



**BENICIA CITY COUNCIL  
REGULAR MEETING AGENDA**

**City Council Chambers  
May 01, 2012  
7:00 PM**

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

**I. CALL TO ORDER (7:00 PM):**

**II. CLOSED SESSION:**

**III. CONVENE OPEN SESSION:**

**A. ROLL CALL.**

**B. PLEDGE OF ALLEGIANCE.**

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

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

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

**A. ANNOUNCEMENTS.**

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

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

Building Board of Appeals  
2 full terms  
Open Until Filled

SolTrans Public Advisory Committee  
1 full term  
Open Until Filled

Benicia Community Sustainability Commission  
1 unexpired term  
Open Until Filled

Open Government Commission  
1 unexpired term  
Open Until Filled

Benicia Human Services Board  
1 unexpired term  
Application Due Date: May 4, 2012

**3. Mayor's Office Hours:**

Mayor Patterson will maintain an open office every Monday (except holidays) in the Mayor's Office of City Hall from 6:00 p.m. to 7:00 p.m. No appointment is necessary. Other meeting times may be scheduled through the City Hall office at 746-4200.

**4. Benicia Arsenal Update:** Verbal Update

**B. APPOINTMENTS.**

**C. PRESENTATIONS.**

**D. PROCLAMATIONS.**

**1. In Recognition of May as Drowning Prevention Month**

**2. In Recognition of May as National Preservation Month**

**V. ADOPTION OF AGENDA:**

**VI. OPPORTUNITY FOR PUBLIC COMMENT:**

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

attacks on council members, staff or members of the public, or make comments which are slanderous or which may invade an individual's personal privacy.

**A. WRITTEN COMMENT.**

**B. PUBLIC COMMENT.**

**VII. CONSENT CALENDAR (7:20 PM):**

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

**A. Approval of Minutes for April 17, 2012. (City Clerk).**

**B. RESOLUTION APPROVING A LEASE WITH THE PRESBYTERY OF THE REDWOODS FOR A COMMUNITY GARDEN. (City Attorney)**

Since 2000, the City has entered into a lease with the Presbytery of the Redwoods for land that is used for community gardens. The community gardens are managed by Benicia Community Gardens, Incorporated. This lease would extend the lease for another 5 years.

**Recommendation: Adopt the Resolution extending the lease with the Presbytery of the Redwoods for a community garden for up to five additional years.**

**C. AWARD OF CONSTRUCTION CONTRACT AND APPROVAL OF PROPERTY ACQUISITION FOR THE PARK ROAD SIDEWALK PROJECT. (Public Works and Community Development Director)**

This grant-funded project will construct 1,100 feet of sidewalk along Park Road from Oak Road to Jefferson Street, connecting the terminus of the new Benicia-Martinez Bridge facilities to the City's pedestrian network. The grant is a not-to-exceed amount and the money not used/needed is not available for other purposes. The right-of-way and easements needed for this project are being donated by adjacent property owners.

**Recommendation: Adopt a resolution accepting bids for the Park Road Sidewalk Project, awarding the construction contract to W. R. Ford Associates in the amount of \$187,888, approving the property acquisition needed to construct the project, and authorizing the City Manager to execute the contract and deeds on behalf of the City.**

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

**VIII. BUSINESS ITEMS (7:30 PM):**

- A. **APPROVE THE EXTENSIONS TO THE JULY 1, 2010 TO JUNE 30, 2012 AGREEMENTS BETWEEN THE CITY OF BENICIA AND LOCAL #1 AND BENICIA PUBLIC SERVICES EMPLOYEES ASSOCIATION (BPSEA) AND AUTHORIZE THE RECOMMENDED ADMINISTRATIVE ACTION. (City Manager)**

In 2010 and 2011, City of Benicia employees took a combined reduction in total compensation of approximately 10%. These concessions assisted the City in addressing budget shortfalls in both fiscal years and achieving ongoing structural savings. Given that the City's fiscal status appears relatively stable for the remainder of the current budget period, in a large part due to the previous, ongoing compensation reductions made by City employees, the City has offered, and both Local #1 and BPSEA have agreed, to extend the current contracts for one additional year, to June 30, 2013, with no increases or further reductions to compensation for the remainder of the term. Further, in recognition of those groups that agreed to concessions and the current extension of those agreed upon concessions, staff is recommending that the City Council authorize the closing of non-essential operations for the week of Christmas, December 24-28, 2012.

**RECOMMENDATION: Adopt the resolution approving the Contract Extension Agreements modifying the existing 2010-2012 Memorandums of Understanding (MOUs) with Local #1 and Benicia Public Services Employees Association (BPSEA) and extending all terms of the respective MOUs from July 1, 2012 to June 30, 2013; and adopt the resolution authorizing the City Manager to take the administrative action necessary to effectuate the one-time closure of City Hall/Community Center during the Christmas holiday week in recognition of those groups agreeing to extend their contracts.**

- B. **AWARD OF CONSTRUCTION CONTRACT FOR THE DOWNTOWN INTERMODAL FACILITIES PROJECT. (Public Works and Community Development Director)**

The Downtown Intermodal Facilities Project will enhance pedestrian, bicycle, automobile, and transit facilities in the vicinity of First & Military West and beautify the area. The project design was decided on through an extensive public review process, and the project is fully funded with a Regional Measure 2 grant. The Council approved a final site plan for the project in October 2010, and approved the contract for final design and construction administration in January 2011, authorizing the Traffic, Pedestrian and Bicycle Safety

Committee to determine final design details.

**Recommendation: Adopt a resolution accepting bids for the Downtown Intermodal Facilities Project, awarding the construction contract to Carone & Company, Inc. in the amount of \$1,025,289.20, and authorizing the City Manager to execute the contract.**

**IX. ADJOURNMENT (8:30 PM):**

**Public Participation**

The Benicia City Council welcomes public participation.

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

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

**Disabled Access or Special Needs**

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

**Meeting Procedures**

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

Pursuant to Government Code Section 65009, if you challenge a decision of the City Council in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence

delivered to the City Council at, or prior to, the public hearing. You may also be limited by the ninety (90) day statute of limitations in which to challenge in court certain administrative decisions and orders (Code of Civil Procedure 1094.6) to file and serve a petition for administrative writ of mandate challenging any final City decisions regarding planning or zoning.

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

### **Public Records**

The agenda packet for this meeting is available at the City Manager's Office and the Benicia Public Library during regular working hours. To the extent feasible, the packet is also available on the City's web page at [www.ci.benicia.ca.us](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. A complete proceeding of each meeting is also recorded and available through the City Clerk's Office.



# PROCLAMATION

IN RECOGNITION OF

MAY 2012 AS

## DROWNING PREVENTION MONTH

**WHEREAS**, Drowning Prevention Month was established through a collaborative effort across the country to promote water safety, aquatic safety, and drowning prevention; and

**WHEREAS**, drowning is a leading cause of injury-related death among children under the age of five; and

**WHEREAS**, each year, near drowning accidents result in life-long disabilities; and

**WHEREAS**, the Department of Developmental Services and the Drowning Prevention Foundation continue to raise awareness on this issue, and remind parents and caregivers that “kids are not drown proof”; and

**WHEREAS**, the Benicia Fire Department has partnered with the Drowning Prevention Foundation to promote pool safety and drowning prevention in the community; and

**WHEREAS**, the month of May 2012 has been identified as National Drowning Prevention Month by the Drowning Prevention Foundation and the National Drowning Prevention Alliance; and

**WHEREAS**, with temperatures on the rise, more people are heading out to enjoy summer activities, many of which include water and swimming; and

**WHEREAS**, by becoming informed each of us can enjoy a fun and safe summer.

**NOW, THEREFORE, BE IT RESOLVED THAT I**, Elizabeth Patterson, Mayor of the City of Benicia, on behalf of the City Council, do hereby recognize the month of May 2012 as Drowning Prevention Month and call this observance to the attention of its citizens.

Elizabeth Patterson, Mayor  
May 1, 2012







# PROCLAMATION

## IN RECOGNITION OF MAY AS NATIONAL PRESERVATION MONTH

**WHEREAS**, historic preservation is an effective tool for managing growth, revitalizing neighborhoods, fostering local pride and maintaining community character while enhancing livability; and

**WHEREAS**, historic preservation is relevant for communities across the nation, both urban and rural, and for Americans of all ages, all walks of life and all ethnic backgrounds; and

**WHEREAS**, it is important to celebrate the role of history in our lives and the contributions made by dedicated individuals in helping to preserve the tangible aspects of the heritage that has shaped us as a people; and

**WHEREAS**, Goal 3.1 of the Benicia General Plan is to "Maintain and enhance Benicia's historic character"; and

**WHEREAS**, Benicia is committed to preserving and enhancing its unique geographic and cultural inheritance; and

**WHEREAS**, when you reinvest in older and historic buildings, live in a historic home, or even become a member of the National Trust for Historic Preservation or your local preservation organization, you support a more sustainable world; and

**WHEREAS**, "Discovering America's Hidden Gems" is the theme for National Preservation Month 2012, cosponsored by the City of Benicia, Benicia Historical Society and the National Trust for Historic Preservation.

**NOW, THEREFORE, BE IT RESOLVED THAT I**, Elizabeth Patterson, Mayor of the City of Benicia, on behalf of the City Council, do proclaim May 2012 as National Preservation Month, and call upon the people of Benicia to join their fellow citizens across the United States in recognizing and participating in this special observance.

Elizabeth Patterson, Mayor  
May 1, 2012





MINUTES OF THE  
REGULAR MEETING – CITY COUNCIL  
April 17, 2012

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

**I. CALL TO ORDER:**

Mayor Patterson called the closed session to order at 6:00 p.m. All Council Members were present.

**II. CLOSED SESSION:**

**A. CONFERENCE WITH LABOR NEGOTIATOR**

(Government Code Section 54957.6 (a))

Agency negotiators: City Manager, Administrative Services Director

Employee organizations: City Manager, City Attorney, Senior Managers, Benicia Middle Management Group, Local 1, Benicia Public Service Employees' Association (BPSEA), Benicia Police Officers Association (BPOA), Benicia Firefighters Association (BFA), Benicia Dispatchers Association (BDA), Police Management, Unrepresented.

**B. CONFERENCE WITH REAL PROPERTY NEGOTIATOR**

Property: 3501 East 2nd Street - (Pump Station #3)

Negotiating Parties: City Manager, Public Works and Community Development Director

Under Negotiation: Instruction to negotiators on price and terms of payment.

**III. CONVENE OPEN SESSION:**

Mayor Patterson called the open session to order at 7:26 p.m.

**A. ROLL CALL**

All Council Members were present.

**B. PLEDGE OF ALLEGIANCE**

Judge Healy led the Pledge of Allegiance.

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

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

**A. ANNOUNCEMENTS**

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

Ms. McLaughlin reported that Council took the following actions:

Item II.A - Council received information from staff.

Item II.B - Council gave direction to Staff.

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

Building Board of Appeals  
2 full terms  
Open Until Filled

SoTrans Public Advisory Committee  
1 full term  
Open Until Filled

Benicia Community Sustainability Commission  
1 unexpired term  
Open Until Filled

Open Government Commission  
1 unexpired term  
Application Due Date: April 20, 2012

**3. Mayor's Office Hours**

**4. Benicia Arsenal Update: Verbal Update**

There is a public hearing scheduled for Monday, 4/23/12 at 4:00 p.m. in City Council Chambers.

**B. APPOINTMENTS**

**C. PRESENTATIONS**

- 1. Retrofit Bay Area Program, a regional implementation project of the Energy Upgrade California Program, which is sponsored by the California Energy Commission (CEC) - Scott Corey, Marketing Manger, City of Suisun City**

**D. PROCLAMATIONS**

1. In Recognition of Benicia's Farmer's Market 20th Anniversary
2. In Recognition of Law Day 2012 - May 1, 2012

**V. ADOPTION OF AGENDA:**

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

Ayes: Patterson, Schwartzman, Campbell, Hughes, Strawbridge

Noes: (None)

**VI. OPPORTUNITY FOR PUBLIC COMMENT:**

**A. WRITTEN COMMENT**

None

**B. PUBLIC COMMENT**

1. Kimble Goodman, Benicia Old Town Theatre Group – Various members announced upcoming events at the BOTTG.
2. Constance Beutel - Ms. Beutel announced upcoming events being sponsored by the Community Sustainability Commission.
3. Dan Jensen, Forest Deaner Native Plant Society - Mr. Jensen discussed upcoming Earth Day activities.
4. Marilyn Bardet - Ms. Bardet discussed the energy audits that have been done in Benicia, and the audits that will be done in the Benicia Industrial Park. She encouraged citizens to participate.
5. Jasmine Powell - Ms. Powell discussed the Benicia Industrial Park's need for the City's help with the road conditions in the area.
6. Council Member Strawbridge - Council Member Strawbridge announced the upcoming Fashion Show that will benefit the Community Action Council.

**VII. CONSENT CALENDAR:**

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

Ayes: Patterson, Schwartzman, Campbell, Hughes, Strawbridge

Noes: (None)

Item VII.C was pulled for discussion.

**A. APPROVAL OF MINUTES FOR THE SPECIAL MEETING OF MARCH 27, 2012 AND THE REGULAR MEETING OF APRIL 3, 2012**

On motion of Council Member Schwartzman, seconded by Council Member Hughes, Council approved the minutes for the special meeting of March 27, 2012 and the regular meeting of April 3, 2012, on roll call by the following vote:  
Ayes: Patterson, Schwartzman, Campbell, Hughes, Strawbridge  
Noes: (None)

**B. SECOND READING AND ADOPTION OF AN ORDINANCE AMENDING CHAPTER 13.35 EMERGENCY WATER CONSERVATION PLAN AND CLARIFICATION OF VIOLATION AND ENFORCEMENT PROVISIONS**

**ORDINANCE 12-02 - AN ORDINANCE AMENDING CHAPTER 13.35 (EMERGENCY WATER CONSERVATION PLAN) OF TITLE 13 (PUBLIC SERVICES) OF THE BENICIA MUNICIPAL CODE BY REPLACING IT IN ITS ENTIRETY**

On motion of Council Member Schwartzman, seconded by Council Member Hughes, Council adopted Ordinance 12-02, on roll call by the following vote:  
Ayes: Patterson, Schwartzman, Campbell, Hughes, Strawbridge  
Noes: (None)

**C. ALLOCATION OF \$1,500 OF VALERO/GOOD NEIGHBOR STEERING COMMITTEE SETTLEMENT AGREEMENT FUNDS FOR THE PURCHASE OF BOOKS AND VIDEOS FOR THE BENICIA PUBLIC LIBRARY**

**RESOLUTION 12-41 - A RESOLUTION APPROVING THE GRANT FUNDING REQUEST FROM THE EDUCATION AND OUTREACH WORK GROUP OF THE COMMUNITY SUSTAINABILITY COMMISSION IN THE AMOUNT OF \$1,500 FOR BOOKS AND VIDEOS FOR THE BENICIA PUBLIC LIBRARY**

Council Member Strawbridge and Staff discussed the allotment of funds and the possibility of including the Farmer's Market in the available funds from the Valero/Good Neighbor Steering Committee Settlement Agreement.

Public Comment:

None

On motion of Council Member Strawbridge, seconded by Council Member Hughes, Council adopted Resolution 12-41, on roll call by the following vote:  
Ayes: Patterson, Schwartzman, Campbell, Hughes, Strawbridge  
Noes: (None)

**D. AWARD OF CONSTRUCTION CONTRACT FOR THE 2012 STREET RESURFACING PROJECT**

**RESOLUTION 12-40 - A RESOLUTION ACCEPTING ALL BIDS FOR THE 2012 STREET RESURFACING PROJECT, AWARDING THE CONSTRUCTION**

**CONTRACT TO MCK SERVICES, INC. IN THE AMOUNT OF \$704,696.75, AUTHORIZING THE CITY MANAGER TO SIGN THE CONTRACT ON BEHALF OF THE CITY, AND APPROVING A FUNDING SWAP TO FULLY EXPEND AVAILABLE PROPOSITION 1B MONIES**

On motion of Council Member Schwartzman, seconded by Council Member Hughes, Council adopted Resolution 12-40, on roll call by the following vote:  
Ayes: Patterson, Schwartzman, Campbell, Hughes, Strawbridge  
Noes: (None)

**E. DENIAL OF THE CLAIM AGAINST THE CITY BY DOLORES HOGAN AND REFERRAL TO INSURANCE CARRIER**

On motion of Council Member Schwartzman, seconded by Council Member Hughes, Council approved the denial of the claim against the City by Dolores Hogan and referred it to insurance carrier, on roll call by the following vote:  
Ayes: Patterson, Schwartzman, Campbell, Hughes, Strawbridge  
Noes: (None)

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

**VIII. BUSINESS ITEMS:**

**A. AUTHORIZE ISSUANCE AND SALE OF GENERAL OBLIGATION REFUNDING BONDS TO REFUND OUTSTANDING GENERAL OBLIGATION BONDS**

**RESOLUTION 12-42 - A RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF GENERAL OBLIGATION REFUNDING BONDS, SERIES 2012, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$4,700,000 TO REFUND OUTSTANDING GENERAL OBLIGATION BONDS, AND DIRECTING RELATED ACTIONS**

**RESOLUTION 12-43 - A RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF CORPORATE RESOLUTION TO OPEN ACCOUNTS (First Republic Bank)**

Bill Zenoni, Interim Finance Director, reviewed the staff report.

Mayor Patterson and Staff discussed the total amount that households with an assessed value of \$350,000 are paying for the bonds (\$50/year).

Public Comment:

None

On motion of Council Member Hughes, seconded by Council Member Strawbridge, Council adopted Resolution 12-42, on roll call by the following vote:  
Ayes: Patterson, Schwartzman, Campbell, Hughes, Strawbridge

Noes: (None)

On motion of Council Member Hughes, seconded by Council Member Strawbridge, Council adopted Resolution 12-43, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, Strawbridge

Noes: (None)

**B. APPROVE THE EXTENSIONS TO THE JULY 1, 2010 TO JUNE 30, 2012 AGREEMENTS BETWEEN THE CITY OF BENICIA AND MANAGEMENT EMPLOYEES**

**RESOLUTION 12-44 - A RESOLUTION APPROVING CONTRACT EXTENSION AGREEMENTS TO THE JULY 1, 2010 TO JUNE 30, 2012 AGREEMENTS WITH MANAGEMENT EMPLOYEES**

Brad Kilger, City Manager, reviewed the staff report.

Public Comment:

None

On motion of Council Member Hughes, seconded by Council Member Schwartzman, Council adopted Resolution 12-44, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, Strawbridge

Noes: (None)

**C. APPROVAL OF SUSTAINABLE MANAGEMENT PROGRAM**

Mario Giuliani, Acting Economic Development Director, reviewed the staff report.

Council Member Schwartzman and Staff discussed the guidelines, various clerical changes, annual fees, the issue of the promissory notes (and the City's security), and the program application.

Council Member Hughes discussed the funds that were being utilized for this (Good Neighbor Steering Committee settlement).

Mayor Patterson and Staff discussed various clerical changes, and her support for the program

Council Member Strawbridge and Staff discussed how the City would be getting the word out about the availability of the program.

Public Comment:

1. Constance Beutel, CSC - Ms. Beutel discussed the CSC's support for the program.
2. Kimble Goodman, EDB - Mr. Goodman discussed the EDB's support for the program.

3. Kathy Kerridge, CSC - Ms. Kerridge discussed the CSC's support for the program.

On motion of Council Member Schwartzman, seconded by Council Member Strawbridge, Council approved the Sustainable Management Program as amended (with various technical changes), on roll call by the following vote:  
Ayes: Patterson, Schwartzman, Campbell, Hughes, Strawbridge  
Noes: (None)

**D. Council Member Committee Reports:**

1. **Mayor's Committee Meeting. (Mayor Patterson) Next Meeting Date: April 18, 2012**
2. **Association of Bay Area Governments (ABAG) <http://www.abag.ca.gov/>. (Mayor Patterson and Council Member Strawbridge) Next Meeting Date: April 19, 2012**
3. **Finance, Audit and Budget Committee. (Vice Mayor Campbell and Council Member Strawbridge) Next Meeting Date: April 27, 2012**
4. **League of California Cities.<http://www.cacities.org/index.jsp>(Mayor Patterson and Vice Mayor Campbell) Next Meeting Date: April 19, 2012**
5. **School Liaison Committee. (Council Member Hughes and Council Member Strawbridge) Next Meeting Date: June 7, 2012**
6. **Sky Valley Open Space Committee. (Vice Mayor Campbell and Council Member Schwartzman) Next Meeting Date: May 2, 2012**
7. **Solano EDC Board of Directors. (Mayor Patterson and Council Member Strawbridge) Next Meeting Date: May 16, 2012**
8. **Solano Transportation Authority (STA). <http://www.sta.ca.gov/> (Mayor Patterson and Council Member Schwartzman) Next Meeting Date: May 9, 2012**
9. **Solano Water Authority-Solano County Water Agency and Delta Committee. <http://www.scwa2.com/> (Mayor Patterson and Vice Mayor Campbell) Next Meeting Date: May 10, 2012**
10. **Traffic, Pedestrian and Bicycle Safety Committee. (Vice Mayor Campbell and Council Member Schwartzman) Next Meeting Date: April 19, 2012**
11. **Tri-City and County Regional Parks and Open Space. (Vice Mayor Campbell and Council Member Schwartzman) Next Meeting Date:**

**June 11, 2012**

- 12. Valero Community Advisory Panel (CAP). (Mayor Patterson and Council Member Hughes) Next Meeting Date: TBD**
- 13. Youth Action Coalition. (Council Member Strawbridge and Council Member Hughes) Next Meeting Date: April 25, 2012**
- 14. ABAG-CAL FED Task Force-Bay Area Water Forum.  
<http://www.baywaterforum.org/> (Mayor Patterson) Next Meeting Date: TBD-2013**
- 15. SOLTRANS Joint Powers Authority.  
<http://www.sta.ca.gov/Content/10038/SolTrans.html> (Mayor Patterson, Council Member Hughes and Council Member Schwartzman) Next Meeting Date: April 19, 2012**

**IX. ADJOURNMENT:**

Mayor Patterson adjourned the meeting at 8:57 p.m.

**AGENDA ITEM  
CITY COUNCIL MEETING DATE - MAY 1, 2012  
CONSENT CALENDAR**

**DATE** : April 3, 2012  
**TO** : City Council  
**FROM** : City Attorney  
**SUBJECT** : **RESOLUTION APPROVING A LEASE WITH THE PRESBYTERY OF THE REDWOODS FOR A COMMUNITY GARDEN**

**RECOMMENDATION:**

Adopt the Resolution extending the lease with the Presbytery of the Redwoods for a community garden for up to five additional years.

**EXECUTIVE SUMMARY:**

Since 2000, the City has entered into a lease with the Presbytery of the Redwoods for land that is used for community gardens. The community gardens are managed by Benicia Community Gardens, Incorporated. This lease would extend the lease for another 5 years.

**BUDGET INFORMATION:**

There is no additional cost to the City.

**GENERAL PLAN:**

Relevant Goal:

GOAL 4.3: Attract additional health services to Benicia.

POLICY 4.3.3: Promote establishment of demonstration gardens at schools, churches, fire stations, and other sites.

**CLIMATE ACTION PLAN:**

Relevant Objective:

Objective P-7: Establish Community Gardens

**BACKGROUND:**

As noted in the Climate Action Plan, "The establishment of community gardens can enhance the local food supply, reduce dependence on distant food producers, and foster community interaction and education." The City has fostered community gardens since 2000. This lease allows for the continuation of the Swenson Community Garden at Heritage Presbyterian Church.

The Benicia community garden work arose out of the Healthy Benicia Task Force. Benicia Community Gardens, Inc., organized to develop and manage the garden at the Heritage Presbyterian Church. Over time they have applied for and received a grant from the Solano Coalition for Better Health as well as the City's Human Services Fund. In order to meet the insurance requirements, the Church's governing body requested that the City be involved with the lease.

The Heritage Presbyterian Church and the Benicia Community Gardens, Inc. desire that the lease be continued for up to five additional years. Each year would be contingent upon the Benicia Community Gardens, Inc. securing their funding. Minimal city staff time is expected since the Benicia Community Gardens, Inc. volunteers do all work of managing the garden. To date the only staff time has been drafting and processing the leases, staff reports and insurance.

Attachments:

- Resolution
- Proposed Lease

**RESOLUTION NO. 12-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA AUTHORIZING THE CITY MANAGER TO EXECUTE A LEASE AGREEMENT WITH THE PRESBYTERY OF THE REDWOODS TO ALLOW A COMMUNITY GARDEN AT THE CORNER OF MILITARY AND EAST SECOND STREET**

**WHEREAS**, the Benicia Community Gardens, Inc. proposed developing a community garden; and

**WHEREAS**, the Benicia Community Gardens, Inc. has received a grant for development of the garden; and

**WHEREAS**, the Presbytery of the Redwoods is willing to allow a community garden at the site of the Heritage Presbyterian Church if the City is signatory to the lease; and

**WHEREAS**, the location has been used successfully for several years as a community garden.

**NOW, THEREFORE, BE IT RESOLVED THAT** the City Council does hereby authorize the City Manager to execute the lease agreement with the Presbytery of the Redwoods for the community garden for up to five years subject to minor modifications as may be approved by the City Attorney.

\*\*\*\*\*

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 1<sup>st</sup> day of May, 2012 and adopted by the following vote:

Ayes:

Noes:

Absent:

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

Attest:

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



## LEASE AGREEMENT

This Lease is made on May \_\_\_, 2012, by and between the Presbytery of the Redwoods ("Lessor") and the City of Benicia, a municipal corporation ("Lessee").

### Recitals

1. Lessor owns certain real property commonly known as the Heritage Presbyterian Church, 1400 East Second Street, located within the incorporated boundaries of the City of Benicia.
2. Lessee is a municipal corporation and a sponsor of the Benicia Community Gardens, Inc.
3. Benicia Community Gardens, Inc. has received a grant for a community garden.
4. Lessee, acting through the Benicia Community Gardens, Inc., shall develop a Community Garden on the southeastern portion of the lot that is consistent with the design drawings presented as Exhibit A. The Benicia Community Gardens, Inc. has demonstrated diligence and tenacity regarding the proposed community garden and has developed landscape plans, and exhibits a strong desire to pursue this vision.
5. Lessor and Lessee agree that the portion of the Heritage Presbyterian Church property described in Exhibit A to this Lease Agreement is an appropriate location for the Community Garden.

### Agreement

1. **Leased Premises.** Lessor agrees to lease to Lessee, in accordance with the terms and conditions of this Lease Agreement, the real property ("Premises") described in Exhibit A to this Lease Agreement and incorporated into this Agreement by this reference.
2. **Delivery of Possession.** Lessor agrees to deliver to Lessee actual possession of the Premises on the date of the commencement of the term of this Lease Agreement, subject to only recorded easements and restrictions. All costs related to the recordation of this Lease Agreement shall be the responsibility of Lessee.
3. **Term of Lease.** This Lease Agreement shall commence on May 1, 2012 and unless earlier terminated pursuant to Paragraph 13, shall continue in effect for a period of five (5) years until April 30, 2017. This Lease Agreement may be renewed annually for two additional years, at the discretion of the Lessor, if Lessee has demonstrated to the satisfaction of Lessor, that Lessee has the ability to carry out its obligations to develop the Premises as a Community Garden as more fully described in Paragraph 5 and the Benicia Community Gardens, Inc. has secured grant funding for the term. The renewal of this Lease Agreement pursuant to Paragraph 3 may require amending the terms and provisions of this Lease Agreement in a manner that is mutually agreeable to Lessor and Lessee. The City Council of Lessee will be required to approve of any change in terms or provisions. No further approval of the City Council is required for the

renewals. The parties acknowledge that it is the desire of the parties and the Benicia Community Gardens, Inc. that the Benicia Community Gardens, Inc. become the signatory to this Lease Agreement instead of the City of Benicia.

4. **Rent.** Lessee agrees to pay Lessor one dollar (\$1.00) per year for use and development of the Premises pursuant to this Lease Agreement.

5. **The Community Garden.** Lessee plans to create a Community Garden on the Premises as more fully described in the document entitled "Proposal for a Community Garden", dated January 20th, 2000, and prepared by Megumi Grumio. This document is appended to this Lease Agreement as Exhibit B and incorporated into this Agreement by this reference.

6. **Water Use.**

a. Water service is essential to this project. The parties agree that it is their intent that the Benicia Community Gardens, Inc. be responsible for paying all costs related to the water connections and charges and that in no event shall Lessee be liable for any costs of providing water to the Premises. The parties also agree that any connections to the water system will be done by a qualified contractor and all plumbing and encroachment permits will be paid for and obtained by Lessor or the Benicia Community Gardens, Inc.

b. At the option of Lessor, one of the following arrangements will be made for water service.

1. The Intergenerational Garden Committee, acting for the Benicia Community Gardens, Inc., shall cause to be installed a water meter at the juncture of the garden water system and the exterior faucet located at the rear of the church. An appointee of Lessor shall be the designated meter reader for the purposes of this Lease Agreement. The reader shall upon receipt by Lessor of a City of Benicia water bill read the meter and log the date and the quantify of water measured by the meter. The Benicia Community Gardens, Inc. shall pay within fifteen (15) days of written notification from Lessor an amount equal to the exact percentage of water consumed applied to the total water and sewer charges imposed by the City of Benicia. It is anticipated that the monthly charges for both water and sewer use will go up substantially.

2. Lessor may install a separate new meter for water service. Lessor or the Benicia Community Gardens, Inc. will be required to pay all costs associated with the installation of the new meter including, but not limited to the connection fee and meter fee. If the service will be used strictly for irrigation purposes, the City of Benicia may be requested to set up the account so that no sewer charges are imposed.

7. **Maintenance of Premises.** Lessee shall keep the Premises in good order and free of all refuse and other nuisances, and except as specifically provided in this Lease Agreement, all obstructions. Lessee agrees to comply with all orders from the County of Solano or any other

governmental agency affecting said Premises. Maintenance of the Premises shall be in accordance with the provisions of all relevant local, state and federal laws.

8. **Waste or Nuisance.** Lessee shall not commit or permit the commission by others of any waste on the Premises. Lessee shall not maintain, commit, or permit the maintenance or commission of any nuisance as defined in Civil Code Section 3479 on the Premises. Lessee shall not use or permit the use of the Premises for any unlawful purpose. Both Lessor and Lessee agree that the primary function of the Premises is that of a church and any conflict in the scheduling of services or other church functions and garden work parties be resolved in favor of the Lessor.

9. **Destruction of Premises.** If the Premises, including any and all improvements to the Premises, are injured or destroyed by fire or the elements, or through any other cause, so as to render the Premises unfit for the use contemplated by this Agreement, the Lessor may terminate this Lease Agreement, and the Lessee shall immediately surrender the Premises and all interest therein to the Lessor.

10. **Indemnity.** This Lease Agreement is made upon the express condition that the Lessor shall be free from all liabilities and claims for damages for or by reason of any injury or injuries to Lessee, its officers, agents, employees, and volunteers, from any cause or causes whatsoever while in or upon the Premises or any part thereof during the term of this Lease Agreement or occasioned by any occupancy or use of the Premises or any activity carried on by Lessee in connection therewith. Lessee covenants and agrees to indemnify, defend, and hold harmless Lessor, its officers and employees, from all liabilities, charges, expenses and costs on account of or by reason of any such injuries, liabilities, claims, suits, or losses however occurring or damages arising out of same, except for those related to water connection and usage.

11. **Insurance.** Lessee shall, at its own cost and expense, procure and maintain general liability insurance in the amount of at least \$7 million during the entire term of this Lease Agreement. This insurance shall name Heritage Presbyterian as an additional insured.

12. **Assignments and Subleases.** Lessee shall not assign this Lease Agreement without first obtaining the written consent of the Lessor.

13. **Default and Termination.** The occurrence of any of the following shall constitute a material default and breach of this Lease Agreement by Lessee:

- a. A failure by Lessee to observe and perform any other provision of this Lease Agreement to be observed or performed by Lessee when that failure continues for thirty (30) days after written notice of Lessee's failure is given by Lessor; provided, however, that if the nature of that default is such that it cannot reasonably be cured within a thirty (30) day period, Lessee shall not be deemed to be in default if Lessee commences that cure within the thirty (30) day period and thereafter diligently prosecutes it to completion.

- b. Lessee's use of the Premises in a manner that violates Paragraph 8 of this Lease Agreement;
- c. Any other failure by Lessee to comply with the terms and conditions of this Lease Agreement.

In the event of any default by Lessee under this Lease, in addition to any other remedies available to Lessor, Lessor shall have the right to terminate this Lease Agreement and all rights of Lessee hereunder by giving written notice of the termination. The waiver by Lessor of any breach by Lessee of any of the provisions of this Lease Agreement shall not constitute a continuing waiver or a waiver of any subsequent breach by Lessee either of the same or another provision of this Lease Agreement.

14. **Benicia Community Gardens, Inc.** This Lease Agreement is for the benefit of the Benicia Community Gardens, Inc. Lessor agrees to look to the Benicia Community Gardens, Inc. first to perform any of the obligations under this Lease Agreement. Lessor agrees to look solely to the Benicia Community Gardens, Inc. for water related issued in accordance with Paragraph 6.

15. **Notices.** Any and all other communications required or permitted by this Lease Agreement or by law to be served on or given to either party to this Lease Agreement shall be in writing and shall be deemed duly served and given when personally delivered to the party to whom they are directed, or when deposited in the United States mail, first-class postage prepaid, addressed as follows:

LESSEE:	LESSOR:
Parks and Community Services Director	Heritage Presbyterian Church
City of Benicia	Presbytery of the Redwoods
250 East L Street	1400 East Second Street
Benicia, CA 94510	Benicia, CA 94510

Benicia Community Gardens, Inc.  
Larry Lamoreux  
783 West J Street  
Benicia, CA 94510

16. **Entire Agreement.** This Lease Agreement constitutes the sole and only full, final and complete agreement between Lessor and Lessee respecting the Premises. Any agreements or representations respecting the Premises or their leasing by Lessor to Lessee not expressly set forth in this instrument are null and void. This Lease Agreement may not be extended, amended, modified, altered or changed, except in writing signed by Lessor and Lessee.

The parties hereto have executed this Lease on the dates specified immediately below their respective signatures.

City of Benicia  
Lessee

Presbytery of the Redwoods  
Lessor

\_\_\_\_\_  
City Manager  
Dated: \_\_\_\_\_

\_\_\_\_\_  
Dated: \_\_\_\_\_

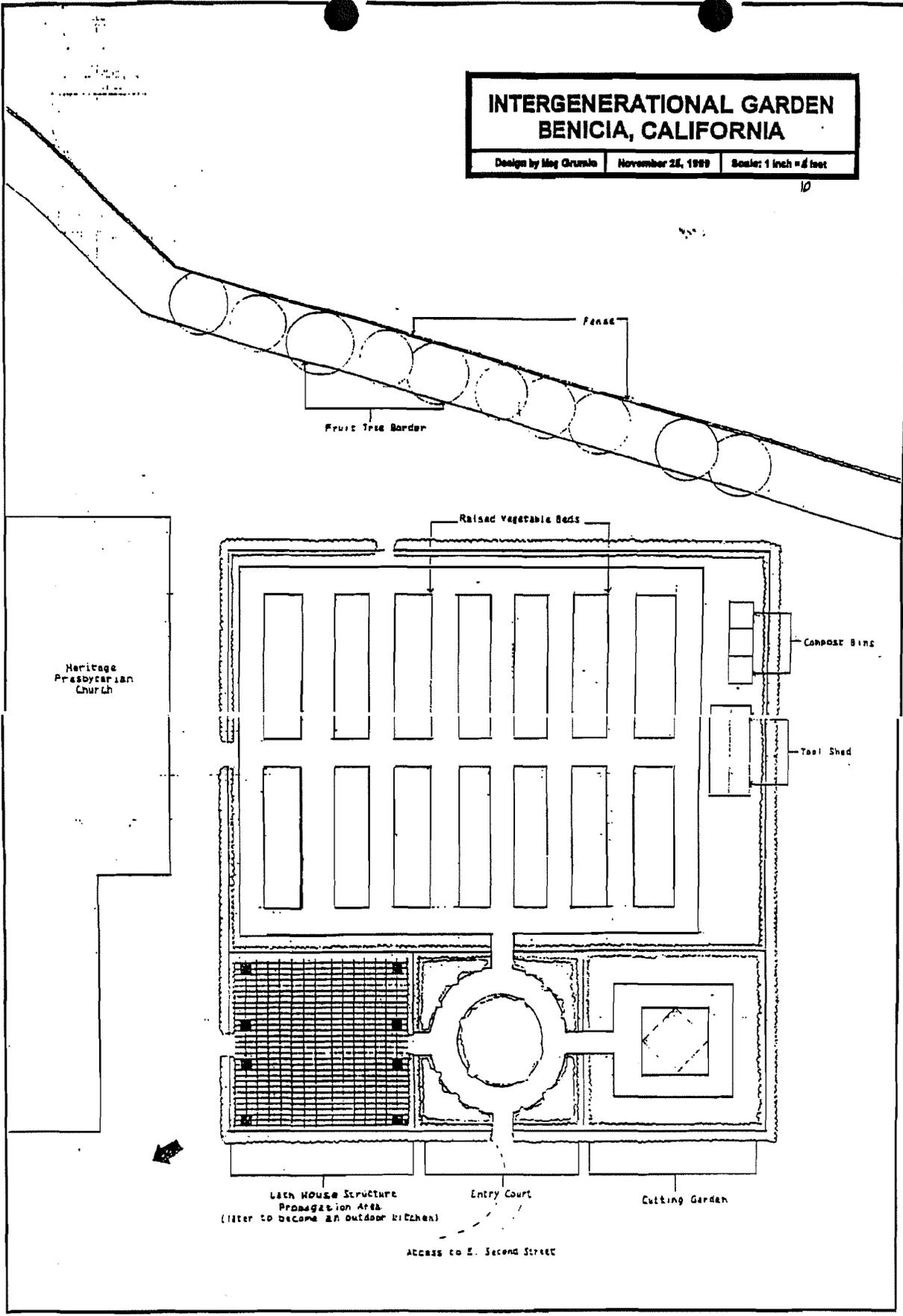
Approved as to form:

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

# INTERGENERATIONAL GARDEN BENICIA, CALIFORNIA

Design by Meg Grunlin November 25, 1989 Scale: 1 inch = 4 feet

10



## Proposal for the Community Garden

To speak of a garden conjures images in the mind of the listener. One man will see a hillside of wildflowers, a woman will remember the kitchen garden full of tasty vegetables in her childhood home in Kansas, another sees a cur flower bed. This is why I believe our community garden must begin on paper so that all involved parties may comment or object to any design feature before the first spadeful of soil is removed. I am offering a garden plan with the purpose of presenting my own vision of a community garden in an urban setting. This is a starting point from which we may all discuss desirable and undesirable features.

First of all we must discuss just exactly what is the purpose of this garden. It is my understanding that we are to provide raised beds suitable for vegetable growth and a mixed border for the planting of fruit trees. It also seems to me that the garden is to be a primary source of public relations for the Healthy Benicia Task Force. I also see that the Heritage Presbyterian Church, acting as landlord, participant and most immediate neighbor deserves consideration and use rights to the area.

With these thoughts in mind I have listed these features not necessarily in order of priority.

1. Provide a windbreak, as the wind in Benicia is a limiting factor in plant growth as well as an unpleasant experience for many people.
2. Provide a sense of enclosure and some buffering from the busy street corner.
3. Present an attractive appearance from the street
4. Provide a shaded area for work and rest, later to be used for other purposes.
5. Given that eight garden beds are provided for eight teams, additional volunteers and gardeners should be given a place to work. Those not willing to commit to a season of vegetable growth should have options of other types of gardening.
6. Create a plan that will accommodate future expansion and future changes in fashion in the horticultural world. Be flexible enough to meet public demand.
7. Integrate the garden with the activities of the church as well as the appearance of the church and adjacent structures.

With these guidelines in mind I have planned a rectangular garden 60 feet by 65 feet. It is subdivided into three small 20X20 rooms at the northeastern end and one large 45X60 room at the opposite side. The enclosure is hedged with a dense shrub whose maximum height will be 8 feet with a minimum depth of 4 feet. Each of the interior "walls" are also hedges. Initially, only one eucalyptus tree requires removal. The project will begin after the installation of irrigation with temporary wire fencing and the hedges planted along the wire.

EXHIBIT B

The entrance will go through the center room, which I have designated an entryway with a central "feature" and seating. It is to be a room whose purpose is to invite people further into the garden and to provide a tiny retreat for church workers and members seeking a breath of fresh air or a pleasant seat to lunch at. The retreat room is to be planted solely with beauty and repose in mind.

The eastern most room has a lath roof. Initially the area may be used as a staging area for the remainder of the garden and used for plant propagation. A later use could be that of an outdoor kitchen. An outdoor kitchen can be very basic, merely providing a cold water sink for washing vegetables and hands, a counter for working and an area to place a propane gas grill. These features would tie in logically to a gardening project whose emphasis is on nutrition.

The westernmost room is designed as a cut flower garden. These plants will be the ones most people are familiar with such as daffodils, roses, hyacinths and irises. All the plants are selected with the intention of creating bouquets and floral arrangements. These arrangements may be used for thank-you gifts, cheering up the ill or decorating within the church. Once the flowers exist, there will certainly be no lack of uses for them. The garden may also incorporate ferns and other suitable cut greenery, ornamental grasses for use in dried arrangements and any interesting dryable flower, seedpod or herb.

In addition, I placed the fruit trees in a six-foot wide border, which will accommodate herbaceous plants as well as the trees.

Meg Grumio-Sites

Church property described in Exhibit to this Lease Agreement

**AGENDA ITEM  
CITY COUNCIL MEETING DATE - MAY 1, 2012  
CONSENT CALENDAR**

**DATE** : April 11, 2012  
**TO** : City Manager  
**FROM** : Public Works and Community Development Director  
**SUBJECT** : **AWARD OF CONSTRUCTION CONTRACT AND APPROVAL OF  
PROPERTY ACQUISITION FOR THE PARK ROAD SIDEWALK  
PROJECT**

**RECOMMENDATION:**

Adopt a resolution accepting bids for the Park Road Sidewalk Project, awarding the construction contract to W. R. Ford Associates in the amount of \$187,888, approving the property acquisition needed to construct the project, and authorizing the City Manager to execute the contract and deeds on behalf of the City.

**EXECUTIVE SUMMARY:**

This grant-funded project will construct 1,100 feet of sidewalk along Park Road from Oak Road to Jefferson Street, connecting the terminus of the new Benicia-Martinez Bridge facilities to the City's pedestrian network. The grant is a not-to-exceed amount and the money not used/needed is not available for other purposes. The right-of-way and easements needed for this project are being donated by adjacent property owners.

**BUDGET INFORMATION:**

The proposed project budget is outlined below:

**Project Budget**

FY 2012/13 Approved Budget	
Regional Measure 2 Grant (Acct. #035-7740-9712).....	\$249,688
<b>Total Project Budget .....</b>	<b>\$249,688</b>

A summary of the anticipated construction expenditures is outlined below:

**Project Expenditures**

Construction Contract .....	\$187,888
Construction Contingency (10%) .....	\$18,800
Construction Management (City staff) .....	\$20,000
Engineering Support (Design Consultant) .....	\$5,000

Construction Staking .....	\$8,000
Quality Control/Materials Testing .....	\$10,000
<b>Total Project Expenditures .....</b>	<b>\$249,688</b>

**GENERAL PLAN:**

Relevant General Plan Goals and policies include:

- Goal 2.15: Provide a comprehensive system of pedestrian and bicycle routes
- Goal 2.20: Provide a balanced street system to serve automobiles, pedestrians, bicycles, and transit
- Goal 2.28: Improve and maintain public facilities and services

**STRATEGIC PLAN:**

Relevant Strategic Plan Issue and Strategies include:

- Strategic Issue #4: Preserving and Enhancing Infrastructure
  - Strategy #1: Provide safe, functional and complete streets/obtain funding for and begin construction of the Benicia Bridge/Arsenal Pedestrian Path Project

**ENVIRONMENTAL REVIEW:**

This project is Categorically Exempt per CEQA Section 15301 (c). The sidewalk is a minor alteration within the existing public right-of-way of Park Road and will involve a negligible expansion of existing use.

**BACKGROUND:**

On April 5, 2012, six bids were received and opened for the Park Road Sidewalk Project as summarized below:

<b>RANK</b>	<b>BIDDER'S NAME AND CITY</b>	<b>TOTAL BASE BID</b>
1	W.R. Ford Associates, Richmond	\$187,888.00
2	Pfister Excavating, Inc., Vallejo	\$188,246.00
3	G.D Nielson, Inc., Napa	\$189,345.00
4	Hess Concrete, Inc., American Canyon	\$201,579.00
5	FBD Vanguard, Inc., Livermore	\$233,651.75
6	JJR Construction, Inc., San Mateo	\$315,472.50

--	<i>Engineer's Estimate</i>	\$317,000.00
----	----------------------------	--------------

The low bid submitted by W.R. Ford Associates, Inc. of Richmond was reviewed and determined to be responsive. W.F. Ford has successfully completed capital improvement projects for the City and other public agencies in the Bay Area and is considered a responsible bidder.

This project will construct a 1,100 foot long, 6 foot wide sidewalk along the north side of Park Road. The sidewalk will begin at Oak Road, at the terminus of the Caltrans bicycle/pedestrian facilities constructed with the second span of the Benicia-Martinez Bridge, and end at Jefferson Street where it will tie into the existing sidewalk network.

The Metropolitan Transportation Commission (MTC), which is the financing authority for Caltrans on toll bridges, committed to funding this sidewalk project when the pedestrian facilities on the second span of the bridge were under construction so that there would be connectivity with the local pedestrian network. At that time, it was estimated the project could cost up to \$400,000, which MTC then allocated for this work. The 6 foot wide sidewalk will comfortably accommodate pedestrians walking side by side. Bike lanes were previously installed along this section of Park Road. A 12 foot wide combined bicycle/pedestrian pathway was also considered for this project. However, this design alternate was cost prohibitive because it would require extensive grading, a retaining wall, and utility relocations.

The Valero Refining Company and the Clocktower Grove Owners Association are each donating a 5 foot wide utility easement and 10 foot wide strip of land for the new sidewalk along their property frontages. There is no cost to the City for this land acquisition.

Construction is scheduled to begin in late May and be completed by the end of July.

Attachments:

- ❑ Proposed Resolution
- ❑ Exhibit A (4) Deeds
- ❑ Location Map



**RESOLUTION NO. 12-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA ACCEPTING ALL BIDS FOR THE PARK ROAD SIDEWALK PROJECT, AWARDING THE CONSTRUCTION CONTRACT TO W.R. FORD ASSOCIATES IN THE AMOUNT OF \$187,888, APPROVING THE PROPERTY ACQUISITION NEEDED TO CONSTRUCT THE PROJECT, AND AUTHORIZING THE CITY MANAGER TO SIGN THE CONTRACT AND DEEDS ON BEHALF OF THE CITY**

**WHEREAS**, on March 15, 2012 the Public Works and Community Development Department made available the construction plans and specifications for the Park Road Sidewalk Project for public bidding; and

**WHEREAS**, on April 5, 2012, six bids were received and opened; and

**WHEREAS**, W.R. Ford, of Richmond, California was determined to be the bidder submitting the lowest responsive, responsible bid in the amount of \$187,888; and

**WHEREAS**, this project is fully funded by a Regional Measure 2 grant from the Metropolitan Transportation Commission; and

**WHEREAS**, this project is categorically exempt pursuant to Section 15301(c) of the CEQA guidelines; and

**WHEREAS**, the Valero Refining Company and the Clocktower Grove Owners Association are each donating a 5 foot wide utility easement and 10 foot wide strip of land for the new sidewalk along their property frontages as shown on Exhibit A.

**NOW, THEREFORE, BE IT RESOLVED THAT** the City Council of the City of Benicia hereby accepts the bids for the Park Road Sidewalk, and awards the construction contract in the amount of \$187,888 to W.R. Ford.

**BE IT RESOLVED THAT** the City Council of the City of Benicia hereby accepts easements and strips of land as shown on Exhibit A (Deeds 1 – 4).

**BE IT FURTHER RESOLVED THAT** the City Manager is hereby authorized to sign the contract and deeds on behalf of the City, 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 1<sup>st</sup> day of May, 2012, and adopted by the following vote:

Ayes:  
Noes:  
Absent:

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

Attest:

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

PURSUANT TO GOVERNMENT CODE §6103, NO FEE IS REQUIRED FOR THE RECORDATION OF THIS DOCUMENT

RECORDING REQUESTED BY

WHEN RECORDED MAIL TO

City of Benicia – Public Works Dept.  
250 East "L" Street  
Benicia, CA 94510

SPACE ABOVE THIS LINE FOR RECORDER'S USE

DEDICATION – ROADWAY PURPOSES  
PARK ROAD WIDENING

Valero Refining Company - California, the undersigned, being the present title owner(s) of record of the herein described parcel of land, does hereby dedicate to the City of Benicia (hereinafter CITY), a political subdivision of the State of California, and its successors or assigns, for the purposes of a public road, together with all necessary appurtenances pertaining thereto, including construction access or maintenance of works, improvements and structures, whether covered or open, upon the real property situated in the CITY, described in Exhibit "A" (written description) and shown on Exhibit "B" (plat map) attached hereto.

The provision hereof shall inure to the benefit of and be binding upon heirs, successors, assigns, and personal representatives of the respective parties hereto.

IN WITNESS WHEREOF, those present have executed this instrument this \_\_\_\_\_ day of \_\_\_\_\_, 201 \_\_\_\_.

\_\_\_\_\_  
Name  
Title

\_\_\_\_\_  
Name  
Title

State of California

County of \_\_\_\_\_

Subscribed and sworn to (or affirmed) before me on this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_,

by \_\_\_\_\_, proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

Notary Public Signature

Notary Public Seal

EXHIBIT A

SUB PARCEL 1  
VALERO STREET DEDICATION

A PORTION OF THE VALERO PIPELINE RIGHT-OF-WAY (FORMERLY EXXON) AS SHOWN ON THE RECORD OF SURVEY FILED DECEMBER 27, 1966 IN BOOK 10 OF SURVEYS AT PAGE 27, SOLANO COUNTY RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE GENERAL NORTHERLY TERMINUS OF THE CURVE OF PARK ROAD AS SHOWN ON THE PARCEL MAP FILED SEPTEMBER 21, 1984 IN BOOK 26 OF PARCEL MAPS, PAGE 93, SOLANO COUNTY RECORDS, HAVING A RADIUS OF 86.94 FEET,  $\Delta = 73^{\circ}39'23"$   $L = 111.77$  FEET; THENCE NORTH  $66^{\circ}27'03"$  WEST 25.00 FEET TO THE TRUE POINT OF BEGINNING OF THIS DEDICATION, BEING A POINT ON THE GENERAL WESTERLY LINE OF PARK ROAD; THENCE SOUTH  $56^{\circ}33'58"$  WEST 3.08 FEET; THENCE NORTH  $71^{\circ}02'05"$  WEST 7.67 FEET; THENCE NORTH  $23^{\circ}35'41"$  EAST 70.23 FEET; THENCE SOUTH  $71^{\circ}02'05"$  EAST 9.36 FEET; TO A POINT ON THE GENERAL WESTERLY LINE OF PARK ROAD THENCE ALONG THE GEN WESTERLY LINE OF PARK ROAD SOUTH  $23^{\circ}35'41"$  WEST 67.78 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING 652.98 SQUARE FEET MORE OR LESS.

SEE EXHIBIT B ATTACHED HERETO AND MADE A PART HEREOF.



SCALE: 1"=40'

**SUB PARCEL 1:**  
NEW RIGHT OF WAY  
(652.98 SF)

**SUB PARCEL 2:**  
PUBLIC UTILITIES  
EASEMENT  
(351.15 SF)

**SUB PARCEL 3:**  
NEW RIGHT OF WAY  
(1303.27 SF)

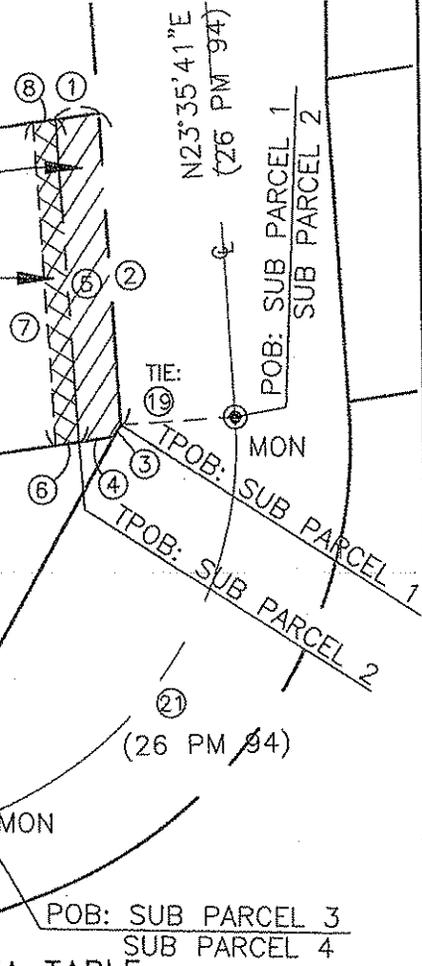
**SUB PARCEL 4:**  
NEW PUBLIC UTILITIES  
EASEMENT  
(765.74 SF)

VALERO REFINING CO.  
PIPELINE R/W  
10 RS 27

CLOCKTOWER GROVE  
OWNERS ASSOCIATION  
58 RM 52

PARK RD.  
N82°44'56"W 93.23'  
(26 PM 94)

N12°12'30"W (R)  
N11°49'32"W (R)  
N60°44'01"E (R)  
N84°32'57"E (R)  
N11°17'34"W (R)



**DATA TABLE**

①	N71°02'05"W	9.36'
②	N23°35'41"E	67.78'
③	N56°33'58"E	3.08'
④	N71°02'05"W	7.67'
⑤	N23°35'41"E	70.23'
⑥	N71°02'05"W	5.02'
⑦	N23°35'41"E	70.23'
⑧	N71°02'05"W	5.02'
⑨	N82°44'56"W	91.51'
⑩	R=239.43' Δ=18°32'36" L=77.49'	
⑪	R=125.00' Δ=4°46'34" L=10.42'	
⑫	R=247.43' Δ=19°04'43" L=82.39'	
⑬	N82°44'56"W	74.43'
⑭	N57°39'20"W	18.86'
⑮	N57°39'20"W	11.79'
⑯	N82°44'56"W	63.75'
⑰	R=252.43' Δ=19°27'40" L=85.74'	
⑱	R=125.00' Δ=2°24'56" L=5.27'	
⑲	N66°27'03"W	25.00'
⑳	N2°27'18"E	20.57'
㉑	R=86.94" Δ=73°39'23" L=111.77'	

**LEGEND**

- POB POINT OF BEGINNING
- TPOB TRUE POINT OF BEGINNING
- ⊕ CENTERLINE
- RM RECORD MAP, SOLANO COUNTY RECORDS
- PM PARCEL MAP, SOLANO COUNTY RECORDS
- (R) RADIAL BEARING
- MON MONUMENT
- SF SQUARE FEET

NOTE: PROPERTY LINE INFORMATION HEREON IS BASED UPON RECORD INFORMATION. THIS PLAT IS NOT CONSIDERED A RECORD OF SURVEY

**EXHIBIT B**

**PARK RD. SIDEWALK WIDENING  
RIGHT OF WAY & EASEMENT PLAT  
CITY OF BENICIA**



**Cullen-Sherry & Associates, Inc.**  
Civil Engineering - Surveying  
1090 Adams Street, Suite A - P.O. Box 591  
Benicia, California 94610  
(707) 745-3219 Fax (707) 745-9438 csa-engineers.com

SCALE:	1"=40'
DATE:	4-2010
DRAWN BY:	DC
CHECKED BY:	DC
PROJECT NO.:	00140



RECORDING REQUESTED BY

WHEN RECORDED MAIL TO

City of Benicia – Public Works Dept.  
250 East "L" Street  
Benicia, CA 94510

SPACE ABOVE THIS LINE FOR RECORDER'S USE

MAIL TAX STATEMENTS TO:

City of Benicia – Public Works Dept.  
250 East "L" Street  
Benicia, CA 94510

The undersigned grantor(s) declare(s):

CITY TRANSFER TAX \$  
DOCUMENTARY TRANSFER TAX \$ None  
SURVEY MONUMENT FEE \$

Computed on the consideration or value of property conveyed; OR Computed on the consideration or value less liens or encumbrances remaining at time of sale.

APN:

**GRANT DEED OF EASEMENT**

FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged

**Valero Refining Company - California**

Hereby GRANT(S) to **The City of Benicia**

The real property in the City of Benicia  
County of Solano, State of California, described as follows:

A non-exclusive Public Utility Easement, for public utility purposes including, but not limited to, water, sewer, storm drainage, gas, electric, telephone, and communication facilities, valves, vaults, structures, pipes whether covered or above ground, including reasonable rights of access thereto for maintenance, over the lands described and depicted in Exhibits A and B attached hereto and made a part hereof.

Dated: \_\_\_\_\_

\_\_\_\_\_

State of California

County of \_\_\_\_\_

Subscribed and sworn to (or affirmed) before me on this

\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,

by \_\_\_\_\_, proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

Notary Public Signature

Notary Public Seal

\_\_\_\_\_

EXHIBIT A

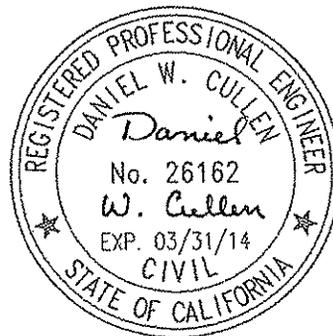
SUB PARCEL 2  
VALERO PUBLIC UTILITY EASEMENT

A PORTION OF THE VALERO PIPELINE RIGHT-OF-WAY (FORMERLY EXXON) AS SHOWN ON THE RECORD OF SURVEY FILED DECEMBER 27, 1966 IN BOOK 10 OF SURVEYS AT PAGE 27, SOLANO COUNTY RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE GENERAL NORTHERLY TERMINUS OF THE CURVE OF PARK ROAD AS SHOWN ON THE PARCEL MAP FILED SEPTEMBER 21, 1984 IN BOOK 26 OF PARCEL MAPS, PAGE 93, SOLANO COUNTY RECORDS HAVING A RADIUS OF 86.94 FEET,  $\Delta=73^{\circ}39'23''$   $L=111.77$  FEET; THENCE NORTH  $66^{\circ}27'03''$  WEST 25.00 FEET; THENCE SOUTH  $56^{\circ}33'58''$  WEST 3.08 FEET; THENCE NORTH  $71^{\circ}02'05''$  WEST 7.67 FEET TO THE TRUE POINT OF BEGINNING OF THIS PUBLIC UTILITY EASEMENT; THENCE NORTH  $71^{\circ}02'05''$  WEST 5.02 FEET; THENCE NORTH  $23^{\circ}35'41''$  EAST 70.23 FEET; THENCE SOUTH  $71^{\circ}02'05''$  EAST 5.02 FEET; THENCE SOUTH  $23^{\circ}35'41''$  WEST 70.23 FEET TO THE TRUE POINT OF BEGINNING OF THIS PUBLIC UTILITY EASEMENT.

CONTAINING 351.15 SQUARE FEET MORE OR LESS.

SEE EXHIBIT B ATTACHED HERETO AND MADE A PART HEREOF.



SCALE: 1"=40'

**SUB PARCEL 1:**  
NEW RIGHT OF WAY  
(652.98 SF)

**SUB PARCEL 2:**  
PUBLIC UTILITIES  
EASEMENT  
(351.15 SF)

**SUB PARCEL 3:**  
NEW RIGHT OF WAY  
(1303.27 SF)

**SUB PARCEL 4:**  
NEW PUBLIC UTILITIES  
EASEMENT  
(765.74 SF)

VALERO REFINING CO.  
PIPELINE R/W  
10 RS 27

CLOCKTOWER GROVE  
OWNERS ASSOCIATION  
58 RM 52

PARK RD.

N12°12'30"W (R)  
N11°49'32"W (R)  
N60°44'01"E (R)  
N64°32'57"E (R)  
N11°17'34"W (R)

TPOB: SUB PARCEL 3  
TPOB: SUB PARCEL 4  
TPOB: SUB PARCEL 3  
TPOB: SUB PARCEL 2

N23°35'41"E  
(26 PM 94)

TIE: MON  
TPOB: SUB PARCEL 1

(26 PM 94)

POB: SUB PARCEL 3  
SUB PARCEL 4

**DATA TABLE**

①	N71°02'05"W	9.36'
②	N23°35'41"E	67.78'
③	N56°33'58"E	3.08'
④	N71°02'05"W	7.67'
⑤	N23°35'41"E	70.23'
⑥	N71°02'05"W	5.02'
⑦	N23°35'41"E	70.23'
⑧	N71°02'05"W	5.02'
⑨	N82°44'56"W	91.51'
⑩	R=239.43' Δ=18°32'36" L=77.49'	
⑪	R=125.00' Δ=4°46'34" L=10.42'	
⑫	R=247.43' Δ=19°04'43" L=82.39'	
⑬	N82°44'56"W	74.43'
⑭	N57°39'20"W	18.86'
⑮	N57°39'20"W	11.79'
⑯	N82°44'56"W	63.75'
⑰	R=252.43' Δ=19°27'40" L=85.74'	
⑱	R=125.00' Δ=2°24'56" L=5.27'	
⑲	N66°27'03"W	25.00'
⑳	N2°27'18"E	20.57'
㉑	R=86.94" Δ=73°39'23" L=111.77'	

**LEGEND**

- POB POINT OF BEGINNING
- TPOB TRUE POINT OF BEGINNING
- ☉ CENTERLINE
- RM RECORD MAP, SOLANO COUNTY RECORDS
- PM PARCEL MAP, SOLANO COUNTY RECORDS
- (R) RADIAL BEARING
- MON MONUMENT
- SF SQUARE FEET

NOTE: PROPERTY LINE INFORMATION HEREON IS BASED UPON RECORD INFORMATION. THIS PLAT IS NOT CONSIDERED A RECORD OF SURVEY

**EXHIBIT B**

**PARK RD. SIDEWALK WIDENING  
RIGHT OF WAY & EASEMENT PLAT  
CITY OF BENICIA**



1090 Adams Street, Suite A - P.O. Box 591  
Benicia, California 94510  
(707) 745-3219 Fax (707) 745-9436 csa-engineers.com

**Cullen-Sherry  
& Associates, Inc.**  
Civil Engineering - Surveying

SCALE:	1"=40'
DATE:	4-2010
DRAWN BY:	DC
CHECKED BY:	DC
PR:	

**VII.C.13**



PURSUANT TO GOVERNMENT CODE §6103, NO FEE IS REQUIRED FOR THE RECORDATION OF THIS DOCUMENT

RECORDING REQUESTED BY

WHEN RECORDED MAIL TO

City of Benicia - Public Works Dept.  
250 East "L" Street  
Benicia, CA 94510

SPACE ABOVE THIS LINE FOR RECORDER'S USE

DEDICATION - ROADWAY PURPOSES  
PARK ROAD WIDENING

Clocktower Grove Owners Association, the undersigned, being the present title owner(s) of record of the herein described parcel of land, does hereby dedicate to the City of Benicia (hereinafter CITY), a political subdivision of the State of California, and its successors or assigns, for the purposes of a public road, together with all necessary appurtenances pertaining thereto, including construction access or maintenance of works, improvements and structures, whether covered or open, upon the real property situated in the CITY, described in Exhibit "A" (written description) and shown on Exhibit "B" (plat map) attached hereto.

The provision hereof shall inure to the benefit of and be binding upon heirs, successors, assigns, and personal representatives of the respective parties hereto.

IN WITNESS WHEREOF, those present have executed this instrument this \_\_\_\_\_ day of \_\_\_\_\_, 201 \_\_\_\_.

\_\_\_\_\_  
Name  
Title

\_\_\_\_\_  
Name  
Title

STATE OF CALIFORNIA )  
COUNTY OF \_\_\_\_\_ ) SS.

On \_\_\_\_\_ before me,  
\_\_\_\_\_, personally  
appeared \_\_\_\_\_

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

WITNESS my hand and official seal.

Signature \_\_\_\_\_

(This area for official notarial seal)

EXHIBIT A

SUB PARCEL 3  
CLOCK TOWER GROVE STREET DEDICATION

A PORTION OF THE LANDS SHOWN ON THE SUBDIVISION MAP ENTITLED "CLOCKTOWER GROVE" FILED MARCH 22, 1990 IN BOOK 58 OF MAPS AT PAGE 52, SOLANO COUNTY RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE GENERAL EASTERLY TERMINUS OF THE COURSE THAT BEARS NORTH 82°44'56" WEST 93.23 FEET OF PARK ROAD AS SHOWN ON THE PARCEL MAP FILED SEPTEMBER 21, 1984 IN BOOK 26 OF PARCEL MAPS, PAGE 93, SOLANO COUNTY RECORDS; THENCE NORTH 2°27'18" EAST 20.57 FEET TO THE TRUE POINT OF BEGINNING OF THIS STREET DEDICATION AND BEING A POINT ON THE GENERAL NORTHERLY LINE OF PARK ROAD; THENCE NORTH 82°44'56" WEST 91.51 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE SOUTH HAVING A RADIUS OF 239.43 FEET; THENCE WESTERLY ALONG THE CURVE 77.49 FEET THROUGH A CENTRAL ANGLE OF 18°32'36" TO A POINT ON A CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 125.00 FEET AND WHOSE RADIAL BEARS SOUTH 64°32'57" WEST; THENCE NORTHWESTERLY ALONG THE CURVE 10.42 FEET THROUGH A CENTRAL ANGLE OF 4°46'34" TO THE BEGINNING OF A CURVE CONCAVE TO THE SOUTH HAVING A RADIUS OF 247.43 FEET AND WHOSE RADIAL BEARS SOUTH 11°49'32" EAST; THENCE EASTERLY ALONG THE CURVE 82.39 FEET THROUGH A CENTRAL ANGLE OF 19°04'43"; THENCE SOUTH 82°44'56" EAST 74.43 FEET; THENCE SOUTH 57°39'20" EAST 18.86 FEET TO THE TRUE POINT OF BEGINNING OF THIS DEDICATION.

CONTAINING 1,303.27 SQUARE FEET MORE OR LESS.

SEE EXHIBIT B ATTACHED HERETO AND MADE A PART HEREOF.



SCALE: 1"=40'

**SUB PARCEL 1:**  
NEW RIGHT OF WAY  
(652.98 SF)

**SUB PARCEL 2:**  
PUBLIC UTILITIES  
EASEMENT  
(351.15 SF)

**SUB PARCEL 3:**  
NEW RIGHT OF WAY  
(1303.27 SF)

**SUB PARCEL 4:**  
NEW PUBLIC UTILITIES  
EASEMENT  
(765.74 SF)

VALERO REFINING CO.  
PIPELINE R/W  
10 RS 27

CLOCKTOWER GROVE  
OWNERS ASSOCIATION  
58 RM 52

PARK RD.  
N82°44'56"W 93.23'  
(26 PM 94)

N23°35'41"E  
(26 PM 94)

POB: SUB PARCEL 1  
SUB PARCEL 2

TIE:  
MON

TPOB: SUB PARCEL 1  
SUB PARCEL 2

TPOB: SUB PARCEL 3  
SUB PARCEL 4

POB: SUB PARCEL 3  
SUB PARCEL 4

N12°12'30"W (R)  
N11°49'32"W (R)  
N60°44'01"E (R)  
N64°32'57"E (R)  
N11°17'34"W (R)

**DATA TABLE**

①	N71°02'05"W	9.36'
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⑫	R=247.43' Δ=19°04'43" L=82.39'	
⑬	N82°44'56"W	74.43'
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⑮	N57°39'20"W	11.79'
⑯	N82°44'56"W	63.75'
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⑱	R=125.00' Δ=2°24'56" L=5.27'	
⑲	N66°27'03"W	25.00'
⑳	N2°27'18"E	20.57'
㉑	R=86.94' Δ=73°39'23" L=111.77'	

**LEGEND**

- POB POINT OF BEGINNING
- TPOB TRUE POINT OF BEGINNING
- ☉ CENTERLINE
- RM RECORD MAP, SOLANO COUNTY RECORDS
- PM PARCEL MAP, SOLANO COUNTY RECORDS
- (R) RADIAL BEARING
- MON MONUMENT
- SF SQUARE FEET

NOTE: PROPERTY LINE INFORMATION HEREON IS BASED UPON RECORD INFORMATION. THIS PLAT IS NOT CONSIDERED A RECORD OF SURVEY

**EXHIBIT B**

**PARK RD. SIDEWALK WIDENING  
RIGHT OF WAY & EASEMENT PLAT  
CITY OF BENICIA**



1090 Adams Street, Suite A - P.O. Box 591  
Benicia, California 94510  
(707) 745-3219 Fax (707) 745-9436 csa-engineers.com

Cullen-Sherry  
& Associates, Inc.  
Civil Engineering - Surveying

SCALE: 1"=40'

DATE: 4-2010

DRAWN BY: DC

**VII.C.17**



RECORDING REQUESTED BY

WHEN RECORDED MAIL TO

SPACE ABOVE THIS LINE FOR RECORDER'S USE

MAIL TAX STATEMENTS TO:

City of Benicia – Public Works Dept.  
250 East "L" Street  
Benicia, CA 94510

The undersigned grantor(s) declare(s):  
CITY TRANSFER TAX \$  
DOCUMENTARY TRANSFER TAX \$ None  
SURVEY MONUMENT FEE \$

Computed on the consideration or value of property conveyed; OR Computed on the consideration or value less liens or encumbrances remaining at time of sale.

APN:

**GRANT DEED OF EASEMENT**

FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged

Clocktower Grove Owners Association

Hereby GRANT(S) to The City of Benicia

The real property in the City of Benicia  
County of Solano, State of California, described as follows:

A non-exclusive Public Utility Easement, for public utility purposes including, but not limited to, water, sewer, storm drainage, gas, electric, telephone, and communication facilities, valves, vaults, structures, pipes whether covered or above ground, including reasonable rights of access thereto for maintenance and construction of works, over the lands depicted and described in Exhibits A and B attached hereto and made a part hereof.

Dated: \_\_\_\_\_

\_\_\_\_\_

STATE OF CALIFORNIA )  
COUNTY OF \_\_\_\_\_ ) SS.

On \_\_\_\_\_ before me

\_\_\_\_\_ personally appeared

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

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

WITNESS my hand and official seal.

(This area for official notarial seal)

Signature \_\_\_\_\_

EXHIBIT A

SUBPARCEL 4  
CLOCK TOWER GROVE PUBLIC UTILITY EASEMENT

A PORTION OF THE LANDS SHOWN ON THE SUBDIVISION MAP ENTITLED "CLOCKTOWER GROVE" FILED MARCH 22, 1990 IN BOOK 58 OF MAPS AT PAGE 52, SOLANO COUNTY RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE GENERAL EASTERLY TERMINUS OF THE COURSE THAT BEARS NORTH 82°44'56" WEST 93.23 FEET OF PARK ROAD AS SHOWN ON THE PARCEL MAP FILED SEPTEMBER 21, 1984 IN BOOK 26 OF PARCEL MAPS, PAGE 93, SOLANO COUNTY RECORDS; THENCE NORTH 2°27'18" EAST 20.57 FEET; THENCE NORTH 57°39'20" WEST 18.86 FEET TO THE TRUE POINT OF BEGINNING OF THIS PUBLIC UTILITY; THENCE SOUTH 82°44'56" EAST 74.43 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE SOUTH HAVING A RADIUS OF 247.43 FEET; THENCE WESTERLY ALONG THE CURVE 82.39 FEET THROUGH A CENTRAL ANGLE OF 19°04'43" TO THE BEGINNING OF A CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 125.00 FEET THE WHOSE RADIAL BEARS SOUTH 60°44'01" WEST; THENCE NORTHWESTERLY ALONG THE CURVE 5.27 FEET THROUGH A CENTRAL ANGLE OF 2°24'56" TO THE BEGINNING OF A CURVE CONCAVE TO THE SOUTH HAVING A RADIUS OF 252.43 FEET AND WHOSE RADIAL BEARS SOUTH 12°12'30" EAST; THENCE EASTERLY ALONG THE CURVE 85.74 FEET THROUGH A CENTRAL ANGLE OF 19°27'40"; THENCE SOUTH 82°44'56" EAST 63.75 FEET; THENCE SOUTH 57°39'20" EAST 11.79 FEET TO THE TRUE POINT OF BEGINNING OF THIS PUBLIC UTILITY EASEMENT.

CONTAINING 765.74 SQUARE FEET MORE OR LESS.

SEE EXHIBIT B ATTACHED HERETO AND MADE A PART HEREOF.



SCALE: 1"=40'

**SUB PARCEL 1:**  
NEW RIGHT OF WAY  
(652.98 SF)

**SUB PARCEL 2:**  
PUBLIC UTILITIES  
EASEMENT  
(351.15 SF)

**SUB PARCEL 3:**  
NEW RIGHT OF WAY  
(1303.27 SF)

**SUB PARCEL 4:**  
NEW PUBLIC UTILITIES  
EASEMENT  
(765.74 SF)

VALERO REFINING CO.  
PIPELINE R/W  
10 RS 27

CLOCKTOWER GROVE  
OWNERS ASSOCIATION  
58 RM 52

PARK RD.  
N82°44'56"W 93.23'  
(26 PM 94)

N23°35'41"E  
(26 PM 94)

TIE:  
MON

(26 PM 94)

POB: SUB PARCEL 3  
SUB PARCEL 4

N12°12'30"W (R)  
N11°49'32"W (R)  
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**DATA TABLE**

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⑲	N66°27'03"W	25.00'
⑳	N2°27'18"E	20.57'
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**LEGEND**

- POB POINT OF BEGINNING
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- ☉ CENTERLINE
- RM RECORD MAP, SOLANO COUNTY RECORDS
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NOTE: PROPERTY LINE INFORMATION HEREON IS BASED UPON RECORD INFORMATION. THIS PLAT IS NOT CONSIDERED A RECORD OF SURVEY

**EXHIBIT B**

**PARK RD. SIDEWALK WIDENING  
RIGHT OF WAY & EASEMENT PLAT  
CITY OF BENICIA**

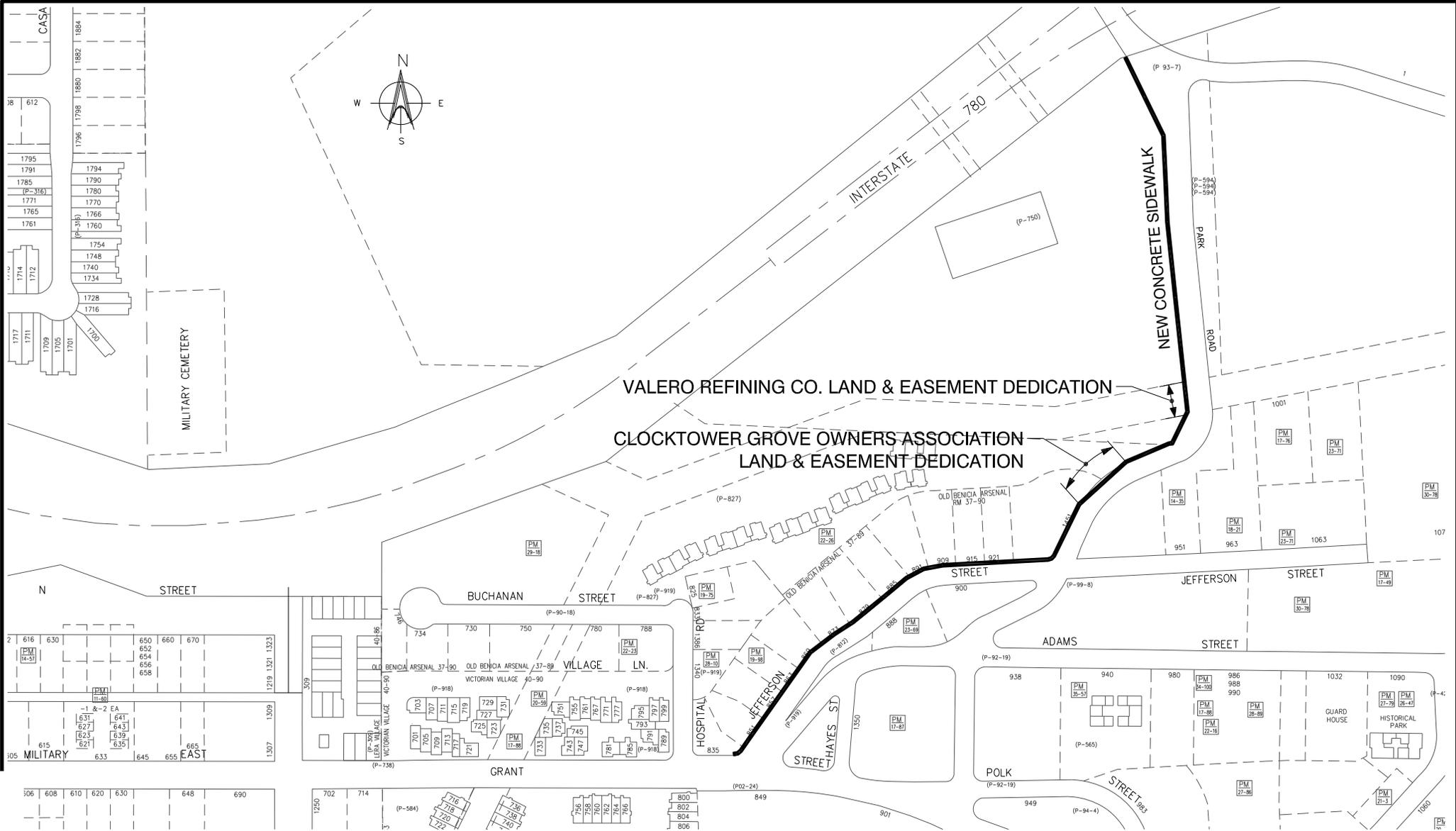


Cullen-Sherry & Associates, Inc.  
Civil Engineering - Surveying  
1090 Adams Street, Suite A - P.O. Box 591  
Benicia, California 94510  
(707) 745-3219 Fax (707) 745-9436 csa-engineers.com

SCALE: 1"=40'  
DATE: 4-2010  
DRAWN BY: DC

**VII.C.21**

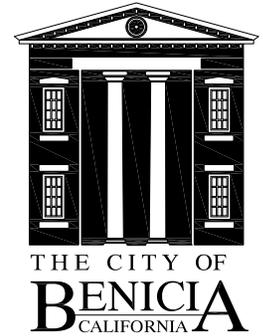
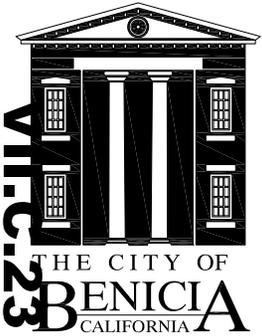




# PARK ROAD SIDEWALK PROJECT

NOT TO SCALE

## EXHIBIT: LOCATION MAP





**AGENDA ITEM  
CITY COUNCIL MEETING: MAY 1, 2012  
BUSINESS ITEM**

**DATE** : April 25, 2012

**TO** : Mayor & City Council

**FROM** : City Manager

**SUBJECT** : **APPROVE THE EXTENSIONS TO THE JULY 1, 2010 TO JUNE 30, 2012 AGREEMENTS BETWEEN THE CITY OF BENICIA AND LOCAL #1 AND BENICIA PUBLIC SERVICES EMPLOYEES ASSOCIATION (BPSEA) AND AUTHORIZE THE RECOMMENDED ADMINISTRATIVE ACTION**

**RECOMMENDATION:**

Adopt the resolution approving the Contract Extension Agreements modifying the existing 2010-2012 Memorandums of Understanding (MOUs) with Local #1 and Benicia Public Services Employees Association (BPSEA) and extending all terms of the respective MOUs from July 1, 2012 to June 30, 2013; and adopt the resolution authorizing the City Manager to take the administrative action necessary to effectuate the one-time closure of City Hall/Community Center during the Christmas holiday week in recognition of those groups agreeing to extend their contracts.

**EXECUTIVE SUMMARY:**

In 2010 and 2011, City of Benicia employees took a combined reduction in total compensation of approximately 10%. These concessions assisted the City in addressing budget shortfalls in both fiscal years and achieving ongoing structural savings. Given that the City's fiscal status appears relatively stable for the remainder of the current budget period, in a large part due to the previous, ongoing compensation reductions made by City employees, the City has offered, and both Local #1 and BPSEA have agreed, to extend the current contracts for one additional year, to June 30, 2013, with no increases or further reductions to compensation for the remainder of the term. Further, in recognition of those groups that agreed to concessions and the current extension of those agreed upon concessions, staff is recommending that the City Council authorize the closing of non-essential operations for the week of Christmas, December 24-28, 2012.

**STRATEGIC PLAN:**

Relevant Strategic Plan Issues and Strategies:

Strategic Issue #3: Strengthening Economic and Fiscal Conditions

**BUDGET:**

There is no additional cost to the City associated with the proposed Contract Extension Agreements.

**BACKGROUND:**

During the past two fiscal years, all City of Benicia employees, including the City Council, City Clerk, City Manager, and City Attorney, took compensation concessions amounting to nearly \$2 million dollars in ongoing structural savings to the City. These concessions greatly assisted the City in addressing budget shortfalls in both the prior and current fiscal years. For the remainder of this current 2011-13 budget, it is expected, based on a detailed review of financial projections, that the City's revenues and expenditures will remain relatively flat, and on target with what was budgeted in the City's two-year budget for 2011-13. The ongoing reductions in compensation from the various employee groups will help the City stay on target with its budget projections.

In light of the current fiscal environment, both Local #1 and BPSEA have agreed to extend their current contracts for one additional year with no further reductions, but also no increases, to compensation. As with the management groups, the City has also agreed to drop the clause in Local #1's agreement regarding reopening the contract to negotiate concessions as current fiscal circumstances are such that this language is not warranted for such a short contract period. Additionally, language has been added to clarify that the City's contribution toward employee health care remains the same as 2011-12 for both groups.

As an expression of appreciation to those employee groups (senior managers, mid-managers, police mid-managers, Local #1 and BPSEA) who agreed to the prior concessions and who also agree to the current extension, with no increases, City staff is recommending that the City Council authorize the closing of non-essential operations for the week of Christmas, December 24-28, 2012, and credit those employees who are members of those units, but unable to be off during that period, the equivalent amount of leave to be "use or lose" by June 30, 2013. (These days have no cash value and cannot be cashed out.) This closure and the associated leave time is recommended to be one-time and non-precedent setting, and again, its purpose is to recognize the cooperation of those employee units that have agreed to the contract extension.

It is anticipated that this action will have very minimal impact on services to the community, as City Hall services are typically not well utilized during this holiday

week, and will also achieve some savings from reduced energy costs. It is proposed that the Community Center also be closed that week as there is not typically any recreation programming occurring at that time. The library hours for that holiday week are currently being evaluated, but it is anticipated a partial closure will be implemented for that facility in order to lessen any impact on residents. Public safety, water and wastewater facilities will remain open, and parks and facilities would continue to receive any necessary maintenance services.

Attachments:

- Resolution and Exhibit A – Extension Local #1 and BPSEA
- Resolution - Closure

**RESOLUTION NO. 12-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING CONTRACT EXTENSION AGREEMENTS TO THE JULY 1, 2010 TO JUNE 30, 2012 AGREEMENTS WITH LOCAL #1 AND BENICIA PUBLIC SERVICE EMPLOYEES ASSOCIATION (BPSEA)**

**WHEREAS**, the existing Memorandums of Understanding (MOUs) between the City of Benicia and Local #1 and BPSEA employees cover salaries and other conditions of employment for the period of July 1, 2010 to June 30, 2012; and

**WHEREAS**, the City has concluded negotiations with Local #1 and BPSEA; and

**WHEREAS**, these two groups have agreed to Contract Extension Agreements modifying the existing Memorandums of Understanding (MOUs) to extend their terms one additional year, through June 30, 2013; and

**WHEREAS**, unless otherwise modified by the Contract Extension Agreements, which are attached as Exhibit A, all terms of the existing MOU shall be extended from July 1, 2012 – June 30, 2013.

**NOW, THEREFORE, BE IT RESOLVED THAT** the City Council of the City of Benicia hereby approves the Contract Extension Agreements with Local #1 and BPSEA employees, extending the term of the current MOUs to June 30, 2013.

\*\*\*\*\*

On motion of Council Member \_\_\_\_\_, and seconded by Council Member \_\_\_\_\_, the above Resolution was introduced and passed by the City Council of the City of Benicia at a regular meeting of said Council held on the 1<sup>st</sup> day of May, 2012 and adopted by the following vote.

Ayes:

Noes:

Absent:

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

Attest:

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

**EXHIBIT A**

**Amended Agreement  
Between  
City of Benicia  
and  
Public Employees Union - Local #1  
Regarding Contract Extension**

**March 29, 2012**

The City of Benicia, hereby referred to as “City,” and the Public Employees, Union Local #1 employees, hereby referred to as “Local #1,” execute this Contract Extension Agreement modifying the existing Memorandum of Understanding (MOU) with the term of July 1, 2010 – June 30, 2012. Unless otherwise modified by this contract extension agreement, all terms of the MOU shall be extended from July 1, 2012 – June 30, 2013.

The City and Local #1 agree to the following:

1. Section XI shall be amended to add a paragraph as follows:

For fiscal year 2012-13, the parties agree that the City will continue to contribute the following amounts toward medical premiums:

Employee: \$622/month  
Employee plus One: \$1,244/month  
Employee plus Family: \$1,655.20/month

2. Section XVIII shall be amended as follows:

**XVIII. CLOSING CLAUSE**

The terms of this agreement shall remain in effect through June 30, 2012~~3~~. All other provisions of the MOU, including side letters, remain the same unless otherwise modified by the provisions of this agreement. The parties agree that during the term of the agreement, if the Council, after a noticed public hearing, deems additional reductions are necessary to balance the City’s budget, the parties agree to reopen the contract for the narrow and specific purpose of meeting and conferring over concessions identified by the City as needed to prevent the layoffs of Local One employees.

Additionally, Local #1 has requested that the City consider adding a section to the MOU entitled "Transfer" regarding internal transfers. The parties commit to meet and begin discussions by June 30, 2012 on such a recommendation for a side letter to the MOU. Human Resources would then present that recommendation to the Civil Service Commission and City Council, assuming there is mutual agreement by the parties regarding the additional language.

This Contract Extension Agreement shall become effective upon ratification by Local #1 and adoption by the City Council on its regular agenda, in conformance with the Brown Act.

Dated: \_\_\_\_\_

Dated: \_\_\_\_\_

For Local #1:

For the City:

\_\_\_\_\_  
Theron Jones, President – Local #1

\_\_\_\_\_  
Brad Kilger, City Manager

\_\_\_\_\_  
Jeff Apkarian – Local #1 Field Rep.

\_\_\_\_\_  
Anne Cardwell,  
Administrative Services Director

Approved as to Form:

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



**Amended Agreement  
Between  
City of Benicia  
and  
Benicia Public Service Employees Association (BPSEA)  
Regarding Contract Extension**

**March 29, 2012**

The City of Benicia, hereby referred to as “City,” and the Benicia Public Service Employees Association (BPSEA) employees, hereby referred to as “BPSEA,” execute this Contract Extension Agreement modifying the existing Memorandum of Understanding (MOU) with the term of July 1, 2011 – June 30, 2012. Unless otherwise modified by this contract extension agreement, all terms of the MOU shall be extended from July 1, 2012 – June 30, 2013.

The City and BPSEA agree to the following:

Section 22.1, Health and Welfare, shall be amended to add a paragraph as follows:

**Section 22.1 Health and Welfare**

For fiscal year 2012-13, the parties agree that the City will continue to contribute the following amounts toward medical premiums:

Employee: \$622/month  
Employee plus One: \$1,244/month  
Employee plus Family: \$1,655.20/month

Section 30, Closing Clauses, shall be amended as follows:

**Section 30. Closing Clauses**

The effective date of this Memorandum of Understanding shall be **July 1, 2011** and shall remain in effect until **June 30, 2012~~3~~**.

If any section of this Memorandum of Understanding should be found invalid, unlawful, or unenforceable by reason of any existing or subsequent enacted legislation or by judicial authority, all other Sections of this Memorandum of Understanding shall remain in full force and effect for the duration of this Memorandum of Understanding. In the event of invalidation of any Section, the City and the BPSEA agree to meet within thirty (30) days for the purpose of renegotiating said Section.

This Contract Extension Agreement shall become effective upon ratification by BPSEA and adoption by the City Council on its regular agenda, in conformance with the Brown Act.

Dated: \_\_\_\_\_

Dated: \_\_\_\_\_

For BPSEA:

For the City:

\_\_\_\_\_  
Jose Lustan  
President

\_\_\_\_\_  
Brad Kilger  
City Manager

\_\_\_\_\_  
Jim Phillou  
CEA

\_\_\_\_\_  
Anne Cardwell  
Administrative Services Director

\_\_\_\_\_  
Ted Kozlick  
Vice President

\_\_\_\_\_  
Sharon Williams

\_\_\_\_\_  
Jim Arruda

\_\_\_\_\_  
Craig May

APPROVED AS TO FORM BY  
City Attorney:

\_\_\_\_\_  
Heather Mc Laughlin

**RESOLUTION NO. 12-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA AUTHORIZING THE CITY MANAGER TO TAKE THE ADMINISTRATIVE ACTION NECESSARY TO EFFECTUATE THE ONE-TIME CLOSURE OF CITY HALL/COMMUNITY CENTER DURING THE CHRISTMAS HOLIDAY WEEK IN RECOGNITION OF THOSE GROUPS AGREEING TO EXTEND THEIR CONTRACTS**

**WHEREAS**, as an expression of appreciation to those employee groups who agreed to the prior concessions and who also agree to the current extension, with no increases, City staff is recommending that the City Council authorize the closing of non-essential operations for the week of Christmas, December 24-28, 2012; and

**WHEREAS**, a credit will be applied to those employees who are members of those units, but unable to be off during that period, which equates to the equivalent amount of leave to be "use or lose" by June 30, 2013; and

**WHEREAS**, this action will have very minimal impact on services to the community, as City Hall services are typically not well utilized during this holiday week, and will also achieve some savings from reduced energy costs; and

**WHEREAS**, public safety, water and wastewater facilities will remain open, and parks and facilities would continue to receive any necessary maintenance services for the December 24-28, 2012 holiday week.

**NOW, THEREFORE, BE IT RESOLVED THAT** the City Council of the City of Benicia hereby authorizes the City Manager to take the administrative action necessary to effectuate the one-time closure of the City Hall/Community Center and whole or partial closure of the Library during the Christmas Holiday week.

\*\*\*\*\*

On motion of Council Member , and seconded by Council Member , the above Resolution was introduced and passed by the City Council of the City of Benicia at a regular meeting of said Council held on the 1<sup>st</sup> day of May, 2012 and adopted by the following vote.

Ayes:

Noes:

Absent:

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

Attest:

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

**AGENDA ITEM  
CITY COUNCIL MEETING DATE - MAY 1, 2012  
CONSENT CALENDAR**

**DATE** : April 16, 2012  
**TO** : City Manager  
**FROM** : Public Works and Community Development Director  
**SUBJECT** : **AWARD OF CONSTRUCTION CONTRACT FOR THE DOWNTOWN INTERMODAL FACILITIES PROJECT**

**RECOMMENDATION:**

Adopt a resolution accepting bids for the Downtown Intermodal Facilities Project, awarding the construction contract to Carone & Company, Inc. in the amount of \$1,025,289.20, and authorizing the City Manager to execute the contract.

**EXECUTIVE SUMMARY:**

The Downtown Intermodal Facilities Project will enhance pedestrian, bicycle, automobile, and transit facilities in the vicinity of First & Military West and beautify the area. The project design was decided on through an extensive public review process, and the project is fully funded with a Regional Measure 2 grant. The Council approved a final site plan for the project in October 2010, and approved the contract for final design and construction administration in January 2011, authorizing the Traffic, Pedestrian and Bicycle Safety Committee to determine final design details.

**BUDGET INFORMATION:**

The proposed project budget is outlined below:

**Project Budget (Acct# 048-3148-7532)**

Approved Budget (FY 2010/11, 2011/12, 2012/13)  
Regional Measure 2 Grant .....\$3,000,000

**Project Expenditures (Acct# 048-3148-9766)**

Environmental Review & Conceptual Design .....\$92,000  
(Completed by Kimley-Horn in FY 2010/11)  
Final Design <sup>1</sup>.....\$431,000  
(Completed by Kimley-Horn in FY 2010/11, 2011/12)  
Construction Management.....\$139,000  
(Kimley-Horn in FY 2012/13)

Downtown Intermodal Facilities Project	
Construction Contract ( <b>this request</b> ) .....	\$1,025,289
Construction Contingency ( <b>this request</b> ) .....	\$102,530
Western Gateway Intermodal Facilities Project <sup>2</sup>	
Construction Cost Estimate .....	<u>\$1,210,181</u>
<b>Total</b> .....	<b>\$3,000,000</b>

- 1 The consulting contract with Kimley-Horn for final design and construction management for \$570,000 was approved by Council on January 18, 2011.
- 2 The Western Gateway construction contract will be brought to Council after the final design has been completed and bids for the project have been received. At this time, the City is in negotiations with Caltrans on the proposed improvements within State right-of-way.

**GENERAL PLAN:**

Relevant General Plan Goals and Policies include:

- ❑ Overarching Goal of the General Plan: Sustainability
- ❑ Goal 2.17: Provide an efficient, reliable, and convenient transit system
- ❑ Goal 2.20: Provide a balanced street system to serve automobiles, pedestrians, bicycles, and transit
- ❑ Goal 2.28: Improve and maintain public facilities and services

**STRATEGIC PLAN:**

Relevant Strategic Plan Issue and Strategies include:

- ❑ Strategic Issue #2: Protecting and Enhancing the Environment
  - Protect air quality/Pursue multiple mass transit opportunities
- ❑ Strategic Issue #4: Preserving and Enhancing Infrastructure
  - Strategy #1: Provide safe, functional, and complete streets
  - Strategy #2: Increase use of mass transit/Design and construct the Downtown Intermodal Facilities Project

**ENVIRONMENTAL REVIEW:**

This project is Categorically Exempt per CEQA Section 15301 (c). The project consists of a minor alteration of public facilities within the existing street right-of-way.

**BACKGROUND:**

On April 10, 2012, five bids were received and opened for the Park Road Sidewalk Project as summarized below:

<b>RANK</b>	<b>BIDDER'S NAME AND CITY</b>	<b>TOTAL BASE BID</b>
1	Carone & Company, Concord	\$1,025,289.20
2	Hess Construction, American Canyon	\$1,037,234.20
3	W.R. Ford, Richmond	\$1,155,008.00
4	J.A. Gonsalves & Son, Napa	\$1,175,645.50
5	G.D. Nielson, Livermore	\$1,214,309.27
--	<i>Engineer's Estimate</i>	<i>\$1,292,000.00</i>

The low bid submitted by Carone & Company of Concord was reviewed and determined to be responsive. Carone has successfully completed capital improvement projects for public agencies in the Bay Area and is considered a responsible bidder.

The final design for the Downtown Intermodal Facilities Project was the culmination of an extensive public outreach process. This included review and unanimous support by the Historic Preservation Review Commission on July 28, 2011 and the Parks, Recreation and Cemetery Commission on August 3, 2011. Final review by the Traffic, Pedestrian and Bicycle Safety Committee occurred on August 25, 2011; and further support was received from the SolTrans Board on October 20, 2011. In anticipation of the upcoming construction, the project was presented to the Tourism Committee on April 12 and again was favorably received.

The design elements defined through the public outreach process and approved by the Traffic, Pedestrian and Bicycle Safety Committee include pedestrian enhancements such as sidewalk bulbouts, high visibility textured crosswalks, and an in-street lighted crosswalk (at West Second and Military); bicycle lanes in both directions on Military West; parking tees and channelized medians for safety and to calm traffic; and transit improvements including bus shelters and pull-outs. The project also includes extensive landscaping and the installation of historic, Benicia-blue street lights to beautify the area and create an entry statement at the top of First Street.

Regional Measure 2 grant funding for the project is being provided by the Metropolitan Transportation Commission to help promote transit ridership on Regional Route 78, which travels between the Vallejo Ferry Station and the Walnut Creek Bart Station.

Construction is scheduled to begin in mid to late May and be completed by the end of August.

Meanwhile, Caltrans review of permits necessary for the Western Gateway project is continuing long enough that construction in 2012 would conflict with the beginning of the 2012-2013 school year. Accordingly, construction at that site is now planned to begin at the end of the 2012-2013 school year.

Attachments:

- ❑ Proposed Resolution
- ❑ Conceptual Plan
- ❑ Artists Rendering
- ❑ Minutes of Historic Preservation Review and Parks, Recreation and Cemetery Commissions and Traffic, Pedestrian and Bicycle Safety Committee meetings

**RESOLUTION NO. 12-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA ACCEPTING BIDS FOR THE DOWNTOWN INTERMODAL FACILITIES PROJECT, AWARDING THE CONSTRUCTION CONTRACT TO CARONE & COMPANY, INC. IN THE AMOUNT OF \$1,025,289.20, AND AUTHORIZING THE CITY MANAGER TO SIGN THE CONTRACT ON BEHALF OF THE CITY**

**WHEREAS**, on March 20, 2012 the Public Works and Community Development Department made available the construction plans and specifications for the Downtown Intermodal Facilities Project for public bidding; and

**WHEREAS**, on April 10, 2012, five bids were received and opened; and

**WHEREAS**, Carone & Company, Inc. of Concord, California was determined to be the bidder submitting the lowest responsive, responsible bid in the amount of \$1,025,289.20; and

**WHEREAS**, this project is fully funded by a Regional Measure 2 grant from the Metropolitan Transportation Commission; and

**WHEREAS**, this project is categorically exempt pursuant to Section 15301(c) of the CEQA guidelines.

**NOW, THEREFORE, BE IT RESOLVED THAT** the City Council of the City of Benicia hereby accepts the bids for the Downtown Intermodal Facilities Project, and awards the construction contract in the amount of \$1,025.289.20 to Carone & Company, Inc.

**BE IT FURTHER RESOLVED THAT** the City Manager is hereby authorized to sign the contract on behalf of the City, 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 1<sup>st</sup> day of May, 2012, and adopted by the following vote:

Ayes:

Noes:

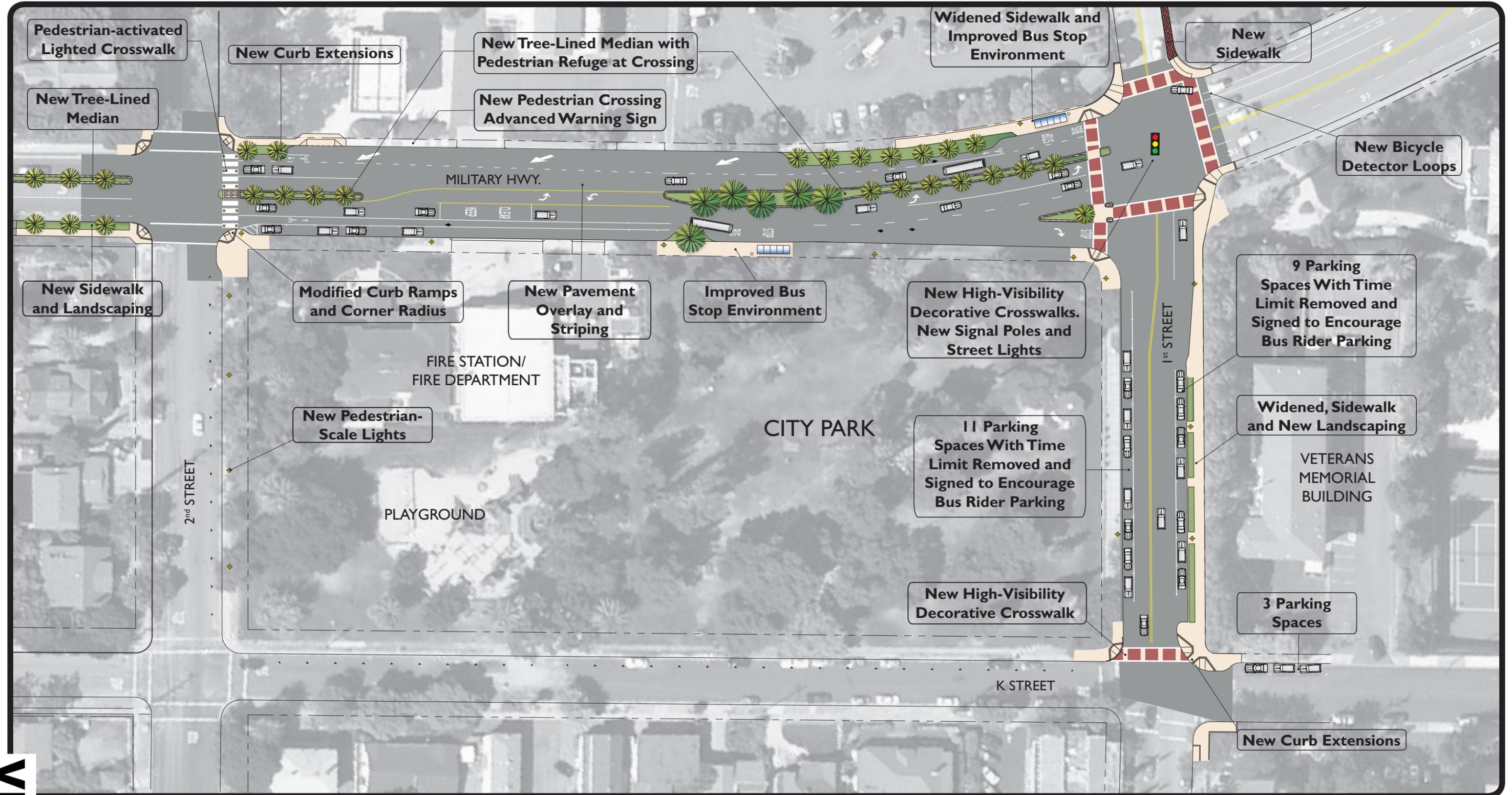
Absent:

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

Attest:

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

# Intermodal Improvements on Military and 1st Street



Updated Concept Plan



VIII.B.7





**BENICIA HISTORIC PRESERVATION REVIEW COMMISSION  
REGULAR MEETING MINUTES**

**City Hall Commission Room  
Thursday, July 28, 2011  
6:30 P.M.**

**I. OPENING OF MEETING:**

- A. Pledge of Allegiance**
- B. Roll Call of Commissioners**

Present: Commissioners Haughey, McKee, Taagepera, Van Landschoot, and Chair Crompton

Absent: Commissioner Mang (excused) and Commissioner White

Staff Present:

Charlie Knox, Director  
Mike Roberts, Senior Civil Engineer  
Doug Vu, Associate Planner  
Gina Eleccion, Management Analyst

- C. 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. ADOPTION OF AGENDA:**

On motion of Commissioner Haughey, seconded by Commissioner Taagepera, the agenda was adopted, as presented, by the following vote:

Ayes: Commissioners Haughey, McKee, Taagepera, Van Landschoot and Chair Crompton  
Noes: None

Absent: Commissioners Mang and White

**III. OPPORTUNITY FOR PUBLIC COMMENT**

**A. WRITTEN COMMENT**

None.

**B. PUBLIC COMMENT**

None.

**IV. PRESENTATIONS**

None.

**V. CONSENT CALENDAR**

On motion of Commissioner Van Landschoot, seconded by Commissioner Taagepera, the Consent Calendar was approved by the following vote:

Ayes: Commissioners Haughey, McKee, Taagepera, Van Landschoot and Chair Crompton

Noes: None

Absent: Commissioners Mang and White

Abstain: None

**A. Approval of Minutes of June 23, 2011**

**VI. REGULAR AGENDA ITEMS**

**A. 963 JEFFERSON STREET – DESIGN REVIEW**

08PLN-00028 – Design Review

963 Jefferson Street, APNs: 0080-150-020 and 0080-150-030

**PROPOSAL:**

The property owner requests design review approval to rehabilitate the Officers Quarters Duplex located at 963 Jefferson Street in the Benicia Arsenal Historic District for future use as a Bed and Breakfast Inn and Restaurant. The primary elements of the proposed project include:

- 1) Demolition of the existing brick moat retaining wall and enlargement of the moat on the east, south and west facades that includes the construction of a new moat with a concrete-masonry unit (CMU) retaining wall;
- 2) Reconstruction of the east veranda, including replacement of the existing sandstone piers with a CMU wall that will also serve as the expanded moat retaining wall, restoration of the original wood

- balustrades and replacement of the wood Corinthian columns with polymer replicas;
- 3) Reconstruction and enlargement of the moat at the northwest corner of the building that will function as a sub-grade courtyard and be used for restaurant dining. The new courtyard will span approximately 35-feet at its widest area and extend approximately 80-feet along the west-facing façade. The removal of a mature sycamore tree will be necessary to construct this element; and
  - 4) Reconstruction and enlargement of the south-facing entry porch that includes constructing the base with CMU and cladding with stucco or covered with wood lattice, constructing new stairs, new polymer Corinthian columns to support the roof, restoring the original pilasters, constructing a new porch roof and replacing wood tongue-and-groove decking.

**Recommendation:** Approve a design review request for exterior modifications to the existing Officers Quarters Duplex located at 963 Jefferson Street, based on recommended modifications by staff, the findings and subject to the conditions of approval set forth in the proposed resolution.

Doug Vu, Associate Planner, gave an overview of the project. He summarized the above four points related to the rehabilitation. He noted the following:

1. Existing moat be retained/preserved where moat is not being enlarged.
2. Where east veranda is being reconstructed, staff is recommending the wall be constructed of concrete piers faced in sandstone or that the proposed windows be substantially enlarged to give the appearance of an open underside, providing the basement with light and air.
3. Regarding the sunken courtyard, staff recommends that historic materials from other parts of the building are not used so as to not create an false sense of history.
4. Regarding the wood columns, staff recommends a professional conservator be consulted to determine if the columns could be preserved.
5. Regarding the original entry, staff recommends an extension along the perimeter to be designed/constructed so that the original porch could be restored in the future.

Doug Vu noted that the applicant agreed to revise the project description.

Commissioners asked questions of staff. Doug Vu noted that the existing porch depth is 5', and applicant wishes to extend the deck to 8'6". Only the depth of the porch would be increased, not the width. The Page & Turnbull report was referenced related to the columns. Doug Vu noted that the form and design of the columns are important, particularly if it is economically infeasible to use original materials. There was a question about the moat. Doug Vu noted that the Secretary of the Interior (SOI) Standards acknowledge that rehabilitation allows for modern accommodations. Regarding the bricks, there was a comment that possibly the bricks could be used for a path or on another part of the property. The height of the rail was discussed. The Historical Building Code applies, so the rail height can be original.

Mark Mitchell, Attorney for Applicant – He noted that his client is prepared to make changes to comply with staff's recommendations. He noted that the corner moat will still retain all of the original materials. He noted that he submitted a letter to the Commission. He noted that the top of the columns are wood. He further noted that wood columns are twice the cost of polymer. The location of the bathrooms was changed based on the March site visit.

There were questions about the wood columns related to how the columns were done at the Commanding Officer's Quarters. The applicant noted that with the drains, there was no room for interior supports on many of the columns. Much of the wood was very deteriorated. The bathrooms were moved to provide more visibility from the lower windows.

The public hearing was opened.

Dana Dean, Attorney for Amports – She raised procedural issues regarding CEQA. She challenged the Categorical Exemption. She stated that the project would need to be pulled back and redefined. She does not believe that an 11<sup>th</sup> hour modification of project description is acceptable. She believes this should be continued. She stated that there are inaccuracies in the letter written by Mark Mitchell.

Curt Hoffman, resident – he commented that there are too many roadblocks being put up for this project. There should be common sense used. We should be promoting businesses and tourism.

A resident stated that she does not understand why anyone would object to this project. We need the business in this town.

Reed Robbins, Jefferson Street Mansion owner – She noted that she has been attending meetings related to this project. She is concerned with some of the comments that have been made. She commented on her efforts at the

Mansion. She noted that there had been inappropriate uses in the past. She noted that her project is a rehabilitation. Tourism is important to this town. She asked for no loud construction on the weekends.

Pat Lopes, resident – She commented that this is a wonderful enhancement to the community. She thinks the project is worth it.

Karen Burns, resident – She hopes that the Commission continues to work to have the best possible project and does not feel pressured to make a decision. She does not understand the need to widen the porch.

Mark Mitchell, Attorney – provided a rebuttal. He noted that there was a workshop in January. The applicant had hired Page & Turnbull, who made a series of recommendations. A site visit was held after the report was reviewed and the workshop was held. Staff's analysis incorporated recommendations that were made. He referenced the SOI Standards, which allow for new construction to be differentiated from the original. He noted that Dana Dean had requested deed restrictions on the property on behalf of Amports.

The public hearing was closed.

Commissioners discussed the project and the process. Charlie Knox stated that if the Commission has to add conditions of approval to mitigate potential environmental impacts, the project would not be exempt; however, since the applicant has revised the project description, this is not an issue.

Commissioners commented they would like to have revised plans to take action on. Commissioners would like to discuss all of the elements. The bathrooms are an issue. Material samples would be appreciated. More detail on the fence and lattice detail on the east elevation are needed. The railing along the perimeter should be the original height. The Historical Building Code applies on this property. The sandstone veneer was discussed.

Commissioners noted that the process is the same as all projects. If the project is consistent with the SOI Standards, then the project is exempt. The Commission has previously added conditions to projects to comply with the SOI Standards. A cost analysis of polymer vs. wood was requested. It was also requested to determine if polymer has been used on any National Register properties. There was a request to have a conservator look at the south porch to determine if any elements could be used on other portions of the property. Analysis of the bathrooms should be done for consistency with the SOI Standards. Rehabilitating this building is an extremely important project.

Commissioners requested more information/gave direction on the following:

1. Design of bathrooms
2. Details of lattice wall, dimensions, materials.
3. Railings to be constructed per the Historical Building Code
4. Majority of Commission requested to reconstruct front porch at original size
5. More information on columns, cost analysis, precedent on National Register properties
6. Wrought iron rail details
7. Revised plans showing above changes

It was noted by Commissioner Taagepera that the Page & Turnbull report did not state that the south porch could not be widened. She stated that she was not necessarily opposed to the widening of the porch.

Commission recommended this item be continued until the above items have been addressed.

A recess was called at 8:20 p.m. The meeting was reconvened at 8:25 p.m.

**B. STREETLIGHT IMPROVEMENTS FOR THE BENICIA INTERMODAL FACILITIES PROJECT AT FIRST AND MILITARY**

**PROPOSAL:**

As part of the Intermodal Facilities Project, streetlight improvements are proposed in the vicinity of First and Military. The proposed streetlight improvements implement a number of Benicia Main Street's recommendations to the maximum extent allowable by the grant, which requires that improvements be constructed within the defined project area and provide connectivity to the transit stop. The Commission is being asked to review the locations and styles of the proposed historic-style streetlights. No other aspects of the project will be reviewed or discussed.

**Recommendation:** Recommend that, as part of the downtown Intermodal project, existing streetlights be replaced with the historic gooseneck streetlights along Military West and First Street between West 2<sup>nd</sup> and West K and historic lantern pedestrian streetlights be installed in the planter strip along West 2<sup>nd</sup> between West K and Military West.

Mike Roberts, Senior Civil Engineer, gave a brief overview. He noted that there are existing lights proposed for replacement, as well as new, pedestrian-scaled lantern lights proposed for installation on West 2<sup>nd</sup> between Military and K. It was noted that the existing traffic signal at Military and First Street will be replaced. It was proposed to paint the new hardware Benicia Blue. It was noted that this will also

go to the Parks, Recreation and Cemetery Commission with HPRC's comments. It was further noted that the gooseneck lights are primarily for streets and the lanterns are for sidewalk lighting. Mike Roberts stated that construction will take place Spring 2012.

Carl Lusted, resident – He questioned if the lights on West 2<sup>nd</sup> Street would be placed between the sidewalk and curb. Staff confirmed that this was true. He suggested removing the trees to install the lights and then replanting trees in relation to the light poles. He would like lights on West K as well.

Karen Burns, resident – She is glad to see consistency with the lights on First Street. She questioned if the light bulbs were changed. Charlie Knox stated that the bulbs have not been replaced, but he would have someone look at the lights to see if there is an issue.

## **VII. COMMUNICATIONS FROM STAFF**

### **A. CALIFORNIA PRESERVATION FOUNDATION DESIGN AWARD – HISTORIC CONTEXT STATEMENT**

Gina Eleccion noted that the City is proud to have received a Preservation Design Award. She thanked the Commissioners and Committee Members (Toni Haughey, Leann Taagepera, Jerry Hayes, and Bonnie Silveria). This project was truly a team effort. In addition, Charlie Knox noted that Gina Eleccion received an exceptional achievement award from the City for her work on this project.

Charlie Knox noted that the solar installation work is beginning.

## **VIII. COMMUNICATIONS FROM COMMISSIONERS**

Commissioner Van Landschoot commented that the Historic Context Committee should get to go to the award ceremony.

Commissioner Haughey questioned the status of the Captain Walsh House. Gina Eleccion noted that all issues have been resolved except the dormer on the western porch. The property owner would need design review approval to leave this alteration.

Commissioner Taagepera questioned the issue of a citizen attending last month and asking for a window discussion. Staff noted that he was directed by the Mayor to talk to the HPRC Chair. Staff is working on direction from the City Manager.

**IX. ADJOURNMENT**

Chair Crompton adjourned the meeting at 8:59 p.m.

CITY OF BENICIA  
PARKS, RECREATION AND CEMETERY COMMISSION  
Approved Minutes  
August 3, 2011

**CALL TO ORDER**

The regular meeting of the Parks, Recreation and Cemetery Commission was called to order at 6:30 p.m. by Chairperson Cockerham.

**ROLL CALL**

Present:

Sanil Budhdev  
Nancy Cockerham  
Ernest Gutierrez  
John McGuire  
Sandy Moriarty

Staff Present:

Mike Dotson  
Rick Knight  
Ann Dunleavy  
Martha Core

Excused:

Rufus Bunch  
Kimberley Funk  
Ken Paulk

**PLEDGE OF ALLEGIANCE**

**OPEN GOVERNMENT NOTICE**

The Open Government Notice was read.

**MINUTES**

The minutes of June 8, 2011 were approved as read.

**ADOPTION OF AGENDA**

Agenda was adopted with no changes.

**COMMUNICATIONS**

None

**PRESENTATIONS**

None

**OLD BUSINESS**

None

**NEW BUSINESS**

- A. Review Streetlight Improvements for the Benicia Intermodal Facilities Project at First and Military

Director Mike Dotson introduced Mike Roberts from the Public Works/Community Development Department who was present to provide information related to the Streetlight Improvements for the Benicia Intermodal Facilities Project.

Mr. Roberts explained that there are considerable changes to the plan since the project was last brought before the Commission, and handed out color copies of the conceptual plan highlighting the changes. Mike Roberts reviewed the plan to replace the existing streetlights with historic gooseneck streetlights along Military West and First Street between West 2nd and West K, and install historic lantern pedestrian streetlights in the planter strip along West 2<sup>nd</sup> between West K and Military West.

Commissioner Gutierrez stated his concerns regarding the different styles of lighting in town. Mike Roberts responded that there is a wide variety, and the City is moving forward with more of a theme.

Commissioner Gutierrez asked for confirmation that the lights inside the park are not going to be replaced. Mike Roberts responded that is correct, there are no changes within the park and said the Commission could offer a recommendation to include replacement lights in City Park.

Director Mike Dotson explained when the plan was first brought before the Commission it had a pathway running through the park with new pedestrian lights. That has changed and is no longer part of the project; therefore, the lights inside the park are not going to be replaced.

After some discussion, the Commission offered a recommendation to consider replacing the lights within the park to allow for consistency. The consensus of the Commission was to have staff move forward with the proposed plan, requesting that an effort be made toward replacement of the lights within the park.

Chairperson Cockerham expressed appreciation for staffs work, and said that it will be a nice improvement to the entrance on First Street and the downtown area.

B. Consideration For Acceptance of a Memorial Bench

Director Mike Dotson gave background information regarding the request from Diane Stevens, for a memorial bench in honor of her late grandson to be placed on the First Street Peninsula.

A motion made by Vice-Chair McGuire, and seconded by Commissioner Gutierrez accepting the request for a memorial bench on the First Street Peninsula had the following votes: AYES: Cockerham, McGuire, Budhdev, Gutierrez, Moriarty; NOES: none. The motion unanimously passed.

C. Consideration For Acceptance of a Memorial Tree

Director Mike Dotson gave a brief overview of the request from Stan Gabel to accept the donation of a memorial tree to be planted at Jack London Park.

A motion was made by Chairperson Cockerham and seconded by Commissioner Gutierrez accepting the donation of a memorial tree to be planted at Jack London Park.

AYES: Cockerham, McGurire, Budhdev, Gutierrez, Moriarty  
NOES: none. The motion was passed.

## **DEPARTMENT MONTHLY REPORTS**

The Department Monthly Report was reviewed.

Director Mike Dotson stated this is the last meeting for Commissioner Budhdev, and commended him for his excellent service to the Parks, Recreation and Cemetery Commission. He wished him good luck in college.

Superintendent Ann Dunleavy also stated that Commissioner Budhdev did a great job and was a wonderful roll model for the Youth Commission. She thanked him for his service to the Commission and wished him well.

Director Mike Dotson announced that the date for the official grand opening for the Community Center is October 1<sup>st</sup>.

## **REPORTS FROM COMMISSIONERS**

None

There being no further business, the meeting was adjourned at 7:15 p.m.

Martha Core, Recording Secretary



**APPROVED April 19, 2012 Meeting**  
**MINUTES**  
**CITY OF BENICIA**  
**TRAFFIC, PEDESTRIAN AND BICYCLE SAFETY (TPBS) COMMITTEE**  
**Special Meeting**  
Thursday, August 25, 2011  
7:00 pm

**I. Call to Order**

**Meeting called to order at 7:01 pm**

1. Roll Call:

Committee Members Present:

Council Member Mark Hughes, Chair  
Council Member Mike Ioakimedes  
Police Officer Mark Simonson (for Lt. Oettinger)  
City Engineer, Melissa Morton  
Senior Civil Engineer, Mike Roberts

Absent: Lt. Bob Oettinger (excused)

Staff Present:

Kathy Trinke, Administrative Secretary

2. Pledge of Allegiance

3. Fundamental Rights Statement

**II. Approval of January 20, 2011 Regular Meeting Minutes.**

The minutes were adopted by a motion made by Melissa Morton, seconded by Mike Ioakimedes and approved by a 5-0 vote.

**III. Public Comment**

**IV. Verbal Updates:**

**1. Video Detectors for the Traffic Signal at Southampton/Chelsea Hills.**

Mike Roberts updated the Committee and members of the public with news that the City will be installing new video detection cameras at the traffic signal on Southampton Road at Chelsea Hills Drive, at a cost of \$18,000. By investing in this newer technology, it will save the City about \$43,000, because it does not require cutting and repair of the asphalt. To replace the existing equipment (loops in the pavement) would cost \$67,000. The purpose of the camera is to detect when a vehicle stops at the intersection, allowing the signal to turn green sooner than requiring the vehicle to wait for the signal to cycle through, if traffic volumes are low. It reduces driver frustration waiting for the light to change when no traffic present. The cameras are not for surveillance purposes, but to detect if a vehicle is at the intersection. It does not photograph faces or license plates. It will detect bicycles. The equipment is expected to be installed in about 1 month.

Council member loakimedes requested that the City notify surrounding businesses when the new device is in place.

## **2. West K Street Traffic Calming Update.**

Mike Roberts updated the Committee and members of the public on the West K Street Traffic Calming plan that was approved at the July TPBS Committee meeting. The City received favorable bids of \$8,400 for the new traffic calming work. The stretch of West K Street from W 14<sup>th</sup> to the State Park decreases to 36' requiring an amendment to the plan. Instead of bike lanes in both directions, the City will install bike lanes in the eastbound direction and sharrows on the westbound direction.

Chair Hughes briefly outlined the Traffic Calming Program for members of the public.

## **3. Renewable Energy Project at City Hall Parking Lot.**

Melissa Morton provided a brief update of the City's new photovoltaic project. One new installation will be located at the City Hall rear parking lot. Notices have been sent to the surrounding residents. Employees and City Hall customers will be parking among the streets during construction. The public will see improvements to the back parking lot. The parking lot will be re-paved and photovoltaic panels will be mounted on carport structures over the parking area. The old retaining wall that borders East K Street will be removed and re-shaped into an entry statement. The City is expecting to break ground within the next 2 weeks.

## **V. Action Items.**

### **1. Intersection of Piercy Drive/McAllister Drive: Request for Installation of an All-Way Stop.**

Mike Roberts presented an overview of this request. Staff's recommendation is to install an all-way stop at this intersection, based on the lack of sight distance at this intersection. Mike reviewed the history of the Waters End development. It was designed in 1990 and then built much later. It is obvious that stop signs are needed at this location.

Mike explained that 364 courtesy notices sent to residents in this area as well as a public notice that was published in the Benicia Herald. The City received 7 emails from residents affirming their support of the all-way stop sign installation.

#### **Public Comment.**

Judy Crippen of 390 Piercy Drive spoke in support of the all-way stop. She presented the Committee with photos of the intersection and her own radar survey of 50 cars on August 16. It shows that the average speed is 33 mph, lowest speed was 25 mph and highest speed was 40 mph; making a left-turn is

difficult. She has observed vehicles drag racing, using cell phones and drinking coffee while driving.

Jennifer Everhart of 389 Piercy Drive spoke in support of the all-way stop. She also requested that the City install a crosswalk with the stop sign. Very concerned about safety for her children.

Bruce Lockley of Piercy Drive at McAllister spoke in support of the all-way stop and requested a new crosswalk be installed at the pedestrian trail.

Bobby White of 380 Piercy Drive spoke in support of the all-way stop and asked for additional Police enforcement because McAllister Drive is a speedway. He is also in favor of additional crosswalks installed and would like to have 25 mph legends painted on the road with reflective paint.

An unidentified resident of Piercy Drive spoke in support of all-way stop. He also stated that crosswalks don't guarantee safety for pedestrians.

Katy Everhart of 389 Piercy Drive spoke in favor of the all-way stop because she and her younger brother rides bicycles on this street.

A resident of 374 McAllister spoke in favor of the all-way stop. He stated that he is afraid to back his car out of his driveway.

Another resident of the area spoke in favor of the all-way stop. He requested that the entire street be evaluated for safety.

Another resident of the area spoke in favor of the all-way stop. He noted that the new stop is not a cure all for safety. He added that several stop signs should be installed on McAllister.

Council Member loakimedes commented that it is easy to speed on McAllister. We usually have traffic problems as neighborhoods evolve, but this looks like it was from the design of the development. He asked if Rose/McAllister area could be added to the Safe Routes to School program.

Chair Hughes noted that other neighborhoods have gone through a traffic calming process. It takes time, but can be effective. He stated his concern about safety in this area. He supports the new all-way stop with a new crosswalk. Then staff can observe to see if this solves the problem. If not, we will re-visit this concern.

Mike Roberts agreed with Chair Hughes. The immediate need is for the all-way stop and it would be appropriate to install a crosswalk at this intersection. However a crosswalk is not appropriate for the sewer bench road (pedestrian trail) because it may give pedestrians the perception that it is safe to cross,

when it is not. It is better that pedestrians stop and look to make sure crossing is safe. He also explained the traffic calming program and process, including the tools included in the traffic calming toolbox.

Judy Crippen spoke regarding the intersection of McAllister and the pedestrian trail, could the City install warning signs that this is a pedestrian crossing or children crossing? She stated her concern about motorists not paying attention to pedestrians and speeds. She asked for additional enforcement.

Mike Roberts explained that the City could install pedestrian crossing signs, but not a crosswalk at this location.

Another resident requested crossings with sensors be installed.

Public Comment closed.

The Committee discussed the recommended all-way stop, new crosswalk and pedestrian crossing signs at the intersection of McAllister and the trail. Also discussed SR2S signage and striping for students walking from this area to Matthew Turner Elementary School.

Melissa Morton stated that the new stop signs could be installed within two weeks.

Mike Roberts described what can be done to enhance safety for school children.

A motion was made by Council Member Ioakimedes and seconded by Melissa Morton to install the all-way stop and crosswalk at McAllister and Piercy intersection, install pedestrian crossing signs at McAllister and the pedestrian trail, incorporate SR2S enhancements and add Police enforcement and adopted by a 5-0 vote.

## **2. Intermodal Facilities Project: Review of the Proposed Pedestrian, Bicycle, and motor vehicle components.**

Mike Roberts presented an overview of his written report and presented a visual conceptual plan of each location pointing out the proposed traffic and pedestrian amenities. Staff's recommendation is that the Committee review the updated conceptual plans, receive public comment and recommend approval, including any desired design modifications.

Public Comment on Military/First Street Project (Downtown):

Gretchen Burgess of 28 Buena Vista, asked if the streetlights along East Second Street from the 780 freeway to Military East could be replaced as part of this project.

Mike Roberts responded that unfortunately these lights are outside of the limits of the grant that is funding the project. We will be able to add some “sharrows” to Military East between First and East Second Street.

Bonnie Weidel of 1629 Bayview Circle expressed concern about speed limits on Military West that vary from 25 to 40 mph. She requests that the speed limit be set for 25 or 30 mph, the entire length of the street.

Mike Roberts responded that he will look into the speed limits on Military West as part of the upcoming speed survey. The Intermodal project will create a lane diet on Military West that slows traffic down. He explained that speed limits are set according to state law and not by an arbitrary decision.

The Committee and residents discussed speed surveys, locations and timing.

Jon Van Landschoot asked a question about the thickness of the median islands. (More detail is provided on the engineered plans.)

Carl Lunsted asked if there were any changes to the plan on Military from West Second to First Street and the West Second Street bulb-out. (Yes, the direct right-hand turn from Military to First remains in place; the bulb-out at West Second has been re-designed to provide room for the fire trucks.)

Elizabeth Patterson expressed concern about the street lights being too bright. She asked if the City could install a sign for “no cell phone zone” near West Second and Military. She also asked that the tree canopy near the I-780/West K Street/State Park area be kept in the plan.

Bonnie Weidel expressed concern about poor visibility when turning onto Military West from West Second Street. She wants to see a traffic signal installed at this location. She mentioned that at First/Military the traffic from First Street turning onto Military conflicts with the pedestrian green light. (Staff will look into a solution.)

Another resident asked about beautification for the intersection of East Second and Military. He continued that Military East is short-changed and the freeway sign directs vehicles to downtown from the East Second Street exit. (The scope of the project is limited by the grant funding criteria.)

Another resident asked if irrigation is provided in the landscaped medians. (Yes)

Chair Hughes asked if staff has talked to residents along West Second Street regarding the additional street lights.

Mike Roberts responded that the neighbors have been noticed by mail and staff has not received any negative feedback. The City will need permission from the property owner to add sidewalk to the northeast corner of Military/First Street.

Council Member Ioakimedes asked Soltrans has had an opportunity to review the transit stops to make sure they work for the various transit vehicles.

Mike Roberts stated that he will send the plans to Soltrans for their review.

#### Public Comment on Southampton Rd/Military West/I-780 Project

Gretchen Burgess asked why there were no trees added near the entrance to the State Park. (That area is outside the project boundaries, which limits the grant funding. Also there are scenic views in this area.)

Elizabeth Patterson asked if the area mentioned is in the grasslands, if so a tree canopy would be desirable. (Staff will check on the funding area and see if it's in Caltrans right-of-way. Staff will propose improvements and see it will be approved.)

Chair Hughes asked what is the width of West K Street? (About 25 feet, it narrows at West K Street.)

Lee North, resident of West K Street, expressed concern that traffic calming improvements on Military West re-directs traffic to West K Street. West K Street is residential and is overused by vehicles that want to avoid the traffic signals on Military West. He asked the City to guarantee that this won't happen with this project. He requested another traffic study to see if traffic has increased. Traffic calming on West K Street has so far only involved paint on the street.

Chair Hughes responded that we are moving forward with Phase 1 traffic calming on West K Street and are hoping for a positive impact for the residents. If this work is not adequate, we can bring it back to the Traffic Committee and staff for additional review.

Mike Roberts added that the City will do both pre and post traffic counts to evaluate the traffic on West K Street.

Mr. North expressed additional concern about while the Intermodal project is being constructed, that West K Street will be kept open. He is also concerned about the traffic signal at West 7<sup>th</sup>/Military. This signal also affects traffic on West K Street.

Mike Roberts responded that we have a plan for a traffic circle at West 7<sup>th</sup> and Military West intersection. Unfortunately, it takes funding in order to proceed. It is an awkward intersection.

Gretchen Burgess of Buena Vista thanked staff for the new crosswalk and striping paint at West 7<sup>th</sup> and Military West.

Melissa Morton mentioned that we recently changed our crews from day to nights to refresh the signing and striping at this intersection and at other key intersections without the use of back-up beepers.

Public Comment closed.

On motion made by Council Member Ioakimedes and seconded by Melissa Morton, the TPBS Committee recommends approval of the updated conceptual plans for the Intermodal Facilities Project and adopted by a 5-0 vote.

The meeting was adjourned at 8:55 pm.



# DOWNTOWN INTERMODAL FACILITIES PROJECT



Intersection of First and Military - BEFORE



Intersection of First and Military - AFTER

