for development within the City. It is our understanding that the City's General Plan anticipates more residential growth than the estimate set forth in the Traffic Fee Update. We also question whether such estimate also is consistent with ABAG's projections for the City. This estimate should be carefully reviewed so that the residential growth expectations are not underestimated thereby resulting in other users paying more than their equitable share of the improvement costs.
2. Figure 2 of the Traffic Fee Update identifies the street network and intersection improvements included in the 2007 Fee Program. The proposed fees will pay for these improvements and are allocated amongst the various

types of development within the City based on their estimated traffic trips. This program assumes that the Benicia Business Park will share in the costs of the improvements identified on Figure 2 as well as bearing costs associated with the improvements shown on Figure 3. It is our position that our property, and perhaps others, should not have to participate in any of the costs associated with the street improvement identified on Figure 2 as "Road Improvement 'd'". That improvement appears to be a new roadway connecting E. 2<sup>nd</sup> Street and Park Road. It is our position that the City cannot demonstrate any nexus between Road Improvement 'd' identified on Figure 2 and the Benicia Business Park and we therefore request that it be removed from the traffic fee program.

3. Table 3 of the Traffic Fee Update identifies the calculation of PM peak hour trips generated by new development. In assigning 5,949 PM trips to the Benicia Business Park, footnote 5 provides that the gross trip calculation in the EIR was adjusted to account for a typical 50% retail "pass-by" trip factor being applied to the project's retail development component. What is surprising about that assertion is that the EIR did not take into account the "pass-by" trip factor in assessing the traffic impacts of the Benicia Business Park project. In fact, in response to a comment to the EIR submitted by our traffic consultant, Abrams Associates, in which Mr. Abrams requested that the EIR take into account a "pass-by" trip factor for retail uses, the EIR preparer refused to do so stating that "any assumptions regarding pass-by trip reductions in the Draft EIR would be speculative" and that "it would not have been prudent to take pass-by trip reductions". This response is completely at odds with the footnote statement in Table 3 of the Traffic Fee Update.

We request that you consider the above comments in your deliberations on this matter this evening. We further request that you continue the matter and direct staff to revise the Traffic Fee Update in order to address our concerns.

Sincerely,

  
Jeanne C. Pavao  
Senior Vice-President  
and General Counsel

cc: Albert D. Seeno, III  
Jay Torres-Muga  
Sal Evola



**AGENDA ITEM  
CITY COUNCIL MEETING: MARCH 18, 2008  
ACTION ITEMS**

**DATE** : March 11, 2008  
**TO** : City Council  
**FROM** : City Attorney *KL*  
**SUBJECT** : **CONFIRMATION OF THE ACCURACY OF THE RESOLUTION  
CERTIFYING THE BENICIA BUSINESS PARK EIR**

**RECOMMENDATION:**

Confirm that the resolution certifying the Benicia Business Park Environmental Impact Report should include LEED and not LEED-ND.

**EXECUTIVE SUMMARY:**

This item is on the agenda only to verify the resolution accurately reflects the City Council's action. It is not agendized to change or modify the decision made on February 19, 2008. At the February meeting, the City Council, by a 4-1 vote, adopted a resolution certifying the Benicia Business Park Environmental Impact Report. The City Council added additional direction on other impacts to be evaluated. There is a dispute as to whether LEED or LEED-ND was included as part of the motion.

**BUDGET INFORMATION:**

There is no budget impact.

**BACKGROUND:**

This item is presented to you to avoid any Brown Act issues with a serial meeting. On February 19, 2008 the City Council adopted a resolution entitled "Certifying the Benicia Business Park Environmental Impact Report (consisting of the December 2007 Final Environmental Impact Report, July 2007 Response to Comments, and November 2007 Supplemental Response to Comments), and further resolving that the proposed project considered by the Environmental Impact Report cannot be approved without significant modification due to numerous conflicts with General Plan policies." The City Council added an additional "Resolved" at the meeting. There is a dispute whether Mayor Patterson's amendments were accepted by Council Member Schwartzman as the maker of the motion and by Council Member Hughes who seconded the motion. Mayor Patterson contends that Council Member Schwartzman rejected the "Growth Inducing" amendment but did not reject the "Low Impact Development" amendment. Mayor

Patterson also contends that Council Member Schwartzman referred to Michael Steinman's presentation regarding Leadership Energy and Environmental Design ("LEED") and thereby included Leadership Energy and Environmental Design – Neighborhood Development ("LEED-ND"), the document Mr. Steinman discussed. Council Member Schwartzman disagrees on including LEED-ND.

A transcript of this portion of the meeting has been prepared and is attached for your consideration. It does not appear that LEED-ND was included. Council Member Schwartzman made a motion, following the Vice Mayor's failed motion, to certify the EIR with some changes to the resolution. See page 1 of the transcript at line 9. At line 16, Council Member Schwartzman adds the "Resolved" in question. At lines 22 and 23, he adds "LEEDS" and "AB 32". At line 32, Council Member Schwartzman agrees to add in traffic impacts on 1-780. Council Member Hughes seconds the motion at line 37. On page 5, lines 36 and 37, Council Member Schwartzman agrees to add in urban decay and sustainability. On line 44, Council Member Hughes accepts the additions.

Mr. Steinman's presentation was referenced by Council Member Ioakimedes on page 4, line 27. It was also referenced by Mayor Patterson on page 6, line 10. In reviewing this part of the meeting, I did not see or hear a reference by Council Member Schwartzman to Mr. Steinman's presentation or "ND".

Attachments:

- Transcript of a Portion of the City Council Meeting
- Proposed Resolution
- Resolution Requested By Mayor Patterson

# TRANSCRIPT

1 **City Council meeting 2-19-08**

2  
3 4:47:31

4  
5 **Council Member Schwartzman:** I would like to make a motion.

6  
7 **Mayor Patterson:** Certainly.

8  
9 **Council Member Schwartzman:** I would like to make a motion a motion,  
10 that we, uh approve the resolution of the City Council of the City of  
11 Benicia, certifying the Benicia business park Environmental Impact  
12 Report consisting of the Dec. 2007 Final EIR, July 2007 Response to  
13 Comments, and in Nov. 2007 Supplemental Response to Comments, and  
14 further resolving that the proposed project considered by the EIR can not  
15 be approved without significant modifications due to numerous conflicts  
16 with the general plan policies. I would like to add after the last, uh, be it  
17 further resolved, uh, another be it resolved, that directs uh the applicant  
18 and staff to uh move forward on an initial study, uh for the  
19 Hillside/Upland, uh preservation alternative that's outlined just  
20 previously. I would also like to I don't know if this can be the same be it  
21 resolved or another one, but add in there, so City Attorney please direct if  
22 you can, uh to also direct that the applicant and staff incorporate LEEDS  
23 in AB 32 uh into the review of the Hillside/Upland and, there's more  
24 probably but I'll stop there at that point to see if anybody else wants to  
25 add anything.

26  
27 **Mayor Patterson:** I believe we had a new mitigation, or going to give the  
28 direction that we needed a new mitigation for the new I-780 traffic  
29 impacts.

30  
31 **Council Member Schwartzman:** I am o.k., with, uh that although I  
32 think that is going to come out in the initial study. But I would be fine  
33 with adding that in there.

34  
35 **Mayor Patterson:** O.k.

36  
37 **Council Member Hughes:** I'll second that motion

38  
39 **Mayor Patterson:** Is there any discussion?

40  
41 **Vice Mayor Campbell:** Something inaudible (not mic'd)

42  
43 **Council Member Schwartzman:** Well the front part....

44  
45 **Vice Mayor Campbell:** I mean the uh....

46

1 **Council Member Schwartzman:** The additional stuff, o.k., so after the  
2 last be it resolved, add another be it resolved that we direct uh whatever  
3 the proper wording is, applicant and staff uh to perform an initial study  
4 on the hillside/upland alternative uh and also direct staff whether it's a  
5 separate be it resolved, uh City Attorney should it be separate or same  
6 one?

7  
8 **City Attorney:** Uh, we can make it the same one.

9  
10 **Council Member Schwartzman:** O.k. uh and further direct staff and  
11 applicant to incorporate LEEDS and AB 32 into uh, the Hillside/Upland  
12 preservation alternative, and also uh, to what was the phrase that you  
13 said, to uh, to um....

14  
15 **Mayor Patterson:** It was the new mitigation for us....

16  
17 **Council Member Schwartzman:** Find a new mitigation measure for uh  
18 780, the impacts, uh traffic impacts for 780.

19  
20 **Mayor Patterson:** O.k. I have a question, clarification. The Hillside, I'm a  
21 little concerned in locking ourselves into the Hillside alternative, can,  
22 does it make any difference if we call it the Environmentally Superior  
23 Alternative, is that materially different or, or is that one in the same?

24  
25 **City Attorney:** Well, I think it's going to be one in the same cause we've  
26 already got that in the resolved just above the one that we are adding. So  
27 we say the Hillside/Upland preservation alternative is the  
28 Environmentally Superior Alternative.

29  
30 **Mayor Patterson:** So we'll be relying on the initial study to identify the  
31 potential impacts, especially as they affect Lake Herman.

32  
33 **City Attorney:** Yes.

34  
35 **Mayor Patterson:** O.k.

36  
37 **City Attorney:** And I'll fix the wording on all those.

38  
39 **Mayor Patterson:** What?

40  
41 **Council Member Ioakimedes:** What was that?

42  
43 **City Attorney:** I'll fix the wording on your additions.

44  
45 **Council Member Ioakimedes:** O.k. and is there anything else we want  
46 to have in there.

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**Mayor Patterson:** Council Member Ioakimedes.

**Council Member Ioakimedes:** You had some other language Mayor, about triggering a review, and....

**Mayor Patterson:** The Initial,

**Council Member Ioakimedes:** The Initial Study.

**Mayor Patterson:** The Initial Study does it.

**Council Member Ioakimedes:** O.k.

**City Attorney:** Now, did you want to look at, I think, some of the things that came up tonight, besides traffic were, um urban decay and sustainability.

**Mayor Patterson:** Right.

**Council Member Ioakimedes:** Doesn't AB 32 get at that?

**Mayor Patterson:** Um, AB....

**Council Member Ioakimedes:** The sustainability part.

**Mayor Patterson:** Um, I think we actually should have some specific language in there, sustainability. AB 32 is a greenhouse um, emission reduction, and it assumes sustainability will save the day. And what was the other one, the urban decay? That would be excellent.

**City Attorney:** O.k.

**Mayor Patterson:** I think the last one, that I had a concern about the council's support on, this is, the, uh of the growth inducing impacts on the Sky Valley and um, so if we could have the future initial study to take a look at the potential growth inducing impacts, especially cause that hillside, one, is so close to Lake Herman.

**Council Member Schwartzman:** I'm not sure if I want to add that part in there, only because anything out there could be growth inducing, and so....

**Mayor Patterson:** That gets us to the,

**Council Member Schwartzman:** Yeah,

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**Mayor Patterson:** um, the inadequacies of the EIR.

**Council Member Schwartzman:** Could be, but um....

**Mayor Patterson:** So I'm trying to cover....

**Council Member Schwartzman:** But, for that matter, anything that goes out there is going to have a traffic impact.

**Mayor Patterson:** Yeah.

**Council Member Schwartzman:** I mean, I mean, we got to be reasonable here, as far, at least I do, um.

**Audience Member:** Don't let them manipulate you.

**Mayor Patterson:** Um, Please, order in the Chambers.

**Council Member Schwartzman:** Um, anyway, I'm not so sure I want to add that, but is there anything else that people are looking at while we are still in our discussion phase, or....

**Mayor Patterson:** Council Member Ioakimedes and Vice Mayor um, Campbell.

**Council Member Ioakimedes:** Mr. Steinman listed some, um some working definitions on sustainability, and I um, can't even read some of my own handwriting, but maximize open space, storm water management, water efficiency, rain water recycling, I mean these are, I don't know how detailed we would want to get, but these, I think, speak more uh, and again I wanted to paint a picture as to what we want and I'm not sure if,

**Mayor Patterson:** Well I think that's really a good start, I think um, some of the things he's talking about is what's called characteristically low impact development that has very specific meaning, but, then what you are also adding to sustainability is the nature of jobs, because of the relationship with your uh demographics so I would do low impact development and other sustainability goals and the general plan really gets that, it doesn't have the criteria for it but it talks about, um, the vision.

**City Manager:** Can I ask a, maybe just a clarification question, so we all know where we, what the expectations of these additions are. The expectation, uh, if I understand, is that all of these things that you're

1 mentioning, will be like, um significant checklist items, when we're  
2 doing, when staff's doing the Initial Study, and you'd be asking for  
3 special emphasis to make sure, um, that we've covered urban decay for  
4 example, we know about that as opposed to automatically uh being  
5 director, um, being determined by this council that we need some sort of  
6 substantial body of additional work about urban decay.

7  
8 **Vice Mayor Campbell:** Mr. Uh....

9  
10 **Mayor Patterson:** Vice Mayor Campbell

11  
12 **Vice Mayor Campbell:** And that's sort of where I'm going I want counsel  
13 to tell me if any of this stuff is binding, binding on a future council for  
14 example.

15  
16 **City Attorney:** Well what this is going to do is tell staff or the consultant  
17 that when preparing the initial study that they need to take a special  
18 look at these areas and then given the context that we've got this in, a  
19 special look at those areas because what we've got in the EIR may need a  
20 little beefing up in terms of analyzing the Environmentally Superior  
21 Alternative of the Hillside/Uplands.

22  
23 **Vice Mayor Campbell:** So not to be too cynical but none of this is  
24 binding, it just sorta makes us feel better about voting for option 1. Is  
25 that pretty much in a nutshell?

26  
27 **Mayor Patterson:** I think the cynicism is understood but not necessarily  
28 accurate. Um, I believe that what we're saying in this resolution is that  
29 when the Environmentally Superior redesign comes back, that this gives  
30 us an opportunity to examine that project's impacts, and so, and that  
31 does circulate, and um, at least there's a public review process and uh it  
32 isn't best, I agree, it, its not 100% where we, or where I'd like to be which  
33 is why I voted for your motion but it does give us a good tool. We just  
34 have to be forever vigilant and follow through with it.

35  
36 **Council Member Schwartzman:** I'm o.k. by the way adding urban decay  
37 and sustainability, as a maker of the motion, we had a second, right?

38  
39 **Mayor Patterson:** We had a second, and

40  
41 **Council Member Schwartzman:** Second stands as is without the  
42 additions?

43  
44 **Council Member Hughes:** Second stands with your additions.

1  
2 **Council Member Schwartzman:** So adding urban decay and  
3 sustainability....

4  
5 **Mayor Patterson:** And the low impact development.

6  
7 **Council Member Schwartzman:** I'm not sure about that one at all....

8  
9 **Mayor Patterson:** Low Impact Development are, they are construction  
10 techniques which is what Mr. Steinman was showing you, that is, that's  
11 the catch all phrase for using your vegetated drainages. Using your, the,  
12 the more compact development, having your um, energy consumption,  
13 um.. blah blah blah, anyway, its, that's what its called. Low Impact  
14 Development.

15  
16 **Council Member Ioakimedes:** Have we included housing balance in  
17 there or... do we need to, or...

18  
19 **Mayor Patterson:** It's a physical thing it's not really that no,

20  
21 **Council Member Ioakimedes:** I know, but I mean in addition when we  
22 talk about sustainability do we need to articulate a housing balance?

23  
24 **Mayor Patterson:** What do you mean by that?

25  
26 **Council Member Ioakimedes:** Well, jobs for Benician's in Benicia, so  
27 that we get away from this commute.

28  
29 **Mayor Patterson:** Right, Um...

30  
31 **City Manager:** The staff reaction is that probably, there is no need for  
32 you to do that.

33  
34 **Council Member Ioakimedes:** No? O.k.

35  
36 **Council Member Schwartzman:** I'm fine with what I have.

37  
38 **Mayor Patterson:** Any further discussion? All right, call the roll please.

39  
40 **City Clerk:** Council Members, Campbell

41  
42 **Vice Mayor Campbell:** Well, since the only things that's binding is  
43 certifying the EIR, No.

44  
45 **City Clerk:** Council Member Hughes

46

1 **Council Member Hughes:** Yes

2

3 **City Clerk:** Ioakimedes

4

5 **Council Member Ioakimedes:** Yes

6

7 **City Clerk:** Schwartzman

8

9 **Council Member Schwartzman:** Yes

10

11 **City Clerk:** And Mayor Patterson

12

13 **Mayor Patterson:** Yes. All right, it's a quarter to midnight. If we want to  
14 continue we have to have a motion.

15

16 **Audience Member:** You sold out

17

18 **Mayor Patterson:** The meeting is adjourned.

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## **PROPOSED RESOLUTION**

**RESOLUTION NO. 08- Without ND**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA CERTIFYING THE BENICIA BUSINESS PARK ENVIRONMENTAL IMPACT REPORT (CONSISTING OF THE DECEMBER 2007 FINAL ENVIRONMENTAL IMPACT REPORT, JULY 2007 RESPONSE TO COMMENTS, AND NOVEMBER 2007 SUPPLEMENTAL RESPONSE TO COMMENTS), AND FURTHER RESOLVING THAT THE PROPOSED PROJECT CONSIDERED BY THE ENVIRONMENTAL IMPACT REPORT CANNOT BE APPROVED WITHOUT SIGNIFICANT MODIFICATION DUE TO NUMEROUS CONFLICTS WITH GENERAL PLAN POLICIES**

**WHEREAS**, applications have been filed with the City of Benicia for a large-scale development project referred to as the Benicia Business Park Project (“the Proposed Project”). These applications include applications for a General Plan amendment, rezoning, master plan, and tentative subdivision maps; and

**WHEREAS**, the City of Benicia, as the Lead Agency, prepared a Draft Environmental Impact Report (DEIR) to determine if the Benicia Business Park Project could have a significant impact on the environment, in accordance with the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 *et seq*), the Guidelines for the Implementation of the California Environmental Quality Act (14 CCR Section 15000 *et seq*) and the City of Benicia Guidelines pursuant thereto; and

**WHEREAS**, a Notice of Completion of the DEIR was filed with the Office of Planning and Research (OPR) on January 11, 2007, and a notice of the availability of the DEIR was posted at City Hall and was mailed to property owners within three hundred feet of the location of the Proposed Project; and

**WHEREAS**, copies of the DEIR were provided to the State Clearinghouse (State Clearinghouse No. 2001022079) and to those public agencies that have jurisdiction by law with respect to the Proposed Project, and to other interested persons and agencies; and

**WHEREAS**, the DEIR was circulated for public review and comment from January 11, 2007 to March 12, 2007; and

**WHEREAS**, the Planning Commission held a hearing on February 8, 2007 to receive comments on the DEIR; and

**WHEREAS**, the City has received verbal and written comments from residents, groups, and State agencies; and

**WHEREAS**, the City Council opened a public hearing on May 1, 2007, and continued it to and closed it on August 7, 2007, to review the DEIR, including responses to comments, with additional comments to be accepted until August 20, 2007 and responded to in a supplemental response to comments; and

**WHEREAS**, the City Council held a public hearing on August 7, 2007 and determined that the DEIR for the Benicia Business Park Project conforms to the City's CEQA Guidelines by providing an adequate response to potential environmental issues; and

**WHEREAS**, the Final Environmental Impact Report (FEIR) consists of the December 2007 FEIR, July 2007 Response to Comments, and November 2007 Supplemental Response to Comments, which incorporate all written comments received, all oral comments made at the May 1 and August 7, 2007 public hearings, the responses to those written and oral comments, and the necessary corrections to the DEIR as incorporated into the December 2007 FEIR; and

**WHEREAS**, the FEIR has been presented to the City Council for certification.

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

1. The Benicia Business Park Environmental Impact Report (consisting of the December 2007 FEIR, July 2007 Response to Comments, and November 2007 Supplemental Response to Comments) identified and adequately evaluated all potentially significant environmental impacts and identified and recommended all appropriate mitigation measures to address identified environmental impacts.

2. The FEIR adequately addressed all agency, organization and public comment received regarding the Benicia Business Park DEIR.

3. The FEIR for the Benicia Business Park has been completed in compliance with the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 *et seq*), the Guidelines for the Implementation of the California Environmental Quality Act (14 CCR Section 15000 *et seq*), and the City of Benicia Guidelines.

4. The FEIR reflects the independent judgment and analysis of the City of Benicia.

**BE IT FURTHER RESOLVED** that the City Council approves and determines that the FEIR for the Benicia Business Park is adequate for purposes of making a decision on the merits of the Proposed Project and has been completed in compliance with CEQA.

**BE IT FURTHER RESOLVED** that the City Council certifies the FEIR for the Benicia Business Park Project.

**BE IT FURTHER RESOLVED** that the Proposed Project evaluated by the FEIR for the Benicia Business Park **cannot be approved** by the City unless significant modifications are made to the Proposed Project to resolve the numerous conflicts with the City of Benicia General Plan.

**BE IT FURTHER RESOLVED** that City Council finds the Proposed Project substantially conflicts with the City's General Plan as set forth on Page 106 of the FEIR and described in more detail on Table IV.A-1. While some of the conflicts may be reduced or

eliminated with the implementation of appropriate mitigations measures, the total combined effect of the conflicts is significant unless changes are made to the Proposed Project.

**BE IT FURTHER RESOLVED** that the City Council finds that the fact that the Proposed Project would substantially conflict with the policies in the General Plan adopted for the purposes of environmental protection (LU-2) is a significant and unavoidable impact which, despite implementation of all available and reasonable mitigations, cannot be mitigated to a level of less than significant. CEQA (Guidelines Section 15093(a) and 15021(d)) requires the lead agency to balance, as applicable, the economic, legal, social, technological, or other benefits of the Proposed Project against its unavoidable environmental risks when determining whether to approve the Proposed Project. In most circumstances, the lead agency may deem significant and unavoidable adverse environmental effects “acceptable” if the specific economic, legal, social, technological, or other benefits of the Proposed Project outweigh the unavoidable adverse effects. However, state law prohibits a city from approving a project which is not consistent with its General Plan. Therefore, the City cannot lawfully find “overriding considerations” for LU-2, even if the Proposed Project was before the City Council for consideration.

**BE IT FURTHER RESOLVED** that the City Council finds that the fact that long term Proposed Project-related regional emissions would exceed the BAAQMD thresholds of significance for ozone precursors (AIR-2) is a significant and unavoidable impact which, despite implementation of all available and reasonable mitigations, cannot be mitigated to a level of less than significant. CEQA (Guidelines Section 15093(a) and 15021(d)) requires the lead agency to balance, as applicable, the economic, legal, social, technological, or other benefits of the Proposed Project against its unavoidable environmental risks when determining whether to approve the Proposed Project. The lead agency may deem significant and unavoidable adverse environmental effects “acceptable” if the specific economic, legal, social, technological, or other benefits of the Proposed Project outweigh the unavoidable adverse effects. Because the Proposed Project is not before the City Council for consideration, the City Council cannot make the findings required for a Statement of Overriding Considerations.

**BE IT FURTHER RESOLVED** that the City Council finds that the fact that the Proposed Project could adversely affect the visual character of the Proposed Project site, as observed from public vantage points surrounding the site (VIS-2) is a significant and unavoidable impact which, despite implementation of all available and reasonable mitigations, cannot be mitigated to a level of less than significant. CEQA (Guidelines Section 15093(a) and 15021(d)) requires the lead agency to balance, as applicable, the economic, legal, social, technological, or other benefits of the Proposed Project against its unavoidable environmental risks when determining whether to approve the Proposed Project. The lead agency may deem significant and unavoidable adverse environmental effects “acceptable” if the specific economic, legal, social, technological, or other benefits of the Proposed Project outweigh the unavoidable adverse effects. Because the Proposed Project is not before the City Council for consideration, the City Council cannot make the findings required for a Statement of Overriding Considerations.

**BE IT FURTHER RESOLVED** that the City Council finds that potentially significant Proposed Project impacts listed in Table II-2 may be able to be mitigated to a less than

significant level but that the City Council cannot make the required finding that changes or alterations have been required in or incorporated into the Proposed Project, that reduce the potentially significant environmental effect to a less than significant level as identified in the FEIR because the Proposed Project is not before the City Council for approval.

**BE IT FURTHER RESOLVED** that the City Council cannot approve and adopt a Mitigation Monitoring and Reporting Program until the Proposed Project itself is brought before the City Council for approval.

**BE IT FURTHER RESOLVED** that the City Council finds that the Hillside/Upland Preservation alternative is the environmentally superior alternative and is environmentally superior to the Proposed Project because (1) it is substantially more consistent with the City's General Plan policies especially those related to preservation of wetlands, creeks, associated plant and animal communities, and hillsides; and (2) views from public vantage points would be least affected by this alternative.

**BE IT FURTHER RESOLVED** that the City Council directs that the Hillside/Upland Preservation alternative be evaluated in an Initial Study that conforms to the law; analyzes, in particular, the following issues: Leadership Energy and Environmental Design – (LEED), AB 32, I-780 traffic, sustainability and urban decay; and considers appropriate mitigations for the environmental impacts.

\* \* \* \* \*

On motion of Council Member **Schwartzman**, seconded by Council Member **Hughes**, 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 19<sup>th</sup> day of February, 2008 and adopted by the following vote:

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

Noes: **Vice Mayor Campbell**

Absent: **None**

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

ATTEST:

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

**RESOLUTION REQUESTED BY  
MAYOR PATTERSON**

**RESOLUTION NO. 08- With ND**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA CERTIFYING THE BENICIA BUSINESS PARK ENVIRONMENTAL IMPACT REPORT (CONSISTING OF THE DECEMBER 2007 FINAL ENVIRONMENTAL IMPACT REPORT, JULY 2007 RESPONSE TO COMMENTS, AND NOVEMBER 2007 SUPPLEMENTAL RESPONSE TO COMMENTS), AND FURTHER RESOLVING THAT THE PROPOSED PROJECT CONSIDERED BY THE ENVIRONMENTAL IMPACT REPORT CANNOT BE APPROVED WITHOUT SIGNIFICANT MODIFICATION DUE TO NUMEROUS CONFLICTS WITH GENERAL PLAN POLICIES**

**WHEREAS**, applications have been filed with the City of Benicia for a large-scale development project referred to as the Benicia Business Park Project (“the Proposed Project”). These applications include applications for a General Plan amendment, rezoning, master plan, and tentative subdivision maps; and

**WHEREAS**, the City of Benicia, as the Lead Agency, prepared a Draft Environmental Impact Report (DEIR) to determine if the Benicia Business Park Project could have a significant impact on the environment, in accordance with the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 *et seq*), the Guidelines for the Implementation of the California Environmental Quality Act (14 CCR Section 15000 *et seq*) and the City of Benicia Guidelines pursuant thereto; and

**WHEREAS**, a Notice of Completion of the DEIR was filed with the Office of Planning and Research (OPR) on January 11, 2007, and a notice of the availability of the DEIR was posted at City Hall and was mailed to property owners within three hundred feet of the location of the Proposed Project; and

**WHEREAS**, copies of the DEIR were provided to the State Clearinghouse (State Clearinghouse No. 2001022079) and to those public agencies that have jurisdiction by law with respect to the Proposed Project, and to other interested persons and agencies; and

**WHEREAS**, the DEIR was circulated for public review and comment from January 11, 2007 to March 12, 2007; and

**WHEREAS**, the Planning Commission held a hearing on February 8, 2007 to receive comments on the DEIR; and

**WHEREAS**, the City has received verbal and written comments from residents, groups, and State agencies; and

**WHEREAS**, the City Council opened a public hearing on May 1, 2007, and continued it to and closed it on August 7, 2007, to review the DEIR, including responses to comments, with additional comments to be accepted until August 20, 2007 and responded to in a supplemental response to comments; and

**WHEREAS**, the City Council held a public hearing on August 7, 2007 and determined that the DEIR for the Benicia Business Park Project conforms to the City's CEQA Guidelines by providing an adequate response to potential environmental issues; and

**WHEREAS**, the Final Environmental Impact Report (FEIR) consists of the December 2007 FEIR, July 2007 Response to Comments, and November 2007 Supplemental Response to Comments, which incorporate all written comments received, all oral comments made at the May 1 and August 7, 2007 public hearings, the responses to those written and oral comments, and the necessary corrections to the DEIR as incorporated into the December 2007 FEIR; and

**WHEREAS**, the FEIR has been presented to the City Council for certification.

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

1. The Benicia Business Park Environmental Impact Report (consisting of the December 2007 FEIR, July 2007 Response to Comments, and November 2007 Supplemental Response to Comments) identified and adequately evaluated all potentially significant environmental impacts and identified and recommended all appropriate mitigation measures to address identified environmental impacts.

2. The FEIR adequately addressed all agency, organization and public comment received regarding the Benicia Business Park DEIR.

3. The FEIR for the Benicia Business Park has been completed in compliance with the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 *et seq*), the Guidelines for the Implementation of the California Environmental Quality Act (14 CCR Section 15000 *et seq*), and the City of Benicia Guidelines.

4. The FEIR reflects the independent judgment and analysis of the City of Benicia.

**BE IT FURTHER RESOLVED** that the City Council approves and determines that the FEIR for the Benicia Business Park is adequate for purposes of making a decision on the merits of the Proposed Project and has been completed in compliance with CEQA.

**BE IT FURTHER RESOLVED** that the City Council certifies the FEIR for the Benicia Business Park Project.

**BE IT FURTHER RESOLVED** that the Proposed Project evaluated by the FEIR for the Benicia Business Park **cannot be approved** by the City unless significant modifications are made to the Proposed Project to resolve the numerous conflicts with the City of Benicia General Plan.

**BE IT FURTHER RESOLVED** that City Council finds the Proposed Project substantially conflicts with the City's General Plan as set forth on Page 106 of the FEIR and described in more detail on Table IV.A-1. While some of the conflicts may be reduced or

eliminated with the implementation of appropriate mitigations measures, the total combined effect of the conflicts is significant unless changes are made to the Proposed Project.

**BE IT FURTHER RESOLVED** that the City Council finds that the fact that the Proposed Project would substantially conflict with the policies in the General Plan adopted for the purposes of environmental protection (LU-2) is a significant and unavoidable impact which, despite implementation of all available and reasonable mitigations, cannot be mitigated to a level of less than significant. CEQA (Guidelines Section 15093(a) and 15021(d)) requires the lead agency to balance, as applicable, the economic, legal, social, technological, or other benefits of the Proposed Project against its unavoidable environmental risks when determining whether to approve the Proposed Project. In most circumstances, the lead agency may deem significant and unavoidable adverse environmental effects “acceptable” if the specific economic, legal, social, technological, or other benefits of the Proposed Project outweigh the unavoidable adverse effects. However, state law prohibits a city from approving a project which is not consistent with its General Plan. Therefore, the City cannot lawfully find “overriding considerations” for LU-2, even if the Proposed Project was before the City Council for consideration.

**BE IT FURTHER RESOLVED** that the City Council finds that the fact that long term Proposed Project-related regional emissions would exceed the BAAQMD thresholds of significance for ozone precursors (AIR-2) is a significant and unavoidable impact which, despite implementation of all available and reasonable mitigations, cannot be mitigated to a level of less than significant. CEQA (Guidelines Section 15093(a) and 15021(d)) requires the lead agency to balance, as applicable, the economic, legal, social, technological, or other benefits of the Proposed Project against its unavoidable environmental risks when determining whether to approve the Proposed Project. The lead agency may deem significant and unavoidable adverse environmental effects “acceptable” if the specific economic, legal, social, technological, or other benefits of the Proposed Project outweigh the unavoidable adverse effects. Because the Proposed Project is not before the City Council for consideration, the City Council cannot make the findings required for a Statement of Overriding Considerations.

**BE IT FURTHER RESOLVED** that the City Council finds that the fact that the Proposed Project could adversely affect the visual character of the Proposed Project site, as observed from public vantage points surrounding the site (VIS-2) is a significant and unavoidable impact which, despite implementation of all available and reasonable mitigations, cannot be mitigated to a level of less than significant. CEQA (Guidelines Section 15093(a) and 15021(d)) requires the lead agency to balance, as applicable, the economic, legal, social, technological, or other benefits of the Proposed Project against its unavoidable environmental risks when determining whether to approve the Proposed Project. The lead agency may deem significant and unavoidable adverse environmental effects “acceptable” if the specific economic, legal, social, technological, or other benefits of the Proposed Project outweigh the unavoidable adverse effects. Because the Proposed Project is not before the City Council for consideration, the City Council cannot make the findings required for a Statement of Overriding Considerations.

**BE IT FURTHER RESOLVED** that the City Council finds that potentially significant Proposed Project impacts listed in Table II-2 may be able to be mitigated to a less than

significant level but that the City Council cannot make the required finding that changes or alterations have been required in or incorporated into the Proposed Project, that reduce the potentially significant environmental effect to a less than significant level as identified in the FEIR because the Proposed Project is not before the City Council for approval.

**BE IT FURTHER RESOLVED** that the City Council cannot approve and adopt a Mitigation Monitoring and Reporting Program until the Proposed Project itself is brought before the City Council for approval.

**BE IT FURTHER RESOLVED** that the City Council finds that the Hillside/Upland Preservation alternative is the environmentally superior alternative and is environmentally superior to the Proposed Project because (1) it is substantially more consistent with the City's General Plan policies especially those related to preservation of wetlands, creeks, associated plant and animal communities, and hillsides; and (2) views from public vantage points would be least affected by this alternative.

**BE IT FURTHER RESOLVED** that the City Council directs that the Hillside/Upland Preservation alternative be evaluated in an Initial Study that conforms to the law; analyzes, in particular, the following issues: Leadership Energy and Environmental Design – Neighborhood Development (LEED-ND), AB 32, I-780 traffic, sustainability and urban decay; and considers appropriate mitigations for the environmental impacts.

\* \* \* \* \*

On motion of Council Member **Schwartzman**, seconded by Council Member **Hughes**, 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 19<sup>th</sup> day of February, 2008 and adopted by the following vote:

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

Noes: **Vice Mayor Campbell**

Absent: **None**

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Elizabeth Patterson, Mayor

ATTEST:

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Lisa Wolfe, City Clerk

**AGENDA ITEM  
CITY COUNCIL MEETING: MARCH 18, 2008  
COUNCIL MEMBER COMMITTEE REPORTS**

**DATE** : March 11, 2008  
**TO** : Mayor Patterson  
**FROM** : City Manager  
**SUBJECT** : **MAYORS' COMMITTEE MEETING**

The following information is provided for your committee report at the March 18, 2008 City Council meeting.

The Mayors' Committee meetings are held on the third Wednesday of each month at 6:00 pm. The next meeting is April 16, 2008. There will not be a March meeting, as instead, the 2008 City Council Coordinating Council Summit will be held in Fairfield at 6:00 pm on March 19<sup>th</sup>.

The agenda packet from the February meeting follows, along with information regarding the March 19<sup>th</sup> event.

SOLANO COUNTY  
MAYORS' COMMITTEE MEETING

NOTE: NEW LOCATION

**Carino's Italian Grill  
1640 Gateway Boulevard  
Fairfield, CA**

Wednesday  
February 20, 2008  
6:30 p.m.

AGENDA

1. Roll Call / Call to Order
2. Introductions by Mayor Mary Ann Courville
3. Business:
  - a. Approval of Mayor's Committee Minutes of January 16, 2008.
  - b. Discussion relating to State park closures in Benicia.
  - c. Amicus Brief in California v. Environmental Protection Agency (EPA).
  - d. Discussion relating to the County General Plan process.
  - e. Roundtable Discussion of Mutual City Issues.
4. Adjournment



There were three primary issues to be discussed, including the release of 20,000 prisoners from state prisons, juvenile crime, and gang activity. Mayor Patterson mentioned that she was concerned about the state park closures and requested that this be a topic also on the summit agenda.

Mayor Augustine stated that Sheriff Stanton would be requested to emcee the event and that the County Police Chiefs would also be invited. He continued to note that all councilmembers, planning commissioners and staff are invited as well.

### **C. Roundtable Discussion of Mutual City Issues**

Each of the Mayors provided a brief report on the major issues and concerns in their perspective communities. The discussion included labor negotiations, status of city budgets, development projects, status of the economy, wastewater, water, closure of state parks in Benicia, and concern for the County's General Plan Update process.

All of the mayors agreed that the County General Plan process should be followed closely due to the impact of future county developments on properties adjacent to the cities sphere of influence.

- *Follow Up Actions:*

- 1. It was directed that discussion of the County General Plan process be placed on a future agenda for discussion by the Mayors.*
- 2. It was directed that discussion of the state park closures in Benicia be placed on the February 2008 agenda.*
- 3. It was directed that a list should be prepared on all current mayors email addresses and cell phone numbers. This list should be distributed to the committee.*

### **4. Adjournment**

The meeting was adjourned to a location to be determined at 9:00 PM. The next meeting is scheduled for February 20, 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. 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 to invoke the emergency borrowing powers provided within that legislation shows 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.

However, we are writing you today regarding your FY 2008-09 budget proposal to close 48 state parks and to take lifeguards off 16 state beaches which will be devastating to millions of Californians who rely on their state parks. The parks slated for closure represent some of the state's most significant cultural, historic, and natural resources.

Each year, thousands of schoolchildren visit Sutter's Fort, La Purisima Mission, and Will Rogers State Historic Parks as part of their lessons on California history. Millions of Californians rely on Montana de Oro, San Simeon and Tomales Bay State Parks to gain access to California's world-class coastline.

More specifically related to Solano County, is the closure of two State Parks in the City of Benicia including Benicia SRA and the State Capitol Building. Closure of these facilities should be reconsidered. 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. More importantly, the State Capitol Building is an irreplaceable piece of California history; shutting it down would, in effect, erase the past.

Additionally, these are not the lowest-revenue generating parks, and they attract an amazing number of visitors given their small sizes. 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 within the City of Benicia.

To close our state parks will not even begin to solve our state budget crisis. Our state parks are vital to local economies due to the small businesses that rely on their availability. It is important to realize that hundreds of small business owners, camp ground operators and others involved in the park industry will also suffer.

Again, we congratulate you on your respect for local government in your Budget proposal and ask you to reconsider the proposed closure of state parks and specifically, the two Solano County urban parks located in the City of Benicia; Benicia State RA and the Benicia State Capitol. We ask you to find other more responsible ways to balance our State's budget and solve California's fiscal crisis. Please Vote "no" to close our state parks.

Sincerely,

Mayor  
City of XXXX

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

Item 3c

From: MARY1615@aol.com  
To: CHRISTOPHERC@cityofwestsacramento.org  
Sent: Wed, 13 Feb 2008 2:29 pm  
Subject: Re: Amicus Brief in California v. EPA

Chris,

I will send this to all Solano County Mayors and will place it on our Mayors' Committee Meeting for discussion.

~Mary Ann Courville

In a message dated 2/13/2008 2:16:33 P.M. Pacific Standard Time, [CHRISTOPHERC@cityofwestsacramento.org](mailto:CHRISTOPHERC@cityofwestsacramento.org) writes:  
Dear Colleague:

Because of your leadership in our collective battle against climate change, I am inviting you to join an amicus curiae brief by the nation's mayors in support of the State of California's appellate court filing to overturn the U.S. Environmental Protection Agency's denial of our new state greenhouse gas standards for new automobiles. Several dozen mayors across America are joining this bipartisan effort, including many right here in our region.

At the beginning of last month, California filed suit in the Court of Appeals to overturn U.S. EPA's first-ever denial of a waiver allowing California to set tougher vehicle emission standards to reduce greenhouse gases. Fifteen states are joining the litigation in support of California's position, and three others have pledged to use the California standards if they are allowed to take effect.

Under the Federal Clean Air Act, California has the right to set its own tougher-than-federal vehicle emission standards, as long as it obtains a waiver from the U.S. EPA. Over the past 40 years, the U.S. EPA has granted California more than 40 waivers, denying none.

The original request for a waiver of federal preemption of California's motor vehicle greenhouse gas emissions standards was made by California on December 21, 2005. The waiver, allowing California to enact and enforce emissions standards to reduce greenhouse gas emissions from automobiles, was requested pursuant to a state law to establish new standards for motor vehicle greenhouse gas emissions beginning in model year 2009. The regulations will phase in and ramp up over eight years to cut global warming emissions from new vehicles by nearly 30 percent by model year 2016.

By implementing these standards, California will eliminate greenhouse gases equivalent to taking 6.5 million cars off the road by the year 2020. If all the other states with similar plans follow through, that figure will grow to more than 22 million vehicles and would cut gasoline consumption by an estimated 11 billion or more gallons a year.

California's position has been supported by recent judicial decisions. In September, a court decision in Vermont confirmed that states do have the ability to adopt California's motor vehicle greenhouse gas emissions standards. In the Vermont case, the judge dismissed the argument by automobile manufacturers that they could not comply with the California-based regulation

**X-B-1-7**

because the technology was out of reach and that it would cost too much. The Vermont decision came on the heels of a U.S. Supreme Court ruling last April saying that EPA has the authority to regulate greenhouse gases. Last month, a federal court in Fresno reconfirmed states' authority to set motor vehicle greenhouse gas emissions standards, modeled after California's strict regulations.

A session with Governor Schwarzenegger at the U.S. Conference of Mayors annual meeting last year in Los Angeles underscored the power of our partnership in the face of continuing inaction and pushback by the federal government. Mayors have been the driving force for American public sector action on climate change, and California and other states are emerging as powerful allies in our efforts. But they need our help.

We are preparing an amicus curiae brief for mayors across the nation to join the states' litigation against EPA, in coordination with the appellants. The brief will supplement the arguments by the states and the environmental parties with the implications of the case for local action on climate change, and on the particular impacts of climate change on cities.

If you are willing to join the mayors' brief, please let us know as soon as possible by sending a confirmation e-mail to me at [christopherc@cityofwestsacramento.org](mailto:christopherc@cityofwestsacramento.org).

Once the brief is completed by counsel, it will be transmitted to all mayors who have responded to this invitation, at which time you may wish to provide it to your City Attorney for review and analysis. You will not be included as a party to the final filed amicus brief until you have received, reviewed, and approved the actual brief.

Thank you for your continuing local and national leadership on climate change. Please contact me if you have any questions about this legal effort.

Sincerely,

CHRISTOPHER L. CABALDON  
Mayor of West Sacramento



## 2008 City County Coordinating Council

### Summit

*Hosted by the City of Fairfield*

*~ on ~*

*Wednesday, March 19, 2008*

*~ at ~*

*The Clubhouse at Rancho Solano*

3250 Rancho Solano Parkway

Fairfield, CA 94534

6:00 p.m. – Appetizers/No-Host Bar

6:45 p.m. – Dinner

7:15 p.m. – Panel Discussions

#### Appetizers

Beef Brochettes with Teriyaki Glaze

Mushrooms Stuffed with Italian Sausage or Herbed Cream Cheese

Chicken Satay with Sweet-Hot Thai Sauce

#### Panel Discussions

I. Dealing with Crime Today/Juveniles in the Criminal Justice System

II. Preparing for the Next Round of Early Release – Adult

Probationers, Challenges and Strategies.

#### Buffet Menu

Caesar Salad

Mediterranean Salad

Baked Salmon Filet with Dijon-Dill Cream Sauce

Tri-Tip with Burgundy Mushroom Sauce

Garlic Mashed Potatoes

Sautéed Fresh Vegetables

Dinner Rolls and Butter

Coffee, Decaf, Hot Tea and Iced Tea

Tiramisu

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Cost is \$42.00 per person. (Spouses are invited to attend.)

Please make your check payable to the City of Fairfield, 1000 Webster Street, Fairfield, CA 94533.

Please R.S.V.P. your name and the name(s) of your guests by March 10, 2008

to Claudia Archer, City Manager's Office, by calling (707) 429-6296 or email to [carcher@ci.fairfield.ca.us](mailto:carcher@ci.fairfield.ca.us).

No-shows will be billed.

**X-B-1-9**





City Attorney's Office  
**MEMORANDUM**

**Date:** March 12, 2008  
**To:** Mayor Patterson  
Vice Mayor Campbell  
**From:** Heather Mc Laughlin, City Attorney  
**Re:** Current ABAG Information

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The following information is provided for your committee report at the March 18, 2008 council meeting:

- The ABAG Spring General Assembly will be held on April 24, 2008 at the Palace Hotel in San Francisco.
- The topic is Focused Growth.
- Registration is available on line at <http://www.abag.org/abag/events/ga/>.
- A full agenda will be available soon.

Please let me know if you have any questions.

cc: Assistant to the City Manager

**X-B-2-1**



**AGENDA ITEM**  
**CITY COUNCIL MEETING: MARCH 18, 2008**  
**COUNCIL MEMBER COMMITTEE REPORTS**

**DATE** : March 11, 2008  
**TO** : Vice Mayor Schwartzman  
Council Member Hughes  
**FROM** : Finance Director  
**SUBJECT** : **AUDIT AND FINANCE COMMITTEE**

The following information is provided for your committee report at the March 18, 2008 Council meeting.

The committee met on March 7, 2008 and the Agenda is attached. The minutes from the previous February 8, 2008 meeting are also attached. The next scheduled meeting of the Audit and Finance Committee will be on Friday, April 4, 2008 from 8:00 to 10:00 a.m. in the Commission Room.

**AUDIT & FINANCE COMMITTEE  
REGULAR MEETING AGENDA**

**COMMISSION ROOM  
MARCH 7, 2008  
8:00 AM**

- 1. Call to Order**
- 2. Notice to the Public**
- 3. Approval of Minutes from the Regular Meeting held on February 8, 2008.**
- 4. Investment Advisor Presentation (Postponed to April 4, 2008)**  
Guest: Carlos Oblites, PFM Investments
- 5. Previous Month Warrant Register Review for February 2008.**  
A monthly audit of payments to vendors that supply services to the City of Benicia. Members of the AFC committee review the warrant register and request that further information be provided by staff as necessary.  
**Recommendation: Approve Warrant Registers**
- 6. Quarterly Review of Investment Report for 2<sup>nd</sup> Quarter FY 2007-08**  
State law requires no less than a Quarterly review of the City's Investment Portfolio.  
**Recommendation: Approve Investment Report**
- 7. Continued - Discuss Mission, Goals and Structure of the AFC**  
The City Council requested the AFC review the current focus and make recommendations for broadening the scope, if preferred. A draft from previous AFC deliberations is provided for your review.  
**Recommendation: Direct Staff as necessary.**
- 8. Review Long Range Calendar**  
Monthly review of future AFC Agenda topics.  
**Recommendation: Provide suggestions and timing of future Agenda topics**
- 9. Public Comment**
- 10. Adjournment**

|                             |
|-----------------------------|
| <b>Public Participation</b> |
|-----------------------------|

The Benicia Audit and Finance Committee 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 Audit and Finance Committee 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 5 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 Audit and Finance Committee.

Should you have material you wish to enter into the record, please submit it to the Finance Director.

### **Disabled Access**

In compliance with the Americans with Disabilities Act (ADA), if you need special assistance to participate in this meeting, please contact the Human Resources Department, 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 Committee 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 Audit and Finance Committee.

Pursuant to Government Code Section 65009, if you challenge a decision of the Audit and Finance Committee 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 Audit and Finance Committee 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 Audit and Finance Committee 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.

# AUDIT & FINANCE COMMITTEE

## DRAFT MINUTES

FRIDAY, FEBRUARY 8, 2008  
REGULAR MEETING

1. Call to Order by Committee Chair DeJesu at 8:10 a.m.

Attendance: Committee Chair De Jesu, Vice Mayor Tom Campbell, Council Member Alan Schwartzman, Treasurer Teddie Bidou

Staff: Finance Director Rob Sousa, Assistant Finance Director Abby Urrutia

Guest in Attendance: Katherine Yuen of Maze & Associates

Members of Public: Dan Miceli, representing BIPA

2. Approval of Minutes from the Regular Meeting held on December 7, 2007.  
Approval of minutes by consensus.

3. Review of the Comprehensive Annual Financial (CAFR)

Katherine Yuen of Maze & Associates began the review by explaining the various sections of the audit including the Introductory, Financial, Management's Discussion and Analysis, Statistical Section, and the result of their audit, which produced an unqualified opinion for the City, meaning the City had a clean audit. Member Schwartzman asked Ms. Yuen to compare the debt ratio of the City to neighboring cities. She indicated that each city is different and that debt to asset ratio should not be over 50% and to look at repayment schedules. The City's total debt to total asset ratio is below the 50% threshold and that the City's liquid assets can pay for at least six (6) months to a year of City operations. The city as a whole is healthy, with the exception of the Marina fund, which has negative net assets at the end of the year. She is aware that the City has made long-term plans to improve the Marina situation. She also pointed out the City may want to pay closer attention to the mortgage-backed investments in the portfolio, especially with the current recessionary market.

The committee made a recommendation by consensus to forward the CAFR to the Council with Maze available for the presentation at the Council meeting of February 19, 2008. The Council also agreed by consensus to a one-year extension of the Maze & Associates contract with a new audit team.

4. Warrant Register Review for December 2007 and January 2008.

Director Sousa clarified questions from the October and November 2007 Warrant Register review from the previous meeting.

Several items from the December 2007 Warrant Register were questioned and discussed by the Committee including:

- a. Susan Alfeld – contract services for public education for both Water & Wastewater Funds. Public outreach includes presentation at public schools.
- b. Field deposit refunds for bocce ball, little league, inline hockey, fastpitch – coded as Clocktower cleaning deposit – Finance Director Sousa will direct staff to change account description as deposit refunds.
- c. Northwestern Mutual Life – payment was for an annual life insurance premium.
- d. PAPA registration – PAPA stands for Pesticide Applicators Professional Association.

- e. Bank of America charges – City Manager is the only one who has a city credit card, which he uses to pay for seminars, travel and meals.
- f. Safeway supplies – should have better descriptions other than supplies. Finance Director Sousa pointed out that the latest Accounts Payable run in January 2008 had better descriptions.
- g. PFM investment services – payment for investment portfolio management services.
- h. Garnishment – due to limitations in the system, cannot be changed.
- i. SWRCB – loan repayment – Wastewater loan repayment to State for the I & I project.

Several items from the January 2008 Warrant Register were questioned and discussed by the Committee including:

- a. SEIU Local 614 – employee payroll deduction for union dues.
- b. Carey & Company – Commandant's residence – payment for design work. Engineering work will soon follow in March.
- c. Benicia Chamber ads – Transit advertises its services with the Chamber.
- d. Best Impressions Catalog – wine glasses – purchased by the Library. Finance Director Sousa will research purpose of glasses.
- e. Fire deposit – return of rental fee for fire facility.
- f. Janway Company – lipbalms – Library promotion.

Warrant Registers approved by consensus.

- 5. Discussion of Format of Warrant Registers. Staff has expanded descriptions with the latest Accounts Payable run in January, providing better descriptions for better understanding of expenditures. Staff will continue to improve and monitor descriptions until there is a further need to change the warrant register's format.
- 6. Discuss Mission, Goals and Structure of the AFC. This item will carryover to the next meeting.
- 7. Review Long Range Model. Questions as to differences between actual amounts in the long range model and CAFR have been raised. Finance Director Sousa will provide a reconciliation worksheet at the next meeting. This item will also carryover to the next meeting.
- 8. Review Long Range Calendar. The next AFC committee meetings are scheduled for March 7, April 4, May 2 and June 6, 2008.
- 9. Public Comment – Dan Miceli needed clarification on differences from CAFR amounts for actual revenues and expenditures for FY06-07 to the long range model amounts. This will be provided at the next scheduled meeting.
- 10. Meeting adjourned at 10:16 a.m.



**AGENDA ITEM**  
**CITY COUNCIL MEETING: MARCH 18, 2008**  
**COUNCIL MEMBER COMMITTEE REPORTS**

**DATE** : March 12, 2008

**TO** : Mayor Patterson  
Council Member Schwartzman

**FROM** : City Manager

**SUBJECT** : **LEAGUE OF CALIFORNIA CITIES**

The following information is provided for your committee report at the March 18, 2008 City Council meeting.

The League of California Cities Legislative Action Days will be held on April 16-17, 2008. Please see the following pages for information on this event. Additional information regarding Legislative Action Days and other upcoming League events is available at the League's website at [www.cacities.org](http://www.cacities.org).

# 2008 LEGISLATIVE ACTION DAYS

NEW DATES and STARTING TIME!

*Wednesday, April 16 - Thursday, April 17*

*Sacramento Convention Center and  
Sheraton Grand, Sacramento*

Take this opportunity to have your voice heard at the State Capitol. Meet one-on-one with legislators in their Capitol offices. In addition, join hundreds of local elected officials and appointed leaders from around the state to learn the latest on infrastructure bonds, the state budget, and key legislation.

Bring your elected leaders, public safety leaders, business leaders and community leaders to demonstrate the broad support for protecting funding for locally delivered programs and services. Plan to have an influential delegation attend and carry the message clearly and emphatically to help get the public attention needed to preserve local services by being part of this impressive event.

**Registration is Free**

**Hotel Reservation deadline is  
Wednesday, March 26**

**Online Pre-Registration is required at  
[www.cacities.org/events](http://www.cacities.org/events)  
Deadline is Wednesday, April 9**

**X-B-4-2**

*Wednesday, April 16*  
*Sacramento Convention Center – 3<sup>rd</sup> floor*

**Tentative Schedule**

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**Registration Open**

*8:00 a.m. – Noon*

**General Session – (NEW EARLIER START TIME)**

*10:00 a.m. - Noon*

- Current Budget Issues and Strategies
- Updates and Action Steps on Infrastructure Bond Implementation
- Pending Legislation/Issues of Critical Importance
- Keynote Speakers from the Administration and Legislature

**African American Caucus - Lunch Discussion on the State of Black California**

*Noon - 1:30 p.m.*

Limited space is available for this session. RSVP to the AA Caucus staff liaison at (916) 658-8224

**Lunch on Your Own** (with your Legislator or Division)

**Time to Lobby at the Capitol** (*visits will be coordinated for maximum effect*)

*1:00 - 5:30 p.m.*

**League Lobbyist Debrief** - *4:15 – 5:00pm back at the Convention Center*

**Latino Caucus Forum** – National Digital Transfer Newsflash, Telecommunications Act Update and Impacts of the State's Fiscal Crisis to Local, Low Income and Minority Communities

*1:30 – 3:30 p.m.*

Limited space is available for this session. RSVP by calling the Latino Caucus offices at (916) 669-1343

**Legislative Reception at the Sheraton** (Invite your Legislator)

*5:30 - 7:00 p.m.*

**Evening Free to Dine with Your Legislator**

*7:00 p.m.*

*Thursday, April 17*  
*Sheraton Grand, Sacramento*

**Registration Open**

*8:00 – 9:00 a.m.*

**Breakfast Buffet or Breakfast Meetings with your Legislator**

*8:00 - 8:45 a.m.*

**General Session**

*8:45 - 10:30 a.m.*

- Debriefing on meetings with legislators and administration officials
- Additional briefings by representatives of the Administration and Legislators
- Strategies on how to continue your advocacy efforts back home

**Adjourn**

*10:30 a.m.*

Plan individual meetings and lunches with Legislators, or key staff

**X-B-4-3**

## GENERAL INFORMATION

**Free Conference Registration** Pre-Registration online is required at [www.cacities.org/events](http://www.cacities.org/events).  
Registration Deadline: **Wednesday, April 9**  
NO onsite registrations will be accepted.

**Hotel Reservations** Hotel registration deadline is **Wednesday, March 26**.  
Hotel reservations by phone are not available for this conference.

The online conference registration link, will take you directly to the online housing reservation for each property currently available on your selected dates. For immediate hotel reservations and confirmation, please book your required rooming needs online after registering for the conference.

**Sheraton Grand**, 1230 J Street, Sacramento, CA 95814 - \$192 + taxes

**Hyatt Regency**, 1209 L Street, Sacramento, CA 95814 - \$192 + taxes

 If you require special accommodations related to facility access, communication and/or diet, or have additional questions please contact Conference Registration at (916) 658-8291.

**Airlines** We invite you to visit [www.cacities.org/travel](http://www.cacities.org/travel) for the new Enhanced Local Government Airfare Program.

**General Directions** **From Reno (East):** Take I-80 West to I-5 South towards Sacramento. Take the J Street Exit, follow J Street, and the hotel will be located on the right side of J Street.

**From San Francisco (West):** Take I-80 East to U.S. 50 East. Take the I-5 North Exit towards Redding. Exit onto J Street. Proceed on J Street, and the hotel will be located on the right.

**From Sacramento International Airport:** Take I-5 South to Sacramento and exit at J Street. Proceed on J Street, and the hotel will be located on the right-hand side between 12th and 13th Streets.

**From South:** Travel north on I-5 and exit at J Street. Proceed on J Street, and the hotel will be located on the right-hand side between 12th and 13th Streets.

**AGENDA ITEM**  
**CITY COUNCIL MEETING: MARCH 18, 2008**  
**COUNCIL MEMBER COMMITTEE REPORTS**

**DATE** : March 12, 2008

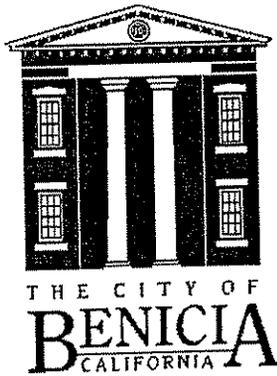
**TO** : Council Member Ioakimedes  
Council Member Hughes

**FROM** : City Manager

**SUBJECT** : **CITY COUNCIL/SCHOOL BOARD LIAISON COMMITTEE**

The following information is provided for your committee report at the March 18, 2008 City Council meeting.

This committee meets quarterly in the Benicia Unified School District meeting room. The next meeting date is set for June 12, 2008 at 8:30 a.m. The agenda packet from the March 13<sup>th</sup> meeting follows.



• Since 1849 •

**AGENDA**

**BENICIA CITY COUNCIL/SCHOOL BOARD LIAISON COMMITTEE**

District Board Room

350 East K St

March 13, 2008 8:30-10:00am

- I. Call to Order and Pledge of Allegiance**
- II. Reference to the Fundamental Rights of the Public and Public Comment**
- III. Consent Calendar**
  - A. Approval of Minutes of the Regular Meeting December 6, 2007**
- IV. Business Items**
  - A. Update on "Every 15 Minutes"**

At the request of Mark Hughes, City Council Member, the committee will hear an update on "Every 15 Minutes."
  - B. Discussion of Active Shooter Preparedness**

In light of the recent school shootings and at the request of Sandra Spagnoli, Chief of Police, the committee will discuss active shooter preparedness.
  - C. Joint Use Agreements**

At the request of Janice Adams, Superintendent of Schools, the committee will hear an update of the Joint Use Agreement.
  - D. Discussion on the Liberty Gymnasium**

At the request of Janice Adams, the Superintendent of Schools, the committee will discuss the Liberty Gym
  - E. Discussion on the Sports Complex**

At the request of Janice Adams the committee will discuss the sports complex at Benicia High School.
  - F. Update on the Mills Site**

At the request of Jim Erickson, City Manager, the committee will hear an update on the Mills Elementary Site.
  - G. Internet Safety Presentation**

At the request of Janice Adams, Superintendent of BUSD, the committee will discuss the upcoming internet safety presentation.
  - H. Discussion on Student Resource Officers**

At the request of Janice Adams, Superintendent of BUSD, the committee will discuss the Student Resource Officers..

**X-B-5-2**

## **AGENDA**

Benicia City Council / School Board Liaison Committee  
Benicia Unified School District Board Room  
350 East K St

### **V. Future Agenda Items**

### **VI. Adjournment**

#### **Public Participation**

The City Council/School Board Liaison Committee welcomes public participation.

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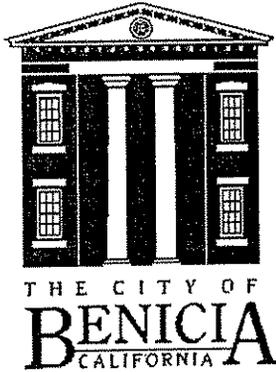
Should you have material you wish to enter into the record, please submit it to the Superintendent.

#### **Disabled Access**

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#### **Meeting Procedures**

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• Since 1849 •

## **MINUTES**

### **BENICIA CITY COUNCIL/SCHOOL BOARD LIAISON COMMITTEE**

District Board Room

350 East K St

December 6, 2007 8:30-10:00am

#### **Present:**

**Janice Adams – Superintendent of Schools**

**Dirk Fulton – School Board Member**

**Shirin Samiljan – School Board Member**

**Terry McAvoy – Director of Maintenance and Facilities, BUSD**

**Jim Erickson – City Manager**

**Mike Alvarez – Parks and Community Services Director**

**Dan Schiada – Public Works Director**

**Ken Hanley – Fire Chief**

**Ken Davena – Captain, Benicia Police**

**Mike Iaokimedes – City Council Member**

**Mark Hughes – City Council Member**

#### **Call to Order and Pledge of Allegiance**

Janice Adams, Superintendent of Schools, called the meeting to order at 8:35 a.m. on Thursday December 6, 2007. She referenced the Fundamental Rights of the Public and then led the pledge of allegiance.

#### **Consent Calendar**

It was moved and seconded to approve the Minutes of the Regular Meeting September 6, 2007. The motion passed unanimously.

#### **Business Items**

##### **A. Joint Use Agreements**

Dirk Fulton, School Board Member, requested that we consider an "umbrella" Joint Use Agreement for all of our school sites. Jim Erickson, City Manager said that there were some issues surrounding the maintenance. The city's budget is very tight right now. Discussion followed. Mike Alvarez, Parks and Community Director, suggested a meeting between himself and Terry McAvoy, Maintenance and Operations Director, to discuss some annual training for the BUSD

**X-B-5-4**

## **AGENDA**

Benicia City Council / School Board Liaison Committee  
Benicia Unified School District Board Room  
350 East K St

staff, as well as a plan to share maintenance of the fields at the sites. Mr. Alvarez was happy to create an agreement between the city and the district as long as it doesn't cost the city additional funds. It was decided that a meeting would take place between city staff and district staff to create a plan and in the meantime the two staffs will work together informally. Mr. Fulton was glad to see the city staff and district staff working together. City Manager, Jim Erickson agreed that it made sense to have the agreement extend to Mary Farmar Elementary, since city staff is already maintaining the fields at the site. He continues to be concerned about the finances.

### **B. Discussion of the Approvals of the Final Draft of the Safe Routes to School Plan**

Dan Schiada, Director of Public Works, announced the approvals of the Safe Routes to School Plan by the City Council and the School Board. We have been recognized for having the first and only approved and completed plan. The plan now goes to the STA Board at a January or February meeting. The end result is that we will be able to apply for grant monies to pay for the costs to implement the plan. Ms. Adams and Mr. Erickson thanked everyone for the great work on this plan and process.

### **C. Update on the Mills Site**

Jim Erickson presented the committee with an update on the Mills Elementary Site. The remedial work is complete and they have now hired an architect to plan the rest of the improvements. The Parks and Recreation Department has held several meetings with neighbors, art groups and theater groups. The main issues are lighting, parking, traffic and noise. These issues will be passed on to the architect. The department is now meeting with the various groups that will eventually use the site. The construction is set to begin in December of 2008. There is a lot of excitement from the community.

### **D. Wild Land Fire Protection**

Ms. Adams met with the fire department and discussed educating our students on fire safety due to the recent involvement of students in the wild land fires. It was decided that the department would come to our schools in the spring and teach fire safety to our students. Ms. Samiljan, Board Trustee, suggested we remind the students that setting fires destroys the habitats of the squirrels and rabbits.

### **E. School Safety at the School Sites**

Captain Ken Davena reported that there is some federal funding available for safe schools training. Chief Spagnoli and Superintendent Adams will be attending some training this summer. The training covers all aspects of school safety including outside intruders as well

## **AGENDA**

Benicia City Council / School Board Liaison Committee  
Benicia Unified School District Board Room  
350 East K St

as bullying. The site administrators get trained and then train the teachers. The police department will be hosting the internet safety class for students and parents next year. We are working toward a better turn out this year, by doing more advertising. The new camera system that the district installed at Benicia High School is a big step toward school safety. We are hoping to get the system in the patrol cars.

### **II. Future Agenda Items**

- a) Mark Hughes would like an update and discussion on "Every 15 Minutes".
- b) The next meeting is March 13, 2008.

### **III. Adjournment at 9:36 a.m.**

## **Public Participation**

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

### **Disabled Access**

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### **Meeting Procedures**

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**AGENDA ITEM  
CITY COUNCIL MEETING: MARCH 18, 2008  
COUNCIL MEMBER COMMITTEE REPORTS**

**DATE** : March 11, 2008  
**TO** : Vice Mayor Campbell  
Council Member Ioakimedes  
**FROM** : City Manager  
**SUBJECT** : **SKY VALLEY OPEN SPACE COMMITTEE**

The following information is provided for your committee report at the March 18, 2008 Council meeting.

A regular scheduled meeting of the Sky Valley Open Space Committee was held on Wednesday March 5, 2008. An agenda from the March 5th meeting has been included with this staff report for review.

The next regular scheduled meeting of the Sky Valley Open Space will be April 2nd. A final meeting agenda for that meeting is unavailable at this time.



**BENICIA SKY VALLEY OPEN SPACE COMMITTEE  
COMMISSION ROOM  
MEETING AGENDA**

**Wednesday, March 5, 2008  
7:00 P.M.**

**I. CALL TO ORDER**

- A. Roll Call of Committee Members**  
Vice Chair Jon Kennedy, Tom Campbell, John Furtado, Mike Ioakimedes, Scott Shepard,  
Craig B. Snider
- B. Reference to Fundamental Rights of Public** - A plaque stating the Fundamental Rights of each member of the public is posted at the entrance to this meeting room per Section 4.04.030 of the City of Benicia's Open Government Ordinance.

**II. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA**

**III. REGULAR AGENDA ITEMS**

- A. DISCUSSION OF FINAL WORK PROGRAM FOR A POSSIBLE SKY VALLEY WATERSHED AND RECREATION MANAGEMENT PLAN (Discussion Item)**  
The Committee will review and discuss a final draft work program for a future Sky Valley/Sulfur Springs Watershed Management Plan. Mr. Frank Kennedy, consultant to the City who was responsible for drafting the plan, will be available at the meeting to discuss the final work program.
- B. SELECTION OF A CHAIRPERSON FOR THE SKY VALLEY COMMITTEE (Action Item)**  
With the election of Council Member and Sky Valley Chairperson Patterson to Mayor, the Committee does not have a Chairperson. The Committee should discuss and then vote on which Committee Member should serve as the Chair for the Committee.
- C. SKY VALLEY MEETING SCHEDULE FOR 2008 (Action Item)**  
At the request of staff, the Committee should discuss whether the group should meet quarterly versus monthly. This requires formal action by the Committee.

**IV. COMMUNICATIONS FROM COMMITTEE MEMBERS**

**V. COMMUNICATIONS FROM STAFF**

**X-B-6-2**

**VI. ADJOURNMENT**

The Chairperson will adjourn the meeting to Wednesday, April 2, 2008, the next regularly scheduled meeting of the Sky Valley Committee.

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**Public Participation**

The Benicia Sky Valley Open Space Committee 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 Sky Valley Open Space Committee allows speakers to speak on agendaized and non-agendaized matters under public comment. Comments are limited to no more than 5 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 referred to staff for placement on a future agenda of the Sky Valley Open Space Committee.

Should you have material you wish to enter into the record, please submit it to the Committee Secretary.

**Disabled Access**

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**Meeting Procedures**

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**AGENDA ITEM**  
**CITY COUNCIL MEETING: MARCH 18, 2008**  
**COUNCIL MEMBER COMMITTEE REPORTS**

**DATE** : March 11, 2008  
**TO** : Mayor Patterson  
Council Member Ioakimedes  
**FROM** : Jim Erickson, City Manager  
**SUBJECT** : **SOLANO EDC BOARD OF DIRECTORS**

The following information is provided for your committee report at the March 18, 2008 Council meeting:

The last Solano Economic Development Corporation Board of Directors meeting was held on Thursday, January 17, 2008. The agenda and minutes from that meeting were previously issued.

The next Board of Directors meeting is scheduled for Thursday, March 27, 2008 at 9:00 am at Jelly Belly. The agenda for that meeting is not yet available.



**AGENDA ITEM**  
**CITY COUNCIL MEETING: MARCH 18, 2008**  
**COUNCIL MEMBER COMMITTEE REPORTS**

**DATE** : March 12, 2008

**TO** : Mayor Patterson  
Council Member Schwartzman

**FROM** : Dan Schiada, Director of Public Works

**SUBJECT** : **SOLANO TRANSPORTATION AUTHORITY**

The following information is provided for your committee report at the March 18, 2008 City Council meeting.

The agenda for the Solano Transportation Authority (STA) Board Meeting of March 12, 2008 follows, along with the minutes of the February meeting. The next STA Board meeting is scheduled for April 9, 2008. An agenda for that meeting is not yet available.



Solano Transportation Authority

One Harbor Center, Suite 130  
Suisun City, California 94585

Area Code 707  
424-6075 • Fax 424-6074

**MEETING NOTICE**

**Wednesday, March 12, 2008**

**STA Board Meeting  
Suisun City Hall Council Chambers  
701 Civic Center Drive  
Suisun City, CA 94585**

**Members:**

- Benicia
- Dixon
- Fairfield
- Rio Vista
- Solano County
- Suisun City
- Vacaville
- Vallejo

**6:00 p.m. Regular Meeting**

**MISSION STATEMENT – SOLANO TRANSPORTATION AUTHORITY**  
**To improve the quality of life in Solano County by delivering transportation system projects to ensure mobility, travel safety, and economic vitality.**

*Times set forth on agenda is an estimate. Items may be heard before or after the times designated.*

| <b>ITEM</b>                                                     | <b>BOARD/STAFF PERSON</b> |
|-----------------------------------------------------------------|---------------------------|
| <b>I. CALL TO ORDER – CONFIRM QUORUM<br/>(6:00 p.m.)</b>        | Chair Woodruff            |
| <b>II. PLEDGE OF ALLEGIANCE</b>                                 |                           |
| <b>III. APPROVAL OF AGENDA</b>                                  |                           |
| <b>IV. OPPORTUNITY FOR PUBLIC COMMENT<br/>(6:05– 6:10 p.m.)</b> |                           |

Pursuant to the Brown Act, public agencies 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. Comments are limited to no more than 3 minutes per speaker. Gov't Code §54954.3(a). By law, no action may be taken on any item raised during the public comment period although informational answers to questions may be given and matters may be referred to staff for placement on a future agenda of the agency.

This agenda is available upon request in alternative formats to persons with a disability, as required by the Americans with Disabilities Act of 1990 (42 U.S.C. §12132) and the Ralph M. Brown Act (Cal. Govt. Code §54954.2). Persons requesting a disability-related modification or accommodation should contact Johanna Masiclat, Clerk of the Board, at (707) 424-6008 during regular business hours, at least 24 hours prior to the time of the meeting.

|                                                                        |                       |
|------------------------------------------------------------------------|-----------------------|
| <b>V. EXECUTIVE DIRECTOR'S REPORT<br/>(6:10 – 6:15 p.m.)<br/>Pg. 1</b> | <b>Daryl K. Halls</b> |
|------------------------------------------------------------------------|-----------------------|

| <b>STA BOARD MEMBERS</b>                  |                                               |                                        |                                     |                                  |                                     |                                    |                               |
|-------------------------------------------|-----------------------------------------------|----------------------------------------|-------------------------------------|----------------------------------|-------------------------------------|------------------------------------|-------------------------------|
| Ed Woodruff<br>Chair<br>City of Rio Vista | Jim Spering<br>Vice Chair<br>County of Solano | Elizabeth Patterson<br>City of Benicia | Mary Ann Courville<br>City of Dixon | Harry Price<br>City of Fairfield | Pete Sanchez<br>City of Suisun City | Len Augustine<br>City of Vacaville | Osby Davis<br>City of Vallejo |
| <b>STA BOARD ALTERNATES</b>               |                                               |                                        |                                     |                                  |                                     |                                    |                               |
| Jan Vick                                  | Mike Reapan                                   | Alan Schwartzman                       | Jack Batchelor, Jr.                 | Chuck Timm                       | Mike Segala                         | Steve Wilkins                      | Tom Bartee                    |

**VI. INTRODUCTION AND SWEARING-IN OF NEW STA BOARD ALTERNATE**  
(6:15 – 6:20 p.m.)

**VII. COMMENTS FROM CALTRANS, THE METROPOLITAN TRANSPORTATION COMMISSION (MTC), AND STA**  
(6:20 – 6:40 p.m.)

- A. Caltrans Report
- B. MTC Report
- C. STA Report

Commissioner Spering

- 1. State/Federal Legislative Update
- 2. SolanoExpress Routes Status Update
- 3. SR 12 Status Update

Jayne Bauer  
Liz Niedziela  
Robert Macaulay

**VIII. CONSENT CALENDAR**

Recommendation:

Approve the following consent items in one motion.

(Note: Items under consent calendar may be removed for separate discussion.)

(6:40 – 6:45 p.m.)

- A. **STA Board Meeting Minutes of February 13, 2008**

Johanna Masiclat

Recommendation:

Approve STA Board Meeting Minutes of February 13, 2008.

Pg. 7

- B. **Review TAC Draft Minutes for the Meeting of February 27, 2008**

Johanna Masiclat

Recommendation:

Receive and file.

Pg. 17

- C. **Bicycle Advisory Committee (BAC) and Pedestrian Advisory Committee (PAC) 2008 By-Laws Amendment**

Sara Woo

Recommendation:

Approve the amended 2008 BAC and PAC By-Laws.

Pg. 21

- D. **County Pictometry Contract for STA Use of Geographic Information System (GIS) Files and Aerial Photos**

Robert Macaulay

Recommendation:

Authorize the Executive Director to enter with a contract with the County of Solano for the use of GIS files and aerial photos in the amount of \$35,000.

Pg. 31

- E. **Bicycle Advisory Committee (BAC) Member Appointments**

Sara Woo

Recommendation:

Appoint City of Dixon's Jim Fisk to the BAC for a three-year term.

Pg. 33

F. **I-80 High Occupancy Vehicle (HOV) Lanes Project Contract Amendment** Janet Adams  
Recommendation:  
*Approve a contract amendment for MTCO/Nolte in the amount of \$775,000 for environmental monitoring and construction support design services for the I-80 HOV Lanes project.*  
Pg. 39

G. **Comprehensive Transportation Plan (CTP) Update** Robert Macaulay  
Recommendation:  
*Appoint Mayor Augustine as Chairman of the Arterials, Highways and Freeways Committee.*  
Pg. 53

IX. **ACTION – NON-FINANCIAL ITEMS**

A. **Regional Transportation Plan (RTP) 2035 Project List for Solano County** Robert Macaulay  
Recommendation:  
*Approve the Regional Transportation Plan project list included in Attachment A.*  
(6:45 – 7:05 p.m.)  
Pg. 55

B. **SolanoExpress Transit Fiscal Year (FY) 2007-08 & FY 2008-09 Marketing Plan** Judy Leaks  
Recommendation:  
*Approve the SolanoExpress Transit Marketing Plan for FY 2007-08 and FY 2008-09.*  
(7:05 – 7:10 p.m.)  
Pg. 93

X. **INFORMATIONAL ITEMS**

A. **SolanoExpress Route 70 Service Proposal Status** Elizabeth Richards  
Informational  
(7:10 – 7:15 p.m.)  
Pg. 99

B. **Highway Projects Status Report:** Janet Adams  
1.) I-80/I-680/SR 12 Interchange  
2.) I-80 EB Cordelia Truck Scales Relocation  
3.) North Connector  
4.) I-80 HOV Lanes: Red Top Road to Air Base Parkway  
5.) I-80 HOV/Turner Overcrossing  
6.) Jepson Parkway  
7.) State Route 12 (Jameson Canyon)  
8.) State Route 12 East SHOPP Projects  
9.) I-80 SHOPP Rehabilitation Projects

Informational  
(7:15 – 7:20 p.m.)  
Pg. 103

**NO DISCUSSION**

- |                                                                                                                                                                |                    |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|
| <b>C. I-80/I-680/I-780 Corridors Highway Operations Implementation Study Working Group</b><br><u>Informational</u><br>Pg. 111                                  | Sam Shelton        |
| <b>D. Legislative Update – March 2008</b><br><u>Informational</u><br>Pg. 113                                                                                   | Jayne Bauer        |
| <b>E. Project Delivery Updates</b><br><u>Informational</u><br>Pg. 125                                                                                          | Sam Shelton        |
| <b>F. State Route (SR) 12 Status Update</b><br><u>Informational</u><br>Pg. 127                                                                                 | Robert Macaulay    |
| <b>G. SolanoExpress Routes Status Update</b><br><u>Informational</u><br>Pg. 129                                                                                | Liz Niedziela      |
| <b>H. Transportation Development Act (TDA) and State Transit Assistance Funds (STAF) Fiscal Year 2008-09 Fund Estimates</b><br><u>Informational</u><br>Pg. 135 | Elizabeth Richards |
| <b>I. Solano Napa Commuter Information (SNCI) Program Fiscal Year (FY) 2007-08 Mid-Year Report</b><br><u>Informational</u><br>Pg. 147                          | Judy Leaks         |
| <b>J. Funding Opportunities Summary</b><br><u>Informational</u><br>Pg. 151                                                                                     | Sara Woo           |
| <b>K. STA Board Meeting Schedule for 2008</b><br><u>Informational</u><br>Pg. 159                                                                               | Johanna Masiclat   |

**XII BOARD MEMBERS COMMENTS**

**XII. ADJOURNMENT**

The next regular meeting of the STA Board is scheduled for  
**Wednesday, April 9, 2008, 6:00 p.m., Suisun City Hall Council Chambers.**



**SOLANO TRANSPORTATION AUTHORITY**  
**Board Minutes for Meeting of**  
**February 13, 2008**

**I. CALL TO ORDER**

Chair Woodruff called the regular meeting to order at 6:05 p.m. A quorum was confirmed.

**MEMBERS  
PRESENT:**

|                                  |                     |
|----------------------------------|---------------------|
| Eddie Woodruff (Chair)           | City of Rio Vista   |
| Jim Spring (Vice Chair)          | County of Solano    |
| Elizabeth Patterson              | City of Benicia     |
| Mary Ann Courville               | City of Dixon       |
| Harry Price                      | City of Fairfield   |
| Pete Sanchez                     | City of Suisun City |
| Steve Wilkins (Alternate Member) | City of Vacaville   |

**MEMBERS  
ABSENT:**

|               |                   |
|---------------|-------------------|
| Osby Davis    | City of Vallejo   |
| Len Augustine | City of Vacaville |

**STAFF  
PRESENT:**

|                    |                                               |
|--------------------|-----------------------------------------------|
| Daryl K. Halls     | Executive Director                            |
| Charles Lamoree    | Legal Counsel                                 |
| Johanna Masiclat   | Clerk of the Board                            |
| Janet Adams        | Director of Projects                          |
| Robert Macaulay    | Director of Planning                          |
| Elizabeth Richards | Director of Transit and Rideshare<br>Services |
| Susan Furtado      | Financial Analyst/Accountant                  |
| Jayne Bauer        | Marketing and Legislative<br>Program Manager  |
| Robert Guerrero    | Senior Planner                                |
| Sam Shelton        | Assistant Project Manager                     |
| Sara Woo           | Planning Assistant                            |

**ALSO**

**PRESENT:** *In Alphabetical Order by Last Name:*

|                     |                                        |
|---------------------|----------------------------------------|
| Jack Batchelor, Jr. | Council Member, City of Dixon          |
| Fernando Bravo      | City of Suisun City                    |
| Monica Brown        | Resident, City of Fairfield (Cordelia) |
| Richard Burnett     | PCC Member                             |
| Birgitta Corsello   | County of Solano                       |
| Gene Cortright      | City of Fairfield                      |
| George Gwynn, Jr.   | Resident, City of Suisun City          |
| James J. Johnson    | Resident, City of Fairfield (Cordelia) |
| Gus Khouri          | Shaw/Yoder, Inc.                       |
| Frank Kitchens      | Solano Community College               |
| Matt Lasky          | Alta Planning and Design               |
| Dale Pfeiffer       | City of Vacaville                      |
| Mike Reagan         | Supervisor, County of Solano           |
| Dan Schiada         | City of Benicia                        |
| Jan Vick            | Council Member, City of Rio Vista      |

**II. PLEDGE OF ALLEGIANCE**

**III. APPROVAL OF AGENDA**

On a motion by Board Member Patterson and a second by Board Member Sanchez, the STA Board approved the agenda.

**IV. OPPORTUNITY FOR PUBLIC COMMENT**

Monica Brown, Resident of City of Fairfield, raised concerns regarding the I-80 High Occupancy Vehicle (HOV) Lanes Project.

**V. EXECUTIVE DIRECTOR'S REPORT**

Daryl Halls provided an update on the following topics:

- Public Hearing for MTC's Regional Transportation Plan
- Updated Comprehensive Transportation Plan Purpose and Organization
- New Alternates Join STA Board
- Preview of Corridor Construction Schedule for 2008 and 2009
- STA to Travel to Sacramento
- Safe Routes to Schools Plan Ready for STA Board Action
- Mid-Year Budget Amendment for FY 2007-08

**VI. INTRODUCTION AND SWEARING-IN OF NEW STA BOARD ALTERNATES**

Council Member Jack Batchelor, Jr. was sworn in as STA's new Board Alternate Member representing the City of Dixon.

Supervisor Mike Reagan was sworn in as STA's new Board Alternate Member representing the County of Solano.

Council Member Jan Vick was sworn in as STA's new Board Alternate Member representing the City of Rio Vista.

**VII. COMMENTS FROM METROPOLITAN TRANSPORTATION COMMISSION (MTC), CALTRANS, AND STAFF:**

**A. Caltrans Report:**

Janet Adams provided an overview of the Draft 2008 State Highway Operations Protection and Programs (SHOPP) Projects in Solano County.

**B. STA Report :**

1. State Legislative Update presented by Gus Khouri.
2. Richard Burnett, Paratransit Coordinating Council (PCC)'s Vice Chair, highlighted PCC's 2007 Accomplishments.
3. Robert Macaulay provided the monthly update of the safety efforts being accomplished along the SR 12 East from I-80 to the Rio Vista Bridge.

**C. MTC Report:**

On behalf of MTC's Doug Kimsey, MTC Commissioner and STA Board Vice Chair Spering and STA's Robert Macaulay provided an overview and a sub-regional report of the updated Regional Transportation Plan for the nine county Bay Area (titled the T-2035 Plan).

**VIII. REGIONAL TRANSPORTATION PLAN PUBLIC HEARING**

Robert Macaulay reviewed the development of Solano County's list of priority transportation projects for MTC's Regional Transportation Plan (titled the T-2035)

Chair Woodruff opened the Public Hearing. Opportunities to provide public input and/or comments were provided.

*Public Hearing Opened: 6:55 p.m.*

No public comment was presented.

*Public Hearing Closed: 6:56 p.m.*

On a motion by Board Member Price, and a second by Board Alternate Member Wilkins, the STA Board unanimously approved the recommendation.

**IX. CONSENT CALENDAR**

On a motion by Board Member Patterson, and a second by Board Member Sanchez, the STA Board approved Consent Calendar Items A thru M with the exception to pull for discussion Agenda Item IX.F.

**A. STA Board Meeting Minutes of January 9, 2008**

Recommendation:

Approve STA Board Special Minutes of January 9, 2008.

**B. Review TAC Draft Minutes for the Meeting of January 30, 2008**

Recommendation:

Receive and file.

**C. Fiscal Year (FY) 2007-08 2<sup>nd</sup> Quarter Budget Report**

Recommendation:

Receive and file.

**D. Yolo-Solano Air Quality Management District Clean Air Application Review Committee**  
Recommendation:  
Authorize the STA Board Chair to appoint two STA Board Members or STA Board Alternates from the YSAQMD area to participate in the STA/YSAQMD Clean Air Application Review Committee.

**E. Bicycle Advisory Committee (BAC)/Pedestrian Advisory Committee (PAC) Letter of Support Regarding Priority Development Area (PDA) Funds**  
Recommendation:  
Approve the attached letter from the STA BAC and PAC to the Metropolitan Transportation Commission (MTC) regarding PDA Funds.

**F. Pulled for discussion.  
Bicycle Advisory Committee (BAC) and Pedestrian Advisory Committee (PAC) 2008 By-Laws Revision**

**Board Comments:**

Board Member Patterson asked several questions regarding this item:

1. How the BAC and PAC Bylaws are updated
2. When both committees meet jointly, do the members with dual membership in both committees have two votes? Could these be included in By-laws?
3. Is there a need to combine the committees?

Robert Guerrero stated that members with dual committee membership have 2 votes (one for each committee he or she represents). Daryl Halls stated that at this point the Board could opt to amend the By-laws. Sara Woo stated that she would work with legal counsel to develop language to clarify voting for special joint committee meetings of the BAC and PAC.

Recommendation:

Approve the attached 2008 BAC and PAC By-Laws Revision.

On a motion by Board Member Patterson, and a second by Board Member Price, the STA Board unanimously approved the recommendation to approve the revised Bylaws as attached; with the Board directing staff to develop language that addresses the voting for dual BAC and PAC membership for Board consideration to include in the approved By-Laws at their next meeting.

**G. Pedestrian Advisory Committee (PAC) Member Appointments**

Recommendation:

Appoint City of Suisun City's Michael Hudson and Bay Area Ridge Trail Council's Kathy Hoffman to the PAC for a three-year term.

**H. Bicycle Advisory Committee (BAC) Member Appointments**

Recommendation:

Appoint City of Vallejo's Mick Weninger to the BAC for a three-year term.

- I. **Comprehensive Transportation Plan Committee Membership**  
Recommendation:  
Confirm the appointments to the CTP Committees as shown in Attachment A.

- J. **Renewal of SolanoEDC Membership**  
Recommendation:  
Approve the following:
1. Renewal of STA's membership with the Solano Economic Development Corporation (SolanoEDC) at the Board Member-Investor level of \$5,000 per year for 2007.
  2. Direct staff to agendize for Board consideration STA's membership in SolanoEDC prior to the annual renewal for 2009.

- K. **Federal Legislative Advocacy Services Contract**  
Recommendation:  
Approve the following:
1. Authorize the Executive Director to enter into a two-year contract with Akin Gump Strauss Hauer & Feld LLP (Akin Gump) from February 16, 2008 through February 15, 2010 at a cost not to exceed \$201,600;
  2. The expenditure of an amount not to exceed \$50,400 to cover the STA's contribution for this contract; and
  3. Authorize the Executive Director to enter into an agreement with the Cities of Fairfield, Vacaville, and Vallejo to continue the partnership to provide federal advocacy services in pursuit of federal funding for the STA's priority projects.

- L. **Solano Transit Consolidation Study Contract Amendment**  
Recommendation:  
Authorize the Executive Director to amend the existing contract with DKS Associates to conduct Phase II of the Countywide Transit Consolidation Study for an amount of \$36,473.

- M. **2008 Paratransit Coordinating Council (PCC) Work Plan**  
Recommendation:  
Approve the 2008 PCC Work Plan as shown in Attachment A.

X. **ACTION – FINANCIAL ITEMS**

- A. **Establishment of STA Insurance Reserve Fund (IRF) Policy**  
Chuck Lamoree reviewed and summarized the establishment of STA Insurance Reserve Fund (IRF) Policy.

**Board Comments:**  
None presented.

**Public Comments:**  
None presented.

Recommendation:

Approve the following:

1. The creation of a STA Insurance Reserve Fund (IRF)
2. Direct staff to fund the IRF at \$50,000 per year up to \$200,000.

On a motion by Board Member Price, and a second by Vice Chair Spring, the STA Board unanimously approved the recommendation.

- B. Fiscal Year (FY) 2007-08 Mid-Year Budget Revision**  
Susan Furtado highlighted the STA's Mid-Year Budget Revisions for FY 2007-08.

**Board Comments:**

None presented.

**Public Comments:**

None presented.

Recommendation:

Approve the adoption of the FY 2007-08 Mid-Year Budget Revision as shown in Attachment A.

On a motion by Board Member Sanchez, and a second by Vice Chair Spring, the STA Board unanimously approved the recommendation.

**XI. ACTION – NON-FINANCIAL ITEMS**

- A. Countywide Safe Routes to School (SR2S) Plan**  
Sam Shelton provided an overview and highlighted the STA's final development of the Countywide SR2S Plan. He stated that after the plan is adopted, staff will create a Pilot SR2S Implementation Program, which will recommend projects to be considered for funding by the STA Board by June 2008. He added that staff is currently reviewing other options to fund pilot SR2S projects Countywide, such as Bay Area Air Quality Management District (BAAQMD) Transportation for Clean Air (TFCA) funds, Yolo/Solano Air Quality Management District (YSAQMD) Clean Air Funds and Federal Safe Routes to School (SR2S) grants.

**Board Comments:**

Board Member Price ask if efforts are being made to change the curriculum in the schools to increase physical activity. Sam Shelton responded that SR2S curriculum is part of the STA's SR2S Plan, as recommended by Dee Alarcon, the Solano County Superintendent of Schools. In addition, California Department of Public Health is also developing better PE standards.

Vice Chair Spring asked what security efforts are being made on walking school buses such as identification, certification and/or training of some type for parents. Sam Shelton responded that the specifics of how each community will run their walking school bus programs is not specified in the STA's SR2S Plan. Sam Shelton added that many communities do require parent volunteers to be fingerprinted and

receive background checks before they participate in school programs. Daryl Halls added that the STA should consider certain standards of security implementation on a countywide level and will bring those particular program elements back to the STA Board at a later date.

Board Member Courville raised concerns about the lack of funding available to the Dixon Unified School District, due to state budget cuts. She stated that the schools should be committed and take responsibilities before she can support the funding portion of the pilot program. Sam Shelton responded that as part of the local SR2S plan adoption process, each city council and school board took actions to appoint a local task force to continue to plan and implement SR2S projects in their community.

Board Member Patterson commented on mentoring efforts and traffic calming program in Benicia.

Daryl Halls and other Board Members commended Sam Shelton for the job well done and success of the countywide plan. Sam Shelton added that over 450 people helped to develop the ideas in this plan, including over 100 task force and committee members who reviewed and recommended this plan to the STA Board, as shown on the plan's acknowledgment page.

**Public Comments:**  
None presented.

**Recommendation:**

Approve the following:

1. STA's Countywide Safe Routes to School Plan;
2. Authorize STA staff to create a STA Safe Routes to School Program based on the STA's Countywide Safe Routes to School Plan's countywide priorities; and
3. Establish the STA's Safe Routes to School Steering Committee as a permanent advisory committee to the STA Board for the new STA Safe Route to School Program.

On a motion by Board Member Patterson, and a second by Board Member Courville, the STA Board unanimously approved the recommendation.

**B. Project Study Report (PSR) Priorities for Caltrans**

Janet Adams reviewed the proposed preliminary engineering priorities for the Fiscal Year (FY) 2008-09 for Solano County Caltrans oversight work. She noted that priority number 1 is the work that has begun or will begin in FY 2007-08 and carry over to the next fiscal year.

**Board Comments:**  
None presented.

**Public Comments:**  
None presented.

Recommendation:

Adopt the Solano County FY 2008-09 Project Study Report Prioritized Workplan to submit to Caltrans as specified in Attachment C.

On a motion by Board Member Price, and a second by Board Member Sanchez, the STA Board unanimously approved the recommendation.

**C. Updated Solano Comprehensive Transportation Plan (CTP) Propose Statement and Goals**

Robert Macaulay reviewed the proposed modifications to the CTP Purpose Statement and Goals.

**Board Comments:**

Board Member Patterson complimented STA staff for their good work in the overall language modifications to the CTP Propose Statement and Goals.

**Public Comments:**

None presented.

Recommendation:

Adopt the updated Purpose Statement, Goals and Organization as shown in Attachment A.

On a motion by Board Member Patterson, and a second by Vice Chair Sperring, the STA Board unanimously approved the recommendation.

**D. Legislative Update**

Jayne Bauer recapped and provided background information to the recommendations listed below.

**Board Comments:**

None presented.

**Public Comments:**

None presented.

Recommendation:

Approve the following:

1. Support ACA 10 (Feuer);
2. Watch SB 1093 (Wiggins); and
3. Approve scheduling the following priority as an amendment to the 2008 STA Legislative Priorities and Platform:  
"Support initiatives to pursue the 55% voter threshold for county transportation infrastructure measures."

On a motion by Board Member Price, and a second by Board Alternate Member Wilkins, the STA Board unanimously approved the recommendation.

**XII. INFORMATIONAL ITEMS – DISCUSSION**

- A. Review of Corridor Construction Schedules for 2008 and 2009**  
Janet Adams provided an overview of the Corridor Construction Schedules for 2008 and 2009.

**Board Comment:**

Board Member Courville raised concerns about some of the forthcoming priority projects and Dixon's priorities needed additional consideration in future priority settings.

Board Member Price commented on the need for a public education campaign for the I-80 construction work. Janet Adams stated that STA will work with Caltrans throughout the construction of this effort.

**NO DISCUSSION**

- B. I-80 Freeway Performance Initiative (FPI) Update**  
**C. Status of Transportation Funds for Clean Air (TFCA) 40% Program Manager Funds**  
**D. State Route (SR) 12 Status Update**  
**E. Project Delivery Update**  
**F. Funding Opportunities Summary**  
**G. Solano Bicycle and Pedestrian Program (SBPP) 2008**  
**H. STA Board Meeting Schedule for 2008**

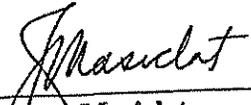
**XIII. BOARD MEMBER COMMENTS**

None presented.

**XIV. ADJOURNMENT**

The STA Board meeting was adjourned at 8:05 p.m. The next regular meeting of the STA Board is scheduled for Wednesday, March 12, 2008 6:00 p.m., Suisun City Hall Council Chambers.

Attested By:

  
\_\_\_\_\_, 3/6/08  
Date  
Johanna Masielat  
Clerk of the Board



**AGENDA ITEM**  
**CITY COUNCIL MEETING: MARCH 18, 2008**  
**COUNCIL MEMBER COMMITTEE REPORTS**

**DATE** : March 12, 2008  
**TO** : Mayor Patterson  
Vice Mayor Campbell  
**FROM** : Dan Schiada, Director of Public Works  
**SUBJECT** : SOLANO WATER AUTHORITY

The following information is provided for your committee report at the March 18, 2008 City Council meeting.

The Solano Water Authority Board of Directors meeting originally scheduled for March 13, 2008 was canceled. The next meeting of the Board is scheduled for April 10, 2008. An agenda for that meeting is not yet available.

# SOLANO COUNTY WATER AGENCY



## **ATTENTION!!**

### **BOARD MEETING CANCELATION NOTICE!**

The Solano County Water Agency's March 13 Board of Directors meeting has been canceled.

Our next Board meeting will be taking place on Thursday, April 10 at the Solano Irrigation District Board Room at 7pm.

### **EXECUTIVE COMMITTEE MEETING CANCELATION NOTICE!**

The Solano County Water Agency's March 5 Executive Committee meeting has also been canceled.

Our next Executive Committee meeting will be taking place on Wednesday, April 2 at 6:00 pm via conference call.

A5.MarchBOD.Cancellation.Notice.doc

P.O. Box 349 • 6040 Vaca Station Road, Building 84  
Elmira, California 95625-0349  
Phone (707) 451-6090 • FAX (707) 451-6099  
[www.scwa2.com](http://www.scwa2.com)



**X-B-9-2**

**Traffic, Pedestrian and Bicycle Safety (TPBS) Committee**

**The agenda for the April 17, 2008 Meeting is being developed. The minutes from the last meeting on January 17, 2008 are not yet available.**

**Meetings begin at 7:00 pm and the meeting schedule for 2008 is listed below:**

**January 17, 2008**

**April 17, 2008**

**July 17, 2008**

**October 16, 2008**



**AGENDA ITEM**  
**CITY COUNCIL MEETING: MARCH 18, 2008**  
**COUNCIL MEMBER COMMITTEE REPORTS**

**DATE** : March 11, 2008

**TO** : Vice Mayor Campbell  
Council Member Hughes

**FROM** : City Manager

**SUBJECT** : **TRI-CITY AND COUNTY COOPERATIVE PLANNING GROUP**

The following information is provided for your committee report at the March 18, 2008 Council meeting.

A joint meeting of the Governing Board and the Citizens Advisory Committee (CAC) had been scheduled for Monday, March 24, 2008 at 7:00 p.m. at the Solano County Government Center in Fairfield. A meeting agenda for the March 24th meeting has been included with this staff report for review.

It is unknown at this time when the next regular meeting of the Governing Board and the CAC will occur. Once meeting dates have been established, final meeting agendas will be forwarded to the Council for review and consideration.



TRI-CITY AND COUNTY COOPERATIVE PLANNING GROUP  
**Cities of Benicia, Fairfield, and  
Vallejo  
County of Solano**

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**AGENDA  
(Updated)  
JOINT GOVERNING BOARD/CITIZENS ADVISORY  
COMMITTEE MEETING  
Monday, March 24, 2008  
7:00 p.m.  
Solano County Government Center  
Multipurpose Rooms  
Fairfield, CA**

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1. Roll Call
2. Introductions
3. Public Comment
4. Minutes: Approval of Governing Board Minutes of August 13, 2007
5. Introduction to the Tri City and County Cooperative Planning Group: A Brief History (Staff, Information)
6. Update on Solano County General Plan
7. Update on Hiddenbrooke School (Mel Jordan, VCUSD)
8. a. Update on Solano Land Trust Activities (Information Item)  
b. Approval of "Success Criteria" for Lynch Canyon (Solano Land Trust) (Action Item)
9. Update on Saint John's Mine Road Abandonment (City of Vallejo)
10. PG&E Easement at Orchards-Hiddenbrooke (Action Item/Information)
11. 2008 Spring Tour/Event: Coordination with Solano Land Trust
12. Adjourn

**AGENDA ITEM  
CITY COUNCIL MEETING: MARCH 18, 2008  
COUNCIL MEMBER COMMITTEE REPORTS**

**DATE** : March 12, 2008  
**TO** : Council Member Hughes  
**FROM** : Ken Hanley, Fire Chief  
**SUBJECT** : VALERO COMMUNITY ADVISORY PANEL (CAP)

The following information is provided for your committee report at the March 18, 2008 Council meeting.

The CAP meets quarterly at 6:30 p.m. at the refinery at 610 Industrial Way. The next CAP meeting is scheduled for April 24, 2008.



**AGENDA ITEM**  
**CITY COUNCIL MEETING: MARCH 18, 2008**  
**COUNCIL MEMBER COMMITTEE REPORTS**

**DATE** : March 11, 2008

**TO** : Mayor Patterson  
Vice Mayor Campbell  
Council Member Schwartzman

**FROM** : Youth Action Task Force

**SUBJECT** : **YOUTH ACTION TASK FORCE**

The following information is provided for your committee report at the March 18, 2008 City Council meeting. Attached please find the draft agenda for the March 26, 2008 meeting (subject to changes and additions) and the Solano County Reducing Rates of Alcohol, Tobacco and other Drugs Coalition 3 Year Strategic Plan.

**BENICIA YOUTH ACTION TASK FORCE  
COMMUNITY COLLABORATIVE  
COMMISSION ROOM – BENICA CITY HALL  
March 26, 2008 3:30 p.m. – 5:00 p.m.**

I. Call to Order

II. Welcome and Introductions

III. Reference to the Fundamental Rights of the Public

IV. Monthly Approvals  
Approval of agenda of March 26, 2008  
Approval of minutes of February 23, 2008

VI. Action Items

A. Subcommittee Reports and Actions  
Members will receive updates on ongoing subcommittee activities and develop timeline recommendations for further development

1. Legislative Action- Discussion on legislative issues that relate to YATF responsibilities and programs  
Status of Mental Health Initiative Spence Rundberg.

B. Project Status

1. ATOD – Reducing Rates Updates  
Members will receive updates on all MSA funded Strategies (Reducing Rates Coalition, City Teams, Social Marketing, Adolescent Intervention Modality (AIM) and Smoking Cessation) and take actions needed to comply with contract objectives and goals.

2. Ongoing Projects

A. Environmental Strategies (ATOD)  
Subcommittee will provide progress update on proposed ordinances; members will approve actions as needed.

Recommendation: Approve activities as required to move forward.

B. Social Marketing Campaign (ATOD)  
Members will review subcommittee review subcommittee recommendations.

Recommendation: Approve local campaign activities and

C. Town Hall Meeting – Underage Drinking (ATOD – City Team Community Meeting)  
Members will review subcommittee report and approve actions and funding as needed.  
Recommendation: Approve actions and funding as needed.

**X-B-13-2**

D. Every 15 Minutes

Members will review implementation progress, budget update and take action as required to implement program.

Recommendation: Approve funding as needed to implement program.

3. Family Resource Center

Colleen Smith

Members will review FRC activities and approve action as required.

Recommendation: None

VII. Old Business

A. Strategic Planning Process/Visioning

Members will receive update regarding the implementation of a Strategic Planning and/or Visioning process to build capacity within the local coalition.

Recommendation:

A. Internet Safety Program

At the last meeting, members approved up to \$1400 to fund the Internet Safety (Bullying) program to be presented to middle school students. Members will receive confirmation of actual costs associated with this program.

Recommendation: Information only

IX. Public Comments

X. Member comments

XI. Adjournment

**Solano County Reducing Rates of Alcohol, Tobacco and other Drugs  
Coalition**

**3 Year Strategic Plan**

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## Executive Summary

A Strategic Planning Committee of the Solano County Reducing Rates of Alcohol, Tobacco and other Drugs Coalition (RRC) conducted a series of meetings with the goal of updating the current strategic plan.

The RRC's mission is to act with a comprehensive approach to reduce the rates of use among its population, and also reduce the terrible impacts of alcohol, tobacco and other drugs (ATOD) on Solano County residents and communities. After evaluating the progress of the Coalition over the last three years, the Strategic Planning Committee developed recommendations in the following five areas.

### Recommendations

- 1) **The Planning Function:** Initiate a planning function that supports RRC partners in selecting and implementing prevention efforts that are appropriate for the communities in which they reside.
- 2) **Prevention Acumen:** All partners involved in the RRC must have the opportunity to increase their knowledge of best practices related to the prevention of alcohol, tobacco and other drugs. In addition, their increase in prevention knowledge must be applicable to their plans to implement their prevention activities. RRC partners must also capture data to be able to evaluate their efforts.
- 3) **Coalition and Partner Relationships:** All constituencies involved in and impacted by the RRC must be able to work together. It is vital that the roles and responsibilities of all the partners are clear and understood by the Coalition members, City Teams and the various subcontractors. In addition, the Strategic Planning initiatives and goals must have the support of RRC partners
- 4) **Ability to Leverage Reducing Rates Funding:** There is an opportunity to leverage the County's funding of the RRC efforts. Many private and public entities are interested in funding efforts that include partnerships, evidence-based strategies, evaluation and some type of matching funds. The implementation of a Strategic Plan that addresses these issues will attract external funding.
- 5) **Awareness in the Community:** ATOD is a County-wide problem that necessitates a coordinated approach from a broad range of community constituencies. It is important that the community develop an awareness and, ultimately, support for ATOD prevention strategies as a means of addressing the County's ATOD problems.

The recommendations were used by the Strategic Planning Committee to formulate Guiding Strategic Principles. The principles *facilitate decisions that determine the nature and direction of the Coalition.*

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**Solano County Reducing Rates**  
**Guiding Strategic Principles**

**Provide evidence-based prevention strategies based on the Strategic Prevention Framework to address the development of a full and comprehensive continuum of services as defined by the Institute of Medicine<sup>1</sup>.**

The Strategic Prevention Framework utilizes a 5-step approach to the effective selection and implementation of prevention programs. The 5 steps include: 1) assessment; 2) capacity; 3) planning; 4) implementation; and 5) evaluation. An entity's degree of rigor when utilizing the Framework is dependent upon its resources and existing partnerships.

**Collaborate with partners that value and utilize best practice standards to ensure a comprehensive continuum of services.**

Collaborative partners must value the use of best practice standards. Best practice may be broadly defined, but must ultimately include evidenced-based strategies and evaluation as core values. Partnerships should include entities across a community's system of care.

**Support training and technical assistance for entities involved in the Reducing Rates effort.**

Successful selection and implementation of prevention efforts requires in-depth knowledge of best practices. The Coalition will support entities in assessing their degree of prevention acumen. It will also facilitate training in deficient areas.

**Leverage Reducing Rates funding to increase resources, ensuring the sustainability of prevention efforts.**

Entities that utilize multiple funding sources can increase the scope and sustainability of their prevention efforts. They are encouraged to form partnerships to jointly pursue funding and create social capital. In this context, social capital is anything that facilitates individual or collective action, generated by networks of relationships, reciprocity, trust, and social norms.

**Heighten the awareness of ATOD prevention as a means for community wellness.** Broad community support of prevention is vital for the successful implementation and increased resources for prevention efforts. Entities receiving Reducing Rates funds should advocate for the prevention of alcohol, tobacco and other drugs and at all levels in their community.

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<sup>1</sup> In a 1994 report on prevention research, the Institute of Medicine (IOM 1994) proposed a new framework for classifying prevention based on Gordon's (1987) operational classification of disease prevention. The IOM model divides the continuum of care into three parts: prevention, treatment, and maintenance. The prevention category is divided into three classifications – universal, selective and indicated prevention interventions, which replace the confusing concepts of primary, secondary, and tertiary prevention. (Source: Western Center for the Application of Prevention Technologies [WestCAPT])

These principles became the basis for the creation of major initiatives. The initiatives are necessary to determine the activities that will move the coalition forward to successfully address its mission. Initiatives are broad statements, covering a 3-year time period, using a format similar to the Guiding Strategic Principles. Initiatives differ from strategic statements because they are operational and direct a specific measurable action.

### Major Initiatives

- Develop an infrastructure that is capable of implementing and sustaining the Reducing Rates Strategic Plan.
- Enhance the technical capacity of the Reducing Rates partners to plan, implement and evaluate effective programs and practices.
- Ensure that needed evidenced-based ATOD prevention services are offered and accessed across the continuum.
- Maximize the collection and use of data to understand Solano County's needs and to achieve accountability in addressing those needs.
- Educate the community on the efforts of the Reducing Rates Coalition.

Lastly, the committee developed goals for each of the next three years that support the initiatives. This will allow the Coalition to measure its progress each year in successfully addressing the initiatives, and ultimately, the mission of the RRC.

### Acknowledgements

The following are the names of the Strategic Planning Committee. These members represented a cross-section the Reducing Rates Partners and were integral to evaluating the progress of the Coalition and updating the strategic plan.

Linda Bosma, Reducing Rates Evaluator  
Greg Gomez, Staff Analyst  
Curtis Hunt, City Team Cordinator  
Edward Kaufman, LCSW, RRC Secretary  
Steve Padilla, RRC Coalition Member

Cecile Kazami, City Team Representative  
Gina Merrell, MSA Project Manager  
Don Mort, RRC Vice Chair  
Del Royer, RRC Coalition Member

And special thanks to the Leadership and Facilitation of Paul Nolfo, Nolfo Consulting.

**Major Initiatives and Goals**

**Develop an infrastructure that is capable of implementing and sustaining the Reducing Rates Strategic Plan.**

**YEAR 1**

- Ensure Reducing Rates partners are knowledgeable of the current roles and responsibilities of the various entities involved in the Reducing Rates effort. If appropriate, develop recommendations and implement changes and/or additions to those roles and responsibilities.
- Produce a development plan for the Reducing Rates Coalition.

**YEAR 2**

- Review roles and responsibilities of the various entities involved in the Reducing Rates effort. If appropriate, develop recommendations and implement changes and/or additions to those roles and responsibilities.
- Implement the development plan for the Reducing Rates Coalition.
- Complete a feasibility study to determine the efficacy of a 501(c)3 status for the Coalition.

**YEAR 3**

- Review roles and responsibilities of the various entities involved in the Reducing Rates effort. If appropriate, develop recommendations and implement changes and/or additions to those roles and responsibilities.
- Revisit, update and implement the development plan for the Reducing Rates Coalition.
- Update the Strategic Plan to address the next three years.
- Determine 501(c)3 status.

**Enhance the technical capacity of the Reducing Rates partners to plan, implement and evaluate effective programs and practices.**

**YEAR 1**

- The Coalition will conduct a thorough needs assessment of the Reducing Rates partners to determine where there are gaps in knowledge and skills that hinder the work of the partners.
- Endorse and provide training on the Strategic Prevention Framework for the Reducing Rates partners. With support from the Coalition, Reducing Rates partners will determine the necessary and appropriate degree of rigor when utilizing the Strategic Prevention Framework.

**YEAR 2**

- Begin initial implementation of the Strategic Prevention Framework.
- Based on the needs assessment, the Coalition will facilitate targeted training and technical assistance for the Reducing Rates partners.
- Produce year-end evaluation of the training and technical assistance program.

**YEAR 3**

- Full implementation of the Strategic Prevention Framework.
- Review and adapt training plan to address emerging gaps.

**Ensure that needed evidenced-based ATOD prevention services are offered and accessed across the continuum.**

**YEAR 1**

- Compile and classify both Reducing Rates and other community services related to the continuum of services.

**YEAR 2**

- Allocate Reducing Rates funding and seek additional resources based on analysis of the continuum of services.

**YEAR 3**

- Continue to identify needs in the continuum of services and allocate funds accordingly.

**Maximize the collection and use of data to understand Solano County's needs and to achieve accountability in addressing those needs.**

**YEAR 1**

- Introduce Reducing Rates partners to CalOMS Prevention<sup>2</sup> and train them how to use it.

**YEAR 2**

- Collect, analyze and interpret key process and outcome data of projects funded by the Reducing Rates Coalition.
- Incorporate CalOMS data in the Strategic Prevention Framework.
- Align Reducing Rates data collection with equivalent State, County and City measures.
- Compare Solano County indicators with State-wide and comparable county indicators.

**YEAR 3**

- Collect, analyze and interpret key process and outcome data of projects funded by the Reducing Rates Coalition.
- Incorporate CalOMS data in the Strategic Prevention Framework.
- Align Reducing Rates data collection with equivalent State, County and City measures.
- Compare Solano County indicators with State-wide and comparable county indicators.

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<sup>2</sup> California Outcomes Measurement Service for Prevention (CalOMS Prevention) is a fully web-based data collection service for primary prevention service/activity data funded with the Substance Abuse Prevention and Treatment (SAPT) block grant dollars via the Department of Alcohol and Drug Programs. (Source: California Department of Alcohol and Drug Programs [ADP])

**Educate the community on the efforts of the Reducing Rates Coalition.**

**YEAR 1**

- Build community awareness about Reducing Rates activities.

**YEAR 2**

- Produce an annual report on Reducing Rates activities and Solano County community indicators. Ensure that interpretation of the data in non-technical language is included in the report.
- Continue to build community awareness about Reducing Rates activities.

**YEAR 3**

- Produce an annual report on Reducing Rates activities and Solano County community indicators. Ensure that interpretation of the data in non-technical language is included in the report.
- Continue to build community awareness about Reducing Rates activities.

**AGENDA ITEM  
CITY COUNCIL MEETING: MARCH 18, 2008  
COUNCIL MEMBER COMMITTEE REPORTS**

**DATE** : March 12, 2008  
**TO** : City Council  
**FROM** : Mayor Patterson  
**SUBJECT** : **ABAG/CAL FED TASK FORCE/BAY AREA WATER FORUM**

The next meeting of the Water Forum is March 24, 2008. As of the date of this memo, an agenda is not yet available. The agenda from the February meeting of the forum follows.

I can provide an update on recent activities of the Forum for the City Council, if desired.

## Bay Area Water Forum:

### *ASCE Infrastructure Report Card for the Bay Region*

Monday, February 25, 2008; 10:30 a.m. - 1:30 p.m.

Meeting Location: Elihu Harris State Office Building, Room 12  
1515 Clay Street, Oakland, CA

#### Meeting Agenda

10:30 Welcome and Introductions

10:40 Forum Business

- Updates from Chairs (*Cynthia Murray, Greg Zlotnick and David Nesmith*)
- Committee Reports
  - ✓ Water and Land Use (*Katy Foulkes, Alicia Aguirre and Peter Vorster, Committee Co-Chairs*)
  - ✓ Legislative Committee (*Greg Zlotnick, Elizabeth Patterson and Andrew Michael, Committee Co-Chairs*)

10:55 ASCE Infrastructure Report Card for the Bay Region (*Mike Kincaid, ASCE*)

11:45 Update on BDCP (*Karla Nemeth, Zone 7*)

12:15 Lunch

12:45 Update on IRWMP Related Activities

- Grants and Related Activities
- Key Issues

1:00 Update on Delta Vision

1:15 Next Steps

- Dates for Upcoming Meetings
- Proposed Topics for Upcoming Meetings
- Other?

1:30 Adjourn

**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 21<sup>st</sup>, please submit the request by March 10<sup>th</sup>.)

Requested by:

**Council Member Ioakimedes**

Requested Council Meeting Date:

**March 18, 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 agendaize discussion of a Benicia Industrial Park Needs Assessment**

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

**Council Member Ioakimedes has requested that the City Council consider placing an item on a future agenda regarding consideration of a Benicia Industrial Park Needs Assessment.**

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](mailto: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!