



**BENICIA CITY COUNCIL
REGULAR MEETING AGENDA**

**City Council Chambers
October 16, 2012
6:00 PM**

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

**Please Note:
Regardless of whether there is a Closed Session scheduled for 6:00 pm,
the open session will begin at 7:00 pm.**

I. CALL TO ORDER (6:00 PM):

II. CLOSED SESSION (6:00 PM):

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

Agency negotiators: City Manager, Administrative Services Director

Employee organizations: Benicia Firefighters Association (BFA)

III. CONVENE OPEN SESSION (7:00PM):

A. ROLL CALL.

B. PLEDGE OF ALLEGIANCE.

C. REFERENCE TO THE 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.

IV. ANNOUNCEMENTS/ PROCLAMATIONS/APPOINTMENTS/PRESENTATIONS/:

A. ANNOUNCEMENTS.

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

2. Openings on Boards and Commissions:

Building Board of Appeals
1 full term
Open Until Filled

Art and Culture Commission
2 unexpired terms
Open Until Filled

3. Mayor's Office Hours:

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

4. Benicia Arsenal Update:

B. PROCLAMATIONS.

1. In Recognition of the observance of Benicia Arbor Day on October 20, 2012.

2. In Recognition of Red Ribbon Week - October 23-31, 2012.

3. In Recognition of October 2012 as National Domestic Violence Awareness Month.

C. APPOINTMENTS.

1. Appointment of John Berry to the Historic Preservation Review Commission for a four year term ending July 31, 2016.

2. Reappointment of Kimble Goodman to the Economic Development Board to a full term ending July 31, 2016.

3. Appointment of Sandra Summerfield Kozak to the Board of Library Trustees to a full term ending July 31, 2016.

4. **Appointment of Suzanne Foley Sprague to the Planning Commission to a full term ending January 31, 2016.**
5. **Appointment of Kathy Walsh to the Soltrans Public Advisory Committee to a full term ending January 31, 2015.**
6. **Reappointment of Raquel Walsh to the Benicia Housing Authority Board of Commissioners to a full term ending July 31, 2016.**

D. PRESENTATIONS.

1. **Benicia Human Services Board - Annual Report**

V. ADOPTION OF AGENDA:

VI. OPPORTUNITY FOR PUBLIC COMMENT:

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

A. WRITTEN COMMENT.

B. PUBLIC COMMENT.

VII. CONSENT CALENDAR (7:40 PM):

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

A. APPROVAL OF THE MINUTES OF OCTOBER 2, 2012 MEETING. (City Clerk).

B. PURCHASE OF NEW PLAYGROUND STRUCTURES AT JACK LONDON PARK. (Parks and Community Services Director)

The current playground structures at Jack London Park were installed in 1990 when the park was constructed. Due to the age of the equipment staff is requesting authorization to purchase and install new playground structures.

Recommendation: Adopt a resolution authorizing the purchase and installation of playground structures at Jack London Park in the amount of \$70,384.53.

C. ACCEPTANCE OF THE 2012 CITYWIDE SLURRY SEAL PROJECT. (Interim Public Works Director)

The 2012 Citywide Slurry Seal Project resurfaced 3.4 miles of streets throughout the City including 18 cul-de-sacs. Slurry sealing is a cost-effective way to extend the life of a street by sealing the existing worn surfacing with a new driving surface. The final construction contract cost of \$160,751 is fully funded with gas tax monies. Acceptance of the work by the City Council is now required to file the Notice of Completion and allow final payment to be made to the contractor.

Recommendation: Adopt a resolution accepting the 2012 Citywide Slurry Seal Project as complete including Change Order No. 1, authorizing the City Manager to sign the Notice of Completion, and authorizing the City Clerk to file same with the Solano County Recorder.

D. ACCEPTANCE OF THE PARK ROAD SIDEWALK CONNECTOR PROJECT. (Interim Public Works Director)

The Park Road Sidewalk Connector Project constructed 1,100 feet of sidewalk along Park Road from Oak Road to Jefferson Street, connecting the terminus of the new Benicia-Martinez Bridge facilities to the City's pedestrian network. The final construction contract cost of \$215,108 is fully funded with a Regional Measure 2 grant. Acceptance of the work by the City Council is now required to file the Notice of Completion and allow final payment to be made to the contractor.

Recommendation: Adopt a resolution accepting the Park Road Sidewalk Connector Project as complete including Contract Change Order Nos. 1 & 2, authorizing the City Manager to sign the Notice of Completion, and authorizing the City Clerk to file same with the Solano County Recorder.

E. APPROVE LEASE AGREEMENT WITH NEW CINGULAR WIRELESS PCS, LLC FOR A WIRELESS TELECOMMUNICATIONS FACILITY AT CITY RESERVOIR 1 SITE. (Economic Development Manager)

The proposed lease agreement with New Cingular Wireless PCS, LLC renews an original lease agreement that expired on April 16, 2011. The new agreement has a twenty year term to the year 2032. The proposed consideration for this agreement begins with a monthly lease payment of \$3,334 with a 3% annual increase. In addition the City will receive an annual \$800 administration fee and a onetime lease commencement fee of \$5,000.

Recommendation: Adopt a resolution approving a Lease Agreement between the City of Benicia and New Cingular Wireless PCS, LLC and authorizing the City Manager to execute the agreement on behalf of the City.

F. APPROVE THE AMENDMENTS TO THE FIELD UTILITIES AND STREET APPRENTICE (FUSA) JOB SPECIFICATION. (Administrative Services Director)

A number of updates to the job specification for the Field Utilities and Street Apprentice (FUSA) job specification were presented to the Civil Service Commission on October 9, 2012. The Civil Service Commission approved the proposed recommendations and recommends approval by the City Council.

Recommendation: Adopt the resolution approving the amendments to the Field Utilities and Street Apprentice (FUSA) job specification.

G. CONSIDERATION OF FINANCE COMMITTEE ANNUAL WORK PLAN FOR FISCAL YEAR 2012-13. (Finance Director)

On May 3, 2011 the City Council approved modifications to the Finance Committee's mission, duties and structure including development of an annual work plan. The annual work program presented includes recurring reviews of the Warrant Register and General Ledger and special projects that include enhancements to the Long Range Budget Model, Fund Balance Reserve Policy, the Balanced Budgets Policy, and creation of a Debt Financing Policy.

Recommendation: Adopt the resolution approving the work plan of the Finance Audit and Budget Committee for fiscal Year 2012-13.

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

VIII. BUSINESS ITEMS (7:50 PM):

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

A. PUBLIC HEARING ON THE FORMATION OF THE BENICIA BUSINESS IMPROVEMENT DISTRICT. (Economic Development Manager)

A business improvement district is a source of funding which is used to provide special improvements and/or services within the district. It is a self-assessment levied by and upon those business owners that exist within the district. Benicia downtown merchants have been working in earnest to develop a business improvement district (BID). On October 2, 2012 the City Council adopted a Resolution of Intention to form a Business Improvement District. That Resolution of Intention is followed by a Public Hearing to be heard on October 16, 2012 and final consideration of a Resolution to form a Business Improvement District on November 20, 2012 pursuant to Property and Business Improvement Law of 1994, Streets and Highways Code 36600 et seq.

Recommendation: Conduct the Public Hearing. No further action is required at this meeting.

B. AWARD OF CONTRACT FOR BENICIA URBAN WATERFRONT ENHANCEMENT AND MASTER PLAN. (Community Development Director and Parks and Community Services Director)

Consultant services will include planning, community outreach, design, and environmental services necessary to prepare the plan for adoption by the City Council. In December 2011, the City Council approved a grant agreement with the Coastal Conservancy for up to \$140,000, which required the City to provide a \$20,000 cash match. Staff issued a Request for Proposals in May 2012, which generated seven proposals whose total budgets were all within a \$540 range. Four firms were interviewed by a selection panel comprised of City staff and representatives from Benicia Main Street and the Waterfront Subcommittee of the Parks, Recreation and Cemetery Commission.

Recommendation: Adopt a resolution awarding a contract for professional consulting services for the Benicia Urban Waterfront Enhancement and Master Plan to The Planning Center/DC&E in the amount of \$152,669, authorizing the City Manager to sign the contract on behalf of the City, and directing Staff to proceed with development of the Plan.

C. FILLING THE VACANCY IN THE OFFICE OF CITY TREASURER. (City Attorney)

The Government Code provides that the City Council may fill the vacancy in the office of City Treasurer by either appointing someone to the office or calling a special election to fill the office. It was decided at the Council's September 18, 2012 meeting to ask for applications. The applications received by the deadline are attached. In case the Council would like to call a special election, those documents are attached as well.

Recommendation: Review the applications, interview the applicants and appoint a City Treasurer. In the alternative, call an election to elect a treasurer to fill the vacancy created by the passing of City Treasurer Langston.

**D. Council Member Committee Reports:
(Council Member 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 the Council Members are made only by exception.)**

- 1. Mayor's Committee Meeting.
(Mayor Patterson)
Next Meeting Date: October 17, 2012**
- 2. Association of Bay Area Governments
(ABAG)<http://www.abag.ca.gov/>.
(Mayor Patterson and Council Member Strawbridge)
Next Meeting Date: Fall Assembly - October 18, 2012**
- 3. Finance Committee.
(Vice Mayor Campbell and Council Member Strawbridge)
Next Meeting Date: October 26, 2012**
- 4. League of California Cities.
(Mayor Patterson and Vice Mayor Campbell)
Next Meeting Date: November 14, 2012**
- 5. School Liaison Committee.
(Council Members Strawbridge and Council Member Hughes)
Next Meeting Date: December 6, 2012**

- 6. Sky Valley Open Space Committee.**
(Vice Mayor Campbell and Council Member Schwartzman)
Next Meeting Date: November 7, 2012
- 7. Solano EDC Board of Directors.**
(Mayor Patterson and Council Member Strawbridge)
Next Meeting Date: November 14, 2012
- 8. Solano Transportation Authority**
(STA). <http://www.sta.ca.gov/>
(Mayor Patterson and Council Member Schwartzman)
Next Meeting Date: December 12, 2012
- 9. Solano Water Authority-Solano County Water Agency**
and Delta Committee.
<http://www.scwa2.com/>
(Mayor Patterson and Vice Mayor Schwartzman)
Next Meeting Date: October 11, 2012
- 10. Traffic, Pedestrian and Bicycle Safety Committee.**
(Vice Mayor Campbell and Council Member Schwartzman)
Next Meeting Date: October 18, 2012
- 11. Tri-City and County Cooperative Planning Group.**
(Vice Mayor Campbell and Council Member Hughes)
Next Meeting Date: December 10, 2012
- 12. Valero Community Advisory Panel (CAP).**
(Mayor Patterson and Council Member Hughes) Next Meeting Date:
TBD
- 13. Youth Action Coalition.**
(Mayor Patterson, Council Member Strawbridge
and Council Member Hughes)
Next Meeting Date: October 24, 2012
- 14. ABAG-CAL FED Task Force-Bay Area Water Forum.**
<http://www.baywaterforum.org/>
(Mayor Patterson)
Next Meeting Date: TBD
- 15. SOLTRANS Joint Powers Authority**
(Mayor Patterson, Council Member Hughes
and Council Member Schwartzman)
Next Meeting Date: October 18, 2012

IX. ADJOURNMENT (9:30 PM):

Public Participation

The Benicia City Council welcomes public participation.

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

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

Disabled Access or special Needs

In compliance with the Americans with Disabilities Act (ADA) and to accommodate any special needs, if you need special assistance to participate in this meeting, please contact Anne Cardwell, the ADA Coordinator, at (707) 746-4211. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the 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. A complete proceeding of each meeting is also recorded and available through the City Clerks Office.



PROCLAMATION

IN RECOGNITION OF THE OBSERVANCE OF BENICIA ARBOR DAY ON OCTOBER 20, 2012

WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, the holiday called Arbor Day was first observed with the planting of more than a million trees in Nebraska; and

WHEREAS, Arbor Day is now observed at various times of the year throughout the nation and world; and

WHEREAS, trees provide many ecosystem services and can moderate the temperature, improve air quality, produce life-giving oxygen, reduce greenhouse gas emissions, mitigate stormwater impacts, and provide for wildlife; and

WHEREAS, trees are a renewable resource giving us paper products and wood for homes and businesses; and

WHEREAS, trees beautify our community, increase property values, reduce heating and cooling costs, enhance the economic vitality of the business areas; and

WHEREAS, trees can be a source of joy and spiritual renewal.

NOW, THEREFORE, BE IT RESOLVED THAT I, Elizabeth Patterson, Mayor of the City of Benicia on behalf of the City Council, do hereby proclaim the week beginning Sunday, October 14 through Saturday, October 20, Benicia Arbor Week, and Saturday, October 20, 2012 Benicia Arbor Day.

Elizabeth Patterson, Mayor
October 16, 2012





PROCLAMATION

IN RECOGNITION OF

RED RIBBON WEEK

October 23-31

WHEREAS, alcohol and drug abuse in this Nation have reached epidemic stages; and

WHEREAS, It is imperative that visible, unified prevention education efforts by community members be launched to eliminate the demand for drugs; and

WHEREAS, The National Red Ribbon Campaign offers citizens the opportunity to demonstrate their commitment to drug-free lifestyles; and

WHEREAS, The National Red Ribbon Campaign will be celebrated in every community in America during Red Ribbon Week, October 23-31; and

WHEREAS, business, government, parents, law enforcement, media, medical institutions, religious institutions, schools, senior citizens, service organizations, and youth will demonstrate their commitment to healthy, drug-free lifestyles by wearing and displaying red ribbons during this week-long campaign; and

WHEREAS, the community of Benicia further commits its resources to ensure the success of the Red Ribbon Campaign.

NOW, THEREFORE BE IT RESOLVED THAT I, Elizabeth Patterson, Mayor of the City of Benicia, on behalf of the City Council, do hereby call upon all citizens of Benicia to join the Benicia Police Department and the Benicia Youth Action Coalition to proclaim October 23-31, as RED RIBBON WEEK, and encourages its citizens to participate in drug prevention education activities, not only during Red Ribbon Week, but all year long, making a visible statement that we are strongly committed to a drug-free Benicia.

Elizabeth Patterson, Mayor
October 16, 2012





PROCLAMATION

IN RECOGNITION OF

OCTOBER 2012

as

NATIONAL DOMESTIC VIOLENCE AWARENESS MONTH

WHEREAS, domestic violence is a pattern of control in an intimate relationship where one person uses coercion and violence to gain power and control over his or her partner; and

WHEREAS, domestic violence includes not only physical abuse, but also mental abuse, emotional abuse, financial abuse, isolation, and sexual violence; and

WHEREAS, domestic violence is a serious crime; and

WHEREAS, people of all racial, religious and socioeconomic backgrounds are vulnerable to violence by an intimate partner; and

WHEREAS, 1 in 4 women will experience physical violence from their partners in their lifetime; and

WHEREAS, 1 in 3 teens experience sexual or physical abuse or threats from a boyfriend or girlfriend; and

WHEREAS, there were 71 *reported* domestic violence calls for Benicia from January 1, 2012 through October 3, 2012; and

WHEREAS, by working together we can break the cycle of violence and build communities that are safe for everyone.

NOW, THEREFORE, BE IT RESOLVED THAT I, Elizabeth Patterson, Mayor of the City of Benicia, on behalf of the City Council, proclaim October 2012 as "Domestic Violence Awareness" Month in Benicia and urge everyone to participate in the Soroptimist International of Benicia Domestic Violence Vigil from 6 p.m. to 6:30 p.m. on **Wednesday, October 17, 2012** on the First Street side of City Park. Come Stand Up Against Domestic Violence!

Elizabeth Patterson, Mayor
October 16, 2012



RESOLUTION NO. 12-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA CONFIRMING THE MAYOR'S APPOINTMENT OF JOHN BERRY TO THE HISTORIC PRESERVATION REVIEW COMMISSION FOR A FOUR YEAR TERM ENDING JULY 31, 2016

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Benicia that the appointment of John Berry to the Historic Preservation Review Commission 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 2nd day of October 2012 and adopted by the following vote:

Ayes:

Noes:

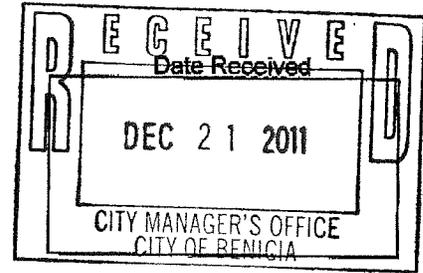
Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk

Reactivate 6/28/12



City of Benicia Board/Commission/Committee Application

It is the intent of the City Council to have Boards, Commissions or Committees composed of people from all geographical, social, environmental and economic sectors of the community and to avoid potential conflicts of interest.

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

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

Name: JOHN D. BERRY

Address: _____

Phone: (Work) 510-642-0941 (Home) _____

* (Cell) 510-206-0796 Fax: _____

Email: JBERRY@LIBRARY.BERKELEY.EDU Years as Benicia resident: 3 YEARS

Occupation/Employer: LIBRARIAN - U.C. BERKELEY

Please note your most recent community or civic volunteer experience: 1ST TUESDAY POETRY GROUP; NATURE CORP

Please describe any applicable experience/training: MLIS - U. OF MICHIGAN COLUMBIA, 1989. 20+ YEARS OF PROFESSIONALISM

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

Signature: John D. Berry Date: 12-21-11



Board of Library Trustees 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? Do you frequently use the Benicia Public Library?

I am a professional librarian with 20+ years of experience, I can easily contribute as I already understand what's going on. Yes, I frequently use our community library.

2. Participation on this Board involves supporting the Library in a number of venues. These sometimes include: attending monthly Board of Library Trustees' meetings, taking trips to Sacramento, appearing at City Council meetings, and attending programs and events. Do you feel you have the time and commitment to be a viable member of this Board?

Yes.

3. Are there any particular segments of library services that interest you more than others?

Privacy issues, censorship issues, community service issues.

4. The Benicia Public Library contributes to the success of our diverse community by being a vital center of learning, communication, culture and enjoyment. Why do you think library services need to play a lead role in enhancing the quality of life in Benicia? Do you see an area of library services that needs to be expanded at this point?

Because I believe in your 1st sentence above. Especially during difficult economic times. One of the problems w/ Public Libraries is they often try to do to much. I much prefer to hear from our serving Library Director and professional librarians before I make grand pronouncements about what's needed.

RESOLUTION NO. 12-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA CONFIRMING THE MAYOR'S REAPPOINTMENT OF KIMBLE GOODMAN TO THE ECONOMIC DEVELOPMENT BOARD TO A FULL TERM ENDING JULY 31, 2016

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Benicia that the reappointment of Kimble Goodman to the Economic Development 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 16th day of October 2012 and adopted by the following vote:

Ayes:

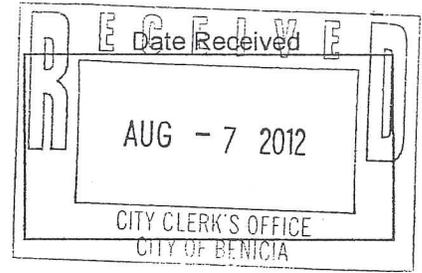
Noes:

Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk



City of Benicia Board/Commission/Committee Application

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

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

Kimble Goodman

Name: _____

Address: _____

Phone: (Work) 707-853-2035 (Home) 707-746-1567

(Cell) _____ Fax: _____

Email: kimble4@msn.com Years as Benicia resident: 13

Occupation/Employer: Project Manager in banking.

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

BOTTG, Board Member Clay Art and Glass Foundation. Docent Historical Museum and President of the Solano County Civil Service Commission.

Please describe any applicable experience/training: Currently a member of the EDB.

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

Signature: *Kimble Goodman* Date: 08/01/2012



Economic Development Board Application

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

1. What interests you about this Board? Have you attended a meeting within the last six months?

I am interested in the Business Development Plan created by EDB and the Economic Development staff.

2. Participation on the Board involves monthly meetings on the 3rd Wednesday at 5:30 at City Hall, as well as reading the packet distributed in advance. Do you have any concerns with this commitment?

No.

3. Are you the employee or owner of a Benicia business? If so, please describe the business and your role?

No

4. Given the adopted economic development goals in the City's General Plan (available online at the Community Development Department webpage on www.ci.benicia.ca.us), and Economic Development Strategy (available online at www.BeniciaBusiness.com) which do you feel the EDB should focus on, and why?

I feel that the EDB should focus on Business Retention and Recruitment of small and large businesses. There should be a focus on supporting the industrial park. (Broadband and roads)

RESOLUTION NO. 12-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA CONFIRMING THE MAYOR'S APPOINTMENT OF SANDRA SUMMERFIELD KOZAK TO THE BOARD OF LIBRARY TRUSTEES FOR A FOUR YEAR TERM ENDING JULY 31, 2016

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Benicia that the appointment of Sandra Summerfield Kozak to the Board of Library Trustees 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 16th day of October 2012 and adopted by the following vote:

Ayes:

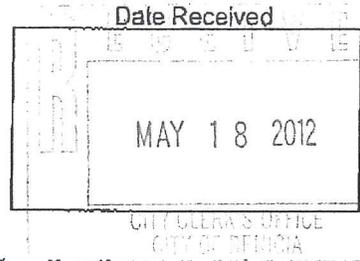
Noes:

Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk



City of Benicia Board/Commission/Committee Application

It is the intent of the City Council to have Boards, Commissions or Committees composed of people from all geographical, social, environmental and economic sectors of the community and to avoid potential conflicts of interest.

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

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

Name: Sandra Summerfield Kozak

Address: _____

Phone: (Work) 707-344-4957 (Home) 746-6953

(Cell) _____ Fax: 745-5224

Email: sandra_kozak@yahoo.com years as Benicia resident: 12

Occupation/Employer: Self: Artist - Yogini - Author

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

Arts & Culture Commission; Human Services Arts

Please describe any applicable experience/training: Library Art Gallery Library Presentations; as a resident; volunteer

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

Signature: [Handwritten Signature] Date: 5/17/12

Resume attached

Gondra D. Fogel



Board of Library Trustees 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? Do you frequently use the Benicia Public Library? were "Friends of the Library"
*I'm interested in ensuring the uses of the library by strong Benicia funding forces for it.
 Interested in the basement expansion & its completion*

2. Participation on this Board involves supporting the Library in a number of venues. These sometimes include: attending monthly Board of Library Trustees' meetings, taking trips to Sacramento, appearing at City Council meetings, and attending programs and events. Do you feel you have the time and commitment to be a viable member of this Board?
Absolutely yes. I am very interested in serving my community in this way, a way that I think helps so many Benicians.

3. Are there any particular segments of library services that interest you more than others?
*services for seniors, children and teens.
 talking books/books on CD.*

4. The Benicia Public Library contributes to the success of our diverse community by being a vital center of learning, communication, culture and enjoyment. Why do you think library services need to play a lead role in enhancing the quality of life in Benicia? Do you see an area of library services that needs to be expanded at this point?
Because they do (the library services) do exactly what the first sentence says - contribute to the success of our community from and on so many places and levels.

Yes, we would benefit from expanding the electronic books.

SANDRA SUMMERFIELD KOZAK, M.S.

692 Andrew Court, Benicia, California, 94510

(707) 344-4957 • FAX: 707-745-5224 • E-mail:

EXPERIENCE HIGHLIGHTS:

- Internationally known educator and Yoga teacher trainer with 40 years experience
- Discovered and researched the common elements of Yoga and Ayurveda for improving healthspan; linked them together in a way that better serves the health of the practitioner culminating in the first book of its kind: *Yoga for Your Type: An Ayurvedic Guide To Your Practice*
- Discovered and researched important elements of Yoga Psychology and linked them in a book on letting go of pain for better well-being: *Forgiveness: The Path To Happiness*
- Conference presentations, television and magazine appearances, and teacher training workshops in Russia, Scotland, Switzerland, England, Belgium, Canada as well as workshops and conferences throughout the United States
- Researched, designed, and established a Yoga Teacher Certification program now honored by the Pan American Yoga Association and the European Union of Yoga
- Developed and presented health 'segments' for a nationally syndicated television program
- Developed, produced and distributed stress reduction tapes
- Developed and produced BreathSounds: breathing practice tapes and CD's
- Researched, developed and taught programs on: Back Care, Health, Stress Reduction, Yoga Therapy, Nutrition, Meditation, Lifestyle Changes, Creating Change, Forgiveness, Health Assessment and Testing, Breathing Techniques for Better Health, Staying Healthier Longer, Yoga Psychology, Yoga Philosophy, Exercise and Conditioning
- Developed and implemented a health assessment and testing service that the City of Palo Alto sold to local business. The first program of its kind, it produced better health, good will between the city and the community, and revenue for the city.
- Created, edited, and managed the City of Palo Alto's first Health Letter, published monthly
- Produced a Fitness-Wellness program for the City of Palo Alto with 31+ classes per week
- Researched, developed, and taught workshops and classes in: Yoga Asanas, Pranayama, Meditation, Communication Skills, Savasana, Ayurvedic Yoga, and Nutrition
- Designed the Yoga curriculum for the University of Nevada-Reno
- Taught Yoga and health-related subjects for 10 consecutive years at the University of Nevada-Reno
- Created and developed Yoga programs for radio talk shows
- 28 years of private teaching in Yoga Therapy and Prescription Exercise
- Taught Family Health, Health Assessment and Testing, Dance, Stress Reduction, Aerobic Conditioning, Weight Training, Prescription Exercise, Yoga, and Pranayama for 7 years at Community Colleges
- Taught Clinical Interviewing Skills at the University of Nevada-Reno for 2 years

WESTERN EDUCATION:

Master of Science. *With Great Distinction*, Exercise Science Department

Major: Physical Education. University of Nevada-Reno. 1986

Bachelor of Science. *With Distinction*, Health Education Department

Major: Health Education, Minor: Exercise Physiology. University of Nevada-Reno. 1983

Post Graduate. 2 year Certificate in 'Family Systems Psychology', Institute for Creative Change, with: Sharon Cottor, M.S.W. and Bob Cottor, Ph.D. 1992-94

Family Therapy and Communication Skills Training. One-on-one and intensive small group training with: Virginia Satir, M.A. 1991-92; Lillian Dangott, Ph.D. 1977-95

Psychological Counseling Systems, 1 year Certificate Program in Family Therapy.

Nevada Mental Health Institute. 1979-80

EAST-WEST EDUCATION:

Ayurveda

Individual and small group training with David Frawley (500 hr. certificate), Dr. Vasant Ladd, O.P. Tiwari, 1995-2000

Autogenics Training, Visualization, Pain Control, Breath Control, Self-Hypnosis and Biogenics with: Norman Shealy, M.D., Ph.D.; Carl Simington, M.D.; Stephanie Simington, M.D.; Ken Pellitier, Ph.D.; Hans Selye, M.D.; Barbara Brown, Ph.D. 1974-84

Postural Analysis and Prescription Exercise

Anatomy & Physiology, UNR School of Medicine. Further training with B.K.S. Iyengar, Angela Farmer, Donna Holleman, Vanda Scarvelli, Judith Lasiter and Victor Van Kooten. 1977- 98

Meditation Systems

Individual and small group / Swami Muktananda, B.K.S. Iyengar, Swami Satchidananda, Baba Hari Dass, Brahmananda Sarasvati (Dr. Mishra), Stephen Ruddel. 1975-present

Business

Berkeley Business School, Financial and Human Resource Management. 1981

Nutrition

Macrobiotic training with Michio Kushi, 1979-81

Jessica Krinkle, Ph.D., University Nutrition Courses, 1976-77

Massage Therapy

Individual and small group training in therapeutic Swedish massage with Ted Dalberg. Shiatsu training with Mike Burns (London). Training in Acupressure and Applied Kinesiology. 1978-1985

TALKS/PRESENTATIONS:

- "Yoga Psychology: Mental, Emotional, Physical, Spiritual Health", classes, 2-4-day workshops, and conference presentations in: Zinal, Switzerland; Montreal, Canada; London, England; St. Andrew's, Scotland; Glasgow, Scotland; Brussels, Belgium; and in the USA: CO, CA, AZ, TX, NY, WN, MA, LA, AK, PA, MN
- "Yoga for Longevity", National Russian Yoga Association Conference, keynote, Moscow, Russia
- "Honoring Our Past: Creating Our Future", keynote address, Yoga and Health Conference, Phoenix
- "Back Therapy: Effective Treatments For Chronic Back Pain", "Yoga For A Health Back", 2-3 day workshops – multiple locations
- "Developing Your Personal Practice", classes, 2-day workshops and conferences - multiple locations
- "Reducing Fear with Yoga Psychology", Himalayan Institute Conference, Pennsylvania
- "Communication Skills for Improving Relationships", classes - multiple locations
- "Stress Reduction Therapies", classes and workshops at multiple locations
- "Yoga and Ayurveda for Health and Longevity", classes, 2-5-day workshops and conferences - multiple locations
- "Meditation", classes and workshops - multiple locations
- "The Art of Teaching", 1-2-day workshops - multiple locations
- "Forgiveness: Letting Go for Your Health and Happiness", lecture - San Francisco, CA
- "Resilience and Healthy Aging", lecture - San Francisco, CA
- Television and radio presentations on Yoga asanas, pranayama, philosophy, and psychology in: Russia, Switzerland, England, Canada, and the US
- "Asana: Movement Theory", "Asana: Alignment & Technique", classes, 2-4-day workshops, and conference presentations in: Zinal, Switzerland; Montreal, Canada; London, England; St. Andrew's, Scotland; Glasgow, Scotland; Brussels, Belgium; and in the USA: CO, CA, AZ, TX, NY, WN, MA, LA, AK, PA, MN
- "Yoga for a Healthy Life", "Being A Yoga Teacher", "Coming To Center", Keynote address and Lectures, Toronto 25th Yoga Association Conference.

PROFESSIONAL ACTIVITIES

Program Designer, University of Nevada-Reno, Exercise Science Department.
Founder/Director, International Yoga Studies – a 500-hour yoga teacher certification.
Founder/Director, Light Transitions Tapes - producing educational materials.
Past Advisory Board Member, Yoga Research Center
Past Vice-President, World Yoga Union
Past Advisory Board Member, Yoga International Magazine
Past Vice-President, Unity in Yoga International

AWARDS:

Pan American Yoga Association - Diploma of Achievement
Russian Yoga Association - Honory Member
Scottish Yoga Association - Honory Member
Truckee Meadows Community College - Award of Appreciation
City of Palo Alto - Award of Appreciation
University of Nevada-Reno - Certificate of Appreciation

YOGA EDUCATION:

Teacher Training, 1972 to 2004, in:

Yoga Psychology, Yoga Philosophy, Asana, Pranayama, Meditation, Ayurveda, Yoga Therapy, Sanskrit - 35 years of education from the world's authorities on these subjects / worldwide / certificates

Intensive Yoga Teacher Training - 1971 - 2005

Iyengar Memorial Yoga Institute / Puna, India / Certification, 1982

Hatha Yoga, Ananda Marga Yoga Society / CA / Certificate, 1971

Integral Yoga, Integral Yoga Institute / San Francisco / Certificate, 1973-74

Krishnamacharya Yoga, Paul Copeland, Ph.D. / San Francisco / 1975-76

Hatha Yoga, Judith Lasiter, Ph.D. / San Francisco / 1975-76, 77, 78

Hatha and Juana Yoga, Joel Kramer / California / 1976

Integral Yoga, Swami Satchidananda / California / 1976-77, 86, 87, 93

Ashtanga Yoga, Baba Hari Dass / California / 1976-77, 81, 86

Hatha Yoga, Ramanand Patel / California, Montana / 1976, 77, 78, 79, 80

Hatha Yoga, Angela Farmer / Greece, USA / 1977-78

Hatha Yoga, Desikacharya / Madras, India / 1978

Hatha Yoga, B.K.S. Iyengar / Poona, India / 1976, 1978-79, 1982-96

Hatha Yoga, Diana Clifton / England, California / 1979

Hatha Yoga, Angela Farmer / Greece, 1980, / Hawaii / 1981, 88, 89

Hatha Yoga, Victor Van Kooten / California, Montana, Massachutes / 1981, 88

Hatha Yoga, Dona Holleman / San Francisco / 1981

Ashtanga Yoga, Baba Hari Dass / Santa Cruz / 1983, 1984, 1985, 1989

Hatha Yoga, Koofi Busia / California / 1984

Hatha Yoga, Prof. Mohan / California / 1989

Sutras & Pranayama, O.P. Tiwari, Rama Vernon / Arizona, California / 1991-99

Pranayama, O.P. Tiwari / Switzerland, India, Arizona, New York / 1995-2001

Yoga Asana with Vanda Scarvelli / Italy / 1996-2001

Philosophical/Religious Systems: 1974 - 1995

Yoga Philosophy: 1971 - Present

Kashmir Shavanism, Swami Muktananda / Oakland / 1974-75, Ganespuri, India / 1983

Buddhism, Dalai Lama / Arizona, California / 1976, 1988, 1995

Samkhya, Hinduism / multiple locations / 1976 1980

PUBLICATIONS:

- Book: *Forgiveness: The Path To Happiness*, Himalayan Press, 2005
- 3 CD's: *BreathSounds: Breathing Practice with Retention*, Lotus Press, 2004
- Book: *Yoga For Your Type: An Ayurvedic Guide to Your Asana Practice*, with David Frawley, Lotus Press, 2002
- Publisher's reprint: *Banish Back Pain*, Himalayan Press. 2000
- 12 Yoga Physical Therapy articles for Yoga International Magazine. 1998-2000
- *Physiological Effects of Yoga: Asana, Pranayama, Meditation*. UNEvada-Reno, 1986
- Feature article contributor for Yoga International Magazine, 1996, 1997
- Various health-related articles for local publications
- Audio Tapes: *For Your Health, Sunlight Relaxation, Locate Your Space, and Stress Management*. Light Transitions Tapes, 1992-1995
- Featured Autobiographical chapter in *Yoga Bare*, Philip Self, Cypress Moon Press, 1998
- Featured Chapter in *Yoga As Medicine*, Timothy McCall, M.D., Bantam, 2007



Mayor's Office
MEMORANDUM

Date: October 10, 2012
To: City Council
From: Mayor Patterson
Re: **Planning Commission Appointment, Suzanne Sprague**

I am making this appointment for two reasons: 1) in order to assure the public about the fair and open process for appointments to the city boards and commission, and 2) Suzanne is more than qualified.

For the first point, it should be noted that this Planning Commission vacancy has been open since last January (although Brad Thomas was willing to remain a commissioner until a new appointment) and that in the first round of appointments, the previous subcommittee indicated their top three preferences and Suzanne was among the three. The public needs assurances that the appointment process is straightforward, open and fair. In addition, I have indicated at numerous occasions that a fresh face and more diverse pool of Benicians be tapped. There are not statutory or general qualifications for the Planning Commission (PC), unlike the Historic Preservation Review Commission and Open Government Commission, Community Sustainability Commission and Benicia Art and Cultural Commission. The other two applicants were equally qualified, but Suzanne meets both of two criteria of mine: (1) someone who has not served on any commission - a new face and (2) diversity in the make up of the PC.

On the second point, Suzanne, as an attorney, brings to the PC knowledge about process which is the major field of decision-making for planning commissioners. Planning consists of determination of consistency with adopted plans, policies, zoning code and guidelines. One of the most important areas of planning is understanding the role of California Environmental Quality Act (CEQA) which is a complicated and process-heavy state law with many court decisions further complicating the understanding of CEQA. Also, while Suzanne is not trained in planning where design review and siting are practiced, she brings a common sense and open mind to the review process. Some have expressed a desire to have somebody who can do design review be appointed to the PC. We have qualified members of the PC in this capacity since they are practicing planners trained in design review, reading site plans, critiquing front elevations and other functions of design review. Lastly, Suzanne, like many of our commissioners and board members may have conflicts of interest from time to time. She has been advised that in the case of such a conflict, she will recuse herself from participating in processing of an application. I state that to make sure the public has a clear understanding of these matters. I have confidence that Suzanne will serve the community in which she lives and works.

I want to thank Suzanne for her patience and the subcommittee(s) for being willing to work with me to insure that we have a fair and open appointment process to ensure Benicians from all different parts of our community are considered with a strong chance of serving.

RESOLUTION NO. 12-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA CONFIRMING THE MAYOR'S APPOINTMENT OF SUZANNE FOLEY SPRAGUE TO THE PLANNING COMMISSION TO A FULL TERM ENDING JANUARY 31, 2016

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Benicia that the appointment of Suzanne Foley Sprague to the Planning Commission 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 16th day of October 2012 and adopted by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk



City of Benicia Board/Commission/Committee Application

It is the intent of the City Council to have Boards, Commissions or Committees composed of people from all geographical, social, environmental and economic sectors of the community and to avoid potential conflicts of interest.

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

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

Name: Suzanne Foley Sprague

Address: _____

Phone: (Work) 707-748-0900 (Home) 707-751-0299

(Cell) 707-334-1900 Fax: 707-748-0921

Email: suzanne@solanolawgroup.com Years as Benicia resident: 10

Occupation/Employer: Attorney/Gizzi & Reep, LLP

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

Lawyer in the Library volunteer, Benicia Public Library

Please describe any applicable experience/training: _____

B.A. Political Science and Business Administration UCLA; J.D. USF School of Law; Practicing attorney for 10 years.

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

Signature: *Suzanne F. Sprague* Date: 1/13/2011



Planning Commission 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 Commission? Have you attended a Planning Commission meeting? If so, when?

I believe planning is important in order to manage wisely the unique combination of visual and historical character that gives Benicia its small-town atmosphere, while at the same time stimulate business and meet the needs of our community. I have not attended a Planning Commission meeting in person. However, I have watched the televised meetings on occasion since I moved to Benicia in 2001.

2. Participation on this Commission involves monthly meetings, periodically special meetings, and possibly attending community events related to planning. Do you feel you have the time and commitment to be a viable member of this Commission?

Yes.

3. Is there a particular segment of planning and development that interests you more than others?

As an attorney, I am interested in analyzing the duties, rights, and powers imposed by the various laws, ordinances, and resolutions regarding planning issues and working to ensure consistency in enforcing them.

4. Why do you think planning needs to play a lead role in fortifying the quality of life in Benicia? Do you see an area of planning that needs to be expanded at this point? How does zoning reinforces the goal of the General Plan?

I see the General Plan as the foundation of a well-developed community. It should ensure consistency, but also be responsive to change. Zoning upholds the General Plan. In terms of expansion, I believe it is possible to promote Benicia's unique character, and still maintain its small-town atmosphere through proper planning.

Suzanne Foley Sprague
520 Breck Court
Benicia, California 94510
Cell: (707) 334-1900
Office: (707) 748-0900
Facsimile: (707)748-0900
Suzanne@SolanoLawGroup.com

PROFESSIONAL EXPERIENCE Civil Litigation Practice: Civil trial attorney with a broad range of litigation and mediation experience across practice areas in state and federal courts

EMPLOYMENT

March 2011 to present **GIZZI & REEP, LLP**
Benicia, CA
Attorney At Law

August 2001 to December 2011 **MCNAMARA LAW FIRM**
Fairfield, CA
Associate

EDUCATION University of San Francisco School of Law – J.D. 2000
University of California, Los Angeles – B.A. 1987
Political Science and Business Administration

BAR ADMISSIONS California Supreme Court
U.S. Court of Appeals 9th Circuit
U.S. District Court Northern District of California
U.S. District Court Eastern District of California

PERSONAL Benicia resident since 2001.
Co-founder of Benicia Public Library’s “Lawyers @ the Library”

RESOLUTION NO. 12-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA CONFIRMING THE MAYOR'S APPOINTMENT OF KATHY WALSH TO THE SOLTRANS PUBLIC ADVISORY COMMITTEE FOR A THREE YEAR TERM ENDING JANUARY 31, 2015

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Benicia that the appointment of Kathy Walsh to the SOLTRANS Public Advisory Committee 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 16th day of October 2012 and adopted by the following vote:

Ayes:

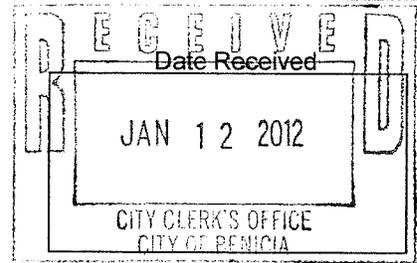
Noes:

Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk



City of Benicia Board/Commission/Committee Application

It is the intent of the City Council to have Boards, Commissions or Committees composed of people from all geographical, social, environmental and economic sectors of the community and to avoid potential conflicts of interest.

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

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

Name: Kathy Walsh

Address: _____

Phone: (Work) 510-428-2255 (Home) 707-747-6926

(Cell) _____ Fax: 510-428-2276

Email: kathy6845@comcast.net Years as Benicia resident: 5

Occupation/Employer: Property Manager/Bentall Residential/TerraCorplnc.Prop.mgmt Co

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

Volunteer Computer training for seniors at property.

Please describe any applicable experience/training: _____

Property Mgr. 24 yrs (Arizona, Texas, California)

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

Signature: Kathy Walsh Date: 1-12-12



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 would like to be a part of committee that would investigate the need for affordable housing, both senior and multifamily, here in Benicia. The need is great right now.

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

My expectations are the coming together of professionals in the Housing Authority Board to work towards the need for Affordable Housing. As a property manager on a HUD Section 8 project based and Tax Credit property for the past 9 years I feel I could bring to the group a sharing of the education and experiences I have been privileged to attain.

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?

I have worked with CalHFA for the past 9 yrs and currently with CAHI. I have received my COS (certificate of Occupancy Specialist), TCS (Tax Credit specialist), BOS (Blended Occupancy Specialist). I have worked closely with HUD contract administrators with file audits and REAC inspections. My property mgmt.co ensures my participation in seminars, compliance classes, and subscription with newsletters put out by HUD. All of my experiences with the Housing authority has always been positive. I feel this has helped me tremendously to run my property professionally while providing to my tenants the "best quality of life i can give them"

RESOLUTION NO. 12-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA CONFIRMING THE MAYOR'S REAPPOINTMENT OF RAQUEL WALSH TO THE BENICIA HOUSING AUTHORITY BOARD OF COMMISSIONERS TO A FULL TERM ENDING JULY 31, 2016

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Benicia that the reappointment of Raquel Walsh to the Benicia 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 16th day of October 2012 and adopted by the following vote:

Ayes:

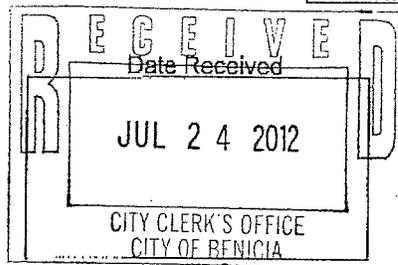
Noes:

Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk



City of Benicia Board/Commission/Committee Application

It is the intent of the City Council to have Boards, Commissions or Committees composed of people from all geographical, social, environmental and economic sectors of the community and to avoid potential conflicts of interest.

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

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

Name: Raquel Walsh

Address: _____

Phone: (Work) (707) 205-1701 (Home) (707) 590-3003

(Cell) (707) 590-3003 Fax: (707) 205-7837

Email: beniciabugarea@comcast.net Years as Benicia resident: 25

Occupation/Employer: Office Coordinator, DFW Wines

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

Commissioner, Benicia Housing Authority Board

Please describe any applicable experience/training: Past experience serving

on the BHA Board. Admin. Staff for City of Benicia Finance & Historic Preservation

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

Signature: Raquel Walsh Date: 7/18/12



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?

Service that supports others in the community interests me very much. The face of families in need has changed dramatically and I would like to help the Housing Authority meet new challenges in their efforts to support citizens of Benicia.

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

I expect to review changes/additions to current policies, review + discuss budgets, and vote based on my findings. I also expect to receive information on the H.A.'s monthly activities.

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?

My family was assisted by the Housing Authority and we were able to have an affordable home in a safe neighborhood. Serving on the board presently gives me the opportunity to work with others that continue to benefit from the agency, which imparts a sense of connection to the community where I grew up.

Benicia Human Services Board
Annual Report - 2011-12

Board Mission

To advocate for the human services as major elements in Benicia's community identity.

Fund Purpose & Scope

The purpose of the Benicia Human Services Fund is to support the broad economic, educational and social goals of the City of Benicia by assessing the human service needs, making recommendations to the City Council regarding funding of effective human service agencies and programs, and evaluating those services and programs on behalf of the community.

Board Duties

The Benicia Human Services Board meets monthly and works on a continual and ongoing basis to accomplish the following in concert with the board's mission and purpose stated above.

- Regular assessment of the community's human service needs
- Regular review of each funded agency's performance as measured against the agency's contract and Request for Funding
- Organize and establish community outreach campaigns in an effort to raise additional funds and awareness of the board's mission and goals
- Set criteria and work with the City Council in an advisory capacity for the two-year budget cycle regarding funding for the agencies
- Work closely with each funded agency on a regular basis to assess their ongoing needs and to assist the agency to meet their stated goals in an effective and efficient manner

The 'Request for Funding' Process

The Benicia Human Services Board has established the following criteria for agencies requesting grant funds from the city during the upcoming budget cycle.

These criteria are assigned weighted point values.

- Service commensurate with the board's mission and purpose
- Present need of the service provided
- Quantifiable goals attached to measurable and specific outcomes

- Financial ability of the agency to provide services to Benicians
- Cost per client relative to impact of the intervention
- Other sources of funding
- Outreach plan
- Past performance providing services to Benicians

The current timeline for the next RFF Process is as follows:

<u>Date</u>	<u>Task</u>
October 1, 2012	Review proposed schedule and RFF form
October 12, 2012	Notice of special meeting sent to potential applicants
November 5, 2012	Meeting to assess community needs and review RFF process with potential grantees. Update recipient list as needed.
November 9, 2012	Finalize and send out RFF Form to potential grantees.
January 25, 2013	Due date for completed RFFs
February 4, 2013	Meeting - Board reviews RFF packets received from applicants
March 11, 2013	Meeting - Council Chambers - Board receives presentations from applicants
March 25, 2013	Special Meeting for Board to review information received at 3/11 Meeting
April 8, 2013	Board finalizes recommendations to Finance Director for inclusion in the City's 2013-15 budget

Grantee Review Process

All agencies receiving grant funds from the City of Benicia are required to submit quarterly performance reports that are reviewed by the board before grant funds are released to the agency. Should any questions arise in regard to the quarterly reports submitted, the board may decide to ask a representative of the agency to appear at a future board meeting to address the issues or concerns.

Further, each board member is assigned to be the liaison for every funded agency and that board member will conduct an onsite visit to the agency and/or attend an agency board meeting during the funding cycle. The board member then prepares a comprehensive report on the site visit that is then presented to the entire board.

Summary of Grantee Scope of Work and Performance for 2011-12

- Catholic Social Services

City funding is used to allow the Catholic Social Service Solano to continue their eight (8) year old counseling program to offer low/no income Benicia residents low/no-fee individual, family, couples and group counseling services. Catholic Social Service serves Benicia residents of all ages, with the main objective of improving their mental, social and emotional health and welfare.

- Total number of hours of counseling provided in Benicia office - 511
- Number of individual counseling hours - 415
- Number of family/couple counseling hours - 96

- Benicia Community Gardens

City funding helps Benicia Community Gardens, Inc. to serve the Benicia community - people of all ages, backgrounds and capabilities - interested in growing food locally and participating with others to learn about ecologically sustainable urban farming methods, healthy diet and lifestyles.

- Garden at Military & East 2nd Street
 - Number of beds available - 18
 - Number of beds in use - 15
 - Number of families served - 21
 - Number of individuals affected - 50
- Garden at First and D Street
 - Number of beds available - 36
 - Number of beds in use - 36
 - Number of families served - 34
 - Number of individuals affected - 85
- Garden at Mary Farmar Elementary School
 - Average volunteer days per week - 2 day/4 vols per day
 - Average child participants per day - 30

- Benicia Community Action Council (CAC)

City Funds are used to allow the Benicia CAC to provide human services to ensure a higher quality of life to low income people in Benicia. These direct services include case management, job training, referral and placement, mandated community services hours, food, rent and mortgage payments, PG&E utility assistance payments, and health care referrals. The CAC is also a Workability Site for the Benicia Unified School District. These funds are also applied to the general operating expenses of the agency so that the CAC can continue to provide needed services and resources to low income Benicians.

The object is to help low income families become self sufficient so that they are able to move from poverty. Recipients will be able to maintain an improved quality of life via the CAC helping families in crisis.

Helping Low Income People Become Self Sufficient:

- Total number of clients who obtained employment - 21
- Total number of clients who maintained employment at least 90 days - 22
- Total number of clients assisted with increasing ability to manage income and resources - 42
- Total number of clients assisted with eliminating barriers to employment and self sufficiency - -75
- Total number of clients who obtained Federal Income Tax Credit - 187

Helping Low Income People Achieve their Potential by Strengthening Family and Other Support Systems

- Number of families with increased nutrition - 2,421
- Number of families experiencing reduced emergency needs - 109
- Number of families that will increase ability to manage income through individual budgeting workshops - 32
- Number of families that obtain linkages - 501
- Number of families that have increased/maintained housing - 54
- Total number of senior citizens participating in services that support active, independent living - 483 (Meals served - 7,314)
- Total number of unduplicated families served - 739
- Total number of individuals and families that were seen over a period of time requiring case management - Individuals: 14 / Families: 10

- Benicia Families in Transition (FIT)

City funds are used to allow Benicia Families in Transition to provide past due rent or mortgage payments for Benicia families who encounter sudden

difficult financial problems and are unable to meet the monthly payment. FIT also pays PG&E and Water bills. The purpose of FIT is to prevent homelessness in Benicia. Help is given on a short-term basis with the purpose of helping the families to stabilize when confronting loss of income due to unforeseen circumstances such as disability, loss of employment, relocation due to separation, divorce or death.

- Total number of families served with rental assistance - 53
- Total number of families served with utilities assistance - 10
- Dollars provided in rental assistance - \$34,746 .00
- Dollars provided in utilities assistance - \$2,067.95
- Repaid assistance loans from previous clients - (\$1,070.00)

- BUSD Special Friends Program

Special Friends is proven model that serves children in Kindergarten through third grade by engaging them a non-directed play supervised by a caring and supportive aide. The goal of the program is to serve children experiencing mild to moderate school adjustment problems by fostering a sense of belonging and creating enhanced resilience.

- Number of children served - 141
- Number of individual 40 minute contacts - 1,705
- Number of family meetings - 138
- Number of staff meetings - 33

- Children's Nurturing Project (CNP)

The Child Assault Prevention Program of the CNP provides onsite classroom workshops to approximately 1,200 children. Workshops are offered to Preschool, K, 1st, and 3rd grade classes at all Benicia Elementary schools and Benicia State Preschool.

- Number of classrooms - 23
- Number of children participating in program - 557

Past Fiscal Year Board Fundraising Efforts

As in prior years, the Benicia Human Services Board, in addition to its regular ongoing fundraising efforts, conducted a major awareness and outreach campaign in July 2011. This campaign included the following:

- Torchlight Parade Campaign 'Kickoff' on 7/03/11
- 'Donate on your Water Bill' banner displayed at City Park
- Participation table at Farmer's Market

The Board also held its first Winterhawk Winery fundraising event in July 2011 and raised \$3,068 for the Human Services Fund. The Board replicated the July outreach campaign in 2012, including the Winterhawk Winery fundraiser, and will continue to continue to promote donations via the water bill throughout the year.

Future Challenges

Current economic forecasts appear to indicate that recovery will continue at a rather sluggish pace, so we are quite certain that the requests for assistance we see in the community at present will, at the very least, maintain at current levels and very possibly increase in the near term.

In light of City budget issues at present, we aim to do our very best with the resources we have and redouble our efforts at effective fundraising.

*“How wonderful it is that
nobody need wait a single
moment before starting to
improve the world.”*

Benicia Human Services..

Annual Report

BENICIANS HELPING BENICIANS

Human Services Mission:

**TO ADVOCATE FOR
THE HUMAN SERVICES
AS MAJOR ELEMENTS
IN BENICIA'S
COMMUNITY IDENTITY**

PURPOSE:

The purpose of the Benicia Human Services Fund is to support the broad economic, educational and social goals of the city of Benicia by assessing the human services needs; making recommendations to the City Council regarding funding of effective human services agencies and programs and evaluating those services and programs on behalf of the community.

Funding Sources:

- ★ Grant funds from City of Benicia
- ★ Donations
 - *Regular contributions made on residents water bills*
 - Special and one-time donations made by individuals and/or businesses
 - Matching donations from employers

Board Duties

- Regular assessment of the community's human services needs
- Regular review of each funded agency's performance as measured against the agency's contract and Request for Funding

Board Duties, cont...

- Organizing and establishing community outreach campaigns in an effort to raise additional funds and awareness of the board's mission and goals

July Awareness Campaign:

- ★ July 3, 2011 – Torchlight Parade
- ★ Farmers Market Presence throughout month of July
- ★ July 2011 - Winterhawk Fundraiser
 - ★ Raised \$3,068 for the Human Services Fund



Board Duties, cont...

- Sets criteria and works with the City Council in an advisory capacity for the two-year budget cycle on funding the agencies
- Works closely with each funded agency on a regular basis to assess their ongoing needs and to assist the agency to meet their stated goals in an effective and efficient manner

Request for Funding (RFF) Process

- ❖ Occurs Nov - March every other year - prior to City budget preparation
- ❖ Communication to community organizations regarding RFF process
- ❖ Board reviews requests for funding
 - ❖ Public hearing with presentations from potential grantees
 - ❖ Scoring of proposals based on criteria in RFF application
- ❖ Board makes recommendations to Council regarding funding for grantee
- ❖ Board continues to monitor grantees via quarterly reports and site visits

2011-13 Funded Agencies

- Benicia Community Gardens
- Catholic Social Services (CSS)
- Community Action Council (CAC)
- Families in Transition (FIT)
- Special Friends (BUSD)
- Child Assault Prevention Program/
Children's Nurturing Project



Serves people of all ages interested in growing food locally.

(707)745-9094





Catholic Social Services

Low/no income counseling services.

Csslano.org

(707)644-8909





Community Action Council
Provides needed services and resources to low income Benicians
bencac.com
~745-0900~





Families in Transition

familiesintransition.org
(707)645-3000

Provides respite to Benicia families in need by an effective, compassionate, fair, and quick response.

**Special Friends
– Benicia Unified School
District**

(707)747-8300



Serves children K-3 with school adjustment problems by fostering a sense of belonging.



Child Assault Prevention Program Children's Nurturing Project

Childrensnurturingproject.org
(707)422-0464



Promotes healthy parent-child
relationships through support
services and education.

GOALS:

To increase awareness of the Benicia Human Services Fund and the work done by the organizations in our community.

To increase individual and business donations to the fund

To encourage greater participation by all members of the community to work with Human Services

THANK YOU!

MINUTES OF THE
REGULAR MEETING – CITY COUNCIL
September 25, 2012

City Council Chambers, City Hall, 250 East L Street, complete proceedings of which are recorded on tape.

I. CALL TO ORDER:

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

II. CONVENE OPEN SESSION:

A. ROLL CALL

Council Member Strawbridge was absent. All other Council Members were present.

B. PLEDGE OF ALLEGIANCE

Glen led the Pledge of Allegiance.

C. REFERENCE TO THE FUNDAMENTAL RIGHTS OF THE PUBLIC.

VERBAL UPDATE ON DOWNTOWN INTERMODAL PROJECT:

Melissa Morton, Acting Public Works Director, gave a brief update on the Downtown Intermodal Project.

III. ADOPTION OF AGENDA:

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

Ayes: Patterson, Schwartzman, Campbell, Hughes

Noes: (None)

IV. OPPORTUNITY FOR PUBLIC COMMENT:

A. WRITTEN COMMENT

One item (hard copy of PowerPoint presentation - copy on file).

B. PUBLIC COMMENT

None

V. BUSINESS ITEM:

A. WATER AND SEWER RATE INCREASES

RESOLUTION 12-114 - A RESOLUTION SETTING THE PUBLIC HEARING DATE FOR DECEMBER 4, 2012 TO CONSIDER INCREASING RATES FOR WATER AND SEWER SERVICE BY AMENDING CHAPTER 13.12 OF THE BENICIA MUNICIPAL CODE RELATING TO WATER RATES AND CHARGES AND CHAPTER 13.52 RELATING TO SEWER RATES AND CHARGES, AND DIRECTING STAFF TO PROCEED WITH MAILING NOTICES TO ALL PROPERTY OWNERS WITHIN THE CITY OF BENICIA

Melissa Morton, Interim Public Works Director, reviewed the staff report and a PowerPoint presentation.

Public Comment:

None

Council Member Hughes and Staff discussed the total increase per year for the ratepayers, how the City compares to other cities when the increase is factored in (Benicia should still be in the middle), and the senior discount issue.

Vice Mayor Campbell and Staff discussed the various options for the senior discount program provided in the staff report, the impacts those options would have on the City's budget, and the timing for setting a public hearing, and setting a new rate structure.

Mayor Patterson and Staff discussed how the project contributed to water conservation, the intertie project, water quality issues, and purple pipelines. They discussed to what extent the City has documented that the it does us bond financing or state revolving financing for maintenance and everyday basic operations, and to what extent Prop 218 was permissive for indexing.

Council Member Schwartzman and Staff discussed the past water rates not including a lot of funds for future projects. They discussed why the rate adjustments were happening now, and why nothing had been done between 2006 and 2012.

Council Member Schwartzman and Staff discussed whether the community would support subsidizing the senior discounts, changing the age of the senior

discount, and the possibility of combining age + income discount pricing.

Staff clarified they would like direction from Council on whether they preferred option 1, 2, or three, or a combination of any of them. Mr. Kilger also clarified that the one of the options was to put the rates in place, put it on as a measure (2/3 vote) and essentially the rest of the community would tax themselves to cover the ratepayer (seniors) so that the general fund would not pick up the cost.

Vice Mayor Campbell and Staff discussed his preference of option 3 for the water rates, and option 2 for the senior discount. He discussed concern regarding the use of the general fund to subsidize the senior discount. However, at some point, perhaps the next election regular election, this should be put to a vote. Staff clarified the election requirements for 50% and 2/3 votes.

Council Member Schwartzman expressed support for option 3 as well.

Council Member Hughes and Staff discussed agreed with the options recommended by Council Members Campbell and Schwartzman. He discussed the need to figure out why this is happening now, why it didn't happen in the past six years, etc.

Staff discussed the issue of cumulative bill impacts.

Council Member Hughes clarified that the cost increases were being discussed in 'monthly' increments. However, citizens receive bills every other month, so the impacts being discussed would be double on their bills.

Mayor Patterson discussed the intertie project, and suggested calling it the 'Emergency Preparedness Intertie Project.' There was funding available for such a project that the City did not apply for. She does not want the project to go away, and would like the City to get on it before the next five years.

Council Member Hughes asked Staff to clarify options 2 & 3 for the senior discount.

Council Member Schwartzman and Staff discussed the income limitations and what effects the rate changes would have on low-income families (hard landing vs. soft landing). He discussed concern regarding the effects on the City's General Fund.

Mayor Patterson discussed providing incentives for people via assistance programs (water conservation, low flow toilets, etc) that could be of use to families who are just above the income limit.

Vice Mayor Campbell reiterated his desire to see the issue on a future ballot.

Council Member Hughes clarified that the staff report clarified that Council needed to address this now, however at some point in the future the issue would need to go before the voters. He would support option 3 (soft landing), as it was the fair thing to do. He would support the VWA recommendations on the sewer and water rates, and option 3 for the senior discounts. He offered a motion support those recommendations, which was seconded by Council Member Schwartzman.

Mayor Patterson stated that there would need to be a discussion, giving direction to staff, for instance, having a future ballot measure as described by Vice Mayor Schwartzman. She asked Ms. McLaughlin to give Council direction on how that should work. Ms. McLaughlin asked that Council allow Staff to do some research on the issue and bring it back to Council.

Mayor Patterson clarified that the direction to Staff (after the resolution is adopted) would be to come back to Council in a timely manner with the election process for consideration of a subsidized amount, and other issues that may be collected in that.

Council Member Schwartzman discussed the timing of putting this issue on a future ballot, and what effect it would have on the rates that are being set tonight.

Mr. Kilger clarified that essentially if Council agrees to go forward with this tonight, they are setting the rates for the Enterprise Funds, and they are asking Staff to look at bring forward for discussion a possible revenue measure so that the City can find a supplemental source of funding in lieu of using its General Fund dollars. It would not affect the rates. It would provide an alternate source of funding for the senior discounts.

Mayor Patterson asked if other things could be tacked on to the measure (such as a permanent source of funding for the crossing guards). Staff noted that would be an excellent discussion to have.

Mayor Patterson clarified that the motion was to adopt the Resolution setting the public hearing date for 12/4/12. The direction to Staff was to come back to Council with a report on going forward with an election (with the General Fund issue).

Vice Mayor Campbell clarified that the measure would not to be an alternate source of revenue, but whether or not to take money out of the General Fund to subsidize the senior discount. Staff clarified they would be coming back with a revenue measure for Council to discuss that would go before the voters to tax themselves to provide funding for the senior discount.

Mayor Patterson discussed the difference between a parcel tax (requires 2/3 voter approval) and a general increase (requires 50% voter approval). There are

many revenue sources (sales tax, parcel tax, income tax, etc). Staff will bring a report back to Council on those choices.

Vice Mayor Campbell discussed concern regarding the cost that would have to come out of the City's General Fund.

On motion of Council Member Hughes, seconded by Council Member Schwartzman, Council adopted Resolution 12-114, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes

Noes: (None)

VI. ADJOURNMENT:

Mayor Patterson adjourned the meeting at 7:40 p.m.

MINUTES OF THE
REGULAR MEETING – CITY COUNCIL
October 02, 2012

City Council Chambers, City Hall, 250 East L Street, complete proceedings of which are recorded on tape.

I. CALL TO ORDER:

Mayor Patterson called the Closed Session to order at 6:30 p.m. All Council Members were present.

II. CLOSED SESSION:

**A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Subdivision (a) of Government Code Section 54956.9)**

Name of case: Riverwatch v. City of Benicia

III. CONVENE OPEN SESSION:

Mayor Patterson called the open session to order at 7:00 p.m.

A. ROLL CALL

Council Member Strawbridge was absent. All other Council Members were present.

B. PLEDGE OF ALLEGIANCE

Eric Hoglund led the Pledge of Allegiance.

C. REFERENCE TO THE FUNDAMENTAL RIGHTS OF THE PUBLIC.

IV. ANNOUNCEMENTS/APPOINTMENTS/PRESENTATIONS/PROCLAMATIONS:

A. ANNOUNCEMENTS

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

Ms. McLaughlin reported that Council gave direction to Staff.

2. Openings on Boards and Commissions:

Building Board of Appeals 1 full term Open Until Filled

SolTrans Public Advisory Committee 1 full term Open Until Filled

Historic Preservation Review Commission 1 full term Open Until Filled

Art and Culture Commission 2 unexpired terms Open Until Filled

3. Mayor's Office Hours:

4. Benicia Arsenal Update:

Ms. McLaughlin reported there was a working group meeting scheduled for 10/29 at 3:00 p.m. in the Commission Room at City Hall. The next subcommittee meeting is scheduled for 10/4/12.

B. APPOINTMENTS

Ms. McLaughlin clarified that the Planning Commission appointment was put on the agenda by mistake. The subcommittee

1. Appointment of J. Bruce Barrow to the Benicia Community Sustainability Commission to a full term ending July 31, 2016.

**RESOLUTION 12-115 - A RESOLUTION
CONFIRMING THE MAYOR'S APPOINTMENT OF J. BRUCE BARROW TO
THE BENICIA COMMUNITY SUSTAINABILITY COMMISSION TO A FULL
TERM ENDING JULY 31, 2016**

On motion of Mayor Patterson Council adopted Resolution 12-115, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes

Noes: (None)

2. Appointment of Kari Birdseye to the Human Services Board to an unexpired term ending July 31, 2014.

**RESOLUTION 12-116 - A RESOLUTION
CONFIRMING THE MAYOR'S APPOINTMENT OF KARI BIRDSEYE TO THE
HUMAN SERVICES BOARD TO AN UNEXPIRED TERM ENDING JULY 31,
2014**

On motion of Mayor Patterson Council adopted Resolution 12-116, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes
Noes: (None)

- 3. Appointment of David DeLong to the Uniform Code Board of Appeals to a full term ending July 31, 2016.**

RESOLUTION 12-117 - A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF DAVID DE LONG TO THE UNIFORM CODE BOARD OF APPEALS TO A FULL TERM ENDING JULY 31, 2016

On motion of Mayor Patterson Council adopted Resolution 12-117, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes
Noes: (None)

- 4. Appointment of Frances Harkins to the Human Services Board to a full term ending July 31, 2016.**

RESOLUTION 12-118 - A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF FRANCES HARKINS TO THE HUMAN SERVICES BOARD TO A FULL TERM ENDING JULY 31, 2016

On motion of Mayor Patterson Council adopted Resolution 12-118, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes
Noes: (None)

- 5. Appointment of Susan Lynn to the Open Government Commission to an unexpired term ending January 31, 2014.**

RESOLUTION 12-119 - CONFIRMING THE MAYOR'S APPOINTMENT OF SUSAN LYNN TO THE OPEN GOVERNMENT COMMISSION TO AN UNEXPIRED TERM ENDING JANUARY 31, 2014

On motion of Mayor Patterson Council adopted Resolution 12-119, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes
Noes: (None)

- 6. Appointment of Ron Myska to the Economic Development Board to a full term ending July 31, 2016.**

RESOLUTION 12-120 - A RESOLUTION CONFIRMING THE MAYOR'S REAPPOINTMENT OF RON MYSKA TO THE ECONOMIC DEVELOPMENT

BOARD TO A FULL TERM ENDING JULY 31, 2016

On motion of Mayor Patterson Council adopted Resolution 12-120, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes

Noes: (None)

7. **Appointment of Jerry Pollard to the Human Services Board to a full term ending July 31, 2016.**

RESOLUTION 12-121 - A RESOLUTION CONFIRMING THE MAYOR'S REAPPOINTMENT OF JERRY POLLARD TO THE HUMAN SERVICES BOARD TO A FULL TERM ENDING JULY 31, 2016

On motion of Mayor Patterson Council adopted Resolution 12-121, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes

Noes: (None)

8. **Appointment of Roy Salazar to the Human Services Board to a full term ending July 31, 2016.**

RESOLUTION 12-122 - A RESOLUTION CONFIRMING THE MAYOR'S REAPPOINTMENT OF ROY SALAZAR TO THE HUMAN SERVICES BOARD TO A FULL TERM ENDING JULY 31, 2016

On motion of Mayor Patterson Council adopted Resolution 12-122, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes

Noes: (None)

9. **Appointment of Suzanne Foley Sprague to the Planning Commission to a full term ending January 31, 2016.**

Item continued to the 10/16/12 meeting.

10. **Appointment of Gilbert von Studnitz to the Historic Preservation Review Commission to a full term ending July 31, 2016.**

RESOLUTION 12-123 - A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF GILBERT VON STUDNITZ TO THE HISTORIC PRESERVATION REVIEW COMMISSION TO A FULL TERM ENDING JULY 31, 2016

On motion of Mayor Patterson Council adopted Resolution 12-123, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes
Noes: (None)

C. PRESENTATIONS

D. PROCLAMATIONS

- 1. In Recognition of Solano-Napa Habitat for Humanity World Habitat Day on October 1, 2012**

V. ADOPTION OF AGENDA:

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

Ayes: Patterson, Schwartzman, Campbell, Hughes
Noes: (None)

VI. OPPORTUNITY FOR PUBLIC COMMENT:

A. WRITTEN COMMENT

One item (copy on file).

B. PUBLIC COMMENT

1. Kimble Goodman, Benicia Old Town Theatre Group - Mr. Goodman announced upcoming performances.

VII. CONSENT CALENDAR:

Council pulled item VII.D for discussion.

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

Ayes: Patterson, Schwartzman, Campbell, Hughes
Noes: (None)

A. APPROVAL OF THE MINUTES OF THE SEPTEMBER 18, 2012 MEETING

B. ACCEPTANCE OF A CALIFORNIA LIBRARY LITERACY SERVICES (CLLS) LITERACY AWARD FOR 2012/13 AND APPROPRIATION OF FUNDS FOR THE LIBRARY'S STATE FUNDED LITERACY PROGRAM

RESOLUTION 12-124 - A RESOLUTION AUTHORIZING SUBMITTAL OF AN APPLICATION FOR A CALIFORNIA LIBRARY LITERACY SERVICE MATCHING FUNDS GRANT FOR FISCAL YEAR 2010/2011 AND AUTHORIZING THE APPROPRIATION OF FUNDS FOR THE LIBRARY'S STATE FUNDED LITERACY ACCOUNT

C. DENIAL OF THE CLAIM AGAINST THE CITY BY SORAYA MOORE, MICHAELA JACKSON, AND GREENWELL COLLECTIVE, INC.

D. AMENDMENT TO THE CONSTRUCTION CONTRACT FOR GRANT-FUNDED IMPROVEMENTS TO THE DOWNTOWN INTERMODAL PROJECT

RESOLUTION 12-125 - A RESOLUTION APPROVING CHANGE ORDER NOS. 1 – 3 FOR \$131,960 IN LIGHTING, TRAFFIC SIGNAL, AND BUS SHELTER IMPROVEMENTS TO THE DOWNTOWN INTERMODAL PROJECT FULLY FUNDED BY A REGIONAL MEASURE 2 (RM2) GRANT AND AUTHORIZING THE CITY MANAGER TO SIGN THE CHANGE ORDERS ON BEHALF OF THE CITY

Mayor Patterson clarified that she had a conflict of interest with this item, as she owns property within 500 feet of the proposed project.

Council Member Hughes and Staff discussed concern regarding the discrepancy in cost for the lights. Staff discussed procedures put in place to ensure all costs are accounted for in future contracts.

Public Comment:

None

On motion of Council Member Hughes, seconded by Council Member Schwartzman, Council adopted Resolution 12-125, on roll call by the following vote:

Ayes: Schwartzman, Campbell, Hughes

Noes: (None)

Abstain: Patterson

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

VIII. BUSINESS ITEMS:

- A. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA DECLARING ITS INTENTION TO ESTABLISH THE BENICIA BUSINESS IMPROVEMENT DISTRICT (BBID) AND FIXING THE TIME AND PLACE OF A PUBLIC MEETING AND A PUBLIC HEARING THEREON AND GIVING NOTICE THEREOF**

RESOLUTION 12-126 - A RESOLUTION OF THE CITY OF BENICIA DECLARING ITS INTENTION TO ESTABLISH THE BENICIA BUSINESS IMPROVEMENT DISTRICT (BBID) AND FIXING THE TIME AND PLACE OF A PUBLIC MEETING AND A PUBLIC HEARING THEREON AND GIVING NOTICE THEREOF

Mayor Patterson noted that Council Members Campbell and Schwartzman had a conflict of interest on this item. Since Council Member Strawbridge was absent, Council Members Campbell and Schwartzman would have to draw cards to see who could participate. Vice Mayor Campbell drew the high card, and would be allowed to participate in the discussion on this item.

Mario Giuliani, Economic Development Manager, reviewed the staff report.

Council Member Hughes and Staff discussed who would be responsible for the maintenance of the lights after the 5-year period, the cost for the street level lights that are located off of First Street.

Public Comment:

1. Ellen Kolowich - Ms. Kolowich spoke in support of the proposed resolution.
2. Kimble Goodman - Mr. Goodman spoke in support of the proposed resolution.
3. Steve Young - Mr. Young spoke in support of the proposed resolution.
4. Leah Shellhorn - Ms. Shellhorn spoke in support of the proposed resolution. She discussed the process the local businesses went through to get to this point.
5. Duane Oliveira - Mr. Oliveira spoke in support of the proposed resolution.
6. James Paurie - Mr. Paurie asked for clarification on what businesses owners are affected by the BID. He and Staff discussed the noticing procedures for affected businesses. (His property was included in the BID.)
7. Laurie Key - Ms. Key spoke in support of the proposed resolution. She discussed the petition process.

Council Member Hughes discussed support for the resolution. He clarified that this action did not remove the City's responsibility from economic development.

Mayor Patterson and Staff discussed how the City would be involved in the

process developing aspects of the BBID.

On motion of Vice Mayor Campbell, seconded by Council Member Hughes, Council adopted Resolution 12-126, on roll call by the following vote:

Ayes: Patterson, Campbell, Hughes

Noes: (None)

Abstain: Schwartzman

B. AWARD OF CONTRACT TO ALG LIGHTING INC. FOR INSTALLATION AND MAINTENANCE OF DECORATIVE TREE LIGHTS ON FIRST STREET TREES

RESOLUTION 12-127 - A RESOLUTION ACCEPTING THE BIDS FOR THE DOWNTOWN BENICIA TREE LIGHTS PROJECT, AWARDING THE LIGHT INSTALLATION CONTRACT, INCLUDING THIRTEEN MONTHS OF MAINTENANCE TO ALG LIGHTING INC. OF WALNUT CREEK CALIFORNIA, IN THE AMOUNT OF \$80,000, AND AUTHORIZING THE CITY MANAGER TO SIGN THE CONSTRUCTION CONTRACT ON BEHALF OF THE CITY

Mario Giuliani, Economic Development Manager, reviewed the staff report. He noted the minor amendment (via handout - copy on file).

Vice Mayor Campbell and Staff discussed concerns regarding the cost.

Council Member Hughes and Staff discussed the type of lights that would be installed. Council Member Hughes expressed support for using the same type of lights as the City of Walnut Creek, CA.

Public Comment:

1. Eric Hoglund - Mr. Hoglund spoke in support of the resolution.

On motion of Council Member Hughes, seconded by Vice Mayor Campbell, Council adopted Resolution 12-127, on roll call by the following vote:

Ayes: Patterson, Campbell, Hughes

Noes: (None)

Abstain: Schwartzman

C. REQUEST TO REVISIT DECISION TO CANCEL THE NOVEMBER 6, 2012 CITY COUNCIL MEETING

Vice Mayor Campbell discussed concerns regarding the cancellation of the 11/6/12 City Council meeting.

Public Comment:

1. Kimble Goodman - Mr. Goodman reviewed the items that are on the upcoming ballot.

Council discussed the cancellation of the meeting, the lack of local items on the ballot, concern regarding having a meeting on the night of a presidential election, the need to allow the public to participate in election night events, and whether Council was neglecting its duties by cancelling the 11/6/12 meeting.

On motion of Vice Mayor Campbell, seconded by Council Member Schwartzman, Council did not approve revisiting the decision to cancel the November 6, 2012 City Council meeting, on roll call by the following vote:
Ayes: Schwartzman, Campbell
Noes: Patterson, Hughes

IX. ADJOURNMENT:

Mayor Patterson adjourned the meeting at 8:24 p.m.

**AGENDA ITEM
CITY COUNCIL MEETING DATE - OCTOBER 16, 2012
CONSENT CALENDAR**

DATE : October 2, 2012

TO : City Manager

FROM : Parks and Community Services Director

SUBJECT : **PURCHASE OF NEW PLAYGROUND STRUCTURES AT JACK LONDON PARK**

RECOMMENDATION:

Adopt a resolution authorizing the purchase and installation of playground structures at Jack London Park in the amount of \$70,384.53.

EXECUTIVE SUMMARY:

The current playground structures at Jack London Park were installed in 1990 when the park was constructed. Due to the age of the equipment staff is requesting authorization to purchase and install new playground structures.

STRATEGIC PLAN:

Relevant Strategic Plan Goals and Strategies:

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

BUDGET INFORMATION:

The cost to purchase and install the new playground structures is \$70,384.53. The funds for this project were approved by City Council in the adopted 2012-13 budget, in Account No. 047-9047-9638, Park Dedication, and Account No. 113-9205-9640, Playground Improvements.

BACKGROUND:

The current playground structures at Jack London Park were constructed when the park was built in 1990. The project will consist of removing and replacing the old playground structure for 2-5 year old children and the old playground for 5-12 year old children. Also, the sand will be removed and replaced with engineered fibar. The new structures will be compliant with current safety standards and the Americans with Disabilities Act requirements.

In September of 2012 City staff received six bids to remove and replace the playground structures at Jack London Park. Miracle Play Systems was the low bid in the amount of \$70,384.53. Following City Council approval, installation of the equipment is anticipated to begin in mid November 2012 and is scheduled to be completed by December 2012. Below are the bid results:

Bid Results:

RANK	BIDDER'S NAME AND ADDRESS	Total BID
1	Miracle Play Systems	\$70,384.53
2	L S Structures	\$87,002.84
3	All About Play	\$87,722.36
4	PG By Design	\$115,234.00
5	Com Playgrounds	\$136,832.00
6	Burke Premier Play Equipment	\$154,508.76

Attachment:

- Proposed Resolution

RESOLUTION NO. 12-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA
AUTHORIZING THE PURCHASE AND PLACEMENT OF NEW PLAY
STRUCTURES FOR JACK LONDON PARK IN THE AMOUNT OF \$70,384.53
ALLOCATED FROM PARK DEDICATION FUND AND PLAYGROUND
IMPROVEMENTS**

WHEREAS, the former play structure at Jack London Park is twenty-two years old; and

WHEREAS, the bid from Miracle Play Systems was received in compliance with the City's purchasing ordinance; and

WHEREAS, there are sufficient funds available in the Park Dedication Fund, Account No. 047-9047-9638 and Playground Improvements, Account No. 113-9295-9640 for the purchase and installation of the play structure.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Benicia approves the purchase and placement of playground structures for Jack London Park in the amount of \$70,384.53 appropriated from the Park Dedication Fund and Playground Improvement account.

On motion of Council Member _____, seconded by Council Member _____, the above Resolution was introduced and passed by the City Council of the City of Benicia at a regular meeting of said Council held on the 16th day of October 2012 and adopted by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk

**AGENDA ITEM
CITY COUNCIL MEETING DATE - OCTOBER 16, 2012
CONSENT CALENDAR**

DATE : October 3, 2012
TO : City Manager
FROM : Interim Public Works Director
SUBJECT : **ACCEPTANCE OF THE 2012 CITYWIDE SLURRY SEAL PROJECT**

RECOMMENDATION:

Adopt a resolution accepting the 2012 Citywide Slurry Seal Project as complete including Change Order No. 1, authorizing the City Manager to sign the Notice of Completion, and authorizing the City Clerk to file same with the Solano County Recorder.

EXECUTIVE SUMMARY:

The 2012 Citywide Slurry Seal Project resurfaced 3.4 miles of streets throughout the City including 18 cul-de-sacs. Slurry sealing is a cost-effective way to extend the life of a street by sealing the existing worn surfacing with a new driving surface. The final construction contract cost of \$160,751 is fully funded with gas tax monies. Acceptance of the work by the City Council is now required to file the Notice of Completion and allow final payment to be made to the contractor.

BUDGET INFORMATION:

The final construction project funding and expenditures are outlined below:

Project Budget

FY 2012/13 Adopted Budget	
Gas Tax (Acct. #017-8705-9711)	\$183,868
Total Project Budget	\$183,868

Final Project Expenditures

Original Construction Contract	\$152,608
Change Order No. 1 Final Quantities Adj. (Staff Approved).....	\$8,143
Final Construction Contract	\$160,751
Republic ITS, Inc (Add Traffic Loops @ Rose for New Turn Lane)	\$3,675
Construction Inspection (Cullen-Sherry Consulting Services)	\$7,830
Total Project Expenditures	\$172,256
Project Budget Remaining.....	\$11,612

Contract Change Order No. 1 is an adjustment for the actual material quantities used versus the original bid quantities.

The final project expenditure total of \$172,256 is fully funded from Gas Tax monies. The remaining \$11,612 that was budgeted for this project will be incorporated into a future street project.

GENERAL PLAN:

Relevant Goals include:

- Goal 2.28: Improve and maintain public facilities and services

STRATEGIC PLAN:

Relevant Strategic Plan Issue and Strategies include:

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

- Strategic Issue #1: Provide safe, functional and complete streets
 - Strategy #1: Fund street maintenance at a level that will improve pavement management index rating.

ENVIRONMENTAL REVIEW:

This project is Categorically Exempt per CEQA Section 15302 (c), which applies to repair and maintenance of existing roadways.

BACKGROUND:

On July 12, 2012, the City Council awarded a construction contract to Graham Contractors, Inc., of San Jose, California, for the 2012 Citywide Slurry Seal Project. Graham Contractors subsequently slurry sealed 3.4 miles of streets throughout the city including 18 cul-de-sacs.

Staff completed an extensive public outreach effort to ensure that residents and businesses would not be negatively impacted while the work was underway.

Slurry seal is a cost-effective way to extend the service life of a street and provide a new driving surface for the public. The project locations were selected based upon multiple criteria including street condition, traffic volumes, traffic loading, and equitable distribution of improvements throughout the City.

As part of this project, a new right turn lane was added on southbound Rose Drive for traffic turning westbound on Columbus Parkway towards Vallejo. This additional lane will help relieve traffic congestion at the intersection during the peak morning traffic.

The 2012 Citywide Slurry Seal Project was completed within budget and to the satisfaction of the City Engineer. It is therefore recommended the City Council accept this project as complete.

Attachments:

- ❑ Proposed Resolution
- ❑ Notice of Completion
- ❑ Location Map
- ❑ Project Photographs

RESOLUTION NO. 12-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA ACCEPTING THE 2012 CITYWIDE SLURRY SEAL PROJECT AS COMPLETE INCLUDING CHANGE ORDER NO. 1, AUTHORIZING THE CITY MANAGER TO SIGN THE NOTICE OF COMPLETION, AND AUTHORIZING THE CITY CLERK TO FILE THE SAME WITH THE SOLANO COUNTY RECORDER

WHEREAS, by Resolution No. 12-71, the City Council awarded the contract for the 2012 Citywide Slurry Seal Project to Graham Contractors, Inc of San Jose, California; and

WHEREAS, Graham Contractors, Inc. slurry sealed 3.4 miles of streets throughout the City including 18 cul-de-sacs; and

WHEREAS, Contract Change Order No.1 in the amount of \$8,143 for a final quantities adjustment has been approved by staff; and

WHEREAS, Graham Contractors, Inc. has completed the work in accordance with the plans and specifications and to the satisfaction of the City Engineer for a final construction contract cost of \$160,751, including Contract Change Order No.1; and

WHEREAS, the 2012 Citywide Slurry Seal Project is fully funded with Gas Tax monies; and

WHEREAS, formal acceptance of the work by the City Council is now required to allow final payment to be made to the contractor.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Benicia hereby accepts the 2012 Citywide Slurry Seal Project as complete including Change Order No. 1 for a final construction contract cost of \$160,751.

BE IT FURTHER RESOLVED, that the City Manager is hereby authorized to sign the Notice of Completion and the City Clerk is authorized to file said Notice with the Solano County Recorder.

On motion of _____, seconded by _____, the above Resolution was introduced and passed by the City Council of the City of Benicia at a regular meeting of said Council held on the 16th day of October, 2012, and adopted by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk

Recorded at the request of:**Error! Bookmark not defined.**

CITY OF BENICIA

After recording return to:

CITY OF BENICIA
ATTN: CITY ENGINEER
250 EAST 'L' STREET
BENICIA, CA 94510

NOTICE OF COMPLETION

NOTICE IS HEREBY GIVEN THAT:

- 1. The City of Benicia, 250 East "L" Street, Benicia, CA, 94510, is the owner of the property described as:

Various public city streets, located in the City of Benicia, County of Solano, State of California.

Nature of title as stated owner: In Fee.

- 2. A work of improvement known as the **2012 Citywide Slurry Seal Project** within the property described was completed and accepted by the City Council of the City of Benicia on October 16, 2012.
- 3. The name of the contractor for such improvement was **Graham Contractors, Inc of San Jose, CA.**

CITY OF BENICIA

Dated: _____

By: _____
Brad Kilger, City Manager

Attest: _____
Lisa Wolfe, City Clerk

The undersigned, being duly sworn, says: that she is the person signing the above document; that she has read the same and knows the contents thereof, and that the facts stated therein are true, under penalty of perjury.

Lisa Wolfe, City Clerk

PROJECT PHOTOGRAPHS

2012 CITYWIDE SLURRY SEAL PROJECT



BEFORE PHOTO: ROSE DRIVE & COLUMBUS PARKWAY



AFTER PHOTO: ROSE DRIVE & COLUMBUS PARKWAY



**AGENDA ITEM
CITY COUNCIL MEETING DATE - OCTOBER 16, 2012
CONSENT CALENDAR**

DATE : October 3, 2012
TO : City Manager
FROM : Interim Public Works Director
SUBJECT : **ACCEPTANCE OF THE PARK ROAD SIDEWALK CONNECTOR PROJECT**

RECOMMENDATION:

Adopt a resolution accepting the Park Road Sidewalk Connector Project as complete including Contract Change Order Nos. 1 & 2, authorizing the City Manager to sign the Notice of Completion, and authorizing the City Clerk to file same with the Solano County Recorder.

EXECUTIVE SUMMARY:

The Park Road Sidewalk Connector Project constructed 1,100 feet of sidewalk along Park Road from Oak Road to Jefferson Street, connecting the terminus of the new Benicia-Martinez Bridge facilities to the City's pedestrian network. The final construction contract cost of \$215,108 is fully funded with a Regional Measure 2 grant. Acceptance of the work by the City Council is now required to file the Notice of Completion and allow final payment to be made to the contractor.

BUDGET INFORMATION:

The final construction project funding and expenditures are outlined below:

Final Project Funding

Regional Measure 2 Grant (Acct. #035-7740-9712)..... **\$252,801**

Final Project Expenditures

Original Construction Contract\$187,888
Change Order No. 1 Final Quantity Adjustment (staff approved)..... 24,370
Change Order No. 2 Hydroseeding (staff approved)2,850
Final Construction Contract\$215,108
Cullen-Sherry Associates (Survey Staking)\$7,363
PRA (Material Testing)\$10,244
Construction Inspection (Staff time)\$20,086
Total Project Expenditures**\$252,801**

Change Order No. 1 for \$24,370 is to cover the cost of the actual quantities used on the project versus the bid quantities and includes correcting an existing drainage problem. Change Order No. 2 for \$2,850 is for hydro-seeding.

The final project expenditure total of \$252,801 is fully funded by a Regional Measure 2 grant.

GENERAL PLAN:

Relevant Goals include:

- Goal 2.15: Provide a comprehensive system of pedestrian and bicycle routes.
- Goal 2.20: Provide a balanced street system to serve automobiles, pedestrians, bicycles, and transit.
- Goal 2.28: Improve and maintain public facilities and services.

STRATEGIC PLAN:

Relevant Strategic Plan Issue and Strategies include:

- Strategic Issue #4: Preserving and Enhancing Infrastructure.
 - Strategy #1: Provide safe, functional and complete streets/obtain funding for and begin construction of the Benicia Bridge/Arsenal Pedestrian Path Project.

ENVIRONMENTAL REVIEW:

This project is Categorically Exempt per CEQA Section 15301 (c). The sidewalk is a minor alternation within the existing public right-of-way of Park Road and will involve a negligible expansion of the existing use.

BACKGROUND:

On May 1, 2012, the City Council awarded a construction contract to W.R. Forde Associates of Richmond, California, for the Park Road Sidewalk Connector Project. W.R. Forde Associates subsequently constructed the 1,100 feet long, 6-foot wide sidewalk along the north side of the Park Road. The sidewalk begins at Oak Road, at the terminus of Caltrans' bicycle/pedestrian facility constructed with the second span of the Benicia-Martinez Bridge, and ends at Jefferson Street where it ties into the existing sidewalk network.

The Metropolitan Transportation Commission (MTC), which is the financing authority for Caltrans on toll bridges, committed to funding this sidewalk project when the bicycle/pedestrian facility on the second span of the bridge was under construction so that there would be connectivity with Solano County's pedestrian network. The 6-foot sidewalk comfortably accommodates pedestrian walking side by side. Bike lanes were previously installed along this section of Park Road.

The Park Road Sidewalk Project is fully funded with a Regional Measure 2 grant and was completed to the satisfaction of the City Engineer. It is therefore recommended the City Council accept this project as complete.

Attachments:

- ❑ Proposed Resolution
- ❑ Notice of Completion
- ❑ Location Map
- ❑ Project Photographs

RESOLUTION NO. 12-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA ACCEPTING THE PARK ROAD SIDEWALK CONNECTOR PROJECT AS COMPLETE INCLUDING CHANGE ORDER NOS. 1 & 2, AUTHORIZING THE CITY MANAGER TO SIGN THE NOTICE OF COMPLETION, AND AUTHORIZING THE CITY CLERK TO FILE THE SAME WITH THE SOLANO COUNTY RECORDER

WHEREAS, by Resolution No. 12-47, the City Council awarded the contract for the Park Road Sidewalk Connector Project to W.R. Forde Associates of Richmond, California; and

WHEREAS, W.R. Forde Associates constructed the 1,100 feet of sidewalk along Park Road from Oak Road to Jefferson Street; and

WHEREAS, Contract Change Order No.1 in the amount of \$24,370 for a final quantities adjustment has been approved by staff; and

WHEREAS, Contract Change Order No. 2 in the amount of \$2,850 for hydro-seeding has been approved by staff; and

WHEREAS, W.R. Forde Associates has completed the work in accordance with the plans and specifications and to the satisfaction of the City Engineer for a final construction contract cost of \$215,108, including Contract Change Order No.1 & 2; and

WHEREAS, the Park Road Sidewalk Connector Project is fully funded by a Regional Measure 2 grant; and

WHEREAS, formal acceptance of the work by the City Council is now required to allow final payment to be made to the contractor.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Benicia hereby approves the plans and specification for the project and accepts the Park Road Sidewalk Connector Project as complete including Change Order No. 1 & 2 for a final construction contract cost of \$215,108.

BE IT FURTHER RESOLVED, that the City Manager is hereby authorized to sign the Notice of Completion and the City Clerk is authorized to file said Notice with the Solano County Recorder.

On motion of _____, seconded by _____, the above Resolution was introduced and passed by the City Council of the City of Benicia at a regular meeting of said Council held on the 16th day of October 2012, and adopted by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk

Recorded at the request of:

CITY OF BENICIA

After recording return to:

CITY OF BENICIA
ATTN: CITY ENGINEER
250 EAST 'L' STREET
BENICIA, CA 94510

NOTICE OF COMPLETION

NOTICE IS HEREBY GIVEN THAT:

1. The City of Benicia, 250 East "L" Street, Benicia, CA, 94510, is the owner of the property described as:

Park Road, located in the City of Benicia, County of Solano, State of California.

Nature of title as stated owner: In Fee.

2. A work of improvement known as the **Park Road Sidewalk Connector Project** within the property described was completed and accepted by the City Council of the City of Benicia on October 16, 2012.
3. The name of the contractor for such improvement was **W.R. Forde Associates of Richmond, CA.**

CITY OF BENICIA

Dated: _____

By: _____
Brad Kilger, City Manager

Attest: _____
Lisa Wolfe, City Clerk

The undersigned, being duly sworn, says: that she is the person signing the above document; that she has read the same and knows the contents thereof, and that the facts stated therein are true, under penalty of perjury.

Lisa Wolfe, City Clerk



PARK ROAD SIDEWALK PROJECT

NOT TO SCALE

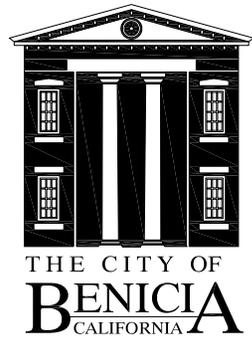
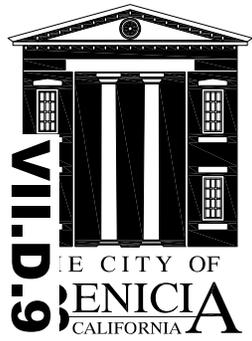


EXHIBIT: LOCATION MAP

PROJECT PHOTOGRAPHS

PARK ROAD SIDEWALK CONNECTOR PROJECT



BEFORE PHOTO: ROSE DRIVE & COLUMBUS PARKWAY



AFTER PHOTO: ROSE DRIVE & COLUMBUS PARKWAY



AGENDA ITEM
CITY COUNCIL MEETING DATE - OCTOBER 16, 2012
CONSENT CALENDAR

DATE : October 10, 2012

TO : City Manager

FROM : Economic Development Manager

SUBJECT : **APPROVE LEASE AGREEMENT WITH NEW CINGULAR WIRELESS PCS, LLC FOR A WIRELESS TELECOMMUNICATIONS FACILITY AT CITY RESERVOIR 1 SITE**

RECOMMENDATION:

Adopt a resolution approving a Lease Agreement between the City of Benicia and New Cingular Wireless PCS, LLC and authorizing the City Manager to execute the agreement on behalf of the City.

EXECUTIVE SUMMARY:

The proposed lease agreement with New Cingular Wireless PCS, LLC renews an original lease agreement that expired on April 16, 2011. The new agreement has a twenty year term to the year 2032. The proposed consideration for this agreement begins with a monthly lease payment of \$3,334 with a 3% annual increase. In addition the City will receive an annual \$800 administration fee and a onetime lease commencement fee of \$5,000.

BUDGET INFORMATION:

The City will realize an immediate financial gain of \$834 per month (difference between existing lease payment (\$2,500/month) and new one of \$3,334/month. In addition, there will be a 3% annual increase in rental income and an annual \$800 administration fee; no such administration fee existed in the previous agreement.

The one-time commencement fee and annual administration fee shall be deposited in Economic Development Account No.: 086-0000-3275.

GENERAL PLAN:

Relevant General Plan Goals:

- Goal 2.43: Allow installation of telecommunications equipment and distribution networks that maintain and protect health, safety, and quality of life and avoid visual clutter.
- Goal 2.5: Facilitate and encourage new uses and development, which provide substantial and sustainable fiscal and economic

benefits to the City and community while maintaining health, safety and quality of life.

STRATEGIC PLAN:

Relevant Strategic Plan Goals:

- Strategic Issue 3: Strengthening Economic and Fiscal Conditions
- Strategic Issue 4: Preserving and Enhancing Infrastructure
 - Strategy #3: Address technology needs

BACKGROUND:

On April 25, 1991 the City of Benicia and New Cingular Wireless, successor in interest to Napa Cellular Telephone Company entered into lease agreement for the installation of a wireless communication facility at 1471 Park Road, also referred to as R1 or MT Reservoir. This agreement expired on April 16, 2011. Over the last 19 months New Cingular Wireless and the City have operated on a month-to-month holdover basis while a new lease agreement was being developed.

The proposed new lease agreement provides that on November 1, 2012 the lessee shall pay City a one-time administration fee totaling \$5,000. Also on that date, lessee shall pay the City the first annual \$800 administration fee, which shall be due on November 1st of each successive year. The business terms of this agreement establish a monthly rent payment of \$3,334 (\$40,008 annually) with a 3% annual increase. The monthly rent calculation is based in part on the location desired, the size of the equipment, the number of antennas erected, and the market rate for the area.

The annual compensation for this agreement exceeds all other City telecommunication leases to date. Additionally, the rate structure of this Agreement is comparable or exceeds the terms of telecommunication leases in our surrounding area, including East Bay MUD, Contra Costa County, Contra Costa Sanitary District, Cities of Fairfield, Vacaville and Vallejo.

Staff recommends the adoption of the proposed resolution, approving the lease agreement with New Cingular Wireless.

Attachments:

- Proposed Resolution
- Lease Agreement

RESOLUTION NO. 12-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING A LEASE AGREEMENT BETWEEN THE CITY OF BENICIA AND NEW CINGULAR WIRELESS PCS, LIMITED LIABILITY COMPANY, FOR THE CONTINUED OPERATION OF A WIRELESS COMMUNICATION FACILITY AT 1471 PARK ROAD, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AMENDMENT ON BEHALF OF THE CITY

WHEREAS, the City entered into a lease agreement with Napa Cellular Telephone Company on April 25, 1991; and

WHEREAS, that original lease agreement was assigned to New Cingular Wireless PCS, LLC; and

WHEREAS, the original agreement expired on April 16, 2011; and

WHEREAS, both parties desire to continue their partnership and have negotiated a new lease agreement; and

WHEREAS, New Cingular Wireless provided the City adequate consideration including a one-time lease commencement fee of \$5,000, an annual \$800 administration fee and a 33% monthly rent increase to \$3,334 per month.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council hereby approves the Lease Agreement between the City of Benicia and New Cingular Wireless PCS, a Delaware limited liability company, to continue to operate the wireless communication facility at 1472 Park Road and authorizes the City Manager to execute the agreement on behalf of the City, subject to approval by the City Attorney.

* * * *

On motion of Council Member _____, seconded by Council Member _____, the above resolution was introduced and passed by the City Council of the City of Benicia at a regular meeting of said Council on the 16th day of October 2012 and adopted by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk

Cell Site No: N128565 / 207/BENICIA_WS-34679.1
FA No: 10095859
Site Address: 1471 Park Road, Benicia, CA 94510 (aka "Old Reservoir R-1")

SITE LEASE AGREEMENT

This Lease Agreement (hereafter "Agreement") effective as of the date of the last signature affixed below is by and between the **City of Benicia**, a Municipal Corporation, whose mailing address is 250 East L Street, Benicia, CA 94510, (hereinafter referred to as "LESSOR"), and **New Cingular Wireless PCS, LLC**, A Delaware limited liability company, successor in interest to Napa Cellular Telephone Company, having a mailing address at 12555 Cingular Way, Suite 1300, Alpharetta, GA 30004, (hereinafter referred to as "LESSEE").

RECITALS

WHEREAS, LESSOR has fee title to a parcel of land described as that portion of that property designated as Area No. 1 acquired by the CITY OF BENICIA by Grant Deed from the United States of America recorded March 1, 1965, in Book 1324 at Page 396, Official Records, Solano County, known as: Reservoir Site No. One, 5299 Park Road, Benicia, and also known as 1471 Park Road, Benicia, APN: 080-140-670 (hereafter "Property"), as shown on the attached plot plan of the attached as Exhibit "A" and incorporated herein by this reference; and

WHEREAS, on April 25, 1991 LESSEE entered into a Lease with LESSOR for a portion of the Property in order to install a telecommunications facility that is still in use; and

WHEREAS, the Lease Agreement between the parties expired on April 16, 2011, and LESSEE is currently renting the Premises on a month-to-month holdover basis; and

WHEREAS, LESSEE has received a Use Permit (11 PLN-00072) approved by the City of Benicia Planning Commission on February 9, 2012 to expand its telecommunication facility subject to entering into a new lease agreement with LESSOR; and

WHEREAS, LESSOR desires to grant to LESSEE the right to continue to use a portion of the property for this purpose based on the terms and conditions set forth below.

NOW THEREFORE, the parties agree as follows:

1. LEASE OF PREMISES. LESSOR hereby leases to LESSEE a portion of that certain parcel of real property, located at 1471 Park Road, (also known as "Reservoir Site No. One at 5299 Park Road), in the City of Benicia, County of Solano owned by LESSOR, hereinafter referred to as "Premises."

Cell Site No: N128565 / 207/BENICIA_WS-34679.1
FA No: 10095859
Site Address: 1471 Park Road, Benicia, CA 94510 (aka "Old Reservoir R-1")

2. **TERM.** This Agreement has an initial term of sixty (60) months ("Initial Term"), commencing upon execution of this Agreement, hereafter referred to as the "Execution Date." This Agreement will automatically renew for three (3) additional sixty (60) month terms (each an "Extension Term"), subject to all the provisions of this Lease, including but not limited to provisions for adjustments to and variations in rent unless LESSEE notifies LESSOR in writing of LESSEE's intention not to renew this Agreement at least sixty (60) days prior to the expiration of the Initial Term or any Extension Term.

3. **RENT.** Commencing on the first day of the month following the execution of the Agreement (hereafter "Commencement Date"), and on each successive month for twelve months thereafter, LESSEE will pay to LESSOR monthly rent in the amount of Three Thousand, Three Hundred and Thirty-Four dollars (\$3,334.00), which shall be sent to the address set forth in the Notice section herein. Upon execution of the Agreement, LESSEE shall within thirty (30) days, pay LESSOR the first month's rent prorated from the Execution Date of the Agreement to the Commencement Date.

4. **ANNUAL INCREASES.** On the anniversary of the Commencement Date, and each year thereafter until the Agreement terminates, the monthly rent shall be increased by three percent (3%) over the amount of the rent paid the previous year.

5. **ANNUAL ADMINISTRATION FEE.** On the Commencement Date and each year thereafter, LESSEE shall pay to LESSOR an administration fee in the amount of Eight-Hundred Dollars (\$800.00) to cover the costs of administering this Agreement.

6. **ONE-TIME COMMENCEMENT FEE.** To cover LESSOR's legal fees and other administrative costs in initiating this Agreement, LESSEE shall pay LESSOR a one-time Commencement Fee of Five Thousand Dollars (\$5,000.00) that shall be due and payable on the Commencement Date.

7. **LATE CHARGES.** LESSEE hereby acknowledges that late payment by LESSEE to LESSOR of rent or other sums due hereunder will cause LESSOR to incur costs not contemplated by this Lease, the exact amount of which will be extremely difficult to ascertain. Such costs include, but are not limited to, processing and accounting charges. Accordingly, if any installment of rent or other sum due from LESSEE is not received by LESSOR within five (5) days after said amount is due, then LESSEE shall pay to LESSOR a late charge equal to twelve (12%) percent of such overdue amount. The parties hereby agree that such late charge represents a fair and reasonable estimate of the cost the LESSOR will incur by reason of the late payment by LESSEE. Acceptance of such late charge by the LESSOR shall in no event constitute a waiver of LESSEE's default with respect to such overdue amount, nor prevent LESSOR from exercising any of the other rights and remedies granted hereunder.

8. **PERMITTED USE.** LESSEE will use the Leased Premises for the transmission and reception of communications signals and to continue the operation,

Cell Site No: N128565 / 207/BENICIA_WS-34679.1
FA No: 10095859
Site Address: 1471 Park Road, Benicia, CA 94510 (aka "Old Reservoir R-1")

maintenance and repair of LESSEE's existing telecommunication facility, which includes a 60 foot tall monopole tower with twelve (12) antennas and a 10' x 10' communication building as set forth in Exhibit B. Upon execution of this Agreement; LESSEE may install an additional three (3) new antennas, six (6) new radio remote units, one (1) new surge suppressor and one (1) new GPS receiver subject to the terms and conditions of the Use Permit (11 PLN-72) approved by the Benicia Planning Commission on February 9, 2012 and subject to the terms of the Design Review approved by the Historic Preservation Review Commission on January 26, 2012 (11PLN-71). These approved additions are depicted in the attached plans as Exhibit C. All the equipment, both existing and to be constructed will hereinafter be referred to as the "Telecommunications Facility." LESSEE will have the right to maintain, remove, repair or substitute equipment should the need arise. However, any additions or improvements to the Telecommunications Facility, including the need for additional antenna(s) or space beyond the approved Leased Premises, will require prior approval from LESSOR through the application process and may increase the monthly rent.

9. ACCESS TO THE SITE AND LEASED PREMISES. LESSEE will have the right of access to the Site and Leased Premises, twenty-four (24) hours a day, seven (7) days a week as may be required for LESSEE to install, construct, house, operate, maintain, repair, replace, protect, or secure the Telecommunications Facility and otherwise exercise the rights granted herein, subject to the Security of Site provisions set forth in Section 10 of this Agreement.

10. SECURITY OF SITE. LESSEE shall be responsible for the security of the Site and its Leased Premises at all times during use and shall be responsible for providing a lock to comply with the security provisions of this Agreement.

(a) LESSEE shall ensure that all employees, representatives, or agents of any sort, including contractors, subcontractors, utility workers, invitees or inspectors, close and lock all gates, doors and other portal barriers before leaving the property site. While LESSEE is on the Premises, the main entry gate shall remain closed and locked at all times except those times while driving through the gate.

(b) LESSEE shall at no time allow access by any other party, except LESSOR's employees, through the gate while the gate is unlocked by LESSEE. This includes, but is not limited to, illegal copying and distribution of keys, holding the gate open to let others in, and any other type of unauthorized access.

(c) In the event that LESSOR witnesses, or is informed of LESSEE violating any of the terms and conditions in this section, the following will apply:

- First Offense: Letter of Violation
- Second Offense: Letter of Violation and Fine of \$600

Cell Site No: N128565 / 207/BENICIA_WS-34679.1
FA No: 10095859
Site Address: 1471 Park Road, Benicia, CA 94510 (aka "Old Reservoir R-1")

- Third Offense: Fine of \$1200, plus all access to site will be revoked and only access to site by escort of LESSOR will be allowed. If under this step, LESSEE is found on site, law enforcement will be notified of persons trespassing LESSOR's property and all applicable trespassing laws will be enforced.
- Fourth Offense: Shall be grounds for LESSOR terminating Lease.

11. UTILITIES. LESSEE will be solely responsible for and will promptly pay all charges for any necessary electricity at the Leased Premises. LESSEE will be solely responsible for and will promptly pay all charges for the installation and use of any telephone service at the Leased Premises.

12. COMPLIANCE WITH FCC. LESSEE will maintain its equipment in compliance with the FCC guidelines. The LESSOR agrees to restrict access to the Premises and allow the posting of warning signs as specified in any routine evaluation that may be performed by LESSEE, if required by the FCC.

13. RADIO FREQUENCY AND/OR ELECTRICAL INTERFERENCE.

(a) LESSEE warrants that its use of the Premises will not cause radio frequency and/or electrical interference to any existing equipment of LESSOR or to any other LESSEE who is using the Site provided that the equipment used by LESSOR is operating within the technical parameters specified by its manufacturer and/or as required by the FCC. Upon written notice from LESSOR to LESSEE of such interference, LESSEE will take all reasonable steps to correct such interference in a timely manner. If such interference cannot be reasonably corrected within five (5) business days from receipt of LESSOR's notice, LESSEE will cease using its Telecommunications Facility, except for testing, until such time as LESSEE corrects the interference. In the event LESSEE cannot correct the interference, LESSEE will have the option to terminate this Lease without further liability hereunder, upon thirty (30) days written notice to LESSOR.

(b) After the date of this Lease, LESSOR will not grant use to any other party for use of the Site or modify an existing lease for use of the Site, or change its use of the Site or permit an existing LESSEE to make any changes to its use of the Site, if such use would in any way adversely affect or interfere with the operation of LESSEE's Telecommunications Facility. If LESSOR or its agents, employees or other LESSEEs of LESSOR's Site causes uncorrected radio frequency and/or electrical interference with LESSEE's Telecommunications Facility, LESSOR will correct the interference or require its LESSEE to do so. LESSEE will be entitled to a rent abatement until such interference is corrected. If the interference cannot be corrected within five (5) business days from receipt of LESSEE's notice, LESSOR will cause the party creating the interference to cease using its equipment, except for testing, until the interference has been corrected.

(c) LESSOR will include non-interference terms similar to those in (a) above in all future agreements for use of the Site.

Cell Site No: N128565 / 207/BENICIA_WS-34679.1
FA No: 10095859
Site Address: 1471 Park Road, Benicia, CA 94510 (aka "Old Reservoir R-1")

14. NOTICE. Any notice or demand required or permitted to be given hereunder will be sufficiently given if made by regular, registered, certified mail, postage prepaid, or return receipt requested, overnight courier, or hand delivery addressed to the other party at the address set forth herein. Any such notice or demand will be deemed to have been made three (3) business days after it is postmarked in the United States Postal Service, if by mail, the next business day if by overnight courier, and upon receipt if by hand delivery. Either party may from time to time designate any other address for this purpose by giving written notice thereof to the other party.

If to LESSOR:

City of Benicia
Attn: City Manager
250 East "L" Street
Benicia, CA 94510

And a copy to the following sent via certified or registered mail:

City of Benicia
Attn: City Attorney
250 East "L" Street
Benicia, CA 94510

If to LESSEE:

New Cingular Wireless PCS, LLC
Attn: Network Real Estate Administration
Re: Cell Site #: N128565; Cell Site Name: 207/BENICIA (CA)
Fixed Asset No: 10095859
12555 Cingular Way, Suite 1300
Alpharetta, GA 30004

With a required copy of the notice sent to the address above to AT&T Legal at:

If sent via certified or registered mail:

New Cingular Wireless PCS, LLC
Attn: AT&T Legal Department
Re: Cell Site #: N128565; Cell Site Name: 207/BENICIA (CA)
Fixed Asset No: 10095859
P.O. Box 97061
Redmond, WA 98073-9761

Cell Site No: N128565 / 207/BENICIA_WS-34679.1
FA No: 10095859
Site Address: 1471 Park Road, Benicia, CA 94510 (aka "Old Reservoir R-1")

Or

If sent via nationally recognized overnight courier:

New Cingular Wireless PCS, LLC
Attn: AT&T Legal Department
Re: Cell Site #: N128565; Cell Site Name: 207/BENICIA (CA)
Fixed Asset No: 10095859
16331 NE 72nd Way
Redmond, WA 98052-7827

15. LIABILITY AND INDEMNITY. LESSEE shall indemnify, defend and hold harmless LESSOR, including its officials, officers, employees, volunteers or agents, against and from any and all causes of action, claims, demands, damages, losses, liabilities, obligations, judgments, expenses, including reasonable attorney's fees and costs of litigation, arising out of or in any way connected to LESSEE's use of the Premises or this Agreement, including, but not limited to, any activity, work or other thing done, permitted or suffered by the LESSEE in or about the Premises, or in conducting operations on the Premises, or arising from any breach or default in the performance of any obligation on LESSEE's part to be performed under the terms of this Agreement, regardless of any negligence of the LESSOR, whether active or passive, except to the extent caused by the sole gross negligence or willful misconduct of the LESSOR. In the event LESSOR's indemnities are made a party to any action, lawsuit, or other adversarial proceeding arising from this Lease, LESSEE shall provide a defense to LESSOR or at LESSOR's option reimburse LESSOR indemnities their costs of defense, including reasonable attorney's fees, incurred in the defense of such claims. LESSEE shall give prompt notice to LESSOR in case of fire or accidents on the Premises or in the building or of defects therein or in the fixtures or equipment. LESSEE shall pay all costs that may be incurred by LESSOR in enforcing this indemnity, including reasonable attorneys' fees. LESSOR agrees to indemnify, defend and hold LESSEE harmless from and against any and all injury, loss, damage or liability (or any claims in respect of the foregoing), costs or expenses (including reasonable attorneys' fees and court costs) arising directly from the actions or failure to act of LESSOR, its employees or agents, or LESSOR's breach of any provision of this Agreement, except to the extent attributable to the negligent or intentional act or omission of LESSEE, its employees, agents or independent contractors.

16. TAXES. LESSEE shall be responsible to pay for any taxes that are assessed as a direct result of the installation of LESSEE's site equipment, including without limitation, ad valorem property taxes or possessory interest taxes levied by reason for the possessory leasehold interest created hereunder.

17. INSURANCE.

(a) LESSEE, 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

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coverage. This coverage shall insure not only LESSEE, but also, with the exception of workers' compensation, shall include as additional insureds LESSOR, its officers, agents, employees, and volunteers, and each of them:

- i. "All Risk" property insurance for its property's replacement cost;
- ii. Commercial general liability insurance with a limit of liability of Five Million Dollars (\$5,000,000) combined single limit for bodily injury or death/property damage arising out of any one occurrence and in the aggregate; Liability coverage on an occurrence basis (occurrence form CG 0001 or equivalent);
- iii. Workers' compensation Insurance as required by law;
- iv. Commercial Automobile Insurance Services Office, form #CA 0001 (Ed covering auto liability code 1 (any auto)).

(b) Deductibles and Self-Insured Retentions. Any self-insured retentions must be declared to LESSOR.

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

i. For any claims related to this Lease, the LESSOR'S insurance coverage shall be primary insurance as respects LESSOR, its officers, officials, employees, and volunteers. Any insurance or self-insurance maintained by LESSOR, its officers, officials, employees, or volunteers shall be in excess of the LESSEE'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 LESSOR, its officers, officials, employees, agents or volunteers;

iii. The LESSEE'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;

(d) Lessee shall provide at least 30 days advanced written notice to Lessor of any cancellation or non renewal of any required coverage that is not replaced.

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

(f) Verification of Coverage. Evidence of the insurance coverage required to be maintained by LESSEE under this Agreement, represented by certificates of insurance and endorsements issued by the insurance carrier(s), must be furnished to LESSOR prior to commencing installation or any construction at the Site and thereafter upon

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request by LESSOR. Such certificates and endorsements will specify the additional insured status as well as the waivers of subrogation. Copies of all additional insured endorsements or coverage required by this Agreement must accompany the certificates delivered to LESSOR.

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

(h) Notwithstanding the foregoing, Lessee shall have the right to self-insure the coverage required in subsection (a). In the event Lessee elects to self-insure its obligation to include Lessor as an additional insured, the following provisions shall apply (in addition to those set forth in subsection (a)):

(i) Lessor shall promptly and no later than thirty (30) days after notice thereof provide Lessee with written notice of any claim, demand, lawsuit, or the like for which it seeks coverage pursuant to this Section and provide Lessee with copies of any demands, notices, summonses, or legal papers received in connection with such claim, demand, lawsuit, or the like;

(ii) Lessor shall not settle any such claim, demand, lawsuit, or the like without the prior written consent of Lessee; and

(iii) Lessor shall fully cooperate with Lessee in the defense of the claim, demand, lawsuit, or the like.

18. OTHER RIGHTS RESERVED. All oil, gas, and mineral rights are expressly reserved from this Lease.

19. CONDITION OF LEASED PREMISES. LESSEE shall, at LESSEE'S sole cost and expense, keep the Premises and every part thereof in good condition and repair, damage thereto from causes beyond the reasonable control of LESSEE and ordinary wear and tear excepted. LESSEE, upon the expiration or sooner termination of this Lease, shall surrender the Premises to LESSOR in good condition, ordinary wear and tear and damage from causes beyond the reasonable control of LESSEE excepted. LESSOR shall have no obligation whatsoever to alter, remodel, improve, or repair the Premises or LESSEE'S Telecommunications Facility or equipment. LESSOR will furnish the Site, including the Leased Premises, to LESSEE in good condition and repair and will ensure that there is access to the Premises. Unless LESSOR determines otherwise, upon expiration, cancellation, or termination of this Lease Agreement, the 60 foot monopole and the 10' x 10' communication building will belong to LESSOR, excluding any of LESSEE'S communications equipment

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20. REMOVAL/RESTORATION. In the event LESSOR determines upon expiration, cancellation, or termination of the Agreement, that it does not wish to own the monopole and communications building, LESSOR shall provide written notice of such to LESSEE. Within one hundred twenty (120) days of receiving such notice, LESSEE will remove all of LESSEE's above and below ground improvements and LESSEE will, to the extent reasonable, restore the Premises to its condition at the commencement of the Agreement, reasonable wear and tear and loss by casualty or other causes beyond LESSEE's control excepted.

21. ASSIGNMENT. LESSEE will have the right to assign, sell, or transfer its interest under this Agreement without the approval or consent of LESSOR, to LESSEE's parent or member company or any affiliate or subsidiary of or partner in, LESSEE or its parent or member company or to any entity which acquires all or substantially all of the LESSEE's assets in the market defined by the Federal Communications Commission in which the Property is located by reason of a merger, acquisition, or other business reorganization. Upon notification to LESSOR of such assignment, transfer or sale, LESSEE will be relieved of all future performance, liabilities and obligations under this Agreement. Notwithstanding the foregoing, the assignment, sale or transfer of LESSEE'S interest to LESSEE's parent or member company or any affiliate or subsidiary of or partner in, LESSEE or its parent or member company or to any entity which acquires all or substantially all of the LESSEE's assets in the market defined by the Federal Communications Commission in which the Property is located by reason of a merger, acquisition, or other business reorganization shall not require re-negotiation of the terms of the Agreement. LESSEE may not otherwise assign this Agreement or sublease the Premises, in whole or in part, without LESSOR's consent, LESSOR's consent not to be unreasonably withheld or delayed. However, all such approvals may require re-negotiation of the terms of the Agreement. LESSEE may not, without LESSOR's written consent, assign this Agreement or sublet the Premises.

22. GOVERNMENTAL APPROVALS. LESSEE will at all times comply with all laws, ordinances, rules and regulations of municipal, state, and federal governmental authorities relating to the installation, maintenance, height, location, use, operation, and removal of its Telecommunications Facility, and other alterations or improvements authorized herein. LESSEE, at its expense, will be responsible for obtaining and maintaining all permits or approvals required by governmental or regulatory agencies arising out of LESSEE's intended use of the Site.

23. REPRESENTATIONS AND WARRANTIES. LESSOR represents and warrants (a) that it is the owner of the Site in fee simple, unencumbered by any lien, agreement, mortgage, condition or covenant that would adversely affect LESSEE's use of the Premises pursuant to this Lease; and (b) that it is duly organized, validly existing and in good standing and has all the rights powers and authority to make this Lease and bind itself through the party set forth below as signatory of LESSOR.

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LESSEE represents and warrants that it is duly organized, validly existing and in good standing and has all the rights powers and authority to make this Lease and bind itself through the party set forth below as signatory of LESSEE.

24. DESTRUCTION OR CONDEMNATION OF SITE. If the Site, in whole or in part, is damaged by fire or other casualty so as to prevent LESSEE's use of the Leased Premises and LESSOR cannot repair the Site within thirty (30) days after the date of damage, LESSEE will have the option to terminate this Lease, without any further liability hereunder, upon written notice to LESSOR. In the event of partial destruction of the Site, LESSEE will be entitled to a rent abatement until LESSOR completes repairs and LESSEE is able to resume use of the Leased Premises. During the period of time LESSOR is repairing the Site, LESSEE shall have the right to place a temporary cell site on wheels ("COW") on LESSOR'S Property at a mutually acceptable location so that LESSEE can continue to provide communications service from such location ("Relocation Premises"). The Relocation Premises shall be considered the Leased Premises for all purposes under the Agreement.

25. TERMINATION. This Agreement may be terminated, without penalty or further liability, as follows:

- (a) By either party with thirty (30) days prior written notice, if the other party remains in default in breach of this agreement as set forth in Section 24.
- (b) By LESSEE upon written notice to LESSOR, if LESSEE is unable to obtain, or maintain, any required approval(s) or the issuance of a license or permit by any agency, board, court or other governmental authority necessary for the construction or operation of the Telecommunications Facility or if LESSEE determines in its sole discretion that the cost of obtaining or retaining the same is commercially unreasonable;
- (c) By LESSEE upon sixty (60) days prior written notice to LESSOR for any reason or no reason, so long as LESSEE pays LESSOR a termination fee equal to six (6) months Rent.
- (e) By LESSOR upon providing twelve (12) months' notice to LESSEE, if it is determined that the leased Premises is needed for another use by LESSOR.

26. DEFAULTS AND REMEDIES. Failure by either party to perform any obligation under this Agreement will not constitute default unless the non-defaulting party gives the defaulting party prior written notice of such failure, and the defaulting party fails to correct such failure within thirty (30) days of that notice; provided, however, that if any such default cannot reasonably be cured within thirty (30) days, there will be no default if the defaulting party commences to cure such default within the thirty (30) day period and thereafter diligently pursues such cure to completion within a reasonable period of time. .

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In the event of a default as provided above, the non-defaulting party, in addition to any other rights it may have at law or in equity, will have the right to terminate this Lease upon thirty (30) days prior written notice as set forth in Section 25.

27. CHOICE OF LAW. The Lease will be governed and construed by the laws of the State of California.

28. ENTIRE AGREEMENT AND BINDING EFFECT. This Agreement and all attached Exhibits, constitute the entire agreement between LESSOR and LESSEE and shall supersede all prior offers, negotiations and agreements; no prior written or contemporaneous oral promises or representations will be binding. The undersigned have full power and authority to bind their principals to this agreement. This Agreement will not be amended, or changed except by written instrument signed by both parties hereto. If any clause or provision of this Agreement is found to be invalid and unenforceable with respect to any party, the remainder of this Agreement will not be affected and will remain valid and enforceable. Paragraph captions herein are for convenience only, and neither limit nor amplify the provisions of this Agreement. The provisions of this Agreement will be binding upon and inure to the benefit of the parties hereto and their respective heirs, executors, administrators, successors, transferees, and permitted assignees.

29. ENVIRONMENTAL. LESSOR represents and warrants, (i) the Property, as of the date of this Agreement, is free of hazardous substances, including asbestos-containing materials and lead paint, and (ii) the Property has never been subject to any contamination or hazardous conditions resulting in any environmental investigation, inquiry or remediation. LESSOR and LESSEE agree that each will be responsible for compliance with any and all applicable governmental laws, rules, statutes, regulations, codes, ordinances, or principles of common law regulating or imposing standards of liability or standards of conduct with regard to protection of the environment or worker health and safety, as may now or at any time hereafter be in effect, to the extent such apply to that party's activity conducted in or on the Property.

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IN WITNESS WHEREOF, the parties have caused their properly authorized representatives to execute and seal this Site Lease Agreement on the date and year below.

LESSOR:

City of Benicia, a municipal corporation

LESSEE:

New Cingular Wireless PCS, LLC, a Delaware limited liability company

By: AT&T Mobility Corporation
Its: Manager

By: _____
Name: _____
Title: _____
Date: _____

By: _____
Name _____
Title: _____
Date: _____

Approved as to form:

By: _____
City Attorney

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EXHIBIT A

Cell Site No: N128565 / 207/BENICIA_WS-34679.1
FA No: 10095859
Site Address: 1471 Park Road, Benicia, CA 94510 (aka "Old Reservoir R-1")

EXHIBIT B

Cell Site No: N128565 / 207/BENICIA_WS-34679.1
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EXHIBIT C

AGENDA ITEM
CITY COUNCIL MEETING DATE - OCTOBER 16, 2012
CONSENT CALENDAR

DATE : October 9, 2012

TO : City Manager

FROM : Administrative Services Director
Interim Public Works Director

SUBJECT : **APPROVE THE AMENDMENTS TO THE FIELD UTILITIES AND STREET APPRENTICE (FUSA) JOB SPECIFICATION**

RECOMMENDATION:

Adopt the resolution approving the amendments to the Field Utilities and Street Apprentice (FUSA) job specification.

EXECUTIVE SUMMARY:

A number of updates to the job specification for the Field Utilities and Street Apprentice (FUSA) job specification were presented to the Civil Service Commission on October 9, 2012. The Civil Service Commission approved the proposed recommendations and recommends approval by the City Council.

STRATEGIC PLAN:

Relevant Strategic Plan Issues and Strategies:
N/A

BUDGET:

There is no additional cost to the City associated with the proposed job description amendments.

BACKGROUND:

Currently, the Public Works Department has two vacancies in the maintenance crews, and wishes to pursue replacement. Historically, the Public Works Department has filled vacancies in the crews at the apprentice level to allow employees to receive training in water distribution, sewer collection, and street maintenance prior to advancing to the journeyman level.

Past practice has been to require that within one year (the probation period), an apprentice would test for and receive their Class B driver's license. Upon receiving their license, the staff member would be entered into the City's DOT Compliance program for drug and alcohol testing. However, until now, this has not been part of the job description.

Staff is proposing to add the licensure language as shown in the attached revised job specification, and this language is consistent with the Field Utilities and Streets Journeyman job description. These modifications will provide the greatest flexibility for operations to insure that backhoe operators in the journeyman classification are not pulled away from emergency work to drive a dump truck. Over the next several months, the department will be reviewing and updating other specifications in this division, as well as for Water and Wastewater, as needed in order to ensure the necessary qualifications are included in the various job descriptions.

Attachments:

- Resolution
- Amended Field Utilities and Streets Apprentice Job Specification (strike-out copy)
- Amended Field Utilities and Streets Apprentice Job Specification (clean copy)

RESOLUTION NO. 12-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING THE AMENDMENTS TO THE FIELD UTILITIES AND STREET APPRENTICE (FUSA) JOB DESCRIPTION

WHEREAS, the Field Utilities and Street Apprentice (FUSA) job description was last revised in 2005; and

WHEREAS, this job description required a number of updates in order to reflect current requirements and departmental practices relative to this position; and

WHEREAS, the proposed updates were reviewed and approved by the Civil Service Commission on October 9, 2012.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Benicia hereby approves the proposed amendments to the FUSA job description.

On motion of Council Member _____, and seconded by Council Member _____, the above Resolution was introduced and passed by the City Council of the City of Benicia at a regular meeting of said Council held on the 16th day of October, 2012 and adopted by the following vote.

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk



CITY OF BENICIA FIELD UTILITIES AND STREETS WORKER APPRENTICE

DEFINITION:

Under direct supervision, performs a variety of unskilled and semiskilled tasks in the maintenance and repair of City streets, sewer and water mains, storm drains and related appurtenances, and other work within public easements and right of ways as required. A Field Utilities and Streets Worker Apprentice may be assigned to any maintenance division in the Public Works Department.

DISTINGUISHING CHARACTERISTICS:

The Field Utilities and Streets Worker Apprentice classification is the entry-level position within the Field Utilities and Streets Worker series. Employees within the Apprentice class typically require direct supervision and perform a variety of unskilled and semi-skilled tasks. Employees perform the more routine tasks and duties assigned, and assist journey level staff in performing the more complex and difficult tasks. Employees at this level are not expected to perform with the same independence of direction and judgment on matters allocated to the higher Field Utilities and Streets Worker classifications. The employee is expected to progress to a Journeyman level within 5 years of on the job training and successful completion of job proficiency exams.

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

- Perform a variety of unskilled and semiskilled street maintenance and construction duties.;
- Use hand tools such as shovel, rake, sledge hammer, pry bars, and tampers.;
- May operate compressors and spray rigs and occasionally operates trucks and light mechanical equipment; may drive dump trucks and operate light construction equipment including jack hammers, backhoes, and patch paving truck, as assigned.;
- Clean and care for tools and equipment.;
- Control weeds on vacant land.;
- Read water meters.;
- Load and unload trucks and moves equipment and materials.;



Respond to emergency calls after hours and on weekends and holidays.

Drive pickups and haul trailer mounted equipment.

Complete all paperwork required for work tasks assigned.

Employees will initially assist journey level employees with, and eventually perform after successful training and testing, the following examples of duties:

- Prepare surfaces for paving, mix cement, break up paved surfaces;
- Excavate and fill trenches and ditches (excluding the use of heavy equipment);
- Lay out and paint pavement, striping, and markings;
- Fabricate, repair, paint and install traffic signs and posts;
- Install and repair water mains, service connections, meters, valves and other water facilities;
- Locate and repair leaks in water lines and other facilities;
- Install and repair all wastewater collection system and storm drainage system components;
- Set up traffic control using safety cones and barricades, and may direct traffic at work sites;
- Repair damaged sections of curbs and sidewalks; mix concrete and set forms, pour and finish new concrete;
- Remove damaged or fallen trees and clean up debris, spills and other material from accidents or in emergency situations;
- Perform crack sealing work on streets and alleys;
- Maintenance of pump stations, lift stations, wastewater treatment plant, and water treatment plant;
- Remove blockages and enact preventative maintenance of wastewater collection systems and storm drainage systems using hand, hydraulic, and mechanical equipment;
- Make field investigations and operate pipeline video inspection equipment to determine the location and condition of pipes, manholes and other structures;

FIELD UTILITIES AND STREETS WORKER APPRENTICE QUALIFICATIONS:

Knowledge of: Uses and purposes of basic tools and equipment for repair and maintenance work; basic construction and maintenance methods and terminology; some knowledge of safe work practices.

— and —

Ability to: Learn and/or perform a variety of unskilled and semiskilled maintenance tasks; Operate light motorized equipment skillfully and safely; Learn to operate heavy motorized equipment; Perform heavy manual labor; Lift and carry equipment, tools, materials and other heavy objects;

Understand and carry out oral and written directions; Read and write at a level for successful job performance; Maintain effective working relationships with employees, contractors, government officials, and the general public. Work in and around traffic for long periods, outdoors and in all types of weather; walk and climb ladders, stoop, and safely lift and carry heavy objects weighing up to 100 pounds; Work well with others on a crew; ability to learn and perform confined entry procedures.

Education and Experience:

Experience:

A minimum of one year of general work experience that would provide the knowledge, skills, and abilities listed above.

Education:

Equivalent to completion of the twelfth grade.

SPECIAL REQUIREMENTS:

Possession of a valid California Driver's License (Class C) issued by the State Department of Motor Vehicles. Must train for and receive a valid Class B California Driver's License issued by the State Department of Motor Vehicles by completion of probation (one year). Class B License must include Tanker Endorsement.

Pursuant to the United States Department of Transportation (DOT) regulations as of January 1, 1996, and implementing the Federal Omnibus Transportation Employee Testing Act of 1991, and the regulations of the Federal Highway Administration, employees in this classification will be subject to alcohol and drug testing at the point they obtain a Class B Driver's License. At such time, employees in this classification may be assigned to perform "safety-sensitive" duties as defined by law. Adhering to the City's Drug and Alcohol Policy is a condition of employment.

Must be willing to work outdoors and in all weather conditions and with exposure to traffic and potentially hazardous substances; will be required to work outside of normal business hours.

Must be able to perform heavy manual labor associated with assigned maintenance tasks, which may include safely lifting objects weighing up to 100 pounds.

Possession of a DI Water Distribution Certification, as issued by the Department of Health Services; otherwise taking and passing the exam as a condition of passing probation.

Advancement to Step E within this salary range requires obtaining a Grade I Collection Systems Technologist Certificate, as issued by the California Water Environment Association.

Must be able to wear personal protective equipment (PPE) appropriate for job assignments; must comply with all safety and Cal OSHA standards.

POSITION INFORMATION:

Originated: December 2002; revised January 2005

Approved by Civil Service: January 18, 2005; [October 9, 2012](#)

Approved by City Council:

FLSA: Non-Exempt

Bargaining Unit: Benicia ~~City~~ **Public Service** Employees Association ([BPSEA](#))

Civil Service Classified/Non-Classified: Classified

Note: This position was formerly named Maintenance Worker I.



CITY OF BENICIA
FIELD UTILITIES AND STREETS WORKER APPRENTICE

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

Perform a variety of unskilled and semiskilled street maintenance and construction duties.

Use hand tools such as shovel, rake, sledge hammer, pry bars, and tampers.

May operate compressors and spray rigs and occasionally operates trucks and light mechanical equipment; may drive dump trucks and operate light construction equipment including jack hammers, backhoes, and patch paving truck, as assigned.

Clean and care for tools and equipment.

Control weeds on vacant land.

Read water meters.

Load and unload trucks and move equipment and materials.

Respond to emergency calls after hours and on weekends and holidays.

Drive pickups and haul trailer mounted equipment.

Complete all paperwork required for work tasks assigned.

Employees will initially assist journey level employees with, and eventually perform after successful training and testing, the following examples of duties:

- Prepare surfaces for paving, mix cement, break up paved surfaces;
- Excavate and fill trenches and ditches (excluding the use of heavy equipment);
- Lay out and paint pavement, striping, and markings;
- Fabricate, repair, paint and install traffic signs and posts;
- Install and repair water mains, service connections, meters, valves and other water facilities;
- Locate and repair leaks in water lines and other facilities;
- Install and repair all wastewater collection system and storm drainage system components;
- Set up traffic control using safety cones and barricades, and may direct traffic at work sites;
- Repair damaged sections of curbs and sidewalks; mix concrete and set forms, pour and finish new concrete;
- Remove damaged or fallen trees and clean up debris, spills and other material from accidents or in emergency situations;
- Perform crack sealing work on streets and alleys;
- Maintenance of pump stations, lift stations, wastewater treatment plant, and water treatment plant;
- Remove blockages and enact preventative maintenance of wastewater collection systems and storm drainage systems using hand, hydraulic, and mechanical equipment;
- Make field investigations and operate pipeline video inspection equipment to determine the location and condition of pipes, manholes and other structures;

FIELD UTILITIES AND STREETS WORKER APPRENTICE QUALIFICATIONS:

Knowledge of: Uses and purposes of basic tools and equipment for repair and maintenance work; basic construction and maintenance methods and terminology; some knowledge of safe work practices.

Ability to: Learn and/or perform a variety of unskilled and semiskilled maintenance tasks; Operate light motorized equipment skillfully and safely; Learn to operate heavy motorized equipment; Perform heavy manual labor; Lift and carry equipment, tools, materials and other heavy objects; Understand and carry out oral and written directions; Read and write at a level for successful job performance; Maintain effective working relationships with employees, contractors, government officials, and the general public. Work in and around traffic for long periods, outdoors and in all

types of weather; walk and climb ladders, stoop, and safely lift and carry heavy objects weighing up to 100 pounds; Work well with others on a crew; ability to learn and perform confined entry procedures.

Education and Experience:

Experience:

A minimum of one year of general work experience that would provide the knowledge, skills, and abilities listed above.

Education:

Equivalent to completion of the twelfth grade.

SPECIAL REQUIREMENTS:

Possession of a valid California Driver's License (Class C) issued by the State Department of Motor Vehicles. Must train for and receive a valid Class B California Driver's License issued by the State Department of Motor Vehicles by completion of probation (one year). Class B License must include Tanker Endorsement.

Pursuant to the United States Department of Transportation (DOT) regulations as of January 1, 1996, and implementing the Federal Omnibus Transportation Employee Testing Act of 1991, and the regulations of the Federal Highway Administration, employees in this classification will be subject to alcohol and drug testing at the point they obtain a Class B Driver's License. At such time, employees in this classification may be assigned to perform "safety-sensitive" duties as defined by law. Adhering to the City's Drug and Alcohol Policy is a condition of employment.

Must be willing to work outdoors and in all weather conditions and with exposure to traffic and potentially hazardous substances; will be required to work outside of normal business hours.

Must be able to perform heavy manual labor associated with assigned maintenance tasks, which may include safely lifting objects weighing up to 100 pounds.

Possession of a DI Water Distribution Certification, as issued by the Department of Health Services; otherwise taking and passing the exam as a condition of passing probation.

Advancement to Step E within this salary range requires obtaining a Grade I Collection Systems Technologist Certificate, as issued by the California Water Environment Association.

Must be able to wear personal protective equipment (PPE) appropriate for job assignments; must comply with all safety and Cal OSHA standards.

POSITION INFORMATION:

Originated: December 2002; revised January 2005

Approved by Civil Service: January 18, 2005; October 9, 2012

Approved by City Council:

FLSA: Non-Exempt

Bargaining Unit: Benicia Public Service Employees Association (BPSEA)

Civil Service Classified/Non-Classified: Classified

Note: This position was formerly named Maintenance Worker I.

AGENDA ITEM
CITY COUNCIL MEETING DATE - OCTOBER 16, 2012
CONSENT CALENDAR

DATE : October 10, 2012
TO : City Manager
FROM : Finance Director
SUBJECT : **CONSIDERATION OF FINANCE COMMITTEE ANNUAL WORK PLAN FOR FISCAL YEAR 2012-13**

RECOMMENDATION:

Adopt the resolution approving the work plan of the Finance Audit and Budget Committee for fiscal Year 2012-13.

EXECUTIVE SUMMARY:

On May 3, 2011 the City Council approved modifications to the Finance Committee's mission, duties and structure including development of an annual work plan. The annual work program presented includes recurring reviews of the Warrant Register and General Ledger and special projects that include enhancements to the Long Range Budget Model, Fund Balance Reserve Policy, the Balanced Budgets Policy, and creation of a Debt Financing Policy.

BUDGET INFORMATION:

There may be 20-40 additional staff hours required each year on projects related to the annual work plan. It is also expected the Finance Committee members will contribute an equal number of hours leading the project research.

STRATEGIC PLAN:

Relevant Strategic Plan Issues and Strategies:

- Strategic Issue #3: Strengthening Economic and Fiscal Conditions

BACKGROUND:

The City Council approved modifications to the mission, duties and structure policy in May 2011. Included in the duties is presentation of an Annual Work plan for City Council consideration and approval. The Finance Committee has been developing the program over the last few months and at its last meeting on September 28, 2012, approved the attached plan for City Council consideration.

The annual work program includes recurring reviews of the Warrant Registers and General Ledger reports and special projects that include review and

enhancements to the Long Range Budget Model, Fund Balance Reserve Policy, the Balanced Budgets Policy and creation of a Debt Policy, Inter-fund/Intra-fund Loan Policy and an Unfunded Liability Policy.

Development of the Work Plan and Financial Policy Development and Review have been delayed due to the recent change at the Finance Director position and special projects including review and discussion of the water and wastewater rate studies. The Purchasing Policy requires changes to Municipal Code and staff will bring forward the necessary actions to make recommended changes at a future City Council meeting. The other policies are in various stages of review and can be adopted administratively with City Manager approval. The Balanced Budget, Reserve, and Debt Policies are being finalized and are due for a final presentation to the Committee before adoption. The Inter-Fund and Unfunded Liability Policies are in the development/review stages with the Sub-Committee and will be presented to the Finance Committee for comments at a future meeting.

Attachments:

- ❑ Resolution
- ❑ Mission Duties and Structure of Finance Committee
- ❑ Annual Work Plan

RESOLUTION NO. 12-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING THE WORK PLAN OF THE FINANCE COMMITTEE FOR FISCAL YEAR 2012-13

WHEREAS, the City Council approved changes to the Mission, Duties and Structure Policy of the Finance Committee on May 3, 2011; and

WHEREAS, one of the Duties of the Finance Committee is to present an Annual Work Plan for City Council review and consideration; and

WHEREAS, the City Council has considered the Work Plan presented by the committee members.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Benicia hereby approves the Work Plan submitted by members of the Finance Committee, attached hereto and incorporated herein.

On motion of Council Member _____, seconded by Council Member _____, the above resolution was approved by the City Council of the City of Benicia at a regular meeting held on the 16th day of October 2012, by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

ATTEST:

Lisa Wolfe, City Clerk

RESOLUTION NO. 11- 55

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING CHANGES TO THE NAME, MISSION, DUTIES, STRUCTURE AND WORK PLAN OF THE FINANCE, AUDIT AND BUDGET COMMITTEE

WHEREAS, the City Council considered changing the name of the Finance, Audit and Budget Committee to the Finance Committee to reflect the wide range of topic areas the committee will review; and

WHEREAS, the City Council considered changes to the Mission, Duties and Structure Policy of the Audit and Finance Committee to better define the scope of their reviews; and

WHEREAS, the City Council has considered the Work Plan presented by the committee members; and

WHEREAS, the City Council has determined the changes will improve the ability of the committee to contribute valuable financial recommendations to the City Council and the citizens of Benicia.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Benicia hereby approves changing the name to the Finance Committee.

BE IT FURTHER RESOLVED THAT changes to the Mission, Duties and Structure Policy, attached hereto and incorporated herein, are hereby approved.

BE IT FURTHER RESOLVED THAT the Work Plan submitted by members of the committee, attached hereto and incorporated herein, is hereby approved.

On motion of Council Member **Schwartzman**, seconded by Council Member **Hughes**, the above resolution was approved by the City Council of the City of Benicia at a regular meeting held on the 3rd day of May 2011, by the following vote:

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

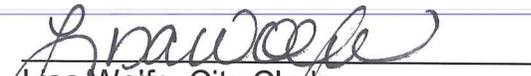
Noes: **None**

Absent: **None**



Elizabeth Patterson, Mayor

ATTEST:



Lisa Wolfe, City Clerk

FINANCE COMMITTEE
MISSION, DUTIES AND STRUCTURE POLICY
Amended November 7, 2008, May 3, 2011

Purpose

The purpose of the Finance Committee shall be advisory to the City Council and shall review financial issues that can be reasonably addressed by the City of Benicia. The Finance Committee shall coordinate with the City Council annually to prepare and approve a work program for the following year. Urgent issues may be authorized for study by the City Council at any regular Council meeting.

Mission Statement

The role of the Finance Committee is to provide citizen input to Council and staff regarding financial policy or process issues including Audits, Financial Budgets (primarily long term), and monthly review of the Warrant Register. In addition, the Finance Committee's role is to help promote citizen's participation and understanding regarding the financial condition of the City.

Duties

1. Annual review of independent auditor selection process with recommendation on which firm to use.
2. Annual review of the Comprehensive Annual Financial Report with recommendations as appropriate.
3. Annual review of the investment policy with recommendations as appropriate.
4. Annual review of independent financial audit with recommendation as appropriate.
5. Review the Long-Range Budget Forecasting Budget Model to determine long-term financial sustainability and make recommendations as appropriate.
6. Quarterly review of the City's Investments and make recommendations as appropriate.
7. Monthly review of financial disbursements (Warrant Register Review Process) of the City to reasonably gauge compliance with established policies and procedures and make recommendations as appropriate.
8. Monthly review of the City's General Ledger to monitor the City's performance against a stated budget and make recommendations as appropriate.
9. Special projects as directed by the City Council, City Manager or Finance Director.

10. Submit an annual work program to the Council for review and approval.
11. Finance Committee recommendations shall be provided to the Council in writing unless otherwise requested by the City Council.

Structure

1. The Committee shall be comprised of 5 members of the public, 2 Council Members and the City Treasurer.
2. Appointed citizens shall be Benicia residents, business owners, or members of Benicia organizations.
3. Members shall be appointed to 4-year terms, with 2 member terms expiring every 2 years.
4. Committee members shall elect the Chairperson, who will serve a one-year term, generally July through June to coincide with the fiscal year.
5. Elected liaisons shall be allowed full discussion but shall not have voting privileges.
6. Staff reports shall accompany agenda items when appropriate.
7. Decisions on agenda items shall be by Majority Vote.
8. Minutes shall be recorded, approved and forwarded to the City Council.
9. The Committee shall meet the 4th Friday each month at 8 A.M. unless otherwise necessary.

Benicia Finance Committee – 2012-2013 Work Plan

Schedule	Task / Subject	Lead / Team
Monthly	General Ledger <ul style="list-style-type: none"> • Review actual expenses against budget • Make recommendations as appropriate 	Chairman / Committee
Monthly	Warrant Register <ul style="list-style-type: none"> • Review WR • Pose appropriate questions • Make recommendations as appropriate 	Chairman / Committee
Quarterly	Investment Policy and Performance <ul style="list-style-type: none"> • Review Investment Performance • Make recommendations as appropriate 	Chairman / Committee
Annually	Financial Audit Report <ul style="list-style-type: none"> • Review report • Make recommendations as appropriate 	Chairman / Committee
As Requested	Independent Auditor <ul style="list-style-type: none"> • Review Candidates • Recommend Auditor 	Chairman / Committee
Annually	Investment Policy <ul style="list-style-type: none"> • Review Benicia's present policy • Make recommendations as appropriate 	Chairman / Committee
As Requested	Special Projects as assigned by City Council	TBD / Ad Hoc Committee
On-going	Long Range Budget – 5/10/20 Years <ul style="list-style-type: none"> • Develop LRB assumptions • Recommend Assumptions to Staff and Council Develop model to describe service demand levels 5/10/20 years in future. Identify impact of future unfunded liabilities	Ad Hoc Committee – Larry Grossman and Michael Clarke working with Finance Director and Assistant Finance Director
December 2012	Policy Development/Review Assist staff with development and/or review of existing policies including: <ul style="list-style-type: none"> • Balanced Budget Policy • Reserve Policy • Debt Policy • Inter-Fund/Intra-Fund Loan Policy • Purchasing Policy • Unfunded Liability Policy Make recommendations as appropriate. Develop and Recommend for Council approval an integration of all Budget and Financial Policies (BFP) into a single document to provide continuity between changing staffs and councils while engendering public confidence.	Ad Hoc Committee – Dennis Lowry and Larry Grossman working with Finance Director and Assistant Finance Director
July 2013	Annual Work Plan <ul style="list-style-type: none"> • Present Work Plan to City Council for next FY • Make changes as directed 	Chairman / Committee

AGENDA ITEM
CITY COUNCIL MEETING DATE - OCTOBER 16, 2012
BUSINESS ITEMS

DATE : October 9, 2012
TO : City Manager
FROM : Economic Development Manager
SUBJECT : **PUBLIC HEARING ON THE FORMATION OF THE BENICIA BUSINESS IMPROVEMENT DISTRICT**

RECOMMENDATION:

Conduct the Public Hearing. No further action is required at this meeting.

EXECUTIVE SUMMARY:

A business improvement district is a source of funding which is used to provide special improvements and/or services within the district. It is a self-assessment levied by and upon those business owners that exist within the district. Benicia downtown merchants have been working in earnest to develop a business improvement district (BID). On October 2, 2012 the City Council adopted a Resolution of Intention to form a Business Improvement District. That Resolution of Intention is followed by a Public Hearing to be heard on October 16, 2012 and final consideration of a Resolution to form a Business Improvement District on November 20, 2012 pursuant to Property and Business Improvement Law of 1994, Streets and Highways Code 36600 et seq.

GENERAL PLAN:

Relevant General Plan Goals:

Program 2.12.D: Develop public/private partnerships to implement financing mechanisms such as a Business Improvement District to fund capital improvements and repairs to Downtown.

STRATEGIC PLAN:

Relevant Strategic Plan Goals and Strategies:

Strategic Issue 3: Strengthening Economic and Fiscal Conditions

- Strategy #1: Implement Economic Development Strategy
 - Action 1(b): Fund and provide staff support for BID proposal
- Strategy #3: Retain and Attract Business

BUDGET INFORMATION:

There are no additional costs to the City for this action. Costs associated to form the Benicia BID are already assumed in the contract with Civitas Advisors, entered into on July 21, 2012.

BACKGROUND:

This Public Hearing is provided to allow comment on the formation of the proposed Business Improvement District. The formal Public Hearing to protest the formation of the Business Improvement District, as required by Property and Business Improvement Law of 1994, Streets and Highways Code 36600 et seq., will be held on November 20, 2012. After opening the public hearing and taking any public comment. The Public Hearing should be closed following the conclusion of public testimony. No further action is required.

AGENDA ITEM
CITY COUNCIL MEETING DATE - OCTOBER 16, 2012
BUSINESS ITEMS

DATE : October 8, 2012

TO : City Manager

FROM : Community Development Director
Parks and Community Services Director

SUBJECT : **AWARD OF CONTRACT FOR BENICIA URBAN WATERFRONT
ENHANCEMENT AND MASTER PLAN**

RECOMMENDATION:

Adopt a resolution awarding a contract for professional consulting services for the Benicia Urban Waterfront Enhancement and Master Plan to The Planning Center/DC&E in the amount of \$152,669, authorizing the City Manager to sign the contract on behalf of the City, and directing Staff to proceed with development of the Plan.

EXECUTIVE SUMMARY:

Consultant services will include planning, community outreach, design, and environmental services necessary to prepare the plan for adoption by the City Council. In December 2011, the City Council approved a grant agreement with the Coastal Conservancy for up to \$140,000, which required the City to provide a \$20,000 cash match. Staff issued a Request for Proposals in May 2012, which generated seven proposals whose total budgets were all within a \$540 range. Four firms were interviewed by a selection panel comprised of City staff and representatives from Benicia Main Street and the Waterfront Subcommittee of the Parks, Recreation and Cemetery Commission.

BUDGET INFORMATION:

The Planning Center/DC&E proposal included a budget of \$152,669. The City will provide \$20,000 from the City's Park Dedication Account, while the Coastal Conservancy grant will provide \$132,669. Under the rules of the grant, the City will periodically submit invoices based on expenditures and then get reimbursed by the Coastal Conservancy. The Conservancy will hold back 10% of project costs, which will be released upon project completion and acceptance. The City will also provide an in-kind match of \$10,000 in City staff time, as required by the Coastal Conservancy grant.

STRATEGIC PLAN:

Relevant Strategic Issues and Strategies and Actions:

- Strategic Issue 3: Strengthening Economic and Fiscal Conditions
 - Strategy 1: Implement Economic Development Strategy
 - Action 1(g): Pursue planning grant for Downtown Waterfront Park
- Strategic Issue 5: Maintain and Enhance a High Quality of Life
 - Strategy 2: Implement the Downtown Master Plan
 - Action 2(a): Pursue outside funds for Downtown improvements

GENERAL PLAN:

Relevant General Plan Goals and Policy:

- Goal 2.12: Strengthen the Downtown as the City's central commercial zone
 - Policy 2.12.4: Create a social, recreational, and economic anchor at the waterfront end of First Street by establishing a waterfront park which provides a site for community festivals, preserves open space, and allows commercial and civic uses at the Depot site.
- Goal 3.13: Improve urban design qualities of the waterfront and public access to the shoreline

PARKS, TRAILS AND OPEN SPACE MASTER PLAN:

Relevant Plan Goal and Objective:

- Goal 2: Provide a range of trail opportunities with a variety of settings in a comprehensive, City-wide trail network.
 - Objective 2.2: Seek continuous public access along the waterfront

BACKGROUND:

The City Council adopted the Waterfront Park Initiative (Measure C) in November 2004. The purpose of the Initiative was to establish a waterfront park on the city-owned land south of B Street, between First Street and the Harbormaster's Office, and extending to the water's edge, but excluding the Southern Pacific Depot site, including property immediately north and south of the building totaling about one acre (see map in Measure C attachment). The Initiative changed the land use designation of this area from Waterfront Commercial/Downtown Commercial to Open Space and amended the General Plan to include Waterfront Park, with the following definition:

A waterfront park serves the entire community and accommodates activities appropriate to the characteristics of the site such as low impact recreational activities, community events and festivals, and enjoyment of the surrounding natural environment. The waterfront park south of B Street may not include any permanent sports fields, courts, or equipment.

Nor may it include any permanent buildings, except for a public restroom and similar amenities. Walkways, benches, drinking fountains, and trash receptacles are permitted. The waterfront park south of B Street will preserve the marshlands within its boundaries, thereby protecting the wildlife that rely on this ecologically sensitive habitat.

A group of citizens formed the Waterfront Park Committee in 2008 in an effort to develop a conceptual plan for the waterfront that expanded on the vision for the area contained in the 1997 Parks, Trails, and Open Space Master Plan within the context created by the 2004 adoption of the Waterfront Park Initiative. The group became a subcommittee of the Parks, Recreation and Cemetery Commission in March 2009.

City staff submitted a grant application to the Coastal Conservancy in October 2009 for funding to build on the subcommittee vision by producing a site master plan with significant public input. The Coastal Conservancy approved a grant award of up to \$140,000 for this purpose in September 2011.

At Council direction, staff issued a Request for Proposals in May 2012 for the Benicia Urban Waterfront Enhancement and Master Plan, which would include estimates of implementation costs, a schedule for construction phasing, an adaptive management plan for sea-level rise and completion of environmental review. The Plan will provide enough detail to guide the development of construction documents, which will be the subject of a subsequent contract.

The following firms submitted proposals:

Primary Consultant	Office Location	Budget	Panel Ranking
The Planning Center/DC&E	Berkeley	\$152,669	1
Wallace Roberts & Todd	San Francisco	\$152,960	2
Alta Planning and Design	Berkeley/Benicia	\$152,868	3
MIG	Berkeley	\$152,455	4
RHAA	Mill Valley	\$152,888	Not interviewed
SWA	Sausalito	\$152,964	Not interviewed
Questa Engineering	Point Richmond	\$152,993	Not interviewed

The Planning Center/DC&E, Wallace Roberts & Todd, Alta Planning and Design, and MIG teams were selected to be interviewed in June by a panel comprised of Community Development Director Charlie Knox, Parks and Building Superintendent Rick Knight, Parks and Community Services Management Analyst Vic Randall, Nancy Martinez from Benicia Main Street, and Susan Street from the Waterfront Subcommittee of the Parks, Recreation and Cemetery Commission. Coastal Conservancy staff also approved the list of firms to be interviewed. Following the interviews, the selection panel chose The Planning

Center/DC&E team as the preferred project consultant.

Though each of the teams were very capable, and one of the teams maintains an office in Benicia, the selection panel agreed that The Planning Center/DC&E team had the best mix of technical abilities and skills to lead the project. The Planning Center/DC&E provides services in landscape architecture, urban design, environmental review, comprehensive planning, regional planning, and Geographic Information Systems. The team also includes TranSystems Corporation (civil and marine engineering), Balance Hydrologics (hydrology, wetland restoration, and sea level rise adaptation), and Environmental Collaborative (biological assessments, regulatory permitting requirements, and resource management planning).

Following Council approval, staff will work with the consultant team to refine the project schedule, including public workshops, with the goal of completing the plan by late 2013.

Waterfront Master Plan Scope of Work

The Planning Center/DC&E proposal included a conceptual scope of work (a copy of the proposal is available at City Hall and on the City's website). As described below staff worked with the consultant team to refine the review process and deliverables in the scope of work so they better aligned with the objectives set forth in the Coastal Conservancy Grant Agreement and the goal of enhancing the Benicia Waterfront Park. The modified scope of work is attached to this staff report and will be incorporated by reference in the contract.

The Waterfront Plan will consist of a master plan, an engineer's estimate of costs (for final design, construction documents and bidding, construction, and installation), a schedule for phasing construction, an adaptive management plan for sea-level rise and environmental documentation. The public process will include consideration of alternatives for:

- The mix and physical distribution of active and passive recreation areas.
- The type and level of urban improvements, such as plazas, parking, and landscape and streetscape improvements.
- Strategies for accommodating stormwater and drainage requirements.
- Delineation and protection of natural resources, including tidal marshland.
- Site circulation and connectivity to the adjacent commercial district and residential neighborhood.
- Responses to sea level rise and other climate adaptation strategies.

The plan area includes mudflats and tidal marsh, a pocket of freshwater marsh, small sandy beaches, vacant uplands, the First Street Green, the Peninsula Pier,

remnants of railroad, on- and off-street parking, and streets, all owned by the City. Immediately adjacent are the First Street commercial district, a marina, the Southern Pacific Depot (Benicia Main Street office) and the commercially zoned parcels north and south of the Depot, and residential areas.

The plan will include recommendations for improvements within the project area and for connections with the surrounding marina and downtown district. The plan will also include measures for adapting to rising sea level, a requirement of the Coastal Conservancy grant. The site gradually slopes up from the Carquinez Strait, reaching an elevation of about 9 feet along the inland edge and bit higher at the pier and depot. The site is subject to the 100-year flood under existing conditions, with localized flooding occurring annually in certain areas.

Though currently utilized for special events and passive recreation, the First Street Green has an absence of unifying design elements and lacks amenities for visitors such as interpretive displays, benches, and launch sites for non-motorized boats. The site also has issues such as flooding and impacts to wetlands.

One goal of the project is to enhance the First Street Green with improved trail access and parking, public art, observation areas, interpretive kiosks, and seating. In addition, the project envisions restoration of the adjacent marsh. The plan will address the following objectives, plus others that may emerge from the public workshops:

- Improve public access to and along the shoreline
- Improve amenities for visitors, such as interpretive displays
- Increase passive recreation and non-motorized boat use
- Explore the potential for a launch site for the Bay Area Water Trail
- Protect tidal wetlands and other fish and wildlife habitat
- Improve storm water management
- Preserve scenic vistas
- Ensure that implementation is feasible

Increased visitation to the waterfront park has the potential to create significant positive economic impacts on downtown and the marina. The plan also is expected to link Bay Trail and Bay Ridge Trail segments, enhancing the park's regional significance. The location is an ideal focal point for education, recreation, and interpretation related to the Bay-Delta system and Bay Area trails.

One modification to the scope of work dealt with the section that analyzed adjacent land uses. This section will inventory buildings and land use activities bordering the park study area, including the Tannery Building and the vacant

commercial parcel adjacent to the Depot. The end product is intended to be a list of suggested use types that would be the most compatible with the park and also support the economic vitality of Downtown.

The project will include a range of planning, community outreach, design, and environmental services necessary to prepare the plan for adoption by City Council. In addition to conducting two general community workshops, the review and adoption process proposed by the scope of work includes establishment of a Community Advisory Committee (CAC) with participants representing key interest groups to assist the consultant and staff in conducting the alternatives analysis and developing the Alternative Concept Plans and the draft Master Plan. In that this is a park master plan, the modified scope of work designates the Parks, Recreation & Cemetery Commission as the body responsible for hearing and making recommendations to the City Council on the Alternative Concept plans and the final draft of the Master Plan. The Council is responsible for adoption of the Plan and the environmental determination.

The structure of the CAC can take many forms. For example the group could consist of one or two representatives from those City Council advisory bodies whose purpose and responsibilities are consistent with the objectives of the Master Plan (Parks, Recreation, and Cemetery Commission, Planning Commission, Historic Preservation Review Commission, Arts and Culture Commission, Community Sustainability Commission, Economic Development Board). The City Council could appoint the representatives or the boards/commissions could be asked to make the appointment.

Other non-city interest groups could also be included such as Main Street and the Chamber of Commerce. The Council could also appoint one or more at-large members. Whatever the structure, it is important that the make-up is fair and balanced and of a manageable size. However, staff would strongly encourage the Council to consider appointment of City advisory body representatives to the CAC, if it is the Council's desire to get their input. The scope of work does not include meeting separately with each advisory body. Not only would it significantly increase the cost of preparing the plan, but it would also absorb a significant amount of staff time and inhibit completion of other important City projects.

In addition, clearly defining the purpose and role of the committee is also important. As discussed in the scope of work, the purpose of the CAC is to assist the consultant and staff in preparation of the Master Plan. Before the process begins it is important to clarify how the recommendations that will be presented to the Parks, Recreation & Cemetery Commission and eventually acted upon by the City Council will be developed. The consultant, with oversight from City

VIII.B.6

staff, would be responsible for conducting the analysis and meetings, developing the alternatives, and preparing initial recommendations. The CAC would review and provide input on the analysis, findings and recommendations developed by the consultant and staff. Consistent with their role, input from the CAC would be advisory in nature and considered in the recommendation made by staff to the Parks, Recreation & Cemetery Commission. Where the recommendations of staff and the CAC might diverge, they would be clearly documented and presented to the Parks, Recreation & Cemetery Commission and Council for their consideration.

Please note that the Environmental Analysis component of the scope of work anticipates that an Initial Study/Mitigated Negative Declaration will be prepared for the Plan using existing information from the City or other sources. If additional technical studies must be prepared or a full Environmental Impact Report required, the contract and budget for the Master Plan will need to be amended.

Implementation Funding

When the Council approved the grant agreement in 2011, the Council requested information regarding prospective funding sources that could enable the City to implement the plan. A variety of potential funding sources have been identified, the most likely of which are summarized in the attached memorandum from The Planning Center/DC&E, and include:

- California Strategic Growth Council Urban Greening Grants
- California Dept. of Boating & Waterways Facility Grants and Loans
- Wildlife Conservation Board programs
- Land and Water Conservation Fund
- Coastal Conservancy
- San Francisco Bay Trail Grant Program
- San Francisco Bay Restoration Authority
- California Dept. of Water Resources Stormwater/Flood Management Grants

Other grant programs that might also provide additional support include California Transportation Enhancements, San Francisco Bay Area Water Trail, and U.S. Fish and Wildlife programs. The attached Implementation Grant Matrix provides additional details on a range of prospective funding sources that could reasonably be expected to provide funding for projects identified during the planning process. In summary, staff believes there are sufficient, realistic funding sources to indicate that improvements to the park can be constructed within several years of adoption of the plan.

Attachments:

- ❑ Proposed Resolution
- ❑ The Planning Center/DC&E Scope of Work
- ❑ Project Schedule
- ❑ Plan Area Boundary Aerial Map
- ❑ 2008 Waterfront Subcommittee Waterfront Park Preliminary Conceptual Plan
- ❑ Waterfront Park Initiative (Measure C) of 2004
- ❑ 1997 Parks, Trails and Open Space Master Plan Waterfront Plan
- ❑ The Planning Center/DC&E Memorandum Regarding Potential Funding Sources for Benicia Waterfront Improvements
- ❑ Implementation Grant Matrix

RESOLUTION NO. 12-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA
AWARDING THE CONTRACT FOR DEVELOPMENT OF THE BENICIA
URBAN WATERFRONT ENHANCEMENT AND MASTER PLAN TO THE
PLANNING CENTER/DC&E IN THE AMOUNT OF \$152,669, AUTHORIZING
THE CITY MANAGER TO SIGN THE CONTRACT, AND DIRECTING STAFF
TO PROCEED WITH DEVELOPMENT OF THE PLAN**

WHEREAS, the City Council of the City of Benicia approved a grant agreement with the Coastal Conservancy for the development of a Benicia Urban Waterfront Restoration Plan on December 20, 2011; and

WHEREAS, the Coastal Conservancy grant agreement will provide the City up to \$140,000 to develop a waterfront restoration plan, and the City's required financial match for this agreement is \$20,000; and

WHEREAS, development of such a plan is consistent with the City's General Plan and with the Strategic Plan strategies of Strengthening Economic and Fiscal Conditions and Maintaining and Enhancing a High Quality of Life; and

WHEREAS, the effort will develop a master plan, an adaptive management plan for sea-level rise, estimates of implementation costs, and a schedule for construction; and

WHEREAS, principal objectives of the plan include improving waterfront access and connectivity, increasing active recreational use of the waterfront, and contributing to the economic vitality of Downtown Benicia; and

WHEREAS, a request for proposals for planning services for development of the Benicia Waterfront Enhancement and Master Plan was duly advertised in May 2012 (and the title of the plan was updated in consultation with the Coastal Conservancy) and seven proposals were received in May 2012; and

WHEREAS, a selection committee comprised of City staff and representatives from Benicia Main Street and the Waterfront Committee, in consultation with Coastal Conservancy staff, selected four proposal teams to interview; and

WHEREAS, following interviews of the proposers in June 2012, the selection committee ranked The Planning Center/DC&E as the most qualified team; and

WHEREAS, the Planning Center/DC&E assembled an interdisciplinary team capable of addressing the multiple objectives of the plan and carrying out the necessary associated public process.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Benicia hereby awards a planning consulting services contract in the amount of \$152,669 to The Planning Center/DC&E for development of the Benicia Urban Waterfront Enhancement and Master Plan.

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

BE IT FURTHER RESOLVED THAT staff is directed to proceed with the development of the Benicia Urban Waterfront Enhancement and Master Plan.

On motion of Council Member _____, seconded by Council Member _____, the above Resolution was introduced and passed by the City Council of the City of Benicia at a regular meeting of said Council held on the 16th day of October, 2012, and adopted by the following vote.

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk

EXHIBIT A: WORK SCOPE AND RATES

This exhibit describes the scope of work to be completed by The Planning Center | DC&E team in preparing the Urban Waterfront Enhancement and Master Plan for the City of Benicia.

I. Scope of Work

Task A. Project Initiation

In this task, The Planning Center | DC&E team will work with the City to initiate the project.

1. KICK-OFF MEETING

The Planning Center | DC&E team will initiate the project with a meeting and site visit, which will include City staff and other staff approved by the City. We will provide a detailed agenda to facilitate a productive and decisive meeting. The kick-off meeting will allow the team to gather pertinent documents, review information needs, and discuss expectations for the process.

2. SITE VISIT

Following the kick-off meeting, The Planning Center | DC&E team will visit the site with key city staff members to ensure design issues and constraints are understood prior to preparing conceptual designs. The Planning Center | DC&E team members will be able to verify the constraints and discuss possible approaches with City staff while on-site.

3. COMMUNITY OUTREACH AND COMMUNICATIONS STRATEGY (INCLUDES PARTS OF RFP TASK 2.1)

At the kick-off meeting The Planning Center | DC&E will discuss and confirm with City staff the most effective approach(es) for community outreach, public workshops, and ongoing communication with key stakeholders. We will clarify appropriate methods for advertising public meetings and obtain a list of key stakeholders to contacts from the City. Given the long history of public interest and involvement with the park, we believe that the strategy might include the following components:

- ◆ Establish a Community Advisory Committee (CAC) with participants representing key interest groups.
- ◆ Conduct a series of public workshops regarding the project. This proposal includes three such workshops; the final number and schedule will be determined when the Strategy is developed.

- ◆ Develop a project website that includes a project schedule, meeting dates, and project updates.
- ◆ Prepare an informational flyer regarding the project for the City to distribute at various locations, such as the weekly Farmer’s Market and the Main Street office.
- ◆ Place ads regarding community workshops in the *Benicia Herald*, *Benicia Magazine*, and other local media outlets.
- ◆ Obtain a QR code for the project to place on flyers and ads that will direct readers to the website.
- ◆ Develop a social media presence for the project on Facebook and Twitter.

4. BASE MAP

The Planning Center | DC&E team will utilize existing aerial photos, LiDAR, and additional data to create a scaled base map in AutoCAD for use in analyzing the site, developing alternative concept plans, and creating a final master plan. The information will be ground-truthed during site visits to verify visible utilities and structures.

Task B. Baseline Reconnaissance (RFP Task 1)

In this task, The Planning Center | DC&E team will gather and review relevant documents to document key policy, planning, environmental, and design characteristics of the Waterfront area.

1. INSTITUTIONAL/ POLICY SETTING (RFP TASK 1.1)

The Planning Center | DC&E team will review previously prepared plans and regulatory documents that are relevant to the site. We will also contact and meet with institutions and authorities including, but not limited to: Corps of Engineers, Bay Conservation and Development Commission, CDFG, State Lands Commission, and the RWQCB.

2. SITE ASSESSMENT AND ENVIRONMENTAL BASELINE (RFP TASKS 1.2 AND 1.3)

The Planning Center | DC&E will assess and document conditions in around the Waterfront area to provide the basis for planning, design, alternatives development and environmental review.

a. Site Use and Design Analysis

The Planning Center | DC&E will document existing uses and site character for use in developing alternative designs. Key elements to be evaluated will include, but not be limited to the following:

- ◆ Existing vegetation and plant communities.
- ◆ Utilities and infrastructure.
- ◆ Views to and from the project area.
- ◆ Public access, trails, and connectivity.
- ◆ Unique site features.
- ◆ Existing grades and drainage patterns.
- ◆ Circulation patterns and accessibility.
- ◆ Parking.
- ◆ Sun and shade patterns.
- ◆ Prevailing winds and microclimates.
- ◆ Soil character.
- ◆ Adjacent uses.
- ◆ Safety concerns.
- ◆ Maintenance issues.
- ◆ Natural habitat constraints and opportunities.
- ◆ Stormwater facilities.

This information will be documented in a Site Analysis Diagram, to be used as a communication tool during CAC meetings and Community Workshops, and throughout the design alternatives process.

b. Biological Resources

Environmental Collaborative will review existing information on biological resources in the study area vicinity, including past studies conducted as part of previous park planning and improvement projects; environmental documentation for other projects in the surrounding area; records on occurrences of special status taxa and sensitive natural communities maintained by the California Natural Diversity Data Base; and information on special-status species maintained by the County, the California Native Plant Society, the Marin Audubon Society, the CDFG, and the U.S. Fish and Wildlife Service (USFWS). As necessary, representatives of possible jurisdictional agencies will be informally consulted to obtain any site-specific information and clarify sensitivity of biological resources.

c. Wetlands

The Waterfront area contains several acres of wetlands and marsh areas. Environmental Collaborative will conduct a field reconnaissance of the site and review available background information on biological and wetland resources in the vicinity. The reconnaissance survey will serve to determine the existing vegetation types and wildlife habitats, presence and extent of sensitive natural communities, likelihood of occurrence of possible wetland features, and potential for occurrence of special-status species. A preliminary wetland assessment will also be performed as part of the field reconnaissance survey to provide an initial understanding of the likely extent of jurisdictional waters on the site.

d. Sea Level Rise Assessment

The Planning Center | DC&E and Balance Hydrologics will review the sea level rise study prepared by URS Corporation to ascertain how changing sea levels will affect the site. A preliminary review of URS's work suggests that much of the area will be inundated under expected sea level rise conditions as early as 2030. This means that the Master Plan will likely need to plan for preservation and migration of existing wetlands, increased elevations or dikes in areas to be developed, and interpretation of sea level rise issues through signage and other interventions.

e. Additional Environmental Considerations

The Planning Center | DC&E will gather and assess additional data that is required to be considered in the CEQA review of the project and must also therefore be considered in initial stages of planning. As required by CEQA, the issues to be considered will include the following:

- ◆ Aesthetics
- ◆ Air Quality
- ◆ Biological Resources
- ◆ Cultural Resources
- ◆ Geology and Soils
- ◆ Greenhouse Gas Emissions
- ◆ Hazards and Hazardous Materials
- ◆ Hydrology/Water Quality
- ◆ Land Use/Planning
- ◆ Noise
- ◆ Public Services
- ◆ Recreation
- ◆ Transportation/Traffic

◆ Utilities and Infrastructure

To accomplish this task, The Planning Center | DC&E will fill out a preliminary draft Initial Study on the project and review it with City staff. This will allow us to jointly identify any environmental and planning issues that need to be further researched and considered during the planning process.

As noted above, some of these CEQA-required issues will be addressed in other parts of Task B. Those which are not otherwise addressed will be covered using existing information that can be made available by City staff. For example, we will document historic resources using the historic resources inventory recently prepared for the whole City, and we will use past environmental review documents prepared for projects such as the Olsen Company's mixed-use project and 221 First Street to document issues such as hazardous materials and geotechnical concerns. If issues arise that are not adequately covered through either previous studies or this Task B, a contact and budget amendment will be required to address them.

3. RECREATION DEMAND ASSESSMENT (RFP TASK 1.4)

The Planning Center | DC&E will assess the likely demand for passive and active recreational uses in the study area. Using existing information available from the City and the US Census, we will compare the supply of existing and planned recreational facilities with standards for facility provision relative to existing and future population. We will also discuss current and potential programs and opportunities with the City, ABAG, and the Coastal Conservancy, and solicit further input from the public at Community Workshop #1 (described in Task C.1, below).

Task C. Alternatives Development and Analysis (RFP Task 4)

In this task, The Planning Center | DC&E team will work with the community to prepare, analyze, and select among alternative concept plans for the Waterfront area.

1. CAC MEETING #1

At this meeting, held jointly with City staff, The Planning Center | DC&E will interview key stakeholders for additional input on program needs to be considered during the conceptual design phase.

2. COMMUNITY WORKSHOP #1

The Planning Center | DC&E will facilitate the first community workshop to introduce the project goals, schedule, and preliminary findings during Task B, and to solicit input for potential uses of the site. The meeting will include a recap of the project progress, as well as a presentation of potential uses, resource management options, circulation concepts, and design ideas that should be considered for the study area.

After the initial presentation, we will divide participants into small groups who will work with a facilitator to develop design, land use, and open space concepts for the study area. After the small group exercise, we will ask a representative from each group to report back to the larger group the key ideas developed in their respective small groups. The Planning Center | DC&E will then summarize what was reported by the small groups and discuss next steps in the planning process.

3. ALTERNATIVE CONCEPT PLAN DEVELOPMENT

Based upon information gathered in Task B and the two meetings conducted in Tasks C.1 and C2, The Planning Center | DC&E will prepare three alternative concept plans exploring a variety of park and open space improvements in the Waterfront area.

We will kick off the alternative development task with an in-house team charette including a civil and marine engineer, hydrologist, biologist, landscape architect, urban designer, and environmental review staff. City staff and key stakeholders (if appropriate) will also be welcome to attend. This approach will generate multiple approaches and options for further refinement by the design team.

The alternatives developed in this task will reflect variations in the following:

- ◆ The mix and physical distribution of active and passive recreation areas.
- ◆ Type and level of urban improvements, such as plazas, an expanded green, parking, staging, restrooms, and landscape and streetscape improvements.
- ◆ Strategies for accommodating stormwater and drainage requirements, including recreational detention areas, wetlands, and swales.
- ◆ Delineation and protection of natural resources, including tidal marshland.
- ◆ Site circulation and connectivity to the adjacent commercial district and residential neighborhoods.

- ◆ Responses to sea level rise, including planning for wetland migration, leaving parts of the site lightly developed or undeveloped, and elevating or using dikes. Levees, or floodwalls to protect parts of the site that that are to be improved.
- ◆ Approaches to interpretation of the site's history and natural resources.

The alternatives will be defined at a conceptual level, but with enough detail to develop cost comparisons.

4. ALTERNATIVES REVIEW AND REVISION (CAC MEETING #2)

The Planning Center | DC&E will meet with City staff and the CAC to review the alternatives and ensure that they adequately cover the range of possibilities that staff and CAC members want to see assessed.

5. ALTERNATIVES ANALYSIS

The Planning Center | DC&E will conduct an analysis of the alternatives that identifies the relative strengths and weaknesses of the alternatives. This analysis will consider the following specific issues:

- ◆ Responsiveness to identified recreation needs.
- ◆ Responsiveness to environmental issues, particularly wetland preservation and sea level rise.
- ◆ Capital and operating costs.
- ◆ Potential funding sources.

The alternatives analysis will be documented in a report for consideration by the CAC, the Parks, Recreation & Cemetery Commission, and the City Council.

6. REVIEW MEETINGS

The Planning Center | DC&E will lead and/or attend a total of four meetings that will provide direction on the preferred alternative, which may be a composite of the alternatives developed and evaluated in this task. Specifically, we foresee the following meetings, including the two requested in the RFP:

- ◆ **Community Workshop #2:** At this public workshop, participants will work in small groups to review and comment on the alternative concept plans and develop their own preferred alternatives for the study area. At the close of the workshop, a facilitated discussion will result in a "consensus report" on preferred options.

- ◆ **CAC Meeting #3:** Following the second community workshop, we will meet with the CAC to discuss input and develop a preferred concept for presentation to the Parks, Recreation & Cemetery Commission and City Council.
- ◆ **Parks, Recreation & Cemetery Commission:** The Planning Center | DC&E will present the alternative concept plans and the results of both Community Workshop #2 and CAC Meeting #3 to the Parks, Recreation & Cemetery Commission for review and comment prior to the subsequent City Council meeting.
- ◆ **City Council:** The Planning Center | DC&E will present the alternative concept plans along with input received at the previous meetings for review and comment by the City Council. The Council will then give direction regarding the preferred components for the final concept plan.

Task D. Draft Master Plan (RFP Task 2.2.)

Based on the direction provided at the close of Task C, The Planning Center | DC&E will collaborate with the City to prepare a Draft Urban Waterfront Master Plan. The Plan will include the following components, including all components requested in the RFP:

- ◆ **Introduction.** The Master Plan Introduction will outline the project's history, include a concise Executive Summary, and describe the contents of the document.
- ◆ **Purpose, Goals, and Objectives.** This section will clearly identify the project's purpose, goals, and objectives as clarified and refined during the Master Plan process. This information will cross-reference existing planning documents and policy and will serve as guiding benchmarks for all future decisions.
- ◆ **Community Outreach Summary.** The methods and approaches utilized to maximize community participation, including efforts leading-up to the Master Plan development, will be summarized. Input received throughout the process will also be noted.
- ◆ **Regulatory Setting and Policy Framework.** This section will reference the various regulatory agencies and policies that have been reviewed and considered during the Master Plan process.
- ◆ **Conceptual Site Plan.** This drawing, and an accompanying textual description, will show the public and private improvements foreseen under the Master Plan. Public improvements will be designed to a level that will allow them to become the subjects of

additional funding applications and to be moved into design development and preparation of construction documents.

- ◆ **Land Use Guidance.** This section may provide land use suggestions for private properties in and immediately adjacent to the study area, including the Tannery Building and the vacant commercial parcel adjacent to the Depot. This section may include general suggestions for the types of uses thought to be most compatible with both the Waterfront Park and the economic vitality of Downtown.
- ◆ **Resource Management Plan.** This section will provide guidance regarding sensitive resource protection, native habitat enhancement, invasive species control, and landscape replacement as part of park improvements. Recommendations will be made regarding options for suitable tree plantings to replace poorly performing species, as well as shrub and groundcover species for use in transitional zones between sensitive marshland habitat and intensive recreational use areas. Plantings could be used to limit and restrict visitor access into sensitive resources areas, provide additional protective cover to wildlife, and improve existing groundcover to improve natural filtration and minimize erosion and sedimentation in some locations. Suitable plant species lists for any marshland expansion or enhancement will be developed, based on elevational zonation of coastal salt marsh and brackish water marsh habitat. Best Management Practices (BMPs) will be developed as part of the Resource Management Plan for controlling target invasive species, along with appropriate management restrictions such as timing of removal activities to minimize disturbance to nesting birds and other sensitive wildlife habitat.
- ◆ **Interpretation Plan.** This section will summarize opportunities for interpretation and suggest a theme and approach to interpretation including signage, public art, and design details.
- ◆ **Stormwater Management, Drainage, and Climate Adaptation Measures.** The Planning Center | DC&E and Balance Hydrologics will work together to develop a plan for the movement of water around and through the site and for the accommodation of expected sea level rise. This section will show how expected daily, seasonal, and annual changes in water level and quality can be used to enhance the environment as well as the experience of park visitors.
- ◆ **Operations and Maintenance.** This section will outline the tasks necessary for ongoing operations and maintenance of the park improvements and urban waterfront enhancements including estimated costs, to assist the City in allocating funding. This

section will also identify potential funding mechanisms that can be applied to post-construction services and possible public-private partnerships.

- ◆ **Cost Estimate.** The Master Plan cost estimate will include hard and soft costs for final design development, construction documents and bidding, construction, and installation. Costs for anticipated maintenance and operations, which are discussed in an earlier section, will be summarized.
- ◆ **Implementation and Phasing Strategy.** This section will provide a critical roadmap to allow the City to fund construction of the public improvements foreseen in the Master Plan. A “Next Steps” segment will outline future tasks that will need to be completed prior to finalizing the park design and permits that will be required for final agency approvals and construction. A phasing plan will illustrate logical segments to implement the plan, in the event it must be completed in stages. Potential funding sources will be identified, including grants, public-private partnerships, sponsorship, donations, and the possible formation of special financing districts, such as a Landscape, Lighting, and Maintenance District or a Business Improvement District, as a means to fund public improvements and on-going operational costs.

The Master Plan will provide enough detail to guide the development of construction documents, which will be the subject of a separate contract.

The process for preparing the Master Plan will include the following steps:

- ◆ The Planning Center | DC&E will prepare an **Administrative Draft Master Plan** and submit it to City staff for comment.
- ◆ The Planning Center | DC&E will incorporate staff comments to create the **Draft Master Plan**, which will constitute the project definition for the environmental review to be conducted under Task E. The Draft Master Plan will then be presented to the CAC, the public, the Parks, Recreation & Cemetery Commission and the City Council in Task F.

Task E. Environmental Analysis (RFP Task 3)

Concurrently with Task D, in which the Master Plan will be prepared, The Planning Center | DC&E will prepare an environmental analysis of the Master Plan in compliance with CEQA. As requested in the RFP, we presume that this document will be an Initial Study and Mitigated Negative Declaration (IS/MND) that can be completed utilizing existing information already

available from the City and other sources. If a full EIR or additional technical studies are required, a contract and budget amendment would be required.

As noted in Chapter 1, The Planning Center | DC&E will prepare the IS/MND in house, which allows for efficiencies and avoids unexpected environmental issues arising at the last minute. We will also aim for a Master Plan that is largely “self-mitigating,” meaning that it will have few, if any, impacts under CEQA, so as to avoid costly and cumbersome impacts and mitigation measures.

1. INITIAL STUDY

Working from the studies and preliminary draft Initial Study prepared in Task B.2, The Planning Center | DC&E will prepare an Initial Study (IS) that evaluates the potential environmental consequences of implementation of the Draft Master Plan. Relevant technical materials developed or assembled in Task B.2 will be appended to the IS.

2. NEGATIVE DECLARATION/NOTICE OF INTENT

Assuming the Initial Study warrants such, The Planning Center | DC&E will prepare either a Negative Declaration (ND) or a Mitigated Negative Declaration (MND), and an associated Notice of Intent (NOI).

3. STAFF REVIEW

The Planning Center | DC&E will submit two rounds of administrative drafts of the IS/MND to City staff for review, and will make necessary revisions to the document after each round of staff review.

Task F. Master Plan Adoption (RFP Task 2.2)

In this task, The Planning Center | DC&E team will lead and/or attend meetings to allow for adoption of the Master Plan, prepare responses to any comments on the IS/MND, and ultimately prepare the final adopted Urban Waterfront Master Plan.

1. INITIAL REVIEW MEETINGS

During the required 30-day public comment period on the IS/MND, The Planning Center | DC&E will present the Draft Master Plan at the following meetings:

- ◆ CAC Meeting #4

- ◆ Parks, Recreation & Cemetery Commission

2. RESPONSES TO COMMENTS ON THE IS/MND

The Planning Center | DC&E will prepare a memorandum responding to any substantive comments received on the IS/MND.

3. ADOPTION HEARING

The Planning Center | DC&E will attend one hearing of the City Council to allow for certification of the IS/MND and adoption of the Urban Waterfront Master Plan.

4. FINAL MASTER PLAN

The Planning Center | DC&E will create a final version of the Urban Waterfront Master Plan that includes any changes made during the adoption process.

II. Billing Rates

Founding Principal: \$225/hour

Principal: \$190/hour

Associate Principal: \$175/hour

Noise/Vibration/Acoustics Specialist: \$165/hour

Air Quality and Greenhouse Gas Specialist: \$135/hour

Associate: \$135/hour

Project Planner: \$105/hour

Planner/Designer: \$85/hour

Assistant Scientist: \$85/hour

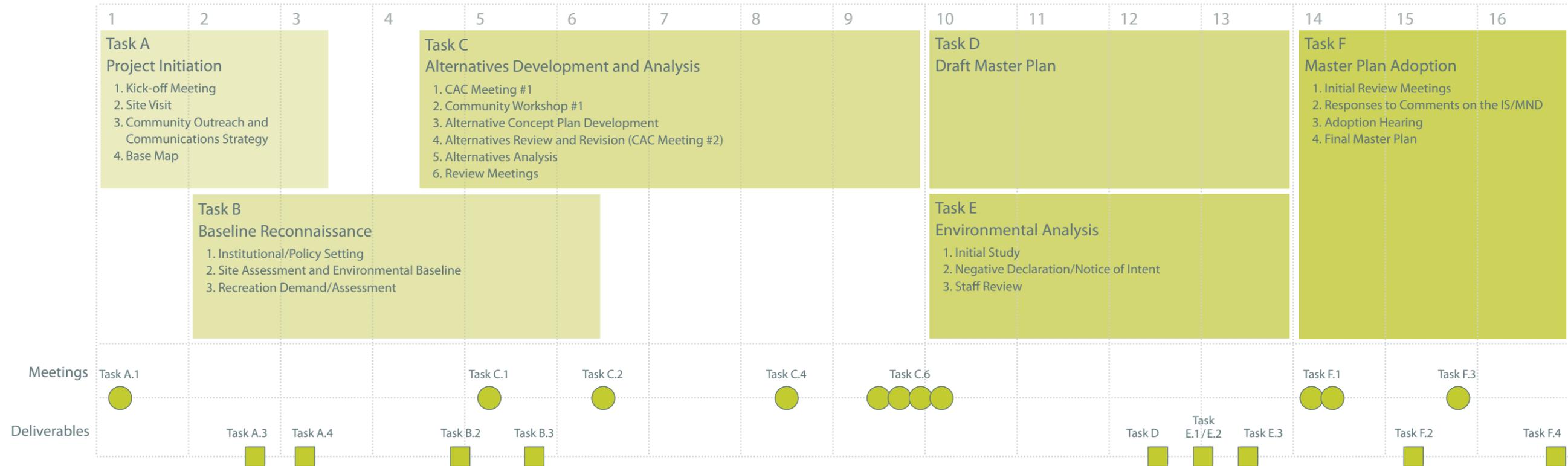
Graphics Manager: \$115/hour

Graphics/WP: \$80/hour

Clerical: \$70/hour

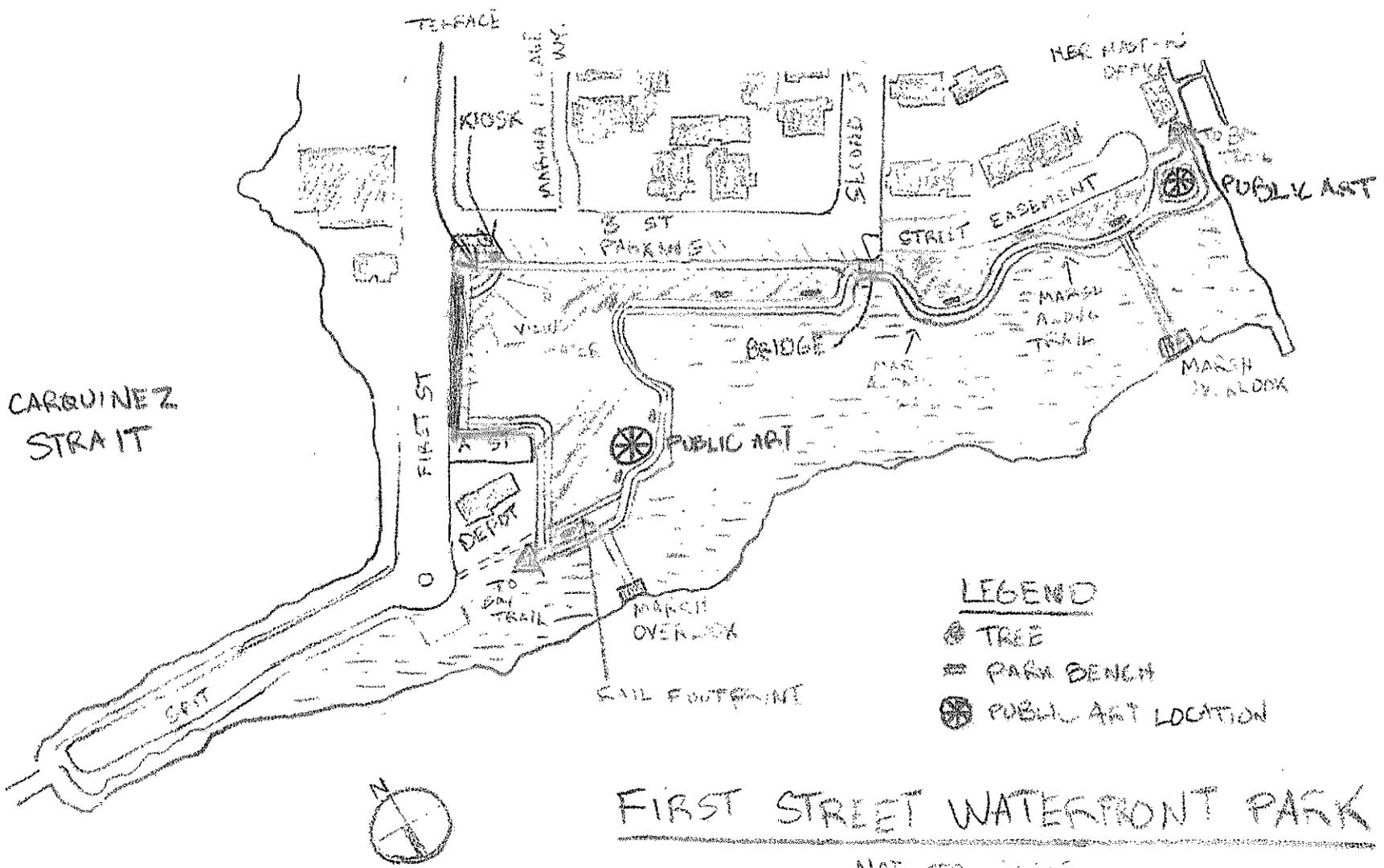
Urban Waterfront Enhancement and Master Plan

Schedule for The City of Benicia



LOCATION MAP





LEGEND

- ⊗ TREE
- ▬ PARK BENCH
- ⊗ PUBLIC ART LOCATION

FIRST STREET WATERFRONT PARK

NOT TO SCALE
 OCTOBER 12, 2006
 SCOTT A. HERFORD

Waterfront Park Preliminary Conceptual Plan

Size: 4.3 acres

Location: Between tidal marsh and B Street
from E. Fifth to First Street

Implementation of 2005 Measure C

Objectives of the Waterfront Park

Preserve View

- Preserve natural areas and incorporate these into park design
- Continue to provide and expand the community gathering area
- Provide educational opportunities
- Integrate Main Street and Depot vision and planning
- Connect the Bay Trail

Preliminary Elements

- ◊ Walkways adjacent to marsh for pedestrians
- ◊ Bay Trail multiuse trail
- ◊ Bridge over drainage from E. Second Street
- ◊ Raised boardwalks and overlooks (2)
- ◊ Quiet areas for nature observation
- ◊ Preserved and restored marsh. Expansion of marsh along E. Second Street drain and transition area
- ◊ Expanded passive recreational area , possibly water conserving turf, to east of E. Second Street and east of Depot also to be used for events
- ◊ Entrance at First and B Streets to mimic north side of street
- ◊ Opportunities for public art
- ◊ Opportunities for interpretive signage
- ◊ Opportunities for educational activities
- ◊ Opportunities to incorporate historic rail line route into design elements
- ◊ Opportunity to utilize historic granite curbing from A street
- ◊ Opportunity to create a green project with water conserving landscaping and green materials
- ◊ Opportunity to integrate engineered design to assist with B Street flooding and parking.

The active Waterfront Committee of volunteers is ready to assist with moving this project to completion.

RESOLUTION NO. 04-178

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA ADOPTING THE WATERFRONT PARK INITIATIVE MEASURE SUBMITTED BY THE VOTERS IN LIEU OF SUBMITTING THE MEASURE TO THE VOTERS LIMITING THE USE OF THE CITY-OWNED PROPERTY AT EAST B AND FIRST STREET TO A PARK INCLUDING LOW IMPACT RECREATIONAL ACTIVITIES, COMMUNITY EVENTS AND FESTIVALS

WHEREAS, a petition was submitted to the City Council to place the waterfront park measure on the ballot or to adopt the measure; and

WHEREAS, the Registrar of Voters has a certified that 1847 valid signatures have been obtained based on a statistical analysis; and

WHEREAS, 1522 signatures were required to qualify to be placed on an upcoming election; and

WHEREAS, Cal. Elections Code Section 9214 allows the City Council to adopt a measure as proposed and qualified by the voters without putting the measure before the voters; and

WHEREAS, 67.51% of the voters voting on the advisory measure asking the voters whether the City Council should implement the proposed waterfront park initiative voted in favor of the advisory measure.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Benicia does hereby adopts the waterfront park measure in its entirety as set forth in Exhibit A.

BE IT FURTHER RESOLVED THAT this measure shall only be amended by a vote of the people.

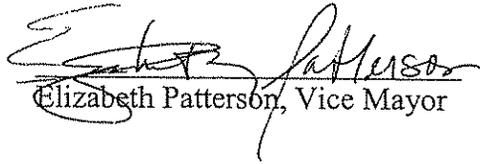
On motion of Council Member **Whitney**, seconded by Council Member **Smith**, the above Resolution was introduced and passed by the City Council of the City of Benicia at a regular meeting of said Council held on the 16th day of November, 2004, and adopted by the following vote:

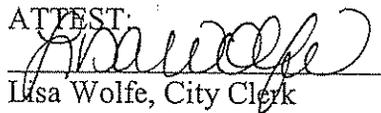
Ayes: **Council Members Patterson, Smith and Whitney**

Noes: **None**

Absent: **Council Member Campbell**

Abstain: **Mayor Messina**


Elizabeth Patterson, Vice Mayor

ATTEST:

Lisa Wolfe, City Clerk

THE BENICIA WATERFRONT PARK INITIATIVE

To the Honorable Clerk of the City of Benicia: We, the undersigned, registered and qualified voters of the City of Benicia, hereby propose an Initiative measure to amend the City of Benicia General Plan. We petition you to submit this measure to the City Council for the City of Benicia for adoption without change, or submission of the measure to the voters of the City of Benicia. If submitted to the voters, we request that the measure be submitted immediately at a special election in accordance with Elections Code section 9214 if the petition meets the requirements of that section or if the City Council deems it in the public interest. If the measure is not adopted by the City Council or submitted at a special election we request that it be submitted at the next regular municipal election in accordance with Elections Code section 9215. The measure provides as follows:

THE BENICIA WATERFRONT PARK INITIATIVE

The people of the City of Benicia hereby ordain as follows:

SECTION 1: PURPOSE AND FINDINGS

- A. **Purpose:** The purpose of this measure is to establish a waterfront park on the city-owned land south of B Street, between First Street and the Harbormaster's Office, and extending to the water's edge, but excluding the site upon which "The Depot" sits, as shown in Exhibit B, and more specifically described in the text of the Initiative.
- B. **The Importance of Establishing a Waterfront Park:** This waterfront park, with its panoramic views of the Carquinez Strait and Mount Diablo, will continue to be used as a community gathering place where people may enjoy a variety of low impact recreational activities, attend popular local festivals, and find a refreshing natural respite from urban life.
- C. **Protecting the Waterfront from Future Commercial Development:** The area to be designated as a waterfront park is currently being used as a park and general open space. Despite this, much of the land is actually designated in the City's General Plan for a variety of commercial uses, including hotels, major retail outlets, and multifamily residences. This Initiative would change that by permitting only park uses in this area.
-
- D. **Preserving Community Open Space:** This area will be preserved as an extensive open space where all Benicians may come to appreciate the cool evening breeze, socialize with neighbors, walk their dogs, fly kites, and enjoy the spectacular views.

- E. **Protecting Vistas and Environmentally Sensitive Areas:** This area provides one of the last unobstructed views of the Carquinez Strait. These views are a defining part of Benicia's character. This measure would ensure that the view of the Strait remains unobstructed for the benefit of all. In addition, this area includes ecologically sensitive marshlands. By eliminating the possibility of commercial development in this area, the integrity of this important natural habitat and the wildlife that rely on it will be preserved, and the marshlands will remain in their current natural condition. Finally, by conserving this area as parkland, it may then be linked with the regional Bay Trail, providing a walking path around the entire San Francisco Bay.
- F. **Establishing an On-going Location for Community Festivals and Events:** As a waterfront park, this area will remain the site and backdrop for important City festivals and events which enrich the local community and attract visitors. These include the Fourth of July celebration, the Offshore Grande Prix Races and Waterfront Festival, the Peddlers Fair, the Arts and Crafts Fair, and numerous holiday parades. This measure will ensure that this important resource remains available to our community.
- G. **The Historic Railroad Depot:** The waterfront park will complement the downtown commercial district, which includes the historic Depot. This Initiative will not change the Depot's current land use designation of "Downtown Commercial." The development of the Depot for a commercial or civic use, such as a restaurant or art gallery, will contribute to the revitalization of the downtown area and be compatible with the proposed uses of the adjoining waterfront park.
- H. **Economic Benefits to Local Businesses:** Local shops and eateries will benefit from the creation of this waterfront park. The park will be a focal point, drawing people to the foot of First Street to enjoy both the natural beauty of the area and to attend community festivities. By attracting local residents and tourists to this area, these same visitors will then have an opportunity to patronize First Street businesses.
- I. **Effect of Initiative:** To create a waterfront park in this area, this Initiative will change the land use designation of the affected lands from "Waterfront Commercial" or "Downtown Commercial" to "Parks." In addition, this Initiative affirms and readopts the existing "Parks" designation for the land adjacent to the redesignated land. This Initiative also amends the General Plan to include "Waterfront Park" as a type of park permitted on lands designated as "Parks." Any changes to the land use designations or the

waterfront park description adopted by this Initiative will require voter approval.

SECTION 2: GENERAL PLAN AMENDMENTS

A. LAND USE DIAGRAM AMENDMENTS

The Land Use Diagram of the Benicia General Plan (adopted June 15, 1999 as amended through July 15, 2004) is hereby amended as set forth below. (Exhibit A is an enlarged copy of a portion of the City of Benicia's General Plan Land Use Diagram and shows the current land use designation of the land affected by the Initiative and surrounding lands. Exhibit B illustrates the amendments set forth below. The exhibits are provided for illustrative purposes only.) The designations adopted and readopted below may only be changed by a vote of the people.

1. Readoption. This Initiative hereby affirms and readopts the "Parks" land use designation for the land currently designated as "Parks" within the boundaries of the "Waterfront Park Area" described in section 2.A.3, below.
2. Redesignation. Within the boundaries of the "Waterfront Park Area" described in section 2.A.3, below, all land currently designated as "Waterfront Commercial" or "Downtown Commercial" is hereby redesignated to "Parks."
3. The boundaries of the Waterfront Park Area are as follows: (1) on the north, a line beginning at the corner of the eastern edge of First Street and the southern edge of B Street extending east along the southern edge of B Street and then straight from the end of B Street to a point on the western edge of the Benicia Marina entry channel that is closest to the southernmost corner of the exterior walls of the building that is Harbormaster's Office, (2) on the east, a line following the western edge of the Benicia Marina entry channel generally south from the end of the northern boundary line to the shoreline, (3) on the south, along the shoreline from the western edge of the Benicia Marina entry channel, generally west along water's edge to the point where a straight line following the alignment of the eastern edge of First Street would meet the water, and (4) on the west, a line beginning at the corner of the eastern edge of First Street and the southern edge of B Street running generally south along the eastern edge of First Street to the northern edge of A Street, then turning generally east and following a straight line along the northern edge of A Street and continuing past the end of A Street

to intersect a straight line that is parallel to First Street and 35 feet east of the easternmost corner of the Depot Building running from the intersection with the line extending from A Street south to the lands currently designated as "Parks" then following the boundary between the lands designated as "Parks" and "Downtown Commercial" generally west to the point where the line meets the southern boundary. Notwithstanding the foregoing, the Waterfront Park Area does not include any lands that, as of July 15, 2004 are (1) within 15 feet of any exterior wall of the building that is the Harbormaster's Office and/or (2) paved and immediately adjacent to the Harbormaster's Office.

B. GENERAL PLAN TEXT AMENDMENTS

This Section of the Initiative enacts text amendments to the City of Benicia General Plan adopted on June 15, 1999, as that General Plan has been modified by any amendments adopted up to and including July 15, 2004. Text to be inserted in the General Plan is indicated in **bold** type, while text to be deleted is indicated in ~~strikeout~~. Text in standard type currently appears in the General Plan and is readopted and reaffirmed by this Initiative. To avoid confusion, headings or text in the existing General Plan that presently appear in **bold** are shown as underline type. The language adopted in the following amendments may only be changed by a vote of the people, except that the General Plan may be reorganized, readopted in different text and/or format, and individual provisions may be renumbered or reordered, in the course of ongoing updates of the General Plan in accordance with the requirements of state law, provided that the Land Use Element description of the Waterfront Park shall remain in the General Plan unless earlier repealed or amended by the voters of the City.

1. The General Plan is hereby amended to insert, at the end of the list of the different types of parks in the City, the following description of the new park type "Waterfront Park" on page 31.

Waterfront Park: A waterfront park serves the entire community and accommodates activities appropriate to the characteristics of the site such as low impact recreational activities, community events and festivals, and enjoyment of the surrounding natural environment. The waterfront park south of B Street may not include any permanent sports fields, courts, or equipment. Nor may it include any permanent buildings, except for a public restroom and similar amenities. Walkways, benches, drinking fountains, and trash receptacles are permitted. The waterfront park south of B Street will preserve

the marshlands within its boundaries, thereby protecting the wildlife that rely on this ecologically sensitive habitat.

2. The General Plan is hereby amended to insert the following footnote into Table 2-6 "Park Standards" on page 31 of the General Plan.

Waterfront Park: A waterfront park is designed to incorporate the unique aspects of the specific location and provide a distinctive waterfront experience for all residents and visitors. Because each waterfront park will integrate the special features of the particular site, no uniform set of standards will be applied.

SECTION 3: CONFORMING GENERAL PLAN AMENDMENTS

In light of the General Plan amendments set forth above in Section 2 of this Initiative, the General Plan is hereby further amended as set forth below in order to promote internal consistency among the various elements of the General Plan. In this Section, text to be inserted into the General Plan is indicated in **bold** type while text to be stricken is presented in ~~strikethrough~~ type; text in standard type currently appears in the General Plan and remains unchanged by this Initiative. To avoid confusion, headings or text in the existing General Plan that presently appear in **bold** or underline are shown as underline type. The language adopted in the following amendments may be further amended as appropriate without a vote of the people in the course of future updates and revisions to the General Plan.

1. The General Plan is hereby amended to revise the text describing "Parks" on page 31 as follows:

PARKS

Parks provide land for the more intensive recreational uses. There are ~~three~~ four park types in Benicia.

2. The General Plan description of "Downtown" beginning on page 47 is amended as follows:

DOWNTOWN

The major ~~concentration~~ of commercial ~~concentration~~ uses in the City is ~~located in the Downtown. Nineteen acres of developed~~ commercial uses around area which runs along the First Street Corridor ~~stretching~~ and stretches to the waterfront park and includes the Depot site. This area is ~~are~~ designated Downtown Commercial and is enhanced by the adjoining waterfront park.

This designation was created specifically for the First Street Corridor area and is meant to emphasize the importance of First Street as the Downtown. The area has a mixture of office, retail, and residential development.

While the Downtown shares many of the problems faced by older downtowns throughout the country (e.g., vacant lots, underutilized land, and competition from suburban shopping centers), its natural features and historical significance greatly increase its potential for economic development. Major points of interest include the third State Capital of California, and **sites adjacent to the Downtown including** the western terminus of the Transcontinental Railroad (~~the train depot is being renovated~~), and an accessible waterfront with striking views of the Carquinez Strait and surrounding hills. The area is a community gathering place that attracts tourists and local residents to its historic sites, shops, restaurants, farmers' market, and special events. Adjoining the Downtown are a marina, **a waterfront park**, and several medium density condominium developments.

3. The General Plan Policy 2.12.4 and the Programs 2.12.L, 2.12.M, and 2.12.O on page 50 of the General Plan are amended as follows:

POLICY 2.12.4: Create a social, recreational, and economic anchor at the waterfront end of First Street **by establishing a waterfront park which provides a site for community festivals, preserves open space, and allows commercial and civic uses at the Depot site.**

~~Program 2.12.L: Use the Urban Waterfront Restoration Plan to guide the planning and development of public waterfront improvements; when siting private development; and when designing public access between commercial uses and the waterfront.~~ **Promote commercial and civic uses at the historic Railroad Depot, such as a restaurant or art gallery that would contribute to the revitalization of the downtown area and which would be compatible with the uses of the adjoining waterfront park.**

~~Program 2.12.M: Investigate the feasibility of a multi-use Community Center.~~ **Promote special events and festivals at the waterfront park.**

Program 2.12.N: By the end of the year 2000, decide on the feasibility of restoring three City-owned structures: — the former Southern Pacific Railway Depot and Jurgensen's Saloon, and the Von Pfister Adobe.

Program 2.12O: Establish a permanent public green on the waterfront south of B Street at Second Street as created by the 2005 Benicia Waterfront Park Initiative.

~~This public green is included in the City's 1990 Waterfront plan as a "marina green."~~

4. The General Plan is hereby amended to revise the text of Goal 2.19 on page 71 as follows:

GOAL 2.19: Promote a regional (San Francisco, Oakland, Alameda) and local (Martinez, Port Costa, and Crockett) ferry service.

When the waterfront area adjacent to the Benicia Marina park is developed established and the number of visitors to the foot of First Street increases, a weekend ferry service between Benicia and the historic town of Port Costa or Martinez along the northern shores of Contra Costa County may be feasible.

5. The General Plan is hereby amended to revise the text describing Park Standards and Existing Parks on page 79 as follows:

STANDARDS

The General Plan provides standards for ~~three~~ four categories of City Parks: Regional, Community, and Neighborhood, and Waterfront. The categories are defined in Section A, Land Use of this chapter (Chapter 2).

EXISTING PARKS

Benicia has ~~almost~~ approximately 700 acres of existing parks; the largest part of this acreage is in the Lake Herman Regional Park (577 acres). Benicia also has several recreational centers: the Senior Center, City Gym, James Lemos Pool complex, and the Youth Activities Center. The City has a joint use agreement with the Benicia Unified School District that provides for the sharing of facilities. In addition, the City has several parks/recreation facilities not categorized in the Parks, Trails, and Open Space Master Plan.

These include one public launch ramp, two fishing piers, and small waterfront parks. Table 2-13 and Figure 2-8 lists and locates the City's various parks and recreational facilities. The City's 1997 Parks Master Plan provides a full description of all parks within the City as of 1997.

6. The General Plan is hereby amended to revise Figure 2-8 "Parks and Open Space" on page 80 of the General Plan to add the number 34 to the map of parks and open space to identify the new waterfront park. The number will be located to the immediate right of the number 13, at the lower right hand corner of the map. A copy of Figure 2-8 as it exists on July 15, 2004, is attached to this Initiative as Exhibit C for informational purposes.
7. The General Plan is hereby amended to insert the following to Table 2-13 "Existing and Future Parks and Recreation Facilities within City Limits, 1995" on page 81 as follows:

<u>Map No.</u>	<u>Facility Name</u>	<u>Acres</u>
34	Waterfront Park	<i>(Acreage to be determined)</i>

A copy of Table 2-13 as it exists on July 15, 2004, is attached to this Initiative as Exhibit D for informational purposes.

8. The General Plan is hereby amended to revise the text describing "Parks" as part of "Open Space and Conservation of Resources" on page 122 as follows:

3. Parks. Includes publicly owned neighborhood, community, and regional, and waterfront parks, as well as public recreation facilities, and allows for ~~intensive~~ recreational uses. They are discussed in the previous chapter under Parks and Recreation Chapter 2D: Community Services).

9. The General Plan is hereby amended to revise the Glossary entry defining "Parks" on page 202 as follows:

Parks Open space lands whose primary purpose is recreation. (See "Open Space Land," "Community Park," and "Neighborhood Park," and "Waterfront Park.")

10. The General Plan is hereby amended to revise the Glossary to insert the definition of “Waterfront Park” on page 211 following the entry for “Warehousing Use” as follows:

Waterfront Park A park which serves the entire community and accommodates activities appropriate to the characteristics of the site, such as low impact recreational activities, community events and festivals, and enjoyment of the surrounding natural environment.

SECTION 4: IMPLEMENTATION

A. Effective Date: As provided in Elections Code section 9217, this Initiative shall take effect ten days after the date on which the election results are declared by the City Council. Upon the effective date of this Initiative, the provisions of Sections 2 and 3 of the Initiative are hereby inserted into the City of Benicia General Plan, as an amendment thereof; except that if the four amendments of the mandatory elements of the General Plan permitted by State law for any given calendar year have already been utilized in the year in which the Initiative becomes effective, this General Plan amendment shall be the first amendment inserted into the City of Benicia General Plan on January 1 of the next year. Upon the effective date of this Initiative, any provisions of the City of Benicia Zoning Ordinance reflected in the ordinance itself or in the City of Benicia Zoning Map that are inconsistent with the General Plan amendment adopted by this Initiative shall not be enforced.

B. Interim Amendments: The date that the Notice of Intent to Circulate this Initiative measure was submitted to the City Elections Official is referenced herein as the “submittal date.” The City of Benicia General Plan in effect on the submittal date and that General Plan as amended by this Initiative comprise an integrated, internally consistent and compatible statement of policies for the City of Benicia. In order to ensure that nothing in this Initiative measure would prevent the City of Benicia General Plan from being an integrated, internally consistent and compatible statement of City policies, as required by State law, and to ensure that the actions of the voters in enacting this Initiative are given effect, any amendment to the General Plan that is adopted between the submittal date and the date that the General Plan is amended by this Initiative measure shall, to the extent that such interim enacted provision is inconsistent with the General Plan provisions adopted by Sections 2 and 3 of this Initiative measure, be amended as soon as possible and in the manner and time required by State law to ensure consistency between the provisions adopted by this Initiative and other elements of the City of Benicia General Plan.

C. Other City Ordinances and Policies: The City of Benicia is hereby authorized and directed to amend the General Plan, including, where appropriate, any tables, figures or maps, the City of Benicia Land Use Map, all specific and subarea plans, the Zoning Ordinance, the Zoning Map, and other ordinances and policies affected by this Initiative as soon as possible and in the manner and time required by any applicable State law, to ensure consistency between the policies adopted in this Initiative and other elements of the City of Benicia General Plan, the City of Benicia Land Use Map, all specific and subarea plans, the City of Benicia Zoning Ordinance, the City of Benicia Zoning Map, and other City ordinances and policies.

D. Project Approvals: Upon the effective date of this measure, the City and its departments, boards, commissions, officers and employees, shall not grant, or by inaction allow to be approved by operation of law, any general plan amendment, rezoning, specific plan, tentative or final subdivision map, conditional use permit, building permit or any other ministerial or discretionary entitlement, which is inconsistent with this measure. Nothing in this measure shall be construed to prohibit the City from complying with State laws requiring density bonuses and/or other incentives for projects including housing for seniors or for low or very low income households.

SECTION 5: SEVERABILITY AND INTERPRETATION

This Initiative shall be interpreted so as to be consistent with all federal and state laws, rules, and regulations. If any section, sub section, sentence, clause, phrase, part, or portion of this Initiative is held to be invalid or unconstitutional by a final judgment of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Initiative. The voters hereby declare that this Initiative, and each section, sub section, sentence, clause, phrase, part, or portion thereof would have been adopted or passed even if one or more sections, sub sections, sentences, clauses, phrases, parts, or portions are declared invalid or unconstitutional. If any provision of this Initiative is held invalid as applied to any person or circumstance, such invalidity shall not affect any application of this Initiative that can be given effect without the invalid application. This Initiative shall be broadly construed in order to achieve the purposes stated in this Initiative.

SECTION 6: AMENDMENT OR REPEAL

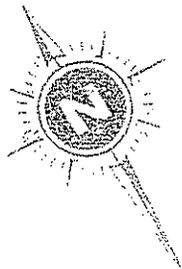
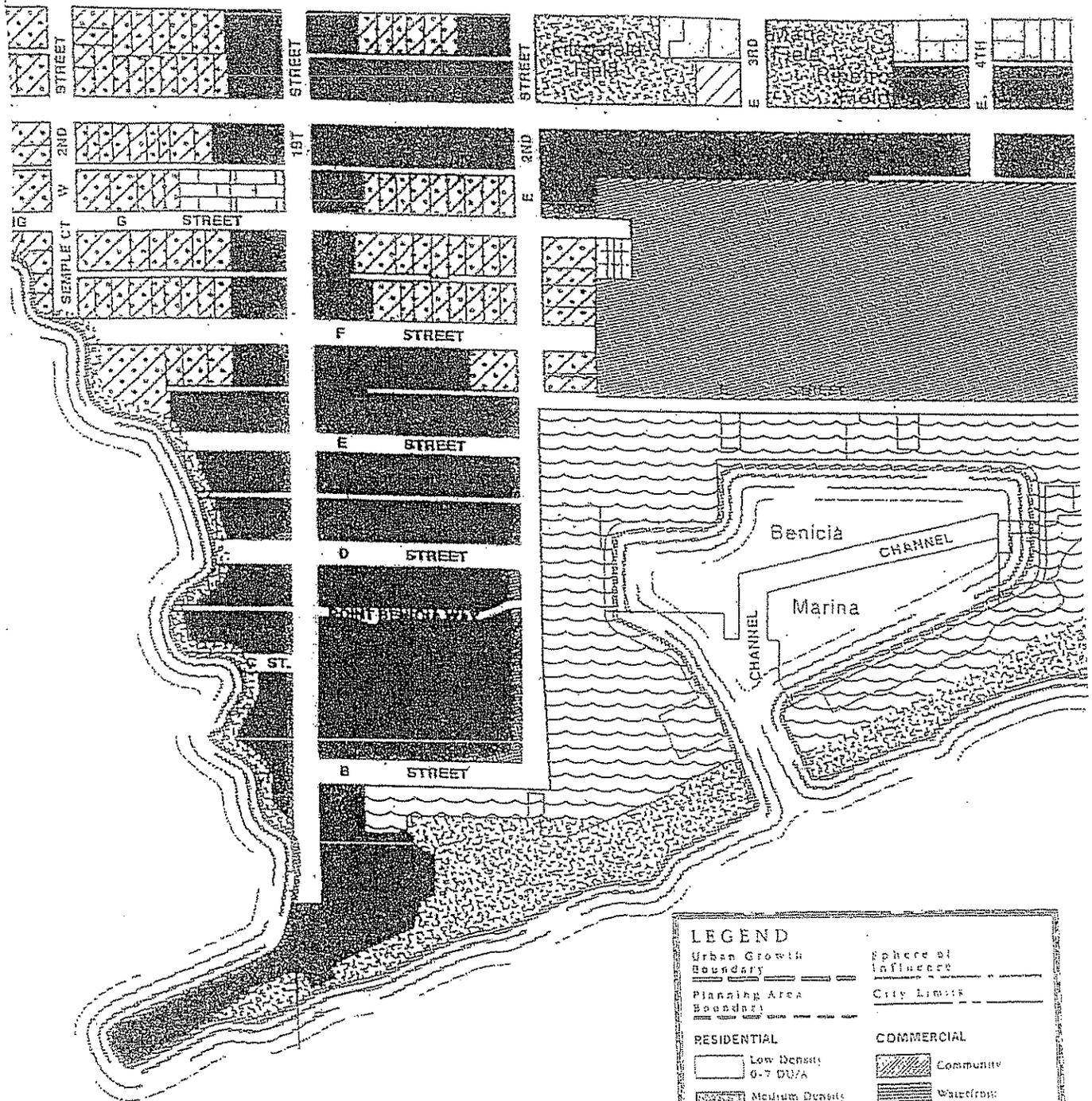
Except as otherwise provided herein, this Initiative may be amended or repealed only by the voters of the City of Benicia at a City election.

EXHIBIT LIST:

- Exhibit A - This exhibit is an enlarged excerpt from the City of Benicia General Plan Land Use Diagram, dated June 1999. This exhibit shows the current land use designations of the area affected by the Initiative and the surrounding area. This exhibit is provided for illustrative purposes only.
- Exhibit B - This exhibit is based on an enlarged excerpt from the City of Benicia General Plan Land Use Diagram, dated June 1999. This exhibit shows amendments to the Diagram adopted by the Benicia Waterfront Park Initiative. This exhibit is provided for illustrative purposes only.
- Exhibit C - This exhibit is a copy of Figure 2-8: Parks and Open Space, from the City of Benicia General Plan, page 80. This exhibit is provided for informational purposes only.
- Exhibit D - This exhibit is a copy of Table 2-13: Existing and Future Parks and Recreation Facilities within City Limits, from the City of Benicia General Plan, page 81. This exhibit is provided for informational purposes only.

Exhibit A

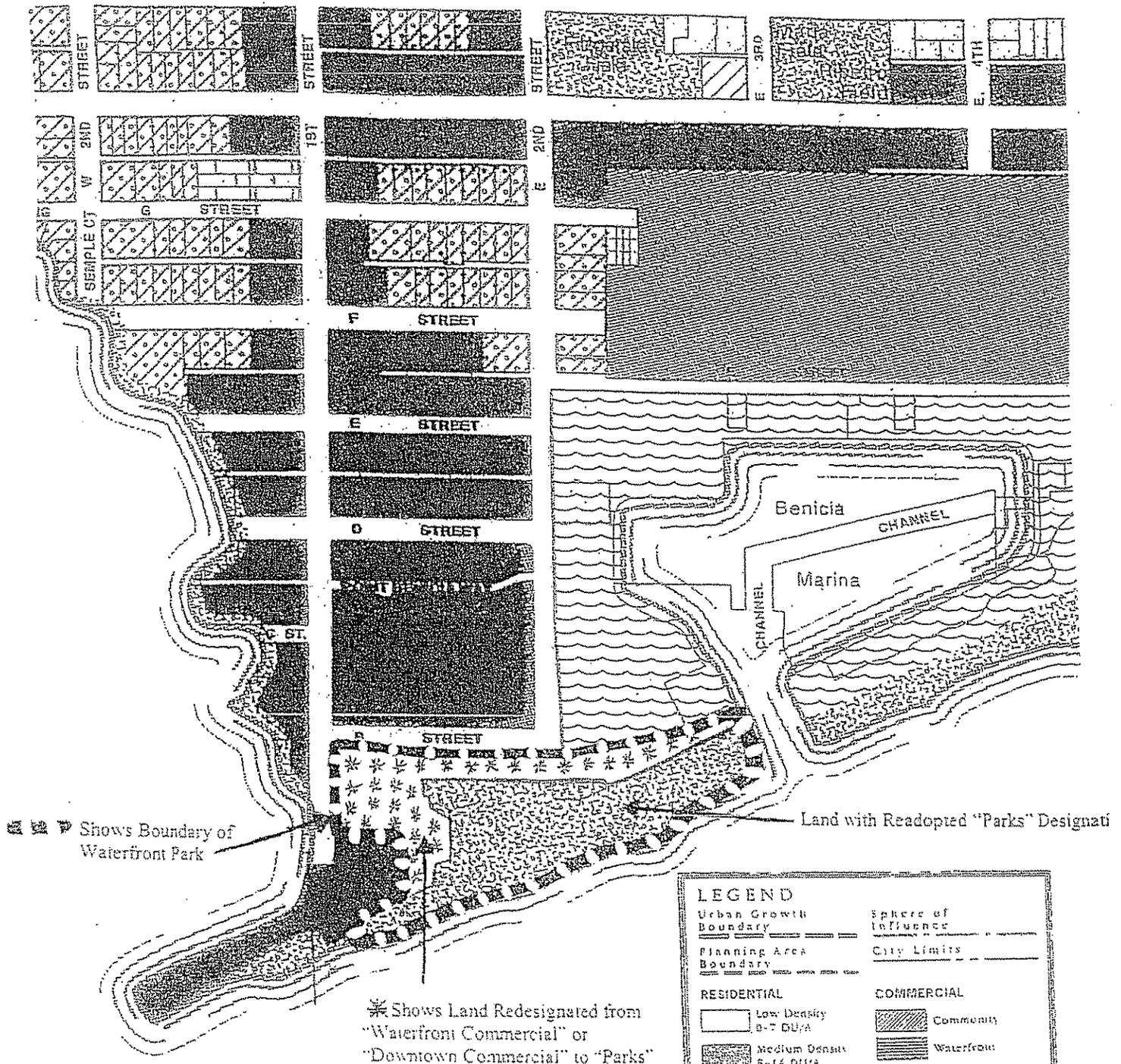
This exhibit is an enlarged excerpt from the City of Benicia General Plan Land Use Diagram, dated June 1999. This exhibit shows the current land use designations of the area affected by the Initiative and the surrounding area. This exhibit is provided for illustrative purposes only.



LEGEND	
Urban Growth Boundary	Sphere of Influence
Planning Area Boundary	City Limits
RESIDENTIAL	
Low Density 0-7 DU/A	Community
Medium Density 8-14 DU/A	Waterfront Business and Professional Office
High Density 15-21 DU/A	General
OPEN SPACE	
Marsh	Downtown
General	INDUSTRIAL
Parks	General
MIXED USE	
Downtown	Limited
Lower Aerial	Waterfront
PUBLIC/QUASI-PUBLIC	

Exhibit B

This exhibit is based on an enlarged excerpt from the City of Benicia General Plan Land Use Diagram, dated June 1999. This exhibit shows amendments to the Diagram adopted by the Benicia Waterfront Park Initiative. This exhibit is provided for illustrative purposes only.



LEGEND	
Urban Growth Boundary	Sphere of Influence
Planning Area Boundary	City Limits
RESIDENTIAL	COMMERCIAL
Low Density 0-7 DU/A	Community
Medium Density 8-14 DU/A	Waterfront
High Density 15-21 DU/A	Business and Professional Office
OPEN SPACE	General
Marsh	Downtown
General	INDUSTRIAL
Park	General
MIXED USE	Limited
Downtown	Waterfront
Lowest Density	PUBLIC/QUASI-PUBLIC

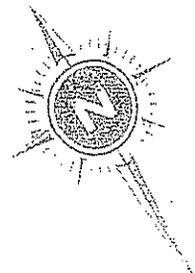


Exhibit C

This exhibit is a copy of Figure 2-8: Parks and Open Space, from the City of Benicia General Plan, page 80. This exhibit is provided for informational purposes only.

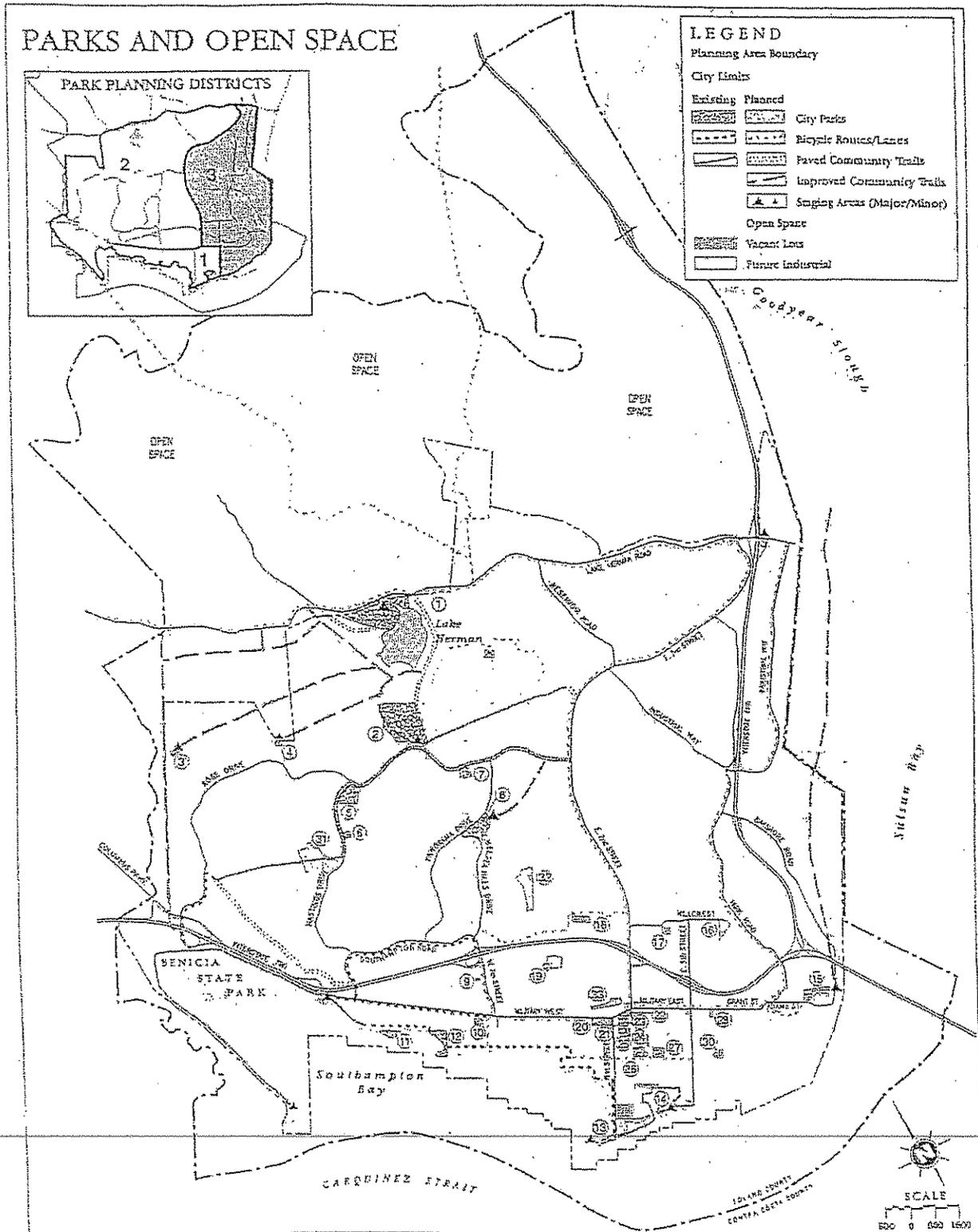


Figure 2-8. Parks and Open Space

Exhibit D

This exhibit is a copy of Table 2-13: Existing and Future Parks and Recreation Facilities within City Limits, from the City of Benicia General Plan, page 81. This exhibit is provided for informational purposes only.

MAP NO.*	FACILITY NAME	ACRES
1.	Lake Herman Regional Park	577.0
2.	Benicia Community Park	50.0
3.	Channing Circle Park	2.5
4.	Gateway Park	0.5
5.	Jack London Park	7.7
6.	Park Solano	2.0
7.	Frank Skillman Park	3.0
8.	Southampton Park	6.0
9.	Benicia Views II	0.5
10.	Willow Glen Park	4.5
11.	Matthew Turner Park (West 12th Street)	2.5
12.	West 9th Street Park	6.0
13.	Point Benicia Spit	0.3
14.	Turnbull Park	0.3
15.	Clocktower	—
16.	Francesca Terrace	5.0
17.	Duncan Graham Park	2.0
18.	Overlook Park	3.5
19.	Bridgeview Park	4.5
20.	City Park	4.5
21.	Civic Center Park	3.5
22.	Benicia Senior Citizens' Center	—
23.	Benicia City Gymnasium	—
24.	James Lemos Pool Complex	—
25.	Youth Activity Center	—
26.	Fitzgerald Field	4.0
27.	Little League Field	4.0
28.	Ethelree Saraiva Park	0.5
29.	Park D-7 (future)	3.5
30.	Bottle Hill Park (future)	0.5
31.	Hastings Drive Neighborhood Park (future)	10.0
32.	Perth Way Neighborhood Park (future)	8.0
33.	St. Catherine's Wood Neighborhood Park (future)	0.5
SUBTOTAL		716.8
Benicia State Recreation Area		469.0
Benicia State Capital Historic Park		1.5

Source: *Parks, Trails, and Open Space Master Plan*

*These numbers refer to locations on Figure 2-8.

VIII.B.50

MEMORANDUM

DATE July 10, 2012
TO Charlie Knox, City of Benicia
FROM Isabelle Minn, The Planning Center | DC&E
RE **Potential Funding Sources for Benicia Waterfront Improvements**

This memorandum summarizes a number of funding sources for parks, open space and natural resource projects. These programs and grants are potential sources of funding for the development of improvements proposed as part of the Benicia Urban Waterfront Enhancement and Master Plan.

- State of California Strategic Growth Council (SGC) Urban Greening Grants. Funded by Proposition 84, the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006, Urban Greening Grants are awarded to multi-benefit projects that help preserve or enhance community green spaces such as open spaces, wetlands, urban forests and other green spaces. Projects funded by Urban Greening Grants have included a large number of projects similar to those expected to be part of the Benicia Urban Waterfront Enhancement and Master Plan. A total of three grant cycles are planned. Round 2, awarded in 2011, resulted in \$15 million being awarded for urban greening projects. Solicitation for a third round of grants is expected to occur in 2013. http://sgc.ca.gov/urban_greening_grants.html
- California Department of Boating and Waterways. The CA Department of Boating and Waterways has grants available for recreational boating facilities with public access. Grants are restricted to qualifying public agencies to fund boat launching ramps, boarding floats, and associated parking areas, restrooms, and lighting. <http://www.dbw.ca.gov/Funding/Facilities.aspx#BLFG>
- Wildlife Conservation Board. The Wildlife Conservation Board provides public access funding and can enter into cooperative project agreements with local agencies or nonprofit organizations for the development of facilities for "public access for hunting, fishing or other wildlife-oriented recreation," such as wildlife viewing and bird watching. The WCB may fund the construction of project elements such as trails, boardwalks, interpretive facilities. Applications are accepted on a continuous basis. <http://www.wcb.ca.gov/Access/examples.html>

- Federal Land and Water Conservation Fund (LWCF). This fund can be used to reimburse development costs for outdoor recreation areas and facilities. The funds provide matching grants to cities and counties seeking funds covering up to 50% of project costs. www.parks.ca.gov/default.asp?Page_id=21360
- Coastal Conservancy. The California Coastal Conservancy, which funded the Benicia Waterfront Master Plan, may be a source of funding for implementation. The Coastal Conservancy Grant programs fund projects that are consistent with the Agency's goals to "protect, restore, and enhance coastal resources, and to provide access to the shore." Proposals for funding from the Conservancy are accepted on a continuous basis, and there are no established grant minimum or maximum amounts. Funds awarded through the Coastal Conservancy include those from bond measure Proposition 84. <http://scc.ca.gov/applying-for-grants-and-assistance/forms/>
- SF Bay Trail. The Benicia Urban Waterfront Enhancement and Master Plan includes a portion of the San Francisco Bay Trail. The SF Bay Trail project is currently funding design and construction of segments of the Bay Trail projects. <http://www.baytrail.org/grants.html>
- San Francisco Bay Restoration Authority (Authority). Formed in 2008, this new agency will raise and allocate funds for restoration and protection of wetlands in the San Francisco Bay and its shoreline. While the agency is still in its early phases and funding as of 2012 has not been raised, the Benicia Waterfront would be a model candidate for funding due to its consistency with the Agency's mandate to focus funding projects on project components that enhance tidal wetlands in conjunction with flood management features and public access improvements. <http://www.sfbayrestore.org/SFBRA-FAQ.pdf>
- California Department of Water Resources, Division of Integrated Regional Water Management. This agency offers Stormwater Flood Management Grants funded by Proposition 1E –The Disaster Preparedness and Flood Protection Bond Act of 2006. Actions funded include implementation actions to reduce flooding and provide multiple benefits. <http://bondaccountability.resources.ca.gov/Project.aspx?ProjectPK=3860-P1E-348&pid=5>

Potential Funding Sources for Waterfront Enhancements

Grant	Source	Types of Projects Funded	Fund Availability	Match Requirements	Grant Maximum	Deadline
Urban Greening Grants	State of California Strategic Growth Council	Supports multi-benefit projects that help preserve or enhance community green spaces such as open spaces, wetlands, and urban forests.	\$20 million to be available for the third round of proposals	Matching funds are not required	There is no specified maximum grant amount	A total of three grant cycles are planned, with solicitation for a third round of grants expected to occur in 2013
Facility Grants and Loans	California Department of Boating and Waterways	Grants fund boat launching ramps, boarding floats, and associated parking areas, restrooms, and lighting for motorized and non-motorized boaters; Planning Grants are available for projects that are in concept form to move through the early design stages and permits.	Funding varies year to year	No match required	None	Applications are due by April 1 for the fiscal year that begins 15 months later
Public Access Grants	Wildlife Conservation Board	Grants support development such as fishing piers or floats, access roads, boat launching ramps, trails, boardwalks, interpretive facilities, and lake or stream improvements. Support facilities such as restrooms and parking areas are also eligible for funding under this program.	\$9 million remaining; typically \$1 million is granted annually	50% match preferred	None, though funded projects typically cost between \$200,000 and \$400,000	Proposals are accepted on a continuous basis, with grants awarded quarterly
Land and Water Conservation Program	National Park Service	Acquisition or development of outdoor recreation areas and facilities. Priority projects include trails, campgrounds, picnic areas, natural areas and cultural areas for recreational use.	approximately \$1.7 million is available in California this year	At least 50% of total project costs	No minimum or maximum amounts	First workday in November, annually
San Francisco Bay Conservancy Program	California Coastal Conservancy	Funds projects which address regional resource protection and recreation goals, including improving public access, protecting and restoring natural resources and open space, and advancing recreation opportunities through projects such as the Bay Trail and the Bay Area Ridge Trail.	\$10 million	Not specified	None	Applications are accepted on a continuous basis
San Francisco Bay Area Water Trail	California Coastal Conservancy	Provides funding for Bay Area Water Trail access sites, with priority for ADA accessibility.	Approximately \$1 million remaining	Not specified	Not specified	Applications are accepted on a continuous basis
San Francisco Bay Trail Program	Association of Bay Area Governments/ Coastal Conservancy	Funding for trail construction, new shoreline destination areas, interpretive signs, trail amenities, public outreach, regional analysis and project-specific planning studies; emphasis on construction.	Approximately \$1 million	No strict matching requirement, though a strong local match is preferred; in-kind match ok	Past grants have ranged from \$15,000 to \$500,000; future grants expected to be on the lower end of that range	Applications are accepted on a continuous basis

VIII.B.54

Grant	Source	Types of Projects Funded	Fund Availability	Match Requirements	Grant Maximum	Deadline
San Francisco Bay Restoration Authority	San Francisco Bay Restoration Authority	The Authority's enabling legislation specifies that eligible projects must restore, protect or enhance tidal wetlands, managed ponds or natural habitats on the San Francisco Bay shoreline, preferably in conjunction with flood management features and/or public access improvements where appropriate.	Funding is not currently available; a 2014 millage vote is anticipated	TBD	TBD	TBD
Stormwater Flood Management Grants	California Department of Water Resources/Bay Area Integrated Water Management Plan	Funded projects must be designed to manage stormwater runoff to reduce flood damages, and yield multiple benefits including ecosystem restoration and water quality improvement.	Approximately \$92 million available for Round 2	At least 50% of total project cost	\$30 million maximum grant	Deadline for round 2 is December, 2012. Deadline for subsequent rounds not identified.
California Transportation Enhancements	Caltrans	Provides funding for: the provision of facilities for pedestrians and bicycles; landscaping and other scenic beautification; rehabilitation and operation of historic transportation buildings, structures or facilities (including historic railroad facilities and canals); and, preservation of abandoned railway corridors (including the conversion and use thereof for pedestrian or bicycle trails).	Varies year to year	At least 11.47% local or state match required	Not specified	Not specified
Habitat Conservation Fund	California State Parks	Grants provide funds for nature interpretation and other non-capital outlay programs which bring urban residents into park and wildlife areas, to protect various plant and animal species or to acquire or develop wildlife corridors and trails.	\$2 million is available annually	At least 50% of project costs	None specified; recent grants have been in the \$25,000-\$400,000 range	October 1, annually
North American Wetlands Conservation Act Small Grants	United States Fish and Wildlife Service	Provides matching grants for projects that involve restoration or enhancement of wetlands.	FY 2012 national funding of over \$3 million	At least 50% of project costs	\$75,000 maximum	October, annually

AGENDA ITEM
CITY COUNCIL MEETING DATE - OCTOBER 16, 2012
BUSINESS ITEMS

DATE : October 2, 2012

TO : City Council

FROM : City Attorney

SUBJECT : **FILLING THE VACANCY IN THE OFFICE OF CITY TREASURER**

RECOMMENDATION:

Review the applications, interview the applicants and appoint a City Treasurer. In the alternative, call an election to elect a treasurer to fill the vacancy created by the passing of City Treasurer Langston.

EXECUTIVE SUMMARY:

The Government Code provides that the City Council may fill the vacancy in the office of City Treasurer by either appointing someone to the office or calling a special election to fill the office. It was decided at the Council's September 18, 2012 meeting to ask for applications. The applications received by the deadline are attached. In case the Council would like to call a special election, those documents are attached as well.

BUDGET INFORMATION:

The office of City Treasurer receives \$200 per month in salary and retirement benefits. The position does not receive other benefits. If the appointed person waives the salary and retirement benefit, there is the related cost savings. There are also the minimal costs of business cards, new letterhead, etc. If an election is required to fill the vacancy, the estimated cost of the election is \$15/voter for an election with polling places. The current budget does not include the costs of a special election that is estimated to cost \$264,510.

GENERAL PLAN:

N/A

STRATEGIC PLAN:

N/A

BACKGROUND:

Unfortunately, recently elected City Treasurer Bob Langston passed away on August 25, 2012. Because he passed while holding the office of City Treasurer, there is again a vacancy in the office of City Treasurer. In accordance with

Benicia Municipal Code Section 2.48.010, the only duties of the City Treasurer are to countersign warrants and attend Finance Committee meetings. Until the vacancy is filled, warrants will be countersigned by the Mayor and authorized staff members.

The process for filling the vacancy remains the same as 2010 when City Treasurer Teddie Bidou passed. The only change is that the time frame for Council action has been extended. Government Code Section 36512 provides for the filling vacancies in elected offices such as the City Treasurer. This section now requires action by the City Council within 60 days from the date of the vacancy, instead of 30 days. Thus, **October 25th** is the last day for action by the Council.

Government Code Section 36512 requires the City Council to fill the vacancy either by appointing someone to the office or by calling a special election to fill the vacancy. The appointment to fill the vacancy must be made within 60 days from the date of the vacancy. If the Council chooses to call for an election instead of an appointment, the election must be called within 60 days of the vacancy. The special election must be held on the next regularly established election date not less than 114 days from the call of the election. There are three regular election dates for each year per Elections Code Section 1000. Since it is too late to put this item on the November election, the next available election to fill the vacant City Treasurer position would be in March of 2013.

Whether the vacancy is filled by appointment or election, the City Treasurer must be an elector of the city at the time of appointment and must maintain residency during the term of office. See Government Code Section 36502. The term of office whether appointed or elected will be the remainder of the former City Treasurer's term (December of 2015).

At the City Council's meeting on September 18, the City Council decided to ask for applications for the position. The deadline for applications was set as October 2, 2010 at 5 p.m. The City Clerk posted a Notice of Intention to Fill a Vacancy in the position of City Treasurer and advertised for applications to fill the vacancy.

Two applications were received by the deadline. Applications were received from H.R. Autz and Kenneth Paulk. Copies of their applications are attached. It is recommended that the City Council interview the applicants and make an appointment. A resolution for the appointment is attached.

Appointment Process:

As noted in the last staff report, the interviews of the applicants will be conducted in public. Each applicant was asked, and agreed, to wait outside the Council Chamber until it was time for the applicant's interview. Order of the

interviews may be determined by a coin toss since there are only two applicants or by drawing cards.

Each applicant is allowed a one-minute opening statement. Then, the City Council asks each of the applicants four questions:

1. Why do you want to be City Treasurer?
2. Describe the background and experiences that make you a desirable candidate.
3. What is your understanding of the City's Investment Policy as approved by the City Council?
4. Are you willing to serve the full unexpired term until December 2015?

If follow up questions are needed, the Council should ask the same questions to each candidate. Candidates have not been given a time limit for their responses but a time limit may be set if desired by the City Council.

Last time, there were no time limits on the response time for the applicants and none of the candidates talked excessively. The Council decided that follow up questions could be asked but wanted to keep the questions the same for each applicant. No follow up questions were actually asked of the applicants.

Public comment should happen after all the applicants spoke. The City Council then deliberates and selects the City Treasurer. As noted above, there are minimum qualifications for the City Treasurer position. The City Council may appoint anyone, including a City employee, who is an elector of the City.

Election:

If the City Council would like to submit the matter to the voters to choose the City Treasurer, the Council must adopt a resolution calling for a special election. The next available election date is March 5, 2013. The cost of a special election is estimated to be \$15 per registered voter. There are currently 17,634 registered voters. Thus, a regular election would cost approximately \$264,510. No funds have been allocated for this election cost. A budget adjustment would be required. Draft resolutions are attached for your consideration to call the election and receive County services.

Attachments:

- ❑ Benicia Municipal Code Chapter 2.48
- ❑ Government Code Section 36512
- ❑ Government Code Section 36502
- ❑ Portion of September 18, 2012 City Council Minutes
- ❑ Resolution Requesting Applications
- ❑ Application of H.R. Autz
- ❑ Application of Kenneth Paulk
- ❑ Resolutions Calling a Special Election and Requesting County Services

Chapter 2.48 CITY TREASURER

Sections:

- [2.48.010](#) Powers and duties.
- [2.48.020](#) Compensation and benefits.
- [2.48.030](#) Qualifications.

2.48.010 Powers and duties.

All statutory duties and responsibilities not heretofore transferred to the county, the city manager or the finance director which are now performed by the city treasurer are transferred to the city clerk, who is ordered to perform all such duties, including but not limited to those duties required by law.

The city treasurer shall countersign warrants and serve on the finance committee. (Ord. 11-09 § 1).

2.48.020 Compensation and benefits.

The city treasurer shall receive a \$200.00 per month stipend and related retirement benefit but no other benefits.(Ord. 11-09 § 1).

2.48.030 Qualifications.

The city treasurer is an elected position so the only qualifications are that the individual be a registered voter of the city. Therefore, the following qualifications are desirable, but not required.

A. Knowledge of:

1. Municipal revenue sources;
2. Methods, practices and principles related to the investment of city idle funds;
3. Basic assessment district and bond financing techniques; and
4. Methods, practices and principles related to evaluating municipal cash flow needs.

B. Ability to:

1. Invest city idle funds in a wise and prudent manner;
2. Meet the public and provide required information pleasantly and efficiently;
3. Communicate effectively and tactfully in both oral and written forms;
4. Establish and maintain complex and extensive financial record keeping systems and files;
5. Operate and use a variety of office equipment;
6. Establish and maintain effective work relationships with those contacted in the performance of required duties. (Ord. 11-09 § 1).

C

Effective: January 1, 2011

West's Annotated California Codes [Currentness](#)

Government Code ([Refs & Annos](#))

Title 4. Government of Cities ([Refs & Annos](#))

▣ [Division 3. Officers \(Refs & Annos\)](#)

▣ [Part 1. General \(Refs & Annos\)](#)

→ → **§ 36512. Vacancies; fill by appointment or special election; term; ordinances governing appointments or elections; restrictions**

(a) If a vacancy occurs in an appointive office provided for in this chapter, the council shall fill the vacancy by appointment. A person appointed to fill a vacancy holds office for the unexpired term of the former incumbent.

(b) If a vacancy occurs in an elective office provided for in this chapter, the council shall, within 60 days from the commencement of the vacancy, either fill the vacancy by appointment or call a special election to fill the vacancy. The special election shall be held on the next regularly established election date not less than 114 days from the call of the special election. A person appointed or elected to fill a vacancy holds office for the unexpired term of the former incumbent.

(c) Notwithstanding subdivision (b) and [Section 34902](#), a city may enact an ordinance that does any of the following:

(1) Requires that a special election be called immediately to fill every city council vacancy and the office of mayor designated pursuant to [Section 34902](#). The ordinance shall provide that the special election shall be held on the next regularly established election date not less than 114 days from the call of the special election.

(2) Requires that a special election be held to fill a city council vacancy and the office of mayor designated pursuant to [Section 34902](#) when petitions bearing a specified number of verified signatures are filed. The ordinance shall provide that the special election shall be held on the next regularly established election date not less than 114 days from the filing of the petition. A governing body that has enacted such an ordinance may also call a special election pursuant to subdivision (b) without waiting for the filing of a petition.

(3) Provides that a person appointed to fill a vacancy on the city council holds office only until the date of a special election which shall immediately be called to fill the remainder of the term. The special election may be held on the date of the next regularly established election or regularly scheduled municipal election to be held throughout the city not less than 114 days from the call of the special election.

(d)(1) Notwithstanding subdivision (b) and [Section 34902](#), an appointment shall not be made to fill a vacancy on a city council if the appointment would result in a majority of the members serving on the council having been

appointed. The vacancy shall be filled in the manner provided by this subdivision.

(2) The city council may call an election to fill the vacancy, to be held on the next regularly established election date not less than 114 days after the call.

(3) If the city council does not call an election pursuant to paragraph (2), the vacancy shall be filled at the next regularly established election date.

CREDIT(S)

(Added by Stats.1949, c. 79, p. 144, § 1. Amended by Stats.1975, c. 283, p. 703, § 1; Stats.1977, c. 1205, p. 4076, § 89; Stats.1992, c. 136 (A.B.2295), § 1; Stats.1993, c. 229 (A.B.1282), § 12, eff. July 29, 1993; Stats.2010, c. 38 (A.B.1668), § 10.)

Current with urgency legislation through Ch. 171 of 2012 Reg.Sess. and all propositions on the 6/5/2012 ballot.

(C) 2012 Thomson Reuters. No Claim to Orig. US Gov. Works.

END OF DOCUMENT

C

Effective:[See Text Amendments]

West's Annotated California Codes [Currentness](#)

Government Code ([Refs & Annos](#))

Title 4. Government of Cities ([Refs & Annos](#))

▣ [Division 3. Officers \(Refs & Annos\)](#)

▣ [Part 1. General \(Refs & Annos\)](#)

→→ **§ 36502. Councilmember, clerk or treasurer; qualifications; vacancy upon nonresidence; term limits; electoral approval**

(a) A person is not eligible to hold office as councilmember, city clerk, or city treasurer unless he or she is at the time of assuming the office an elector of the city, and was a registered voter of the city at the time nomination papers are issued to the candidate as provided for in [Section 10227 of the Elections Code](#).

If, during his or her term of office, he or she moves his or her place of residence outside of the city limits or ceases to be an elector of the city, his or her office shall immediately become vacant.

(b) Notwithstanding any other provision of law, the city council of a general law or charter city may adopt or the residents of the city may propose, by initiative, a proposal to limit or repeal a limit on the number of terms a member of the city council may serve on the city council, or the number of terms an elected mayor may serve. Any proposal to limit the number of terms a member of the city council may serve on the city council, or the number of terms an elected mayor may serve, shall apply prospectively only and shall not become operative unless it is submitted to the electors of the city at a regularly scheduled election and a majority of the votes cast on the question favor the adoption of the proposal. Notwithstanding the provisions of this subdivision, the provisions of any city charter that, on January 1, 1996, impose limitations on the number of terms a member of the city council may serve on the city council, or the number of terms an elected mayor may serve, shall remain in effect. Unless otherwise prohibited by a city charter, any city charter may be amended pursuant to this section or pursuant to the procedures specified in the charter, to include the limitation authorized in this subdivision.

CREDIT(S)

(Added by Stats.1949, c. 79, p. 143, § 1. Amended by Stats.1957, c. 635, p. 1842, § 1; Stats.1961, c. 1682, p. 3650, § 1; Stats.1975, c. 1030, p. 2432, § 4, eff. Sept. 24, 1975; [Stats.1994, c. 923 \(S.B.1546\)](#), § 71; [Stats.1995, c. 432 \(S.B.2\)](#), § 5.)

Current with urgency legislation through Ch. 171 of 2012 Reg.Sess. and all propositions on the 6/5/2012 ballot.

(C) 2012 Thomson Reuters. No Claim to Orig. US Gov. Works.

END OF DOCUMENT

C. FILLING THE VACANCY IN THE OFFICE OF THE CITY TREASURER

RESOLUTION 12-113 - A RESOLUTION DECLARING THE POSITION OF CITY TREASURER VACANT, DIRECTING THE CITY CLERK TO POST A NOTICE OF INTENTION TO FILL THE POSITION AND TO ADVERTISE FOR APPLICATIONS TO FILL THE VACANCY

Heather McLaughlin, City Attorney, reviewed the staff report.

Public Comment:

1. H.R. Autz - Mr. Autz discussed the importance of the City having a member of the public (not City staff) serve as City Treasurer. He was willing to serve as the City Treasurer.

Mayor Patterson discussed support for the appointment process, because of the cost of a special election. However, she would like a better interview process followed, and would like those interviews to be conducted publicly.

Council Member Hughes and Staff discussed whether the City was required to solicit applications for the position, or whether they could simply appoint someone. He discussed Mr. Autz' campaign effort in the last election. He supported appointing Mr. Autz to the position.

Council Member Schwartzman discussed support for soliciting applications and opening up the application process for other citizens.

Vice Mayor Campbell discussed support for appointing Mr. Autz. He could support interviewing other citizens, but was leaning towards appointing Mr. Autz.

Council Member Strawbridge discussed concern regarding appointing Ms. Davena to the position, as she was a vital part of the Economic Development team for the City, and would prefer she concentrate on the City's economic development efforts.

Mayor Patterson discussed support for soliciting applications. She thought it was important to allow the public to participate and weigh in on the issue.

Ms. McLaughlin clarified that applications would be due by 5:00 p.m. on 9/25/12. Council could address the appointment process at the first meeting in October.

Council Member Hughes made a motion to appoint Mr. Autz as City Treasurer, which did not pass.

Council Member Schwartzman discussed opening up the interview process. He made a motion to open up the interview process, allowing two weeks for

applications to be submitted. The applicant would be interviewed/appointed at the following Council meeting.

Ms. McLaughlin clarified that the motion would be to amend the resolution in the packet to state that the applications would be required to be filed by October 2, 2012, and the interview process would take place at the October 16, 2012 City Council meeting.

Council Member Schwartzman and Staff discussed options for the interview process. Council Member Schwartzman would like to use the same process as last time (each candidate would interview separately in front of Council, and the others would remain outside Council Chambers).

Ms. McLaughlin clarified that someone had to be appointed by October 25, 2012.

On motion of Council Member Hughes, seconded by Council Member Schwartzman, Council did not approve appointing Mr. Autz as City Treasurer, on roll call by the following vote:

Ayes: Hughes

Noes: Patterson, Schwartzman, Campbell, Strawbridge

On motion of Council Member Schwartzman, seconded by Vice Mayor Campbell, Council adopted Resolution 12-113, as amended, on roll call by the following vote:

Ayes: Patterson, Campbell, Schwartzman, Strawbridge

Noes: Hughes

RESOLUTION NO. 12-113

A RESOLUTION OF THE BENICIA CITY COUNCIL DECLARING THE POSITION OF CITY TREASURER VACANT, DIRECTING THE CITY CLERK TO POST A NOTICE OF INTENTION TO FILL THE POSITION AND TO ADVERTISE FOR APPLICATIONS TO FILL THE VACANCY

WHEREAS, City Treasurer Robert Langston passed away on August 25, 2012 prior to the end of his elected term of office, December 2015; and

WHEREAS, California Government Code Section 1770 declares the death of an incumbent in the office of the City Treasurer creates a vacancy and the City Council of the City of Benicia now states a vacancy exists; and

WHEREAS, California Government Code Section 36512 provides for a manner to fill the vacant position of City Treasurer of General Law cities; and

WHEREAS, it is the desire of the Benicia City Council to consider filling the vacancy through the appointment of an eligible resident of the City of Benicia.

NOW, THEREFORE, BE IT RESOLVED that the Benicia City Council finds as follows:

- (1) That the City Council hereby declares that there exists a vacancy in the position of City Treasurer.
- (2) That it is in the best interest of the City of Benicia to seek applications to consider filling the vacancy by appointment to assure continuity in our local government.
- (3) That the City Council hereby directs the City Clerk to post a Notice of Intention to Fill a Vacancy in the position of City Treasurer and to advertise for applications to fill the vacancy and require that applications be returned by no later than Tuesday, October 2, 2012 at 5:00 p.m.
- (4) The interview process on October 16, 2012 shall include that:
 - (a) The interviews are conducted in public;
 - (b) Each applicant is allowed a one-minute opening statement;
 - (c) City Council asks each candidate the same four (4) questions;
 - (d) There are no time limits on the candidates responses to the questions;
 - (e) If follow up questions are needed, City Council will ask the same question to each candidate;
 - (f) Each applicant agrees to wait outside Council Chambers until it's time for the applicant's interview; and
 - (g) The order of the interviews will be determined by either a coin toss or drawing cards.

BE IT FURTHER RESOLVED THAT the City Council of the City of Benicia hereby retains the right to fill the vacancy through the special election process as prescribed by Government Code 36512 even after receiving eligible applications should they so desire without statement of cause or explanation.

On a motion of Council Member **Schwartzman**, seconded by Council Member **Campbell**, the above resolution was introduced and passed by the City Council of the City of Benicia at the regular meeting of said Council held on the 18th of September 2012, and adopted by the following vote:

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

Noes: **Council Member Hughes**

Absent: **None**

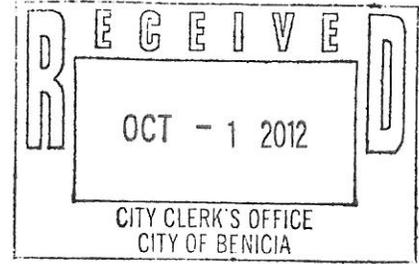
Elizabeth Patterson, Mayor

ATTEST:

Lisa Wolfe, City Clerk



CITY OF BENICIA
Application for
City Treasurer



This application and any documents you attach are public records under the Public Records Act. Completion and submission of this application are required for consideration of appointment to the City Treasurer position, term ending December 2015. This application must be submitted with an original signature no later than the deadline of October 2, 2012 by 5:00 p.m. You must be an elector of the City of Benicia and 18 years or older.

Please be advised that the position for which you are applying will require a Statement of Economic Interest if you are appointed.

It is the policy of the City of Benicia that no qualified disabled person will be denied the opportunity to participate. Appropriate arrangements will be made to accommodate individuals as needed.

PLEASE RETURN COMPLETED APPLICATIONS TO: City Clerk Department
250 East L Street
Benicia, CA 94510
(707) 746-4200

APPLICANT'S NAME: Hugh R. Autz
(Please print no nicknames).

HOME ADDRESS: _____
(Street Address)
BENICIA CA 94510
(City) (Zip Code) (Phone Number)

EMAIL ADDRESS: hrautz@MSN.COM

CURRENT EMPLOYER: Retired
(Company Name)

(Company address)

(City) (Zip Code) (Phone Number)

POSITION TITLE: _____

DRIVER'S LICENSE NUMBER: N6335867
(Or Date of Birth if no driver's license) (CA) (Number)

I have been a resident for 25 years.

PLEASE ATTACH A SUMMARY OF YOUR RELEVANT BACKGROUND, EXPERIENCE AND EDUCATION THAT QUALIFIES YOU FOR THE CITY TREASURER POSITION.

What are your main areas of interest in Benicia City government? _____

See Attached

What relevant experience can you bring to this position? _____

See Attached

What community organizations and associations do you belong to? _____

See Attached

Are you serving or have you served on any Benicia advisory groups? (Please indicate dates of service) _____

See Attached

To assist in evaluating your qualifications for appointment as City Treasurer, please provide related background and education.

See resume attached

In light of the City's budget issues, are you willing, and would you, voluntarily waive any stipend or benefits associated with the City Treasurer position? (Circle one) YES / NO

You may attach to this application any additional materials that may be considered for appointments (i.e., resumes, letters of recommendation). Please keep in mind the application and responses are public records.

[Handwritten Signature]
Applicant's Signature

10-1-12
Date Submitted

Thank you for your willingness to serve your community. The City appreciates your commitment.

OFFICIAL USE ONLY

_____ BPD Background Check Comments _____

Hugh “H.R.” Autz

President Advertising Results Ink This is my own company that specializes in Advertising Consulting, Media buying and Marketing. One of the big sales was to pull all of the glossy inserts out of the San Francisco Chronicle and put them into 43 Newspapers we represented.

Advertising Business Manager Alameda Newspaper Group - As the Alameda Newspapers grew to six newspapers with over 250,000 circulation I managed the budgets for expense and revenue of all six papers. This involved revenue of \$70,000,000.

Advertising Director - Contra Costa Times, Valley Times, San Ramon Valley Times, West County Times, Pittsburg Press and Antioch Star. These newspapers did \$92,000,000 under my leadership. The big accomplishment was switching from free to all paid. Supervised 276 people and expense budget of \$22,000,000.

The Bakersfield Californian – In this paper we developed the largest food section in the state.

Los Angeles Daily News Advertising Director – This newspaper started a group of weekly newspapers and at the same time had the largest revenue growth of any newspaper in National Advertising. I did Advertising budgets for twelve newspapers.

The Broadway Northridge Store Manager – As store manager I was in charge of 425 people and \$23,000,000 in revenue. We were number one store in revenue out of 42 stores during the Holiday Season.

The Robinson’s of Florida Store Manager – The Orlando store was opened by me and my staff. We interviewed and hired every one of the 250 employees. I dealt with the budget planning and construction supervision 5 months before store opening.

Gimbel’s Beaver Valley Store Manager – This was my first store manager position. At 25 I was the youngest Store Manager of a major department store in the country.

Famous Barr May Company Assistant Advertising Director – I created the sales and expense budgets for 14 ladies fashion buyers and ran the advertising for the woman’s fashions.

Bachelor of Arts Degree in Personnel Psychology from the University of Missouri – Finished in four years with a minor in business and accounting.

Organizations and Honors

Advertising Results Ink - Owner
President
Benicia Yacht Club Board of Directors –
Commodore
Vice Commodore
Treasurer
Secretary
News Letter Editor
Pacific International Yacht Association Board of Directors
Maritime Historian Committee Chairman
Benicia Unified School District Finance Committee
Heidelberg Inn Timeshare Association Board of Directors
President
Vice President
Treasurer
Secretary
California Newspaper Advertising Directors Association North
Board of Directors
President
Vice President
Treasurer
News Letter Editor
Contra Costa Times Credit Union Board of Directors
President
Leshner Communications Board of Directors
Bakersfield Better Business Bureau Board of Directors
California Newspaper Advertising Directors Association Board of
Directors South
Treasurer

Secretary
The Daily News of Los Angeles Board of Directors
Northridge Fashion Center Merchants Association Board of
Directors
President
Vise President
Northridge Chamber of Commerce Board of Directors
Treasurer
Robinson's of Florida Board of Directors
Orlando Fashion Center Board of Directors
President
Orlando Chamber of Commerce Board of Directors
Rio Pinar Country Club Board of Directors
Golf Chairman
Beaver Valley Mall Merchants Association Board of Directors
President
Gimbels Pittsburgh Board of Directors
Beaver Valley YMCA Board of Directors
Intramural Fraternity Chairman – first of 36 U of Mo Fraternities
National Honor Society - Treasurer
Elected Missouri Boy's State
Quarterback High School Football Team – League Co-Champions
All Star Baseball Junior League - played in Bush Stadium
Norman Rockwell Model – Sat Evening Post – At the Vet
Married 48 years – wife Christina – sons Richard and Bryan -
Grandsons Rudy and Robby

1. The main areas in city government that interest me are seeing that the City of Benicia spends the income produced in the most effective manner and to be the peoples' representative while attending various committee meetings. The people wish to have a balanced budget. The Treasurer is elected by the people and should represent their wishes even if appointed. I personally am interested in the economic development committee. The best way at this point to be on budget is to find ways to increase income. Action has already been taken to cut expenses. My background would be very valuable in the area of business development. My other strength is working with budgets of all types and sizes. My business background had me reviewing revenue and expense budgets that were a few thousand dollars to \$92,000,000.

2. My experience involves my 45 years in business and my community service. My resume illustrates the 15 Boards of Directors I have served on. I was on the financial advisory committee for the Benicia Unified School District during their discussions of the Mills School closing. I was treasurer at the Benicia Yacht Club during a four year period that the club retired \$256,000 on the mortgage I was treasurer and board member on a time share association in June Lake CA. In 5 years we increased the reserve from \$106,000 to \$822,000. I was president of the Contra Costa Times Credit Union when it went from three years of almost no profit to three years of 25% increase in profit and doubled the cash in the bank. One of my biggest assets is my ability to work with all different types of people. Benicia is made up of a very diversified mix of people and my degree in Personnel Psychology from the University of Missouri has helped me achieve my goals as I worked with fellow committee members or business associates.

3. As I mentioned I was on the financial advisory committee the Benicia Unified School District. Our family has been an active member of the Benicia Camel Barn Historical Museum. I have been a board member and held officer positions at the Benicia Yacht Club. This included serving as Treasurer, Vice Commodore, Commodore, Staff Commodore and newsletter editor. I have been an active member of the Relay for Life. I am a cancer survivor myself. Each year I am involved in serving free dinners to any Veteran in Benicia. While Commodore I promoted an adopt a needy family for the Holidays. We also sponsored some military that were overseas. I represented my company and the Benicia Yacht Club at the Benicia Chamber of Commerce meetings.

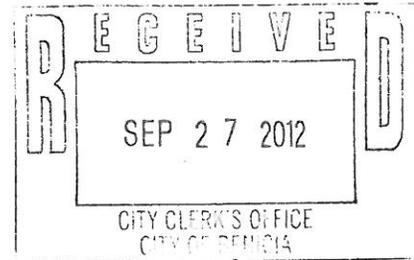
4. I have not been directly involved with a number of advisory groups. But I have attended a few finance committee meetings as a member of the public. I campaigned for the school board twice and met with a number of school groups. I campaigned for Treasurer and met with groups of all kinds. I have been called on to speak at the High School using my business experience. I am a registered speaker for the California Donor Transplant Network. I have made presentations to local groups and many other schools and organizations in Solano County. I have been an election clerk in Benicia for 17 elections.

See attached resume.

I have to answer this with a NO. Bob Langston worked too hard to design compromise remuneration for the Treasurer's position. He showed a Treasurer is worth much more than the costs. In his honor I say let's pay the Treasurer at the approved rate. I do not think the Treasurer's position or the mayor's position or any of the elected positions should be offered to anyone who campaigns by saying they will waive their compensation.



CITY OF BENICIA
Application for
City Treasurer



.....
This application and any documents you attach are public records under the Public Records Act. Completion and submission of this application are required for consideration of appointment to the City Treasurer position, term ending December 2015. This application must be submitted with an original signature no later than the deadline of October 2, 2012 by 5:00 p.m. You must be an elector of the City of Benicia and 18 years or older.

Please be advised that the position for which you are applying will require a Statement of Economic Interest if you are appointed.

It is the policy of the City of Benicia that no qualified disabled person will be denied the opportunity to participate. Appropriate arrangements will be made to accommodate individuals as needed.

PLEASE RETURN COMPLETED APPLICATIONS TO: City Clerk Department
250 East L Street
Benicia, CA 94510
(707) 746-4200

.....
APPLICANT'S NAME: **Kenneth Charles Paulk**
(Please print- no nicknames).

HOME ADDRESS: _____
(Street Address)

Benicia _____ 94510-0906 _____
(City) (Zip Code) (Phone Number)

EMAIL ADDRESS: kenpaulk@msn.com _____

CURRENT EMPLOYER: The Home Depot - 0657 _____
(Company Name)

111 Shoreline Parkway _____
(Company address)

San Rafael _____ 94510 _____ 415-458-8675
(City) (Zip Code) (Phone Number)

POSITION TITLE: Specialty Services Department Supervisor

DRIVER'S LICENSE NUMBER: _____ CA E2164393 _____
(Or Date of Birth if no driver's license) (CA) (Number)

I have been a resident for 4 years.

.....
PLEASE ATTACH A SUMMARY OF YOUR RELEVANT BACKGROUND, EXPERIENCE AND EDUCATION THAT QUALIFIES YOU FOR THE CITY TREASURER POSITION.

What are your main areas of interest in Benicia City government? **To provide value added service to support a sustained growth for our community. This includes participation in the City Government activities including commissions, appointments and elected offices; City Council, City Treasurer, EDD, and Planning.**

What relevant experience can you bring to this position? **I bring over 35 years of successful business experience running multi-national companies with total sales review in excess of six (6) billion dollars. Prior to semi-retiring, I was responsible for 3 operational units of Jones Apparel which included Polo Jeans Company, L.E.I. junior sportswear and Sun Apparel Manufacturing with annual sales revenue of \$1.1 billion: 1996 to 2007.**

What community organizations and associations do you belong to? **Benicia City Parks, Recreation & Cemetery Commissioner, Benicia Main Street Board of Directors, Rebuilding Together Solano County Board of Directors.**

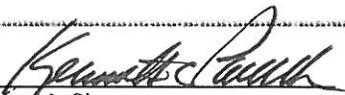
Are you serving or have you served on any Benicia advisory groups? (Please indicate dates of service) **Benicia Tree Commission**

To assist in evaluating your qualifications for appointment as City Treasurer, please provide related background and education.

Thirty five (35) years of professional business development including acquisitions, reposition and liquidations. I am devoted to continuous education development including and within: West Texas State University, University of Texas – Arlington, Purdue University – Center for Urban Development and the National Center for Education Statistics. My skill sets include: assessment, evaluation, strategic planning, budgets, profit & loss analysis, execution and performance measurement.

In light of the City's budget issues, are you willing, and would you, voluntarily waive any stipend or benefits associated with the City Treasurer position? (Circle one) **(YES)**

You may attach to this application any additional materials that may be considered for appointments (i.e., resumes, letters of recommendation). Please keep in mind the application and responses are public records.


Applicant's Signature

9/27/12
Date Submitted

Thank you for your willingness to serve your community. The City appreciates your commitment.

OFFICIAL USE ONLY

_____ BPD Background Check	Comments	_____

RESOLUTION NO. 12-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA
CALLING AND GIVING NOTICE OF THE HOLDING OF A SPECIAL
MUNICIPAL ELECTION TO BE HELD ON TUESDAY, MARCH 5, 2013, FOR
THE ELECTION OF ONE CITY TREASURER FOR THE CITY AS REQUIRED
BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA
RELATING TO GENERAL LAW CITIES AND WAIVING THE FEES FOR
CANDIDATES**

WHEREAS, under the provisions of the laws relating to general law cities in the State of California, a Special Municipal Election on the 5th day of March, 2013 may be held to fill one (1) vacancy in the office of City Treasurer; and

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

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

1. Pursuant to the requirements of the laws of the State of California relating to general law cities within the State, there shall be, and there is hereby called and ordered held in the City of Benicia, on the 5th day of March, 2013 a Special Municipal Election of the qualified electors of the City for the purpose of electing one (1) City Treasurer.
2. The \$511.00 cost for setup and printing of each Candidate's Statement will be borne by the City. The cost of printing the Statement of Qualifications in English and inspection costs to determine the accuracy and legal form of the nomination papers shall be borne by the City.
3. The polls will be open between the hours of 7:00 a.m. and 8:00 p.m.
4. The election shall be conducted in accordance with the laws of the State of California.

On motion of Council Member _____, seconded by Council Member _____, the above resolution was introduced and passed by the Council of the City of Benicia at a regular meeting of said Council held on the 18th day of September, 2012 and adopted by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

ATTEST:

Lisa Wolfe, City Clerk

RESOLUTION NO. 12-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA
PROVIDING FOR AND REQUESTING THE BOARD OF SUPERVISORS
TO PERMIT A SPECIAL MUNICIPAL ELECTION TO BE HELD MARCH
5, 2013**

WHEREAS, pursuant to Elections Code Section 10002, the Board of Supervisors of the County of Solano is hereby requested to permit the Registrar of Voters to provide the following services to the City of Benicia in connection with the conduct of a Special Municipal Election to be held in the City of Benicia on March 5, 2013:

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

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

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Benicia requests the Board of Supervisors permit the Registrar of Voters to provide specified services for a Special Municipal Election to be held March 5, 2013.

* * * * *

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 18th day of September, 2012 and adopted by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

ATTEST:

Lisa Wolfe, City Clerk

AGENDA ITEM
CITY COUNCIL MEETING: OCTOBER 16, 2012
COUNCIL MEMBER COMMITTEE REPORTS

DATE : October 10, 2012
TO : Mayor Patterson
FROM : City Manager
SUBJECT : **MAYORS' COMMITTEE MEETING**

The following information is provided for your committee report at the October 16, 2012 City Council meeting.

The Mayors' Committee meetings are held on the third Wednesday of every other month at 6:30 pm. The next meeting is scheduled for October 17, 2012 and the agenda for that meeting is not currently available.

AGENDA ITEM
CITY COUNCIL MEETING: October 16, 2012
COUNCIL MEMBER COMMITTEE REPORTS

DATE : October 10, 2012

TO : Mayor Patterson
Council Member Strawbridge

FROM : City Attorney 

SUBJECT : **ABAG COMMITTEE MEETING**

The following information is provided for your committee report at the October 16, 2012 council meeting:

- The Fall Assembly is scheduled for Thursday, October 18, 2012 at the Hyatt Regency Embarcadero in San Francisco.
- The topic for the Fall Assembly is "Creating a Resilient Region Protecting Our Investments."
- A copy of the agenda is attached.
- Registration is available online at www.abag.ca.gov/events.

Attachment:

- Fall General Assembly Agenda

Creating a Resilient Region –

October 18, 2012

Association of Bay Area Governments

Protecting our Investments

FALL GENERAL ASSEMBLY

HYATT REGENCY EMBARCADERO • SAN FRANCISCO

AGENDA

8:00 Registration and Continental Breakfast

8:30 Welcome

ABAG President Mark Luce, Supervisor, Napa County
Host City Welcome Mayor Ed Lee, San Francisco (invited)

9:00 Keynote: Economic Development and Bay Area Economic Vitality and Resilience
Dr. Enrico Moretti, author of *New Geography of Jobs*, and Economics Professor, UC Berkeley



9:30 Panel Discussion: Economic Resilience: Release of *"Bay Area Economic Strategy Framework"* by Bay Area Council Economic Institute
Moderator: Sean Randolph, President, Bay Area Council Economic Institute
Tarkan Maner, President and CEO, Dell Wyse
John Haveman, Chief Economist, Bay Area Council Economic Institute
Senator Mark DeSaulnier, CA State Senate, 7th District
Supervisor John Gioia, Contra Costa County
Jim Wunderman, President and CEO, Bay Area Council

10:45 Break

11:00 Setting the Stage for Regional Earthquake Recovery: Earthquake Scenario
Tom Tobin, President, Earthquake Engineering Research Institute (*AFTERSHOCK: "California Shakeout"*)

11:15 Local Government Panel: Region Wide Decision Making for Long-Term Disaster Recovery Planning
Moderator: ABAG Vice President Julie Pierce, Councilmember, City of Clayton
Mayor Yiaway Yeh, City of Palo Alto
Supervisor Diane Dillon, Napa County
Supervisor David Campos, City and County of San Francisco (*invited*)

12:30 Luncheon
Keynote: Dr. Lauren Alexander Augustine, Director, Disasters Roundtable, National Academies, and author of *Disaster Resilience: A National Imperative*

1:30 Workshop: Making Post-Disaster Land Use Planning and Policy a Reality for Local Governments
Moderators: Sarah Karlinsky, Deputy Director, SPUR, and **Mayor Jean Quan**, City of Oakland (*invited*)
Laurel Prevetti, Deputy Director of Planning, City of San Jose
Laurie Johnson, Land Use Planning and Recovery Task Force Chair
Charles Eadie, Principal, Hamilton Swift Land Use

3:00 Close

AGENDA ITEM
CITY COUNCIL MEETING: OCTOBER 16, 2012
COUNCIL MEMBER COMMITTEE REPORTS

DATE : October 9, 2012

TO : Council Member Campbell
Council Member Strawbridge

FROM : Finance Director

SUBJECT : **FINANCE COMMITTEE REPORT**

The following information is provided for your committee report at the October 16, 2012 Council meeting.

The Finance Committee held a Special Meeting on September 18, 2012 and its Regular Meeting on September 28, 2012. The approved minutes for the September 18, 2012 meeting and the draft minutes for the September 28, 2012 meeting are attached for your review. The next meeting will be held on Friday October 26, 2012 at 8:00 am. The draft agenda for the October 26th meeting is also attached.

Attachment:

- ❑ September 18, 2012 Finance Committee Meeting Draft minutes
- ❑ September 28, 2012 Finance Committee Meeting Draft minutes
- ❑ October 26, 2012 Finance Committee Meeting Draft Agenda

To the City Council

We believe Benicia has a significant challenge with the Water/Wastewater rate increase. Building and maintaining credibility with the citizenry is critical to a successful campaign. We recommend the following:

The first order of business is to confirm we have explored every single option available before embarking on such a significant rate increase.

We must confirm that we have clear lines around each Enterprise Fund accounting for all of the revenue and expense.

1. Review all loans between Enterprise and General Fund; confirm they are appropriate.
2. Review all revenue streams to confirm all revenue or prorated revenue generated on or in behalf of an Enterprise is credited to that Enterprise.
3. Review all revenue streams to confirm that all costs or prorated cost generated on or in behalf of an Enterprise is charged to that enterprise.
4. The 2006 Court Decision rendered our revenue discount policies illegal. Be very candid and explain why no effort was made to correct the problem then and there. Conservative estimates are that the City lost \$400,000 per year for the past 6 years that would have gone a long way to offset or mitigate significant rate increases now. In addition, it most likely would have allowed us to avoid a downgrade in our credit rating. Failure to explain this erodes the credibility of the City Council and the mantra that the City's number one goal is health and safety of our citizens.
5. Assure our Seniors, over 65 or below poverty level, that a plan will be introduced concurrent with the rate increases to help them with or eliminate any increase. This commitment must be met or the community will not be supportive of the rate increase effort.
6. Be more than forthright on the negative declaration process outlined by the ballot process required by Proposition 218. Tell everyone, as often as you can, that failing to return the ballot is a yes vote for a rate increase. Failure to receive 50% plus 1 guarantees a rate increase. The increase will pass but the public will more likely trust those that tell them the truth about the process.
7. Must have a new Debt Service Coverage Policy that is distinguished from the Reserve Policy.
8. Recommend the Finance Committee henceforth has oversight of the Enterprise funds consistent with oversight of the General Fund.
9. The Finance Committee understands the Master Plans have been appropriately vetted and approved and the Committee has not reviewed these plans and accepts them as given.
10. The PAYGo recommendation should be reviewed in the future to determine if it continues to be an appropriate policy.

11. Request some level of detail that the recommendation is consistent with the long-term needs of the City and on track to ensure no surprises five years out.
12. The City Council ought to hear what transpired over the last 5-6 years regarding why rates were not increased prior to now.

These comments were discussed and approved by the Finance Committee at its meeting on September 18, 2012.

**FINANCE COMMITTEE
SPECIAL MEETING MINUTES
SEPTEMBER 18, 2012 – 9:00 AM**

1. Call to Order at 9:00 AM

2. Roll Call

Attended by Chairperson Dennis Lowry; Committee Members: Chris Carvalho, Larry Grossman and Lee Wines; Council Members Tom Campbell and Christina Strawbridge. Absent: Committee Member Michael Clarke. Staff present: Brad Kilger, Heather McLaughlin, Melissa Morton and Karan Reid.

3. Pledge of Allegiance

4. Notice to the Public

No public was present.

5. Discussion of City of Benicia Water and Wastewater Rates and Take Action As Appropriate

The Committee discussed the proposed water and wastewater rate adjustments and responses to related information inquiries provided by staff. The Committee then discussed and recommended comments to be forwarded to the City Council for their consideration at the September 25, 2012 meeting.

On motion of Committee Member Wines, seconded by Committee Member Grossman, the Committee approved comments on the Water and Wastewater Rates, as discussed and attached to these minutes be forwarded to the City Council, on roll call by the following vote:

Ayes: Carvalho, Grossman, Wines, Lowry

Noes: (None)

6. Public Comment

There was no public comment.

7. Adjournment

There being no further business, the meeting was adjourned at 11:01 AM.

The FIN... helping to steady the course through challenging financial waters.

FINANCE COMMITTEE
****DRAFT** REGULAR MEETING MINUTES**
SEPTEMBER 28, 2012 – 8:00 AM

1. Call to Order at 8:00 AM

2. Roll Call

Attended by Chairperson Dennis Lowry; Vice Chairperson Lee Wines, Committee Members: Chris Carvalho, Michael Clarke and Larry Grossman; Council Member Tom Campbell. Absent: Council Member Christina Strawbridge. Staff present: Karan Reid. Consultants present: Katherine Yuen and David Alvey from Maze and Associates.

3. Pledge of Allegiance

4. Notice to the Public

Advised by Chairperson Lowry

5. Approval of Agenda

Chairperson Lowry requested items 11 and 13 be moved up and discussed directly following item 7, Discussion with City's Independent Auditors.

On motion of Vice Chairperson Wines, seconded by Committee Member Grossman, the Committee approved the Agenda with the changes listed above, on roll call by the following vote:

Ayes: Carvalho, Clarke, Grossman, Wines, Lowry

Noes: (None)

6. Approval of Minutes from the meetings held on August 24, 2012 and September 18, 2012

On motion of Committee Member Clarke, seconded by Vice Chairperson Wines, the Committee approved the minutes of the August 24, 2012 and September 18, 2012 on roll call by the following vote:

Ayes: Carvalho, Clarke, Grossman, Wines, Lowry

Noes: (None)

7. Discussion with City's Independent Auditors

Katherine Yuen representing Maze & Associates discussed the Audit Scope, Audit Timing, Management Representations and Fraud considerations. The Committee requested the auditors specifically review the 1) Solar project financing and enterprise fund obligations, 2) Loan agreement between the City and Enterprise fund whereby interest only payments were approved by City Council with a balloon payment for principal due at a future date, 3) Use of revenues from property on Enterprise fund property, and 4) Marina fund interfund loan. Ms. Yuen also shared that a colleague, Vicky Rodriguez, would present the audit report at the Committee's January 2013 meeting.

8. Review Warrant Registers for Months of June, July and August 2012

The Committee reviewed the warrant registers for June, July and August 2012. The Committee requested additional information on the organization, LAFCO, for which an August warrant was issued. Staff presented background information on the formation and role of the organization and will come back with more details as to how LAFCO adopts its budget and charges allocated to Solano County Cities and County.

9. Approve City Council Report of Finance Committee Work Plan for Fiscal Year 2012-13

The Committee made one change to the Work Plan to update the timeframe for Policy Development and Review to December 2012.

On motion of Committee Member Clarke, seconded by Vice Chairperson Wines, the Committee approved the Work Plan for fiscal year 2012-13, as amended above, to be forwarded to the City Council on roll call by the following vote:

Ayes: Carvalho, Clarke, Grossman, Wines, Lowry

Noes: (None)

10. Update on Status of Reformatting Monthly Financial Report

Karan Reid provided an update on the Sungard software upgrade project and shared the project is on schedule for a March 2013 implementation date. Committee Member Carvalho requested a change in format for the monthly report. It was agreed that the Committee would be provided an opportunity to review some of the system reports once they have been developed.

11. Update on Status of Updating Long Range Budget Model Projections

It was reported that the sub-committee reviewed the Long Range Budget Model in August and the next step is to review the Model with the City Manager. A follow-up meeting will be scheduled with the Sub-Committee for further review. The Model will be brought forward to the full Finance Committee after the Sub-Committee review. Karan Reid will set up meetings with the City Manager and Sub-Committee with a goal to meet during the month of October.

12. Review Financial Reports for the Months of June and August 2012

The Committee reviewed the financial reports for the months of June and August 2012. Chairperson Lowry requested follow up information regarding the charges to the Enterprise funds for the Finance Department for the fiscal year ended June 30, 2012. A discrepancy of approximately \$200k was calculated comparing the transfers into the General Fund against the actual expenditures incurred by the Finance Department for Enterprise Funds activities.

13. Review Listing of Outstanding Debt

This item will be re-agendized for the October 26, 2012 meeting.

14. Public Comment

H.R. Autz commented that there was more in depth review of financial operations being performed than in the past.

15. Adjournment

There being no further business, the meeting was adjourned at 10:19 AM.

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**FINANCE COMMITTEE
“DRAFT” REGULAR MEETING AGENDA
COMMISSION ROOM
October 26, 2012 - 8:00AM**

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Notice to the Public

ACTION ITEMS

5. Approval of Agenda
6. Approval of minutes for meeting held on September 28, 2012
7. **Review September 30, 2012 Investment Report**
The Finance Committee reviews the City’s investment portfolio on a quarterly basis. Carlos Oblites of PFM Asset Management LLC will review the September 30, 2012 quarterly investment report.
Recommendation: Approve Report and Forward to the City Council

DISCUSSION ITEMS

8. **Discussion of Finance Committee’s Role and Recommendations Presented to City Council**
9. **Review Financial Reports for the Month of September 2012**
The Finance Committee reviews monthly financial reports.
Recommendation: Review Monthly Financial Report
10. **Review Warrant Register for Month of September 2012**
A monthly audit of payments to vendors that supply services to the City of Benicia. Members of the Finance Committee review the warrant register and request that further information be provided by staff as necessary. It is encouraged that Committee Members submit their questions to the Finance Director prior to the meeting.
Recommendation: Review Warrant Register
11. **Review Listing of Outstanding City Debt**
12. **Review Meeting Schedule**
Recommendation: Review the Meeting Schedules for the remainder of 2012 and calendar year 2013.
13. **Update on Status of Reformatting Monthly Financial Report**
14. **Update on Status of Updating Long Range Budget Model Projections**
15. **Review Draft Policies**
16. **Public Comment**

17. Adjournment

The FIN... helping to steady the course through challenging financial waters.

Public Participation

The Benicia Finance 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 Finance Committee 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 5 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 Finance Committee.

Should you have material you wish to enter into the record, please submit it to the Finance Director.

Disabled Access

In compliance with the Americans with Disabilities Act (ADA), if you need special assistance to participate in this meeting, please contact the Human Resources Department, 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 Finance Committee.

Pursuant to Government Code Section 65009, if you challenge a decision of the Finance Committee 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 Finance Committee 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 Finance Committee 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.

Posted at City Hall on October 19, 2012 at 5:00 pm by the Finance Director.

**AGENDA ITEM
CITY COUNCIL MEETING: OCTOBER 16, 2012
COUNCIL MEMBER COMMITTEE REPORTS**

DATE : October 10, 2012

TO : Mayor Patterson
Vice Mayor Campbell

FROM : City Manager

SUBJECT : **LEAGUE OF CALIFORNIA CITIES**

The following information is provided for your committee report at the October 16, 2012 City Council meeting.

The League of California Legislative Briefings will be held on November 14 and 12, 2012. A flyer announcing the event is attached. There are no meetings or events scheduled for the Northbay Division.

November Legislative Briefings



For the third year in a row, the League is offering its end-of-year Legislative Briefings in two formats to make them readily accessible for all member cities. Each participant will receive the League's 2012 Legislative Briefing Report, which provides additional details on relevant bills signed by the governor.

The Legislative Briefings will focus on key developments from the 2011–12 legislative sessions as well as the state-wide November 2012 election. League lobbyists will offer perspectives on the election and its effects on cities and the Legislature, including the new “top two” primary election, changes in term limits and ballot initiative outcomes.

Topics will include:

- Pension reform;
- Economic development in the post-redevelopment era;
- Workers' compensation;
- Cap-and-trade revenues;
- Environmental legislation; and
- Public safety

Speakers:

Dan Carrigg, Legislative Director, League of California Cities
Natasha Karl, Legislative Representative, League of California Cities
Kirstin Kolpitcke, Legislative Representative, League of California Cities
Kyra Ross, Legislative Representative, League of California Cities
Jennifer Whiting, Legislative Representative, League of California Cities

WEBINAR

*Tuesday, November 13
10:00—11:30 a.m.*

- ❖ Listen/View from anywhere – no travel required. Phone and internet access is required.
- ❖ **Registration** —fee per connection:
\$25.00—member city/League Partner
\$125.00*—non-member city/non-League Partner

Riverside City Hall (In person)

*Wednesday, November 14
9:00 a.m.—Noon*

- ❖ Attend live, in-person at the Riverside City Hall
- ❖ **Registration** —fee per person:
\$25.00—member city/League Partner
\$325.00*—non-member city/non-League Partner

(Advance registration only; no on-site registration available)

Register online at
www.cacities.org/events

Online Registration
Deadline: **Wednesday,
November 7 at 5:00 p.m.**

AGENDA ITEM
CITY COUNCIL MEETING: OCTOBER 16, 2012
COUNCIL MEMBER COMMITTEE REPORTS

DATE : October 10, 2012

TO : Council Member Strawbridge
Council Member Hughes

FROM : City Manager

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

The following information is provided for your committee report at the October 16, 2012 City Council meeting.

This committee meets quarterly at the Benicia Community Center located at 370 East L Street. The next meeting will be Thursday, December 6, 2012 at 8:30 am at the Community Center, and the agenda for that meeting is not currently available.

AGENDA ITEM
CITY COUNCIL MEETING: OCTOBER 16, 2012
COUNCIL MEMBER COMMITTEE REPORTS

DATE : October 10, 2012

TO : Vice Mayor Campbell
Council Member Schwartzman

FROM : City Manager

SUBJECT : **SKY VALLEY OPEN SPACE COMMITTEE**

The following information is provided for your committee report at the October 16, 2012 Council meeting.

The Sky Valley Open Space Committee meets quarterly. The first meeting of 2012 (Feb 1) was cancelled due to a lack of agenda items. The second and third meetings of 2012 (May 2 and August 1) were also cancelled due to a lack of agenda items.

The next (and last remaining) meeting for the 2012 calendar year is set to occur on Wednesday, November 7, 2012.

AGENDA ITEM
CITY COUNCIL MEETING: OCTOBER 16, 2012
COUNCIL MEMBER COMMITTEE REPORTS

DATE : October 5, 2012

TO : Mayor Patterson
Council Member Strawbridge

FROM : City Manager

SUBJECT : **SOLANO EDC BOARD OF DIRECTORS**

The following information is provided for your committee report at the October 16, 2012 Council meeting.

The last Board of Directors meeting was held on Wednesday, September 19, 2012. The agenda for that meeting was previously issued. The minutes are not yet available.

The next Board of Directors meeting is scheduled for Wednesday, November 14, 2012 at 9:00 am at Jelly Belly Candy Company. The agenda for that meeting is not yet available.

**AGENDA ITEM
CITY COUNCIL MEETING: OCTOBER 16, 2012
COUNCIL MEMBER COMMITTEE REPORTS**

DATE : October 10, 2012

TO : Mayor Patterson
Council Member Schwartzman

FROM : Director of Public Works and Community Development

SUBJECT : **SOLANO TRANSPORTATION AUTHORITY**

The following information is provided for your committee report at the October 16, 2012 City Council meeting.

STA Board meetings are held in the Suisun City Hall Council Chambers.

The next meeting is scheduled for December 12, 2012 at Suisun City Hall. The agenda for the meeting held on October 10, 2012 are attached along with the minutes from the September 12, 2012 meeting.

Attachments:

- ❑ October 10, 2012 Meeting Agenda
- ❑ September 12, 2012 Meeting Minutes



STA BOARD MEETING AGENDA
6:00 p.m., Regular Meeting
Wednesday, October 10, 2012
Suisun City Hall Council Chambers
701 Civic Center Drive
Suisun City, CA 94585

Mission Statement: To improve the quality of life in Solano County by delivering transportation system projects to ensure mobility, travel safety, and economic vitality.

Public Comment: Pursuant to the Brown Act, the public has an opportunity to speak on any matter on the agenda or, for matters not on the agenda, issues within the subject matter jurisdiction of the agency. Comments are limited to no more than 3 minutes per speaker unless modified by the Board Chair, Gov't Code § 54954.3(a). By law, no action may be taken on any item raised during the public comment period (Agenda Item IV) although informational answers to questions may be given and matters may be referred to staff for placement on a future agenda of the agency. **Speaker cards are required in order to provide public comment. Speaker cards are on the table at the entry in the meeting room and should be handed to the STA Clerk of the Board. Public comments are limited to 3 minutes or less.**

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

Staff Reports: Staff reports are available for inspection at the STA Offices, One Harbor Center, Suite 130, Suisun City during regular business hours, 8:00 a.m. to 5:00 p.m., Monday-Friday. You may also contact the Clerk of the Board via email at jmasiclat@sta-snci.com. **Supplemental Reports:** Any reports or other materials that are issued after the agenda has been distributed may be reviewed by contacting the STA Clerk of the Board and copies of any such supplemental materials will be available on the table at the entry to the meeting room.

Agenda Times: Times set forth on the agenda are estimates. Items may be heard before or after the times shown.

ITEM

BOARD/STAFF PERSON

- | | |
|---|------------------------|
| <p>I. CALL TO ORDER/PLEDGE OF ALLEGIANCE
(6:00 – 6:05 p.m.)</p> | <p>Chair Batchelor</p> |
| <p>II. CONFIRM QUORUM/ STATEMENT OF CONFLICT
<i>An official who has a conflict must, prior to consideration of the decision; (1) publicly identify in detail the financial interest that causes the conflict; (2) recuse himself/herself from discussing and voting on the matter; (3) leave the room until after the decision has been made. Cal. Gov't Code § 87200.</i></p> | <p>Chair Batchelor</p> |

STA BOARD MEMBERS

Jack Batchelor, Jr. Chair City of Dixon	Steve Hardy Vice-Chair City of Vacaville	Elizabeth Patterson City of Benicia	Harry Price City of Fairfield	Jan Vick City of Rio Vista	Pete Sanchez City of Suisun City	Osby Davis City of Vallejo	Jim Spering County of Solano
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STA BOARD ALTERNATES

Rick Fuller	Ron Rowlett	Alan Schwartzman	Rick Vaccaro	Janith Norman	Mike Hudson	Erin Hannigan	John Vasquez
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III. APPROVAL OF AGENDA

IV. OPPORTUNITY FOR PUBLIC COMMENT

(6:05 – 6:10 p.m.)

V. EXECUTIVE DIRECTOR’S REPORT – Pg. 1

Daryl K. Halls

(6:10 – 6:15 p.m.)

VI. COMMENTS FROM CALTRANS, THE METROPOLITAN TRANSPORTATION COMMISSION (MTC), AND STA

(6:15 – 6:35 p.m.)

A. Announcement of Nominees for STA’s 15th Annual Awards

Jayne Bauer

B. Directors Report:

1. Planning

Robert Macaulay

2. Projects

Janet Adams

3. Transit/Rideshare

Presentation of International Walk to School Day

Danelle Carey

VII. CONSENT CALENDAR

Recommendation:

Approve the following consent items in one motion.

(Note: Items under consent calendar may be removed for separate discussion.)

(6:35 - 6:40 p.m.)

A. Minutes of the STA Board Meeting of September 12, 2012

Johanna Masiclat

Recommendation:

Approve STA Board Meeting Minutes of September 12, 2012.

Pg. 7

B. Minutes of the STA Board One Bay Area Grant (OBAG) Public Input Meeting of September 12, 2012

Johanna Masiclat

Recommendation:

Approve STA Board OBAG Public Input Meeting Minutes of September 12, 2012.

Pg. 17

C. Draft Minutes of the TAC Meeting of September 26, 2012

Johanna Masiclat

Recommendation:

Approve Draft TAC Meeting Minutes of September 26, 2012.

Pg. 21

D. STA’s Proposed Fiscal Year (FY) 2011-12 Final-Year Budget Amendment

Daryl Halls
Susan Furtado

Recommendation:

Receive and file.

Pg. 27

- E. Fiscal Year (FY) 2011-12 Fourth Quarter Budget Report** Susan Furtado
Recommendation:
Receive and file.
Pg. 31
- F. Fiscal Year (FY) 2012-13 Transportation Fund for Clean Air (TFCA) 40% Program Manager Funds** Robert Guerrero
Recommendation:
Approve the following for the FY 2012-13 TFCA Program:
- 1. Reduce Benicia's Smart Growth/Safe Routes to School Project on Rose Drive Project TFCA allocation to \$25,500; and*
 - 2. Increase SNCI Rideshare Program's TFCA allocation by \$34,328.*
- Pg. 37**
- G. Jepson Parkway Concept Plan Update** Robert Guerrero
Recommendation:
Approve the 2012 Jepson Parkway Concept Plan Update Overall Scope of Work and Community Workshop Format as shown in Attachment A.
Pg. 39
- H. Intercity Transit Funding Agreement for SolanoExpress Route for Fiscal Year (FY) 2012-13 and 2013-14** Liz Niedziela
Recommendation:
Authorize the Executive Director to execute the FY 2012-13 and FY 2013-14 Intercity Transit Funding Agreement.
Pg. 43
- I. Greenhouse Gas Reduction Plan Contract Approval** Robert Macaulay
Recommendation:
Authorize the Executive Director to:
- 1. Execute a contract with AECOM to deliver tasks in the scope of work included in Attachment A, for an amount not to exceed \$153,800;*
 - 2. Execute individual contracts with the participating jurisdictions for development and implementation of the tasks identified in Attachment A, for a total amount not to exceed \$44,180; and*
 - 3. Execute an amendment to the agreement with Solano County to allow STA to administer the steps needed to implement the tasks identified in the SGC grant.*
- Pg. 59**

- J. Environmental Mitigation for the I-80/I-680/State Route (SR) 12 Interchange Phase 1 Project** Janet Adams
Recommendation:
Authorize the Executive Director to enter into agreements to provide the environmental mitigation required by the I-80/I-680/SR 12 Interchange – Phase 1 project for a not-to-exceed amount of \$9.9 M.
Pg. 69
- K. I-80/I-680/State Route (SR) 12 Westbound (WB) I-80 to SR 12 (West) Connector and Green Valley Road Interchange Improvements Project** Janet Adams
Recommendation:
Authorize the Executive Director to finalize and execute the utility relocation agreement between STA and PG&E for the I-80/I-680/State Route (SR) 12 Westbound (WB) I-80 to SR 12 (West) Connector and Green Valley Road Interchange Improvements Project.
Pg. 73
- L. I-80/I-680/State Route (SR)12 Interchange Project** Janet Adams
Recommendation:
Approve the attached Resolution No. 2012-17 and Funding Allocation Request from the Metropolitan Transportation Commission (MTC) for \$5.98 million in bridge toll funds for the I-80/I-680/SR 12 Interchange Project for right-of-way phase.
Pg. 79

VIII. ACTION FINANCIAL ITEMS

- A. Approval of OneBayArea Grant (OBAG) Local Streets and Roads Project Funding Swap for City of Vallejo** Sam Shelton
Recommendation:
Approve the swap of \$611,000 of the City of Vallejo’s One Bay Area Grant (OBAG) Local Streets and Roads Surface Transportation Program (STP) funding for \$611,000 OBAG Congestion Mitigation and Air Quality (CMAQ) for the City of Vallejo’s Georgia Street Streetscape project.
 (6:40 – 6:45 p.m.)
Pg. 99

IX. ACTION NON-FINANCIAL ITEMS

- A. OneBayArea Grant (OBAG) Funding Criteria** Robert Macaulay
Recommendation:
Adopt the Solano OBAG CMAQ Project and Program Criteria as shown in Attachment A.
 (6:45 – 7:00 p.m.)
Pg. 103

- B. Suisun City Train Station Improvements** Jessica McCabe
Recommendation:
Approve the following:
1. *Authorize the Executive Director to develop a funding plan with City of Suisun City for Suisun Train Station improvements and way finding signage; and*
 2. *Authorize the STA Chair to appoint a Board subcommittee to review improvements to Suisun City Train Station and recommend a funding plan to the STA Board.*
- (7:00 – 7:05 p.m.)
Pg. 115
- C. State Route (SR) 12/Church Road Assessment and Funding Plan** Janet Adams
Recommendation:
Authorize the development of a funding plan with the City of Rio Vista for SR 12/Church project pending the results of the assessment currently underway by the Solano Economic Development Corporation.
- (7:05 – 7:10 p.m.)
Pg. 125
- D. STA’s Draft 2013 Legislative Priorities and Platform** Jayne Bauer
Recommendation:
Distribute the STA’s Draft 2013 Legislative Priorities Platform for a 30-day review and comment period.
- (7:10 – 7:15 p.m.)
Pg. 127
- E. Guiding Principles for Development of Intergovernmental Memorandum of Agreement with Yocha Dehe Wintun Nation** Bernadette Curry
Recommendation:
Approve the following:
1. *Guiding Principles for development of Intergovernmental Memorandum of Agreement with Yocha Dehe Wintun Nation; and*
 2. *Authorize the STA Board Chair to execute the Memorandum of Agreement to be negotiated based on the Guiding Principles*
- (7:15 – 7:20 p.m.)
Pg. 157
- F. State Route 12 Economic Study Wrap-Up** Mitchell Conner,
ArchiLOGIX
Recommendation:
Receive the SR 12 Economic Analysis.
- (7:20 – 7:25 p.m.)
Pg. 163

X. INFORMATION - DISCUSSION

- | | |
|---|---------------------------------------|
| A. Mobility Management Plan
(7:20 – 7:30 p.m.)
Pg. 169 | Phil McGuire,
Innovative Paradigms |
| B. Coordinated Short Range Transit Plan and Transit Corridor Study
(7:30 – 7:40 p.m.)
Pg. 171 | Tony Bruzone,
ARUP |

INFORMATION - NO DISCUSSION

- | | |
|--|------------------|
| C. Transit Studies Update
Pg. 173 | Liz Niedziela |
| D. Fiscal Year (FY) 2011-12 Abandoned Vehicle Abatement (AVA) Program Third and Fourth Quarter Report
Pg. 177 | Susan Furtado |
| E. Funding Opportunities Summary
Pg. 179 | Sara Woo |
| F. STA Board and Advisory Committee Meeting Schedule for Calendar Year 2012
Pg. 183 | Johanna Masiclat |

XI. BOARD MEMBERS COMMENTS

XII. ADJOURNMENT

The next regular meeting of the STA Board is scheduled at **6:00 p.m., Wednesday, December 12, 2012, Suisun City Hall Council Chambers.**



SOLANO TRANSPORTATION AUTHORITY
Board Minutes for Meeting of
September 12, 2012

I. CALL TO ORDER

Chair Batchelor called the regular meeting to order at 6:00 p.m. A quorum was confirmed.

MEMBERS

PRESENT: Jack Batchelor, Chair City of Dixon
Arrived at 6:15 Steve Hardy, Vice-Chair City of Vacaville
p.m. Alan Schwartzman City of Benicia
(Alternate Board Member)
Harry Price City of Fairfield
Jan Vick City of Rio Vista
Pete Sanchez City of Suisun City
Osby Davis City of Vallejo
Jim Sperring County of Solano

MEMBERS Elizabeth Patterson City of Benicia
ABSENT:

STAFF

PRESENT: Daryl K. Halls Executive Director
Bernadette Curry Legal Counsel
Janet Adams Deputy Executive Director/Director of Projects
Robert Macaulay Director of Planning
Johanna Masielat Clerk of the Board
Jayne Bauer Legislative & Marketing Program Manager
Susan Furtado Accounting & Administrative Svc. Manager
Liz Niedziela Transit Manager
Judy Leaks Program Manager
Robert Guerrero Senior Planner
Sam Shelton Project Manager
Sara Woo Associate Planner
Jessica McCabe Assistant Project Manager

ALSO

PRESENT:

In Alphabetical Order by Last Name:

Morrie Barr	City of Dixon
Jim Ducoing	Member of the Public
Amanda Dum	City of Suisun City
George Gwynn, Jr.	Member of the Public
Dan Kasperson	City of Suisun City
Robert Powell	Member of the Public
Mike Roberts	City of Benicia
Mike Segala	Councilmember, City of Suisun City
Alan Sheeley	Member of the Public
Matt Tuggle	County of Solano

II. CONFIRM QUORUM/STATEMENT OF CONFLICT

A quorum was confirmed by the Clerk of the Board. There was no Statement of Conflict declared at this time.

III. APPROVAL OF AGENDA

On a motion by Board Member Vick, and a second by Alternate Board Member Schwartzman, the STA Board approved the agenda to include revisions to Agenda Item IX.A, OneBayArea (OBAG) Funding Criteria.

IV. OPPORTUNITY FOR PUBLIC COMMENT

None presented.

V. EXECUTIVE DIRECTOR'S REPORT

Daryl Halls provided an update on the following topics:

- OneBayArea Grant (OBAG) Public Input Workshop & Criteria for Project Selection
- 2012 Solano Employer Commute Challenge Off to Fast Start
- Solano Napa Commuter Information (SNCI) Sets High Vanpool Mark in FY 2011-12
- Marketing Plans for SolanoExpress Service and SNCI
- State Route (SR) 12 Church Project Assessment
- Solano's Safe Routes to School Program Highlighted at League of California Cities

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

A. MTC Report:

None presented.

B. Caltrans Report:

None presented.

C. STA Reports:

A. Directors Report:

- 1. Planning**
- 2. Projects**
- 3. Transit/Rideshare**

Judy Leaks, SNCI Program Manager, presented the SNCI Program's year-end report (FY 2011-12) and Sorel Klein, SNCI Assistant Program Manager, presented the 2012 Solano Employer Commute Challenge update.

VII. CONSENT CALENDAR

On a motion by Board Member Price, and a second by Board Member Vick, the STA Board approved Consent Calendar Items A through Q with the exception to include modifications to Item N requested by Board Member Spering.

A. Minutes of the STA Board Meeting of July 11, 2012

Recommendation:

Approve STA Board Meeting Minutes of July 11, 2012.

B. Draft Minutes of the TAC Meeting of August 29, 2012

Recommendation:

Approve Draft TAC Meeting Minutes of August 29, 2012.

C. Fiscal Year (FY) 2012-13 Transportation Development Act (TDA) Matrix – September 2012 – Dixon and Rio Vista

Recommendation:

Approve the FY 2012-13 TDA Matrix – September 2012 for the Cities of Dixon and Rio Vista as shown in Attachment B.

D. East Fairfield Community Based Transportation Plan (CBTP) Report

Recommendation:

Approve the Final East Fairfield Community Based Transportation Plan as specified in Attachment B.

E. 2012 Local Ridership Studies for Dixon Read-Ride, Fairfield and Suisun Transit (FAST), Rio Vista Delta Breeze, and Vacaville City Coach

Recommendation:

Approve the 2012 Local Transit Ridership Study Reports as shown in Attachment A.

F. Solano Napa Commuter Information (SNCI) Fiscal Year (FY) 2012-13 Work Program and FY 2011-12 Year-End Report

Recommendation:

Approve the Solano Napa Commuter Information Work Program for FY 2012-13 as shown in Attachment A.

G. Fiscal Year (FY) 2012-13 Indirect Cost Allocation Plan (ICAP) Rate Application

Recommendation:

Approve the following:

1. STA's ICAP Rate Application for FY 2012-13; and
2. Authorize the Executive Director to submit the ICAP Rate Application to Caltrans.

H. Contract Extension for On-Call Model Service and Funding Agreement with Napa County Transportation and Planning Agency (NCTPA)

Recommendation:

Approve the following:

1. Authorize the Executive Director to extend an agreement with Napa County Transportation and Planning Agency (NCTPA) to administer on-call traffic modeling services with an annual contribution of \$16,000 per year for a two-year period; and
2. Authorize the Executive Director to extend an agreement with Cambridge Systematics for On-Call Modeling Service as specified in Attachment A for an amount not to exceed \$25,000 per year for a two-year term.

I. Solano Countywide Bicycle and Pedestrian Wayfinding Signage System (Phase 1)

Recommendation:

Approve the following:

1. Local preference goal of 9% for the Solano Countywide Bicycle and Pedestrian Wayfinding Signage System (Phase 1); and
2. Authorize the Executive Director to enter into a procurement contract for the Solano Countywide Bicycle and Pedestrian Wayfinding Signage System (Phase 1) for an amount not-to-exceed \$15,000.

Public Comment:

Robert Powell, Member of the Public, commented that the signage should appropriately identify existing public bicycle transportation facilities. He explained that there is a sign at the entrance to a bicycle and pedestrian path parallel to Interstate 80 (I-80) at the on-ramp off of Green Valley Road that ambiguously reads “pedestrian bicycles motor-driven cycles prohibited,” when there is a bicycle path directly in front of the sign.

Mr. Powell further explained that there are issues at Jameson Canyon near State Route 12 – the use of pipe gates is restricting access and should not be used.

In follow-up, Board Member Spring requested that staff contact Mr. Powell and allow him the opportunity to discuss the issues indicated.

J. Resolution Determining STA Board to Hear Resolution’s of Necessity for Westbound (WB) I-80 to State Route (SR) 12 (West) Connector and Green Valley Road Interchange Improvements Project and Resolution authorizing the Executive Director to Accept Grants Conveying Interests in Real Property to the STA

Recommendation:

Approve the following:

1. Resolution No. 2012-14 determining that STA Board will hear Resolutions of Necessity for the WB I-80 to SR 12 (West) Connector and Green Valley Road Interchange Improvements Project in Solano County; and
2. Resolution No. 2012-15 authorizing the Executive Director to accept and consent to grants conveying interests in real property to the Solano Transportation Authority.

- K. Issue Request for Proposals for Environmental Mitigation for the I-80/I-680/State Route (SR) 12 Interchange Project**
Recommendation:
 Authorize the Executive Director to issue a Request for Proposals (RFP) to select a firm/team to provide environmental mitigation required by the I-80/I-680/SR12 Interchange – Phase 1 Project.
- L. Request For Proposals (RFP) for SNCI Marketing Services for Fiscal Year (FY) 2012-13**
Recommendation:
 Approve the following:
1. Local preference goal of 1% for the SNCI Program Marketing for FY 2012-13; and
 2. Authorize the Executive Director to issue a Request For Proposals for consultant services for SNCI Program Marketing; and
 3. Authorize the Executive Director to enter into an agreement in an amount not-to-exceed \$38,000 for marketing consultant services for SNCI for FY 2012-13.
- M. Request For Proposals (RFP) for Regional Measure 2 (RM 2) SolanoExpress Fiscal Year (FY) 2012-13 Transit Marketing Consultant Services**
Recommendation:
 Approve the following:
1. Local preference goal of 2% for the SolanoExpress Transit Marketing FY 2012-13; and
 2. Authorize the Executive Director to issue a Request For Proposals for consultant services for SolanoExpress transit marketing; and
 3. Authorize the Executive Director to enter into an agreement in an amount not to exceed \$206,600 for the FY 2012-13 SolanoExpress transit marketing.
- N. Contract Amendment for State Legislative Advocacy Services**
Recommendation:
 Authorize the Executive Director to execute contract amendment to the State Lobbying Consultant Services Agreement with Shaw/Yoder/Antwih, Inc. for a 2-year term in an amount not-to-exceed \$46,500 annually.
- Board Member Spering requested to modify the language in the contract amendment to reflect consultant traveling to Solano County (rather than Suisun City), and facilitating and attending annual meetings with the delegation in the Solano District.
- O. Contract with Nancy Whelan Consulting for Project Management Services and Financial Analysis**
Recommendation:
 Authorize the Executive Director to enter into an agreement with Nancy Whelan Consulting for Project Management Services and Financial Analysis for an amount not to exceed \$82,860 with a term ending December 31, 2013.
- P. Extension of STA Management Agreement with SolTrans to Operate SolanoExpress Route 78**
Recommendation:
 Authorize the Executive Director to enter into a STA management agreement with SolTrans to operate SolanoExpress Rt. 78.

Q. Paratransit Coordinating Council (PCC) Reappointment

Recommendation:

Reappoint Kurt Wellner to the Paratransit Coordinating Council for an additional three-year term.

VIII. ACTION – NON-FINANCIAL ITEMS

A. Legislative Update

Jayne Bauer provided an overview of SB 2200. She stated that the STA is targeting express lanes on Hwy 80 by 2016 and that SB 2200 will prohibit that goal. She noted that with the amendments, and given the limited impact now on STA, the STA staff recommends a neutral position.

Public Comments:

None presented.

Board Comments

None presented.

Recommendation:

Adopt the following positions on State legislative bills:

AB 2200 (Ma) – neutral

SB 878 (DeSaulnier) - neutral

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

B. OneBayArea Grant (OBAG) Funding Criteria

Robert Macaulay requested the STA Board to provide general direction regarding funding priorities and determination. He cited that once the Board has given direction, then staff would then provide an initial ranking of projects based upon the eligibility criteria, funding priorities and project proposals. He added that the STA Technical Advisory Committee (TAC) recommended that any rating of projects for OBAG funding be qualitative and that an attempt not be made to develop a numeric or weighed quantitative rating scale.

Public Comments:

None presented.

Board Comments

At the request of Alternate Board Member Schwartzman, the following are comments cited regarding OBAG Project Selection Criteria:

1. **Invest in projects that support regional job centers**

Funding should go to projects that support local businesses and help create and retain jobs in the County. A vibrant economy will help fund regional services that have recently experienced severe cutbacks. Local jobs mean less commuting, resulting in less vehicle miles traveled, cleaner air, reduction in the need for costly freeway expansions, and a higher quality of life for our County residents. Invest in regional employment centers. (OBAG Selection Criteria No.9).

2. Support Bus Transit

Support projects that will help ensure bus transit remains a viable option in the future. Bus transit has not enjoyed the same level of success as other modes of public transportation, such as ferry and rail, neither of which will be coming to Benicia in the foreseeable future. For Benicia and other communities, public busing is the only viable mode of transportation for our citizens, especially those at-risk. Invest in infrastructure projects that support bus transit (OBAG Selection Criteria No.7).

3. Spread the \$8M OBAG Benefit Around

The \$8M pot of money should be spread around the County over the next 4 years so that every jurisdiction benefits. A large project can make a positive impact on multiple jurisdictions while oftentimes funding goes farther on smaller projects. Fund a combination of large and small projects so that the benefits from this OBAG program are equitably distributed throughout the county (OBAG Selection Criteria No.10).

Board Member Sperring requested staff to bring back the list of criteria providing project examples to each criteria. Daryl Halls suggested staff could use the criteria to evaluate previously funded projects as an example.

Board Member Sanchez asked what was the rationale behind Criteria# 8? Robert Macaulay responded that one of MTC and ABAG's major emphasis in the RTP is on location of housing with the idea of putting housing near jobs in high density areas which would then encourage transit use reducing Greenhouse Gas Emissions implementing SB 375. He added that the allocation of funds between the CMAs used to be based on road miles and maintenance fees but now has shifted to current population base and past/future housing growth which has impacted how OBAG funds are allocated.

In addition, Board Member Sanchez asked staff to define "equitable distribution" in Criteria #10. Robert Macaulay stated that staff did not offer a definition because the Board would need to determine if this should be based on population, road miles since these are transportation funds, or should it be looked at as current OBAG cycle or using other fund sources like State Assistance Funds (STAF). Chair Batchelor cited that perhaps using the term "benefit" would be more appropriate than "equitable distribution".

Board Members Davis and Sperring concurred with Board Alternate Member Schwartzman's comments regarding regional employment projects. They cited that it is beneficial to invest in transportation projects that would create jobs to keep the monies in our County. They noted that we need to take a global look at transportation projects that would benefit most of the people in the county rather than focusing on each jurisdiction.

In addition, Board Member Sperring also addressed concerns on the equitable distribution stating that there needs to be language that every member agency is given consideration.

Recommendation:

Adopt the revised public input schedule as shown in Attachment C.

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

X. ACTION – FINANCIAL ITEMS

A. OneBayArea Grant (OBAG) Local Streets and Roads Project Funding

Robert Macaulay reviewed the public outreach requirements through the OBAG Local Streets and Roads Call for Projects. He cited that the STA OBAG Local Streets and Roads Call for Projects was posted on STA's website in the three languages most frequently spoken in Solano County (English, Spanish, and Tagalog). He also indicated that STA and Solano County have completed a checklist that provides local certification of compliance with the public outreach requirements.

Public Comments:

George Gwynn commented on public local project labor agreements. Chair Batchelor reminded Mr. Gwynn of STA's Local Preference Policy which has been implemented by the STA Board. Alternate Board Member Schwartzman clarified that his comment earlier on local job labor was not intended for construction projects.

Board Comments

Vice Chair Hardy asked if this is the beginning of Agenda 21 process?

Board Member Spering responded by saying how unfortunate that most of the common sense and good investment things we are doing in Solano County have the same terminology being used as Agenda 21. He added that Solano County and the STA are not bringing in Agenda 21 policies, but good projects that are smart, safe and reliable protecting property values that have the same qualities as what Agenda 21 is calling. We are doing things that are good for the community and not necessarily following Agenda 21 principles and guidelines.

Alternate Board Member Schwartzman cited that since the money is there why not make the common sense things that improve the community.

Board Member Price cited that we should focus on project specifics and the funding that is available and avoid the generalization.

Recommendation:

Adopt Resolution No. 2012-16 certifying that the Solano OBAG Local Streets and Roads Call for Projects meet the requirements of the MTC OBAG Guidelines and establishing OBAG Local Streets and Roads funding amounts for each eligible jurisdiction.

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

AGENDA ITEM
CITY COUNCIL MEETING: OCTOBER 16, 2012
COUNCIL MEMBER COMMITTEE REPORTS

DATE : October 10, 2012

TO : Mayor Patterson
Vice Mayor Campbell

FROM : Director of Public Works

SUBJECT : **SOLANO COUNTY WATER AGENCY**

The following information is provided for your committee report at the October 16, 2012 City Council meeting.

The draft minutes of the September 13, 2012 meeting are attached. The SCWA also has a Delta Committee that typically meets each month directly before the regular SCWA meeting. The next meeting date is October 11, 2012 and the agenda for that meeting is attached.

Attachments:

- SCWA Minutes for September 13, 2012
- Agenda for October 11, 2012 SCWA meeting

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

MEETING DATE: September 13, 2012

The Solano County Water Agency Board of Directors met this evening at the Solano County Water Agency. Present were:

Mayor Jack Batchelor, City of Dixon
Mayor Harry Price, City of Fairfield
Mayor Jan Vick, City of Rio Vista
Mayor Pete Sanchez, City of Suisun
Mayor Osby Davis, City of Vallejo
Vice Mayor Ron Rowlett, City of Vacaville
Supervisor John Vasquez, Solano County District 4
Supervisor Mike Reagan, Solano County District 5
Director Bob Bishop, Solano Irrigation District
Manager Don Holdener, Maine Prairie Water District

CALL TO ORDER

The meeting was called to order at 7:00 P.M. by Chairman Bishop.

APPROVAL OF AGENDA

On a motion Mayor Sanchez and a second Mayor Price, the Board unanimously approved the agenda.

PUBLIC COMMENT

There were no public comments.

CONSENT ITEMS

On a motion by Mayor Davis and a second Mayor Sanchez the Board unanimously approved the following consent items:

- (A) Minutes
- (B) Expenditure Approvals

BOARD MEMBER REPORTS

There were no Board Member reports.

GENERAL MANAGER'S REPORT

There were no additions to the General Manager's written report.

PUTAH CREEK – LEAD AGENCY

On a motion by Mayor Sanchez and a second by Mayor Batchelor the Board unanimously approved SCWA to be the lead CEQA Agency for the upper portion of the "Lower Putah Restoration from the Toe Drain to Putah Diversion Dam" grant project managed by the Yolo Basin Foundation as discussed at the August 9, 2012 Board meeting.

DELTA WATER PRICIPLES/ASSURANCES

Manager Okita reported that the County has requested Agency adoption of their recently updated Delta Water Principles/Assurances document. The document is consistent with Agency policies. On a motion by Supervisor Reagan and a second by Supervisor Vasquez the Board unanimously approved adopting Solano County Delta Water Principles/Assurances.

LAKE BERRYESSA QUAGGA MUSSEL PROGRAM

Principal Water Resource Specialist Chris Lee provided a presentation on quagga mussel detection and prevention. He explained that the quagga mussels originated in the Black and Caspian Seas and has been transported to the Great Lakes on the bows of ships. The quagga mussels have a robust ability to reproduce and cause ecological damage by filtering plankton and disrupting the food web which affects fish species. Quagga mussel growth has an economic impact due to mussel damage to infrastructure, beaches, boats and the effects on tourism and fishing,

Quagga mussels were first seen in the western states at Lake Mead in 2007, followed by the Colorado River, a source of drinking water for the Metropolitan Water District. The closest infestation of a mussel species to the Solano Project is the zebra mussel at San Justo Reservoir which was closed to the public in January 2008. Monitoring and surveying of zebra and quagga mussels in Putah Creek, Lake Solano, Lake Berryessa, and Putah South Canal began as a result of these events. In July of 2012 The Bureau of Reclamation issued a report of mussel infestation susceptibility in the region. The Bureau considers Lake Berryessa as a moderate risk for infestation.

The Solano Project has a limited early detection and education plan in place for mussels. It provides for best management practices, documents current research and regulatory requirements, and communicates known infestations to the Agency. Ongoing activities from the plan include plankton surveys, artificial substrates and physical examinations. The Agency's outreach programs includes training rangers, staff interns and marina employees to inspect boats, distribution of educational materials and giving presentations to various groups including boating groups.

On a motion from Mayor Sanchez and a second from Mayor Price the Board unanimously approved authorizing the staff to develop a more comprehensive program, in conjunction with Napa County and the US Bureau of Reclamations and dependent on State funding, to address potential quagga mussel infestation of the Solano Project and Lake Berryessa.

TIME AND PLACE OF NEXT MEETING

The next regularly scheduled meeting will be Thursday, October 11, 2012 at 7:00 P.M. at the Solano County Water Agency offices.

ADJOURNMENT

This meeting of the Solano County Water Agency Board of Directors was adjourned at 7:40 P.M.

David B. Okita, General Manager
and Secretary to the Board of Directors of the
Solano County Water Agency

SOLANO COUNTY WATER AGENCY



BOARD OF DIRECTORS MEETING

DATE: Thursday, October 11, 2012

TIME: 7:00 p.m. (Note: No CCCC meeting this month)

PLACE: Berryessa Room
Solano County Water Agency Office
810 Vaca Valley Parkway, Suite 203
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 September 12, 2012 is recommended.
- (B) Expenditure Approvals: Approval of the September checking account register is recommended.
- (C) SWP Tolling Agreement: Authorization for General Manger to execute the Fifth Amendment to Tolling and Waiver Agreement with the California Department of Water Resources regarding billing challenges is recommended.

6. **BOARD MEMBER REPORTS**

RECOMMENDATION: For information only.

7. **GENERAL MANAGER'S REPORT**

RECOMMENDATION: For information only.

810 Vaca Valley Parkway, Suite 203
Vacaville, California 95688
Phone (707) 451-6090 • FAX (707) 451-6099
www.scwa2.com



8. **DIXON REGIONAL WATERSHED AUTHORITY FUNDING REQUEST**

RECOMMENDATIONS:

1. Approve the recommendation from the Flood Control Advisory Committee to fund the Dixon Main Drain and V-Drain Enlargement Project.
2. Authorize Chairman to execute the Contribution Agreement to provide for Agency funding of \$500,000.
3. Authorize a \$300,000 transfer from reserves, if project goes to construction in current fiscal year.

9. **NORTH BAY AQUEDUCT BIO FILM PROBLEM**

RECOMMENDATION: Hear report from staff on biofilm accumulation in the North Bay Aqueduct that is restricting flow and measures taken to address the problem. For information only.

10. **TIME AND PLACE OF NEXT MEETING**

Thursday, November 8, 2012 at 6:30 -7:00 pm at the SCWA offices. City County Coordinating Council is planned to meet at 7:00.

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.

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: 810 Vaca Valley Parkway, Suite 203, Vacaville, CA 95688. Upon request, these materials may be made available in an alternative format to persons with disabilities.

Oct.2012.bod.agd.doc

**AGENDA ITEM
CITY COUNCIL MEETING: OCTOBER 16, 2012
COUNCIL MEMBER COMMITTEE REPORTS**

DATE : October 9, 2012

TO : Vice Mayor Campbell
Council Member Schwartzman

FROM : Director of Public Works

SUBJECT : **TRAFFIC, PEDESTRIAN AND BICYCLE SAFETY (TPBS) COMMITTEE**

The following is provided for your committee report at the October 16, 2012 Council meeting.

The last Safe Routes to School Task Force Meeting was held on Monday, September 17, 2012, at 6:30 pm at the Community Center, Program Room 2 Chambers.

The last TPBS Committee meeting was held on July 19, 2012.

The next regularly scheduled TPBS Committee meeting is scheduled for Thursday, October 18, 7:00 pm in the Commission Room. The agenda is being prepared and will be provided to Committee Members and the public by 5:00 pm, Friday, October 12, 2012.

Attachments:

- SR2S Task Force Agenda, September 17, 2012
- TPBS Agenda July 19, 2012

BENICIA

SAFE ROUTES TO SCHOOL COMMUNITY TASK FORCE MEETING AGENDA

Monday, September 17, 2012
6:30 p.m. to 7:30 p.m.

Benicia Community Center
370 East L Street, Program Room 2
Benicia, CA 94510



ITEM ACTIVITY

ADMINISTRATOR

I. Call to Order—Self Introductions

Danelle Carey, STA

II. Approval of Agenda

Committee

III. Information Items

A. SR2S One Bay Area Grant (OBAG) Proposal

Judy Leaks, STA

- Complete Streets Compliance

IV. Action Items

A. Review Draft School Improvement Plans

Casey Hildreth, Alta
Planning and Design

- Matthew Turner Elementary School
- Robert Semple Elementary School

Recommendation:

1. Approve the draft school improvement plan to be included in the final SR2S plan update.

B. Set Priority Projects for Benicia

Casey Hildreth, Alta
Planning and Design

Recommendation:

1. Approve the Community Task Force suggested priority projects to be included in the final SR2S plan update.

V. Committee Member Comments & Future Agenda Items

Danelle Carey, STA

VI. Adjournment

Danelle Carey, STA

BENICIA SR2S COMMUNITY TASK FORCE MEMBERS

Alan Schwartzman
Council Member
City of Benicia

Rose Switzer
Board Member
Benicia Unified School
District

Melissa Morton
Asst. Director of Public
Works/Engineer
City of Benicia
Mike Roberts
Senior Civil Engineer
City of Benicia

Tom Campbell
Vice Mayor
City of Benicia

Lindsay Dalske
Vice-Principal
Benicia Middle School

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DATE: August 30, 2012
TO: Benicia Safe Routes to School (SR2S) Community Task Force
FROM: Danelle Carey, Assistant Program Manager
RE: Information and Action Item Summaries

Information Item Summary:

Item III. SR2S One Bay Area Grant (OBAG)

The Solano Transportation Authority (STA) issued a Call for Projects for \$7.6M One Bay Area Grant (OBAG) funds. The federal CMAQ guidelines allowed that funds be spent on projects or programs that reduce congestion or air pollutant emissions. The STA required that the projects or programs be contained in an STA plan and have a public agency sponsor, and be complete street compliant.

While the SR2S Plan is still in draft form, seventeen (17) walk audits were conducted countywide indicating the need for additional infrastructure funding to create safer walking/biking environments around schools. Draft lists of priority projects have been identified for each community in Solano County. A review of the draft plan indicated that approximately \$3M of infrastructure needs were identified, \$2M of which could be priority projects.

On August 15, 2012, the SR2S Advisory Committee approved the recommendation to create a SR2S Engineering Program to be used to fund the priority infrastructure projects that are identified through the updated SR2S plan over the next four years. The SR2S program requested \$1.2M from the One Bay Area Grant for this purpose.

Action Item Summary:

Item IV.A Review Draft School Improvement Plan (Casey Hildreth, Alta Planning)

The Alta consultant team has completed a draft school improvement plan for two schools in Benicia; Matthew Turner Elementary School and Robert Semple Elementary School. Initially reviewed by Community Task Forces in the spring, the improvement plans have been revised to incorporate comments received as well as the data and walking routes identified through the suggested routes mapping process. (Attachment A, pgs.4-7)

Item IV.B. Set Priority Projects for Benicia

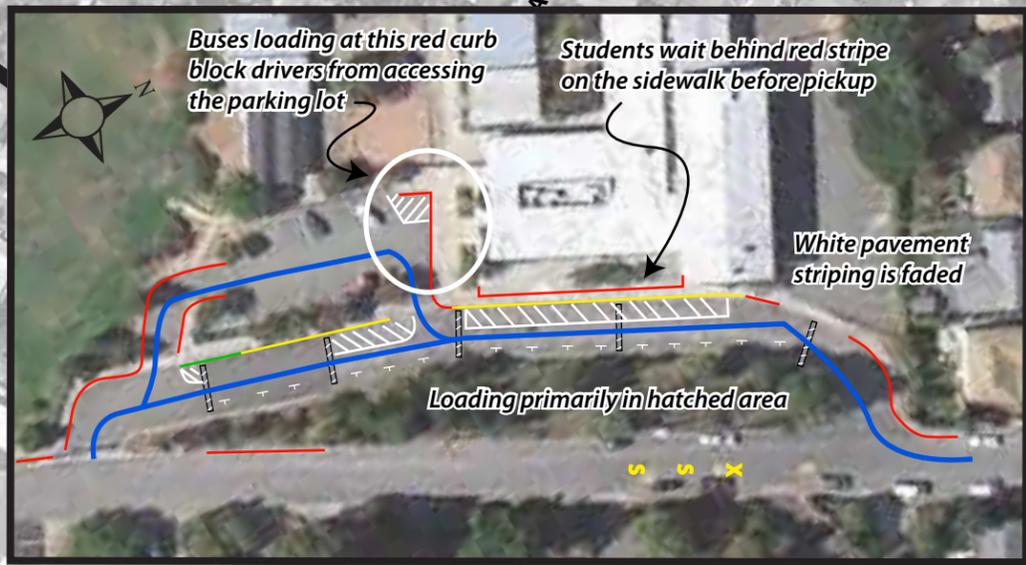
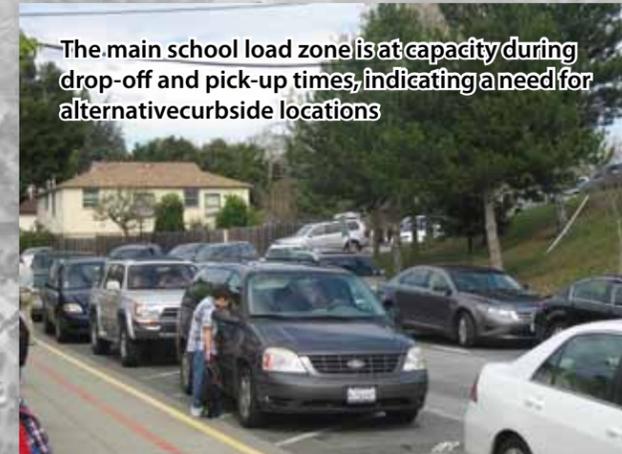
Recommendations for engineering projects have been developed for Benicia by the Alta consultant team through the plan update process. Based on the list of engineering projects identified, members of the Benicia SR2S Community Task Force will set priority projects to be included in the final SR2S Plan Update. (Attachment B, pg.8)

Attachments:

- A. Draft Improvement Plans
- B. Benicia Draft List of Priority Projects

VII.D.10.6

- Loading Zones
- Driver Circulation Route
- Observed Walking Routes
- Sidewalk Gaps
- Conflict Points
- Crossing Guard
- Pedestrian Pathway



Robert Semple Elementary School Existing Conditions

DRAFT 7-31-2012

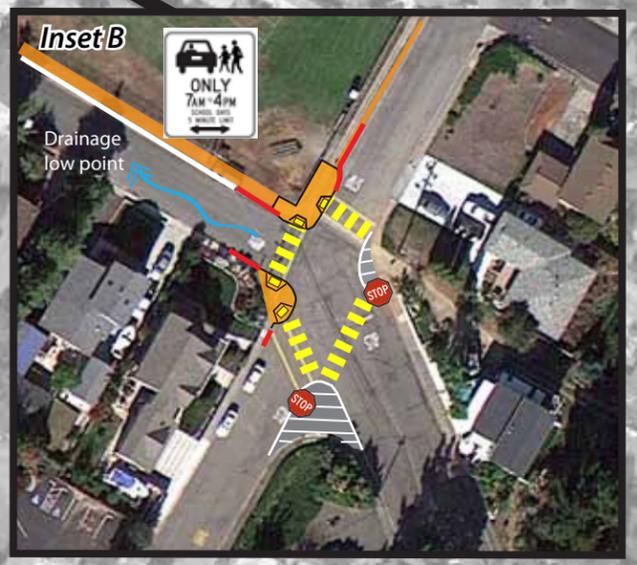
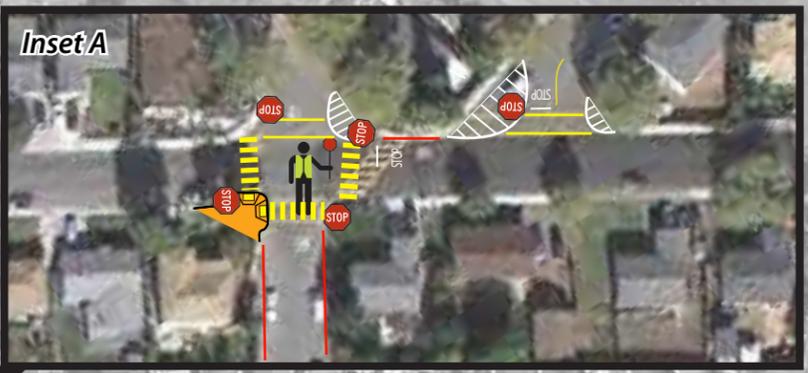


Legend

- Loading Zones
- Proposed Vehicle Circulation Route
- Proposed Walking School Bus Route
- New Sidewalk
- Crossing Guard
- Pedestrian Pathway

Improvements not to scale

Move north to Tennys Drive



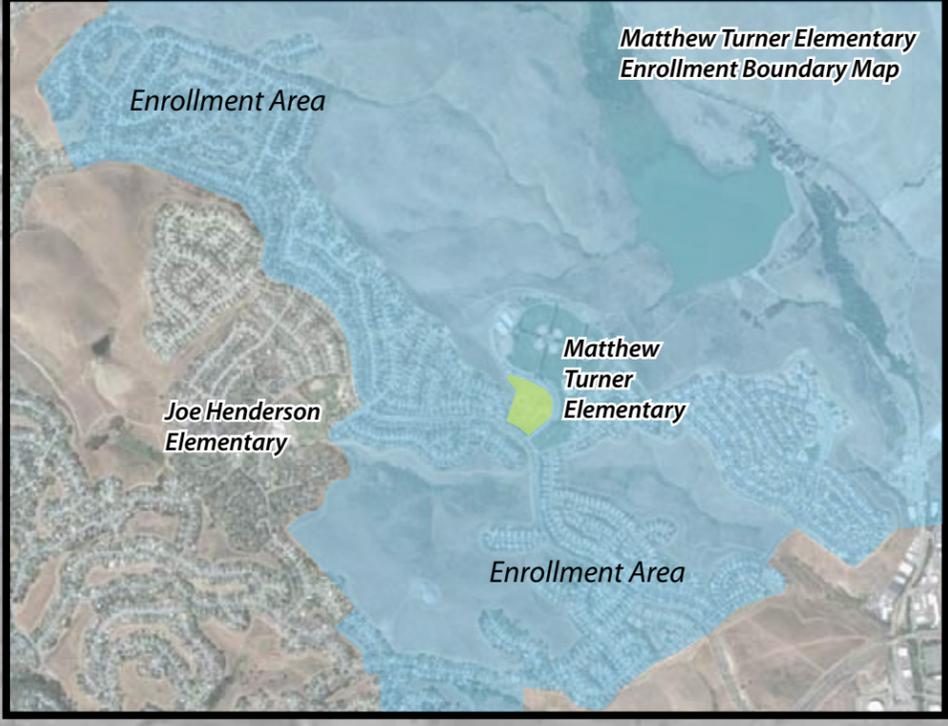
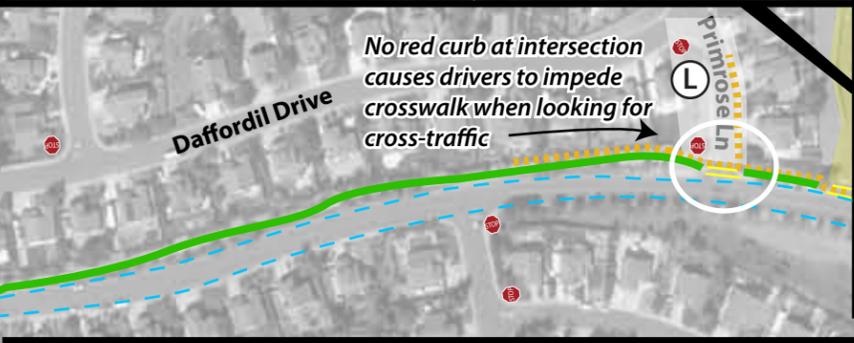
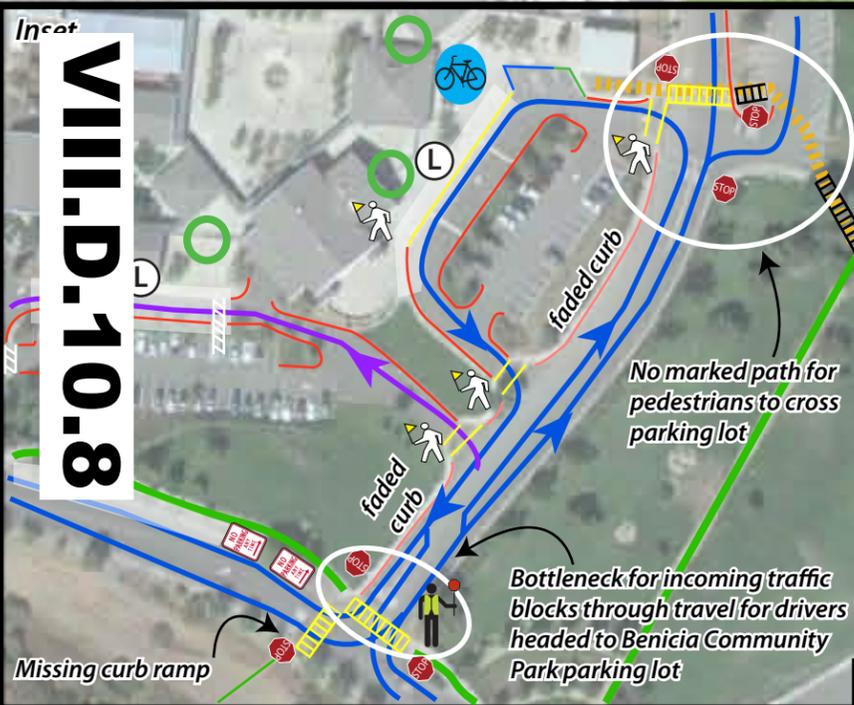
- 1 Robert Semple Parking Lot**
 - Replace yellow curb loading zone with white curb; refresh white parking zones pavement striping
 - Recruit older students as volunteer valets to speed up drop-off process; outfit with florescent vests
 - Install signage on 3rd Street directing pedestrians to cross at S Street
- 2 3rd Street at Hillcrest Avenue**
 - Construct curb extension in the southwest corner
 - Upgrade southern crosswalk to high-visibility yellow, refresh other crosswalks where necessary
 - Use hatch markings and soft-hit posts (as necessary) to square up La Cruz Ave and El Bonito Way intersections with reduced curb radii and additional pedestrian waiting areas
- 3 2nd Street at Hillcrest Avenue**
 - Replace existing yellow transverse crosswalks with high-visibility yellow crosswalks
 - Retrofit pathway and curb ramp for ADA compliance
- 4 3rd Street at S Street**
 - Construct sidewalk on the north side of S Street to close existing gap; stripe and sign as new load zone
 - Install curb extensions with curb ramps at northwest and southwest legs of intersection; consider filling in dirt landscape strip along 3rd Street to anticipate/respond to increased demand for walking
 - Replace existing yellow transverse crosswalks with high-visibility yellow crosswalks
 - Stripe a new high-visibility crosswalk in the east leg and reduce crossing distances/curb radii with hatched bulb-outs and soft hit posts if necessary
- 5 Interstate 780 Pedestrian Tunnel & Pathway**
 - Install additional lighting in tunnel
 - Regrade and repave sidewalk to improve ADA access and compliance
- 6 Sidewalk Gap Closures**
 - Construct sidewalk segments on north side of El Bonito Way, south side of Hillcrest Ave, and north side of Vista Grande Ave to close priority gaps
 - Use hatch markings and soft-hit posts (as necessary) to square up the Vista Grande Ave/Hillcrest Ave/Linda Vista St intersection; locate stop signs in center or roadway where possible to maximize walking space along narrow sidewalks

Robert Semple Elementary School Recommended Improvements*

DRAFT 7-31-2012

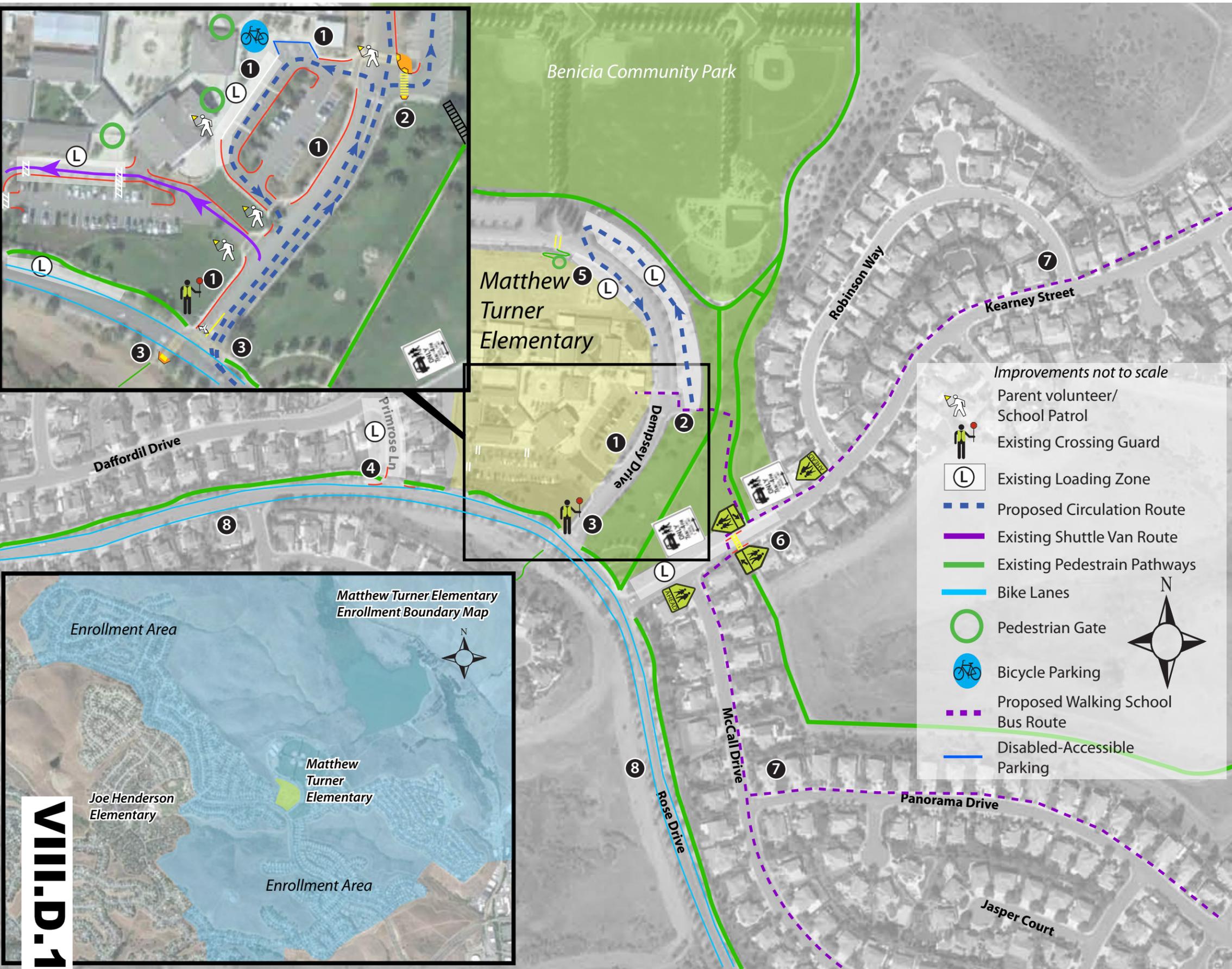
**Funding for recommended improvements is limited. The improvements listed are only recommendations, and will need funding for construction and maintenance before implementation can be considered.*





- Parent volunteer/ School Patrol
- Existing Crossing Guard
- Existing Loading Zone
- Existing Circulation Route
- Existing Shuttle Van Route
- Existing Pedestrian Pathways
- Planned Bike Lanes
- Pedestrian Gate
- Bicycle Parking
- Conflict/Activity Area
- Disabled-Accessible Parking
- Temporary 5 Minute Parking
- Observed Walking Routes
Panorama Drive





- 1 School Grounds Curb Painting**
 - Refresh red curb along the school-adjacent side of Dempsey Drive
 - Replace the yellow curb in the loading zone with white curb
 - Replace the green 5-minute parking curb with additional blue curb for disabled parking
- 2 Benicia Community Park parking lot entrance**
 - Construct a landing pad for the existing crosswalk on the eastern side of Dempsey Drive
 - Stripe a high-visibility yellow crosswalk across the parking lot entrance, with curb ramps at both ends
- 3 Dempsey Drive at Rose Drive**
 - Reconfigure Dempsey Drive at the intersection, with only one egress lane and two ingress lanes, allowing for a dedicated lane to access the Benicia Community Park parking lot
 - Construct a curb ramp at southern end of the crosswalk across Rose Drive
- 4 Rose Drive at Primrose Lane**
 - Stripe red curb at this intersection to improve driver sightlines and reduce instances of drivers encroaching the crosswalk to look for cross-traffic
- 5 Rear School Gate**
 - Unlock rear gate and use adjacent sidewalk as an additional loading zone
 - Recruit a parent volunteer to monitor the gate while open
- 6 Kearney Street Crossing**
 - Install Assembly B signage at this crossing and Assembly D signage in advance of the crossing
 - Erect Passenger Loading signage, in effect during pick-up and drop-off periods only, on the northern side of Kearney Street beside the park
- 7 Walking School Bus**
 - Work with Matthew Turner PTA to organize walking school buses from the two neighborhoods to the east
- 8**
 - Designate specific walking school bus stops along the routes
- Rose Drive Bike Lanes**
 - Implement bike lanes planned for Rose Drive

VIII.D.10.9



Benicia - Safe Routes to School Capital Project List (DRAFT)

Total Project Costs Identified \$396,000

Total Priority Projects \$312,000

Grants (Reasonable Anticipated, 5 years) \$200,000

School District	School Name	Project ID # (from audit)	Project Description	School Walk Score/ Mode Share	Grant Competitive	Proximity to Crashes	On Routes	Project in other plans or contributes to multiple modes	Achieves Gap Closure	Benefit/Cost	City/School Support (TBD)	Overall Priority (Preliminary)	Lead Agency	Cost Estimates
Benicia Unified	Robert Semple Elementary	4	<ul style="list-style-type: none"> Construct sidewalk on the north side of S Street to close existing gap Install curb extensions at northwest and southwest legs; fill in landscape strip along 3rd Street Replace existing yellow transverse crosswalks with high-visibility yellow crosswalks Stripe a new high-visibility crosswalk in the east leg and reduce crossing distances/curb radii by providing hatched bulb-outs and/or soft hit posts. 	Medium	Medium	Low	High	Medium	High	Medium/High		Medium/High	City of Benicia	\$140,000
Benicia Unified	Robert Semple Elementary	7	<ul style="list-style-type: none"> Construct sidewalk segments on El Bonito Way to close gaps on two blocks adjacent to the school Construct a sidewalk segment on the north side of Vista Grande Avenue Construct sidewalk segment on Hilcrest Ave (south side) 	Medium	Medium	Low	High	High	High	Medium		Medium/High	City of Benicia	\$86,000
Benicia Unified	Robert Semple Elementary	2 and 4	<ul style="list-style-type: none"> Use hatch markings and/or soft hit posts to square up the El Bonito Ave/Hla Cruz Ave intersections Install curb extension on southwest corner of Hilcrest Ave/3rd Street with new high visibility crosswalk and curb ramps Enhance southern crosswalk to high-visibility yellow Use hatch markings and/or soft hit posts to square up the Vista Grande Ave/Hilcrest Ave/Linda Vista St intersection 	Medium	Medium	Low	High	High	High	High		High	City of Benicia	\$45,000
Benicia Unified	Robert Semple Elementary	5	<ul style="list-style-type: none"> Install additional lighting in tunnel Repace sidewalk approach and retrofit pathway to ensure ADA access and compliance 	Medium	Medium	Medium	High	Medium	Low	Medium		Medium	City of Benicia	\$42,000
Benicia Unified	Benicia Middle	3	<ul style="list-style-type: none"> Widen sidewalks on north side of Southampton Road Provide truncated domes on curb ramps Replace white diagonal crosswalk in school parking lot with high-visibility yellow crosswalk Study options for full signalization, pedestrian hybrid signal (HAWK), or construction of a raised intersection 	High	Low	Low	High	High	Medium	Medium		Medium/High	City of Benicia	\$25,000
Benicia Unified	St. Dominic's Catholic School	Requested by City	Install pedestrian-actuated flashing beacon at East J and 5th Streets	Medium	Low	Low	High	Medium	Low	Low		Low	City of Benicia	\$15,000
Benicia Unified	Benicia Middle	2	Widen sidewalks west of school driveway entrance	High	Low	Low	High	Medium	Low	Medium		Medium	BUSD	\$10,000
Benicia Unified	Matthew Turner Elementary	8	Implement the planned bike lanes on Rose Drive	Low	Low	Medium	High	High	Medium	Medium		Medium/High	City of Benicia	\$10,000
Benicia Unified	Benicia Middle	1	<ul style="list-style-type: none"> Post SHARE the Road signs to improve awareness of bicyclists during loading times. Install Shared Lane Markings and consider a floating bike lane. 	High	Low	Low	High	Medium	Medium	Medium		Medium	City of Benicia	\$7,500
Benicia Unified	Matthew Turner Elementary	3	<ul style="list-style-type: none"> Reconfigure Demsey Drive at intersection, with only one egress lane two ingress lanes, allowing dedicated lane to access Benicia Community Park parking lot Construct a curb ramp at southern end of the crosswalk across Rose Drive 	Low	Low	Low	High	Low	Low	Medium		Medium	City of Benicia	\$6,000
Benicia Unified	Matthew Turner Elementary	2	<ul style="list-style-type: none"> Construct a landing pad for the existing crosswalk on the eastern side of Dempsey Drive Stripe a high-visibility yellow crosswalk across the parking lot entrance, with curb ramps at both ends 	Low	Low	Low	High	Medium	Medium	High		High/Medium	City of Benicia	\$5,000
Benicia Unified	Benicia Middle	6	Consider striping a high-visibility yellow crosswalk across Southampton Street with pedestrian crossing warning signs and SLOW SCHOOL XING pavement markings for eastbound drivers	High	Low	Low	Low	Medium	Medium	Medium		Medium/Low	City of Benicia	\$1,000
Benicia Unified	Benicia Middle	7	Consider striping a high-visibility yellow crosswalk across Southampton Street with pedestrian crossing warning signs and SLOW SCHOOL XING pavement markings for westbound drivers	High	Low	Low	High	Medium	Medium	Medium		Medium	City of Benicia	\$1,000
Benicia Unified	Matthew Turner Elementary	6	<ul style="list-style-type: none"> Install Assembly B signage at this crossing and Assembly D signage in advance of the crossing Erect Passenger Loading signage, in effect during pick-up and drop-off, on the northern side of Kearney Street beside the park 	Low	Low	Low	High	Medium	Medium	High		High/Medium	City of Benicia	\$1,000
Benicia Unified	Robert Semple Elementary	1	<ul style="list-style-type: none"> Replace yellow curb loading zone at the school entrance with white curb Designate yellow curb area to the west as bus/van loading zone Make western parking lot an additional loading zone Refresh white pavement striping in loading zones 	Medium	Medium	Low	High	Low	Low	Medium		Low/Medium	BUSD	\$1,000
Benicia Unified	Matthew Turner Elementary	1	Refresh curb paint and signage at load zones	Low	Low	Low	High	Low	Low	Medium		Medium/Low	BUSD	\$500
Benicia Unified	Robert Semple Elementary	3	Retrofit pedestrian pathway to be ADA compliant	Medium	Medium	Medium	High	Low	Low	Medium		Medium/Low	BUSD	N/A



City of Benicia
**TRAFFIC PEDESTRIAN &
BICYCLE SAFETY (TPBS) COMMITTEE**
Regular Meeting

7:00 pm
Thursday, July 19, 2012
COMMISSION ROOM

AGENDA

I. Call To Order

- A. Roll Call
- B. Pledge of Allegiance
- C. Fundamental rights statement

II. Approval of Minutes

- A. April 19, 2012 Meeting Minutes

III. Public Comments

IV. Verbal Update

- 1. Capital Improvement Projects Scheduled for the Upcoming Months

V. Action Items

- 1. **Safety Review for a Bike Route Request** (7:10 to 7:30 pm)
The Committee will receive a presentation, hear public comments and consider recommending the bike route installation from a safety viewpoint.
- 2. **Rose Drive Traffic Calming Project – Proposed Plan** (7:30 to 8:30 pm)
In this meeting, Fehr & Peers, the City's traffic calming consultant, will present the draft project plan, the Committee will hear any concerns of the residents, and then consider a recommendation for City Council approval.

VI. Adjournment

Public Participation

The Traffic Pedestrian and Bicycle Safety (TPBS) 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 TPBS Committee allows speakers to speak on agendized and non-agendized matters under public comment. Comments are limited to no more than 5 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 TPBS Committee.

Disabled Access

In compliance with the Americans with Disabilities Act (ADA), if you need special assistance to participate in this meeting, please contact Anne Cardwell, the ADA Coordinator at (707) 746-4200. 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 the TPBS 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 TPBS Committee.

Public Records

The agenda packet for this meeting is available at the Public Works Department, City Clerk's Office and the Benicia Public Library during regular work 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." ***If you wish to submit written information on an agenda item, please submit to Kathy Trinque, Administrative Secretary, by 5:00 pm, Wednesday, April 18, 2012 for distribution to Committee Members.***

AGENDA ITEM
CITY COUNCIL MEETING: OCTOBER 16, 2012
COUNCIL MEMBER COMMITTEE REPORTS

DATE : October 10, 2012

TO : Vice Mayor Campbell
Council Member Schwartzman

FROM : City Manager

SUBJECT : **TRI-CITY AND COUNTY COOPERATIVE PLANNING GROUP**

The following information is provided for your committee report at the October 16, 2012 Council meeting.

The Tri-City and County Cooperative Planning Group last met on June 11, 2012. The meeting set for September 10 was canceled due to a lack of quorum.

Remaining meetings for this calendar year:

- Monday, December 10, 2012

AGENDA ITEM
CITY COUNCIL MEETING: OCTOBER 16, 2012
COUNCIL MEMBER COMMITTEE REPORTS

DATE : October 10, 2012

TO : Mayor Patterson
Council Member Hughes

FROM : City Manager

SUBJECT : **VALERO COMMUNITY ADVISORY PANEL (CAP)**

The following information is provided for your committee report at the October 16, 2012 Council meeting.

The CAP meets quarterly at 6:30 p.m. at the refinery at 610 Industrial Way. The meeting scheduled to be held on October 10, 2012 was cancelled.

AGENDA ITEM
CITY COUNCIL MEETING: OCTOBER 16, 2012
COUNCIL MEMBER COMMITTEE REPORT

DATE : October 10, 2012

TO : Mayor Elizabeth Patterson
Council Member Christina Strawbridge
Council Member Mark Hughes

FROM : Youth Action Coalition

SUBJECT : **YOUTH ACTION COALITION**

The Benicia Youth Action Coalition met on September 26, 2012. The minutes of the meeting are attached.

Next BYAC meeting, October 24th , 3:30 in the Commission Room

BENICIA YOUTH ACTION COALITION
SEPTEMBER 26, 2012
MINUTES

Present

Jerry Pollard	Chairman, Faith/Police Chaplain
Gary Wing	Vice Chair, Member at Large (Crisis/Faith)
Karen LaRiviere	Parent/BHS Site Council
Michael Gardner	Asst. Superintendent, BUSD
Ted Criado	Detective, Youth Services, Benicia Police Dept.
Roger Yokoi	Sergeant, Investigation, Benicia Police
Jim Trimble	Liberty High Mentor/Retired Police Chief/Rotary
Ken Davena	Parent/Retired Police Captain
Allison Angel	Youth Librarian
Donna Martin	Youth and Family Services
Annie Lloyd	Retired Teacher/City Commission
Jasmine Broadman	Youth Commission
Spence Rundberg	Community Member
Ann Dunleavy	Superintendent, Parks/Community Services
Kelli Leiner	School Psychologist-BUSD
Patti Baron	BYAC Coordinator

Call to Order:

Chairman Jerry Pollard called the meeting to order at 3:35 p.m. Jerry referred to the Fundamental Rights of the Public.

Approve Agenda: The agenda was approved as submitted.

Motion: Gary Wing Second: Ann Dunleavy Approved: unanimous

Approve Minutes: The minutes of the August 22nd meeting were approved as submitted.

Motion: Ted Criado Second: Annie Lloyd Approved: unanimous

Prescription Drug Teen Abuse Summit: Chairman Jerry reported that he along with Patti, Susan Ferdinandi, Det. Ted Criado, Det. Greg Rouse, SRO's Will Patterson and Sam Peterson attended the Sacramento summit. Jerry reported the summit was excellent and asked Det. Ted Craido to comment. Ted agreed the summit was outstanding and reported the national statistics indicate kids that get into taking prescription drugs becomes a gateway to heroin use. He said kids don't see prescription drugs as a bad thing. They see their parents, family members, rock stars, celebrities all taking prescription drugs, it's more acceptable. The national stats also indicate hydrocodone is the #1 abused prescription drugs by kids. He said kids are starting earlier in middle school addicted to some kind of prescription drug. Patti also talked about the national problem with pain clinics opening up everywhere and has become doctors operating as drug dealers. Communities need to be aware of these pain clinics and watch how they are conducting business. Jim Trimble suggested sending a letter of concern to the City/Council to look at how our business license and permit procedure is handled for pain clinics.

Events/Marketing Efforts:

Patti reported setting up the BYAC information booth at Liberty, BHS and the Middle School Parent Back to School Nights. Patti thanked Gary Wing, Susan Ferdinandi, and Ariana Chaney and the Youth Commission students for helping with the booth. Patti thanked the schools for allowing BYAC to be at the events. Patti added that they handed out packets with the parent ATOD information brochures.

Drug Take Back: Chairman Jerry reported the Police Department/BYAC will participate in the national Prescription Drug Take Back event on Saturday, Sept. 29th. Patti reported participating in the County's joint advertising campaign with several full page ads in the local papers. Fliers and posters were hand delivered and posted in over 60 local businesses, including pharmacies, senior centers, library, etc. Patti hopes with the increased publicity there will be a bigger community participation.

Red Ribbon Week: Patti reported this year's national Red Ribbon Week is October 23-31. The Youth Commission has agreed to help in tying red ribbons on the downtown trees. There will be a City Council Proclamation, press releases, police vehicles and officers will display red ribbons. The schools will have various activities relating to the event. Donna Martin reported she helps to sponsor student activities at Liberty. Patti indicated there are red ribbon wrist bands from last year and will provide them to Liberty and the High School.

Solano County 100 Best Communities Award: Patti reported that Council member Christina Strawbridge couldn't be at today's meeting but wanted to share some information. Solano County recently won the 100 Best Communities for Youth Program. Councilmember Strawbridge was at a recent Solano County Economic Development meeting, and that group acknowledged all the hard work by the local City Teams and especially Benicia's Youth Action Coalition.

Medical Leave: Patti stated she will be on medical leave from November through the first of the year. Chairman Jerry stated the group usually combines the Nov/Dec BYAC meeting because of the holidays and suggested not meeting until Patti is back in January. The group agreed not to meet. Gary Wing suggested the Coalition could meet if something was pending.

Public Comments: None

Member Comments: None

Next meeting: October 24th is the next meeting, the general meeting will be held from 3:30-4:15 and the Executive Committee will meet on the budget from 4:15-5:00.

Adjourn: The meeting was adjourned at 4:50 p.m.

**AGENDA ITEM
CITY COUNCIL MEETING: OCTOBER 16, 2012
COUNCIL MEMBER COMMITTEE REPORTS**

DATE : October 10, 2012
TO : City Council
FROM : Mayor Patterson
SUBJECT : **ABAG/CAL FED TASK FORCE/BAY AREA WATER FORUM**

The following information is provided for your committee report at the October 16, 2012 City Council meeting.

The Bay Area Water Forum's last meeting was held on March 26, 2012.

This was the last meeting of the Bay Area Water Forum for 2012, due to a lack of funding.

AGENDA ITEM
CITY COUNCIL MEETING: OCTOBER 16, 2012
COUNCIL MEMBER COMMITTEE REPORTS

DATE : October 9, 2012

TO : Mayor Patterson
Council Member Hughes
Council Member Schwartzman

FROM : Finance Director

SUBJECT : **SOLANO COUNTY TRANSIT BOARD MEETING**

The following information is provided for your committee report at the October 16, 2012 Council meeting.

The Solano County Transit Joint Powers Authority held a regular meeting on September 20, 2012 in the City of Benicia City Council Chambers. The meeting agenda is attached for your review; the meeting highlights were not available at the time this report was prepared. The meeting highlights from the August 16, 2012 were not available at the time the September 18, 2012 reports were prepared and are attached.

The next regular meeting of the SolTrans Board is scheduled for Thursday, October 18, 2012 at 6:30 p.m. and will be held in the City of Benicia City Council Chambers.

Attachment:

- August 16, 2012 Soltrans Board Meeting Highlights
- September 20, 2012 SolTrans Board Meeting Agenda



SOLANO COUNTY TRANSIT
SolTrans Board Meeting Highlights
4:00 p.m., August 16, 2012

TO: City Council of Benicia and Vallejo, and STA Board
(Attn: City Clerks and STA Clerk of the Board)
FROM: Suzanne Fredriksen, SolTrans Clerk of the Board
RE: Summary Actions of the August 16, 2012 SolTrans Board Meeting

Following is a summary of the actions taken by SolTrans at the Board Meeting of August 16, 2012. If you have any questions regarding specific items, please call me at the following number:
(707) 648-4046.

BOARD MEMBERS PRESENT:

Elizabeth Patterson, Mayor	City of Benicia, Chair
Erin Hannigan, Vice Mayor	City of Vallejo, Vice Chair
Mark Hughes, Councilmember	City of Benicia
Osby Davis, Mayor	City of Vallejo
Jim Spering, Supervisor, County of Solano	MTC Representative

BOARD MEMBERS ABSENT:

Harry Price, Mayor	Ex-Officio – STA Representative
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5. Report from the General Manager

CONSENT CALENDAR

On a motion by Director Spering, and a second by Director Hughes, the SolTrans JPA Board approved Consent Calendar Items 6a through 6c.

6a. Meeting Minutes of July 19, 2012

Recommendation:

Approve the meeting minutes of July 19, 2012.

6b. Approval of Participation in the Golden State Risk Management Authority for Insurance and Risk Management Services

Recommendation:

1. Authorize participation in the Golden State Risk Management Authority and authorize the Chair to execute the agreement;
2. Approve a Resolution authorizing application to the Director of Industrial Relations, State of California for a Certificate of Consent to Self-Insure Workers Compensation Liabilities program;
3. Delegate execution authority to SolTrans Legal Counsel for all other agreements related to insurance.

6c. On-Call Professional Services RFP

Recommendation:

Authorize the General Manager to release the RFP for on-call professional services.

REGULAR CALENDAR

ACTION ITEMS

7. Fiscal Year 2012-13 Service Contract Extension with MV Transportation

After discussion and further consideration, the SolTrans JPA Board voted to amend the recommendation as follows:

Recommendation:

- 1- Authorize the General Manager to execute a second contract extension with MV Transportation for the period of September 1, 2012 through June 30, 2013;
- 2- Authorize a total FY 2012-13 contract amount for MV Transportation (July 1, 2012 – June 30, 2013) in an amount not to exceed \$7,945,253, which would reflect the total sum of costs associated with the first and second contract extensions;
- 3- Authorize an increase in the FY 2012-13 appropriations by \$360,253, from \$7,600,000 to \$7,960,253, for the service contract with MV Transportation, which would include a \$15,000 contract contingency, and a commensurate increase in operating revenues with one-time transition funds from MTC, and;
- 4- Delegate authority to the General Manager to spend the appropriation and amend the contract as needed.
- 5- *Direct staff to provide monthly reports detailing on-time performance, metrics on break-downs and subsequent service interruptions, as well as the cleanliness of the buses and other customer service related aspects.*

On a motion by Director Spering and a second by Director Hughes, the SolTrans JPA Board unanimously approved the recommendation as amended, shown above in ***bold italics***.

8. Route 78 Status Update

Recommendation

Authorize staff to continue to analyze route data, develop a proposed schedule to improve the route's cost-efficiency and farebox recovery, gather public input on the proposal, and seek approval from the Solano Transportation Authority (STA) Intercity Transit Consortium and the Board before returning to the SolTrans Board for final approval.

On a motion by Director Davis and a second by Director Spring, the SolTrans JPA Board unanimously approved the recommendation.

9. Fiscal Year 2012-13 SolTrans Performance Measures

Recommendation:

Approve the SolTrans Performance Goals and Objectives for FY 2012-13 and require that the General Manager return to the Board in September 2012 with a further refined set of goals and objectives that include specific performance measures and/or project milestones that are quantifiable.

Board of Directors Comments:

Director Hughes proposed that Goal #2 be revised as follows:

Goal: ~~Stabalize~~ **Improve** the financial health of SolTrans as required for providing transit services that meet the needs of the citizens of the cities of Benicia and Vallejo.

Director Spring requested that stronger language be added to the goals regarding the achievement of a clean, safe, and reliable system.

On a motion by Vice Chair Hannigan and a second by Director Spring, the SolTrans JPA Board unanimously approved the recommendation to include the revision to Goal #2 shown above in ~~strikethrough~~ **bold italics**, and to include an objective with strategies and goals for a clean, safe, and reliable system.

NON-ACTION/ INFORMATIONAL ITEMS

- 10. Fiscal Year 2011-12 Year-end Fixed Route Ridership Reports**
- 11. Presentation on Proposed SolTrans Retirement Benefits Plan**
- 12. SolTrans Back-to-School Community Event**

STAFF BRIEFINGS

- 13. Bus Shelter Project Update**

14. BOARD OF DIRECTORS COMMENTS

15. ADJOURNMENT

The meeting was adjourned at 5:45 p.m. The next regular meeting of the SolTrans Board is *tentatively* scheduled *as one of two annual evening meetings* to occur on **Thursday, September 20, 2012, 6:30 p.m., Benicia Council Chambers.**



**BOARD MEETING AGENDA
6:30 p.m., Regular Meeting
Thursday, September 20, 2012
Benicia Council Chambers**

Public Comment: Pursuant to the Brown Act, the public has an opportunity to speak on any matter on the agenda or, for matters not on the agenda, issues within the subject matter jurisdiction of the agency. Comments are limited to no more than 3 minutes per speaker unless modified by the Board Chair, Gov't Code § 54954.3(a). By law, no action may be taken on any item raised during the public comment period (Agenda Item IV) although informational answers to questions may be given and matters may be referred to staff for placement on a future agenda of the agency.

Americans with Disabilities Act (ADA): This agenda is available upon request in alternative formats to persons with a disability, as required by the ADA of 1990 (42 U.S.C. §12132) and the Ralph M. Brown Act (Cal. Govt. Code §54954.2). Persons requesting a disability related modification or accommodation should contact Suzanne Fredriksen, Interim Clerk of the Board, at (707) 648-4046 during regular business hours at least 24 hours prior to the time of the meeting.

Staff Reports: Staff reports are available for inspection at the SolTrans office, during regular business hours, 8:00 a.m. to 5:00 p.m., Monday-Friday. You may also contact the Clerk of the Board via email at suzanne@soltransride.com.

Supplemental Reports: Any reports or other materials that are issued after the agenda has been distributed may be reviewed by contacting the SolTrans Clerk of the Board and copies of any such supplemental materials will be available on the table at the entry to the meeting room.

Agenda Times: Times set forth on the agenda are estimates. Items may be heard before or after the times shown.

ITEM

BOARD/STAFF PERSON

- 1. CALL TO ORDER/PLEDGE OF ALLEGIANCE**
(6:30 – 6:35 p.m.)

Elizabeth Patterson, Mayor
City of Benicia

- 2. CONFIRM QUORUM/ STATEMENT OF CONFLICT**

Suzanne Fredriksen
Clerk of the Board

An official who has a conflict must, prior to consideration of the decision; (1) publicly identify in detail the financial interest that causes the conflict; (2) recuse himself/herself from discussing and voting on the matter; (3) leave the room until after the decision has been made. Cal. Gov't Code § 87200.

- 3. APPROVAL OF AGENDA**

SOLTRANS BOARD MEMBERS

Elizabeth Patterson	Mark Hughes	Erin Hannigan	Osby Davis	Jim Spering	Harry Price
City of Benicia	City of Benicia	City of Vallejo	City of Vallejo	MTC Representative	STA Ex-Officio
Alternate Board Member Alan Schwartzman		Alternate Board Member Stephanie Gomes			

4. OPPORTUNITY FOR PUBLIC COMMENT
(6:35 – 6:40 p.m.)

5. REPORT FROM THE GENERAL MANAGER
Pg. 1
(6:40 – 6:45 p.m.)

Mona Babauta

PROCLAMATIONS & PRESENTATIONS

CONSENT CALENDAR

Recommendation:

Approve the following consent items in one motion.

(Note: Items under consent calendar may be removed for separate discussion.)

(6:45 – 6:50 p.m.)

6a. Meeting Minutes of August 16, 2012

Recommendation:

Approve the meeting minutes of August 16, 2012.

Pg. 35

Suzanne Fredriksen,
Clerk of the Board

6b. Meeting Minutes of September 5, 2012 Public Advisory Committee

Recommendation:

Approve the meeting minutes of September 5, 2012.

Pg. 43

Suzanne Fredriksen,
Clerk of the Board

6c. Meeting Minutes of September 7, 2012 Technical Advisory Committee

Recommendation:

Approve the meeting minutes of September 7, 2012.

Pg. 47

Suzanne Fredriksen,
Clerk of the Board

6d. Resolution Authorizing the General Manager to Accept Grants Conveying Interests in Real Property to Solano County Transit

Recommendation:

Approve Resolution No. 2012-09 authorizing the General Manager to accept and consent to grants conveying interests in real property to Solano County Transit.

Pg. 51

Bernadette Curry,
Legal Counsel

6e. Solano Express Route 78 Agreement with Solano Transportation Authority

Recommendation:

Authorize the General Manager to execute an Agreement with the Solano Transportation Authority for the continued operation of the Route 78 Solano Express commuter bus service.

Pg. 55

Mona Babauta,
General Manager

- 6f. Fiscal Year 2012-13 SolTrans Performance Measures**
Recommendation:
Approve the FY 2012-13 Performance Measures for Solano County Transit.
Pg. 57 Mona Babauta,
General Manager
- 6g. Debt Retirement Payment to City of Benicia**
Recommendation:
 - 1) *Authorize the General Manager to pay the invoice from the City of Benicia in an amount not to exceed \$121,621 for the total debt retirement payment request.*
 - 2) *Authorize the General Manager to finance the debt retirement payment with an equal amount in one-time transition funding from the Metropolitan Transportation Commission.***Pg. 75** Mona Babauta,
General Manager
- 6h. Resolution SolTrans Retirement Benefits Plan**
Recommendation:
 - 1) *Approve subject resolution adopting the PARS Defined Contribution Plan for the Agency and authorize the General Manager to execute any and all documents to establish the Defined Benefit Plan with PARS; and*
 - 2) *To award contract to PARS for the administration and management of the PARS Plan Trust for a one-time set-up fee of \$3,000 and an annual amount of \$7,200; and*
 - 3) *Authorize the General Manager to execute actuarial every two years.***Pg. 77** Joy Apilado,
STA
- 6i. July-August 2012 Ridership Report**
Recommendation:
Informational.
Pg. 83 Philip Kamhi,
Finance Officer
- 6j. Solano Express Marketing & Rebranding Budget**
Recommendation:
Authorize the General Manager to issue Requests for Proposals (RFP) for the procurement of new SolTrans bus stop signs, vehicle graphics and associated decals, and for activities required for the completion of the SolTrans Rebranding Project.
Pg. 97 Ward Stewart,
Project Manager

REGULAR CALENDAR

ACTION ITEMS

7. Programming of Federal Transit Administration Funds

Recommendation:

Approve resolution authorizing the General Manager to file and execute Section 5307 grant applications with the MTC for Operating Assistance, Bus Purchase, and Technology Enhancements.

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(6:50 – 7:05 p.m.)

Mona Babauta,
General Manager

8. Capital Budget Approval

Recommendation:

- 1) *Approve the FY 2012-13 SolTrans Capital Budget in the total amount of \$7,746,124.*
- 2) *Authorize staff to issue Requests for Proposals (RFP) or Invitations for Bid (IFB) for implementing the projects contained in the FY 2012-13 Capital Budget with the requirement that staff return to the Board for approval of any final contracts prior to proceeding with project implementation.*

(7:05 – 7:20 p.m.)

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Philip Kamhi,
Finance Officer

NON-ACTION/ INFORMATIONAL ITEMS

STAFF BRIEFINGS

This time is reserved for SolTrans staff to provide a five-minute briefing to the Board on various items of interest. No action will be taken on these matters except to possibly place a particular item on a future agenda for Board consideration.

9. SolTrans Back-to-School Community Event

Recommendation:

Informational.

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(7:20 – 7:25 p.m.)

Ward Stewart,
Project Manager

10. BOARD OF DIRECTORS COMMENTS

11. ADJOURNMENT

The next regular meeting of the SolTrans Board is *tentatively* scheduled for **Thursday, October 18, 2012, 4:00 p.m., Vallejo Council Chambers.**