



**BENICIA CITY COUNCIL  
REGULAR MEETING AGENDA**

**City Council Chambers  
December 07, 2010  
7:00 PM**

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

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

**II. CLOSED SESSION:**

**III. CONVENE OPEN SESSION:**

**A. ROLL CALL.**

**B. PLEDGE OF ALLEGIANCE.**

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

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

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

**A. ANNOUNCEMENTS.**

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

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

Sky Valley Open Space Committee:  
Four full terms to January 31, 2015

Civil Service Commission:  
Two full terms to January 31, 2015

Planning Commission:  
Two full terms to January 31, 2015

Parks, Recreation and Cemetery Commission:  
Three full terms to January 31, 2015

Building Board of Appeals:  
Three full terms to January 31, 2015

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

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

**B. APPOINTMENTS.**

**C. PRESENTATIONS.**

**D. PROCLAMATIONS.**

**V. ADOPTION OF AGENDA:**

**VI. OPPORTUNITY FOR PUBLIC COMMENT:**

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

**A. WRITTEN COMMENT.**

**B. PUBLIC COMMENT.**

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

Items listed on the Consent Calendar are considered routine and will be enacted, approved or adopted by one motion unless a request for removal or explanation is

received from a Council Member, staff or member of the public. Items removed from the Consent Calendar shall be considered immediately following the adoption of the Consent Calendar.

- A. Approval of Minutes for the Special meeting of November 9, 2010 and the Special and Regular meeting of November 16, 2010. (City Clerk).**
  
- B. SECOND READING AND ADOPTION OF AN ORDINANCE AMENDING THE BENICIA MUNICIPAL CODE TO INCORPORATE BUILDING CODE REVISIONS AND TO ADJUST BUILDING INSPECTION FEES. (Public Works and Community Development Director)**

On November 16, 2010, City Council introduced and conducted the first reading of an ordinance to amend Title 15 Buildings and Construction of the Benicia Municipal Code. The proposed action is the second reading and adoption of the ordinance. The State of California updates the Building standards every three years. The City then adopts the codes, with certain amendments, to adapt the codes to address specific City of Benicia needs.

**Recommendation: Adopt the ordinance amending the following chapters of Title 15 Buildings and Construction of the Benicia Municipal Code pursuant to Statewide code updates and providing for certain amendments required to address local conditions.**

- C. SECOND READING AND ADOPTION OF AN ORDINANCE AMENDING THE CITY OF BENICIA FIRE PREVENTION AND LIFE SAFETY CODE. (Fire Chief)**

In order to adopt the most recent version of the California Fire Code, an ordinance is required to accommodate local conditions. The 2010 edition of the California Fire Code (2009 International Fire Code as amended by the State of California), regulates and governs the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises in the City of Benicia. The proposed ordinance will adopt the 2010 edition of the California Fire Code.

**Recommendation: Adopt the ordinance to amend the Benicia Municipal Code by amending the following chapters of Title 8 Health and Safety, Chapter 8.28 pursuant to Statewide code updates and providing for certain amendments required to address local conditions.**

**D. AUTHORIZATION OF THE ANNUAL APPLICATION FOR TRANSPORTATION DEVELOPMENT ACT FUNDS TO OPERATE BENICIA BREEZE FOR FISCAL YEAR 2010-2011. (Finance Director)**

Each year the City files an application with MTC for TDA funds to support the City's transit operation called Benicia Breeze. The Transit Fund is an enterprise fund that depends solely on TDA allocations, fare revenue, bus advertising revenue and other Federal Transit Administration grants. The claim of \$703,337 will be used for Fixed Routes, Flex Routes and Paratransit Service in FY 2010-11.

**Recommendation: Adopt the resolution authorizing the Finance Director to file an application with the Metropolitan Transportation Commission (MTC) for Transportation Development Act (TDA) funds to operate Benicia Breeze for Fiscal Year 2010-2011.**

**E. FIRST READING AND INTRODUCTION OF AN ORDINANCE AMENDING SECTION 9.28.040 OF CHAPTER 9.28 (YOUTH PROTECTION) OF ARTICLE I (NIGHTTIME CURFEW) OF TITLE 9 (PUBLIC PEACE, MORALS AND WELFARE) OF THE MUNICIPAL CODE AND SECTION 9.28.100 OF CHAPTER 9.28 (YOUTH PROTECTION) OF ARTICLE II (DAYTIME CURFEW) OF TITLE 9 (PUBLIC PEACE, MORALS AND WELFARE) OF THE MUNICIPAL CODE. (Police Chief)**

In a recent California Court of Appeals case (In re A.G., 2010 WL 378098 (Cal. App. 4th Dist)), the Fourth District Court of Appeal ruled San Diego's curfew ordinance unconstitutional on February 4, 2010. Changes to Chapter 9.28 of the Municipal code are necessary to comply with this ruling.

**Recommendation: First reading and introduction of an ordinance amending Section 9.28.040 of chapter 9.28 (Youth Protection) of Article I (Nighttime Curfew) of Title 9 (Public Peace, Morals and Welfare) and Section 9.28.100 of chapter 9.28 (Youth Protection) of Article II (Daytime Curfew) of Title 9 (Public Peace, Morals and Welfare), to include language consistent with recent case law.**

**F. APPROVE THE LEASE AGREEMENT BETWEEN THE CITY OF BENICIA AND JUAN VALLEJO FOR 356 E. I STREET. (Economic Development Manager)**

The existing lease with Juan Vallejo for the house at 356 E. I Street expired on December 31, 2009. The proposed new lease amends the existing lease agreement to a month-to-month tenancy while the City considers the feasibility of another use for the property. For the past year the City and Mr. Vallejo have continued their landlord/tenant relationship per the terms of the expired lease

agreement. Mr. Vallejo is current with all rent payments.

**Recommendation: Approve a new lease agreement, which is an extension to the lease agreement between the City of Benicia and Juan Vallejo, amending it to a month-to-month tenancy.**

**G. RECLASSIFY THREE FIREFIGHTER/PARAMEDIC POSITIONS TO THREE FIRE ENGINEERS. (Fire Chief)**

Fire Engineers are the certified and qualified driver operators assigned to operate heavy fire apparatus. Having a Fire Engineer as part of the rescue crew allows response of the crew in a variety of fire apparatus. These apparatus include the ladder truck, water tender, type 1 engine and rescue vehicle. Reclassifying three Firefighter/Paramedics as Fire Engineers will expand our emergency service delivery system by getting needed apparatus and equipment to the scene of emergencies with qualified driver operators, Fire Engineers. The candidates on the current Fire Engineer eligibility list are all Firefighter/Paramedics. The cost of a Firefighter/Paramedic and Fire Engineer are equal, therefore there will be no budget impact as a result of these reclassifications.

**Recommendation: Adopt the resolution reclassifying three Firefighter/Paramedics to three Fire Engineers.**

**H. APPROVE AMENDMENTS REGARDING NECESSARY ADMINISTRATIVE CHANGES DUE TO IRS REQUIREMENTS TO APPLICABLE LABOR AGREEMENTS. (Administrative Services Director)**

The City current MOU's for certain employee groups have historically had provisions that allowed for employees to voluntarily make contributions into a Retiree Medical Savings program, Vantage Care, with cash outs of unused leave benefits. The City's vendor has advised it that this type of voluntary plan does not meet Internal Revenue Service requirements and would need to be eliminated by December 2010 for bargaining groups whose MOU's expire before that date. To comply with the IRS requirement, revisions in the current MOU are required. The choice for each bargaining unit was to either eliminate any voluntary payment into the Retiree Medical Savings program or to make the employee payment into the program mandatory for all current and future bargaining unit members. The City has consulted with the various employee groups about how they wished to amend their MOU and the attached revised language reflects the desires of the individual groups. Local 1 and the Senior Managers have made the decision to eliminate any contributions into the program, while Middle Managers and Police Managers have made it mandatory for all unit members. There is no budget impact associated with this action.

**Recommendation: Adopt the resolution approving the amendments to Memorandums of Understanding with Senior Managers, Middle Managers, Police Managers and Local 1, effective December 2010 regarding administrative changes to comply with IRS regulations.**

**I. DENIAL OF THE CLAIM AGAINST THE CITY BY ALMA FOSTER AND REFERRAL TO INSURANCE CARRIER. (City Attorney)**

Claimant alleges that her windshield was damaged during the month of April 2010 while the street was being repaired and sealed in preparation of full black top of street. Claimant alleges that she was not instructed to move her vehicle while the work was being done.

**Recommendation: Deny the claim against the City by Alma Foster.**

**J. ADOPTION OF A RESOLUTION TO DECLARE THAT THE CITY OF BENICIA WILL BECOME A HEALTHY EATING ACTIVE LIVING (HEAL) CITY. (Administrative Services Director)**

Cities and their residents face increased health care costs and diminished quality of life due to the increasing rate of obesity. City leaders across California are addressing the crisis by implementing land use and employee policies which encourage physical activity and nutritious eating.

**Recommendation: Adopt a resolution declaring the City of Benicia a Healthy Eating, Active Living (HEAL) City.**

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

**VIII. PUBLIC HEARINGS:**

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.

**IX. ACTION ITEMS (7:30 PM):**

**A. REVIEW OF PROPOSED YEAR-END BUDGET ADJUSTMENTS FOR FISCAL YEAR 2009-10 AND MID-CYCLE ADJUSTMENTS FOR FISCAL YEAR 2010-11. (Finance Director)**

The City Council approved the FY 2009-11 Municipal Budgets on June 30, 2009 and instructed the City Manager to provide budget updates whenever significant events occur. On September 21, the City Council approved \$1.1

million in additional budget reduction measures and instructed the City Manager to return in December with a more complete listing of all budgetary impacts and recommendations for further modifications. The attached budget documents include a listing of closing budget adjustments for FY 2009-10, following the independent audit completed in early November, and a collection of the September budget reduction measures and other non-discretionary revenue and expenditure changes projected for FY 2010-11.

The combined budget adjustments yield a Balanced Operating Budget for FY 2010-11 and maintain the 20% Undesignated Reserve of \$6.3 million, as prescribed by Council Policy. While the balanced budget represents a large achievement for the City, there is still one large revenue item pending. The County Assessor has warned that further reductions in commercial and industrial property taxes are due shortly but, as of the writing of this report, the amounts remain unknown. Staff estimates the amounts could rise to an additional \$350,000 in property losses and require that additional budget reduction measures be implemented prior to the end of the fiscal year. Options for achieving additional budget reductions will be addressed once the amount of the budget losses are known and the new City Manager is on board. It is also recommended the Council defer consideration of restoration of funding where cuts have occurred until property tax losses are known.

**Recommendation: Adopt a resolution approving year-end budget adjustments for FY 2009-10 and mid-cycle budget adjustments for FY 2010-11. The actions maintain a Balanced Budget and a 20% Undesignated Fund Balance Reserve.**

**B. ALLOCATION OF FUNDS FOR DESIGN AND CONSTRUCTION OF THE DOWNTOWN INTERMODAL PROJECT. (Public Works and Community Development Director)**

On October 19, 2010, Council approved site plans for the Downtown Intermodal Project and directed staff to proceed with design, environmental clearance and construction of improvements. The next step to achieve that direction is to request the final allocation of RM2 funding for the project.

**Recommendation: Adopt a resolution authorizing the Public Works and Community Development Director to request an allocation of \$2,908,000 of Regional Measure 2 (RM2) funds from the Metropolitan Transportation Commission (MTC) (approximately 55% of which will be spent on the Downtown portion of the project) for the design and construction phases of the Downtown Intermodal Project, and to execute any agreements, documents, or correspondence related to said RM2 funding request.**

**C. ALLOCATION OF FUNDS FOR DESIGN AND CONSTRUCTION OF THE WESTERN GATEWAY INTERMODAL PROJECT. (Public Works and**

## **Community Development Director)**

On October 19, 2010, Council approved site plans for the Western Gateway Intermodal Project and directed staff to proceed with design, environmental clearance and construction of improvements. The next step to achieve that direction is to request the final allocation of RM2 funding for the project.

**Recommendation: Adopt a resolution authorizing the Public Works and Community Development Director to request an allocation of \$2,908,000 of Regional Measure 2 (RM2) funds from the Metropolitan Transportation Commission (MTC) (approximately 45% of which will be spent on the Western Gateway portion of the project) for the design and construction phases of the Western Gateway Intermodal Project, and to execute any agreements, documents, or correspondence related to said RM2 funding request.**

## **X. INFORMATIONAL ITEMS (8:30 PM):**

### **A. City Manager Reports.**

#### **1. REPORT FROM THE COMMUNITY SUSTAINABILITY COMMISSION REGARDING THE 2010 - 2011 CLIMATE ACTION PLAN PRIORITIES. (Public Works and Community Development Director)**

Since the adoption of the Benicia Climate Action Plan (CAP) and formation of the Community Sustainability Commission (CSC) in 2009, the City has implemented a variety of strategies to help achieve greenhouse gas reduction goals. In addition CSC has approved 13 more CAP implementation strategies that the City will focus on beginning in 2011 and continuing until they are completed.

**RECOMMENDATION: Receive a presentation by the Community Sustainability Commission Chair and Vice-Chair regarding the Commission's objectives, accomplishments, and Climate Action Plan priorities for implementation.**

## **XI. COUNCIL MEMBERS REPORTS:**

### **A. Request to agendize a discussion regarding the Orange County proposal to form a new non-profit association to advocate on behalf of its members for the preservation and enhancement of local control.**

Mayor Patterson is requesting that the City Council consider agendizing a discussion regarding the Orange County proposal.

**Consider Mayor Patterson's request to agendize this topic for future City Council meeting.**

**XII. ADJOURNMENT (9:15 PM):**

**Public Participation**

The Benicia City Council welcomes public participation.

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

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

**Disabled Access**

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

**Meeting Procedures**

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

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

petition for administrative writ of mandate challenging any final City decisions regarding planning or zoning.

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

### **Public Records**

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

MINUTES OF THE  
SPECIAL MEETING – CITY COUNCIL  
November 09, 2010

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 6:00 p.m.

**II. CONVENE OPEN SESSION:**

**A. ROLL CALL**

Council Member Campbell was absent. He arrived at 6:03 p.m.

**B. PLEDGE OF ALLEGIANCE**

Mayor Patterson led the Pledge of Allegiance.

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

**III. OPPORTUNITY FOR PUBLIC COMMENT:**

**A. WRITTEN COMMENT**

**B. PUBLIC COMMENT**

None

**IV. CLOSED SESSION:**

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

**A. CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Government Code Section §54956.8)  
City owned property (City of Benicia Park Road Right of Way between Stone Road and East Second Street, i.e., the location of the "Nationwide" sign)**

**Negotiating parties: City Manager and Economic Development Manager - Instruction to negotiator on price and terms of payment.**

**B. CONFERENCE WITH LABOR NEGOTIATOR (Government Code**

**Section 54957.6 (a)**

**Agency negotiators: Council Subcommittee, City Manager,  
Administrative Services Director**

**Employee organizations: City Manager, Benicia Public Service  
Employees' Association (BPSEA), Police Officers Association  
(BPOA), Benicia Firefighters Association (BFA), Benicia Dispatchers  
Association (BDA), Police Management.**

**V. ADJOURNMENT:**

Mayor Patterson adjourned the meeting to Closed Session at 6:02 p.m.

MINUTES OF THE  
SPECIAL MEETING – CITY COUNCIL  
November 16, 2010

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 6:00 p.m.

**II. CONVENE OPEN SESSION:**

**A. ROLL CALL**

Council Member Hughes was absent. He arrived at 6:03 p.m.

**B. PLEDGE OF ALLEGIANCE**

Mayor Patterson led the Pledge of Allegiance.

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

**III. OPPORTUNITY FOR PUBLIC COMMENT:**

**A. WRITTEN COMMENT**

**B. PUBLIC COMMENT**

None

**IV. CLOSED SESSION:**

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

**A. CONFERENCE WITH LABOR NEGOTIATOR  
(Government Code Section 54957.6 (a)) Agency negotiators: City  
Manager, Administrative Services Director**

Employee organizations: Benicia Public Service Employees' Association (BPSEA), Police Officers Association (BPOA), Benicia Firefighters Association (BFA), Benicia Dispatchers Association (BDA), Police Management.

**B. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION  
Significant exposure to litigation pursuant to subdivision (b) of**

**Section 54956.9**

Number of potential cases: 2

**V. ADJOURNMENT:**

Mayor Patterson adjourned the meeting to Closed Session at 6:02 p.m.

MINUTES OF THE  
REGULAR MEETING – CITY COUNCIL  
November 16, 2010

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 7:13 p.m.

**II. CLOSED SESSION:**

**III. CONVENE OPEN SESSION:**

**A. ROLL CALL**

All Council Members were present.

**B. PLEDGE OF ALLEGIANCE**

Jim Erickson led the Pledge of Allegiance.

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

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

**A. ANNOUNCEMENTS**

**1. Announcement of action taken at Closed Session:**

Ms. McLaughlin reported that Council received information from Staff on all items.

Mayor Patterson discussed she and Vice Mayor Schwartzman's attendance at the ceremonies for the deployment of the 749th Combat Support Sustainment Battalion.

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

Sky Valley Open Space Committee:  
One unexpired term to January 31, 2011

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

**B. APPOINTMENTS**

**C. PRESENTATIONS**

**D. PROCLAMATIONS**

**1. In Recognition of Lung Cancer Awareness Month**

**2. In Recognition of Jim Erickson**

Mayor Patterson presented the proclamation and a gift to Jim and his wife, Patty.

**V. ADOPTION OF AGENDA:**

On motion of Vice Mayor Schwartzman, seconded by Council Member Hughes, Council adopted the Agenda, as presented, on roll call by the following vote:  
Ayes: Patterson, Schwartzman, Campbell, Hughes, Ioakimedes  
Noes: (None)

**VI. OPPORTUNITY FOR PUBLIC COMMENT:**

**A. WRITTEN COMMENT**

Seven items submitted (copies on file). Ms. McLaughlin confirmed none of the items submitted were considered substantial changes to the agenda items.

**B. PUBLIC COMMENT**

Mark Hajjar - Mr. Hajjar requested Council give some consideration to the property owners in the Arsenal regarding the DTSC item. He would like there to be some sort of public forum they could attend where they could have a clear and open dialogue.

Larry Fullington - Mr. Fullington commended Mr. Erickson on his service to Benicia. He discussed the new bicycle racks that were recently placed in the Downtown area. He did not think they were consistent with the historic atmosphere of Benicia. Staff confirmed they would bring the issue to the HPRC for review.

Toni Haughey - Ms. Haughey announced the upcoming events at the Benicia Historical Museum. The museum will have a Christmas tree lot this year.

**VII. CONSENT CALENDAR:**

Council pulled items VII-B and VII-C for discussion.

On motion of Vice Mayor 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, Ioakimedes  
Noes: (None)

**A. Approval of Minutes for Special and Regular meeting of November 2,**

2010

**B. REDUCTION OF \$20,000 FROM ARTS AND CULTURE GRANTEES DURING 2010-11 FISCAL YEAR**

Jim Erickson, City Manager, and Rob Sousa, Finance Director, reviewed the staff report.

Council and Staff discussed budget and funding concerns. Council discussed the need to broaden the discussion for the meeting in December to include the links between arts and tourism.

On motion of Council Member Hughes, seconded by Council Member loakimedes, Council approved the reduction of \$20,000 from Arts and Culture Grantees during 2010-11 Fiscal Year, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

**C. MILLS ACT CONTRACT FOR 395 WEST J STREET**

Council Member Hughes requested Council defer this item until after the first Action Item (Update on the Mills Act), as the outcome of that item would most likely have an effect on this agenda item. It was motioned by Council Member Hughes, seconded by Vice Mayor Schwartzman, to defer the discussion on this item until after item IX-A. The motion was carried unanimously.

RESOLUTION 10-152 - A RESOLUTION DIRECTING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A MILLS ACT CONTRACT FOR 395 WEST J STREET IN THE CITY OF BENICIA

Gina Eleccion, Management Analyst, reviewed the staff report.

Vice Mayor Schwartzman discussed the need to update the effective date listed on page VII-C-10. He and Staff discussed tax reductions the property owner will see in the 2011-12 year.

Public Comment

None

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

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

**D. APPOINTMENT OF AN ACTING CITY MANAGER**

RESOLUTION 10-148 - A RESOLUTION APPOINTING POLICE CHIEF SANDRA SPAGNOLI AS ACTING CITY MANAGER

**E. APPROVE THE JULY 1, 2010 TO JUNE 30, 2012 AMENDMENTS TO THE LABOR AGREEMENT WITH POLICE MANAGEMENT EMPLOYEES**

RESOLUTION 10-149 - A RESOLUTION APPROVING THE JULY 1, 2010 TO JUNE 30, 2012 AMENDMENTS TO THE LABOR AGREEMENT WITH POLICE MANAGEMENT

**F. APPROVE THE JULY 1, 2010 TO JUNE 30, 2012 AMENDMENTS TO THE LABOR AGREEMENT BENICIA DISPATCHERS ASSOCIATION**

RESOLUTION 10-150 - A RESOLUTION APPROVING THE JULY 1, 2010 TO JUNE 30, 2012 AMENDMENTS TO THE LABOR AGREEMENT WITH BENICIA DISPATCHERS ASSOCIATION

**G. CANCELLATION OF THE DECEMBER 21, 2010 CITY COUNCIL MEETING**

**H. DENIAL OF CLAIM AGAINST THE CITY BY WILLIE JOHNSON, JR. AND REFERRAL TO INSURANCE CARRIER**

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

**VIII. PUBLIC HEARINGS:**

**A. FIRST READING OF AN ORDINANCE AMENDING THE BENICIA FIRE PREVENTION AND LIFE SAFETY CODE**

Fire Marshall Ray Iverson reviewed the staff report.

Council Member loakimedes and Staff discussed clarification on the dates listed in the ordinance and staff report, the ordinance being in compliance with State of California, and the issue of smoke detectors.

Public Hearing Opened

Public Comment:

None

Public Hearing Closed

On motion of Council Member Hughes, seconded by Vice Mayor Schwartzman, Council approved the Introduction and First Reading of an Ordinance amending the Benicia Fire Prevention and Life Safety Code, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

**B. FIRST READING OF AN ORDINANCE AMENDING THE BENICIA MUNICIPAL CODE TO INCORPORATE BUILDING CODE REVISIONS AND TO ADJUST BUILDING INSPECTION FEES**

Harvey Higgs, Building Official, reviewed the staff report and a PowerPoint presentation (copy on file).

Council and Staff discussed the issue of smoke detectors and automatic sprinklers, notifying the public about various requirements, separate building codes for historic buildings, green codes for historic buildings, carbon monoxide monitor requirements, water pipes in concrete slabs, and fees for electrical hook-up for solar panels.

Public Hearing Opened

Public Comment:

None

Public Hearing Closed

On motion of Council Member Hughes, seconded by Council Member loakimedes, Council approved the Introduction and First Reading of an Ordinance amending the Benicia Municipal Code to incorporate building code revisions and to adjust building inspection fees, on roll call by the following vote:  
Ayes: Patterson, Schwartzman, Hughes, loakimedes  
Noes: Campbell

**IX. ACTION ITEMS:**

**A. UPDATE MILLS ACT PROGRAM GUIDELINES AND ESTABLISH A MONETARY THRESHOLD FOR ANNUAL FUNDING OF THE PROGRAM**

RESOLUTION 10-151 - A RESOLUTION APPROVING AMENDMENTS TO THE MILLS ACT PROGRAM

Gina Eleccion, Management Analyst, reviewed the staff report.

Public Comment:

None

Council Member Hughes and Staff discussed concern regarding the budget.

Vice Mayor Schwartzman and Staff discussed concern regarding the budget, setting a limit (possibly \$30,000), and the need to revisit this issue in a year or two.

Council Member Campbell discussed setting a limit of \$35,000, and allowing two

more applications.

Council Member loakimedes and Staff discussed the number of applications submitted.

Mayor Patterson discussed the need for a cost benefit analysis. She recommended either suspending the program or modifying it to have a limit and have the applications be considered on a case-by-case basis.

Council Member loakimedes and Staff discussed looking at the program as an expense, and during the next budget cycle, look at it accordingly.

Vice Mayor Schwartzman discussed the issue of revenue/expense, setting a limit at \$35,000, and putting the program a two-year hiatus after tonight.

Council Member Hughes and Staff discussed what other applications had been submitted (none pending right now), and the application process.

Council and Staff discussed setting the limit at \$35,000 (total) through the current fiscal year. The motion would adopt the guideline changes, the minor secretarial changes, and set the limit at \$35,000. Staff would add a 'be it further resolved' to establish the \$35,000 limit for the fiscal year. The contracts would be reviewed on a case-by-case basis.

Council and Staff discussed how contracts and applications would be handled if they approached or exceeded the \$35,000 limit. If an application is submitted that exceeds the limit, Staff will bring it to Council for review.

Vice Mayor Schwartzman made a motion to adopt the Resolution as amended, setting the limit at \$35,000 through June 30, 2012.

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

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

## **B. AWARD OF CONSTRUCTION CONTRACT FOR FIRE STATION 12 DORMITORY RENOVATION PROJECT**

RESOLUTION 10-153 - A RESOLUTION ACCEPTING THE BIDS FOR THE FIRE STATION 12 DORMITORY RENOVATION PROJECT, AWARDED THE CONSTRUCTION CONTRACT TO CALSTROY CONSTRUCTION OF SAN FRANCISCO, CALIFORNIA, IN THE AMOUNT OF \$150,000, AND AUTHORIZING THE CITY MANAGER TO SIGN THE CONSTRUCTION CONTRACT ON BEHALF OF THE CITY

Chief Vucurevich reviewed the staff report.

Council and Staff discussed the drawings and specifications for the project.

Public Comment:

None

**C. CONSIDERATION OF A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A JOINT POWERS AGREEMENT WITH THE CITY OF VALLEJO AND THE SOLANO TRANSPORTATION AUTHORITY FOR THE CONSOLIDATION OF VALLEJO TRANSIT AND BENICIA BREEZE FIXED ROUTE BUS AND PARATRANSIT SERVICES AND TO TAKE FURTHER IMPLEMENTING ACTIONS**

RESOLUTION 10-154 - A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A JOINT POWERS AGREEMENT WITH THE CITY OF VALLEJO AND THE SOLANO TRANSPORTATION AUTHORITY FOR THE CONSOLIDATION OF VALLEJO TRANSIT AND BENICIA BREEZE FIXED ROUTE BUS AND PARATRANSIT SERVICES AND TO TAKE FURTHER IMPLEMENTING ACTIONS

Rob Sousa, Finance Director, reviewed the staff report.

Council Member Campbell, Staff, and Darryl Halls, STA, discussed the budget, funding, and the federal stimulus dollars that came in.

Council Member Hughes discussed the need to do a business case, the transit plan, and the need for ensuring the consolidation does not result in higher cost and reduced services.

Council Member Campbell and Staff discussed the budget.

Public Comment:

Carl Lunstead - Mr. Lunstead expressed concern regarding the possible loss of money as a result of the consolidation.

Vice Mayor Schwartzman and Mr. Halls discussed concern regarding possible fragile funding, transfer of assets, commuter and passenger ferries, how the City of Vallejo's bankruptcy could affect the proposed JPA, and the interim executive director position (not filled).

Council Member loakimedes and Mr. Halls discussed the issue of Vallejo's bankruptcy and how it could affect the JPA.

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

**D. REPORT FROM THE ARSENAL SUBCOMMITTEE AND RECOMMENDATION FOR AWARD OF AN AGREEMENT FOR CONSULTING SERVICES FOR THE BENICIA ARSENAL PROJECT**

Mayor Patterson introduced the item.

Heather McLaughlin, City Attorney, reviewed the staff report.

Council Member Hughes and Staff discussed monthly reports from the consultant that will keep the City and property owners updated on status.

Vice Mayor Schwartzman discussed various reasons why the subcommittee chose the consultant.

Council Member Campbell discussed concerns regarding the possibility of paying someone to clean the Arsenal up, and what would happen if they went out of business.

Council Member Hughes discussed the issue of property owners being able to develop their property while the cleanup issue is being addressed.

Public Comment:

Mark Hajjar - Mr. Hajjar discussed the issue of toxins being injected into the property since 1956. He also discussed the issue of an endangerment order. He inquired about the City writing a statement regarding possible impending endangerment order, so the property owners could work with the county on lowering the assessed property value.

Marilyn Bardet - Ms. Bardet discussed the need for more information on ERS (proposed consultant). Staff confirmed they could put the ERS proposal on the City's website.

Dana Dean, Amports - Ms. Dean discussed concern regarding the lack of appropriate process in obtaining the proposed consultant.

Richard Bortolazzo - Mr. Bortolazzo discussed concern regarding the position the City has put the property owners in.

Council Member loakimedes discussed the need for the City to communicate better with the property owners.

Vice Mayor Schwartzman discussed the reasons that led up to Council bringing on a consultant for the Benicia Arsenal Project.

Council Member Campbell discussed the need to slow the process down. He didn't feel that he had enough time to review the proposed agreement with ERS. He agreed Council needed to hire a competent consultant to assist the City

with the issue, however he wanted more time to review the information presented tonight.

Mayor Patterson and Ms. McLaughlin discussed the timing constraints for the upcoming meetings on 11/18 and 11/19.

Council Member Hughes discussed the risks involved, one of which could be doing nothing tonight. Going into the meetings on 11/18 and 11/19 without a strategy could be problematic.

Council Member loakimedes discussed concern regarding information being presented after the agenda packet was distributed. He would like to have a special meeting dedicated to the Arsenal issue.

Council Member Campbell suggested having ERS represent the City at the meetings on 11/18 and 11/19, and then evaluate the agreement with them.

Vice Mayor Schwartzman discussed the need to have expert representation. He suggested having ERS represent the City on 11/18 and 11/19, and then discuss the agreement at the Special Council meeting on 11/22. He discussed having the Arsenal issue be a standing item on Council agendas.

Mayor Patterson and Ms. McLaughlin discussed agendizing the agreement with ERS on the 11/22 special Council meeting, to be heard after the closed session.

Council Member Campbell would like the City to ask for a 6-month extension at the 11/18 and 11/19 meetings. Mayor Patterson suggested asking for a 60-day extension.

Council agreed to have ERS represent the City at the meetings on 11/18 and 11/19, and the agreement with ERS would be agendized for the 11/22 special meeting at 8:00 p.m.

Mr. Erickson reminded Council Ms. McLaughlin would not be present at the 11/22 Council meeting. Mayor Patterson suggested having Mr. Brisco attend the meeting.

**X. INFORMATIONAL ITEMS:**

**A. City Manager Reports**

1. Policy Calendar Updates

**B. Council Member Committee Reports**

1. **Mayor's Committee Meeting. (Mayor Patterson)**  
**Next Meeting Date: November 17, 2010**

2. **Association of Bay Area Governments (ABAG). (Mayor Patterson and Council Member loakimedes)**  
**Next Meeting Date: TBD**
3. **Finance, Audit and Budget Committee. (Vice Mayor Schwartzman and Council Member Campbell)**  
**Next Meeting Date: November 17, 2010**
4. **League of California Cities. (Mayor Patterson and Vice Mayor Schwartzman)**  
**Next Meeting Date: Legislative Briefings - November 16, 2010**
5. **School Liaison Committee. (Council Members loakimedes and Hughes)**
6. **Sky Valley Open Space Committee. (Council Members Campbell and Hughes)**  
**Next Meeting Date: February 2, 2011**
7. **Solano EDC Board of Directors. (Mayor Patterson and Council Member Campbell)**  
**Next Meeting Date: November 18, 2010**
8. **Solano Transportation Authority (STA). (Mayor Patterson and Council Member loakimedes)**  
**Next Meeting Date: December 8, 2010**
9. **Solano Water Authority-Solano County Water Agency and Delta Committee. (Mayor Patterson and Vice Mayor Schwartzman)**  
**Next Meeting Date: December 9, 2010**
10. **Traffic, Pedestrian and Bicycle Safety Committee. (Council Members Hughes and loakimedes)**  
**Next Meeting Date: January 20, 2011**
11. **Tri-City and County Regional Parks and Open Space. (Council Members Campbell and Hughes)**  
**Next Meeting Date: December 13, 2010**
12. **Valero Community Advisory Panel (CAP). (Council Member Hughes)**  
**Next Meeting Date: TBD**
13. **Youth Action Coalition. (Vice Mayor Schwartzman and Council Member Campbell)**  
**Next Meeting Date: December 1, 2010**
14. **ABAG-CAL FED Task Force-Bay Area Water Forum. (Mayor Patterson)**

**Next Meeting Date: December 6, 2010**

**XI. ADJOURNMENT:**

Meeting adjourned at 11:22 p.m.



**AGENDA ITEM**  
**CITY COUNCIL MEETING DATE - DECEMBER 7, 2010**  
**CONSENT CALENDAR**

**DATE** : November 19, 2010

**TO** : City Manager

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

**SUBJECT** : **SECOND READING AND ADOPTION OF AN ORDINANCE AMENDING THE BENICIA MUNICIPAL CODE TO INCORPORATE BUILDING CODE REVISIONS AND TO ADJUST BUILDING INSPECTION FEES**

**RECOMMENDATION:**

Adopt the ordinance amending the following chapters of Title 15 Buildings and Construction of the Benicia Municipal Code pursuant to Statewide code updates and providing for certain amendments required to address local conditions.

**EXECUTIVE SUMMARY:**

On November 16, 2010, City Council introduced and conducted the first reading of an ordinance to amend Title 15 Buildings and Construction of the Benicia Municipal Code. The proposed action is the second reading and adoption of the ordinance. The State of California updates the Building standards every three years. The City then adopts the codes, with certain amendments, to adapt the codes to address specific City of Benicia needs.

**BUDGET:**

Inspection fees for large commercial photovoltaic systems are proposed to be adjusted to reflect the direct costs to issue permits and perform inspections. In addition, the cost to perform fireplace permitting and inspection is proposed to be reduced.

**GENERAL PLAN:**

Relevant Goals and Policies include:

- Goal 3.27: Improve energy efficiency.
  - Policy 3.27.1: Promote energy conservation in all new development and during rehabilitation of existing homes.
  - Policy 3.27.A: Distribute information on weatherization and energy conservation.
  - Policy 3.27.B: Implement State energy conservation requirements in new housing.

- Goal 4.1: Make community health and safety a high priority for Benicia
  - Policy 4.1.1: Strive to protect and enhance the safety and health of Benicians when making planning and policy decisions.

**STRATEGIC PLAN:**

Relevant Strategic Plan Issues and Strategies include:

- Strategic Issue 1: Protecting Community Health and Safety
- Strategic Issue 2: Protecting and Enhancing the Environment
  - Reduce greenhouse gas emissions and energy consumption
- Strategic Issue 5: Maintain and Enhance a High Quality of Life

**BACKGROUND:**

The State of California promulgates uniform construction related codes for statewide use in order to ensure quality building construction and public safety. These codes are reviewed and updated on a 3-year cycle and published by the International Code Council, the International Association of Plumbing and Mechanical Officials and the National Fire Protection Association.

The State has adopted two new codes effective January 1, 2011, the California Residential Code and the California Green Building Standards Code. Individual jurisdictions must use these codes as adopted by the State. However cities may also adopt specific local amendments due to local climatic, geological or topographical reasons.

The State of California has recently approved the latest editions of the following codes:

- California Building Code (2010)
- California Mechanical Code (2010)
- California Plumbing Code (2010)
- California Electrical Code (2010)
- California Green Building Standards Code (2010)
- California Residential Code (2010)

In addition to adoption of the tri-annual California Building Standards code updates, the proposed ordinance will also adopt the following requirements as amendments to the California Building Code (CBC), the California Plumbing Code (CPC), and the California Residential Code (CRC). Items #1- 7 and #8 are Benicia specific amendments to both the CBC and the CRC. Item #8 is an amendment to CPC.

The requirements listed below already exist in the Benicia Municipal Code, even though they are not in the 2010 Statewide codes, and shall remain based upon the findings described below:

**VII.B.2**

**1. Lighted street address numbers.**

The City is geographically bordered on two sides by the Carquinez Strait. The water may cause fog to form in the city, which limits the ability of emergency personnel to quickly locate buildings during night hours without the aid of lighted street address numbers.

**2. Roof assembly.**

The City is geographically situated in an area subject to frequent periods of strong wind conditions. Additionally, the City contains a significant amount of hilly, undeveloped acreage designated as permanent open space. These large open space areas are characterized as brush and grasslands, which during certain times of the year present extreme fire hazard. These wind conditions, combined with brush and grassland areas, result in heightened concern for fire damage and require additional constraints on the use of wood shake and shingles on roofs and siding.

**3. Wood burning fireplaces restricted.**

This code revision is in response to the Bay Area Air Quality Management District requirement that any new fireplaces must either be pellet fueled or EPA certified. The ordinance is designed to assist the Bay Area in meeting federal standards and improve air quality.

**4. Restricted use of gypsum wallboard for lateral bracing.**

Gypsum wall board (sheetrock) will be prohibited to be used as lateral bracing. Because Benicia is in a high seismic zone, this change is necessary to ensure adequate safety in case of seismic activity.

**5. Restricted use of paper backed gypsum board in showers and bathtub areas.**

Paper backed gypsum board will not be permitted in showers and tub areas subject to water splash. Because of this material's lack of resistance to damage in high moisture areas, premature failure of the product frequently occurs.

**6. Concrete slabs require 4 inches minimum thickness and rebar: gravel is required between the concrete and the earth.**

Benicia has numerous places where expansive soil is present. The rebar requirement lessens the cracking of the slab. A 4-inch slab is required to accommodate the rebar in the slab. Underground water found in the soils of Benicia could by use of capillary action cause water to be pulled into the slab. The gravel breaks this underground water flow.

**7. Pool and spa barriers.**

The City's ordinance strengthens the State mandated barrier requirement

by specifying that garage doors opening in the pool area meet the same self-closing requirements as gates. The City code requires all human made bodies of water over 18 inches to be protected. This requirement is in both the CBC and the CRC.

**8. Prohibit metal water pipe under concrete slabs.**

The use or repair of metal water pipes buried under the concrete slab of a building is prohibited. Buildings have developed water leaks under the slab, and the cost of repair is considerable. In order to eliminate this problem, buried metal water pipe will remain prohibited under a building slab, as it has been since 2003.

Fees: The proposed ordinance adjusts building inspection fees.

Staff recommends building inspection fees be adjusted to reflect the actual cost to issue permits and inspect the work.

	Existing fee	Proposed fee Based on Costs		Cost of Improvements (Typical Total)
Non-residential photovoltaic	\$125.00	<8 kw <49 kw kw >49 kw	\$500.00 \$1,000.00 \$1,500.00	8kw = \$74,000 49kw = \$475,000 131kw = \$1,200,000
Fireplace inserts	\$206.75	\$150.00		

**Non- Residential Photovoltaic**

The current fee schedule lists a fee for electric solar systems as \$125. The \$125 fee was intended for residential solar photovoltaic systems. A Statewide 2010 study by the Sierra Club determined fees based on inspection times and plan review. The survey found an average of 3 hours was used to inspect 8kw systems, 7 hours for up to 49 kw systems, and 10 hours for systems of 131 kw. The proposed rates were calculated using the established City rate of \$129 per hour for inspection serves and \$64.50 for issuance of the permit.

**Fireplace Inserts**

The new fee is reduced to reflect actual time to perform the inspection and issue the permit.

## **Green Building Standards Code (CAL Green Code)**

The California Green Building Standards code is required to be enforced for the first time beginning on January 1, 2011. The CAL Green Code is intended to (1) reduce greenhouse gas emissions from buildings; (2) promote environmentally responsible, cost-effective, healthier places to live and work; (3) reduce energy and water consumption.

The work required by CAL Green Code (which includes low flow devices, insulation, window replacement, low use toilets and other features), will provide savings for homeowners in reduced energy and water bills, in addition to meeting the goals of the Climate Action Plan.

### Sustainability Commission Recommendation

Local jurisdictions are allowed to strengthen Cal Green Code in the same manner as other Building Standards in California. At its October 12, 2010 meeting, the Sustainability Commission recommended that the City add two items: 1) Require the Standard to apply to all residential room additions over 600 square feet, instead of only applying to new structures, and 2) Require energy conservation work to be performed on an existing dwelling (not only new dwellings) when a permit valuation exceeds \$20,000. The costs of any required energy changes would be capped at 2% of the construction cost.

The amendments to the CAL Green Code recommended by the Sustainability Commission will undergo separate outreach to the construction community and will be brought back to the City Council at a future date for consideration.

### Attachments:

- Proposed Ordinance (changes shown)
- Proposed Ordinance (clean copy version)
- Sierra Club "Recommendations for commercial solar electric permit fees as of 10/04/2010"



**CITY OF BENICIA**

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

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BENICIA AMENDING CHAPTER 15.04 (DIVISION I. CONSTRUCTION STANDARDS AND STRUCTURE RELOCATION) OF TITLE 15 (BUILDINGS AND CONSTRUCTION) OF THE BENICIA MUNICIPAL CODE**

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

**Section 1.**

Chapter 15.04, Division I. Construction Standards and Structure Relocation of Title 15, Buildings and Construction, of the Benicia Municipal Code is hereby amended and replaced in its entirety by the following:

Title 15  
BUILDINGS AND CONSTRUCTION

Chapter 15.04

Division I. Construction Standards and Structure Relocation\*

Chapters:

NEW	California Residential Code
15.04	California Building Code
15.08	California Mechanical Code
15.12	California Plumbing Code
15.16	California Electrical Code
NEW	California Green Building Standards Code
15.26	Building Permit and Other Fees

[Chapter 15.NEW](#)

[California Residential Code](#)

[15.NEW.010 Adoption by reference.](#)

[15.NEW.020 Copies on file.](#)

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\* Prior ordinance history: Ords. 88-13 N.S., and 90-11 N.S., and 92-1 N.S.

15.NEW.030 Amendments made in the California Residential Code.

**15.NEW.010 Adoption by reference.**

The California Residential Building Code, 2010 Edition, Appendix H, J, K published by the International Code Council is adopted by reference the same as though fully set forth in this chapter.

**15.NEW.020 Copies on file.**

One copy of the California Residential Code and Appendix as adopted by BMC 15.NEW.010, and all amendments thereto, shall be kept on file in the building official's office for inspection by the public.

**15.NEW.030 Amendments made in the California Residential Code.**

The California Residential Code is amended and changed in the following respects:

- A. Section R202 of Chapter 2 (Definitions) is amended to add the following definition to read as follows:

Pool: Any outside body of water created by artificial means, any portion of which exceeds eighteen inches (18") in depth.

- B. Section R319 added to read as follows:

Minimum numeral size shall be 6" high with a stroke of 1" and shall contrast with the background.

1. Lighting of building addresses – The building address for all new buildings constructed after the date of this ordinance shall be automatically lighted at night. Buildings under renovation which the lighted numbers can readily be added are required to add the numbers.

- C. Subsection R902.3 is added to Chapter 9 (Roof Assemblies) of the California Residential Code to read as follows:

All new roof coverings shall be a class B or better roof covering assembly as defined by CBC 1505.6.

- D. Subsection R506.1 (Minimum slab thickness) is amended to read as follows:

Minimum slab thickness. A minimum of four inches (4") of gravel and 4" of concrete shall be required under all non-engineered concrete floor slabs supported directly on the ground in all occupancies except "M" occupancies that are not attached to another structure. Non-engineered concrete floor slabs on grade shall be reinforced with deform reinforcing bars not less than three-eighths inch (3/8") at twenty-four inches (24") each way.

- E. R1007(Wood burning stoves) is added to Chapter 10 (Chimneys and Fireplaces) of the California Residential Code to read as follows:

Wood burning stove appliances. Any new wood-burning appliance must be one of the following:

1. A pellet-fueled wood device;
2. A U. S. EPA Phase II certified device; or
3. A low mass fireplace, masonry heater or other wood burning device of a make and model that meets EPA emission targets and has been approved in writing by the air pollution control officer of the bay area air quality management district or the designee thereof.

- F. Section 3109 (Pools) is added to Chapter 31 (Special construction) of the California Residential Code to read as follows:

Pools.

1. Any body of water to which a permit issued after March 19, 1998, shall comply with the following: An outdoor swimming pool, spa, hot tub or manmade body of water such as decorative fountains or ponds over 18" deep, shall be provided with a barrier that shall be installed, inspected and approved prior to plastering or filling with water. The barrier shall comply with the following:

- a. The top of the barrier shall be at least 60 inches above grade measured on the side of the barrier which faces away from the pool. The vertical clearance between grade and the bottom of the barrier shall not be more than 2 inches measured on the side of the barrier which faces away from the swimming pool. Any decorative design work on the side away from the swimming pool, such as protrusions, indentations or cutouts, which render the barrier easily climbable, is prohibited.

b. Openings in the barrier shall not allow passage of a 4" diameter sphere.

c. Chain link fences used as the barrier shall be substantial and shall not be less than 11 gage.

d. Access gates shall comply with the requirements of Items a. through c. Pedestrian access gates shall be self-closing and have a self-latching device with the latching service at least 60" above grade. Pedestrian gates shall swing away from the pool area. Any gates other than pedestrian access gates shall be equipped with attached lockable hardware or padlocks and shall remain locked at all times when not in use. This gate must have only occasional use.

e. All doors of a dwelling or garage providing direct access to the water area shall provide a separation fence and gate meeting the requirements of Items a, b, c and d.

EXCEPTION: When approved by the building official, one of the following may be used:

i. Self-closing and self-latching devices installed on all doors with direct access to the pool with the release mechanism located a minimum of 60 inches (1,372 mm) above the floor.

ii. An alarm installed on all doors with direct access to the pool. The alarm shall sound continuously for a minimum of 30 seconds immediately after the door and its screen, if present, are opened, and be capable of providing a sound pressure level of not less than 85 dba when measured indoors at 10 feet (3,048 mm). The alarm shall automatically reset under all conditions. The alarm system shall be equipped with a manual device, such as a touchpad or switch to temporarily deactivate the alarm for a single opening. Such deactivations shall last no longer than 15 seconds. The deactivation switch shall be located at least 60 inches (1,524 mm) above the threshold of the door.

iii. Hot tubs or spas with locking safety covers complying with ASTM-ES 13-89 shall be considered in compliance with Pool Enclosure Requirements.

Indoor Swimming Pool. For an indoor swimming pool, protection shall comply with the requirements of Item e.

2. Any pool, spa or hot tub for which a building permit was issued prior to March 19, 1998, shall comply with the following. Every swimming pool shall be completely enclosed by a wall, fence or other substantial structure not less than four feet (4') in height measured on the outside of the enclosure. No openings other than doors and gates with any dimension greater than four inches (4") shall be permitted therein except that a picket fence may be erected or maintained having horizontal spacing between pickets not more than four inches (4"). All gates or door openings through such enclosures shall be equipped with self closing and self-latching devices designed to keep and are capable of keeping such door or gate securely closed at all times when not in actual use; provided, however, that the door of any dwelling occupied by human beings and forming any part of the enclosure hereinabove required need not be so equipped. Any self-latching device accessible from the outside of the pool enclosure shall be located at least four feet (4') above the ground or otherwise equally inaccessible to small children. This requirement applies to any manmade body of water over 18" deep, including decorative fountains or ponds.

G. Section R601.3.4 (Wall construction) Wood framed and steel framed shear walls and all braced wall panels sheathed with gypsum board, lath and plaster shall not be permitted to resist wind and seismic loads.

**Chapter 15.04**  
**CALIFORNIA BUILDING CODE<sup>1</sup>**

Sections:

- [15.04.010](#) Adoption by reference.
- [15.04.020](#) Copies on file.
- [15.04.030](#) Amendments made in the California Building Code.

**15.04.010 Adoption by reference.**

The California Building Code, 2010 Edition, Volumes 1 and 2, Chapter 1, Division II and Appendix I published by the International Code Council is adopted by reference the same as though fully set forth in this chapter. (Ord. 08-08 § 1).

A. Section 105.3.2 of Chapter 1, Division II is amended to read as follows;  
An application for a permit for any proposed work shall be deemed to have been abandoned six (6) months after the date of filing unless such application has been pursued in good faith, or a permit has been issued; except that the building official is authorized to grant one extension of six (6) months. The extension shall be requested in writing and justified cause demonstrated. Whatever the case, a permit application is valid for a maximum one (1) year after which time the application expires and a new plan review fee must be paid. The code in effect at the time the newest application is made shall be the code that is enforced.

B. Section 105.5 (Building permit) of Chapter 1 Division II is amended to read as follows:

Building Permit. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within six (6) months after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of six (6) months after the time the work is commenced. The permit will remain valid for a total of two (2) years from the date of the permit issuance. If the work becomes invalid, a new permit must be issued and the permit fees paid as per the city fee schedule for the amount of work required to finish the job.

C. Chapter 1 Division II Subsection 107.6 (Standard plans) is added to read as follows:

106.1.1 – Standard plans. The building official may approve a set of plans for a building or structure as a “standard plan,” provided the applicant has made proper application, submitted complete sets of

plans, and paid the plan checking fee as required by Benicia Municipal Code Chapter 15.26. When it is desired to use an approved “standard plan” for an identical structure, three plot plans shall be submitted, and a plan-checking fee equal to one-half of the full plan-checking fee required by Benicia Municipal Code Chapter 15.26 shall be paid at the time application is made for such identical structure. Such duplicate plans shall be compared, stamped, and kept on the job as required by California Building Code Appendix 106.3.1. In case of any deviation whatsoever from this standard plan, complete plans, together with a full plan-checking fee, shall be submitted for the proposed work, as required by California Building Code Appendix Section 106.1. Standard plans shall be valid for a period of one year from the date of approval. This period may be extended by the building official when there is evidence that the plan may be used again. The code in effect when the plan review application is submitted and the plan review fee paid shall be the governing code.

D. Appendix Chapter 1, Section 113.1 (Unlawful act). Chapter 1, Division II Section 114.5 – Violation a Public Nuisance is added to read as follows:

It is declared that any violation of this code, the CPC, CMC, CEC or other state building codes constitutes a public nuisance. In addition to any other remedies this code provides for enforcement, the city may bring civil suit to enjoin violation of its provisions.

**15.04.020 Copies on file.**

One copy of the California Building Code and Appendix as adopted by BMC [15.04.010](#), and all amendments thereto, shall be kept on file in the building official’s office for inspection by the public. (Ord. 08-08 § 1).

**15.04.030 Amendments made in the California Building Code.**

The California Building Code is amended and changed in the following respects:

A. Section 202 of Chapter 2 (Definitions) is amended to add the following definition to read as follows:

Pool: Any outside body of water created by artificial means, any portion of which exceeds eighteen inches (18") in depth.

B. Section 501.2 of Chapter 5 (General building heights and areas) is amended to read as follows:

1. Address numbers. Apartment, Condominium and Townhouse Complexes – An illuminated, diagrammatic representation of the complex shall be installed at the primary vehicular and walkway entrance to each complex. This diagram shall be of sufficient size to be easily visible from said vehicular and walkway entrance.

a. An apartment, condominium, or townhouse complex shall be defined as a group of three or more separate, non-connecting buildings, all located on common ground where each building contains two or more living units.

b. Each building shall be marked at a location clearly visible from the nearest vehicular access with the street address, building number/letter and numbers of units located in that building.

Example: 2237 Address  
Bldg. "B" Building  
designation  
Units 1 – 8 Units in building

Minimum numeral size shall be 6" high with a stroke of 1" and shall contrast with the background.

2. Commercial – Individual units shall be addressed front and back. Minimum numeral size shall be 6" high with a stroke of 1" and shall contrast with the background. Units with entrances on both the front and rear of the building shall have identical addresses at both locations.

3. Industrial – Individual units within a building shall be addressed front and back. Individual buildings shall be marked at a point clearly visible from the street. Minimum numeral size shall be 12" high with a 3" wide stroke and shall contrast with the background. Units with entrances on both the front and rear of the building shall have identical addresses at both locations.

4. Lighting of building addresses – The building address for all new buildings constructed after the date of this ordinance shall be automatically lighted at night.

C. Subsection 1505.1.5 (Shingles and shakes) is added to Chapter 15 (Roofing) of the California Building Code to read as follows:

Shingles and shakes. All new roof coverings shall be a class B or better roof covering assembly as defined by CBC 1505.6.

D. Subsection 1910.1.1 (Minimum slab thickness) is added to Chapter 19 (Concrete) of the California Building Code to read as follows:

Minimum slab thickness. A minimum of four inches (4") of gravel and 4" of concrete shall be required under all non-engineered concrete floor slabs supported directly on the ground in all occupancies except "M" occupancies that are not attached to another structure. Non-engineered concrete floor slabs on grade shall be reinforced with deform reinforcing bars not less than three-eighths inch (3/8") at twenty-four inches (24") each way.

E. Subsection 2111.14 (Wood burning stove appliances) is added to Chapter 21 (Masonry) of the California Building Code to read as follows:

Wood burning stove appliances. Any new wood-burning appliance must be one of the following:

1. A pellet-fueled wood device;
2. A U. S. EPA Phase II certified device; or
3. A low mass fireplace, masonry heater or other wood burning device of a make and model that meets EPA emission targets and has been approved in writing by the air pollution control officer of the bay area air quality management district or the designee thereof.

F. Section 3109 (Pools) is added to Chapter 31 (Special construction) of the California Building Code to read as follows:

Pools.

1. Any body of water to which a permit issued after March 19, 1998, shall comply with the following: An outdoor swimming pool, spa, hot tub or manmade body of water such as decorative fountains or ponds over 18" deep, shall be provided with a barrier that shall be installed, inspected and approved prior to plastering or filling with water. The barrier shall comply with the following:

- a. The top of the barrier shall be at least 60 inches above grade measured on the side of the barrier which faces away from the pool. The vertical clearance between grade and the bottom of the barrier shall not be more than 2 inches measured on the side of the barrier which faces away from the swimming pool. Any decorative design

work on the side away from the swimming pool, such as protrusions, indentations or cutouts, which render the barrier easily climbable, is prohibited.

- b. Openings in the barrier shall not allow passage of a 4" diameter sphere.
- c. Chain link fences used as the barrier shall be substantial and shall not be less than 11 gage.
- d. Access gates shall comply with the requirements of Items a. through c. Pedestrian access gates shall be self-closing and have a self-latching device with the latching service at least 60" above grade. Pedestrian gates shall swing away from the pool area. Any gates other than pedestrian access gates shall be equipped with attached lockable hardware or padlocks and shall remain locked at all times when not in use. This gate must have only occasional use.
- e. All doors of a dwelling or garage providing direct access to the water area shall provide a separation fence and gate meeting the requirements of Items a, b, c and d.

EXCEPTION: When approved by the building official, one of the following may be used:

- i. Self-closing and self-latching devices installed on all doors with direct access to the pool with the release mechanism located a minimum of 60 inches (1,372 mm) above the floor.
- ii. An alarm shall be installed on all doors with direct access from the living area of the dwelling to the pool. The alarm shall sound continuously for a minimum of 30 seconds immediately after the door and its screen, if present, are opened, and be capable of providing a sound pressure level of not less than 85 dba when measured indoors at 10 feet (3,048 mm). The alarm shall automatically reset under all conditions. The alarm system shall be equipped with a manual device, such as a touchpad or switch to temporarily deactivate the alarm for a single opening. Such deactivations shall last no longer than 15 seconds. The deactivation switch shall be located at least 60 inches (1,524 mm) above the threshold of the door.

- iii. Hot tubs or spas with locking safety covers complying with or ASTM ES 13-89 shall be considered in compliance with Pool Enclosure Requirements.

Indoor Swimming Pool. For an indoor swimming pool, protection shall comply with the requirements of Item e.

2. Any pool, spa or hot tub for which a building permit was issued prior to March 19, 1998, shall comply with the following. Every swimming pool shall be completely enclosed by a wall, fence or other substantial structure not less than four feet (4') in height measured on the outside of the enclosure. No openings other than doors and gates with any dimension greater than four inches (4") shall be permitted therein except that a picket fence may be erected or maintained having horizontal spacing between pickets not more than four inches (4"). All gates or door openings through such enclosures shall be equipped with self closing and self-latching devices designed to keep and are capable of keeping such door or gate securely closed at all times when not in actual use; provided, however, that the door of any dwelling occupied by human beings and forming any part of the enclosure hereinabove required need not be so equipped. Any self-latching device accessible from the outside of the pool enclosure shall be located at least four feet (4') above the ground or otherwise equally inaccessible to small children. This requirement applies to any manmade body of water over 18" deep, including decorative fountains or ponds.

G. Section 2505 (Shear wall construction) of Chapter 25 (Gypsum board and plaster) is amended to read as follows:

Shear wall construction.

1. 2505.1 – Resistance to shear (wood framing) is amended to read as follows:

Delete the section and replace with the following: Wood framed Shear walls sheathed with gypsum board, lath and plaster are not be permitted to resist wind and seismic loads.

2. 2505.2 – Resistance to shear (steel framing) is amended to read as follows:

Delete the section and replace with the following: Steel framed shear walls sheathed with gypsum board, lath and plaster shall not be permitted to resist wind and seismic loads.

H. Subsection 2509.3 (Gypsum board in showers and water closets) of Chapter 25 (Gypsum board and plaster) is amended by adding the following:

4. Gypsum board in showers and water closets. Paper-backed gypsum board products shall not be used as a backer for tile in showers and bathtub areas.

(Ord. 08-08 § 1).

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Prior legislation: Ords. 87-6, 87-25, 88-15, 93-6, 95-15, 98-2, 99-11, 02-4 and 07-07.

**Chapter 15.08**  
**CALIFORNIA MECHANICAL CODE**

Sections:

[15.08.010](#) Adoption by reference.

[15.08.020](#) Copies on file.

[15.08.030](#) *Repealed.*

**15.08.010 Adoption by reference.**

The California Mechanical Code, 2010 Edition, including the Appendix, is adopted by reference the same as though fully set forth in this chapter. (Ord. 08-09 § 1; Ord. 02-4 N.S.; Ord. 99-11; Ord. 95-15 N.S.; Ord. 87-6 N.S. § 2, 1987).

**15.08.020 Copies on file.**

One copy of the California Mechanical Code as adopted by BMC [15.08.010](#), and all amendments thereto, shall be kept on file in the building official's office for inspection by the public. (Ord. 08-09 § 2; Ord. 02-4 N.S.; Ord. 99-11; Ord. 95-15 N.S.; Ord. 87-6 N.S. § 2, 1987).

**15.08.030 Violation – Penalty.**

*Repealed by Ord. 03-9.* (Ord. 02-4 N.S.; Ord. 99-11; Ord. 95-15 N.S.; Ord. 87-6 N.S. § 2, 1987).

## Chapter 15.12 CALIFORNIA PLUMBING CODE<sup>1</sup>

Sections:

- [15.12.010](#) Adoption by reference.
- [15.12.020](#) Copies on file.
- [15.12.030](#) Amendments made in the California Plumbing Code.

### **15.12.010 Adoption by reference.**

The California Plumbing Code, 2007 Edition, including Appendices A, D, G, I are adopted by reference the same as though fully set forth in this chapter. (Ord. 08-10 § 1).

### **15.12.020 Copies on file.**

One copy of the California Plumbing Code and Appendix as adopted by BMC [15.12.010](#), and all amendments thereto, shall be kept on file in the building official's office for inspection by the public. (Ord. 08-10 § 1).

### **15.12.030 Amendments made in the California Plumbing Code.**

The California Plumbing Code is amended and changed in the following respects:

.A. Chapter 604 (Water supply and distribution) is amended by adding Section 604.15 (Metal water piping). Section 604.15 (Metal water piping) is added to read as follows:

Section 604.15 – Metal water piping. Metal water piping, including any repair of any metal water piping, is not to be permitted buried under any structure except as permitted in individual circumstances and approved by the building official.

C. Chapter 710 (Sanitary drainage) is amended by adding Section 710.1 – (Sewage backwater). Section 710.1 (Sewage backwater) is added to read as follows:

Section 710.1 – Sewage backwater. Where a fixture is installed on a floor level that is lower than the next upstream manhole cover of the public or private sewer, serving such drainage piping, shall be protected

from backflow of sewage by installing an approved type of backwater valve or mushroom type device or other fixtures approved by the Building Official. Fixtures on floor levels above such level elevation shall not be discharged through the backwater valve. Cleanouts for drains that pass through a backwater valve shall be clearly identified with a permanent label stating "Backwater Valve Downstream."

(Ord. 08-10 § 1).

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Prior legislation: Ords. 87-6, 95-15, 99-11 and 02-4.

## Chapter 15.16 CALIFORNIA ELECTRICAL CODE

Sections:

[15.16.010](#) Adoption by reference.

[15.16.020](#) Copy on file.

[15.16.030](#) *Repealed.*

**15.16.010 Adoption by reference.**

The California Electrical Code, 2010 Edition, is adopted by reference the same as though fully set forth in this chapter. (Ord. 08-11 § 1; Ord. 02-4 N.S.; Ord. 99-11; Ord. 95-15 N.S.; Ord. 87-6 N.S. § 2, 1987).

**15.16.020 Copy on file.**

One copy of the California Electrical Code as adopted by BMC [15.16.010](#), and all amendments thereto, shall be kept on file in the building official's office for inspection by the public. (Ord. 08-11 § 2; Ord. 02-4 N.S.; Ord. 99-11; Ord. 95-15 N.S.; Ord. 87-6 N.S. § 2, 1987).

**15.16.030 Violation – Penalty.**

*Repealed by Ord. 03-9.* (Ord. 02-4 N.S.; Ord. 99-11; Ord. 95-15 N.S.; Ord. 87-6 N.S. § 2, 1987).

**Chapter 15.NEW**  
**CALIFORNIA GREEN BUILDING STANDARDS CODE**

Sections:

- [15.NEW.010](#) Adoption by reference.
- [15.NEW.020](#) Copies on file.
- [15.NEW.030](#) Amendments made in the California Green Building Standards Code

**15.NEW.010 Adoption by reference.**

The California Green Building Standards Code, 2010 Edition is adopted by reference the same as though fully set forth in this chapter.

**15.NEW.020 Copies on file.**

One copy of the California Green Building Standards Code as adopted by BMC [15.NEW.010](#), and all amendments thereto, shall be kept on file in the building official's office for inspection by the public.

**Chapter 15.26**  
**BUILDING PERMIT FEES AND OTHER FEES**

Sections:

[15.26.010](#) General requirements and other fees.

[15.26.020](#) Building permit fees.

**15.26.010 General requirements and other fees.**

A. Building permit fees charged on all building permit applications including electrical, mechanical and plumbing permits are in accordance with the fee schedules contained within this chapter.

B. Other Fees (Includes Permit Issuance Fee).

1. a. Inspection for compliance to city codes which requires a letter certifying same: \$160.00.

b. Inspection for compliance to city code without a letter: \$86.00.

2. Spa permit (prefabricated): \$96.75 to include installation, plumbing, mechanical and electrical.

3 Residential Solar Photovoltaic Systems: \$125.00

3b. Non-residential Solar Photovoltaic Systems:

<8 kw \$500.00

<49 kw \$1,000.00

>49kw \$1,500.00

4. Kitchen remodel: lighting only – \$106.25.

5. Kitchen remodel: plugs and lights – \$118.25.

6. Kitchen remodel: complete electric and DWV with water lines – \$150.50.

7. Bath/shower remodel: \$129.00.

8. Pools.

a. Gunite pools plan review: \$129.00.

b. Gunite pool permit issuance and inspection: \$258.00.

- c. Pool heater: \$64.50.
9. Fireplace insert with gas and electric: \$150.00
10. Work which was begun prior to required permit issuance: \$129.00.  
Investigation fee over one hour at \$129.00 per hour.
11. Inspections outside of normal business hours, per hour (minimum charge – two hours): \$129.00<sup>1</sup>.
12. Reinspection fees, per inspection: \$129.00\* .
13. Inspections for which no fee is specifically indicated, per hour (minimum charge of one-half hour): \$129.00\* (plus issuance fee).
14. Additional plan review required by changes, additions or revisions to plans or to plans for which an initial review has been completed, per hour (minimum charge of one-half hour): \$129.00\* .
15. Inspections outside of normal business hours, per hour (minimum charge – two hours): \$129.00\* .
- 16.** Plan Retention.
- a. A plan retention fee shall be charged at a rate of \$2.25 per page for all plans and \$0.25 per eight-inch by 11-inch paper with a \$1.00 minimum charge.
- b. The plan retention fee shall be used solely for the purpose of preserving building division plans.
- c. The building official may adjust the rate charged, on July 30th of each year, to reflect an increase or decrease in cost of preserving plans.
17. Plan review is 65 percent of the building inspection fee.
18. Building inspection fees may be refunded upon written request if no work for the permit has begun. An administrative fee of up to \$110.00 will be assessed for any fee request refund at the discretion of the building official. (Ord. 08-16 § 1; Ord. 95-**15** N.S.; Ord. 87-6 N.S. § 2, 1987).

## **Section 2.**

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

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

\*\*\*\*\*

On motion of Council member \_\_\_\_\_, seconded by Council member \_\_\_\_\_, the foregoing ordinance was introduced at a regular meeting of the City Council on the 16th day of November 2010, and adopted at a regular meeting of the Council held on the 7<sup>th</sup> day of December, 2010 by the following vote:

Ayes:

Noes:

Absent:

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

Attest:

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

**CITY OF BENICIA**

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

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BENICIA AMENDING CHAPTER 15.04 (DIVISION I. CONSTRUCTION STANDARDS AND STRUCTURE RELOCATION) OF TITLE 15 (BUILDINGS AND CONSTRUCTION) OF THE BENICIA MUNICIPAL CODE**

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

**Section 1.**

Chapter 15.04, Division I. Construction Standards and Structure Relocation of Title 15, Buildings and Construction, of the Benicia Municipal Code is hereby amended and replaced in its entirety by the following:

**Title 15  
BUILDINGS AND CONSTRUCTION**

**Chapter 15.04**

**Division I. Construction Standards and Structure Relocation\***

Chapters:

- NEW California Residential Code
- 15.04 California Building Code
- 15.08 California Mechanical Code
- 15.12 California Plumbing Code
- 15.16 California Electrical Code
- NEW California Green Building Standards Code
- 15.26 Building Permit Fees and Other Fees

**Chapter 15.NEW**

**California Residential Code**

**15.NEW.010 Adoption by reference.**

**15.NEW.020 Copies on file.**

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\* Prior ordinance history: Ords. 88-13 N.S., and 90-11 N.S., and 92-1 N.S.

15.NEW.030 Amendments made in the California Residential Code.

**15.NEW.010 Adoption by reference.**

The California Residential Building Code, 2010 Edition, Appendix H, J, K published by the International Code Council is adopted by reference the same as though fully set forth in this chapter.

**15.NEW.020 Copies on file.**

One copy of the California Residential Code and Appendix as adopted by BMC 15.NEW.010, and all amendments thereto, shall be kept on file in the building official's office for inspection by the public.

**15.NEW.030 Amendments made in the California Residential Code.**

The California Residential Code is amended and changed in the following respects:

- A. Section R202 of Chapter 2 (Definitions) is amended to add the following definition to read as follows:

Pool: Any outside body of water created by artificial means, any portion of which exceeds eighteen inches (18") in depth.

- B. Section R319 added to read as follows:

Minimum numeral size shall be 6" high with a stroke of 1" and shall contrast with the background.

1. Lighting of building addresses – The building address for all new buildings constructed after the date of this ordinance shall be automatically lighted at night. Buildings under renovation which the lighted numbers can readily be added are required to add the numbers.

- C. Subsection R902.3 is added to Chapter 9 (Roof Assemblies) of the California Residential Code to read as follows:

All new roof coverings shall be a class B or better roof covering assembly as defined by CBC 1505.6.

- D. Subsection R506.1 (Minimum slab thickness) is amended to read as follows:

Minimum slab thickness. A minimum of four inches (4") of gravel and 4" of concrete shall be required under all non-engineered concrete floor

slabs supported directly on the ground in all occupancies except "M" occupancies that are not attached to another structure. Non-engineered concrete floor slabs on grade shall be reinforced with deform reinforcing bars not less than three-eighths inch (3/8") at twenty-four inches (24") each way.

- E. R1007(Wood burning stoves) is added to Chapter 10 (Chimneys and Fireplaces) of the California Residential Code to read as follows:

Wood burning stove appliances. Any new wood-burning appliance must be one of the following:

1. A pellet-fueled wood device;
2. A U. S. EPA Phase II certified device; or
3. A low mass fireplace, masonry heater or other wood burning device of a make and model that meets EPA emission targets and has been approved in writing by the air pollution control officer of the bay area air quality management district or the designee thereof.

- F. Section 3109 (Pools) is added to Chapter 31 (Special construction) of the California Residential Code to read as follows:

Pools.

1. Any body of water to which a permit issued after March 19, 1998, shall comply with the following: An outdoor swimming pool, spa, hot tub or manmade body of water such as decorative fountains or ponds over 18" deep, shall be provided with a barrier that shall be installed, inspected and approved prior to plastering or filling with water. The barrier shall comply with the following:

- a. The top of the barrier shall be at least 60 inches above grade measured on the side of the barrier which faces away from the pool. The vertical clearance between grade and the bottom of the barrier shall not be more than 2 inches measured on the side of the barrier which faces away from the swimming pool. Any decorative design work on the side away from the swimming pool, such as protrusions, indentations or cutouts, which render the barrier easily climbable, is prohibited.

- b. Openings in the barrier shall not allow passage of a 4" diameter sphere.
- c. Chain link fences used as the barrier shall be substantial and shall not be less than 11 gage.
- d. Access gates shall comply with the requirements of Items a. through c. Pedestrian access gates shall be self-closing and have a self-latching device with the latching service at least 60" above grade. Pedestrian gates shall swing away from the pool area. Any gates other than pedestrian access gates shall be equipped with attached lockable hardware or padlocks and shall remain locked at all times when not in use. This gate must have only occasional use.
- e. All doors of a dwelling or garage providing direct access to the water area shall provide a separation fence and gate meeting the requirements of Items a, b, c and d.

EXCEPTION: When approved by the building official, one of the following may be used:

- i. Self-closing and self-latching devices installed on all doors with direct access to the pool with the release mechanism located a minimum of 60 inches (1,372 mm) above the floor.
- ii. An alarm installed on all doors with direct access to the pool. The alarm shall sound continuously for a minimum of 30 seconds immediately after the door and its screen, if present, are opened, and be capable of providing a sound pressure level of not less than 85 dba when measured indoors at 10 feet (3,048 mm). The alarm shall automatically reset under all conditions. The alarm system shall be equipped with a manual device, such as a touchpad or switch to temporarily deactivate the alarm for a single opening. Such deactivations shall last no longer than 15 seconds. The deactivation switch shall be located at least 60 inches (1,524 mm) above the threshold of the door.
- iii. Hot tubs or spas with locking safety covers complying with ASTM-ES 13-89 shall be considered in compliance with Pool Enclosure Requirements.

Indoor Swimming Pool. For an indoor swimming pool, protection shall comply with the requirements of Item e.

2. Any pool, spa or hot tub for which a building permit was issued prior to March 19, 1998, shall comply with the following. Every swimming pool shall be completely enclosed by a wall, fence or other substantial structure not less than four feet (4') in height measured on the outside of the enclosure. No openings other than doors and gates with any dimension greater than four inches (4") shall be permitted therein except that a picket fence may be erected or maintained having horizontal spacing between pickets not more than four inches (4"). All gates or door openings through such enclosures shall be equipped with self closing and self-latching devices designed to keep and are capable of keeping such door or gate securely closed at all times when not in actual use; provided, however, that the door of any dwelling occupied by human beings and forming any part of the enclosure hereinabove required need not be so equipped. Any self-latching device accessible from the outside of the pool enclosure shall be located at least four feet (4') above the ground or otherwise equally inaccessible to small children. This requirement applies to any manmade body of water over 18" deep, including decorative fountains or ponds.

G. Section R601.3.4 (Wall construction) Wood framed and steel framed shear walls and all braced wall panels sheathed with gypsum board, lath and plaster shall not be permitted to resist wind and seismic loads.

**Chapter 15.04**  
**CALIFORNIA BUILDING CODE<sup>1</sup>**

Sections:

- [15.04.010](#) Adoption by reference.
- [15.04.020](#) Copies on file.
- [15.04.030](#) Amendments made in the California Building Code.

**15.04.010 Adoption by reference.**

The California Building Code, 2010 Edition, Volumes 1 and 2, Chapter 1, Division II and Appendix I published by the International Code Council is adopted by reference the same as though fully set forth in this chapter. (Ord. 08-08 § 1).

A. Section 105.3.2 of Chapter 1, Division II is amended to read as follows;  
An application for a permit for any proposed work shall be deemed to have been abandoned six (6) months after the date of filing unless such application has been pursued in good faith, or a permit has been issued; except that the building official is authorized to grant one extension of six (6) months. The extension shall be requested in writing and justified cause demonstrated. Whatever the case, a permit application is valid for a maximum one (1) year after which time the application expires and a new plan review fee must be paid. The code in effect at the time the newest application is made shall be the code that is enforced.

B. Section 105.5 (Building permit) of Chapter 1 Division II is amended to read as follows:

Building Permit. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within six (6) months after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of six (6) months after the time the work is commenced. The permit will remain valid for a total of two (2) years from the date of the permit issuance. If the work becomes invalid, a new permit must be issued and the permit fees paid as per the city fee schedule for the amount of work required to finish the job.

C. Chapter 1 Division II Subsection 107.6 (Standard plans) is added to read as follows:

106.1.1 – Standard plans. The building official may approve a set of plans for a building or structure as a “standard plan,” provided the applicant has made proper application, submitted complete sets of

plans, and paid the plan checking fee as required by Benicia Municipal Code Chapter 15.26. When it is desired to use an approved “standard plan” for an identical structure, three plot plans shall be submitted, and a plan-checking fee equal to one-half of the full plan-checking fee required by Benicia Municipal Code Chapter 15.26 shall be paid at the time application is made for such identical structure. Such duplicate plans shall be compared, stamped, and kept on the job as required by California Building Code Appendix 106.3.1. In case of any deviation whatsoever from this standard plan, complete plans, together with a full plan-checking fee, shall be submitted for the proposed work, as required by California Building Code Appendix Section 106.1. Standard plans shall be valid for a period of one year from the date of approval. This period may be extended by the building official when there is evidence that the plan may be used again. The code in effect when the plan review application is submitted and the plan review fee paid shall be the governing code.

D. Appendix Chapter 1, Section 113.1 (Unlawful act). Chapter 1, Division II Section 114.5 – Violation a Public Nuisance is added to read as follows:

It is declared that any violation of this code, the CPC, CMC, CEC or other state building codes constitutes a public nuisance. In addition to any other remedies this code provides for enforcement, the city may bring civil suit to enjoin violation of its provisions.

**15.04.020 Copies on file.**

One copy of the California Building Code and Appendix as adopted by BMC [15.04.010](#), and all amendments thereto, shall be kept on file in the building official’s office for inspection by the public. (Ord. 08-08 § 1).

**15.04.030 Amendments made in the California Building Code.**

The California Building Code is amended and changed in the following respects:

A. Section 202 of Chapter 2 (Definitions) is amended to add the following definition to read as follows:

Pool: Any outside body of water created by artificial means, any portion of which exceeds eighteen inches (18") in depth.

B. Section 501.2 of Chapter 5 (General building heights and areas) is amended to read as follows:

1. Address numbers. Apartment, Condominium and Townhouse Complexes – An illuminated, diagrammatic representation of the complex shall be installed at the primary vehicular and walkway entrance to each complex. This diagram shall be of sufficient size to be easily visible from said vehicular and walkway entrance.

a. An apartment, condominium, or townhouse complex shall be defined as a group of three or more separate, non-connecting buildings, all located on common ground where each building contains two or more living units.

b. Each building shall be marked at a location clearly visible from the nearest vehicular access with the street address, building number/letter and numbers of units located in that building.

Example: 2237 Address  
Bldg. "B" Building  
designation  
Units 1 – 8 Units in building

Minimum numeral size shall be 6" high with a stroke of 1" and shall contrast with the background.

2. Commercial – Individual units shall be addressed front and back. Minimum numeral size shall be 6" high with a stroke of 1" and shall contrast with the background. Units with entrances on both the front and rear of the building shall have identical addresses at both locations.

3. Industrial – Individual units within a building shall be addressed front and back. Individual buildings shall be marked at a point clearly visible from the street. Minimum numeral size shall be 12" high with a 3" wide stroke and shall contrast with the background. Units with entrances on both the front and rear of the building shall have identical addresses at both locations.

4. Lighting of building addresses – The building address for all new buildings constructed after the date of this ordinance shall be automatically lighted at night.

C. Subsection 1505.1.5 (Shingles and shakes) is added to Chapter 15 (Roofing) of the California Building Code to read as follows:

Shingles and shakes. All new roof coverings shall be a class B or better roof covering assembly as defined by CBC 1505.6.

D. Subsection 1910.1.1 (Minimum slab thickness) is added to Chapter 19 (Concrete) of the California Building Code to read as follows:

Minimum slab thickness. A minimum of four inches (4") of gravel and 4" of concrete shall be required under all non-engineered concrete floor slabs supported directly on the ground in all occupancies except "M" occupancies that are not attached to another structure. Non-engineered concrete floor slabs on grade shall be reinforced with deform reinforcing bars not less than three-eighths inch (3/8") at twenty-four inches (24") each way.

E. Subsection 2111.14 (Wood burning stove appliances) is added to Chapter 21 (Masonry) of the California Building Code to read as follows:

Wood burning stove appliances. Any new wood-burning appliance must be one of the following:

1. A pellet-fueled wood device;
2. A U. S. EPA Phase II certified device; or
3. A low mass fireplace, masonry heater or other wood burning device of a make and model that meets EPA emission targets and has been approved in writing by the air pollution control officer of the bay area air quality management district or the designee thereof.

F. Section 3109 (Pools) is added to Chapter 31 (Special construction) of the California Building Code to read as follows:

Pools.

1. Any body of water to which a permit issued after March 19, 1998, shall comply with the following: An outdoor swimming pool, spa, hot tub or manmade body of water such as decorative fountains or ponds over 18" deep, shall be provided with a barrier that shall be installed, inspected and approved prior to plastering or filling with water. The barrier shall comply with the following:

- a. The top of the barrier shall be at least 60 inches above grade measured on the side of the barrier which faces away from the pool. The vertical clearance between grade and the bottom of the barrier shall not be more than 2 inches measured on the side of the barrier which faces away from the swimming pool. Any decorative design

work on the side away from the swimming pool, such as protrusions, indentations or cutouts, which render the barrier easily climbable, is prohibited.

- b. Openings in the barrier shall not allow passage of a 4" diameter sphere.
- c. Chain link fences used as the barrier shall be substantial and shall not be less than 11 gage.
- d. Access gates shall comply with the requirements of Items a. through c. Pedestrian access gates shall be self-closing and have a self-latching device with the latching service at least 60" above grade. Pedestrian gates shall swing away from the pool area. Any gates other than pedestrian access gates shall be equipped with attached lockable hardware or padlocks and shall remain locked at all times when not in use. This gate must have only occasional use.
- e. All doors of a dwelling or garage providing direct access to the water area shall provide a separation fence and gate meeting the requirements of Items a, b, c and d.

EXCEPTION: When approved by the building official, one of the following may be used:

- i. Self-closing and self-latching devices installed on all doors with direct access to the pool with the release mechanism located a minimum of 60 inches (1,372 mm) above the floor.
- ii. An alarm shall be installed on all doors with direct access from the living area of the dwelling to the pool. The alarm shall sound continuously for a minimum of 30 seconds immediately after the door and its screen, if present, are opened, and be capable of providing a sound pressure level of not less than 85 dba when measured indoors at 10 feet (3,048 mm). The alarm shall automatically reset under all conditions. The alarm system shall be equipped with a manual device, such as a touchpad or switch to temporarily deactivate the alarm for a single opening. Such deactivations shall last no longer than 15 seconds. The deactivation switch shall be located at least 60 inches (1,524 mm) above the threshold of the door.

- iii. Hot tubs or spas with locking safety covers complying with or ASTM ES 13-89 shall be considered in compliance with Pool Enclosure Requirements.

Indoor Swimming Pool. For an indoor swimming pool, protection shall comply with the requirements of Item e.

2. Any pool, spa or hot tub for which a building permit was issued prior to March 19, 1998, shall comply with the following. Every swimming pool shall be completely enclosed by a wall, fence or other substantial structure not less than four feet (4') in height measured on the outside of the enclosure. No openings other than doors and gates with any dimension greater than four inches (4") shall be permitted therein except that a picket fence may be erected or maintained having horizontal spacing between pickets not more than four inches (4"). All gates or door openings through such enclosures shall be equipped with self closing and self-latching devices designed to keep and are capable of keeping such door or gate securely closed at all times when not in actual use; provided, however, that the door of any dwelling occupied by human beings and forming any part of the enclosure hereinabove required need not be so equipped. Any self-latching device accessible from the outside of the pool enclosure shall be located at least four feet (4') above the ground or otherwise equally inaccessible to small children. This requirement applies to any manmade body of water over 18" deep, including decorative fountains or ponds.

G. Section 2505 (Shear wall construction) of Chapter 25 (Gypsum board and plaster) is amended to read as follows:

Shear wall construction.

1. 2505.1 – Resistance to shear (wood framing) is amended to read as follows:

Delete the section and replace with the following: Wood framed Shear walls sheathed with gypsum board, lath and plaster are not be permitted to resist wind and seismic loads.

2. 2505.2 – Resistance to shear (steel framing) is amended to read as follows:

Delete the section and replace with the following: Steel framed shear walls sheathed with gypsum board, lath and plaster shall not be permitted to resist wind and seismic loads.

H. Subsection 2509.3 (Gypsum board in showers and water closets) of Chapter 25 (Gypsum board and plaster) is amended by adding the following:

4. Gypsum board in showers and water closets. Paper-backed gypsum board products shall not be used as a backer for tile in showers and bathtub areas.

(Ord. 08-08 § 1).

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Prior legislation: Ords. 87-6, 87-25, 88-15, 93-6, 95-15, 98-2, 99-11, 02-4 and 07-07.

**Chapter 15.08**  
**CALIFORNIA MECHANICAL CODE**

Sections:

- [15.08.010](#) Adoption by reference.
- [15.08.020](#) Copies on file.
- [15.08.030](#) *Repealed.*

**15.08.010 Adoption by reference.**

The California Mechanical Code, 2010 Edition, including the Appendix, is adopted by reference the same as though fully set forth in this chapter. (Ord. 08-09 § 1; Ord. 02-4 N.S.; Ord. 99-11; Ord. 95-15 N.S.; Ord. 87-6 N.S. § 2, 1987).

**15.08.020 Copies on file.**

One copy of the California Mechanical Code as adopted by BMC [15.08.010](#), and all amendments thereto, shall be kept on file in the building official's office for inspection by the public. (Ord. 08-09 § 2; Ord. 02-4 N.S.; Ord. 99-11; Ord. 95-15 N.S.; Ord. 87-6 N.S. § 2, 1987).

**15.08.030 Violation – Penalty.**

*Repealed by Ord. 03-9.* (Ord. 02-4 N.S.; Ord. 99-11; Ord. 95-15 N.S.; Ord. 87-6 N.S. § 2, 1987).

## Chapter 15.12 CALIFORNIA PLUMBING CODE<sup>1</sup>

Sections:

- [15.12.010](#) Adoption by reference.
- [15.12.020](#) Copies on file.
- [15.12.030](#) Amendments made in the California Plumbing Code.

### **15.12.010 Adoption by reference.**

The California Plumbing Code, 2007 Edition, including Appendices A, D, G, I are adopted by reference the same as though fully set forth in this chapter. (Ord. 08-10 § 1).

### **15.12.020 Copies on file.**

One copy of the California Plumbing Code and Appendix as adopted by BMC [15.12.010](#), and all amendments thereto, shall be kept on file in the building official's office for inspection by the public. (Ord. 08-10 § 1).

### **15.12.030 Amendments made in the California Plumbing Code.**

The California Plumbing Code is amended and changed in the following respects:

A. Chapter 604 (Water supply and distribution) is amended by adding Section 604.15 (Metal water piping). Section 604.15 (Metal water piping) is added to read as follows:

Section 604.15 – Metal water piping. Metal water piping, including any repair of any metal water piping, is not to be permitted buried under any structure except as permitted in individual circumstances and approved by the building official.

C. Chapter 710 (Sanitary drainage) is amended by adding Section 710.1 – (Sewage backwater). Section 710.1 (Sewage backwater) is added to read as follows:

Section 710.1 – Sewage backwater. Where a fixture is installed on a floor level that is lower than the next upstream manhole cover of the public or private sewer, serving such drainage piping, shall be protected from backflow of sewage by installing an approved type of backwater valve or mushroom type device or other fixtures approved by the

Building Official. Fixtures on floor levels above such level elevation shall not be discharged through the backwater valve. Cleanouts for drains that pass through a backwater valve shall be clearly identified with a permanent label stating “Backwater Valve Downstream.”

(Ord. 08-10 § 1).

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Prior legislation: Ords. 87-6, 95-15, 99-11 and 02-4.

**Chapter 15.16**  
**CALIFORNIA ELECTRICAL CODE**

Sections:

[15.16.010](#) Adoption by reference.

[15.16.020](#) Copy on file.

[15.16.030](#) *Repealed.*

**15.16.010 Adoption by reference.**

The California Electrical Code, 2010 Edition, is adopted by reference the same as though fully set forth in this chapter. (Ord. 08-11 § 1; Ord. 02-4 N.S.; Ord. 99-11; Ord. 95-15 N.S.; Ord. 87-6 N.S. § 2, 1987).

**15.16.020 Copy on file.**

One copy of the California Electrical Code as adopted by BMC [15.16.010](#), and all amendments thereto, shall be kept on file in the building official's office for inspection by the public. (Ord. 08-11 § 2; Ord. 02-4 N.S.; Ord. 99-11; Ord. 95-15 N.S.; Ord. 87-6 N.S. § 2, 1987).

**15.16.030 Violation – Penalty.**

*Repealed by Ord. 03-9.* (Ord. 02-4 N.S.; Ord. 99-11; Ord. 95-15 N.S.; Ord. 87-6 N.S. § 2, 1987).

**Chapter 15.NEW**  
**CALIFORNIA GREEN BUILDING STANDARDS CODE**

Sections:

- [15.NEW.010](#) Adoption by reference.
- [15.NEW.020](#) Copies on file.
- [15.NEW.030](#) Amendments made in the California Green Building Standards Code

**15.NEW.010 Adoption by reference.**

The California Green Building Standards Code, 2010 Edition is adopted by reference the same as though fully set forth in this chapter.

**15.NEW.020 Copies on file.**

One copy of the California Green Building Standards Code as adopted by BMC [15.NEW.010](#), and all amendments thereto, shall be kept on file in the building official's office for inspection by the public.

**Chapter 15.26**  
**BUILDING PERMIT FEES AND OTHER FEES**

Sections:

[15.26.010](#) General requirements and other fees.

[15.26.020](#) Building permit fees.

**15.26.010 General requirements and other fees.**

A. Building permit fees charged on all building permit applications including electrical, mechanical and plumbing permits are in accordance with the fee schedules contained within this chapter.

B. Other Fees (Includes Permit Issuance Fee).

1. a. Inspection for compliance to city codes which requires a letter certifying same: \$160.00.

b. Inspection for compliance to city code without a letter: \$86.00.

2. Spa permit (prefabricated): \$96.75 to include installation, plumbing, mechanical and electrical.

3 a. Residential Solar Photovoltaic Systems: \$125.00

3 b. Non-residential Solar Photovoltaic Systems:

<8 kw \$500.00

<49 kw \$1,000.00

>49kw \$1,500.00

4. Kitchen remodel: lighting only – \$106.25.

5. Kitchen remodel: plugs and lights – \$118.25.

6. Kitchen remodel: complete electric and DWV with water lines – \$150.50.

7. Bath/shower remodel: \$129.00.

8. Pools.

a. Gunite pools plan review: \$129.00.

b. Gunite pool permit issuance and inspection: \$258.00.

c. Pool heater: \$64.50.

9. Fireplace insert with gas and electric: \$150.00.
10. Work which was begun prior to required permit issuance: \$129.00.  
Investigation fee over one hour at \$129.00 per hour.
11. Inspections outside of normal business hours, per hour (minimum charge – two hours): \$129.00<sup>1</sup>.
12. Reinspection fees, per inspection: \$129.00\*.
13. Inspections for which no fee is specifically indicated, per hour (minimum charge of one-half hour): \$129.00\* (plus issuance fee).
14. Additional plan review required by changes, additions or revisions to plans or to plans for which an initial review has been completed, per hour (minimum charge of one-half hour): \$129.00\*.
15. Inspections outside of normal business hours, per hour (minimum charge – two hours): \$129.00\*.
- 16. Plan Retention.**
  - a. A plan retention fee shall be charged at a rate of \$2.25 per page for all plans and \$0.25 per eight-inch by 11-inch paper with a \$1.00 minimum charge.
  - b. The plan retention fee shall be used solely for the purpose of preserving building division plans.
  - c. The building official may adjust the rate charged, on July 30th of each year, to reflect an increase or decrease in cost of preserving plans.
17. Plan review is 65 percent of the building inspection fee.
18. Building inspection fees may be refunded upon written request if no work for the permit has begun. An administrative fee of up to \$110.00 will be assessed for any fee request refund at the discretion of the building official. (Ord. 08-16 § 1; Ord. 95-**15** N.S.; Ord. 87-6 N.S. § 2, 1987).

**Section 2.**

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

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

\*\*\*\*\*

On motion of Council member \_\_\_\_\_, seconded by Council member \_\_\_\_\_, the foregoing ordinance was introduced at a regular meeting of the City Council on the 16th day of November 2010, and adopted at a regular meeting of the Council held on the 7<sup>th</sup> day of December, 2010 by the following vote:

Ayes:

Noes:

Absent:

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

Attest:

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



SIERRA  
CLUB

FOUNDED 1892

Loma Prieta Chapter

### Recommendations for Commercial Solar Electric Permit Fees, as of 10/04/2010

It is imperative that municipal governments complement federal and state incentives by keeping their permit fees as low as possible. High permit fees discourage business from investing in solar power.

Based on interviews with building department officials in numerous cities, the authors of these recommendations have confirmed there is no correlation between the cost of a photovoltaic (PV) project and the staff-hours a municipality must devote to plan reviews and inspections! Permit fees must be based on specific review times and billable hourly rates to enable cost recovery. Basing a permit fee on the valuation of a PV system tends to generate higher fees than the actual cost incurred to service a permit. The time involved for review and inspection is not linear either (i.e. incurred cost does not directly relate to system size). For example, it does not take six times as long to evaluate a 49kW installation as an 8kW system, and a 100kW PV system typically takes about twice as long to process as a 10kW permit.

In the interest of encouraging cost-recovery based fees, we recommend the following measures for municipalities to estimate fees and reduce processing costs:

1. **Read our report on PV permit fees for commercial installations** published in Oct. 2010:

[www.SolarPermitFees.org/PVFeeStudyCommercial.pdf](http://www.SolarPermitFees.org/PVFeeStudyCommercial.pdf)

2. **Create a fair and reasonable PV permit fee schedule to enable cost recovery.** Try the PV permit fee calculator spreadsheet developed for the aforementioned Sierra Club report at: [www.SolarPermitFees.org/PVFeeCalcCommercial.xls](http://www.SolarPermitFees.org/PVFeeCalcCommercial.xls). This calculator is sophisticated enough for a municipality's permitting staff to precisely determine the recovery cost for a permit based on customizable specific review times for each task and billable hourly rates. This calculator is also simple enough that anyone can use its default values to estimate a commercial PV permit fee based on the relevant factors: specific review tasks, PV project size, time assessments for each task and billable hourly rates for cost recovery. These are the specific factors that are most relevant to cost recovery. Using the PV permit fee calculator's default values (such as a reasonable billable hourly rate of \$135 for staff time), we computed the following *reasonable* fees to achieve cost recovery for the three sizes of PV systems included in the 2010 Sierra Club commercial PV permit fee survey and report.

Estimated reasonable PV permit fee for cost recovery:

- o 8kW size: \$493
- o 49kW size: \$965
- o 131kW size: \$1,438

For details on how these fees were derived see sections 4, 5 and Appendix C of the Sierra Club report on PV Permit Fees for Commercial Installations referenced in item 1 above.

3. **Encourage complete and accurate permit submittals by the solar installers.** This is probably the most important factor determining how much time a municipality spends processing a permit. Before accepting a permit application, the building department might want to review the plans over-the-counter with the applicant present to ensure all necessary items are included. If items are missing, staff can request that the applicant provide these missing items to encourage complete submittals. For busy jurisdictions and applicants, the building department can offer this over-the-counter pre-review by appointment to economize everyone's time.
4. **Integrate review processes and inspections.** Incorporating the fire, planning, and other reviews into the building department review not only expedites the review process, but reduces the overall cost. This might involve training building department staff to perform standard fire department plan checks on standard PV systems. In this scenario, staff would only submit the application to the fire department for systems that present an unusual design or challenge. The same concept applies to the inspection process.
5. **Standardize permit requirements and guidelines.** Provide application forms, requirements/guidelines and permit fee schedules on the municipality's website to facilitate the application process. We recommend that municipalities create a standard permit process with clear guidelines. It would be best if municipalities collaborated to create and adopt regional standard guidelines for permit submittal, review and inspection tasks, as well as standard signage for labeling that do not vary by jurisdiction. This reduces the variability between jurisdictions. Such variability tends to increase the costs to the solar installers and ultimately the solar owners. Here is an example of standardized PV permit guidelines, which local chapters of the International Code Council in Northern California have approved for residential PV permit submittals:  
  
[www.SolarPermitFees.org/PVPermitGuidelines2010-07TUCC.pdf](http://www.SolarPermitFees.org/PVPermitGuidelines2010-07TUCC.pdf)
6. **Consider fast-tracking applications for solar contractors who have reliable track records** for PV installations. One process for fast-tracking an experienced contractor is to allow that contractor to submit an initial master PV plan to the building department for review. Based on that review, the contractor and building department could refine the master PV plan until it becomes an agreed-upon template for future PV plans. When that contractor applies for future PV permits, the building department's plan review could be completed quickly or even over-the-counter for PV systems that are similar to the pre-approved plan.
7. **Reduce the time window for inspection appointments.** Some cities schedule inspection windows of half a day. We recommend that the appointment window be no more than two hours. When feasible, cities should offer specific appointment times, such as the first inspection of the day or the first inspection after lunch. Another option is for the city to call the solar contractor with an estimated appointment time as the appointment window time gets close. We also recommend that cities grant an appointment within one business day after the solar installer gives notice that the installation is ready for inspection.

The following website has more details on the Sierra Club's PV Permit Fee campaign:

[www.SolarPermitFees.org](http://www.SolarPermitFees.org)

For more information on related solar PV permit issues, you may contact Kurt Newick via email at [SolarPermitFees@gmail.com](mailto:SolarPermitFees@gmail.com) or by phone at 408-370-9636.

### **Laws Governing PV Permits and Fees:**

California Government Code Section 66014 provides that fees associated with building inspections and building permits "**shall not exceed the estimated reasonable cost of providing the service for which the fee is charged.**" (Emphasis added).

The California Solar Rights Act<sup>1</sup> **limits the review of solar energy systems by city building officials to whether they meet applicable health and safety requirements.** (See California Government Code Section 65850.5 (b) and California Health and Safety Code Section 17959.1.) Discretionary reviews, including a design review for aesthetics, are prohibited. Section 65850.5(a) states: "It is the intent of the Legislature that local agencies not adopt ordinances that create unreasonable barriers to the installation of solar energy systems, including, but not limited to, design review for aesthetic purposes...."

The California Solar Rights Act (AB 2473) declares that **solar energy system permitting costs shall be minimized.** For details on this issue, see the letter of intent about solar permit fees that State Assembly member Lois Wolk authored. The letter was emailed to all California Cities on June 7, 2006. This letter can be downloaded at:

[www.SolarPermitFees.org/WolkPVFeeLetter.pdf](http://www.SolarPermitFees.org/WolkPVFeeLetter.pdf)

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<sup>1</sup> California Solar Rights Act: [www.SolarPermitFees.org/070123\\_RightsActPaperFINAL.pdf](http://www.SolarPermitFees.org/070123_RightsActPaperFINAL.pdf)



**AGENDA ITEM**  
**CITY COUNCIL MEETING DATE - DECEMBER 7, 2010**  
**CONSENT CALENDAR**

**DATE** : November 18, 2010

**TO** : City Manager

**FROM** : Fire Chief

**SUBJECT** : **SECOND READING AND ADOPTION OF AN ORDINANCE**  
**AMENDING THE CITY OF BENICIA FIRE PREVENTION AND LIFE**  
**SAFETY CODE**

**RECOMMENDATION:**

Adopt the ordinance to amend the Benicia Municipal Code by amending the following chapters of Title 8 Health and Safety, Chapter 8.28 pursuant to Statewide code updates and providing for certain amendments required to address local conditions.

**EXECUTIVE SUMMARY:**

In order to adopt the most recent version of the California Fire Code, an ordinance is required to accommodate local conditions. The 2010 edition of the California Fire Code (2009 International Fire Code as amended by the State of California), regulates and governs the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises in the City of Benicia. The proposed ordinance will adopt the 2010 edition of the California Fire Code.

**BUDGET INFORMATION:**

No budget impact.

**GENERAL PLAN:**

Relevant Goals and Policies include:

- Goal 4.1: Make community health and safety a high priority for Benicia.
  1. Policy 4.1.1: Strive to protect and enhance the safety and health of Benicians when making planning and policy decisions.

**STRATEGIC PLAN:**

Relevant Strategic Plan Goals and Strategies:

- Goal 1.00: Protect Community and Environmental Health and Safety.
  1. Strategy 1.30: Protect neighborhoods from risks to health and safety.

## **BACKGROUND:**

This Code adopts changes, modifications and requirements not mandated by the California Fire Code (CFC) and International Fire Code (IFC) because of local climatic, geological or topographical conditions. The modifications are needed due to the following local conditions that exist in Benicia and on the following findings:

1. The city is geographically situated in an area subject to frequent periods of strong gusty winds from the southwest and north. In addition, temperatures during the summer months range from 80 to 100+ degrees. During this period, the relative humidity can fall below 20%. The city contains a significant amount of hilly undeveloped acreage designated as permanent open space. This wildland/urban interface, in conjunction with the hot, dry and windy climatic conditions, creates a hazardous situation that has led to extensive grass and brush fires in recent years. With more development extending into and adjacent to the open space areas, heat and wind-driven fires could lead to serious consequences.

2. The city is divided by several topographic features, including Interstates 680 and 780. As a result, the city is primarily divided into three parts. Traffic within and between the parts of the city is channeled onto several major thoroughfares that must cross freeways by way of underpasses and overpasses. In addition, it is bordered on two sides by the Carquinez Straits. Periodic heavy traffic congestion on the city's major streets and interstates acts as a barrier to timely response for fire and emergency service vehicles. Because of traffic or accidents, there could be times that fire equipment could be sufficiently slowed to increase the risk of substantial structural damage. With the possibility of fire services unable to guarantee rapid response to various sections of the city during these times, it is necessary to mitigate this problem by requiring built-in automatic fire protection systems which provide for early detection and suppression until the arrival of firefighting equipment and other emergency services.

3. The city is subject to ground tremors from seismic events on the San Andreas, Concord/Green Valley, Hayward, and/or other major active faults in the greater San Francisco Bay Area. The Concord/ Green Valley fault is immediately adjacent to the city to the north. Seismological evidence indicates the probability of an earthquake in the region capable of doing significant damage to buildings is high. A major seismic event would create a citywide demand on fire protection services, which would be beyond the response capability of the fire department. This problem can be lessened or mitigated by requiring initial fire control through the installation of automatic fire protection systems.

Attachment:

- Proposed Fire Prevention and Life Safety Code Ordinance

**CITY OF BENICIA**

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

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BENICIA AMENDING IN CHAPTER 8.28 (FIRE PREVENTION AND LIFE SAFETY CODE) IN ITS ENTIRETY OF TITLE 8 (HEALTH AND SAFETY) OF THE BENICIA MUNICIPAL CODE.**

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

Chapter 8.28 of the Benicia Municipal Code is hereby repealed and a new Chapter 8.28 is hereby added to read as follows:

Chapter 8.28

FIRE PREVENTION AND LIFE SAFETY CODE

Sections:

- 8.28.010 Findings
- 8.28.020 Adoption by Reference
- 8.28.030 Establishment and Duties of the Division of Fire and Life Safety.
- 8.28.040 Definitions
- 8.28.050 Establishment of Limits within the City of Benicia where Materials regulated by the Code are Prohibited or Limited.
- 8.28.060 Amendments made in the International Fire Code.
- 8.28.070 Penalties

8.28.010 Findings

That portion of the California Fire Code that imposes substantially the same requirements as are contained in the International Fire Code, 2009 Edition published by the International Code Council and the California Building Standards Commission with Errata, together with those portions of the International Fire Code, 2009 Edition, including Appendix Chapters 4, B, C, D, E, F, G, and I, as modified and amended by this chapter, are adopted by this reference into this Chapter, and are hereby collectively declared to be the Fire Code of the City of Benicia, in the State of California regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Fire Code on file in the office of the Fire Marshal are hereby referred to,

adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

This Code adopts changes, modifications and requirements not mandated by the California Fire Code (CFC) and International Fire Code (IFC) because of local climatic, geological or topographical conditions. The modifications are needed due to the following local conditions that exist in Benicia and on the following findings:

1. The city is geographically situated in an area subject to frequent periods of strong gusty winds from the southwest and north. In addition, temperatures during the summer months range from 80 to 100+ degrees. During this period, the relative humidity can fall below 20%. The city contains a significant amount of hilly undeveloped acreage designated as permanent open space. This wildland/urban interface, in conjunction with the hot, dry and windy climatic conditions, creates a hazardous situation that has led to extensive grass and brush fires in recent years. With more development extending into and adjacent to the open space areas, heat and wind-driven fires could lead to serious consequences.

2. The city is divided by several topographic features, including Interstates 680 and 780. As a result, the city is primarily divided into three parts. Traffic within and between the parts of the city is channeled onto several major thoroughfares that must cross freeways by way of underpasses and overpasses. In addition, it is bordered on two sides by the Carquinez Straits. Periodic heavy traffic congestion on the city's major streets and interstates acts as a barrier to timely response for fire and emergency service vehicles. Because of traffic or accidents, there could be times that fire equipment could be sufficiently slowed to increase the risk of substantial structural damage. With the possibility of fire services unable to guarantee rapid response to various sections of the city during these times, it is necessary to mitigate this problem by requiring built-in automatic fire protection systems which provide for early detection and suppression until the arrival of firefighting equipment and other emergency services.

3. The city is subject to ground tremors from seismic events on the San Andreas, Concord/Green Valley, Hayward, and/or other major active faults in the greater San Francisco Bay Area. The Concord/ Green Valley fault is immediately adjacent to the city to the north. Seismological evidence indicates the probability of an earthquake in the region capable of doing significant damage to buildings is high. A major seismic event would create a citywide demand on fire protection services, which would be beyond the response capability of the fire department. This problem can be lessened or mitigated by requiring initial fire control through the installation of automatic fire protection systems.

#### 8.28.020      Adoption by Reference

A. International Fire Code Adopted.      That portion of the California Building Standards Code that imposes substantially the same requirements as are contained in the International Fire Code, 2009 Edition published by the International Code Council and the California Building Standards Commission with errata, together with those portions of the International Fire Code, 2009 Edition, including Appendix Chapter 4, A, B, C, D, E, F, G and I, as modified and amended by this chapter, are adopted by this

reference into this Chapter, and are hereby collectively declared to be the Fire Code of the City of Benicia for the purpose of regulating and governing the safeguarding of life, property and public welfare to a reasonable degree from the hazards of fire, hazardous materials release and explosions(s) arising from the storage, use and handling of dangerous and hazardous materials, substances and devices, conditions hazardous to life or property in the occupancy and use of buildings and premises, then operation, installation and maintenance of adequate means of egress not provided for by the building code, and providing for the issuance of permits and collection of fees thereof.

B. An ordinance of the City of Benicia adopting the 2010 edition of the California Fire Code (2009 International Fire Code as amended by the State of California), regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises in the City of Benicia; providing for the issuance of permits and collection of fees therefore; repealing Chapter 8.28 of the City of Benicia Municipal Code, and all other ordinances and parts of the ordinances in conflict therewith.

8.28.030 Establishment and Duties of the Division of Fire and Life Safety. The California Fire Code as adopted and amended herein shall be enforced by the fire and life safety division in the fire department of the City of Benicia which is hereby established and which shall be operated under the supervision of the Fire Chief of the fire department. All members of the fire department may enforce the California Fire Code as adopted and amended herein.

8.28.040 Definitions. As used in this chapter, the following terms shall have the meanings set forth herein below:

“Jurisdiction” whenever the word jurisdiction is used in the California Fire Code, it is the City of Benicia.

“Fire Code Official” whenever the words Fire Code Official are used they shall be held to mean Fire Marshal.

“Bureau” whenever the words “Bureau of Fire Prevention”, or “Bureau” are used they shall be held to mean the Fire and Life Safety Division.

8.28.050 Establishment of Limits Within The City of Benicia Where Materials Regulated by this Code are Prohibited or Limited.

A. Establishment of limits in which storage of liquefied petroleum gases is to be restricted. The limits referred to in Section 3804.2 of the California Fire Code, in which storage of liquefied petroleum gas is restricted, are hereby established as follows: The bulk storage of liquefied petroleum gas is prohibited in all residentially zoned areas of the City, excluding public and public safety facilities.

B. Establishment of limits in which the storage of stationary tanks of flammable cryogenic fluids are to be prohibited. The limits referred to in Section 3204.3.1.1 of the California Fire Code in which the storage of flammable cryogenic

fluids in stationary containers is prohibited is hereby established as follows: Any area which is zoned for other than industrial use.

C. Establishment of limits in which storage of flammable or combustible liquids in outside aboveground tanks; bulk plants or terminals; and bulk transfer operations is to be prohibited. The limits referred to in Section 3404.2.9.6.1 of the California Fire Code in which storage of Class I and II liquids in outside aboveground tanks is prohibited, are hereby established as follows:

1. Storage of flammable or combustible liquids in excess of 2,000 gallons shall be limited to refineries or bulk storage plant location.

2. Storage shall be limited to Public, Limited Industrial (IL), General Industrial (IG), and Water-Related Industrial (IW) zoned districts, or public safety facilities.

8.28.060 Amendments made in the California Fire Code: The California Fire Code is amended and changes in the following respects:

A. Section 101.1-Title. Section 101.1 of Chapter 1 is amended to read as follows:

101.1 Title. These regulations shall be known as the Fire Code of the City of Benicia, hereinafter referred to as "this code."

B. Section 104.3.2 – Fire Clearance. Section 104.3.2 of Chapter 1 is added to read:

104.3.2 Fire Clearance. It shall be unlawful for any person, firm or corporation to operate a business unless a fire clearance inspection has been made and such businesses are in compliance with all fire department requirements.

C. Section 104.10.1-Assistance from other agencies. Section 104.10.1 of Chapter 1 is added to read:

104.10.1 Fire Prevention Bureau Personnel and Police. All sworn safety personnel assigned to the Fire and Life Safety Division, or such other full-time Fire Department officers or fire prevention personnel including the Community Preservation Officer(s), as may be authorized by the Chief, shall be peace officers as described in Section 830.37 of the California Penal Code and shall enforce the Penal Code, California Fire Code, and where necessary and appropriate, any sections of the Benicia Municipal Code, California Health and Safety Code, and any other county or state fire-related laws or codes not specifically covered in any part of this Code. These police powers include the issuance of misdemeanor citations (Notice to Appear), and as approved by the Chief, carrying and use of firearms.

When requested to do so by the Fire Chief, the Chief of Police is authorized to assign such available police officers as necessary to assist the Fire Department in enforcing the provisions of this Code.

D. Section 105.4.2.2 - Plan Review and Fees. Section 105.4.2.2 of Chapter 1 is added to read as follows:

1. Plan Review: Plan Review: The Fire Code Official may review all plans for the construction or remodeling of buildings for the purpose of ascertaining and requiring to be corrected any condition liable to cause fire, or endanger life from fire or panic, or any violation of this Code, state laws and regulations, and any other local ordinances or requirements which the Fire Code Official may deem necessary. The

Chief of the Fire Department may establish a schedule of fees, as approved by resolution of the City Council; to be charged and collected for plan checking and other required inspection services.

2. Fees. The Fire Chief may establish a schedule of fees, as approved by the City Council, to be charged and collected for plan checking, required inspection services, and for the issuance of permits pursuant to Section 105.7 of this Code. Fire service fees may be charged to any person, firm, corporation or business that through negligence, violation of the law or as a result of carelessness is responsible for the cause of any fire department response to the scene of such an incident. A copy of fee schedules shall be kept in the office of the City Clerk and the office of the Fire Marshal, and shall be available for public inspection.

E. Section 108 is amended -Appeal Process. Section 108 of Chapter 1 is amended to read as follows:

108 -Appeal Process. Section 108 of Chapter 1 is amended to read as follows:

108.1 Board of Appeals established. When it is claimed that the provisions of this Code do not apply, or that the true intent and meaning of this Code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Chief of the Fire Department to the City Manager within 30 days from the date of the decision of the Chief of the Fire Department. The City Manager, or the Manager's duly authorized representative, shall be the hearing officer and his or her decision shall be final.

F. Section 109.3 – Violation penalties. Section 109.3 of Chapter 1 is amended to read as follows:

109.3 Violation Penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the Fire Code Official, or of a permit or certificate used under provisions of this code, shall be guilty of an Infraction or Misdemeanor as specified in the California Penal Code. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

G. Section 110.4.1 - Abatement of Hazards. Section 101.1.3 of Chapter 1 is added to read as follows:

110.4.1 Abatement of Hazards. In situations where immediate abatement of a fire hazard or another potentially hazardous condition is required, the Fire Code Official shall have the authority to abate such hazard immediately. This may include, but is not limited to, confiscation of flammable liquids, fireworks, removing hazardous wiring and adapters, temporary closure of commercial occupancies, extinguishing unsafe or illegal fires and any other similar hazards determining no smoking and ceasing operation of any type of apparatus that may be a danger to property or life. Costs of abatement may become a lien upon the property affected. Affected persons shall be notified of action taken as soon as possible.

H. Section 111.4 – Failure to comply. Section 111.4 of Chapter 1 is amended to read as follows:

111.4 Failure to Comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to

perform to remove a violation or unsafe condition, shall be liable to a fine of not less than (\$500.00) dollars or more than (\$1,500.00) dollars.

I. Section 202 – General Definitions Fire Watch. Section 202 is amended by adding the following:

202 General Definitions Fire Watch. Qualified individual(s) shall mean an employee of an acceptable security guard/patrol service.

J. Section 307.6 – Open Burning. Section 307.6 of Chapter 1 is added to read as follows:

1 307.6 Open Burning. No person may ignite, permit or maintain an open fire within the city.

2. Open Outdoor Fires - Exceptions. The following are exceptions from the prohibitions in Section 307.6:

(a) Fire for cooking of food for human consumption, where such use is accomplished in an approved barbecue pit.

(b) Fire for recreational heating, where such use is accomplished in an approved fireplace.

(c) A fire set or permitted by a public fire official in the performance of official duties.

K. Section 502.1 of Chapter 5 is amended to add the following definition:

502.1 All Weather Driving Surface. A roadway designed to carry the imposed weight loads of fire apparatus complete with all underground utilities, curbs, gutters, and a minimum surface finish of one layer of asphalt or concrete or road pavers.

L. Section 503.1.2.1 – Access to open spaces. Section 503 of Chapter 5 is added to read as follows

503.1.2.1 Access to Open Spaces. When access to open land/space or fire trail systems maintained for public or private use is obstructed by vehicles of any kind, or other obstructions both within the access or the road or street access to the open space, the vehicle or obstruction may be removed and the cost of such removal will be assessed to the responsible party or vehicle owner.

M. 503.2.1 Dimensions. Section 503.2.1 is amended to add subsections 503.2.1.2 as follows:

503.2.1.2 Parking of vehicles on fire apparatus access roads. For the parking of vehicles on a fire apparatus access road, roadway widths shall be increased to accommodate the parking of vehicles as follows:

1. Roadways 20 feet (6096 mm) in width, no parking permitted,
2. Roadways 28 feet (8534mm) in width, parking permitted on one side only. Parking is permitted on the side of the street absent fire hydrants, and
3. Roadways 36 feet (10 973 mm) in width when parking is not restricted.

N. 503.2 Specifications. Sections 503.2.4 and 503.2.5 are amended as follows:

503.2.4 Minimum turning radius. A fire department access road shall have a minimum standard turning radius of 30 feet inside and a 42-foot outside diameter.

503.2.5 Dead ends. Dead end fire apparatus access roads in excess of 150 feet (45 720 mm) in length shall be provided with an approved area for turning around aerial fire apparatus.

O. 503.2.7 Grade. Section 503.2.7 is amended in its entirety and replaced as follows:

503.2.7 Grade. A fire department access road having a grade of between 12% and 15% shall be designed to have a finished surface of grooved concrete or rough asphalt to hold a 50,000-pound traction load. Design for grooved concrete shall be ¼ inch (6 mm) wide by ¼ inch (6 mm) deep and ¾ inch (19 mm) on center. Grades exceeding 15% are not permitted.

Exception: Other approved all weather surfaces may be used if the skid resistance is equivalent to or greater than grooved concrete as certified by a registered engineer and approved by the Fire Code Official.

P. 503.2 Specifications. Section 503.2 is further amended to add Section 503.2.9 as follows:

503.2.9 Roadway minimum design weight load capacity. A fire department access road shall be designed and maintained to support a minimum load of 60,000 pounds (H-20 Cal-Trans Design Standard) and shall be provided with an all-weather driving surface as specified in this standard.

Q. 503.3.1 Access-parking Prohibited. Section 503.3.1 is added to read:

503.3.1 Access-parking Prohibited. If, in the judgment of the Fire Code Official, it is necessary to prohibit vehicular parking along public or private driveways and other access ways devoted to public use in order to maintain clear and unobstructed access, the Fire Code Official may require the owner, lessee, or other person in charge of the premises to paint the curbs red, install signs, or give other appropriate notice that parking is prohibited. It shall thereafter be unlawful for any such owner, lessee, or other person in charge to fail to install and maintain in good condition the painted curbs, signs, or other appropriate notice so prescribed. When such areas are marked or signed as provided herein, it shall be unlawful for any person to park or leave standing a vehicle adjacent to any such curb marking or contrary to such sign(s).

It shall be unlawful to park any vehicle or in any other way obstruct or block any "Fire Lane", general access road to any building or complex, fire department connection, access roads or areas to any open space, no parking zones at fire stations or within 10 feet of any fire hydrant.

R. 505 Premises Identification. Section 505.1 is added to read:

505.1 Address Identification. Any business or building that affords vehicular access to the rear through a driveway, alleyway, or parking lot, shall also display the building identification or address numbers on the rear of the building.

At the main entrance driveway to each newly constructed multiple dwelling complex, there shall be positioned an illuminated diagram (map) of the complex, which lists all individual addresses of each unit in the complex. The design and location of the map shall be approved by the Fire Marshal.

S. Section 507.5.1 – Where Required. Section 507.5.1 of Chapter 5 is amended to read:

507.5.1 Where Required. Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 300 feet from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the Fire Code Official.

Fire hydrants shall be placed as approved by the Fire Code Official within fifty (50') feet of fire department connections on new construction.

T. Section 903.2 – Where Required. Section 903.2 through Section 903.2.10 of Chapter 9 is amended to read:

Section 903.2 Where Required. An approved automatic fire sprinkler system shall be installed and maintained in each new building, with the City requiring a building permit according to the following criteria:

1. A Building occupied or used for any purpose including occupancy group A, B, F, H, I, L, M, S, and U (as defined in the California Fire Code), where the fire flow requirements for the building are fifteen hundred gallons per minute or more based on Appendix B requirements.

Exception: Groups R-2.1, R-3.1, or R-4 occupancies are exempt unless otherwise provided for in this code shall comply with the California Residential Code.

2. A building more than two stories or thirty-five feet in height;

U. Section 3302 - Firework Findings. Section 3302 is added to Chapter 33 to read as follows:

1. 3302 Firework Findings. The City Council finds that the sale, use and/or discharge of fireworks in the City, whether classified as "dangerous fireworks" and/or "safe and sane fireworks" pursuant to Health and Safety Code Sections 12500 et seq. will endanger life and property, and may encourage the use and/or discharge of fireworks in neighboring jurisdictions where their sale, use and/or discharge are prohibited.

2. 3302.1 Definitions. Any and all terms used in this article shall have the same meaning as defined in Health and Safety Code Sections 12500 et seq. and shall govern the construction of this article.

3. 3302.2 Applicability of State Law. This article does not supersede State law, but is intended to supplement the provisions of Division 11, Part 2, of the Health and Safety Code (Sections 12500 et seq.) and the administrative regulations adopted pursuant to law, and to prohibit and/or regulate by local authority, as authorized by Health and Safety Code Section 12541, the sale used and/or discharge of fireworks in the City.

4. 3302.3 Sale, Use, Possession and/or Discharge Prohibited. No person or organization shall sell, use, possess and/or discharge in the city any fireworks, including, but not limited to, dangerous fireworks and safe and sane fireworks, subject to the exceptions set forth in this article.

5. 3302.4 Seizure of Fireworks. The Fire Code Official is authorized to seize, take, remove or cause to be removed at the expense of the owner any and all fireworks, including, but not limited to, dangerous fireworks and safe and sane fireworks, which are possessed in violation of Article 78. Confiscation by any law enforcement officer and/or fire department official is subject to the exceptions set forth in this article.

Exceptions. This article does not prohibit, and does not authorize confiscation of fireworks possessed for, the following:

a. A public display of fireworks, including, but not limited to, dangerous fireworks and safe and sane fireworks, in the city; provided, that the person or organization is properly licensed, strictly complies with all applicable provisions of this

article, all regulations adopted by the Fire Code Official, all city resolutions and ordinances, all provisions of the Health and Safety Code, and receives authorization of the Fire Code Official for the public displays of fireworks.

b. Any special item containing pyrotechnic compositions which the State Fire Marshal, with the advice of the State Advisory Board, has investigated and determined to be limited to industrial, commercial, agricultural use, or religious ceremonies when authorized by a permit granted by the authority having jurisdiction and is classified as "exempt fireworks" in the Health and Safety Code.

c. The use of torpedoes, flares, or fuses by railroads or transportation agencies for signal purposes or illumination.

d. The sale, use or discharge of blank cartridges for ceremonial purposes, athletic or sports events, or military ceremonial or demonstrations.

6. 3302.5 Bond - Insurance. An applicant for a permit to make a public display of fireworks shall furnish proof of adequate compensation insurance for employees as required by State law. The permittee shall furnish a bond or certificate of insurance in an amount deemed adequate by the Fire Code Official for payment of damages that may result to person(s) or property caused by the public display of fireworks or negligence on the part of the applicant or his agents or employees.

V. Section 4603.4 – Sprinkler Systems where required. Section 4603.4.1 through 4603.4.3.

Section 4603.4.3-added to read where required. Section 4603.4.3 of Chapter 46 is added to read:

An approved automatic fire sprinkler system shall be installed and maintained in each new building and addition to an existing building and in the case of the major remodeling of an existing building, with the City requiring a building permit according to the following criteria:

1. A building occupied or used for any purpose including occupancy group A, B, F, H, I, L, M, S and U (as defined in the California Fire Code), Where the fire flow requirements for the building are fifteen hundred gallons per minute or more based on Appendix B requirements;

2. Each building existing on January 1, 2011 is exempt from this section until such time as:

a. Structural changes or tenant improvements of forty percent or greater are made to the building, or

b. The building adds or changes occupancy classification as defined in the California Building Code.

8.28.070 Penalties.

A. Any person who violates any of the provisions of this Code or Standards hereby adopted or fails to comply therewith, or who violates or fails to comply with any order made thereunder, or who builds in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who fails to comply with such an order as affirmed or modified by the Fire Code Official or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance, respectively, be guilty of a misdemeanor, punishable by a fine of not less than fifty dollars (\$50.00) nor more than one thousand dollars

(\$1,000.00) or by imprisonment for not more than six months or by both such fine and imprisonment. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time.

B. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions or the invocation of other remedies provided in the Benicia Municipal Code or by other law.

C. Each person is guilty of a separate offense for each and every day during any portion of which the violation of this code is committed, continued, or permitted by that person.

### **Section 3.**

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

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

\*\*\*\*

On motion of Council Member \_\_\_\_\_, seconded by Council Member \_\_\_\_\_, the foregoing ordinance was introduced at a regular meeting of the City Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2010 and adopted at a regular meeting of the Council held on the 7<sup>th</sup> day of December 2010, by the following vote:

Ayes:  
Noes:  
Absent:  
Abstain:

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

ATTEST:

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

**AGENDA ITEM**  
**CITY COUNCIL MEETING DATE - DECEMBER 7, 2010**  
**CONSENT CALENDAR**

**DATE** : November 3, 2010

**TO** : City Manager

**FROM** : Finance Director

**SUBJECT** : **AUTHORIZATION OF THE ANNUAL APPLICATION FOR TRANSPORTATION DEVELOPMENT ACT FUNDS TO OPERATE BENICIA BREEZE FOR FISCAL YEAR 2010-2011**

**RECOMMENDATION:**

Adopt the resolution authorizing the Finance Director to file an application with the Metropolitan Transportation Commission (MTC) for Transportation Development Act (TDA) funds to operate Benicia Breeze for Fiscal Year 2010-2011.

**EXECUTIVE SUMMARY:**

Each year the City files an application with MTC for TDA funds to support the City's transit operation called Benicia Breeze. The Transit Fund is an enterprise fund that depends solely on TDA allocations, fare revenue, bus advertising revenue and other Federal Transit Administration grants. The claim of \$703,337 will be used for Fixed Routes, Flex Routes and Paratransit Service in FY 2010-11.

**BUDGET INFORMATION:**

Benicia Breeze transit services receive funding from TDA, Local Transportation Funds (LTF) and State Transit Assistance (STA) funds for Fiscal Year 2010-2011 as follows:

LTF for Operations, Capital and Solano Transportation Authority	\$ 691,677
STA for Fixed Route	11,660
<b>Total Funds Received from TDA</b>	<b>\$ 703,337</b>

**GENERAL PLAN:**

Relevant General Plan Goal:

- Goal 2.17: Provide an efficient, reliable, and convenient transit system.

**STRATEGIC PLAN:**

Relevant Strategic Plan Goals and Strategies:

- Goal 4.00: Preserve and Enhance City Assets and Infrastructure
  - Strategy: Provide a balanced street system to serve automobiles, pedestrians, bicycles, and transit

**BACKGROUND:**

The City of Benicia operates a transit system that includes fixed route bus service and demand response para-transit service. The Metropolitan Transportation Commission (MTC) requires the attached resolution and Opinion of Counsel be submitted when applying for TDA funds on an annual basis. The resolution authorizes the Finance Director to file and execute the TDA claim for Fiscal Year 2010-11 on behalf of the City. The City will also authorize the Solano Transportation Authority to claim \$23,847 for transportation planning services.

The TDA report is generally filed in the early part of the year but changes in the Benicia Breeze delayed the completion of the claim until recently. The transit fund has been operating on loans from the General Fund each month and will repay the full amount of temporary funds with interest as soon as the TDA claim is approved by MTC. In the interim period, the TDA funds also receive interest earnings from the Solano County Investment Pool, which is the repository for the funds pending authorized distribution by MTC.

Attachments:

- Resolution
- Opinion of Counsel

**RESOLUTION NO. 10-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA AUTHORIZING THE FILING OF AN APPLICATION WITH THE METROPOLITAN TRANSPORTATION COMMISSION FOR ALLOCATION OF TRANSPORTATION DEVELOPMENT ACT FUNDS FOR FISCAL YEAR 2010-11**

**WHEREAS**, the Transportation Development Act (TDA), (Public Utilities Code Section 99200 et seq.), provides for the disbursement of funds from the Local Transportation Fund (LTF) and State Transit Assistance (STA) of the County of Solano for use by eligible applicants for the purpose of operating Benicia Breeze; and

**WHEREAS**, pursuant to the provisions of the TDA, and pursuant to the applicable rules and regulations thereunder (21 Cal. Code of Regs. 6600 et seq.) a prospective applicant wishing to receive an allocation from the Local Transportation Fund (LTF) and State Transit Assistance (STA) shall file its claim with the Metropolitan Transportation Commission; and

**WHEREAS**, TDA funds from the Local Transportation Funds and State Transit Assistance funds of Solano County will be required by applicant in Fiscal Year 2010-11 for the operation of Benicia Breeze; and

**WHEREAS**, the City of Benicia is an eligible applicant for TDA funds pursuant to Public Utilities Code Sections 99260(a), 99400(c), 99400(d), and 99400(e) as attested by the Opinion of Counsel dated November 1, 2010.

**NOW, THEREFORE, BE IT RESOLVED THAT** the City Council of the City of Benicia hereby authorizes the Finance Director or his designee to execute and file an appropriate TDA application, together with all necessary supporting documents, with the Metropolitan Transportation Commission for an allocation of TDA funds in Fiscal Year 2010-11 and to file amended claims as needed.

**BE IT FURTHER RESOLVED** that a copy of this resolution be transmitted to the Metropolitan Transportation Commission in conjunction with the filing of the claim; and the Metropolitan Transportation Commission is requested to grant the allocation of funds as specified herein.

\*\*\*\*\*

On motion of Council Member \_\_\_\_\_, seconded by Council Member \_\_\_\_\_, the above Resolution was introduced and passed by the City Council of the City of Benicia at a regular meeting of said Council held on the 7<sup>th</sup> day of December, 2010, and adopted by the following vote:

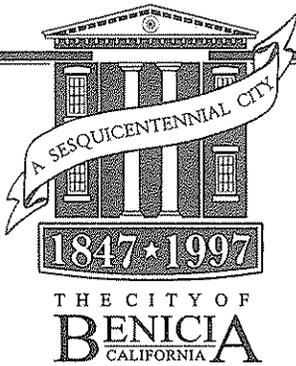
Ayes:

Noes:

Absent:

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

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



CITY ATTORNEY'S OFFICE  
HEATHER C. Mc LAUGHLIN  
*City Attorney*

**DOCUMENT C: OPINION OF COUNSEL**

TO: METROPOLITAN TRANSPORTATION COMMISSION

FROM: CITY OF BENICIA

DATE: NOVEMBER 1, 2010

SUBJECT: **ELIGIBILITY FOR TRANSPORTATION DEVELOPMENT ACT  
FUND/STATE TRANSIT ASSISTANCE FUNDS**

This communication will serve as the requisite opinion of counsel in connection with the application of the City of Benicia for allocation of Transportation Development Act (TDA) and/or State Transit Assistance (STA) funds.

1. The City of Benicia is authorized to provide and assist public transportation by acquisition, construction, and operation of existing or additional transit facilities. This assistance may be provided directly or by contractual arrangements with other parties.
2. The City of Benicia is an eligible applicant for Transportation Development Act (TDA) and State Transit Assistance (STA) funds pursuant to PUC section 99260 (a), 99400 (c), 99400 (d) 99400 (e).
3. I have reviewed the pertinent state and local laws and I am of the opinion that there is no legal impediment to the City of Benicia making application for TDA/STA funds. Furthermore, as a result of my examinations, I find that there is no pending or threatened litigation which might in any way adversely affect the proposed projects, or the ability of the City of Benicia to carry out such projects.

Sincerely,

Heather C. McLaughlin  
City Attorney



**AGENDA ITEM**  
**CITY COUNCIL MEETING DATE - DECEMBER 7, 2010**  
**CONSENT CALENDAR**

**DATE** : November 16, 2010

**TO** : City Manager

**FROM** : Police Chief

**SUBJECT** : **FIRST READING AND INTRODUCTION OF AN ORDINANCE AMENDING SECTION 9.28.040 OF CHAPTER 9.28 (YOUTH PROTECTION) OF ARTICLE I (NIGHTTIME CURFEW) OF TITLE 9 (PUBLIC PEACE, MORALS AND WELFARE) OF THE MUNICIPAL CODE AND SECTION 9.28.100 OF CHAPTER 9.28 (YOUTH PROTECTION) OF ARTICLE II (DAYTIME CURFEW) OF TITLE 9 (PUBLIC PEACE, MORALS AND WELFARE) OF THE MUNICIPAL CODE**

**RECOMMENDATION:**

First reading and introduction of an ordinance amending Section 9.28.040 of chapter 9.28 (Youth Protection) of Article I (Nighttime Curfew) of Title 9 (Public Peace, Morals and Welfare) and Section 9.28.100 of chapter 9.28 (Youth Protection) of Article II (Daytime Curfew) of Title 9 (Public Peace, Morals and Welfare), to include language consistent with recent case law.

**EXECUTIVE SUMMARY:**

In a recent California Court of Appeals case (In re A.G., 2010 WL 378098 (Cal. App. 4th Dist)), the Fourth District Court of Appeal ruled San Diego's curfew ordinance unconstitutional on February 4, 2010. Changes to Chapter 9.28 of the Municipal code are necessary to comply with this ruling.

**BUDGET INFORMATION:**

No impact.

**GENERAL PLAN:**

**STRATEGIC PLAN:**

Relevant Strategic Plan Issues and Strategies:

- Strategic Issue #2: Protecting Community Health and Safety
  - Strategy #3: Promote community and personal health

## **BACKGROUND:**

In a recent California Court of Appeals case, *In re A.G.*, the Court found the exemptions to a local San Diego curfew ordinance were not broad enough and therefore unconstitutionally burdened a minor's right to travel and violated First Amendment rights. Specifically, the Court found that although the ordinance appropriately exempts minors attending certain official school, religious, or other recreational activities, it does not exempt the minor's travel to and from those activities. Secondly, the Court found that although the ordinance protects a minor's exercise of First Amendment rights, it does not protect a minor's travel to and from those activities, unless accompanied by an adult. Finally, the Court found that the ordinance lacked an exemption that would allow a minor to travel from one exempt activity to another.

While the current Benicia ordinance addresses most of the issues raised in this case, the proposed changes to this ordinance specifically address the court's concerns over the traveling "to and from" one exempt activity to another. The proposed amendments to Benicia's curfew ordinance address the rulings in this case and provide language consistent with case law.

The proposed changes broaden a minor's ability to travel to and from certain activities and not only from home to an activity and back. The adoption of the revised ordinance will bring the City's curfew ordinance into compliance with case law.

### Attachments:

- Proposed changes to sections 9.28.040 and 9.28.100

**CITY OF BENICIA**

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

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BENICIA AMENDING SUBSECTION I AND ADDING SUBSECTION J OF SECTION 9.28.040 OF CHAPTER 9.28 (YOUTH PROTECTION) OF ARTICLE I (NIGHTTIME CURFEW) OF TITLE 9 (PUBLIC PEACE, MORALS AND WELFARE) OF THE BENICIA MUNICIPAL CODE, AND ADDING SUBSECTIONS I AND J OF SECTION 9.28.100 OF CHAPTER 9.28 (YOUTH PROTECTION) OF ARTICLE II (DAYTIME CURFEW) OF TITLE 9 (PUBLIC PEACE, MORALS AND WELFARE) OF THE MUNICIPAL CODE**

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

**Section 1.**

Subsection I of Section 9.28.040 (Defenses) of Chapter 9.28 (Youth Protection) of Article I (Nighttime Curfew) of Title 9 (Public Peace, Morals and Welfare) of the Benicia Municipal code is amended to include going to or returning home from, without any detour or stop to read as follows:

9.28.040 I. Exercising First Amendment rights protected by the United States Constitution, or going to or returning home from, without any detour or stop, such as the free exercise of religion, freedom of speech and the right of assembly. (Ord. 98-4)

**Section 2.**

Subsection J of Section 9.28.040 (Defenses) of Chapter 9.28 (Youth Protection) of Article I (Nighttime Curfew) of Title 9 (Public Peace, Morals and Welfare) of the Benicia Municipal code is added to include Traveling from an activity listed in section 9.28.040 to another activity listed in section 9.28.040, without any detour or stop to read as follows:

9.28.040 J. Traveling from an activity listed in section 9.28.040 to another activity listed in section 9.28.040, without any detour or stop.

**Section 3.**

Subsection J of Section 9.28.100 (Lawful defenses for absence from school) of Chapter 9.28 (Youth Protection) of Article II (Daytime Curfew) of Title 9 (Public Peace, Morals and Welfare) of the Benicia Municipal code is added to include Exercising First Amendment rights and going to or returning home from, without any detour or stop to read as follows:

9.28.100 I. Exercising First Amendment rights protected by the United States Constitution, or going to or returning home from, without any detour or stop, such as the free exercise of religion, freedom of speech and the right of assembly. (Ord. 98-4)

**Section 4.**

Subsection J of Section 9.28.100 (Lawful defenses for absence from school) of Chapter 9.28 (Youth Protection) of Article I (Daytime Curfew) of Title 9 (Public Peace, Morals and Welfare) of the Benicia Municipal code is added to include Traveling from an activity listed in section 9.28.100 to another activity listed in section 9.28.0100, without any detour or stop to read as follows:

9.28.100 J. Traveling from an activity listed in section 9.28.100 to another activity listed in section 9.28.100, without any detour or stop.

**Section 5.**

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

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

\*\*\*\*\*

On motion of Council Member \_\_\_\_\_, seconded by Council Member \_\_\_\_\_, the foregoing ordinance was introduced at a regular meeting of the City Council on the day of \_\_\_\_\_ 2010, by the following vote:

Ayes:

Noes:

Absent:

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

ATTEST:

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

**AGENDA ITEM**  
**CITY COUNCIL MEETING DATE - DECEMBER 7, 2010**  
**CONSENT CALENDAR**

**DATE** : November 17, 2010

**TO** : City Manager

**FROM** : Economic Development Manager

**SUBJECT** : **APPROVE THE LEASE AGREEMENT BETWEEN THE CITY OF BENICIA AND JUAN VALLEJO FOR 356 E. I STREET**

**RECOMMENDATION:**

Approve a new lease agreement, which is an extension to the lease agreement between the City of Benicia and Juan Vallejo, amending it to a month-to-month tenancy.

**EXECUTIVE SUMMARY:**

The existing lease with Juan Vallejo for the house at 356 E. I Street expired on December 31, 2009. The proposed new lease amends the existing lease agreement to a month-to-month tenancy while the City considers the feasibility of another use for the property. For the past year the City and Mr. Vallejo have continued their landlord/tenant relationship per the terms of the expired lease agreement. Mr. Vallejo is current with all rent payments.

**STRATEGIC PLAN:**

Relevant Strategic Plan Goal:

Strategic Issue 3: Strengthening Economic and Fiscal Conditions

- Keeping City-owned property in productive use economically strengthens the City.

**BUDGET INFORMATION:**

A month-to-month extension would have a value of \$1,050 per month.

**DISCUSSION:**

The City Council approved a Residential Lease Agreement with Juan Vallejo beginning in October 2006 for the house at 356 East I Street. On September 18, 2009 the City Council approved an amendment to the lease extending the term for three months to December 31, 2009. A local non-profit agency continues its desire to partner with the City to use the house for human services programs. This idea continues to be explored for financial feasibility. To facilitate this endeavor,

it is proposed to extend the current lease to a month-to-month tenancy. By summer of 2011, it is anticipated that more will be known about funding for the potential project with the non-profit agency. At that point, staff can return to Council with more information about that project, or with a longer lease extension for the current tenant.

Attachment:  
Proposed Lease Agreement

## RESIDENTIAL RENTAL AGREEMENT

This AGREEMENT is made on December \_\_\_\_\_, 2010, by and between the City of Benicia, a municipal corporation, hereinafter called "LESSOR", and Juan Vallejo, hereinafter called "LESSEE".

LESSOR leases to LESSEE and LESSEE hires from LESSOR the premises hereafter described under the following terms and conditions.

### 1. Premises.

The "premises" are described as that property commonly known as: 356 East I Street, Benicia, CA 94510.

### 2. Initial Term.

The term of this Lease shall be a month-to-month tenancy, beginning January 1, 2011 ("Commencement Date).

Except as provided in of this section, the landlord or the tenant may terminate or fail to renew a month-to-month tenancy by notice given the other at least thirty days prior to the periodic rental date.

### 3. Option to Extend.

LESSOR may, through its City Manager and at his option, extend the original term of this Lease for one (1) additional period of one (1) year, subject to all the provisions of this Lease including, but not limited to, provisions for adjustments to and variations in rent. Failure to exercise the option for any period shall nullify the option for all subsequent periods. Nothing in this paragraph 3 shall be construed as allowing continual extensions of this Lease.

After the exercise of any option to extend, all references in this Lease to the term shall be considered to mean the term as extended, and all references to termination or to the end of the term shall be considered to mean the termination or end of the term as extended. LESSEE'S right to the option is subject to:

- a. The following conditions precedent:
  1. The Lease shall be in effect at the time notice of exercise is given and on the last day of the term.
  2. LESSEE shall not be in default under any provision of this Lease at the time notice of exercise is given or on the last day of the term or

at any time during the term for a consecutive period of more than fifteen (15) days.

3. If improvements on the premises have been substantially damaged or destroyed by uninsured casualty during the final six (6) months of the term next preceding the proposed extension, and the casualty is not required to be insured under this Lease, LESSEE shall have constructed or agreed to construct major new improvements on the premises of at least equal value or shall have repaired and replaced or agreed to repair and replace the damage or destruction so that the improvements are at least equal in value to those existing before the damage or destruction. Exercise of an option to extend, following such damage or destruction and before such construction or agreement, shall be conclusively construed as an agreement to construct, repair, or replace as in this paragraph.

b. Compliance with the following procedure for exercising the option:

1. At least sixty (60) days before the last day of the term, LESSOR shall give LESSEE notice irrevocably exercising the option.
2. In lieu of executing a new Lease, each party shall, at the request of the other, endorse on the original Lease or on a true copy of the original Lease that party's signature or signatures, the date the option was exercised, and the words "option exercised".

4. Lessee's Covenant to Pay Rent.

The monthly rent shall be \$1,050, payable on the first day of each month.

5. Use.

Lessee shall use the premises for residential purposes. LESSEE shall not use or allow the premises to be used for any improper, immoral, unlawful or objectionable purpose, nor shall LESSEE cause, maintain or permit any nuisance in, on or about the premises. LESSEE shall not commit or suffer to be committed any waste in or upon the premises.

The premises shall be occupied only by the following named person(s).  
(Birthdates shall be included for occupants under 18 years of age.)

Juan Vallejo

		<hr/>	
		Name	Birthdate
<hr/>		<hr/>	
Name	Birthdate	Name	Birthdate
<hr/>		<hr/>	
Name	Birthdate	Name	Birthdate

6. Compliance with Law.

A. LESSEE shall not use the premises or permit anything to be done in or about the premises which will in any way conflict with any law, statute, ordinance or governmental rule or regulation now in force or which may hereafter be enacted or promulgated. LESSEE shall, at his sole cost and expense, promptly comply with all laws, statutes, ordinances and governmental rules, regulations or requirements now in force or which may hereafter be in force, and with the requirements of any board of fire insurance underwriters or other similar bodies now or hereafter constituted, relating to, or affecting the condition, use or occupancy of the premises, including structural changes not related to or affected by LESSEE'S improvements or acts. The judgment of any court of competent jurisdiction or the admission of LESSEE in any action against LESSEE, whether LESSOR be a party thereto or not, that LESSEE has violated any law, statute, ordinance or governmental rule, regulation or requirement, shall be conclusive of that fact as between LESSOR and LESSEE.

B. LESSEE shall maintain the premises, and all landscaping, open space, improvements and structures upon the premises in first-class order, condition and repair, and shall keep the entire premises free from an accumulation of debris or waste materials or other nuisances. Lessee shall also maintain all landscaping on the premises in a healthy condition and replace any deteriorated or dead landscaping.

C. In the event LESSEE fails to maintain the premises in the above-mentioned condition, and satisfactory progress is not made in correcting the condition within thirty (30) days from the date of written notice from LESSOR, LESSOR may, at its option, and without further notice to LESSEE, declare the unperformed maintenance to constitute a public nuisance. Thereafter, LESSOR, or its employees, contractors or agents, may cure the default by entering upon the Property and performing the necessary landscaping and/or maintenance. LESSOR shall give LESSEE notice of the time and manner of entry, and entry shall only be at

such times and in such manner as is reasonably necessary to carry out this Lease. LESSEE shall pay such costs as are reasonably incurred by LESSOR for such maintenance.

7. Alterations and Additions.

LESSEE shall not make or suffer to be made any alterations, additions or improvements to or of the premises or any part thereof without the written consent of LESSOR first had and obtained and any alterations, additions or improvements to or of said premises shall on the expiration of the term become a part of the realty and belong to LESSOR and shall be surrendered with the premises. In the event LESSOR consents to the making of any alterations, additions or improvements to the premises by LESSEE, the same shall be made by LESSEE at LESSEE'S sole cost and expense, and any contractor or person selected by LESSEE to make the same must first be approved of in writing by LESSOR. Upon the expiration or sooner termination of the term hereof, LESSEE shall, upon written demand by LESSOR, given at least thirty (30) days prior to the end of the term, at LESSEE'S sole cost and expense, forthwith and with all due diligence remove any alterations, additions, or improvements made by LESSEE, designated by LESSOR to be removed, and LESSEE shall, forthwith and with all due diligence at his sole cost and expense, repair any damage to the premises caused by such removal.

10. Condition of Premises.

**A. THE UNDERSIGNED LESSEE HEREBY ACKNOWLEDGES THAT HE IS AWARE THESE PREMISES HAVE IN THE PAST FLOODED AND MAY BE SUBJECT TO FLOODING IN THE FUTURE, AND THAT FACT WAS A CONSIDERATION IN SETTING A REDUCED MARKET RENTAL RATE FOR THIS PROPERTY. LESSEE ASSUMES THE RISK OF ANY LOSS OR DAMAGE TO HIS, AND THAT OF THE OTHER OCCUPANTS OF THE PREMISES, PROPERTY OR PERSON BY REASON OF FUTURE FLOODING, IF ANY. LESSEE RELEASES AND RELINQUISHES ALL CLAIMS AGAINST THE CITY OF BENICIA AND ITS OFFICERS, EMPLOYEES AND AGENTS OF WHATSOEVER KIND AND NATURE FOR FUTURE DAMAGES, KNOWN OR UNKNOWN, TO PROPERTY OR PERSON BY REASON OF FUTURE FLOODING. LESSEE ACKNOWLEDGES THAT HE HAS MADE HIS OWN INVESTIGATION OF THE EXTENT OF THE RISK OF FLOODING AND THE POTENTIAL FOR DAMAGE, IF ANY. LESSEE ACKNOWLEDGES THAT (1) THE SOLE REPRESENTATION THAT THE CITY OF BENICIA OR ITS OFFICERS, EMPLOYEES OR AGENTS HAVE MADE TO THEM IN REGARD TO FLOODING IS THAT THE PREMISES HAVE IN THE PAST FLOODED AND MAY BE SUBJECT TO THE FUTURE FLOODING AND (2) THEY ARE NOT RELYING ON ANY REPRESENTATIONS OF THE CITY OF BENICIA OR ITS OFFICERS, EMPLOYEES, OR AGENTS, WRITTEN OR SPOKEN, AS THE EXTENT OF THE RISK OR THE POTENTIAL FOR DAMAGE, IF ANY, OTHER THAN SAID REPRESENTATION OF PAST FLOODING.**

**Initial:** \_\_\_\_\_

B. By taking possession of the premises, LESSEE shall be deemed to have accepted the premises as being in good sanitary order, condition and repair. 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 shall upon the expiration or sooner termination of this Lease hereof 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, repair, decorate or paint the premises or any part thereof, and the parties hereto affirm that LESSOR has made no representations to LESSEE respecting the condition of the premises or any part thereof and the parties hereto affirm that LESSOR has made no representations to LESSEE respecting the condition of the premises or any improvements located thereon.

11. Liens.

LESSEE shall keep the premises and the property in which the premises are situated free from any liens arising out of any work performed, materials furnished or obligations incurred by LESSEE. LESSOR may require, at LESSOR'S sole option, that LESSEE shall provide to LESSOR, at LESSEE'S sole cost and expense, payment and performance bonds in an amount equal to 100% of any and all estimated cost of any improvements, additions, or alterations in the premises, to insure LESSOR against any liability for mechanics' and materialmen's liens and to insure completion of the work.

12. Assignment and Subletting.

LESSEE shall not, without the prior written consent of LESSOR, assign or hypothecate this Lease or any interest herein or sublet the premises or any part thereof, or permit the use of the premises by any party other than LESSEE. Any of the foregoing acts without such consent shall be void and shall, at the option of LESSOR, terminate this Lease. This Lease shall not, nor any interest herein, be assignable as to the interest of LESSEE by operation of law.

13. Hold Harmless.

A. LESSEE shall indemnify and hold harmless LESSOR against and from any and all claims arising from LESSEE'S use of the premises or from any activity, work, or other thing done, permitted or suffered by the LESSEE in or about the premises, and shall further indemnify and hold harmless LESSOR against and from any and all claims arising from any breach or default in the performance of any obligation on LESSEE'S part to be performed under the terms of this Lease, or arising from any act or negligence of the LESSEE, or any officer, agent, employee, guest, or invitee of LESSEE, and from all and against all costs, attorney's fees, expenses and liabilities incurred in or about any such claim or any action or proceeding brought thereon, and, in any case, any action or proceeding brought against LESSOR by reason of any such claim, LESSEE upon notice from LESSOR shall defend the same at LESSEE'S expense by counsel reasonably satisfactory to LESSOR. LESSEE, as a material part of the consideration to

LESSOR, hereby assumes all risk of damage to property or injury to persons, in, upon or about the premises, from any cause other than LESSOR'S sole negligence, and LESSEE hereby waives all claims in respect thereof against LESSOR.

B. LESSOR or its agents shall not be liable for any damage to property entrusted to LESSEE'S employees, nor for loss or damage to any property by theft or otherwise, nor for any injury to or damage to persons or property resulting from fire, explosion, falling plaster, steam, gas, electricity, water or rain which may leak from any part of the buildings, the dock, the wharf, or from the pipes, appliances or plumbing works therein or from the roof, street or subsurface or from any other place resulting from dampness or any other cause whatsoever, unless caused by or due to the sole negligence of LESSOR, its agents, servants or employees. LESSOR or its agents shall not be liable for interference with the light or other incorporeal hereditaments, loss of business by LESSEE, nor shall LESSOR be liable for any latent defect in the premises or in the building. LESSEE shall give prompt notice to LESSOR in case of fire or accidents in the premises or in the building or of defects therein or in the fixtures or equipment.

14. Insurance.

LESSEE agrees to and shall at his own cost and expense procure and maintain during the entire Lease term and any extension thereof renter's insurance. LESSEE shall provide LESSOR proof of such insurance within 30 days of the signing of this Lease.

15. Services and Utilities.

At LESSEE'S sole cost, LESSEE shall provide all utilities including , but not limited to, garbage, electricity, heating, water and telephone service to the premises. LESSOR shall not be liable for, and LESSEE shall not be entitled to any reduction of rental by reason of, any failure to furnish any of the foregoing.

16. Property Taxes.

This Lease may create a possessory interest in the premises subject to property tax. LESSEE shall pay all personal property and possessory interest taxes as may be legally and properly imposed or assessed against the premises as a result of this Lease.

17. Holding Over.

If LESSEE remains in possession of the premises or any part thereof after the expiration of the term hereof, with the express written consent of LESSOR, such occupancy shall be a tenancy from month-to-month at a rental in an amount determined by LESSOR in its sole discretion, plus all other charges, payable hereunder, and upon all the terms hereof applicable to a month-to-month tenancy.

18. Deposit.

LESSEE has deposited with LESSOR, as a security deposit, the sum of \$600.00. LESSOR may claim and withhold the security deposit to the extent that such amounts are reasonably necessary to remedy Lessee defaults as follows:

- A. In the payment of rent, or
- B. To repair damage to the premises caused by LESSEE, exclusive of ordinary wear and tear, or
- C. To clean such premises, if necessary, upon termination of tenancy.

No later than two weeks (14 days) after LESSEE has vacated the premises, LESSOR shall furnish LESSEE with an itemized written statement of the basis for, and the amount of, any security deposit used for the above purposes. LESSOR shall return any remaining balance of the security deposit to LESSEE.

19. Termination.

A. Notwithstanding anything in this Lease to the contrary, in the event that LESSEE's employment with the City of Benicia shall terminate for any reason then this Lease shall terminate, at the City's sole option, 60 days after LESSEE's last working day wherein LESSEE was physically at the City job-site. After the third year of this Lease, this Lease shall terminate, at the City's sole option, 30 days after LESSEE's last working day.

B. If LESSEE defaults in the performance of this Lease and fails to correct any default within 30 days of written notification by LESSOR, LESSOR shall have the right to immediately terminate this Lease and that in the event of such termination, LESSEE Owner shall have no further rights hereunder and shall thereupon forthwith remove his belongings from the premises. LESSOR shall further have all other rights and remedies as provided by law.

20. General Provisions.

A. Waiver. The waiver by LESSOR or any term, covenant or condition herein contained shall not be deemed to be a waiver of such term, covenant or condition on any subsequent breach of the same or any other term, covenant or condition herein contained. The subsequent acceptance of rent hereunder by LESSOR shall not be deemed to be a waiver of any preceding breach by LESSEE of any term, covenant or condition of this Lease, other than the failure of the LESSEE to pay the particular rental so accepted, regardless of LESSOR'S knowledge of such preceding breach at the time of the acceptance of such rent.

B. Notices. All notices and demands which may or are to be required or permitted to be given by either party to the other hereunder shall be in writing. All notices and

demands by LESSOR to the LESSEE shall be sent by United States mail, postage prepaid, addressed to the LESSEE at the premises, or to such other place as LESSEE may from time to time designate in a notice to LESSOR. All notices and demands by the LESSEE to LESSOR shall be sent by United States mail, postage prepaid, addressed to the City of Benicia, Finance Director, 250 East L Street, Benicia, CA 94510 or to such other person or place as LESSOR may from time to time designate in a notice to the LESSEE.

C. Marginal Headings. The marginal headings and paragraph titles to the paragraphs of this Lease are not a part of this Lease and shall have no effect upon the construction or interpretation of any part hereof.

D. Time. Time is of the essence of this Lease and each and all of its provisions in which performance is a factor.

E. Quiet Possession. Upon LESSEE paying the rent reserved hereunder and observing and performing all of the covenants, conditions and provisions on LESSEE'S part to be observed and performed hereunder, LESSEE shall have quiet possession of the premises for the entire term hereof, subject to all of the provisions of this Lease.

F. 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 of a sum due from LESSEE shall not be received by LESSOR or LESSOR'S designee 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 LESSOR will incur by reason of the late payment by LESSEE. Acceptance of such late charge by 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.

G. Prior Agreements. This Lease contains all of the agreements of the parties hereto with respect to any matter covered or mentioned in this Lease, and no prior agreements or understanding pertaining to any such matters shall be effective for any purpose. No provision of this Lease may be amended or added to except by an agreement in writing signed by the parties hereto or their respective successors in interest. This Lease shall not be effective or binding on any party until fully executed by both parties.

H. Attorney's fees. In the event of any action or proceeding, including arbitration, brought by either party against the other under this Lease, the prevailing party shall be entitled to recover all costs and expenses, including the fees of its attorneys in such action or proceeding in such amount as the court or arbitrator may adjudge reasonable as attorney's fees.

I. Severability. Any provision of this Lease which shall prove to be invalid, void or illegal shall in no way affect, impair or invalidate any other provision hereof and such other provision shall remain in full force and effect.

J. Cumulative Remedies. No remedy or election hereunder shall be deemed exclusive but shall, wherever possible, be cumulative with all other remedies at law or in equity.

K. Choice of Law. This Lease shall be governed by the State in which the premises are located.

The parties hereto have executed this Lease on the dates specified immediately adjacent to their respective signatures.

**LESSOR / CITY OF BENICIA**

**LESSEE / JUAN VALLEJO**

BY \_\_\_\_\_ DATE: \_\_\_\_\_ BY \_\_\_\_\_ DATE: \_\_\_\_\_  
City Manager

Approved as to form:

BY \_\_\_\_\_ DATE: \_\_\_\_\_  
City Attorney



**AGENDA ITEM**  
**CITY COUNCIL MEETING DATE - DECEMBER 7, 2010**  
**CONSENT CALENDAR**

**DATE** : November 17, 2010

**TO** : City Manager

**FROM** : Fire Chief

**SUBJECT** : **RECLASSIFY THREE FIREFIGHTER/PARAMEDIC POSITIONS TO THREE FIRE ENGINEERS**

**RECOMMENDATION:**

Adopt the resolution reclassifying three Firefighter/Paramedics to three Fire Engineers.

**EXECUTIVE SUMMARY:**

Fire Engineers are the certified and qualified driver operators assigned to operate heavy fire apparatus. Having a Fire Engineer as part of the rescue crew allows response of the crew in a variety of fire apparatus. These apparatus include the ladder truck, water tender, type 1 engine and rescue vehicle. Reclassifying three Firefighter/Paramedics as Fire Engineers will expand our emergency service delivery system by getting needed apparatus and equipment to the scene of emergencies with qualified driver operators, Fire Engineers. The candidates on the current Fire Engineer eligibility list are all Firefighter/Paramedics. The cost of a Firefighter/Paramedic and Fire Engineer are equal, therefore there will be no budget impact as a result of these reclassifications.

**BUDGET INFORMATION:**

There is no budget impact from this action. The pay rate for Firefighter / Paramedic is identical to Fire Engineer.

**GENERAL PLAN:**

N/A

**STRATEGIC PLAN:**

Strategic Issue #1: Protecting community health and safety

- Strategy #2: Maintain adequate staffing for public safety and a strong E.M.S. program.

**BACKGROUND:**

Firefighters and Firefighter/Paramedics can be certified and qualified as driver

operators, but they are not required to do so. A Fire Engineer is a certified and qualified driver operator that successfully passes a Fire Engineer promotional exam. There is an existing eligibility list of employees who have passed the Fire Engineer promotional exam.

The current staffing model requires one Fire Engineer at Station 11, who is assigned to drive/operate Engine 11. Changing the staffing model to include a second Fire Engineer at Station 11 will allow additional heavy fire equipment to respond as needed. This will create consistency in the ability to respond the Ladder Truck to structure fires, the Water Tender to grass fires and the Rescue Vehicle to medical incidents, vehicle accidents and technical rescues. The model will also allow the rescue crew to respond with a second Type 1 Engine as needed.

The Benicia Fire Department is a full service fire department with highly trained members, specialized equipment and apparatus, capable of serving our community with the highest levels of fire and life safety services. With our limited staffing levels, it is essential that we maximize the qualification of our members in order to utilize our equipment and apparatus to its fullest potential.

From a risk management perspective, it is critical to have our members certified and qualified in the positions of responsibility in which we place them. Reclassifying three Firefighter/Paramedics as Fire Engineers will expand our emergency service delivery system by getting needed apparatus and equipment to the scene of emergencies with qualified driver operators, Fire Engineers

Attachment:

- Proposed Resolution

**RESOLUTION NO. 10-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA RECLASSIFYING THREE FIREFIGHTER/PARAMEDIC POSITIONS TO THREE FIRE ENGINEER POSITIONS.**

**WHEREAS**, the Benicia Fire Department staffing includes the classifications of Firefighter/Paramedic and Fire Engineer; and

**WHEREAS**, a Fire Engineer is a certified and qualified driver operator; and

**WHEREAS**, the pay rate for Firefighter/Paramedic is identical to Fire Engineer; and

**WHEREAS**, the reclassification will result in a staffing model assigning a Fire Engineer to the Rescue crew.

**NOW, THEREFORE, BE IT RESOLVED THAT** the City Council of the City of Benicia hereby reclassifies three Firefighter/Paramedic position to three Fire Engineer positions.

\*\*\*\*\*

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 7<sup>th</sup> day of December, 2010, and adopted by the following vote.

Ayes:

Noes:

Absent:

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

Attest:

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



**AGENDA ITEM**  
**CITY COUNCIL MEETING DATE - DECEMBER 7, 2010**  
**CONSENT CALENDAR**

**DATE** : November 22, 2010

**TO** : Acting City Manager

**FROM** : Administrative Services Director

**SUBJECT** : **APPROVE AMENDMENTS REGARDING NECESSARY ADMINISTRATIVE CHANGES DUE TO IRS REQUIREMENTS TO APPLICABLE LABOR AGREEMENTS**

**RECOMMENDATION:**

Adopt the resolution approving the amendments to Memorandums of Understanding with Senior Managers, Middle Managers, Police Managers and Local 1, effective December 2010 regarding administrative changes to comply with IRS regulations.

**EXECUTIVE SUMMARY:**

The City current MOU's for certain employee groups have historically had provisions that allowed for employees to voluntarily make contributions into a Retiree Medical Savings program, Vantage Care, with cash outs of unused leave benefits. The City's vendor has advised it that this type of voluntary plan does not meet Internal Revenue Service requirements and would need to be eliminated by December 2010 for bargaining groups whose MOU's expire before that date. To comply with the IRS requirement, revisions in the current MOU are required. The choice for each bargaining unit was to either eliminate any voluntary payment into the Retiree Medical Savings program or to make the employee payment into the program mandatory for all current and future bargaining unit members. The City has consulted with the various employee groups about how they wished to amend their MOU and the attached revised language reflects the desires of the individual groups. Local 1 and the Senior Managers have made the decision to eliminate any contributions into the program, while Middle Managers and Police Managers have made it mandatory for all unit members. There is no budget impact associated with this action.

**BUDGET INFORMATION:**

There is no additional cost or savings to the City as a result of this change, as the MOU's already provide for cash out of unused leave benefits.

**STRATEGIC PLAN:**

N/A – there is not a relevant Strategic Plan Goal that relates to this agenda item.

## Attachments:

- Resolution
- Proposed Language
  - Senior Managers
  - Middle Managers
  - Police Managers
  - Local 1

**RESOLUTION NO. 10-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING AMENDMENTS TO THE LABOR AGREEMENT WITH PUBLIC EMPLOYEES UNION, LOCAL #1, SENIOR MANAGERS, MIDDLE MANAGERS AND POLICE MANAGERS**

**WHEREAS**, the existing Agreements between the City of Benicia and Local #1, Senior Managers, Middle Managers and Police Managers provide for the ability of employees to voluntarily cash out certain unused leave benefits either to cash or to contributions to a Retiree Medical Savings program; and

**WHEREAS**, the City has been advised by ICMA, the vendor for it's retiree medical savings program titled Vantage Care, that ICMA has received a notification from the Internal Revenue Service that plans that provide for voluntary contributions are not permissible and must be eliminated; and

**WHEREAS**, the City had received notification from ICMA that the IRS grandfathered existing voluntary plans for collective bargaining agreements until their current Memorandum of Understanding then in effect expired or until December 2010; and

**WHEREAS**, the City has contacted the Senior Managers, Middle Managers, Police Managers and Local #1 who have such voluntary plan provisions in their current MOU's that need to be revised to meet the IRS requirements to determine their groups preference in how to amend their existing MOU's; and

**WHEREAS**, Senior Managers, Middle Managers, Police Managers and Local #1 have determined how they wish to amend their MOU's to comply with IRS requirements and amendments to the existing Memorandum of Understandings between the individual group and the City have been agreed upon.

**NOW, THEREFORE, BE IT RESOLVED THAT** the City Council of the City of Benicia hereby approves changes to the various sections that reference voluntary contributions to the retiree medical plan in the July 1, 2010 through June 30, 2012 Agreements with Senior Managers, Middle Managers, Police Managers and Public Employees Union, Local #1 (a complete copy of the specified amendment language for each group is attached to the staff report), and the City Council authorizes the City Manager to execute the Agreement as amended.

\*\*\*\*\*

On motion of Council Member \_\_\_\_\_, seconded by Council Member \_\_\_\_\_, the above resolution was introduced and passed by the Council of the City of Benicia at a regular meeting of said Council on the 7<sup>th</sup> day of December, 2010, and adopted by the following vote:

Ayes:

Noes:

Absent:

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

ATTEST:

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

## Sr. Mgt MOU amendments

### III. Leave

#### A. Vacation

Senior Management employees shall accumulate vacation time in accordance with the following vacation entitlement schedule:

<b>Years of Service</b>	<b>Weeks of Vacation</b>
0 thru 6 years	3
7 thru 14 years	4
15 thru 20 years	5
21 years and over	6

Upon termination of an employee's service with the City:

1. 100% of unused accumulated vacation leave shall be paid in cash ~~or converted for deposit to the VantageCare Plan~~ provided he/she has at least 12 months continuous service.

2. An employee must reimburse the City for credited vacation taken but not earned.

An employee may take vacation at times approved by the City Manager. It is the policy of the City that employees take their normal vacation each year. However, an employee may take less than a normal vacation in one year and carry the balance of his/her earned time over to the next year. However, no employee shall be allowed to accumulate more than 200 hours of earned vacation. On June 30th of each year, earned vacation time in excess of 200 hours shall be converted to cash and issued to the employee, ~~or transferred to the ICMA VantageCareRetiree Health Savings Program~~ or Employees may individually take steps to have their cash out paid into their to the ICMA 457 Deferred Compensation Program (if available to the employee) to the maximum allowed by the IRS. Although vacation time may be taken in increments of four hours, at least one week of annual vacation must be taken as five consecutive days.

#### C. Administrative Leave

In recognition of the long hours required to perform at the level of top management, including attendance at numerous meetings outside normal working hours, the following Administrative Leave policy shall be implemented:

1. Upon City Manager approval each Senior Management employee may receive up to 16 days administrative leave annually. Administrative Leave is to be taken in increments of one hour or more. (When an employee attends a night meeting or works a late evening, he/she may arrive up to one hour later the next morning & such time is not charged to Administrative Leave.
2. On June 1st of each year, unused Administrative Leave, up to one-half of the annual authorized Administrative Leave allowance, will be converted to cash and issued to the employee ~~or transferred to the ICMA VantageCare Retiree Health Savings Program~~ or to the Employees may individually take steps to have their cash out paid into their ICMA 457 Deferred Compensation Program (if available to the employee) up to the maximum allowed by the IRS. This conversion will be made by June 30th.

## **~~VII. RETIREE HEALTH SAVINGS PLAN~~**

~~Establish ICMA Retiree Health Savings Plan (aka VantageCare).~~

- ~~1. Senior Managers will be permitted to invest annual unused sick leave buyback, vacation buyback and administrative leave buyback.~~
- ~~2. All Senior Managers will be credited with a one-time allocation of enough sick leave hours to participate in the VantageCare Plan.~~

### VII Sick Leave Buy Back

~~3.1.~~ Senior Managers will be allowed to sell back annual sick leave hours at the following rates:

- a. 0 to 10 years of service = 50%
- b. 10 to 20 years of service = 75%
- c. 20 years or more of service = 100%

These hours will be subtracted from the employee's sick leave balance at the time.

- 4.2. In addition, upon retirement, an employee may cash out 100% of unused sick leave (not to exceed 500 hours) at the employee's choice, and 100% of unused accumulated vacation leave shall be converted to cash and issued to the employee, or transferred to the ICMA VantageCare Retiree Health Savings Program or to the ICMA 457 Deferred Compensation Program (if available to the employee). Employees may individually take steps to have their cash out paid into their ICMA 457 Deferred Compensation Program (if available to the employee) up to the maximum allowed by the IRS.

5. In the event of separation from employment, other than for retirement, only the 100% unused accumulated vacation leave shall be converted to cash and issued to the employee. ~~and transferred to the VantageCare Retiree Health Savings Program or to the Employees may individually take steps to have their cash out paid into their ICMA 457 Deferred Compensation Program (if available to the employee) up to the maximum allowed by the IRS. ICMA 457 Deferred Compensation Program (if available to the employee).~~



Mid Mgt.

## VII. RETIREE HEALTH SAVINGS PLAN

Middle Management employees agree to the elimination of the Sick Leave Incentive provision of their 2000-2005 agreement in order to participate in the ICMA Vantage Care retiree health savings program. Middle Management employees agree that every unit member shall participate in this program effective December 2010. Under this plan, the City ~~shall will~~ contribute to the individual employee's retiree savings account an amount equivalent to:

1-10 Years	-	25% of Annual Unused Sick Leave Accrual
11-15 Years	-	40% of Annual Sick Leave Accrual
16-19 Years	-	60% of Annual Sick Leave Accrual
20-24 Years	-	80% of Annual Sick Leave Accrual
25 Years or more	-	100% of Annual Sick Leave Accrual

These hours will be subtracted from the employee's sick leave balance at that time.

In order for an employee to receive the 40% or greater they must maintain 500 hours of sick leave accrued in their city sick leave account. If they fall below the 500 hours the City will revert to the contribution amount equivalent to 25% of the employee's annual unused sick leave accrual until such time as the employee has again accrued 500 hours. The 500 hours must be in the employee's individual account by December 20<sup>th</sup> of each year in order to receive these greater amounts.

~~The City will explore amending the Middle Managers current contract with ICMA RC to allow, if legally possible and generates no cost to the City, individual employee contributions towards Vantage Care.~~

### III. Leave

#### A. Vacation

~~For those employees enrolling-~~ All unit members are required to participate in the VantageCare program. On December 31<sup>st</sup> of each year earned vacation time in excess of 200 hours in each employee's vacation balance shall be invested in the ICMA VantageCare Retiree Health Savings Program.



**Police Mgt.**

Amend Section VI. Insurance and Occupational Health . D.

Retiree Health Savings Plan Medical: Police Management employees agree that ~~all unit members shall~~ participate in the ICMA VantageCare Retiree Health Savings Plan effective ~~July 2004~~ December 2010. Police Management employees agree to the elimination of the Sick Leave Incentive provision of their current agreement in order to participate in the program. The City ~~shall~~ will contribute to the individual employee's savings account an amount equivalent to:

5-10 Years	-	25% of Annual Unused Sick Leave Accrual
11-15 Years	-	40% of Annual Unused Sick Leave Accrual
16-19 Years	-	60% of Annual Unused Sick Leave Accrual
20-24 Years	-	80% of Annual Unused Sick Leave Accrual
<u>                    </u> 25 Years or more	-	<u>          </u> 100% of Annual Unused Sick Leave Accrual

These hours will be subtracted from the employee sick leave balance at the time of contribution



## Local 1 MOU amendments

### VIII Leave

#### C. Sick Leave

Employees covered by this agreement shall accrue sick leave beginning the first day of the month following the employee's completion of one month of service. An employee earns leave with pay at the rate of 8 hours for each calendar month of service. Full sick leave is earned by each full-time employee on paid leave of absence, including sick leave and jury leave. It is not earned by an employee on unpaid leave of absence or paid industrial leave (PIL).

The City allows the unlimited accumulation of sick leave.

The City will at the request of the individual employee reimburse each employee in this bargaining unite Professional/Confidential classifications 25% of their annually accrued, but unused, sick leave during December of each year. The employee's sick leave balance will be reduced the hours that are cashed out.

~~For Supervisory classifications the City will contribute to the individual employee's health retirement savings account an amount equivalent to:~~

- ~~1-10 Years — 25% of Annual Unused Sick Leave Accrual~~
- ~~11-15 Years — 40% of Annual Sick Leave Accrual~~
- ~~16-19 Years — 60% of Annual Sick Leave Accrual~~
- ~~20-24 Years — 80% of Annual Sick Leave Accrual~~
- ~~25 Years or more — 100% of Annual Sick Leave Accrual~~

~~In order for an employee to receive the 40% or greater amounts they must maintain 500 hours of sick leave accrued in their city sick leave account. If they fall below the 500 hours the City will revert to the contribution amount equivalent to 25% of the employee's annual unused sick leave accrual until such time as the employee has again accrued 500 hours. The 500 hours must be in the employee's individual account by December 20th of each year in order to receive these greater amounts. The Annual Accrual period is January through December and earned contribution amounts will be transferred to ICMA in December of each year.~~

## **XII. RETIREE HEALTH SAVINGS PLAN**

The City agrees to contribute 2.0% of base salary for each ~~Supervisory-classified~~ employee enrolled in ICMA VantageCare. ~~On the date of implementation for the Professional and Confidential employees, the salaries of such employees shall be reduced by 0.5% in order to pay for the additional value of having this benefit.~~

In addition to the above provisions, all employees covered by the MOU may contribute additional funds to their VantageCare accounts in accordance with program rules.

**AGENDA ITEM**  
**CITY COUNCIL MEETING DATE - DECEMBER 7, 2010**  
**CONSENT CALENDAR**

**DATE** : November 23, 2010

**TO** : City Council

**FROM** : City Attorney

**SUBJECT** : **DENIAL OF THE CLAIM AGAINST THE CITY BY ALMA FOSTER AND REFERRAL TO INSURANCE CARRIER**

**RECOMMENDATION:**

Deny the claim against the City by Alma Foster.

**EXECUTIVE SUMMARY:**

Claimant alleges that her windshield was damaged during the month of April 2010 while the street was being repaired and sealed in preparation of full black top of street. Claimant alleges that she was not instructed to move her vehicle while the work was being done.

**BUDGET INFORMATION:**

The amount of the claim is \$285.11.

**STRATEGIC PLAN:**

N/A- there is not a relevant Strategic Plan Goal that relates to this agenda item.

**BACKGROUND:**

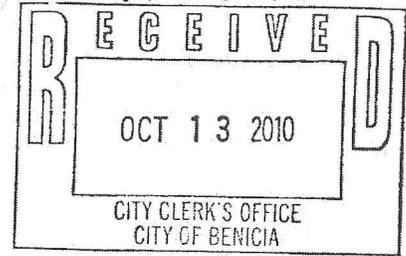
This claim has been tendered to the paving company to handle. Upon rejection of the claim, the City Clerk shall issue the rejection notice using ABAG's Form Letter No. 3 of the ABAG Plan Claims Procedures Manual and process with the proof of service by mail form (located in the forms directory). A copy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

Attachment:

- Copy of the Claim Filed Against the City



U.S. Mail



CLAIM AGAINST THE CITY OF BENICIA

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

Complete the following, adding additional sheets as necessary.

1. CLAIMANT'S NAME (Print): Alma Foster

2. CLAIMANT'S ADDRESS: [REDACTED]  
(Street or P.O. Box Number, City, State, Zip Code)

HOME PHONE: [REDACTED] WORK PHONE: \_\_\_\_\_

3. AMOUNT OF CLAIM: \$ 285.11 (Attach copies of bills/estimates)

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

Limited Civil Case \_\_\_\_\_  
Unlimited Civil Case \_\_\_\_\_

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

\_\_\_\_\_  
(Name)

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

5. DATE OF INCIDENT: April / May TIME OF INCIDENT: \_\_\_\_\_

LOCATION OF INCIDENT: [REDACTED]

6. Describe the incident or accident including your reason for believing that the City is liable for your damages: Bond Blacktop failed to communicate, work being done on street. vehicle windshield was damaged, because they failed to let me know to move vehicle

7. Describe all damages which you believe you have incurred as a result of the incident: hudge crack in windshield of car

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

Bond Blacktop, Inc.

Alma Foster 10/11/01  
Signature of Claimant Date

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

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

(revised 12/18/02)



**AGENDA ITEM  
CITY COUNCIL MEETING DATE - DECEMBER 7, 2010  
CONSENT CALENDAR**

**DATE** : November 30, 2010

**TO** : City Manager

**FROM** : Administrative Services Director

**SUBJECT** : **ADOPTION OF A RESOLUTION TO DECLARE THAT THE CITY OF BENICIA WILL BECOME A HEALTHY EATING ACTIVE LIVING (HEAL) CITY**

**RECOMMENDATION:**

Adopt a resolution declaring that the City of Benicia will become a Healthy Eating, Active Living (HEAL) City.

**EXECUTIVE SUMMARY:**

Cities and their residents face increased health care costs and diminished quality of life due to the increasing rate of obesity. City leaders across California are addressing the crisis by implementing land use and employee policies which encourage physical activity and nutritious eating.

**GENERAL PLAN:**

Relevant General Plan Goals:

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

**STRATEGIC PLAN:**

Relevant Strategic Plan Issues and Strategies:

- Strategic Issue #1: Protecting Community Health and Safety
  - Strategy #5: Promote community and personal health
- Strategic Issue #2: Protecting and Enhancing the Environment

**BUDGET:**

There is no direct budget impact associated with this action.

**BACKGROUND:**

In 2004, the League of California Cities adopted an Annual Conference resolution to encourage cities to embrace policies that facilitate activities to promote healthier lifestyles and communities, including healthy diet and nutrition, and the adoption of city design and planning principles that enable

citizens of all ages and abilities to undertake exercise. In 2006, the League of California Cities adopted a resolution to work together with the Institute for Local Government, and the cities, counties, and schools partnership to develop a clearinghouse of information that cities can use to promote wellness policies and healthier cities. In response to the League of California Cities resolution, the League, along with the cities, counties, schools partnership, and the California Center for Public Health Advocacy launched the "Healthy Eating Active Living (HEAL) Cities Campaign."

HEAL campaign staff, under the guidance of an advisory committee of elected and executive staff leaders from 20 cities, reviewed survey responses from over 100 California Cities; analyzed existing policies; and identified key policies to assist elected officials. The HEAL campaign staff is encouraging all California cities to become a HEAL City.

The proposed resolution identifies obesity as a serious health threat to the community and demonstrates the City's desire and commitment to become a leader in the fight against obesity.

By becoming a HEAL City and adopting one or more of the HEAL Campaign's policies, the City will help:

- Improve quality of life for its residents through active lifestyles;
- Improve community connections and civic life through interactions in public places and parks;
- Improve public safety and reduce crime by ensuring more "eyes on the street" when residents walk, bike, or run;
- Create attractive destinations that offer good food, multiple activities, and places where people want to spend time and money; and
- Reduce costs through employee wellness policies and health incentives.

The policies identified by the HEAL campaign fall under three general categories:

1. Land Use
2. Availability of Healthy Food Choices
3. Employee Wellness

Attachments:

- Proposed Resolution
- HEAL City Checklist

## RESOLUTION NO. 10-

### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA DECLARING THAT THE CITY OF BENICIA WILL BECOME A HEALTHY EATING ACTIVE LIVING (HEAL) CITY

**WHEREAS**, in 2004, the League of California Cities adopted an Annual Conference: solution to encourage cities to embrace policies that facilitate activities to promote healthier lifestyles and communities, including healthy diet and nutrition and adoption of city design and planning principles that enable citizens of all ages and abilities to undertake exercise; and

**WHEREAS**, the League of California Cities has a strategic goal to promote and develop safe and healthy cities; and

**WHEREAS**, more than half of California's adults are overweight or obese and therefore at risk for many chronic conditions including diabetes, heart disease, cancer, arthritis, stroke, hypertension; and

**WHEREAS**, one in four youth between the ages of 9 and 16 in California is overweight; and more children are being diagnosed with diseases linked to overweight and obesity previously seen only in adults, such as Type 2 diabetes and heart disease; and

**WHEREAS**, the current generation of children are expected to have shorter lives than their parents due to the consequences of obesity; and

**WHEREAS**, obesity takes a tremendous toll on the health and productivity of all Californians; and

**WHEREAS**, the annual cost to California in medical bills, workers compensation and lost productivity for overweight, obesity, and physical inactivity exceeds \$41 billion; and

**WHEREAS**, California Senate Bill 375 and Assembly Bill 32 call on cities to adopt plans to reduce greenhouse emissions which include reducing vehicular miles traveled; and

**WHEREAS**, local land use policy governs development of the built environment in which individuals make personal nutrition and physical activity choices; and

**WHEREAS**, by supporting the health of residents and the local workforce would decrease chronic disease and health care costs and increase productivity; and

**WHEREAS**, the City Council recognizes that obesity is a serious public health threat to the health and wellbeing of adults, children, and families in Benicia; and

**WHEREAS**, the City of Benicia is dedicated to reducing the rate of obesity in the City by implementing and promoting programs and policies that create healthier work, school, and neighborhood environments conducive to healthier eating and increased physical activity among residents.

**NOW, THEREFORE, BE IT RESOLVED THAT** the City Council of the City of Benicia does resolves that the City of Benicia will become a Healthy Eating Active Living (HEAL) City.

**BE IT FURTHER RESOLVED** that the City of Benicia planners, engineers, park and recreation department, community economic and redevelopment personnel responsible for the design and construction of parks, neighborhoods, streets, and business areas, shall make every effort to plan and construct a built environment that encourages walking, biking and other forms of physical activity.

**BE IT FURTHER RESOLVED** that the City of Benicia shall promote employee wellness programs and set nutrition standards for food offered at City events, City sponsored meetings, served at City activities and City concessions, and City programs.

**BE IT FURTHER RESOLVED** that the City of Benicia shall encourage restaurants and food retailers doing business in the City to provide health information for food and promote healthy food choices.

\*\*\*\*

On a 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 the regular meeting of said Council held on the 7th day of December, 2010, and adopted by the following vote:

Ayes:  
Noes:  
Absent:  
Abstain:

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

ATTEST:

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



# Is Your City a Healthy Eating Active Living City?



HEALTHY EATING  
ACTIVE LIVING  
**CITIES**  
CAMPAIGN

Use this checklist to identify policies for healthy eating and active living that your city has already established. Then submit them to the Campaign and we'll designate your city as an Eager, Active, or Fit HEAL city and work with you on the next steps. Send your policies to [www.healcitiescampaign.org/policy\\_submission.html](http://www.healcitiescampaign.org/policy_submission.html).

## Land Use Policies

- General Plan—Health Goals and Policies
- Mixed-use neighborhoods
- Transit-oriented development
- Complete streets
- Bike and pedestrian plans
- Parks and open space
- Joint use
- Community gardens/urban agriculture
- Farmers' markets
- Healthy food retail

## Zoning Ordinances

- Community garden/urban agriculture ordinance
- Farmers' market ordinance
- Ordinance to limit fast food

## Healthy Food Retail Policies

- Planning and economic incentives
- Featured in redevelopment plans
- Retailer recognition

## Employee Wellness Policies

- Health incentives
- Physical activity breaks
- Breastfeeding accommodation
- Walking meetings and use of stairways
- Nutrition standards
- Vending

## Related Policies

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The Campaign will recognize your city's efforts by designating it as an Eager, Active or Fit City, based on the following criteria:

<b>Eager</b>	These HEAL Cities have passed at least one HEAL Cities Campaign policy in at least one of the Campaign areas: land use; healthy food; employee wellness (e.g., HEAL resolution with specific action steps and a timeline; language in general plan; zoning ordinances governing street design or community gardens; joint use of recreational facilities; employee wellness policy).
<b>Active</b>	These HEAL cities have adopted at least two HEAL Cities Campaign policies and have at least one walkable, bikable neighborhood with access to healthy food within a reasonable distance of residential areas.
<b>Fit</b>	These HEAL cities are walkable, bikable cities with policies to support healthy food access in all neighborhoods and municipal facilities. They address healthy eating and active living within their general plan, zoning ordinances and their infrastructure, and have written implementation strategies with identified partners. They have an employee wellness policy in place with implementation standards.

Your City will receive these benefits from the Campaign:

	HEAL Cities Campaign logo for city Website	Framed campaign certificate	Recognition on the HEAL Cities Campaign Website	Tailored press release for local press outlets	Recognition at the League Annual Conference	Paid ad in <i>Western Cities</i> magazine
<b>Eager</b>	✓	✓	✓	✓		
<b>Active</b>	✓	✓	✓	✓	✓	
<b>Fit</b>	✓	✓	✓	✓	✓	✓

Your city and email address: \_\_\_\_\_



**HEALTHY EATING  
ACTIVE LIVING  
CITIES  
CAMPAIGN**

The HEAL Cities Campaign is a partnership of the League of California Cities, California Center for Public Health Advocacy, and the Cities Counties and Schools Partnership. Funders include Kaiser Permanente and the Vitamin Cases Consumer Settlement Fund. One purpose of the Fund is to improve the health and nutrition of California consumers. To learn more, visit [www.HealCitiesCampaign.org](http://www.HealCitiesCampaign.org) or call Charlotte Dickson, Campaign Director, at 510-302-3387.

**AGENDA ITEM**  
**CITY COUNCIL MEETING DATE - DECEMBER 7, 2010**  
**ACTION ITEMS**

**DATE** : November 29, 2010

**TO** : City Manager

**FROM** : Finance Director

**SUBJECT** : **REVIEW OF PROPOSED YEAR-END BUDGET ADJUSTMENTS FOR FISCAL YEAR 2009-10 AND MID-CYCLE ADJUSTMENTS FOR FISCAL YEAR 2010-11**

**RECOMMENDATION:**

Adopt a resolution approving year-end budget adjustments for FY 2009-10 and mid-cycle budget adjustments for FY 2010-11. The actions maintain a Balanced Budget and a 20% Undesignated Fund Balance Reserve.

**EXECUTIVE SUMMARY:**

The City Council approved the FY 2009-11 Municipal Budgets on June 30, 2009 and instructed the City Manager to provide budget updates whenever significant events occur. On September 21, the City Council approved \$1.1 million in additional budget reduction measures and instructed the City Manager to return in December with a more complete listing of all budgetary impacts and recommendations for further modifications. The attached budget documents include a listing of closing budget adjustments for FY 2009-10, following the independent audit completed in early November, and a collection of the September budget reduction measures and other non-discretionary revenue and expenditure changes projected for FY 2010-11.

The combined budget adjustments yield a Balanced Operating Budget for FY 2010-11 and maintain the 20% Undesignated Reserve of \$6.3 million, as prescribed by Council Policy. While the balanced budget represents a large achievement for the City, there is still one large revenue item pending. The County Assessor has warned that further reductions in commercial and industrial property taxes are due shortly but, as of the writing of this report, the amounts remain unknown. Staff estimates the amounts could rise to an additional \$350,000 in property losses and require that additional budget reduction measures be implemented prior to the end of the fiscal year. Options for achieving additional budget reductions will be addressed once the amount of the budget losses are known and the new City Manager is on board. It is also recommended the Council defer consideration of restoration of funding

where cuts have occurred until property tax losses are known.

**BUDGET INFORMATION:**

The combined budgetary impacts for all funds are listed below.

<b>FY 2009-10</b>				
<b>Fund</b>	<b>Revenue Adjustments</b>	<b>Expenditure Adjustments</b>	<b>Balance Sheet Adjustments</b>	<b>Net Impact on Fund Balance</b>
General Fund				
Operating	\$0	\$0	\$0	\$0
Non-Recurring	\$0	(\$92,180)	\$0	<u>(\$92,180)</u>
Net Impact				(\$92,180)
Other Funds	(\$1,680,210)	\$1,877,450	\$0	(\$197,240)

<b>FY 2010-11</b>				
<b>Fund</b>	<b>Revenue Adjustments</b>	<b>Expenditure Adjustments</b>	<b>Balance Sheet Adjustments</b>	<b>Net Impact on Fund Balance</b>
General Fund				
Operating	(\$28,385)	\$707,725		\$679,340
Non-Recurring	\$395,230	(\$2,117,675)	\$2,180,985	<u>\$458,540</u>
Net Impact				\$1,137,880
Other Funds	\$4,304,380	(\$5,135,130)		(\$830,750)

**STRATEGIC PLAN:**

Relevant Strategic Plan Issues and Strategies:

- Strategic Issue #3: Strengthening Economic and Fiscal Conditions

**BACKGROUND:**

On June 1<sup>st</sup> and September 21<sup>st</sup>, 2010, the City Council approved budget balancing measures that yielded a balanced budget for FY 2010-11. When combined with the mid-year estimate corrections in this report, the adjustments yield a net loss in operating revenues of \$1,156,330 and an offsetting drop in net operating expenditures of \$853,675. The changes will allow the General Fund to finish the year with a \$10,235 operating surplus and a 20% undesignated reserve of \$6.3 million.

On the non-recurring side of the General Fund, the City will accomplish \$3.6 million in capital improvements and special projects. The majority of the non-recurring expenditures rests in the construction of the Benicia Community Center, which has \$2.6 million in General Fund support in FY 2010-11. Of this amount, \$1 million will be reimbursed in FY 2011-12 and the final \$1 million in FY 2012-13.

The budget adjustments also include \$348,000 in additional savings from last year. Several departments turned in budget savings of over \$100,000 but, unfortunately, the revenue declines surpassed \$2 million dollars and led the year to a \$764,440 operating deficit. After adjusting for non-recurring expenditures, the General Fund finished FY 2009-10 with an undesignated reserve of 21.2% totaling \$6.5 million. The audited results will be available when the Comprehensive Annual Financial Report is issued in January 2011 and a more broad discussion will occur with the City Council after the Finance Audit and Budget Committee has met with the Auditors.

Encumbrances and Carryovers. The majority of the budget adjustments introduced in this report are for capital projects and other financial commitments from the prior fiscal year. The funds for these have been identified as "Designated Reserves" in the prior year financial statements and are listed in the current budget as "Use of Designated Reserves" in the revenue section of the operating and non-recurring budgets. *Attachment A* displays these items for the General Fund, while *Attachment F* lists the items for all other funds.

Prior Approvals and Non-Discretionary Adjustments. If the City Council previously authorized an adjustment, such as those approved on September 21<sup>st</sup>, or if a significant change in a revenue or expenditure needs to be recognized, it is listed in this section. *Attachment B* lists these items for the General Fund and *Attachment D* lists them for all of the other funds.

The largest adjustments this year center around the Community Center Construction Fund, as \$2 million is being transferred from the General Fund to support the total construction costs, along with \$850,000 from the VIP Fund and \$200,000 that is due from the Boy Scouts.

Another of the large adjustments of \$225,000 is in the investment earnings account. Two year's ago, when interest rates started to drop, the Mark-to-Market requirement forced an accounting entry of \$267,000 to be posted to this account in all funds. This past year, the account began to approach par value and had to absorb a negative adjustment of \$197,000. If the trend continues, another negative adjustment of \$70,000 will be recorded in FY 2010-11 and, along with a steep drop in currently available investments, reduce the expected reported earnings amount by \$225,000 in the General Fund. The total amount

will drop from \$425,000 to \$200,000.

The next largest item is the increased liability insurance premium cost of \$102,950. The budgeted cost was not adjusted last year and has risen substantially due to the volume and settlement of claims.

A thorough review of all Non-Departmental revenues was also conducted and yielded a net increase of \$104,930. The amounts can be seen separately in the *General Fund Summary* attachment at the end of the report. The largest increase in these revenue sources was in the UUT Communications account, which has grown by \$83,000 to \$800,000 per year due to the increase in cell phone use and other types of communication.

Regarding General Fund revenues overall, there has been little change since the Council approved major budget adjustments in January and June 2010. Since that time, the economy has held steady in most areas and we are actually seeing some small improvements, such as in Business License Tax and Transient Lodging Tax collections.

Placeholders for Employee Compensation Reductions. There is a \$600,000 placeholder in the budget relating to employee wage and benefit negotiations. Staff anticipates recording these into individual departments sometime in January, when the outcome for all groups is expected.

Internal Service Fund Recommendation. During the Budget Workshops, the City Council authorized funding for the Facility Maintenance Internal Service Fund in order to support the repair and maintenance of the City's infrastructure at adequate levels. Of the \$116,770 allocated to the fund this year, staff is recommending appropriating \$38,000 to repair the Police Parking Lot due to unsafe conditions created by the crumbling black top. There is no base under the blacktop and staff is recommending adding 6" of gravel base as part of the rehabilitation project.

Property Tax Collections. Real estate values, as mentioned earlier in the report continue to suffer significant declines in all areas. For the most part, gains in the Valero Improvement Project have covered most of the losses in residential real estate and collections have remained on track for this year, with one exception, commercial and industrial property tax. The County Auditor expects to have information regarding additional property tax reductions in December and staff will return in January or February with an update on the amount of the losses, currently expected to be around \$350,000.

Retirement Rate Increases. The City recently received Actuary Reports from CalPERS regarding our retirement rates for next year. Due to significant changes

in the assumptions they use to determine rates, along with the significant investment losses recorded in 2009, the rates are going up significantly. *Table 1.* below provides a brief glimpse of what the changes mean for the City for the next 2 years.

**Table 1.**

<b>Retirement Rate Increase</b>					
<b>Fiscal Year</b>	<b>Rate</b>	<b>POB</b>	<b>Total</b>	<b>Increase</b>	<b>Cost Increase</b>
<b>Miscellaneous Group</b>					
2010-11	11.13%	4.37%	15.50%		
2011-12	14.72%	4.37%	19.09%	3.59%	\$ 241,420
2012-13	15.60%	4.37%	19.97%	0.88%	\$ 243,540
<b>Public Safety Group</b>					
2010-11	20.88%	14.37%	35.25%		
2011-12	25.82%	14.37%	40.19%	4.94%	\$ 342,726
2012-13	27.10%	14.37%	41.47%	1.28%	\$ 347,109
<b>Combined</b>					
2011-12					\$ 584,146
2012-13					\$ 590,649

Staff will develop recommendations on how to handle the increases and will present options during the many budget workshops from January through June 2011 planned for the next two-year budget cycle.

Attachments:

- ❑ Resolution approving Budget Adjustments
- ❑ Attachments to the Resolution A – F
- ❑ General Fund Summary



**RESOLUTION NO. 10-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING ADJUSTMENTS TO THE MUNICIPAL BUDGETS FOR FISCAL YEAR 2009-2011**

**WHEREAS**, the City Manager presented a proposed two-year budget for fiscal years 2009-10 and 2010-11 that was approved by the City Council on June 30, 2009 for all Municipal Funds; and

**WHEREAS**, the City Manager has presented recommendations for adjustments to the municipal budgets for fiscal years 2009-10 and 2010-11 at a regular meeting of the City Council on December 7, 2010 as evidenced by the Attachments "A" through "F" attached to this resolution and incorporated herein; and

**WHEREAS**, the City Council has determined the aforementioned budget adjustments for fiscal year 2010-11 yield a balanced operating budget and maintain the 20% Undesignated Reserve Balance, consistent with the Balanced Operating Budget Policy and the Fund Balance Reserve Policy.

**NOW, THEREFORE, BE IT RESOLVED THAT** the City Council of the City of Benicia hereby adopts adjustments to the Municipal Budgets for fiscal years 2009-10 and 2010-11 as evidenced by Attachments "A" through "F" attached hereto and incorporated herein.

\*\*\*\*\*

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 7th day of December, 2010 and adopted by the following vote:

Ayes:  
Noes:  
Absent:

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

Attest:

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



**ATTACHMENT -A-  
Prior Encumbrances and CIP Carryovers - General Fund  
Requested Budget Adjustments**

Acct. #	Description	Approved Budget 2010-11	Proposed Adjustments 12/07/10	Amended Budget 2010-11
<b><u>REVENUE ADJUSTMENTS</u></b>				
Reserves	1 Revise Audited Opening Fund Balance		348,386	348,386
Reserves	1 Transfer Designated CIP Reserves		288,605	288,605
<b>Subtotal One-Time Revenues</b>		\$ -	\$ 636,991	\$ -
<b>Total Revenues</b>		\$ -	\$ 636,991	\$ -
<b><u>EXPENDITURE ADJUSTMENTS</u></b>				
<b><u>Operational Expenditures</u></b>				
010-2605-8256	1 Econ Dev Visitors Service		4,875	4,875
010-2605-8100	1 Econ Dev Contract Services		6,500	6,500
010-6105-8538	1 Fire Maint/Repair to Veh/Equip		6,000	6,000
010-6105-8154	1 Fire Radio Communications		11,000	11,000
010-6105-8134	1 Fire Maintenance and Repairs		6,000	6,000
010-6105-8725	1 Fire Fuel		9,000	9,000
<b>Subtotal Operational Expenditures</b>		\$ -	\$ 43,375	\$ 43,375
<b><u>Non-Recurring Expenditures</u></b>				
011-2405-8100	1 Negotiations/Recruitment		43,655	43,655
011-2605-8411	1 Econ Dev Technical		30,800	30,800
011-3305-9186	1 IT Software Update		25,635	25,635
011-4105-9182	1 CDD Arsenal EIR		9,950	9,950
011-4105-9199	1 CDD Code Development		22,175	22,175
011-4105-9200	1 CDD Housing Element		8,845	8,845
011-8705-9767	1 Streets West Channel Road Bridge		100,000	100,000
011-9305-9184	1 Community Services Computer System		4,170	4,170
<b>Subtotal One-Time Expenditures</b>		\$ -	\$ 245,230	\$ 245,230
<b>Combined Expenditures</b>		\$ -	\$ 288,605	\$ 288,605
<b>Net Budget Adjustments</b>			<b>\$ 348,386</b>	

1. At the end of each fiscal year, departments review outstanding Capital Improvement Projects under construction and determine how much will be spent in the following year. The money is set-aside in a special Capital Project Reserves account and transferred to Capital Projects. This year's net Carryover amount for the General Fund is \$288,605. The amount of Fund Balance above the Amended Budget is also posted as a gain in the following Year.

**ATTACHMENT -B-  
Prior Approvals and Non-Discretionary Adjustments - General Fund  
Requested Budget Adjustments**

Acct. #	Description	Amended Budget 2009-10	Proposed Adjustments 12/07/10	Amended Budget 2009-10	Amended Budget 2010-11	Proposed Adjustments 12/07/10	Amended Budget 2010-11
<b>REVENUE ADJUSTMENTS</b>							
010-9305-7639	9 Lemos Pool Revenue				210,000	(5,270)	204,730
010-9305-7639	9 New Aquatic Fee				0	31,500	31,500
010-9305-7645	9 Implement New Participant Fee				0	20,000	20,000
010-5205-7281	9 Animal Control Revenue				0	7,500	7,500
010-6105-7631	9 Public Private Partnership				140,000	30,000	170,000
010-8805-7624	9 Implement Storm Water Fee				0	35,000	35,000
010-5205-7710	11 ABAG Evidence Audit				0	5,000	5,000
010-2405-7502	14 State Vehicle License Fees				1,889,690	(75,070)	1,814,620
010-2405-7507	17 Mandated Cost Reimbursement				0	16,000	16,000
010-2405-xxxx	21 Various Non Departmental Revenue Adjust					104,930	104,930
010-3205-7411	24 Investment Earnings Transfer to Treasurer				100,815	(16,350)	84,465
010-2405-7411	25 Investment Earnings				425,000	(225,000)	200,000
<b>Subtotal Operational Revenues</b>		<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 2,765,505</b>	<b>\$ (71,760)</b>	<b>\$ 2,693,745</b>
011-2405-7121	26 VIP Sales Tax				250,000	150,000	400,000
<b>Subtotal One-Time Revenues</b>		<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 250,000</b>	<b>\$ 150,000</b>	<b>\$ 400,000</b>
<b>Combined Revenues</b>		<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 3,015,505</b>	<b>\$ 78,240</b>	<b>\$ 3,093,745</b>
<b>EXPENDITURE ADJUSTMENTS</b>							
<b>Operational Expenditures</b>							
Misc	2 Adjustment to Health Insurance Increase				105,000	(21,330)	83,670
Misc	4 Salary & Benefit Adjustment				0	120	120
010-5205-8100	5 Background Investigation For New Hires				0	2,800	2,800
010-2405-8100	6 National Citizen Survey				0	(12,000)	(12,000)
010-6105-9144	8 CAN System Upgrade				0	17,000	17,000
010-2305-9999	9 YAC				12,105	(12,105)	0
010-2305-9999	9 Arts & Culture Grants				100,375	(15,795)	84,580
010-2305-8103	9 Crossing Guards				65,500	(16,000)	49,500
010-2605-xxxx	9 Economic Dev Contract Services				31,000	(10,000)	21,000
010-3305-8132	9 Information Tech Equipment Repairs				40,200	(14,000)	26,200
010-3405-8129	9 Library Computer Services for the Public				118,900	(10,000)	108,900
010-9205-8150	9 Pool Utilities				115,440	(28,230)	87,210
Misc	9 Reduction for Staffing					(159,900)	(159,900)
010-2405-xxxx	9 Salary Savings				(140,000)	(600,000)	(740,000)
Misc	10 CDD, PW, Treasurer Salary and Benefit Adj					(95,340)	(95,340)
010-5205-8133	11 Police Evidence Audit				0	5,000	5,000
010-3205-xxxx	13 Liability Insurance Premiums					102,950	102,950
010-5205-8004	15 Police Leave Allowance				49,900	(20,295)	29,605
Misc	16 Part Time Salary Increase					28,300	28,300
010-2505-8260	18 Attorney Fees				100,000	50,000	150,000
010-2405-8954	19 Property Tax Administration				240,000	55,500	295,500
010-4105-9183	22 Historic Context				0	2,225	2,225
<b>Subtotal Operational Expenditures</b>		<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 838,420</b>	<b>\$ (751,100)</b>	<b>\$ 87,320</b>
<b>Non-Recurring Expenditures</b>							
011-2405-8100	1 Contract Negotiations	0	50,000	50,000			0
011-2405-8100	3 Recruitment Contract	0	42,180	42,180			0
011-2405-8100	6 National Citizen Survey				0	17,650	17,650
011-2405-9041	7 Benicia Community Center Advance				0	2,000,000	2,000,000
011-2405-9999	9 Arts & Culture Grants				4,205	(4,205)	0
011-2305-8940	9 Camel Barn Museum				30,000	(15,000)	15,000
011-2605-8252	9 Main Street				35,000	(16,000)	19,000
011-2605-8256	9 Tourism Plan				140,000	(25,000)	115,000
011-2405-8253	9 Arts & Culture Commission Support				20,000	(20,000)	0
011-4105-9199	12 Form Based Zoning Codes				22,175	(7,500)	14,675
011-4105-8108	12 Intermodal Facilitator Services				0	7,500	7,500
011-8705-xxxx	20 CIP Supplement/Grant Match				200,000	(105,000)	95,000
011-2405-8100	23 Contract Negotiations				1,475	40,000	41,475
<b>Subtotal One-Time Expenditures</b>		<b>\$ -</b>	<b>\$ 92,180</b>	<b>\$ 92,180</b>	<b>\$ 452,855</b>	<b>\$ 1,872,445</b>	<b>\$ 2,325,300</b>
<b>Combined Expenditures</b>		<b>\$ -</b>	<b>\$ 92,180</b>	<b>\$ 92,180</b>	<b>\$ 1,291,275</b>	<b>\$ 1,121,345</b>	<b>\$ 2,412,620</b>
<b>Net Budget Adjustments</b>			<b>\$ (92,180)</b>			<b>\$ (1,043,105)</b>	

**ATTACHMENT -C-  
Prior Approvals and Non-Discretionary Adjustments - General Fund  
Requested Budget Adjustments**

**Item Description**

1	Extended Union contract negotiations required additional allocation of \$50,000.
2	Adjustment to estimate for Health Insurance rate change and Finance/Transit staff adjustment.
3	Additional funding for contract with Peckham & McKenney for Recruitment of HR Manager and Land Use & Engineering Manager \$20,678
4	Adjustment to salary worksheet to correct formula error in PERS charges. Palmer, Bidou
5	Background Investigation cost for new hires \$2,800
6	National Citizen Survey \$12,000. Additional funding \$5,650
7	Benicia Community Center advance of \$2,000,000 for construction costs to be reimbursed from VIP transfers in FY 2010-11 and FY 2011-12.
8	Reso 10-124 Upgrade of the Community Alert and Notification (CAN) System \$17,000
9	Budget balancing measures approved by the City Council on September 21, 2010.
10	Salary and benefit adjustments for CDD and PW from position changes and City Treasurer opening.
11	Police Evidence Audit reimbursable by ABAG \$5,000
12	Transfer \$7,500 from Form Based Zoning Codes project for Intermodal Facilitator Services
13	Liability insurance premium increase \$102,950. Amount not adjusted since FY 2009-10.
14	Revised VLF calculations from State notification. <\$75,070>
15	Adjustment to Police Leave Allowance from formula error. <\$20,295>
16	Salary adjustment for 3% PT COLA increase to match BPSEA increase: \$28,300
17	Revise estimates for Mandated Cost Reimbursement from State notification: \$16,000
18	Revise estimates for Attorney fees, an increase of \$50,000 in operations.
19	Revise estimates for Property Tax Administration due to spike in County fees: \$55,500
20	CIP Supplement/Grant Match reduced from \$200,000 by <\$67,520> to balance budget at 20%.
21	Revised estimates for various revenue accounts based on prior year final amounts: \$100,930. The most substantial increase of \$84,310 brings this UUT source to \$800,000 per year.
22	Funding for balance of Historic Context project \$2,225
23	Additional funding for amendment to contract with Renne Sloan Holtzman Sakai \$40,000

**ATTACHMENT -D-  
Prior Approvals and Non-Discretionary Adjustments - Other Funds  
Requested Budget Adjustments**

Acct. #	Description	Amended Budget 2009-10	Proposed Adjustments 12/07/10	Amended Budget 2009-10	Amended Budget 2010-11	Proposed Adjustments 12/07/10	Amended Budget 2010-11
<b>REVENUE ADJUSTMENTS</b>							
087-3486-7549	1 Target Grant	0	2,500	2,500			0
217-2405-7805	2 Valero VIP Settlement	0	285,000	285,000	0	850,000	850,000
217-4105-7805	2 Valero VIP Settlement	365,000	109,120	474,120			0
049-9049-7999	2 Valero VIP Settlement	0	158,000	158,000	0	850,000	850,000
110-2401-7994	2 Valero VIP Settlement	0	150	150			0
Misc	3 Adjustment to Health Insurance Increase				0	15,045	15,045
041-7341-7630	4 ATOD				0	5,075	5,075
041-7342-7999	4 Transfr In YAC from ATOD				0	24,920	24,920
021-3121-7999	5 Human Services CAC	15,000	(15,000)	0	15,000	(15,000)	0
087-3490-7549	6 Valero Teen Grant				0	12,500	12,500
049-9049-7428	7 Benicia Community Center GF Advance				0	2,000,000	2,000,000
049-9049-7809	7 Benicia Community Center Boy Scouts				0	200,000	200,000
035-xxxx-xxxx	8 Rose Dr Overcrossing Project	2,163,570	1,140,440	3,304,010			0
010-2401-xxxx	10 Workers Comp ISF				0	145	145
041-7342-7999	9 Transfer from GF to YAC				12,105	(12,105)	0
222-3420-7999	9 Transfer from GF to Arts & Culture				100,375	(20,000)	80,375
518-8357-7999	13 Transfer from WW to Major WW Cap Prj				0	699,350	699,350
041-7451-7549	14 Risk Mgmt/DARE Grants				0	14,175	14,175
060-8060-7458	15 Marina Percentage Rents				70,000	(35,000)	35,000
019-xxxx-xxxx	17 Transit Funding					(289,520)	(289,520)
041-7451-7549	18 ABAG Gun Locker				0	2,775	2,775
Misc	19 Part Time Salary Increase					2,020	2,020
<b>Revenue Adjustments</b>		<b>\$ 2,543,570</b>	<b>\$ 1,680,210</b>	<b>\$ 4,223,780</b>	<b>\$ 197,480</b>	<b>\$ 4,304,380</b>	<b>\$ 4,501,860</b>
<b>EXPENDITURE ADJUSTMENTS</b>							
<b>Non-Recurring Expenditures</b>							
087-3486-8675	1 Target Grant	0	2,500	2,500			0
217-2405-xxxx	2 Valero VIP Settlement	0	285,000	285,000	0	850,000	850,000
217-4105-xxxx	2 Valero VIP Settlement	338,120	136,000	474,120			0
Misc	3 Adjustment to Health Insurance Increase				0	41,935	41,935
041-7341-xxxx	4 ATOD				0	30,995	30,995
021-3121-8328	5 Human Services CAC	15,000	(15,000)	0	15,000	(15,000)	0
049-9049-xxxx	7 Benicia Community Center				610,000	2,850,000	3,460,000
035-xxxx-xxxx	8 Rose Dr Overcrossing Project	1,835,060	1,468,950	3,304,010			0
014-8315-xxxx	10 Wastewater				0	24,395	24,395
090-8215-xxxx	10 Water				0	9,890	9,890
034-8705-xxxx	10 Traffic Mitigation				0	(1,615)	(1,615)
090-8215-xxxx	9 Hydrant Maintenance Program				0	14,000	14,000
114-5205-9125	11 Police Vehicle Replacement				0	79,835	79,835
217-4105-8106	12 VIP Prof/Tech Svcs Caterpillar Puppets				0	12,000	12,000
014-8305-9999	13 Transfer from WW to Major WW Cap Prj				0	699,350	699,350
518-8357-9960	13 Major WW Capital Projects				0	699,350	699,350
041-7451-9112	14 ABAG Risk Mgmt Grant				0	11,175	11,175
041-7451-8131	14 DARE Grant				0	3,000	3,000
217-4105-8106	16 VIP Prof/Tech Svcs Americorps Intern				12,000	16,000	28,000
019-xxxx-xxxx	17 Transit Contracted Expenses					(241,810)	(241,810)
041-7451-9404	18 ABAG Gun Locker				0	2,775	2,775
Misc	19 Part Time Salary Increase					10,855	10,855
113-9205-9746	20 Police Parking Lot Improvements				0	38,000	38,000
<b>Expenditure Adjustments</b>		<b>\$ 2,188,180</b>	<b>\$ 1,877,450</b>	<b>\$ 4,065,630</b>	<b>\$ 637,000</b>	<b>\$ 5,135,130</b>	<b>\$ 5,772,130</b>
<b>Net Budget Adjustments</b>		<b>\$ (197,240)</b>		<b>\$ (830,750)</b>			

**ATTACHMENT -E-  
 FY 2009-10 All Other Funds Budget Update  
 Requested Budget Adjustments**

**Item Description**

1	Library Programs Target Grant \$2,500
2	Valero VIP Settlement
3	Adjustment to estimate for Health Insurance rate change and Finance/Transit staff adjustment.
4	Adjustment to ATOD and YAC budgets
5	Adjust HSF CAC enhancement payment. To be paid directly to CAC from GF Cap Prj 011 <\$15,000>
6	Valero Teen Grant FY 2010/11 \$12,500
7	Benicia Community Center construction costs and funding.
8	Rose Drive Overcrossing Project budget adjustments.
9	Budget balancing measures
10	Salary and benefit adjustments for CDD and PW positions
11	Replace 3 Police cruiser \$24,575, Investigations Vehicle \$22,105, Animal Control Vehicle \$33,155
12	VIP Prof/Tech Services for Caterpillar Puppets \$12,000
13	Wastewater Treatment Plant Effluent Pipeline Improvements Project \$699,350
14	Valero DARE Grant \$3,000 ABAG Risk Mgmt Grant \$11,175
15	Marina Percentage Rent adjustment <35,000>
16	VIP Prof/Tech Services for Americorps Intern \$16,000
17	Adjust Paratransit and Fixed Route contracted expenses.
18	Police gun locker reimbursed through ABAG \$2,775
19	Salary adjustment for 3% PT COLA increase
20	Police Parking Lot improvements \$38,000

**ATTACHMENT -F-  
Prior Encumbrances and CIP Carryovers - Other Funds  
Requested Budget Adjustments**

Acct. #	Description	Approved Budget 2010-11	Proposed Adjustments 12/07/10	Amended Budget 2010-11
<b><u>REVENUE ADJUSTMENTS</u></b>				
014 Reserves	Wastewater Ops CIP Carryovers		472,420	472,420
017 Reserves	Gas Tax CIP Carryovers		57,130	57,130
018 Reserves	Tourtlot Mitigation Carryovers		69,975	69,975
019 Reserves	Transit Carryovers		200,000	200,000
032 Reserves	Community Services Carryovers		98,120	98,120
034 Reserves	Traffic Mitigation Carryovers		252,735	252,735
035 Reserves	Grant Funded CIP Carryovers		2,073,650	2,073,650
036 Reserves	Grant Funded CIP Carryovers		74,355	74,355
038 Reserves	SP Depot		2,050	2,050
044 Reserves	Wastewater CIP Carryovers		452,065	452,065
045 Reserves	Water Project CIP Carryovers		475,530	475,530
046 Reserves	Capital License CIP Carryovers		50,720	50,720
048 Reserves	Intermodal Center		83,660	83,660
050 Reserves	Library Basement Carryovers		348,040	348,040
L&L Reserves	L&L CIP Carryovers		78,745	78,745
080 Reserves	Storm Drain CIP Carryovers		3,380	3,380
081 Reserves	Recycling Grant Carryovers		7,920	7,920
083 Reserves	Measure B		51,320	51,320
084 Reserves	CATV CIP Carryovers		4,740	4,740
085 Reserves	CAN Donation Carryovers		18,815	18,815
087 Reserves	Library Donations Carryovers		78,225	78,225
088 Reserves	Interlibrary Loan Carryovers		55,000	55,000
089 Reserves	Literacy Funded Carryovers		1,185	1,185
090 Reserves	Water Operations CIP Carryovers		1,001,630	1,001,630
113-Misc.	Building Maintenance Carryovers		78,455	78,455
114-Misc.	Vehicle Replacement Carryovers		63,080	63,080
115-Misc.	Equipment Replacement Carryovers		81,380	81,380
217 Reserves	VIP Settlement		411,005	411,005
515-Reserves	WW Reserve for Equipment Replacement		48,310	48,310
516-Reserves	WW Reserve for System Replacement		241,340	241,340
518-Reserves	Major WW Reserve for System Replacement		150,215	150,215
592-Reserves	Water Reserve for Equipment Replacement		113,015	113,015
593-Reserves	Water Reserve for Filter Replacement		33,535	33,535
594-Reserves	Water Reserve for System Replacement		552,650	552,650
595-Reserves	Water Reserve for Major Equipment Replace		17,935	17,935
<b>Revenue Adjustments</b>		<b>\$ -</b>	<b>\$ 7,802,330</b>	<b>\$ 7,802,330</b>

**ATTACHMENT -F-  
Prior Encumbrances and CIP Carryovers - Other Funds  
Requested Budget Adjustments**

Acct. #	Description	Approved Budget 2010-11	Proposed Adjustments 12/07/10	Amended Budget 2010-11
<b><u>EXPENDITURE ADJUSTMENTS</u></b>				
014-8305-9117	WW Office Equipment		600	600
014-8305-9184	WW Computer System Upgrade		23,740	23,740
014-8305-9198	WW Facility Upgrades		1,400	1,400
014-8305-9835	WW Sewer Lift Station Improvements		84,365	84,365
014-8305-9882	WWTP Improvements		40,000	40,000
014-8315-9114	WW Durable Tools/Equipment		4,645	4,645
014-8315-9117	WW Office Equipment		1,035	1,035
014-8315-9840	WW Sanitary Sewer Line		316,635	316,635
017-8705-9706	Gas Tax Handicap Ramp		28,300	28,300
017-8705-9708	Gas Tax Alley Maint Program		20,000	20,000
017-8705-9712	Gas Tax Sidewalk Replacement		8,830	8,830
018-8118-9750	Tourtlot Mit City Wide Traffic Calming		17,870	17,870
018-8118-9751	Tourtlot Mit Traffic Calming Rose Drive		52,105	52,105
019-3117-9312	Transit Preventive Maint		26,000	26,000
019-3117-9313	Transit Replace 1 Cutaway		74,000	74,000
019-3117-9314	Transit Replace 2 Minivans		100,000	100,000
032-9532-9250	Cemetery Vault Purchases		70,425	70,425
032-9532-9608	Cemetery Road & Landscape Improvements		27,695	27,695
034-8705-9725	Traffic Mit Annual Citywide Traffic Count		20,000	20,000
034-8705-9750	Traffic Mit Citywide Traffic Calming		27,215	27,215
034-8705-9762	Traffic Mit Major Roads Calming		50,085	50,085
034-8705-9765	Traffic Mit BHS Traffic Signal		155,435	155,435
035-7535-9734	TEA21 Rose Drive Overcrossing		542,800	542,800
035-7635-9733	Misc Fed Grants East 2nd St Overlay		180,805	180,805
035-7635-9734	Misc Fed Grants Rose Drive Overcrossing		500,000	500,000
035-7735-9711	Misc State Grants Street Resurfacing		328,890	328,890
035-7735-9734	Misc State Grants Rose Drive Overcrossing		521,155	521,155
036-7036-9112	COPS Grant High Tech Equip		23,930	23,930
036-7036-9404	COPS Safety Equipment		17,490	17,490
036-7136-9112	High Tech State Funded		32,935	32,935
038-8838-9940	SP Depot Interior Improvements		2,050	2,050
044-8044-9896	WW System Capacity		452,065	452,065
045-8045-9850	Water Lake Herman Capacity		195,920	195,920
045-8045-9896	Water System Capacity		279,610	279,610
046-2446-9120	Cap Lic Office Remodel		3,165	3,165
046-2446-9210	Cap Lic City ADA Program		10,000	10,000
046-2446-9246	Cap Lic Fire Station 12 Exterior Painting		8,590	8,590
046-2446-9247	Cap Lic Fire Station 12 Doors		28,965	28,965
048-3148-9766	Intermodal Regional Bus Stop		83,660	83,660

**ATTACHMENT -F-  
Prior Encumbrances and CIP Carryovers - Other Funds  
Requested Budget Adjustments**

Acct. #	Description	Approved Budget 2010-11	Proposed Adjustments 12/07/10	Amended Budget 2010-11
050-3450-9261	Library Basement Project		348,040	348,040
052-9052-9118	Residential L&L Equip Replace		2,000	2,000
056-9056-9118	Fleetside L&L Equip Replace		3,530	3,530
056-9056-9631	Fleetside L&L Landscape Improvements		19,500	19,500
071-9071-9118	Columbus L&L Equip Replace		38,400	38,400
072-9072-9118	East 2nd L&L Equip Replace		3,315	3,315
073-9073-9118	Goodyear L&L Equip Replace		8,000	8,000
073-9073-9629	Goodyear L&L Equip Phase I Landscape		4,000	4,000
080-8080-9708	Storm Drain Alley Maint Program		3,380	3,380
081-7281-9554	Beverage Container Recycle Project		3,080	3,080
081-7481-9118	Fire Misc Grants Equipment		4,840	4,840
083-3483-9115	Measure B Furnishing & Fixtures		44,180	44,180
083-3483-9117	Measure B Office Equipment		7,140	7,140
084-2484-9117	Cable Office Equipment		4,740	4,740
085-6105-9112	Fire Project High Tech Equipment		18,815	18,815
087-3489-9115	FOL Furnishings/Fixtures		45,000	45,000
087-3489-9117	FOL Office Equipment		7,500	7,500
087-3490-8680	Valero Early Literacy		19,250	19,250
087-3490-9117	Valero Grant Office Equipment		6,475	6,475
088-3488-9115	Interlibrary Furnishings/Fixtures		55,000	55,000
089-7189-9114	Literacy Durable Tools/Equipment		1,185	1,185
090-8205-8106	Water Prof/Tech Services		40,675	40,675
090-8205-9114	Water Durable Tools/Equipment		4,460	4,460
090-8205-9117	Water Office Equipment		600	600
090-8205-9184	Water Computer System Upgrade		33,825	33,825
090-8205-9198	Water Facility Upgrades		226,235	226,235
090-8205-9842	Water SWA Project		193,120	193,120
090-8205-9854	Water Cathodic Protection		203,520	203,520
090-8215-9114	Water Durable Tools/Equipment		13,940	13,940
090-8215-9851	Water Line Replacement		285,255	285,255
113-9205-9210	Facility Maint City ADA Program		35,000	35,000
113-9205-9246	Facility Maint Fire Stn 12 Improvements		8,815	8,815
113-9205-9625	Facility Maint Bridgeview Park		11,995	11,995
113-9205-9260	Facility Maint Library Repairs		22,645	22,645
114-4205-9125	Bldg Insp Vehicle Replacement		10,080	10,080
114-6105-9125	Fire Vehicle Replacement		25,000	25,000
114-9505-9125	Parks Vehicle Replacemtent		28,000	28,000
115-2105-9118	CMO Equipment Replacement		2,060	2,060
115-3305-9118	IT Equipment Replacement		4,700	4,700
115-3405-9118	Library Equipment Replacement		7,510	7,510
115-6105-9118	Fire Equipment Replacement		22,730	22,730
115-8505-9118	Equipment Svcs Equipment Replacement		38,080	38,080
115-9205-9118	Bldg Maint Equipment Replacement		1,300	1,300
115-9505-9118	Parks Equipment Replacement		5,000	5,000
217-2405-9821	VIP Residential Retro		185,000	185,000
217-2405-9822	VIP Energy/Water Audit		76,005	76,005
217-4105-9803	VIP City Efficiency		85,000	85,000
217-4105-9810	VIP Renew Energy		35,000	35,000
217-4105-9811	VIP Bicycle Storage		30,000	30,000

**ATTACHMENT -F-  
Prior Encumbrances and CIP Carryovers - Other Funds  
Requested Budget Adjustments**

Acct. #	Description	Approved Budget 2010-11	Proposed Adjustments 12/07/10	Amended Budget 2010-11
515-8356-9959	WW Reserve for Equipment Replacement		48,310	48,310
516-8357-9960	WW Reserve for System Replacement		241,340	241,340
518-8357-9960	Major WW Reserve for System Replacement		150,215	150,215
592-8257-9959	Water Reserve for Equipment Replacement		113,015	113,015
593-8258-9958	Water Reserve for Filter Replacement		33,535	33,535
594-8259-9960	Water Reserve for System Replacement		552,650	552,650
595-8257-9959	Water Reserve for Major Equipment Replace		17,935	17,935
<b>Expenditure Adjustments</b>		<b>\$ -</b>	<b>\$ 7,802,330</b>	<b>\$ 7,802,330</b>
<b>Net Budget Adjustments</b>			<b>\$ -</b>	

1 CIP Carryovers are held in a special Designated Reserves account and used to fund the projects in the following year.



## General Fund Summary - By Department

	Actual 2008-09	Adopted 2009-10	Adjustments	Amended 2009-10	Actual 2009-10	Adopted 2010-11	Adjustments	Amended 2010-11
<b>Revenues</b>								
City Council	1,675	500	0	500	0	500	0	500
City Clerk	0	0	0	0	0	0	0	0
City Treasurer	85,520	97,860	0	97,860	97,840	100,815	(16,350)	84,465
City Manager	3,040	500	0	500	515	500	0	500
Community Grants & Promotions	0	0	0	0	0	0	0	0
Economic Development	30	0	0	0	50	0	0	0
Human Resources	15	0	0	0	0	0	0	0
City Attorney	300	0	0	0	80	0	0	0
Finance	0	0	0	0	0	0	0	0
Library	64,515	64,505	0	64,505	67,150	64,505	0	64,505
Police	413,775	406,700	7,345	414,045	421,190	406,700	12,500	419,200
Fire	500,430	360,000	0	360,000	274,345	360,000	30,000	390,000
PW & Community Development	514,845	403,400	43,850	447,250	480,165	403,400	35,000	438,400
Parks & Community Services	998,840	1,023,560	(68,590)	954,970	1,110,905	1,023,560	(11,890)	1,011,670
Insurances	192,935	0	0	0	0	0	0	0
Non-Departmental	29,504,615	29,662,860	(1,619,440)	28,043,420	27,549,425	30,057,695	(1,205,590)	28,852,105
Interfund Transfer-In	97,950	80,415	0	80,415	80,415	80,415	0	80,415
<b>Revenue Total</b>	<b>32,378,485</b>	<b>32,100,300</b>	<b>(1,636,835)</b>	<b>30,463,465</b>	<b>30,082,080</b>	<b>32,498,090</b>	<b>(1,156,330)</b>	<b>31,341,760</b>
<b>Expenditures</b>								
City Council	102,485	102,100	70	102,170	103,975	105,180	2,680	107,860
City Clerk	78,095	79,715	(1,160)	78,555	74,785	81,435	1,270	82,705
City Treasurer	87,205	97,860	1,305	99,165	99,070	100,815	(16,350)	84,465
City Manager	551,095	565,665	18,820	584,485	584,985	583,860	58,390	642,250
Economic Development	477,380	439,880	(35,520)	404,360	370,570	440,085	(70,195)	369,890
Human Resources	305,310	349,700	1,150	350,850	303,970	360,930	(11,385)	349,545
City Attorney	576,355	620,030	(60,180)	559,850	588,110	635,570	(5,175)	630,395
Finance	1,128,600	1,110,365	54,345	1,164,710	1,153,830	1,154,520	28,185	1,182,705
Community Grants & Programs	506,250	420,460	0	420,460	420,460	419,180	(43,900)	375,280
Library	1,285,340	1,267,045	(6,405)	1,260,640	1,220,375	1,230,160	(21,790)	1,208,370
Police	8,264,410	8,434,240	170,595	8,604,835	8,626,105	8,634,190	257,015	8,891,205
Fire	7,013,300	7,132,670	(98,550)	7,034,120	6,846,795	7,285,540	(111,305)	7,174,235
PW & Community Development	3,372,785	3,118,940	(315,535)	2,803,405	2,795,410	3,175,765	(458,205)	2,717,560
Parks & Community Services	5,148,350	5,174,520	(141,085)	5,033,435	4,875,920	5,287,955	(197,725)	5,090,230
Insurances	579,525	528,855	0	528,855	653,190	539,700	102,950	642,650
Non-Departmental & Debt Service	1,808,460	1,660,680	(227,045)	1,433,635	1,543,465	1,369,090	(368,135)	1,000,955
Interfund Transfer-Out	540,210	750,765	(110,775)	639,990	585,505	781,225	0	781,225
<b>Expenditure Total</b>	<b>31,825,155</b>	<b>31,853,490</b>	<b>(749,970)</b>	<b>31,103,520</b>	<b>30,846,520</b>	<b>32,185,200</b>	<b>(853,675)</b>	<b>31,331,525</b>
<b>Operational Surplus/(Deficit)</b>	<b>553,330</b>	<b>246,810</b>	<b>(886,865)</b>	<b>(640,055)</b>	<b>(764,440)</b>	<b>312,890</b>	<b>(302,655)</b>	<b>10,235</b>
<b>Capital Projects &amp; Non-Recurring</b>								
Non-Recurring Revenues	1,697,970	620,000	112,605	732,605	950,485	479,165	395,230	874,395
Non-Recurring Expenditures	3,947,445	1,138,510	(166,965)	971,545	713,805	893,510	2,677,675	3,571,185
<b>Combined Surplus/(Deficit)</b>	<b>(1,696,145)</b>	<b>(271,700)</b>	<b>(607,295)</b>	<b>(878,995)</b>	<b>(527,760)</b>	<b>(101,455)</b>	<b>(2,585,100)</b>	<b>(2,686,555)</b>
Transfers to B.S. Loans Receivable	(113,810)	(175,085)	(135,495)	(310,580)	(310,580)	(200,545)	(2,204,770)	(2,405,315)
Transfers to Internal Service Funds								
Transfers to Designated Reserves								
Transfers to Project Reserves	(1,728,145)			0				
Misc Adj to Fund Balance	(180,155)		257,254	257,254	254,405		348,386	348,386
<b>Fund Balance</b>	<b>6,513,785</b>	<b>6,417,170</b>		<b>6,202,624</b>	<b>6,551,010</b>	<b>6,516,260</b>	<b>(31,944)</b>	<b>6,269,770</b>
<b>Reserve Percentage</b>	<b>20.5%</b>	<b>20.1%</b>		<b>19.9%</b>	<b>21.2%</b>	<b>20.2%</b>		<b>20.0%</b>
<b>Over/(Short) of 20% Requirement</b>	<b>148,754</b>	<b>46,472</b>		<b>(18,080)</b>	<b>381,706</b>	<b>79,220</b>		<b>3,465</b>

## *Non-Departmental Division*

The Non-Department Division is used to account for revenues and expenditures that are not linked to a single departments activities. The revenues section collects the majority of all General Fund revenues, including Property Tax, Sales Tax, Utility Users Tax and Franchise Fees. The expenditures section records many of the expenses that are shared between departments, such as office supplies, telephone supplies, and consultants used on citywide projects.

Acct	Fund 010 Division 2405	Actual 2008-09	Adopted 2009-10	Adjustment 2009-10	Amended 2009-10	Actual 2009-10	Adopted 2010-11	Adjustment 2010-11	Amended 2010-11
			(2)				(3)		
<b>Revenues</b>									
7011	Property Tax-Secured	\$ 12,407,905	12,586,820	(953,285)	11,633,535	11,343,275	12,574,545	(941,010)	11,633,535
7011	Unitary Tax	191,640	191,640	24,120	215,760		191,640	24,120	215,760
7011	Mills Act Agreements	(35,680)	(35,680)	2,830	(32,850)		(35,680)	2,830	(32,850)
7011	Valero Appeal Reimbursement	(582,880)	(348,740)		(348,740)		0		0
7012	Property Tax-Unsecured	472,730	613,605	74,235	687,840	630,250	625,880	74,235	700,115
7012	Property Tax-Unsecured to Marina Fund	(48,000)	(49,000)		(49,000)		(50,000)		(50,000)
7013	Prior Year Tax	(78,295)	0		0	1,140	0		0
7014	Homeowners Exemption	127,680	128,130	6,405	134,535	136,450	128,130	6,405	134,535
7017	Supplemental Property Tax	15,670	50,000	(50,000)	0	(1,450)	50,000		50,000
7018	Valero Property Tax Agreement	582,880	348,740		348,740	358,405	0		0
7121	Sales and Use Tax	5,140,500	4,600,000	(150,000)	4,450,000	4,249,620	4,725,000		4,725,000
7122	Sales Tax Triple Flip Offset	1,608,435	1,531,840	(15,060)	1,516,780	1,516,780	1,608,430	(15,060)	1,593,370
7135	Utility Users Tax - P G & E	1,091,540	1,180,060	(122,230)	1,057,830	1,096,975	1,203,430	(22,230)	1,181,200
7136	Utility Users Tax - C.T.V.	193,925	201,100		201,100	197,630	205,120		205,120
7137	Utility Users Tax - Communications	798,035	701,360		701,360	796,625	715,390	84,610	800,000
7138	Utility Users Tax - Valero	2,329,930	2,847,355		2,847,355	2,847,355	2,850,000	82,125	2,932,125
7207	Franchise Fee - Solid Waste	140,000	140,000		140,000	145,000	140,000		140,000
7208	Franchise Fee - P G & E	1,353,240	1,237,490	(458,760)	778,730	778,730	1,287,490	(281,240)	1,006,250
7209	Franchise Fee - Cable TV	350,220	350,000		350,000	361,085	350,000	10,000	360,000
7210	Franchise Fee - Kinder Morgan	8,050	7,980		7,980	8,055	7,980		7,980
7211	Transient Lodging Tax	233,640	268,000		268,000	228,230	290,000	10,000	300,000
7213	Business License Tax	441,605	434,000		434,000	444,365	442,680	2,320	445,000
7214	Real Prop. Transfer Tax	72,225	125,000		125,000	101,965	150,000		150,000
7411	Investment Earnings	491,505	425,000		425,000	177,360	425,000	(225,000)	200,000
7416	Retirement Stabilization Subsidy	0	0		0		0		0
7455	Rents & Concessions	106,655	100,000		100,000	107,640	100,000	8,000	108,000
7502	State Vehicle License Fees (VLF)	65,225	125,000		125,000	82,140	150,000		150,000
7502	VLF Swap	1,994,335	1,870,190	(615)	1,869,575	1,869,575	1,889,690	(75,070)	1,814,620
7507	Mandated Cost Reimbursement	2,415	0		0	8,395	0	16,000	16,000
7696	Admin. Fee Assess. Districts	12,800	12,470		12,470	16,270	12,470		12,470
7710	Refunds and Rebates	8,485	8,500	22,920	31,420	38,210	8,500		8,500
7910	Sales/Real/Pers. Property	0	10,000		10,000	0	10,000	(10,000)	0
7940	Miscellaneous Revenue	8,200	2,000		2,000	9,350	2,000		2,000
7999	Transfer In - Intermodal Transportation	17,535	0		0	0	0		0
7999	Transfer In - Water Fund	48,250	48,250		48,250	48,250	48,250		48,250
7999	Transfer In - Wastewater Fund	32,165	32,165		32,165	32,165	32,165		32,165
	Allocate Designated Reserves		0		0		0	43,375	43,375
	<b>Revenue Total</b>	<b>\$ 29,602,565</b>	<b>29,743,275</b>	<b>(1,619,440)</b>	<b>28,123,835</b>	<b>27,629,840</b>	<b>30,138,110</b>	<b>(1,205,590)</b>	<b>28,932,520</b>

## Non-Departmental Division

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Acct	Fund 010 Division 2405	Actual 2008-09	Adopted 2009-10	Adjustment 2009-10	Amended 2009-10	Actual 2009-10	Adopted 2010-11	Adjustment 2010-11	Amended 2010-11
<b>Expenditures</b>									
Misc.	Salary and Benefit Savings		(236,540)	236,540	0		(557,370)	(182,630)	(740,000)
8026	Vacation & Sick Leave Reserve	112,085	90,000	2,625	92,625	83,275	90,000		90,000
	Pending Operating Supply Increases				0			0	0
	<b>Salary &amp; Benefits</b>	<b>\$ 112,085</b>	<b>(146,540)</b>	<b>239,165</b>	<b>92,625</b>	<b>83,275</b>	<b>(467,370)</b>	<b>(182,630)</b>	<b>(650,000)</b>
8100	Contract Services	216,350	164,400		164,400	156,485	164,400	(12,000)	152,400
8107	Tax Sharing Agreements	118,000	120,000	32,230	152,230	152,230	120,000		120,000
8116	League of Cities Membership	14,870	14,760		14,760	15,065	14,760		14,760
8118	Misc Expense	22,390	3,000		3,000	2,870	3,000		3,000
8122	Office Supplies	45,595	49,670		49,670	40,570	49,670		49,670
8134	Computer Maint/Repairs	21,035	26,250		26,250	23,165	26,250		26,250
8142	Postage & Freight	29,435	42,000	(10,000)	32,000	21,110	42,000		42,000
8143	Document Destruction	400	1,660		1,660	0	1,660		1,660
8150	Utilities	173,780	216,420	(170,000)	46,420	168,335	216,420	0	216,420
8152	Telephone	151,045	154,940	(20,000)	134,940	134,570	154,940		154,940
8170	Weed Abatement/Land Maintenance	118,775	121,460		121,460	122,825	121,460		121,460
8171	Public Property Maintenance	0	0	7,780	7,780	7,780	0		0
8952	Emergency Expenditures	1,930	7,000		7,000	2,135	7,000		7,000
8954	Property Tax Administration	209,155	220,000		220,000	295,495	240,000	55,500	295,500
8957	E-mail Subscription Mgmt	4,200	0		0	0	0		0
	<b>Services &amp; Supplies</b>	<b>\$ 1,126,960</b>	<b>1,141,560</b>	<b>(159,990)</b>	<b>981,570</b>	<b>1,142,635</b>	<b>1,161,560</b>	<b>43,500</b>	<b>1,205,060</b>
9858	Household Haz Waste	13,335	25,500		25,500	0	25,500		25,500
	<b>Capital Outlay Total</b>	<b>\$ 13,335</b>	<b>25,500</b>	<b>0</b>	<b>25,500</b>	<b>0</b>	<b>25,500</b>	<b>0</b>	<b>25,500</b>
8996	Equipment Services ISF	367,580	380,160	(46,220)	333,940	317,555	389,400	(85,775)	303,625
8999	Facility Maintenance ISF Transfer (307K)	7,380	0		0		0	116,770	116,770
8995	Workers' Comp Adjustment	(100,000)	0		0		0		0
	<b>Internal Service Charges Total</b>	<b>\$ 274,960</b>	<b>380,160</b>	<b>(46,220)</b>	<b>333,940</b>	<b>317,555</b>	<b>389,400</b>	<b>30,995</b>	<b>420,395</b>
9022	Interest - Wastewater Connection	0	13,730	(13,730)	0		55,230	(55,230)	0
9023	Principal - Wastewater Connection	0	246,270	(246,270)	0		204,770	(204,770)	0
9051	Principal - Valero Prop Tax Repay	212,075	0		0		0		0
9052	Interest - Valero Prop Tax Repay	69,045	0		0		0		0
	<b>Debt Service Total</b>	<b>\$ 281,120</b>	<b>260,000</b>	<b>(260,000)</b>	<b>0</b>	<b>0</b>	<b>260,000</b>	<b>(260,000)</b>	<b>0</b>
9997 B	Transfer Out-Debt Service-Casa Vilarrasa	113,810	114,310		114,310	114,310	114,310		114,310
9997	Transfer Out-Debt Service-PD & SD	276,680	276,680		276,680	276,680	276,680		276,680
9999 B	Transfer Out-Marina Fund (a)	0	110,775	(110,775)	0		136,235		136,235
9999	Transfer Out-Transit Fund	50,000	50,000		50,000	50,000	50,000		50,000
9999	Transfer Out-Storm Water Fund	99,720	199,000		199,000	144,515	204,000		204,000
9999	Transfer Out-BUSD Fields	0	0		0		0		0
	<b>Interfund Transfer Out</b>	<b>540,210</b>	<b>750,765</b>	<b>(110,775)</b>	<b>639,990</b>	<b>585,505</b>	<b>781,225</b>	<b>0</b>	<b>781,225</b>
	<b>Expenditure Total</b>	<b>\$ 2,348,670</b>	<b>2,411,445</b>	<b>(337,820)</b>	<b>2,073,625</b>	<b>2,128,970</b>	<b>2,150,315</b>	<b>(368,135)</b>	<b>1,782,180</b>
	Transfers to Balance Sheet	(113,810)	(225,085)	110,775	(114,310)	(114,310)	(250,545)	0	(250,545)
	<b>Net Contribution / (Use)</b>	<b>\$ 27,367,705</b>	<b>27,556,915</b>	<b>(1,392,395)</b>	<b>26,164,520</b>	<b>25,615,180</b>	<b>28,238,340</b>	<b>(837,455)</b>	<b>27,400,885</b>

## Capital Projects and Non-Recurring Items

Acct	Fund 011 All Divisions	Actual 2008-09	Adopted 2009-10 (2)	Adjustment 2009-10	Amended 2009-10	Actual 2009-10	Adopted 2010-11 (3)	Adjustment 2010-11	Amended 2010-11
<b>Revenues</b>									
2405 7011	ERAF III Shift - - Valero PropTax Agmt	0	0		0	0	0		0
2405 7121	Valero VIP Construction Sales Tax	0	250,000		250,000	530,000	250,000	150,000	400,000
2405 7138	Valero Utility User Tax	0	0		0	0	0		0
2405 7226	Nationwide Settlement	20,670	0		0	0	0		0
2405 7428	Advance from WW Connection	1,627,010	0		0	0	0		0
2405 7413	Investment Earnings from Advance	10,000	0		0	8,155	0		0
2405 7710	Refunds and Rebates	0	260,000	26,720	286,720	260,000	219,165		219,165
2405 7999	Lease Proceeds from PD Remodel		0		0	0	0		0
4105 7616	Arsenal Master Plan Reimburse	40,290	10,000		10,000	52,330	10,000		10,000
4105 7805	Valero VIP - Lower Arsenal Mixed Use	0	0	21,855	21,855	0	0		0
2405 7999	Transfer In - Facility Maintenance ISF	0	100,000		100,000	100,000	0		0
	Allocate Designated Reserves	0	0	64,030	64,030		0	245,230	245,230
<b>Revenue Total</b>		<b>\$ 1,697,970</b>	<b>620,000</b>	<b>112,605</b>	<b>732,605</b>	<b>950,485</b>	<b>479,165</b>	<b>395,230</b>	<b>874,395</b>
<b>Expenditures</b>									
2405 8026	Vacation Leave Reserve				0	0			0
	<b>Salary &amp; Wages</b>	<b>\$ 0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
1205 8225	County Election Costs-3 Ballots		50,000	(16,750)	33,250	33,250	0		0
2405 8100	Citizen Surveys & Other Research	20,395	0		0	0	20,000		20,000
2405 8100	Reimbursable Abatement Costs		0	26,720	26,720	26,720	0		0
2405 8100	Contract Negotiations		0	50,000	50,000	48,525	0	41,475	41,475
2405 8100	Recruitment Contract		0	42,180	42,180		0	42,180	42,180
2405 8100	National Citizen Survey	0	0		0	0	0	17,650	17,650
2505 8260	Legal Fees & Settlements	170,000	100,000		100,000	100,000	100,000		100,000
2605 8256	Tourism Carry-Over	8,760	0		0	0	0		0
6105 8541	BERT Expenses - Setup (ABAG \$4k)	22,000	0		0	0	0		0
	<b>Services &amp; Supplies</b>	<b>\$ 221,155</b>	<b>150,000</b>	<b>102,150</b>	<b>252,150</b>	<b>208,495</b>	<b>120,000</b>	<b>101,305</b>	<b>221,305</b>
2405 9051	Valero Property Tax Principal Payment	1,625,735	0		0	0	0		0
2405 9052	Valero Property Tax Interest Payment	1,275	0		0	0	0		0
2405 9999 B	Transfer Out-Transit Fund CARB	0	(50,000)		(50,000)	(50,000)	(50,000)		(50,000)
2405 9999	Transfer Out-Storm Drain Street Sweeping	49,035	0		0	0	0		0
4105 9182	Arsenal Master Plan EIR	35,295	0	21,855	21,855	11,905	0	9,950	9,950
4105 9183	Historic Plan Update	10,145	0	1,315	1,315	685	0		0
4105 9199	Form Based Zoning Codes	0	0	22,175	22,175	0	0	14,675	14,675
4105 8108	Intermodal Facilitator Services	0	0		0	0	0	7,500	7,500
9305 9184	Online Class Registration Software	8,170	0	4,170	4,170	0	0	4,170	4,170
2605 9187	Business Loans & Grants	7,410	0	17,535	17,535	22,180	0		0
4105 9200	Housing Element Update (Legal Req)	48,765	0	18,835	18,835	9,990	0	8,845	8,845
8705 9999	Corp Yard Repairs (See ISF)	10,000	0		0	0	0		0
9205 9999	ADA / Weatherization (City Hall)	0	0		0	0	0	0	0
3305 9186	Software Upgrades - Windows/Agenda	0	140,000	(50,000)	90,000	64,370	0	75,635	75,635
2405 8253	Arts & Culture Commission Support	0	20,000	(20,000)	0	0	20,000	(20,000)	0
2605 8411	BIP Tech Study		35,000		35,000	4,200	0	30,800	30,800
2605 8252	Enhanced Main Street		35,000		35,000	18,470	35,000	(16,000)	19,000
2605 8256	Enhanced Tourism	0	95,000		95,000	95,000	140,000	(25,000)	115,000
2305 8940	Enhanced Museum	0	30,000		30,000	30,000	30,000	(15,000)	15,000
2405 9999	Enhanced Human Services		19,305		19,305	19,305	19,305		19,305
2405 9999	Enhanced Arts Grants		4,205		4,205	4,205	4,205	(4,205)	0
2405 8328	Enhanced CAC	0	0	15,000	15,000	15,000	0	15,000	15,000
<b>Capital Outlay</b>		<b>\$ 1,795,830</b>	<b>328,510</b>	<b>30,885</b>	<b>359,395</b>	<b>245,310</b>	<b>198,510</b>	<b>86,370</b>	<b>284,880</b>

**Capital Projects and Non-Recurring Items**

Acct	Fund 011 All Divisions	Actual	Adopted	Adjustment	Amended	Actual	Adopted	Adjustment	Amended
		2008-09	2009-10 (2)	2009-10	2009-10	2009-10	2010-11 (3)	2010-11	2010-11
2605 9188	City Gateway/Wayfinding Improvements	5,325	0		0	0	0		0
3405 9999	Library Basement Completion		0		0	0	525,000	(525,000)	0
9205 9177	Camel Barn Repairs	15,370	0		0	0	0		0
9205 9999	Transfer Out-Mills Improve Phase I		560,000	(560,000)	0	0	50,000	560,000	610,000
2405 9999	Trnsfr Out-Storm Drain CIP	0	0		0	0	0		0
9205 9999	Trnsfr Out-Park Ded Commandants Reside	1,825,145	0		0	0	0		0
2405 9041 B	Advance to Community Center Const	0	0		0	0	0	2,000,000	2,000,000
2405 9022	Interest - Wasetwater Connection		0	13,730	13,730	13,730	0	55,230	55,230
2405 9023 B	Principal - Wastewater Connection		0	246,270	246,270	246,270	0	204,770	204,770
	<b>Capital Projects - Other</b>	<b>\$ 1,845,840</b>	<b>560,000</b>	<b>(300,000)</b>	<b>260,000</b>	<b>260,000</b>	<b>575,000</b>	<b>2,295,000</b>	<b>2,870,000</b>
8705 Misc.	CIP Supplement/Grant Match	\$	0		0	0	0	95,000	95,000
8705 9758	East 5th Street Smart Growth	84,620	0		0	0	0		0
8705 9767	W Chnl Rd RR Bridge Removal		100,000		100,000	0	0	100,000	100,000
	<b>Capital Projects - Streets</b>	<b>\$ 84,620</b>	<b>100,000</b>	<b>0</b>	<b>100,000</b>	<b>0</b>	<b>0</b>	<b>195,000</b>	<b>195,000</b>
	<b>Expenditure Total</b>	<b>\$ 3,947,445</b>	<b>1,138,510</b>	<b>(166,965)</b>	<b>971,545</b>	<b>713,805</b>	<b>893,510</b>	<b>2,677,675</b>	<b>3,571,185</b>
	Transfers to Balance Sheet	0	50,000	(246,270)	(196,270)	(196,270)	50,000	(2,204,770)	(2,154,770)
	<b>Net Contribution / (Use)</b>	<b>\$ (2,249,475)</b>	<b>(568,510)</b>	<b>525,840</b>	<b>(42,670)</b>	<b>432,950</b>	<b>(464,345)</b>	<b>(77,675)</b>	<b>(542,020)</b>



**AGENDA ITEM**  
**CITY COUNCIL MEETING DATE - DECEMBER 7, 2010**  
**ACTION ITEMS**

**DATE** : November 30, 2010

**TO** : City Manager

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

**SUBJECT** : **ALLOCATION OF FUNDS FOR DESIGN AND CONSTRUCTION OF THE DOWNTOWN INTERMODAL PROJECT**

**RECOMMENDATION:**

Adopt a resolution authorizing the Public Works and Community Development Director to request an allocation of \$2,908,000 of Regional Measure 2 (RM2) funds from the Metropolitan Transportation Commission (MTC) (approximately 55% of which will be spent on the Downtown portion of the project) for the design and construction phases of the Downtown Intermodal Project, and to execute any agreements, documents, or correspondence related to said RM2 funding request.

**EXECUTIVE SUMMARY:**

On October 19, 2010, Council approved site plans for the Downtown Intermodal Project and directed staff to proceed with design, environmental clearance and construction of improvements. The next step to achieve that direction is to request the final allocation of RM2 funding for the project.

**BUDGET INFORMATION:**

Regional Measure 2 (Benicia-Martinez bridge toll) funding of \$3 million has been allocated for planning, design and construction of improvements at the two sites. Funding for the first phase (\$92,000 for site planning) has been expended.

**GENERAL PLAN:**

Relevant Goals and Policies include:

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

## **STRATEGIC PLAN:**

Relevant Strategic Plan Issues and Strategies:

- Strategic Issue #2: Protecting and Enhancing the Environment
  - Strategy #1: Reduce greenhouse gas emissions and energy consumption
  - Strategy #3: Pursue and adopt sustainable practices
  - Strategy #4: Protect air quality by pursuing multiple mass transit opportunities
- Strategic Issue #4: Preserving and Enhancing Infrastructure
  - Strategy #2: Increase use of mass transit
    - Action 2(a) Complete plans for and begin construction of park-and-ride facilities at City Park and W. Military at Southampton

## **BACKGROUND:**

In 2004, voters passed Regional Measure 2 (RM2) raising the toll on bridges in the San Francisco Bay Area by \$1 in order to fund various transportation projects within the region that have been determined to reduce congestion or to make improvements to travel in the toll bridge corridors, as identified in SB 916. The funding is administered by MTC and in Solano County, by the Solano Transportation Authority (STA.)

STA Corridor Plans include existing and future regional bus stop and support facilities at Military West/Southampton Road and Military/First Street. The approved projects at these existing Route 78 bus stop sites are intended to enhance commuting for riders and encourage new passengers by providing amenities and safety features for pedestrians and bicyclists, as well as convenient parking.

Preliminary site plan concepts were presented jointly to the Parks, Recreation and Cemetery, Historic Preservation Review, and Planning Commissions in August 2009 (and again to the Parks Commission in April 2010). Council reviewed draft site plans on July 6, 2010 and directed that a public workshop be held, which occurred in September 2010.

The resulting preliminary design drawing presented to the Council and approved on October 19, 2010 is attached. Consideration of the Military right turn lane, as well as intersection geometry and signal timing details, will be presented at a future Traffic, Pedestrian and Bicycle Safety Commission for consideration and recommendation to the Council.

The STA will hear the funding allocation request at its December 9<sup>th</sup> Board meeting, and the Metropolitan Transportation Commission will hear the funding

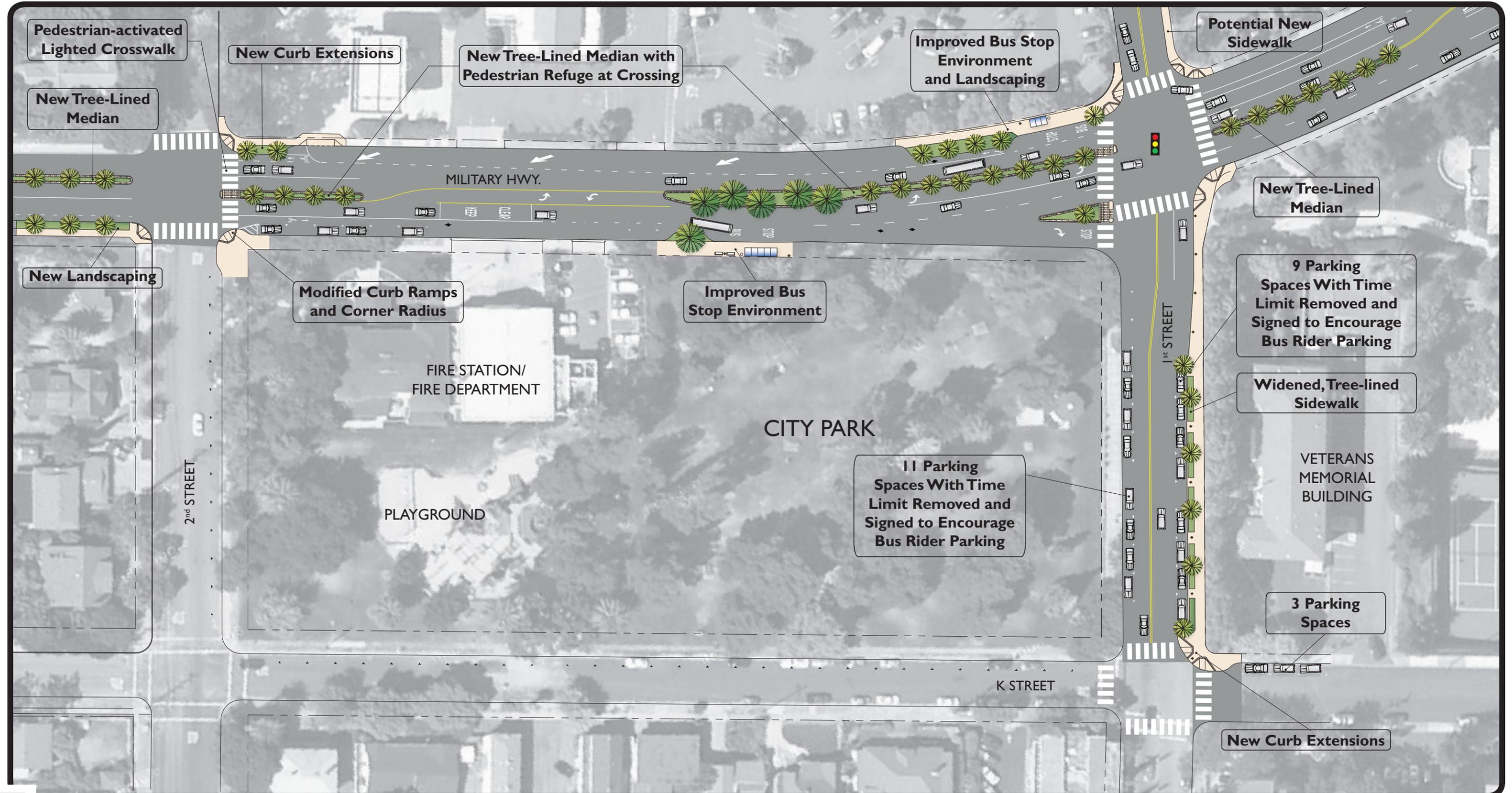
allocation request at the January 2011 meeting. Following allocation of funding, Benicia will enter into a design and construction administration contract with Kimley-Horn, pursuant to a provision in the project request for proposals and reflected in the contract that allows the same consultant team to be utilized for preliminary design, environmental review, final design and construction administration.

Attachments:

- ❑ Downtown Intermodal Preliminary Project Plan
- ❑ Initial Project Report
- ❑ Funding Spreadsheet
- ❑ Proposed Resolution



# Intermodal Improvements on Military and 1st Street (Post-Workshop)



Concept Plan

SCALE 0 20 40 80 FEET





## Regional Measure 2 Initial Project Report (IPR)

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**Project Title:**

**RM2 Project No.**

**Dated:**

**Allocation History:**

	<b>MTC Approval Date</b>	<b>Amount</b>	<b>Phase</b>
<b>#1:</b>	<b>7-27-05</b>	<b>92,000</b>	<b>Preliminary Engineering and Environmental Studies</b>

**Total: \$92,000**

**Current Allocation Request:**

<b>IPR Revision Date</b>	<b>Amount Being Requested</b>	<b>Phase Requested</b>
<b>5-21-09</b>	<b>2,908,000</b>	<b>Design, Environmental Analysis and Construction</b>

**Total: \$2,908,000**

## **Regional Measure 2 – INITIAL PROJECT REPORT**

### **I. OVERALL PROJECT INFORMATION**

#### **A. Project Sponsor / Co-sponsor(s) / Implementing Agency**

The City of Benicia is the Project Sponsor and Implementing Agency. No co-sponsors have been identified.

#### **B. Project Purpose**

To facilitate access to Route 78, the City of Benicia requests the remaining RM-2 funds (\$2,908,000) to design and construct two intermodal facilities. These facilities will incorporate parking amenities with new bus stops, that will facilitate the use of public transportation. The facilities would improve transit connections and increase commuter options by providing two safe and convenient locations for Benicia residents to leave their motor vehicles or bicycles as the commute to work in the Bay area. The eastern facility will be located in the core of Benicia's downtown within close proximity to the Civic Center, which includes city hall, the library, senior center, post office, police station, community gymnasium, youth center, community pool and Vet's Hall.

The project will be a benefit to the region by reducing single occupancy vehicle commuters and increasing transit use. The mode shift would increase the efficiency of the overall transportation network and reduce greenhouse gas emissions.

#### **C. Project Description (please provide details)**

##### **Project Graphics to be sent electronically with This Application**

The RM-2 funds will be utilized for design, environmental review, construction and project management for Intermodal facilities at two locations in the City of Benicia. Preliminary engineering and environmental studies have been completed and the City is now requesting the final \$2,908,000 to complete the design, environmental analysis, construction and project management for these sites.

The project scope has changed substantially as a result of a rich public process that better defined the needed improvements to best serve the community and preserve the City's rich history and public resources. The City has identified two locations for intermodal improvements:

1. Western Gateway Intermodal Facility: Project limits for this facility are on Military Highway from K Street to the west, to Southhampton Road to the east. Amenities lie within the existing roadway easements and include 23 new parallel parking spaces, widened sidewalks with enhanced bus stops, lighting, landscaping, and bicycle lockers. Landscape improvements will incorporate new landscape medians, and an entry feature. Signalization improvements to enhance pedestrian safety will also be incorporated.
2. Downtown Intermodal Facility: Project limits for this facility are on Military Highway from 2<sup>nd</sup> Street to the west, to 1<sup>st</sup> Street to the east. Amenities include conversion of 23 parallel parking spaces from short-term to long-term parking using parking T's to maximize the efficiency of parking in the vicinity of the Intermodal Station. Improvements also include enhancement of the bus stops and pedestrian access through sidewalk and intersection improvements, as well as landscape enhancements to include tree-lined median island improvements. Safety enhancements include a pedestrian-activated lighted crosswalk and bulbouts to increase pedestrian safety crossing Military Highway at 2<sup>nd</sup> Street, and modifications to the Military Highway/1<sup>st</sup> Street Intersection to ensure enhanced pedestrian safety.

## Regional Measure 2 – INITIAL PROJECT REPORT

### **D. Impediments to Project Completion**

The City does not foresee any funding, environmental, right-of-way or scheduling impediments for the completion of the project.

### **E. Operability**

The City will maintain the improvements as part of the City's roadway maintenance program.

## **II. PROJECT PHASE DESCRIPTION and STATUS**

### **F. Environmental –**

Does NEPA Apply:  Yes  No

Preliminary studies on potential environmental impacts were conducted, but the project has evolved into a project that lies entirely within the existing roadway right of way. Consequently, the City is anticipating that project environmental analysis has been reduced to a Categorical Exemption.

### **G. Design –**

The layout of the project site has been determined through an exhaustive public process. The City is ready to complete the design, prepare environmental documentation and construct the project.

### **H. Right-of-Way Activities / Acquisition –**

No additional land acquisition is anticipated.

### **I. Construction / Vehicle Acquisition -**

It is anticipated that construction will commence in June 2011. There will be no vehicle acquisition.

## **III. PROJECT BUDGET**

### **J. Project Budget (Escalated to year of expenditure)**

<b>Phase</b>	<b>Total Amount (Escalated) (Thousands)</b>
Environmental Studies & Preliminary Eng (ENV / PE / PA&ED)	92
Design - Plans, Specifications and Estimates (PS&E)	335
Right-of-Way Activities /Acquisition (R/W)	0
Construction	2,573
Total Project Budget (in thousands)	3,000

### **K. Project Budget (De-escalated to current year)**

<b>Phase</b>	<b>Total Amount (De-escalated)</b>
Environmental Studies & Preliminary Eng (ENV / PE / PA&ED)	NA
Design - Plans, Specifications and Estimates (PS&E)	NA
Right-of-Way Activities /Acquisition (R/W)	NA
Construction / Rolling Stock Acquisition (CON)	NA
Total Project Budget (in thousands)	NA

**Regional Measure 2 – INITIAL PROJECT REPORT**

**IV. OVERALL PROJECT SCHEDULE**

Phase-Milestone	Planned (Update as needed)	
	Start Date	Completion Date
Environmental Studies, Preliminary Eng. (ENV / PE / PA&ED)	Complete	Complete
Environmental Document	March 2011	May 2011
Final Design - Plans, Specs. & Estimates (PS&E)	January 2011	April 2011
Right-of-Way Activities /Acquisition (R/W)	N/A	N/A
Construction (Begin – Open for Use) / Acquisition / Operating Service (CON)	July 2011	October 2011

**V. ALLOCATION REQUEST INFORMATION**

**L. Detailed Description of Allocation Request**

Amount being requested (in escalated dollars)	\$2,908,000
Project Phase being requested	Design/Construction
Are there other fund sources involved in this phase?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Date of anticipated Implementing Agency Board approval of the RM2 IPR Resolution for the allocation being requested	December 2010
Month/year being requested for MTC Commission approval of allocation	December 2010

The construction funds will be used for the following: materials testing, construction staking, consultant construction engineering services, construction costs and salaries (including overhead).

**M. Status of Previous Allocations (if any)**

Funds for the PS&E and ROW phases for the project were approved on February 25, 2009. Staff is working on 100% construction plans and contract documents. The land acquisition is complete.

**N. Workplan**

Workplan in Alternate Format Enclosed

TASK NO	Description	Deliverables	Completion Date
1	CEQA Clearance	Categorical Exemption	February 2011
2	Right-of-Way	Close of Escrow	N/A
3	PS&E	Final Construction Plans and Contract Documents	April 2011
4	Construction	Construct the Project	July 2011

**Regional Measure 2 – INITIAL PROJECT REPORT**

**O. Impediments to Allocation Implementation**

The City does not foresee any impediments to completing these phases.

**VI. RM-2 FUNDING INFORMATION**

**P. RM-2 Funding Expenditures for funds being allocated**

**The companion Microsoft Excel Project Funding Spreadsheet to this IPR is included**

**Next Anticipated RM-2 Funding Allocation Request**

This will be the final funding allocation request.

**VII. GOVERNING BOARD ACTION**

**Check the box that applies:**

**Governing Board Resolution attached**

**Governing Board Resolution to be provided on or before: December 17, 2010.**

**VIII. CONTACT / PREPARATION INFORMATION**

**Contact for Applicant's Agency**

Name: Mike Roberts  
Phone: (707) 746-4237  
Title: Senior Civil Engineer  
E-mail: mroberts@ci.benicia.ca.us  
Address: 250 East L Street  
Benicia, CA 94510

**Information on Person Preparing IPR**

Name: Melissa Morton  
Phone: (707)746-4221  
Title: Land Use and Engineering Manager/City Engineer  
E-mail: mmorton@ci.benicia.ca.us  
Address: 250 East L Street  
Benicia, CA 94510

**Applicant Agency's Accounting Contact**

Name: Rob Sousa  
Phone: (707) 746-4217  
Title: Finance Director  
E-mail: rsousa@ci.benicia.ca.us  
Address: 250 East L Street  
Benicia, CA 94510

F:\pubworks\Intermodal Project 2010\IPR.doc







**RESOLUTION NO. 10-**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA AUTHORIZING THE PUBLIC WORKS AND COMMUNITY DEVELOPMENT DIRECTOR TO REQUEST AN ALLOCATION OF REGIONAL MEASURE 2 (RM2) FUNDS FROM THE METROPOLITAN TRANSPORTATION COMMISSION (MTC) FOR THE DESIGN AND CONSTRUCTION PHASE OF THE BENICIA INTERMODAL FACILITIES PROJECT, AND TO EXECUTE ANY AGREEMENTS, DOCUMENTS OR CORRESPONDENCE RELATED TO SAID RM2 FUNDING REQUEST**

**WHEREAS**, SB 916 (Chapter 715, Statutes 2004), commonly referred to as Regional Measure 2 (RM2), identified projects eligible to receive funding under the Regional Traffic Relief Plan; and

**WHEREAS**, the Metropolitan Transportation Commission (MTC) is responsible for funding projects eligible for RM2 funds, pursuant to Streets and Highways Code Section 30914(c) and (d); and

**WHEREAS**, MTC has established a process whereby eligible transportation project sponsors may submit allocation requests for RM2 funding; and

**WHEREAS**, allocations to MTC must be submitted consistent with procedures and conditions as outlined in RM2 Policy and Procedures; and

**WHEREAS**, the City of Benicia is an eligible sponsor of transportation projects in RM2, Regional Traffic Relief Plan funds; and

**WHEREAS** the Benicia Intermodal Facilities Project is eligible for consideration in the Regional Traffic Relief Plan of RM2, as identified in California Streets and Highways Code Section 30914(c) or (d); and

**WHEREAS**, the RM2 allocation request, attached hereto in the updated Initial Project Report, and incorporated herein as though set forth at length, lists the project, purpose, schedule, budget, expenditure and cash flow plan for which the City of Benicia is requesting that MTC allocate RM2 funds.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Benicia does hereby adopt a resolution authorizing the Public Works and Community Development Director to request an allocation of RM2 Funds from the MTC for the construction phase of the Benicia Intermodal Facilities Project and to execute any agreements, documents or correspondence related to said RM2 funding request; and

1. The City of Benicia, and its agents, shall comply with the provisions of the MTC's RM2 Policy Guidance (MTC Resolution No. 3636).
2. The City of Benicia certifies that the project is consistent with the Regional Transportation Plan (RTP).
3. The City of Benicia approves the updated Initial Project Report, attached to this resolution.
4. The City of Benicia approves the cash flow plan, attached to this resolution.
5. The City of Benicia has reviewed the project needs and has adequate staffing resources to deliver and complete the project within the schedule set forth in the updated Initial Project Report, attached to this resolution.
6. The City of Benicia is an eligible sponsor of projects in the RM2 Regional Traffic Relief Plan, Capital Program, in accordance with California Streets and Highways Code 30914(c).
7. The City of Benicia is authorized to submit an application for RM2 funds for the Benicia Intermodal Facilities Project in accordance with California Streets and Highways Code 30914(c).
8. The City of Benicia certifies that the projects and purposes for which RM2 funds are being requested is in compliance with the requirements of the California Environmental Quality Act (Public Resources Code Section 21000 et seq.), and with the State Environmental Impact Report Guidelines (14 California Code of Regulations Section 15000 et seq.), and if relevant the National Environmental Policy Act (NEPA), 42 USC Section 4-1 et. seq., and the applicable regulations thereunder.
9. There is no legal impediment to the City of Benicia making allocation requests for RM2 funds.
10. There is no pending or threatened litigation which might in any way adversely affect the proposed project, or the ability of the City of Benicia to deliver such project.
11. That the City of Benicia indemnifies and holds harmless MTC, its Commissioners, representatives, agents, and employees from and against all claims, injury, suits, demands, liability, losses, damages, and expenses,

whether direct or indirect (including any and all costs and expenses in connection therewith), incurred by reason of any act or failure to act of the City of Benicia, its officers, employees or agents, or subcontractors or any of them in connection with its performance of services under this allocation of RM2 funds. In addition to any other remedy authorized by law, so much of the funding due under this allocation of RM2 funds as shall reasonably be considered necessary by MTC may be retained until disposition has been made of any claim for damages.

12. That the City of Benicia shall, if any revenues or profits are received from any non-governmental use of property (or project), use those revenues or profits exclusively for the public transportation services for which the project was initially approved, either for capital improvements or maintenance and operational costs, otherwise the MTC is entitled to a proportionate share equal to MTC's percentage participation in the project.

13. That assets purchased with RM2 funds including facilities and equipment shall be used for the public transportation uses intended, and should said facilities and equipment cease to be operated or maintained for their intended public transportation purposes for its useful life, that the MTC shall be entitled to a present day value refund or credit (at MTC's option) based on MTC's share of the Fair Market Value of the said facilities and equipment at the time the public transportation uses ceased, which shall be paid back to MTC in the same proportion that RM2 funds were originally used.

14. That the City of Benicia shall post, on both ends of the construction site(s), at least two signs visible to the public stating that the Project is funded with RM2 Toll Revenues.

15. That the City of Benicia authorizes its Public Works and Community Development Director to execute and submit an allocation request for the design and construction phase in the amount of \$2,908,000 with MTC for RM2 funds, for the project, purposes and amounts included, in the project application attached to this resolution.

16. That the Public Works and Community Development Director is hereby delegated the authority to make non-substantive changes or minor amendments to the IPR as he/she deems appropriate.

17. That a copy of this resolution shall be transmitted to MTC in conjunction with the submittal of the updated IPR referenced herein.

On motion of Council Member \_\_\_\_\_, seconded by  
Council Member \_\_\_\_\_, the above Resolution was introduced  
and passed by the City Council of the City of Benicia at a regular meeting  
of said Council on the 7<sup>th</sup> day of December, 2010 and adopted by the  
following vote:

Ayes:

Noes:

Absent:

Abstain:

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

Attest:

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

**AGENDA ITEM**  
**CITY COUNCIL MEETING DATE - DECEMBER 7, 2010**  
**ACTION ITEMS**

**DATE** : November 30, 2010

**TO** : City Manager

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

**SUBJECT** : **ALLOCATION OF FUNDS FOR DESIGN AND CONSTRUCTION OF THE WESTERN GATEWAY INTERMODAL PROJECT**

**RECOMMENDATION:**

Adopt a resolution authorizing the Public Works and Community Development Director to request an allocation of \$2,908,000 of Regional Measure 2 (RM2) funds from the Metropolitan Transportation Commission (MTC) (approximately 45% of which will be spent on the Western Gateway portion of the project) for the design and construction phases of the Western Gateway Intermodal Project, and to execute any agreements, documents, or correspondence related to said RM2 funding request.

**EXECUTIVE SUMMARY:**

On October 19, 2010, Council approved site plans for the Western Gateway Intermodal Project and directed staff to proceed with design, environmental clearance and construction of improvements. The next step to achieve that direction is to request the final allocation of RM2 funding for the project.

**BUDGET INFORMATION:**

Regional Measure 2 (Benicia-Martinez bridge toll) funding of \$3 million has been allocated for planning, design and construction of improvements at the two sites. Funding for the first phase (\$92,000 for site planning) has been expended.

**GENERAL PLAN:**

Relevant Goals and Policies include:

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

## **STRATEGIC PLAN:**

Relevant Strategic Plan Issues and Strategies:

- Strategic Issue #2: Protecting and Enhancing the Environment
  - Strategy #1: Reduce greenhouse gas emissions and energy consumption
  - Strategy #3: Pursue and adopt sustainable practices
  - Strategy #4: Protect air quality by pursuing multiple mass transit opportunities
- Strategic Issue #4: Preserving and Enhancing Infrastructure
  - Strategy #2: Increase use of mass transit
    - Action 2(a) Complete plans for and begin construction of park-and-ride facilities at City Park and W. Military at Southampton

## **BACKGROUND:**

In 2004, voters passed Regional Measure 2 (RM2) raising the toll on bridges in the San Francisco Bay Area by \$1 in order to fund various transportation projects within the region that have been determined to reduce congestion or to make improvements to travel in the toll bridge corridors, as identified in SB 916. The funding is administered by MTC and in Solano County, by the Solano Transportation Authority (STA.)

STA Corridor Plans include existing and future regional bus stop and support facilities at Military West/Southampton Road and Military/First Street. The approved projects at these existing Route 78 bus stop sites are intended to enhance commuting for riders and encourage new passengers by providing amenities and safety features for pedestrians and bicyclists, as well as convenient parking.

Preliminary site plan concepts were presented jointly to the Parks, Recreation and Cemetery, Historic Preservation Review, and Planning Commissions in August 2009 (and again to the Parks Commission in April 2010). Council reviewed draft site plans on July 6, 2010 and directed that a public workshop be held, which occurred in September 2010.

The resulting preliminary design drawing presented to the Council and approved on October 19, 2010 is attached.

The STA will hear the funding allocation request at its December 9<sup>th</sup> Board meeting, and the Metropolitan Transportation Commission will hear the funding allocation request at the January 2011 meeting. Following allocation of funding, Benicia will enter into a design and construction administration contract with Kimley-Horn, pursuant to a provision in the project request for proposals and

reflected in the contract that allows the same consultant team to be utilized for preliminary design, environmental review, final design and construction administration.

Attachments:

- ❑ Western Gateway Intermodal Preliminary Project Plan
- ❑ Initial Project Report
- ❑ Funding Spreadsheet
- ❑ Proposed Resolution



# Intermodal Improvements on Military West, West of Southampton (Post-Workshop)



Concept Plan





# Regional Measure 2 Initial Project Report (IPR)

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**Project Title:**

**RM2 Project No.**

**Dated:**

**Allocation History:**

	<b>MTC Approval Date</b>	<b>Amount</b>	<b>Phase</b>
<b>#1:</b>	<b>7-27-05</b>	<b>92,000</b>	<b>Preliminary Engineering and Environmental Studies</b>

**Total: \$92,000**

**Current Allocation Request:**

<b>IPR Revision Date</b>	<b>Amount Being Requested</b>	<b>Phase Requested</b>
<b>5-21-09</b>	<b>2,908,000</b>	<b>Design, Environmental Analysis and Construction</b>

**Total: \$2,908,000**

## **Regional Measure 2 – INITIAL PROJECT REPORT**

### **I. OVERALL PROJECT INFORMATION**

#### **A. Project Sponsor / Co-sponsor(s) / Implementing Agency**

The City of Benicia is the Project Sponsor and Implementing Agency. No co-sponsors have been identified.

#### **B. Project Purpose**

To facilitate access to Route 78, the City of Benicia requests the remaining RM-2 funds (\$2,908,000) to design and construct two intermodal facilities. These facilities will incorporate parking amenities with new bus stops, that will facilitate the use of public transportation. The facilities would improve transit connections and increase commuter options by providing two safe and convenient locations for Benicia residents to leave their motor vehicles or bicycles as the commute to work in the Bay area. The eastern facility will be located in the core of Benicia's downtown within close proximity to the Civic Center, which includes city hall, the library, senior center, post office, police station, community gymnasium, youth center, community pool and Vet's Hall.

The project will be a benefit to the region by reducing single occupancy vehicle commuters and increasing transit use. The mode shift would increase the efficiency of the overall transportation network and reduce greenhouse gas emissions.

#### **C. Project Description (please provide details)**

##### **Project Graphics to be sent electronically with This Application**

The RM-2 funds will be utilized for design, environmental review, construction and project management for Intermodal facilities at two locations in the City of Benicia. Preliminary engineering and environmental studies have been completed and the City is now requesting the final \$2,908,000 to complete the design, environmental analysis, construction and project management for these sites.

The project scope has changed substantially as a result of a rich public process that better defined the needed improvements to best serve the community and preserve the City's rich history and public resources. The City has identified two locations for intermodal improvements:

1. Western Gateway Intermodal Facility: Project limits for this facility are on Military Highway from K Street to the west, to Southhampton Road to the east. Amenities lie within the existing roadway easements and include 23 new parallel parking spaces, widened sidewalks with enhanced bus stops, lighting, landscaping, and bicycle lockers. Landscape improvements will incorporate new landscape medians, and an entry feature. Signalization improvements to enhance pedestrian safety will also be incorporated.
2. Downtown Intermodal Facility: Project limits for this facility are on Military Highway from 2<sup>nd</sup> Street to the west, to 1<sup>st</sup> Street to the east. Amenities include conversion of 23 parallel parking spaces from short-term to long-term parking using parking T's to maximize the efficiency of parking in the vicinity of the Intermodal Station. Improvements also include enhancement of the bus stops and pedestrian access through sidewalk and intersection improvements, as well as landscape enhancements to include tree-lined median island improvements. Safety enhancements include a pedestrian-activated lighted crosswalk and bulbouts to increase pedestrian safety crossing Military Highway at 2<sup>nd</sup> Street, and modifications to the Military Highway/1<sup>st</sup> Street Intersection to ensure enhanced pedestrian safety.

## Regional Measure 2 – INITIAL PROJECT REPORT

### D. Impediments to Project Completion

The City does not foresee any funding, environmental, right-of-way or scheduling impediments for the completion of the project.

### E. Operability

The City will maintain the improvements as part of the City's roadway maintenance program.

## II. PROJECT PHASE DESCRIPTION and STATUS

### F. Environmental –

Does NEPA Apply:  Yes  No

Preliminary studies on potential environmental impacts were conducted, but the project has evolved into a project that lies entirely within the existing roadway right of way. Consequently, the City is anticipating that project environmental analysis has been reduced to a Categorical Exemption.

### G. Design –

The layout of the project site has been determined through an exhaustive public process. The City is ready to complete the design, prepare environmental documentation and construct the project.

### H. Right-of-Way Activities / Acquisition –

No additional land acquisition is anticipated.

### I. Construction / Vehicle Acquisition -

It is anticipated that construction will commence in June 2011. There will be no vehicle acquisition.

## III. PROJECT BUDGET

### J. Project Budget (Escalated to year of expenditure)

Phase	Total Amount (Escalated) (Thousands)
Environmental Studies & Preliminary Eng (ENV / PE / PA&ED)	92
Design - Plans, Specifications and Estimates (PS&E)	335
Right-of-Way Activities /Acquisition (R/W)	0
Construction	2,573
Total Project Budget (in thousands)	3,000

### K. Project Budget (De-escalated to current year)

Phase	Total Amount (De-escalated)
Environmental Studies & Preliminary Eng (ENV / PE / PA&ED)	NA
Design - Plans, Specifications and Estimates (PS&E)	NA
Right-of-Way Activities /Acquisition (R/W)	NA
Construction / Rolling Stock Acquisition (CON)	NA
Total Project Budget (in thousands)	NA

**Regional Measure 2 – INITIAL PROJECT REPORT**

**IV. OVERALL PROJECT SCHEDULE**

Phase-Milestone	Planned (Update as needed)	
	Start Date	Completion Date
Environmental Studies, Preliminary Eng. (ENV / PE / PA&ED)	Complete	Complete
Environmental Document	March 2011	May 2011
Final Design - Plans, Specs. & Estimates (PS&E)	January 2011	April 2011
Right-of-Way Activities /Acquisition (R/W)	N/A	N/A
Construction (Begin – Open for Use) / Acquisition / Operating Service (CON)	July 2011	October 2011

**V. ALLOCATION REQUEST INFORMATION**

**L. Detailed Description of Allocation Request**

Amount being requested (in escalated dollars)	\$2,908,000
Project Phase being requested	Design/Construction
Are there other fund sources involved in this phase?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Date of anticipated Implementing Agency Board approval of the RM2 IPR Resolution for the allocation being requested	December 2010
Month/year being requested for MTC Commission approval of allocation	December 2010

The construction funds will be used for the following: materials testing, construction staking, consultant construction engineering services, construction costs and salaries (including overhead).

**M. Status of Previous Allocations (if any)**

Funds for the PS&E and ROW phases for the project were approved on February 25, 2009. Staff is working on 100% construction plans and contract documents. The land acquisition is complete.

**N. Workplan**

Workplan in Alternate Format Enclosed

TASK NO	Description	Deliverables	Completion Date
1	CEQA Clearance	Categorical Exemption	February 2011
2	Right-of-Way	Close of Escrow	N/A
3	PS&E	Final Construction Plans and Contract Documents	April 2011
4	Construction	Construct the Project	July 2011

**Regional Measure 2 – INITIAL PROJECT REPORT**

**O. Impediments to Allocation Implementation**

The City does not foresee any impediments to completing these phases.

**VI. RM-2 FUNDING INFORMATION**

**P. RM-2 Funding Expenditures for funds being allocated**

**The companion Microsoft Excel Project Funding Spreadsheet to this IPR is included**

**Next Anticipated RM-2 Funding Allocation Request**

This will be the final funding allocation request.

**VII. GOVERNING BOARD ACTION**

**Check the box that applies:**

**Governing Board Resolution attached**

**Governing Board Resolution to be provided on or before: December 17, 2010.**

**VIII. CONTACT / PREPARATION INFORMATION**

**Contact for Applicant's Agency**

Name: Mike Roberts  
Phone: (707) 746-4237  
Title: Senior Civil Engineer  
E-mail: mroberts@ci.benicia.ca.us  
Address: 250 East L Street  
Benicia, CA 94510

**Information on Person Preparing IPR**

Name: Melissa Morton  
Phone: (707)746-4221  
Title: Land Use and Engineering Manager/City Engineer  
E-mail: mmorton@ci.benicia.ca.us  
Address: 250 East L Street  
Benicia, CA 94510

**Applicant Agency's Accounting Contact**

Name: Rob Sousa  
Phone: (707) 746-4217  
Title: Finance Director  
E-mail: rsousa@ci.benicia.ca.us  
Address: 250 East L Street  
Benicia, CA 94510

F:\pubworks\Intermodal Project 2010\IPR.doc







**RESOLUTION NO. 10-**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA AUTHORIZING THE PUBLIC WORKS AND COMMUNITY DEVELOPMENT DIRECTOR TO REQUEST AN ALLOCATION OF REGIONAL MEASURE 2 (RM2) FUNDS FROM THE METROPOLITAN TRANSPORTATION COMMISSION (MTC) FOR THE DESIGN AND CONSTRUCTION PHASE OF THE BENICIA INTERMODAL FACILITIES PROJECT, AND TO EXECUTE ANY AGREEMENTS, DOCUMENTS OR CORRESPONDENCE RELATED TO SAID RM2 FUNDING REQUEST**

**WHEREAS**, SB 916 (Chapter 715, Statutes 2004), commonly referred to as Regional Measure 2 (RM2), identified projects eligible to receive funding under the Regional Traffic Relief Plan; and

**WHEREAS**, the Metropolitan Transportation Commission (MTC) is responsible for funding projects eligible for RM2 funds, pursuant to Streets and Highways Code Section 30914(c) and (d); and

**WHEREAS**, MTC has established a process whereby eligible transportation project sponsors may submit allocation requests for RM2 funding; and

**WHEREAS**, allocations to MTC must be submitted consistent with procedures and conditions as outlined in RM2 Policy and Procedures; and

**WHEREAS**, the City of Benicia is an eligible sponsor of transportation projects in RM2, Regional Traffic Relief Plan funds; and

**WHEREAS** the Benicia Intermodal Facilities Project is eligible for consideration in the Regional Traffic Relief Plan of RM2, as identified in California Streets and Highways Code Section 30914(c) or (d); and

**WHEREAS**, the RM2 allocation request, attached hereto in the updated Initial Project Report, and incorporated herein as though set forth at length, lists the project, purpose, schedule, budget, expenditure and cash flow plan for which the City of Benicia is requesting that MTC allocate RM2 funds.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Benicia does hereby adopt a resolution authorizing the Public Works and Community Development Director to request an allocation of RM2 Funds from the MTC for the construction phase of the Benicia Intermodal Facilities Project and to execute any agreements, documents or correspondence related to said RM2 funding request; and

1. The City of Benicia, and its agents, shall comply with the provisions of the MTC's RM2 Policy Guidance (MTC Resolution No. 3636).
2. The City of Benicia certifies that the project is consistent with the Regional Transportation Plan (RTP).
3. The City of Benicia approves the updated Initial Project Report, attached to this resolution.
4. The City of Benicia approves the cash flow plan, attached to this resolution.
5. The City of Benicia has reviewed the project needs and has adequate staffing resources to deliver and complete the project within the schedule set forth in the updated Initial Project Report, attached to this resolution.
6. The City of Benicia is an eligible sponsor of projects in the RM2 Regional Traffic Relief Plan, Capital Program, in accordance with California Streets and Highways Code 30914(c).
7. The City of Benicia is authorized to submit an application for RM2 funds for the Benicia Intermodal Facilities Project in accordance with California Streets and Highways Code 30914(c).
8. The City of Benicia certifies that the projects and purposes for which RM2 funds are being requested is in compliance with the requirements of the California Environmental Quality Act (Public Resources Code Section 21000 et seq.), and with the State Environmental Impact Report Guidelines (14 California Code of Regulations Section 15000 et seq.), and if relevant the National Environmental Policy Act (NEPA), 42 USC Section 4-1 et. seq., and the applicable regulations thereunder.
9. There is no legal impediment to the City of Benicia making allocation requests for RM2 funds.
10. There is no pending or threatened litigation which might in any way adversely affect the proposed project, or the ability of the City of Benicia to deliver such project.
11. That the City of Benicia indemnifies and holds harmless MTC, its Commissioners, representatives, agents, and employees from and against all claims, injury, suits, demands, liability, losses, damages, and expenses,

whether direct or indirect (including any and all costs and expenses in connection therewith), incurred by reason of any act or failure to act of the City of Benicia, its officers, employees or agents, or subcontractors or any of them in connection with its performance of services under this allocation of RM2 funds. In addition to any other remedy authorized by law, so much of the funding due under this allocation of RM2 funds as shall reasonably be considered necessary by MTC may be retained until disposition has been made of any claim for damages.

12. That the City of Benicia shall, if any revenues or profits are received from any non-governmental use of property (or project), use those revenues or profits exclusively for the public transportation services for which the project was initially approved, either for capital improvements or maintenance and operational costs, otherwise the MTC is entitled to a proportionate share equal to MTC's percentage participation in the project.

13. That assets purchased with RM2 funds including facilities and equipment shall be used for the public transportation uses intended, and should said facilities and equipment cease to be operated or maintained for their intended public transportation purposes for its useful life, that the MTC shall be entitled to a present day value refund or credit (at MTC's option) based on MTC's share of the Fair Market Value of the said facilities and equipment at the time the public transportation uses ceased, which shall be paid back to MTC in the same proportion that RM2 funds were originally used.

14. That the City of Benicia shall post, on both ends of the construction site(s), at least two signs visible to the public stating that the Project is funded with RM2 Toll Revenues.

15. That the City of Benicia authorizes its Public Works and Community Development Director to execute and submit an allocation request for the design and construction phase in the amount of \$2,908,000 with MTC for RM2 funds, for the project, purposes and amounts included, in the project application attached to this resolution.

16. That the Public Works and Community Development Director is hereby delegated the authority to make non-substantive changes or minor amendments to the IPR as he/she deems appropriate.

17. That a copy of this resolution shall be transmitted to MTC in conjunction with the submittal of the updated IPR referenced herein.

On motion of Council Member \_\_\_\_\_, seconded by  
Council Member \_\_\_\_\_, the above Resolution was introduced  
and passed by the City Council of the City of Benicia at a regular meeting  
of said Council on the 7<sup>th</sup> day of December, 2010 and adopted by the  
following vote:

Ayes:

Noes:

Absent:

Abstain:

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

Attest:

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

**AGENDA ITEM**  
**CITY COUNCIL MEETING DATE - DECEMBER 7, 2010**  
**INFORMATIONAL ITEM**

**DATE** : November 29, 2010

**TO** : City Manager

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

**SUBJECT** : **REPORT FROM THE COMMUNITY SUSTAINABILITY COMMISSION REGARDING THE 2010 - 2011 CLIMATE ACTION PLAN PRIORITIES**

**RECOMMENDATION:**

Receive a presentation by the Community Sustainability Commission Chair and Vice-Chair regarding the Commission's objectives, accomplishments, and Climate Action Plan priorities for implementation.

**EXECUTIVE SUMMARY:**

Since the adoption of the Benicia Climate Action Plan (CAP) and formation of the Community Sustainability Commission (CSC) in 2009, the City has implemented a variety of strategies to help achieve greenhouse gas reduction goals. In addition CSC has approved 13 more CAP implementation strategies that the City will focus on beginning in 2011 and continuing until they are completed.

**BUDGET INFORMATION:**

Implementation of the CAP strategies will utilize funding provided by and consistent with the Valero Improvement Project (VIP) Settlement Agreement. As of November 2010, approximately \$257,000 of these funds remains in the FY2010-2011 budget for the implementation of projects that are not currently in progress. The VIP settlement funds are not part of the General Fund and are deposited in dedicated City accounts until they are expended.

**STRATEGIC PLAN:**

Relevant Strategic Plan Issues and Strategies:

- Strategic Issue #2: Protecting and Enhancing the Environment
  - Strategy #1: Reduce greenhouse gas emissions and energy consumption
  - Strategy #3: Pursue and adopt sustainable practices

**GENERAL PLAN:**

The overarching goal of the General Plan is Sustainability. The proposed CAP

implementation strategies address a number of General Plan Goals and Policies including:

- ❑ Goal 2.42: Enhance the recycling of solid waste
- ❑ Goal 3.27: Improve energy efficiency
- ❑ Goal 4.9: Ensure clean air for Benicia residents

**CLIMATE ACTION PLAN:**

The current efforts and proposed priorities implement the following Climate Action Plan Objectives:

- ❑ Objective EO-1: Increase Public Awareness and Education About Climate Change
- ❑ Objective E-2: Increase Amount of Renewable Energy in Benicia
- ❑ Objective B-1: Increase Building and Energy Efficiency in Municipal Buildings by 10% by 2020
- ❑ Objective B-2: Increase Building Efficiency by 20% in New Residential Construction by 2020
- ❑ Objective B-3: Reduce Energy Use by 20% in Single & Multifamily Residential by 2020
- ❑ Objective T-3: Increase Bicycle and Pedestrian Mode Share 2020
- ❑ Objective T-9: Reduce VMT 1% by Increasing Compact Mixed-Use Development
- ❑ Objective IC-1: Reduce Energy Consumption in Industrial and Commercial Buildings by 20% by 2020
- ❑ Objective IC-2: Increase Operational Efficiency 20% by 2020
- ❑ Objective WW-1: Reduce the Amount of Water Consumed 20% by 2020
- ❑ Objective SW-1: Commit to a Waste Diversion Goal of 90% for City Government Operations
- ❑ Objective P-2: Reduce Emissions from Maintenance Equipment 50% by 2020

**BACKGROUND:**

Ongoing City Sustainability Efforts

The City has accomplished or is in the process of implementing strategies (identified by CAP numbering) to reduce greenhouse gas (GHG) emissions, as follows:

- Education & Public Outreach - 1.8: Informational Kiosk and Information Displays at City Facilities
- Energy Production - 2.1: Renewable Energy Project Manager
- Energy Production - 2.3: Renewable Energy for City Facilities
- Buildings - 1.1: LEED Certification for Municipal Projects

- Buildings - 2.1: Adopt a Tiered Green Building Ordinance
- Buildings - 3.1: Residential Energy Conservation Ordinance
- Buildings - 3.2: Adopt Build It Green's Home Remodel Standards or Equivalent
- Buildings -3.3: Home Energy and Water Audits
- Transportation & Land Use - 3.1: Increase Bicycle Infrastructure at City Facilities
- Industrial & Commercial - C-1.3: Require LEED Certification for New Industrial and Commercial Buildings

Staff from multiple City departments have assisted the Public Works & Community Development Department in implementing Climate Action Plan strategies. For example, representatives from the Parks & Community Services, Finance and Fire Departments have been instrumental in organizing the solar facilities project, and the City Attorney's Office has led the effort to update local solid waste service to meet CAP recycling and diversion goals. Significant staff time has also been spent applying for grant funding for a variety of sustainability efforts, such as assisting industrial operations interested in green practices.

#### Community Sustainability Commission Achievements

In March 2010 at its second meeting as a Commission, CSC identified criteria for prioritizing the 120 CAP strategies and established four work groups to make recommendations based on the eight CAP focus areas, monitor and report on GHG reduction), and promote participation from the public and other interested stakeholders. The work groups met from April through October 2010, reporting back to the full CSC at each meeting.

At its October meeting 2010, CSC directed staff to return with a reduced list of priorities from the 36 strategies prioritized by the work groups. On November 15, 2010, the Commission voted unanimously to focus on the following ten strategies, in order of importance, until they are completed:

1. Education & Public Outreach - 1.1: Update and Maintain Website
2. Education & Public Outreach - 1.3: Educational Workshops
3. Buildings - 3.7: Change a Light Program
4. Water & Wastewater - 1.5: Incentives for Residential Plumbing Fixture Upgrades
5. Solid Waste - 1.1: Limit City Spending on Bottled Water
6. Industrial & Commercial - 1.1: Building Audit and Energy Program
7. Industrial & Commercial - 2.1: Promote Green Business Certification Program
8. Parks & Open Space - 2.4: Reduce Mowing Frequency at Parks Facilities

9. Water & Wastewater - 1.1: Cash for Grass Rebate Program
10. Transportation & Land Use - 9.5: Amend Zoning Regulations for Accessory Dwelling Units

In addition to the strategies identified above, the Commission identified the three following tasks as essential for the ongoing monitoring of the Climate Action Plan:

11. Monitoring & Performance Measures – 1: Climate Action Plan Monitoring - ICLEI
12. Monitoring & Performance Measures – 2: Climate Action Plan Monitoring - Benicia
13. Monitoring & Performance Measures – 3: VIP Fund Tracking

Staff is hopeful that these strategies and tasks can be implemented in 2011. The timing of completion may depend in part on complying with State and federal laws, and leveraging outside funding sources.

#### Work in Progress

Understanding the critical importance of reestablishing the Benicia Climate Action Plan website, staff is coordinating with the Education and Outreach Work Group to prepare and release a Request for Proposals for a web developer in the next few weeks.

Staff is also developing program guidelines, marketing plans and outreach materials for both the Change a Light Program and Incentives for Residential Plumbing Fixtures Upgrades for presentation to CSC in January 2011.

#### Attachments:

- Community Sustainability Commission Climate Action Plan Priorities Spreadsheet
- Community Sustainability Commission Presentation to City Council

CSC CAP PRIORITIES - Approved 11/15/2010

Work Group	Section	Code	Strategy Description	Staff Hours	Lead Department	Time Frame	Funding Source	Financial Expenditure	CO2 Reduction	Comments	Status
Work Group One (1)	Education and Public Outreach	EO-1.1	<a href="#">Update and Maintain Website</a>	11.5	PW&CDD	3 months	VIP	< \$12,000	Immeasurable	Doug Vu has outreached to three web design companies. His next steps will be to gather input from the commission and issue an RFP.	PRIORITY
		EO-1.3	<a href="#">Educational Workshops</a>	32	CSC	2 weeks - 3 months	VIP, Grants	Variable	Immeasurable	Educational workshops vary in timeframe, funding source, and financial expenditure depending on the program goals. The timeframe relies on a schedule event or activity. Typically, a lesson plan can be assembled in two weeks.	PRIORITY
		EO-1.8	<a href="#">Informational Kiosk and Info Displays at City Facilities</a>	34	PW&CDD	2 months	VIP	< \$2,000	Immeasurable	The timeframe and cost varies depending on the type of kiosk. Interactive electronic displays may cost several thousand dollars and require 6 months to manufacture. Also, will this kiosk be integrated with strategy EO-1.4 Theme of the Month.	IN PROGRESS
		EO-1.13	<a href="#">Encourage BUSD to educate k-12 on Climate Change and Ways to Reduce GHG Emissions</a>	94	PW&CDD/CSC	1 month - 3 months	VIP, Grants	\$0	Immeasurable	Strategy EO-1.14 Green Science and Technology Fair could be used to leverage progress on encouraging the BUSD to educated on climate change and ways to reduce GHG emissions.	
Work Group	Section	Code	Strategy Description	Staff Hours	Lead Department	Time Frame	Funding Source	Financial Expenditure	CO2 Reduction	Comments	Status
Work Group Two (2)	Monitoring and Performance Measures	MP-1	<a href="#">Climate Action Plan Monitoring - ICLEI</a>	8/month	PW&CDD	Continuous	VIP	\$0 to \$15,000	N/A	City is expected to participate in a PG&E funded emissions inventory update with 2009 data.	PRIORITY
		MP-2	<a href="#">Climate Action Plan Monitoring - Benicia</a>	4/month	PW&CDD	Continuous	N/A	N/A	N/A		PRIORITY
		MP-3	VIP FundTracking	4/month	PW&CDD	Continuous	N/A	N/A	N/A		PRIORITY
Work Group	Section	Code	Strategy Description	Staff Hours	Lead Department	Time Frame	Funding Source	Financial Expenditure	CO2 Reduction	Comments	Status
Energy Production	Energy Production	E-2.1	<a href="#">Renewable Energy Project Manager</a>	160	PW&CDD	6 months - 1 year	Chevron	\$0 or \$107,500	Immeasurable	Time frame for implementation indicates significant lag time between job tasks.	IN PROGRESS
		E-2.3	<a href="#">Renewable Energy for City Facilities</a>	304	PW&CDD	6 months - 1 year	Chevron	\$0 or \$107,500	2,300.5 CO <sup>2</sup> EMT	In-Progress. This project is awaiting City Council approval.	IN PROGRESS
		E-2.5	<a href="#">Citywide Mapping and Database</a>	652	PW&CDD	6 months - 1 year	VIP	\$65,000 <	NotApplicable	The cost estimate was based on the assumption that it costs CH2M Hill \$5,000 per square mile. Possible grant funding derived from DOE's Solar American Cities Grant.	
	E-4.1	<a href="#">Increase Wind Energy Generation</a>	596	PW&CDD	6 months - 1 year	VIP	\$500 - \$50,000	Variable	The possibility exists to hire a consultant to perform this task. Project expenditure is based on consultation with SEI.		
	B-1.1	<a href="#">LEED Certification for Municipal Projects</a>	112	PW&CDD	1 month - 3 months		\$0	Immeasurable	This strategy has been achieved through CALGREEN's 2011 Building Standards. City will adopt CALGREEN (for all new buildings) in December 2010 that will include requirement for residential renovations with a valuation of \$20,000 or more to complete energy efficiency/weatherization upgrades.	IN PROGRESS	
	B-2.1	<a href="#">Adopt a Tiered Green Building Ordinance</a>	64	PW&CDD	2 weeks - 1 month		\$0	Immeasurable	This strategy has been achieved through CALGREEN's 2011 Building Standards. City will adopt CALGREEN (for all new buildings) in December 2010 that will include requirement for residential renovations with a valuation of \$20,000 or more to complete energy efficiency/weatherization upgrades.	IN PROGRESS	
	B-2.2	<a href="#">Promote Local Green Building Projects</a>	337	PW&CDD	1 month - 3 months	VIP	<\$2,500	NotApplicable	The CAP recommends combining this strategy with B-2.1 Adopt a Tiered Green Building Ordinance which was not identified by the commission as a 2010 priority.		

Work Group Three (3)

Work Group	Section	Code	Strategy Description	Staff Hours	Lead Department	Time Frame	Funding Source	Financial Expenditure	CO2 Reduction	Comments	Status	
Buildings	B-3.1		<a href="#">Residential Energy Conservation Ordinance</a>	158	PW&CDD	1 month - 3 months		Variable	Immeasurable	COMPLETED - City will adopt CALGREEN (for all new buildings) in December 2010 that will include requirement for residential renovations with a valuation of \$20,000 or more to complete energy efficiency/weatherization upgrades.	IN PROGRESS	
	B-3.2		<a href="#">Adopt Build It Green's Home Remodel Standards or Equivalents</a>	136	PW&CDD	1 month - 3 months		Variable	Immeasurable	COMPLETED - City will adopt CALGREEN in December 2010 that will include residential additions of 600 s.f. or more.	IN PROGRESS	
	B-3.3		<a href="#">Home Energy and Water Audits</a>	148	PW&CDD	1 month - 3 months	VIP	\$100,000	Immeasurable	IN PROGRESS - Ennovatanz is currently conducting residential energy and water audits with SAGE.	IN PROGRESS	
	B-3.7		<a href="#">Change A Light Campaign</a>	216	PW&CDD	1 month - 3 months	VIP	Variable	50 kWh x CFL	Once CFLs are acquired, distribution can occur on an ongoing basis. The cost of the project dependent on whether we can obtain free CFLs or will have to purchase at retail price.	PRIORITY	
	B-4.1		<a href="#">Encourage Energy Efficient Upgrades in Historic Structures</a>	288	PW&CDD	3 months - 6 months		Variable	Immeasurable			
	B-4.4		<a href="#">Educate Property Owners, City Commissions, Local Contractors, and Suppliers</a>	218	PW&CDD	1 month - 3 months	VIP	\$500	NotApplicable			
	T-1.1		<a href="#">Establish Criteria for New Fleet Vehicles</a>	92	PW&CDD	2 weeks - 1 month		\$0	NotApplicable	Per Emissions Reduction Assumptions and Calculations document, "40% vehicle turnover rate for all sectors of the municipal fleet by 2020 at a constant rate beginning on plan adoption."		
	T-3.1		<a href="#">Increase Bicycle Infrastructure at City Facilities</a>	146	PW&CDD	3 months - 6 months	VIP	\$30,000	Immeasurable	Installation of 30 new bicycle racks throughout the City on public property will be completed by December 2010.	IN PROGRESS	
	T-3.4		<a href="#">Bicycle and Pedestrian Master Plan</a>	268	PW&CDD	3 months - 6 months		Variable	NotApplicable			
	T-5.1		<a href="#">Low-Emission Transit Vehicles</a>	264	Finance	3 months - 6 months	VIP	TBD	966 CO <sup>2</sup> EMT	CO2 reduction is calculation = 21% of 9,202 CO <sup>2</sup> EMT / 2		
Transportation and Land Use	T-9.4		<a href="#">Development of Underutilized and Vacant Landfill Sites</a>	168	PW&CDD	1 month - 3 months	VIP	TBD	Immeasurable			
	T-9.5		<a href="#">Amend Zoning Regulations for Accessory Dwelling Units</a>	88	PW&CDD	2 weeks - 1 month		\$0	Immeasurable		PRIORITY	
	Industrial and Commercial	IC-1.1		<a href="#">Building Audit and Energy Program</a>	268	PW&CDD	3 months - 6 months	VIP	\$0	Immeasurable	The building audit and energy program has indirect reductions from possible improvements made by the participating business. Tracking reductions is difficult because the city doesn't know if improvement projects are made in response to baseline audits. The reductions will be reflected in overall community emissions tracking.	PRIORITY
		IC-1.3		<a href="#">Require LEED Certification for New Industrial and Commercial Buildings Larger than 5,000 Square Feet</a>	64	PW&CDD	1 month - 3 months		\$0	Immeasurable	COMPLETED - City will adopt CALGREEN (for all new buildings) in December 2010. All new industrial and commercial buildings will be CALGREEN certified, and third party (i.e. LEED) certification will not be necessary to achieve this goal.	IN PROGRESS
		IC-1.5		<a href="#">Provide Green Building Consulting and Technical Assistance</a>	284	PW&CDD	1 month - 3 months	VIP	< \$500	NotApplicable	Green Building Assistance is to be provided after IC-1.3 is instituted. Most promotional material for assistance should be made available through the website.	
IC-2.1			<a href="#">Promote Green Business Certification Program</a>	176	PW&CDD	1 month - 3 months	VIP	< \$500	NotApplicable	This project consists mostly of a marketing campaign for the bay area green business program. Informational handouts distributed at community events and website outreach.	PRIORITY	

Work Group Four (4)

Water and Wastewater

WW-1.1	<a href="#">Cash for Grass Rebate Program</a>	372	PW&CDD	1 month - 3 months	VIP	\$50,500	Immeasurable	Solano County's PILOT Turf Replacement Rebate Program effective July, 1, 2010 has been discontinued. Launching a Benicia campaign requires assessing the feasibility as we go. Calculating turf replacement area is a complicated task requiring algebra and geometry skills. Ongoing staff support is required to complete pre-inspections and post-inspections.	<b>PRIORITY</b>
WW-1.2	<a href="#">Permitting for Graywater Reuse Systems</a>	114	PW&CDD	2 weeks - 1 month	VIP	TBD	CO2E/gal H2O = 2.62x10-7	This project might be captured in the city's new Urban Water Management Plan.	
WW-1.3	<a href="#">Implement Residential Rainwater Collection</a>	284	PW&CDD	2 weeks - 1 month	VIP	TBD	CO2E/gal H2O = 2.62x10-7	This project might be captured in the city's new Urban Water Management Plan.	
WW-1.5	<a href="#">Incentives for Residential Plumbing Fixture Upgrades</a>	304	PW&CDD	1 month - 3 months	VIP	\$26,000	CO2E/gal H2O = 2.62x10-7	In 2001, the City distributed free showerheads, hose nozzles, hose timers, kitchen aerators, and bathroom sink aerators at a cost of \$68,111.01	<b>PRIORITY</b>
WW-3.2	<a href="#">Class A Biosolids Process</a>	88	PW&CDD	1 month - 3 months	VIP	< \$20,000	Immeasurable	The CAP summary for this strategy specifies conducting a feasibility analysis of implementing this project. Therefore, the project cost reflects an estimation of the consulting fee.	

Solid Waste

SW-1.1	<a href="#">Limit City Spending on Bottled Water</a>	90	CMO	1 month - 3 months	Payroll	\$0	Immeasurable	A cost-benefit analysis might not be necessary to complete this project. If all parties agree, a written policy can be implemented city-wide.	<b>PRIORITY</b>
SW-1.2	<a href="#">Establish Education Program for City Staff</a>	32	ALL	2 weeks - 1 month	VIP	< \$250	Immeasurable	This project should be shared among city departments. The message might be more meaningful if it comes from the top.	
SW-2.1	<a href="#">Community-Wide Composting Program</a>	138	PW&CDD	2 weeks - 1 month	VIP	< \$500	Immeasurable	The correlating work plan is indicative of a curbside composting pilot program. The other option would be to provide do-it-yourself education program for residents.	
SW-2.2	<a href="#">Curbside Recycling for Industrial and Commercial Businesses</a>	218	PW&CDD	6 months - 1 year	Solid Waste District, End Users	\$0	Immeasurable	Implementing an industrial and commercial curbside recycling program would not result in direct costs to the city or VIP fund. Program costs would be covered by the end users or customers receiving service.	
SW-2.4	<a href="#">Waste Audit Program</a>	202	PW&CDD	1 month - 3 months	VIP	< \$500	Immeasurable	This project will only be as successful as the participation of Allied Waste allows for it relies heavily upon human resource support.	
SW-2.6	<a href="#">Universal Colors and Labeling for all Trash Receptacles</a>	108	PW&CDD	1 month - 3 months	VIP	< \$5,000	Immeasurable	Put this project on the radar screen in 2011 and prepare to launch it in alignment with the new contact agreement with Allied Waste in 2012.	

Parks and Open Space

P-1.1	<a href="#">Install Drip Irrigation Systems in all City-Maintained Landscapes</a>	92	PW&CDD/PCS	1 month - 3 months	VIP	< \$50,000	Immeasurable	Typically, drip-irrigation systems cost \$500 - \$1,200 per acre	
P-1.2	<a href="#">Install Irrigation Control Systems</a>	144	PW&CDD/PCS	1 month - 3 months	VIP	< \$15,000	Immeasurable		
P-1.3	<a href="#">Utilize Low-Maintenance, Drought Tolerant Landscaping</a>	136	PW&CDD/PCS	2 weeks - 1 month	VIP	TBD	Immeasurable		
P-2.4	<a href="#">Reduce Mowing Frequency at Parks Facilities</a>	10	PW&CDD/PCS	2 weeks - 1 month		\$0	Immeasurable	This project requires coordination with the City's Parks & Rec. division of PCS Dept..	<b>PRIORITY</b>
P-3.1	<a href="#">Replace Unnecessary City Trucks with Alternative-Fuel Vehicles</a>	64	PCS	6 months - 1 year	VIP	TBD	Immeasurable		
P-7.1	<a href="#">Community Gardens in City Parks and Underutilized Sites</a>	116	CSC	1 month - 3 months	VIP, Grants	< \$5,000	Immeasurable	This project is in progress.	





# Community Sustainability Commission

Report to City Council - December 2010  
prepared by Constance Beutel, EdD - Chair  
and  
Kathy Kerridge, JD - Vice Chair

# Highlights



- The Situation: Overview



- The CSC commission : Purpose



- Structure and Process



- Accomplishments



- Challenges



- 2011 Priorities



- Recommendations



# Situation

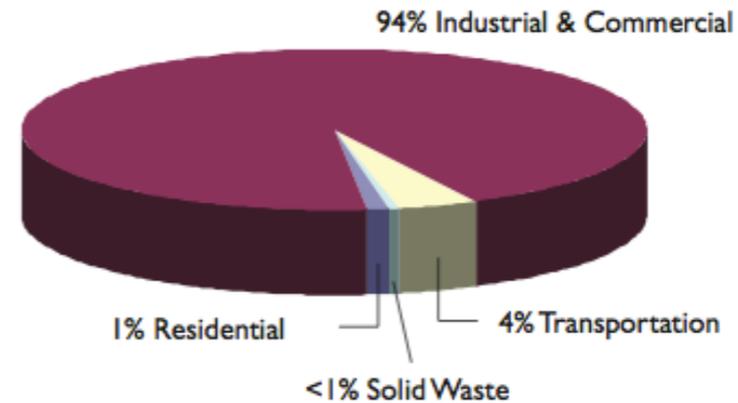


**350 parts per million is what many scientists, climate experts, and progressive national governments are now saying is the safe upper limit for CO2 in our atmosphere.**

**By now the planet has about 388 parts per million CO2**

**– and this number is rising by about 2 parts per million every year.\***

**2000 Community Emissions**



\*taken from 350.org

## City Government operations

- Reduce GHG emissions to 25 percent below 2000 levels by 2010
- Reduce GHG emissions to 33 percent below 2000 levels by 2020

## Community-wide

- Reduce GHG emissions to maintain 2005 levels by 2010
- Reduce GHG emissions to 10 percent below 2000 levels by 2020

# The CSC commission: Purpose

- educate
- advocate
- provide oversight
- for integrated solutions that seek a sustainable equilibrium for:
  - economic
  - ecological
  - social health and well-being, both now and in the future.



X.A.1.14



We do that by

- **Advising** the city council on implementation of the **Benicia Climate Action Plan** and related **City Strategic Plan** performance measures, as appropriate.
- **Providing recommendations** regarding the **distribution of climate action and water conservation funds** from the 2008 Valero Improvement Plan Settlement Agreement and from future funding sources allocated to support the efforts of making Benicia a more sustained community with reference to the Climate Action Plan.
- **Advising** the city council **on matters related to sustainability**, climate change and greenhouse gas reductions, including recommendations on forthcoming innovative programs and amendments to the Climate Action Plan, if necessary.
- **Facilitating public outreach**, education and collaboration with regards to community sustainability to guide Benicia's transition towards being a sustainable, socially just, economically vibrant, and green community.
- **Preparing an Annual Report** to city council on implementation measures.
- **Making recommendations** to the city council **regarding funding**, including the search for private and public grants consistent with the needs of the community.

# The CSC commissioners

## March 15, 2010 First Meeting



Constance Beutel, Chair



Kathy Kerridge, Vice Chair



Gene Doherty, Commissioner



Rae Lynn Fiscalini, Commissioner



Larry Lamoreux, Commissioner



John F. Silva, Commissioner



Emmalyn Tringali (Student Commissioner)



Todd Lopez, Valero (Ex-officio)

Randall Scott, Ampports (Ex-officio)

Rosie Switzer, Benicia Unified School District (Ex-officio)

Marilyn Bardet, Good Neighbor Steering Committee (Ex-officio)

# Structure and Process



- Since July - Monthly meetings
- Work Groups/Ad Hoc Committees
- CSC Meetings - begin with an educational presentation



Charter	2010 Actions
<p><b>Advising: Climate Action Plan</b></p>	<p>Developed Priorities from 120 CAP strategies                      Solid Waste Franchise Agreement                      Chevron Energy Solutions                      Solano Green Business Alliance - Com. Rae Lyn Fiscalini                      Urban Water Plan update                      Bicycle Racks                      Green Building Standards - pending adoption</p>
<p><b>Recommendations VIP funding</b></p>	<p>Ennovationz: Home energy audits -                      Caterpillar puppets contract renewal - Water Conservation Education for early Elementary students                      Americorps Intern - Randy Russell</p>
<p><b>Advising re: Sustainability</b></p>	<p>Proposed opposition to propositions 16 (2/3 voter approval for electricity service changes) and 23 (Suspend State law that requires greenhouse gas emissions be reduced to 1990 levels by 2020)</p>
<p><b>Facilitating Public Outreach</b></p>	<p>Commission Education Presentations                      Earth Day, Terry Baldwin                      10-10-10 Climate Action day</p>

# 2010 Challenges

- Staff Support
- Understanding the parameters of our Commission, e.g. VIP monies - Some monies are already earmarked via VIP settlement;  
Lack of clarity around approval level required for recommending expenditures
- The scope of our ability to take action, e.g., appointment of ad hoc committees/work groups. CAP: 120 strategies in 7 categories is daunting with limited Staff support
- CSC Annual Report for 2010 - Greenhouse emissions ICLEI reporting is complex and time consuming and the data is collected in arrears of real time.  
We don't know how we are doing in 2010 until 2011.



# CSC CAP Prioritization - Initial List provided to Staff in May, 2010

Recommendations 2010	Recommendations 2011
<p><b>Education and Outreach</b></p> <ol style="list-style-type: none"> <li>1) EO-1.1 Update and Maintain Website</li> <li>2) EO-1.8 Informational Kiosk and Info Displays</li> <li>3) EO-1.13 Encourage BUSD to Educate K-12 (9th grade)</li> <li>4) EO-1.3 Educational Workshops</li> </ol> <p><b>Energy Production</b></p> <ol style="list-style-type: none"> <li>1) E-2.5 Citywide Mapping and Database</li> <li>2) E-2.3 Renewable Energy for City Facilities</li> <li>3) E-4.1 Increase Wind Energy Generation</li> </ol> <p><b>Buildings</b></p> <ol style="list-style-type: none"> <li>1) Define standards then B-3.1, 3.2 &amp; 4.1</li> <li>2) B-2.2 Promote Local Green Building Projects</li> <li>3) B-3.7 Change a Light Campaign</li> <li>4) B-4.4 Educate Property Owners, City Commissions, Local Contractors and Suppliers</li> </ol> <p><b>Industry and Commercial</b></p> <ol style="list-style-type: none"> <li>1) IC-1.1 Building Audit and Efficiency Program</li> <li>2) IC-1.5 Provide Green Bldg. Consulting &amp; Tech. Assistance</li> <li>3) IC-2.1 Promote Green Business Certification Pgm.</li> </ol> <p><b>Transportation and Land Use</b></p> <ol style="list-style-type: none"> <li>1) T-3.4 Bicycle and Pedestrian Master Plan</li> <li>2) T-1.1 Establish Criteria for New Fleet Vehicles</li> <li>3) T-5.1 Low-Emission Transit Vehicles</li> <li>4) T-9.4 &amp; 9.5 Development of Underutilized and Vacant Infill Sites</li> </ol>	<p><b>Education and Outreach</b></p> <ol style="list-style-type: none"> <li>1) EO-1.2 Sustainability Art Awards</li> <li>2) EO-1.14 Green Science and Technology Fair</li> <li>3) EO-1.11 Emissions Reduction Thermometer</li> <li>4) EO-1.5 Eco/Sustainable Art Exhibition</li> </ol> <p><b>Energy Production</b></p> <ol style="list-style-type: none"> <li>1) E-3.1 Encourage Parking Lot Solar PV Arrays</li> <li>2) E-6.1 Smart Grid Feasibility Study</li> <li>3) E-2.4 Renewable Energy Fund</li> </ol> <p><b>Buildings</b></p> <ol style="list-style-type: none"> <li>1) B-4.3 Encourage LEED certification and/or GreenPoint</li> <li>2) B-3.4 Energy Efficiency Rebates</li> </ol> <p><b>Industry and Commercial</b></p> <ol style="list-style-type: none"> <li>1) IC-2.2 Establish a Green Business Committee</li> <li>2) IC-1.3 Require LEED Certification for New Ind/Comm Bldgs.</li> </ol> <p><b>Transportation and Land Use</b></p> <ol style="list-style-type: none"> <li>1) T-3.1, 3.3 &amp; 3.5 Bicycle infrastructure</li> <li>2) T-2.1, 2.2 &amp; 2.4 Street energy infrastructure</li> <li>3) T-8.3 Revise Parking Requirements</li> <li>4) T-4.2 Encourage BUSD to reinstate school buses</li> <li>5) T-7.1, 7.2 &amp; 8.1 Public Education</li> </ol>

X.A.1.20



# CSC CAP Prioritization - Initial List provided to Staff in May, 2010-cont.



Recommendations 2010	Recommendations 2011
<p><b>Water and Wastewater</b></p> <ol style="list-style-type: none"> <li>1) WW-1.1, 1.2 Lawn Replacement and Grey Water Programs</li> <li>2) Public Education for WW-1.1, 1.2, 1.3 Residential Rain Collection and 1.5 Plumbing Upgrades</li> <li>3) WW-3.2 Biosolids/Cogen</li> </ol> <p><b>Solid Waste</b></p> <ol style="list-style-type: none"> <li>1) Franchise Agreement, SW-1.2 City Staff Education, 2.1 Composting, 2.2 Ind/Comm Curbside Recycling, 2.4 Waste Audit, 2.6 Uniform Receptacles</li> <li>2) SW-1.1 Limit City Spending on Bottled Water</li> </ol> <p><b>Parks and Recreation</b></p> <ol style="list-style-type: none"> <li>1) Survey irrigation needs, then P-1.1 Drip Irrigation for City Landscapes, 1.2 Irrigation Control Systems and 1.3 Appropriate Landscaping</li> <li>2) P-7.1 Community Gardens in City Parks and Underutilized Sites</li> <li>3) Survey fleet for replacement needs, then P-3.1</li> <li>4) P-2.4 Reduce mowing frequency</li> </ol>	<p><b>Water and Wastewater</b></p> <ol style="list-style-type: none"> <li>1) WW-1.7 Develop a Business Outreach Program</li> <li>2) WW-1.4 Require Commercial Rainwater Collection</li> </ol> <p><b>Solid Waste</b></p> <ol style="list-style-type: none"> <li>1) SW-2.5 Feasibility Study for a Waste Reduction Ordinance</li> <li>2) SW-2.3 Construction and Demolition Recycling Program</li> </ol> <p><b>Parks and Recreation</b></p> <ol style="list-style-type: none"> <li>1) P-2.1 Replace Gas-Powered Maint. Tools with Elec.</li> <li>2) P-2.3 Utilize Biodiesel Fuel in Maintenance Equipment</li> </ol>

# Staff Recommendations

## Nov, 2010



1. EO-1.1 Update and Maintain Website
  2. EO-1.3 Educational Workshops
  3. B-3.7 Change a Light Program
  4. WW-1.5 Incentives for Residential Plumbing Fixture Upgrades
  5. SW-1.1 Limit City Spending on Bottled Water
  6. IC-1.1 Building Audit and Energy Program
  7. IC-2.1 Promote Green Business Certification Program
  8. P-2.4 Reduce Mowing Frequency at Parks Facilities
  9. WW-1.1 Cash for Grass Rebate Program
  10. T-9.5 Amend Zoning Regulations for Accessory Dwelling Units
- Required for on-going monitoring
11. MP-1 Climate Action Plan Monitoring – ICLEI
  12. MP-2 Climate Action Plan Monitoring – Benicia
  13. MP-3 VIP Fund Tracking

# 2011 Education and Public Outreach Plan



## Introductory Workshops

Climate Change

Climate Action Plan and Benicia

Conservation

Sustainability

## Advanced Workshops

### 1. Reducing emissions in Benicia

Reducing Emissions in Benicia Energy Production

Transportation and Land Use, Buildings

Industrial and Commercial

Water, Wastewater and Solid Waste

Parks and Open Space

### 2. Benicia Sustainable Economy:

Principles of Sustainable Management

Business Government and Civil Society

Sustainable Products and Services

Markets – Micro and Ecological Economics

Managerial Markets

Culture, Values and Ethics

Workshops as a  
Community Forum  
for education,  
discussion and  
action



# Recommendations



- Council Liaison to our Commission
- Cross-City Department participation
- Increasing communications and information sharing among Commissions
- Renewed commitment to the urgency of Climate Action

**REQUEST FOR ITEM ON COUNCIL AGENDA**

Requested by:

**Mayor Patterson**

Requested Council Meeting Date:

**December 7, 2010**

Agenda Item Name:

**Request to agendize a discussion regarding the Orange County proposal to form a new non-profit association to advocate on behalf of its members for the preservation and enhancement of local control.**



# Association of California Cities

## Orange County

What is it?	A California non-profit association of Orange County cities formed to advocate on behalf of its members for the preservation and enhancement of local control.
What does it do?	Holds monthly dinner meetings to facilitate communication between its member cities, collaboration on projects of mutual benefit and timely educational programs of interest to its members. Provides other educational events and collaborative forums to address problems of a regional nature in a manner that preserves the highest degree of local control and flexibility.
What does it cost?	Member cities will pay the same amount in dues that they paid last year to be members of the Orange County Division, League of California Cities. Cities will also be offered a 10% discount on membership dues for purchasing a two year membership option.
Can I join both ACC-OC and the League of CA Cities?	Yes. You may choose to be a member of ACC-OC, the State League, or both. Dues will be paid separately.
Why should I join?	Orange County cities often have a different perspective than the Northern California cities that dominate State League policy discussions. This organization will provide Orange County cities with a collective voice apart from the League that has the freedom to act independently. The ACC-OC will strive to provide top quality educational, collaborative and policy resources to members while focusing specifically on Orange County issues.

