



**BENICIA CITY COUNCIL  
REGULAR MEETING AGENDA**

**City Council Chambers**

**2881 S. Kihei Road #74, Kihei, Maui 96753**

**December 17, 2013**

**6:15 PM**

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

*Please Note:*

*Regardless of whether there is a Closed Session scheduled, the open session will begin  
at 7:00 PM*

**I. CALL TO ORDER (6:15 PM):**

**II. CLOSED SESSION (6:15 PM):**

**A. CONFERENCE WITH REAL PROPERTY NEGOTIATOR**

**Property: 1 Commandant's Lane**

**Negotiating Parties: City Attorney, City Manager & Economic  
Development Manager**

**Under Negotiation: Instruction to negotiator on both payment and lease  
terms**

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

**A. ROLL CALL.**

**B. PLEDGE OF ALLEGIANCE.**

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

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

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

**A. ANNOUNCEMENTS.**

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

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

Arts and Culture Commission  
2 full terms  
Application Due Date: January 24, 2014

Benicia Housing Authority Board of Commissioners  
2 full terms (tenants)  
Application Due Date: January 24, 2014

Civil Service Commission  
4 full terms  
Application Due Date: January 24, 2014

Community Sustainability Commission  
2 full terms  
Application Due Date: January 24, 2014

Economic Development Board  
1 full term  
Application Due Date: January 24, 2014

Historic Preservation Review Commission  
1 unexpired term  
1 full term  
Application Due Date: January 24, 2014

Open Government  
3 full terms  
Application Due Date: January 24, 2014

Parks, Recreation, and Cemetery Commission  
1 full term  
Application Due Date: January 24, 2014

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

4. **Benicia Arsenal Update**

Update from City Attorney

**B. PROCLAMATIONS.**

**C. APPOINTMENTS.**

1. **Summary of Appointment Process**
2. **Appointment of Jim Leland to the Arts and Culture Commission for a four year term ending July 31, 2017.**
3. **Appointment of Anavi Subramanyam Community Sustainability Commission (Student Commissioner) for a one year term ending July 31, 2014.**
4. **Appointment of Crystal Luna-Yarnell to the Human Services Board for a four year term ending July 31, 2017.**
5. **Reappointment of James Wallace to the Open Government Commission for a four year term ending July 31, 2017.**
6. **Board and Commission Applications**

**D. PRESENTATIONS.**

**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 THE MINUTES OF THE DECEMBER 3, 2013 CITY COUNCIL MEETING. (City Clerk)**

**B. APPROVAL OF LEASE EXTENSION WITH BAY AREA SHIP SERVICES FOR FIFTH STREET PIER. (Economic Development Manager)**

This proposed agreement is a two-year lease extension that continues the contractual arrangement between the City and the current tenant, Bay Area Ship Services, at the 5th Street Pier.

**Recommendation: Approve, by motion, the attached lease with Bay Area Ship Services for the company's continued use of the City-owned 5th Street Pier.**

**C. ACCEPTANCE OF THE RENEWABLE ENERGY AND CONSERVATION PROJECT (SOLAR PROJECT). (City Attorney)**

The Renewable Energy and Conservation Project consisted of the installation of 10 photo voltaic arrays (solar panels) and related infrastructure as well as the retro-fitting of approximately 2000 street lights. This work was completed in December of 2012. The work to perform this project has been evaluated by an outside consultant and completed to the satisfaction of City staff.

To complete the project it was necessary for staff to approve change orders for conditions encountered that were beyond Chevron's control, including mitigating environmental issues related to the discovery of two underground wells at the City Hall site, and additional costs related to Pump Station #3 due to delays in the site land purchase and sweeping for potential unexploded ordnance. The total cost of the change orders is \$49,173. These change orders were previously approved in accordance with City policy, Administrative Instructions No. 18.

**Recommendation: Adopt a Resolution accepting the Renewable Energy and Conservation Project, including final change orders, as complete; authorizing the City Manager to sign the Notice of Completion and authorizing the City Clerk to file said notice with the Solano County Recorder.**

**D. APPROVAL OF AMENDMENTS TO THE WATER QUALITY SUPERVISOR JOB SPECIFICATION. (Acting Assistant City Manager)**

The proposed updates to the requirements for Water Quality Supervisor position were approved by the Civil Service Commission on November 12, 2013.

**Recommendation: Approve the amendments to the Water Quality Supervisor Job Specifications.**

**E. UPDATE OF RESOLUTION LISTING UNREPRESENTED CITY POSITIONS. (City Manager)**

With recent approval of the Assistant City Manager job specification, the resolution designating the City's unrepresented positions needs to be updated to include this position.

**Recommendation: Approve a resolution updating the listing of unrepresented City positions.**

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

**VIII. BUSINESS ITEMS (7:30 PM):**

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

**A. BENICIA INDUSTRIAL PARK BUS HUB PROJECT: \$175K REGIONAL MEASURE 2 GRANT REQUEST, AWARD OF CONSULTANT CONTRACT TO MARK THOMAS AND COMPANY FOR FINAL DESIGN CONTINGENT UPON AWARD OF SAID FUNDING, AND APPROVAL OF AN AGREEMENT FOR THE SOLANO TRANSPORTATION AUTHORITY (STA) TO ACQUIRE THE RIGHT-OF-WAY ON BEHALF OF THE CITY AND CONTRIBUTE \$500K IN STATE TRANSIT ASSISTANCE FUNDING TO THE PROJECT. (Public Works Director) - Continued from December 3, 2013 meeting.**

The Conceptual Plan and Mitigated Negative Declaration (MND) for the Benicia Industrial Park Bus Hub Project are being reviewed under a separate agenda item at tonight's meeting that includes a detailed description of the project. For the project to move forward and continue to receive grant funding, at this time it is necessary to request \$175,000 in RM2 grant funding from the Metropolitan Transportation Commission for the final design, approve a consultant contract with Mark Thomas & Company to complete the final design contingent upon said grant award, and enter into an agreement for the Solano Transportation Authority (STA) to acquire the bus hub property on behalf of the City and contribute \$500,000 in State Transit Assistance Funds (STAF) to the project.

**Recommendation: Adopt the following resolutions:**

- 1) Confirming project compliance as the Regional Measure 2 (RM2) implementing agency and requesting the Metropolitan Transportation Commission (MTC) allocate \$175,000 in RM2 funding for the final design phase of the Benicia Industrial Park Transit Hub Project.**
- 2) Approving a consultant contract with Mark Thomas & Company in the amount of \$163,926 for the final design phase of the Benicia Industrial Park Bus Hub Project contingent upon award of the \$175 RM2 grant request from MTC, and authorizing the City Manager to execute the agreement on behalf of the City.**
- 3) Approving an agreement for the Solano Transportation Authority to acquire the Right-of-Way on behalf of the City and contribute \$500,000 in State Transit Assistance Funding (STAF) to the Benicia Industrial Park Transit Hub Project, and authorizing the City Manager to execute the amendment on behalf of the City.**

**B. CERTIFICATION OF APPOINTMENT FOR CALPERS RETIRED ANNUITANT FOR EXCEPTION OF 180-DAY RULE UNDER GOVERNMENT CODE SECTIONS 7522.56 AND 21224. (Acting Assistant City Manager)**

The Public Works Department currently has an opening for a Wastewater Operator that will not be filled prior to the retirement of the current employee operator, James York. In order to employ Mr. York as a retired annuitant until the position can be filled, it is necessary to certify the nature of the employment and appointment of James York as a retired annuitant with CalPERS, due to the requirement that CalPERS retirees must wait 180 days before returning to work for a CalPERS agency. With the approval of the proposed resolution, as of January 1, 2014, Mr. York will be able to serve in a part-time/temporary position with the City of Benicia, consistent with the requirements of Public Employee's Retirement Law (PERL), Government Code Sections 7522.56 and 21224.

**Recommendation: Approve a resolution certifying the nature of the employment and appointment of James York as a retired annuitant serving as part-time/temporary Wastewater Operator.**

**C. Council Member Committee Reports:**

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

- 1. Mayor's Committee Meeting.  
(Mayor Patterson)  
Next Meeting Date: December 18, 2013**
- 2. Association of Bay Area Governments  
(ABAG)<http://www.abag.ca.gov/>.  
(Mayor Patterson and Council Member Strawbridge)  
Next Meeting Date: TBD**
- 3. Finance Committee.  
(Vice Mayor Campbell and Council Member Strawbridge)  
Next Meeting Date: January 24, 2013**
- 4. League of California Cities.  
(Mayor Patterson and Vice Mayor Campbell)  
Next Meeting Date: TBD**
- 5. School Liaison Committee.  
(Council Members Strawbridge and Council Member Hughes)  
Next Meeting Date: TBD**
- 6. Sky Valley Open Space Committee.  
(Vice Mayor Campbell and Council Member Schwartzman)  
Next Meeting Date: TBD**
- 7. Solano EDC Board of Directors.  
(Mayor Patterson and Council Member Strawbridge)  
Next Meeting Date: January 16, 2014**
- 8. Solano Transportation Authority (STA).  
<http://www.sta.ca.gov/>  
(Mayor Patterson and Council Member Schwartzman)  
Next Meeting Date: January 8, 2014**

9. **Solano Water Authority-Solano County Water Agency and Delta Committee.**  
<http://www.scwa2.com/>  
 (Mayor Patterson and Council Member Hughes)  
 Next Meeting Date: January 9, 2014
10. **Traffic, Pedestrian and Bicycle Safety Committee.**  
 (Vice Mayor Campbell and Council Member Schwartzman)  
 Next Meeting Date: January 16, 2014
11. **Tri-City and County Cooperative Planning Group.**  
 (Mayor Patterson and Council Member Strawbridge)  
 Next Meeting Date: TBD
12. **Valero Community Advisory Panel (CAP).**  
 (Mayor Patterson and Council Member Hughes)  
 Next Meeting Date: TBD
13. **Youth Action Coalition.**  
 (Mayor Patterson, Council Member Strawbridge and Council Member Hughes)  
 Next Meeting Date: January 22, 2014
14. **ABAG-CAL FED Task Force-Bay Area Water Forum.**  
<http://www.baywaterforum.org/>  
 (Mayor Patterson)  
 Next Meeting Date: TBD
15. **SOLTRANS Joint Powers Authority.**  
 (Mayor Patterson, Council Member Hughes and Council Member Schwartzman)  
 Next Meeting Date: December 19, 2013

**IX. ADJOURNMENT (9:00 PM):**

<b>Public Participation</b>
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The Benicia City Council welcomes public participation.

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

raised during the public comment period although informational answers to questions may be given and matters may be referred to staff for placement on a future agenda of the City Council.

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

**Disabled Access or special Needs**

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

**Meeting Procedures**

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

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

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

**Public Records**

The agenda packet for this meeting is available at the City Manager's Office and the Benicia Public Library during regular working hours. To the extent feasible, the packet is also available on the City's web page at [www.ci.benicia.ca.us](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 Clerk's Office.

**AGENDA ITEM**  
**CITY COUNCIL MEETING DATE - DECEMBER 17, 2013**  
**APPOINTMENTS**

**DATE** : December 9, 2013  
**TO** : Mayor & City Council  
**FROM** : City Attorney  
**SUBJECT** : **SUMMARY OF APPOINTMENT PROCESS**

In October, 2013, the Council revised the board and commission appointment process. Summarized below is a step-by-step overview of how this process will be implemented by staff:

After a sufficient number of applications are received for any openings, the City Manager's Office (CMO) sets up interviews between the applicants and the Council Subcommittee. After meeting with the Subcommittee, applicants meet with the Mayor (usually on the same evening, if possible).

After interviews, the Subcommittee selects their "Top Ranking" applicant and submits the name they are recommending for each board or commission opening to the City Attorney or Assistant City Manager.

The recommended names are then agendaized for the next Council meeting under "Appointments" with a notation on the agenda that these are the Council Subcommittee recommendations to the Mayor. All personal contact information included on applications is redacted and included with that agenda packet, along with the redacted applications of the recommended applicants.

Notification by CMO, is given to all applicants at this point, so they are clear on the process and don't get confused that their application is being approved by virtue of being included in the packet.

Appointments from the Mayor are then agendaized at a future Council meeting, typically the next meeting, and the Mayor either appoints the Subcommittee recommendations or makes her own recommendation.

Those applicants agendaized to be appointed are notified by the CMO, following distribution of the agenda, but prior to the Council meeting, so they are aware and in case they wish to attend the meeting.

After appointment by the Mayor, letters are mailed to each applicant either congratulating them on their appointment or letting them know they were not chosen, but we will keep their application on file for one year.

For the December 17<sup>th</sup> packet, following this memo you will find resolutions for each of the applicants that the Mayor is proposing to appoint, along with their respective applications. These applicants are the same that the Council Subcommittee recommended, per the listing provided on the December 3<sup>rd</sup> agenda. Following the resolutions/applications for the recommended applicants are copies of all applications received for these board and commission openings.

**RESOLUTION NO. 13-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA CONFIRMING THE MAYOR'S APPOINTMENT OF JIM LELAND TO THE ARTS AND CULTURE COMMISSION FOR A FOUR YEAR TERM ENDING JULY 31, 2017**

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Benicia that the appointment of Jim Leland to the Arts and Culture Commission by Mayor Patterson is hereby confirmed.

\*\*\*\*\*

The above Resolution was approved by roll call by the City Council of the City of Benicia at a regular meeting of said Council held on the 17th day of December 2013 and adopted by the following vote:

Ayes:

Noes:

Absent:

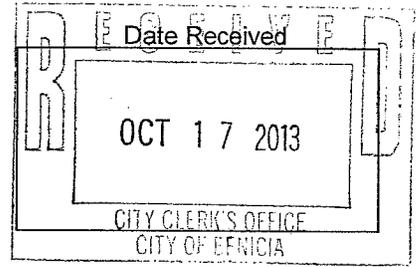
\_\_\_\_\_  
Elizabeth Patterson, Mayor

Attest:

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

\_\_\_\_\_  
Date





### City of Benicia Board/Commission/Committee Application

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

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

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

Name: Jim Leland

Address: [REDACTED]

Phone: (Work) [REDACTED] (Home) \_\_\_\_\_

(Cell) [REDACTED] Fax: \_\_\_\_\_

Email: [REDACTED] Years as Benicia resident: 0.5 years

Occupation/Employer: County of Solano

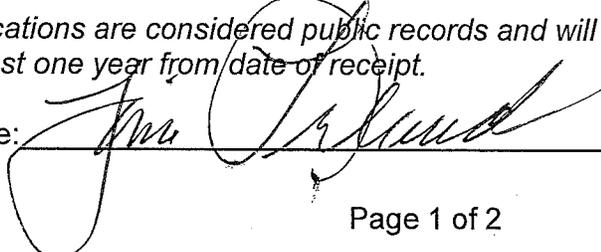
Please note your most recent community or civic volunteer experience: \_\_\_\_\_

City Council Member, City of Novato 2005-2009

Please describe any applicable experience/training: \_\_\_\_\_

Degree in Architecture, part-time artist (Oil Painting)

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

Signature:  Date: 10-16-2013



## Arts and Culture Commission Application

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

1. What interests you about this Commission?

I am interested in supporting/promoting the local arts movement here in Benicia.

2. Please describe any background or experience you may have in the arts (e.g., visual arts, cultural and/or performing arts, etc.)?

I am an active but part-time oil painter. I have also performed in community theater productions.

3. Are you currently on any other City boards or commissions, and/or on the board of other organized arts or cultural groups? (The ordinance establishing this commission indicates that members shall not be on other city boards or commissions or a board member of other organized arts or cultural groups.)

I am not on any other Boards at this time.

4. How do you see the Arts and Culture Commission supporting arts and culture in the Benicia community?

The Commission can develop and promote events which draw potential patrons into the local arts markets. Patronage of the arts can also benefit the local business community in Benicia.

**RESOLUTION NO. 13-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA CONFIRMING THE MAYOR'S APPOINTMENT OF ANAVI SUBRAMANYAM TO THE COMMUNITY SUSTAINABILITY COMMISSION (STUDENT COMMISSIONER) FOR A ONE YEAR TERM ENDING JULY 31, 2014**

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Benicia that the appointment of Anavi Subramanyam to the Community Sustainability Commission (Student Commissioner) by Mayor Patterson is hereby confirmed.

\*\*\*\*\*

The above Resolution was approved by roll call by the City Council of the City of Benicia at a regular meeting of said Council held on the 17th day of December 2013 and adopted by the following vote:

Ayes:

Noes:

Absent:

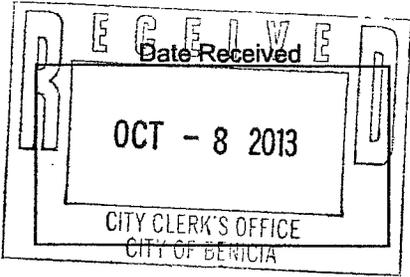
\_\_\_\_\_  
Elizabeth Patterson, Mayor

Attest:

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

\_\_\_\_\_  
Date





City of Benicia Board/Commission/Committee Application

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

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

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

Name: Anavi Subramanyam

Address: [REDACTED]

Phone: (Work) [REDACTED] (Home) [REDACTED]

(Cell) [REDACTED] Fax: [REDACTED]

Email: [REDACTED] Years as Benicia resident: 13

Occupation/Employer: Student at Benicia High School

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

at an inner city elementary school helping students learn to read.

Please describe any applicable experience/training: Have taken an AP Enviromental Science class.

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

Signature: Anavi Date: 10/07/13

Grade: 11



### Community Sustainability Commission Application

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

1. What interests you about this Commission?

This commission describes a way to produce and manage energy in a responsible and sustainable way. With the problem of global warming and climate change, this will help us in the future.

2. Please describe any background or experience you may have in one or more of the following areas: (1) water quality, (2) water use efficiency and conservation; (3) air quality; (4) local and regional ecology; (5) energy; (6) mobility; (7) land use/stewardship; (8) green site planning and building; (9) waste management; (10) community and regional economics/finance; (11) social justice; (12) public relations, and/or, (13) local based business management (merchants, etc):

I am currently taking an AP Environmental Science class, so I am very familiar with most of these topics. I believe that fresh water is an important commodity, even more important than gasoline. I also believe that we

3. Have you read the City's Climate Action Plan? What aspects of this plan do you find important and why? Yes, this charts the first steps toward energy independence and social responsibility. As a student, I feel it important to educate students in school. It is important to include this idea in education to spread awareness, & prepare our generation in order to sustain our environment.

should move away from fossil energy considering that CA is a very sunny state that is set up to use solar power.

4. How do you see the Community Sustainability Commission supporting sustainability and climate protection planning in the Benicia community?

By identifying and responsibly promoting programs and work within the city to enhance the quality of our environment.

(eg. air we breathe, water we drink, & energy we produce)

\*\*Please limit each response to 250 words and attach separately, if necessary\*\*

**RESOLUTION NO. 13-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA CONFIRMING THE MAYOR'S APPOINTMENT OF CRYSTAL LUNA-YARNELL TO THE HUMAN SERVICES BOARD FOR A FOUR YEAR TERM ENDING JULY 31, 2017**

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Benicia that the appointment of Crystal Luna-Yarnell to the Human Services Board by Mayor Patterson is hereby confirmed.

\*\*\*\*\*

The above Resolution was approved by roll call by the City Council of the City of Benicia at a regular meeting of said Council held on the 17th day of December 2013 and adopted by the following vote:

Ayes:

Noes:

Absent:

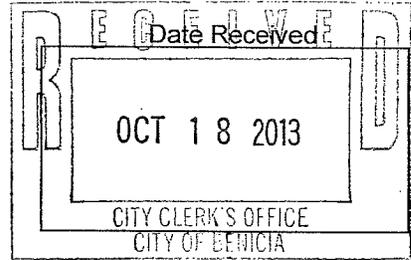
\_\_\_\_\_  
Elizabeth Patterson, Mayor

Attest:

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

\_\_\_\_\_  
Date





### City of Benicia Board/Commission/Committee Application

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

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

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

Name: Crystal Luna-Yarnell

Address: [REDACTED]

Phone: (Work) \_\_\_\_\_ (Home) \_\_\_\_\_

(Cell) [REDACTED] Fax: \_\_\_\_\_

Email: [REDACTED] Years as Benicia resident: \_\_\_\_\_

Occupation/Employer: Marriage and Family Therapist/Clinical Supervisor/Educator

Please note your most recent community or civic volunteer experience: \_\_\_\_\_

See addendum

Please describe any applicable experience/training: \_\_\_\_\_

See addendum

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

Signature: [Handwritten Signature] Date: 10/08/12

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

Currently volunteering with Joe Henderson Elementary PTG. Most recently I managed and organized the school's "Walk and Roll" event and I am currently on the planning committee for the 1st annual PTG Silent Auction event in March. Earlier this year, I served on the San Diego MFT Consortium, supporting the training and workforce collaboration of public mental health practitioners. I also served on the "Mental Health Anti-Stigma" campaign for San Diego County.

**Please describe any applicable training or experience:** I have experience with county Human Services grants and contracts through my work as a Program Director in various county-funded Mental Health programs. This experience has enabled me to understand the grant writing process (execution of RFP), as well as implementation of policies and procedures to ensure contract compliance. I have demonstrated a strong ability to form positive and productive relationships with contract compliancy officers that have resulted in successful outcomes for the mental health programs that I've supervised. In addition, my ties to the human services division of San Diego County has enabled me to experience various aspects of practice, making my perspective broad in scope. I have offered clinical supervision, clinical training, administrative supervision, management training, therapeutic services and community outreach-- aspects critical to understanding the various needs of community.



## Human Services & Arts Board Application

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

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

I attended a Human Services & Arts Board meeting on 10/07/13. I am interested in serving on this board as a way of being more involved in my community. Human services has long been of special interest to me as demonstrated by my occupational and academic choices. I feel that this board offers an opportunity to utilize the combined experiences I have accrued and would allow me to help support the unique and special needs of the residents of Benicia.

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

Yes. I am flexible with my time and find it an interesting and exciting opportunity to attend outreach events. In addition, reviewing quarterly reports is something very familiar to me and I would be interested in resuming this task as a way of ensuring best possible use of grant funding.

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

My occupation and volunteer experiences have focused on mental health, predominantly in the areas of children, family and veterans. As an example, the Board's support of programs like "Special Friends" is of particular interest as they seemingly recognize the need for the social-emotional well-being of our children. Thus, I would hope to focus on areas that support these domains; however, I am open to any and all aspects of human service that this board might include.

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

Human services should play a dominant role in Benicia as it helps unify us as a community. Human services help fill in the "gaps" where personal finances and/or available resources fall short. The programs this board supports ensure that Benicia residents enjoy opportunities that help to make their lives better, which in turn encourages a more unified, productive and cohesive environment for its residents.



**RESOLUTION NO. 13-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA CONFIRMING THE MAYOR'S APPOINTMENT OF JAMES WALLACE TO THE OPEN GOVERNMENT COMMISSION FOR A FOUR YEAR TERM ENDING JULY 31, 2017**

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Benicia that the appointment of James Wallace to the Open Government Commission by Mayor Patterson is hereby confirmed.

\*\*\*\*\*

The above Resolution was approved by roll call by the City Council of the City of Benicia at a regular meeting of said Council held on the 17th day of December 2013 and adopted by the following vote:

Ayes:

Noes:

Absent:

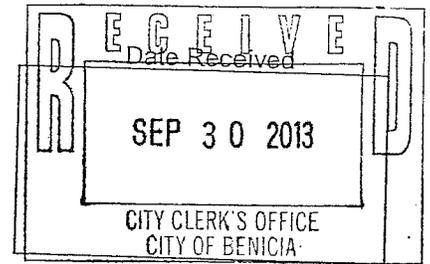
\_\_\_\_\_  
Elizabeth Patterson, Mayor

Attest:

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

\_\_\_\_\_  
Date





**City of Benicia Board/Commission/Committee Application**

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

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

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

Name: James B. Wallace

Address: [REDACTED]

Phone: (Work) [REDACTED] (Home) [REDACTED]

(Cell) [REDACTED] Fax: [REDACTED]

Email: [REDACTED] Years as Benicia resident: 27

Occupation/Employer: Psychologist, Human Behavior Associates, Inc.

Please note your most recent community or civic volunteer experience: Open Government Commission 2009-2013

Please describe any applicable experience/training: Past chair of Commission, Advocate of open government.

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

Signature: James B. Wallace Date: 9/27/13



## Open Government Commission Application

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

1. What interests you about the Opening Government Commission?

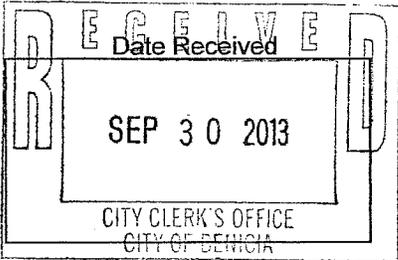
My desire that city functions and political decisions be open and transparent to the citizens of Benicia. And, my desire to engage a diverse number of Benicia citizens in the affairs of the city.

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

The Commission primarily investigates and, as necessary, conducts hearing into complaints or other matters related to the Open Government Ordinance. My role would be to review those matters and provide feedback to the City Council.

3. This Board meets quarterly, typically on a Monday evening. Currently the meetings begin at 5:00 pm. In addition, there may be several special meetings of the commission and/or subcommittees during the year. Do you feel you have the time and commitment to be a viable member of this Commission?

I have been available for nearly every meeting of the Commission and for special activities, e.g., the candidates forums over the past 4 years. I have also participated in the information table at the Farmer's Market.



City of Benicia Board/Commission/Committee Application

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

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

Name: Enid Partika

Address: [Redacted]

Phone: (Work) [Redacted] (Home) [Redacted]

(Cell) [Redacted] Fax: N/A

Email: [Redacted] Years as Benicia resident: 2 1/2

Occupation/Employer: Sophomore at Benicia High School

Please note your most recent community or civic volunteer experience:

See attached.

Please describe any applicable experience/training:

See attached.

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

Signature: Enid Partika Date: Sept. 27, 2013



## Community Sustainability Commission Application

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

1. What interests you about this Commission?

See attached.

2. Please describe any background or experience you may have in one or more of the following areas: (1) water quality, (2) water use efficiency and conservation; (3) air quality; (4) local and regional ecology; (5) energy; (4) mobility; (6) land use/stewardship; (7) green site planning and building; (8) waste management; (9) community and regional economics/finance; (10) social justice; (11) public relations, and/or, (12) local based business management (merchants, etc):

See attached.

3. Have you read the City's Climate Action Plan? What aspects of this plan do you find important and why?

See attached.

4. How do you see the Community Sustainability Commission supporting sustainability and climate protection planning in the Benicia community?

See attached.

**\*\*Please limit each response to 250 words and attach separately, if necessary\*\***

Please note your most recent community or civic volunteer experience.

In the summer I traveled to Ensenada, Mexico on a mission trip where I helped paint a poverty-stricken school for their graduation, fix the rotting roof of a church, and run a five-day summer program for the local children.

Please describe any applicable experience/training.

For three years, I helped the director of VOENA Children's Choir by creating harmony parts for all of the concert lists, teaching the preparatory, intermediate, and concert choir levels, and collaborating with her to create a stunning concert. I also pick up trash on the local beaches in my spare time or while on a run or a bike ride. Last year, I picked up trash along Southampton with the Benicia High School Interact Club as well. I have volunteered at the Rio Vista and Benicia Relay For Life many times to help set up camps, sing in the opening ceremonies with VOENA, or run laps around the track with many relay teams. I have sung at Kaiser Hospitals for Christmas and at the Vallejo Senior Center with the Boy Scouts. In 2009, I traveled with VOENA to South Africa where we sang songs with and gave essentials and toys to and informal village outside of Soweto.

What interests you about this Commission?

I am in love with the environment and I want to keep it here as long as possible and sustain it for a better future. Since elementary school, when I learned about the deforestation of South America's rainforests, I have been obsessed with coming up with a sustainable solution to our world's environmental problems, knowing that the future of world's ecosystems and the human race depend on our ability to refrain from destroying our planet. With this commission, I believe that I can take a step in the right direction towards my goal of becoming an Environmental Engineer or an Urban Planner.

Please describe any background or experience you may have in one or more of the following areas: (1) water quality; (2) water use efficiency and conservation; (3) air quality; (4) local and regional ecology; (5) energy; (6) mobility; (7) land use stewardship; (8) green site planning and building; (9) waste management; (10) community and regional economics/finance; (11) social justice; (12) public relations, and/or, (13) local based business management (merchants, etc):

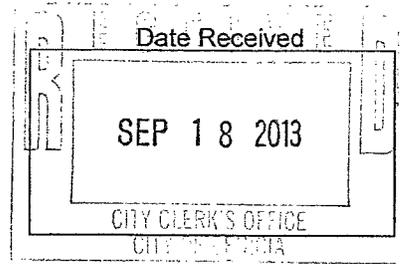
For two summers, I took part in UC Davis's Bio Boot Camp, which is a hands-on biology camp for teens that encompasses learning about the biological and environmental conditions of the Davis area and performing real research in Putah Creek, Bodega Bay, the Sierra Mountains, and other locations in the Bay Area and California. Also, since the 5<sup>th</sup> Grade, I have done extensive research on many of these topics (1, 2, 3, 5, and 7) and have found many outlets to do so in school projects and essays. I did such a project last year in Mr. Gibb's Literature Honors class where I wrote a business letter to Better Place, an electric car company in Tel-Aviv, giving them a suggestion for more efficient cars and praising them for their innovative ideas on the energy grid of a city. A month or so later, they replied, saying that they would forward my suggestion to their head office. I am also currently taking two science classes (biology and chemistry honors) in hopes of taking AP Environmental Science next year.

Have you read the city's Climate Action Plan? What aspects of this plan do you find important and why?

I have read the Climate Action Plan. I think that the Education and Outreach and the improvement of Industrial and Commercial emissions are the most important. Giving the public awareness on the impact they have on the planet can give them the desire for change, which could be one of the more positive influences towards a downward trend of CO2 emissions. Also, industrial and commercial emissions, taking up more than half of the emissions pie, is one of the major focuses of the Climate Action Plan and needs to be reduced in order to achieve the 10% community reduction goal by 2020.

How do you see the Community Sustainability Commission supporting sustainability and climate protection planning in the Benicia community?

I can imagine the Community Sustainability Commission doing many great things for Benicia's environment, such as more community involvement, improvements in the environmental aspects of businesses, and the improvement of public transit efficiency.



**City of Benicia Board/Commission/Committee Application**

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- Finance, Audit & Budget Committee
- Historic Preservation Review Commission
- Human Services & Arts Board
- Open Government Commission
- Parks, Recreation & Cemetery Commission
- Planning Commission
- Sustainability Commission
- Sky Valley Open Space Committee
- Uniform Code Board of Appeals

Name: Ershely Raj

Address: [REDACTED]

Phone: (Work) \_\_\_\_\_ (Home) \_\_\_\_\_

(Cell) [REDACTED] Fax: \_\_\_\_\_

Email: [REDACTED] Years as Benicia resident: 1 Yr 7 Mths

Occupation/Employer: Petersen Dean Roofing & Solar

Please note your most recent community or civic volunteer experience: \_\_\_\_\_

Parking Structure Campaign Coordinator, CSU Chico

Please describe any applicable experience/training: \_\_\_\_\_

Parking Structure Campaign Coordinator, CSU Chico

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

Signature: [Handwritten Signature] Date: 9/18/13

1. What interests you about this Commission?

I have lived in Benicia for a year and a half now and have enjoyed this small quiet town, community, and people. My goal is to contribute to making a change in the community in which I live and I cannot think of a better idea than to join the Community Sustainability Commission. I believe change should start right at home. While I attended Chico State I took a good amount of environmental courses and my professor for a couple of those courses was Dr. Mark Stemen. He taught me what it was to inspire change. His strong will, effort, and activism is what motivated me to want to do the same. I have learned that the passion and strong will of one dedicated person can inspire and change many. The community sustainability commission has accomplished a great deal from its start. It has verified what environmental issues exist in Benicia, what needs to be done to fix those issues and reachable targets to reduce GHG emissions and make Benicia a better, cleaner place to live. I have a strong passion for sustainability, the environment, and local government. I am interested in the opportunity to help make a change in the local community, for the better.

2. Please describe any background or experience you may have in one or more of the following areas: (1) water quality, (2) water use efficiency and conservation; (3) air quality; (4) local and regional ecology; (5) energy; (4) mobility; (6) land use/stewardship; (7) green site planning and building; (8) waste management; (9) community and regional economics/finance; (10) social justice; (11) public relations, and/or, (12) local based business management (merchants, etc):

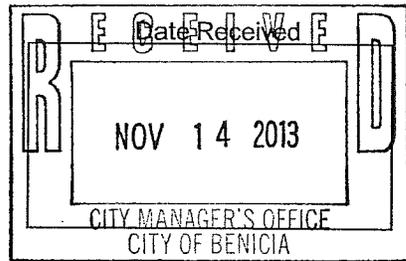
During my last year at Chico State, I took a course titled Environmental Thought and Action which allowed the students to select an issue on campus that was negatively impacting Chico State's effort towards sustainability and turn it around, fighting for social and environmental change. The campus seriously lacked proper and convenient transportation for students, staff, and faculty. The solution- create a parking structure. Our class chose this as the most pressing environmental issue that needed to be changed. We proposed that the student government not support Chico State's initiative to build a parking structure, gathered the required amount of signatures by speaking to classes, students on campus and the media. I personally achieved 200 signatures for the proposal while each student was required to obtain 100. I also spoke with other classes by asking professors for a few minutes of their class time and the campus and city newspaper. We proposed many alternative ideas to the Board of Supervisors; such as more bike racks, an improved bus system, discouraging driving for students living within 1 mile of campus, given that these were large contributing factors toward a lack of parking space availability. We explained how these ideas would be more sustainable and cheaper especially due to the fact that the student population would be responsible for paying for this parking structure. As a grand finale, we held a silent non violent protest which had many community and campus members in attendance and explained our views on the matter. In the end, our class won the vote by 72% which stated the student government should not support Chico State's decision to build the parking structure. A year later the structure was built. Never in my life had I been more inspired to create more social and environmental change. I gained much from that experience and want to continue on that path.

3. Have you read the City's Climate Action Plan? What aspects of this plan do you find important and why?

I found the Climate Action Plan recognized the unique factors that contribute to increased GHG emissions in Benicia. According to the plan, over 94% of emissions came from the industrial and commercial sectors. The plan has targets to reduce GHG emissions that are in line with AB32. In order to combat emissions, a \$14 million water conservation project between Valero Refinery, City of Benicia, and the Good Neighbor Steering Committee (GNSC) was created. It recognized this city has a uniquely large industrial sector and therefore must view their climate action plan as different from other cities, and in a way, more challenging. I also find the plan inclusive of all aspects of outreach and conservation. Public outreach is also a very important factor; residents should be informed of the reasons why changes are being made. The plan also includes renewable energy which is highly beneficial in decreasing Co2 production. Taking initiative to make a change within the local government is putting Benicia on the right track, and ahead of the game. The plan also recognizes the importance and connection between climate change and agriculture. With higher temperatures, there will be an increased demand on California's water supply. This not only takes into account California's food production, but that of the entire country. Lastly, another very important point mentioned in the plan was the rise in asthma rates and asthma attacks in children. Matters such as these cannot be taken lightly. The plan takes into consideration everyone and everything that is affected by climate change within the city.

4. How do you see the Community Sustainability Commission supporting sustainability and climate protection planning in the Benicia community?

Public outreach is very important, especially in today's day. The decisions those in local, state and federal government offices are making today, both the good and bad will affect the younger and future generations now more than ever before. Therefore, public outreach is crucial, and speaking to elementary and high school students is necessary in order for them to have a strong knowledge base of sustainability and climate change and what steps they can take in their own lives to combat it. With that said, I think public outreach is also something that can be improved upon. From what I have seen, high school students, and the elderly are more knowledgeable about climate change and environmental issues than "middle age" residents, not just in Benicia, but in many places. I think "middle aged" residents are not targeted enough. They are also the ones starting families. A lack of education and outreach to this age group eliminates the opportunity for them to teach their children at a younger age about living an "environmentally conscious" life. The plan is also very inclusive of the industrial sector. Working with the industrial sector, in contrast to working against them, such as accusing them of increasing Benicia's GHG is going to get the Climate Sustainability Commission further along in reaching their goals.



### City of Benicia Board/Commission/Committee Application

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- Human Services & Arts Board
- Open Government Commission
- Parks, Recreation & Cemetery Commission
- Planning Commission
- Sustainability Commission
- Sky Valley Open Space Committee
- Uniform Code Board of Appeals

Name: Marlene faysal

Address: [REDACTED]

Phone: (Work) \_\_\_\_\_ (Home) [REDACTED]

(Cell) [REDACTED] Fax: \_\_\_\_\_

Email: [REDACTED] Years as Benicia resident: 10

Occupation/Employer: \_\_\_\_\_

Please note your most recent community or civic volunteer experience: \_\_\_\_\_

past pres. Benicia friendship, Families in Transition

Please describe any applicable experience/training: helping CAC

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

Signature: Marlene Jaysal Date: 11/13/13



## Human Services & Arts Board Application

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

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

I attended a Board Meeting for families in Transition

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

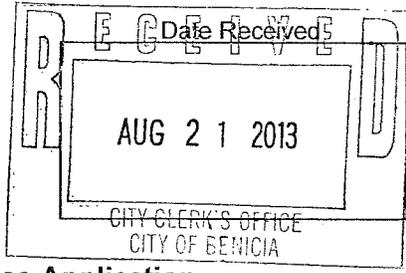
Yes, I do

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

Not at this time

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

The Board can improve accessibility, accountability and coordination of services to meet the basic needs of Benicians.



**City of Benicia Board/Commission/Committee Application**

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- Human Services & Arts Board
- Open Government Commission
- Parks, Recreation & Cemetery Commission
- Planning Commission
- Sustainability Commission
- Sky Valley Open Space Committee
- Uniform Code Board of Appeals

Name: Zoe Bartholomew

Address: [REDACTED]

Phone: (Work) [REDACTED] (Home) [REDACTED]

(Cell) [REDACTED] Fax: [REDACTED]

Email: [REDACTED] Years as Benicia resident: 3 years

Occupation/Employer: Owner, President, & Behavior Consultant for ZMB Consulting

Please note your most recent community or civic volunteer experience: I provide volunteer consultation services to Mount Calvary Baptist Church in their Counseling Ministry located in Fairfield, California.

Please describe any applicable experience/training: I provide behavior services throughout Solano, Napa, and Sonoma counties and I have been selected to be on various committees to help support children and adults with disabilities.

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Signature: Zoe Bartholomew Date: 08-21-13



## Open Government Commission Application

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

1. What interests you about the Opening Government Commission?

I am interested in learning and being involved in government regulations within my community. I would like Benicia to continue to be a "forward-thinking" community, who strives on high academic achievement and sets the standard for working together as a community. I am able to share my expertise and training in human services and in business.

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

My expectations are for the Open Government Commission Members to provide direct supervision, support, and monitoring of the City Council abiding by the set regulations of Open Government. This will be done through consultation and observations within the community to ensure the council is meeting the needs of all citizens residing in Benicia.

3. This Board meets quarterly, typically on a Tuesday evening. Currently the meetings begin at 5:00 pm. In addition, there may be several special meetings of the commission and/or subcommittees during the year. Do you feel you have the time and commitment to be a viable member of this Commission?

I live and breathe by a schedule, so if the dates are set then they will be locked into my schedule.



**Education**

- Ed. D., Educational Leadership, University of Phoenix, 2006-2013
- M.C., Marriage, Family, Child Therapy, University of Phoenix, 2003-2006
- B. S., Human Development: Emphasis on Early Childhood & Adolescent, Howard University, 1995-1999

**Experience**

- City of Berkeley, Parks & Recreation Division, Recreational Leader, Berkeley, CA 1993-1998
- Prince Georges School District, Autism Unit: Preschool, Support Staff, Cheverly, MD 1998-2000
- Vallejo City Unified School District, Resource Specialist & Severely-Handicapped Teacher, Vallejo, CA 2000-2003
- Benicia Unified School District, Autism Specialist Teacher & Behavior Intervention Specialist, Benicia, CA 2003-2005
- Solano County Office of Education, Behavior Intervention Specialist, Fairfield, CA 2005-2009
- ZMB Consulting & Behavior Management, Inc., President & Behavior Consultant, Vallejo & Napa, CA 2004-Now

**Lectures/Trainings**

- School Violence Prevention Lecture, Touro University 2007
- Adult Behavior Support Plans, Touro University 2007
- Adult Autism Home Program Lecture, University of Phoenix 2009
- Crisis Prevention Lecture, University of Phoenix 2009
- Prompting & Fading Procedures Lecture, Touro University 2010
- TEACCH & Direct Instruction Lecture, Touro University 2010
- Special Purpose Assistant Roles & Responsibilities Training, Benicia Unified School District 2003
- Classroom Management Strategies Training, Benicia Unified School District 2003
- Home Behavior Management Strategies Training, Benicia LAC 2003
- Prevention the Key to a Successful Classroom Training, Solano County Office of Education 2006

- Where Do We Begin? Home Behavior Management Strategies Training, Fairfield Koinonia Foster Family Services 2006
- Classroom Management & Student Behavior: Team Approach Training, Solano County Office of Education 2006
- Approaches to Learning Training, Solano County Office of Education 2007
- Intervention Strategies for Transportation Training, Fairfield-Suisun School District & Solano County Office of Education Bus Drivers 2007
- Autism Classroom Schedule & Lesson Planning Training, Solano County Office of Education 2007
- Behavior Management Training, Alameda County Schools Special Education Department 2008
- How to Prevent Crisis Situations? Training, Pace Solano 2008
- Verbal Intervention Training, Pace Solano 2008
- Age-Appropriate Activities Training, Pace Solano 2008
- Rational Detachment Training, Pace Solano 2008
- Contingency Systems Training, Pace Solano 2008
- Behavior Management Training, Pace Solano & PSI Napa 2008
- 1:1 Assistant Roles & Responsibilities Training, Calistoga-Joint Unified School District 2009
- Participation & Engagement Training, Pace Solano 2009
- Behavior Support Plan Training, Calistoga-Joint Unified School District 2009
- Behavior Management Training, Calistoga-Joint Unified School District 2010
- Behavior Management Training, Carrington-Brown Group Home 2010

**Research Experience**

- Dissertation 2009-2013

**Teaching Experience**

- Resource Specialist, Vallejo Middle School, Vallejo, CA 2000-2001
- Severely-Handicapped Teacher, Mare Island Elementary, Vallejo, CA 2001-2003
- Crisis Prevention Institute, Benicia Unified School District & Solano 2005-2009

- County Office of Education
- Senior Level Crisis Prevention Institute Instructor (CPI), 2009  
Solano County Office of Education
  - Adjunct Faculty, Touro University, Vallejo, CA 2008-Present

### Professional Development

- Preschool Autism Program, Cheverly, MD 1999
- Inside Out: What Makes the Person with High Functioning  
Autism or Asperger's Tick, San Francisco, CA 1999
- Lovaas Discrete Trial Training, Cheverly, MD 1999
- IEP Forms & Procedures, Vallejo, CA 2000
- Writing Measurable Goals & Objectives, Vallejo, CA 2000
- Success For All-Reading Program, Lake Tahoe, CA 2001
- Conflict Resolution Training, Vallejo, CA 2001
- Metacognition Training, Vallejo, CA 2002
- Conduct Disorders in Children, Sacramento, CA 2002
- Applied Behavioral Analysis, Benicia, CA 2003
- BEST: Building Positive Behavior Supports in Schools,  
Fairfield, CA 2003
- Integrated Play Group (IPG) Training, Benicia, CA 2003
- Preventing Discipline Problems Series (For Children ages 3-8),  
Fairfield, CA 2003
- Reframing Discipline Series, Fairfield, CA 2003
- Section 504 Training, Benicia, CA 2003
- ABC Disorders: Asperger's Syndrome, Bi-polar, & Conduct  
Disorders, Oakland, CA 2004
- Students with Anger Problems, Sacramento, CA 2004
- Cultural Awareness Training, Benicia, CA 2004
- CPI Training for Trainers, San Diego, CA 2005
- SEACO Curriculum Training, Fairfield, CA 2005
- Effective Behavior Management, Fairfield, CA 2005
- Oppositional Defiant Disorder Training, Oakland, CA 2005
- Group work with Children of Battered Women,  
Fairfield, CA 2006
- ADHD Training, Oakland, CA 2006

- BICM Certification Training, Fairfield, CA 2007
- Applied Physical Training: CPI/IANICICI, San Francisco, 2007
- What is Autism Spectrum Disorders, Fairfield, CA 2007
- Behavior Disordered Youth, Sacramento, CA 2007
- SCERTS Model, Fairfield, CA 2007
- Asperger's Training, Sacramento, CA 2007
- CALTPA: Program Assessor Training, Vallejo, CA 2008
- Preschool BASICS Training, Fairfield, CA 2008
- Discipline of Students with Special Needs, Sacramento, CA 2008
- Senior Level CPI Instructor Training, San Francisco, CA 2009
- PENT Forum, Sacramento, CA 2009
- Autism & Nutrition, Sacramento, CA 2009

**Affiliations/Memberships**

- California Applied Behavioral Analysis Association (CALABA), 2005-Present
- CALABA Political Action Committee (PAC) 2010-Present
- National Black MBA Association (NBMBA) 2012-Present
- California State Senate Select North Bay Regional Autism Taskforce (NBART) 2010-Present
- Area 4 Board Autism Committee 2008-Present
- Autism Community Team (ACT) 2008-Present
- Sweetwater Spectrum Residency Review Committee 2012-Present

**Program Designs**

- **DELTA:** 2006  
Dynamic Education Linked to Achievement, Fairfield-Suisun School District & Solano County Office of Education
- **Pace Solano Curriculum & Grouping Design:** 2008  
ALL Sites, Pilot Site: Georgia, Vallejo, CA
- **Behavior Management Training Program:** 2008  
North Bay Regional Center Home Program (048), Vallejo, CA
- **Adaptive Skills Program:** 2008  
North Bay Regional Center Home Program (605), Vallejo, CA
- **Integrated Adaptive Skills Program (IASP):** 2010  
North Bay Regional Center After-School Program (605) in Partnership with Napa Parks & Recreation, Napa, CA

### Computer Skills

- Microsoft Office: Word, Excel, Powerpoint, Access, Publisher, Project
- SEIS: Special Education Database used in California Public Schools
- Website Design: Using templates (Wix.com)
- PC & Mac Literate: Using both systems & programs

### Expert Skills

- Conducting Functional Analysis Assessment (FAA)
- Conducting Functional Behavior Assessment (FBA)
- Designing Behavior Intervention Plan (BIP)
- Designing Behavior Support Plan (BSP)
- Implementing BIP & BSP
- Direct Instruction (Training)
- Various Data Collection Methods & Systems
- Program Design
- Project Development & Management
- Application-Based Instruction (Training)

### Communication Skills

- Reflective Listening skills
- Engaging the audience
- Presenting clear & simple information
- Using nonverbal language
- Using visual supports
- Staying on topic

MINUTES OF THE  
REGULAR MEETING – CITY COUNCIL  
December 03, 2013

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

**I. CALL TO ORDER:**

Mayor Patterson called the Closed Session to order at 6:15 p.m.

All Council Members were present.

**II. CLOSED SESSION:**

- A. PUBLIC EMPLOYEE PERFORMANCE EVALUATION  
(Subdivision (b) of Government Code Section 54957)  
Title: City Manager**

**III. CONVENE OPEN SESSION:**

Mayor Patterson called the Open Session to order at 7:02 p.m.

**A. ROLL CALL**

All Council Members were present.

**B. PLEDGE OF ALLEGIANCE**

Bruce Barrows led the Pledge of Allegiance.

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

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

**A. ANNOUNCEMENTS**

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

Mayor Patterson reported that Council gave direction to Staff. This item will be agendized on a future agenda.

- 2. Openings on Boards and Commissions:**

Historic Preservation Review Commission  
1 unexpired term  
Open until filled

**3. Mayor's Office Hours**

**4. Benicia Arsenal Update**

Update from City Attorney

Status quo. Nothing new to report.

**B. PROCLAMATIONS**

**C. APPOINTMENTS**

**Council Subcommittee Recommendations:**

Mayor Patterson stated that there were no appointments tonight. Council was starting a new process, and it didn't come together tonight as planned. All applicants were not listed on tonight's agenda, which will be rectified at a future meeting.

1. **Subcommittee recommendation to Mayor of Jim Leland to the Arts and Culture Commission for a four year term ending July 31, 2017.**
2. **Subcommittee recommendation to Mayor of Anavi Subramanyam to the Community Sustainability Commission (Student Commissioner) for a one year term ending July 31, 2014.**
3. **Subcommittee recommendation to Mayor of Crystal Luna-Yarnell to the Human Services Board for a four year term ending July 31, 2017.**
4. **Subcommittee recommendation to Mayor of James Wallace to the Open Government Commission for a four year term ending July 31, 2017.**

**D. PRESENTATIONS**

1. **COMMUNITY SUSTAINABILITY COMMISSION (CSC) ANNUAL PRESENTATION TO COUNCIL**

**V. ADOPTION OF AGENDA:**

On motion of Council Member Schwartzman, seconded by Council Member

Hughes, Council adopted the Agenda, as presented, on roll call by the following vote:

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

**VI. OPPORTUNITY FOR PUBLIC COMMENT:**

**A. WRITTEN COMMENT**

Seven item received (copies on file).

**B. PUBLIC COMMENT**

None

**VII. CONSENT CALENDAR:**

Council pulled items VII.B, VII.C, and VII.I for discussion.

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

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

**A. APPROVAL OF THE MINUTES OF THE NOVEMBER 19, 2013 CITY COUNCIL MEETING**

**B. SECOND READING AND ADOPTION OF ORDINANCES RELATING TO A BUILDING SEWER LATERAL INSPECTION AND REPAIR PROGRAM**

Public Comment:

1. George Oakes - Mr. Oakes spoke in opposition to the proposed ordinance. He was concerned with the lack of efficiency, point of sale regulations, and lack of public notice.
2. Eileen Stern - Ms. Stern discussed point of sale ordinances, concerns regarding possible high costs and how it could affect the housing recovery status.

Council Member Schwartzman requested Council continue this item until the public has a chance to provide input on the issue.

Vice Mayor Campbell discussed concern regarding the logistics of this item. He

was not clear on the responsibility of the City/homeowner. He did feel like it would address health and safety issues for homeowners.

Council Member Hughes asked Staff if this item could be delayed. Staff indicated that the City was already behind according the settlement agreement.

Council Member Schwartzman reiterated the need to allow the public to weigh in on this item. Staff discussed concern regarding staff availability for an outreach program.

Mayor Patterson supported continuing this item. She noted that Council supported the item, but wanted to allow the public the opportunity to weigh in.

The item would be continued to 1/7/14 after a stakeholder meeting could be held.

**C. AMENDMENT FOR THE PRESBYTERY OF THE REDWOODS LEASE**

Vice Mayor Campbell recused himself from discussion, as he had a proximity conflict of interest.

Ms. McLaughlin clarified that if there is a consent calendar item Council has a conflict of interest with, they don't need to step down or pull the item; they just need to state the conflict at the beginning of the consent calendar.

Public Comment:

None

On motion of Council Member Schwartzman, seconded by Council Member Hughes, Council approved, by motion, the amendment for the Presbytery of the Redwoods lease, on roll call by the following vote:

Ayes: Patterson, Strawbridge, Schwartzman, Hughes

Noes: (None)

**D. FIRST READING OF AN ORDINANCE AMENDING THE BENICIA MUNICIPAL CODE CHAPTER 3.26 OF TITLE 3 WITH RESPECT TO AN ELECTRIC, GAS AND COMMUNICATION USER'S TAX**

**ORDINANCE 13- - AN ORDINANCE AMENDING CHAPTER 3.26 OF TITLE 3 WITH RESPECT TO AN ELECTRIC, GAS, AND COMMUNICATION USER'S TAX**

**E. SECOND READING AND ADOPTION OF AN ORDINANCE AMENDING THE BENICIA MUNICIPAL CODE TO INCORPORATE BUILDING AND FIRE CODE REVISIONS**

**ORDINANCE 13-14 - AN ORDINANCE AMENDING TITLE 8 (HEALTH AND SAFETY) AND DIVISION 1 OF TITLE 15 (BUILDINGS AND CONSTRUCTION) BY AMENDING CHAPTER 8.28 (FIRE PREVENTION AND LIFE SAFETY CODE) , ADDING NEW CHAPTERS 15.19 (CALIFORNIA ADMINISTRATIVE CODE), 15.20 (CALIFORNIA ENERGY CODE), 15.21 (CALIFORNIA HISTORICAL BUILDING CODE), 15.22 (CALIFORNIA EXISTING BUILDINGS CODE) AND 15.23 (CALIFORNIA REFERENCED STANDARDS CODE) AND AMENDING CHAPTERS 15.02 (CALIFORNIA RESIDENTIAL CODE, 15.04 (CALIFORNIA BUILDING CODE), 15.08 (CALIFORNIA MECHANICAL CODE), 15.12 (CALIFORNIA PLUMBING CODE), 15.16 (CALIFORNIA ELECTRICAL CODE), 15.18 (CALIFORNIA GREEN BUILDING STANDARDS CODE), AND 15.26 (BUILDING PERMIT AND OTHER FEES )**

**F. SECOND READING AND ADOPTION OF AN ORDINANCE AMENDING THE BENICIA MUNICIPAL CODE FOR UPDATES TO THE INDUSTRIAL ZONING DISTRICTS AND ADOPTION OF THE RELATED NEGATIVE DECLARATION**

**ORDINANCE 13-15 - AN ORDINANCE AMENDING VARIOUS SECTIONS OF CHAPTER 17.16 (USE CLASSIFICATIONS) AND CHAPTER 17.32 (INDUSTRIAL USES), SECTION 17.28.020 (CC, CO, CG, AND CW DISTRICTS – LAND USE REGULATIONS) OF CHAPTER 17.28 (C COMMERCIAL DISTRICTS), SECTION 17.46.010 (SCHEDULE S-1) OF CHAPTER 17.46 (USE REGULATIONS SUMMARY), SECTION 17.48.010 (SCHEDULE S-2) OF CHAPTER 17.48 (PROPERTY DEVELOPMENT REGULATIONS SUMMARY), SECTION 17.74.030 (OFF STREET PARKING AND LOADING SPACES REQUIRED) OF CHAPTER 17.74 (OFF-STREET PARKING AND LOADING REGULATIONS) AND SECTIONS OF CHAPTER 17.108 (DESIGN REVIEW) ALL OF TITLE 17 (ZONING) OF THE BENICIA MUNICIPAL CODE TO UPDATE THE DEVELOPMENT STANDARDS AND REGULATIONS TO REFINE REGULATIONS IN THE INDUSTRIAL ZONING DISTRICTS**

**G. AUTHORIZATION TO SUBMIT APPLICATION FOR THE CALIFORNIA ENERGY COMMISSION ENERGY PARTNERSHIP PROGRAM**

**RESOLUTION 13-104 - A RESOLUTION AUTHORIZING SUBMITTAL OF A GRANT APPLICATION FOR THE CALIFORNIA ENERGY COMMISSION'S ENERGY PARTNERSHIP PROGRAM**

- H. **APPROVE JOB SPECIFICATION AND SALARY RANGE FOR ASSISTANT CITY MANAGER, ALLOCATE THE POSITION IN THE 2013-15 BUDGET, AND ELIMINATE THE POSITION OF ADMINISTRATIVE SERVICES DIRECTOR**

**RESOLUTION 13-105 - A RESOLUTION APPROVING THE JOB SPECIFICATION AND SALARY RANGE FOR ASSISTANT CITY MANAGER, ALLOCATING THE POSITION IN THE 2013-15 BUDGET, AND ELIMINATING THE POSITION OF ADMINISTRATIVE SERVICES DIRECTOR**

- I. **ADOPTION OF THE 2014 CITY COUNCIL REGULAR MEETING CALENDAR**

Council agreed to cancel the 11/25/14 and 12/23/14 Council meetings.

On motion of Council Member Schwartzman, seconded by Council Member Strawbridge, Council adopted the 2014 City Council Regular Meeting Calendar, as amended, on roll call by the following vote:

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

- J. **APPROVE AMENDMENT TO THE CITY ATTORNEY EMPLOYMENT AGREEMENT**

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

VIII. **BUSINESS ITEMS:**

- A. **DESIGNATION OF A CONTRIBUTING STRUCTURE TO THE DOWNTOWN HISTORIC DISTRICT AND MILLS ACT CONTRACT FOR 251 WEST G STREET, AFTER DETERMINATION THAT THE PROJECT IS CATEGORICALLY EXEMPT FROM CEQA**

**RESOLUTION 13-106 - A RESOLUTION AMENDING THE DOWNTOWN HISTORIC CONSERVATION PLAN TO DESIGNATE THE RESIDENTIAL STRUCTURE AT 251 WEST G STREET AS A CONTRIBUTING BUILDING TO THE DOWNTOWN HISTORIC DISTRICT AND SUBSEQUENTLY DIRECTING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A MILLS ACT CONTRACT FOR 251 WEST G STREET IN THE CITY OF BENICIA**

Amy Million, Principal Planner, reviewed the staff report.

Public Comment:

1. Jack Maccoun - Mr. Maccoun spoke in support of the proposed item. He thanked City staff for their efforts.

On motion of Council Member Schwartzman, seconded by Council Member Strawbridge, Council adopted Resolution 13-106, on roll call by the following vote:

Ayes: Patterson, Strawbridge, Schwartzman, Campbell, Hughes

Noes: (None)

**B. BENICIA INDUSTRIAL PARK PRIORITY DEVELOPMENT AREA PLANNING GRANT**

Mike Roberts, Sr. Civil Engineer reviewed the staff report.

Public Comment:

None

Council Member Schwartzman discussed the Cortese List, FUD documents, etc. and how this played into what the City is trying to do in the Arsenal.

Staff confirmed this was an informational item only. Mr. Kilger emphasized that the goal was to improve the information and planning documents so the City could expedite investment in the Industrial Park.

**C. ADOPT MITIGATED NEGATIVE DECLARATION AND APPROVE CONCEPTUAL PLAN FOR THE BENICIA INDUSTRIAL PARK BUS HUB PROJECT**

**RESOLUTION 13-107 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA ADOPTING THE MITIGATED NEGATIVE DECLARATION AND APPROVING THE CONCEPTUAL PLAN FOR THE BENICIA INDUSTRIAL PARK BUS HUB PROJECT AND AUTHORIZING THE CITY CLERK TO FILE THE NOTICE OF DETERMINATION WITH THE SOLANO COUNTY CLERK OF THE BOARD**

Mike Roberts, Sr. Civil Engineer, reviewed the staff report.

Vice Mayor Campbell and Staff discussed the issue of mobile food vending sites.

Mayor Patterson and Ms. McLaughlin discussed updating the ordinance regarding mobile food vendors. It is currently not on staff's list of priorities. Staff

would bring this issue back as part of the next Council priority list update.

Council Member Hughes disclosed exparte communications. He discussed the issue of private property, eminent domain, etc. He would be interested in hearing the private property owner's view on this issue.

Staff and Council clarified what action was before Council for this item.

Public Comment:

None

Council Member Schwartzman and Staff discussed the Cortese List, Envirostar, etc. They discussed how the big rigs would be able to access food trucks in the area (but would not be able to park in the proposed site). Alternative sites were not addressed in the mitigated negative declaration.

On motion of Council Member Strawbridge, seconded by Vice Mayor Campbell, Council adopted Resolution 13-107, on roll call by the following vote:

Ayes: Patterson, Strawbridge, Schwartzman, Campbell, Hughes

Noes: (None)

**D BENICIA INDUSTRIAL PARK BUS HUB PROJECT; \$175K REGIONAL MEASURE 2 GRANT REQUEST, AWARD OF CONSULTANT CONTRACT TO MARK THOMAS AND COMPANY FOR FINAL DESIGN CONTINGENT UPON AWARD OF SAID FUNDING, AND APPROVAL OF AN AGREEMENT FOR THE SOLANO TRANSPORTATION AUTHORITY (STA) TO ACQUIRE THE RIGHT-OF-WAY ON BEHALF OF THE CITY AND CONTRIBUTE \$500K IN STATE TRANSIT ASSISTANCE FUNDING TO THE PROJECT**

Mike Roberts, Sr. Civil Engineer reviewed the staff report.

Council Member Hughes and Staff discussed when the site for the bus hub was selected (2002), when the property owner was contacted (2013), and previous meetings staff had (2) with the property owner.

Heather McLaughlin, City Attorney, clarified the eminent domain process. Council was not negotiating with the property owner tonight; they are deciding tonight if it is in the best interest of the community to put the bus hub on the proposed property.

Mayor Patterson discussed the rights of property owners in California, and the eminent domain process.

Vice Mayor Campbell and Staff discussed the City's role in the eminent domain process. He wondered if the STA could run it by Council prior to proceeding with the eminent domain process. Vice Mayor Campbell discussed concern regarding possibly walking away from \$1.3 million in funding for the project.

Public Comment:

1. Hector Barragan - Mr. Barragan is the property owner in question. He discussed concern regarding the process and lack of notification to the property owner. He had a signed petition in opposition to the project. He clarified that the family did not want to sell their property. He requested the item be postponed until they had a chance to review the information.
2. Jose Barragan - Mr. Barragan spoke in opposition to the proposed project. He discussed concerns regarding the lack of notification to the property owners. His family wants to keep the property so they can continue to have their food trucks on site. He requested Council continue this item so they could have time to review the plan.
3. Jim Ponder - Mr. Ponder spoke in opposition to the proposed project.
4. Jasmine Powell - Ms. Powell spoke in opposition to the project. She discussed concern regarding the possibility of eminent domain, lack of notification.
5. John Gardner - Mr. Gardner is the Barragan family's attorney. He requested Council continue this item until the next council meeting so the Barragan's could have a chance to review it.
6. Jim Allen - Mr. Allen spoke in opposition to the proposed project. He suggested the City look at the lot directly across the street from the Barragan's property.

Mayor Patterson and Staff discussed the outreach and contact with the property owners to date, any problems the City would have if Council were to continue this until next meeting, and the timing of the project.

Council Member Hughes and Staff discussed the timing, contact with and notification of the property owner, and the claim that the engineers were doing work on the property without the property owner's consent.

Staff discussed the benefits of the proposed project.

Council Member Schwartzman and Staff discussed providing assurances that the Barragan's could continue to operate their food trucks on the property after the bus hub was complete. They discussed the eminent domain process. If the City does not proceed, the funding will be given to other entities. He discussed his absence from the next council meeting. He would be willing to phone in to participate in the discussion.

Council Member Hughes clarified that he supported a project; however he was

concerned about the eminent domain process and the property owner's lack of desire to sell.

Council Member Strawbridge and Staff discussed when the project was conceived (2002) and the delay in contact with the property owners. She asked Mr. Barragan to clarify if their intention when the property was purchased was to use it for their trucks (it was). Mr. Barragan discussed his father's wish to keep the property in their family.

Council Member Strawbridge and Staff discussed the proposed project and any assurances the City could provide stating the Barragan's could occupy the site with their food trucks.

Mayor Patterson and Staff discussed adding assurances to the agreement/project regarding the Barragan's food trucks.

Mayor Patterson discussed taking action on this item, and that action would include clarification on the purchase from a willing seller or condemnation, and there should be a guarantee for the Barragan's food trucks.

Mr. Barragan discussed concern regarding being treated with dignity and respect. He would like to have time to review the project. He discussed concern regarding the lack of notification. Mayor Patterson assured Mr. Barragan they would be engaged in a respectful manner going forward.

Vice Mayor Campbell discussed STA's responsibility in the project. He would like 'condemnation' removed from STA's responsibility. He would like STA to come back to Council prior to condemnation.

Mayor Patterson and Staff discussed the possibility of having the STA agree to have a special meeting with Council prior to moving forward with condemnation. Staff discussed the tight timeframe with the project. Council could continue tonight's item to the next meeting, and have time to discuss concerns with the STA; however, anything past the next council meeting would be problematic.

Mayor Patterson discussed leaving 'condemnation' in the agreement, and add language stating that prior to taking action for that first step, if there isn't a willing seller, Council would have a meeting with the STA.

Mr. Kilger discussed his desire to consult with the STA to see what is workable. Staff recommended continuing this item to the next meeting.

Council Member Schwartzman and Staff discussed prior contact between Staff and the Barragan's.

Mr. Gardner discussed the benefit of continuing this item for two weeks. The

property owners could study the application to see what was involved, and the City could talk to the STA.

Council Member Schwartzman discussed the benefits of the project. He hoped there was a way that everyone could benefit from the project, including the Barragan's.

Vice Mayor Campbell discussed approving the plan with his previously suggested changes regarding removing condemnation.

Ms. McLaughlin suggested continuing the item so the concerns could be addressed. Mr. Kilger suggested Council clarify the items they would like Staff to discuss with the STA.

Mayor Patterson clarified that the Barragan's and their legal representative needed the opportunity to meet with Staff and review their concerns, have STA come back (if they have to go the route of condemnation) and inform Council on the details.

Mayor Patterson and Staff discussed whether the public hearing would be continued. Mayor Patterson clarified that however the discussion turns out with the Barragan's, and if the public hearing needed to be reopened because changes are made, that is the criteria for reopening the hearing. However, if it is just as it was presented tonight, and the adjustments being made are to satisfy a common ground with the Barragan's, the City, and STA, there would not be a need to reopen the public hearing.

Council Member Hughes discussed his desire for the language regarding the STA and eminent domain. He would like STA to come back to Council to revisit the eminent domain issue.

Mayor Patterson clarified that every effort should be made to include Council Member Schwartzman in the discussion at the next meeting, as he will be out of town.

On motion of Council Member Schwartzman, seconded by Council Member Hughes, Council approved the motion to continue, on roll call by the following vote:

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

**IX. ADJOURNMENT:**

Mayor Patterson adjourned the meeting at 10:06 p.m.



**AGENDA ITEM**  
**CITY COUNCIL MEETING DATE - DECEMBER 17, 2013**  
**CONSENT CALENDAR**

**DATE** : December 9, 2013

**TO** : City Manager

**FROM** : Economic Development Manager

**SUBJECT** : **APPROVAL OF LEASE EXTENSION WITH BAY AREA SHIP SERVICES FOR FIFTH STREET PIER**

**RECOMMENDATION:**

Approve, by motion, the attached lease with Bay Area Ship Services for the company's continued use of the City-owned 5th Street Pier.

**EXECUTIVE SUMMARY:**

This proposed agreement is a two-year lease extension that continues the contractual arrangement between the City and the current tenant, Bay Area Ship Services, at the 5th Street Pier.

**BUDGET INFORMATION:**

The lease will result in \$38,400 in revenue for 2014.

**STRATEGIC PLAN:**

Relevant Strategic Plan Goals and Strategies:

Strategic Issue 3: Strengthening Economic and Fiscal Conditions

- Strategy #1: Implement Economic Development Strategy
- Strategy #3: Retain and Attract Business

**BACKGROUND:**

The proposed extension continues the partnership between the City and the pier's current tenant, Bay Area Ship Services. Bay Area Ship Services is a maritime industry service provider, running boats for spill response, shuttles, and boarding safety, among other support functions. They have been the existing tenant since 2006. The proposed lease expires on December 31, 2015, but has an option for a three year extension.

The new lease increases the rent by 3% to \$3,200 per month for the first year, with another 3% increase effective in 2016. The tenant has all responsibility for property maintenance and water access to the site. The City has the ability to cancel the lease with 90 days' notice in case the City needs the property for another purpose.

Attachment:

- Proposed Lease Agreement



**LICENSE AGREEMENT FOR USE OF CITY OWNED PROPERTY  
FIFTH STREET PIER, 201 EAST 5<sup>TH</sup> STREET**

This Agreement is effective on December \_\_\_\_\_, 2013 between the CITY OF BENICIA, 250 East 'L' Street, Benicia, California ("City") and BAY AREA SHIP SERVICES, aka SO CAL SHIP SERVICES, 971 S. Seaside Avenue, Terminal Island, California ("Licensee"), hereinafter collectively referred to as the Parties.

1. The City grants permission to the Licensee to use the property of the City as hereinafter described in paragraph 2, commencing with the execution of this License Agreement by all of the Parties and subject to the condition precedent set forth at Paragraph 20 below, and terminating December 31, 2015, upon the conditions, covenants and terms set forth herein.
2. The description of the Premises licensed for use pursuant to this Agreement is described as: That property acquired by the City of Benicia by Grant Deed from the State of California recorded March 30, 1964, in Volume 710, Official Records, Solano County, Page 68, which is commonly known as 201 E. 5th St., Benicia, California or the 5<sup>th</sup> Street Pier ("Premises").
3. The City agrees to permit the Licensee to use the Premises for the sum of \$3,200 per month, which is payable in advance on or before the 10th day of each month, for the original term of this Agreement, as it is described above in paragraph 1. If Licensee elects to extend the term of the License, as it is described in paragraph 17, the Licensee shall pay \$3,296 per month, which is payable in the same manner described above. This license rate is based upon Licensee's fleet of two boats. In the event the Licensee's fleet size is increased, the monthly license rate will be increased by \$600/boat.
4. Either party may terminate this Agreement by giving the other party ninety (90) days written notice of such intent.
5. The Premises shall only be used by the Licensee for activities consistent with and in the ordinary course of Licensee's ship service operations. The Licensee agrees to comply with all ordinances, statutes and rules and regulations applicable to the conduct or operation of its activities permitted to be conducted under this Agreement. Licensee shall not permit a breach of the peace or any unlawful act or omission by any person. Licensee shall not store hazardous materials on the Premises and shall be responsible for any clean up required of hazardous materials related to Licensee's use, regardless of whether the presence of such hazardous materials is discovered during or subsequent to the term of this Agreement.
6. The Premises are licensed on an "as is" basis. Licensee presently occupies the Premises and has inspected the Premises and hereby confirms that they are suitable for and in good condition for Licensee's purposes. Licensee agrees to maintain in good condition and repair the existing wharf, dock, buildings and appurtenances and agrees not to construct any improvements without first obtaining consent from the City in writing. Licensee further agrees to remove any facilities Licensee installs or constructs, at Licensee's expense, if the City so

directs Licensee to do so. Licensee shall return the Premises in the same condition, normal wear and tear excepted, as they were before their use by Licensee

7. Licensee understands that the installation of any facilities permitted under Paragraph 6 is subject to approval by the City and other applicable regulatory agencies. Licensee also agrees not to erect any signs without first obtaining City approval.
8. Licensee agrees to ensure that all employee personal and company vehicle parking is inside the fenced portion of the Premises or on the east side of the access road between the East 5<sup>th</sup> Street cul-de-sac and the gated access to the dock. No parking shall be allowed on East 5<sup>th</sup> Street or in the Benicia Marina Parking Area. In addition, Licensee agrees to ensure that all truck loading and unloading is done inside the fenced portion of the Premises. No truck loading or unloading shall be permitted in the Benicia Marina Parking Area within East Fifth Street or within the access road to the fenced portion of the Premises.
9. Licensee further agrees that truck deliveries will be limited to the hours between 7:00 a.m. and 6:00 p.m., Monday through Friday, and between 10:00 a.m. and 5:00 p.m. on Saturdays. No truck deliveries will be permitted on Sundays.

Licensee shall take all reasonable measures to ensure compliance with the above provisions including, but not limited to, posting signs (acceptable to the City Traffic Engineer) regarding parking, delivery hours etc., holding briefing meetings with contractors and other measures necessary to ensure the above provisions are communicated effectively.

Licensee shall be cited by the Benicia Police Department for all violations of the above conditions. If Licensee fails to adhere to the conditions stipulated herein on a repeated basis, this shall constitute an event of default under this Agreement and City may terminate the Agreement.

10. Licensee agrees to ensure no damage is done to the wetland pathway improvements and that the access road adjacent to the pathway is kept clear of parked vehicles, truck loading activities, temporary materials storage, and any other activities, which may damage the pathway. Licensee has previously been provided with pictures of the wetlands pathway improvements. Any damages to the pathway (e.g., bollards, paving, signs, driveway approaches etc.) caused by Licensee including all Licensee employees, agents, contractors or subcontractors and shall be repaired by Licensee at Licensee's expense regardless of the source or cause of said damage.
11. The Licensee shall provide evidence of insurance for the term of this Agreement, protecting the City, its officers, agents and employees from occurrences as to bodily injury liability and property damage liability occurring on the Premises during the term of this Agreement. Such evidence may be supplied by filing with the City a certificate of insurance issued in favor of the City. An endorsement shall also be provided naming the City as an additional insured under the insurance policy. Insurance companies shall have a Best A Rating or better and be admitted in California.

The certificate or insurance policy shall set forth:

- (1) That the City, its officers, agents and employees are made additional insured.
- (2) The dates of inception and expiration of the insurance.
- (3) An amount of public liability coverage of not less than \$3,000,000 and the amount of property damage coverage of not less than \$1,000,000. Neither the public liability nor property damage coverage shall contain a deductible feature.
- (4) A statement by the insurance company that it will not cancel the policy or policies without giving a minimum of fifteen (15) days prior written notice to the City.
- (5) A statement by the insurance company that the City is not liable for the payment of premiums or assessments on the policy or policies.
- (6) A statement that insurance coverage is on an occurrence basis.

If Licensee sublicenses or assigns all or a portion of the property pursuant to Paragraph 14 below, the sublicense shall be subject to the same insurance requirements as set forth above.

12. Licensee does further expressly agree to indemnify, save and hold harmless the City, its officers, agents and employees, from any and all claims for loss, damage, injury or liability of any kind or nature, and brought by or on behalf of any person or entity, and howsoever the same may be caused or may arise, resulting directly or indirectly from the exercise of this license or the occupation of the Premises by the Licensee, or to other City properties to which the Licensee, its agents, employees, or sublicensees may have.
13. The City shall have the privilege to inspect the Premises at all times, so long as it does not unreasonably interfere with Licensee's use.
14. This Agreement shall not be assigned or sublicensed in whole or in part, nor may any right hereunder granted to Licensee be granted in turn to any other person or entity without the express written consent of the City Manager or his designee.
15. The City may terminate this Agreement without notice and be relieved of any further performance if Licensee fails to perform any covenant herein contained at the time and in the manner provided. This right is cumulative to any other legal right or remedy.
16. The Parties agree that the Licensee and agents and employees of Licensee, in the performance of, this Agreement, are acting in an independent capacity and not as officers, employees or agents of the City.

- 17. The license granted pursuant to the terms of this Agreement shall expire on December 31, 2015. Licensee may, through its General Manager and at his option, extend the original term of this license for one (1) additional period of three (3) years. If such an option is exercised Licensee and City shall meet and discuss condition of pier and implement necessary corrections.
- 18. Time is of the essence in performing the terms of this Agreement. The provisions of this Agreement shall extend to and be binding upon and inure to the benefit of the heirs, executors, administrators, successors, and assigns of the Parties.
- 19. It is mutually understood and agreed that no alteration or variation of the terms of this Agreement are valid unless made in writing and signed by the Parties. Any oral understanding or agreements not incorporated herein, or any alterations or variations of the terms of this Agreement, are not binding upon the Parties unless contained in a writing executed by the Parties.
- 20. Waiver by either Party to this Agreement of a breach of any term, covenant, or condition of this Agreement shall not constitute a continuing waiver thereof, or a waiver by the same Party of any subsequent breach of the same or any other term, covenant, or condition of this Agreement.
- 21. In any action between the Parties to enforce or recover under any of the terms, covenants, or conditions of this Agreement, the prevailing Party in any such action shall be entitled to recover, in addition to all of its costs, attorney's fees in an amount deemed reasonable by the court.

**IN WITNESS WHEREOF**, the Parties have executed this Agreement on the day and year first above written.

**City of Benicia**

**Licensee**

**BY:** \_\_\_\_\_  
Brad Kilger,  
City Manager

**BY:** \_\_\_\_\_  
Bay Area Ship Services aka  
So Cal Ship Services by  
Mark Wrobel, General Manager

APPROVED AS TO FORM:

\_\_\_\_\_  
Heather C. Mc Laughlin,  
City Attorney

**AGENDA ITEM**  
**CITY COUNCIL MEETING DATE - DECEMBER 17, 2013**  
**CONSENT CALENDAR**

**DATE** : December 9, 2013

**TO** : City Manager

**FROM** : Public Works Director

**SUBJECT** : **ACCEPTANCE OF THE RENEWABLE ENERGY AND CONSERVATION PROJECT (SOLAR PROJECT)**

**RECOMMENDATION:**

Adopt a Resolution accepting the Renewable Energy and Conservation Project, including final change orders, as complete; authorizing the City Manager to sign the Notice of Completion and authorizing the City Clerk to file said notice with the Solano County Recorder.

**EXECUTIVE SUMMARY:**

The Renewable Energy and Conservation Project consisted of the installation of 10 photo voltaic arrays (solar panels) and related infrastructure as well as the retro-fitting of approximately 2000 street lights. This work was completed in December of 2012. The work to perform this project has been evaluated by an outside consultant and completed to the satisfaction of City staff.

To complete the project it was necessary for staff to approve change orders for conditions encountered that were beyond Chevron's control, including mitigating environmental issues related to the discovery of two underground wells at the City Hall site, and additional costs related to Pump Station #3 due to delays in the site land purchase and sweeping for potential unexploded ordnance. The total cost of the change orders is \$49,173. These change orders were previously approved in accordance with City policy, Administrative Instructions No. 18.

**BUDGET INFORMATION:**

The project costs for the Renewable Energy and Conservation Project are as follows:

DESCRIPTION	PV SYSTEMS and OVERHEAD	STREETLIGHT RETROFIT	CONTINGENCY	TOTAL
CONSTRUCTION BUDGET	\$ 11,118,000	\$ 742,000	\$ 300,000	\$ 12,160,000
LAND PURCHASE	\$ 556,910	\$ -	\$ (300,000)	\$ 256,910
<b>TOTAL PROJECT BUDGET/PROCEEDS</b>	<b>\$ 11,674,910</b>	<b>\$ 742,000</b>	<b>\$ -</b>	<b>\$ 12,416,910</b>
CHEVRON CONTRACT	\$ 11,118,000	\$ 742,000	\$ -	\$ 11,860,000
APPROVED CHANGE ORDERS	\$ 49,173	\$ -	\$ -	\$ 49,173
<b>TOTAL CHEVRON CONTRACT</b>	<b>\$ 11,167,173</b>	<b>\$ 742,000</b>	<b>\$ -</b>	<b>\$ 11,909,173</b>
TOTAL LAND PURCHASE	\$ 556,910	\$ -	\$ -	\$ 556,910
OTHER CITY COSTS INCURRED	\$ -	\$ -	\$ 38,837	\$ 38,837
<b>TOTAL PROJECT COSTS</b>	<b>\$ 11,724,083</b>	<b>\$ 742,000</b>	<b>\$ 38,837</b>	<b>\$ 12,504,920</b>

Other City costs incurred include certain demolition, testing, utility, and storage costs ancillary to the construction project. Of the total Chevron contract amount of \$11,909,173, staff is in discussions with Chevron regarding City costs incurred at the Community Center site in the amount of approximately \$36,700, for which the City is currently seeking reimbursement. In staff's opinion, this outstanding issue does not affect acceptance of the project.

#### **ENVIRONMENTAL REVIEW:**

Each construction project is Categorical Exempt per California Environmental Quality Act Guidelines Section 15332, which applies to infill development projects within the city limits and consistent with the General Plan, and Section 15303 (e), which applies to construction of small structures, including carports. In addition, construction at the City Hall parking lot site was reviewed for potential effects on historical resources, and the Historic Preservation Review Commission approved that project and a Categorical Exemption per CEQA Guidelines Section 15303 (e) on July 22, 2010.

The added streetlight retrofit portion of the project is also Categorical Exempt per California Environmental Quality Act Guidelines Section 15302 (c), which applies to replacement or reconstruction of existing utility facilities involving negligible or no expansion of capacity.

#### **STRATEGIC PLAN:**

The project fulfills the following Strategic Plan issues, strategies and actions:

Relevant Strategic Plan Issues and Strategies:

- Strategic Issue 2 Protecting and Enhancing the Environment
  - Strategy 2.1 Reduce greenhouse gas emissions and energy consumption

- Action 2.1 (d) Facilitate private construction of at least one alternative energy project
- Strategy 2.3 Pursue and adopt sustainable practices
  - Action 2.3 (a) Pursue LEED certification for community center

**CLIMATE ACTION PLAN:**

The project supports the following Climate Action Plan objective and strategies:

- ❑ Objective B-1 Increase Building and Energy Efficiency in Municipal Buildings by 10% by 2020
- ❑ Objective E-2 Increase Amount of Renewable Energy in Benicia
  - Strategy E-2.1 Renewable Energy Project Manager
  - Strategy E-2.3 Renewable Energy for City Facilities
- ❑ Objective E-3 Increase Amount of Solar Energy Production in Benicia Strategy E-3.1 Encourage Parking Lot Solar Photovoltaic Arrays
- ❑ Objective E-4 Increase Amount of Wind Energy Production in Benicia to 15% by 2020
  - Strategy E-4.1 Increase Wind Energy Generation within City Limits

**BACKGROUND:**

On October 5, 2010, the City Council approved a contract in the amount of \$11,118,000 with Chevron Energy Solutions (CES) to implement the Renewable Energy and Conservation Project. The City Council further directed that staff develop recommendations for financing the project. While researching the financing alternatives, staff was made aware that additional project savings could be realized by expanding the project scope. Therefore, on March 15, 2011, the Council approved an added component to the project consisting of replacement of approximately 2,000 sodium vapor streetlights citywide with induction bulbs at a cost of \$742,000. This replacement of City streetlights was in addition to the approximately 175 retrofits along Military and East 2nd already completed via the federal Energy Efficiency Block Grant program.

On April 24, 2012 the City Council approved the purchase of land to support construction of the arrays at the Pump Station #3 site. This purchase totaled \$556,910 and was partially funded through a contribution from the Valero/Good Neighbor Steering Committee funds in the amount of \$256,910. The remaining balance was funded utilizing the project contingency fund amount of \$300,000.

Given that the contingency funds were utilized to purchase the land, the other project costs cited above require an additional appropriation of up to a maximum of \$88,010, depending upon the outcome of discussions with Chevron regarding the Community Center site costs. This amount represents less than a 1% variance between the total budgeted and actual costs of the project. This limit is well within the scope of Administrative Instruction #18, whereby staff can

authorize a maximum of up to 25% of the total project cost.

Attachments:

- Proposed Resolution
- Notice of Completion

**RESOLUTION NO. 13-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA AUTHORIZING THE DIRECTOR OF PUBLIC WORKS TO EXECUTE, ON BEHALF OF THE CITY, CONTRACT CHANGE ORDERS AFFIRMING STAFF-AUTHORIZED COSTS WITH CHEVRON ENERGY SOLUTIONS FOR THE RENEWABLE ENERGY AND CONSERVATION PROJECT, AN APPROPRIATION UP TO \$88,010 FROM THE ENERGY FUND AND ACCEPTING THE RENEWABLE ENERGY AND CONSERVATION PROJECT AT \$12,504,290, AUTHORIZING THE CITY MANAGER TO SIGN THE NOTICE OF COMPLETION AND CITY CLERK TO FILE SAME WITH THE SOLANO COUNTY RECORDER**

**WHEREAS**, on October 2010 the City Council awarded Chevron energy Solutions the construction contract for the Renewable Energy and Conservation Project; and

**WHEREAS**, due to unforeseen site issues and repairs during construction various contract change orders and modifications are necessary to accommodate new work; and

**WHEREAS**, an appropriation up to a maximum of \$88,010 is required and will be funded through the Renewable Energy Internal Service Fund; and

**WHEREAS**, there are sufficient funds available in the Renewable Energy Fund to make this appropriation; and

**WHEREAS**, said work was completed to the satisfaction of City staff.

**NOW, THEREFORE, BE IT RESOLVED THAT** the City Council of the City of Benicia hereby authorizes the Director of Public Works to execute on behalf of the City those contract change orders with Chevron Energy Solutions for the Benicia Renewable Energy Project in the amount of \$49,173.

**BE IT FURTHER RESOLVED** that the City Council of the City of Benicia hereby accepts the Renewable Energy and Conservation project at as complete for the final construction cost of \$12,504,920.

\*\*\*\*\*

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 17th day of December, 2013, and adopted by the following vote:

Ayes:

Noes:

Absent:

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

Attest:

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

Dated: \_\_\_\_\_

Recorded at the request of:

CITY OF BENICIA

After recording return to:

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

### NOTICE OF COMPLETION

NOTICE IS HEREBY GIVEN THAT:

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

**Various City-owned property** located at City Hall, James Lemos Pool, Community Center, Community Park, Fire Station #12, Corporation Yard, Water Treatment Plant, P-1, P-2 and P-3 pump stations, located in the City of Benicia, County of Solano, State of California.

**Nature of title as stated owner: In Fee.**

2. A work of improvement known as the **Renewable Energy and Conservation Project** within the property described was completed and accepted by the City Council of the City of Benicia on December 17, 2013.
3. The name of the contractor for such improvement was **Chevron Energy Solutions.**

CITY OF BENICIA

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Brad Kilger, City Manager

Attest: \_\_\_\_\_  
Lisa Wolfe, City Clerk

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

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



**AGENDA ITEM  
CITY COUNCIL MEETING DATE - DECEMBER 17, 2013  
CONSENT CALENDAR**

**DATE** : December 10, 2013

**TO** : City Manager

**FROM** : Acting Assistant City Manager  
Public Works Director

**SUBJECT** : **APPROVAL OF AMENDMENTS TO THE WATER QUALITY SUPERVISOR JOB SPECIFICATION**

**RECOMMENDATION:**

Approve the amendments to the Water Quality Supervisor Job Specifications.

**EXECUTIVE SUMMARY:**

The proposed updates to the requirements for Water Quality Supervisor position were approved by the Civil Service Commission on November 12, 2013, and are now being presented to the City Council for review/approval.

**BUDGET INFORMATION:**

There is no budget impact associated with this action.

**STRATEGIC PLAN:**

N/A

**BACKGROUND:**

Minor updates are proposed to this job specification to better align the job requirements with industry standards and state requirements. The current job description required certifications in both water and wastewater, while the state only recommends certification in one of those areas. Since it is not common to have certifications in both areas, it is recommended that this job specification be updated to better conform to state and industry standards.

Attachments:

- Resolution
- Amended Job Specification (w/ track changes)

**RESOLUTION NO. 13-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING THE AMENDMENTS TO THE WATER QUALITY SUPERVISOR JOB SPECIFICATION**

**WHEREAS**, the proposed updates to the job specification for Water Quality Supervisor will better confirm the certification requirements for the position to state and industry standards; and

**WHEREAS**, the proposed changes to the job specification were presented to the Civil Service Commission on November 4, 2013; and

**WHEREAS**, the Civil Service Commission reviewed and approved the proposed amendments.

**NOW, THEREFORE, BE IT RESOLVED THAT** the City Council of the City of Benicia hereby approves the amendments to the Water Quality Supervisor Job Specification.

\*\*\*\*\*

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 17<sup>th</sup> day of December, 2013, and adopted by the following vote:

Ayes:

Noes:

Absent:

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

Attest:

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

Dated: \_\_\_\_\_



## CITY OF BENICIA WATER QUALITY SUPERVISOR

### DEFINITION:

To plan, organize, direct, supervise and provide technical oversight of the water quality laboratory and environmental programs in support of the City of Benicia's water quality management and compliance with permits and regulatory requirements related to drinking water production and wastewater; and to perform a variety of professional and technical tasks relative to assigned area of responsibility.

### SUPERVISION RECEIVED AND EXERCISED:

Receives general direction from the ~~Assistant~~ Public Works Director/~~Utilities Manager~~ or their *designee*.

Exercises direct supervision over assigned professional and/or technical staff.

### REPRESENTATIVE DUTIES OF THE POSITION:

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

Recommend and assist in the implementation of goals and objectives; establish schedules and methods for water quality laboratory and related environmental program activities; implement policies and procedures.

Plan, prioritize, assign, supervise and review the work of staff involved in water and wastewater sampling, testing, and related laboratory activities.

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

Participate in budget preparation and administration; prepare cost estimates for budget recommendations; submit justifications for staff, environmental programs, laboratory supplies and equipment, and contract services; monitor and control expenditure.

Participate in the selection of staff; provide or coordinate staff training; work with employees to correct deficiencies; implement discipline procedures.

Ensure and maintain laboratory accreditation through rigorous quality control, laboratory analyses and inspection/review of instrumentation; perform complex microbiological, chemical, and physical analyses of water and wastewater samples, as needed.

Develop, implement, and maintain water quality monitoring programs related to environmental issues such as industrial pre-treatment, pollution prevention, and cross-connection inspection and investigation.

Interpret complex water quality regulatory requirements and develop and maintain up-to-date procedures for compliance; prepare and submit water quality reports, correspondence, and statistical data to various local, State, and Federal regulatory agencies; validate sample test result for reporting.

Stay current with new and emerging regional, state and federal regulations related to drinking water production and wastewater treatment and work with the ~~Assistant~~ Public Works Director/~~Utilities Manager~~ related to water quality management.

Answer questions and provide information to the public; investigate complaints and recommend corrective action as necessary to resolve complaints; and prepare ordinances, fines for violations, and various related administrative documents.

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

Perform related duties as assigned.

**QUALIFICATIONS:**

Knowledge of:

Principles and practices of biology, bacteriology, chemistry and related physical sciences as applied to analysis of water and wastewater treatment processes.

Equipment, tools and materials used in water and wastewater sampling, testing, and analysis.

Principles of supervision, training and performance evaluations.

Principles of budget monitoring.

Principles and practices of safety management.

Pertinent local, State and Federal laws, ordinances and rules.

Ability to:

Organize, implement and direct operations/activities of a water quality laboratory.

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

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

Interpret and explain pertinent water quality laboratory activities, related environmental programs, department policies and procedures, and various regulations and standards.

Supervise, train and evaluate assigned staff.

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

Develop and recommend policies and procedures related to assigned operations, including recommendations appropriate to water and wastewater treatment plant operations and processes.

Perform complex microbiological, chemical, and physical testing and analyses of water and wastewater samples.

Develop and maintain a variety of reports related to water quality/environmental programs.

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

Communicate clearly and concisely, both orally and in writing.

#### **EDUCATION AND EXPERIENCE:**

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

##### **Experience:**

Four years of increasingly responsible experience in water quality laboratory operations, *in the analysis of water and/or wastewater*, including one year of supervisory responsibility.

##### **Education:**

Equivalent to a Bachelor's degree in biology, microbiology, chemistry, environmental management or a related field.

##### **License or Certificate:**

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

~~Possession of an Environmental Compliance Inspector Grade I certificate issued by the California Environment Association.~~

*Possession of at least one of the following certificates as a condition of passing probation.*

~~Possession of a~~ Laboratory Analyst Grade II certificate issued by the California Water Environment Association.

~~Possession of a~~ Grade II Laboratory Analyst/Water Quality Analyst certificate from the California-Nevada Section of the American Water Works Association. ~~within one (1) year of the date of appointment.~~

*The above requirements are based on the California Department of Public Health Regulations for Laboratory Supervisor Compliance (ELAP) and will be updated as necessary.*

**POSITION INFORMATION:**

Last Revision Date: July 1, 1997

Approved by Civil Service: November 12, 2013

Approved by City Council:

FLSA: Exempt

Bargaining Unit: Supervisory (Local 1)

**AGENDA ITEM**  
**CITY COUNCIL MEETING DATE - DECEMBER 17, 2013**  
**CONSENT CALENDAR**

**DATE** : December 10, 2013

**TO** : Mayor and City Council

**FROM** : City Manager

**SUBJECT** : **UPDATE OF RESOLUTION LISTING UNREPRESENTED CITY POSITIONS**

**RECOMMENDATION:**

Approve a resolution updating the listing of unrepresented City positions.

**EXECUTIVE SUMMARY:**

With recent approval of the Assistant City Manager job specification, the resolution designating the City of Benicia's unrepresented positions needs to be updated to include this position.

**BUDGET INFORMATION:**

There is no cost associated with this action.

**STRATEGIC PLAN:**

N/A

**BACKGROUND:**

On December 3, 2013, the City Council approved the position of Assistant City Manager. Per the job specification, this is an unrepresented position (i.e., it is not a position represented by one of the City's bargaining units). The attached resolution notes the City's current unrepresented positions, including the addition of the Assistant City Manager position.

Attachments:

- Resolution

**RESOLUTION NO. 13-**

**RESOLUTION UPDATING THE CITY OF BENICIA'S LIST OF UNREPRESENTED POSITIONS**

**WHEREAS**, per Government Code Section 3507.5, the City may restrict certain management and confidential employees from union representation; and

**WHEREAS**, currently the positions of Legal Technician, Senior Human Resources Analyst and Human Resources Analyst are unrepresented and receive the same compensation package afforded to members of Local #1, unless otherwise documented by Council resolution; and

**WHEREAS**, the recently approved Assistant City Manager position is also considered an unrepresented position; and

**WHEREAS**, the Assistant City Manager position will receive the same compensation package afforded to members of the senior management group, unless otherwise documented by Council resolution.

**THEREFORE, BE IT RESOLVED THAT** the City Council of the City of Benicia hereby approves the update to the City of Benicia's list of unrepresented positions and associated compensation packages.

\* \* \* \* \*

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 17<sup>th</sup> day of December 2013, and adopted by the following vote:

Ayes:

Noes:

Absent:

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

Attest:

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

Dated: \_\_\_\_\_

**AGENDA ITEM  
CITY COUNCIL MEETING DATE - DECEMBER 17, 2013  
BUSINESS ITEMS**

**DATE** : December 9, 2013

**TO** : City Manager

**FROM** : Public Works Director

**SUBJECT** : **BENICIA INDUSTRIAL PARK BUS HUB PROJECT: \$175K REGIONAL MEASURE 2 GRANT REQUEST, AWARD OF CONSULTANT CONTRACT TO MARK THOMAS AND COMPANY FOR FINAL DESIGN CONTINGENT UPON AWARD OF SAID FUNDING, AND APPROVAL OF AN AGREEMENT FOR THE SOLANO TRANSPORTATION AUTHORITY (STA) TO ACQUIRE THE RIGHT-OF-WAY ON BEHALF OF THE CITY AND CONTRIBUTE \$500K IN STATE TRANSIT ASSISTANCE FUNDING TO THE PROJECT AND APPOINTMENT OF A COUNCIL SUBCOMMITTEE**

**RECOMMENDATION:**

Adopt the following resolutions:

1) Confirming project compliance as the Regional Measure 2 (RM2) implementing agency and requesting the Metropolitan Transportation Commission (MTC) allocate \$175,000 in RM2 funding for the final design phase of the Benicia Industrial Park Transit Hub Project.

2) Approving a consultant contract with Mark Thomas & Company in the amount of \$163,926 for the final design phase of the Benicia Industrial Park Bus Hub Project contingent upon award of the \$175,000 RM2 grant request from MTC, and authorizing the City Manager to execute the agreement on behalf of the City.

3) Approving an agreement for the Solano Transportation Authority to acquire the Right-of-Way on behalf of the City and contribute \$500,000 in State Transit Assistance Funding (STAF) to the Benicia Industrial Park Transit Hub Project, and authorizing the City Manager to execute the amendment on behalf of the City.

If, desired appoint the Mayor and Council Member Hughes as a subcommittee to review the acquisition process.

**EXECUTIVE SUMMARY:**

This agenda item is to advance a \$1.75M grant funded bus hub project in the Benicia Industrial Park to final design and was continued from the December 3, 2013 meeting to allow City staff to meet with the property owners of the proposed site and discuss the project and property acquisition in detail. An update on these discussions will be presented at tonight's meeting and Solano Transportation Authority (STA) representatives will be in attendance to respond to any questions. If the Council desires to monitor the acquisition process, it is recommended that a subcommittee be formed.

Given the grant requirements and time line, should Council wish to advance this project it will be necessary to move the recommended actions forward tonight. This includes authorizing STA to acquire the property using the eminent domain process, which includes offering the property owners just compensation for their property; however, if negotiations are unsuccessful it may be necessary to condemn the property. In the event this occurs, Council could elect to have two members attend the STA Board meetings to ensure the property owner is treated fairly and respectfully.

**BUDGET INFORMATION:**

The proposed budget for the \$1.75 million grant-funded project (\$1.25 million RM2 + \$500,000 STAF) is outlined below:

**Grant Budget**

Proposed Budget

Environmental & Preliminary Engineering (RM2 funding) .....	\$135,000
Right of Way (STAF funding) .....	\$350,000
Final Design (RM2 funding) .....	\$175,000
Construction (\$940K RM2 & \$150K STAF funding) .....	\$1,090,000
<b>Total Project Grant Funding .....</b>	<b>\$1,750,000</b>

The actual expenditure amount for the right-of-way phase will depend upon the appraisal and other variables related to the acquisition of the property.

**GENERAL PLAN:**

Relevant General Plan Goals and Policies include:

- Overarching Goal of the General Plan: Sustainability
- Goal 2.17: Provide an efficient, reliable, and convenient transit system
- Goal 2.20: Provide a balanced street system to serve automobiles, pedestrians, bicycles, and transit

- Goal 2.28: Improve and maintain public facilities and services

**STRATEGIC PLAN:**

Relevant Strategic Plan Issue and Strategies include:

- Strategic Issue #2: Protecting and Enhancing the Environment
  - Strategy #4: Protect air quality/pursue mass transit opportunities
- Strategic Issue #3: Strengthening Economic and Fiscal Conditions
  - Strategy #2: Strengthen Benicia Industrial Park competitiveness
- Strategic Issue #4: Preserving and Enhancing Infrastructure
  - Strategy #2: Increase use of mass transit

**ENVIRONMENTAL REVIEW:**

The environmental review (adoption of the Mitigated Negative Declaration) occurred at the December 3, 2013 City Council Meeting under a separate agenda item.

**BACKGROUND:**

**Grant Request for \$175,000 in RM2 Funding from MTC for Final Design**

\$1.25 million in RM2 funding has been earmarked by MTC for the bus hub project. At their June 18, 2013 meeting, the Benicia City Council authorized City staff to pursue \$135,000 of this RM2 funding from MTC for the environmental/conceptual design. MTC subsequently awarded this funding at their July 24, 2013 meeting. Now that this phase of work has been completed, staff is recommending a \$175,000 funding request be submitted to MTC to fund the final design, which is the next phase in the project delivery process.

**Award of Consultant Contract with Mark Thomas & Company (MT&Co)**

After a thorough selection process, staff initially awarded MT&Co a \$46,586 contract on August 22, 2013 to begin the environmental/design phase. At their October 1, 2013 meeting, City Council then awarded an \$88,388 contract amendment for a total contract amount of \$134,974. MT&Co has diligently persecuted this phase of work to completion on an expedited time line, which is critical given MTC's goal of awarding all the remaining RM2 funding in their program by the end of March 2014.

Based upon MT&Co's high level of performance, staff is now recommending award of a \$163,926 contract with MT&Co to complete the final design contingent upon award of the \$175,000 RM2 grant by MTC, which will fund this work. The MTC chief executive office is able to award this funding without formal approval by the Board, which will allow the project to be expedited toward meeting the March time line.

### **Agreement with the Solano Transportation Authority (STA)**

In August 2013, City staff formally requested STA lead the right-of-way phase given the regional significance of the bus hub project, tight time line, and STA's experience and success in property acquisition. STA staff was receptive to this request and, based upon the merits of the project, also recommended \$500,000 in State Transit Assistance Funds (STAF) initially identified as a potential funding source now be allocated to the project. This combined recommendation was unanimously approved by the STA Transit Consortium on September 24, the STA Technical Advisory Committee on September 25, and the STA Board on October 9, 2013.

Staff is now recommending approval of the agreement formalizing STA as the lead for the right-of-way phase and the allocation of \$500,000 in STAF funding to the project. The agreement also includes provisions for the development of an operations and maintenance (O&M) plan and engagement with SolTrans and Fairfield and Suisun Transit (FAST) as the present and future operators serving the facility.

This recommendation was originally considered at the December 3, 2013 Council meeting; however, the item was continued and staff was directed to meet with the property owner to discuss the project and property acquisition. Staff will provide an update on these negotiations at the Council meeting.

Should Council approve the agreement to move the project forward, STA will then begin acquiring the property. This will include having STA's right of way agent and an independent appraiser meet with the property owner to explain the land acquisition process and hear any concerns or unique circumstances surrounding the property. Once the appraisal has been completed, formal negotiations with the property owner can begin and may also include compensation for business loss and relocation costs. However, if negotiations with the property owner are unsuccessful, it may be necessary for STA to hold public hearings and ultimately condemn the property. Following this eminent domain process is the expectation of both STA and MTC to ensure public tax dollars are spent effectively. The City Council may consider appointing a subcommittee to monitor the acquisition process especially should condemnation become necessary. In order to avoid a Brown Act problem it is recommended that the subcommittee be the Mayor and Council Member Hughes since they are the representative and alternate for STA. The subcommittee could help make sure the property owners are treated fairly and with respect.

Attachments:

- ❑ Proposed Resolution of Project Compliance including Initial Project Report
- ❑ Proposed Resolution approving Consultant Contract with Mark Thomas & Company for Final Design including Scope of Work & Fees
- ❑ Proposed Resolution approving an agreement with the Solano Transportation Authority for the right-of-way phase and \$500,000 in State Transit Assistance Funding



**RESOLUTION NO 13-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA CONFIRMING PROJECT COMPLIANCE AS THE REGIONAL MEASURE 2 (RM2) IMPLEMENTING AGENCY AND REQUESTING THE METROPOLITAN TRANSPORTATION COMMISSION ALLOCATE \$175,000 IN RM2 FUNDING FOR THE ENVIRONMENTAL & PRELIMINARY ENGINEERING PHASE OF THE BENICIA INDUSTRIAL PARK TRANSIT HUB PROJECT**

**WHEREAS**, SB 916 (Chapter 715, Statutes 2004), commonly referred as Regional Measure 2, 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 Regional Measure 2 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 Regional Measure 2 funding; and

**WHEREAS**, allocations to MTC must be submitted consistent with procedures and conditions as outlined in Regional Measure 2 Policy and Procedures; and

**WHEREAS**, the City of Benicia is an eligible sponsor of transportation project(s) in Regional Measure 2, Regional Traffic Relief Plan funds; and

**WHEREAS**, this item was continued from the December 3, 2013 City Council meeting; and

**WHEREAS**, the Benicia Industrial Park Transit Hub Project is eligible for consideration in the Regional Traffic Relief Plan of Regional Measure 2, as identified in California Streets and Highways Code Section 30914(c) or (d); and

**WHEREAS**, the Regional Measure 2 allocation request, attached hereto in the 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 Regional Measure 2 funds.

**NOW, THEREFORE, BE IT RESOLVED** that the City of Benicia, and its agents shall comply with the provisions of the Metropolitan Transportation Commission's Regional Measure 2 Policy Guidance (MTC Resolution No. 3636).

**BE IT FURTHER RESOLVED** that the City of Benicia certifies that the project is consistent with the Regional Transportation Plan (RTP).

**BE IT FURTHER RESOLVED** that the year of funding for any design, right-of-way and/or construction phases has taken into consideration the time necessary to obtain environmental clearance and permitting approval for the project.

**BE IT FURTHER RESOLVED** that the Regional Measure 2 phase or segment is fully funded, and results in an operable and useable segment.

**BE IT FURTHER RESOLVED** that the City of Benicia approves the updated Initial Project Report, attached to this resolution.

**BE IT FURTHER RESOLVED** that the City of Benicia approves the cash flow plan attached to this resolution.

**BE IT FURTHER RESOLVED** that 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.

**BE IT FURTHER RESOLVED** that the City of Benicia is an eligible sponsor of projects in the Regional Measure 2 Regional Traffic Relief Plan, Capital Program, in accordance with California Streets and Highways Code 30914(c).

**BE IT FURTHER RESOLVED** that the City of Benicia is authorized to submit an application for Regional Measure 2 funds for the Benicia Industrial Park Transit Hub Project in accordance with California Streets and Highways Code 30914(c).

**BE IT FURTHER RESOLVED** that the City of Benicia certifies that the projects and purposes for which RM2 funds are being requested are 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.

**BE IT FURTHER RESOLVED** that there is no legal impediment to the City of Benicia making allocation requests for Regional Measure 2 funds.

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

**BE IT FURTHER RESOLVED** that the City of Benicia agrees to comply with the requirements of MTC's Transit Coordination Implementation Plan as set forth in MTC Resolution 3866.

**BE IT FURTHER RESOLVED** 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.

**BE IT FURTHER RESOLVED** that the City of Benicia shall, if there are any revenues or profits from any non-governmental use of property (or project), use such 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 Metropolitan Transportation Commission is entitled to a proportionate share equal to MTC's percentage participation in the projects(s).

**BE IT FURTHER RESOLVED** 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 Metropolitan Transportation Commission (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 Regional Measure 2 funds were originally used.

**BE IT FURTHER RESOLVED** 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 Regional Measure 2 Toll Revenues.

**BE IT FURTHER RESOLVED** that the City of Benicia authorizes its Executive Director or his/her designee to execute and submit an allocation request for the environmental/preliminary design phase with MTC for Regional Measure 2 funds in the amount of \$175,000 for the project, purposes and amounts included in the project application attached to this resolution.

**BE IT FURTHER RESOLVED** that the Executive Director or his/her designee is hereby delegated the authority to make non-substantive changes or minor amendments to the IPR as he/she deems appropriate.

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

\* \* \* \* \*

On motion of Council Member \_\_\_\_\_, seconded by Council Member \_\_\_\_\_, the above Resolution was introduced and passed by the City Council of the City of Benicia at a regular meeting of said Council held on the 17<sup>th</sup> day of December, 2013, and adopted by the following vote:

Ayes:

Noes:

Absent:

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

Attest:

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

Dated: \_\_\_\_\_

# Regional Measure 2 Initial Project Report (IPR)

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**Project Title:**

**RM2 Project No.**

**Allocation History:**

	<b>MTC Approval Date</b>	<b>Amount</b>	<b>Phase</b>
<b>#1:</b>	7/24/13	\$135,000	ENV/PE
<b>#2</b>	N/A		
<b>#3</b>	N/A		

**Total:     \$**

**Current Allocation Request:**

<b>IPR Date</b>	<b>Amount Being Requested</b>	<b>Phase Requested</b>
Nov 8, 2013	\$175,000	PS&E

**I. OVERALL PROJECT INFORMATION**

**A. Project Sponsor / Co-sponsor(s) / Implementing Agency**

City of Benicia is the project sponsor and implementing agency.

**B. Project Purpose**

This project will construct a bus hub at an existing stop in the Benicia Industrial Park serviced by Fairfield Suisun Transit (FAST) Route 40. SolTrans, the joint Benicia-Vallejo transit provider, has also

## **Regional Measure 2 – INITIAL PROJECT REPORT**

expressed interest in servicing this stop in the future. The bus hub will provide parking facilities, kiss & ride, shuttle drop off/pick-up, and other amenities for traffic on the I-680 corridor and from the north side of Benicia to use bus transit across the Benicia-Martinez Bridge into Contra Costa County and BART.

### **C. Project Description (please provide details)**

#### **Project Graphics to be sent electronically with This Application**

The project will acquire a 1 acre, undeveloped parcel and construct a bus transit hub including a paved parking structure with 46 stalls, kiss & ride and shuttle drop off/pick up, bus pullouts, shelters, landscaping, and lighting. The project may include vendor area, solar panels, and electric charging stations.

### **D. Impediments to Project Completion**

There are no known impediments at this time.

### **E. Operability**

It is estimated the facility will cost approximately \$6,000/yr to operate and will be funded by a combination of State Transit Assistance Funds distributed to the county, private/public partnerships, and City funds.

## **II. PROJECT PHASE DESCRIPTION and STATUS**

### **F. Environmental –**

Does NEPA Apply:  Yes  No

The Mitigated Negative Declaration is currently being circulated and is scheduled for approval at our December 3 Council Meeting.

### **G. Design –**

The conceptual design has been completed (attached). This \$170 RM2 allocation request is for the City's design consultant to complete the PS&E.

### **H. Right-of-Way Activities / Acquisition –**

The Solano Transportation Authority will be leading this phase of the project and has allocated \$500K in STAF funding to acquire the 1.0 acre parcel. The R/W phase will be completed concurrently with the PS&E.

### **I. Construction / Vehicle Acquisition –**

The project will be publicly bid. No vehicle acquisition is associated with the project.

## **III. PROJECT BUDGET**

### **J. Project Budget (Escalated to year of expenditure)**

**Regional Measure 2 – INITIAL PROJECT REPORT**

<b>Phase</b>	<b>Total Amount - Escalated - (Thousands)</b>
Environmental Studies & Preliminary Eng (ENV / PE / PA&ED)	\$135,000
Design - Plans, Specifications and Estimates (PS&E)	\$175,000
Right-of-Way Activities /Acquisition (R/W)	\$500,000
Construction / Rolling Stock Acquisition (CON)	\$940,000
<b>Total Project Budget (in thousands)</b>	<b>\$1,750,000</b>

**K. Project Budget (De-escalated to current year)**

<b>Phase</b>	<b>Total Amount - De-escalated - (Thousands)</b>
Environmental Studies & Preliminary Eng (ENV / PE / PA&ED)	\$135,000
Design - Plans, Specifications and Estimates (PS&E)	\$175,000
Right-of-Way Activities /Acquisition (R/W)	\$500,000
Construction / Rolling Stock Acquisition (CON)	\$940,000
<b>Total Project Budget (in thousands)</b>	<b>\$1,750,000</b>

**L. Project Budget – Deliverable Segment (Escalated to year of expenditure)**

<b>Phase</b>	<b>Total Amount - Escalated - (Thousands)</b>
Environmental Studies & Preliminary Eng (ENV / PE / PA&ED)	
Design - Plans, Specifications and Estimates (PS&E)	\$175,000
Right-of-Way Activities /Acquisition (R/W)	\$500,000
Construction / Rolling Stock Acquisition (CON)	
<b>Total Project Budget (in thousands)</b>	<b>\$675,000</b>

**M. Project Budget – Deliverable Segment(De-escalated to current year)**

<b>Phase</b>	<b>Total Amount - De-escalated - (Thousands)</b>
Environmental Studies & Preliminary Eng (ENV / PE / PA&ED)	
Design - Plans, Specifications and Estimates (PS&E)	\$175,000
Right-of-Way Activities /Acquisition (R/W)	\$500,000
Construction / Rolling Stock Acquisition (CON)	
<b>Total Project Budget (in thousands)</b>	<b>\$675,000</b>

**IV. OVERALL PROJECT SCHEDULE**

<b>Phase-Milestone</b>	<b>Planned (Update as needed)</b>	
	<b>Start Date</b>	<b>Completion Date</b>

**Regional Measure 2 – INITIAL PROJECT REPORT**

Environmental Document		
Environmental Studies, Preliminary Eng. (ENV / PE / PA&ED)	8/1/2013	12/3/2013
Final Design - Plans, Specs. & Estimates (PS&E)	12/3/2013	3/19/2014
Right-of-Way Activities /Acquisition (R/W)	12/3/2013	3/19/2014
Construction (Begin – Open for Use) / Acquisition / Operating Service (CON)	5/1/2014	11/1/2014

**V. ALLOCATION REQUEST INFORMATION**

**N. Detailed Description of Allocation Request**

Describe the scope of the allocation request. Provide background and other details as necessary.

**This allocation request is for PS&E. The Mitigated Negative Declaration is scheduled for approval by City Council on December 3. The Solano Transportation Authority will be leading the right of way phase concurrently using \$500K in STAF funding.**

Amount being requested (in escalated dollars)	\$175,000
Project Phase being requested	PS&E
Are there other fund sources involved in this phase?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Date of anticipated Implementing Agency Board approval the RM2 IPR Resolution for the allocation being requested	December 3, 2013
Month/year being requested for MTC Commission approval of allocation	December 2013

**O. Status of Previous Allocations (if any)**

The \$135,000 allocated for ENV/PE is being fully expended by Mark Thomas & Company, the City’s consultant, to complete this phase of work. **P. Workplan**      **Workplan in Alternate Format Enclosed**

<b>TASK NO</b>	<b>Description</b>	<b>Deliverables</b>	<b>Completion Date</b>
<b>1</b>	<b>Complete Environmental</b>	<b>CEQA Document</b>	<b>12/3/2013</b>
<b>2</b>	<b>Complete Right of Way</b>	<b>Acquire 1 Acre Parcel</b>	<b>3/19/2014</b>
<b>3</b>	<b>Complete Design</b>	<b>PS&amp;E</b>	<b>3/19/2014</b>
<b>4</b>	<b>Complete Construction</b>	<b>Bus Hub Project</b>	<b>11/1/2014</b>

**Q. Impediments to Allocation Implementation**

## **Regional Measure 2 – INITIAL PROJECT REPORT**

No impediments are known at this time.

### **VI. RM-2 FUNDING INFORMATION**

#### **R. RM-2 Funding Expenditures for funds being allocated**

**The companion Microsoft Excel Project Funding Spreadsheet to this IPR is included**

#### **S. Next Anticipated RM2 Allocation Request.**

March 2014

### **VII. GOVERNING BOARD ACTION**

**Check the box that applies:**

**Governing Board Resolution attached**

**Governing Board Resolution to be provided on or before:  
November 20, 2014**

### **VIII. CONTACT / PREPARATION INFORMATION**

#### **Contact for Applicant's Agency**

Name: Melissa Morton

Phone: (707) 746-4240

Title: Director of Public Works

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

Address: 250 East L Street, Benicia, CA 94510

#### **Information on Person Preparing IPR**

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

#### **Applicant Agency's Accounting Contact**

Name: Abby Urrutia

Phone: (707) 746-4225

Title: Assistant Finance Director

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

Address: 250 East L Street, Benicia, CA 94510

Revised IPR 120905.doc







**RM-2 Initial Project Report**

**EXPENDITURES TO-DATE BY PHASE AND FUND SOURCES**

Phase	Fund Source	Date of Last Expenditure	Amount Expended to date (Thousands)	Available Balance Remaining (Thousands)
ENV / PA&ED	RM2	Sept. 29, 2013	16	119
PS&E				
RW				
CON / Operating				
Total to date (in thousands)				119

Comments:

The October invoice will include subconsultant costs and the project is on track to fully expend the full \$135K allocation.

As required by RM-2 Legislation, provide funds expended to date for the total project. Provide both expenditure by Fund Source and Expenditure by Phase, with the date of the last expenditure, and any available balance remaining to be expended.

Project ID: 17.4  
Date: 11/26/2013

**RM-2 Initial Project Report**

**RM-2 FUNDING CASH FLOW PLAN For Allocation  
(RM-2 Allocation Funding Only)**

(Amounts Escalated in Thousands)

Project Title: Benicia Industrial Park Bus Hub Project		Project ID:											
Agency: City of Benicia		Plan Date: 11/26/13											
<b>RM-2 CASH FLOW PLAN</b>													
RM-2 Expenditures	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	Future	TOTAL
ENV/PA&ED									135				135
PS&E									170				175
R/W													
CON									945				940
<b>Prior</b>													
	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	Future	TOTAL
<b>RM-2 CASH FLOW PLAN TOTAL</b>													1,250

Comments:

Provide the expected RM-2 expenditures – by phase and year. (This is the amount of the allocation needed for that fiscal year to cover expenditures through June 30th of that fiscal year).  
 Enter RM-2 amounts in thousands and escalated to the year of funding. The total amount cannot exceed the amount identified in the RM-2 legislation.  
 Eligible Phases: ENV (or PA&ED), PS&E, R/W or CON. For planning activities use ENV. For Vehicles, Equipment or Operating use CON. OK to use CT R/W SUP or CT CON SUP for Caltrans support, but not necessary (optional).

**RESOLUTION NO. 13-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING A CONSULTANT CONTRACT WITH MARK THOMAS & COMPANY IN THE AMOUNT OF \$163,926 FOR THE FINAL DESIGN OF THE BENICIA INDUSTRIAL PARK BUS HUB PROJECT CONTINGENT UPON THE AWARD OF A \$175,000 REGIONAL MEASURE 2 GRANT AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACT ON BEHALF OF THE CITY**

**WHEREAS**, this item was continued from the December 3, 2013 City Council meeting; and

**WHEREAS**, at their December 17, 2013 meeting, the Benicia City Council authorized staff to pursue \$175,000 in Regional Measure 2 (RM2) grant funding from the Metropolitan Transportation Commission (MTC) for the final design phase of the Benicia Industrial Park Bus Hub Project; and

**WHEREAS**, Mark Thomas & Company has successfully completed the environmental and 35% design phase of the project funded by a prior \$135,000 Regional Measure 2 grant; and

**WHEREAS**, an expedited schedule is necessary to meet the MTC timeline for future RM2 construction funding and the City's \$175,000 RM2 funding request to complete the design can be approved by the MTC Executive Director; and

**WHEREAS**, Mark Thomas & Company has submitted a proposal for \$163,926 to complete the final design to the satisfaction of the City Engineer.

**NOW, THEREFORE, BE IT RESOLVED THAT** the City Council of the City of Benicia hereby approves a consultant contract with Mark Thomas & Company in the amount of \$163,926 to complete the final design contingent upon the award of the \$175,000 RM2 grant and authorizes the City Manager to sign the contract on behalf of the City and subject to approval and minor modifications by the City Attorney.

\* \* \* \* \*

On motion of Council Member \_\_\_\_\_, seconded by Council Member \_\_\_\_\_, the above resolution was introduced and passed by the City Council of the City of Benicia at a regular meeting of said Council held on the 17<sup>th</sup> day of December 2013, and adopted by the following vote:

Ayes:

Noes:

Absent:

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

Attest:

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

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

## CONSULTANT AGREEMENT

This agreement ("Agreement") entered into \_\_\_\_\_, 2013, is between the City of Benicia, a municipal corporation (hereinafter "CITY"), and Mark Thomas & Company, a California corporation with its primary office located at 3000 Oak Road, Suite 650, Walnut Creek, CA 94597 (hereinafter "CONSULTANT") (collectively, "the Parties").

### RECITALS

WHEREAS, CITY has determined it is necessary and desirable to secure certain professional services for the Benicia Industrial Park Bus Hub Project. The scope of work for said service (hereinafter "Project") is attached hereto as Exhibit "A" and is hereby incorporated by reference; and

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

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

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

### AGREEMENT

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

2. SCOPE OF SERVICE.

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

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

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

A represents the best estimate of the schedule. CONSULTANT shall comply with completion dates noted in Exhibit A unless a written waiver is granted by the CITY's project manager.

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

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

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

### 3. COMPENSATION.

(a) Schedule of Payment. The compensation to be paid by CITY to CONSULTANT for the services rendered hereunder shall be on a time and materials basis based upon the rate schedule in Exhibit B attached hereto and hereby incorporated by reference. The rate schedule in Exhibit B itemizes those standard and expected expenses for which CONSULTANT shall receive compensation. If CONSULTANT obtains CITY'S prior written approval from the Public Works Director/City Engineer, CONSULTANT may be reimbursed for extraordinary costs incurred on the Project.

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

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

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

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

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

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

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

6. TERMINATION:

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

CONSULTANT at the address indicated in Section 11.

(b) If CITY issues a notice of termination,

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

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

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

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

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

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

10. INDEPENDENT CONTRACTOR. In the performance of the services in this Agreement, CONSULTANT is an independent contractor and is not an agent or employee of CITY. CONSULTANT, its officers, employees, agents, and subcontractors, if any, shall have no power to bind or commit CITY to any decision or course of action, and shall not represent to any person or business that they have such power. CONSULTANT has and shall retain the right to exercise



(c) Subcontracting. CONSULTANT shall not subcontract any portion of the work to be performed under this Agreement without the prior express written consent of CITY. If CITY consents to CONSULTANT'S hiring of subcontractors, CONSULTANT shall provide to CITY copies of each and every subcontract prior to its execution. All subcontractors are deemed to be employees of CONSULTANT, and CONSULTANT agrees to be responsible for their performance. CONSULTANT shall give its personal attention to the fulfillment of the provisions of this Agreement by all of its employees and subcontractors, if any, and shall keep the work under its control.

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

15. WAIVER.

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

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

16. NONDISCRIMINATION.

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

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

17. INDEMNITY. CONSULTANT specifically agrees to indemnify, defend, and hold harmless CITY, its officers, agents, and employees from liability for damages against any and all actions, claims, demands, losses, expenses including attorneys' fees, damages, and liabilities resulting from injury or death of a person or injury to property, arising out of the performance of this Agreement, to the extent that such damages are actually caused by the negligent acts, errors

or omissions of CONSULTANT regardless of any negligence of the CITY, whether active or passive, excepting such injury or death to the extent caused by the negligence or willful misconduct of the CITY.

18. INSURANCE.

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

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

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

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

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

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

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

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

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

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

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

#### 19. WORKERS' COMPENSATION.

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

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

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

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

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

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

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

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

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

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

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

MARK THOMAS & COMPANY

CITY OF BENICIA

BY: \_\_\_\_\_  
DATED

BY: \_\_\_\_\_  
DATED:

RECOMMENDED FOR APPROVAL

\_\_\_\_\_  
Department Head

APPROVED AS TO FORM

\_\_\_\_\_  
City Attorney

06/30/03

## SCOPE OF SERVICES

### TASK 0 PROJECT MANAGEMENT

#### 0.1 Project Management and Coordination

This task will include ongoing general project management; as well as obtaining the required permits for surveys and field investigations, preparation of monthly progress reports, maintaining the project schedule and regular maintenance of project files. MTCO will update the baseline schedule noting any changes in milestones or deliverable dates as necessary. Updated project schedules will be provided to the City as necessary showing the critical path for the completion of the project. Project coordination will include communication with City staff, subconsultants, and other relevant parties. This task will include writing emails, conducting conference calls and preparing and sending project information to the City and other stakeholders.

#### 0.2 Meetings

The Project will involve regular Project Development Team (PDT) coordination meetings. This task includes preparation of meeting agendas in consultation with the City's Project Manager, distribution of approved meeting agendas, arrangement of attendance of meeting participants, and preparation and distribution of meeting minutes with a recap of actions to be taken prior to the next meeting.

PDT meetings will be held with representatives of the City and the project team on a regular basis. It is anticipated that approximately four (4) PDT meetings will be required. In addition to PDT meetings, as outlined in Task 0.1 "Project Management and Coordination," Mark Thomas & Company (MTCO) will engage in frequent communication via e-mail or telephone, as required, to keep the City's Project Manager up to date on the status of project issues and action items.

#### *Deliverables:*

- Meeting agendas and minutes (4 meetings)
- Periodic project schedule updates in Microsoft Project format
- A copy of all deliverables are available to the City in PDF format

### TASK 1 INVESTIGATIONS / REPORTS

#### 1.1 Phase II Environmental Site Assessment

As a part of the MTCO Team, Crawford & Associates, Inc. (CAInc.) recommends a staged approach due to the high costs of an exhaustive Phase II program. The first phase will include sampling and screening at larger intervals (about 60 ft. spacing) along with a preliminary report to facilitate a discussion with the design team and the City of Benicia. If necessary, the second phase would include additional sampling and laboratory testing at key locations such as the solar array foundations (depending on type), storm drain location, or areas where higher concentrations were encountered during our first phase sampling and testing.

CAInc will perform the following during the first phase:

- Meet with the local water board and perform additional research.
- Preliminary field sampling consisting of 20 Geoprobe® direct push borings to depths ranging from 5 to 10 ft. (deeper borings for soil array foundation and utility work).
- Field screening of soil samples for potential contamination.
- Submit up to 25 soil and water samples from selected borings for laboratory analysis of Semi-Volatile-Organic-Compounds (SVOCs), Volatile Organic Compounds (VOCs), Priority Pollutant Metals, and PCBs.
- Evaluate the laboratory data and prepare a preliminary report.

- Meet and coordinate with the City and the design team to determine if additional sampling and/or laboratory testing is necessary based on the results and planning grading operations. The decision to perform additional screening (second phase) will be based on the level of risk the City of Benicia is comfortable assuming.

The second phase described below is not included in this scope of work but can be added as a supplemental service. Second phase items would include the following:

- Additional field sampling consisting of 20 additional Geoprobe® direct push borings.
- Field screening of soil samples for potential contamination.
- Laboratory analysis on 20 additional soil sample selected from the borings will be submitted for laboratory analysis of SVOCs, VOCs, Priority Pollutant Metals, and PCBs.
- Evaluate the laboratory data.
- Incorporate the additional information into the Phase II – ESA report.

Following completion of the fieldwork, laboratory testing, and analysis, CAInc will prepare and submit a Draft Phase II – Environmental Site Assessment (ESA) Report for review and comment by the design team and the city. Upon receipt of the review comments, CAInc will issue a Final Phase II – ESA report for the project.

## **1.2 Supplemental Topography**

During final design, supplemental topographic field surveys will be completed to add more detailed information where necessary. Supplemental field surveys include pavement, sidewalk, curb ramp, and sidewalk elevation conform locations; roadway cross sections; storm drain facilities; surveys to establish existing ground features where aerial mapping is obscured by trees or other ground cover; surface utility features (excluding USA markings); and other fixed ground features within 50 feet of the project limits.

## **1.3 Drainage Report**

MTCO will prepare a draft and final drainage report for the Project. The Drainage Report shall include hydrology and project drainage design calculations consistent with City Standards.

## **1.4 Storm Water Control Plan**

MTCO will prepare a Storm Water Control Plan in conformance with the Regional General Permit. MTCO will prepare a draft and final Storm Water Control Plan. In addition, MTCO will recommend erosion control and best management practices for the proposed project to minimize impacts from the proposed project on storm water quality. Preparation of a Storm Water Pollution Prevention Plan is assumed to be a requirement of the contractor and is not included in this scope.

### ***Deliverables:***

- Draft Phase II Environmental Site Assessment (2 copies)
- Final Phase II Environmental Site Assessment (2 copies)
- Draft Drainage Report (2 copies)
- Final Drainage Report (2 copies)
- Draft Storm Water Control Plan (2 copies)
- Final Storm Water Control Plan (2 copies)
- A copy of all deliverables are available to the City in PDF format

## TASK 2 FINAL DESIGN

### 2.1 65% Plans, Specifications and Estimate

Based on the 35% design as approved by the City, the MTCO team will prepare engineering plans, specifications and estimates for the project in accordance with City standards. Actual plan sheets are described as follows:

- A. Site Dimension and Grading Plans: Plan sheets will be developed at a scale of 1"=20'. Intersection details (i.e. special curb returns and median noses) may be shown on enlarged view (1"=10'). Plan sheets will show layout for curb and gutter, sidewalks, etc. and will dimension platform/pullout widths, drive aisles and other pertinent features. Demolition plans will be prepared if necessary to detail specific removal areas. Grading will also be shown on a separate sheet with the drainage inlets shown for water collection verification. Separate underground/utility plans may be prepared for "wet" utilities including drainage inlets and adjustments to grade, and extension of fire hydrant services. This scope of work assumes that no modifications to either water lines or sanitary sewer lines will be required.
- B. Construction Details: Construction detail sheets will be provided as necessary.
- C. Drainage and Utility Improvement Plans: Drainage and utility plan and profile sheets will be prepared for the project. This will include profiles of crossings and detailing of inlets and manholes as necessary.
- D. Stage Construction/Traffic Handling Plans: Construction staging and traffic handling will be shown with separate plan sheets showing any required temporary pavement delineation and/or signage. It is assumed that standard plans can be used for any temporary work period lane closures. Stage Construction/Traffic Handling Plans will be prepared at reduced scale (most likely 1"=40'). It is assumed there will be no temporary bus pullout design needed for this project.
- E. Signing and Striping Plans: MTCO will prepare signing and striping plans, to a scale of 1"=20". Work will include the preparation of a comprehensive inventory of all traffic sign types within the project limits, additional signage, plus construction area signs as necessary.
- F. Lighting and Electrical Plans: Y&C Consultants (Y&C) will prepare street and parking lot lighting plans for the project in conformance with City standards. They will also include foundation and pole detail sheets as necessary.
- G. Landscape and Irrigation Plans: Merrill Morris Partners will prepare plans based on the schematic design that will include layout and materials, site furnishings, passenger shelters, planting, decorative paving, non-regulatory signing and irrigation (site lighting will be coordinated and included on the lighting plans). Layout sheets and details will be included.

The following plan sheets will comprise the final plan package:

		Est. Number of Sheets
1.	Title Sheet	1
2.	Typical Cross Section/notes	2
3.	Site Dimension and Grading	4
4.	Construction Details	4
5.	Drainage and Utility Details	4
6.	Stage Construction and Traffic Handling	3
7.	Signing and Striping	2
8.	Lighting and Electrical	4
9.	Landscape and Irrigation	5
Total Estimated Plan Sheets		26

The MTCO team will prepare project technical specifications for the project. The roadway special provisions will follow Caltrans 2010 Standard Special Provisions modified as appropriate for City standards. It is assumed that the City will provide the boilerplate specifications and bid documents. MTCO will review the

City supplied boilerplate specifications and bid documents for conformity with project plans and special provisions.

The MTCO team will prepare an itemized estimate for each project submittal in final design according to the City standard format. The format will follow the sections of the special provisions. The unit costs will be determined by reviewing similar recent project bid summaries, Caltrans online Contract Cost Data, the California Highway Construction Cost Index information and ENR cost index information.

## **2.2 95% Plans, Specifications and Estimate**

After comments have been received on the 65% PS&E package, the MTCO team will incorporate the comments and prepare the 95% PS&E package. This package represents a draft final version of the bid documents.

## **2.3 100% Plans, Specifications and Estimate**

After comments have been received on the 95% PS&E package, the MTCO team will incorporate the comments and prepare the 100% PS&E package. This package represents the completed set of bid ready documents for the project.

## **2.4 Bid Assistance**

Advertising and bidding procedures will be the responsibility of the City. Reproductions for bid documents are not included in this contract. This task includes attending pre-bid conferences, answering technical questions, and preparing addendums as necessary.

### ***Deliverables:***

- 65% Plans, Specifications and Estimate (3 copies)
- 95% Plans, Specifications and Estimate (3 copies)
- 100% Plans, Specifications and Estimate (3 copies)
- A copy of all deliverables are available to the City in PDF format

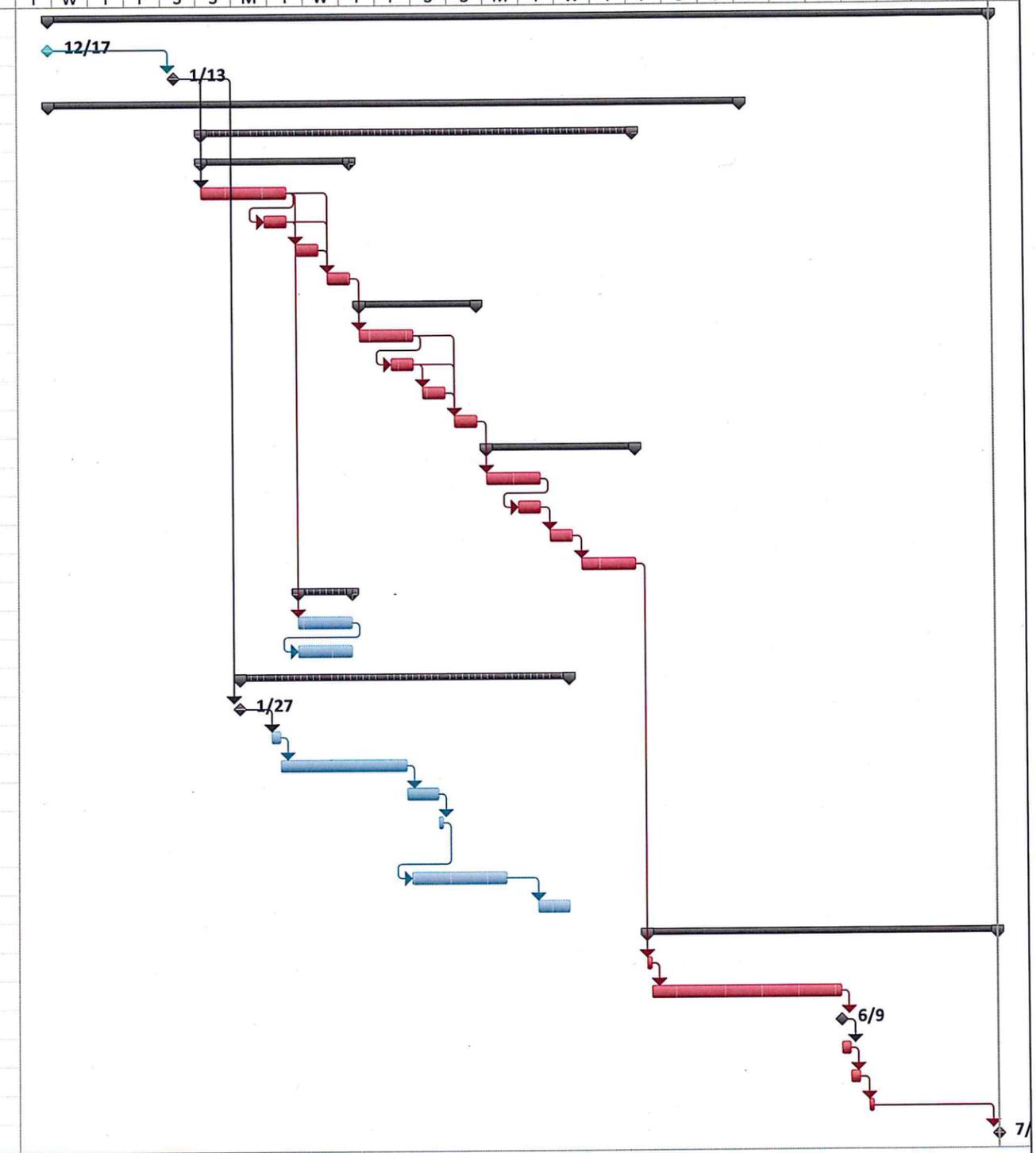
## **EXCLUSIONS**

The following items are excluded from this scope of work:

- Title Reports
- Construction Support
- Construction Staking
- Construction Management and Inspection
- Storm Water Pollution Prevention Program
- Environmental Clearance (*Part of Planning Scope*)
- Public Outreach
- Potholing (*Part of Planning Scope*)
- Solar Photovoltaic Array Design
- Security Camera System Design
- Electric Vehicle Charging Station Design
- Permitting
- Hard Copy/Right of Way Record Maps
- Plat Maps and Legal Descriptions
- Corner Records

Benicia Industrial Bus Hub Project

ID	i	% Complete	Task Mode	Task Name	Duration	Start	Finish	Predecessors	13 Dec 15, '13							Jan 5, '14		Jan 26, '14		Feb 16, '14		Mar 9, '14		Mar 30, '14		Apr 20, '14		May 11, '14		Jun 1, '14		Jun 22, '14		Jul 1		
									T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M
1		0%		<b>Benicia Industrial Bus Hub Project</b>	150 days	Tue 12/17/13	Mon 7/14/14		[Gantt bar from 12/17 to 7/14]																											
2		0%		City Approves Project	0 days	Tue 12/17/13	Tue 12/17/13		[Gantt bar from 12/17 to 12/17]																											
3		0%		Benicia Issues Notice to Proceed	0 days	Mon 1/13/14	Mon 1/13/14	2FS+20 days	[Gantt bar from 1/13 to 1/13]																											
4		0%		<b>Property Acquisition Period</b>	110 days	Tue 12/17/13	Mon 5/19/14		[Gantt bar from 12/17 to 5/19]																											
9		0%		<b>Final Design</b>	70 days	Mon 1/20/14	Fri 4/25/14		[Gantt bar from 1/20 to 4/25]																											
10		0%		<b>65% PS&amp;E</b>	25 days	Mon 1/20/14	Fri 2/21/14		[Gantt bar from 1/20 to 2/21]																											
11		0%		Plans	15 days	Mon 1/20/14	Fri 2/7/14	3FS+4 days	[Gantt bar from 1/20 to 2/7]																											
12		0%		Estimate	5 days	Mon 2/3/14	Fri 2/7/14	11FS-5 days	[Gantt bar from 2/3 to 2/7]																											
13		0%		Specifications	5 days	Mon 2/10/14	Fri 2/14/14	12	[Gantt bar from 2/10 to 2/14]																											
14		0%		City Review Period	5 days	Mon 2/17/14	Fri 2/21/14	11,12,13	[Gantt bar from 2/17 to 2/21]																											
15		0%		<b>95% PS&amp;E</b>	20 days	Mon 2/24/14	Fri 3/21/14		[Gantt bar from 2/24 to 3/21]																											
16		0%		Plans	10 days	Mon 2/24/14	Fri 3/7/14	14	[Gantt bar from 2/24 to 3/7]																											
17		0%		Estimate	5 days	Mon 3/3/14	Fri 3/7/14	16FS-5 days	[Gantt bar from 3/3 to 3/7]																											
18		0%		Specifications	5 days	Mon 3/10/14	Fri 3/14/14	17	[Gantt bar from 3/10 to 3/14]																											
19		0%		City Review Period	5 days	Mon 3/17/14	Fri 3/21/14	16,17,18	[Gantt bar from 3/17 to 3/21]																											
20		0%		<b>100% PS&amp;E</b>	25 days	Mon 3/24/14	Fri 4/25/14		[Gantt bar from 3/24 to 4/25]																											
21		0%		Plans	10 days	Mon 3/24/14	Fri 4/4/14	19	[Gantt bar from 3/24 to 4/4]																											
22		0%		Estimate	5 days	Mon 3/31/14	Fri 4/4/14	21FS-5 days	[Gantt bar from 3/31 to 4/4]																											
23		0%		Specifications	5 days	Mon 4/7/14	Fri 4/11/14	22	[Gantt bar from 4/7 to 4/11]																											
24		0%		City Approves Construction Documents	10 days	Mon 4/14/14	Fri 4/25/14	23	[Gantt bar from 4/14 to 4/25]																											
25		0%		<b>Stormwater Design</b>	10 days	Mon 2/10/14	Fri 2/21/14		[Gantt bar from 2/10 to 2/21]																											
26		0%		Drainage Report	10 days	Mon 2/10/14	Fri 2/21/14	11	[Gantt bar from 2/10 to 2/21]																											
27		0%		Stormwater Control Plan	10 days	Mon 2/10/14	Fri 2/21/14	26FS-10 days	[Gantt bar from 2/10 to 2/21]																											
28		0%		<b>Phase II Environmental Site Assessment</b>	53 days	Mon 1/27/14	Thu 4/10/14		[Gantt bar from 1/27 to 4/10]																											
29		0%		Field Meeting with City	0 days	Mon 1/27/14	Mon 1/27/14	3FS+10 days	[Gantt bar from 1/27 to 1/27]																											
30		0%		Field Sampling	2 days	Tue 2/4/14	Wed 2/5/14	29FS+5 days	[Gantt bar from 2/4 to 2/5]																											
31		0%		Sample Testing	20 days	Thu 2/6/14	Wed 3/5/14	30	[Gantt bar from 2/6 to 3/5]																											
32		0%		Evaluate Lab Results	5 days	Thu 3/6/14	Wed 3/12/14	31	[Gantt bar from 3/6 to 3/12]																											
33		0%		Meeting with City to Determine if Additional Testing is Necessary for Project	1 day	Thu 3/13/14	Thu 3/13/14	32	[Gantt bar from 3/13 to 3/13]																											
34		0%		Draft Phase II ESA Report	15 days	Fri 3/7/14	Thu 3/27/14	33FS-5 days	[Gantt bar from 3/7 to 3/27]																											
35		0%		Final Phase II ESA Report	5 days	Fri 4/4/14	Thu 4/10/14	34FS+5 days	[Gantt bar from 4/4 to 4/10]																											
36		0%		<b>Advertise and Award</b>	56 days	Mon 4/28/14	Mon 7/14/14		[Gantt bar from 4/28 to 7/14]																											
37		0%		Advertise Project	1 day	Mon 4/28/14	Mon 4/28/14	24,6	[Gantt bar from 4/28 to 4/28]																											
38		0%		Bid Period	30 days	Tue 4/29/14	Mon 6/9/14	37,7	[Gantt bar from 4/29 to 6/9]																											
39		0%		Open Bids	0 days	Mon 6/9/14	Mon 6/9/14	38	[Gantt bar from 6/9 to 6/9]																											
40		0%		Bid Analysis	2 days	Tue 6/10/14	Wed 6/11/14	39	[Gantt bar from 6/10 to 6/11]																											
41		0%		Council Awards Project	2 days	Thu 6/12/14	Fri 6/13/14	40	[Gantt bar from 6/12 to 6/13]																											
42		0%		City Issues NTP	1 day	Mon 6/16/14	Mon 6/16/14	41	[Gantt bar from 6/16 to 6/16]																											
43		0%		Begin Construction	0 days	Mon 7/14/14	Mon 7/14/14	42FS+20 days,8	[Gantt bar from 7/14 to 7/14]																											



VIII-A.37

Benicia  
i 12/6/13

Task		Project Summary		Inactive Milestone		Manual Summary Rollup		Deadline	
Split		External Tasks		Inactive Summary		Manual Summary		Critical	
Milestone		External Milestone		Manual Task		Start-only		Critical Split	
Summary		Inactive Task		Duration-only		Finish-only		Progress	



**CITY OF BENICIA  
INDUSTRIAL BUS HUB PROJECT  
FINAL DESIGN SERVICES**

Exhibit B

**MARK THOMAS & COMPANY, INC.**

TASK	S. Dansky PIC/ Project Manager \$205	S. O'Keefe Dep. Project Manager \$158	P. Price Transit Operations \$215	M. Brogan QA/QC Manager \$205	Project Engineer \$113	Tech Writer/ Eng I / Drafter \$95	Survey Manager \$165	Survey Crew 2-Person \$226	Total Hours	Labor Cost	MTCO Expenses	MTCO Total	Merrill Morris Partners	Y&C	Crawford & Assoc.	TOTAL COST
<b>TASK 0 PROJECT MANAGEMENT</b>																
0.1 Project Management and Coordination	36	20							56	\$10,540		\$10,540				\$10,540
0.2 Meetings	12	12							24	\$4,356	\$250	\$4,606				\$4,606
<b>SUBTOTAL TASK 0</b>	<b>48</b>	<b>32</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>80</b>	<b>\$14,896</b>	<b>\$250</b>	<b>\$15,146</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$15,146</b>
<b>TASK 1 INVESTIGATIONS / REPORTS</b>																
1.1 Phase II Environmental Site Assessment	2	2							4	\$726		\$726			\$34,328	\$35,054
1.2 Supplemental Topography					2		4	12	18	\$3,598		\$3,598				\$3,598
1.3 Drainage Report	1	4			36	16			57	\$6,425	\$250	\$6,675				\$6,675
1.4 Storm Water Control Plan	1	2			24	12			39	\$4,373	\$250	\$4,623				\$4,623
<b>SUBTOTAL TASK 1</b>	<b>4</b>	<b>8</b>	<b>0</b>	<b>0</b>	<b>62</b>	<b>28</b>	<b>4</b>	<b>12</b>	<b>118</b>	<b>\$15,122</b>	<b>\$500</b>	<b>\$15,622</b>	<b>\$0</b>	<b>\$0</b>	<b>\$34,328</b>	<b>\$49,950</b>
<b>TASK 2 FINAL DESIGN</b>																
2.1 65% PS&E	2	24	2	2	80	120			230	\$25,482	\$250	\$25,732	\$5,906	\$3,425		\$35,063
2.2 95% PS&E	2	24	2	2	80	120			230	\$25,482	\$250	\$25,732	\$6,922	\$3,335		\$35,989
2.3 100% PS&E	2	4			40	120			166	\$16,962		\$16,962	\$4,324	\$2,200		\$23,486
2.4 Bid Assistance	2	4			8				14	\$1,946		\$1,946	\$1,306	\$1,040		\$4,292
<b>SUBTOTAL TASK 2</b>	<b>8</b>	<b>56</b>	<b>4</b>	<b>4</b>	<b>208</b>	<b>360</b>	<b>0</b>	<b>0</b>	<b>640</b>	<b>\$69,872</b>	<b>\$500</b>	<b>\$70,372</b>	<b>\$18,458</b>	<b>\$10,000</b>	<b>\$0</b>	<b>\$98,830</b>
<b>SUBTOTAL HOURS</b>	<b>60</b>	<b>96</b>	<b>4</b>	<b>4</b>	<b>270</b>	<b>388</b>	<b>4</b>	<b>12</b>	<b>838</b>				<b>138</b>	<b>76</b>	<b>175</b>	<b>1227</b>
<b>SUBTOTAL COST</b>	<b>\$12,300</b>	<b>\$15,168</b>	<b>\$860</b>	<b>\$820</b>	<b>\$30,510</b>	<b>\$36,860</b>	<b>\$660</b>	<b>\$2,712</b>		<b>\$99,890</b>	<b>\$1,250</b>	<b>\$101,140</b>	<b>\$18,458</b>	<b>\$10,000</b>	<b>\$34,328</b>	<b>\$163,926</b>

**VIII.A.39**



## MARK THOMAS &amp; COMPANY, INC.

CHARGE RATE SCHEDULE "O"

Expires August 31, 2014

HOURLY CHARGE RATESPROFESSIONAL AND OFFICE

Principal/Project Manager	\$215.00 per hour
Engineering Manager III	225.00 per hour
Engineering Manager II	210.00 per hour
Engineering Manager I	185.00 per hour
Survey Manager	170.00 per hour
Engineer X	185.00 per hour
Engineer IX	175.00 per hour
Engineer VIII	165.00 per hour
Engineer VII	159.00 per hour
Engineer VI	146.00 per hour
Engineer V	133.00 per hour
Engineer IV	120.00 per hour
Engineer III	109.00 per hour
Engineer II	99.00 per hour
Engineer I	91.00 per hour
Engineer Technician/Inspector IV	115.00 per hour
Engineer Technician/Inspector III	105.00 per hour
Engineer Technician/Inspector II	95.00 per hour
Engineer Technician/Inspector I	80.00 per hour
Engineer/Survey Technician Assistant	60.00 per hour
Land Surveyor II	165.00 per hour
Land Surveyor I	136.00 per hour
Project Surveyor II	132.00 per hour
Project Surveyor I	121.00 per hour
Survey Technician	93.00 per hour
Construction Inspector	109.00 per hour
PR/Communications Manager	144.00 per hour
Technical Writer	98.00 per hour
Clerical/Typist II	77.00 per hour
Clerical/Typist I	62.00 per hour
Messenger	45.00 per hour

FIELD

2 Person Field Party and Vehicle	226.00 per hour
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OTHER DIRECT COSTS

Reimbursables including, but not limited to:

Printing and Materials, Filing Fees, and Field Expenses	-Cost plus 5%
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Outside Consultant Fees	-Cost plus 5%
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**RESOLUTION NO. 13-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING AN AGREEMENT FOR THE SOLANO TRANSPORTATION AUTHORITY (STA) TO ACQUIRE THE RIGHT-OF-WAY ON BEHALF OF THE CITY AND CONTRIBUTE \$500,000 IN STATE TRANSIT ASSISTANCE FUNDING (STAF) TO THE BENICIA INDUSTRIAL PARK TRANSIT HUB PROJECT, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY**

**WHEREAS**, the environmental/preliminary engineering phase of the Benicia Industrial Park Bus Hub Project has been completed; and

**WHEREAS**, the City has requested the Solano Transportation Authority (STA) lead the right-of-way phase of the project given the regional nature of the bus hub project, tight time line, and STA's experience and success in property acquisition; and

**WHEREAS**, STA is agreeable to this request and proposes \$500K in State Transit Assistance Funding be allocated to the project; and

**WHEREAS**, this item was continued from the December 3, 2013 City Council Meeting.

**NOW, THEREFORE, BE IT RESOLVED THAT** the City Council of the City of Benicia hereby approves the Agreement for the Solano Transportation Authority to acquire the right-of-way on behalf of the City and contribute \$500,000 in State Transportation Assistance Funding to the Benicia Industrial Park Transit Hub Project, and authorizing the City Manager to execute the Agreement on behalf of the City subject to minor revisions by the City Attorney.

\*\*\*\*\*

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 17th day of December, 2013, and adopted by the following vote:

Ayes:  
Noes:  
Absent:

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

Attest:

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



AGREEMENT  
Between The  
SOLANO TRANSPORTATION AUTHORITY  
And  
CITY OF BENICIA  
FOR THE DESIGN AND CONSTRUCTION OF A BUS HUB  
AT THE BENICIA INDUSTRIAL PARK

This Agreement ("Agreement") is entered into as of \_\_\_\_\_ between the Solano Transportation Authority, a joint powers authority organized under Government Code section 6500 et seq. consisting of the County of Solano and the cities of Benicia, Dixon, Fairfield, Rio Vista, Suisun, Vacaville and Vallejo ("STA"), and the City of Benicia, a municipal corporation ("City"), each individually referred to as a party ("Party") and collectively as the parties (the "Parties").

RECITALS

1. The City of Benicia, in partnership with the STA is seeking to construct the Benicia Industrial Park Bus Hub Project ("Project") which consists of the construction of a bus hub at an existing stop in the Benicia Industrial Park, currently served by Fairfield Suisun Transit ("FAST") Route 40 and potentially by Solano County Transit ("SolTrans"), the current Benicia-Vallejo transit provider, in the future. The bus hub will provide parking and other amenities for traffic on the I-680 corridor and from the north side of Benicia to use bus transit across the Benicia-Martinez Bridge into Contra Costa County and BART.
2. The Project will acquire an approximately 1 acre, undeveloped parcel and construct a bus transit hub including a paved parking structure with 50+ stalls, bus pullouts, kiss and ride/shuttle drop off and pickup, shelters, landscaping, and lighting, as more particularly detailed in the attached Exhibit A, which may include, to the extent funding is available, a vendor area, solar panels and electric charging stations.
3. The City will remain the lead agency for the environmental clearance of the Project which includes the Mitigated Negative Declaration is expected to be certified by the City no later than December 3, 2013.
4. At the request of the City of Benicia, the STA will be the lead for the Right-of-Way phase of the project. This lead status may involve the STA Board adopting a Resolution of Necessity for the lands necessary for the project.
5. The Project is funded with a total of \$1.25 million of Regional Measure 2 (RM 2) funds, Project 17.2 Express Bus North - Benicia Park/Industrial I/C Improvements and Park and Ride. The project sponsor for these RM 2 funds is the Metropolitan Transportation Commission (MTC) and the City is the Implementing Agency.

## **AGREEMENT**

NOW THEREFORE, in consideration of the mutual promises set forth in this Agreement, STA and City agree as follows:

### **A. STA's Role and Responsibilities.**

STA shall provide the following for the Project:

1. Review of design with focus on the multi-modal aspects of the Project to insure the design meets the intent of the funding.
2. Work cooperatively with the City for the design and construction of the Project, including review of the Design, aesthetics, right of way acquisitions, right of way dedications, utilities relocations and agreements, staging and detours.
3. Coordinate with City for the required relocations of utilities within the City's jurisdiction.
4. Review the City's Right-of-Way engineering (plats and legal descriptions) for all parcels necessary for the Project.
5. Prepare Right-of-Way appraisals for all parcels acquired as part of this Project.
6. Acquire Right-of-Way either through fee takes and/or temporary construction easements, including condemnation, if necessary.
7. Coordinate and secure required relocations of utilities with utility companies, including all agreements.
8. Grant fee title for the lands necessary for the Project to the City.

### **B. City's Role and Responsibilities.**

City shall provide the following for the Project:

1. Serve as the lead agency for the environmental review of the Project. The City shall complete this phase prior the STA initiating the Right-of-Way Phase of the project. Should the City not complete the environmental phase by December 3, 2013, the ability to request construction funding from MTC may be impacted.
2. Complete design the Project (Plans, Specifications and Estimates) in accordance with all applicable laws and City standards.
3. Complete Environmental Clearance for the Project.
4. Secure all permits and approvals for the Project.
5. Secure all environmental mitigation for the Project.
6. Submit the design for the Project, to the transit operators (FAST and SolTrans) and the STA for comments.
7. Complete Right-of-Way engineering (plats and legal descriptions) for all parcels and rights necessary for the Project.
8. Implement acceptable recommendations from the Private Public Partnership study currently underway to generate revenue to cover the estimated Operations & Maintenance (O&M) budget of \$6,000 annually.
9. Coordinate and secure required relocations of utilities with utility companies, including all agreements.

10. Perform value engineering to ensure the project is completed within the 1.75M budget.
11. Complete construction of the project.
12. Complete a Maintenance and Operations Implementation Plan prior to the Right-of-Way Phase being initiated.
13. Accept the fee titles and any easements obtained for the Project.
14. Work with the STA for any necessary relocations or accommodations for the existing or adjacent property owners that may be impacted by the Project.

**C. Project Funding**

STA shall contribute \$500,000 in for the Project which shall be STA’s maximum contribution. These funds will first be used to fully fund all Right-of-Way obligations to the Project. Any remaining funds will be dedicated to the construction of the Project.

**D. Term of Agreement**

1. This Agreement shall remain in effect until modified in writing by the Parties or until the Design Phase of the Project is completed in its entirety. Any party may terminate its participation by providing 30 days written notice of its intent to terminate.
2. The project Milestones are as follows:

<b>1</b>	<b>Complete Environmental</b>	<b>CEQA Document</b>	<b>11/1/2013</b>
<b>2</b>	<b>Complete Right of Way</b>	<b>Acquire 1 Acre Parcel</b>	<b>5/31/2014</b>
<b>3</b>	<b>Complete Design</b>	<b>PS&amp;E</b>	<b>5/31/2014</b>
<b>4</b>	<b>Complete Construction</b>	<b>Bus Hub Project</b>	<b>3/2015</b>

3. It is desired to complete Right-of-Way certification by March 30, 2013. However, this schedule is aggressive and should the property owner not grant a right-of-entry for the property(s), the STA cannot commit to the March 30, 2013 date and any ramifications of this delay.

**E. Indemnification**

*1. STA to indemnify City*

STA agrees to indemnify, defend, protect, hold harmless, and release City, its elected bodies, agents, officers, employees and subcontractors (collectively referred to in this paragraph as ‘City’), from and against any and all claims, losses, proceedings, damages, causes of action, liability, costs, or expense (including attorneys’ fees and witness costs) arising from or in connection with, or caused by any negligent act or omission or willful misconduct of STA. This indemnification obligation shall not be limited in any way by any limitation on the amount or type of damages or compensation payable to or for the indemnifying party under workers’ compensation acts, disability benefit acts, or other employee benefit acts.

At its sole discretion, City may participate at its own expense in the defense of any claim, action or proceeding, but such participation shall not relieve STA of any obligation imposed by this Section. City shall notify STA within thirty (30) days of any claim, action or

proceeding and cooperate fully in the defense. Notwithstanding the foregoing, City's failure to notify STA within said thirty (30) day time limit shall not relieve STA of any obligation imposed by this Section unless STA has been actually prejudiced by such delay.

*2. City to indemnify STA*

City agrees to indemnify, defend, protect, hold harmless, and release the STA, its elected bodies, agents, officers, employees and subcontractors (collectively referred to in this paragraph as 'STA') from and against any and all claims, losses, proceedings, damages, causes of action, liability, costs, or expense (including attorneys' fees and witness costs) arising from or in connection with, or caused by any negligent act or omission or willful misconduct of City. This indemnification obligation shall not be limited in any way by any limitation on the amount or type of damages or compensation payable to or for the indemnifying party under workers' compensation acts, disability benefit acts, or other employee benefit acts.

At its sole discretion, STA may participate at its own expense in the defense of any such claim, action or proceeding, but such participation shall not relieve City of any obligation imposed by this Section. STA shall notify City within thirty (30) days of any claim, action or proceeding and cooperate fully in the defense. Notwithstanding the foregoing, STA's failure to notify City within said thirty (30) day time limit shall not relieve City of any obligation imposed by this Section unless City has been actually prejudiced by such delay.

*3. Each Party to defend itself for concurrent claims*

Each Party agrees to defend itself from any claim, action or proceeding arising out of the negligent act or omission or willful misconduct of its own elected bodies, agents, officers, employees and subcontractors in the performance of this Agreement. In such cases, STA and City agree to retain their own legal counsel, bear their own defense costs, and waive their right to seek reimbursement of such costs, except as provided in subparagraph 5 below.

*4. Joint Defense*

Notwithstanding subparagraph 3 above, in cases where STA and City agree in writing to a joint defense, STA and City may appoint joint defense counsel to defend the claim, action or proceeding arising out of the negligent act or omission or willful misconduct of City and STA in the performance of this Agreement. Joint defense counsel shall be selected by mutual agreement of STA and City. STA and City agree to share the costs of such joint defense and any agreed settlement in equal amounts, except as provided in subparagraph 5 below. STA and City further agree that neither Party may bind the other to a settlement agreement without the written consent of both STA and City.

*5. Reimbursement and/or Reallocation*

Where a trial verdict or arbitration award allocates or determines the comparative fault of the Parties, STA and City shall reimburse and/or reallocate defense costs, settlement payments, judgments and awards, consistent with such comparative fault.

**F. Insurance**

1. Each Party agrees to maintain its status as a legally self-insured public entity for general, auto and professional liability with limits of no less than \$1,000,000 per occurrence. Excess

liability coverage may be provided. Each Party's self-insurance will be considered primary for all claims arising out of acts of that Party. Each Party agrees to endorse the other Party, its officials, employees and agents, with coverage equivalent to standard ISO endorsement No. CG2010 for general liability coverage. Each Party also agrees to require all consultant, contractors and subcontractors engaged to work on this Project to name the other Party as an additional insured as well.

2. Each Party will maintain Workers' Compensation as required by law for all its employees with limits not less than \$1,000,000 per occurrence. Neither Party's insurance shall be called upon to satisfy any claim for workers' compensation filed by an employee of the other Party. Each Party will provide the other with a Waiver of Subrogation endorsement for Workers Compensation. Each Party also agrees to require all consultants, contractors and subcontractors engaged to work on this Project to carry the same Workers Compensation insurance limits and endorsements.

3. Each Party will require all consultants, contractors, and subcontractors engaged to work on this Project to carry insurance in levels commensurate with the exposure of the respective work provided by the consultant, contractor or subcontractor.

#### **G. Dispute Resolution**

The Parties agree that any disputes should be resolved at the lowest possible level. Accordingly, should a dispute arise between the STA and City regarding the performance of this Agreement, the Parties agree that the STA Executive Director and City Manager shall initially meet and confer. Should these two fail to reach consensus within two weeks, the dispute shall be referred first to a STA Board Subcommittee comprised of the Mayor of Benicia along with the Solano County Supervisor. Should that Subcommittee fail to resolve the dispute within 2 further weeks; the issue will be presented to the full STA Board for resolution. If either party contests the decision of the STA Board, the parties agree to submit the dispute to arbitration and exchange with the other, in accordance with a procedure to be established by the arbitrator, its best offer. The arbitrator shall be limited to awarding only one or the other of the two positions submitted.

#### **H. Subcontracts.**

Within the funds allocated by the Parties under this Agreement, STA may be authorized by the STA Board to contract for any and all of the tasks necessary to undertake the projects or studies contemplated by this Agreement.

#### **I. Governing Law and Venue**

The construction and interpretation of this Agreement and the rights and duties of the Parties shall be governed by the laws of the State of California with venue residing in Solano County.

#### **J. Notices**

All notices required or authorized by this Agreement shall be in writing and shall be delivered in person or by deposit in the United States mail, by certified mail, postage prepaid, return receipt requested. Any mailed notice, demand, request, consent, approval or communication that a Party

desires to give to the other Parties shall be addressed to the other Parties at the addresses set forth below. A Party may change its address by notifying the other Parties of the change of address. Any notice sent by mail in the manner prescribed by this paragraph shall be deemed to have been received on the date noted on the return receipt or five days following the date of deposit, whichever is earlier.

SOLANO TRANSPORTATION  
AUTHORITY  
Janet Adams  
Deputy Executive Director/  
/Director of Projects  
Solano Transportation Authority  
One Harbor Center, Suite 130  
Suisun City, CA 94585

CITY OF BENICIA  
Brad Kilger  
City Manager  
City of Benicia  
250 East L Street  
Benicia, CA 94510  
Attn: Mike Roberts

#### **K. Prior Agreements and Amendments**

This Agreement, including all exhibits, represents the entire agreement of the Parties regarding the matter described, and no representation, warranties, inducements or oral agreements have been made by the Parties except as expressly set forth in this Agreement. This Agreement may only be modified by a written amendment duly executed by the Parties.

#### **L. Severability**

If any provision or portion of this Agreement is found by any court of competent jurisdiction to be unenforceable or invalid such provision shall be severable and shall not impair the enforceability of any other provision of this Agreement.

#### **L. Compliance with all Laws**

The Parties shall comply with all federal, state and local laws and regulations.

#### **M. Non-Discrimination Clause**

The Parties and their subcontractors shall deny no benefits or privileges to any person on the basis of race, religion, color, ethnic group identification, national origin, ancestry, physical handicap, mental disability, medical condition, marital status, age, sex or sexual orientation, nor shall they discriminate unlawfully against any employee or applicant for employment because of race, religion, color, ethnic group identification, national origin, ancestry, physical handicap, mental disability, medical condition, marital status, age, sex or sexual orientation. Each Party shall ensure that the evaluation and treatment of employees and applicants for employment are free of such discrimination.

#### **N. Access to Records and Retention**

The Parties, acting through their duly authorized representative, and any federal or state grantor agency providing all or part of the funding associated with this Agreement, the State Controller, and the duly authorized representatives of the Parties, shall have access to any books, documents, papers and records of any Party directly pertinent to the matter of this Agreement to make audit, examination, excerpts and transcriptions. Except where longer retention is required by any federal or state law, the Parties shall maintain all required records for three years after final payment for any work associated with this Agreement, or after all pending matters are closed, whichever is later.

**O. Exhibits**

All exhibits attached to this Agreement are incorporated in by this reference.

This Agreement was executed by the Parties on the day and year first written above.

SOLANO TRANSPORTATION AUTHORITY      CITY OF BENICIA

By: \_\_\_\_\_  
Daryl K. Halls, Executive Director

By: \_\_\_\_\_  
Brad Kilger, City Manager

APPROVED AS TO FORM:

APPROVED AS TO FORM:

By: \_\_\_\_\_  
STA Legal Counsel

By: \_\_\_\_\_  
City Attorney



**AGENDA ITEM**  
**CITY COUNCIL MEETING DATE - DECEMBER 17, 2013**  
**BUSINESS ITEMS**

**DATE** : December 10, 2013

**TO** : City Manager

**FROM** : Acting Assistant City Manager  
Public Works Director

**SUBJECT** : **CERTIFICATION OF APPOINTMENT FOR CALPERS RETIRED ANNUITANT FOR EXCEPTION OF 180-DAY RULE UNDER GOVERNMENT CODE SECTIONS 7522.56 AND 21224**

**RECOMMENDATION:**

Approve a resolution certifying the nature of employment and appointment of James York as a retired annuitant serving as part-time/temporary Wastewater Operator.

**EXECUTIVE SUMMARY:**

The Public Works Department currently has an opening for a Wastewater Operator that will not be filled prior to the retirement of the current employee operator, James York. In order to employ Mr. York as a retired annuitant until the position can be filled, it is necessary to certify the nature of employment and appointment of James York as a retired annuitant with CalPERS, due to the requirement that CalPERS retirees must wait 180 days before returning to work for a CalPERS agency. With the approval of the proposed resolution, as of January 1, 2014, Mr. York will be able to serve in a part-time/temporary position with the City of Benicia, consistent with the requirements of Public Employee's Retirement Law (PERL), Government Code Sections 7522.56 and 21224.

**BUDGET INFORMATION:**

There is no cost associated with this action.

**STRATEGIC PLAN:**

N/A

**BACKGROUND:**

Under PERL (Public Employees Retirement Law), a person cannot be employed by a CalPERS employer for a period of 180 days after his or her retirement date without reinstating from retirement, except under certain conditions. One of the exceptions to the 180-day rule is that the public agency can present CalPERS with a resolution, passed in a public meeting as a Business Item, which approves

the appointment, certifies the nature of the employment and indicates that the appointment is necessary to fill a critically needed position before the required 180 days has passed.

James York, Wastewater Operator, is scheduled to be retired from City of Benicia on December 30, 2013. The City has conducted a recruitment to fill the position, but does not anticipate the position will be filled before Mr. York has retired. This Wastewater Operator position is critically needed at the Wastewater Plant, and Mr. York has agreed to serve in a part-time/temporary role for the period of time between his retirement date and the actual date of hire of the new operator. The City anticipates a selection will be made by the end of January, but the pre-employment process may extend the actual date of hire into February or March.

Attachment:

- Resolution

**RESOLUTION NO. 13-**

**RESOLUTION APPROVING CERTIFICATION OF APPOINTMENT FOR CALPERS RETIRED ANNUITANT FOR EXCEPTION OF 180-DAY WAIT PERIOD UNDER GOVERNMENT CODE SECTIONS 7522.56 & 21224**

**WHEREAS**, in compliance with Government Code section 7522.56 the City Council of the City of Benicia must provide CalPERS this certification resolution when hiring a retiree before 180 days has passed since his or her retirement date; and

**WHEREAS**, James York is retiring from the City of Benicia on December 31, 2013 in the position of Wastewater Operator III; and

**WHEREAS**, Section 7522.56 requires that post-retirement employment commence no earlier than 180 days after the retirement date, without this certification resolution; and

**WHEREAS**, Section 7522.56 provides that this exception to the 180 day wait period shall not apply if the retiree accepts any retirement-related incentive; and

**WHEREAS**, the City Council, the City of Benicia and James York certify that James York has not and will not receive a Golden Handshake or any other retirement-related incentive; and

**WHEREAS**, the City Council hereby approves hiring James York as an extra help retired annuitant to perform the duties of the Wastewater Operator III for the City of Benicia under Government Code Section 21224, effective January 1, 2014; and

**WHEREAS**, no matters, issues, terms or conditions related to this employment and appointment have been or will be placed on a consent calendar; and

**WHEREAS**, the employment shall be limited to 960 hours per fiscal year; and

**WHEREAS**, the compensation paid to retirees cannot be less than the minimum nor exceed the maximum monthly base salary paid to other employees performing comparable duties, divided by 173.333 to equal the hourly rate; and

**WHEREAS**, the maximum base salary for this position is \$6,612 and the hourly equivalent is \$38.15, and the minimum base salary for this position is \$5,440 and the hourly equivalent is \$31.39; and

**WHEREAS**, the hourly rate paid to James York will be \$38.15; and

**WHEREAS**, James York has not and will not receive any other benefit, incentive, compensation in lieu of benefit or other form of compensation in addition to this hourly pay rate.

**THEREFORE, BE IT RESOLVED THAT** the City Council of the City of Benicia hereby certifies the nature of the part-time/temporary appointment of James York as described herein and that this appointment is necessary to fill the critically needed position of Wastewater Operator III for the City of Benicia.

\* \* \* \* \*

On motion of Council Member \_\_\_\_\_, seconded by Council Member \_\_\_\_\_, the above Resolution was introduced and passed by the City Council of the City of Benicia at a regular meeting of said Council held on the 17<sup>th</sup> day of December 2013, and adopted by the following vote:

Ayes:

Noes:

Absent:

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

Attest:

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

Dated: \_\_\_\_\_

**AGENDA ITEM**  
**CITY COUNCIL MEETING: DECEMBER 17, 2013**  
**COUNCIL MEMBER COMMITTEE REPORTS**

**DATE** : December 10, 2013  
**TO** : Mayor Patterson  
**FROM** : City Manager  
**SUBJECT** : **MAYORS' COMMITTEE MEETING**

The following information is provided for your committee report at the December 17, 2013 City Council meeting.

The Mayors' Committee meetings are held quarterly at 6:00 pm in Vallejo. The next meeting will be held on December 18, 2013 and will be held at Zio Fraedo's Restaurant. The agenda for this meeting is not yet available.



**AGENDA ITEM**  
**CITY COUNCIL MEETING: DECEMBER 17, 2013**  
**COUNCIL MEMBER COMMITTEE REPORTS**

**DATE** : December 9, 2013

**TO** : Mayor Patterson  
Council Member Strawbridge

**FROM** : City Attorney

**SUBJECT** : **ABAG COMMITTEE MEETING**

The following information is provided for your committee report at the December 17, 2013 council meeting. There is no new information since the July report. The July report stated:

- The Spring General Assembly was held at Jack London Square Pavilion on Thursday, April 18, 2013.
- The draft minutes for the Spring meeting were attached previously.
- The date for the next Spring Assembly has not been announced yet.



**AGENDA ITEM**  
**CITY COUNCIL MEETING: DECEMBER 17, 2013**  
**COUNCIL MEMBER COMMITTEE REPORTS**

**DATE** : December 9, 2013

**TO** : Council Member Campbell  
Council Member Strawbridge

**FROM** : Assistant City Manager

**SUBJECT** : **FINANCE COMMITTEE REPORT**

The following information is provided for your committee report at the December 17, 2013 Council meeting.

The last Finance Committee meeting was held on November 22, 2013; draft minutes for the meeting are attached for your review. The meeting for December has been cancelled and the next regular meeting will be held on Friday, January 24, 2014 at 8:00 a.m.

Attachment:

- November 22, 2013 Finance Committee Meeting Draft Minutes



**FINANCE COMMITTEE**  
**\*\*DRAFT\*\* REGULAR MEETING MINUTES**  
**NOVEMBER 22, 2013 – 8:00 AM**

**1. Call to Order at 8:05 AM**

**2. Roll Call**

Attended by Chairperson Larry Grossman, Committee Members: Michael Clarke, Kathy Griffin and Lee Wines; Council Members Tom Campbell, Christina Strawbridge, City Treasurer H.R. Autz. Absent: Committee Member Chris Carvalho. Staff present: City Manager Brad Kilger, Interim Finance Director Brenda Olwin, Assistant City Manager Anne Cardwell and Assistant Finance Director Abigail Urrutia

**3. Pledge of Allegiance**

**4. Notice to the Public**

**5. Action Items**

**A. Approval of Agenda**

The committee approved the agenda of November 22, 2013.

Ayes: Grossman, Clarke, Griffin, Wines

Noes: (None)

Abstain: (None)

**B. Approval of Minutes from the meeting held on October 25, 2013**

The Committee approved the minutes of the October 25, 2013 meeting.

Ayes: Ayes: Grossman, Clarke, Griffin, Wines

Noes: (None)

Abstain: (None)

**C. Presentation and Approval of September 30, 2013 Investment Report**

Carlos Oblites of PFM Asset Management LLC reported on the September 30, 2013 quarterly investment portfolio for assets under PFM management. The portfolio earned positive returns in the third quarter despite market uncertainty due to the Federal Reserve actions as to tapering its bond purchases. Total return for the City for the past 12 months is 4 basis points. PFM watches the markets carefully and the investment strategy was based on the view that interest rates will rise gradually.

**D. Approval of Calendar Year 2014 Meeting Schedule**

The December 2013 meeting was cancelled and the 2014 calendar was approved.

**6. Discussion Items**

**A. Review Warrant Register for Month of October 2013**

The Committee reviewed the warrant register for October 2013 – two questions were received prior to the meeting and responses were provided before today's meeting. Committee member Wines questioned the two meal advances to employees. These were daily meal advances as allowed by the City Council approved travel policy. There were no additional questions.

**B. Review All-Funds Summary report for the Month of October 2013**

Interim Finance Director Olwin provided an overview of the report including updating the Committee regarding a meeting with the County where it was confirmed that the County's net property tax projections are estimated to be slightly above the City's projections for FY 2013-14. Olwin further cautioned that the County analysis is an estimate, and the City will receive the first tax distribution approximately December 18, 2013.

**C. Status of ONESolution Implementation**

Interim Finance Director Olwin provided an update on the GFOA negotiations with Sungard. The City received preliminary feedback from GFOA and the City has discussed some negotiated points. At this time, the Statement of Work negotiations have not been finalized and agreed to by City staff. Upon questioning, Ms. Olwin further reiterated that OneSolution is not an upgrade from present system, but an improved implementation process that will engage all City departments in reporting and business process changes. On the assumption that the Statement of Work is negotiated and settled; a detailed project plan will be forthcoming and the previous implementation estimate of a 12 to 18 month range (likely 18 months) is set from an estimated start date in January 2014.

**D. Status of Long-Range Financial Forecast**

The City is working on a Long Range Forecast as it relates to Phase I of the Sustainable Community Services Study as presented to the Council on October 30, 2013. The City contracted with Management Partners for Phase I to produce a 10-year financial forecast. Cost and revenue assumptions, as well as different scenarios, will be presented to develop the forecast. There was some discussion led by Chairperson Grossman regarding whether this project was the same process as identified on the Finance Committee work plan. He suggested that anything related to Finance that goes to Council should also be sent to the Committee in advance.

City Manager Kilger responded that the motivation for this project was to support development of an organizational analysis. Chairperson Grossman suggested distinguishing between these two projects, however Interim Finance Director Olwin suggested it wouldn't be desirable to have two versions of the forecast. The current project will produce a level of quantitative data with the overall goal of refining the forecasting model and creating a tool that the organization will utilize.

**E. Finalize Annual Work Plan**

Committee Chairperson Grossman presented the work plan. He discussed finalizing the plan prior to a Council presentation. Mr. Grossman stated concerns regarding whether staff and Committee priorities were in alignment.

Council Member Strawbridge reiterated that the Council relies on staff recommendations regarding City issues and Finance Committee's role is to advise the Council of its priorities and Council will take into consideration those priorities, together with staff's recommendation.

There was further discussion regarding CAFR training and staff resources available for future training sessions. This item and discussion will be carried to the next Committee meeting.

**7. Public Comment**

Mr. Bell informed the committee that he received the response on retiree health benefits from Interim Finance Director Olwin before the meeting.

**8. Committee Member Comment**

City Treasurer Autz relayed comments directed to him by constituents, such as how the City is doing and the status of the solar panels. City Manager Kilger informed the committee that staff will be preparing reports for the Council in the near future on those topics.

**9. Finance Director Comments re: Previous Public Comments**

Interim Finance Director Olwin stated that Mr. Bell's comments addressed this item.

**10. Adjournment**

There being no further business, the meeting was adjourned at 10:10 a.m.



**AGENDA ITEM**  
**CITY COUNCIL MEETING: DECEMBER 17, 2013**  
**COUNCIL MEMBER COMMITTEE REPORTS**

**DATE** : December 10, 2013

**TO** : Mayor Patterson  
Vice Mayor Campbell

**FROM** : City Manager

**SUBJECT** : **LEAGUE OF CALIFORNIA CITIES**

The following information is provided for your committee report at the December 17, 2013 City Council meeting.

The next North Bay Division General Membership Meeting is TBD.



**AGENDA ITEM**  
**CITY COUNCIL MEETING: DECEMBER 17, 2013**  
**COUNCIL MEMBER COMMITTEE REPORTS**

**DATE** : December 10, 2013

**TO** : Council Member Hughes  
Council Member Strawbridge

**FROM** : City Manager

**SUBJECT** : **CITY COUNCIL/SCHOOL BOARD LIAISON COMMITTEE**

The following information is provided for your committee report at the December 17, 2013 City Council meeting.

This committee meets quarterly at the Benicia Unified School District Board Room located at 350 East K Street. The December 5, 2013 meeting was canceled. The next scheduled meeting is TBD.



**AGENDA ITEM**  
**CITY COUNCIL MEETING: DECEMBER 17, 2013**  
**COUNCIL MEMBER COMMITTEE REPORTS**

**DATE** : December 9, 2013

**TO** : Vice Mayor Campbell  
Council Member Schwartzman

**FROM** : City Manager

**SUBJECT** : **SKY VALLEY OPEN SPACE COMMITTEE**

The following information is provided for your committee report at the December 17, 2013 Council meeting.

The meetings of the Committee are now scheduled on an as-needed basis. At this time, the next meeting date is unknown.



**AGENDA ITEM**  
**CITY COUNCIL MEETING: DECEMBER 17, 2013**  
**COUNCIL MEMBER COMMITTEE REPORTS**

**DATE** : December 4, 2013

**TO** : Mayor Patterson  
Council Member Strawbridge

**FROM** : City Manager

**SUBJECT** : **SOLANO EDC BOARD OF DIRECTORS**

The following information is provided for your committee report at the December 17, 2013 Council meeting.

The last Board of Directors meeting was on November 14, 2013. The agenda for that meeting is attached. The minutes are not yet available.

The next Board of Directors meeting is scheduled for Thursday, January 16, 2014 at 9:00 a.m. at Jelly Belly Candy Company. The agenda for that meeting is not yet available.

Attachment:

- November 14, 2013 agenda





**Solano EDC  
Board of Directors Meeting  
Thursday, November 14, 2013  
Jelly Belly Candy Company (Corporate Offices)**

AGENDA

- |             |     |   |                            |
|-------------|-----|---|----------------------------|
| 9:00 am     | 1.  | Call to Order                               | Patsy Van Ouwerkerk, Chair |
| Action Item | 2.  | Approval of 09/12/13 Meeting Minutes        | Patsy Van Ouwerkerk, Chair |
| Action Item | 3.  | Treasurer's Report – October 2013           | Sean Quinn, Treasurer      |
| Action Item | 4.  | New Board member:<br>◆ Greg Armstrong, NECA | Patsy Van Ouwerkerk, Chair |
|             | 5.  | Chairman's Remarks                          | Patsy Van Ouwerkerk, Chair |
| Action Item | 6.  | 2014 Board Nominations                      | Patsy Van Ouwerkerk, Chair |
| Action Item | 7.  | 2014 Budget                                 | Sandy Person               |
|             | 8.  | PG&E Energy Watch Update                    | Sandy Person               |
|             | 9.  | Moving Solano Forward Project               | Steve Pierce               |
|             | 10. | Economic Development Task Force Update      | Mario Giuliani             |
|             | 11. | President's Report                          | Sandy Person               |
|             | 12. | Items from Directors                        |                            |
| 10:00 am    | 13. | Adjourn Meeting                             |                            |

2014 Board of Directors – 9:00 am, 2nd Thursday (odd months) (except Jan)  
Location: Jelly Belly Candy Company  
Jan 16\*; Mar 13; May 08; July 10; Sept 11; Nov 13

Calendar of Events

- |                  |  |
|------------------|--|
| December 5, 2013 | Spirit of Solano luncheon at Hilton Garden Inn Fairfield |
| January 16, 2014 | Solano EDC Board of Directors meeting, 9 am Jelly Belly  |
| January 30, 2014 | (Tent.) Solano EDC Annual Meeting luncheon at the Hilton |



**AGENDA ITEM**  
**CITY COUNCIL MEETING: DECEMBER 17, 2013**  
**COUNCIL MEMBER COMMITTEE REPORTS**

**DATE** : December 10, 2013

**TO** : Mayor Patterson  
Council Member Hughes  
Council Member Schwartzman

**FROM** : Director of Public Works

**SUBJECT** : **SOLANO TRANSPORTATION AUTHORITY**

The following information is provided for your committee report at the December 17, 2013 City Council meeting.

The Agenda from the December 11, 2013 meeting is attached. The next regular meeting is scheduled for January 8, 2014 at Suisun City Hall and the agenda for that meeting is unavailable.

Attachments:

- December 11, 2013 Regular Board Meeting Agenda





**STA BOARD MEETING AGENDA**  
**6:00 p.m., Regular Meeting**  
**Wednesday, December 11, 2013**  
**Suisun City Hall Council Chambers**  
**701 Civic Center Drive**  
**Suisun City, CA 94585**

**Mission Statement:** To improve the quality of life in Solano County by delivering transportation system projects to ensure mobility, travel safety, and economic vitality.

**Public Comment:** Pursuant to the Brown Act, the public has an opportunity to speak on any matter on the agenda or, for matters not on the agenda, issues within the subject matter jurisdiction of the agency. Comments are limited to no more than 3 minutes per speaker unless modified by the Board Chair, Gov't Code § 54954.3(a). By law, no action may be taken on any item raised during the public comment period (Agenda Item IV) although informational answers to questions may be given and matters may be referred to staff for placement on a future agenda of the agency. **Speaker cards are required in order to provide public comment. Speaker cards are on the table at the entry in the meeting room and should be handed to the STA Clerk of the Board. Public comments are limited to 3 minutes or less.**

**Americans with Disabilities Act (ADA):** This agenda is available upon request in alternative formats to persons with a disability, as required by the ADA of 1990 (42 U.S.C. §12132) and the Ralph M. Brown Act (Cal. Govt. Code §54954.2). Persons requesting a disability related modification or accommodation should contact Johanna Masiclat, Clerk of the Board, at (707) 424-6008 during regular business hours at least 24 hours prior to the time of the meeting.

**Staff Reports:** Staff reports are available for inspection at the STA Offices, One Harbor Center, Suite 130, Suisun City during regular business hours, 8:00 a.m. to 5:00 p.m., Monday-Friday. You may also contact the Clerk of the Board via email at [jmasiclat@sta-snci.com](mailto:jmasiclat@sta-snci.com). **Supplemental Reports:** Any reports or other materials that are issued after the agenda has been distributed may be reviewed by contacting the STA Clerk of the Board and copies of any such supplemental materials will be available on the table at the entry to the meeting room.

**Agenda Times:** Times set forth on the agenda are estimates. Items may be heard before or after the times shown.

<u>ITEM</u>	<u>BOARD/STAFF PERSON</u>
<b>1. CALL TO ORDER/PLEDGE OF ALLEGIANCE</b> (6:00 – 6:05 p.m.)	Chair Hardy
<b>2. CONFIRM QUORUM/ STATEMENT OF CONFLICT</b> An official who has a conflict must, prior to consideration of the decision; (1) publicly identify in detail the financial interest that causes the conflict; (2) recuse himself/herself from discussing and voting on the matter; (3) leave the room until after the decision has been made. Cal. Gov't Code § 87200.	Chair Hardy
<b>3. APPROVAL OF AGENDA</b>	

<u>STA BOARD MEMBERS</u>							
Steve Hardy Chair	Osby Davis Vice-Chair	Elizabeth Patterson	Jack Batchelor, Jr.	Harry Price	Norman Richardson	Pete Sanchez	Jim Spering
City of Vacaville	City of Vallejo	City of Benicia	City of Dixon	City of Fairfield	City of Rio Vista	City of Suisun City	County of Solano
<u>STA BOARD ALTERNATES</u>							
Dilenna Harris	Hermie Sunga	Alan Schwartzman	Dane Besneatte	Rick Vaccaro	Constance Boulware	Mike Hudson	Erin Hannigan

- 4. OPPORTUNITY FOR PUBLIC COMMENT**  
(6:05 – 6:10 p.m.)
- 5. EXECUTIVE DIRECTOR’S REPORT – Pg. 9** Daryl K. Halls  
(6:10 – 6:15 p.m.)
- 6. REPORT FROM THE METROPOLITAN TRANSPORTATION COMMISSION (MTC)** MTC Commissioner and  
STA Board Member  
Jim Spering  
(6:15 – 6:20 p.m.)
- 7. REPORT FROM CALTRANS**  
(6:20 – 6:25 p.m.)
- 8. REPORT FROM STA**  
(6:25 – 6:35 p.m.)
- A. Presentation: Public-Private Partnership (P3) Feasibility Study Update** Michael Tran, KPMG
- B. Directors Report**
- 1. Planning** Robert Macaulay
- 2. Projects** Janet Adams
- 3. Transit/Rideshare** Judy Leaks/ Liz Niedziela
- 9. CONSENT CALENDAR**
- Recommendation:  
Approve the following consent items in one motion.  
(Note: Items under consent calendar may be removed for separate discussion.)  
(6:35 - 6:40 p.m.)
- A. Minutes of the STA Board Meeting of October 9, 2013** Johanna Masiclat  
Recommendation:  
Approve STA Board Meeting Minutes of October 9, 2013.  
**Pg. 13**
- B. Draft Minutes of the Technical Advisory Committee (TAC) Meeting of November 20, 2013** Johanna Masiclat  
Recommendation:  
Approve Draft TAC Meeting Minutes of November 20, 2013.  
**Pg. 25**
- C. Fiscal Year (FY) 2012-13 Fourth Quarter Budget Report** Susan Furtado  
Recommendation:  
Receive and file.  
**Pg. 31**
- D. Fiscal Year (FY) 2013-14 First Quarter Budget Report** Susan Furtado  
Recommendation:  
Receive and file.  
**Pg. 35**

- E. STA Employee 2014 Benefit Summary Update** Susan Furtado  
Recommendation:  
 Receive and file.  
**Pg. 39**
- F. 2013 Solano County Congestion Management Program (CMP)** Robert Macaulay  
Recommendation:  
 Approve the 2013 Solano County CMP and direct the Executive Director to transmit the document to MTC.  
**Pg. 47**
- G. Solano County Alternative Fuel and Infrastructure Plan** Robert Guerrero  
Recommendation:  
 Approve the Solano County Alternative Fuels and Infrastructure Plan.  
**Pg. 49**
- H. Federal Transit Administration (FTA) Non-Urbanized Area Program (FTA Section 5311) Recommendation** Liz Niedziela  
 Approve the following:  
 1. Federal Section 5311 Allocation for 2014 and 2015 in the amount of \$955,261 as specified in Attachment B; and  
 2. Authorize the Executive Director to enter into an agreement with the City of Dixon for the funding swap of FTA 5311 funds with Dixon TDA funds for the SolanoExpress Intercity Bus Replacement Contribution for Dixon and County of Solano and local bus replacement for Dixon Read-Ride.  
**Pg. 51**
- I. 2014 Ridership Survey and Analysis Study** Liz Niedziela  
Recommendation:  
 Approve the following:  
 1. The SolanoExpress Intercity Ridership Survey and Analysis (Attachment A);  
 2. Develop the FAST and SolTrans Local Ridership Survey and Analysis in coordination with FAST and SolTrans;  
 3. Dedicate \$175,000 of State Transit Assistance Funds (STAF) for the 2014 Ridership Survey and Analysis Study; and  
 4. Authorize the Executive Director to issue a Request for Proposal (RFP) and enter into a contract for the Solano County Ridership Survey and Analysis for an amount not-to-exceed \$175,000.  
**Pg. 57**
- J. Contract Amendment - I-80/I-680/State Route (SR) 12 Interchange – Initial Construction Project Utility Relocation Oversight** Janet Adams  
Recommendation:  
 Approve a contract amendment for Parsons Brinckerhoff, Inc. in the not-to-exceed amount of \$225,000 to cover construction management services for the I-80/I-680/SR 12 Interchange – Initial Construction Package.  
**Pg. 63**

- K. Pedestrian Advisory Committee (PAC) Appointments** Sofia Recalde  
Recommendation:  
 Appoint Christian Odgen representing Solano Community College to the PAC for a three-year term.  
**Pg. 67**
- L. OneBayAreaGrant (OBAG) Programming for City of Suisun City Safe Routes to School (SR2S) Project** Jessica McCabe  
Recommendation:  
 Approve the programming of \$349,065 of Congestion Mitigation and Air Quality (CMAQ) funds for Safe Routes to Schools (SR2S) projects as described in Attachment D.  
**Pg. 71**
- M. Contract Amendment - Federal Legislative Advocacy Services** Jayne Bauer  
Recommendation:  
 Approve the following:
1. Authorize the Executive Director to enter into a 24-month Contract Amendment with Akin Gump Strauss Hauer & Feld LLP (Akin Gump);
  2. Authorize the Executive Director to extend the contract with the Cities of Dixon, Fairfield, Vacaville and Vallejo to provide federal advocacy services in pursuit of federal funding for the STA's priority projects through December 31, 2015 at a total cost not-to-exceed \$231,600; and
  3. The expenditure of \$50,400 to cover the STA's contribution for this 24-month contract.
- Pg. 81**
- N. Jepson Parkway Concept Plan Update - Fehr and Peers Contract Extension** Robert Guerrero  
Recommendation:  
 Authorize the STA Executive Director to sign an extension to Fehr and Peers' contract with an additional \$10,000 to complete the Jepson Parkway Concept Plan Update.  
**Pg. 95**
- O. STA Regional Transportation Impact Fee (RTIF) – Fehr and Peers Consultant Services** Robert Guerrero  
Recommendation:  
 Approve the following:
1. Authorize the STA Executive Director to negotiate and enter into an agreement with the County of Solano to coordinate the expenditure of the Regional Transportation Impact Fee; and
  2. Authorize the STA Executive Director to enter into a contract with Fehr and Peers for the scope of services as specified in Attachment B for an amount not-to-exceed \$20,000.
- Pg. 97**

- P. Compressed Natural Gas (CNG) Feasibility Study for Soltrans and Benicia** Robert Guerrero  
Recommendation:  
Authorize the STA Executive Director to enter into contract with Clean Energy to develop the CNG Feasibility Study in partnership with Soltrans and the City of Benicia for an amount not-to-exceed \$60,000.  
**Pg. 105**

- Q. Model Update: Conversion to an Activity Based Model (ABM)** Sofia Recalde  
Recommendation:  
Approve the following:
1. The Scope of Work and Budget for the development of the Solano-Napa Activity-Based Model (SNABM) (Attachment A);
  2. Authorize the Executive Director to amend the current contract with Cambridge Systematics to include the development of the SNABM;
  3. Authorize the Executive Director to enter into an agreement with Cambridge Systematics to develop the SNABM for an amount not to exceed \$150,000; and
  4. Dedicate \$20,000 of State Transit Assistance Funds (STAF) for the transit element of the Solano Napa Activity-Based Model (SNABM).
- Pg. 107**

## 10. ACTION NON-FINANCIAL ITEMS

- A. Fiscal Year (FY) 2012-13 Abandoned Vehicle Abatement (AVA) Program Fourth Quarter Report** Susan Furtado  
Recommendation:  
Receive and file.  
(6:40 – 6:45 p.m.)  
**Pg. 117**

## 11. ACTION FINANCIAL ITEMS

- A. STA's Annual Audit Fiscal Year (FY) 2012-13** Susan Furtado  
Recommendation:  
Receive and file.  
(6:45 – 6:50 p.m.)  
**Pg. 119**
- B. I-80/I-680/State Route (SR) 12 Interchange Project - Construction Allocation** Janet Adams  
Recommendation:  
Approve the attached Resolution No. 2013-27 and Funding Allocation Request from Metropolitan Transportation Commission (MTC) for \$29.448 million in Regional Measure 2 or AB1171 funds for the I-80/I-680/SR12 Interchange Project - ICP for the Construction Phase.  
(6:50 – 6:55 p.m.)  
**Pg. 121**

**C. Solano County Bay Trail and Vine Trail Feasibility Study and Preliminary Engineering**

Sara Woo

Recommendation:

Approve the following:

1. Approve the Scope of Work and Budget for the development of the Solano County Bay Trail and Vine Trail Feasibility Study and Preliminary Engineering;
2. Authorize a grant application to the Bay Trail Project for the amount of \$50,000 for the Vine Trail Project;
3. Approve Resolution No. 2013-28 authorizing an application for Local Assistance Funding from the Association of Bay Area Governments (ABAG) for a Trail Feasibility and Implementation Study for the San Francisco Bay Trail Project;
4. Authorize the Executive Director to enter into an agreement with ABAG and supporting agencies to accept the Bay Trail grant if awarded;
5. Authorize the Executive Director to enter into an agreement with the Vine Trail Coalition for the amount of \$50,000 for the Vine Trail Project;
6. Authorize the Executive Director to issue a Request for Proposals for the Solano County Bay Trail and Vine Trail Feasibility Study and Preliminary Engineering; and
7. Authorize the Executive Director to enter into an agreement with selected consultant to develop the Solano County Bay Trail and Vine Trail Feasibility Study and Preliminary Engineering for an amount not to exceed \$100,000.

(6:55 – 7:00 p.m.)

**Pg. 139**

**12. INFORMATIONAL ITEMS – NO DISCUSSION**

**A. Public-Private Partnership (P3) Feasibility Study Update  
Pg. 151**

Jessica McCabe

**B. I-80 Ramp Metering Implementation  
Pg. 163**

Robert Guerrero

**C. Active Transportation Program Overview  
Pg. 165**

Sara Woo

**D. Mobility Management Program Update  
Pg. 169**

Anthony Adams

**E. Summary of Other Funding Opportunities  
Pg. 181**

Sara Woo

**F. STA Board and Advisory Committee Meeting Schedule  
for Calendar Year 2014  
Pg. 185**

Johanna Masiclat

**VIII.C.8.8**

**13. BOARD MEMBERS COMMENTS**

**14. ADJOURNMENT**

The next regularly scheduled meeting of the STA Board at **6:00 p.m., Wednesday, January 8, 2014**, Suisun Council Chambers.



**AGENDA ITEM**  
**CITY COUNCIL MEETING: DECEMBER 17, 2013**  
**COUNCIL MEMBER COMMITTEE REPORTS**

**DATE** : December 10, 2013

**TO** : Mayor Patterson  
Council Member Hughes

**FROM** : Director of Public Works

**SUBJECT** : **SOLANO COUNTY WATER AGENCY**

The following information is provided for your committee report at the December 17, 2013 City Council meeting.

The draft minutes of the November 14, 2013 meeting are attached along with the agenda for the December 12, 2013 meeting. The next regular meeting is scheduled for January 9, 2014.

Attachments:

- SCWA Draft Minutes for November 14, 2013
- SCWA Meeting Agenda for December 12, 2013



**SOLANO COUNTY WATER AGENCY  
BOARD OF DIRECTORS MEETING MINUTES**

**MEETING DATE: November 14, 2013**

The Solano County Water Agency Board of Directors met this evening at the Solano County Water Agency. Present were:

Mayor Jack Batchelor, City of Dixon  
Mayor Harry Price, City of Fairfield  
Mayor Elizabeth Patterson, City of Benicia  
Mayor Steve Hardy, City of Vacaville  
Mayor Norm Richardson, City of Rio Vista  
Supervisor Erin Hannigan, Solano County District 1  
Supervisor Linda Seifert, Solano County District 2  
Supervisor James Spering, Solano County District 3  
Supervisor John Vasquez, Solano County District 4  
Supervisor Skip Thomson, Solano County District 5  
Director Bob Bishop, Solano Irrigation District  
Manager Don Holdener, Maine Prairie Water District

**CALL TO ORDER**

The meeting was called to order at 6:30 P.M. by Chairman Spering.

**APPROVAL OF AGENDA**

On a motion by Supervisor Seifert and a second by Mayor Patterson the Board unanimously approved the agenda.

**PUBLIC COMMENT**

John Downs from the California Department of Fish and Wildlife updated the Board on the Fish Restoration Program Agreement that seeks to acquire intertidal North Delta marsh land.

**CONSENT ITEMS**

On a motion by Supervisor Hannigan and a second by Supervisor Seifert the Board unanimously approved the following Consent Items.

- (A) Minutes
- (B) Expenditure Approvals
- (C) Dixon SWP Participating Agency Contract
- (D) Purchase of Global Navigation Satellite System Surveying Equipment
- (E) Agreement with Yolo County Resource Conservation District for Assisting in Administration of the Westside Integrated Regional Water Management Plan.
- (F) Ulati Project Grant Deed

**BOARD MEMBER REPORTS**

Mayor Patterson announced that the Plenary Session for the Public Review Draft of the California Water Plan Update 2013 was a success and that the public review period for the California Water Plan is still open and the documents are available online.

**GENERAL MANAGER'S REPORT**

There were no additions to the written report.

**2014 WATER BOND LEGISLATION – SB 42 AND AB 1331**

On a motion by Supervisor Seifert and a second by Mayor Hardy the Board unanimously approved Chairman Sperring's recommendation for the following process:

The Executive Committee will develop a draft "white paper" outlining the Agency's issues pertaining to the NBA Alternate Intake project and the Water Bond measures. The draft paper will then be submitted to the Delta Coordination Working Group to develop a recommendation for the SCWA January Board of Directors meeting.

**DELTA ISSUES AND WATER BOND LEGISLATION**

Supervisor Seifert announced the Delta Coordination Working Group will be meeting on December 16<sup>th</sup>. Supervisor Thomson notified the Board that Secretary Laird may offer the Delta County Coalition a seat on the BDCP governance board. He announced there is will be some upcoming turnover of County Supervisor members in the Delta County Coalition.

**TIME AND PLACE OF NEXT MEETING**

The next regularly scheduled meeting will be Thursday, December 12, 2013 at 6:30 P.M. at the Solano County Water Agency offices.

**ADJOURNMENT**

This meeting of the Solano County Water Agency Board of Directors was adjourned at 6:48 P.M.

---

David B. Okita, General Manager  
and Secretary to the Board of Directors of the  
Solano County Water Agency

# SOLANO COUNTY WATER AGENCY



## BOARD OF DIRECTORS:

### Chair:

Supervisor Jim Spering  
Solano County District 3

### Vice Chair:

Mayor Harry Price  
City of Fairfield

Mayor Jack Batchelor  
City of Dixon

Director Bob Bishop  
Solano Irrigation District

Director Dale Crossley  
Reclamation District No. 2068

Mayor Osby Davis  
City of Vallejo

Supervisor Erin Hannigan  
Solano County District 1

Mayor Steve Hardy  
City of Vacaville

Mayor Elizabeth Patterson  
City of Benicia

Mayor Norm Richardson  
City of Rio Vista

Director Gene Robben  
Maine Prairie Water District

Mayor Pete Sanchez  
City of Suisun City

Supervisor Linda Seifert  
Solano County District 2

Supervisor Skip Thomson  
Solano County District 5

Supervisor John Vasquez  
Solano County District 4

## GENERAL MANAGER:

David Okita, PE  
Solano County Water Agency

## BOARD OF DIRECTORS MEETING

**DATE:** Thursday, December 12, 2013

**TIME:** 6:30 p.m.

**PLACE:** Berryessa Room  
Solano County Water Agency Office  
810 Vaca Valley Parkway, Suite 203  
Vacaville

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. APPROVAL OF AGENDA

4. PUBLIC COMMENT

Limited to 5 minutes for any one item not scheduled on the Agenda.

5. CONSENT ITEMS

(A) Minutes: Approval of the Minutes of the Board of Directors meeting of November 14, 2013 is recommended.

(B) Expenditure Approvals: Approval of the November checking account register is recommended.

(C) State Water Project Municipal Water Quality Investigations Program: Authorize General Manager to execute an agreement with the California Department of Water Resources for the State Water Project Municipal Water Quality Investigations Program.

(D) Flood Control Advisory Committee Re-Appointments: Reappoint public members Laura Peters, Ron Campbell and Ron Koehne to two year terms on the Flood Control Advisory Committee.

810 Vaca Valley Parkway, Suite 203  
Vacaville, California 95688  
Phone (707) 451-6090 • FAX (707) 451-6099  
www.scwa2.com



**VIII.C.9.5**

(E) Lower Putah Creek Coordinating Committee Appointments: Appoint Solano representatives on the Lower Putah Creek Coordinating Committee for calendar year 2014

**6. BOARD MEMBER REPORTS**

RECOMMENDATION: For information only.

**7. GENERAL MANAGER'S REPORT**

RECOMMENDATION: For information only.

**8. PRESENTATION ON THE LAKE BERRYESSA BOATER OUTREACH PROGRAM**

RECOMMENDATION: Hear presentation from Alexander Rabidoux, Senior Water Resources Engineer, on the Lake Berryessa Boater Outreach Program.

**9. DELTA ISSUES**

RECOMMENDATIONS:

1. Hear Status Report from the Delta Water Coordination Working Group.
2. Hear report from Supervisor Thomson on activities of the Delta Counties Coalition and Delta Protection Commission.

**10. TIME AND PLACE OF NEXT MEETING**

Thursday, January 9, 2014 at 6:30 p.m. at the SCWA offices.

***The Full Board of Directors packet with background materials for each agenda item can be viewed on the Agency's website at [www.scwa2.com](http://www.scwa2.com).***

Any materials related to items on this agenda distributed to the Board of Directors of Solano County Water Agency less than 72 hours before the public meeting are available for public inspection at the Agency's offices located at the following address: 810 Vaca Valley Parkway, Suite 203, Vacaville, CA 95688. Upon request, these materials may be made available in an alternative format to persons with disabilities.

Dec2013.bod.agd

**AGENDA ITEM**  
**CITY COUNCIL MEETING: DECEMBER 17, 2013**  
**COUNCIL MEMBER COMMITTEE REPORTS**

**DATE** : December 9, 2013

**TO** : Vice Mayor Campbell  
Council Member Schwartzman

**FROM** : Director of Public Works

**SUBJECT** : **TRAFFIC, PEDESTRIAN AND BICYCLE SAFETY (TPBS) COMMITTEE**

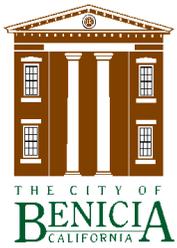
The following is provided as your committee report for the December 17, 2013 City Council meeting.

The last TPBS Committee meeting was held on October 17, 2013, (draft minutes are attached). The next regularly scheduled TPBS Committee meeting is Thursday, January 16, 2014 at 7:00 p.m. in the Commission Room.

Attachments:

- ❑ October 17, 2013 Meeting Agenda
- ❑ October 17, 2013 Draft Minutes





*City of Benicia*  
**TRAFFIC PEDESTRIAN &  
BICYCLE SAFETY (TPBS) COMMITTEE**  
**Regular Meeting**

**7:00 pm**  
**Thursday, October 17, 2013**  
**Commission Room**  
**City Hall – 250 East L Street**

## **AGENDA**

### **I. Call To Order**

- A. Roll Call
- B. Pledge of Allegiance
- C. Fundamental rights statement

### **II. Approval of Minutes**

- A. Draft April 25, 2013 Meeting Minutes

### **III. Public Comments**

### **IV. Staff Update**

1. Intermodal Projects – Downtown and Western Gateway
2. Benicia Industrial Park Bus Hub Conceptual Plan
3. Devonshire Drive Traffic Calming Project
4. Rose Drive Traffic Calming Project

### **V. Action Item**

#### **1. Robert Semple Elementary – Safe Routes to School (SR2S) Audit Findings and Recommendations**

*Recommendation:* The TPBS Committee will review findings from the 3:00 pm audit, receive public comments, and recommend pedestrian safety enhancements. *Handouts will be provided and the recently adopted SR2S plan, including recommendations from the last audit in March 2013, is available on the Solano Transportation Authority website at <http://www.solanosr2s.ca.gov>.*

### **VI. Adjournment**

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### Public Participation

The Traffic Pedestrian and Bicycle Safety (TPBS) Committee welcomes public participation.

Pursuant to the Brown Act, each public agency must provide the public with an opportunity to speak on any matter within the subject matter jurisdiction of the agency and which is not on the agency's agenda for that meeting. The TPBS Committee allows speakers to speak on agendized and non-agendized matters under public comment. Comments are limited to no more than 5 minutes per speaker. By law, no action may be taken on any item raised during the public comment period although informational answers to questions may be given and matters may be referred to staff for placement on a future agenda of the TPBS Committee.

### Disabled Access

In compliance with the Americans with Disabilities Act (ADA), if you need special assistance to participate in this meeting, please contact Anne Cardwell, the ADA Coordinator at (707) 746-4200. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

### Meeting Procedures

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

### Public Records

The agenda packet for this meeting is available at the Public Works Department, City Clerk's Office and the Benicia Public Library during regular work hours. To the extent feasible, the packet is also available on the City's web page at [www.ci.benicia.ca.us](http://www.ci.benicia.ca.us) under the heading "Agendas and Minutes." ***If you wish to provide written information on an agenda item, please submit to Kathy Trinque, Administrative Secretary, by 5:00 pm, Wednesday, October 16, 2013 for distribution to Committee Members.***

**DRAFT**  
**Minutes**  
**CITY OF BENICIA**  
**TRAFFIC, PEDESTRIAN AND BICYCLE SAFETY (TPBS) COMMITTEE**  
**Regular Meeting**  
Thursday, October 17, 2013  
7:00 pm

**I. Call to Order.**

**Meeting called to order at 7:01 pm**

1. Roll Call:

Committee Members Present:

Vice-Mayor Tom Campbell, Chair  
Council Member Alan Schwartzman  
Police Sgt Fred Ayala  
City Engineer, Melissa Morton  
Senior Civil Engineer, Mike Roberts

Absent: None

Staff Present:

Kathy Trinqué, Administrative Secretary

2. Fundamental Rights Statement

**II. Approval of April 25, 2013 Meeting Minutes.**

The minutes were adopted by a motion made by Mike Roberts, seconded by Melissa Morton and approved by a 3-0 vote (Alan Schwartzman and Fred Ayala abstained).

**III. Public Comments:**

None received.

**IV. Staff Update**

1. ***Intermodal Projects – Downtown and Western Gateway.*** Mike Roberts provided a brief update on the status of these projects. The Downtown project is completed; the Western Gateway project is underway with construction completion estimated for November.

Tom Campbell asked staff to check into pedestrian crossing button extensions for the Downtown project, because disabled pedestrians in wheelchairs can't reach the pedestrian crossing buttons that are currently there.

Committee members asked clarifying questions on the Western Gateway project regarding the bike lockers, the 6-lot subdivision nearby, and traffic counts for West K Street.

West K Street residents asked for way finding signs to discourage through traffic and truck traffic on West K Street, traffic counts before and after the project on West K Street, and the commercial route status on the street sweeping schedule for West K Street be changed to residential.

Gretchen Burgess, resident of West Manor, asked for Phase II traffic calming in her neighborhood since the Phase I program has already been implemented and they still need additional traffic calming.

Mike Roberts and Melissa Morton explained the process for a Phase II traffic calming program; the next step is for the neighborhood to submit a written request stating that additional traffic calming measures are desired by the majority of the neighborhood.

2. ***Benicia Industrial Park Bus Hub Project.*** Mike Roberts provided a brief description of this project. It is currently in the environmental review phase. Committee members asked some clarifying questions such as who owns this parcel, widening the intersection and STA's role in the project.
3. ***Devonshire Drive Traffic Calming Project.*** Mike Roberts provided a brief update. The street has been re-striped to narrow the street and encourage slower speeds and new signs will be installed soon.
4. ***Rose Drive Traffic Calming Project.*** Mike Roberts provided a brief overview of this project that added bike lanes, fog line and sharrows to the street. The work is now completed. Sgt. Ayala mentioned that some residents are still having some traffic-related problems in the 800 block of Rose Drive. PD staff is working with them.

## V. Action Item

### 1. **Robert Semple Elementary – Safe Routes to School (SR2S) Audit: Findings and Recommendations**

Mike Roberts provided an overview and background of the SR2S program, its recent proposed improvement plan for this school (\$33,000 funding for sidewalk gaps), and the October 17th walking audit at the school site by City Staff and School Principal – (those observations are captured in the attached summary).

Mike Roberts reviewed the proposed SR2S improvements and maps from the SR2S program.

Ms. Abelee, Robert Semple Elementary School Principal, reviewed her observations from East 3<sup>rd</sup> and Hillcrest Street of traffic safety concerns during school pick-up and drop off times (see attached Walking Audit). From this location, the issue is that some vehicles are passing those waiting in the queue to turn into the school pick-up/drop off zone, creating a safety concern for students in the area.

Mike Roberts recommended that the goal is to shorten the amount of time vehicles are in the drop off zone in front of the school (by changing the lane striping and add center lane delineation) and arrange for regular PD enforcement.

Sgt Ayala described the warning letter process when the Police Department sends out warning letters to owners of vehicles that have been photographed violating the vehicle code, as a way to increase awareness. He also recommended re-painting the area directly in front of the school from yellow (loading zone) to white (passenger drop-off/loading only) and consider something other than the existing bollards.

The Committee discussed using cameras to videotape peak times on the street and photographing cars that are in violation and decided that the use of cameras by School staff should be used as a last resort.

Mike Roberts described his observations from the area located on the southern exit from the school drop/off, pick-up area at entrance to the “kindergarten” lot and also at the exit from the “kindergarten” lot. Lots of cars are rolling through these intersections without stopping.

The Committee discussed installing a stop sign at the exit of the “kindergarten” lot, another one from the school exit street at East 3<sup>rd</sup> Street, and installing a new crosswalk across East 3<sup>rd</sup> Street to GoldenSlopes.

**Public Comments:**

Mr. Mauch, resident from the corner of East 3<sup>rd</sup> Street and East S Street, described vehicles continuously rolling through the stop signs at this intersection.

No other comments were received.

Sgt. Ayala recommended some police enforcement and installation of high visibility crosswalk and striping to shorten the distance children cross the street.

Vice-Mayor Campbell asked staff to research the cost to install additional sidewalk on East S Street/East 3<sup>rd</sup> Street.

The Committee discussed increasing parent safety awareness by holding a safety assembly, including a safety message in the newsletter from the school, and installing on East 3<sup>rd</sup> Street from Hillcrest to the Pedestrian tunnel signage and striping that meets school zone safety standards.

The Committee discussed funding options and restrictions associated with the new stop signs and striping. They also discussed how to use the \$33,000 allocated from the SR2S Program.

A motion was made by Alan Schwartzman and seconded by Melissa Morton directing staff to (1) obtain a cost estimate for the recommended improvements; (2) install those improvements that the City can fund; (3) work with BUSD for those improvements that are on school property; and (4) come back to the Committee with an estimate for new sidewalk on East S Street.

The motion was adopted by a 5-0 vote.

A public comment was made by David Johnston of 2131 Goldenhill Way. His concern is about the safety of children and pedestrians crossing East 2<sup>nd</sup> Street at Tenneys/Hillcrest at peak hours. He's seen vehicles run red lights with pedestrians in the crosswalk. He requested the radar speed trailer, reprogramming the flashing yellow light so it's only on during school hours and installation of another (solar) radar speed sign that is inside the school zone.

The Committee discussed various options for this intersection. Police will schedule the radar speed trailer. Sgt Ayala stated that the problem with enforcement in this intersection is there isn't an effective place for police cars to wait and then move quickly to pull violators over.

Melissa Morton will include replacement of the botz dots on East 2<sup>nd</sup> Street on the staff's work plan.

The meeting was adjourned at 8:40 pm.

**AGENDA ITEM**  
**CITY COUNCIL MEETING: DECEMBER 17, 2013**  
**COUNCIL MEMBER COMMITTEE REPORTS**

**DATE** : December 9, 2013

**TO** : Mayor Patterson  
Council Member Strawbridge

**FROM** : City Manager

**SUBJECT** : **TRI-CITY AND COUNTY COOPERATIVE PLANNING GROUP**  
**"SOLANO OPEN SPACE"**

The following information is provided for your committee report at the December 17, 2013 Council meeting.

The last Tri-City and County Cooperative Planning Group scheduled for December 9, 2013 was canceled due to lack of a quorum. The next meeting is tentatively scheduled for March 10, 2014.



**AGENDA ITEM**  
**CITY COUNCIL MEETING: DECEMBER 17, 2013**  
**COUNCIL MEMBER COMMITTEE REPORTS**

**DATE** : December 10, 2013

**TO** : Mayor Patterson  
Council Member Hughes

**FROM** : City Manager

**SUBJECT** : **VALERO COMMUNITY ADVISORY PANEL (CAP)**

The following information is provided for your committee report at the December 17, 2013 Council meeting.

The CAP meets quarterly at 6:30 p.m. at the refinery at 610 Industrial Way. The last meeting was on December 5, 2013 and the agenda from that meeting is attached. The next meeting is TBD.

Attachments:

- December 5, 2013 Meeting Agenda



**AGENDA ITEM**  
**CITY COUNCIL MEETING: DECEMBER 17, 2013**  
**COUNCIL MEMBER COMMITTEE REPORT**

**DATE** : December 10, 2013

**TO** : Mayor Elizabeth Patterson  
Council Member Christina Strawbridge  
Council Member Mark Hughes

**FROM** : Youth Action Coalition

**SUBJECT** : **YOUTH ACTION COALITION**

The Benicia Youth Action Coalition met on November 20, 2013.

Report was given regarding the county not receiving the Drug Free Communities grant for this year. The county received a 91% score on their DFC Grant application. It appears lower scores were given because the county no longer has the Reducing Rates Coalition. Every City Team's budget will need to be modified for this year. Benicia will need to reduce the county-DFC funding by \$10,254.

Staff reported the Board of Supervisors will be meeting on December 3<sup>rd</sup> to discuss whether or not to ban medical marijuana dispensaries in unincorporated areas. Coalition staff attended the meeting and the Board of Supervisors voted unanimously for a permanent ban.

Staff reported at the Prescription Drug Take Back event in October; 148 dropped off drugs for a total of 186 lbs.

Alcohol compliance checks resulted in 100% compliance and one citation during the tobacco compliance check.

No BYAC meeting in December, next meeting January 22, 2014.



**AGENDA ITEM  
CITY COUNCIL MEETING: DECEMBER 17, 2013  
COUNCIL MEMBER COMMITTEE REPORTS**

**DATE** : December 10, 2013  
**TO** : City Council  
**FROM** : Mayor Patterson  
**SUBJECT** : **ABAG/CAL FED TASK FORCE/BAY AREA WATER FORUM**

The following information is provided for your committee report at the December 17, 2013 City Council meeting.

The Bay Area Water Forum's last meeting was held on March 26, 2012.

This was the last meeting of the Bay Area Water Forum for 2012, due to a lack of funding.



**AGENDA ITEM**  
**CITY COUNCIL MEETING: DECEMBER 17, 2013**  
**COUNCIL MEMBER COMMITTEE REPORTS**

**DATE** : December 9, 2013

**TO** : Mayor Patterson  
Council Member Hughes  
Council Member Schwartzman

**FROM** : Assistant City Manager

**SUBJECT** : **SOLANO COUNTY TRANSIT (SolTrans) BOARD MEETING**

The following information is provided for your committee report at the December 17, 2013 Council meeting.

The Solano County Transit (SolTrans) Joint Powers Authority held a regular meeting on November 21, 2013 in the City of Benicia Council Chambers. The Executive Report for the November 21, 2013 meeting is attached.

The next regular meeting of the SolTrans Board is scheduled for Thursday, December 19, 2013 at 4:00 p.m. and will be held in the City of Vallejo Council Chambers. The Agenda and Executive Report for this meeting were not available as of the date of this report.

Attachments:

- November 21, 2013 Executive Report





**TO:** SOLTRANS BOARD OF DIRECTORS  
**PRESENTER:** MONA BABAUTA, EXECUTIVE DIRECTOR  
**SUBJECT:** EXECUTIVE DIRECTOR'S REPORT  
**ACTION:** INFORMATIONAL

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**FINANCE AND ADMINISTRATION:**

- **Grant Transfer from City of Vallejo (COV):** The gradual transfer of transit grants from COV to SolTrans continues. This month, MTC will approve the transfer of \$244,385 in AB 664 funds, which will be applied to the renovation of SolTrans' Operations and Maintenance (O&M) facility at 1850 Broadway in Vallejo.
- **Asset Transfer from COV:** The transfer of assets from COV to SolTrans also continues. Currently, SolTrans' legal counsel is working with COV's legal staff to finalize the grant deeds for 311 Sacramento Street, the Curtola/Lemon Park and Ride lot, and the Sereno Transit Center. These grant deeds will transfer fee title from COV to SolTrans with a reversionary right should SolTrans cease using the various sites for transit purposes. Staff anticipates that the grant deeds will be recorded by mid-December. In addition, a building lease has been developed by SolTrans' Legal Counsel for occupying the Operations and Maintenance facility at 1850 Broadway, which will ultimately be conveyed by COV in fee title to SolTrans when the current encumbrances on that property are released.
- **New Staff Joins SolTrans:** Since the September 2013 Board meeting, two new staff members, Jessica Deakyne and David Berman, started with the Agency on November 11 and November 18, respectively, and one of our temporary employees, Gary Albright, became permanent on November 1st. They are all Program Analysts.
- **SolTrans Personnel Policies and Performance Management Program:** Your Staff has been working closely with the Benefits Subcommittee, composed of Vice Chairperson Hughes and Director Sperring, to develop the Agency's first set of Personnel Policies and the Performance Management Program, and we met on November 4<sup>th</sup> to conduct a detailed review of each document. More information on both documents may be found under Agenda Item 9.

**OPERATIONS:**

- **2<sup>nd</sup> BART Strike in October:** From October 18 through October 21, 2013, BART operators went on strike for a second time due to an on-going labor dispute with BART management. A tentative labor agreement was then reached late on October 21<sup>st</sup>, and workers were directed to return to work on October 22<sup>nd</sup>, but service resumed slowly. As a result of the work stoppage, SolTrans provided supplemental service, Route 80X, from the Vallejo Transit Center (VTC) to the Transbay Terminal in San Francisco on October 18, 21, and 22. The service was well-received, and the ridership statistics for those days are as follows:

Day	Route 80X Ridership	Notes
October 18	121	No BART service.
October 21	149	No BART service. 23% increase from 10/21.
October 22	71	BART service resumed, but slowly.
Total:	341	Total Passenger Trips

In addition, SolTrans' Route 78, which operates from VTC to both the Pleasant Hill and Walnut Creek BART stations, were re-routed around the stations to adjacent streets. Information on SolTrans' response to the BART strike may be found as Attachments A, B, and C.

- SolTrans System Analysis and Restructuring project: To ensure that our entire fixed route system is maintained properly and optimized in terms of level of service, ridership levels and on-time performance, we need to conduct in-depth, systemwide analyses on an on-going basis. Since the September Board meeting, the following has occurred: 1) a surveying team has been deployed to begin collecting ridership and origin/destination data, 2) staff/consultants have worked more closely with the bus operators to ensure proper tracking of ridership on our fareboxes, and 3) coordination meetings have occurred with ARUP. The next step would be to synthesize the data collected in November and begin to form the basis for making future recommendations on system improvements. Public outreach efforts to share observations and obtain feedback on potential service options will likely begin by late-February 2014.
- Paratransit Program Review: As staff proceeds with doing an extensive review of its fixed route services through the System Analysis and Restructuring Project, we have also initiated an in-depth review/audit of our ADA paratransit and taxi services and policies, with the help of Nelson Nygaard and Associates. This process will involve revisiting our policies and programs to ensure compliance with state and federal laws, as well as to identify potential changes/improvements that will allow us to better serve our disabled and senior clientele in the most efficient and effective manner. In addition, this process will better prepare the agency for future audits by the Federal Transit Administration (FTA). A peer review will also be conducted as part of the review/audit. Staff plans to return to the Board by March 2014 with a report on any findings and/or recommendations for improvements.
- AVL Project Implementation: The Automatic Vehicle Locator (AVL) System Project continues to progress. Kimley Horn and Associates was hired in October to implement the project for SolTrans, and more information may be found under Agenda Item 12. In general, this project will involve implementing technology that will allow for real-time travel information for customers; real-time information on how the system is performing to allow for improved decision-making by managers and dispatchers; increased ability to gather detailed on-time performance, ridership and other performance data; and improved security for our passengers, staff and fleet through the ability to track vehicles and potentially "see into the bus" remotely.
- Analysis of Service on Mare Island: The surveying process for gauging the potential success of expanding service to Mare Island ended on September 27, 2013. Staff is now in the process of synthesizing the data. A report on the survey results should be ready by the December 2013 Board meeting, and it will also be provided to ARUP for their reference as they work on the larger System Analysis and Restructuring Project. The exploration and planning of any potential transit service on Mare Island will be folded into the work that ARUP is doing.

- Route 3 Extension to Cal Maritime University: The extension of the Route 3 to Cal Maritime University, which began in mid-August 2013, appears to be doing well.
  - FY 2013-14 year-to-date ridership has increased by roughly 22% when compared to the same period in FY 2012-13.
  - Average monthly ridership between August and October 2012 was 5,370. Average monthly ridership during the same period in 2013 was 7,023. Therefore, the expanded service appears to have increased monthly ridership by approximately 1,653 passenger trips per month, representing a 30.8% increase in average monthly ridership.
  - Of the 1,653 increase in average monthly passenger trips, it appears that Cal Maritime students make up approximately 10% of this. (It appears that approximately 175 monthly passenger trips are being made by Cal Maritime students). The remaining passenger trips are most likely being made by residents in the developments around Cal Maritime.
- Clipper Implementation: Work on site preparations needed for implementing Clipper continues. Cubic, which is the MTC contractor responsible for installing the technology successfully, will begin project implementation in Napa-Solano by completing site preparation work at SolTrans first. As soon as SolTrans is completed successfully, further work will be done at neighboring transit agencies.
- Capital Facility Projects Underway:
  - The SolTrans Curtola Park and Ride Hub: This project continues to proceed rapidly towards 100% design. Recently, Staff determined, in collaboration with City of Vallejo staff, that it would be best for SolTrans to manage project delivery during the construction phase on its own. Consequently, your Staff is now making the necessary preparations for the transfer of project management from the City of Vallejo to SolTrans. Additionally, Staff plans to hold another workshop with the Board in December to: 1) allow Staff to provide an overview of how the facility will look and operate once completed, and 2) allow the Board to provide final feedback.

In addition, I will be working closely with the Executive Director of the Solano Transportation Authority (STA) in the upcoming months on exploring the possibility of sponsoring legislation that will allow SolTrans to obtain ownership of the Caltrans property, on which the facility sits. Caltrans is willing to entertain relinquishing the property to SolTrans. However, existing legislation precludes SolTrans, as a Joint Powers Authority (JPA), from being able to accept ownership of it.

- Renovation of 1850 Broadway: In collaboration with the City of Vallejo, design and construction management of this project will also be transferred to SolTrans. At this point, the design process is just under 95%, and there is a possibility that SolTrans will need to complete the design on its own and move the project to construction. I currently have Wayne Tanda of Municipal Resource Group (MRG) assisting me with planning the next steps in completing this project. Also, I plan to return to the Board in December with a final budget for completing this project, which is critical for maximizing operational efficiency and productivity, and for minimizing work interruptions at that facility. Staff is also evaluating the potential for using this facility to support an alternative fueled fleet, if deemed feasible and practical, through the CNG Feasibility Study led by STA.

## EXTERNAL AFFAIRS:

- Benicia's 2013 Clean Tech Expo: Staff participated in this event in October 2013. More information may be found under Agenda Item 13.
- COV Interagency Committee: On August 27, 2013, the City Council of the City of Vallejo adopted a resolution to include SolTrans in their Interagency Committee. Please see Attachment D for more information on the Committee.
- Consolidation of Information Technology Functions: Your Staff is working with staff from the City of Vallejo, the Vallejo Sanitation and Flood Control District, the Vallejo Unified School District, the Solano County Library, and the Greater Vallejo Recreational District (GVRD) to explore the possibility of achieving greater efficiencies and economies of scale by consolidating our IT functions, infrastructure and/or departments. This will be one of the main topics of the COV Interagency Committee's future work plan. I will keep the Board informed as this effort moves forward.
- City of Fairfield Study: As you all know, the City of Fairfield has initiated an effort to study the pros/cons of consolidating some or all of their transit services/functions with SolTrans. The study is being conducted by Management Partners, and I had my first meeting with their lead consultants on October 21, 2013. As a part of the meeting, I also took one of the consultants on a tour through SolTrans' Operations and Maintenance building at 1850 Broadway to allow her to meet operations and maintenance staff and to inspect the facility.
- Holiday Promotions: Your Staff is actively working on finalizing plans for this year's holiday promotions. At this point, plans include reducing passenger fares during Thanksgiving weekend and providing shopping shuttles between Gateway Plaza and downtown Vallejo and along Military Street in Benicia, in an effort to facilitate shopping local and to increase transit ridership. More information will be shared during the Board meeting.

### Attachments:

- A. Route 80X Supplemental Service During BART Strike
- B. Route 80 and 80X Temporary Bus Stop Maps
- C. Route 78 Temporary Bus Stops
- D. City of Vallejo Resolution to Include SolTrans on Interagency Committee