

July 15, 2008 Regular Council Meeting

BENICIA CITY COUNCIL MEETING

REGULAR AGENDA

City Council Chambers

July 15, 2008

7:00 P.M.

I. CALL TO ORDER:

II. CLOSED SESSION:

TO BE HELD PRIOR TO THE REGULAR MEETING AT 6:15 P.M.

III. CONVENE OPEN SESSION:

A. ROLL CALL

B. PLEDGE OF ALLEGIANCE

C. REFERENCE TO FUNDAMENTAL RIGHTS OF THE PUBLIC

IV. ANNOUNCEMENTS/APPOINTMENTS/PRESENTATIONS/ PROCLAMATIONS:

A. ANNOUNCEMENTS:

1. Announcement of Closed Session, if any.

2. Openings on Boards and Commissions:

Sky Valley Open Space Committee:

One unexpired term to September 30, 2010

Economic Development Board:

Two full terms to June 30, 2012

Civil Service Commission:

One full term to August 31, 2011

Planning Commission:

Two full terms to September 30, 2012

3. Mayor's Office Hours:

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

B. APPOINTMENTS:

1. Human Services & Arts Board:

Jerry Pollard – one full term to July 31, 2012

Roy Salazar – one full term to July 31, 2012

Leslie Lessenger – one full term to July 31, 2012

Candace Snyder – one unexpired term to July 31, 2009

Michael Caplin – one unexpired term to July 31, 2010

2. Housing Authority Board of Commissioners:

Janice Amenta - one unexpired term to July 31, 2009

Raquel Walsh - one full term to July 31, 2012

3. Poet Laureate (as recommended by the Poet Laureate Committee):

Robert Shelby – one full term to June 30, 2010

C. PRESENTATIONS:

D. PROCLAMATIONS:

Recognition of National Night Out – August 5, 2008

V. ADOPTION OF AGENDA:

VI. OPPORTUNITY FOR PUBLIC COMMENT:

A. WRITTEN

B. PUBLIC COMMENT

VII. CONSENT CALENDAR:

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

A. Approval of Minutes of June 30, 2008 and July 1, 2008. (City Clerk)

B. 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 \$28,806 this fiscal year. There is no impact on the General Fund.

Recommendation: Adopt the resolution authorizing submittal of an application for a California Library Literacy Service Matching Funds Grant for fiscal year 2008/2009 by the Adult Literacy Coordinator and authorizing the Library Director to sign any necessary documents to secure the grant.

C. Approval of a consultant agreement for engineering services for the Wastewater System Master Plan Update. (Public Works Director)

This action approves a consultant agreement for engineering services for the Wastewater System Master Plan Update. A re-appropriation of \$75,000 to Account No. 044-8044-8106 and an increase of \$75,000 to Account No. 014-8305-8106 are requested. Sufficient funds are available in the Wastewater Fund to cover the appropriations.

Recommendation: Adopt a resolution approving the consultant agreement for engineering services for the Wastewater System Master Plan Update with Camp Dresser & McKee, Inc. for a not-to-exceed cost of \$150,000, and authorizing the City Manager to sign the agreement on behalf of the City.

D. Purchase of playground equipment for 9th Street Park. (Parks & Community Services Director)

The present playground equipment at 9th Street Park was determined by City staff, credentialed with a playground inspection certification, to be out of compliance and potentially unsafe. To remedy the situation and maintain a play structure at 9th Street Park, staff is requesting authorization to purchase new playground equipment. The cost to purchase new playground equipment is \$49,214. Currently funds are budgeted for the purchase of playground equipment, located in the Park Dedication Fund.

Recommendation: Adopt a resolution authorizing the purchase of new playground equipment for 9th Street Park in the amount of \$49,214.

E. Purchase of equipment to replace the failing and antiquated TV studio equipment located above the City Council Chambers.(Parks & Community Services Director)

The present video equipment used to film City meetings, including City Council and School Board meetings, is antiquated and failing. Unfortunately, due to the equipment's deterioration it is no longer feasible or possible to purchase replacement parts or employ technical support to correct problems. The cost to purchase new video and film equipment is \$54,948.63. Currently funds are budgeted for the purchase of such equipment, located in the Cable TV P.E.G. Grant Fund.

Recommendation: Adopt a resolution authorizing the purchase of new TV studio equipment for the City Council Chamber in the amount of \$54,948.63.

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

VIII. PUBLIC HEARINGS:

NONE

IX. ACTION ITEMS:

A. Approval of professional services agreement for Housing Element Update. (Community Development Director)

The City is required by the State Department of Housing and Community Development to update the Housing Element of the Benicia General Plan by July 1, 2009. Revisions to the Housing Element will include goals, policies, programs and quantified objectives to address Benicia's State-mandated housing needs through June 2014, including housing for lower-income households. The update process will include a community charrette and a series of public meetings at the Planning Commission and City Council. Lisa Wise Consulting of Los Osos, California was selected to prepare the Housing Element update following panel interviews with three of the five firms that submitted proposals.

Recommendation: Authorize the City Manager to execute an agreement for professional services for \$52,920 with Lisa Wise Consulting to prepare a Housing Element update.

B. Consideration of changes to the Benicia Breeze Transit System.(Finance Director)

The Solano Transportation Authority (STA) plans to operate an "express route" patterned after other successful intercity routes in Solano County using a combination of Regional Measure (RM2) Bridge Toll funding and the Solano County Intercity Express Bus Service Agreement. The new express bus Route 78 will be operated by the City of Vallejo using large charter-type buses and is expected to start on October 6, 2008. The STA has requested the City of Benicia plan for and modify its Route 75 to accommodate the initiation of this new express service on the I-780 corridor between the Vallejo Ferry Terminal and the Pleasant Hill and Walnut Creek BART Stations. Benicia Breeze staff requested STA provide Benicia with planning funds to assist in the assessment of the Benicia Breeze Transit System and to assess the impact of Route 78 on the system and to develop a strategy to coordinate service with the new express route. To assist in optimizing the changes to local service, the STA provided \$30,000 in funding to Benicia to retain a consultant and will seek approval to allocate another \$180,000 over a two year period to assist in the transition process. The consultant, HDR Inc, has produced a report that recommends changes that will affect all aspects of local service, including fixed routes, flex routes, and paratransit service. Due to the extensive nature of the changes, staff is

recommending the City Council review the report and the proposed changes and provide comments prior to moving forward with public meetings.

Recommendation: Direct staff, by minute order, to proceed with planning changes to the Benicia Breeze Transit System

C. Introduction and first reading of an ordinance for establishing permitting and regulatory requirements for massage therapists.(Police Chief)

Currently, the Benicia Municipal Code requires massage therapy businesses to obtain a business license. There are no professional guidelines for regulating and licensing massage therapists working in these businesses. Absent a process to approve massage therapists, it is difficult to prevent business owners from operating with uncertified therapists or to discourage unlawful prostitution operations associated with illegal massage businesses. Illegal massage operations can conduct business in commercial (and residential) properties throughout the community and create quality of life issues related to a non-regulated massage business and prostitution. In response to these issues, the Police Department has reviewed alternatives that would improve the regulation of massage businesses with the support of Benicia licensed massage therapists. Staff has developed an ordinance to specifically address permitting and regulating conditions that will differentiate a legitimate massage business from a house of prostitution that uses a massage business as a front for unlawful activity. This ordinance has been developed with the assistance and guidance of current massage business owners and professional massage therapists who own and operate businesses in the City of Benicia.

Recommendation: Introduce the ordinance establishing massage regulations.

X. INFORMATIONAL ITEMS:

A. Reports from City Manager:

B. Council Member Committee Reports:

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

1. Mayor's Committee Meeting. (Mayor Patterson) Next Meeting Date: July 16, 2008

2. Association of Bay Area Governments (ABAG). (Mayor Patterson & Vice Mayor Campbell) Next Meeting Date: October 24, 2008

3. Audit & Finance Committee. (Vice Mayor Campbell & Council Member Schwartzman) Next Meeting Date: August 8, 2008

4. League of California Cities. (Mayor Patterson & Council Member Schwartzman) Next Meeting Date: July 31, 2008

5. School Liaison Committee. (Council Members Iokimedes & Hughes) Next Meeting Date: August 7, 2008

6. Sky Valley Open Space Committee. (Vice Mayor Campbell & Council Member Iokimedes) Next Meeting Date: July 16, 2008

7. Solano EDC Board of Directors (Mayor Patterson & Council Member Iokimedes) Next Meeting Date: July 24, 2008

8. Solano Transportation Authority (STA) (Mayor Patterson & Council Member Schwartzman) Next Meeting Date: August 13, 2008

9. Solano Water Authority/Solano County Water Agency (Mayor Patterson & Vice Mayor Campbell) Next Meeting Date: August 14, 2008

10. Traffic, Pedestrian and Bicycle Safety Committee (Vice Mayor Campbell & Council Member Hughes) Next Meeting Date: July 17, 2008

11. Tri-City and County Regional Parks and Open Space (Vice Mayor Campbell & Council Member Hughes) Next Meeting Date: August 20, 2008 (CAC) and September 8, 2008 (Governing Board)

12. Valero Community Advisory Panel (CAP) (Council Member Hughes) Next Meeting Date: July 23, 2008

13. Youth Action Task Force (Council Members Ioakimedes & Schwartzman) Next Meeting Date: To be determined.

14. ABAG/CAL FED Task Force/Bay Area Water Forum (Mayor Patterson) Next Meeting Date: July 28, 2008

XI. COUNCIL MEMBER REPORTS:

XII. ADJOURNMENT:

Public Participation

The Benicia City Council welcomes public participation.

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

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

Disabled Access

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

Meeting Procedures

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

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

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

Public Records

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

 [IV-B-1 Human Services Fund Board.pdf](#)

 [IV-B-2 Housing Authority Board.pdf](#)

 [IV-B-3 Poet Laureate.pdf](#)

 [IV-D Proclamation.pdf](#)

 [VII-A MINUTES.PDF](#)

 [VII-B Library Grant.pdf](#)

 [VII-C Consultant Wastewater.pdf](#)

 [VII-D 9th Street Equipment .pdf](#)

 [VII-E TV Equip.pdf](#)

 [IX-A Housing Element Update.pdf](#)

 [IX-B Changes to Transit.pdf](#)

 [IX-C Massage Ordinance.pdf](#)

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

RESOLUTION NO. 08-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA
CONFIRMING THE MAYOR'S REAPPOINTMENT OF JERRY POLLARD TO THE
HUMAN SERVICES AND ARTS BOARD TO A FULL TERM ENDING JULY 31, 2012**

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Benicia that the reappointment of Jerry Pollard to the Human Services and Arts Board 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 15th day of July, 2008 and adopted by the following vote:

Ayes:

Noes:

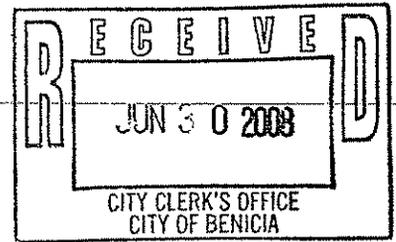
Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk

APPLICATION



City of Benicia Board/Commission/Committee Application

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

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

Name: Jerry Pollard

Address: [REDACTED]

Phone: (Work) 745-5683 (Home) 748-1260

(Cell) (707) 246-3312 Fax: _____

Email: pollard.id@sbcglobal.net Years as Benicia resident: 15

Occupation/Employer: Calvary Community Church - Benicia

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

Benicia Human Services & Arts Board, Youth Action Task Force, Benicia Police

Department Chaplain/Volunteer, Benicia Citizen Corps Council

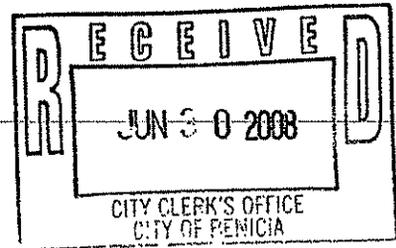
Please describe any applicable experience/training: Ordained Minister, Pastoral

Counseling, Critical Incident Response Management, Basic Certified Chaplain

(International Conference of Police Chaplains)

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

Signature: *Jerry D. Pollard* Date: 6-29-2008



Human Services & Arts Board Application

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

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

I have served on the Human Services and Arts Board for the past 18 months. I am vitally interested in helping with meeting human service needs in Benicia.

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

I have the time and have demonstrated the commitment in my current service on the board.

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

I have more interest in the human services area, especially in meeting basic needs (housing, food, medical services). I have appreciated the opportunity to learn more about the arts community and desire to have more personal involvement.

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

Caring for fellow Benicians, especially those with practical needs, is a critical element of a community...a community where everyone is valued and appreciated. The arts are also an important part of the fabric of Benicia, adding to the richness of the experience of living in this place. I would like to see more funds available for basic human needs—housing, food, clothing, counseling. It seems as if the needs are growing here in Benicia.

RESOLUTION NO. 08-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA
CONFIRMING THE MAYOR'S REAPPOINTMENT OF ROY SALAZAR TO THE
HUMAN SERVICES AND ARTS BOARD TO A FULL TERM ENDING JULY 31, 2012**

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Benicia that the reappointment of Roy Salazar to the Human Services and Arts Board 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 15th day of July, 2008 and adopted by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk

APPLICATION



City of Benicia Board/Commission/Committee Application

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

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

Name: Roy Joseph Salazar

Address: [REDACTED]

Phone: (Work) 1 800 229-2433 Extension 321 (Home) N/A (Cell) 707 205-7411 Fax: N/A

Email: royjsalazar@yahoo.com _____ Years as Benicia resident: 8

Occupation/Employer: Chef Instructor / Humanitarian / Le Cordon Bleu Culinary School

Please note your most recent community or civic volunteer experience:

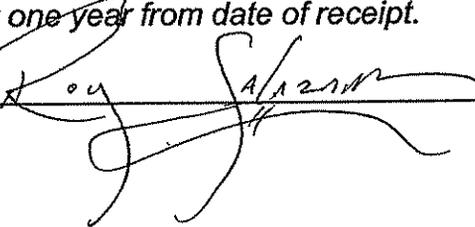
Arts In The Park Fair, representing Benicia Human Services and Arts Board
Board Member of the Human Services and Arts Board in Benicia

Please describe any applicable experience/training:

I have had much experience from serving on the Benicia Human Services and Arts Board this past year. The formation of policies for the distribution of funds and evaluation of the services to the community that were rendered by the various associations has made me more aware of our communities needs. I wish to help with the needs of the community.

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

Signature:

A handwritten signature in black ink, appearing to be "Roy S. [unclear]", written over a horizontal line.

Date: 6-27-08

[REDACTED]



Human Services & Arts Board Application

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

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

What interest me about this board is that we, as a board, try to distribute funds to entities that contribute to our community.

I have been to all most all the meetings as a board member this past year.

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

I have done several annual visits, outreach events, and reviewed grantee quarterly reports. As long as my work hours stay consistent, I will make the time to contribute to my community and it has my commitment.

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

I enjoy all the aspects of being on the board. I see how it benefits the community and that is a feeling of joy for me.

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

I feel the Human Services and Arts Board plays a major role because it helps distribute funds to entities that help our community.

I feel we could expand the Human Services and Arts Board by having board members unite with the entities that get funding and members of the community to do a community project together. A clean up of the beach, a creation of a structure, etc. I think it is vital that the community is a part of the board and the entities which get funded. The community is Benicia and we all are the community.

RESOLUTION NO. 08-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA
CONFIRMING THE MAYOR'S REAPPOINTMENT OF LESLIE LESSENGER TO
THE HUMAN SERVICES AND ARTS BOARD TO A FULL TERM ENDING JULY 31,
2012**

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Benicia that the reappointment of Leslie Lessenger to the Human Services and Arts Board 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 15th day of July, 2008 and adopted by the following vote:

Ayes:

Noes:

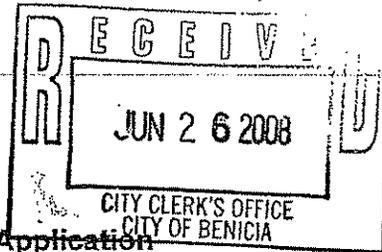
Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk

APPLICATION



City of Benicia Board/Commission/Committee Application

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

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

Name: Leslie H. Lessenger, PhD

Address: [REDACTED]

Phone: (Work) _____ (Home) 707-751-0289

(Cell) _____ Fax: 707-751-0857

Email: lhl@lessenger.net Years as Benicia resident: 1.5

Occupation/Employer: Behavior Medical Specialist, (psychologist) Clinica de la Raza, Pleasant Hill

Please note your most recent community or civic volunteer experience: Human Services & Arts Board, May 2008; Secretary, League of Women Voters, Benicia; President, Napa-Solano Psychological Association; Mental Health Lead, Solano County Red Cross; Member, Benicia Soroptimists

Please describe any applicable experience/training: 13 years on Porterville U. School District Governing Board; 4 years Porterville Chamber of Commerce Board; Director, S. Tulare County Big Brothers/Big Sisters; President, Porterville Senior Day Care Board of Directors, Graduate, Leadership Porterville; Trustee, Porterville First United Methodist Church; Boy Scouts of America, Den Leader & Cub Master; United Way Porterville Area Chair; 15 years Licensed Clinical Social Worker; 13 years licensed psychologist.

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

Signature: Leslie H. Lessenger PhD Date: 6-26-08



Human Services & Arts Board Application

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

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

In April 2008 I was appointed to fill a vacancy on the commission through June 30. I attended the commission meeting on June 9. The commission appears to be well-organized and members are responsible and committed to the task of the commission. I am interested in becoming more acquainted with the human service and arts agencies in Benicia which contribute so much to community life.

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

Yes. I work only part-time and I have the time to commit.

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

With my background in social service and mental health, those are the areas that interest me most and in which I have the most expertise.

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

I do not have the knowledge or experience to determine what needs to be expanded currently. I hope to gain that understanding through learning about what already exists. Human services are just that – caring for each other as human beings and as a community. The arts allow expression of what it is to be human. Both are necessary in a healthy community.

RESOLUTION NO. 08-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA
CONFIRMING THE MAYOR'S APPOINTMENT OF CANDACE SNYDER TO THE
HUMAN SERVICES AND ARTS BOARD TO A FULL TERM ENDING JULY 31, 2009**

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Benicia that the appointment of Candace Snyder to the Human Services and Arts Board 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 15th day of July, 2008 and adopted by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk

APPLICATION



City of Benicia Board/Commission/Committee Application

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

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

Name: Candace Snyder

Address: 420 [REDACTED] BENICIA, CA

Phone: (Work) 707-745-5400 x220 (Home) 707-747-5950

(Cell) 510-301-7216 Fax: _____

Email: candacesnyder@sbcglobal.net Years as Benicia resident: 4

Occupation/Employer: Consultant to non-profits on strategy, funding and program areas. Real estate agent with Prudential in Benicia. Educational counseling for those affected by foreclosure crisis in Solano County.

Please note your most recent community or civic volunteer experience:

Serving on the program committee, chaired by Toni Haughey, for the Camel Barn; member of Benicia AAUW; Advisory Board for Young Women and Money Conference, sponsored by the YWCA. (all current)

Please describe any applicable experience/training: I have participated in the grants and funding issues from 'both sides of the fence': advising and writing grants for nonprofits. In addition as a Board member of the YWCA, I made decisions about funding and grants in a strategic sense. I also founded a company, which I no longer own, that was involved in the artistic community. My work, paid and volunteer, with the Glide Foundation (\$14m budget) was deeply involved in Human Services issues; I participated in the organizational aspect, funding needs, and client services.

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

Signature: Candace Smith Date: 6-27-08

[Faint, illegible text]



Human Services & Arts Board Application

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

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

My interest lies in several areas: 1) understanding the complex financial scenarios of nonprofits, municipalities, assessing needs of a community, and allocating financial resources. 2) continuing interest in human services and the public entities ability to serve these needs 3) continuing enjoyment of the arts.

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

My work schedule is flexible enough to be involved. I feel engaged in all I take on because I have learned, over the years, to choose carefully.

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

My arts interest is more toward the visual arts although in my personal life I have season tickets to performance arts.

Human services, in general, has been of interest to me for a number of years. I am attuned to several areas: youth-at-risk, seniors, educational/vocational development.

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

I feel the diversity of a community is an important underpinning. To hold that diversity, whether in the arts and creative aspects and/or the human services to those in 'need', creates a richer and more complex mosaic of community. Thus, the community evolves into a more interesting place to live.

RESOLUTION NO. 08-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA
CONFIRMING THE MAYOR'S APPOINTMENT OF MICHAEL CAPLIN TO THE
HUMAN SERVICES AND ARTS BOARD TO A FULL TERM ENDING JULY 31, 2010**

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Benicia that the appointment of Michael Caplin to the Human Services and Arts Board 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 15th day of July, 2008 and adopted by the following vote:

Ayes:

Noes:

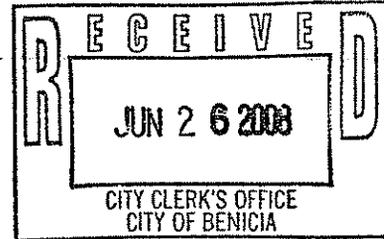
Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk

APPLICATION



City of Benicia Board/Commission/Committee Application

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

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

Name: Michael Caplin

Address: [REDACTED]

Phone: (Work) 707 746-5724 (Home) 707 746-0380

(Cell) 707 483-5461 Fax: 707 746-5732

Email: mike@itgroupnetwork.com Years as Benicia resident: 26

Occupation/Employer: IT Group Network – Vice President, Travel Agency Consortium

Please note your most recent community or civic volunteer experience:

Board President – Benicia Families in Transition

Co-Chair – Human Services Board (approx 2000-2005)

Please describe any applicable experience/training: Managing operations,

Organizing/reviewing budgets, overseeing human resources systems and

Formulating/implementing business plans for large travel agency networks.

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

Signature: Michael B. Caplin Date: 6/26/08



Human Services & Arts Board Application

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

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

Assisting community service organizations by giving back to the Community I have enjoyed being a part of for over 25 years.

I was on the Human Services Board from about 2000 to 2005.

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

Yes I do.

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

Organizations like CAC and Benicia FIT are of great interest to me.

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

The Human Services board fills a need that I don't believe is being or can be accomplished completely by Government. The board augments the City Council's work in these areas.

RESOLUTION NO. 08-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA
CONFIRMING THE MAYOR'S APPOINTMENT OF JANICE AMENTA TO THE
HOUSING AUTHORITY BOARD OF COMMISSIONERS TO A FULL TERM ENDING
JULY 31, 2009**

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Benicia that the appointment of Janice Amenta to the Housing Authority Board of Commissioners 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 15th day of July, 2008 and adopted by the following vote:

Ayes:

Noes:

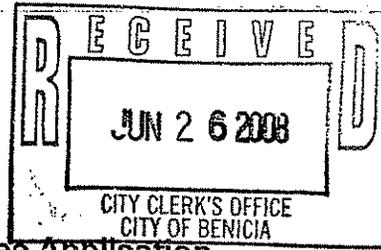
Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk

APPLICATION



City of Benicia Board/Commission/Committee Application

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

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

Name: Janice Amenta

Address: [REDACTED]

Phone: (Work) _____ (Home) 748-0830

(Cell) 415/308-0855 Fax: _____

Email: janiceamenta@hotmail.com Years as Benicia resident: 10

Occupation/Employer: Attorney, currently not working

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

Director, Southampton Swim Club Board of Directors 2008-present and 2001-03
Director, Benicia Mom's Club 2008-present
Teacher, Religious Education, St. Dominic's Church 2006-07
Art Docent, Matthew Turner Elementary School 2006-07
Chair, San Francisco Barristers' Club Judges Dinner Committee 1996-97
Chair, San Francisco Barristers' Club Volunteer Legal Services Program
Fundraising Committee, 1995-96
Delegate, 1995 State Bar Convention
Recipient, 1995 San Francisco Barrister of the Year Award

IV-B-2-3

Please describe any applicable experience/training: 15 years experience as an attorney, several years experience on Boards of community/vocational organizations

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

Signature: Janice Amenta

Date: June 26, 2008



Housing Authority Board of Commissioners Application

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

1. What interests you about the Housing Authority Board?

I believe in affordable housing for residents of Benicia. I also believe that affordable housing should not be a detriment to the community. It should be managed carefully to preserve the quality and character of Benicia neighborhoods. The housing should also be maintained in a way to make it truly habitable, not just a place to live. I have enjoyed living in Benicia and would like to give back to the community through civic service.

2. What are your expectations for this Board and how do you see your role on the Board?

I see my role as bringing my perspective as a Benicia resident, parent and lawyer to the Board. I can carefully analyze and evaluate issues that will arise during the year. I understand the Board will require more than just attending monthly meetings and I am prepared to assist in whatever way is required.

3. This Board meets on the 4th Wednesday of the month. Currently the meetings begin at 6:00 pm. In addition, there may be several meetings of smaller Board committees during the year. Does this present a problem for you? If so, please explain.

No.

4. What has your experience been with the Housing Authority, if any?

None.

RESOLUTION NO. 08-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA
CONFIRMING THE MAYOR'S APPOINTMENT OF RAQUEL WALSH TO THE
HOUSING AUTHORITY BOARD OF COMMISSIONERS TO A FULL TERM ENDING
JULY 31, 2012**

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Benicia that the appointment of Raquel Walsh to the Housing Authority Board of Commissioners 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 15th day of July, 2008 and adopted by the following vote:

Ayes:

Noes:

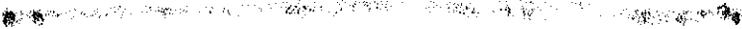
Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk

APPLICATION





City of Benicia Board/Commission/Committee Application

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

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

Name: Raquel Walsh

Address: [REDACTED]

Phone: (Work) (707) 746-4285 (Home) (707) 748-0141

(Cell) (707) 590-3003 Fax: (707) 748-0141

Email rdubon@ci.benicia.ca.us Years as Benicia resident: 21 years

Occupation/Employer: Administrative Assistant, City of Benicia

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

I volunteer on the Bridging the Gap ... Walking Towards a
Cure Committee. I have been involved with this for seven years.

Please describe any applicable experience/training: I have not served

on any city, county or state committees or commissions.

However, I recorded and prepared minutes for the City A+F Committee

All applications are considered public records and will be retained in an active file from 2005-2008
for at least one year from date of receipt.

Signature: *Raquel Walsh* Date: 07-01-08



Housing Authority Board of Commissioners Application

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

1. What interests you about the Housing Authority Board?

With a growing number of families in need, I am excited to see how the B.H.A. will continue to evolve. I would like the opportunity to ensure that current programs continue to serve the needs of our citizens.

2. What are your expectations for this Board and how do you see your role on the Board?

I expect to work with other individuals, reviewing and approving policies that govern the B.H.A. As a former tenant, I feel that I have a unique perspective on issues related to the B.H.A. and will try to ensure that the needs of current occupants are addressed.

3. This Board meets on the 4th Wednesday of the month. Currently the meetings begin at 6:00 pm. In addition, there may be several meetings of smaller Board committees during the year. Does this present a problem for you? If so, please explain.

No schedule conflicts at this time.

4. What has your experience been with the Housing Authority, if any?

My mother and I made a home at Bayview Circle for ten years. We were able to receive economical housing in a community where we both could flourish. I gained an exceptional education in a safe environment that fostered creativity, self-initiative and opportunity.

(

(

(

RESOLUTION NO. 08-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA
AFFIRMING THE POET LAUREATE COMMITTEE'S RECOMMENDED
APPOINTMENT OF ROBERT SHELBY AS THE NEW POET LAUREATE**

WHEREAS, on November 1, 2005 the City Council established the honorary office of Poet Laureate in the City of Benicia; and

WHEREAS, in Resolution No. 05-169 states that the Benicia Public Library Board of Trustees shall administer and oversee the selection of the Poet Laureate; and

WHEREAS, the term of the first Poet Laureate has ended and applications were accepted for a replacement Poet Laureate; and

WHEREAS, the Poet Laureate Committee has met to review the applications received and held interviews with applicants.

NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of Benicia that the recommendation of the Poet Laureate Committee that Robert Shelby be appointed as the next Poet Laureate for the City of Benicia is hereby confirmed for a full term expiring on July 31, 2010.

On motion of Council Member _____, seconded by Council Member _____, the foregoing Resolution was introduced and passed by the City Council of the City of Benicia at a regular meeting of said Council held on the 15th day of July, 2008 and adopted by the following vote:

Ayes:
Noes:
Absent:

Elizabeth Patterson
Mayor

Attest:

Lisa Wolfe, City Clerk



P R O C L A M A T I O N

NATIONAL NIGHT OUT – AUGUST 5, 2008

WHEREAS, The National Association of Town Watch (NATW) is sponsoring a unique, nationwide crime, drug and violence prevention program on August 5, 2008 entitled “National Night Out”; and

WHEREAS, the “25th Annual National Night Out” provides a unique opportunity for Benicia to join forces with thousands of other communities across the country in promoting cooperative, police-community crime prevention efforts; and

WHEREAS, the Benicia Police Department Neighborhood Watch Groups play a vital role in assisting the Benicia Police Department through joint crime drug and violence prevention efforts, in Benicia and is supporting “National Night Out 2008” locally; and

WHEREAS, it is essential that all citizens of Benicia be aware of the importance of crime prevention programs and impact that their participation can have on reducing crime, drugs and violence in Benicia; and

WHEREAS, police-community partnerships, neighborhoods safety, awareness and cooperation are important themes of the “National Night Out” program.

NOW, THEREFORE BE IT RESOLVED THAT I, Elizabeth Patterson, Mayor of the City of Benicia, do hereby call upon all citizens of Benicia to join the Benicia Police Department Neighborhood Watch program and the National Association of Town Watch in supporting “25th Annual National Night Out” on August 5, 2008.

FURTHER, LET IT BE RESOLVED THAT I, Mayor Patterson, hereby proclaim August 5, 2008 as “National Night Out” in Benicia, California.

Elizabeth Patterson, Mayor
July 15, 2008

MINUTES OF THE
SPECIAL MEETING – CITY COUNCIL
JUNE 30, 2008

The special meeting of the City Council of the City of Benicia was called to order by Mayor Elizabeth Patterson at 7:01 p.m. on Monday, June 30, 2008, in the City Council Chambers, City Hall, 250 East L Street, complete proceedings of which are recorded on tape.

ROLL CALL:

Present: Council Members Hughes, Ioakimedes, Schwartzman, and Mayor Patterson
Absent: Vice Mayor Campbell (arrived at 7:02 p.m.)

PLEDGE OF ALLEGIANCE:

Mayor Patterson led the pledge to the flag.

FUNDAMENTAL RIGHTS:

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

OPPORTUNITY FOR PUBLIC COMMENT:

WRITTEN:

PUBLIC COMMENT:

None

ANNOUNCEMENT OF CLOSED SESSION:

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

CLOSED SESSION

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

**Titles: City Manager
City Attorney**

ADJOURNMENT:

Mayor Patterson adjourned the meeting at 7:02 p.m.

MINUTES OF THE
SPECIAL MEETING – CITY COUNCIL
JULY 1, 2008

The special meeting of the City Council of the City of Benicia was called to order by Mayor Elizabeth Patterson at 6:30 p.m. on Tuesday, July 1, 2008 in the City Council Chambers, City Hall, 250 East L Street, complete proceedings of which are recorded on tape.

ROLL CALL:

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

Absent: None

PLEDGE OF ALLEGIANCE:

Ms. McLaughlin led the pledge to the flag.

FUNDAMENTAL RIGHTS:

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

OPPORTUNITY FOR PUBLIC COMMENT:

WRITTEN:

PUBLIC COMMENT:

None

ANNOUNCEMENT OF CLOSED SESSION:

Lisa Wolfe, City Clerk, read the announcement of closed session.

CLOSED SESSION

- A. **CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Government Code Section §54956.8)**
City owned property (City of Benicia Park Road Right of Way between Stone Road and East Second Street, i.e., the location of the “Nationwide” sign)
Negotiating parties: City Manager and Economic Development Manager

ADJOURNMENT:

Mayor Patterson adjourned the meeting at 6:32 p.m.

MINUTES OF THE
REGULAR MEETING – CITY COUNCIL
JULY 1, 2008

The regular meeting of the City Council of the City of Benicia was called to order by Mayor Elizabeth Patterson at 7:06 p.m. on Tuesday, July 1, 2008 in the City Council Chambers, City Hall, 250 East L Street, complete proceedings of which are recorded on tape.

ROLL CALL:

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

Absent: None

PLEDGE OF ALLEGIANCE:

Council Member Ioakimedes led the pledge to the flag.

FUNDAMENTAL RIGHTS:

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

ANNOUNCEMENTS/APPOINTMENTS/PRESENTATIONS/PROCLAMATIONS:

ANNOUNCEMENTS:

Announcement of action taken during Closed Session:

Heather McLaughlin, City Attorney, reported that Council gave direction to Staff to issue an RFP for what to do with the Nationwide sign in the future.

Openings on Boards and Commissions:

- Sky Valley Open Space Committee:
One unexpired term to September 30, 201
- Human Services and Arts Board:
One unexpired term to June 30, 2009
Three full terms to June 30, 2012
- Benicia Housing Authority Board of Commissioners:
One unexpired term to June 30, 2009
One full term to June 30, 2012
- Economic Development Board:
Two full terms to June 30, 2012
- Civil Service Commission:
One full term to August 31, 2011
- Planning Commission:
Two full terms to September 30, 2012

Mayor's Office Hours:

Mayor Patterson will maintain an open office every Monday (except holidays) in the Mayor's Office of City Hall from 6:00 p.m. to 7:00 p.m. No appointment is necessary.

Other meeting times may be scheduled through the City Hall office at 746-4210 or by email acardwell@ci.benicia.ca.us.

APPOINTMENTS:

None

PRESENTATIONS:

None

PROCLAMATIONS:

Recognition of Parks & Recreation Month – July 2008

ADOPTION OF AGENDA:

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

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

Noes: None

OPPORTUNITY FOR PUBLIC COMMENT:

WRITTEN:

Various items received (copies on file).

PUBLIC COMMENT:

1. Nancy Martinez, Benicia Main Street – Ms. Martinez invited Council and the community to attend the Fourth of July Parade and celebration on 7/3/08.
2. Bonnie Silveria – Ms. Silveria encouraged everyone to attend the Fourth of July fireworks celebration on 7/4/08. So far, Benicia Main Street has received fewer contributions towards the cost of the fireworks. Anyone who would like to contribute should do so through Benicia Main Street.
3. Patrick Ward – Mr. Ward discussed renewable energy and energy conservation. He suggested the City implement an incentive plan for residents to convert to solar power. He discussed similar project that has been implemented in the City of Berkeley.

Council and Staff discussed the issue of solar power. Vice Mayor Campbell requested Staff come up with some numbers for implementing a program such as the one in the City of Berkeley.

4. Gene Doherty – Mr. Doherty discussed the issue solar power, the homes in solar village, and the west end fire station's roof replacement that did not include a solar powered water heater.
5. Bob Craft – Mr. Craft discussed the issue of air quality in the City of Benicia. He discussed the need for a permanent air quality monitoring station in Benicia.

Mayor Patterson requested Staff bring back an update on the good neighbor agreement requiring the permanent installation of fence line monitoring, including anything the City needs to be doing to make sure the agreement's conditions are

being met. She suggested possibly having the Air Quality Board come and give a comprehensive presentation to Council.

CONSENT CALENDAR:

Council pulled items VII-D, VII-E, and VII-F.

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

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

Noes: None

The Minutes of June 9, 2008 and June 17, 2008 were approved.

Council approved the denial of the claim against the City by Judy Silva and referral to insurance carrier

Council approved the denial of the claim against the City by Carla Lougee and referral to insurance carrier.

RESOLUTION 08-66 - A RESOLUTION SETTING THE 2008-09 SECURED TAX RATES FOR THE 1997 SEWER BONDS

RESOLUTION 08-67 - A RESOLUTION ESTABLISHING AN APPROPRIATIONS LIMIT PURSUANT TO ARTICLE XIII B OF THE CALIFORNIA STATE CONSTITUTION FOR FISCAL YEAR 2008-09

RESOLUTION 08-68 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING MODIFICATIONS TO THE ALLOCATION OF POSITIONS AND ADJUSTMENTS TO THE MUNICIPAL BUDGETS FOR FISCAL YEAR 2008-2009 AND APPROVING THE JOB DESCRIPTION AND SALARY RANGE FOR ADMINISTRATIVE SERVICES DIRECTOR

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

(END OF CONSENT CALENDAR)

Council took the following actions:

Second reading of a Tree Ordinance deleting Section 17.70.190 (H) (Preservation of Mature Trees) and replacing Chapter 12.24 (Street Trees) of the Benicia Municipal Code:

Public Comment:

1. Gene Doherty – Mr. Doherty inquired if the proposed ordinance was in conformance with the guidelines required to make the City of Benicia a Tree City USA city.

ORDINANCE 08-03 - AN ORDINANCE REPEALING AND REPLACING CHAPTER 12.24 (STREET TREES) OF TITLE 12 (STREETS, SIDEWALKS AND PUBLIC PLACES) OF THE BENICIA MUNICIPAL CODE RELATING TO THE REGULATION OF TREES

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

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

Noes: Council Member Ioakimedes

Award of construction contract for the East 5th Street Smart Growth Project:
Dan Schiada, Public Works Director, reviewed the staff report.

Council and Staff discussed the visibility and safety of the crosswalk at Viewmont and East Fifth Streets, tree planting, curb extensions, project schedule, an outreach program for the surrounding neighbors, work being done on East Fifth Street, and the need to implement a tree planting program on the east side of town.

RESOLUTION 08-69 - A RESOLUTION ACCEPTING THE BIDS FOR THE EAST 5TH STREET SMART GROWTH PROJECT, AWARDING THE CONSTRUCTION CONTRACT TO AMECA GENERAL ENGINEERING IN THE AMOUNT OF \$189,099.11, AND AUTHORIZING THE CITY MANAGER TO SIGN THE CONTRACT ON BEHALF OF THE CITY

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

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

Noes: None

Establishing clear property title on State Park Road and adopting resolutions of local support for the State Park Road Bike/Pedestrian Bridge Project:

Public Comment:

1. Gene Doherty – Mr. Doherty spoke in support of the proposed project.

RESOLUTION 08-70 - A RESOLUTION ACCEPTING SOLANO COUNTY'S INTEREST IN STATE PARK ROAD QUITCLAIMED TO THE CITY OF BENICIA

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

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

Noes: None

RESOLUTION 08-71 - A RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC WORKS TO FILE AN APPLICATION FOR FEDERAL CONGESTION

MITIGATION AND AIR QUALITY (CMAQ) FUNDING FOR THE STATE PARK ROAD BIKE/PEDESTRIAN BRIDGE PROJECT, COMMITTING THE NECESSARY NON-FEDERAL MATCH, AND STATING ASSURANCE TO COMPLETE THE PROJECT

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

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

Noes: None

RESOLUTION 08-72 - A RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC WORKS TO FILE AN APPLICATION FOR FEDERAL TRANSPORTATION ENHANCEMENT ACTIVITIES (TE) FUNDING FOR THE STATE PARK ROAD BIKE/PEDESTRIAN BRIDGE PROJECT AND PROVIDING A CERTIFICATION OF ASSURANCES FOR THE PROJECT

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

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

Noes: None

PUBLIC HEARINGS:

None

ACTION ITEMS:

Introduction of an ordinance adding a new Chapter 12.52 (Newspaper Racks and Stands) to Title 12 (Streets, Sidewalks and Public Places) of the Benicia Municipal Code:

Heather McLaughlin, City Attorney, reviewed the staff report.

Council and Staff discussed the current amount of newspaper racks (38), limiting the amount of news paper racks to three or four in one location, what constitutes abandonment of a news rack, adding language to clarify what constitutes abandonment, having no more than 40 news racks in the Downtown Mixed Use area, language regarding ADA compliance, sidewalk seating, outdoor seating, changing language so that the news racks would be a secondary use to outdoor seating with regards to restaurants, news racks being located near restaurants, who is responsible for maintaining sidewalks, the need for a map that shows where news racks can be placed, notice of non-compliance, what constitutes advertisements and news, changing the language from 'advertisements' to 'newspaper or periodical.'

Public Comment:

1. Eldon Peterson – Mr. Peterson spoke in support of the proposed ordinance.
2. Susan Street – Ms. Street inquired about the stores that have news racks being included in the ordinance, if other cities had stopped allowing news racks, and the possibility of having higher standards for news racks.

Council and Staff discussed limiting the number of racks to one particular space, having less racks in less places, not going as low as three in one space (the other ordinances Staff studied had five in one location), reducing the proposed number of racks to less than 38, exploring the idea of the appearance of the racks so there is a uniform appearance, adding language to address the secondary use (with regards to outdoor seating at restaurants), limiting the number of racks on First Street, limiting the number in one area to three or four, limiting the amount of racks on First Street, and using the Downtown Mixed Use Master Plan to aid in further crafting the ordinance.

Council gave direction to Staff to bring the ordinance back with changes to standards for conformity of containers or appearance, having a total number of 38-40 racks, fixing the language regarding abandonment (anything left in place longer than a month), addressing the secondary use, clarifying what constitutes news and periodicals, and providing Council with a few options so that if Council has further discussions, it could still move forward with the introduction of the ordinance.

Review of City Boards and Commissions - Term Limits and Lengths:
Anne Cardwell, Assistant to the City Manager, reviewed the staff report.

Council and Staff discussed recruitment and outreach, having 'how to apply' added to the City's web page (as the City of Los Banos did), staff training for selling the City, continue to do interviews at a public place such as the Library – to market and reach out to the public, having more interviews at one time, advertising the interviews, conducting the interviews quarterly, semi-annually, or annually, term limits, having term limits for regulatory boards but not advisory boards, not adding additional term limits, having the terms standardized to four years, removal from a board or commission needing a majority or super-majority vote, adding a step into the process for removal of a commissioner (recommendation from commission, reviewed by sub-committee, subcommittee makes recommendation to Council, then there would have to be a majority vote), request to see language for cause and process, and the need for consistency for absences (3) for boards and commissions.

Public Comment:

1. Rick Ernst – Mr. Ernst discussed the need for conformance with the demographics of the City (it will be added back in), having an alternate who would attend meetings, and the time it takes for a commissioner to ramp up.
2. Bonnie Silveria – Ms. Silveria discussed term limits, majority vs. super-majority, and a three-term limit being better than a two-term limit.

Mayor Patterson would like Mr. Ernst's suggestion to be explored and brought back to Council.

INFORMATIONAL ITEMS:

Reports from City Manager:

Informational report on the denial of the special event application for the "Benicia Bicycle Road Race":

Jim Erickson, City Manager, reviewed the staff report.

DRAFT

Council and Staff discussed the race, support for allowing the race in future, the lack of time for planning the race this year, and the short course for the race being changed to Sunday,

Public Comment:

1. Peter Van Slyke, Benicia Bicycle Club, Mr. Van Slyke discussed the bicycle race, the need for planning and safety, looking forward to having the event in Benicia next year, the race supporting cycling in general, cycling being a form of alternative transportation, the success of last year's race, community outreach, and switching the short course to Sunday.

Council and Mr. Van Slyke discussed the long course race, support for the race (next year), and the group's willingness to work with the City on this issue.

2. Kimble Goodman – Mr. Goodman discussed the relationships the Benicia Bicycle Club has formed with Benicia Main Street and BUSD, opportunities to partner with the community with this event, and the event bringing tourism into the City.
3. Carlos Soto– Mr. Soto spoke in support of the 2-day event being allowed next year.
4. Rick Ernst – Mr. Ernst spoke in support of the 2-day event being allowed next year.
5. Susan Street – Ms. Street spoke in support of the 2-day event being allowed next year.

Council discussed its support for the 2-day event next year.

COUNCIL MEMBER REPORTS:

None

ADJOURNMENT:

Mayor Patterson adjourned the meeting at 9:24 p.m.

Lisa Wolfe, City Clerk

**AGENDA ITEM
CITY COUNCIL MEETING: JULY 15, 2008
CONSENT CALENDAR**

DATE : June 4, 2008
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 2008/2009 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 \$28,806 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 2008/09, we are eligible for a \$28,806 grant based on a local-funding base match of \$69,899. This year, the grant has been decreased by 10% per CLLS instructions; the decrease reflects the California State Legislature's budget crisis which impacts more than 110 library adult literacy programs in California. The ALS has successfully submitted an application for the California Library Literacy Service Matching Funds Grant for the past sixteen 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 62 active learners. There are currently 44 volunteer tutors. Learners waiting for a tutor often attend our open 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. 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 will in turn be 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, i.e., 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

RESOLUTION NO. 08-

**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
2008/2009 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 sixteen 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, i.e., instructional resources, library materials, office supplies, printing costs, contract services, and equipment costs related to the computer lab; and

WHEREAS, the Board of Library Trustees unanimously approved this grant application at their meeting on June 9, 2008.

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 \$28,806.

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 approved at a regular meeting of the City Council on the _____ day of _____, 2008 by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk

APPLICATION FOR MATCHING FUNDS

Application FY 2008/2009

Applicant Information**Applicant****(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
email: lprice@ci.benicia.ca.us

Intent to Participate**Programs applying for in 2008/2009:**

- Applying Not Applying Adult Literacy Services (ALS)
 Applying Not Applying Families for Literacy (FFL)
 Applying Not Applying English Language Literacy (ELLI)
 Applying Not Applying Mobile Library Literacy Services (MLLS)
 Applying Not Applying English as a Second Language (ESL)
 Applying Not Applying Other Services

VII-B-6

How do you recruit volunteers?

The local Parks and Recreation Guide posts information quarterly; information is posted on the library website and inside the library. Volunteer outreach workers have 'routes' of local businesses where they supply pamphlets and fliers. The local Pennysaver and Grapevines magazines provide program information as well. From time to time, local newspapers or magazines send reporters in to write articles about the program. The Library has a Volunteer Coordinator that shares information with potential library volunteers, and volunteers are recruited through word of mouth. The Program Supervisor goes into the local community to make presentations to businesses and social organizations. Staff and volunteer man tables at local community events and provide a signup form.

How do you train volunteers; after training, how and when are they matched with adult learners?

Volunteers take part in a 13.5-hour training that includes orientation. Training is typically held over the course of two Saturdays; it covers Beginner, Intermediate and Advanced Adult learners: learning styles, reading, writing, and comprehension strategies. Families For Literacy, ESL learners, ELF, a tour of the library and Computer lab are also included. Goal setting, Roles and Goals, Equipped for the Future (EFF) concepts, lesson planning, the first session and a monthly reporting are taught as well. Once volunteers complete training, they are in a queue for 'Available Tutors' – and understand that matching make take place quickly or could take some time (often depending on their preferences and how many learners are waiting.) Volunteers are matched with learners that have the same time availability – the match seems to work better if they have like schedules available.

What on-going tutor support services and programs do you offer?

Tutors are encouraged to call, email or stop by for any questions or concerns they may have. Monthly Tutor Roundtables are held for tutors to meet their fellow tutors, discuss problems or successes, and determine other activities they would like to take part in. Tutors are invited to assist in the computer lab, or participate in the monthly Book Group meeting. Lastly, workshops are presented specifically for tutors such as Phonics, Spelling, Literacy and the Workplace, Writing Skills, GED Preparation and others.

How do you ensure that volunteer tutors meet regularly with adult learners and report regularly to the library on their progress?

Tutors are instructed on monthly reporting in the tutor training; each receives several copies of the monthly report, as well as a copy of the Roles and Goals form, and are instructed to send, email or call in their monthly hours and progress. Roles and Goals are requested bi-annually to coincide with the State Reporting requirements. We follow up with phone calls to the tutors, in the event they haven't sent their information in, and to provide more of a personal touch. The Program Supervisor emails and/or calls tutors to see how their sessions are progressing, and to provide encouragement or recommendations to facilitate learning.

If literacy services are provided outside the public library setting, how is a strong connection to the library made?

Currently two ESL small groups has been established in a local business, and information about the library is made available to the participants. No other adult literacy services are provided outside of the library.

While library literacy services may charge a third party, such as a workplace, for services, is your literacy instruction always provided for free to the "end-user," the adult learner or participating family? If you offer fee-based services, please tell us about them.

All literacy services are free to the end user – the adult learner and their families.

VII-B-7

FAMILIES FOR LITERACY (FFL)

Families served in FFL contain an adult learner and at least 1 child under age 5. How do you recruit and/or identify FFL program participants?

Families are identified through the initial intake and assessment process for each adult learner. Learners are recruited through outreach in local businesses and organizations; recently presentations were made at the local community college to encourage students to take advantage of the opportunity to receive (or become) a tutor.

How are volunteers utilized in FFL programming?

Volunteers assist with special programming by signing in participants, assisting in crafts with families, helping in workshops, as well as with set up and clean up.

How are volunteer tutors who work with the participating adult caregivers trained to support family literacy concepts and practices?

Volunteer tutors receive FFL concepts, practices and materials during the Tutor Training, and are encouraged to use the materials in their sessions with their learners. They also receive information from the FFL Coordinator while working with their adult learner.

How is FFL programming provided for the adult caregiver and the child together?

FFL is presented as monthly programs aimed at parents and their children, with great focus on modeling activities, reading and how to work with the child. We offer monthly workshops that focus on specific topics that are aimed at the parent or caregiver, yet support the needs of the family.

If FFL programming is provided outside a public library setting, how is a strong connection to the library made?

At present, no FFL programming is offered outside of the library.

How are adult caregivers given instruction in the use of children's books, in reading aloud to children, in the selection of books on topics such as parenting, childcare, health, nutrition and family life education, and in how to create a literacy-rich environment at home?

The adult caregiver (learner) works closely with the tutor, who receives the materials for the learner; they are able to review the new titles received, model read aloud strategies to the learner, as well as other discussing additional materials that would be beneficial for the learner to know. Monthly workshops are provided that focus on specific topics (nutrition, pregnancy, community resources, etc.), which further enhancing the families knowledge.

How are activities like storytelling, word games and other exercises designed to promote the enjoyment of reading taught to adult caregivers so they can share with their children?

Crafts and activities used in FFL activities are always created to be easily replicable and low to no cost in the learners home.

How do participating families receive free children's books for ownership, as well as other reading materials and incentives?

Adult learners with eligible children in the home receive FFL books upon their entry into the program. The tutors are given books for the learners each month, so they can discuss and allow the learner time to practice reading the book. Children receive books and reading materials focused on encouraging reading for their birthdays and at FFL events.

VII-B-8

ENGLISH AS A SECOND LANGUAGE (ESL)

ESL

English As A Second Language classes are offered twice weekly for beginning, intermediate and advanced level ESL learners. One advantage to offering the classes is the regular, ongoing transition of ESL learners to ALS; advanced ESL learners are actually adult literacy learners, for at that point they require the same services as the traditional ALS learners. The advanced ESL learners qualify for 1:1 tutoring, so the majority of advanced learners have tutors and are progressing very well. ESL learners are encouraged to visit the computer lab, as several software programs have been added to enhance English language acquisition. ESL learners take advantage of summer ESL classes, conversation classes and workshops: as a community, they're often fearless, highly motivated and see few barriers to learning. The ESL learners will often attend and at least try the workshops traditionally offered for ALS learners.

OTHER SERVICES

Other Service

Four years ago, a program was created to serve the children of the adult learners. Called "Little Learners", it is a childcare that serves the ESL learners as they attend weekly classes, and adult learners using the library. A collaboration between the literacy program the Benicia Police Department and the city's Family Resource Center, it is a volunteer run program. The volunteers undergo screening and fingerprinting through the Police Department. This year, the parents and caregivers were required to volunteer monthly as well.

BUDGET DETAIL FISCAL YEAR 2008/2009

Budget Categories	Approved Budget							Funding Source		
	Adult Literacy Services		Families for Literacy	ELLI	MLLS	ESL	Other Services	Total	State Revenue	Local Revenue
	CLLS	Local								
1. Salaries and Benefits	\$0.00	\$65,424.00	\$9,030.00	\$0.00	\$0.00	\$75,790.00	\$0.00	\$150,244.00	\$9,030.00	\$141,214.00
2. Contract Staff	\$8,745.00	\$316.00	\$500.00	\$0.00	\$0.00	\$0.00	\$0.00	\$9,561.00	\$9,245.00	\$316.00
3. Operations	\$4,020.00	\$3,324.00	\$1,000.00	\$0.00	\$0.00	\$7,500.00	\$0.00	\$15,844.00	\$5,520.00	\$10,324.00
4. Library Materials	\$3,251.00	\$150.00	\$300.00	\$0.00	\$0.00	\$1,500.00	\$0.00	\$5,201.00	\$3,551.00	\$1,650.00
5. Equipment (\$5K+)	\$1,000.00	\$3,500.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$4,500.00	\$1,000.00	\$3,500.00
6. Indirect Costs (not to exceed 10%)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$3,500.00	\$0.00	\$3,500.00	\$0.00	\$3,500.00
Total:	\$17,016.00	\$72,714.00	\$10,830.00	\$0.00	\$0.00	\$88,290.00	\$0.00	\$188,850.00	\$28,346.00	\$160,504.00
Total ALS:	\$89,730.00							Grand Total:	\$188,850.00	

STAFF COMMITMENT - LIBRARY PERSONNEL

Position/Job Title	Report as FTE						Salary
	Adult Program	Family Program	ELLI Program	MLLS Program	ESL	Other	
Literacy Program Coordinator	0.85	0.05	0	0	0.1	0	\$86,540.00
FFL Coordinator	0.2	0.3	0	0	0	0	\$18,050.00
ESL Instructor 1	0	0	0	0	0.3	0	\$7,776.00
ESL Instructor 2	0	0	0	0	0.3	0	\$11,520.00
ESL Instructor 3	0	0	0	0	0.25	0	\$11,508.00
Admin Asst	0.25	0	0	0	0.25	0	\$14,850.00
	0	0	0	0	0	0	\$0.00
Total:	1.3	0.35	0	0	1.2	0	\$150,244.00

STAFF COMMITMENT - CONTRACT PERSONNEL

Position/Job Title	Report as FTE						Salary
	Adult Program	Family Program	ELLI Program	MLLS Program	ESL	Other	
ALOS Computer Lab	0.5	0	0	0	0	0	\$9,061.00
Workshop Support	0.1	0.1	0	0	0	0	\$500.00
Total:	0.6	0.1	0	0	0	0	9561
FTE Grand Totals:	0.6	0.1	0	0	0	0	\$9,561.00

VII-B-10

Upon completion of application this form should be printed and a signed copy sent to the California State Library, Library Development Services - Literacy Team, P.O. Box 942837, Sacramento, CA 94237-0001

California Library Literacy Services

Application for Continuing Programs

12. Statement of Intent

- a. I intend to request State funds available under the provisions of Section 18866 of the Education Code for the 2008/09 fiscal year. I understand that I will be notified by the California State Library of the amount for which my library is eligible, according to the provisions of the law, and that I will submit all required reports, claims, and a proposed Budget utilizing the full eligible amount for literacy, subject to approval by the California State Library.
- b. I affirm that any or all other agencies participating in the program have agreed to the terms of the application/grant award, and have entered into an agreement(s) concerning the final disposition of equipment, facilities, and materials purchased for this program from the funds awarded for the activities and services described in the attached, as approved and/or as amended, application.

(Signed): Diane Smikahl Date: 5/30/08
(Authorized representative)

(Printed): Diane Smikahl

Title: Library Director

Library Jurisdiction: Benicia Public Library

Street/mail address: 150 East L St.

City: Benicia County: Solano Zip + 4: 94510-3281

Telephone: 707-746-4343 Fax: 707-747-8122

E-mail: dsmikahl@ci.benicia.ca.us

**AGENDA ITEM
CITY COUNCIL MEETING: JULY 15, 2008
CONSENT CALENDAR**

DATE : June 25, 2008
TO : City Manager
FROM : Director of Public Works 
SUBJECT : **APPROVAL OF CONSULTANT AGREEMENT FOR
ENGINEERING SERVICES FOR THE WASTEWATER SYSTEM
MASTER PLAN UPDATE**

RECOMMENDATION:

Adopt a resolution approving the consultant agreement for engineering services for the Wastewater System Master Plan update with Camp Dresser & McKee, Inc. for a not-to-exceed cost of \$150,000, and authorizing the City Manager to sign the agreement on behalf of the City.

EXECUTIVE SUMMARY:

This action approves a consultant agreement for engineering services for the Wastewater System Master Plan update. A re-appropriation of \$75,000 to Account No. 044-8044-8106 and an increase of \$75,000 to Account No. 014-8305-8106 are requested. Sufficient funds are available in the Wastewater Fund to cover the appropriations.

BUDGET INFORMATION:

The cost of the proposed consultant work for the Wastewater System Master Plan update is \$150,000. Funds for this effort were budgeted in the previous fiscal year; however, due to the press of other priorities, work did not proceed. Therefore, the re-appropriation of \$75,000 to Account No. 044-8044-8106 and an increase of \$75,000 to Account No. 014-8305-8106 are requested. Sufficient funds are available in the Wastewater Fund to cover the appropriations.

SUMMARY:

The City's existing Wastewater Master Plan is dated June 18, 1993. During the intervening 15 years, the City has completed a number of capital improvements. These include two significant projects - the Wastewater Treatment Plant Improvement Project and the Inflow and Infiltration (I & I) Wet Weather Improvement Project - and many other plant, pipeline, lift station, and telemetry projects. To provide a foundation on which to base future decisions regarding the construction, operation, and maintenance of the wastewater collection and treatment facilities, a master plan update is needed.

A Request for Proposal (RFP) for assistance in preparing the update to the City's Wastewater System Master Plan was sent to 13 firms. Camp Dresser & McKee, Inc. (CDM) was the only firm to submit a proposal. CDM is highly qualified to perform the engineering services for this work due to their knowledge and experience with the City's wastewater collection and treatment facilities. CDM is an employee-owned firm that is a leading provider of consulting, engineering, construction, and operations services worldwide. The firm's offices have more than 3,600 staff based in 100 locations. As a full-service infrastructure company, CDM's multidisciplinary staff includes engineers, scientists, planners, constructors, and operations specialists, which provides a wealth of knowledge and experience to be drawn upon to meet the City's needs. The amount of time and types of expertise required for this effort are beyond City staff's capability to provide. CDM has demonstrated responsiveness throughout previous work for the City and their hourly rate is competitive with those of similarly qualified firms.

CDM will provide the full range of services including obtaining data and information from appropriate City staff; projecting flows; researching current and upcoming/anticipated regulations; conducting evaluations on the collection system and sludge treatment and disposal alternatives; and developing a Capital Improvement Program (CIP), including identifying financing and funding options that will meet the City's needs through the planning horizon of 2025. The plan will be consistent with the goals, policies and programs of the General Plan. CDM will offer recommendations for reducing the Wastewater Treatment Plant's emission of green house gases and identify opportunities for utilizing renewable energy resources, such as biogas, thereby contributing to the Community's commitment to sustainability. Additionally, they will identify potential threats to the City's wastewater facilities and infrastructure as a result of global warming, including potential sea level rise.

The Wastewater System Master Plan update will be integrated with a concurrent project, the Inflow and Infiltration (I & I) evaluation update. Both projects include similar elements such as flow projections, collection system analysis and the identification of needed capital improvements. Efforts will not be duplicated. CDM will produce one master plan document incorporating the results from both analyses.

It is recommended, therefore, that Council approve the consultant agreement with CDM for engineering services for the Wastewater System Master Plan update for a not-to-exceed cost of \$150,000.

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

Attachments:

- Proposed Resolution
- Consultant Agreement

Proposed Resolution

RESOLUTION NO. 08-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING THE CONSULTANT AGREEMENT FOR ENGINEERING SERVICES FOR THE WASTEWATER SYSTEM MASTER PLAN UPDATE WITH CAMP DRESSER & MCKEE, INC. FOR A NOT-TO-EXCEED COST OF \$150,000, AND AUTHORIZING THE CITY MANAGER TO SIGN THE AGREEMENT ON BEHALF OF THE CITY

WHEREAS, the City's existing Wastewater Master Plan is from 1993 and is in need of an update; and

WHEREAS, a Request for Proposal (RFP) for assistance in preparing the update to the City's Wastewater System Master Plan was sent to 13 qualified firms; and

WHEREAS, one proposal was received; and

WHEREAS, Camp Dresser & McKee, Inc. is highly qualified to perform the engineering services for this work due to their knowledge and experience with the City's wastewater collection and treatment facilities.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Benicia hereby awards a consultant agreement for engineering services for the Wastewater System Master Plan update to Camp Dresser & McKee, Inc. for a not-to-exceed cost of \$150,000, and authorizes the City Manager to sign the agreement on behalf of the City, subject to approval by the City Attorney.

BE IT FURTHER RESOLVED THAT the City Council of the City of Benicia authorizes a re-appropriation of \$75,000 to Account No. 044-8044-8106 and an increase of \$75,000 to Account No. 014-8305-8106 from Wastewater Fund reserves.

* * * * *

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 15th day of July, 2008, and adopted by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk

Consultant Agreement

CONSULTANT AGREEMENT

This agreement ("Agreement") entered into _____, 2008, is between the City of Benicia, a municipal corporation (hereinafter "CITY"), and Camp Dresser & McKee, Inc., a Massachusetts corporation with its primary office located at 100 Pringle Avenue, Suite 300, Walnut Creek, CA 94596 (hereinafter "CONSULTANT") (collectively, "the Parties").

RECITALS

WHEREAS, CITY has determined it is necessary and desirable to secure certain professional engineering services for the Wastewater System Master Plan update. The scope of work for said service (hereinafter "Project") is attached hereto as Exhibit "A" and is hereby incorporated by reference; and

WHEREAS, CONSULTANT is specially trained, experienced and competent to perform the services required by this agreement; and

WHEREAS, CONSULTANT represents it is qualified and willing to provide such services pursuant to the terms and conditions of this Agreement.

NOW, THEREFORE, IT IS AGREED by and between CITY and CONSULTANT as follows:

AGREEMENT

1. INCORPORATION OF RECITALS. The recitals set forth above, and all defined terms set forth in such recitals and in the introductory paragraph preceding the recitals, are hereby incorporated into this Agreement as if set forth herein in full.

2. SCOPE OF SERVICE.

(a) Services to be Furnished. Subject to such policy direction and approvals as CITY through its staff may determine from time to time, CONSULTANT shall perform the services set forth in the Scope of Work labeled Exhibit A, which is attached hereto and incorporated herein by reference.

(b) Schedule for Performance. CONSULTANT shall perform the services identified in Exhibit A according to the completion schedule included in Exhibit A and as expeditiously as is consistent with generally accepted standards of professional skill and care, and the orderly progress of work.

(i) CONSULTANT and CITY agree that the completion schedule in Exhibit A

represents the best estimate of the schedule.

(ii) CONSULTANT shall not be responsible for performance delays caused by others, or delays beyond CONSULTANT'S control, and such delays shall extend the times for performance of the work by CONSULTANT.

(c) Standard of Quality. All work performed by CONSULTANT under this Agreement shall be in accordance with all applicable legal requirements and shall meet the standard of quality ordinarily to be expected of competent professionals in CONSULTANT'S field of expertise. CONSULTANT shall function as a technical advisor to CITY, and all of CONSULTANT'S activities under this Agreement shall be performed to the full satisfaction and approval of the City's project manager.

(d) Compliance With Laws. CONSULTANT shall comply with all applicable federal, state, and local laws, codes, ordinances, regulations, orders, and decrees. CONSULTANT represents and warrants to CITY that CONSULTANT shall, at its own cost and expense, keep in effect or obtain at all times during the term of this Agreement any licenses, permits, insurance and approvals which are legally required for CONSULTANT to practice its profession or are necessary and incident to the due and lawful prosecution of the services it performs under this Agreement. CONSULTANT shall maintain a City of Benicia business license. CONSULTANT shall at all times during the term of this Agreement, and for one year thereafter, provide written proof of such licenses, permits, insurance, and approvals upon request by CITY. CITY is not responsible or liable for CONSULTANT'S failure to comply with any or all of the requirements contained in this paragraph.

3. COMPENSATION.

(a) Schedule of Payment. The compensation to be paid by CITY to CONSULTANT for the services rendered hereunder shall be on a time and materials basis based upon the estimated level of effort cost outlined in Exhibit B.

(b) Additional Services. CITY shall make no payment to CONSULTANT for any additional services unless such services and payment have been mutually agreed to and this Agreement has been formally amended in accordance with Section 7.

(i) Only the City Council can act on behalf of CITY to authorize CONSULTANT to perform additional services.

(ii) CONSULTANT shall not commence any work or services exceeding the Scope of Services in Section 2 without prior written authorization from CITY in accordance with Section 7. CONSULTANT'S failure to obtain a formal amendment to this Agreement authorizing additional services shall constitute a waiver of any and all right to compensation for such work or services.

(iii) If CONSULTANT believes that any work CITY has directed CONSULTANT to perform is beyond the scope of this Agreement and constitutes additional services, CONSULTANT shall promptly notify CITY of this fact before commencing the work. CITY shall make a determination as to whether such work is beyond the scope of this Agreement and constitutes additional services. If CITY finds that such work does constitute additional services, CITY and CONSULTANT shall execute a formal amendment to this Agreement, in accordance with Section 7, authorizing the additional services and stating the amount of any additional compensation to be paid.

(c) Invoicing and Payment. CONSULTANT shall submit monthly invoices for the services performed under this Agreement during the preceding period. Invoices or billings must be submitted in duplicate and must indicate the hours actually worked by each classification and employee name, as well as all other directly related costs by line item in accordance with Exhibit B. CITY shall approve or disapprove said invoice or billing within thirty (30) days following receipt thereof and shall pay all approved invoices and billings within thirty (30) days. Interest at the rate of one and one-half (1.5) percent per month will be charged on all past due amounts starting thirty (30) days after the invoice date, unless not permitted by law, in which case interest will be charged at the highest amount permitted by law. Payments will be credited first to interest, and then to principal.

4. PRODUCT REVIEW AND COMMENT. CONSULTANT shall provide CITY with at least two (2) copies of each product described in Exhibit A. Upon the completion of each product, CONSULTANT shall be available to meet with CITY. If additional review and/or revision is required by CITY, CITY shall conduct reviews in a timely manner.

5. TERM OF AGREEMENT. This Agreement shall be effective immediately upon the signatures of both Parties and shall remain in effect until completed, amended pursuant to Section 7, or terminated pursuant to Section 6.

6. TERMINATION:

(a) CITY shall have the right to terminate this Agreement for any reason whatsoever at any time by serving upon CONSULTANT written notice of termination. The Agreement shall terminate three (3) business days after notice of termination is given. The notice shall be deemed given on the date it is deposited in the U.S. mail, certified, postage prepaid, addressed to CONSULTANT at the address indicated in Section 11.

(b) If CITY issues a notice of termination,

(i) CONSULTANT shall immediately cease rendering services pursuant to this Agreement;

(ii) CONSULTANT shall deliver to CITY copies of all writings, whether or not completed, which were prepared by CONSULTANT, its employees, or its subcontractors, if any, pursuant to this Agreement. For purposes of this Agreement, the term "writings" shall include, but not be limited to, handwriting, typewriting, computer files and records, drawings, blueprints, printing, photostating, photographs, and every other means of recording upon any tangible thing, any form of communication or representation, including letters, words, pictures, sounds, symbols, or combinations thereof;

(iii) CITY shall pay CONSULTANT for work actually performed up to the effective date of the notice of termination, subject to the limitations prescribed by Section 3 of this Agreement, less any compensation to CITY for damages suffered as a result of CONSULTANT'S failure to comply with the terms of this Agreement. Such payment shall be in accordance with Exhibit B. However, if this Agreement is terminated for fault of CONSULTANT, CITY shall be obligated to compensate CONSULTANT only for that portion of CONSULTANT'S services which are of benefit to CITY.

7. AMENDMENTS. Modifications or amendments to the terms of this Agreement shall be in writing and executed by both Parties.

8. NONDISCLOSURE OF CONFIDENTIAL INFORMATION. CONSULTANT shall not, either during or after the term of this Agreement, disclose to any third party any confidential information relative to the work of CITY without the prior written consent of CITY.

9. INSPECTION. CITY representatives shall, with reasonable notice, have access to the work and work records, including time records, for purposes of inspecting same and determining that the work is being performed in accordance with the terms of this Agreement. Inspections by CITY do not in any way relieve or minimize the responsibility of CONSULTANT to comply with this Agreement and all applicable laws.

10. INDEPENDENT CONTRACTOR. In the performance of the services in this Agreement, CONSULTANT is an independent contractor and is not an agent or employee of CITY. CONSULTANT, its officers, employees, agents, and subcontractors, if any, shall have no power to bind or commit CITY to any decision or course of action, and shall not represent to any person or business that they have such power. CONSULTANT has and shall retain the right to exercise full control of the supervision of the services and over the employment, direction, compensation, and discharge of all persons assisting CONSULTANT in the performance of said service hereunder. CONSULTANT shall be solely responsible for all matters relating to the payment of its employees, including compliance with social security and income tax withholding, workers' compensation insurance, and all other regulations governing such matters.

11. NOTICE. Any notices or other communications to be given to either party pursuant to this Agreement shall be in writing and delivered personally or by certified U.S. mail, postage prepaid, addressed to the party at the address set forth below. Either party may change its address for notices by complying with the notice procedures in this Section. Notice so mailed shall be deemed delivered three (3) business days after deposit in the U.S. mail. Nothing shall preclude the giving of notice by facsimile machine provided, however, that notice by facsimile machine shall be followed by notice deposited in the U.S. mail as discussed above.

If to CITY: Chris Tomasik
Assistant Director of Public Works
City of Benicia
250 East L Street
Benicia, CA 94510

If to CONSULTANT: Jon Toyoda
Vice President
Camp Dresser & McKee, Inc.
One Walnut Creek Center
100 Pringle Avenue, Suite 300
Walnut Creek, CA 94596

12. OWNERSHIP OF MATERIALS. CITY is the owner of all records and information created, produced, or generated as part of the services performed under this Agreement. At any time during the term of this Agreement, at the request of CITY, CONSULTANT shall deliver to CITY all writings, records, and information created or maintained pursuant to this Agreement. In addition, CONSULTANT shall not use any of the writing, records, or information generated for the Project under this Agreement for any other work without CITY's consent.

13. EMPLOYEES; ASSIGNMENT; SUBCONTRACTING.

(a) Employees. CONSULTANT shall provide properly skilled professional and technical personnel to perform all services required by this Agreement. CONSULTANT shall not engage the services of any person(s) now employed by CITY without CITY's prior express written consent.

(b) Assignment. CONSULTANT shall not assign, delegate, or transfer its duties, responsibilities, or interests in this Agreement without the prior express written consent of CITY. Any attempted assignment without such approval shall be void and, at CITY's option, shall terminate this Agreement and any license or privilege granted herein.

(c) Subcontracting. CONSULTANT shall not subcontract any portion of the work to be performed under this Agreement without the prior express written consent of CITY. If CITY consents to CONSULTANT'S hiring of subcontractors, CONSULTANT shall provide to CITY copies of each and every subcontract prior to its execution. All subcontractors are deemed to be

employees of CONSULTANT, and CONSULTANT agrees to be responsible for their performance. CONSULTANT shall give its personal attention to the fulfillment of the provisions of this Agreement by all of its employees and subcontractors, if any, and shall keep the work under its control.

14. BINDING AGREEMENT. This Agreement shall bind the successors in interest, legal representatives, and permitted assigns of CITY and CONSULTANT in the same manner as if they were expressly named herein.

15. WAIVER.

(a) Effect of Waiver. Waiver by either party of any default, breach, or condition precedent shall not be construed as a waiver of any other default, breach, or condition precedent or any other right under this Agreement.

(b) No Implied Waivers. The failure of either party at any time to require performance by the other party of any provision hereof shall not affect in any way the right to require such performance at a later time.

16. NONDISCRIMINATION.

(a) Consultant shall not discriminate in the conduct of the work under this Agreement against any employee, applicant for employment, or volunteer on the basis of race, religious creed, color, national origin, ancestry, physical or mental disability, marital status, pregnancy, sex, age, sexual orientation or other prohibited basis will not be tolerated.

(b) Consistent with City's policy that harassment and discrimination are unacceptable employer/employee conduct, CONSULTANT agrees that harassment or discrimination directed toward a job applicant, a City employee, or a citizen by CONSULTANT or CONSULTANT'S employee or subcontractor on the basis of race, religious creed, color, national origin, ancestry, physical or mental disability, marital status, pregnancy, sex, age, sexual orientation or other prohibited basis will not be tolerated. CONSULTANT agrees that any and all violation of this provision shall constitute a material breach of the Agreement.

17. INDEMNITY. CONSULTANT shall, to the fullest extent permitted by law, hold harmless, defend (with counsel approved by the City) and indemnify City and its officers, officials, employees and volunteers from and against all claims (including all litigation, demands, damages, liabilities, costs, and expenses, and including court costs and attorney's fees) arising out of, pertaining to, or relating to the negligence, recklessness, or willful misconduct of the Consultant and its employees, agents and subconsultants, except where caused by the sole negligence or willful misconduct of the City. The provisions of this section survive completion of the services or the termination of this Agreement. The provisions of this section are limited by the provisions of Section 18 relating to insurance.

18. INSURANCE.

(a) Required Coverage. CONSULTANT, at its sole cost and expense, shall obtain and maintain in full force and effect throughout the entire term of this Agreement the following described insurance coverage. This coverage shall insure not only CONSULTANT, but also, with the exception of errors and omissions/professional liability, workers' compensation and employer's liability insurance, shall name as additional insureds CITY, its officers, agents, employees, and volunteers, and each of them:

<u>Policy</u>	<u>Minimum Limits of Coverage</u>
(i) Workers' Compensation	Statutory
(ii) Comprehensive Automobile Insurance Services Office, form #CA 0001 covering auto liability code 1 (any auto)	Bodily Injury/Property Damage \$1,000,000 each accident
(iii) General Liability Insurance Services Office Commercial General Liability coverage on an occurrence basis (occurrence form CG 0001)	\$1,000,000 per occurrence. If Commercial General Liability Insurance or other form with a general aggregate limit shall apply separately to this Project/location, the general aggregate limit shall be twice the required occurrence limit
(iv) Errors and Omissions/ Professionals' Liability, errors and omissions liability insurance appropriate to the CONSULTANT'S profession.	Generally \$1,000,000 per claim

(b) Deductibles and Self-Insured Retentions. Any deductibles or self-insured retentions must be declared to and approved by CITY.

(c) Required Provisions. The general liability and automobile liability policies are to contain, or be endorsed to contain, the following provisions:

(i) For any claims related to this Project, the CONSULTANT'S insurance coverage shall be primary insurance as respects CITY, its officers, officials,

employees, and volunteers. Any insurance or self-insurance maintained by CITY, its officers, officials, employees, or volunteers shall be in excess of the CONSULTANT'S insurance and shall not contribute with it;

(ii) Any failure to comply with reporting or other provisions of the policies including breaches of warranties shall not affect coverage provided to CITY, its officers, officials, employees, or volunteers;

(iii) The CONSULTANT'S insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability;

(iv) Each insurance policy required by this Section shall be endorsed to state that coverage shall not be suspended, voided, canceled by either party, reduced in coverage or in limits except after giving CITY 30 days' prior written notice by certified mail, return receipt requested.

(d) Acceptability of Insurers. CONSULTANT shall place insurance with insurers with a current A.M. Best's rating of no less than [A:VII] unless CONSULTANT requests and obtains CITY'S express written consent to the contrary.

(e) Verification of Coverage. CONSULTANT must provide complete, certified copies of all required insurance policies, including original endorsements affecting the coverage required by these specifications. The endorsements are to be signed by a person authorized by CONSULTANT'S insurer to bind coverage on its behalf. All endorsements are to be received and approved by CITY before work commences.

19. WORKERS' COMPENSATION.

(a) Covenant to Provide. CONSULTANT warrants that it is aware of the provisions of the California Labor Code which require every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that code. CONSULTANT further agrees that it will comply with such provisions before commencing the performance of the work under this Agreement.

(b) Waiver of Subrogation. CONSULTANT and CONSULTANT'S insurance company agree to waive all rights of subrogation against CITY, its elected or appointed officials, agents, and employees for losses paid under CONSULTANT'S workers' compensation insurance policy which arise from the work performed by CONSULTANT for CITY.

20. FINANCIAL RECORDS. CONSULTANT shall retain all financial records, including but not limited to documents, reports, books, and accounting records which pertain to any work or transaction performed pursuant to this Agreement for four (4) years after the expiration of this

Agreement. CITY or any of its duly authorized representatives shall, with reasonable notice, have access to and the right to examine, audit, and copy such records.

21. CONFLICT OF INTEREST. CONSULTANT shall exercise reasonable care and diligence to prevent any actions or conditions which could result in a conflict with CITY'S interest. During the term of this Agreement, CONSULTANT shall not accept any employment or engage in any consulting work which creates a conflict of interest with CITY or in any way compromises the services to be performed under this Agreement. CONSULTANT shall immediately notify CITY of any and all violations of this Section upon becoming aware of such violation.

22. TIME OF THE ESSENCE. CONSULTANT understands and agrees that time is of the essence in the completion of the work and services described in Section 2.

23. SEVERABILITY. If any court of competent jurisdiction or subsequent preemptive legislation holds or renders any of the provisions of this Agreement unenforceable or invalid, the validity and enforceability of the remaining provisions, or portions thereof, shall not be affected.

24. GOVERNING LAW AND CHOICE OF FORUM. This Agreement shall be administered and interpreted under California law as if written by both parties. Any litigation arising from this Agreement shall be brought in the Superior Court of Solano County.

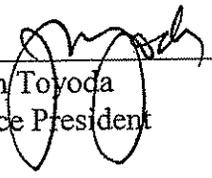
25. COSTS AND ATTORNEYS' FEES. If either party commences any legal action against the other party arising out of this Agreement or the performance thereof, the prevailing party in such action may recover its reasonable litigation expenses, including court costs, expert witness fees, discovery expenses, and attorneys' fees. In any action seeking recovery of monetary damages, the plaintiff shall not be considered to be the prevailing party unless it recovers at least 66% of the dollar amount requested in the complaint's prayer for relief.

26. INTEGRATION. This Agreement represents the entire understanding of CITY and CONSULTANT as to those matters contained herein and supersedes all prior negotiations, representations, or agreements, both written and oral. This Agreement may not be modified or altered except in accordance with Section 7.

Executed by CITY and CONSULTANT on the date shown next to their respective signatures.
The effective date of this Agreement shall be the date of execution by the CITY as shown below.

CAMP DRESSER & MCKEE, INC.

CITY OF BENICIA

BY: 
Jon Toyoda
Vice President

BY: _____
James R. Erickson
City Manager

DATED: June 24 2008

DATED: _____

RECOMMENDED FOR APPROVAL

Department Head

APPROVED AS TO FORM

City Attorney

06/30/03

Exhibit A

Scope of Work to the Agreement Between City of Benicia and CDM For Engineering Services for Benicia Wastewater System Master Plan

The City of Benicia (City) provides the full range of wastewater services for its residents involving the operation, maintenance, repair, and capital improvements of a city-wide sewer collection system and a Wastewater Treatment Plant (WWTP). At this time, the City desires to update both its collection system and treatment facility planning to reflect current conditions and anticipated future growth, and to incorporate information from recent studies including the Inflow & Infiltration (I&I) Improvements Project and the Benicia Business Park Sewer Collection System Analysis.

This Wastewater Master Plan update will provide a solid foundation on which the City can base future decisions regarding the construction, operation, and maintenance of the collection and treatment facilities through the planning horizon of 2025. The Wastewater Master Plan will be formulated to be consistent with the goals, policies and programs of the City's General Plan.

Below is a summary of the Master Plan tasks and the deliverables. The table is followed by detailed task descriptions.

SUMMARY OF TASKS AND DELIVERABLES	
TASK	DELIVERABLE
1. Land Use	Draft Technical Memorandum (TM) summarizing existing and future land use assumptions (year 2025) Existing and Ultimate Land Use Maps (in GIS format)
2. Flow Projections - Dry Weather; Wet Weather; Loadings	Draft TM summarizing dry weather flow projections, wet weather flow projections, and projection loadings at plant at 5-year increments to year 2025
3. Regulation Review	Draft and final screening level matrix of high probability high impact regulatory actions impacting City wastewater facilities Workshop materials
4. Collection System Analysis - Model Selection & Training; Model Update; Collection System Analysis	Draft TM on Model Selection for review and concurrence by City on model software Draft TM on Model Update with map showing updated model system and tributary subareas Draft TM summarizing findings of capacity analysis - potential capacity deficiencies
5. Alternatives Development & Evaluation	Draft TM on alternatives evaluation and improvements to correct identified deficiencies
6. Sustainability	Draft TM summarizing findings
7. Sludge Treatment & Disposal Alternatives	Draft TM summarizing findings

The scope of work for this Master Plan project is based on integrating the concurrent I&I Project work with the work for this Master Plan, so there will not be any duplication of effort. It assumes that a single set of integrated deliverables, including a single Master Plan report, will document the findings from both projects. The master plan scope supersedes (replaces) the I&I Project scope.

The Draft Technical Memoranda (TM) noted in the table will be submitted in hard copy and electronic form for review by the City. Comments on the Draft TM will be incorporated into subsequent tasks and into the draft master plan report. If comments on a Draft TM are substantial, a revised TM may be submitted for another round of review prior to incorporating into the draft report.

All project management activities for successful completion of the project will be conducted, including ongoing and close coordination with City staff; project monitoring and administration, monthly invoices and progress reports; and quality assurance and quality control activities for deliverables.

Task 1 – Land Use

Purpose: Define the service area and current and future land uses. This information will be used to develop flow projections and identify future development areas that may require sewer extensions.

APPROACH:

Available land use information will be reviewed including:

- City's current zoning map
- 1999 General Plan and the most recent version of the Land Use Diagram incorporating adopted changes (through 2003 from City website)
- 1999-2006 Housing Element
- Other available planning information on proposed new development, e.g., Benicia Business Park Environmental Impact Report.

As part of this task, the General Plan policies and programs relevant to the wastewater system will also be reviewed and compiled. Formulation of the master plan elements will be consistent with the General Plan.

Using the available land use information, the ultimate service area boundary for the wastewater system will be defined. Future growth locations and types within the ultimate service area will be identified.

Based on the available information, land use maps will be developed showing existing and ultimate land uses for use in the master plan analysis. The land use types will be aggregated into general categories at a level of detail appropriate for master planning, e.g., single family residential, multiple family residential, commercial, industrial, parks, open space. The existing map will identify areas currently vacant where future development is anticipated. The maps will be developed in GIS format (AutoCAD compatible).

Key Assumptions: All land uses will be based on adopted City land use planning documents. The land use maps will be at a level of detail appropriate for master planning purposes, and are not intended to be a detailed representation of the City's General Plan or Zoning Maps.

Deliverables: Draft Technical Memorandum summarizing Task 1 findings, including land use maps, for review and input by City. Revisions will be incorporated into subsequent tasks and the draft master plan report.

Task 2 – Flow Projections

Purpose: Estimate future wastewater flows (average, peak dry weather and peak wet weather) and loadings (biochemical oxygen demand and suspended solids) in five-year increments through the year 2025 for ultimate buildout of the City's projected service area.

APPROACH:

This task will be integrated with and incorporate information from CDM's current contract with the City for flow monitoring related to the Infiltration & Inflow Improvement Project (I&I Project). Flow monitoring information from this other project will be used for this task. The City will also provide available historic flow data on system-wide flows at the wastewater treatment plant.

This task includes:

Dry Weather Flow Projections

- Unit flow factors for various land uses and peaking factors used in the I&I Project and previous wastewater master plan will be reviewed and checked for reasonableness using the available dry weather flow monitoring data from the I&I Project, supplemented by CDM's experience on other similar projects. Based on this evaluation, unit flow and peaking factors will be determined for the master plan analysis.
- Although the flow meter locations from the recent I&I wet weather flow monitoring were not selected for the purpose of confirming dry weather flow factors, the available data for periods without rainfall will be reviewed and used to the extent possible to confirm and update the dry weather factors.
- Large dischargers will also be identified, if appropriate, for inclusion as a point source in the hydraulic model.
- Using the selected unit flow and peaking factors, average and peak dry weather flow projections for current and future conditions will be developed at 5-year increments.

Wet Weather Flow Projections

- Wet weather parameters used in the I&I Project and previous wastewater master plan will be reviewed and checked for reasonableness using the available flow and rainfall monitoring data from the I&I Project, supplemented by CDM's experience on other similar projects.
- A design storm hydrograph will be identified for the wet weather analysis, as well as key parameters for groundwater infiltration and base flow conditions
- Using the selected wet weather flow parameters, peak wet weather flow projections will be developed for current and future land use conditions at 5-year increments.

Loading Projections

- Available historical data on wastewater influent quality will be evaluated to determine current loadings at the plant for biological oxygen demand and suspended solids.
- A qualitative assessment will be made of the potential for changes to current loading rates in the future. The appropriate rates to use for future projections will be determined.
- Future loading projections for total inflows to the plant will be developed using the selected loading rates and the dry weather and wet weather flow projections developed in this task. These loading projections will be on a system-wide basis for total inflows into the plant.

Key Assumptions:

- Information on dry weather and wet weather flow factors that will be developed in the concurrent I&I evaluation project will be used as the basis for this task. Confirmation of flow factors and parameters for the master plan will be done after the information is available from the I&I Project.
- Flow projection methodology will be compatible with the hydraulic modeling program selected in Task 4.
- No flow monitoring will be conducted as part of this master plan.

Deliverable: Draft Technical Memorandum on the flow projection findings for City review and input. Revisions will be incorporated into subsequent tasks and the draft master plan report.

Task 3 - Regulation Review

Purpose: Identify upcoming regulatory actions that may impose new requirements affecting the City's existing collection, treatment, and/or disposal facilities, which may result in the City having to install new or upgraded facilities.

APPROACH:

A screening level matrix will be prepared of pertinent potential regulatory actions foreseen over the master plan horizon. The actions would be organized by likely impacted facilities (e.g., collection system infiltration/inflow, ammonia removal, disposal location, etc.),

likelihood of actual approval, likely approval date, level of impact on existing facilities, and other criteria developed in coordination with the City and project team. The matrix would be in a format that could be readily updated so that it could be maintained as a living document into the future.

A workshop would be held with City and key project team staff to review and prioritize the highest probability, highest impact regulatory actions. The matrix would be updated as needed based on the results of the workshop.

Key Assumptions:

- Focus of this effort is on the highest probability and highest impact regulatory actions, not an exhaustive inventory of the universe of potential regulations. The most likely source of high probability high impact new regulatory requirements is assumed to be the San Francisco Bay Regional Water Quality Control Board.
- The budgeted level of effort includes development of the screening matrix and prioritization of the actions, as described in the task scope. As an optional task(s), if authorized by the City as additional services, high priority regulatory action(s) selected by the City could be assessed in more detail. Brief draft and final technical memos would be prepared describing the impacts of these actions. Conceptual alternatives to address them. The additional authorization budget would be based on the additional services requested by the City.

Deliverables: Draft and final screening level matrix of high probability high impact regulatory actions impacting City wastewater facilities.

Task 4 – Collection System Evaluation

Purpose: Identify present and future capacity problems in the existing collection system using a computerized hydraulic model to evaluate deficiencies.

This evaluation will be integrated with and incorporate the findings of CDM's concurrent work on the infiltration & inflow project (I&I Project) and the October 2006 Benicia Business Park Sewer Collection System Analysis. The following subtasks are included in Task 4:

- Subtask 4.1 – Hydraulic Model Selection and Training
- Subtask 4.2 – Hydraulic Model Update
- Subtask 4.3 – Collection System Analyses

Subtask 4.1 – Hydraulic Model Selection and Training

Purpose: Identify and evaluate hydraulic modeling software requirements and options, and provide recommendations to City on the model software to use for this master plan.

APPROACH:

Hydraulic Model Selection

Hydraulic modeling features that are needed for this project will be identified including those that would facilitate continued use of the model by the City subsequent to the master plan. Up to five commercially available hydraulic modeling software programs will be evaluated with respect to the needed features and cost. The evaluation will also consider the computer hardware available at the City as a factor, and whether it is adequate for the proposed software programs.

A Technical Memorandum will be prepared summarizing the model software alternatives with recommendations regarding selection of a model software package. If requested by City and available through the software vendor, arrangements will be made with the vendor to demonstrate the recommended modeling package to the City via Net Meeting. After review and concurrence by the City, the selected model software will be used for the master plan.

Model Training

After completion of the master plan, training will be provided for City staff on the use of the model, and assistance will be provided in installing the model software and files on the City's computers. Model training will be held for City staff at City offices. The first part of the training (1 to 2 hours) will cover general features and potential uses of the model. The second part (2 to 3 hours) will be hands-on training for selected staff that would be using the model.

Prior to the training date, a training agenda will be provided for review by the City. Basic documentation concerning the model developed for the master plan will be provided in the form of model training materials, and will focus on City-specific features of the model.

Key Assumptions:

- City will purchase one copy of the selected hydraulic modeling software for use by consultant during this project and for future use by City, i.e., model software will be delivered to City at end of project.
- City will provide a room and computer hardware for the training; and identify appropriate staff to attend the training.
- CDM is not providing any computer hardware to the City as part of this task. City is responsible for providing adequate computer hardware for future City use of the selected model.

Deliverables:

- Draft Technical Memorandum summarizing the key features of the software options and the recommended software package. Final TM will be a technical appendix of the master plan report.
- Training materials and final model files.

Subtask 4.2 – Hydraulic Model Update

Purpose: Update the hydraulic model used for the City's Infiltration & Inflow Evaluation for use in the master plan.

APPROACH

The current model used for the I&I Project will be converted to the model software selected in Subtask 4.1. The conversion will include checking to ensure that the data was accurately transferred to the new model.

The model will include all sewers that are 10 inches in diameter or larger. Additional smaller diameter lines will be added to the model as needed to keep tributary areas at a reasonable size. The current model will be compared against the City's current utilities maps to determine if additional existing sewers need to be added to the current model system. In addition, information on future growth areas from Task 1 will be reviewed to determine if future sewer extensions need to be added, e.g., Benicia Business Park. If so, the additional facilities will be added to the master plan model.

Basic data checks will be conducted for missing data and physical inconsistencies (e.g., reverse pipe slopes or diameter changing from larger to smaller rather than vice versa). Any flow splits in the modeled system will be discussed with City staff to confirm the operational characteristics of the split for the model analysis.

For existing facilities that are added to the current model, diameter and material data will be obtained from the utilities maps; manhole rim and invert elevation information will be provided by the City from as-built plans since it is not available on the utilities maps. For future sewer extensions, proposed sizes and pipe slopes will be obtained from available plans or reasonable assumptions will be made, e.g., pipe slope similar to ground slope. For facilities already in the current model, missing or inconsistent data will be corrected; however, all other physical data in the current model for existing sewers (e.g., diameters, inverts, material) will be assumed to be accurate and will not be verified.

Tributary subbasins will be identified for allocating wastewater flows to the appropriate modeled sewer. Each subbasin will have at least one connection node in the hydraulic model. Current and future land uses within each subbasin will be tabulated using the land use mapping information developed in Task 1. These land uses will be used to generate wastewater flows within each subbasin.

The modeled facilities will be put into a GIS database with the GIS platform selected after consultation with City staff regarding current/future plans for City GIS. Typically, CDM has used an ESRI ArcInfo platform since many current hydraulic model software programs work within this environment, and it is capable of easily transferring information to other programs and to AutoCAD. The GIS maps will show locations of the modeled facilities at a planning-level of detail consistent with the model accuracy. The model maps will show sewers within the correct streets, but the locations within the street right-of-way will not be accurate for design purpose.

To the extent possible with the available flow monitoring data compiled from Task 2, a limited calibration of the updated model will be done to check for reasonableness of dry weather and wet weather model representations. A generalized review of the results of initial dry weather and wet weather model runs for existing conditions will be done to assess their overall reasonableness and consistency with available historic flow data. This limited calibration effort will be based on the available data, supplemented with CDM's experience with other similar systems.

Key Assumptions:

- The model update will be integrated with the work on the concurrent I&I Project, i.e., a single model will be developed for both projects. The model will include all sewers that are 10 inches in diameter or larger. Additional smaller diameter lines will be added to the model as needed to keep tributary areas at a reasonable size.
- Only modeled facilities (sewers and manholes) and model attributes (model data) will be in the GIS database. The database will not include all manholes on modeled pipes or all sewer pipes in the system.

Deliverables:

- Draft Maps of the updated modeled system and tributary subareas for City review and input.
- Draft Technical Memorandum summarizing the model update. Final TM will be a technical appendix of the master plan report.

Subtask 4.3 — Collection System Analyses

Purpose: Conduct hydraulic analyses using the updated model to identify potential capacity deficiencies in the existing system under existing and future flows.

APPROACH:

Hydraulic criteria will be established for evaluating the capacity of the existing sewer system and for sizing of improvements, such as Manning's "n" (friction) factors for pipes, minimum and maximum velocities, and design depth for pipe flow. The proposed hydraulic criteria will be provided to the City for review and concurrence prior to conducting the analyses.

Acceptable limits for surcharging in pipes will also be established for prioritizing improvements. For example, if there are existing deficiencies under existing flows, some surcharging in pipes may be acceptable as long as the hydraulic gradeline remains below ground and no overflows would occur. Design of future improvements would typically not allow any surcharging.

Using the updated model from Subtask 4.2, model runs will be conducted for dry and wet weather design flow conditions for the existing and ultimate scenarios. Based on the established criteria, the results of the model runs will be used to identify the potential deficiencies in the existing sewer system under each of the modeled scenarios, and the expected timeframe when future improvements will be needed.

The capacity deficiencies will be prioritized by type and severity. Potential overflow locations will be identified from the model results, as well as locations which may have some surcharging but not overflow. A map and summary table will be prepared showing the locations and types/severity of the identified deficiencies.

Key Assumptions:

- Work on this task will be integrated with the concurrent I&I Project.

Deliverables:

- Draft Technical Memorandum on the capacity analysis results for City review and input. Revisions will be incorporated into subsequent tasks and the draft master plan report.

Task 5 – Collection System Alternatives Development and Evaluation

Purpose: Identify and evaluate alternatives for improving the collection system to accommodate future flows through year 2025.

APPROACH:

For the deficiencies identified in Task 4.3, alternatives will be developed to address the deficiencies. Alternatives may include replacement or paralleling of existing deficient sewers, diversions to other sewers, and/or construction of new sewers along different alignments. The hydraulic model will be used to verify the adequacy of the various alternatives.

The available capacity at existing pump stations and the required capacity to meet future needs will be determined. The analysis will identify if there may be any gravity sewer alternatives to pumped flows. Conceptual planning-level alternatives for expanding, paralleling or replacing existing pump stations will be identified.

The City will provide available information on existing sewers that require rehabilitation or replacement due to poor condition. This information will be used in conjunction with the results of the capacity analysis in identifying improvements and evaluating alternatives. In addition, recommendations will be provided regarding key criteria and critical elements of future condition assessments that could be done subsequent to the master plan.

This task will be integrated with information developed as part of the concurrent I&I Project. The I&I improvement needs will be considered in conjunction with the capacity analysis results and the available condition information in order to help define all improvement needs.

Based on the alternatives analysis, improvement recommendations will be formulated. The alternatives analysis will qualitatively consider the appropriate type of improvement, construction cost, operation and maintenance requirements and costs, environmental concerns, and flexibility. This task will also consider the findings from the concurrent I&I Project's review of the City's preventive maintenance program and recommendations on possible steps to improve the program. The information from this review will be included as a technical appendix of the master plan document.

Key Assumptions:

- Work on this task will be integrated with the concurrent I&I Project.
- No condition assessments of existing sewer facilities will be performed as part of the master plan.

Deliverables: Draft Technical Memorandum on the alternatives evaluation and recommendations for City review and input. Revisions will be incorporated into subsequent tasks and the draft master plan report.

Task 6 – Sustainability

Purpose: Identify sustainability issues and approaches with respect to the City's wastewater system.

APPROACH:

This task includes:

- Obtain and review any current City policy(ies) regarding the City's general approach to sustainability.
- Summarize the City's efforts regarding water reuse, by reference to other City projects.
- Offer recommendations for reducing the treatment plant's emission of green house gases and identify opportunities for utilizing renewable energy resources, such as biogas, thereby contributing to the Community's commitment to sustainability.
- Identify potential threats to the City's wastewater facilities and infrastructure as a result of global warming, including potential sea level rise.

Based on this evaluation, a general framework will be provided for integrating sustainability and "green" approaches related to the wastewater system within the context of City goals/policies and general industry standards/guidelines. This task will focus on environmental stewardship activities undertaken in a way that meets present needs without compromising the ability of future generations to meet their needs.

Key Assumptions: This assessment will be qualitative only. It is not intended to be a detailed evaluation of sustainability goals and/or feasibility of implementing potential sustainability measures.

Deliverable: Draft Technical Memorandum on sustainability findings for City review and input. Revisions will be incorporated into subsequent tasks and the draft master plan report.

Task 7 – Sludge Treatment and Disposal Alternatives

Purpose: Identify alternatives and provide recommendations for treatment and disposal of sludge in addition to the current use at the Hay Road Landfill for cover.

APPROACH:

This task will include the following work elements:

- Review plant operating data - Plant data for the past two years will be reviewed and summarized with respect to the sludge treatment operations. A plant mass balance will be prepared that includes where assumptions needed to be made in closing the balance.
- Optimization of existing sludge treatment operations - Suggestions for optimizing the existing sludge processing operations will be developed, including:
 - Thickening - Optimization of the Dissolved Air Flotation System and comparison with replacement with gravity belt or drum thickening
 - Digestion - The digestion system will be examined for ways to improve stability, and gas production, improve Volatile Suspended Solids destruction and dewaterability
 - Dewatering - A brief review will be made of the dewatering operations and the existing belt filter presses will be compared to centrifuge or screw press alternatives.
 - Recycle stream impacts - The impacts of recycle stream on existing operations, nitrification capacity and wastewater reuse potential will be discussed.
- Alternatives for a local, beneficial use solution - Alternatives will be developed and evaluated considering the following:
 - Regulatory climate
 - Options for beneficial use within Benicia
 - Development of beneficial reuse programs at the Landfill
 - An alternative to produce Class A sludge using thermophilic digestion, screw press with lime or dryer will be described
- Future technology review - There are sludge processing technologies now being applied full scale that may benefit Benicia's sludge treatment operations in the future. These technologies will be described with an estimate of how they might reduce costs at the plant. The technologies include:

- Cannibal@
- Waste Activated Sludge destruction (OpenCel, Microsludge, etc.)
- Dryer Options
- Cogeneration (refer to Task 6)
- Regional incineration

Key Assumptions: The City will provide plant operating data and O&M costs for the past two years. If sufficient data does not exist to close the plant mass balance, the Consultant may request the City to do some additional sampling and testing for a short period.

Deliverables: Draft technical memorandum summarizing task findings for City review and input. Revisions will be incorporated into the draft master plan report.

Task 8 – Capital Improvement Program

Purpose: Develop a capital improvement program with associated costs for required wastewater collection and treatment improvements on a fiscal year basis for a 10-year period that addresses the identified deficiencies.

APPROACH:

A Capital Improvement Program (CIP) will be developed based on the results of the collection system and treatment plant evaluations conducted in the preceding tasks. Specific projects will be formulated to cost effectively address the identified deficiencies. Any other sewer system related capital projects already identified by the City, such as for condition or maintenance purposes, will be reviewed and included in the CIP as appropriate.

The CIP projects will be prioritized for implementation considering such factors as timing based on projected flow increases, severity of deficiencies, public health and safety, regulatory compliance issues, funding constraints, and others as appropriate.

Preliminary opinions of probable construction costs and estimated capital costs for the recommended projects will be developed. The capital costs will include appropriate markups for project implementation costs (engineering services, environmental review, construction management and inspection, legal and administration); as well as design and construction contingencies appropriate for conceptual planning level costs.

Cost allocations between existing and future customers will be provided for the City's use in future financing studies, i.e., cost of improvement needed for existing system versus cost of capacity increases for future growth. Potential funding options for the collection system and treatment plant improvements will be identified for City consideration in future financing studies.

Key Assumptions:

- Work on this task will be integrated with the concurrent I&I Project.
- Cost estimates will be at a conceptual master planning level of detail.
- Task does not include a financing study, development of updated rates or fees, or feasibility evaluation of potential funding options.

Deliverable: Draft CIP will be included in the Task 10 draft report for City review and input.

Task 9 – Meetings and Project Management

Purpose: Provide opportunities for ongoing coordination with and input from City staff at key milestones during the project, to ensure the project stays on track and responsive to City needs.

APPROACH:

This task includes attendance at up to six meetings with City staff to review work progress. These meetings will also provide a forum to discuss technical issues and get input from City staff. It is anticipated that the City's review comments and input on draft deliverables will be discussed at these meetings.

If requested, attend the Planning Commission and City Council meetings at which approval of the plan may be considered. The level of effort includes time for preparation of a presentation and attendance at two meetings (one for Planning Commission and one for City Council).

This task also includes overall management of the project team, oversight of project budget and schedule status, coordination of quality assurance reviews of task deliverables by senior technical reviewers, and preparation of monthly progress reports and invoices.

Key Assumptions: Maximum number of meetings as noted in task description.

Deliverables:

- Meeting summaries focusing on action items and major decisions.
- Monthly progress reports and invoices

Task 10 – Master Plan Report

Purpose: Prepare report documenting the findings of all master plan tasks.

APPROACH:

The Master Plan report will summarize and present the results and recommendations. An Executive Summary for the overall master plan will be provided that will highlight key findings and recommendations. Detailed technical information will be included as report appendices. This task includes the following:

- Prepare draft report summarizing the findings from all master plan tasks.
- Submit draft report (5 copies) to City staff for review. Discuss the review comments with the City. As appropriate, prepare responses to comments for City review and concurrence. Straightforward comments, e.g., minor edits, may not require responses.
- Revise the draft report to incorporate City comments.
- Submit a pre-final check-print of the report to the City for final review. Make any final revisions that may be needed. It is assumed that there would be only very minor comments/corrections at this stage.
- Submit final report (10 copies plus electronic files).

Key Assumptions:

- Number of report copies as noted in task description.
- A single integrated master plan document will be prepared covering the work under this project and the work under the concurrent I&I Project evaluations.

Deliverables: 5 copies of Draft Report; 1 check-print of Pre-Final Report; 10 copies of Final Report, plus final electronic files of the entire report in PDF format suitable for posting on the City website and for printing.

Exhibit B
Project Budget for
Benicia Wastewater System Master Plan

TASK	Labor Category:	Hours by Category										Total Labor Hrs	Sub \$	Expenses \$	Total Burdened Cost
		OIC	PM	EN 8	EN 7/6	EN 5/4	EN 3/2	Graphics	Admin	Clerical					
1	Land Use	0	8	0	16	0	60	0	1	2		87	\$0	\$70	\$12,000
2	Flow Projections Note: Budgeted level of effort for this task assumes integration with the concurrent I&I Project	0	6	4	16	0	40	0	1	2		69	\$0	\$50	\$10,000
3	Regulation Review	0	8	8	0	0	0	0	2	2		20	\$18,000	\$130	\$24,000
4	Collection System Analysis Note: Budgeted level of effort for this task assumes integration with the concurrent I&I Project	0	12	0	50	0	88	0	4	5		159	\$0	\$120	\$22,000
5	Alternatives Development & Evaluation Note: Budgeted level of effort for this task assumes integration with the concurrent I&I Project	0	10	0	16	0	24	0	2	2		54	\$0	\$50	\$8,000
6	Sustainability	0	8	16	0	0	16	0	2	1		43	\$0	\$50	\$7,000
7	Sludge Treatment & Disposal	0	4	60	0	60	0	8	2	2		136	\$0	\$140	\$25,000
8	Capital Improvement Program Note: Budgeted level of effort for this task assumes integration with the concurrent I&I Project	0	10	12	16	12	20	4	2	2		78	\$0	\$80	\$13,000
9	Meetings and Project Management Note: Budgeted level of effort for this task assumes integration with the concurrent I&I Project	12	34	8	8	0	0	2	6	8		78	\$0	\$90	\$14,000
10	Master Plan Report Note: Budgeted level of effort for this task assumes integration with the concurrent I&I Project	4	24	4	4	0	40	10	8	4		98	\$0	\$640	\$15,000
Total Hours		16	124	112	126	72	288	24	30	30		822	\$18,000	\$1,420	\$150,000



ZURICH

Endorsement

Policy No.	Eff. Date of Pol.	Exp. Date of Pol.	Eff. Date of End.	Producer	Add'l. Prem	Return Prem.
BAP 8376631-12	1-1-08	1-1-09	4-15-08	90-060-000	\$Subject to Audit	\$

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED

Name of Person or Organization: City of Benicia, its officers, officials, employees and volunteers

Description of Contract: All Projects

WHO IS AN INSURED is changed to include as an "insured" the person or organization named above for "bodily injury" or "property damage" arising out of the use of a covered "auto" while the covered "auto" is being used pursuant to a contract described in the schedule.

However, the person or organization named above is an "insured" only for "bodily injury" or "property damage" resulting from the acts or omissions of:

1. You;
2. Any of your employees or agents; or
3. Any person, except the employee or agent of the person or organization named above, operating a covered "auto" with the permission of any of the above.
4. Insurance is primary and non-contributory.
5. This endorsement is restricted to the Named Insured's "autos" and their use arising out of the project.

Additional Insured – Scheduled - Owners, Lessees or Contractors - Broad Form



Policy No.	Eff. Date of Pol.	Exp. Date of Pol.	Eff. Date of End.	Producer	Add'l. Prem	Return Prem.
GLO8376632-12	1-1-08	1-1-09	4-15-08	90-060-000	\$Subject to Audit	\$

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

This endorsement modifies insurance provided under the:

Commercial General Liability Coverage Part

SCHEDULE

Name of Person or Organization

City of Benicia, its officers, officials, employees and volunteers

Re: All projects

(If no entry appears above, information required to complete this endorsement will be shown in the Declarations as applicable to this endorsement.)

- A. **WHO IS AN INSURED (Section II)** is amended to include as an insured the person or organization shown in the SCHEDULE above whom you are required to add as an additional insured on this policy under a written contract or written agreement.
- B. The insurance provided to the additional insured applies only to "bodily injury", "property damage" or "personal and advertising injury" covered under **Section I, Coverage A, BODILY INJURY AND PROPERTY DAMAGE LIABILITY** and **Coverage B, PERSONAL AND ADVERTISING INJURY LIABILITY**, but only if:
 - 1. The "bodily injury" or "property damage" results from your negligence; and
 - 2. The "bodily injury", "property damage" or "personal and advertising injury" results directly from:
 - a. Your ongoing operations; or
 - b. "Your work" completed as included in the "products-completed operations hazard", performed for the additional insured, which is the subject of the written contract or written agreement.
- C. However, regardless of the provisions of paragraphs A. and B. above:
 - 1. We will not extend any insurance coverage to the additional insured person or organization:

- a. That is not provided to you in this policy; or
 - b. That is any broader coverage than you are required to provide to the additional insured person or organization in the written contract or written agreement; and
2. We will not provide Limits of Insurance to the additional insured person or organization that exceed the lower of:
- a. The Limits of Insurance provided to you in this policy; or
 - b. The Limits of Insurance you are required to provide in the written contract or written agreement.
- D. The insurance provided to the additional insured does not apply to:
- 1. "Bodily injury", "property damage" or "personal and advertising injury" that results solely from negligence of the additional insured; or
 - 2. "Bodily injury", "property damage" or "personal and advertising injury" arising out of the rendering or failure to render any professional architectural, engineering or surveying services including:
 - a. The preparing, approving, or failing to prepare or approve maps, shop drawings, opinions, reports, surveys, field orders, change orders or drawings and specifications; and
 - b. Supervisory, inspection, architectural or engineering activities.
- E. The additional insured must see to it that:
- 1. We are notified as soon as practicable of an "occurrence" or offense that may result in a claim:
 - 2. We receive written notice of a claim or "suit" as soon as practicable; and
 - 3. A request for defense and indemnity of the claim or "suit" will promptly be brought against any policy issued by another insurer under which the additional insured also has rights as an insured or additional insured.
- F. The insurance provided by this endorsement is primary insurance and we will not seek contribution from any other insurance available to the person or organization shown in the Schedule unless the other insurance is provided by a contractor other than you for the same operations and job location. Then we will share with that other insurance by the method described in paragraph 4.c. of SECTION IV - COMMERCIAL GENERAL LIABILITY CONDITIONS.

Any provisions in this Coverage Part not changed by the terms and conditions of this endorsement continue to apply as written.

**AGENDA ITEM
CITY COUNCIL MEETING: JULY 15, 2008
CONSENT CALENDAR**

DATE: June 30, 2008

TO: City Manager

FROM: Parks and Community Services Director

SUBJECT: **PURCHASE OF PLAYGROUND EQUIPMENT FOR 9TH STREET PARK**

RECOMMENDATION:

Adopt a resolution authorizing the purchase of new playground equipment for 9th Street Park in the amount of \$49,214.

EXECUTIVE SUMMARY:

The present playground equipment at 9th Street Park was determined by a City staff, credentialed with a playground inspection certification, to be out of compliance and potentially unsafe. To remedy the situation and maintain a play structure at 9th Street Park, staff is requesting authorization to purchase new playground equipment.

BUDGET INFORMATION:

The cost to purchase new playground equipment is \$49,214. Currently funds are budgeted for the purchase of playground equipment, located in the Park Dedication Fund, account No. 047-9047-9618.

BACKGROUND:

On June 25, 2008 a total of three (3) bids were received. The bid results are summarized in the table below:

Bid Results:

RANK	BIDDER'S NAME & ADDRESS	TOTAL BASE BID
1	Ross Recreation Folsom, California	\$49,214.00
2	Burk Recreation, Fond du Lac, Wisconsin	\$52,239.46
3	Cal Sport and Rec. Novato, California	\$58,858.47

Attachment:

- Proposed Resolution

Proposed Resolution

RESOLUTION NO. 08-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA
AUTHORIZING THE PURCHASE OF NEW PLAYGROUND EQUIPMENT
FOR 9TH STREET PARK IN THE AMOUNT OF \$49,214, ALLOCATED FROM
THE PARK DEDICATION FUND**

WHEREAS, City staff, credentialed with a playground inspection certification, deemed the current playground equipment at 9th Street Park no longer fit for us; and

WHEREAS, it is not feasible to repair the unsafe conditions of the current playground equipment at 9th Street Park; and

WHEREAS, the City desires to maintain playground equipment at 9th Street Park; and

WHEREAS, three bids were received and Ross Recreation was the lowest bidder; and

WHEREAS, there are sufficient funds available in the Park Dedication Fund for the purchase of new playground equipment at 9th Street Park.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Benicia approves the purchase of new playground equipment for 9th Street Park in the amount of \$49,214 appropriated from the Park Dedication Fund, account No. 047-9047-9618.

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 15th day of July, 2008 and adopted by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk

**AGENDA ITEM
CITY COUNCIL MEETING: JULY 15, 2008
CONSENT CALENDAR**

DATE: June 30, 2008

TO: City Manager

FROM: Parks and Community Services Director

SUBJECT: **PURCHASE OF EQUIPMENT TO REPLACE THE
FAILING AND ANTIQUATED TV STUDIO EQUIPMENT
LOCATED ABOVE THE CITY COUNCIL CHAMBER**

RECOMMENDATION:

Adopt a resolution authorizing the purchase of new TV studio equipment for the City Council Chamber in the amount of \$54,948.63.

EXECUTIVE SUMMARY:

The present video equipment used to record City meetings, including City Council and School Board meetings, is antiquated and failing. Unfortunately, due to the equipments deterioration it is no longer feasible or possible to purchase replacement parts or employ technical support to correct problems.

BUDGET INFORMATION:

The cost to purchase new video and film equipment is \$54,948.63. Currently funds are budgeted for the purchase of such equipment, located in the Cable TV P.E.G. Grant Fund, account No. 084-2484-9173.

BACKGROUND:

On May 23, 2008 a total of three (3) bids were received. The bid results are summarized in the table below:

Bid Results:

RANK	BIDDER'S NAME & ADDRESS	TOTAL BASE BID
1	ASG & Associates Emeryville, California	\$54,948.63
2	Burst Communications New Port Beach, California	\$60,331.34
3	Snader & Associates San Rafael, California	\$63,685.59

Attachment:

- Proposed Resolution

Proposed Resolution

RESOLUTION NO. 08-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA
AUTHORIZING THE PURCHASE OF VIDEO AND FILM EQUIPMENT FOR
THE CITY COUNCIL CHAMBERS IN THE AMOUNT OF \$54,948.63,
ALLOCATED FROM THE CABLE TV P.E.G. GRANT FUND**

WHEREAS, City staff and outside technical support deemed the current video and film equipment within the City Council Chamber no longer viable to produce live video broadcasts; and

WHEREAS, it is not feasible or possible to continue to repair said equipment;
and

WHEREAS, the City desires to produce live television broadcasts to the Benicia public; and

WHEREAS, three bids were received and ASG & Associates were the lowest bidder; and

WHEREAS, there are sufficient funds available in the Cable TV P.E.G. Grant Fund for the purchase of video and film equipment.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Benicia approves the purchase of new video and film equipment for the City Council Chamber in the amount of \$54,948.63 appropriated from the Cable TV P.E.G. Grant Fund.

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 15th day of July, 2008 and adopted by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk

**AGENDA ITEM
CITY COUNCIL MEETING: JULY 15, 2008
ACTION ITEM**

DATE: June 25, 2008

TO: City Manager

FROM: Community Development Director

SUBJECT: **APPROVAL OF PROFESSIONAL SERVICES AGREEMENT FOR HOUSING ELEMENT UPDATE**

RECOMMENDATION:

Authorize the City Manager to execute an agreement for professional services for \$52,920 with Lisa Wise Consulting to prepare a Housing Element update.

EXECUTIVE SUMMARY:

The City is required by the State Department of Housing and Community Development to update the Housing Element of the Benicia General Plan by July 1, 2009. Revisions to the Housing Element will include goals, policies, programs and quantified objectives to address Benicia's State-mandated housing needs through June 2014, including housing for lower-income households. The update process will include a community charrette and a series of public meetings at the Planning Commission and City Council. Lisa Wise Consulting of Los Osos, California was selected to prepare the Housing Element update following panel interviews with three of the five firms that submitted proposals.

BUDGET INFORMATION:

The 2008-09 budget includes \$60,000 for the Housing Element update. The \$7,080 beyond the consultant contract amount will be used for public noticing and logistical support of the public participation process.

ENVIRONMENTAL REVIEW:

The project scope of work anticipates a Negative Declaration pursuant to the California Environmental Quality Act (CEQA), which is the typical environmental documentation for Housing Element updates.

SUMMARY:

Housing is a matter of importance to the city, as housing availability for all income levels has a direct effect on quality of life and economic development. Having an adequate supply of housing for Benicia families helps achieve a jobs/housing balance by providing options for workers to live in the city rather than commute should they prefer to do so. This is one of the basic building blocks of sustainable communities.

The State Department of Housing and Community Development (HCD) requires every city and county to prepare a Housing Element as part of the General Plan to ensure that housing opportunities exist for all socioeconomic segments of the population. Housing elements are regularly updated and are reviewed for certification by HCD.

HCD and the Association of Bay Area Governments (ABAG) set fair-share housing requirements for each municipality in the Bay Area; these mandates are renewed for each Housing Element update cycle. As shown in the table below, Benicia's allocation has increased 29 percent since the prior cycle, with more than twice the low- and very low-income units (246) required during the prior cycle (119).

Current and Prior Benicia Housing Needs Allocation

	Very Low <50%AMI	Low, < 80%AMI	Moderate <120%AMI	Above Moderate	Total
Estimated Maximum Allowed Income*	\$30,766	\$49,226	\$73,839	None	
2007-2104 Cycle	147	99	108	178	532
1999-2006 Cycle	70	49	90	204	413

*Per 2006 U.S. Census data. AMI = Area median income for Solano County

While the State decides how much housing must be accommodated, local governments determine how and where housing production will occur. The following tasks are involved in updating the Housing Element (for a complete description, see Exhibit A to the attached contract):

- *Housing Needs Assessment* – identifies existing and projected needs for housing by income level and considering people with special needs.
- *Site Inventory and Analysis* – includes a detailed list of property available for new housing that demonstrates that an adequate number of developable sites can be developed to meet Benicia's housing allocation.
- *Constraints Analysis* – identifies land use controls affecting housing production, such as zoning, fees and exactions, processing timelines, and building codes.
- *Public Charrette* – engages the community in a collaborative two-day workshop that helps build community consensus, and shapes Housing Element goals, policies, and programs. A

report from the charrette will be presented to a joint meeting of the City Council and Planning Commission to obtain direction prior to drafting the updated Housing Element.

- *Housing Policy* – expresses shared community values in written goals that provide direction to decision makers; policies that prescribe specific courses of action to implement goals; programs that identify sites, assist in the development of workforce housing, conserve and improve the existing affordable housing supply, promote equal housing opportunity, and preserve units at risk for conversion; and quantified objectives that establish production targets by income level.
- *Adoption and Certification* – the Draft Housing Element is presented at Planning Commission and City Council hearings, then submitted to HCD for final approval.

Staff intends to submit the Housing Element to HCD by June 30, 2009, as required. The overall project schedule is provided in Attachment A, Exhibit A.

ATTACHMENT:

- Professional Services Agreement
 - A. Exhibit A – Scope of Work and Schedule
 - B. Exhibit B – Budget
 - C. Insurance Certificate

Attachment
Professional Services Agreement

CONSULTANT AGREEMENT

This agreement ("Agreement") entered into July 1, 2008, is between the City of Benicia, a municipal corporation (hereinafter "CITY"), and Lisa Wise Consulting, a California corporation, partnership, sole proprietor with its primary office located at 1302 Bayview Heights Drive, Los Osos, California 93402 hereinafter "CONSULTANT") (collectively, "the Parties").

RECITALS

WHEREAS, CITY has determined it is necessary and desirable to secure certain professional services to prepare an update to the 1999-2006 Housing Element. The scope of work for said service (hereinafter "Project") is attached hereto as Exhibit "A" and is hereby incorporated by reference; and

WHEREAS, CONSULTANT is specially trained, experienced and competent to perform the services required by this agreement; and

WHEREAS, CONSULTANT represents it is qualified and willing to provide such services pursuant to the terms and conditions of this Agreement.

NOW, THEREFORE, IT IS AGREED by and between CITY and CONSULTANT as follows:

AGREEMENT

1. INCORPORATION OF RECITALS. The recitals set forth above, and all defined terms set forth in such recitals and in the introductory paragraph preceding the recitals, are hereby incorporated into this Agreement as if set forth herein in full.

2. SCOPE OF SERVICE.

(a) Services to be Furnished. Subject to such policy direction and approvals as CITY through its staff may determine from time to time, CONSULTANT shall perform the services set forth in Exhibit A, which is attached hereto and incorporated herein by reference.

(b) Schedule for Performance. CONSULTANT shall perform the services identified in Exhibit A according to the completion schedule included in Exhibit A and as expeditiously as is consistent with generally accepted standards of professional skill and care, and the orderly progress of work.

(i) CONSULTANT and CITY agree that the completion schedule in Exhibit A represents the best estimate of the schedule. CONSULTANT shall comply with

completion dates noted in Exhibit A unless a written waiver is granted by the CITY's project manager.

(ii) CONSULTANT shall not be responsible for performance delays caused by others, or delays beyond CONSULTANT'S control, and such delays shall extend the times for performance of the work by CONSULTANT.

(c) Standard of Quality. All work performed by CONSULTANT under this Agreement shall be in accordance with all applicable legal requirements and shall meet the standard of quality ordinarily to be expected of competent professionals in CONSULTANT'S field of expertise. CONSULTANT shall function as a technical advisor to CITY, and all of CONSULTANT'S activities under this Agreement shall be performed in accordance with this Agreement.

(d) Compliance With Laws. CONSULTANT shall comply with all applicable federal, state, and local laws, codes, ordinances, regulations, orders, and decrees. CONSULTANT represents and warrants to CITY that CONSULTANT shall, at its own cost and expense, keep in effect or obtain at all times during the term of this Agreement any licenses, permits, insurance and approvals which are legally required for CONSULTANT to practice its profession or are necessary and incident to the due and lawful prosecution of the services it performs under this Agreement. CONSULTANT shall maintain a City of Benicia business license. CONSULTANT shall at all times during the term of this Agreement, and for one year thereafter, provide written proof of such licenses, permits, insurance, and approvals upon request by CITY. CITY is not responsible or liable for CONSULTANT'S failure to comply with any or all of the requirements contained in this paragraph.

3. COMPENSATION.

(a) Schedule of Payment. The compensation to be paid by CITY to CONSULTANT for the services rendered hereunder shall not exceed \$52,920 based upon the rate schedule in Exhibit B attached hereto and hereby incorporated by reference. The rate schedule in Exhibit B itemizes those standard and expected expenses for which CONSULTANT shall receive compensation. If CONSULTANT obtains CITY'S prior written approval from the Community Development Director, CONSULTANT may be reimbursed for extraordinary costs incurred on the Project. In no event shall compensation or reimbursement exceed \$52,920.

(b) Additional Services. CITY shall make no payment to CONSULTANT for any additional services unless such services and payment have been mutually agreed to and this Agreement has been formally amended in accordance with Section 7.

(i) Only the City Council can act on behalf of CITY to authorize CONSULTANT to perform additional services.

(ii) CONSULTANT shall not commence any work or services exceeding the

Scope of Services in Section 2 without prior written authorization from CITY in accordance with Section 7. CONSULTANT'S failure to obtain a formal amendment to this Agreement authorizing additional services shall constitute a waiver of any and all right to compensation for such work or services.

(iii) If CONSULTANT believes that any work CITY has directed CONSULTANT to perform is beyond the scope of this Agreement and constitutes additional services, CONSULTANT shall promptly notify CITY of this fact before commencing the work. CITY shall make a determination as to whether such work is beyond the scope of this Agreement and constitutes additional services. If CITY finds that such work does constitute additional services, CITY and CONSULTANT shall execute a formal amendment to this Agreement, in accordance with Section 7, authorizing the additional services and stating the amount of any additional compensation to be paid.

(c) Invoicing and Payment. CONSULTANT shall submit monthly invoices for the services performed under this Agreement during the preceding period. Invoices or billings must be submitted in duplicate and must indicate the hours actually worked by each classification and employee name, as well as all other directly related costs by line item in accordance with Exhibit B. CITY shall approve or disapprove said invoice or billing within thirty (30) days following receipt thereof and shall pay all approved invoices and billings within thirty (30) days. Interest at the rate of one and one-half (1.5) percent per month will be charged on all past due amounts starting thirty (30) days after the invoice date, unless not permitted by law, in which case interest will be charged at the highest amount permitted by law. Payments will be credited first to interest, and then to principal.

4. PRODUCT REVIEW AND COMMENT. CONSULTANT shall provide CITY with the number of copies described in Exhibit A. Upon the completion of each product, CONSULTANT shall be available to meet with CITY. If additional review and/or revision is required by CITY, CITY shall conduct reviews in a timely manner.

5. TERM OF AGREEMENT. This Agreement shall be effective immediately upon the signatures of both Parties and shall remain in effect until completed, amended pursuant to Section 7, or terminated pursuant to Section 6.

6. TERMINATION:

(a) CITY shall have the right to terminate this Agreement for any reason whatsoever at any time by serving upon CONSULTANT written notice of termination. The Agreement shall terminate three (3) business days after notice of termination is given. The notice shall be deemed given on the date it is deposited in the U.S. mail, certified, postage prepaid, addressed to CONSULTANT at the address indicated in Section 11.

(b) If CITY issues a notice of termination,

(i) CONSULTANT shall immediately cease rendering services pursuant to this Agreement;

(ii) CONSULTANT shall deliver to CITY copies of all writings, whether or not completed, which were prepared by CONSULTANT, its employees, or its subcontractors, if any, pursuant to this Agreement. For purposes of this Agreement, the term "writings" shall include, but not be limited to, handwriting, typewriting, computer files and records, drawings, blueprints, printing, photostating, photographs, and every other means of recording upon any tangible thing, any form of communication or representation, including letters, words, pictures, sounds, symbols, or combinations thereof;

(iii) CITY shall pay CONSULTANT for work actually performed up to the effective date of the notice of termination, subject to the limitations prescribed by Section 3 of this Agreement, less any compensation to CITY for damages suffered as a result of CONSULTANT'S failure to comply with the terms of this Agreement. Such payment shall be in accordance with Exhibit B. However, if this Agreement is terminated for fault of CONSULTANT, CITY shall be obligated to compensate CONSULTANT only for that portion of CONSULTANT'S services which are of benefit to CITY.

7. AMENDMENTS. Modifications or amendments to the terms of this Agreement shall be in writing and executed by both Parties.

8. NONDISCLOSURE OF CONFIDENTIAL INFORMATION. CONSULTANT shall not, either during or after the term of this Agreement, disclose to any third party any confidential information relative to the work of CITY without the prior written consent of CITY.

9. INSPECTION. CITY representatives shall, with reasonable notice, have access to the work and work records, including time records, for purposes of inspecting same and determining that the work is being performed in accordance with the terms of this Agreement. Inspections by CITY do not in any way relieve or minimize the responsibility of CONSULTANT to comply with this Agreement and all applicable laws.

10. INDEPENDENT CONTRACTOR. In the performance of the services in this Agreement, CONSULTANT is an independent contractor and is not an agent or employee of CITY. CONSULTANT, its officers, employees, agents, and subcontractors, if any, shall have no power to bind or commit CITY to any decision or course of action, and shall not represent to any person or business that they have such power. CONSULTANT has and shall retain the right to exercise full control of the supervision of the services and over the employment, direction, compensation, and discharge of all persons assisting CONSULTANT in the performance of said service

hereunder. CONSULTANT shall be solely responsible for all matters relating to the payment of its employees, including compliance with social security and income tax withholding, workers' compensation insurance, and all other regulations governing such matters.

11. NOTICE. Any notices or other communications to be given to either party pursuant to this Agreement shall be in writing and delivered personally or by certified U.S. mail, postage prepaid, addressed to the party at the address set forth below. Either party may change its address for notices by complying with the notice procedures in this Section. Notice so mailed shall be deemed delivered three (3) business days after deposit in the U.S. mail. Nothing shall preclude the giving of notice by facsimile machine provided, however, that notice by facsimile machine shall be followed by notice deposited in the U.S. mail as discussed above.

If to CITY: Charlie Knox, Community Development Director
City of Benicia
250 East "L" Street
Benicia, CA 94510

If to CONSULTANT: Lisa Wise, Principal
Lisa Wise Consulting
1302 Bayview Heights Drive
Los Osos, CA 93402

12. OWNERSHIP OF MATERIALS. CITY is the owner of all records and information created, produced, or generated as part of the services performed under this Agreement. At any time during the term of this Agreement, at the request of CITY, CONSULTANT shall deliver to CITY all writings, records, and information created or maintained pursuant to this Agreement. In addition, CONSULTANT shall not use any of the writing, records, or information generated for the Project under this Agreement for any other work without CITY's consent.

13. EMPLOYEES; ASSIGNMENT; SUBCONTRACTING.

(a) Employees. CONSULTANT shall provide properly skilled professional and technical personnel to perform all services required by this Agreement. CONSULTANT shall not engage the services of any person(s) now employed by CITY without CITY's prior express written consent.

(b) Assignment. CONSULTANT shall not assign, delegate, or transfer its duties, responsibilities, or interests in this Agreement without the prior express written consent of CITY. Any attempted assignment without such approval shall be void and, at CITY's option, shall terminate this Agreement and any license or privilege granted herein.

(c) Subcontracting. CONSULTANT shall not subcontract any portion of the work to be performed under this Agreement without the prior express written consent of CITY. If CITY consents to CONSULTANT'S hiring of subcontractors, CONSULTANT shall provide to CITY

copies of each and every subcontract prior to its execution. All subcontractors are deemed to be employees of CONSULTANT, and CONSULTANT agrees to be responsible for their performance. CONSULTANT shall give its personal attention to the fulfillment of the provisions of this Agreement by all of its employees and subcontractors, if any, and shall keep the work under its control.

14. BINDING AGREEMENT. This Agreement shall bind the successors in interest, legal representatives, and permitted assigns of CITY and CONSULTANT in the same manner as if they were expressly named herein.

15. WAIVER.

(a) Effect of Waiver. Waiver by either party of any default, breach, or condition precedent shall not be construed as a waiver of any other default, breach, or condition precedent or any other right under this Agreement.

(b) No Implied Waivers. The failure of either party at any time to require performance by the other party of any provision hereof shall not affect in any way the right to require such performance at a later time.

16. NONDISCRIMINATION.

(a) Consultant shall not discriminate in the conduct of the work under this Agreement against any employee, applicant for employment, or volunteer on the basis of race, religious creed, color, national origin, ancestry, physical or mental disability, marital status, pregnancy, sex, age, sexual orientation or other prohibited basis will not be tolerated.

(b) Consistent with City's policy that harassment and discrimination are unacceptable employer/employee conduct, CONSULTANT agrees that harassment or discrimination directed toward a job applicant, a City employee, or a citizen by CONSULTANT or CONSULTANT'S employee or subcontractor on the basis of race, religious creed, color, national origin, ancestry, physical or mental disability, marital status, pregnancy, sex, age, sexual orientation or other prohibited basis will not be tolerated. CONSULTANT agrees that any and all violation of this provision shall constitute a material breach of the Agreement.

17. INDEMNITY. CONSULTANT specifically agrees to indemnify, defend, and hold harmless CITY, its officers, agents, and employees from and against any and all actions, claims, demands, losses, expenses including attorneys' fees, damages, and liabilities resulting from injury or death of a person or injury to property, arising out of or in any way connected with the performance of this Agreement, however caused, regardless of any negligence of the CITY, whether active or passive, excepting only such injury or death as may be caused by the sole negligence or willful misconduct of the CITY. The CONSULTANT shall pay all costs that may be incurred by CITY in enforcing this indemnity, including reasonable attorneys' fees.

18. INSURANCE.

(a) Required Coverage. CONSULTANT, at its sole cost and expense, shall obtain and maintain in full force and effect throughout the entire term of this Agreement the following described insurance coverage. This coverage shall insure not only CONSULTANT, but also, with the exception of workers' compensation and employer's liability insurance, shall name as additional insureds CITY, its officers, agents, employees, and volunteers, and each of them:

<u>Policy</u>	<u>Minimum Limits of Coverage</u>
(i) Workers' Compensation	Statutory
(ii) Comprehensive Automobile Insurance Services Office, form #CA 0001, or equivalent (Ed 1/87 covering auto liability code 1) (any auto)	Bodily Injury/Property Damage \$1,000,000 each accident
(iii) General Liability Insurance Services Office Commercial General Liability coverage on an occurrence basis (occurrence form CG 0001, or equivalent)	\$1,000,000 per occurrence. If Commercial General Liability Insurance or other form with a general aggregate limit shall apply separately to this Project/location, the general aggregate limit shall be twice the required occurrence limit
(iv) Errors and Omissions/ Professionals' Liability, errors and omissions liability insurance appropriate to the CONSULTANT'S profession.	Generally \$1,000,000 per occurrence

(b) Deductibles and Self-Insured Retentions. Any deductibles or self-insured retentions must be declared to and approved by CITY.

(c) Required Provisions. The general liability and automobile liability policies are to contain, or be endorsed to contain, the following provisions:

(i) For any claims related to this Project, the CONSULTANT'S insurance coverage shall be primary insurance as respects CITY, its officers, officials,

employees, and volunteers. Any insurance or self-insurance maintained by CITY, its officers, officials, employees, or volunteers shall be in excess of the CONSULTANT'S insurance and shall not contribute with it;

(ii) Any failure to comply with reporting or other provisions of the policies including breaches of warranties shall not affect coverage provided to CITY, its officers, officials, employees, or volunteers;

(iii) The CONSULTANT'S insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability;

(iv) Each insurance policy required by this Section shall be endorsed to state that coverage shall not be suspended, voided, canceled by either party, reduced in coverage or in limits except after giving CITY 30 days' prior written notice by certified mail, return receipt requested.

(d) Acceptability of Insurers. CONSULTANT shall place insurance with insurers with a current A.M. Best's rating of no less than [A:VII] unless CONSULTANT requests and obtains CITY'S express written consent to the contrary.

(e) Verification of Coverage. CONSULTANT must provide complete, certified copies of all required insurance policies, including original endorsements affecting the coverage required by these specifications. The endorsements are to be signed by a person authorized by CONSULTANT'S insurer to bind coverage on its behalf. All endorsements are to be received and approved by CITY before work commences.

19. WORKERS' COMPENSATION.

(a) Covenant to Provide. CONSULTANT warrants that it is aware of the provisions of the California Labor Code which require every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that code. CONSULTANT further agrees that it will comply with such provisions before commencing the performance of the work under this Agreement.

(b) Waiver of Subrogation. CONSULTANT and CONSULTANT'S insurance company agree to waive all rights of subrogation against CITY, its elected or appointed officials, agents, and employees for losses paid under CONSULTANT'S workers' compensation insurance policy which arise from the work performed by CONSULTANT for CITY.

20. FINANCIAL RECORDS. CONSULTANT shall retain all financial records, including but not limited to documents, reports, books, and accounting records which pertain to any work or transaction performed pursuant to this Agreement for four (4) years after the expiration of this

Agreement. CITY or any of its duly authorized representatives shall, with reasonable notice, have access to and the right to examine, audit, and copy such records.

21. CONFLICT OF INTEREST. CONSULTANT shall exercise reasonable care and diligence to prevent any actions or conditions which could result in a conflict with CITY'S interest. During the term of this Agreement, CONSULTANT shall not accept any employment or engage in any consulting work which creates a conflict of interest with CITY or in any way compromises the services to be performed under this Agreement. CONSULTANT shall immediately notify CITY of any and all violations of this Section upon becoming aware of such violation.

22. TIME OF THE ESSENCE. CONSULTANT understands and agrees that time is of the essence in the completion of the work and services described in Section 2.

23. SEVERABILITY. If any court of competent jurisdiction or subsequent preemptive legislation holds or renders any of the provisions of this Agreement unenforceable or invalid, the validity and enforceability of the remaining provisions, or portions thereof, shall not be affected.

24. GOVERNING LAW AND CHOICE OF FORUM. This Agreement shall be administered and interpreted under California law as if written by both parties. Any litigation arising from this Agreement shall be brought in the Superior Court of Solano County.

25. COSTS AND ATTORNEYS' FEES. If either party commences any legal action against the other party arising out of this Agreement or the performance thereof, the prevailing party in such action may recover its reasonable litigation expenses, including court costs, expert witness fees, discovery expenses, and attorneys' fees. In any action seeking recovery of monetary damages, the plaintiff shall not be considered to be the prevailing party unless it recovers at least 66% of the dollar amount requested in the complaint's prayer for relief.

26. INTEGRATION. This Agreement represents the entire understanding of CITY and CONSULTANT as to those matters contained herein and supersedes all prior negotiations, representations, or agreements, both written and oral. This Agreement may not be modified or altered except in accordance with Section 7.

Executed by CITY and CONSULTANT on the date shown next to their respective signatures.
The effective date of this Agreement shall be the date of execution by the CITY as shown below.

Lisa Wise Consulting

CITY OF BENICIA

BY: _____
DATED:

BY: _____
DATED:

RECOMMENDED FOR APPROVAL

Department Head

APPROVED AS TO FORM

City Attorney

Exhibit A
Scope of Work and Schedule

**CITY OF BENICIA
HOUSING ELEMENT UPDATE**

Scope of Work

Task 1 - Project Scope Refinement and Document Review

1.1 Meetings with Staff. LWC will meet with planning staff to:

- Refine the project scope and schedule;
- Determine the condition and availability of city resources (i.e. GIS) necessary for successful project completion;
- Review housing resources and funding mechanisms; and
- Identify key issues.

In addition to frequent communication with staff, this task anticipates one (1) meeting with planning staff, including staff from other departments and organizations as appropriate.

Timeframe: August 4 – 8, 2008

Deliverables: Attend one meeting for project kick-off; develop list of needs/resources to carry out project.

1.2 Document Review. LWC will review City documents to aid in understanding local conditions and the community's housing needs. These documents include, but are not limited to, the City's General Plan, City's Zoning Ordinance, ABAG Regional Housing Needs Plan, and all prior written communication with HCD.

Timeframe: August 4 – 8, 2008

Deliverables: N/A

Task 2 - Housing Element Research and Preparation

2.1 Review and Evaluate Existing Housing Element. In order to ensure a comprehensive and effective update, LWC will review and evaluate Benicia's 1999-2006 Housing Element in compliance with Government Code Section 65588. This process includes:

- Determining the effectiveness the element's goals, objectives, policies, and programs;
- Consulting with Benicia Housing Authority and other relevant organizations as needed;
- Recommendations for the modification or replacement of goals, policies, and programs pursuant to current State law and guidelines; and
- A comparison and analysis of prior projections to what was achieved.

Timeframe: August 4 – 8, 2008

Deliverables: Outcomes to be included in Administrative Draft Housing Element, Task 4.2

- 2.2 Housing Needs Assessment.** LWC will complete the housing assessment and needs analysis in compliance with Government Code Section 65583. LWC will coordinate with staff to develop a current housing inventory and to evaluate housing conditions using State criteria. LWC will obtain and analyze the most current data available on demographics and housing in Benicia to complete this task.

The gathered data will be used to draft a housing needs assessment that will identify:

- Population and demographic trends;
- Number of households and housing units;
- Overcrowding and tenure characteristics;
- Condition of housing stock, including the number of substandard units;
- Analysis of government assisted at-risk units;
- Special housing needs in accordance with 65583(a)(7) (e.g. large families, seniors, farmworkers, homeless, etc.);
- Housing cost and affordability; and
- Projected housing needs (RHNA Allocation).

Timeframe: August 4 – 15, 2008

Deliverables: Draft Housing Needs Assessment (to be incorporated into Administrative Draft Housing Element, Task 4.2)

- 2.3 Housing Resources and Site Inventory.** LWC will identify housing resources, including programmatic, physical, and financial. As part of this task, LWC will conduct a land inventory in compliance with State law 65583 and AB2348. The purpose of the land inventory is to identify specific sites suitable for new residential development and to prepare an analysis of the relationship between the projected housing needs by affordability category and the dwelling unit capacity of vacant or underutilized sites.

The gathered data will be used to draft a sites inventory and analysis that will identify:

- Inventory of land suitable for residential development;
- Environmental constraints and adequate infrastructure;
- Realistic development capacity;
- Analysis of non-vacant and underutilized sites;
- Zoning to accommodate the development of housing affordable to lower income households;
- Zoning for emergency shelters and transitional housing to comply with 65583(a)(4) and SB2;
- Zoning for a variety of housing types;
- Second units; and
- Potential for alternatives to adequate sites pursuant to 65583.1(a)(c).

Timeframe: August 18-29, 2008

Deliverables: Draft Sites Inventory in table and map form (to be incorporated into Administrative Draft Housing Element, Task 4.2)

- 2.4 Housing Constraints.** LWC will identify potential and actual governmental and non-governmental constraints to housing production in compliance with 65583. Where constraints exist, LWC will develop recommendations to mitigate their effects.

The following City ordinances, policies, and procedures will be analyzed for potential constraints to housing production:

- Land use controls;
- Codes and enforcement;
- On- and off-site improvement requirements;
- Constraints-housing for persons with disabilities (65583(a)(4); 65583(c)(3); SB 520);
- Non-governmental constraints;
- Fees and exactions; and
- Processing and permit procedures.

Timeframe: September 1 – 5, 2008

Deliverables: Draft Housing Constraints (to be incorporated into Administrative Draft Housing Element, Task 4.2)

Task 3 – Public Participation

LWC will coordinate community involvement prior to the preparation of the Administrative Draft Housing Element. LWC recommends the following approach for public participation:

- 2-day charrette (a multi-day collaborative design and planning workshop inclusive of all community members)
- Joint Planning Commission and City Council Meeting (1)

The 2-day charrette will be held to allow the public to focus on the issues, build community consensus, and give direction to the Housing Element goals, policies, and programs. The charrette will include a series of interactive public meetings, ideally including the City Council, Planning Commission, HCD and involvement of city departments as appropriate. LWC will rely on City staff to plan the logistics in terms of finding and securing a space, providing food, snacks, and equipment, and sending out announcements for the meetings.

- 3.1 Charrette Preparation.** LWC will work city staff to prepare for the charrette by developing a list of all possible participants (including HCD), determining methods for public noticing and awareness, identifying charrette materials, designing the charrette schedule and program. This task also includes a compilation of data gathered from Task 2 for public presentation.

Timeframe: September 1-9, 2008

Deliverables: Submit a list of suggested participants, charrette schedule and program (consisting of 1 electronic copy using InDesign or other graphic-oriented software), identification and preparation of relevant data from Task 2 for presentation at charrette.

- 3.2 Charrette.** LWC will serve as the primary charrette facilitator with support from city staff. LWC anticipates a series of public participation events followed by feedback loops to reach community consensus. It is expected that the charrette will begin with achieving a common understanding of the project purpose and objectives, followed by an overview of present conditions, housing element needs and requirements, and responses from the community. However, the final charrette program will be developed in consultation with city staff.

Timeframe: The charrette will occur over a period of two days; between September 1-19, 2008.

Deliverables: Charrette attendance and materials including any digital presentations, handouts, visual aids, and questionnaires as needed.

- 3.3 Charrette Report.** To confirm progress, identify outcomes, and memorialize the results, LWC will prepare a charrette report following Task 3.2. All or portions of this report can be used to describe the required public participation section of the Housing Element.

Timeframe: September 1-19, 2008

Deliverables: Charrette Report – one (1) unbound copy, five (5) bound paper copies, and one (1) electronic copy.

- 3.4 Joint Planning Commission and City Council Hearing.** LWC will attend one (1) joint meeting with the City Council and Planning Commission to present charrette outcomes, solicit input, and receive any additional input from the public before preparing the Administrative Draft Housing Element.

Timeframe: TBD following consultation with city staff; between September 1-19, 2008.

Deliverables: Work with city staff to determine appropriate presentation material, prepare presentation accordingly, and attend meeting.

Task 4 – Prepare Draft Housing Element

- 4.1 Modification of Goals, Policies, Programs, and Quantified Objectives.** LWC will build on the existing Housing Element, public input, and the needs, resources, and constraints analyses to formulate a five-year implementation plan with appropriate and implementable housing policies, programs, and quantified objectives. This work will satisfy the requirements of Government Code Sections 65583(b) and (c).

The Housing Element will contain programs to:

- Ensure that housing opportunities are available for all persons;
- Preserve and improve the existing stock of affordable housing, including at-risk units;
- Facilitate development of adequate housing to meet the needs of low and moderate income households;
- Mitigate any governmental constraints to housing production, improvement and/or maintenance;
- Ensure consistency with other General Plan elements and community goals; and

- Incorporate LEED and Green Building energy efficiency goals/policies/programs and progressive energy conservation policies to complement Benicia's existing green building incentive program.

Timeframe: September 8-19, 2008

Deliverables: Draft goals, policies, objectives, programs, and quantified objectives (to be incorporated into Administrative Draft Housing Element, Task 4.2).

4.2 Administrative Draft Housing Element. LWC will prepare and submit the Administrative Draft Housing Element and Technical Appendix for staff review and comment. This draft will contain full draft text, tables, data, formatting, graphs, and illustrations. Contents will include, at minimum:

- Description of how public input was considered and incorporated into Element;
- A review of actual results of the previous Element's goals, objectives, policies, programs (quantified where possible);
- Analysis of what was planned in the previous Element and what was achieved;
- A description of how the goals, objectives, policies and programs of the updated element incorporate what was learned from the results of the previous element;
- Adequate sites implementation, or rezoning program, if needed;
- Housing Needs Assessment including population and employment trends, household characteristics, housing stock characteristics, special housing needs analyses, analysis of opportunities for energy conservation (e.g. Title 24 energy conservation standards, incentives for green building, higher density, compact infill development and passive solar design), analysis of projected housing projects at-risk of converting to non low-income uses; projected housing need, including Benicia's share of the regional housing needs;
- Sites Inventory (by parcel number, size, general plan designation, zoning, description of existing uses, map of sites);
- Sites Inventory and Analysis of Suitability and Availability (identifying environmental constraints, infrastructure such as planned water, sewer, and other dry utilities supply), realistic development capacity calculation accounting for site improvements and land use controls, analysis of non-vacant and underutilized lands, identification of zoning appropriate for housing for lower-income households;
- Zoning for a variety of housing types (multifamily rental, permanent and seasonal agricultural employees, emergency shelters, transitional housing, supportive housing, single-room occupancy, factory-built housing, mobile homes, second units, etc.);
- Adequate sites alternatives (by way of substantial rehabilitation, acquisition of affordability or preservation, second units);
- Governmental Constraints including land use controls (zoning development standards such as parking, height limits, setbacks, lot coverage, minimum unit sizes, growth controls, etc.), codes and enforcement, on/off-site improvements (e.g. curbing requirements, street widths, circulation improvements), fees and exactions (permit and impact fees and land dedication or other requirements imposed on developers), processing and permit procedures, and housing for persons with disabilities;
- Nongovernmental constraints (e.g. availability of financing, price of land, cost of construction)

- Quantified Objectives for the number of housing units by income level over the timeframe of the Element;
- Description of General Plan consistency; and
- Updated goals, objectives, policies, and programs.

Timeframe: September 22-October 17, 2008

Deliverables: Administrative Draft Housing Element – one (1) unbound copy, five (5) bound paper copies, and one (1) electronic copy.

- 4.3 Public Draft Housing Element.** LWC will modify the Administrative Draft as directed by staff. LWC will then prepare a Public Draft Housing Element and Technical Appendix for the City of Benicia to submit to HCD, the Planning Commission, the City Council, and the general public for review and comment.

Timeframe: October 20-31, 2008

Deliverables: Public Draft Housing Element – one (1) unbound copy, five (5) bound paper copies, and one (1) electronic copy.

- 4.4 HCD's 60-Day Review of Public Draft Housing Element.** LWC will consult with HCD to determine the number of copies required for HCD submittal. LWC will attend one (1) meeting with a representative of the State Department of Housing and Community Development (HCD) during its review of the Draft Housing Element.

Timeframe: November – December 2008

Deliverable: Copies of the Public Draft Housing Element for HCD.

Task 5 – Environmental Analysis

- 5.1 Prepare Initial Study and Negative Declaration.** LWC will carry out the environmental analysis pursuant to CEQA. The Scope of Work and proposed fee assumes that a Negative Declaration will be prepared for the project and that no special studies will be required. LWC will prepare all necessary environmental review documents pursuant to State law and guidelines. The Negative Declaration will be available for public review for a period of 20-30 days. Following the close of the public review period, the City and LWC will consider written comments received. Once the Negative Declaration is adopted, the City will file the Notice of Determination and pay filing fees to the Department of Fish and Game.

Timeframe: January – February, 2009

Deliverables: Negative Declaration – one (1) unbound copy, five (5) bound paper copies, and one (1) electronic copy; and all related environmental review documents.

Task 6 – Adoption Hearings

- 6.1 Hearings for Housing Element Adoption.** LWC will attend two (2) Planning Commission hearings and two (2) City Council hearings. The presentation will reveal HCD's comments. LWC will assist staff in responding to any public or agency

comments, including from HCD, and can be available to attend additional hearings on a time-and-materials basis.

Timeframe: March 2009

Deliverables: Attendance at two (2) Planning Commission hearings; two (2) City Council hearings.

Task 7 – State Certification & Final Housing Element

- 7.1 HCD's 90-Day Review of Adopted Housing Element.** LWC will prepare a final version of the Housing Element, including any changes to the draft required by HCD, staff and officials, for adoption and transmittal to the State. LWC will work closely with staff to ensure that the City meets all HCD deadlines and requirements.

Timeframe: April – June 2009

Deliverables: Final Housing Element – one (1) unbound copy, five (5) bound paper copies, and one (1) electronic copy to the City, and the required number of copies as set by HCD.

- 7.2 State Certification.** LWC will follow through to ensure State certification of the Housing Element after adoption by the City. LWC will work closely with HCD to ensure that the City meets State requirements. LWC will modify the adopted Housing Element, if required to obtain certification, and attend one (1) hearing with the City Council to present any changes.

Timeframe: July 26-31, 2009

Deliverables: Modify Housing Element if necessary; if modification is required, produce one (1) unbound copy, five (5) bound paper copies, and one (1) electronic copy of the revised Housing Element, and attend one (1) City Council hearing.

City of Benicia - Housing Element - Schedule - 6-20-08

		2008					2009						
		Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	July
TASK 1: Project Scope Refinement & Document Review													
1.1	Meeting with Staff												
1.2	Document Review												
TASK 2: Housing Element Research and Preparation													
2.1	Review and Evaluate Existing Housing Element												
2.2	Housing Needs Assessment												
2.3	Housing Resources and Site Inventory												
2.4	Housing Constraints												
TASK 3: Public Participation (Dates to be Determined)													
3.1	Charrette Preparation												
3.2	Charrette (2-days)												
3.3	Charrette Report												
3.4	Joint PC/CC Meeting												
TASK 4: Prepare Draft Housing Element													
4.1	Goals, Policies, Programs, and Quantified Objectives												
4.2	Administrative Draft Housing Element												
4.3	Public Draft Housing Element												
4.4	HCD's 60-Day Review of Draft Housing Element												
TASK 5: Environmental Analysis													
5.1	Prepare Initial Study and Negative Declaration												
TASK 6: Adoption Hearings (Dates to be Determined)													
6.1	Hearings for Housing Element Adoption (4)												
TASK 7: State Certification & Final Housing Element													
7.1	HCD's 60-Day Review of Adopted Housing Element												
7.2	State Certification												

Exhibit B
Budget

Exhibit B- Budget

**City of Benicia
Housing Element Update
Schedule of Hours and Fees**

TASKS	Wise		Associate		Total	
	Hours	Cost	Hours	Cost	Hours	Cost
1. Project Scope Refinement & Document Review						
1.1 Meeting with Staff (1)	4	\$ 600	-	\$ -	4	\$ 600
1.2 Document review	4	\$ 600	4	\$ 360	8	\$ 960
2. Housing Element Research & Preparation						
2.1 Review and Evaluate Existing Housing Element	8	\$ 1,200	12	\$ 1,080	20	\$ 2,280
2.2 Housing Needs Assessment	12	\$ 1,800	24	\$ 2,160	36	\$ 3,960
2.3 Housing Resources and Site Inventory	12	\$ 1,800	32	\$ 2,880	44	\$ 4,680
2.4 Housing Constraints	8	\$ 1,200	12	\$ 1,080	20	\$ 2,280
3. Public Participation						
3.1 Charrette Preparation	4	\$ 600	4	\$ 360	8	\$ 960
3.2 Charrette (2-days)	16	\$ 2,400	16	\$ 1,440	32	\$ 3,840
3.3 Charrette Report	4	\$ 600	8	\$ 720	12	\$ 1,320
3.4 Joint PC/CC Meeting	8	\$ 1,200	4	\$ 360	12	\$ 1,560
4. Prepare Draft Housing Element						
4.1 Modification of Goals, Policies, Programs and Quantified Objectives	20	\$ 3,000	20	\$ 1,800	40	\$ 4,800
4.2 Administrative Draft Housing Element	8	\$ 1,200	16	\$ 1,440	24	\$ 2,640
4.3 Public Draft Housing Element	4	\$ 600	8	\$ 720	12	\$ 1,320
4.4 HCD's 60-Day Review of Public Draft Housing Element	4	\$ 600	-	\$ -	4	\$ 600
5. Environmental Analysis						
5.1 Prepare Initial Study and Negative Declaration	8	\$ 1,200	32	\$ 2,880	40	\$ 4,080
6. Adoption Hearings						
6.1 Hearings for Housing Element Adoption (4)	20	\$ 3,000	12	\$ 1,080	32	\$ 4,080
7. State Certification & Final Housing Element						
7.1 HCD's 90-Day Review of Adopted Housing Element	16	\$ 2,400	12	\$ 1,080	28	\$ 3,480
7.2 State Certification	32	\$ 4,800	12	\$ 1,080	44	\$ 5,880
Total	192	\$ 28,800	228	\$ 20,520	420	\$ 49,320
Out-of-Pocket Expenses						\$ 3,600
Total Costs						\$ 52,920

ACORD CERTIFICATE OF LIABILITY INSURANCE

OP ID ME
WISEL-1

DATE (MM/DD/YYYY)
06/12/08

PRODUCER
Morris & Garritano Insurance
Agency License #0305584
PO Drawer 1189
San Luis Obispo CA 93406-1189
Phone: 805-543-6887 Fax: 805-543-3064

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

INSURED

Lisa Wise Consulting, Inc.
1302 Bayview Heights Drive
Los Osos CA 93402

INSURERS AFFORDING COVERAGE	NAIC #
INSURER A: Hudson Specialty Ins. Co.	
INSURER B: Endurance Workers' Comp Ins Co	
INSURER C:	
INSURER D:	
INSURER E:	

COVERAGES

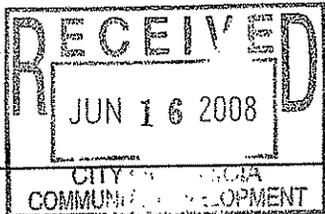
THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR ADD'L LTR	INSRD	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
A	X	<input checked="" type="checkbox"/> GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC	FEC700894	12/15/07	12/15/08	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 50,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
		AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS				COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
		GARAGE LIABILITY <input type="checkbox"/> ANY AUTO				AUTO ONLY - EA ACCIDENT \$ OTHER THAN EA ACC \$ AUTO ONLY: AGG \$
		EXCESS/UMBRELLA LIABILITY <input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE DEDUCTIBLE RETENTION \$				EACH OCCURRENCE \$ AGGREGATE \$ \$ \$
B		WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? If yes, describe under SPECIAL PROVISIONS below	WEN004295601	04/01/08	04/01/09	<input checked="" type="checkbox"/> WC STATU-TORY LIMITS <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000
A		OTHER Professional	FEC700894	12/15/07	12/15/08	Per Claim 1,000,000 Aggregate 2,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS
 Certificate holder is additional insured per General Liability form FEI0104319E attached if required by written contract. *10 Day notice of cancellation for non-payment of premium.

CERTIFICATE HOLDER

CITYBEN
 City of Benicia
 Attn: Lisa Porras,
 Senior Planner
 250 East L Street
 Benicia CA 94510



CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 10 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE
[Signature]

IX-A-27

AUTOMATIC ADDITIONAL INSURED – OWNERS, LESSEES OR CONTRACTORS

This endorsement, effective 12/15/2006 attaches to and forms a part of Policy Number FEC6110215. This endorsement changes the Policy. Please read it carefully.

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART CONTRACTORS POLLUTION LIABILITY COVERAGE PART

SCHEDULE

Name of Person or Organization:

Any person(s) or organization(s) whom the *Named Insured* agrees, in a written contract, to name as an additional insured. However, this status exists only for the project specified in that contract.

The person or organization shown in this Schedule is included as an insured, but only with respect to that person's or organization's vicarious liability arising out of your ongoing operations performed for that insured.

JIM MARSHALL INS AGY
PO BOX 6370
LOS OSOS, CA 93412
805-528-4739

Policy number: 05766549-1

Underwritten by:
United Financial Casualty Company
June 12, 2008
Page 1 of 2

Certificate of Insurance

Certificate Holder	Insured	Agent
Additional Insured: LISA TORRAS SENIOR PLANNER CITY OF BENICIA 250 E L STREET BENICIA, CA 94510	ELIZABETH WISE HENRY PONTARELLI LISA WISE CONSULTING 1302 BAYVIEW HEIGHTS LOS OSOS, CA 93402	JIM MARSHALL INS AGY PO BOX 6370 LOS OSOS, CA 93412

This document certifies that insurance policies identified below have been issued by the designated insurer to the insured named above for the period(s) indicated. This Certificate is issued for information purposes only. It confers no rights upon the certificate holder and does not change, alter, modify, or extend the coverages afforded by the policies listed below. The coverages afforded by the policies listed below are subject to all the terms, exclusions, limitations, endorsements, and conditions of these policies.

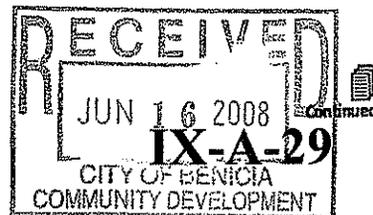
Policy Effective Date: May 14, 2008 Policy Expiration Date: May 14, 2009

Insurance coverage(s)	Limits
Bodily Injury/Property Damage	\$1,000,000 Combined Single Limit
Uninsured/Underinsured Motorist	\$300,000 Combined Single Limit

Description of Location/Vehicles/Special Items

Scheduled autos only

2001 SAAB 9-5 AERO YS3EH45G513050669		Stated Amount	\$20,000
Medical Payments	\$5,000		
Comprehensive	\$100 Ded		
Collision	\$500 w/Waiver Ded		
2006 SAAB 9-3 AERO YS3FH46U661017952		Stated Amount	\$24,752
Medical Payments	\$5,000		
Comprehensive	\$100 Ded		
Collision	\$500 w/Waiver Ded		



Policy number: 05766549-1

Page 2 of 2

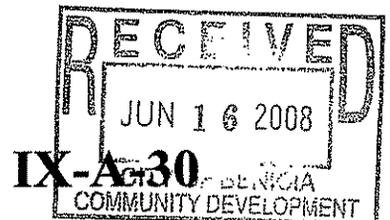
Certificate number

164085U1549

Please be advised that additional insureds and loss payees will be notified in the event of a mid-term cancellation.



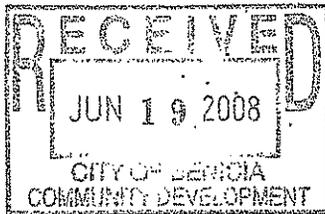
Form 5241 (10/02)



JIM MARSHALL INS AGY
PO BOX 6370
LOS OSOS, CA 93412

PROGRESSIVE

019564



LISA TORRAS
250 E L STREET
BENICIA, CA 94510

Policy number: 05766549-1

Underwritten by:
United Financial Casualty Company
Insured: ELIZABETH WISE
June 13, 2008
Policy Period: May 14, 2008 - May 14, 2009



Additional insured endorsement

Mailing Address

United Financial Casualty Company
PO Box 94739
Cleveland, OH 44101

800-444-4487

For customer service, 24 hours a day,
7 days a week

Name of Person or Organization

LISA TORRAS
250 E L STREET
BENICIA, CA 94510

The person or organization named above is an **insured** with respect to such liability coverage as is afforded by the policy, but this insurance applies to said **insured** only as a person liable for the conduct of another **insured** and then only to the extent of that liability. **We** also agree with **you** that insurance provided by this endorsement will be primary for any power unit specifically described on the **Declarations Page**.

Limit of Liability

Bodily Injury	Not applicable
Property Damage	Not applicable
Combined Liability	\$1,000,000 each accident

All other terms, limits and provisions of this policy remain unchanged.

This endorsement applies to Policy Number: 05766549-1

Issued to (Name of Insured): ELIZABETH WISE
HENRY PONTARELLI

Effective date of endorsement: 06/12/2008 Policy expiration date: 05/14/2009

Form 1198 (01/04)

IX-A-31

**AGENDA ITEM
CITY COUNCIL MEETING: JULY 15, 2008
ACTION ITEMS**

DATE : July 8, 2008
TO : City Manager
FROM : Finance Director
SUBJECT : **CONSIDERATION OF CHANGES TO THE BENICIA
BREEZE TRANSIT SYSTEM**

RECOMMENDATION:

Direct staff, by minute order, to proceed with planning changes to the Benicia Breeze Transit System.

EXECUTIVE SUMMARY:

The Solano Transportation Authority (STA) plans to operate an “express route” patterned after other successful intercity routes in Solano County using a combination of Regional Measure (RM2) Bridge Toll funding and the Solano County Intercity Express Bus Service Agreement. The new express bus Route 78 will be operated by the City of Vallejo using large charter-type buses and is expected to start on October 6, 2008. The STA has requested the City of Benicia plan for and modify its Route 75 to accommodate the initiation of this new express service on the I-780 corridor between the Vallejo Ferry Terminal and the Pleasant Hill and Walnut Creek BART Stations.

Benicia Breeze staff requested STA provide Benicia with planning funds to assist in the assessment of the Benicia Breeze Transit System and to assess the impact of Route 78 on the system and to develop a strategy to coordinate service with the new express route. To assist in optimizing the changes to local service, the STA provided \$30,000 in funding to Benicia to retain a consultant and will seek approval to allocate another \$180,000 over a two year period to assist in the transition process. The consultant, HDR Inc, has produced a report that recommends changes that will affect all aspects of local service, including fixed routes, flex routes, and paratransit service. Due to the extensive nature of the changes, staff is recommending the City Council review the report and the proposed changes and provide comments prior to moving forward with public meetings.

BUDGET INFORMATION:

There will be no impact on the General Fund. The Benicia Breeze currently receives about \$1.0 million per year in Transportation Development Act (TDA) revenues and \$300,000 in fares. Benicia’s share of costs for the new route is expected to be \$220,000 of the \$1.4 million cost for FY 2008-09. The balance of the Benicia Breeze TDA revenues, STA transition assistance and fares, \$1.2 million, will be used to support local flex routes, paratransit service, Safe Ride and Taxi Scrip Programs, and Administration.

BACKGROUND:

Over the years, several studies have been done to determine the best method of providing local and regional bus service. In a 2004 STA study of Intercity Transit Service by Wilbur Smith and Associates, there were several recommended options for improving regional intercity bus service in Solano County along I-780. One of the recommendations to emerge out of the development of a Solano County Intercity Transit Funding Agreement was to consolidate bus service on Interstate 680 and 780, essentially converting the 20-year old Benicia Breeze “hybrid” Route 75 into a dedicated “express” Route 78. The new express Route 78 has been designed to provide fast, convenient, commuter-style service with new state-of-the-art over-the-road coaches that would serve the I-780 Corridor in a much more streamlined fashion.

With the Bay Area voters approval of Regional Measure 2 in 2004, a new source of express bus funds became available to Solano County. During the fiscal year 2008-09, \$1.929 million in RM2 funding will be allocated to Solano County for new or expanded express bus service. Of this amount, \$600,527 was approved by STA for funding the new Route 78, following the termination of Route 92 service by Vallejo. The balance of the costs for operating the new route will come from the Solano County Intercity Transit Funding Agreement, which allocates a certain portion of intercity routes to responsible agencies based on a 20% fixed share and 80% per-rider share.

Benefits of New Express Bus Service.

The most obvious advantage is that riders will enjoy a more comfortable bus that has individually controlled heating and air conditioning systems and high-back seating. One of the goals of adding the bigger bus is to attract “choice riders” and reduce the number of cars crossing the Benicia-Martinez Bridge.

Another advantage will be the reduced time for riders, as the number of stops is greatly reduced. The current plan identifies 3 stops in Vallejo and 4 stops in Benicia as selected by Benicia staff. This type of reduced-stop intercity service has been successful in attracting new riders to other transit agencies and is accepted as the transit model of the future.

Route 78 will travel to the Walnut Creek BART Station as a final destination point. Walnut Creek is a major transfer center for buses traveling throughout the I-680 corridor, including the San Ramon, Dublin, and Pleasanton Business Parks. It is expected that serving Walnut Creek will add many new riders seeking to reduce the costs and stress of traveling this congested corridor.

Using RM-2 Bridge Toll funding, Benicia Breeze riders will also enjoy a financial contribution that will help in meeting the increased cost of operating bus service in California. Rising fuel prices, increased maintenance due to emission-control devices, and a reduction in Federal and State grant funding are leading to an eminent reduction in service levels for the Benicia Breeze. By adding the RM-2 funding, service levels will improve and cutbacks can be avoided.

Table 1 on the next page summarizes the changes in local service recommended by the HDR report and endorsed by staff.

Table 1.

Comparison of Local Service Changes

Route	Current Service	Change in Service
15	2 Trips per day from BHS and Middle School to Rose Drive & East 2nd.	No Change in service.
17	2 Trips per day from BHS and Middle School to Hastings & East 5th.	No Change in service.
19	8 Trips per day from City Park thru Industrial Park.	Route incorporated into modified Route's 21 & 22.
21	8 Trips per day thru Northwest Benicia via City Park and Downtown. 5 Trips on Saturdays.	13 Trips per day via smaller loop with additional deviations as needed thru Northwest Benicia via City Park and Downtown. Discontinued Saturday service.
22	7 Trips per day thru Northeast Benicia via City Park and Industrial Park 5 Trips on Saturdays.	13 Trips per day via smaller loop with additional deviations as needed thru Northeast Benicia via City Park and Industrial Park. Discontinued Saturday service.
23	2 Trips per day to Martinez Amtrak. Discontinued May 1, 2008.	Discontinued Service.
75	16 Trips per Day from Ferry Terminal to Pleasant Hill BART operated by Benicia Breeze with 25 Bus Stops. 4 Trips travel thru Downtown during commute. 6 Trips on Saturdays.	Discontinued Service.
76	N/A	3 Trips per day from Southampton Road to DVC and Sun Valley Mall, pending further review of available funds.
78	N/A	20 Trips per day from Ferry Terminal to Walnut Creek BART operated by Vallejo Transit with 10 Bus Stops. Additional 3 Trips from Benicia to Ferry Terminal in A.M. 13 Trips on Saturdays.
Paratransit	1 Paratransit bus serving Route 75 Corridor from Ferry Terminal to Pleasant Hill BART Station. Paratransit "spillover" handled by Routes 21 & 22.	1 Paratransit bus with service confined to Benicia with transfers in Martinez and Glen Cove. Paratransit will no longer travel into Vallejo or Contra Costa County.
Taxi Scrip	Up to \$100 per month per ADA subscriber. City share is \$50.	Up to \$200 per month per ADA subscriber. City share is \$100.
Intercity Contrib.	\$356,822 for share of Routes 20, 30, 40, 75, 80, 85, and 90	\$318,653 for share of Routes 20, 30, 40, 78, 80,85, and 90.

Impacts to Local Service. Benicia staff has worked with the consultant to plan changes to local service due to the cessation of Route 75. The discussion below includes a few of the more important changes.

The City of Vallejo will charge \$4.50 per adult or student for travel across the bridge to BART, which is seventy-five cents more than the Benicia Breeze rate of \$3.75 but reasonable given the cost escalations for fuel and maintenance of the more comfortable buses. The senior intercity rate will be \$2.25 per trip

The one-way fare for adults and students for service between Benicia and Vallejo will increase from \$1.50 per trip to \$1.75. The same fare for seniors will increase from \$0.75 to \$0.85. Vallejo Transit does not offer the same level of discounts for student and senior monthly passes as the Benicia Breeze and staff is reviewing possible mitigations for Benicia residents. The proposed rates will raise the Student Pass Monthly Pass from \$70 to \$98.40 and the Senior Pass Monthly Pass from \$50 to \$98.40. Typically, the cost of a monthly pass can save a commuter around 50% of the individual ticket price. *Table 4* at the end of this report compares the costs of Benicia Breeze fares to the proposed Vallejo Transit fares.

The streamlined route design will reduce travel times for most riders by reducing the number of bus stops in Vallejo and Benicia. Since the new streamlined route will not be traveling along Southampton Road, staff has worked with the consultant to redesign the flex routes to allow them to pick up Southampton riders and shuttle them to the City Park for a timed transfer. It is hoped this efficient transfer method will reduce the inconvenience to this ridership area.

At the present time, there are no park-and-ride lots and/or transit hubs that will allow local drivers an easy transfer point onto Route 78. To address the need, the Public Works Director has identified parking areas around City Park and at 14th and Military that could be easily expanded relatively soon. The first meeting regarding the use of local and grant funding for these areas was held at MTC on July 1, 2008 and the initial meeting was positive for using RM2 funds for acquisition and construction.

Route 78 is designed as express service and will not stop at Diablo Valley College (DVC) or Sun Valley Mall in Contra Costa County. Benicia staff has worked with the consultant to identify funding to operate a limited-service route to these areas during the morning commute, at noon, and again during the evening commute. Any rider needing service to these locations at other times can utilize the County Connection buses to shuttle them to and from the Pleasant Hill BART station. The City of Vallejo will develop transfer agreements with County Connection to allow for either free or reduced fare transfers from Route 78.

ADA Paratransit Service is also subject to further investigation. With the dissolution of Route 75, the City will no longer have an obligation to offer complimentary paratransit service along the Route 75 corridor, as required by Federal Law. Working through the consultant, staff has identified funding that will allow for adequate ADA paratransit service, however, due to the limitation in funding, riders can only be transported to the Glen Cove and Martinez transfer points. From there, either Vallejo Runabout or County Connection paratransit buses will transport them to their destinations.

Summary of HDR Report.

The HDR report is attached to this report, with brief highlights included below for your convenience. The City of Benicia was recognized in the report for developing the successful regional Route 75. The route is able to maintain a 25.5% farebox recovery ratio, which is above the required minimum of 20%. Approximately 50% of the ridership is from Benicia, with the remaining percentage coming from various other locations, primarily Vallejo.

The proposed service strategy of the HDR Report is designed to restructure local Benicia Breeze route 19, 21, and 22 to complement the proposed Route 78. These three routes, which were redesigned in 2006, currently have low ridership and poor farebox and the consultants are recommending they be modified. The restructuring of these routes should improve service attractiveness, productivity and farebox recovery. There is a limited market for service along the I-780 and I-680 corridors, so only one regional route through the corridor is recommended.

The new proposed express Route 78 will provide Benicia with 4 stops in each direction along the Military Street corridor. Route 76 will be created as a variation of Route 75 to service the Southamptton area as well as the Sun Valley Mall and DVC Campus. Local service routes are to be restructured into revised flexroute service to reduce onboard travel times. Local ADA paratransit service will also be integrated into the flexroute service and no ADA paratransit will be required of Benicia beyond city limits. The City of Benicia also effectively services a strong student market for school bound trips with Routes 15 and 17, which will be unaffected by the changes. One of the additional benefits cited in the HDR report would be a reduction in the size of Benicia Breeze's vehicle fleet from 14 to 7 resulting in a decrease in maintenance and vehicle purchase costs and decrease in fuel costs.

RM2 Funding for Intercity Routes.

Table 2 below shows the introduction of RM2 Funding for the new intercity express route and compares the current shared-cost breakdown for Route 75 and the expanded-service Route 78. Prior to FY 2006-07, Benicia paid for the entire cost to operate Route 75 (\$623,445). Although Route 75 is not eligible for RM 2 funds, it did receive Solano County Intercity Transit Funding Agreement funds prior to the initiation of Route 78.

Table 2.

Comparison of Route 75 vs. Route 78 Funding		
Jurisdiction/Source	Existing Benicia Route 75	Expanded Vallejo Route 78
	<i>Est. for 2007-08</i>	<i>Est. for 2008-09</i>
Fares	\$ 212,821	\$ 283,412
RM-2		600,527
STAF North County		40,000
Intercity TDA Funding		
Benicia	221,605	219,865
Dixon	4,185	4,229
Fairfield	33,187	33,239
Rio Vista	-	-
Suisun City	8,618	8,699
Vacaville	24,964	25,121
Vallejo	185,638	184,503
Solano County	18,874	17,465
Subtotal Intercity TDA	\$ 497,071	\$ 493,121
Total Route Funding	\$ 709,892	\$ 1,417,060

Current Budget Concerns.

Staff have been analyzing current budget conditions and making minor cutbacks wherever possible. However, the preliminary numbers available on July 3, 2008 indicate the Benicia Breeze is approximately \$169,000 over budget for FY 2007-08, primarily due to fuel and maintenance cost overruns. Since the HDR Report recommends spending all available funds in FY 2008-09, the deficit could lead to local service cuts if STA is unable to secure the \$180,000 in funding to support the restructuring plan. *Table 3.* below compares the estimated budgets for FY 2007-08 and FY 2008-09 and includes the first year's transition support of \$90,000 from STA.

Table 3.

Budget Comparison			
Description	FY 2007-08 Revised Budget	FY 2008-09 Estimated Budget	Difference
Fares	\$ 310,000	\$ 250,662	\$ (59,338)
TDA	\$ 925,518	\$ 810,436	\$ (115,082)
Other	\$ 158,605	\$ 86,773	\$ (71,832)
A/R Vallejo	\$ 220,000		\$ (220,000)
STA Transition Support		\$ 90,000	\$ 90,000
Total Revenues	\$ 1,614,123	\$ 1,237,871	\$ (356,252)
Route 15 – School	\$ 33,040	\$ 36,100	\$ 3,060
Route 17 - School	\$ 31,611	\$ 35,042	\$ 3,431
Route 19 - Industrial Park	\$ 92,054	\$ -	\$ (92,054)
Route 21 – Flex Route	\$ 192,962	\$ 197,215	\$ 4,253
Route 22 – Flex Route	\$ 172,130	\$ 197,215	\$ 25,085
Route 23 - Martinez	\$ 44,176	\$ -	\$ (44,176)
Route 75 - Intercity	\$ 709,893	\$ -	\$ (709,893)
Route 76 – DVC/Sun Valley	\$ -	\$ 89,353	\$ 89,353
Paratransit	\$ 400,000	\$ 240,678	\$ (159,322)
Taxi Scrip	\$ 15,000	\$ 30,000	\$ 15,000
Safe Ride	\$ 5,000	\$ 5,000	\$ -
Intercity Contribution	\$ 87,336	\$ 318,653	\$ 231,317
Total Expenses	\$ 1,783,204	\$ 1,149,256	\$ (633,948)
Income/Loss	\$ (169,081)	\$ 88,615	\$ 257,696

Table 4.

PROPOSED CASH FARES FOR ROUTE 78				
	Proposed Fare*	Benicia Fare	Difference from Benicia Fare	Difference from Vallejo Fare
Vallejo to Benicia				
Adults (19 - 64 yrs)	\$1.75	\$1.50	\$0.25	\$0.00
Youth (6 - 18 yrs)	\$1.75	\$1.50	\$0.25	\$0.00
Senior (65 & over) & Disabled One Way	\$0.85	\$0.75	\$0.10	\$0.00
Benicia to Pleasant Hill/Walnut Creek BART				
Adults (19 - 64 yrs)	\$4.50	\$3.75	\$0.75	--
Youth (6 - 18 yrs)	\$4.50	\$3.75	\$0.75	--
Senior (65 & over) & Disabled One Way	\$2.25	\$1.75	\$0.50	--
Vallejo to Pleasant Hill/Walnut Creek BART				
Adults (19 - 64 yrs)	\$4.50	\$3.75	\$0.75	\$0.50
Youth (6 - 18 yrs)	\$4.50	\$3.75	\$0.75	\$0.50
Senior (65 & over) & Disabled One Way	\$2.25	\$1.75	\$0.50	\$0.25
*\$0.50 annual increase recommended for Route 78 until fare equalizes with Vallejo regional routes.				
PROPOSED MONTHLY PASS PRICE FOR ROUTE 78				
	Proposed Fare	Benicia Fare	Difference from Benicia Fare	Difference from Current Vallejo Fare
Adult Monthly Pass				
Vallejo to Benicia (1 Zone)	\$55.20	\$50.00	\$5.20	\$0.00
Benicia to PH & WC BART (2 Zone)	\$98.80	\$82.00	\$16.80	--
Vallejo to PH & WC BART (3 Zone)	\$98.40	\$82.00	\$16.40	\$19.60
Youth Monthly Pass				
Vallejo to Benicia (1 Zone)	\$43.20	\$36.00	\$7.20	\$0.00
Benicia to PH & WC BART (2 Zone)	\$98.40	\$65.00	--	--
Vallejo to PH & WC BART (3 Zone)	\$98.40	\$65.00	--	--
Senior/Disabled Monthly Pass				
Vallejo to Benicia (1 Zone)	\$27.60	\$23.00	\$4.60	\$0.00
Benicia to PH & WC BART (2 Zone)	\$98.40	\$45.00	--	--
Vallejo to PH & WC BART (3 Zone)	\$98.40	\$50.00	--	--
PROPOSED 10-RIDE TICKET PRICE FOR ROUTE 78				
	Proposed Fare	Benicia Fare	Difference from Benicia Fare	Difference from Current Vallejo Fare
Adult 10-Ride Ticket				
Vallejo to Benicia (1 Zone)	\$15.60	\$13.00	\$2.60	\$0.00
Benicia to PH & WC BART (2 Zone)	\$45.00	\$32.50	\$12.50	--
Vallejo to PH & WC BART (3 Zone)	\$45.00	\$32.50	\$12.50	\$0.00
Youth 10-Ride Ticket				
Vallejo to Benicia (1 Zone)	\$12.00	\$10.00	\$2.00	\$0.00
Benicia to PH & WC BART (2 Zone)	\$45.00	\$33.00	--	--
Vallejo to PH & WC BART (3 Zone)	\$45.00	\$33.00	--	--
Senior/Disabled 10-Ride Ticket				
Vallejo to Benicia (1 Zone)	\$7.20	\$6.00	\$1.20	\$0.00
Benicia to PH & WC BART (2 Zone)	\$45.00	\$17.50	--	--
Vallejo to PH & WC BART (3 Zone)	\$45.00	\$17.50	--	--

Next Steps.

Once the City Council has reviewed the proposed changes and provided comments for further research, staff will hold a Public Forum with the Benicia Breeze ridership. The first meeting is planned for July 23, 2008 at 6:00 pm in the City Hall Council Chambers. There will be a second meeting if needed.

Staff will also meet with many of the rider groups to gain their input. These include the Senior Center, Rancho Benicia, and Casa Vilarrasa residents.

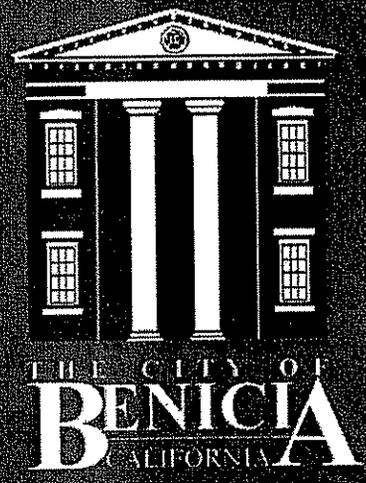
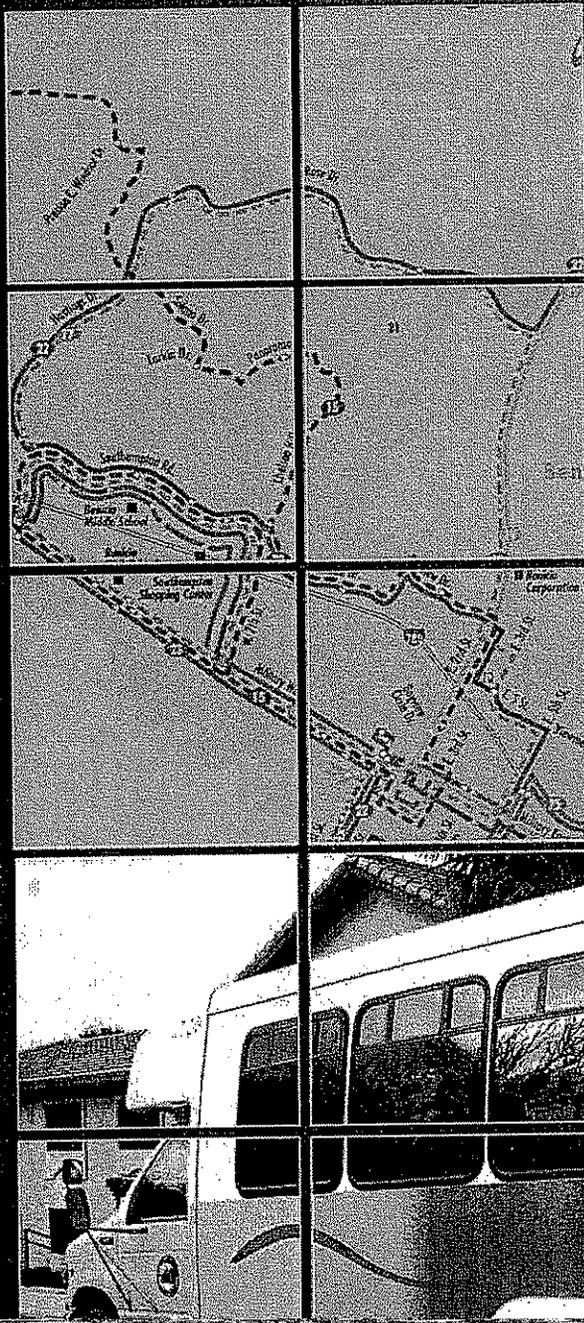
Upon completion of the public outreach, there will be a Public Hearing conducted at the August 19, 2008 City Council meeting. It is expected that all aspects of the transit changes will be known at that time and the City Council will be able to review the results. Once approved, staff will renegotiate the current transit service contract with MV Transportation, Inc. and begin the final stages of the proposed service changes.

Attachments:

- Solano Transportation Authority Staff Report
- HDR Benicia Breeze Study

HDR BENICIA BREEZE STUDY

DRAFT



Prepared By:



1. INTRODUCTION

HDR Engineering Inc., DKS Associates and Pacific Municipal Consultants (PMC) have been engaged by the City of Benicia to conduct the **Analysis of the Benicia Breeze Transit System Project**. The objectives of this project include:

- 1) Establish a service plan for the implementation of a commuter service for Benicia residents along the 780 corridor to potential destinations in Central and Western Contra Costa County.
- 2) Develop a service plan to improve ridership and productivity on the City of Benicia's local transit services.

The following document, **Analysis of the Benicia Breeze Transit System Project: Service Strategy Report**, provides a service performance summary of current Benicia Breeze fixed route and paratransit services (Section 2), an overview of Benicia commuter and local travel patterns and demand forecasts (Section 3), a service strategy for local Benicia Breeze transit services designed to complement the proposed regional commuter Route 78 serving Benicia and Vallejo residents (Section 4), and a ten year financial plan to support the proposed Benicia Breeze service strategy (Section 5).

The following **Analysis of the Benicia Breeze Transit System Project: Service Strategy Report** is in a draft form for review by City of Benicia staff and is intended to serve as a basis for the restructuring of local Benicia Breeze transit services in anticipation of the implementation of the Solano Transportation Authority (STA) initiated regional commuter Route 78 on October 2008. Upon approval, the proposed service strategy proposed in this document will be incorporated into the current Benicia Breeze Draft SRTP Report.

The new Route 78 is intended to replace the current Benicia Breeze Route 75. The new Route 78 will be established as a regional express commuter service to leverage Regional Measure 2 (RM2) funds for initiatives determined to reduce congestion in the Bay Area. Route 78 will be administered by STA and operated by the City of Vallejo under a service agreement with STA.

An implementation plan for the proposed Benicia Breeze service strategy will be developed separately in response to City of Benicia concerns with the replacement of the current Benicia Breeze Route 75 by the proposed regional commuter Route 70.

2. BENICIA BREEZE SERVICE PERFORMANCE OVERVIEW

I. Data Concerns

The consulting team found that the service performance data included in the recent **Draft FY 2007/08 – 2017/18 SRTP** were summarized by service category and not broken out by individual route. Disaggregate performance data at the individual route data were required for the **Analysis of the Benicia Breeze Transit System Project**. In addition, the operating cost data in the **Draft FY 2007/08 – 2017/18 SRTP** was limited to contractor costs and did not include City administration overheads, as well as City-paid fuel, maintenance and insurance costs. This omission results in an inaccurate projection of true operating costs.

Route by route ridership, fare collection, and revenue hours data for this performance assessment were taken directly from the contractor's monthly performance summaries for the period FY 2006/07 YTD-April 2007 provided by the City (based on what was available to the consulting team). Inconsistencies were found in the spread sheet formulae for the calculation of cumulative year to date (YTD) totals).

¹The proposed Route 78 was originally designated as Route 70. However, the new service will be called Route 78 to avoid confusion with the existing regional Route 70X operated by LAVTA between the Dublin/Pleasanton BART Station and the Walnut Creek BART Station

²The final date will be determined through discussions between STA and the City of Vallejo.

In this review, individual month end data were summarized for the 10 month period and projected for the full 12 months. Although inconsistencies were found with the data recorded on the contractor's summaries, the productivity for the Route 75 was in line with the projections and actuals presented in both the current, approved **2005/06 – 2012-2013 SRTP** and recent **Draft FY 2007/08 – 2017/18 SRTP**. The **2005/06 – 2012-2013 SRTP** projected 11.0 passengers per hour for this route in FY 2006/07 (then called Route 1). The more recent FY 2007/08 – 2017/18 SRTP found Route 75 productivity to be approximately 10.8 based on findings from a ridecheck conducted in late May/early June 2007. However, the data for the flexroutes does not seem to reflect what was actually scheduled.

II. Service Performance

FY 2006/07 performance for Benicia Breeze Routes 15, 17, 19, 21, 22, 23 and 75 and paratransit is summarized in Figure 2.1. From this data:

- Given their school market orientation, Routes 15 and 17 understandably performed strongly with limited service hours, productivity over 20 passengers/service hour, and strong farebox recovery – 36% and 47%, respectively.

Figure 2.1 - Benicia Breeze Route by Route Performance Summary (FY 2006/07)

	Route 75	Route 15	Route 17	Route 19	Route 21	Route 22	Route 23	Paratransit	Total Fixed Route
OPERATING DATA									
Passengers Carried	103,368	10,352	12,716	2,312	5,321	5,137	470	6,906	139,678
Service Hours	10,397	513	483	885	2,682	2,760	533	4,136	18,254
Service Miles	205,279	5,630	4,279	17,647	43,396	34,730	9,086	46,362	320,049
Operating Costs	\$795,562	\$39,229	\$36,943	\$67,752	205,218	211,232	40,822	244,938	\$1,396,759
Farebox Revenues	\$202,853	\$13,960	\$17,315	\$1,907	4,940	5,488	701	25,974	247,163
PERFORMANCE									
Passengers/Service Hour	9.94	20.19	26.34	2.61	1.98	1.86	0.88	1.67	7.65
Passengers/Service Mile	0.50	1.84	2.97	0.13	0.12	0.15	0.05	0.15	0.44
Service Miles/Passenger	1.99	0.54	0.34	7.63	8.16	6.76	19.32	6.71	2.29
Operating Cost/Service Hour	\$76.52	\$76.52	\$76.52	\$76.52	\$76.52	\$76.52	\$76.52	\$59.22	\$76.52
Operating Cost/Service Mile	\$3.88	\$6.97	\$8.63	\$3.84	\$4.73	\$6.08	\$4.49	\$5.28	\$4.36
Operating Cost/Passenger	\$7.70	\$3.79	\$2.91	\$29.30	\$38.57	\$41.12	\$86.78	\$35.47	\$10.00
Subsidy Cost/Passenger	\$5.73	\$2.44	\$1.54	\$28.47	\$37.64	\$40.05	\$85.29	\$31.71	\$8.23
Average Fare Collected/ Passenger Carried	\$1.96	\$1.35	\$1.36	\$0.82	\$0.93	\$1.07	\$1.49	\$3.76	\$1.77
Farebox Recovery*	25.50%	35.58%	46.87%	2.81%	2.41%	2.60%	1.72%	10.60%	17.70%

* Based on farebox revenue only

- Route 75 productivity is slightly under 10 passengers/service hours with approximately 25% farebox recovery.
- Although ADA paratransit productivity is under 2.0 passengers/service hour, farebox recovery is slightly over the TDA 10% minimum.

- Flexroutes 19, 21 and 22 performed poorly with hourly productivity ranging from 1.86 to 2.61 passengers/revenue hour (only slightly higher than ADA paratransit). The cost/one-way passenger trip on the flexroutes ranged from over \$28. to \$40. Farebox recovery was under three percent in the case of all three flexroutes. It is clear that people are not using these routes. This may be a function of their long one way loop orientation.
- Route 23 (recently discontinued) was clearly the worst performing of the Benicia Breeze routes with hourly productivity under 1 passenger/service hour and a cost/passenger of over \$86.
- The poor performance of Routes 19 through 23 brought the overall Breeze fixed route performance below 18%, devaluing the relatively strong performance of Routes 15, 17 and 75.

III. Implications for Service Planning and Delivery

The poor performance of Routes 19 through 23 brought the overall Breeze fixed route performance below the TDA minimum 20% farebox requirement. The recent discontinuation of Route 23 will help correct this problem. However, continued low productivity on Routes 19, 21, and 22 will have a negative impact on overall Benicia Breeze farebox recovery, potentially putting continued TDA funding at risk. The discontinuation of Route 75 with the introduction of the proposed Route 70 will have a further negative impact on the overall Benicia Breeze farebox recovery ratio.

Flexroute restructuring is required to reduce the least productive revenue hours and to attract increased ridership through the reduction of onboard travel times.

Benicia's local ADA paratransit service could be combined with the flexroute services to reduce overall revenue hours and bus pullout requirements, and increase flexroute productivity.

Even with restructuring, Benicia Breeze local services will not likely achieve a 20% farebox recovery ratio. Either a lower farebox recovery policy should be applied to local Benicia Breeze services, or farebox recovery from these routes should be averaged with a broader regional base of transit services.

Route 75 is not a Benicia local route. With approximately 50% of Route 75 riders living outside Benicia¹, it is a regional commute route. Route 75's current performance suggests a market for the continuation of a regional route serving Benicia as well as Vallejo.

Benicia alone would not likely have a strong enough market base to sustain a regional commute route – the poor performance of the discontinued Route 23 may suggest this possibility.

There is not sufficient demand to support both the continuation of the current Route 75 as well as the introduction of the proposed Route 70. Current ridership would essentially be split between two competing routes resulting in lower productivity and farebox recovery levels for both routes – negatively impacting sustainability.

3. TRAVEL PATTERNS AND RIDERSHIP PROJECTIONS

The primary service area of the Benicia Transit service is the City of Benicia. The orientation of the service is to provide transit options for both residents and employees within the City. While other trips are sometimes made

¹ Results of Solano Transportation Authority Countywide Ridership Study: Benicia Breeze Local and Intercity Lines (March 26, 2007).

using Route 75 (such as Vallejo to Central Contra Costa County), the service design focuses on primarily benefiting Benicia trip ends.

I. Overall Population and Employment Estimates and Growth

The Association of Bay Area Governments (ABAG) develops projections based on general plans, demographic patterns, construction trends and changes in the demographic profiles of Bay Area communities (such as proportions of youth and retirees) to develop forecasts of population, employment and associated characteristics. ABAG has projected that Benicia will growth slightly in the next few years, so that there is not anticipated to be major changes in the level of trip making within the community in the future.

The City of Benicia contains an estimated 27,200 people in 2005, according to the Association of Bay Area Governments (ABAG, Projections 2007). This population is forecast to grow only slightly in the next few years. There is an anticipated 10-year population growth of 1,400 residents by ABAG. This represents an overall population growth of 5 percent over this period.

The number of jobs in the City of Benicia is estimated at 15,530 according to ABAG (Projections 2007). Similar to population growth, the employment growth is projected to be slight, growing by an estimated 1,800 jobs for the 2005 to 2015 period.

There are an estimated 14,590 employed residents in 2005 in the City. This is only slightly less than the total number of jobs, which suggests that Benicia is slightly more of a "destination" than an "origin" for commuter trips. The employed resident total is forecast to grow to 16,360 by 2015.

II. Travel Patterns of Benicia Residents

Using ABAG projections as control totals, the Solano-Napa travel demand model provides reasonable estimates of travel patterns of Benicia residents and workers. This travel model, accepted by use by STA, contains a set of complex input assumptions about land uses across the entire Bay Area and Sacramento Region, as well as roadway and transit networks and associated travel speeds between various points in the system. The model was validated according to industry guidelines, and forecasts controlled to regional totals have been developed.

This travel model provides an approximation of the current and projected travel patterns of Benicia residents. The results from the model are provided in 2000 and 2030 estimates. Potential patterns anticipated for 2008, 2013 and 2018 are shown in Figure 3.1.

- Figure 3.1 shows that most Benicia residents usually leave the city for work. Only 20 to 21 percent of local residents are estimated work within the City.
- Figure 3.1 suggests that the most popular location for jobs is in Central Contra Costa County. There are almost as many persons working in this area as there are within Benicia.
- Vallejo is also another popular work location.
- Although the commute percentage is lower, the next most popular work locations – San Francisco and Oakland – tend to be jobs that are filled with a higher proportion of commuters who use transit.
- One-transfer access is generally provided for all major commute patterns except East Contra Costa County, and Tri-Valley (combined Danville/Alamo/San Ramon and Dublin/Livermore/Pleasanton).

Figure 3.1 - Estimated Work Travel Patterns of Commuting Benicia Residents

Work Destination	2008		2013		2018	
	Persons	Percent	Trips	Percent	Trips	Percent
Benicia	3070	21%	3199	20%	3329	20%
Martinez/Concord/Pleasant Hill/Walnut Creek	2724	18%	2797	18%	2870	17%
Vallejo	2338	16%	2466	16%	2595	16%
San Francisco	1102	7%	1227	8%	1352	8%
Oakland/North Alameda County	1061	7%	1092	7%	1124	7%
West Contra Costa County	1045	7%	1081	7%	1117	7%
East Contra Costa County	500	3%	550	4%	601	4%
Fairfield/Suisun City	356	2%	413	3%	470	3%
Danville/Alamo/San Ramon	335	2%	340	2%	345	2%
Central/Southern Alameda County	324	2%	341	2%	359	2%
Santa Clara	295	2%	318	2%	342	2%
Dublin/Livermore/Pleasanton	292	2%	318	2%	344	2%
San Mateo	264	2%	292	2%	319	2%
Marin	262	2%	295	2%	328	2%
Napa	254	2%	281	2%	309	2%
Sacramento	192	1%	212	1%	231	1%
Lamorinda	175	1%	184	1%	192	1%
Sonoma	103	1%	115	1%	127	1%
Other Solano County	81	1%	93	1%	106	1%
San Joaquin	10	0%	11	0%	12	0%
Lake	3	0%	3	0%	3	0%
Total	14785		15630		16475	

III. Travel Patterns of Benicia Workers

Persons traveling to Benicia for work often come from Solano County. It is estimated that there are more Vallejo residents working in Benicia, than Benicia residents both living and working there. The third most popular home location for workers is estimated to be Fairfield and Suisun City. These three areas represent the estimated home locations of two-thirds of all workers. IT should be noted that the jobs and working residents totals vary because some persons work at more than one job. Potential patterns anticipated for 2008, 2013 and 2018 are shown in Figure 3.2.

Figure 3.2 - Estimated Work Travel Patterns of Commuting Benicia Workers

Work Destination	2008		2013		2018	
	Persons	Percent	Trips	Percent	Trips	Percent
Vallejo	4752	30%	4879	29%	5006	29%
Benicia	3761	24%	3919	24%	4077	24%
Fairfield/Suisun City	2155	14%	2320	14%	2484	14%
Martinez/Concord/Pleasant Hill/Walnut Creek	1202	8%	1258	8%	1314	8%

Work Destination	2008		2013		2018	
	Persons	Percent	Trips	Percent	Trips	Percent
East Contra Costa County	927	6%	977	6%	1026	6%
Other Solano County	812	5%	874	5%	936	5%
Napa	623	4%	685	4%	746	4%
West Contra Costa County	464	3%	486	3%	508	3%
Sacramento	228	1%	257	2%	285	2%
Sonoma	210	1%	226	1%	241	1%
Oakland/North Alameda County	139	1%	151	1%	164	1%
Danville/Alamo/San Ramon	123	1%	134	1%	145	1%
Marin	91	1%	92	1%	93	1%
Central/Southern Alameda County	70	0%	75	0%	80	0%
Lamorinda	59	0%	66	0%	72	0%
Tri-Valley/Livermore/Pleasanton	54	0%	61	0%	68	0%
San Joaquin	46	0%	45	0%	43	0%
Santa Clara	20	0%	21	0%	22	0%
San Francisco	15	0%	15	0%	16	0%
San Mateo	12	0%	13	0%	13	0%
Lake	8	0%	8	0%	8	0%
Total	15772		16561		17349	

IV. Ridership Characteristics

In March 2007, the Solano Transportation Authority conducted surveys on Benicia Breeze riders. The response rates were highest on the Route 75, which is major commute route.

A summary of the rider characteristics is shown in Figure 3.3. This summary demonstrates:

- A high proportion of riders are choice riders. About 70 percent of the riders have at least one auto available at home. 17 percent have more than three autos available at home.
- Most of the trips have one or both ends in Vallejo or Benicia. The total number of trip ends in Benicia is estimated at 38 percent, while Vallejo adds about 29 percent of the trips.
- Central Contra Costa County is a trip end of at least 20 percent of all riders. The combination of Concord, Pleasant Hill and Walnut Creek are the most popular destinations beyond Vallejo and Benicia.
- Not all of the people on the bus are traveling to work. In fact, the Route 75 users rely on the bus to get to a number of different types of destinations.

Figure 3.3 - Route 75 Ridership Characteristics

Item	Category	Percentage of Responses
Income	Under \$15,000	24.3%
	\$15,000 - \$24,999	13.2%
	\$25,000 - \$34,999	11.8%
	\$35,000 - \$44,999	11.2%
	\$45,000 - \$59,999	12.5%
	\$60,000 - \$99,999	15.8%
	\$100,000 - \$150,000	5.9%
	Over \$150,000	5.3%
Auto Ownership	No Auto	30.2%
	1 Auto	31.2%
	2 Autos	21.4%
	3 or more	17.2%
Trip End Percentage	Benicia	38%
	Vallejo	29%
	Pleasant Hill	8%
	Concord	8%
	Walnut Creek	5%
	Fairfield	2%
	San Francisco	3%
	Oakland	1%
Other	5%	
Trip Purpose	Work	38%
	School	20%
	Medical	4%
	Shopping/errands	15%
	Visiting friends or relatives	9%
	Other	13%

It is noted that surveys were also conducted on Benicia local routes. Unfortunately, the survey resulted in only 20 to 25 responses per question, so that the results do not yield significant enough information to be applied to forecasts in this report.

V. First Year Ridership Projections for Route 75

The anticipated change in commuter riders on the new commuter route is projected to be minimal. The overall span of service (5:00 AM to 8:30 PM) and service frequency (30 minutes at peak; 60 minutes at non-peak) is projected to be essentially similar to the existing Route 75. The Route 75 currently carries about 150 to 170 riders per day. The addition of service to the Walnut Creek BART area should increase ridership by about 10 to 20 percent, as there will be more directly-accessible work and shopping destinations available as well as direct connections to the buses to San Ramon Business Park.

The route would likely lose some riders as a result of users that would switch to Route 76. This route would likely attract about 10 to 20 percent of the riders that were using Route 75. This should result in similar route performance on the restructured route as would be demanded today.

It should be noted that transit ridership is highly sensitive to marketing, on-time performance, special promotions and external factors to the cost of living. With approximately 12,000 working residents working in other communities and the rider survey indicated that many residents use Route 75 for other reasons, the transit use appears to be about one percent of the non-Benicia mode share for work trips (One percent would represent 120 daily boardings or 60 residents at two trips per resident) . A slight shift in transit mode share to two percent would represent a doubling of ridership demand, but would also only mean a ridership increase of another 120 daily boardings.

VI. First Year Ridership Projections for Route 76

The anticipated change in commuter riders on the new Route 76 is projected to be smaller than that on Route 75. The overall quality of service is projected to be reduced to 9 trips per day. It is estimated that about 10 to 20 percent of the 150 to 170 trips – about 15 to 30 trips per day, are destined for Sunvalley Mall or Diablo Valley College. The addition of timed transfers to other routes – especially the demand responsive routes – should significantly improve rider interest in using the Route 76. The anticipated ridership demand for this route could vary between 15 passengers in the most pessimistic situation to 60 per day in an optimistic one, if appropriate marketing, on-time performance, special promotions and other factors promote route use.

VII. 2013 and 2018 Ridership

Using the data presented earlier, the overall growth rate in Benicia is very gradual. A reasonable growth in ridership would be approximately one-half of one percent in ridership growth each year, all other factors equal. The result is that the overall ridership trends will be more affected by marketing and needs of specific markets than of growth in the general population.

4. SERVICE STRATEGY

The proposed Benicia Breeze service strategy is designed to complement the proposed regional commuter Route 70 serving Benicia and Vallejo residents. It includes:

- A proposed local Route 76 providing limited weekday service between Benicia and Sunvalley Mall and Diablo College.
- A restructuring of current Flexroutes 19, 21 and 22 designed to improve service attractiveness, productivity and farebox recovery attractiveness by reducing both service hours and miles operated.
- The continuation of Routes 15 and 17 in conjunction with school bell times at current annual revenue hour levels.

- A regional route concept plan and schedule has been developed that combines elements of both the current Benicia Breeze Route 75 and the regional Route 78 as originally proposed. Although the new regional route is not included in the Analysis of the Benicia Breeze Transit System Project financial plan (Section 5), it is included in this section as background information pertinent to the Benicia Breeze Service Strategy.

The proposed local Benicia Breeze transit service is reflective of the funding available for transit in Benicia and at scale of operation that can be administered by a part time transit coordinator responsible for day to day contract oversight, service marketing, service monitoring and evaluation, as well as the preparation of monthly, quarterly and annual management reports. The transit coordinator would also be Benicia's working representative in the administrative partnership to implement and operate the proposed regional route replacement for the current Benicia Breeze Route 75. Benicia's Finance Director would continue to be responsible for the Benicia Breeze program including the procurement and negotiation of service operating agreements, participation on the regional funding consortium, and the preparation of the annual operating and capital budgets.

I. Regional Route 78

Purpose – Provides: limited stop express between Vallejo and Benicia, and Vallejo/Benicia and the Pleasant Hill and Walnut Creek BART; express service for Benicia residents to Baylink Ferries and BART as well as good connections to Vallejo Transit, CCCTA local services, Bishop Ranch Express service and LAVTA's Route 70X; express service for Vallejo residents to Benicia and BART as well as the aforementioned transit services in Contra Costa County.

Routing – Proposed Route 78 alignment between Vallejo Ferry Terminal and Walnut Creek BART Station operating as a limited stop express including stops at the York & Marin TC, Curtola PnR, Military & Southamption (in conjunction with planned Benicia PnR), Military & W. 7th, Military & 1st (pulsed with local Benicia flexroutes and proposed Route 76), Military & E. 5th, Pleasant Hill BART, and Walnut Creek BART.

Service Span – Weekdays from 5:00 AM to 8:45 PM. Saturdays from 6:30 AM to 8:15 PM.

Headways – 30 minute headway from 5:00 AM to 7:30 AM and from 3:30 PM to 7:00 PM on weekdays. Two hour headways on Saturdays. Concept schedule for the proposed route is provided in Figure 4.1.

Peak Hour Bus Pullout and Service Hours – Four buses are required in peak, two buses in the off peak and one bus on Saturdays. Approximately 10,932 annual hours (10,300 weekday service hours and 632 Saturday hours) are required.

Funding – RM2 with farebox, and regional cost share agreement contributions. (To be finalized.)

Equipment and Operations – Vallejo MCI's operated eventually through a JPA to ensure equal partnership management and agreement on cost structure (such as setting a maximum for overhead assignments to operating costs), performance standards, service evaluation and planning, and service policies. Prior to the establishment of a JPA, the service would be operated through a service agreement with the City of Vallejo and administered by STA.

Implementation Date – Early October 2008.

Route Numbering Issue – The proposed regional route will connect with the existing LAVTA Route 70X at Walnut Creek BART. This issue has been resolved by naming the new regional service Route 78 instead of the original Route 70.

II. Local Route 76

Purpose – To provide a local route connecting Benicia riders with Sunvalley Mall and Diablo Valley College (DVC). Route 76 will be pulsed with the proposed regional route at City Park to allow connections for Vallejo passengers wanting to travel to Sun Valley Mall or DVC. Connections with CCCTA routes at DVC.

Routing – Military/Southampton loop, Military, 1st Street, East B St, East, 2nd Street, East H Street, East 5th Street, I-780, I 680, Willow Pass Road to, Sunvalley Mall, Contra Costa Boulevard, and Concord Avenue to DVC. Figure 4.2 provides a Route 76 map.

Service Span – Weekdays with three round trips - one in the AM peak, one mid day, and one in the PM peak.

Headways – With a limited number of trips, the schedule should be carefully designed with passenger input to determine the most critical trip times based on DVC work shifts and/or class times. Figure 4.3 provides a sample schedule built around an interline with the Route 15.

Peak Hour Bus Pullout and Service Hours – One bus is required. One bus would be interlined with local Route 15 or Route 17 to reduce non-service hours. Approximately 1,150 annual service hours are required.

Funding – City of Benicia TDA allocations and farebox revenues.

Equipment and Operations – City of Benicia will operate using current equipment (one 35 foot Gillig as in-service bus and one 35 foot Gillig as backup).

Implementation Date – Early October 2008 in conjunction with implementation of the proposed regional Route 78.

Performance Expectations – Approximately 20% (15 - 30 passengers per weekday) of current Route 75 weekday passengers board at the current stops associated with Sun Valley Mall and DVC. The consultant projects 30 passengers per weekday in FY 2008-09. This may not be sufficient to support reasonable farebox recovery minimums. Route 76 should be introduced on a two year trial basis with expectations to achieve a minimum 20% farebox recovery in combination with Routes 15 and 17. Consideration should be given to the discontinuation of this service if after 18 months ridership is not sufficient to achieve the minimum farebox recovery requirement.

III. Routes 15 and 17

Purpose – To provide student transportation to Benicia High School and Benicia Middle school.

Routing – Maintain current routing

Service Span – Operates on class days throughout the school year.

Headways – Each route operates one AM and one PM trip in conjunction with school arrival and dismissal bells.

Bus and Service Hours Requirements – An interline with the proposed Route 76 reduces the bus pullout requirement to one bus. Approximately 995 annual service hours are required.

Figure 4.1 – Concept Schedule for Proposed Regional Routes

Bus	Valley Family Terminal	Anytown Main	Oldtown Station	At Millersville EB	At Pleasant Hill BART	At Walnut Creek BART	At Walnut Creek BART	At Pleasant Hill BART	At Millersville WB	At Millersville WB	At Millersville WB	Valley Family Terminal
A	5:30 AM	5:35 AM	5:35 AM	5:40 AM	6:13 AM	6:23 AM	6:30 AM	6:40 AM	7:00 AM	7:00 AM	7:00 AM	5:15 AM
B	5:00 AM	5:05 AM	5:05 AM	6:20 AM	6:43 AM	6:53 AM	7:00 AM	7:10 AM	7:30 AM	7:30 AM	7:30 AM	5:40 AM
C	5:30 AM	5:35 AM	5:35 AM	6:50 AM	7:13 AM	7:23 AM	7:30 AM	7:40 AM	8:00 AM	8:00 AM	8:00 AM	6:15 AM
D	7:30 AM	7:35 AM	7:35 AM	7:20 AM	7:43 AM	7:53 AM	8:00 AM	8:10 AM	8:30 AM	8:30 AM	8:30 AM	7:15 AM
A	7:30 AM	7:35 AM	7:35 AM	7:50 AM	8:13 AM	8:23 AM	8:30 AM	8:40 AM	9:00 AM	9:00 AM	9:00 AM	7:45 AM
C	8:30 AM	8:35 AM	8:35 AM	8:50 AM	9:13 AM	9:23 AM	9:30 AM	9:40 AM	10:00 AM	10:00 AM	10:00 AM	8:15 AM
A	9:30 AM	9:35 AM	9:35 AM	9:50 AM	10:13 AM	10:23 AM	10:30 AM	10:40 AM	11:00 AM	11:00 AM	11:00 AM	8:45 AM
C	10:30 AM	10:35 AM	10:35 AM	10:50 AM	11:13 AM	11:23 AM	11:30 AM	11:40 AM	12:00 PM	12:00 PM	12:00 PM	9:15 AM
A	11:30 AM	11:35 AM	11:35 AM	11:50 AM	12:13 PM	12:23 PM	12:30 PM	12:40 PM	1:00 PM	1:00 PM	1:00 PM	9:45 AM
C	12:30 PM	12:35 PM	12:35 PM	12:50 PM	1:13 PM	1:23 PM	1:30 PM	1:40 PM	2:00 PM	2:00 PM	2:00 PM	10:15 AM
A	1:30 PM	1:35 PM	1:35 PM	1:50 PM	2:13 PM	2:23 PM	2:30 PM	2:40 PM	3:00 PM	3:00 PM	3:00 PM	11:15 AM
C	2:30 PM	2:35 PM	2:35 PM	2:50 PM	3:13 PM	3:23 PM	3:30 PM	3:40 PM	4:00 PM	4:00 PM	4:00 PM	12:15 PM
A	3:30 PM	3:35 PM	3:35 PM	3:50 PM	4:13 PM	4:23 PM	4:30 PM	4:40 PM	5:00 PM	5:00 PM	5:00 PM	1:15 PM
B	4:00 PM	4:05 PM	4:05 PM	4:20 PM	4:43 PM	4:53 PM	5:00 PM	5:10 PM	5:30 PM	5:30 PM	5:30 PM	2:15 PM
C	4:30 PM	4:35 PM	4:35 PM	4:50 PM	5:13 PM	5:23 PM	5:30 PM	5:40 PM	6:00 PM	6:00 PM	6:00 PM	3:15 PM
D	5:00 PM	5:05 PM	5:05 PM	5:20 PM	5:43 PM	5:53 PM	6:00 PM	6:10 PM	6:30 PM	6:30 PM	6:30 PM	4:15 PM
A	5:30 PM	5:35 PM	5:35 PM	5:50 PM	6:13 PM	6:23 PM	6:30 PM	6:40 PM	7:00 PM	7:00 PM	7:00 PM	5:15 PM
B	6:00 PM	6:05 PM	6:05 PM	6:20 PM	6:43 PM	6:53 PM	7:00 PM	7:10 PM	7:30 PM	7:30 PM	7:30 PM	6:15 PM
C	6:30 PM	6:35 PM	6:35 PM	6:50 PM	7:13 PM	7:23 PM	7:30 PM	7:40 PM	8:00 PM	8:00 PM	8:00 PM	7:15 PM
D	7:30 PM	7:05 PM	7:05 PM	7:20 PM	7:43 PM	7:53 PM	8:00 PM	8:10 PM	8:30 PM	8:30 PM	8:30 PM	8:45 PM

IX-B-22

SATURDAY SERVICE

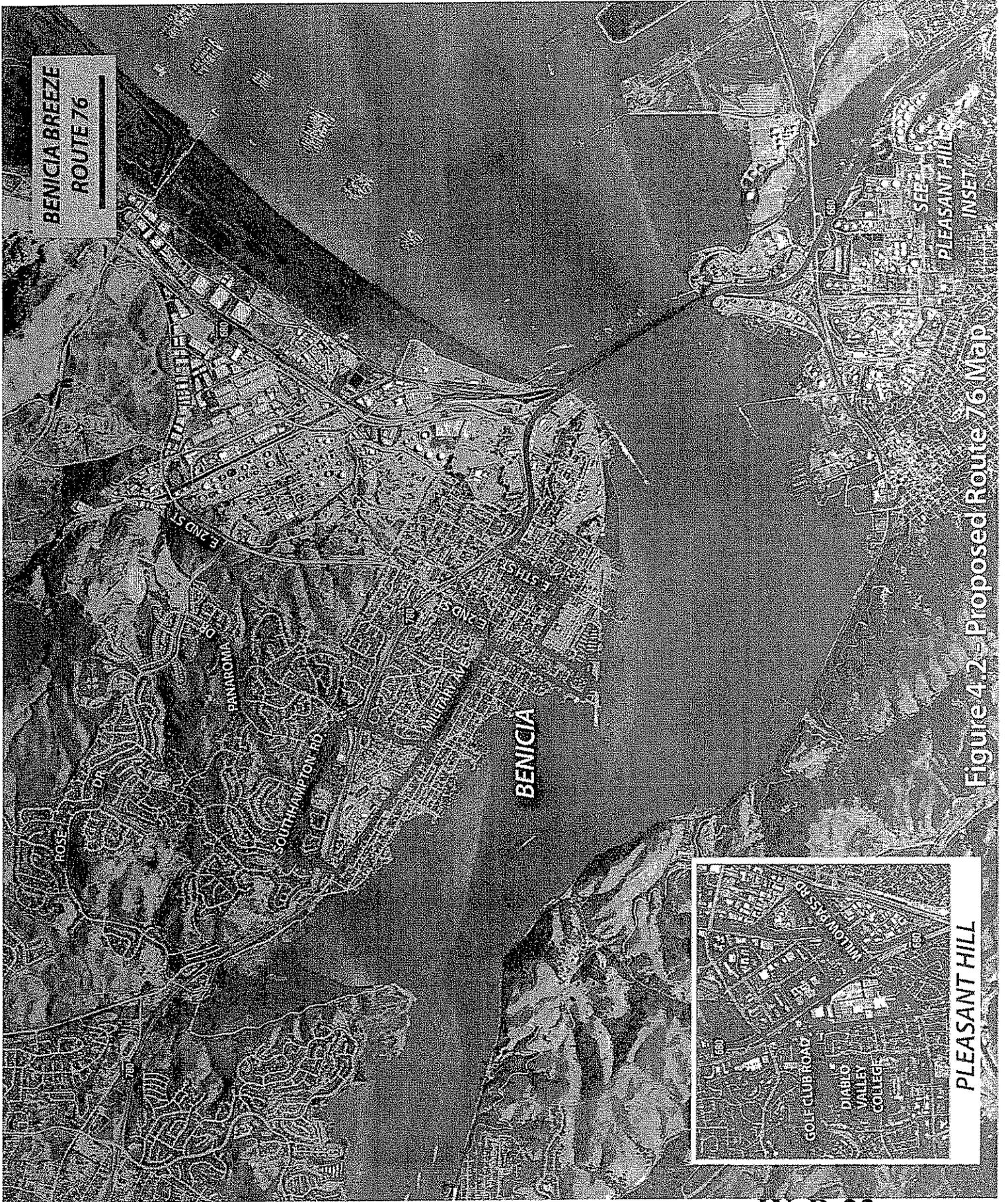


Figure 4.2-Proposed Route 76 Map

Figure 4.3 - Possible Route 76 Schedule

Bus	Dpt Military/1st WB	Dpt Military/Southampton	Southampton Shopping Center	Arr Military/1st EB	Dpt Military/1st EB	DVC	Survaley Mail	Arr Military/1st WB
A	8:00 AM	8:05 AM	8:11 AM	8:17 AM	8:22 AM	8:47 AM	8:52 AM	9:17 AM
A	11:00 AM	11:05 AM	11:11 AM	11:17 AM	11:22 AM	11:47 AM	11:52 AM	12:17 PM
A	4:00 PM	4:05 PM	4:11 PM	4:17 PM	4:22 PM	4:47 PM	4:52 PM	5:17 PM

From Rte 15

In from Route 15

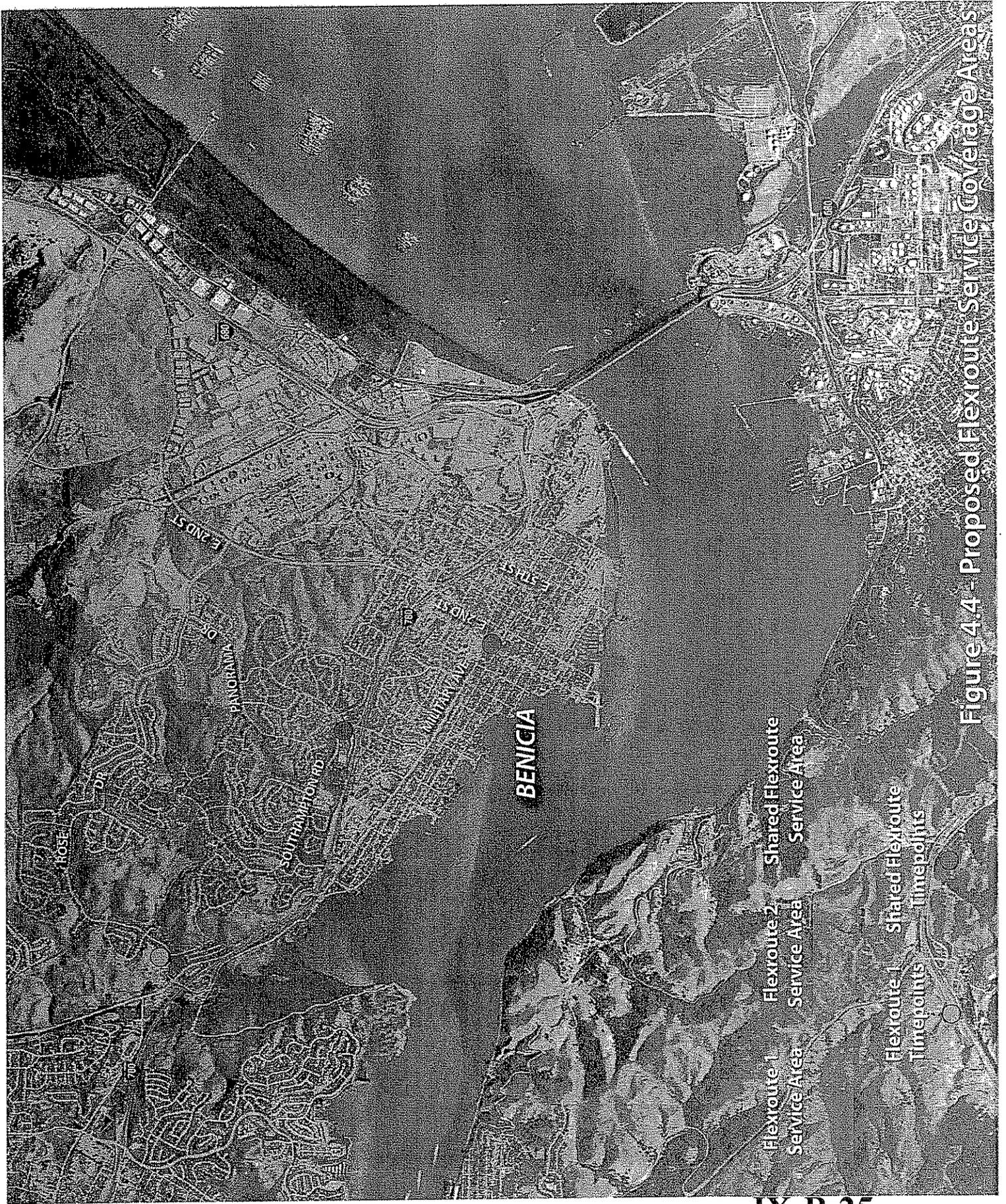


Figure 4.4 - Proposed Flexroute Service Coverage Areas

Funding – City of Benicia TDA allocations and farebox revenues.

Equipment and Operations – City of Benicia will operate using current equipment (one 35 foot Gillig as in-service bus – second bus and spare bus are already accounted for through the Route 76 service requirements).

Implementation Date – Continue current operations.

Performance Expectations – Routes 15 and 17 currently achieve 36% and 47% farebox recovery ratios, respectively. A 35% minimum farebox recovery expectation should be established for these routes in order to facilitate an overall 20% recovery minimum when combined with the proposed Route 76.

IV. Flexroutes

Purpose – To serve as: feeders to the proposed regional route and proposed local Route 76 and local community circulators service.

Routing – The proposed restructuring of the local Benicia flexroute service is based on the concept originally recommended in Benicia's 2005/06 – 2012-2013 SRTP. Under the proposed structure, two flexroutes would operate with a limited number of timepoints serving origins and destinations located between the scheduled timepoints on a demand response basis. This would eliminate the current one way loop routing and reduce service miles operated, fuel consumption and on board travel time for passengers.

- Flexroute 1 will provide hourly service with scheduled stops at Rose & Cambridge, Southampton Center, City Park, Solano Square and locations in downtown Benicia. The route would travel as a flex service in three zones: the western portion of the Southampton neighborhood, downtown east of 1st Street, and the Military West corridor from 1st Street to West 14th (shared zone with Flex 2).
- Flexroute 2 will provide hourly service with scheduled stops at Southampton Center and City/Park Solano Square. The route would travel as a flex service in three zones: the eastern portion the Southampton neighborhood, northeast Benicia including the Benicia Industrial Park, and the Military West corridor from 1st Street to West 14th Street (shared zone with Flexroute 1).

Figure 4.4 provides a flexroute service coverage map. Both flexroutes will serve as feeders to the proposed regional route in support of the more direct routing along Military. Connections will be scheduled at the Military & 1st stops. Peak hour service could be provided on a subscription basis.

The proposed restructuring facilitates more direct service for passengers than the current one way loop structure. This should make the service more attractive to seniors and persons with disabilities currently using the ADA paratransit service.

Service Span – Operates on weekdays between 6:00 AM and 7:00 PM. No Saturday service is recommended. However, a single bus Saturday service could be provided by reducing off peak weekday service to a single bus (covering the total service are) and transferring the saved hours to Saturday coverage.

Headways – Each route operates on a 60 minute headway completing a round trip every hour.

Bus and Service Hours Requirements – Two in-service cutaways and one spare cutaway are required. Approximately 6,630 annual service hours are required. Saturday service can be achieved with no increase

in annual service by reducing the proposed weekday capacity.

Funding – City of Benicia TDA allocations and farebox revenues.

Equipment and Operations – City of Benicia will operate using current cutaways. Two in-service vehicles and one backup bus are required.

Implementation Date – Early October 2008 in conjunction with implementation of the proposed regional Route 78.

Performance Expectations – There is limited demand for any type of local transit service in Benicia. The proposed restructured flexroutes should be introduced on a 2 year trial basis. If integrated with Benicia's local ADA paratransit service, the flexroute minimum farebox requirements will be reduced to 10%. Given the minimum number of scheduled timepoints, the restructured service will be predominantly a general public and special needs demand response service. The elimination of the less productive Saturday service will also increase productivity. If a 10% minimum farebox recovery ratio is not achievable after 18 months consideration should be given to a reduction of service span coverage and/or the replacement of the flexroute service with a single bus general public dial-a-ride service.

V. ADA Paratransit

Given the demand response nature of the proposed flexroute service, ADA paratransit riders can be accommodated by the flexroute service for their local trip needs. The consultants are recommending the discontinuation of Benicia's paratransit service beyond the city boundaries and the integration of local ADA service with the new flexroute service. This will both reduce annual revenue hours and increase flexroute productivity.

However, a single bus ADA paratransit service will continue to be provided for trips to destinations in Vallejo, Fairfield and Contra Costa County. When not required for ADA trips beyond Benicia, the paratransit vehicle could provide additional flexroute capacity if needed. One bus and 3,315 annual service hours are required for this service.

» 5. FINANCIAL PLAN

I. Operating Finance Plan

The financial plan takes into account the proposed changes in transit delivery for both local and regional service to be provided in the City of Benicia, and their impact on revenue hours and miles. The financial plan utilizes the three variable cost allocation plan developed for the intercity transit funding agreement to generate an estimated cost per hour by route for the proposed services. It is assumed that the City of Benicia does not operate the new regional Route 70. However, Benicia's estimated contribution to the intercity funding agreement, which includes the City's formula share contribution to the Route 70, is included in the City's total transit system operating expenses.

The operating cost structure for the financial plan utilizes the City's FY 2008-09 budgeted data for transit services assuming current services (existing Route 75, ADA paratransit, flex routes and school trippers), and makes cost adjustments to reflect the reduced revenue hours and miles from the proposed service. For example, it is assumed that with decreased service, the contract cost with MV Transportation will be reduced for both fixed and variable cost without penalty by MV (as has been verbally discussed between the City and MV). In addition, maintenance

and fuel costs have been adjusted downward to reflect a smaller vehicle fleet requirement and less revenue miles. The adjustment to these costs is on a cost per mile basis from the FY 2008-09 budget.

II. Cost Allocation by Route FY 2008-09

Figure 5.1 presents the operations input data from the proposed service delivery. The data forms the basis for the allocation of cost by route, and includes revenue hours, miles and peak vehicles.

Figure 5.1 - Weekday Operations Data (One Weekday)

Weekday Service (in Daily Numbers)				
Route	Revenue Hours	Revenue Miles	Number of Trips	Peak Vehicles
15	1.43	15.75	2.00	0.5
17	1.43	13.50	2.00	0.5
21	13.00	104.00	26.00	1
22	13.00	104.00	26.00	1
76	4.51	60.00	6.00	0.5
Paratransit	13.00	137.25	11.00	1.5
Totals	46.37	434.50	73.00	5.00

Notes	
Routes 15 & 17 Trippers	
610	Annual Revenue Hours
7.9	One Way Route Miles for Route 15
6.8	One Way Route Miles for Route 17
Routes 21 & 22	
6,630	Annual Revenue Hours
4.0	One Way Route Miles for Route 21
4.0	One Way Route Miles for Route 22
26	One Way Trips Each, Hourly Service for 13 Hours per Day
Route 76	
1,150	Annual Revenue Hours
10.0	One Way Route Miles from S. Hampton/Hastings to DVC, from Yahoo! Maps
Paratransit	
3,315	Annual Revenue Hours
35,000	Annual Revenue Miles

Figure 5.2 shows the consolidated line item costs developed for the cost allocation plan for the Benicia transit system. The line items include contract costs, maintenance and fuel, and city support which are allocated by revenue hours, revenue miles and peak vehicles. By assuming a decreased fleet under the proposed service from 14 to 7 vehicles, the contract costs are reduced to reflect an assumed reduction in management and supervision. The retrofit of vehicles with particulate traps and other major maintenance have been completed, resulting in

additional assumed cost savings. The variable costs reflect the total proposed annual revenue hours of 11,705, and multiplied by the MV variable rate of \$21.64 for FY 2008-09, which includes the contract cost rate escalator of 2.7 percent per year.

Maintenance and fuel costs are decreased from the FY 2008-09 budget in direct proportion to the difference in revenue miles between the existing service and the proposed service. The cost per mile for maintenance and fuel is multiplied by the new reduced revenue miles to arrive at the annual cost for the proposed plan. This is shown in Figure 5.3.

City support costs budgeted by the City account for some assumed efficiencies from a smaller transit system, whether from a smaller allocation of cost from the finance department, lower cost for a transit manager, or other reduction from current budgeting. On-going SRTP development is included in the support services costs and is annualized at \$11,000 per year.

Figure 5.2 - Costs for Proposed Transit Service

Based on FY 08-08 Costs	Allocate by Revenue Hours	Allocate by Vehicle Miles	Allocate by Peak Vehicles	Total
Contract Cost (MV)				
Fixed Fee	\$63,704	\$21,888	\$99,177	\$184,769
Hourly Cost	\$253,296			\$253,296
Maintenance/Fuel Cost				
Maintenance		\$114,337		\$114,337
Fuel Costs		\$105,461		\$105,461
Support Services				
Transit Administration/City Overhead			\$137,750	\$137,750
Cost of Transit System	\$317,000	\$241,686	\$236,927	\$795,614

Figure 5.3 - Maintenance/Fuel Cost Reduction from FY 2008-09 Budgeted Figures

	FY 2008-09 City Budget	Rev. Miles Existing Service	Cost per Rev. Hour	Rev. Hours Proposed Service Plan	Cost for Revised Service Plan
Maintenance	\$266,093	255,000	\$1.04	109,570	\$114,337
Fuel	\$245,438	255,000	\$0.96	109,570	\$105,461

Figures 5.4 through 5.6 show the allocated costs by route based on the above operating and cost data. The costs are allocated by the proposed level of service provided by each route and reflected by the anticipated revenue hours and miles and peak vehicle needs.

Figure 5.4 - Cost Allocation by Revenue Hours

Route	Weekday Revenue Hours	# of Weekdays FY 2009	Total Weekday Rev Hours FY 2009	Total Revenue Hours	Allocation Ratio	Costs to Allocate	Allocation Costs - Rev Hours
15	1.43	213.00	305	305	0.03	317,000	8,260
17	1.43	213.00	305	305	0.03	317,000	8,260
21	13.00	255.00	3,315	3,315	0.28	317,000	89,778
22	13.00	255.00	3,315	3,315	0.28	317,000	89,778
76	4.51	255.00	1,150	1,150	0.10	317,000	31,145
Para	13.00	255.00	3,315	3,315	0.28	317,000	89,778
Totals	46.37	1,446.00	11,705.00	11,705	1.00		317,000

Figure 5.5 - Cost Allocation by Revenue Miles

Route	Weekday Revenue Miles	# of Weekdays FY 2009	Total Weekday Rev Miles FY 2009	Total Revenue Miles	Allocation Ratio	Costs to Allocate	Allocation Costs - Rev Miles
15	15.75	213.00	3,355	3,355	0.03	241,686	7,400
17	13.50	213.00	2,876	2,876	0.02	241,686	6,343
21	104.00	255.00	26,520	26,520	0.24	241,686	58,497
22	104.00	255.00	26,520	26,520	0.24	241,686	58,497
76	60.00	255.00	15,300	15,300	0.14	241,686	33,748
Para	137.25	255.00	35,000	35,000	0.32	241,686	77,202
Totals	434.50	1,446.00	109,570	109,570	1.0		241,686

Figure 5.6 - Cost Allocation by Peak Vehicles

Route	Weekday Peak Vehicles	# of Weekdays FY 2009	Total Weekday Peak Vehicles FY 2009	Total Peak Vehicles	Allocation Ratio	Costs to Allocate	Allocation Costs - Peak Vehicles
15	0.50	213.00	106.50	106.50	0.09	236,927	20,440
17	0.50	213.00	106.50	106.50	0.09	236,927	20,440
21	1.00	255.00	255.00	255.00	0.21	236,927	48,940
22	1.00	255.00	255.00	255.00	0.21	236,927	48,940
76	0.50	255.00	127.50	127.50	0.10	236,927	24,470
Para	1.50	256.00	384.00	384.00	0.31	236,927	73,698
Totals	5.00	1,447.00	1,234.50	1,234.50	1.00		236,927

From the allocation of costs using the three-tier method, the cost for each route is developed, as presented in Figure 5.7. The total cost of each route is also expressed as operating cost per revenue hour and per revenue mile. The average systemwide cost per revenue hour and per revenue mile is also shown. To provide a full picture of the

City's transit cost, the City's intercity transit contribution and the anticipated cost of the taxi script and safe ride program are also shown as separate line items.

Figure 5.7 - Operating Cost by Route

Route	Allocated Costs - Rev Miles (Annual)	Allocated Costs - Rev Hours (Annual)	Allocated Costs - Peak Vehicles (Annual)	Total Allocated Costs (Annual)	Revenue Vehicle Miles	Route Costs by Rev Veh Miles	Rev Veh Hours	Route Costs by Rev Veh Hours
15	\$7,400	\$8,260	\$20,440	\$36,100	3,355	\$10.76	305	\$118.36
17	\$6,343	\$8,260	\$20,440	\$35,042	2,876	\$12.19	305	\$114.89
21	\$58,497	\$89,778	\$48,940	\$197,215	26,520	\$7.44	3,315	\$59.49
22	\$58,497	\$89,778	\$48,940	\$197,215	26,520	\$7.44	3,315	\$59.49
76	\$33,748	\$31,145	\$24,470	\$89,353	15,300	\$5.84	1,150	\$77.71
Para	\$77,202	\$89,778	73,698	\$240,678	35,000	\$6.88	3,315	\$72.60
Sub Totals	\$241,686	\$317,000	\$236,927	\$795,614	109,570	\$50.54	11,705	\$67.97

Intercity Service Contribution				\$318,653				
Taxi Script				\$30,000				
Safe Ride Program				\$5,000				
Total Benicia Breeze				\$1,149,267				

III. Operating Plan 10-Year Forecast

Based on the proposed service plan and cost assumptions, a 10-year forecast is developed for the system with FY 2008-09 serving as the base year. The cost forecast is shown in Figure 5.8. The base annual operating cost is \$1.15 million and grows to \$1.34 million by the 5th year, and to \$1.60 million by the 10th year. Purchased transportation costs increase 2.7 percent annually per the existing contract provisions; fuel and maintenance costs increase 10 percent the first three years, then by 5 percent after the third year (assuming stability in oil prices after the third year); all other costs increase by 3.5 percent year (inflation estimate). Systemwide operating cost per revenue hour is also shown, including with and without the intercity fund contribution.

Revenue growth is assumed at 3.0 percent annually for each revenue source to maintain parity with inflation. Fare revenues are based on ridership projections from the proposed service plan and based on FY 2006-07 data. An average fare per passenger by route is also derived from FY 2006-07 data and multiplied by the ridership to arrive at fare revenues (shown in Table 5.9). It is also assumed that the cities of Vallejo and Benicia will enter into an agreement where Vallejo will credit Benicia with the fare revenues from the new intercity Route 70 in exchange for the like amount of Benicia's TDA revenues. This revenue exchange is allowed under the intercity funding agreement and by both the Metropolitan Transportation Commission and the Solano Transportation Authority. Under the arrangement, there is no lost of revenue by either city while Benicia's farebox is improved to meet its required farebox recovery ratio. TDA/LTF operating revenues are net of the amount used for matching capital expenditures for fleet replacement, which are assumed to occur in fiscal years 2010, 2011, 2012, 2014, 2015 and 2018. However, the city's general fund or other local support revenue may be needed as a substitute for the matching capital grants if the TDA is required for operations.

Figure 5.8 - 10-Year Operating Cost Forecast

	1	2	3	4	5	6	7	8	9	10	TOTAL
	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	
OPERATING COST FORECAST (1)											
Purchased Transportation	\$438,065	\$449,893	\$462,040	\$474,515	\$487,327	\$500,485	\$513,998	\$527,876	\$542,129	\$556,766	\$4,953,096
Intercity Funding Contribution	\$318,653	\$329,806	\$341,349	\$353,296	\$365,662	\$378,460	\$391,706	\$405,416	\$419,605	\$434,291	\$3,738,244
Administrative	\$137,750	\$142,571	\$147,561	\$152,726	\$158,071	\$163,604	\$169,330	\$175,256	\$181,390	\$187,739	\$1,615,999
Fuel and Maintenance	\$219,798	\$241,778	\$265,956	\$279,254	\$293,216	\$307,877	\$323,271	\$339,434	\$356,406	\$374,227	\$3,001,217
*Safe Ride Program/Taxi Script (2)	\$35,000	\$36,225	\$37,493	\$38,805	\$40,163	\$41,569	\$43,024	\$44,530	\$46,088	\$47,701	\$410,599
Total	\$1,149,267	\$1,200,273	\$1,254,399	\$1,298,596	\$1,344,440	\$1,391,995	\$1,441,329	\$1,492,513	\$1,545,619	\$1,600,725	\$13,719,155
% Increase		4%	5%	4%	4%	4%	4%	4%	4%	4%	

Notes: (1)

- 2.70% increase to purchased transportation per current MV Contract
- 10% Fuel/Maintenance for the first 3 years of the forecast period.
- 5% Fuel/Maintenance increase after 3rd year.
- 3.5% All other cost, including intercity fund contribution

(2) Taxi Script cost plus Safe Ride Program Cost for Marketing, Printing and Advertising, per SRTP p. 8.

Figure 5.9 - Ridership And Fare Revenue Projection by Route

	1	2	3	4	5	6	7	8	9	10
	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18
Route 15										
Passengers	10,404	10,456	10,508	10,561	10,613	10,666	10,720	10,773	10,827	10,881
Percent Growth		0.5%	0.5%	0.5%	0.5%	0.5%	0.5%	0.5%	0.5%	0.5%
Avg. Fare per Passenger	\$1.35	\$1.35	\$1.35	\$1.35	\$1.35	\$1.35	\$1.35	\$1.35	\$1.35	\$1.35
Fare Revenues	\$14,045	\$14,115	\$14,186	\$14,257	\$14,328	\$14,400	\$14,472	\$14,544	\$14,617	\$14,690
Route 17										
Passengers	12,780	12,843	12,908	12,972	13,037	13,102	13,168	13,234	13,300	13,366
Percent Growth		0.5%	0.5%	0.5%	0.5%	0.5%	0.5%	0.5%	0.5%	0.5%
Avg. Fare per Passenger	\$1.36	\$1.36	\$1.36	\$1.36	\$1.36	\$1.36	\$1.36	\$1.36	\$1.36	\$1.36
Fare Revenues	\$17,380	\$17,467	\$17,554	\$17,642	\$17,730	\$17,819	\$17,908	\$17,998	\$18,088	\$18,178
Routes 21 and 22										
Passengers	17,240	17,326	17,413	17,500	17,587	17,675	17,764	17,853	17,942	18,031

Percent Growth		0.5%	0.5%	0.5%	0.5%	0.5%	0.5%	0.5%	0.5%	0.5%
Avg. Fare per Passenger	\$0.94	\$0.94	\$0.94	\$0.94	\$0.94	\$0.94	\$0.94	\$0.94	\$0.94	\$0.94
Fare Revenues	\$16,206	\$16,287	\$16,368	\$16,450	\$16,532	\$16,615	\$16,698	\$16,781	\$16,865	\$16,950
Route 76										
Passengers	7,688	7,727	7,765	7,804	7,843	7,882	7,922	7,961	8,001	8,041
Percent Growth		0.5%	0.5%	0.5%	0.5%	0.5%	0.5%	0.5%	0.5%	0.5%
Avg. Fare per Passenger	\$1.96	\$1.96	\$1.96	\$1.96	\$1.96	\$1.96	\$1.96	\$1.96	\$1.96	\$1.96
Fare Revenues	\$15,069	\$15,144	\$15,220	\$15,296	\$15,373	\$15,449	\$15,527	\$15,604	\$15,682	\$15,761
Paratransit										
Passengers	2,814	2,828	2,842	2,856	2,871	2,885	2,899	2,914	2,929	2,943
Percent Growth		0.5%	0.5%	0.5%	0.5%	0.5%	0.5%	0.5%	0.5%	0.5%
Avg. Fare per Passenger	3.75	3.75	3.75	3.75	3.75	3.75	3.75	3.75	3.75	3.75
Fare Revenues	\$10,553	\$10,605	\$10,658	\$10,712	\$10,765	\$10,819	\$10,873	\$10,927	\$10,982	\$11,037
Total Fare Revenues Benicia Breeze Routes	\$73,252	\$73,619	\$73,987	\$74,357	\$74,728	\$75,102	\$75,478	\$75,855	\$76,234	\$76,615
Fare Revenues Route 70	\$177,410	\$182,732	\$188,214	\$193,861	\$199,677	\$205,667	\$211,837	\$218,192	\$224,738	\$231,480
Total Fare Revenues	\$250,662	\$256,351	\$262,201	\$268,217	\$274,405	\$280,769	\$287,314	\$294,047	\$300,972	\$308,095

Figure 5.10 shows the 10-year combined operating cost and revenue plan, and projected systemwide farebox. While the farebox ratio would meet compliance due to the crediting of the intercity Route 70 fares, the operating forecast shows potential shortfalls in future operating revenues. The city will need to balance the capital funding needs with operations, as well as routinely review the productivity of the routes and fares charged, as a means to address the possible shortfall. Alternatively, supplemental local revenues might be considered.

Figure 5.10 - 10-Year Operating Cost and Revenue Plan

	1	2	3	4	5	6	7	8	9	10	TOTAL
	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	
OPERATING COST FORECAST (1)											
Purchased Transportation	\$438,065	\$449,893	\$462,040	\$474,515	\$487,327	\$500,485	\$513,998	\$527,876	\$542,129	\$556,766	\$4,953,096
Intercity Funding Contribution (1)	\$318,653	\$329,806	\$341,349	\$353,296	\$365,662	\$378,460	\$391,706	\$405,416	\$419,605	\$434,291	\$3,738,244
Administrative	\$137,750	\$142,571	\$147,561	\$152,726	\$158,071	\$163,604	\$169,330	\$175,256	\$181,390	\$187,739	\$1,615,999
Fuel and Maintenance	\$219,798	\$241,778	\$265,956	\$279,254	\$293,216	\$307,877	\$323,271	\$339,434	\$356,406	\$374,227	\$3,001,217
*Safe Ride Program/ Taxi Script (2)	\$35,000	\$36,225	\$37,493	\$38,805	\$40,163	\$41,569	\$43,024	\$44,530	\$46,088	\$47,701	\$410,599

Total	\$1,149,267	\$1,200,273	\$1,254,399	\$1,298,596	\$1,344,440	\$1,391,995	\$1,441,329	\$1,492,513	\$1,545,619	\$1,600,725	\$1,719,155
% Increase		4%	5%	4%	4%	4%	4%	4%	4%	4%	
OPERATING REVENUE FORECAST (2)											Total
Transit Fares (3)	\$250,662	\$256,351	\$262,201	\$268,217	\$274,405	\$280,769	\$287,314	\$294,047	\$300,972	\$308,095	\$2,783,034
Taxi Script Revenues (4)	\$15,000	\$15,450	\$15,914	\$16,391	\$16,883	\$17,389	\$17,911	\$18,448	\$19,002	\$19,572	\$171,958
TDA/LIF (5)	\$810,436	\$810,494	\$834,324	\$573,443	\$912,153	\$910,035	\$936,747	\$996,734	\$1,026,636	\$1,021,599	\$8,832,602
STAF	\$40,000	\$41,200	\$42,436	\$43,709	\$45,020	\$46,371	\$47,762	\$49,195	\$50,671	\$52,191	\$458,555
Auxiliary (Advertising, Refunds/Rebates, Interest) (6)	\$20,773	\$21,396	\$22,038	\$22,699	\$23,380	\$24,081	\$24,804	\$25,548	\$26,314	\$27,104	\$238,135
FTA Section 5303 Planning	\$11,000	\$11,330	\$11,670	\$12,020	\$12,381	\$12,752	\$13,135	\$13,529	\$13,934	\$14,353	\$126,103
Total	\$1,147,871	\$1,156,221	\$1,188,582	\$936,479	\$1,284,221	\$1,291,398	\$1,327,672	\$1,397,500	\$1,437,529	\$1,442,913	\$12,610,387
% Increase		1%	3%	-21%	37%	1%	3%	5%	3%	0%	

Operating Surplus/ (Deficit)	\$(1,396)	\$(44,052)	\$(65,817)	\$(362,117)	\$(60,219)	\$(109,597)	\$(113,657)	\$(95,012)	\$(108,090)	\$(157,811)	\$(1,108,768)
Farebox	21.8%	21.4%	20.9%	20.7%	20.4%	20.2%	19.9%	19.7%	19.5%	19.2%	20.3%

(1) Benicia contribution to Solano Express Cost Sharing (incl. Rte 70) for FY 2008-09; Intercity/Transit Consortium agenda item May 28, 2008.

(2) Revenue sources, except fares, grow by 3.0 percent annually.

(3) Benicia Breeze fare revenues grow by 0.5 percent annually, plus Route 70 fares (\$177,400) credited by Vallejo in exchange for TDA.

(4) Taxi Script revenue is \$15,000 (3,000 coupon books maximum sold per year, \$5 per book, SRTP p. 7)

(5) FY 2008-09 MTC est. 2/27/08 (net of deduction for STA planning). Forecast reflects net LIF after deductions for capital expenses.

(6) Advertising/Refunds/Rebate revenues from expected FY 2007-08; Interest revenue from city financial audit.

IV. Capital Finance Plan

The capital plan cost structure accounts only for the new fleet requirement, and does not address other capital facilities that are planned in the SRTP (e.g. park and ride lots, bus stop amenities, etc). The proposed transit service is assumed to use three of the existing 35-foot buses for the proposed fixed route services (Route 76 and school tripper services), while the flexroute and paratransit services are assumed to require four of the existing 22-foot and 25-foot cutaway vehicles. One of the buses and one of the cutaway vehicles would serve as backup spares. Total vehicle fleet for revenue service with spares is seven, which is a reduction of seven vehicles from the City's current revenue fleet of 14 active buses and vans.

Among the current Benicia Breeze fleet includes three 22-foot paratransit vans purchased in 2006 and one 25-foot van in 2007, and three 35-foot Gillig buses purchased in 2000. The buses have had mid-life rebuilding and particulate traps installed. Per the FTA capital standard, it is assumed that the heavy duty buses have a useful life of 12-years, and the smaller vans have a useful life of 4-years. To arrive at the proposed fleet requirement of 7 vehicles, the capital plan assumes continued use of the existing vehicles that would best meet the needs of the proposed service plan, and that have relatively lower mileage. Figure 5.11 shows the replacement schedule and lifespan of each vehicle.

Figure 5.11 - 10-Year Capital Replacement Schedule

Fleet	Purchase Year	Replace Year	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
Flexroutes (Rtes. 21 and 22) and Paratransit												
Cutaway - 22 Ft - existing	2006	2010	■	■								
Cutaway - 22 Ft - existing	2006	2010	■	■								
Cutaway - 22 Ft - existing	2006	2011	■	■	■							
Cutaway - 25 Ft - existing	2007	2011	■	■	■							
Cutaway - 22 Ft - new	2010	2014		■	■	■	■	■				
Cutaway - 22 Ft - new	2010	2014		■	■	■	■	■				
Cutaway - 22 Ft - new	2011	2015			■	■	■	■	■			
Cutaway - 22 Ft - new	2011	2015			■	■	■	■	■			
Cutaway - 22 Ft - new	2014	2018						■	■	■	■	■
Cutaway - 22 Ft - new	2014	2018						■	■	■	■	■
Cutaway - 22 Ft - new	2015	2019							■	■	■	■
Cutaway - 22 Ft - new	2015	2019							■	■	■	■
Fixed Routes (Rtes. 15, 17 and 76)												
Gillig Phantom 35 ft - rehab, existing	2000	2012	■	■	■	■						
Gillig Phantom 35 ft - rehab, existing	2000	2012	■	■	■	■						
Gillig Phantom 35 ft - rehab, existing	2000	2012	■	■	■	■						
Gillig Phantom 35 ft - new	2012	2024				■	■	■	■	■	■	■
Gillig Phantom 35 ft - new	2012	2024				■	■	■	■	■	■	■
Gillig Phantom 35 ft - new	2012	2024				■	■	■	■	■	■	■

Combined Fleet												
Fleet	Purchase Year	Replace Year	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
Total Large Buses			3	3	3	3	3	3	3	3	3	3
Total Cutaways			4	4	4	4	4	4	4	4	4	4
Total Revenue Fleet			7									

Peak Requirement												
Fleet	Purchase Year	Replace Year	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
Fixed Route			2	2	2	2	2	2	2	2	2	2
Flex Route			3	3	3	3	3	3	3	3	3	3
Total Vehicles Needed for Revenue Service			5									
Total Spare Fleet			2	2	2	2	2	2	2	2	2	2

The cost of replacement vehicles is based on recent pricing for heavy duty buses, and the Caltrans bid list for cutaway vehicles. The 2008 price for a standard 35-foot bus is about \$428,000, while the price for a 22-foot short cutaway vehicle is about \$45,000. An additional \$10,000 per cutaway vehicle is added for additional features, for a total price of \$55,000 per vehicle. The cost is escalated by 5 percent annually. It is assumed that FTA Section 5307 funds will provide an 80 percent share of the capital funding, with the remaining 20 percent from TDA funds. However, in lieu of TDA, the city may need to use other local funding sources (e.g. general fund) for its capital match should the TDA be needed for operations. Figure 5.12 shows the 10-year capital replacement plan for the proposed service.

Figure 5.12 10-Year Capital Replacement Plan

	1	2	3	4	5	6	7	8	9	10	TOTAL
	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	
COSTS											
35-ft Bus				\$1,560,710							\$1,560,710
22-ft Cutaways		\$121,275	\$127,339			\$147,411	\$154,781			\$179,178	\$729,984
Total Cost		\$121,275	\$127,339	\$1,560,710		\$147,411	\$154,781			\$179,178	\$2,290,694
REVENUES											
FTA 5307		\$97,020	\$101,871	1,248,568		\$117,928	\$123,825			\$143,343	\$1,832,555
LTF/STAF Match		\$24,255	\$25,468	\$312,142		\$29,482	\$30,956			\$35,836	\$458,139
General Fund		\$-	\$-	\$-		\$-	\$-			\$-	\$-
Total Revenue		\$121,275	\$127,339	\$1,560,710		\$147,411	\$154,781			\$179,178	\$2,290,694
Notes:											
2008 Cost of 35 ft. Standard Bus - \$428,000											
2008 Cost of Type II Short, 22-ft. Cutaway - base \$45,000 (Caltrans procurement list), Assume add \$10,000 for accessories.											
Assume cost increase by 5% per year											

» 6. CONCLUSION

Benicia Breeze is at a crossroads. The service changes proposed in this document are in response to the need to implement a new regional commuter bus route to leverage RM2 funds, rising transit operating costs, and limited markets for transit in Benicia.

The City of Benicia should be recognized for developing the successful regional Route 75 that has served Benicia, Vallejo and Solano County residents. Regarding local service, Benicia Breeze has found and effectively serves a strong student market for school bound trips. This is an important transit market for a community like Benicia and one that can be efficiently served. Student generated school trips make up a significant portion of the transit dependent market in Benicia.

However, Benicia-generated ridership for both regional and local transit service is limited. Approximately 50% of current Route 75 passengers are Benicia residents. Demand for local flexroute and ADA paratransit is low. The transit dependent market is limited in Benicia and it remains difficult to attract "choice transit riders". This problem has recently been reflected in the poor ridership on the discontinued Route 23 and low ridership on the flexroutes.

Regional travel patterns tend to be dispersed and hard to effectively serve by traditional public transit. Again, this fact impacts the ability of transit to attract a choice transit market. Routes like the current Route 75 and proposed regional Route 78 can effectively serve as feeders to other regional commute modes such as BART, Baylink Ferry services or the Bishop Ranch shuttles that operate from the Walnut Creek BART Station. As more Benicians express interest in alternatives to single car occupancy (SOV) use for the journey to work (driven by rising fuel prices), they may be better served through rideshare initiatives. Car and vanpool alternatives can more effectively serve dispersed travel patterns than fixed route bus service.

The proposed Benicia Breeze service strategy is designed to restructure local Benicia Breeze service to complement the proposed STA initiated regional Route 78. Since there is a limited market for regional commute bus service along the I-780 and I-680 corridors, only one regional route can be efficiently operated. The Benicia Breeze Route 75 is not eligible for RM2 funds and will be discontinued with the introduction of the proposed Route 78 in early October, 2008. The proposed Route 78 is eligible for RM2 funds, thereby expanding the funding base for a needed regional service.

The proposed Route 78 will still provide good service to Benicians with four stops in each direction along the Military corridor. Those living along the Military will be able to walk to and from the Route 70 bus stops. Others will be able to access the service via the planned park'n'ride facilities or by feeder services provided by the restructured flexroute services.

The proposed service plan also includes a Route 76 operating locally along the Southampton corridor and current Route 75 routing south of Military. The proposed Route 76 will provide direct service to Sunvalley Mall and the DVC campus. The plan also calls for the restructuring of the current flexroute services to reduce onboard travel times. Local ADA paratransit will be fully integrated with the revised flexroute service to increase ridership and reduce overall revenue hours. With the discontinuation of the Route 75, Benicia will no longer be required to provide ADA complementary paratransit beyond the City limits; however a limited ADA paratransit service will be continued to serve trips by ADA certified Benicians to Vallejo, Fairfield, and Contra Costa County. Routes 15 and 17 will continue to operate at the current service levels. Under this plan, Benicia Breeze fleet requirements will be reduced to three 35 foot transit coaches and 4 cutaways.

The proposed Benicia Breeze service plan does not include Saturday service coverage. This is essentially a cost cutting measure to reduce less productive service hours. However, some Saturday flexroute could be provided by reducing weekday flexroute coverage and reassigning the service hours to Saturday coverage. The consulting team also feels strongly that the local ADA paratransit service should be blended into the flexroute service.

Flexroute service is actually designed to serve those who have difficulty getting to and from bus stops as well as the general public. Eventually, ADA trips to and from destinations beyond Benicia should be accommodated on a regional basis where economies of scale should reduce deadheading and the cost per passenger trip.

The proposed Route 76 and restructured flexroute service should be introduced on a trial basis with productivity expectations. If these services do not meet the established performance benchmarks it may be necessary to reduce service further, discontinue service or replace the non-school services with a more limited general public dial-a-ride service.

The proposed Route 78 will eventually be administered under a JPA with Benicia and Vallejo as equal partners. Eventually this JPA could provide the framework for the administration of both Benicia and Vallejo local services. This arrangement could facilitate: operating and capital economies of scale; the development of local routes that better connected Vallejo residents with jobs in Benicia, and Benicians with jobs, health facilities and retail concentrations in Vallejo; and a broader base of services to blend Benicia's local service farebox recovery with.

**SOLANO TRANSPORTATION AUTHORITY
IMPLEMENTATION PLAN FOR ROUTE 78**



DATE: June 2, 2008
TO: STA Board
FROM: Elizabeth Richards, Director of Transit and Rideshare Services
RE: Funding and Implementation Plan for SolanoExpress Route (Rt.) 70 Service

Background:

In June 2006, the Solano Transportation Authority (STA) Board authorized the development of an Intercity Transit Funding Agreement for Fiscal Year (FY) 2006-07 in response to a request from members of the Transit Consortium. This agreement was the result of the work of the Intercity Transit Funding (ITF) Working Group comprised of representatives from STA, Solano County, and each city in Solano County. The agreement covered nine (9) intercity routes operated by four (4) transit operators.

Initially the ITF Working Group focused on development of a uniform methodology for shared funding of intercity transit services. Rising costs and potential service changes broadened the scope of the ITF Working Group to include service coordination and streamlining services along parallel routes. The funding agreement and agreed upon service changes to the intercity routes were primarily implemented in early FY 2006-07. These service changes took into account the availability of various funding sources including Regional Measure 2 (RM 2). RM 2 transit operating funds were available to bus routes that contributed to the reduction of traffic over one of the Bay Area bridges.

One service change that was discussed in the agreement and included for implementation in FY 2007-08 was the deletion of Vallejo Transit Rt. 92 (Vacaville to Vallejo Baylink Ferry) and the initiation of SolanoExpress Rt. 70 serving the I-780 Corridor by Vallejo Transit. Rt. 70 is proposed as a new express route in the I-780/I-680 corridor from Vallejo to Pleasant Hill BART. Both Rt. 92 and Rt. 70 are RM 2 eligible routes. The two-year RM 2 funding agreement took into account this service and dedicated funds for this service change in addition to the transfer of Rt. 90 from Vallejo to Fairfield.

A similar process was followed to develop a FY 2007-08 ITF Agreement. This agreement also addressed Rt. 70 and assumed it would begin operation in FY 2007-08.

Rt. 70 was originally scheduled to begin at the start of FY 2007-08. Vallejo Transit was undergoing operational changes during the summer of 2007 and Benicia Breeze was undertaking its Short Range Transit Plan (SRTP) and it was agreed that the service change would be postponed until January 2008. With the passage of Senate Bill (SB) 976 shifting the ferry system to the new Water Emergency Transit Authority (WETA) and once Vallejo Transit, Benicia Breeze and STA staff began to meet to work through the transitional issues, it became apparent that an April start date was more realistic.

With the implementation of Rt. 70, it was initially proposed that Benicia Breeze would suspend or modify service on its existing Rt. 75 which travels in the I-780/I-680 corridor functioning as a combination of a local and intercity service. Benicia Breeze staff expressed interest in maintaining Rt. 75 in a modified version to maintain transit service in Northern Contra Costa County and to cover portions of the cities not directly served by Rt. 70 at their own cost.

The new, proposed Solano Express Rt. 70 to be operated by Vallejo Transit was originally proposed to have been an express route along I-780 connecting the Baylink Ferry Terminal, Vallejo, Benicia, Pleasant Hill and Walnut Creek BART Stations in Contra Costa County. It was designed to provide fast, convenient commuter style service with new state of the art over the road coaches that would served the I-780 Corridor in a much more streamlined fashion. Based on this concept as a new service, it was eligible to receive RM 2 operating funds.

Subsequently, Benicia staff requested more time to study and address their local transit issues and priorities before committing to Rt. 70 and if and where Rt. 70 would stop in Benicia. The STA has provided Benicia with \$30,000 in State Transit Assistance Fund (STAF) and consultant assistance to undertake this evaluation. The new service was scheduled to begin April 7, 2008 in order to capture and not lose nearly \$400,000 in RM 2 operating and marketing funds for the Rt. 70 for FY 2007-08.

The Vallejo City Council acted in March to operate Rt. 70. This action included a request that the STA manage Rt. 70 through an operating agreement with Vallejo. The STA staff and legal counsel have drafted a two-party agreement to clarify the roles of Vallejo and the STA. This arrangement is proposed to be similar to the STA's arrangement with Fairfield/Suisun Transit for management and operation of Rt. 30 and 90.

Discussion:

For the past several months, staff from STA, Benicia, and Vallejo met and strived to coordinate and resolve issues related to the initiation of Rt. 70 service along the I-80 Corridor. In late March, Benicia staff conveyed to STA that there were still a number of remaining local questions and issues outstanding and they were not prepared to make a decision regarding their participation in the initial start-up of Rt. 70 until after they could conduct an assessment of their local transit system. STA provided Benicia with the resources to conduct this assessment. Concurrently, STA staff was recommending STA also continue to partner with Vallejo to start Rt. 70 service with direct service from Vallejo to BART which would have accessed the RM 2 funds for the route this fiscal year and not lose these competitive regional funds from Solano County. Once Benicia completed a local system assessment, the Rt. 70 could have been readjusted to provide service to Benicia during the forthcoming fiscal year.

In early April, Benicia continued to express concerns about the implementation of Rt. 70 under the latest service plan. In addition, MTC was preparing documents to approve the allocation of RM 2 funds for Rt. 70 which had been pending while a specific route alignment and schedule was being determined. MTC staff was concerned about the lack of local consensus and the overlap of transit services on the I-780 corridor with the implementation of Rt. 70 without a specific commitment or timeline for the reduction or modification of Benicia Breeze's Rt. 75. This resulted in a postponement of MTC action in allocating RM 2 funds until the end of May. This would have placed STA and Vallejo Transit in the position of initiating Rt. 70 without a commitment of RM 2 operating funds. At the Consortium and TAC meetings in March, STA staff recommended to change the original staff recommendation from approving the initiation of Rt. 70 to postponing the initiation of Rte. 70.

This recommendation was approved by the STA Board in April, but the Board also provided further direction by modifying one of the staff recommendations. The Board directed staff to return to the Board with not just a status report, but directed staff to return with a funding and implementation plan in June to ensure STA with the opportunity implement Rt. 70 in FY 2008-09. At this time, a funding plan for Rt. 70 has been developed and incorporated into the FY 2008-09 ITF Agreement (see Attachment A). The details of the new service is still being worked out with Benicia and Vallejo, but this provides the funding resource for express service in the I-780 corridor six days a week. Although the funding was secured for the full twelve months, to allow time to negotiate the details, service is not expected to begin until October 1, 2008. Concurrently, Benicia transit staff has requested the ITF Working Group consider funding Rt. 75 through the first quarter of FY 2008-09 until Rt. 70 is started.

Benicia's assessment of their local system is expected to conclude this month. With that analysis, it is expected that they will offer clearer direction on their expectations of Rt. 70 for their community and how their local service can coordinate with Rt. 70. STA staff will work with Benicia and Vallejo staff, as well as MTC, to finalize a service plan and secure the RM 2 funds.

This was reviewed and approved by both the Consortium and Technical Advisory Committee (TAC). At the Consortium, the City of Benicia staff opposed the action and at the TAC, the Benicia representative abstained. All other members of the TAC and the Consortium supported the recommendation.

Fiscal Impact:

The proposed Rt. 70 service plan was consistent with the cost amounts for each agency who have agreed to contribute funding in the FY 2008-09 ITF Agreement and with the proposed FY 2008-09 RM 2 funding distribution.

Recommendation:

Approve the following:

1. The funding plan for SolanoExpress Rt. 70 for FY 2008-09; and
2. Authorize the Executive Director to enter into a management agreement with Vallejo Transit to operate Rt. 70.

Attachments:

- A. SolanoExpress Rt. 70 Funding Plan
- B. SolanoExpress Rt. 70 Preliminary Service Plan

Preliminary SolanoExpress Rt. 70 Service Plan

- Rt. 70 would connect Vallejo to Pleasant Hill and Walnut Creek BART Stations.
- The Rt. 70 service would operate Monday through Saturday along the I-780 corridor
- Limited stops:
 - 3 stops in Vallejo (Baylink Ferry Terminal, Curtola PNR, York/Marin)
 - 2 or 3 stops in Benicia (Southampton, Downtown and 5th Street)
 - Pleasant Hill BART
 - Walnut Creek BART.
- Travel times estimated to be approximately 30% faster. For example, travel time from Vallejo to Pleasant Hill BART station would be reduced from 60 minutes to 42 minutes.

**AGENDA ITEM
CITY COUNCIL MEETING: JULY 15, 2008
ACTION ITEMS**

DATE : July 8, 2008
TO : City Manager
FROM : Chief of Police
SUBJECT : **INTRODUCTION AND FIRST READING OF AN ORDINANCE
ESTABLISHING PERMITTING AND REGULATORY
REQUIREMENTS FOR MASSAGE THERAPIST**

RECOMMENDATION:

Introduce the ordinance establishing massage regulations.

EXECUTIVE SUMMARY:

Currently, the Benicia Municipal Code requires massage therapy businesses to obtain a business license. There are no professional guidelines for regulating and licensing massage therapists working in these businesses. Absent a process to approve massage therapists, it is difficult to prevent business owners from operating with uncertified therapists or to discourage unlawful prostitution operations associated with illegal massage businesses. Illegal massage operations can conduct business in commercial (and residential) properties throughout the community and create quality of life issues related to a non-regulated massage business and prostitution.

In response to these issues, the Police Department has reviewed alternatives that would improve the regulation of massage businesses with the support of Benicia licensed massage therapists. Staff has developed an ordinance to specifically address permitting and regulating conditions that will differentiate a legitimate massage business from a house of prostitution that uses a massage business as a front for unlawful activity. This ordinance has been developed with the assistance and guidance of current massage business owners and professional massage therapists who own and operate businesses in the City of Benicia.

BUDGET IMPACT:

A recommended fee schedule has been established to cover the cost of permitting. It is also recommended to waive the permit fees (one-time only) for current businesses that will be grandfathered into this ordinance to be brought into compliance. A resolution amending the Master Fee Schedule will be included with the staff report for the second reading of the proposed ordinance.

BACKGROUND:

On June 15, 2007, a Benicia massage establishment was closed as a result of an undercover prostitution investigation conducted by the Benicia Police Department. This establishment was opened under the existing business license ordinance, which has no requirement to conduct a background investigation and confirm certificates presented by the owners.

Once unlawful massage establishments are open for business, they can be difficult to close down, even with an arrest for prostitution, because there are no guidelines for massage businesses and massage therapists. For example, if during an investigation a massage therapist is arrested for prostitution, the owner of the business can claim ignorance of the criminal activities and continue to conduct business. There is currently no provision in the Benicia Municipal Code that holds owners responsible for the illegal actions of their employees should such illegal activity occur at the business site.

In an effort to address the problems associated with unlawful massage establishments, staff researched surrounding cities massage ordinances and found that the industry standard in many cities is to establish guidelines and regulations for massage therapists. Cities that have established a massage ordinance have found that once massage therapists were regulated by ordinance, there is a direct connection to reducing illegal massage businesses that offer prostitution. The recommended regulations for Benicia were modeled from several contemporary ordinances which cities have found effective to reduce and discourage massage businesses, which offer prostitution.

By enacting this ordinance setting forth conditions and criteria for massage therapists, illegal massage operations can be discovered at the permitting stage. This is the most cost efficient method in dealing with potential illegal operations and thus commits our investigative resources to other areas. The proposed ordinance is not overly prohibitive so as to dissuade legitimate massage practitioners from applying and obtaining a permit under this section.

The new ordinance will provide staff with the necessary tools to differentiate legitimate from unlawful businesses. Illegitimate business owners will be easily discouraged when faced with the requirement of a written examination and a more thorough background examination.

PROPOSED ORDINANCE:

State law allows the city to adopt reasonable operating standards for massage businesses. Standards include educational requirements, passing tests to show competency in massage therapy and sanitary conditions of the place of business. The new ordinance incorporates standard industry terms and definitions, and is designed to prevent and dissuade unlawful operations from competing with legitimate business operations. Examples of the more significant new provisions are set forth below:

1. Educational/Certification Requirements: All massage establishment permittees and massage therapists need to possess:
 - a. A diploma that shows satisfactory completion of at one hundred and sixty (160) hours from a professional school or institution, AND one of the following:
 - i. Certification from the National Certified Board for Therapeutic Massage and Body Work Professional Association
 - ii. Certification from a certified school of massage therapy
 - iii. Complete and pass a practical examination through the City
2. Permit Issuance or Denial: Sets grounds for denying a permit such as insufficient proof of required education or certification.
3. Grounds for Suspension or Revocation of Permit: This provision now sets forth specific grounds upon which a permittee may have their permit suspended or revoked.
4. Out-call massage therapy permit: This provision will allow a massage establishment or massage therapy technician to obtain a special endorsement to their respective permit which would allow them to provide out-call massage therapy services.
5. Permit Duration and Renewal: A permit is valid for two (2) years and must be renewed. In order to renew the permit, the section also sets forth the conditions.
6. Inspections: The Police Department may make inspections at each massage establishment to determine compliance.

PUBLIC DISCUSSION:

The Police Department staff held several public meetings between October 2007 and June 2008, with local licensed massage therapists and massage business owners to review the draft ordinance. Staff made further revisions to the draft ordinance based on input from the massage technicians who work in Benicia. Many of them affirmed the need for regulations to discourage unprofessional massage businesses, and certifying legitimate therapists as professionals. The practitioners concurred with the City in its proactive and collaborative approach at enhancing their industry standards by enacting an ordinance regulating massage.

Attachments:

- Draft Ordinance
- Summary of Massage Ordinances established in other cities
- Proposed Fee Schedule
- Correspondence

DRAFT ORDINANCE

CITY OF BENICIA

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BENICIA ADDING A NEW CHAPTER 5.52 (MASSAGE) TO TITLE 5 (BUSINESS TAXES, LICENSES AND REGULATIONS) OF THE BENICIA MUNICIPAL CODE

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

Section 1.

Title 5 (Business Taxes, Licenses and Regulations) of the Benicia Municipal Code is amended by adding a new Chapter 5.52 (Massage) to read as follows:

Chapter 5.52

MASSAGE

Sections:

- 5.52.010 Purpose.
- 5.52.020 Definitions.
- 5.52.030 Permit required—~~Massage establishment—Outcall~~Home visit massage service—Massage technician~~therapist~~.
- 5.52.040 Business registration tax requirement.
- 5.52.050 Permit not required.
- 5.52.060 Massage establishment, ~~outcall~~home visit massage service permit application.
- 5.52.070 Massage establishment and outcall~~home visit~~ operating requirements.
- ~~5.52.080~~ 5.52.080 Massage establishment facilities regulations.
- ~~5.52.090~~ 5.52.090 Permits nonassignable.
- ~~5.52.090~~ 5.52.100 Change of location or name.
- ~~5.52.100~~ 5.52.110 Massage technician~~therapist~~—Permit required.
- ~~5.52.110~~ 5.52.120 Massage technician~~therapist~~ permit application.
- ~~5.52.120~~ 5.52.130 Renewal of permits—Massage establishment, outcall~~home~~ visit massage service, massage technician~~therapist~~.
- 5.52.140 Application of regulations to existing massage establishments, outcall~~home~~ visit services, and massage technician~~therapists~~.
- 5.52.150 Prohibited conduct.
- ~~5.52.130~~ 5.52.160 Suspension or revocation hearing.
- ~~5.52.140~~ 5.52.170 Appeal procedures.
- ~~5.52.150~~ 5.52.170 Appeal procedures.
- 5.52.180 Burden of proof.
- ~~5.52.160~~ 5.52.190 Public nuisance.

5.52.010 Purpose. It is the purpose and intent of the ~~City Council~~city council that the operation of massage establishments, ~~outcall~~home visit massage services, and persons offering massage and bodywork be regulated in the interests of public health, safety and welfare by providing minimum building sanitation and health standards and to insure that persons offering massage shall possess the minimum qualifications necessary to operate such businesses and to perform such services offered. Further, it is the intent of this chapter to insure that such businesses and persons operate in a manner that prevents criminal behavior ~~such as the solicitation of prostitution.~~

5.52.020 Definitions. Unless the particular provision or the context otherwise requires, the definitions and provisions contained in this section shall govern the construction, meaning, and application of words and phrases used in this chapter:

“Applicant” means the permit applicant and each of the following persons: the managing responsible officer/employee, a general partner, a limited partner who owns or controls twenty percent or more of the business, a shareholder of a corporation who owns or controls twenty percent or more of the shares of the corporation which owns the business.

“Bodywork” means the skillful application of touch to enhance health and well-being. “Bodywork” includes a variety of philosophical approaches, theoretical frameworks, and techniques such as massage, movement and education. The term “bodywork” shall be deemed a form of massage and be subject to requirements of this chapter.

“Employee” means any and all persons, other than a massage ~~technician~~therapist and independent contractors, employed by the massage establishment who may render any service to the permittee, and who receives compensation from the establishment and who has no physical contact with the customers or clients. The term “employee” shall include independent contractors who are regularly employed by the establishment and who work at the massage establishment.

“Home visit massage service” means any business where a function of such business is to engage in or carry on massage, not at a fixed location but at a location designated by the customer, massage therapist, or other person.

“Massage” means any method of treating the external parts of the body for remedial, health, or hygienic purposes for any form of consideration (whether for the massage, as part of a membership, as part of other services or a product, or otherwise) by means of pressure on or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating the external parts of the body, with or without the aid of any mechanical or electrical apparatus or appliances; or with or without supplementary aids, such as rubbing alcohol, liniments, antiseptics, oils, powders, creams, lotions, ointments, or other similar preparations commonly used in this practice; or by baths, including but not limited to Turkish, Russian, Swedish, Japanese, vapor, shower, electric tub, sponge, mineral, fomentation, or any other type of bath.

“Massage establishment” means any establishment having a fixed place of business where any person, firm, associations, partnership, or corporation engages in, conducts, or carries on, or permits to be engaged in, conducted or carried on, any massage.

~~“Massage techniciantherapist,” “massage trainee,” “masseur,” “masseuse,” “massage/bodywork professionalpractitioner” and “massage therapist” mean a nonmedical health care professional who offers services to the public using a massage or bodywork specialty and health enhancement approach in caring for clients for any form of consideration (whether for the massage, as part of other services or a product, or otherwise) and has obtained a permit as required by this chapter.~~

~~“OutcallHome visit massage service” means any business where a function of such business is to engage in or carry on massage, not at a fixed location but at a location designated by the customer, massage techniciantherapist, or other person.~~

“Recognized school of massage” means any school or institution of learning which teaches the theory, ethics, practice, profession, or work of massage and/or bodywork, which has been approved pursuant to the California Education Code. Schools offering a correspondence course not requiring attendance shall not be deemed a recognized school. The Citycity shall have the right to confirm that the applicant has actually attended class in a recognized school.

5.52.030 Permit required—Massage establishment—OutcallHome visit service—Massage techniciantherapist. It is unlawful for any person, association, partnership or corporation to engage in, conduct or carry on, or permit to be engaged in, conducted or carried on in or upon any premises within the Citycity, the operation of a massage establishment or outcallhome visit massage service or the function of a massage techniciantherapist without first having obtained a permit issued by the Citycity pursuant to the provisions set forth in this chapter. A permit shall be valid for twenty-four months from the date of issuance unless revoked or suspended.

5.52.040 Business registration tax requirement. A massage establishment and outcallhome visit massage service shall pay any required business registration tax for such business and occupation including the business license tax.

5.52.050 Permit not required. The provisions of this chapter shall not apply to the following classes of individuals or businesses while engaged in the performance of their duties provided sufficient documentation verifying exempt status is furnished to the chief of police.

A. Physicians, surgeons, chiropractors, osteopaths, nurses or any physical therapists who are duly licensed to practice their respective professions in the State of California.

B. Barbers, beauticians and aestheticians who are duly licensed under the laws of the State of California while engaging in practices within the scope of their licenses, except that this provision shall apply solely to the massaging of the neck, face and/or scalp of the customers.

C. Hospitals, nursing homes, sanatoriums or any other health facilities duly licensed by the State of California.

D. Accredited high schools, junior colleges, and colleges or universities whose coaches and trainers are acting within the scope of their employment.

E. Trainers of amateur, semiprofessional or professional athletes or athletic teams while engaging in their training responsibilities for and with athletes.

5.52.060 Massage establishment, outcallhome visit massage service permit application.

A. Any person, corporation, or partnership desiring to obtain a permit to operate a massage establishment or outcallhome visit massage service shall make application to the chief of police or authorized representative. Prior to submitting such application, a nonrefundable fee set forth in the Citycity fee schedule, shall be paid. A copy of the receipt shall accompany the application.

B. The application and fee required under this section shall be in addition to any license, permit, fee or tax required under any other chapter of this Code.code.

C. The application for permit does not authorize a massage establishment or outcallhome visit service to operate until such permit has been granted.

D. Each applicant for a permit shall submit the following information under penalty of perjury:

1. The full true name under which the business will be conducted.

2. The present or proposed address where the business is to be conducted.

3. The applicant's full, true name, and other names used, date of birth, California driver's license number or California identification number, social security number, present residence address and telephone number. The sex, height, weight, color of hair, and color of eyes. Such other identification and information shall be provided as required by the chief of police or his/her representative, necessary to discover the truth of the matters specified and required in the application.

4. The applicant's residences inclusive of dates at each address, for the last five years.

5. The applicant's business, occupation, and employment history for five years preceding the date of application, and the inclusive dates of same.

6. The permit history of the applicant, whether such person has ever had any permit or license issued by any agency, board, city, county, territory, or state; the date of issuance of such a permit or license, whether the permit or license was revoked or suspended; or if a vocational or professional license or permit was issued, revoked, or suspended and the reason thereoffer.

7. All convictions for any crime involving conduct which requires registration under California Penal Code Section 290, or convictions of California Penal Code Sections 314, 315, 316, 318, 647(b), (as now written or as amended), or convictions of crimes designated in Government Code Section 51032(b), or any crime involving dishonesty, fraud, deceit, violence or moral turpitude. Convictions under the laws of other states or countries which proscribe the same conduct or similar conduct as the afore-designated California crimes shall be provided. Convictions that have been expunged must be reported.

8. A complete definition of all services to be provided.

9. The name, address, and date of birth of each massage techniciantherapist or employee who is or will be employed in the massage establishment or outcallhome visit service.

10. The name and address of any massage business or other like establishment owned or operated by any person whose name is required to be given pursuant to this section.

11. Acceptable written proof that the applicant is at least eighteen years of age.

12. If the applicant is a corporation, the name of the corporation shall be set forth exactly as shown in its articles of incorporation or charter together with the state and date of incorporation and the names and residence addresses of each of its current officers and directors, and of each stockholder holding more than five percent of the stock of that corporation.

13. If the applicant is a partnership, the application shall set forth the names and residence address of each of the partners, including limited partners. If the applicant is a limited partnership, it shall furnish a copy of its certificate of limited partnership as filed with the county clerk. If one or more of the partners is a corporation, the provisions of this subsection pertaining to corporate applicants shall apply to the corporate partner.

14. The applicant, corporation or partnership shall designate one of its officers or general partners to act as its responsible managing officer/employee. Such person shall complete and sign all application forms required of an individual applicant under this chapter. The corporation's or partnership's responsible managing officer must, at all times, meet all of the requirements set for permittees by this chapter or the corporation or partnership permit shall be suspended until a responsible managing officer who meets such requirements is designated. If no such person is found within ninety days, the corporation or partnership permit is deemed cancelled and a new application for permit must be filed.

15. The chief of police or his/her authorized representative may require the applicant to furnish fingerprints when needed for the purpose of establishing identification. Fingerprinting will be taken at a place designated by the chief of police. Any required fingerprinting fee will be the responsibility of the applicant.

16. Two photographs of the applicant and managing responsible officer are to be taken by the police department.

17. A description of any other business to be operated on the same premises, or on adjoining premises, owned or controlled by the applicant.

18. The name and address of the owner and lessor of the real property upon or in which the business is to be conducted. In the event the applicant is not the legal owner of the property, the application must be accompanied by a copy of the lease and/or ~~an notarized~~ acknowledgement from the owner of the property that a massage establishment will be located on his/her property.

19. Authorization for the City, city, its agents and employees, to seek information and conduct an investigation into the truth of the statements set forth in the application and into the background of the applicant and the responsible managing officer.

20. Proof of massage malpractice or professional liability insurance in the sum of not less than five hundred thousand dollars per massage technician licensed, or to be licensed, at the massage establishment, ~~up to a maximum of one million dollars.~~

21. The applicant shall submit any change of address or fact which may occur during the procedure of applying for a massage establishment permit.

~~22. A certificate of compliance from both the City city code enforcement official and the police department which certifies that the premises of the massage establishment meets all applicable codes and regulations must be submitted prior to application approval. Any required inspection fees shall be the responsibility of the applicant.~~

E. The chief of police or authorized representative shall have up to sixty days, after submission of all required information, including the required certificates of compliance, to investigate the application and the background of the applicant. Upon the completion of the investigation, the chief of police, or authorized representative, shall grant the permit, with or without conditions, if the chief finds in the exercise of discretion all of the following:

1. The required fee has been paid.
2. The application conforms in all respects to the provisions of this chapter.
3. The applicant has not made a material misrepresentation in the application.
4. The applicant, if an individual, or any of the stockholders of the corporation, or any officers or director, if the applicant is a corporation; or a partner if the applicant is a partnership, or the managing responsible officer has not been convicted within five years preceding application in a court of competent jurisdiction of an offense involving conduct which requires registration under California Penal Code Section 290, or of conduct which is a violation of the provisions of California Penal Code Sections 314, 315, 316, 318, 647(b) (as now written or as amended), or of crimes that are designated in Government Code Section 51032(b), or any other crime involving dishonesty, fraud, deceit, violence or moral turpitude. Convictions under the laws of other states or countries which proscribe the same or similar conduct as the afore-designated California crimes shall be considered.

~~5. Within five years preceding application, the applicant or managing responsible officer/employee has not had a massage establishment, outcallhome visit service massage techniciantherapist, or other similar permit or license revoked, or suspended by the City, city, or any other State or local agency prior to the date of approval or engaged in conduct that would be a grounds for revocation of a permit under this chapter.~~

6. The applicant is at least eighteen years of age.
7. The massage establishment as proposed by the applicant would comply with all applicable laws, including, but not limited to, health, zoning, fire and safety requirements and standards.

F. If the chief of police or authorized representative, following investigation of the applicant, in the exercise of discretion, fails to make the findings stated in subsection E of this section, the chief shall deny said application by written notice to the applicant.

G. A massage establishment comprised entirely of persons exempt under 5.52.050 (Permit not required) shall not be required to obtain a massage permit.

However, proper documentation shall be furnished to the chief of police to verify the exempt status.

H. — ~~All persons currently holding a valid massage establishment permit or massage therapy technician/therapist permit, shall have six months following the enactment of this ordinance in which to comply with the requirements of this ordinance. If a permittee does not attain compliance with this ordinance within the proscribed time limits, the chief of police shall immediately suspend or revoke the permittee's permit.~~

~~I. —~~ In the event an applicant has a valid permit for massage with another city, then when able to do so, the chief of police may use the background investigation from that city to determine the extent necessary for the background investigation for the City.city.

5.52.070 Massage establishment and outcall/home visit operating requirements. No person shall engage in, conduct, carry on, or permit to be engaged in, conducted, or carried on, any massage establishment or outcall/home visit service, unless each and all of the following requirements are met:

A. Each person employed or acting as a massage technician/therapist shall have a valid permit issued by the chief of police which shall be clearly posted on premises or visible on the massage technician/therapist's person during home visits. ~~working hours.~~ It is unlawful for any owner, manager, operator, responsible managing officer/ employee, or permittee to employ or permit a person to act as a massage technician/therapist who is not in possession of a valid, unrevoked massage technician/therapist permit issued pursuant to this chapter. A trainee (person currently in the process of receiving certification and enrolled in a certification training program) may operate and provide massage therapy services under the direct supervision and guidance of the licensed operator/therapist. Trainees may not be paid or bill for their services.

B. The possession of a valid massage establishment permit does not authorize the possessor or any other person to perform work for which a massage technician/therapist permit is required unless the owner/operator is a certified licensed therapist. Only one permit fee is required. ~~(Owner/operator permit)~~

C. Massage shall be provided or given only between the hours of seven a.m. and ten p.m. No massage establishment shall be open and no customer shall be in the establishment between ten p.m. and seven a.m. No outcall/home visit massage shall be provided or given before seven a.m. or after ten p.m.

D. A list of services available and the cost of such services shall be posted in an open public place within the premises, and shall be described in readily understandable language. No owner, manager, operator, responsible managing employee, or permittee shall permit, and no massage technician/therapist shall offer or perform any service other than those posted.

E. The massage establishment permit shall be displayed in an open and conspicuous place on the premises. The massage technician/therapist working will also have their permit displayed in an open place on the premises.

F. Every massage establishment and outcall/home visit massage service shall keep a written client appointment and event record of the date and hour of each service provided; the name and address or business location or site of each patron, and the service received; and the name of the massage technician/therapist administering

the service. Such records shall be open to inspection only by officials, including the police department and the city attorney, charged with enforcement of this chapter and for no other purpose, including a prohibition of use of the file by owners and employees of the establishment. Such records shall be retained on the premises of the massage establishment and at the ~~outcall~~home visit business office for a period of two years.

G. Massage establishments shall at all times be equipped with an adequate supply of clean sanitary towels, coverings and linens. Clean towels, coverings and linens shall be stored in enclosed cabinets. Towels and linens shall not be used on more than one patron, unless they have first been laundered and disinfected. Disposable towels and coverings shall not be used on more than one patron. Soiled linens and paper towels shall be deposited in separate, approved receptacles.

H. If male and female patrons are to be treated simultaneously at the same massage establishment, a separate massage room or rooms and separate dressing facilities shall be provided for male and female patrons. A male patron and a female patron may both receive a massage in the same room if they both consent. A single toilet facility will be provided with a locking door. Nothing herein shall be construed to authorize the treatment of only one sex if that is in violation of any civil rights or other laws requiring service to both genders.

I. Wet and dry heat rooms, steam or vapor rooms or cabinets, toilet rooms, shower and bath rooms, tanning booths, whirlpool baths and pools shall be thoroughly cleaned and disinfected as needed, and at least once each day the premises are open, with a disinfectant approved by the county health department. Bathtubs shall be thoroughly cleaned with a disinfectant approved by the health department after each use. All walls, ceilings, floors, and other physical facilities for the establishment must be in good repair, and maintained in a clean and sanitary condition.

J. Instruments utilized in performing massage shall not be used on more than one patron unless they have been ~~sanitized~~sterilized using approved sterilization methods.

K. All employees, including massage ~~technician~~therapists, shall wear clean, ~~professional~~professional attire. Said ~~garments shall not expose their genitals, pubic areas, buttocks, or chest.~~

L. No person shall enter, be or remain in any part of a massage establishment while in possession of an open container of alcohol, or consuming or using any alcoholic beverage or drugs except (1) pursuant to a prescription for such drugs or (2) if the establishment is closed for massages ~~drugs at that time.~~ The owner, operator, responsible managing employee, manager, or permittee shall not permit any such person to enter or remain upon such premises.

M. No massage establishment or ~~outcall~~home visit massage service shall operate as a school of massage, or use the same facilities as that of a school of massage.

N. No massage establishment or ~~outcall~~home visit massage service granted a permit under the provisions of this chapter shall place, publish or distribute, or cause to be placed, published or distributed, any advertising matter that depicts any portion of the human body that would reasonably suggest to prospective customers that any service is available other than those services described in ~~5-52.05~~5.52.020 (Definitions "Massage") of this chapter, nor shall any massage establishment or ~~outcall~~home visit

massage service employ language in the text of such advertising that would reasonably suggest to a prospective patron that any service is available other than those services as described in this chapter.

O. No massage may be carried on within any ~~locked~~ cubicle, room, booth or any area within a massage establishment which is fitted with a door capable of being locked in which those doors are locked during business hours. All doors to dressing rooms and treatment rooms shall open inward. Draw drapes, curtain enclosures, or accordion-pleated closures are acceptable on all inner dressing and treatment rooms in lieu of doors.

P. A massage shall not be given unless the patron is properly draped and 's genitals are fully covered and, in addition, a female patron's breasts are fully covered.

Q. No massage establishment shall be open for business without at least one massage technician~~therapist~~ on the premises unless there is a retail clerk selling merchandise or a receptionist taking appointments.

S. An industry standard massage table will be used meeting required health standards.

~~5.52.0705.52.080~~ 5.52.080 Massage establishment facilities regulations. Every massage establishment shall maintain facilities meeting the following requirements:

A. Any signs shall be in conformance with the current ordinances of the ~~City~~city.

B. At least one artificial light of not less than ~~sixty~~ forty watts shall be provided in each room or enclosure where massage services are performed on patrons.

C. Minimum ventilation shall be provided in accordance with the Uniform Building Code.

D. Adequate equipment for disinfecting and sterilizing instruments used in performing the acts of massage shall be provided.

E. Hot and cold running water shall be provided at all times.

F. Closed or covered cabinets shall be provided for storage of clean linens.

G. Adequate dressing area and toilet facility shall be provided for patrons.

H. A ~~minimum of one separate~~ wash basin for employees shall be provided at all times. The basin shall be located within or as close as practicable to the area devoted to performing of massage services. Sanitary towels shall also be provided at each basin.

I. Pads used on massage tables shall be covered with a durable-washable material, ~~acceptable to the county health department.~~

J. Proof of compliance with all applicable provisions of the ~~City~~ Municipal Code shall be provided prior to the issuance of any permit.

K. ~~Outcall~~Home visit ~~Massage Service~~massage service. Any massage technician~~therapist~~ who provides massage at any hotel or motel, shall first notify the owner, manager, or person in charge thereof that such permittee intends to provide massage to a person or persons registered at the hotel or motel and give such owner, manager, or person in charge the name of his/her massage technician~~therapist~~ permit.

L. Inspection by officials. The investigating and enforcing officials of the ~~City~~city, including the county health officials, or their designees, shall have the right to enter the premises from time to time during regular business hours for the purpose of

making reasonable inspections to observe and enforce compliance with building, fire, electrical, plumbing or health regulations, and to enforce compliance with applicable regulations, laws, and provisions of this chapter.

~~5.52.08~~5.52.090 Permits nonassignable. No massage establishment or ~~outcall~~home visit massage service permit may be sold, transferred or assigned by the permittee, or by operation of law, to any other person or persons; any such sale, transfer or assignment, or attempted sale, transfer or assignment, shall be deemed to constitute a voluntary surrender of such permit and such permit shall thereafter be deemed terminated and void; provided and excepting, however, that if the permittee is a partnership and one or more of the partners should die, one or more of the surviving partners may acquire, by purchase or otherwise, the interest of the deceased partner or partners without affecting a surrender or termination of such permit and in each case the permittee shall thereafter be deemed to be the surviving partner(s). If the permit is issued to a corporation, stock may be sold, transferred, issued, or assigned to stockholders who have been named on the application. If any stock is sold, transferred, issued, or assigned to a person not listed on the application as a stockholder, the permit shall be deemed terminated and void unless the new stockholders are identified within ten days of transfer and they meet all requirements under this chapter for stockholders.

~~5.52.09~~5.52.100 Change of location or name.

A. A change of location of a massage establishment may be approved by the chief of police, the community development director, building official, finance director and the fire chief or their designated representatives, provided all ordinances and regulations of the ~~City~~city are complied with.

B. No permittee shall operate under any name or conduct any massage establishment or ~~outcall~~home visit service under any designation not specified in the approved permit.

C. Any application for an expansion of a building or other place of business or a massage establishment shall require compliance with this chapter; no expansion of a nonconforming location shall be permitted.

~~5.52.10~~5.52.110 Massage techniciantherapist—Permit required. No person shall engage in the business of massage or act as a ~~massage techniciantherapist~~ unless such person holds a valid ~~massage techniciantherapist's~~ permit issued by the ~~City~~city. Each ~~massage techniciantherapist~~ permit holder shall be issued a photo identification badge which will also serve as a ~~massage techniciantherapist~~ permit. The permit holder shall display the ~~massage techniciantherapist~~ permit during business hours.

~~5.52.11~~5.52.120 Massage techniciantherapist permit application.

A. Each applicant for a ~~massage techniciantherapist~~ permit shall make application to the chief of police or his/her designee. Prior to submitting an application, a nonrefundable fee in the sum set forth in the ~~City~~city fee schedule shall be paid to help defray the costs of the investigation required by this chapter. A copy of the cashier's receipt shall accompany the application.

B. Permit fees required under this section shall be in addition to any license, permit, fee or tax requirements under any other section or ordinance of this code.

C. The application for permit does not authorize the applicant to provide massage until such permit has been granted.

D. Each applicant for a massage technician~~therapist~~ permit shall submit the following information under penalty of perjury:

1. All information required by 5.52.060 (Massage establishment, ~~outcallhome visit~~ massage service permit application) (D)(3) through (8), (11), (16), (21) and (22) of this chapter.

2. The applicant must furnish a diploma or certificate of graduation from a ~~two-hundred-hour~~ one hundred sixty hour resident course of instruction from either:

a. A recognized school as defined in ~~5.52.050~~5.52.020 (Definitions "Recognized school of massage") of this chapter; or

b. An existing school or institution of learning outside the State of California together with a certified transcript of the applicant's school records showing date of enrollment, hours of instruction and graduation from a course having at least a minimum requirement prescribed by Title 5, Division 21, of the California Administrative Code; wherein the theory, method, profession and work of massage is taught, and a copy of the school's approval by its State Board of Education.

~~3. The massage establishment's full name, address and telephone number if the massage technician will be employed at a fixed place of business. In the event the applicant seeks to conduct outcall massage services, an additional application and fee must be submitted.~~

~~4~~3. Such other identification and information as the police department may require in order to fully investigate the matters as required to be set forth in the application.

~~5~~4. Two photographs of the applicant to be taken by the ~~City~~city police department designee. Nothing contained herein shall be construed to deny the right of the chief of police or his designee to confirm the height and weight of the applicant, or to take additional photographs.

~~6~~5. The chief of police or authorized representative may require the applicant to furnish fingerprints when needed for the purpose of establishing identification. Any required fingerprinting fees will be the responsibility of the applicant. Fingerprinting shall be taken at a place designated by the chief.

~~7~~6. A certificate from a medical doctor licensed to practice in the State of California stating that the applicant has, within thirty days immediately preceding the date of application, been examined and found to be free of tuberculosis~~of any contagious or communicable disease~~. Pursuant to Health and Safety Code Section 199.20, and unless otherwise required by State or federal law, nothing in this chapter shall require testing or disclosure as to whether an applicant is infected with the human immunodeficiency virus (HIV).

~~8~~7. Authorization for the ~~City, city~~, its agents and employees, to seek information and to investigate the truth of the statements set forth in the application and to investigate the background of the applicant.

98. Each applicant shall successfully complete ~~a both a written test and~~ practical performance examination administered through the ~~City~~ wherein the applicant has been required to demonstrate a basic knowledge of anatomy, physiology, hygiene, and massage, unless applicant can provide proof of certification by the National Certification Board for Therapeutic Massage and Bodywork or a certified school of massage therapy.

E. The chief of police or authorized representative shall have up to sixty days after the submission of all required information to complete his/her investigation. Upon completion of the investigation, the chief, or authorized representative, shall grant the permit, with or without conditions, if in the exercise of discretion he finds those matters designated in 5.52.060 (~~Massage establishment and outcallhome visit operating requirements~~) establishment, outcallhome visit massage service permit application (D)(3) through (8), (11), (16), (21) and (22) of this chapter have been provided and are true and correct and in the exercise of discretion further finds:

1. The applicant has furnished an acceptable diploma or certificate of graduation from a recognized school;

2. The applicant has furnished written proof from a recognized school that the minimum number of hours of instruction have been completed;

3. The applicant has passed the test required herein.

F. If the chief of police or authorized representative, following investigation of the applicant, in the exercise of discretion, fails to make the findings in subsection E of this section, the chief, or authorized representative, shall deny said application by dated, written notice.

G. New massage techniciantherapists—Notification. The holder of the massage establishment or ~~outcallhome visit~~ service permit shall notify the chief of police, in writing, of the name and address of each person employed as a massage techniciantherapist at such establishment within five days of this person's being employed. The requirements of this section are in addition to the other provisions of this chapter; and nothing contained herein shall relieve the permittee of the responsibility of ascertaining, prior to employment, that said person has a current unrevoked massage techniciantherapist's permit.

5.52.1205.52.130 Renewal of permits—Massage establishment, outcallhome visit massage service, massage techniciantherapist. Permittees shall have thirty days from date of expiration to renew their permit. If, upon the thirty-first day an application of renewal has not been received, the permit shall be deemed suspended until such time as the renewal application has been received. If a renewal application and all required information for the renewal is not received within sixty days after expiration, the license shall be deemed expired and no privilege to provide massage shall exist.

Renewals shall be processed and investigated as though they were initial applications, except that the applicant is required to submit only that information which has changed from the last application or renewal. A fingerprint check ~~may~~ will be completed upon each renewal.

5.52.140 Application of regulations to existing massage establishments, outcallhome visit services, and massage techniciantherapists. The provisions of this

chapter shall be applicable to all persons and businesses whether the business was established before or after the effective date of the ordinance codified in this chapter, except that massage establishments or ~~outcall~~home visit services legally in business prior to the effective date shall have ~~ninety days~~six months to file for a massage establishment or ~~outcall~~home visit service permit and to comply with the provisions of this chapter. ~~Massage technician~~therapists who have valid ~~massage technician~~therapist ~~permits~~business license permits obtained prior to the effective date of the ordinance codified in this chapter shall have until the expiration of their current ~~business license~~ permit to apply for a ~~massage technician~~therapist permit under the terms of this chapter but shall otherwise comply with the operating regulations set forth herein within ninety days.

5.52.150 Prohibited conduct. It is unlawful and a misdemeanor for any person to violate any of the mandatory requirements of this chapter.

~~5.52.130~~5.52.160 Suspension or revocation hearing. The chief of police or authorized representative may revoke or suspend a massage establishment permit or ~~massage technician~~therapist permit if it is found that the permittee does not possess the qualifications for the permit as required by this chapter, has been convicted of any violation of the provisions of this chapter or any lesser included offense, has made a material misrepresentation on the permit application or renewal or has violated any mandatory provisions of this chapter, any conditions of the permit, or any of the laws which would have been grounds for denial of the permit. For purposes of this section, permittee shall include the managing responsible officer or employee. Further, the permittee shall be responsible for those acts of its employees which are done in the course and scope of their employment by the permittee.

A hearing shall be scheduled upon not less than ten calendar days' notice to the permittee stating the grounds for proposed revocation or suspension. Notice shall be given by personal service or certified mail to the address shown on the last application or renewal. If reasonable attempts to otherwise serve are not successful, service may be provided by first class mail.

Notice of the decision shall be given in the same manner as for the hearing. The decision of the chief of police or his/her authorized representative may be appealed by the permittee to the city manager within fifteen calendar days of service by filing written notice of appeal with the city manager's office stating the basis for the appeal and the errors claimed to have occurred. If the permit is suspended or revoked, the permit shall be surrendered.

Service shall be deemed complete when personal service is made, when the certified letter is delivered, or when the decision is mailed by first class mail.

~~5.52.140~~5.52.170. Appeal procedures. Any interested person may appeal the decision to revoke, suspend, deny or approve a massage establishment or ~~massage technician~~therapist permit by filing a written notice of appeal, stating the grounds thereof, in accordance with Chapter 1.44 of the Benicia Municipal Code.

~~5.52.150~~5.52.180. Burden of proof. Unless otherwise specifically prohibited by law, the burden of proof is on the permittee/applicant in any hearing or other matter under this chapter.

~~5.52.160~~5.52.190. Public nuisance. Any massage establishment operated, conducted, or maintained contrary to the provisions of this chapter is unlawful and a public nuisance, and the city attorney may in the exercise of discretion, in addition to or in lieu of prosecuting a criminal action hereunder, commence an action or actions, proceeding or proceedings, for the abatement, removal and enjoinder thereof, in a manner provided by law.

Section 2.

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

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

On motion of Council Member _____, seconded by Council Member _____, the foregoing ordinance was introduced at a regular meeting of the City Council on the _____, 2008, and adopted at a regular meeting of the Council held on _____, by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

ATTEST:

Lisa Wolfe, City Clerk

SUMMARY

Summary of Massage Ordinances by City

CITIES	HOURS OF OPERATION	FINGERPRINT REQUIREMENTS	CERTIFICATE OF INSTRUCTION HOURS	BACKGROUND FEE CHARGED	COMMUNICABLE DISEASE CHECK AND EXAM	PRACTICAL EXAM	WRITTEN EXM	LIABILITY INSURANCE	COMPLIANCE TIME FRAME / CURRENT BUS.
Antioch	Not Specified	Yes	250 + Certificate	Yes	No	No	Yes	No	6 Months
Belmont	Not Specified	Yes	Certificate from approved school	Yes	Yes	No	Yes	No	Not Stated
Bentley	7 am-10 pm	Yes	160 from a recognized school of massage	Yes	Yes/ Tuberculosis	Yes-unless appropriate describe certification provided	No	\$500,000	6 Months
Concord	7 am-10 pm	Yes	Completion of recognized course + diploma	Yes	Yes / Tuberculosis	No	Yes	\$500,000	6 Months
Danville	Not Specified	Yes	70	Yes	Yes	No	No	No	Not Stated
Fairfield	Not Specified	No	500 + certificate	Yes	Yes	No	No	No	Not Stated
Hercules	7 am-10 pm	Yes	Certificate from approved school	Yes	Yes	No	No	No	Not Stated
Lafayette	Not Specified	Yes	70	Yes	Yes	No	No	No	Not Stated
Oakland	7 am-10 pm	Yes	300	Yes	No	Certification from Therapeutic Message Board	No	\$1,000,000	1 Year
Oakley	Not Specified	No	70	Yes	Yes	No	No	No	Not Stated
Pine	Not Specified	No	500	Yes	No / Must state under oath free of disease	No	No	No	Not Stated
Pittsburg	8 am-8 pm	Yes	500	Yes	No	No	No	No	90 Days
Pleasant Hill	7 am-10 pm	Yes	250	Yes	Not Stated	Not Stated	Yes	\$500,000	Not Stated
Redwood City	Not Specified	Yes	Certificate from approved school	Yes	Yes	No	No	No	30 Days

Summary of Massage Ordinances by City

CITIES	HOURS OF OPERATION	FINGERPRINT REQUIREMENTS	CERTIFICATE OF INSTRUCTION HOURS	BACKGROUND FEE CHARGED	COMMUNICABLE DISEASE CHECK AND EXAM	PRACTICAL EXAM	WRITTEN EXM	LIABILITY INSURANCE	COMPLIANCE TIME FRAME/CURRENT BUS.
Richmond	Not Specified	Yes	100 + Certificate from approved school	Yes	No	No	No	No	30 Days
San Carlos	7 am-10 pm	Yes	200	Yes	Yes	Yes	Yes	\$1,000,000	90 Days
San Mateo	7:30-10:30 pm	Yes	Certificate from approved school	Yes	Yes	Yes	Yes	\$100,000 per/employee	30 Days
San Pablo	7 am-10 pm	Yes	550	Yes	Yes	Certification from Therapeutic Message Board	No	Not Specified	90 Days
San Ramon	7 am-10 pm	Yes	Certification from Therapeutic Message Board	Yes	No	Certification from Therapeutic Message Board	No	\$1,000,000	2 Years
Union City	9 am-9 pm	No	200	Yes	Yes	Yes	Yes	No	Not Stated
Proposed Legislation	Not Specified	Yes	250 + Certificate from approved school	Yes	No	Not Stated	Not Specified	City Decision	City Decision

PROPOSED FEE SCHEDULE

Massage Fee Schedule

City Comparisons and Proposed Benicia Fee

	Concord	Hercules	Pleasant Hill	San Mateo	San Ramon	Union City	Walnut Creek	Recommended Benicia Fees	
Establishment									
New Permit	\$ 131	No Fees	\$ 120	\$ 412	\$ 382	\$ 1,524	\$ 132	\$ 120	
Renewal	-		-	\$86/hour	\$ 350	\$ 637	-	\$ 50	
Owner Operator									
New Permit	\$ 68		-	\$ 558	\$ 432	\$ 658	-	\$ 120	
Renewal	-		-	-	\$ 390	\$ 93	-	\$ 50	
Therapist									
Masseur / Masseur									
New Permit	-		\$ 120	\$ 312	\$ 157	-	-	\$ 120	
Renewal	-		-	\$ 312	\$ 100	-	-	\$ 50	
Outcall (Home Visit)									
New Permit	-		\$ 120	\$ 329	\$ 432	-	-	\$ 120	
Renewal	-		-	\$ 329	\$ 390	-	-	\$ 50	
Background Check	-	-	-	Actual	-	-	-	Included in Permit	
Fingerprints	-	\$ 120	\$ 81	-	-	-	-	Prevailing DOJ & FBI Fee	

CORRESPONDENCE

Anne Cardwell - Fwd: massage ordinance

From: Anne Cardwell
Subject: Fwd: massage ordinance

>>> Shawna Radford <magichandscmt@sbcglobal.net> 7/7/2008 9:36:16 PM >>>

Dear Sandra

I am sending this to you because I will not be able to make the city meeting. But feel free to read this. I am wanting to thank you and the captain for working so closely with the existing massage buisnesses. I really feel that by working together and understanding were both sides are coming from, a ordinance will be passed that benifits all. I feel proud to have been a part of this step for Benicia. So in short I fully back the passing of the ordinance. Thank you. I also spoke with Barbara Patrick who wanted to express the same sentiment.

Sincerely

Shawna Miller, Magic Hands Healing Center
Barbara Patrick, A Lily of Gold

IX-C-25

AGENDA ITEM
CITY COUNCIL MEETING: JULY 15, 2008
COUNCIL MEMBER COMMITTEE REPORTS

DATE : July 9, 2008
TO : Mayor Patterson
FROM : City Manager
SUBJECT : **MAYORS' COMMITTEE MEETING**

The following information is provided for your committee report at the July 15, 2008 City Council meeting.

The Mayors' Committee meetings are held on the third Wednesday of each month at 6:00 pm. The next meeting is July 16, 2008. The agenda packet for this meeting has not yet been distributed as of the date of this memo. The flyer from the June Mayors' Conference follows.

Solano County Mayors' Conference
Hosted by City of Dixon

Wednesday, June 18, 2008

Location: Dixon Senior Multi-Use Center
201 South Fifth Street
Dixon

Time: 6:00 p.m. - No Host Cocktails and Appetizers
7:00 p.m. - Dinner

Program: *Delta Vision Plan*

Speakers: John Kirlin, Executive Director
Delta Vision

Linda Fiack, Executive Director
Delta Protection Commission

Music By: Raymond Sanchez
Professional Guitarist

BUFFET MENU

Chicken Saltimbocca

Pasta Ammoglio (Pasta with Fresh Tomato & Basil)

Fresh Vegetable Medley

Tossed Salad

Dinner Rolls

Tiramisu

Coffee or Iced Tea

\$40.00 per person (spouses are invited to attend)

Make checks payable to the City of Dixon

Please R.S.V.P. by Monday, June 16, 2008

to Janice Beaman, Dixon City Clerk,

(707) 678-7000

X-B-1-2



City Attorney's Office
MEMORANDUM

Date: July 8, 2008
To: Mayor Patterson
Vice Mayor Campbell
From: Heather Mc Laughlin, City Attorney
Re: Current ABAG Information

The following information is provided for your committee report at the July 15, 2008 council meeting:

- The ABAG Fall General Assembly will be held on Friday, October 24th at the Oakland Marriott. A topic has not been chosen yet.

Please let me know if you have any questions.

cc: Administrative Services Director

X-B-2-1

(

(

(

AGENDA ITEM
CITY COUNCIL MEETING: JULY 15, 2008
COUNCIL MEMBER COMMITTEE REPORTS

DATE : July 8, 2008

TO : Vice Mayor Campbell
Council Member Schwartzman

FROM : Finance Director

SUBJECT : **AUDIT AND FINANCE COMMITTEE**

The following information is provided for your committee report at the July 15, 2008 Council meeting.

The committee did not meet in July. The next meeting will be held on August 8, 2008 at 8am in the Commission Room. An Agenda for that meeting will be available on August 1, 2008.

(

(

(

AGENDA ITEM
CITY COUNCIL MEETING: JULY 15, 2008
COUNCIL MEMBER COMMITTEE REPORTS

DATE : July 9, 2008
TO : Mayor Patterson
Council Member Schwartzman
FROM : City Manager
SUBJECT : **LEAGUE OF CALIFORNIA CITIES**

The following information is provided for your committee report at the July 15, 2008 City Council meeting.

The next meeting date of the League of California Cities North Bay Division is on July 31, 2008. The flyer regarding the event follows.



**NORTH BAY DIVISION
MEMBER CITIES**

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

NAPA COUNTY
AMERICAN CANYON
CALISTOGA
NAPA
ST. HELENA
YOUNTVILLE

SOLANO COUNTY
BENICIA
DIXON
FAIRFIELD
RIO VISTA
SUISUN CITY
VACAVILLE
VALLEJO

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

DIVISION OFFICERS

PRESIDENT
JACK GINGLES
MAYOR- CALISTOGA

FIRST VICE PRESIDENT
SHAWN MARSHALL
MAYOR - MILL VALLEY

SECOND VICE PRESIDENT
STANLEY COHEN
COUNCIL MEMBER- SONOMA

PAST PRESIDENT
LEN AUGUSTINE
MAYOR- VACAVILLE

LEAGUE DIRECTOR
MICHAEL SEGALA
COUNCIL MEMBER - SUISUN CITY

LEAGUE STAFF
AMY O'GORMAN
REGIONAL PUBLIC AFFAIRS DIRECTOR

MARY CREASEY
PUBLIC AFFAIRS ANALYST

**NORTH BAY DIVISION
GENERAL MEMBERSHIP
MEETING**

Hosted by the City of Mill Valley
Thursday, July 31, 2008
Acqua Hotel
555 Redwood Highway, Mill Valley

Please join the Members of the North Bay Division as we
examine critical legislation and policy issues and
Elect new Division Officers for 2009

With Special Presentation:
CLIMATE CHANGE
-AB 32 Implementation-

Kyra Ross, Legislative Advocate
League of California Cities

Representative from the
California Air Resources Board
Land Use Subgroup of the Climate Action Team

Learn about how California plans to implement AB 32 the
land mark climate change legislation passed in 2006.

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

~Menu~

Caesar salad
Grilled Salmon with lemon herb sauce
Oven roasted Chicken with a white wine sauce reduction sauce
Shell shaped pasta with alfredo sauce with vegetables
Roasted potatoes or mashed potatoes
Sautéed seasonal vegetables
Assorted Italian breads – dipping sauce and butter
Fresh fruit tarts and Chocolate molten cakes
Coffee and tea
\$50 per person

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

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

Questions? Please contact Amy O'Gorman
(707) 291-3270 / aogorman@cacities.org or
Mary Creasey (916) 658-8243/ mcreasey@cacities.org

X-B-4-2

**AGENDA ITEM
CITY COUNCIL MEETING: JULY 15, 2008
COUNCIL MEMBER COMMITTEE REPORTS**

DATE : July 9, 2008

TO : Council Member Ioakimedes
Council Member Hughes

FROM : City Manager

SUBJECT : CITY COUNCIL/SCHOOL BOARD LIAISON COMMITTEE

The following information is provided for your committee report at the July 15, 2008 City Council meeting.

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

(

(

(

**AGENDA ITEM
CITY COUNCIL MEETING: JULY 15, 2008
COUNCIL MEMBER COMMITTEE REPORTS**

DATE : July 8, 2008

TO : Vice Mayor Campbell
Council Member Ioakimedes

FROM : City Manager

SUBJECT : **SKY VALLEY OPEN SPACE COMMITTEE**

The following information is provided for your committee report at the July 15, 2008 Council meeting.

The last regular meeting of the Sky Valley Open Space Committee was held on Wednesday May 7, 2008. The next regular committee meeting scheduled for July 2, 2008 has been cancelled.

A special meeting of the Committee has been called and will take place on July 16th. A draft meeting agenda (no attachments) for that meeting has been included with this staff report for review.



**BENICIA SKY VALLEY OPEN SPACE COMMITTEE
CONFERENCE ROOM 1
MEETING AGENDA**

**Wednesday, July 16, 2008
7:00 P.M.**

I. CALL TO ORDER

A. Roll Call of Committee Members

Chair Scott Shepard, Vice Chair Jon Kennedy, Tom Campbell, John Furtado, Mike Ioakimedes, Craig Snider

- B. Reference to Fundamental Rights of Public** - A plaque stating the Fundamental Rights of each member of the public is posted at the entrance to this meeting room per Section 4.04.030 of the City of Benicia's Open Government Ordinance.

II. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

III. REGULAR AGENDA ITEMS

A. REVISED FINAL WORK PROGRAM FOR A POSSIBLE SKY VALLEY WATERSHED AND RECREATION MANAGEMENT PLAN (Action Item)

The Committee will approve a final draft work program for a future Sky Valley/Sulfur Springs Watershed Management Plan. No additional comments were received after the discussion at the May 7, 2008 meeting.

B. COMMITTEE'S SCOPE AND GOALS (Action Item)

Pursuant to the City Council's draft policy calendar, the Sky Valley Committee is scheduled to present its scope and goals at a City Council meeting scheduled for August 19, 2008. The committee needs to adopt a scope and set of goals for Council's approval.

IV. COMMUNICATIONS FROM COMMITTEE MEMBERS

V. STAFF COMMUNICATIONS

A. COMMENT LETTER FOR SIGNATURE PROPERTIES SUBDIVISION

Damon Golubics, Principal Planner, authored a letter to the County that incorporated the Sky Valley Committee's comments for the proposed Signature Properties Siena Subdivision.

B. COUNTY GENERAL PLAN UPDATE

Staff will brief the Committee on the County General Plan update process and how this pertains to the Sky Valley area.

VI. ADJOURNMENT

Chair Shepard will adjourn the meeting to Wednesday, October 1, 2008, the next regularly scheduled meeting of the Sky Valley Committee.

Public Participation

The Benicia Sky Valley Open Space Committee 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 Sky Valley Open Space Committee allows speakers to speak on non-agendized matters under public comments, 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 Sky Valley Open Space Committee.

Should you have material you wish to enter into the record, please submit it to the Committee Secretary.

Disabled Access

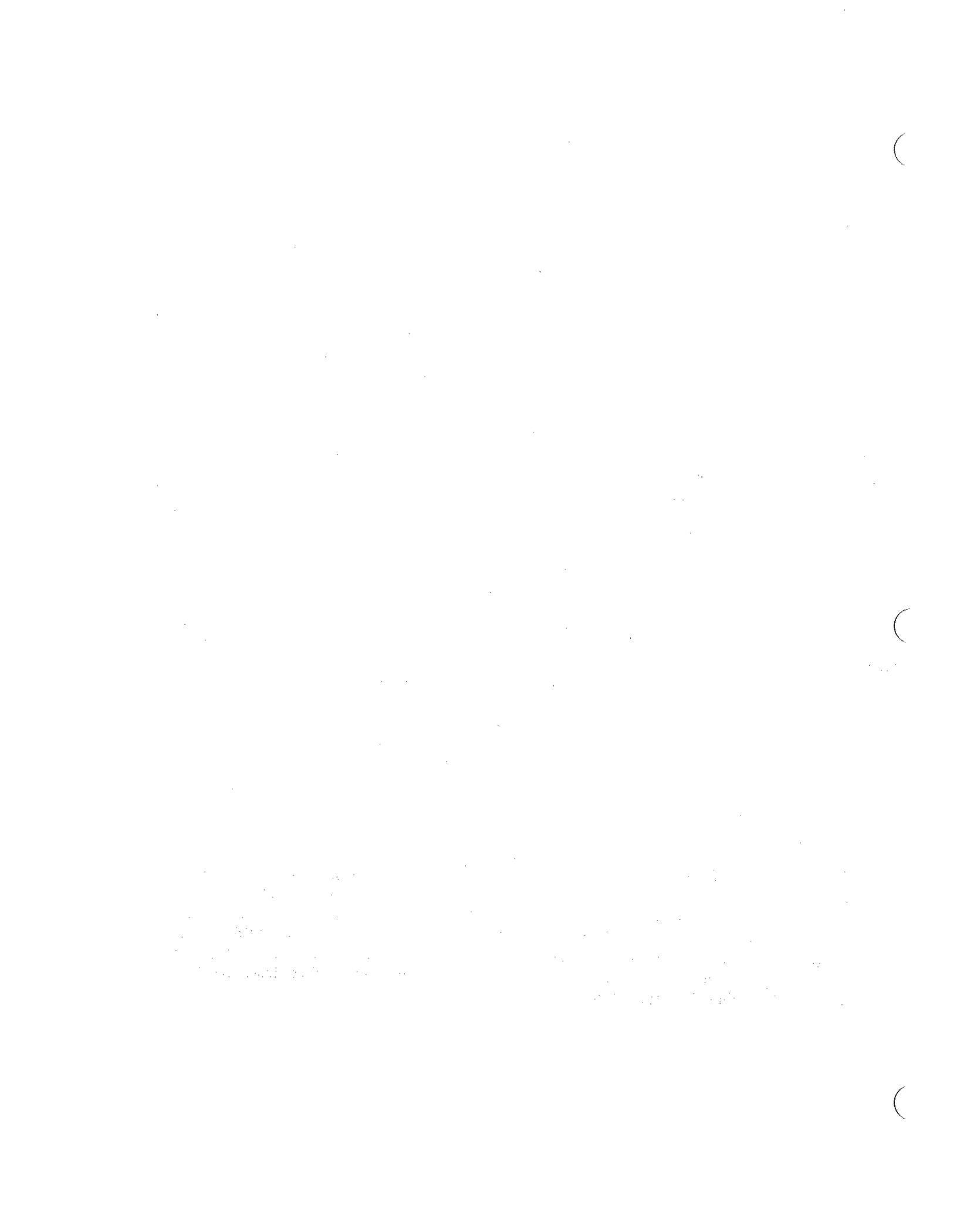
In compliance with the Americans with Disabilities Act (ADA), if you need special assistance to participate in this meeting, please contact Dan Pincetich, the ADA Coordinator, at (707) 746-4211. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure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

Meeting Procedures

All items listed on this agenda are for Committee 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 Sky Valley Open Space Committee.

Public Records

The agenda packet for this meeting is available at the City Clerk's Office, the Benicia Public Library during regular working hours, and at the Community Development Department. To the extent feasible, the packet is also available on the City's website at www.ci.benicia.ca.us under the heading "Agendas and Minutes." Public records related to an agenda item that are distributed after the agenda packet is prepared are available before the meeting at the Community Development Department, or at the meeting. If you wish to submit written information on an agenda item, please submit to Mike Marcus, Assistant Planner, as soon as possible so that it may be distributed to the Sky Valley Open Space Committee.



AGENDA ITEM
CITY COUNCIL MEETING: JULY 15, 2008
COUNCIL MEMBER COMMITTEE REPORTS

DATE : July 8, 2008

TO : Mayor Patterson
Council Member Ioakimedes

FROM : Jim Erickson, City Manager

SUBJECT : **SOLANO EDC BOARD OF DIRECTORS**

The following information is provided for your committee report at the July 15, 2008 Council meeting:

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

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

(

(

(

**AGENDA ITEM
CITY COUNCIL MEETING: JULY 15, 2008
COUNCIL MEMBER COMMITTEE REPORTS**

DATE : July 9, 2008

TO : Mayor Patterson
Council Member Schwartzman

FROM : Dan Schiada, Director of Public Works

SUBJECT : **SOLANO TRANSPORTATION AUTHORITY**

The following information is provided for your committee report at the July 15, 2008 City Council meeting.

The agenda for the Solano Transportation Authority (STA) Board Meeting of July 9, 2008 follows, along with the minutes of the June meeting. The next STA Board meeting is scheduled for August 13, 2008. An agenda for that meeting is not yet available.



Solano Transportation Authority

One Harbor Center, Suite 130
Suisun City, California 94585

Area Code 707
424-6075 • Fax 424-6074

Members:

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

MEETING NOTICE

Wednesday, July 9, 2008

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

5:00 p.m. Closed Session
6:00 p.m. Regular Meeting

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

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

- | ITEM | BOARD/STAFF PERSON |
|---|--------------------|
| I. CLOSED SESSION:
(5:00 - 6:00 p.m.)
PERSONNEL CLOSED SESSION pursuant to California Code Section 549547 et seq.; Executive Director Performance Review | |
| II. CALL TO ORDER – CONFIRM QUORUM
(6:00 p.m.) | Chair Woodruff |
| III. PLEDGE OF ALLEGIANCE | |
| IV. APPROVAL OF AGENDA | |
| V. OPPORTUNITY FOR PUBLIC COMMENT
(6:00– 6:05 p.m.) | |

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

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

STA BOARD MEMBERS

Ed Woodruff Chair City of Rio Vista	Jim Spering Vice Chair County of Solano	Elizabeth Patterson City of Benicia	Mary Ann Courville City of Dixon	Harry Price City of Fairfield	Pete Sanchez City of Suisun City	Len Augustine City of Vacaville	Osby Davis City of Vallejo
---	---	--	-------------------------------------	----------------------------------	-------------------------------------	------------------------------------	-------------------------------

STA BOARD ALTERNATES

Jan Vick	Mike Reagan	Alan Schwartzman	Jack Batchelor, Jr.	Chuck Timm	Mike Segala	Steve Wilkins	Tom Bartee
----------	-------------	------------------	---------------------	------------	-------------	---------------	------------

VI. EXECUTIVE DIRECTOR'S REPORT

(6:05 – 6:10 p.m.)

Pg. 1

VII. COMMENTS FROM CALTRANS, THE METROPOLITAN TRANSPORTATION COMMISSION (MTC), AND STA

(6:10 – 6:30 p.m.)

A. MTC Report

B. Caltrans Report

C. STA Report

1. Proclamation of Appreciation:

City of Vacaville's Dale Pfeiffer

Chair Woodruff

2. State Route (SR) 12 Safety Plan Update

Robert Macaulay

3. Status Update of Options to Address Vallejo

Daryl Halls

Transit's Request for Assistance in

Addressing Operations Shortfalls for the

Baylink Ferry and Local Transit

4. SolanoExpress Route 30 Service Change

Liz Niedziela

George Fink

VIII. CONSENT CALENDAR

Recommendation:

Approve the following consent items in one motion.

(Note: Items under consent calendar may be removed for separate discussion.)

(6:30 – 6:35 p.m.)

A. STA Board Meeting Minutes of June 11, 2008

Johanna Masielat

Recommendation:

Approve STA Board Meeting Minutes of June 11, 2008.

Pg. 7

B. Review TAC Draft Minutes for the Meeting of June 25, 2008

Johanna Masielat

Recommendation:

Receive and file.

Pg. 17

C. Pedestrian Advisory Committee (PAC) By-Laws

Charles Lamoree

Recommendation:

Approve amending the PAC by-laws from:

A quorum shall consist of the majority of the PAC members of the Cities, the County, member at large, and organizational members. (As presently in the by-laws)

To:

A quorum shall consist of the majority of the PAC members of the Cities, the County, and Members at Large. (As recommended by the BAC/PAC subcommittee)

Pg. 23

- D. **Solano Pedestrian Advisory Committee (PAC) Member Appointments** Sara Woo
Recommendation:
Appoint City of Benicia's Carol Day and City of Fairfield's Erica Gallegos to the Pedestrian Advisory Committee for a three-year term.
Pg. 25
- E. **Fiscal Year (FY) 2008-09 Indirect Cost Allocation Plan (ICAP) Application** Susan Furtado
Recommendation:
Approve the ICAP Rate for FY 2008-09 and authorize the Executive Director to submit the ICAP application to Caltrans.
Pg. 31
- F. **Fiscal Year (FY) 2008-09 Transportation Development Act (TDA) Matrix Status – June 2008** Elizabeth Richards
Recommendation:
Approve the June 2008 TDA matrix for Fiscal Year (FY) 2008-09 as specified in Attachment A.
Pg. 33
- G. **Lifeline Program Call for Projects** Elizabeth Richards
Recommendation:
Approve the following:
 - 1. Authorize the Executive Director to issue a call for Lifeline Projects; and*
 - 2. Authorize the STA Chair to appoint two Lifeline Advisory Committee members who represent the child care community and the Paratransit Coordinating Council.*
Pg. 35
- H. **Solano Napa Commuter Information (SNCI) Fiscal Year (FY) 2008-09 Work Program** Judy Leaks
Recommendation:
Approve the Solano Napa Commuter Information Work Program for FY 2008-09.
Pg. 39
- I. **State Route (SR) 12 Jameson Canyon Bicycle and Pedestrian Corridor Plan - Bay Area Ridge Trail Grant Application** Sara Woo
Recommendation:
Approve the following:
 - 1. Authorize the Executive Director to enter into an agreement with the California Coastal Conservancy to accept the Bay Area Ridge Trail Grant;*
 - 2. Authorize the Executive Director to issue a Request for Proposals for the SR 12 Jameson Canyon Bicycle and Pedestrian Corridor Plan; and*

3. *Authorize the Executive Director to enter into an agreement with selected consultant for an amount not to exceed \$55,000.*

Pg. 43

J. Federal 5310 Program

Liz Niedziela

Recommendation:

Adopt Resolution No. 2008-06 authorizing the Executive Director to sign and certify that no non-profit corporations or associations are readily available in the service area to provide the propose service.

Pg. 59

K. DKS Associates Contract Amendment for a Financial Assessment of Vallejo Transit

Elizabeth Richards

Recommendation:

Authorize the Executive Director to amend the consultant contract with DKS Associates in an amount not to exceed \$24,900 with a contract time extension until January 31, 2009 for the purpose of completing a Financial Assessment of Vallejo Transit.

Pg. 63

L. Comprehensive Transportation Plan (CTP) Subsidiary Studies Scope of Work

Robert Macaulay

Recommendation:

Approve the CTP Subsidiary Studies Scope of Work as shown in Attachments A, B, and C.

Pg. 69

IX. ACTION FINANCIAL ITEMS

A. Proposed Compensation Changes for Executive Director

Chair Woodruff

Recommendation:

Approve compensation changes as specified in Attachment A, Amendment No. 9 to Executive Director's Employment Agreement. (6:35 – 6:40 p.m.)

Pg. 79

B. Fiscal Year (FY) 2008-09 Budget Revisions and Proposed Budget FY 2009-10

Susan Furtado

Recommendation:

Approve the following:

- 1. Adopt FY 2008-09 Budget Revision as shown in Attachment A;*
- 2. Adopt FY 2009-10 Proposed Budget as shown in Attachment B;*

3. Approve the 3.0% COLA for STA staff for FY 2008-09 as included in the budget; and
4. Approve the following modifications to STA Job Classifications:
- a. Modifying Job Classification and Salary Range of Director of Projects to Deputy Director/Director of Projects;
 - b. Modification of Salary Range for Director of Transit and Rideshare Services;
 - c. Establishment of a Project Manager Position; and
 - d. Establishment of a Part-time Marketing Assistant Position.

Susan Furtado

(6:40 – 6:55 p.m.)

Pg. 79

C. Authorization to Initiate Feasibility Study for Regional Transportation Impact Fee

Daryl Halls

Recommendation:

Approve the following:

1. Authorize the Executive Director to initiate a feasibility study to examine potential options and benefits regarding the initiation of a regional traffic impact fee;
2. Authorize the Executive Director to issue a Request for Qualifications to conduct a feasibility study;
3. Authorize the Executive Director to enter into an agreement with selected consultant for an amount not-to-exceed \$75,000; and
4. Authorize the STA Chair to form an advisory committee comprised of members of Arterials, Highways and Freeways Committee, the SR 12 Steering Committee, and the SR 113 Steering Committee.

(6:55 – 7:05 p.m.)

Pg. 87

D. Solano Paratransit Funding and Services Agreement and Solano Paratransit Assessment Study

Elizabeth Richards

Recommendation:

Authorize the Executive Director to:

1. Extend the agreement for FY 2008-09 with the City of Fairfield to operate Solano Paratransit;
2. Allocate \$192,000 of FY 2008-09 STAF funds for Solano Paratransit operating costs;
3. Apply the existing cost-sharing formula for FY 2008-09;
4. Direct staff to initiate a study to evaluate the existing Solano Paratransit service and to identify and evaluate alternate service delivery options to be completed by January 2009;
5. Allocate \$60,000 of STAF/Solano funds for the Solano Paratransit Assessment and Alternatives Feasibility Study;

6. *Release a Request for Proposals for the Solano Paratransit Assessment and Alternatives Feasibility Study and execute a contract with a consultant for the Solano Paratransit Assessment and Alternatives Feasibility Study for an amount not to exceed \$60,000.*

(7:05 – 7:15 p.m.)

Pg.91

X. ACTION NON-FINANCIAL ITEMS

A. Community Based Transportation Plans (CBTP) – Vallejo and Cordelia/Fairfield/Suisun City

Liz Niedziela

Recommendation:

Approve the following:

1. *Adopt the Vallejo Community Based Transportation Plan; and*
2. *Adopt the Cordelia/Fairfield/Suisun City Community Based Transportation Plan.*

(7:15 – 7:30 p.m.)

Pg. 95

B. North Connector Transportation for Livable Communities (TLC) Corridor Concept Plan

Robert Guerrero

Recommendation:

Approve the following:

1. *Adopt the North Connector Transportation for Livable Communities (TLC) Corridor Concept Plan;*
2. *Select Theme 2 – Stone and Wood option for as the North Connector design theme as illustrated in Attachment C; and*
3. *Authorize STA staff to assist the County of Solano and City of Fairfield to adopt and implement the North Connector Transportation for Livable Communities Corridor Concept Plan.*

7:30 – 7:35 p.m.)

Pg. 98

C. Jepson Parkway Project – Implementation Plan

Janet Adams

Recommendation:

Authorize the Executive Director to develop the Jepson Parkway Project Implementation Plan.

(7:35 – 7:40 p.m.)

Pg. 102

D. Legislative Update

Jayne Bauer

Recommendation:

Approve the specified positions on the following items:

- *AB 2546 (De La Torre), Air Toxics “Hot Spots” Information and Assessment Act of 1987; Railyards - Oppose*

X-B-8-7

- AB 2558 (Feuer), Climate change mitigation and adaptation fee - Support with amendments
- SB 303 (Ducheny), Local government; land use planning – Watch
- SB 1422 (Lowenthal), High Speed Rail Authority - Support
- SB 1429 (Perata), Bay Area state-owned toll bridges - Watch

(7:40 – 7:45 p.m.)

Pg. 108

E. Comprehensive Transportation Plan (CTP) Committee Meeting Report

Robert Macaulay

Recommendation:

Approve the following:

1. Adopt the Purpose Statement and Goals for the Transit Element included as Attachment D; and
2. Adopt the Purpose Statement and Goals for the Arterials, Highways and Freeways Element included as Attachment E.

(7:45 – 7:50 p.m.)

Pg. 208

XI. INFORMATIONAL ITEMS – NO DISCUSSION

A. SolanoExpress Route 30 Service Change

Liz Niedziela
George Fink

Informational

Pg. 223

B. Regional Transportation Plan (RTP) T2035 Priorities

Robert Macaulay

Informational

Pg. 227

C. I-80 Construction Public Outreach

Jayne Bauer

Informational

Pg. 239

D. Capitol Corridor - Quarterly Report

Robert Macaulay

Informational

Pg. 247

E. State Route (SR) 12 Status Update

Robert Macaulay

Informational

Pg. 249

F. Project Delivery Update

Sam Shelton

Informational

Pg. 253

- G. Solano County Pedestrian Priority Projects – Status
Informational
Pg. 259 Sara Woo
- H. Solano County Bicycle Priority Projects – Status
Informational
Pg. 266 Sara Woo
- I. Funding Opportunities
Informational
Pg. 276 Sara Woo
- J. STA Board Meeting Schedule for 2008
Informational
Pg. 282 Johanna Masiclat

XI. BOARD MEMBERS COMMENTS

XII. ADJOURNMENT

The next regular meeting of the STA Board is scheduled for **Wednesday, September 10, 2008, 6:00 p.m., Suisun City Hall Council Chambers.**



SOLANO TRANSPORTATION AUTHORITY
Board Minutes for Meeting of
June 11, 2008

I. CALL TO ORDER

Chair Woodruff called the regular meeting to order at 6:10 p.m. A quorum was confirmed.

MEMBERS

PRESENT:

Eddie Woodruff (Chair)	City of Rio Vista
Mike Reagan (Alternate Member)	County of Solano
Elizabeth Patterson	City of Benicia
<i>Arrived at 6:12 p.m.</i> Harry Price	City of Fairfield
Pete Sanchez	City of Suisun City
Len Augustine	City of Vacaville
<i>Arrived at 6:25 p.m.</i> Osby Davis	City of Vallejo

MEMBERS

ABSENT:

Mary Ann Courville	City of Dixon
Jim Spring (Vice Chair)	County of Solano

STAFF

PRESENT:

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

ALSO

PRESENT: *In Alphabetical Order by Last Name:*

Randy Carlson	Resident, City of Fairfield
James Corless	MTC
Gene Cortright	City of Fairfield
Edwin Gato	City of Vallejo
Dan Kasperson	City of Suisun City
Jeff Knowles	City of Vacaville
Duane Kromme	Resident, City of Fairfield
Gary Leach	City of Vallejo
Mary Lenihan	City of Vallejo
Wayne Lewis	City of Fairfield
Crystal Odum-Ford	City of Vallejo
Dan Schiada	City of Benicia
David Siruno	Resident, City of Vacaville
Rob Sousa	City of Benicia
Jan Vick	Councilmember, City of Rio Vista
Paul Wiese	County of Solano

II. PLEDGE OF ALLEGIANCE

III. APPROVAL OF AGENDA

On a motion by Board Member Patterson, and a second by Board Member Sanchez, the STA Board approved the agenda.

IV. OPPORTUNITY FOR PUBLIC COMMENT

None presented.

V. EXECUTIVE DIRECTOR'S REPORT

Daryl Halls provided an update on the following topics:

- Pave I-80 Kick Off Event Planned to Celebrate Start of I-80 HOV Lanes Construction
- Revisiting Funding Plan to Initiate SolanoExpress Service on I-780 Corridor
- Vallejo Transit to Present Summary of Transit Funding Shortfalls
- Adoption of RM 2 and Intercity Funding Agreements to Fund SolanoExpress
- Funding of Countywide Transit Studies and priorities Through STAF
- Introduction of New Lifeline Program

Mayor Price arrived at the meeting at 6:12 p.m.

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

A. MTC Report:

James Corless presented the I-80 Smarter Growth Study.

Mayor Osby Davis arrived the meeting at 6:25 p.m.

B. Caltrans Report:

Janet Adams provided a progress report on I-80 Public Outreach and announced that the Pave 80 Project now has its own homepage www.pave80.com. She also announced the two (2) upcoming Public Outreach meetings in Fairfield (June 18th) and Vacaville (June 19th).

C. STA Report :

1. Crystal Odum-Ford, City of Vallejo, Transportation Superintendent, provided a presentation on Vallejo Transit's Fiscal Operating Shortfall. At the request of Board Member Davis, the STA Board directed staff to work with Vallejo Transit staff to identify options to address funding shortfalls for the Baylink Ferry and Vallejo's Local Transit Systems.
2. Judy Leaks presented the Bike to Work/School Week Wrap up. She gave recognition to the Bike to Work Team.
3. Elizabeth Richards provided overview of the New Lifeline Program.
4. Robert Macaulay provided update on State Route (SR) 12.

VII. CONSENT CALENDAR

On a motion by Board Member Augustine, and a second by Board Member Price, the STA Board approved Consent Calendar Items A thru R.

A. STA Board Meeting Minutes of May 14, 2008

Recommendation:

Approve STA Board Meeting Minutes of May 14, 2008.

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

Recommendation:

Receive and file.

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

Recommendation:

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

D. Request for Qualifications for State Legislative Advocacy Services

Recommendation:

Approve the following:

1. Authorize the Executive Director to issue a Request for Qualifications (RFQ) for state legislative advocacy services as outlined in the Scope of Work (Attachment A) for the period October 1, 2008 through September 30, 2010; and
2. Authorize staff to work with the STA Executive Committee to review and select a consultant candidate and bring a recommendation to the STA Board for a State Legislative Advocacy Services Agreement for the period October 1, 2008 through September 30, 2010.

E. Contract Amendment for Transit and Funding Consultant - Nancy Whelan Consulting

Recommendation:

Authorize the Executive Director to extend the consultant contract with Nancy Whelan Consulting for Transit Funding and Financial/Accounting Consultant Services until June 30, 2009 for an amount not to exceed \$58,500.

X-B-8-12

- F. Contract Amendment for Transit Project Management Consultant - John Harris**
Recommendation:
Authorize the Executive Director to extend the consultant contract with John Harris for Transit Project Management until June 30, 2009 for an amount not to exceed \$28,000.
- G. Contract Amendment for Fiscal Year (FY) 2008-09 for Marketing Consultant Services - Moore Iacofano Goltsman (MIG)**
Recommendation:
Approve Contract Amendment No. 2 with Moore Iacofano Goltsman (MIG) for STA marketing services for FY 2008-09.
- H. Fiscal Year (FY) 2008-09 Transportation Development Act (TDA) Matrix Status – May 2008**
Recommendation:
Approve the May 2008 TDA matrix for Fiscal Year (FY) 2008-09 as specified in Attachment A.
- I. Federal Section 5310 Grant Application and Local Match for Solano Paratransit Bus Replacement**
Recommendation:
Approve the following:
 1. Adopt Resolution No. 2008-05 authorizing the Executive Director to submit an application for Caltrans' Federal Section 5310 for \$300,000 for the five (5) Solano Paratransit replacement buses; and
 2. The allocation of \$34,410 State Transit Assistance Funds (STAF) for the required 11.47% local match.
- J. Unmet Transit Needs Comments and Responses for Fiscal Year (FY) 2008-09**
Recommendation:
Approve the following:
 1. The FY 2008-09 Unmet Transit Needs response as specified in Attachment B; and
 2. Authorize the Executive Director to submit the FY 2008-09 Unmet Transit Needs response to MTC.
- K. Intercity Transit Funding (ITF) Year-End Reconciliation Procedure for Fiscal Year (FY) 2006-07**
Recommendation:
Approve the following:
 1. Adopt the procedure outlined in this report for mid-year budget adjustments and year end reconciliation for the Intercity Transit Funding Agreement; and
 2. Apply the year end reconciliation procedure to the FY 2006-07 Intercity Transit Funding agreement and incorporating FY 2006-07 adjustments to the subsidy amounts due in FY 2008-09.
- L. Accept Green Valley Bridge Widening Project as Complete**
Recommendation:
 1. Accepting the Green Valley Creek Bridge Widening Project as complete; and
 2. Direct Executive Director to file a Notice of Completion with the County's Recorder's Office.

M. Yolo Solano Air Quality Management District (YSAQMD) Clean Air Funds Committee Recommendation for Fiscal Year (FY) 2008-09

Recommendation:

Support the YSAQMD Clean Air Funds Committee recommendation for the allocation of \$420,000 in YSAQMD funds for FY 2008-09 as specified in Attachment A.

N. Approval of STA Overall Work Plan for Fiscal Year (FY) 2008-09 and FY 2009-10

Recommendation:

Approve the STA Overall Work Plan for FY 2008-09 and FY 2009-10 as specified in Attachment A.

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

Recommendation:

Approve the following:

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

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

Recommendation:

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

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

Recommendation:

Authorize the Executive Director to enter into the following contracts:

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

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

Recommendation:

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

VIII. ACTION – FINANCIAL ITEMS

- A. Funding and Implementation Plan for SolanoExpress Route (Rt.) 70 Service**
Elizabeth Richards reviewed the funding and implementation plan being developed and incorporated for Rt. 70 into the FY 2008-09 Intercity Transit Funding Agreement. She reviewed the proposed funding plan for SolanoExpress Rt. 70 for FY 2008-09 and described how it was consistent with the overall Intercity Transit Funding Agreement.

Public Comments:

None Presented.

Board Comments:

None presented.

Recommendation:

Approve the following:

1. The funding plan for SolanoExpress Rt. 70 for FY 2008-09; and
2. Authorize the Executive Director to enter into a management agreement with Vallejo Transit to operate Rt. 70.

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

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

Elizabeth Richards distributed and reviewed the revised (May 27, 2008) version of the summary of FY 2008-09 Cost Sharing with FY 2006-07 Reconciliation. The summary was based on FY 2008-09 proposed baseline without Rio Vista participating, Rt. 30 Service Additions, RM 2 Reallocation for eligible routes, and Rt. 85 Lifeline Funds at \$125,000.

Public Comment:

None presented.

Board Comment:

Board Member Patterson requested staff to elaborate on the issues of distribution of TDA funds for I-780 Corridor services. Elizabeth Richards responded that Benicia Breeze was expected to operate in the I-780 corridor July 1 through September starting in the 2nd quarter of the fiscal year when Vallejo Transit operated SolanoExpress Rt. 70 would start along this corridor. She noted specifically how the TDA funds were going to be claimed by Vallejo and Benicia was still under discussion and staffed planned to follow-up and come back to the Board with further details.

Daryl Halls added staff was recommending that Route 75 would be funded the first quarter and the new express bus Rt. 70 would be funded through the remaining nine months of the fiscal year.

Recommendation:

Approve the following:

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

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

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

Elizabeth Richards reviewed the FY 2008-09 Solano STAF Initial Projects and Programs list which included STAF funding for STA Transit Coordination Management, Lifeline, and CTP studies consistent with STA Board's Overall Work Plan for FY 2008-09.

Public Comments:

None presented.

Board Comments:

None presented.

Recommendation:

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

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

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

Sam Shelton reviewed and summarized the STA's Allocation of Eastern Yolo Solano Congestion Mitigation and Air Quality (ECMAQ) Funding; Request for Yolo-Solano Air Quality Management District (YSAQMD) Clean Air Funds, and SR2S Pilot Engineering Program Process. He outlined six projects requesting funds that were submitted for funding from the Cities of Dixon, Rio Vista, and Vacaville totaling \$607,000. He stated that the SR2S-Advisory Committee recommended funding for the cities of Dixon (SR 113 & C Street flashing crosswalk and bulbouts, \$90,000 – Anderson Elementary School); Rio Vista (#1 priority) – Second Street Radar Speed Signs, \$20,000 – Riverview Middle School, and Vacaville "Pedestrian Improvements on north-west corner of Peabody & Marshall Project" for a total of \$190,000.

Public Comments:

None presented.

Board Comments:

None presented.

Recommendation:

Approve the following:

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

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

IX. ACTION – NON-FINANCIAL ITEMS

A. Legislative Update

Jayne Bauer reviewed the most recently amended versions of four bills for which staff recommends taking a position to AB 1845 (Duvall) and AB 2971 (DeSaulnier). She recommended support to the California Principles on Federal Transportation Authorization 2008.

Public Comments:

None presented.

Board Comments:

None presented.

Recommendation:

Approve the specified positions on the following items:

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

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

B. I-80 Freeway Performance Initiative (FPI)

Janet Adams reviewed the prioritized list of strategies and projects that would help guide near-term investments and become the corridor improvement proposals that would help frame the next Regional Transportation Plan (RTP). She stated that the I-80 corridor in Solano County is one of the first corridors being studied for MTC's FPI effort. She noted that the FPI is based on the newer 2030 Solano Napa Traffic Demand Model.

Public Comments:

None presented.

Board Comments:

None presented.

Recommendation:

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

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

X. INFORMATIONAL ITEMS – DISCUSSION

A. Jepson Parkway Project Update

Janet Adams provided an update of the 12-mile project that would improve intra-county mobility for Solano County residents. She stated that the project is designed to meet objectives of the Jepson Parkway Concept Plan prepared by the STA. She outlined the schedule for the environmental phase of the project.

B. STA Marketing Program Update

Jayne Bauer provided an overview of the STA's FY 2008-09 Marketing Plan. She stated that the proposed FY 2008-09 Marketing Plan will be brought to the STA Board for consideration at a later date. She added that the one-year Plan will guide the marketing efforts for the STA and for STA managed programs. She also noted that staff plans to expand the capabilities of the STA's internet marketing through the implementation of new technologies on the STA website.

NO DISCUSSION

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

D. Lifeline Call for Projects Informational

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

F. State Route (SR) 12 Status Update Informational

G. Community Based Transportation Plan (CBTP) Update Informational

H. Project Delivery Update Informational

I. Funding Opportunities Informational

J. STA Board Meeting Schedule for 2008 Informational

XI. BOARD MEMBER COMMENTS

XII. ADJOURNMENT

The STA Board meeting was adjourned at 8:00 p.m. The next regular meeting of the STA Board is scheduled for Wednesday, July 9, 2008 6:00 p.m., Suisun City Hall Council Chambers.

(

(

(

**AGENDA ITEM
CITY COUNCIL MEETING: JULY 15, 2008
COUNCIL MEMBER COMMITTEE REPORTS**

DATE : July 9, 2008
TO : Mayor Patterson
Vice Mayor Campbell
FROM : Dan Schiada, Director of Public Works
SUBJECT : SOLANO WATER AUTHORITY

The following information is provided for your committee report at the July 15, 2008 City Council meeting.

The agenda for the Solano Water Authority (SWA) Board of Directors meeting of July 10, 2008 follows. The June meeting minutes are also attached. The next SWA meeting is on August 14, 2008. An agenda for that meeting is not yet available.

SOLANO COUNTY WATER AGENCY



BOARD OF DIRECTORS MEETING

DATE: Thursday, July 10, 2008
TIME: 7:00 p.m.
PLACE: Solano Irrigation District
508 Elmira Road
Vacaville

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. APPROVAL OF AGENDA
4. PUBLIC COMMENT

Limited to 5 minutes for any one item not scheduled on the Agenda.

5. CONSENT ITEMS

- (A) Minutes: Approval of the Minutes of the Board of Directors meeting of June 12, 2008 is recommended.
- (B) Expenditure Approvals: Approval of the July checking account register and list of checks \$500 and over to be paid is recommended.
- (C) Amendment to Agreement with CDM: Authorization of Chairman to execute Amendment No. 1 to the Agreement with Camp Dresser & McKee for the North Bay Aqueduct Capacity Evaluation is recommended. Amendment is for extension of term only.
- (D) State Water Project Protest and Claim: Authorization to file a contract protest and claim to the State of California for SCWA's share of an \$11.5 million misappropriation is recommended.
- (E) Amendment to Agreement with Philip Williams & Associates: Authorization of Chairman to execute Amendment No. 1 to the Agreement with Philip Williams and Associates for the Barker Slough Hydrodynamic Study is recommended.

P.O. Box 349 • 6040 Vaca Station Road, Building 84
Elmira, California 95625-0349
Phone (707) 451-6090 • FAX (707) 451-6099
www.scwa2.com



X-B-9-2

6. BOARD MEMBER REPORTS

RECOMMENDATION: For information only.

7. GENERAL MANAGER'S REPORT

RECOMMENDATION: For information only.

8. URBAN AND AGRICULTURAL WATER CONSERVATION

RECOMMENDATION: Hear report from staff and member agency staff on urban and agricultural water conservation programs.

9. SCWA SPONSORSHIP OF KUIC'S HOMETOWN GREEN PROGRAM

RECOMMENDATION: Authorize General Manager to execute an agreement with KUIC Radio to sponsor the Hometown Green Program.

10. AB 2175: WATER CONSERVATION

RECOMMENDATION: Adopt a position on AB 2175 regarding statewide water conservation requirements.

11. DELTA ISSUES

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

12. TIME AND PLACE OF NEXT MEETING

Thursday, August 14, 2008 at 7:00 pm at the Solano Irrigation District offices.

The Full Board of Directors packet with background materials for each agenda item can be viewed on the Agency's website at www.scwa2.com.

July.2008.bod.agd.doc

Any materials related to items on this agenda distributed to the Board of Directors of Solano County Water Agency less than 72 hours before the public meeting are available for public inspection at the Agency's offices located at the following address: 6040 Vaca Station Road, Building #84, Elmira, CA 95625. These materials are also available on the Agency's website at www.scwa2.com/boardmeetings.html. Upon request, these materials may be made available in an alternative format to persons with disabilities.

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

MEETING DATE: June 12, 2008

The Solano County Water Agency Board of Directors met this evening at the Solano Irrigation District. Present were:

Mayor Elizabeth Patterson, City of Benicia
Mayor Mary Ann Courville, City of Dixon
Mayor Eddie Woodruff, City of Rio Vista
Mayor Osby Davis, City of Vallejo
Mayor Pete Sanchez, City of Suisun City
Supervisor Barbara Kondylis, Solano County District 1
Supervisor Jim Spering, Solano County District 3
Supervisor John Vasquez, Solano County District 4
Director Everett Whiting, Reclamation District 2068
Director Bob Bishop, Solano Irrigation District
Manager Don Holdener, Maine Prairie Water District

CALL TO ORDER

The meeting was called to order at 7:00 pm by Chair Eddie Woodruff.

APPROVAL OF AGENDA

On a motion by Supervisor Kondylis and a second by Mayor Sanchez the Board unanimously approved the agenda.

PUBLIC COMMENT

No public comment was received.

CONSENT ITEMS

On a motion by Supervisor Kondylis and a second by Supervisor Spering the Board unanimously approved the following consent items, including the addendum to agenda item (B), Additional Expenditure Approvals:

- (A) Minutes
- (B) Expenditure Approvals
- (C) Pre-Approval of Fiscal Year 2008-2009 Payments
- (D) Statement of Investment Policy
- (E) Appropriations Limit
- (F) Putah Creek Restoration Project – Pickereel Floodplain Restoration
- (G) AB 2501

BOARD MEMBER REPORTS

No reports were given.

GENERAL MANAGERS REPORT

In addition to the written report, General Manager Okita briefed the Board on the Governor's recent statewide drought declaration. Solano County water supplies are in good shape at this time and a local press release has been issued to inform the public on the status. In light of this heightened awareness, a presentation outlining the progress of the Water Agency's ongoing and successful water conservation efforts will be given at the July Board meeting. A press announcement will be made inviting the press to attend.

SCWA BUDGET FOR FISCAL YEAR 2008-2009

Manager Okita outlined the proposed SCWA Budget for Fiscal Year 2008-2009. The Budget Review Committee recommended adoption of the proposed Budget. The Board directed staff to continue fine tuning the Agency's reserve policy. A more detailed discussion on the Agency's fiscal reserves will be given at the August Board meeting. On a motion by Supervisor Spering and a second by Supervisor Vasquez, the Board unanimously approved the SCWA Budget for Fiscal Year 2008-2009.

CONSULTANT CONTRACTS

On a motion by Supervisor Kondylis and a second by Supervisor Spering the Board unanimously authorized the Chairman to execute agreements and amendments for the proposed consultant services for work through fiscal year 2008 – 2009.

COST OF LIVING ADJUSTMENT FOR WATER AGENCY EMPLOYEES

On a motion by Supervisor Vasquez and a second by Supervisor Spering the Board unanimously approved a 3.2% Cost of Living Adjustment for Water Agency employees, including the General Manager, for fiscal year 2008 – 2009

STATE WATER PROJECT TAX RATE

On a motion by Supervisor Vasquez and a second by Supervisor Spering the Board unanimously approved to continue a tax rate of \$0.02 per \$100.00 of assessed valuation for State Water Project Property Tax for fiscal year 2006 – 2007.

DELTA ISSUES

General Manager Okita updated the Board on the studies to be completed in the next few months to provide data on the impacts of conversion of agricultural land to habitat to County economics and water treatment plants using North Bay Aqueduct water. The results of these analyses will assist the Board in developing more specific negotiating points in future Delta discussions.

General Manager Okita informed the Board that recent actions taken by the Solano County Board of Supervisors regarding Delta issues was consistent with the Agency's position. Another resolution recently adopted by the 5 Delta Counties (Contra Costa, Sacramento, San Joaquin, Yolo, and Solano) is also consistent with Solano County and the Water Agency's positions. The Board was also informed of a series of Delta Town Hall meetings scheduled by the Resources Agency to discuss Delta issues. One such meeting is scheduled on June 23, in Suisun City.

FLOOD CONTROL SMALL GRANT PROGRAM

On a motion by Mayor Sanchez and a second by Supervisor Vasquez the Board unanimously approved guidelines for grant program for fiscal year 2008-2009 to be managed by Solano Resource Conservation District.

TIME AND PLACE OF NEXT MEETING

Thursday, July 10, 2008 at 7:00 p.m. at the Solano Irrigation District offices.

ADJOURNMENT

This meeting of the Solano County Water Agency Board of Directors was adjourned at 8:10 pm.

David B. Okita, General Manager
and Secretary to the Board of Directors of the
Solano County Water Agency

June.2008.BOD.min

A-16

Traffic, Pedestrian and Bicycle Safety (TPBS) Committee

The agenda for the July 17, 2008 meeting is being finalized. Attached are the minutes from the April 17, 2008 meeting.

Meetings begin at 7:00 pm and the meeting schedule for 2008 is listed below:

January 17, 2008

April 17, 2008

July 17, 2008

October 16, 2008

Draft
MINUTES
CITY OF BENICIA
TRAFFIC, PEDESTRIAN AND BICYCLE SAFETY (TPBS) COMMITTEE
Regular Meeting
Thursday, April 17, 2008
7:00 pm

I. CALL TO ORDER -- Meeting called to order at 7:02 pm

1. Roll Call -- Committee Members Present:
Council Member Mark Hughes, Director of Public Works Dan Schiada, City Engineer Michael Throne, Sgt Frank Hartig for Police Chief Spagnoli
Arrived shortly thereafter: Council Member Tom Campbell
Staff Present: Senior Civil Engineer Mike Roberts, Administrative Secretary Kathy Trinque.
2. Fundamental Rights Statement read

II. APPROVAL OF MINUTES FOR JANUARY 17, 2008, MEETING

Minutes for the January 17, 2008 meeting were approved by a 4-0 vote of the Committee.

III. SPECIAL RECOGNITION AWARD

Sgt Frank Hartig presented Officer John McFadden with a special recognition award for his outstanding work arresting DUI offenders in Benicia. Officer McFadden was also presented with the MADD California Hero Award for his outstanding arrest record over the past 3 years.

IV. VERBAL STAFF UPDATES

1. Institute of Transportation Studies' Traffic Safety Evaluation – Final Report (M. Roberts)

This study was initially requested by a resident on West K Street and performed by the University of California, Berkeley, Institute of Transportation Studies. It is a comprehensive report for the entire City of Benicia. The final report has been completed at no cost to the City of Benicia, funded by the State Office of Traffic Safety. Staff is looking forward to implementing suggestions outlined in the study on an "as you go" basis (after review and recommendation of the City Engineer).

2. Traffic Calming Program Update (Mike Roberts):

Votes have been received for the Phase 1 Traffic Calming Action Plans for Hastings Drive and West Manor neighborhood.

For Hastings Drive, 86 ballots were sent, 35 responses received, which is 41% participation. 32 voted in favor of the improvements, 2 not in favor and 1 ballot not marked, which equates to a 94% approval rating.

For the West Manor neighborhood improvements, 125 ballots were sent, 45 responses were received which is 35% participation. 35 voted in favor, 10 not in favor, a 78% approval rating. Regarding Option 1 to install a 3-way stop at Alta Loma and Buena Vista, 25 voted in favor, 17 not in favor, a 60% approval rating.

Next, Staff will put these improvements out to bid and construction completed this summer

Discussion held with Committee and members of the public.

3. Benicia High School Signal and Entrance Circulation Improvement Project – Michael Throne

Since January 2008, we have held 3 public workshops with over 80 participants including school administrators, parents, students and residents. Public comments and suggestions are being consolidated into a master plan that includes traffic modeling. Six different traffic management models for am/pm and lunch times including pedestrian movements. Results will be available in May. Preliminary design is scheduled for completion in October. The design will come back to the TPBS in January 09. We have a limited window to construct the improvements, so we have to be ready to go by next April. The goal is to break ground in June 09.

Committee Discussion:

Tom C: Please do something this year, say in 6 months. There can't be that many options?

Michael T: We are looking at many options, such as, do we need one or two signals and road diets? The traffic modeling will tell us what will work best. It's not a simple task to re-strip Military West. We will look to see if there are some components we can install sooner.

Tom C: Is there something we can install in the middle of the street, such as refuge pedestrian islands?

Michael T: It may be feasible on Military. We want to build them permanently. If we reduce lanes, we would have more room to park and install islands.

Tom C: Is there anything we can do about the traffic at Plaza de Oro?

Michael T: Some of the residents on Plaza de Oro have offered suggestions, such as, could we direct the outflow on 11th Street. The traffic engineer is looking at these options.

Mark H: One of the challenges is seeing this from the laymen's perspective. I feel that we have identified the problem...just pull the wire and install the light. We need to educate the public as to why it takes so long.

Cynthia Herd: What is the funding source?

Michael T: It is funded by the Traffic Impact Fee program. The City Council approved the project during the last budget process. Staff will continue looking at funding sources and will be seeking grant money to make sure we can deliver a fantastic project.

Member of the public: What will the construction be?

Michael T: Installing a traffic signal is a low impact construction project. Adding curb/gutters or curb extensions from 9th Street to Southampton Road/Military will be more of an impact. There is a vegetation component because experts have found that people drive slower with darker, tree-lined streets. We want to create a linear parkway

V. UNFINISHED BUSINESS (no items)

VI NEW BUSINESS

1. Pedestrian Flags presented by Rick Ernst, Benicia Resident.

Mike Roberts introduced Rick Ernst to the Committee and members of the public. Rick presented his findings as follows:

- A Pedestrian flag program should be considered another tool in the City's traffic calming tool box, primarily in the downtown area, since pedestrians often blend into their surroundings.
- Pedestrian flags expand the driver's field of vision. Statistics show a reduction in pedestrian accidents since 2000. The Rossmoor retirement community near Walnut Creek is using this program.
- A sample flag was shown to the committee, costs about \$2.50 each or \$1.50 if bought in large quantities and various colors are available such as chartreuse, red, orange and bright green.
- Rick requested the Committee to consider a pilot program.
- Do pedestrian flag programs work? Most results show it encourages better safety. It doesn't solve all the problems. About 15 – 40% of pedestrians use it to cross the street. Flag theft varies from 2 to 3 flags per year to 2 to 3 flags per month.
- City could create an "adopt a crosswalk" program. A suggested crosswalk to start would be on East 2nd Street near McDonald's.
- A major program benefit is actually raising the awareness of pedestrians to watch for cars to stop for them.

Committee discussion:

Dan S: This idea may work for spot locations. I am concerned that pedestrians with flags are more apt to step into traffic while holding a flag, creating a false sense of security. The City of Berkeley's analysis showed only 2% of pedestrians used flags and then it took them longer to cross the street. We also need to look into staff and resource impacts.

Sgt. Hartig: I see there could be a problem with skateboarders taking the flags and taking longer to cross the street.

Mark H: We have lots of complaints about pedestrians trying to cross First Street. Are there any unintended negative consequences? What about those who choose not to use the flags to cross. Will the drivers not see them, making pedestrians more vulnerable targets?

Mike R: I appreciate Rick bringing this item to the TPBS Committee. We won't know if it works until we try it, but a new program has to be worked into staff's current priorities. If Rick wants to move forward with this program, we need to look at the funding and manpower to do it.

Tom C: How much would this program cost – for the flags and cans?

Mike R: From \$500 to \$1,000 to put it at Military and East 2nd Street.

Dan S: My concern is not just the cost of the initial program. We can't spare the staff time to make sure the cans stay full of flags. Maybe some merchants on First Street would be willing to adopt an intersection for a trial program. We need to be cautious about this, whenever there's a new traffic device we need to start it on a trial basis.

Tom C: We also need to run this by the City Attorney in case it increases the City's liability in some way.

Mark H: Yes, what if a pedestrian gets hit by a vehicle when the street and no flags were available for them to use?

Ernie (member of the public): I don't want to see the crossing guards replaced with this program.

Mark H: It sounds like more discussion is needed on this item. Let's check with the City Attorney's office for an opinion and make sure we consider everything. There could be some good applications.

Michael T: I would like to see some expanded study, such as, the City's liability, which intersections, funding, maintenance staff impacts, administration and oversight. We also need to define the point when we discontinue it. I would support checking with the City of Berkeley to review their analysis. Seeing their program results would be valuable for us.

Rick Ernst: I want to get some community involvement to put together a pilot program. We can do the research and put more thought into it. This is not yet a proposal. It does tie into the City's tourism program. We could sell customized flags to tourists.

Dan S: There are sections in the vehicle code that pedestrians are not allowed to go out and direct traffic. We could have a more aggressive pedestrian who wants to control traffic with these flags.

Motion made by Dan S: That we look at focused liability concerns and bring this item back to the July TPBS Committee meeting for consideration.

Michael T: I want to amend the motion to ask Mr. Ernst to do the research already mentioned, staff will request input from the City Attorney, and bring the information back to the TPBS Committee.

Rick Ernst: Ok with me.

Amended motion adopted by a 5-0 vote.

2. Proposed 2008 Meeting Schedule and Committee Membership Changes (Dan Schiada). Dan informed the Committee that this is a follow up to the City Council's workshop. Staff was directed to look at various committee memberships to enhance or improve it. As the Department Head for this committee, the report contained in your packet outlines a recommendation to consider revising the Committee membership to include two citizens and eliminate the City Engineer and One Council Member or to retain the existing membership. Also for consideration is the TPBS Committee schedule. Do we wish to continue to meet quarterly, adding special meetings as needed or meet more often? I recommend that we keep our current quarterly schedule.

Tom C: Could we keep our current members and add two citizens?

Michael T: The recommendation to change the committee membership came from a League of California Cities workshop that I attended. The notion of bringing citizens into the recommendation process would be very good because it diversifies the committee.

Tom C. This committee is intended to be more informal and I would like to keep it that way.

Mark H: This is the most productive committee I sit on. It's not broken, let's not fix it. The benefit to having 2 Council Members on the committee is that it helps to have Council consensus on traffic related issues.

Motion made by Dan S: Regarding the Committee membership, table this item until the City Council appointment process with the Mayor and Council Council is settled. Regarding this committee's meeting schedule, keep the quarterly scheduled meetings with special meetings scheduled on an as needed basis.

Seconded by Michael Throne. Adopted by a 5-0 vote.

3. Proposed Meeting Agenda Format Changes (Mike Roberts). Mike Roberts suggests that the Committee consider making some format changes to the TPBS Committee agenda, such as, adding the Pledge of Allegiance, moving Public Comments closer to the beginning of the meeting, and organizing staff reports into Verbal Updates and Action Items.

Dan S. made the motion: Adopt the new meeting agenda format, including the minutes.
Michael T: seconded motion.
Adopted by a 5-0 vote.

VI. PUBLIC COMMENT

Ernie: A new generation of traffic controllers are programmable. I've seen other cities that can change the traffic signal programming as needed, such as around the BHS.

Dan S: All traffic signals allow pre-set programming and most are equipped to accommodate some routine changes, such as for special events. However, we have to be careful when mixing pedestrian use and heavy vehicle traffic.

Michael T: Yes, we'll take a look at the new technology for the new BHS traffic signal.

VII. ADJOURNMENT at 8:55 pm

Respectfully submitted,



Kathy Trinqu
Public Works Department
Administrative Secretary

(

(

(

AGENDA ITEM
CITY COUNCIL MEETING: JULY 15, 2008
COUNCIL MEMBER COMMITTEE REPORTS

DATE : July 8, 2008

TO : Vice Mayor Campbell
Council Member Hughes

FROM : City Manager

SUBJECT : **TRI-CITY AND COUNTY COOPERATIVE PLANNING GROUP**

The following information is provided for your committee report at the July 15, 2008 Council meeting.

On May 5, 2008, a joint meeting of the Citizens Advisory Committee (CAC) and the Governing Board was scheduled to take place at the Solano County Government Center in Fairfield but this meeting was cancelled due to lack of a quorum of both CAC members and the Governing Board. The joint meeting had been scheduled so that a status report could be presented and discussion could ensue regarding the Solano County General Plan update. Since this opportunity has been lost because of the cancellation of the joint meeting and the aggressive schedule of the Solano County General Plan update, members of the Governing Board and CAC were encouraged to send comments directly to the County staff and the Board of Supervisors regarding the draft plan.

The next meeting of the Governing Board will be September 8, 2008 while the next meeting of the CAC will be August 20, 2008. A final meeting agenda for these meetings is unavailable at this time.

(

(

(

AGENDA ITEM
CITY COUNCIL MEETING: JULY 15, 2008
COUNCIL MEMBER COMMITTEE REPORTS

DATE : July 9, 2008
TO : Council Member Hughes
FROM : Gene Gantt, Fire Chief
SUBJECT : **VALERO COMMUNITY ADVISORY PANEL (CAP)**

The following information is provided for your committee report at the July 15, 2008 Council meeting.

The CAP meets quarterly at 6:30 p.m. at the refinery at 610 Industrial Way. The next CAP meeting is scheduled for July 23, 2008.

(

(

(

AGENDA ITEM
CITY COUNCIL MEETING: JULY 15, 2008
COUNCIL MEMBER COMMITTEE REPORTS

DATE : July 9, 2008

TO : Council Member Schwartzman
Council Member Ioakimedes

FROM : Youth Action Task Force

SUBJECT : **YOUTH ACTION TASK FORCE**

The following information is provided for your committee report at the July 15, 2008 City Council meeting.

The follow-up session to the Strategic Planning Session on the Youth Action Task Force is tentatively scheduled for July 30, 2008. The agenda for this meeting is not yet available.

(

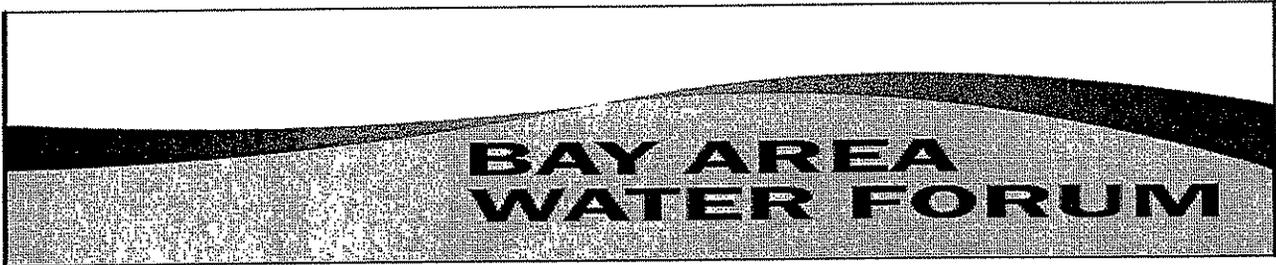
(

(

**AGENDA ITEM
CITY COUNCIL MEETING: JULY 15, 2008
COUNCIL MEMBER COMMITTEE REPORTS**

DATE : July 9, 2008
TO : City Council
FROM : Mayor Patterson
SUBJECT : **ABAG/CAL FED TASK FORCE/BAY AREA WATER FORUM**

The next meeting date of the Water Forum is on July 28, 2008. The agenda for that meeting is not yet available. Please see the following page for the agenda from the Forum's June meeting.



Monday, June 30th
10:30 a.m. - 1:30 p.m.
Auditorium, Joseph P. Bort Metro Center
(please note the different meeting location!)
101 8th Street, Oakland (across from Lake Merritt BART)

Agenda

10:30 Welcome and Introductions

10:40 Forum Business

- Approve BAWF Charter
- Updates from Chairs (*Cynthia Murray, Greg Zlotnick and David Nesmith*)
- Committee Reports
 - ✓ Water and Land Use (*Katy Foulkes, Alicia Aguirre and Peter Vorster, Committee Co-Chairs*)
 - ✓ Legislative Committee (*Greg Zlotnick, Elizabeth Patterson and Andrew Michael, Committee Co-Chairs*)

11:00 **The Los Angeles Green Solution Project** (*Esther Feldman, Community Conservation International*)

Esther Feldman, Director of Community Conservation International (<http://www.ccint.org>), will discuss the **Green Solution Project**, which focuses on the use of existing public lands for stormwater management and water quality improvements. *For a copy of the Green Solutions report:*
www.ccint.org/greensolution.html

12:10 Lunch (*please reserve, see below*)

12:45 Update on Delta Vision

1:00 Update on IRWMP Related Activities

- Implementation Grants and Related Activities
- IRWMP Governance Update

1:15 Next Meetings

- Dates for Upcoming Meetings
- Proposed Topics for Upcoming Meetings
- Other?

1:30 Adjourn

Next BAWF Meeting: Monday, July 28, 2008, 10:30 a.m.-1:30. p.m.
Room 12, State Building, 1515 Clay Street, Oakland

To reserve lunch, RSVP to Charlotte Chorneau: cchorneau@ccp.csus.edu.