

June 16, 2009 Regular Meeting

BENICIA CITY COUNCIL

REGULAR MEETING AGENDA

City Council Chambers

June 16, 2009

7:00 P.M.

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 P.M.):

II. CLOSED SESSION:

III. CONVENE OPEN SESSION:

A. ROLL CALL

B. PLEDGE OF ALLEGIANCE

C. REFERENCE TO THE FUNDAMENTAL RIGHTS OF PUBLIC

IV. ANNOUNCEMENTS/APPOINTMENTS/PRESENTATIONS/ PROCLAMATIONS:

A. ANNOUNCEMENTS:

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

2. Openings on Boards and Commissions:

Sky Valley Open Space Committee:

One unexpired term to September 30, 2010

One full term to January 31, 2013

Parks, Recreation and Cemetery Commission:

One unexpired term to March 31, 2010

Open Government Commission:

One unexpired term to November 30, 2010

Benicia Housing Authority Board of Commissioners

One full term to July 31, 2013

Library Board of Trustees

One full term to July 31, 2012

Historic Preservation Review Commission

Two full terms to July 31, 2013

Human Services & Arts Board

Three full terms to July 31, 2013

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.

B. APPOINTMENTS:

C. PRESENTATIONS:

D. PROCLAMATIONS:

1. [Recognition of Shop Benicia First program](#)

2. [Recognition of Craig Snider as Solano County's Bicycle Commuter of the Year](#)

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 (7:45 P.M.):

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

A. Approval of Minutes of [June 1, 2009](#) and [June 2, 2009](#). (City Clerk)

B. [Denial of the claim against the City by Jonathan Lamet and referral to insurance carrier.](#) (City Attorney)

Claimant alleges he was given permission by city staff to build a shed without needing a permit. After he started the shed, a neighbor complained and city staff then told him to remove the shed. He is requesting reimbursement for the supplies he purchased. A previous staff member allegedly approved the claimant's plans to build the shed. After complaints were received, current staff placed a stop work order. While staff regrets the confusion, staff cannot knowingly approve an illegal project and must put a stop work order on the project. There is no city liability per Government Code Section 820.2.

Recommendation: Deny the claim against the City.

C. [Acceptance of a proposal for publishing and printing legal notices from the Benicia Herald and approval of an agreement between the City and Benicia Herald for Fiscal Years 2009/2010 and 2010/2011.](#) (City Clerk)

Certain official advertisements, notices, resolutions and other documents are required to be published in a newspaper. The law requires that the newspaper qualify as a newspaper of general circulation. Bids were sent to both the Benicia Herald and the Vallejo Times Herald. The Benicia Herald is the only local paper that met the qualifications and provided a bid. The current contract between the City of Benicia and Benicia Herald will end on June 30, 2009. This is a routine issue that is acted upon by Council every two years.

Recommendation: Adopt the resolution accepting the proposal for publishing and printing legal notices from the Benicia Herald and authorize the execution of an agreement between the City and the Benicia Herald for Fiscal Years 2009/2010 and 2010/2011.

D. [Second reading of campaign ordinance regarding contribution and voluntary spending limits.](#) (City Attorney)

At the June 2, 2009 City Council meeting, the Council introduced an ordinance providing for contribution limits and voluntary expenditure limits with minor revisions. This ordinance includes the requested changes.

Recommendation: Adopt the ordinance adding a new Chapter 1.42 (Contribution and Voluntary Spending Limits) to establish a \$250 contribution limit, restrict loans for council elections, regulate the use of personal funds in an election, establish voluntary spending limits and to provide for a city sponsored debate.

E. [Award of Contract for Chemical Purchases for Water Treatment purposes.](#) (Public Works Director)

This action allows the City to purchase chemicals necessary for water treatment for fiscal year 2009/10. In 1994, Benicia, along with ten other agencies in and around Solano County, joined the North Bay Chemical Agency Pool, the purpose of which allows the best possible pricing through bulk purchasing. Sufficient funds are available in each plant's operations account to cover the chemical costs.

Recommendation: Adopt a resolution accepting bids and awarding contracts to the lowest responsible bidders for furnishing chemicals for the water treatment for fiscal year 2009/10 and authorizing the City Manager to sign the contracts on behalf of the City.

F. [Proposition 1B disbursement for the 2009 Citywide Street Resurfacing Project.](#) (Public Works Director)

In 2007, California voters approved the sale of almost \$20 billion in bonds for local road and street improvement, congestion relief and traffic safety projects (Proposition 1B). After reviewing Benicia's transportation needs, it is recommended that the remaining \$415,009 of Proposition 1B funds be allocated the 2009 Citywide Street Resurfacing project. With this allocation and expected funding from gas tax revenue and Proposition 42 funds, \$1 million in street resurfacing may occur this summer.

Recommendation: Adopt the attached resolution requesting from the California Department of Finance a disbursement of Proposition 1B bond funding in the amount of \$415,009 for the 2009 Citywide Street Resurfacing project and authorizing the Director of Public Works to submit the application on behalf of the City.

G. [Accept the Edward Byrne Memorial Justice Assistance Grant.](#)(Police Chief)

The County of Solano and the Cities of Benicia, Dixon, Fairfield, Suisun City, Vacaville and Vallejo are jointly eligible for an award of \$1,014,930 from the 2009 Edward Byrne Memorial Justice Assistance Grant of which \$24,878 is allocated to the City of Benicia to fund the replacement of in-car computers. The current in-car computers have reached their useful life and are no longer compatible with the latest versions of software upgrades.

Recommendation: Adopt the attached resolution accepting the 2009 Edward Byrne Memorial Justice Assistance Grant in the amount of \$24,878.

H. [Purchase and placement of the restroom facility for Jack London Park.](#) (Parks and Community Services Director)

The former restroom facility at Jack London Park was destroyed by fire caused by vandals on October 18, 2008. The restroom facility was totally destroyed and razed by staff shortly after the incident. Presently, portable lavatories have been placed on site. To remedy this situation and maintain a permanent restroom facility at the park, staff is requesting authorization to purchase and install the new restroom facility. The cost to purchase and place a new restroom facility is \$150,796. The City has received two insurance reimbursements checks totaling \$141,999. These funds were deposited in the Facility Maintenance Fund Account No.

113-9205-7710. The remaining balance of \$8,797 shall be paid by the insurance carrier upon our receipt of the restroom materials.

Recommendation: Adopt a resolution authorizing the purchase and placement of a new restroom facility at Jack London Park in the amount of \$150,796. This restroom facility is a replacement to the former restroom that was destroyed by fire.

I. [Resolution of the City Council of the City of Benicia supporting the Save our State Parks Campaign.](#) (Parks and Community Services Director)

The Governor of the State of California has proposed, in his May budget revision, to eliminate state funding for the state park system, resulting in the closure of 220 state parks, including the Benicia Capitol State Historic Park and Benicia State Recreation Area.

Recommendation: Adopt a resolution supporting efforts to prevent the closure of 220 state parks, including the Benicia Capitol State Historic Park and the Benicia State Recreation Area and urging the State Legislature to reject any proposal to close said parks.

J. [Resolution providing for and requesting the Board of Supervisors permit the Registrar of Voters to provide specified services in connection with the General Municipal Election to be held November 3, 2009.](#) (City Clerk)

This resolution is required pursuant to Elections Code Section 10002.

Recommendation: Adopt the resolution which will enable the City of Benicia to obtain the services of the Registrar of Voters office in the November 3, 2009 Election.

K. [Resolution calling for the Consolidated Districts Election November 3, 2009 and fees related to that election.](#)

This Resolution meets the requirement of the Government Code calling for a General Municipal Election, setting a date for that election, and identifying the officers of the City for which the election is proposed. It also allows waiving statement fees for the candidates who agree to the Voluntary Code of Fair Campaign Practices.

Recommendation: Adopt the Resolution calling and giving Notice of the General Municipal Election to be held Tuesday, November 3, 2009 and waiving the fees to the candidates for publication of their statements if the candidate agrees to the Voluntary Code of Fair Campaign Practices.

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

VIII. PUBLIC HEARINGS (8:00 P.M.):

A public hearing should not exceed one hour in length. To maximize public participation, the council requests that speakers be concise and avoid repetition of the remarks of prior speakers. Instead, please simply state whether you agree with prior speakers.

A. [Downtown Historic District Overlay Boundary.](#) (Community Development Director) – Continued from June 2, 2009 City Council Meeting

At the March 17, 2009 meeting, the City Council approved an update to the City's Downtown Historic Resource Inventory, including several district boundary changes, as recommended by the Historic Survey Ad Hoc Committee, the Historic Preservation Review Commission, and the Planning Commission. The original district boundary was expanded to include a new exclave on East K Street, 327 Gull Point Court, and 470 West J Street. The boundary was not changed around 410 and 420 West K Street. Based on property owners' concerns, Council Member

Hughes has requested reconsideration of the district boundary around 410 and 420 West K Street.

Recommendation: Maintain the boundary of the Downtown Historic Overlay District.

IX. ACTION ITEMS (9:00 P.M.):

A. First reading and introduction of an ordinance amending Chapter 8.38 (Graffiti Control) of Title 8 (Health and Safety) of the Municipal Code. (Police Chief)

Graffiti vandalism creates a public health and safety issue and constitutes a public nuisance, which must be abated in a timely manner. While the City has had a strong anti-graffiti ordinance in place since 1996, further amendments are necessary to maximize the City's ability to combat and prevent graffiti.

Recommendation: Introduce an ordinance amending Chapter 8.38 (Graffiti Control) of Title 8 (Health and Safety).

X. INFORMATIONAL ITEMS (9:30 P.M.):

A. City Manager Reports

1. Invitation to Local Government Summit on Governance and Fiscal Reform – July 17-18, 2009

B. Council Member Committee Reports:

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

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

Next Meeting Date: June 17, 2009

2. Association of Bay Area Governments (ABAG). (Mayor Patterson & Vice Mayor Campbell)

Next Meeting Date: October 22, 2009 – Fall General Assembly

3. Finance, Audit & Budget Committee. (Vice Mayor Campbell & Council Member Schwartzman)

Next Meeting Date: June 24, 2009

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

Next Meeting Date: July 17-18, 2009 – Local Government Summit

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

Next Meeting Date: June 18, 2009

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

Next Meeting Date: August 5, 2009

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

Next Meeting Date: July 23, 2009

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

Next Meeting Date: July 8, 2009

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

Next Meeting Date: July 9, 2009

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

Next Meeting Date: July 16, 2009

11. Tri-City and County Regional Parks and Open Space. (Vice Mayor Campbell & Council Member Hughes)

Next Meeting Dates: Date to be determined in September 2009

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

Next Meeting Date: To be determined.

13. Youth Action Coalition. (Council Members Ioakimedes & Schwartzman)

Next Meeting Date: June 24, 2009

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

Next Meeting Date: June 22, 2009

XI. COUNCIL MEMBER REPORTS:

XII. ADJOURNMENT (9:40 P.M.):

Public Participation

The Benicia City Council welcomes public participation.

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

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

Disabled Access

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

Meeting Procedures

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

Pursuant to Government Code Section 65009, if you challenge a decision of the City Council in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to, the public hearing. You may also be limited by the ninety (90) day statute of limitations in which to challenge in court certain administrative decisions and orders (Code of Civil Procedure 1094.6) to file and serve a petition for administrative writ of mandate challenging any final City decisions regarding planning or zoning.

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

Public Records

The agenda packet for this meeting is available at the City Manager's Office and the Benicia Public Library during regular working hours. To the extent feasible, the packet is also available on the City's web page at www.ci.benicia.ca.us under the heading "Agendas and Minutes." Public records related to an open session agenda item that are distributed after the agenda packet is prepared are available before the meeting at the City Manager's Office located at 250 East L Street, Benicia, or at the meeting held in the Council Chambers. If you wish to submit written information on an agenda item, please submit to the City Clerk as soon as possible so that it may be distributed to the City Council.

-  [IV-D-1 Proclamation.pdf](#)
-  [IV-D-2 Proclamation.pdf](#)
-  [VII-A Minutes 060109.pdf](#)
-  [VII-A Minutes 060209.pdf](#)
-  [VII-B Denial of Claim.pdf](#)
-  [VII-C Legal Notices Publishing.pdf](#)
-  [VII-D Campaign Spending Ord.pdf](#)
-  [VII-E WT Chemical Contract.pdf](#)
-  [VII-F Street Resurfacing.pdf](#)
-  [VII-G Grant Acceptance.pdf](#)
-  [VII-H Jack London Restrooms.pdf](#)
-  [VII-I Save Our State Parks.pdf](#)
-  [VII-J November Election.pdf](#)
-  [VII-K Consolidated Election.pdf](#)
-  [VIII-A Downtown Historic Overlay Dist.pdf](#)
-  [IX-A Graffiti Ordinance.pdf](#)
-  [X-A-1 Local Govt Summit.pdf](#)
-  [X-B-1 Council Committee Reports.pdf](#)



PROCLAMATION

IN RECOGNITION OF SHOP BENICIA FIRST JUNE 2009

WHEREAS, Benicia Chamber of Commerce Mission is to Promote Business For A Better Benicia; and

WHEREAS, BizNet, a highly motivated networking committee of the Chamber recognizes the significance of keeping dollars local to benefit the community; and

WHEREAS, Shop Benicia First provides both businesses & residents with an awareness regarding the many benefits of shopping locally; and

WHEREAS, The program encourages the City of Benicia, Benicia Unified School District, Businesses, Organizations and Residents to make every effort to Shop Benicia First for goods & services; and

WHEREAS, Benicia businesses and merchants contribute significantly to property tax, sales tax, utility users tax, and business license tax, all of which allow for the Quality of Life that Benicians expect and appreciate; and

WHEREAS, Businesses are encouraged to provide quality goods and services, excellent customer service, competitive pricing and consistent hours, making it desirable for consumers to Shop Benicia First.

WHEREAS, Shopping locally is more energy efficient, resulting in reduced environmental impacts; and

WHEREAS, Our community groups & organizations receive a major portion of their financial and volunteer support from Benicia businesses; and

NOW, THEREFORE, BE IT RESOLVED THAT I, Elizabeth Patterson, Mayor of the City of Benicia, on behalf of the City Council, do hereby encourage residents and visitors to Shop Benicia First.

Elizabeth Patterson, Mayor
June 16, 2009



IV-D-1-1



PROCLAMATION

IN RECOGNITION OF CRAIG SNIDER AS SOLANO COUNTY'S BICYCLE COMMUTER OF THE YEAR MAY 2009

WHEREAS, May 14th marks the San Francisco Bay Area's 15th annual Bike to Work Day when over 150,000 commuters are expected to put their feet to the bike pedal. Across the nation, many more will bike commute the entire month of May to celebrate National Bike Month.

WHEREAS, Craig Snider began riding his bicycle to Mare Island, Vallejo in 2003 to his job at the US Forestry Service; and

WHEREAS, the US Forest Service supports physical fitness; and

WHEREAS, Craig Snider rides 20 miles roundtrip from Benicia every day, rain or shine; and

WHEREAS, He is an active member of the Benicia Bicycle Club and promotes bicycle commuting and safety issues with his coworkers; and

WHEREAS, on May 13, 2009, Craig was recognized as Solano County's Bike Commuter of the Year.

NOW, THEREFORE, BE IT RESOLVED THAT I, Elizabeth Patterson, Mayor of the City of Benicia, on behalf of the City Council, do hereby congratulate Craig Snider on being honored as a commuter.

Elizabeth Patterson, Mayor
June 16, 2009

IV-D-2-1

MINUTES OF THE
SPECIAL MEETING – CITY COUNCIL
JUNE 1, 2009

The regular meeting of the City Council of the City of Benicia was called to order by Mayor Elizabeth Patterson at 7:02 p.m. on Tuesday, June 1, 2009, in the City Council Chambers, City Hall, 250 East L Street, complete proceedings of which are recorded on tape.

ROLL CALL:

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

Absent: Vice Mayor Campbell (arrived at 7:08 p.m.)

PLEDGE OF ALLEGIANCE:

Council Member Ioakimedes led the pledge to the flag.

FUNDAMENTAL RIGHTS:

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

OPPORTUNITY FOR PUBLIC COMMENT:

WRITTEN:

Various items submitted (copies on file).

PUBLIC COMMENT:

1. Dana Dean – Ms. Dean discussed the BHS SAGE Team taking 2nd place in the National Competition. The Team will now be invited to participate in the International Competition. Ms. Polly Farina has led the team.
2. Christina Strawbridge – Ms. Strawbridge discussed the success of the Relay for Life event that took place 5/30/09-5/31/09.

BUDGET WORKSHOP:

Review and approval of 2009-2011 Strategic Plan:

Jim Erickson, City Manager, gave a brief overview of the process. He briefly discussed the computer virus that hit the City computer systems over the weekend, making it difficult to print the actual budget. He reviewed a PowerPoint presentation titled 'Budget Workshop.' The following topics were covered:

- Five strategic issues
- General Fund Budget Summary
- Proposed Budget Achievements - General Fund
- Problems to Overcome
- Keys to Budget Balancing
- Summary of Major Budget Issues – General Fund

Anne Cardwell, Administrative Services Director, reviewed a PowerPoint presentation titled '2009-2011 Strategic Plan & Budget Workshop.' The following topics were reviewed:

- Purpose of Strategic Plan
- Strategic Plan Process
- Highlights of 4/28/09 Input
- Status of the Actions taken from 4/28/09 Input
- What Now?

Council Member Hughes and Staff discussed the State's intent to pull 8% from cities, and how repayment of those funds (8%) would be handled.

Vice Mayor Campbell and Staff discussed the 8% fund loss, its effect on the City's reserves, and possibly spreading out some of the Tier I capital projects on the list over time.

Council Member Ioakimedes and Staff discussed the current return on the City's reserve and the interest rate the City would earn on the money borrowed by the State, and the Grand Jury's recommendation on what needed to be done with the Police Department renovation.

Council Member Schwartzman discussed the projected slow economic recovery process.

Public Comment:

1. Norma Fox – Ms. Fox asked for clarification on the cost of the proposed video streaming and agenda management program.
2. Claire McFadden – Ms. McFadden asked for clarification on how the strategic issues were prioritized. Staff clarified that the projects were not prioritized, just listed.
3. Karen Burns – Ms. Burns discussed concerns regarding the lack of funding for the cemetery.
4. Duane Oliveira – Mr. Oliveira asked for clarification on priority funding criteria, and the need to have the priorities placed in order.

Staff discussed the following topics from the earlier PowerPoint presentation titled 'Budget Workshop':

- Decision-Making Criteria – Discretionary Projects
- Community Survey – Top Investment Priorities
- Community Survey – Key Drivers

Presentation of Fiscal Year 2010 and 2011 Budgets:

Rob Sousa, Finance Director, reviewed the staff report, as well as the following topics from the earlier PowerPoint presentation titled 'Budget Workshop':

- All Funds Budget Summary
- General Fund Budget Summary
- Proposed Tier I Projects – Funded
- Tier II Projects – Not Funded

- Tier III Projects – Not Funded
- Street Projects – Proposed

Anne Cardwell, Administrative Services Director, reviewed the portion of the PowerPoint presentation relating to the City Council. The following topics were reviewed:

City Council and City Clerk:

- Organizational Charts
- Responsibilities
- Accomplishments – FY's 2007-09
- Expenditure Summary

City Manager's Office:

- Organizational Chart
- Mission Statement (need to implement adopted strategic plan)
- Responsibilities
- Accomplishments – FY 2007-09
- Major Budget Changes

City Attorney's Office:

- Organizational Chart
- Mission Statement
- Responsibilities
- Accomplishments – FY's 2007-09
- Major Budget Changes
- Expenditure Summary
- Priorities
- Desired Outcomes and Performance Measures
- Expenditure Summary

Council and Staff discussed various budget changes in the City Manager's office, City Attorney's office, and Economic Development, staffing changes in the City Attorney's office, and the use of consultants.

Mr. Sousa discussed the increase in salary and benefits to the City Treasurer's budget. A portion of the City staff salary was being directed into that budget as there were staff functions being performed.

Finance Department:

- Organizational Chart
- Mission Statement
- Responsibilities and Accomplishments – FY's 2007-09
- Significant Budget Changes
- Expenditure Summary
- Priorities for FY's 2009-11

- Desired Outcomes and Performance Measures

Mr. Sousa addressed the concern regarding the cost of the agenda management software program. The City has already spent funds to upgrade Council Chambers. The cost of the software for the agenda management program has come down to \$43,000.

Information Technology Division (abbreviated presentation – full presentation on 6/15):

- Mission Statement
- Responsibilities

Transit Division (abbreviated presentation – full presentation on 6/15):

- Mission Statement
- Responsibilities

Mayor Patterson called for a 5-minute break at 9:02 p.m.
The meeting resumed at 9:11 p.m.

Public Comment:

1. Christina Strawbridge – Ms. Strawbridge discussed the City’s tourism plan, the issue of tourism, and the recommendations of the plan being ignored in the budget.

Vice Mayor Campbell discussed Ms. Strawbridge’s concern regarding the lack of funding for implementation of marketing, tourism, tourism director, and funding to implement the Tourism Business Improvement District (TBID) bid.

2. Nancy Martinez, Benicia Main Street – Ms. Martinez discussed Benicia Main Street’s desire for the City to approve its enhancements. They added six new events in 2008 and are looking at adding five new events in 2009. She discussed the need for the City’s financial assistance with the July 3rd and July 4th events. The elimination of any events would be detrimental to the Downtown and the community.

Council and Staff discussed current and proposed funding for Benicia Main Street, total amount of funding requested amount by Benicia Main Street (\$149,000), Benicia Main Street losing money on the July 3rd and July 4th activities, and the possibility of Benicia Main Street not being able to continue with the July 3rd and July 4th activities in the future.

3. Duane Oliveira – Mr. Oliveira clarified agenda language regarding the budget, the general fund summary by department, Tier II capital projects not funded, and the lack of funding for tourism.
4. Jeanne Steinmann – Ms. Steinmann discussed tourism, her involvement in the ad hoc tourism committee, the City’s tourism plan.
5. Rick Englar – Mr. Englar discussed the Tier III capital projects relating to underground utility lines.
6. Mary Eichbauer – Ms. Eichbauer discussed the Library Basement project not being in the Tier II projects rather than Tier I projects.
7. Carol Nail – Ms. Nail spoke in favor of the Library Basement Project.
8. Claire McFadden – Ms. McFadden discussed tourism and the City’s tourism plan.

9. Eldon Petersen – Mr. Petersen discussed the issue of tourism.
10. Jon Van Landschoot – Mr. Van Landschoot spoke in favor of tourism, funding for the Arts and Culture Commission, and the idea of spending money to make money.
11. Norma Fox – Ms. Fox spoke in favor of tourism, Arts and Cultural Commission, design for the Waterfront Park project, Main Street Program, and Benicia Historical Museum, why there were big jumps in some departmental budgets, and finding components of budgeted items that could be whittled down.

Council and Staff discussed funding for the cemetery, the fact that it did not get enough play in the strategic planning process, the Cemetery Improvement Restoration Fund (currently over \$140,000 in the fund), approximately \$55,000 budgeted this year for smaller landscaping and road improvements, grave restoration, and the purchase of some vaults for the cemetery, the possibility of looking into security to prevent vandalism.

Council and Staff discussed the Police facility and the City's obligations regarding the Grand Jury recommendations. The Grand Jury's recommendations were broad. Staff would respond to the Grand Jury. Staff's response would be presented to Council.

Council will continue the budget process with the remaining departments at the next Special Council meeting on June 15, 2009. An additional special meeting could be scheduled if necessary.

Vice Mayor Campbell and Staff discussed the \$200,000 available from the Scouts for the Community Center Phase I project. The City already advanced itself that money. That money would be credited back to the project. Vice Mayor Campbell discussed the money from Valero that has to be used for water conservation. He wondered if it could be used to help out with supplies for the field maintenance. Staff could get in touch with the negotiating parties to discuss the possibilities. He discussed possible energy efficiency improvements at City Hall.

Council Member Hughes asked for more clarification at the next budget meeting on the strategy on not fully funding the reserve funds, long term strategy, public safety, tourism, PERS costs, Commanding Officer's Quarters, Community Center (the need to get more use out of it), the James Lemos pool roof, Benicia Main Street funding, prioritizing to meet compliance, and health and safety issues.

Vice Mayor Campbell inquired about the timing of replacing the roof at the James Lemos Pool. Staff clarified that the roof could make it through this summer season, but it would have to be repaired before the next rainy season.

ADJOURNMENT:

Mayor Patterson adjourned the meeting at 10:31 p.m.

MINUTES OF THE
REGULAR MEETING – CITY COUNCIL
JUNE 2, 2009

The regular meeting of the City Council of the City of Benicia was called to order by Mayor Elizabeth Patterson at 7:00 p.m. on Tuesday, June 2, 2009, in the City Council Chambers, City Hall, 250 East L Street, complete proceedings of which are recorded on tape.

ROLL CALL:

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

Absent: Council Member Hughes

PLEDGE OF ALLEGIANCE:

Mayor Patterson led the pledge to the flag.

FUNDAMENTAL RIGHTS:

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

ANNOUNCEMENTS/APPOINTMENTS/PRESENTATIONS/PROCLAMATIONS:

ANNOUNCEMENTS:

Openings on Boards and Commissions:

- Sky Valley Open Space Committee:
 - One unexpired term to September 30, 2010
 - One full term to January 31, 2013
- Parks, Recreation and Cemetery Commission:
 - One unexpired term to March 31, 2010
 - One full term to July 31, 2013
- Open Government Commission:
 - One unexpired term to November 30, 2010
- Benicia Housing Authority Board of Commissioners
 - One full term to July 31, 2013
- Library Board of Trustees:
 - One full term to July 31, 2012
- Historic Preservation Review Commission:
 - Two full terms to July 31, 2013
- Human Services and Arts Board:
 - Two full terms to July 31, 2013

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.

APPOINTMENTS:

None

PRESENTATIONS:

None

PROCLAMATIONS:

- Recognition of United States Army Week, June 8-14, 2009

ADOPTION OF AGENDA:

Mr. Erickson stated that Staff's recommendation was to continue VII-A to 6/16/09, as Council Member Hughes was not able to attend the meeting.

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

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

Noes: None

Absent: Council Member Hughes

OPPORTUNITY FOR PUBLIC COMMENT:

WRITTEN:

Various items submitted (copies on file).

PUBLIC COMMENT:

1. Christina Strawbridge – Ms. Strawbridge discussed the success of the recent Relay for Life event. They raised over \$120,000 so far.
2. Gene Doherty – Mr. Doherty discussed the proposed closure of California State Parks. He asked for the community and Council's support on the issue.
3. Rick Ernst – Mr. Ernst discussed the old-fashioned ice cream social that would take place on 6/4/09 at the Benicia State Capitol Building.

CONSENT CALENDAR:

Council pulled items VII-B and VII-C.

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

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

Noes: None

Absent: Council Member Hughes

Council approved the Minutes of May 19, 2009.

RESOLUTION 09-47 - A RESOLUTION AUTHORIZING SUBMITTAL OF AN APPLICATION FOR A CALIFORNIA LIBRARY LITERACY SERVICE MATCHING FUNDS GRANT FOR FISCAL YEAR 2009/2010 AND AUTHORIZING THE LIBRARY DIRECTOR TO SIGN DOCUMENTS

RESOLUTION 09-48 - A RESOLUTION AUTHORIZING THE DIRECTOR OF PARKS & COMMUNITY SERVICES TO EXECUTE, ON BEHALF OF THE CITY, CONTRACT CHANGE ORDERS AFFIRMING STAFF-AUTHORIZED COSTS WITH PACIFIC COAST RECONSTRUCTION & BUILDING, INC. FOR THE COMMANDING OFFICER'S QUARTERS REHABILITATION PROJECT, THE APPROPRIATION OF \$127,685 FROM THE PROJECT CONTINGENCY AND ACCEPTING THE COMMANDING OFFICER'S QUARTERS REHABILITATION PROJECT AT 1 COMMANDANT'S LANE, AUTHORIZING THE CITY MANAGER TO SIGN THE NOTICE OF COMPLETION AND CITY CLERK TO FILE SAME WITH THE SOLANO COUNTY RECORDER

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

(END OF CONSENT CALENDAR)

Council took the following actions:

Support for Neighborhood Stabilization Program application:

Mayor Patterson and Staff discussed concerns regarding the nature of the selection process, the nexus between City-owned property that does not have a foreclosure problem and the City's ability to be successful in the application, following a green house gas reduction program in the demolition process, incorporating the Climate Action Plan into the resolution if this moves forward, ensuring the City-owned property is maintained free of trash and is attractive to the neighborhood, the nexus between the City taking the structures down and future affordable housing projects, why Vacaville was being the lead agency, and why Vacaville was the City's lead agency.

Council and Staff discussed designating \$50,000 for each of the site's demolition and site preparation projects, and in the case of 550 East G Street the additional funds beyond the demolition costs would go towards property maintenance and landscaping and making it part of the Waste Water Treatment Plant Beautification Project. For the Scout house, the money beyond the \$15,000 or so that it would take for demolition would be used to prepare the site, grade it, get it ready, etc. so it would be a more attractive prospect for a group that wanted to partner on some affordable housing projects.

Public Comment:

1. Dan Smith - Mr. Smith discussed the importance of the two State Parks in Benicia, housing for the Boy Scouts and Girl Scouts, the status of the Community Center, keeping the City's promise to the Scouts, and the need to provide space at the Community Center for the Scouts.

Staff discussed the ability for the Scouts to occupy a portion of the Community Center in the fall, and approval of the commencement of Phase I in the upcoming fiscal year.

2. Mary Frances Kelly Poh – Ms. Kelly Poh discussed the date the application deadline (6/15/09), the HUD requirements for the grant, whether what the City has proposed

meets the spirit of the HUD requirements, and whether the demolition of the house by the Waste Water Treatment Plan meets the spirit of the HUD requirements.

Staff discussed the CDBG issue, possibly partnering with a group to do some transitional housing, CDBG funds, possibly applying for the demolition of the Scout house and using the remainder to begin the process of developing the site, the City possibly having access to other funds (\$200,000), using the money for the purposes outlined by Staff, and not redeveloping the 550 East G Street site (buffer area or possibly a park).

Council Member Schwartzman made a motion to approve the Resolution. Council Member Ioakimedes seconded the motion. Council Members Campbell, Ioakimedes, and Schwartzman voted to approve the Resolution.

Mayor Patterson asked if the motion could be reconsidered. There were two things she wanted to change.

Ms. McLaughlin confirmed that three Council Members voted yes.

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

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

Noes: None

Absent: Council Member Hughes

Mayor Patterson requested reconsideration of the resolution to add the three elements to it.

On motion of Council Member Schwartzman, seconded by Vice Mayor Campbell, Council approved the reconsideration of the above vote, on roll call by the following vote:

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

Noes: None

Absent: Council Member Hughes

Mayor Patterson requested the Resolution be amended to include the language that was proposed in the Climate Action Plan, add that the property be maintained free of weeds and trash, and add in the 'Be it further resolved' area that the Scout site was intended for affordable housing.

Council Member Ioakimedes and Staff discussed the effect establishing that the site would be used for affordable housing would have.

RESOLUTION 09-49 - A RESOLUTION APPROVING AN APPLICATION FOR FUNDING AND THE EXECUTION OF A GRANT AGREEMENT AND ANY

AMENDMENTS THERETO FROM THE STATE OF CALIFORNIA
NEIGHBORHOOD STABILIZATION PROGRAM (NSP)

On motion of Vice Mayor Campbell, seconded by Council Member Ioakimedes, the above Resolution was adopted as amended, on roll call by the following vote:

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

Noes: None

Absent: Council Member Hughes

Support for ABAG FOCUS Program Priority Development Area application:

Mayor Patterson discussed her desire to indicate that the City had a commitment that the City has \$200,000 for planning for intermodal transportation, and expanding the discussion on the application by picking and choosing the things that made sense from the Seeno resolution for the application regarding the green tech/clean tech approach.

Lisa Porras, Senior Planner, reviewed the staff report.

Public Comment:

1. Gene Doherty – Mr. Doherty commended Staff on its effort with this issue.

Council Member Schwartzman and Staff discussed how this went together with the proposed Seeno project, and the need for jobs in the City.

RESOLUTION 09-50 - A RESOLUTION AUTHORIZING THE DESIGNATION OF
THE NORTHERN GATEWAY PRIORITY DEVELOPMENT AREA UNDER THE
FOCUS PROGRAM

On motion of Council Member Ioakimedes, seconded by Vice Mayor Campbell, the above resolution was adopted as amended, on roll call by the following vote:

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

Noes: None

Absent: Council Member Hughes

PUBLIC HEARINGS:

Downtown Historic District Overlay Boundary:

Public Comment:

None

This item was continued to the June 16, 2009 Council meeting.

Public Hearing for City of Benicia Landscaping and Lighting District Fiscal Year 2009-10:

Rob Sousa, Finance Director, reviewed the staff report.

Public Comment:

None

Council discussed changing dates in the Resolution from 2008 to 2009.

RESOLUTION 09-51- A RESOLUTION ORDERING THE MAINTENANCE OF EXISTING IMPROVEMENTS IN ALL FIVE ZONES OF THE DISTRICT, CONFIRMING THE ASSESSMENT DIAGRAM, APPROVING THE ENGINEER'S REPORT AND ORDERING THE LEVY AND COLLECTION OF CERTAIN ASSESSMENTS FOR THE CITY OF BENICIA LANDSCAPING AND LIGHTING DISTRICT, FISCAL YEAR 2009-10

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

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

Noes: None

Absent: Council Member Hughes

ACTION ITEMS:

Campaign ordinance regarding contribution and voluntary spending limits:

Heather McLaughlin, City Attorney, and Steve Churchwell, Consultant, reviewed the staff report.

Council Member Ioakimedes and Staff discussed the 48-hour time limit on page IX-A-5, adding language so that someone could deliver the information in person, section 1.42.070 regarding issue advocacy.

Vice Mayor Campbell and Mr. Churchwell discussed the issue of City sponsored debates, concerns regarding section 1.42.050 (c) spending limits, possibly pulling out 1.42.050 (c) as it is covered by section 1.42.070.

Council Member Ioakimedes and Mr. Churchwell discussed the possibility of combining sections 1.42.050 and 1.42.070.

Mayor Patterson discussed concerns regarding loans, and property orientation provisions of the loan section.

Public Comment:

1. Dan Smith – Mr. Smith discussed the ‘toothless’ proposed ordinance, the need for clean, locally funded elections, and support for Vice Mayor Campbell’s proposed ordinance.
2. Gene Doherty – Mr. Doherty discussed the problematic aspects of the proposed ordinance, the need for language regarding holiday provisions, and the need for defining what a contribution is.
3. Rick Ernst – Mr. Ernst discussed the ordinance process, and the need to take Council Member Hughes’ written comments into consideration.
4. Jon Van Landschoot – Mr. Van Landschoot discussed his efforts in collecting signatures for the campaign finance initiative, concerns regarding the debate timing, loans, accrual system, limiting contributions to five days prior to the elections,

campaign mailers, and the issue of penalties. Mr. Van Landschoot discussed the amount of people willing to sign the petition.

Council Member Ioakimedes discussed concerns regarding an accrual system, and post election contributions.

Mayor Patterson discussed her 2007 campaign, a hit piece that came out, how her committee addressed the hit piece, past attempts at drafting a voluntary campaign expenditure limits, and concerns regarding some restrictions in the proposed ordinance.

Vice Mayor Campbell discussed section 1.42.110. Section (b) did not work for him. He had concerns regarding the timing of City sponsored debate,

Council Member Schwartzman discussed the issue of the City sponsored debate, who would sort the questions for the debate, and concerns regarding section 1.42.110 (b),

Mayor Patterson discussed the need for another way (other than a debate) to respond to a late hit piece. She discussed Council's general consensus to delete (b).

Vice Mayor Campbell discussed section 1.42.060, and support for a \$28,000 limit.

Mr. Churchwell discussed the issue of the proposed \$40,000-\$50,000 limit.

Mayor Patterson discussed simplifying the proposed ordinance, candidates' reigning in their expenses, unfair PACS being addressed by the candidate being able to respond, eliminating (b) on section 1.42.060, retaining 1.42.070, and eliminating (c) on 1.42.050, changing the limit on section 1.42.060 (b) (rather than eliminating it as previously discussed).

Vice Mayor Campbell discussed the proposed contribution limits.

Mayor Patterson discussed support for the \$28,000 limit.

Council and Mr. Churchwell discussed the City's extra reporting requirements, late expenditure reporting requirements, independent expenditures, 24-hour reporting, penalties for violations, enforcement mechanism pursuant to the proposed ordinance, linking the enforcement to the City's existing code, concerns regarding loans, per-election limits, voluntary expenditure limits, and non-monetary contributions.

Mayor Patterson summarized the following changes:

- 1.42.030– keep limits at \$250/\$500
- 1.42.040 – eliminating dollar amount as long as it is paid back w/in 30 days
- 1.42.050 – amend section (b) noting weekends and City holidays and being able to walk the form in, as well as eliminating section (c)

DRAFT

- 1.42.060 – limit would be \$28,000 for Mayor/Council for general municipal elections, and delete reference to section 1.42.040 in section (a)
- 1.42.070 – no change
- 1.42.110 –eliminate section (b)
- 1.40.120 – import language from existing ordinance (page IX-A-16) and add as a new section

Vice Mayor Campbell clarified that the ordinance would be brought back for approval at the June 16, 2009 Council meeting.

ORDINANCE 09- - AN ORDINANCE ADDING A NEW CHAPTER 1.42
(CONTRIBUTION AND VOLUNTARY SPENDING LIMITS) OF TITLE 1
(GENERAL PROVISIONS) OF THE BENICIA MUNICIPAL CODE

On motion of Vice Mayor Campbell, seconded by Council Member Schwartzman, the above Introduction and First Reading of an ordinance was approved as amended, on roll call by the following vote:

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

Noes: None

Council Member Hughes

INFORMATIONAL ITEMS:

City Manager Reports:

None

COMMENTS FROM COUNCIL MEMBERS:

None

ADJOURNMENT:

Mayor Patterson adjourned the meeting at 10:34 p.m.

**AGENDA ITEM
CITY COUNCIL MEETING: JUNE 16, 2009
CONSENT CALENDAR**

DATE : June 2, 2009
TO : City Council
FROM : City Attorney
SUBJECT : **DENIAL OF THE CLAIM AGAINST THE CITY BY JONATHAN LAMET AND REFERRAL TO INSURANCE CARRIER**

RECOMMENDATION:

Deny the claim against the City by Jonathan Lamet.

EXECUTIVE SUMMARY:

Claimant alleges he was given permission by city staff to build a shed without needing a permit. After he started the shed, a neighbor complained and city staff then told him to remove the shed. He is requesting reimbursement for the supplies he purchased. A previous staff member allegedly approved the claimant's plans to build the shed. After complaints were received, current staff placed a stop work order. While staff regrets the confusion, staff cannot knowingly approve an illegal project and must put a stop work order on the project. There is no city liability per Government Code Section 820.2.

STRATEGIC PLAN:

N/A – there is not a relevant Strategic Plan Goal that relates to this agenda item.

BUDGET INFORMATION:

The amount of this claim is \$450.45.

BACKGROUND:

California Government Code 820.2 states that "Except as otherwise provided by statute, a public employee is not liable for an injury resulting from his act or omission where the act or omission was the result of the exercise of the discretion vested in him, whether or not such discretion be abused." Upon rejection of the claim, the City Clerk should issue a rejection notice using ABAG's Form Letter No. 3 of the ABAG Plan Claims Procedures Manual and process with the proof of service by mail form (located in the forms directory). A copy of the rejection notice and proof of service by mail form should be sent to Jim Nagal (ABAG Claims Examiner) and the City Attorney.

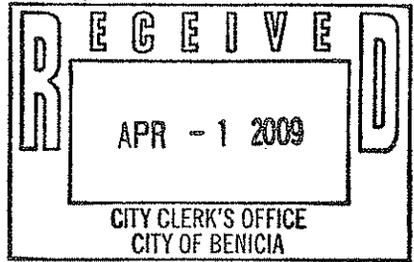
VII-B-1

Attachment:

- Copy of Claim Filed Against the City

CLAIM AGAINST THE CITY

In Person



CLAIM AGAINST THE CITY OF BENICIA

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

Complete the following, adding additional sheets as necessary.

1. CLAIMANT'S NAME (Print): Jonathan Lamet

2. CLAIMANT'S ADDRESS: 66 La Cruz Ave Benicia Ca 94510
(Street or P.O. Box Number, City, State, Zip Code)

HOME PHONE: 707 747 1545 WORK PHONE: _____

3. AMOUNT OF CLAIM: \$ 450.45 (Attach copies of bills/estimates)

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

Limited Civil Case _____
Unlimited Civil Case _____

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

(Name)

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

5. DATE OF INCIDENT: _____ TIME OF INCIDENT: _____

LOCATION OF INCIDENT: 66 La Cruz Ave Benicia 94510

6. Describe the incident or accident including your reason for believing that the City is liable for your damages: In (Sept. 2008) I was given permission to build a shed at 120 sq. ft. No permit required. →

7. Describe all damages which you believe you have incurred as a result of the incident: I bought material amounting to 450.00. Now use less.

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

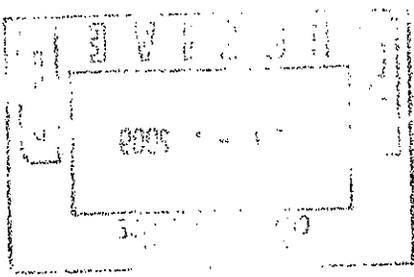
Damon Golubics, Harvey Higgs, Charlie Knox

Jonathan Lamet _____
Signature of Claimant Date 4/1/09

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

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

(revised 12/18/02)



a neighbor complains about shed. On Sat. Sept
27 I receive a stop work order, signed by
Harvey Higgs. Damon Golubics wants 1500.00 to
make complaint go away.

**AGENDA ITEM
CITY COUNCIL MEETING: JUNE 16, 2009
CONSENT CALENDAR**

DATE : May 26, 2009

TO : Mayor and Council Members

FROM : City Clerk

SUBJECT : ACCEPTANCE OF A PROPOSAL FOR PUBLISHING AND PRINTING LEGAL NOTICES FROM THE BENICIA HERALD AND APPROVAL OF AN AGREEMENT BETWEEN THE CITY AND BENICIA HERALD FOR FISCAL YEARS 2009/2010 AND 2010/2011

RECOMMENDATION:

Adopt the resolution accepting the Proposal for Publishing and Printing Legal Notices from the Benicia Herald and authorize the execution of an Agreement between the City and Benicia Herald for Fiscal Years 2009/2010 and 2010/2011.

EXECUTIVE SUMMARY:

Certain official advertisements, notices, resolutions and other documents are required to be published in a newspaper. The law requires that the newspaper qualify as a newspaper of general circulation. Bids were sent to both the Benicia Herald and the Vallejo Times – Herald. The Benicia Herald is the only local paper that has met the qualifications and provided a bid. The current Contract between the City of Benicia and Benicia Herald will end on June 30, 2009. This is a routine issue that is acted upon by Council every two years.

BUDGET INFORMATION:

Fees for the Fiscal Years 2009/2010 and 2010/2011 are as follows:

\$ 4.05 per column inch for the first insertion;

\$ 3.60 per column inch for subsequent insertions.

Attachments:

- Resolution
- Proposal For Publishing And Printing Legal Notices From Benicia Herald
- Agreement by and between City of Benicia and Benicia Herald
- Legal Notice

RESOLUTION

RESOLUTION NO. 09-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA ACCEPTING THE PROPOSAL FOR LEGAL PUBLICATIONS FROM THE BENICIA HERALD, AWARDING THE CONTRACT FOR FISCAL YEARS 2009/2010 AND 2010/2011, AND AUTHORIZING MAYOR AND CITY CLERK TO EXECUTE SAID CONTRACT

WHEREAS, proposals were requested from local newspapers; and

WHEREAS, the City of Benicia had a Contract with Benicia Herald for the Fiscal Years 2009/2010 and 2010/2011; and

WHEREAS, a Proposal has been received from Benicia Herald to continue their service to the City of Benicia for the Fiscal Years 2009/2010 and 2010/2011; and

WHEREAS, the Benicia Herald is qualified as a newspaper of general circulation.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Benicia, as follows:

1. The Proposal for legal publications from Benicia Herald for Fiscal Years 2009/2010 and 2010/2011 is accepted; and
2. The Contract is awarded to Benicia Herald; and
3. Elizabeth Patterson, Mayor, and Lisa Wolfe, City Clerk, are authorized to execute said Contract, subject to non-substantial changes approved by the City Attorney.

* * * * *

On motion of Council Member _____, seconded by Council Member _____, the above resolution was introduced and passed by the Council of the City of Benicia at a regular meeting of said Council held on the 16th of June, 2009 and adopted by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk

PROPOSAL

PROPOSAL FOR PUBLISHING AND PRINTING LEGAL NOTICES

TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF BENICIA:

In compliance with the advertisement calling therefore, the BENICIA HERALD hereby proposes and agrees to print and publish during the Fiscal Years 2009/2010 and 2010/2011 ending June 30, 2011, all legal notices required by the City of Benicia, County of Solano, State of California, at the following price:

\$ 4.05 per column inch for the first insertion;

\$ 3.60 per column inch for subsequent insertions.

All printing shall meet the standards usually accepted for publications of this type.

Accompanying this bid is a company check in the amount of Fifty and 00/100 Dollars (\$50.00), payable to or in favor of the City of Benicia and an affidavit of average paid circulation, which it is agreed pursuant to the advertisement for bids, shall be retained as liquidated damages by the City of Benicia, if the undersigned fails to execute the Contract as specified within five (5) days after notification of the Award of the Contract to the undersigned.

Dated: 5/4, 2009



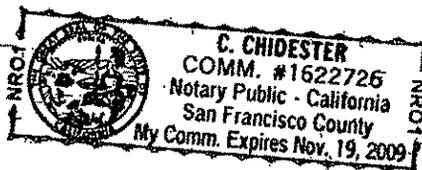
Firm Name: BENICIA HERALD

By: Marc Ethier, Editor

Address: 820 1st Street
Benicia, Ca. 94510

Subscribed and sworn to
before me this 4th
day of May, 2009.

Cludea
Notary Public in and for
the County of Solano,
State of California.



AGREEMENT

AGREEMENT

This AGREEMENT made and entered into this 16th day of June, 2009 by and between the CITY OF BENICIA, a Municipal Corporation, hereinafter referred to as the "City" and the BENICIA HERALD, being a newspaper of general circulation, printed and published in the City of Benicia, County of Solano, State of California, hereinafter referred to as the "newspaper".

WITNESSETH

WHEREAS, the City Council of the City of Benicia, on the 16th day of June, 2009, awarded the Agreement for the printing and publishing during the Fiscal Years 2009/2010 and 2010/2011 of all legal notices required by the City to be published in the City of Benicia, County of Solano, State of California, to the Benicia Herald.

WHEREAS, the newspaper has provided City with the judicial decree establishing it as a newspaper of general circulation.

NOW, THEREFORE, said newspaper for the consideration hereinafter mentioned, promises and agrees with the City that said newspaper will print and publish or cause to be printed or published in a good and workmanlike manner during the Fiscal Year ending June 30, 2010 and the Fiscal Year ending June 30, 2011, all legal notices required by the City of Benicia to be printed and published in the City of Benicia, County of Solano, State of California, and the City agrees that it will pay the newspaper for its printing and publication of such legal notices at the rate of \$4.05 per column inch for the first insertion and \$3.60 per column inch for subsequent insertions during those Fiscal Years.

Should the newspaper for any reason whatsoever be unable or unwilling to print and publish any legal notice required by the City of Benicia to be published in a newspaper of general circulation printed and published in the City of Benicia, County of Solano, State of California, at the time or times or in the manner required by the City, then and in such event, the City may at its option cause such legal notice to be printed and published in a newspaper of general circulation in the City of Benicia, County of Solano, or if there be no other newspaper of general circulation printed and published in the City of Benicia, County of Solano, State of California, then in such other newspaper of general circulation as may by law qualify for the printing and publishing of such notice. If printing and publication in another newspaper is required, then newspaper shall reimburse the City for any expenses over and above the bid price specified herein.

The newspaper shall not assign this Contract nor any interest therein nor any rights thereunder without the written consent of the City.

Prior to execution of this Agreement, newspaper shall provide a certificate which certifies that its Board of Directors has, by proper resolution, authorized the person executing this Agreement on its

behalf to execute this Agreement and stating that by said signature, newspaper is bound to each and every condition hereunder.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement the day and year first above written.

CITY OF BENICIA, a Municipal Corporation

BENICIA HERALD

By _____
Elizabeth Patterson, Mayor

By _____
Marc Ethier, Editor
Benicia Herald

By _____
Lisa Wolfe, City Clerk

Approved as to Form:

Heather McLaughlin
City Attorney

LEGAL NOTICE

LEGAL NOTICE

rized Agent Dated: 3/26/2009 NDex West, LLC may be acting as a debt collector attempting to collect a debt. Any information obtained will be used for that purpose. P552069 4/3, 4/10, 04/17/2009

No. 8580 Published April 3, 10, 17, 2009

BENICIA CITY COUNCIL ADOPTION OF URGENCY INTERIM ORDINANCE NO. 09-07.

NOTICE IS HEREBY GIVEN that Urgency Interim Ordinance No. 09-07 was adopted by the Benicia City Council on March 30, 2009.

Ordinance No. 09-07 is an Urgency Interim Ordinance of the City Council of the City of Benicia approving an Interim Zoning Moratorium on the establishment of Medical Marijuana Dispensaries and Hookah Lounges in the City of Benicia and adopting findings including environmental findings and findings of consistency with the General Plan.

Urgency Interim Ordinance No. 09-07 was adopted on roll call by the following vote:

Ayes: Council Members Campbell, Hughes, Ioakimedes, Schwartzman and Patterson Mayor
Nays: None
Absent: None
Abstain: None

Complete copies of the above Ordinance are available to the public in the office of the City Clerk, 250 East L Street, Benicia.

BY ORDER OF THE COUNCIL:

Lisa Wolfe, City Clerk

No. 8588 Published April 3, 2009

"ENDORSED" FILED March 31, 2009. CHARLES LOMELI, County Clerk By: Elizabeth Sumner

LEGAL NOTICE

Deputy Clerk FILE NO. 604-09 FICTITIOUS BUSINESS NAME STATEMENT THE NAME(S) OF THE BUSINESS(ES): Certified Reporting Services LOCATED AT: 801 E. Second St. Ste. 102 IN: Benicia, CA 94510 707-747-9674 IS (ARE) HEREBY REGISTERED BY THE FOLLOWING OWNER(S): Wendy L. Graves 365 St. Augustine Court Benicia, CA 94510 This business is conducted by: an Individual The registrant commenced to transact business under the fictitious business name(s) listed above on 3/2002.

SIGNED by REGISTRANT: /s/ Wendy L. Graves NOTICE

THIS FICTITIOUS NAME STATEMENT EXPIRES FIVE (5) YEARS FROM THE DATE OF FILING. IF YOU INTEND TO CONTINUE BUSINESS UNDER THIS NAME, A NEW FICTITIOUS BUSINESS NAME STATEMENT MUST BE FILED PRIOR TO March 31, 2014.

I hereby certify that this copy is a correct copy of the original statement on file in my office.

No. 8589 Published April 3, 10, 17, 24, 2009

"ENDORSED"

FILED SOLANO SUPERIOR COURT LINDA G. ASHCRAFT County Clerk

By: Deputy Clerk FILE NO. P43590 NOTICE OF PETITION TO ADMINISTER ESTATE OF: BRIAN MICHAEL MALONEY 1. To all heirs, beneficiaries, creditors, contingent creditors, and persons who may otherwise be interested in the will or estate, or both, of: BRIAN MICHAEL MALONEY 2. A PETITION FOR PROBATE has been filed by: CORINNE MALONEY GETMAN in the Superior Court of California, County of: SOLANO. 3. THE PETITION FOR

LEGAL NOTICE

PROBATE requests that: CORINNE MALONEY GETMAN be appointed as personal representative to administer the estate of the decedent. 5. X THE PETITION requests authority to administer the estate under the Independent Administration of Estates Act. (This authority will allow the personal representative to take many actions without obtaining court approval. Before taking certain very important actions, however, the personal representative will be required to give notice to interested persons unless they have waived notice or consented to the proposed action.) The independent administration authority will be granted unless an interested person files an objection to the petition and shows good cause why the court should not grant the authority.

6. A HEARING on the petition will be held on: a. Date: April 22, 2009 Time: 8:30 a.m. Dept.: 11 Room: b. Address of court: SUPERIOR COURT OF CALIFORNIA, COUNTY OF SOLANO 600 UNION AVENUE PO CALLER 5000 FAIRFIELD, CA 94533 PROBATE DIVISION

7. IF YOU OBJECT to the granting of the petition, you should appear at the hearing and state your objections or file written objections with the court before the hearing. Your appearance may be in person or by your attorney.

8. IF YOU ARE A CREDITOR or a contingent creditor of the deceased, you must file your claim with the court and mail a copy to the personal representative appointed by the court within four months from the date of first issuance of letters as provided in Probate Code section 9100. The time for filing claims will not expire before four months from the hearing date noticed above.

9. YOU MAY EXAMINE the file kept by the court. If you are a person interested in

LEGAL NOTICE

the estate, you may file with the court a Request for Special Notice (form DE-154) of the filing of an inventory and appraisal of estate assets or of any petition or account as provided in Probate Code section 1250. A Request for Special Notice form is available from the court clerk. 10. X Attorney for petitioner DAVID G. KNITTER 190 S. ORCHARD AVENUE, SUITE C-200 VACAVILLE, CA 95688 (707) 469-8880

No. 8590 Published April 3, 10, 17, 2009

"ENDORSED"

FILED March 19, 2009 CHARLES LOMELI, County Clerk By: Susan C. Turner Deputy Clerk FILE NO. 510-09 FICTITIOUS BUSINESS NAME STATEMENT THE NAME(S) OF THE BUSINESS(ES): S.J Construction LOCATED AT: 747 Barton Way IN: Benicia, CA 94510 707-747-0805 IS (ARE) HEREBY REGISTERED BY THE FOLLOWING OWNER(S): Sohrab Jouzdani 747 Barton Way Benicia, CA 94510

This business is conducted by: an Individual The registrant commenced to transact business under the, fictitious business name(s) listed above on 3/19/09.

SIGNED by REGISTRANT: /s/ Sohrab Jouzdani NOTICE

THIS FICTITIOUS NAME STATEMENT EXPIRES FIVE (5) YEARS FROM THE DATE OF FILING. IF YOU INTEND TO CONTINUE BUSINESS UNDER THIS NAME, A NEW FICTITIOUS BUSINESS NAME STATEMENT MUST BE FILED PRIOR TO March 19, 2014.

I hereby certify that this copy is a correct copy of the original statement on file in my office.

No. 8591 Published April 03, 10, 17, 24 2009

**AGENDA ITEM
CITY COUNCIL MEETING: JUNE 16, 2009
CONSENT CALENDAR**

DATE : June 3, 2009
TO : City Council
FROM : City Attorney 
SUBJECT : **SECOND READING OF A CAMPAIGN ORDINANCE
REGARDING CONTRIBUTION AND VOLUNTARY SPENDING
LIMITS**

RECOMMENDATION:

Adopt the ordinance adding a new Chapter 1.42 (Contribution and Voluntary Spending Limits) to establish a \$250 contribution limit, restrict loans for council elections, regulate the use of personal funds in an election, establish voluntary spending limits and to provide for a city sponsored debate.

EXECUTIVE SUMMARY:

At the June 2, 2009 City Council meeting, the Council introduced an ordinance providing for contribution limits and voluntary expenditure limits with minor revisions. This ordinance includes the requested changes.

STRATEGIC PLAN:

Relevant Strategic Plan Goals and Strategies:

None.

BUDGET INFORMATION:

None.

BACKGROUND:

The draft ordinance has two interrelated parts: contribution limits and voluntary expenditure limits. Under the ordinance a person would only be able to contribute up to \$250 per election per candidate. The \$250 contribution limit would be doubled to \$500 for candidates for mayor or the council if the candidate agreed to abide by the voluntary spending limit of \$28,000. Candidates for city clerk or city treasurer would not be eligible for increased contributions. These races are rarely contested and do not generate the spending that the mayor and council races do.

At the last Council meeting, there was an interesting discussion on the use of volunteer personal services. In many cases, state law does not consider the volunteer services as a contribution for the purposes of contribution limits. An example given was the services of employees who are directed by their employer to provide help to a campaign; or union members directed to provide services by their union. However, professional services such as those of a lawyer cannot be volunteered. As always, candidates are urged to consult with the Fair Political Practices for information on running campaigns.

Loans of more than \$250 for more than 30 days would be prohibited unless made by the candidate for him or herself. In addition, any loan would be prohibited within 30 days of the election. Loans count toward the contribution limits. A loan from a regular financial institution would not be covered by this provision unless the loan was made for political reasons. Loans by a candidate to him or herself would be regulated under the provisions for use of personal funds. If a candidate wants to contribute or loan his or her campaign in excess of \$5,000 certain procedures must be followed.

Regarding the expenditure limits, if a candidate exceeds the limits, other candidates will be notified and will no longer be required to abide by the expenditure limits. A question was raised as to whether the expenditure limits could be made mandatory. We do not believe this is legally defensible under current case law which interprets spending limits as infringing on constitutionally protected speech.

The spending and contribution limits will be adjusted by the Consumer Price Index on a biennial basis and rounded to the nearest \$10.

A provision has also been drafted so that a candidates' debate would be sponsored by the City for candidates for mayor and council. The chair of the open government commission would chair the debate. The timing of the debate (the last Saturday before the election) is designed to allow candidates an effective means of addressing last minute "hit pieces".

If the ordinance is adopted, information about the ordinance will be provided to candidates.

Attachment:

- Draft Ordinance

ORDINANCE

CITY OF BENICIA

ORDINANCE NO. 09-__

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BENICIA ADDING A NEW CHAPTER 1.42 (CONTRIBUTION AND VOLUNTARY SPENDING LIMITS) OF TITLE 1 (GENERAL PROVISIONS) OF THE BENICIA MUNICIPAL CODE

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

Section 1.

Title 1 (General Provisions) of the Benicia Municipal Code is amended by adding Chapter 1.42 (Contribution and Voluntary Spending Limits) to read as follows:

Chapter 1.42

CONTRIBUTION AND VOLUNTARY SPENDING LIMITS

- 1.42.010 Purpose.
- 1.42.020 Definitions.
- 1.42.030 Campaign contribution limitations.
- 1.42.040 Loans.
- 1.42.050 Use of personal funds.
- 1.42.060 Voluntary expenditure limits.
- 1.42.070 Lifting of voluntary expenditure limits.
- 1.42.080 Notification by non-participating candidate regarding expenditure ceiling.
- 1.42.090 Candidate acceptance or rejection of the voluntary expenditure limit.
- 1.42.100 Adjustment of limits for inflation.
- 1.42.110 Candidate debate.
- 1.42.120 Enforcement.

1.42.010 Purpose. This chapter is intended to supplement the Political Reform Act of 1974.

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

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

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

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

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

"Qualified campaign expenditure" means:

(1) Any expenditure made by a candidate for city council or mayor, or by a committee controlled by such a candidate, for the purpose of influencing or attempting to influence the actions of the voters for or against the election of a candidate for city council or mayor.

(2) A non-monetary contribution provided at the behest of or with the approval of the candidate or committee controlled by the candidate.

1.42.030 Campaign contribution limitations. No person shall contribute a total of more than \$250 to any candidate for city council, mayor, city clerk or city treasurer and to his or her controlled committee for a single election. A candidate for city council, mayor, city clerk or city treasurer, and his or her controlled committee together shall not accept any contribution or contributions totaling more than \$250 from any person for a single election. Nothing in this section is intended to limit the amount a candidate may contribute to his or her campaign from his or her personal funds.

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

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

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

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

1.42.060 Voluntary expenditure limits.

A. Notwithstanding any other provision of this chapter, any candidate for city council or mayor who files a statement of acceptance of the voluntary expenditure limits specified in this section, shall be allowed to collect contributions or loans in twice the amounts specified in Sections 142.030.

B. The maximum qualified campaign expenditures for a candidate for mayor or city council shall be \$28,000.

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

1.42.080 Notification by non-participating candidate regarding expenditure ceiling. A candidate for mayor or city council who decides not to accept the voluntary expenditure limits shall notify the city clerk by telephone and by confirming telegram, fax or e-mail on the day the candidate raises more than 100% of the applicable expenditure ceiling and again on the day the candidate spends more than 100% of the applicable expenditure limit. The city clerk shall notify all other candidates for the same office by telephone, fax or e-mail within one business day.

1.42.090 Candidate acceptance or rejection of the voluntary expenditure limit. At the time of filing his or her declaration of intention, each candidate for city council or mayor shall also file a letter with the city clerk indicating acceptance or rejection of the applicable voluntary expenditure limit.

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

1.42.110 Candidate debate.
The open government commission shall sponsor a debate on the Saturday before the general election for all candidates for city council or mayor who meet the criteria of this section. The chair of the commission shall moderate the debate or shall select another member of the commission to serve as moderator. The questions shall be selected from among questions submitted by residents of, or nonprofit organizations located in, the city of Benicia.

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

B. Civil enforcement.

1. Any person who intentionally or negligently violates any provision of this chapter shall be liable in a civil action brought by the city attorney. Where no specific civil penalty is provided, a person may be liable for an amount up to \$2,000 for each violation.

2. Any person who intentionally or negligently makes or receives a contribution, or makes an expenditure, in violation of any provision of this chapter shall be liable in a civil action brought by the city attorney for an amount up to three times the amount of the unlawful contribution or expenditure.

3. If two or more persons are responsible for any violation, they shall be jointly and severally liable.

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

5. No civil action alleging a violation of this chapter shall commence more than two years after the date of the election for which the funds at issue were contributed or expended.

Section 2.

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

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

On motion of Council Member _____, seconded by Council Member _____, the foregoing ordinance was introduced at a regular meeting of the City Council on the 2nd day of June, 2009, and adopted at a regular meeting of the Council held on the 16th day of June, 2009 by the following vote:

Ayes

Noes:

Absent:

Elizabeth Patterson, Mayor

ATTEST:

Lisa Wolfe, City Clerk

VII-D-7

**AGENDA ITEM
CITY COUNCIL MEETING: JUNE 16, 2009
CONSENT CALENDAR**

DATE : June 9, 2009
TO : City Manager
FROM : Director of Public Works
SUBJECT : **AWARD OF CHEMICAL CONTRACTS FOR WATER
TREATMENT – FY 09/10**

RECOMMENDATION:

Adopt a resolution accepting bids and awarding contracts to the lowest responsible bidders for furnishing chemicals for the water treatment for fiscal year 2009/10 and authorizing the City Manager to sign the contracts on behalf of the City.

EXECUTIVE SUMMARY:

This action allows the City to purchase chemicals necessary for water treatment for fiscal year 2009/10. In 1994, Benicia, along with ten other agencies in and around Solano County, joined the North Bay Chemical Agency Pool, the purpose of which allows the best possible pricing through bulk purchasing. Sufficient funds are available in each plant's operations account to cover the chemical costs.

STRATEGIC PLAN:

Relevant Strategic Plan Goals and Strategies:

- Goal 1.00: Protect Community and Environmental Health and Safety
 - Strategy 1.30: Protect neighborhoods from risks to health and safety

Purchasing chemicals for water treatment protects our citizens' health from drinking and using untreated water and chemicals used for wastewater treatment protects and maintains the Carquinez Strait and area's clean environment.

BUDGET INFORMATION:

Funding for the chemical purchases is budgeted and will be charged to plant chemical Account Nos. 014-8305-8772 (Wastewater Treatment) and 090-8205-8771 (Water Treatment).

SUMMARY:

Large quantities of chemicals are used in the treatment of water at the water and wastewater treatment plants. The City of Benicia, along with ten other agencies in and around Solano County, formed the North Bay Chemical Agency Pool or "Agency Pool" in 1994. The purpose of the "Agency Pool" is to obtain the best possible price through joint (bulk) purchasing. A bid summary, which lists all bidders and bids for each chemical, is attached. At the bottom of the bid summary is a historical overview of costs for each chemical since inception of the "Agency Pool." Review of the summary will show that some costs have increased and others have decreased. These variances are due to transportation (fuel) and energy costs. With the exception of Emulsion Polymer, all bids were administered through the "Agency Pool." Emulsion Polymer is a site specific chemical that requires rigorous pre-qualification trials and will be bid separately and brought to Council for approval at a future date.

Contracts are awarded to the lowest responsible bidder. Although Sierra Chemical Company submitted the lowest bid for a "short load" of sodium hypochlorite, the "Agency Pool" determined that Olin Chlor Alkali Products is the lowest responsible bidder. The "Agency Pool" disqualified Sierra Chemical Company due to failure to comply with bid instructions. They did not include sales tax or pesticide tax in their bid amount. In addition, the "Agency Pool" rejected all chlorine (ton container) bids due to failure to comply with bid instructions. Technical problems were found in each of the three bids. Chlorine will be re-bid with clarified instructions this month.

After review of the bids, it is recommended to award contract(s) to the following lowest responsible bidders for the chemicals listed and at the prices indicated:

<u>Apparent Low Bidder</u>	<u>Item</u>	<u>Unit Cost</u>
General Chemical Company	Aluminum Sulfate	\$358.00/dry ton
Brenntag Pacific, Inc.	Sodium Hydroxide (25%)	\$494.89/dry ton
Olin Chlor Alkali Products	Sodium Hydroxide (50%)	\$449.90/dry ton
Kemira Water Solutions	Ferric Chloride (43%)	\$720.00/dry ton
Brenntag Pacific, Inc.	Hydrofluosilicic Acid (24%)	\$657.99/dry ton
Brenntag Pacific, Inc.	Sodium Bisulfite (25%)	\$0.947/gallon
Olin Chlor Alkali Products	Sodium Hypochlorite (12.5%)	\$0.859/gallon (1000-3999 gal/delivery) \$0.759/gallon (4000+ gal/delivery)

Proposed Resolution

RESOLUTION NO. 09-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA ACCEPTING BIDS AND AWARDING CONTRACTS TO THE LOWEST RESPONSIBLE BIDDERS TO FURNISH CHEMICALS FOR WATER TREATMENT AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACTS ON BEHALF OF THE CITY

WHEREAS, sealed bids to furnish various chemicals were opened and read aloud; and

WHEREAS, the responsible bidders submitting the lowest responsive bids for the various chemicals were determined to be:

- a) General Chemical Company for Aluminum Sulfate
- b) Brenntag Pacific, Inc. for Sodium Hydroxide (25% caustic)
- c) Olin Chlor Alkali Products for Sodium Hydroxide (50% caustic)
- d) Kemira Water Solutions for Ferric Chloride
- e) Brenntag Pacific, Inc. for Hydrofluosilicic Acid
- f) Brenntag Pacific, Inc. for Sodium Bisulfite
- g) Olin Chlor Alkali Products for Sodium Hypochlorite
- h) Nalco Company for Cationic Polymer
- i) CalChem Enterprises Inc. for Polyaluminum Chloride

NOW, THEREFORE, BE IT RESOLVED THAT the bids for chemicals listed above are hereby accepted.

BE IT FURTHER RESOLVED THAT the following suppliers are awarded the contracts to furnish specified chemicals to the City of Benicia:

- a) General Chemical Company is awarded the contract for Aluminum Sulfate for a unit price of \$358.00/dry ton.
- b) Brenntag Pacific, Inc. is awarded the contract for Sodium Hydroxide (25% caustic) for a unit price of \$494.89/dry ton.
- c) Olin Chlor Alkali Products is awarded the contract for Sodium Hydroxide (50% caustic) for a unit price of \$449.90/dry ton.

- d) Kemira Water Solutions is awarded the contract for Ferric Chloride for a unit price of \$720.00/dry ton.
- e) Brenntag Pacific, Inc. is awarded the contract for Hydrofluosilicic Acid for a unit price of \$657.99/dry ton.
- f) Brenntag Pacific, Inc. is awarded the contract for Sodium Bisulfite for a unit price of \$0.947/gallon.
- g) Olin Chlor Alkali Products is awarded the contract for Sodium Hypochlorite for a unit price of \$0.859/gallon (1000-3999 gal/delivery) and \$0.759/gallon (4000+ gal/delivery).
- h) Nalco Company is awarded the contract for Cationic Polymer (bulk) for a unit price of \$0.471/pound.
- i) CalChem Enterprises Inc. is awarded the contract for Polyaluminum Chloride for a unit price of \$0.315/pound.

BE IT FURTHER RESOLVED THAT the City Manager is authorized to sign the contracts on behalf of the City, subject to approval 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 16th day of June, 2009 and adopted by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

ATTEST:

Lisa Wolfe, City Clerk

Bid Summary

North Bay Chemical Agency Pool Bid Summary - FY 2009/2010

Chemical Vendor	Alum	Caustic	Caustic	Liquid Cl2 Gas	Ferric Cl	Fluoride	Bisulfite	12.5% NaOCl		Cationic	PAX
	(dry ton)	25% (dry ton)	50% (dry ton)	1 ton Cylinder	43% (dry ton)	24% (dry ton)	25% (gallon)	Short	Full	Polymer (pound)	(pound)
Basic Chemical Solutions											
Mary Rose Gambler		\$536.59	\$455.94				\$0.957	\$1.1180	\$0.9540		
Brenntag Pacific											
Brian Liotta		\$494.89	\$469.89			\$657.99	\$0.947				
CalChem Enterprises Inc.											\$0.315
Scott Williams											
General Chemical Company											
Christine Amato	\$358.00										
HASA, Inc.											
David Valeron								\$0.9360	\$0.8360		
Kemira Water Solutions											
Shelly Robinson					\$720.00						
Lucier Chemical Industries (LCI)						\$667.83					
Betty Kendall-Jones											
Nalco Company											
Kerry Hong										\$0.4710	
Olin Chlor Alkali Products											
John McIntosh DISQUALIFIED CL2 ONLY		\$499.90	\$449.90	\$569.90	\$569.900			\$0.8590	\$0.7590		
Penncco, Inc.											
R. L. Horne											
Praxair, Inc.											
Michael Kerr											
Rhodia, Inc.	\$455.00										
Kurt Bitting											
Sierra Chemical Company											
Stanley Kinder DISQUALIFIED		\$733.48	\$698.48	\$495.00	\$495.000			\$0.8382	\$0.8182		
JCI Jones Chemicals Inc.											
Colleen DuBose DISQUALIFIED				\$400.000							
<i>Previous Fiscal Year Prices</i>											
FY08-09	\$389,000	\$599,900	\$549,900	\$445,000	\$660,210	\$615,000	\$0.825	0.8990	0.7990	\$660,210	N/A
FY07-08	\$249,000	\$391,900	\$349,900	\$393,490	\$480,000	\$534,000	\$0.597	0.6849	0.7849	\$480,000	New to
FY06-07	\$236,000	\$389,920	\$362,480	\$445,930	\$454,400	\$319,000	\$0.579	0.7690		\$454,400	Agency Pool
FY05-06	\$186,000	\$512,330	\$455,940	\$466,900	\$352,000	\$198,000	\$0.500	0.7900		\$352,000	
FY04-05	\$156,000	\$256,900	\$228,000	\$359,000	\$338,000	\$183,000	\$0.333	0.5290		\$338,000	
FY03-04	\$136,000	\$258,000	\$238,000	\$324,900	\$339,500	\$201,000	\$0.345	0.5040		\$339,500	
FY02-03	\$134,000	\$189,53	\$156,67	\$314,49	\$339,50	\$215,00	\$0.465	0.4045		\$339,50	
FY01-02	\$132,000	\$447,96	\$405,90	\$294,49	\$329,50	\$224,35	\$0.485	0.4880		\$329,50	
FY00-01	\$128,000	\$233,00	\$190,00	\$282,00	\$325,00	\$193,44	\$0.485	0.3390		\$325,00	
FY99-00	\$103,97	\$185,75	\$148,00	\$212,00	\$360,00	\$211,92	\$0.550	0.2700		\$360,00	
FY98-99	\$104,47	\$340,50	\$297,50	\$305,00	\$288,00	\$212,00		0.3790		\$288,00	
FY97-98	\$104,48	\$214,50	\$180,50	\$330,00	\$288,00	\$212,00		0.3790		\$288,00	
FY96-97	\$97,09	\$312,50	\$272,50	\$331,50	\$288,00	\$224,50		0.2800		\$319,00	
FY95-96	\$95,37	\$312,50	\$210,00	\$386,00	\$319,00	\$319,00		0.2800		\$319,00	
FY94-95	\$96,20	\$365,00	\$295,00	\$386,00	\$335,91	\$335,91				\$335,91	

Lowest, responsible bid

VII-E-8

**AGENDA ITEM
CITY COUNCIL MEETING: JUNE 16, 2009
CONSENT CALENDAR**

DATE : May 26, 2009
TO : City Manager
FROM : Director of Public Works 
SUBJECT : **PROPOSITION 1B BOND DISBURSEMENT FOR THE 2009
CITYWIDE STREET RESURFACING PROJECT**

RECOMMENDATION:

Adopt the attached resolution requesting from the California Department of Finance a disbursement of Proposition 1B bond funding in the amount of \$415,009 for the 2009 Citywide Street Resurfacing project and authorizing the Director of Public Works to submit the application on behalf of the City.

EXECUTIVE SUMMARY:

In 2007, California voters approved the sale of almost \$20 billion in bonds for local road and street improvement, congestion relief and traffic safety projects (Proposition 1B). After reviewing Benicia's transportation needs, it is recommended that the remaining \$415,009 of Proposition 1B funds be allocated the 2009 Citywide Street Resurfacing project. With this allocation and expected funding from gas tax revenue and Proposition 42 funds, \$1 million in street resurfacing may occur this summer.

STRATEGIC PLAN:

Relevant Strategic Plan Goals and Strategies:

- Goal 4.00: Preserve and Enhance City Assets and Infrastructure
 - Strategy 4.40: Improve and maintain facilities and infrastructures.

BUDGET INFORMATION:

Funding for this entire project is from three sources distributed by the State of California. As outlined in the attached analysis by the City Engineer, one or more of these sources (gas tax, Proposition 42 and Proposition 1B) have been withheld by the state due to declared financial emergencies. There is approximately \$480,000 in gas tax reserves but this amount funds only a portion of the project, which can be scaled to fit the available funding, if necessary.

The State has not approved any FY 08/09 or FY 09/10 Proposition 1B allocation requests due to the current budget crisis. However, to be ready when applications will be accepted, it is recommended that Council approve this project for Proposition 1B funding. After bids are

received in July, a funding status update will be included with the request to award the construction contract. If all of the anticipated funds are received, the pavement condition index for Benicia will be maintained at 65 (“fair”). In order to raise the PCI by 1-point and improve the condition of city streets, an annual expenditure of \$1.7 million is required.

Estimated Expenditures

Engineering and Environmental (in house)	\$1,000
Construction Engineering (in house)	1,000
Construction Contingency (5%).....	53,000
Construction.....	1,000,000
<u>Total Estimated Expenditures</u>	<u>\$1,055,000</u>

Revenues (Approved, Programmed and Pending)

Pending Funding Requests FY2009/2010	
Gas Tax/Prop. 42 programmed funds	\$375,000
Gas Tax Fund Reserves	\$265,000
Proposition 1B (One Time Funding --this request)	\$415,000
<u>Total Anticipated Revenues</u>	<u>\$1,055,000</u>

BACKGROUND:

In 2007, California voters approved the sale of \$19.925 billion in bonds for local road and street improvement, congestion relief and traffic safety projects (Proposition 1B). The California Department of Finance (DOF) oversees the bond program and the State Controller’s Office (SCO) makes the actual allocation. Almost \$1 billion in funding statewide was allocated in fiscal year 2007/08 and Benicia received \$449,010 as funding towards the State Park Road Bike Bridge and Pedestrian path project. Of the total \$864,019 assigned to Benicia, we are requesting the remaining \$415,009 be distributed this year for the 2009 Citywide Street Resurfacing project.

To receive these funds, the City identified approximately 70 streets that met certain resurfacing selection criteria. The 2009 Citywide Street Resurfacing project is an integral component of the City’s annual citywide street resurfacing program that utilizes the computerized Pavement Management Program (PMP). The PMP, first implemented in 1989, helps identify which streets require what type of maintenance treatment, when it would be best applied, and what the most effective cost strategy given various budget constraints. This project was determined based upon field surveys, the PMP and citizen and industrial park business owner input.

The asphalt overlay portion of the project (approximately ½ mile) places 1-3/4" of new asphalt over a geotextile fabric that increases the structural strength of the street and provides a new smooth surface. The slurry seal work (approximately 62 streets) provides a smooth and long lasting surface and involves placing a mixture of oil and crushed rock. Approximately \$200,000 of extensive patch paving work is planned for the Benicia Industrial Park area. All streets included in the project will receive re-striping of the lane lines and pavement markings.

It is therefore recommended that the Proposition 1B funding allocation be assigned to the 2009 Citywide Street Resurfacing project and that the Director of Public Works submit an application to the California Department of Finance as soon as applications are accepted.

Attachments:

- Proposed Resolution
- Map of 2009 Street Resurfacing Project
- March 13, 2009 Memorandum from City Engineer

DS/MT:kt

cc: City Attorney
City Engineer

Proposed Resolution

RESOLUTION NO. 09-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA REQUESTING FROM THE CALIFORNIA DEPARTMENT OF FINANCE A DISBURSEMENT OF PROPOSITION 1B BOND FUNDING FOR THE 2009 CITYWIDE STREET RESURFACING PROJECT AND AUTHORIZING THE DIRECTOR OF PUBLIC WORKS TO SUBMIT THE APPLICATION ON BEHALF OF THE CITY

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

WHEREAS, after review and consideration of the transportation needs of the City of Benicia, it has been determined that the 2009 Citywide Street Resurfacing project meets the eligibility requirements and as a top-priority transportation project should receive the next allocation of Proposition 1B bond funds; and

WHEREAS, street resurfacing is categorically exempt per California Environmental Quality Act guidelines Section 15301(c).

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Benicia requests from the California Department of Finance an allocation of Proposition 1B bond funding in the amount of \$415,009 (or as amended by the State Controller’s Office) for the 2009 Citywide Street Resurfacing project and authorizes the Director of Public Works to submit the application and all ancillary documents, including minor modifications and revisions required by the State, on behalf of the City when applications are accepted.

* * * *

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 16th day of June, 2009 and adopted by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

ATTEST:

Lisa Wolfe, City Clerk

Map of 2009 Street Resurfacing Project

REVISIONS		
NO.	DESCRIPTION	BY DATE



THE CITY OF
BENICIA
CALIFORNIA

CITY OF BENICIA

2009 STREET RESURFACING PROJECT

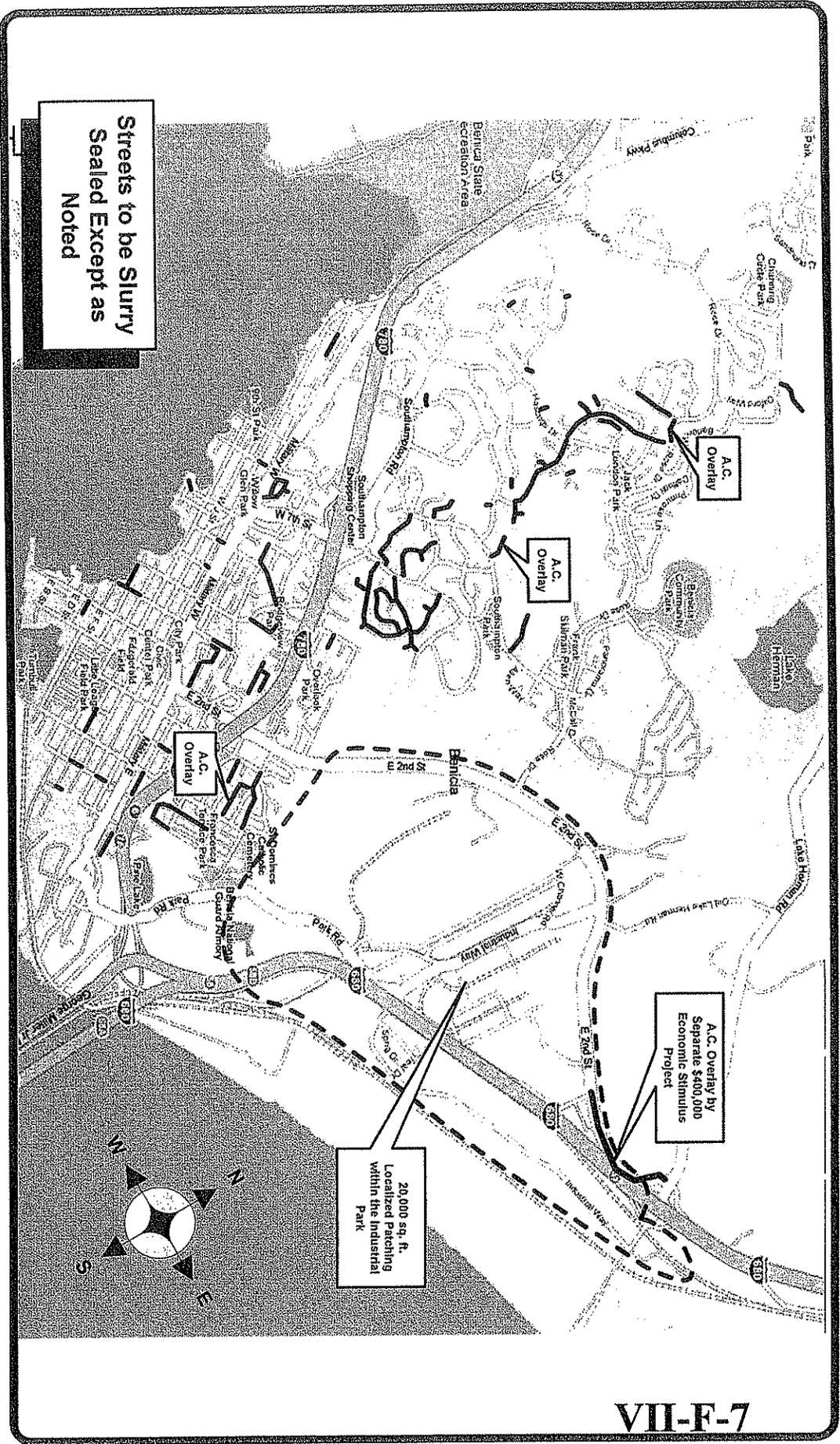
PUBLIC WORKS
DEPARTMENT

PROJECT

DATE

May 2009

SHEET



March 13, 2009

Memorandum from the City Engineer –
Re: Funding levels required to maintain
Benicia's street system



Public Works Department
MEMORANDUM

Clean Water / Safe Streets

Date: March 13, 2009
To: Daniel Schiada, Director of Public Works
From: Michael Throne, City Engineer *MT*
Re: Funding Levels Required to Maintain the Benicia Street System

Recommendation:

This memorandum is presented as information only. Budget recommendations will be made under separate cover.

Executive Summary:

Unless significant additional funding from sources that are more reliable is allocated, street pavement condition will continue to decline at a 1-point per year rate, dropping from 65 (“fair”) to 61 (“less-than-fair”) by 2012. The street pavement condition can be sustained at 2008-levels if the street resurfacing budget is increased to \$950,000 per year. There is \$24.2 million in deferred maintenance and \$960,000 in deferred preventative maintenance needs.

Pavement Condition Evaluation:

The City typically prepares a biennial survey to classify the pavement condition on a street-by-street basis. Each street section is categorized based on engineering criteria on a scale (called the Pavement Condition Index or PCI) of 0 (“failed”) to 100 (“excellent”). Recommendations are made for each street section regarding surface treatment options¹ that are suitable, cost effective and which will extend street life. These recommendations are then considered when determining the scope, i.e., the “list of streets,” of the annual citywide street resurfacing project.

Often the City is eligible to receive funding from the Metropolitan Transportation Commission (MTC) for a Pavement Technical Assistant Program (PTAP) grant to perform the survey and prepare an analysis (a \$10,000 value). The most recent full street survey was completed in 2008² and an excerpt of the analyses and recommendations (summarized below) are in an attached appendix.

Four possible rehabilitation scenarios are proposed by the *P-TAP Budget Analysis Report*:

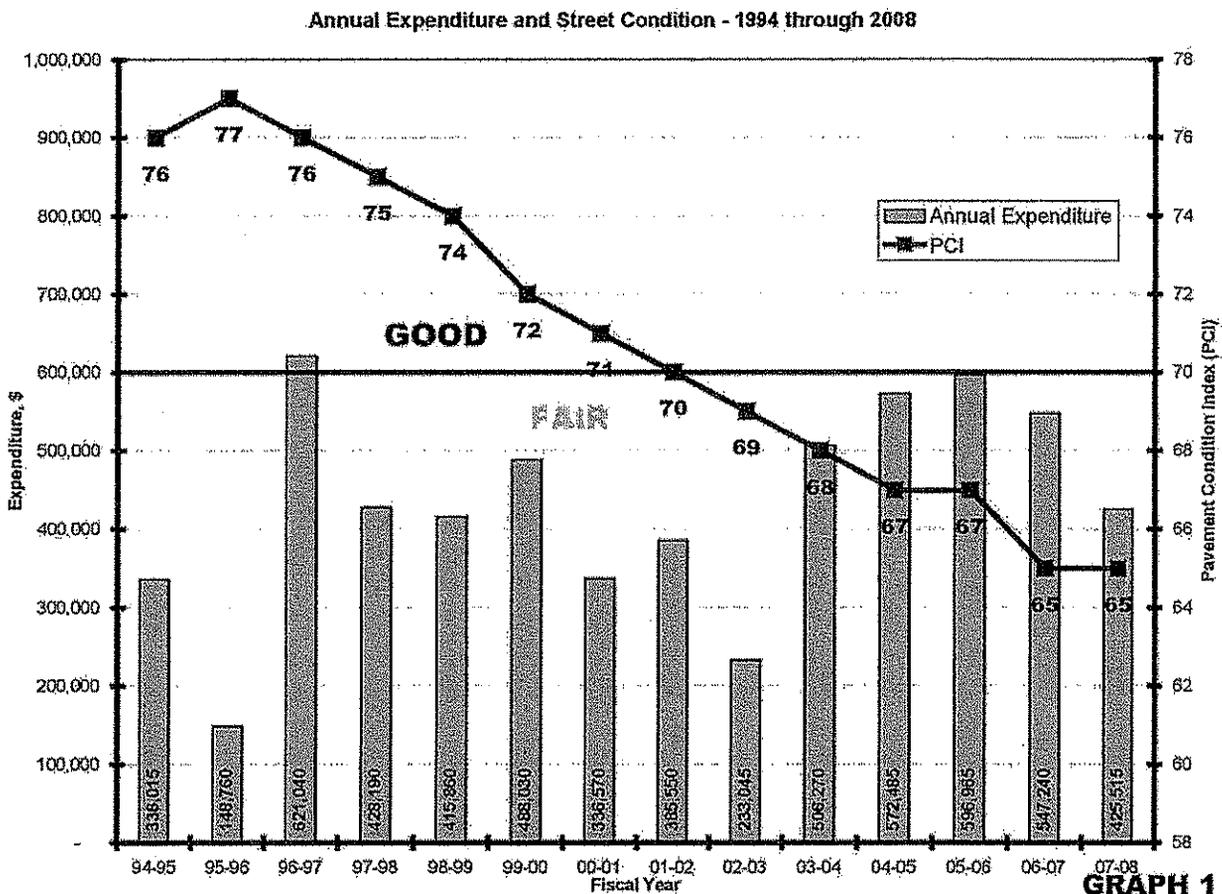
- Scenario 1—Eliminate all the deferred maintenance by 2012 with the annual expenditure of \$4.9 million for 5-years (“Go-For-Broke”)

¹ Slurry and crack sealing, asphalt concrete overlay and reconstruction are common rehabilitation strategies to increase the pavement life

² P-TAP 9: Pavement Management Program Executive Summary, Inventories and Budget Analysis Reports. Nichols Consulting Engineers. April 2009.

- Scenario 2—Continue the existing funding level of \$425,000/year understanding the PCI will drop from 65 to 61 by 2012
- Scenario 3—Maintain PCI level at 65 through 2012 but funding needs to be raised to \$950,000/year
- Scenario 4—Increase PCI to 70 (borderline “good”) by 2012 but funding needs to be increased to \$1.7 million/year

The average PCI however has dropped from 77 (“good”) in 1995 to 65 (“fair”). The decline has been a consistent 1-point per year as illustrated in Graph 1 in spite of the additional legislated revenue and government grants.



Budget Information:

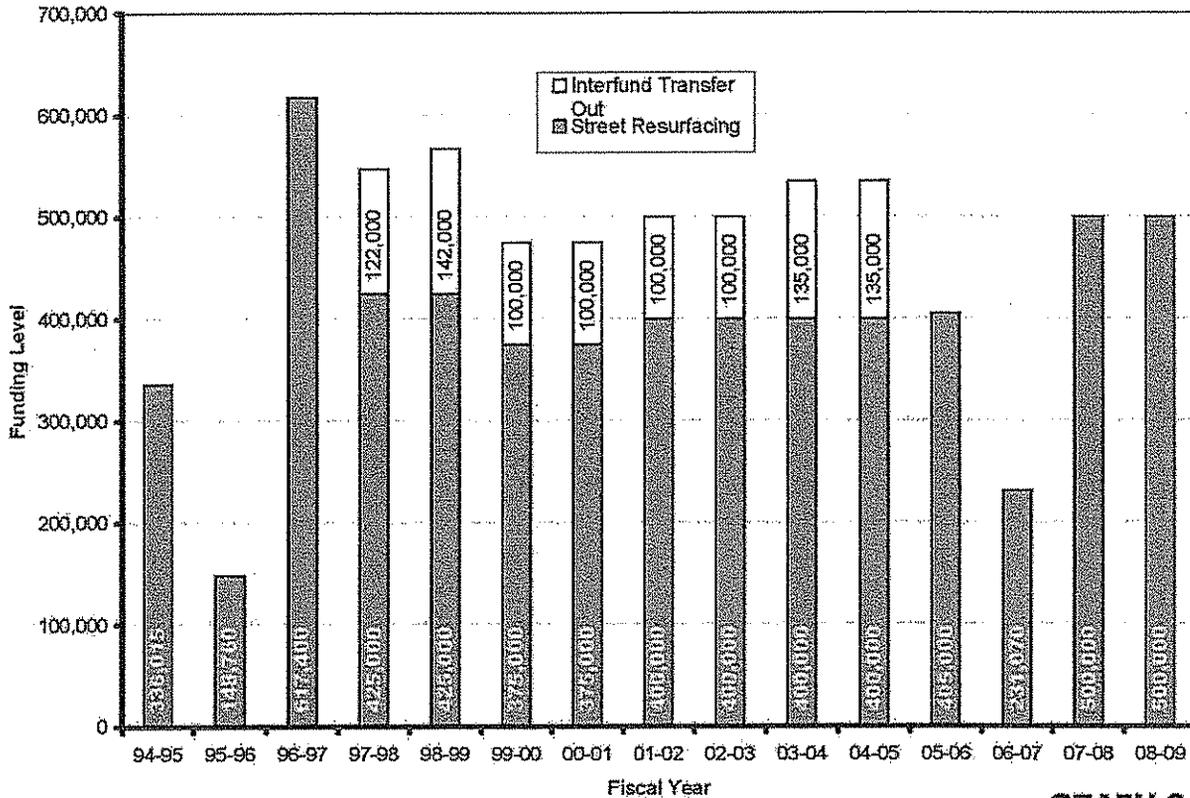
The 15-year average street resurfacing budget exclusive of line item-specific sidewalk and curb ramp replacement and other non-street related improvements is \$395,885. Philosophically, the minimum budget level thought necessary to maintain a stable pavement condition has been \$425,000 and the *P-TAP Budget Analysis Report*³ considers this a baseline expenditure level.

Interfund transfers out from the Gas Tax Fund to support the General Fund street maintenance budget began in FY1997/98 and ceased at the end of FY2005. The average transfer budget dur-

³ Ibid

ing this period was \$116,750. Graph 2 shows the budget levels for each fiscal year beginning in 1994 for street resurfacing and interfund transfer out.

Selected Line Item Budgets from Gas Tax Fund



GRAPH 2

Revenue Information:

Street resurfacing⁴ is funded by many sources: local funding such as property tax revenues allocated from the General Fund⁵; state funding such as legislated revenue (for example the Gasoline Tax or Proposition 42⁶), one-time infrastructure bond measures (like Proposition 1B), and the occasional regional transportation grants⁷; and federal-aid grants⁸. Congressional earmarks and direct grants from not-for-profit agencies such as the Bay-Ridge Trail are often available but street-resurfacing work is generally not eligible although those funds may be used for qualifying amenities such as curb ramps and sidewalks. Graph 3 illustrates revenues from all sources received by Benicia since 1994 that have been used for street resurfacing.

The Gasoline Tax⁹ was the most reliable and consistent revenue source for our street rehabilitation program. It has fluctuated between \$500,000 and \$558,000 per year during the last 14-years

⁴ "Street Resurfacing" Line Item No. 9711 is also referred to as the "Annual Overlay Project," "XYZ Street Rehabilitation" and the "Citywide Street Resurfacing Program" depending on the budget cycle

⁵ Typically used as the local match component required by federal-aid grants

⁶ Also commonly referred to as the Traffic Congestion Relief Fund (TCRF) signed into law by former Governor Davis

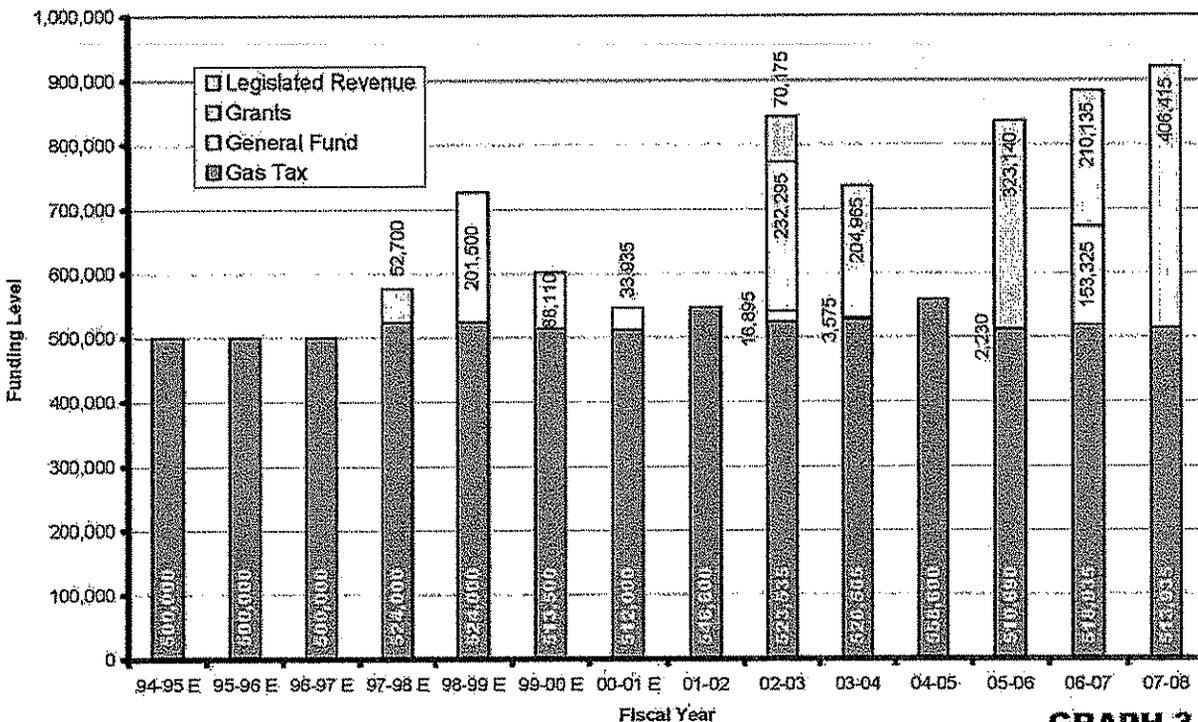
⁷ Occasionally offered by the Solano Transportation Authority (STA) and the MTC

⁸ For example Congestion Management and Air Quality (CMAQ) and Transportation Enhancement (TE) grants

⁹ Technically the Highway User Tax Account (HUTA) although no one except policy wonks call it that

and has in the last 5-years averaged \$527,750 (see Graph 3). In 2008, 6 payments were suspended for the *first time ever* due to a declared state fiscal emergency. The City was made whole (without interest) in September. Worryingly, the first 3 payments of 2009 are slated to be suspended as well.

Revenue From All Sources Used for Street Resurfacing



GRAPH 3

Proposition 42 is intended to collect 5-percent of the sales tax on gasoline and distribute 40-percent of it to cities and counties for local road and street repairs. The annual allocation to Benicia is approximately \$273,000 per year. However, since enactment in 2002, the distribution of these funds has been unreliable at best. The first allocation in FY2002/03 was partial due to a declared state fiscal emergency. A catch-up payment was received in FY2005/06 and it was promised that distribution would occur every other fiscal year. Payments were resumed in October 2008 but were suspended in December because of another state fiscal emergency.

Proposition 1B infrastructure bonds are one-time revenue approved by California voters in 2006. Benicia received a \$449,010 distribution in FY07/08 that was allocated for use in the construction of the State Park Road Bike/Pedestrian Bridge project. The second allocation of \$415,009 (intended for street rehabilitation projects such as overlays) was suspended by the state in December 2008 due to the declared fiscal emergency.

State Transportation Improvement Program (STIP) grants for street resurfacing were once available and Benicia was able to resurface Park Road at almost no cost to the city. However, due to budget cutbacks and the declared fiscal emergency, these funds are not expected to be available in the foreseeable future.

Federal-Aid grants for street resurfacing are tied to congressional approval of federal budget sur-
VII E-12
face transportation acts. In the late 1990s and early 2000s, Benicia received many federal-aid re-

Daniel Schiada, Director of Public Works

March 13, 2009

Page 5

surfacing grants as shown in Graph 3. However, with the expiration of the most recent act¹⁰ and the change in governing administrations, these funds are not forthcoming. The City has received a \$400,000 federal-aid grant from the American Recovery and Reinvestment Act (ARRA) of 2009 for a segment of East 2nd Street (PCI = 57).

This annual delay of funding¹¹ makes it difficult to budget, program, design and deliver in a timely fashion the needed resurfacing projects that help slow the decline in the citywide PCI.

Conclusion:

Unless significant additional and reliable sources of revenue are identified such as a Benicia street infrastructure bond measure, outside grant funding, and/or general fund subsidies, the citywide pavement condition will continue to deteriorate.

Attachments:

Appendix A—Excerpt from *PTAP Budget Analysis Report*

Appendix B—Interesting Benicia Pavement Facts

Appendix C—PCI History and Forecasts

Appendix D—Street Overlay Cost Estimates

Appendix E—Municipal Budgets FY1994 to FYTD with Expenditures

MT:mt

File: E:\pubworks\michael\2009-2011 budget\street needs\memo to ds re street funding needs rev 0.doc

cc: Chris Tomasik, Assistant Director of Public Works
Mike Roberts, Senior Civil Engineer

¹⁰ The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). Prior acts were the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) and the Transportation Equity Act for the 21st Century (TEA-21).

¹¹ Explaining therefore why the revenue and expenditure values listed in the graphs do not match from FY to FY

VII-F-13



Public Works Department
MEMORANDUM

Clean Water / Safe Streets

Date: March 13, 2009
To: Everyone
From: Michael Throne, City Engineer *MT*
Re: Interesting Benicia Pavement Facts

- The average 2008 pavement condition index (PCI) is 65 (“fair”)¹
- The average 1995 PCI was 77 (“good”)
- In 2008, 46% of our streets are at “good” or “excellent” condition
- In 2008, 26% can be considered “poor” condition or below
- A significant portion of our street network suffers from load-related distress
- Benicia owns 94 miles of streets: 17 miles of arterial, 15 miles of collectors and 62 miles of residential/local (“neighborhood”) streets
- There may be as many as 20 miles of paved and unpaved alleys south of the freeway, which are not included in the biennial pavement surveys
- Benicia owns and/or shares in the maintenance responsibility of 6 road bridges, 1 pedestrian tunnel and 2 pedestrian overcrossings (including the upcoming Rose Drive Pedestrian Overcrossing)
- The estimated replacement cost of our street system is \$94 million
- Resurfacing all the major/minor arterials and all the collectors is estimated to cost \$17.3 million
- Resurfacing all the streets and roads within the Benicia Industrial Park is estimated to cost \$10 million
- Resurfacing or otherwise applying surface treatment to all the neighborhood streets is estimated to cost \$14.5 million
- The average annual street resurfacing expenditure is \$0.43 million
- The average gasoline tax revenue received from the state is \$0.52 million
- Benicia is slated to receive \$0.4 million in one-time economic stimulus transportation funding

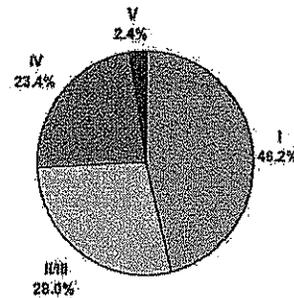
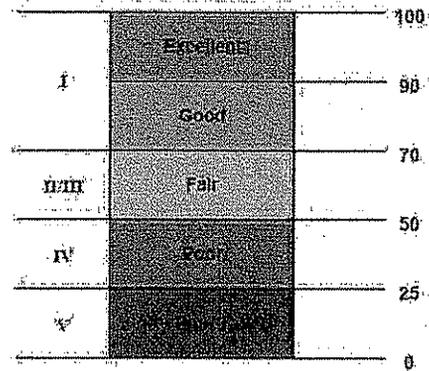


FIGURE 2. Pavement Condition Summary by Condition Category (2008)

¹P-TAP 9: Pavement Management Program Executive Summary, Inventories and Budget Analysis Reports, Nichols Consulting Engineers, April 2009.

**AGENDA ITEM
CITY COUNCIL MEETING: JUNE 16, 2009
CONSENT CALENDAR**

DATE : June 1, 2009
TO : City Manager
FROM : Police Chief
SUBJECT : **ACCEPT EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT**

RECOMMENDATION:

Adopt the attached resolution accepting the 2009 Edward Byrne Memorial Justice Assistance Grant in the amount of \$24,878.

EXECUTIVE SUMMARY:

The County of Solano and the Cities of Benicia, Dixon, Fairfield, Suisun City, Vacaville and Vallejo are jointly eligible for an award of \$1,014,930 from the 2009 Edward Byrne Memorial Justice Assistance Grant of which \$24,878 is allocated to the City of Benicia to fund the replacement of in-car computers. The current in-car computers have reached their useful life and are no longer compatible with the latest versions of software upgrades.

STRATEGIC PLAN:

Relevant Strategic Plan Goals and Strategies:

- Goal 4.00: Preserve and Enhance City Assets and Infrastructure
 - Strategy 4.40: Improve and maintain facilities and infrastructures.

BUDGET INFORMATION:

City matching funds are not required for this grant.

BACKGROUND:

On February 17, 2009 the American Recovery and Reinvestment Act was signed into law in order to stimulate the Nation's economy. Included in the Act are \$4 billion to support state, local and tribal law enforcement through various grant programs, including \$2 billion for the Edward Byrne memorial Justice Assistance Grant (JAG) Program. JAG funds support all components of the criminal justice system, from multi-jurisdictional drug and gang task forces to crime prevention and domestic violence programs, courts, corrections, treatment and justice information sharing initiatives. JAG funds may be used for state and local initiatives, technical assistance, training, personnel, equipment, supplies and contractual support, information systems for criminal justice and

criminal justice related research and evaluation activities that will improve or enhance:

1. Law enforcement programs
2. Prosecution and court programs.
3. Prevention and education programs
4. Corrections and community corrections programs.
5. Drug treatment and enforcement programs.
6. Planning, evaluation and technology improvement programs
7. Crime victim and witness programs (other than compensation).

The County of Solano and the Cities of Benicia, Dixon, Fairfield, Suisun City, Vacaville and Vallejo are jointly eligible for an award of \$1,014,930 from the JAG grant. Due to the disparate funding situation, the agencies, through a Memorandum of Understanding (MOU), reallocated the funding and name the City of Suisun City as the fiscal agent and grant administrator. The City of Suisun is submitting a joint application on behalf of all the agencies. The JAG Program is a non-competitive formula grant and the funding allocation is based on the population and crime rate of the local jurisdiction. The amount allocated to our City is \$24,878. JAG Program funds must be used to supplement existing state and local funds for program activities and must not replace those funds that have been appropriated for the same purpose. The applicant agency is Suisun Police Department on behalf of all the cities and County of Solano.

Attachments:

- Proposed Resolution

SS:mc

cc: City Attorney

Proposed Resolution

RESOLUTION NO. 09-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING THE ACCEPTANCE OF THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT FOR THE PURCHASE OF IN-CAR COMPUTERS

WHEREAS, the County of Solano and the Cities of Benicia, Dixon, Fairfield, Suisun City, Vacaville and Vallejo are jointly eligible for an award of \$1,014,930 from the 2009 Edward Byrne Memorial Justice Assistance Grant of which \$24,878 is allocated to the City of Benicia; and

WHEREAS, the current in-car computers have reached their useful life and are no longer compatible with the latest versions of software upgrades; and

WHEREAS, the City of Suisun City is submitting a joint application on behalf of the County of Solano and the Cities of Benicia, Dixon, Fairfield, Suisun City, Vacaville and Vallejo; and

WHEREAS, the Edward Byrne Memorial Justice Assistance Grant is a non-competitive formula grant and the funding allocation is based on the population and crime rate of the local jurisdiction; and

WHEREAS, the amount allocated to our City is \$24,878.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Benicia approves the acceptance of the Edward Byrne Memorial Justice Assistance Grant funding in the amount of \$24,878 for the purchase of in-car computers and authorizes the City of Suisun City to submit on behalf of the City of Benicia.

* * * *

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 16th day of June, 2009 and adopted by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

ATTEST:

Lisa Wolfe, City Clerk

**AGENDA ITEM
CITY COUNCIL MEETING: JUNE 16, 2009
CONSENT CALENDAR**

DATE: June 1, 2009

TO: City Manager

FROM: Parks and Community Services Director

SUBJECT: **PURCHASE AND PLACEMENT OF RESTROOM FACILITY FOR JACK LONDON PARK**

RECOMMENDATION:

Adopt a resolution authorizing the purchase and placement of a new restroom facility at Jack London Park in the amount of \$150,796. This restroom facility is a replacement to the former restroom that was destroyed by fire.

EXECUTIVE SUMMARY:

The former restroom facility at Jack London Park was destroyed by fire caused by vandals on October 18, 2008. The restroom facility was totally destroyed and razed by staff shortly after the incident. Presently, portable lavatories have been placed on site. To remedy this situation and maintain a permanent restroom facility at the park, staff is requesting authorization to purchase and install the new restroom facility.

STRATEGIC PLAN:

Relevant Strategic Plan Goals and Strategies:

- Goal 4.00: Preserve and Enhance City Assets and Infrastructure
 - Strategy 4.40: Improve and maintain facilities and infrastructures
- Goal 5.00: Enhance Community Appearance
 - Strategy 5.10: Promote quality design in new construction and remodeling

BUDGET INFORMATION:

The cost to purchase and place a new restroom facility is \$150,796. The City has received two insurance reimbursements checks totaling \$141,999. These funds were deposited in the Facility Maintenance Fund Account No. 113-9205-7710. The remaining balance of \$8,797 shall be paid by the insurance carrier upon our receipt of the restroom materials.

BACKGROUND:

On May 26, 2009 City staff received a CMAS price quote from CXT Incorporated in the amount of \$150,796.97 to purchase and place a new restroom facility at Jack London Park. CMAS pricing is California Multiple Award Schedules. CMAS provides for competitively bid pricing and complies with the City's purchasing ordinance. Following City Council approval, construction of the restroom is anticipated to begin at the end of June and the project will be completed in early October 2009.

Attachment:

- Proposed Resolution

Proposed Resolution

RESOLUTION NO. 09-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA
AUTHORIZING THE PURCHASE AND PLACEMENT OF A NEW RESTROOM
FACILITY FOR JACK LONDON PARK IN THE AMOUNT OF \$150,796
ALLOCATED FROM THE FACILITY MAINTENANCE FUND**

WHEREAS, the former restroom facility at Jack London Park was destroyed by fire, caused by vandalism on October 10, 2008; and

WHEREAS, it was not possible to repair the damaged restroom; and

WHEREAS, the City desires to maintain a permanent restroom facility at Jack London Park; and

WHEREAS, the bid from CXT Incorporated was received as CMAS pricing in compliance with the City's purchasing ordinance; and

WHEREAS, the City has received insurance proceeds to pay for the replacement of the Jack London Park restroom; and

WHEREAS, there are sufficient funds available in the Facility Maintenance Fund, Account No.: 113-9205-7710 for the purchase and installation of the new restroom.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Benicia approves the purchase and placement of a restroom facility for Jack London Park in the amount of \$150,796 appropriated from the Facility Maintenance Fund Account.

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 16th day of June, 2009 and adopted by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk

**AGENDA ITEM
CITY COUNCIL MEETING: JUNE 16, 2009
CONSENT CALENDAR**

DATE: June 9, 2009

TO: City Manager

FROM: Parks and Community Services Director

SUBJECT: **RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA SUPPORTING THE SAVE OUR STATE PARKS CAMPAIGN**

RECOMMENDATION:

Adopt a resolution supporting efforts to prevent the closure of 220 state parks, including the Benicia Capitol State Historic Park and the Benicia State Recreation Area and urging the State Legislature to reject any proposal to close said parks.

EXECUTIVE SUMMARY:

The Governor of the State of California has proposed, in his May budget revision, to eliminate state funding for the state park system, resulting in the closure of 220 state parks, including the Benicia Capitol State Historic Park and Benicia State Recreation Area.

STRATEGIC PLAN:

Relevant Strategic Plan Goals and Strategies:

- Goal 1:00: Protect Community and Environmental Health and Safety
 - Strategy 1.30: Protect neighborhoods from risks to health and safety
- Goal 2:00: Strengthen the Economy:
 - Strategy 2.10: Pursue comprehensive tourism plan
- Goal 3:00: Strengthen Downtown
 - Strategy 3.10: Comprehensive tourism plan
- Goal 4.00: Preserve and Enhance City Assets and Infrastructure
 - Strategy 4.20: Maintain and improve existing parks and recreation programs
 - Strategy 4.30: Maintain and enhance Benicia's historic character
 - Strategy 4.40 Improve and maintain facilities and infrastructures

- Goal 5.00: Enhance Community Appearance
 - Strategy 5.20: Enhance City gateways
- Goal 9.00: Promote Arts, Culture, Continuous Learning and Historic Preservation
 - Strategy 9.20: Maintain and enhance Benicia's historic character

BUDGET INFORMATION:

There is no budget impact to support this resolution. It is estimated that closures to Benicia's two state parks will have a negative impact on our local economy, resulting in a loss of \$231,000 in annual revenue.

BACKGROUND:

In an effort to close the \$23 billion dollar state deficit, the Governor has proposed to close 220 state parks. It is the assessment of City staff, community groups and local citizens that such closures will fail to generate substantial savings to the state, drastically harm local economies and diminish the quality of life of California residents.

In an effort to voice the importance and value of our state parks, staff is recommending the City Council adopt the proposed resolution.

Attachment:

- Proposed Resolution

Proposed Resolution

RESOLUTION NO. 09-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA
SUPPORTING THE SAVE OUR STATE PARKS CAMPAIGN**

WHEREAS, the California state park system is home to 278 state parks, beaches, historic parks, recreation areas, and other park units; and

WHEREAS, annually, over 77 million visitors take advantage of the myriad low-cost opportunities for recreation, education, fitness and other outdoor pursuits in state parks; and

WHEREAS, many of the state's most unique natural, cultural, and historic resources and artifacts are contained within the state park system; and

WHEREAS, our community relies on state parks for bringing California's history to life for schoolchildren, allowing families and friends to enjoy recreation and solace in nature, and protecting irreplaceable resources for future generations; and

WHEREAS, state parks are an important economic engine to the local communities in which they are located and studies have shown that every \$1 invested in the state park system returns \$2.35 to the state's General Fund, largely in the form of economic activity in local economies; and

WHEREAS, the proposal in the Governor's May revise State Budget proposes an unprecedented closing of 220 state parks; and

WHEREAS, within the Governor's proposal is to close the Benicia State Capitol Historic Park and the Benicia State Recreation Area which will have a direct impact on our community's well-being and economy; and

WHEREAS, the closure of Benicia Capitol State Historic Park will cause an annual reduction of \$231,000 worth of economic activity in Benicia and diminish our day trip appeal for regional historic tourism, while at the same time requiring additional police resources to monitor safety around the building; and

WHEREAS, the closure of the Benicia State Recreation Area will cause the disruption of healthy lifestyle routines of many Benicians and the added closure of the Forrest Deaner native Plant Botanic Garden, one of the significant collection of California native plants in the state valued at over \$500,000 worth of grants, donations and volunteer hours; and

WHEREAS, such a proposal creates considerable harm for local governments that rely on tourism from state parks for their community's livelihood and community identity; and

WHEREAS, closure of these state parks will jeopardize Californians' access to treasures that were specifically set aside to be experienced by the public; and

WHEREAS, lifeguard staffing reductions will endanger public health and safety on California's state beaches; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Benicia hereby supports the Save Our State Parks Campaign and urges the Legislature to reject Governor Schwarzenegger's proposal to close 220 state parks, to uphold the public's trust in protecting and preserving public access to the treasures in the state park system, and to identify funding to enable all state parks to remain open for the public's access and enjoyment:

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 16th day of June, 2009 and adopted by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

ATTEST:

Lisa Wolfe, City Clerk

**AGENDA ITEM
CITY COUNCIL MEETING: JUNE 16, 2009
CONSENT CALENDAR**

DATE : May 25, 2009
TO : Mayor and Council
FROM : City Clerk

SUBJECT: **RESOLUTION PROVIDING FOR AND REQUESTING THE BOARD OF SUPERVISORS PERMIT THE REGISTRAR OF VOTERS TO PROVIDE SPECIFIED SERVICES IN CONNECTION WITH THE GENERAL MUNICIPAL ELECTION TO BE HELD NOVEMBER 3, 2009**

RECOMMENDATION:

Adopt the Resolution which will enable the City of Benicia to obtain the services of the Registrar of Voters office in the November 3, 2009 Election.

EXECUTIVE SUMMARY:

This resolution is required pursuant to Elections Code Section 10002.

BUDGET INFORMATION:

The cost for this election has been estimated at \$60,000. The estimate is higher than election costs have been in the past because there are no State sponsored items on the ballot.

Attachment:

- Proposed Resolution

Proposed Resolution

RESOLUTION NO. 09-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA PROVIDING FOR AND REQUESTING THE BOARD OF SUPERVISORS TO PERMIT THE GENERAL MUNICIPAL ELECTION TO BE HELD NOVEMBER 3, 2009

WHEREAS, pursuant to Elections Code Section 10002, the Board of Supervisors of the County of Solano is hereby requested to permit the Registrar of Voters to provide the following services to the City of Benicia in connection with the conduct of the General Municipal Election to be held in the City of Benicia on November 3, 2009:

- a) Precinct consolidation, establishment of polling places, securing election officers, and preparing and mailing notices of appointment;
- b) Printing sample ballots, sample ballot envelopes, ballot measures, polling place cards, ballot arguments and mailing to registered voters;
- c) Printing of official ballots;
- d) Purchase precinct supplies and absent voter supplies;
- e) Provide for absentee voting at Office of Registrar of Voters, Election Division;
- f) Cartage of voting booths, ballots, ballot boxes and precinct supplies to precincts;
- g) Supervision and conduct of election;
- h) Tabulation of votes;
- i) Canvass the returns;
- j) Consolidate with any other election to be held on that date; and
- k) All things necessary or incidental to the above functions as may be requested from time to time by the City Clerk or as necessary to conduct the election in accordance with the Elections Code; and

WHEREAS, the City shall reimburse the County in full for services performed pursuant to this Resolution upon presentation of a bill to the City.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Benicia requests the Board of Supervisors permit the Registrar of Voters to provide specified services for a General Municipal Election to be held November 3, 2009.

* * * * *

On motion of _____, seconded by _____, the above resolution was introduced and passed by the Council of the City of Benicia at a regular meeting of said Council held on the 16th day of June, 2009 and adopted by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

ATTEST:

Lisa Wolfe, City Clerk

**AGENDA ITEM
CITY COUNCIL MEETING: JUNE 16, 2009
CONSENT CALENDAR**

DATE : May 25, 2009
TO : Mayor and Council
FROM : City Clerk
SUBJECT : **RESOLUTION CALLING FOR THE CONSOLIDATED
DISTRICTS ELECTION NOVEMBER 3, 2009 AND FEES
RELATED TO THAT ELECTION**

RECOMMENDATION:

Adopt the Resolution calling and giving Notice of the General Municipal Election to be held Tuesday, November 3, 2009 and waiving the fees to the candidates for publication of their statements if the candidate agrees to the Voluntary Code of Fair Campaign Practices.

EXECUTIVE SUMMARY:

This Resolution meets the requirement of the Government Code calling for a General Municipal Election, setting a date for that election, and identifying the officers of the City for which the election is proposed. It also allows waiving statement fees for the candidates who agree to the Voluntary Code of Fair Campaign Practices.

BUDGET INFORMATION:

Waiving of fees for candidates will cost the City \$412.85 per candidate for the candidate's statement to appear on the Sample Ballot. These fees have been projected in the budgeted cost for this election of \$60,000. Waiving of these fees has been a past practice of the City in order to encourage citizens to participate in the electoral process. The adoption of the Voluntary Code of Fair Campaign Practices changed the practice so fees are only waived for candidates who agree to abide by the code.

Attachment:

- Proposed Resolution

Proposed Resolution

RESOLUTION NO. 09-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA CALLING AND GIVING NOTICE OF THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 3, 2009, FOR THE ELECTION OF CITY COUNCIL MEMBERS (2) FOR THE CITY AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES AND WAIVING THE FEES FOR CANDIDATES

WHEREAS, under the provisions of the laws relating to general law cities in the State of California, a Consolidated Districts Election shall be held on the 3RD day of November, 2009, for the election City Council Members (2), and

WHEREAS, candidates for the office of City Council are required to file nomination papers for the office selected prior to the election.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Benicia does hereby resolve, declare, determine, and order as follows:

1. Pursuant to the requirements of the laws of the State of California relating to general law cities within the State, there shall be, and there is hereby called and ordered held in the City of Benicia, on the 3rd day of November, 2009 a General Municipal Election of the qualified electors of the City for the purpose of electing Council Members (2).
2. The \$412.85 cost for setup and printing of each Candidate's Statement will be borne by the City. The cost of printing the Statement of Qualifications in English and inspection costs to determine the accuracy and legal form of the nomination papers shall be borne by the City if the candidate agrees to the Voluntary Code of Fair Campaign Practices.
3. The polls will be open between the hours of 7:00 a.m. and 8:00 p.m.

On motion of Council Member _____, seconded by Council Member _____, the above resolution was introduced and passed by the Council of the City of Benicia at a regular meeting of said Council held on the 16th day of June, 2009 and adopted by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

ATTEST:

Lisa Wolfe, City Clerk

**AGENDA ITEM
CITY COUNCIL MEETING: JUNE 16, 2009
PUBLIC HEARING**

DATE : May 28, 2009
TO : City Manager
FROM : Community Development Director
SUBJECT : **DOWNTOWN HISTORIC OVERLAY DISTRICT BOUNDARY
RECONSIDERATION**

RECOMMENDATION:

Maintain the boundary of the Downtown Historic Overlay District.

EXECUTIVE SUMMARY:

The Downtown Historic Overlay District was established in 1990. The district boundaries were not modified until 2009.

At the March 17, 2009 meeting, the City Council approved an update to the City's Downtown Historic Resource Inventory, including several district boundary changes, as recommended by the Historic Survey Ad Hoc Committee, the Historic Preservation Review Commission, and the Planning Commission. The original district boundary was expanded to include a new exclave on East K Street, 327 Gull Point Court, and 470 West J Street. The boundary was not changed around 410 and 420 West K Street. Based on property owners' concerns, Council Member Hughes has requested reconsideration of the district boundary around 410 and 420 West K Street.

GENERAL PLAN:

Relevant General Plan Policies and Programs:

- Goal 2.1: Preserve Benicia as a small-sized city.
 - Policy 2.1.1 Ensure that new development is compatible with adjacent existing development and does not detract from Benicia's small town qualities and historic heritage, (and to the extent possible, contributes to the applicable quality of life factors noted above.)
 - Program 2.1.A Adopt development guidelines that retain the scale and character of the city, preserve public view corridors, and reflect the subdivision and development patterns within existing neighborhoods.

The updated historic resource inventories provide a current basis for reviewing compatibility of historic vs. non-historic properties in the district.

- Goal 3.1: Maintain and enhance Benicia's historic character.
 - Policy 3.1.4 Promote the preservation and enhancement of historic neighborhoods, commercial areas, and governmental districts.
 - Policy 3.1.5 Permit new development, remodeling and building renovation in historic districts when consistent with the policies of the applicable Historic Conservation Plan.

The updated historic resource inventory identifies specific areas of the historic district in relationship to their significance to the overall historic integrity of the district.

The updated historic resource inventory provides a context by which new development, remodeling and building renovation is more compatible with existing historic resources.

- Goal 3.7: Maintain and reinforce Benicia's small-town visual characteristics.
 - Policy 3.7.1 Ensure that new development is compatible with the surrounding architectural and neighborhood character.

The updated historic resource inventory preserves and protects existing historic resources, as well as identifies new historic resources.

The updated historic resource inventory provides current resources for staff and property owners to determine compatibility with new development and building renovation of both historic and non-historic properties.

STRATEGIC PLAN:

Relevant Strategic Plan Goals and Strategies:

- Goal 2.00: Preserve and Enhance City Assets and Infrastructure
 - Strategy 4.30: Maintain and enhance Benicia's historic character
- Goal 9.00: Promote Arts, Culture, Continuous Learning and Historic Preservation
 - Strategy 9.20: Maintain and enhance Benicia's historic character

BUDGET INFORMATION:

There are no budget impacts.

ENVIRONMENTAL REVIEW:

The proposed amendments are categorically exempt from California Environmental Quality Act review under Guidelines Section 15306 (Information Collection), which applies to basic data collection and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource; and 15331 (Historical Resource Restoration/Rehabilitation), which applies to projects limited to the preservation and conservation of historical resources in a manner consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties.

BACKGROUND:

The Downtown Historic Overlay District was established in 1990, with the Downtown Historic Conservation Plan (DHCP) as the principal tool to identify historic properties and guide their preservation.

On March 17, 2009, the City Council approved District boundary changes, as recommended by the Historic Survey Ad Hoc Committee, Historic Preservation Review and Planning Commissions. These consist of a group of properties on East K Street having a sufficient concentration of historic resources to constitute a historic exclave eligible for listing in the California Register. The added area included eight residential structures and two historic school buildings. In addition, boundary changes were approved to include residential properties at 470 West J Street and 327 Gull Point Court.

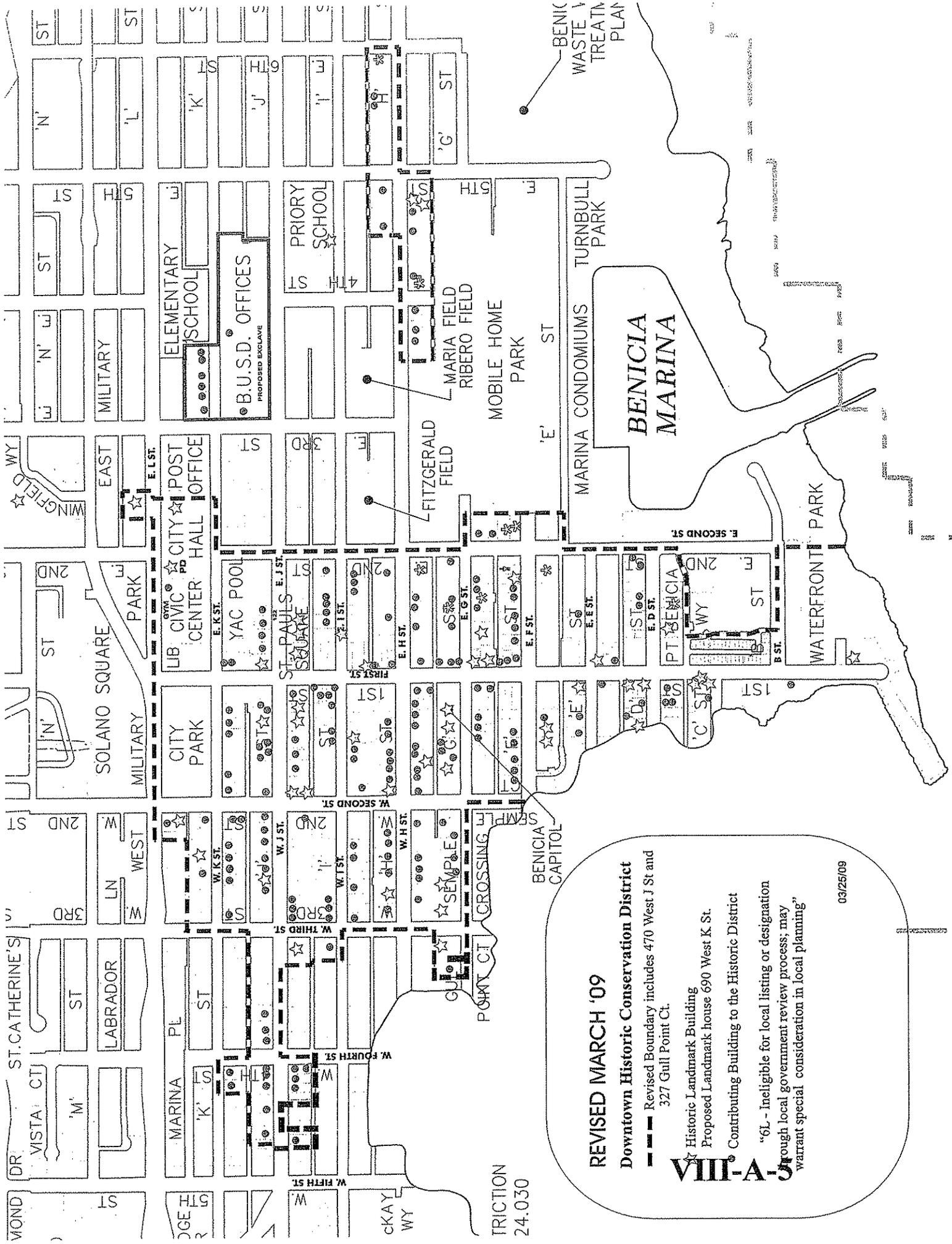
The property owners at 410 and 420 West K Street, within the original district boundary, oppose those properties remaining inside the district. They are concerned that nearby properties, particularly the adjacent property at 430 West K Street (outside district boundary), can be expanded without any design review. This is the case for a number of properties located on the edge of the district boundary. This issue was reviewed by City staff, the Historic Survey Ad Hoc Committee, the Historic Preservation Review Commission and the Planning Commission, all unanimously recommending the boundary around 410 and 420 West K Street remain unchanged.

As an alternative to the boundary change, the property owners had requested delisting. Based on the criteria for designation, the request to delist 410 and 420 West K Street could not be accommodated. Both properties are located within the original boundaries of the historic district and represent early 1900 construction. The property at 420 West K retains a higher degree of integrity than 410 West K; however, both warrant historic designation. Though staff prior to 2007 may have been sympathetic to the property owner requests, subsequent review and evaluation supports the designation of contributor for both properties. This is consistent with the designations of other properties on the district boundaries.

Attachments:

- Designation Map
- City Council Resolution No. 09-26
- March 17, 2009 Minutes (City Council)
- Historic Preservation Review Commission Resolution No. 08-8
- September 25, 2008 Minutes (Historic Preservation Review Commission)
- January 22, 2009 Minutes (Historic Preservation Review Commission)
- Planning Commission Resolution No. 08-12
- December 11, 2008 Minutes (Planning Commission)
- July 26, 2007 Minutes (Historic Preservation Review Commission)
- November 17, 2005 Minutes (Historic Preservation Review Commission)
- Criteria for designating historic resources – State Office of Historic Preservation
- Property Owner Letters regarding 410 and 420 West K Street (including corresponding DPR 523 forms)
- DPR 523 Forms A&B for 551 and 575 East H Street
- City Council Resolution No. 08-62

DESIGNATION MAP



REVISED MARCH '09

Downtown Historic Conservation District

Revised Boundary includes 470 West J St and 327 Gull Point Ct.

☆ Historic Landmark Building
Proposed Landmark house 690 West K St.

☆ Contributing Building to the Historic District

"6L - Ineligible for local listing or designation through local government review process; may warrant special consideration in local planning"

03/25/09



TRITION
24.030

CITY COUNCIL RESOLUTION NO. 09-26

RESOLUTION NO. 09-26

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA ADOPTING THE DOWNTOWN HISTORIC DISTRICT SURVEY AND AMENDING THE DOWNTOWN HISTORIC CONSERVATION PLAN

WHEREAS, the purpose of the Historic Preservation Review Commission is to:

- advise and assist the City Council in implementing the goals, policies and programs set forth in the city's General Plan relating to preservation and enhancement of the city's historic character;
- identify, register, designate, preserve, protect, enhance and perpetuate those historic structures, districts and neighborhoods which contribute to the cultural and aesthetic heritage of Benicia; and
- maintain a program to compile, record and update an inventory of cultural resources within the city, which shall be based on comprehensive surveys conducted in conformance with state survey standards and procedures.

WHEREAS, the Historic Preservation Review Commission and Planning Commission have reviewed recommended updates to the Historic Resource Inventory, Downtown Historic Conservation Plan text and maps, including modifications to the boundaries of the Downtown Historic Overlay District; and

WHEREAS, the Historic Preservation Review Commission and Planning Commission have forwarded their final recommendations to the City Council for action; and

WHEREAS, the City Council at a regular meeting on March 17, 2009, conducted a public hearing, considered public comment and reviewed the recommendations of the Historic Preservation Review Commission and the Planning Commission; and

WHEREAS, the City Council has reviewed the updates to the Historic Resource Inventory, Downtown Historic Conservation Plan text, and related maps, and finds that:

- a) The proposed amendments are categorically exempt from California Environmental Quality Act review under Guidelines Section 15306 (Information Collection), which applies to basic data collection and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource; and 15331 (Historical Resource Restoration/Rehabilitation), which applies to projects limited to the preservation and conservation of historical resources in a manner consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties.
- b) The proposed historic survey amendments, DHCP map and text amendments are consistent with the applicable goals, policies, programs, and maps of the General Plan, as follows:

Goal 2.1: Preserve Benicia as a small-sized city.

- *Policy 2.1.1 Ensure that new development is compatible with adjacent existing development and does not detract from Benicia's small town qualities and historic heritage, (and to the extent possible, contributes to the applicable quality of life factors noted above.)*
- *Program 2.1.A Adopt development guidelines that retain the scale and character of the city, preserve public view corridors, and reflect the subdivision and development patterns within existing neighborhoods.*

The updated historic resource inventories provide a current basis for reviewing compatibility of historic vs. non-historic properties in the district.

HPRC has identified necessary updates to the Downtown Historic Conservation Plan that include development guidelines. The updated historic resource inventory will be a valuable tool in developing guidelines. This project is currently unfunded.

Goal 3.1: Maintain and enhance Benicia's historic character.

- *Policy 3.1.4 Promote the preservation and enhancement of historic neighborhoods, commercial areas, and governmental districts.*
- *Policy 3.1.5 Permit new development, remodeling and building renovation in historic districts when consistent with the policies of the applicable Historic Conservation Plan.*

The updated historic resource inventory identifies specific areas of the historic district in relationship to their significance to the overall historic integrity of the district.

The updated historic resource inventory provides a context by which new development, remodeling and building renovation is more compatible with existing historic resources.

Goal 3.7: Maintain and reinforce Benicia's small-town visual characteristics.

- *Policy 3.7.1 Ensure that new development is compatible with the surrounding architectural and neighborhood character.*

The updated historic resource inventory preserves and protects existing historic resources, as well as identifies new historic resources.

The updated historic resource inventory provides current resources for staff and property owners to determine compatibility with new development and building renovation of both historic and non-historic properties

- c) The proposed historic survey amendments, DHCP map and text amendments are consistent with the objectives and other provisions of Title 17 of the Benicia Municipal Code and the purposes of Chapter 17.54 H Historic Overlay District:

17.54.010 Specific purposes.

The specific purposes of the H historic overlay district are to:

- A. Implement the city's general plan;*
- B. Deter demolition, destruction, alteration, misuses, or neglect of historic or architecturally significant buildings that form an important link to Benicia's past;*
- C. Promote the conservation, preservation, protection, and enhancement of each historic district;*
- D. Stimulate the economic health and residential quality of the community and stabilize and enhance the value of property;*
- E. Encourage development tailored to the character and significance of each historic district through a conservation plan that includes goals, objectives, and design criteria.*

- d) The updated surveys, DHCP map and text amendments furthers the purposes of HPRC to:
 - i. Advise and assist the City Council in implementing the goals, policies and programs set forth in the City's General Plan relating to preservation and enhancement of the city's historic character;
 - ii. Identify, register, designate, preserve, protect, enhance and perpetuate those historic structures, districts and neighborhoods which contribute to the cultural and aesthetic heritage of Benicia; and
 - iii. Maintain a program to compile, record and update an inventory of cultural resources within the city, which shall be based on comprehensive surveys conducted in conformance with state survey standards and procedures.

NOW, THEREFORE, BE IT RESOLVED that the City Council amends the Downtown Historic Conservation Plan (DHCP) to:

1. Categorize all historic resources as either landmark or contributor to the historic district;
2. Utilize the standard federal historic designation forms (DPR 523) prepared by Roland-Nawi Associates, and the Historic Survey Ad Hoc Committee's recommendation, to determine historic designation status;
3. Expand the district boundary to include 470 West J Street, 327 Gull Point Court, and the portion of East K Street Between East Third and East Fourth Streets;
4. Update the DHCP maps (Figures 1 and 2) to reflect changes 1-3 above;
5. Identify and list all Historic Resources by address, assessor parcel number and designation status;
6. Exclude 282 West I Street as either a landmark or contributor;
7. Add the 6L status for the 10 Portuguese properties; and
8. Amend the DHCP text to reflect changes 1-7 above and correct minor internal inconsistencies.

BE IT FURTHER RESOLVED that the Zoning Map be amended to expand the boundary of the Downtown Historic Overlay District to include 470 West J Street, 327 Gull Point Court, and the portion of East K Street Between East Third and East Fourth Streets.

BE IT FURTHER RESOLVED that the City Council of the City of Benicia hereby formally acknowledges the importance of developing a formal historic context.

* * * * *

On motion of Council Member Hughes, seconded by Council Member Campbell, the designation of 130 West E Street as a contributor was removed by the following vote:

Ayes: Council Members Campbell, Hughes, Ioakimedes, and Mayor Patterson
Noes: None
Abstain: Council Member Schwartzman

* * * * *

On motion of Mayor Patterson, seconded by Council Member Hughes, the properties at 165, 167, 169, and 171 West G Street remain listed retaining current status by the following vote:

Ayes: Council Members Hughes, Ioakimedes, and Mayor Patterson
Noes: None
Abstain: Council Members Campbell and Schwartzman

* * * * *

On motion of Council Member Schwartzman, seconded by Council Member Hughes, the above Resolution, with abstentions as noted in Exhibit A of the final Resolution, was adopted by the City Council of the City of Benicia at a regular meeting of said Council held on March 17, 2009 by the following vote:

Ayes: Council Members Campbell, Hughes, Ioakimedes, Schwartzman, and Mayor Patterson
Noes: None
Abstain: As noted


Elizabeth Patterson, Mayor

Attest:


Lisa Wolfe, City Clerk

**MARCH 17, 2009 MINUTES
(CITY COUNCIL)**

MINUTES OF THE
SPECIAL MEETING – CITY COUNCIL
MARCH 17, 2009

The special meeting of the City Council of the City of Benicia was called to order by Mayor Elizabeth Patterson at 6:30 p.m. on Tuesday, March 17, 2009, in the City Council Chambers, City Hall, 250 East L Street, complete proceedings of which are recorded on tape.

ROLL CALL:

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

Absent: None

PLEDGE OF ALLEGIANCE:

Mayor Patterson led the pledge to the flag.

FUNDAMENTAL RIGHTS:

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

OPPORTUNITY FOR PUBLIC COMMENT:

WRITTEN:

None

PUBLIC COMMENT:

None

INFORMATIONAL ITEM:

Review of current economic conditions and the impact on the FY 2008-09 Municipal

Budgets:

Rob Sousa, Finance Director, reviewed the staff report.

Council and Staff discussed the effects of a possible increase in gas prices over the summer.

ADJOURNMENT:

Mayor Patterson adjourned the meeting at 6:50 p.m.

MINUTES OF THE
REGULAR MEETING – CITY COUNCIL
MARCH 17, 2009

The regular meeting of the City Council of the City of Benicia was called to order by Mayor Elizabeth Patterson at 7:00 p.m. on Tuesday, March 17, 2009, in the City Council Chambers, City Hall, 250 East L Street, complete proceedings of which are recorded on tape.

ROLL CALL:

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

Absent: None

PLEDGE OF ALLEGIANCE:

Vice Mayor Campbell led the pledge to the flag.

FUNDAMENTAL RIGHTS:

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

ANNOUNCEMENTS/APPOINTMENTS/PRESENTATIONS/PROCLAMATIONS:

ANNOUNCEMENTS:

Openings on Boards and Commissions:

- Sky Valley Open Space Committee:
One unexpired term to September 30, 2010
One full term to January 31, 2013
- Parks, Recreation and Cemetery Commission:
One unexpired term to March 31, 2010

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.

APPOINTMENTS:

None

PRESENTATIONS:

Update on the Visioning Process for the Solano County Fairgrounds:

Mr. Scott Goldie, Brooks Street, reviewed a PowerPoint presentation titled 'Solano 360.'

Council and Mr. Goldie discussed the acreage, possible date for breaking ground (2.5 – 3 years), horse race track, transit-oriented development, and the pedestrian connection between the development and the shopping facilities across the freeway.

PROCLAMATIONS:

1. Support of Earth Hour - March 28, 2009 from 8:30 – 9:30 p.m.
2. Recognition of Sunshine Week - March 15 – 21, 2009

ADOPTION OF AGENDA:

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

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

Noes: None

OPPORTUNITY FOR PUBLIC COMMENT:

WRITTEN:

Various items submitted (copies on file)

PUBLIC COMMENT:

None

CONSENT CALENDAR:

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

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

Noes: None

The Minutes of February 24, 2009 and March 3, 2009 were approved.

Council approved the denial of the claim against the City by Francis Lagrimas and referral to insurance carrier.

RESOLUTION 09-21 - A RESOLUTION ACCEPTING THE BIDS FOR THE CHEMICAL TRENCH AND WASTE CONTAINMENT TANK REPLACEMENT PROJECT, AWARDING THE CONSTRUCTION CONTRACT TO LISTER CONSTRUCTION INC. OF VACAVILLE IN THE AMOUNT OF \$437,000, AND AUTHORIZING THE CITY MANAGER TO SIGN THE CONTRACT ON BEHALF OF THE CITY

RESOLUTION 09-22 - A RESOLUTION APPROVING THE REPLACEMENT OF VEHICLE 8625 WITH THE PURCHASE OF A 2009 MODEL 420E BACKHOE LOADER FROM PETERSON TRACTOR FOR A PURCHASE PRICE OF \$112,000

RESOLUTION 09-23 - A RESOLUTION APPROVING A LICENSE AGREEMENT WITH PG&E FOR THE INSTALLATION OF COMMUNICATION EQUIPMENT ON EXISTING CITY-OWNED STREET LIGHT POLES AS PART OF PG&E'S SMART METER NETWORK

RESOLUTION 09-24 - A RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION WITH THE METROPOLITAN TRANSPORTATION COMMISSION FOR ALLOCATION OF TRANSPORTATION DEVELOPMENT ACT FUNDS FOR FISCAL YEAR 2008-09

RESOLUTION 09-25 - A RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION FOR FEDERAL AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 (ARRA) FUNDING AND STATING THE ASSURANCE TO COMPLETE THE PROJECT

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

(END OF CONSENT CALENDAR)

PUBLIC HEARINGS:

Downtown Historic Resource Inventory Update and amendments to the Downtown Historic Conservation Plan:

Gina Eleccion, Management Analyst, reviewed the staff report.

Bonnie Silveria, Historic Survey Ad Hoc Committee - Ms. Silveria reviewed the committee's report. She discussed the Portuguese properties and the BDES Hall. She requested Council reinstate the Ad Hoc Committee to work with the HPRC (if the 6L status is not given on the requested properties).

Mayor Patterson disclosed ex-partè communications. She, Staff, and Ms. Silveria discussed the issue of '6L' status for certain properties.

Vice Mayor Campbell discussed ex-partè communications. He, Staff, and Ms. Silveria discussed a house (also known as the Star House) on West H Street, historic homes outside the Downtown Historic District,

Council Member Schwartzman, Staff, and Ms. Silveria discussed designating properties as '6L.'

Council Member Hughes, Staff, and Ms. Silveria discussed the issue of potential contributors, when the last time was that the boundaries were expanded, how many properties were added to the list, and the reaction of those property owners.

Mayor Patterson, Staff, and Ms. Silveria discussed the amount of time spent on this project, how long it would take to prepare the context statement (possibly this calendar year), the uniqueness of the residential integrity, and the issue of subjectivity.

Council Member Schwartzman discussed a home on East Second and F Street.

Ms. Silveria read excerpts from a letter to the City from the Benicia Historical Society (copy on file).

Public Hearing Opened

Public Comment:

1. Manuel Nary – Mr. Nary discussed a property on West J Street that was a church. He asked if the City could assist him with a loan for the repair work that is needed on his property.

Staff requested Mr. Nary contact them to discuss possibilities and options.

2. J.B. Davis – Mr. Davis stated that Ms. Hartzell and Ms. Small asked him to speak on their behalf. They had concerns regarding their properties being designated in the Downtown Historic District when other homes right next door to them are not. They would like the outline of the historic district changed to not include their houses.
3. Marlene Dean – Ms. Dean requested the properties at 165, 167, 169 and 171 West G Street be de-listed.
4. Kathleen Olson – Ms. Olson discussed the property located at 130 West E Street. The property owner would like the property de-listed from the Downtown Historic District.
5. Linda Lewis – Ms. Lewis requested that her properties at 282 West I Street and 401 West J Street be de-listed.

410 and 420 West K Street (salt boxes):

Staff discussed the recommendations of the ad-hoc committee and the HPRC to have the properties remain as contributors.

165/167/169/171 West G Street:

Staff discussed the lack of documentation to support Ms. Dean's point and its willingness to believe Ms. Dean to obtain the documentation. If the documentation supports Ms. Dean's points, staff would take the information back to the HPRC to get the designation changed.

Council and Staff discussed the process for delisting properties.

130 West E Street:

Staff confirmed Ms. Olson's points were correct. The property went through a number of revisions. It is recommended to be designated under criterion (A), not criterion (C). The HPRC vote on the property designation was a 3/3 vote, with one commissioner abstaining. There was clearly a division on the votes, where the other properties were clearly majority votes.

Council and Staff discussed the criteria (A-D) used for property designation and the Tannery Building.

Council Member Hughes disclosed ex-partè communications. He and Staff discussed the issue of disclosure, and concerns regarding boundaries.

Council Member Schwartzman disclosed ex-partè communications.

282 West I Street and 401 West J Street:

Staff discussed inaccuracies with the designation maps, updated designation map, staff's recommendation not to change the designation for 282 West I Street, and the recommendation to add 401 West J Street as a contributor (it was missed on previous inventories).

Mayor Patterson and Staff discussed the issue of a transfer of title ordinance.

Ms. Eleccion summarized staff's recommendations in the staff report which was to categorize all resources as either landmarks or contributors, expand the district boundaries to include 470 West J Street, 327 Gull Point Court, and the portion of East K Street between East Third and East Fourth Streets, which would an amendment to the Downtown Historic Conservation Plan (DHCP) maps (which would be updated to reflect those changes. In addition, staff was asking Council to approve the list of resources (by address) provided in the staff report, and APN and designation status, and to update the text of the DHCP to reflect those changes. Regarding the specific properties discussed tonight, it was Council's purview to make a decision on those. The only other recommendation Staff was making was to give the 10 Portuguese properties 6 L status. Staff would update the map and bring those back once a context is adopted where staff could evaluate those properties on.

Mayor Patterson stated that Council would then direct Staff to pursue the further actions referred to in the 'next steps' in the staff report. She would like to add to the further actions. She would like to add (E) - if restoration would bring property to historic status, that there be a process that staff would develop to get that listed. Staff confirmed it had not had time to get to the development of a demolition ordinance yet. Staff would try and address that in the next fiscal year. Staff confirmed that while the City did not have a demolition ordinance, demolition could not take place because the Downtown Mixed Use Master Plan requires it as a condition. Mayor Patterson suggested adding that to the list as (F).

Mayor Patterson and Staff discussed qualifications for properties that were post WWII, the need to develop a historic context in order to address that,

Council and Staff discussed concerns regarding the designation of 282 West I Street.

Council Member Ioakimedes disclosed ex-partè communications. He discussed the issue of 'heritage.'

On motion of Council Member Hughes, seconded by Vice Mayor Campbell, Council approved not designating 130 West E Street as contributor, on roll call by the following vote:

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

Noes: None

Abstain: Council Member Schwartzman

On motion of Mayor Patterson, seconded by Council Member Hughes, Council approved including 165, 167, 169, and 171 West G (retaining current status), on roll call by the following vote:

Ayes: Council Member Hughes, Ioakimedes, and Mayor Patterson

Noes: None

Abstain: Council Members Campbell and Schwartzman

There were no separate actions for 410 and 420 West K Street.

RESOLUTION 09-26 - A RESOLUTION ADOPTING THE DOWNTOWN HISTORIC DISTRICT SURVEY AND AMENDING THE DOWNTOWN HISTORIC CONSERVATION PLAN

On motion of Council Member Schwartzman, seconded by Council Member Hughes, Council approved the above Resolution as amended, excluding 282 West I Street, and adding the 6L status, on roll call by the following vote:

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

Noes: None

Abstain: None

Mayor Patterson gave direction to Staff to add (E), the restoration to be considered for historic status and (F), the survey for all pre-1945 structures

Mayor Patterson called for a 6-minute break at 9:37 p.m.
The meeting resumed at 9:45 p.m.

ACTION ITEMS:

Campaign Disclosure Ordinance:

Steve Churchwell, Consultant, reviewed the staff report.

Council and Mr. Churchwell discussed the issue of 'neutral' committees, enforcement, slate mailers, phoning and surveys, last minute contributions and expenditures, blackout periods for contributions, name changes of contributors, and late contribution reporting.

Public Comment:

1. Jubal Biggs – Mr. Biggs discussed concerns regarding the proposed ordinance.

Council and Mr. Churchwell discussed removal of a candidate from office and material effects.

2. Norma Fox – Ms. Fox discussed concerns regarding post-election contribution reporting.

Council and Staff discussed communications by independent expenditures (not candidates), material effect, and outcome of an election.

3. Joe Kearns – Mr. Kearns discussed concerns with City government.

Council and Staff discussed the issue of public financing of elections, eliminating the requirement to submit fliers on their on behalf to the City Clerk, the proposed increased audits of 460's by the City Clerk, clarifying the issue of intent, removing the violation portion, deleting 1.04.080, removing 1.40.130, concerns regarding recorded telephone calls, candidates submitting written text if it was done on their own behalf, deleting the first two lines so the section would read 'the independent expenditure committee that makes an expenditure of \$200 or more for recorded phone calls, etc.', deleting the first sentence in section 1.40.080, and deleting 1.40.130.

ORDINANCE 09- - AN ORDINANCE AMENDING CHAPTER 1.40 (CAMPAIGN FINANCING OF CANDIDATE ELECTIONS) OF TITLE 1 (GENERAL PROVISIONS) OF THE BENICIA MUNICIPAL CODE

On motion of Vice Mayor Campbell, seconded by Council Member Schwartzman, the above Introduction and First Reading of an Ordinance was approved as amended, on roll call by the following vote:

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

Noes: None

On motion Vice Mayor Campbell, seconded by Council Member Hughes, Council approved hearing the next agenda item at 11:12 p.m., on roll call by the following vote:

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

Noes: Mayor Patterson

Update on Benicia Business Park: Citizen Advisory Committee Appointment Process and estimated schedule:

Jim Erickson, City Manager, and Charlie Knox, Community Development Director, reviewed the staff report.

Vice Mayor Campbell discussed having each Council Member nominate one person and have the Mayor appoint.

Council and Staff discussed giving the boards until 3/21 to come up with names, whether or not to include the Planning Commission, adoption of the resolution including the Planning Commission appointment, having the outside groups nominate before Council makes its nomination, having only one representative from each of the outside organizations, Council's Rules of Procedure, and clarification on the two-step process for bringing something back.

On motion of Council Member Schwartzman, seconded by Vice Mayor Campbell, Council agreed to direct Staff to bring this item back, only to address the issue of the makeup of the oversight committee, eliminating representation by the Traffic, Pedestrian and Bicycle Safety Committee and Planning Commission, on roll call by the following vote:

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

Noes: Mayor Patterson

On motion of Council Member Hughes, seconded by Vice Mayor Campbell, Council agreed at 11:46 p.m. to hear the next agenda item, on roll call by the following vote:

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

Noes: None

Southern Specific Depot Schematic Site Plan:

Mike Marcus, Associate Planner, introduced the staff report.

Alice Carey, Carey and Co. Inc. reviewed a PowerPoint presentation.

Council and Staff discussed the rising sea level issue, clarification on the exemption from CEQA, adding language to the resolution that there would be a follow on physical project that will require the full CEQA review, the issue of cost estimates, and adding that the future project will require environmental review.

RESOLUTION 09-27 - A RESOLUTION APPROVING THE SCHEMATIC SITE PLAN AND ADA IMPROVEMENTS AT THE SP DEPOT LOCATED AT 90 FIRST STREET

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

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

Noes: None

Review of the Benicia Transit Short Range Transit Plan for Fiscal Years 2008-2018:
Continued

INFORMATIONAL ITEMS:

Reports from City Manager:

Status report on stimulus program projects:

Continued

Council Member Committee Reports:

1. Mayor's Committee Meeting - (Mayor Patterson) - Next Meeting Date: April 15, 2009
2. Association of Bay Area Governments (ABAG) - (Mayor Patterson & Vice Mayor Campbell) - Next Meeting Date: April 23, 2009 – Spring General Assembly
3. Finance, Audit & Budget Committee - (Vice Mayor Campbell & Council Member Schwartzman) - Next Meeting Date: March 27, 2009

4. League of California Cities - (Mayor Patterson & Council Member Schwartzman) - Next Meeting Date: April 15-16, 2009 – Legislative Action Days
5. School Liaison Committee - (Council Members Ioakimedes & Hughes) - Next Meeting Date: June 11, 2009
6. Sky Valley Open Space Committee - (Vice Mayor Campbell & Council Member Ioakimedes) - Next Meeting Date: May 6, 2009
7. Solano EDC Board of Directors - (Mayor Patterson & Council Member Ioakimedes) - Next Meeting Date: April 30, 2009
8. Solano Transportation Authority (STA) – (Mayor Patterson & Council Member Schwartzman) - Next Meeting Date: March 18, 2009
9. Solano Water Authority/Solano County Water Agency and Delta Committee – (Mayor Patterson & Vice Mayor Campbell) - Next Meeting Date: April 9, 2009
10. Traffic, Pedestrian and Bicycle Safety Committee - (Vice Mayor Campbell & Council Member Hughes) - Next Meeting Date: April 16, 2009
11. Tri-City and County Regional Parks and Open Space - (Vice Mayor Campbell & Council Member Hughes) - Next Meeting Dates: Citizen’s Advisory Committee – May 20, 2009
12. Valero Community Advisory Panel (CAP) – (Council Member Hughes) - Next Meeting Date: To be determined
13. Youth Action Task Force - (Council Members Ioakimedes & Schwartzman) - Next Meeting Date: March 25, 2009
14. ABAG/CAL FED Task Force/Bay Area Water Forum - (Mayor Patterson) - Next Meeting Date: March 23, 2009

COMMENTS FROM COUNCIL MEMBERS:

Request to agendize the topic of alternate members for boards and commissions:

Continued

ADJOURNMENT:

Mayor Patterson adjourned the meeting at 12:03 a.m. on 3/18/09

Lisa Wolfe, City Clerk

**HISTORIC PRESERVATION REVIEW COMMISSION
RESOLUTION NO. 08-8**

RESOLUTION NO. 08-8 (HPRC)

A RESOLUTION OF THE HISTORIC PRESERVATION REVIEW COMMISSION OF THE CITY OF BENICIA TO THE CITY COUNCIL REGARDING THE DOWNTOWN HISTORIC DISTRICT SURVEY AND THE UPDATE TO THE DOWNTOWN HISTORIC CONSERVATION PLAN

WHEREAS, the purpose of the Historic Preservation Review Commission is to:

- advise and assist the City Council in implementing the goals, policies and programs set forth in the city's General Plan relating to preservation and enhancement of the city's historic character;
- identify, register, designate, preserve, protect, enhance and perpetuate those historic structures, districts and neighborhoods which contribute to the cultural and aesthetic heritage of Benicia; and
- maintain a program to compile, record and update an inventory of cultural resources within the city, which shall be based on comprehensive surveys conducted in conformance with state survey standards and procedures.

WHEREAS, the Historic Preservation Review Commission has reviewed recommended updates to survey documentation and historic resource designations for properties within the Downtown Historic Overlay District; and

WHEREAS, the Historic Preservation Review Commission has reviewed recommended updates to the Downtown Historic Conservation Plan text and maps; and

WHEREAS, the Historic Preservation Review Commission has considered modifications to the boundaries of the Downtown Historic Overlay District.

NOW, THEREFORE, BE IT RESOLVED that the Historic Preservation Review Commission of the City of Benicia hereby recommends that the City Council amend the Downtown Historic Conservation Plan (DHCP) to:

1. Categorize all historic resources as either landmark or contributor to the historic district;
2. Utilize the standard federal historic designation forms (DPR 523) prepared by Roland-Nawi Associates, and the Historic Survey Ad Hoc Committee's recommendation, to determine historic designation status;
3. Expand the district boundary to include the portion of East K Street Between East Third and East Fourth Streets; and include 470 West J Street and 327 Gull Point Court;
4. Update the DHCP maps (Figures 1 and 2) to reflect changes 1-3 above;
5. Identify and list all historic Resources by address, assessor parcel number and designation status; and
6. Amend the DHCP text to reflect changes 1-5 above and correct minor internal consistencies.

BE IT FURTHER RESOLVED that the Historic Preservation Review Commission of the City of Benicia hereby recommends that the Planning Commission recommend to the City Council that the Zoning Map be amended to expand the boundary of the Downtown Historic Overlay District to include the portion of East K Street Between East Third and East Fourth Streets; include 470 West J Street and 327 Gull Point Court.

BE IT FURTHER RESOLVED that the Historic Preservation Review Commission of the City of Benicia hereby formally acknowledges the importance of developing a formal historic context, and recommends City Council consideration of this project during the upcoming 2009/2011 budget cycle.

* * * * *

On motion of Commissioner White, seconded by Commissioner Haughey, the above Resolution, with abstentions as noted in Exhibit A of the final Resolution and specifically noted below, was adopted by the Historic Preservation Review Commission of the City of Benicia at a regular meeting of said Commission held on September 25, 2008 by the following vote:

Ayes: Commissioners Crompton, Donaghue, Haughey, McKee, Taagepera, White and Chair Mang
Noes: None
Absent: None
Abstain: None

130 West E

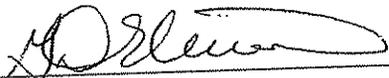
On motion of Commissioner Crompton, seconded by Commissioner Haughey, the property is recommended to remain as a contributing structure in the Downtown Historic Overlay District by the following vote:

Ayes: Commissioners Crompton, Haughey, Taagepera
Noes: Commissioners White and Chair Mang
Absent: None
Abstain: Commissioners Donaghue and McKee

251 West G

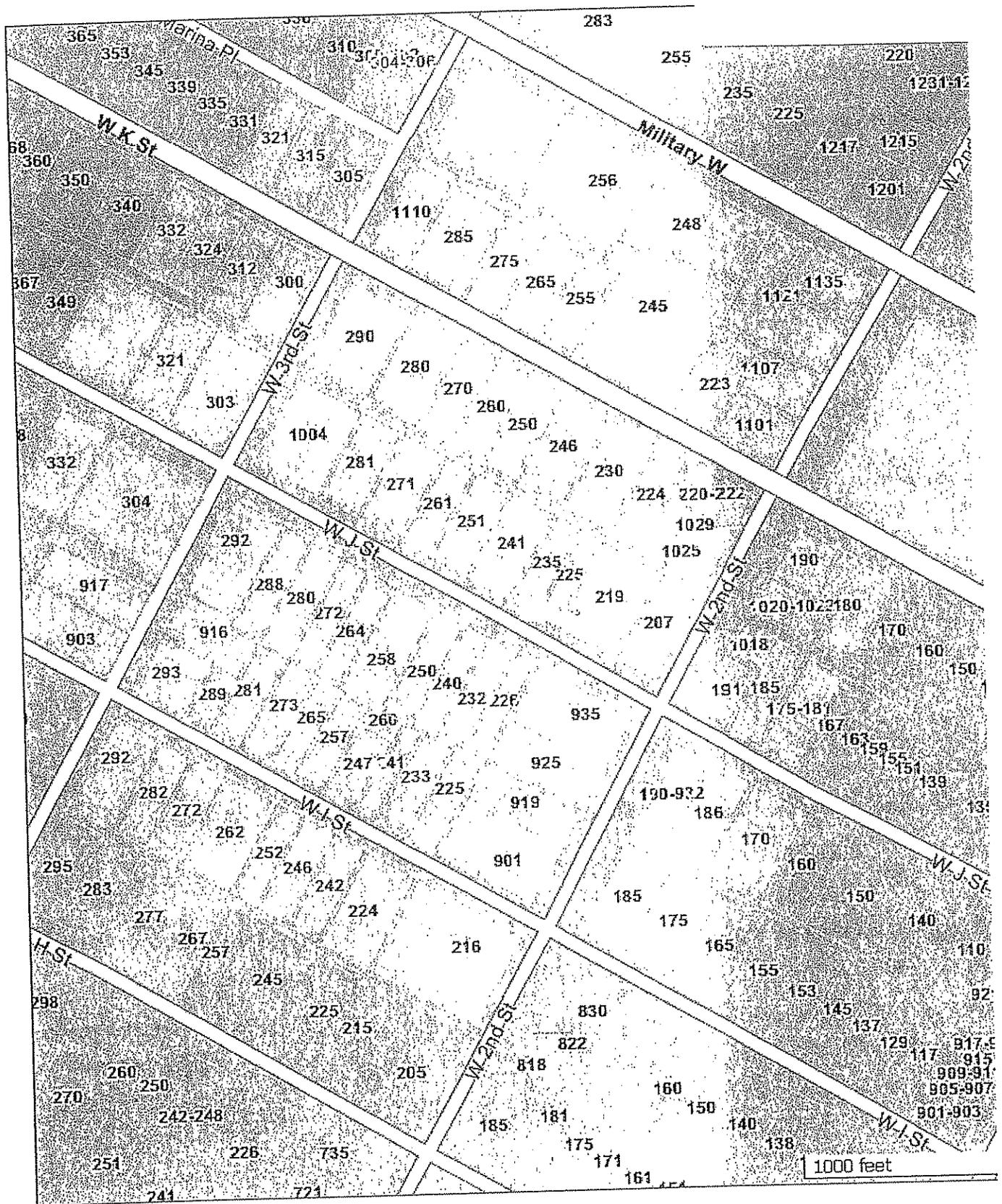
On motion of Commissioner White, seconded by Commissioner Donaghue, the property is recommended to be removed as a contributing structure in the Downtown Historic Overlay District by the following vote:

Ayes: Commissioners Donaghue, McKee, White and Mang
Noes: Commissioner Crompton
Absent: None
Abstain: Commissioners Haughey and Taagepera



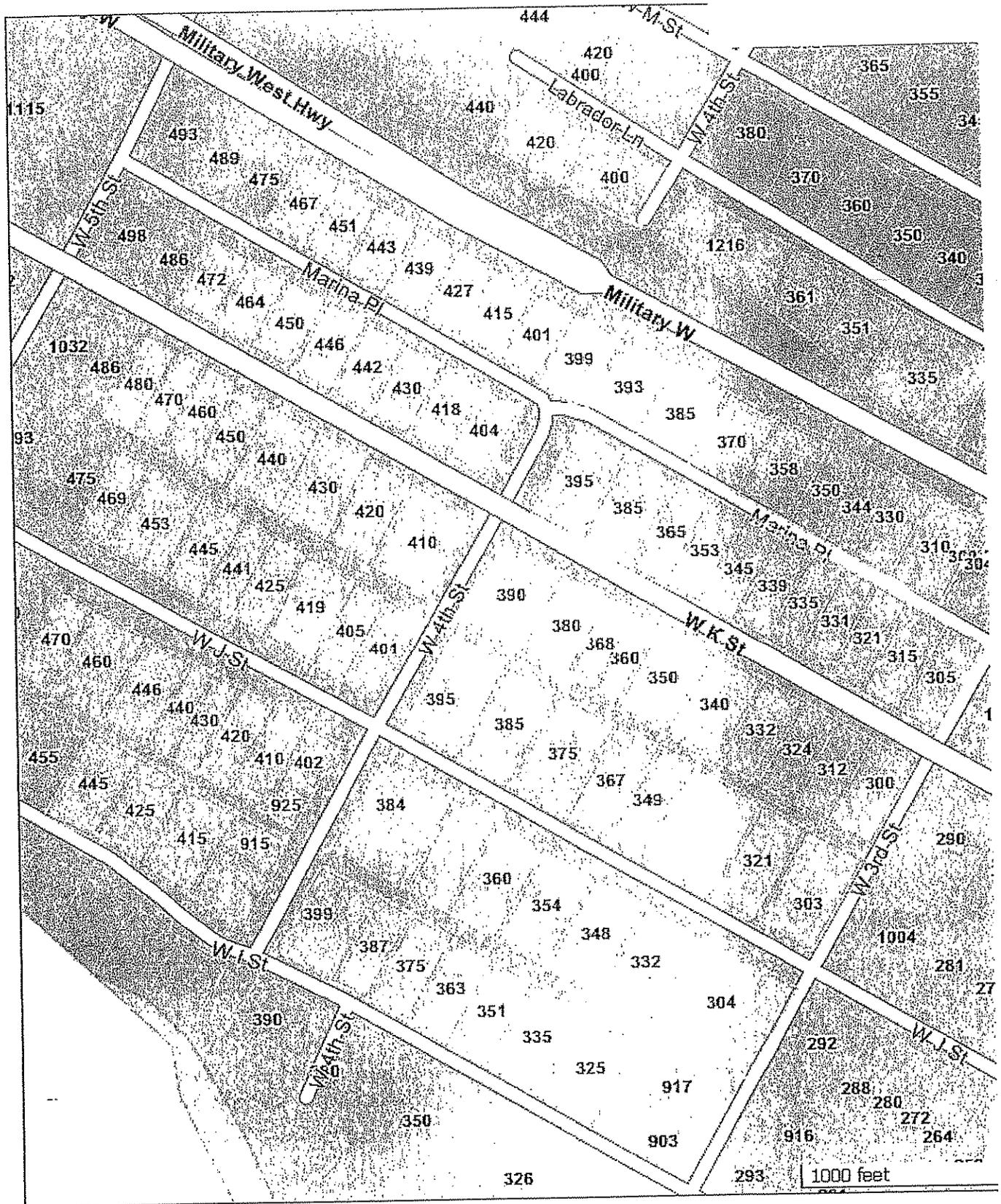
Gina Eleccion

Historic Preservation Review Commission Secretary



Commissioner Haughey - 251 West J Street

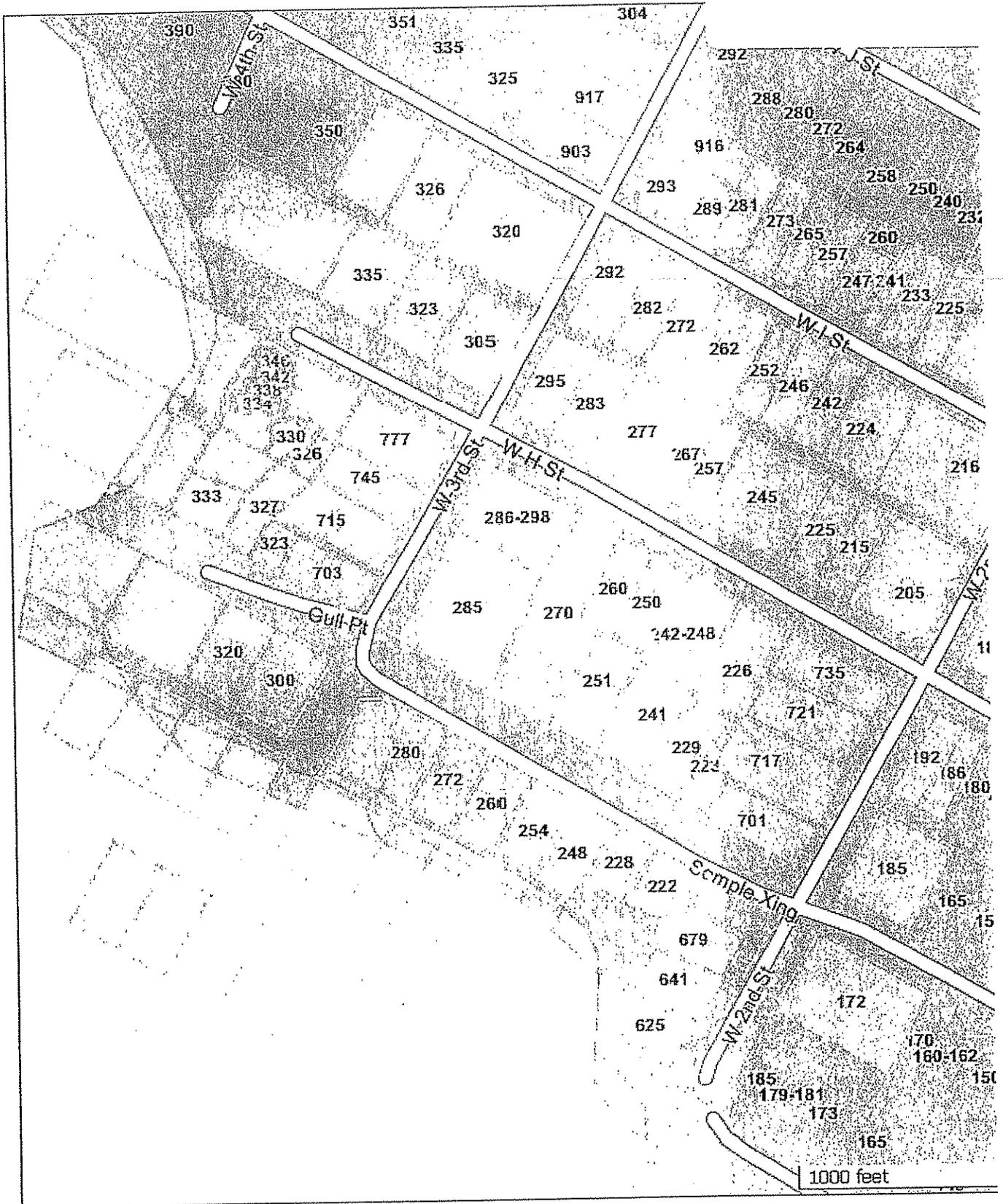
VIII-A-25



Commissioner Donaghue - 390 West K Street

VIII-A-26

Exhibit A



Commissioner Taagapera - 270 West H Street

VIII-A-28

**SEPTEMBER 25, 2008 MINUTES
(HISTORIC PRESERVATION REVIEW
COMMISSION)**



BENICIA HISTORIC PRESERVATION REVIEW COMMISSION

BENICIA UNIFIED SCHOOL DISTRICT – 350 EAST K STREET

****SPECIAL LOCATION****

Meeting will be televised on Cable Channel 28

REGULAR MEETING MINUTES

**Thursday, September 25, 2008
6:30 P.M.**

I. CALL TO ORDER

A. Pledge of Allegiance

B. Roll Call of Commissioners

Present: Commissioners Crompton, Donaghue, Haughey, McKee, Taagepera, White
and Chair Mang

Absent: None

Staff Present:

Charlie Knox, Community Development Director
Gina Eleccion, Management Analyst

Guests: Bonnie Silveria, Benicia Historical Society
Carol Roland, Consultant

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. OPPORTUNITY FOR PUBLIC COMMENT

A. WRITTEN

B. PUBLIC COMMENT

VIII-A-30

A citizen spoke regarding non-historic design review. He would like to know what guidelines will be followed regarding the non-historic properties. He recommended that fees be waived for non-optional building and repair.

III. CONSENT CALENDAR

On motion of Commissioner White, seconded by Commissioner Donaghue, the Consent Calendar was approved by the following vote:

Ayes: Commissioners Crompton, Donaghue, Haughey, McKee, Taagepera, White and
Chair Mang
Noes: None
Absent: None
Abstain: None

A. Approval of Agenda

IV. REGULAR AGENDA ITEMS

A. DRAFT HISTORIC RESOURCE INVENTORY UPDATE

City of Benicia
Downtown Historic Conservation District

PROPOSAL:

The City of Benicia is in the process of updating the Downtown Historic Conservation Plan. A current survey of historic properties has been completed and reviewed by an ad hoc committee of volunteers from the Historic Preservation Review Commission and the Benicia Historic Society. A draft of the survey results is being presented to the Commission and public for their review, comment and recommendation to the City Council.

Recommendation: Planning Commission and City Council amend the Downtown Historic Conservation Plan (DHCP) based on the findings, and subject to the conditions listed in the proposed resolution.

Charlie Knox introduced the project. He thanked the committee for their time and effort on this project.

Gina Eleccion gave an overview of the project. She introduced Bonnie Silveria, as a member of the committee.

Bonnie Silveria gave an overview of the project. She discussed the issue regarding the Portuguese community. She recommends we move forward with the survey and deal with the Portuguese homes issue once a context is developed.

Carol Roland noted that the context we have primarily addresses architecture under National Register Criterion C. That was the focus of the survey update.

Kerry Carney, Benicia Historical Society – She owns a property on the 100 block of East H Street and had questions as to the recommendations on that block. She commented on existing properties and their designation status. She commented on her experience with her own historic property.

Linda Lewis, 282 West I Street – She thanked the Commission for their work. She submitted a letter for review. She does not want her residences at 282 West I and 401 West J included as contributors.

Doug Robertson, 532 East J Street – Spoke requesting 405 East H Street be added to the district as a resource.

Larry Miller, Benicia Historical Society – He thanked everyone for their work on this project. He believes the integrity exists in the properties the committee is recommending as contributing buildings. He commented on the continued need to review homes that are over 50 years old for possible inclusion.

Kathleen Olson, 920 First Street – She thanked the committee and staff for their work on this project. She believes there was some subjectivity in the process. She read letters into the record regarding 130 West E and 251 West G. She commented on the construction date as prior to 1942. Carol Roland noted that there is a 1913-1942 Sanborn map. She noted that in that period of time, Sanborn began revising their old maps, and this property was on the 1913-1942 map, which notes construction within that time period.

Property owner 156 West F – He stated there is incorrect information on the form. He commented on work that has been done to the property. He does not think the design review fee is fair.

Donnell Rubay – She thanked the Committee for their work and noted her husband could not be here to make his comments. She is pleased with what has been done. She believes we need to look at design guidelines for non-historic properties to be compatible with the historic properties.

Marleen Deane, 1121 West 2nd Street – She questioned if there will be additional time to discuss this. She believes there should be consideration for individual properties and how they are used. She commented on materials and conditions of properties.

Steve Stark 396 East H – He commented on context. He does not see how it affects the structure.

Robert Reichert, 710 First Street – He would like his property to remain as a contributor, not be elevated to a landmark.

The public hearing was closed. A recess was called at 8:05 p.m. The meeting was reconvened at 8:15 p.m.

Chair Mang requested that Carol Roland and Bonnie Silveria comment on the specific properties brought up under public comment. Staff noted that Commissioners will need to recuse themselves on specific properties they have a conflict of interest on.

155/157 East H Street – no additional discussion needed.

138 East H – address will be added to DPR form and designation spreadsheet.

130 West E (Donaghue recused) – Carol Roland noted the date of construction was based on the 1913-1942 Sanborn map. In terms of historic appearance, additional information would need to be found should a proposal be made for restoration. Regarding Criterion C, this is one of the few industrial type buildings in the downtown. The form notes some issues with integrity, but it is still representative of its industrial building type. Charlie Knox noted that if this building was not designated as historic, as it's a commercial structure, it would still need full design review approval. Bonnie Silveria commented on the lack of industrial buildings and believes this structure should be retained. Commissioners discussed the architecture of 130 West E. There is concern that this building could be demolished. There are ways to adaptively reuse the building. Charlie Knox noted that no demolition ordinance has been drafted, which means no historic properties currently can be demolished per the Downtown Master Plan Negative Declaration.

251 West G (Haughey/Taagepera recused) – Commissioners commented on the integrity of the property. Bonnie Silveria noted that it has not changed in its footprint, but the window and porch have been changed. Carol Roland recommends removal of this property. Commissioner McKee commented on the properties that are “marginal,” and that they would still be subject to design review. Charlie Knox noted that this home is much smaller than its neighbors.

165 West F – No additional comments from Commission. Carol Roland stated that the description is based on looking at the house from the street. Additional documentation can be provided and the form modified as necessary.

710 First – Property owner would like this to be a contributor, not a designated landmark. Carol Roland noted this property might be considered a landmark, but there are issues with integrity. Consensus was to designate as a contributor.

282 West I (Haughey/Taagepera recused) – no questions.

401 West J (Haughey/Donaghue recused) – no questions.

405 East H – Commission determined not to amend the district boundary to include. Home recently was remodeled, including major addition.

110 East E – (Donaghue recused). There was discussion about the integrity, and the association with Robert Arneson is appropriate for 402 West J, not this structure, according to the property owner. Commission agreed to delist.

811 East 6th – No questions.

Properties outside current boundary:

385 West K – (Donaghue recused) Commissioners discussed this property. Carol Roland noted that she was asked to see if there were any additional districts or boundaries that should be designated. Commissioners commented on what the original features were.

327 Gull Point Court – (Taagepera recused) – Commissioners agree.

470 West J – no questions.

690 West K – no questions.

602 West K – The committee discussed this. Carol Roland noted that either a property contributes to a district or does not. This is based on the California Register criteria. Commissioner Taagepera noted there could be “properties of merit,” as a property outside the district.

It was clarified that the Fire Museum on East 2nd Street should be removed from the designation list.

Commissioners discussed the removal of properties and the impact on the district. Carol Roland noted that based on the high number of historic properties, the district is still substantial in its historic integrity.

Questions were asked about changing the district boundaries and whether intervening non-historic properties should also be added to due concern that there is no design review for the non-historic properties adjacent to the district boundaries. Carol Roland noted that by adding non-contributing structures, you lower the percentage of designated structures.

Commissioner Donaghue asked if he would have the opportunity to speak on 141 East E Street. Charlie Knox noted that there would be opportunity in the future.

Commissioners did not reach a consensus on the following two properties, and these were voted on individually as noted below:

130 West E

On motion of Commissioner Crompton, seconded by Commissioner Haughey, the property is recommended to remain as a contributing structure in the Downtown Historic Overlay District by the following vote:

VIII-A-34

Ayes: Commissioners Crompton, Haughey, Taagepera
Noes: Commissioner McKee, White and Chair Mang
Absent: None
Abstain: Commissioner Donaghue

251 West G

On motion of Commissioner White, seconded by Commissioner Donaghue, the property is recommended to be removed as a contributing structure in the Downtown Historic Overlay District by the following vote:

Ayes: Commissioners Donaghue, McKee, White and Mang
Noes: Commissioner Crompton
Absent: None
Abstain: Commissioners Haughey and Taagepera

Commissioner Donaghue asked to recuse himself to speak on his property at 141 East E Street. Chair Mang and Staff advised him that the public hearing was closed. Staff clarified that they were referring to Planning Commission and City Council when responding that Commissioner Donaghue would have an opportunity to speak on this item in the future.

Modifications to below resolution:

1. Change 710 First Street to "contributor"
2. 385 West K not recommended for designation or inclusion in the district
3. Change 110 East E Street to "remove"
4. Regarding Portuguese-influenced properties (as noted in Ad Hoc Committee report), support Roland-Nawi recommendation for removal. Issue of Portuguese will be addresses with the development of a historic context. All properties within the Downtown Historic Overlay District, excluding those in the Eastern Residential Area (shown on page 8 of the DHCP) and any other future exclave of the Central Historic Area (shown on page 7 of the DHCP) are now subject to non-historic design review.

RESOLUTION NO. 08-8 (HPRC) - A RESOLUTION OF THE HISTORIC PRESERVATION REVIEW COMMISSION OF THE CITY OF BENICIA TO THE CITY COUNCIL REGARDING THE DOWNTOWN HISTORIC DISTRICT SURVEY AND THE UPDATE TO THE DOWNTOWN HISTORIC CONSERVATION PLAN

On motion of Commissioner White, seconded by Commissioner Haughey, the above Resolution was adopted, with exceptions as noted and abstentions shown in Exhibit A attached to the Resolution, by the following vote:

VIII-A-35

Ayes: Commissioners Crompton, Donaghue, Haughey, McKee, Taagepera, White
and Chair Mang
Noes: None
Absent: None
Abstain: None

V. **COMMUNICATIONS FROM COMMISSIONERS**

Commissioner Haughey acknowledged Gina Eleccion for her work on this project.

VI. **COMMUNICATIONS FROM STAFF**

Gina Eleccion noted that there will be a Housing Expo on October 3rd and 4th at the Veterans' Memorial building. Flyers are available for the Commission and public.

In addition, there will be a presentation of the Climate Action Plan at the October 9th Planning Commission meeting, and a Climate Action workshop at the November 13th Planning Commission meeting.

VII. **ADJOURNMENT**

Chair Mang adjourned the meeting at 10:45 p.m.

**JANUARY 22, 2009 MINUTES
(HISTORIC PRESERVATION REVIEW
COMMISSION)**



BENICIA HISTORIC PRESERVATION REVIEW COMMISSION

JOINT MEETING WITH THE BENICIA PLANNING COMMISSION CITY HALL COUNCIL CHAMBERS

REGULAR MEETING MINUTES

**Thursday, January 22, 2009
6:30 P.M.**

I. CALL TO ORDER – JOINT MEETING OF PLANNING COMMISSION AND HISTORIC PRESERVATION REVIEW COMMISSION

A. Pledge of Allegiance

B. Roll Call of Commissioners

Planning Commission:

Present: Commissioners Bortolazzo, Healy, Sherry, Syracuse, Thomas, and Chair
Railsback

Absent: Commissioner Ernst

Historic Preservation Review Commission:

Present: Commissioners Crompton, Donaghue, Haughey, McKee, Taagepera, White
and Chair Mang

Absent: None

Staff Present:

Charlie Knox, Community Development Director
Damon Golubics, Principal Planner
Mike Marcus, Assistant Planner
Gina Eleccion, Management Analyst
Anne Cardwell, Administrative Services Director
Mario Giuliani, 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.

VIII-A-38

II. OPPORTUNITY FOR PUBLIC COMMENT

A. WRITTEN

None.

B. PUBLIC COMMENT

None.

III. PRESENTATIONS

A. STRATEGIC PLAN UPDATE 2009-2011

The Director of Administrative Services will present a staff report detailing the strategic plan update for 2009-2011. The strategic plan is a document that establishes, evaluates and prioritizes the City's mission, vision, guiding principles, strategic issues, strategies, and related actions. The Commissions will be asked to identify and provide input on major priorities that relate to the Planning and Historic Preservation Review Commission responsibilities.

Anne Cardwell, Administrative Services Director gave a brief presentation. Charlie Knox suggested that HPRC Commissioners email their comments on the Strategic Plan items. Planning Commission will have an opportunity to address this at their February meeting.

B. COMMANDING OFFICER'S QUARTERS UPDATE AND REUSE

Staff will facilitate a presentation and discussion regarding the construction status of the Commanding Officer's Quarters and note Commission and public input regarding reuse suggestions and comments.

Mario Giuliani, Management Analyst, gave a PowerPoint presentation. The Parks and Community Services Department is looking for feedback on reuse. They are currently in Phase 1 of the project, stabilizing the structure to prepare it for Phase 2. Phase 2 is for tenant improvements and landscaping. Public access is a mandatory requirement of the grant funding.

The public comment period was opened.

Marilyn Bardet – She would like to see historic tourism and protection of the Jefferson Ridge. She referenced the Arsenal Specific Plan. She suggested a conference center in that area, but can't see this project moving forward until the Arsenal Specific Plan is adopted.

Belinda Smith – She is concerned with public access to city-owned historic structures. She is also concerned that this is being rushed and would like more public interest in the project.

A citizen spoke on the project and would like to see weddings at this facility.

A citizen stated her support for a designers' workshop to have more input in the project. She believes this would be a good site for a meeting/event center.

William Blair, 149 West J Street – He supports a restaurant and event center.

Planning Commissioners commented on the use. Commissioner Syracuse noted that this was a social center of the area. He gave historical facts about the property. He would like to see a restaurant in the space. Commissioner Healy questioned if other jurisdictions have gone through a similar situation and suggested researching this. He mentioned the possibility of a bond measure for overall citywide improvements.

Historic Preservation Review Commissioners commented on the use. Commissioner Haughey commented that historic restorations can be expensive. She suggested interim uses before leasing long-term. Commissioner McKee commented on the square footage of the structure. He suggested that there could be a restaurant and catering/event space. Commissioner Crompton questioned if the City has any existing needs for programs or activities.

Mario Giuliani noted that staff is looking into the possibility of access to hold a public meeting onsite. In addition, he noted that Carey and Company has been looking at this project globally, along with the Arsenal Specific Plan. Carey and Co. is looking at other jurisdictions for input on similar projects.

**ADJOURNMENT OF JOINT MEETING WITH PLANNING COMMISSION;
CONTINUATION OF REGULAR MEETING OF HISTORIC PRESERVATION REVIEW
COMMISSION**

The joint meeting was adjourned at 7:17 p.m. A short recess was called. The regular meeting of the Historic Preservation Review Commission continued at 7:26 p.m.

Public Comment:

Belinda Smith commented that she was glad to see the presentation on the Commanding Officer's Reuse Study. She noted that there was a project at the Camel Barn Museum that did not comply with the Secretary of the Interior Standards. She would like a discussion and policy on how the City handles projects at city-owned properties.

Marilyn Bardet commented that the State Office of Historic Preservation recognizes landscapes. The setting is extremely important.

Jon Van Landschoot commented on the brick controversy at the IOOF. He suggested that any changes go back to the Commission.

Jim Conlow commented on the bricks at the IOOF. He believes this should have been returned to as close to original materials as possible.

The public comment period was closed.

Gina Eleccion noted that additional information was submitted for Item V-C and requested the item be pulled for discussion.

Commissioner Taagepera pulled Items V-B and V-D. In addition, she would like to separate Item VIII-A into 2 parts.

On motion of Commissioner Crompton, seconded by Commissioner Haughey, the Consent Calendar was approved, as amended above, by the following vote:

Ayes: Commissioners Crompton, Donaghue, Haughey, McKee, Taagepera, White and
Chair Mang
Noes: None
Absent: None
Abstain: None

A. Approval of Agenda

The following Consent Calendar items were pulled for discussion.

B. Approval of Minutes of December 18, 2008

Commissioners commented on the minutes. The following changes were requested:

Page 3 – Change language to reflect renovation of building, not “going up.”
Page 4 – Language should reflect that the proposal be consistent with Roland-Nawi evaluation of the property and architectural style.
Page 6 – Note Commissioner Haughey had previously requested a stop work order.
Page 6 – Clarify repair vs. emergency. Also define “minor”. Commissioner Taagepera requested definitions of repair and emergency and separate out emergency and repair.

Gina Eleccion suggested discussing these definition issues at the February meeting.

On motion of Commissioner White, seconded by Commissioner McKee, the Minutes of December 18, 2008, were approved, as amended, by the following vote:

Ayes: Commissioners Crompton, Donaghue, Haughey, McKee, Taagepera, White
and Chair Mang
Noes: None
Absent: None
Abstain: None

C. 145 EAST I STREET - *Public Hearing
08PLN-66 Minor Design Review
145 East I Street, APN: 89-051-110

PROPOSAL:

The applicant requests design review approval to add living area to back cottage, and to replace composition siding with common v-groove siding used on main house.

VIII-A-41

Gina Eleccion noted that revised plans were submitted for this project. She commented on the existing unit, the Mills Act contract, and the necessity for rehabilitation of this structure. Commissioners noted that the plans could have been more detailed.

Melani Sestin, Applicant – She noted that the only change to the exterior is the siding, which is compatible with previously approved siding on the primary structure.

Commissioners questioned if the roof slopes on both sides of the gable will match the structure. The applicant noted that the trim will match the house. There will be wood windows and a composition roof.

The public hearing was opened. No public comment. The public hearing was closed.

Commissioners questioned clarification of the CEQA exemption, as this is not a historic structure. Damon Golubics commented that there was discussion on this issue.

Commissioner Crompton questioned what this structure is classified as. Staff noted that this is an accessory structure.

The following modifications were requested:

Revise Condition #5 to reflect shingles, wood windows, corner trim, roof slopes,
Revise Condition #2 to reflect plans dated January 21, 2009

RESOLUTION NO. 09-1 (HPRC) - A RESOLUTION OF THE HISTORIC PRESERVATION REVIEW COMMISSION OF THE CITY OF BENICIA APPROVING A DESIGN REVIEW REQUEST FOR MODIFICATIONS TO A COTTAGE AT 145 EAST I STREET (08PLN-66)

On motion of Commissioner Donaghue, seconded by Commissioner White, the above Resolution was approved, as amended, by the following vote:

Ayes: Commissioners Crompton, Donaghue, Haughey, McKee, Taagepera, White and
Chair Mang
Noes: None
Absent: None
Abstain: None

D. 127 FIRST STREET – TANNERY – *Public Hearing

09PLN-1 Design Review
127 First Street, APN: 89-244-050

PROPOSAL:

The applicant requests design review approval to replace existing windows and doors, and install additional windows to the west and south facing elevation of the existing building at 127 First Street, commonly known as The Tannery. The proposed materials are consistent with previous design review approval in April 2008. Additional exterior modifications will be presented to the Commission on February 26, 2009.

Damon Golubics, Principal Planner, gave an overview of the project. He noted that the current proposal is consistent with the Commission's April 2008 approval. He noted that additional renovations will be coming before the Commission in February.

Commissioners questioned why the project is coming forward in pieces. Damon Golubics noted that the Commission can decide to either take action or continue this to hear the entire proposal in February. Staff noted that this was the applicants' decision.

James Morgan, Applicant – He noted that this was not intended to be a piecemeal application. They would like approval on the windows so they can move forward ordering the materials. They intend to bring the rest of the project forward in February. In April 2008, there was no intention for additional window changes. He noted that the existing proposal is consistent with the previous approval.

Commissioners commented on other aspects of the design, but held their comments until the February meeting.

The public hearing was opened.

Jon Van Landschoot commented on the changes proposed. He is concerned with the piecemealing of the project.

Jim Conlow commented that the west side of the building is only visible from the water.

The public hearing was closed.

Commissioners noted that the Bay Trail will be going behind the property. Commissioners are pleased to see work being done. There will be additional discussion at the February meeting.

RESOLUTION NO. 09-2 (HPRC) - A RESOLUTION OF THE HISTORIC PRESERVATION REVIEW COMMISSION OF THE CITY OF BENICIA APPROVING MODIFICATIONS TO THE SOUTH AND WEST BUILDING FACADES OF THE TANNERY BUILDING LOCATED AT 127 FIRST STREET

On motion of Commissioner White, seconded by Commissioner Taagepera, the above Resolution was approved by the following vote:

Ayes:	Commissioners Crompton, Donaghue, Haughey, McKee, Taagepera, White and Chair Mang
Noes:	None
Absent:	None
Abstain:	None

VI. REGULAR AGENDA ITEMS

- A. 726 FIRST STREET - RELLIK TAVERN (formerly PASTIME) FACADE IMPROVEMENTS**
08PLN-58 Design Review

VIII-A-43

726 First Street, APN: 89-341-010

PROPOSAL:

The applicant requests design review approval to modify the west and east facing elevations of a preexisting building. West-facing (front) façade modifications include the removal of all existing signage, removal of paint to restore brick color, a new entrance door and a new shingle sign, illuminated by two small spotlights. East-facing (rear) modifications are limited to a porch enclosure around the existing wood deck and a 10' planter box, visible from the alley.

Recommendation: Approve a Design Review request for exterior façade improvements at 726 First Street, based on the findings, and subject to the conditions listed in the proposed resolution and as discussed during the public hearing.

Commissioner McKee noted he is the architect on the project and has to recuse himself from the discussion.

Mike Marcus, Assistant Planner, distributed additional photos and color board materials on the project. He gave a brief overview of the project. He noted the interior modifications proposed. Comments from the December 18, 2008 workshop were taken into consideration by the applicant. Mike Marcus noted that additional material information was submitted for the Commission's review.

Commissioners commented on the painting of the brick and the proposed door. Staff noted that the Commission's feedback on materials was given to the applicant.

Christine Passalacqua was introduced to answer questions on the materials proposed. She noted that painting the brick is an option proposed, but they are open to suggestions.

Commissioners commented that they would like the door style to be compatible with the Moderne architecture. Commissioners had no objection to painting the brick. Mike Marcus noted that existing material can barely be classified as brick as it is thin layers of masonry.

Commissioners commented on historic photos of the building. In addition, the door was discussed. Christine Passalacqua noted that the proposed door would be ADA compliant.

The public hearing was opened.

Jon Van Landschoot commented on the project. He commented on the signage of the building being historic and believes it is a character defining feature.

The public hearing was closed.

Commissioners discussed the project. Paint color was discussed. Commissioners stated concerns with the door and the sign, particularly in relation to the Moderne style of architecture. There is a question as to the age of the sign. There was a suggestion to use glass on the doors and incorporate glass block.

VIII-A-44

Commissioner Haughey provided information on the sign. Ideally, she would like the neon sign left there. It is unknown if the sign is historic. If the sign is removed, the Camel Barn Museum would be happy to take it.

Christine Passalacqua noted that the sign was replaced and is not historic. The previous business owner may be willing to donate the sign to the Museum. Commissioner Donaghue noted that the hardware on the sign is new.

Approve with modifications:

1. Door shall be of Moderne style, compatible with existing doors on First Street, particularly Piccolo.
2. Side panel to be glass or glass block with wood trim, as approved by staff.

RESOLUTION NO. 09-3 (HPRC) - A RESOLUTION OF THE HISTORIC PRESERVATION REVIEW COMMISSION OF THE CITY OF BENICIA APPROVING EXTERIOR FACADE IMPROVEMENTS AND A REAR PORCH ENCLOSURE AT THE RELLIK TAVERN (formerly PASTIME) ON A BUILDING LOCATED AT 726 FIRST STREET

On motion of Commissioner Taagepera, seconded by Commissioner White, the above Resolution was approved, with above modification, by the following vote:

Ayes: Commissioners Crompton, Donaghue, Haughey, Taagepera, White and Chair Mang
Noes: None
Absent: None
Abstain: Commissioner McKee

Mike Marcus gave information on the DHCP Guidelines regarding doors. Commissioners discussed the ADA issue with the door. The applicant noted that the sidelight panel is there because of the approach of the door.

A recess was called at 9:28 p.m. The meeting was reconvened at 9:40 p.m.

VII. COMMUNICATIONS FROM COMMISSIONERS

None.

VIII. COMMUNICATIONS FROM STAFF

A. DISCUSSION ON COMMISSIONER TAAGEPERA'S MEMO ON PRESERVATION ISSUES – Continued from December 18, 2008

Commissioner Taagepera submitted a memo related to preservation issues, with particular emphasis on the designation of Portuguese-influenced properties. The Commission requested this be agendaized for discussion.

VIII-A-45

Recommendation: Discuss Commissioner Taagepera's memo, including the action of the September 25, 2008 HPRC meeting regarding Portuguese-influenced properties. If the Commission finds that the approved minutes and resolution contain errors, direct staff to bring a revised resolution and amended minutes for approval on February 26, 2009.

1. Discussion on Commissioner Taagepera's memo.

Staff and Commissioners discussed the issues raised in Commissioner Taagepera's memo. Staff noted that many of the items raised are supported by staff, but require funding that may be difficult to get. Commissioners commented on the amount of work that needs to be done. The Priority List of Discussion Items was discussed. The Commission would like a resolution to Council confirming the priorities and need for funding. There was a suggestion to have the Chair address Council on the work of the Commission.

2. Discussion on the listing status of the Portuguese properties related to the historic resource inventory.

Gina Eleccion noted that there is a difference in opinion as to what happened at the September 25, 2008 meeting regarding the listing of the Portuguese influenced properties. The Commission is being asked to provide direction to staff as the action taken. Commissioner Taagepera gave an overview of the actions at the meeting. She believes that the Portuguese properties were recommended for listing. Commissioner Haughey believes the 12 properties were going to remain as contributors.

Gina Eleccion noted that it is common for staff to present a recommendation that the Commission modifies at the meeting. That is what happened regarding the Portuguese properties. The language in the minutes reflects that.

Commissioner Taagepera commented that she watched the tape and does not believe these buildings were delisted.

Commissioners commented on what transpired at the meeting.

Commissioner Taagepera stated for the record that she did not vote to delist the Portuguese properties.

On motion of Commissioner Haughey, seconded by Commissioner Taagepera, the Commission recommended amending the minutes and resolution to reflect an error and clarify that the Portuguese properties are to be listed, by the following vote:

Ayes: Commissioners Haughey and Taagepera
Noes: Commissioners Crompton, Donaghue, McKee, White and Chair Mang
Absent: None
Abstain: None

The motion to amend the minutes and resolution did not carry.

VIII-A-46

B. STATUS REPORT: 721 FIRST STREET (IOOF BUILDING)

The Commission requested a status report and discussion on construction activity at 721 First Street.

Gina Eleccion gave a history of the project. She noted that red brick was proposed, but was not installed. Charlie Knox viewed the site after brick was already up and determined that it should be left. In addition, she noted that there was a lot of interest from the community and Council, and a desire to have the work completed.

Commissioner Haughey noted that there is a lot of work that needs to be done, but it should be approved by the Commission. Commissioners would like to have the building fixed by replacing the brick with red brick. Consensus of the Commission was to bring this back as an action item. Staff will get a legal opinion on what we can legally require of the applicant.

C. CERTIFIED LOCAL GOVERNMENT (CLG) ANNUAL REPORT

Staff will present the CLG Annual Report to the Commission for review and discussion.

Gina Eleccion gave an overview of the report.

Commissioners commented on the qualifications. Gina Eleccion noted that these are recommended qualifications. The City is looking at amending the Benicia Municipal Code to allow non-resident Commissioners. This would open the process up to more individuals.

The report was discussed in terms of goals and budget. Gina Eleccion noted that the next year will be challenging. Staff will be looking for creative ways to comply with training requirements.

IX. ADJOURNMENT

Chair Mang adjourned the meeting at 11:05 p.m.

PLANNING COMMISSION RESOLUTION NO. 08-12

RESOLUTION NO. 08-12 (PC)

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BENICIA TO THE CITY COUNCIL RECOMMENDING AN AMENDMENT TO THE DOWNTOWN HISTORIC OVERLAY DISTRICT MAP

WHEREAS, the purpose of the Historic Preservation Review Commission is to:

- advise and assist the City Council in implementing the goals, policies and programs set forth in the city's General Plan relating to preservation and enhancement of the city's historic character;
- identify, register, designate, preserve, protect, enhance and perpetuate those historic structures, districts and neighborhoods which contribute to the cultural and aesthetic heritage of Benicia; and
- maintain a program to compile, record and update an inventory of cultural resources within the city, which shall be based on comprehensive surveys conducted in conformance with state survey standards and procedures.

WHEREAS, the Historic Preservation Review Commission on September 25, 2008 reviewed recommended updates to the Downtown Historic Conservation Plan text and maps and has recommended approval of the proposed amendments to the Downtown Historic Overlay District maps; and

WHEREAS, the Planning Commission, at its regular meeting on December 11, 2008, held a public hearing and reviewed recommended updates to survey documentation and historic resource designations for properties within the Downtown Historic Overlay District as well as proposed modifications to the boundaries of the Downtown Historic Overlay District.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Benicia hereby recommends that the City Council amend the Downtown Historic Overlay District map to:

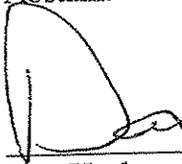
1. Categorize all historic resources as either landmark or contributor to the historic district; and
2. Expand the district boundary to include the portion of East K Street Between East Third and East Fourth Streets; and include 470 West J Street and 327 Gull Point Court.
3. Amend the Zoning Map to expand the boundary of the Downtown Historic Overlay District to include the portion of East K Street between East Third and East Fourth Streets; include 470 West J Street and 327 Gull Point Court.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Benicia hereby finds, in accordance with Benicia Municipal Code Section 17.54.090, that the Downtown Historic District, as proposed to be amended, has a significant architectural or historical character that can be preserved and enhanced through appropriate controls on new development and alterations to existing buildings and landscaping, and that the proposed amendments are consistent with the goals and policies of the General Plan.

* * * * *

On motion of Commissioner Thomas, seconded by Commissioner Sherry, the above Resolution, with abstentions as noted in Exhibit A of the final Resolution, was adopted by the Planning Commission of the City of Benicia at a regular meeting of said Commission held on December 11, 2008 by the following vote:

Ayes: Commissioners Bortolazzo, Healy, Sherry, Syracuse and Thomas
Noes: Commissioner Ernst
Absent: Chair Railsback
Abstain: None



Dan Healy
Planning Commission Vice Chair

**DECEMBER 11, 2008 MINUTES
(PLANNING COMMISSION)**



BENICIA PLANNING COMMISSION

CITY COUNCIL CHAMBERS

REGULAR MEETING MINUTES

Thursday, December 11, 2008

7:00 P.M.

I. OPENING OF MEETING

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

Present: Commissioners Richard Bortolazzo, Rick Ernst, Dan Healy, Rod Sherry,
Lee Syracuse, and Brad Thomas

Absent: Chair Railsback (excused)

Staff Present: Damon Golubics, Principal Planner
Mike Marcus, Assistant Planner
Gina Eleccion, Management Analyst
Kat Wellman, Contract Attorney

- 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. AGENDA CHANGES AND DISCUSSION

On motion of Commissioner Ernst, seconded by Commissioner Syracuse, the agenda was approved, as amended by pulling Item IV-D per the public's request, by the following vote:

Ayes: Commissioners Ernst, Healy, Sherry, Syracuse and Thomas
Noes: Commissioner Bortolazzo
Absent: Chair Railsback
Abstain: None

III. OPPORTUNITY FOR PUBLIC COMMENT

- A. WRITTEN**

None.

B. PUBLIC COMMENT

None.

IV. CONSENT CALENDAR

On motion of Commissioner Bortolazzo, seconded by Commissioner Sherry, the Consent Calendar was approved, as amended by pulling Item IV-D, by the following vote:

Ayes: Commissioners Bortolazzo, Ernst, Healy, Sherry, Syracuse and Thomas
Noes: None
Absent: Chair Railsback
Abstain: None

A. Approval of Agenda

B. Approval of Minutes of November 5, 2008

C. Approval of Minutes of November 13, 2008

D. ZONING MAP AMENDMENT - DOWNTOWN HISTORIC OVERLAY DISTRICT -

***Public Hearing**

City of Benicia

Zoning Map Amendment - Downtown Historic Overlay District

PROPOSAL:

The City of Benicia is in the process of updating its downtown historic resource inventory. A current survey of historic properties has been completed and reviewed by the Historic Preservation Review Commission. Pursuant to Chapter 17.120 (Amendments) of the Benicia Municipal Code, the Planning Commission must make a recommendation to the City Council regarding only the Downtown Historic District map boundary changes recommended by the Historic Preservation Review Commission. The Planning Commission does not make a recommendation to Council on any other aspect of the historic survey update.

Recommendation: Recommend City Council amendment to the Downtown Historic Overlay District based on the findings, and subject to the conditions listed in the proposed resolution and as discussed during the public hearing.

Gina Eleccion, Management Analyst, gave an overview of the requested map amendments.

The public hearing was opened.

Phyllis Hartzell, 420 West K Street – She requested that the boundary be moved to no longer include the 400 block of West K Street. She noted that she has previously requested this and nobody from staff contacted her about this item. She submitted a letter.

Jon Van Landschoot, 175 West H Street – He commented on the history of the district and the requirements of historic properties. There have been many changes in staff during the 4-year process of this project. He commented on the City’s requirements for being a Certified Local Government. He stated his appreciation of the Commission’s efforts on the adult business ordinance.

The public hearing was closed.

Commissioners questioned the changes being made. Gina Eleccion clarified that all individual property forms have been evaluated by HPRC. HPRC is charged with protecting historic resources. It is the purview of the Planning Commission to recommend changes to the map per HPRC’s recommendations. Gina Eleccion noted that she personally has spoken to Ms. Hartzell on numerous occasions and advised her of the Ad Hoc Committee’s intent to retain her property as a contributor.

Kat Wellman, Contract Attorney, noted that this is a recommendation to the City Council only. Final action will be taken by the City Council.

RESOLUTION NO. 08-12 (PC) - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BENICIA TO THE CITY COUNCIL RECOMMENDING AN AMENDMENT TO THE DOWNTOWN HISTORIC OVERLAY DISTRICT MAP

On motion of Commissioner Thomas, seconded by Commissioner Sherry, the above Resolution was adopted by the following vote:

Ayes:	Commissioners Bortolazzo, Healy, Sherry, Syracuse and Thomas
Noes:	Commissioner Ernst
Absent:	Chair Railsback
Abstain:	None

V. REGULAR AGENDA ITEMS

- A. 726 FIRST STREET – RELLIK TAVERN USE PERMIT FOR LIVE ENTERTAINMENT AND ALCOHOL BEVERAGE SALES**
08PLN-57 Use Permit
726 First Street, APN: 89-341-010

PROPOSAL:

In accordance with the Downtown Mixed Use Master Plan, the applicant requests approval of a Use Permit for alcohol beverage sales between the hours of 9pm and 2am and for indoor live entertainment.

Recommendation: Approve a Use Permit for alcoholic beverage sales and live entertainment, for the proposed bar located at 726 First Street, based on the findings, and subject to the conditions listed in the proposed resolution and as discussed during the public hearing.

Commissioners Bortolazzo and Sherry stated a conflict of interest for property ownership within 500' of the project.

Mike Marcus, Assistant Planner, gave an overview of the project. Staff has recommended specific conditions of approval to address any issues.

Commissioners discussed the overall project. In response to a question asked, Mike Marcus noted that there is approximately 100' from the back deck to the nearest residence. However, he noted that there are apartments on the other side of the alley from the project.

Commissioners stated their concerns over noise issues and would like to ensure that this is addressed. There is a concern with proper lighting of the project. The design will be reviewed by the Historic Preservation Review Commission. In addition, Mike Marcus noted that the existing card room will cease operations.

The hours of operation were discussed. Mike Marcus noted that the hours presented are consistent with other bars in town. The difference between live and amplified music was discussed.

Delando Pegan, Applicant – He thanked staff for their work on this project. He noted that since living in town, there haven't been many places like his proposed bar for entertainment purposes. He would like to see the hours extended. He commented on the back deck and smoking issues. He would prefer to not have patrons congregating in front of the business on First Street to smoke. He questioned the use of minor amplified music.

Commissioners commented on the alley and existing entrances. The applicant noted that the alley entrances will be sealed. In addition, the applicant noted that there have been no police/noise calls for issues related to the back deck.

Commissioners commented on the potential to ban smoking near public buildings and questioned how this would affect the business. The applicant noted that this would hurt the business, and would hurt all restaurants and bars.

Delando Pegan noted that ideally he would like the latest hours as possible for smoking on the patio. Regarding music, he would like 12:30 a.m. or 1:00 a.m. on weekends; but was okay with 10:00 p.m. on weekdays. He would like flexibility on special occasions (3rd of July or other events).

The public hearing was opened.

Christine Passalacqua – She has worked with the applicants on numerous projects. They are quality and detail oriented people. In addition, they are working with a variety of community members and businesses. She supports the project.

Wade Gomes – He has been working with the applicants on the project. He commented on smoking restrictions in other cities. He noted that smoking is permitted in designated areas, which is why the smoking patio is proposed.

Tom Hamilton – He commented on the 12 occurrences for amplified music. He would like flexibility in the amplified music.

Nobel Griswold – He does not currently go to the Pastime, but is excited to see this project move forward. He would like to see flexibility in the hours and smoking.

Greg Davis, 123 West D Street – He lives around the corner from Choices. He noted that the doors are supposed to be closed, but they are frequently left open. He has concerns for neighbors of this new establishment. He thinks this is a positive project, but would like follow-up with the police on the door issues.

The public hearing was closed.

Mike Marcus suggested the following:

1. Expanding hours of live entertainment to 1:00AM on weekends
2. Retaining recommended hours of operation on the rear smoking patio, since First Street will not be impacted after 10:00PM on weekdays.
3. Solo acoustical musicians/instrumentalists requiring amplification shall be exempt from Condition #8 (hour limitations for amplified music).
4. Conditions #24 & 25 offer protection in the case that neighbors are impacted: 24) Use Permit conditions of approval shall be reviewed on an as needed basis by the Community Development Department and Police Department; 25) In the event of violations of the conditions of this permit, the Community Development Director and the Police Department may refer the Use Permit to the Planning Commission for subsequent review, potential modifications to conditions of approval, or potential revocation of the Use Permit, pursuant to BMC Chapter 17.104.090 and Chapter 17.128.060.
5. On a case-by-case basis, the permittee may request exemption from the hours of operation of indoor live entertainment (Condition #8) for any city-wide event. The request shall be made in writing to the Community Development Department at least seventy-two (72) hours prior to event. Such events shall not count towards the permittee's allotted twelve (12) live entertainment events per calendar year.

Commissioners discussed the number of restrictions being placed on this business. There are concerns with smoking.

Amend resolution to:

1. Delete Item 6
2. Included recommended hour changes
3. Delete Item 10
4. Reword Item 9 regarding amplified music

Kat Wellman noted that in order to meet the intent of State law, there can't be a fully enclosed space for smoking. This would allow employees to access the patio.

Damon Golubics noted that the hours have been negotiated between the applicants, staff and the police department. He noted that there needs to be a balance with neighboring property owners. He recommended a condition requiring a self-closing mechanism on the door leading to the rear patio as a means of sound attenuation.

Kat Wellman noted that if condition 6 is a major issue, that should be addressed. In addition, staff and the applicant agreed to increase live entertainment to 1:00 a.m. on the weekends. She noted that Mike Marcus suggested language to clarify Item 10. In addition, applicant can apply for extended hours for weekday special events and holidays for amplified music, with approval from the Community Development and Police Departments. Add to #8, include self-closing back door.

RESOLUTION NO. 08-13 (PC) - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BENICIA APPROVING A USE PERMIT FOR A BAR ESTABLISHMENT WITH LIVE ENTERTAINMENT AT 726 FIRST STREET

On motion of Commissioner Ernst, seconded by Commissioner Syracuse, the above Resolution was adopted by the following vote:

Ayes:	Commissioners Ernst, Syracuse and Thomas
Noes:	Commissioner Healy
Absent:	Chair Railsback
Abstain:	Commissioners Bortolazzo and Sherry

A recess was called at 8:38 p.m. The meeting was reconvened at 8:44 p.m.

B. ADOPTION OF COMMISSION RULES & PROCEDURES
The Commission will discuss and adopt Rules and Procedures.

Recommendation: Discuss, review, take public testimony, and approve rules and procedures by which the Planning Commission can conduct business. Adopt a resolution authorizing use of the Planning Commission rules and procedures.

Damon Golubics gave an overview.

Commissioners discussed the rules and procedures. Paragraph F was mentioned for clarification. Kat Wellman recommended removing the last sentence. She clarified leaving the recommendation to reconsider at the same meeting, as Planning Commission may not be the final action. In addition, she clarified the motion to reconsider.

**RESOLUTION NO. 08-14 (PC)- RESOLUTION OF THE PLANNING
COMMISSION OF THE CITY OF BENICIA ADOPTING FORMAL RULES AND
PROCEDURES BY WHICH THE COMMISSION WILL OPERATE**

On motion of Commissioner Syracuse, seconded by Commissioner Ernst, the above Resolution was adopted by the following vote:

Ayes:	Commissioners Bortolazzo, Ernst, Healy, Sherry, Syracuse and Thomas
Noes:	None
Absent:	Chair Railsback
Abstain:	None

VII. COMMUNICATIONS FROM STAFF

Damon Golubics noted that there will be a public facilitated meeting on the Benicia Business Park project. In addition, he thanked the Commission for their hard work in 2008 and wish everyone a happy holiday season.

Mike Marcus encouraged people to attend the Arts Benicia exhibit. In addition, he clarified the motion on the Rellik conditions regarding #17.

VIII. COMMUNICATIONS FROM COMMISSIONERS

Vice Chair Healy thanked staff for their work and wished everyone a happy holiday.

IX. ADJOURNMENT

Vice Chair Healy adjourned the meeting at 8:55 p.m.

**JULY 26, 2007 MINUTES
(HISTORIC PRESERVATION REVIEW
COMMISSION)**



**BENICIA HISTORIC PRESERVATION REVIEW COMMISSION
CITY HALL COUNCIL CHAMBERS
(SPECIAL LOCATION)**

REGULAR MEETING MINUTES

**Thursday, July 26, 2007
6:30 P.M.**

I. CALL TO ORDER

A. Pledge of Allegiance

B. Roll Call of Commissioners

Present: Commissioners Conlow, Donaghue, Haughey, Mang, White, and Chair Delgado
Absent: Commissioner Wilson (excused)

Staff Present:

Charlie Knox, Community Development Director
Xzandrea Fowler, Associate Planner
Gina Eleccion, Administrative Secretary

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. OPPORTUNITY FOR PUBLIC COMMENT

A. WRITTEN

Written comments received prior to the meeting were submitted to the Commission for review.

B. PUBLIC COMMENT

VIII-A-60

Bill Royal spoke regarding 150 West G Street and the fact that he believes it should be recognized as a contributor. He commented that he was labeled as a violent person and was not treated fairly. He noted that he completed his project on East D Street.

III. CONSENT CALENDAR

On motion of Commissioner Donaghue, seconded by Commissioner Conlow, the Consent Calendar was approved by the following vote:

Ayes: Commissioners Conlow, Donaghue, Haughey, Mang, White and Chair Delgado
Noes: None
Absent: Commissioner Wilson

A. Approval of Agenda

B. Approval of Minutes of June 28, 2007

IV. REGULAR AGENDA ITEMS

- A. 134 WEST D STREET**
06PLN-45 Design Review
134 West D Street; APN: 89-243-050

PROPOSAL:

The applicant is proposing to relocate a three story, 112-year old house (known as the Thompson House) and its water tower from Napa County to the Benicia shore at the end of West D Street to create a Bed and Breakfast Inn. The project site is 18,750 square feet. The relocated house will undergo extensive restoration and rehabilitation. The Inn will have a total of 6 guest rooms and a caretaker's suite.

Recommendation: Approve a design review permit for relocation and restoration of a house and water tower to 134 West D Street; and recommend that the Planning Commission approve the associated Initial Study/ Mitigated Negative Declaration, based on the findings, and subject to the conditions listed in the proposed resolution.

Commissioner Donaghue recused himself due to property ownership within 500' of this project.

Xzandrea Fowler, Associate Planner, gave a brief presentation on the project. An Initial Study was prepared for this project and comments will be received through August 9th.

The Commissioners questioned if the Historic Building Code could be used for this project. Xzandrea Fowler noted that it could. She further noted that no Use Permit is required for the bed and breakfast use. A Use Permit is required for the parking.

The applicant gave a slideshow presentation.

The public hearing was opened.

Chuck Maddux, 126 East D Street – He supports the project.

Bill Royal – He supports the project.

Donald Dean, 257 West I Street – He questioned the future Bay Trail in the project. Xzandrea Fowler noted that this will be conditioned during the Planning Commission approval of the project.

Sandra Shannonhouse – She questioned height and FAR, and its compliance with the Downtown Mixed Use Master Plan. She believes the project is compatible with the area.

Xzandrea Fowlers stated the following:

Height to peak – 38'; height to eave - 30'; FAR – 0.32.

Dave Delgado, 185 East D Street – He supports the project.

Jon Van Landschoot, 175 West H Street – He generally supports the project. He reminded the Commission that this will no longer be a historic structure and will not be eligible for the Mills Act. He is concerned with people moving buildings from other towns and then significantly altering the buildings.

The public hearing was closed.

Commissioners discussed the project. There was a question regarding the historic status of other structures that have been moved here. Xzandrea Fowler noted that it could be deemed architecturally significant to the State of California.

RESOLUTION NO. 07-9 (HPRC) - A RESOLUTION OF THE HISTORIC PRESERVATION REVIEW COMMISSION OF THE CITY OF BENICIA APPROVING DESIGN REVIEW FOR PROPOSED RELOCATION OF A HOUSE AND WATER TOWER TO BE USED AS A BED AND BREAKFAST INN AT 134 WEST D STREET (06PLN-45)

On motion of Commissioner White, seconded by Commissioner Haughey, the above Resolution was approved by the following vote:

Ayes:	Commissioners Conlow, Haughey, Mang, White and Chair Delgado
Noes:	None
Absent:	Commissioner Wilson
Abstain:	Commissioner Donaghue

- B. **DRAFT HISTORIC BUILDING SURVEY**
City of Benicia
Downtown Historic Conservation District

VIII-A-62

PROPOSAL

The City of Benicia is in the process of updating the Downtown Historic Conservation Plan. A current survey of historic properties has been completed. A draft of the survey results is being presented to the Commission and public for their review, comment and recommendation to the City Council.

Recommendation: That City Council amend the Downtown Historic Conservation Plan (DHCP) based on the findings, and subject to the conditions listed in the proposed resolution.

Charlie Knox, Community Development Director, commented on the abstentions for the Commissioners. He further advised the Commissioners on ex-parte communications. Commissioner Donaghue noted that he had numerous ex-parte communications with many individuals.

Xzandrea Fowler, Associate Planner, gave a history and overview of the project. The previous historic surveys were done in 1986 by volunteers. She noted that there is no State recognition of "potential" contributors or landmarks. This has been addressed in the updates. A draft of the surveys was completed in 2004, and has been revised and edited since then. Recommendations from the consultant are based strictly on the State's criteria.

Charlie Knox noted that the surveys were an independent consultant's recommendation based on objective criteria.

Xzandrea Fowler noted that staff is recommending the documentation be provided for properties that did or did not meet the criteria to be designated. She gave information on the new district that is being recommended.

Commissioners questioned whether CEQA review is needed. Xzandrea Fowler noted that any text changes will require CEQA review, but the survey forms do not. Charlie Knox further noted that the listing or delisting of properties is technically exempt, and any zoning text changes will require environmental review.

Commissioner Haughey commented that there is a structure being recommended for delisting that currently has the Mills Act. Xzandrea Fowler noted that the text to the Downtown Historic Conservation Plan can be amended to clarify some of these issues.

Commissioner Conlow commented on a project that was approved for an 1800's era home. It is being recommended for removal as a contributor.

Commissioner Donaghue questioned if there have been amendments to the contract for the survey work. Charlie Knox noted that the Commission will be making a recommendation to the City Council on the proposed surveys. Xzandrea Fowler noted that all eligible properties within the district had DPR forms prepared. Commissioners questioned the criteria being used. Xzandrea Fowler noted that the State Office of Historic Preservation standards are

used, and that the City's standards are outdated, which is why the Downtown Conservation Plan needs to be updated.

Chair Delgado questioned how individual properties outside the district would be evaluated. Xzandrea Fowler noted that individual properties not in a cluster had not been evaluated. Additional funding will be required for this to occur. Charlie Knox noted that the Commission may wish to discuss incentives for property owners to restore their properties to eligibility status.

Xzandrea Fowler noted that to be eligible for the State register, there must be a level of historic integrity. The Commission and City Council can establish criteria for contributor or landmark status.

Commissioner Conlow commented that there is incorrect information on the survey forms. Charlie Knox noted that basic property information (owner name) is not significant to the data, but should be corrected.

The public hearing was opened.

Bill Royal, 409 East 2nd Street – He believes the consultant is inadequate. He commented on his own property being misclassified.

Kerry Carney, 164 East H Street – She believes this is a great effort. She thinks it is a good basis to begin talking about this. She would like to see every letter to include a form and letter and map. She noted that there is a significant change recommended on East H Street. She commented on local cultural significance.

Cathy Forbes, 744 Tulip Court – She thanked the Commission for their hard work. The survey forms are a very important tool and its accuracy is critical.

Larry Miller, 146 Carlisle Court – He stated that this is a great beginning. Every homeowner should get their own form. The Historic Society would be willing to help get the information out.

John Woods, 355 West M Street – He questions the quality of the review. He commented on the use of the word “property” versus the use of the word “structure”. This needs to be clarified. He believes there are too many mistakes in the survey forms.

Phyllis Hartzell, 420 West K Street – There are two properties on her street that are designated. Her house is being recommended for removal. She does not understand the process for listing and delisting. She commented that it is expensive to own a historic home.

Linda Lewis, 282 West I Street – She commented on 401 West J being recommended as a contributor. She does not want to be included as a historic contributor. It is a financial burden to own a historic home. She does not believe that her properties should be historic.

Chuck Maddux, 126 East D Street – He does not believe this should move forward. Property owners should be contacted. He has documentation that some of his property information is incorrect.

Richard Fitzsimmons, 187 West H Street – He spoke regarding the address of his property. There are 3 addresses (185, 187 and 189 West H). The owner on his survey form is incorrect.

Damon Beggs, 175 East F Street – His home is being recommended as a historic landmark and he is concerned about impacts to his property.

Robert Brown, 215 West H Street – His home was originally listed as a contributor, but is being recommended for removal. He would like to know why it's recommended for removal.

Kathleen Brown, 215 West H Street – She would like to see more notification. She would like to understand why her property is being recommended for removal.

Bonnie Silveria, President of the Historical Society – She has been involved in this process for a long time. She believes this is a good start and would like to see a Committee formed to do public outreach. The survey is a foundation for the update to the Downtown Historic Conservation Plan.

Carol DeMaintenon, 126 East E Street – Her property is recommended for delisting. There are many properties that should no longer be designated.

J.B. Davis, 385 West K Street – He believes his property should have been evaluated. There are too many inconsistencies with the survey.

Kathleen Olson, 920 First Street – Regarding 251 West G Street, the property owner supports the recommendation for removal. She recommended allocating resources if this process is to be expanded.

A citizen named Jane noted that the design review fee is too high.

Donnell Rubay, 175 West H Street – She believes the forms are more complete than they've ever been. She commented on delisting and the CEQA process. She would like survey forms for all properties. She commented on issues with non-historic Mills Act properties. She would like to be off the historic list if the guidelines are not being followed.

Sandra Shannonhouse, 110 East E Street – This survey is extremely important. Each property owner needs to be spoken to. There needs to be a local category to address properties that have lost integrity but could be returned to their historic integrity. All properties within the district should be subject to design review. She stated her concern with compatibility. There needs to be a Historic Preservation education program.

Mark Mitchell, Attorney – He noted that there is specific criteria in the 1990 surveys. He does not believe the homes that have lost their integrity should be included. The City needs to look at the benefit of the program as a whole, not simply based on individual opinions.

Jon Van Landschoot, 175 West H Street – He believes this is a great start. There are still errors on the forms. There needs to be additional discussion regarding recommendations for additions and removals. Design review should be required of all homes in the district.

Donald Dean, 257 West I Street – He supports the effort of having professional expertise. He commented on the CEQA exemption and believes there may be a potential impact regarding the delisting of properties. He would like to see a Negative Declaration done.

The public hearing was closed.

A recess was called at 9:45 p.m. The meeting was reconvened at 9:52 p.m.

Commissioners would like to see more work be done. Information should be corrected on the forms. Additional work should be done to make the forms factual. There should be a form for each property and the specific criteria used should be stated. There are houses outside the district that should be looked at. Delisting should be looked at in terms of the impact to the district. CEQA and Mills Act processes need clarification.

The item has been continued with the following purpose:

1. Receive a 2nd outside professional opinion on the surveys completed;
2. Form an ad hoc committee of Commission and Historical Society representatives to direct the work of volunteers to review survey forms, correct errors and perform outreach; and
3. Request input and guidance from the State Office of Historic Preservation.

V. COMMUNICATIONS FROM COMMISSIONERS

The Commissioners would like to agendize a discussion of 150 West G Street, as presented in a letter from Bill Royal.

Commissioner Conlow would like to see a mechanism for those properties being recommended for removal to move forward.

VI. COMMUNICATIONS FROM STAFF

None.

VII. ADJOURNMENT

Chair Delgado adjourned the meeting at 10:20 p.m.

**NOVEMBER 17, 2005 MINUTES
(HISTORIC PRESERVATION REVIEW
COMMISSION)**

Minutes
Regular Meeting
City of Benicia Historic Preservation Review Commission
THURSDAY, November 17, 2005
6:30 p.m.

I. OPENING OF MEETING

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

Present: Chair Donaghue, Commissioners Conlow, Dean, Delgado, Grantham,
Haughey

Absent: Commissioner Wilson (excused)

Staff Present:

Dan Schiada, Acting Community Development Director
Bob Brown, Interim Community Development Director
Brenda Gillarde, Consulting Planner
Carol Roland, Historic Consultant
Gina D. Eleccion, Administrative Secretary

- C. Fundamental Rights - A plaque stating the Fundamental Rights of each member of the public is posted at the entrance to this meeting room per Section 4.04.030 of the City of Benicia's Open Government Ordinance.

II. PUBLIC COMMENT NOT ON AGENDA

Dan Schiada introduced himself as the Director of Public Works and Acting Community Development Director. He introduced Bob Brown, Interim CDD Director. Mr. Brown is the retired Director from Livermore and has experience in Albany, Rio Vista and Richmond. The City is recruiting a permanent CDD Director.

Bill Royal, 195 East D Street – His project has been held up for numerous reasons. He is putting a roof on his property now and wants to proceed with the siding and windows. He requests to be on the December agenda so he can move forward with his project.

Vice Chair Delgado questioned if a complete application has been submitted. Dan Schiada commented that a letter will be sent updating the previous request giving more details. Mr. Royal stated he is willing to work with staff to get this complete.

Vice Chair Delgado questioned the timing of getting this project on the December meeting. Dan Schiada stated that it may not be reasonable to review the materials and have this ready for the December meeting.

Toni Haughey noted a letter was given to the Commissioners regarding the incompleteness of the project.

Vice Chair Delgado noted that the agenda is set by staff when an application is complete. He agreed to work with Mr. Royal to go over incompleteness issues.

Jon Van Landschoot questioned the date of the December meeting. Gina Eleccion stated the meeting is December 22nd. Jon Van Landschoot further recommended that these meetings be televised. He thanked Carol Roland for her work on the survey. He requested moving Item D ahead in the meeting.

III. CONSENT CALENDAR

Vice Chair Delgado requested moving Item IV-D to be heard first.

On motion of Chair Donaghue, seconded by Vice Chair Delgado, the Consent Calendar was approved, moving item IV-D to the first agenda item, by the following vote:

Ayes: Chair Donaghue, Commissioners Conlow, Dean, Delgado, Grantham,
Haughey
Noes: None
Absent: Commissioner Wilson (excused)

A. Approval of Agenda

IV. REGULAR AGENDA ITEMS

D. DRAFT HISTORIC BUILDING SURVEY

City of Benicia
Downtown Historic Conservation District

PROPOSAL:

The City of Benicia is in the process of updating the Downtown Historic Conservation Plan. The first step in the process is an update to the historic building surveys. Roland-Nawi Associates, a consulting firm with technical expertise in architectural history, has evaluated all of the properties in the historic district. A draft of the survey results is being presented to the Commission and public for their review and comment.

This item was moved ahead in the agenda.

Chair Donaghue noted that he had done research on this. He noted that this is a preliminary meeting and no decision will be made.

Brenda Gillarde, Consulting Planner, introduced Carol Roland, Consultant. The survey is the first step in a multi-step process to update the Downtown Historic Conservation Plan. This meeting is a first step in looking at the draft survey. There will be more meetings regarding the survey. The Commission will be providing input on the process of finalizing the survey. Factual errors can be

submitted to staff in writing. Any disagreements on the historical designation of a property can be addressed to the Commission, but written documentation should still be provided. Comments on the process are welcome. Brenda noted that this is an amendment to the current code and ultimately this will be adopted by the City Council and this process will take quite a bit of time and many public hearings.

Carol Roland, Consultant, noted that the Commission received an introduction to the survey as well as any changes being recommended. Individual property owners were sent the specific DPR form for their property. All of the survey forms have been compiled into a 2-volume document. The Benicia GP calls for an updated survey. This is a threshold requirement for becoming a Certified Local Government. Carol Roland gave an overview of the summary report. CA Register of Historic Resources criteria were used. 4 reasons a property qualifies:

1. Associated with events of local, regional, national history
2. Associated with a certain person
3. Embody certain regional technology...
4. Archaeological properties

The building also needs to possess integrity, which means that a property continues to convey a sense of what it was like in its period of significance.

The survey includes basic information about the property and calls out existing characteristics of a property that make it historic and recognizes important elements of a structure. It helps to guide future decisions on modifications of structures. The 1989 survey did not include a lot of information on the historical significance of properties. All of the buildings in the historic district have been accounted for. The same criteria has been applied uniformly to all properties. Properties over 50 years old that appear to now be eligible were also surveyed. A lot of secondary research was done in Benicia archives and the State. Property record research was not done and that information was gathered from the previous survey. The original plan was to have staff review the draft survey and then go out and look at properties with questions. This has not occurred and there are certainly errors in the survey. There are 18-20 properties recommended for removal as contributors, mostly due to loss of integrity. There are a large number of properties recommended to be added as contributors and landmarks.

Brenda Gillarde noted that the survey and introduction is available on the City's website, the library and the CDD department.

Chair Donaghue asked if Commissioners have questions for staff.

Commissioner Conlow questioned if the significant Craftsman cottages were included. Carol Roland noted that the significant ones were included.

Commissioner Conlow questioned if all of the work was done by Carol Roland. She confirmed that she performed all of the fieldwork and evaluation.

Commissioner Haughey questioned if this will be noticed again. Staff confirmed that there will be more hearings that will be noticed. Commissioner Haughey questioned clerical errors on the forms and how this is going to be resolved. She questioned how staff will address property owners on their issues with being added or removed as contributors. Clerical errors will be addressed by the City. Content issues will be dealt with between the City and the Consultant.

Carol Roland stated that she has no authority to designate properties. She is simply making the recommendations and the City is responsible for designating the property.

Commissioner Haughey questioned the difference between a potentially contributing structure and a contributing structure. Carol Roland noted that the categories are not laid out in law in Benicia. The Downtown Historic Conservation Plan discusses the designations. A contributing building is representative of a common style/type in the district. Potentially contributing may have integrity issues, but could be contributors.

Commissioner Haughey questioned if the same standards for designations should be used to maintain integrity. Carol Roland noted that one of the goals is to clarify potentially contributing so it was clear what standards these properties must be held to. The Secretary of Interior Standards should be applied uniformly to all designation.

Commissioner Dean questioned if public testimony will be heard, recommendations to staff will be given and then a recommendation from the Commission will be given to the Planning Commission and then on to the City Council.

Chair Donaghue noted that the HPRC needs to make a recommendation on this and the Historical Society should be involved.

Commissioner Grantham questioned if the Commission could ask questions about specific properties.

Chair Donaghue suggested citizens document their questions on speaker cards.

The public hearing was opened.

Bill Royal, 195 East D Street – Commented that there are major problems with the survey of his form. He disagrees with the classification of a Classic Greek Revival. He would like another expert's opinion.

Daryl Rich, 277 West H Street – Suggested that property owners should be able to opt out of the survey. This should be a voluntary measure. This will put restrictions on property owners.

Bonnie Silveria, Benicia Historical Society, worked hard to get the money appropriated for the survey. The Historical Society would like to be involved in the process. The Planning Commission should also be involved prior to approval and she suggested a workshop be held with the public. She wants this to be a community effort.

Stacey Anderson commented that her 1949 home is being recommended to be considered as a contributor. She did not receive notification.

Richard Fitzsimmons, questioned if this is the appropriate venue to see why a property is not on a list. He thinks his property should be on the list. Carol Roland stated that information should be given to staff in writing.

Fitzsimmons commented that a citizen thanked her for restoring her property.

Phyllis Hartsall questioned the location of the survey on the website. She was not notified. She was unsure what becoming a Certified Local Government was.

Chair Donaghue commented that the information is on the City's website.

Commissioner Conlow suggested an ad in the paper regarding historic properties so that people can contact the City if they are unsure of their designation.

Vice Chair Delgado suggested that certified mail be sent.

Michael Brown, generally supports these surveys, but is troubled with the copy of the survey he received. He believes his house should be upgraded in status. He questioned the architectural style of his survey. He has provided historical information to the City numerous times.

Carol Roland commented on stylistic designations. They are not always extremely straightforward. She is more than happy to re-review homes in terms of stylistic designation.

Dan Schiada reminded the public that all comments should be directed to the Chair. We need to maintain order to this meeting.

Carol Roland stated that questions submitted will be researched by staff and property owners will be responded to. There are current projects in the pipelines and are under review by the City staff. This survey is not an adopted document.

Damon Beggs, 175 East F – Commented on buildings that are to become potential landmarks. He mentioned 140 East G Street and that project's approval vs. his own project at 175 East F Street. He would like to add a porch to his home, but is being told he can't do that since his home did not originally have one.

Robin Beggs, 175 East F – Commented that an addition to their home was done in the 90's. They are having issues with their project and the need to have an architectural historian.

Linda Lewis, commented that this is not a full meeting since there are people that were not noticed.

Marcus Byrne, questioned design restrictions from the Commission. He would like a response from staff on a project in his neighborhood.

Diane Waring, stated her concern that this is a big project to take on without staff available.

Donald King, commented that notification should be a priority.

Patrick Ward, 230 West K Street – commented that people are concerned with their property rights. The Mills Act is a great incentive to embrace historic preservation. He encouraged the Commission to explore avenues and bring people in proactively. He thanked Carol Roland for doing the survey and the Commission for having this done. There are legal ramifications to having the survey done. The integrity of the survey is a huge issue.

Jon Van Landschoot, 175 West H Street – Commented that Donnell Rubay had submitted a letter to the Commission. The Historical Society would like to be involved in this process. He would like to see more community meetings. A follow-up letter would be a good idea. A process to change designation has to be developed. More outreach must be done.

Andy Kinane, recently moved into a house on East J Street. The post office has issues with sending mail to certain addresses.

The public hearing was closed.

The meeting was reconvened at 8:34 pm.

Chair Donaghue noted that this is a huge problem and the Commission needs to decide how to proceed.

Commissioner Dean suggested the Commission stick to the process and not get into details on particular properties. The historic district benefits the community at large and there are financial benefits to having an historic home.

Carol Roland commented on the methodology of the survey. The survey started with less than complete data provided by the City. The map was done in 1990 and there have been property changes since then. The City provided a list of all of the properties within the district. There were questions about the accuracy of addresses and owner information. The ownership data was not all accurate as it was several years old. There should have been staff review of the form prior to being sent out. This did not happen and has led to confusion and errors.

Chair Donaghue questioned the Commission on how they want to proceed.

Commissioner Conlow commented that the meeting was held sooner than it should have been held. He suggested having volunteers with questionnaires and dpr forms walk the neighborhoods.

Commissioner Dean would like to see a realistic timeline for staff to review.

Commissioner Haughey noted that she helped with the mailing. She would like to see volunteers help with the accuracy of the mailing labels. We should put a notice in the paper and resend notices to property owners. The historic district makes Benicia special. The Commission should discuss what the historic district means. She noted that new construction is not regulated in the historic district.

Commissioner Delgado noted that there will be many meetings held on this prior to adoption.

Commissioner Grantham would like to see something in the paper. She questioned if there could be an oversight group to assist staff with this process. Commissioner Grantham questioned the renotification process. Regarding continuity issues, people should contact staff to research issues. She questioned how to deal with discrepancies in the survey results.

Commissioner Conlow questioned if typically individual property owners get to decide if they want to be included in the historic district or not. Carol Roland noted that different cities handle this differently. It is up to Benicia to decide how they want to handle this. One of the primary incentives of being a historic home is the Mills Act. The State Office of Historic Preservation is a good resource.

Bonnie Silveria noted that City Council adopted the Plan and property owners did not have a choice. The State Office of Historic Preservation did speak to the Historical Society and this should be done again.

Chair Donaghue suggested the property owners fill out a form stating the information is accurate on the dpr form. He would like a description of materials of the house. Carol Roland noted that normally the form addresses certain elements of a house. When a project is submitted, specific architectural elements

are looked at and addressed. She noted that sometimes when changes are made within the period of significance, they become a character-defining element.

Commissioner Haughey questioned if there are photographs of the individual properties. She questioned who would be adding material information to the forms.

Commissioner Conlow suggested sending a questionnaire to the homeowners. He commented on specific properties and inconsistencies in materials. He is concerned with removing historical homes that have lost their integrity.

Carol Roland noted that some jurisdictions review all projects within a district, regardless of the historical nature. This is a local regulation decision.

Commissioner Delgado commented that photographs would help determine materials.

Chair Donaghue would like to see more specific material information.

Commissioner Grantham commented that not all forms have material information included. She would like materials descriptions included.

Commissioner Dean noted that this will be a long process. There should be workshops, including SHPO staff.

1. Follow-up letter/questionnaire
2. Audit notification list and update
3. Story/newspaper advertisement
4. Historical society involvement
5. Joint workshop
6. City Council/Planning Commission publicize the workshops

Shoot for a January workshop.

Brenda Gillarde commented that individual concerns will be addressed.

Commissioners would like to agendize this for the end of January.

A. WINDOW STANDARDS – Continued from October 27, 2005

PROPOSAL:

Commission to continue discussion on window standards in relation to the Historic District.

Chair Donaghue commented on insulated glass. Low-e glass can't be differentiated and it's acceptable to use dual-paned glass.

Commissioner Delgado is okay with dual-paned windows if there are no muntins.

Commissioner Conlow noted that he made several calls about this. He spoke to SHPO and they go by the Secretary of the Interior Guidelines. Repair first, but replace with a like window as long as muntins were not of an excessive width. He looked at many windows in the historic district.

Bill Royal noted that since Benicia is near the water, and the expansion and contraction of the wood is bad, aluminum clad windows would be better with the moisture.

Marcus Byrne questioned the Commission's concerns with vinyl.

Commissioner Delgado commented that vinyl windows do not have the detail of wood windows. Fiberglass windows have more detail.

Damon Beggs questioned if the Commission will consider fiberglass windows.

Commissioner Conlow noted that fiberglass is acceptable for new construction.

The public hearing was closed.

Staff was directed to bring a resolution back to the December meeting.

A recess was called at 9:45. The meeting was reconvened at 9:50.

- B. ARSENAL MASTER PLAN** – The Commission will discuss the Arsenal and may make a recommendation to the Planning Commission and the City Council regarding an Arsenal Master Plan.

Chair Donaghue noted that the General Plan calls for mixed-use in the Arsenal. He would like to send a message to the Planning Commission and the City Council.

Commissioner Dean stated that mixed-use needs to be defined.

Commissioner Delgado stated that mixed-use could be many things.

Properties of multiple uses are combined in one building.

The zoning ordinance and General Plan need to be brought into compliance.

Dan Schiada questioned if there are existing conflicts between the Zoning Ordinance and the General Plan. He also questioned if the definition of mixed-use needs to be more specific.

Belinda Smith commented that mixed-use is defined and planned developments avoid the discrepancy between the Zoning Ordinance and the General Plan. She talked about form-based code. She would like to have consistency between projects. She would like to maintain the integrity of the Arsenal. The Commission should be specific in a recommendation to the Council as to why this is important.

Commissioner Dean suggested moving forward with mixed-use zoning, specifically for Arsenal with recognition of existing historic resources. Chair Donaghue would like to give some direction to the Council as to the assets in the Arsenal.

Commissioner Grantham questioned if they were going to ask the Council to bring the zoning and general plan designations into compliance.

Commissioner Conlow suggested Commissioner Dean write up a recommendation to bring back to the Commission for adoption. Belinda Smith offered to assist. Dan Schiada noted that the City Council is going to go through a review of the project priorities. The Commission would like specific guidelines in place to give direction to staff and applicants.

Commissioner Conlow suggested it might happen faster if the Commission sends their request with specific recommendations. Commissioner Delgado suggested recommending this as a priority. The Commission needs to decide how much detail should be included in this recommendation.

Staff to draft a letter stating they are putting together a letter with recommendations.

Belinda Smith commented that the Commission should specify why this is a problem.

C. 141 EAST E STREET

05PLN-00032 Design Review Amendment to Plans
141 East E Street, APN: 0089-371-040

PROPOSAL:

The applicant requests an amendment to the design review approval to construct a three-story accessory dwelling unit in the rear yard of an existing one-story non-contributing building located within the boundaries of the Central Downtown Historic Conservation District. The proposed second unit will be a two-story duplex which sits on top of a garage, providing each occupant two garage spaces

apiece. The applicant requests removal of the cupola and an approval of modified setbacks per Benicia Municipal Code Section 17.108.030.

Pat Donaghue recused himself since this is his project. Vice Chair Delgado will chair the meeting. Dan Schiada noted that Pat Donaghue did check with the City Attorney on his involvement in this item.

Dan Schiada gave a verbal report of the project and the minor modifications requested. He gave a brief history of the project. Reduction of the rear-yard setback is requested. The proposed property allows for 0' setback. A 7'3" setback is being requested. This can be reviewed in terms of architectural or aesthetic reasons only. The Commission needs to determine if this request is a substantial change. If not, they may take action. If so, a public hearing will be scheduled.

Vice Chair Delgado stated that he did not ask for the 18' setback for parking reasons.

Commissioner Haughey questioned the setback requirements. Dan Schiada noted that based on its zoning, there is 0' setbacks off the alley.

Vice Chair Delgado stated that there would be different setback requirements if this was strictly residential.

The public hearing was opened.

Pat Donaghue, Applicant – Letters in support were submitted to the Commission. He commented that the Planning Commission left the setbacks from the alley. Comments from the neighbors support moving the structure closer to the alley. He noted that the plans on the Resolution approved had the cupola on and he is requesting it be removed.

Belinda Smith questioned why this is not considered a residential unit. It is confusing to comment on the setbacks on residential vs. commercial.

Dan Schiada noted that it is zoned CD and that allows a 0' setback.

The public hearing was closed.

Commissioner Conlow noted that he had walked the site and the setback change is not substantial.

Commissioner Grantham stated that this setback request is within the allowable standards for the property.

Commissioner Dean stated that he would like it moved back from the street. He originally voted against the project and thinks this would be better.

The Commission did not see this as substantial information and found the setback request to be acceptable.

On motion of Commissioner Delgado, seconded by Commissioner Conlow, the proposal was approved by the following vote:

Ayes:	Commissioners Conlow, Dean, Delgado, Grantham, Haughey
Noes:	None
Absent:	Commissioner Wilson
Abstain:	Chair Donaghue

V. COMMUNICATIONS FROM THE COMMISSIONERS

Chair Donaghue is concerned about the 153 West E Street project. Dan Schiada noted that he is sending a letter to the property owner to summarize the history of the project and address any compliance issues. This letter will be copied to the Commissioners. Commissioner Haughey Farr.

Chair Donaghue questioned a response to Mr. Royal. Dan Schiada noted that a letter will be sent by Monday. Commissioner Conlow noted that he looked at the file and had an ex-parte conversation with the applicant and that he found the application incomplete. The applicant is currently doing work not permitted.

Commissioner Dean commented that we need to make sure that the minutes are accurate.

Commissioner Dean believes it is an issue when Commissioners contact applicants directly.

Commissioner Grantham suggested looking at the file in the office so that Commissioners could respond directly when the applicant questioned the Commission. The Commission needs to continue directing the applicant to deal with staff.

Dan Schiada noted that Commissioners need to make sure they are not crossing the line.

Commissioner Dean will be out of town for the December meeting.

Commissioner Grantham commented that there may need to be a liaison between the Historical Society and the Commission and staff.

Commissioners discussed agenda discussion on televised meetings.

VI. COMMUNICATIONS FROM STAFF
None.

VII. ADJOURNMENT
Chair Donaghue adjourned the meeting at 10:55 p.m.

**CRITERIA FOR DESIGNATING
HISTORIC RESOURCES
STATE OFFICE OF HISTORIC PRESERVATION**



OFFICE OF HISTORIC PRESERVATION
DEPARTMENT OF PARKS AND RECREATION
P.O. BOX 942896
SACRAMENTO, CA 94296-0001
(916) 653-6624 Fax: (916) 653-9824
calshpo@ohp.parks.ca.gov

California Office of Historic Preservation Technical Assistance Series #6

California Register and National Register: A Comparison (for purposes of determining eligibility for the California Register)

This handout compares the California Register of Historical Resources (California Register) and the National Register of Historic Places (National Register). Because the California Register was consciously designed on the model of the National Register, the two programs are extremely similar. However, it is important to be aware of the areas in which these programs differ. Herein is offered information about eligibility criteria, integrity requirements, special (criteria) considerations, and the nomination process.

When trying to determine if a resource is eligible for the California Register, you may find it easier to first determine a resource's eligibility for the National Register. Then, if you find it ineligible for the National Register—and keeping in mind the differences between the two programs—move on to determine if it may in fact be eligible for the California Register as a result of these differences.

The information in this handout is taken from the implementing regulations for the California Register (California Code of Regulations, Title 14, Chapter 11.5, Section 4850 et seq), which can be accessed on the internet at <http://ohp.parks.ca.gov>, and *How to Apply the National Register Criteria for Evaluation* (National Register Bulletin 15), which can be accessed on the internet at http://www.cr.nps.gov/nr/publications/bulletins/nr15_toc.htm. It is advised that you consult these two publications for more specific information.

Eligibility Criteria

California Register

An historical resource must be significant at the local, state, or national level, under one or more of the following four criteria:

1. It is associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States; or
2. It is associated with the lives of persons important to local, California, or national history; or

3. It embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master, or possesses high artistic values; or
4. It has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California, or the nation.

National Register

An historical resource must be significant at the local, state, or national level, under one or more of the following four criteria:

- A. That are associated with events that have made a significant contribution to the broad patterns of our history; or
- B. That are associated with the lives of persons significant in our past; or
- C. That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- D. That have yielded, or may be likely to yield, information important in prehistory or history.

Integrity

California Register

Integrity is the authenticity of an historical resource's physical identity evidenced by the survival of characteristics that existed during the resource's period of significance. Historical resources eligible for listing in the California Register must meet one of the criteria of significance described above and retain enough of their historic character or appearance to be recognizable as historical resources and to convey the reasons for their significance. Historical resources that have been rehabilitated or restored may be evaluated for listing.

Integrity is evaluated with regard to the retention of location, design, setting, materials, workmanship, feeling, and association. It must also be judged with reference to the particular criteria under which a resource is proposed for eligibility. Alterations over time to a resource or historic changes in its use may themselves have historical, cultural, or architectural significance.

It is possible that historical resources may not retain sufficient integrity to meet the criteria for listing in the National Register, but they may still be eligible for listing in the California Register. A resource that has lost its historic character or appearance may still have sufficient integrity for the California Register if it maintains the potential to yield significant scientific or historical information or specific data.

National Register

Integrity is the ability of a property to convey its significance. To be listed in the National Register, a property must not only be shown to be significant under the National Register criteria, but it also must have integrity. The evaluation of integrity is sometimes a subjective judgment, but it must always be grounded in an understanding of a property's physical features and how they relate to its significance.

Historic properties either retain integrity (that is, convey their significance) or they do not. Within the concept of integrity, the National Register criteria recognize seven aspects or qualities that, in various combinations, define integrity. These are location, design, setting, materials, workmanship, feeling, and association.

To retain historic integrity a property will always possess several, and usually most, of the aspects. The retention of specific aspects of integrity is paramount for a property to convey its significance. Determining which of these aspects are most important to a particular property requires knowing why, where, and when the property is significant.

Special (Criteria) Considerations

California Register

Moved buildings, structures, or objects. The SHRC encourages the retention of historical resources on site and discourages the non-historic grouping of historic buildings into parks or districts. However, it is recognized that moving an historic building, structure, or object is sometimes necessary to prevent its destruction. Therefore, a moved building, structure, or object that is otherwise eligible may be listed in the California Register if it was moved to prevent its demolition at its former location and if the new location is compatible with the original character and use of the historical resource. An historical resource should retain its historic features and compatibility in orientation, setting, and general environment.

Historical resources achieving significance within the past fifty years. In order to understand the historic importance of a resource, sufficient time must have passed to obtain a scholarly perspective on the events or individuals associated with the resource. A resource less than fifty years old may be considered for listing in the California Register if it can be demonstrated that sufficient time has passed to understand its historical importance.

Reconstructed buildings. Reconstructed buildings are those buildings not listed in the California Register under the criteria stated above. A reconstructed building less than fifty years old may be eligible if it embodies traditional building methods and techniques that play an important role in a community's historically rooted beliefs, customs, and practices; e.g., a Native American roundhouse.

National Register

Ordinarily cemeteries, birthplaces, or graves of historical figures, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, reconstructed historic buildings, properties primarily commemorative in nature, and properties that have achieved significance within the past fifty years shall not be considered eligible for the National Register. However, such properties will qualify if they are integral parts of districts that do meet the criteria or if they fall within the following categories:

A religious property deriving primary significance from architectural or artistic distinction or historical importance; or

A building or structure removed from its original location but which is significant primarily for architectural value, or which is the surviving structure most importantly associated with a historic person or event; or

A birthplace or grave of a historical figure of outstanding importance if there is no appropriate site or building directly associated with his or her productive life; or

A cemetery which derives its primary significance from graves of persons of transcendent importance, from age, from distinctive design features, or from association with historic events; or

A reconstructed building when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan, and when no other building or structure with the same association has survived; or

A property primarily commemorative in intent if design, age, tradition, or symbolic value has invested it with its own exceptional significance; or

A property achieving significance within the past fifty years if it is of exceptional importance.

Nomination Process

California Register

1. Obtain nomination packet from the Office of Historic Preservation (OHP) website at www.ohp.parks.ca.gov.
2. Complete application, including all necessary supplemental forms, according to instructions.
3. Notify the clerk of the local government in whose jurisdiction the resource is located by certified mail that an application will be filed with OHP and request that the local government provide written comments. The notification must include a copy of the application.

4. Upon receiving written comments from the local government or ninety (90) days after sending notification to the local government (whichever is sooner), the applicant forwards the completed application and any comments to OHP.
5. Within 30 days, OHP staff will ensure that the application is complete and will send notification to the property owner (if the applicant is not the property owner). When the application is complete and the property owner has been notified, the application will be scheduled on an agenda of the SHRC for action.

Note: A nomination does not require owner consent in order for the resource to be listed, but it cannot be listed over an owner's objections. The SHRC can, however, formally determine a property eligible for the California Register if the resource owner objects.

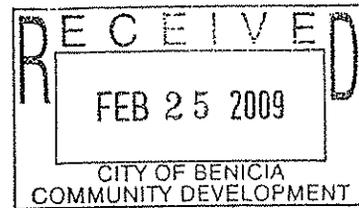
National Register

1. Obtain nomination packet from OHP website at www.ohp.parks.ca.gov. Read *How to Apply the National Register Criteria for Evaluation* (Bulletin 15), and *How to Complete the National Register Form* (Bulletin 16A). Follow these guidelines exactly when preparing nomination form.
2. If you are not the owner of the property you are submitting for registration, please inform the owner of your intention to apply for registration. The property or district may not be listed over the objection of the owner or majority of owners.
3. Each application must be accompanied by a cover letter from the applicant for the nomination. Please identify any person or organization on whose behalf the nomination is being submitted. If there is some need for urgency in processing the application, e.g., imminent demolition, please provide an explanation. If applicant is requesting rehabilitation incentives under the Tax Reform Act or Revenue Act of 1978, this must be stated clearly in the cover letter.
4. Submit completed forms, photographs and maps to OHP for review. Applications will be reviewed by the OHP. Those which are inadequate or are not prepared in accordance with the guidelines published in Bulletin 16A will be returned to the applicant for further work.
5. OHP notifies all applicants, property owners and appropriate governmental jurisdictions of the time and place of the SHRC meeting.
6. If approved by the SHRC, the nomination is sent to the State Historic Preservation Officer who forwards the nomination to the Keeper of the National Register in Washington, D.C. The final determination is made 45 days after receipt by the Keeper.

**PROPERTY OWNER LETTERS
410 & 420 WEST K STEET
(INCLUDING CORRESPONDING DPR 523 FORMS)**

February 23, 2009

City Council
250 East L Street
Benicia, CA 94510



Dear Mayor Patterson and Members of the City Council:

For over 3 years I have been requesting that my home be removed from the list of historic homes. Actually my home was recommended for removal from the list but the staff person who was making the recommendation has moved to a new job in a different city and that recommendation seems to have fallen into a black-hole.

While I understand and appreciate the need for a historic district there are a number of issues affecting my property that make it a bad candidate for inclusion on the list of historic homes. The most obvious issue is the historic nature of my home has been heavily compromised over the years. The front elevation of my house is changed from the original look and the whole house is covered in asbestos siding. There are two out buildings that don't come close to looking historic. These compromises are what Xzandrea Fowler cited when she recommended my home be removed from the list of historic homes. I have attached a note from Ms. Fowler for your review.

The second issue affecting my home is the gerrymandering required to include my home in the historic district. My home is small and sits far to one side of my property. Traveling east from my house there are no other historic homes for a full city block. Traveling west from my house there is only one historic home anywhere on West K Street. It is the house right next to mine.

My property at 410 West K Street and the property next door at 420 West K Street simply do not belong on the list of historic homes. I am nearly 90 years old. I was born the same year women got the right to vote. Over the years I have witnessed several egregious examples of gerrymandering. Gerrymandering is never done to protect the common man and woman but is always meant to protect those in power or those who wish to exercise power.

Including my home on the list of Historic homes in Benicia does nothing to enhance the historic district nor does it do anything to enhance my property or the value of my property. The only way the city and my home both enjoy the benefit of historic status is if the City Council elects to include all homes in both the 300 and 400 block of West K Street in the Downtown Historic Conservation District.

While that move would restrict all my neighbors from realizing the highest and best use of their various properties it would protect me and my neighbor Phyllis Hartzell from being surrounded by large McMansions that take full advantage of the 40% lot coverage allowed to all citizens of Benicia whose homes lie outside the boundaries of the Downtown Historic Conservation District.

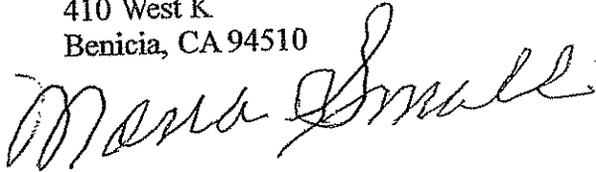
VIII-A-88

And my house can't change.

Again, please remove my property and my neighbors property from the Downtown
Historic Conservation District.

Sincerely,

Mona Small
410 West K
Benicia, CA 94510

A handwritten signature in cursive script that reads "Mona Small". The signature is written in dark ink and is positioned below the typed name and address.



Friday, February 6, 2009 10:33 AM

Fw: RE: Planning Issue

From: "phyllis hartzell" <sailfilly@yahoo.com>
To: "JB Davis" <jb_davis@pacbell.net>

— On Fri, 2/6/09, Xzandrea Fowler <XFowler@cityofdavis.org> wrote:

- > From: Xzandrea Fowler <XFowler@cityofdavis.org>
- > Subject: RE: Planning Issue
- > To: "phyllis hartzell" <sailfilly@yahoo.com>
- > Date: Friday, February 6, 2009, 10:20 AM
- > Ms. Hartzell,
- >
- > In the summer of 2007 I presented the Historical Surveys to
- > the Historic Commission with staff's recommendation for
- > designations, and yes, it was staff's recommendation
- > that the properties located at 410 and 420 West K Street,
- > not be designated.
- >
- > However, at that meeting the Commission decided to form a
- > sub-committee to review the survey forms and the recommended
- > designations (they did not take action on staff's
- > recommendations at that meeting). I left the City of Benicia
- > in August 2007, so I was not involved in anything that the
- > committee or commission did after that, but it is my
- > understanding that over the course of 2008 they reviewed the
- > survey forms and recommended designations and made their own
- > determinations.
- >
- > For reasons unknown to me the committee and/or commission
- > feels that your property still retains enough historical
- > significance to the City that they would like retain the
- > designation. I'm not in a position to question their
- > decisions, because I was not involved in that process, and I
- > don't know what information they took into account to
- > come to that conclusion.
- >
- > I would recommend that you contact City staff to gain some
- > insight into the committee's and/ or commission's
- > rationale for retaining the historical designation for your
- > property.
- >
- > Xzandrea Fowler
- > Planner
- > Community Development Department
- > 23 Russell Boulevard, Davis, California 95616
- > Phone 530.757.5610/ Fax 530.757.5660
- >
- > From: phyllis hartzell [mailto:sailfilly@yahoo.com]
- > Sent: Thursday, February 05, 2009 8:12 AM
- > To: Xzandrea Fowler
- > Subject: Planning Issue
- >

VIII-A-90

2/23/09 1:39 PM

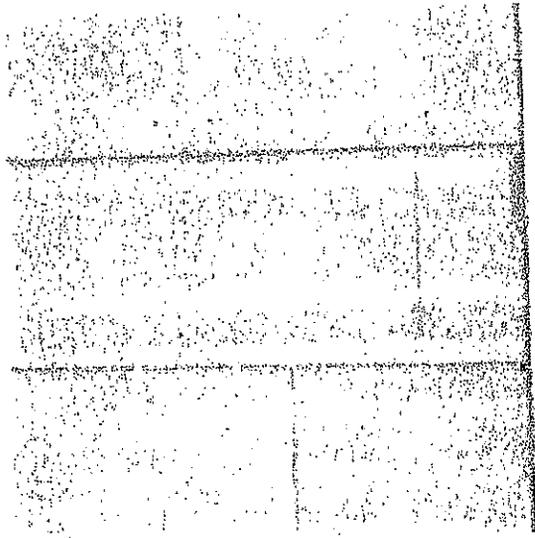
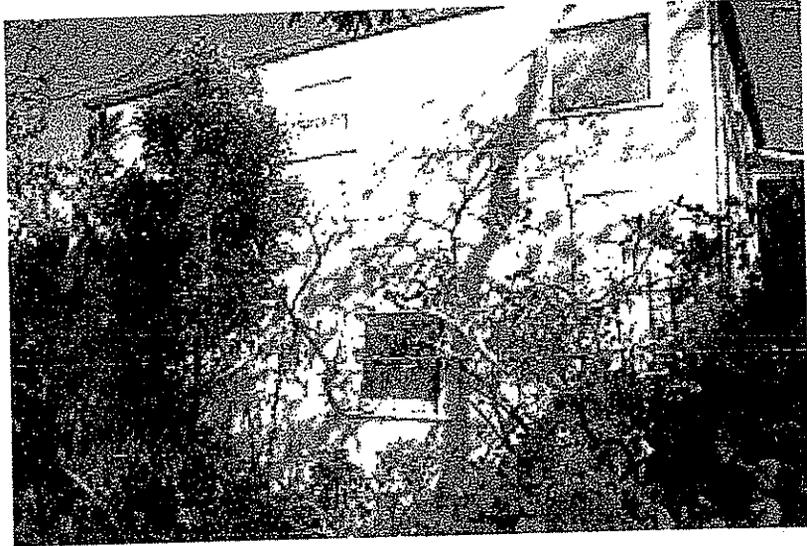
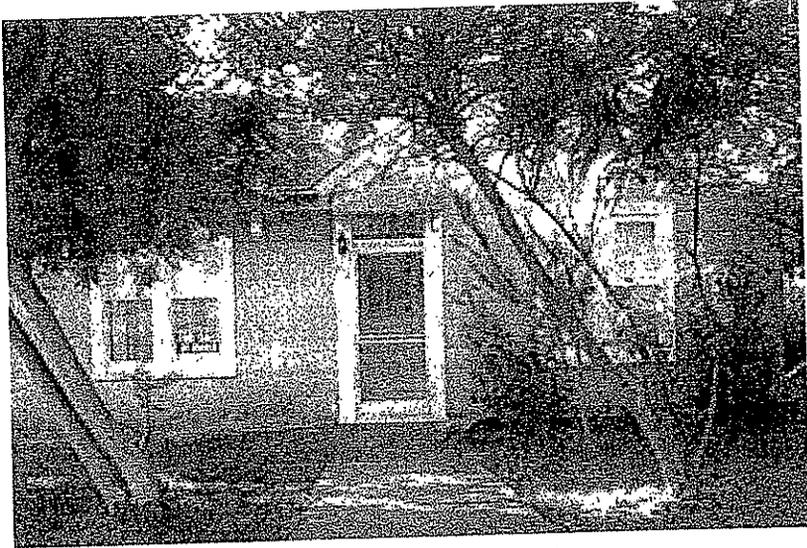
: RE: Planning Issue - Yahoo! Mail

- > Dear Ms. Fowler,
- >
- > I wonder if you can help me. My name is Phyllis Hartzell
- > and I live at 420 West K St. in Benicia, Ca. In July of
- > 2007, you worked for the City of Benicia, and during that
- > time, the list of historic properties in Benicia was being
- > updated.
- >
- > I have been requesting that my property be removed from the
- > list for several years together with the property located
- > next to me at 410 West K (my neighbor, Mona Small who
- > celebrates her 90th birthday this year). We are quite
- > isolated as the only two properties listed as historical in
- > a two block area (map is attached).
- >
- > During conversations with you in July 2007, you stated that
- > City Staff was recommending removal of these properties from
- > the list (I am attaching a photo of the alley view of my
- > house and the stats per the city for 410 W K and 420 W K*).
- >
- > Somehow, that recommendation was misplaced.
- >
- > The vote for historical properties is going before Council
- > this month. I have spoken to various Council Members and
- > they assure me that with a statement from you saying it was
- > staff's recommendation during your tenure with the City
- > of Benicia, that the property at 410 W K and 420 West K be
- > removed from the historical list, that these properties will
- > be removed from the list.
- >
- > I would appreciate your assistance with this matter. I can
- > be reached at 707.751.1532 if you have any questions.
- >
- > I have not received official notice of the meeting, but the
- > word is that it is happening in February, so if you could
- > send something quickly, it would be appreciated.
- >
- > Thanks so much for your help.
- > Phyllis Hartzell, 420 West K, Benicia CA
- > 707.751.1532
- >
- > *please note: if you go on the city's website, 410 is
- > listed as 401; this is a typo, the address is 410 and the
- > paperwork supports this.

VIII-A-91

2/23/09 1:39 PM

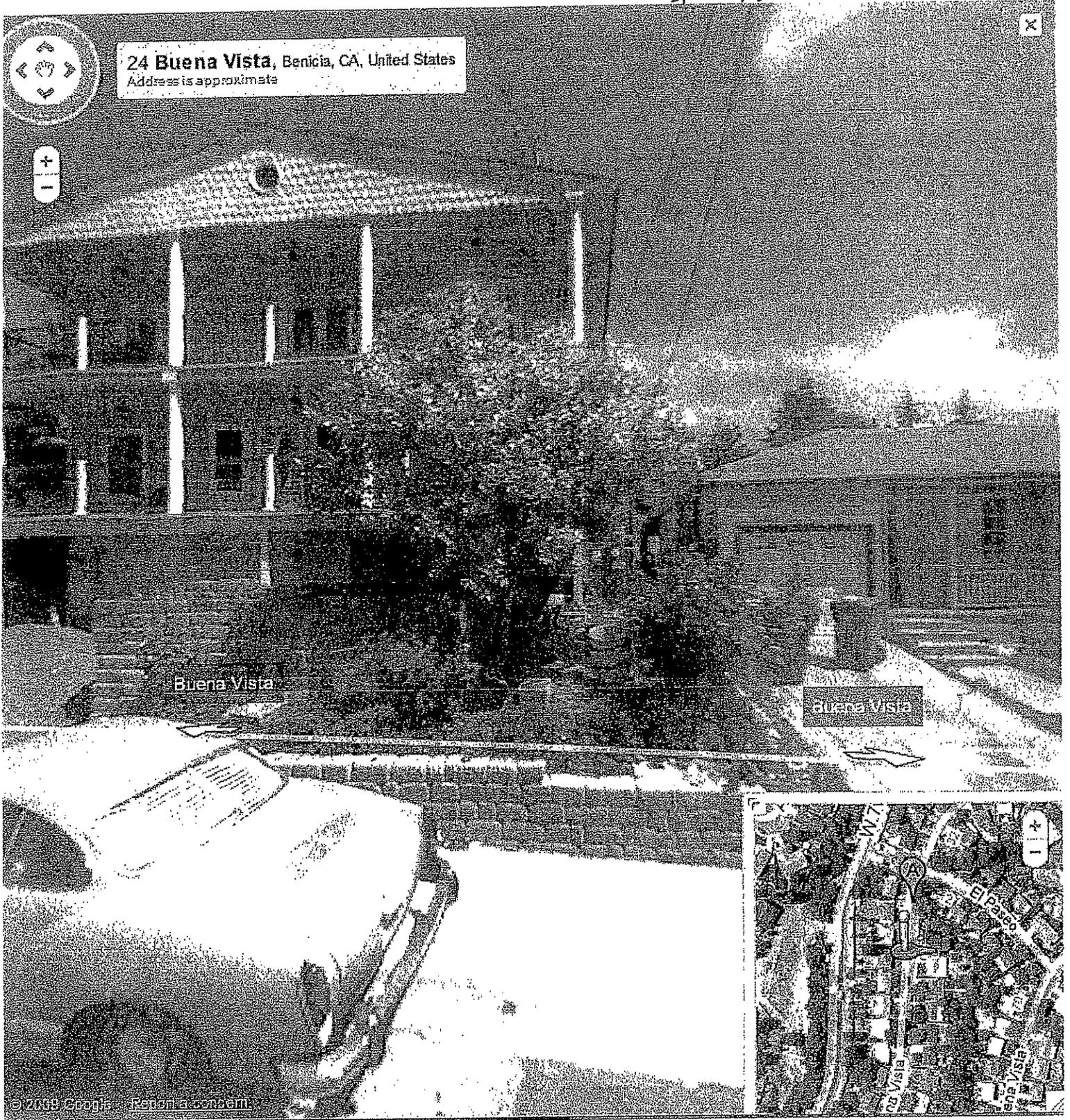
410 West K St. Benicia, CA





Existing District Boundary and identification map, *Downtown Historic Conservation Plan*, 1991.

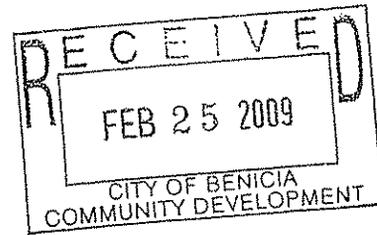
This could happen if the lines remain.
Is this historic?



© 2009 Google - Benicia, CA

February 23, 2009

City Council
250 East L Street
Benicia, CA 94510



Dear Mayor Patterson and Members of the City Council:

For nearly three years I have been requesting that my home be removed from the list of historic homes. Actually my home was recommended for removal from the list but the staff person who was making the recommendation has moved to a new job in a different city and that recommendation seems to have fallen into a black-hole.

While I understand and appreciate the need for a historic district there are a number of issues affecting my property that make it a bad candidate for inclusion on the list of historic homes. The most obvious issue is the historic nature of my home has been badly compromised over the years. A deck has been added and large sliding glass doors have been added to the home. These compromises are what Xzandrea Fowler cited when she recommended my home be removed from the list of historic homes. I have attached a note from Ms. Fowler for your review.

The second issue affecting my home is the gerrymandering required to include my home in the historic district. My home is small and sits far to one side of my property. Traveling east from my house there is only one historic home anywhere on West K Street. It is the house right next to mine. Traveling west from my house there are no historic homes anywhere on West K Street. There are only listed houses west of my house and none of them are on West K Street.

In the excitement and zeal to create a historic district the city has created a recipe for disaster for me and my neighbor Mona Small. Because the home directly to the West of my property isn't on the list of historic homes nor is it included in the historic district, my neighbor or a future owner could build a very large, very modern looking home that takes full advantage of the FAR available to property owners in Benicia. They could put up a home that cover 40% of their lot. their home could be 25 feet high five feet from the property line and 30 feet high ten feet from the property line. And my house can't change.

Rather than protecting my property values the city, by including me in the historic district, is devaluing my property. While I respect the needs of the city to have a historic district I am left wondering why the city feels the need to include 2 homes that have, over the years, experienced significant changes and are subject to the whims of future surrounding property owners.

Is it the intent of this and future City Councils to tell my current and future neighbors they can't utilize their property to what the owners believe is the highest and best use of the property? If maintaining the value and look of historic buildings is the goal of this legislation why isn't the City Council including all the homes on the 300 and 400 block

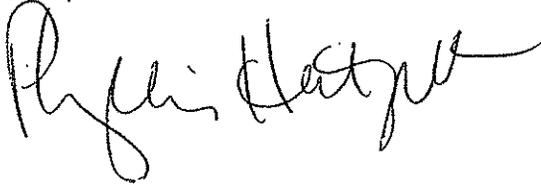
VIII-A-95

of West K in the historic district. Then at least future construction projects and remodeling would be subject to design review and would keep all the homes in the neighborhood consistent in both size and architecture type, adding to the historic nature of the whole area.

That of course is the complex solution. The far easier and most fair solution to this problem is to simply remove 410 and 420 West K Street from the list of historic homes. Give the City of Benicia a historic district that is easy for the tourist to navigate and one that protects all the homeowners in the district.

Thank you for your time and consideration.

Sincerely,
Phyllis Hartzell
420 West K Street
Benicia, CA 94510

A handwritten signature in cursive script that reads "Phyllis Hartzell". The signature is written in black ink and is positioned below the typed name and address.



Friday, February 6, 2009 10:33 AM

Fw: RE: Planning Issue

From: "phyllis hartzell" <sailfilly@yahoo.com>
To: "JB Davis" <jb_davis@pacbell.net>

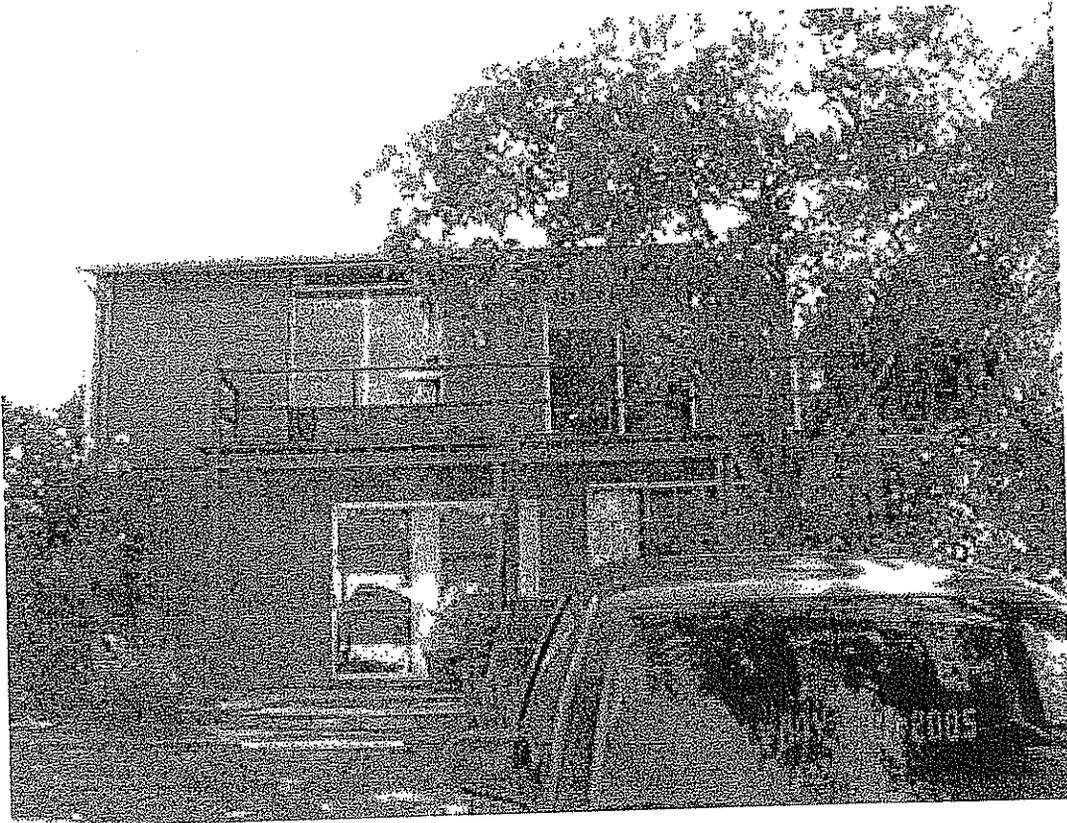
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- > From: Xzandrea Fowler <XFowler@cityofdavis.org>
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- > 23 Russell Boulevard, Davis, California 95616
- > Phone 530.757.5610/ Fax 530.757.5660
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- > Sent: Thursday, February 05, 2009 8:12 AM
- > To: Xzandrea Fowler
- > Subject: Planning Issue
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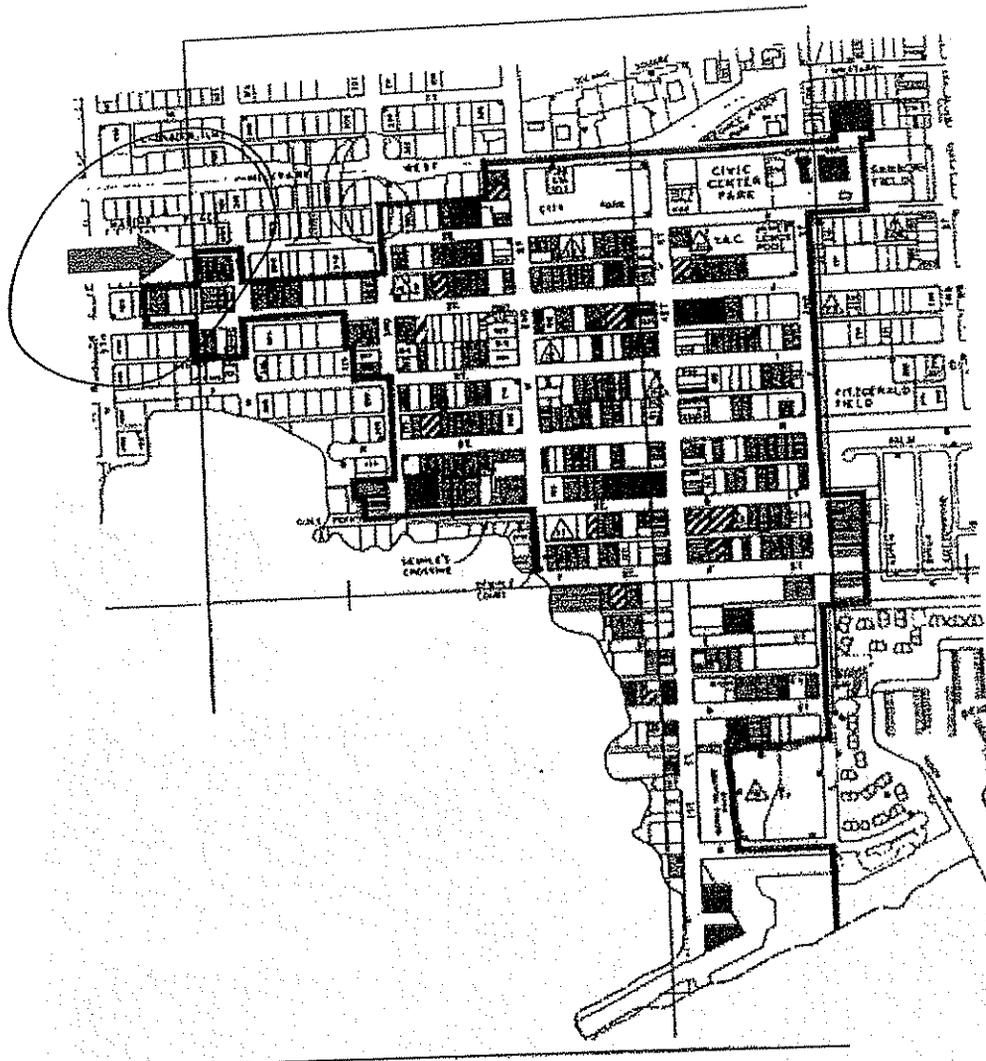
VIII-A-97

> Dear Ms. Fowler,
>
> I wonder if you can help me. My name is Phyllis Hartzell
> and I live at 420 West K St. in Benicia, Ca. In July of
> 2007, you worked for the City of Benicia, and during that
> time, the list of historic properties in Benicia was being
> updated.
>
> I have been requesting that my property be removed from the
> list for several years together with the property located
> next to me at 410 West K (my neighbor, Mona Small who
> celebrates her 90th birthday this year). We are quite
> isolated as the only two properties listed as historical in
> a two block area (map is attached).
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> City Staff was recommending removal of these properties from
> the list (I am attaching a photo of the alley view of my
> house and the stats per the city for 410 W K and 420 W K*).
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> this month. I have spoken to various Council Members and
> they assure me that with a statement from you saying it was
> staff's recommendation during your tenure with the City
> of Benicia, that the property at 410 W K and 420 West K be
> removed from the historical list, that these properties will
> be removed from the list.
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> I would appreciate your assistance with this matter. I can
> be reached at 707.751.1532 if you have any questions.
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> I have not received official notice of the meeting, but the
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> send something quickly, it would be appreciated.
>
> Thanks so much for your help.
> Phyllis Hartzell, 420 West K, Benicia CA
> 707.751.1532
>
> *please note: if you go on the city's website, 410 is
> listed as 401; this is a typo, the address is 410 and the
> paperwork supports this.

420 W. K Alar View

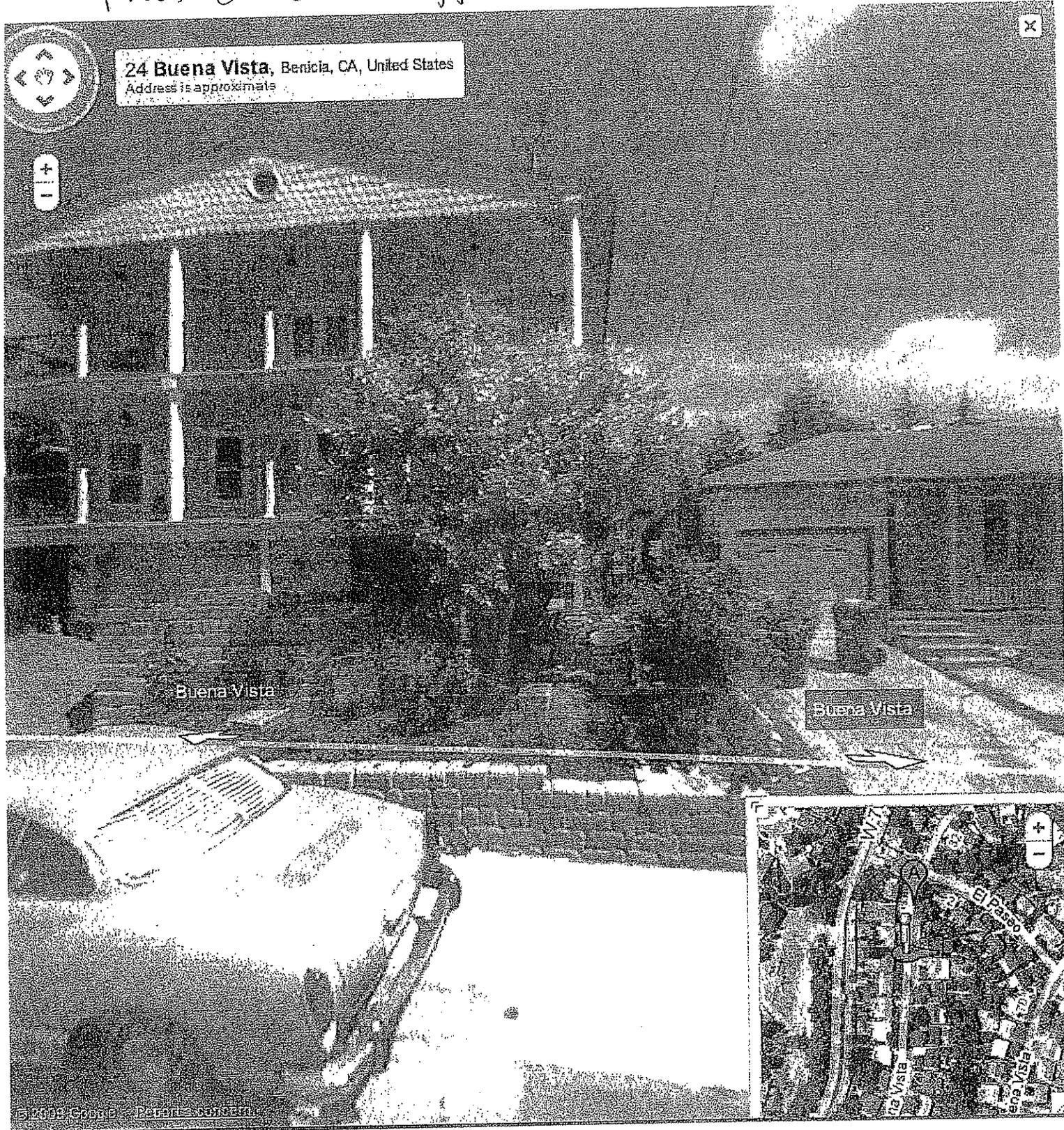


VIII-A-99



Existing District Boundary and identification map, *Downtown Historic Conservation Plan*, 1991.

This could happen now... is this historic?



VIII-A-101

State of California — The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
PRIMARY RECORD

Primary #: _____
HRI # _____
Trinomial _____
NRHP Status Code: _____
Other Listings _____
Review Code _____ Reviewer _____ Date _____

***Resource Name or**

- P1. Other Identifier: 410 West K Street
*P2. Location: *a. County Solano
b. Address: 410 West K Street
*c. City: Benicia Zip 94510
d. UTM: N/A
e. USGS Quad: Benicia T2N R3W MDM
*f. Other Locational Data (APN #): 87-152-10

***P3a. Description**

This is a one-story Vernacular Style residence with an L-shape plan and a cross gable roof. The roof is of moderate pitch with small eave and gable overhangs. It is covered with composition shingle. The front gable is trimmed with a narrow fascia. Paired double hung windows are found on the front elevation on either side of the front entry. The entry is located on the east side of the front gable wing. The entry door is paneled and glazed with a transom. A small bracketed pediment crowns the door frame. The house is clad with asbestos shingle.

***P3b. Resource Attributes: HP2**

*P4. Resources Present: Building Structure Object Site District Element of District

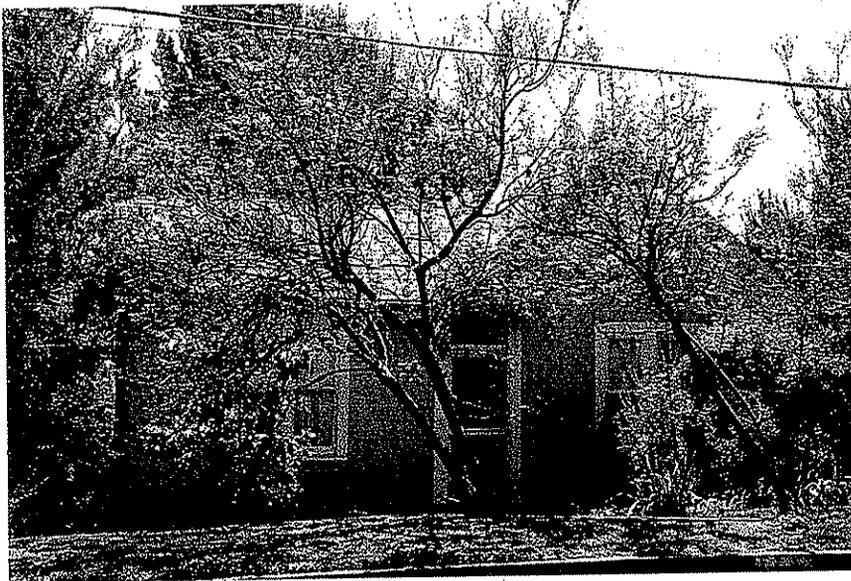
P5b. Description of Photo: Front façade, view southwest

*P6. Date Constructed/Age: 1900
 Prehistoric Historic Both

***P7. Owner and Address:**

Mona Small
410 West K

P5. Photograph or Drawing (Photograph required for buildings, structures, and objects.)



***P8. Recorded by:**

Carol Roland
Roland-Nawi Associates
4829 Crestwood Way
Sacramento, CA 95822

*P9. Date Recorded: 11-20-05

*P10. Type of Survey: Intensive
 Reconnaissance Other

Describe Eligibility Evaluation

*P11. Report Citation: none

*Attachments: NONE Map Sheet Continuation Sheet Building, Structure, and Object Record Linear Resource Record Archaeological Record District Record Milling Station Record Rock Art Record Artifact Record Photograph Record Other (List):

VIII-A-102

BUILDING, STRUCTURE, AND OBJECT RECORD

*Resource Identifier: 410 West K Street

*NRHP Status Code: 3D

B1. Historic Name: None

B2. Common Name: None

B3. Original Use: Residence

B4. Present Use: Residence

*B5. Architectural Style: Vernacular

B7. Moved? No Yes Unknown

Date: N/A Original Location: same

*B8. Related Features: None

B9a. Architect: unknown

B9b. Builder: unknown

*B10. Significance: Theme: Benicia Downtown District

Period of Significance: 1847-1940

Property Type:

Single family residence **Applicable Criteria: A / C**

The building is designated as a contributor to the Downtown Historic District. It is a good example of its style, but lacks integrity of materials and workmanship due to the recladding of both the roof and building envelope. However, it retains integrity of design, location, setting, association and feeling. Further alterations to the building would seriously affect its eligibility. Rehabilitation of the cladding would substantially enhance its integrity. Despite alterations, the building should continue to contribute to the District.

B11. Additional Resource Attributes: N/A

B12. References: McAlester, Virginia and Lee. *A Field Guide to American Houses*. New York: Alfred Knopf (1986); Bruegmann, Robert. *Benicia Portrait of an Early California Town: An Architectural History* (San Francisco: 101 Productions (1980); Woodbridge, Sally and Cannon Design Group. *Benicia, California: Downtown Historic Conservation Plan*. City of Benicia, 1990; Sanborn Map Benicia, CA. 1886; 1986 Benicia Historic Inventory form.

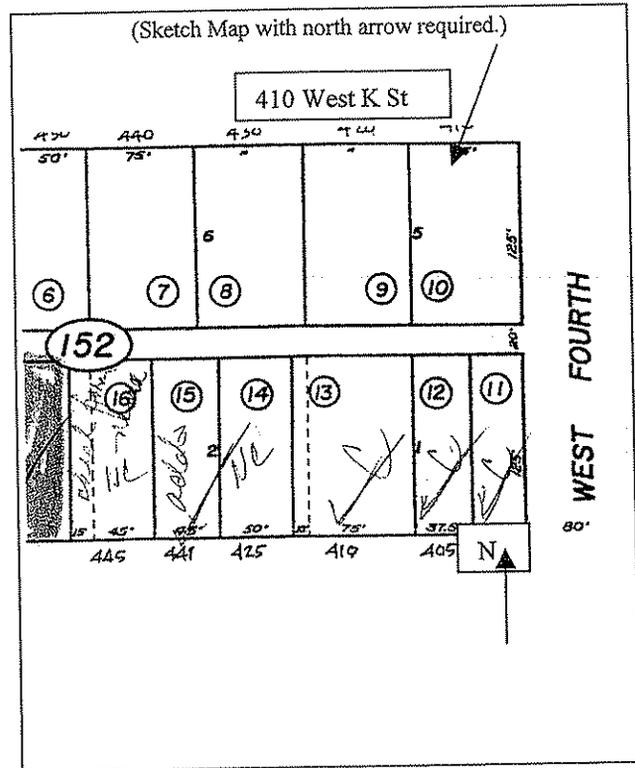
BUILDING, STRUCTURE, AND OBJECT RECORD

Remarks: N/A

B14. Evaluator: Carol Roland, Ph.D.

Roland-Nawi Associates: Preservation Consultants
4829 Crestwood Way
Sacramento, CA 95822

B 15. Date of Evaluation: 11-25-05



(This space reserved for official comments.)

State of California — The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
PRIMARY RECORD

Primary #: _____
HRI # _____
Trinomial _____
NRHP Status Code: _____
Other Listings _____
Review Code _____ Reviewer _____ Date _____

***Resource Name or**

- P1. Other Identifier:** 420 West K Street
***P2. Location:** **a. County** Solano
b. Address: 420 West K Street
***c. City:** Benicia **Zip** 94510
d. UTM: N/A
e. USGS Quad: Benicia T2N R3W MDM
***f. Other Locational Data (APN #):** 87-152-090

***P3a. Description**

This is a Vernacular house of the Pyramidal Roof Type. The house is sited on an incline and is one-story with a full basement story at the rear. The roof is covered with composition shingle and has a small eave overhang. A full-length covered porch spans the front façade. The porch's shed roof is supported on plain posts with an open porch rail. Fenestration is symmetrically arranged and consists of vertically emphasized paired windows on the front elevation and singly arranged windows on the rest of the building. All windows are one-over-one double hung. The four panel entry door is centered with a transom. The house is clad with clapboard.

***P3b. Resource Attributes:** HP2

***P4. Resources Present:** Building Structure Object Site District Element of District

P5b. Description of Photo: Front façade, view southwest

***P6. Date Constructed/Age:** 1900
 Prehistoric Historic Both

***P7. Owner and Address:**

Phyllis Hartzell
420 West K Street
Benicia, CA 94510

***P8. Recorded by:**

Carol Roland
Roland-Nawi Associates
4829 Crestwood Way
Sacramento, CA 95822

***P9. Date Recorded:** 11-20-05

***P10. Type of Survey:** Intensive
 Reconnaissance
Other

Describe Eligibility Evaluation

***P11. Report Citation:** none

***Attachments:** NONE Map Sheet
 Continuation Sheet Building, Structure, and
Object Record Linear Resource Record
 Archaeological Record District Record
 Milling Station Record Rock Art Record
 Artifact Record Photograph Record
Other (List):

P5. Photograph or Drawing (Photograph required for buildings, structures, and objects.)



VIII-A-105

BUILDING, STRUCTURE, AND OBJECT RECORD

*Resource Identifier: 420 West K Street

*NRHP Status Code: 3D

B1. Historic Name: None

B2. Common Name: None

B3. Original Use: Residence

*B5. Architectural Style:

B7. Moved? No Yes Unknown

*B8. Related Features: None

B4. Present Use: Residence

Date: N/A Original Location: same

B9a. Architect: unknown

B9b. Builder: unknown

*B10. Significance: Theme: Benicia Downtown District
Single family residence

Period of Significance: 1847-1940

Property Type:

Applicable Criteria: A / C

This building is a good example of its type and is one of several residences built in this Vernacular Style in Benicia. With the exception of the roofing material, it appears to retain a high degree of integrity in all aspects. The building is delineated on the Conservation Plan Map as a contributing building within the Benicia Downtown Historic District and should continue to retain this status.

B11. Additional Resource Attributes: N/A

B12. References: McAlester, Virginia and Lee. *A Field Guide to American Houses*. New York: Alfred Knopf (1986); Bruegmann, Robert. *Benicia Portrait of an Early California Town: An Architectural History* (San Francisco: 101 Productions (1980); Woodbridge, Sally and Cannon Design Group. *Benicia, California: Downtown Historic Conservation Plan*. City of Benicia, 1990; Sanborn Map Benicia, CA. 1886; 1986 Benicia Historic Inventory form.

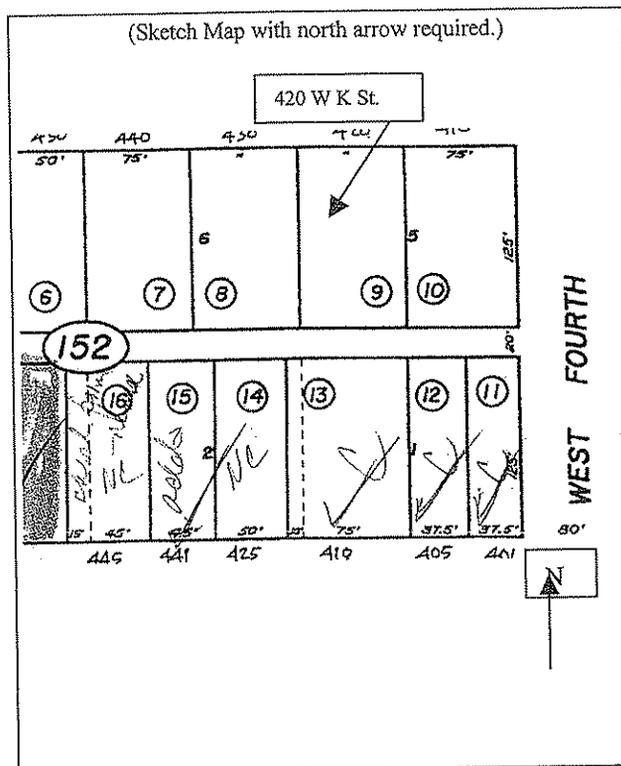
BUILDING, STRUCTURE, AND OBJECT RECORD

Remarks: N/A

B14. Evaluator: Carol Roland, Ph.D.

Roland-Nawi Associates: Preservation Consultants
4829 Crestwood Way
Sacramento, CA 95822

B 15. Date of Evaluation: 11-25-05



(This space reserved for official comments.)

**DPR 523 FORMS A&B
551 & 575 EAST H STREET**

State of California — The Resources Agency
 DEPARTMENT OF PARKS AND RECREATION
PRIMARY RECORD

Primary #: _____
 HRI # _____
 Trinomial _____
 NRHP Status Code: _____
 Other Listings _____
 Review Code _____ Reviewer _____ Date _____

*Resource Name or #: 551 East H Street

- P1. Other Identifier:
- *P2. .Location: *a. County Solano
- b. Address: 551 East H Street
- *c. City: Benicia Zip 94510
- d. UTM: N/A
- e. USGS Quad: Benicia T2N R3W MDM
- *f. Other Locational Data (APN #): 89-072-14

***P3a. Description**

This small cottage appears to be an early example of a Greek Revival residence. According to the 1886 survey the lot on which the house is sited was improved in 1867, a date consistent with the style of this building. The house is rectangular in plan with a front gable roof. The gable has a small overhang with a narrow fascia and a wide verge board and eave returns. The building is unoccupied and boarded and its former porch has been removed, although the shadow of the porch is clearly evident. The center gabled porch was still in place at the time of 1986 survey photo. The original four panel door with transom is still in place, as are part of the window casings and muntins. The windows exhibit a flat pediment. The building is clad in clapboard.

*P3b. Resource Attributes: HP2

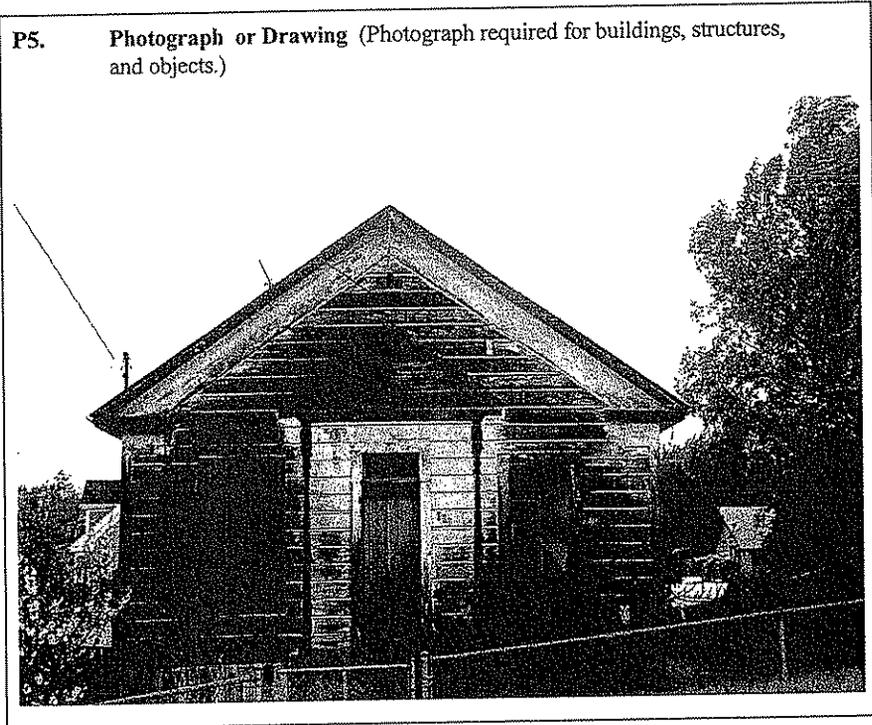
*P4. Resources Present: Building Structure Object Site District Element of District

P5b. Description of Photo:

Front façade, view north

- *P6. Date Constructed/Age: 1860
 Prehistoric Historic Both
- *P7. Owner and Address:

P5. Photograph or Drawing (Photograph required for buildings, structures, and objects.)



Joseph Conway
 530 Pyramid Ct.
 Fairfield, CA 94534

*P8. Recorded by:
 Carol Roland
 Roland-Nawi Associates
 4829 Crestwood Way
 Sacramento, CA 95822

*P9. Date Recorded: 11-20-04

*P10. Type of Survey: Intensive
 Reconnaissance Other

Describe Eligibility Evaluation

*P11. Report Citation: none

*Attachments: NONE Map Sheet Continuation Sheet Building, Structure, and Object Record Linear Resource Record Archaeological Record District Record Milling Station Record Rock Art Record Artifact Record Photograph Record Other (List):

BUILDING, STRUCTURE, AND OBJECT RECORD

*Resource Identifier: 551 East H Street

*NRHP Status Code: 3D

B1. Historic Name: N/A

B2. Common Name:

B3. Original Use: Residence

B4. Present Use: Unoccupied

*B5. Architectural Style: Greek Revival

B7. Moved? No Yes Unknown

Date: N/A Original Location: same

*B8. Related Features: None

B9a. Architect: unknown

B9b. Builder: unknown

*B10. Significance: Theme: Benicia Downtown District

Period of Significance: 1847-1940

Property Type:

Single Family **Applicable Criteria: A / C**

Although very simple in conception and in deteriorating condition, this is among the older residences within the historic district boundaries. It was not listed as a contributor to the district following on the 1986 survey for reasons that are not known. If the building fabric can be salvaged in rehabilitation, the building should be listed as a contributor to the district.

B11. Additional Resource Attributes: N/A

B12. References: McAlester, Virginia and Lee. *A Field Guide to American Houses*. New York: Alfred Knopf (1986); Bruegmann, Robert. *Benicia Portrait of an Early California Town: An Architectural History* (San Francisco: 101 Productions (1980); Woodbridge, Sally and Cannon Design Group. *Benicia, California: Downtown Historic Conservation Plan*. City of Benicia, 1990; Sanborn Map Benicia, CA. 1886; 1986 Benicia Historic Inventory form.

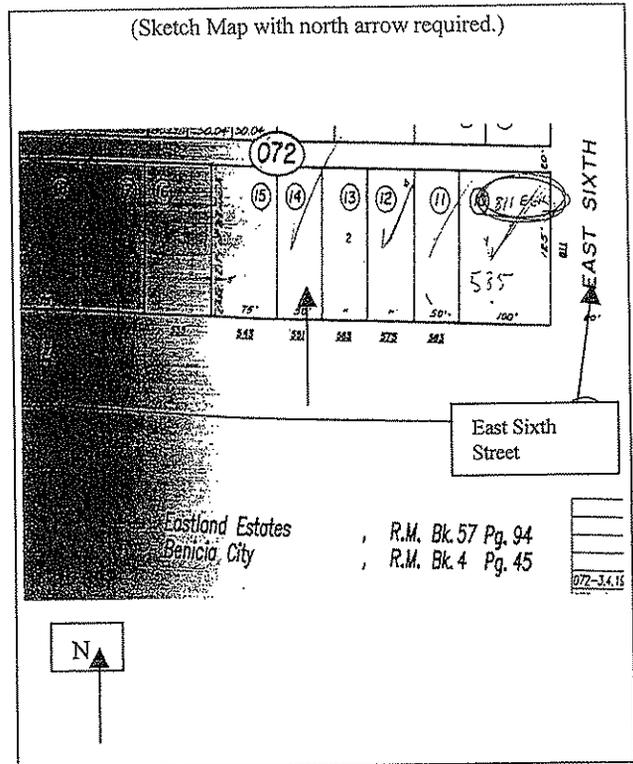
BUILDING, STRUCTURE, AND OBJECT RECORD

Remarks: N/A

B14. Evaluator: Carol Roland, Ph.D.

Roland-Nawi Associates: Preservation Consultants
4829 Crestwood Way
Sacramento, CA 95822

B 15. Date of Evaluation: 11-22-04



(This space reserved for official comments.)

State of California — The Resources Agency
 DEPARTMENT OF PARKS AND RECREATION
PRIMARY RECORD

Primary #: _____
 HRI # _____
 Trinomial _____
 NRHP Status Code: _____
 Other Listings _____
 Review Code _____ Reviewer _____ Date _____

*Resource Name or #: 575 East H Street

P1. Other Identifier:

*P2. .Location: *a. County Solano

b. Address: 575 East H Street

*c. City: Benicia Zip 94510

d. UTM: N/A

e. USGS Quad: Benicia T2N R3W MDM

*f. Other Locational Data (APN #): 89-072-12

*P3a. Description

This vernacular cottage is among the oldest surviving residences in town. The 1886 survey places its construction in the late 1850s. It is one and one-half story in height with a shed roof addition at the rear. The roof is moderately pitched with side gables that have slight eave overhangs. A small entry porch occupies the center of the front façade. Its front gable roof is supported on plain posts. Fenestration is symmetrically arranged. On the front elevation the windows are six-over-six double hung with wide wood casings. The house is clad with clapboard.

*P3b. Resource Attributes: HP2

*P4. Resources Present: Building Structure Object Site District Element of District

P5b. Description of Photo:

Front façade, view north

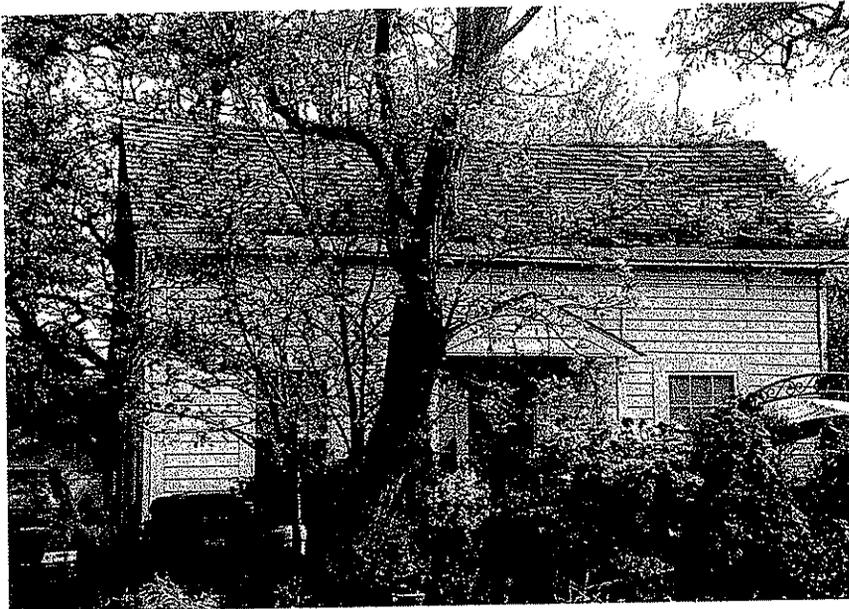
*P6. Date Constructed/Age: late 1850s or 1860s

Prehistoric Historic Both

*P7. Owner and Address:

Thomas Perkins

P5. Photograph or Drawing (Photograph required for buildings, structures, and objects.)



575 East H Street
 Benicia, CA 94510

*P8. Recorded by:
 Carol Roland
 Roland-Nawi Associates
 4829 Crestwood Way
 Sacramento, CA 95822

*P9. Date Recorded: 11-20-04

*P10. Type of Survey: Intensive
 Reconnaissance Other

Describe Eligibility Evaluation

*P11. Report Citation: none

*Attachments: NONE Map Sheet Continuation Sheet Building, Structure, and Object Record Linear Resource Record Archaeological Record District Record Milling Station Record Rock Art Record Artifact Record Photograph Record Other (List):

BUILDING, STRUCTURE, AND OBJECT RECORD

*Resource Identifier: 575 East H Street

*NRHP Status Code: 3D

B1. Historic Name: N/A

B2. Common Name:

B3. Original Use: Residence

B4. Present Use: Residence

*B5. Architectural Style: Vernacular

B7. Moved? No Yes Unknown

Date: N/A Original Location: same

*B8. Related Features: None

B9a. Architect: unknown

B9b. Builder: unknown

*B10. Significance: Theme: Benicia Downtown District Period of Significance: 1847-1940 Property Type: Single Family Applicable Criteria: A / C

This residence is among the oldest buildings in the historic district. Its simple vernacular style represents the types of buildings that were constructed in the early period of the city's development. Its character defining features include its roof line, symmetrical organization, central gable roofed porch, fenestration and clapboard cladding. The building is listed as a contributor to the Downtown Historic District and it should retain this status.

B11. Additional Resource Attributes: N/A

B12. References: McAlester, Virginia and Lee. *A Field Guide to American Houses*. New York: Alfred Knopf (1986); Bruegmann, Robert. *Benicia Portrait of an Early California Town: An Architectural History* (San Francisco: 101 Productions (1980); Woodbridge, Sally and Cannon Design Group. *Benicia, California: Downtown Historic Conservation Plan*. City of Benicia, 1990; Sanborn Map Benicia, CA. 1886; 1986 Benicia Historic Inventory form.

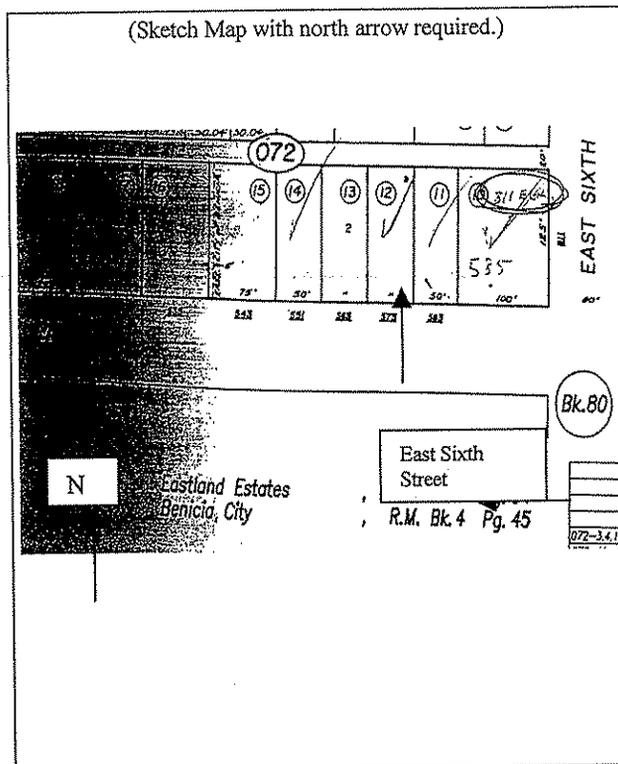
State of California — The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
BUILDING, STRUCTURE, AND OBJECT RECORD

Primary #:
HRI#:

Remarks: N/A

B14. Evaluator: Carol Roland, Ph.D.
Roland-Nawi Associates: Preservation Consultants
4829 Crestwood Way
Sacramento, CA 95822

B 15. Date of Evaluation: 11-22-04



(This space reserved for official comments.)

VIII-A-114

CITY COUNCIL RESOLUTION NO. 08-62

RESOLUTION NO. 08-62

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA AMENDING THE DOWNTOWN HISTORIC CONSERVATION PLAN TO REQUIRE DESIGN REVIEW FOR CONSTRUCTION AND MODIFICATIONS OF NON-HISTORIC SINGLE-FAMILY RESIDENCES AND DUPLEXES

WHEREAS, in November 1990, the City Council adopted the Downtown Historic Conservation Plan, further amended in December 1992; and

WHEREAS, the City Council under Ordinance No. 01-3 established the Historic Preservation Commission for the purpose of providing advice and assistance to the City Council in implementing the goals, policies, and programs set forth in the City's General Plan relating to preservation and enhancement of the City's historic character and protection of the City's archaeological sites and resources; and

WHEREAS, at a regular meeting on January 25, 2007, the Historic Preservation Review Commission recommended the City Council consider single family design review for all single family residences in the H overlay district; and

WHEREAS, at a special meeting on February 26, 2008, the City Council held a public hearing on proposed amendments to the design review requirements of the Downtown Historic Conservation Plan, received public testimony and directed staff to bring this issue back to the HPRC to develop guidelines and recommendations, including fee structure and design guidelines for construction modifications of non-historic single-family and duplex residences and bring a recommendation back to Council; and

WHEREAS, at a regular meeting on April 24, 2008, the Historic Preservation Review Commission held a public hearing on proposed amendments to the design review requirements of the Downtown Historic Conservation Plan, received public testimony, and recommended the City Council amend the Downtown Historic Conservation Plan to establish fees and levels of review for non-historic single-family residences and duplexes in the Downtown Historic District; and

WHEREAS, at a regular meeting on June 17, 2008, the City Council held a public hearing on proposed amendments to the design review requirements of the Downtown Historic Conservation Plan, received public testimony and reviewed the recommendation of the Historic Preservation Review Commission to amend the Downtown Historic Conservation Plan to require design review for construction and modifications of non-historic single-family and duplex residences in the Downtown Historic Overlay District; and

WHEREAS, the City Council finds that the proposed amendments to the Downtown Historic Conservation Plan are consistent with the goals, objectives, and policies of the General Plan.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council hereby amends the Downtown Historic Conservation Plan to require design review for construction and modifications of non-historic single-family and duplex residences, as specified in Exhibit "A" attached.

BE IT FURTHER RESOLVED THAT the City Council of the City of Benicia hereby determines that non-historic residences in the Eastern Residential Area of the Downtown Historic District (shown on page 8 of the DHCP) and any other future exclaves of the Central Historic Area of the Downtown Historic District (shown on page 7 of the DHCP) shall be exempt from design review.

On motion of Council Member **Hughes**, seconded by Council Member **Schwartzman**, the above Resolution was introduced and passed by the City Council of the City of Benicia at a regular meeting of said Council held on the 17th day of June, 2008 and adopted by the following vote:

Ayes: **Council Members Hughes, Schwartzman and Mayor Patterson**

Noes: **None**

Absent: **None**

Abstain: **Council Members Campbell and Ioakimedes**


Elizabeth Patterson, Mayor

ATTEST:

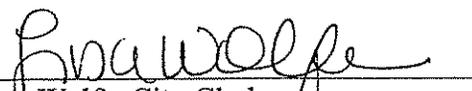

Lisa Wolfe, City Clerk

EXHIBIT "A"

**DESIGN REVIEW
FOR NON-HISTORIC SINGLE-FAMILY AND DUPLEX RESIDENCES
IN THE CENTRAL AREA OF THE DOWNTOWN HISTORIC DISTRICT**

TYPE OF PROJECT	APPROVAL AUTHORITY	FEE
<u>MAJOR:</u> New construction or additions. Must be compatible with the character of the historic district.	HPRC	\$600
<u>MINOR:</u> Alterations such as new or different siding or cladding, changes to roofs, windows, and doors.	STAFF (AND HPRC CONSENT CALENDAR)	\$300
<u>ROUTINE MAINTENANCE:</u> Repair, painting, reroofing, window replacement, siding replacement in-kind.	STAFF (OVER-THE-COUNTER)	NO CHARGE (building permit required, except for painting and doors)

**AGENDA ITEM
CITY COUNCIL MEETING: JUNE 16, 2009
ACTION ITEM**

DATE : May 22, 2009
TO : City Council
FROM : Police Chief
SUBJECT : **FIRST READING AND INTRODUCTION OF AN
ORDINANCE AMENDING CHAPTER 8.38 (GRAFFITI
CONTROL) OF TITLE 8 (HEALTH AND SAFETY) OF THE
MUNICIPAL CODE**

RECOMMENDATION:

Introduce an ordinance amending Chapter 8.38 (Graffiti Control) of Title 8 (Health and Safety).

EXECUTIVE SUMMARY:

Graffiti vandalism creates a public health and safety issue and constitutes a public nuisance, which must be abated in a timely manner. While the City has had a strong anti-graffiti ordinance in place since 1996, further amendments are necessary to maximize the City's ability to combat and prevent graffiti.

STRATEGIC PLAN:

Relevant Strategic Plan Goals and Strategies:

- Goal 1.00: Protect Community Health and Safety
 - Strategy 1.30: Protect neighborhoods from risks to health and safety

BUDGET INFORMATION:

There will be a budget impact in the following area:

Payment of a reward of \$300.00 for the apprehension and conviction of graffiti suspect(s). This can be absorbed for the remainder of the fiscal year (08/09) and recommend adding \$1,500 annually to the budget in order to cover the estimated costs associated with this. City will civilly recover the reward costs from the suspect(s).

BACKGROUND:

Benicia last made amendments to the anti-graffiti ordinance in 1996. As presently constituted, the ordinance declares graffiti vandalism to be a public nuisance, subject to abatement and various penalties.

Since 1996, graffiti vandalism has become an increasing problem throughout the United States and the City of Benicia. Graffiti has materially increased the cost to the public of maintaining both City and private property. Such graffiti is detrimental to property values, degrades the community, can increase crime and urban blight, and is inconsistent with the City's property maintenance goals. Further, the inscription of graffiti may be associated with criminal activity and delinquency and unless graffiti is removed from property, it tends to remain there for extended periods of time, or indefinitely.

Some graffiti is also a means of identification utilized by gangs and its presence may encourage further gang-related activities, however the graffiti in Benicia is rarely related to gangs. The majority of individuals who commit acts of graffiti vandalism seek notoriety and recognition as they attach status to having their acts of vandalism viewed by the public. Prolonged visibility due to volume, size, and location of the graffiti, and placement of the graffiti in hard to reach places enhance the perpetrator's purported notoriety and perpetuates the problem. Therefore, the swift removal or painting over graffiti in combination with criminal prosecution of the persons who create it is vital to combating this issue.

The proposed amendments to Benicia's anti-graffiti ordinance maximize the City's right to remove graffiti on both public and private property and provide enforcement tools to help deter graffiti vandalism to the fullest extent of the law. These amendments can be summarized as follows:

1. In an effort to encourage property owners to cooperatively engage in measures to prevent graffiti, as well as to remove graffiti from their property in a timely and beneficial manner, the amended ordinance now maximizes the City's right to abate graffiti with or without a property owner's consent. In the case of abatement without such consent, the ordinance makes it clear that the City has a right of entry on private property for such purpose and provides a detailed advance notice procedure to property owners.
2. The ordinance authorizes a reward amount of \$300.00 given to those who provide information leading to apprehension of graffiti vandals. Further, the ordinance as amended now makes it clear that any person who commits a graffiti crime is liable for the amount of the reward. If such person is an unemancipated minor, such minor's parents or guardians are liable for the reward.
3. The amended ordinance also seeks to prevent graffiti and facilitate its removal by requiring applicants for discretionary land use approvals to consider the prevention of graffiti in the design and construction of new structures. Those measures include, among other things, the use of protective coatings that facilitate graffiti removal; additional lighting; non-solid fencing; landscaping that covers

large walls; and architectural design that breaks up long, continuous walls or solid areas.

Overall, the adoption of the revised anti-graffiti ordinance will provide the City with the most comprehensive methods available to:

1. Assist and encourage property owners to cooperatively engage in measures to prevent graffiti, as well as remove graffiti from their property in a timely and beneficial manner;
2. Alert parents and legal guardians to their involvement in, and responsibility for, payment of civil damages resulting from the willful misconduct of a minor in their charge;
3. Notify any person who willfully damages property by inscribing graffiti that their acts will have direct personal consequences which may include fines, imprisonment, court mandated community service, suspension, and/or delay driving privileges;
4. Notify retailers within the City that it is unlawful to sell or give to any individual under the age of 18 years a graffiti implement and that they must keep, store, and maintain certain implements capable of being used to deface property in a constant supervision of an employee;
5. Advise any person, firm or corporation engaged in the retail sale of any graffiti implement of their responsibilities under this Ordinance and to the potential consequences, including the imposition of fines, for failure to take proper precautions to keep, store, and maintain in an inaccessible location any implement regulated by this Ordinance; and
6. Secure the cooperation of residents, businesses, and contractors of services in the arrest of individuals responsible for inscribing graffiti on property by providing for the payment of a reward for information leading to the apprehension and conviction of any person who willfully places graffiti or other inscribed material upon public or privately owned property within the city.

The proposed ordinance has been reviewed by representatives for Benicia Main Street and the Chamber of Commerce. As a result of their comments, the ordinance was modified to allow property owners to have their expenses recovered by the City.

The Public Works Department will also expand their “adopt a street” program to include “adopt a wall” for citizens to assist in the maintenance of City property, which is frequently vandalized by graffiti. In addition, the Police Department will develop a public education program in an effort to gain public awareness for this revised ordinance.

Attachment:

- Proposed Ordinance

ORDINANCE

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BENICIA
AMENDING CHAPTER 8.38 (GRAFFITI CONTROL) OF TITLE 8
(HEALTH AND SAFETY) OF THE BENICIA MUNICIPAL CODE IN ITS
ENTIRETY

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

Section 1.

Chapter 8.38 (Graffiti Control) of Title 8 (Health and Safety) of the Benicia
Municipal Code is amended in its entirety to read as follows:

Chapter 8.38

GRAFFITI CONTROL

Sections:

- 8.38.010 Purpose and findings.
- 8.38.020 Definitions.
- 8.38.030 Graffiti under state law.
- 8.38.040 Purchase or possession of graffiti implements.
- 8.38.050 Penalties for violations.
- 8.38.060 Declaration of nuisance.
- 8.38.070 Removal by person applying graffiti.
- 8.38.071 Removal of graffiti by the property owner.
- 8.38.080 Abatement at owner's expense.
- 8.38.090 Abatement at owner's expense- Notice to abate.
- 8.38.100 Abatement at owner's expense- Hearing.
- 8.38.110 Abatement at owner's expense-Costs.
- 8.38.120 Removal at city expense.
- 8.38.121 Recovery of funds from the person applying graffiti.
- 8.38.130 Alternative means of enforcement.
- 8.38.140 Reporting graffiti, reward. Severability.
- 8.38.150 Graffiti prevention provisions- Design of new graffiti attracting surfaces.

8.38.010 Purpose and findings.

A. The purpose of this chapter is to provide enforcement tools in addition to those already provided by state law for removal of graffiti and to prevent and control the further spread of graffiti on walls and structures on both public and private property in the city. It is further the intent of the city council, through the adoption of this chapter, to give notice to all who disregard the property rights of others that the city will strictly enforce all laws prohibiting graffiti, including but not limited to Sections 594, 594.1, 640.5 and 640.6 of the

California Penal Code, Section 13202.6 of the California Vehicle Code, and the provisions of this chapter.

B. The city council finds:

1. Graffiti is inconsistent with the city's property maintenance goals and aesthetic standards;

2. The increase of graffiti on both public and private property is creating a condition of blight within the city which results in deterioration of property and business values for the property tagged by the graffiti as well as the surrounding properties;

3. ~~The city council finds and determines that~~ Graffiti is detrimental to the public health, safety and general welfare and constitutes a public nuisance which must be abated; ~~it is further the intent of the city council, through the adoption of this chapter, to give notice to all who disregard the property rights of others tha the city will strictly enforce all laws prohibiting graffiti, including but not limited to Sections 594, 594.1, 640.5, 640.6 of the California Penal Code, Section 13202.6 of the California Vehicle Code, and the provisions of this chapter.~~

4. Graffiti has also been found to be associated with criminal activity and delinquency. It is also a means of identification and intimidation utilized by gangs and its presence may further gang-related activities. The proliferation of graffiti, especially gang-related graffiti, presents an imminent danger to the public safety and welfare. Law enforcement officials and other experts agree that immediate removal of gang-related graffiti is necessary to reduce the risk of violent and other criminal activities associated with gangs and gang territories. In addition, the power of graffiti to create fear within the community and blight upon the landscape, to devalue property and detract from a sense of community enjoyed by residents and businesses in the city, goes beyond the cost of clean-up or removal. Not only is graffiti a criminal act of vandalism, but it is also a social crime upon the quality of life and freedom from intimidation that citizens desire in their neighborhoods; and

5. This chapter provides an immediate and practical method for combating the effects of graffiti on public and privately owned structures and real property.

8.38.020 Definitions. For the purposes of this chapter, the following words and phrases shall have the meanings respectively defined by this section:

"Administrative hearing officer" means the city's director of parks and community services ~~chief of police~~ or his/her designated representative.

"Aerosol container" means any aerosol container regardless of the material from which it was made, which is adopted or made for the purpose of spraying paint, dye, ink or other substance capable of defacing property.

"Demand for payment" means an invoice for graffiti abatement costs prepared by the city containing the location and description of defaced property, a summary of graffiti abatement actions performed, a listing of abatement costs and expenses incurred by the city, and the basis for the determination of the responsible person or offender.

"Etching solution" means any caustic cream, gel, liquid, or other solution capable, by means of a chemical action, of defacing, damaging, or destroying hard surfaces in a manner similar to acid.

"Felt tip marker" means any marker or similar implement with a tip which, at its broadest width, is greater than one-eighth inch and contains an ink, paint or other liquid that is not water soluble and that is capable of defacing property.

"Graffiti" includes any inscription, word, figure or design that is marked, etched, scratched, inscribed, marred, drawn, or painted, pasted or otherwise affixed to, or on, any real property, building, structure, or facility, structural component of any building, structure or other facility or any surface without the owner's prior authorization. Regardless of the nature of the material of that structural component.

"Graffiti abatement costs" include, but are not limited to, court costs, attorney's fees, costs of removal of the graffiti or the surface to which the graffiti is attached, costs of repair and replacement of defaced property, and law enforcement costs.

"Graffiti attracting surfaces" means any publicly viewable surfaces deemed by the city manager or his/her designee to be likely to attract graffiti.

"Graffiti implement" means an aerosol or pressurized container, a felt tip marker, gum label, a paint stick, etching solution or an etching tool capable of scarring glass, metal, concrete, or wood, or other graffiti attracting surfaces.

"Gum label" means any sheet of paper, fabric, plastic or other substance with an adhesive backing which, when placed on a surface, is not easily removable.

"Paint stick" means a device containing a solid form of paint, chalk, wax, epoxy, or other similar substance capable of being applied to a surface by pressure, and upon application leaving a mark at least one-eighth inch in width, and not water soluble.

"Parent or guardian" means the parent or legal guardian who has custody and control of the minor.

"Pressurized container" means any can, bottle, spray device or other mechanism which is designed to propel or expel liquid, ink, paint, chalk, dye or other similar substances under pressure and which contains liquid, ink, paint, chalk, dye or other similar substances capable of defacing property with permanent, indelible or waterproof liquid, ink, paint, chalk, dye or other similar substances.

"Property" means real or personal property, whether publicly or privately owned, within city limits.

"Structure" means the same as defined in the California Building Code.

"Surface" means the exposed area of any object including, but not limited to, walls, fences, sidewalks, rocks, curbs, street lamp poles, utility boxes and poles, trees, vegetation, signs, and trash receptacles.

8.38.030 Graffiti under state law.

A. It is unlawful for any person to violate California Penal Code Section 640.6 which provides that any person who writes, sprays, scratches, or

otherwise affixes graffiti on any real or personal property not his or her own is guilty of an infraction.

B. It is unlawful for any person to violate California Penal Code Section 594 which provides that any person who maliciously (1) defaces with paint or any other liquid; (2) damages; or (3) destroys any real or personal property not his or her own, in cases other than those specified by state law, is guilty of vandalism punishable by fine and/or imprisonment.

C. It is unlawful for any person to violate California Penal Code Section 640.5 which provides that any person who writes, sprays, scratches, or otherwise affixes graffiti on or in the facilities or vehicles of a governmental entity, whether leased or owned by the governmental entity, is guilty of an infraction.

D. It is unlawful for any person to violate California Penal Code Section 594.1 which provides that it is a misdemeanor for (1) any person to sell or furnish to any minor under the age of 18 an aerosol container, other than the parent or legal guardian of such minor; (2) any minor to purchase an aerosol container; and (3) any minor to possess an aerosol container while upon any public highway, street or alley.

8.38.040 Purchase or possession of graffiti implements.

A. Purchase by or furnishing to minors. It shall be unlawful for any person under the age of 18 years to purchase any graffiti implement unless accompanied by a parent or legal guardian. It shall be unlawful for any person, other than a parent or legal guardian, to sell, exchange, give, loan, or otherwise furnish, or cause or permit to be exchanged, given, loaned, or otherwise furnished, any graffiti implement to any person under the age of 18 years without the prior consent of the parent or other lawfully designated guardian of the person.

B. Possession. No person shall have in his/her possession and in plain view any graffiti implement for the purpose of inscribing graffiti while upon any public right-of-way or property in the city. Public property shall include any public park, playground, swimming pool, school or recreational facility if such are posted with signs stating that it is a misdemeanor to possess graffiti implements (as defined in this chapter). This section shall not apply to any person who has received valid authorization from the governmental entity which has jurisdiction over the public area.

8.38.050 Penalties for violations. Unless otherwise provided by California State law, any violation of this chapter shall be a misdemeanor offense punishable by either six months in jail, a \$1,000 fine, or both. Additional penalties which may be recommended to the court on an ad hoc basis:

A. Vehicle Code Section 42001.7 permits a court to require a littering offender (Vehicle Code Sections 23111, 23112 and 23113) to pick up litter or clean up graffiti;

B. Vehicle Code Section 13202.6 permits a court to suspend or delay issuance of a driver's license for one year for each conviction of a graffiti offense;

C. Minors determined to be wards of the court under Welfare and Institutions Code Section 602 as a result of committing an offense in the city of Benicia shall be required, at the city's request of the court, to perform community service, which may include a graffiti removal service of not less than six hours nor more than 80 hours;

D. The city may request the court, pursuant to Civil Code Section 1714.1, to hold the parent or legal guardian of a minor who violates this chapter, or the state laws mentioned herein, personally responsible for any and all costs incurred in connection with the removal of graffiti caused by said minor, including attorneys' fees and court costs;

E. If the court does not hold the parent or legal guardian of a minor who violates this chapter, or the state laws mentioned herein, responsible for the city's removal costs, then the city may make such costs a special assessment against a parcel of land owned by the parent or legal guardian pursuant to Government Code Section 38773.6 so long as 30 days' prior written notice is provided to the parent or legal guardian about the anticipated special assessment if such costs are not paid to the city.

8.38.060 Declaration of nuisance. The city council finds and declares that the existence of graffiti anywhere within the boundaries of the city of Benicia is obnoxious and offensive, thereby constituting a public and private nuisance. Such graffiti shall be abated according to the provisions and procedures contained in this chapter.

8.38.070 Removal by person applying graffiti. Any person applying graffiti within the city shall have the duty to remove the same immediately, and in no event longer than 72 hours after notice by the city or the public or private owner of the property involved. Each instance of failure by any person to remove graffiti following notice shall constitute a separate violation. Every day that said graffiti is not removed, after notice, shall constitute a separate offense.

8.38.071 Removal of graffiti by the property owner.

A. Except as otherwise provided by this section, it is unlawful for a property owner to permit property that has been defaced with graffiti to remain so defaced for a period of longer than 72 hours after notification by the city of the existence of the graffiti and the requirement to remove the graffiti. Property shall be considered no longer defaced when the graffiti is removed or the defaced area is covered with paint that is similar in shade and color to the surface upon which the graffiti is placed.

B. For the purpose of this section, notification to the property owner may be made by posting a notice on the property that has been defaced. The notice shall state that the graffiti must be removed within 72 hours unless the chief of police or his/her designee agrees that additional time for removal is reasonable considering the graffiti and the ease of removal.

8.38.080 Abatement at owner's expense. Graffiti located on privately or publicly owned property within the city of Benicia so as to be capable of being viewed by a person utilizing any public right-of-way may be removed by the city at the owner's expense as a public nuisance after service of a notice to abate as herein set forth.

8.38.090 Abatement at owner's expense – Notice to abate.

A. Whenever the city is apprised of the presence of graffiti located on privately or publicly owned property within the city of Benicia, the city shall serve a written notice to abate such graffiti upon the owner of the affected premises as such owner's name and address appears on the last equalized assessment roll or the supplemental roll, whichever is more current, and to the tenant, where applicable and if known to the city.

B. Contents of Notice. The notice shall be substantially as set out in Form 8.38.090 at the end of this chapter and contain substantially the following information:

1. The street address, legal description, or other description sufficient to identify the premises affected by the described graffiti;
2. The length of time permitted for voluntary abatement of the graffiti;
3. A statement that the property owner may, during the abatement period, file a written request for hearing if the owner disagrees with the demand to abate the graffiti;
4. A statement that if the graffiti is not voluntarily abated within the stated period, the city will abate the graffiti, that the costs of such abatement shall be assessed against the premises and shall be collected in the same manner as city taxes.

C. Service of Notice.

1. The notice to abate the graffiti shall be personally served in the same manner as summons in a civil action in accordance with Section 415.10 of the Code of Civil Procedure. If the owner of record, after diligent search, cannot be found, the notice may be served by posting a copy thereof in a conspicuous place upon the property for a period of 10 days and publication thereof in a newspaper of general circulation published in Solano County pursuant to Government Code Section 6062.
2. The failure to make or attempt such service on any person as required herein shall not invalidate any proceedings under this chapter as to any other person duly served.

8.38.100 Abatement at owner's expense – Hearing.

A. A written request for hearing must be received by the administrative hearing officer or his/her designated representative within seven days of service of the notice. The administrative hearing officer, or designee, shall set a time and date for the hearing and notify the person requesting the hearing of the time, date, and place. The hearing shall be before the administrative hearing officer. The hearing shall be an informal opportunity for the person requesting the

hearing to present his/her arguments against the requirement to abate the graffiti at his/her expense. Such arguments may include requesting the city to abate at its cost in accordance with BMC 8.38.120.

B. At the hearing, the administrative hearing officer shall render a decision, in writing, upholding or denying the requirement of abatement. If the requirement is upheld, the decision shall contain an order to abate and a deadline for abatement, and shall be served on the person requesting the hearing by U.S. mail. The decision of the administrative hearing officer may be appealed to the city council pursuant to Chapter 1.44 BMC.

8.38.110 Abatement at owner's expense – Costs.

A. If the graffiti is not completely abated by the owner or occupier of the premises within the time prescribed in the (1) notice to abate; (2) decision of the administrative hearing officer; or (3) decision of the city council, whichever is applicable, the city's chief of police director of parks and community services or his/her designated representative is authorized and directed to cause the graffiti to be abated by city personnel or private contract, and the city, or its private contractor, is expressly authorized to enter upon the premises for such purposes.

B. The city's chief of police director of parks and community services or his/her designated representative shall keep an account of the costs and expenses, including all administrative and legal costs, in abating such graffiti and shall serve by U.S. mail a statement of such costs to the person or persons receiving the notice to abate. Such person or persons receiving the notice to abate shall be liable to the city for any and all costs and expenses to the city involved in abating the graffiti. In accordance with Section 8.38.120, a property owner may request a hearing to have all or a portion of the costs and expenses be solely a city expense and not an obligation of the property owner.

C. If all or any portion of the costs and expenses incurred by the city in abating the graffiti and accounted for by the city's chief of police director of parks and community services or his/her designated representative remains unpaid after 30 days, then pursuant to authority created by law, including Government Code Sections 38773.5, 38773.6 and 38773.7, such portion thereof as remains unpaid shall constitute and is hereby declared to constitute an assessment on the real property which was served with the notice to abate and/or the subject property. The city's chief of police director of parks and community services or his/her designated representative or city clerk, prior to August 10th of each year, shall deliver to the county auditor of Solano County a notice to levy the special assessment on the property for placement on the secured roll. Thereafter, the special assessment shall be collected and enforced in the same manner as municipal taxes.

8.38.120 Removal at city expense. Graffiti located on publicly or privately owned real property within the city of Benicia so as to be capable of being viewed by a person utilizing any public right-of-way may be removed solely at the city's expense, without reimbursement from the property owner or assessment upon the property, upon all of the following conditions:

A. The administrative hearing officer, pursuant to a hearing under BMC 8.38.100, determines that (1) the owner of the affected property is unable to remove the graffiti due to extreme financial hardship; or (2) the same owner of the affected property has made no more than one request for such city removal at the city's sole expense within a calendar year;

B. In removing the graffiti, the painting or repair of a more extensive area beyond the tagged area shall not be authorized; and

C. When the work is to be performed by the city, or by contract at the direction of the city, the removal of the graffiti may not proceed until the written consent of the person or entity having jurisdiction over the structure is obtained along with a release of the city from liability. Such consent and release shall be substantially as set out in Form 8.38.120 at the end of this chapter.

Nothing herein shall be construed as obligating the administrative hearing officer to require that any graffiti be abated at the sole expense of the city.

8.38.121 Recovery of funds from the person applying graffiti.

A. Once the person applying the graffiti has been identified by the police department or other law enforcement agency and the city and/or the property owner/manager have expended funds to remove the graffiti, regardless of its location, which was caused by the identified person, the city may recover the funds in accordance with the following procedures:

1. The property owner/manager shall promptly submit an itemized statement of expenses along with appropriate documentation to the police department.

2. The police department will work in conjunction with the court and/or diversion system to submit a demand for payment, ordering payment to be made to the city within ten (10) days after receipt of notice. The demand for payment shall be requested during the criminal adjudication process or as part of the diversion process. The demand for payment shall also provide the offender with notice of appeal procedures.

3. If the identified offender is a minor, then pursuant to Government Code section 53069.3(d), the police department will submit a demand for payment to the minor and the minor's parents or guardian having custody and control of the minor, ordering payment to be made within ten (10) days. The demand for payment shall also provide the parents or guardian with notice of appeal procedures.

B. Appeals from the demand for payment shall be made in accordance with Chapter 1.44 of this code and must be filed within ten (10) calendar days from the service of the notice.

1. At the hearing, if one is requested, the minor and the parent or guardian having custody and control of the minor may each be heard and provided with the opportunity to show cause why the city should not recover funds from the minor and the parent or guardian having custody and control of the minor. Following the hearing, the hearing officer shall determine whether the city should recover funds from the minor and the parent or guardian having custody and control of the minor.

2. If the administrative hearing officer determines that the city and/or property owner/manager should recover funds from the offender or, if a minor, the minor and the parent or guardian having custody and control of the minor, the administrative hearing officer shall issue an order to that effect, and the amount shall be payable to the city. The determination of the administrative hearing officer is final. [OPTION: This is the Stockton model. A conforming change will be needed to Chapter 1.44. Other choices are council hears this sort of appeal directly or council hears it after the city manager does.]

3. Pursuant to Government Code sections 38772, 38773.2 and 38773.6, the parent or guardian having custody and control of the minor shall be jointly and severally liable with the minor for the funds expended by the city and/or property owner. If payment is not made within thirty (30) days from the date of the accounting and demand for payment, the payment shall be deemed delinquent and shall be subject to a penalty assessment of one hundred dollars (\$100) plus interest on the unpaid amount, which interest shall accrue at the rate of one and one-half (1-1/2) percent per month until paid.

4. In the event the funds have not been paid within thirty (30) days from the date of issuing an accounting and demand for payment, the amount unpaid including any penalty and interest thereon, shall constitute a lien pursuant to Government Code sections 38772 and 38773.2 against the property of the minor and against the property of the parent or guardian having custody and control of the minor. Prior to recording a notice of lien, the city shall provide notice pursuant to Government Code section 38773.2. Any such lien not paid by June 30th of each year may, upon adoption of a resolution by the city council, be collected along with, and in the same manner as, the general property taxes. The lien property shall be subject to the penalties, procedures, and sale in case of delinquency as provided in the Civil Code of California.

5. As an alternative to a lien and pursuant to Government Code section 38773.6, the funds shall constitute a special assessment against a parcel of land owned by the minor or by the parent or guardian having custody and control of the minor. The assessment shall be collected as provided for in Government Code section 38773.6.

6. In addition to any other remedy provided herein or available at law, the amount owed pursuant to Government Code section 38772 shall constitute a personal obligation against the offender, or if a minor, the minor and the parent or guardian having custody and control of the minor.

C. Funds recovered by the city on behalf of a property owner/manager shall be turned over to the property owner/manager within 10 days of receipt by the City. In the event that the full amount claimed by the property owner/manager and the city is not received, the amounts recovered shall be shared between the property owner/manager and the city on a pro rata basis.

8.38.130 Alternative means of enforcement. Nothing in this chapter shall be deemed to prevent the city council from authorizing the city attorney to commence any other available civil or criminal proceedings to enjoin or abate a

public nuisance under applicable provisions of state law as an alternative to proceedings set forth in this chapter.

8.38.140 Reporting graffiti, reward. The city may pay a reward, as established by city council resolution, to any person who provides information which satisfies the chief of police or or his/her designated representative that there is probable cause to believe a specific person is responsible for the application of graffiti to property or any surface. In addition to any fines levied by the city for a violation of this chapter, any person who has damaged property by applying graffiti shall be liable for the amount of any reward paid pursuant to this chapter and section 53069.5 of the California Government Code. If such person is an unemancipated minor, the minor's parent or guardian is jointly and severally liable and shall pay such amounts to the city.

~~8.38.140 Severability.~~ If any provisions, clause, sentence or paragraph of this chapter, or application there of to any person or circumstances, is held invalid by a court of law, such invalidity shall not affect othr provisions or application of the chpater which can be given effect without the invalid propvisions or applications. Therefore, the provisions of this chapter are declared to be severable.

8.38.150 Graffiti prevention provisions- Design of new graffiti attracting surfaces. Any applicant for design review approval, conditional use permit, temporary activity permit, land development permit, site plan approval, planned development approval, development agreement, or other form of development or building permit shall, to the extent deemed feasible by the city manager or his/her designee, have designed any building structures visible from any public or quasi-public place in such a manner as to consider prevention of graffiti, including, but not limited to, the following: (1) use of additional lighting; (2) use of nonsolid fencing, where permitted; (3) use of landscaping designed to cover large expansive walls such as ivy or similar clinging vegetation; and (4) use of architectural design to break up long continuous walls or solid areas.

Form 8.38.090

NOTICE OF INTENT TO REMOVE GRAFFITI

Date:

NOTICE IS HEREBY GIVEN that you are required at your expense to remove or paint over the Graffiti located on the property commonly known as _____, Benicia, California, which is visible to public view, within seven (7) days after the date of this

notice; or, if you fail to do so, then City employees or private City contractors will enter upon your property and abate the public nuisance by removing or painting over the Graffiti. The cost of the abatement by the City employees or its private contractors, including any administrative and legal expenses incurred, will be assessed upon your property, and collected in the same manner as municipal taxes.

All persons having any objection to or interest in said matters are hereby notified to submit any objections in writing to the City's Chief of Police for the City of Benicia within seven (7) days from the date of this notice. If no such written objections are received by the City by the conclusion of this seven (7) day period, the City may proceed with the abatement of the Graffiti inscribed on your property at your expense without further notice.

(Signature of City Employee)
CITY OF BENICIA
250 East L Street
Benicia, CA 94510

Form 8.38.120

CONSENT TO ENTER PROPERTY AND HOLD HARMLESS AGREEMENT
GRAFFITI REMOVAL

We grant permission to the City of Benicia, or its authorized agents, to enter our property for Graffiti removal. We recognize that the City of Benicia can only provide for the removal or painting of the area which is the subject of the Graffiti. We waive any claims which we may have against the City arising out of this work and agree to indemnify it, its City Council, its agents, officers and employees against any claims or demands whatsoever arising out of their performance of this work.

DATE: _____

NAME & ADDRESS: _____

TELEPHONE NO.: _____

SIGNATURE OF PROPERTY OWNER OR TENANT: _____

Return to: City of Benicia
250 East L Street
Benicia, CA 94510

Section 2.

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

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

* * * * *

On motion of Council Member _____,
seconded by Council Member _____, the
foregoing Ordinance was introduced at a regular meeting of the City Council on
the _____ day of _____, 2009, and adopted at a regular meeting of the Council
held on the _____ day of _____ 2009, by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk

**AGENDA ITEM
CITY COUNCIL MEETING: JUNE 16, 2009
CITY MANAGER REPORTS**

DATE : June 10, 2009
TO : City Council
FROM : City Manager
SUBJECT : **LOCAL GOVERNMENT SUMMIT ANNOUNCEMENT**

RECOMMENDATION:

No action necessary, for information only.

EXECUTIVE SUMMARY:

On July 17-18, the League of California Cities will be co-sponsoring through the City Council School (CSS) Partnership a historic summit meeting of city, county and school officials in Sacramento. This summit will be to discuss and debate the emerging proposals to reform our state governance and fiscal systems. Mayors, council members, city managers and other senior officials in city government are encouraged to attend.

Please see the following page for additional information.



1400 K Street, Suite 400 • Sacramento, California 95814
Phone: 916.658.8200 Fax: 916.658.8240
www.cacities.org

You Are Invited to the
Local Government Summit on Governance
and Fiscal Reform
July 17-18, Sacramento

sponsored by the
Cities Counties Schools Partnership
A collaboration of the League of California Cities,
the California State Association of Counties and the California School Boards Association

Join with hundreds of city, county and school leaders to consider and help craft reforms that will restore a greater degree of local control over services, taxation and spending decisions and end the decades of the state's failure to adopt balanced budgets and meet the pressing needs of our state.

- ✓ *Hear from Experts*
- ✓ *Review Draft Local Government Principles of Reform*
- ✓ *Consider Whether We Need a Constitutional Convention to Do the job*
- ✓ *Work with Peers to Create a Plan for Reform Local Governments Need!*

It's Time to Restore Local Control!

Additional Details

Who: Elected and senior appointed city/county officials and school board members
When: **Friday, July 17:** 1 - 2 p.m. - Registration
2 - 4:30 p.m. - Program
5 - 6:30 p.m. - Reception then dinner on your own
Saturday, July 18: 8 am - 3 p.m. - Program, including breakfast/lunch
Where: Hyatt Regency, Hyatt Regency Sacramento, 1209 L Street, Sacramento
Cost: \$80 for elected and senior appointed city and county officials and school board members; \$120 for all others

How City Officials and Others¹ Can REGISTER:

- **Summit Registration:** online at www.cacities.org/events
- **Hotel Reservation:** Contact the Hyatt Regency directly at (800) 233-1234 and ask for the special Local Government Summit room block, **\$99 (reduced from \$124)** plus taxes for the night of Friday, July 17
 - **Cut-Off Date for Hotel Rooms:** July 7, 2009

¹ County officials should register through CSAC and school board members through CSBA.

AGENDA ITEM
CITY COUNCIL MEETING: JUNE 16, 2009
COUNCIL MEMBER COMMITTEE REPORTS

DATE : June 10, 2009
TO : Mayor Patterson
FROM : City Manager
SUBJECT : **MAYORS' COMMITTEE MEETING**

The following information is provided for your committee report at the June 16, 2009 City Council meeting.

The Mayors' Committee meetings are held on the third Wednesday of each month at 6:00 pm. The June Mayors' Committee meeting will be held on June 17, 2009. The agenda for that meeting is not yet available. Following is additional information regarding upcoming meetings.

Anne Cardwell - Future Mayors' Committee Meetings - Location Change and Schedule Change

From: "Archer, Claudia M" <CARCHER@ci.fairfield.ca.us>
To: "Elizabeth Patterson" <epatterson@ci.benicia.ca.us>, "Harry Price" <harryp00@earthlink.net>, "Jack Batchelor" <jbatch.dxncouncil@sbcglobal.net>, "Jan Vick" <jvick@ci.rio-vista.ca.us>, "Len Augustine" <laugustine@cityofvacaville.com>, "Len Augustine (Personal)" <lenaug@pacbell.net>, "Osby Davis" <mayor@ci.vallejo.ca.us>, "Pete Sanchez" <psanchez@suisun.com>
Date: 5/21/2009 4:38 PM
Subject: Future Mayors' Committee Meetings - Location Change and Schedule Change
CC: "Quinn, Sean P" <squinn@ci.fairfield.ca.us>, "Hoff, Eva" <ehoff@ci.fairfield.ca.us>, "Crittenden, Patricia J." <PJCrittenden@SolanoCounty.com>, "Anne Cardwell" <Anne.Cardwell@ci.benicia.ca.us>, "Carol Yount" <cyount@cityofvacaville.com>, "Dawn Bahrenfuss" <bahrenfuss@ci.rio-vista.ca.us>, "Donna Pock" <dpock@suisun.com>, "Janice Beaman" <jbeaman@ci.dixon.ca.us>, "Jean Miller" <jmiller@ci.vallejo.ca.us>, "Teri Davena" <tdavena@ci.benicia.ca.us>

Hi Everyone:

In light of the consensus reached at last night's meeting, all future 2009 regular Mayors' Committee meetings **will be held at the Hilton Garden Inn at 2200 Gateway Court, in Fairfield**. The Hilton will have a conference room available for your meetings through the January 20, 2010 meeting.

The June 17, 2009 meeting will now be a **regular** Mayors' Committee and not a Mayors' Conference. **The next Mayors' Conference will be on Wednesday, July 15, 2009** and will be hosted by the City of Suisun. This change was made at Suisun's request so they can host you at the new Merchant & Main which is opening in late June.

I have attached a new meeting/conference schedule for your records. If you have any questions, please call me at 429-6296. Thank you!

Claudia

Claudia Archer
 Deputy City Clerk
 1000 Webster Street
 Fairfield, CA 94533

X-B-1-2

**SOLANO COUNTY MAYORS' COMMITTEE / CONFERENCE
SCHEDULE**

<u>DATE</u>	<u>COMMITTEE/CONFERENCE</u>	<u>HOST CITY/ LOCATION</u>
January 21, 2009	Committee	Carino's, Fairfield
<i>February 18, 2009</i>	<i>Conference</i>	<i>Hosted by City of Rio Vista</i>
March 18, 2009	Committee	Carino's, Fairfield
April 15, 2009	Committee	Carino's, Fairfield
May 20, 2009	Committee	Carino's, Fairfield
June 17, 2009	Committee	Hilton Garden Inn, Fairfield
<i>July 15, 2009</i>	<i>Conference</i>	<i>Hosted by City of Suisun</i>
August 19, 2009	Committee	Hilton Garden Inn, Fairfield
September 16, 2009	Committee	Hilton Garden Inn, Fairfield
<i>October 21, 2009</i>	<i>Conference</i>	<i>Hosted by City of Vallejo</i>
November 18, 2009	Committee	Hilton Garden Inn, Fairfield
December 16, 2009	Committee	Hilton Garden Inn, Fairfield
January 20, 2010	Committee	Hilton Garden Inn, Fairfield
<i>February 17, 2010</i>	<i>Conference</i>	<i>Hosted by City of Vacaville</i>

(Modified on May 21, 2009)



AGENDA ITEM
CITY COUNCIL MEETING: JUNE 16, 2009
COUNCIL MEMBER COMMITTEE REPORTS

DATE : June 9, 2009

TO : Mayor Patterson
Vice Mayor Campbell

FROM : City Attorney 

SUBJECT : **ABAG COMMITTEE MEETING**

The following information is provided for your committee report at the June 16, 2009 council meeting:

- The Spring General Assembly was held on Thursday, April 23, 2009, at the Palace Hotel in San Francisco.
- Attached is an article from the ABAG "Service Matters" newsletter regarding the meeting.
- The 2009 Fall General Assembly is scheduled for Thursday, October 22, 2009 in Oakland.

Attachment:

- "Service Matters" Newsletter Article

ATTACHMENT



Service Matters

SB 375 and Sustainable Land Use and Transportation Planning Examined

Almost 200 of the region's elected officials and civic leaders met during ABAG's Spring General Assembly to tackle the critical issue of climate change through the lens of Senator Darrell Steinberg's landmark legislation SB 375. A dialogue between ABAG Vice President and Union City Mayor Mark Green and MTC Commissioner and



ABAG Vice President Mark Green, Union City Mayor

Marin County Supervisor Steve Kinsey set the stage with an overview of regional agency programs that have prepared the region to address climate protection goals and meet the land use-transportation challenges of SB 375. They highlighted how this region's forward thinking, advocacy and implementation of smart

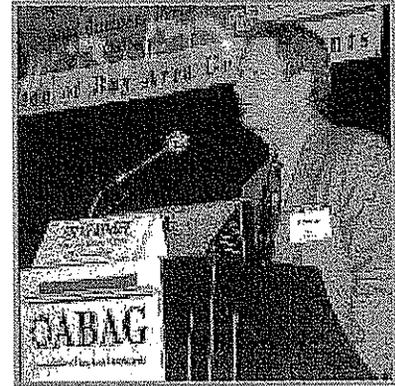
growth principles over the last decade have moved the region forward— from the initiation of the Smart Growth Livability Footprint Project and other sustainable community initiatives to the current Blueprint planning process, known as FOCUS.

A panel of elected officials, moderated by **Santa Clara County Supervisor Dave Cortese**, explored in practical terms some implications of SB 375 for local government, as well as its regionwide opportunities and challenges. **Berkeley Mayor Tom Bates**, who serves as a Commissioner of The San Francisco Bay Conservation and Development Commission, challenged that the business of local

government is combining sustainable community and economic strategies and pursuing bold new ideas in the state legislature to increase local government's ability to tax.

Petaluma Mayor Pam Torliatt, an ABAG Executive Board member, reflected the concerns of older communities going green with dilapidated infrastructure and inadequate funding.

Orinda Councilmember Amy Rein Worth, an MTC Commissioner, pointed out that one of the best local government tools for addressing these challenges are the Priority Development Areas with their funding and investment potential. **Palo Alto Councilmember and Bay Area Air Quality Management District Director Yoriko Kishimoto** indicated the need for measureable standards and shared concerns over vague CEQA related exemptions that need further development.



MTC Commissioner Steve Kinsey, Marin County Supervisor

Keynote speaker **Nancy McFadden, Senior Vice President, Pacific Gas & Electric**

Company discussed regional climate action energy efficiency partnerships, such as the ABAG Energy Watch Program and the proposed Solar Energy Efficiency District, that will help meet climate protection goals. She praised the Bay Area's local governments and regional agencies as "incubators of good ideas." San Francisco City and County Board President David



(L-R): ABAG President Rose Jacobs Gibson and San Francisco Board of Supervisors President David Chiu

Spring GA continued on page 2

IN THIS ISSUE

ABAG Spring General Assembly	page 1-2	2009 Growing Smarter Together Award Winners	page 3
Environmentally Preferable Purchasing Resources	page 2	ABAG Calendar of Events & Notable Numbers	page 4

ABAG Spring General Assembly & Environmental Preferable Purchasing

Spring GA continued from front page

Chiu in his welcoming remarks voiced the conference commitment echoed by panelists and attendees throughout the day. "Only by government, business and community working together, can we become green sustainable communities."

Budget and Work Plan Approved

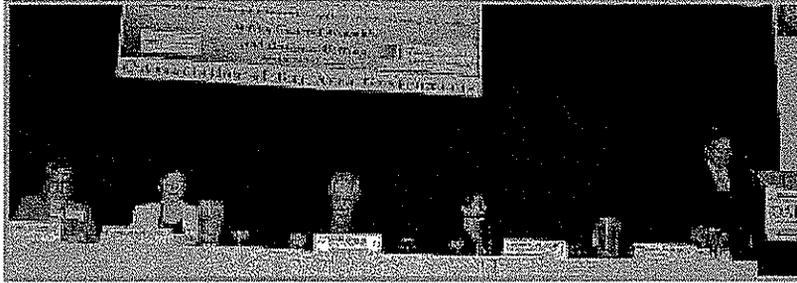
The General Assembly also included ABAG's annual Business Meeting chaired by **Rose Jacobs Gibson, ABAG**

President and San Mateo County Supervisor. City and county delegates approved the 2009-2010 Budget and Work Program and voted to amend the ABAG bylaws to allow for more flexibility in scheduling the Spring Business Meeting of the General Assembly.

The conference powerpoint presentation and Budget and Work Program can be viewed on ABAG's website at www.abag.ca.gov.



Alameda County Supervisor Scott Haggerty, Panel Moderator



(L-R): Orinda Councilmember Amy R. Worth, Palo Alto Councilmember Yoriko Kishimoto, Berkeley Mayor Tom Bates, Petaluma Mayor Pam Torliatt, and Moderator Santa Clara County Supervisor Dave Cortese



Keynote Speaker Nancy McFadden, Senior Vice President, Public Affairs, PG&E

Environmentally Preferable Purchasing Resources for Climate Protection

Collaborative strategies for environmentally preferable purchasing present an opportunity for the region to save money and protect the environment. Public agencies and regional leaders are striving to reduce greenhouse gas emissions, achieve zero waste, use less water, and avoid the use of toxic chemicals in the products and services we buy," said Mark Green, ABAG Vice President and Mayor of Union City, at the ABAG *Buying Green...Buying Smart* conference in March. His remarks reflected how timely this conference was for the many cities and public agencies that have developed Environmentally Preferable Purchasing (EPP) plans or are in the process of developing plans.

During the conference, presenters described how to achieve the best value through EPP and procurement in categories such as, rechargeable batteries, recycled carpeting and paint, low-mercury light bulbs, "green" cleaning, and recycled paper. Presenters discussed the importance of sustainable product packaging and buying locally. Alicia Culver, Executive Director of Green Purchasing Institute, said, "The Bay Area could change how whole industries package products." Robert J. Brushia, Research Scientist,

Department of Toxic Substances Control, added, "If you provide a consumer market for products that won't harm the environment, manufacturers will build to suit your needs." Speakers also pointed out that green product purchasing can and should be done without paying a significant premium or compromising product quality.

More information on how to achieve the best value through EPP and resources with links to policies and ordinances adopted by jurisdictions around the Bay Area and elsewhere are now available at www.abag.ca.gov/hazwaste/environmentallypreferablepurchasing.html. The agenda, handouts, speaker bios, PowerPoint presentations, and brief summaries of presentations made by speakers are now available on the *Hazardous Waste Committee website* at www.abag.ca.gov/hazwaste/eppconference.html.

Next Steps

A series of workshops are being planned by ABAG and partners where cities and counties and other public agencies can continue to collaborate on how to purchase products to meet climate protection goals and costs savings.



For more information contact Ceil Scandone, 510-464-7961, or @ CeilS@abag.ca.gov.

B-2-4

AGENDA ITEM
CITY COUNCIL MEETING: JUNE 16, 2009
COUNCIL MEMBER COMMITTEE REPORTS

DATE : June 9, 2009

TO : Vice Mayor Campbell
Council Member Schwartzman

FROM : Finance Director

SUBJECT : **FINANCE, AUDIT AND BUDGET COMMITTEE**

The following information is provided for your committee report at the June 16, 2009 Council meeting.

The committee meeting scheduled for May 29, 2009 was cancelled due to ongoing Budget preparations. The next meeting will be June 26, 2009, the fourth Friday. The minutes from May 8, 2009 meeting were presented at the May 19, 2009 Council Meeting.

**AGENDA ITEM
CITY COUNCIL MEETING: JUNE 16, 2009
COUNCIL MEMBER COMMITTEE REPORTS**

DATE : June 10, 2009
TO : Mayor Patterson
Council Member Schwartzman
FROM : City Manager
SUBJECT : LEAGUE OF CALIFORNIA CITIES

The following information is provided for your committee report at the June 16, 2009 City Council meeting.

The League of California Cities is co-sponsoring the Local Government Summit on Governance and Fiscal Reform to be held on July 17-18, 2009. Information on this event is provided under the City Manager's Report section of the agenda packet. The next North Bay Division meeting will be on July 30, 2009 in Napa County. An agenda for that meeting is not yet available.



AGENDA ITEM
CITY COUNCIL MEETING: JUNE 16, 2009
COUNCIL MEMBER COMMITTEE REPORTS

DATE : June 10, 2009

TO : Council Member Ioakimedes
Council Member Hughes

FROM : City Manager

SUBJECT : **CITY COUNCIL/SCHOOL BOARD LIAISON COMMITTEE**

The following information is provided for your committee report at the June 16, 2009 City Council meeting.

This committee meets quarterly in the Benicia Unified School District meeting room. The next meeting is June 18, 2009 and an agenda for that meeting is not yet available.



**AGENDA ITEM
CITY COUNCIL MEETING: JUNE 16, 2009
COUNCIL MEMBER COMMITTEE REPORTS**

DATE : June 10, 2009

TO : Vice Mayor Campbell
Council Member Ioakimedes

FROM : City Manager

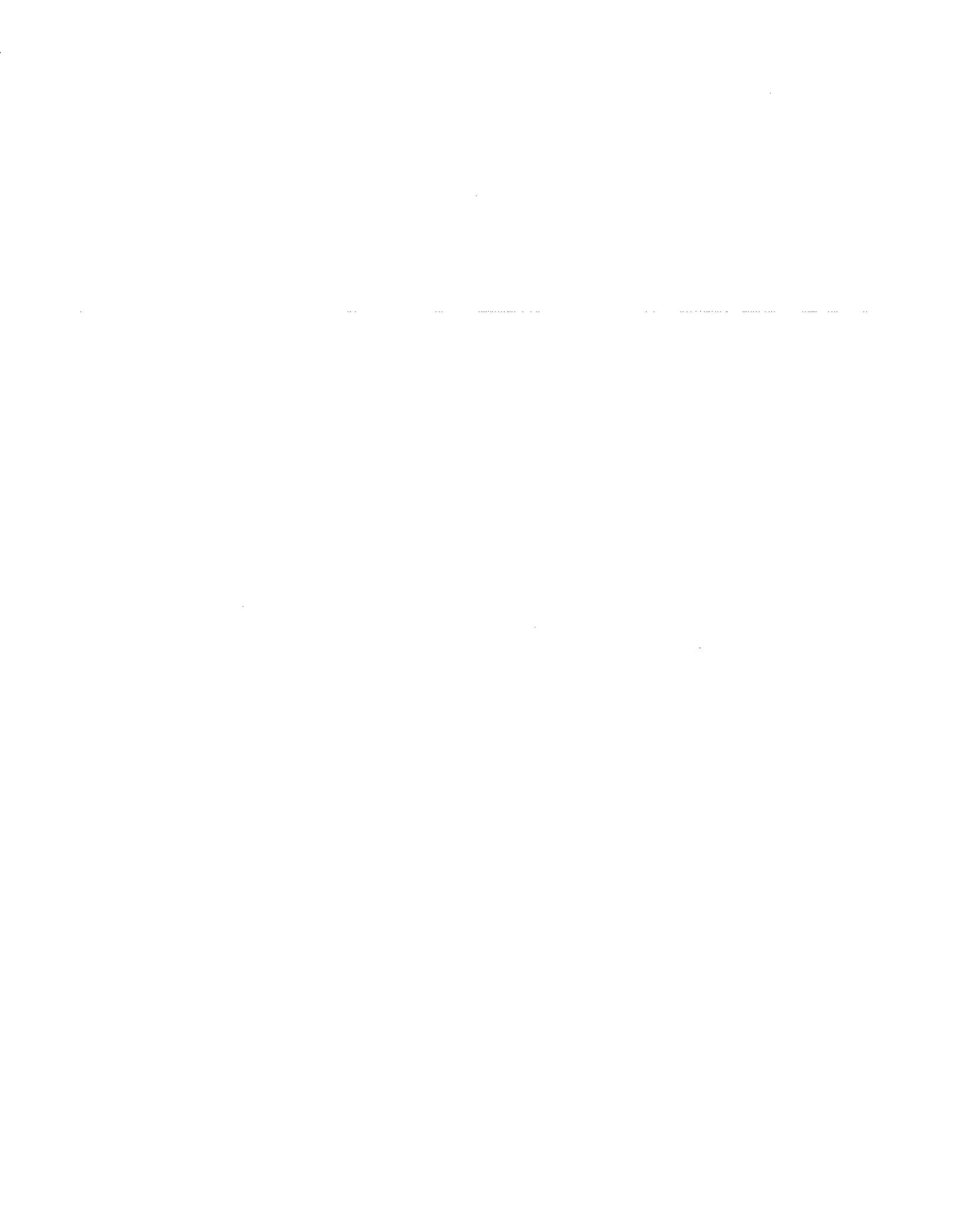
SUBJECT : **SKY VALLEY OPEN SPACE COMMITTEE**

The following information is provided for your committee report at the June 16, 2009 Council meeting.

The last regularly scheduled quarterly meeting of the Sky Valley Open Space Committee was on Wednesday, May 6th, 2009. At that meeting, the Committee directed staff to develop and circulate an RFP for land appraisals and a habitat study for the purpose of acquisition of conservation easements and staff was also directed to draft a letter to specified property owners in the Sky Valley project area to solicit interest for conservation easements.

Staff also reported to the Committee that the California Rangeland Trust, the City's conservation easement partner, is in the process of hiring a staff person for the Bay Area who will be assigned to this important project.

The next quarterly meeting of the Sky Valley Open Space Committee is scheduled for Wednesday, August 5, 2009 at 7:00 p.m. A draft meeting agenda for the August 5th meeting is unavailable at this time but will be forwarded to Council when it becomes available.



**AGENDA ITEM
CITY COUNCIL MEETING: JUNE 16, 2009
COUNCIL MEMBER COMMITTEE REPORTS**

DATE : June 9, 2009

TO : Mayor Patterson
Council Member Ioakimedes

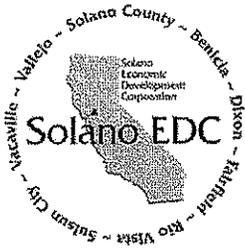
FROM : Jim Erickson, City Manager

SUBJECT : **SOLANO EDC BOARD OF DIRECTORS**

The following information is provided for your committee report at the June 16, 2009 Council meeting:

The last Board of Directors meeting was held on Thursday, April 30, 2009. The agenda for that meeting was previously issued. The minutes for that meeting are attached.

The next Board of Directors meeting is scheduled for Thursday, July 23, 2009 at 9:00 am at Jelly Belly Candy Company. The agenda for that meeting is not yet available.



**SOLANO EDC BOARD OF DIRECTORS MEETING
APRIL 30, 2009, 9:00 AM**

CALL TO ORDER

Chairman Reynolds called the meeting to order at 9:00 am at the Jelly Belly Candy Company. He thanked Bob Simpson and Jelly Belly Candy Company for hosting the meeting.

Attending were:

Mike Ammann	Jack Batchelor	Robert Bloom	Suzanne Bragdon	Barry Cavanna
Elaine Crombie	Kay Draisin	Joanie Erickson	Daryl Halls	Norm Hattich
Curt Johnston	Steve Lessler	Elizabeth Patterson	Sandy Person	John Ray
Mike Reagan	Tom Recknagel	Scott Reynolds	Michael Segala	Bob Simpson
Michael Wilson				

Absent were:

Dee Alarcon	Len Augustine	Rebecca Brandt	Bill Eisenhardt	Kevin English
Kevin Finger	Bruce Gondry	Steve Huddleston	Bill James	Curt Johansen
Jack Krebs	Albert Lavezzo	John Mraz	John Onsum	Brooks Pedder
Debra Russo	Sue Vaccaro	Patsy Van Ouwkerk		

APPROVAL OF MINUTES

Chairman Reynolds called for approval of minutes of the January 22, 2009 meeting.

Upon motion duly made (Reagan) and seconded (Hattich) it was

RESOLVED, that the minutes of the January 2009 meeting of the Solano EDC Board of Directors be accepted as submitted.

TREASURERS REPORT

Vice-President Person presented the financial report for the month of March 2009.

Upon motion duly made (Segala) and seconded (Batchelor) it was

RESOLVED, that the Treasurer's Report be accepted.

Director Ray requested a monthly budget.

MEMBERSHIP COMMITTEE

Committee Chair Hattich noted the membership committee recently met. They are halfway to meeting their annual membership goal. Norm reviewed the calendar of upcoming events.

Michael S. Ammann
President
mike@solanoedc.org

Sandy Person
Vice-President
sandy@solanoedc.org

Patricia Uhrich
Office Manager
pat@solanoedc.org

Andy Turba
Special Projects
andy@solanoedc.org

Address:
360 Campus Lane, Suite 102
Fairfield, CA 94534

Phone:
707.864.1855

Fax:
707.864.6621

Toll Free:
888.864.1855

Website:
www.solanoedc.org

MARKETING TASK FORCE

Committee Chair Johnston noted a sub-committee was formed and submitted two stimulus grant applications. They submitted a \$10 million grant to the Bay Area Institute for a Solano STEM Project. STEM stands for Science, Technology, Engineering and Math. The Solano STEM Project will enhance public education in science, technology, engineering and mathematics. STEM will prepare students for the demands of technology jobs that require higher levels of math and science achievement. The second grant for \$5 million was submitted for an I-80 Corridor Innovation Fund. The I-80 Corridor Innovation Fund will foster innovation/job creation through investment in green and high technology businesses and the creation of an innovation zone.

TRANSPORTATION UPDATE

Director Halls noted the last week's Solano EDC transportation breakfast was well received. Immediately following the Board meeting Daryl and others were invited to attend the Caltrans groundbreaking of the first infrastructure project funded by the America Recovery and Reinvestment Act (ARRA) in California. Governor Schwarzenegger is expected to attend.

PRESIDENT'S UPDATE

President Ammann provided an update on lead activity since the last meeting.

Calendar items were discussed. The meeting was adjourned at 9:48 am.



AGENDA ITEM
CITY COUNCIL MEETING: JUNE 16, 2009
COUNCIL MEMBER COMMITTEE REPORTS

DATE : June 10, 2009

TO : Mayor Patterson
Council Member Schwartzman

FROM : Dan Schiada, Director of Public Works

SUBJECT : **SOLANO TRANSPORTATION AUTHORITY**

The following information is provided for your committee report at the June 16, 2009 City Council meeting.

The June meeting of the STA Board is scheduled for June 10, 2009. The agenda for that meeting is attached. The next STA meeting is July 8, 2009.



Solano Transportation Authority

SOLANO TRANSPORTATION AUTHORITY
BOARD MEETING AGENDA

5:30 p.m., Closed Session
6:00 p.m., Regular Meeting

Wednesday, June 10, 2009
Suisun City Hall Council Chambers
701 Civic Center Drive
Suisun City, CA 94585

Mission Statement: To improve the quality of life in Solano County by delivering transportation system projects to ensure mobility, travel safety, and economic vitality.

Public Comment: Pursuant to the Brown Act, the public has an opportunity to speak on any matter on the agenda or, for matters not on the agenda, issues within the subject matter jurisdiction of the agency. Comments are limited to no more than 3 minutes per speaker unless modified by the Board Chair, Gov't Code § 54954.3(a). By law, no action may be taken on any item raised during the public comment period (Agenda Item IV) although informational answers to questions may be given and matters may be referred to staff for placement on a future agenda of the agency.

Speaker cards are helpful but not required in order to provide public comment. Speaker cards are on the table at the entry in the meeting room and should be handed to the STA Clerk of the Board.

Americans with Disabilities Act (ADA): This agenda is available upon request in alternative formats to persons with a disability, as required by the ADA of 1990 (42 U.S.C. §12132) and the Ralph M. Brown Act (Cal. Govt. Code §54954.2). Persons requesting a disability related modification or accommodation should contact Johanna Masiciat, Clerk of the Board, at (707) 424-6008 during regular business hours at least 24 hours prior to the time of the meeting.

Staff Reports: Staff reports are available for inspection at the STA Offices, One Harbor Center, Suite 130, Suisun City during regular business hours, 8:00 a.m. to 5:00 p.m., Monday-Friday. You may also contact the Clerk of the Board via email at jmasiciat@sta-snci.com. Supplemental Reports: Any reports or other materials that are issued after the agenda has been distributed may be reviewed by contacting the STA Clerk of the Board and copies of any such supplemental materials will be available on the table at the entry to the meeting room.

Agenda Times: Times set forth on the agenda are estimates. Items may be heard before or after the times shown.

ITEM

BOARD/STAFF PERSON

I. CLOSED SESSION:
(5:30 - 6:00 p.m.)

- 1. PERSONNEL CLOSED SESSION pursuant to California Code Section § 549547 et seq.; Public Employee Performance Review - Executive Director; and
2. LABOR RELATIONS CLOSED SESSION pursuant to California Code Section § 54054.6 et seq.; Conference with Labor Negotiator

STA BOARD MEMBERS

Table listing STA Board Members: Jim Spering (Chair, County of Solano), Pete Sanchez (Vice-Chair, City of Suisun City), Elizabeth Patterson (City of Benicia), Jack Batchelor, Jr. (City of Dixon), Harry Price (City of Fairfield), Jan Vick (City of Rio Vista), Len Augustine (City of Vacaville), and Osby Davis (City of Vallejo).

STA BOARD ALTERNATES

Table listing STA Board Alternates: Mike Reagan, Mike Segala, Alan Schwartzman, Rick Fuller, Chuck Timm, Ron Jones, Curtis Hunt, and Tom Hartce.

II. CALL TO ORDER/PLEDGE OF ALLEGIANCE
(6:00 – 6:05 p.m.)

Chair Spering

III. CONFIRM QUORUM/ STATEMENT OF CONFLICT

Chair Spering

An official who has a conflict must, prior to consideration of the decision; (1) publicly identify in detail the financial interest that causes the conflict; (2) recuse himself/herself from discussing and voting on the matter; (3) leave the room until after the decision has been made. Cal. Gov't Code § 87200.

IV. APPROVAL OF AGENDA
(6:05 – 6:10 p.m.)

V. OPPORTUNITY FOR PUBLIC COMMENT
(6:10 – 6:15 p.m.)

VI. EXECUTIVE DIRECTOR'S REPORT
(6:15 – 6:20 p.m.)
Pg. 1

Daryl K. Halls

VII. COMMENTS FROM CALTRANS, THE METROPOLITAN TRANSPORTATION COMMISSION (MTC), AND STA
(6:20 – 6:30 p.m.)

A. Caltrans Report:

1. Status of I-80 Rehabilitation and SR 12 East
Safety Project

Doanh Nguyen, Caltrans

B. MTC Report:

Chair Spering

C. STA Reports:

1. State Budget and Legislative Update
2. Presentation of the 2009 Bike to Work Winners
3. STA Directors Update
A. Projects
B. Planning
C. Transit and Rideshare

Gus Khouri, Shaw/Yoder, Inc.
Judy Leaks

Janet Adams
Robert Macaulay
Elizabeth Richards

VIII. CONSENT CALENDAR

Recommendation:

Approve the following consent items in one motion.

(Note: Items under consent calendar may be removed for separate discussion.)

(6:30 – 6:35 p.m.)

A. STA Board Meeting Minutes of May 13, 2009

Johanna Masielat

Recommendation:

Approve STA Board Meeting Minutes of May 13, 2009.

Pg.5

X-B-8-3

- B. Review Technical Advisory Committee (TAC) Draft Minutes for the Meeting of May 27, 2009** Johanna Masielat
Recommendation:
 Receive and file.
 Pg. 17
- C. Cordelia Sky Hills Funding Agreement** Janet Adams
Recommendation:
 Approve the following:
 1. Authorize the Executive Direction to execute a funding agreement with Solano County and the Solano Land Trust for the Cordelia Sky Hills Acquisition Project; and
 2. Approve \$400,000 of TDA Article 3 funds through FY 2011-12 for the Cordelia Sky Hills Acquisition Project.
 Pg. 23
- D. Solano County Fiscal Year (FY) 2009-10 Transportation Funds for Clean Air (TFCA) 40% Program Manager Call for Projects** Robert Guerrero
Recommendation:
 Approve a revised TFCA Resolution No. 2009-09 which includes the following:
 1. A revised funding amount of \$250,000 for SNCF's FY 2009-10 TFCA allocation; and
 2. A total of \$60,000 of FY 2009-10 TFCA funds for the Solano Safe Routes to School Program (previously approved on March 11, 2009).
 Pg. 25
- E. Federal Economic Stimulus Update for Transportation in Solano County** Sam Shelton
Recommendation:
 Approve the American Recovery and Reinvestment Act (ARRA) Tier 2 projects for Solano local agencies as shown in Attachment C.
 Pg. 33
- F. Solano Paratransit Vehicle Reassignment** Elizabeth Richards
Recommendation:
 Authorize the Executive Director to develop a plan for the reassignment of the Solano Paratransit vehicles.
 Pg. 41
- G. Contract Amendment for Marketing Consultant Services - Moore Iacofano Goltsman (MIG)** Elizabeth Richards
Recommendation:
 Approve Contract Amendment No. 4 with Moore Iacofano Goltsman (MIG) for STA marketing services through June 30, 2010.
 Pg. 43

X-B-8-4

- H. **Contract Amendment for Transit Project Management Consultant - John Harris** Elizabeth Richards
Recommendation:
 Authorize the Executive Director to extend the consultant contract with John Harris for Transit Project Management until June 30, 2010 for an amount not to exceed \$15,000.
 Pg. 47
- I. **Contract Amendment for Transit and Funding Consultant - Nancy Whelan Consulting** Elizabeth Richards
Recommendation:
 Authorize the Executive Director to extend the consultant contract with Nancy Whelan Consulting for Transit Funding and Technical Services until June 30, 2010 for an amount not to exceed \$35,000.
 Pg. 49
- J. **Regional Measure 2 (RM 2) Vacaville Intermodal Station Resolution of Support** Janet Adams
Recommendation:
 Approve Resolution No. 2009-12 authorizing the funding allocation for Regional Measure 2 funds from the Metropolitan Transportation Commission to the City of Vacaville for the Solano County Express Bus North Intermodal Facilities – Vacaville Intermodal Station.
 Pg. 51

IX. ACTION FINANCIAL ITEMS

- A. **Award of Construction Contract for the North Connector - Phase 2 Project** Janet Adams
Recommendation:
 Approve the following:
1. The North Connector –North Connector Phase Contract, Notice to Contractors and Special Provisions, including issued Addenda Nos. 1 through 5;
 2. Authorize the Executive Director or his designee to sign the contract on behalf of the STA Board subject to the Executive Director or his designee having reviewed and found sufficient all required documents, including the contract signed by the contractor and the required surety bonds and certificates of insurance;
 3. Authorize the Executive Director or his designee to execute required contract change orders for up to 15% of the bid amount and enter in a contract amount not to exceed \$20,840,000; and
 4. Resolution No. 2009-13 for the North Connector –Phase 2 Contract.
- (6:35 – 6:40 p.m.)
 Pg. 75

X-B-8-5

B. Fiscal Year (FY) 2009-10 Transportation Development Act Article 3

Robert Guerrero

Recommendation:

Approve Resolutions 2009-10 and 2009-11 as attached for the following FY 2009-10 TDA Article 3 projects:

1. \$270,017 for the County of Solano's Vacaville Dixon Bike Route (this includes a transfer of \$110,000 in TDA Article 3 from the Suisun Valley Bridge Project);
2. \$85,000 for the 2009 Countywide Bicycle Pedestrian Plan Update; and
3. \$40,000 for the Solano Safe Routes to School Program.

(6:40 – 6:45 p.m.)

Pg. 81

C. Safe Routes to School – Part Time Program Coordinator and Safety Coordinator

Sam Shelton

Recommendation:

Authorize the Executive Director to enter into agreements not to exceed \$90,000 for a Safe Routes to School part time program coordinator and safety coordinator as described in Attachments A and B, contingent on entering into funding agreements with the Yolo Solano Air Quality Management District (YSAQMD) and the Bay Area Air Quality Management District (BAAQMD).

(6:45 – 6:50 p.m.)

Pg. 101

X. ACTION NON-FINANCIAL ITEMS

A. Transit Consolidation Study - Phase 2 Analysis and Recommendations

Elizabeth Richards

Recommendation:

Approve the following:

1. Option 1: Consolidation of Benicia and Vallejo transit services;
2. Option 4c: Decentralize intercity paratransit service to local transit operators and continue study of consolidation of interregional Solano transit services under one operator to be selected by the STA Board;
3. Forward the STA recommended transit consolidation recommendations to the affected agencies for their consideration and participation;
4. Direct STA staff to work with the affected local transit staff to develop Implementation Plans for Option 1 and Option 4c; and
5. Report back to the STA Board by September 2009 on the status of the Implementation Plan.

(6:50 – 7:05 p.m.)

Pg. 107

X-B-8-6

**B. Comprehensive Transportation Plan (CTP) -
Update of Local Agency Project Lists**

Robert Guerrero

Recommendation:

Authorize the Executive Director to:

1. Request the 8 member jurisdictions review and update projects and programs to be included in the Solano CTP; and
2. Request Caltrans, MTC, CCJPB, BAAQMD, YSAQMD and WETA identify projects and programs to be included in the Solano CTP.

(7:05 – 7:10 p.m.)

Pg. 137

C. Legislative Update

Jayne Bauer

Recommendation:

Approve a position of support for Assembly Constitutional Amendment (ACA) 15 (Arambula).

(7:10 – 7:15 p.m.)

Pg. 147

XI. INFORMATIONAL- DISCUSSION ITEMS

A. Senior and Disabled Transportation Summit

Jayne Bauer

Informational

(7:15 – 7:25 p.m.)

Pg. 181

B. State Route (SR) 12 Rio Vista Bridge Study Update

Janet Adams

Informational

(7:25 – 7:30 p.m.)

Pg. 183

NO DISCUSSION

**C. Yolo Solano Air Quality Management District Clean Air
Funds Committee Recommendation for Fiscal Year (FY)
2009-10**

Robert Macaulay

Informational

Pg. 213

**D. Model Technical Advisory Committee (TAC) and Model
Update**

Robert Guerrero

Informational

Pg. 217

E. Project Delivery Update

Kenny Wan

Informational

Pg. 219

X-B-8-7

F. **Funding Opportunities Summary**
Informational
Pg. 225

Sara Woo

G. **STA Board and Advisory Committee Meeting Schedule
for 2009**
Informational
Pg. 233

Johanna Masiclat

XII. BOARD MEMBERS COMMENTS

XIII. ADJOURNMENT

The next regular meeting of the STA Board is scheduled for **Wednesday, July 8, 2009, 6:00 p.m., Suisun City Hall Council Chambers.**

X-B-8-8

AGENDA ITEM
CITY COUNCIL MEETING: JUNE 16, 2009
COUNCIL MEMBER COMMITTEE REPORTS

DATE : June 10, 2009

TO : Mayor Patterson
Vice Mayor Campbell

FROM : Dan Schiada, Director of Public Works

SUBJECT : **SOLANO WATER AUTHORITY**

The following information is provided for your committee report at the June 16, 2009 City Council meeting.

The May Solano Water Authority (SWA) Board of Directors is June 11, 2009. The agenda for that meeting, and minutes from the preceding meeting, follow. The next SWA meeting is on July 9, 2009.

The SWA also has a Delta Committee that typically meets each month directly before the regular SWA meeting.

SOLANO COUNTY WATER AGENCY



BOARD OF DIRECTORS MEETING

DATE: Thursday, June 11, 2009

TIME: 7:00 p.m.

PLACE: Solano Irrigation District
508 Elmira Road
Vacaville

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. APPROVAL OF AGENDA
4. PUBLIC COMMENT

Limited to 5 minutes for any one item not scheduled on the Agenda.

5. CONSENT ITEMS

- (A) Minutes: Approval of the Minutes of the Board of Directors meeting of May 14, 2009 is recommended.
- (B) Expenditure Approvals: Approval of the May checking account register and list of checks \$500 and over to be paid is recommended.
- (C) Pre-Approval of Fiscal Year 2009 – 2010 Payments: Pre-approval of specified categories of bills for fiscal year 2009 – 2010 is recommended.
- (D) Statement of Investment Policy: Approval of the annual Statement of Investment Policy is recommended.
- (E) Appropriations Limit: Approval of appropriations limit for fiscal year 2009 – 2010 is recommended.

P.O. Box 349 • 6040 Vaca Station Road, Building 84
Elmira, California 95625-0349
Phone (707) 451-6090 • FAX (707) 451-6099
www.scwa2.com



X-B-9-2

(F) LPCCC: Putah Creek Floodplain Restoration and Percolation Dam Removal Project:

- 1) Adoption of construction plans and specifications for the Putah Creek Floodplain Restoration and Percolation Dam Removal Project is recommended.
- 2) Authorization of staff to advertise and solicit bids to construct the project is recommended.

6. BOARD MEMBER REPORTS

RECOMMENDATION: For information only.

7. GENERAL MANAGER'S REPORT

RECOMMENDATION: For information only.

8. FUNDING OF PUBLIC EDUCATION PROGRAM

RECOMMENDATIONS:

1. Authorize Chairman to enter into an agreement with the University of California to continue the Waterways Education Program for the next three years at a cost of \$44,450 per year.
2. Authorize Chairman to enter into an agreement with the Solano Resource Conservation District for the Suisun Marsh Watershed Education Program for a cost of \$41,294 for the first year and \$39,374 per year for two additional years and for the Lake Berryessa Education Program for next year at a cost of \$5,000.
3. Authorize General Manager to enter into agreements with the South Yuba River Conservation League for a school assembly program not to exceed \$15,000 and with the Marine Science Teaching Institute for the Rio Vista Program for up to \$5,000 for fiscal year 2009-10.

9. CONSULTANT CONTRACTS

RECOMMENDATION: Authorize Chairman to execute agreements and amendments for the following consultant services for work through fiscal year 2009 – 2010:

1. AD Consultants, Modeling/Optimization and Data Management, amendment for extension of term, amended Scope of Work and increase of \$64,400 from \$83,700 to \$148,100;

2. All Covered, On-call Computer Services, new contract - contract limit of \$49,790;
3. Blankinship and Associates, Aquatic Pesticide Permitting and Monitoring, new contract - contract limit of \$42,550;
4. Camp, Dresser & McKee, North Bay Aqueduct Alternate Intake Studies, amendment for extension of term only;
5. CH2MHill, Solano HCP EIR/EIS, amendment for extension of term only;
6. ConserVision, Napa - Solano Smart Controller Rebate Program, amendment for extension of term and increase of \$25,000 from \$20,000 to \$45,000;
7. De Vries, Inc., Solano Project Putah Diversion Compound Renovation, amendment for extension of term only;
8. Dennis Bowker, Riparian Landowner Facilitation, new contract – contract limit of \$24,800;
9. Dennis Grunstad, Landscape Maintenance at Six Flags Discovery Kingdom, amendment for extension of term and increase of \$8,800 from \$47,352 to \$56,152;
10. EGIA, Solano County High-Efficiency Washer Program, amendment for extension of term, updated Scope of Work and increase of \$90,000 from \$110,000 to \$200,000;
11. Eyasco Inc., Data and Website Management, new contract - contract limit of \$211,480
12. Hydro Science, Putah South Canal Best Management Practices, new contract- contract limit of \$47,256;
13. KC Engineering, Construction Materials Testing and Geotechnical Consulting, amendment for extension of term only;
14. LFR, McCoy Basin Management Plan, amendment for extension of term, updated Scope of Work and increase of \$125,475 from \$30,000 to \$155,475;
15. LSA Associates, Inc., Habitat Conservation Plan, new contract - contract limit of \$343,200;
16. Luhdorff & Scalmanini, Northern Solano Groundwater Monitoring Program, amendment for extension of term only;
17. Mike Bobbitt and Associates, Geographical Information System Services, new contract - contract limit of \$76,800;
18. Northwest Hydraulic Consultants, Putah South Canal Sediment & Vegetation Study, new contract - contract limit of \$200,000;
19. PG&E, High-Efficiency Washer Rebate Program, amendment for extension of term and increase of \$15,000 from \$50,000 to \$65,000;
20. Roland Sanford, Lower Putah Creek Hydrology Consultation, amendment for extension of term only;
21. Somach, Simmons and Dunn, HCP Legal Services, amendment for extension of term and increase of \$50,000 from \$175,000 to \$225,000;

22. Southwest Environmental, CII High Efficiency Toilet Replacement Program, amendment for extension of term, increase of \$75,500 from \$175,500 to \$251,000 and updated Fee Schedule;
23. Streamwise, Geomorphic Assessment and Design, amendment for extension of term only;
24. Summers Engineering, Solano Project R&B Planning and Implementation, amendment for extension of term and amended Scope of Work;
25. The Regents of the University of California, LPCCC - Geomorphic Consultation, amendment for extension of term, amended Scope of Work and increase of \$65,000 from \$5,000 to \$70,000;
26. Thomas R. Payne and Associates, Fishery Monitoring, amendment for extension of term, updated Scope of Work and increase of \$22,600 from \$128,082.46 to \$150,682.46;
27. Wallace-Kuhl, Putah Creek Restoration, amendment for extension of term and increase of \$40,000 from \$62,500 to \$102,500;
28. WaterWorks Consulting, State Water Project Statement of Charge Analysis, amendment for extension of term only;
29. Western Hydrologic Systems, Flow Rating Services, amendment for extension of term only;
30. Wildlife Survey and Photo, Solano Project/LPCCC Biomonitoring for Effects of New Zealand Mud Snails, amendment for extension of term, updated Scope of Work and increase of \$150,910;
31. Winzler & Kelly, CII Water Conservation Program, amendment for extension of term, increase of \$90,000 from \$208,000 to \$298,000 and updated Fee Schedule;
32. Wood Rodgers, Gibson Canyon Creek Flood Control Watershed Project, amendment for extension of term only;

10. **STATE WATER PROJECT TAX RATE**

RECOMMENDATION: Establish a tax rate of \$0.02 per \$100.00 of assessed valuation for State Water Project Property Tax for fiscal year 2009 – 2010.

11. **WATER AGENCY STAFFING**

RECOMMENDATIONS:

1. Create a new Administrative Services Manager classification and authorize General Manager to recruit and fill the position.
2. Authorize new Associate/Senior Water Resources Engineer Position with emphasis on Flood Control and authorize General Manager to recruit and fill the position.
3. Authorize creation of Principal Water Resources Engineer and Principal Water Resources Specialist positions.

12. **SCWA BUDGET FOR FISCAL YEAR 2009 – 2010**

RECOMMENDATION: Hear report from Executive Committee, acting as the Budget Review Committee, and consider adoption of the Water Agency's fiscal year 2009 – 2010 budget.

13. **DELTA COMMITTEE REPORT**

RECOMMENDATION: Hear report from Delta Committee and staff on current Delta water activities.

14. **LEGISLATION**

RECOMMENDATIONS:

- 1) Oppose, unless amended SB 261 – Water Use – As Amended 5/28/09.
- 2) Support AB 804 – Invasive aquatic species: mussels – As Amended 5/4/09.

15. **TIME AND PLACE OF NEXT MEETING**

Thursday, July 9, 2009 at 7:00 pm at the Solano Irrigation District offices.

The Full Board of Directors packet with background materials for each agenda item can be viewed on the Agency's website at www.scwa2.com.

SOLANO COUNTY WATER AGENCY
BOARD OF DIRECTORS MEETING MINUTES

MEETING DATE: May 14, 2009

The Solano County Water Agency Board of Directors met this evening at the Solano Irrigation District. Present were:

Mayor Elizabeth Patterson, City of Benicia
Mayor Len Augustine, City of Vacaville
Mayor Jan Vick, City of Rio Vista
Mayor Harry Price, City of Fairfield
Mayor Pete Sanchez, City of Suisun City
Mayor Osby Davis, City of Vallejo
Mayor Jack Batchelor, City of Dixon
Supervisor Barbara Kondylis, Solano County District 1
Supervisor Linda Seifert, Solano County District 2
Supervisor Jim Spering, Solano County District 3
Supervisor John Vasquez, Solano County District 4
Supervisor Mike Reagan, Solano County District 5
Director Bob Bishop, Solano Irrigation District
Manager Don Holdener, Maine Prairie Water District

CALL TO ORDER

The meeting was called to order at 6:32 pm by Chairman Holdener.

APPROVAL OF AGENDA

On a motion by Director Bishop and a second by Supervisor Kondylis, the Board unanimously approved the Agenda with an amendment to postpone Agenda Item No. 8, Water Agency Staffing, to the June Board meeting. The Board unanimously approved the amended agenda.

PUBLIC COMMENT

No public comment was received.

CONSENT ITEMS

On a motion by Supervisor Kondylis and a second by Mayor Patterson the Board unanimously approved the following consent items, including the addendum to agenda item (B), Additional Expenditure Approvals:

- (A) Minutes
- (B) Expenditure Approvals
- (C) North Bay Aqueduct Alternate Intake Project – Grant Funding for Napa County
- (D) California Habitat Conservation Planning Coalition Resolution
- (E) Putah Diversion Compound Renovation Project
- (F) Financial Assistance Agreement

BOARD MEMBER REPORTS

No reports were given.

GENERAL MANAGERS REPORT

In addition to the written report, Manager Okita directed the Board's attention to the documentation for the Environmental Award from the City of Davis to the Water Agency. Senator Lois Wolk made the effort to personally present the Award at the ceremony.

BUDGET COMMITTEE

The Chairman appointed the Executive Committee to review draft FY 2009/2010 budget and make a recommendation to the Board at the June Board meeting.

DELTA MATTER AND LEGISLATIONS

General Manager Okita updated the Board on recent discussion for development of a new Delta governance structure and its relation to the ongoing Bay-Delta Conservation Plan discussions. Legislation will be prepared in June and the 5-County coalition is working to develop a proposal for consideration by the authors of the bill. Supervisor Reagan summarized recent discussions of the 5-County Coalition. The Coalition is working to develop a proposal by the end of May.

An update on the status of SB640, a Water Conservation bill by Senator Lois Wolk sponsored by the Water Agency and Association of California Water Agencies was also given. The bill has passed the Senate Water and Natural Resources Committee and is currently in the Senate Appropriation Committee. The bill must get out of that Committee by the end of May to remain viable. There is a competing Senate bill that is being sponsored by Southern California water interests. There is an effort to blend the two into one bill but no progress has been made.

TIME AND PLACE OF NEXT MEETING

The next regularly scheduled meeting will be Thursday, June 11, 2009 at 7:00 p.m. at the Solano Irrigation District offices.

ADJOURNMENT

This meeting of the Solano County Water Agency Board of Directors was adjourned at 7:00 p.m.

David B. Okita, General Manager
and Secretary to the Board of Directors of the
Solano County Water Agency

SOLANO COUNTY WATER AGENCY



SCWA BOARD OF DIRECTORS DELTA COMMITTEE

DATE: Thursday, June 11, 2009

TIME: 6:00 p.m. – 7:00 p.m. (prior to SCWA Board meeting)

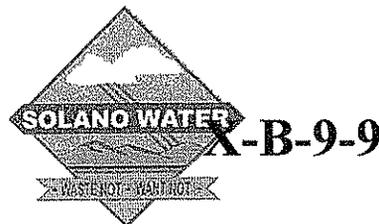
PLACE: Solano Irrigation District Board Room
508 Elmira Road
Vacaville

MEMBERS: Supervisor Reagan, Supervisor Kondylis, Mike Hardesty, Mayor Vick, Mayor Patterson, and Mayor Augustine.

1. Delta Governance
2. Bay Delta Conservation Plan
3. Updates
 - a. Lower Yolo Bypass Planning Forum
 - b. Five County meetings with State
4. Next Meeting - July 9

If you have any questions contact David Okita at 455-1103.

P.O. Box 349 • 6040 Vaca Station Road, Building 84
Elmira, California 95625-0349
Phone (707) 451-6090 • FAX (707) 451-6099
www.scwa2.com



X-B-9-9

AGENDA ITEM
CITY COUNCIL MEETING: JUNE 16, 2009
COUNCIL MEMBER COMMITTEE REPORTS

DATE : June 10, 2009

TO : Vice Mayor Campbell
Council Member Hughes

FROM : Dan Schiada, Public Works Director

SUBJECT : **TRAFFIC, PEDESTRIAN AND BICYCLE SAFETY (TPBS)**
COMMITTEE

The following information is provided for your committee report at the June 16, 2009 Council meeting.

The Traffic, Pedestrian and Bicycle Safety (TPBS) Committee meets quarterly at 7:00 p.m. in the Commission Room at City Hall.

The next regularly scheduled meeting is for July 16, 2009, 7:00 pm, in the Commission Room.

AGENDA ITEM
CITY COUNCIL MEETING: JUNE 16, 2009
COUNCIL MEMBER COMMITTEE REPORTS

DATE : June 10, 2009

TO : Vice Mayor Campbell
Council Member Hughes

FROM : City Manager

SUBJECT : **TRI-CITY AND COUNTY COOPERATIVE PLANNING GROUP**

The following information is provided for your committee report at the June 16, 2009 Council meeting.

The Governing Board of the Tri-City and County Cooperative Planning Group met on Monday, May 11th, 2009 while the Tri-City and County Citizens Advisory Committee (CAC) met on Wednesday May 20, 2009. Agenda items for the Governing Board and the CAC included:

- Acceptance of the 09/10 Budget (this item had been delayed for approval due to a lack of quorum from the Board during the past two meetings). Staff will bring back an updated budget for final authorization at a future meeting of the Governing Board.
- Receive information from staff concerning the status of the Hiddenbrook School facility. A meeting was held on Monday, May 18th at 7 PM at the Golf Course. Mel Jordan from the school district was asked to provided a status report regarding the May 18th meeting for the Governing Board.
- Staff from Solano Land Trust provided a report titled, "Year Two Annual Assessment of Operations for Lynch Canyon Open Space". This report includes Success Criteria, or performance measures, to measure the success of the public outreach and events. The Board congratulated the Trust for all of its efforts, and encouraged them to continue and expand their programs to the extent feasible.
- Staff from the Greater Vallejo Recreation District provided an update on the McIntyre Ranch Master Plan. The environmental document is almost complete and will be available for review and comment. The Board requested that staff write a letter encompassing the Board's and the CAC's comments on the plan, which include the need for a staging area and assurance of access via St. John Mine's Road.
- Staff provided an update on the annual Spring Tour event. Due to schedules and timing, the Board agreed to postpone the event until the Fall 2009.

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- The CAC also discussed the McIntyre Ranch Master Plan whereby staff presented a status report on the project and asked that members of the CAC provide comments regarding the project.

A joint/workshop with the Governing Board and CAC is planned for September 2009.

AGENDA ITEM
CITY COUNCIL MEETING: JUNE 16, 2009
COUNCIL MEMBER COMMITTEE REPORTS

DATE : June 10, 2009
TO : Council Member Hughes
FROM : Steve Vucurevich, Fire Chief
SUBJECT : **VALERO COMMUNITY ADVISORY PANEL (CAP)**

The following information is provided for your committee report at the June 16, 2009 Council meeting.

The CAP meets quarterly at 6:30 p.m. at the refinery at 610 Industrial Way. The next CAP meeting date has not yet been determined.

AGENDA ITEM
CITY COUNCIL MEETING: JUNE 16, 2009
COUNCIL MEMBER COMMITTEE REPORTS

DATE : May 13, 2009

TO : Mayor Patterson
Council Member Mike Ioakimedes
Council Member Schwartzman

FROM : Youth Action Coalition

SUBJECT : **YOUTH ACTION COALITION**

The following information is provided for your committee report at the June 16, 2009 City Council meeting.

The Youth Action Coalition held their regular monthly meeting on May 27, 2009.

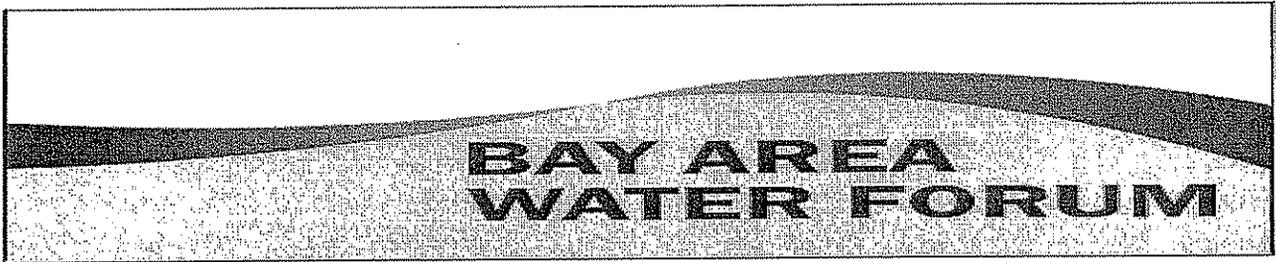
The next meeting of the Youth Action Coalition is Wednesday, June 24, 2009 at 3:30 p.m. at the City Commission Room. The agenda is not yet available.

AGENDA ITEM
CITY COUNCIL MEETING: JUNE 16, 2009
COUNCIL MEMBER COMMITTEE REPORTS

DATE : June 10, 2009
TO : City Council
FROM : Mayor Patterson
SUBJECT : **ABAG/CAL FED TASK FORCE/BAY AREA WATER FORUM**

The following information is provided for your committee report at the June 16, 2009 City Council meeting.

The next meeting of the Water Forum is scheduled for June 22, 2009. An agenda for that meeting has not yet been distributed, but a save the date announcement follows.



SAVE THE DATE!

**Due to the Memorial Day holiday,
There will be no May BAWF meeting**

Next BAWF Meeting
Monday, June 22, 2009
10:00 a.m. - 12:30 p.m.
Elihu Harris State Building
1515 Clay Street, Oakland, CA
Room 2

Ensuring Water-Smart Design In Commercial Developments

**Dick Bennett, Water Conservation Administrator
East Bay Municipal Utility District**

Dick will talk about EBMUD's innovative new program working with developers and planners to see that commercial and industrial developments are water efficient

For more information, contact Ariel Ambruster at aambrust@yahoo.com or 510-528-5006.

The Bay Area Water Forum serves as a venue for encouraging regional cooperation, education and exchange of ideas on critical Bay area water issues. Monthly meetings are open to all interested parties. The Forum is sponsored by numerous Bay area water agencies along with the State Coastal Conservancy.