

July 1, 2008 Regular Council Meeting

BENICIA CITY COUNCIL

REGULAR MEETING AGENDA

City Council Chambers

July 1, 2008

7:00 P.M.

I. CALL TO ORDER:

II. CLOSED SESSION: TO BE HELD PRIOR TO THE REGULAR MEETING AT 6:30 P.M.

III. CONVENE OPEN SESSION:

A. ROLL CALL

B. PLEDGE OF ALLEGIANCE

C. REFERENCE TO THE FUNDAMENTAL RIGHTS OF PUBLIC

IV. ANNOUNCEMENTS/APPOINTMENTS/PRESENTATIONS/ PROCLAMATIONS:

A. ANNOUNCEMENTS:

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

2. Openings on Boards and Commissions:

Sky Valley Open Space Committee:

One unexpired term to September 30, 2010

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

Civil Service Commission:

One full term to August 31, 2011

Planning Commission:

Two full terms to September 30, 2012

3. Mayor's Office Hours:

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

B. APPOINTMENTS:

C. PRESENTATIONS:

D. PROCLAMATIONS:

[Recognition of Parks & Recreation Month – July 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 June 9, 2008 and June 17, 2008. \(City Clerk\)](#)

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

This claim involves a trip and fall in front of the Old State Capitol. Public Works Department staff has advised that there are no reported issues at this location and no records of repairs being made in the area during the last three (3) years. The amount of the claim is unknown. Recommendation: Deny the claim against the City by Judy Silva and refer to insurance carrier.

[C. Denial of the claim against the City by Carla Lougee and referral to insurance carrier. \(City Attorney\)](#)

Ms. Lougee is requesting reimbursement for concrete removal from her vehicle. While a City crew was doing repair of the sewer line in the area, Public Works Department staff has advised that signage was posted and there were no vehicles parked on the side of the street where the work was being performed. Staff further advises that since the damage was to the left-hand side of the vehicle, it would have been parked across the street, approximately 30 feet from where the work was being done. The amount of the claim is for \$150.00.

Recommendation: Deny the claim against the City by Carla Lougee and refer to insurance carrier.

[D. Second 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. \(Parks & Community Services Director\)](#)

The tree ordinance updates the City's current tree regulations and establishes a comprehensive tree program, including a standing tree committee, tree fund and heritage tree program. There is no new fiscal impact from these changes.

Recommendation: Adopt the ordinance, with the requested change, to enhance, update and improve the City's current tree regulations.

[E. Award of construction contract for the East 5th Street Smart Growth Project. \(Public Works Director\)](#)

This smart growth project will construct bicycle lanes, pedestrian alley crossings, and bulb-outs with high visibility crosswalks on East 5th Street. These improvements will work in synergy to calm traffic and encourage alternative modes of transportation such as walking, bicycling, and transit use. Sufficient funding is available in the adopted FY 2007/2008 budget to cover the City's share of cost for this grant funded project.

Recommendation: Adopt a resolution accepting the bids for the East 5th Street Smart Growth Project, awarding the construction contract to Ameca General Engineering of Fairfield in the amount of \$189,099.11, and authorizing the City Manager to sign the contract on behalf of the City.

[F. Establishing clear property title on State Park Road and adopting resolutions of local support for the State Park Road Bike/Pedestrian Bridge Project. \(Public Works Director\)](#)

Design work on the State Park Road Bike/Pedestrian Bridge Project is proceeding on schedule. While completing the right-of-way process, which is part of the federal grants, it

was discovered that Solano County may have a property interest in State Park Road. To establish clear title and allow the project to move forward, staff recommends accepting all interests Solano County may have in State Park Road. The Solano Transportation Authority is recommending that we adopt resolutions of local support at this time to secure the \$1.67 million in federal grants earmarked for the project.

Recommendation: Adopt the following:

- 1) A resolution accepting Solano County's interest in State Park Road quitclaimed to the City of Benicia;
- 2) A resolution of local support authorizing the Director of Public Works to file an application for Federal Congestion Mitigation and Air Quality (CMAQ) funding for the State Park Road Bike/Pedestrian Bridge Project, committing the necessary non-federal match, and stating assurance to complete the project; and
- 3) A resolution of local support authorizing the Director of Public Works to file an application for Federal Transportation Enhancement Activities (TE) funding for the State Park Road Bike/Pedestrian Bridge Project and providing a Certification of Assurance for the project.

[G. Setting 2008-09 secured tax rates for bonded indebtedness for the 1997 General Obligation Sewer Bonds. \(Finance Director\)](#)

Each year at this time, the City is required to adopt the attached resolution that sets the bonded indebtedness secured tax rates for the new fiscal year. This resolution is forwarded to the County Tax Assessor's office for inclusion in property owners' property taxes within the City of Benicia. Due to a slight decrease in Assessed Valuation, the rate for each homeowner will have a minimal increase from .01572 to .01586 per hundred dollars of assessed valuation. The total amount to be collected is \$756,082 and will be used to pay interest and principal on the G.O. Sewer Bonds.

Recommendation: Adopt the resolution setting the 2008-09 bonded indebtedness secured tax rate for the 1997 Sewer Bonds (Series A and B).

[H. Establishment of the annual appropriations limit pursuant to Article XIII B of the California State Constitution for Fiscal Year 2008-09. \(Finance Director\)](#)

Article XIII B of the State Constitution requires cities to limit their growth in appropriations to a formula with options based upon the increase in their city or county population and the increase in non-residential construction or California per capita income. The resolution establishes the formula options and appropriation limit for Fiscal Year 2008-09. The City currently has a \$39.2 million margin between the appropriations limit and the approved appropriations budget for FY 2008-09.

Recommendation: Adopt the resolution establishing the maximum allowable appropriations limit for Fiscal Year 2008-09 in the amount of \$69,715,477.

[I. Approval of modifications to the allocation of positions in the Benicia Police Department, Finance Department and the City Manager's Office. \(City Manager\)](#)

Several positions have undergone review since the budget was adopted and proposed changes from three departments are being presented in this report. 1) The Police Chief is requesting to create a dedicated traffic unit by converting one existing Police Officer position to a Police Sergeant position and reassigning an existing police officer position to become the Traffic Officer. 2) The Finance Director is requesting the Information Technology Technician position be changed to an Information Technology Analyst. 3) The City Manager is requesting

that the Assistant to the City Manager position be changed to an Administrative Services Director position, along with the addition of a part-time clerical position. The net budget cost for the FY 2008-09 Fiscal Year for these changes will be \$60,390.

Recommendation: Adopt the resolution: 1) approving the modifications to the allocations of positions and corresponding budget adjustments; and 2) approving the job description and salary range for Administrative Services Director.

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

VIII. PUBLIC HEARINGS:

IX. ACTION ITEMS:

[A. Introduction of an ordinance adding a new Chapter 12.52 \(Newspaper Racks and Stands\) to Title 12 \(Streets, Sidewalks and Public Places\) of the Benicia Municipal Code. \(City Attorney\)](#)

The City Council requested that an ordinance regulating newspaper racks be drafted. This ordinance is designed to regulate the placement, appearance, number, size and servicing of news racks on the public right-of-way. An encroachment permit would be required for the placement of a rack on the public right-of-way. For the Downtown Mixed Use Master Plan area, news racks would be subject to additional locational requirements.

Recommendation: Introduce the ordinance regulating newspaper racks and stands.

[B. Review of City Boards and Commissions - Term Limits and Lengths. \(City Attorney & Assistant to the City Manager\)](#)

At the Special City Council meeting on January 29, 2008, the City Council reviewed a number of issues relating to boards and commissions. As a result of the discussion at that and subsequent meetings, a review of term lengths and limits of City boards and commission was added to the City Council's Policy Calendar for 2008-09 for the July 1, 2008 City Council meeting. In addition to this discussion, an update on progress in other areas related to boards and commissions will also be provided to the Council.

Recommendation: 1) Review and discuss City boards and commissions term limits and lengths; and 2) Receive an update on the status of other activities related to boards and commissions, including approve, by motion, the extension of certain expiration dates of current board and commission terms in order to facilitate a more effective outreach/interview process.

X. INFORMATIONAL ITEMS:

A. Reports from City Manager.

[1. Informational report on the denial of the special event application for the "Benicia Bicycle Road Race". \(City Attorney\)](#)

The City of Benicia received a special event application from Lamorinda for a bike race on Sunday, September 7, 2008. The City denied the application because of a variety of logistical hurdles relating to traffic impacts and safety, disruption to businesses, and loss of use of Lake Herman Park on a weekend.

Recommendation: Review this informational report summarizing the event proposal and staff review that led to the denial by the City Manager of the application from the Lamorinda Cycling Club/Synergy-Taleo Racing Team ("Lamorinda") for a bicycle road race in and around Benicia on September 7, 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.pdf](#)
-  [VII-A Minutes.pdf](#)
-  [VII-B Denial of Claim-Silva.pdf](#)
-  [VII-C Denial of Claim-Lougee.pdf](#)
-  [VII-D Tree Ordinance.pdf](#)
-  [VII-E E5th Smart Growth.pdf](#)
-  [VII-F St Park Road.pdf](#)
-  [VII-G Secured Tax Rate.pdf](#)
-  [VII-H Appropriations Limit.pdf](#)
-  [VII-I Positions.pdf](#)
-  [IX-A Newspaper Racks.pdf](#)
-  [IX-B Boards & Commissions.pdf](#)
-  [X-A Denial Special Events Permits.pdf](#)



PROCLAMATION

PARKS & RECREATION MONTH - JULY 2008

WHEREAS, the Parks & Recreation profession in California “Creates Community through People, Parks and Programs”; and

WHEREAS, our parks help to preserve and protect the natural and cultural resources of California; and

WHEREAS, Parks and Recreation services support more productive workforces, enhance the desirability of locations for business and families, and stimulate tourism revenues to increase a total community development model; and

WHEREAS, Parks and Recreation strengthens community image and sense of place, and increases cultural unity; and

WHEREAS, Parks and Recreation promotes health and wellness and reduces health care costs; and

WHEREAS, Parks and Recreation fosters human development, helping young people develop and grow into healthy adults, and helping adults live longer; and

WHEREAS, Parks and Recreation facilitates community problem solving; and

WHEREAS, Parks and Recreation strengthens safety and security and reduces juvenile crime; and

WHEREAS, thousands of children, adults and seniors benefit from the wide range of services, facilities and programs provided by Benicia Parks & Community Services Department.

NOW, THEREFORE, BE IT RESOLVED THAT I, Elizabeth Patterson, Mayor of the City of Benicia, hereby urge all residents to enjoy and recognize the social, physical, mental, economic, environmental and community benefits derived from our programs which provide something of value to everyone and recognize July as “Parks and Recreation Month”.

Elizabeth Patterson, Mayor
July 1, 2008

MINUTES OF THE
SPECIAL MEETING – CITY COUNCIL
JUNE 9, 2008

The special meeting of the City Council of the City of Benicia was called to order by Mayor Elizabeth Patterson at 7:11 p.m. on Tuesday, June 9, 2008, 2008 in the City Council Chambers, City Hall, 250 East L Street, complete proceedings of which are recorded on tape.

ROLL CALL:

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

Absent: None

PLEDGE OF ALLEGIANCE:

Mayor Patterson led the pledge to the flag.

FUNDAMENTAL RIGHTS:

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

OPPORTUNITY FOR PUBLIC COMMENT:

WRITTEN:

PUBLIC COMMENT:

None

ANNOUNCEMENT OF CLOSED SESSION:

Mayor Patterson read the announcement of Closed Session

CLOSED SESSION

**A. PUBLIC EMPLOYEE PERFORMANCE EVALUATION
(Government Code Section 54957)**

**Titles: City Manager
City Attorney**

ADJOURNMENT:

Mayor Patterson adjourned the meeting at 7:12 p.m.

MINUTES OF THE
SPECIAL MEETING – CITY COUNCIL
JUNE 17, 2008

The special meeting of the City Council of the City of Benicia was called to order by Mayor Elizabeth Patterson at 6:45 p.m. on Tuesday, June 17, 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:

Jim Erickson, City Manager, led the pledge to the flag.

FUNDAMENTAL RIGHTS:

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

OPPORTUNITY FOR PUBLIC COMMENT:

WRITTEN:

None

PUBLIC COMMENT:

None

ANNOUNCEMENT OF CLOSED SESSION:

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

CLOSED SESSION:

**A. CONFERENCE WITH LABOR NEGOTIATOR
(Government Code Section 54957.6 (a))**

**Agency negotiators: City Manager and Assistant to the City Manager
Employee organization: Benicia Public Service Employees' Association
(BPSEA) - Part-Time Unit**

ADJOURNMENT:

Mayor Patterson adjourned the meeting at 6:46 p.m.

MINUTES OF THE
REGULAR MEETING – CITY COUNCIL
JUNE 17, 2008

The regular meeting of the City Council of the City of Benicia was called to order by Mayor Elizabeth Patterson at 7:00 p.m. on Tuesday, June 17, 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:

Vice Mayor Campbell led the pledge to the flag.

FUNDAMENTAL RIGHTS:

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

ANNOUNCEMENTS/APPOINTMENTS/PRESENTATIONS/PROCLAMATIONS:

ANNOUNCEMENTS:

Action taken at Closed Session:

Ms. McLaughlin reported that Council received information from Staff.

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:

None

PROCLAMATIONS:

1. Library's 15th Birthday Celebration – June 19, 2008
2. United States Army Week – June 9-15, 2008

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:

Two items submitted (copies on file).

PUBLIC COMMENT:

1. Marilyn Bardet, Benicia First – Ms. Bardet invited Council and citizens to attend a public forum at the BHS performing art theatre on 6/24 held by Benicia First.
2. Kathy Kerridge – Ms. Kerridge discussed the Seeno project, and the need for the City to be proactive with regards to the project.
3. Vice Mayor Campbell – Vice Mayor Campbell thanked City Staff for the work done on the St. Catherine's tunnel. He discussed the City weighing in on the bicycle races that will take place – finding a route that would work and make everyone happy. He would like to see this issue discussed at a future meeting.

Council and Staff discussed the short time frame to deal with this and the letter of denial. Mr. Erickson will let the applicant know when it will be discussed.

4. Council Member Ioakimedes – Council Member Ioakimedes inquired about future discussions on the issue of introducing competition for Comcast and AT&T.

CONSENT CALENDAR:

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

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

Noes: None

The Minutes of May 22, 2008 and June 3, 2008 were approved.

RESOLUTION 08-59 - A RESOLUTION 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

RESOLUTION 08-60 - A RESOLUTION APPROVING THE JULY 1, 2007 TO JUNE 30, 2011 MEMORANDUM OF UNDERSTANDING WITH THE PART-TIME UNIT OF THE BENICIA PUBLIC SERVICE EMPLOYEES' ASSOCIATION

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

(END OF CONSENT CALENDAR)

PUBLIC HEARINGS:

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:

Mario Giuliani, Management Analyst, reviewed the staff report.

Council Member Hughes, Ioakimedes, and Schwartzman disclosed ex-parte communications they had on this issue.

Council and Staff discussed past confusion with the existing ordinance, which trees require a removal permit, communication between neighbors, views, tree replacement fees, alternatives to removing trees that are obstructing views, ad hoc tree committee, personal property rights, solar panels, criteria for designation of heritage trees, using a resident's health for tree removal criteria, damage to sewer and water lines, personal property rights regarding views, mediation for disputes regarding views and trees, disseminating information on mediation to residents, suggestion to include reference to the City making a proactive attempt at solving tree issues in the ordinance, not delaying the current ordinance.

Public Hearing Opened

Public Comment:

1. Lee Syracuse – Mr. Syracuse spoke in support of the proposed tree ordinance with one suggested change regarding removal of trees on privately owned property. He discussed the issue of air rights.

Council and Staff discussed the issue of a view ordinance

2. Terry McInerney – Mr. McInerney spoke in opposition to the proposed tree ordinance. He discussed concerns including fees, heritage trees, and personal property rights.

Council and Staff discussed guidelines, tree removal/replacement, fee structure, street trees, and heritage tree designation.

3. Andy Siri – Mr. Siri discussed the current and proposed ordinances. He discussed concerns regarding eucalyptus trees, maintenance, upkeep, and liability. Council and Staff discussed the City’s liability regarding trees on City owned property.
4. Mr. Gartrell – Mr. Gartrell discussed past experiences with eucalyptus trees, tree removal, and heritage trees. He cautioned against City Staff getting involved with mediation of disputes, street trees, education, and the importance of having an easy permit process.
5. Tom Skinner – Mr. Skinner stated that the proposed tree ordinance was divorced from the view ordinance. He discussed the importance of including pruning requirements to maintain views, and concerns regarding non-native trees. He spoke in opposition to the proposed ordinance.
6. Mary Frances Kelly Poh – Ms. Kelly Poh discussed concerns regarding a tree on Mr. Siri’s property, heritage trees, and education regarding trees. She spoke in support of the proposed ordinance.
7. Mr. Lunsted – Mr. Lunsted discussed the denial of his application to remove a pepper tree and the City’s lack of maintaining trees on its property.
8. Mr. Dillard – Mr. Dillard inquired about the definition of a heritage tree, concerns regarding eucalyptus trees, the issue of liability, and the rights of private property owners.
9. Randy Anderson – Mr. Anderson discussed trees on single-family residences, eucalyptus trees, and the Tree Committee’s understanding that the designation of heritage trees would be subject to the approval of the property owner.
10. Alison Fleck – Ms. Fleck discussed her involvement in the proposed ordinance, heritage trees, and the need for tree education.
11. Joe Kearns – Mr. Kearns suggested five rules for dealing with trees.

Public Hearing Closed

Mayor Patterson called for a 5-minute break at 9:05 p.m.

The meeting resumed at 9:12 p.m.

Mr. Erickson clarified that the ordinance gives the single-family property owners (as well as other districts) more rights rather than less rights. Council could make changes to issues such as the heritage trees and dealing with eucalyptus trees. The subject of views is quite difficult and could be dealt with at another time. Staff felt that the proposed ordinance is a significant improvement to what is currently in place.

Council and Staff discussed shifting the burden of proof that solar panels will create a savings back onto the City, holding off on discussing views at this time, coming back at a future meeting to discuss views related to trees, the City taking a more proactive approach regarding neighbor disputes, making the change to the designation of heritage trees (On page VIII-A-11 - keeping the first sentence the same. The next sentence would read ‘The City shall notify the property owner of the nomination. If the property owner consents to the designation, the decision to recommend the tree as a heritage tree shall be submitted to the Parks, Recreation and Cemetery Commission. The rest of the paragraph

would remain the same.), bringing back the issue of views as a policy issue in January 2009, groves of trees being designated as heritage trees, pruning trees where birds are nesting, public notice regarding the tree ordinance, educating the citizens about the ordinance, residential vs. non-residential property, multi-family property being considered residential property, concerns regarding property owners being required to prove savings for removing trees and installing solar panels, mediation (the City not getting involved in mediation), concerns regarding the requirement of a permit to trim trees, the need for the City to take care of its own trees, the need to come up with a way to motivate residents to maintain trees.

Mayor Patterson summarized that Council would introduce ordinance with changes on 12.24.050 – heritage trees – to reflect the consent of property owners.

Council's recommendation to Staff was to take this back to the Parks, Recreation and Cemetery Commission, go with version #2 regarding views, delete footnote #1, and make the language simpler for residents to install solar panels. Views in relation to trees would be looked at sometime in January.

Council thanked Staff and the Tree Committee for their efforts.

ORDINANCE 08- - AN ORDINANCE 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

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

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

Noes: Council Member Ioakimedes

RESOLUTION 08-61 - A RESOLUTION AMENDING THE MASTER FEE SCHEDULE TO INCLUDE TREE REPLACEMENT FEES

On motion of Council Member Hughes, seconded by Vice Mayor Campbell, 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 Comment:

1. Carl Karr – Mr. Karr thanked the City for participating in the process of recognizing the part-time workers and following through with the first ratification of the first union contract for part-time workers.

ACTION ITEMS:

Design review for non-historic residences in the Downtown Historic Overlay District: Council Members Campbell, Ioakimedes, and Schwartzman all had a conflict of interest for the agenda item and therefore had to draw cards to see who could participate in the discussion. After the cards were drawn, Council Members Ioakimedes and Campbell recused themselves from discussion on this item.

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

Council and Staff discussed the past discussions on the threshold issue, and enclaves and exclaves in the district.

Public Comment:

1. Carl Lusted – Mr. Lusted asked for clarification on rules for painting and window replacements, siding, and roofing.
2. Donald Dean – Mr. Dean spoke in support of the proposed resolution.
3. Bonnie Silveria – Ms. Silveria spoke in support of the proposed resolution.
4. Donnell Rubay – Ms. Rubay spoke in support of the proposed resolution.
5. Jon Van Landschoot – Mr. Van Landschoot spoke in support of the proposed resolution.

Council and Staff discussed the rights of property owners, routine maintenance, reach out efforts to homeowners in the district, and additions to non-historic homes in the district.

RESOLUTION 08-62 - A RESOLUTION AMENDING THE DOWNTOWN HISTORIC CONSERVATION PLAN TO REQUIRE DESIGN REVIEW FOR CONSTRUCTION AND MODIFICATIONS OF NON-HISTORIC SINGLE-FAMILY RESIDENCES AND DUPLEXES

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

Ayes: Council Members Hughes, Schwartzman, and Mayor Patterson

Noes: None

Abstain: Council Members Campbell and Ioakimedes

Approval of a new process for appointments to City boards, commissions, and committees:

Anne Cardwell, Assistant to the City Manager, reviewed the staff report.

Council and Staff discussed having joint interviews, adding joint interviews to the resolution in the ‘now therefore be it resolved section’, Brown Act rules, notification by the City Attorney to the Mayor on the committee’s recommendations, process for notifying the committee of recommendations by the two council members, process for the Mayor rejecting recommendations made by the sub-committee, suggestion to have the interviews done by one Council Member and the Mayor, the need for a more transparent

process, the need for avoiding the situation of embarrassing applicants in public, and the need to have checks and balances.

RESOLUTION 08-63 - 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

On motion of Council Member Schwartzman, seconded by Vice Mayor Campbell, 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 08-64 - A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF COUNCIL MEMBER IOAKIMEDES TO A CITY COUNCIL APPOINTMENT SUBCOMMITTEE TO A ONE-YEAR TERM ENDING JUNE 30, 2009

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 08-65 - A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF COUNCIL MEMBER CAMPBELL TO A CITY COUNCIL APPOINTMENT SUBCOMMITTEE TO A TWO-YEAR TERM ENDING JUNE 30, 2010

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

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

Noes: None

Council Member Schwartzman suggested making the committee member changeovers after December, so it would correspond with elections.

INFORMATIONAL ITEMS:

Reports from City Manager:

Jim Erickson, City Manager, announced that the City had hired Valerie Ruxton as the new Human Resources Director. The City is still in the recruitment process for the Fire Chief.

Council Member Committee Reports:

1. Mayor's Committee Meeting - (Mayor Patterson) - Next Meeting Date: June 18, 2008

DRAFT

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

COMMENTS FROM COUNCIL MEMBERS:

None

ADJOURNMENT:

Mayor Patterson adjourned the meeting at 10:42 p.m.

Lisa Wolfe, City Clerk

AGENDA ITEM
CITY COUNCIL MEETING: JULY 1, 2008
CONSENT CALENDAR

DATE : June 6, 2008
TO : City Council
FROM : City Attorney
SUBJECT : **DENIAL OF THE CLAIM AGAINST THE CITY BY JUDY SILVA AND REFERRAL TO INSURANCE CARRIER**

RECOMMENDATION:

Deny the claim against the City by Judy Silva and refer to insurance carrier.

EXECUTIVE SUMMARY:

This claim involves a trip and fall in front of the Old State Capitol. Public works department staff has advised that there are no reported issues at this location and no records of repairs being made in the area during the last three (3) years.

BUDGET INFORMATION:

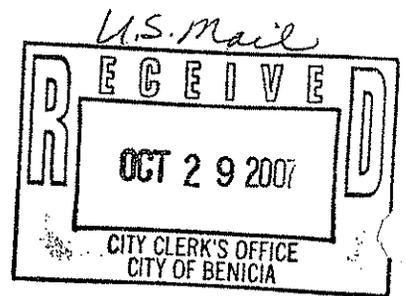
The amount of the claim is unknown.

BACKGROUND:

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

Attachment:

- Copy of Claim Filed Against the City



CLAIM AGAINST THE CITY OF BENICIA

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

Complete the following, adding additional sheets as necessary.

- 1. CLAIMANT'S NAME (Print): Silva, Judy
- 2. CLAIMANT'S ADDRESS: 2590 West Wrenwood, Fresno, CA. 93711
(Street or P.O. Box Number, City, State, Zip Code)

HOME PHONE: (559) 439-1137 WORK PHONE: _____

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

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

Limited Civil Case _____
Unlimited Civil Case _____

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

(Name)

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

- 5. DATE OF INCIDENT: 08-14-07 TIME OF INCIDENT: 1:30 P.M.

LOCATION OF INCIDENT: Benecia State Capitol - 115 W. G St.
Benecia, CA. 94510

- 6. Describe the incident or accident including your reason for believing that the City is liable for your damages: Fell in one of several potholes near curblin in front of State Capitol Historical Marker 12 sign. Hole was approx. 10" x 8" x 3". See Police Case Report #1-07-001929.

- 7. Describe all damages which you believe you have incurred as a result of the incident:
Urgent Care, Primary Care Physician visits, M.R.I., Orthopaedic Specialist visits, physical therapy, ongoing

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

Judy Silva _____ 10-24-07
Signature of Claimant Date

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

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

(revised 12/18/02)

AGENDA ITEM
CITY COUNCIL MEETING: JULY 1, 2008
CONSENT CALENDAR

DATE : June 11, 2008
TO : City Council
FROM : City Attorney
SUBJECT : **DENIAL OF THE CLAIM AGAINST THE CITY BY CARLA LOUGEE AND REFERRAL TO INSURANCE CARRIER**

RECOMMENDATION:

Deny the claim against the City by Carla Lougee and refer to insurance carrier.

EXECUTIVE SUMMARY:

Ms. Lougee is requesting reimbursement for concrete removal from her vehicle. While a city crew was doing a repair of the sewer line in the area, public works department staff has advised that signage was posted and there were no vehicles parked on the side of the street where the work was being performed. Staff further advises that since the damage was to the left-hand side of the vehicle, it would have been parked across the street, approximately 30 feet from where the work was being done.

BUDGET INFORMATION:

The amount of the claim is for \$150.00.

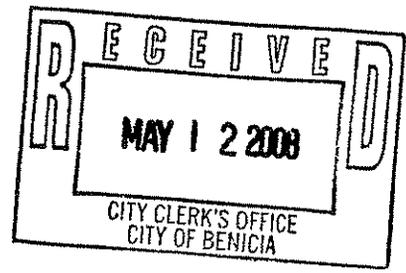
BACKGROUND:

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

Attachment:

- Copy of Claim Filed Against the City

ATTACHMENT



CLAIM AGAINST THE CITY OF BENICIA

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

Complete the following, adding additional sheets as necessary.

- 1. CLAIMANT'S NAME (Print): CARLA LOUGEE
- 2. CLAIMANT'S ADDRESS: 932 WEST 2ND ST BENICIA, CA.
(Street or P.O. Box Number, City, State, Zip Code)

HOME PHONE: 554-8222 WORK PHONE: 745-9322

- 3. AMOUNT OF CLAIM: \$ 150.00 (Attach copies of bills/estimates)

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

Limited Civil Case _____
Unlimited Civil Case _____

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

(Name)

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

- 5. DATE OF INCIDENT: APRIL 08 TIME OF INCIDENT: NOT SURE

LOCATION OF INCIDENT: 900' block of WEST 2ND ST.

- 6. Describe the incident or accident including your reason for believing that the City is liable for your damages: IT happened while repairing sewerline and replacing sidewalks

- 7. Describe all damages which you believe you have incurred as a result of the incident: concrete was splattered on left side of my vehicle while I was working at 932 WEST 2ND ST.

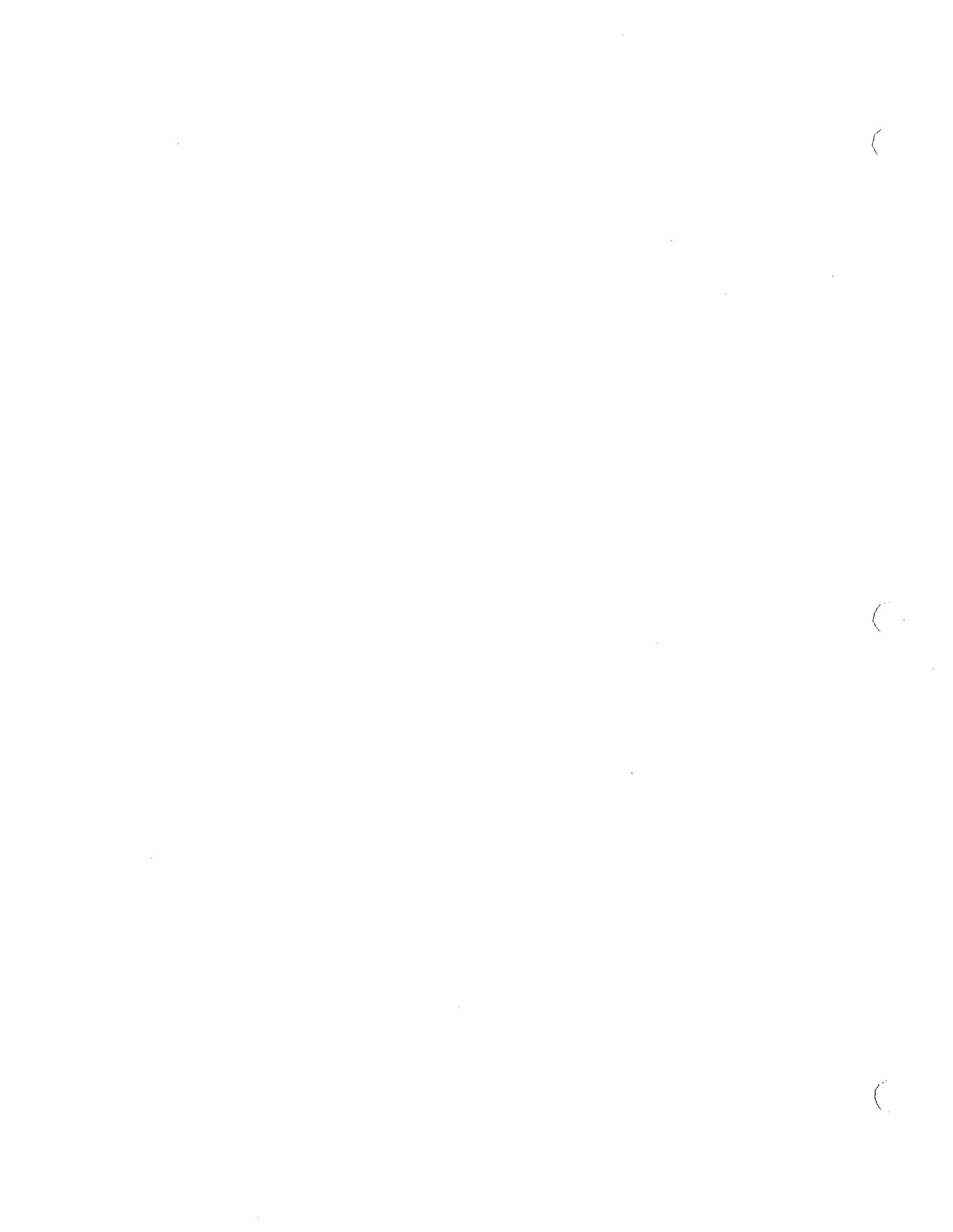
- 8. Names of public employee(s) causing the damages you are claiming: city of BENICIA

Carla Lougee _____
Signature of Claimant Date 5/8/08

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

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

(revised 12/18/02)



**AGENDA ITEM
CITY COUNCIL MEETING: JULY 1, 2008
CONSENT CALENDAR**

DATE : June 18, 2008

TO : City Manager

FROM : Director of Parks and Community Services

SUBJECT : **SECOND 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:

Adopt the ordinance, with the requested change, to enhance, update and improve the City's current tree regulations.

EXECUTIVE SUMMARY:

The tree ordinance updates the City's current tree regulations and establishes a comprehensive tree program, including a standing tree committee, tree fund and heritage tree program.

BUDGET INFORMATION:

There is no new fiscal impact from these changes.

BACKGROUND:

The proposed ordinance was introduced at the June 17, 2008 council meeting. The council made one change related to the consent of the property owner regarding heritage trees. That change is reflected in the proposed ordinance. The council also made suggested changes to the administrative procedures, which are now reflected in the Tree Preservation Standards of Review.

Attachments:

- Proposed Tree Ordinance (Exhibit A)
- Tree Preservation Standards of Review (Exhibit B)

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. If the owner consents to the designation, the decision to nominate the tree as a heritage tree shall be submitted to the parks, recreation, and cemetery commission. 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 is 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 17th day of June, 2008 and adopted at a regular meeting of the Council held on the 1st day of July, 2008, by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk

EXHIBIT B

City of Benicia
Department of Parks and Community Services

Tree Preservation Standards of Review

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).
- 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.

**AGENDA ITEM
CITY COUNCIL MEETING: JULY 1, 2008
CONSENT CALENDAR**

DATE : June 16, 2008
TO : City Manager
FROM : Director of Public Works
SUBJECT : **AWARD OF CONSTRUCTION CONTRACT FOR THE EAST 5TH STREET SMART GROWTH PROJECT**

RECOMMENDATION:

Adopt a resolution accepting the bids for the East 5th Street Smart Growth Project, awarding the construction contract to Ameca General Engineering of Fairfield in the amount of \$189,099.11, and authorizing the City Manager to sign the contract on behalf of the City.

EXECUTIVE SUMMARY:

This smart growth project will construct bicycle lanes, pedestrian alley crossings, and bulb-outs with high visibility crosswalks on East 5th Street. These improvements will work in synergy to calm traffic and encourage alternative modes of transportation such as walking, bicycling, and transit use. Sufficient funding is available in the adopted FY 2007/2008 budget to cover the City's share of cost for this grant funded project.

BUDGET INFORMATION:

The proposed project budget is outlined below:

Project Budget

Transportation Fund for Clean Air Grant (Acct. No. 035-7235-9758).....	\$125,000
East 5 th Street Smart Growth Project (Acct. No. 011-8705-9758).....	\$20,000
Park Road Walkway Improvements (Acct. No. 011-8705-9757).....	\$70,000
Alley Drainage Improvement Program (Acct. No. 080-8080-9708)	<u>\$15,000</u>
Total Project Budget	\$230,000

A summary of the anticipated project expenditures is outlined below:

Project Expenditures

Engineering Design (Cullen-Sherry & Associates)	\$22,000
Construction Contract (Ameca General Engineer)	\$189,100
Construction Contingency (10%)	\$18,900
Estimated Total Project Expenditures	\$230,000

The largest funding source for this project is a Transportation Fund for Clean Air grant, administered by the Bay Area Air Quality District, in the amount of \$125,000, which when combined with the required \$20,000 match constitutes the majority of the project budget. A total of \$15,000 will be utilized from the Alley Drainage Improvement Program. Another \$70,000 from the Park Road Walkway Improvements will need to be reallocated to fully fund this project. The Park Road project is not yet ready to proceed and will be included in the 2009/11 FY budget requests. However, expending these monies on East 5th Street will achieve the same identified objectives of improving walkability on the Bay Trail/Ridge Trail and linking the new Benicia Bridge to the downtown area, with the added benefit that East 5th Street is closer and heavily used by school children.

BACKGROUND:

On May 5, 2008, the Public Works Department made the East 5th Street Smart Growth Project construction plans and specifications prepared by the Cullen - Sherry and Associates available for public bidding. On June 5, 2008, a total of six bids were received and opened. The results are summarized below:

Bid Results:

	<i>BIDDER'S NAME AND ADDRESS</i>	<i>BASE BID</i>
1	Ameca General Engineering, Fairfield	\$189,099.11
2	Nor-Cal Concrete Inc., Suisun City	\$192,617.50
3	Malachi Construction, Oakland	\$220,628.50
4	W.R. Forde and Associates, Richmond	\$232,293.00
5	J.A Gonsalves and Son, Napa	\$275,260.00
6	Pfister Excavating, Vallejo	\$279,384.00
	Engineer's Estimate	\$140,000.00

These bids are based on the quantities estimated by Cullen - Sherry and Associates. The final contract amount will be adjusted once final material quantities are determined upon completion of the work.

Ameca General Engineering of Fairfield, California submitted the lowest bid in the amount of \$189,099.11, which was reviewed by City staff and determined to be responsive. Staff also checked Ameca's work references and determined that they are a responsible bidder.

The East 5th Street Smart Growth Project will stripe 5 foot wide bicycle lanes between East "H" Street and the eastbound I-780 on-ramps and off-ramps, which will allow for continued parking on both sides of the street and reduced width (10 feet wide) automobile traveled lanes. Bulb-outs with high visibility crosswalks will be constructed at the intersections of East "J" Street in front of St. Dominic's Priory School, East "L" Street near the future community center, and Viewmont Street on the safe school route for Robert Semple Elementary School. Pedestrian alley crossings, consisting of concrete driveway approaches, will be installed at five locations south of Military East. This feature will also reduce the tracking of alley gravel onto the street thereby improving the stormwater quality in this area.

Once the East 5th Street Smart Growth Project is constructed, the new bike lanes, reduced traveled lane widths, bulb-outs with high visibility crosswalks, and pedestrian alley crossings will act in concert to calm traffic, increase pedestrian safety at critical intersections, and encourage walking, biking, and transit use.

Given these potential benefits, staff is recommending the City Council proceed with constructing the project by adopting a resolution accepting the bids for the East 5th Street Smart Growth Project, awarding the construction contract to Ameca General Engineering of Fairfield in the amount of \$189,099.11, and authorizing the City Manager to sign the contract on behalf of the City.

Construction is anticipated to begin late July and be completed at the end of September.

Attachments:

- Proposed Resolution
- Location Map

Proposed Resolution

RESOLUTION NO. 08-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA ACCEPTING THE BIDS FOR THE EAST 5TH STREET SMART GROWTH PROJECT, AWARDING THE CONSTRUCTION CONTRACT TO AMECA GENERAL ENGINEERING IN THE AMOUNT OF \$189,099.11, AND AUTHORIZING THE CITY MANAGER TO SIGN THE CONTRACT ON BEHALF OF THE CITY

WHEREAS, the City is the recipient of a \$125,000 Transportation Fund for Clean Air grant for the East 5th Street Smart Growth Project; and

WHEREAS, on May 5, 2008, the Public Works Department made the construction plans and specifications for the East 5th Street Smart Growth Project prepared by Cullen – Sherry and Associates available for public bidding; and

WHEREAS, on June 5, 2008, six bids were received and opened; and

WHEREAS, Ameca General Engineering, of Fairfield, California was the lowest responsive, responsible bidder; and

WHEREAS, constructing this project will calm traffic on East 5th Street and encourage alternative modes of transportation such as walking, bicycling, and transit use.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Benicia hereby approves the construction plans and specifications, accepts the bids for the East 5th Street Smart Growth Project, and awards the construction contract in the amount of \$189,099.11 to Ameca General Engineering, of Fairfield.

BE IT FURTHER RESOLVED THAT the City Council of the City of Benicia approves allocating \$70,000 from Account No. 011-8705-9757 to fully fund the construction.

BE IT FURTHER RESOLVED THAT the City Manager is hereby authorized to sign the contract on behalf of the City, subject to approval by the City Attorney.

On motion of 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 1st day of July, 2008, and adopted by the following vote:

Ayes:

Noes:

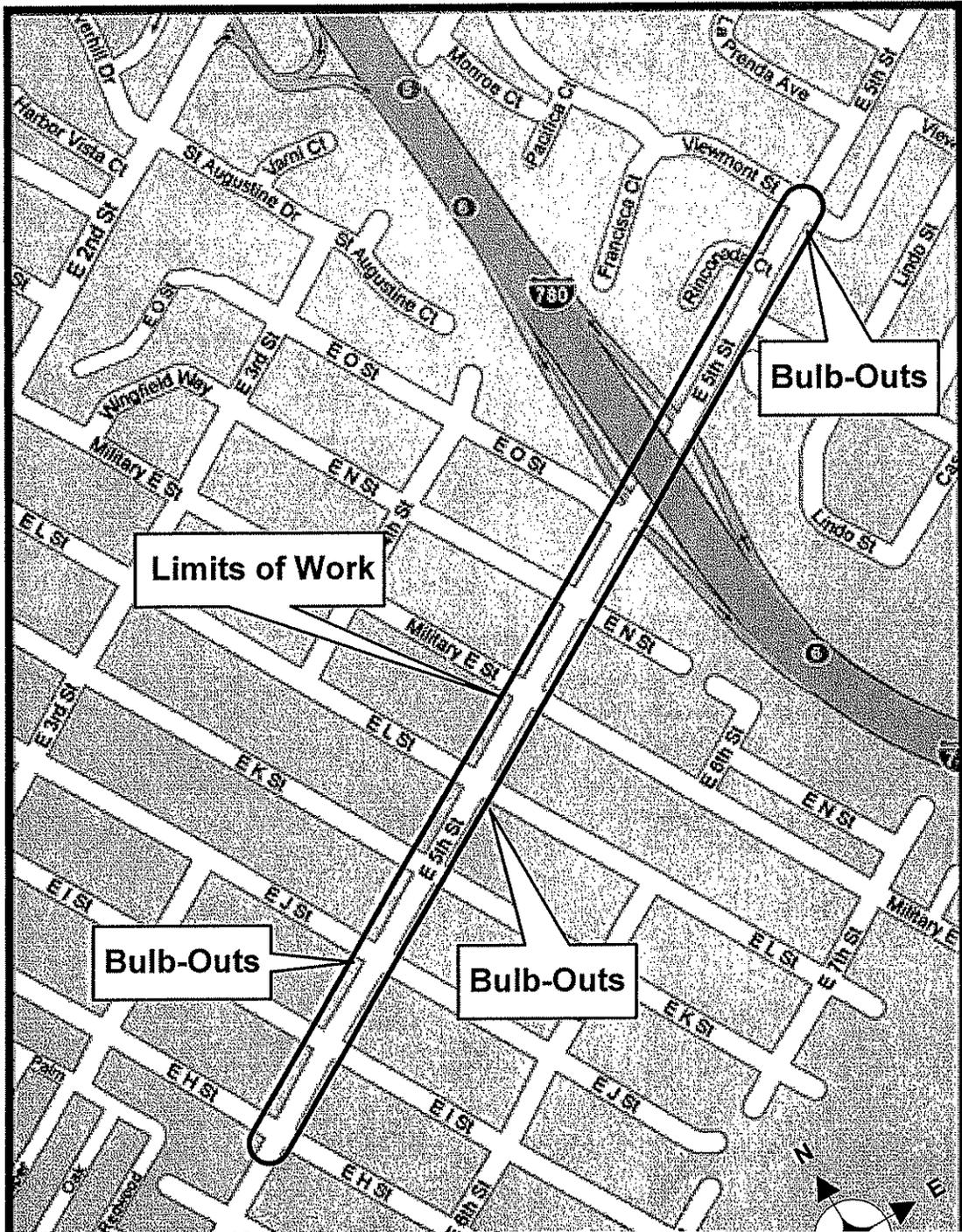
Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk

Location Map



**AGENDA ITEM
CITY COUNCIL MEETING: JULY 1, 2008
CONSENT CALENDAR**

DATE : June 16, 2008
TO : City Manager
FROM : Director of Public Works
SUBJECT : **AWARD OF CONSTRUCTION CONTRACT FOR THE EAST 5TH STREET SMART GROWTH PROJECT**

RECOMMENDATION:

Adopt a resolution accepting the bids for the East 5th Street Smart Growth Project, awarding the construction contract to Ameca General Engineering of Fairfield in the amount of \$189,099.11, and authorizing the City Manager to sign the contract on behalf of the City.

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A summary of the anticipated project expenditures is outlined below:

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Construction Contingency (10%)	\$18,900
Estimated Total Project Expenditures	\$230,000

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BACKGROUND:

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Bid Results:

	<i>BIDDER'S NAME AND ADDRESS</i>	<i>BASE BID</i>
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	Engineer's Estimate	\$140,000.00

These bids are based on the quantities estimated by Cullen - Sherry and Associates. The final contract amount will be adjusted once final material quantities are determined upon completion of the work.

Ameca General Engineering of Fairfield, California submitted the lowest bid in the amount of \$189,099.11, which was reviewed by City staff and determined to be responsive. Staff also checked Ameca's work references and determined that they are a responsible bidder.

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Once the East 5th Street Smart Growth Project is constructed, the new bike lanes, reduced traveled lane widths, bulb-outs with high visibility crosswalks, and pedestrian alley crossings will act in concert to calm traffic, increase pedestrian safety at critical intersections, and encourage walking, biking, and transit use.

Given these potential benefits, staff is recommending the City Council proceed with constructing the project by adopting a resolution accepting the bids for the East 5th Street Smart Growth Project, awarding the construction contract to Ameca General Engineering of Fairfield in the amount of \$189,099.11, and authorizing the City Manager to sign the contract on behalf of the City.

Construction is anticipated to begin late July and be completed at the end of September.

Attachments:

- Proposed Resolution
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Proposed Resolution

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WHEREAS, the City is the recipient of a \$125,000 Transportation Fund for Clean Air grant for the East 5th Street Smart Growth Project; and

WHEREAS, on May 5, 2008, the Public Works Department made the construction plans and specifications for the East 5th Street Smart Growth Project prepared by Cullen – Sherry and Associates available for public bidding; and

WHEREAS, on June 5, 2008, six bids were received and opened; and

WHEREAS, Ameca General Engineering, of Fairfield, California was the lowest responsive, responsible bidder; and

WHEREAS, constructing this project will calm traffic on East 5th Street and encourage alternative modes of transportation such as walking, bicycling, and transit use.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Benicia hereby approves the construction plans and specifications, accepts the bids for the East 5th Street Smart Growth Project, and awards the construction contract in the amount of \$189,099.11 to Ameca General Engineering, of Fairfield.

BE IT FURTHER RESOLVED THAT the City Council of the City of Benicia approves allocating \$70,000 from Account No. 011-8705-9757 to fully fund the construction.

BE IT FURTHER RESOLVED THAT the City Manager is hereby authorized to sign the contract on behalf of the City, subject to approval by the City Attorney.

On motion of 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 1st day of July, 2008, and adopted by the following vote:

Ayes:

Noes:

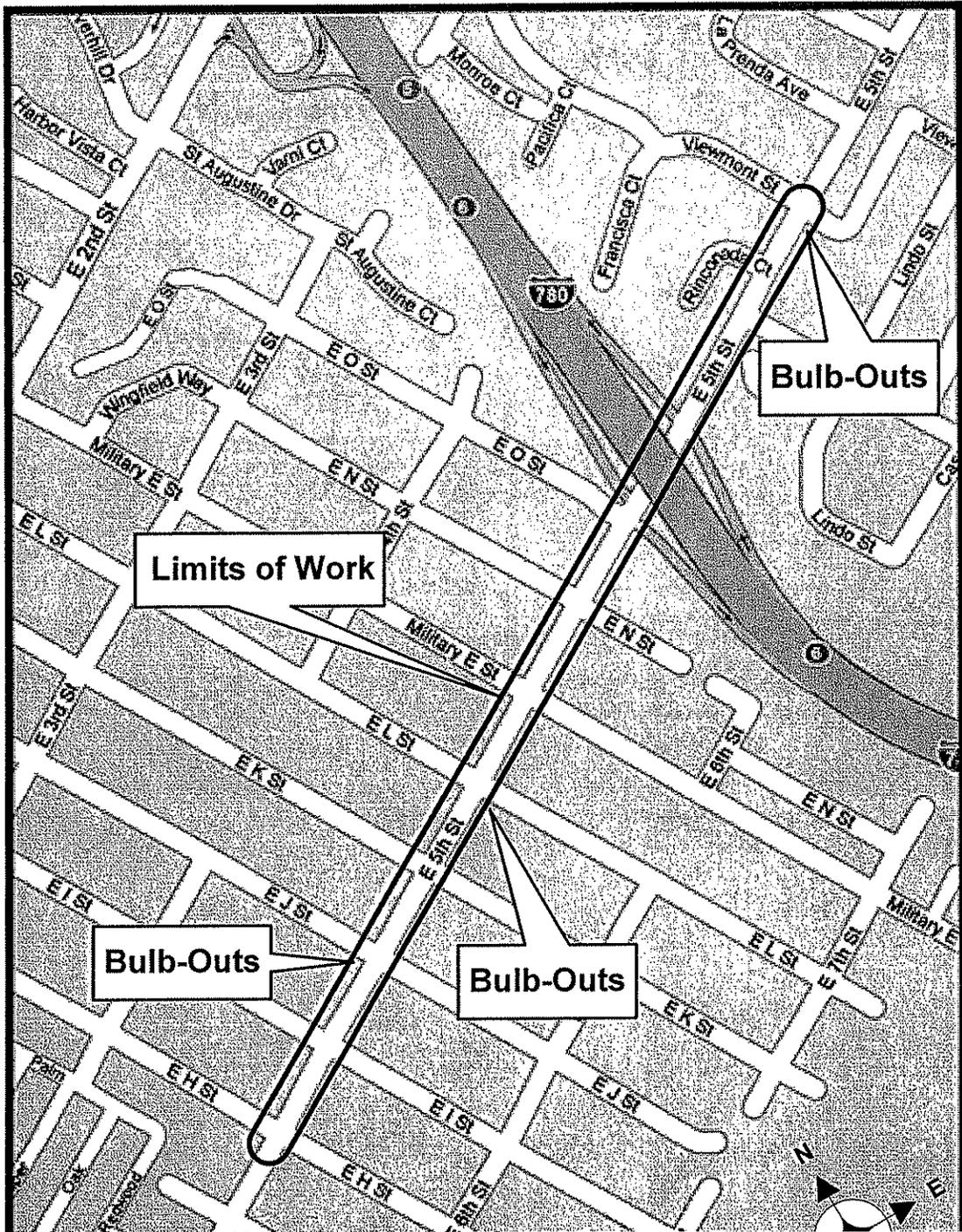
Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk

Location Map



**AGENDA ITEM
CITY COUNCIL MEETING: JULY 1, 2008
CONSENT CALENDAR**

DATE : June 9, 2008
TO : City Manager
FROM : Director of Public Works
SUBJECT : **STATE PARK ROAD BIKE/PEDESTRIAN BRIDGE PROJECT –
ESTABLISHING CLEAR PROPERTY TITLE ON STATE PARK
ROAD AND ADOPTING RESOLUTIONS OF LOCAL SUPPORT**

RECOMMENDATION:

Adopt the following:

- 1) A resolution accepting Solano County's interest in State Park Road quitclaimed to the City of Benicia;
- 2) A resolution of local support authorizing the Director of Public Works to file an application for Federal Congestion Mitigation and Air Quality (CMAQ) funding for the State Park Road Bike/Pedestrian Bridge Project, committing the necessary non-federal match, and stating assurance to complete the project; and
- 3) A resolution of local support authorizing the Director of Public Works to file an application for Federal Transportation Enhancement Activities (TE) funding for the State Park Road Bike/Pedestrian Bridge Project and providing a Certification of Assurance for the project.

EXECUTIVE SUMMARY:

Design work on the State Park Road Bike/Pedestrian Bridge Project is proceeding on schedule. While completing the right-of-way process, which is part of the federal grants, it was discovered that Solano County may have a property interest in State Park Road. To establish clear title and allow the project to move forward, staff recommends accepting all interests Solano County may have in State Park Road. The Solano Transportation Authority is recommending that we adopt resolutions of local support at this time to secure the \$1.67 million in federal grants earmarked for the project.

BUDGET INFORMATION:

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

Estimated Expenditures

Engineering and Environmental.....	\$757,000
Construction Engineering	\$265,000
Construction Contingency.....	\$265,000
Construction.....	\$2,651,000
Total Estimated Expenditures	\$3,938,000

Revenues

Federal-Aide Funds:

Congestion Management and Air Quality grant	\$671,000
<u>Solano Transp. Authority Transp. For Liveable Communities.....</u>	<u>\$1,001,000</u>
Total Federal Aid Funds	\$1,672,000

Non-Federal Matching Funds:

Transportation Development Act (TDA) Article 3	\$481,000
Traffic Mitigation Fund	\$853,000
SF Bay Ridge Trail grant	\$242,000
Proposition 1B	\$449,000
<u>Future Funding Source</u>	<u>\$241,000</u>
Total Local Funds	\$2,267,000

Total Revenues \$3,938,000

BACKGROUND:

Accepting the Interest in State Park Road Quitclaimed by Solano County to the City of Benicia
While performing title research during the right-of-way phase of the project, it was discovered that a segment of State Park Road from the southern terminus of the Miller Road Overcrossing to the I-780 eastbound on-ramp may have inadvertently been relinquished to Solano County in 1962 by the State of California, along with other frontage roads in unincorporated areas after the completion of I-780. At that time, State Park Road was in Benicia city limits and may have been maintained by the City. Solano County was unaware of this right-of-way relinquishment and further efforts to determine ownership of this segment of State Park Road have been unsuccessful.

To complete the right-of-way phase of the project and remain eligible for the federal grant monies, federal requirements mandate that clear title of State Park Road be established. To move

the project forward, City staff requested Solano County to quitclaim all interests on this segment of State Park Road to the City with the understanding that the City could then become the sole owner of State Park Road, thereby clearing title.

At their April 1, 2008 meeting, the Solano County Board of Supervisors quitclaimed all interests in this segment of State Park Road to the City of Benicia. Staff now recommends that the City Council accept these quitclaimed interests per the attached resolution.

Resolutions of Local Support

The Metropolitan Transportation Commission, which administers federal grants in the Bay Area, is requiring the City of Benicia to adopt resolutions of local support for the State Park Road Bike/Pedestrian Bridge Project prior to programming the federal grant monies in the regional Transportation Improvement Program (TIP).

Two resolutions of local support are required: one for the Congestion Mitigation and Air Quality grant in the amount of \$711,000, the other for the Transportation Enhancement Activities grant in the amount of \$961,000. These resolutions of local support authorize the Director of Public Works to file the grant applications for federal funding, commit the City to provide the necessary non-federal matching funds, and provide the assurance that the City will complete the project in accordance with the applicable policies and procedures.

The future funding sources noted in the revenue table include the pending grant from the Coastal Conservancy, other grants that might be available by year's end, and supplementary funding from the Traffic Impact Fee program.

Timing on programming the \$1.67 million in federal funds into the TIP is critical. Federal grants are regulated by the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), which expires in 2009. At that time, grant monies that have been programmed to projects but not yet obligated will be rescinded rather than rolled-over into the subsequent federal highway act, as has occurred in the past. This is expected to cause a high demand for programming grant funding later this year, potentially resulting in insufficient federal monies to fully fund all of the grant commitments in the Bay Area. The Solano Transportation Authority recommends that we adopt these resolutions of local support at this time so that we are in the best position to receive the full amount of federal grant funding for construction of this project. Staff is therefore recommending that the City Council adopt both resolutions of local support.

Attachments:

- Proposed Resolutions (3)
 - Exhibit 1 -- Quitclaim Deed
- Right-Of-Way Exhibit

Proposed Resolutions

RESOLUTION NO. 08-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA ACCEPTING SOLANO COUNTY'S INTEREST IN STATE PARK ROAD QUITCLAIMED TO THE CITY OF BENICIA

WHEREAS, the State Park Road Bike/Pedestrian Bridge Project will construct a bicycle/pedestrian pathway alongside State Park Road over I-780, linking Columbus Parkway with the Benicia State Recreation Area; and

WHEREAS, while researching the right-of-way for the project it was discovered Solano County has an undeterminable interest in the State Park Road between the Miller Road Overcrossing and the I-780 On-Ramp; and

WHEREAS, federal requirements stipulate clear title must be established to complete the design of the project and retain \$1.67 million in grant funding earmarked for construction on the project; and

WHEREAS, this segment of State Park Road is within the city limits and has been maintained by the City in the past; and

WHEREAS, in accordance with City staff's request the Solano County Board of Supervisors quitclaimed Solano County's interest in this segment of State Park Road to the City of Benicia at their April 1, 2008 meeting; and

WHEREAS, accepting these interests will clear title by establishing the City of Benicia as the sole owner of the right-of-way, allowing the design to proceed and preventing the grant monies from being rescinded.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Benicia hereby accepts Solano County's interest in the State Park Road quitclaimed to the City of Benicia by the Solano County Board of Supervisors in their April 1, 2008 meeting per attached Exhibit 1.

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to file a certified copy of this resolution with the Solano County Recorder.

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 1st day of July, 2008, and adopted by the following vote:

Ayes:

Noes:

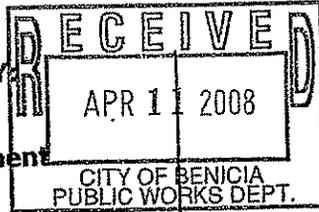
Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk

RECORDING REQUESTED BY



Recorded in Official Records, Solano County

4/04/2008 3:03 PM AR49 5S

Marc C. Tonnesen Assessor/Recorder

EM Resource Management

Doc#: 200800027230

Titles: 1 Pages: 5



Fees 0.00 Taxes 0.00 Other 0.00 PAID \$0.00

County of Solano County Department of Resource Management 675 Texas Street Fairfield, CA 94533

SPACE ABOVE THIS LINE FOR RECORDER'S USE

APN: NA

QUITCLAIM DEED

The undersigned grantor(s) declare(s)

Documentary transfer tax is \$ City Tax is \$

- [] computed on full value of property conveyed, or [] computed on full value less value of liens or encumbrances remaining at time of sale, [XX] Unincorporated Area City of Benicia

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, County of Solano hereby remises, releases and quitclaims to the City of Benicia the following described real property in the City of Benicia, County of Solano, State of California:

EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

Dated: 4-2-08

County of Solano County

By: [Signature] Its: County Administrator

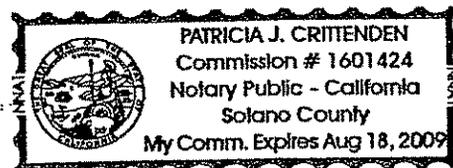
DATED:

STATE OF CALIFORNIA) COUNTY OF Solano) ON April 2, 2008 before me, Patricia J. Crittenden, Notary Public personally appeared Michael D. Johnson

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

Witness my hand and official seal.

Signature [Signature] (Seal)



MAIL TAX STATEMENTS AS DIRECTED ABOVE QUITCLAIM DEED

VII-F-7

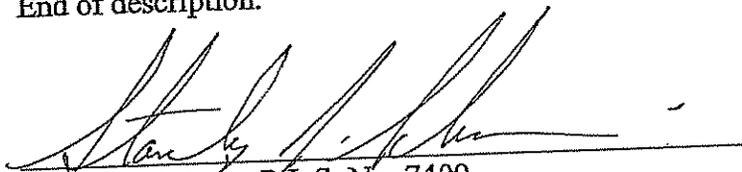
**LEGAL DESCRIPTION
EXHIBIT "A"
STATE PARK ROAD VACATION**

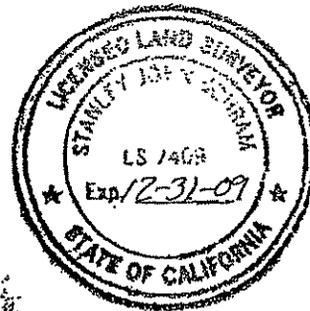
Being all that certain parcel of land situate in the County of Solano, State of California, described as follows:

All that portion of "Parcel 7" as described in that certain relinquishment to the County of Solano from the State of California recorded December 7, 1962 in Volume 1174 at page 322 Official Records of Solano County.

Excepting therefrom all that certain real property described as "Parcels One and Two as described in that certain Quitclaim Deed from the County of Solano to the State of California recorded May 4, 1966 in Volume 1396 at Page 509 Official Records of Solano County.

End of description.


Stanley J. Schram P.L.S. No. 7409
Expires 12-31-09



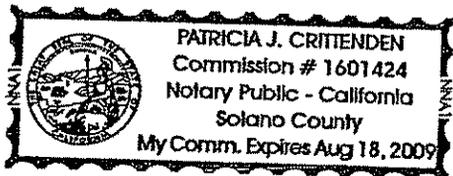
CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California }
 County of Solano }
 On Apr. 12, 2008 before me, Patricia J. Crittenden Notary Public
Date Here Insert Name and Title of the Officer
 personally appeared Michael D. Johnson
Name(s) of Signer(s)

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

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

WITNESS my hand and official seal.



Place Notary Seal Above

Signature Patricia J. Crittenden
Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

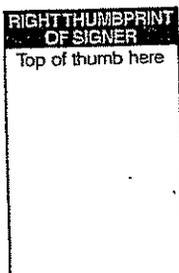
Title or Type of Document: Quitclaim Deed - Vacation of a portion of State Park Road
 Document Date: Apr. 12, 2008 Number of Pages: 2
 Signer(s) Other Than Named Above: None

Capacity(ies) Claimed by Signer(s)

Signer's Name: Michael D. Johnson
 Individual
 Corporate Officer — Title(s): Solano County Administrator
 Partner — Limited General
 Attorney in Fact
 Trustee
 Guardian or Conservator
 Other: _____



Signer's Name: _____
 Individual
 Corporate Officer — Title(s): _____
 Partner — Limited General
 Attorney in Fact
 Trustee
 Guardian or Conservator
 Other: _____



Signer Is Representing: _____
Solano County

Signer Is Representing: _____

RESOLUTION OF THE SOLANO COUNTY BOARD OF SUPERVISORS
VACATING A PORTION OF STATE PARK ROAD IN BENICIA

WHEREAS, State Park Road, located in the City of Benicia near interstate 780, is not a Solano County maintained road; and

WHEREAS, State Park Road is not needed for public use by the County of Solano; and

WHEREAS, the Solano County Planning Commission has determined that the vacation of that portion of State Park Road is consistent with the Solano County General Plan; and

WHEREAS, the Board of Supervisors of the County of Solano, pursuant to the provisions of the Streets and Highways Code, Chapter 3, Part 3 of Division 9, desires to vacate the County's interest in that portion of State Park Road; and

WHEREAS, a Resolution of Intent to Vacate this property was adopted by the Board of Supervisors on March 11, 2008; and

WHEREAS, prior to the consideration of this Resolution of Vacation a public hearing was held to consider public input on the proposed vacation, the hearing having been properly noticed and advertised.

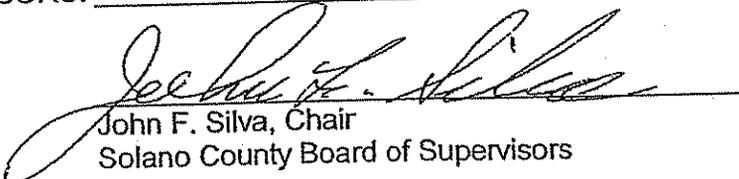
RESOLVED, the Solano County Board of Supervisors hereby vacates Solano County's interest in State Park Road as shown in Exhibit A, and authorizes the County Administrator to sign the quitclaim deeds and any other documents required to implement the vacation.

Passed and adopted by the Solano County Board of Supervisors on April 1, 2008, by the following vote:

AYES: SUPERVISORS: Kondylis, Reagan, Spring,
Vasquez, and Chair Silva

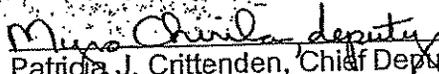
NOES: SUPERVISORS: None

EXCUSED SUPERVISORS: None

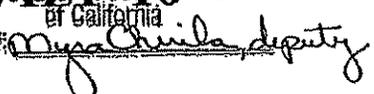

John F. Silva, Chair
Solano County Board of Supervisors

ATTEST:
Michael D. Johnson, Clerk
Solano County Board of Supervisors

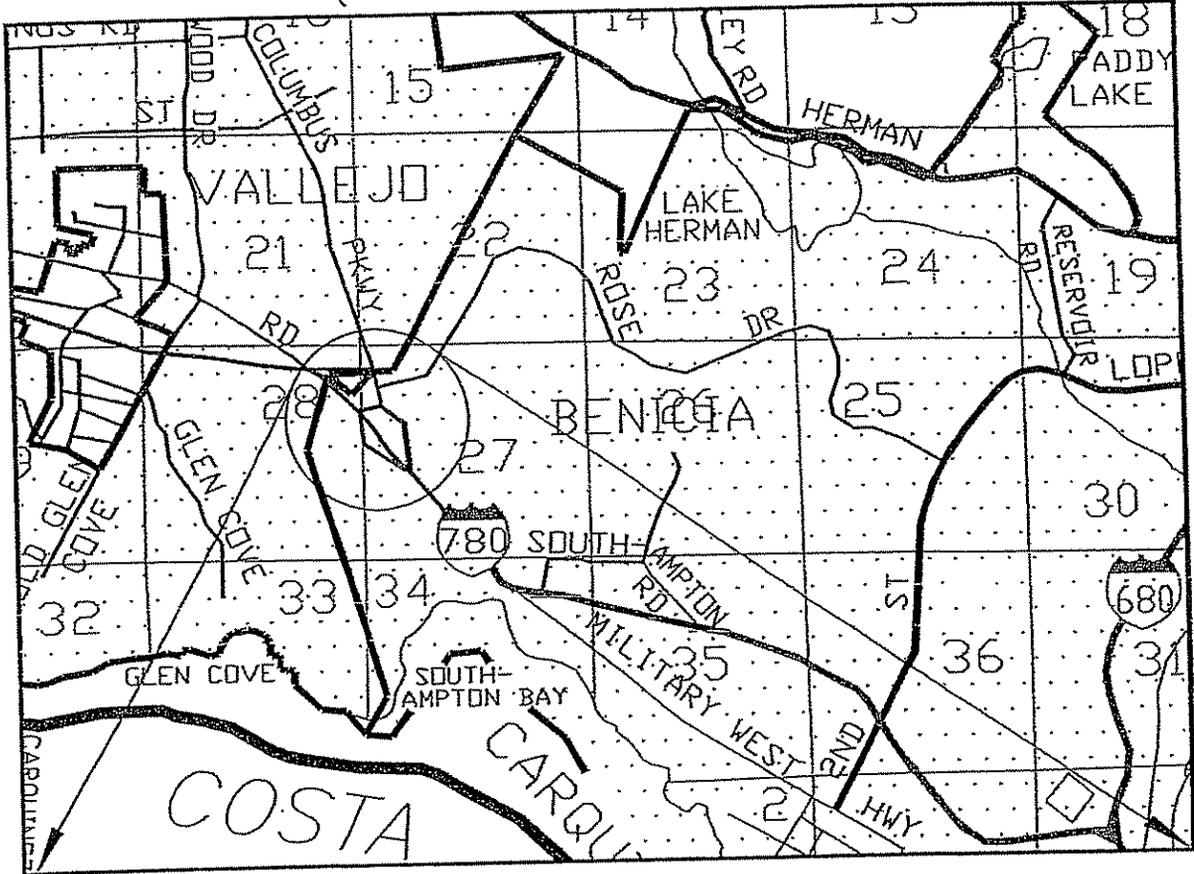
This instrument is a
correct copy of the original
on file in this office.

By: 
Patricia J. Crittenden, Chief Deputy Clerk

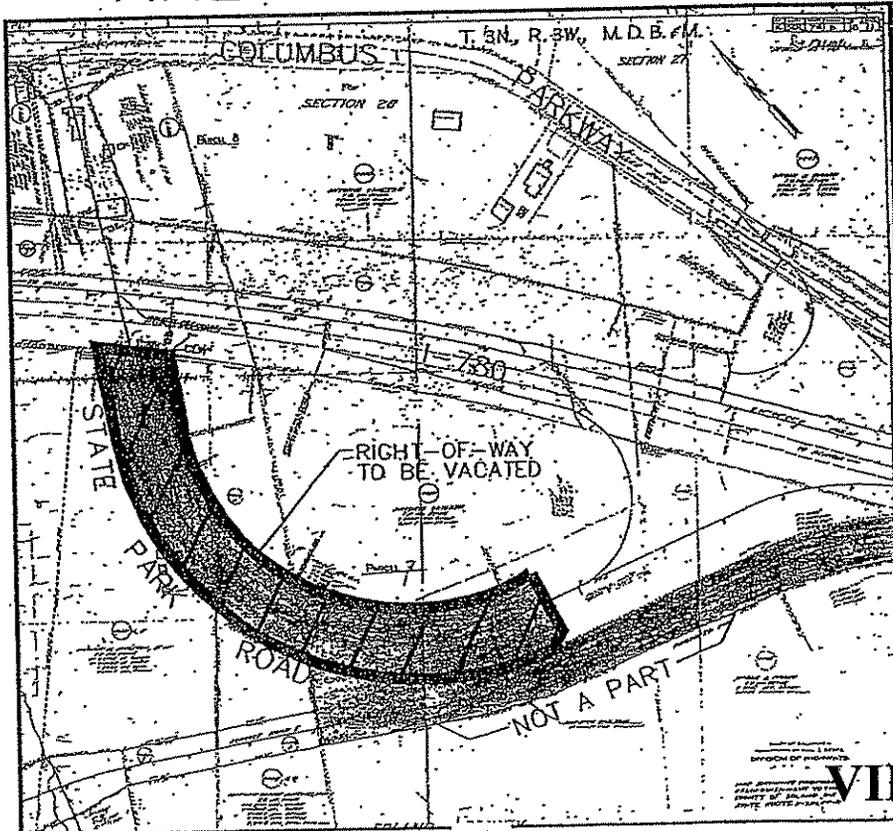
ATTEST: APR 04 2008

Michael D. Johnson, Clerk of
the Board of Supervisors of
the County of Solano State
of California
Deputy: 

SITE MAP (EXHIBIT "A")



AREA OF VACATION



VII-E-11 END OF DOCUMENT

RESOLUTION NO. 08-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA
AUTHORIZING THE DIRECTOR OF PUBLIC WORKS TO FILE AN APPLICATION
FOR FEDERAL CONGESTION MITIGATION AND AIR QUALITY (CMAQ)
FUNDING FOR THE STATE PARK ROAD BIKE/PEDESTRIAN BRIDGE PROJECT,
COMMITTING THE NECESSARY NON-FEDERAL MATCH, AND STATING
ASSURANCE TO COMPLETE THE PROJECT**

WHEREAS, the City of Benicia (herein referred as APPLICANT) is submitting an application to the Metropolitan Transportation Commission (MTC) for \$671,000 in Regional Bike/Ped Funds and \$40,000 in Solano County Transportation for Livable Communities Funds for a total of \$711,000 in funding from the federal Congestion Mitigation and Air Quality Improvement (CMAQ) program for the State Park Road Bike/Pedestrian Bridge Project (herein referred as PROJECT) for the MTC Third Cycle STP/CMAQ Policy and Programming, MTC Resolution 3723 (herein referred as PROGRAM); and

WHEREAS, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA) (Public Law 109-59, August 10, 2005) continues the Surface Transportation Program (23 U.S.C. § 133) and the Congestion Mitigation and Air Quality Improvement Program (CMAQ) (23 U.S.C. § 149); and

WHEREAS, pursuant to SAFETEA, and the regulations promulgated thereunder, eligible project sponsors wishing to receive federal Surface Transportation Program and/or Congestion Mitigation and Air Quality Improvement Program (STP/CMAQ) funds for a project shall submit an application first with the appropriate Metropolitan Planning Organization (MPO), for review and inclusion in the MPO's Transportation Improvement Program (TIP); and

WHEREAS, the Metropolitan Transportation Commission (MTC) is the MPO for the nine counties of the San Francisco Bay region; and

WHEREAS, MTC has adopted a Regional Project Funding Delivery Policy (MTC Resolution No. 3606, revised) that sets out procedures governing the application and use of STP/CMAQ funds; and

WHEREAS, APPLICANT is an eligible project sponsor for STP/CMAQ funds; and

WHEREAS, as part of the application for STP/CMAQ funding, MTC requires a resolution adopted by the responsible implementing agency stating the following:

- 1) the commitment of necessary local matching funds of at least 11.47%; and
- 2) that the sponsor understands that the STP/CMAQ funding is fixed at the programmed amount, and therefore any cost increase cannot be expected to be funded with additional

- STP/CMAQ funds; and
- 3) that the project will comply with the procedures specified in Regional Project Funding Delivery Policy (MTC Resolution No. 3606, revised); and
 - 4) the assurance of the sponsor to complete the project as described in the application, and if approved, as included in MTC's TIP; and
 - 5) that the project will comply with all the project-specific requirements as set forth in the MTC Third Cycle STP/CMAQ Policy and Programming.

NOW, THEREFORE, BE IT RESOLVED that the City of Benicia is authorized to execute and file an application for funding under the Surface Transportation Program (STP) and Congestion Mitigation and Air Quality Improvement Program (CMAQ) of SAFETEA for the State Park Road Bike/Pedestrian Bridge Project.

BE IT FURTHER RESOLVED that the APPLICANT by adopting this resolution does hereby state that:

1. APPLICANT will provide \$92,118 in non-federal matching funds; and
2. APPLICANT understands that the STP/CMAQ funding for the project is fixed at the MTC approved programmed amount, and that any cost increases must be funded by the APPLICANT from other funds, and that APPLICANT does not expect any cost increases to be funded with additional STP/CMAQ funding; and
3. APPLICANT understands the funding deadlines associated with these funds and will comply with the provisions and requirements of the Regional Project Funding Delivery Policy (MTC Resolution No. 3606, as revised); and
4. PROJECT will be implemented as described in the complete application and in this resolution and, if approved, for the amount programmed in the MTC federal TIP; and
5. APPLICANT and the PROJECT will comply with the requirements as set forth in the MTC Third Cycle STP/CMAQ Policy and Programming.

BE IT FURTHER RESOLVED that APPLICANT is an eligible sponsor of STP/CMAQ funded projects.

BE IT FURTHER RESOLVED that APPLICANT is authorized to submit an application for STP/CMAQ funds for the PROJECT.

BE IT FURTHER RESOLVED that there is no legal impediment to APPLICANT making applications for the funds.

BE IT FURTHER RESOLVED that there is no pending or threatened litigation that might in any way adversely affect the proposed PROJECT, or the ability of APPLICANT to deliver such PROJECT.

BE IT FURTHER RESOLVED that APPLICANT authorizes its Director of Public Works, or designee to execute and file an application including minor modifications necessary to be deemed complete with MTC for STP/CMAQ funding for the PROJECT as referenced in this resolution.

BE IT FURTHER RESOLVED that a copy of this resolution will be transmitted to the MTC in conjunction with the filing of the application.

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

On motion of Council Member _____, seconded by Council Member _____, the above Resolution was introduced and passed by the City Council of the City of Benicia at a regular meeting of said Council held on the 1st day of July, 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
AUTHORIZING THE DIRECTOR OF PUBLIC WORKS TO FILE AN APPLICATION
FOR FEDERAL TRANSPORTATION ENHANCEMENT ACTIVITIES (TE) FUNDING
FOR THE STATE PARK ROAD BIKE/PEDESTRIAN BRIDGE PROJECT AND
PROVIDING A CERTIFICATION OF ASSURANCES FOR THE PROJECT**

WHEREAS, the City of Benicia (herein referred to as "APPLICANT") is submitting an application to the Metropolitan Transportation Commission (MTC) for \$961,000 in funding from the 2008 Regional Transportation Improvement Program (RTIP) for the State Park Road Bike/Pedestrian Bridge Project (herein referred to as "PROJECT") for the MTC 2008 RTIP, as authorized by MTC by Resolution No. 3825 (herein referred to as "PROGRAM"); and

WHEREAS, SB 45 (Chapter 622, Statutes 1997) substantially revised the process for estimating the amount of state and federal funds available for transportation projects in the state and for appropriating and allocating the available funds to these projects; and

WHEREAS, as part of that process, MTC is responsible for programming projects eligible for Regional Improvement Program funds, pursuant to California Government Code Section 14527(b), for inclusion in the RTIP, and submission to the California Transportation Commission, for inclusion in the State Transportation Improvement Program; and

WHEREAS, MTC will review and include, if approved, 2008 RTIP projects in the federal Transportation Improvement Program (TIP); and

WHEREAS, MTC has requested eligible transportation project sponsors to submit applications nominating projects to be programmed for Regional Improvement Program funds in the RTIP; and

WHEREAS, applications to MTC must be submitted consistent with procedures, conditions, and forms it provides transportation project sponsors; and

WHEREAS, APPLICANT is a sponsor of transportation projects eligible for Regional Improvement Program funds; and

WHEREAS, the RTIP project fact and fund sheet of the project application to be attached hereto and incorporated herein at time of submittal as though set forth at length, lists the project, purpose, schedule and budget for which APPLICANT is requesting that MTC program Regional Improvement Program funds for inclusion in the RTIP; and

WHEREAS, Part 2 of the project application, attached hereto and incorporated herein as though set forth at length, includes the certification by APPLICANT of assurances required by

SB 45 in order to qualify the project listed in the RTIP project nomination sheet of the project application for programming by MTC; and

WHEREAS, as part of the application for 2008 RTIP funding, MTC requires any resolution adopted by the responsible implementing agency to state that the project will comply with the procedures specified in the "Timely Use of Funds Provisions and Deadlines" (MTC Resolution No. 3825, Attachment 1, Pages 14-15, and as may be further amended).

NOW, THEREFORE, BE IT RESOLVED that APPLICANT approves the assurances set forth in Part 2 of the project application, attached to this resolution.

BE IT FURTHER RESOLVED that APPLICANT will comply with the provisions and requirements of the "Timely Use of Funds Provisions and Deadlines" (MTC Resolution No. 3825, Attachment 1, Pages 14-15, and as may be further amended), that PROJECT will be implemented as described in the complete application and in this resolution and, if approved, for the amount programmed in the MTC federal TIP, and that APPLICANT and PROJECT will comply with the requirements as set forth in the 2008 RTIP Policies and Procedures (MTC Resolution No. 3825).

BE IT FURTHER RESOLVED that APPLICANT has reviewed the project and has adequate staffing resources to deliver and complete the project within the schedule set forth in the RTIP project fact and fund sheet of the project application, attached to this resolution.

BE IT FURTHER RESOLVED that APPLICANT is an eligible sponsor of projects in the State Transportation Improvement Program.

BE IT FURTHER RESOLVED that APPLICANT is authorized to submit an application for State Transportation Improvement Program funds for PROJECT.

BE IT FURTHER RESOLVED that there is no legal impediment to APPLICANT making applications for Regional Improvement Program funds.

BE IT FURTHER RESOLVED that there is no pending or threatened litigation which might in any way adversely affect the proposed PROJECT, or the ability of APPLICANT to deliver such PROJECT.

BE IT FURTHER RESOLVED that APPLICANT authorizes its Director of Public Works or designee to execute and file an application including minor modifications necessary to be deemed complete with MTC to program Regional Improvement Program funds into the RTIP, for the projects, purposes and amounts included in the project application attached to this resolution.

BE IT FURTHER RESOLVED that a copy of this resolution shall be transmitted to MTC in conjunction with the filing of the APPLICANT application referenced herein.

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 1st day of July, 2008, and adopted by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk

Certification of Assurances

The implementing agency certifies that the project for which Regional Improvement Program funding is requested meets the following project screening Criteria. **Please initial each.**

1. The project is eligible for consideration in the RTIP. Pursuant to Streets and Highways Code Section 164 (e), eligible projects include improving state highways, local roads, public transit, intercity rail, pedestrian, and bicycle facilities, and grade separation, transportation system management, transportation demand management, soundwall projects, intermodal facilities, and safety. _____
2. For the funds requested, no costs have/will be incurred prior to adoption into the STIP by the CTC.

3. A Project Study Report (PSR) or PSR equivalent has been prepared for the project. _____
4. The project budget included in Part 2 of the project application reflects current costs updated as of the date of application and escalated to the appropriate year. _____
5. The project is included in a local congestion management program (CMP). (Note: For those counties that have opted out of preparing a CMP in accordance with Government Code Section 65088.3, the project must be consistent with the capital improvement program adopted pursuant to MTC's funding agreement with the countywide transportation planning agency.) _____
6. The year of funding for any design, right-of-way and/or construction phases has taken into consideration the time necessary to obtain environmental clearance and permitting approval for the project. _____
7. The project is fully funded. _____
8. For projects with STIP federal funds, the implementing agency agrees to contact Caltrans and schedule and complete a field review within six months of the project being adopted or amended into the TIP.

9. For STIP construction funds, the implementing agency agrees to send a copy of the Caltrans LPP 01-06 "Award Information for STIP Projects – Attachment A" to MTC and the CMA, upon award.

10. The implementing agency agrees to be available for an audit of STIP funds, if requested. _____

The implementing agency also agrees to abide by all statutes, rules and regulations applying to the State Transportation Improvement Program (STIP), and to follow all requirements associated with the funds programmed to the project in the STIP. _____

These include, but are not limited to:

1. Environmental requirements: NEPA standards and procedures for all projects with Federal funds; CEQA standards and procedures for all projects programmed with State funds.
2. **California Transportation Commission (CTC) requirements for transit projects, formerly associated with the Transit Capital Improvement (TCI) program. These include**

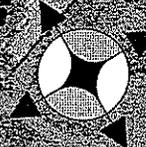
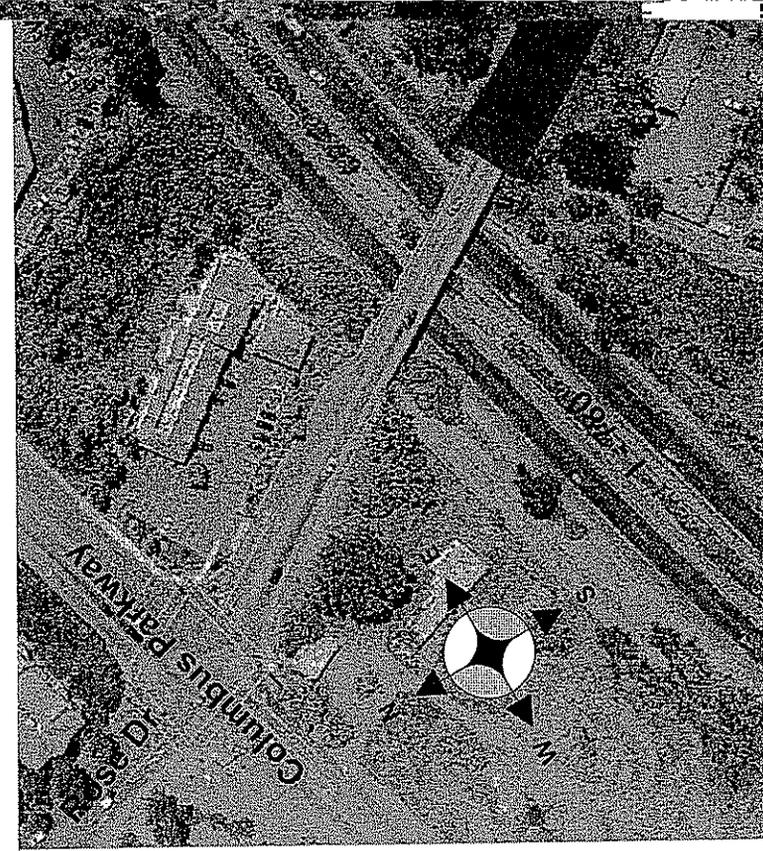
rules governing right-of-way acquisition, hazardous materials testing, and timely use of funds.

3. Federal Transit Administration (FTA) requirements for transit projects as outlined in FTA regulations and circulars.
4. Federal Highway Administration (FHWA) and Caltrans requirements for highway and other roadway projects as outlined in the Caltrans Local Programs Manual.
5. Federal air quality conformity requirements, and local project review requirements, as outlined in the adopted Bay Area Conformity Revision of the State Implementation Plan (SIP).

Right-of-Way Exhibit



ark Road
of Way



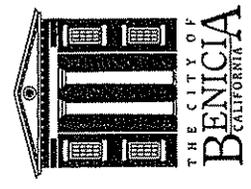
Columbus Parkway
Duff Lane

PUBLIC WORKS
DEPARTMENT

BENICIA

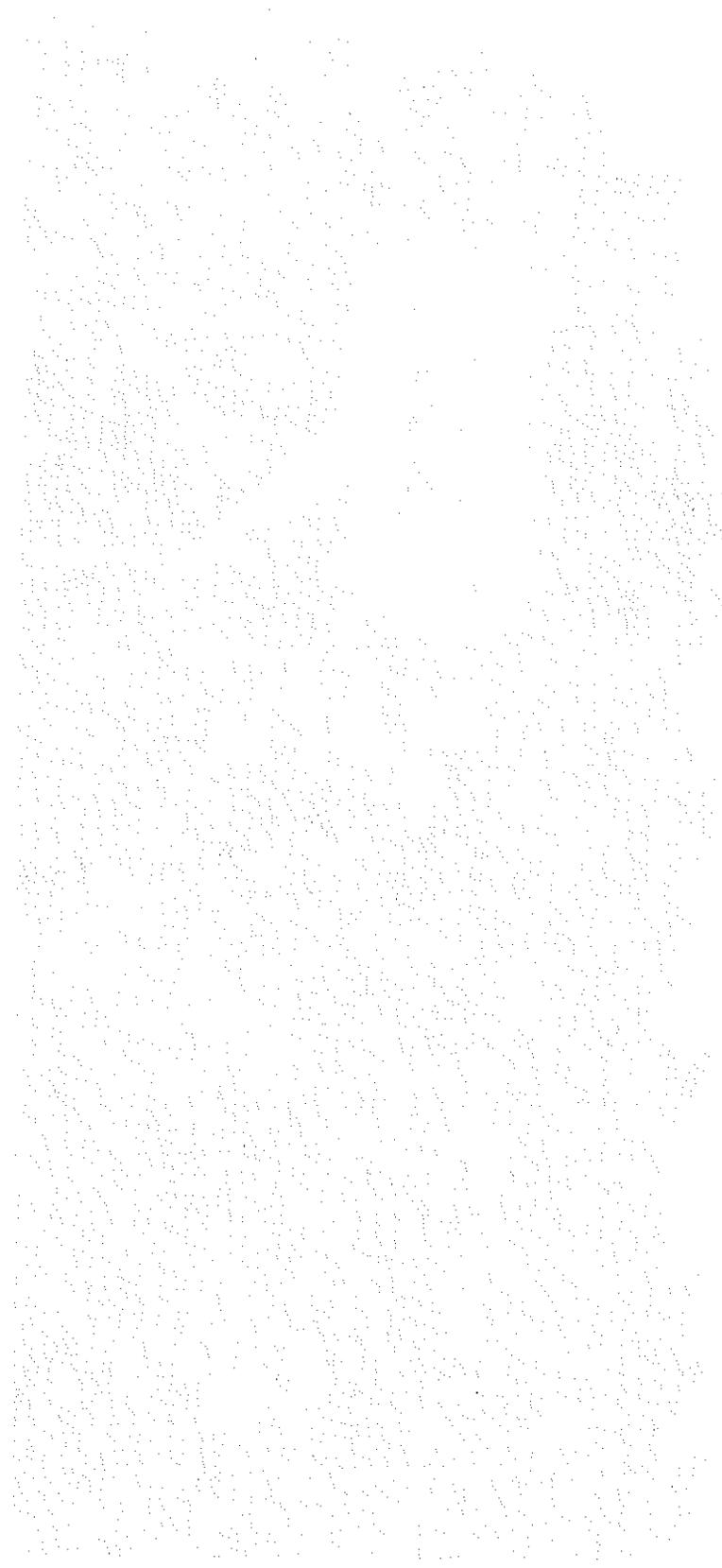
ark Road Right of Way

May 2008
SHEET



REVISIONS			
NO.	DESCRIPTION	BY	DATE

File date park road right of way...



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**AGENDA ITEM
CITY COUNCIL MEETING: JULY 1, 2008
CONSENT CALENDAR**

DATE : June 4, 2008

TO : City Manager

FROM : Finance Director

SUBJECT : **SETTING 2008-09 SECURED TAX RATES FOR BONDED
INDEBTEDNESS FOR THE 1997 GENERAL OBLIGATION
SEWER BONDS**

RECOMMENDATION:

Adopt the resolution setting the 2008-09 bonded indebtedness secured tax rate for the 1997 Sewer Bonds (Series A and B).

EXECUTIVE SUMMARY:

Each year at this time, the City is required to adopt the attached resolution that sets the bonded indebtedness secured tax rates for the new fiscal year. This resolution is forwarded to the County Tax Assessor's office for inclusion in property owners' property taxes within the City of Benicia. Due to a slight decrease in Assessed Valuation, the rate for each homeowner will have a minimal increase from .01572 to .01586 per hundred dollars of assessed valuation. The total amount to be collected is \$756,082 and will be used to pay interest and principal on the G.O. Sewer Bonds.

BUDGET INFORMATION:

There is no budget impact for the City.

BACKGROUND:

Each year at this time, the City is required to adopt the attached resolution that sets the bonded indebtedness secured tax rates for the new fiscal year. This resolution is forwarded to the County Tax Assessor's office for inclusion in property owners' property taxes within the City of Benicia.

The resolution sets one rate for the City's remaining general obligation debt: the 1997 General Obligation Sewer Bonds. The City was authorized to issue up to \$30,000,000 in bonds to complete the wastewater treatment plant project. Due to obtaining a State Revolving Fund Loan, the City issued only \$10,000,000 in bonds, of which \$6,585,000 remains outstanding. These bonds will be retired by September 2019.

The rate is set according to a formula using both secured and unsecured property valuations,

which are estimated to be \$4.985 billion for 2008-09. The rates are then used to allocate the bonded indebtedness to each property in order to collect an anticipated \$756,082 that will be used to pay interest and principal on the G.O. Bond.

Due to a slight decrease in Assessed Valuation, the rate for each homeowner will have a minimal increase from .01572 to .01586 per hundred dollars of assessed valuation. For example, if an individual owns a home assessed at \$300,000, the homeowner would pay $\$300,000 (.01586) / 100 = \47.59 for the 1997 Sewer Bonds for fiscal year 2008-09. The amount is \$0.42 or 0.89% more than a homeowner with a property assessed at \$300,000 paid in fiscal year 2007-08.

Attachments:

- Resolution setting the 2008-09 secured tax rates for the 1997 Sewer Bonds

RESOLUTION

RESOLUTION NO. 08-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA SETTING THE 2008-09 SECURED TAX RATES FOR THE 1997 SEWER BONDS

WHEREAS, the City is required to set tax rates on secured property for payment of the 1997 sewer bonds indebtedness.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Benicia hereby adopts the following secured tax rates required to pay the City of Benicia bonded indebtedness:

SECURED TAX RATES REQUIRED FOR FISCAL YEAR 2008-09

<u>BOND</u>	<u>AMOUNT</u>	<u>RATE PER \$100</u>
1997 Sewer Bonds	\$756,082	0.01586

On motion of Council Member _____, seconded by _____, the above resolution was introduced and passed by the City Council of the City of Benicia at a regular meeting of said Council held on the 1st day of July, 2008 and adopted by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk

EXHIBIT I

EXHIBIT I
City of Benicia 1997 General Obligation Bonds
Calculation of Ad Valorem Secured Tax Rate for Fiscal Year 2008-09

	1997 Wastewater Bonds		
Net Unsecured Tax Roll	\$ 218,532,879		
Adjusted Unsecured Tax Roll	2,185,329		
FY 07/08 Secured Tax Rate	0.01572		
	34,360		
Principal and Interest	790,443		
less amount paid by unsecured	(34,360)		
Total to be paid by secured	756,082		
Net Local Secured	4,765,162,368		
SBE values	1,238,520		
Net Total Secured	4,766,400,888		
Adjusted	47,664,009		
Tax Rate for FY 08/09	756,082	=	0.01586
	47,664,009		

Tax on \$300,000 Assessed Value

Balance Due:	\$ 6,585,000
Total Tax Base	\$ 49,849,338
Example based on \$300,000	300,000
Tax Rate for FY 07/08	0.0159
	4,759
	100
Total Tax on \$300,000 value	\$ 47.59

	1997 Wastewater Bonds
Debt Requirements	
Interest	\$ 78,665
Interest	72,728
Principal	250,000
Subtotal, Series A	401,393
Interest	79,610
Interest	74,440
Principal	235,000
Subtotal, Series B	389,050
Total Debt Requirement for FY	\$ 790,443

**AGENDA ITEM
CITY COUNCIL MEETING: JULY 1, 2008
CONSENT CALENDAR**

DATE : June 3, 2008

TO : City Manager

FROM : Finance Director

SUBJECT : **ESTABLISHMENT OF THE ANNUAL APPROPRIATIONS LIMIT
PURSUANT TO ARTICLE XIII B OF THE CALIFORNIA STATE
CONSTITUTION FOR FISCAL YEAR 2008-09**

RECOMMENDATION:

Adopt the resolution establishing the maximum allowable appropriations limit for Fiscal Year 2008-09 in the amount of \$69,715,477.

EXECUTIVE SUMMARY:

Article XIII B of the State Constitution requires cities to limit their growth in appropriations to a formula with options based upon the increase in their city or county population and the increase in non-residential construction or California per capita income. The resolution establishes the formula options and appropriation limit for Fiscal Year 2008-09. The City currently has a \$39.2 million margin between the appropriations limit and the approved appropriations budget for FY 2008-09.

BUDGET INFORMATION:

There is no budget impact to the City by adopting the resolution.

BACKGROUND:

Each year the governing body of each local jurisdiction shall, by resolution, establish its appropriations limit and make other necessary determinations for the following fiscal year pursuant to Article XIII B at a regularly scheduled meeting or noticed special meeting.

Article XIII B of the State Constitution requires the Council to adopt "Cost of Living" factors to compute the City's appropriations limit. Two factors from two different sets of factors are utilized for the computation and the City may choose whichever yields the greater increase in the limit. The first set is the percentage change in population for either the City *or* Solano County. The second set is comprised of the percentage change in the local assessment roll due to the addition of non-residential new construction *or* the percentage change in California per capita income.

Exhibit 1 illustrates how the City's appropriations limit is calculated and the summary of the appropriations subject to limitation. The margin of \$39.2 million between the appropriations limit and the approved appropriations budget indicates the City could increase budgeted appropriations by more than double before being required to reduce local tax rates or revenues.

The appropriations limit was originally designed about 20 years ago to limit appropriations in southern California desert resort cities that were receiving rapid increases in revenues from new resort hotels and golf courses and immediately spending the money on capital projects and operations. The legislation forced the resort cities to limit their spending and return any "tax-generated" revenues above the appropriations limit to local residents. Indian Wells is the only city that could be found to actually reduce taxes and only for one year.

Attachments:

- Resolution
- Exhibit 1

RESOLUTION

RESOLUTION NO. 08-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA
ESTABLISHING AN APPROPRIATIONS LIMIT PURSUANT TO ARTICLE XIII B OF
THE CALIFORNIA STATE CONSTITUTION FOR FISCAL YEAR 2008-09**

WHEREAS, Article XIII B of the Constitution of the State of California provides that the total annual appropriations subject to limitation of the State and of each local government shall not exceed the appropriations limit of such entity of government for the prior year adjusted for changes in the cost of living and population except as otherwise provided in said Article XIII B; and

WHEREAS, pursuant to said Article XIII B of the Constitution of the State of California, the City Council of the City of Benicia deems it to be in the best interests of the City of Benicia to establish an appropriations limit for the fiscal year 2008-09; and

WHEREAS, the Finance Director of the City of Benicia has determined that the said appropriations limit for the fiscal year 2008-09 be established in the amount of \$69,715,477; and

WHEREAS, the Finance Director of the City of Benicia has determined that the percentage change in per capita income and the city population is the preferred method of calculation in the cost of living adjustment.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Benicia hereby establishes an appropriations limit for fiscal year 2008-09 pursuant to Article XIII B of the Constitution of the State of California be established in the amount of \$69,715,477, as evidenced by Exhibit 1, attached to this Resolution and hereby incorporated herein.

On motion of Council Member _____, seconded by _____, the above resolution was approved by the City Council of the City of Benicia at a regular meeting held on the 1st day of July, 2008, by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

ATTEST:

Lisa Wolfe, City Clerk

EXHIBIT I

Exhibit 1

FY 2008-09 Appropriations Limit Calculation

<u>Description</u>	<u>Amount</u>
2007-08 Appropriations Limit	\$ 66,402,811
2008-09 City population	1.0067
2008-09 Increase in per capita income	<u>1.0429</u>
2008-09 Appropriations Limit	<u>\$ 69,715,477</u>

2008-09 Projected Tax Revenues

<u>Description</u>	<u>Amount</u>
Property Taxes	\$ 15,144,400
Sales & Use Tax	7,412,840
Transient Occupancy Tax	290,000
Utility Users Tax	4,147,580
Business License Tax	485,000
Real Property Transfer Tax	200,000
State Off Highway Users Tax	0
State Motor-Vehicle Fees	2,203,910
Gas Tax	547,115
Appropriations Subject to Limitation	<u>\$ 30,430,845</u>
Margin	<u>\$ 39,284,632</u>

**AGENDA ITEM
CITY COUNCIL MEETING: JULY 1, 2008
CONSENT CALENDAR**

DATE : June 24, 2008
TO : Mayor & City Council
FROM : City Manager
SUBJECT : **APPROVAL OF MODIFICATIONS TO THE ALLOCATION OF POSITIONS IN THE BENICIA POLICE DEPARTMENT, FINANCE DEPARTMENT AND THE CITY MANAGER'S OFFICE**

RECOMMENDATION:

Adopt the resolution: 1) approving the modifications to the allocations of positions and corresponding budget adjustments; and 2) approving the job description and salary range for Administrative Services Director.

EXECUTIVE SUMMARY:

Several positions have undergone review since the budget was adopted and proposed changes from three departments are being presented in this report. 1) The Police Chief is requesting to create a dedicated traffic unit by converting one existing Police Officer position to a Police Sergeant position and reassigning an existing police officer position to become the Traffic Officer. 2) The Finance Director is requesting the Information Technology Technician position be changed to an Information Technology Analyst. 3) The City Manager is requesting that the Assistant to the City Manager position be changed to an Administrative Services Director position, along with the addition of a part-time clerical position. The net budget cost for the FY 2008-09 Fiscal Year for these changes will be \$60,390.

BUDGET INFORMATION:

The combined budgetary impacts are listed below.

FY 2008-09			
Positions	Revenue Adjustments	Expenditure Adjustments	Net Impact
Police Sergeant & Traffic Officer	\$0	\$ 9,245	\$ 9,245
Information Technology Analyst	\$0	\$ 3,850	\$ 3,850
Administrative Services Director	\$0	\$ 26,755	\$ 26,755
Senior Admin. Clerk (PT) for CMO	<u>\$0</u>	<u>\$ 20,540</u>	<u>\$ 20,540</u>
Total Adjustments	\$0	\$ 60,390	\$ 60,390

BACKGROUND:

Police Sergeant and Traffic Officer. The City of Benicia received a Traffic Safety Program Evaluation in November 2007. This report was an Enforcement and Engineering Analysis of Traffic Safety Programs for the city and was produced and submitted by staff from the University of California Institute of Transportation Studies. One of several recommendations made in the report was to have dedicated traffic units. This recommendation was also made in a prior Traffic Safety Program Evaluation conducted in 2001.

Currently there are six sergeant positions and twenty-six officer positions within the Police Department. Four sergeant positions are assigned to uniform patrol and perform supervisory duties on a shift basis. Working a beat structure, officers assigned to uniform patrol perform traffic safety and traffic collision reporting duties as available. The Police Chief is requesting to create a dedicated traffic unit in the Police Department consisting of one Traffic Sergeant and one Traffic Officer. This change in staffing would be accomplished by; converting one existing Police Officer position to a Police Sergeant position and reassigning an existing police officer position to become the Traffic Officer. The staffing changes would become effective August 1, 2008.

It is projected that this change will be cost neutral and supplies and equipment will be self-sustaining once fully implemented. Attached is a memo from the Police Chief further describing the traffic unit, as well as providing a complete cost analysis.

Information Technology (IT) Analyst. The Finance Director and IT Manager were authorized in the FY 2007-08 Budget to add an additional employee using a combination of savings from the cancellation of outside contracts. At the time, it was felt that an IT Technician II would be able to provide the necessary services.

Shortly after the IT Division was transferred into the Finance Department from the Human Resources Department, staff began to develop recommendations for optimizing the IT services offered to other City Departments, the City Council and the community. A survey was developed, several information-gathering meetings were held, and recommendations were received and analyzed by IT staff. As a result of the survey, it became apparent that a higher-skilled individual would better suit the needs of the City.

With the information in hand, IT staff compared the service requests with the Job Descriptions that were recently upgraded in December 2007. The resulting comparisons indicated that an IT Analyst I would better suit the needs of all IT customers. For this reason, the Finance Director and IT Manager have requested that the City Manager recommend the position change to the City Council. The position will strengthen the City's abilities in the areas of software report writing, audio-visual technology, departmental inter-connectivity, and other communications technologies. A copy of the approved job description for IT Analyst is attached to the report for reference.

The monthly salary range for an IT Technician II is currently \$4,327-\$5,260. The monthly salary range for an IT Analyst I is \$4,947-\$6,014. Authorizing the position change from IT Technician II to IT Analyst I will increase the FY 2008-09 Budget from a total compensation

amount of \$97,815 to \$101,665, or by \$3,850. It is still expected the position will be fully covered by savings from canceling an outside service contract with Bi-Tech Software, Inc. to maintain the Finance Department's General Ledger "Server" and the associated high-speed communication line.

Administrative Services Director. The City Manager is requesting that the Council approve the attached job description and salary range for an Administrative Services Director. This position will replace the current Assistant to the City Manager position in the City Manager's Office. In addition to overseeing the administrative functions of the City Manager's/City Clerk's Office, the Administrative Services Director will be responsible for supervision of the Human Resources Manager.

This change will allow for additional management resources and support to be dedicated to the Human Resources Division, along with ensuring continued close coordination with the City Manager's Office. It is expected this change will also increase the productivity of the City Manager's Office in that it will allow for additional delegation opportunities for the City Manager, which has been absent with the loss of the Assistant City Manager position several years ago. The Administrative Services Director will also oversee administrative functions of the City Manager's Office as they relate to support provided to the City Manager, Mayor and City Council, as well as the services provided by the City Clerk's Office. This position will also manage various special projects currently associated with the City Manager's Office, as well as staffing various boards and commission, as needed. Attached is an updated organizational chart illustrating the proposed changes, along with a job description further describing the proposed responsibilities for this position.

The monthly salary range for the Assistant to the City Manager is currently \$6,393 - \$7,771. The monthly salary range for Administrative Services Director is proposed to be \$9,106 - \$11,068. Authorizing the position change from Assistant to the City Manager to Administrative Services Director will result in an increase in total compensation of \$26,755. Additionally, as part of this change, it is proposed that a part-time Senior Administrative Clerk be added to the City Manager's Office, to assist with the clerical support needed by the Administrative Services Director. The additional cost for this position is estimated to be \$20,540, bringing the total increase to the FY 2008-09 Budget to \$47,295.

Attachments:

- Resolution
- Memo regarding Police Department Traffic Unit
- IT Analyst Job Description
- Administrative Services Director Job Description and Organizational Charts

RESOLUTION

RESOLUTION NO. 08-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING MODIFICATIONS TO THE ALLOCATION OF POSITIONS AND ADJUSTMENTS TO THE MUNICIPAL BUDGETS FOR FISCAL YEAR 2008-2009 AND APPROVING THE JOB DESCRIPTION AND SALARY RANGE FOR ADMINISTRATIVE SERVICES DIRECTOR

WHEREAS, the City Manager presented a proposed two-year budget for fiscal years 2007-2008 and 2008-2009 that was approved by the City Council on June 19, 2007 for all Municipal Funds; and

WHEREAS, the City Manager has presented recommendations for adjustments to the municipal budgets for fiscal year 2008-2009 to accommodate changes in allocated employee positions at a regular meeting of the City Council on July 1, 2008; and

WHEREAS, the City Council has reviewed the proposed modifications to the allocation of positions, specifically, 1) the Police Sergeant and Traffic Officer for the Traffic Unit, 2) the Information Technology Analyst, and 3) the Administrative Services Director, including the addition of a part-time Senior Administrative Clerk for the City Manager's Office, and finds them appurtenant and necessary; and

WHEREAS, while the job descriptions and salary ranges to be utilized as part of the proposed position changes in the Police Department and Finance Department are already existing, the City Council of the City of Benicia hereby approves of the job description of for the new position of Administrative Services Director and establishes the following salary range for that position:

A	B	C	D	E
9,106	9,561	10,039	10,541	11,068

WHEREAS, the City Council has determined the aforementioned adjustments are consistent with the Balanced Operating Budget Policy and the Fund Balance Reserve Policy, previously adopted to ensure the fiscal sustainability of the City of Benicia.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Benicia hereby approves the employee position changes and adopts adjustments to the Municipal Budgets for the Fiscal Years 2008-09 as evidenced by the chart below:

FY 2008-09			
Positions	Revenue Adjustments	Expenditure Adjustments	Net Impact
Police Sergeant & Traffic Officer	\$0	\$ 9,245	\$ 9,245
Information Technology Analyst	\$0	\$ 3,850	\$ 3,850
Administrative Services Director	\$0	\$ 26,755	\$ 26,755
Senior Admin. Clerk (PT) for CMO	\$0	\$ 20,540	\$ 20,540
Total Adjustments	\$0	\$ 60,390	\$ 60,390

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 1st day July, 2008 and adopted by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk

MEMO REGARDING TRAFFIC UNIT



Police Department
MEMORANDUM

Date: May 13, 2008
To: Jim Erickson, City Manager
From: Sandra Spagnoli, Chief of Police
Subject: Dedicated two person traffic unit

Recommendation Summary:

Create a dedicated traffic unit in the Police Department consisting of (1) one Traffic Sergeant and (1) one Traffic Officer. Staffing would be accomplished by converting (1) one existing Police Officer position to (1) Police Sergeant position and reassigning an existing police officer position to become the Traffic Officer. The staffing changes would become effective August 1, 2008.

Fiscal Impact:

It is projected that the staffing modification will be a cost neutral change, by an estimated \$7,111 increase in salaries (\$9,245 total compensation) and a decrease of same in overtime costs.

Background:

Currently there are (6) six sergeant positions and (26) twenty-six officer positions within the Police Department. Four (4) sergeant positions are assigned to uniform patrol and perform supervisory duties on a shift basis. Working a beat structure, officers assigned to uniform patrol perform traffic safety and traffic collision reporting duties as available.

The City of Benicia received a Traffic Safety Program Evaluation in November 2007. This report was an Enforcement and Engineering Analysis of Traffic Safety Programs for the city and was produced and submitted by staff from the University of California Institute of Transportation Studies. One of several recommendations made in the report was to have dedicated traffic units. This recommendation was also made in a prior Traffic Safety Program Evaluation conducted in 2001.

Assignment Details:

Studies have shown that successful traffic safety programs focus efforts on four E's.

1. Education

The department currently conducts a limited amount of public education in regards to traffic related issues. Personnel assigned to a dedicated traffic unit would be responsible for conducting enhanced public education.

2. Enforcement

Traffic enforcement is an ancillary duty and is conducted on an as available basis. Officers working within the beat structure enforce traffic laws when they are not responding to calls for service or conducting follow up activities for investigation of an outstanding call. A primary responsibility of a dedicated traffic unit would be to enforce traffic laws, particularly at locations where violations and traffic collisions are most frequent.

3. Engineering

The Police Department frequently works with the engineering division of the Public Works Department on traffic safety issues. However, Police Department personnel are assigned liaison duties based on projects and/or requests from the engineering division. The Traffic Unit personnel would be full time liaisons providing continuity of service and increasing communication between the departments. The Traffic Sergeant and Traffic Officer would receive training to become experts in applicable traffic safety engineering topics and best practices of developing and maintaining enforcement and engineering partnerships.

4. Emergency Services

Traffic unit personnel would coordinate services with emergency medical services including the Fire Department and EMS providers. This would provide continuity of service and increase communication for planning and education of response to traffic collisions and related traffic safety needs.

Other duties of the traffic unit would include:

- 5. Implementing Office of Traffic Safety (OTS) Grants**
- 6. Provide school safety programs**
- 7. Work with the traffic, pedestrian and bicycle safety committee**
- 8. Design in house traffic tracking / accountability systems**
- 9. Develop expertise in traffic collision investigation**
- 10. Deliver in house training for traffic collision investigation**

Cost Analysis:

Personnel

This proposal includes a position conversion of (1) one existing Police Officer position to a Police Sergeant position. Police Officers and Police Sergeants are members of the Benicia Police Officers

Association (BPOA) bargaining unit. The compensation for Health & Welfare benefits are identical for each position. As described in Section 15.6 of the current Memorandum of Understanding (MOU); when an employee is promoted, the employee's compensation shall be set at Step A or one step higher than the employee's current salary whichever is higher, provided however, the employee's salary shall increase by at least 5%. The salary schedule requires that a Police Officer at Step E who is promoted to a Police Sergeant would receive a salary to be set at Step C of the Sergeant salary schedule. This would result in an 8.6% salary increase.

Projected Salary Schedule FY 08-09
(Current schedule as of 02/14/08 plus 2% COLA effective 07/01/08)

	STEP				
	A	B	C	D	E
Sergeant	6755	7093	7448	7820	8211
Officer	5640	5922	6218	6529	6855

As illustrated in the chart below, it is projected that in FY 08-09 the annual salary difference between an E step Police Officer and a C step Sergeant will be \$7,111.

		Projected FY 08-09		Projected Long Term	
Sergeant Annual Cost		89376	C Step	98532	E Step
Officer Annual Cost		82265	E Step	82265	E Step
Cost Salary Difference		\$ 7,111		\$ 16,267	
Total Compensation Difference	11 months	\$ 9,245	12 months	\$ 21,150	

It is expected that converting an existing Officer position to a Sergeant position will recover this cost difference since, as a result of having a Traffic Sergeant and Traffic Officer available to cover patrol shifts, (8.5) eight and one half 12-hour overtime shifts will likely be avoided (see OT cost analysis below).

		Projected FY 08-09		Projected Long Term	
Sergeant OT Rate (E Step)		71.07		71.07	
Sgt. OT hours saved necessary for cost neutral		101		229	
Sgt. Shifts (hours divided by 12)		8.42		19.08	

Periodically the on-duty patrol sergeant is required to attend court, training, and perform other duties that require the on-duty sergeant's supervisory duties to be assigned to other personnel. When the absence is extended or a trained acting supervisor is not available, this requires one of the remaining (3) three patrol sergeants to be assigned to an overtime shift as the on-duty supervising patrol sergeant. Due to limitations with the budget and payroll systems, the actual costs of this overtime

are currently unknown. However, procedural changes are being planned (and projected to be in place for the 08-09 fiscal year) which will allow overtime to be tracked at a more detailed level. With the data that is available, staff believes that, on average, more than (8.5) eight and one half overtime patrol Sergeant shifts occur each year.

Regarding the overall impact of such a staffing change, the police department will in no way lose support in other areas because it is redistributing staffing and duties. These will be fully uniformed officers who will continue to be available to meet the community needs during the daytime, and answer calls for service as needed. These officers will relieve the current patrol staffing of traffic responsibilities such as accident investigations, traffic safety presentations, etc. This will also provide the department with a mechanism to address traffic complaints, which tends to be the most prevalent type of complaint received, and it will allow reassignment of such complaints from beat officers to the traffic unit for greater accountability.

The Officer and Sergeant assigned to the Traffic Unit will not receive additional specialty pay. This is consistent with the police department policies and current Memorandum of Understanding (MOU) with the Benicia Police Officers Association.

Equipment

The creation of a Traffic Unit will require that additional equipment and materials be procured. The department has submitted a grant application to the Office of Traffic Safety (OTS) to secure funding for the necessary equipment. If the grant is not approved, the department is prepared to use other grant or asset forfeiture funds towards the purchase of necessary traffic equipment. Equipment needs include: (2) two fully equipped police motorcycles, motorcycle uniforms and safety equipment, miscellaneous traffic safety and office supplies.

In terms of ongoing maintenance and/or replacement costs, the department is currently investigating the viability of a lease/maintenance plan option, which would ensure that the motorcycles would be under warranty. The estimate for that approach is approximately \$6-8,000/year, not to exceed \$10,000/year maximum. These costs would be covered by the Traffic Fund (tow revenue), which current budgeted revenue is \$30,000 however projected revenue for FY 07/08 is \$40,000 and would be expected to add \$15,000 per year with a fully functioning unit. It is anticipated that these fees can cover the annual costs of the program.

Training

The creation of a Traffic Unit will require additional training for the Traffic Sergeant and Traffic Officer. The OTS grant submitted by the department will provide funding for the initial motorcycle operator training. In the event that the grant is not funded, the department is prepared to include the necessary training in the programmed training for the department training budget within the general fund.

Self-Sustaining

In order to offset future equipment expenses associated with a traffic unit, the department recommends a establishing a dedicated Traffic Fund to sustain the needs of the unit (specifically for community education materials and equipment) by collecting and administering fees from the

impounding of vehicles from unlicensed and suspended drivers. The department currently has an impound vehicle policy and the Traffic Sergeant would be assigned responsibility to oversee this program and monitor revenues and expenditures. The creation of a dedicated traffic unit will likely increase the number of enforcement contacts with unlicensed and suspended drivers resulting in an increase of vehicle impounding. As previously noted, revenue from this program would be used to fund equipment, training, and public awareness campaigns.

Staff Allocation:

	Actual	Actual	Actual	Approved	Approved	Proposed
Approved Department Personnel	2004-05	2005-06	2006-07	2007-08	2008-09	Re- Allocation
Police Chief	1.00	1.00	1.00	1.00	1.00	1.00
Deputy Police Chief	1.00	-	-	-	1.00	1.00
Police Captain	-	-	3.00	3.00	-	-
Police Lieutenant	3.00	3.00	-	-	2.00	2.00
Sergeant - Patrol	4.00	4.00	4.00	4.00	4.00	4.00
Sergeant - Administration	1.00	1.00	1.00	1.00	1.00	1.00
Sergeant - Investigations	1.00	1.00	1.00	1.00	1.00	1.00
Sergeant - Traffic						1.00
Police Detective	4.00	4.00	4.00	4.00	4.00	4.00
Police Patrol Officer	17.00	17.00	17.00	17.50	17.50	15.50
Police Traffic Officer						1.00
Frozen Vacant Police Patrol Officer	(2.00)	-	-	-	-	-
Police Patrol: School Res.	2.00	2.00	2.00	2.00	2.00	2.00
SOLNET Officer (a)	1.00	1.00	1.00	1.00	1.00	1.00
SB823 Police Officer	1.00	1.00	1.00	0.50	0.50	0.50
Volunteer Coordinator (b)	1.00	1.00	1.00	1.00	1.00	1.00
Family Counselor (c)	-	-	1.00	1.00	1.00	1.00
Administrative Secretary	1.00	1.00	1.00	1.00	1.00	1.00
Management Analyst	-	-	1.00	1.00	1.00	1.00
Dispatch Supervisor	1.00	1.00	1.00	1.00	1.00	1.00
Public Safety Dispatcher	9.00	9.00	9.00	9.00	9.00	9.00
Animal Control Officer	1.00	1.00	1.00	1.00	1.00	1.00
Community Service I (Aide)	2.00	1.00	1.00	1.00	1.00	1.00
Community Service II (Aide)	-	1.00	1.00	1.00	1.00	1.00
Intern/Police Aide	-	-	0.50	0.50	0.50	0.50
Police Records Clerk	1.00	1.00	1.00	1.00	1.00	1.00
Total Approved	50.00	51.00	53.50	53.50	53.50	53.50
a) Partially funded by Solano County Solnet Grant. See 039-7439. b) As of March 31, 2008 this position is not a Sworn position. c) Partially funded by ATOD/AIM Grant						

TRAFFIC UNIT- Proposed Equipment/ Program Budget

Revenues	
	One Time Funding Sources
	On Going Revenues (Annual)
FY 08-09 Funding for Start Up Expenses/ Grant	
Carryover SLESF Fund from FY 07-08	
Account 036-7036	\$40,000
Estimated Traffic Fund Revenue FY 08-09	\$55,000

Expenses		
	Start Up Expense	On Going Expense (Annual)
Motorcycle Equipment		
(1) Motorcycle Lease (Estimate)		\$4,000
Stalker moving RADAR	\$3,795	
Stalker stationary RADAR	\$1,495	
Motorola XTL 5000 Radio/Box	\$4,300	
Lighting/Siren	\$600	
Motorcycle Maintenance		
1000 mile service		\$325
5000 mile service		\$325
10000 mile service		\$375
15000 mile service		\$375
Personnel Equipment		
Helmet/Headset	\$800	
Uniform	\$1,670	
Subtotal (Cost per Motor Unit)	\$12,660	\$5,400
Start up costs	\$25,320	
Annual costs for (2) Motor Units		\$10,800
TOTAL FIRST YEAR EXPENSE		\$36,120

Recurring Revenue/ Expense Summary

	FY 07/08 budget	Estimated Actual 07/08	FY 08/09 Traffic Unit Fiscal Changes	FY 08/09 budget
Annual Traffic Fund Revenue	\$30,000	\$40,000	\$15,000	\$55,000
Annual (reoccurring) equipment costs (Optional)			(\$10,800)	
Annual Community Education/ promotional activities			(\$4,200)	
Net change from current budget			\$0	

IT ANALYST JOB DESCRIPTION



CITY OF BENICIA
Information Technology Analyst I/II

DEFINITION

To perform professional duties of a complex and difficult nature in technical support of a variety of mainframe and personal computer systems, local area networks, and telecommunications systems; and to coordinate administrative activities associated with assigned area of responsibility.

DISTINGUISHING CHARACTERISTICS

Information Technology Analyst I

This is the first level class in the professional Information Technology Analyst series. This class is distinguished from the journey level by the performance of the more increasingly complex tasks and duties as assigned to positions within this series. Employees at this level are not expected to perform with the same independence of direction and judgment on matters allocated to the journey level. Employees may work under immediate supervision while learning job tasks and performing analytical studies.

Information Technology Analyst II

This is the journey level class within the professional Information Technology Analyst series. This class is distinguished from the first level by the assignment and mastery of the full range of duties, including in-depth analytical responsibilities. Employees at this level receive only occasional instruction or assistance as new or unusual situations arise and are fully aware of the operating procedures and policies of the work unit. Positions in this class are flexibly staffed and are normally filled by advancement from the first level.

SUPERVISION RECEIVED AND EXERCISED

Information Technology Analyst I

Receives general supervision from an assigned supervisor.

Information Technology Analyst II

Receives administrative direction from an assigned supervisor.

EXAMPLES OF ESSENTIAL DUTIES – The representative duties listed include essential and marginal functions that vary by position. Duties may include, but are not limited to, the following:

Coordinate, manage and maintain City-wide telecommunications system, including contract/lease analysis, review and recommendations; perform upgrades to systems and provide approvals for new

service; resolve operating problems; work with local telephone vendors; review and approve City-wide telephone bills; assist users in use of telephone equipment.

Provide project management for existing and proposed information technology and telecommunication systems including preparation of requests for proposals/services; procure related products/services; maintain parts stock and inventory.

System administrator on a variety of mini and mainframe computer servers / systems throughout the City including but not limited to computer aided dispatch (CAD) applications, police records management, financial management, public utilities management and other highly complex database management systems.

Manage and maintain secure network connectivity with outside agencies / contractors, including but not limited to the California Law Enforcement Telecommunications System (CLETS) and other public safety information and monitoring systems.

Coordinate and monitor the activities of the contracted production personnel for the City's and Public Access Channel; monitors technical, operational and other performance standards pursuant to video production agreements; assist the public safety departments in the use and operation of the Community Alert & Notification System / Emergency Digital Information System / Emergency Alert System.

Monitors, analyzes, and troubleshoots copper core, waveguide, coaxial, and fiber optic cable systems. Determines cause of signal deterioration in cable carrying audio, video, digital, and data transmission.

Operate, coordinate and maintain the City GIS system; develop complex GIS applications and database templates, trains and provides technical direction to users and operators on GIS software and / or custom applications.

Provide technical and professional support to City departments in responding to questions and providing instruction to users; troubleshoot and problem solve operational issues in regards to computers, terminals, electronic mail, telephone systems, operating systems, software, and hardware; install personal computer, network hardware, software and related equipment in an as needed basis.

Evaluate operations and activities of assigned responsibilities; recommend improvements and modifications; prepare various reports on operations and activities.

Plan and implement internal control, network security methods and other security systems for data, systems and hardware protection; maintain appropriate confidentiality of sensitive information encountered in the course of work.

Represent function on committees, outside organizations, and at staff subcommittees as necessary; coordinate information systems program activities with other City divisions and departments and outside agencies.

Prepare and maintain documentation; maintain and update manuals, codebooks, templates and related documents; follow recommended protocols and procedures; perform data back-ups; coordinate with vendors regarding purchases, upgrade installations, and technical issues.

Participate in various City Department's technology budget preparation and administration; prepare cost estimates for budget recommendations; submit justifications for supplies, services, and materials; maintain ongoing and projected future maintenance cost records.

Recommend information technology programs by compiling and evaluating information technology needs and determining methods of program development and coordination.

Build and maintain positive working relationships with co-workers, other City employees and the public using principles of good customer service.

Perform related duties as assigned.

MINIMUM QUALIFICATIONS

Knowledge of: Depending on assignment;

Advanced methods and techniques used in the evaluation and analysis of software, hardware and application systems.

Practices of business office automation and information systems technology, including telecommunications, database administration, operating systems, software and hardware.

Television production; techniques of videotape and digital systems editing; operating procedures, maintenance and various types of video production equipment and audio visual equipment; filing and cataloging procedures; principals of operation of automated routine and emergency playback systems and alphanumeric display systems.

GIS software and technical operating systems, including analysis, design, development and programming of GIS applications and databases.

Troubleshooting techniques used in resolving operational problems with operating systems, computer software, telecommunications equipment and related systems and equipment.

Principles and practices of good customer service.

Techniques and principles of effective interpersonal communication.

Pertinent local, State and Federal laws, ordinances, City functions, policies, rules and regulations.

Ability to:

To perform paraprofessional work in the selection, installation, and maintenance of a variety of computer systems and equipment.

On a continuous basis, know and understand all aspects of the job; intermittently analyze work papers, reports and special projects; identify and interpret technical and numerical information; observe and problem solve operational and technical policy and procedures.

On a continuous basis, sit at desk for long periods of time; intermittently twist to reach equipment surrounding desk; perform simple grasping and fine manipulation; use telephone, and write or use a keyboard to communicate through written means; and lift or carry weight of 25 pounds or less.

Test programs, debug application programs and perform high level analysis to identify and resolve problems; work efficiently and effectively at a high level of expertise in installing, upgrading, and maintaining technology systems.

Obtain information through interview; effectively handle multiple project assignments.

Assist in the development and monitoring of an assigned program budget.

Meet current California law enforcement standards regarding security clearances related to background assessment and access to confidential information.

Communicate clearly and concisely, both orally and in writing.

Establish and maintain effective working relationships with those contacted in the course of work.

Functionally supervise, train, and evaluate assigned staff.

Experience and Training

Information Technology Analyst I

Any combination of experience and training that would provide the required knowledge and abilities is qualifying. A typical way to obtain the required knowledge and abilities would be:

Experience:

Two years of increasing responsible experience providing technical and professional support in information technology / systems or related fields; experience in a local government agency is highly desirable.

Training:

Equivalent to an Associate's degree with major course work in computer science, information systems management, network administration or a related field from an accredited college or university.

License or Certificate

Possession of, or ability to obtain, a valid California driver's license.

Information Technology Analyst II

Any combination of experience and training that would provide the required knowledge and abilities is qualifying. A typical way to obtain the required knowledge and abilities would be:

Experience:

Two years of increasingly responsible experience providing technical and professional support similar to the Information Technology Analyst I with the City of Benicia.

Training:

Equivalent to a Bachelor's degree with major course work in computer science, information systems management, network administration or a related field from an accredited college or university.

License or Certificate

Possession of, or ability to obtain, a valid California driver's license.

POSITION INFORMATION:

Originated: August 2007

Approved by Civil Service: August 21, 2007

Approved by City Council: December 4, 2007

FLSA: Exempt

Bargaining Unit: Professional/Confidential (Local 1)

**ADMINISTRATIVE SERVICES DIRECTOR JOB
DESCRIPTION & ORGANIZATIONAL CHARTS**



CITY OF BENICIA
Administrative Services Director

DEFINITION:

Under administrative direction of the City Manager, plans, organizes, provides administrative direction and oversight in the City Manager's Office, City Clerk's Office, and Human Resources. Provides professional assistance to City management staff in each of these areas. Provides leadership to staff and as a member of the executive team in fostering cooperative working relationships with officials, staff, citizens, and regulatory agencies. Performs other work, as required.

DISTINGUISHING CHARACTERISTICS:

The incumbent in this position reports directly to the City Manager and is responsible for providing a wide variety of administrative and technical staff assistance to the City Manager operating departments, City Council, commissions and committees. This position also supervises the Human Resources Manager and the administrative staff of the City Manager's office; may also be assigned responsibility for developing, organizing and maintaining specialized management projects or support activities.

SUPERVISION RECEIVED AND EXERCISED

Receives direction from the City Manager.

Exercises supervision over Human Resources Manager and administrative/clerical staff of the City Manager's Office.

REPRESENTATIVE DUTIES: The representative duties listed include essential and non-essential functions that vary by position. Individuals with disabilities will be considered for placement into positions in this class based upon an assessment of the essential functions of the particular position.

Responsibilities include, but are not limited to:

- Develops and directs the implementation of goals, objectives, policies, procedures and work standards for the department; prepares and administers the department's budget.
- Assists in preparation, monitoring and administration of the City budget.
- Plans, organizes, administers, reviews and evaluates the work of professional and office support staff.
- Develops, reviews and implements administrative policies and procedures to meet legal requirements and City needs.

- Administers and conducts studies as assigned by the City Manager, which may be sensitive and of critical importance; researches, analyzes and prepares recommendations in relation to a wide variety of technical, complex, and/or controversial issues, typically utilizing statistical and financial projections and organizational analysis.
- Assists the City Council and City Manager in intergovernmental relations and acts as liaison with other governmental jurisdictions; tracks state and federal legislation; assists in the evaluation of proposed legislation to determine the potential impact on the City; prepares various related statements and responses, and coordinates and performs other lobbying efforts.
- Provides for the selection, training, professional development and work evaluation of department staff; recommends discipline as required; provides policy guidance and interpretation to staff.
- Manages the development of the Council agenda and related documents.
- Prepares requests for proposals for a variety of projects and administers contracts.
- Prepares and directs the preparation of a variety of written correspondence, reports, procedures, ordinances and other written materials.
- Represents the City at community activities and events, various public and community meetings and gatherings, professional meetings and conferences, and on various committees and commissions.
- Provides professional advice to City's management and City Council on administrative matters.
- Represents the City Manager's Office in interdepartmental, community and professional matters, as required.
- Oversees the functions of Human Resources through the Human Resources Manager, including benefit administration, workers' compensation, employee relations, employee development and training, etc.
- Exercises responsibility for the proper organization, staffing and operation of the Human Resources Division.
- Advises and makes recommendations to the City Manager on matters related to personnel.
- Supervises labor relations activities and may serve as chief labor negotiator during the collective bargaining process.
- Oversees development and implementation of Memoranda of Understanding (MOU's).

QUALIFICATIONS

Knowledge of:

Administrative principles and practices, including goal setting, program development, implementation and evaluation and supervision of staff, either directly or through subordinate levels of supervision.

Laws, codes and regulations applicable to municipal administrative services.

Techniques for effectively representing the City in contacts with governmental agencies, community groups and various business, professional, regulatory and legislative organizations.

Principles of leadership, effective supervision, and effective public presentation.

Information technology and records management principles and practices as they relate to human resources.

Principles and practices of human resources in a public agency setting.

Principles, practices and techniques of recruitment and selection, job analysis, classification, compensation and benefit analysis, and labor relations.

Ability to:

Administer multiple programs and the work of professional, technical and office support staff in the City Manager's/City Clerk's Office and Human Resources.

Select, train, motivate, develop, and evaluate the work of staff.

Develop and implement goals, objectives, policies, procedures, work standards and internal controls.

Identify and make improvements to administrative business processes.

Apply administrative and analytical skills to complete tasks and solve problems in the areas of administration and human resources.

Interpret, apply and explain complex laws, codes, regulations and ordinances.

Prepare and present clear and concise reports, correspondence, policies, procedures and other written materials.

Use initiative, tact, prudence and independent judgment within general policy and legal guidelines.

Establish and maintain effective working relationships with those contacted in the course of the work.

Develop and maintain up-to-date equitable and consistent human resources programs and plans in all areas of human resources.

EXPERIENCE AND EDUCATION

Any combination of experience and education that would provide the required knowledge and abilities is qualifying. A typical way to obtain the required knowledge and abilities would be:

Experience:

At least five years of management experience in administration and/or human resources. Local government agency experience is highly desirable.

Education:

Equivalent to graduation from a four-year college or university with major course work in public administration, business, human resources or a field related to the work. A Master's degree is highly desirable.

LICENSE OR CERTIFICATE:

Possession of a valid California driver's license at date of hire and a safe driving record; or ability to provide suitable transportation which is approved by the appointing authority.

WORKING CONDITIONS:

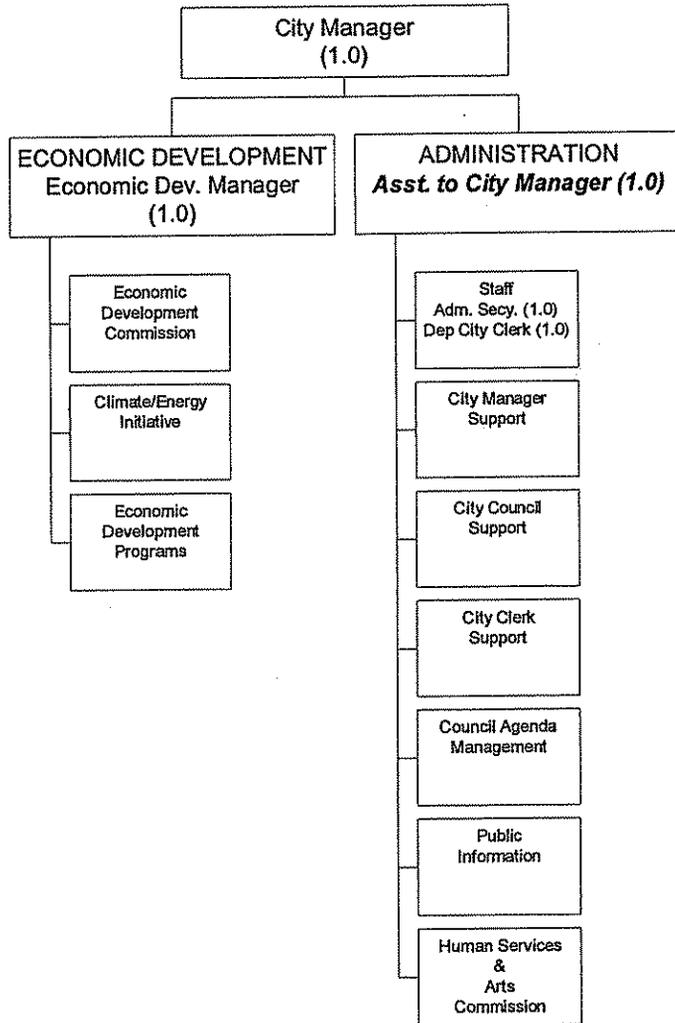
Willingness and ability to work the hours necessary to accomplish the assigned duties; attend evening meetings; travel out of town and attend workshops, conferences, seminars during working and non-working hours.

Essential duties require the mental and/or physical ability to; work in a standard office environment; drive a vehicle; read fine print and Video Display Terminals; operate a computer keyboard; converse by telephone, in person, and to large groups and be clearly understood; stamina to work additional hours to meet deadlines and attend night meetings.

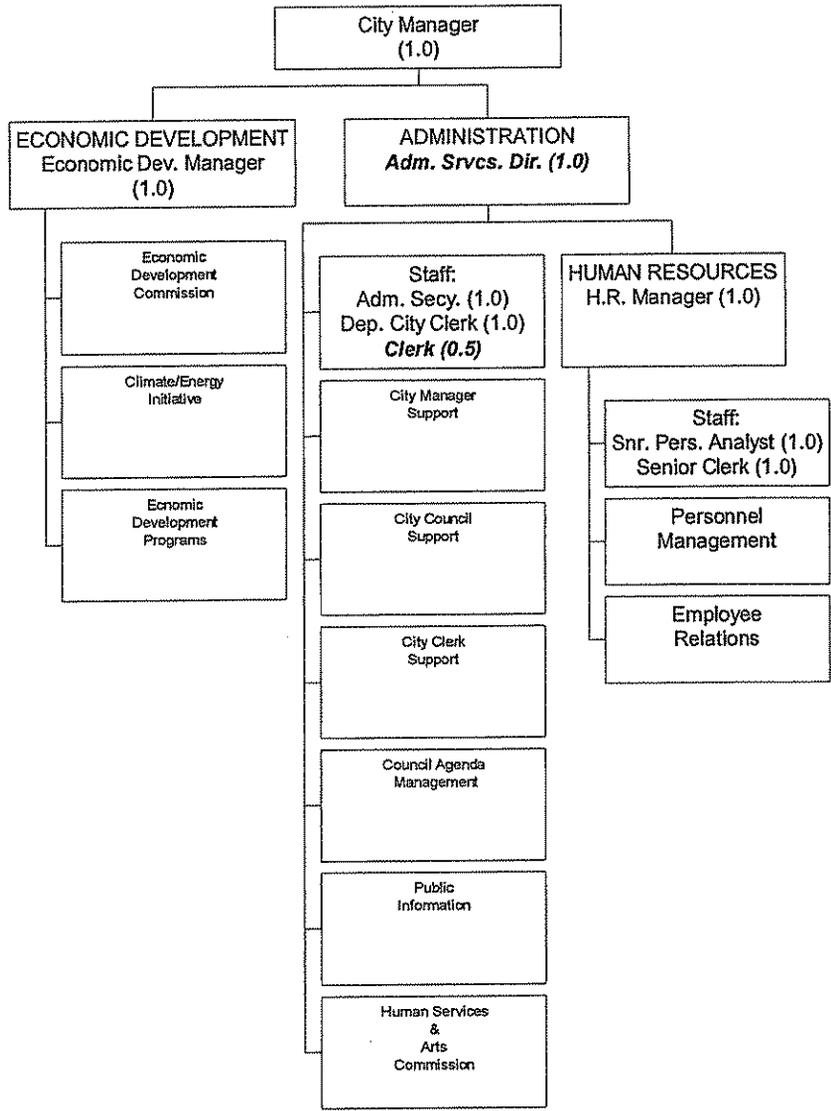
POSITION INFORMATION:

Originated: July 2008
Approved by Civil Service: N/A
Approved by City Council:
FLSA: Exempt
Bargaining Unit: Senior Management

City Manager's Office
Existing
06/23/08



City Manager's Office
Proposed
 06/23/08



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**AGENDA ITEM
CITY COUNCIL MEETING: JULY 1, 2008
ACTION ITEM**

DATE : June 16, 2008

TO : City Council

FROM : City Attorney

SUBJECT : **INTRODUCTION OF AN ORDINANCE ADDING A NEW CHAPTER 12.52 (NEWSPAPER RACKS AND STANDS) TO TITLE 12 (STREETS, SIDEWALKS AND PUBLIC PLACES) OF THE BENICIA MUNICIPAL CODE**

RECOMMENDATION:

Introduce the ordinance regulating newspaper racks and stands.

EXECUTIVE SUMMARY:

The City Council requested that an ordinance regulating newspaper racks be drafted. This ordinance is designed to regulate the placement, appearance, number, size and servicing of news racks on the public right-of-way. An encroachment permit would be required for the placement of a rack on the public right-of-way. For the Downtown Mixed Use Master Plan area, news racks would be subject to additional locational requirements.

BUDGET INFORMATION:

There will be no effect on the budget.

SUMMARY:

The City Council recently asked that an ordinance to regulate newspaper racks be considered. To prepare for this work item, we surveyed the newspaper racks currently on First Street in February and sent the owners of the racks letters about their condition. We followed up with another survey on June 12, 2008. As of June 12th, nine news racks have been removed, two news racks were added, five news racks were in better condition, sixteen news racks appear to be in worse condition, three have both improved and deteriorated. In all, there are currently thirty-eight news racks on First Street. The news racks included traditional newspapers as well as what appears to be purely advertising magazines.

The First Amendment provisions for free speech and freedom of the press protect distribution of newspapers and periodicals. The City may, however, regulate the number, appearance and location of the racks. Although the City has an encroachment permit process to regulate uses in

the public right-of-way, it has not been used for newspaper racks and stands. The proposed ordinance would regulate the placement of the newspaper racks to make sure that the racks and stands do not create a hazard to the public such as by blocking the sidewalk. It will also regulate the number and location of news racks in the Downtown Mixed Use Master Plan area which includes First Street.

The City recognizes that First Street and the Downtown area is a popular tourist destination with high pedestrian and vehicular traffic volumes. News rack owners place their racks in areas that have a high volume of pedestrian traffic especially. The location by the Old Capital Building is a prime example of this. In 2003 there were eight news racks located on First Street by the Old Capital building side facing First Street. The February 2008 survey found thirteen news racks at the same location. The number of news racks has since been reduced to six.

The proliferation of news racks along First Street has created problems with the ability of people to exit from parked cars on First Street near the Old Capital Building. This has caused some drivers to park too far from the curb resulting in traffic circulation problems. Placement elsewhere on First Street may also impede disabled access. Sometimes, news racks are chained to, or placed too close to, traffic signs, posts and fire hydrants. This causes a problem with maintenance and use of these signs and other objects.

Due to unique problems in the Downtown Mixed Use Master Plan area especially along First Street, it is necessary to specifically limit the number of locations and spaces for news racks. Of the thirty-eight existing news racks on First Street, all of them are separate stand-alone units except for one modular news rack that contains three publications. The proposed ordinance would limit the number of racks in the Downtown Mixed Use Master Plan area to forty. This would cover the thirty-eight units on First Street and the one on H Street and East Second. The proposed ordinance would, however, probably require the removal of some of the racks near the Von Pfister since they appear to be the same publication. The ordinance would also limit the number of units placed close together to six. This number prevents clutter and, more importantly, allows people to get around the racks more easily than if they were a "wall" of racks. The distance requirements were developed using ADA access standards, the Fire Code, the City's Standard Plans, the intersection and driveway visibility standards from the Zoning Code as well as a comparison with other cities.

The purpose of this ordinance is to promote the public health, safety, and welfare through the regulation of placement, appearance, number, size and servicing of newsracks on public rights-of-way. The General Plan provides that

- General Plan Program 2.12.I "Maintain public parks, streets, and sidewalks located Downtown in a clean and safe condition."
- General Plan Goal 2.14 "Enhance Benicia's small-town atmosphere of pedestrian-friendly streets and neighborhoods."
- General Plan Goal 3.1 "Maintain and enhance Benicia's historic character."

The Downtown Mixed Use Master Plan concludes that First Street's relatively narrow cross-section does not allow for generous sidewalk areas that might encourage strolling and outdoor seating. (Page 2-5)

Future regulations could include types of design for the news racks so that they are more uniform. Some cities also have a sticker program to indicate that the news rack is a permitted news rack. If desired, the areas for additional regulation could also be expanded.

Attachments:

- Proposed Ordinance
- Map of the Downtown Mixed Use Master Plan Area
- Map of News Racks on First Street and East H Street and East Second
- Table of News Racks Currently on First Street and H Street and East Second
- Photographs of Current News Racks on First Street and H Street and East Second

PROPOSED ORDINANCE

CITY OF BENICIA

ORDINANCE NO. 08-__

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BENICIA ADDING A NEW CHAPTER 12.52 (NEWSPAPER RACKS AND STANDS), TO TITLE 12 (STREETS, SIDEWALKS AND PUBLIC PLACES) OF THE BENICIA MUNICIPAL CODE

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

Section 1.

Title 12 (Streets, Sidewalks and Public Places) of the Benicia Municipal Code is amended by adding a new Chapter 12.52 (Newspaper Racks and Stands) to read as follows:

Chapter 12.52

NEWSPAPER RACKS AND STANDS

Sections:

- 12.52.010 Intent and purpose.
- 12.52.020 Definitions.
- 12.52.030 News rack permits.
- 12.52.040 Requirements.
- 12.52.050 Special requirements for news racks in the Downtown Mixed Use Master Plan area.
- 12.52.060 Removal of news racks.
- 12.52.070 Amendment to permit.
- 12.52.080 Waiting list.
- 12.52.090 Renewal of permits.
- 12.52.100 Appeals.

12.52.010 Intent and purpose. The City Council finds that this chapter implements provisions of the General Plan and the Downtown Mixed Use Master Plan including:

- A. General Plan Program 2.12.1 "Maintain public parks, streets, and sidewalks located Downtown in a clean and safe condition;"
- B. General Plan Goal 2.14 "Enhance Benicia's small-town atmosphere of pedestrian-friendly streets and neighborhoods;"
- C. General Plan Goal 3.1 "Maintain and enhance Benicia's historic character;" and
- D. The Downtown Mixed Use Master Plan concludes that First Street's

relatively narrow cross-section does not allow for generous sidewalk areas that might encourage strolling and outdoor seating. (pages 2-5)

The City Council of the City of Benicia hereby finds that news racks, stands, containers and similar newspaper and vending devices have proliferated and increased in certain areas of the City of Benicia to the extent that in some instances they constitute a threat to public health, safety and welfare by impeding pedestrian traffic and interfering with ingress and egress to and from buildings and vehicles.

The City of Benicia finds the Downtown Mixed Use Master Plan area including First Street, to be a popular tourist destination with high pedestrian and vehicular traffic volumes. The proliferation of news racks along First Street interferes unduly with pedestrian and traffic circulation and creates a safety hazard. Due to unique problems in the Downtown Mixed Use Master Plan area, including the historic lack of sidewalks, it is necessary to specifically limit the number of locations and spaces for news racks.

The purpose of this chapter is to promote the public health, safety, and welfare through the regulation of placement, appearance, number, size and servicing of news racks on the public rights-of-way so as to:

- A. Provide for pedestrian and driving safety and convenience;
- B. Provide no unreasonable interference with the flow of pedestrian or vehicular traffic including ingress into, or egress from, any residence or place of business, or from the street to the sidewalk, by persons exiting or entering parked or standing vehicles;
- C. Provide reasonable access for the use and maintenance of sidewalks, poles, posts, traffic signs or signals, hydrants, mailboxes, and access to locations used for public transportation services;
- D. Reduce visual blight on the public rights-of-way, and protect the aesthetics of store window displays, public landscaping and other improvements;
- E. Maintain and protect the value of surrounding properties;
- F. Reduce exposure to the city from personal injury or property damage claims and litigation; and
- G. Protect the right to distribute information protected by State and Federal constitutions through the use of news racks.

It is not the intent of this chapter to in any way discriminate against, regulate, or interfere with the publication, circulation, distribution, or dissemination of any newspapers.

12.52.020 Definitions.

"News racks" shall mean any type of self-service or coin-operated box, container, storage unit or other dispenser placed upon any public right-of-way for the vending or free distribution of newspapers, periodicals or other printed material.

"Public right-of-way" shall mean any public property such as public streets, highways, roadways, sidewalks, parkways or alleys, used or intended for use, by the traveling public, whether vehicular or pedestrian, located within the City of Benicia.

"Director of public works" shall mean the director of public works or his or her designee.

12.52.030 News rack permits.

A. Permit required. An encroachment permit issued in accordance with this chapter and Chapter 12.12 shall be required prior to the installation, placement or maintenance of any news rack, which in whole or in part rests upon, in or over any public right-of-way.

B. Existing news racks. Owners of news racks in place as of June 13, 2008 shall have sixty (60) days after the effective date of this ordinance to apply for a permit. They shall have priority to retain their current location provided that the owner of the rack has applied for a permit in the sixty-day period and has complied with the provisions of this chapter. If sufficient space does not exist to accommodate all news racks sought to be placed at one location without violating the standards set forth in this chapter, and the permit holders are unable to agree among themselves regarding the allocation of spaces, the director of public works shall give priority as follows:

1. First priority shall be publications that are published two or more times a week;

2. Second priority shall be given to publications that are published once per week;

3. Third priority shall be given to publications that are published less than once per week but more than once per month;

4. Fourth priority shall be given to publications that are published monthly or less frequently than monthly.

5. In the event that the above system of prioritization fails to resolve a conflict between two or more publications that are published at the same frequency, historical presence at the location will be the determining factor.

In the event the director of public works is required to utilize the priority system described in subsections (1) through (5) of this subsection, he or she shall permit only one rack per publication in a single location, provided that the Sunday edition of a daily publication shall be considered as a separate publication and shall be in the second category.

C. Application. A written application for a news rack permit shall be filed with the department of public works, and shall contain the following information:

1. The name, street and mailing address, and telephone number of the applicant, which shall be the duly-authorized representative of both the publisher and, if applicable, any independent distributor authorized to service the publisher's news rack for which the permit is sought;

2. The name, street and mailing address, and telephone number of the distributor, or other responsible person, whom the city may notify or contact at any time concerning the applicant's news rack(s);

3. The number of proposed news racks and a description of the exact proposed location (including a map or site plan, drawn to scale, with adequate locational information to verify conformance with this chapter) and the proposed means of affixing each proposed news rack;

4. A description of each proposed news rack, including its model, dimensions, color, the number of publication spaces it will contain, and whether it contains a coin-operated mechanism;

5. The name and frequency of publication of each publication proposed to be contained in each news rack;

6. A statement signed by the applicant that the applicant agrees to indemnify, defend and hold harmless, the city and its representatives from all claims, damages, demands, loss, fines or liability to the extent arising out of or in connection with the installation, use or maintenance of any news rack on public property by or on behalf of any such person, except such injury or harm as may be caused solely and exclusively by the negligence of the city or its authorized representatives; and

7. A statement signed by the applicant that the applicant agrees, upon removal of a news rack, to repair any damage to the public property caused by the news rack or its removal.

D. Fee. Each application for a news rack permit shall be accompanied by an application fee as established by resolution of the City Council.

E. Issuance and denial. The director of public works shall issue a news rack permit within ten (10) days of the submittal of a complete application and upon a finding the applicant is in compliance with the provisions of this chapter. An application for a news rack permit shall not be approved, if:

1. The proposed news rack projects onto, into or over any part of the roadway or public street, or which rests, wholly or in part, upon, along or over any portion of the roadway or public street;

2. The proposed news rack is to be installed in whole or in part, in or over any sidewalk or parkway; and

a. The news rack, in its proposed location, would endanger the safety of persons or property; or

b. The proposed location is used for public utility purposes, public transportation purposes or other public use; or

c. The proposed news rack would unreasonably interfere with or impede the flow of pedestrian or vehicular traffic, the ingress into or egress from any residence, place of business, or any legally parked or stopped vehicle, or the use of poles, posts, traffic signs or signals, hydrants, mailboxes, or other objects present at or near said location; or

d. The proposed news rack would interfere with the cleaning of any sidewalk by the use of mechanical sidewalk cleaning machinery.

If a permit is denied, the applicant shall be notified in writing of the specific cause of such denial by the director of public works and the right to appeal in accordance with Chapter 1.44 of the Benicia Municipal Code.

12.52.040 Requirements. Any news rack, which, in whole or in part, rests upon, in or over any sidewalk, shall substantially comply with the following:

A. News racks located near a curb shall be placed not less than twenty-four (24) inches from the edge of the curb. News racks placed adjacent to the rear of the sidewalk shall be placed parallel to any walls and/or fences and at least six (6) inches from the wall and/or fences.

B. News racks shall not be chained, bolted or otherwise attached to any public property without prior approval of the director of public works and any private property without the consent of the property owner.

C. News racks may be attached to one another. Each group of attached news racks (six maximum) shall be separated by twenty-four (24) inches or more. The director of public works shall review and approve the number and orientation of news racks that can be bolted, attached or grouped on a location-by-location basis.

D. News racks shall not be placed, installed, used or maintained:

1. Within three (3) feet of any marked crosswalk;
2. Within fifteen (15) feet of the curb return of any unmarked crosswalk;
3. Within fifteen (15) feet of any fire hydrant, fire call box, police call box or other emergency facility;
4. Within three (3) feet of any driveway;
5. Within forty-two (42) inches ahead of, and fifteen (15) feet to the rear of any sign marking a designated bus stop, measured parallel to the flow of traffic;
6. Within forty-two (42) inches of any bench or other seating area;
7. Within the intersection or driveway visibility area, if the news rack is higher than three (3) feet tall;
8. At any location whereby the clear space for the passageway of pedestrians is reduced to less than forty-two (42) inches;
9. Within one hundred (100) feet of another news rack containing the same newspaper or news periodical except where separated by a street or corner, or except where (1) a newspaper demonstrates that there is insufficient room in one machine for the newspapers which may be sold in one day, or (2) where a newspaper demonstrates that it publishes more than one edition of the newspaper for sale at the same time; and
10. Facing another news rack, divided only by the width of a public sidewalk.

E. No advertising shall be affixed to the news racks, except:

1. The name of the newspaper or periodical being dispensed; and
2. Advertising rack cards contained in card pans which are attached to and located on the front of the news rack and do not exceed fifteen (15) inches in height and twenty-two (22) inches in length. The rack cards shall be limited to the display, sale or purchase of the newspaper or periodical being dispensed.

F. News racks shall be kept clean and maintained in good working order at all times, freshly painted, and without stickers or graffiti.

G. News racks shall not be bolted to the sidewalk unless prior approval has been obtained from the director of public works.

H. No person, association, firm or corporation shall place, locate or maintain a news rack on the public right-of-way unless there is on file with the director of public works, in full force and effect at all times, a document issued by an insurance company authorized to do business in the State of California evidencing that the permittee or owner is insured under a liability insurance policy providing minimum coverage of five hundred thousand dollars (\$500,000.00) for injury or death to one person arising out of the location, placement or operation of the news rack on the public right-of-way.

12.52.050 Special requirements for news racks in the Downtown Mixed Use Master Plan area. In addition to all other applicable provisions of this chapter, the

following rules shall apply to news racks in the Downtown Mixed Use Master Plan area;

A. News racks shall be located so that they are not located in front of or within 25 feet of the side of any building designated by the City as a historical resource as measured from the front entrance of the building.

B. Each location shall accommodate no more than six (6) news rack spaces.

C. In the event that the news racks proposed to be placed at any one location violate the provisions of subsections 12.52.040(D) or 12.52.050(A) or (B), priority shall be given as follows:

1. Within ninety (90) days after the adoption of the ordinance codified in this chapter:

a. First priority shall be given to vending machines used for the sale of daily publications (those published on five or more days in a calendar week) of general circulation in Solano County that otherwise comply with the provisions of this chapter.

b. Second priority shall be given to vending machines used for sale of weekly publications (those published on at least one day, but less than five days in a calendar week) of general circulation in Solano County that otherwise comply with the provisions of this chapter.

c. Third priority shall be given to vending machines used for sale of daily publications (those published on five or more days in a calendar week) not of general circulation in Solano County that otherwise comply with the provisions of this chapter.

d. Fourth priority shall be given to vending machines used for the sale of weekly publications (those published on at least one day, but less than five days in a calendar week) not of general circulation in Solano County that otherwise comply with the provisions of this chapter.

e. Fifth priority shall be given to all other vending machines on the basis of first-come, first-served.

In the event that an applicant disagrees with the city's priority category for such publication, it shall have the right to appeal in accordance with Chapter 1.44 of the Benicia Municipal Code.

2. Commencing ninety (90) days after the adoption date of the ordinance codified in this chapter, priority shall be given on a first-come, first-served basis.

12.52.060 Removal of news racks.

A. Commencing ninety (90) days after the adoption date of the ordinance codified in this chapter, any news rack in violation of any provision of the ordinance codified in this chapter will be deemed nonconforming.

B. In the event that the director of public works determines that a news rack does not comply with the provisions of this chapter, he or she shall provide written notice of such determination to the permittee or owner. The notice shall specify the nature of the violation, the location of the news rack which is in violation, the intent of the director of public works to remove the nonconforming news rack in the event a hearing is not requested, and the right of the permittee to request a hearing, before the director of public works, within fifteen (15) days from the date of the notice. If the news

rack is one which has not been authorized by the director of public works and ownership is not known, nor apparent after inspection, a notice complying with this section shall be affixed to the news rack.

C. In the event that a hearing is held pursuant to this section, the director of public works shall render a decision, in writing, within ten (10) days from the date of the hearing, and the decision shall advise the permittee or owner of his or her right to appeal pursuant to the provisions of Chapter 1.44 of the Benicia Municipal Code. Notice of the decision shall be mailed to the permittee or owner and shall be considered effective on the date mailed provided that the notice is properly addressed and placed in the U.S. Mail with first-class postage prepaid.

D. The director of public works may take possession of a news rack and, upon the expiration of thirty (30) days, dispose of the news rack as required by law, if:

1. No hearing is requested by the permittee or owner within fifteen (15) days as provided in subsection 12.52.050(B); or

2. The appeal period specified in Chapter 1.44 of the Benicia Municipal Code has expired.

E. The director of public works shall inspect any news rack reinstalled after removal pursuant to this chapter. The permittee of the news rack shall be charged a fee for this reinspection as established by resolution of City Council.

F. In the event that any news rack is abandoned, the director of public works may remove it pursuant to the procedures set out in this section. For the purposes of this section, the term "abandonment" shall mean no publication has been displayed in the news rack for a period of fifteen (15) consecutive days, no prior written notice has been given by the permittee to the director of public works specifying the reason(s) for nonuse, and the condition of the rack and related circumstances indicate it will not be actively used within a reasonable period of time.

12.52.070 Amendment to permit. In the event of a change in any of the information contained in the application, the permittee shall submit such change in writing to the director of public works. A permittee may install and maintain additional news racks by an amendment to the permit. The rules and procedures of this section shall also apply to the review and approval of any such amendment.

12.52.080 Waiting list. After the original assignment of spaces within the downtown special news rack district, if application is made to place a news rack at a location where no space is available, the director of public works shall place the applications on a waiting list. In the event that a space becomes available, the director of public works will determine which applicant shall receive a space according to the priority described in Section 12.52.050.

12.52.090 Renewal of permits. At the expiration of each three-year permitting period, a valid permit holder shall be entitled to keep its previously assigned space(s), as long as the permittee files a timely application for renewal according to procedures developed by the director of public works, and if the application is properly completed, the news rack meets the standards set forth in this chapter and has not caused a public nuisance from litter or graffiti. Remaining available spaces shall be allocated according to the priority described in Section 12.52.050.

12.52.100 Appeals. Any permittee or owner who is aggrieved by any decision of the director of public works may appeal the decision in accordance with the provisions of Chapter 1.44 of the Benicia Municipal Code.

Section 2.

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

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

* * * * *

On motion of Council Member _____, seconded by Council Member _____, the foregoing Ordinance was introduced at a regular meeting of the City Council on the _____ 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

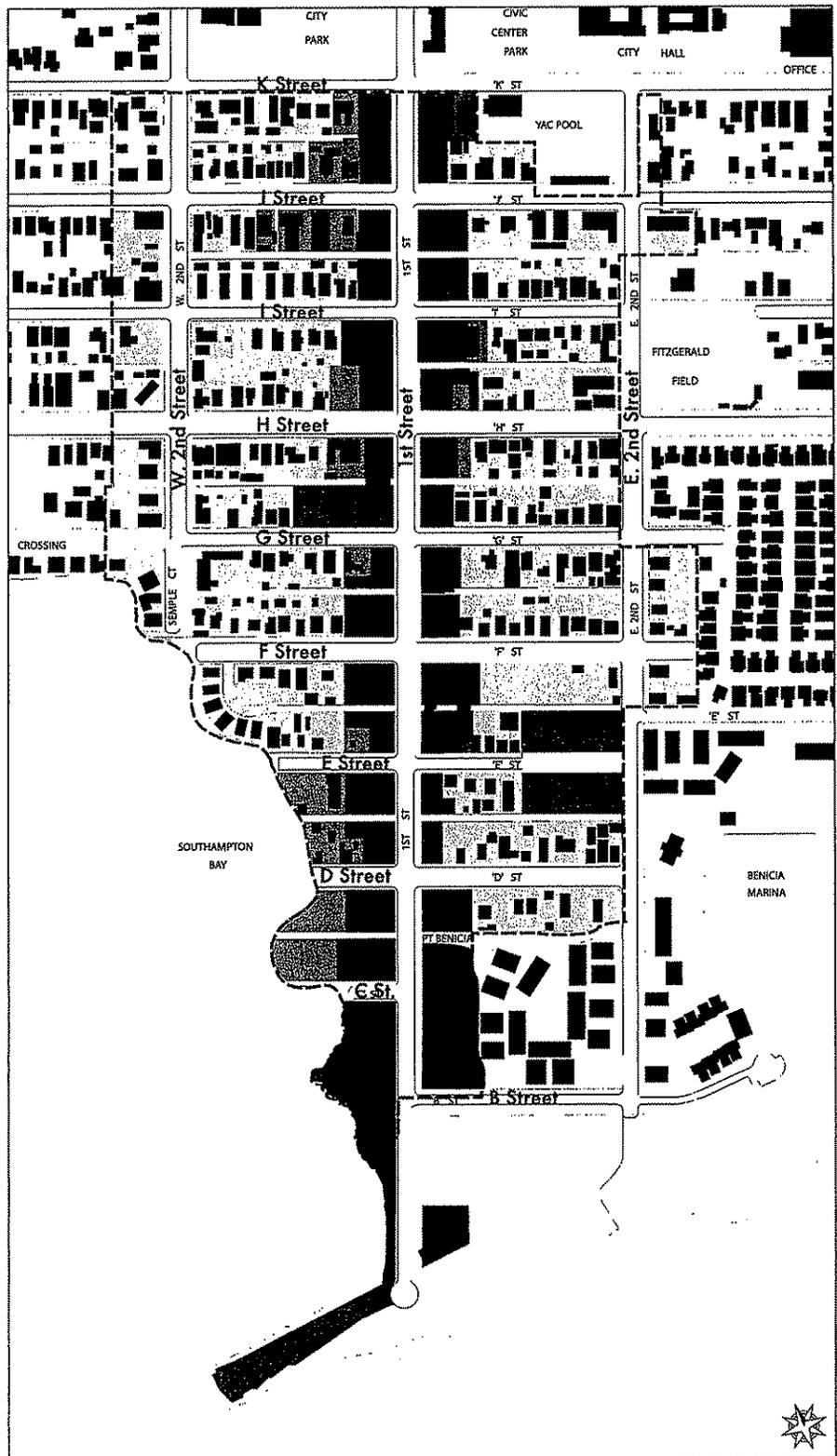
Attest:

Lisa Wolfe, City Clerk

**MAP OF THE DOWNTOWN USE
MASTER PLAN AREA**

Regulating Plan

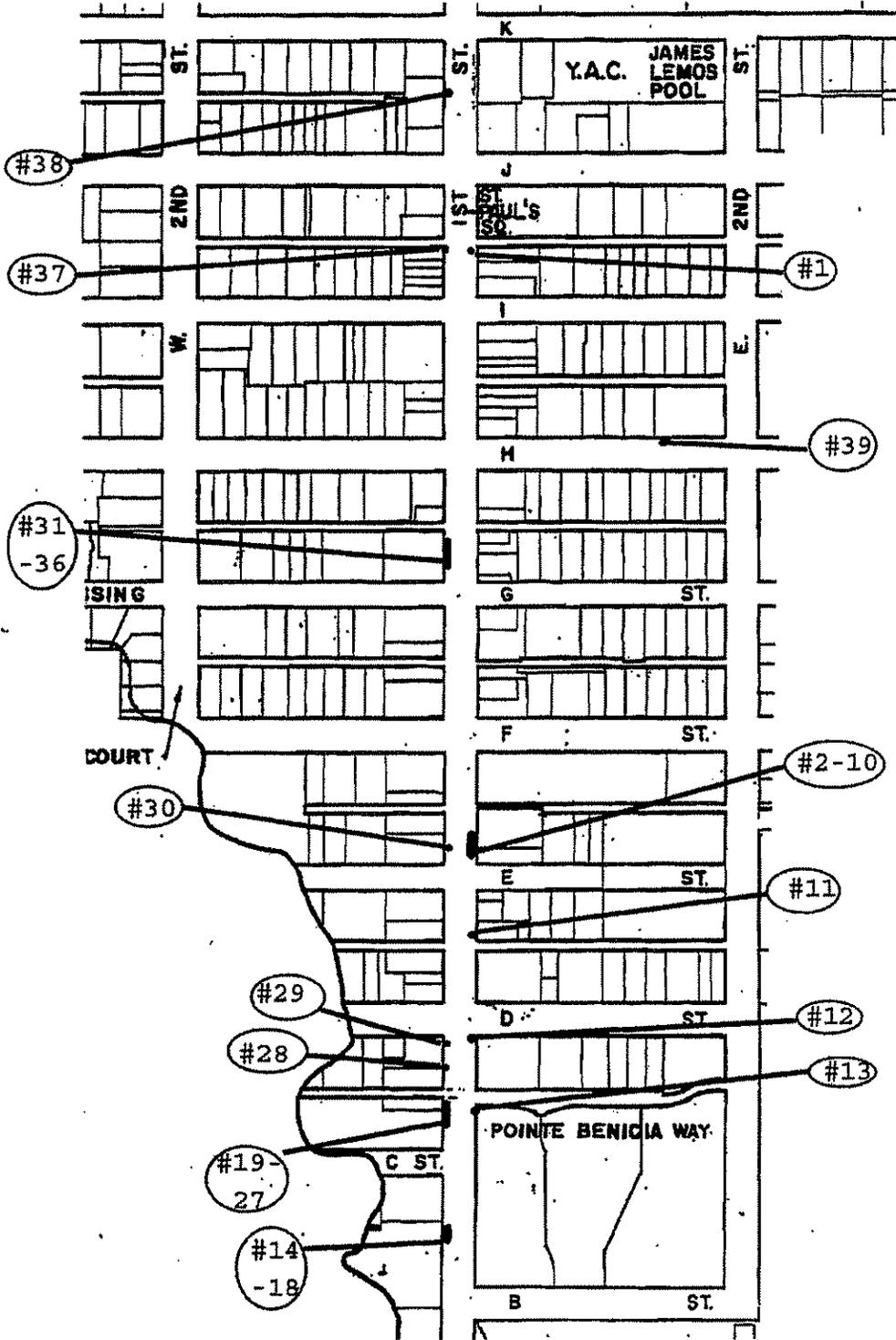
Downtown Mixed Use Master Plan Area and Parcels South of B Street



- Zoning Districts**
-  Town Core
 -  Town Core-Open
 -  Neighborhood General
 -  Neighborhood General-Open
 -  Public & Semi-Public

**MAP OF NEWS RACKS ON FIRST STREET AND
EAST H STREET AND EAST SECOND STREET**

Map of News Racks on First Street



**TABLE OF NEWS RACKS CURRENTLY
ON FIRST STREET AND EAST H STREET
AND EAST SECOND STREET**

Benicia News Rack Table

<u>Name</u>	<u>Contact Information</u>	<u>News Rack Location(s) with Map Reference Numbers</u>	<u>Change(s) in Condition with Map Reference Numbers</u>
<u>FREE MAGAZINES</u>			
707-Know-the-Code	707-Headline: (707)-553-6510 E-mail: redcup@code707.com Website: code707.com	Middle of West G St. and West H St.:	Gene
Apartment Finder	Network Communications, Inc.* 2305 Newport Parkway Lawrenceville, GA 30043 770-962-7220 <u>Website:</u> www.nci.com/products <i>* Millions of consumers around the country turn to NCI's family of print and online products when searching for the latest information about real estate and home design. Apartment Finder is the fastest-growing publication in the multi-family industry, and the heart of our Rental and Leasing strategy.</i>	32. Middle of West G St. and West H St.; against building	32. Better: refilled
Apartment-Guide IX-A-18	Consumer Source, Inc.* 3585 Engineering Drive Norcross, GA 30092 (678)421-3000 (800)216-1423 <u>Website:</u> www.ApartmentGuide.com <i>* Consumer Source, Inc. is the leading publisher and distributor of free print and online media guides in the United States with Apartment Guide/ApartmentGuide.com, New Home Guide/NewHomeGuide.com, Auto</i>	Middle of West G St. and West H St.:	Gene

Benicia News Rack Table

<p>Auto Weekly</p>	<p><u>Guide/AutoGuide.com and Today's CustomHome-TodaysCustomHome.com-</u> Auto Weekly 5550 Commerce Blvd, Suite 14 Rohmert Park, CA 94928 800-540-2916 707-586-2916 <u>Website:</u> Autoweeklycars.com</p>	<p>2. In front of "Kaigan Sushi Japanese Restaurant;" before corner of First St. and East E. St.; one foot from curb, very little room, parking/loading zone</p> <p>18. Middle of West C St. and West B St., in front of vacant lot; back edge of sidewalk</p> <p>35. Middle of West G St. and West H St.; against building</p>	<p>2. Better: cleaner than before</p> <p>18. No prior notes on this rack: dirty</p> <p>35. Worse: scraped plastic</p>
<p>Bay Area Homes (NEW)</p>	<p>Contra Costa Newspapers 2640 Shadelands Drive Walnut Creek, 94598 (800) 598-4637</p>	<p>38. In front of <u>Kennon Realty</u>; between West J St. and West K St.; against building</p>	<p>38. Nice, minor dirt but looks new (new rack)</p>
<p>Bay Woof (NEW)</p>	<p>Bay Woof 3288 21st Street, #249 San Francisco, CA 94110 (415) 525-4040 <u>Website:</u> baywoof.com</p>	<p>11. 428 1st Street, Buddy's Barkery; against building</p>	<p>11. Looks fairly new, but flimsy (new rack)</p>
<p>Diablo Dealer (The Northbay Edition)</p>	<p>Diablo Dealer Main Office 5880 W Las Positas Blvd, Ste. 49 Pleasanton, CA 94588 (800) 676-0664 (925) 227-2190 <u>Website:</u> http://pleasanton.traderpub.com http://www.automart.com</p>	<p>3. In front of "Kaigan Sushi Japanese Restaurant;" before corner of First St. and East E. St.; one foot from curb, very little room, parking/loading zone</p> <p>15. Middle of West Ct St. and West B St., in front of vacant lot; back edge of sidewalk</p> <p>21. Corner of Von Pfister and First St.; back edge of sidewalk</p>	<p>3. Better/Worse: cleaner, but graffiti on top and lower right side</p> <p>15. No prior notes on this rack: "Free" sign peeling, dirty, bag of food inside</p> <p>21. No prior notes on this rack: dirty, bird poop, almost empty</p>

Benicia News Rack Table

<p>Golf Guide</p>	<p>Synergy Media, LLC 884 Second Street Santa Rosa, CA 95404 (707) 524-3723 (888) 777-3951 (707) 578-8450- Fax</p> <p><u>Website:</u> www.golfguide.org</p>	<p>25. Corner of Von Pfister and First St.; back edge of sidewalk</p>	<p>25. Worse: filmy Plexiglas</p>
<p>Home Guide</p>		<p>26. Corner of Von Pfister and First St.; back edge of sidewalk</p>	<p>26. Worse: filmy Plexiglas</p>
<p>Homes & Land</p> <ul style="list-style-type: none"> • Of Solano County • Of the North Bay • Sonoma And Lake County • Of Reno Sparks <p>Note: Only send one letter out to Surlow re: Rental Guide & Home & Land (see below)</p>	<p>Homes & Land of Solano County / Homes & Land of the North Bay/ Homes & Land of Sonoma And Lake County 884 2nd Street SANTA ROSA, CA 95404 Contact: Rick Surlow, Publisher (707)578-3300 (707)578-8450- Fax E-mail: rick@surlow.com</p> <p>Homes & Land of Reno/Sparks 8801 LAKESIDE DRIVE RENO, NV 89511 Contact: Joanne Zuppan, Publisher (775)851-1141 (775)851-1224- Fax E-mail: homesandland@sbcglobal.net</p> <p><u>Website:</u> www.HomesAndLand.com</p>	<p>4. In front of "Kaigan Sushi Japanese Restaurant;" before corner of First St. and East E. St.; 18 inches from curb, very little room, parking/loading zone</p> <p>7. In front of <i>Szechwan House Chinese Restaurant</i>, corner of First St. and East E St.; 21 inches from curb, very little room, parking/loading zone</p> <p>12. In front of <i>Treasury Commons</i>, corner of East D St. and First St.; 3 feet from curb, plenty of room, no parking</p> <p>16. Middle of West C St. and West B St., in front of vacant lot; back edge of sidewalk</p> <p>17. Middle of West C St. and West B St., in front of vacant lot; back edge of sidewalk</p>	<p>4. Better: cleaner than before</p> <p>7. Worse: discolored glass, dirt and leaves inside behind door</p> <p>12. Worse: dirty inside rack</p> <p>16. No prior notes on this rack: Of Solano County (#16): dirty</p> <p>17. No prior notes on this rack: Of the North Bay (#17): dirty, filmy Plexiglas</p>

Benicia News Rack Table

<p>Jobs & Careers (<i>Newspaper & Job Fairs/ Northern California's Employment Paper</i>)</p>	<p>477 9th Avenue Suite 110, San Mateo, CA 94402. 650-348-4432 650-348-4450- Fax <u>Website:</u> www.jobscareers.com</p>	<p>24. Corner of Von Pfister and First St.; back edge of sidewalk 28. Corner of First St. and West D St.; against building 33. Middle of West G St. and West H St.; against building 36. Middle of West G St. and West H St.; against building 37. In front of Prudential CA Realty, Corner of East H St. & First Street; against building 39. In front of Powerhouse Realty, 191 East H Street, 1 foot from curb</p>	<p>24. Worse: bird poop 28. Worse: very dirty 33. Worse: Of the North Bay (#33): low on magazines, dirty 36. Equivalent: Of Solano County (#36) 37. Worse: bird poop, discolored Plexiglas 39. Fair condition</p>
<p>East Bay Real Estate Guide EX-A-21</p>	<p>CONTRA COSTA & NORTHERN ALAMEDA Contact: Steve Margolis (925) 757-9009 SOLANO COUNTY & SOUTHERN ALAMEDA</p>	<p>Gene 5. Worse/Better: sticker residue, minor graffiti, but no more trash inside 19. Corner of Von Pfister and First St.; back edge of sidewalk 20. Corner of Von Pfister and First St.; back edge of sidewalk 34. Middle of West G St. and West H St.; against building</p>	<p>Gene 5. Worse/Better: sticker residue, minor graffiti, but no more trash inside 19. Worse: bird poop, trash in it, rusty, graffiti 20. No prior notes on this rack: dirty, bird poop 34. Worse: dusty Plexiglas, empty</p>

Benicia News Rack Table

<p>Rental Guide Apartments <i>(powered by HomeAndLand.com)</i></p> <p><small>Note: Only send one letter out to Surlow.com Rental Guide & Home & Land (see above)</small></p>	<p>Contact: William Passero (415) 479-7910 solanohomes@comcast.net alamedahomes@comcast.net</p> <p>Phone No./Email on News Rack: (925) 813-1778 mrd1055@yahoo.com</p> <p>Website: www.EBRealEstateGuide.com</p>	<p>Corner of Von Pfister and First St. Middle of West Ct. St. and West B St.; in front of vacant lot</p>	<p>Gene Gene</p>
<p>Spaces—Luxury Living</p>	<p>Rental Guide of The North Bay 884 2nd Street SANTA ROSA, CA 95404 (707) 578-3300 (707) 578-8450 Fax E-mail: riek@surlow.com Website: www.rentalguideapartments.com www.rentalguidenorthbay.com</p>	<p>Middle of West G St. and West H St.</p>	<p>Gene</p>
<p>The Bay Area Premier Singles Source <i>(Possibilities Magazine)</i></p> <p>IX-A-22</p>	<p>Possibilities for Romantic Eligibles* 205 Mark Twain Ave. San Rafael CA 94903 Contact: Rich Gosse, Publisher (415) 479-3800 Email: rich@richgosse.com</p> <p>*Quarterly magazine; Articles; Personals.</p>	<p>Middle of West G St. and West H St.</p>	<p>Gene</p>

Benicia News Rack Table

<p>The Real Estate Book (Solano County, CA)</p>	<p>Website: www.thepartyhotline.com</p> <p>Network Communications, Inc.* 2305 Newport Parkway Lawrenceville, GA 30043 (770) 962-7220 Solano County (888) 313-1290 trebsolano@sbcglobal.net scottmediagroup@sbcglobal.net</p> <p><i>*This full-color catalog features detailed photography, high-quality paper, and a handy digest size that brings an advertiser's listings to life. The Real Estate Book is distributed free through a comprehensive distribution and merchandising program that includes select retail locations, real estate offices, Chambers of Commerce, newcomer packages, corporate relocation programs, unique outdoor merchandising units, an international toll-free 800-number and an award-winning site, RealEstateBook.com.</i></p>	<p align="center"><i>Middle of West G St. and West H St.</i></p> <p>14. Middle of West Ct St. and West B St., in front of vacant lot; back edge of sidewalk</p> <p>27. Corner of Von Pfister and First St.; back edge of sidewalk</p>	<p align="center">Gene</p> <p>14. No prior notes on this rack: in middle of sidewalk, dirty, empty</p> <p>27. Worse: empty, Plexiglas filmy, trash in it</p>
<p>Today's Home (Napa/Solano*) Living Spaces, Home Improvement, Lifestyles</p> <p align="right">IX</p>	<p>Today's Home 190 N. Wiget Lane, Ste. 280 Walnut Creek, CA 94598 (888) 274-1140 (925) 274-1160 Fax Website: http://www.thmag.com</p>	<p align="center"><i>Middle of West G St. and West H St.</i></p>	<p align="center">Gene</p>
<p>Weekender Magazine (Since 1988)</p> <p align="right">IX A23</p>	<p>Contact: Kelly Castillo - Owner / Managing Editor Email: weekender1@earthlink.net Contact: Thomas Lockett - Distribution</p>	<p>30. Corner of First St. and West F St.; against building</p>	<p>30. Worse: paint chipped, dirty</p>

Benicia News Rack Table

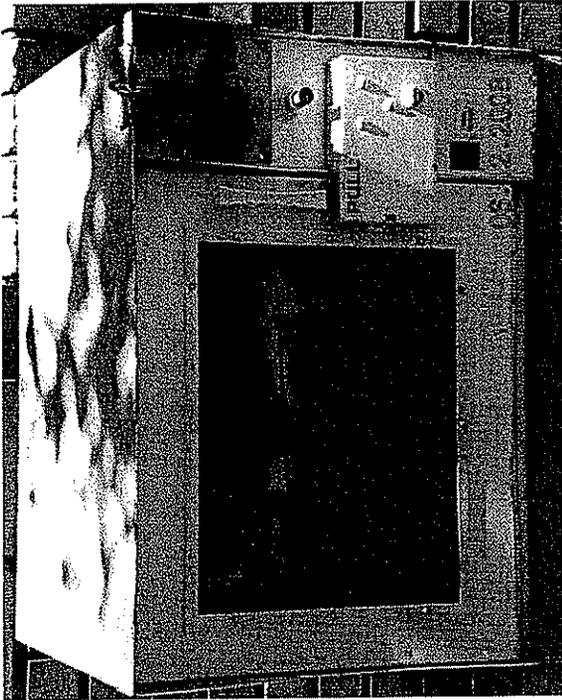
<p><u>NEWSPAPERS FOR SALE:</u></p> <p>Benicia Herald</p>	<p>Benicia Herald 820 First St. P.O. Box 65 Benicia, CA 94510 (707) 745-0733 (707) 745-8583- Fax</p> <p><u>Website:</u> www.beniciaheraldonline.com www.timesheraldonline.com</p>	<p><u>1.</u> In front of Benicia Herald Building on corner of First St.; against building</p> <p><u>6.</u> In front of <i>Szechwan House Chinese Restaurant</i>, corner of First St. and East E St.; 2 feet from street, very little room, parking/loading zone</p> <p><u>13.</u> In front of <i>Starbucks</i>, corner of First St./ Pt. Benicia Way; 1 foot from street, plenty of room, no parking</p> <p><u>29.</u> Corner of First St. and West D St.; 9 inches from street, plenty of room, no parking</p> <p><u>31.</u> Middle of West G St. and West H St.; against building</p>	<p>1. Better: stickers removed</p> <p>6. No prior notes on this rack: dirty, rusty, chipped paint, dented</p> <p>13. Equivalent</p> <p>29. Better: refilled</p> <p>31. Worse: chipped paint, sticker on top</p>
<p>Contra Costa Times</p>	<p>Contra Costa Newspapers 2640 Shadelands Drive Walnut Creek, CA 94598 (925) 935-2525 <u>Website:</u> www.contracostatimes.com</p>	<p><u>10.</u> In front of <i>Szechwan House Chinese Restaurant</i>, corner of First St. and East E St.; 2 feet from street, very little room, no parking</p> <p><u>23.</u> Corner of Von Pfister and First St.; back edge of sidewalk</p>	<p>10. Worse: dirty</p> <p>23. No prior notes on this rack: dirty, dusty, empty, Plexiglas BAD (dirty/dusty/filmy)</p>
<p>San Francisco Chronicle</p>	<p>San Francisco Chronicle 901 Mission Street San Francisco, CA 94103 (415) 777-1111 <u>Website:</u> www.sfgate.com</p>	<p><u>9.</u> In front of <i>Szechwan House Chinese Restaurant</i>, corner of First St. and East E St.; 2 feet from street, very little room, no parking</p> <p><u>22.</u> Corner of Von Pfister and First St.; back edge of sidewalk</p>	<p>9. Worse: some blue paint spatter from Times-Herald repaint</p> <p>22. No prior notes on this rack: dirty, paint chipped</p>
<p>Times Herald</p>	<p>Times-Herald 440 Curtola Parkway P.O. Box 3188 Vallejo, CA 94590</p>	<p><u>8.</u> In front of <i>Szechwan House Chinese Restaurant</i>, corner of First St. and East E St.; 2 feet from street, very little room, no parking</p>	<p>8. Better/Worse: minor chipped paint, but no longer dented, cleaner, stickers removed, no rust and refilled</p>

Benicia News Rack Table

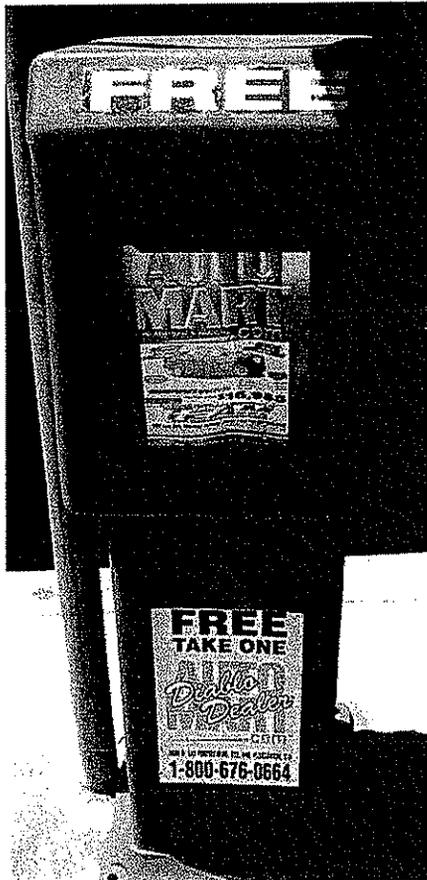
	(707) 644-1141 Website: timesheraldonline.com		
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**PHOTOGRAPHS OF CURRENT NEWS RACKS
ON FIRST STREET AND EAST H STREET
AND EAST SECOND STREET**

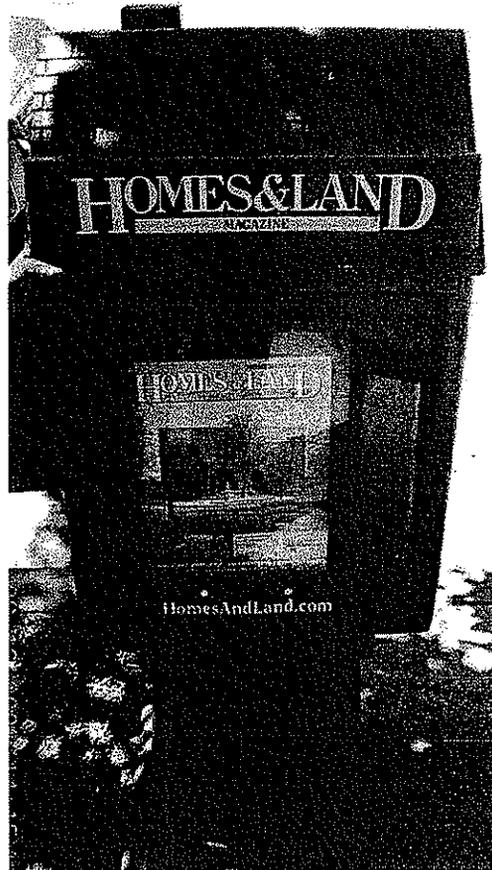
News Rack #1



News Rack #2

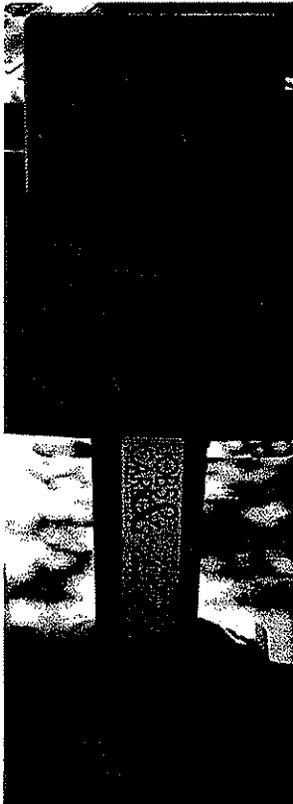


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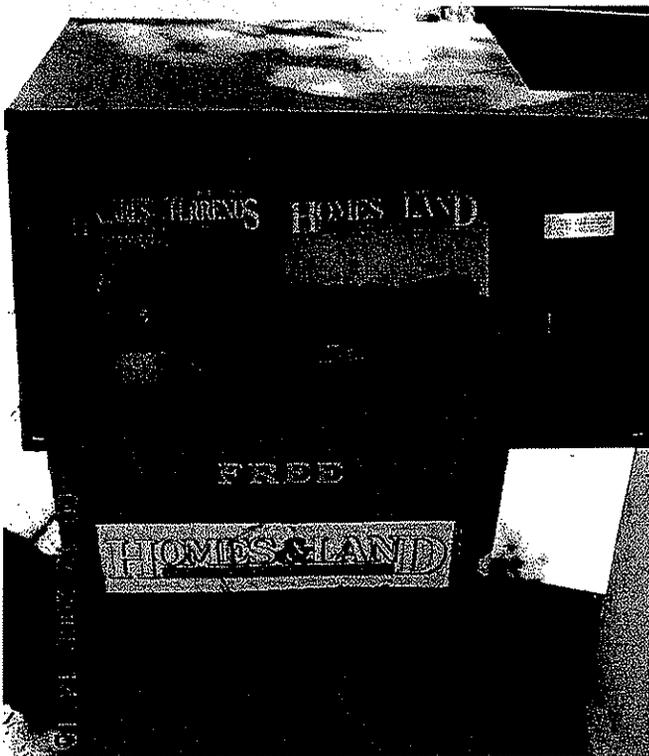
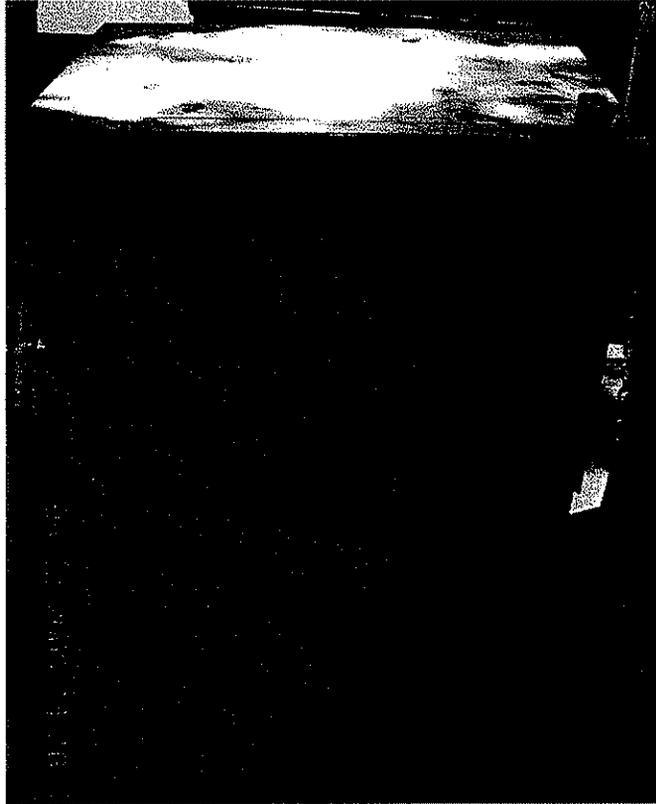


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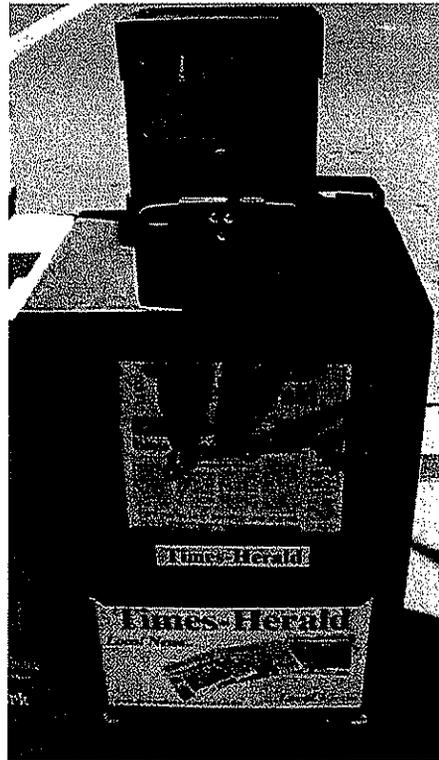
News Rack #5



News Rack #6

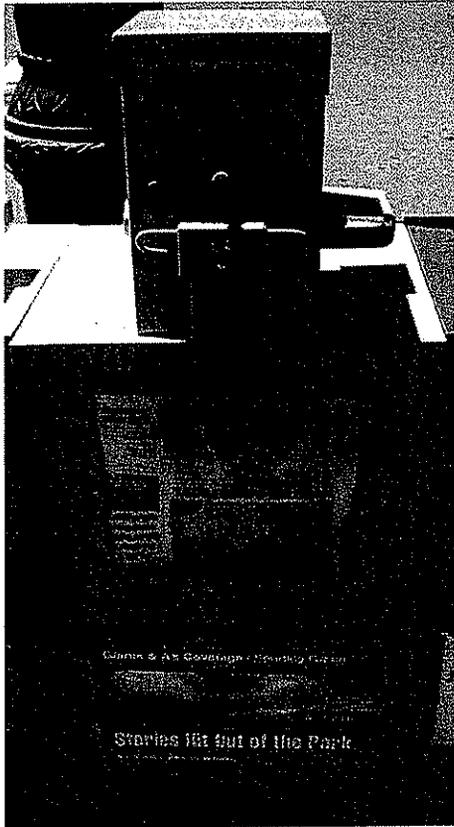


News Rack #7

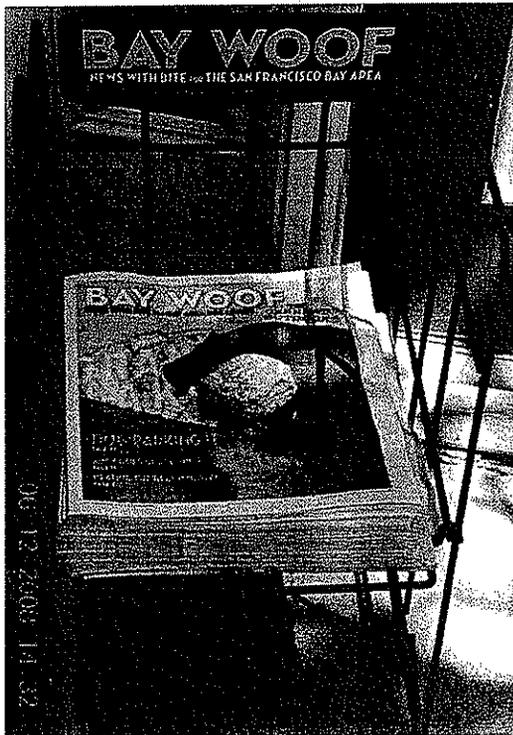
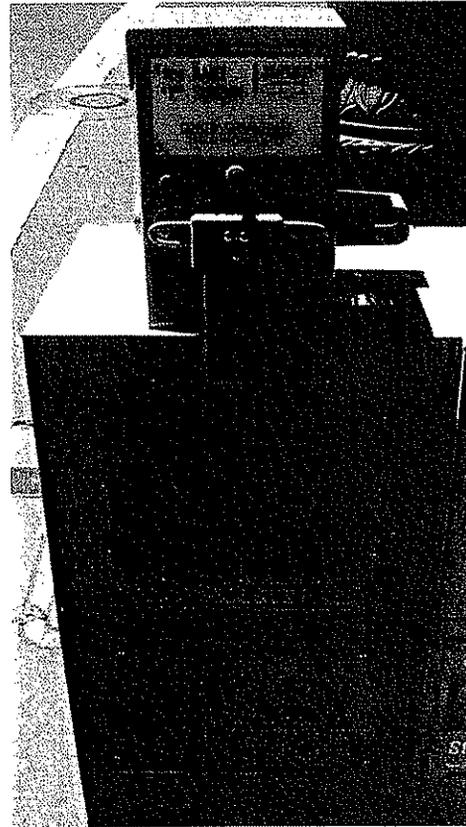


News Rack #8

News Rack #9



News Rack #10



News Rack #11

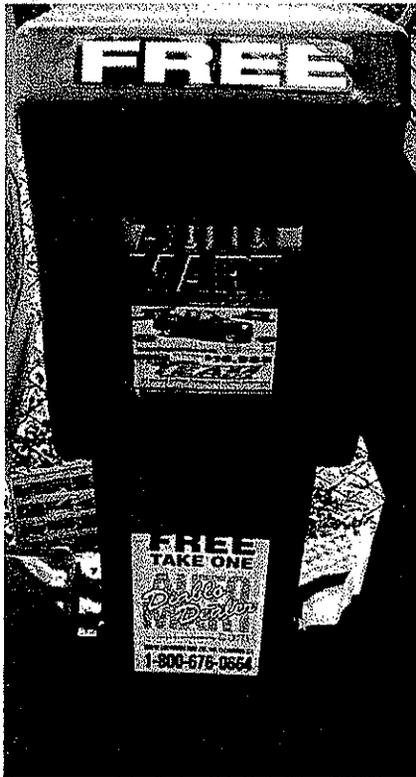


News Rack #12

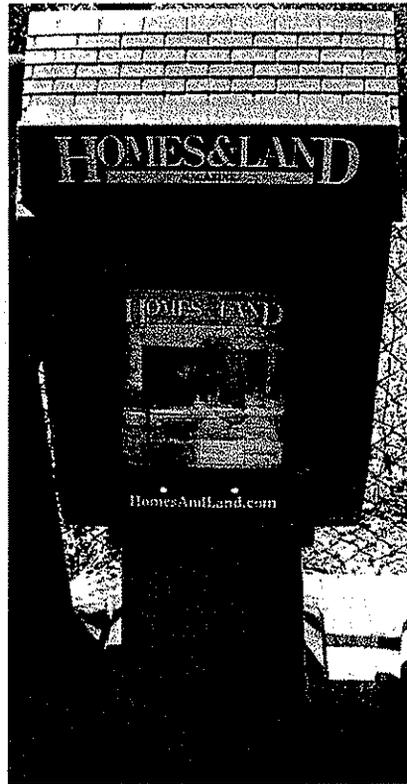
News Rack #13



News Rack #14



News Rack #15

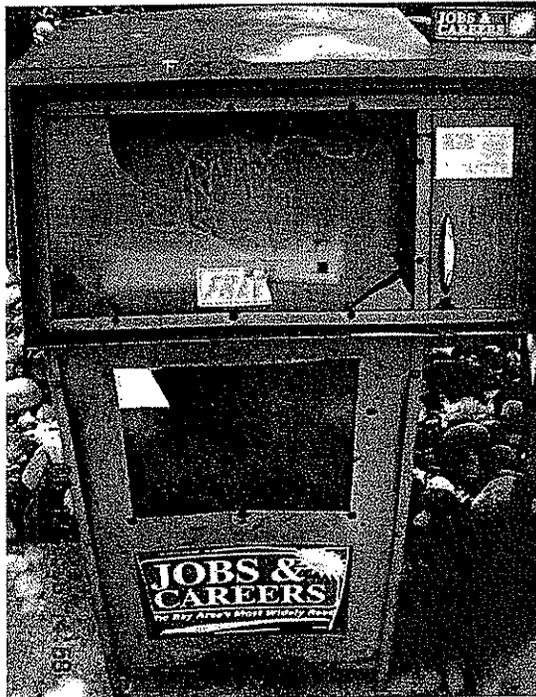


News Rack #16

News Rack #17



News Rack #18



News Rack #19

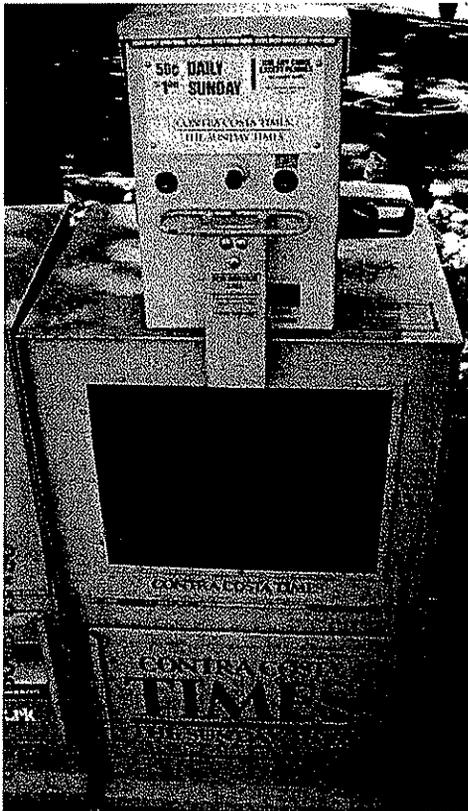


News Rack #20

News Rack #21



News Rack #22



News Rack #23

News Racks #24, 25 and 26

News Rack #27



News Rack #28



News Rack #29

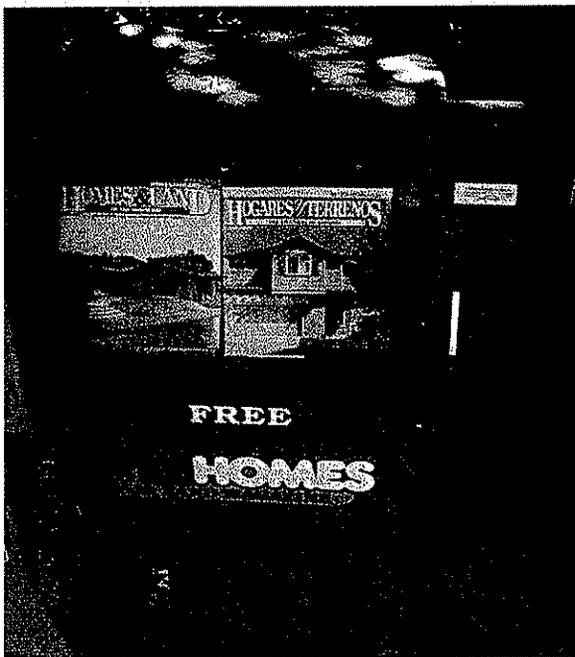


News Rack #30

News Rack #31



News Rack #32

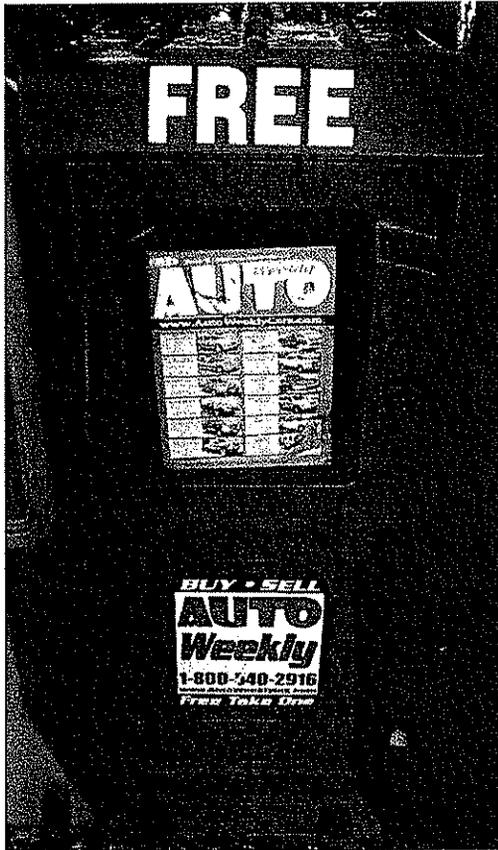


News Rack #33

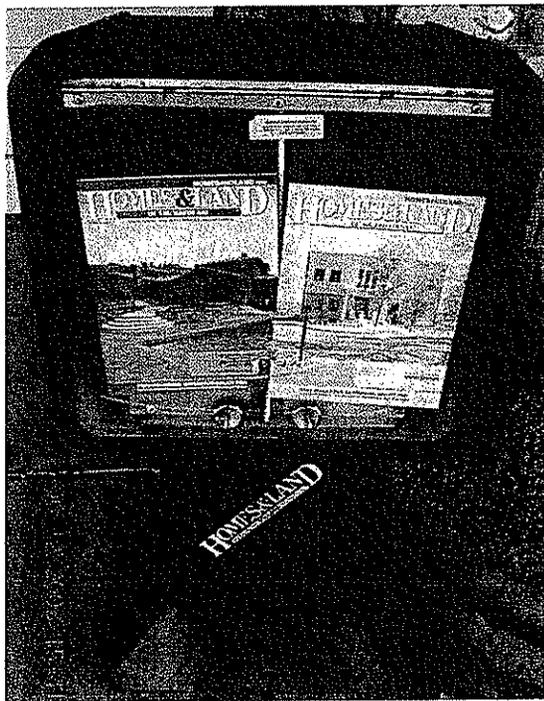
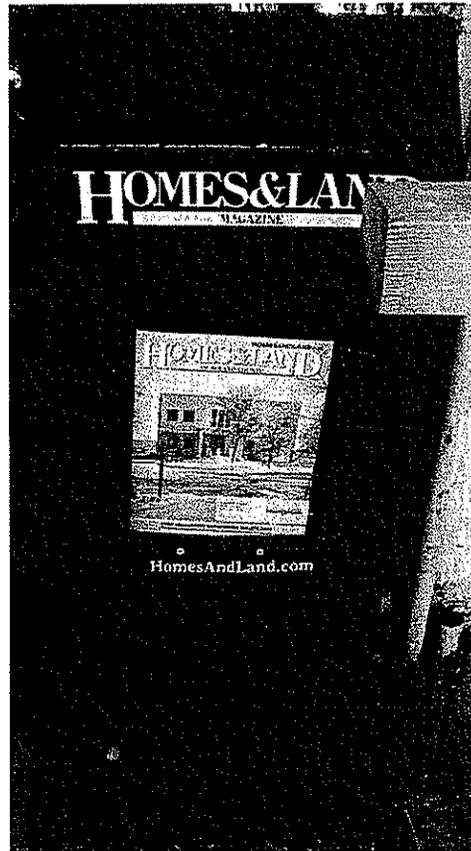


News Rack #34

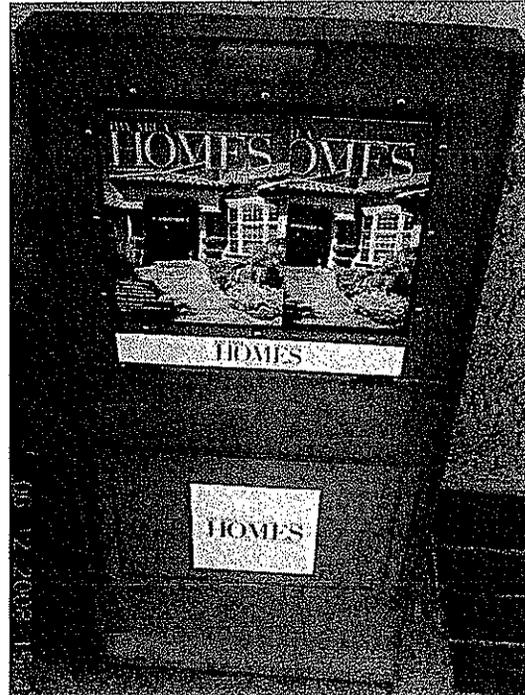
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News Rack #36



News Rack #37



News Rack #38

News Rack #39



IX-A-36

**AGENDA ITEM
CITY COUNCIL MEETING: JULY 1, 2008
ACTION ITEM**

DATE : June 24, 2008

TO : Mayor and City Council

FROM : City Attorney
Assistant to the City Manager

SUBJECT : **REVIEW OF CITY BOARDS AND COMMISSIONS - TERM
LIMITS AND LENGTHS**

RECOMMENDATION:

- 1) Review and discuss City boards and commissions term limits and lengths; and
- 2) Receive an update on the status of other activities related to boards and commissions, including approve, by motion, the extension of certain expiration dates of current board and commission terms in order to facilitate a more effective outreach/interview process.

EXECUTIVE SUMMARY:

At the Special City Council meeting on January 29, 2008, the City Council reviewed a number of issues relating to boards and commissions. As a result of the discussion at that and subsequent meetings, a review of term lengths and limits of City boards and commission was added to the City Council's Policy Calendar for 2008-09 for the July 1, 2008 City Council meeting. In addition to this discussion, an update on progress in other areas related to boards and commissions will also be provided to the Council.

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 and lengths, as well as several other related issues.

It was agreed at that meeting that two areas that the Council wished to further study included 1) how appointments to boards and commissions are made, as well as related issues such as outreach to potential applicants, the City's application form and orientation procedures; and 2) consistency of current term lengths and term limits of boards and commissions. At the May 22, 2008 Special City Council meeting, the Council addressed the issues associated with the first area, and a new appointment/interview process was approved at the June 17, 2008 meeting. The

second area of discussion, on consistency of board and commission term lengths and limits, is set for discussion on July 1, 2008.

A summary of practices of other cities in each of these areas was provided at the January 29, 2008. This summary has been updated to reflect progress in each of the areas related to boards and commissions that have already been addressed by the Council since that January meeting. Further, additional information from neighboring cities has been added to that document, specifically regarding term lengths and limits, as well regarding removal of board and commission members, in order to facilitate the discussion planned for July 1st.

Finally, another remaining issue that the Council is being asked to address related to the board and commission appointment/interview process is to modify the expiration dates of currently filled board and commission terms. Currently terms expire at various times throughout the year, making it difficult to organize outreach and interviews in an efficient and predictable manner. By pushing some current expirations out a bit, staff will be able to better organize the outreach/interview process for openings.

In order to ensure that currently filled terms will not be extended for a significant period of time beyond their current expiration dates, the Council is asked to approve, by motion, the revised expiration dates of current terms as illustrated below:

Month of Current Expiration	New Expiration Date
August – October	October 31st
November – January	January 31 st
February – April	April 30th
May – July	July 31st

Included in the updated Review of Boards and Commissions (attached), is a summary of those board and commission members that have terms expiring in 2008 and thus will be impacted by the proposed extensions.

Attachment:

- Updated Review of Boards and Commissions - Summary of Practices of Other Cities



Review of Boards & Commissions
Summary of Practices of Other Cities
-Update of Status for July 1, 2008 City Council Meeting-

The following summary of practices from other cities was originally provided at the January 29, 2008 City Council Meeting. This document has been updated to provide the status of progress in each area.

Cities:

In compiling a summary of practices utilized by cities as they relate to boards and commissions, the following cities were reviewed:

Belmont, Whittier, Danville, Santa Barbara, Tamarac (FL), Newport Beach, Brookings (OR), Fresno, Cupertino, Lakeport, Burlingame, Tracy, Capitola, Foster City, and Claremont, Fairfield, Vacaville, Vallejo, Suisun, and Dixon

Recruitment – Outreach:

Common Practices: Most of the cities reviewed have similar practices to what the City of Benicia does, i.e., regular notices in the paper, posted notice on web site and cable channel, and announcements at council meetings.

Other methods mentioned that the City does not currently utilize include announcements at the board and commission meetings, placement of openings in other organizations' newsletters, posting openings at other locations, such as the senior center and community center, and sending out letters to local groups / organizations. Most cities also communicate due dates for applications for various board and commission openings.

Recommendations as of 1/29/08: Posting at additional sites, such as Senior Center and Library. Begin to better identify and communicate due dates for applications, for each board and commission opening.

Current Status as of 7/1/08:

- Posting of openings will be extended to the Senior Center and Library, effective immediately
- As described in the preceding staff report, in order to be able to better identify and more effectively communicate due dates for applications, as well as to facilitate interviews by the subcommittee, it is recommended that some of the

current terms be extended to allow for expirations to occur at specified times of the year. So that currently filled terms will not be extended for a significant period of time, it is suggested that expirations of current terms be modified according to the following schedule:

Month of Current Expiration	New Expiration Date
August – October	October 31st
November – January	January 31 st
February – April	April 30th
May – July	July 31st

So, for example, for the remainder of 2008, the following terms would be modified:

Name	Board or Commission	Current Expiration Date	New Expiration Date
Fred Deltorchio	Civil Service Commission	August 31, 2008	October 31, 2008
Jon Kennedy	Sky Valley Open Space Committee	August 31, 2008	October 31, 2008
Lee Syracuse	Planning Commission	September 30, 2008	October 31, 2008
Fred Railsback	Planning Commission	September 30, 2008	October 31, 2008
Robert Whitehead	Open Government Commission	November, 2008	January 31, 2009
Ruth Workman	Library Board of Trustees	December 31, 2008	January 31, 2009
Carole Nail	Library Board of Trustees	December 31, 2008	January 31, 2009

Applications:

Common Practices: All the cities reviewed use an application form for reviewing potential candidates. Retention of applications varies, but typically they remain active between one to three years. The City currently considers applications active for a period of one-year, and they are retained for at least two years.

Recommendations as of 1/29/08: Revise the City’s application form to include a place to provide references, as well as a section that lists all potential boards & commissions for which an applicant can apply.

Also, it may be useful to revisit the qualifications that are required for each board and commission, and ensure this information is provided on the informational handouts given to potential applicants.

Current Status as of 7/1/08: Applications for each of the various boards and commissions are currently under revision. Boards and commissions with current openings are being focused on first (e.g., Human Services & Arts Board, Economic Development Board, and Sky Valley Open Space Committee) and copies of those revised

applications follow. The remainder are in progress with the various departments, and will be finalized within the next week or so.

Additionally, the informational handouts provided to potential applicants, including any desired qualifications/requirements, are continually updated, as needed. A sample handout follows the attached application forms.

Interview/Appointment Process:

Common Practices: Many of the cities reviewed hold a public meeting for the Council to conduct interviews. Cities time the expirations of terms so that they fall at a certain times of the year, and then multiple interviews are conducted at one time. How mid-cycle resignations are filled varies by city, for example, the Belmont City Clerk asks the council how they wish to deal with such vacancies, whether they wish to leave it vacant until the next cycle occurs or fill it immediately.

Since several of the above-noted cities reviewed do not have Mayors that are directly elected, a review of Solano County cities was also completed, specifically focusing on the interview process. Below is a summary of how Solano County cities conduct interviews of board and commission applicants.

City	Who Interviews Applicants
Fairfield	City Council Appointments Committee (consists of two council members) – recommendation provided to the Mayor
Vallejo	Full Council (sometimes they split into two groups, depending on number of applicants) – recommendations provided to the Mayor
Dixon	The Mayor and Department Head of associated department – Department Head provides recommendation to the Mayor
Suisun	Two Council Members interview the candidates and make a recommendation to the Mayor
Vacaville	Full Council interviews at an open session and recommendations for appointments are discussed during that process

In a survey done by the League of Women Voters in Los Altos/Mountain View in 2002, it was reported that 41% of the cities surveyed have a process where the whole council conducts the interviews, while 34% had no defined interview process.

Recommendation as of 1/29/08: Consider revisiting the interview process in order to allow for additional Council Member input to the Mayor on board and commission appointments.

Current Status as of 7/1/08: Per the action taken by the City Council on June 17, 2008, the interview/appointment process was revised to include an appointment council subcommittee. This subcommittee, consisting of Vice Mayor Campbell and Council

Member Ioakimedes, met to begin discussing the process for scheduling and conducting interviews of board and commission applicants. The first joint interviews of applicants are expected to occur during the last week of June/first week of July, and applicants for those boards with current openings, such as the Human Services and Arts Board, will be scheduled first.

Orientation

Common Practices: Several of the cities reviewed have either a handbook or some sort of orientation packet for new members, which covers the charge of the board or commission, as well as information regarding the Brown Act, how to conduct a meeting, etc.

Recommendation as of 1/29/08: Develop an orientation packet for newly appointed board and commission members.

Current Status as of 7/1/08: The City Attorney currently has a Municipal Law Handbook for City Council Members. Portions of this resource are already used for the Planning and Historic Preservation Review Commissioners. This resource, along with other sample orientation guides from other cities, such as Santa Barbara, is being utilized to develop an orientation packet for new board and commission members. This packet should be finalized by July 15, 2008, when the first round of upcoming appointments is tentatively scheduled to come to Council for confirmation.

Term Limits

Common Practices: In a survey done by the League of Women Voters in Los Altos/Mountain View in 2002, 67% of cities reported no term limits for their boards and commissions. While terms limits are noted by several of the cities reviewed, it appears to vary by type of board or commission.

Term limits for the City of Benicia's boards and commissions currently only apply to four bodies, the Open Government Commission, the Planning Commission, Economic Development Board and the Building Board of Appeals. For all four bodies, members may not serve more than two consecutive full terms (a full term is four years).

Recommendation as of 1/29/08: Consider whether any term limits should be extended to any additional boards and commissions.

Current Status as of 7/1/08: Per the Policy Calendar for 2008-09, a discussion of term limits and lengths is scheduled for the July 1, 2008 City Council meeting.

In addition to the information provided above regarding common practices, summarized below is a summary of Solano County cities regarding the existence of term limits on boards and commissions in each of those cities.

City	Term Limits
Fairfield	Yes, do have term limits – typically serve two four-year terms, with 10 years total being the maximum
Vallejo	Yes, do have term limits – no more than two consecutive terms of four years
Dixon	Yes, do have term limits – no more than two consecutive terms. Term lengths vary by board or commission, either two or four years.
Suisun	No term limits
Vacaville	No term limits

Again, currently term limits for the City of Benicia’s boards and commissions are currently in place for four bodies, the Open Government Commission, the Planning Commission, Economic Development Board and the Building Board of Appeals. For all four of those bodies, members may not serve more than two consecutive full terms (a full term is four years). Term limits do not currently apply to any of the City’s other boards and commissions.

Regarding term lengths, currently the City’s board and commission term lengths tend to be four years long. The only bodies that do not have four year terms are:

- Audit and Finance Committee (no term specified)
- Board of Library Trustees (three-year terms)
- Civil Service Commission (three-year terms)
- Sky Valley Open Space Committee (3 members – 4 year terms & 2 members – 2 year terms)

Attached are the respective ordinances or resolutions for these four bodies.

Removing Members from Boards, Commission and Committees

Common Practices: Many of the cities reviewed have implemented attendance requirements, in addition to term limits, in order to manage the membership of various boards and commissions. Additionally, cities typically allow the removal of board and commission members by a majority vote of the Council.

Currently, the City of Benicia has such language incorporated in the Benicia Municipal Code for the majority of those boards and commissions established by ordinance. Specifically, the various ordinances note that a board or commission member is immediately removed if he or she misses three successive meetings without cause and the ordinances also note that a member of board or commission may be removed by the affirmative votes of at least four members of the council.

Two exceptions:

- The Parks, Recreation & Cemetery Commission and the Historic Preservation Review Commission limit the number of allowed consecutive absences without cause to two, instead of three.
- The Open Government Ordinance does not have an attendance requirement or any language regarding the removal of commission members of the Open Government Commission.

It appears that language regarding removal of members is not typically incorporated for those bodies established by resolution (e.g., Sky Valley Open Space Committee).

The Council's Rules of Procedure do allow for removal of any board, commission or committee member of any body which it has created by an affirmative votes of at least four members of the Council, if removal is not specified in the City Code (Section IV-C of the Rules of Procedure).

Recommendation as of 1/29/08: Given the practices of other cities, consider allowing for removal of board and commission members with a majority vote of the Council, as well as consider implementing consistent practices across all boards, commissions and committees.

Current Status as of 7/1/08: In addition to the information provided above regarding common practices, summarized below is a summary of Solano County cities regarding number of council votes required for removal of board and commission members.

City	Removal of Board & Commission Members
Fairfield	Majority vote of Council is sufficient for removal.
Vallejo	Typically removal of members does not come before Council – removal is typically handled by the board or commission as a result of reaching the maximum of unexcused absences, but majority vote is sufficient in the event it goes to Council.
Dixon	Typically removal of members does not come before Council – happens automatically after two unexcused absences or a total four absences.
Suisun	Majority vote of Council is sufficient for removal.
Vacaville	Majority vote of Council is sufficient for removal.

Per the discussion at the special council meeting on May 22, 2008, this is an area, in addition to the term limits/lengths and removal of board and commission members that the council may wish to review and discuss further.

Sunset of Ad-Hoc Committees

Common Practices: For certain committees that are formed for a specific purpose by cities, it is noted in the originating documents that the committee will cease to exist once the goal of the body has been accomplished. For example, in Santa Barbara, this applies to a number of their advisory groups, including their Arts Advisory Committee, Downtown Parking Committee, and Sign Committee.

Relatively recent examples of such committees at the City of Benicia include the Police Station and Civic Center Restoration Committee and PURE, specifically:

- ❑ Police Station and Civic Center Restoration Committee: Resolution No. 03-175 states that the committee “shall complete its purpose no later than May 2004.”
- ❑ PURE: The originating resolution states that “The panel will continue to function until the water reuse facility is up and running.”

Further, the Rules of Procedure also indicate that any special committee, board or commission created by the Council will cease to exist upon the accomplishment of the special purpose for which it was created, or when abolished by a majority vote of the Council (Section IV-A of the Rules of Procedure).

Recommendation: Continue to clearly identify sunset dates or criteria, as applicable, for ad-hoc committees in the resolution forming the committee.

Current Status as of 7/1/08: This area was discussed briefly at the January 29, 2008 Special Meeting and it was agreed that as such committees are created, the sunset date or criteria for completion of the specified purpose of the committee will be included in the resolution forming the committee.

Attachments:

- ❑ Sample Application Forms
- ❑ Sample Informational Handout
- ❑ Ordinances and Resolutions of Selected Boards & Commissions

SAMPLE APPLICATIONS



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?



Economic Development 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 meeting within the last six months?
2. Participation on the Board involves monthly meetings on the 4th Wednesday at 5:30 at City Hall, as well as reading the packet distributed in advance. Do you have any concerns with this commitment?
3. Are you the employee or owner of a Benicia business? If so, please describe the business and your role?
4. Given the adopted economic development goals in the City's General Plan (available online at the Community Development Department webpage on www.ci.benicia.ca.us), and Economic Development Strategy (available online at www.BeniciaBusiness.com) which do you feel the EDB should focus on, and why?



Sky Valley Committee 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 Committee? Have you attended a Sky Valley Committee meeting? If so, when?
2. Participation on this Committee involves quarterly meetings. Do you feel you have the time and commitment to be a viable member of this Board?
3. Explain your interest in the protection and enhancement of open space.
4. How do you think this Committee can best achieve the City's goal of protecting open space in Benicia?

SAMPLE INFORMATIONAL HANDOUT

Historic Preservation Review Commission

Description	The purpose of the historic preservation review commission is to identify, register, designate, preserve, protect, enhance and perpetuate those historic structures, districts and neighborhoods which contribute to the cultural and aesthetic heritage of Benicia; to foster civic pride in the beauty and accomplishments of the past; to stabilize and improve the economic value of certain historic structures, districts and neighborhoods; to promote and encourage continued private ownership and utilization of such buildings and other structures now so owned and used; to conduct design review in historic overlay (H) districts as provided for in Chapter 17.108 of the Benicia Municipal Code; and to advise and assist the City Council in implementing the goals, policies and programs set forth in the City's general plan relating to preservation and enhancement of the City's historic character and protection of the City's archeological sites and resources.																
Qualifications	Each member of the historic preservation review commission shall be a Benicia resident and have a demonstrated special interest, competence or knowledge of historic preservation. Members shall, to the extent possible, be: 1. Professionals in the disciplines of history, architecture, architectural history, planning, pre-historic and historic archeology, folklore, cultural anthropology, curation, conservation, and landscape architecture or related disciplines, such as urban planning, American studies, American civilization, or cultural geography, to the extent that such professionals are available in the community; or 2. Lay members who have demonstrated special interest, competence, experience, or knowledge in historic preservation. 3. At least two members shall be owners of a historic property within the Historic District. One of these members shall be the owner of a residence within the Historic District. The other member shall be the owner of either a residence or business property within the Historic District.																
Meetings	Fourth Thursday of each month at 6:30 pm in the Commission Room at City Hall.																
Membership	<table border="0" style="width: 100%;"> <thead> <tr> <th style="text-align: left;"><u>Commission Members</u></th> <th style="text-align: left;"><u>Term Dates</u></th> </tr> </thead> <tbody> <tr> <td>David Crompton</td> <td>3/4/08 – 2/28/12</td> </tr> <tr> <td>Chuck Mang</td> <td>5/1/07 – 2/28/11</td> </tr> <tr> <td>Leeann Taagepera</td> <td>3/4/08 – 2/28/12</td> </tr> <tr> <td>Patrick Donaghue</td> <td>3/1/05 – 2/28/10</td> </tr> <tr> <td>Michael White</td> <td>2/21/06 – 2/28/11</td> </tr> <tr> <td>Toni Haughey</td> <td>3/1/05 – 2/28/09</td> </tr> <tr> <td>Blythe Wilson</td> <td>3/1/05 – 2/28/09</td> </tr> </tbody> </table>	<u>Commission Members</u>	<u>Term Dates</u>	David Crompton	3/4/08 – 2/28/12	Chuck Mang	5/1/07 – 2/28/11	Leeann Taagepera	3/4/08 – 2/28/12	Patrick Donaghue	3/1/05 – 2/28/10	Michael White	2/21/06 – 2/28/11	Toni Haughey	3/1/05 – 2/28/09	Blythe Wilson	3/1/05 – 2/28/09
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Blythe Wilson	3/1/05 – 2/28/09																
Term	Of the seven members first appointed, two members shall serve a four year term, two members shall serve a three year term, two members shall serve a two year term and one member shall serve a one year term. Thereafter, all members will be appointed for four years.																
Staff Contact	Community Development Department – (707) 746-4280																

ORDINANCES / RESOLUTIONS

RESOLUTION NO. 94-90

A RESOLUTION CONFIRMING MAYOR'S APPOINTMENTS OF FIVE MEMBERS TO THE BUDGET REVIEW COMMITTEE

WHEREAS, each Councilmember suggested the appointment of one citizen to the Budget Review Committee, as follows:

Councilmember Arteaga	-	Neil Farley
Councilmember Corbaley	-	Larry Fullington
Councilmember Hayes	-	Joe Jacobson
Councilmember Silva	-	Pete Ross
Mayor Ciarrocchi	-	Ira Marks

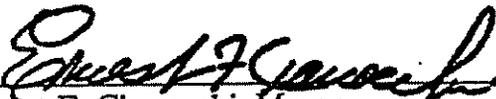
BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BENICIA that the above citizens be and they hereby are appointed by the Mayor to the Budget Review Committee.

The above resolution confirming the Mayor's appointments was adopted on roll call by the following vote:

Ayes: Councilmembers Arteaga, Corbaley, Hayes and Mayor Ciarrocchi

Noes: None

Absent: Councilmember Silva


Ernest F. Ciarrocchi, Mayor

Attest:


Frances D. Greco, City Clerk

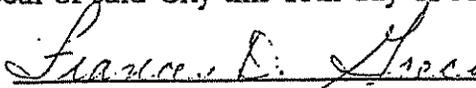
I, Frances D. Greco, City Clerk of the City of Benicia, County of Solano, State of California, hereby certify that the foregoing Resolution was adopted on roll call by the City Council of the City of Benicia at a special meeting held June 10, 1994 by the following vote:

Ayes: Councilmembers Arteaga, Corbaley, Hayes and Mayor Ciarrocchi

Noes: None

Absent: Councilmember Silva

WITNESS my hand and the seal of said City this 10th day of June, 1994.


Frances D. Greco, City Clerk

RESOLUTION NO. 76-38

A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF COUNCILWOMAN
McKAY AND COUNCILMAN JOHANSEN AS THE FINANCE COMMITTEE

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BENICIA that
the Council confirmed the Mayor's appointments of Councilwoman
McKay and Councilman Johansen as the Finance Committee.

The above resolution was introduced and passed by the Council
of the City of Benicia at a regular meeting of said Council held
on the 9th day of March, 1976 and adopted by the following vote:

Ayes: Councilmen Cody, Johansen, Lemos, McKay and O'Blennis

Noes: None

Absent: None

Warren R. O'Blennis

Warren R. O'Blennis, Mayor

Attest:

Betty M. Pellinen, City Clerk

I, Betty M. Pellinen, City Clerk of the City of Benicia,
County of Solano, State of California, hereby certify that the
foregoing resolution was introduced and passed by the Council
of the City of Benicia at a regular meeting of said Council held
on the 9th day of March, 1976, and adopted by the following vote:

Ayes: Councilmen Cody, Johansen, Lemos, McKay and O'Blennis

Noes: None

Absent: None

WITNESS my hand and the seal of said City this 10th day of
March, 1976.

IX-B-19



Chapter 2.40 CIVIL SERVICE COMMISSION¹

Sections:

- 2.40.010 Establishment – Membership.
- 2.40.020 Members – Qualifications.
- 2.40.030 Members – Term of office.
- 2.40.040 Members – Compensation.
- 2.40.050 Meetings – Time and place.
- 2.40.060 Meetings – Conduct.
- 2.40.070 Quorum.
- 2.40.080 Officers – Appointment.
- 2.40.090 Officers and duties.
- 2.40.100 Adoption of rules.
- 2.40.110 Absence from meeting.
- 2.40.120 Removal – Vacancy filling.
- 2.40.130 Powers and duties.

2.40.010 Establishment – Membership.

The civil service commission of the city is established. The civil service commission consists of seven members appointed by the mayor, subject to confirmation by affirmative votes of at least three members of the city council. (Ord. 89-9 N.S. § 1, 1989).

2.40.020 Members – Qualifications.

Members of the civil service commission shall be qualified electorates of the city. A person who holds any salaried public office or employment with the city is not eligible for the commission. A member of the civil service commission is not eligible for an appointment to any salaried office or employment with the city during such time as he/she is a member of the commission. (Ord. 89-9 N.S. § 1, 1989).

2.40.030 Members – Term of office.

The members of the commission shall serve for a term of three years or until their successors are appointed, unless removed from office as provided in BMC 2.40.120. (Ord. 89-9 N.S. § 1, 1989).

2.40.040 Members – Compensation.

Members of the civil service commission do not receive compensation for attendance at civil service commission meetings. (Ord. 89-9 N.S. § 1, 1989).

2.40.050 Meetings – Time and place.

The civil service commission shall hold regular meetings at such time and place within the city as shall be designated by the rules and regulations adopted by the civil service commission. Any regular meeting may be adjourned to a time certain and to a place designated by the chairman. In addition, the commission may hold special meetings upon the call of the chairman or a majority of the members of the commission. (Ord. 89-9 N.S. § 1, 1989).

2.40.060 Meetings – Conduct.

Meetings of the civil service commission shall be conducted in accordance with state law and such rules and procedures as may be adopted by the commission. Meetings shall be open and public; provided, that hearings related to the appointment, employment or dismissal of a

IX-B-20

city employee or a complaint or charge brought against an officer or employee of the city shall be held in private unless such officer or employee requests a public hearing. The commission may exclude from any such public or private meeting, during the examination of witnesses, any or all other witnesses in the matter being investigated by the body. The meeting need not be conducted according to technical rules relating to evidence and witnesses. (Ord. 89-9 N.S. § 1, 1989).

2.40.070 Quorum.

Four members of the commission shall constitute a quorum for the transaction of business. (Ord. 89-9 N.S. § 1, 1989).

2.40.080 Officers – Appointment.

The commission shall elect a chairman and vice-chairman from among its members. The chairman and vice-chairman serve for a term of one year and until the successor of each is appointed and qualified. The personnel officer or his/her designee shall serve as secretary to the commission. (Ord. 89-9 N.S. § 1, 1989).

2.40.090 Officers and duties.

A. Chairman. The chairman shall preside at all meetings of the commission. He/she shall appoint all committees and shall perform all the duties necessary or incidental to his office.

B. Vice-Chairman. The vice-chairman is chairman in the absence or inability of the chairman to act.

C. Secretary. The secretary shall keep minutes of each meeting and shall record each hearing and official action. The secretary shall examine incoming mail for proper referral and answer correspondence for the commission. The secretary shall maintain records of operations and shall perform such other duties as the commission may assign. (Ord. 89-9 N.S. § 1, 1989).

2.40.100 Adoption of rules.

The commission shall adopt rules for the transaction of its business and shall keep a public record of its resolutions, transactions, findings and determinations. (Ord. 89-9 N.S. § 1, 1989).

2.40.110 Absence from meeting.

A. If a member of the commission is absent without cause from three consecutive regular meetings of the commission, the office becomes vacant automatically. The commission shall immediately notify the city council of the vacancy.

B. A member is not absent without cause if his absence is:

1. Due to illness; or

2. Unavoidable and the member gives the secretary of the commission notice before the day of the meeting that he/she will be absent and giving the reason for the absence. (Ord. 89-9 N.S. § 1, 1989).

2.40.120 Removal – Vacancy filling.

A member of the commission may be removed by an affirmative vote of at least four members of the city council. A vacancy is filled in the same manner as the original appointment. A person appointed to fill a vacancy serves for the remainder of the unexpired term. (Ord. 89-9 N.S. § 1, 1989).

2.40.130 Powers and duties.

A. The commission, as provided by this chapter and by the personnel rules, shall hear and make final determinations on appeals submitted by any person in the competitive service relative to any disciplinary action of dismissal, demotion, reduction in pay or suspension, or alleged violation of this chapter or the personnel rules, and to certify its findings and recommendations.

B. In any investigation or hearing conducted by the civil service commission, it shall have the power to examine witnesses under oath and compel their attendance or production of

IX-B-21

evidence by subpoenas to be issued in the name of the city, and attested by the city clerk. It shall be the duty of the chief of police to cause all such subpoenas to be served, and refusal of a person to attend or testify in answer to such a subpoena shall subject the person to prosecution in the same manner set forth by law for failure to appear before the city council in response to a subpoena issued by the city council. Each member of the civil service commission shall have the power to administer oaths to witnesses.

C. The duties of the civil service commission shall otherwise include the following:

1. Review and approve class specifications for employees in the competitive service;
 2. Make recommendations to the city council on adoptions and revisions to the classification plan;
 3. Consider and recommend to the city council any adoption of and amendments to the personnel rules (pursuant to BMC 2.70.070);
 4. Approve requests for any variances to the personnel rules related to selection and hiring procedures for employees in the competitive service;
 5. Advise the city manager and city council on matters related to recruitment and selection processes for employees in the competitive service and on any other matters related to personnel administration. In serving in such capacity, the commission may initiate inquiries and request investigations to be conducted in accordance with procedures outlined in the personnel rules and the civil service commission rules of conduct. (Ord. 89-9 N.S. § 1, 1989).
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¹ For statutory provisions authorizing cities to provide for the appointment of a civil service commission, see Government Code § 45004.

TOC

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Chapter 2.36 BOARD OF LIBRARY TRUSTEES

Sections:

- 2.36.010 Established.
- 2.36.020 Members – Qualifications.
- 2.36.030 Members – Term of office.
- 2.36.040 Members – Compensation.
- 2.36.050 Meeting time and place.
- 2.36.060 Quorum.
- 2.36.070 Absence from meeting.
- 2.36.080 Officers – Appointment.
- 2.36.090 Officers – Duties.
- 2.36.100 Removal – Vacancy filling.
- 2.36.110 Adoption of rules.
- 2.36.120 Powers and duties.
- 2.36.130 Annual report.

2.36.010 Established.

A board of library trustees of the city is established. The board of library trustees consists of five members appointed by the mayor subject to confirmation by the affirmative votes of at least three members of the city council. (Ord. 84-9 N.S. § 1, 1984; prior code § 3-201).

2.36.020 Members – Qualifications.

Each member of the board of library trustees shall be a qualified elector of the city. A person who holds any salaried public office or employment with the city is not eligible for the board. A member of the board of library trustees is not eligible for appointment to any salaried office or employment with the city during such time as he is a member of the board. (Prior code § 3-202).

2.36.030 Members – Term of office.

The term of office of each member is three years. (Prior code § 3-203).

2.36.040 Members – Compensation.

Members of the board do not receive compensation for attendance at board meetings. (Prior code § 3-207).

2.36.050 Meeting time and place.

The board shall meet on the second Monday of each month at 6:30 p.m. at the Benicia Library. (Ord. 99-3 N.S.; Ord. 97-14 N.S.; Ord. 94-7 N.S. § 1, 1994; Ord. 87-3 N.S. § 1, 1987; Ord. 85-21 N.S. § 1, 1986; Ord. 85-1 N.S. § 1, 1985; prior code § 3-206).

2.36.060 Quorum.

Three members of the board constitute a quorum for the transaction of business. (Prior code § 3-210).

2.36.070 Absence from meeting.

A. If a member of the board is absent without cause from three successive regular meetings of the board, the office becomes vacant automatically. The board shall immediately notify the city council of the vacancy.

B. A member is not absent without cause if his absence is:

1. Due to illness; or
2. Unavoidable and the member gives the secretary of the board written notice before the day of the meeting that he will be absent and giving the reason for the absence. (Prior code § 3-205).

2.36.080 Officers – Appointment.

The board shall elect a president and president pro tem from among its members. The president and president pro tem serve for a term of one year and until the successor of each is appointed and qualified. The board shall appoint a secretary who need not be a member of the board. (Prior code § 3-208).

2.36.090 Officers – Duties.

A. President. The president shall preside at all meetings of the board. He shall appoint all committees and shall perform all the duties necessary or incidental to his office.

B. President Pro Tem. The president pro tem is president in the absence or inability of the president to act.

C. Secretary. The secretary shall keep minutes of each meeting and shall record each hearing and official action. On all official actions upon which a vote is taken, the secretary shall take the vote by voice vote unless a member requests the vote be taken by roll call. If a roll call vote is used, the vote shall be taken in alphabetical order with the president voting last. The secretary shall examine incoming mail for proper referral and answer correspondence for the board. The secretary shall maintain records of operations and shall perform such other duties as the board may assign. (Ord. 97-14 N.S.; prior code § 3-211).

2.36.100 Removal – Vacancy filling.

A member of the board may be removed by the affirmative votes of at least four members of the council. A vacancy is filled in the same manner as the original appointment. A person appointed to fill a vacancy serves for the remainder of the unexpired term. (Ord. 84-9 N.S. § 1, 1984; prior code § 3-204).

2.36.110 Adoption of rules.

The board shall adopt rules for the transaction of its business and shall keep a public record of its resolutions, transactions, findings and determinations. (Prior code § 3-209).

2.36.120 Powers and duties.

The board of library trustees shall:

- A. Make and enforce rules, regulations and bylaws necessary for the administration, government and protection of the public library except for the powers delegated to the personnel officer under Chapter 2.70 BMC, relating to personnel administration;
- B. Administer any trust declared or created for the library and received by property, by gift, demise, or bequest and hold it and, where not otherwise provided, dispose of the property for the benefit of the library;
- C. Prescribe the duties and powers of the library director and other nonclassified officers and employees of the library and recommend to the city council the number and compensation of the library director, nonclassified library employees and classified library employees;
- D. Purchase necessary books, journals and publications and other personal property;
- E. Borrow books from and rent books to and exchange books with other libraries and allow nonresidents to borrow books set upon such conditions as the board prescribes;
- F. Do all acts and things necessary or proper to carry out this chapter. (Ord. 89-10 N.S. § 1, 1989; prior code § 3-212).

2.36.130 Annual report.

The board of library trustees shall on or before the first day of August of each year make a report to the city council giving the condition of the library on June 30th preceding, together with a statement of its proceedings for the year. The board shall forward a statement of its proceedings to the State Library at Sacramento. (Ord. 97-14 N.S.; prior code § 3-213).

IX-B-24

RESOLUTION NO. 04-68

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA
ESTABLISHING THE SKY VALLEY OPEN SPACE COMMITTEE**

WHEREAS, the Benicia City Council is committed to protection and enhancement of open space, particularly the area north of Lake Herman Road; and

WHEREAS, the City of Benicia General Plan contains goals and policies to further open space preservation in areas adjacent to the existing City; and

WHEREAS, the Sky Valley Open Space Committee, which formerly existed under the title Northern Area Open Space Committee, seeks to protect agricultural uses and the watershed north of Lake Herman Road.

NOW, THEREFORE, the City Council of the City of Benicia hereby establishes the Sky Valley Open Space Committee as outlined in Exhibit A and authorizes City staff to proceed with advertisement for the five Committee member positions currently available.

On motion by Council Member **Smith**, seconded by Vice Mayor **Patterson**, the above resolution was introduced and passed by the City Council of the City of Benicia at a regular meeting of said Council held on the 18th day of May, 2004, and adopted by the following vote:

Ayes: Council Members **Campbell, Patterson, Smith, Whitney** and Mayor **Messina**

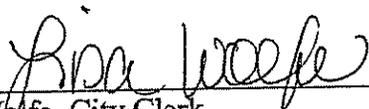
Noes: **None**

Absent: **None**



Steve Messina, Mayor

Attest:



Lisa Wolfe, City Clerk

EXHIBIT A

Sky Valley Open Space Committee Purpose Statement, Objectives, Membership Requirements, Staff Resources, Meeting Schedule

1. Purpose Statement

The Sky Valley Committee exists to protect agricultural uses and the watershed north of Lake Herman Road, and to pursue conservation easements and other arrangements that would help protect that watershed.

2. Objectives

- a. To liaison with Tri-City and County Open Space Cooperative Planning Group and Friends of Solano County Regional Park District to share information, learn about the successes and failures encountered by the Tri-City/County group and ensure the Committee does not duplicate efforts of the other open space/park district groups.
- b. To develop a dialogue with property owners about the economic and other benefits associated with conservation easements.
- c. To develop a conceptual management plan of the City-owned parcels north of Lake Herman Road.
- d. To partner with an outside source to initiate conservation easements with interested property owners in the Sky Valley area.
- e. To protect the Sky Valley area from encroachment from other cities and from inappropriate development under the County.
- f. To ensure that the City's LAFCo Sphere of Influence, which encompasses the Sky Valley Area, remains intact.
- g. To pursue incorporation of the Sky Valley Area into the Tri-City and County Open Space Area.

3. Membership Requirements

- a. Committee shall consist of seven (7) members.
- b.
- c. Two (2) members shall be Council Members.
- d. Five (5) members shall be citizens-at-large.

- e. City residency is not necessary for committee membership.
- f. The five (5) citizens-at-large members should have expertise, if possible, in at least one of the following areas:
 - 1) agricultural operations
 - 2) watershed management
 - 3) natural vegetation/habitat management
 - 4) real estate law
 - 5) planning principles and practices
- g. Their terms shall be four (4) years. To establish staggering in the expiry of terms, the terms for the initial citizens-at-large appointments shall be as follows: three shall be for four (4) years and two shall be for two (2) year terms.

4. Staff Resources

Existing staff resources will be used at this time. An estimated 10 hours per month of staff time is budgeted for this committee. This new committee will affect, to some extent, completion of the Department's strategic projects. If additional staff time is required above the estimated 10 hours, it may further increase time needed to complete other department work items. No use of outside consultants is anticipated at this time.

Staff will be responsible for setting the meeting date/time/place; preparing and distributing the agenda; noticing the meeting as required by law; taking, preparing and distributing the minutes; and providing materials requested by the Committee. Committee members could also assume responsibility for taking and preparing the minutes.

5. Meeting Schedule

The full Committee should determine the meeting schedule.

6. Further City Council Authority Required

The Committee shall obtain further City Council approval to increase demands on City staff time to more than an average of 10 hours per month or to meet more frequently than once a month.

**AGENDA ITEM
CITY COUNCIL MEETING: JULY 1, 2008
CITY MANAGER'S REPORTS**

DATE : June 23, 2008
TO : City Council
FROM : City Attorney
SUBJECT : **INFORMATIONAL REPORT ON THE DENIAL OF THE
SPECIAL EVENT APPLICATION FOR "BENICIA BICYCLE
ROAD RACE"**

RECOMMENDATION:

Review this informational report summarizing the event proposal and staff review that led to the denial by the City Manager of the application from the Lamorinda Cycling Club/Synergy-Taleo Racing Team ("Lamorinda") for a bicycle road race in and around Benicia on September 7, 2008.

EXECUTIVE SUMMARY:

The City of Benicia received a special event application from Lamorinda for a bike race on Sunday, September 7, 2008. The City denied the application because of a variety of logistical hurdles relating to traffic impacts and safety, disruption to businesses, and loss of use of Lake Herman Park on a weekend.

BACKGROUND:

Parks & Community Services received an updated application from Lamorinda on June 4, 2008 for what is called a "road race", a long-course bicycle race. The proposed event is a companion event to the Benicia Bicycle Club's criterium race, which has a much shorter route, that will occur on September 6. The September 6 event will occur in the mainly residential areas downtown and has been approved by staff based on last year's successful criterium put on by the same group.

The September 7 event was proposed to start around 8 AM with staggered processions from the foot of First Street out to the starting point in the industrial park. Racing would continue until around 2 PM. Part of the route includes Lake Herman Road as well as unincorporated Solano County. Most of the affected roads are proposed to be closed to through traffic, with volunteer traffic monitors who would allow on-demand limited one-way access for business owners and employees, and churchgoers attending a church in the industrial area. However, Lake Herman Road would be totally closed to vehicle traffic in both directions, so Lake Herman Park would be inaccessible to the community until at least 2 PM on the day of the event. Maps showing the

precise route are attached.

The application was denied for several reasons:

1. The impact on businesses in the Industrial Park could be severe and would be, at the least, inconvenient to some. Even though the race is on a Sunday when there are fewer businesses operating, there are still a number of business, such as FedEx and Valero, that have 24/7 operations. With the race in less than three months, there is insufficient time to properly notify and accommodate the business. Though Lamorinda contacted a representative of the Benicia Industrial Park Association, there is concern that this may not reach all businesses and that individual notification may be appropriate.
2. Traffic control for this event is problematic. The proposed staffing does seem sufficient to prevent trouble. There are many businesses and driveways on the event route, and sharing the road with trucks (and cars) seems too hazardous, even if the bikes and the motorized traffic will be in different lanes. Even if Lamorinda obtains the services of the CHP and sheriff, the proposed number of staff/volunteers seems insufficient to manage the freeway on and off ramps. The businesses at the freeway interchange at Lake Herman have a high volume of traffic and there does not appear to be a good way to avoid inconveniencing those patrons.
3. The event route crosses with at least two churches. Notifying all of the parishioners would be required at a minimum, but there does not seem to be a reasonable way to provide adequate ingress and egress for the churches.
4. The event presents a hardship on the downtown business district by cutting off its vehicle approach routes, drastically limiting its parking, and impeding pedestrian and shopper access. The City allows events, such as the Peddler's Fair, to close First Street because it reinforces downtown as a shopping destination. While Lamorinda's event would only close the street for a short time, it does not have a strong relationship with the "shopping destination."
5. Police personnel required for such an event is unavailable. The City also does not have sufficient police volunteers for such an event.
6. The closure of Lake Herman Park would prevent people from enjoying the park on a weekend day when the park is heavily used.

There does not appear to be a way to mitigate all these problems at this time. In order to commit to this type of event, significant city resources would have to be devoted. Staff has suggested that the event sponsors may want to consider having the event at the State Park instead.

Attachments:

- Special Event Application including Maps
- Denial Letter

SPECIAL EVENT APPLICATION



Special
events

08EVN-00026

received
6/4/08 AD

City of Benicia
APPLICATION FOR SPECIAL EVENT/PARADE PERMIT

The City of Benicia special event application form will help you identify equipment, services and activities early in the planning stages to help minimize last minute surprises that could be a problem for you and your organization. The form is designed to obtain information about any type of event so, if sections of the form do not relate to your event, simply indicate that the question is non-applicable (N/A).

Date of Application, 5/20/2008

Applicant/Organization Lamorinda Cycling Club/Synergy-Taleo Racing Team
Contact Person Robert Miller

Address 3483 Moraga Blvd

City/Zip Lafayette, CA 94549 Phones Numbers: Day 510-682-8166 Cell: 510-682-8166

Email address: rjdmillerca@yahoo.com Fax Number: 707-554-9204

Are you a recognized Non-Profit Organization? Yes No

If yes, what is your Non-Profit ID#? 3052237

1. EVENT INFORMATION

Name of Event Benicia Bicycle Road Race New Repeat

Location Requested Downtown Benicia, Benicia Industrial Park (See Map)

Event Date(s) 9/7/08 Day(s) of the Week Sunday

Event Time From 0600 a.m./p.m. To 1400 a.m./p.m.

Set-up begins: Day/Date 9/7/2008

Time 0600 a.m./p.m.

Take Down: Day/Date 9/7/2008

Time 1400 a.m./p.m.

Estimated Attendance 1,000 Adults 85% Teens 10% Youth 5%

Will there be a charge for patrons to be admitted to your event? Yes No
If yes, how much? _____

2. ALCOHOLIC BEVERAGES

Will alcoholic beverages be sold or served? Yes _____ No

If yes, describe how you will ensure that alcoholic beverages will be consumed only by people 21 years or older.

Alcoholic beverages will be served from _____ a.m./p.m. to _____ a.m./p.m.

By _____

In the following location(s):

3. FOOD/NON-ALCOHOLIC BEVERAGE SERVICE

Will food/non-alcoholic drinks be served? Yes No _____

If yes, what kind? Sandwiches (Volunteers), Benicia Restaurant (TBD)

Name of caterer (if any) _____

4. ENTERTAINMENT

Sound Amplification Yes _____ No

If yes, hours _____ a.m./p.m. To _____ a.m./p.m.

Live Music Yes _____ No _____

If yes, hours _____ a.m./p.m. To _____ a.m./p.m.

Type of Music _____

Will you use a tent, canopy or other temporary structure at your event?

Yes X No _____

If yes, please describe. Canopies for volunteers

All canopies will be the "EZ UP" collapsible type

5. Safety and Security Procedures

Describe your proposed procedures for security and crowd control.

2-4 marshalls at every intersection with CHP stationed where appropriate. ***Detailed safety plan to follow***. Barricades and cones, closing road and driveways. Benicia volunteer and support. Residential and business traffic will have access and egress to race course area.

How will you publicize and direct people to your event location? List any promotional or directional signage that you will use. (Attach any flyers or press releases.)

Flyers, Website, Newspaper

If your event occurs at night, explain how you will light the activity.

Not Applicable

If your event includes vehicles and/or animals, describe what you will do to ensure the safety for the public and participants.

Not Applicable

How do you plan to accommodate emergencies (first aid)?

First Aid by Certified Personnel, Doctors on site, 911 if necessary

Name of contact person at event Robert Miller

Location of first aid facilities during event At race course

Type of first aid facilities Medical kits

6. MITIGATION OF IMPACTS ON OTHERS

Describe how you will notify affected businesses and residents of your event.

Flyers, Newspaper, BIP, Main St.

Describe how you and your organization will mitigate the impacts of your special event on neighboring businesses, churches, residents, motorists and others.

Ensure access and egress to residents and businesses

Road marshals and CHP where appropriate to assist in traffic control

7. EQUIPMENT/SERVICES

Request Temporary "No Parking" or Street Barricades yes no

If yes, please describe areas and attach map ***(INCLUDE TIMES)***.

Request Street Closure yes no

If yes, describe areas and attach map ***(INCLUDE TIMES)***.
See Map. 0600 AM to 1400 PM

8. CLEAN-UP PROCEDURES

Who is responsible for clean up?

Name Lamorinda Cycling Club/Synergy-Taleo Racing Team (will use UBS services)

Address _____

Phone Day _____ Evening _____ Cell/Pager _____

Who will take signs down?

Name LCC Phone # 510-682-8166 Cell/Pager 510-682-8166

9. **EVENT MAP (REQUIRED)**

Check all items listed below that apply to your event and attach an event map showing the location of each item:

(Route for parades, fun runs etc. designate staging area, as well as beginning and end of route. Use arrows to indicate direction of route.)

- Entertainment and/or stage location(s)
- Sound amplification – location of amplifier and all speakers
- Alcoholic beverage concession area(s)
- Cooking area(s)
- Food concession area(s)
- Display area(s) for arts, crafts, vehicles, etc.
- Merchandise sale area(s)
- First aid facilities
- Portable toilets (indicate number 5)
- Permanent restroom facilities available
- Event participant parking area(s), including entrances, exits and traffic circulation
- Event spectator parking area(s)
- Event manager's command post
- Temporary structures
- Pyrotechnics site
- Utility connection locations (power, water, etc.)
- Trash containers
(# trash cans _____; # dumpsters _____; # recycle cans/bins _____)
- Access and parking for disabled
- Other (please describe) _____

10. **ADDITIONAL INFORMATION**

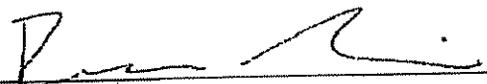
11. WAIVER

Applicant agrees to strictly comply with the conditions of this permit. Failure on my part to accurately describe the event will cause forfeiture of the right to hold the event and forfeiture of all deposits/fees paid.

Applicant further agrees to indemnify, hold harmless, release and defend the City of Benicia and its officers, employees and agents against all claims of action, liability, judgments, costs and expenses, including attorney's fees, arising from or related to the special event referenced above.

I certify that I accept responsibility on behalf of my organization for any damage or theft sustained by the City (premises or equipment) as a result of occupancy of said premises by our organization.

I HAVE READ AND AGREE TO THE ABOVE STANDARDS.

SIGNATURE 

PRINT NAME ROBERT J. MILLER

DATE 6/1/08

City staff will begin reviewing your application soon after you submit it to the Parks & Community Services Department. You can help speed the process along by completing the application in full before submitting it for review. Please return your completed permit application form to Benicia Parks & Community Services Department, 250 East L Street, Benicia, CA 94510 *a minimum of (60) days prior to your event.* Your application will be circulated to city departments for review.

Any questions regarding this application please call
Ann Dunleavy, Superintendent of Parks & Community Services at (707) 746-4282.

State of California
Secretary of State



I **DEBRA BOWEN**, Secretary of State of the State of California, hereby certify:

That the attached transcript of 1 page(s) has been compared with the record on file in this office, of which it purports to be a copy, and that it is full, true and correct.



IN WITNESS WHEREOF, I execute this certificate and affix the Great Seal of the State of California this day of

OCT 3 0 2007

Debra Bowen

DEBRA BOWEN
Secretary of State

3052237

ENDORSED - FILED
in the office of the Secretary of State
of the State of California

ARTICLES OF INCORPORATION

OCT 1 2007

I

The name of this corporation is Lamorinda Cycling Club

II

A. This corporation is a nonprofit **PUBLIC BENEFIT CORPORATION** and is not organized for the private gain of any person. It is organized under the Nonprofit Public Benefit Corporation Law for:

- () public purposes.
- or () charitable purposes.
- or (x) public and charitable purposes.

B. The specific purpose of this corporation is to form a public recreation cycling club and team.

III

The name and address in the State of California of this corporation's Initial agent for service of process is:

Name Ted Brooks

Address 5363 Aspenwood Ct

City Concord State CALIFORNIA Zip 94521 _____

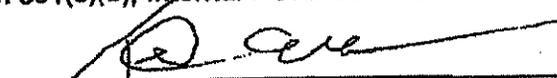
IV

A. This corporation is organized and operated exclusively for charitable purposes within the meaning of Section 501(c)(3), Internal Revenue Code.

B. No substantial part of the activities of this corporation shall consist of carrying on propaganda, or otherwise attempting to influence legislation, and the corporation shall not participate or intervene in any political campaign (including the publishing or distribution of statements) on behalf of any candidate for public office.

V

The property of this corporation is irrevocably dedicated to charitable purposes and no part of the net income or assets of this corporation shall ever inure to the benefit of any director, officer or member thereof or to the benefit of any private person. Upon the dissolution or winding up of the corporation, its assets remaining after payment, or provision for payment, of all debts and liabilities of this corporation shall be distributed to a nonprofit fund, foundation or corporation which is organized and operated exclusively for charitable purposes and which has established its tax exempt status under Section 501(c)(3), Internal Revenue Code.



Ted E. Brooks, Incorporator

Intersection	Roads		
E. 2nd and Industrial	Driveways and Sts on Industrial	5	15
Park and Industrial	Driveways and Sts on Industrial (after 880)	5	20
Industrial and Lake Herman	Goodyear Rd to Parrish	4	12
Lake Herman and Goodyear	Goodyear Rd to Marshview	5	3
Goodyear and Parrish	Lopes Marshview to Parrish	3	3
Goodyear and Marshview	Lopes Parrish to Lake Herman	3	3
Lopes and Marshview	Lake Herman Rd	3	6
Northgate Church		6	
Lopes and Lake Herman		3	
Turn Around at Syar		3	
Lake Herman and Reservoir		3	
Reservoir Rd and E. 2nd		3	
Total		46	62

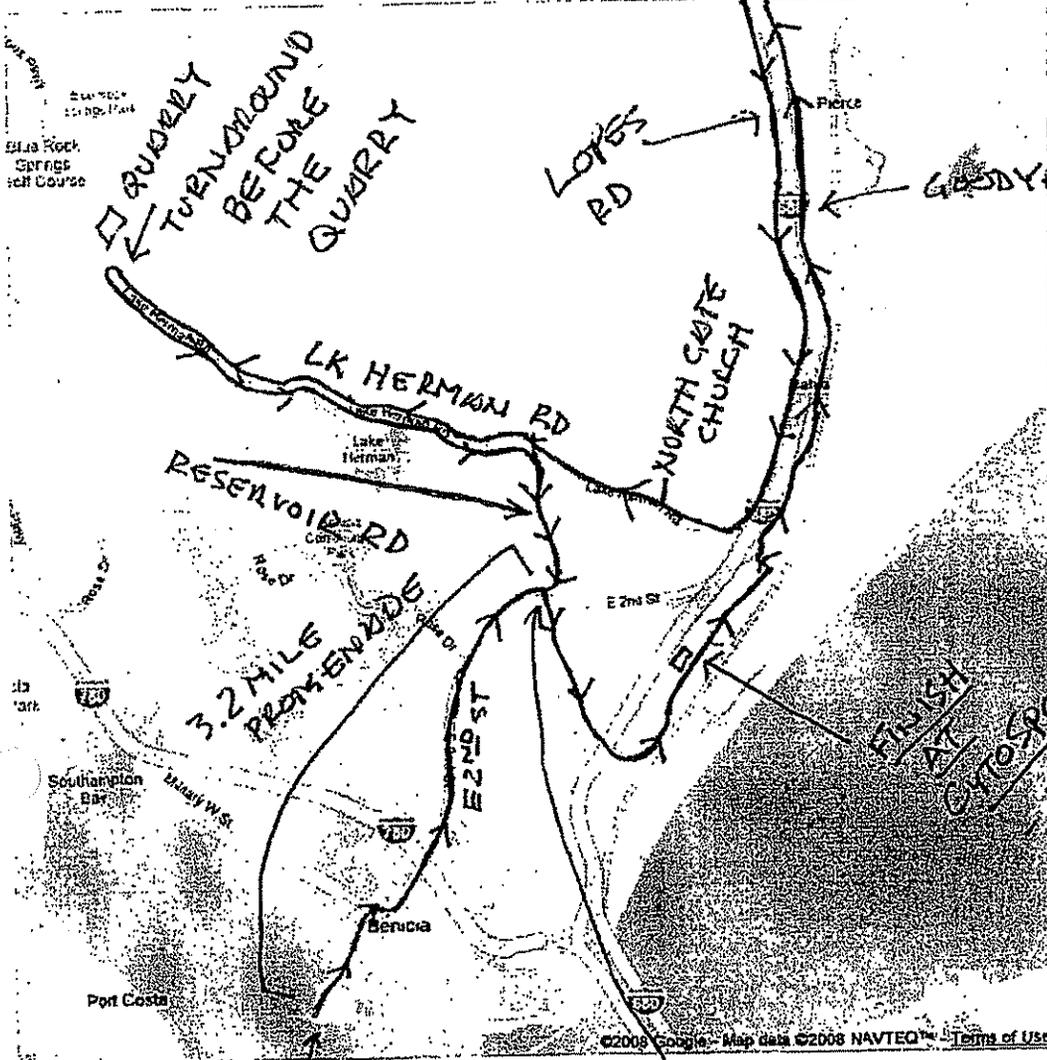
Issues

- 1 Valero needs access and egress on 2nd St - Need plan for Valero
- 2 2nd St has to be blocked at Industrial and Reservoir - cuts access; need detour
- 3 Freeway off Ramp 880 to Industrial is being used for Benicia Historical event
- 4 People needing access and egress to ARCO at Lake Herman and Goodyear
- 5 Lots of Fwy off/on ramps, need CHP support
- 6 Northgate Church on Lake Herman - Services @ 9:30 and 11:00

Google

MAP #1
COURSE
OVERVIEW

Get Google Maps on your phone
Text the word "GMAPS" to 466453



QUARRY
TURNAROUND
BEFORE
THE
QUARRY

LOPES
RD

* TURNAROUND AT
MOLSHVIEW RD.
ON TO LOPES RD.

GOODBYE RD

LK HERMAN RD

NORTH GATE
CHURCH

RESERVOIR RD

3.2 MILE
PROMENADE

E 2ND ST

FINISH
AT
CYCLOSPORT

- 1000 POTITIES
- 1 RT AND OFFICIALS AND MARSHALLS HQ
- ANNOUNCERS AND JUDGES

Loading Print Preview ...

- REGISTRATION
- POTIA POTITIES
- START OF PROMENADE

8AM TO 9AM ONLY
(1ST ST, MILITARY, 2ND ST TO INDUSTRIAL)

RACES BEGIN
RACING WITH RT TURN ON TO INDUSTRIAL WBY

Google

MAP #2 PROMENADE (8 TO 9AM ONLY) THROUGH DOWNTOWN

Get Google Maps on your phone
Text the word "GMAPS" to 466453



REGISTRATION
PORTA POTTIES
START OF PROMENADE
(8AM TO 9AM ONLY)

©2008 Google

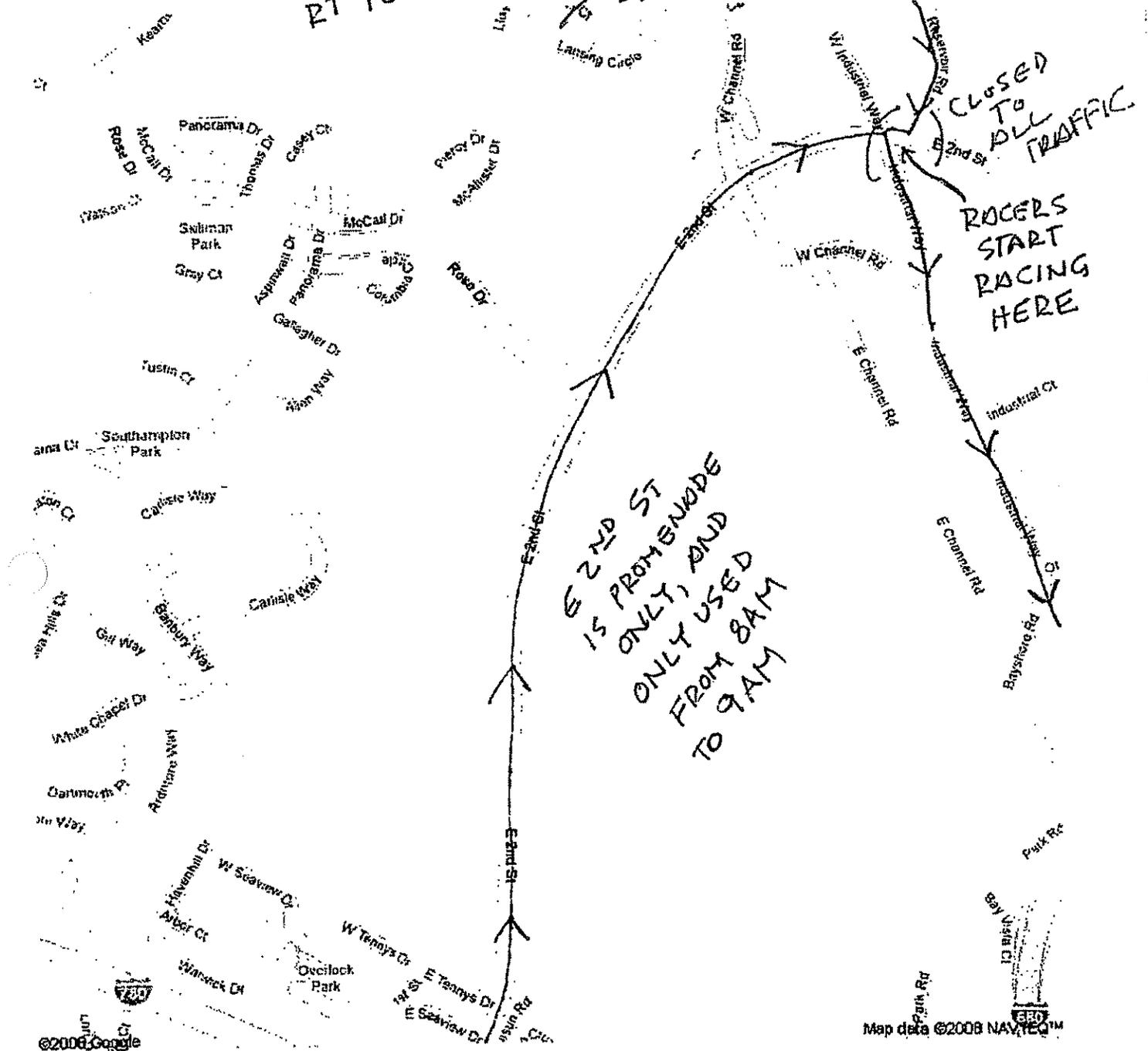
Map data ©2008 NAVTEQ

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Google

MAP #3
PROMENADE TO
RACE START AT
RT TURN E 2ND ST

Get Google Maps on your phone
Text the word "GMAPS" to 466453

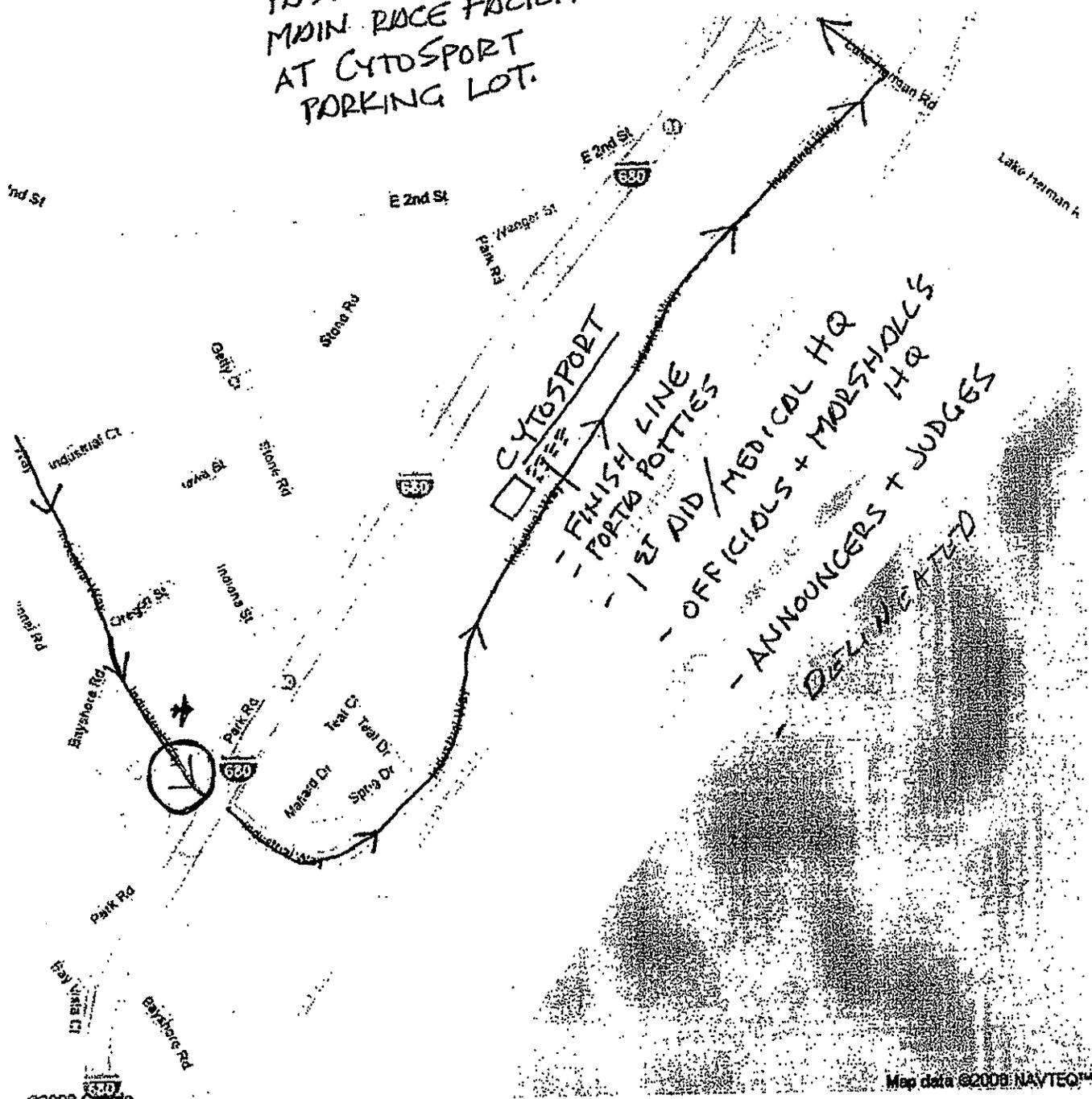


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Google

MAP #4
 INDUSTRIAL WAY TO GOODYEAR RD.
 POST FINISH AND
 MAIN RACE FACILITIES
 AT CYTOSPORT
 PARKING LOT.

Get Google Maps on your phone
 Text the word "GMAPS" to 466453

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Google

MAP #5

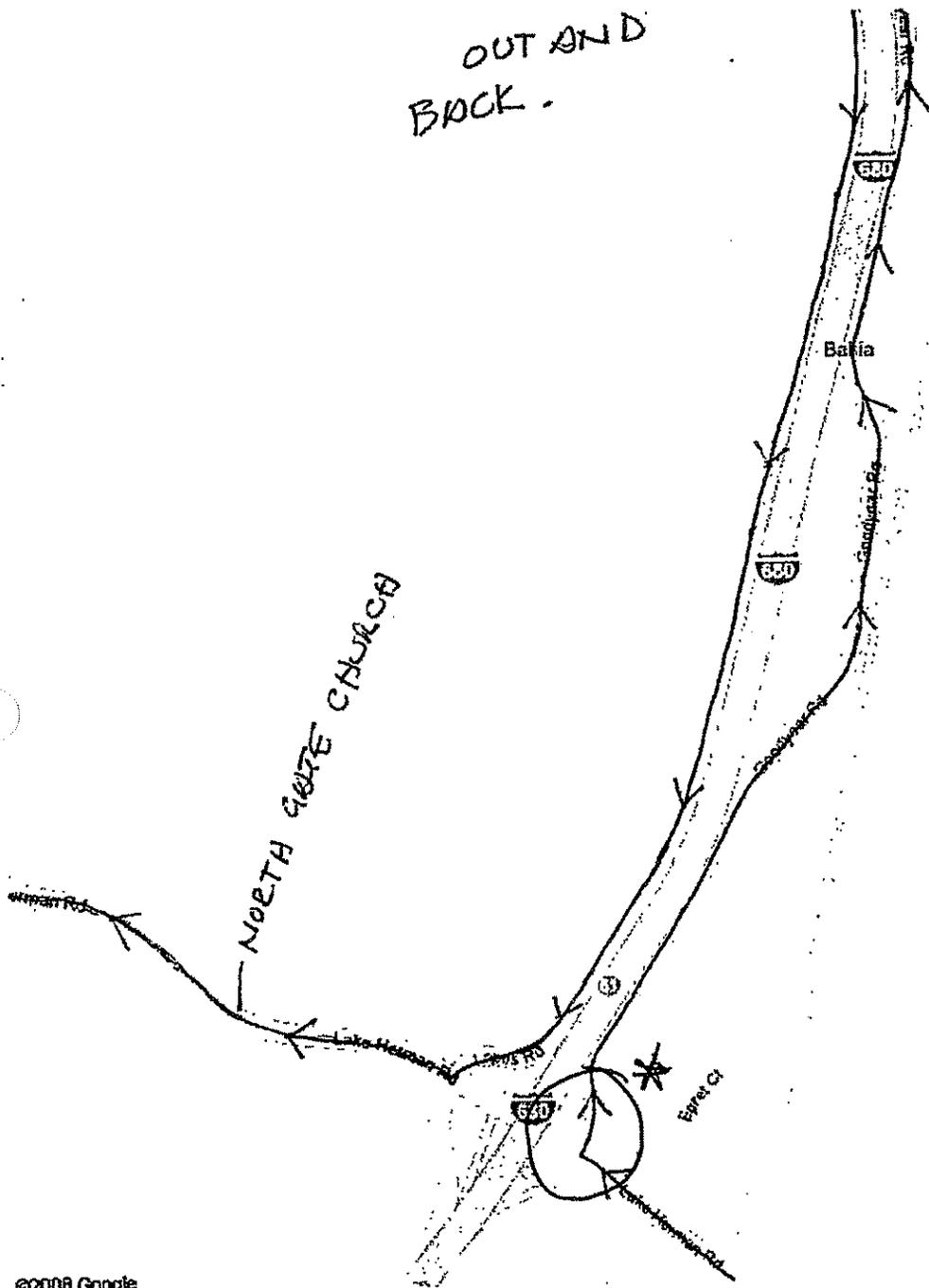
FIRST MAP OF
GOODYEAR RD /
LOPES RD

OUT AND
BACK.

5/30/08 11:26 AM

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<http://maps.google.com/maps/mm?f=d&saddr=1st+St+Benicia,+CA&ds...7133,0.040083&t=h&z=15&layer=c&cbll=38.051944,-122.145481&pw=2>

Page 1 of 1

X-A-17

Google

MAP #6

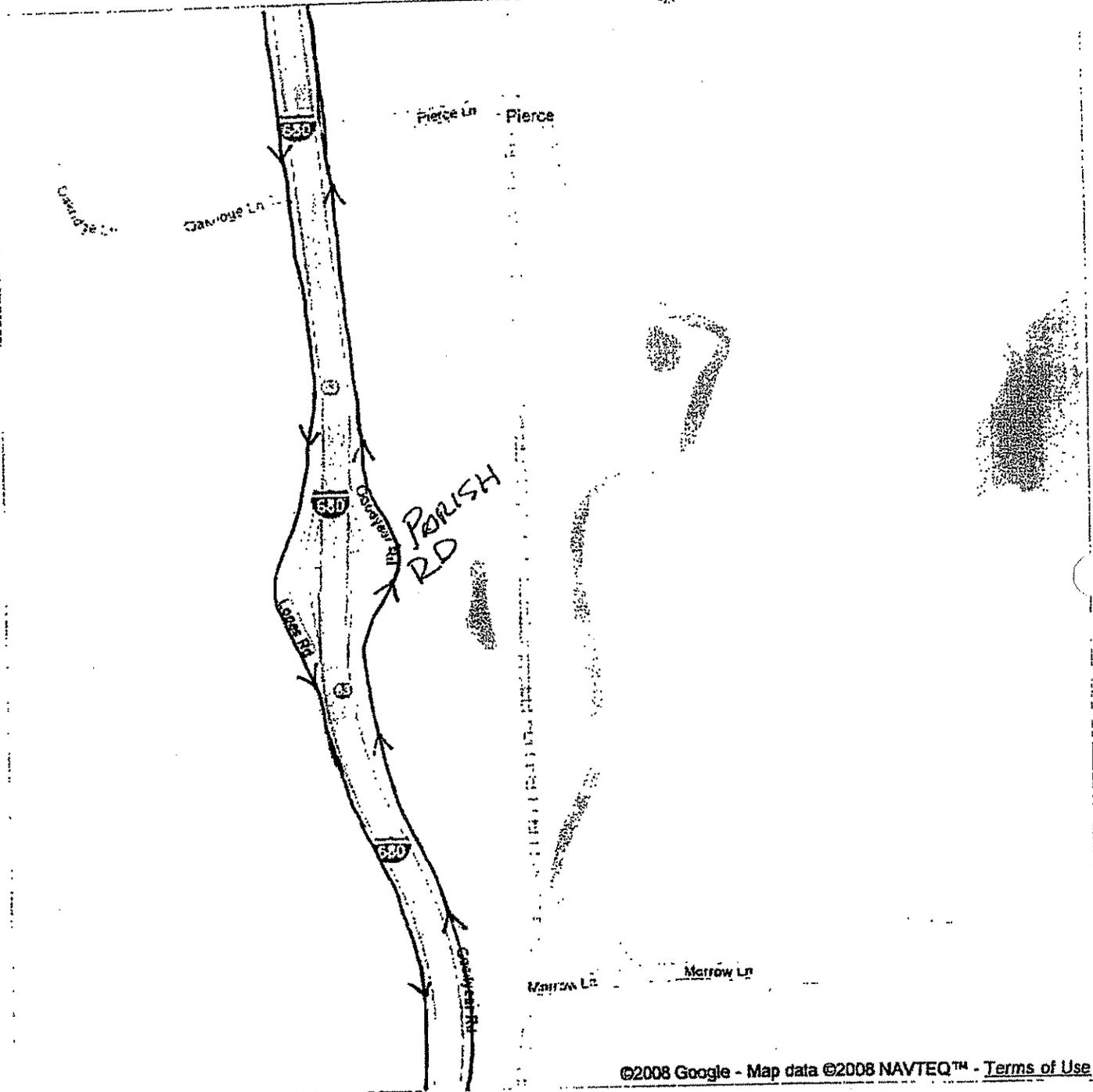
2ND MAP OF
GOODYEAR RD
LORES RD

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OUT AND BACK.



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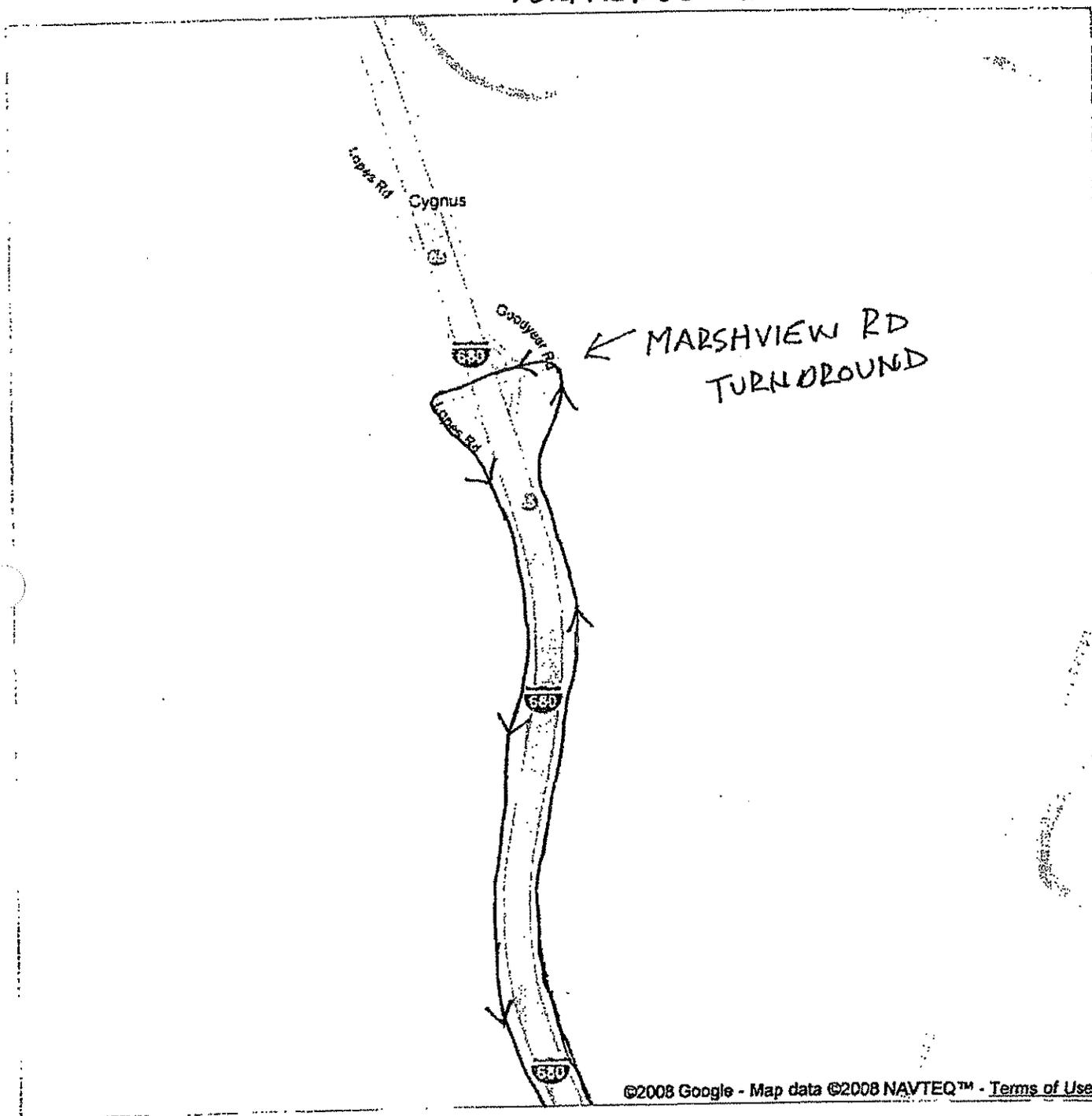
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MAP #7

GOODYEAR RD. - MARSHVIEW RD.
- LOPES RD TURNAROUND.

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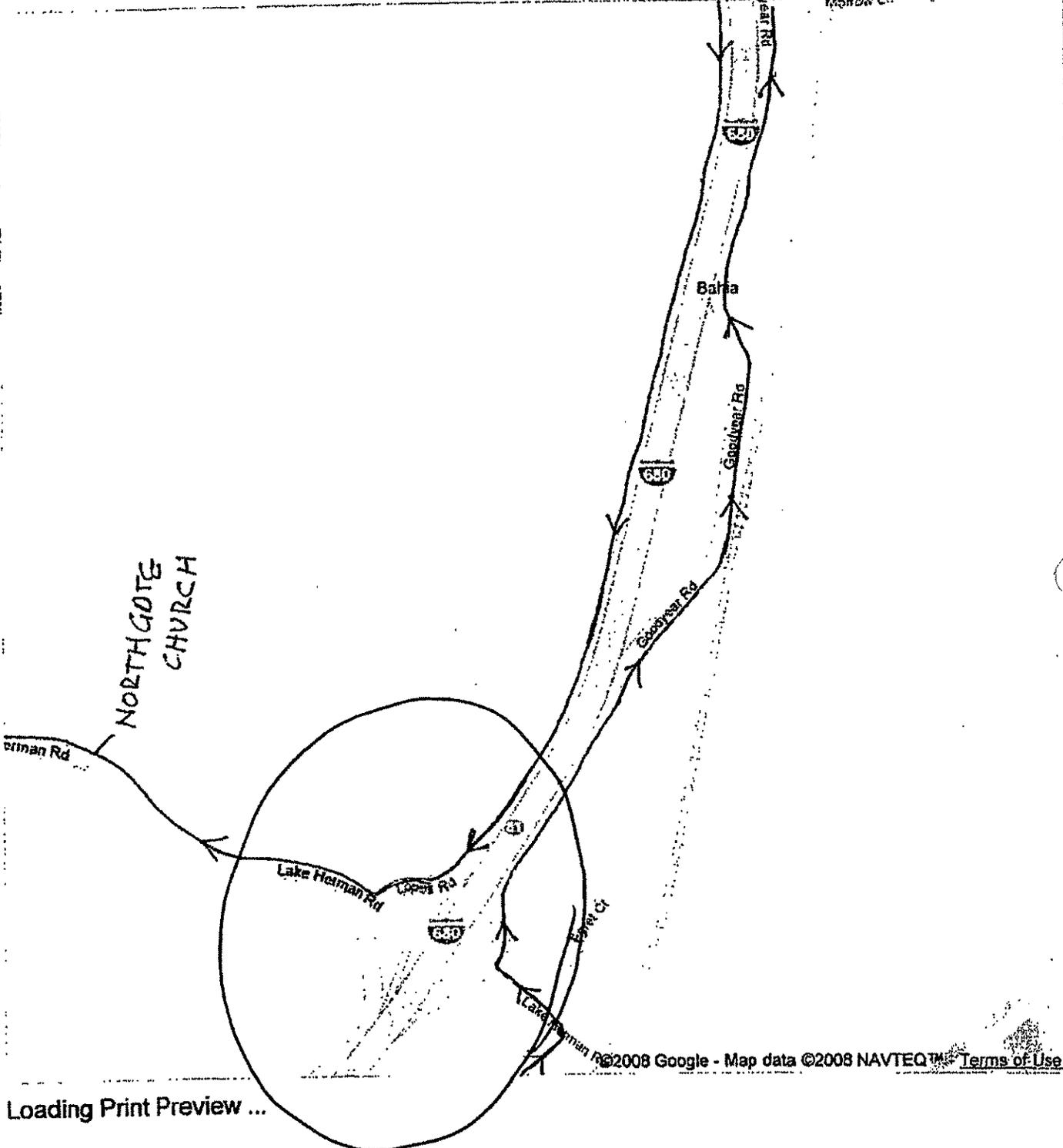
X-A-19

Google

MAP #8

LOPES RD BACK TO
LK HERMAN RD AND CLIMB.

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Google

MAP #9
 FIRST MAP OF
 LK HERMAN RD
 OUT AND BACK TO RESERVOIR RD.

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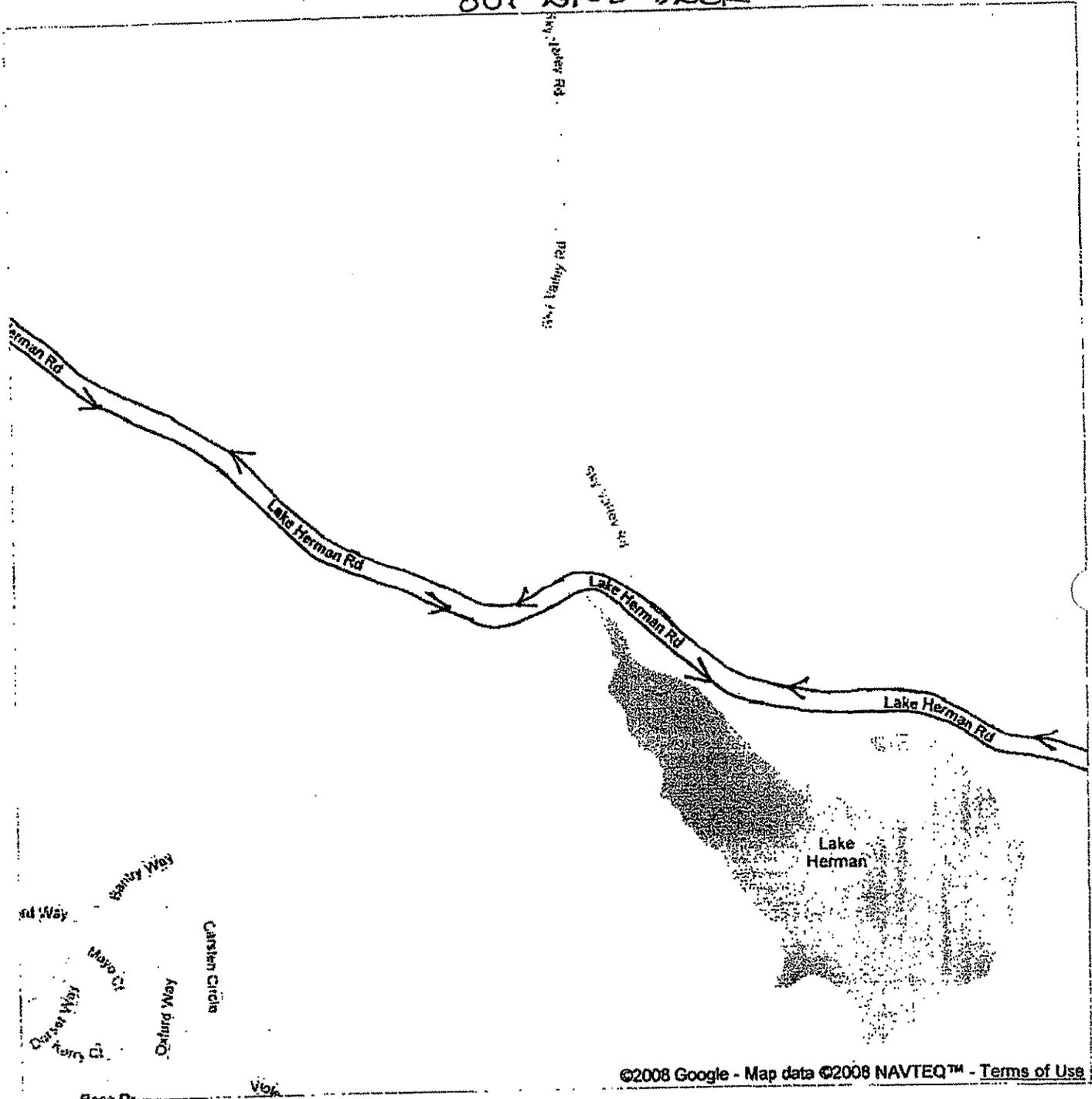



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MOP # 10
2ND MOP OF
LK HERMAN RD
OUT AND BACK TO RESERVOIR RD

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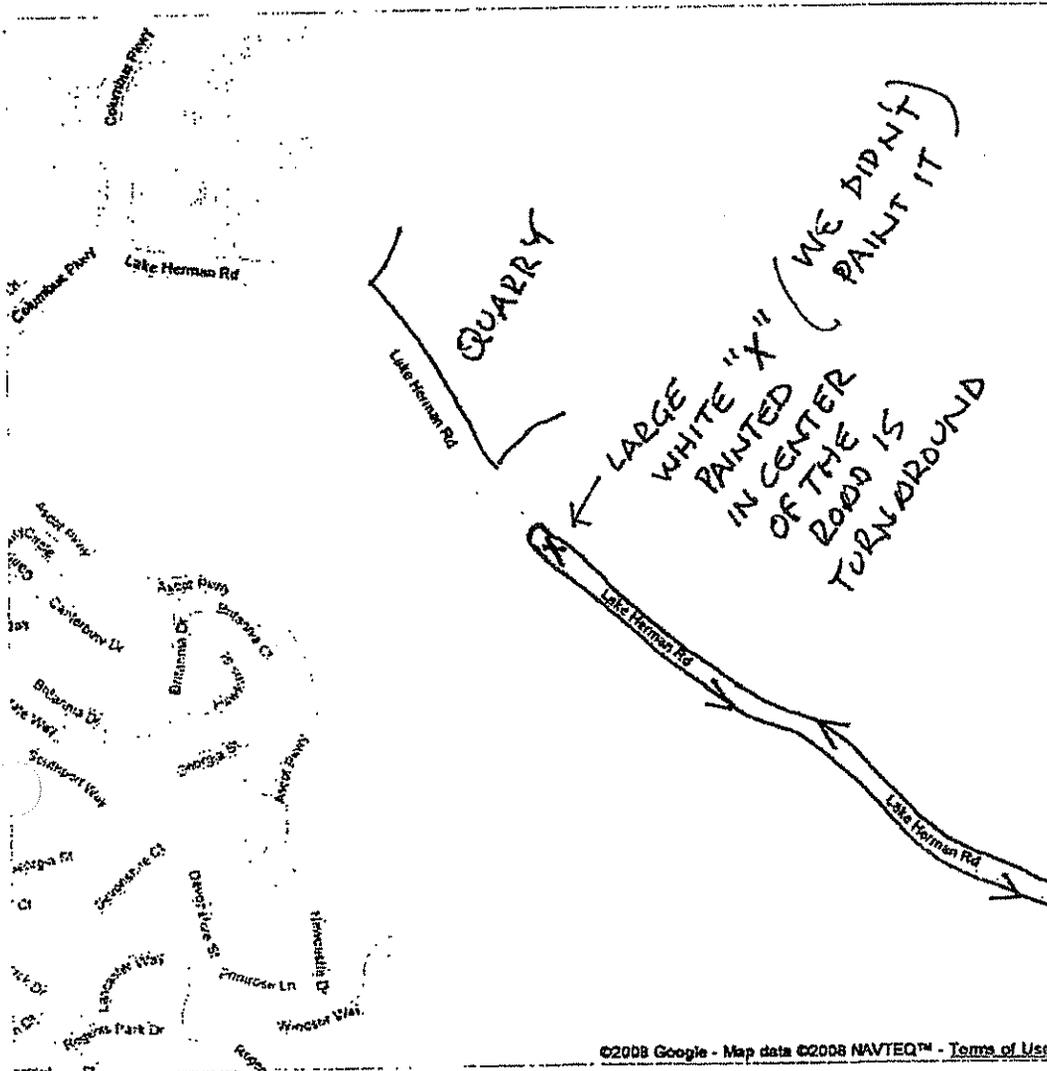
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MAP #11

Google

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LK HERMAN RD TURN AROUND BEFORE THE QUARRY.



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X-A-23

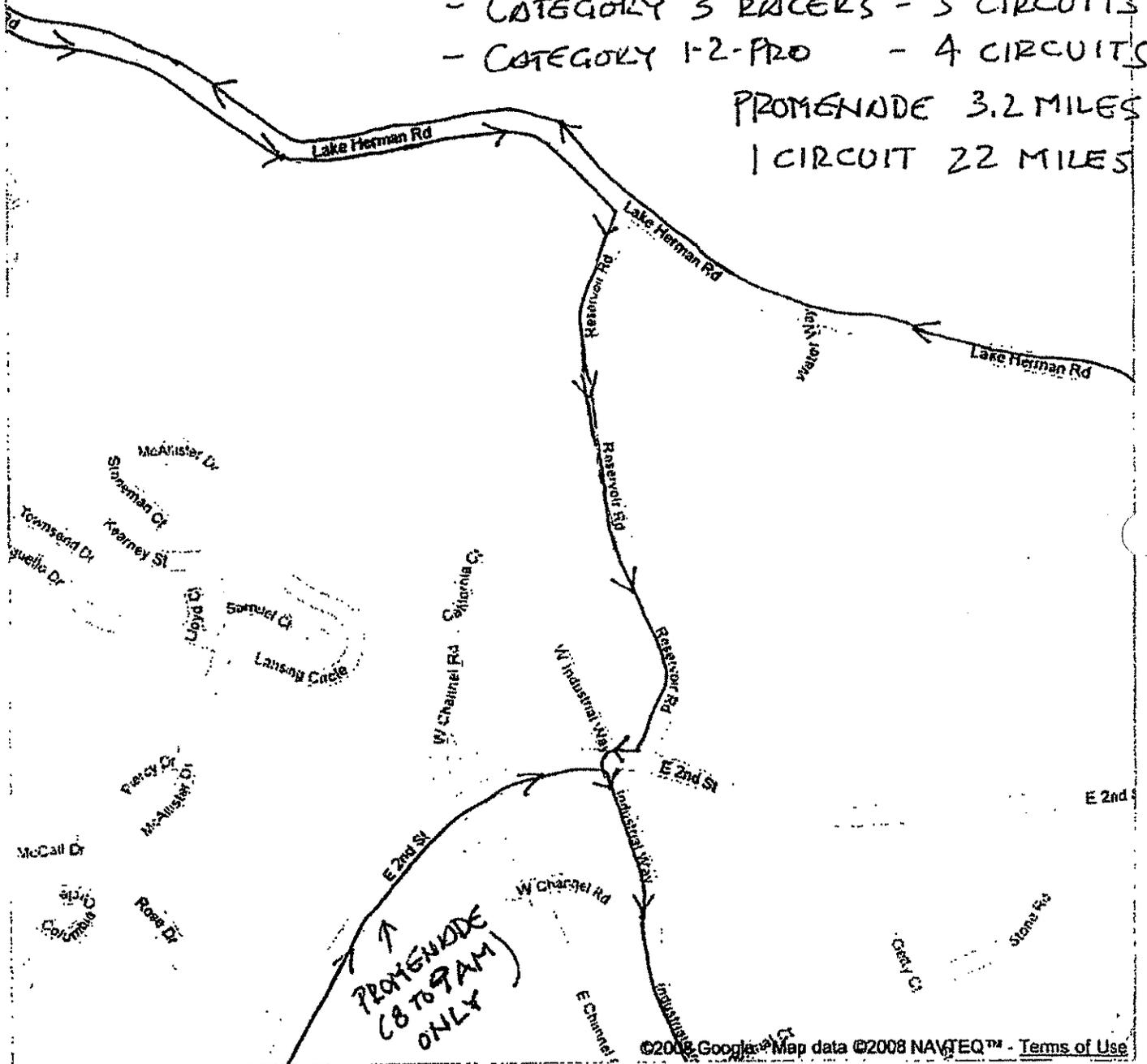
Google

MAP # 12
BACK ON LK HERMAN RD
TO RESERVOIR RD,
TO E. 2ND ST, TO INDUSTRIAL WAY.

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- CATEGORY 4 RACERS - 2 CIRCUITS
- CATEGORY 3 RACERS - 3 CIRCUITS
- CATEGORY 1-2-PRO - 4 CIRCUITS

PROMENADE 3.2 MILES
1 CIRCUIT 22 MILES



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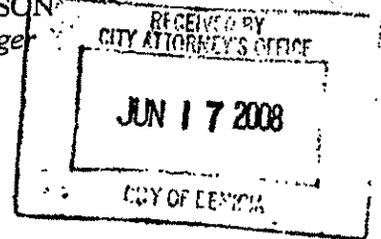
DENIAL LETTER

Copy Hand



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JIM ERICKSON
City Manager



THE CITY OF
BENICIA
CALIFORNIA

June 16, 2008

Robert Miller
Lamorinda Cycling Club/Synergy-Taleo Racing Team
3483 Moraga Blvd.
Lafayette, CA 94549

Re: Proposed Benicia Bicycle Club Race in Benicia

Dear Mr. Miller:

This letter is to inform you that we have received your application for an intended bike race in the City of Benicia, and unfortunately the City must deny your application for the location and time requested. Although your application is not yet complete for the proposed race on September 7, 2008, it does not appear that the City can reasonably accommodate the race. We understand that you are in the process of obtaining permission from a number of the other impacted entities and wanted to let you know our decision now.

There were a number of factors taken into consideration in denying your application. First, the impact on businesses in the Industrial Park will be severe. Even though the race will be on a Sunday when there are fewer businesses operating, there are a number of business such as Fed Ex and Valero that have 24/7 operations. Given that the race is only 3 months from now, there is insufficient time to properly notify the businesses. We appreciate that you have contacted the Benicia Industrial Park Association. We are concerned, however, that this may not reach all of the affected businesses and individual notification may be appropriate. Second, traffic control for this event is problematic. It does not seem like the proposed staffing is sufficient to prevent trouble. There are so many businesses and driveways on the event route. Sharing the road with trucks (and cars) seems too hazardous even if the bikes and the motorized traffic will be in different lanes. Even if you obtain the services of the CHP and sheriff, the proposed number of staff seems to be insufficient to manage the freeway on and off ramps. The businesses at the freeway interchange at Lake Herman have a high volume of traffic and there does not appear to be a good way to avoid inconveniencing those patrons. Third, the event route crosses paths with at least two churches. Notifying all of the parishioners would be required at a minimum, but there does not seem to be a reasonable way to proved ingress and egress for the churches. Third, the event presents a hardship on the downtown business district to cut off its vehicle approach routes, drastically limit its parking, and impede pedestrian and shopper access. The City of Benicia allows events, such as the Peddler's Fair, to close First Street because it reinforces downtown as a shopping destination. A bike race does not do this. While your event would only do so for a short time, it does not have a strong relationship to the "shopping destination". Fourth, police personnel required for such an event is unavailable. We also do not have sufficient police volunteers for this event. Fifth, the closure of Lake Herman Park would prevent people from enjoying the park on a weekend day when the park is heavily used. There does not appear to be a way to mitigate this problem.

ELIZABETH PATTERSON, Mayor
Members of the City Council
TOM CAMPBELL, Vice Mayor, MIKE IOAKIMEDES, MARK C. HUGHES, ALAN M. SCHWARTZMAN

JIM ERICKSON, City Manager
TEDDIE BIDOU, City Treasurer
LISA WOLFE, City Clerk



X-A-26

Robert Miller
June 16, 2008
Page 2

You may want to consider investigating a race at the State Park. This would avoid the traffic conflicts presented by the proposed route.

We applaud your desire and efforts to put on this event. Perhaps if there were more time, our concerns could be addressed. If you have any questions, please do not hesitate to contact my office.

Sincerely,



Jim Erickson
City Manager

cc: City Attorney
Parks and Recreation Director
Police Chief
Peter Van Slyke & Kimball Goodman

X-A-27

