

June 17, 2008 Regular Council Meeting

BENICIA CITY COUNCIL MEETING

REGULAR AGENDA

City Council Chambers

June 17, 2008

7:00 P.M.

I. CALL TO ORDER:

II. CLOSED SESSION:

III. CONVENE OPEN SESSION:

A. ROLL CALL

B. PLEDGE OF ALLEGIANCE

C. REFERENCE TO FUNDAMENTAL RIGHTS OF THE PUBLIC

IV. ANNOUNCEMENTS/APPOINTMENTS/PRESENTATIONS/ PROCLAMATIONS:

A. ANNOUNCEMENTS:

1. Announcement of Closed Session, if any.

2. Openings on Boards and Commissions:

Sky Valley Open Space Committee:

One unexpired term to September 30, 2010

Human Services and Arts Board:

One unexpired term to June 30, 2009

Three full terms to June 30, 2012

Benicia Housing Authority Board of Commissioners:

One unexpired term to June 30, 2009

One full term to June 30, 2012

Economic Development Board:

Two full terms to June 30, 2012

Library Board of Trustees – Poet Laureate:

One full term to June 30, 2010

3. Mayor's Office Hours:

Mayor Patterson will maintain an open office every Monday (except holidays) in the Mayor's

Office of City Hall from 6:00 p.m. to 7:00 p.m. No appointment is necessary. Other meeting

times may be scheduled through the City Hall office at 746-4210 or by

email acardwell@ci.benicia.ca.us.

B. APPOINTMENTS:

C. PRESENTATIONS:

D. PROCLAMATIONS:

1. [Library's 15th Birthday Celebration – June 19, 2008](#)

2. [United States Army Week – June 9-15, 2008](#)

V. ADOPTION OF AGENDA:

VI. OPPORTUNITY FOR PUBLIC COMMENT:

A. WRITTEN

B. PUBLIC COMMENT

VII. CONSENT CALENDAR:

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

A. [Approval of Minutes of May 22, 2008 and June 3, 2008.](#) (City Clerk)

B. [Award of chemical contracts for water treatment – FY 08/09.](#)(Public Works Director)

This action allows the City to purchase chemicals necessary for water treatment for fiscal year 2008/09. In 1994, along with ten other agencies in and around Solano County, Benicia 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 and undesignated reserves to cover the chemical costs.

Recommendation: Adopt a resolution accepting bids and awarding contracts to the lowest responsible bidders for furnishing chemicals to the City of Benicia for the treatment of water for fiscal year 2008/09 and authorizing the City Manager to sign the contracts on behalf of the City.

C. [Approve the July 1, 2007 to June 30, 2011 Memorandum of Understanding with the Benicia Part-Time Unit of the Benicia Public Service Employees' Association.](#) (Assistant to the City Manager)

The City concluded negotiations with the Part-Time Unit of the Benicia Public Service Employees' Association (BPSEA) on May 22, 2008. This unit of BPSEA currently consists of 60 qualifying part-time employees. This is a new contract for the City and this unit of BPSEA, originating from negotiations which began in December 2006. The main additions for represented part-time employees as a result of the Part-Time Memorandum of Understanding (MOU) is a salary adjustment based on a tie to their full-time equivalent positions. In addition, the MOU allows qualifying part-time employees to accrue extra time for each hour worked in the form of pay for leave credits. The employee may then request to have all or some of the credits paid out as needed. The Part-Time MOU overall cost will be \$20,000 in immediate salary increases and \$30,000 in accrued pay for leave credits. On an ongoing basis, it is estimated that it will cost \$30,000 per year.

Recommendation: Adopt the resolution approving the July 1, 2007 through June 30, 2011 Memorandum of Understanding with the Benicia Part-Time Unit of the Benicia Public Service Employees' Association (BPSEA).

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

VIII. PUBLIC HEARINGS:

A. [First reading of a tree ordinance deleting Section 17.70.190 \(H\) \(Preservation of Mature Trees\) and replacing Chapter 12.24 \(Street Trees\) of the Benicia Municipal Code.](#) (Parks & Community Services Director)

In 2004 the Parks, Recreation and Cemetery Commission formed an ad hoc Tree Committee. The formation of this committee was initiated by the City Council's desires to review and update our tree policies. Following the formation of the Tree Committee, the City Council passed Resolution No. 05-76 that encouraged the preservation of trees and improved the manner and mechanisms in which the City facilitates that process. After many months of

review, the Tree Committee recommended the proposed tree ordinance to the Parks and Recreation Commission who, in turn, are recommending the same to the City Council. On April 15, 2008 the City Council held a study session to review the details of the Tree Ordinance. Following the study session staff met with the Tree Committee and Parks, Recreation and Cemetery Commission to discuss and address issues raised by the public and City Council. The changes to the proposed Tree Ordinance and administrative guidelines reflect a consensus of the various stakeholders on how to resolve the issues raised at the April 15th study session.

Recommendation: Hold a public hearing for the first reading of the proposed Tree Ordinance, replacing Chapter 12.24. Street Trees and repealing Section 17.70.190 (H), Preservation of Mature Trees, of the Benicia Municipal Code and revise the master fee schedule to reflect the new fees subscribed in the proposed Tree Ordinance.

IX. ACTION ITEMS:

A. [Design review for non-historic residences in the Downtown Historic Overlay District.](#) (Community Development Director)

The City Council directed the Historic Preservation Review Commission (HPRC) to make recommendations regarding fees and levels of design review for construction and modifications of non-historic single-family residences and duplexes in the Downtown Historic Overlay District. The Downtown Historic Conservation Plan (DHCP) currently exempts non-historic single-family and duplex residences from design review.

Recommendation: Adopt a resolution amending the Downtown Historic Conservation Plan to require design review in the Downtown Historic Overlay District for construction and remodeling of non-historic single-family residences and duplexes, with fees and levels of review for specific types of projects.

B. [Approval of a new process for appointments to City boards, commissions and committees.](#) (City Attorney & Assistant to City Manager)

The recent study session on May 22, 2008 was an opportunity for the Council to review how other communities structure the board and commission appointment process, with a particular focus on the application and interviewing process. Former Fairfield City Council Member, Jack Batson, and Town of Danville Planning Commissioner, Lynn Osborn, provided overviews of how each of their respective cities handles this process. Following these presentations, the Council discussed the various options and agreed on an appointment subcommittee approach. This will involve a subcommittee of two council members, appointed by the Mayor, who will interview applicants and provide recommendations to the Mayor. The Council also discussed revisions to the City's application form and recruitment/orientation process.

Recommendation: 1) Adopt the resolution revising the appointment process for City boards, commissions and committees to incorporate recommendations to the Mayor from a City Council Appointment Subcommittee; and 2) Adopt the resolutions appointing two City Council members to the City Council Appointment Subcommittee.

X. INFORMATIONAL ITEMS:

A. Reports from City Manager

B. [Council Member Committee Reports:](#)

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

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

Next Meeting Date: June 18, 2008

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

Next Meeting Date: To be determined.

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

Next Meeting Date: August 8, 2008

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

Next Meeting Date: To be determined.

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

Next Meeting Date: August 7, 2008

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

Next Meeting Date: July 16, 2008

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

Next Meeting Date: July 24, 2008

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

Next Meeting Date: July 9, 2008

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

Next Meeting Date: July 10, 2008

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

Next Meeting Date: July 17, 2008

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

Next Meeting Date: CAC – August 20, 2008; Governing Board – September 8, 2008

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

Next Meeting Date: July 23, 2008

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

Next Meeting Date: June 25, 2008

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

Next Meeting Date: June 30, 2008

XI. COUNCIL MEMBER REPORTS:

XII. ADJOURNMENT:

Public Participation

The Benicia City Council welcomes public participation.

Pursuant to the Brown Act, each public agency must provide the public with an opportunity to speak on any matter within the subject matter jurisdiction of the agency and which is not on the agency's agenda for that meeting. The City Council allows speakers to speak on non-agendized matters under public comment, and on agendized items at the time the agenda item is addressed at the meeting. Comments are limited to no more than five minutes per

speaker. By law, no action may be taken on any item raised during the public comment period although informational answers to questions may be given and matters may be referred to staff for placement on a future agenda of the City Council.

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

Disabled Access

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

Meeting Procedures

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

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

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

Public Records

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

 [IV-D Proclamation Library Anniversary.pdf](#)

 [IV-D Proclamation US Army Week.pdf](#)

 [VII-A Minutes.pdf](#)

 [VII-B Chemical Contract.pdf](#)

 [VII-C Part-Time MOU.pdf](#)

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

 [IX-A Design Review.pdf](#)

 [IX-B Appointment Process.pdf](#)

 [X-B Committee Reports.pdf](#)



PROCLAMATION

LIBRARY'S 15TH BIRTHDAY CELEBRATION JUNE 19, 2008

WHEREAS, the City of Benicia has had a public library since 1910; and

WHEREAS, it was evident that the library had outgrown its location at 144 East G Street and needed to expand its collection and services; and

WHEREAS, the Benicia Public Library was constructed using Proposition 85 funds in the amount of \$4,735,000 with the City of Benicia matching those funds with \$2,000,000; and

WHEREAS, on June 19, 1993 the new Benicia Public Library opened; and

WHEREAS, in Fiscal Year 2006/2007, the Benicia Public Library circulated 320,873 items and had 232,724 visitors; and

WHEREAS, the Benicia Public Library presents information, entertainment, technology, and education free to the community; and

WHEREAS, the Benicia Public Library contributes to the success of our diverse community by being a vital center of learning, communication, culture and enjoyment.

NOW, THEREFORE, BE IT RESOLVED THAT I, Elizabeth Patterson, Mayor, on behalf of the City of Benicia, do hereby proclaim June 19, 2008, the Library's 15th Birthday Celebration in the City of Benicia. I encourage all residents to take advantage of our wonderful library resources and take part in the many activities being held to commemorate the Library's 15th birthday.

Elizabeth Patterson, Mayor
June 17, 2008



P R O C L A M A T I O N
RECOGNIZING UNITED STATES ARMY WEEK
JUNE 9-15, 2008

WHEREAS, the United States Army was established by the First Continental Congress on the 14th day of June 1775; and

WHEREAS, the United States Army exists to defend the freedom of our citizens and our nation's security interests; and

WHEREAS, many citizens of Benicia have served their nation and given the ultimate sacrifice in defense of our freedoms, as members of the United States Army; and

WHEREAS, it is proper to recognize the United States Army annually on its birthday, and to thank those who have served and those who are presently serving.

NOW, THEREFORE, BE IT RESOLVED THAT I, Elizabeth Patterson, Mayor of the City of Benicia, do hereby declare June 9-15, 2008 as United States Army Week in Benicia, and encourage all citizens to join with me in this salute to express our gratitude to those who have served and those who are now serving to protect our nation and its freedoms.

Elizabeth Patterson, Mayor
June 17, 2008



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Elizabeth Patterson, Mayor
June 17, 2008

MINUTES OF THE
SPECIAL MEETING – CITY COUNCIL
MAY 22, 2008

The special 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, May 22, 2008, in the City Council Chambers at 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 7:15 p.m.)

PLEDGE OF ALLEGIANCE:

Council Member Hughes 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).

STUDY SESSION ITEM:

Consideration of the appointment process to City Boards, Commissions, and Committees:

The Mayor briefly discussed the goals of the meeting and then asked the Assistant to the City Manager to give an overview of what will be covered. The Assistant to the City Manager provided some background on the topic, and also explained what was planned for the meeting.

The City Attorney then introduced Tom Brown, attorney from Hanson Bridgett. Mr. Brown then provided an overview of the roles of the Mayor and Council in the appointment process in a general law city.

Mayor Patterson inquired as to whether there was any public comment at this time.

Public Comment:

1. Jon Van Landschoot asked Mr. Brown to confirm that it was ok for a subcommittee of the Council to make a recommendation to the Mayor, but not that it has to be a certain applicant to be appointed. Mr. Brown confirmed that was correct.
2. Lynn Osborn, Planning Commissioner from the Town of Danville described the appointment process in Danville. She explained that the Council interviews applicants in an open meeting, and that appointments are made by the Council as a result of that process. Typically, this process occurs over several days at one time during the year. Other issues, such as whether having the interview process in an open session is uncomfortable for applicants, were also discussed.

3. Bob Mutch - Mr. Mutch asked Ms. Osborne about the number of applicants that they typically receive for any given opening. Ms. Osborne noted that it typically varies, but that they usually receive numerous applications. She also talked about how their City Council tries to encourage applicants.

Mr. Mutch also talked about how, in the past, this process has been very contentious in Benicia, and how that can impact the number of applicants. He also commented that he would suspect that open interviews and having too many qualifications as requirements can be discouraging to potential applicants. Ms. Osborne talked about how their Council encourages those that are typically involved already to take the next step, and apply for boards and commissions. She also talked about using commission meetings, occasionally, for educating board and commission members.

4. Jack Batson, former City Council Member, City of Fairfield – Mr. Batson described Fairfield’s process. In Fairfield, the Mayor appoints two Council Members to a subcommittee. The subcommittee interviews all applicants and then submits their first choice and an alternate to the Mayor. The interviews are closed to the public and typically occur at a certain time of the year, with the exception of unexpected resignations.

Issues were discussed such as how the subcommittee makes their recommendations, and whether the Mayor typically chooses from those, along with what types of questions are usually asked of applicants. Term limits were also discussed, it was noted that while Fairfield has them, Danville does not.

Public Comment:

1. Jon Van Landschoot – Mr. Van Landschoot inquired about open vs. closed interviews in both Fairfield and Danville. It was confirmed that the process is open in Danville, the public can observe the interviews, while in Fairfield the interviews are not open. Ms. Osborn clarified that the public cannot comment during this process, they just observe. She said that typically the interviews aren’t really attended by the community though.
2. Bob Mutch – Mr. Mutch asked about the two-person subcommittee, are they Council Members. Mr. Batson confirmed that yes, they are Council Members, and they alternate amongst the Council annually, so each year, one person switches out. Mr. Mutch confirmed that the Mayor typically picks from the provided recommendations by the subcommittee. Mr. Batson said yes, typically that is how it works, although the Mayor can choose from any of the applicants, this is not advisable.
3. Rick Ernst – Mr. Ernst inquired about the applicant pool of both cities. Ms. Osborne reiterated that they do get quite a few applicants typically, 10-12 for any given commission. Mr. Batson said they don’t get quite as many as that, sometimes they only get one and they have to do additional outreach to get more applicants. He noted that he thinks that the cities are different, for example, Danville probably has more college educated residents who might be more aware of such opportunities, etc. Ms. Osborne also noted the demographics are quite

different, in that in Danville many people work from home, might be more available to make the commitment required to serve.

Council continued to discuss related issues, such as timing, that in Danville there are typically cycles, so that openings and related interviews aren't constantly occurring throughout the year. It was noted that this might be helpful in terms of effective outreach, as then potential applicants would better understand when such opportunities to serve would be better know.

Lois Requist, League of Women Voters, then provided an overview of some resources she had reviewed on this topic. In particular, she covered a survey that the League of Women Voters completed on how various cities conduct the interview and appointment process, along with other aspects such as orientation.

Public Comment:

1. Sharon Petrellese – Ms. Petrellese asked if whether sitting in on meetings prior to being appointed is required of applicants. Both Mr. Batson and Ms. Osborn indicated it is not a requirement, but likely a plus.
2. Jon Van Landschoot – Mr. Van Landschoot asked Ms. Requist if the League of Women Voters has a position on the open interview vs. the closed interview. Ms. Requist indicated that they are typically in favor of openness generally, but doesn't know that they have a position on that aspect specifically.

The panel then discussed broad public interest vs. specific qualifications in a certain area and how that relates to this process.

Mayor Patterson thanked the speakers and indicated that there would be a break, so the speakers could go, and then the Council would reconvene in about 3-4 minutes to discuss the topic further and take additional public comment.

When Council reconvened, Mayor Patterson suggested that they refer to Page IV-A-4 and review the various recommendations from staff.

Regarding recruitment, the Council agreed that posting openings at additional sites, and better identifying and communicating due dates for applications would be helpful. They further discussed the cycle or timing when it comes to recruiting for openings in order to better organize this process.

Regarding the application form, it was agreed that references are not necessary. They discussed the possibility of adding a cover sheet with general questions, followed by a second sheet with questions specific to each board and commission. It was also agreed that having the application available online would be useful.

Public Comment:

1. Susan Street – Ms. Street suggested that perhaps 2-3 citizens could help with certain pieces of this, particularly the application, outreach and orientation parts.

She also noted that with a new process, she thinks we will have more applicants. She also likes the idea of having more than one interview applicants.

2. Bob Mutch – Mr. Mutch commented about outreach and getting notices of openings to local organizations such as the Chamber, BIPA, etc., so they can encourage members to apply, etc. He also commented on the application form, and suggested that an electronic version be available on the website. He also talked about a two-step application process, with a general form followed by more specific questions regarding the specific board or commission. He also likes broad criteria or guidelines for participation.
3. Kimble Goodman – Mr. Goodman commented on the survey that Ms. Requist referenced from the League of Women Voters, and noted the importance of getting a diverse representation of the community on boards and commissions and the importance of effective recruitment methods.

Regarding the interview/appointment process, Council agreed to pursue the subcommittee approach. Council then discussed various related issues, such as the need to coordinate openings so they occur at a certain time or times of the year, questions asked at interviews, whether the Mayor should be part of the subcommittee, and how many applicants the subcommittee should recommend. It was suggested that staff put together a proposed approach utilizing a subcommittee, with a closed interview process and ranked recommendations, and bring that back to Council on June 17th.

Public Comment:

1. Bob Mutch – Mr. Mutch talked about the interview questions and that they should be consistent. He agrees the interviews should not be public, as that could be difficult for many applicants. He also commented about scheduling, and having a set time for that. He emphasized that it is at the discretion of the Mayor to make the final choice, and the Council approves.
2. Kimble Goodman – Mr. Goodman expressed his agreement with the consensus so far regarding the subcommittee process. He urged them to make sure to keep an open mind doing the interview process, give everyone a chance, and treat all applicants as equals.
3. Susan Street Ms. Street noted that the goal is to democratize this whole process and the importance of looking at the big picture.
4. Jon Van Landschoot – Mr. Van Landschoot asked about the report to the Mayor, does it go to all City Council members, well before the meeting. The Mayor confirmed that is likely a legal requirement.

Regarding the orientation process, Council discussed the pros and cons of incorporating a committee to revise current procedures. It was ultimately agreed that staff would focus first on finalizing the interview portion, and then come back later with revisions to the outreach methods, application form and orientation practices for Council review. Should Council decide, at that point, further work is required, then the outreach, application, orientation piece will be sent to the Open Government Commission for further refinement, and then it will return to Council.

It was noted that the remaining topics that relate to boards and commissions, specifically term limits, term lengths and removal of members of boards and commissions are already calendared as part of the policy calendar for July 1st.

Public Comment:

1. Susan Street – Ms. Street commented that this study session was very useful and she liked the approach utilized this evening to explore this topic.

Council then discussed the issue with designation of members on the Historic Preservation Review Commission as historical property owners. It was agreed this could be scheduled for an upcoming regular Council meeting, prior to establishment of the new interview process.

ADJOURNMENT:

Mayor Patterson adjourned the meeting at approximately 9:45 p.m.

Lisa Wolfe, City Clerk

MINUTES OF THE
REGULAR MEETING – CITY COUNCIL
JUNE 3, 2008

The regular meeting of the City Council of the City of Benicia was called to order by Mayor Elizabeth Patterson at 6:00 p.m. on Tuesday, June 3, 2008 in the City Council Chambers, City Hall, 250 East L Street, complete proceedings of which are recorded on tape.

ROLL CALL:

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

Absent: None

PLEDGE OF ALLEGIANCE:

Council Member Schwartzman 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
- Human Services and Arts Board:
One unexpired term to June 30, 2009
Three full terms to June 30, 2012
- Benicia Housing Authority Board of Commissioners:
One unexpired term to June 30, 2009
One full term to June 30, 2012
- Economic Development Board:
Two full terms to June 30, 2012
- Library Board of Trustees – Poet Laureate:
One full term to June 30, 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 746-4210 or by email acardwell@ci.benicia.ca.us.

APPOINTMENTS:

None

PRESENTATIONS:

Annual Presentation by the Benicia Tula Sister Cities Association:

Ms. Leeann Cawley, President, Benicia Tula Sister Cities Association, reported on the activities of the Benicia Tula Sister Cities Association, including the 2007 Fourth of July Parade, in which the Tula Youth Band participated, the purchase and equipping of a medical van for Tula, and the receipt of a \$5,000 grant from Valero. She introduced the Association's members. She invited the community to join the Association to bid farewell to Mr. Pepe Arteaga as he leaves to deliver the van to Laredo, Texas.

PROCLAMATIONS:

- Recognizing the Reopening of the Benicia State Capitol Building

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 (hard copies on file). Heather McLaughlin, City Attorney, reviewed the names of the individuals and businesses that submitted written correspondence.

PUBLIC COMMENT:

1. Marilyn Bardet, Benicia First - Ms. Bardet invited Council and citizens to a public forum put on by Benicia First on 6/24/08 at Benicia High School.
2. Vice Mayor Campbell – Vice Mayor Campbell discussed the signature properties in the Sky Valley area. The County is doing a negative declaration as opposed to an EIR. They are glossing over important issues such as water, traffic, cinnabar mines, mercury, etc. He suggested Council consider drafting a letter to request an EIR on the project.

Council and Staff discussed past communications the City has had with the County, including sending a letter, discussing its concerns. Mayor Patterson requested that an addendum be added to the letter including references to cinnabar and mercury.

CONSENT CALENDAR:

Council pulled items VII-B, VII-G, VII-H, and VII-I.

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

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

Noes: None

The Minutes of May 20, 2008 were approved.

RESOLUTION 08-53 - A RESOLUTION ACCEPTING THE WEST 2ND STREET SEWER IMPROVEMENT PROJECT AS COMPLETE, INCLUDING CHANGE ORDER NOS. 1 THROUGH 11, AUTHORIZING THE CITY MANAGER TO SIGN THE NOTICE OF COMPLETION, AND AUTHORIZING THE CITY CLERK TO FILE SAME WITH THE SOLANO COUNTY RECORDER

Council approved the denial of the claim against the City by Travelers Insurance and referral to insurance carrier.

Council approved the denial of the claim against the City by Terance Keenan and referral to insurance carrier:

Council approved the denial of the claim against the City by Lois Gallo and referral to insurance carrier:

RESOLUTION 08-54 - A RESOLUTION REAPPOINTING TONI HAUGHEY AND LEANN TAAGEPERA TO THE HISTORIC PRESERVATION REVIEW COMMITTEE AS OWNERS OF HISTORIC PROPERTY

Delay of the Biennial Mid-Cycle Budget Adjustments pending State Budget outcome.

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

(END OF CONSENT CALENDAR)

Council took the following actions:

Award of contracts for construction and construction management/engineering support services for the Civic Center Water Distribution System Upgrade Project:

Council and Staff discussed the issue of a proposed project being able to handle new upgrades in the event a new police station is built, purple pipes, resurfacing the street, striping for parking, and the suggestion to discuss the issue of parking on the street at the next Traffic, Pedestrian and Bicycle Safety Committee meeting.

RESOLUTION 08-55 - A RESOLUTION ACCEPTING THE BIDS FOR THE CIVIC CENTER WATER DISTRIBUTION SYSTEM UPGRADE PROJECT, AWARDING THE CONSTRUCTION CONTRACT INCLUDING BID ALTERNATE TO HUDSON EXCAVATING, INC. IN THE AMOUNT OF \$282,976.25, AND AUTHORIZING THE CITY MANAGER TO SIGN THE CONTRACT ON BEHALF OF THE CITY

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

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

Noes: None

RESOLUTION 08-56 - A RESOLUTION APPROVING TASK ORDER NO. 2 IN THE AMOUNT OF \$69,020 WITH PAKPOUR CONSULTING GROUP TO PROVIDE CONSTRUCTION MANAGEMENT/ENGINEERING SERVICES ON THE CIVIC CENTER WATER DISTRIBUTION SYSTEM UPGRADE PROJECT, AND AUTHORIZING THE CITY MANAGER TO SIGN SAID TASK ORDER ON BEHALF OF THE CITY

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

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

Noes: None

Approval of job descriptions for Police Lieutenant and Police Sergeant:

Council and Staff discussed the current number of sergeants on the police force and the reasons for turnover (retirement).

RESOLUTION 08-57 - A RESOLUTION APPROVING THE JOB DESCRIPTIONS FOR POLICE LIEUTENANT AND POLICE SERGEANT

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

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

Noes: None

Acceptance of the annual report of the Open Government Commission - Continued from the May 20, 2008 City Council Meeting:

Heather McLaughlin, City Attorney, reviewed the staff report.

Council and Staff discussed the issue of substantial information.

Mayor Patterson requested that the maker of the motion include acknowledgement of all the hard work the Open Government Commission had done.

On motion of Vice Mayor Campbell, seconded by Council Member Ioakimedes, Council accepted the annual report of the Open Government Commission, on roll call by the following vote:

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

Noes: None

Comment on the Draft Environmental Impact Report (DEIR) for the Solano County General Plan:

Charlie Knox, Community Development Director, reviewed the staff report.

Council and Staff discussed a letter that was sent by the City of Vacaville to Solano County and the issue of sharing tax revenue.

Public Comment:

1. Bob Berman – Mr. Berman reviewed the letter he sent to Council expressing concerns with the DEIR for the Solano County General Plan (hard copy on file).

Council and Mr. Berman discussed Mr. Berman’s professional expertise, zoning, the letter sent to the City by Schute, Mihaly & Weinberger, LLP (copy on file), greenhouse gasses, and how Mr. Berman would grade the plan (mediocre).

2. Marilyn Bardet – Ms. Bardet discussed concerns regarding the DEIR. She believes the letter sent by the City needs to be strengthened.

Council and Staff discussed property tax dollars (approximately \$12 million), dollars the City is giving the County to stay out of the development business, the City’s agreement with the County, the purpose of the agreement, the need to beef up the letter sent by the City to the County with regards to traffic impacts and air quality, making ferry transit a priority, and adding reference to the train to the letter.

On motion of Council Member Schwartzman, seconded by Council Member Ioakimedes, Council directed Staff to draft a letter (with suggested changes) for the Mayor’s signature commenting on the DEIR for the 2008 Solano County General Plan, on roll call by the following vote:

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

Noes: None

PUBLIC HEARINGS:

Public Hearing for City of Benicia Landscaping & Lighting District Fiscal Year 2008-09:

Rob Sousa, Finance Director, reviewed the staff report.

Council and Staff discussed the Fleetside District, public quorum that was held with the members of the Fleetside District, balanced budgets in the five districts, using reserves for the five districts, timeline to go into the public forums, request for recommendations on fee increases, the sense of urgency on the issue, sending notification of upcoming Audit and Finance Committee meetings to the residents in the districts, and the need to educate people in the districts via inexpensive newsletter.

Public Hearing Opened

Public Comment:

None

Public Hearing Closed

RESOLUTION 08-58- 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 2008-09

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

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

Noes: None

Public Hearing for Benicia Business Park Vesting Tentative Map, Master Plan Overlay and Rezoning - Continued from the May 20, 2008 City Council Meeting:

Mayor Patterson reviewed the process for the public hearing.

Ms. McLaughlin addressed the issue of the many items of written correspondence received, the possibility of continuing the meeting (deadline for this item is June 6, 2008), and the notification process for continuing the meeting

Jim Erickson, City Manager, introduced the item.

Charlie Knox, Community Development Director, reviewed the staff report.

Council and Staff discussed the condition relating to the \$1 million for the Mills Community Center, the conditions of the project being legally binding, what would happen if the applicant were to appeal some of the conditions after the project was approved, what would happen if the courts were to overturn some of the conditions, amending conditions, development agreement, the legal possibility of having the applicant waive its right to appeal the conditions as a condition of approval, economic analysis, how the park and ride would work, economic analysis vs. specific plan, 24-hour onsite security personnel for the proposed project, greenhouse reduction, western commercial area, conformance with LEED ND, campus design, application for vesting tentative map, advantage of a development agreement, what staff would do more of if it had more time – such as getting more detail, making more of nexus, more research on the addendum to beef it up more, staff being wary of not having all its i's dotted and t's crossed, having a draft revenue sharing agreement, and it would have flushed out more detail, having a citizen committee, establishing a grading limit, how much of the site could be developed if there was a 20% slope limit, contour grading, why there is no ability to do a form-based code with the project, condition #23, and how Council should handle the comments the City has received as it relates to the addendum and conditions of approval and the supplemental EIR.

Mayor Patterson requested the public be mindful of the time constraints with this item. She asked they not repeat comments that had already been made. She requested the public address, for her interests the following points if possible: the extent they feel this is

a new project subject to a supplemental EIR, the extent to which it is possible to mitigate for air quality instead of making overriding findings that the air impacts cannot be mitigated, to what extent there is a need – both legally and ethically for Planning Commission Review of the project and the conditions, and insight on the lack of extension of time for the largest that has come before the City in many decades. Those are not her only concerns, but her major concerns.

Mayor Patterson called for a 5-minute break at 8:17 p.m.
The meeting resumed at 8:25 p.m.

Mayor Patterson stated that the applicant informed her that it did not have a 15-minute presentation prepared. She informed the applicant they could speak during public comment.

Public Hearing Opened

Opponent:

Mr. Jerome Page, Chairman, Benicia First, discussed why Benicia First was formed, its membership, a recent analysis of the project by Steve Goetz, the situation of ‘approve or be sued’, concerns on how the project would affect Benicia, current vs. previous home sale values, the projects lack of coherence and visionary plan, the hundreds of conditions of approval, who will oversee the project in future years, request for Council to deny the proposed project, and the FEIR’s lack of addressing health and safety of children in the community.

Citizens Considering the Consequences (CCC):

Ms. Dana Dean, Attorney representing CCC, discussed a letter she received from the attorney for the applicant regarding her (Ms. Dean’s) written comments that were submitted, the notion that she was trying to delay the process, the need to move forward with something everyone is comfortable with, her attempts to have a respectful dialogue on this process, interpretations of case law, the addendum’s insufficiency, the applicant’s attorney missing the point Ms. Dean was trying to make, the statement of overriding considerations, global warming, and LEEDS ND.

Council, Staff, and Ms. Dean discussed the project’s addendum, the need for a supplemental review for the changes to the project, the adopted EIR not being connected to the current project, lack of a nexus between the project and the EIR, the need for a new traffic analysis, case law relating to similar scenarios, and the lack of analysis for the open waterway.

Ms. Dean clarified that CCC was not opposed to a project. It opposed the particular approvals before Council. The appropriate remedy for the concerns would be a supplemental EIR, opportunity to come up with a development agreement, and to have a respectful dialogue using the appropriate CEQA tools and land use tools, and using the will of the community, applicant, and body to come up with a project that everyone can be proud of.

David Klore, LSA & Associates, discussed why an addendum was an appropriate vehicle to use.

Council and Mr. Klore discussed at what point a new project analysis would need to be done, the broad EIR, the addendum, when a full EIR would need to be done as opposed to an addendum, the transcript of the meeting when the EIR was adopted, the initial study, the addendum, the lack of need for an initial subsequent EIR, Staff's view that the addendum is an appropriate tool, whether the addendum is reflective of Council's intent, Council's expectation (as discussed at the 2/19 Council meeting) that an initial study would be done, letter from the US Department of the Interior, Fish and Wildlife Service, and the three criteria for whether or not a supplemental EIR needs to be done.

Public Comment:

1. Roger Straw – Mr. Straw spoke in opposition of the proposed project. He asked Council to deny the proposed project.
2. Jeanine Seeds – Ms. Seeds spoke in opposition of the proposed project, Seeno being the lessors of the property, and CC&R's.

Council, Staff, and Ms. Seeds discussed the City's ability to enforce CC&R's, consistency, standard of maintenance being included in the CC&R's (as written in the conditions of approval), advantage of a development agreement, and the enforcement mechanisms for CC&R's.

3. Marilyn Bardet – Ms. Bardet spoke in opposition of the proposed project. She discussed air quality and the need for an air quality monitoring program.

Council, Staff, and Ms. Bardet discussed the air quality tests she performed with a professional, the effects the traffic would have on Robert Semple Elementary, monitoring the growth of the project and conditions, project oversight, and the City's need for a specific plan.

4. Nanci Finley – Ms. Finley spoke in opposition of the proposed project.
5. Sue Johnson – Ms. Johnson spoke in opposition of the proposed project. She submitted pictures of Bald Eagles at Lake Herman (copies on file).
6. Harry Newhall – Mr. Newhall spoke in opposition of the proposed project.
7. Gene Doherty – Mr. Doherty spoke in opposition of the proposed project. He discussed ground squirrels and red-legged frogs, commuting concerns, and jobs.
8. Norma Fox – Ms. Fox spoke in opposition of the proposed project. She discussed the project's general plan inconsistencies, concerns with the addendum, concerns regarding condition #11, statement of overriding considerations, and a 2006 citizen's survey regarding air quality.

Council and Staff discussed Ms. Fox's concerns regarding the weak language in condition #11 regarding updating the analysis on traffic and urban decay, economic analysis, evaluation required by General Plan Policy 25 (c) has been satisfied, and what steps could be taken with regards to the final map after the traffic and urban decay analysis is done.

9. Sabina Yates – Ms. Yates spoke in opposition of the proposed project. She discussed concerns regarding a loophole with regards to big box.

- Council and Staff discussed how big box was addressed in the proposed project.
10. Jim Kushera – Mr. Kushera read written comments for Ms. Debbie Todd. He spoke in opposition of the proposed project.
 11. Richard Lubin – Mr. Lubin spoke in opposition of the proposed project.
 12. Rod Cameron – Mr. Cameron spoke in favor of the proposed project.
 13. Bill Cawley – Mr. Cawley spoke in favor of the proposed project.
 14. Keith Dias – Mr. Dias spoke in favor of the proposed project. He wants the project to be LEED certified.
 15. Sue Wickham – Ms. Wickham spoke in opposition of the proposed project. She discussed concerns regarding Silver Creek and Lake Herman Park.
 16. Janice Adams, Superintendent, Benicia Unified School District – Ms. Adams discussed concerns regarding the project with regards to Robert Semple Elementary. She discussed health and safety concerns for the students with regards to the project.
 17. Donald Dean – Mr. Dean discussed a letter sent by the Department of Interior, Fish and Wildlife Service.
 18. Susan Street – Ms. Street spoke in opposition of the proposed project.
 19. Dan Smith – Mr. Smith spoke in opposition to the project.
 20. Elaine Estrada – Ms. Estrada spoke in opposition of the proposed project.
 21. Scott Strawbridge – Mr. Strawbridge spoke in favor of the proposed project.
 22. Jane Vanderwerf – Ms. Vanderwerf spoke in opposition of the proposed project.
 23. Linda Chandler – Ms. Chandler spoke in opposition of the proposed project.
 24. Steve Goetz – Mr. Goetz discussed concerns regarding the environmental findings, mitigation monitoring program, and the need to address all of the environmental impacts. He spoke in opposition of the proposed project.
 25. Susan Shoemaker – Ms. Shoemaker spoke in opposition of the proposed project.
 26. Bob Mutch – Mr. Mutch discussed the proposed project and the fact that there were two voices in town. He hoped Council would make a decision on the project tonight.
 27. Ramon Castellblanch – Mr. Castellblanch spoke in opposition to the proposed project.
 28. JB Davis – Mr. Davis discussed the bicycle plan. He spoke in opposition of the proposed project.
 29. Travis Coley – Mr. Coley spoke in opposition to the proposed project.
 30. Michael Perick – Mr. Perick spoke in favor of the proposed project.
 31. Ed Del Bacarro – Mr. Del Bacarro spoke in favor of the proposed project.
 32. Jim Gilley – Mr. Gilley spoke in favor of the proposed project.
 33. Doug Messner – Mr. Messner spoke in favor of the proposed project.

Mayor Patterson called for a 5-minute break at 11:22 p.m.

The meeting resumed at 11:27 p.m.

Mayor Patterson noted the late hour and the fact that there were still citizens who wished to speak under public comment. She asked Ms. McLaughlin if Council could either close the public hearing or limit the time the remaining speakers wanted to speak. Vice Mayor Campbell indicated that he would not be willing to limit the speaker's time or close the

public hearing until everyone has had a chance to speak. By a show of hands, approximately three citizens indicated they wished to speak.

34. Jon Van Landschoot – Mr. Van Landschoot spoke in opposition of the proposed project.
35. Kristina Lawson, Miller Starr Regalia – Ms. Lawson discussed the letter she sent Council earlier today (copy on file). She discussed case law with regards to the project.

Mayor Patterson discussed concerns regarding Ms. Lawson's comments about late submission of comments by individuals. She (Mayor Patterson) asked Seeno for examples of campus-like developments last August and she just got the list today.

Rebuttal:

Mr. Sal Evola, Discovery Builders – Mr. Evola stated that he agreed with the matrix composed by City Staff in the staff report. He discussed LEED certification, the Fire and Police departments, his client's dedication to building a project that is good for Benicia, their desire to make the project cutting edge, include a web-based carpooling/ridesharing program, reference to silver spot butterfly, Discovery Builder's prior inspection of the site, CEQA, and the time Discovery Builders, Inc. has spent working on the project.

Public Hearing Closed

Council and Staff discussed whether it should proceed until approximately 2:00 a.m. or proceed with the draft resolution denying the project. Council majority agreed to proceed until 1:00 a.m. and see where it was at.

Council Members Schwartzman, Ioakimedes, Patterson, and Campbell disclosed ex-parte communications relating to the project. Council Member Hughes stated that he had not had any ex-parte communications.

Council and Staff discussed whether the addendum was an appropriate vehicle to proceed with the project, supplemental EIR, air quality, transportation, safety and air quality for Robert Semple Elementary students, urban decay, Council's discussion in February not being reflected in LSA's document, how LSA and Staff determined that the addendum, not a supplemental, was the appropriate tool, significant unavoidable air quality impacts, minimizing vehicles miles driven, LSA's level of confidence that it addressed all of the issues in the addendum, how much the project would have to shrink to get the air quality level to 80 pounds per day, the project's square footage (3.1 million total square feet), improving air quality by 30%, new project vs. old project, traffic on East Second Street, figuring out what would be the best project, concerns regarding grading, traffic mitigations, project oversight, LEED ND, three levels of street design in LEED for determining how walkable a site is, the City's obligation under AB 32, findings, agency jurisdiction over air quality, where the intersection is between AB 21 and CEQA, the need for the City to make a difference, common sense and business sense, the need for a supplemental EIR, traffic concerns, traffic analysis, amount of time it would take to do

another traffic study (relatively quick, however it should be done when school is in – school gets out on Friday), future council’s ability to change conditions, the infrastructure being very critical, ways to reduce vehicle miles traveled, having a condition that the developer would agree to having a limit of 50,000 sq. ft., the need for more time to iron out concerns, and a request for a time extension to address concerns.

Mr. Evola stated they could do a 30-day extension to accommodate a traffic study as long as the public hearing remained closed, without additional presentations, for Council to be able to deliberate, and have the traffic consultants present the data from the updated traffic study.

Council and Staff discussed the proposed 30-day extension, not wanting to be caught in a situation where the City is begging and at the last minute get a concession for a 30-day extension, rules for public comment when the item is brought back, traffic study being subject to a public hearing, limiting public comment to the traffic study, Council Member Schwartzman’s absence from the July 1 meeting, extending the 30-day extension to when Council Member Schwartzman returns, the need to do a traffic study during school hours, and time available to do traffic study.

On motion of Council Member Schwartzman, seconded by Council Member Hughes, Council did not agree to a 30-day extension (perhaps more depending on when Council Member Schwartzman returns from vacation) to the July 1, 2008 Council meeting to complete a traffic study (on the areas of East Second Street and below I-780 and the intersections identified earlier by Staff), and then come back and continue the deliberations - limiting public comment to the traffic study, on roll call by the following vote:

Ayes: Council Members Hughes and Schwartzman

Noes: Council Members Campbell, Ioakimedes, and Patterson

Vice Mayor Campbell read the draft copy of the resolution denying the addendum to the EIR (copy on file).

Mr. Erickson stated that Staff strongly recommended against Council rejecting the addendum.

Mr. Evola stated that the applicant would be okay with keeping the public hearing open if that was Council’s desire.

Mayor Patterson discussed the need for the City to have a development agreement and specific plan for the project.

Hughes asked to hear from applicant to find out what they could offer.

Mr. Evola offered a 60-day extension for more time to deliberate with staff and do a traffic study. As far as fully going back to do a specific plan and development agreement - those are two separate issues and that would be taking 10 steps back. He would be

willing to do a 60-day extension to do the traffic, look at air quality, and address project oversight.

Council and Staff discussed the traffic study with regards to school being out of session until August 18, 2008, allowing the Planning Commission to look at the conditions of approval between now and August 18, the intent to have more certainty with the project, having a specific plan, lack of a development agreement, the need to address the traffic study, air quality, and project oversight.

Council Member Ioakimedes discussed his displeasure with the applicant's late offer of an extension. Why didn't they offer the extension earlier? They lost him.

Council discussed using the extension to look at some of Council's other concerns such as grading, development agreement, specific plan, traffic study, urban decay study, and allowing the project to go back to the Planning Commission.

Mr. Evola stated that the applicant could not go back to a development agreement or specific plan. He was okay with doing the traffic study and waiting until school is back in session to do the study and going back to take some more time to deliberate with Staff on some of the other items as indicated by Council Member Schwartzman. Until they know what some of the uses are, it is not the appropriate time to do the urban decay study. The grading plan could not be done until the approved tentative map is done.

Council and Mr. Evola discussed the possibility of using an alternate traffic consultant, doing an estimate on the traffic during school hours, and the lack of accuracy on traffic estimates, and the study not being done until school was back in session.

Council Member Ioakimedes asked if, while the extension was underway, the City could send it back to Planning Commission. Ms. McLaughlin confirmed it could be sent back to the Planning Commission during the extension, as long as the applicant agreed to the extension of October 7th (School is back in session 8/18, the first week of school is minimum days, the study could not be started until the week of 8/25, time needed to compile the traffic study data, and time for Staff and Council to digest the data).

Mr. Evola stated that he was okay with extending the time until the October 7, 2008 Council meeting, unless it could be done sooner via a special meeting. He could not agree to include the grading plan or the specific plan. The applicant would continue deliberating with staff on concerns.

Council discussed sending the project back to the Planning Commission during the extension of time.

On motion of Council Member Hughes, seconded by Council Member Campbell, Council agreed to accept the applicant's extension until the October 7, 2008 Council meeting, have a comprehensive traffic study (including below I-780) conducted between August 25, 2008 and October 7, 2008, bring the traffic study back to Council, conduct the

public hearing with public comment limited to the traffic study, and opening Council's deliberations to the entire project, on roll call by the following vote:

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

Noes: Mayor Patterson

ACTION ITEMS:

None

INFORMATIONAL ITEMS:

Reports from City Manager:

Proposed Mayor's State of the City Presentation on June 10, 2008:

Continued

COUNCIL MEMBER REPORTS:

None

ADJOURNMENT:

Mayor Patterson adjourned the meeting at 2:05 a.m. on 6/4/08.

**AGENDA ITEM
CITY COUNCIL MEETING: JUNE 17, 2008
CONSENT CALENDAR**

DATE : June 11, 2008
TO : City Manager
FROM : Director of Public Works 
SUBJECT : **AWARD OF CHEMICAL CONTRACTS FOR WATER
TREATMENT – FY 08/09**

RECOMMENDATION:

Adopt a resolution accepting bids and awarding contracts to the lowest responsible bidders for furnishing chemicals to the City of Benicia for the treatment of water for fiscal year 2008/09 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 2008/09. In 1994, along with ten other agencies in and around Solano County, Benicia 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 and undesignated reserves to cover the chemical costs.

BUDGET INFORMATION:

Funding for the purchase of chemicals is budgeted and will be charged to plant chemical Account Nos. 014-8305-8772 (Wastewater Treatment) and 090-8205-8771 (Water Treatment). However, due to significant cost increases, additional appropriations are needed. An appropriation of \$44,000 is requested from Wastewater Fund reserves to Account No. 014-8305-8772 and an appropriation of \$127,850 is requested from Water Fund undesignated reserves to Account No. 090-8205-8771.

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 all costs have increased, ranging from 1.8% to 57.2%.

Transportation costs (fuel) affected all chemical pricing. Many of the significant increases are also due to raw material, oil and energy costs. With the exception of Emulsion Polymer and Polyaluminum Chloride (PAX), all bids were administered through the “Agency Pool.” These chemicals are site specific, requiring rigorous pre-qualification trials, and will be bid separately and brought to Council for approval at a future date.

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 | \$389.00/dry ton |
| Olin Chlor Alkali Products | Sodium Hydroxide (25%) | \$599.90/dry ton |
| Olin Chlor Alkali Products | Sodium Hydroxide (50%) | \$549.90/dry ton |
| Sierra Chemical Company | Chlorine – Ton Container | \$455.00 each (1-3/delivery) \$445.00 each (4+/delivery) |
| Kemira Water Solutions | Ferric Chloride (43%) | \$660.21/dry ton |
| Brenntag Pacific, Inc. | Hydrofluosilicic Acid (24%) | \$615.00/dry ton |
| Basic Chemical Solutions | Sodium Bisulfite (25%) | \$0.825/gallon |
| Olin Chlor Alkali Products | Sodium Hypochlorite (12.5%) | \$0.899/gallon (1000-3999 gal/delivery) \$0.799/gallon (4000+ gal/delivery) |
| Nalco Company | Cationic Polymer - Bulk | \$0.49/pound |

There are provisions in the chemical agreements that allow a one-year extension if deemed advantageous to the City.

- cc: City Attorney
- Assistant Director of Public Works
- Water Treatment Plant Superintendent
- Wastewater Treatment Plant Superintendent

Attachments:

- Proposed Resolution
- Bid Summary

Proposed Resolution

RESOLUTION NO. 08-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA, ACCEPTING BIDS AND AWARDING CONTRACTS TO THE LOWEST RESPONSIBLE BIDDERS TO FURNISH CHEMICALS TO THE CITY OF BENICIA FOR THE TREATMENT OF WATER 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) Olin Chlor Alkali Products for Sodium Hydroxide (25% caustic)
- c) Olin Chlor Alkali Products for Sodium Hydroxide (50% caustic)
- d) Sierra Chemical Company for Chlorine
- e) Kemira Water Solutions for Ferric Chloride
- f) Brenntag Pacific, Inc. for Hydrofluosilicic Acid
- g) Basic Chemical Solutions for Sodium Bisulfite
- h) Olin Chlor Alkali Products for Sodium Hypochlorite
- i) Nalco Company for Cationic Polymer

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 \$389.00/dry ton.
- b) Olin Chlor Alkali Products is awarded the contract for Sodium Hydroxide (25% caustic) for a unit price of \$599.90/dry ton.
- c) Olin Chlor Alkali Products is awarded the contract for Sodium Hydroxide (50% caustic) for a unit price of \$549.90/dry ton.

- d) Sierra Chemical Company is awarded the contract for Chlorine (ton container) for a unit price of \$455.00 each (1-3/delivery) and \$445.00 (4+/delivery).
- e) Kemira Water Solutions is awarded the contract for Ferric Chloride for a unit price of \$660.21/dry ton.
- f) Brenntag Pacific, Inc. is awarded the contract for Hydrofluosilicic Acid for a unit price of \$615.00/dry ton.
- g) Basic Chemical Solutions is awarded the contract for Sodium Bisulfite for a unit price of \$0.825/gallon.
- h) Olin Chlor Alkali Products is awarded the contract for Sodium Hypochlorite for a unit price of \$0.899/gallon (1000-3999 gal/delivery) and \$0.799/gallon (4000+ gal/delivery).
- i) Nalco Company is awarded the contract for Cationic Polymer (bulk) for a unit price of \$0.49/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.

BE IT FURTHER RESOLVED THAT funds sufficient to cover the cost of the chemicals will be transferred from Wastewater Fund undesignated reserves to Account No. 014-8305-8772 and from Water Fund undesignated reserves to Account No. 090-8205-8771.

On motion of Council Member _____, seconded by Council Member _____, the above Resolution was introduced and passed by the City Council of the City of Benicia at a regular meeting of said Council held on the 17th day of June, 2008 and adopted by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

ATTEST:

Lisa Wolfe, City Clerk

Bid Summary

**AGENDA ITEM
CITY COUNCIL MEETING: JUNE 17, 2008
CONSENT CALENDAR**

DATE : June 5, 2008

TO : City Manager

FROM : Assistant to the City Manager

SUBJECT : **APPROVE THE JULY 1, 2007 TO JUNE 30, 2011 MEMORANDUM OF UNDERSTANDING WITH THE BENICIA PART-TIME UNIT OF THE BENICIA PUBLIC SERVICE EMPLOYEES' ASSOCIATION**

RECOMMENDATION:

Adopt the resolution approving the July 1, 2007 through June 30, 2011 Memorandum of Understanding with the Benicia Part-Time Unit of the Benicia Public Service Employees' Association (BPSEA).

EXECUTIVE SUMMARY:

The City concluded negotiations with the Part-Time Unit of the Benicia Public Service Employees' Association (BPSEA) on May 22, 2008. This unit of BPSEA currently consists of 60 qualifying part-time employees. This is a new a contract for the City and this unit of BPSEA, originating from negotiations which began in December 2006. The main additions for represented part-time employees as a result of the Part-Time Memorandum of Understanding (MOU) is a salary adjustment based on a tie to their full-time equivalent positions. In addition, the MOU allows qualifying part-time employees to accrue extra time for each hour worked in the form of pay for leave credits. The employee may then request to have all or some of the credits paid out as needed.

BUDGET INFORMATION:

The Part-Time MOU overall cost will be \$20,000 in immediate salary increases and \$30,000 in accrued pay for leave credits. On an ongoing basis, it is estimated that it will cost \$30,000 per year.

BACKGROUND:

Discussions with the Part-Time Unit of BPSEA began in December 2006 and BPSEA ratified the Part-Time MOU on April 23, 2008. The MOU is limited to employees who have worked at least 450 hours per fiscal year.

Wage adjustments of this four-year plan incorporate salary adjustments on the same schedule as full-time BPSEA employees, i.e., a cost of living increases every other year, with market surveys in the intervening years; to ensure Benicia employees continue to be paid in keeping with the Council's philosophy of compensation. In the market survey years, the salary adjustment that

VII-C-1

the part-time employee receives is based on the position's tie to the identified full-time equivalent positions. So, depending on the market, a part-time employee may or may not get an increase depending on the status of the full-time equivalent position's salary as it relates to the market. In respect to implementation of this MOU, qualifying part-time employees will receive retroactive salary adjustments back to July 1, 2007.

In addition to the wage adjustments, the other primary addition for part-time employees as a result of this MOU are pay for leave credits. Effective January 1, 2007, the City will implement a program whereby employees meeting the criteria for recognition of the MOU, as well as having worked a cumulative total of 2080 hours will receive pay for leave credits for each hour worked. The accrual schedule will be .04 hours for each hour worked. Credits will eventually be placed in an individual bank for each employee and will be subject to being paid out upon request, only to the extent that an employee has earned such credits. Initially pay for leave credits will be paid out on a monthly basis until the City's payroll system can incorporate a procedure for handling the accrual of the credits.

This MOU also provides part-time employees with a grievance procedure. While part-time employees have at-will status, without any property interest in their positions, the MOU provides represented employees with a procedure for seeking internal resolution of any disciplinary actions having a financial impact on the employees.

Finally, the MOU allows the City and BPSEA to reopen the contract on the topic of health care in July 2009.

While the above-noted aspects of the MOU are the key components to note, a complete copy of the MOU is attached for review.

Attachments:

- Resolution
- Memorandum of Understanding

RESOLUTION

RESOLUTION NO. 08-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING THE JULY 1, 2007 TO JUNE 30, 2011 MEMORANDUM OF UNDERSTANDING WITH THE PART-TIME UNIT OF THE BENICIA PUBLIC SERVICE EMPLOYEES' ASSOCIATION

WHEREAS, the proposed Memorandum of Understanding (MOU) between the City of Benicia and the Part-Time Unit Benicia Public Service Employees' Association covers salaries and other conditions of employment; and

WHEREAS, the City has concluded negotiations with the Part-Time Unit of the Benicia Public Service Employees' Association relative to the MOU for the term covering July 1, 2007 to June 30, 2011; and

WHEREAS, The MOU is limited to employees who have worked at least 450 hours per fiscal year; and

WHEREAS, the MOU incorporates salary adjustments for qualifying part-time employees on the same schedule as full-time BPSEA employees, i.e., a cost of living increases every other year, with market surveys in the intervening years; to ensure Benicia employees continue to be paid in keeping with the Council's philosophy of compensation; and

WHEREAS, other notable additions for qualifying part-time employees as a result of this MOU include the accrual of pay for leave credits for those who meet the criteria outlined in the MOU, as well as a grievance procedure for seeking internal resolution of any disciplinary actions having a financial impact on the employees; and

WHEREAS, the Benicia Public Service Employees' Association ratified the July 1, 2007 to June 30, 2011 Memorandum of Understanding on April 23, 2008.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Benicia hereby approves the July 1, 2007 through June 30, 2011 Memorandum of Understanding (a complete copy of the MOU is attached to the staff report), and the City Council authorizes the City Manager to execute the MOU.

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 on the 17th day of June, 2008, and adopted by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

ATTEST:

Lisa Wolfe, City Clerk

MEMORANDUM OF UNDERSTANDING

**MEMORANDUM OF
UNDERSTANDING**

BETWEEN

**THE CITY OF BENICIA AND
BENICIA PART-TIME UNIT**

**BENICIA PUBLIC SERVICE
EMPLOYEES' ASSOCIATION
(BPSEA), INC.**

SEIU LOCAL 1021

**JULY 1, 2007
To
June 30, 2011**

**MEMORANDUM OF UNDERSTANDING
 BETWEEN
 THE CITY OF BENICIA AND
 BENICIA PART-TIME UNIT
 BENICIA PUBLIC SERVICE EMPLOYEES' ASSOCIATION
 (BPSEA), INC.
 SEIU LOCAL 1021**

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Section 1. Preamble

The terms and conditions set forth in this Memorandum of Understanding have been discussed and entered into in good faith between representatives of the City of Benicia, hereinafter referred to as the "City," and the Benicia Public Service Employees' Association, Inc., S.E.I.U., Local 1021, hereinafter referred to as the "BPSEA," or the "Union," for the purpose of promoting harmonious relations between the City and the BPSEA, to establish an orderly and peaceful procedure, to settle differences which might arise and to set forth the basic, complete and full agreement between the parties concerning salaries and all other conditions of employment, and preclude any further negotiations during its term unless otherwise stated herein.

Section 2. Recognition

Pursuant to the Meyers-Miliias-Brown Act of the State of California and the provisions of the Employer's/Employee Labor Relations Resolution No.5324 the City acknowledges that BPSEA SEIU Local 1021 is the majority representative for the purpose of meeting and conferring, negotiating, regarding wages, hours, benefits and other terms pertaining to the conditions of employment for all employees specified in Exhibit "A" or as appropriately modified in accordance with the Employer/Employee Resolution, and agreed to by the City and the Union.

Recognition is limited to Employees meeting the following criteria:

Employees must have worked at least 450 hours per fiscal year based on hours worked for the twelve (12) months pay period ending with the last pay period in May of each year shall be included for recognition/benefit purposes for the contract year beginning the following July, for as long as they continue to be regularly scheduled to work.

It is agreed by the City and the Union that employees meeting these criteria will be listed in Exhibit "A".

Section 3. Duration

It is agreed by the City and the Union that except as specifically provided otherwise or as agreed to by the City and the Union any resolution, ordinance or action of the City Council necessary to implement this MOU shall be considered effective from July 1,

2007. This MOU shall remain in full force and effect until June 30, 2011 and the provisions of this MOU shall continue after the date of expiration of this MOU in the event the parties are meeting and conferring on a successor MOU.

The terms and conditions of this MOU shall prevail over any conflicting provisions of the Benicia City Council Charter, ordinance, resolutions and policies of the City Benicia and/or any Federal/State statutes, rules, regulations which either specifically provide that agreements such as this prevail, confer rights which may be waived by any collective bargaining agreement or are, pursuant to decisional or statutory law, superseded by this provision of an agreement similar to this MOU.

Section 4. Employee Data

The City shall provide the Union a regular list of all unit members on a six (6) month basis, included shall be the employee's names, address, department, and job title for the purpose of Union update data and Union informational material for unit members.

Section 5. Conclusiveness, Modifications and Savings

This Memorandum of Understanding shall be in force after its expiration for thirty (30) days, by mutual agreement, where negotiations between the City and BPSEA have not resulted in a new Memorandum of Understanding.

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

This Memorandum of Understanding shall be submitted to the City Council for its adoption.

This MOU contains all of the covenants, stipulations, and provisions agreed upon by both parties. Therefore, for the life of this MOU, neither party shall be compelled, and each party expressly waives its rights to request the other to meet and confer concerning any issue herein.

Any agreement, alternation, understanding, variation, or waiver or modification of any terms or provisions of this MOU shall not be binding upon parties unless contained in agreed written document (side letter) executed by authorized representative of the parties.

Section 6. Agency Shop

6.1 Agency Shop

Employees shall have the opportunity to vote for Agency Shop at the same time they are voting to ratify this initial Agreement. If the vote is for Agency Shop employees shall become and remain members of the Union or shall pay to the Union a service fee in lieu thereof. Such service fee shall be established by the Union and shall not exceed that portion of the Union's dues and initiation fees (hereinafter collectively termed "service fee") paid by members of the Union as are expended by the Union in fulfilling its responsibilities for representing members of the Representation Unit in the negotiation and administration of the Memorandum of Understanding. Initiation fees shall only apply to employees hired after implementation of this agreement. The Union shall comply with the rules governing the establishment of agency shop fees as set forth in the U. S. Supreme Court's decision in March, 1986 in Chicago Teachers Union v. Hudson.

6.2 Implementation

Not later than thirty (30) days after approval of an Agency Shop Agreement, the City shall deliver to each employee subject to this Memorandum of Understanding who is not also a member of the Union a notice advising that the City has entered into an Agency Shop Agreement with the Union and that all employees subject to the Memorandum of Understanding must either join the Union, pay a service fee to the Union, or execute a written declaration claiming a religious exemption from this requirement. Such notice shall include a form for the employee's signature authorizing payroll deduction of Union dues or a service fee, or a charitable contribution equal to the service fee.

In the event an employee does not authorize a payroll deduction, the City shall nonetheless make such a deduction of service fee or charitable contribution. An employee claiming religious exemption shall be able to choose from one of the following three (3) charities as an authorized recipient of the contribution: (1) Benicia Human Services and Arts Fund, (2) Benicia Community Action Council, (3) Partners Encouraging Parks and Recreation in the Community or (4) Benicia Adult Literacy Program.

6.3 Payroll deductions

The City shall deduct Union dues or service fees and premiums for approved insurance programs from the employee's pay in conformity with State and City regulations. The City shall promptly pay over to the designated payee all sums so deducted. The City shall also periodically provide the Union with a list of all persons making charitable deductions pursuant to the religious exemption granted herein.

6.4 Hold Harmless

The Union shall indemnify, defend, and hold harmless the City, its officers, employees, and agents acting on its behalf from and against any and all losses, damages, costs, expenses, claims, demands, actions, suits, judgments and other forms of liability arising out of the application or enforcement of this Section. In no event shall the City be required to pay from its own funds Union dues, service fees or charitable contributions, which the employee was obligated to pay, but failed to pay, regardless of the reasons.

6.5 Election

The election to implement the provisions of this agreement shall not prohibit or restrict an election to rescind this Section as provided for by Section 3502-5 of the Government Code.

6.6 Waiver of Election for Newly Represented Employees and New Representation Units

The accreditation of classifications and/or employees to representation units set forth in this Memorandum of Understanding shall not require an election pursuant to subsection 6 herein for the application of this Agency Shop provisions to such classifications and/or employees. The recognition of newly-established bargaining units and inclusion of same within this Memorandum of Understanding shall also not require an election pursuant to subsequent 6 herein for the application of this Agency Shop to such units.

6.7 COPE Payroll Deduction

The City will allow for voluntary contributions to the Union's COPE (Committee on Political Education) Fund to be deducted from an employee's paycheck provided the employee signs an authorization form the amount is a flat dollar amount, and the contribution is on a

monthly basis.

Section 7. Union Notification

Except in cases of bon fide emergencies, the Union shall be given a minimum of seven (7) workdays advance written notification of any ordinance, rule, resolution or regulation directly relating to matters within the scope of representation proposed to be adopted by Benicia City Council, or management, and shall be given the opportunity to meet and confer with the City representative prior to its adoption.

Section 8. Association Business

The City agrees to provide space on bulletin boards to the BPSEA for the announcement of meetings, elections of officers of the BPSEA and any other material related to BPSEA business. Furthermore, the BPSEA shall not post material detrimental to the labor-management relationship nor of a political or controversial nature. The BPSEA may send mail related to business to local official association representatives at appropriate facilities to which mail is delivered.

The City agrees that access and use of the internal e-mail system is limited to the following BPSEA officers (President/Vice President/Secretary). It is understood that these officers may use the internal e-mail system for BPSEA announcements. The officers must get permission from their supervisor before sending out any announcement, and only use the internal e-mail system during lunch hours and after work hours. It is understood that this means of communication is limited to announcements only and is not intended as a means of social interaction between BPSEA members

No BPSEA member or representative shall solicit members, engage in organizational work, or participate in other BPSEA activities during working hours on the City's premises except as provided for in the processing of grievances, or during periods of negotiations to update the membership on the progress of said negotiations.

BPSEA members or representatives may be permitted to use suitable facilities on the City's premises to conduct BPSEA business during non-work hours upon obtaining permission from the City's Personnel Officer or his designated representative. Any additional costs involved in such use must be paid by the BPSEA.

BPSEA representatives shall be permitted to investigate and discuss grievances during working hours on the City's premises if notification is given to the Personnel Officer or the Personnel Officer's designated representative. If the BPSEA representative is an employee of the City, the representative shall request from the representative's immediate supervisor, reasonable time off from the representative's regular duties to process such grievances. The City will provide a reasonable number of employees time off, if required, to attend negotiation meetings.

Section 9. Management Rights

The employee organization agrees that the City retains all its exclusive rights and authority under the law and expressly and exclusively retains its management rights, which include, but are not limited to: the exclusive right to determine the mission of its constituent departments, commissions, boards; set standards and levels of service; determine the procedures and standards of selection for employment and promotions; direct its employees; maintain the efficiency of government operations; determine the methods, means and numbers of kinds of personnel by which government operations are to be conducted; determine the content and intent of job classifications; determine methods of financing; determine style and/or types of City-issued wearing apparel, equipment or technology to be used; determine and/or change the facilities, methods, technology, means, organizational structure and size and composition of the work force and allocate and assign work by which the City operations are to be conducted; determine and change the number of locations, relocations and types of operations, processes and materials to be used in carrying out all City functions including, but not limited to, the right to contract for or sub-contract any works operations of the City; to assign work to and schedule employees in accordance with requirements as determined by the City and to establish and change work schedules and assignments upon reasonable notice; establish and modify productivity and performance programs and standards; discharge, suspend, demote, reprimand, withhold salary increases and benefits, or otherwise discipline employees in accordance with applicable law; establish employee performance standards including, but not limited to, quality and quantity standards, and to require compliance therewith; take all necessary actions to carry out its mission in emergencies; and exercise complete control and discretion over its organization and technology of performing its work. Management rights shall be exercised in a manner consistent with applicable Federal and State laws, and Personnel Rules.

Section 10. Grievance Procedure

The City and Union mutually acknowledge that part time employees have At Will status, without any property interest in their position(s). However, represented employees are afforded the opportunity to seek internal resolution of any disciplinary actions having a financial impact on the employee.

Represented employees may appeal any such actions to their Department Head within ten (10) calendar days of the disciplinary action. The Department Head will meet with the employee and a representative of their choosing within ten (10) calendar days of the appeal. If the matter continues to be unresolved, the employee may, within ten (10) calendar days, appeal to the City Manager. The City Manager will meet with the employee and their representative. Within ten (10) calendar days, the City Manager shall issue his decision. The decision of the City Manager shall be final.

Section 11. Union Steward

The Union shall designate three (3) employees within the "Part- Time Employees Unit" as shop stewards and will furnish the names of these elected shop stewards and place of employment to the Director of Human Resources on an annual basis. If the designated steward is not available the President or any other designated shop steward shall be allowed a reasonable amount of release time for the purpose of representing a unit employee within the steward's area of representation in the filing or processing of identified grievances as long as there is no disruption of work in the employees department. Stewards shall obtain permission before leaving their place of employment and shall inform the Director of Human Resources before leaving their place of employment; release time shall not be unreasonably denied. This Article shall be limited to work hours only. It is agreed the City shall not pay stewards for time spent in handling grievances when they are not regularly scheduled to work.

The City shall provide four (4) hours of paid time each contract year to each steward and alternate for steward's training. BPSEA will give one (1) month's notice to the City before scheduling training.

The City will provide eight (8) hours of paid leave time for three (3) stewards to attend a one (1) day SEIU Local 1021 internal reorganization meeting. This paid leave time will sunset on June 30th of each year and cannot be rolled over to another year.

Section 12. No Strike

The BPSEA agrees that participation in a strike shall subject employees to disciplinary action, up to and including discharge. The BPSEA, its representatives, or members, shall not engage or cause, instigate, encourage, sanction, or condone a strike of any kind. No employee shall refuse to cross any picket line in the conduct of official City business during the duration of this Memorandum of Understanding, nor shall the BPSEA, its representatives, or members, discriminate in any way toward anyone who refuses to participate in a strike. "Strike" means for the purpose of this section, any industrial action or slow down, sanction, instigate or suggest mass absenteeism, picketing or similar activity, which would interfere with or interrupt the normal work and operation of the City. The City shall not lock out any members of SEIU Local 1021/BPSEA.

Section 13. Wage Adjustments

Represented employees will receive COLAs and salary adjustments on the same schedule as BPSEA employees. During those years that salaries are adjusted to the market, represented employees' salaries will be adjusted according to each part-time position's equivalent full-time position as listed in Exhibit "B".

Section 14. Overtime

All work performed in excess of forty hours in a workweek shall be considered overtime work.

Assignments of overtime work shall rest solely with the department head or the designated representative. The assignment of overtime work is on an involuntary basis and any employee refusing assignments of such work is subject to disciplinary action deemed appropriate by the department head.

Employees performing compensable overtime work shall be paid time and one-half at the employee's straight-time hourly rate of pay.

Section 15. Healthcare

On July 2009 or when the State of California's proposed health care program is finalized (whichever occurs first), the City agrees to reopen contract on healthcare only.

Section 16. Pay for Leave Credits

Effective January 1, 2007 the City will implement a program whereby employees (those meeting the criteria for recognition as set forth in Section 2 and who have worked a cumulative total of 2080 hours) will receive pay for leave credits for each hour worked. Credits will be placed in an individual bank for each employee and will be subject to being paid out upon monthly request, only to the extent that an employee has earned such credits. The maximum accrual of pay for leave hours will be sixty (60) hours. Pay for leave hours will be automatically paid thereafter.

Pay for leave hours will count towards the hours necessary to qualify for benefits. The accrual schedule will be .04 hours for each hour worked.

Upon signing the MOU, any employee who has worked 4,160 cumulative hours will be eligible to receive a 20 hour credit to the employee's pay for leave credit bank.

IN WITNESS WHEREOF, the parties hereto have executed this Memorandum of Understanding this ___ day of _____ 2007.

**BENICIA PUBLIC SERVICE
EMPLOYEES' ASSOCIATION, INC.**

Andre Spearman, SEIU Local 1021

Dave Murray, President of BPSEA

**Phillip Hannon,
Member of BPSEA Part-
Time Unit**

Sharon Williams, Secretary of BPSEA

Alan Hodges, Past President of BPSEA

CITY OF BENICIA

Jim Erickson, City Manager

Human Resources Manager

**APPROVED AS TO FORM BY City
Attorney:**



Heather Mc Laughlin

**Exhibit A
Part-Time Employees over 450 hrs.**

6/5/2008

| Name | Emp # | Positions | Dept. | Total Hours | FTE | Cumulative |
|-----------------------|--------------|------------------------------------|--------------------|--------------------|------------|-------------------|
| FINANCE | | | | | | |
| *Andoh, John | | Transit Mgr. | Finance - 746-4225 | 845 | 0.41 | 2,693.00 |
| Reynolds, Marie | | Admin Clerk | Finance - 746-4225 | 742.75 | 0.36 | 7,538.50 |
| Williams, Jeremy | | Admin Clerk | Finance - 746-4225 | 788.2 | 0.38 | 2,466.95 |
| CITY ATTORNEY | | | | | | |
| Andersen, Melissa | | Admin Clerk | CAO | 757.5 | 0.36 | 1,131.50 |
| Simpkins, Diane | | Admin Clerk | CAO | 1,092.75 | 0.53 | 3,732.17 |
| LIBRARY | | | | | | |
| Anderson, Brady | 2992 | Dept. Aide | Library - 746-4343 | 692 | 0.33 | 2,167.00 |
| Anderson, Dustin | 2904 | Dept. Aide | Library - 746-4343 | 494.5 | 0.24 | 3,540.25 |
| Banford, Linda | | Library Assistant II | Library - 746-4343 | 467.5 | 0.22 | 7,263.50 |
| Crawford, Katherine | 3004 | Library Assistant I | Library - 746-4343 | 763.25 | 0.37 | 2,913.25 |
| Edwards, Debra | | Library Assistant II | Library - 746-4343 | 568.5 | 0.27 | 7,391.75 |
| Fogg, Susie | 2775 | Library Assistant I | Library - 746-4343 | 467.25 | 0.22 | 2,428.25 |
| Freer, Muriel | 3084 | Library Assistant I | Library - 746-4343 | 452.25 | 0.22 | 1,875.25 |
| *Gutierrez, Rocky | 3268 | Dept. Aide | Library - 746-4343 | 673.5 | 0.32 | 1,017.50 |
| Hannon, Phillip | 2912 | Dept. Aide | Library - 746-4343 | 731.05 | 0.35 | 4,176.80 |
| Kirkbride, Loa | 2776 | Sm. Group Instructor | Library - 746-4343 | 608 | 0.29 | 3,451.00 |
| Minkel, Pricilla | 2771 | Dept. Aide | Library - 746-4343 | 820.25 | 0.39 | 4,937.50 |
| Monasterio, Christina | 3086 | Library Assistant I | Library - 746-4343 | 582.75 | 0.28 | 1,214.00 |
| Moore, Marjorie | 2828 | Library Assistant I | Library - 746-4343 | 664 | 0.32 | 2,792.00 |
| O'Leary, Susan | 2819 | Dept. Aide | Library - 746-4343 | 724 | 0.35 | 3,882.25 |
| Rahn, Julie | 3095 | Dept. Aide | Library - 746-4343 | 1024.83 | 0.49 | 2,863.33 |
| Smith, Leslie | 3105 | Dept. Aide | Library - 746-4343 | 604 | 0.29 | 1,793.00 |
| Stoneman, Faye | 1619 | Library Assistant II | Library - 746-4343 | 576 | 0.28 | 2,662.50 |
| Turner, Kathleen | | Dept. Aide | Library - 746-4343 | 770.5 | 0.37 | 2,152.75 |
| Weaver, Katie | 3158 | Family Literary Specialist | Library - 746-4343 | 952.4 | 0.46 | 2,126.90 |
| Yosick, Sarah | 3172 | Dept. Aide | Library - 746-4343 | 520.25 | 0.25 | 1,295.75 |
| PARKS | | | | | | |
| *Akiyama, Lance | 3222 | Rec Leader | P&CS - 746-4285 | 660 | 0.32 | 698.00 |
| Alota, Venancio | | Asst. Rec. Coord/Facility Attn. | P&CS - 746-4285 | 1035.5 | 0.5 | 8,919.00 |
| Beemon, Megan | 3053 | Camp Director | P&CS - 746-4285 | 817 | 0.39 | 2,613.00 |
| Beeson, Matt | 2856 | Sr. Lifeguard | P&CS - 746-4285 | 972.75 | 0.47 | 3,201.75 |
| Cooper, Elizabeth | 3220 | Rec Leader | P&CS - 746-4285 | 649.75 | 0.31 | 1,076.00 |
| Cortez, Diane | 3141 | Rec Leader | P&CS - 746-4285 | 571.75 | 0.27 | 1,234.75 |
| Dubon, Raquel | | Admin Clerk I Rec. Coord. | P&CS - 746-4285 | 1099.25 | 0.53 | 3,947.75 |
| Dunlap, Kate | 3019 | Camp Director | P&CS - 746-4285 | 684.75 | 0.33 | 2,488.25 |
| Dwyer, Caitlin | 3236 | Lifeguard | P&CS - 746-4285 | 563.25 | 0.27 | 965.50 |
| Fretwell, Luke | | Pool Coord. | P&CS - 746-4285 | 1186.25 | 0.57 | 3,789.50 |
| Gomez, Alma | 3109 | Camp Director | P&CS - 746-4285 | 916.5 | 0.44 | 2,612.75 |
| Hoppe, Deborah | 2010 | Rec Specialist | P&CS - 746-4285 | 794 | 0.38 | 6,226.50 |
| Jessen, Kelly | 3278 | Rec Leader | P&CS - 746-4285 | 595.25 | 0.29 | 1,057.50 |
| Johnson, Kristina | 3227 | Rec Leader | P&CS - 746-4285 | 668.25 | 0.32 | 975.50 |
| Krimsky, Samantha | 3234 | Lifeguard | P&CS - 746-4285 | 789.25 | 0.38 | 1,260.75 |

*No longer employed with the City.

Exhibit A

6/5/2008

Part-Time Employees over 450 hrs.

| Name | Emp # | Positions | Dept. | Total Hours | FTE | Cumulative |
|------------------------------|-------|--------------------------|----------------------|-------------|------|-------------|
| Larkin, Denise | 2572 | Rec Coordinator | P&CS - 746-4285 | 532.5 | 0.26 | 4,149.00 |
| Leveriza, Adrienne | 3226 | Rec Leader | P&CS - 746-4285 | 574.25 | 0.28 | 1,164.75 |
| Lowell, Jill | 1792 | Rec Specialist | P&CS - 746-4285 | 507 | 0.24 | 2,653.26677 |
| Martinez, Gonzlez, Monika | 3058 | Asst Rec Coordinator | P&CS - 746-4285 | 902.75 | 0.43 | 3,236.75 |
| Middleton, Matthew | 3046 | Rec Leader | P&CS - 746-4285 | 819.75 | 0.39 | 2,275.25 |
| Mills-Krutilek, Ryan | 3198 | Asst Rec Coordinator | P&CS - 746-4285 | 971.25 | 0.47 | 1,968.75 |
| Palmer, Eliot | 2861 | Asst Pool Coordinator | P&CS - 746-4285 | 631.5 | 0.3 | 3,066.25 |
| Peria, Marc | 3199 | Asst Rec Coordinator | P&CS - 746-4285 | 924.25 | 0.44 | 1,712.00 |
| Reynolds, Matthew | 3154 | Lifeguard | P&CS - 746-4285 | 539.5 | 0.26 | 1,042.50 |
| Rossi, Debra | 2117 | Asst Rec Coordinator | P&CS - 746-4285 | 635.5 | 0.31 | 5,172.25 |
| Scott, Parrish | 3182 | Rec Leader | P&CS - 746-4285 | 803.75 | 0.39 | 1,668.00 |
| Singley, Tiana | 3230 | Lifeguard | P&CS - 746-4285 | 586 | 0.28 | 844.25 |
| Smith, Monica | 3248 | Lifeguard | P&CS - 746-4285 | 470 | 0.23 | 734.75 |
| Suckow, Mary Rebecca | 3201 | Seasonal Lead Worker | P&CS - 746-4285 | 1887 | 0.91 | 3,010.50 |
| Sweet, David | 3121 | Seasonal Sr. Lead Worker | P&CS - 746-4285 | 885 | 0.43 | 2,468.00 |
| Valdez, Chloe | 3179 | Lifeguard | P&CS - 746-4285 | 746.25 | 0.36 | 1,320.75 |
| Warren, Jordan | 3224 | Rec Leader | P&CS - 746-4285 | 560.25 | 0.27 | 877.75 |
| Welgan, Janice | 1794 | Rec Specialist | P&CS - 746-4285 | 619 | 0.3 | 6,481.50 |
| Wessell, Nancy | 1625 | Asst Rec Coordinator | P&CS - 746-4285 | 737.5 | 0.35 | 5,926.75 |
| HUMAN RESOURCES | | | | | | |
| Rossi, Shea | 3126 | Office Aide | Personnel - 746-4208 | 638.75 | 0.31 | 1,169.25 |
| POLICE | | | | | | |
| *Nowak, Johanna | 3291 | FRC Worker | FRC - 746-4352 | 781.5 | 0.38 | 1,338.50 |
| *Smith, Colleen | 3039 | FRC Worker | FRC - 746-4352 | 1,613 | 0.78 | 5,466.00 |
| Uhlman, Ronald | 2837 | Police Aide | Police - 745-3412 | 536 | 0.26 | 5,233.50 |
| FIRE | | | | | | |
| Marilyn Axthelm | 2846 | Admin Clerk | Fire - 746-4275 | 493.25 | 0.24 | 2,464.25 |
| Donna Luksan | 2685 | Sr. Admin Clerk | Fire - 746-4275 | 560.5 | 0.27 | 3,384.00 |
| COMMUNITY DEVELOPMENT | | | | | | |
| Baldwin, Terry | 2714 | Sr. Admin. Clerk | CDD - 746-4280 | 533.5 | 0.26 | 6,616.75 |

*No longer employed with the City.

EXHIBIT B

Part Time Positions - Full Time Equivalents

% Incr.

| | | | |
|------|--|-----------------------------------|----------|
| PTFT | ADMIN CLERK I | Admin Clerk I | Y-Rated |
| PTFT | ADMIN CLERK II | Admin Clerk II | Y-Rated |
| PTFT | ADMINISTRATIVE SECRETARY | Administrative Secretary | 4.24% |
| HRLY | ASSISTANT POOL COORDINATOR | Recreation Coordinator | 5.77% |
| HRLY | ASSISTANT RECREATION COORDINATOR | Recreation Coordinator | 5.77% |
| HRLY | CAMP DIRECTOR | Recreation Coordinator | 5.77% |
| PTFT | DEPARTMENT AIDE | Admin Clerk I | Y-Rated |
| HRLY | ESL COORDINATOR (GRANT FUNDED) | Grant Funded | N/A |
| HRLY | FACILITY ATTENDANT II | Maintenance Worker | 2.71% |
| HRLY | FAMILIES FOR LITERACY COORD (GRANT FUNDED) | Grant Funded | N/A |
| HRLY | FAMILY RESOURCE COORDINATOR (GRANT FUNDED) | Grant Funded | N/A |
| HRLY | HYDRANT MAINTENANCE WORKER | Field Utilities and Streets Appr. | Y-Rated |
| HRLY | KINDERGYM INSTRUCTOR | Recreation Coordinator | 5.77% |
| HRLY | LAB AIDE (MINIMUM WAGE) | Minimum Wage | N/A |
| HRLY | LAB ASSISTANT | Laboratory Technician I | Y-Rated |
| PTFT | LIBRARY ASSISTANT I | Library Tech I | *Y-Rated |
| PTFT | LIBRARY ASSISTANT II | Library Tech II | *Y-Rated |
| HRLY | LIBRARY PAGE (MINIMUM WAGE) | Minimum Wage | N/A |
| HRLY | LIFEGUARD (ENTRY LEVEL) | Recreation Coordinator | 5.77% |
| HRLY | LIFEGUARD (SENIOR) | Recreation Coordinator | 5.77% |
| HRLY | LIFEGUARD (WSI) | Recreation Coordinator | 5.77% |
| HRLY | LITERACY INSTRUCTOR (GRANT FUNDED) | Grant Funded | N/A |
| HRLY | LITERACY PROGRAM DIRECTOR (GRANT FUNDED) | Grant Funded | N/A |
| HRLY | OFFICE AIDE (MINIMUM WAGE) | Minimum Wage | N/A |
| PTFT | OFFICE ASSISTANT I | Admin Clerk I | Y-Rated |
| PTFT | OFFICE ASSISTANT II | Admin Clerk I | Y-Rated |
| HRLY | POOL COORDINATOR | Recreation Coordinator | 5.77% |
| PTFT | PUBLIC SAFETY DISPATCHER | Public Safety Dispatcher | 1.56% |
| PTFT | PUBLIC SAFETY DISPATCHER (NO PERS) | Public Safety Dispatcher | 1.56% |
| PTFT | PUBLIC SERVICES LIBRARIAN I | Librarian I | Y-Rated |
| PTFT | PUBLIC SERVICES LIBRARIAN II | Librarian II | Y-Rated |
| HRLY | RECREATION LEADER II | Recreation Coordinator | 5.77% |
| PTFT | RECREATION SPECIALIST | Recreation Coordinator | 5.77% |
| HRLY | SAFETY COORDINATOR | Maintenance Worker | 2.71% |
| HRLY | SEASONAL LEAD PARK WORKER | Parks Landscape Worker | 2.73% |
| HRLY | SEASONAL PARK WORKER | Parks Landscape Worker | 2.73% |
| HRLY | SEASONAL SENIOR LEAD PARK WORKER | Parks Landscape Worker | 2.73% |
| PTFT | SENIOR ADMINISTRATIVE CLERK | Senior Admin Clerk | 1.60% |
| HRLY | SMALL GROUP INSTRUCTOR | Grant Funded | N/A |
| HRLY | TEEN ADVISORY BOARD COORD (MINIMUM WAGE) | Minimum Wage | N/A |
| HRLY | TINY TOT INSTRUCTOR | Recreation Coordinator | 5.77% |
| HRLY | VOLUNTEER COORDINATOR | Community Services Officer I | 0.04% |

*New class as of 7/1/2007 - no applicable market adjustment. Librarian positions surveyed found to be above market (y rated).

**AGENDA ITEM
CITY COUNCIL MEETING: JUNE 17, 2008
PUBLIC HEARING**

DATE : June 2, 2008

TO : City Manager

FROM : Director of Parks and Community Services

SUBJECT : **FIRST READING OF A TREE ORDINANCE DELETING SECTION 17.70.190 (H) (PRESERVATION OF MATURE TREES) AND REPLACING CHAPTER 12.24 (STREET TREES) OF THE BENICIA MUNICIPAL CODE**

RECOMMENDATION:

Hold a public hearing for the first reading of the proposed Tree Ordinance, replacing Chapter 12.24. Street Trees and repealing Section 17.70.190 (H), Preservation of Mature Trees, of the Benicia Municipal Code and revise the master fee schedule to reflect the new fees subscribed in the proposed Tree Ordinance.

EXECUTIVE SUMMARY:

In 2004 the Parks, Recreation and Cemetery Commission formed an ad hoc Tree Committee. The formation of this committee was initiated by the City Council's desires to review and update our tree policies. Following the formation of the Tree Committee, the City Council passed Resolution No. 05-76 that encouraged the preservation of trees and improved the manner and mechanisms in which the City facilitates that process. After many months of review, the Tree Committee recommended the proposed tree ordinance to the Parks and Recreation Commission who, in turn, are recommending the same to the City Council.

On April 15, 2008 the City Council held a study session to review the details of the Tree Ordinance. Following the study session staff met with the Tree Committee and Parks, Recreation and Cemetery Commission to discuss and address issues raised by the public and City Council. The changes to the proposed Tree Ordinance and administrative guidelines reflect a consensus of the various stakeholders on how to resolve the issues raised at the April 15th study session.

BUDGET INFORMATION:

There is no new fiscal impact from these changes.

BACKGROUND:

The Commission, staff and the Tree Committee believe the proposed ordinance improves and enhances our current ordinance. The following is an accounting of some key improvements to the proposed ordinance.

The proposed Tree Ordinance:

- Clarifies and distinguishes tree management and mitigation responsibilities between the Parks and Community Services Department and Community Development Department.
- Requires public notice (a posted sign on the tree) for City property and Street Trees that are being considered for removal.
- Allows any citizen to appeal the removal of a City property and Street Trees.
- Establishes a Heritage Tree program and process.
- Establishes a Tree Committee.
- Establishes a Tree Fund.

The proposed ordinance also better defines the types of trees that require either a pruning or removal permit. In some instances the proposed permitting requirements are less stringent than the current guidelines, while others are more stringent. The way in which trees are evaluated for removal will also be clarified. The current guidelines are ambiguous and too subjective. The approved Tree Preservation Standards of Review establishes an objective test that provides a more uniform assessment of the guidelines.

At the April 15th study session some issues surfaced that required further deliberation. Fees and removal guidelines such as views and solar panel considerations were some topics raised by the City Council and are discussed in greater detail below.

The rate structure for tree replacement recommended by staff at the study session generated some consternation. At first blush the tree replacement fee looked a bit onerous as there presently is not a tree replacement fee. However, the current ordinance regulating trees requires the property owner to replace a removed tree with one or two 15 gallon or 24 inch box tree(s). For reference, the cost for the City for a 15 gallon and 24 inch box tree is \$150 and \$300 respectively. Therefore, while presently the property owner is not required to pay the City money to replace a tree, they are required to expend financial resources to buy new trees.

The rationale to create a replacement fee structure rather than maintain the current system is twofold. First, the present tree replacement regulations are based on the honor system, as staff does not re-inspect the property. The logistics to re-inspect the site is difficult and to staff intensive to be feasible. While staff does not believe that there is rampant disregard to this honor system, requiring a replacement fee insures that trees will in fact be replaced and done in a timely manner. Furthermore, it is the belief of the authors of the Tree Ordinance that this provision will actually increase the tree inventory because many property owners will not only pay the tree replacement fee but also plant a new tree on their property.

In an effort to preserve this new regulation but also make it more palatable for property owners, staff is recommending a 2nd revised tree replacement free structure. Below is a summary of the free structure:

| | |
|--|---|
| <u>2nd Revised Recommendation:</u> | |
| Tree Pruning Permit Application: | No Fee |
| Tree Removal Permit Application: | \$20 per property |
| Tree Replacement Fee (Residential): | \$100 first tree / \$75 each additional tree |
| Tree Replacement Fee (Non-Residential): | \$175 per tree |

This 2nd revised recommendation has two significant changes. First, the fee structure is tiered based on residential and non-residential, which is a change from single family dwellings and all other properties. This change now encompasses condominium and apartment complexes, affording those residents a lower tree replacement fee rate. The second change is a 33% reduction for the replacement of the first tree on residential properties. Staff is attempting to balance the affordability of this fee with the ability of the City to purchase new trees. Staff believes that by purchasing trees in bulk the overall cost of purchasing the trees will be reduced, thus making the recommended reduction in replacement fees cost neutral.

The inclusion of additional tree removal guidelines is another change proposed by staff to resolve issues raised during the study session. The topic of views dominated much of the City Council discussion during the April 15th meeting. At that time, the City Council was advised that the Tree Committee was directed to avoid the topic of views so as not to entangle the Tree Ordinance with a view ordinance. Nevertheless, it was suggested that staff consider including view obstruction as a guideline for tree removal.

To accommodate the view interest, staff drafted a narrowly tailored provision that creates a view obstruction guideline for removal. Such a provision allows a property owner to submit a tree removal application because a tree on the owner's property, and only on the owner's property, is obstructing a view. Moreover, this provision is only a guideline for removal, meaning the application must first pass through the Tree Preservation Standards of Review (which are the administrative procedures, approved by the Parks, Recreation and Cemetery Commission, staff uses to assess tree removals) before approval is granted.

This view provision received a plurality of support on the Parks, Recreation and Cemetery Commission and has tepid support from the Tree Committee. There is trepidation that such a provision could significantly increase the number of mature trees that are removed. As such, the Parks, Recreation and Cemetery Commission approved two versions of the Tree Preservation Standards of Review, one that includes views as a guideline for removal and one that does not. Consequently, whichever preference the City Council has with regard to views will be reflected in the administrative procedures.

The new language regarding this view provision is seen in the Tree Preservation Standards of Review and includes a view definition which was copied from the City of Martinez's municipal code.

Related to the view discussion was a request from the City Council that staff assist property owners in finding arbitrators to resolve neighbor v. neighbor disputes. Should such issues arise, staff will assist those residents to find arbitrators.

Consideration for alternative energy solutions was another topic suggested to staff for possible inclusion as a tree removal guideline. Members of the public, during the study session, inquired how the Tree Ordinance would affect the installation of solar panels or even wind turbines. To address this, staff included the installation of alternative energy solutions as a guideline for removal. This new provision received positive reaction from the Parks, Recreation and Cemetery Commission and the Tree Committee, as such the Parks Commission approved the addition of this provision as a guideline.

Other issues noted during the study session included the management of dueling arborist reports and mitigation measures for hazardous and harmful trees. There was a suggestion that a sub-committee of the Parks, Recreation and Cemetery Commission adjudicate disputes between a City Arborist findings and the property owner's arborist findings. Such a procedure would insulate staff; however, it will also slow government responsiveness to the applicant because Commissioners would need to be scheduled for a special hearing. Moreover, those commissioners that take part in adjudicating the dueling arborist reports would need to recuse themselves should the applicant appeal to the Parks, Recreation and Cemetery Commission. For these reasons staff is not recommending any changes to the current appeal procedures.

During the study session it was suggested that tree replacement requirements be waived for hazardous and harmful trees. To resolve this concern, staff has added additional language to Section 12.24.160 that allows such requirements to be waived.

It is staff's judgment that the proposed ordinance, with the recommended changes will streamline the City's permitting process and it is not foreseen that the proposed ordinance will strain staff resources. Staff is recommending direction regarding the City Council's preference to include view obstruction as a guideline for removal, approval of the resolution amending the master fee schedule to include tree replacement fees and adoption of the proposed Tree Ordinance.

Attachments:

- Proposed Tree Ordinance (Exhibit A)
- Proposed Resolution Amending the Master Fee Schedule (Exhibit B)
- Tree Preservation Standards of Review v.1 (Exhibit C)
- Tree Preservation Standards of Review v.2 (Exhibit D)

EXHIBIT A

CITY OF BENICIA

ORDINANCE NO. 08-__

AN ORDINANCE OF THE CITY OF BENICIA REPEALING AND REPLACING CHAPTER 12.24 (STREET TREES) OF TITLE 12 (STREETS, SIDEWALKS AND PUBLIC PLACES) OF THE BENICIA MUNICIPAL CODE RELATING TO THE REGULATION OF TREES

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

Section 1.

The contents of Chapter 12.24 (Street trees) of Title 12 (Streets, sidewalks, and public places) of the Benicia Municipal Code is hereby repealed in its entirety.

Section 2.

A new chapter, Chapter 12.24 (Trees and street trees) of the Benicia Municipal Code, is added to read as follows:

CHAPTER 12.24

TREES AND STREET TREES

Sections:

- 12.24.010 Purpose.
- 12.24.020 Definitions.
- 12.24.030 Protected trees.
- 12.24.040 Hazardous trees.
- 12.24.050 Heritage trees.
- 12.24.060 Heritage trees – maintenance.
- 12.24.070 Designated protected trees.
- 12.24.080 Property development.
- 12.24.090 Protection of trees on property during construction
- 12.24.100 Tree pruning.
- 12.24.110 Permitting process.
- 12.24.120 Application requirements.
- 12.24.130 Standards of application review – tree removal.
- 12.24.140 Standards of application review – tree pruning.
- 12.24.150 Appeals.
- 12.24.160 Fees.
- 12.24.170 Tree replacement and mitigation.
- 12.24.180 Penalties.

- 12.24.190 Tree fund.
12.24.200 Administration – tree subcommittee.

12.24.010 Purpose. The Benicia General Plan recognizes the importance of trees for their place in a natural setting and their contribution to community character and environmental health. Significant portions of the city are covered by trees, the conservation, sustainability, protection, maintenance and replanting of which is necessary for the health, safety and welfare of the citizens of the city. The city seeks to protect trees in order to provide urban wildlife habitat, preserve scenic beauty and esthetic and privacy characteristics, prevent erosion of topsoil, protect against flood hazards and the risk of landslides, counteract pollutants in the air, maintain climatic balance, decrease wind velocities, calm traffic and reduce public costs of installing and maintaining storm water drainage systems. The city has therefore determined that reasonable regulation of the removal, alteration, and planting of certain trees is necessary to promote the public health, safety and general welfare of the community.

12.24.020 Definitions. For the purpose of this chapter, the following terms shall be defined:

“Applicant” means a property owner requesting permission to remove or prune a tree at a designated site.

“Building footprint” means the two-dimensional configuration of a building’s perimeter boundaries measured on a horizontal plane at grade level.

“Certified arborist” means an individual who has demonstrated knowledge and competency by obtaining a current International Society of Arboriculture (ISA) Certification, or who is a member of the American Society of Consulting Arborists.

“Diameter” of the tree means as measured 48 inches above natural grade.

“City arborist” means a city employee that has an International Society of Arboriculture Certification and is so designated by the director of the parks and community services department.

“City property tree” means a tree maintained by the city on any property owned in fee by the City of Benicia, which includes trees within city parks, open space, lighting and landscaping districts, street median islands and along First Street (this does NOT include street trees which are listed as a separate category).

“Collar” means the ring of trunk tissue that surrounds a lateral branch at its point of attachment to the stem.

“Commission” means the parks, recreation and cemetery commission.

“Compaction” means compression of the soil structure by any means that creates an upper layer that is impermeable.

“Conditional replacement tree” means any tree that is planted on public or private property as a condition of mitigation for the removal of any tree(s).

“Construction zone access” means the area of a wooded parcel that is necessary to provide access to existing or future structures located on the parcel,

where there exists no feasible means of access that would avoid protected trees. On single-family residential parcels, the portion of the parcel deemed to be the construction zone access shall not exceed ten (10) feet in width.

“Designated protected tree” means any tree specifically designated by the city to be planted, or protected on public or private property that is subject to city commission or council discretionary development approval, such as a zoning variance, design review, or subdivision review.

“Diseased” means an abnormal condition of a tree or part that impairs normal physiological functioning, especially as a result of infection, inherent weakness, or environmental stress.

“Disturbance” means any activity that may damage trees.

“Drip line” means the line enclosing the outermost area from which water would drip from the tree. In cases where the drip line is difficult to determine, the drip line is considered the area that extends out and away from the trunk of the tree in all directions and ends at a distance measured ten (10) times the diameter of the trunk at 48 inches above grade.

“Drip line area” means the area measured from the trunk of the tree outward to a point at the perimeter of the outermost branch structure of the tree.

“Emergencies” means the condition in which a tree presents an immediate hazard to life or property, it may be removed without a permit on order of the city manager, or a member of the police, fire, or emergency response personnel.

“Hazardous tree” means a tree determined by the city manager, a member of the police, fire or emergency response personnel, or a certified arborist to be an immediate danger to persons or property. (Also see “potentially hazardous tree.”)

“Heritage tree” means any tree or grove of trees within the city boundaries designated by a resolution of the city council due to special qualities or significance and having met the requirements set forth in this chapter.

“Historic tree(s)” means a protected tree or group of trees, which has importance or influence in marking the history and/or events of the City of Benicia and so designated by a resolution of the city council.

“Injure or injury” means any act that damages a tree including, but not limited to: cutting; carving; transplanting; neglect; injurious attachment of any rope, wire, nails, advertising posters, or other contrivance to any tree; allowing any gaseous, liquid, or solid substance that is harmful to trees to come into contact with them; setting fire or permitting any fire to burn when such fire or the heat will injure any part of any tree; knocking over any tree; or damage inflicted upon the root system of a tree by the application of toxic substances, the operation of heavy equipment, the change of natural grade above or below the root system or around the trunk of a tree.

“ISA” means the International Society of Arboriculture.

“Maintenance” means pruning, trimming, mulching, clipping, watering, staking, spraying, propping, fertilizing, bracing, treating disease or injury, and any other acts which promote the life, growth, or health of the city's trees.

“Mitigation” means any action taken to permanently eliminate or reduce the impact on the environment or community from the loss of a tree or trees.

"Multi-trunked tree" means any tree with more than one trunk at or below 48 inches from natural grade.

"Native tree" means a tree native to Northern California, suited to conditions in Benicia.

"Nuisance tree" means a tree that is prone to excessive litter, pollen, pest infestation, is invasive, or has other habits that cause it to be a problem for people.

"Potentially hazardous tree" means a tree that has been determined to be a potential hazard if it (1) harbors a serious disease or infestation threatening the health of other trees, plants or humans; (2) interferes with safe vehicular or pedestrian circulation; or (3) is causing or is likely to cause damage to property.

"Protected tree" means a tree designated by the City of Benicia as having characteristics such as great age, size, type, species, unique form or any other quality of significance to the community.

"Protective tree fencing" means a temporary enclosure erected around a tree to protect the tree and identify the boundary of the tree protection zone (TPZ).

"Registered consulting arborist" means and includes arborists who are registered with the American Association of Consulting Arborists and who typically offer advice but do not perform tree services.

"Relocate" means to remove a tree from the place where it is growing and replant it in another location.

"Replacement value" means the actual cost of replacing the same tree size and canopy removed or destroyed or if irreplaceable, its value as determined pursuant to the "basic value" or square inch formula" in effect by the Council of Tree and Landscape Appraisers adoption, as amended from time to time, and ensuring such planting results in survival for at least three years.

"Right-of-way" means the area upon which a legal right for a public street exists either as fee ownership or as an easement.

"Single-family residence" means any detached structure designed for occupation by one family. The term "single-family residence" includes mobile home spaces designed to be used for parking a mobile home on a temporary, semi-permanent or permanent basis.

"Street tree" means and includes trees intentionally planted along streets or roadways either within the public right-of-way or within private property adjacent to the roadway to enhance the environment Street trees shall typically be within 10 ft from face of curb and shall be maintained by the adjacent property owner.

"Topping," means heading back (trimming) of the crown (top of the tree) and/or main leaders.

"Tree" means any live, woody plant with a single perennial woody stem of 4 inches diameter at 48 inches above natural grade, or a multi-stemmed perennial plant having an aggregate of 12 inches in diameter.

"Tree subcommittee" means a standing subcommittee of the Parks, Recreation and Cemeteries Commission, as set forth in 12.24.200 of this Chapter.

12.24.030 Protected trees.

A. List of protected trees. The following trees are protected by the city:

1. All city property trees over 8 inches in diameter (as measured 48 inches above soil level).
2. Street trees over 8 inches in diameter.
3. All heritage trees.
4. All designated protected trees.
5. All other trees over 12 inches in diameter.
6. California native trees – The following native species, which have a trunk diameter of 8 inches (25 inch circumference) are protected:
 - a. Blue oak (*Quercus douglasii*)
 - b. Live oak (*Quercus agrifolia*)
 - c. Valley/white oak (*Quercus lobata*)
 - d. Willow (*Salix*)
 - e. Buckeye (*Aesculus californica*)
 - f. Box elder (*Acer negundo*)
 - g. California Bay (*Umbellularia californica*)
 - h. Black walnut (*Juglans hindsii*)

B. Prohibited actions to protected trees. Pruning, cutting girdling poisoning or any other action causing or aiding the death or disfigurement of a protected tree as defined in this chapter is prohibited without a tree removal or pruning permit.

C. Exceptions to prohibited actions.

1. Emergencies. The city may take whatever action is needed to protect persons or property in the event of "emergencies" and/or "hazardous trees", as defined in section 12.24.020.
2. Fruit trees. A fruit or nut tree less than 18 inches in diameter (57 inches circumference) is not considered a protected tree, unless specifically designated by the city.

12.24.040 General requirements – public tree maintenance and hazardous tree removal.

A. City property trees. The city shall maintain city property trees.

1. Planting and maintenance. The selection, planting and maintenance of trees in all planting strips or planting easements within the city shall be in accordance with provisions of the chapter and the master tree plan.
2. Supervision. The director of parks and community services shall authorize the planting, maintenance and removal of trees in any planting strip, planting easement, public way or place in the city. In order to perform the services listed in this section, the director shall have authority to enter upon any part of the maintenance easement, and where necessary, the properties adjacent thereto. In authorizing a tree removal, the director shall prepare findings based on the factors used for tree removal permits described in section 12.24.130.

B. Potential hazardous tree removal. The city will remove or require to

be removed, at owner's expense, any trees or tree limbs that pose an immediate hazard to public safety/or property after consultation with a certified arborist. Except in such emergency circumstances, trees that are damaged or injured shall have conditions corrected if feasible, or otherwise shall be removed as soon as conditions permit in accordance with the recommendations of the city arborist.

12.24.050 Heritage trees.

A. Candidate trees for designation as heritage trees may be nominated for review and recommendation to the parks, recreation and cemetery commission. The city shall notify the property owner of the nomination prior to the parks, recreation, and cemetery commission meeting. Upon approval, the parks, recreation and cemetery commission will then send a recommendation to the city council. Upon resolution by the city council, after the holding of a noticed public hearing, a tree may be designated a heritage tree if it meets at least one of the following criteria:

1. Historical significance;
2. Over 30 inches in diameter measured 48 inches above the ground;
3. Unique or rare horticultural specimen;
4. Uniqueness of size or age;
5. Aesthetic value due to symmetry, form, color, or other qualities;
6. An outstanding specimen of a desirable species, especially native oak species;
7. Significance for habitat preservation, including where tree is one of a group of trees each dependant on the other for survival.

B. The city arborist shall identify each heritage tree with a tag and keep a list and map of all heritage trees.

C. Upon designation, the city shall cause a notice of heritage tree status to be recorded on the property deed at the Solano County Recorder.

D. The owner of a heritage tree shall receive a Resolution of Appreciation from the City of Benicia and may be eligible, based on availability of funding, for free consultation from a certified arborist and assistance with maintenance for the heritage tree.

E. Heritage tree designation can be removed subject to a noticed public hearing and recommendation by the parks, recreation and cemetery commission to the city council. The city council may approve the removal of a heritage tree designation upon a finding of good cause after a noticed public hearing.

F. Removal or alteration of any heritage tree on any property is prohibited without the prior issuance of a permit.

12.24.060 Heritage trees – maintenance.

A. Property owners shall be responsible for maintenance of heritage trees not in public right-of-way, consistent with the standards of this ordinance.

B. The city may assist with maintenance of heritage trees in the public

right-of-way and the costs associated with such maintenance based on availability of funds in the tree fund and the recommendation of the tree subcommittee. Maintenance may include but not be limited to: pruning for tree health, structure, form and for public safety; spraying for pathogens and insects; fertilizing; and managing the root zone for health and vigor.

12.24.070 Designated protected trees.

A. Any tree identified by either a city commission or the city council to be planted or preserved as a specific condition of approval for a project, such as a zoning variance, design review, or subdivision review, is a designated protected tree and may not be removed without a permit.

B. Each designated protected tree that is planted or preserved shall be identified as follows:

1. In the conditions of approval or findings and on the approved plans associated with the action;

2. In the case of new development applications, with a metal tag placed on the tree at the expense of the property owner/applicant, that identified it as a designated protected tree;

3. In the case of new subdivisions, on the parcel map and in the deeds to be recorded for transfer to future property owners.

4. The community development department shall maintain a master list of designated trees and shall share said list with the parks and community services department.

C. A performance bond guaranteeing the health of a designated protected tree for a period of three years following the final occupancy or approval of the project shall be required as a condition of approval of any project involving designated protected tree(s).

12.24.080 Property development.

A. Any application for a proposed project or other action requiring city planning commission, historic preservation review commission, or council review shall be accompanied by a statement signed by the property owner or authorized agent that discloses whether any protected trees exist on the property, and describing each such tree, its species, size (diameter, canopy, drip line area, height) and location, or including such information on plans submitted in connection with a development application.

B. The community development director may require submittal of supplemental information including photographs.

C. A site sketch shall be submitted with the development application. The sketch shall show the location, diameter at 48" above natural grade, species (if known) and canopy extent of all trees on the subject property where the canopy or drip line is within 20 feet of the area to be occupied, utilized, or disturbed by the project.

D. Disclosure of information pursuant to this section shall not be required when the development for which the approval or permit is sought does not involve any change in building footprint nor any grading, trenching or paving.

E. The community development director may require, based on the significance of any protected tree(s) and potential impact on them, that a supplemental tree survey be prepared by a certified or registered consulting arborist.

F. A city arborist, shall determine in writing (a) all trees that could potentially be affected by the project (directly or indirectly – immediately or in the long term), such as from upslope grading or compaction outside of the drip line; and (b) which trees are required to be preserved. This determination shall be made part of the staff report to the city reviewing body upon its consideration of the application for development, consistent with section 12.24.130.

G. Tree preservation report. If construction is proposed within the drip line of any protected tree, the community development director may require the applicant to provide a tree preservation report prepared by a certified or registered consulting arborist. The report, based on the tree survey and other relevant information shall include specific precautions necessary for preservation of those trees during all phases of development (demolition, grading, during construction, landscaping). The tree preservation report shall stipulate a required tree protection zone (TPZ) for trees to be retained, including street trees, protected trees and trees whose canopies are hanging over the project site from adjacent properties. The TPZ shall be fenced as specified in section 12.24.90. The final approved tree preservation report shall be included in the building permit set of development plans and referenced on all relevant documentation (civil, demolition, utility, landscape, irrigation) where tree impacts from improvements may occur.

12.24.90 Protection of trees on property during construction.

A. Protective fencing shall be provided for all protected trees in conjunction with property development and construction projects, at the perimeter of the drip line, or as otherwise specified in the tree preservation report, arborist report, or as determined by the community development director.

B. Protective tree fencing shall meet the following specifications:

1. Size and materials: Based on the recommendation of the city arborist, one of three types of protective fencing may be specified:

a. Orange plastic fencing shall be wrapped around the trunk from the ground to the first branch with 2-inch wooden boards bound securely on the outside. Caution shall be used to avoid damaging any bark or branches.

b. Four-foot high orange plastic fencing mounted on steel T posts spaced at intervals of no more than 10 feet.

c. Five or six foot high chain link fencing, mounted on two inch diameter galvanized steel posts driven into the ground to a depth of at least 2 feet at no more than 10 feet spacing. For paving area that will not be demolished and when stipulated in a tree preservation plan, posts may be supported by a concrete base.

2. Duration of fencing. Fencing shall be erected before demolition, grading or construction begins and remain in place until final

landscaping is installed. Contractor shall obtain the city arborist approval prior to removing a tree protection fence.

C. All development requiring city commission or council review shall comply with the following precautions:

1. Prior to the commencement of construction, install the fence at the drip line, or TPZ when specified by the city arborist, around any tree to be retained that could be affected by the construction, and prohibit any storage of construction materials or other materials or vehicles inside the fence. The drip line shall not be altered in any way so as to increase the encroachment of the construction.

2. Submit for city arborist review verification that all pre-construction conditions have been met (tree fencing, erosion control, pruning, etc.) and are in place. An initial inspection of protective fencing and written verification must be submitted to the city arborist prior to demolition, grading or building permit issuance.

3. Prohibit excavation, grading, drainage and leveling within the drip line of the tree unless approved by the director.

4. Prohibit disposal or depositing of oil, gasoline, chemicals or other harmful materials within the decline of or in drainage channels, swathes or areas that may lead to the drip line of a protected tree.

5. Prohibit the attachment of wires, signs, or ropes to any protected tree.

6. Design utility services and irrigation lines to be located outside of the drip line when feasible (unless the irrigation line is specifically required for the tree)

7. Retain the services of the certified or registered consulting arborist for periodic monitoring of the project site and the health of those trees to be preserved. The certified or consulting arborist shall be present whenever activities occur that pose a potential threat to the health of the trees to be preserved.

8. A city arborist shall be notified if any damage occurs to a protected tree during construction so that proper treatment may be administered.

9. A performance bond guaranteeing the health of any protected tree during construction of the project shall be required as a condition of approval.

12.24.100 Tree Pruning.

A. Applicability. Pruning any branch, root or limb of a diameter greater than three (3) inches of any of the following listed protected trees requires a permit pursuant to this chapter:

1. Street tree;
2. Heritage tree; or
3. Designated protected tree

B. Standards. All pruning of street trees and designated protected trees, including by utility companies, shall be:

1. Performed only when it enhances a tree's structural strength,

health or form, for safety reasons or for utility service.

2. Consistent with the current edition of Best Management Practices Tree Pruning established by the International Society of Arboriculture (ISA), and any special conditions as determined by the parks and community services director.

C. Heritage trees. All pruning of Heritage trees shall be supervised by a certified arborist or registered consulting arborist.

D. New development. All protected trees to be retained as part of a new development project shall be cleared of dead wood of a diameter greater than one inch and treated for insects or diseases. For any development that requires a tree preservation report, a certified or registered consulting arborist shall oversee pruning, cabling, fertilizing, and/or any other activities to protect trees on-site.

E. Topping, as defined in section 12.24.020 of any protected tree is prohibited.

F. Pruning by utility companies.

1. All utility companies must contact the parks and community services department at least three working days (except in emergencies) prior to taking any action to prune any tree or trees related to line clearance, and to obtain a tree removal or pruning permit as required by this ordinance.

2. Pruning for clearance of utility lines and energized conductors shall be performed in compliance with the current version of the American National Standards Institute (ANSI) A300 (Part I) Pruning, Section 0.0 Utility Pruning. Using spikes or gaffs when pruning is prohibited. Such pruning may be inspected by a city arborist to ensure that proper pruning practices are followed. The parks and community services director shall have the authority to stop any tree pruning performed by a utility if such pruning practices are not being followed, or if the city has not been properly notified of the work.

3. Any public utility installing or maintaining any overhead wires or underground pipes or conduits in the vicinity of protected trees shall obtain permission from the parks and community services director before performing any work, including pruning, that may cause injury to a protected tree (e.g., cable TV, fiber optic trenching, gas, water, sewer trench, etc).

12.24.110 Permitting process.

A. City department responsibilities. The parks and community services director shall have overall responsibility for the implementation of this chapter. The parks and community services director, city arborist, or their designee shall review and issue tree removal and pruning permits. The community development director or designee shall review all tree protection conditions related to actions requiring city planning commission, historic preservation review commission or council approval, in consultation with a city arborist, and make recommendations to the decision-making bodies.

B. All work performed on street trees, pursuant to a permit issued under this chapter shall be done within a six-month period from the issuance of said permit or within the period specified by the permitting authority.

C. The permitting authority shall make findings consistent with the purposes and intent of this chapter and may place conditions on any permit granted under this section that the permitting authority determines to be necessary.

D. When requested, the tree subcommittee shall provide recommendations to the community development department or city council on tree removal permit or tree planting issues.

12.24.120 Application requirements.

A. Basic information. Application for a permit to remove or prune a protected tree shall be obtained from the parks and community services department, except when such activity is proposed in conjunction with an action requiring historic preservation review commission or planning commission review, in which case the proposed removal or pruning shall be combined with the associated development application to the community development department. The application shall:

1. Identify the property by street address and assessor's parcel number on which the tree is located.
2. Inventory and locate all protected trees on the subject property.
3. Describe the location of the tree with reasonable accuracy to facilitate easy identification.
4. State the species of the tree, the approximate height of the tree, and the diameter of the trunk measured at 48 inches above the natural grade.
5. Furnish a statement of the reason for the request.
6. Include the signature of property owner granting permission.

B. Additional information that may be required by a city arborist includes:

1. A perimeter outline of any existing or proposed buildings on the property, and trees on the property.
2. A report by a certified or registered consulting arborist stating: (1) Any reasons for alteration or removal related to the health of a tree; and/or (2) If grading, trenching or filling is proposed under the drip line of an existing tree; and/or (3) If the action involves multiple trees.

C. Public notice. Within 24 hours following application for a tree removal permit for a protected city property tree or a street tree, the applicant shall place, in the most visible location at each tree to be removed, a public notice sign to be provided by the city stating the following:

"This tree is proposed to be removed. Removal may occur seven (7) days from (date of posting). Contact City of Benicia at 746-4285 for more information."

The notice sign shall be no smaller than 11" by 17" with the largest feasible type, and shall be laminated for weather resistance. The sign shall remain posted for seven days from date of posting. Persons who call to comment shall be informed of their right to appeal pursuant to section 12.24.150.

D. The parks and community services department shall maintain a list of current tree removal permit applications and make it available to the public upon request.

E. Responsibility for costs. The cost of providing reports and information shall be the responsibility of the applicant.

12.24.130 Standards of application review - tree removal.

A. When considering an application to remove a tree or trees which are protected by this chapter, the parks and community services director will consider various criteria designed to preserve trees. Such criteria include:

1. The proximity and number of other trees in the vicinity.
2. General Plan open space or other city open space plans and policies.
3. The arborist report of the tree's health and structure.
4. Topography, soil conditions and erosion potential.
5. Potential or actual damage to public utilities or streets and sidewalks.
6. If the tree is in danger of falling or is determined to be a fire hazard.
7. Potential or actual damage to private improvements such as building foundation, walls, patios, decks, roofs, retaining walls, etc.
8. The impact on reasonable development of the property or the ability to reasonably accommodate development on another area of the lot.
9. The impact of tree removal on the ability of other protected trees in the vicinity to survive.
10. The value of the tree to the neighborhood in terms of visual effect, wind screening, privacy and/or support of neighboring vegetation.
11. The availability of reasonable measures to correct the condition(s) of the tree, giving rise to the permit application.

B. Based on the above criteria the parks and community services director shall create specific tree preservation standards to be used to determine whether to grant a removal permit of a protected tree. The parks, recreation and cemetery commission shall then adopt said tree preservation standards of review.

C. Trees on the private property of single family residences, that are not heritage trees or street trees, shall be per se authorized for removal, provided that a completed permit application with fee is received by the parks and community services department. In all instances, city staff will advise applicants on alternatives to tree removal.

D. An applicant may appeal the decision of the city arborist, as set forth in chapter 1.44. The appellant body shall use the same standard of review as the city arborist.

12.24.140 Standards of application review – tree pruning.

A. A city certified arborist shall perform the application review. A tree pruning permit shall be approved, so long as the pruning meets the standards identified in section 12.24.100.

B. An applicant may appeal the decision of the city arborist, as discussed in section 12.24.150. The appellant body shall use the same standard of review as the city arborist.

12.24.150 Appeals.

A. Any permit applicant may appeal a permit decision of city staff within ten (10) calendar days of notification of denial.

B. Any citizen may appeal the city staff's decision to remove or permit removal of a protected city property tree or street tree within seven (7) days from the first day of posting the notice required under section 12.24.120.C.

C. The appeal shall be submitted in writing accompanied by the applicable fee and demonstrate one or more of the following:

1. The permit action does not conform to the purpose and intent of this chapter.
2. The permit action is arbitrary and capricious.
3. The permit action creates such a hardship that a reasonable person is unable to continue to use or enjoy property affected by the permit action.

D. The appeal shall adhere to the provisions of chapter 1.44 of the Benicia Municipal Code.

E. The parks, recreation and cemetery commission shall sustain or deny the appeal or modify the permit based on the commission's findings on the above criteria. The commission's decision shall be final.

12.24.160 Fees. Fees for permit applications and tree removal replacement or mitigation shall be set by resolution of the city council. The rate for such fees shall be that which is in effect at the time of the tree removal application. Notwithstanding this provision, a tree replacement fee can be waived for permits regarding hazardous and or harmful tree(s).

In addition to an administrative processing fee, a tree replacement and/or mitigation fee shall be charged if a tree is permitted to be removed. Notwithstanding this provision, a tree replacement fee can be waived for permits regarding hazardous and harmful trees.

12.24.170 Tree replacement and mitigation. Any tree removed under a permit shall be required to be replaced or mitigated in conformance with the following standards:

A. Any applicant whose tree has been authorized for removal shall be required to pay the applicable fee as a condition to final approval for tree removal. Fees collected for tree replacement and/or mitigation shall be placed in the tree fund.

B. In some situations, in accordance with section 12.24.130, the city

arborists may condition the removal of a tree with replacement of a new tree.

C. In case of a tree removal permit pursuant to property development as addressed in 12.24.080 of this chapter, the tree replacement requirement shall be the replacement value of the mature tree, as defined in 12.24.020 of this chapter.

D. The parks and community services director has discretion to reduce replacement or mitigation requirements.

12.24.180 Penalties.

A. Violation of this chapter shall be subject to chapter 1.08 of the Benicia Municipal Code.

B. A violator shall be liable for all costs associated with the investigation and enforcement of this chapter by the city. In addition, a violator may be required to pay a fee equaling the value of the tree removed or damaged, as evaluated by the formula developed by the International Society of Arboriculture. The remedies set forth in this Section shall be considered alternative, and shall be deemed in addition to any other remedies available to the city in law or equity.

12.24.190 Tree Fund. There is established a "tree fund" for the purpose of undertaking tree maintenance and planting within city boundaries.

A. Funds may be used to make grants to individuals with a demonstrated financial hardship, to nongovernmental organizations or governmental organizations dedicated to urban forest improvement or otherwise spent to plant and maintain trees in the city.

B. The parks and community services director shall submit an annual report and budget to the city council on the amount of fees collected, and the manner and nature of the expenditure of the fees.

C. The fund shall be administered on an annual basis by the parks and community services director in consultation with the tree subcommittee of the parks, recreation and cemetery commission and with approval of the city council.

12.24.200 Administration – tree subcommittee.

A. Tree subcommittee of the parks, recreation and cemeteries commission shall be established, consisting of three members, two of which shall be from the parks, recreation and cemetery commission and one member shall be a Benicia citizen demonstrating an interest in and knowledge about trees and landscaping. The Benicia citizen shall be nominated by any parks, recreation and cemetery commission member and shall be appointed by majority vote of the parks, recreation and cemetery commission.

B. The subcommittee shall be responsible for developing an information, education, and support program to assist home, business, and other property owners, as well as city staff and its representatives understand the benefits of trees, take proper care of trees, and plant trees of the appropriate species in appropriate locations.

C. The subcommittee, with the assistance of the director of parks and community services, and based on availability of funding for the purpose, shall initiate a city-wide heritage tree inventory and create a master tree plan recommending to the council a comprehensive plan of street trees for all streets of the city where planting areas are available and provided for trees. The plan may be reviewed and revisions recommended from time to time by the tree subcommittee to be forwarded for review and approval to the parks, recreation and cemeteries commission, and ultimately to the city council. In accordance with the plan, the director shall proceed each year to plant or replace trees to the extent that funds are appropriated for that purpose by the city council.

D. The subcommittee, with the assistance of the director of parks and community services, shall determine criteria for selection of street and park trees, selection of trees for private property, and shall develop a recommended tree list for the city, to be forwarded for review and approval to the parks, recreation and cemeteries commission, and ultimately to the city council.

E. The subcommittee shall, on an annual basis, report to the parks, recreation and cemetery commission on of the progress of their work.

F. The parks, recreation and cemeteries commission is responsible for oversight of the tree fund, based on the recommendations of the tree subcommittee.

Section 3.

Section 17.70.190 id hereby repealed in its entirety.

Section 4.

Supremacy. In the event of a conflict with another section of the Benicia Municipal Code, this ordinance shall prevail.

Section 5.

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 _____ day of _____, 2008 and adopted at a regular meeting of the Council held on the day of _____, 2008, by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk

EXHIBIT B

RESOLUTION NO. 08-__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA AMENDING THE MASTER FEE SCHEDULE TO INCLUDE TREE REPLACEMENT FEES

WHEREAS, on July 19, 2005 the City Council adopted Resolution No. 05-76, supporting the establishment of a comprehensive tree program for the City of Benicia; and

WHEREAS, the City Council is considering the adoption of a new tree ordinance; and

WHEREAS, Section 12.24.160 (Fees) of the proposed tree ordinance calls for the City Council to establish, by resolution, fees for tree replacement; and

WHEREAS, the recommended tree replacement fee for residential property shall be \$100 for the first tree and \$75 for each additional tree; and

WHEREAS, the recommended tree replacement fee for non-residential property shall be \$175 per tree; and

WHEREAS, the cost of the City to purchase fifteen gallon and twenty-four inch box trees is \$150 and \$300 respectively; and

WHEREAS, the proposed fees do not exceed the City's cost of purchasing and installing trees.

NOW, THEREFORE, BE IT RESOLVED, the City Council of the City of Benicia amends the Master Fee Schedule to include tree replacement fees.

On motion of Council Member _____, seconded by Council Member _____, the above Resolution was introduced and passed by the City Council of the City of Benicia at a regular meeting of said Council held on the 17th day of June, 2008 and adopted by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

ATTEST:

Lisa Wolfe, City Clerk

EXHIBIT C

City of Benicia
Department of Parks and Community Services

Tree Preservation Standards of Review (v.1)

A City Arborist shall perform the application review. In reviewing a tree removal application, the following test shall be applied.

- 1) Does the condition or characteristic of the tree meet a guideline for removal?
 - a. If No, removal is denied.
 - b. If Yes, go to question 2.

Guidelines for Removal:

- A. The tree is unhealthy or dead.
 - B. The tree is likely to have a catastrophic failure (i.e. fall over or drop a major limb).
 - C. The tree is threatening the health of other trees.
 - D. The tree is a fire hazard.
 - E. The tree is presently causing over \$500 in damage.
 - F. The tree is creating, or is likely to create, a hazard or harm to a household, structure or the general public.
 - G. The tree constrains reasonable use or development of the property.
 - H. The tree is obstructing the applicant's view.^{1 2}
 - I. The tree is or will interfere with alternative energy solutions (i.e. solar, wind power)³.
- 2) Can the conditions or characteristics be reasonably mitigated? (If the mitigation measure exceeds 20% of the value of the tree or \$1,000, whichever is less, then that mitigation measure shall be deemed unreasonable; this determination of reasonableness is not exclusive. The City Arborist shall determine the value of the tree using a formula developed by the International Society of Arboriculture.)
 - a. If No, go to question 3.
 - b. If Yes, removal is denied.
 - 3) Will removal result in any of the following:
 - Significant soil erosion
 - Impact the ability of other trees to survive
 - Significantly alter the aesthetics of the site or immediate vicinity; (the characteristics of the tree, such as size, shape, species or location) are such that its removal would be detrimental to the community.
 - Disturb the habitat of protected or endangered species
 - a. If No, removal is approved.
 - b. If Yes, can condition be mitigated?
 - If Yes, removal is approved.
 - If No, removal is denied.

An applicant may appeal the decision of the City Arborist, as discussed in Benicia Municipal Code Chapter 1.44. The appellant body shall use the same standard of review as the City Arborist.

¹ "View" is a scene from the primary living area of a residence. The term "view" includes both upslope and downslope scenes, but is generally medium or long range in nature, as opposed to short range. View includes but is not limited to distinctive geologic features, hillside terrains, wooded canyons, ridges and bodies of water.

² As in all situations, only trees on the applicant's property will be considered for removal.

³ Applicant must provide evidence that proposed alternative energy solution will result in less energy consumption than what is presently consumed with the presence of the existing tree(s).

EXHIBIT D

City of Benicia
Department of Parks and Community Services

Tree Preservation Standards of Review (v.2)

A City Arborist shall perform the application review. In reviewing a tree removal application, the following test shall be applied.

- 1) Does the condition or characteristic of the tree meet a guideline for removal?
 - a. If No, removal is denied.
 - b. If Yes, go to question 2.

Guidelines for Removal:

- A. The tree is unhealthy or dead.
 - B. The tree is likely to have a catastrophic failure (i.e. fall over or drop a major limb).
 - C. The tree is threatening the health of other trees.
 - D. The tree is a fire hazard.
 - E. The tree is presently causing over \$500 in damage.
 - F. The tree is creating, or is likely to create, a hazard to a household, structure or the general public.
 - G. The tree constrains reasonable use or development of the property.
 - H. The tree is or will interfere with alternative energy solutions (i.e. solar, wind power)¹.
- 2) Can the conditions or characteristics be reasonably mitigated? (If the mitigation measure exceeds 20% of the value of the tree or \$1,000, whichever is less, then that mitigation measure shall be deemed unreasonable; this determination of reasonableness is not exclusive. The City Arborist shall determine the value of the tree using a formula developed by the International Society of Arboriculture.)
 - a. If No, go to question 3.
 - b. If Yes, removal is denied.
 - 3) Will removal result in any of the following:
 - Significant soil erosion
 - Impact the ability of other trees to survive
 - Significantly alter the aesthetics of the site or immediate vicinity; (the characteristics of the tree, such as size, shape, species or location) are such that its removal would be detrimental to the community.
 - Disturb the habitat of protected or endangered species
 - a. If No, removal is approved.
 - b. If Yes, can condition be mitigated?
 - If Yes, removal is approved.
 - If No, removal is denied.

An applicant may appeal the decision of the City Arborist, as discussed in Benicia Municipal Code Chapter 1.44. The appellant body shall use the same standard of review as the City Arborist.

¹ Applicant must provide evidence that proposed alternative energy solution will result in less energy consumption than what is presently consumed with the presence of the existing tree(s).



**AGENDA ITEM
CITY COUNCIL MEETING: JUNE 17, 2008
ACTION ITEM**

DATE : May 28, 2008
TO : City Manager
FROM : Community Development Director
SUBJECT : **DESIGN REVIEW FOR NON-HISTORIC RESIDENCES IN THE
DOWNTOWN HISTORIC OVERLAY DISTRICT**

RECOMMENDATION:

Adopt a resolution amending the Downtown Historic Conservation Plan to require design review in the Downtown Historic Overlay District for construction and remodeling of non-historic single-family residences and duplexes, with fees and levels of review for specific types of projects.

EXECUTIVE SUMMARY:

The City Council directed the Historic Preservation Review Commission (HPRC) to make recommendations regarding fees and levels of design review for construction and modifications of non-historic single-family residences and duplexes in the Downtown Historic Overlay District. The Downtown Historic Conservation Plan (DHCP) currently exempts non-historic single-family and duplex residences from design review.

BUDGET INFORMATION:

The proposed action would increase staff workload, but is not expected to require an increase in staffing level.

SUMMARY:

At its January 25, 2007 meeting, HPRC discussed items to be considered by the City Council during the 2007-09 budget update and strategic planning process. Based on Commission discussion and public input, HPRC recommended Council consideration of design review for all single-family residences in the Downtown Historic Overlay District. At its February 26, 2008 meeting, the City Council directed staff to bring this issue back to HPRC to develop guidelines and recommendations, including fee structure and design guidelines for construction and modification of non-historic single-family and duplex residences, and bring the recommendations back to Council.

The DHCP currently exempts non-historic single-family residences and duplexes from design review (pages 25 and 28). However, a primary goal of the DHCP is to ensure that business and home owners who invest in appropriate rehabilitation and new construction are not negatively impacted by insensitive or incompatible construction that would detract from the historic image and positive character of the downtown area (page 2). HPRC is currently working on updating the DHCP, but that process is expected to take several or more months.

The Master Fee Schedule establishes a three-tier approach for historic design review: \$1750 for most HPRC reviews, \$1025 for most staff-level reviews, and \$350 for minor design review proposals, such as window replacement and awnings. At its April 24, 2008 meeting, HPRC recommended the following design review fees for non-historic single-family residences and duplexes in the Downtown Historic Overlay District:

| TYPE OF PROJECT | APPROVAL AUTHORITY | FEE |
|--|--|--|
| <p><u>MAJOR:</u> New construction or additions. Must be compatible with the character of the historic district.</p> | HPRC | \$600 |
| <p><u>MINOR:</u> Alterations such as new or different siding or cladding, changes to roofs, windows, and doors.</p> | STAFF (AND HPRC CONSENT CALENDAR) | \$300 |
| <p><u>ROUTINE MAINTENANCE:</u> Repair, painting, reroofing, window replacement, siding replacement in-kind.</p> | STAFF (OVER-THE-COUNTER) | NO CHARGE (building permit required, except for painting and doors) |

HPRC also recommended that non-historic single-family homes and duplexes 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) be exempt from design review.

Attachments:

- Proposed Resolution
- Historic Preservation Review Commission Resolution

PROPOSED RESOLUTION

RESOLUTION NO. 08-

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 _____, seconded by Council Member _____, the above Resolution was introduced and passed by the City Council of the City of Benicia at a regular meeting of said Council held on the 17th day of June, 2008 and adopted by the following vote:

Ayes:

Noes:

Absent:

Abstain:

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) |

**HISTORIC PRESERVATION REVIEW
COMMISSION RESOLUTION**

RESOLUTION NO. 08-2 (HPRC)

A RESOLUTION OF THE HISTORIC PRESERVATION REVIEW COMMISSION OF THE CITY OF BENICIA RECOMMENDING CITY COUNCIL AMEND THE DOWNTOWN HISTORIC CONSERVATION PLAN TO REQUIRE DESIGN REVIEW FOR CONSTRUCTION AND MODIFICATIONS OF NON-HISTORIC SINGLE-FAMILY AND DUPLEX RESIDENCES

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, the Historic Preservation Review Commission 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 Historic Preservation Review Commission of the City of Benicia hereby recommends the City Council amend the Downtown Historic Conservation Plan to require design review for construction and modifications of non-historic single-family and duplex residences per Exhibit A attached.

BE IT FURTHER RESOLVED THAT the Historic Preservation Review Commission of the City of Benicia hereby recommends that non-historic homes in the Eastern Residential Area (as shown on page 8 of the Downtown Historic Conservation Plan) and any future exclaves of the Central Historic Area (as shown on page 7 of the Downtown Historic Conservation Plan) be exempt from design review.

On motion of Commissioner White, seconded by Commissioner McKee, the above Resolution was adopted by the Historic Preservation Review Commission of the City of Benicia at a regular meeting held on the 24th day of April, 2008, by the following vote:

Ayes: Commissioners Crompton, McKee, White and Chair Mang

Noes: None

Absent: None

Abstain: Commissioners Donaghue, Haughey and Taagepera

Charlie Knox
Historic Preservation Review Commission Secretary

Exhibit A

**RECOMMENDED DESIGN REVIEW
FOR NON-HISTORIC SINGLE-FAMILY AND DUPLEX HOMES
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 17, 2008
ACTION ITEM**

DATE : June 4, 2008

TO : Mayor and City Council

FROM : City Attorney
Assistant to the City Manager

SUBJECT : **APPROVAL OF A NEW PROCESS FOR APPOINTMENTS TO CITY BOARDS, COMMISSIONS AND COMMITTEES**

RECOMMENDATION:

1. Adopt the resolution revising the appointment process for City boards, commissions and committees to incorporate recommendations to the Mayor from a City Council Appointment Subcommittee; and
2. Adopt the resolutions appointing two City Council members to the City Council Appointment Subcommittee.

EXECUTIVE SUMMARY:

The recent study session on May 22, 2008 was an opportunity for the Council to review how other communities structure the board and commission appointment process, with a particular focus on the application and interviewing process. Former Fairfield City Council Member, Jack Batson, and Town of Danville Planning Commissioner, Lynn Osborn, provided overviews of how each of their respective cities handles this process. Following these presentations, the Council discussed the various options and agreed on an appointment subcommittee approach. This will involve a subcommittee of two council members, appointed by the Mayor, who will interview applicants and provide recommendations to the Mayor. The Council also discussed revisions to the City's application form and recruitment/orientation process.

BACKGROUND:

On January 29, 2008, the City Council held a special meeting to discuss a variety of topics, including the City's boards and commissions. In addition to reviewing each of the individual boards and commissions, the Council briefly reviewed the City's current practices as they relate to recruitment of board and commission members, application format, interview/appointment process, term limits, as well as several other related issues. One of the areas identified for further review was the interview/appointment process, in an effort to increase the openness of this process and better integrate Council input in the selection of potential board and commission members.

At the March 4, 2008 City Council meeting, Mayor Patterson announced that she and Council Member Schwartzman would form a sub-committee to meet and explore this process in more detail. As a result of that meeting, the sub-committee recommended that a study session be held in order to give the Council an opportunity to hear from representatives of other communities regarding how they handle the appointments. It was suggested that cities that differ in their processes be selected, in order to fully explore a few different approaches. Speakers from the City of Fairfield and the Town of Danville were invited to illustrate their community's select and appoint board and commission members.

At the May 22nd special meeting, after hearing from each of these speakers and listening to the input from community members in attendance, the Council agreed to pursue the subcommittee approach, similar to Fairfield's process. This will involve the Mayor appointing two Council Members to an appointment subcommittee. This subcommittee will interview all applicants for the various board and commission openings, and then provide the Mayor with a ranked list of the top 2-3 candidates. The Mayor will then utilize this input in terms of making a selection.

In addition to this new process for review of applicants, a new application form will be developed based on the direction of the City Council at the May 22, 2008 meeting. While the cover sheet will be identical for all boards and commissions, a second page has been developed with tailored questions for each of the various bodies. A sample illustration of this approach is attached, using the Human Services and Arts Board as an example.

Finally, at the recent study session, the Council also discussed needed changes to the City's public outreach efforts as they relate to current and upcoming openings on boards and commissions, as well as orientation of new members. It was agreed that staff would work on revisions to these processes and return to Council with these changes. Upon review by Council, if further work in this area is required, then it was agreed that the Open Government Commission would be included in this review.

On July 1, 2008, per the 2007-08 Policy Calendar, another City board and commission topic is scheduled that will focus on term lengths and limits. Staff will provide an update on the board and commission outreach/application/orientation package at that time. Additionally, as part of that package, a proposed plan will be presented for phasing the expirations of current terms for board and commission members into a schedule that will allow the interview/appointment process to occur only at certain times of the year.

Attachments:

- Resolutions
- Sample application form

RESOLUTIONS

RESOLUTION NO. 08-__

A RESOLUTION OF THE CITY COUNCIL REVISING THE PROCEDURE FOR APPOINTMENT TO BOARDS, COMMISSIONS AND COMMITTEES TO INCORPORATE RECOMMENDATIONS TO THE MAYOR FROM A CITY COUNCIL APPOINTMENT SUBCOMMITTEE

WHEREAS, the Mayor of the City of Benicia, with confirmation by the City Council, appoints certain members of the community to boards and commissions; and

WHEREAS, beginning June 17, 2008, a two-member subcommittee appointed by the Mayor, which will rotate among council members with one new appointee each year, shall be appointed to interview applicants for all boards, commissions and committees, unless otherwise provided for by statute, ordinance or resolution; and

WHEREAS, each term of the subcommittee will be filled by Council Members who did not serve on the committee during the prior term; and

WHEREAS, this subcommittee shall recommend two to three applicants, in ranked order, to the Mayor for each vacancy and the Mayor shall make the appointments from the recommended applicants; and

WHEREAS, if none of the applicants are acceptable to the Mayor, the subcommittee shall recommend two additional applicants until an appointment is made by the Mayor, which shall be subject to final approval by the Council; and

WHEREAS, if, at any point during this process, only one qualified applicant is available, the committee may choose to make a single recommendation; and

WHEREAS, if the subcommittee is unable to recommend applicants due to lack of qualified applicants, then the Mayor may elect to interview the available applicants and/or direct staff to conduct additional outreach efforts to fill the opening; and

WHEREAS, the members currently serving on City boards, commissions and committees as of the effective date of this resolution shall be subject to its provisions; and

WHEREAS, the City Attorney is hereby directed to prepare the appropriate ordinances to amend the Benicia Municipal Code and resolutions to be consistent with the procedure set forth in this resolution. The City Manager and City Attorney shall establish the procedure for phasing the resolution into effect.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Benicia that process of making appointments to boards, commissions and committees is revised to incorporate a City Council sub-committee that will interview applicants and make recommendations to the Mayor.

On motion of Council Member _____, seconded by Council Member _____, the above Resolution was approved by roll call by the City Council of the City of Benicia at a regular meeting of said Council held on the 17th day of June, 2008 and adopted by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk

RESOLUTION NO. 08-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA
CONFIRMING THE MAYOR'S APPOINTMENT OF _____ TO A CITY
COUNCIL APPOINTMENT SUBCOMMITTEE TO A ONE-YEAR TERM ENDING
JUNE 30, 2009**

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Benicia that the appointment of _____ to a City Council Appointment Subcommittee by Mayor Patterson is hereby confirmed.

The above Resolution was approved by roll call by the City Council of the City of Benicia at a regular meeting of said Council held on the 17th day of June, 2008 and adopted by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk

RESOLUTION NO. 08-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA
CONFIRMING THE MAYOR'S APPOINTMENT OF _____ TO A CITY
COUNCIL APPOINTMENT SUBCOMMITTEE TO A TWO-YEAR TERM ENDING
JUNE 30, 2010**

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Benicia that the appointment of _____ to a City Council Appointment Subcommittee by Mayor Patterson is hereby confirmed.

The above Resolution was approved by roll call by the City Council of the City of Benicia at a regular meeting of said Council held on the 17th day of June, 2008 and adopted by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk

REVISED APPLICATION FORM



City of Benicia Board/Commission/Committee Application

Please check the board, commission, or committee you wish to apply for:

- Audit & Finance Committee
- Benicia Housing Authority Board of Commissioners
- Board of Library Trustees
- Building Board of Appeals
- Civil Service Commission
- Economic Development Board
- Historic Preservation Review Commission
- Human Services & Arts Board
- Open Government Commission
- Parks, Recreation & Cemetery Commission
- Planning Commission
- Sky Valley Open Space Committee

Name: _____

Address: _____

Phone: (Work) _____ (Home) _____

(Cell) _____ Fax: _____

Email: _____ Years as Benicia resident: _____

Occupation/Employer: _____

Please note your most recent community or civic volunteer experience: _____

Please describe any applicable experience/training: _____

All applications are considered public records and will be retained in an active file for at least one year from date of receipt.

Signature: _____ Date: _____



Human Services & Arts Board Application

In addition to completing the City of Benicia Board/Commission/Committee Application form, please respond to the following questions:

1. What interests you about this Board? Have you attended a Human Services & Arts Board meeting? If so, when?

2. Participation on this Board involves annual visits to an assigned grantee and attending outreach events, as well as review of grantee quarterly reports. Do you feel you have the time and commitment to be a viable member of this Board?

3. Is there a particular segment of human services and/or arts that interests you more than others?

4. Why do you think human services and/or arts needs to play a lead role in fortifying the quality of life in Benicia? Do you see an area of human services and/or arts that needs to be expanded at this point?

AGENDA ITEM
CITY COUNCIL MEETING: JUNE 17, 2008
COUNCIL MEMBER COMMITTEE REPORTS

DATE : June 6, 2008
TO : Mayor Patterson
FROM : City Manager
SUBJECT : **MAYORS' COMMITTEE MEETING**

The following information is provided for your committee report at the June 17, 2008 City Council meeting.

The Mayors' Committee meetings are held on the third Wednesday of each month at 6:00 pm. The next meeting is June 18, 2008. The agenda packet for this meeting has not yet been distributed as of the date of this memo. The agenda packet from the May meeting follows.

SOLANO COUNTY

MAYORS' COMMITTEE MEETING

**Carino's Italian Grill
1640 Gateway Boulevard
Fairfield, CA**

Wednesday
May 21, 2008
6:30 p.m.

AGENDA

1. Roll Call / Call to Order
2. Introductions by Mayor Mary Ann Courville
3. Business:
 - a. Approval of Minutes for the April 16, 2008, meeting.
 - b. Discussion and action to support the Board of Supervisors approval of the "Solano County Guiding Principles for Use in Delta and Statewide Water Policy Development".
 - c. General Discussion Topics – Status of:
 - General Plan
 - State Budget
 - Appointment Process for Cities
 - d. Roundtable discussion of mutual City issues.
4. Adjournment

Solano County
Mayors' Committee Meeting

Carinos Italian Grill
1640 Gateway Boulevard
Fairfield, California

Wednesday, April 16, 2008

MINUTES

1. Roll Call/Call to Order

Chairperson/Mayor Mary Ann Courville called the meeting to order at 6:30 p.m.

Mayors present:

| | |
|---------------------------|---------------------|
| Mayor Elizabeth Patterson | City of Benicia |
| Mayor Mary Ann Courville | City of Dixon |
| Mayor Harry Price | City of Fairfield |
| Mayor Pete Sanchez | City of Suisun City |
| Mayor Len Augustine | City of Vacaville |

Mayors Absent

| | |
|----------------------|-------------------|
| Mayor Eddie Woodruff | City of Rio Vista |
| Mayor Osby Davis | City of Vallejo |

Others Present

| | |
|---------------------------|---------------|
| Janice Beaman, City Clerk | City of Dixon |
|---------------------------|---------------|

2. Introductions by Mayor Mary Ann Courville

All were acquainted and a quorum was present.

3. Business

A. Approval of Minutes for the February 20, 2008, minutes.

A motion was made by Mayor Augustine and seconded by Mayor Patterson to approve the February 20, 2008, minutes. The minutes were unanimously approved, with Mayor Sanchez and Mayor Price abstaining.

B. Joint response to the Solano County General Plan Environmental Impact Report (EIR).

Mayor Patterson thought Mayor Courville was to draft a letter regarding the Solano General Plan EIR from all the Solano County Mayors. Mayor Patterson felt that development should be city-centered development, land use planning would be difficult, and thought a positive letter could be sent focusing on city-centered development.

Mayor Courville reported Solano County has scheduled public workshops with each city and noted the General Plan affects each city differently. She recommended each Mayor send a letter instead of a joint letter.

Mayor Augustine noted Vacaville has already sent a letter to Solano County. He stated the letter included violating the growth initiative and concerns relating to the fire district. He offered to forward the letter to the other Mayors.

Mayor Patterson preferred to send the message that the cities are working together.

C. Status report relating to State park closures.

Mayor Patterson noted Benicia's parks serve urban cities, reported about efforts of the California Park Foundation and that the large turnout from Benicia to support keeping the parks open demonstrated that Solano County, especially Benicia, is seriously concerned. She reported Assemblymembers Wiggins and Wolk thought the parks would not close and would be addressed in the next budget.

Mayor Courville asked what the next step is. Mayor Patterson replied that they now just wait.

D. Roundtable discussion of mutual City issues.

The Mayor's discussed the following topics:

- Early release of prisoners;
- Mixed use at Travis Air Force Base;
- Air Force training on C-17 planes;
- Nut Tree Airport condition;
- How Council meeting are for new Mayors;
- The State of Cities;
- Type of Goals;
- Board/Commission appointment process; and
- Upcoming elections.

4. Adjournment

The meeting was adjourned at 7:55 p.m. The next meeting is scheduled for May 21, 2008.



Solano EDC
Meeting with Lt Governor John Garamendi
Friday, May 30, 2008

California
COMMISSION for
ECONOMIC DEVELOPMENT

Travis Credit Union
One Travis Way, Vacaville CA 95687

- 8:30 – 8:50 am Solano EDC Board of Director's Meeting
BREAK
- 9:00 Welcome & Thanks (Scott Reynolds, Solano EDC Board Chairman)
Introduction of Mayor Len Augustine/City of Vacaville
- 9:05 Introduction of Lt Governor John Garamendi
- 9:10 – 9:20 Lt Gov John Garamendi
- 9:20 – 9:50 Q & A (moderated by Scott Reynolds)
- 9:50 Thanks & Adjourn by Scott Reynolds
- 10:05 Adjourn to ALZA Solar Array
(Directional Map to site on Eubanks will be provided)
- 10:25 Welcome by ALZA General Manager Henry Esparza
- 10:35 Johnson & Johnson Environmental & Energy Programs by
Erol Odabasi, Environmental Manager
- 10:50 Closing Remarks by Henry Esparza



City Attorney's Office
MEMORANDUM

Date: June 5, 2008
To: Mayor Patterson
Vice Mayor Campbell
From: Heather Mc Laughlin, City Attorney
Re: Current ABAG Information

The following information is provided for your committee report at the June 17, 2008 council meeting:

- The ABAG Spring General Assembly was held on April 24, 2008 at the Palace Hotel in San Francisco. The topic was Focused Growth.
- Attached is a copy of the ABAG newsletter outlining the highlights of the conference.

Please let me know if you have any questions.

Attachment

cc: Assistant to the City Manager

X-B-2-1

ABAG
May/June 2008



Service Matters

FOCUSED Growth Leads to Complete Communities

Approximately 200 Bay Area elected officials and civic leaders participated in the Association of Bay Area Governments (ABAG) 2008 Spring General Assembly, sharing best practices and viewpoints on the opportunities, challenges, and innovative strategies related to the FOCUS Initiative and Priority Development Areas (PDAs). Opening with a spirited host city welcome from **San Francisco Mayor Gavin Newsom**, the conference was facilitated by **ABAG President and San Mateo County Supervisor Rose Jacobs Gibson** who set the day's theme, "We will examine what *Focused Growth* means to local governments and our region and how PDA infill development can shape complete communities."



San Francisco Mayor
Gavin Newsom

The conference featured author **William Fulton**, Solimar Research Group President/CEO and City of Ventura Deputy Mayor, and **William Fleissig**, *Communitas Development* President. Fulton in his keynote address captured the trends of housing growth and urban villages, comparing Bay Area trends to other regions in California. "The role of local and regional government to direct growth and change was never more important," he said and added, "People confuse growth with change. There may be a no growth scenario, but that doesn't mean no change. So you must frame your community debate around quality of life, not about numbers, but about the future desired."



Keynote Presenter: William Fulton, Ventura Deputy Mayor and Solimar Research Group President

So you must frame your community debate around quality of life, not about numbers, but about the future desired."

William Fleissig, in his analysis of the interrelationship of land use patterns and climate change, focused on pragmatic land use strategies to reduce VMT (vehicle miles traveled),

CO2 and energy consumption. He talked about "restorative growth" and challenged that "75 to 80 percent of new growth should be TOD (transit oriented development) to help alter the fundamental equation between growth of VMT and new development."



William Fleissig,
Communitas Development
President

A panel of local elected leaders explored specific focused growth land use strategies, examining how the needs of existing communities are being addressed through PDA infill development that provides access to transit, jobs,



Walnut Creek Mayor Gwen Regalia (left) receives first Distinguished Leadership Award at GA—ABAG President Rose Jacobs Gibson (center), ABAG Vice President Mark Green, Growing Smarter Together Awards Judge (right)

shopping, and services. Moderated by Solano County Jim Sperring, the panel included **Contra Costa County Supervisor John Gioia**, **San Francisco County Supervisor Sophie Maxwell**, **San Leandro Vice Mayor Surlene Grant**, and **Redwood City Councilmember Barbara Pierce**.

Supervisor Gioia highlighted Contra Costra County PDAs such as North Richmond and the complex infill opportunities for building healthy communities in these areas. **Supervisor Maxwell** spotlighted Bayview-Hunters Point and Portola neighborhoods, noting the seven years of ongoing planning and community engagement and economic issues related to industrial land use.

Councilmember Pierce showed how Redwood City's

Spring G.A. cont. on pg. 2

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ABAG Spring General Assembly

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Grant Funding

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Growing Smarter Together Award Winners

page 2

ABAG Energy Watch Awarded

page 3

Proposition 13 at 30

page 3

Calendar of Events & Notable Numbers

ABAG Spring General Assembly; Growing Smarter Together Awards

Spring G.A. cont. from front cover

downtown PDA plan successfully spelled out community intent to help design their growth, mixed-use and density. **Vice Mayor Grant** cited the San Leandro Downtown Transit Oriented Development Strategy with its benefits and success linked to significant community involvement. All speakers agreed and reiterated that successfully engaging the community in the PDA planning was crucial to focused growth efforts and in creating complete communities.

The conference also included an ABAG Business Session where member city and county delegates approved the ABAG Budget and Work Plan—Fiscal Year 2008-2009. The proceedings concluded with the presentation of the **2008 Growing Smarter Together Awards** by ABAG President Rose Jacobs Gibson, and ABAG Vice President and Union City Mayor Mark Green. *The comprehensive keynote presentations made by William Fulton and William Fleissig are available online as powerpoints at www.abag.ca.gov/planning.*

2008 Growing Smarter Together Award Winners

Distinguished leadership, innovative approaches, and significant local government achievements in collaborating to build complete communities and improve the quality of life in the Bay Area were recognized at ABAG's Spring General Assembly during the second annual *Growing Smarter Together Awards* ceremony. Four 2008 *Growing Smarter Together* awards were presented:



The Start It Up Award to the City of San Leandro:

for its Downtown Transit-Oriented Development Strategy to revitalize their downtown with a walkable, mixed-use housing and business development. Extensive public involvement and community engagement helped create San Leandro's innovative long term vision. **Pictured:** Left—San Leandro Mayor Tony Santos accepting award, ABAG President Rose Jacobs Gibson, and from San Leandro Tom Liao, Planning Manager Kathleen Livermore, and Community Development Director Luke Sims.

The On the Ground—Getting It Done award to the City of Hercules:

to recognize the significant progress that the city has made in implementing its Plan and Regulating Code. The Plan for Central Hercules and its Regulating Code are significant for the high level of public involvement in planning the development, and for guiding development decisions to achieve greater density, mix of uses, walkability, public spaces, and regional transit mobility in Hercules. **Pictured:** From Hercules Councilmember Kris Valstad, Councilmember Charlene Raines, Mayor Joanne Ward accepting award, Councilmember Ed Balico, Vice Mayor Joe Eddy McDonald with ABAG President Rose Jacobs Gibson (second from right).



Public-Private Partnership Award given jointly to:

The City of Dublin, Alameda County Surplus Property Authority, and Bay Area Rapid Transit District (BART) for their collaboration on the Dublin Transit Center. Their ground-breaking work and partnership is behind the creation of a significant transit-oriented community in Dublin. **Pictured:** Accepting the Award for Alameda County Surplus Authority, Supervisor Scott Haggerty (left), for BART, BART Board President Gail Murray (center), and for City of Dublin, Mayor Janet Lockhart (right).

The First Recipient of Distinguished Leadership award: Gwen Regalia, Walnut Creek Mayor and Past ABAG President

for her distinguished public service career and her unsurpassed commitment to sustainable community improvement and focused smart growth on the local, regional, and state level. **Pictured:** ABAG Executive Director Henry Gardner, award winner Mayor Gwen Regalia, Walnut Creek City Manager Gary Pokorny.



The *Growing Smarter Together* award winners were showcased at the General Assembly in a special video produced by Comcast. Corporate sponsor PG&E joined Comcast to help underwrite the awards program. Video can be viewed at www.abag.ca.gov/smarter.html.

AGENDA ITEM
CITY COUNCIL MEETING: JUNE 17, 2008
COUNCIL MEMBER COMMITTEE REPORTS

DATE : June 10, 2008

TO : Vice Mayor Campbell
Council Member Schwartzman

FROM : Finance Director

SUBJECT : **AUDIT AND FINANCE COMMITTEE**

The following information is provided for your committee report at the June 17, 2008 Council meeting.

The committee met on June 6, 2008 and the *Draft* Minutes are attached. The next meeting will be held on August 8, 2008 at 8am in the Commission Room. An Agenda for that meeting will be available on August 1, 2008.

Attachments:

- Draft* Minutes for June 6, 2008

AUDIT & FINANCE COMMITTEE
REGULAR MEETING - DRAFT MINUTES
JUNE 6, 2008
8:00 AM

1. **Call to Order 8:05 A.M.**
2. **Notice to the Public**
3. **Approval of Minutes from the Regular Meeting held on May 9, 2008.**
Approved by Consensus

4. **Previous Month Warrant Register Review for May 2008.**

Committee members asked questions on the following invoices:

1. Member Schwartzman questioned the invoice for pizza for Council meeting. Director Sousa explained that it was for staff for Public Works week.
2. Member Schwartzman questioned the payment for Toastmasters International for engineering membership. Director Sousa will review the invoice.
3. Member Bidou questioned the invoice for MBIA for City Treasurer advisory services. Director Sousa explained that the payment was for managing the City's investments.
4. Member Bidou questioned the AT&T bills for cell phones. Director Sousa explained that department head cell phones are being charged to non-departmental and other cell phone users are being charged to their home department.
5. Member Bidou questioned payment to Youth and Family Services for Anger Management. Member Schwartzman explained that each Anger Management class costs \$3,000 and the program offers a series of classes that is supported by the budget.
6. Member DeJesu questioned the moulage for BERT. Member Schwartzman explained about a mock-up calamity where peoples' faces and bodies are painted to depict injuries during an emergency situation.

Approved by consensus.

5. **Review Current Budget Issues and the Long Range Budget Model.**

Director Sousa updated the long range budget model to reflect interest rate adjustment from 5% to 3.5%, with a significant shortfall over time. Any Valero project impacts have not been reflected in the model since they are still unknown at present time.

Discussion was held on different methods of financing capital projects – all through ballot measures:

- a. Issuance of General Obligation bonds – will be based on the value of taxpayer's property.
- b. General Sales Tax Override – will only need 50% vote and advisory measures can be added.
- c. Parcel Tax – amount of tax will be the same for all taxpayers.

It was recommended that Director Sousa continue to review and update the model as definite information is received on Valero projects, and to update the Council in July on available options for financing.

6. Review Status of Landscape and Lighting Districts.

Landscape and Lighting District rates have stayed the same over years. Most of the districts are financially sustainable, with the exception of Fleetside District, with FY08-09 showing a negative fund balance. To mitigate the deficit, it is recommended that a proposal be presented to the Council to determine if a contractor pilot project will work for Fleetside District for a one-year contract with possibility of another year's extension. If the contractor pilot project does not work, a rate increase needs to be revisited.

A quarterly newsletter will be produced and distributed to all to inform taxpayers of the status of the Landscape and Lighting Districts.

7. Review Long Range Calendar

There will be no July meeting. The next meeting will be on August 8, 2008.

8. No Public Comment

9. Adjournment at 10:05 a.m.

AGENDA ITEM
CITY COUNCIL MEETING: JUNE 17, 2008
COUNCIL MEMBER COMMITTEE REPORTS

DATE : June 6, 2008

TO : Mayor Patterson
Council Member Schwartzman

FROM : City Manager

SUBJECT : **LEAGUE OF CALIFORNIA CITIES**

The following information is provided for your committee report at the June 17, 2008 City Council meeting.

The next meeting date of the League of California Cities North Bay Division is not yet known. The most recent meeting was on April 30, 2008, and information regarding that meeting follows.



**NORTH BAY DIVISION
MEMBER CITIES**

MARIN COUNTY
BELVEDERE
CORTE MADERA
FAIRFAX
LARKSPUR
MILL VALLEY
NOVATO
ROSS
SAN ANSELMO
SAN RAFAEL
SAUSALITO
TIBURON

NAPA COUNTY
AMERICAN CANYON
CALISTOGA
NAPA
ST. HELENA
YOUNTVILLE

SOLANO COUNTY
BENICIA
DIXON
FAIRFIELD
RIO VISTA
SUISUN CITY
VACAVILLE
VALLEJO

SONOMA COUNTY
COTATI
HEALDSBURG
PETALUMA
ROHNERT PARK
SANTA ROSA
SEBASTOPOL
SONOMA
WINDSOR

DIVISION OFFICERS

PRESIDENT
JACK GINGLES
MAYOR- CALISTOGA

FIRST VICE PRESIDENT
SHAWN MARSHALL
MAYOR - MILL VALLEY

SECOND VICE PRESIDENT
STANLEY COHEN
COUNCIL MEMBER- SONOMA

PAST PRESIDENT
LEN AUGUSTINE
MAYOR- VACAVILLE

LEAGUE DIRECTOR
MICHAEL SEGALA
COUNCIL MEMBER - SUISUN CITY

LEAGUE STAFF
AMY O'GORMAN
REGIONAL PUBLIC AFFAIRS MANAGER

MARY CREASEY
PUBLIC AFFAIRS ANALYST

**NORTH BAY DIVISION
GENERAL MEMBERSHIP
MEETING**

Hosted by the Town of Yountville

Sponsored by



**Pacific Gas and
Electric Company®**

**Wednesday, April 30, 2008
Napa Valley Grille
6795 Washington Street, Yountville**

With a Special Presentation by:
JIM MADAFFER
*President, League of California Cities
Council Member, City of San Diego*

**Welcome Reception 6:00 pm
Dinner 7:00 pm
Program 7:30 pm**

~ Carneros Dinner Menu~

First Course

House Made Seasonal Soup
fresh garnish
Fresh Baked Focaccia and Sliced Baguette
extra virgin olive oil, balsamic vinegar

Entrees

(Please select one)

Grilled Trout
haricot verts, sliced lemons, crispy potato cake, brown butter vinaigrette
Five Dot Ranch Flat Iron
Chef's Set
Vegetarian option available upon request

Dessert

Three Petite Creations
warm valhrona chocolate cake
gingerbread pudding
seasonal fruit galette
Wine, Gourmet Coffee or Hot Tea

\$50 per person

Please RSVP by Friday, April 25th to:
Su Sneddon, City of Calistoga
(707) 942-2807/ ssneddon@ci.calistoga.ca.us

**Checks payable to North Bay Division, LOCC
C/O: Su Sneddon, City of Calistoga, 1232 Washington Street
Calistoga, CA 94515**

Questions? Please contact Amy O'Gorman, (707)
Mary Creasey at (916) 658-8243

X-B-4-2

AGENDA ITEM
CITY COUNCIL MEETING: JUNE 17, 2008
COUNCIL MEMBER COMMITTEE REPORTS

DATE : June 6, 2008

TO : Council Member Ioakimedes
Council Member Hughes

FROM : City Manager

SUBJECT : **CITY COUNCIL/SCHOOL BOARD LIAISON COMMITTEE**

The following information is provided for your committee report at the June 17, 2008 City Council meeting.

This committee meets quarterly in the Benicia Unified School District meeting room. The next meeting date is set for August 7, 2008. The agenda for that meeting is not yet available.

**AGENDA ITEM
CITY COUNCIL MEETING: JUNE 17, 2008
COUNCIL MEMBER COMMITTEE REPORTS**

DATE : June 5, 2008

TO : Vice Mayor Campbell
Council Member Ioakimedes

FROM : City Manager

SUBJECT : **SKY VALLEY OPEN SPACE COMMITTEE**

The following information is provided for your committee report at the June 17, 2008 Council meeting.

The last regular meeting of the Sky Valley Open Space Committee was held on Wednesday May 7, 2008. An agenda from the May 7th meeting has been included with this staff report for review.

The next regular scheduled meeting of the Committee will be July 16th since the group now meets on a quarterly basis. A final meeting agenda for that meeting is unavailable at this time.

AGENDA ITEM
CITY COUNCIL MEETING: JUNE 19, 2008
COUNCIL MEMBER COMMITTEE REPORTS

DATE : June 5, 2008

TO : Mayor Patterson
Council Member Ioakimedes

FROM : Jim Erickson, City Manager

SUBJECT : **SOLANO EDC BOARD OF DIRECTORS**

The following information is provided for your committee report at the June 17, 2008 Council meeting:

The last Solano Economic Development Corporation Board of Directors meeting was held on Friday, May 30, 2008. The agenda and minutes for that meeting are attached.

The next Board of Directors meeting is scheduled for Thursday, July 24, 2008 at 9:00 am at Jelly Belly Candy Company. The agenda for that meeting is not yet available.

**Solano EDC
Board of Directors Meeting**

**Friday, May 30, 2008
Travis Credit Union (Corporate Offices)
One Travis Way, Vacaville, CA**

AGENDA

- | | | |
|-------------|--|-----------------------|
| 8:30 am | 1. Call to Order | Scott Reynolds, Chair |
| Action Item | 2. Approval of 3/27/08 Meeting Minutes | |
| Action Item | 3. Treasurer's Report – April 2007 | Sandy Person |
| | 4. <u>Committee Reports</u> | |
| | ➤ Membership Committee | Brooks Pedder |
| | ➤ Marketing Task Force | |
| | 5. President's Update & Prospect Activity | Mike Ammann |
| | 6. Items from Directors | |
| 8:50 am | Adjourn | |
| 9-10:00 am | Special Meeting with Lt. Governor John Garamendi | |
| 10-11:00 am | Tour of ALZA Corporation Solar Panel Field | |

Calendar of Events

- ◆ July 24, 2008
Board of Directors Meeting
Time: 9:00 – 10:00 am
Location: Jelly Belly Candy Company

- ◆ Aug 11, 2008
19th Annual Golf Classic
Time: 10 am Registration
Location: Green Valley Country Club



Solano EDC
Meeting with Lt Governor John Garamendi
Friday, May 30, 2008

California
COMMISSION for
ECONOMIC DEVELOPMENT

Travis Credit Union
One Travis Way, Vacaville CA 95687

- 8:30 – 8:50 am Solano EDC Board of Director's Meeting
- B.R.E.A.K
- 9:00 Welcome & Thanks (Scott Reynolds, Solano EDC Board Chairman)
- Introduction of Mayor Len Augustine/City of Vacaville
- 9:05 Introduction of Lt Governor John Garamendi
- 9:10 – 9:20 Lt Gov John Garamendi
- 9:20 – 9:50 Q & A (moderated by Scott Reynolds)
- 9:50 Thanks & Adjourn by Scott Reynolds
- 10:05 Adjourn to ALZA Solar Array
(Directional Map to site on Eubanks will be provided)
- 10:25 Welcome by ALZA General Manager Henry Esparza
- 10:35 Johnson & Johnson Environmental & Energy Programs by
Erol Odabasi, Environmental Manager
- 10:50 Closing Remarks by Henry Esparza



**SOLANO EDC BOARD OF DIRECTORS MEETING
MAY 30, 2008, 8:30 AM**

CALL TO ORDER

Chairman Reynolds called the meeting to order at 8:30 am at Travis Credit Union in Vacaville. He thanked Travis Credit Union for hosting the meeting.

Attending were:

| | | | | |
|----------------|------------------|---------------|----------------|---------------|
| Dee Alarcon | Mike Ammann | Len Augustine | Rebecca Brandt | Barry Cavanna |
| Elaine Crombie | Bill Eisenhardt | Gerry Fisher | Bruce Gondry | Dick Hassel |
| Nancy Huston | Albert Lavezzo | Steve Lessler | E. Patterson | Brooks Pedder |
| Sandy Person | Mike Reagan | Tom Recknagel | Scott Reynolds | Sue Vaccaro |
| David VanKirk | Patsy VanOuwkerk | | | |

Absent were:

| | | | | |
|----------------|---------------|-----------------|------------------|----------------|
| Robert Bloom | Kay Draisin | Kevin English | Joanie Erickson | Kevin Finger |
| David Garland | Daryl Halls | Norm Hattich | Steve Huddleston | Bill James |
| Bill Kelly | Curt Johansen | Gregg McConnell | John Mraz | John Onsum |
| Sean Quinn | John Ray | Ron Rhea | Debra Russo | Michael Segala |
| Robert Simpson | Mike Smith | Jim Sperring | Michael Wilson | |

APPROVAL OF MINUTES

Chairman Reynolds called for approval of minutes of the March 27, 2008 meeting.

Upon motion duly made (Lessler) and seconded (Recknagel) it was

RESOLVED, that the minutes of the March 2008 meeting of the Solano EDC Board of Directors be accepted as submitted.

TREASURERS REPORT

In absence of Treasurer Onsum, Vice-President Person presented the financial report for the month of April 2008.

Upon motion duly made (Lavezzo) and seconded (VanOuwkerk) it was

RESOLVED, that the Treasurer's Report be accepted.

MEMBERSHIP COMMITTEE

Vice-President Person noted three new members have joined since the last meeting. They are WCV Commercial Properties, Wulff Electric and Lewis Planned Communities.

The Board meeting was adjourned at 8:35 am followed by a special meeting with Lieutenant Governor John Garamendi.

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
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AGENDA ITEM
CITY COUNCIL MEETING: JUNE 17, 2008
COUNCIL MEMBER COMMITTEE REPORTS

DATE : June 6, 2008

TO : Mayor Patterson
Council Member Schwartzman

FROM : Dan Schiada, Director of Public Works

SUBJECT : **SOLANO TRANSPORTATION AUTHORITY**

The following information is provided for your committee report at the June 17, 2008 City Council meeting.

The agenda for the Solano Transportation Authority (STA) Board Meeting of June 11, 2008 follows, along with the minutes of the May meeting. The next STA Board meeting is scheduled for July 9, 2008. An agenda for that meeting is not yet available.



Solano Transportation Authority

One Harbor Center, Suite 130
Suisun City, California 94585

Area Code 707
424-6075 • Fax 424-6074

Members:

- Benicia
- Dixon
- Fairfield
- Rio Vista
- Solano County
- Suisun City
- Vacaville
- Vallejo

MEETING NOTICE

Wednesday, June 11, 2008

**STA Board Meeting
Suisun City Hall Council Chambers
701 Civic Center Drive
Suisun City, CA 94585**

6:00 p.m. Regular Meeting

MISSION STATEMENT – SOLANO TRANSPORTATION AUTHORITY
To improve the quality of life in Solano County by delivering transportation system projects to ensure mobility, travel safety, and economic vitality.

Times set forth on agenda is an estimate. Items may be heard before or after the times designated.

| ITEM | BOARD/STAFF PERSON |
|--|---------------------------|
| I. CALL TO ORDER – CONFIRM QUORUM (6:00 p.m.) | Chair Woodruff |
| II. PLEDGE OF ALLEGIANCE | |
| III. APPROVAL OF AGENDA | |
| IV. OPPORTUNITY FOR PUBLIC COMMENT (6:00– 6:05 p.m.) | |

Pursuant to the Brown Act, public agencies must provide the public with an opportunity to speak on any matter within the subject matter jurisdiction of the agency and which is not on the agency's agenda for that meeting. Comments are limited to no more than 3 minutes per speaker. Gov't Code §54954.3(a). By law, no action may be taken on any item raised during the public comment period although informational answers to questions may be given and matters may be referred to staff for placement on a future agenda of the agency.

This agenda is available upon request in alternative formats to persons with a disability, as required by the Americans with Disabilities Act of 1990 (42 U.S.C. §12132) and the Ralph M. Brown Act (Cal. Govt. Code §54954.2). Persons requesting a disability-related modification or accommodation should contact Johanna Masielac, Clerk of the Board, at (707) 424-6008 during regular business hours, at least 24 hours prior to the time of the meeting.

| <u>STA BOARD MEMBERS</u> | | | | | | | |
|---|---|--|-------------------------------------|----------------------------------|-------------------------------------|------------------------------------|-------------------------------|
| Ed Woodruff Chair City of Rio Vista | Jim Spering Vice Chair County of Solano | Elizabeth Patterson City of Benicia | Mary Ann Courville City of Dixon | Harry Price City of Fairfield | Pete Sanchez City of Suisun City | Len Augustine City of Vacaville | Osby Davis City of Vallejo |
| <u>STA BOARD ALTERNATES</u> | | | | | | | |
| Jan Vick | Mike Reagan | Alan Schwartzman | Jack Batchelor, Jr. | Chuck Timm | Mike Segala | Steve Wilkins | Tom Bartee |

V. EXECUTIVE DIRECTOR'S REPORT
(6:05 – 6:10 p.m.)
Pg. 1

VI. COMMENTS FROM CALTRANS, THE METROPOLITAN TRANSPORTATION
COMMISSION (MTC), AND STA
(6:10 – 6:30 p.m.)

A. MTC Report
1. I-80 Smarter Growth Study

James Corless

B. Caltrans Report

C. STA Report

1. Vallejo Transit Fiscal Update Presentation
2. Bike to Work/School Week Summary
3. Overview of New Lifeline Program
4. State Route (SR) 12 Update

Crystal Odum-Ford
Judy Leaks
Elizabeth Richards
Robert Macaulay

VII. 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 14, 2008

Johanna Masiclat

Recommendation:

Approve STA Board Meeting Minutes of May 14, 2008.

Pg. 5

B. Review TAC Draft Minutes for the Meeting of
May 28, 2008

Johanna Masiclat

Recommendation:

Receive and file.

Pg. 17

C. Fiscal Year (FY) 2007-08 Final Budget Revisions

Susan Furtado

Recommendation:

Approve adoption of the FY 2007-08 Final Budget Revision as
shown in Attachment A.

Pg. 27

D. Request for Qualifications for State Legislative Advocacy
Services

Jayne Bauer

Recommendation:

Approve the following:

1. Authorize the Executive Director to issue a Request for
Qualifications (RFQ) for state legislative advocacy
services as outlined in the Scope of Work (Attachment
A) for the period October 1, 2008 through September
30, 2010; and

2. *Authorize staff to work with the STA Executive Committee to review and select a consultant candidate and bring a recommendation to the STA Board for a State Legislative Advocacy Services Agreement for the period October 1, 2008 through September 30, 2010.*

Pg. 33

- E. 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 Financial/Accounting Consultant Services until June 30, 2009 for an amount not to exceed \$58,500.
Pg. 39
- F. 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, 2009 for an amount not to exceed \$28,000.
Pg. 41
- G. Contract Amendment for Fiscal Year (FY) 2008-09 for Marketing Consultant Services - Moore Iacofano Goltsman (MIG)** Elizabeth Richards
Recommendation:
Approve Contract Amendment No. 2 with Moore Iacofano Goltsman (MIG) for STA marketing services for FY 2008-09.
Pg. 43
- H. Fiscal Year (FY) 2008-09 Transportation Development Act (TDA) Matrix Status – May 2008** Elizabeth Richards
Recommendation:
Approve the May 2008 TDA matrix for Fiscal Year (FY) 2008-09 as specified in Attachment A.
Pg. 47
- I. Federal Section 5310 Grant Application and Local Match for Solano Paratransit Bus Replacement** Liz Niedziela
Recommendation:
Approve the following:
 1. *Adopt Resolution No. 2008-05 authorizing the Executive Director to submit an application for Caltrans' Federal Section 5310 for \$300,000 for the five (5) Solano Paratransit replacement buses; and*
 2. *The allocation of \$34,410 State Transit Assistance Funds (STAF) for the required 11.47% local match.*
Pg. 51

- J. Unmet Transit Needs Comments and Responses for Fiscal Year (FY) 2008-09**
Recommendation:
Approve the following:
1. *The FY 2008-09 Unmet Transit Needs response as specified in Attachment B; and*
 2. *Authorize the Executive Director to submit the FY 2008-09 Unmet Transit Needs response to MTC.*
- Pg. 55
- Liz Niedziela
-
- K. Intercity Transit Funding (ITF) Year-End Reconciliation Procedure for Fiscal Year (FY) 2006-07**
Recommendation:
Approve the following:
1. *Adopt the procedure outlined in this report for mid-year budget adjustments and year end reconciliation for the Intercity Transit Funding Agreement; and*
 2. *Apply the year end reconciliation procedure to the FY 2006-07 Intercity Transit Funding agreement and incorporating FY 2006-07 adjustments to the subsidy amounts due in FY 2008-09.*
- Pg. 67
- Elizabeth Richards
Nancy Whelan
-
- L. Accept Green Valley Bridge Widening Project as Complete**
Recommendation:
1. *Accepting the Green Valley Creek Bridge Widening Project as complete; and*
 2. *Direct Executive Director to file a Notice of Completion with the County's Recorder's Office.*
- Pg. 73
- Janet Adams
-
- M. Yolo Solano Air Quality Management District (YSAQMD) Clean Air Funds Committee Recommendation for Fiscal Year (FY) 2008-09**
Recommendation:
Support the YSAQMD Clean Air Funds Committee recommendation for the allocation of \$420,000 in YSAQMD funds for FY 2008-09 as specified in Attachment A.
- Pg.
- Robert Macaulay
-
- N. Approval of STA Overall Work Plan for Fiscal Year (FY) 2008-09 and FY 2009-10**
Recommendation:
Approve the STA Overall Work Plan for FY 2008-09 and FY 2009-10 as specified in Attachment A.
- Pg. 79
- Daryl Halls

O. Regional Measure (RM 2) Bridge Toll Transit Operating Funding

Elizabeth Richards

Recommendation:

Approve the following:

1. Authorize Fairfield/Suisun Transit to claim \$711,035 in FY 2008-09 RM 2 Transit Operating funds for the operations of SolanoExpress Routes 40 and 90; and
2. Authorize Vallejo Transit to claim \$1,217,465 in FY 2008-09 RM 2 Transit Operating funds for operations of SolanoExpress Routes 70, 80, and 85.

Pg. 105

P. Local Match for Regional Transportation for Clean Air (TFCA) Grant Submittal for Safe Routes to School Program

Sam Shelton

Recommendation:

Authorize the Executive Director to program up to \$100,000 of Transportation Enhancements (TE) funding as a 10% match to a potential \$1,000,000 Regional TFCA grant request for the Safe Routes to School Program.

Pg. 109

Q. Regional Measure 2 (RM 2) Transit Marketing Plan Implementation

Elizabeth Richards

Recommendation:

Authorize the Executive Director to enter into the following contracts:

1. For freeway electronic billboard advertising in amounts not to exceed \$45,000;
2. For Baylink Ferry Daypasses in an amount not to exceed \$35,000; and
3. For 10-ride tickets on RM 2 funded SolanoExpress routes not to exceed \$100,000.

Pg.117

R. 2030 Napa-Solano Travel Demand Model Phase 2 Adoption

Robert Macaulay

Recommendation:

Adopt the 2030 Napa-Solano Travel Demand Model Phase 2.

Pg. 119

VIII. ACTION FINANCIAL ITEMS

A. Funding and Implementation Plan for SolanoExpress Route (Rt.) 70 Service

Elizabeth Richards

Recommendation:

Approve the following:

1. The funding plan for SolanoExpress Rt. 70 for FY 2008-09; and

2. Authorize the Executive Director to enter into a management agreement with Vallejo Transit to operate Rt. 70.

(6:35 – 6:45p.m.)

Pg. 133

B. Fiscal Year (FY) 2008-09 Intercity Transit Funding (ITF) Agreement

Elizabeth Richards

Recommendation:

Approve the following:

1. The Intercity Transit Funding cost-sharing scenario as specified in Attachment B;
2. Prioritize \$125,000 of Lifeline/State Transit Assistance Fund (STAF) funds for Vallejo Transit Rt. 85 for two years; and
3. Authorize the Executive Director to enter into an intercity transit funding agreement with the Cities of Benicia, Dixon, Fairfield, Suisun City, Vacaville and Vallejo, and the County of Solano.

(6:45 – 6:50 p.m.)

Pg. 139

C. State Transit Assistance Funds (STAF) Allocation for Fiscal Year (FY) 2008-09

Elizabeth Richards

Recommendation:

Approve the allocation of STAF for Fiscal Year (FY) 2008-09 as specified in Attachment A.

(6:50 – 6:55 p.m.)

Pg. 145

D. Safe Routes to School (SR2S) Pilot Engineering Program Grants

Sam Shelton

Recommendation:

Approve the following:

1. Program \$90,000 in Eastern Solano Congestion Mitigation and Air Quality (ECMAQ) funding to the City of Dixon's "State Route 113 & C Street Flashing Crosswalk and Bulbouts Project";
2. Program \$20,000 in Yolo Solano Air Quality Management District (YSAQMD) funding to the City of Rio Vista's "Second Street Radar Speed Signs Project", after approval by the YSAQMD Board; and
3. Program \$150,000 in ECMAQ funding and \$40,000 in YSAQMD funding (after approval by the YSAQMD Board) to the City of Vacaville's "Pedestrian Improvements on North-west corner of Peabody & Marshall Project" for a total of \$190,000.

(6:55 – 7:00 p.m.)

Pg. 149

X-B-8-7

IX. ACTION NON-FINANCIAL ITEMS

A. Legislative Update

Jayne Bauer

Approve the specified positions on the following items:

- *AB 1845 (Duvall), Railroad: Highway Grade Separations - Watch*
- *AB 2971 (DeSaulnier), The Fair Share for Safety bill - Watch*
- *California Principles on Federal Transportation Authorization 2008 - Support*

(7:00 – 7:05 p.m.)

Pg. 169

B. I-80 Freeway Performance Initiative (FPI)

Janet Adams

Recommendation:

Adopt the I-80 FPI Mitigation Strategies Report as specified in Attachment A including the amendments to add the I-80/I-505 Weave and the Cordelia Truck Scales projects.

(7:05 – 7:15 p.m.)

Pg. 217

X. INFORMATIONAL ITEMS

A. Jepson Parkway Project Update

Janet Adams

Informational

(7:15 – 7:20 p.m.)

Pg. 243

B. STA Marketing Program Update

Jayne Bauer

Informational

(7:20 – 7:25 p.m.)

Pg. 249

NO DISCUSSION

C. I-80 Eastbound (EB) Cordelia Truck Scales Relocation Project Update

Janet Adams

Informational

Pg. 255

D. Lifeline Call for Projects

Elizabeth Richards

Informational

Pg. 265

E. I-80 Smarter Growth Study: I-80 Interregional Summit

Robert Macaulay

Informational

Pg. 269

- F. **State Route (SR) 12 Status Update**
Informational
Pg. 273 Robert Macaulay
- G. **Community Based Transportation Plan (CBTP) Update**
Informational
Pg. 275 Liz Niedziela
- H. **Project Delivery Update**
Informational
Pg. 281 Sam Shelton
- I. **Funding Opportunities**
Informational
Pg. 287 Sara Woo
- J. **STA Board Meeting Schedule for 2008**
Informational
Pg. 295 Johanna Masiclat

XI. **BOARD MEMBERS COMMENTS**

XII. **ADJOURNMENT**

The next regular meeting of the STA Board is scheduled for
Wednesday, July 9, 2008, 6:00 p.m., Suisun City Hall Council Chambers.



SOLANO TRANSPORTATION AUTHORITY
Board Minutes for Meeting of
May 14, 2008

I. CALL TO ORDER

Chair Woodruff called the regular meeting to order at 6:05 p.m. A quorum was confirmed.

**MEMBERS
PRESENT:**

| | |
|--|---------------------|
| Eddie Woodruff (Chair) | City of Rio Vista |
| Mike Reagan (Alternate Member) | County of Solano |
| Elizabeth Patterson | City of Benicia |
| Jack Batchelor, Jr. (Alternate Member) | City of Dixon |
| Harry Price | City of Fairfield |
| Pete Sanchez | City of Suisun City |
| Len Augustine | City of Vacaville |
| Tom Barte (Alternate Member) | City of Vallejo |

**MEMBERS
ABSENT:**

| | |
|--------------------------|------------------|
| Mary Ann Courville | City of Dixon |
| Osby Davis | City of Vallejo |
| Jim Spering (Vice Chair) | County of Solano |

**STAFF
PRESENT:**

| | |
|--------------------|---|
| Daryl K. Halls | Executive Director |
| Charles Lamoree | Legal Counsel |
| Johanna Masiclat | Clerk of the Board |
| Janet Adams | Director of Projects |
| Robert Macaulay | Director of Planning |
| Elizabeth Richards | Director of Transit and Rideshare Services |
| Liz Niedziela | Transit Manager/Analyst |
| Judy Leaks | Program Manager/Analyst |
| Susan Furtado | Financial Analyst/Accountant |
| Jayne Bauer | Marketing and Legislative Program Manager |
| Robert Guerrero | Senior Planner |
| Sam Shelton | Assistant Project Manager |
| Sara Woo | Planning Assistant |

ALSO

PRESENT: *In Alphabetical Order by Last Name:*

| | |
|-------------------|--|
| Mike Ammann | SolanoEDC |
| Randy Carlson | Bicycle Advisory Committee (BAC) Member |
| Birgitta Corsello | County of Solano |
| Dale Dennis | PDM |
| Nick Endrawos | Caltrans District 4 |
| Marilyn Farley | Solano Land Trust |
| Glen Grant | BAC Member |
| George Gwynn, Jr. | Resident, City of Suisun City |
| Kirk Hull | Wiseman Company |
| Robert Hammonds | Garaventa Properties |
| Kurt Johnston | Resident, City of Fairfield |
| Dan Kasperson | City of Suisun City |
| Frank Kitchens | Solano Community College |
| Jeff Knowles | City of Vacaville |
| Wayne Lewis | City of Fairfield |
| Joe Lucchio | Resident, City of Fairfield |
| David Marianno | Resident, City of Rio Vista |
| Jose McNeill | Resident, City of Fairfield |
| Larry Mork | Vice Chair, BAC |
| Doanh Nguyen | Caltrans District 4 |
| Reed Onate | Resident, City of Fairfield |
| Dave Samson | Resident, City of Fairfield |
| Dan Schiada | City of Benicia |
| Mike Segala | Council Member, City of Suisun City and BAC Member |
| Eve Somjen | Resident, City of Fairfield |
| Scott Steinwert | Circlepoint |
| Tim Taylor | Stoel Rives |
| Jan Vick | Council Member, City of Rio Vista |
| Laura Vierra | Resident, City of Fairfield (Placer Title Company) |
| Mick Weninger | BAC Member |
| Lauren Wonder | Caltrans District 4 |
| Barbara Wood | Chair, BAC |

II. PLEDGE OF ALLEGIANCE

III. APPROVAL OF AGENDA

On a motion by Board Member Patterson, and a second by Board Member Harry Price, the STA Board approved the agenda with the exception to move Agenda Item IX.A, Approve Final Project Technical Report and North Connector Project for discussion after Agenda Item VIII.A.

IV. OPPORTUNITY FOR PUBLIC COMMENT

George Gwynn, Jr. commented on the safety improvements on State Route (SR) 12.

V. EXECUTIVE DIRECTOR'S REPORT

Daryl Halls provided an update on the following topics:

- Discussion of STA's Draft Overall Work Program (OWP) for FY 2008-09 and FY 2009-10
- Approval of North Connector FEIR and North Connector Project
- Safe Routes to School Plan and SR 12 Safety Plans Receive Recognition
- Submittal of Regional TFCA Application for SR2S
- Status of I-80 Rehabilitation Projects and Public Information Plan
- I-80 HOV Lanes Project Bid Opened
- Regional Transportation Plan Trade-Off Discussions Focus on System Preservation

VI. COMMENTS FROM METROPOLITAN TRANSPORTATION COMMISSION (MTC), CALTRANS, AND STAFF:

A. MTC Report:
None presented.

B. Caltrans Report:
1. I-80 Construction Update presented by Doanh Nguyen
2. I-80 Communication Plan (Stakeholder and Media Outreach Action Plan) presented by Lauren Wonder

C. STA Report :
1. STA Bicycle Advisory Committee (BAC) Presentation by Sara Woo
Barbara Wood, Chair of the BAC, was formally introduced.
2. State Route (SR) 12 Update presented by Robert Macaulay

VII. CONSENT CALENDAR

On a motion by Board Member Harry Price, and a second by Board Member Pete Sanchez, the STA Board approved Consent Calendar Items A thru H.

A. STA Board Meeting Minutes of April 9, 2008
Recommendation:
Approve STA Board Meeting Minutes of April 9, 2008.

B. Review TAC Draft Minutes for the Meeting of April 30, 2008
Recommendation:
Receive and file.

C. Fiscal Year (FY) 2007-08 3rd Quarter Budget Report
Recommendation:
Receive and file.

D. Paratransit Coordinating Council (PCC) Appointment
Recommendation:
Appoint Cathy Cooper as a Transit User representative to the PCC for a 3-year term.

- E. **Napa-Solano Traffic Demand Model – Land Use Assumptions**
Recommendation:
Approve the land use assumptions of the Napa-Solano Travel Demand Model as specified in Attachment A.
- F. **Contract Amendment for Project Delivery Management (PDM) Group Inc. for Project Management Services for the I-80/I-680/State Route (SR) 12 Interchange Complex**
Recommendation:
Approve a contract amendment for PDMG in the amount of \$570,000 for project management services through June 30, 2010 for the I-80/I-680/SR12 Interchange Complex projects.
- G. **Contract Amendment for the State Route (SR) 12 Realignment/Rio Vista Bridge Preliminary Study and the SR 12/Church Road Improvements Project Study Report (PSR)**
Recommendation:
Approve the following:
1. Contract amendment for the Project Study Report for the SR 12/Church Road Improvements contract for a total not to exceed a contract amount of \$155,000 through June 30, 2009; and
2. Contract amendment for the SR 12 Re-Alignment/Rio Vista Preliminary Bridge Study contract for a total not to exceed a contract amount of \$380,000 through December 31, 2009.
- H. **Transit Facilities of Regional Significance Criteria**
Recommendation:
Approve the draft criteria as shown in Attachment A for the Transit Facilities of Regional Significance and forward them to the Transit Committee for implementation for use in identifying Transit Facilities of Regional Significance.

VIII. ACTION – NON - FINANCIAL ITEMS

- A. **North Connector Project, Final Environmental Impact Report (FEIR)**
Janet Adams highlighted the environmental process of the North Connector Project. North Connector Project Manager Dale Dennis provided an overview and background on the engineering aspects of the project. Environmental Consultant Scott Steinwert presented a power point of the environmental studies for public comments and proposed mitigations for the project.

Chairman Woodruff opened the Public Hearing at 7:10 p.m.

The following members of the Public addressed comments to the Board:

Marilyn Farley, Solano Land Trust, raised concerns about the adequacy of the proposed mitigation ratios (1:1 and 1.25:1) and recommended a 2:1 ratio. She also proposed that some lands be mitigated even though not acquired in recognition of the diminution in farming activity when access is made difficult. Finally, she proposed that mitigation properties be located in the Suisun Valley. Ms. Farley noted the effort to move the bike path conservation easement and that was being pursued with the City of Fairfield.

Robert Hammonds, representing Garaventa Properties, spoke in support of the project.

Eve Somjen, Community Development Department of the City of Fairfield expressed the City's support on the project. She commented that the environmental document is adequate and recommended the final EIR be certified. In addition, she submitted a letter of support from the North Bay Health Care and noted that the project is beneficial to the businesses in the City.

Laura Vierra, a Placer Title Company employee and 30-year resident of the City of Fairfield, addressed the Board in support of the project.

Jose Mc Neill, 28-year resident of Solano County, stated his support for the project for four reasons: 1.) The North Connector will save lives by improved emergency response time and provide a much needed alternate route or blockage of I-80; 2.) Saves fuel; 3.) Protects agriculture; and 4.) Reduces the time for vehicle trips.

Reed Onate, a longtime resident in the Green Valley and Cordelia area, expressed his support for the North Connector Project. He stated that he does not think farming has been active for awhile on parcels directly impacted by project. He commented that the project will also relieve a lot of the congestion on the I-80 Corridor.

Kirk Hull, Property Manager of the Wiseman Co. and a 15-year resident of Gordon Valley, stated his support for the project because this would relieve traffic and help in the recruitment of businesses.

Dave Samson, Civic Property Group and construction team member, announced that they started construction yesterday on the Fairfield segment and expressed his support to the project.

There being no further speakers, the Chair closed the Public Hearing at 7:36 p.m. and referred the matter to the Board for comments and action.

There followed a discussion focusing on the appropriate mitigation ratio and the other issues raised by Ms. Farley. Board Member Augustine asked about the process of arriving at the proposed ratio for mitigation. Charles Lamoree, STA Legal Counsel, responded that there is not formally adopted ratio in California and STA staff had surveyed other communities which ranged from no mitigation to the 1:1.

Board Member Patterson asked about the location of the mitigation property in the Suisun Valley and Legal Counsel Lamoree responded that whether that could be achieved depended upon having a willing buyer and willing seller.

Board Member Price commented that there should be some attempt to locate mitigation nearby to the land acquired and suggested that STA work with the Solano Land Trust to find property. He also asked about the consequences of raising that ratio. Legal Counsel Lamoree responded that various approaches to methodology could be brought back to the Board for consideration of a mitigation

ratio policy. STA Executive Director Daryl Halls commented on the fact that the approach taken in the North Connector EIR arose from a partnership between STA, the City of Fairfield, and the County of Solano.

Alternate Board Member Mike Reagan cautioned that mitigation ratios should not be decided by this governing board as a county-wide policy for, at this time, each city and county needs to decide that policy for themselves. With respect to the North Connector EIR, Alternate Board Member Reagan did not recommend changes in the proposed mitigation ratios and recommended that the Board press on with the recommendation before the Board.

Board Member Patterson commented in general that the EIR was very thorough and thoughtful in light of the complexity of issues and that she supported the idea of a process for a county-wide discussion of the appropriate mitigation ratios and other considerations raised in the discussion. She supported the idea of STA, Fairfield, and the County seeking the assistance for the project, but based on her aglands experience property right needs to be respected.

Board Member Price suggested to approve the recommendation and then come back and take a look and discuss further the mitigation issues.

Alternate Board Member Batchelor commented on the fairness of the consensus between the farmer and a property owner.

Birgitta Corsello, Solano County Director of Environmental Management addressed the Board about the present County process to amend the General Plan and the review of agland policies. She offered to return to the STA Board and present an overview of the general plan amendment process that is underway.

Chair Woodruff recognized that there were no further Board comments and referred the matter to the Board for action.

The following actions were made as motions and voted upon as follows:

1. **CERTIFICATION** of the Final Environmental Impact Report (FEIR) for the North Connector Project;

On a motion by Board Member Price, and a second by Alternate Board Member Batchelor, the STA Board unanimously approved the recommendation and certified the North Connector Final Environmental Impact Report.

2. **APPROVE** Resolution No. 2008-03, including certification of the Environmental Impact Report for the North Connector Project, Exhibit A: Findings of Fact and Exhibit B: Mitigation Monitoring Reporting Program;

On a motion by Alternate Board Member Bartee, and a second by Board Member Price, the STA Board unanimously approved the Findings of Fact and the Mitigation Monitoring Reporting Program.

3. **DIRECT** that upon approval of Financial Item Action IX. A (approval of the North Connector Project), that the Executive Director to File a Notice of Determination with the County Clerk of Solano County and with the State Office of Planning and Research and Authorized payment of the applicable filing fees.

On a motion by Board Member Price, and a second by Alternate Board Member Batchelor, the STA Board unanimously approved the filing of a Notice of Determination with the County Clerk and the State Office of Planning and Development by the STA Executive Director and authorized payment of applicable filing fees.

4. *Direct staff to work with the Solano Land Trust and the County of Solano in making a good faith effort to find appropriate mitigation properties to address land taken for the North Connector and, in addition, to continue to work with the Solano Land Trust and the City of Fairfield for replacing the bikepath conservation easement.*

On a motion by Board Member Patterson, and a second by Alternate Board Member Bartee, the STA Board unanimously approved the recommendation that staff work with the Solano Land Trust and the County of Solano in making a good faith effort to find appropriate mitigation properties to address land taken for the North Connector and, in addition, to continue to work with the Solano Land Trust and the City of Fairfield for replacing the bikepath conservation easement.

Chair Woodruff recessed the meeting at 8:15 p.m. for a short break.

Board Member Sanchez left the meeting at this time.

Chair Woodruff reconvened the meeting at 8:20 p.m.

- B. **Comprehensive Transportation Plan (CTP) Update – Subsidiary Studies**
Robert Macaulay listed the subsidiary studies for each CTP Element. He stated that the Consortium made a recommendation to include the Transit Committee on the study list. He specified that when the list of subsidiary studies is finalized, STA staff will schedule work to complete timely updates of the appropriate studies and begin to obtain consultant assistance where appropriate.

Public Comment:
None presented.

Board Comment:
None presented.

Recommendation:

Approve the list of CTP Subsidiary Studies to the STA Arterials, Highways and Freeways Committee, Transit Committee, and Alternate Modes Committee for use in updating the respective CTP Elements.

On a motion by Alternate Board Member Reagan, and a second by Board Member Price, the STA Board unanimously approved the recommendation.

C. Sacramento/San Joaquin Delta Transportation Issues

Robert Macaulay reviewed one of the questions raised in an April 9, 2008 letter sent to Caltrans Director Will Kempton regarding SR 12 improvements and the Delta. He requested that the STA Board authorize the STA Chair to send a response letter to Caltrans Director Will Kempton and the Governor regarding transportation considerations for SR 12.

Public Comments:

None presented.

Board Comments:

Board Member Patterson suggested to strengthen the letter so it is uniform for all state agencies.

Board Member Reagan noted that main arteries such as SR 12 are critical for the growth of the economic region.

On a motion by Board Member Augustine, and a second by Board Member Price, the STA Board unanimously approved the recommendation.

Recommendation:

Authorize the STA Chair send a letter to Caltrans Director Will Kempton and Governor Arnold Schwarzenegger regarding the potential impact to SR 12 future improvements response to a letter from the Delta Vision Blue Ribbon Task Force.

On a motion by Alternate Board Member Reagan, and a second by Board Member Price, the STA Board unanimously approved the recommendation.

D. Legislative Update

Jayne Bauer outlined staff's recommendation for a position of support with amendments for Senate Bill (SB) 1093 (Wiggins). Jayne Bauer also summarized the Governor's proposed 2008-09 State Budget May Revision.

Public Comments:

None presented.

Board Comments:

Alternate Board Member Bartee encouraged the STA Board to support SB 1093.

Recommendation:

Approve the following positions:

1. Support with amendments SB 1093 (Wiggins)
2. Oppose SB 1507 (Oropeza)

On a motion by Board Member Augustine, and a second by Board Member Patterson, the STA Board unanimously approved the recommendation.

IX. ACTION – FINANCIAL ITEMS

The STA Board requested Janet Adams present agenda Items A through E concurrently and that the STA Board take action in one single motion.

- A. Approve Final Project Technical Report and North Connector Project**
Janet Adams reviewed the engineering report that provides the preliminary design information for the North Connector Project. She stated that as part of the project development process, the STA Board is required to approve the project, which is accomplished through the approval of the Project Technical Report.

Recommendation:

Approve the following:

1. Project Technical Report for the North Connector Project;
2. The North Connector Project; and
3. Authorize the Executive Director to advertise one or more construction contracts for the North Connector Project for a total amount not to exceed \$23.3 million including construction management services.

- B. North Connector Project Regional Measure 2 (RM 2) Allocation Request**
Janet Adams reviewed the development process of the next phase of the North Connector Project. She stated that in order to move forward with the final design plans, right-of-way acquisition and the construction of improvements at Abernathy Road and Chadbourne Road interchanges, a RM 2 funding allocation is required from the MTC. She cited the allocation request for a total of \$10.3 million.

Recommendation:

Approve the following:

1. Allocation request from Metropolitan Transportation Commission (MTC) for \$10.3 million for final design and right-of-way acquisition for the North Connector Project and the construction of improvements at Abernathy Road and Chadbourne Road interchanges; and
2. Resolution No. 2008-04.

- C. Contract Amendment for the Mark Thomas & Company/Nolte (MT&Co/Nolte) Joint Venture for Environmental Document for the I-80 Eastbound Cordelia Truck Scales Relocation Project**

Recommendation:

Approve a contract amendment for MT & Co/Nolte in the amount of \$1,200,000 for preparation of the environmental document for the I-80 Eastbound Cordelia Truck Scales Relocation Project.

- D. Contract Amendment for the Mark Thomas & Company/Nolte (MT&Co./Nolte) Joint Venture for the I-80/I-680/State Route (SR) 12 Interchange Environmental Document**

Recommendation:

Approve the following:

1. A contract amendment for I-80/I-680/SR12 Interchange Project MT & Co/Nolte contract for the following:
 - A. \$210,000 for the exploratory drilling and trench excavations for seismic analysis; and
 - B. \$100,000 for the subconsultant services of Gray-Bowen.
 2. Modification to the I-80/I-680/SR 12 Interchange Project environmental document and studies to account for the I-80 Eastbound Cordelia Truck Scales Relocation Project being cleared under a separate environmental document and thereby removed from the I-80/I-680/SR 12 Interchange Project environmental document.
- E. **Contract Amendment for Mark Thomas & Company/Nolte (MT&Co./Nolte) Joint Venture for Design Services of Suisun Valley Road/I-80 Eastbound On-Ramp Improvements**

Recommendation:

Approve a contract amendment for MT & Co/Nolte in the amount of \$100,000 for the design of the additional second left turn lane at the intersection of Suisun Valley Road and the I-80 Eastbound on-ramp for the North Connector Project.

On a motion by Board Member Augustine, and a second by Board Member Sanchez, the STA Board unanimously approved the recommendation.

- F. **Approval of Fiscal Year (FY) 2008-09 Transportation Funds for Clean Air (TFCA) Regional Fund Submittal**
- Robert Guerrero reviewed the status of Solano County's projects funded with Transportation Fund for Clean Air (TFCA) funds and the potential for obtaining a competitive regional TFCA grant for the Safe Routes to School (SR2S) Program. He stated that staff is recommending the STA submit an application for \$1 million in regional TFCA funds for this purpose.

Public Comments:

None presented.

Board Comments:

None presented.

Recommendation:

Authorize the STA Executive Director to submit a BAAQMD Regional TFCA application for \$1 million to implement STA's Safe Routes to School Program.

On a motion by Board Member Patterson, and a second by Board Member Price, the STA Board unanimously approved the recommendation.

X. **INFORMATIONAL ITEMS – DISCUSSION**

- A. **STA Draft Overall Work Plan for Fiscal Year (FY) 2008-09 and FY 2009-10**
- Daryl Halls reviewed STA's Draft Priority Projects of Overall Work Plan (OWP) for FY 2008-09 and FY 2009-10.

NO DISCUSSION

- B. Regional Measure 2 (RM 2) Implementation**
- C. I-80 Construction Schedule Update**
- D. Regional Transportation Plan (RTP) Status**
- E. I-80 Public Information**
- F. Routes of Regional Significance Revised Criteria**
- G. State Route (SR) 12 Status Update**
- H. Project Delivery Update**
- I. STA Bicycle Advisory Committee Update**
- J. Funding Opportunities**
- K. State Route (SR) 12 Status Update**
- L. STA Board Meeting Schedule for 2008**

XI. BOARD MEMBER COMMENTS

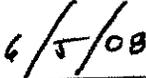
XII. ADJOURNMENT

The STA Board meeting was adjourned at 8:55 p.m. The next regular meeting of the STA Board is scheduled for Wednesday, June 11, 2008 6:00 p.m., Suisun City Hall Council Chambers.

Attested By:



Johanna Masiclat
Clerk of the Board



Date

AGENDA ITEM
CITY COUNCIL MEETING: JUNE 17, 2008
COUNCIL MEMBER COMMITTEE REPORTS

DATE : June 6, 2008

TO : Mayor Patterson
Vice Mayor Campbell

FROM : Dan Schiada, Director of Public Works

SUBJECT : **SOLANO WATER AUTHORITY**

The following information is provided for your committee report at the June 17, 2008 City Council meeting.

The agenda for the Solano Water Authority (SWA) Board of Directors meeting of June 12, 2008 follows. The May meeting minutes are also attached. The next SWA meeting is on July 10, 2008. An agenda for that meeting is not yet available.

SOLANO COUNTY WATER AGENCY



BOARD OF DIRECTORS MEETING

DATE: Thursday, June 12, 2008
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 10, 2008 is recommended.
- (B) Expenditure Approvals: Approval of the June checking account register and list of checks \$500 and over to be paid is recommended.
- (C) Pre-Approval of Fiscal Year 2008 – 2009 Payments: Pre-approval of specified categories of bills for fiscal year 2008 – 2009 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 2008 – 2009 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



- (F) Putah Creek Restoration Project – Pickerel Floodplain Restoration: Authorization to adopt Negative Declaration for Putah Creek Restoration Project – Pickerel Floodplain Restoration is recommended. Cost is \$50,000.
- (G) AB 2501: Support of amendments recommended by Reclamation District No. 2068 on AB 2501 – Climate change and water resources is recommended.

6. BOARD MEMBER REPORTS

RECOMMENDATION: For information only.

7. GENERAL MANAGER'S REPORT

RECOMMENDATION: For information only.

8. SCWA BUDGET FOR FISCAL YEAR 2008 – 2009

RECOMMENDATION: Hear report from Executive Committee, acting as the Budget Review Committee, and consider adoption of the Water Agency's fiscal year 2008 – 2009 budget.

9. CONSULTANT CONTRACTS

RECOMMENDATION: Authorize Chairman to execute agreements and amendments for the following consultant services for work through fiscal year 2008 – 2009:

1. AD Consultants, Modeling/Optimizing and Data Management, new contract – contract limit of \$83,700;
2. Agrichem Services, Inc., Nuisance Vegetation Management, new contract – contract limit of \$36,112;
3. Blankinship & Associates, Compliance Monitoring for Aquatic Pesticides Usage, amendment for increase of \$40,550 and extension of term;
4. California Department of Fish and Game (CDFG), Toxicity Tests and Field Studies for Control of New Zealand Mud Snails, new contract – contract limit of \$80,844;
5. Campi Engineering, Sewage Disposal Site Design, amendment for extension of term only;
6. CH2M Hill, Preparation of Solano Habitat Conservation Plan EIR/EIS, amendment for extension of term only;
7. David's Engineering, PSC Water Losses Management Study, amendment for extension of term, increase of \$19,662 and updated of Scope of Work;
8. Electric & Gas Industries Association, Solano County High-Efficiency Washer Program, amendment for extension of term and increase of \$35,000;

9. Eyasco, SCADA system support, software development and database development, new contract – contract limit of \$180,030;
10. Grunstad Landscaping, Landscape Maintenance at Six Flags Marine World, amendment for extension of term and increase of \$8,770;
11. KC Engineering, Construction Testing and Geotechnical Assistance, new contract – contract limit of \$31,000;
12. Laugenour and Meikle Civil Engineers, Land Surveying & Engineering Design, amendment for increase of \$22,500, updated Scope of Work, updated Rates of Compensation and extension of term;
13. LSA Associates, Inc., Habitat Conservation Plan, new contract – contract limit of \$351,000;
14. Luhdorff & Scalmanini, Northern Solano County Groundwater Monitoring Program, amendment for extension of term only;
15. Marvin Jensen, Lake Berryessa Evaporation Study, amendment for increase of \$3,500 only;
16. Mike Bobbitt & Associates, Geographical Information Systems Services, amendment for increase of \$114,800 and extension of term;
17. Northwest Hydraulic Consultants, PSC Sediment Management, new contract – contract limit of \$236,209;
18. Philip Williams & Associates, LTD, Barker Slough Hydrodynamic Study, new contract – contract limit of \$70,570;
19. Phillip Williams & Associates, LTD, Lower Putah Creek Channel Capacity Analysis, amendment for extension of term only;
20. Somach, Simmons, and Dunn, Putah Creek and HCP Legal Services, amendment for extension of term and change in Rate of Compensation;
21. Southwest Environmental Inc., Installation of High-Efficiency Toilets at CII locations, amendment for extension of term and increase of \$100,000;
22. Streamwise, Project Planning, Geomorphic Assessment and Design services, new contract – contract limit of \$40,000;
23. Summers Engineering, Inc., Solano Project R&B Planning and Implementation, new contract – contract limit of \$100,000;
24. Thomas R. Payne & Associates, Fishery Monitoring, new contract – contract limit of \$128,082.46;
25. Water Works Consulting, State Water Project Statement of Charges Analysis, amendment for extension of term only;
26. West Yost & Associates, Flood Control Planning and Implementation, new contract – contract limit of \$64,500;
27. Wildlife Survey & Photo Service, Solano Project/LPCCC Biomonitoring for Effects of New Zealand Mud Snails (NZMS), new contract – contract limit of \$145,780;
28. Winzler & Kelly, Solano County CII Water Conservation Program, amendment for extension of term and increase of \$80,000 only;

29. Wood Rodgers, Gibson Canyon Creek Flood Control Watershed Project, amendment for extension of term only;
30. W.R. Davis Collaborative, Solano Habitat Conservation Plan Steering Committee Facilitation, new contract – contract limit of \$10,000;
31. Wreco, Suisun Creek Detention Basin Study, amendment for extension of term only;

10. COST OF LIVING ADJUSTMENT FOR WATER AGENCY EMPLOYEES

RECOMMENDATION: Approve a 3.2% Cost of Living Adjustment for Water Agency employees for fiscal year 2008 – 2009.

11. 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 2008 – 2009.

12. DELTA ISSUES

RECOMMENDATION: Hear report from General Manager on status of development of specific positions on Delta issues. Provide policy guidance as needed.

13. FLOOD CONTROL SMALL GRANT PROGRAM

RECOMMENDATION: Approve guidelines for grant program for fiscal year 2008-2009 to be managed by Solano Resource Conservation District.

14. TIME AND PLACE OF NEXT MEETING

Thursday, July 10, 2008 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.

June.2008.bod.agd.doc

**SOLANO COUNTY WATER AGENCY
BOARD OF DIRECTORS MEETING MINUTES**

MEETING DATE: May 8, 2008

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 Mary Ann Courville, City of Dixon
Mayor Eddie Woodruff, City of Rio Vista
Mayor Osby Davis, City of Vallejo
Councilmember Chuck Timm, City of Fairfield
Supervisor John Silva, 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 Everett Whiting, Reclamation District 2068
Director Bob Bishop, Solano Irrigation District
Manager Don Holdener, Maine Prairie Water District

CALL TO ORDER

The meeting was called to order at 6:35 pm by Chair Eddie Woodruff.

APPROVAL OF AGENDA

On a motion by Mayor Patterson and a second by Mayor Courville the Board unanimously approved the agenda.

PUBLIC COMMENT

No public comment was received.

CONSENT ITEMS

On a motion by Mayor Courville and a second by Director Whiting the Board unanimously approved the following consent items, including the addendum to agenda item (B), Additional Expenditure Approvals:

- (A) Minutes
- (B) Expenditure Approvals
- (C) Amendment to Agreement with Electric & Gas Industries Association
- (D) Amendment to agreement with Winzler & Kelly Consulting Engineers
- (E) Support for AB 2537 – Public Works: Exemption: Volunteers
- (F) Amendment No. 4 to the Agreement with Southwest Environmental Incorporated for the Installation of High-Efficiency Toilets at Commercial, Industrial and Institutional locations

BOARD MEMBER REPORTS

No reports were given.

GENERAL MANAGERS REPORT

No additional report was given.

NORTH BAY AQUEDUCT WATER QUALITY RESEARCH GRANT

Manager Okita outlined the proposed commitment by the Agency to receive Proposition 50 Water Quality Grant funds for development of a North Bay Aqueduct Water Quality Research Facility. On a motion by Supervisor Reagan and a second by Supervisor Vasquez, the Board unanimously approved to authorize the Chairman to execute a letter of commitment between the State of California and the Solano County Water Agency for \$1,560,000 in grant funding for development of a North Bay Aqueduct Water Quality Research Facility.

UPDATE OF NORTH BAY AQUEDUCT FEASIBILITY STUDY

General Manager Okita summarized the proposed agreement for a feasibility study update and engineering assistance in planning for an Alternative Intake Project for the North Bay Aqueduct to further evaluate the two potential alternatives, update the cost of implementation, and provide support in developing technical details necessary to assist in decision making and completing environmental documentation to construct the preferred alternative.

The Board requested that a discussion for the extension of the Tehama-Colusa Canal be considered in the analysis, the relationship of this project to other ongoing processes such as the Bay-Delta Conservation Plan and Delta Vision be included, and be consistent with AB 837.

On a motion by Supervisor Vasquez and a second by Supervisor Reagan, the Board unanimously approved to execute an agreement with CDM Consultants, for a feasibility study update and engineering assistance in planning for an Alternative Intake Project for the North Bay Aqueduct.

UPDATE ON DELTA ISSUES

General Manager Okita briefed the Board on studies to be completed in the next few months to provide data on the drinking water quality at the North Bay Aqueduct, County agricultural economics and operations of local water diversions. The results of these analyses will assist the Board in developing more specific negotiating points in future Delta discussions.

The Board conveyed a sense of urgency to develop specific concerns and needs regarding Delta issues to respond to inquires that come sooner. Manager Okita informed the Board that 2 of the studies were currently underway. An agreement for the economic study is currently being negotiated with a qualified consultant. In the interim the Board directed staff to develop language for some specific positions for consideration by the Board absent the specific numbers which can be inserted as soon as available.

APPOINT BUDGET REVIEW COMMITTEE

Chairman appointed the Executive Committee to review the draft Fiscal Year 2008-2009 SCWA budget and develop a recommendation to the Board for the June meeting. The Budget Committee will meet June 4 at 6:00 p.m. in the Solano Irrigation District Board Room.

TIME AND PLACE OF NEXT MEETING

Thursday, June 12, 2008 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 6:55 pm.

David B. Okita, General Manager
and Secretary to the Board of Directors of the
Solano County Water Agency

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A-16

X-B-9-8

Traffic, Pedestrian and Bicycle Safety (TPBS) Committee

The agenda for the July 17, 2008 Meeting is in process, the minutes from the April 17, 2008 are not yet finalized.

Meetings begin at 7:00 pm and the meeting schedule for 2008 is listed below:

January 17, 2008

April 17, 2008

July 17, 2008

October 16, 2008

AGENDA ITEM
CITY COUNCIL MEETING: JUNE 17, 2008
COUNCIL MEMBER COMMITTEE REPORTS

DATE : June 5, 2008

TO : Vice Mayor Campbell
Council Member Hughes

FROM : City Manager

SUBJECT : **TRI-CITY AND COUNTY COOPERATIVE PLANNING GROUP**

The following information is provided for your committee report at the June 17, 2008 Council meeting.

A joint meeting of the Citizens Advisory Committee (CAC) and the Governing Board was scheduled to occur on Monday, May 5, 2008 at 7:00 at the Solano County Government Center in Fairfield but this meeting was cancelled due to lack of a quorum of both CAC members and the Governing Board. The joint meeting had been scheduled so that a status report could be presented and discussion could ensue regarding the Solano County General Plan update. Since this opportunity has been lost because of the cancellation of the joint meeting, members of the Governing Board and CAC are encouraged to send comment directly to the County regarding the draft plan.

The next meeting of the Governing Board will be September 8, 2008 while the next meeting of the CAC will be August 20, 2008. A final meeting agenda for these meetings is unavailable at this time.

AGENDA ITEM
CITY COUNCIL MEETING: JUNE 17, 2008
COUNCIL MEMBER COMMITTEE REPORTS

DATE : June 6, 2008
TO : Council Member Hughes
FROM : Ken Hanley, Fire Chief
SUBJECT : **VALERO COMMUNITY ADVISORY PANEL (CAP)**

The following information is provided for your committee report at the June 17, 2008 Council meeting.

The CAP meets quarterly at 6:30 p.m. at the refinery at 610 Industrial Way. The next CAP meeting is scheduled for July 23, 2008.

AGENDA ITEM
CITY COUNCIL MEETING: JUNE 17, 2008
COUNCIL MEMBER COMMITTEE REPORTS

DATE : June 6, 2008

TO : Mayor Patterson
Council Member Schwartzman
Council Member Ioakimedes

FROM : Youth Action Task Force

SUBJECT : **YOUTH ACTION TASK FORCE**

The following information is provided for your committee report at the June 17, 2008 City Council meeting. Attached please find: minutes for the March 2008 YATF meeting, report on the Social Marketing Campaign, 2007-2008 Compliancy Data, and MSA and Match program participation numbers.

BENICIA YOUTH ACTION TASK FORCE
MINUTES
March 23, 2008

PRESENT

| | |
|------------------------|---|
| Allison Angell | Benicia Public Library |
| Sgt. Mark Alkire | Benicia Police Department |
| Helaine Bowles | Benicia Library, Sorpotimists, Benicia Performing Arts Foundation |
| Jeff Harris | Benicia Police Department |
| Mike Ioakimedes | City Council |
| Annie Lloyd | Parks and Cemetery Commission (City) BUSD (Retired) |
| Mary Frances Kelly Poh | Community Action Council |
| Alan Schwartzman | City Councilman, City of Benicia, Rotary |
| Ric Small | Community, Mentor, Crisis Response Team |
| Rosie Switzer | Trustee, Benicia Unified School District |
| Jim Trimble | MSA Advisory Board, Rotary |
| Gary Wing | Community at Large (Crisis Response/Faith) |
| Cecile Kazemi | Coordinator |

ABSENT

| | |
|------------------------------|--|
| Janice Adams, Superintendent | Benicia Unified School District |
| Sergio Cruz, | School Resource Officer |
| Capt. Ken Davena | Benicia Police Department |
| Clare Davies, | BUSD Director Special Services |
| Tracee Devincinzi | Family Learning Center, Peace Jam |
| Jeff Harris | Youth Services Officer |
| Curtis Hunt, | ATOD All City Teams Coordinator |
| Jerry Pollard | Faith Community, Chaplaincy Corps |
| Dan Schiada | Director Public Works, City of Benicia |
| Patti Small | Community Representative |
| Chief Sandra Spagnoli | Benicia Police Department |
| Colleen Smith | Family Resource Center, Coordination |
| Kayla Taylor | Solano County Substance Abuse |
| Steve Thomas | Panther Foundation |
| Bill Whitney | Rotary, Community at Large |
| Ruth Yacovetti | Solano County Health and Social Services |

GUESTS Bob Craft, community member
 Karen LaRiviere, community member

Resignations: Becky Billing
 Jamie Blomdal
 Matt Donahue

Call to Order

The meeting was called to order at 3:37 p.m. All members and guests were introduced and welcomed. The YATF coordinator referred to the Fundamental Rights of the Public which encourages public participation.

Monthly Approvals

The agenda for February 27, 2008 meeting was approved as presented.

X-B-13-2

Motion – Mike Ioakimedes; second, Annie Lloyd.
Status: Unanimous approval as written.

Minutes for the January 23, 2007 meeting were approved as presented.
Motion – Mike Ioakimedes; second, Annie Lloyd
Status: Unanimous approval as written.

Action Items

Legislative Actions

Spence Rundberg was not in attendance to discuss this item. Cecile Kazemi, YATF (City Team) Coordinator noted that Marcia Jo of Solano County Health and Social Services had recently left the department for a new position, so the Mental Health Initiative contact had changed. She will forward contact information to anyone who requests it.

No action was taken on this item.

Alcohol, Tobacco, and Other Drugs (ATOD) Reducing Rates Strategies Update

Cecile suggested that in the future, it might be helpful to provide reports by exception unless a decision needs to be made and action needs to be taken, in which case, an item related to ATOD strategies would appear as an action item. Generally, members agreed given the timeframe of YATF meetings. Jim Trimble was concerned about using this methodology. Cecile noted that members could receive regular written updates on all MSA funded Strategies (Reducing Rates Coalition, City Teams, Social Marketing, Adolescent Intervention Modality (AIM) and Smoking Cessation) and could take actions as needed to comply with contract agreements by restructuring the agenda slightly and reporting by exception. A major concern was that the group typically cannot get through the entire agenda unless an effective means of streamlining discussion could be developed.

No specific determination was made, although there was general agreement by most members that this process could be implemented.

Strategic Plan

Curtis Hunt, ACT coordinator and Cecile Kazemi discussed the recently approved Reducing Rates Strategic Plan, a three year with major initiatives and goals that will act as “roadmap” for ATOD prevention and intervention services in the county. Copies of the strategic plan were provided for all in attendance and are available electronically by request. RRC Strategic Cecile noted that the plan provides for additional training on a variety of levels to enhance community coalitions, including such areas as the Strategic Prevention Framework.

Funding

As discussed in previous meetings, Jim Trimble, MTSAB chair, reviewed the Reducing Rates (RR) of Alcohol Tobacco and Other Drugs (ATOD) funding situation for the coming year. Curtis confirmed that approximately \$3.0 million has been allocated for 2009-2010 and earmarked for 2009-2010 and 2010 - 2011 to support RR Strategies as well as community clinics. Since the clinics are included in the allotment, there will be a decrease in funding to Reducing Rates Strategies. In addition, future funding, while currently earmarked, cannot be guaranteed now that the MSA funds have been used to fund capital projects.

Given current spending patterns in the five strategies, the Reducing Rates Coalition has recommended that the RRC, community mobilization, AIM, and social marketing strategies remain funded at the current

rate, decreases in administration costs, and decrease or elimination of smoking cessation and evaluation for the coming fiscal cycle. Jim Trimble reported that in addition to the task of identifying funding for ATOD projects, the Ad Hoc committee is in the process of evaluating these recommendations as well as developing a plan for unspent MSA funds for the current fiscal year. He said that this committee as well as the Master Tobacco Settlement Advisory Board (MTSAB) have discussed the RRC recommendations and philosophically find the elimination of these strategies unacceptable. No final decision had been reached at the time of the YATF meeting as the Ad Hoc Committee has not finalized a plan for unspent funds nor developed funding strategies to keep all of the RRC strategies in tact. There is also some question as to whether the cost to maintain the community clinics will remain in the ATOD set aside funds that needs to be resolved.

Adolescent Intervention Modality (AIM)

Jim Trimble, who currently serves as the MTSAB chair, expressed concern about AIM in Benicia, since no AIM counselor had been hired. He stated that Del Royer, Solano County Health and Social Services Substance Abuse Administrator, has said at both the recent RRC meeting and the MTSAB meeting that AIM services were being provided by Youth and Family Services. Jim also indicated that Del also reported that AIM funds had been completely utilized in the other communities where YFS provides AIM services (early intervention and referral.)

Jim questioned as to whether or not AIM was operational in the community. Cecile responded that the memo provided by Kay Bosick, YFS Executive Director, that members had received at the last meeting, stated that while YFS provides some services (ADAPT) they were not currently providing AIM services since no funding had been allocated for that purpose in Benicia. Cecile also stated that at the last AIM Workgroup meeting, Kay had indicated that funds had run out in other cities where YFS provides AIM, and that although YFS had not provided these services in Benicia, it might be possible for YFS to provide AIM in Benicia if funding were made available to do so. She noted that AIM in Benicia had been a continuing discussion at the RRC meetings for several months and that she was unaware of any Benicia funds being diverted to any other agency. Cecile also noted that as reported at previous meetings, the counselor position had been posted. It was also reported that there had been seven or eight applicants and that the two finalists would be being interviewed the first part of April.

Jim expressed concern as to which report was correct – the county or YFS - but more importantly, he stated that the MTSAB was extremely concerned that Benicia did not have AIM services in place for this fiscal year. He suggested that the YATF should write a letter directly to the City Manager to urge filling the AIM counselor position so that appropriate services can be restored.

Cecile suggested that this item be carried over to the next meeting as an action item. Members agreed by consensus.

Ongoing Projects

Environmental Strategies (ATOD)

Deemed Approved Ordinance and the Conditional Use Permit are currently with the City Attorney for the final draft. Following that, the subcommittee should be meeting with bar owners prior to moving the items forward to the Planning Commission or City Council.

No action was taken on this item.

Social Marketing Campaign (ATOD)

The subcommittee has continued to meet to develop the local campaign. Some materials from the last campaign are still available to use until new materials are delivered. Annie Lloyd discussed the plan to

distribute materials at the Farmer's Market – this will cost approximately \$100. The group is also recommending a “take away” with the campaign theme in the form of a recyclable shopping bag. Cecile is working with Jim Brady to develop this additional component. ATOD funds would be available for this project. Once all new materials are available, we will develop a press release that will help facilitate distribution of materials over the course of the campaign. Subcommittee members will provide more details and get commitment from members as the campaign develops.

Town Hall Meeting – Underage Drinking (ATOD – City Team Community Meeting)
Cecile reported the first town hall meeting with the community presentation following Every 15 Minutes and distribute underage drinking and social marketing campaign materials. Working with the EFM student leaders, she will develop a plan for additional town hall meetings in May and June.

Every 15 Minutes

The program is scheduled for April 8th and 9th. All components are in place and on target.

Family Resource Center (FRC)

Colleen Smith

Colleen Smith, FRC Coordinator, was absent so no report was presented.

Old Business

Strategic Planning Process/Visioning

Cecile reported that she had met with the City Manager and learned that Sharon O'Hara from Fighting Back Partnership, would be facilitating the visioning/strategic planning process. Cecile had assisted Anne Cardwell in developing a list of potential stakeholders. Others on the list will come from other sources. Anne will be contacting potential stakeholders and each person will be interviewed by Ms O'Hara prior to the visioning workshop.

No action was taken on this item.

Internet Safety Program

Rosie Switzer, BUSD Trustee, confirmed that the amount for the Internet Safety program will be \$1400.00.

No additional action was taken on this item as funding has already been approved.

New Business

Budget Adjustment.

In response to the discussion and approval for funding for up to two sessions of Anger Management for secondary school students during the current school year (March 20, 2008 Special Meeting,) members discussed making a budget adjustment to the 2007-2008 fiscal year. According to Alan Schwartzman, who met with Rob Sousa, Director of Finance for the City of Benicia on March 20, 2008, YATF would need to make a written request to the City Manager to reduce this year's budget by a specific amount and carry over those funds to the next fiscal year. After discussion, members agreed in principle to this action, after canvassing Benicia Middle School, Benicia High School, and Liberty High School.

To date, Jane Abelee, principal at Liberty High School, has indicated that her school would like one session per quarter in the coming academic year. The cost for the program at LHS facilitated by Youth and Family Services now is \$3000. Cecile will confirm cost for multiple programs with Kay Bosick, Executive Director of YFS prior to the next meeting.

This item will be an action item on April 23, 2008.

X-B-13-5

Public Comments

Karen LaRiviere, BHS site council member, discussed the community forum recently held at Benicia High School. She said that she was interested in learning about programs that YATF had offered in the past and what might be available to assist families dealing with ATOD issues. She said also that the consensus among those in attendance at the recent forum was that the school should be the point of service, although there may be a variable in that. The group discussed the series of community panel discussions that were held monthly for several years that addressed various substances, treatment, etc. as well as other programs YATF sponsored. Jim Trimble suggested putting together a list of program and services to be discussed at a future meeting.

Member comments

Mary Frances Kelly Poh presented information on a program sponsored by Solano County Office of Education to acquaint foster youth with the college experience and the North Bay Stand Down Planning Committee Sock Drive to donate socks to homeless and at-risk Veterans. Flyers are available upon request.

Adjournment

The meeting was adjourned at 5:13 p.m.

Solano County Underage Drinking Adult Awareness Campaign

Sponsored by the Solano County Board of Supervisors and Solano County Health and Social Services Department in conjunction with the Benicia Youth Action Task Force and all City Teams in Solano County.

Hopefully, you have seen the powerful television commercials about the risks of underage drinking on popular cable television channels in Solano County. You might just hear a familiar voice.

The spots, created by Brady and Associates under contract to the Solano County Health and Social Services Department, are part of the effort to reach parents of teens and pre-teens and other adults about the risks of underage alcohol use. This effort supports Benicia's recently adopted Social Host Ordinance.

Solano County native, Holly Stell, sings a haunting rendition of The Louis Armstrong hit, "What a Wonderful World", as the viewer sees a young girl having a "not so wonderful day". The girl, riding on her bicycle, watches an illegal underage teenage purchase of alcohol and later witnesses the terrible result of those teens drinking while driving. (Note: the spot can be viewed on www.nodrugs.info. Ms. Stell, www.hollystell.com, has produced numerous CD's featuring her wonderful voice.)

As in previous years, the campaign drives home the point to parents and all adults that dealing with the risks of early alcohol use *now* can help children understand that it's not worth the risk to experiment with alcohol. The TV spots are also sobering reminders to all adults that an underage person cannot use alcohol without the assistance of an adult. The spots encourage parents to find out more by going to a Solano web site, www.nodrugs.info to get the facts about underage drinking and how they can prepare their child and help prevent first use of alcohol. The campaign will continue through the June in some cities in the county and through the summer in Benicia and Vallejo.

Drinking alcohol before age 21 is illegal in California. Any presence of alcohol can result in arrest and losing driving privileges if connected with using a car. Alcohol is also the most available drug for many teens. In fact, two-thirds of teens say that they get alcohol from family and friends. (See "Factoids" for more teen alcohol facts.)

"People who begin drinking before age 15 are 4 times more likely to develop alcohol dependence at some time in their lives, compared to those who have a first drink at age 20 or older. It is linked to as many as two-thirds of all sexual assaults involving teens and college students. And yet, it is the most commonly used drug among young people," said Del Royer, Solano County Substance Abuse Administrator.

Royer explained that these risks include:

- Decreased attention to studies and increased likelihood of dropping out of school
- Increased risk of sexual assault as alcohol reduces inhibitions

- Increased risk of serious injury or death from drinking and driving (During a typical weekend, one teen dies each hour in an auto accident. Of these crashes, 50 percent involved alcohol.)

National surveys have shown the divide between teen alcohol use and parents' understanding of the problem. Only 31 percent of parents of 15- to 16-year-olds believe their child had a drink in the past year, compared to the 60 percent of teens in that age group who reported drinking. (Hart Research Associations, 2003)

"That's why we are conducting this campaign here in Benicia, directing our efforts towards parents, caregivers, and all adults," said Cecile Kazemi, Coordinator, Benicia Youth Action Task Force. "First, they have to recognize the problem. Studies have clearly shown that parents don't always appreciate the real risks posed by early alcohol use, and that many adults don't recognize the connection between adults facilitating the availability of alcohol, early experimentation, and the tragic results."

According to the 03-04 California Healthy Kids Survey, youth in Solano County are similar to those in other parts of the country. By the 7th grade, 21 percent of youth reported they had used alcohol. By the 9th grade, the percent jumps to 46 and by 11th grade, 64 percent of youth have tried alcohol. Disturbingly, a substantial number of our kids *currently* (within the past 30 days) drink alcohol: 35 percent in 11th grade, 27 percent in 9th grade and 13 percent in 7th grade.

Studies also have shown that teenagers whose parents talk to them regularly about the dangers of drugs are 42 percent less likely to use drugs than those whose parents don't, yet only one in four teens reports having these conversations. (Partnership for a Drug-Free America news release, 4/26/99)

This campaign is part of a much larger initiative lead by the Solano County Board of Supervisors and the Solano County Health and Social Services Department to reduce the rates of alcohol, tobacco and other drugs. Every city in Solano County is participating in the effort to reduce drug use.

Benicia City Team Compliance Check Data

July 2007 through June 2008

2007-2008 Compliance Check Plan – goal one compliance check (standard decoy/shoulder tap, educational decoy, surveillance etc.) per month or equivalent total overall

| Date of Compliance Check | Participants | Type | Compliance Outcome | Compliance Percentage |
|---|--|--|--|------------------------------|
| July 2007 | NONE | NONE | N/A | N/A |
| August 30, 2007 | BPD Investigation Bureau Two officers, minor decoy Standard Decoy Operation | Alcohol Off-sale businesses Sales to Minors | 12 stores 2 sales Both clerks were cited | 83.333% |
| September 25, 2007 | BPD Investigation Bureau Two officers, minor decoy Standard Decoy Operation | Tobacco Sales to Minors | 15 stores 1 sales RP - Business owner Cited | 93.333% |
| 10/15/07 (45 minutes) | BPD Investigation Bureau After receiving reports of possible narcotics dealing at a local ABC licensed retailer two (2) investigators held surveillance. | Alcohol Narcotics ABC Licensed establishment | 1 location No sales | 100% |
| 10/17/07 1 hour 15 minutes | | | | |
| 10/23/07 1 hour 30 minutes | | | | |
| 10/30/07 | BPD Investigation Bureau 2 members of the investigations unit conducted a tobacco sting using a 17 year old decoy. Neither of the officers was on overtime. | Tobacco Sales to Minors | 16 retailers No sales | 100% |
| November 11, 2007 11:30am - 1:00 pm surveillance and enforcement in the area surrounding Benicia High School. | BPD Investigation Bureau Surveillance Enforcement Area surrounding Benicia High School (7 officers @ 1.5 hours each = 10.5 hours | Minors Tobacco Violations | 2 citations on juveniles for possession of tobacco 1 citation on a juvenile for possession of marijuana | N/A |

Data provided by:

Capt. Ken Davena, Benicia Police Department
Sgt. Mark Alkire, Benicia Police Department

Benicia City Team Compliance Check Data

July 2007 through June 2008

2007-2008 Compliance Check Plan – goal one compliance check (standard decoy/shoulder tap, educational decoy, surveillance etc.) per month or equivalent total overall

| Date of Compliance Check | Participants | Type | Compliance Outcome | Compliance Percentage |
|----------------------------------|--|--|--|-----------------------|
| December 2007 | NONE | NONE | N/A | N/A |
| January 29, 2008 | BPD Investigation Bureau Two officers, minor decoy Standard Decoy Operation | Alcohol Off-sale businesses | 12 stores 2 sales Both clerks were cited | 83.333% |
| February 2008 | NONE | NONE | N/A | N/A |
| March 31, 2008 | BPD Investigations Bureau Two officers Surveillance (2 hours – 4 man hours) | Tobacco In previous months there have been complaints at this location regarding juveniles loitering and possibly purchasing alcohol and tobacco products. | No violations observed | 100% |
| April 23, 2008 Late afternoon | BPD investigations Two officers, minor decoy Standard Decoy Operation | Tobacco Compliance Check Sales to Minors | 13 stores 2 sales RP cited | 87% |
| May 27, 2008 | BPD investigations Two officers, minor decoy Standard Decoy Operation In conjunction with Friday Nite Live (19 year old decoy) | Alcohol Compliance Check Sales to Minors | 12 stores 0 sales | 100% |
| June 2008 | Planned but not scheduled Per Sgt. Mark Alkire | | | |

Data provided by:

Capt. Ken Davena, Benicia Police Department
Sgt. Mark Alkire, Benicia Police Department

DATE: June 6, 2008
TO: Benicia City Council
FROM: Cecile Kazemi
Benicia City Team Coordinator
RE: MSA –funded and Match Programs for Reducing Rates of ATOD use
Student Participation through March 31, 2008

The following reflects the participation numbers for ATOD-related school-based programs funded through ATOD (formerly MSA) grant funds, match programs, and complimentary programs

1. Second Step (MSA funded) Research-based program with fidelity
Groups – Grades K-5
157 individual students (unduplicated)
1305 total contacts
2. Second Step (MSA funded) Research-based program with fidelity
Classroom sessions – K-3
K-3 1288 students (unduplicated)
2nd – 3rd Grades - Classroom presentations
March 31, 2008 – nine times each class
K-1st Grades by May 31st 2008 – nine times each class*
(By May 31, 2008)
11,592 total contacts (individuals in class settings)
3. Too Good For Drugs (Match program) Research-based program with fidelity
4th Grade – 342 students (unduplicated)
6th grade – 388 students (unduplicated)
(10 week program implemented by SCOE)
4. Special Friends (Match program) Research-based EMHI progra
147 students (unduplicated)
Total contacts – 1141 individual 40 minute contacts

Note: BUSD project information provided by Spence Rundberg

5. Complimentary programs
Drug Awareness and Education (DARE)
Total students – 406 (all fifth grade students) (unduplicated)
10 sessions

Champions – Locally developed
Total students – 383 (unduplicated)
8 sessions

Note: BPD project information provided by Sgt. Mark Alkire)

X-B-13-11

Participation Rates Continued

Every 15 Minutes

1800 total students (approximately) (Benicia High School/Liberty High School)

25 home school students

75 active student participants (pull out and scenario participants)

6 students on the planning team

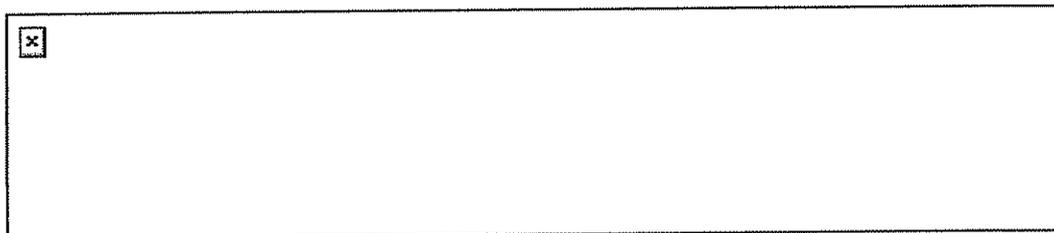
AGENDA ITEM
CITY COUNCIL MEETING: JUNE 17, 2008
COUNCIL MEMBER COMMITTEE REPORTS

DATE : June 6, 2008
TO : City Council
FROM : Mayor Patterson
SUBJECT : **ABAG/CAL FED TASK FORCE/BAY AREA WATER FORUM**

The next meeting date of the Water Forum is on Monday, June 30, 2008 from 10:30 am – 1:30 pm. Please see the following email for additional details.

Anne Cardwell - BAWF Save the Date June 30th

From: "Charlotte Chorneau" <cchorneau@ccp.csus.edu>
Date: 6/5/2008 5:01 PM
Subject: BAWF Save the Date June 30th

**SAVE THE DATE:**

BAWF Meeting:
The Los Angeles Green Solution Project
Monday, June 30th

10:30 a.m. - 1:30 p.m.

Auditorium, Metro Center (*please note the new meeting location!*)

101 8th Street, Oakland (across from Lake Merritt BART)

Esther Feldman, Director of Community Conservation International (<http://www.ccint.org>), will discuss the **Green Solution Project**, which focuses on the use of existing public lands for stormwater management and water quality improvements.

The Green Solution Project pioneers a creative and practical approach for improving water quality and flood protection by focusing on unpaving concrete and impervious areas and retrofitting porous areas on existing public lands, so that these lands can act as natural filters while also providing important park, habitat and other green open space.

For a copy of the Green Solutions report: www.ccint.org/greensolution.html

RSVP to Charlotte Chorneau to reserve lunch cchorneau@ccp.csus.edu.

For more information contact: Mary Selkirk, mseirk@ccp.csus.edu

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.

X-B-14-2