

**BENICIA CITY COUNCIL  
REGULAR MEETING AGENDA**

**City Council Chambers  
July 06, 2010  
7:00 PM**

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

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

**II. CLOSED SESSION:**

**III. CONVENE OPEN SESSION:**

**A. ROLL CALL**

**B. PLEDGE OF ALLEGIANCE**

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

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

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

**A. ANNOUNCEMENTS**

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

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

Open Government Commission:  
One full term to January 31, 2014

Finance, Audit and Budget Committee:  
One unexpired term to January 31, 2013

Benicia Housing Authority Board of Commissioners: Two full terms to  
July 31, 2014

Human Services Board: Three full terms to July 31, 2014

Parks, Recreation and Cemetery Commission: One full term to July 31,  
2014

Economic Development Board: Three full terms to July 31, 2014

Library Board of Trustees: Two full terms to July 31, 2013

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

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

**B. APPOINTMENTS**

- 1. Appointment of Mike Ioakimedes to a City Council Appointment Subcommittee for a two year term.**

**C. PRESENTATIONS**

**D. PROCLAMATIONS**

- 1. In Recognition of Drowning Prevention Month**

**V. ADOPTION OF AGENDA:**

**VI. OPPORTUNITY FOR PUBLIC COMMENT:**

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

**A. WRITTEN COMMENT**

**B. PUBLIC COMMENT**

**VII. CONSENT CALENDAR (7:15 PM):**

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

**A. Approval of Minutes for June 15, 2010. (City Clerk)**

**B. 2010-11 STREET RESURFACING PROJECTS.  
(Public Works and Community Development Director)**

Funds totaling \$769,000 are available in FY 2010-11 from City, State and federal sources for the following priority street resurfacing projects, which are based on a combination of pavement condition and traffic volume:

- ❑ Overlay Rose Drive from McAllister Drive to East 2nd Street;
- ❑ Patch East 2nd Street from Industrial Way to Wanger Court, northbound side;
- ❑ Overlay Columbus Parkway from the westbound off-ramp to Rose Drive, plus a portion of the eastbound ramp if funding allows; and
- ❑ Patch the intersections of the I-780 Off ramps and West 7th Street/Southampton Road.

An additional priority project, resurfacing of Industrial Way south of Lake Herman Road, exceeds the City's current funding capacity. If after the November election annual State gas tax revenues are not in jeopardy of being withheld, Staff plans to return to Council to suggest the Industrial Way project be funded via a \$650,000 loan from the City Sky Valley Water Connection fund (designated for a connection through the Lake Herman watershed to a water line in Vallejo that is unlikely to occur in the foreseeable future). Such a loan at 3% interest would be preferable to repayment at 6% under the RZEDB program.

**Recommendation: Adopt a resolution confirming non-General Fund budgeting (Gas Tax and Traffic Mitigation Funds) for FY 2010-11 priority street resurfacing projects, and direct staff to decline the City's portion of the Solano County Recovery Zone Economic Development (RZEDB) bond allocation.**

**C. ESTABLISHMENT OF THE ANNUAL APPROPRIATIONS LIMIT PURSUANT TO ARTICLE XIII B OF THE CALIFORNIA STATE CONSTITUTION FOR FISCAL YEAR 2010-11. (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 2010-11. The City currently has a \$40.5 million margin between the appropriations limit and the approved appropriations budget for FY2010-11.

**Recommendation: Adopt the resolution establishing the maximum allowable appropriations limit for Fiscal Year 2010-11 in the amount of \$69,533,066**

**D. AUTHORIZATION TO APPLY FOR FEDERAL FUNDING FOR STREET RESURFACING. (Public Works and Community Development Director)**

The City is eligible to receive \$371,000 in federal funding to overlay Columbus Parkway from the I-780 westbound offramp to Rose Drive and to patch the Southampton/West 7th/I-780 offramp intersections (See July 6, 2010 Agenda Item for 2010-11 Street Resurfacing Projects). Funding has been budgeted in the Gas Tax Fund for the required \$48,100 local match. Construction is scheduled for next spring, after environmental clearance and project approval have been obtained from Caltrans.

**Recommendation: Adopt a resolution authorizing the Director of Public Works & Community Development to file an application for federal Surface Transportation Program funding, committing the necessary non-federal match, and stating the assurance to complete the project.**

**E. INTRODUCTION OF AN ORDINANCE ADDING NEW SECTIONS 1.24.020 (CITY SEAL) AND 1.24.030 (OFFICIAL FLAG) TO CHAPTER 1.24 (MISCELLANEOUS PROVISIONS) OF TITLE 1 (GENERAL PROVISIONS) OF THE BENICIA MUNICIPAL CODE. (City Attorney)**

The City Seal and City Flag are used in authentication of official documents and in the conduct of official City business. Currently, there are no regulations or restrictions on (1) what the seal and flag should consist of, (2) their proper display, nor (3) the use of such.

**Recommendation: Introduce the ordinance adding new sections 1.24.020 (City Seal) and 1.24.030 (Official Flag) to Chapter 1.24 (Miscellaneous Provisions) of Title 1 (General Provisions) of the Benicia Municipal Code.**

**F. SUBMITTAL OF AN APPLICATION FOR A CALIFORNIA LIBRARY LITERACY SERVICE MATCHING FUNDS GRANT. (Library Director)**

The California Library Literacy Services (CLLS) Matching Funds grant is made available to libraries in the State of California that offer adult literacy services that meet the grant criteria. The Benicia Public Library has offered adult literacy services through the Adult Literacy and English as a Second Language (ESL) Program since 1987. The program has successfully received grant funding from the CLLS since its inception in 1987, and the Library plans to apply for \$32,811 this fiscal year.

**Recommendation: Adopt the resolution authorizing submittal of an application for a California Library Literacy Service Matching Funds Grant for fiscal year 2010/2011 by the Adult Literacy Coordinator and authorizing the Library Director to sign any necessary documents to secure the grant.**

**G. DESIGNATION OF LEAGUE OF CALIFORNIA CITIES VOTING DELEGATES AND ALTERNATES. (City Manager)**

The League of California Cities' 2010 Conference will be held September 15-17, 2010 in San Diego. The Annual Business Meeting at the conference will be September 17th and, in order to vote at that meeting, the City Council must designate a voting delegate. The City may appoint up to two alternate voting delegates in the event that the designee is unable to serve in that capacity. A designated voting delegate must be present at the meeting in order to cast a vote. The League membership considers and acts on resolutions that establish League policy at the meeting.

**Recommendation: Approve, by motion, the designation of Mayor Patterson (voting delegate) and Vice Mayor Alan Schwartzman as the alternate voting delegate from the Council for the upcoming League of California Cities Annual Business Meeting.**

**H. AUTHORIZATION TO SUBMIT A GRANT APPLICATION FOR THE CALRECYCLE USED OIL PAYMENT PROGRAM. (Public Works and Community Development Director)**

Under the California Oil Recycling Enhancement Act and CalRecycle, the City is authorized to apply for grant funds made available by CalRecycle. These grants include, block and competitive grants for waste oil recycling programs, household hazardous waste, and other waste reduction and reuse/recycling funds.

The proposed resolution will allow the City Manager to execute a grant application through CalRecycle on behalf of the City for Fiscal Year 2010–2011 for the Used Oil Payment Program (formerly known as the Used Oil Block Grant Program [UBG]).

The City has been a recipient of the Used Oil Block Grant (UBG) program for a number of years, receiving approximately \$7000.00 each year. This years application to the CalRecycle Cycle 16 Oil Payment Program (OPP) for FY 2010/11 will provide funding for activities that reduce the amount of illegally disposed used oil, recycle used oil/used oil filters, and reclaim used oil and to education the citizens and increase awareness of the program.

**Recommendation: Adopt a resolution of the City Council of the City of Benicia that authorizes the submittal of a grant application made available through CalRecycle for FY 2010/2011 for the Used Oil Payment Program.**

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

#### **VIII. PUBLIC HEARINGS (7:30 PM):**

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

##### **A. PUBLIC HEARING FOR CITY OF BENICIA LANDSCAPING AND LIGHTING DISTRICT FISCAL YEAR 2010-11. (Finance Director)**

The items scheduled for consideration at this meeting will complete the process for levying assessments for fiscal year 2010-11 through the Solano County Auditor-Controller's Office and to collect assessments with property tax bills. Should the City Council conclude, after receiving comments from interested parties during the public hearing, that any assessment should be amended, no action should be taken on the resolution ordering the maintenance of existing improvements. Staff will then modify the report as directed and bring the matter back for final approval on July 20, 2010. However, this matter must be concluded prior to August 5, 2010 to meet filing deadlines with the Solano County Assessor/Recorder's Office.

**Recommendation:**

- 1. City Council conduct the public hearing as set by Resolution No. 10-59 to receive oral statements or written comments concerning the subject district for fiscal year 2010-11 and ordering the levy and collection of assessments for fiscal year 2010-11.**
- 2. At the conclusion of the public hearing, adopt the attached resolution ordering the maintenance of existing improvements in all five zones of the District, confirming the Assessment Diagram, approving the Engineer's Report, and ordering the levy and collection of certain assessments for the City of Benicia Landscaping and Lighting District, fiscal year 2010-11.**

**IX. ACTION ITEMS (7:45 PM):**

- A. Discussion of Countywide Ballot Measure to collect up to \$10 in Vehicle Registration fees to sponsor projects benefiting or mitigating the effects of the automobile. (Finance Director)**

Daryl Halls, Executive Director of the STA, will present information regarding the proposed SB 83 ballot measure and expenditure plan to the City Council and respond to questions. The SB 83 expenditure plan has three focus areas currently being reviewed by STA committees and the recommendations will be presented at the meeting. The three areas include: Maintenance of Local Streets and Roads, Safe Routes to School, and Senior and Disabled Mobility.

**Recommendation: Discuss the countywide ballot measure that proposes raising the motor vehicle registration up to \$10 to fund projects benefiting or mitigating the effects of the automobile and consider further directions to staff.**

- B. Status of Benicia Business Park Application. (Public Works and Community Development Director)**

At its April 6 regular meeting, the Council directed the City Manager to request that the applicant, Discovery Builders: (1) confirm agreement to the conditions of Council Resolution No. 09-19 of February 2009 that allowed the project application to remain active, (2) propose a solution to the problem of potential loss of impact fees that have increased since filing of the application in 2005, (3) support City efforts to apply for grant funding to plan for the property, and (4) provide project status updates to Council every six months.

At its June 1 regular meeting, the Council determined that a May 6 applicant response satisfied only the request to provide semi-annual updates. The

Council directed staff to inform the applicant that (1) the statement that applicant “has agreed” to the 2009 resolution needs to be reaffirmed as “the applicant agrees” indefinitely to those conditions; (2) the applicant must agree to support and participate in any City-initiated planning process that includes the property; and (3) Council remains interested in a proposal regarding payment of impact fees. Staff relayed this message to Discovery Builders, which has not responded other than to confirm receipt of the information.

The Mayor has proposed that the next step in the planning process be a highest and best use analysis for the property.

**Recommendation: A response has not been received from the applicant to communications from the Community Development Director and City Manager to confirm agreement to the terms of the February 17, 2009 resolution setting forth consensus conditions for processing the Benicia Business Park project. If such confirmation is not received by the time Council meets on July 6th on this matter, or if there is not a reasonable alternative commitment from the applicant received by that time, staff recommends adoption of a resolution terminating the 2005 application. Council may also wish to provide comment and/or direction regarding next steps in planning future development of this site.**

**C. BENICIA INTERMODAL FACILITIES (PARK-AND-RIDE) PROJECT (Public Works and Community Development Director)**

In June 2009, City Council adopted Strategic Issue #4: Preserving and Enhancing Infrastructure;  
Strategy #2: Increase use of mass transit, which directs staff to complete plans for and begin construction of park-and ride facilities at City Park and W. Military and Southampton. The Benicia Intermodal Facilities Project will serve the new regional Baylink Route 78 that provides service between the Vallejo Ferry Terminal and Walnut Creek BART. Benicia does not currently emphasize available parking for commuters. The City hired Kimley-Horn and Associates, Inc. to provide conceptual designs. City staff has solicited input from various Commissions and the public. Based on this input, the concept plans have been revised. Staff is requesting direction from City Council to move forward with a facilitated public workshop to solicit input on the details, final design and functionality of the facility.

**Recommendation: Direct staff to hold a facilitated public workshop to finalize site designs for the Intermodal Facilities Project (Park-and-Ride) located at Military West/Southampton and First and Military (City Park) based on current concept design plans.**

**D. Reduction in compensation package for City Manager, City Attorney and City Council. (Administrative Services Director)**

Not unlike most jurisdictions in California, the City of Benicia has identified a structural deficit due to the unprecedented economic downturn of the economy. The City has identified a structural deficit that is anticipated to continue for the next five years. Since the adoption of the budget the City's General Fund revenues has declined \$1,651,085 in the current year, primarily due to reduction in property taxes, sales taxes, utility users taxes and franchise fees. This action will assist the City's efforts to make ongoing structural reductions in order to address the City's structural deficit.

**Recommendation: Adopt the attached resolution approving the reduction in compensation of the City Manager and the City Attorney, as recommended by the City Manager and City Attorney, as follows:**

- 1) Deduct 3.0% in base salary effective the first day of the month after adoption of this action by the Council.**
- 2) Eliminate the automatic increase in the City's contribution toward medical premiums and instead freeze the City's contribution towards medical as a flat rate based on the City's (7/1/10) current contribution to ensure that future increases by the City are considered by the Council based on the City's ability to pay and not an automatic increase.**
- 3) Direct the City Manager and the City Attorney to return to Council with recommendations on how the 3% base salary reduction listed in one above can be converted to an ongoing permanent reduction in pension or medical reform no later than January 15, 2011.**

**Additionally, it is recommended that the Council direct the City Attorney and the City Manager to return to the Council on July 20, 2010 with a resolution to adopt the corresponding compensation and City paid medical premium reductions for the Council consistent with state and local requirements.**

**X. INFORMATIONAL ITEMS (9:00 PM):**

**A. City Manager Reports**

- 1. Informational report on Valero incidents occurring on June 17, 2010. (Fire Chief)**

On June 17, 2010, the Valero Refinery had two vapor releases. The second one, occurring at 8:51 PM resulted in activation of the Community Alert and Notification (CAN) System. The activation of the CAN System identified some problems that have been evaluated and corrected.

Based on information received from the Bay Area Air Quality Management District, fine carbon particulates were present downwind of the refinery as a result of these incidents. This information was gathered by the use of fallout plates, which were placed downwind of the refinery. Based on information received from the Solano County Department of Resource Management Environmental Health Division, ground level monitors in the area did not show any readings and the release of the carbon particulates did not constitute a significant health risk. Don Gamiles, PhD, of Argos Scientific also evaluated information gathered by the UV Hound (air quality monitoring device). He found levels reading far below any current health standards for the gases in question, and these levels are consistent with what are typically seen in urban environments.

**Recommendation: Receive report as information with no request for any action.**

**XI. COUNCIL MEMBERS REPORTS:**

**XII. ADJOURNMENT (9:30 PM):**

**Public Participation**

The Benicia City Council welcomes public participation.

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

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

**Disabled Access**

In compliance with the Americans with Disabilities Act (ADA), if you need special assistance to participate in this meeting, please contact Anne Cardwell, the ADA

Coordinator, at (707) 746-4211. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to 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](http://www.ci.benicia.ca.us) under the heading "Agendas and Minutes." Public records related to an open session agenda item that are distributed after the agenda packet is prepared are available before the meeting at the City Manager's Office located at 250 East L Street, Benicia, or at the meeting held in the Council Chambers. If you wish to submit written information on an agenda item, please submit to the City Clerk as soon as possible so that it may be distributed to the City Council. A complete proceeding of each meeting is also recorded and available through the City Clerks Office.



**RESOLUTION NO. 10-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA  
CONFIRMING THE MAYOR'S APPOINTMENT OF COUNCIL MEMBER  
IOAKIMEDES TO A CITY COUNCIL APPOINTMENT SUBCOMMITTEE TO A  
TWO-YEAR TERM ENDING JUNE 30, 2012**

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

\*\*\*\*\*

The above Resolution was approved by roll call by the City Council of the City of Benicia at a regular meeting of said Council held on the 6th day of July, 2010 and adopted by the following vote:

Ayes:

Noes:

Absent:

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

Attest:

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





# PROCLAMATION

IN RECOGNITION OF

## DROWNING PREVENTION MONTH

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

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

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

**WHEREAS**, the Department of Developmental Services currently serves nearly 700 survivors of these accidents with life long services; and

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

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

**WHEREAS**, the month of June 2010, has been identified as Drowning Prevention Month by the Governor of the State of California; and

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

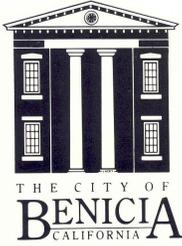
**WHEREAS**, by becoming informed each of us can enjoy a fun and safe summer.

**NOW, THEREFORE, BE IT RESOLVED THAT I**, Elizabeth Patterson, Mayor of the City of Benicia, on behalf of the City Council, do hereby recognize the month of July 2010, as Drowning Prevention Month and call this observance to the attention of its citizens.

\_\_\_\_\_  
Elizabeth Patterson, Mayor  
July 6, 2010







**BENICIA CITY COUNCIL  
SPECIAL MEETING AGENDA**

**Council Chambers  
June 15, 2010  
6:00 PM**

**I. CALL TO ORDER:**

Mayor Patterson called the meeting to order at 6:01 p.m.

**II. CONVENE OPEN SESSION:**

**A. ROLL CALL**

Council Member Hughes was absent.

**B. PLEDGE OF ALLEGIANCE**

Mayor Patterson led the Pledge of Allegiance.

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

**III. OPPORTUNITY FOR PUBLIC COMMENT:**

**A. WRITTEN COMMENT**

None

**B. PUBLIC COMMENT**

None

**IV. CLOSED SESSION:**

Heather McLaughlin, City Attorney, read the announcement of Closed Session.

**A. CONFERENCE WITH LEGAL COUNSEL-SIGNIFICANT EXPOSURE TO LITIGATION**

(Subdivision (b) of Section 54956.9)

Anticipated Litigation - 1 potential case - Club Pacifica Apartments v. City of Benicia

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

Title: City Manager

**V. ADJOURNMENT:**

Mayor Patterson adjourned the meeting to Closed Session at 6:04 p.m.

MINUTES OF THE  
REGULAR MEETING – CITY COUNCIL  
June 15, 2010

**I. CALL TO ORDER:**

Mayor Patterson called the meeting to order at 7:06 p.m.

**II. CLOSED SESSION:**

**III. CONVENE OPEN SESSION:**

**A. ROLL CALL**

Council Member Hughes was absent.

**B. PLEDGE OF ALLEGIANCE:**

Mike Alvarez led the Pledge of Allegiance.

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

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

**A. ANNOUNCEMENTS:**

Mayor Patterson and Vice Mayor Schwartzman discussed the process the City was following for hiring a new city manager, and the public process that would be followed. There is currently one session set up for public input, and a second session would be scheduled.

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

Ms. McLaughlin reported that Council gave direction to Staff on both Closed Session items.

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

Open Government Commission:  
One full term to January 31, 2014

Finance, Audit and Budget Committee:  
One unexpired term to January 31, 2013

Benicia Housing Authority Board of Commissioners: Two full terms to July 31, 2014

Human Services Board: Three full terms to July 31, 2014

Parks, Recreation and Cemetery Commission: One full term to July 31, 2014

Economic Development Board: Three full terms to July 31, 2014

Library Board of Trustees: Two full terms to July 31, 2013

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

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

**B. APPOINTMENTS:**

**1. Appointment of Vice Mayor Schwartzman and Council Member Ioakimedes to the Council Subcommittee to update the Garbage Franchise:**

RESOLUTION 10-71 - A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF VICE MAYOR SCHWARTZMAN AND COUNCIL MEMBER IOAKIMEDES TO THE GARBAGE FRANCHISE SUBCOMMITTEE

Public Comment:

None

Mayor Patterson discussed the need for milestones for this item. She would like to see a timeline for this at the next regular Council meeting, so Council would know when it needs to make a decision on the fork in the road.

Council and Staff discussed placing the discussion on the 7/20/10 Council agenda.

On motion of Mayor Patterson, Council approved the Resolution, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Ioakimedes

Noes: (None)

**C. PRESENTATIONS:**

**D. PROCLAMATIONS:**

**V. ADOPTION OF AGENDA:**

On motion of Vice Mayor Schwartzman, seconded by Council Member loakimedes, Council approved the agenda as presented, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, loakimedes

Noes: (None)

**VI. OPPORTUNITY FOR PUBLIC COMMENT:**

**A. WRITTEN COMMENT:**

None

**B. PUBLIC COMMENT:**

None

**VII. CONSENT CALENDAR:**

Council pulled items VII-A, VII-B, VII-F, VII-G, and VII-H.

On motion of Vice Mayor Schwartzman, seconded by Council Member loakimedes, Council approved the Consent Calendar as amended, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, loakimedes

Noes: (None)

**A. Approval of Minutes of June 1, 2010:**

Mayor Patterson requested the language regarding the resolution opposing Proposition 16 be expanded to clarify Council's position. Ms. Wolfe verified she would listen to the DVD and clarify the language.

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

Ayes: Patterson, Schwartzman, Campbell, loakimedes

Noes: (None)

**B. Update on Tourism Marketing Program:**

Vice Mayor Schwartzman asked for clarification on the number of visitor centers. He discussed concern regarding only having one visitors center that has hard

core facts and numbers, minimal information from another center, and no information from the other two visitors centers.

Council Member loakimedes discussed his questions on the operator outreach, Facebook, and the lack of reporting from Benicia. He would like a quick update from Staff or Mr. Wolf.

Amalia Lorentz and Jack Wolf reviewed the staff report.

Council Member loakimedes and Staff discussed the possibility of going back a few years to see if there were trends with sales tax.

Mayor Patterson discussed the new hotel and other new businesses, and the difficulty in setting a new baseline.

Council Member Campbell and Staff discussed the sales tax baseline,

Council Member loakimedes and Staff discussed the tour operators/outreach, and past contact the City had with the San Francisco Visitors Bureau.

Mr. Wolf discussed the tour operators, the possibility of checking on tours through San Francisco Visitors Bureau, and looking into whether Benicia was a member of San Francisco Convention and Visitors Bureau (SFCVB).

Council Member loakimedes and Mr. Wolf discussed whether there was a way to gauge the reaction that is created by special events, discussing the issue at EDB, and where the City should be focusing its efforts (it needs to focus on long term businesses in the Downtown area).

Council Member Campbell requested Mr. Wolfe update Council on what had been done so far. Mr. Wolf reviewed the work that had been done: work on the website, the photo shoots, the first brochure was finished, Facebook page was up and running, press releases, ad campaign was in full swing, radio ads were scheduled, Facebook ads were scheduled, and they were getting Wiggio up and running.

Vice Mayor Schwartzman, Mr. Wolf, and Ms. Lorentz discussed how the City would track the ad buying, and the issue of working with merchants to do more concrete tracking (which would be talked about at the next EDB meeting).

Mayor Patterson requested Council receive copies of the media coverage, and copies of the audio ads.

Public Comment:

None

**C. Award of Chemical Contracts for Water Treatment – Fiscal Year 2010-2011:**

RESOLUTION 10-72 - A RESOLUTION ACCEPTING BIDS AND AWARDING CONTRACTS TO THE LOWEST RESPONSIBLE BIDDERS FOR FURNISHING CHEMICALS FOR WATER TREATMENT FOR FISCAL YEAR 2010-2011 AND AUTHORIZING THE CITY MANAGER TO SIGN THE CONTRACTS ON BEHALF OF THE CITY

**D. Approval of Change Orders for the Benicia High School Traffic Signal and Entrance Circulation Improvement Project:**

RESOLUTION 10-73 - A RESOLUTION APPROVING 18 CHANGE ORDERS IN THE AMOUNT OF \$54,229 FOR THE BENICIA HIGH SCHOOL TRAFFIC SIGNAL AND ENTRANCE CIRCULATION IMPROVEMENT PROJECT FOR A TOTAL CHANGE ORDER AMOUNT TO DATE OF \$103,214 AND AUTHORIZING THE CITY MANAGER TO SIGN THE CHANGE ORDERS ON BEHALF OF THE CITY

**E. Approval of a contract amendment for Citycentric Investments for professional services and consultation;**

RESOLUTION 10-74 - A RESOLUTION APPROVING THE CONTRACT AMENDMENT IN THE AMOUNT OF \$94,250 WITH CITYCENTRIC INVESTMENTS FOR PROFESSIONAL SERVICES AND CONSULTATION AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY

**F. City of Benicia Landscaping and Lighting District Fiscal Year 2010-2011:**

RESOLUTION 10-75 - A RESOLUTION OF INTENTION TO ORDER THE LEVY AND COLLECTION OF ASSESSMENTS PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972 AND THEREFORE SETTING A PUBLIC HEARING ON JULY 06, 2010 FISCAL YEAR 2010-2011 CITY OF BENICIA LANDSCAPING AND LIGHTING DISTRICT

Mayor Patterson discussed concerns regarding the assessment district's spending City reserve funds, the value of assessment districts, and what is not covered in all other areas of the City.

Council Member Campbell, Mayor Patterson, and Staff discussed the issue of deficit spending, the residential district, reevaluating the assessment districts, things that could be done (trail improvements, fire safety, and water management) under the current assessment district (currently there is a lack of

money coming in from the assessment districts).

Mr. Erickson discussed previous meetings with the residents of the Fleetside District. Mayor Patterson asked him to follow up on the outcome of the meeting.

Vice Mayor Schwartzman and Staff discussed the need to get the public process going on this.

Council Member Campbell discussed the need to start doing something (putting a notice in the water bill as to what is done with the funds collected in the assessment districts).

Mayor Patterson would like to see a schedule for the approach that will be taken on a future agenda. She would like to have consideration of having council meetings at schools so the residents of the districts could attend.

Public Comment:

None

On motion of Vice Mayor Schwartzman, seconded by Council Member Campbell, Council approved the Resolution, on roll call by the following vote:  
Ayes: Patterson, Schwartzman, Campbell, loakimedes  
Noes: (None)

**G. Adoption of a Whistleblower Policy Statement:**

RESOLUTION 10-76 - A RESOLUTION APPROVING THE BENICIA WHISTLEBLOWER POLICY

Council Member loakimedes and Staff discussed whether the City was conforming to the legal requirements (it is), and concern regarding redundant policies.

Staff discussed their plan to re-familiarize employees with the policy (if adopted) and to include the information in new hire and volunteer packets. It could also be included in the Open Government training.

Public Comment:

None

On motion of Council Member loakimedes, seconded by Council Member Campbell, Council approved the Resolution, on roll call by the following vote:  
Ayes: Patterson, Schwartzman, Campbell, loakimedes  
Noes: (None)

**H. Approval of Tree Inventory / Master Plan Contract:**

RESOLUTION 10- 77- A RESOLUTION APPROVING THE CONTRACT WITH WEST COAST ARBORISTS, INC. IN AN AMOUNT NOT TO EXCEED \$75,000 FOR PURPOSE OF PERFORMING A TREE INVENTORY AND MASTER PLAN, ALLOCATED FROM THE TREE PROGRAM FUND AND AUTHORIZING THE DIRECTOR OF PARKS AND COMMUNITY SERVICES TO SIGN THE TREE SERVICE CONTRACT ON BEHALF OF THE CITY

Vice Mayor Schwartzman and Staff discussed the reasons for choosing the contractor, the reasons for the City spending the money on the contract at this time (grant support and Valero funds).

Public Comment:

None

Council Member loakimedes and Staff discussed the RFP process that was followed. He asked that the possibility of using trees as traffic calming measures and wayfinding be discussed with the Tree Committee.

Mayor Patterson requested a link to the RFP and the winning contractor's statement of qualifications be put on the City's website. She would like to make that practice the standard.

On motion of Vice Mayor Schwartzman, seconded by Council Member Campbell, Council approved the resolution, on roll call by the following vote:  
Ayes: Patterson, Schwartzman, Campbell, loakimedes  
Noes: (None)

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

**VIII. PUBLIC HEARINGS:**

**IX. ACTION ITEMS:**

**X. INFORMATIONAL ITEMS:**

**A. City Manager Reports:**

**1. Public involvement in budget process: Community Priorities Survey and Workshop:**

Anne Cardwell, Administrative Services Director, and Mario Giuliani,

Management Analyst, reviewed the staff report. They reviewed a PowerPoint presentation (copy on file).

Council Member Campbell asked Staff to include the projected revenue for 2007-2010 into the process. He would like to see the process used by the Parks, Recreation and Cemetery Commission expanded a little for this process.

Mayor Patterson requested a link to the PowerPoint presentation used tonight on the City's website. She asked Staff to look into 'Next 10' (which is being used by the State of California), introducing some idea of what the services cost into the workshop, the need to emphasize that doing the service review and the workshop is one of the strategies for dealing with the budget, and the City's choices (compensation review, service review, and new revenues). She suggested having some Council meetings at the school sites in the Southampton areas.

Mr. Erickson discussed the survey method that was being used, and his familiarity with Next 10.

Public Comment:

None

**B. Council Member Committee Reports:**

- 1. Mayor's Committee Meeting.  
(Mayor Patterson)  
Next Meeting Date: June 16, 2010**
- 2. Association of Bay Area Governments (ABAG).  
(Mayor Patterson and Council Member loakimedes)  
Next Meeting Date: October 21, 2010**
- 3. Finance, Audit and Budget Committee.  
(Vice Mayor Schwartzman and Council Member Campbell)  
Next Meeting Date: June 25, 2010**
- 4. League of California Cities.  
(Mayor Patterson and Vice Mayor Schwartzman)  
Next Meeting Date: July 29, 2010**
- 5. School Liaison Committee.  
(Council Members loakimedes and Hughes)  
Next Meeting Date: August 7, 2010**
- 6. Sky Valley Open Space Committee.**

**(Council Members Campbell and Hughes)**  
**Next Meeting Date: June 16, 2010**

- 7. Solano EDC Board of Directors.**  
**(Mayor Patterson and Council Member Campbell)**  
**Next meeting date: July 22, 2010**
- 8. Solano Transportation Authority (STA).**  
**(Mayor Patterson and Council Member Ioakimedes)**  
**Next Meeting Date: July 14, 2010**
- 9. Solano Water Authority-Solano County Water Agency and Delta Committee.**  
**(Mayor Patterson and Vice Mayor Schwartzman)**  
**Next Meeting Date: July 8, 2010**
- 10. Traffic, Pedestrian and Bicycle Safety Committee.**  
**(Council Members Hughes and Ioakimedes)**  
**Next meeting Date: July 15, 2010**
- 11. Tri-City and County Regional Parks and Open Space.**  
**(Council Members Campbell and Hughes)**  
**Next Meeting Date: June 14, 2010**
- 12. Valero Community Advisory Panel (CAP).**  
**(Council Member Hughes)**  
**Next Meeting Date: July 15, 2010**
- 13. Youth Action Coalition.**  
**(Vice Mayor Schwartzman and Council Member Campbell)**  
**Next Meeting Date: June 23, 2010**
- 14. ABAG-CAL FED Task Force-Bay Area Water Forum.**  
**(Mayor Patterson)**  
**Next Meeting Date: June 28, 2010**

**XI. ADJOURNMENT:**

Mayor Patterson adjourned the meeting at 8:37 p.m.



**AGENDA ITEM  
CITY COUNCIL MEETING DATE - JULY 6, 2010  
CONSENT CALENDAR**

**DATE** : June 17, 2010  
**TO** : City Manager  
**FROM** : Public Works and Community Development Director  
**SUBJECT** : **2010-11 STREET RESURFACING PROJECTS**

**RECOMMENDATION:**

Adopt a resolution confirming non-General Fund budgeting (Gas Tax and Traffic Mitigation Funds) for FY 2010-11 priority street resurfacing projects, and direct staff to decline the City's portion of the Solano County Recovery Zone Economic Development (RZEDB) bond allocation.

**EXECUTIVE SUMMARY:**

Funds totaling \$769,000 are available in FY 2010-11 from City, State and federal sources for the following priority street resurfacing projects, which are based on a combination of pavement condition and traffic volume:

§ Overlay Rose Drive from McAllister Drive to East 2nd Street;

§ Patch East 2nd Street from Industrial Way to Wanger Court, northbound side;

§ Overlay Columbus Parkway from the westbound off-ramp to Rose Drive, plus a portion of the eastbound ramp if funding allows; and

§ Patch the intersections of the I-780 Off ramps and West 7th Street/Southampton Road.

An additional priority project, resurfacing of Industrial Way south of Lake Herman Road, exceeds the City's current funding capacity. If after the November election annual State gas tax revenues are not in jeopardy of being withheld, Staff plans to return to Council to suggest the Industrial Way project be funded via a \$650,000 loan from the City Sky Valley Water Connection fund (designated for a connection through the Lake Herman watershed to a water line in Vallejo that is unlikely to occur in the foreseeable future). Such a loan at 3% interest would be preferable to repayment at 6% under the RZEDB program.

**BUDGET INFORMATION:**

The 2010-11 street resurfacing projects, totaling \$769,000, would be funded entirely from non-General Fund sources.

**GENERAL PLAN:**

Relevant General Plan Goals include:

- Goal 2.20: Provide a balanced street system to serve automobiles, pedestrians, bicycles, and transit, balancing vehicle-flow improvements with multi-modal

- considerations
- Goal 2.28: Improve and maintain public facilities and services

**STRATEGIC PLAN:**

Relevant Strategic Plan Goals and Strategies include:

- Strategic Issue 4: Preserving and Enhancing Infrastructure
  - Strategy: Provide safe, functional and complete streets
  - Strategy: Provide adequate funding for ongoing infrastructure needs

**SUMMARY:**

The table below shows funding for FY 2010-11 street projects.

PROJECTS	FUNDING SOURCE		
	Traffic Mitigation Fund (City)	Gas Tax Fund (State)	Local Streets & Roads (Federal)
1. Rose Drive – Overlay McAllister to East 2nd	\$155,000	\$120,000	
2. East 2nd Street – Patch Industrial to Wanger northbound side		\$ 75,000	
3. Columbus Parkway – Overlay westbound off-ramp to Rose Drive, plus portion of eastbound ramp if funding allows		\$30,000	\$230,000
4. Southampton/West 7th/I-780 Off ramps – Patch intersections		\$18,000	\$141,000
<b>TOTAL: \$769,000</b>	<b>\$155,000</b>	<b>\$243,000</b>	<b>\$371,000</b>

The Rose Drive and East 2nd Street work is scheduled for fall 2010. (Additional traffic calming planned for the western portion of Rose Drive is expected to commence in FY 2010-11 with a public involvement process, and culminate in construction of improvements in FY 2011-12 using Traffic Mitigation Fund monies.)

City crews also are scheduled to patch Columbus Parkway in Fall 2010 to accommodate one more winter’s worth of use. The Columbus Parkway overlay and Southampton/West 7th/I-780 Off-ramp patching are scheduled for Spring 2011 due to the process required to obtain State and federal permits. With federal funding, these projects require a total \$48,000 in matching funds.

The Industrial Way Resurfacing project exceeds the City’s current finding capacity. In January 2010, Solano County reserved \$700,000 in RZEDB bonds for Benicia under a federal stimulus program targeting public improvement projects in areas of job growth and economic activity. This was less than half the amount requested by City staff for paving and drainage work in the Fleetside area of the Benicia Industrial Park. After Fleetside property owners indicated they would not be willing to participate in an assessment district to make up a majority of the remainder, staff determined the project that would best benefit the most businesses and employees in the area for roughly \$700,000 would be repaving Industrial Way. (Bond issuance also has since been delayed.) A loan such as the

one contemplated from the Sky Valley Water Connection fund would be made in lieu of utilizing the RZEDB bond allocation.

The Sky Valley fund (now with \$692,000) was established in the late 1980s primarily for a connection through the Lake Herman watershed to a water line at the southern terminus of residential development in Vallejo near Hiddenbrooke, a mitigation measure for that development. (In 2006 the City Engineer estimated the cost for the pipeline at more than \$3 million.)

The future Industrial Way resurfacing project is separate from the Industrial Way traffic mitigation and drainage improvement project (between West Channel Road and East 2nd Street) scheduled for 2010-11, for which an additional \$640,000 in Traffic Mitigation Fund monies is available.

Attachments:

- Proposed Resolution
- Traffic Mitigation Fund Projects
- Gas Tax Street Projects Fund Projects

**RESOLUTION NO. 10-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA CONFIRMING NON-GENERAL FUND BUDGETING (GAS TAX AND TRAFFIC MITIGATION FUNDS) FOR FY 2010-11 PRIORITY STREET RESURFACING PROJECTS AND DIRECTING STAFF TO DECLINE THE RECOVERY ZONE ECONOMIC DEVELOPMENT BOND ALLOCATION**

**WHEREAS**, funds totaling \$769,000 are available from City, State and federal sources for FY 2010-11 priority street resurfacing projects; and

**WHEREAS**, an additional priority project, resurfacing Industrial Way south of Lake Herman Road, exceeds the City's current funding capacity; and

**WHEREAS**, the Sky Valley Water Connection fund (with a balance of \$692,000) is not anticipated to be needed in the foreseeable future; and

**WHEREAS**, after the November election, if annual State Gas Tax revenues are not in danger of being withheld, staff will recommend to City Council that a \$650,000 loan from Sky Valley Water Connection fund be approved to supplement the FY 2010-11 Street Resurfacing program; and

**WHEREAS**, the loan would be repaid at 3% interest from the Gas Tax Street Projects fund, replenished annually by the State, and thereby save the City from paying 6% interest for the Recovery Zone Economic Development Bond allocation.

**NOW, THEREFORE, BE IT RESOLVED THAT** the City Council of the City of Benicia hereby confirms the non-General Fund budgeting (Gas Tax and Traffic Mitigation Funds) for FY 2010-11 priority street resurfacing projects and directs staff to decline the Recovery Zone Economic Development bond allocation.

\*\*\*\*\*

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 6<sup>th</sup> day of July, 2010 and adopted by the following vote:

Ayes:

Noes:

Absent:

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

ATTEST:

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



## Traffic Mitigation Fund Projections

This fund accounts for the installation of new traffic signals, modification of streets for standardization of intersections and the traffic calming program.  
Sources of revenue include development fees and investment earnings.

Acct	Fund 034 Division 8705	Actual 2006-07	Actual 2007-08	Actual 2008-09	Projected 2009-10	Projected 2010-11
<b>Revenues</b>						
7220	Development Fees	246,160	59,620	66,060	33,000	50,000
7411	Investment Earnings	130,665	132,055	92,375	34,000	25,000
7710	Refund & Rebates	0	4,000	0	0	0
7999	Interfund Transfer In-Loan to Gas Tax	0	0	0	0	0
7999	Interfund Transfer In-GF	0	25,000	0	0	0
7999	Interfund Transfer In-Intermodal	0	31,530	0	0	0
7999	Interfund Transfer In-Tourtelot	0	13,050	0	0	0
<b>Revenue Total</b>		<b>\$ 376,825</b>	<b>265,255</b>	<b>158,435</b>	<b>67,000</b>	<b>75,000</b>
<b>Expenditures</b>						
8001	Regular Full Time Staff	0	0	21,515	35,190	49,545
8004	Leave Allowance	0	0	450	665	1,815
8013	Acting Sup/Training	0	0	100	0	0
<b>Salary &amp; Wages</b>		<b>0</b>	<b>0</b>	<b>22,065</b>	<b>35,855</b>	<b>51,360</b>
8070	Health Insurance	0	0	3,395	5,760	9,660
8072	Dental Insurance	0	0	340	600	945
8074	Vision Insurance	0	0	65	100	160
8076	Life Insurance	0	0	30	55	75
8078	Deferred Compensation	0	0	430	990	1,280
8080	PERS Retirement	0	0	4,925	8,190	11,930
8086	FICA/Medicare	0	0	320	535	755
<b>Benefits</b>		<b>0</b>	<b>0</b>	<b>9,505</b>	<b>16,230</b>	<b>24,805</b>
8106	Prof/Tech Services	21,625	25,195	1,025	0	0
<b>Services &amp; Supplies</b>		<b>\$ 21,625</b>	<b>25,195</b>	<b>1,025</b>	<b>0</b>	<b>0</b>
9116	Office Furniture	0	0	0	0	0
9117	Office Equipment	0	0	0	0	0
9244	Office Improvements	0	0	3,910	0	0
9721	Industrial Way Roadway Improve	185,050	(185,050)	0	40,000	600,000
9722	Columbus/Rose Modification	0	118,020	0	0	0
9724	Park/Industrial Intersect Improve	20	198,850	0	0	0
9725	Bi-Annual Citywide Traffic Count Prg	0	0	0	20,000	0
9729	Park Road Bike Lane	192,385	34,555	0	0	0
9733	East 2nd Street Overlay	192,845	0	0	0	0
9735	East 5th Street Overlay	110,520	(775)	0	0	0
9747	Columbus Parkway Overlay	0	0	0	0	0
9750	Citywide Traffic Calming Pgm Dev	0	2,655	0	0	0
9751	Rose Dr Corridor Traffic Calming Pgr	0	0	0	0	125,000
9762	Major Roads Traffic Calming	0	8,595	16,665	5,000	30,000
9764	Rose Drive Rt. Hand Turn-Pocket	0	0	0	0	30,000
9763	Neighborhood Traf Calming Program	0	1,800	2,935	5,000	30,000
9765	BHS Traffic Signal Design/Construct	0	56,530	208,885	940,000	0
<b>Capital Outlay</b>		<b>\$ 680,820</b>	<b>235,180</b>	<b>232,395</b>	<b>1,010,000</b>	<b>815,000</b>
8995	Workers' Comp ISF	0	0	160	270	370
<b>Internal Service Charges Total</b>		<b>\$ 0</b>	<b>0</b>	<b>160</b>	<b>270</b>	<b>370</b>
<b>Expenditure Total</b>		<b>\$ 702,445</b>	<b>260,375</b>	<b>265,150</b>	<b>1,062,355</b>	<b>891,535</b>
Transfer to Balance Sheet		0	0	0	0	0
<b>Net Contribution / (Use)</b>		<b>\$ (325,620)</b>	<b>4,880</b>	<b>(106,715)</b>	<b>-995,355</b>	<b>-816,535</b>
<b>Fund Balance</b>		<b>\$ 2,575,680</b>	<b>2,580,560</b>	<b>2,473,845</b>	<b>1,478,490</b>	<b>661,955</b>

### Gas Tax Street Projects Fund Projections

This fund accounts for gas tax allocations received from the State of California based on population and total miles of streets. The expenditures are restricted to those allowed by California law.

Acct	Fund 017 Division 8705	Actual 2006-07	Actual 2007-08	Actual 2008-09	Amended 2009-10	Projected 2009-10	Amended 2010-11	Projected 2010-11
<b>Revenues</b>								
7411	Investment Earnings	10,295	8,670	20,695	5,000	5,000	5,000	5,000
7514	2105 State Gasoline Tax	165,835	166,310	152,165	150,000	150,000	150,000	150,000
7516	2106 State Gasoline Tax	115,160	113,025	105,250	103,000	103,000	103,000	103,000
7517	2107 State Gasoline Tax	221,645	222,950	202,715	200,000	200,000	200,000	200,000
7518	2107.5 State Gasoline Tax	6,000	6,000	6,000	6,000	6,000	6,000	6,000
7519	Traffic Congestion Relief Funding	0	0	236,725	264,640	264,640	289,980	289,980
7520	Prop 1B	0	449,010	0	0	0	0	0
7710	Refunds & Rebates	0	0	0	0	0	0	0
	<b>Revenue Total</b>	<b>\$ 518,935</b>	<b>965,965</b>	<b>723,550</b>	<b>728,640</b>	<b>728,640</b>	<b>753,980</b>	<b>753,980</b>
<b>Expenditures</b>								
8001	Regular Full Time Staff	0	0	0	7,175	7,175	21,530	59,000
8003	Temporary Part Time Staff	0	0	10,675	50,000	60,000	50,000	40,000
8004	Leave Allowance	0	0	0	125	125	620	600
	<b>Salary &amp; Wages</b>	<b>\$ 0</b>	<b>0</b>	<b>10,675</b>	<b>57,300</b>	<b>67,300</b>	<b>72,150</b>	<b>99,600</b>
8070	Health Insurance	0	0	0	1,440	1,440	5,125	29,000
8072	Dental Insurance	0	0	0	150	150	475	0
8074	Vision Insurance	0	0	0	25	25	80	0
8076	Life Insurance	0	0	0	15	15	40	0
8078	Deferred Compensation	0	0	0	145	145	430	0
8080	PERS Retirement	0	0	0	1,670	1,670	5,185	0
8085	PARS	0	0	140	650	650	650	0
8086	FICA/Medicare	0	0	155	840	840	1,055	0
	<b>Benefits</b>	<b>\$ 0</b>	<b>0</b>	<b>295</b>	<b>4,935</b>	<b>4,935</b>	<b>13,040</b>	<b>29,000</b>
8100	Contract Services	0	0	0	155,000	200,000	155,000	200,000
8150	Utilities	150,855	112,700	139,075	147,600	147,600	154,980	154,000
8740	Street Maintenance	13,800	25,410	27,985	125,000	75,000	65,000	125,000
	<b>Services &amp; Supplies</b>	<b>\$ 164,655</b>	<b>138,110</b>	<b>167,060</b>	<b>427,600</b>	<b>422,600</b>	<b>374,980</b>	<b>479,000</b>
8995	Workers' Comp ISF	0	0	75	430	215	540	600
	<b>Internal Service Charges</b>	<b>\$ 0</b>	<b>0</b>	<b>75</b>	<b>430</b>	<b>215</b>	<b>540</b>	<b>600</b>
9223	West 7th St Sidewalk Repairs	322,590	0	0	0	0	0	0
9706	Curb Ramp Installations	11,360	3,700	0	28,300	10,000	10,000	10,000
9708	Alley Improvement Program	8,905	0	0	40,000	40,000	14,000	20,000
9710	Congestion Mgmt. Authority	18,535	18,615	18,165	16,500	16,500	16,500	16,500
9711	Citywide Street Resurfacing Program	100,885	(1,840)	78,685	335,000	285,000	500,000	0
9712	Sidewalk Replacement Program	173,410	39,400	11,910	52,000	85,000	10,000	10,000
9748	Misc. Public Improvements	15,185	5,010	20,495	44,495	58,500	10,000	10,000
9759	Local Share for Grants	20,605	45,920	0	0	0	0	50,000
9761	West 2nd Street Overlay	0	125,000	0	0	0	0	0
TBD	Rose Drive Overlay(McAllister to E 2r	0	0	0	0	0	0	120,000
TBD	E2ndStPatching(Ind.toWangerN/B)	0	0	0	0	0	0	75,000
9999	Interfund Transfer Out - Fund 035	0	0	449,010	0	0	0	0
	<b>Capital Outlay</b>	<b>\$ 671,475</b>	<b>235,805</b>	<b>578,265</b>	<b>516,295</b>	<b>495,000</b>	<b>560,500</b>	<b>311,500</b>
	<b>Expenditure Total</b>	<b>\$ 836,130</b>	<b>373,915</b>	<b>756,370</b>	<b>1,006,560</b>	<b>990,050</b>	<b>1,021,210</b>	<b>919,700</b>
	<b>Net Contribution / (Use)</b>	<b>\$ (317,195)</b>	<b>592,050</b>	<b>(32,820)</b>	<b>(277,920)</b>	<b>(261,410)</b>	<b>(267,230)</b>	<b>(165,720)</b>
	<b>Fund Balance</b>	<b>\$ 24,855</b>	<b>616,905</b>	<b>584,085</b>	<b>306,165</b>	<b>322,675</b>	<b>38,935</b>	<b>156,955</b>

**AGENDA ITEM  
CITY COUNCIL MEETING DATE - JULY 6, 2010  
CONSENT CALENDAR**

**DATE** : June 23, 2010

**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 2010-11**

**RECOMMENDATION:**

Adopt the resolution establishing the maximum allowable appropriations limit for Fiscal Year 2010-11 in the amount of \$69,533,066

**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 2010-11. The City currently has a \$40.5 million margin between the appropriations limit and the approved appropriations budget for FY2010-11.

**BUDGET INFORMATION:**

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

**GENERAL PLAN:**

There is no General Plan impact to the City by adopting the resolution.

**STRATEGIC PLAN:**

Relevant Strategic Plan Goals and Strategies:

- Goal 3.00: Strengthening Economic and Fiscal Conditions
  - Strategy 4.00: Manage City finances prudently

**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 are utilized for the computation and the City may choose whichever yields the greater increase in the limit. The first choice is the percentage change in population for either the City *or* Solano County. The second choice 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 \$40.5 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 NO. 10-**

**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 2010-11**

**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 2010-11; and

**WHEREAS**, the Finance Director of the City of Benicia has determined that the said appropriations limit for the fiscal year 2010-11 be established in the amount of \$69,533,066; and

**WHEREAS**, the Finance Director of the City of Benicia has determined that the percentage change in per capita income and the county 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 2010-11 pursuant to Article XIII B of the Constitution of the State of California be established in the amount of \$69,533,066, as evidenced by Exhibit 1, attached to this Resolution and hereby incorporated herein.

\*\*\*\*\*

On motion of Council Member \_\_\_\_\_, seconded by Council Member \_\_\_\_\_, the above resolution was approved by the City Council of the City of Benicia at a regular meeting held on the 6<sup>th</sup> day of July, 2010, by the following vote:

Ayes:  
Noes:  
Absent:

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

ATTEST:

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

## Exhibit I

### FY 2010-11 Appropriations Limit Calculation

<u>Description</u>		<u>Amount</u>
2009-10	Appropriations Limit	\$ 70,807,101
2010-11	County population	1.0076
2010-11	Decrease in per capita income	0.9746
<b>2010-11</b>	<b>Appropriations Limit</b>	<b><u>\$ 69,533,066</u></b>

### 2010-11 Projected Tax Revenues

<u>Description</u>	<u>Amount</u>
Property Taxes	\$ 13,467,895
Sales & Use Tax	7,151,370
Transient Occupancy Tax	290,000
Utility Users Tax	5,033,835
Business License Tax	442,680
Real Property Transfer Tax	150,000
State Motor-Vehicle Fees	2,039,690
Gas Tax	459,000
	<u>                    </u>
<b>Appropriations Subject to Limitation</b>	<b><u>\$ 29,034,470</u></b>
<b>Margin</b>	<b><u><u>\$ 40,498,596</u></u></b>

**AGENDA ITEM  
CITY COUNCIL MEETING DATE - JULY 6, 2010  
CONSENT CALENDAR**

**DATE** : June 18, 2010

**TO** : City Manager

**FROM** : Public Works and Community Development Director

**SUBJECT** : **AUTHORIZATION TO APPLY FOR FEDERAL FUNDING FOR STREET RESURFACING**

**RECOMMENDATION:**

Adopt a resolution authorizing the Director of Public Works & Community Development to file an application for federal Surface Transportation Program funding, committing the necessary non-federal match, and stating the assurance to complete the project.

**EXECUTIVE SUMMARY:**

The City is eligible to receive \$371,000 in federal funding to overlay Columbus Parkway from the I-780 westbound offramp to Rose Drive and to patch the Southampton/West 7th/I-780 offramp intersections (See July 6, 2010 Agenda Item for 2010-11 Street Resurfacing Projects). Funding has been budgeted in the Gas Tax Fund for the required \$48,100 local match. Construction is scheduled for next spring, after environmental clearance and project approval have been obtained from Caltrans.

**BUDGET INFORMATION:**

**THE \$48,100 IN LOCAL GAS TAX FUNDING WILL LEVERAGE \$371,000 IN FEDERAL FUNDING FOR A TOTAL OF \$419,100 AVAILABLE FOR STREET IMPROVEMENTS. THERE IS NO GENERAL FUND IMPACT.**

**GENERAL PLAN:**

Relevant General Plan Goals include:

- Goal 2.28: Improve and maintain public facilities and services

**STRATEGIC PLAN:**

Relevant Strategic Plan Goals and Strategies include:

- Strategic Issue 4: Preserving and Enhancing Infrastructure
  - Strategy: Provide adequate funding for ongoing infrastructure needs

## **BACKGROUND:**

The City of Benicia is eligible to receive \$371,000 in Local Streets & Roads Cycle 1 monies from the federal Surface Transportation Program. To secure this funding, a resolution must first be adopted committing to fund the \$48,100 local match and providing assurance that the project will be completed; then an application must be filed with the Metropolitan Transportation Commission.

The total \$419,100 in funding will be used to overlay Columbus Parkway in the northbound direction from the I-780 westbound off-ramp to Rose Drive and to patch the Southampton/West 7th/I-780 off-ramp intersections. The soonest this work can occur is next spring, after environmental clearance and project approval have been obtained from Caltrans.

Additional information about this project and the street resurfacing program in general is provided in the 2010-11 Street Resurfacing Projects agenda item, also on the July 6, 2010 agenda.

### Attachments:

- Proposed Resolution
- Project Location Map

**RESOLUTION NO. 10-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA AUTHORIZING THE DIRECTOR OF PUBLIC WORKS TO FILE AN APPLICATION FOR FEDERAL SURFACE TRANSPORTATION PROGRAM (STP) FUNDING AND COMMITTING THE NECESSARY NON-FEDERAL MATCH AND STATING THE ASSURANCE TO COMPLETE THE PROJECT**

**WHEREAS**, the City of Benicia (herein referred to as APPLICANT) is submitting an application to the Metropolitan Transportation Commission (MTC) for \$371,000 in funding from the federal Surface Transportation Program (STP) and/or Congestion Mitigation and Air Quality Improvement (CMAQ) program for the Various Streets Overlay and Patching Project (herein referred to as PROJECT) for the MTC Resolution, No. 3925, New Federal Surface Transportation Act (FY 2009-10, FY 2010-11 and FY 2011-12) Cycle 1 STP/CMAQ Program: Project Selection Criteria, Policy, Procedures and Programming (herein referred to as PROGRAM); and

**WHEREAS**, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA) (Public Law 109-59, August 10, 2005) authorized the STP (23 U.S.C. § 133) and the CMAQ Improvement Program (23 U.S.C. § 149) through September 30, 2009; and

**WHEREAS**, SAFETEA has been extended through December 31, 2010 pursuant to Public Law 111-147, March 18, 2010 and may be subsequently extended pending enactment of successor legislation for continued funding; and

**WHEREAS**, pursuant to SAFETEA, and the regulations promulgated thereunder, eligible project sponsors wishing to receive federal STP and/or CMAQ Improvement Program 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 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 PROGRAM.; and
- 6) that the project (transit only) will comply with MTC Resolution No. 3866, which sets forth the requirements of MTC's Transit Coordination Implementation Plan to more efficiently deliver transit projects in the region.

**NOW, THEREFORE, BE IT RESOLVED** that the APPLICANT is authorized to execute and file an application for funding for the PROJECT under the STP and CMAQ Improvement Program of SAFETEA, any extensions of SAFETEA or any successor legislation for continued funding.

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

1. APPLICANT will provide (\$ 48,100) 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 (for a transit project only) agrees to comply with the requirements of MTC's Transit Coordination Implementation Plan as set forth in MTC Resolution 3866; and
6. APPLICANT and the PROJECT will comply with the requirements as set forth in the program.

**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 Executive Director, General Manager, or designee to execute and file an application 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 6<sup>th</sup> day of July, 2010 and adopted by the following vote:

Ayes:

Noes:

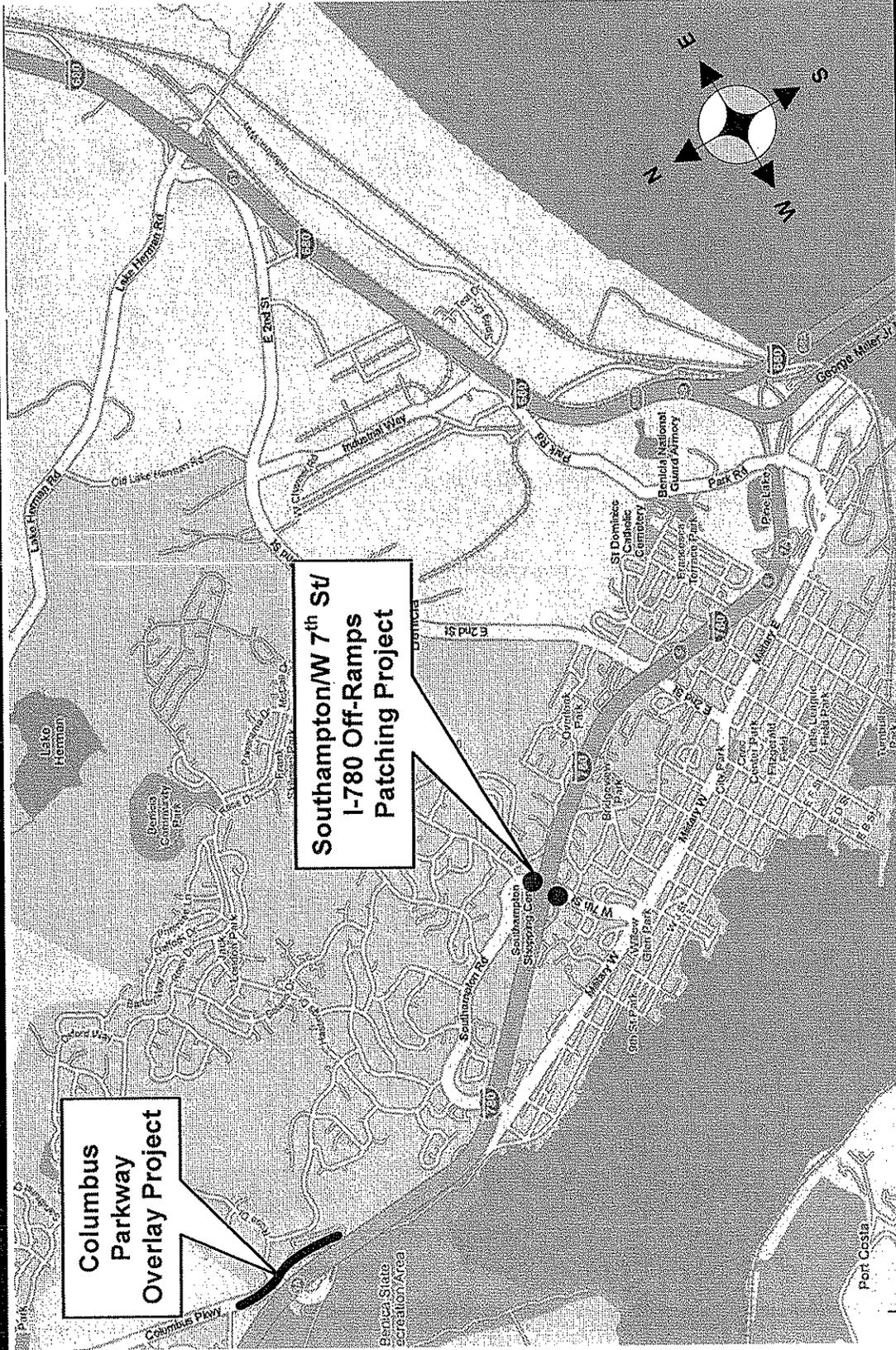
Absent:

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

ATTEST:

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





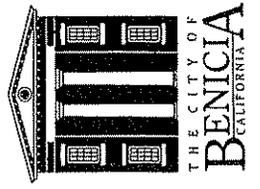
**Columbus Parkway Overlay Project**

**Southampton/W 7th St I-780 Off-Ramps Patching Project**

PUBLIC WORKS DEPARTMENT

**CITY OF BENICIA**

**STREET OVERLAY & PATCHING PROJECT**



REVISIONS			
NO.	DESCRIPTION	BY	DATE

PROJECT \_\_\_\_\_ DATE July 6, 2010 SHEET \_\_\_\_\_



**AGENDA ITEM**  
**CITY COUNCIL MEETING DATE - JULY 6, 2010**  
**CONSENT CALENDAR**

**DATE** : June 21, 2010

**TO** : City Council

**FROM** : City Attorney

**SUBJECT** : **INTRODUCTION OF AN ORDINANCE ADDING NEW SECTIONS 1.24.020 (CITY SEAL) AND 1.24.030 (OFFICIAL FLAG) TO CHAPTER 1.24 (MISCELLANEOUS PROVISIONS) OF TITLE 1 (GENERAL PROVISIONS) OF THE BENICIA MUNICIPAL CODE**

**RECOMMENDATION:**

Introduce the ordinance adding new sections 1.24.020 (City Seal) and 1.24.030 (Official Flag) to Chapter 1.24 (Miscellaneous Provisions) of Title 1 (General Provisions) of the Benicia Municipal Code.

**EXECUTIVE SUMMARY:**

The City Seal and City Flag are used in authentication of official documents and in the conduct of official City business. Currently, there are no regulations or restrictions on (1) what the seal and flag should consist of, (2) their proper display, nor (3) the use of such.

**BUDGET INFORMATION:**

There are no budget impacts.

**BACKGROUND INFORMATION:**

This proposed ordinance states specifically what the City Seal shall look like, how it can be used and displayed, and who the official custodian of the seal is. The ordinance is intended to prevent unauthorized usage or reproduction of the seal. Specific uses prohibited by the proposed ordinance include a person trying to represent the city of Benicia when he or she has either no affiliation with the city, or an individual using the seal for unofficial city use for either personal or financial gain. Also, the proposed ordinance officially designates the City Flag and provides an official description of its visual characteristics.

**Attachments:**

- Proposed Ordinance
- Copy of Seal and Flag



**CITY OF BENICIA**

**ORDINANCE NO. 10-\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BENICIA ADDING SECTIONS 1.24.020 (OFFICIAL SEAL) AND 1.24.030 (OFFICIAL FLAG) OF CHAPTER 1.24 (MISCELLANEOUS PROVISIONS) OF TITLE 1 (GENERAL PROVISIONS) OF THE BENICIA MUNICIPAL CODE**

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

**Section 1.**

Section 1.24.020 (Official Seal) of Chapter 1.24 (Miscellaneous Provisions) of Title 1 (General Provisions) of the Benicia Municipal Code is added to read as follows:

**1.24.020      City Seal.**

A.      Official Seal: The form of the common seal for the City of Benicia shall be circular, containing for a center scene depicting an image of the City of Benicia Capital Building and scenery in the background, and the words “City of Benicia California” surrounding the center scene. The official copy of the seal shall at all times be kept on file in the office of the City Clerk.

B.      Display of the Official Seal: The official seal of the City of Benicia, when used for display purposes, or as a means of identification, shall be displayed in its entirety, without any deletions or additions thereto, and shall not be obscured from view in any manner.

C.      Use of the Official Seal: No person shall use or allow to be used the official seal of the City of Benicia, or any cut, facsimile, or reproduction of said seal, or make or use any design which is an imitation of said seal or of the design thereof, or which may be mistaken for the seal of this City or the design thereof, for malicious or commercial purposes, or for any purpose other than for City purposes or for the purposes of any officer, board or department thereof, without the express consent of the City Council of the City of Benicia. It shall be deemed unlawful and considered a misdemeanor to engage in said action.

**Section 2.**

Section 1.24.030 (Official Flag) of Chapter 1.24 (Miscellaneous Provisions) of Title 1 (General Provisions) of the Benicia Municipal Code is added to read as follows:

**1.24.030      Official Flag.** An official flag for the city of Benicia is hereby adopted. The official flag shall be rectangular in shape with the a circular image of the City of Benicia Capital Building and scenery in the background surrounded

in a circle of yellow saying "The City of Benicia" with the color of the backdrop being white. The standard size of the official flag shall be three feet in width and five feet in length. Any reproduction in other than standard size shall maintain the same proportions as the standard size.

**Section 3.**

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

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

\*\*\*\*\*

On the motion of Council Member \_\_\_\_\_, seconded by Council Member \_\_\_\_\_, the foregoing ordinance was Introduced at a regular meeting of the City Council on the 6<sup>th</sup> day of July, 2010, and adopted at a regular meeting of the Council held on the day of \_\_\_\_\_, 2010, by the following vote:

Ayes:

Noes:

Absent:

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

Attest:

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





**AGENDA ITEM  
CITY COUNCIL MEETING DATE - JULY 6, 2010  
CONSENT CALENDAR**

**DATE** : June 7, 2010  
**TO** : City Manager  
**FROM** : Library Director  
**SUBJECT** : **SUBMITTAL OF AN APPLICATION FOR A CALIFORNIA  
LIBRARY LITERACY SERVICE MATCHING FUNDS GRANT**

**RECOMMENDATION:**

Adopt the resolution authorizing submittal of an application for a California Library Literacy Service Matching Funds Grant for fiscal year 2010/2011 by the Adult Literacy Coordinator and authorizing the Library Director to sign any necessary documents to secure the grant.

**EXECUTIVE SUMMARY:**

The California Library Literacy Services (CLLS) Matching Funds grant is made available to libraries in the State of California that offer adult literacy services that meet the grant criteria. The Benicia Public Library has offered adult literacy services through the Adult Literacy and English as a Second Language (ESL) Program since 1987. The program has successfully received grant funding from the CLLS since its inception in 1987, and the Library plans to apply for \$32,811 this fiscal year.

**BUDGET INFORMATION:**

There is no impact on the General Fund as no additional monies are being requested from the City.

**BACKGROUND:**

The Adult Literacy Services (ALS) program has existed in Benicia since 1987. For the first five years it received full funding from California Library Literacy Services (CLLS); after the first five, local funding sources had to be found to match the reduced State funding. The Library's local match is included in the annual budget. For 2010/11, we are eligible for a \$32,811 grant based on a local-funding base match of \$66,726. Per instruction of CLLS, the amount requested is the same as the amount awarded for 20098/10. The ALS has successfully submitted an application for the California Library Literacy Service Matching Funds Grant for the past eighteen years. The CLLS Matching Funds Grant is a match based on the amount of local dollars expended and a per capita amount based on the number of adult learners served. The funding supports the ALS and Families for Literacy (FFL) program, a component of the ALS.

The ALS provides 1:1 tutoring and computer lab assistance to English speaking adults. Participants must live or work in Benicia, be over 16 years of age, out of school, and want to improve their basic reading and writing skills.

The program presently has 48 active learners. There are currently 30 active volunteer tutors. Learners waiting for a tutor often attend our Computer Lab, where they can build computer keyboarding skills,

learn to use various software programs, strengthen their writing and reading skills, learn to access the Internet, and receive additional support from our staff as well as volunteers. All learners participating in our ALS (and their tutors) are required to complete the 'Roles and Goals' form to identify goals they will strive to accomplish together. They include progress updates on their monthly tutoring reports that are submitted to the Literacy office. These statistics are reported to CLLS offices as requested.

The main goal of the FFL Program is to further help break the cycle of illiteracy. By working with adult learners already enrolled in our Adult Literacy Services who have preschool children, the FFL Program attempts to encourage them to read to their children and break the common cycle of illiterate parents raising illiterate children. The program accomplishes this through special attention and work with adult learners and their tutors, working with the whole family through special storytelling and reading-focused programs, and through a program of gift books to eligible families.

The grant will provide the bulk of funds needed to meet FFL salary and operating costs such as instructional resources, library materials, office supplies, printing costs, contract services, and costs related to the computer lab.

cc: City Attorney

Attachments

- Proposed Resolution
- Application

**RESOLUTION NO. 10-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA  
AUTHORIZING SUBMITTAL OF AN APPLICATION FOR A CALIFORNIA LIBRARY  
LITERACY SERVICE MATCHING FUNDS GRANT FOR FISCAL YEAR 2010/2011  
AND AUTHORIZING THE LIBRARY DIRECTOR TO SIGN DOCUMENTS**

**WHEREAS**, the Adult Literacy Services Coordinator has successfully submitted an application for the California Library Literacy Service Matching Funds Grant for the past seventeen years; and

**WHEREAS**, the grant will provide the bulk of funds needed to meet costs for both the Adult Literacy Services and the Families for Literacy Program services, including but not limited to FFL Coordinator salary, operating costs such as instructional resources, library materials, office supplies, printing costs, contract services, and equipment costs related to the computer lab.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Benicia hereby authorizes the Adult Literacy Services Coordinator to submit a joint application for a California Library Literacy Service Matching Funds Grant in the estimated amount of \$32,811.

**BE IT FURTHER RESOLVED** that the City Council authorizes the Library Director to sign any necessary documents needed to secure the grant.

\* \* \* \* \*

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 6<sup>th</sup> day of July, 2010 and adopted by the following vote:

Ayes:

Noes:

Absent:

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

Attest:

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





## Benicia Public Library - 2010/2011 Continuing Application

### Applicant and Contact

---

#### Applicant Information

Full legal name of jurisdiction and/or library:

Adult Literacy & ESL Program/Benicia Public Library

Street:

150 East L Street

City:

Benicia

Zip:

94510-3281

#### Contact Information

Contact Name:

Lynne A. Price

Phone:

707.746.4341

Fax:

707-747-8122

E-mail:

lprice@ci.benicia.ca.us

# Narrative Questions

## 1. What are you most proud of in your CLLS program?

The manner in which we serve our learners and volunteers, despite budget and staffing challenges. A number of volunteers have responded to a request for facilitators, and while it doesn't take the place of staff, the need is filled and works reasonably well at this time. Despite staffing decreases, we've led our first year of the Adult Learner Leadership Institute. A large group consisting of 27 adult learners, 10 learner leaders, 2 volunteer scribes, and 2 volunteers from other literacy programs have come together each month. ALLI is exciting, challenging, and truly life-changing for our learners as well as for the volunteers. I am immensely proud of what the inaugural group has accomplished. The graduation ceremony takes place June 22nd. We hope to highlight videos of the group over the months they've attended the Institute. Lastly, the program provides a supportive environment each week for the needs of former foster youth that have aged out of California's foster care system. Partnering with Solano County program First Place For Youth, we work with 4-8 young adults each week, providing computer assistance in GED, writing and math, as well as 1:1 tutoring pairs to build their writing skills. The Education Counselor from PPFY initiated a meeting in with Program Supervisor Lynne Price in January 2010, and our continued partnership/collaboration has resulted in the PPFY weekly workshops. Several have been matched with volunteer tutors, extending their support beyond the workshops, and providing them with ongoing literacy services. A few also are part of Families For Literacy, participating in monthly events and receiving materials for their children.

## 2. What are your greatest challenges? How do you plan to address these in the next Fiscal period?

The greatest challenges we face are the decreases in staffing, staffing hours and funding for the program. The library believes the budget will stay the same for the next FY as well, yet can't promise there will be no additional cuts. The levels of programming offered may have to decrease, specifically in terms of special workshops offered. Guest instructors were reimbursed for services, and this line item has been eliminated. Volunteers will be used more where we can - even as potential instructors for workshops.

## 3. What results have you seen from using your library's upgraded VolunteerMatch account in your volunteer recruitment efforts?

(link to your upgraded Volunteer Match account is found here: <http://californialibraries.volunteermatch.org/>)

Once the information was posted to Volunteer Match, a number of new recruits inquired about the services as a result of learning through the website. The actual question is to see how many of them became involved, versus inquiring and not connecting any further. 569 views were recorded, with 7 inquiries that were forwarded to the program. Of the seven inquiries, two have become tutors.

**4. If you attended either of the Adult Learner Persistence meetings and/or have implemented any new student persistence strategies, what strategies did you use and how effective have they been?**  
 (Read up on these at the CLLS website link here: [http://library/literacy.org/staff/resources/Required\\_Reading\\_for\\_CLLS\\_Learner\\_Persistence\\_Summit\\_rev\\_11-10-09.doc](http://library/literacy.org/staff/resources/Required_Reading_for_CLLS_Learner_Persistence_Summit_rev_11-10-09.doc))

I was unable to attend the Learner Persistence meetings, yet the topic has prompted me to rethink the services we provide and the manner in which adult learners use them. Persistence isn't solely about attendance, what we do to help, or how adult learners apply the help offered; a key aspect (in my opinion) is how 'Stop And Start' learning opportunities are managed by our learners. In the past, Adult Literacy programs didn't seem to focus on the manner in which adult learners use our programs; we only considered when they left - and viewed it as a negative. The reality is that adult learners are clear on how they use programming: when they've accomplished what they require at any given point, they 'drop or stop', returning at a later time to resume learning. This is a true positive, for it confirms they are lifelong learners.

**5. How are you using the new Roles and Goals Curriculum**  
 (found here on CLLS website: <http://library/literacy.org/staff/rg/curriculum.html>)?  
 Do you have any suggestions for additional curriculum topics? Please share your ideas.

The Roles and Goals curriculum is being introduced in Tutor Training; it's now part of our curricula and will be incorporated into training for the first time in June 2010. GED Preparation is a topic in demand right now. Another inquiry that partners with GED is the need for numeracy/math literacy, specifically assistance for mastery of the Math portion of the GED. There's a great website (Learning Express) that supports adult learners in preparing for the GED, yet the math section is quite challenging for most. Most adult learners are visual and auditory, and the online learning is challenging at best for many, for many haven't achieved the level of reading/comprehension necessary to use it. I'm not sure this could be a curriculum, but wanted to include it for consideration. Lastly, with the changes in the economy and the effects on adult learners, materials that focus on workplace strategies and preparation might prove to be worthwhile as well.

## Staff Commitment - Library Personnel

Job Title	Adult Program	Family Program	ELL Program	MILLS Program	ESL Program	Other Services	Program Total	Salary
Literacy Program Supervisor	.50	.05	0	0	.40	.05	1	96,620

Job Title	FFL	ESL	ESL	ESL	ESL	Other Services	Program Total	Salary
Coordinator	12.5	12.5	0	0	0	0	25	21,425
Instructor 1	0	0	0	0	.25	0	0.25	7,475
Instructor 2	0	0	0	0	.25	0	0.25	7,285
<b>Total</b>	<b>13</b>	<b>12.55</b>	<b>0</b>	<b>0</b>	<b>0.9</b>	<b>0.05</b>	<b>26.5</b>	<b>132,805</b>

## Staff Commitment - Contract Personnel

Job Title	Adult Program	Family Program	ELLI Program	MILLS Program	ESL Program	Other Services	Program Total	Salary
ALOS Computer Lab	.25	0	0	0	0	0	0.25	7,936
<b>Total</b>	<b>0.25</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0.25</b>	<b>7,936</b>

# Proposed Revenue

Revenue for FY 2010/2011 by Program & Supporting Functions	Adult Literacy Services	Family Literacy	ELLI	Mobile Library Literacy	ESL	Other Services	Total Revenue	State Revenue	Other Revenue
Projected Support Revenue									
California Library Literacy Services (California State Library Grant) *	19,416	13,395	0	0	0	0	32,811	0	0
Library/Local Jurisdiction Commitment (City, County, District, Library)	47,310	0	0	0	76,550	0	123,860	0	0
California Work Opportunity (CalWorks)	0	0	0	0	0	0	0	0	0
Community Based English Tutoring (CBET)	0	0	0	0	0	0	0	0	0
Community Development Block Grant (CDBG)	0	0	0	0	0	0	0	0	0
County Health/Human Services/Alcohol & Drug (Prop 36)	0	0	0	0	0	0	0	0	0
County Sheriff's Department/Corrections	0	0	0	0	0	0	0	0	0

Donations from Individuals (including Bequests)	0	0	0	0	0	0	0	0	0	0
Even Start	0	0	0	0	0	0	0	0	0	0
First Five/Children & Families Commission	0	0	0	0	0	0	0	0	0	0
Head Start	0	0	0	0	0	0	0	0	0	0
Library Foundations	0	0	0	0	0	0	0	0	0	0
Library Friends Groups	1,000	0	0	0	0	0	0	0	0	1,000
Local Literacy Councils/Groups	0	0	0	0	0	0	0	0	0	0
LSTA	0	0	0	0	0	0	0	0	0	0
Private/Corporate Foundations (e.g., Verizon)	0	0	0	0	0	0	0	0	0	0
Service Clubs (e.g., Rotary, Kiwanis)	0	0	0	0	0	0	0	0	0	0
Special Events Net (fundraisers)	0	0	0	0	0	0	0	0	0	0
United Way	0	0	0	0	0	0	0	0	0	0
WIA (Workforce Investment Act) Sec. 225/23	0	0	0	0	0	0	0	0	0	0

WIA (Workforce Investment Act) EL CVICS	0	0	0	0	0	0	0	0
Other (Identify)	0	0	0	0	0	0	0	0
<b>Total</b>	<b>67,726</b>	<b>13,395</b>	<b>0</b>	<b>0</b>	<b>76,550</b>	<b>0</b>	<b>32,811</b>	<b>124,860</b>
<b>Total eligible for California State Library Match</b>	<b>48,310</b>	<b>Grand Total</b>						<b>157,671</b>

# Budget Detail

Budget Categories	Approved Budget							Funding Source		
	Adult Literacy Services	Family Literacy	ELLI	MLLS	ESL	Other Services	Total	State Revenue	Local Revenue	
Salaries and Benefits	0	48,310	14,395	0	0	70,100	0	132,805	14,395	118,410
Contract Staff	7,936	0	0	0	0	0	0	7,936	7,936	0
Operations	4,479	0	0	0	0	5,100	0	9,579	4,479	5,100
Literacy Materials	4,300	0	500	0	0	600	0	5,400	4,800	600
Equipment	1,201	0	0	0	0	250	0	1,451	1,201	250
Indirect Costs	0	500	0	0	0	0	0	500	0	500
	17,916	48,810								
<b>Total</b>	66,726	14,895	0	0	0	76,050	0	157,671	32,811	124,860
<b>Grand Total</b>									157,671	

**Comments on Other funds:**

The Literacy program raises funds annually through donations; these donations are included in the overall budget numbers and are

not considered to be additional revenue. We also receive funding from the Friends of the Library, which is included in the revenue for the Trivia Bee. We raise at least \$10k annually through the Trivia Bee; we raise an additional \$3 - 5k through in-house sales of promotional items; a local business raises funds for us, too; it's all included as part of the annual budget. It's looks great on the proposed budget page, for we're proud of each bit that comes in, but here and in future reports, we'll include it here as a notation of what's taken place.

California Library Literacy Services (CLLS) is a statewide program of the California State Library

This website was funded in whole or in part by the U. S. Institute of Museum and Library Services under the provisions of the Library Services and Technology Act administered in California by the State Librarian.

**AGENDA ITEM  
CITY COUNCIL MEETING DATE - JULY 6, 2010  
CONSENT ITEMS**

**DATE** : June 15, 2010  
**TO** : City Council  
**FROM** : City Manager  
**SUBJECT** : **DESIGNATION OF LEAGUE OF CALIFORNIA CITIES VOTING DELEGATES AND ALTERNATES**

**RECOMMENDATION:**

Approve, by motion, the designation of Mayor Patterson (voting delegate) and Vice Mayor Alan Schwartzman as the alternate voting delegate from the Council for the upcoming League of California Cities Annual Business Meeting.

**EXECUTIVE SUMMARY:**

The League of California Cities' 2010 Conference will be held September 15-17, 2010 in San Diego. The Annual Business Meeting at the conference will be September 17th and, in order to vote at that meeting, the City Council must designate a voting delegate. The City may appoint up to two alternate voting delegates in the event that the designee is unable to serve in that capacity. A designated voting delegate must be present at the meeting in order to cast a vote. The League membership considers and acts on resolutions that establish League policy at the meeting.

**BUDGET INFORMATION:**

There is no budget impact associated with this action.

**STRATEGIC PLAN:**

Not Applicable.



**Council Action Advised by August 20, 2010**

June 4, 2010

**TO: Mayors, City Managers and City Clerks**

**RE: DESIGNATION OF VOTING DELEGATES AND ALTERNATES  
League of California Cities Annual Conference – September 15-17 – San Diego**

The League's 2010 Annual Conference is scheduled for September 15-17 in San Diego. An important part of the Annual Conference is the Annual Business Meeting (*at the closing General Assembly*), scheduled for 3:00 p.m., Friday, September 17, at the San Diego Convention Center. At this meeting, the League membership considers and takes action on resolutions that establish League policy.

In order to vote at the Annual Business Meeting, your city council must designate a voting delegate. Your city may also appoint up to two alternate voting delegates, one of whom may vote in the event that the designated voting delegate is unable to serve in that capacity. Please take care when selecting your city's delegates, as travel and attendance could be an issue for those who observe Yom Kippur.

**Please complete the attached Voting Delegate form and return it to the League's office no later than Friday, August 20, 2010. This will allow us time to establish voting delegate/alternates' records prior to the conference.**

Please note the following procedures that are intended to ensure the integrity of the voting process at the Annual Business Meeting.

- **Action by Council Required.** Consistent with League bylaws, a city's voting delegate and up to two alternates must be designated by the city council. When completing the attached Voting Delegate form, please attach either a copy of the council resolution that reflects the council action taken, or have your city clerk or mayor sign the form affirming that the names provided are those selected by the city council. Please note that designating the voting delegate and alternates must be done by city council action and cannot be accomplished by individual action of the mayor or city manager alone.
- **Conference Registration Required.** The voting delegate and alternates must be registered to attend the conference. They need not register for the entire conference; they may register for Friday only. In order to cast a vote, at least one person must be present at the Business Meeting and in possession of the voting delegate card. Voting delegates and alternates need to pick up their conference badges before signing in and picking up

-more-

the voting delegate card at the Voting Delegate Desk. This will enable them to receive the special sticker on their name badges that will admit them into the voting area during the Business Meeting.

- **Transferring Voting Card to Non-Designated Individuals Not Allowed.** The voting delegate card may be transferred freely between the voting delegate and alternates, but *only* between the voting delegate and alternates. If the voting delegate and alternates find themselves unable to attend the Business Meeting, they may *not* transfer the voting card to another city official.
- **Seating Protocol during General Assembly.** At the Business Meeting, individuals with the voting card will sit in a separate area. Admission to this area will be limited to those individuals with a special sticker on their name badge identifying them as a voting delegate or alternate. If the voting delegate and alternates wish to sit together, they must sign in at the Voting Delegate Desk and obtain the special sticker on their badges.

The Voting Delegate Desk, located in the conference registration area of the San Jose Convention Center, will be open at the following times: Wednesday, September 15, 9:00 a.m.; Thursday, September 16, 7:30 a.m.; and September 17, 7:30 a.m. The Voting Delegate Desk will also be open at the Business Meeting on Friday, but not during a roll call vote, should one be undertaken.

The voting procedures that will be used at the conference are attached to this memo. Please share these procedures and this memo with your council and especially with the individuals that your council designates as your city's voting delegate and alternates.

Once again, thank you for completing the voting delegate and alternate form and returning it to the League office by Friday, August 20th. If you have questions, please call Mary McCullough at (916) 658-8247.

Attachments:

- 2010 Annual Conference Voting Procedures
- Voting Delegate/Alternate Form



## Annual Conference Voting Procedures 2010 Annual Conference

1. **One City One Vote.** Each member city has a right to cast one vote on matters pertaining to League policy.
2. **Designating a City Voting Representative.** Prior to the Annual Conference, each city council may designate a voting delegate and up to two alternates; these individuals are identified on the Voting Delegate Form provided to the League Credentials Committee.
3. **Registering with the Credentials Committee.** The voting delegate, or alternates, may pick up the city's voting card at the Voting Delegate Desk in the conference registration area. Voting delegates and alternates must sign in at the Voting Delegate Desk. Here they will receive a special sticker on their name badge and thus be admitted to the voting area at the Business Meeting.
4. **Signing Initiated Resolution Petitions.** Only those individuals who are voting delegates (or alternates), and who have picked up their city's voting card by providing a signature to the Credentials Committee at the Voting Delegate Desk, may sign petitions to initiate a resolution.
5. **Voting.** To cast the city's vote, a city official must have in his or her possession the city's voting card and be registered with the Credentials Committee. The voting card may be transferred freely between the voting delegate and alternates, but may not be transferred to another city official who is neither a voting delegate or alternate.
6. **Voting Area at Business Meeting.** At the Business Meeting, individuals with a voting card will sit in a designated area. Admission will be limited to those individuals with a special sticker on their name badge identifying them as a voting delegate or alternate.
7. **Resolving Disputes.** In case of dispute, the Credentials Committee will determine the validity of signatures on petitioned resolutions and the right of a city official to vote at the Business Meeting.



CITY: \_\_\_\_\_

2010 ANNUAL CONFERENCE  
VOTING DELEGATE/ALTERNATE FORM

Please complete this form and return it to the League office by Friday, August 20, 2010. Forms not sent by this deadline may be submitted to the Voting Delegate Desk located in the Annual Conference Registration Area. Your city council may designate one voting delegate and up to two alternates.

In order to vote at the Annual Business Meeting (General Assembly), voting delegates and alternates must be designated by your city council. Please attach the council resolution as proof of designation. As an alternative, the Mayor or City Clerk may sign this form, affirming that the designation reflects the action taken by the council.

**Please note:** Voting delegates and alternates will be seated in a separate area at the Annual Business Meeting. Admission to this designated area will be limited to individuals (voting delegates and alternates) who are identified with a special sticker on their conference badge. This sticker can be obtained only at the Voting Delegate Desk.

1. VOTING DELEGATE

Name: \_\_\_\_\_

Title: \_\_\_\_\_

2. VOTING DELEGATE - ALTERNATE

Name: \_\_\_\_\_

Title: \_\_\_\_\_

3. VOTING DELEGATE - ALTERNATE

Name: \_\_\_\_\_

Title: \_\_\_\_\_

PLEASE ATTACH COUNCIL RESOLUTION DESIGNATING VOTING DELEGATE AND ALTERNATES.

OR

**ATTEST:** I affirm that the information provided reflects action by the city council to designate the voting delegate and alternate(s).

Name: \_\_\_\_\_ E-mail \_\_\_\_\_

Mayor or City Clerk \_\_\_\_\_ Phone: \_\_\_\_\_  
(circle one) (signature)

Date: \_\_\_\_\_

Please complete and return by Friday, August 20 to:

League of California Cities  
ATTN: Mary McCullough  
1400 K Street  
Sacramento, CA 95814

FAX: (916) 658-8240  
E-mail: [mccullom@cacities.org](mailto:mccullom@cacities.org)  
(916) 658-8247

**AGENDA ITEM**  
**CITY COUNCIL MEETING DATE - JULY 6, 2010**  
**CONSENT CALENDAR**

**DATE** : June 28, 2010

**TO** : City Manager

**FROM** : Public Works and Community Development Director

**SUBJECT** : **AUTHORIZATION TO SUBMIT A GRANT APPLICATION FOR THE CALRECYCLE USED OIL PAYMENT PROGRAM**

**RECOMMENDATION:**

Adopt a resolution that authorizes the submittal of a grant application made available through CalRecycle for FY 2010/2011 for the Used Oil Payment Program.

**EXECUTIVE SUMMARY:**

Under the California Oil Recycling Enhancement Act and CalRecycle, the City is authorized to apply for grant funds made available by CalRecycle. These grants include block and competitive grants for waste oil recycling programs, household hazardous waste, and other waste reduction and reuse/recycling funds.

The proposed resolution will allow the City Manager to execute a grant application through CalRecycle on behalf of the City for Fiscal Year 2010– 2011 for the Used Oil Payment Program (formerly known as the Used Oil Block Grant Program [UBG]).

The City has been a recipient of the Used Oil Block Grant (UBG) program for a number of years, receiving approximately \$7000 each year. This year's application to the CalRecycle Cycle 16 Oil Payment Program (OPP) for FY 2010/11 will provide funding for activities that reduce the amount of illegally disposed used oil, recycle used oil/used oil filters, reclaim used oil and to educate citizens and increase awareness of the program.

**BUDGET IMPACT:**

There is no budget impact to the General Fund.

**GENERAL PLAN:**

Relevant General Plan Goals include:

- Overarching Goal of the General Plan: Sustainability

**STRATEGIC PLAN:**

Relevant Strategic Plan Goals and Strategies include:

- Strategic Issue 2: Protecting and Enhancing the Environment
  - Strategy: Pursue and adopt sustainable practices

Attachment:

- Proposed Resolution

**RESOLUTION NO. 10-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA AUTHORIZING THE CITY MANAGER TO FILE AN APPLICATION FOR CALRECYCLE FUND CYCLE 16 OIL PAYMENT PROGRAM FOR FY 2010/11 WHICH PROVIDES FUNDING FOR ACTIVITIES THAT REDUCE THE AMOUNT OF ILLEGALLY DISPOSED USED OIL, RECYCLE USED OIL/USED OIL FILTERS, AND RECLAIM USED OIL**

**WHEREAS**, pursuant to Public Resources Code § 48690 the Department of Resources Recycling and Recovery (CalRecycle), formerly known as the California Integrated Waste Management Board, has established the Used Oil Payment Program (OPP) to make payments to qualifying jurisdictions for implementation of their used oil programs; and

**WHEREAS**, in furtherance of this authority CalRecycle is required to establish procedures governing the administration of the Used Oil Payment Program; and

**WHEREAS**, CalRecycle's procedures for administering the Used Oil Payment Program require, among other things, an applicant's governing body to declare by resolution certain authorizations related to the administration of the Used Oil Payment Program.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council authorizes the submittal of a Used Oil Payment Program application to CalRecycle.

**BE IT FURTHER RESOLVED** that the City Manager, or his designee, is hereby authorized and empowered to execute in the name of the City of Benicia all documents including, but not limited to, applications, agreements, annual reports including expenditure reports and amendments necessary to secure said payments to support our Used Oil Collection Program.

**BE IT FURTHER RESOLVED** that this authorization is effective until rescinded by the City Council of the City of Benicia.

\*\*\*\*\*

On motion of Council Member \_\_\_\_\_, seconded by Council Member \_\_\_\_\_, the above Resolution was introduced and passed by the City Council of the City of Benicia at a regular meeting of said Council held on the 6<sup>th</sup> day of July, 2010 and adopted by the following vote:

Ayes:

Noes:

Absent:

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

ATTEST:

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

**AGENDA ITEM  
CITY COUNCIL MEETING DATE - JULY 6, 2010  
PUBLIC HEARING**

**DATE** : May 27, 2010  
**TO** : City Manager  
**FROM** : Finance Director  
**SUBJECT** : **PUBLIC HEARING FOR CITY OF BENICIA LANDSCAPING  
AND LIGHTING DISTRICT FISCAL YEAR 2010-11**

**RECOMMENDATION:**

1. City Council conduct the public hearing as set by Resolution No. 10-75 to receive oral statements or written comments concerning the subject district for fiscal year 2010-11 and ordering the levy and collection of assessments for fiscal year 2010-11.
2. At the conclusion of the public hearing, adopt the attached resolution ordering the maintenance of existing improvements in all five zones of the District, confirming the Assessment Diagram, approving the Engineer's Report, and ordering the levy and collection of certain assessments for the City of Benicia Landscaping and Lighting District, fiscal year 2010-11.

**EXECUTIVE SUMMARY:**

The items scheduled for consideration at this meeting will complete the process for levying assessments for fiscal year 2010-11 through the Solano County Auditor-Controller's Office and to collect assessments with property tax bills. Should the City Council conclude, after receiving comments from interested parties during the public hearing, that any assessment should be amended, no action should be taken on the resolution ordering the maintenance of existing improvements. Staff will then modify the report as directed and bring the matter back for final approval on July 20, 2010. However, this matter must be concluded prior to August 5, 2010 to meet filing deadlines with the Solano County Assessor/Recorder's Office.

**BUDGET INFORMATION:**

The total budget for fiscal year 2009-10 for all five zones of the District is \$538,500, or a lesser amount as otherwise amended by the City Council. After the Reserve Fund credits are applied to the budgets the balance to levy is \$427,663.42. All costs for street lighting and for costs of maintaining landscaping and irrigation systems, including administrative expenses and incidental expenses associated with preparation of the annual report, are funded by assessments levied against parcels within the District. Therefore, there are no budget impacts to the General Fund of the City.

No additional or increased assessments will be levied within the District to fund improvements installed and maintained in fiscal year 2010-11.

Citywide Residential District – Zone 1.

Since its origin in 1975, Zone 1 has been assessed at the rate of \$136.56 per parcel. During the 1980's and 1990's, several subdivisions were added, bringing the total parcels to 2,196 citywide. As parcels were added, each was assigned the same rate as existing parcels or \$136.56 per parcel. During the two decades that followed, Zone 1 built up a reserve level that was above the requirement for the district, which is 50% of expenditures. This is due to the funding cycle that is linked to the County's transfer of assessment collections in December and April each year.

This year the fund level is anticipated to increase to \$106,450 or 26%, which is enough to carry the district for the entire year.

Attachments:

- Proposed Resolution
- Resolution Nos. 10-57, 10-58, 10-75
- Engineer's Report

**RESOLUTION NO. 10-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA ORDERING THE MAINTENANCE OF EXISTING IMPROVEMENTS IN ALL FIVE ZONES OF THE DISTRICT, CONFIRMING THE ASSESSMENT DIAGRAM, APPROVING THE ENGINEER'S REPORT AND ORDERING THE LEVY AND COLLECTION OF CERTAIN ASSESSMENTS FOR THE CITY OF BENICIA LANDSCAPING AND LIGHTING DISTRICT, FISCAL YEAR 2010-11**

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

**WHEREAS**, on the 4<sup>th</sup> day of May, 2010, the City Council adopted its Resolution No. 10-57, Describing Improvements and Directing Preparation of Engineer's Report for Fiscal Year 2010-11 for the City of Benicia Landscaping and Lighting District ("District") pursuant to the Landscaping and Lighting Act of 1972, and directed the Engineer of Work to prepare and file with the Clerk of this City a written report called for under said Act and by said Resolution No. 10-58; and

**WHEREAS**, said report was duly made and filed with the Clerk of said City, whereupon said Clerk presented it to the City Council for its consideration; and

**WHEREAS**, said Council thereupon duly considered said report and each and every part thereof and found that it contained all the matters and things called for by the provisions of said Act and said Resolution No. 10-57, including (1) plans and specifications of the existing improvements; (2) estimate of costs for maintenance and servicing said improvements for Fiscal Year 2010-11; (3) diagram of the District; and (4) an assessment according to benefits; all of which were done in the form and manner required by said Act; and

**WHEREAS**, the City Council found that said report and each and every part thereof was sufficient in every particular and determined that it should stand as the report for all subsequent proceedings under said Act, whereupon the City Council, pursuant to the requirements of said Act, appointed Tuesday, the 6<sup>th</sup> day of July, 2010, at 7:00 p.m. of said day in the regular meeting place of said Council, City Hall, 250 East "L" Street, Benicia, California, as the time and place for hearing comments in relation to any proposed assessment upon an assessable lot or parcel of land within the District for maintenance or servicing of existing improvements for Fiscal Year 2010-11, and directing said Clerk to give notice of said hearing as required by said Act; and

**WHEREAS**, notices of said hearing were duly and regularly published and posted in the time, form and manner required by said Act, as evidenced by the Affidavits and Certificates on file with said Clerk, whereupon said hearing was duly and regularly held at the time and place stated in said notice; and

**WHEREAS**, persons interested in commenting on any proposed assessment upon an assessable lot or parcel of land within District filed written protests with the Clerk of said City at or before the conclusion of said hearing, and all interested persons desiring to be heard were given an opportunity to be heard, and all matters and things pertaining to the levy and collection of the assessments for the maintenance or servicing of said improvements were fully heard and considered by the City Council.

**NOW, THEREFORE, IT IS HEREBY FOUND, DETERMINED and ORDERED**, as follows:

1. That protests against the proposed assessment upon any assessable lot or parcel of land within District for Fiscal Year 2010-11 be, and each of them, are hereby overruled.

2. That the public interest, convenience and necessity require and the City Council does hereby order the levy and collection of assessments pursuant to said Act, for the maintenance or servicing of improvements, more particularly described in said Engineer's Report and made a part hereof by reference thereto.

3. That the City of Benicia Landscaping and Lighting District and the properties thereof benefited and to be assessed for said costs for the maintenance and servicing of existing improvements are situated in Benicia, California, and are more particularly described by reference to a map thereof on file in the office of the Director of Public Works and Community Development of said City. Said map indicates by a boundary line the extent of the territory included in District and of any zone thereof and the general location of District.

4. That the public interest and convenience require, and the City Council does hereby order the improvements to be serviced and maintained as described in and in accordance with said Engineer's Report, reference to which is hereby made for a more particular description of said improvements.

5. That the diagram showing the exterior boundaries of District and described in said Resolution No. 10-58, and also the boundaries of any zones therein and the lines and dimensions of each lot or parcel of land within District as such lot or parcel of land is shown on the County Assessor's maps for the fiscal year to which it applies, each of which lot or parcel of land has been given a separate number upon said diagram, as contained in said report, be, and it is hereby, finally approved and confirmed.

6. That the assessment of the total amount of the costs and expenses for the maintenance or servicing of existing improvements upon the several lots or parcels of land in District in proportion to the estimated benefits to be received by such lots or parcels, and of the expenses incidental thereto contained in said report be, and the same is hereby, finally approved and confirmed.

7. That said Engineer's Report for Fiscal Year 2010-11, be, and the same is hereby, finally adopted and approved as a whole.

8. Immediately upon the adoption of this Resolution, the City Clerk shall file a certified copy of the diagram and assessment and a certified copy of this resolution with the Auditor of the County of Solano. Upon such filing, the County Auditor shall enter on the County assessment roll opposite each lot or parcel of land the amount of assessment thereupon as shown in the assessment. The assessment shall be collected at the same time and in the same manner as County taxes are collected, and all laws providing for the collection and enforcement of County taxes shall apply to the collection and enforcement of the assessments. After collection by the County, the net amount of the assessments, after deduction of any compensation due the County for collection, shall be paid to the Treasurer of the City.

9. That the order for the levy and collection of assessments for the improvements and the final adoption and approval of the Engineer's Report as a whole, and of the plans and specifications, estimate of the costs and expenses, the diagram and the assessment, as contained in said Report, as hereinabove determined and ordered, is intended to and shall refer and apply to said Report, or any portion thereof, as amended, modified, revised or corrected by, or pursuant to and in accordance with any resolution or order, if any, heretofore duly adopted or made by the City Council.

\* \* \* \* \*

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 6th day of July, 2010, and adopted by the following vote:

Ayes:  
Noes:  
Absent:

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

Attest:

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



**RESOLUTION NO. 10-57**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA DESCRIBING IMPROVEMENTS AND DIRECTING PREPARATION OF ENGINEER'S REPORT FOR THE CITY OF BENICIA LANDSCAPING AND LIGHTING DISTRICT, FISCAL YEAR 2010-2011**

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

1. Previously, the City Council did, pursuant to the provisions of the Landscaping and Lighting Act of 1972, Part 2, Division 15, of the Streets and Highways Code of the State of California, conduct the proceedings for and did form the City of Benicia Landscaping and Lighting District ("District").
2. The public interest, convenience and necessity require, and it is the intention of this Council to undertake proceedings for the levy and collection of assessments upon the several lots or parcels of land in said District, for the construction or installation of improvements, including the maintenance or servicing, or both, thereof for Fiscal Year 2010-2011.
3. The improvements to be constructed or installed, including the maintenance or servicing, or both, thereof, are:
  - a) The maintenance or servicing of public landscaping including, but not limited to, trees, shrubs, grass, or other vegetation in curbed median islands of public streets, in landscaped strips or areas along and adjacent to public street areas, in public open space areas retained in their natural state, or in areas developed as public parks.
  - b) The maintenance or servicing, or both, thereof public lighting facilities and improvements including, but not limited to, standards, poles and luminaries and the cost of electric current or energy.
4. The costs and expenses of said improvements, including the maintenance or servicing, or both, thereof, are to be made chargeable upon said District, the exterior boundaries of which District are the composite and consolidated area as more particularly shown on a map thereof on file in the office of the Director of Public Works of the City of Benicia to which reference is hereby made for further particulars. Said map indicates by a boundary line the extent of the territory included in said District and of any zone thereof and shall govern for all details as to the extent of the assessment district.
5. The Engineer of Work shall be Willdan Financial Services and is hereby directed to prepare and file with the City Clerk a report, in writing, referring to the assessment district by its distinctive designation, specifying the fiscal year to which the report applies, and, with respect

to that year, presenting the following:

- a) Plans and specifications of the existing improvements and for proposed new improvements, if any, to be made within the district or within any zone thereof; and
- b) An estimate of the costs of said proposed new improvements, if any, to be made, the costs of maintenance or servicing, or both, thereof, and of any existing improvements, together with the incidental expenses in connection therewith; and
- c) A diagram showing the exterior boundaries of the district and of any zones within said district and the lines and dimensions of each lot or parcel of land within the district as such lot or parcel of land is shown on the County Assessor's map for the fiscal year to which the report applies, each of which lots or parcels of land shall be identified by a distinctive number or letter on said diagram; and
- d) A proposed assessment of the total amount of the estimated costs and expenses of the proposed new improvements, including the maintenance or servicing, or both, thereof, and of any existing improvements upon the several lots or parcels of land in said district in proportion to the estimated benefits to be received by such lots or parcels of land respectively from said improvements, including the maintenance or servicing, or both, thereof, and of the expenses incidental thereto.

\*\*\*\*\*

On motion of Council Member **Schwartzman**, seconded by Council Member **Hughes**, the above Resolution was introduced and passed by the City Council of the City of Benicia at a regular meeting of said Council held on the 4<sup>th</sup> day of May, 2010, and adopted by the following vote:

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

Noes: **None**

Absent: **None**

  
Elizabeth Patterson, Mayor

ATTEST:

  
Lisa Wolfe, City Clerk

**RESOLUTION NO. 10-58**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA  
PRELIMINARILY APPROVING THE ENGINEER'S REPORT FOR THE CITY OF  
BENICIA LANDSCAPING AND LIGHTING DISTRICT, FISCAL YEAR 2010-2011**

**WHEREAS**, by previous Resolution, the City Council did adopt the Resolution describing improvements and directing preparation of Engineer's Report for Fiscal Year 2010-2011 pursuant to the Landscaping and Lighting Act of 1972 for the City of Benicia Landscaping and Lighting District ("District") in said City and did refer the proposed improvements to the Engineer of Work, and did therein direct said Engineer of Work to prepare and file with the Clerk of said City a report, in writing, all as therein more particularly described, under and pursuant to the Landscaping and Lighting Act of 1972; and

**WHEREAS**, said Engineer of Work prepared and filed with the Clerk of said City a report in writing as called for in previous resolution and under and pursuant to said Act, which report has been presented to this Council for consideration; and

**WHEREAS**, said Council has duly considered said report and each and every part thereof, and finds that each and every part of said report is sufficient, and that neither said report nor any part thereof should be modified in any respect.

**NOW, THEREFORE, IT IS HEREBY FOUND, DETERMINED AND ORDERED**, as follows:

1. That the Engineer's estimate of the itemized and total costs and expenses of maintenance and servicing thereof, and of the incidental expenses in connection therewith, contained in said report, be, and each of them are hereby preliminarily approved.
2. That the diagram showing the exterior boundaries of the District referred to and described in previous Resolution and also the boundaries of any zones therein and the lines and dimensions of each lot or parcel of land within District as such lot or parcel of land is shown on the County Assessor's maps for the fiscal year to which the report applies, each of which lot or parcel of land has been given a separate number upon said diagram as contained in said report, be, and it is hereby, preliminarily approved.
3. That the proposed assessment of the total amount of the estimated costs and expenses of the proposed improvements upon the several lots or parcels of land in District in proportion to the estimated benefits to be received by such lots or parcels, respectively, from said improvements including the maintenance or servicing, or both, thereof, and of the expenses incidental thereto, as contained in said report, be, and they are hereby, preliminarily approved.
4. That said report shall stand as the Engineer's Report for the purpose of all subsequent proceedings to be had pursuant to the previous Resolution.

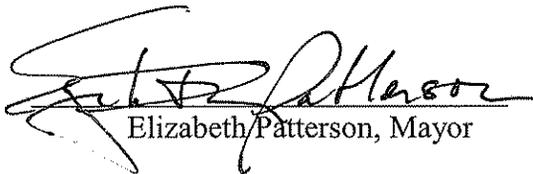
\*\*\*\*\*

On motion of Council Member **Schwartzman**, seconded by Council Member **Hughes**, the above Resolution was introduced and passed by the City Council of the City of Benicia at a regular meeting of said Council held on the 4<sup>th</sup> day of May, 2010 and adopted by the following vote:

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

Noes: **None**

Absent: **None**



Elizabeth Patterson, Mayor

ATTEST:



Lisa Wolfe, City Clerk

**RESOLUTION NO. 10-75**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA OF INTENTION TO ORDER THE LEVY AND COLLECTION OF ASSESSMENTS PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972 AND THEREFORE SETTING A PUBLIC HEARING ON JULY 06, 2010 FISCAL YEAR 2010-2011 CITY OF BENICIA LANDSCAPING AND LIGHTING DISTRICT**

**WHEREAS**, pursuant to the previous Resolution, describing improvements and directing preparation of Engineer's Report for Fiscal Year 2010-2011 for City of Benicia Landscaping and Lighting District ("District"), adopted on May 4, 2010, by the City Council of said City pursuant to the Landscaping and Lighting Act of 1972, the City Engineer of said City has prepared and filed with the Clerk of this City the written report called for under said Act and by previous Resolution, which said report has been submitted and preliminarily approved by this Council in accordance with said Act.

**NOW, THEREFORE, IT IS HEREBY FOUND, DETERMINED AND ORDERED**, as follows:

1. In its opinion the public interest and convenience require, and it is the intention of the City Council to order, the levy and collection of assessments for fiscal year 2010-2011 pursuant to the provisions of the Landscaping and Lighting Act of 1972, Part 2, Division 15, of the Streets and Highways Code of the State of California, for the construction or installation of the improvements, including the maintenance or servicing, or both, thereof, are:
  - a) The maintenance or servicing of public landscaping including, but not limited to, trees, shrubs, grass, or other vegetation in curbed median islands of public streets, in landscaped strips or areas along and adjacent to public street areas, in public open space areas retained in their natural state, or in areas developed as public parks.
  - b) The maintenance or servicing, or both, thereof public lighting facilities and improvements including, but not limited to, standards, poles and luminaries and the cost of electric current or energy.
2. The cost and expenses of said improvements, including the maintenance or servicing, or both, thereof, are to be made chargeable upon the District, the exterior boundaries of which District are the composite and consolidated area as more particularly described on a map thereof on file in the office of the Director of Public Works of said City, to which reference is hereby made for further particulars. Said map indicates by a boundary line the extent of the territory included in the district and of any zone thereof and the general location of said District.
3. Said Engineer's Report prepared by the City Engineer of said City, preliminarily approved by the City Council by previous Resolution and on file with the Clerk of this City, is hereby referred to for a full and detailed description of the improvements, the boundaries of the assessment district and any zones therein, and the proposed assessments upon assessable lots and

parcels of land within District.

4. Notice is hereby given that Tuesday, the 6<sup>th</sup> day of July 2010, at 7:30 p.m. in the regular meeting place of the City Council, City Hall, 250 East "L" Street, Benicia, California, be and the same is hereby appointed and fixed as the time and place for a hearing by the City Council on the question of the levy and collection of the proposed assessment for the construction or installation of said improvements, including the maintenance and servicing, or both, thereof, and when and where it will consider all oral statements and all written comments made or filed by any interested person at or before the conclusion of said hearing against any proposed assessment upon an assessable lot or parcel of land within the District, and when and where it will consider and finally act upon the Engineer's Report.

5. Prior to the conclusion of the hearing, any interested person may file a written protest with the Clerk, or, having previously filed a protest, may file a written withdrawal of that protest. A written protest shall state all grounds of objection. A protest by a property owner shall contain a description sufficient to identify the property owned by such owner.

6. The Clerk of said City is hereby directed to give notice of said hearing by causing a copy of this Resolution to be published once in the Benicia Herald, a newspaper published and circulated in said City, and by conspicuously posting a copy thereof upon the official bulletin board customarily used by the City for the posting of notices, said posting and publication to be had and completed at least ten (10) days prior to the date of hearing specified herein.

7. The Public Works Department is hereby designated as the office to answer inquiries regarding any proceedings to be had herein, and may be contacted during regular office hours at City Hall, 250 East "L" Street, Benicia, California 94510, or by calling (707) 746-4240.

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On motion of Vice Mayor **Schwartzman**, seconded by Council Member **Campbell**, 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 15<sup>th</sup> day of June, 2010 and adopted by the following vote:

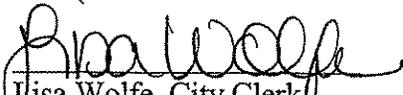
Ayes: **Council Members Campbell, Ioakimedes, Schwartzman and Mayor Patterson**

Noes: **None**

Absent: **Council Member Hughes**

  
Elizabeth Patterson, Mayor

ATTEST:

  
Lisa Wolfe, City Clerk

**CITY OF BENICIA  
LANDSCAPING AND LIGHTING DISTRICT**

**ENGINEER'S REPORT  
FISCAL YEAR 2010/2011**



**INTENT MEETING: May 4, 2010  
PUBLIC HEARING: June 15, 2010**



<b>Corporate Office:</b>	<b>Office Locations:</b>	
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<a href="http://www.willdan.com">www.willdan.com</a>		

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## I. OVERVIEW

### A. Introduction

The City of Benicia ("City") annually levies and collects special assessments in order to maintain the improvements within the City of Benicia Landscaping and Lighting District ("District"). The District was formed in the late 1970's and annual assessments are levied pursuant to the *Landscape and Lighting Act of 1972, Part 2 of Division 15 of the California Streets and Highways Code* ("1972 Act").

This Engineer's Report ("Report") describes the District, any annexations, or changes to the District including substantial changes to the District improvements, and the proposed assessments for fiscal year 2010/2011. The proposed assessments are based on the estimated cost to maintain the improvements that provide special benefits to properties within the District. The costs of improvements and the annual levy include all expenditures, deficits, surpluses, revenues, and reserves. Each parcel is assessed proportionately for only those improvements provided and for which the parcel receives special benefit based on an established method of apportionment.

The word "parcel," for the purposes of this Report, refers to an individual property assigned its own Assessment Number by the County of Solano ("County") Assessor's Office. The County Auditor/Controller uses Assessment Numbers and specific Fund Numbers to identify on the tax roll, properties assessed for special district benefit assessments. The District also has a unique Assessment Number ("District Assessment No") used to identify each District parcel on the District Diagram.

Following consideration of public comments and written protests at a noticed public hearing, and review of the Report, the City Council may order amendments to the Report or confirm the Report as submitted. Following final approval of the Report, and confirmation of the assessments, the Council may order the levy and collection of assessments for fiscal year 2010/2011 pursuant to the 1972 Act. In such case, the assessment information will be submitted to the County Auditor/Controller, and included on the property tax roll for each benefiting parcel for fiscal year 2010/2011.

### B. Applicable Legislation

The District has been formed and is annually levied pursuant to the 1972 Act, beginning with Section 22500. The assessments and methods of apportionment described in this Report utilize commonly accepted assessment engineering practices and have been calculated and proportionately spread to each parcel based on the special benefits received.

#### ***Compliance with the California Constitution***

All assessments described in this Report and approved by the City Council are prepared in accordance with the 1972 Act and are in compliance with the provisions of the California Constitution Article XIID ("Article XIID"), which was enacted with the passage of Proposition 218 in November 1996.

Pursuant to the Article XIID Section 5, certain existing assessments are exempt from the substantive and procedural requirements of Article XIID Section 4 and property owner

balloting for the assessments is not required until such time that the assessments are increased. Specifically, Article XIID Section 5 (b) exempts:

*“Any assessment imposed pursuant to a petition signed by the person owning all of the parcels subject to the assessment at the time the assessment is initially imposed.”*

The City has determined that all improvements and the annual assessments originally established for the District were part of the conditions of property development and approved by the original property owner (developer at the time of the District formation late 1970's). As such, pursuant to Article XIID Section 5(b), all the property owners approved the existing District assessments at the time the assessments were created (originally imposed pursuant to a 100% landowner petition). Therefore, the pre-existing assessment amount (the maximum assessment rate identified in this Report) is exempt from the procedural requirements of Article XIID Section 4.

### ***Provisions of the 1972 Act (Improvements and Services)***

As generally defined, the improvements and the associated assessments for any district formed pursuant to the 1972 Act may include one or any combination of the following:

- 1) The installation or planting of landscaping.
- 2) The installation or construction of statuary, fountains, and other ornamental structures and facilities.
- 3) The installation or construction of public lighting facilities, including, but not limited to streetlights and traffic signals.
- 4) The installation or construction of any facilities which are appurtenant to any of the foregoing or which are necessary or convenient for the maintenance or servicing thereof; including but not limited to, grading, removal of debris, the installation or construction of curbs, gutters, walls, sidewalks, or paving, or water, irrigation, drainage, or electrical facilities.
- 5) The installation of park or recreational improvements including, but not limited to the following:
  - a) Land preparation, such as grading, leveling, cutting and filling, sod, landscaping, irrigation systems, sidewalks, and drainage.
  - b) Lights, playground equipment, play courts and public restrooms.
- 6) The maintenance or servicing, or both, of any of the foregoing including the furnishing of services and materials for the ordinary and usual maintenance, operation, and servicing of any improvement, including, but not limited to:
  - a) Repair, removal, or replacement of all or any part of any improvements;
  - b) Grading, clearing, removal of debris, the installation, repair or construction of curbs, gutters, walls, sidewalks, or paving, or water, irrigation, drainage, or electrical facilities;
  - c) Providing for the life, growth, health, and beauty of landscaping, including cultivation, irrigation, trimming, spraying, fertilizing, or treating for disease or injury;
  - d) The removal of trimmings, rubbish, debris, and other solid waste;

- e) The cleaning, sandblasting, and painting of walls and other improvements to remove or cover graffiti.
  - f) Electric current or energy, gas, or other agent for the lighting or operation of any other improvements.
  - g) Water for the irrigation of any landscaping, the operation of any fountains, or the maintenance of any other improvements.
- 7) The acquisition of land for park, recreational or open-space purposes, or the acquisition of any existing improvement otherwise authorized by the 1972 Act.
- 8) Incidental expenses associated with the improvements including, but not limited to:
- a) The cost of preparation of the report, including plans, specifications, estimates, diagram, and assessment;
  - b) The costs of printing, advertising, and the publishing, posting and mailing of notices;
  - c) Compensation payable to the County for collection of assessments;
  - d) Compensation of any engineer or attorney employed to render services;
  - e) Any other expenses incidental to the construction, installation, or maintenance and servicing of the improvements; and,
  - f) Costs associated with any elections held for the approval of a new or increased assessment.

## II. PLANS AND SPECIFICATIONS

The District provides for the continued installation, maintenance and servicing of landscaping within public parks and street landscaping and lighting improvements within the public right-of-ways which provide special benefit to parcels and properties within the District.

All improvements within the District are maintained and serviced on a regular basis. City staff will determine the frequency and specific maintenance operations required. The District assessments may fund all necessary utilities, operations, services, administration and maintenance costs associated with the improvements. The annual cost of providing for the improvements within the District are spread among all benefiting parcels in proportion to the benefits received. The expenditures and assessments set forth in this report are based upon the City's estimate of the costs associated with the improvements including all labor, personnel, equipment, materials and administrative expenses. The park sites within the District are clearly a special benefit to the properties and property owners within the District. Because of the Park's size and location it provides no benefit to parcels outside the District or to the public at large and therefore, the entire cost of maintaining this park could be assessed to parcels within the District.

### A. Description of the District Zones and Improvements

The District is comprised of five benefit zones each receiving different degrees of benefit from the District improvements: Zone 1 - Residential; Zone 2 -Fleetside Industrial Park; Zone 3 – Goodyear Road; Zone 4 – East 2nd Street; and Zone 5 – Columbus Parkway.

The location, boundaries and general description of the improvements provided within the District are described below. The detail specifications and location of the improvements are on plans and maps on file with the Public Works department and by reference are made part of this Report.

#### **Zone 1 -Residential**

Zone 1 –Residential (“Zone 1”) is comprised of 2,196 single-family residential parcels. Within this zone is a large portion of the Southampton area plus the areas known by their subdivision name including Hamann Hills, Benicia Terrace, Olive Branch Estates, Harbor View Knolls and Clos Duvall. It also includes the Southampton D-6 and D-7 subdivisions. Also within the boundaries of Zone 1 are parcels identified as publicly owned open space and parks and privately owned open space and sliver parcels that are deemed to be not assessable.

The Zone 1 improvements shall consist of: 1) maintenance and servicing of open space areas including discing, mowing and trash removal; 2) within public park sites with established landscaping, maintenance and

servicing improvements including trimming, pruning, weeding, fertilizing, irrigation, trash removal, mechanical sprinkler repair, plant replacement, and other necessary maintenance programs; and 3) the servicing of electrical power for 304 streetlights for this zone.

### **Zone 2 -Fleetside Industrial Park**

Zone 2 –Fleetside Industrial Park (“Zone 2”) is comprised of two industrial park subdivisions east of Interstate 680 in the eastern portion of the City. The two subdivisions are Fleetside Industrial Park and Drake Industrial Park. Also within the boundaries of Zone 2 are parcels identified as publicly owned wetland parcels that are deemed to be not assessable.

The Zone 2 improvements shall consist of: 1) the maintenance and servicing of landscaped strip areas along and adjacent to the public street areas including trimming, pruning, weeding, fertilizing, irrigation, trash removal, mechanical sprinkler repair, plant replacement, and other necessary maintenance programs; and 2) the servicing of electrical power for 33 streetlights for this zone.

### **Zone 3 -Goodyear Road**

Zone 3-Goodyear Road (“Zone 3”) is comprised of four parcels totaling 37.01 acres in area located between Goodyear Road and Interstate 680 in the northeasterly corner of the City. The most southerly of the four parcels is 10.94 acres in area and is zoned "General Commercial". The three northerly parcels totaling 26.07 acres in area are zoned "Industrial Park."

The Zone 3 improvements shall consist of: 1) the maintenance and servicing of landscaped strip areas along and adjacent to the public street areas including trimming, pruning, weeding, fertilizing, irrigation, trash removal, mechanical sprinkler repair, plant replacement and other necessary maintenance programs; and 2) the servicing of electrical power for 10 streetlights for this zone.

### **Zone 4 -East 2<sup>nd</sup> Street**

Zone 4-East 2nd Street (“Zone 4”) is comprised of five assessed parcels totaling 276.36 acres. The two southernmost parcels adjacent to East 2nd Street total 200.04 acres in area and are zoned "General Industrial." The two northernmost parcels totaling 76.32 acres are zoned "Industrial Park". Within the boundaries of this Zone are also three small City-owned parcels used for water system distribution and storage purposes. Also within the boundaries of Zone 4 are parcels identified as publicly owned reservoir/pump station parcels that are deemed to be not assessable.

The Zone 4 improvements shall consist of: 1) the maintenance and servicing of landscaped median areas in Rose Drive from East 2nd Street

to 1,800 feet (0.34 miles), more or less, northwesterly of East 2nd Street, and in East 2nd Street from 4,800 feet (0.91 miles), more or less, southerly of Rose Drive to 1,950 feet (0.37 miles), more or less, northeasterly of Rose Drive, include trimming, pruning, weeding, fertilizing, irrigation, trash removal, mechanical sprinkler repair, plant replacement and other necessary maintenance programs; and 2) the servicing of electrical power for 78 streetlights for this zone.

### **Zone 5 -Columbus Parkway**

Zone 5-Columbus Parkway ("Zone 5") is comprised of both commercial parcels, residential parcels and privately owned open space parcels. There are five assessed commercial parcels totaling 9.28 acres; there are 188 residential condominiums at the Cambridge Apartments and there are 50 new units on Assessment Parcel #1327. Also within the boundaries of Zone 5 are parcels identified as privately owned open space parcels that are deemed to be not assessable.

Zone 5 improvements shall consist of: 1) the maintenance and servicing of landscaped median areas along the public street areas and for a landscaped, Caltrans-owned parcel lying between Columbus Parkway and Interstate 780 southerly of Rose Drive, including trimming, pruning, weeding, fertilizing, irrigation, trash removal, mechanical sprinkler repair, plant replacement and other necessary maintenance programs; and 2) the servicing of electrical power for 15 streetlights for this zone.

## **B. Changes or Modifications to the District**

Modifications to the District structure could include but are not limited to:

- Substantial changes or expansion of the improvements provided;
- Substantial changes in the service provided;
- Modifications or restructuring of the District or Zones including annexation or detachment of Zones or specific parcels;
- Revisions in the method of apportionment;
- Proposed new or increased assessments.

Some changes or modifications to the District would require the approval of the property owners within the District. No other changes or modifications to the District are proposed for fiscal year 2010/2011.

### III. METHOD OF APPORTIONMENT

#### A. General

The 1972 Act permits the establishment of assessment districts by agencies for the purpose of providing certain public improvements which include the construction, maintenance and servicing of public lights, landscaping and appurtenant facilities. The 1972 Act further requires that the cost of these improvements be levied according to benefit rather than assessed value:

*“The net amount to be assessed upon lands within an assessment district may be apportioned by any formula or method which fairly distributes the net amount among all assessable lots or parcels in proportion to the estimated benefits to be received by each such lot or parcel from the improvements.”*

The formula used for calculating assessments in the District therefore reflects the composition of the parcels, and the improvements and services provided, to fairly apportion the costs based on estimated benefit to each parcel.

In addition, pursuant to Article XIID Section 4:

*”No assessment shall be imposed on any parcel which exceeds the reasonable cost of the proportional special benefit conferred on that parcel. Only special benefits are assessable and an agency shall separate the general benefits from the special benefits conferred on a parcel.”*

#### B. Benefit Analysis

Each of the improvements and the associated costs have been carefully reviewed by the City and the corresponding assessments have been proportionately spread to each parcel based on special benefits received from the improvements. The installation of the improvements and approval of an annual assessment were part of the conditions of property development and approved by the original property owner (developer). As such, pursuant to Article XIID Section 5(b), all the property owners approved the maximum assessment amount identified in this Report at the time the assessment was created (originally imposed pursuant to a 100% landowner petition). Therefore the existing maximum assessment amount per Zone is not subject to the procedural requirements of Article XIID Section 4 (property owner ballot proceedings). Although the current assessment does not require additional property owner approval (unless increased), the improvements within the District clearly provide a special benefit to the parcels assessed and therefore, the existing assessments are in compliance with the substantive requirements of Article XIID Section 4.

**Special Benefits** — The method of apportionment (assessment methodology) is based on the premise that each of the assessed parcels

within the District receives benefit from the improvements maintained and financed by annual assessments. Specifically, the assessments are for the maintenance of local street lighting and landscaped improvements installed as part of the original improvement. The desirability and security of properties within the District are enhanced by the presence of street lighting and well-maintained landscaping in close proximity to those properties.

The special benefits associated with the local landscaping improvements are specifically:

- Enhanced desirability of properties through association with the improvements.
- Improved aesthetic appeal of properties within the Zones providing a positive representation of the area.
- Enhanced adaptation of the urban environment within the natural environment from adequate green space and landscaping.
- Environmental enhancement through improved erosion resistance, and dust and debris control.
- Increased sense of pride in ownership of property within the District resulting from well-maintained improvements associated with the properties.
- Reduced criminal activity and property-related crimes (especially vandalism) against properties in the District through well-maintained surroundings and amenities including abatement of graffiti.
- Enhanced environmental quality of the parcels within the Zones by moderating temperatures, providing oxygenation and attenuating noise.

The special benefits of street lighting are the convenience, safety, and security of property, improvements, and goods. Specifically:

- Enhanced deterrence of crime and the aid to police protection.
- Increased nighttime safety on roads and highways.
- Improved ability of pedestrians and motorists to see.
- Improved ingress and egress to property.
- Reduced vandalism and other criminal acts and damage to improvements or property.
- Improved traffic circulation and reduced nighttime accidents and personal property loss.
- Increased promotion of business during nighttime hours in the case of commercial properties.

All of the preceding special benefits contribute to a specific enhancement and desirability of each of the assessed parcels within the District.

**General Benefits** — The improvements associated with each Zone are a direct result of property development within the Zone and would otherwise not be required or necessary. Developers typically install landscape improvements to enhance the marketability and value of properties within the development and/or as conditions of development. In either case, the improvements are clearly installed for the benefit of the properties being developed and not for the benefit of surrounding properties.

Although many landscape improvements (by virtue of their location), may be visible to surrounding properties or to the public at large, any benefit to surrounding properties is incidental and cannot be considered a direct and special benefit to those properties. Therefore, it has been determined that the improvements within these Zones and the ongoing operation and maintenance of those improvements are clearly a direct and special benefit to properties within each respective Zone. Unless otherwise noted, these improvements provide no measurable general benefit to properties outside the Zone or to the public at large.

**Non-Assessable Properties** — Within the boundaries of Zones 1, 2, 4 and 5, there are several types of properties that are considered to receive no special benefit from the District improvements and are therefore not assessed. These parcels include: 1) Publicly owned parcels that are reserved as Public Open Space or are developed as City Parks for active recreation and are maintained and serviced by the District; 2) Publicly owned wetland parcels; 3) Certain Public Utility parcels; 4) Privately owned open space parcels; 5) Privately owned "sliver" parcels that have resulted from a lot line adjustment with an adjacent larger parcel. The adjacent larger parcel, of which these "sliver" parcels are a part, are assessed at the Residential Zone rate.

### **C. Assessment Methodology**

The special benefits received by each parcel within the Zone and each parcel's proportional annual assessment is calculated on the basis of a formula known as Equivalent Benefit Units. The Equivalent Benefit Unit (EBU) method of apportionment establishes a proportional benefit relationship between the various parcels within the District and the improvements provided by the District. The EBU assigned to each parcel utilizes a set formula and proportional weighting factors based on the land use and size of each parcel within the District as compared to other parcels within the District. The number of EBU's assigned to each parcel is calculated by multiplying an assigned benefit unit factor (based on land use) by the dwelling units for residential parcels and acreage for commercial parcels.

The benefit unit factors (proportional special benefit) to be applied to the various land use classifications are listed below.

<b>Single Family Residence</b>	<b>One (1.0) Benefit Unit Per Unit</b>
<b>Commercial Use</b>	<b>One (1.0) Benefit Unit Per Acre</b>

The annual cost of the Zone improvements to be levied (Balance to Levy) is divided by the total number of EBU's calculated for each Zone to establish the annual assessment rate (Levy per EBU) for the fiscal year. This formula is represented as follows:

$$\text{Balance to Levy} / \text{Total Number of EBU} = \text{Levy Per EBU}$$

The levy amount for each parcel is then calculated by multiplying the Levy per EBU (assessment rate) by the parcel's individual EBU calculated. The formula is represented as follows:

$$\text{Levy Per EBU} \times \text{Parcel EBU} = \text{Parcel Levy Amount}$$

### Special Cases

#### **Zone 1 -Residential**

District Assessment No. 214 is owned by PacBell and is used for telephone switching facilities. This parcel is considered to receive no special benefit and is not assessed.

#### **Zone 2 -Fleetside Industrial Park**

As of Fiscal Year 2009/10, Caltrans met their agreement with the City and is no longer required to pay assessments on parcels 80-292-040, 050, 060, 070, 080, 120 and 130.

#### **Zone 5 -Columbus Parkway**

Since the residential units also pay annual costs for maintenance of privately owned open space and for on-site lighting, costs were allocated at 47.6% for residential parcels and 52.4% for commercial parcels.

District Assessment Nos. 1329A, 1329B and 1329C totaling 3.67 acres are governed by Conditions, Covenants and Restrictions (CC&R's). Individual assessments were apportioned by allocating a portion of the total assessment for the total area of the three parcels by building square footage in accordance with provisions of said CC&R's.

## IV. DISTRICT BUDGET

<b>City of Benicia Landscape and Lighting District ZONE 1--RESIDENTIAL</b>	
<b>2010/2011</b>	
<b>Levy Components</b>	<b>Budget</b>
<b>DIRECT COSTS</b>	
Maintenance and Servicing	\$272,460.00
Utilities (Electric Power for Street Lighting; Water for Irrigation)	88,200.00
Engineering and Incidental Expenses	7,253.14
Capital Outlay	0.00
<b>TOTAL DIRECT</b>	<b>\$367,913.14</b>
<b>ADMINISTRATION COSTS</b>	
Direct Administration	\$8,246.86
<b>TOTAL ADMIN</b>	<b>\$8,246.86</b>
<b>COLLECTIONS/(CREDITS) APPLIED TO LEVY</b>	
<b>TOTAL DIRECT AND ADMIN COSTS</b>	<b>\$376,160.00</b>
Estimated Interest Earnings	(1,500.00)
Reserve Collection/(Transfer)	(74,774.24)
<b>TOTAL ADJUSTMENTS</b>	<b>(76,274.24)</b>
<b>Balance to Levy (Budgeted)</b>	<b>\$299,885.76</b>
<b>DISTRICT STATISTICS</b>	
Total Parcels	2,269
Total Parcels Levied	2,196
Total Residential Units	2,196.00
Proposed Levy per Benefit Unit	<b>\$136.56</b>
<b>FUND BALANCE INFORMATION</b>	
Projected Reserve Fund Balance as of July 1, 2010	\$106,450.00
Estimated Reserve Fund Adjustments	(74,774.24)
Estimated Interest Income 2010-11	1,500.00
Projected Reserve Fund Balance as of June 30, 2011	<b>\$33,175.76</b>

<b>City of Benicia</b> <b>Landscape and Lighting District</b> <b>ZONE 2--FLEETSIDE INDUSTRIAL PARK</b>	
2010/2011	
Levy Components	Budget
<b>DIRECT COSTS</b>	
Maintenance and Servicing	\$68,075.00
Utilities (Electric Power for Street Lighting; Water for Irrigation)	21,000.00
Engineering and Incidental Expenses	1,800.64
Capital Outlay	6,500.00
<b>TOTAL DIRECT</b>	<b>\$97,375.64</b>
<b>ADMINISTRATION COSTS</b>	
Direct Administration	\$2,199.36
<b>TOTAL ADMIN</b>	<b>\$2,199.36</b>
<b>COLLECTIONS/(CREDITS) APPLIED TO LEVY</b>	
<b>TOTAL DIRECT AND ADMIN COSTS</b>	<b>\$99,575.00</b>
Estimated Interest Earnings	(2,000.00)
Reserve Collection/(Transfer)	(17,598.12)
<b>TOTAL ADJUSTMENTS</b>	<b>(19,598.12)</b>
<b>Balance to Levy (Budgeted)</b>	<b>\$79,976.88</b>
<b>DISTRICT STATISTICS</b>	
Total Parcels	44
Total Parcels Levied	28
Total Acreage	124.04
Proposed Levy per Acre	<b>\$644.767</b>
<b>FUND BALANCE INFORMATION</b>	
Projected Reserve Fund Balance as of July 1, 2010	\$116,575.00
Estimated Reserve Fund Adjustments	(17,598.12)
Estimated Interest Income 2010-11	2,000.00
Projected Reserve Fund Balance as of June 30, 2011	<b>\$100,976.88</b>

<b>City of Benicia</b>	
<b>Landscape and Lighting District</b>	
<b>ZONE 3--GOODYEAR ROAD</b>	
<b>2010/2011</b>	
<b>Levy Components</b>	<b>Budget</b>
<b>DIRECT COSTS</b>	
Maintenance and Servicing	\$3,120.00
Utilities (Electric Power for Street Lighting; Water for Irrigation)	2,980.00
Engineering and Incidental Expenses	720.00
Capital Outlay	1,000.00
<b>TOTAL DIRECT</b>	<b>\$7,820.00</b>
<b>ADMINISTRATION COSTS</b>	
Direct Administration	\$110.00
<b>TOTAL ADMIN</b>	<b>\$110.00</b>
<b>COLLECTIONS/(CREDITS) APPLIED TO LEVY</b>	
<b>TOTAL DIRECT AND ADMIN COSTS</b>	<b>\$7,930.00</b>
Estimated Interest Earnings	(450.00)
Reserve Collection/(Transfer)	(3,479.94)
<b>TOTAL ADJUSTMENTS</b>	<b>(3,929.94)</b>
<b>Balance to Levy (Budgeted)</b>	<b>\$4,000.06</b>
<b>DISTRICT STATISTICS</b>	
Total Parcels	4
Total Parcels Levied	4
Total Acreage	37.01
Proposed Levy per Acre	<b>\$108.08</b>
<b>FUND BALANCE INFORMATION</b>	
Projected Reserve Fund Balance as of July 1, 2010	\$26,375.00
Estimated Reserve Fund Adjustments	(3,479.94)
Estimated Interest Income 2010-11	450.00
Projected Reserve Fund Balance as of June 30, 2011	<b>\$23,345.06</b>

City of Benicia Landscape and Lighting District	
ZONE 4--EAST 2ND STREET	
2010/2011	
Levy Components	Budget
DIRECT COSTS	
Maintenance and Servicing	\$20,400.00
Utilities (Electric Power for Street Lighting; Water for Irrigation)	13,100.00
Engineering and Incidental Expenses	889.98
Capital Outlay	0.00
<b>TOTAL DIRECT</b>	<b>\$34,389.98</b>
ADMINISTRATION COSTS	
Direct Administration	\$770.02
<b>TOTAL ADMIN</b>	<b>\$770.02</b>
COLLECTIONS/(CREDITS) APPLIED TO LEVY	
<b>TOTAL DIRECT AND ADMIN COSTS</b>	<b>\$35,160.00</b>
Estimated Interest Earnings	(350.00)
Reserve Collection/(Transfer)	(6,809.18)
<b>TOTAL ADJUSTMENTS</b>	<b>(7,159.18)</b>
<b>Balance to Levy (Budgeted)</b>	<b>\$28,000.82</b>
DISTRICT STATISTICS	
Total Parcels	7
Total Parcels Levied	5
Total Acreage	276.36
Proposed Levy per Acre	<b>\$101.32</b>
FUND BALANCE INFORMATION	
Projected Reserve Fund Balance as of July 1, 2010	\$21,295.00
Estimated Reserve Fund Adjustments	(6,809.18)
Estimated Interest Income 2010-11	350.00
Projected Reserve Fund Balance as of June 30, 2011	<b>\$14,835.82</b>

<b>City of Benicia Landscape and Lighting District ZONE 5--COLUMBUS PARKWAY</b>	
<b>2010/2011</b>	
<b>Levy Components</b>	<b>Budget</b>
<b>DIRECT COSTS</b>	
Maintenance and Servicing	\$15,145.00
Utilities (Electric Power for Street Lighting; Water for Irrigation)	2,870.00
Engineering and Incidental Expenses	1,225.50
Capital Outlay	0.00
<b>TOTAL DIRECT</b>	<b>\$19,240.50</b>
<b>ADMINISTRATION COSTS</b>	
Direct Administration	\$434.50
<b>TOTAL ADMIN</b>	<b>\$434.50</b>
<b>COLLECTIONS/(CREDITS) APPLIED TO LEVY</b>	
<b>TOTAL DIRECT AND ADMIN COSTS</b>	<b>\$19,675.00</b>
Estimated Interest Earnings	(1,000.00)
Reserve Collection/(Transfer)	(2,875.10)
<b>TOTAL ADJUSTMENTS</b>	<b>(3,875.10)</b>
<b>Balance to Levy (Budgeted)</b>	<b>\$15,799.90</b>
<b>DISTRICT STATISTICS</b>	
Total Parcels	209
Total Parcels Levied	196
<b>Commercial: (52.4%)</b>	
Total Acreage	12.85
Proposed Levy per Acre	<b>\$645.00</b>
<b>Residential: (47.6%)</b>	
Total Equivalent Benefit Units	188.00
Proposed Levy per Benefit Unit	<b>\$40.00</b>
<b>FUND BALANCE INFORMATION</b>	
Projected Reserve Fund Balance as of July 1, 2010	\$49,305.00
Estimated Reserve Fund Adjustments	(2,875.10)
Estimated Interest Income 2010-11	1,000.00
Projected Reserve Fund Balance as of June 30, 2011	<b>\$47,429.90</b>

CITY OF BENICIA  
 LANDSCAPING AND LIGHTING DISTRICT

Fiscal Year 2010-11

Summary of Costs

	Zone 1 Residential	Zone 2 Fleetside Ind. Park	Zone 3 Goodyear Road	Zone 4 E. Second Street	Zone 5 Columbus Parkway	TOTAL
<b>DIRECT COSTS</b>						
Cost of Maint. and Services	\$272,460.00	\$68,075.00	\$3,120.00	\$20,400.00	\$15,145.00	\$379,200.00
Cost of Utilities	\$88,200.00	\$21,000.00	\$2,980.00	\$13,100.00	\$2,870.00	\$128,150.00
Engr/Incidental Expenses	\$7,253.14	\$1,800.64	\$720.00	\$889.98	\$1,225.50	\$11,889.26
Capital Outlay	\$0.00	\$6,500.00	\$1,000.00	\$0.00	\$0.00	\$7,500.00
Administrative Exp. (Calculated at 2.75% of annual assessment)	\$8,246.86	\$2,199.36	\$110.00	\$770.02	\$434.50	\$11,760.74
<b>TOTAL DIRECT COSTS</b>	<b>376,160.00</b>	<b>\$99,575.00</b>	<b>\$7,930.00</b>	<b>\$35,160.00</b>	<b>\$19,675.00</b>	<b>538,500.00</b>
<b>FUND BALANCE INFORMATION</b>						
Reserve Fund						
Balance as of July 1, 2010	\$106,450.00	\$116,575.00	\$26,375	\$21,295	\$49,305	\$320,000
Estimated Reserve Fund						
Adjustments	(\$74,774.24)	(\$17,598.12)	(\$3,479.94)	(\$6,809.18)	(\$2,875.10)	(\$105,536.58)
Estimated Income 2010-11	\$1,500.00	\$2,000.00	\$450.00	\$350.00	\$1,000.00	\$5,300.00
Projected Reserve Fund						
Balance for June 10, 2011	\$33,175.76	\$100,976.88	\$23,345	\$14,836	\$47,430	\$219,763
<b>BALANCE TO LEVY</b>	<b>\$299,885.76</b>	<b>\$79,976.88</b>	<b>\$4,000.06</b>	<b>\$28,000.82</b>	<b>\$15,799.90</b>	<b>\$427,663.42</b>

## **Appendix A - DISTRICT ASSESSMENT DIAGRAM**

An Assessment District Diagram has been prepared for the District in the format required by the 1972 Act, and is on file with the City Clerk, and by reference is made part of this Report. The Assessment Diagram is available for inspection at the Office of the City Clerk, during normal business hours.

## **Appendix B - 2010/2011 ASSESSMENT ROLL**

Parcel identification, for each lot or parcel within the District, shall be the parcel as shown on the County Assessor's Map for the year in which this Report is prepared.

Non-assessable lots or parcels include land principally encumbered by public or utility rights-of-way and common areas. These parcels will not be assessed.

A listing of parcels assessed within the District, along with the proposed assessment amounts, is included on the following pages and has been identified as "Fiscal Year 2010/2011 Levy Roll".

**AGENDA ITEM  
CITY COUNCIL MEETING: JULY 6, 2010  
ACTION ITEM**

**DATE** : June 29, 2010

**TO** : City Manager

**FROM** : Finance Director

**SUBJECT** : **DISCUSSION OF COUNTYWIDE BALLOT MEASURE TO COLLECT UP TO \$10 IN VEHICLE REGISTRATION FEES TO SPONSOR PROJECTS BENEFITING OR MITIGATING THE EFFECTS OF THE AUTOMOBILE**

**RECOMMENDATION:**

Discuss the countywide ballot measure that proposes raising the motor vehicle registration up to \$10 to fund projects benefiting or mitigating the effects of the automobile and consider further directions to staff.

**EXECUTIVE SUMMARY:**

Daryl Halls, Executive Director of the STA, will present information regarding the proposed SB 83 ballot measure and expenditure plan to the City Council and respond to questions. The SB 83 expenditure plan has three focus areas currently being reviewed by STA committees and the recommendations will be presented at the meeting. The three areas include: Maintenance of Local Streets and Roads, Safe Routes to School, and Senior and Disabled Mobility.

**STRATEGIC PLAN:**

Relevant Strategic Plan Issues and Strategies:

- Strategic Issue # 4: Preserving and Enhancing Infrastructure
  - Strategy # 2: Increase use of mass transit

**BUDGET INFORMATION:**

There is no budget impact at this time.

**BACKGROUND:**

In 2009, the State Legislature approved and the Governor signed Senate Bill (SB) 83 (Hancock) which authorizes Congestion Management Agencies (CMAs) to place a countywide measure before the county's voters to propose raising the motor vehicle registration up to \$10 to fund projects benefiting or mitigating the effects of the automobile. For Solano County, each \$1 in motor vehicle

registration fee would generate an estimated \$320,000 per year or up to \$3.2 million per year if a \$10 fee was enacted. SB 83 requires a majority vote for passage.

On June 15, 2010, the Solano Transportation Improvement Authority (STIA) Board was presented the summary results of a public opinion poll of 804 likely Solano County voters conducted by EMC Research. After the presentation of the polling results, the Board authorized proceeding with the development of an SB 83 requisite expenditure plan.

In order to act to place a SB 83 expenditure plan before the voters for the November 2010 ballot, the STA Board would need to act on or about July 21, 2010. It is currently recommended by STA staff that a draft expenditure plan be agendaized for the STA Board meeting of July 14, 2010, with potential action regarding whether to approve forwarding a SB 83 Expenditure Plan to Solano County voters to occur at a special STA Board meeting on or prior to July 21, 2010.

Daryl Halls, Executive Director of the STA, will present information regarding the proposed SB 83 ballot measure and expenditure plan to the City Council and respond to questions. The SB 83 expenditure plan has three focus areas currently being reviewed by STA committees and the recommendations will be presented at the meeting. The three areas outlined further below include: Maintenance of Local Streets and Roads, Safe Routes to School, and Senior and Disabled Mobility.

The focus areas are being presented to the STA Technical Advisory Committee, Transit Consortium, Paratransit Coordinating Council (PCC), Senior and Disabled Advisory Committee, Safe Routes to School Advisory Committee and other advisory committees. Public input is scheduled to occur at the STA Board meeting of July 14, 2010.

50% VRF for Maintenance of Local Streets and Roads. Since 2000, Solano's countywide average Pavement Condition Index (PCI) has dropped about 6 points from almost "good" to "fair". Pavement that is in very poor condition is more expensive to rehabilitate. If these trends continue, Solano County's PCI will reach "at-risk" status, potentially multiplying current street rehabilitation costs by five times. Cities with low PCI averages, such as Rio Vista (47, Poor), Suisun City (53, At-Risk), and Vallejo (54, At-Risk) have already reached expensive road rehabilitation stages.

For Solano County, each \$1 in motor vehicle registration fee would generate an estimated \$320,000 per year or up to \$3.2 M per year if a \$10 fee was enacted. If half of this estimated amount were dedicated to the maintenance of local streets and roads projects, this category's share would be about \$1.6 M per year.

Two options are being proposed for distribution of the funds. Option 1 uses the Metropolitan Transportation Commission (MTC) Local Streets and Roads formula to distribute funding between agencies: (25% population, 25% lane-miles, 25% agency street rehabilitation funding shortfalls, and 25% preventative maintenance spending). However, under option 1, several smaller cities would only receive between \$22,000 to \$57,000 per year. For example, it could take the City of Rio Vista over 13 years to build up \$300,000 for a meaningful road rehabilitation project.

Option 2 sets a \$75,000 per year allocation minimum for all agencies, speeding up the delivery of road rehabilitation projects countywide. This reduces larger city shares by less than a percent, while increasing smaller city shares to meaningful amounts. For example, under Option 2, the cities of Benicia, Dixon, and Rio Vista can build up \$300,000 in just 4 years for a meaningful road

rehabilitation project.

25% VRF for Safe Routes to School (SR2S). Since the 2008 SR2S Plan was adopted by the STA, the financial conditions in various school districts have become worse. The Benicia Unified School District, the Dixon Unified School District and the Vacaville Unified School District have eliminated their school bus programs for regular students. Many school districts have also closed schools and expanded school boundaries which has resulted in increasing travel distances to schools.

The STA currently has over \$1.3 M in grant funding for the STA's SR2S Program for the next two years. However, all of this funding is grant based and will be depleted by FY 2011-12. STA staff estimates that the STA's SR2S Program will be reduced to 20% of planned capacity by FY 2012-13 without new revenue sources.

These grant funds also place limitations on the eligibility of priority safety programs and projects as identified in the STA's SR2S Plan. For example, radar speed signs and crossing guards are ineligible for the majority of the STA's remaining grant funding.

For Solano County, each \$1 in motor vehicle registration fee would generate an estimated \$320,000 per year or up to \$3.2 M per year if a \$10 fee was enacted. If one quarter of this estimated amount were dedicated to the SR2S Program, this category's share would be about \$800,000 per year.

Two options are being proposed for distribution of the funds. Option 1 distributes funding using enrollment figures from the 2008-09 school year (the 2009-10 enrollment figures are expected to be available next month) and sets aside \$110,000 for a countywide crossing guard equipment, training, and funding program and \$240,000 for the STA's SR2S Education and Encouragement Program.

Option 2 sets a school district share minimum at \$40,000, leaving \$100,000 for a countywide crossing program and \$232,000 for the STA's SR2S Education and Encouragement Program. It is the intention that this minimum amount of funding will aid local agencies in building smaller projects currently ineligible for federal air quality funds within a realistic timeframe.

Under both options, STA staff recommends that these funds should only be accessible if local agencies submit project and program improvement plans through partnerships between Cities and school districts.

20% VRF for Senior and Disabled Mobility Funding. The recession has severely reduced the amounts of funding available for transportation in California. Special grants for senior and disabled transportation have also be reduced dramatically. The 20% VRF would generate approximately \$640,000 in this area and four options for distribution are being considered.

Option 1. would distribute the funds based on the share of population of seniors and disabled by city to the transit operators.

Option 2. would distribute the funding at a minimum amount of \$50,000 for each of the smaller/rural cities such as Benicia, County of Solano, Dixon, and Rio Vista and then distribute the remaining amount based on the share of population of senior and disabled by city for Fairfield, Suisun City, Vacaville, and Vallejo.

Option 3. would fund the intercity taxi scrip program and the reduced price senior and disabled fare program. The amounts for each of these countywide programs would be determined through an application process.

Option 4. would take 50% of the available funding and dedicate it to the Intercity Taxi Scrip Program and the Reduced Senior and Disabled Fare and the remaining 50% of funding will be distributed for a minimum amount of \$25,000 for each of the smaller/rural cities such as Benicia, County of Solano, Dixon, and Rio Vista and then distribute the remaining amount based on the share of population of senior and disabled by city for Fairfield, Suisun City, Vacaville, and Vallejo.

Under all four options, to qualify for the funding, the agency must be out of the Unmet Transit Needs Process. The agency will need to submit an application outlining their proposed senior and disabled project. The project must support one of the following five elements:

- Intercity and/or local subsidized taxis services for ambulatory and/or non-ambulatory passenger
- Reduced price senior and disabled fares
- Purchase of paratransit vehicles
- Senior Shuttles
- Mobility programs (public and non-profit) to assist the disabled and seniors

This source is not expected to fund 100% of project costs. Some local match is anticipated to be necessary.

5% VRF for Ancillary Costs. STA is recommending that 5%, or \$160,000, of the SB 83 revenues support the annual planning and administration of the approved ballot measure.

Conclusion and Future Actions. At the conclusion of the presentation and discussion period, the Council may wish to provide comments and recommendations to the STA to assist in placing the SB 83 measure on the November 2010 countywide election ballot.

**AGENDA ITEM  
CITY COUNCIL MEETING: JULY 6, 2010  
ACTION ITEMS**

**DATE** : June 30, 2010  
**TO** : City Council  
**FROM** : City Manager  
**SUBJECT** : **STATUS OF BENICIA BUSINESS PARK APPLICATION**

**RECOMMENDATION:**

A response has not been received from the applicant to communications from the Community Development Director and City Manager to confirm agreement to the terms of the February 17, 2009 resolution setting forth consensus conditions for processing the Benicia Business Park project. If such confirmation is not received by the time Council meets on July 6<sup>th</sup> on this matter, or if there is not a reasonable alternative commitment from the applicant received by that time, staff recommends adoption of a resolution terminating the 2005 application. Council may also wish to provide comment and/or direction regarding next steps in planning future development of this site.

**EXECUTIVE SUMMARY:**

At its April 6 regular meeting, the Council directed the City Manager to request that the applicant, Discovery Builders: (1) confirm agreement to the conditions of Council Resolution No. 09-19 of February 2009 that allowed the project application to remain active, (2) propose a solution to the problem of potential loss of impact fees that have increased since filing of the application in 2005, (3) support City efforts to apply for grant funding to plan for the property, and (4) provide project status updates to Council every six months.

At its June 1 regular meeting, the Council determined that a May 6 applicant response satisfied only the request to provide semi-annual updates. The Council directed staff to inform the applicant that (1) the statement that applicant "has agreed" to the 2009 resolution needs to be reaffirmed as "the applicant agrees" indefinitely to those conditions; (2) the applicant must agree to support and participate in any City-initiated planning process that includes the property; and (3) Council remains interested in a proposal regarding payment of impact fees. Staff relayed this message to Discovery Builders, which has not responded other than to confirm receipt of the information.

The Mayor has proposed that the next step in the planning process be a highest and best use analysis for the property.

## **BUDGET INFORMATION:**

1. Completion of the project would result in a very large positive economic impact for the City and Community.
2. If a new application were filed following a termination of the project application, an additional \$2.5 million in Traffic Impact fees would apply under the City's most recent fee schedule.

## **GENERAL PLAN:**

### Relevant General Plan Goals and Policy:

- Goal 2.3: Ensure orderly and sensitive site planning and design for large undeveloped areas of the City, consistent with the land use designations and other policies in this General Plan
  - Policy 2.3.1: Require a Master Plan for new industrial and business park developments on properties under common or single ownership which aggregate to more than 40 acres.
- Goal 2.5: Facilitate and encourage new uses and development, which provide substantial and sustainable fiscal and economic benefits to the City and the community while maintaining health, safety, and quality of life.

A project acceptable to the community could increase the City's tax base, provide jobs, and develop the site consistent with the General Plan vision of sustainability, including by providing campus design, Low-impact Development and LEED-ND features, LEED-certified buildings, a transit facility, and clean-fuel transit.

## **STRATEGIC PLAN:**

### Primary Strategic Plan Issue, Strategy and Action:

- Strategic Issue 3: Strengthening Economic and Fiscal Conditions
  - Strategy: Increase economic viability of industrial park and other commercial areas, while preserving existing economic strengths and historic resources
    - Action: Plan for sustainable Benicia Business Park including (1) obtaining PDA grant for transit oriented development area and (2) obtaining STA/MTC Intermodal Station Planning Grant

## **BACKGROUND:**

At its February 17, 2009 meeting, the Council rescinded its prior denial of the Benicia Business Park application based on the applicant's agreement to the process steps and project review requirements established in Council Resolution No. 09-19. The new application review process approved by the City Council includes, a subsequent or new EIR, a development agreement, a specific plan that can accommodate changes to the General Plan if necessary, a green/cleantech business recruitment program, and a community advisory panel.

A great amount of time, attention and effort by City Council, staff, public and applicant have gone into processing the developer's application over several years. Following denial of the project on

November 18, 2008, painstaking efforts to address Council and community concerns resulted in a Resolution of the Council rescinding denial of the project. A Community Workshop on January 7, 2009 resulted in a consensus with the Benicia Business Park developer on a collaborative process to engage the city Developer, Benicia Unified School District and the community as a whole in the planning process for the project.

Subsequently, on February 17, 2009, the Council adopted a resolution rescinding the project denial. The Resolution required process elements for the project, including:

1. Specific Plan
2. Subsequent EIR
3. Development Agreement
4. Citizen Oversight Panel

Following agreement by the applicant, Discovery Builders, to the establishment by the City Council in February 2009 of a specific plan process for the application, Discovery Builders submitted a letter to the City Manager in March 2009 requesting postponement of further processing of the application for the Business Park project and resumption in January 2010.

At its April 6, 2010 meeting the Council considered whether to take action to either extend or terminate the application, and instead determined to seek clarification from the applicant as embodied in the April 8, 2010 letter from the City Manager.

At its June 1 regular meeting, the Council determined that a May 6 applicant response satisfied only the request to provide bi-annual updates. The Council directed staff to inform the applicant that (1) the statement that applicant "has agreed" to the 2009 resolution needs to be reaffirmed as "the applicant agrees" indefinitely to those conditions; (2) the applicant must agree to support and participate in any City-initiated planning process that includes the property; and (3) Council remains interested in a proposal regarding payment of impact fees. The applicant has not yet agreed to provide the requested assurances.

Given the potential economic impact of the project, the substantial community debate and discussion of the project merits and issues, and the time and effort made to bring about a community consensus on processing a plan that was agreeable to the developer, staff believes it would be appropriate to allow the application to remain active only if the applicant provides clear, permanent commitments to the terms of Resolution No. 09-19 and support of any City-initiated planning process for the property. If such commitment is not received by the time Council meets on this matter (July 6<sup>th</sup>), or if there is not a reasonable alternative commitment received for the developer, staff recommends adoption of a resolution terminating the 2005 application.

Alternatives to Staff Recommendations:

1. Leave application intact even if no response is received from applicant. The applicant provided a response on May 6<sup>th</sup> which could be interpreted as continued interest in pursuing the application, but not at this time given economic uncertainty.
2. Cancel the application regardless of any additional communications from the applicant. The on-going difficulty in communicating with the developer (lack of timely and ambiguous responses) could lead to the conclusion that the developer is not seriously interested in pursuing the project and not seriously interested in working collaboratively with the City.

Regarding next steps in the planning process, the following alternatives are available among others:

1. Do nothing. Absent interest by the landowner, it is difficult to ensure that plans prepared without them will be possible to achieve.
2. Pursue a planning process, e.g., specific plan to define the targeted development and the shape of development. Difficulty here is the expense – several hundred thousand dollars. The City could pursue grants but there are no guaranteed grants available that we know of right now.
3. Pursue a highest and best use analysis for the property that would likely be significantly less expensive than a specific plan. The Mayor has suggested consideration of this approach. See attached.

Staff recommendation re, Next Steps:

Given that the primary issue for the July 6<sup>th</sup> Council meeting is to consider whether there is merit in continuing the life of the current applicant's 2005 application, to defer any decision on an alternate planning processes to another council meeting.

Attachments:

- Proposed Resolution
- April 8, 2010 letter from City Manager to Discovery Builders, with City Council Resolution No. 09-19, February 17, 2009 attached
- May 6, 2010 letter to City Manager from Albert Seeno III, Discovery Builders
- Proposal from Mayor Patterson: Highest and Best Use Report for Benicia Business Park Site

**RESOLUTION NO. 10-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA  
TERMINATING THE BENICIA BUSINESS PARK PROJECT APPLICATION**

**WHEREAS**, the Benicia City Council took action on November 18, 2008 to deny the Benicia Business Park project by adopting Resolution No. 08-116; and

**WHEREAS**, the Benicia City Council adopted Resolution No. 09-19 on February 17, 2009 regarding the Benicia Business Park project; and

**WHEREAS**, said resolution rescinded the previous denial of the project by the City Council if the developer concurred with the terms and conditions of the resolution; and

**WHEREAS**, on February 17, 2009 the developer committed to the terms and conditions of the resolution; and

**WHEREAS**, on March 18, 2009 the developer informed the City Manager by letter that they were suspending the application process due to the economy, and will delay further processing until January 2010 at which time will resume processing if it makes economic sense to do so; and

**WHEREAS**, on April 6, 2010, the Council directed the City Manager to request that the applicant, Discovery Builders: (1) confirm agreement to the conditions of Council Resolution No. 09-19 of February 2009 that allowed the project application to remain active, (2) propose a solution to the problem of potential loss of impact fees that have increased since filing of the application in 2005, (3) support City efforts to apply for grand funding to plan for the property, and (4) provide project status updates to Council every six months; and

**WHEREAS**, on June 1, 2010, the Council determined that a May 6, 2010 response from the applicant satisfied only the request to provide semi-annual updates and directed staff to inform the applicant that (1) the statement that applicant "has agreed" to the 2009 resolution needs to be reaffirmed as "the applicant agrees" indefinitely to those conditions; (2) the applicant must agree to support and participate in any City-initiated planning process that includes the property; and (3) Council remains interested in a proposal regarding payment of impact fees; and

**WHEREAS**, the applicant has not responded to this request; and

**WHEREAS**, due to the economy it is unlikely that the project will be developed in the near future; and

**WHEREAS**, the project could help diversify the City's economic base and provide many jobs for the City's residents; and

**WHEREAS**, the development of the property in the future could have a substantial positive impact on the City's economy and the environment if designed and planned with state of the art development implementing both the General Plan and the Sustainability Plan.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Benicia that the March 20, 2008 revised project, and any prior version of the project, by Benicia Business

Park Developers as described in the proposed Addendum to the February 19, 2008 certified Environmental Impact Report are hereby terminated for lack of progress by the Developer.

**BE IT FURTHER RESOLVED** that the City Council invites a new application in the future for the development of the property which will provide substantial economic and environmental benefits for the community.

\*\*\*\*\*

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 6<sup>th</sup> day of July, 2010, and adopted by the following vote:

Ayes:

Noes:

Absent:

Abstain:

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

ATTEST:

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



JIM ERICKSON  
*City Manager*

April 8, 2010

Albert Seeno, III  
President  
Discovery Builders, Inc.  
4061 Port Chicago Highway, Suite H  
Concord, CA 94520

RE: Benicia Business Park Processing

Dear Mr. Seeno:

Thank you for your letter of April 5, 2010. The City Council considered your letter at its meeting on April 6, 2010. The economy has had a great impact on all of us. We appreciate that economic realities must factor into your decisions. Clearly, a thriving Benicia Business Park project would have a positive economic impact on the City.

The Council, however, has some concerns about the delay and wants some reassurances. The Council would like Discovery Builders to agree to the terms and conditions of Resolution No. 09-19. This will help alleviate concerns that your statement in the March 18, 2009 letter "to continue to work...through a collaborative process in conformance with Resolution No. 09-19..." is not clear agreement to the terms and conditions of the Resolution. A letter from you stating that Discovery Builders agrees to the terms and conditions of Resolution No. 09-19 would satisfy this concern.

The City Council would also like consideration of the fee structure in light of the delay of the project. In particular, using the 2002 traffic impact fees results in a "loss" of approximately \$2.5 million dollars to mitigate traffic related to the project. Can you propose a solution to this problem?

Finally, the Council would like you to consider assisting and supporting the City in applying for grant funds that may be available to assist with the development of a specific plan. One grant program from the Strategic Growth Council has an application deadline of May 28<sup>th</sup>. Charlie Knox, the Public Works and Community Development Director, has more information on this grant.

April 8, 2010  
Albert Seeno, III  
Page 2

Should your application continue in an active status, the Council has requested status updates from you every six months.

In order to keep the project moving forward, the Council has requested that we receive a response from you to this letter by May 7, 2010. If we do not hear from you by May 7<sup>th</sup> we will agendaize it for the second Council meeting in May.

Please let me know if you have any questions.

Sincerely,

  
Jim Erickson  
City Manager

Attachment: Resolution No. 09-19

cc: City Council  
City Attorney  
Public Works and Community Development Director  
Louis Parsons, Discovery Builders

**RESOLUTION NO. 09-19**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA  
RECONSIDERING THE DECISION ON THE BENICIA BUSINESS PARK PROJECT  
AND RESCINDING RESOLUTION NO. 08-116 DENYING THE PROJECT**

**WHEREAS**, the Benicia City Council took action on November 18, 2008 to deny the Benicia Business Park project by adopting Resolution No. 08-116; and

**WHEREAS**, the City Council in rejecting the project found that the environmental and other studies and analyses of the project were inadequate to allow the Council to evaluate the project because changes in the project were not properly or timely considered by the studies and analyses and thus impacts of the project could not be fully evaluated or mitigated; and

**WHEREAS**, a Council Member filed a timely request for reconsideration of the Council's action; and

**WHEREAS**, the health and safety of the Semple School students, staff and neighbors is essential to protect from project impacts, and the Developer, Benicia Unified School District and the City have been and continue to address mitigation of these impacts through agreements and/or conditions of approval; and

**WHEREAS**, because the Developer has committed in letters dated January 23, 2009, February 3, 2009 and February 10, 2009 and verbally at the City Council meetings to address the previous deficiencies in the project including the environmental review, school/neighborhood impacts and traffic/air impacts; and has agreed to a specific plan, subsequent environmental impact report, development agreement and a citizens oversight panel as set forth in this resolution; and

**WHEREAS**, the City Council signaled its intent to rescind its denial of the Benicia Business Park project after having a Community workshop on January 7, 2009, having further public testimony at the Council's February 3, 2009 meeting, and reaching consensus with the Benicia Business Park Developers on a collaborative process to engage the City, Developer, Benicia Unified School District and the Community as a whole in the planning process for the project; and

**WHEREAS**, the City Council seeks to provide assurances to the citizens of Benicia about this planning process.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Benicia that a public collaborative process that fulfills the General Plan vision of sustainability, that will accommodate a green, clean-tech research and development campus, is grounded in economic reality, and that fully engages the City, the Developer, Benicia Unified School District and the Community as a whole is essential to a successful Benicia Business Park project.

**BE IT FURTHER RESOLVED** that the collaborative process includes, but is not limited to:

1. A SPECIFIC PLAN in accordance with Government Code section 65450 et seq. *Government Code Section 65451 provides in part that "a specific plan shall include a text and a diagram or diagrams which specify all of the following in detail:*

- ...
- (3) Standards and criteria by which development will proceed, [including but not limited to transportation/traffic solutions designed to avoid and/or minimize significant air/noise/traffic impacts, reduce vehicle miles traveled to achieve AB 32 and City of Benicia Climate Action Plan greenhouse gas emissions targets]and standards for the conservation, development, and utilization of natural resources, where applicable.*
  - (4) A program of implementation measures including regulations, programs, public works projects, and financing measures...."*

2. A DEVELOPMENT AGREEMENT in accordance with Chapter 17.116 of the Benicia Municipal Code and Section 65864 et seq. of the Government Code. *Government Code Section 65865 provides in part that a development agreement shall specify "the duration of the agreement, the permitted uses of the property, the density or intensity of use, the maximum height and size of proposed buildings, and provisions for reservation or dedication of land for public purposes."*

3. A SUBSEQUENT ENVIRONMENTAL IMPACT REPORT in accordance with the California Environmental Quality Act and the City's CEQA Guidelines. *California Public Resources Code Section 21166 provides: "When an environmental impact report has been prepared for a project pursuant to this division, no subsequent or supplemental environmental impact report shall be required by the lead agency or by any responsible agency, unless one or more of the following events occurs:*

- (a) Substantial changes are proposed in the project which will require major revisions of the environmental impact report.*
- (b) Substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report.*
- (c) New information, which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available."*

4. Green/cleantech emphasis that includes a fully articulated business recruitment program which attempts to tie job creation to the surrounding housing population, is consistent with the goals and vision of our General Plan.

5. Critical items of particular interest to the City and the Community that will be evaluated through the public process and will ultimately be addressed in the Specific Plan, the Subsequent EIR and/or the Development Agreement include:

A. Health Risk Assessment consistent with state law to address the potential health risks to the Semple School children, staff and surrounding residents within 200 feet on either side of East 2<sup>nd</sup> Street between Military East and Rose Drive. Air quality issues shall be based, in part, on data measured in Benicia;

B. Market Analysis to evaluate the fiscal and economic feasibility of the proposed uses;

- C. Urban Decay Analysis to evaluate the project's impact on the City's General Plan-designated primary downtown commercial district and other existing commercial centers;
- D. Green/cleantech emphasis including a recruitment program;
- E. Compliance with AB 32 and SB 375 and related implementing regulations;
- F. Rough grading plans for all phases of the project;
- G. Form-based code design prescriptions for all areas of site;
- H. Design and program measures to protect natural resources;
- I. Specific metrics and performance measures designed to allow measurement of the success of the various programs, such as the Green/cleantech recruitment, and any mitigation measures; and
- J. Transportation/traffic solutions designed to avoid and/or minimize significant air/noise/traffic impacts and reduce vehicle miles traveled to achieve the AB 32 and City of Benicia Climate Action Plan greenhouse gas emissions targets.

The City and the Developer acknowledge that additional items of interest may develop as a result of the above studies or the CEQA work.

6. The establishment of a citizen oversight panel to assist with the specific plan process, Subsequent EIR, monitoring and implementation of any project finally approved. The Developer shall provide reasonable funding to cover City costs of the panel as long as the City reasonably determines is necessary. It is the intent of the City Council to have a panel with no more than eleven members and with representatives of the Benicia Chamber of Commerce, Benicia First!, Green Gateway Group, Benicia Industrial Park Association, Benicia Unified School District, the Planning Commission, the Economic Development Board and the Traffic, Pedestrian and Bicycle Safety Committee. City Council members shall each nominate one person to the panel. The mayor shall make all the appointments, subject to confirmation by the City Council. Working with staff and the project manager, the panel shall review the scope of the request for proposals for the specific plan, and later the Specific Plan, Subsequent EIR and the Development Agreement.

7. The recognition that to achieve a sustainable development project, the General Plan may require some amendment as a result of the Specific Plan, Development Agreement and Subsequent EIR processes.

8. To allow transparent and fully informed decision-making, completion of all studies or analysis required as part of the environmental review of the proposed project including, but not limited to, the Health Risk Assessment and Market/Urban Decay analysis prior to project approval.

9. The City and the Developer commit to use their best efforts to keep to an 18-month time period from award of the consultant contract to Council action on the Tentative Map.

10. The recognition that the Benicia Unified School District seeks further science based consensus that the Semple Elementary Campus children and staff are not adversely affected by traffic, air pollution and noise impacts generated by the project, and that such assurances prior to project approval are also in the City's best interests to protect the community from adverse environmental effects.

11. The recognition that local labor should receive prevailing wages and be given full opportunity to participate in all phases of the development of the project, which will not only promote the employment and skills of local residents but also help to reduce the greenhouse gas effects.

12. The Developer shall fully fund a project manager as well as the necessary additional consultants including a Real Estate Economist to process and prepare the Specific Plan, Development Agreement, Subsequent EIR and all related studies. The funding arrangements shall include all process costs including, but not limited to, staff contract administration, consultants, studies, meetings and facilitation. The Developer shall provide the funding which shall be deposited into the City's trust fund for the Developer and shall be replenished by the Developer when funds in the account are below \$25,000. Detailed itemized billings will be provided to the Developer for review and approval on a monthly basis. The project manager shall be selected by the City Council after a request for proposals is issued by staff. After the Specific Plan, Development Agreement, Subsequent EIR and all related studies are completed and the vesting tentative map is filed, the original project manager position will transition to a project manager to monitor the project. This project manager will have more "engineering" focus than the original "planning" project manager.

13. The Developer shall waive any present or past statutory or regulatory timelines for the Project and its application. The Developer further agrees to extend any time limits that may have accrued or will accrue as a result of the continued processing of the project for 18 months from the date of the hiring of a new consultant for the Specific Plan/SEIR. The City and the Developer agree that timeliness of the process is essential to the agreement; however, if the process takes longer and the Developer and the City are continuing to work together in good faith, then the Developer will grant an extension of such timelines.

14. The City and the Developer are committed to proceeding with the process for the project with a vision that includes developing an economically and physically feasible project for sustainable design, for public process and for public engagement.

**BE IT FURTHER RESOLVED** it is the City's expectation that the Developer and Benicia Unified School District will enter into an agreement to address the project impacts (including costs such as reasonable attorney fees) on Semple School prior to the filing of a tentative map. The City Council shall review any agreement and incorporate appropriate agreement terms as conditions of approval.

**BE IT FURTHER RESOLVED** that upon concurrence of the Developer with the terms and conditions of this resolution and adoption of this resolution by the Council, the November 18, 2008, denial of the Benicia Business Park project by Resolution No. 08-116 is hereby rescinded.

\*\*\*\*\*

On motion of Council Member Ioakimedes, seconded by Council Member Schwartzman, the above Resolution was introduced and passed by the City Council of the City of Benicia at a regular meeting of said Council held on the 17<sup>th</sup> day of February, 2009, and adopted by the following vote:

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

Noes: None

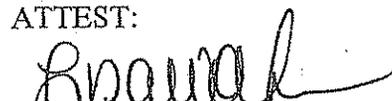
Absent: None

Abstain: None

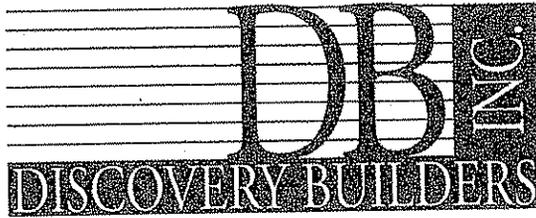


Elizabeth Patterson, Mayor

ATTEST:



Lisa Wolfe, City Clerk



4061 Port Chicago Highway, Suite H  
Concord, California 94520  
(925) 682-6419  
Fax (925) 689-7741

May 6, 2010

Jim Erickson  
City Manager  
City of Benicia  
250 East L Street  
Benicia, CA 94510

Re: Benicia Business Park

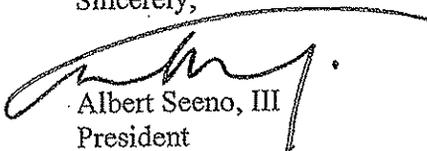
Dear Mr. Erickson:

Thank you for your letter dated April 8, 2010. In the letter, the Council has requested that we respond to some items. Following is a list of our responses:

1. Discovery Builders Inc. has agreed to the terms and conditions of Resolution No. 09-19.
2. The delay of the project does not alter the Nexus or the Traffic Mitigations imposed on this project. The measures identified in the certified EIR required substantial mitigation to address all the traffic impacts related to this project.
3. As stated in our April 5, 2010 letter, at this time we don't know what is viable for this property in this marketplace, so embarking on any design/planning process at this time is not prudent until there is a better understanding of where the economy/marketplace is going. It will be a waste of state taxpayer resources.
4. Discovery Builders, Inc. will provide status updates to the City every six months starting October 15, 2010.

Please contact me should you have any questions and thank you for your time.

Sincerely,



Albert Seeno, III  
President

**PROPOSAL FROM MAYOR PATTERSON  
HIGHEST AND BEST USE REPORT FOR BENICIA BUSINESS PARK SITE**

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Summary

This would be a study that incorporates the February 17, 2009 Benicia City Council Resolution 09-19 planning goals for green development including green jobs, low impact development (LID), LEED, walkability (traffic reduction), and analyzes the site's context (opportunities and constraints) for environmental and physical constraints; the report will provide analyses as well for both current and anticipated market conditions and suggests what specific use, or combination of uses, would likely result in the highest relative residual land value (and therefore, economic feasibility) for the subject property.

By necessity, the analysis shall include the use of statistical market data, based in part on field research, to assess supply and demand characteristics for the various uses under consideration for the subject site. In addition, the analysis will include an economic feasibility analysis to determine which use, or combination of uses, will likely result in the highest residual land value (greatest economic feasibility) for the subject property. As stated, the analysis should consider typical market potential associated with each individual use as well as the potential market synergy resulting from a combination of complementary uses into a single complex.

**Problem:** What the Discovery Builders Benicia Business Park concept lacks is a comprehensive economic and fiscal analysis for the highest and best use of the last large parcel of land for development.

Some would say that such a study is not necessary because there are examples on adjacent properties in the Benicia Industrial Park. Others offer the vision of turning the proposed development into a green gateway for economic development for the 21<sup>st</sup> century and realities of energy costs, limited public resources and work force capacity.

Meanwhile, the Benicia City Council spends hours of meeting time, staff time and the public's time debating what the next steps should be in the current limbo created by the applicant doing nothing. Short of a full-blown specific planning process, the City needs a way to carefully and wisely project into the future and plan for this last remaining commercially developable space.

**Organization of this piece:** This piece is organized to suggest a solution answering the questions of what are the next steps and what is the highest and best use of the property in light of the City's sustainability goals, climate action plan and economic growth needs.

**Role of City:** On occasion, there has been confusion in the City on the role of city government regarding property development. The state of California invests in local government the police powers of land use and requires that these powers be used with specific laws including the requirements for a general plan consisting of mandated elements – conservation and open space, land use, housing, transportation, water, safety, noise. In addition to the required general plan, additional state laws govern water and air quality, endangered species, climate change and other environmental impacts.

This concept of city planning is crucial to understanding the relationship of the developer (who may also be the property owner) and city planners. If the developer were the planner, then state law would give authority for decision making to them. But they are not. Indeed, there was a time (before the late 1970s) when planners designed roads, water supply and drainage infrastructure and laid out the parcels. Without general funds to fund such planning, the default now is the developer who bears the cost and control of the initial planning, putting the City in a reactive mode.

Planners promote the best use of a community's land and resources for residential, commercial, institutional, and recreational purposes. They address environmental, economic, and social health issues of a community as it grows and changes. They may formulate plans relating to the construction of new school buildings, public housing, or other kinds of infrastructure. Planners also may develop plans for the city to be more attractive to businesses.

Before preparing plans for community development, planners study and report on the current use of land for residential, business, and community purposes. Their reports include information on the location and capacity of streets, highways, airports, water and sewer lines, schools, libraries, and cultural and recreational sites. They also provide data on the types of industries in the community, the characteristics of the population, and employment and economic trends. Using this information, along with input from citizens, planners try to optimize land use for buildings and other public facilities. Planners prepare reports showing how their programs can be carried out and what they will cost.

Planners can (and should) work with land developers, and, keeping the required bigger picture in mind, plan for what's best for the community as a whole.

**Role of developer:** The developer is someone who develops real estate (especially someone who prepares a site for residential or commercial use). In this way, developers are investors in a community, valued for their financial backing and the improvements they enable, as well as for the multiplying economic benefits brought about by their risks and expertise. But developers are NOT city planners.

**History:** Last January 2009, after contentious public hearings, both the applicant and the City agreed to a "reset" of the planning process and hired a consultant to conduct a community "conversation" (workshop) about what the community's vision, goals and objectives are for the site. (Keeping in mind that the same consultant had gone through the same exercise in 2002 [available on video]). Following the community workshop in January, the council agreed to a resolution that, among many other conditions, stipulates that the process include a Specific Plan, environmental assessment for impacts, avoidance and mitigation, and assurances through a development agreement.

**Transitional Challenge:** One of the driving forces for the council was consideration of today's dynamic economy, our challenge to attract employers, and to maintain high levels of service despite limited resources. What we lack is a thorough understanding of our regional economy and the direction it is headed. We have an economic strategic plan but we lack comprehensive targeted strategies to catalyze growth, including real data on economic and fiscal impacts and benefits for the City.

**Proposal:** Thus I propose that we authorize the staff to hire a consultant for a highest and best use study for this site. (We could also consider a larger area that includes Fleetside, the lower Arsenal and/or the Yuba property).

**Four Steps to Highest & Best Use:** The following is modified from a presentation by Robert W. Thorpe, AICP<sup>1</sup>

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**What is Highest & Best Use?** People use it all the time in meetings; realtors stand up and say, "the obvious highest and best use of this property is as follows". Scholars note that a cursory analysis does not create an obvious or clear highest and best use of any property. One does not need to know that H&BU analysis involves principles going back to old English law, and our United States Constitution and the definitions by the United States Supreme Court and in cases since the inception of our State, in the State of California.

To cut to the chase, one can look at case law for criteria: (1) Legally permissible; (2) Physically possible; (3) Cost effective, and (4) Greatest economic return for the property.

Step 1 (legally permissible) involves reviewing all regulations, federal, state, and local, including General Plan, zoning codes, subdivisions, environmental processes, approval, and probability of each and every one, i.e., a reasonable probability of a rezone, a conditional use permit, a subdivision, or any other entitlements/permits.

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Step 3 (cost effective) involves the cost to develop the property, including on- and off-site costs, infrastructure, mitigation fees, and any development costs associated with the project. The point here is that the land is a residual of all other elements to develop it -- soft costs, permitting, entrepreneurial, finance, sales, etc. The cost to develop discounted against sales price provides the value of the land.

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**AGENDA ITEM  
CITY COUNCIL MEETING DATE - JULY 6, 2010  
ACTION ITEM**

**DATE** : April 6, 2010

**TO** : City Manager

**FROM** : Public Works and Community Development Director

**SUBJECT** : **BENICIA INTERMODAL FACILITIES (PARK-AND-RIDE)  
PROJECT**

**RECOMMENDATION:**

Direct staff to hold a facilitated public workshop to finalize site designs for the Intermodal Facilities Project (Park-and-Ride) located at Military West/Southampton and First and Military (City Park) based on current concept design plans.

**EXECUTIVE SUMMARY:**

In June 2009, City Council adopted Strategic Issue # 4: Preserving and Enhancing Infrastructure; Strategy # 2: Increase use of mass transit, which directs staff to complete plans for and begin construction of park-and ride facilities at City Park and W. Military and Southampton. The Benicia Intermodal Facilities Project will serve the new regional Baylink Route 78 that provides service between the Vallejo Ferry Terminal and Walnut Creek BART. Benicia does not currently emphasize available parking for commuters. The City hired Kimley-Horn and Associates, Inc. to provide conceptual designs. City staff has solicited input from various Commissions and the public. Based on this input, the concept plans have been revised. Staff is requesting direction from City Council to move forward with a facilitated public workshop to solicit input on the details, final design and functionality of the facility.

**GENERAL PLAN:**

Relevant Goals and Policies include:

- ❑ Goal 2.17 Provide an efficient, reliable, and convenient transit system
- ❑ Goal 2.20 Provide a balanced street system to serve automobiles, pedestrian, bicycles, and transit, balancing vehicle-flow improvements with multi-modal considerations
- ❑ Goal 2.28: Improve and maintain public facilities and services

**STRATEGIC PLAN:**

Relevant Strategic Plan Issues and Strategies:

- Strategic Issue #2: Protecting and Enhancing the Environment
  - Strategy #1: Reduce greenhouse gas emissions and energy consumption
  - Strategy #3: Pursue and adopt sustainable practices
  - Strategy #4: Protect air quality by pursuing multiple mass transit opportunities
- Strategic Issue #4: Preserving and Enhancing Infrastructure
  - Strategy #2: Increase use of mass transit

### **BUDGET INFORMATION:**

There is Regional Measure 2 (RM2) funding of \$3 million allocated for the design and construction of the project. RM2 monies fund transportation projects within the region that have been determined to reduce congestion or to make improvements to travel in the toll bridge corridors. The funding requires us to have conceptual designs approved by the end of calendar year 2010.

### **BACKGROUND:**

The current (first) phase of the project consists of environmental documentation, scoping, preliminary engineering and conceptual design. The STA Corridor plans show future regional bus stop/park-and-ride facilities at two (2) locations along the Military corridor. Sites have been identified at Military West/Southampton Road and Military/First Street. The intermodal facilities will enhance commuting for riders, as well as recruit new riders to use public transportation. City Park is an existing transit site that integrates vehicle, bicycle and pedestrian traffic with a safe, convenient location for riders to access the Route 78 line.

Preliminary concepts were presented to the Parks, Recreation and Cemetery Commission, Historic Preservation Review Commission, and Planning Commission in August 2009. Based on input from commissioners and the public, and the loss of the Calvary Church site as an option, the concept plans were revised. After much discussion, the Calvary Church Board decided that this project did not meet the needs of their congregation. The revised City Park concept was presented to the Parks, Recreation and Cemetery Commission; however, the Commission voted only to support the project if it did not include City Park. A copy of the Benicia Parks Master Plan is included for reference. Key revisions to the City Park concept based on Commission and public comments are:

- Removal of pathway through City Park
- Removal of angled parking on West K Street (in favor of existing parallel parking)
- Removal of 3-hour parking restriction on First Street between Military and West K
- Additional landscape areas in angled parking on West 2<sup>nd</sup> Street
- Reconstruction of ADA parking off of West K Street (adjacent to Playground of Dreams)
- Use of sustainable materials

The purpose of the facilitated workshop is to solicit input from stakeholders on details and design elements. Design elements will include landscaping, art and signage, which conforms to the

Planning Commission's Principles for Gateway Priorities, Components, and Process, developed in April 2010 (attached).

Pending direction from City Council, a workshop date will be determined and will be publicized through direct mail, the City's website ([www.ci.benicia.ca.us](http://www.ci.benicia.ca.us)), Channel 27, and informational flyers at strategic locations.

Attachments:

- ❑ Revised Concepts (Military West/Southampton and City Park)
- ❑ Original Concepts (Military West/Southampton and City Park)
- ❑ Excerpt from Benicia Parks, Trails and Open Space Master Plan (City Park)
- ❑ Planning Commission Principles for Gateway Priorities, Components, and Process
- ❑ Minutes of April 14, 2010 Parks, Recreation and Cemetery Commission meeting
- ❑ Minutes of August 27, 2009 Joint Planning Commission and Historic Preservation Review Commission meeting
- ❑ Minutes of August 12, 2009 Parks, Recreation and Cemetery Commission meeting
- ❑ Excerpt from Strategic Plan 2009-2011, adopted June 2009 – Strategic Issue 4



**AGENDA ITEM  
CITY COUNCIL MEETING: JULY 6, 2010  
ACTION ITEM**

**DATE** : June 29, 2010  
**TO** : Mayor & City Council  
**FROM** : City Manager  
City Attorney  
**SUBJECT** : **REDUCTION IN COMPENSATION PACKAGE FOR CITY  
MANAGER, CITY ATTORNEY AND CITY COUNCIL**

**RECOMMENDATION:**

Adopt the attached resolution approving the reduction in compensation of the City Manager and the City Attorney, as recommended by the City Manager and City Attorney, as follows:

- 1) Deduct 3.0% in base salary effective the first day of the month after adoption of this action by the Council.
- 2) Eliminate the automatic increase in the City's contribution toward medical premiums and instead freeze the City's contribution towards medical as a flat rate based on the City's (7/1/10) current contribution to ensure that future increases by the City are considered by the Council based on the City's ability to pay and not an automatic increase.
- 3) Direct the City Manager and the City Attorney to return to Council with recommendations on how the 3% base salary reduction listed in one above can be converted to an ongoing permanent reduction in pension or medical reform no later than January 15, 2011.

Additionally, it is recommended that the Council direct the City Attorney and the City Manager to return to the Council on July 20, 2010 with a resolution to adopt the corresponding compensation and City paid medical premium reductions for the Council consistent with state and local requirements.

**EXECUTIVE SUMMARY:**

Not unlike most jurisdictions in California, the City of Benicia has identified a structural deficit due to the unprecedented economic downturn of the economy. The City has identified a structural deficit that is anticipated to continue for the next five years. Since the adoption of the budget the City's General Fund revenues has declined \$1,651,085 in the current year, primarily due to reduction in property taxes, sales taxes, utility users taxes and franchise fees. This action will assist the City's efforts to make ongoing structural reductions in order to address the City's structural deficit.

## **STRATEGIC PLAN:**

Relevant Strategic Plan Issues and Strategies:

- Strategic Issue # 3: Strengthening Economic and Fiscal Conditions

## **BUDGET INFORMATION:**

It is anticipated that the annualized savings from this action will be approximately \$18,000.

## **BACKGROUND:**

Since the adoption of the budget the City's General Fund revenues has declined \$1,651,085 in the current year, primarily due to reduction in property taxes, sales taxes, utility users taxes and franchise fees. The City has determined that reductions are necessary given the loss of revenues due to the financial crisis in the national and local economy. Currently, the City is conducting a smart sizing effort to identify program areas that can be reduced and/or eliminated towards bridging the current budget gap. The recommendations from the smart sizing effort will be provided to the Council in late July/early August for the Council's consideration. At this time, the City is beginning contract negotiations with the majority of its employees groups and is requesting assistance with reductions in order to address the budget deficit to minimize program reductions and layoffs. Therefore, in recognition of the current fiscal situation, the City Manager and City Attorney have voluntarily recommended this reduction.

The City is currently reviewing its various pension and medical programs currently being offered to determine fiscal sustainability into the future. CalPERS has notified the City that starting in July 2011 its miscellaneous rate will increase by approximately 2% and its safety rates will increase by 2.5% as a result of the lower than expected investment earnings as a result of the downturn in the economy. This will only add to the \$1.2 million dollar deficit estimated for fiscal year 2011 – 2012. Additionally, increases in medical premiums for fiscal year 2010 – 2011 were an average of 11.25%, and are anticipated to increase again in 2011 – 2012.

Given the urgency of the City's fiscal condition, staff recommends Council approve the recommended actions to obtain the necessary savings immediately.

Attachment:

- Resolution
- Memos from City Attorney and City Manager

**RESOLUTION NO. 10-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING A REDUCTION IN THE COMPENSATION PACKAGE FOR CITY MANAGER, CITY ATTORNEY AND CITY COUNCIL**

**WHEREAS**, the City of Benicia has identified a structural deficit due to the unprecedented economic downturn of the economy and it is anticipated to continue for the next five years; and

**WHEREAS**, the City has determined that reductions are necessary given the loss of revenues due to the financial crisis in the national and local economy; and

**WHEREAS**, the City is conducting a smart sizing effort to identify program areas that can be reduced and/or eliminated towards bridging the current budget gap; and

**WHEREAS**, the City is also currently reviewing its various pension and medical programs currently being offered to determine fiscal sustainability into the future; and

**WHEREAS**, the City Council, City Manager and City Attorney wish to take this action to assist the City's efforts in making ongoing structural reductions in order to address the City's structural deficit.

**NOW, THEREFORE, BE IT RESOLVED THAT** a reduction in compensation of the City Manager and the City Attorney as recommended as follows:

- 1) Deduct 3.0% in base salary effective the first day of the month after adoption of this action by the Council.
- 2) Eliminate the automatic increase in the City's contribution toward medical premiums and instead freeze the city's contribution towards medical as a flat rate based on the City's (7/1/10) current contribution to ensure that future increases by the City are considered by the council based on the City's ability to pay and not an automatic increase.
- 3) Direct the City Manager and the City Attorney to return to Council with recommendations on how the 3% base salary reduction listed in one above can be converted to an ongoing permanent reduction in pension or medical reform no later than January 15, 2011.

Additionally, it is recommended that the council direct the City Attorney and the City Manager to return to the Council on July 20, 2010 with a resolution to adopt the corresponding compensation and City paid medical premium reductions for the Council consistent with state and local requirements.

\*\*\*\*\*

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 6<sup>th</sup> day of July, 2010 and adopted by the following vote:

Ayes:

Noes:

Absent:

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

ATTEST:

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



City Attorney's Office  
**MEMORANDUM**

**Date:** June 30, 2010  
**To:** City Council  
**From:** Heather Mc Laughlin, City Attorney  
**Re:** **Recommendation to Reduce My Compensation**

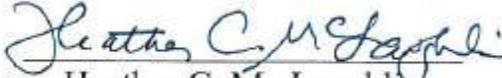
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**Recommended Actions:** Approve a 3% reduction in base pay of the City Attorney effective the first day of the month after adoption of this action by Council and direct City Manager and City Attorney to return to Council no later than January 15, 2011 to convert the 3% base salary reduction to an ongoing permanent reduction in pension or medical reform. Eliminate the automatic increase in City's contribution to medical and convert current contribution to a flat.

**Background:** As you are aware, the City is beginning contract negotiations with most of its employee groups who are being asked to assist the City in closing its \$1.2 million dollar deficit through employee concessions.

Appointed officers such as the city attorney are not in an employee group. I am, therefore, submitting this recommendation to the Council regarding my compensation as the city attorney. In an effort to assist the Council in closing its budget deficit, I am recommending that the Council approve a reduction of 3% to my base salary immediately. Additionally, I recommend that the City Manager and I return no later than January 15, 2011 with recommendations on converting the 3% base salary reduction to an ongoing permanent reduction in pension or medical reform.

Please note that although the City Manager and I did not take market adjustments last year that were given to other employees, I am willing to do my part to help and will do whatever is needed.

  
Heather C. Mc Laughlin

cc: City Manager  
Administrative Services Director





City Attorney's Office  
**MEMORANDUM**

**Date:** June 30, 2010  
**To:** City Council  
**From:** Jim Erickson, City Manager  
**Re:** **Recommendation to Reduce My Compensation**

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**Recommended Actions:** Approve a 3% reduction in base pay of the City Manager effective the first day of the month after adoption of this action by Council and direct the City Manager and City Attorney to return to Council no later than January 15, 2011 to convert the 3% base salary reduction to an ongoing permanent reduction in pension or medical reform. Eliminate the automatic increase in City's contribution to medical and convert current contribution to a flat.

**Background:** As you are aware, the City is beginning contract negotiations with most of its employee groups who are being asked to assist the City in closing its \$1.2 million dollar deficit through employee concessions.

Appointed officers such as the City Manager and City Attorney are not in an employee group. I am, therefore, submitting this recommendation to the Council regarding my compensation as the City Manager. In an effort to assist the Council in closing its budget deficit, I am recommending that the Council approve a reduction of 3% to my base salary immediately. Additionally, I recommend that the City Attorney and I return no later than January 15, 2011 with recommendations on converting the 3% base salary reduction to an ongoing permanent reduction in pension or medical reform.

cc: City Attorney  
Administrative Services Director



**AGENDA ITEM  
CITY COUNCIL MEETING: JULY 6, 2010  
INFORMATIONAL ITEM**

**DATE:** July 6, 2010

**TO:** Jim Erickson, City Manager

**FROM:** Steve Vucurevich, Fire Chief

**SUBJECT:** **INFORMATIONAL REPORT ON VALERO INCIDENTS  
OCCURRING ON JUNE 17, 2010**

**RECOMMENDATION:**

Receive report as information with no request for any action.

**EXECUTIVE SUMMARY:**

On June 17, 2010, the Valero Refinery had two vapor releases. The second one, occurring at 8:51 PM resulted in activation of the Community Alert and Notification (CAN) System. The activation of the CAN System identified some problems that have been evaluated and corrected.

Based on information received from the Bay Area Air Quality Management District, fine carbon particulates were present downwind of the refinery as a result of these incidents. This information was gathered by the use of fallout plates, which were placed downwind of the refinery. Based on information received from the Solano County Department of Resource Management Environmental Health Division, ground level monitors in the area did not show any readings and the release of the carbon particulates did not constitute a significant health risk. Don Gamiles, PhD, of Argos Scientific also evaluated information gathered by the UV Hound (air quality monitoring device). He found levels reading far below any current health standards for the gases in question, and these levels are consistent with what are typically seen in urban environments.

**BUDGET INFORMATION:**

N/A

**BACKGROUND:**

On June 17, 2010 at 10:18 AM, the Benicia Fire Department was dispatched to a vapor release at the Valero Refinery, 3400 East Second Street. The initial First Alarm response included a chief officer (Division Chief Tim Winfield), two engines, and a rescue from Benicia Fire Department and one engine from Vallejo Fire Department. On arrival, there was black cloud coming from a tower unit in the middle of the refinery. Division Chief Winfield requested a second chief officer and ladder truck from the Vallejo Fire Department.

Chief Tim Winfield met with Valero Fire Chief Frank Averett who was serving as the Operations Chief for the incident. Based on the information exchange between the two, a second alarm was requested by Division Chief Winfield. Engine 11 from Benicia and Truck 27 from Vallejo responded into the plant to assist the Valero Fire Department units with operations. All other resources were staged at the main gate of Valero. We received information that four Valero workers were evaluated for minor injuries on site and were released back to work. The incident was stabilized without incident and without injury to emergency responders.

On June 17, 2010 at 8:51 PM, the Benicia Fire Department was dispatched to a vapor release at the Valero Refinery, 3400 East Second Street. The initial First Alarm response included a chief officer (Division Chief Tim Winfield), two engines, and a rescue from Benicia Fire Department and one engine from Vallejo Fire Department. On arrival, there was a large yellow/brown cloud rising from a stack, with the cloud covering a large part of the refinery. Division Chief Winfield requested a second alarm response to the incident. He also requested a Level 3 notification with a number nine message to be sent out through the Community Alert and Notification (CAN) System. A Level 3 notification includes the activation of the CAN System sirens. The number nine message is an advisory that an incident has occurred at the refinery that could affect individuals with respiratory sensitivities, but there is no threat to the general community. Benicia Fire Marshal Ray Iverson responded to the incident and was initially assigned as the Staging Manager and later assigned as the Information Officer for the incident. Benicia Engines 11 and 12 responded to Valero Fire Station 15 inside the refinery. Division Chief Tim Winfield and Vallejo Fire Chief Doug Robertson responded to the Valero Control House to meet with the Valero Incident Commander. The incident was stabilized without incident and without any injury to emergency responders or anyone else, to our knowledge. The CAN System remained active with message nine until about 10:30 PM, when the message was updated.

The Valero Refinery has a fire brigade staffed by plant personnel and trained in emergency firefighting operations, technical rescue operations and emergency medical services. Fire Chief Frank Averett oversees the brigade and is also very experienced with the Valero Refinery operations. All fire agencies within Solano County are part of the mutual aid agreement, which utilizes an alarm matrices to respond emergency fire resources to incidents as needed as well as staff host agency fire stations for additional calls for service. Each alarm level brings additional resources to the scene of the incident.

The Community Alert and Notification (CAN) System is designed to alert our citizens to potential hazards that may be present as a result of an emergency incident and to give information out quickly, in order to help them stay safe during the event. The system incorporates emergency sirens located throughout the community, which provide an audible alert, and cable television Channel 27 and radio station 1610, which provide information. The sirens are typically utilized to signal a shelter in place, but in the second Valero incident on June 17<sup>th</sup>, the sirens were activated to alert the community to a potential hazard, so that they would know to check Channel 27 and radio station 1610 for additional information.

The activation of the CAN System for the second Valero event identified some problems that were not recognized prior to the activation. For example, there was a date at the bottom of the Channel 27 message that caused confusion to the public. This date has been

eliminated on all CAN Channel 27 messages. The streaming video link, which is a brand new feature that is currently being tested on the City's website, was not over ridden by the Channel 27 CAN message. This has been corrected and is now functioning properly. Information will be going out to the public in early July to communicate the availability of this feature for accessing Channel 27 via the website. Finally, radio station 1610 did not get activated during the incident due to the volume of calls received by the dispatch center. Procedures have been put in place to prevent this from occurring in the future. A meeting was held on 6/29/2010 between Benicia Fire and Police Department and Valero representatives to discuss the incident and to look at ways of improving our response in the future. Additionally, public outreach, including press releases, email alerts and a mass mailing with information regarding the CAN system are currently underway in order to ensure the community is aware of actions to take when the CAN system is activated.

