



AGENDA

VALLEJO CITY COUNCIL

JULY 24, 2007

MAYOR
Anthony Intintoli, Jr.

CITY COUNCIL
Gary Cloutier, Vice Mayor
Gerald Davis
Tom Bartee
Hermie Sunga
Stephanie Gomes
Tony Pearsall

City Hall
555 Santa Clara Street
Vallejo, CA 94590

This AGENDA contains a brief general description of each item to be considered. The posting of the recommended actions does not indicate what action may be taken. If comments come to the City Council without prior notice and are not listed on the AGENDA, no specific answers or response should be expected at this meeting per State law.

Those wishing to address the Council on any matter for which another opportunity to speak is not provided on the AGENDA but which is within the jurisdiction of the Council to resolve may come forward to the podium during the "COMMUNITY FORUM" portion of the AGENDA. Those wishing to speak on a "PUBLIC HEARING" matter will be called forward at the appropriate time during the public hearing consideration.

Copies of written documentation relating to each item of business on the AGENDA are on file in the Office of the City Clerk and are available for public inspection. Information may be obtained by calling (707) 648-4527, TDD (707) 649-3562, or at our web site: <http://www.ci.vallejo.ca.us/>



Vallejo City Council Chambers is ADA compliant. Devices for the hearing impaired are available from the City Clerk. Requests for disability related modifications or accommodations, aids or services may be made by a person with a disability to the City Clerk's office no less than 72 hours prior to the meeting as required by Section 202 of the Americans with Disabilities Act of 1990 and the federal rules and regulations adopted in implementation thereof.

NOTICE: Members of the public shall have the opportunity to address the City Council concerning any item listed on the notice before or during consideration of that item. No other items may be discussed at this special meeting.

VALLEJO CITY COUNCIL REGULAR MEETING 7:00 P.M. -- CITY COUNCIL CHAMBERS

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. PRESENTATIONS AND COMMENDATIONS
 - A. PRESENTATION ON VALLEJO CITY UNIFIED SCHOOL DISTRICT UPDATE BY DR. DAMELIO
5. PUBLIC COMMENT REGARDING CONSENT CALENDAR ITEMS

Members of the public wishing to address the Council on Consent Calendar Items are requested to submit a completed speaker card to the City Clerk. Each speaker is limited to three minutes pursuant to Vallejo Municipal Code Section 2.02.310. Requests for removal of Consent Items received from the public are subject to approval by a majority vote of the Council. Items removed from the Consent Calendar will be heard immediately after approval of the Consent Calendar and Agenda.

6. CONSENT CALENDAR AND APPROVAL OF AGENDA

All matters are approved under one motion unless requested to be removed for discussion by a Councilmember, City Manager, or member of the public subject to a majority vote of the Council.

- A. APPROVAL OF RESPONSE TO THE 2006-2007 SOLANO COUNTY GRAND JURY REPORT ENTITLED: VALLEJO POLICE DEPARTMENT AND HOLDING FACILITY

PROPOSED ACTION: Adopt the resolution approving the response to the 2006-2007 Solano County Grand Jury Report dated June 14, 2007.

- B. APPROVAL OF RESPONSE TO THE 2006-2007 SOLANO COUNTY GRAND JURY REPORT ENTITLED: PERMISSION TO CARRY A CONCEALED WEAPON

PROPOSED ACTION: Adopt the resolution approving the response to the 2006- 2007 Solano County Grand Jury Report dated June 14, 2007.

- C. FINAL READING OF AN ORDINANCE OF THE CITY OF VALLEJO REPEALING CHAPTER 7.80 OF TITLE 7 (AUTOMATIC CALLING AND ALARM DEVICES) OF THE VALLEJO MUNICIPAL CODE, AND ADDING A NEW CHAPTER 7.81 REGULATING SECURITY ALARM SYSTEMS TO TITLE 7 OF THE VALLEJO MUNICIPAL CODE

PROPOSED ACTION: Adopt the Ordinance.

- D. APPROVAL OF A RESOLUTION AUTHORIZING CONTRACT CHANGE ORDER NO. 3 TO SOARES PIPELINE, INC., OF HAYWARD, CA FOR THE WATERMAINS CAPITAL IMPROVEMENTS PROJECT FY 2006-2007

PROPOSED ACTION: Adopt the resolution authorizing Contract Change Order No. 3 to Soares Pipeline, Inc. of Hayward, California for the Water Mains Capital Improvements Project FY 2006-2007, in the amount of \$435,061.16.

- E. APPROVAL OF TWO RESOLUTIONS: 1) AUTHORIZING THE CITY MANAGER TO SUBMIT THE CITY OF VALLEJO'S FY 2007-2008 APPLICATION FOR TRANSPORTATION DEVELOPMENT ACT AND STATE TRANSIT ASSISTANCE FUNDING AND 2) APPROVAL OF A RESOLUTION AUTHORIZING THE TRANSPORTATION SUPERINTENDENT TO SUBMIT THE REGIONAL MEASURE 2 APPLICATION FOR FY 2007-2008

PROPOSED ACTION: Approval of two resolutions: 1) Authorizing the City Manager to submit the City of Vallejo's FY 2007-2008 application for Transportation Development Act and State Transit Assistance in the amount of \$7,796,247; and 2) Authorizing the Transportation Superintended to submit the Regional Measure 2 Application in the amount of \$3,917,465.

- F. APPROVAL OF A RESOLUTION AUTHORIZING AMENDMENT NO. 1 TO THE EXISTING AGREEMENT BETWEEN THE CITY OF VALLEJO AND CAROLLO ENGINEERS, P.C. REGARDING THE JAMESON CANYON PIPELINE RELOCATION PROJECT

PROPOSED ACTION: Adopt a resolution authorizing Amendment No. 1 in the amount of \$34,542 to the existing agreement with Carollo Engineers, P.C., for engineering services for the Jameson Canyon Pipeline Relocation Project.

- G. APPROVAL OF A RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS, GRANTING JOHNSON MECHANICAL COMPANY, INC. RELIEF FROM ITS BID DUE TO CLERICAL ERROR, AND AWARDING THE TRAVIS-BECK AVENUE PUMP STATION PROJECT TO CLYDE G. STEAGALL, INC. OF LOOMIS, CALIFORNIA

The City received five (5) bids on June 28, 2007 for the Travis-Beck Avenue Pump Station Project. The bids ranged from \$338,000 to \$579,000. Johnson Mechanical Co., Inc. of Elk Grove, California submitted the lowest apparent bid of \$338,000 and has requested relief from its bid due to gross material mathematical errors in their bid preparation. Staff concurs that Johnson Mechanical's bid contained a material error, recommends City Council consent to their request and recommends that the contract be awarded to Clyde G. Steagall, Inc. of Loomis, California in the amount of \$415,253.

PROPOSED ACTION: Adopt the resolution approving the plans and specifications, granting Johnson Mechanical Company, Inc. relief from its bid due to a material clerical error, and awarding the Travis – Beck Avenue Pump Station Project to Clyde G. Steagall, Inc. of Loomis, California in the amount of \$415,253.

- H. APPROVAL OF A RESOLUTION ACCEPTING THE FY2006-2007 WATER METERS REPLACEMENT PROJECT PERFORMED BY VULCAN CONSTRUCTION AND MAINTENANCE OF FRESNO, CALIFORNIA AS COMPLETE

PROPOSED ACTION: Adopt the resolution accepting the FY2006-2007 Water Meters Replacement Project performed by Vulcan Construction and Maintenance of Fresno, California as complete.

- I. APPROVAL OF A RESOLUTION AUTHORIZING FUNDS FOR TRAINING SESSION FOR ARCHITECTURAL HERITAGE AND LANDMARKS COMMISSION MEMBERS TO ATTEND A CALIFORNIA PRESERVATION FOUNDATION WORKSHOP AUGUST 2, 2007 AND AUGUST 23, 2007

PROPOSED ACTION: Adopt the resolution authorizing the expenditure of training budget funds to allow three members of the Architectural Heritage and Landmarks Commission to attend the August 2 Historic Landscape training and for seven members to attend the August 23 State Historic Building Code training.

- J. APPROVAL OF A RESOLUTION AUTHORIZING THE PURCHASE OF FIVE (5) VEHICLES AND PIECES OF EQUIPMENT IN ACCORDANCE WITH THE REQUIREMENTS OF REQUESTS FOR QUOTATION #502-2902-15, 19, 20, 24 AND 25.

PROPOSED ACTION: Approve a resolution authorizing the City Manager or his designee to execute purchase orders for the purchase of one (1) 48" Milling Machine (grinder) as specified in RFQ #502-2902-15 and one (1) B-5 Unitized Asphalt Patcher as specified in RFQ #502-2902-24 from Nixon-Egli Equipment

Company of Tracy, California in the amount of \$438,219.93; one (1) Freightliner Ten-yard Dump Truck as specified in RFQ #502-2902-19, from Golden Gate Truck Center of Oakland, California in the amount of \$134,077.02; one (1) Ford, F-250, 1 ½ Ton Pick Up Truck as specified in RFQ #502-2902-20, from Cornelius Ford of Vallejo, California in the amount of \$34,682.13; and one (1) 11 foot crane body as specified in RFQ #502-2902-25 from Northbay Truck Body of Cordelia, California in the amount of \$27,275.40.

- K. ADOPT A RESOLUTION ACCEPTING THE RESIGNATION OF PATRICIA BERNARD FROM THE SISTER CITY COMMISSION

PROPOSED ACTION: Accept the resignation.

- L. FINAL READING OF AN ORDINANCE AMENDING CHAPTERS 7.40 THROUGH 7.52 OF THE VALLEJO MUNICIPAL CODE CONCERNING SOLID WASTE

PROPOSED ACTION: Adopt the ordinance.

- M. SUBMITTAL OF THE CITY TREASURER'S INVESTMENT REPORT FOR THE QUARTER ENDED JUNE 30, 2007

PROPOSED ACTION: This report is an informational item only.

- N. RESOLUTION AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO ENTER INTO A FUNDING AGREEMENT WITH THE BAY AREA TOLL AUTHORITY TO PROVIDE ADDITIONAL FUNDING FOR FERRY SERVICE DURING THE 2007 LABOR DAY WEEKEND

The California Department of Transportation (Caltrans) will close the Bay Bridge to all traffic from 8:00 pm Friday, August 31, 2007 through 5:00 am Tuesday, September 4, 2007 over the 2007 Labor Day Holiday weekend. The closure is part of the Bay Bridge East Span Replacement Project. In an effort to offset transbay travel capacity that will be lost due to the bridge closure, the Bay Area Toll Authority (BATA), which was established pursuant to Streets & Highways Code §§ 30950 *et seq.*, wishes to increase ferry service over the three-day holiday weekend.

To accomplish this, BATA will provide funding to designated operators to cover all operational costs for the extra service incurred by the operator. MTC has advised that BATA wishes to increase the Vallejo Baylink service over the three-day Labor Day holiday by operating one (1) additional ferry on September 1st, 2nd and 3rd. Each day, an additional ferry will provide 10 revenue hours of service during the 2007 three-day Labor Day weekend as described in the Funding Agreement.

PROPOSED ACTION: Staff recommends approval of a resolution authorizing the City Manager or his designee to execute the funding agreement between the Bay Area Toll Authority and the City of Vallejo for additional ferry service during the 2007 Labor Day weekend.

- O. APPROVAL OF A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A 2006/2007 AND A 2007/2008 INTERCITY TRANSIT FUNDING AGREEMENT BY AND BETWEEN THE CITY OF VALLEJO AND THE SOLANO TRANSIT AUTHORITY, SOLANO COUNTY AND THE CITIES OF BENICIA, DIXON, FAIRFIELD, RIO VISTA, SUISUN CITY, AND VACAVILLE

In Fiscal Year 2005-2006, the Solano Transportation Authority (STA), the designated Congestion Management Agency for Solano County, led an effort to develop a consistent methodology for cost-sharing of Solano County intercity bus transit routes. The STA's Interstate-80/680/780 Transit Corridor Study identified eight (8) intercity bus routes in Solano County, some of which were subsidized by more than one jurisdiction under separate agreements. The intercity routes were operated by four transit operators using a variety of cost-sharing methodologies between jurisdictions. The four Solano County jurisdictions all contributed Transportation Development Act (TDA) funds to at least one intercity route. The study recommended developing an annual and multi-year funding agreement or Memorandum of Understanding (MOU) for intercity transit services.

PROPOSED ACTION: Staff recommends that the City Council approve the resolution authorizing the City Manager or his designee to execute the 2006-2007 and a 2007-2008 Intercity Funding Agreement with the Solano Transportation Authority, Solano County and the city's of Benicia, Dixon, Fairfield, Rio Vista, Suisun City, and Vacaville for the provision of intercity transit services in Solano County.

7. PUBLIC HEARINGS

- A. CONSIDERATION OF APPROVAL OF RESOLUTIONS RENEWING THE DOWNTOWN VALLEJO MANAGEMENT DISTRICT AND RENEWING CITY BASELINE SERVICES FOR THE DISTRICT

On June 5, 2007, the City Council approved the Resolution of Intention to renew the Downtown Vallejo Management District, approved the Management Plan of the District, and set the date for the public hearing to consider renewal of the District for July 24, 2007. On June 6, 2007, ballots were mailed to all property owners within the District to vote on the renewal of the District. This vote is calculated based on the total assessment, not the number of property owners. Following public comment, ballots received by the City Clerk's Office will be tallied and presented to the City Council at tonight's Council meeting. Property owners who comprise a majority of the proposed assessment must approve the renewal of the District in order for the City Council to consider renewal of the District.

PROPOSED ACTION: Adopt the Resolutions renewing the Downtown Vallejo Management District and renewing City Baseline Services for the District.

- B. CONSIDERATION OF A RESOLUTION APPROVING THE REVISED ENGINEER'S ANNUAL LEVY REPORT AND A RESOLUTION ORDERING THE LEVY AND COLLECTION OF FISCAL YEAR 2007-2008 ASSESSMENTS FOR THE HIDDENBROOKE MAINTENANCE DISTRICT

Conduct a Public Hearing pursuant to the Landscaping and Lighting Act of 1972 (the "Act") and take public comment regarding Fiscal Year 2007/2008

assessments for the Hiddenbrooke Maintenance District. The Act provides for the levy and collection of assessments by the County of Solano for the City of Vallejo to generate sufficient revenue to pay for landscape maintenance services, operation, and improvements in landscape maintenance districts created under the Act.

To more accurately reflect the reserve funds in the District, the final Engineer's Report has been modified since the City Council's preliminary approval of the Engineer's Report on July 10, 2007.

PROPOSED ACTION: Conduct a Public Hearing regarding the Hiddenbrooke Maintenance District, adopt a resolution approving the final Engineer's Annual Levy Report and a resolution ordering the levy and collection of assessments for the Hiddenbrooke Maintenance District for Fiscal Year 2007/2008.

8. POLICY ITEMS - NONE

9. ADMINISTRATIVE ITEMS

A. CONSIDERATION OF A RESOLUTION OF INTENTION TO AMEND THE FISCAL YEAR (FY) 2007/2008 FEDERAL COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM BUDGET

The 100 Block of Benson Avenue Public Improvement Project in Vallejo Heights requires additional funding in order to begin. The current approved construction budget for Benson Avenue is \$447,500. At a special Community Development Commission (CDC) meeting in June, the Commission voted, 7-0-0, to recommend that (1) available unallocated CDBG funds be allocated to the project, and (2) the scope of work for Benson Avenue be reduced. Staff and several residents of the Vallejo Heights neighborhood concur with the Commission's recommendation.

The total amount of unallocated funds available at this time is \$282,964. If approved by the City Council, the revised budget for the project will be \$730,464. If the City proceeds with Benson Avenue, staff estimates construction will start in the spring of 2008.

PROPOSED ACTION: Adopt the resolution of intention to amend the FY 2007/2008 CDBG Budget, carrying over prior year CDBG funds for the construction of improvements on Benson Avenue, and allocating additional CDBG funds to the Benson Avenue Project.

B. CONSIDERATION OF A RESOLUTION APPROVING THE CITY OF VALLEJO WATER MANAGEMENT PLAN PREPARED FOR THE UNITED STATES BUREAU OF RECLAMATION

Beginning in early 1999, the City of Vallejo, along with other participating members of the federal Solano Project (Lake Berryessa), has been required to prepare a water management plan every five years meeting the criteria of the U.S. Bureau of Reclamation (USBR). USBR has conditionally accepted the WMP prepared by City of Vallejo staff and Maddaus Water management by letter

dated March 29, 2007 and e-mail dated June 20, 2007. Copies of the plan are available in the City Clerk's and Water Administration Offices.

PROPOSED ACTION: Staff recommends adoption of the Water Management Plan and submittal to the U.S. Bureau of Reclamation.

10. APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES - NONE

11. WRITTEN COMMUNICATIONS

Correspondence addressed to the City Council or a majority thereof, and not added to the agenda by the Mayor or a Council member in the manner prescribed in Government Code, Section 54954.2, will be filed unless referred to the City Manager for a response. Such correspondence is available for public inspection at the City Clerk's office during regular business hours.

12. CITY MANAGER'S REPORT

13. CITY ATTORNEY'S REPORT

14. COMMUNITY FORUM

Anyone wishing to address the Council on any matter for which another opportunity to speak is not provided on the agenda, and which is within the jurisdiction of the Council to resolve, is requested to submit a completed speaker card to the City Clerk. When called upon, each speaker should step to the podium, state his /her name, and address for the record. Each speaker is limited to three minutes pursuant to Vallejo Municipal Code Section 2.20.300.

15. REPORT OF THE PRESIDING OFFICER AND MEMBERS OF THE CITY COUNCIL

16. CLOSED SESSION: *May recess to consider matters of pending litigation (GC 54956.9), personnel (GC 54957), labor relations (GC 54957.6), and real property negotiations (GC 54956.8). Records are not available for public inspection.*

17. ADJOURNMENT



CONSENT A

Agenda Item No.

COUNCIL COMMUNICATION

Date: July 24, 2007

TO: Honorable Mayor and Members of the City Council

FROM: Joseph M. Tanner, City Manager

SUBJECT: APPROVAL OF A RESPONSE TO THE 2006-2007 SOLANO COUNTY GRAND JURY REPORT ENTITLED: VALLEJO POLICE DEPARTMENT AND HOLDING FACILITY

BACKGROUND AND DISCUSSION

City staff received the 2006-2007 Solano County Grand Jury Report on May 18, 2007. The report contains three findings and recommendations regarding the City of Vallejo's Police Department and holding facility. The City's official response and resolution are attached for Council approval.

- There is no fiscal impact.

RECOMMENDATION

Approve the response letter and adopt a resolution approving the City of Vallejo's response to the 2006-2007 Solano County Grand Jury Report entitled: Vallejo Police Department and Holding Facility.

ALTERNATIVES CONSIDERED

By law, the City must respond per Penal Code Sec. 933 (C).

PROPOSED ACTION

Adopt the resolution approving the City of Vallejo's 2006-2007 Solano County Grand Jury Report response.

DOCUMENTS AVAILABLE FOR REVIEW

- a. Resolution
- b. City of Vallejo response letter to Judge David E. Power dated June 14, 2007.
- c. 2006-2007 Solano County Grand Jury Report entitled: Vallejo Police Department and Holding Facility.

CONTACT PERSON

Joseph M. Tanner, City Manager

July 24, 2007

K:ai/cm/GrandJuryReportVPD&HoldingFacility072407

RESOLUTION NO. ____ N.C.

BE IT RESOLVED by the Council of the City of Vallejo as follows:

WHEREAS, the Solano County Grand Jury has issued a report for 2006-2007 entitled: Vallejo Police Department and Holding Facility; and

WHEREAS, the Solano County Grand Jury has presented findings and recommendations in its report which relate to the Police Department's holding facility; and

WHEREAS, a proposed response to the findings and recommendations of the Solano County Grand Jury has been prepared.

NOW, THEREFORE, BE IT RESOLVED, that the Vallejo City Council hereby approve the responses to the 2006-2007 Solano County Grand Jury Report entitled: Vallejo Police Department and Holding Facility for transmittal to Presiding Judge David E. Power.

July 31, 2007

K:/ai/cm/GrandJuryReportVPD&HoldingFacility072407



CITY OF VALLEJO

OFFICE OF THE CITY MANAGER

555 SANTA CLARA STREET • P.O. BOX 3068 • VALLEJO • CALIFORNIA • 94590-5934 • (707) 648-4575
FAX (707) 648-4426

July 11, 2007

David E. Power
Presiding Judge of the Superior Court
Solano County Superior Court
600 Union Avenue
Fairfield, CA 94533

RE: 2006-2007 Grand Jury Report Entitled: Vallejo Police Department and Holding Facility
Report date: May 18, 2007

Dear Judge Power,

This letter contains the City of Vallejo's response to the Solano County Grand Jury Report of May 18, 2007, regarding the Vallejo Police Department and Holding Facility.

The Vallejo Police Department's management staff has reviewed the Grand Jury's recommendations and provided the following:

Finding #1: The Vallejo Police Department holding area needs repair and consistent maintenance.

Response: Agree.

Recommendation #1: Repairs should be made where needed to keep the holding cells and surrounding areas clean and maintained.

Response: The recommendation has been implemented as best we can. The holding cells are cleaned daily and repainted approximately every two years. Limited funding is available for repairs throughout the Police Station and problems are corrected in order of priority.

Finding #2: Emergency evacuation signs were not visibly posted within the Vallejo Police Department.

Honorable David E. Power

RE: 2006-2007 Grand Jury Report (VPD and Holding Facility)

July 11, 2007

Page 2

Response: Disagree.

Recommendation #2: Signs should be posted immediately.

Response: The recommendation will not be implemented because additional signage is not warranted. Following the Grand Jury's visit, the Police Department was inspected by the City's Fire Prevention Division and found to be in compliance with all fire and emergency evacuation requirements and regulations.

Finding #3: Juvenile crime has increased in Vallejo.

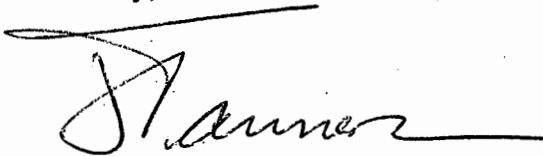
Response: Agree.

Recommendation #3: Evaluate to improve the Prevention Crime Program at elementary schools and implement additional programs for middle schools.

Response: This recommendation will unfortunately not be implemented due to a lack of funding. The Vallejo Police Department suffered a \$3 million budget reduction this Fiscal Year and the elimination of 16 sworn and non-sworn staff members. As a result, there is no opportunity to engage in additional crime prevention activities.

Please let me know if you have any questions or require further information.

Sincerely,



Joseph M. Tanner
City Manager

cc: Frederick G. Soley, City Attorney
Mayor & Members of the Vallejo City Council
Craig Whittom, Assistant City Manager/Community Development
Robert W. Nichelini, Chief of Police

GRAND JURY



Hall of Justice
600 Union Ave
Fairfield, California
94533
(707) 207-7302

Jbharrison@solanocourts.com

RECEIVED

MAY 22 2007

CITY MANAGERS OFFICE
CITY OF VALLEJO

May 16, 2007

Joseph M. Tanner – City Manager
Vallejo City Council
555 Santa Clara Street
Vallejo CA 94590

Re: 2006-2007 Grand Jury Report Entitled:
Vallejo Police Department and Holding Facility
Report Date: May 15, 2007

Dear City Manager:

The Grand Jury addressed a letter to you along with the above-mentioned report. The letter indicated that you are not required to respond to the Grand Jury report. This was in error. The Grand Jury requests that you respond in writing to the Findings and Recommendations contained in the report you received pursuant to Penal Code §933.05. This section of the Penal Code is very specific as to the format of the responses. The Penal Code is also specific about the deadline for responses. You are required to submit your response to the Grand Jury **within 60 days on or before July 18, 2007.**

If you have any questions, please do not hesitate to contact me. Thank you for your patience in this regard.

Sincerely,

Jamielynn Harrison
Administrative Assistant
Solano County Grand Jury

/jh

GRAND JURY



Hall of Justice
600 Union Ave
Fairfield, California
94533
(707) 207-7302

Jbharrison@solanocourts.com

May 15, 2007

RECEIVED

MAY 18 2007

CITY MANAGERS OFFICE
CITY OF VALLEJO

Joseph M. Tanner – City Manager
Vallejo City Council
555 Santa Clara Street
Vallejo CA 94590

Re: 2006-2007 Grand Jury Report Entitled:
Vallejo Police Department and Holding Facility
Report Date: May 15, 2007

Enclosed please find a copy of the above named reports by the 2006-2007 Solano County Grand Jury. This report is provided to you **in advance of public release** as provided for in Penal Code §933.05(f). Please note that Penal Code §933.05(f) specifically prohibits any disclosure of the contents of this report by a public agency, its departments, officers or governing body prior to its release to the public, which will occur on May 18, 2007.

Though you are not required to provide a response, the Grand Jury requests that you respond in writing to the Findings and Recommendations contained in the report **within 60 days on or before July 18, 2007**.

Please send your responses to:

David E. Power
Presiding Judge of the Superior Court
Solano Superior Court
600 Union Ave
Fairfield, CA 94533

and a copy to the Grand Jury office at the above-mentioned address.

Responses are public records. Should you have any questions, please contact Jamielynn Harrison, Administrative Assistant to the Grand Jury, at (707) 207-7302.

Sincerely,

A handwritten signature in black ink, appearing to read "DeWayne Tobias". The signature is written in a cursive style with a large, prominent "D" and "T".

DeWayne Tobias
Foreman
2006-2007 Solano County Grand Jury

DT/jh
Enclosure

VALLEJO POLICE DEPARTMENT AND HOLDING FACILITY
2006-2007 Solano County Grand Jury

Reason for Inspection

California Penal Code §919 subsection (b) provides: "The grand jury shall inquire into the condition and management of the public prisons within the county." Pursuant to the statute, the 2006-2007 Grand Jury inspected the Vallejo Police Department and Holding Facility.

Grand Jury Actions

- Toured the Police Department and holding facility with duty officers
- Discussed the department holding process
- Inspected the holding cells

Background / Summary

The Vallejo Police Department (Department) processes and Live Scan fingerprints arrestees at this facility. It is equipped to conduct breathalyzer tests. The arrestees are transported to the County Jail or Juvenile Hall in Fairfield as applicable. Arrestees are not held overnight at this facility. Individuals cannot be released on bail from this facility. However, if an arrestee has an outstanding warrant under \$5,000, they can be cited and released with a promise to appear.

The Department has four holding cells for adults. Each adult cell can hold a maximum of two prisoners. There are three cells for juveniles 14 and older. Each juvenile cell holds a maximum of one juvenile. Juveniles under age 14 are held in non-secured areas with an officer present. Half of all juveniles taken into custody are released to their parents. A Sally Port is used for arrestee transfer.

The holding cells contain security cameras and can be monitored in the lieutenant's office and in the Dispatch area. The cells contain toilets for use by the arrestees, although privacy is not available. Cautionary metal signs are posted on holding cell doors to identify combative and problem prisoners. Female and major crime arrestees are physically monitored by Department officers. Panic buttons are visible throughout the holding cell area.

At the time of our inspection, the holding cells were empty. The holding cell floors and surrounding holding area needed cleaning, painting, and repair of a hole in one wall.

Emergency evacuation signs were not visibly posted in the Department.

The Department staff count is 200 sworn and non-sworn employees. On the day of our visit, 24 sworn officers were on duty. The officers work twelve-and-one-half hour shifts.

We were informed by the duty officer that the Department has been understaffed for the past three years due to budget problems. The understaffing percentage stated at the time of our visit was 10 to 12 percent.

The duty officer stated that morale is good in the Department. Officers undergo ongoing sensitivity and harassment awareness training.

At the time of the Grand Jury visit, the Department's last fire and Correction Standards Authority inspections were conducted in 2006. An Environmental Health inspection was conducted in December 2005.

A police officer is assigned to each middle school and high school in Vallejo. The Department conducts D.A.R.E. type programs at the elementary schools.

The duty officer stated that there is a noticeable increase of serious juvenile crime in the city within the past two years.

Findings and Recommendations

Finding 1 - The Vallejo Police Department holding area needs repair and consistent maintenance.

Recommendation 1 – Repairs should be made where needed to keep holding cells and surrounding areas clean and maintained.

Finding 2 – Emergency evacuation signs were not visibly posted within the Vallejo Police Department.

Recommendation 2 – Signs should be posted immediately.

Finding 3 – Juvenile crime has increased in Vallejo.

Recommendation 3 – Evaluate to improve the Preventive Crime Program at elementary schools and implement additional programs for middle schools.

Comments

We commend the Vallejo Police Department for maintaining good morale during a long understaffing period and an increase in juvenile crime. The community and police should continue to collaborate in their efforts to minimize crime in Vallejo.

Affected Agencies

- Vallejo Police Department
- Vallejo City Manager
- Vallejo City Council

Courtesy Copy

Solano County Supervisors, Barbara Kondylis and John Silva



CONSENT B

Agenda Item No.

COUNCIL COMMUNICATION

Date: July 24, 2007

TO: Honorable Mayor and Members of the City Council

FROM: Joseph M. Tanner, City Manager

SUBJECT: APPROVAL OF A RESPONSE TO THE 2006-2007 SOLANO COUNTY GRAND JURY REPORT ENTITLED: PERMISSION TO CARRY A CONCEALED WEAPON

BACKGROUND AND DISCUSSION

City staff received the 2006-2007 Solano County Grand Jury Report on May 25, 2007. The report contains one finding and recommendation regarding the Police Department's permission to carry a concealed weapon.

- There is no fiscal impact.

RECOMMENDATION

Approve the response letter and adopt a resolution approving the City of Vallejo's response to the 2006-2007 Solano County Grand Jury Report entitled: Permission to Carry a Concealed Weapon.

ALTERNATIVES CONSIDERED

By law, the City must respond per Penal Code Sec. 933 (C).

PROPOSED ACTION

Adopt the resolution approving the City of Vallejo's 2006-2007 Solano County Grand Jury Report response.

DOCUMENTS AVAILABLE FOR REVIEW

- a. Resolution
- b. City of Vallejo response letter to Judge David E. Power dated June 14, 2007.
- c. 2006-2007 Solano County Grand Jury Report entitled: Permission to Carry a Concealed Weapon.

CONTACT PERSON

Joseph M. Tanner, City Manager

July 24, 2007

K:ai/cm/GrandJuryReportPermissiontoCarryaConcealedWeapon072407

RESOLUTION NO. ____ N.C.

BE IT RESOLVED by the Council of the City of Vallejo as follows:

WHEREAS, the Solano County Grand Jury has issued a report for 2006-2007 entitled: Permission to Carry a Concealed Weapon; and

WHEREAS, the Solano County Grand Jury has presented one finding and recommendation in its report which relate to the Police Department's permission to carry a concealed weapon; and

WHEREAS, a proposed response to the finding and recommendation of the Solano County Grand Jury has been prepared.

NOW, THEREFORE, BE IT RESOLVED, that the Vallejo City Council hereby approve the responses to the 2006-2007 Solano County Grand Jury Report entitled: Permission to Carry a Concealed Weapon for transmittal to Presiding Judge David E. Power.

July 24, 2007

K:/ai/cm/GrandJuryReportPermissiontoCarryaConcealedWeapon072407



CITY OF VALLEJO

OFFICE OF THE CITY MANAGER

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June 14, 2007

David E. Power
Presiding Judge of the Superior Court
Solano County Superior Court
600 Union Avenue
Fairfield, CA 94533

**Re: 2006-2007 Grand Jury Report Entitled: Permission to Carry a
Concealed Weapon
Report Date: May 22, 2007**

Dear Judge Power,

This letter contains the City of Vallejo's response to the Solano County Grand Jury Report of May 22, 2007, regarding Permission to Carry a Concealed Weapon.

The Vallejo Police Department's management staff has reviewed the Grand Jury's recommendations and provided the following:

Finding #1: The process to obtain a concealed weapons permit is very involved and complex.

Response: Agree.

Recommendation #1: Issuing authorities should provide a separate document clarifying and supporting the department's procedure necessary for citizens to obtain a Concealed Weapons Permit.

Response: The recommendation will not be implemented because General Order C-10 provides an adequate description of the process and requirements for this permit.

Honorable David E. Power

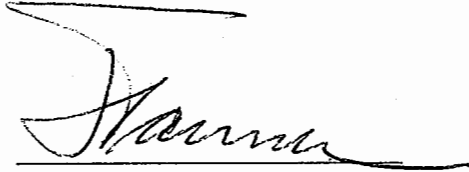
Re:2006-2007 Grand Jury Report (Permission to Carry a Concealed Weapon)

June 14, 2007

Page 2

Please let me know if you have any questions or require further information.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Tanner", written over a horizontal line.

Joseph M. Tanner
City Manager

cc: Frederick G. Soley, City Attorney
Mayor & Members of the Vallejo City Council
Craig Whittom, Assistant City Manager/Community Development
Robert W. Nichelini, Chief of Police

GRAND JURY



Hall of Justice
600 Union Ave
Fairfield, California
94533
(707) 207-7302

Jbharrison@solanocourts.com

May 22, 2007

Chief Robert Nichelini
Vallejo City Police Dept.
111 Amador Street
Vallejo CA 94590

Re: 2006-2007 Grand Jury Report Entitled:
Permission to Carry A Concealed Weapon
Report Date: May 22, 2007

Enclosed please find a copy of the above named reports by the 2006-2007 Solano County Grand Jury. This report is provided to you in advance of public release as provided for in Penal Code §933.05(f). Please note that Penal Code §933.05(f) specifically prohibits any disclosure of the contents of this report by a public agency, its departments, officers or governing body prior to its release to the public, which will occur on May 25, 2007.

The Grand Jury requests that you respond in writing to the Findings and Recommendations contained in the report pursuant to Penal Code §933.05. This section of the Penal Code is very specific as to the format of the responses. The Penal Code is also specific about the deadline for responses. You are required to submit your response to the Grand Jury **within 60 days on or before July 25, 2007**.

Please send your responses to:

David E. Power
Presiding Judge of the Superior Court
Solano Superior Court
600 Union Ave
Fairfield, CA 94533

and a copy to the Grand Jury office at the above-mentioned address.

Responses are public records. Should you have any questions, please contact Jamielynn Harrison, Administrative Assistant to the Grand Jury, at (707) 207-7302.

Sincerely,

A handwritten signature in cursive script that reads "DeWayne Tobias".

DeWayne Tobias
Foreman
2006-2007 Solano County Grand Jury

DT/jh
Enclosure

PERMISSION TO CARRY A CONCEALED WEAPON

2006-2007 Solano County Grand Jury

RECEIVED ^{Courtesy} Copy

MAY 25 2007

Reason for Investigation

The Grand Jury elected to investigate procedures and policies to obtain a permit to carry a concealed weapon in Solano County and the cities within Solano County. CITY OF VALLEJO

Grand Jury Actions

- Contacted each law enforcement agency to obtain its policy and procedure for obtaining a concealed weapon permit
- Reviewed a list of current Concealed Weapons Permit holders within the county

Background/Summary

The information received from the Sheriff and local Police Departments met the requests made by the Grand Jury. Each noted, as the prime criteria, California Penal Code §§ 12050 - 12054 for issuance of concealed weapons permits (CWP). Section 12050 includes the ability for the sheriff and police chiefs to issue a license to carry a concealed firearm to residents of the county or community. Subsection (b) of Section 12050, authorizes the sheriff or local police chiefs to impose any reasonable restrictions which they deem warranted.

Several cities in Solano County use Lexipol, a contracting firm, for the development of policies and procedures for a CWP issuance. It provides police departments with a method for development, modification and maintenance of policies and procedures. Local police departments review policies and procedures to ensure a fit within their community.

Benicia

Benicia Police Department policy, section 218, provides the process for an applicant to obtain a CWP. At the time of its response, 11 concealed weapon permits had been issued following policy 218. Benicia policy requires successful completion of two phases. Specifically, “[u]pon the successful completion of each phase, the applicant will advance to the next phase until the process is completed and the license is either issued or denied.” An initial applicant fee is \$100 (non-refundable). Additional fees are required for finger printing, training and psychological testing. Another notable item is that the applicant must submit a minimum of three signed character reference letters. Once the Chief of Police or authorized designee has verified the successful completion of the last phase, the license to carry a concealed weapon will either be granted or denied. An issued license is valid for two years. Ammunition shall be inspected and approved by the Benicia Police Department Range Master.

Dixon

Dixon Police Department Policy, sections 218 and 220, provide the process for a CWP. Currently Dixon has three permits issued. Dixon policy requires completion of two phases. Specifically, “[u]pon the successful completion of each phase, the applicant will be advanced to the next phase until the process is completed and the license is either issued or denied.” An initial

applicant fee is \$100 (non-refundable). Additional fees are required for finger printing, training and psychological testing. The applicant must submit a minimum of three signed character reference letters. An issued license is valid for two years. Ammunition shall be inspected and approved by the Dixon Police Department Range Master.

Fairfield

Fairfield Police Department policy and procedures number 3500, "Concealed Weapon Permit," is currently in place. Presently there are three permits issued by Fairfield. The initial step for an applicant is to submit a letter to the Police Chief stating reasons that a permit is needed. The Chief reviews and decides if the process is to continue. All processing costs are covered by the applicant. Petition for Carrying Concealed Weapon Permit requires a compelling reason. "Self protection alone is not justification for a CWP...", according to Fairfield's permit information sheet.

Rio Vista

The Rio Vista Police Department policy and procedure, section 218, Concealed Weapons Licensing, is in place and is currently under review by the Chief. At present there are four licenses issued. All costs for applying for a license are the responsibility of the applicant including, if the Chief requires, referral to an authorized psychologist to determine the applicant's suitability for carrying a concealed weapon, not to exceed \$375. Three character reference letters must be included with an application. Section 218 allows the Chief or authorized designee to approve or deny an applicant even after successfully completing the process.

Solano County Sheriff/Coroner's Department

The Solano County Sheriff also follows California Penal Code 12050 through 12054. Currently the Sheriff has issued 88 permits to carry concealed weapons. Further breakdown indicates 49 are issued to Correctional Officers, 10 to Reserve Deputy Sheriffs and 29 to citizens. Permit costs are the responsibility of the applicant. Officers of the court or county may have fees waived by the county. Permits issued by the Solano County Sheriff include 36 in Vacaville, 19 in Fairfield, 13 in Suisun City, five in Vallejo, four in Benicia, three each in Dixon and Rio Vista and one each in Rosamond, Clarksberg, Napa, Santa Rosa and Walnut Grove.

Suisun City

The Suisun City Police Department General Order 4.207 recognizes the Chief's statutory discretion to issue a permit to carry a concealed weapon to a resident of the City. The general order further states "[e]xperience has revealed that concealed firearms carried for protection not only provide a false sense of security but further, that the permittee is often a victim of his own weapon or the subject of a civil or criminal case stemming from an improper use of the weapon. [¶] It is the judgment of the Suisun City Police Department that utilization of standard commercial security practices furnishes a security which is both safer and more secure than that

which results from the carrying of a concealed firearm.... [¶] For these reasons and considering the dangers to society resulting from the possession and use of concealed firearms, it is the policy of the Suisun City Police Department that 'good cause' for the issuance of any concealed weapons permits would exist only in the most extreme and aggravated circumstances." Self-protection alone will NOT be an acceptable reason for issuing a concealed weapon permit. Currently Suisun City has issued five permits. The application process, as well as all associated costs in the permit process, is the sole responsibility of the applicant.

Vacaville

The Chief of the Vacaville Police Department has policies and procedures, in accordance with California Penal Code sections 12050 through 12054, the statutory discretion to issue a license to carry a concealed firearm to residents within the City of Vacaville. Currently five permits have been issued to Vacaville community members.

All application requirements and costs are the responsibility of the applicant. Three character reference letters must be included with the application. The policy states "[n]othing in this policy shall be construed to require the Chief of Police to issue a concealed weapons license at any time." Among other requirements, the applicant must provide documented proof of \$1,000,000 in personal liability insurance coverage.

Vallejo

The Vallejo Police Department has issued General Order C-10 providing for Concealed Weapons Licenses. "The Chief of Police, upon proof that an applicant is of good moral character as determined by a background investigation and psychological examination, submission of fingerprints and appropriate fees and documents, completion of a specified course of training and proof that good cause exists, may issue a license to carry a concealed weapon." All fees associated with such a license are the responsibility of the applicant. Currently the Police Chief has issued six permits to Vallejo residents (three permits are to City staff members). The Grand Jury was informed that "[i]n consideration of the newly adopted guidelines, coupled with the lack of articulated justifications on the part of an applicant for needing a CCP aside from Reserve Police Officers, we rarely issue new permits."

Findings and Recommendations

Finding 1 - The process to obtain a concealed weapons permit is very involved and complex.

Recommendation 1 - Issuing authorities should provide a separate document clarifying and supporting the department's procedure necessary for citizens to obtain a Concealed Weapons Permit.

Comments

The decision to issue a concealed weapons permit is made at the local level by the issuing authority. All costs for applying for a concealed weapons permit are the responsibility of the applicant. An application can be approved or denied even after successful completion of all requirements. This appears to be a subjective standard. It should be noted, however, that the authority to use this standard is State law.

Affected Agencies

- Solano County Sheriff/Coroner's Department
- Benicia Police Department
- Dixon Police Department
- Fairfield Police Department
- Rio Vista Police Department
- Suisun City Police Department
- Vacaville Police Department
- Vallejo Police Department

Courtesy Copy

- Solano County Board of Supervisors
- Solano County - County Administrative Officer
- City Manager, Benicia
- City Manager, Dixon
- City Manager, Fairfield
- City Manager, Rio Vista
- City Manager, Suisun City
- City Manager, Vacaville
- City Manager, Vallejo

ORDINANCE – PENALTY ASSESSMENT

**AN ORDINANCE OF THE CITY OF VALLEJO REPEALING
CHAPTER 7.80 OF TITLE 7 (AUTOMATIC CALLING AND
ALARM DEVICES) OF THE VALLEJO MUNICIPAL CODE,
AND ADDING A NEW CHAPTER 7.81
REGULATING SECURITY ALARM SYSTEMS TO TITLE 7
OF THE VALLEJO MUNICIPAL CODE**

THE COUNCIL OF THE CITY OF VALLEJO DOES ORDAIN AS FOLLOWS:

SECTION 1. Chapter 7.80 (Automatic Calling and Alarm Devices) of the Vallejo Municipal Code is hereby repealed.

SECTION 2. There is hereby added to the Vallejo Municipal Code a new Chapter 7.81, which is to read as follows:

SECURITY ALARM SYSTEMS

Section:

<u>7.81.005</u>	<u>Purpose.</u>
<u>7.81.010</u>	<u>Definitions.</u>
<u>7.81.020</u>	<u>Alarm businesses.</u>
<u>7.81.030</u>	<u>Alarm business duties.</u>
<u>7.81.040</u>	<u>Alarm user duties.</u>
<u>7.81.050</u>	<u>Features and interconnection.</u>
<u>7.81.060</u>	<u>Administration.</u>
<u>7.81.070</u>	<u>Maintaining and providing specified information - Cancellation of response.</u>
<u>7.81.080</u>	<u>Violations and Penalties.</u>
<u>7.81.090</u>	<u>Appeal process.</u>
<u>7.81.100</u>	<u>Alarm user awareness class.</u>
<u>7.81.110</u>	<u>Good faith standards.</u>

7.81.005 Purpose.

A. The purpose of this ordinance codified in this chapter is to reduce the number of false alarms and promote the responsible use of security alarm systems.

7.81.010 Definitions.

“Alarm Administrator” means a person or persons designated by the Vallejo Police Chief to administer, control and review alarm response procedures, dispatch requests, and reported false alarms.

“Alarm Business” means an individual, partnership, corporation or other entity of selling, leasing, maintaining, servicing, repairing, altering, replacing, moving, installing or monitoring an alarm system at an alarm site.

“Alarm Dispatch Request” means a notification to the police by the alarm business that an alarm, either manual or automatic, has been activated at a particular alarm site.

“Alarm Site” means a single premise or location served by an alarm system or systems.

“Alarm System” means any mechanical device or electrical device designed to emit a sound or generate a signal or message during the commission of an unlawful act in or an unauthorized entry into a building, structure or facility. The following devices shall not constitute an alarm system:

1. Alarm devices affixed to motor vehicles;
2. Alarm device installed on a temporary basis by the Vallejo Police Department; or
3. Hand held/portable personal safety devices not connected to a central monitoring system or station.

“Alarm User” means any person, firm, partnership, corporation or other entity who (which) uses an alarm system at its alarm site. Alarm specifically includes the owner or person in possession of any premises wherein a locally sounding audible alarm has been installed.

“ANSI/SIA Control Panel Standard CP-01” means the American National Standard Institute approved Security Industry Association CP-01 Control Panel Standard, as may be updated from time to time, that details recommended design features for security system control panels and their associated arming and disarming devices to reduce the incidence of false alarms. Control panels built and tested to this standard by Underwriters Laboratory (UL), or other nationally recognized testing organizations, will be marked to state: “Design evaluated in accordance with SIA CP-01 Control Panel Standard Features for False Alarm Reduction.”

“Automatic Dialer” means any electrical, electronic, mechanical or other device capable of being programmed to send a prerecorded voice message, when activated or if self-activated, over a telephone line, radio or other communication system, to the Police Department.

“Cross Zone Structure” is a system design that ensures coverage of zones by multiple devices, to minimize potential false alarms.

“Duress Alarm” means a silent alarm signal generated by the manual activation of a device intended to signal a bona fide emergency requiring police response.

“Enhanced Call Verification” is a monitoring procedure requiring that a minimum of two calls be made prior to making an alarm dispatch request. The two calls must be made to different telephone numbers where a responsible party typically can be reached.

“False Alarm” means any activation of an alarm not caused by or because of a criminal act or unauthorized entry.

“False Alarm Waiver” is issued to an alarm user after successful completion of a false alarm awareness class.

“Manually Activated Burglar Alarm” or “Panic Alarm” means an audible alarm signal generated by the manual activation of a device intended to signal an attempted or in-progress unlawful entry.

“Notice of Non-compliance” means formal thirty (30) day notification by the Alarm Administrator, advising of the intent to put the alarm business in substantial non-compliance status.

“Person” means an individual, corporation, partnership, association, organization or similar entity.

“Proprietary Information” means specific information pertaining to individual alarm business customers.

“Robbery Alarm” or “Hold-up Alarm” means a silent alarm signal generated by the manual activation of a device intended to signal a robbery in progress.

“Verify” means two attempts by the alarm business or its representative, to contact the alarm user by telephonic or other electronic means, whether or not actual contact with a person is made, before requesting a police dispatch, in an attempt to avoid an unnecessary alarm dispatch request.

“Substantial Compliance Failure” means failure to achieve compliance with select elements of this ordinance resulting in penalty assessment.

“Substantial Non-compliance Status” means failure to come into compliance within a specified time period after notification of substantial compliance failure.

7.81.020 Alarm businesses.

Alarm businesses shall comply with the State of California and City of Vallejo licensing standards and requirements.

7.81.030 Alarm business duties.

The duties of an alarm business shall be as follows:

A. To install an alarm or alarm system compatible with the environment and be available to maintain the system in good working order, and to take reasonable measures to prevent the occurrence of false alarms.

B. To provide each purchaser and alarm user with a copy of the provisions of this article relating to alarm user duties, false alarm assessments and appeal procedures, within thirty (30) days of the enactment of the ordinance codified in this chapter.

C. To provide accurate and complete instructions to the alarm user in the proper use and operation of said system. Specific emphasis shall be placed on the avoidance of false alarms. All businesses which sell alarm systems, but which are not an alarm business as defined in this chapter, are similarly responsible for instructing the buyer of the alarm system in the proper use of said system.

D. Each alarm business leasing, renting or monitoring an alarm system shall maintain records of the location of these alarm systems, devices or services and the name and telephone number of the person and two alternates to be notified whenever the alarm is activated, and to immediately report such information to the Police Department upon request.

E. Each alarm business, at the time of installation or service of any monitored alarm system, will confirm that the alarm user has readily available the twenty-four (24) hour telephone number for the central monitoring station.

F. An alarm business performing or contracting monitoring services shall have written procedures to ensure efforts are made to verify every alarm signal, except duress, panic, or robbery alarm activation before requesting a police response to an alarm signal. Those procedures shall minimally include the following:

1. **Procedure.** For alarm signals received from commercial burglar alarm systems or any residential burglar alarm system signal, except duress or panic, the following procedures shall be followed.

a. Call 1. The monitoring facility shall attempt telephone verification to the protected premises after receipt of the alarm signal.

b. Call 2. If a monitoring facility operator gets a busy signal, no answer, or an answering machine on the first call to the protected premises, a second or succeeding call shall be made to an alternate telephone number such as a cellular, work or second number at the protected premises.

c. Person on Premises Without Proper Code. If the operator reaches the protected premises on the first or second call and the person answering the telephone does not have the proper pass code, then the operator shall attempt to reach others on the call list to verify the authenticity of the person on the protected premises.

d. Scheduled Events. If an alarm signal is received in connection with an abort/cancel event, the operator will not contact the Police Department until further contact has been initiated with a responsible party.

e. Verified False. If the alarm is verified as being false during the first, second or succeeding call or as a result of receiving a valid pass code, the operator shall cancel any previous police dispatch relating to the specific signal being worked.

f. Call Lists and Priority. Following notification to law enforcement authorities, attention shall be placed on completing the entire emergency call list with priority to achieve a cancellation of the dispatch if it is verified that no emergency exists. Subsequent to dispatch of a sworn officer, the priority of notification calls to telephone numbers in the customer's database shall be first to numbers where there is a high probability of reaching an alarm user. The alarm user shall be advised of the Notification Call and Police response. The succeeding calls shall be made next to neighbors, then to non-premises people such as relatives or secondary key holders.

g. Enhanced Call Verification Telephone Accessibility Guideline. Care shall be taken to verify that the emergency call list numbers are to telephones without call waiting, or alternately that *70 is programmed in front of the monitoring center telephone number in the electronic digital communicator. The verification telephones at the monitored premises shall be accessible after normal business hours. The verification telephones shall not direct callers to voice mail so that employees and cleaning people who are working after normal business hours may hear and answer the telephone.

2. **Additional Methods.** Audio verification, video verification, or cross zoning shall be permitted in place of, or in addition to, the second verification call and shall be considered in compliance with this enhanced call verification standard.

a. Alarm businesses shall maintain installation quality control tracking for all false alarms and shall obtain written confirmation from an alarm user or lessee documenting the training on any newly installed alarm systems.

b. Each alarm business shall provide group training for commercial installations, including false alarm prevention.

c. No alarm business may sell or transfer an alarm contract during the warranty period, without transfer of the existing warranty or insuring the warranty remains in force.

d. Within ten (10) business days, any alarm business placed in substantial noncompliance status shall notify its customers in writing of the company's noncompliance status and provide the customers a copy of the false alarm ordinance highlights. Failure to comply with this section of the ordinance shall result in a three hundred dollar (\$300.00) per day penalty.

e. Every alarm business shall, within thirty (30) days of the sale or assignment of its obligations to service an alarm or alarms, notify the Vallejo Police Department and the affected alarm users in writing of the transfer of such responsibility, whether partial or total.

f. Every alarm business shall maintain for a period of at least two years from the date of an alarm activation, all records relating to alarm dispatch requests. Records must include the name, address, and telephone number of the alarm user, the alarm system zone(s) activated, the time of the alarm dispatch request and evidence of verification attempts. The Alarm Administrator may request copies of such records for individually named alarm users. If the request is made within sixty (60) days of an alarm dispatch request, the alarm business shall furnish requested records within three (3) business days of receiving the request. If the records are requested between sixty (60) days to one (1) year after an alarm dispatch request, the alarm business shall furnish the requested records within thirty (30) days of receiving the request. Failure to maintain such records shall be considered a substantial compliance failure.

g. Each alarm business must designate one individual as the alarm response manager for the company who will manage alarm related issues and act as the point of contact for the Alarm Administrator. The name, telephone number, and e-mail address of the designated alarm response manager must be provided to the Alarm Administrator.

h. Each alarm business shall provide a customer list in a format acceptable to the Alarm Administrator, upon request, to assist in creating tracking data.

i. Installation of all new alarm components shall adhere to manufacture installation guidelines.

7.81.040 Alarm user duties.

An alarm user shall:

- A. Be familiar with the provisions of this Article.
- B. Maintain the alarm system in good working order, and periodically test and take reasonable measures to prevent the occurrence of false alarms.

C. Instruct all persons who are authorized to place the alarm system into operation, in the appropriate method of operation and to lock and secure all doors and windows and other points of entry.

D. Inform all persons who are authorized to place the alarm system into operation of the provisions of this Article, emphasizing the importance of avoiding false alarms. A current copy of the provisions of this chapter shall be maintained on the premises and be made available to all persons who are authorized to place an alarm system into operation.

E. Provide a sign or notice posted on or near every audible device with the name and twenty-four (24) hour telephone number of the person or company responsible for the maintenance of the system. The notice shall be posted in such a position as to be readable from the ground level outside and adjacent to the building. All silent alarm systems shall have a notice on the premises which provides the same information.

F. Respond to the scene of an activated alarm within forty-five (45) minutes of the alarm activation after being notified by the alarm business or the Vallejo Police Department. This response shall include, when necessary, the opening of the premises so that they may be searched.

G. Have a licensed alarm business annually service and test any alarm system that does not have a self-test of the backup battery and wireless sensors.

7.81.050 Features and interconnection.

A. It shall be unlawful for anyone to install or sell an alarm system which upon activation emits a sound similar to sirens used on emergency vehicles or for other emergency purposes. This action shall not apply to devices mounted inside a building which cannot be clearly heard from outside of the building.

B. It shall be unlawful to operate an audible alarm system which does not shut off within a maximum time of fifteen (15) minutes from the time of activation. This may be accomplished by either an automatic cut-off, or by manual operation. If the alarm system has an automatic cut-off with a rearming phase, the rearming phase must be able to distinguish between an open and a closed circuit. If the circuit is broken the system shall not rearm.

C. No automatic dialing device shall be programmed to dial 9-1-1 or any telephone number of the Vallejo Police Department without prior approval from Alarm Administrator. Any person who knowingly interconnects programs or permits such interconnection or programming of an automatic dialing device is guilty of an infraction.

D. It shall be unlawful for any alarm system to terminate directly at the Vallejo Police Department unless specifically authorized in writing by the Alarm Administrator.

E. All alarm systems shall have a standby backup power supply which will automatically assume the operation of the alarm system for a minimum of four (4) hours should any interruption occur in power to the alarm system. The transfer of power from the primary source to the backup source must occur in a manner which does not activate the alarm.

F. All equipment for new installations shall meet or exceed generally accepted industry standards (currently ANSI/SIA Control Panel Standard CP-01, including but not limited to any related devices and accessories).

G. Duress, Robbery, and Panic Alarm Activating Devices. After July 1, 2007, alarm companies shall not install a device for activating duress, robbery, or panic alarms which have a single action, non-recessed button. All existing installations using single action, non-recessed buttons or devices shall be upgraded to current standards not later than July 1, 2008. Violation of this section shall result in a two hundred dollar (\$200.00) penalty per day of non-compliance.

7.81.060 Administration.

A. The provisions of this chapter shall be administered and enforced by the Chief of Police and the Alarm Administrator. The Chief of Police or Alarm Administrator shall have the authority to make and enforce such rules and regulations as are necessary to implement the provisions of this chapter. This may include a no-response policy on the part of the Vallejo Police Department to alarm activations at locations which have repeated instances of false alarms.

B. Alarm business proprietary information furnished and secured pursuant to the ordinance codified in this chapter shall be confidential and shall not be subject to public inspection. It is hereby declared that this information is critical to the safety and security of the alarm user and law enforcement personnel and that the public interest served by not disclosing said information to the public clearly outweighs the public interest served by disclosing said information.

C. The Alarm Administrator shall consider an alarm business in substantial compliance failure when the business has failed to comply with any of the following sections of this chapter.

1. 7.81.020
2. 7.81.030 (F)(1)
3. 7.81.040 (E)(F)
4. 7.81.070 (A) 1-4; or
5. Fail to comply with three (3) or more components of Section 7.81.110.

D. When an alarm business is deemed to be in "substantial compliance failure" by the Alarm Administrator, the following procedure shall be applied.

1. The Alarm Administrator shall send the alarm business a "Notice of Non-compliance" containing the following information:

- a. The section of the ordinance to which the alarm business has failed to comply;
- b. The specific remedy for the compliance failure;
- c. The date by which the alarm business must come into compliance, and
- d. The specific action that will be taken by the department, including the date that action will be taken.

2. Unless otherwise specified in this chapter, the notice of noncompliance shall give the alarm business thirty (30) days to come into compliance with the specified section.

3. Failure to come into compliance, within the time specified in the notice of noncompliance, will result in penalty of three hundred dollar (\$300.00) per day.

7.81.070 Maintaining and providing specified information -- Cancellation of response.

A. Any central station, monitoring company, or telephone answering service that reports alarm activations to the Vallejo Police Department shall maintain and provide the following information to the Police Communications Center:

1. Any premise or alarm code assigned by the Police Department;
2. The name of the alarm user;
3. The address of the alarm system;
4. The nature of alarm (i.e., burglary, robbery, audible, silent, interior, or perimeter); and

5. Whether the alarm user is responding, the name of the person responding, estimated time of their arrival, and the responder's vehicle description.

B. An alarm business must cancel any request for police response immediately when the alarm business determines that the alarm signal is false. No false alarm assessment will be made for such canceled alarm if the cancellation call is received by the Police Department prior to an officer being dispatched, unless, at the Vallejo Police Department's discretion, the responding officer continues to the premises to investigate unusual or suspicious circumstances arising from the alarm activation.

C. If the responding officer is already on the premises or has been dispatched but has not arrived at the protected premises prior to the receipt of a request to cancel police response, the false alarm penalty assessment shall apply.

7.81.080 Violations and penalties.

A. A penalty of one hundred and fifty dollars (\$150.00) shall be assessed against an alarm user for every false alarm after the first false reported from his/her premises following enactment of this ordinance. Alarm users who have completed an alarm awareness course approved by the Vallejo Police Department may submit a certificate of course completion in lieu of paying a subsequent false alarm penalty. A course completion certificate is valid for a specific alarm site only and is valid for a false alarm penalty waiver only one time in a twelve (12) month period.

B. Activation of a duress, panic, or holdup alarm for an event not consistent with a robbery or other life threatening situation, shall be considered a violation of this section and will result in a one hundred dollar (\$100.00) penalty assessment for residential alarms or a three hundred dollar (\$300.00) penalty assessment for business-related alarms.

C. If an alarm activation is determined to be false and subsequently cancelled by an alarm user or provider after an officer or officers have been dispatched but before

the officer or officers arrive at the protected premises, the pertinent false alarm penalty shall be reduced by fifty percent (50%).

D. In determining the number of false alarm penalties, multiple alarms occurring in any twenty-four (24) hour period may be counted as one false alarm, to allow the alarm user time to take corrective action, except where the alarm user has a history of chronic false alarms.

E. A false alarm response penalty may be waived if the alarm system was activated by factors out of the alarm users control, including violent conditions of nature; such as, earthquake, high intensity winds, extreme storms including thunderstorms, lightning, electrical surge, or other extraordinary circumstances not reasonably subject to the control of the alarm business or alarm user. The Vallejo Police Department may request a written statement/report from a licensed alarm company representative, which details the reasons for the false alarms under this section.

F. Whenever, in the opinion of the Alarm Administrator, an alarm user has a history of false alarms the pertinent system may be placed in "no response" status until the alarm user submits proof of system service and problem resolution by a licensed alarm business. Failure to pay alarm-related penalty assessments shall result in the pertinent system being placed in "no response" status at the discretion of the Alarm Administrator until such payment is received.

G. The false alarm penalties set forth in this ordinance shall be adjusted on July 1st of each year following enactment of this ordinance by the Annual Average Percentage Increase in the U.S. Department of Labor Consumer Price Index for the San Francisco-Oakland-San Jose Area for the preceding calendar year. All revenue generated by alarm penalties shall be appropriated to the Police Department and dedicated to off-set alarm response costs.

7.81.090 Appeal process.

An alarm user who has been denied a waiver of a penalty or penalties, or an alarm business that has received a notice of noncompliance may appeal that decision.

A. The initial appeal shall be to the Alarm Administrator. A letter of appeal must be filed with the Alarm Administrator within fifteen (15) days of the date of the letter of notification of the proposed action. This initial appeal shall be informal and a written decision shall be prepared. Failure to file a timely appeal shall constitute a waiver of the alarm user's or alarm business' right to appeal provided, however, that the Alarm Administrator may in his/her sole discretion waive the fifteen (15) day limit if good cause is shown or there is cause to believe that it might encourage substantial cooperation from the alarm user. There shall be no right to appeal the decision of the Alarm Administrator to not waive the fifteen (15) day time limit.

B. If the alarm user or alarm business is dissatisfied with the decision of the Alarm Administrator, the appeal may be considered by the Chief of Police or his/her designee. A copy of the Alarm Administrator's decision shall be submitted with the appeal request. The appeal must be filed with the Chief of Police within fifteen (15) days of the mailing of the letter of notification of the Alarm Administrator's decision. Failure to file a timely appeal shall constitute a waiver of the alarm user's or alarm business' right to appeal. The decision of the Chief of Police shall be final.

7.81.100 Alarm user awareness class.

A. The Vallejo Police Department shall deliver or provide access to an educational program for the prevention of false alarms.

B. If an alarm user successfully completes the alarm user awareness class, the Police Department shall issue the person a certificate. The certificate may be used in lieu of payment of a false alarm penalty as described in Section 7.81.080 of the article.

C. An alarm user who attends an alarm user awareness class pursuant to this section may attend additional classes, but is not eligible for more than one penalty assessment waiver within any twelve (12) month period.

7.81.110 Good faith standards.

Each alarm business shall, to the greatest extent possible, adhere to the following consumer protection and equipment standards for all new installations in the City of Vallejo.

A. Participate in quarterly false alarm prevention classes with the Vallejo Police Department.

B. Participate in ongoing research to reduce false alarms.

C. Report unlicensed alarm businesses operating within the City of Vallejo.

D. Establish a single point of contact for the Alarm Administrator.

E. Install only UL listed equipment.

F. Conduct follow-up calls on a second false alarm in a fourteen (14) day period.

G. Maintain active membership in a local alarm association.

H. Install cross-zone structures in all new installations, where possible.

I. Present false alarm prevention information at crime prevention meetings, upon request.

SECTION 3. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this Ordinance.

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect and shall be in full force and effect thirty (30) days from and after its final passage.



CONSENT D

Agenda Item No.

COUNCIL COMMUNICATION

Date: July 24, 2007

TO: Honorable Mayor and Members of the City Council

FROM: Gary A. Leach, Public Works Director *AL*

SUBJECT: APPROVAL OF A RESOLUTION AUTHORIZING CONTRACT CHANGE ORDER NO. 3 TO SOARES PIPELINE, INC. OF HAYWARD, CALIFORNIA FOR THE WATER MAINS CAPITAL IMPROVEMENTS PROJECT FY 2006-2007

BACKGROUND

On March 6, 2007, the City awarded a Contract for the Water Mains Capital Improvements Project FY 2006-2007 to Soares Pipeline Inc. A limitation in funds availability for the 2006-2007 fiscal year required the project scope of work to be reduced by \$241,500.00 through deductive Contract Change Order No. 1, resulting in a total authorized project value of \$1,646,500.00. The Council was notified at the time of the award that since the project construction timeline was expected to extend past June 30, 2007, staff intended to seek approval to re-authorize these deleted sections with a new additive contract change order as funds become available for water main improvements in Fiscal Year 2007-2008.

The FY 2007-2008 Water Budget appropriated \$450,000.00 for water main replacements. Staff believes it is prudent for the City to reinstate the deleted work on Hastings and Heartwood Court through Contract Change Order No. 3 to take advantage of the unit prices in the existing contract with Soares Pipeline Inc. Water Maintenance has also asked that two more problematic water mains along Ashton Court and 12th Street be added to this Contract Change Order due to very high incidences of main breaks in the last few years. The water main replacements for these four streets will cost approximately \$374,450.00.

During the course of the project, certain pipeline corrective work relevant to the operation of the 400 zone was performed by the contractor as directed by the City. In addition, certain pipelines which needed to be abandoned but were not part of the original scope of work, were performed by the contractor on a time and material basis as directed by the City. This included the installation of a check valve and isolation valve system at the Alta Loma Tanks site and the abandonment of existing pipelines and valves at Tennessee and Parkhaven. The cost of \$45,417.72 for this work will also be paid through Contract Change Order No. 3.



Finally, due to changed conditions, unforeseen construction interferences, and unmarked utilities, the contractor was required to perform several miscellaneous extra work items during the course of the work along Masonic Avenue. This miscellaneous extra work amounted to \$15,193.44.

Fiscal Impact

Current contract price, including Contract Change Order No. 2, which added \$24,077.49 for water main installation and tie-ins at Columbus Parkway and Tennessee Streets, stands at \$1,670,577.49. Contract Change Order No. 3 will add \$435,061.16 to the existing contract with Soares Pipeline Inc. The new adjusted contract price to include all change orders is \$2,105,638.65. This fiscal year's additional water appropriations for water line replacements (WT7024: 404-2715-431.43-19) will pay for Contract Change Order No. 3.

RECOMMENDATION

Staff recommends authorization of Contract Change Order No. 3 to Soares Pipeline, Inc. of Hayward, California in the amount of \$435,061.16.

ALTERNATIVES CONSIDERED

The use of City Water Maintenance Crews was considered to perform this extra work, but City staffing shortages and efficiencies created by private contractor work prevent the City from actively pursuing this alternative.

ENVIRONMENTAL REVIEW

A Notice of Categorical Exemption (Class 2 Replacement or Reconstruction) will be filed for the water line work along 12th Street and Ashton Court.

PROPOSED ACTION

Adopt the resolution authorizing Contract Change Order No. 3 to Soares Pipeline, Inc. of Hayward, California for the Water Mains Capital Improvements Project FY 2006-2007.



DOCUMENTS AVAILABLE FOR REVIEW

- a. A resolution authorizing Contract Change Order No. 3 to Soares Pipeline, Inc. of Hayward, California for the Water Mains Capital Improvements Project FY 2006-2007.
- b. Contract Change Order No. 3
- c. A site location map

CONTACT PERSON:

GARY LEACH, Public Works Director
(707) 648-4315
garyl@ci.vallejo.ca.us

ERIK NUGTEREN, Water Superintendent
(707) 648-4482
erik@ci.vallejo.ca.us

JULY 24, 2007

J:\PUBLIC\AI\WT\Authorization of CCO#3 to Water Mains CIP FY 2006-2007.doc

RESOLUTION NO. 07-___ N.C.

BE IT RESOLVED by the Council of the City of Vallejo as follows:

WHEREAS, because of budget limitations, the City reduced the original scope of work in the original contract for the Water Mains Capital Improvements Project FY 2006-2007 through deductive Contract Change Order no. 1; and

WHEREAS, this deductive Contract Change Order No. 1 deleted water main replacement work along Heartwood Court and Hastings Avenue; and

WHEREAS, the Water Budget for fiscal year 2007-2008 appropriated new funding for water main replacements; and

WHEREAS, Water Division recommends reinstatement of Hastings Avenue and Heartwood Court to the Water Mains Capital Improvements Project FY 2006-2007; and

WHEREAS, Staff also recommends that the water mains at Ashton Court and 12th Street, which had very high incidences of main breaks, also be replaced this fiscal year; and

WHEREAS, the City also directed the contractor to perform extra work items not included in the original scope in order to implement corrective measures, pipeline abandonment, steer clear of unanticipated construction interferences, changed conditions, and unmarked utilities on time and materials; and

WHEREAS, all of the above additional work collectively amounts to \$435,061.16.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Vallejo, as follows:

That the Council authorizes the Public Works Director to sign Contract Change Order No. 3 adding additional work to the Water Mains Capital Improvements Project FY 2006-2007 by FOUR HUNDRED THIRTY FIVE THOUSAND SIXTY ONE DOLLARS AND SIXTEEN CENTS (\$435,061.16) resulting in a new adjusted contract amount of TWO MILLION ONE HUNDRED FIVE THOUSAND SIX HUNDRED THIRTY EIGHT DOLLARS AND SIXTY FIVE CENTS (2,105,638.65).

JULY 28, 2007

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CITY OF VALLEJO
PUBLIC WORKS DEPARTMENT
WATER DIVISION

CONTRACT CHANGE ORDER NO. 3

DATE: July 9, 2007

TO: Soares Pipeline Inc.

PROJECT: WATER MAINS CAPITAL
IMPROVEMENTS PROJECT FY2006-2007
PROJECT No. WT7024

FROM: CITY OF VALLEJO

REFERENCE: Contract Plans, Sheet No. _____ or other Plans attached

IT IS REQUESTED THAT YOU

1. Furnish & install 8" waterline replacement work along Hastings Avenue including all associated & relevant water line improvements shown in the plans. (\$132,200.00)
2. Furnish & install 8" waterline replacement work along Heartwood Court including all associated & relevant water line improvements shown in the plans. (\$ 69,300.00)
3. Furnish & install 460 lineal feet of 8" waterline replacement work along Ashton Court including all relevant water line improvements shown in the plans. (\$ 61,700.00)
4. Furnish & install 800 lineal feet of 8" waterline replacement work along 12th Street including all relevant water line improvements shown in the plans. (\$111,250.00)
5. Furnish & install 12" a Check valve and a 12" Butterfly Valve assembly at the Alta Loma Tank Site on time and material basis. (\$ 30,308.54)
6. Remove existing 8" valve, and cap and plug and abandon an existing 8" waterline along Tennessee Street on time and material basis. (\$ 5,536.72)
7. Remove existing 12" valve, and cap and plug and abandon an existing 12" waterline at Parkhaven Drive on time and material basis. (\$ 9,572.46)

8. Perform various extra work as directed by the City due to changed field conditions, unforeseen interferences, and right of way delays along Masonic. (\$15,193.44)

ADJUSTMENT OF CONTRACT TIME OF COMPLETION: 60 Calendar Days

ADDITION TO CONTRACT PRICE: \$435,061.16
FORCE ACCOUNT

NEW ADJUSTED CONTRACT PRICE: \$2,105,638.65

RECOMMENDED: _____
PROJECT ENGINEER

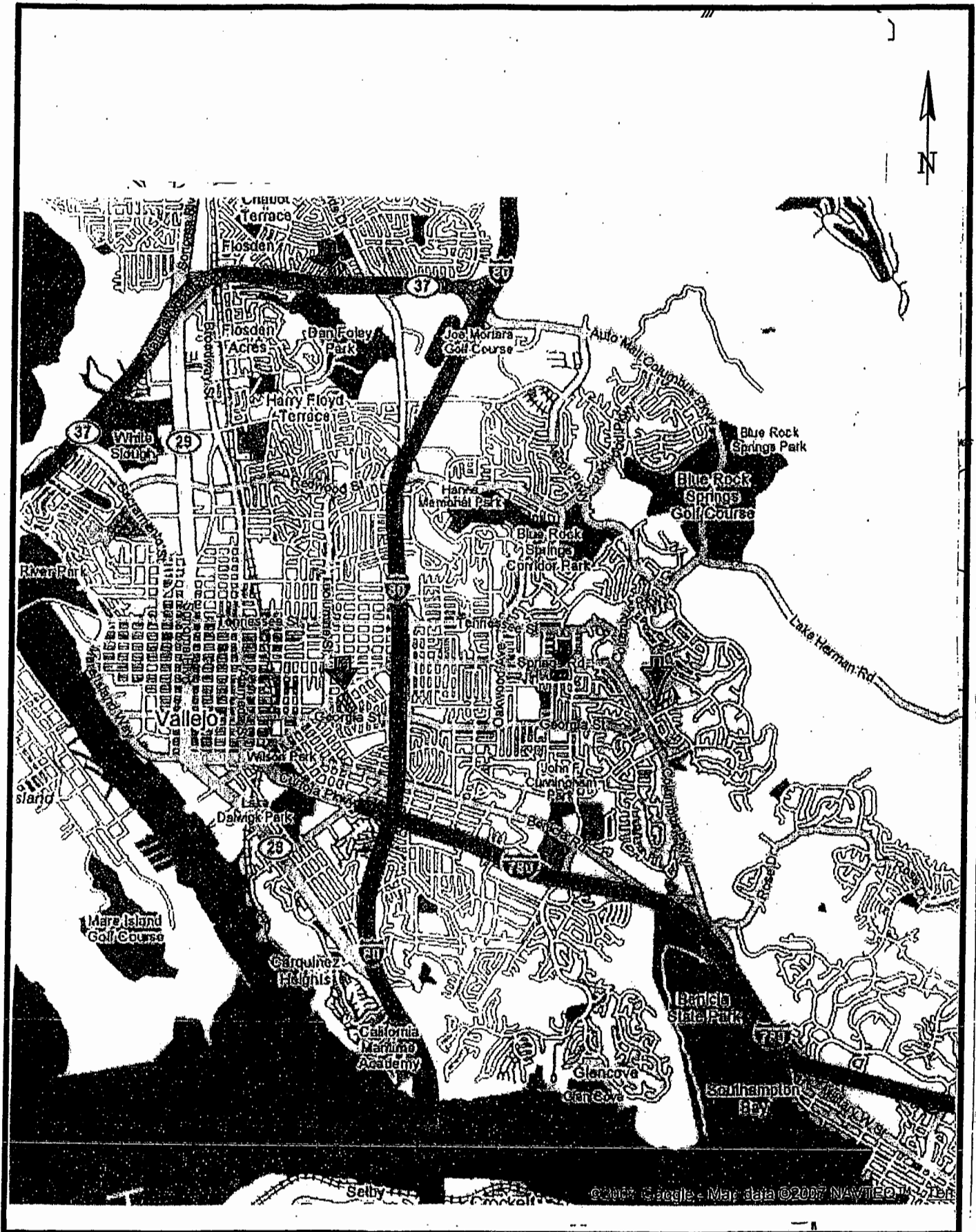
DATE

ACCEPTED BY: Mameel Soares
PRESIDENT, SOARES PIPELINE, INC.

7-10-07
DATE

APPROVED BY: _____
WATER SUPERINTENDENT

DATE



PROJECT LOCATION MAP



CONSENT
E

Agenda Item No.

COUNCIL COMMUNICATION

Date: July 24, 1007

TO: Honorable Mayor and Members of the City Council

FROM: Gary A. Leach, Public Works Director *GL*

SUBJECT: APPROVAL OF TWO RESOLUTIONS: 1) AUTHORIZING THE CITY MANAGER TO SUBMIT THE CITY OF VALLEJO'S FY 2007-2008 APPLICATION FOR TRANSPORTATION DEVELOPMENT ACT AND STATE TRANSIT ASSISTANCE FUNDING and 2) APPROVAL OF A RESOLUTION AUTHORIZING THE TRANSPORTATION SUPERINTENDENT TO SUBMIT THE REGIONAL MEASURE 2 APPLICATION FOR FY 2007-2008.

BACKGROUND

The Metropolitan Transportation Commission (MTC) administers the Transportation Development Act and the State Transit Assistance regional funds that provide operating and capital assistance for transit operations in the MTC region and administers the funds for Regional Measure 2 that provide operating assistance for enhanced Vallejo Ferry/Bus services up to the amount of \$2,700,000 and enhanced Solano County Express Service up to the amount of \$1,217,465. Vallejo's Transit operations include fixed route bus service, Baylink ferry service, ADA related paratransit services, and the Taxi Scrip program. Each year, these applications must be submitted to MTC before the City of Vallejo receives these funds. The City, in previous years, has submitted these applications separately. This year MTC has combined the applications to include the Transportation Development Act and the State Transit Assistance regional funds and the Regional Measure 2 into one application process. The City of Vallejo is applying for funds on behalf of Solano Transportation Authority in part of a pass through agreement. The following table represents the projects for the Transportation Development Act and the State Transit Assistance Funds as follows:



Transportation Development Act (TDA)	
Transit Operating	\$5,388,869
Planning and Administration	471,568
Capital	
Dredging	20,000
Subtotal	<u>5,880,437</u>
State Transit Authority Funds (STA)	
Transit Operating	854,318
Planning and Administration	795,492
Capital	
Bus Procurement	266,000
Subtotal	<u>1,915,810</u>
Total	<u>\$7,796,247</u>

RECOMMENDATION

Staff recommends the City Council approve a resolution authorizing the City Manager to submit the City of Vallejo's FY 2007-2008 application for Transportation Development Act and State Transit Assistance and approve a resolution authorizing the Transportation Superintendent to submit an application for Regional Measure 2 Funds for enhanced Vallejo Ferry/Bus services and enhanced Solano County Express Service.

Fiscal Impact

Anticipated funding amount from the Transportation Development Act and State Transit Assistance application is \$7,796,247 and from the Regional Measure 2 application is \$3,917,465.

PROPOSED ACTION

Approve a resolution authorizing the City Manager to submit the City of Vallejo's FY 2007-2008 application for Transportation Development Act and State Transit Assistance and approve a resolution authorizing the Transportation Superintendent to submit an application for Regional Measure 2 Funds for enhanced Vallejo Ferry/Bus services and enhanced Solano County Express Service

ENVIRONMENTAL REVIEW

The action involving the authorization, filing and execution of the application, as well as the subsequent actions related to the funding requests are not an action with direct or



indirect foreseeable environmental impacts, and therefore, together or separately, they do not qualify as a project under CEQA.

DOCUMENTS AVAILABLE FOR REVIEW

- a. A resolution authorizing the City Manager to submit the City of Vallejo's FY 2007-2008 application for Transportation Development Act and State Transit Assistance.
- b. A resolution to authorize the Transportation Superintendent to submit 2007-2008 applications for Regional Measure 2 Funds for enhanced Vallejo Ferry/Bus services and enhanced Solano County Express Service.
- c. Opinion of Counsel
- d. Application for TDA/STA and RM-2 (not attached)

CONTACT PERSONS

Gary Leach, Public Works Director
648-4316
gary@ci.vallejo.ca.us

Crystal Odum Ford, Transportation Superintendent
648-5241
codumford@ci.vallejo.ca.us

JULY 24, 2007
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RESOLUTION NO. 07 N.C

BE IT RESOLVED by the Council of the City of Vallejo as follows:

WHEREAS, the Transportation Development Act (TDA), (Public Utilities Code Section 99200 et seq.) provides for the disbursement of funds from the Local Transportation Fund of the County of Solano for use by eligible applicants for the purpose of public transportation programs; and

WHEREAS, pursuant to the provisions of the TDA, and pursuant to the applicable rules and regulations under (21 Cal. Code of Regulations, Section 6600 et seq.), a prospective applicant wishing to receive an allocation from the Local Transportation Fund shall file its claim with the Metropolitan Transportation Commission; and

WHEREAS, the State Transit Assistance (STA) fund is created pursuant to Public Utilities Code Section §99310 et seq.; and

WHEREAS, the STA makes Funds available pursuant to Public Utilities Code Section §99313.6 for allocation to eligible applicants to support approved transit projects; and

WHEREAS, Transportation Development Act funds and State Transit Assistance funds will be required by the City of Vallejo in Fiscal Year 2007-2008 for the purpose of public transportation programs; and

WHEREAS, THE City of Vallejo is an eligible applicant for the Transportation Development Act and State Transit Assistance funds pursuant to Public Utilities Code Section §99260 as attested by the Opinion of Counsel.

NOW, THEREFORE, BE IT RESOLVED , that the City Manger or his designee is authorized to execute and file the appropriate Transportation Development Act and State Transit Assistance application together with all necessary supporting documents, with the Metropolitan Transportation Commission for allocations of the funds in FY 2007-2008 up to the amount of \$8,000,000.

BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the Metropolitan Transportation Commission in conjunction with the filing of the claims; and the Metropolitan Transportation Commission be requested to grant the allocations of funds as specified herein.

JULY 24, 2007

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RESOLUTION NO. 07 N.C

BE IT RESOLVED by the Council of the City of Vallejo as follows:

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

WHEREAS, the enhanced Vallejo Baylink Ferry/Bus Service and enhanced Solano County Express Bus Service are 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, submitted hereto in the Operating Assistance Proposal and incorporated herein as though set forth at length, demonstrates a fully funded operating plan that is consistent with the adopted performance measures, as applicable, for which City of Vallejo is requesting that MTC allocate Regional Measure 2 funds; and

WHEREAS, Part 2 of the project application, submitted hereto and incorporated herein as though set forth at length, includes the certification by City of Vallejo of assurances required for the allocation of funds by MTC; and

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

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

NOW, THEREFORE, BE IT RESOLVED, that City of Vallejo approves the updated Operating Assistance Proposal, submitted with this resolution; and

BE IT FURTHER RESOLVED, that City of Vallejo approves the certification of assurances, attached to this resolution; and

BE IT FURTHER RESOLVED, that City of Vallejo 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(d); and

BE IT FURTHER RESOLVED, that City of Vallejo is authorized to submit an application for Regional Measure 2 funds for the enhanced Vallejo Baylink Ferry/Bus Service and enhanced Solano County Express Bus Service in accordance with California Streets and Highways Code 30914(d); and

BE IT FURTHER RESOLVED, that City of Vallejo 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; and

BE IT FURTHER RESOLVED, that there is no legal impediment to City of Vallejo making allocation requests for Regional Measure 2 funds; and

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 City of Vallejo to deliver such project; and

BE IT FURTHER RESOLVED that City of Vallejo 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 City of Vallejo, 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.

NOW, THEREFORE, BE IT RESOLVED, that City of Vallejo shall, if any revenues or profits from any non-governmental use of property (or project) that those revenues or profits shall be used 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); and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that City of Vallejo authorizes its Transportation Superintendent to execute and submit an allocation request for operating or planning costs for 2007-2008 with MTC for Regional Measure 2 funds in the amount of \$2,700,000 for the enhanced Vallejo Baylink Ferry/Bus Service and \$1,217,465 for the enhanced Solano County Express Bus Service for the project, purposes and amounts included in the project application submitted with this resolution; and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Transportation Superintendent is hereby delegated the authority to make non-substantive changes or minor amendments to the IPR as he/she deems appropriate.

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

JULY 24, 2007

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OPINION OF COUNSEL

July 10, 2007

Metropolitan Transportation Commission
METROCENTER
101 8th Street
Oakland, CA 94607

SUBJECT: Eligibility for Transportation Development Act (TDA) and State Transit Assistance (STA).

The communication will serve as the requisite opinion in connection with the application of the City of Vallejo for allocations of Transportation Development Act (TDA) and State Transit Assistance (STA) funds made available pursuant to Streets and Highways Code Sections 30892, 30893, 30913, and 30914.

The City of Vallejo is authorized to provide and assist public transportation by acquisition, construction, and operation of existing or additional transit facilities. The assistance may be provided directly or by contractual arrangements with other parties.

The City of Vallejo is an eligible applicant for Transportation Act (TDA) and State Transit Assistance (STA) funds in accordance with Public Utilities Code Section §99260, §99260.2, §99260.5, §99275 or §99400.

I have reviewed the pertinent State and local laws, and I am of the opinion that there is no legal impediment to the City of Vallejo making application for TDA and STA funds. Furthermore, as a result of my examinations, I find that there is no pending or anticipated litigation that might adversely affect the project or the ability of the City of Vallejo to carry out such projects.

Sincerely,

FREDERICK G. SOLEY
City Attorney




CONSENT F

Agenda Item No.

COUNCIL COMMUNICATION

Date: July 24, 2007

TO: Honorable Mayor and Members of the City Council

FROM: Gary A. Leach, Public Works Director 

SUBJECT: AUTHORIZATION FOR AMENDMENT NO. 1 TO THE EXISTING AGREEMENT BETWEEN THE CITY OF VALLEJO AND CAROLLO ENGINEERS, P.C., FOR THE JAMESON CANYON PIPELINE RELOCATION PROJECT

BACKGROUND

Caltrans is scheduled to start their Highway 12 Truck Climbing Ramp Project in November 2007. In order to begin that project Caltrans requires the City's 30-inch Jameson pipeline to be relocated. Caltrans is responsible and has agreed to reimburse the estimated \$1.1 Million dollar cost associated with all pipeline relocation costs due to the City's prior easement rights.

Due to Caltrans' need for an expedited project timeline, the formal RFP process to select an engineering design firm was deemed not feasible. City and Caltrans staff mutually agreed on the respected firm of Carollo Engineers to perform the required design engineering work under agreement with the City of Vallejo, but with costs reimbursed by Caltrans.

Over the course of completing the project design it became necessary to complete additional out-of-scope items due to the critical nature of the project schedule. Among the necessary changes were the following:

- A) After issuance of the preliminary design report (PDR), the utility easement was changed by Caltrans due to environmental concerns, requiring significant realignment of the pipeline affecting the plan and profile, and stationing;
- B) After the 90 percent complete plans and specifications, Caltrans required extension of the existing casing under Highway 12 by 25-feet due to a change in their grading plans. This required realignment of the western end of the pipeline, developing new details and specifications for the new casing, revising the cost estimate, developing new installation methods, and construction sequencing for the tie-in window;



C) At 90 percent complete, Carollo was directed to hire a surveyor to perform preliminary staking of the alignment for tree removal identification, and to provide for construction staking; and

D) Extra time was required by Carollo due to significant, unanticipated time spent coordinating with Caltrans to collect and review the revised environmental reports and resolving various design issues.

Water Engineering concurs with these unanticipated, out-of-scope items for a total cost not to exceed \$34,542. The original Consultant Services Agreement with Carollo Engineers was \$164,061, with a maximum obligation not to exceed of \$175,000 under Resolution No. 06-362 N.C. The new contract cost including Amendment No. 1 is \$198,603 with a revised maximum obligation not to exceed of \$209,542.

Fiscal Impact

The additional project costs for Amendment No. 1 shall be paid out of reimbursement funds from Caltrans under the terms of Utility Reimbursement Agreement #1674.4 providing up to \$1.1 Million for the Highway 12 Jameson Canyon Pipeline Relocation Project (WT7029), which has been set up from unencumbered, unreserved Fund 404 (City System Capital Fund) fund balance. Caltrans will reimburse the City upon receipt of invoices from the City confirming payment of project expenses. Financial commitments for this project, including Amendment No. 1, total \$994,692 of which an estimated \$926,892 is eligible for reimbursement and an estimated \$67,800 for pipeline upsizing is payable from Fund 404 (City Water Capital Fund).

RECOMMENDATION

Staff recommends adopting a resolution authorizing Amendment No. 1 to the existing Consultant Services Agreement with Carollo Engineers, P.C..

ALTERNATIVES CONSIDERED

There were no other viable alternatives to meet the required Caltrans schedule.

ENVIRONMENTAL REVIEW

Caltrans obtained all environmental permits for this pipeline work as part of the overall Highway 12 Truck Climbing Lane Project.



PROPOSED ACTION

Adopt the resolution authorizing Amendment No. 1 in the amount of \$34,542 to the existing agreement with Carollo Engineers, P.C., for the Jameson Canyon Pipeline Relocation Project.

DOCUMENTS AVAILABLE FOR REVIEW

- a. A resolution approving Amendment No. 1.
- b. Amendment No. 1
- c. Project vicinity map

CONTACT PERSON

Gary Leach, Public Works Director
(707) 648-4315
garyl@ci.vallejo.ca.us

Erik J. Nugteren, Water Superintendent
(707) 648-4482
erik@ci.vallejo.ca.us

JULY 24, 2007

J:\PUBLIC\AI\WT\7029-Carollo Additional Services.doc

RESOLUTION NO. 07- N.C.

BE IT RESOLVED by the City Council of the City of Vallejo as follows:

WHEREAS, the City has entered into Utility Reimbursement Agreement No. 1674.4 with CALTRANS for \$1,100,000 for relocation of the City's 30-inch Jameson pipeline; and

WHEREAS, the City has entered into a Consultant Services Agreement with Carollo Engineers, P.C., in the original amount of \$164,061, with a maximum obligation not to exceed of \$175,000 under City of Vallejo Resolution No. 06-362 N.C.; and

WHEREAS, the amount of the aforementioned agreement including Amendment No. 1 would be \$198,603 with a revised maximum obligation not to exceed of \$209,542.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Vallejo, as follows:

That Amendment No. 1 in the amount of Thirty Four Thousand Five Hundred Forty Two Dollars (\$34,542) be added to the existing Consultant Services Agreement between the City of Vallejo and Carollo Engineers, P.C. for the Highway 12 Jameson Canyon Pipeline Relocation Project.

JULY 24, 2007

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**Engineering Contract Amendment No. 1 to
CONSULTANT SERVICES AGREEMENT
Jameson Canyon Pipeline Relocation Project**

This Amendment is entered into this ___ day of _____, 2007, between the CITY OF VALLEJO, a Municipal Corporation (CITY) Carollo Engineers, P.C., an Arizona Professional Corporation licensed to do business in California (CONSULTANT).

The AGREEMENT between CITY and CONSULTANT dated February 14, 2007, is hereby amended by this Amendment No. 1 as follows:

Services. Subject to the terms and conditions set forth in the AGREEMENT, and this Amendment No. 1, CONSULTANT shall provide the CITY with professional services as described in attached "Exhibit A".

Payment. The last sentence of the payment provision of Amendment No. 1 is hereby amended as follows:

The maximum obligation under this AGREEMENT, without prior written approval of the CITY, is hereby increased by \$34,542.00. The original Consultant Services Agreement with Carollo Engineers was \$164,061, with a maximum obligation not to exceed \$175,000 under Resolution No. 06-362 N.C. The new contract cost including Amendment No. 1 is \$198,603 with the maximum obligation not to exceed set at \$209,542.

Exhibits. The following exhibit is attached hereto and incorporated herein by reference:

- A. Exhibit "A", entitled "Additional Services " consisting of 1 page.

Except as amended above, the AGREEMENT dated 14 February 2007 shall remain in full force and effect.

CITY OF VALLEJO
A Municipal Corporation

By: _____
JOSEPH M. TANNER
City Manager

Approved as to Form:

FREDERICK G. SOLEY
City Attorney

Attest: _____
MARY ELLSWORTH
Acting City Clerk

Approved as to Insurance Requirements:

HARRY B. MAURER
Interim Risk Manager

"CITY SEAL"

Approved as to Content:

GARY A. LEACH
Public Works Director

CAROLLO ENGINEERS, P.C.
(Consultant)

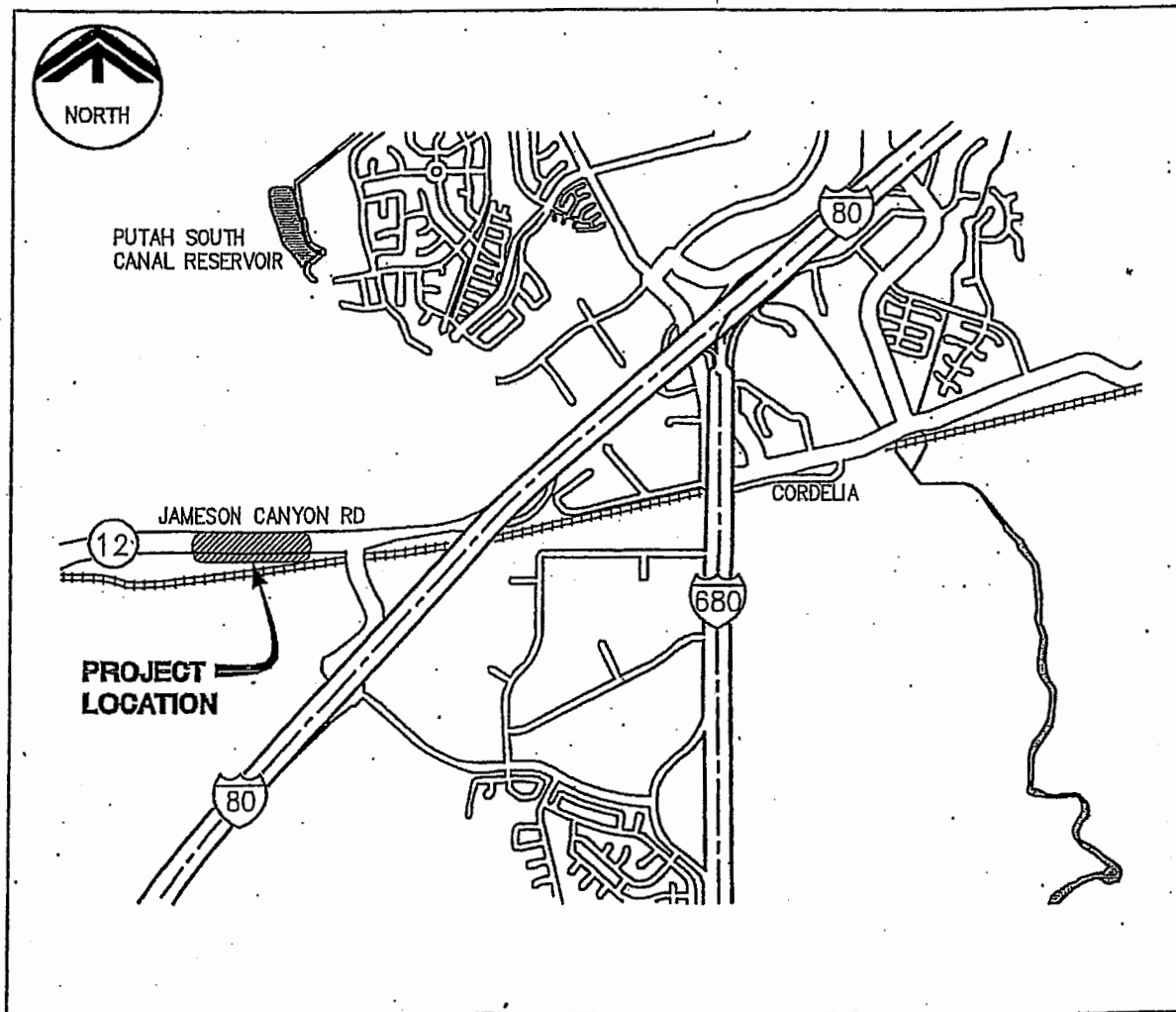
2700 Ygnacio Valley Road

Walnut Creek, CA 94598
ADDRESS

By: _____

Title: _____

"CORPORATE SEAL"



VICINITY MAP



CONSENT G

Agenda Item No.

COUNCIL COMMUNICATION

Date: July 24, 2007

TO: Honorable Mayor and Members of the City Council

FROM: Gary A. Leach, Public Works Director

SUBJECT: APPROVAL OF A RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS, GRANTING JOHNSON MECHANICAL COMPANY, INC. RELIEF FROM ITS BID DUE TO CLERICAL ERROR, AND AWARDING THE TRAVIS-BECK AVENUE PUMP STATION PROJECT TO CLYDE G. STEAGALL, INC. OF LOOMIS, CALIFORNIA

BACKGROUND

The City received five (5) bids on June 28, 2007 for the Travis-Beck Avenue Pump Station Project as follows:

Bidder	Bid
Johnson Mechanical Co. Inc., Elk Grove, California	\$338,000.00
Clyde G. Steagall, Inc., Loomis, California	\$415,253.00
Water Works Construction, Inc., Vacaville, California	\$434,007.00
John Clay Engineering, Hayward, California	\$437,704.00
Pacific Mechanical Corporation, Concord, California	\$579,000.00

The apparent low bidder, Johnson Mechanical Co., Inc., has requested withdrawal of its bid claiming that gross material errors and omissions were made in the bid preparation. A timely letter requesting withdrawal of Johnson Mechanical's bid was submitted by the firm's president, William Johnson, and included the work sheets for the bid. Mr. Johnson explained that their bid preparer failed to include all the costs listed in their work sheets. Properly adding all the costs in their work sheets would have resulted in a bid of \$416,136.00, plus additional cost for profit. Staff reviewed their request and supporting documentation, verified that the Johnson Mechanical's bid was indeed materially flawed and that the firm was entitled to relief from its bid pursuant to Public Contract Code sections 5101 (a) and 5103.

The City contacted Clyde G. Steagall, Inc. of Loomis, California and informed them that they submitted the lowest responsible bid for the project. They responded that they were prepared to undertake the project on their submitted bid. Staff verified the contractor's license, experience, and capability of Clyde G. Steagall, Inc. and found them in order.



Fiscal Impact

The Travis-Beck Avenue Pump Station Project (WT7009) costs will be paid from the Travis Equipment Reserve Fund (410) funded solely by the U.S. Air Force.

RECOMMENDATION

Staff recommends award of a contract to Clyde G. Steagall, Inc. of Loomis, California at the prices bid of \$415,253.00.

ALTERNATIVES CONSIDERED

There are no viable alternatives to consider. The project is required and funded by the U. S. Air Force to provide a secondary, higher quality source of raw water to the Travis Water Treatment Plant during periods of high turbidity from North Bay Aqueduct water. City crews lack the expertise to undertake this construction project.

ENVIRONMENTAL REVIEW

The award of this contract is exempt from the California Environmental Quality Act (CEQA) pursuant to section 15302 of Title 14 of the California Code of Regulations (Class 3 New Construction or Conversion of small facilities). A Notice of Categorical Exemption will be filed for this project.

PROPOSED ACTION

Approve the resolution approving the plans and specifications, granting Johnson Mechanical Company, Inc. relief from its bid due to a material clerical error, and awarding the Travis – Beck Avenue Pump Station Project to Clyde G. Steagall, Inc. of Loomis, California in the amount of \$415,253.

DOCUMENTS ATTACHED

- a. A Resolution adopting the plans & specifications, granting Johnson Mechanical Company, Inc. relief from its bid due to a material clerical error, and awarding the Travis – Beck Avenue Pump Station Project to Clyde G. Steagall, Inc. of Loomis, California in the amount of \$415,253 (attached)
- b. Letter from Johnson Mechanical Company, Inc. received July 3, 2007
- c. Contract for Travis-Beck Avenue Pump Station



d. Site Location Map (attached)

CONTACT PERSONS

GARY LEACH, Public Works Director
(707) 648-4315
garyl@ci.vallejo.ca.us

ERIK NUGTEREN, Water Superintendent
(707) 648-4482
erik@ci.vallejo.ca.us

JULY 24, 2007

J:\PUBLIC\AI\WTAward of Travis-Beck Avenue Pump Station Project.doc

RESOLUTION NO. 07- N.C.

BE IT RESOLVED by the Council of the City of Vallejo as follows:

WHEREAS, certain plans and specifications have been prepared by Winzler and Kelly for the Travis – Beck Avenue Pump Station Project within Solano County, California; and

WHEREAS, the City received five (5) bids for the Travis-Beck Avenue Pump Station Project; and

WHEREAS, Johnson Mechanical Co., Inc. submitted the lowest bid of \$338,000.00; and

WHEREAS, Johnson Mechanical submitted a timely letter requesting withdrawal of its bid due to material errors and omissions in their bid preparation; and

WHEREAS, Staff verified the errors in Johnson Mechanical's bid and recommends that City Council should consent to their request for relief from their bid; and

WHEREAS, Clyde G. Steagall, Inc. of Loomis, California submitted the second lowest bid of \$415,253.00; and

WHEREAS, Staff has reviewed Clyde G. Steagall, Inc.'s bid and found it to be the lowest responsible bid; and

WHEREAS, Staff recommends award of the Contract to Clyde G. Steagall, Inc. of Loomis, California for the Travis-Beck Avenue Pump Station Project.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Vallejo that those certain plans and specifications prepared by Winzler and Kelly for the Travis – Beck Avenue Pump Station Project within Solano County, California are hereby approved and adopted for said work; and

BE IT FURTHER RESOLVED that the City Counsel consents to the request of Johnson Mechanical Co., Inc. for relief from its bid due to a material mistake contained therein.

BE IT FURTHER RESOLVED the lowest responsible bid of Clyde G. Steagall, Inc. of Loomis, California in the amount of FOUR HUNDRED FIFTEEN THOUSAND TWO HUNDRED FIFTY THREE DOLLARS AND NO CENTS (\$415,253.00) is hereby accepted and a contract awarded to the said lowest responsible bidder at the prices bid.

BE IT FURTHER RESOLVED that all other base bids to wit:

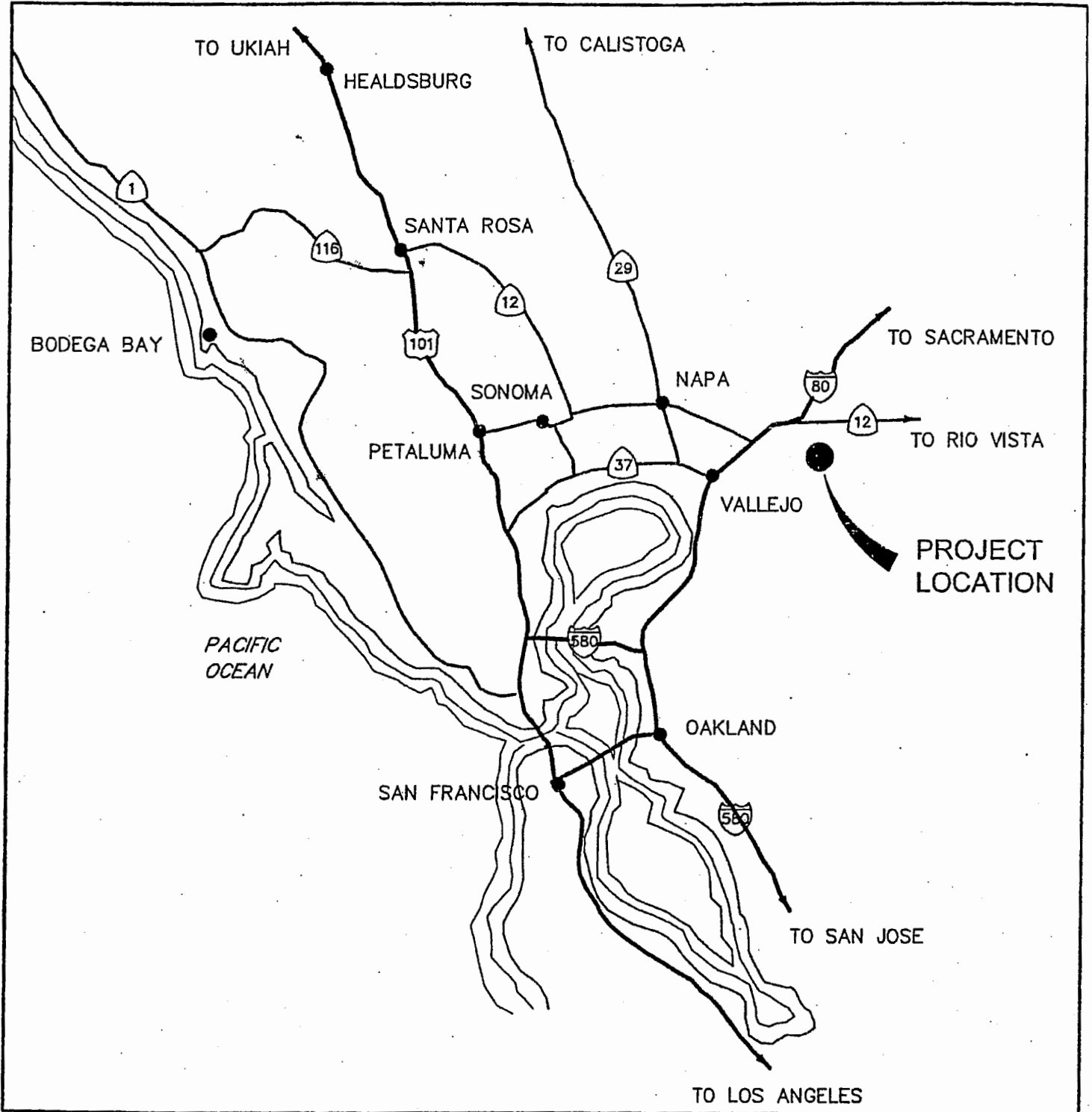
<u>Bidder</u>	<u>Amount Bid</u>
Water Works Construction, Inc., Vacaville, California	\$434,007.00
John Clay Engineering, Hayward, California	\$437,704.00
Pacific Mechanical Corporation, Concord, California	\$579,000.00

are hereby deemed rejected upon full execution of the Contract Documents by the successful bidder, with notice of rejection to be given thereupon by the City Clerk.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to sign and the City Clerk to attest the signing of a contract, substantially the same as the "Contract for Travis – Beck Avenue Pump Station Project No. WT7009" and with any modifications recommended by the City Attorney or the Risk Manager, between the City of Vallejo and Clyde G. Steagall, Inc. of Loomis, California, for the above described work.

JULY 24, 2007

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VICINITY MAP
NOT TO SCALE



CONSENT H

Agenda Item No.

COUNCIL COMMUNICATION

Date: July 24, 2007

TO: Honorable Mayor and Members of the City Council

FROM: Gary A. Leach, Public Works Director *AL*

SUBJECT: APPROVAL OF A RESOLUTION ACCEPTING THE FY2006-2007 WATER METERS REPLACEMENT PROJECT PERFORMED BY VULCAN CONSTRUCTION AND MAINTENANCE OF FRESNO, CALIFORNIA AS COMPLETE

BACKGROUND

The goal of the project was to replace about 2,000 of the oldest water meters (with a few dating back as far as 1947) within the City's water system. These old meters register extremely reduced usage due to internal wear as they aged.

Vulcan Construction and Maintenance, the contractor for the FY2006-2007 Water Meters Replacement Project, has satisfactorily completed the replacement of 2,599 of these meters. The contractor's work included the replacement of the old meter box lids with new lids with touch read pads. The City purchased and provided the contractor with the meters, meter lids, fittings, and all other materials they needed to complete their task.

These new meters will improve Water Billing's accuracy on recording water consumption as well as enhance the City's water revenue. The completion of the project prior to the summer high water use period also contributes to these benefits.

Fiscal Impact

The completed project cost of \$166,739.10 was paid out of Fund 404-2715-431.43-04 (WT7014) of the FY2006-2007 Water Enterprise Fund Budget. Additionally the City supplied meters and parts with a value of approximately \$292,000 to Vulcan Construction for installation. More accurate meter readings will result in increased revenue to the water operating funds.



RECOMMENDATION

Staff recommends acceptance of the FY2006-2007 Water Meters Replacement Project performed by Vulcan Construction and Maintenance Inc. of Fresno, California as complete.

ALTERNATIVES CONSIDERED

The use of City Water Meter Shop Crews was considered to perform the work. Staffing shortages at the Meter Shop and the efficiencies created by large-scale work performed by a contractor prevented the City from actively pursuing this alternative. The contractor installed 2,599 meter replacements and completed the project within 2.5 months from mobilization, averaging 60 meters per day.

ENVIRONMENTAL REVIEW

A Notice of Categorical Exemption (Class 2 Replacement or Reconstruction) has been filed for this project.

PROPOSED ACTION

Adopt the resolution accepting the FY2006-2007 Water Meters Replacement Project performed by Vulcan Construction and Maintenance of Fresno, California as complete.

DOCUMENTS AVAILABLE FOR REVIEW

- a. A resolution accepting the FY2006-2007 Water Meters Replacement Project performed by Vulcan Construction and Maintenance of Fresno, California as complete

CONTACT PERSONS

GARY A. LEACH, Public Works Director - (707) 648-4315 - garyl@ci.vallejo.ca.us

ERIK NUGTEREN, Water Superintendent - (707) 648-4482 - erik@ci.vallejo.ca.us

JULY 24, 2007

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RESOLUTION NO. 07- N.C.

BE IT RESOLVED by the Council of the City of Vallejo as follows:

WHEREAS, Vulcan Construction and Maintenance has satisfactorily completed all the work called for by the contract for the FY2006-2007 Water Meters Replacement Project, including all work associated with all Contract Change Orders and punch list items for a completed project cost of \$166,739.10; and

WHEREAS, Vulcan Construction and Maintenance has submitted its required one-year warranty bond and it is on file with the Water Division.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Vallejo, as follows:

That the FY2006-2007 Water Meters Replacement Project performed by Vulcan Construction and Maintenance of Fresno, California is hereby accepted as complete and that the City Clerk is directed to record a Notice of Completion in the Office of the Solano County Recorder.

JULY 24, 2007

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Agenda No. CONSENT I

COUNCIL COMMUNICATION

Date: July 24, 2007

TO: Honorable Mayor and Members of the City Council

FROM: Craig Whittom Assistant City Manager/Community Development *CW*
Brian Dolan, Development Services Director *BD*
Don Hazen, Planning Manager *DH*

SUBJECT: Approval of Resolution Authorizing Funds for Training Session for Architectural Heritage and Landmarks Commission members to attend a California Preservation Foundation Workshop on August 2, 2007 and on August 23, 2007.

BACKGROUND AND DISCUSSION

The City of Vallejo Travel and Business Expense Policy for City Council members, Board members and Commissioners requires costs related to conferences or training by these members to be approved by City Council prior to the expenditure. As a Certified Local Government (CLG), the City of Vallejo is required to have a Historic Preservation Review commission, which is the Architectural Heritage and Landmarks Commission (AHLC). The members of this Commission and the staff Secretary to the Commission are required to attend a minimum of one training session per year in order to maintain the CLG status. Funds were allocated in the budget for the 2007-2008 fiscal year for the AHLC to attend such training. These funds are located in the City Manager's budget.

The California Preservation Foundation (CPF) hosts several training workshops throughout the year on topics that are of interest and would contribute considerably to the Commissioner's understanding of historic preservation. On August 2, 2007 the CPF is hosting a Historic/Cultural Landscape Seminar in Berkeley, and on August 23, the CPF is hosting the annual California Historic Building Code Workshop in San Jose. The cost of the training session is \$150 for each participant, and \$115 if the participant is a CPF member. Additional expenses would include travel to the sessions for a total of approximately \$1,400 for three Commissioners to attend the August 2nd session and seven commissioners to attend the August 23rd session. Five of the seven Commissioners are newly appointed, and the commissioners will be able to bring back knowledge and material from the training sessions which will benefit the newly appointed members of the AHLC.

Fiscal Impact. The fiscal impact would be to expend approximately \$ 1,400 of the funds allocated for AHLC training in the current budget year. The present account total is \$5,000.

RECOMMENDATION

The California Historic Building Code training is considered an especially valuable training and all trainings offered by CPF are excellent. Staff recommends that the City Council approve this training opportunity for the AHLC members.

ENVIRONMENTAL REVIEW

The expenditure of funds for training is not considered a project under CEQA.

PROPOSED ACTION

Approve the resolution authorizing the expenditure of funds from the training budget to allow three members of the Architectural Heritage and Landmarks Commission to attend the August 2nd Historic Landscape training and seven members to attend the August 23rd State Historic Building Code training.

DOCUMENTS ATTACHED

- a. Resolution authorizing expenditure of funds.

CONTACT:

Don Hazen, 707-648-4328, dhazen@ci.vallejo.ca.us
Bill Tuikka, 707-648-5391, btuikka@ci.vallejo.ca.us

RESOLUTION NO. 07-

BE IT RESOLVED by the Council of the City of Vallejo as follows:

WHEREAS, the City of Vallejo is a Certified Local Government; and

WHEREAS, the members of the Preservation Commission for a Certified Local Government City are required to attend a minimum of one training session per year; and

WHEREAS, the Architectural Heritage and Landmarks Commission is the Preservation Commission for the City of Vallejo; and

WHEREAS, three members of the Architectural Heritage and Landmarks Commission are requesting reimbursement to attend a Historic Cultural Landscape workshop sponsored by the California Preservation Foundation on August 2nd, and seven members of the Commission are requesting reimbursements for the Historic Building Code workshop to be held on August 23rd.

NOW, THEREFORE, BE IT RESOLVED, that the Vallejo City Council hereby approves a resolution authorizing the expenditure of funds from the training budget for the Architectural Heritage and Landmarks Commission to allow reimbursement for Commissioner attendance at two California Preservation Foundation trainings.




CONSENT J

Agenda Item No.

COUNCIL COMMUNICATION

Date: July 24, 2007

TO: Honorable Mayor and Members of the City Council

FROM: Gary A. Leach, Public Works Director 

SUBJECT: APPROVAL OF A RESOLUTION AUTHORIZING THE PURCHASE OF FIVE (5) VEHICLES AND PIECES OF EQUIPMENT IN ACCORDANCE WITH THE REQUIREMENTS OF REQUESTS FOR QUOTATION #502-2902-15,19, 20, 24 AND 25.

BACKGROUND

The City of Vallejo has a comprehensive Vehicle and Equipment Replacement Program designed to manage our fleet. The responsibility for this program falls under the Public Works Department, Maintenance Division. A combination of five (5) equipment items were approved for purchase/replacement during Fiscal Year (FY) 2006/2007 under this program. These items were carried over to FY 2007/2008 pending completion of advertisement of each. Therefore, funding for these purchases will be provided from approved budgets. The total cost for these vehicles/pieces of equipment is \$634,254.48, including tax, license, warranty, options and delivery.

Formal bid packets were published on the internet and sent out to twenty-one (21) prospective bidders. A total of ten (10) bids were received and documented by the City Clerk. Staff has completed the review of these bid responses and based on our analysis, it is recommended that purchase orders be issued to Nixon-Egli Equipment Company of Tracy, California in the amount of \$438,219.93 for one (1) 48" Milling Machine (grinder) as specified in RFQ #502-2902-15 and one (1) B-5 Unitized Asphalt Patcher as specified in RFQ #502-2902- 24; a purchase order be issued to Golden Gate Truck Center of Oakland, California in the amount of \$134,077.02 for one (1) Freightliner Ten-yard Dump Truck as specified in RFQ #502-2902-19; a purchase order be issued to Cornelius Ford of Vallejo, California for one (1) Ford, F250, 1 ½ Ton Pick Up Truck w/ Cab and Rail, as specified in RFQ #502-2902-20, in the amount of \$34,682.13, and a purchase order be issued to Northbay Truck Body of Cordelia, California for one (1) 11 foot crane body as specified in RFQ #502-2902-25, in the amount of \$27,270.40. The recommended vendor's quotations meet the requirements of the specifications and were found to be the low bidder. The following is a tabulation of the bids received and the Department/Division each equipment item is assigned to:

RFQ# 502-2902-15, 1 ea. 48" Milling Machine (Public Works/Streets)
Nixon-Egli Equipment Co.
\$363,809.05

Wirtgen America
\$376,648.96



COUNCIL COMMUNICATION

RFQ# 502-2902-19, 1 ea. Freightliner 10yd Dump Truck (Public Works/Streets)

Golden Gate Truck Center

\$134,077.02

No other bids received

RFQ# 502-2902-20, 1 ea. Ford - F250 1 ½ Ton Pick Up Truck w/ Cab and Rail (Public Works/Water)

Cornelius Ford

\$34,682.12

Wondries Ford

\$35,172.36

Senator Ford

\$35,234.38

Hansel Ford Lincoln Mercury

\$36,035.49

RFQ# 502-2902-24, 1 ea. B-5 Unitized Asphalt Patcher (Public Works Streets)

Nixon-Egli Equipment Co.

\$74,410.88

P.B. Loader Co.

\$76,076.26

RFQ# 502-2902-25, 1 ea. Harbor 11 ft Crane Body (Public Works Water)

Northbay Truck Body

\$27,275.40

No other bids received

Fiscal Impact

The subject vehicles and pieces of equipment were funded through a combination of approved FY 2006/2007 Vehicle Replacement Funds, Insurance proceeds resulting from the loss of our Street Department patch truck that was destroyed as a result of a vehicle fire, and funding received through the FY 2006/2007 Vallejo Garbage fee collected for our street operation. The purchase of these units will nominally impact the associated users' funds as a result of applying the current vehicle cost to their respective vehicle replacement charges beginning FY 2008/2009.



COUNCIL COMMUNICATION

RECOMMENDATION

Staff recommends that authorization be given to proceed with purchase of the listed vehicles from the suggested vendors.

ENVIRONMENTAL IMPACT

This procurement does not fall under the California Environmental Quality Act ("CEQA") pursuant to section 15378 (B) (2) of Title 14 of the California Code of Regulations as the action involves the purchase of equipment. No Environmental Review under CEQA is required.

PROPOSED ACTION

Adopt a resolution authorizing the purchase of five (5) equipment items for a total amount of \$634,254.48, which includes tax, license, warranty, options and delivery.

DOCUMENTS AVAILABLE FOR REVIEW

- A. A resolution authorizing the purchase of five (5) equipment items.

CONTACT

Gary Leach, Public Works Director
(707) 648-4316
GARYL@ci.vallejo.ca.us

John Cerini, Maintenance Superintendent
(707) 648-4557
JCerini@ci.vallejo.ca.us

JULY 24, 2007
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RESOLUTION NO. 07 - _____ N.C.

BE IT RESOLVED by the Council of the City of Vallejo as follows:

WHEREAS, it has been determined that the equipment under the City of Vallejo Vehicle and Equipment Replacement Program and involved in vehicle accidents require replacement; and

WHEREAS, the Maintenance Division published Request for Quotation # 502-2902-15, 19, 20, 24 and 25 (RFQ) for replacement of these equipment items on the internet and sent out RFQ's to twenty-one (21) qualified suppliers; and

WHEREAS, the Maintenance Division received and reviewed responses to the RFQ; and

WHEREAS, based on their review, the Maintenance Division has made a recommendation to purchase two (2) equipment items from Nixon-Egli Equipment Company of Tracy, California; one (1) equipment item from Golden Gate Truck Center of Oakland, California; one (1) equipment item from Cornelius Ford of Vallejo, California; and one (1) equipment item from Northbay Truck Body of Cordelia, California, in accordance with the City's bid requirements;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Vallejo authorizes the City Manager or his designated representative to issue purchase orders to Nixon-Egli Equipment Company of Tracy, California in the amount of \$438,219.93 for the purchase of one (1) 48" Milling Machine (grinder) as specified in RFQ #502-2902-15 and one (1) B-5 Unitized Asphalt Patcher as specified in RFQ #502-2902-24; and

BE IT FURTHER RESOLVED that the Council of the City of Vallejo authorizes the City Manager or his designated representative to issue a purchase order to Golden Gate Truck Center of Oakland, California in the amount of \$134,077.02 for the purchase of one (1) Freightliner Ten-yard Dump Truck as specified in RFQ #502-2902-19; and

BE IT FURTHER RESOLVED that the Council of the City of Vallejo authorizes the City Manager or his designated representative to issue a purchase order to Cornelius Ford of Vallejo, California in the amount of \$34,682.13 for the purchase of one (1) Ford, F250, 1 ½ Ton Pick Up Truck as specified in RFQ #502-2902-20; and

BE IT FURTHER RESOLVED that the Council of the City of Vallejo authorizes the City Manager or his designated representative to issue a purchase order to Northbay Truck Body of Cordelia, California in the amount of \$27,275.40 for the purchase of one (1) 11 foot crane body as specified in RFQ #502-2902-25; and

BE IT FURTHER RESOLVED, that all other bids submitted in response to RFQ #502-2902-15, -19, -20, -24, and -25 are hereby deemed rejected upon execution of purchase orders with the aforementioned suppliers.

JULY 24, 2007

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Recd 6/7/07
H

Dear Dinesh,

With regret I will
have to resign from
the Site City Comm.

Due to a family
emergency I have
missed several
meetings. Thank you for
your attention to this
matter & good luck to
you in the future.

Cordially
Believe, Reson

RESOLUTION NO. 07- N.C.

BE IT RESOLVED by the Council of the City of Vallejo as follows:

THAT WHEREAS, Patricia Bernard was originally appointed to the Sister City Commission on March 14, 2006.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Vallejo does hereby accept, with regret, the resignation of Patricia Bernard from the Sister City Commission.

ORDINANCE NO. _____ N.C. (2d)

**AN ORDINANCE OF THE CITY OF VALLEJO
AMENDING SUBCHAPTER II OF TITLE 7
OF THE VALLEJO MUNICIPAL CODE**

THE COUNCIL OF THE CITY OF VALLEJO DOES ORDAIN AS FOLLOWS:

SECTION 1. Ordinance No. 1572 (2d), Section 1 and Chapter 7.40 of the Vallejo Municipal Code are hereby repealed in their entirety and a new and revised Chapter 7.40, entitled "Definitions," is hereby added to Vallejo Municipal Code, to read as follows:

"Chapter 7.40 DEFINITIONS

- 7.40.010 Generally.
- 7.40.020 Bin.
- 7.40.030 Box.
- 7.40.040 Bulky Goods.
- 7.40.050 Cart.
- 7.40.060 City.
- 7.40.070 City council.
- 7.40.080 City manager.
- 7.40.090 Commercial/industrial business owner.
- 7.40.100 Commercial/industrial business premises.
- 7.40.110 Commercial/industrial business container.
- 7.40.120 Container.
- 7.40.130 Franchisee.
- 7.40.140 Green Waste.
- 7.40.150 Hazardous materials.
- 7.40.160 Health department.
- 7.40.170 Minimum service.
- 7.40.180 Owner.
- 7.40.190 Person.
- 7.40.200 Public works director.
- 7.40.210 Recyclables.
- 7.40.220 Resident.
- 7.40.230 Residential cart service.
- 7.40.240 Residential collection - Container.
- 7.40.250 Residential premises.
- 7.40.260 Solid Waste.

7.40.010 Generally.

For the purposes of chapters 7.40 through 7.52, the following words and phrases are defined and shall be construed as hereinafter set out unless it is apparent from the context that a different meaning is indicated.

7.40.020 Bin.

"Bin" means a detachable container used in connection with commercial/industrial premises with a capacity equal to or less than six (6) cubic yards that is serviced using a front end loading vehicle.

7.40.030 Box.

"Box", sometimes known as a "roll-off," "drop" box or "debris" box, means a wheeled or sledged container or compactor, generally 10 to 40 cubic yards in size, that is picked up in its entirety by a dedicated truck.

7.40.040 Bulky Goods.

"Bulky goods" means discarded furniture; carpets; mattresses; household appliances including refrigerators, ranges, washers, dryers, water heaters, and dishwashers and other similar items; household goods including lawn and garden equipment (drained of fluids), bicycles and other similar personal items. Bulky goods excludes motor vehicles or any subassembly, component, or part thereof (including tires), hazardous materials, and universal waste (including electronic waste) as currently defined by the State of California.

7.40.50 Cart.

"Cart" means an industry-standard receptacle for solid waste, recyclables, or green waste made of metal, hard rubber or plastic in a range of sizes approximately 32, 64 or 96 gallons with wheels, a handle for ease of movement and a tight-fitting, attached lid, and designed to be dumped mechanically into a collection vehicle.

7.40.60 City.

"City" means the city of Vallejo.

7.40.070 City council.

"City council" means the city council of the city of Vallejo.

7.40.080 City manager.

"City manager" means the city manager of the city of Vallejo, or his or her authorized representative.

7.40.090 Commercial/industrial business owner.

"Commercial/Industrial business owner" means any person holding or occupying, alone or with others, commercial/ industrial business premises, whether or not it is the holder of the title or the owner of record of the commercial/industrial business premises.

7.40.100 Commercial/industrial premises.

"Commercial/Industrial premises" means all occupied real property in the city, except property occupied by state or local governmental agencies which pursuant to state or federal laws are exempt from the requirement to utilize the city's franchisee and except residential premises as defined herein, and shall include, without limitation, wholesale and retail establishments, restaurants and other food establishments, bars, stores, shops, offices, industrial establishments, manufacturing establishments, service stations, repair, research and development establishments, professional, services, sports or recreational facilities, construction and demolition sites, a multi-family residence that is not a residential premises, and any other commercial or industrial business facilities, structures, sites, or establishments in the city.

7.40.110 Commercial/industrial container.

"Commercial/industrial container" means a cart(s), bin(s) or box(es) used in connection with commercial/industrial business premises designed for mechanical pick-up by collection vehicles and equipped with a lid, or where appropriate other types of containers suitable for the storage and collection of commercial/industrial business solid waste if approved in writing by the public works director.

7.40.120 Container.

"Container" shall mean any bin(s), box(es) or cart(s) used for the purpose of holding solid waste, recyclables, or green waste for collection.

7.40.130 Franchisee.

"Franchisee" includes and means, for the purpose of chapters 7.40 through 7.52, an agent or employee of the city or any person, firm, corporation, co-partnership, joint venture, or association, or the officers, agents and employees thereof, with whom the city shall have a franchise agreement under the terms and conditions as are set forth in chapters 7.44 through 7.52, to collect, transport through the streets, alleys, or public ways of the city and dispose of solid waste and recyclables produced within the territorial limits of the city.

7.40.140 Green Waste.

"Green waste" means prunings, brush, leaves, grass clippings, garden and hedge trimmings, small branches less than six inches in diameter and four feet in length and similar vegetative waste generated from residential property or landscaping activities, but does not include stumps or similar bulky wood materials, or painted or treated wood. Green waste may also include pre- and post-consumer food scraps, or paper contaminated with food scraps when specifically included in a green waste collection program and such material is separated from solid waste.

7.40.150 Hazardous Materials.

"Hazardous materials" means "Hazardous substances" and "Hazardous waste." "Hazardous substance" means any of the following: (a) any substance defined, regulated or listed (directly or by reference) as "hazardous substances," "hazardous materials," "hazardous wastes," "toxic wastes," "pollutant," or "toxic substances" or similarly identified as hazardous to human health or the environment, in or pursuant to (i) the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 USC Section 9601 *et seq.* (CERLA); (ii) the Hazardous Materials Transportation Act, 49 USC Section 1802 *et seq.*; (iii) the Resource Conservation and Recovery Act, 42 USC Section 6901 *et seq.*; (iv) the Clean Water Act, 33 USC Section 1251 *et seq.*; (v) California Health and Safety Code Sections 2515-25117, 25249.8, 25281, and 25316; (vi) the Clean Air Act, 42 USC Section 7901 *et seq.*; or, (vii) California Waste Code, Section 13050; (b) any amendments, rules or regulations promulgated thereunder to such enumerated statutes or acts currently existing or hereafter enacted; and (c) any other hazardous or toxic substance, material, chemical, waste or pollutant identified as hazardous or toxic or regulated under any other applicable federal, state, or local environmental law currently existing or hereinafter enacted, including, without limitation, friable asbestos, polychlorinated biphenyls (PCBs), petroleum, natural gas and synthetic fuel products, and by-products. "Hazardous waste" means all substances defined as hazardous waste, acutely hazardous waste, or extremely hazardous waste by the State of California in Health and Safety Code Sections 25110.02, 25115, and 15227 or in future amendments to or recodifications of such statutes identified and listed as Hazardous Waste by the US Environmental Protection Agency (EPA), pursuant to the Federal Resource Conservation Act, 42 USC section 6901 *et seq.*, all future amendments thereto, and all rules and regulations promulgated thereunder.

7.40.160 Health department.

"Health department" means the Solano County Department of Environmental Management, acting as the health department of the city.

7.40.170 Minimum service.

"Minimum service" means one thirty two gallon cart, not to exceed seventy-five pounds in weight, shall be the minimum garbage, refuse and rubbish collection service for occupied residential premises and commercial /industrial premises.

7.40.180 Owner.

"Owner" where that word refers to an owner who occupies a single-family dwelling or the owner of a leased or rented single-family dwelling house or of an apartment, flat, duplex, or other multiple-family dwelling or commercial/industrial premises, means and includes the person who, with respect to such leased or rented premises, is the agent, manager, or representative of any individual owner, or who is the agent, managing or executive officer, or employee, or authorized representative of any owner which is a firm, corporation, copartnership, joint venture, or association.

7.40.190 Person.

"Person" means any individual, firm, corporation, copartnership, joint venture, or association acting for himself, or as agent, officer, servant, or employee for and on behalf of any other individual, firm, corporation, copartnership, joint venture, or association. The singular includes the plural and the plural includes the singular. The masculine gender includes the feminine or neuter as the context may require.

7.40.200 Public works director.

"Public works director" means the public works director of the city of Vallejo, or his or her authorized representative.

7.40.210 Recyclables.

"Recyclables" means glass containers, metal (ferrous, non-ferrous, and bi-metal) containers (including aerosol and empty latex paint cans); aluminum foil and pie plates; #1 and #2 narrow-neck plastic containers; gable top and juice carton polycoated containers, newspaper; corrugated cardboard; mixed paper (including but not limited to white and colored paper, fax paper, magazines, chipboard, junk mail and telephone books); green waste (whether source separated or commingled with solid waste); and, any such other materials designated by the public works director, or designated as recyclables by the California Integrated Waste Management Board, or any other agency with jurisdiction.

7.40.220 Resident.

"Resident" means any person residing in a household either owned, leased, or rented by him or her in the city of Vallejo.

7.40.230 Residential cart service.

"Residential cart service" means the system for solid waste, recyclables, green waste collection and disposal wherein the rates or collection charges set forth in this chapter 7.48 are based upon the size of the garbage cart, which is provided by the franchisee for collection. Solid waste, as defined in section 7.40.260 and recyclables as defined in section 7.40.210, respectively, shall be deposited only in cart(s) as described in section 7.44.020(A) subject to the volume and weight limitations herein established.

7.40.240 Residential Collection - Containers

"Residential collection" is subject to the prior approval of the city, and to the terms and conditions of the franchise agreement. The franchisee shall provide solid waste, recyclables, and green waste cart(s) to each residential householder. No cardboard box, paper or plastic bag, or other similarly fragile container, may be used as a container for solid waste, recyclables, or green waste. Except as expressly provided otherwise herein, upon the commencement of automated collection in the city only container(s), and/or, cart(s) provided by the franchisee may be used for residential solid waste, recyclables, or green waste.

No cardboard box or paper or plastic bag may be used as a container for solid waste, recyclables or green waste. Except as expressly authorized by this chapter, no person other than the franchisee may place a cart(s), bin(s), box(es) or other containers for the collection of solid waste, recyclables or green waste within the city. Any container(s) or other than approved container(s) placed in violation of this section is hereby declared to be a nuisance, and is subject to abatement pursuant to applicable provisions of this code.

7.40.250 Residential premises.

"Residential premises" shall mean: (i) any building or structure, or portion thereof, that is used for residential housing purposes and has four (4) or fewer distinct living units; and (ii) any multiple unit residential complex which, with the prior written approval of the city manager, receives solid waste, recyclables and green waste collection services using standard residential solid waste, recycling and green waste cart(s).

7.40.260 Solid Waste.

"Solid waste" means all the putrescible and non-putrescible solid, semisolid and liquid wastes, including garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition debris and construction wastes (as defined in the section 7.53.030 of this code), discarded home and industrial appliances, dewatered, treated, or chemically fixed sewage sludge which are not hazardous materials, manure, vegetable or animal solid and semi-solid wastes, and other dismantled solid and semi-solid wastes generated by a household, commercial/retail business or industrial generators. Solid waste excludes hazardous materials or low level radioactive waste regulated under

Chapter 8 (commencing with Section 114960) of Division 104 of the Health and Safety Code, or medical waste which is regulated pursuant to the Medical Waste Management Act (Chapter 1 commencing with Section 117600 of Division 104 of the Health and Safety Code), provided that the medical waste, whether treated or untreated, is not disposed of at a solid waste facility.

SECTION 2. Ordinance No. 1572 N.C. (2d), Section 2 and Chapter 7.44 of the Vallejo Municipal Code are hereby repealed in their entirety and a new and revised Chapter 7.44, entitled "Accumulation and Transportation," is hereby added to Vallejo Municipal Code, to read as follows:

"Chapter 7.44 ACCUMULATION AND TRANSPORTATION

- 7.44.010 Regulations -- Compliance required.
- 7.44.020 Containers -- Requirements generally.
- 7.44.030 Containers -- Number requirements.
- 7.44.040 Containers -- Storage and enclosure.
- 7.44.050 Commercial/industrial business disposal of solid waste.
- 7.44.060 Commercial/industrial -- Special circumstances.
- 7.44.070 New commercial/industrial business buildings.
- 7.44.080 Burning.
- 7.44.090 Burying.
- 7.44.100 Depositing on streets, public and private places prohibited.
- 7.44.110 Accumulation on streets and public places prohibited.
- 7.44.120 Hauling over streets or waterways.
- 7.44.130 Collection - Hours prohibited.
- 7.44.140 Depositing in or removing from receptacle of subscriber -- Unlawful.
- 7.44.150 Evidence.
- 7.44.160 Rewards.

7.44.010 Regulations--Compliance required.

It is unlawful for any person to deposit, keep, accumulate, or permit, cause, or suffer any solid waste, recyclables or green waste to be deposited, kept, or accumulated upon any lot or parcel of land, or on any public or private place, street, lane, alley, or drive in the city, unless the same is kept, deposited, or allowed to accumulate as provided in this chapter.

7.44.020 Container -- Requirements generally

A. Every owner, proprietor, manager, or other person having charge or control of any commercial/industrial premises or residential premises within the city shall maintain the minimum level of service, a thirty-two gallon cart, or the number of solid waste cart(s) or containers that the public works director or health department may require, which shall be placed in a location that is readily accessible to the franchisee on days of collection,

and where it will not be a public nuisance or be offensive. The cart(s) shall be kept closed at all times except when necessarily opened to permit solid waste, recyclables and green waste to be taken therefrom or deposited therein. Said cart(s) shall not be less than thirty two gallons and in no event shall each exceed seventy-five pounds in weight when full, and shall be placed so as to be readily accessible for the removal and emptying of the waste material or recyclable contained therein by the franchisee; provided, however, that in commercial properties including apartment houses, solid waste and recyclables may be kept in an enclosure or other suitable receptacle approved by the public works director.

The franchisee shall provide solid waste, recycling and green waste cart(s) and replace cart(s) at no additional cost to resident or commercial/industrial business owner. In cases of intentional damage to cart(s) or cart(s) having to be replaced more than once within a four month period due to negligence, the resident or commercial/industrial business owner will incur the cost for replacing carts.

1. Solid waste, recyclables and green waste cart(s) shall not be located on any public area, including but not limited to, lots, streets, lanes, alleys, courts, parkways or drives in the city, unless written permission is obtained from the public works director, except as provided in subsection C of this section.

2. Owners/renters of solid waste, recyclable and green waste container(s) that are allowed to be placed in public places shall be responsible for the removal of any solid waste, recyclables, trash, junk, debris, or litter from, on, and around said container(s) up to the middle measurement of the public area. Failure of owners/renters of said container(s) to properly maintain the container(s) and surrounding area so as not to cause a public nuisance may result in the revocation of permission to place the container(s) in a public area, the imposition of fines and associated costs, and further legal action from the city.

B. For a disabled person that is unable to place cart(s) at the curb for residential curbside pick up, they shall be required to apply, on a form approved by the city manager, to the franchisee for a curbside pick up exemption. In order to qualify for a curbside pick up exemption, certification from a licensed physician that the person seeking the exemption is not able to move, and no one residing at the property can move, the solid waste, recyclables and green waste receptacles to the curb for collection. If an exemption is granted, solid waste, recyclables and green waste collection will be from a location on the property that is reasonably acceptable to Franchisee at no additional cost to the resident. A denial of a curbside pick up exemption may be appealed to the city manager and the city manager will make the final decision as to eligibility.

C. In residential areas, solid waste, recycling and green waste cart(s), shall not be placed in public view for purposes of pickup by the franchisee prior to sunset on the day before pickup is scheduled, and empty cart (s) shall be removed from public view before 10:00 p.m. on the day when pickup is made.

7.44.030 Container--Number requirements.

The franchisee shall provide at least one solid waste, recycling and green waste cart, but in any event not less than the number of solid waste, recycling and green waste cart(s) or containers as the public works director or health department may require.

Franchisee shall;

1. Place and maintain on the outside of such container(s) or other equipment, in legible letters and numerals not less than one inch in height, the franchisee's business name in a color contrasting with the background color of the container; and
2. Provide containers on wheels or skids or with hasps and locks upon request by the commercial/industrial business owner.

7.44.040 Container--Storage and enclosure.

For commercial/industrial premises within the city, the health department, and/or the public works director may prescribe reasonable rules and regulations pertaining to containers, their design and location, and maintenance and design of enclosures in which the containers are placed for the storage and pickup of solid waste, recyclables and green waste. Rules and regulations adopted under this section for the design of enclosures shall be approved by resolution of the city council prior to the application thereof.

A. Solid waste, recycling and green waste containers provided by the franchisee shall be maintained in a clean, safe and sanitary condition by the franchisee. Containers which are not provided by the franchisee shall be maintained in a clean, safe and sanitary condition by the owner. Every commercial/industrial business owner shall provide a container location on the commercial/industrial business premises and shall keep the area in good repair, clean and free of solid waste outside of the container. The franchisee will be responsible for removing any solid waste or litter that is spilled or deposited on the ground as a result of the franchisee's emptying of the container(s) or other activities of the franchisee.

B. Upon collection of solid waste, recyclables and green waste by the franchisee, all containers shall be replaced, upright, where found, with the lids closed. No person, other than the owner thereof, shall in any manner, break, damage, roughly handle or destroy containers placed on the premises of a commercial/industrial business owner. Any container which has defects likely to hamper collection or injure the person collecting the contents thereof, or the public generally shall be replaced promptly by the commercial/industrial business owner or franchisee if provided by the franchisee. Failure to replace any such container within five (5) days of written notification from the public works director shall constitute a violation of this section.

7.44.050 Commercial/industrial business disposal of solid waste.

The franchisee shall collect and dispose of all solid waste, recyclables and green waste generated and presented for collection at each commercial/industrial premises in conformity with the provisions of this chapter. Any such collection and disposal shall be in accordance with all applicable federal, state, and local laws and regulations and the franchise agreement between the franchisee and the city. All solid waste collected by a franchisee shall be the exclusive property of the franchisee.

7.44.060 Commercial/industrial - Special circumstances.

If particular commercial/industrial business premises require collections at times, frequencies or in a manner such that the franchisee is unable to perform the collection in the normal course of business, or where unusual quantities of solid waste, recyclables, green waste or special types of material are to be collected and disposed of, or where special methods of handling are required, or where the quantity of solid waste, recyclables or green waste requires the use of multiple (more than three) containers, the franchisee and the commercial/industrial business owner may make arrangements for such collection on mutually agreeable terms. If the business owner and the franchisee do not agree as to the methods for the service provided for in this section, the public works director shall determine the method of service. If the franchisee is unable or unwilling to provide such service, the public works director may authorize the commercial/industrial business owner to use another solid waste company for such special service until the franchisee can provide such service in its normal course of business.

7.44.070 New Commercial/industrial business buildings.

No building permit shall be issued for construction of any commercial/industrial building including, but not limited to multi-family residences, until the adequacy, location and accessibility of solid waste, recycling, and/or, green waste containers has been approved by the city. No certificate of occupancy shall be issued for the premises until the planning division has approved these facilities.

7.44.080 Burning.

It is unlawful to burn or cause to be burned in the city any solid waste or recyclables, except as may be permitted by applicable regulations of the Bay Area Air Pollution Control District or other applicable laws and regulations.

7.44.090 Burying.

It is unlawful for any person to bury solid waste or recyclables at any place within the city.

7.44.100 Depositing on streets, public and private places prohibited.

It is unlawful for any person to throw, deposit, put, place, or sweep any solid waste, recyclables, junk, debris, or litter or to cause the same to be thrown, placed or swept upon any public place as provided in Vallejo Municipal Code Chapter 7.60 or to throw, deposit, put or place the same in or upon any vacant lot, front or back yard or to store or keep the same in the city in public and on private places except in the manner described in this chapter.

7.44.110 Accumulation on streets and public places prohibited.

It is unlawful for the occupant, or in the absence of an occupant, the owner or lessee of any building or property in the city, to permit any solid waste, recyclables, junk, debris, or litter or to cause the same to remain or accumulate upon any street, gutter, sidewalk or alley in front, behind or abutting said building or property. Said litter may be disposed of as provided in this chapter.

7.44.120 Hauling over streets or waterways.

No person shall carry, convey, or haul rubbish on or along the streets, lanes, alleys, highways, or waterways of the city except in conveyance(s) so constructed as to be dustproof, and so aged as not to permit dust or other matter to sift through or fall upon said streets, lanes, alleys, highways, or waterways. Solid waste and recyclables so conveyed shall be further protected with appropriate covers so as to prevent the same from being blown or carried upon the streets, lanes, alleys, highways, waterways, or adjacent lands.

7.44.130 Collection--Hours prohibited.

No solid waste or recyclables may be collected or transported on or through the streets, lanes, alleys, and highways of the city between the hours of nine p.m. in the evening and five a.m. of the next morning in single-family residential districts, except in cases of emergency as provided in section 7.52.020.

7.44.140 Depositing in or removing from receptacle of subscriber--Unlawful.

It is unlawful for any person to dump or deposit solid waste or recyclables into or remove same from the receptacle of a person who has subscribed for the collection and disposal service without that person's consent.

7.44.150 Evidence.

For purposes of this chapter, information such as names, telephone numbers, addresses, or any other identifying information that appear on any item of litter or in any pile or other collection of trash, junk, solid waste, recyclables, debris or other articles found on public property or vacant lots, may be used as evidence to establish the fact and may create an inference that a person or entity who's information, as described above, was found in any item of litter or in any pile or other collection of trash, junk, solid waste, recyclables, debris or other articles found on public property or vacant lots, is responsible for the littering or dumping of the item(s). Any one found responsible for the littering or dumping of the item(s) shall be required to reimburse the city for full costs and charges to the city for the removal of said items and disposal.

7.44.160 Rewards.

Every person giving information leading to the arrest and conviction of any person for a violation of sections 7.44.080, 7.44.090, 7.44.100, and 7.44.110 is entitled to a reward therefor. The amount of the reward for each such arrest and conviction shall be fifty percent of the amount of the fine paid by the person convicted under this chapter and received by the city. If the reward is payable to two or more persons, it shall be divided equally. The amount of collected fine to be paid under this section shall be paid prior to any distribution of the fine that may be prescribed by any other section with respect to the same fine.

SECTION 3. Ordinance No. 1572 N.C. (2d), Section 3 and Chapter 7.48 of the Vallejo Municipal Code are hereby repealed in their entirety and a new and revised Chapter 7.48, entitled "Collection," is hereby added to Vallejo Municipal Code, to read as follows:

"Chapter 7.48 COLLECTION

- 7.48.010 Number of collections.
- 7.48.020 Residential collection.
- 7.48.030 Commercial/industrial business collection.
- 7.48.040 Franchise agreement.
- 7.48.050 Subscription required – Transportation by other than franchisee.
- 7.48.060 Notice to subscribe or appear and show cause for exclusion.
- 7.48.070 Action taken at hearing – Exclusions.
- 7.48.080 Collection and removal of solid waste by franchisee.
- 7.48.090 Account and report of cost.
- 7.48.100 Notice of hearing and report.
- 7.48.110 Hearing and confirmation.
- 7.48.120 Payment of assessment.
- 7.48.130 Release of lien.
- 7.48.140 Minimum service and collection rates.
- 7.48.150 Compaction rates -- Limits.
- 7.48.160 Residential household hazardous waste fund.
- 7.48.170 Implementation of recycling programs.

7.48.010 Number of collections.

Unless otherwise approved by the city council, collection of solid waste, recyclables and green waste shall take place no less than once each calendar week, on the same day of the week, with exception of holidays, or at such other collection frequencies as the health department or public works director may require. The franchisee shall collect all solid waste, recyclables and green waste placed for collection in compliance with this chapter from each residential, and/or, commercial/industrial business premises in accordance with a schedule which has been approved by the public works director. The schedule shall identify the routes and days of pick up for each collection district established within the city.

7.48.020 Residential collection.

A. "Residential collection" means all solid waste, recyclables and green waste collected shall be disposed of or recycled by the franchisee in accordance with all applicable federal, state and local laws and regulations and the franchise agreement.

B. "Collection service off alleys" means that the owner shall place solid waste, recyclables, and green waste carts in an alley location easily accessible by the franchisee, but not in a manner which impedes or creates a hazard for vehicular or pedestrian traffic.

C. "Placement and removal of cart(s)" means every resident shall place each solid waste, recyclables, and green waste cart(s) 3 ft. apart at the curb or the side of the premises where the premises are adjacent to more than one street, in a clearly accessible location to permit the franchisee's collection. Upon collection, all solid waste, recyclables, and green waste containers shall be emptied and replaced in an upright position, at the location where found by the franchisee. No person shall place any such cart(s) for collection earlier than sunset of the day preceding the day designated for collection, and all cart(s) shall be removed from the place of collection prior to 10:00 p.m. of the day the cart(s) have been emptied. Such cart(s) shall be removed to a storage location, which is not visible from any public right-of-way, excluding alleys.

7.48.030 Commercial/industrial business collection.

A. Except as otherwise provided in this chapter, each commercial/industrial business owner shall utilize the services of the franchisee for the collection of solid waste, recyclables and green waste from the commercial/industrial business premises held or occupied by such renter or owner and shall pay for such services the fees set by the franchisee and authorized by the city council. No commercial/industrial business owner shall enter into an agreement for solid waste, recyclables and green waste collection services with any person other than the franchisee, except as otherwise expressly provided in this chapter.

7.48.040 Franchise agreement.

A. The terms and conditions of any franchise agreement entered into by the city and any person for the collection, removal, and disposal of solid waste, recyclables and/or green waste accumulated or generated within the city shall be as provided or approved by other ordinances and resolutions of the city council. The terms and conditions of the franchise agreement shall provide for the operation of a clean, efficient, and comprehensive collection and disposal service sufficient for the protection of the public health, safety, convenience, and welfare of the people of the city; provided, however, that nothing contained in this chapter shall alter, vary, or abridge the terms of any franchise agreement heretofore executed by the city and relating to the collection, removal, and disposal of solid waste and/or recyclables.

B. Except as otherwise expressly provided in sections 7.48.050 and 7.52.020, at such time as there is in full force and effect a franchise agreement entered into by and between the city and any person, which is incorporated herein by this reference, granting such person the exclusive privilege or right to collect solid waste, recyclables and/or green waste in the city, it shall be unlawful for any person other than the franchisee to collect, transport, or dispose of, for pay or compensation, whether money, in kind or for the salvage value of the material collected, any solid waste, recyclables and/or green waste within the city unless specifically exempted and given the written permission of the franchisee, subject to the approval of the city manager.

7.48.050 Subscription required--Transportation by other than franchisee.

A. Nothing contained in chapters 7.44 through 7.52 shall be construed to prohibit or prevent any person from removing, taking, hauling, transporting, or disposing of any solid waste, recyclables and green waste which the franchisee is not given the exclusive privilege or right to collect or dispose of under the terms and conditions of the franchise agreement, accumulated or generated in the city; provided that said solid waste, recyclables and green waste are kept, hauled, transported and disposed of in the manner prescribed in chapters 7.44 through 7.52 and other applicable laws.

B. Every owner of a premises where it is required in chapter 7.44 that the franchisee provides solid waste, recyclable and green waste container(s) shall subscribe for and pay the franchisee for minimum service for the collection and disposal of solid waste, at such rates or collection charges as prescribed in this chapter, and shall bear the responsibility for payment of said charges. An owner may authorize a tenant to act in his behalf to subscribe and pay for service, but such shall not relieve an owner from his liability hereunder; and, unless notice to the contrary is given the franchisee, any additional services contracted for by a tenant so authorized to act shall be chargeable to the owner. In the case of any leased or rented apartment, flat, duplex, or multiple-family dwelling, the owner shall subscribe to such collection and disposal service for each occupied dwelling unit therein and shall directly bear the responsibility for payment of the charges for such collection and disposal services. The franchisee shall give written notice to the health department or public works director of the name and address of any

person or owner who fails to subscribe for such collection and disposal service and the address of the premises for which such collection and disposal service has not been subscribed, unless the franchisee has been notified by the owner or other person in lawful possession that the property is temporarily not occupied, and when the franchisee has determined that said condition actually exists on the premises.

7.48.060 Notice to subscribe or appear and show cause for exclusion.

A. If the health department or public works director has reason to believe that any person required by section 7.48.050 to subscribe for the collection and disposal of solid waste has failed to subscribe, or has defaulted in the obligation imposed under Section 7.48.050 relating to payment of collection and disposal of solid waste, which default shall be presumed if an account is more than ninety days in arrears, the health department or public works director may cause written notice to be mailed to the owner of the real property so affected directing the owner, in case of non-subscription, to subscribe for such service within ten days after reception of the notice, or to appear in the health department office or public works department within the said ten-day period to show why such person should not be required to subscribe for the collection and disposal of solid waste. Any such notice shall state that if the person to whom it is directed fails within the ten day period to subscribe for such collection and disposal service or fails to appear and show cause why such person should not be required to so subscribe, the health department or public works director will authorize such services and the charges therefor will be assessed against the real property upon which the premises served are located as specified in this chapter.

B. If the health department or public works department has reason to believe that any subscriber, or person responsible for payment for solid waste service, pursuant to section 7.48.050, has defaulted in payment as defined above, the department or public works director may cause written notice to be mailed to the owner of the real property so affected notifying said owner that service will be continued for health and safety reasons and that the city has been authorized to institute lien proceedings against the property for services and charges rendered as specified in this chapter.

C. The notices specified in this section shall be served upon the owner by placing a true and correct copy thereof in the United States mail, certified or registered, postage fully prepaid and addressed to the owner at his last known address as shown on the latest equalized assessment roll of Solano County, or in the manner set out for service of summons in Part 2, Title 5, Chapter 4, Articles 3 and 4 (commencing with Section 415.10) of the California Code of Civil Procedure. A copy of said notice shall be transmitted to the franchisee on the same date as said notice is served upon the person. Service shall be deemed complete at the time of deposit in the United States mail. The franchisee shall notify the health department or public works director in writing if the person or persons upon whom notice was served have, within ten days after such service, subscribed for the collection and disposal of garbage and refuse, or made payment for charges due, as the case may be.

7.48.070 Action taken at hearing--Exclusions.

At the appearance required by Section 7.48.060, the health department or public works director may find excluded from the requirements of said section only those persons who show:

- A. That they are not owners of the property mentioned;
- B. That every residential unit on the property is vacant or temporarily unoccupied for a period in excess of two weeks;
- C. That the occupant of a single-family dwelling is a senior citizen (or citizens) on a low to moderate fixed income who shares the minimum service with an immediately adjacent neighbor and follows such practices and meets such requirements as may be prescribed by the health department or public works director;
- D. That the occupant of a single-family dwelling recycles all, or virtually all, solid waste produced by occupants of the premises pursuant to recycling procedures approved by the health department or public works director.

7.48.080 Collection and removal of solid waste by franchisee.

A. If the health department or public works director receives notice that any person or persons upon whom notice was served pursuant to Section 7.48.060 have failed within the time specified therein to subscribe for the collection and disposal service, or have failed to make timely payment therefor, the health department or public works director shall order the franchisee to provide, or, in the case of nonpayment of charges, to continue to provide such collection and disposal services to the premises. The franchisee shall bill the city once per year in July at the rates specified in the ordinances establishing charges during the period that it provides such collection and disposal service upon the order of the health department or public works director, which may include costs necessary for the removal of accumulated wastes found on the premises at the time service is ordered by the health department or public works director. No charge ordered by the health department or public works director shall be presented to the city until service has been provided at least ninety days, and the franchisee shall attempt to collect payment from the subscriber for such service in its ordinary fashion prior to the end of said ninety days.

B. By resolution, the city council shall establish, pursuant to charter section 711, a revolving fund for reimbursement of the franchisee for service rendered pursuant to order of the health department or public works director in subsection A of this section. The amount of said fund shall be determined by the council, and thereafter said fund shall be maintained from receipts of assessments levied and collected pursuant to this chapter.

C. Notwithstanding subsections A and B of this section, the franchisee may discontinue service to subscribers for bin service, debris box, or equivalent multi-can service, except single-family residences, where payment is not made for such services within ninety days, upon notice to the health department or public works director. In such case, the franchisee may treat said delinquency as a debt and collect therefor by any means provided by law, and the city shall not be obligated therefor. Nothing herein shall be deemed to relieve any owner, tenant or other person in possession of such premises from any obligation pursuant to chapters 7.40 through 7.52. In cases where restoration of service is necessary for reasons of immediate danger to public health, as determined by the health department or public works director, the same may be ordered as set out in this chapter.

7.48.090 Account and report of cost.

The city manager or his designee shall keep an account of the charges presented to the city by the franchisee pursuant to section 7.48.080 for each parcel of real property served and shall embody such account in a report and assessment list to the city council, which report shall be filed with the city clerk. The report shall refer to each separate parcel of real estate by description sufficient to reasonably identify it, together with the charges proposed to be assessed against it. For each parcel so identified, an administrative charge of ten percent shall be added to the charges due upon the parcel, but in no case shall such additional charge be less than fifty dollars. All such administrative charges shall be retained by the city and shall not be paid to the franchisee.

7.48.100 Notice of hearing and report.

The public works director shall cause, or direct to be caused, written notice, in a form approved the city attorney, to be mailed to the persons named in the report and assessment list provided by the public works director. The written notice shall be mailed by first class United States mail to each person named in the report at the address shown on the latest equalized assessment roll of Solano County. Service shall be deemed complete at the time of deposit in the United States mail.

7.48.110 Hearing and confirmation.

At the time and place fixed for receiving and considering the report, the city council shall hear the same together with any protests or objections which may be raised by any interested person. Upon such hearing, the council shall make such corrections or modifications in any proposed assessment which it may deem to be excessive or otherwise incorrect after which such assessments shall be confirmed by resolution of the council, and the amount thereof shall constitute a lien on property assessed until paid or, at the option of the city council, such assessment may be declared a personal obligation of the assesses. The confirmation of assessments by the city council shall be final and conclusive.

7.48.120 Payment of assessment.

It is lawful for any person to pay the amount of such assessment for the collection and disposal of solid waste and recyclables on or before the fifteenth day of July following the date the confirmation of assessment was made by the council. If the assessment is not paid on or before said date, and has not been declared a personal obligation of the owner, the total amount thereof shall be entered on the next fiscal year tax roll as a lien against the property, and shall be subject to the same collection procedures and penalties as are provided for other delinquent taxes or assessments of the city. If declared a personal obligation, such assessment shall be a debt and may be collected by any means permitted by law.

7.48.130 Release of lien.

Upon satisfaction of the entire amount of any lien imposed pursuant to this chapter, the city will, upon request and payment of any recording fees required therefor, record a release of the lien in the official records of the recorder of Solano County, California.

7.48.140 Minimum service and collection rates.

Upon review of the franchisee's rate adjustment application, the city council shall by resolution establish minimum service by the franchisee and the maximum rates or charges that may be charged for collection.

7.48.150 Compaction rates--Limits.

Upon review of the franchisee's rate adjustment application, the city council shall by resolution establish maximum compaction rates or charges that may be charged for compaction services.

7.48.160 Residential household hazardous waste fund.

There is created a special fund of the city to be known as the household hazardous waste fund, into which shall be deposited all fees received from a special residential household hazardous waste surcharge to be set as part of city council review of the franchisee's rate adjustment application.

7.48.170 Implementation of recycling programs.

The council may by resolution implement recycling programs consistent with the council's determination as to the best manner in which recycling services are to be provided to the residents and businesses in the city of Vallejo, including mandatory subscription to such programs."

SECTION 4. Ordinance No. 1572 N.C. (2d), Section 5 and Chapter 7.52 of the Vallejo Municipal Code are hereby repealed in their entirety and a new and revised Chapter 7.52, entitled "Enforcement," is hereby added to Vallejo Municipal Code, to read as follows:

"CHAPTER 7.52 ENFORCEMENT

- 7.52.010 Enforcement.
- 7.52.020 Emergency removal, disposal and transportation.
- 7.52.030 Interference with authorized franchisee unlawful.
- 7.52.040 Persons authorized to make arrests.
- 7.52.050 Violations and infractions.

7.52.010 Enforcement.

A. The city manager and the health department shall enforce the provisions of this chapter and chapter 7.40 through 7.48.

B. The city manager shall enforce the provisions of this chapter and chapter 7.40 through 7.48 relating to the performance of the franchisee's obligations under the franchise agreement.

C. The health department and public works director shall enforce the provisions of this chapter and chapter 7.40 through 7.48 relating to collection and disposal as it relates to the public health, safety, and welfare.

7.52.020 Emergency removal, disposal and transportation.

Nothing in this chapter and chapters 7.40 through 7.48 and 7.53 shall be deemed to prohibit or prevent the emergency removal, disposal, and transportation of solid waste, recyclables and construction and demolition debris considered by the health department or public works director to be a health menace. Said emergency removal shall be authorized by the health department or public works director, and upon written authorization, persons other than the franchisee may promptly remove, transport, and dispose of the solid waste, recyclables and construction and demolition debris in the manner specified in chapter 7.44.

7.52.030 Interference with authorized franchisee unlawful.

It is unlawful for any person to interfere in any manner whatsoever with the collection, transportation and disposal of solid waste and recyclables by the franchisee authorized to collect, transport, and dispose of same.

7.52.040 Persons authorized to make arrests.

In addition to those city employees authorized by administrative rule, pursuant to section 1.14.010 of this code, officers of the health department customarily engaged in enforcement of chapters 7.40 through 7.52 are authorized to make arrests under the conditions prescribed by section 836.5 of the California Penal Code, and may issue written notices to appear as prescribed therein and in chapter 5C of Part 2, Title 3, commencing with section 853.5 of the California Penal Code.

7.52.050 Violations and infractions.

A. Criminal Penalties. Any person who violates any provision of chapters 7.40 through 7.52 shall be guilty of either an infraction or misdemeanor as set forth in section 1.12.010 of this code.

B. Civil Enforcement. Any violation of any provision of chapters 7.40 through 7.52 may be enforced as set forth in sections 1.12.020 and 1.12.030 of this code.

C. Administrative Citations. Any violation of any provision of chapters 7.40 through 7.52 may be enforced by the issuance of an administrative citation as set forth in chapter 1.15 of this code.

D. Separate Violations. There shall be a separate violation of any provision of chapters 7.40 through 7.52 for each day on which a violation occurs.

E. Cumulative Remedies. The foregoing remedies shall be deemed nonexclusive, cumulative and in addition to any other remedy the city may have at law or in equity, including but not limited to injunctive relief to prevent violations of chapters 7.40 through 7.52.

F. Attorney Fees. In any civil enforcement action, administrative or judicial, the city shall be entitled to recover its attorney's fees and costs from any person who is determined by a court of competent jurisdiction to have violated any provision of chapters 7.40 through 7.52."

SECTION 5. SEVERABILITY. This Ordinance and the various parts thereof are hereby declared to be severable. Should any section of this Ordinance be declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid.

SECTION 6. EFFECTIVE DATE. This Ordinance shall take effect and be in full force and effect thirty (30) days from and after its final adoption.

**COUNCIL COMMUNICATION**

Date: July 24, 2007

TO: Honorable Mayor and Members of the City Council

FROM: Robert V. Stout, Finance Director

SUBJECT: ACCEPTANCE OF THE CITY TREASURER'S INVESTMENT REPORT FOR THE QUARTER ENDED JUNE 30, 2007, AS SUBMITTED**BACKGROUND AND DISCUSSION**

At the end of each calendar quarter, the City Treasurer is required by the City's adopted Investment Policy to report on the status of investments to the City Council. The City Treasurer's Investment Report as of June 30, 2007, is submitted in accordance with California Government Code Section 53646. It is the policy of the City of Vallejo to use the State of California Government Code Sections 53601, 53635, and 53651 provisions for local government investments as guidelines in the developing and implementing of the City's allowable investment policies and practices.

Condensed investment information as of June 30, 2007, is as follows:

Description	Par Value Of Portfolio	Fair Value Of Portfolio	Cost Basis Of Portfolio	Percentage of Portfolio
U.S. Federal Agency Bonds	\$26,178,497.77	\$25,805,033.93	\$26,107,748.63	29.71%
Local Agency Investment Fund	34,649,436.25	34,633,671.52	34,649,436.25	39.43%
U.S. Treasury Securities	10,355,000.00	10,299,304.80	10,569,815.26	12.03%
Money Market Accounts	181,596.97	181,596.97	181,596.97	0.21%
Corporate Medium Term Notes	16,345,000.00	16,201,493.30	16,321,912.54	18.57%
Rolling Repurchase Agreement	50,000.00	50,000.00	50,000.00	0.05%
Total Investments	\$87,759,530.99	\$87,171,100.52	\$87,880,509.65	100.00%

Footnote: In accordance with Government Code Section 53646, the value of the Local Agency Investment Fund (LAIF) shown above represents the values from the June 30, 2007, LAIF statement balance multiplied by the "Fair Value Factor" which is used in adjusting the statement balance to the actual "Fair Value" balance.



	<u>Current Quarter</u>	<u>Fiscal Year-to-Date²</u>
Portfolio Investment Earnings:	\$1,044,217.08	\$3,578,159.49
Net Change in Portfolio Balance:	\$15,546,350.72	\$2,178,494.91
Approximate Portfolio rate-of-return has been: (annualized yield)		4.38%

BENCHMARK COMPARISON RATE-OF-RETURN¹:

Local Agency Investment Fund	5.12%
2-Year U.S. Treasury Note Yield	4.87%

Footnotes:

1. These are the performance benchmarks stated in the City's Investment Policy. These are annualized yields.
2. The Fiscal year-to-date is the actual percentage earned for the 12-month period from July 1, 2006, to June 30, 2007, and then is annualized for comparison purposes.

California Government Code Section 53646 provides that quarterly reporting of investment balances may be rendered to the City Council. The composition of investments must conform to the City's Investment Policy which is adopted annually by the City Council, and also must provide the City the ability to meet all cash flow requirements that might be reasonably anticipated for the next six months. Investments in the attached report meet these requirements of the City of Vallejo's adopted investment policy.

Fair Value of individual securities has been provided by Wells Fargo Bank Global Trust & Custody.

Pooled cash and investments book balances are adjusted annually to reflect *fair value* as required by Generally Accepted Accounting Principles. The term *fair value* was formerly known as *market value* and became effective with the mandatory implementation of GASB 31 in the fiscal year 1998. The attached investment schedules meet these requirements.

This report is informational only. No action is required of the City Council. There is no fiscal impact from this report. The City's portfolio had total earnings of \$3,578,159.49 during the twelve month period ending June 30, 2007. In addition, the portfolio also had a cumulative *fair value* versus *cost value* unrealized, non-cash loss of approximately \$709,409.13 as of June 30, 2007. *Fair value* fluctuates from one period to another depending on the changes in interest rates and the supply and demand for bonds at a particular time. Therefore, there is often a difference between the *cost value* (the value at the time of purchase) and the *fair value* (the market value of the same security at a certain later period) creating an unrealized gain or loss.



RECOMMENDATION:

Staff recommends acceptance of the City Treasurer's Investment Report.

ENVIRONMENTAL REVIEW

This action is not a project as defined by the California Environmental Quality Act and is not subject to CEQA review.

PROPOSED ACTION

This report is an informational item only. Accept the City Treasurer's Investment Report for the quarter ended June 30, 2007, as submitted.

DOCUMENTS ATTACHED:

1. Treasurer's Investment Report for the quarter ended June 30, 2007.

Prepared by: Jon R. Oiler, Auditor Controller (707) 648-4593

Contact: Robert V. Stout, Finance Director (707) 648-4592



CITY OF VALLEJO
QUARTERLY INVESTMENT REPORT
SUPPLEMENTAL INFORMATION

DEFINITIONS

- Coupon Rate*** - The interest rate established for a bond issuance at the original time of sale. This amount is fixed and cannot be changed.
- Fair Value*** - Fair Value, formerly known as market value, is the amount at which a financial instrument could be exchanged in a current transaction between willing parties.
- Original Cost*** - The actual principal amount paid for a security at the time of purchase.
- Par Value*** - Par Value is the face value of a security. The face value of a security, usually in \$1,000 increments, is fixed and cannot be changed. Depending on market conditions, buyers purchase securities at a premium or discount to yield an effective interest rate different than the coupon rate.
- Premium or Discount*** - An investor may pay more or less than the face value of a security depending on the current market interest rates. Amounts paid greater than face are premiums while amounts paid less than face value are discounts.



**City of Vallejo
Portfolio Management
Portfolio Summary
June 30, 2007**

City of Vallejo
555 Santa Clara Street
Vallejo, CA 94590
(707)648-4592

Investments	Par Value	Fair Value	Original Cost	% of Portfolio	Term	Days to Maturity	360 Equiv. YTM	YTM
Federal Agency Issues - Coupon	26,178,497.77	25,805,033.93	26,107,748.63	29.71	1,274	820	4.649	4.713
Local Agency Investment Funds	34,649,436.25	34,633,671.52	34,649,436.25	39.43	1	1	5.158	5.230
U.S. Treasury Securities - Coupon	10,355,000.00	10,299,304.80	10,569,815.26	12.03	1,440	897	4.148	4.206
Money Market Accounts	181,596.97	181,596.97	181,596.97	0.21	1	1	3.985	4.040
Corporate Medium Term Notes	16,345,000.00	16,201,493.30	16,321,912.54	18.57	1,169	791	4.869	4.936
Rolling Repurchase Agreements	50,000.00	50,000.00	50,000.00	0.06	67	0	5.208	5.280
Investments	87,759,530.99	87,171,100.52	87,880,509.65	100.00%	769	498	4.829	4.896
Total Earnings	June 30 Month Ending	Fiscal Year To Date	Fiscal Year Ending					
Current Year	366,541.49	3,578,159.49	3,578,159.49					

Average Daily Balance 90,713,628.99 **81,701,623.37**

Effective Rate of Return 4.92% **4.38%**

I hereby certify that the investments listed in this report conform to the City of Vallejo investment policy and California Government Code and that it provides sufficient cashflow to meet the City's anticipated cash needs for the next six months.

Robert V. Stout *7/18/07*

Robert V. Stout, Finance Director/Treasurer

**City of Vallejo
Portfolio Management
Portfolio Details - Investments
June 30, 2007**

CUSIP	Investment #	Issuer	Average Balance	Purchase Date	Par Value	Fair Value	Original Cost	Stated Rate	YTM 360	YTM 365	Days to Maturity	Maturity Date
Federal Agency Issues - Coupon												
31359MDU4	50147	Fed Natl Mtg Assn	900,000.00	08/08/2003	900,000.00	905,067.00	991,049.40	6.000	3.617	3.667	319	05/15/2008
31359MDU4	50151	Fed Natl Mtg Assn	400,000.00	11/10/2003	400,000.00	402,252.00	440,125.00	6.000	3.525	3.574	319	05/15/2008
31359MTR4	50177	Fed Natl Mtg Assn	140,000.00	02/10/2006	140,000.00	136,413.20	134,591.24	3.375	4.756	4.822	533	12/15/2008
31359MTZ6	50178	Fed Natl Mtg Assn	1,000,000.00	03/07/2006	1,000,000.00	969,680.00	951,793.00	3.250	4.936	5.005	595	02/15/2009
31359MTZ6	50182	Fed Natl Mtg Assn	400,000.00	04/06/2006	400,000.00	387,876.00	380,940.40	3.250	4.967	5.036	595	02/15/2009
31359MYN7	50197	Fed Natl Mtg Assn	1,000,000.00	12/11/2006	1,000,000.00	972,810.00	986,722.00	4.250	4.591	4.645	1,141	08/15/2010
31359MF81	50198	Fed Natl Mtg Assn	400,000.00	12/20/2006	400,000.00	397,876.00	402,732.00	5.050	4.797	4.884	1,317	02/07/2011
31359MF40	50200	Fed Natl Mtg Assn	640,000.00	01/10/2007	640,000.00	625,798.40	631,081.60	4.500	4.812	4.879	1,325	02/15/2011
31331SQ89	50187	Federal Farm Credit Bank	300,000.00	07/20/2006	300,000.00	293,907.00	289,265.10	4.125	5.385	5.439	747	07/17/2009
31331VYF7	50188	Federal Farm Credit Bank	300,000.00	07/20/2006	300,000.00	300,189.00	298,365.00	5.250	5.385	5.460	673	05/04/2009
3133MVZA4	50156	Federal Home Loan Bank	590,000.00	05/05/2004	590,000.00	582,807.90	585,147.25	3.375	3.569	3.608	229	02/15/2008
3133XVBB3	50165	Federal Home Loan Bank	1,000,000.00	03/08/2005	1,000,000.00	969,080.00	984,504.00	3.875	4.169	4.227	929	01/15/2010
3133XVBB2	50166	Federal Home Loan Bank	675,000.00	05/10/2005	675,000.00	661,709.25	681,077.03	4.375	4.110	4.167	990	03/17/2010
3133XZC98	50169	Federal Home Loan Bank	840,000.00	07/11/2005	840,000.00	808,750.40	811,172.88	3.000	3.930	3.985	654	04/15/2009
3133XCFH1	50171	Federal Home Loan Bank	1,700,000.00	11/09/2005	1,700,000.00	1,673,973.00	1,662,634.00	3.875	4.646	4.711	418	08/22/2008
3133X7SH8	50183	Federal Home Loan Bank	500,000.00	04/11/2006	500,000.00	491,720.00	486,992.00	4.250	5.114	5.185	684	05/15/2009
3133X9DV3	50189	Federal Home Loan Bank	929,731.52	08/07/2006	929,731.52	900,709.02	893,704.43	3.840	4.971	5.040	878	11/25/2009
3133XGEO3	50190	Federal Home Loan Bank	475,000.00	08/31/2006	475,000.00	475,741.00	477,375.00	5.250	4.988	5.057	766	08/05/2009
3133MFCM2	50192	Federal Home Loan Bank	480,000.00	09/15/2006	480,000.00	474,000.00	474,177.60	4.750	5.027	5.096	1,139	08/13/2010
3133X06C7	50193	Federal Home Loan Bank	460,000.00	10/10/2006	460,000.00	446,057.40	447,997.22	4.125	4.803	4.870	1,139	08/13/2010
3133XEMR7	50194	Federal Home Loan Bank	425,000.00	10/20/2006	425,000.00	419,955.25	421,115.50	4.850	5.018	5.088	1,314	02/04/2011
3133XGDD3	50202	Federal Home Loan Bank	1,000,000.00	03/15/2007	1,000,000.00	994,936.00	1,023,158.00	5.375	4.730	4.796	1,510	08/19/2011
3133XKXD2	50206	Federal Home Loan Bank	600,000.00	05/24/2007	600,000.00	594,936.00	597,084.00	4.875	4.984	5.053	1,048	05/14/2010
3133XKXD2	50207	Federal Home Loan Bank	500,000.00	05/25/2007	500,000.00	495,780.00	497,270.00	4.875	5.006	5.075	1,048	05/14/2010
31359MDJ9	50131	Federal National Mortgage Assn	750,000.00	03/07/2003	750,000.00	751,642.50	848,378.90	5.750	2.854	2.893	229	02/15/2008
31359MVEO	50184	Federal National Mortgage Assn	375,000.00	11/10/2003	375,000.00	375,821.25	408,574.22	5.750	3.424	3.471	229	02/15/2008
31359M69	50185	Federal National Mortgage Assn	1,000,000.00	05/04/2006	1,000,000.00	983,750.00	972,790.00	4.250	5.154	5.226	684	02/15/2008
31359MB77	50186	Federal National Mortgage Assn	600,000.00	06/06/2006	600,000.00	596,628.00	593,298.00	4.875	5.220	5.293	654	04/15/2009
31359MK69	50191	Federal National Mortgage Assn	710,000.00	06/15/2006	710,000.00	699,570.10	694,139.60	4.650	4.996	5.066	654	04/15/2009
31359MM26	50203	Federal National Mortgage Assn	1,000,000.00	08/29/2006	1,000,000.00	994,390.00	995,350.00	4.875	4.996	5.066	654	04/15/2009
31344AVH4	50195	Federal Home Loan Mtg. Corp.	1,325,000.00	12/27/2006	1,325,000.00	1,354,900.00	1,376,740.24	5.125	4.723	4.788	537	12/19/2008
3137EAAK5	50196	Federal Home Loan Mtg. Corp.	350,000.00	12/08/2006	350,000.00	346,808.50	350,570.15	4.750	4.824	4.896	856	11/03/2009
3137EAAK5	50199	Federal Home Loan Mtg. Corp.	500,000.00	01/31/2007	500,000.00	495,155.00	485,397.50	4.750	5.034	5.104	856	11/03/2009
31395FQW7	50201	Federal Home Loan Mtg. Corp.	553,766.25	02/08/2007	553,766.25	548,834.51	550,175.42	5.000	5.125	5.196	1,080	08/15/2010
31344AVB7	50208	Federal Home Loan Mtg. Corp.	1,000,000.00	06/01/2007	1,000,000.00	970,310.00	971,157.00	4.125	5.066	5.137	1,107	07/12/2010

Portfolio CITY
CP

**City of Vallejo
Portfolio Management
Portfolio Details - Investments
June 30, 2007**

CUSIP	Investment #	Issuer	Average Balance	Purchase Date	Par Value	Fair Value	Original Cost	Stated Rate	YTM 360	YTM 365	Days to Maturity	Maturity Date
313444US1	50209	Federal Home Loan Mtg. Corp.		06/01/2007	1,000,000.00	981,890.00	983,100.00	4.250	5.031	5.101	745	07/15/2009
		Subtotal and Average	26,124,189.89		26,178,497.77	25,905,033.93	26,107,748.63		4.649	4.713	820	
Local Agency Investment Funds												
44740	04001	LALF City of Vallejo			19,148,084.37	19,139,372.41	19,148,084.37	5.230	5.158	5.230	1	
36484	04003	LALF Housing Authority			8,602,089.59	8,598,175.83	8,602,089.59	5.230	5.158	5.230	1	
11929	04002	LALF Redevelopment Agency			6,899,262.29	6,896,123.28	6,899,262.29	5.230	5.158	5.230	1	
		Subtotal and Average	37,549,436.25		34,649,436.25	34,633,671.52	34,649,436.25		5.158	5.230	1	
U.S. Treasury Securities - Coupon												
9128274F6	5045	U.S. Treasury Notes		08/13/2003	850,000.00	854,250.00	944,595.70	5.625	3.047	3.089	319	05/15/2008
912828B4	5050	U.S. Treasury Notes		12/09/2003	175,000.00	171,718.75	174,377.93	3.250	3.286	3.332	411	08/15/2008
9128275N8	5062	U.S. Treasury Notes		09/07/2004	1,150,000.00	1,174,886.00	1,287,416.02	6.000	3.307	3.353	776	08/15/2009
912828C12	5063	U.S. Treasury Notes		12/06/2004	1,400,000.00	1,377,138.00	1,418,921.88	4.000	3.623	3.673	715	06/15/2009
912828D14	5065	U.S. Treasury Notes		06/01/2005	650,000.00	642,889.00	651,955.08	3.750	3.591	3.641	319	05/15/2008
912828D14	5066	U.S. Treasury Notes		08/01/2005	195,000.00	192,866.70	193,545.12	3.750	3.979	4.034	319	05/15/2008
912828FE5	5069	U.S. Treasury Notes		06/02/2006	350,000.00	349,835.50	348,605.47	4.875	4.952	5.021	684	05/15/2009
912828B11	5070	U.S. Treasury Notes		08/11/2006	500,000.00	487,695.00	481,210.94	3.250	4.843	4.910	564	01/15/2009
912828F10	5071	U.S. Treasury Notes		08/22/2006	100,000.00	99,930.00	100,226.56	4.875	4.727	4.792	776	08/15/2009
912828ED8	5072	U.S. Treasury Notes		08/04/2006	300,000.00	293,343.00	291,679.69	4.125	4.824	4.891	1,141	08/15/2010
912828F10	5073	U.S. Treasury Notes		09/01/2006	1,200,000.00	1,199,160.00	1,204,968.75	4.875	4.658	4.722	776	08/15/2009
912828ED8	5076	U.S. Treasury Notes		11/03/2006	100,000.00	99,890.00	100,399.84	4.125	4.660	4.740	776	08/15/2009
912828FH8	5077	U.S. Treasury Notes		02/28/2007	235,000.00	229,795.35	230,538.67	4.125	4.676	4.740	776	08/15/2009
912828ES5	5078	U.S. Treasury Notes		03/15/2007	600,000.00	599,112.00	609,468.75	4.875	4.397	4.458	1,430	05/31/2011
912828F10	5079	U.S. Treasury Notes		04/09/2007	500,000.00	489,455.00	495,097.66	4.250	4.472	4.534	1,294	01/15/2011
912828F10	5080	U.S. Treasury Notes		06/04/2007	650,000.00	639,333.50	640,859.38	4.500	4.796	4.863	1,552	09/30/2011
912828FD7	5081	U.S. Treasury Notes		06/12/2007	700,000.00	698,964.00	695,679.69	4.875	4.981	5.050	1,399	04/30/2011
912828F10	5081	U.S. Treasury Notes		06/04/2007	700,000.00	699,013.00	700,328.13	4.875	4.794	4.861	1,491	07/31/2011
		Subtotal and Average	10,489,318.12		10,355,000.00	10,299,304.80	10,569,815.26		4.148	4.206	887	

Commercial Paper - Interest Bearing			Subtotal and Average	65,000.00
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Money Market Accounts	Subtotal and Average																								
<table border="0"> <tr> <td>SYS10014</td> <td>10014</td> <td>Wells Fargo Bank</td> <td>107,105.31</td> </tr> <tr> <td>SYS10016</td> <td>10016</td> <td>Wells Fargo Bank</td> <td>74,491.66</td> </tr> </table>	SYS10014	10014	Wells Fargo Bank	107,105.31	SYS10016	10016	Wells Fargo Bank	74,491.66	<table border="0"> <tr> <td>107,105.31</td> <td>107,105.31</td> <td>107,105.31</td> <td>4,040</td> </tr> <tr> <td>74,491.66</td> <td>74,491.66</td> <td>74,491.66</td> <td>4,040</td> </tr> <tr> <td></td> <td></td> <td></td> <td>3,985</td> </tr> <tr> <td></td> <td></td> <td></td> <td>4,040</td> </tr> </table>	107,105.31	107,105.31	107,105.31	4,040	74,491.66	74,491.66	74,491.66	4,040				3,985				4,040
SYS10014	10014	Wells Fargo Bank	107,105.31																						
SYS10016	10016	Wells Fargo Bank	74,491.66																						
107,105.31	107,105.31	107,105.31	4,040																						
74,491.66	74,491.66	74,491.66	4,040																						
			3,985																						
			4,040																						

City of Vallejo
Portfolio Management
Portfolio Details - Investments
June 30, 2007

CUSIP	Investment #	Issuer	Average Balance	Purchase Date	Par Value	Fair Value	Original Cost	Stated Rate	YTM	YTM	Days to Maturity	Maturity Date
Corporate Medium Term Notes												
02655PSE4	15159	American General Corp.	450,000.00	08/31/2006	439,551.00	430,357.50	2,750	5.259	5.332	350	08/15/2008	
026551BC9	15170	American General Corp.	645,000.00	01/29/2007	682,609.95	689,711.40	7,500	5.248	5.321	1,137	08/11/2010	
066050CV5	15160	Bank America Corp.	700,000.00	09/29/2006	705,596.00	713,321.00	5,875	4.950	5.018	595	02/15/2009	
161445AB7	15158	Chase Auto Owner	1,000,000.00	06/13/2006	1,000,280.00	999,924.86	5,340	5.270	5.343	1,110	07/15/2010	
17305EDA0	15169	Citibank Credit Card	1,000,000.00	01/31/2007	992,610.00	991,313.00	4,850	5.018	5.087	1,320	02/10/2011	
172867AX9	15144	Citigroup, Inc.	850,000.00	09/12/2005	861,424.00	900,422.00	6,200	4.287	4.356	623	03/15/2009	
172867CH2	15171	Citigroup, Inc.	725,000.00	03/21/2007	706,113.75	707,114.25	3,625	4.943	5.012	589	02/09/2008	
22541LAN3	15161	Credit Suisse FB USA, Inc.	490,000.00	09/06/2006	484,580.80	483,443.80	4,700	5.156	5.227	701	06/01/2009	
22541LAL7	15172	Credit Suisse FB USA, Inc.	450,000.00	03/09/2007	440,554.50	441,643.50	3,875	4.926	4.893	564	01/15/2009	
36962GZ31	15173	General Electric Capital Corp	725,000.00	03/14/2007	723,484.75	729,589.25	5,250	4.918	4.987	849	10/27/2009	
38143UAA9	15164	Goldman Sachs Group	300,000.00	11/03/2006	293,886.00	292,515.00	3,875	5.015	5.084	564	01/15/2009	
38143UBEC	15167	Goldman Sachs Group	575,000.00	11/21/2006	560,619.25	562,597.25	4,500	5.099	5.170	1,080	06/15/2010	
38143UBEC	15168	Goldman Sachs Group	400,000.00	12/11/2006	391,848.00	392,228.00	3,875	4.793	4.860	564	01/15/2009	
38143UBEC	15178	Goldman Sachs Group	300,000.00	04/09/2007	292,497.00	294,855.00	4,500	5.019	5.089	1,080	06/15/2010	
423328BM4	15142	Heller Financial, Inc.	680,000.00	08/09/2005	709,348.80	750,862.80	7,375	4.566	4.630	854	11/01/2009	
441812KC7	15100	Household Finance Corp.	775,000.00	06/05/2003	772,000.75	825,599.75	4,825	3.052	3.094	198	01/15/2008	
441812KC8	15165	Household Finance Corp.	205,000.00	11/03/2006	202,718.35	203,608.05	4,750	4.970	5.039	684	05/15/2009	
441812KC8	15177	Household Finance Corp.	400,000.00	04/05/2007	387,648.00	389,128.00	3,600	4.960	5.029	621	09/13/2009	
52517PVU2	15174	Lehman Brothers Corp.	400,000.00	03/21/2007	397,648.00	389,128.00	3,600	4.960	5.029	621	09/13/2009	
59018YU22	15156	Merrill Lynch & Company	825,000.00	05/08/2006	802,172.25	789,558.00	4,250	5.456	5.532	953	02/08/2010	
59018YSK8	15162	Merrill Lynch & Company	730,000.00	10/31/2006	716,516.90	714,670.00	4,125	5.053	5.123	564	01/15/2009	
61746SBC2	15157	Morgan Stanley	475,000.00	05/31/2006	458,574.50	451,710.75	4,000	5.504	5.580	929	01/15/2010	
61746BAL0	15175	Morgan Stanley	500,000.00	03/09/2007	489,315.00	489,720.00	3,875	4.979	5.048	564	01/15/2009	
90327LAC4	15166	USAA Auto Owner Trust	1,000,000.00	11/21/2006	995,920.00	999,810.08	5,010	4.919	4.988	609	03/01/2009	
90331HUKO	15148	US Bank	645,000.00	11/08/2005	625,462.95	614,104.50	3,400	4.919	4.988	609	03/01/2009	
92976FAS2	15141	Wachovia Bank	400,000.00	08/18/2005	394,364.00	399,192.00	4,375	4.387	4.448	411	08/15/2008	
92976FAS2	15155	Wachovia Bank	300,000.00	02/16/2006	295,773.00	295,317.00	4,375	4.974	5.044	411	08/15/2008	
949746FC9	15146	Wells Fargo Bank	600,000.00	10/12/2005	578,280.00	571,089.00	3,125	4.573	4.637	640	04/01/2009	
Subtotal and Average			16,321,912.54		16,345,000.00	16,201,483.30	16,321,912.54		4.869	4.936	791	
Rolling Repurchase Agreements												
9961709A6	50205	Morgan Stanley Govt Repurchase	50,000.00	04/25/2007	50,000.00	50,000.00	50,000.00	5.280	5.208	5.280	0	07/01/2007
Subtotal and Average			50,000.00		50,000.00	50,000.00	50,000.00		5.208	5.280	0	

**City of Vallejo
Portfolio Management
Portfolio Details - Investments
June 30, 2007**

CUSIP	Investment #	Issuer	Average Balance	Purchase Date	Par Value	Fair Value	Original Cost	Stated Rate	YTM 360	YTM 365 Maturity	Days to Maturity
Total Investments and Average			90,713,628.99		87,759,530.99	87,171,100.52	87,880,509.65		4.829	4.896	498




CONSENT
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COUNCIL COMMUNICATION

Agenda Item No.

Date: July 24, 2007

TO: Honorable Mayor and Members of the City Council

FROM: Gary A. Leach, Public Works Director 

SUBJECT: APPROVAL OF A RESOLUTION TO AUTHORIZE THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE A FUNDING AGREEMENT BETWEEN THE BAY AREA TOLL AUTHORITY AND THE CITY OF VALLEJO FOR ADDITIONAL FERRY SERVICE DURING THE 2007 LABOR DAY WEEKEND

BACKGROUND

The California Department of Transportation (Caltrans) will close the Bay Bridge to all traffic from 8:00 pm Friday, August 31, 2007 through 5:00 am Tuesday, September 4, 2007 over the 2007 Labor Day Holiday weekend. The closure is part of the Bay Bridge East Span Replacement Project. As such, a traffic mitigation program for the diversion of traffic from the Bay Bridge to other bridges, including the Golden Gate and Richmond-San Rafael corridors has been prepared. During the 2006 Labor Day weekend, the Bay Bridge was closed in one direction and congestion was evident on the Golden Gate Bridge. For 2007, the Metropolitan Transportation Commission (MTC) advises that both directions of the Bay Bridge will be closed. In an effort to offset transbay travel capacity that will be lost due to the bridge closure, the Bay Area Toll Authority (BATA), which was established pursuant to Streets & Highways Code §§ 30950 *et seq.*, wishes to increase ferry service over the three-day holiday weekend.

To accomplish this, BATA will provide funding to designated operators to cover all operational costs for the extra service incurred by the operator. MTC has advised that BATA wishes to increase the Vallejo Baylink service over the three-day Labor Day holiday by operating one (1) additional ferry on September 1st, 2nd and 3rd. Each day, an additional ferry will provide 10 revenue hours of service during the 2007 three-day Labor Day weekend as described in the Funding Agreement. (Attachment B)

How the extra service will work:

1. Issuance of a press release by MTC on July 31st announcing CalTrans' planned Bay Bridge closure for the 2007 Labor Day weekend;
2. Additional information on the closure will be made available via MTC's 511.org website, which serves as the regional site for transit trip planning;



3. The Vallejo Baylink and Vallejo Transit websites will provide the additional service timetable (Attachment C) and direct links to MTC's press release;
4. Public service announcements will be made and posted onboard all Vallejo Baylink and Vallejo Transit conveyances reminding patrons of the scheduled closure.

As a condition of receiving this funding and participating in the traffic mitigation program, the BATA requires the transit operator to:

1. Perform the project activities described in the Scope of Work as detailed in the Funding Agreement between BATA and the City of Vallejo
2. Provide all necessary staff support to deliver the activities as outlined in the Scope of Work ; and
3. Operate in accordance with the extra service schedule as described in the Funding Agreement
4. Agree to keep all records pertaining to the project being funded for audit purposes for four (4) years following the fiscal year of the last expenditure under this Funding Agreement and make such records available to BATA and its authorized representatives for inspection or audit during that period of time.

As a result of the increased service, the Vallejo Baylink service will enjoy a residual benefit in that the bridge closure may result in:

1. Increased public awareness about alternative transportation choices,
2. Encourage Bay Area residents to use public transit, and
3. Encourage longer-term behavioral changes that benefit air quality.

Fiscal Impact

There will be no impact to the Transportation Fund as BATA will utilize seismic funds to reimburse the City of Vallejo for operational expenditures.

The City of Vallejo will be reimbursed all expenses associated with providing additional service. The total direct cost of the additional ferry service is estimated at \$29,040. MTC/BATA will reimburse Vallejo Baylink Ferry for the direct operational cost of the additional service during the designated weekend less the additional farebox revenue collected for the service. Per the funding agreement, the City of Vallejo will obtain up to \$32,000 as reimbursement for its participation in the 2007 Labor Day weekend traffic mitigation program.

A detailed report shall be submitted to BATA on or before November 30, 2007 demonstrating the total number of tickets sold during the three-day holiday and payment will be made within thirty (30) days after receipt by BATA.



RECOMMENDATION

Staff recommends that the City Council approve the resolution authorizing the City Manager or his designee execute the funding agreement between the Bay Area Toll Authority and the City of Vallejo for additional ferry service during the 2007 Labor Day weekend.

ENVIRONMENTAL REVIEW

Participation in the 2007 Labor Day weekend traffic mitigation plan is categorically exempt from CEQA as described in 14 California Code of Regulations, Chapter 3, Article 19 §15308.

ALTERNATIVES CONSIDERED

No alternatives were considered as MTC and BATA considers the City of Vallejo's participation as a main component of their 2007 Labor Day weekend traffic mitigation program.

PROPOSED ACTION

Approve the resolution authorizing the City Manager or his designee to execute the funding agreement between the Bay Area Toll Authority and the City of Vallejo for additional ferry service during the 2007 Labor Day weekend.

DOCUMENTS AVAILABLE FOR REVIEW

- a. A resolution approving the authorization for the City Manager or his designee to execute the funding agreement between the Bay Area Toll Authority and the City of Vallejo for additional ferry service during the 2007 Labor Day weekend.
- b. Funding Agreement with the Bay Area Toll Authority.

CONTACT PERSONS

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Crystal Odum Ford, Transportation Superintendent
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codumford@ci.vallejo.ca.us



JULY 24, 2007

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**FUNDING AGREEMENT
BETWEEN BAY AREA TOLL AUTHORITY
AND CITY OF VALLEJO
FOR ADDITIONAL FERRY SERVICE DURING THE 2007 LABOR DAY WEEKEND**

THIS AGREEMENT is made and entered into as of the 26th day of July, 2007, by and between the Bay Area Toll Authority (herein after called "BATA"), established pursuant to Streets and Highways Code §§ 30950 *et seq.*, and City of Vallejo, a municipal corporation (herein called "RECIPIENT").

WITNESSETH:

WHEREAS, BATA wishes to partner with participating Bay Area transit operators to offset transbay travel capacity that will be lost due to the closure of the Bay Bridge over the 2007 Labor Day Holiday; and

WHEREAS, RECIPIENT administers the Vallejo Baylink Ferry Service (herein called "Baylink Ferry"), that provides passenger ferry service between Vallejo and San Francisco; and

WHEREAS, BATA and RECIPIENT wish to expand Baylink Ferry service over the 3-day Labor Day holiday.

NOW, THEREFORE, the parties hereto agree as follows:

1. SCOPE OF WORK:

RECIPIENT agrees to perform the project activities described in Attachment A, Scope of Work, attached hereto and incorporated herein by this reference. RECIPIENT agrees, in addition, to provide all necessary staff support to deliver the activities outlined in Attachment A and to operate in accordance with the schedule attached hereto and incorporated herein as Attachment B.

2. TIME OF PERFORMANCE:

The activities funded by this Agreement shall commence on September 1, 2007 by 7:30 AM and RECIPIENT shall complete them by 11:15 PM September 3, 2007, unless terminated as hereinafter provided.

3. FUNDING AND METHOD OF PAYMENT:

A. BATA agrees to provide RECIPIENT an amount not to exceed thirty-two thousand dollars (\$32,000) from BATA seismic funds. For the purposes of this Agreement, the parties agree that the cost of operating the additional services equals \$32,000. The Parties also acknowledge that RECIPIENT would normally receive \$61,000 in farebox revenue over a "normal" 3-day Labor Day holiday. Therefore, the actual amount paid RECIPIENT will equal the sum of the cost of operating additional service (\$32,000.00) plus the "normal" three-day Labor Day weekend (\$61,000) less the number of tickets sold during the three-day holiday times an average fare paid of \$7.86. On or before November 30, 2007, RECIPIENT shall provide to BATA a report showing the total number of tickets sold during the three-day holiday If the number of tickets sold during the three-day holiday times an average fare paid of \$7.86

("Holiday Farebox Revenue") is less than \$93,000, RECIPIENT shall invoice BATA for the difference, up to thirty-two thousand dollars (\$32,000.00).

B. Payment shall be made within thirty (30) days after receipt by BATA of an acceptable invoice, which shall be subject to the review and approval by the BATA Project Manager. RECIPIENT shall deliver or mail its invoice to BATA as follows:

Attn: Accounting Department
Bay Area Toll Authority
Joseph P. Bort MetroCenter
101 8th Street
Oakland, CA 94607-4700

C. Subject only to executed amendments, it is expressly understood and agreed that in no event will the total compensation to be paid under this Agreement exceed the sum of \$32,000.00.

4. AMENDMENTS:

Any changes in the activities to be performed under this Agreement shall be incorporated in written amendments, which shall specify the changes in work performed and any adjustments in compensation and schedule. All amendments shall be executed by the BATA Executive Director or a designated representative and RECIPIENT. No claim for additional compensation or extension of time shall be recognized unless contained in a duly executed amendment.

5. TERMINATION:

Either RECIPIENT or BATA may terminate this Agreement without cause upon ten (10) working days prior written notice. If BATA terminates this Agreement without cause, RECIPIENT will be entitled to payment for costs incurred for work performed up to the time of termination not to exceed the maximum amount payable under this Agreement. If RECIPIENT fails to perform as specified in this Agreement, BATA may terminate this Agreement for cause by written notice and RECIPIENT will be entitled to only costs incurred for work completed by RECIPIENT and detailed and provided to BATA in an invoice not to exceed the maximum amount payable under this Agreement for such work.

6. RECORDS AND AUDITS:

RECIPIENT agrees to keep all records pertaining to the project being funded for audit purposes for four (4) years following the fiscal year of the last expenditure under this Agreement, and BATA and its authorized representatives may inspect and audit such records during that period of time.

7. INDEMNIFICATION:

RECIPIENT shall indemnify and hold harmless BATA, its Commissioners, officers, agents and employees from any and all claims, demands, suits, loss, damages, injury and/or liability, direct or indirect (including any and all costs and expenses in connection therewith), incurred by reason of any act or omission of RECIPIENT, its officers, directors, employees, agents and contractors, or any of them, under or in connection with any work, authority or jurisdiction delegated to RECIPIENT under this Agreement; and RECIPIENT agrees at its own cost, expense and risk to defend any and all claims, actions, suits, or other legal proceedings

ATTACHMENT A
SCOPE OF WORK

The California Department of Transportation (Caltrans) will close the Bay Bridge to all traffic from 8:00 p.m. Friday, August 31, 2007 through 5 a.m. Tuesday, September 4, 2007. The closure is part of the Bay Bridge East Span Replacement Project. In an effort to offset transbay travel capacity that will be lost due to the closure of the Bay Bridge, the Bay Area Toll Authority (BATA) wishes to increase Baylink Ferry service over the three-day Labor Day holiday. To accomplish this, BATA will provide funding to RECIPIENT to cover all operational cost for the operation by RECIPIENT of one additional Baylink ferry boat to operate on September 1, 2 and 3. The additional ferryboat will provide ~~12~~¹⁰ revenue hours of service on each day of the three-day Labor Day holiday. The ~~12~~¹⁰ revenue hours of service each day will be in addition to the one boat service normally provided by RECIPIENT over the Labor Day Holiday. RECIPIENT shall operate the "2 boat" Vallejo Baylink Ferry Service Schedule here attached.

ATTACHMENT B

VALLEJO BAYLINK FERRY SERVICE SCHEDULE

Labor Day 3-Day Schedule - September 1, 2, and 3, 2007

	Vallejo Ferry Terminal DEPART	S.F. Ferry Bldg. ARRIVE	Fisherman's Wharf Pier 41 Terminal ARRIVE DEPART	S.F. Ferry Bldg. DEPART	Vallejo Ferry Term ARRIVE
<u>1 BUS</u>	<u>7:00 AM</u>	<u>7:55 AM</u>		<u>8:10 AM</u>	<u>8:55 AM</u>
Ferry	8:00 AM	8:55 AM		9:00 AM	9:55 AM
Ferry	8:45 AM	9:45 AM		9:55 AM	10:55 AM
Ferry	10:00 AM	11:00 AM	11:20 AM	11:30 AM	12:30 PM
Ferry	10:20 AM	11:20 AM		11:30 AM	12:30 PM
Ferry	11:30 AM	12:30 PM		12:40 PM	1:40 PM
Ferry	1:00 PM	2:00 PM		2:10 PM	3:10 PM
Ferry	1:20 PM	2:20 PM		2:30 PM	3:30 PM
<u>1 BUS</u>	<u>2:00 PM</u>	<u>3:00 PM</u>		<u>3:10 PM</u>	<u>4:10 PM</u>
Ferry	3:00 PM	4:20 PM	4:00 PM	4:10 PM	5:30 PM
Ferry	3:45 PM	4:45 PM		5:00 PM	6:00 PM
Ferry	4:05 PM	5:05 PM		5:15 PM	6:15 PM
Ferry	5:35 PM	6:35 PM		6:45 PM	7:45 PM
Ferry	6:10 PM	7:10 PM		7:15 PM	8:15 PM
Ferry	6:35 PM	7:35 PM		7:45 PM	8:45 PM
Ferry	8:20 PM	9:40 PM	9:20 PM	9:30 PM	10:50 PM
<u>1 BUS</u>	<u>9:30 PM</u>	<u>10:30 PM</u>		<u>10:30 PM</u>	<u>11:30 PM</u>

Vessel Capacity is 300 passengers; Baylink operates on a first come first served basis.




CONSENT
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Agenda Item No.

COUNCIL COMMUNICATION

Date: July 24, 2007

TO: Honorable Mayor and Members of the City Council

FROM: Gary A. Leach, Public Works Director 

SUBJECT: APPROVAL OF A RESOLUTION TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A 2006/2007 and 2007/2008 INTERCITY TRANSIT FUNDING AGREEMENT BY AND BETWEEN THE CITY OF VALLEJO, THE SOLANO TRANSIT AUTHORITY, SOLANO COUNTY AND THE CITIES OF BENICIA, DIXON, FAIRFIELD, RIO VISTA, SUISUN CITY AND VACAVILLE

BACKGROUND

The City of Vallejo provides a variety of public transit options that run seven days a week. Those services include local and intercity fixed route bus service, paratransit bus service for Americans with Disabilities Act (ADA) service eligible riders, Vallejo Baylink ferry service, and a Taxi Scrip program for eligible elderly and disabled residents.

In Fiscal Year 2005-2006, the Solano Transportation Authority (STA), the designated Congestion Management Agency for Solano County, led an effort to develop a consistent methodology for cost-sharing of Solano County intercity bus transit routes. The STA's Interstate-80/680/780 Transit Corridor Study identified eight (8) intercity bus routes in Solano County, some of which were subsidized by more than one jurisdiction under separate agreements. The intercity routes were operated by four transit operators using a variety of cost-sharing methodologies between jurisdictions. The four Solano County jurisdictions all contributed Transportation Development Act (TDA) funds to at least one intercity route. The study recommended developing an annual and multi-year funding agreement or Memorandum of Understanding (MOU) for intercity transit services.

The need for an intercity agreement is due to continued increases in the costs to operate the intercity routes, to ensure jurisdictions served by the intercity routes contribute their fair share of operating costs to run the routes and to reduce the burden of intercity transit services to help eliminate operating deficits. By sharing the costs to operate the intercity routes, one jurisdiction is not over burdened to provide the service.

By entering into annual Intercity Transit Funding Agreements, the intercity routes between the cities in Solano County will be stabilized until a more permanent funding agreement can be reached.



Through STA, representatives from each transit operator city and the county formed an Intercity Transit Funding Working Group (ITFWG) to work on a multi-jurisdictional plan. Initially, the ITFWG focused on developing a uniform methodology for shared funding of intercity transit services.

After many months of work to determine intercity route costs, revenues, ridership, service changes, cost-sharing options and more, the ITFWG was successful in its collaboration. Using an agreed upon costing methodology and a formula for allocating subsidy requirements by jurisdiction, each jurisdiction's funding share was determined. A comprehensive Intercity Transit Funding Agreement for one year was presented to and approved by the STA Board in June 2006, thus securing an agreement for Fiscal Year 2006-2007. (Attachment B) The agreement covered and was based on three (3) guiding principles and potential route analysis evaluation parameters to help maintain the groups focus.

The FY 2006/2007 methodology used for the Intercity Transit Service Agreement is supported by a formula that is based upon the following elements:

- 1 25% on the route miles traveled in the particular city
- 2 25% on the number of bus stops in the particular city
- 3 25% on the population of the particular city
- 4 25% of annual boardings made on the route.

For FY 2007-2008 and to secure a longer term agreement, there was concurrence that additional data was required to address several concerns that came up during the development of the 2006-2007 agreement.

On behalf of the jurisdictions, the STA contracted with the consulting firm Quantum Market Research to develop and conduct a county-wide ridership survey to understand where passengers are boarding intercity routes in each jurisdiction. STA also selected the firm Robert Kuo Consulting to conduct a Transit Finance Assessment Study to audit each city's methodology for capturing and reporting costs for operating their intercity route. The data assisted in the development of a more refined cost-sharing methodology that will be the foundation of a permanent long-term intercity agreement.

The ITFWG reviewed the results of the Transit Ridership survey and the Transit Finance assessment: Intercity Transit Routes Report. (Copies available for review) Recommendations from the Transit Finance Assessment have been agreed upon by the group and the Ridership Survey results were used in developing options for a cost/subsidy sharing methodology. A new funding formula was developed by the ITFWG using the



additional data. These two studies and the discussions of the ITFWG provide a foundation for a 2007-2008 Intercity Transit Funding Agreement.

The core elements of the FY 2007-2008 agreement are shown in Attachment C. A key component of the Agreement is the cost-sharing formula. (Attachment D) Several options were considered, with the agreed upon option, establishing the County Unincorporated contribution share at \$130,000. The remaining balance of the costs is shared between the jurisdictions based on a 20% population and 80% on ridership by jurisdiction of residence by route. In addition, the City of Rio Vista, which is not directly served by at least one Solano Express Intercity Route, would continue to contribute the same amount paid in FY 2006-2007. The balance of their formula share (\$9,561) would be replaced with STAF Northern Counties share funding.

Based on the discussions of the ITFWG, the jurisdictions have agreed to prepare their FY 2007-2008 TDA claims based on agreed upon intercity funding shares. The 2007-2008 Intercity Funding Agreement terms and methodology have also been agreed upon.

Fiscal Impact

There is no financial impact to the General Fund. Costs to operate routes will be claimed through Transportation Development Act funds.

Per the 2006-2007 agreement, the City of Vallejo's cost sharing portion for the intercity routes for FY 2006//2007 is a total of \$1,642,696.

For FY 2007-2008, the City of Vallejo's cost sharing portion for the intercity routes is \$1,404,991.

RECOMMENDATION

Staff recommends that the City Council approve the resolution authorizing the City Manager or his designee to execute the 2006-2007 and a 2007-2008 Intercity Funding Agreement with the Solano Transportation Authority, Solano County and the city's of Benicia, Dixon, Fairfield, Rio Vista, Suisun City, and Vacaville for the provision of intercity transit services in Solano County.

ENVIRONMENTAL REVIEW

The action involving the authorization to sign Intercity Transit Funding Agreements and agreements establishing certain goals and principles for Intercity Transit Activities are not actions with direct or indirect foreseeable environmental impact, and therefore, they do not qualify as projects under CEQA.



ALTERNATIVES CONSIDERED

Staff considered not participating in the funding agreements, but agrees with the cost-sharing purpose and methodology.

PROPOSED ACTION

Approve the resolution authorizing the City Manager or his designee to execute the 2006-2007 and 2007-2008 Intercity Funding Agreements with the Solano Transportation Authority, Solano County and the city's of Benicia, Dixon, Fairfield, Rio Vista, Suisun City, and Vacaville for the provision of intercity transit services in Solano County.

DOCUMENTS AVAILABLE FOR REVIEW

- a. A resolution approving the authorization for the City Manager or his designee to execute the 2006-2007 and 2007-2008 Intercity Finance agreements with the Solano Transit Authority, Solano County and the city's of Benicia, Dixon, Fairfield, Rio Vista, Suisun City and Vacaville for the provision of intercity transit services in Solano County.
- b. 2006-2007 Intercity Transit Services Funding Agreement
- c. Intercity Transit Cost Sharing Matrix By Jurisdiction
- d. Intercity Transit Agreement Core Concepts

CONTACT PERSON

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Crystal Odum Ford, Transportation Superintendent
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JULY 24, 2007

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RESOLUTION NO. 07-_____ N.C.

BE IT RESOLVED by the Council of the City of Vallejo as follows:

WHEREAS, the provision of transit services throughout Solano County has been developed on a jurisdiction by jurisdiction basis and, as a result, coordination of transit services to the citizens of Solano County has suffered from the fragmentation of transit routing and providers. Further, funding of transit services is a complex process which has been partially remedied by coordination of certain transit funds (both Transportation Development Act [TDA] Funds and State Transit Assistance Funds [STAF]) through the STA for approval by the Metropolitan Transportation Commission (MTC); and

WHEREAS, STA has sponsored, and the COUNTY and CITIES have joined and participated in, the "Intercity Transit Funding Working Group" (ITWFG) which was comprised of representatives from STA, Solano County and each city in Solano County; and

WHEREAS, STA's I-80/I-680/I-780 Transit Corridor Study identified eight intercity bus routes in Solano County, some of which are subsidized by more than one jurisdiction. Cost-sharing methodologies for these routes vary and said Transit Corridor Study recommended developing an annual and multi-year funding agreement or Memorandum of Understanding (MOU) for intercity transit services as a part of the next steps following completion of the study; and

WHEREAS, the following is a matrix of the Intercity Transit Routes and the service areas covered by the fiscal year 2006-2007 agreement:

		Benicia	Dixon	Fairfield	Rio Vista	Suisun	Vacaville	Vallejo	County
FST	20			X			X		X
FST	30		X	X			X		X
FST	40	X		X			X		X
FST	90			X		X			X
RV Transit	50			X	X	X			X
Ben/VJO	70/75	X						X	X
VJO	85			X				X	X
VJO	91			X			X	X	X
VJO	92	X		X			X	X	X

WHEREAS, of the nine (9) intercity bus routes in service (2002-2007), six (6) have subsidy sharing arrangements among the participating jurisdictions which arrangements were negotiated in agreements among the participants, some of which were documented and others were not; and

WHEREAS, STA's coordination of the annual multi-agency Transportation Development Act (TDA) matrix and the State Transit Assistance Fund's (STAF) project funding for the county has clarified and simplified the claims process locally and regionally;

WHEREAS, having a coordinated multi-year, multi-agency funding strategy with predictability and some flexibility would help to further stabilize intercity transit service funding in Solano County; and

WHEREAS, all Solano County transit operators and other funding partners participated in the aforementioned Intercity Transit Funding Working Group which has, since its inception, undertaken a series of weekly meetings to review and refine the data that is input into the funding scenarios and to develop a series of goals, principles and other policies to guide the coordination of intercity transit in the future; and

WHEREAS, in order to address this fragmentation of intercity transit in Solano County, the STA proposed a series of meetings among transit providing agencies and funding partners in Solano County to try and address the issue of improving transit service coordination and to develop a standardized intercity transit funding process. Over the past year all the Parties have met regularly to collectively develop three basic agreements:

1. A set of commonly held goals for the provision of intercity transit services throughout Solano County;
2. A set of common principles to establish processes for the administration and provision of intercity transit services throughout Solano County; and
3. A "funding matrix" for fiscal year 2006-2007, which can be, utilized as the basis for the evaluation of claiming and distributing transit funds.

WHEREAS, the Parties have developed a set of criteria for evaluating routes and service plans in order to provide consistency of analysis and a comprehensive, common and uniform methodology for such evaluations:

1. Route Analysis Evaluation Parameters

- a) Productivity Measures
 - 1 Farebox recovery ratio
 - 2 Cost per vehicle service hour
 - 3 Cost per vehicle mile
 - 4 Cost per passenger trip
 - 5 Passengers per vehicle service hour

- b) Policy/Coverage Requirements
 - 1 Provides connectivity between cities
 - 2 Provides regional transit connections
 - 3 Meets Unmet Transit Needs
 - 4 Minimize stops in each city
 - 5 User friendly

WHEREAS, the Parties have further developed core concepts that include Intercity route definitions, baseline data sources and definitions, cost allocation model and formula, and roles and responsibilities of the Intercity Transit Funding Work Group;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Vallejo does hereby authorize the City Manager or his designee to execute the 2006-2007 and 2007-2008 Intercity Funding Agreements with the Solano Transportation Authority, Solano County and the city's of Benicia, Dixon, Fairfield, Rio Vista, Suisun City, and Vacaville for the provision of intercity transit services in Solano County.

JULY 24, 2007

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**INTERCITY TRANSIT FUNDING AGREEMENT
AND
AGREEMENT ESTABLISHING CERTAIN GOALS AND PRINCIPLES
FOR INTERCITY TRANSIT ACTIVITIES IN SOLANO COUNTY
BY AND AMONG
THE SOLANO TRANSPORTATION AUTHORITY,
THE COUNTY OF SOLANO,
THE CITY OF BENICIA,
THE CITY OF DIXON,
THE CITY OF FAIRFIELD,
THE CITY OF RIO VISTA,
THE CITY OF SUISUN CITY,
THE CITY OF VACAVILLE, AND
THE CITY OF VALLEJO**

THIS AGREEMENT is made and entered into as of this ____ day of _____, 2006, by and between the SOLANO TRANSPORTATION AUTHORITY, a joint powers entity organized under Government Code section 6500 et seq. and the Congestion Management Agency of Solano County, hereinafter referred to as "STA", and the governmental entities in Solano County providing transit services to the citizens of Solano County; to wit:

THE COUNTY OF SOLANO, a body corporate and politic; and
THE SEVEN MUNICIPAL CORPORATIONS in Solano County:
The City Of Benicia,
The City Of Dixon,
The City Of Fairfield,
The City Of Rio Vista,
The City Of Suisun City,
The City Of Vacaville, And
The City Of Vallejo

Unless specifically identified, the various public agencies herein may be commonly referred to as "the Parties" or "County and Cities" as the context may require.

RECITALS

WHEREAS, the provision of transit services throughout Solano County has been developed on a jurisdiction by jurisdiction basis and, as a result, coordination of transit services to the citizens of Solano County has suffered from the fragmentation of transit routing and providers. Further, funding of transit services is a complex process which has

been partially remedied by coordination of certain transit funds (both Transportation Development Act [TDA] Funds and State Transit Assistance Funds [STAF]) through the STA for approval by the Metropolitan Transportation Commission (MTC); and

WHEREAS, STA has sponsored, and the COUNTY and CITIES have joined and participated in, the “Intercity Transit Funding Working Group” (ITWFG) which was comprised of representatives from STA, Solano County and each city in Solano County; and

WHEREAS, STA’s I-80/I-680/I-780 Transit Corridor Study identified eight intercity bus routes in Solano County, some of which are subsidized by more than one jurisdiction. Cost-sharing methodologies for these routes vary and said Transit Corridor Study recommended developing an annual and multi-year funding agreement or Memorandum of Understanding (MOU) for intercity transit services as a part of the next steps following completion of the study; and

WHEREAS, the following is a matrix of presently existing Intercity Transit Routes and the service areas covered by this agreement:

Transit Operator	Rt.	Benicia	Dixon	Fairfield	Rio Vista	Suisun	Vacaville	Vallejo	County
FST	20			X			X		X
FST	30		X	X			X		X
FST	40	X		X			X		X
FST	90			X		X			X
RV Transit	50			X	X	X			X
Ben/VJO	70/75	X						X	X
VJO	85			X				X	X
VJO	91			X			X	X	X
VJO	92	X		X			X	X	X

WHEREAS, of the nine (9) intercity bus routes currently in service, six (6) have subsidy sharing arrangements among the participating jurisdictions which arrangements were negotiated in agreements among the participants, some of which were documented and others were not; and

WHEREAS, STA’s coordination of the annual multi-agency Transportation Development Act (TDA) matrix and the State Transit Assistance Fund’s (STAF) project

funding for the county has clarified and simplified the claims process locally and regionally;

WHEREAS, having a coordinated multi-year, multi-agency funding strategy with predictability and some flexibility would help to further stabilize intercity transit service funding in Solano County; and

WHEREAS, all Solano County transit operators and other funding partners participated in the aforementioned Intercity Transit Funding Working Group which has, since its inception, undertaken a series of weekly meetings to review and refine the data that is input into the funding scenarios and to develop a series of goals, principles and other policies to guide the coordination of intercity transit in the future; and

WHEREAS, in order to address this fragmentation of intercity transit in Solano County, the STA proposed a series of meetings among transit providing agencies and funding partners in Solano County to try and address the issue of improving transit service coordination and to develop a standardized intercity transit funding process. Over the past year all the Parties have met regularly to collectively develop three basic agreements:

1. A set of commonly held goals for the provision of intercity transit services throughout Solano County;
2. A set of common principles to establish processes for the administration and provision of intercity transit services throughout Solano County; and
3. A "funding matrix" for fiscal year 2006-2007, which can be, utilized as the basis for the evaluation of claiming and distributing transit funds.

AGREEMENT

NOW, THEREFORE, STA, the County of Solano and the cities of BENICIA, DIXON, FAIRFIELD, RIO VISTA, SUISUN CITY, VACAVILLE and VALLEJO, in consideration of the mutual promises herein, agree as follows:

Part I

Transit Coordination and Guiding Principles

Principle 1:

To provide certainty to intercity transit operators and funding partners, establish a consistent method and an agreement for sharing subsidies for all intercity routes by Solano transit operators for FY 2006-07 and future years based on a consensus of the participating jurisdictions.

Principle 2:

To focus limited financial resources and deliver productive intercity transit service as soon as possible, develop a cost effective and affordable revised route structure that will; 1) be implemented with the new subsidy sharing agreement; 2) meet the policy/coverage requirements agreed upon; 3) be marketed jointly.

Principle 3:

To focus limited financial resources and deliver productive intercity transit service on an ongoing basis while meeting the policy/coverage requirements agreed upon, develop strategies to consistently evaluate, modify, and market intercity transit services after the intercity subsidy sharing agreement is implemented.

Part II

Service Plan Review

The Parties have developed a set of criteria for evaluating routes and service plans in order to provide consistency of analysis and a comprehensive, common and uniform methodology for such evaluations:

1. Route Analysis Evaluation Parameters

a) Productivity Measures

- Farebox recovery ratio
- Cost per vehicle service hour
- Cost per vehicle mile
- Cost per passenger trip
- Passengers per vehicle service hour

b) Policy/Coverage Requirements

- Provides connectivity between cities
- Provides regional transit connections
- Meets Unmet Transit Needs
- Minimize stops in each city
- User friendly

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Part III

Intercity Transit¹ Cost-Sharing Funding Agreement For Fy2006-07

Whereas, the Parties have collectively determined that having an intercity transit cost-sharing agreement, and

Whereas, extensive discussions among the transit providers and funding partners through the Intercity Transit Funding Working Group to address funding coordination and other issues including has lead to the guiding principles, route evaluation criteria and, as set forth below, comprehensive cost-sharing agreement addressing all key issues that have been raised by each jurisdiction and which are incorporated into this Agreement; and

Whereas the Parties recognize that a new funding agreement will need to be developed for the years beyond FY 2006-07.

Now, therefore, the Parties agree to the following matrix representing the FY 2006-2007 cost-sharing funding agreement for Intercity Transit in Solano County:

Jurisdiction	Issue	Processes to Address Issue
Benicia	<ul style="list-style-type: none"> * Streamline current intercity/local hybrid route Rt. 75 * Transfer operation of new express Rt. 70 service to Vallejo Transit * Add FST Rt. 40 stop in Benicia 	<ul style="list-style-type: none"> * Streamline current intercity/local hybrid route (Rt. 75) and transfer operation of new service (Rt. 70) to Vallejo Transit²; * STAF funds credited to Vallejo Transit for cost-sharing of Rt. 75 in FY2006-07. * Contribute Maintenance of Effort fee. * FST Rt. 40 to stop in Benicia contingent upon Benicia completion of capital improvements.
Dixon	<ul style="list-style-type: none"> * Maintain or increase one existing intercity service (Rt. 30) without a significant increase in cost. 	<ul style="list-style-type: none"> * No change in Rt. 30 service; modest increase in subsidy share for Dixon to cover increased costs. * Contribute Maintenance of Effort fee to support Rt. 20, 30, 40 and 90.
Fairfield	<ul style="list-style-type: none"> * Ensure jurisdictions served by intercity transit 	<ul style="list-style-type: none"> * Streamline Rt. 20 to become express service between Fairfield and Vacaville with

¹ Intercity routes included in funding agreement are those that operate between at least two cities within Solano County and excludes services that operate between one Solano city and one or more cities outside the county.

² Effective FY2007-08; implementation details need to be resolved before then.

	<p>services operated by Fairfield Suisun Transit are sharing costs fairly.</p> <ul style="list-style-type: none"> * Operate services that support a strong farebox recovery ratio to maximize funding options. * Operate services that meet the needs of Fairfield residents within financial operating parameters 	<p>only two stops in each city.</p> <ul style="list-style-type: none"> * Rt. 30 – no service change; see above * Rt. 40: slightly modify schedule for timed transfer to Rt. 90 for riders between Vacaville & Fairfield (replacing Rt. 91 segment deleted). * Rt. 50: Contribute fairly to new RV Transit Rt. 50 serving Fairfield. * Rt. 90/91³: Transfer service from Vallejo to Fairfield-Suisun Transit and restructure service; assume transfer of RM2 funds from Vallejo. * Allocate FY2006-07 STAF funds to support transition to operating restructured Rt. 90. * Rt. 92: Service to Baylink Ferry discontinued (operated by Vallejo Transit)²; Effective FY2007-08; implementation details need to be resolved before then. * Recipient of Maintenance of Effort Fee for Rt. 20, 30, 40, and 90.
Rio Vista	<ul style="list-style-type: none"> * First daily fixed-route intercity service (Rt. 50) began in January 2006 (RV to FF) operated by Rio Vista; interest in cost-sharing with FF and County. 	<ul style="list-style-type: none"> * Distribute costs to Fairfield, Suisun City and County based on agreed upon formula.
Suisun City	<ul style="list-style-type: none"> * Maintain existing one intercity bus route (Rt. 90) serving city without significant increase in cost. 	<ul style="list-style-type: none"> * No change in Rt. 90, modest change in subsidy share to cover increased costs.
Vacaville	<ul style="list-style-type: none"> * Fairly contribute to intercity transit services that serve Vacaville, are 	<ul style="list-style-type: none"> * Streamline Rt. 20; see above * Maintain Rt. 30 and Rt. 40 service to Vacaville.

³ Effective 10/01/06. Implementation details such as transfer of buses, long-term funding, and other issues need to be resolved before then.

	<p>cost-effective, and don't detrimentally impact farebox. * Modify services that are not significantly benefiting Vacaville.</p>	<p>* Rt. 91 service discontinued and replaced with timed transfer connection between Rt. 40 and Rt. 90 in Fairfield (to El Cerrito del Norte BART). * Rt. 92: Service to Baylink Ferry discontinued (operated by Vallejo Transit). * Contribute maintenance of effort fee to support Rt. 20, 30, 40, 90.</p>
--	---	--

<p>Vallejo</p>	<ul style="list-style-type: none"> * Ensure jurisdictions served by intercity transit services operated by Vallejo Transit are sharing costs fairly. * Operate services that meet the needs of Vallejo residents within financial operating parameters. * Reduce Vallejo's burden of intercity transit services to help eliminate operating deficit. 	<ul style="list-style-type: none"> * Rt. 90/91 operation streamlined (no longer to stop in Vallejo) and transfer to Fairfield Suisun Transit (FST) along with RM2 funding. * Restructure Rt. 91: eliminate segment to Vacaville; combine FF-BART segment with Rt. 90 service and transfer to FST. * Eliminate Rt. 92. Effective FY2007-08; implementation details need to be resolved before then. * Support adding ferry feeder service from Napa and utilize Napa RM2 funds if it is cost-effective and equipment is available. * STAF allocated to Vallejo Transit for new role in cost-sharing of Rt. 75 in FY2006-07. * Take on streamlined operation of Benicia Transit Rt. 70 (Vjo-Benicia-Contra Costa along I-780 and I-680); utilize RM2 funding; allocate STAF funds to Vallejo to support transition to operating new route².
<p>County</p>	<ul style="list-style-type: none"> * Fairly contribute to intercity transit services that serve County. 	<ul style="list-style-type: none"> * Recommend County contribute 3%⁵ of total cost of each intercity route.
<p>STA</p>		<ul style="list-style-type: none"> * Recommend STA allocate FY 2006-07 STAF funds for a countywide origin-destination ridership survey for all local and intercity transit service operated by Solano County operators, an assessment of transit operators' costs and overhead for their service, marketing of intercity routes, and to offset some of the transitional operating costs for their routes in FY2006-07. * Work with the operators to develop and request RM2 funds for the eligible Intercity Transit routes covered by that agreement.

FY 2006-2007 Intercity Bus Routes to be included in Cost-Sharing Funding Agreement

² Effective FY2007-08

⁵ Hybrid of County population & County perceived benefit

Transit Operator	Rt.	Cost sharing by jurisdictions							
		Benicia	Dixon	Fairfield	Rio Vista	Suisun	Vacaville	Vallejo	County
FST	20			X			X		X
FST	30		X	X			X		X
FST	40	X		X			X		X
FST	90			X		X			X
RV Transit	50			X	X	X			X
Ben/VJO	70/75	X						X	X
VJO	85			X				X	X
VJO	91			X			X		X
VJO	92			X			X	X	X
TDA Contribution		\$626,955	\$73,753	\$791,437	\$6,414	\$79,597	\$507,705	\$367,011	\$130,648

Note: Other funds that may be used to cover costs of intercity routes (such as RM2 funds, 5311 funds, etc.) are not noted here.

Part IV

General Terms and Conditions

1. **Term of the Agreement.** The term of this Agreement shall be as follows:
 - a. For the Goals and Principles set forth herein, those shall continue in effect until modified by the STA and a majority of the other signatories representing a majority of the population of Solano County;
 - b. The funding agreement shall:
 - i. Apply to fiscal year 2006-2007 only and,
 - ii. A new funding formula shall be developed by the Parties through the continuation of the Intercity Transit Funding Working Group using data collected in early 2006-2007.

2. Method for Claims and Payments. All payments, funding claims or fund transfers shall be made upon presentation, by one or more of the Parties to STA, of an invoice or claim and STA will coordinate claims for TDA and STAF funds for utilization by said agency. A "funding matrix" or other methodology will be mutually developed by the Parties to provide for multi-year funding. When such multi-year funding matrix is developed, the Parties need not provide annual claims or invoices to STA in order to receive funding except as may be required by MTC or the State of California.

3. Independent Contractors. STA shall perform this Agreement as an independent contractor. STA shall, at its own risk and expense, determine the method and manner by which duties imposed on STA by this Agreement shall be performed; provided however that the COUNTY and CITIES may monitor the work performed by STA. For projects or studies undertaken pursuant to this Agreement by the COUNTY or any of the CITIES, said COUNTY or CITY STA shall perform this Agreement as an independent contractor. Said COUNTY or CITY shall, at its own risk and expense, determine the method and manner by which duties imposed on them by this Agreement shall be performed; provided however that the other PARTIES may monitor the work performed by said COUNTY or CITY.

4. Indemnification. The PARTIES and STA shall defend, indemnify and hold harmless each other and their officers, agents and employees from any claim, loss or liability including without limitation, those for personal injury (including death) or damage to property, arising out of or connected with any aspect of the performance by any of the PARTIES or STA, or their officers, agents, employees, or subcontractors of activities required under this Agreement.

5. No Waiver. The waiver by any PARTY of any breach or violation of any requirement of this Agreement shall not be deemed to be a waiver of any such breach in the future, or of the breach of any other requirement of this Agreement.

6. 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 either party desires to give the other party shall be addressed to the other party at the address set forth below. Either party may change its address by notifying the other party 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

Daryl K. Halls, Executive Director
One Harbor Center, Suite 130
Suisun City, CA 94585

CITY OF BENICIA

Dan Schiada
Public Works Director
250 East "L"
Benicia, CA 94510

CITY OF DIXON

Royce Cunningham
City Engineer
600 East "A"
Dixon, CA 95620

CITY OF FAIRFIELD

Gene Cortright
Director of Public Works
1000 Webster St.
Fairfield, CA 94533

CITY OF RIO VISTA

Brent Salmi
Director of Public Works
One Main Street
Rio Vista, CA 94571

CITY OF SUISUN CITY

John Duane
Interim Public Works Director
701 Civic Center
Suisun City, CA 94585

CITY OF VACAVILLE

Dale Pfeiffer
Public Works Director
650 Merchant St.
Vacaville, CA 95688

CITY OF VALLEJO

Gary Leach
Interim Public Works Director
555 Santa Clara St.
Vallejo, CA 94590

COUNTY OF SOLANO

Paul Weise
Engineering Manager
675 Texas St.
Fairfield, CA 94533

Subcontracts. All PARTIES are hereby given the authority to contract for any and all of the tasks necessary to undertake the projects or studies contemplated by this Agreement.

7. Amendment/Modification. Except as specifically provided herein, this Agreement may be modified or amended only in writing and with the prior written consent of STA and a majority of the remaining PARTIES representing more than one-half the population of the County.

8. Interpretation. The headings used herein are for reference. The terms of the Agreement are set out in the text under the headings. This Agreement shall be governed by the laws of the State of California.

9. Severability. If any provision of this Agreement, or any portion thereof, is found by any court of competent jurisdiction to be unenforceable or invalid for any reason, such provision shall be severable and shall not in any way impair the enforceability of any other provision of this Agreement.

10. Local Law Compliance. STA shall observe and comply with all applicable Federal, State and local laws, ordinances, and Codes.

11. Non-Discrimination Clause.

(a) During the performance of this Agreement, the PARTIES and their subcontractors shall not deny the benefits thereof to any person on the basis of religion, color, ethnic group identification, sex, sexual orientation, age, physical or mental disability, nor shall they discriminate unlawfully against any employee or applicant for employment because of race, religion, color, national origin, ancestry, physical handicap, mental disability, medical condition, marital status, age, sex or sexual orientation. STA shall ensure that the evaluation and treatment of employees and applicants for employment are free of such discrimination.

(b) The PARTIES shall comply with the provisions of the Fair Employment and Housing Act (Government Code section 12900, et seq.), the regulations promulgated thereunder (Title 2, California Code of Regulations, section 7285.0, et seq.), the provisions of Article 9.5, Chapter 1, Part 1, Division 3, Title 2 of the Government Code (sections 11135-11139.5) and any state or local regulations adopted to implement any of the foregoing, as such statutes and regulations may be amended from time to time.

12. Access to Records/Retention. All PARTIES, any federal or state grantor agency funding all or part of the compensation payable hereunder, the State Controller, the Comptroller General of the United States, or the duly authorized representatives of any of the above, shall have access to any books, documents, papers and records of any PARTY which are directly pertinent to the subject matter of this Agreement for the purpose of

making 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 other work authorized hereunder and all pending matters are closed, whichever is later.

13. Attorney's Fees/Audit Expense. In the event that and PARTY commences legal action of any kind or character to either enforce the provisions of this Agreement or to obtain damages for breach thereof, the prevailing party in such litigation shall be entitled to all costs and reasonable attorney's fees incurred in connection with such action. Any required audits shall be at the expense of the PARTY or PARTIES seeking such audit.

14. Conflict of Interest. The PARTIES hereby covenants that they presently have no interest not disclosed, and shall not acquire any interest, direct or indirect, which would conflict in any manner or degree with the performance of its services obligation hereunder, except as such as either STA or the PARTIES may consent to in writing prior to the acquisition by a PARTY of such conflict.

15. Entirety of Contract. This Agreement constitutes the entire agreement between the parties relating to the subject of this Agreement and supersedes all previous agreements, promises, representations, understandings and negotiations, whether written or oral, among the parties with respect to the subject matter hereof.

IN WITNESS WHEREOF, this Agreement was executed by the parties hereto as of the date first above written.

SOLANO TRANSPORTATION AUTHORITY

APPROVED AS TO FORM

By: _____
Daryl K. Halls, Executive Director
Counsel

By: _____
Charles Lamoree, STA Legal

CITY OF BENICIA

APPROVED AS TO FORM

By: _____
Jim Erickson, City Manager
/
/
/

By: _____
Heather McLaughlin, City Attorney

Intercity Transit Funding Agreement

July 12, 2006

CITY OF DIXON

APPROVED AS TO FORM

By: _____
Warren Salmons, City Manager

By: _____
Michael Dean, City Attorney

CITY OF FAIRFIELD

APPROVED AS TO FORM

By: _____
Kevin O'Rourke, City Manager

By: _____
Greg Stepanicich, City Attorney

CITY OF RIO VISTA

APPROVED AS TO FORM

By: _____
Brent Salmi, Acting City Manager

By: _____
Ethan Walsh, City Attorney

CITY OF SUISUN CITY

APPROVED AS TO FORM

By: _____
Suzanne Bragdon, City Manager

By: _____
Jayne Williams, City Attorney

CITY OF VACAVILLE

APPROVED AS TO FORM

By: _____
David Van Kirk, City Manager

By: _____
Gerald Hobrecht, City Attorney

CITY OF VALLEJO

APPROVED AS TO FORM

By: _____
Joseph M. Tanner, City Manager

By: _____
Fred Soley, City Attorney

COUNTY OF SOLANO

APPROVED AS TO FORM

By: _____
Michael Johnson, County Administrator

By: _____
Dennis Bunting, County Counsel

**SOLANO TRANSPORTATION AUTHORITY
SOLANO EXPRESS COST SHARING**

Based on FY 2007-08 Costs -- Summary Comparison of Options Considered¹

	STA Modified Proposal Version 2 ³	STA Modified Proposal Version 2 Without Route 70	FY 07 Agreement ⁴
Benicia	\$356,822	\$87,281	\$626,955
Dixon	\$99,983	\$94,261	\$73,753
Fairfield	\$944,699	\$898,288	\$791,437
Rio Vista	\$16,091	\$13,805	\$6,414
Suisun City	\$239,814	\$227,799	\$79,597
Vacaville	\$582,821	\$548,776	\$507,705
Vallejo	\$1,404,991	\$1,171,694	\$1,642,696
Balance of County	\$130,000	\$130,000	\$130,648
Total	\$3,775,161	\$3,171,904	\$3,859,205

Notes:

- Using the following data files:
 Fairfield Routes 20, 30, 40 and 90 -- "FF Cost Allocation Model 021507 v2"
 Vallejo Routes 80 and 85 -- "FY 07 08 Vallejo Cost Allocation Model 4-16-07"
- Dixon Proposal Population shares are based on population of jurisdictions directly served by the route.
- County Off the Top is limited to \$130,000 and the balance is shared 20% Population, 80% Ridership
 Proposal to index the County's share at its percentage share of costs, 3.45% annually.
- FY 07 Agreement includes Routes 20, 30, 40, 50, 75, 85, and 90/91. Route 80 costs added to the Agreement amounts for comparison

**Solano Transportation Authority
Intercity Transit Agreement Core Concepts**

Transit Coordination and Guiding Principles

The FY 2006-07 Intercity Transit Agreement included transit coordination and guiding principles that continue in effect for the FY 2007-08 Agreement. They are:

Principle 1:

To provide certainty to intercity transit operators and funding partners, establish a consistent method and an agreement for sharing subsidies for all intercity routes by Solano transit operators for FY 2006-07 and future years based on a consensus of the participating jurisdictions.

Principle 2:

To focus limited financial resources and deliver productive intercity transit service as soon as possible, develop a cost effective and affordable revised route structure that will; 1) be implemented with the new subsidy sharing agreement; 2) meet the policy/coverage requirements agreed upon; 3) be marketed jointly.

Principle 3:

To focus limited financial resources and deliver productive intercity transit service on an ongoing basis while meeting the policy/coverage requirements agreed upon, develop strategies to consistently evaluate, modify, and market intercity transit services after the intercity subsidy sharing agreement is implemented.

Included Intercity Routes/ Intercity Route Definition

To be included in the Intercity Transit Agreement, a route must meet all three of the following criteria:

1. Operates between two cities (except between Fairfield and Suisun City where local service is provided by Fairfield/Suisun Transit) and has a monthly ridership of at least 2,000.

AND

2. Operates at least 5 days per week.

AND

3. Has been operating for at least a year and is not scheduled for deletion within the fiscal year.

Route	Meets Definition?			Included
	1	2	3	
20	Yes	Yes	Yes	X
23	No	Yes	Yes	
30	Yes	Yes	Yes	X
40	Yes	Yes	Yes	X
50	No	No	No	
51	No	No	No	
52	No	No	No	
70	Yes	Yes	Yes	X
75	?	Yes?	No	
80	Yes	Yes	Yes	X
85	Yes	Yes	Yes	X
90	Yes	Yes	Yes	X

FY 2007-08 Baseline Cost Data Source

The baseline cost estimate for FY 2007-08 shall be based on the operators' preliminary budget for FY 2007-08 prepared in February – March 2007. The preliminary budget estimate shall include unit cost or line item cost escalation (as appropriate), cost changes due to service changes (e.g., changes to service hours), changes due to contract changes, and estimates of allocated overhead costs by mode.

The baseline cost estimate shall be submitted with the operators' completed three variable cost allocation model that includes an estimate of fares by route and other subsidies by route. Sources for other subsidies shall be identified in the footnotes to the summary page of the cost allocation model or by another means to make clear the amounts and sources of other subsidies.

FY 2007-08 Baseline Data Definitions

The definitions for Revenue service miles, Revenue service hours, and Peak vehicles as used for the FY 2007-08 cost allocation model shall follow the definitions provided by the National Transit Database (NTD). In the event that routes are interlined, peak vehicles shall be allocated by the proportion of the peak period operated by each intercity bus. In any case, the total peak vehicles used in the cost allocation model shall not exceed the total peak fleet reported in NTD.

Allowable and Allocable Administrative and Overhead Costs

The Finance Assessment found that overhead costs are included in a variety of ways in the cost allocation models prepared by the operators. The report recommends that the

ITF Working Group agree upon method for applying overhead costs in the cost allocation model that is consistent among operators. Options for how overhead could be included were provided in the Finance Assessment and are being analyzed. The agreed upon method for including overhead in the cost allocation model will be included in the final Intercity Transit Agreement.

Cost Allocation Model

The Intercity Transit Funding Working group has agreed to use a three variable cost model for allocating costs by route. This model is based on the National Transit Database's recommended approach for allocating transit costs by vehicle hours, vehicle miles, and peak vehicles. The ITF Working group uses this model to assign costs by route. The results of the cost model form the basis for allocating subsidies to each jurisdiction. Each operator inputs data into the model and the models are submitted to STA and the jurisdictions for further use and review.

Net Costs to be Shared

The net cost of the route is the total cost of the route minus farebox revenue, Regional Measure 2 funds, agreed upon State Transit Assistance Funds, and other non-TDA operating funds that are applied to the route.

Ridership Survey Data

An on-board ridership survey was taken in October – November 2006 to provide the ITF Working Group with data regarding the number of riders by jurisdiction of residence by intercity route. This data was assembled for use in the Intercity Transit Agreement formula. The on-board survey will be conducted periodically and no less frequently than every 3 years for purposes of updating the ridership information in the Agreement.

Population Data

City and County Unincorporated population data for Solano County shall be obtained from the most current publication of the State of California Department of Finance E-4 Population Estimates for Cities, Counties and State. This information shall be updated and incorporated into the cost sharing formula annually.

Cost Sharing Formula

For FY 2007-08, intercity transit costs shall be shared among the jurisdictions based upon an agreed upon formula whereby the net cost of each route is further reduced by the County Unincorporated Area's population share of the County (4.67% in FY 2007-08) proportionately for each route up to a maximum of \$130,000. The resulting net cost is shared 20% by population share and 80% by ridership by jurisdiction of residence. The City of Rio Vista's formula share will be subsidized with \$9,561 in State Transit Assistance – Northern Counties share funds in Fy 2007-08. The subsidy amounts

provided by each jurisdiction will be included in the annual TDA matrix prepared by STA and submitted to MTC. The cost sharing formula may be subject to indexing beyond FY 2007-08 as a part of the annual option for renewal.

Cost Estimates and Actual Costs -- Year End Reconciliation

The baseline cost information used in the cost allocation model is based on preliminary budget information for the next year. As such, costs are estimates and are subject to change. The ITF Working Group may include a process for addressing mid-year cost changes in this Agreement.

Term of Agreement

The FY 2007-08 Intercity Transit Agreement shall be effective for one year beginning on July 1, 2007. The agreement may be extended at the option of the STA Board for two additional one- year periods.

Role and Responsibility of the Intercity Transit Funding Working Group

Recognizing that all local jurisdictions within Solano County participate in funding intercity transit routes, all proposed fare and service changes shall be presented by the operators to the ITF Working Group at least 90 days prior to implementation and in sufficient time for the group's consideration. All jurisdictions are responsible for participating in the ITF Working Group and for meeting their financial obligations under the Intercity Transit Agreement.



CITY OF VALLEJO

Agenda Item No. PUBLIC
HEARING A

COUNCIL COMMUNICATION

Date: July 24, 2007

TO: Mayor and Members of the City Council

FROM: Craig Whittom, Assistant City Manager / Community Development *W*
Susan McCue, Economic Development Program Manager *SMC*

SUBJECT: Consideration of Approval of Resolutions Renewing the Downtown Vallejo Management District and Renewing City Baseline Services for the District

BACKGROUND & DISCUSSION

On January 7, 1997, the City Council authorized the formation of the Downtown Vallejo Management District (DVMD). In December 1997 the City Council approved an agreement with Central Core Restoration Corporation (CCRC) that requires CCRC to provide the services called for in the DVMD Management Plan. CCRC is required to submit to the City for review, comment, and approval an annual report describing the proposed DVMD improvements and services and proposed budget for each year of operation. The District has a five-year limit and must be reestablished after five years. In July 2002 the City Council approved the establishment of the DVMD Management Plan and the establishment of City baseline services for the District. The District was renewed for another five years.

CCRC is operating in the fifth and final year of the renewed DVMD. To date, CCRC has complied with their contractual obligations and has taken seriously their charge of downtown revitalization through multiple efforts. The process for renewing the DVMD is a 10-12 month intensive process that involves gathering and updating data, creating maps, facilitating stakeholder education and consensus building, developing a District Management Plan, preparing for a property owner petition drive, and preparing for a Proposition 218 ballot drive.

CCRC completed the property owner petition drive in June. State legislation requires a petition to be signed by the owners of a majority of the properties that would pay into the District. The City of Vallejo, Redevelopment Agency of the City of Vallejo, and the Housing Authority of the City of Vallejo own approximately 22% of property in the proposed district. On April 17, 2007, the Housing Authority, Redevelopment Agency and the City Council authorized the Executive Director/City Manager to sign the petition to renew the DVMD. On June 5, 2007, the City Council approved the Resolution of Intention to establish the DVMD, approved the Management Plan of the DVMD, and set the date for the public hearing to consider approval of the DVMD for July 24, 2007. It is worthwhile to mention that the Downtown Vallejo Management District's planned services are designed to complement Main Street's renewed focus on downtown revitalization activities and the administration and operation of the 2007 Wednesday Night Celebration, as well as complement the mission of the Downtown Association of Vallejo (DAV) which focuses on business owners and merchants.

Following approval of the Resolution of Intention to renew the DVMD on June 5, 2007, ballots were mailed to all property owners within the District to vote on the renewal of the District. This vote is calculated based on the total assessment, not the number of property owners. Following public comment, ballots received by the City Clerk's Office will be tallied and presented to the City Council at tonight's Council meeting. Property owners who comprise a majority of the proposed assessment must approve the formation of the District in order for the City Council to consider approval of the District.

FISCAL IMPACT

The annual assessment for the City and Agency owned property within the Downtown Vallejo Management District (DVMD) is approximately \$42,526. The Redevelopment Agency is currently paying the annual contribution to the DVMD from Marina Vista and Vallejo Central Redevelopment Areas. The Agency would continue to pay the assessment for properties owned by the City and Agency. Funds are available in these budgets to continue paying this assessment for the five-year lifespan of the DVMD. The annual assessment for the Housing Authority is approximately \$3,679. The Housing Authority would pay the assessment for the one property owned by the Housing Authority. There is no impact on the General Fund by approving this authorization to sign the petition to establish the Downtown Vallejo Management District.

The base level of services the City proposes to provide are street sweeping (mechanical) three times a week for streets and once a week for parking lots; landscaping (maintaining shrubs and weeding) quarterly; landscaping (planters) two times per year plus trouble calls; tree trimming for public hazards only (ongoing tree trimming will be a function of the District); graffiti removal (public facilities and street signs) as requested, subject to overall City-wide graffiti backlog; trash collecting is a service of the Vallejo Garbage however the City to ensure next franchise agreement includes no fewer than two pick ups per week of sidewalk public trash containers; fountain maintenance as needed which consists of cyclical cleaning and repairs when found necessary; sidewalk repair per City standard which consists of repairs made to defects of cracks that are ½ " or wider and a rise of ¾ " or more; lawn mowing (parcel on 200 block of Georgia Street adjacent to Vallejo Housing Authority) once a week. The City services are currently provided by City staff and are included in the approved final FY 2007-08 Public Works Department budget.

RECOMMENDATION

Adopt the attached Resolution Renewing the Downtown Vallejo Management District and Renewing City Baseline Services for the District

ENVIRONMENTAL REVIEW

There is no environmental impact associated with approving the Resolution renewing the DVMD and renewing the City baseline services for the District.

PROPOSED ACTION

Approve Resolutions Renewing the Downtown Vallejo Management District and Renewing City Baseline Services for the District

DOCUMENTS ATTACHED

- Attachment A - Resolution Declaring the Results of the Protest Proceedings and Renewing the Downtown Vallejo Management District
- Attachment B - Resolution Renewing the City Baseline Levels of Services Pursuant to the Downtown Vallejo Management Plan
- Attachment C - Downtown Vallejo Management District Plan

CONTACT: Annette Taylor, Senior Community Development Analyst
707-649-3510, annette@ci.vallejo.ca.us

Susan McCue, Economic Development Program Manager
707-553-7283, smccue@ci.vallejo.ca.us

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RESOLUTION NO. _____ N.C.

**ADOPTED BY THE VALLEJO CITY COUNCIL
ON JULY 24, 2007**

**RESOLUTION DECLARING THE RESULTS OF THE PROTEST PROCEEDINGS
AND RENEWING THE DOWNTOWN VALLEJO MANAGEMENT DISTRICT**

RECITALS:

Be it resolved by the City Council of the City of Vallejo, as follows:

WHEREAS, in accordance with California Streets and Highways Code Section 36621, the City of Vallejo received written petitions signed by property owners in the Downtown Vallejo Management District (DVMD) asking to that the City Council renew the DVMD; and

WHEREAS, pursuant to Streets and Highways Code Section 36621, the City Council adopted a Resolution of Intention to renew the DVMD, Resolution No. 07-134, on June 5, 2007; and

WHEREAS, in accordance with California Streets and Highways Code Section 36621, Resolution No. 07-134 contained a brief description of the activities and improvements to be done in the DVMD, the amount of the proposed assessment, a statement as to whether bonds will be issued, a description of the exterior boundaries of the DVMD, and specified that a public hearing will occur on July 24, 2007 or as soon thereafter as is practicable in the Vallejo City Council Chambers at 555 Santa Clara Street, Vallejo, California; and

WHEREAS, the Management District Plan for the DVMD is incorporated by reference and made a part of this resolution; and

WHEREAS, the Management District Plan describes the activities and improvements proposed for the DVMD, including: (1) a maintenance program to provide additional cleaning, debris removal, graffiti removal, landscape maintenance and maintenance of streetscape improvements within public right of ways; (2) an economic development and marketing program to provide an internet presence, hand-out publications and improved signage; and (3) a security program to support additional security services.

WHEREAS, the Management District Plan specifies the amount of the proposed assessment and the exterior boundaries of the DVMD; and

WHEREAS, the properties within the area of the DVMD will be benefited by the improvements and activities funded by the assessments proposed to be levied; and

WHEREAS, in accordance with California Streets and Highways Code Section 36623 and California Government Code Section 53753, the City Clerk, on June 6, 2007, sent mailed notice to each record owner of each parcel within the DVMD boundary concerning the assessment and assessment ballots and instructions; and

WHEREAS, in accordance with California Government Code Section 53753, on July 24, 2007, the City Council held a public hearing regarding the renewal of the DVMD; and

WHEREAS, at the public hearing on July 24, 2007, the City Council heard and received all protests against the renewal of the DVMD; and

WHEREAS, in accordance with California Government Code Section 53753, the City Clerk has determined that the number of assessment ballots submitted and not withdrawn concerning renewal of the DVMD; and

WHEREAS, in accordance with the California Government Code Section 53753, the City Clerk has determined that the number of assessment ballots submitted and not withdrawn in opposition to the renewal of the DVMD does not exceed the number of ballots submitted and not withdrawn in favor of the renewal of the DVMD, with ballots weighted according to the amount of the assessment to be imposed upon the parcel for which each ballot was submitted; and

WHEREAS, therefore, a majority protest does not exist regarding the renewal of the DVMD; and

NOW, THEREFORE, BE IT RESOLVED DECLARED AND ORDERED BY THE City Council of the City of Sacramento as follows:

Section 1. Recital Made Findings. The above recitals are true and hereby declared to be findings of the City Council of the City of Vallejo.

Section 2. Downtown Vallejo Management District Renewed.

- (a) The DVMD is hereby renewed for an additional five year term that will expire December 31, 2012.
- (b) The improvements and activities to be provided in the DVMD will be funded by the levy assessments. Such assessments will be levied on real property with the DVMD.
- (c) Properties in the DVMD renewed pursuant to this resolution will be subject to any amendments to the Property and Business PBID Law of 1994 (California Streets and Highways Code Section 36600 *et seq.*)

- (d) The revenue from the assessments with the DVMD shall not be used to provide improvements or activities outside the DVMD or for any other purpose other than the purposes specified in the Resolution of Intention as adopted on June 5, 2007.
- (e) In accordance with California Streets and Highways Code Section 36631 and the management and district plan, assessments to fund the DVMD improvements and activities shall be collected at the same time and in the same manner as for the ad valorem property tax, and shall have the same lien priority and penalties for delinquent payment.

Section 3. Bonds shall not be issued.

Section 4. The exterior of the boundaries of the DVMD are included in the attached Management District Plan and are also depicted on the attached map.

Section 5. Authorization. The City Council of the City of Vallejo hereby authorizes the City Manager, or his designee, to take all necessary actions to finalize the renewal of the DVMD and to levy the assessment, including, but not limited to, the recordation by the City Clerk of the notice and map describing the DVMD with the Solano County Recorder's office.

The City Clerk shall certify the passage and adoption of this resolution and enter it into the book of original resolutions.

RESOLUTION NO. _____ N.C.

**Resolution Establishing the
City Baseline Levels of Services Pursuant to the
Downtown Vallejo Management Plan**

Be it resolved by the City Council of the City of Vallejo, as follows:

WHEREAS, the City Council has established the Downtown Vallejo Management District (hereinafter referred to as the "DVDM") pursuant to the provisions of the Property and Business Improvement District Law of 1994; and

WHEREAS, business areas often face a need for collective efforts to promote their businesses and to improve the overall business climate and health of their districts, and

WHEREAS, businesses often seek enhanced city services and infrastructure improvements; and

WHEREAS, the City Council wishes to declare its intention to maintain the established levels of city services that existed prior to the establishment of the DVMD .

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Vallejo as follows:

1. Revenues garnered from the property and business improvement district (PBID) assessments levied in the DVMD should be used to improve the overall business climate of the area through various promotional program and service enhancements. To that end, base service level measures are hereby established pursuant to the "City of Vallejo Baseline Services" chart attached hereto as Exhibit A and incorporated herein by this reference.
2. In the event of a significant downtown in citywide revenues, the Council may be forced to reduce base levels of municipal services citywide unless a substitute source of citywide revenue is available.

**City of Vallejo Baseline Services
FY 2007-08 – FY 2012-13**

The purpose of creating a Property and Business Improvement District for Downtown Vallejo is to finance needed additional services. A critical step in designing these additional services is identifying the services that are currently provided by the City. An agreement will be made with the City to guarantee that the existing level of services, or “baseline,” will be continued. The Baseline Services Agreement will help ensure that the District’s funds will be used to *enhance*, rather than replace, the current level of downtown services.

There are two types of City services that will be addressed in the Baseline Services Agreement: maintenance and security. In the following two tables are estimates of the current level of services provided by the City:

City of Vallejo Maintenance Services

Activity	Level of Service	Comments
<i>Street Sweeping – Mechanical</i>	3/Week for streets 1/Week for parking lots	
<i>Landscaping (Maintaining shrubs and weeding)</i>	Quarterly	
<i>Landscaping - Planters</i>	2 times per year (plus trouble calls)	
<i>Tree-trimming</i>	Public hazards only (ongoing tree trimming a PBID function)	
<i>Graffiti Removal (Public facilities / street signs)</i>	As requested. Subject to overall City wide graffiti backlog	
<i>Trash Collecting</i>	None (Vallejo Garbage Service)	City to ensure next franchise agreement includes no fewer than two pick ups per week of sidewalk public trash containers
<i>Fountain Maintenance</i>	As Needed	Consists of cyclical cleaning and repairs when found necessary.
<i>Sidewalk Repair</i>	Per City standard	Repairs are made to defects of cracks that are 1/2” or wider and a rise of 3/4” or more.
<i>Lawn Mowing (parcel on 200 block of GA Street adjacent to Vallejo Housing Authority)</i>	1/week	
<i>Christmas Decorations</i>	None (PBID function)	
<i>Illegal Dumping</i>	Specific hot spots only	Balance of area is covered, although it will be picked up by Vallejo Garbage .
<i>Street lights (Cobra)</i>	Re-lamp as required	Goal is to respond within 10

		business days
<i>Street lights (Acorn)</i>	None (PBID function)	

Police Services

Activity	Level of Service	Comments
<i>Police Patrol</i>	Beat officer patrols	
<i>Cadet Patrol</i>	When available.	

DOWNTOWN VALLEJO

PROPERTY AND BUSINESS IMPROVEMENT DISTRICT

MANAGEMENT DISTRICT PLAN

*Prepared pursuant to the State of California
Property and Business Improvement District Law of 1994
for the renewal of the Downtown Vallejo PBID*

Submitted to the

Downtown Vallejo Property Owners

July 24, 2007

Prepared by



***Downtown Vallejo
Property and Business Improvement District
Management District Plan***

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APPENDIX 1: LIST OF PROPERTIES TO BE ASSESSED

APPENDIX 2: CITY OF VALLEJO DRAFT RESOLUTION: BASE LEVELS OF SERVICE POLICY AND EVALUATION OF THE BASELINE SERVICES

I. INTRODUCTION AND OVERVIEW

Property owners within the existing Downtown Vallejo Property and Business Improvement District (PBID) have been pleased with the services provided with the current PBID funding and created this Management District Plan to renew the PBID. The renewed Downtown Vallejo PBID establishes an expanded maintenance program including trash and debris collection, an economic development/marketing program, and a public safety program that go above and beyond those services provided by the City of Vallejo (the "City").

Location: The District includes approximately 16 blocks of the central core of downtown Vallejo. The District boundaries include 154 parcels and include Santa Clara St. to the West, Curtola Parkway to the South, up to Pennsylvania St., North along Sonoma Blvd. over to portions of Sutter St., up to Capitol St., including a portion on the North side of Capitol between Sonoma and Marin, West back to Santa Clara St. For a complete description of the District boundaries, please see Section IV of this Plan. Please see the map in Section V of this Plan.

Services: A maintenance program to provide additional cleaning, debris removal, graffiti removal, landscape maintenance and maintenance of streetscape improvements within public right of ways; an economic development and marketing program to provide an internet presence, hand-out publications and improved signage; and a security program to support additional security services.

Budget: Total maximum district budget for each year of its five (5) year operation is a base of approximately \$198,500 per year with a maximum 3% increase in the assessment rates per year.

Cost: All properties will be assessed at a base rate of \$0.027 per parcel square foot per year. The PBID has three benefit zones, which charge differing rates per linear front foot based on the service received. Zone 1, which receives the most service, would pay \$13.30 per linear front foot per year. Zone 2 would pay \$10.64 per linear front foot per year. Zone 3 would pay \$6.40 per linear front foot per year.

Formation: District formation requires submittal of petitions from property owners representing at least 50% of the total annual assessment and a favorable ballot vote of the property owners conducted by the City. The "Right to Vote on Taxes Act" (also known as Proposition 218) requires that more than 50% of the ballots received, weighted by assessment, be in support of the District. There will also be City Council hearings.

Duration: The proposed District will have a five-year life. After five years, the petition process, ballot process, and City Council hearing process must be repeated for the District to be reestablished.

II. WHY CONTINUE THE PBID FOR DOWNTOWN VALLEJO?

There are several reasons why it is imperative to renew the PBID in downtown Vallejo:

1. *The Need to Reverse Downtown Vallejo's Negative Image.*

By keeping the focus on downtown and advocating positive sustainable change, we are changing the real or perceived negative image that downtown Vallejo carries as an unsafe and deteriorating environment. The District's image affects businesses, whether retail, leased office space, or residential. The PBID would continue to provide a stable funding source to be used for visible and effective maintenance and marketing services, which continues to build a positive image for the downtown area.

2. *The Need to Provide Effective Supplemental Services in a Cost Effective Manner.*

The City of Vallejo is responsible for providing services on a citywide basis. The District will continue to build on those services to make downtown Vallejo cleaner and safer than it has ever been. The PBID will also continue to provide unified programming and direct accountability to those who pay.

3. *An Opportunity to Establish Private Sector Control and Accountability.*

These services will continue to be managed by the Central Core Restoration Corporation (CCRC), a non-profit private sector business organization formed for the sole purpose of improving downtown Vallejo. Annual service plans and budgets will be developed by the CCRC Board, composed of stakeholders that own businesses and property in downtown Vallejo. In addition, all downtown Vallejo stakeholders are encouraged to attend PBID meetings and their comments and suggestions are welcome. Additional security, maintenance, and economic development services will be subject to private sector performance standards, controls, and accountability.

III. WHAT IS A MANAGEMENT DISTRICT?

The International Downtown Association estimates that more than 1,200 Districts currently operate throughout the United States and Canada.

A PBID may provide services, identity formulation, market research, and economic development in addition to those provided by local government. In addition, PBID's may provide physical improvements such as entry features, benches, or lighting. These services are concentrated within a distinct geographic area and are paid for by means of a special property owner assessment. A Board of Directors representing those who pay would govern the organization responsible for providing these services.

PBIDs are proven to work by providing services that improve the overall viability of commercial districts, resulting in higher property values and sales volumes.

The Downtown Vallejo PBID will be formed pursuant to a State Law that took effect in January of 1995. The "Property and Business Improvement District Law of 1994," which was signed into law by then Governor Pete Wilson, ushered in a new generation of PBID's or Management Districts in California by allowing a greater range of services and independence from government. The PBID law:

- Allows property owners to undertake services ranging from security to maintenance, and from business advocacy to economic development.
- Allows revenue for services to be raised from annual assessments on real property.
- Allows formation of a district designed and governed by those who will pay the assessment.
- Requires petition support from property owners paying over 50% of the annual proposed property assessments to form a PBID.
- Requires limits for assessments to ensure that they do not exceed pre-established levels.
- Provides a multi-year life for PBID's. Renewal of a PBID requires a new petition process, Proposition 218 ballot vote, and City or County hearings. The Downtown Vallejo PBID will have a five (5) year term.

The "Property and Business Improvement Business District Law of 1994" (AB 3754) as amended January 1, 2004 is provided in Appendix 1 of this document.

IV. DOWNTOWN VALLEJO PBID BOUNDARIES

The CCRC will deliver services provided by the PBID funding in an approximately 16-block area of downtown Vallejo. The District boundaries are as follows:

The District includes approximately 16 blocks of the central core of downtown Vallejo. The District boundaries begin in the center of the intersection of Capitol Street and Santa Clara Street, thence running south along the center of Santa Clara Street to its intersection with Maine Street, thence southwesterly along the center of Maine Street to a point opposite the southeast boundaries of parcels 0055-170-310 and 0055-170-350, thence southeasterly along the southeast boundaries of parcels 0055-170-310 and 0055-170-350 to the north right-of-way line of Curtola Parkway, thence easterly along the north right-of-way line of Curtola Parkway to the center of Marin Street, thence north along the center of Marin Street to the center of Ford Alley, thence easterly along the center of Ford Alley to a point opposite the west boundary of parcel 0056-224-080, thence southerly along the west boundary of parcel 0056-224-080 to the center of Pennsylvania Street, thence east along the center of Pennsylvania Street to a point opposite the east boundary of parcel 0056-226-020, thence north along the east boundary of parcel 0056-226-020 to the south line of vacated Ford Alley, thence west, along the south line of vacated Ford Alley to the east right-of-way line of Sonoma Boulevard, thence north along the east right-of-way line of Sonoma Boulevard to the north line of vacated Ford Alley, thence east along the north line of vacated Ford Alley to the east boundary of parcel 0056-226-100, thence north along the east boundary of parcel 0056-226-100 to the center of Maine Street, thence west to a point opposite the east boundary line of parcel 0056-225-210, thence north along the east boundary line of parcel 0056-225-210 to the center of Garford Alley, thence west along the center of Garford Alley to a point opposite to the east line of parcel 0056-225-010, thence north along the east line of parcel 0056-225-010 to the center of York Street, thence east along the center of York Street to a point opposite the east boundary line of parcel 0056-196-130, thence north along the east boundary line of parcel 0056-196-130 to the center of Hudson Alley, thence east along the center of Hudson Alley to the center of Sutter Street, thence north along the center of Sutter Street to the center of Indian Alley, thence west along the center of Indian Alley to a point opposite the east boundary line of parcel 0056-195-170, thence along the east boundary of parcels 0056-195-170 and 0056-195-010 to the center of Virginia Street, thence west along the center of Virginia Street to the center of Sonoma Boulevard, thence north along the center of Sonoma Boulevard to the intersection of Kissel Alley, thence west along the center of Kissel Alley to the center of Marin Street, thence south along the center of Marin Street to the center of Capitol Street, thence west, along the center of Capitol Street to the point of beginning.

The service area includes approximately 154 parcels. The map on the next page illustrates the PBID boundaries. Please Section VI of this plan for the specific assessment formula based on a combination of parcel square footage and parcel front footage along major streets. A larger map is available on request by calling (707) 649-3510 or (800) 999-7781.

V. SERVICE PLAN AND BUDGET

A. History of the Service Plan

Property and Business Improvement Districts (PBID's) provide a mechanism for property owners, business owners, and the government to join forces to improve their downtown areas. The owners within the Downtown Vallejo PBID have seized the opportunity to utilize this tool to provide efficient supplemental services in a cost-effective manner and wish to continue the service with some changes.

Property owners in the Downtown Vallejo PBID have been concerned about the need for additional security, maintenance within public rights-of-way, cleaning, and marketing in the downtown. The existing Downtown Vallejo PBID primarily provides a marketing program, with lesser emphasis on security and maintenance. The property owners have indicated a willingness to continue the Downtown Vallejo PBID provided more emphasis is placed on security and maintenance. Owners have also requested marketing efforts to promote the downtown as a clean, safe, and friendly place to do business, including out-of-district signage to direct people to the downtown. City services and efforts in these areas have been welcomed, but limited City resources and limited resources of the existing PBID have not allowed for a more comprehensive approach to managing this District.

The following Service Plan details the nature and extent of the services proposed and provides an itemized budget.

B. Downtown Vallejo Management District Service Plan

In the renewed PBID, the Service Plan provides for an increased security effort, cleaning, debris removal, graffiti removal, landscape maintenance and maintenance of streetscape improvements within public right of ways, image enhancement, and business advocacy services, above and beyond those currently provided by the City of Vallejo. Existing City services will remain intact pursuant to a "base levels of service" policy discussed in Section VIII of this Plan.

PBID service levels will vary depending on varying demand. All benefits to parcels shall be provided based on the amount paid into the District. For a more detailed discussion of the assessments, please see Section VI, Part A, Section 2, "Determination of Special Benefit." Program descriptions and budgets of the proposed programs for public safety, maintenance, image enhancement, business advocacy, and administrative services are provided in the following pages.

The first step in preparing the Service Plan was to identify the existing "baseline" level of services provided by the City of Vallejo. In order to identify the aspects of the District that needed additional services, several property owner meetings were conducted. In addition, numerous meetings were held with City of Vallejo staff, property owners, and business owners. Based on the information and opinions collected during this process, service priorities

were identified. The information from each step of this process was integrated and this Service Plan was developed. The following are some key aspects of the Service Plan budget:

1. Public Safety

The service plan budget allows for a security program which will provide a security program to reduce criminal activity in the Downtown Vallejo area. The security patrol shall coordinate with the Vallejo City Police department to act as additional “eyes and ears” for the police and the property owners. Coordination with the local law enforcement is vital to decreasing crime, educating property owners, and improving the appearance and perception of the downtown. The security program would work to limit areas where crimes can occur. In addition, the District will work closely with the Vallejo Police Department to ensure that downtown receives a heightened level of police service.

2. Internet and Out-of-District Signage

As part of its marketing services, the Downtown Vallejo PBID will operate a unified advocacy and marketing program that will work in collaboration with the businesses and property owners within the District. This program will include marketing the District through a website and signage that will extend out of the District boundaries to bring people into Downtown Vallejo. The intent of this program is to allow the public to view the area as a single destination with a rich collection of attractions, events, and services.

3. Community Services

A Community Services program will include a maintenance program, landscaping, publications for the public, and a signage program.

The maintenance program will work to keep the District clean and lit. District personnel or sub-contractors will be on the streets removing illegal dumping, other litter and graffiti within city rights-of-way. They will also trim trees, replace trees that become damaged or diseased, perform upkeep on the flower pots along the sidewalks, and repair and periodically repaint the acorn-style light posts, lighted bollards, drinking fountains and park-style benches. Maintenance personnel will perform bulb replacement in the lighted bollards and acorn lights only.

The District shall also be responsible for various signage programs. This will include the replacement of existing signs that appear deteriorated throughout the Downtown area, and the erection of new way-finding signage deemed appropriate by the District. The District will administer a program to install walking tour signage. These signage programs are in addition to the out-of-district signage program referred to in section 2, above.

The PBID will also be responsible for installing and removing holiday decorations and banners.

C. Service Plan Budget

A Service Plan budget has been developed by CCRC to deliver service levels throughout the District. Annual service plans and budgets will be developed and approved by the CCRC Board of Directors. Please see the budget exhibit on the following page for more detailed information. Should the CCRC Board approve, funds may be appropriated for the renewal effort. If there are funds remaining at the end of the District term and the owners choose to renew the District, these remaining funds could be transferred to the renewed District.

It is anticipated that certain district personnel (such as guides, ambassadors, or similar patrol personnel) will perform a dual function of security and maintenance. To the extent that these personnel perform sidewalk and street maintenance functions, including reporting maintenance needs and assisting with maintenance services, staffing costs attributable to the performance of these functions shall be acceptable expenditures of the funds described the budget on the next page.

Table V-1
DRAFT Annual Budget for DOWNTOWN VALLEJO PBID - 2008

Services Provided	Descriptions	Total
I. Security	The security portion of the program shall provide for private, semi-private or private city partnered security patrol(s) (bicycle patrol is an example)	\$81,000
II. Administration, Bookkeeping & Insurance	The Administration program provides for office personnel; office rent; office utilities; photocopy expenses; miscellaneous office expenses; bookkeeping expenses; audit expenses; insurance; 1/5 th cost of PBID renewal; administration of the program to place walking tour plaques and signs in District at the property owner's expense.	\$46,200
III. Internet & Out-of-District Signage	This portion of the program shall be used for the following: Website consultant; website management; website hosting; out-of-district signage (for example, freeway signs). Any surplus in this fund shall be devoted to security.	\$ 8,400
IV. Community Services	The Community Services portion of the District shall include the following: Hand-out publications; in-district signage (replacement of existing signage, such as deteriorated parking signs); finding way signage; graffiti removal within the city right-of-ways within the district; debris removal (illegal dumping of sofas, mattresses, etc.); painting of poles, bollards, acorn light posts (no cobra light posts), within city right-of-way within the district, on a rotational basis (different section of district painted each year); repairs of hardscape (drinking fountains, benches, acorn lights, bollards with lights, no cobra lights), including bulb replacement; installation and removal of December Holiday decorations; annual flower landscaping (replanting, watering, weeding and trimming of barrel type flower pots); tree maintenance in city right-of-way within district (trimming on a rotational basis, different section of district each year), and replacement of individual trees on an "as needed, where needed" basis (i.e. dead, damaged and diseased trees)	\$62,900
PBID Budget from Assessments		\$198,500
GRAND TOTAL BUDGET		\$198,500

D. Budget Notes

1. The budget contained in this document is only for funds which the CCRC receives from the assessments levied through the PBID.
2. Specific purpose funds received from third parties are not included within the budget in this document. Any funds received and accepted by the CCRC from third parties, for specific purposes, shall be devoted to those purposes, even if such purposes are not within the description of a category in the above budget. (Such funds would include, but are not limited to, purpose specific donations, and purpose specific funds received from the City of Vallejo).
3. Donations without purpose specific restrictions may be devoted to any use that benefits the PBID, even if such benefit is not within the description of a category in the above budget.
4. Any assessments collected in excess of the total budget may be devoted to any purpose benefiting the PBID, even if such a purpose is not within the description of a category in the above budget.
5. The budget in this document does not reflect any annual increase in the assessments as permitted by the PBID plan. Nothing in this budget shall prevent the Board of Directors of the CCRC from adopting an annual increase in the assessments, provided such increase is consistent with the PBID plan.
6. The Board of Directors of the CCRC, for good cause, shall have the authority to roll-over and/or reallocate any funds that were unspent, in a previous year's budget, to a different category.
7. If a cost reduction is anticipated in any category within the budget, the Board of Directors of the CCRC shall have the authority to: (a) reallocate the savings to another category within the budget; and/or (b) create a new category within the budget, provided that such a new category shall benefit the PBID.

VI. ENGINEER'S REPORT (ASSESSMENT METHODOLOGY)

A. Assessment Methodology

1. Base Formula

Property owners, merchants, and other Downtown Vallejo stakeholders have emphasized that an assessment formula for the proposed PBID be fair, balanced, and commensurate with benefits received.

Each property owner will pay based on benefit received. The variables used for the base formula are gross parcel square footage and parcel front footage. Parcel square footage is relevant to the highest and best use of a property and will reflect the long-term value implications of the Management District. Parcel front footage directly reflects the value of certain of the services to be provided to the parcels.

The proposed initial annual assessment on parcels will be based upon a rate of \$0.027 per parcel square foot plus an annual frontage rate dependent on their location. The frontage rates are broken into three different zones.

Zone 1 includes properties with frontage along Georgia Street from Santa Clara St to Sutter St., along Santa Clara St. from parcel number 0055-170-180 north to Capitol St., and east along the boundary of parcel 0055-160-170. It continues on Sacramento St. from parcel 0056-192-140, north to Virginia St, east on Virginia St. to Marin and south on Marin St. to the end of parcel 0056-192-060. Also included is Sonoma Blvd. from the alley between York and Georgia St. north to the alley between Georgia and Virginia Streets. Zone 1 will be assessed \$13.30 per front foot per year.

Zone 2 includes properties with frontage along Santa Clara Street, Sacramento Street, Capitol Street, Marin Street, Sonoma Blvd., properties fronting the east side of Sutter Street, Virginia Street, and York Street. Zone 2 properties will be assessed \$10.64 per front foot per year.

Zone 3 includes properties fronting Maine St. from Santa Clara St. to parcel number 0056-226-020, and Marin Street from Curtola Parkway north to Maine Street. The Curtola Parkway frontage is not included in the PBID, and therefore it is not assessed in any zone. Zone 3 properties will be assessed \$6.40 per front foot per year.

Note that the annual frontage assessment will be combined with the annual parcel square foot assessment. If a property has frontage along two different streets, the greatest length frontage will be assessed for the appropriate rate (for example, if a parcel has a frontage of 250 ft. along Georgia Street and 200 ft. on Sonoma Boulevard, the parcel will be assessed the rate for the frontage along Georgia Street plus the parcel square foot rate).

Annual Parcel Square Foot Rate	
Zones 1, 2, and 3	\$0.027
Annual Frontage Rates	
Zone	Rate per front foot per year
1	\$13.30
2	\$10.64
3	\$6.40

If you would like more information about your property assessment, please call (707) 649-3510 or (800) 999-7781.

As members of the community, the CCRC Board of Directors will maintain every effort to be careful stewards of the annual budget; however the Board may at its discretion raise the assessment by no more than the lesser of three-percent (3%) per year, or the Consumer Price Index.

2. Determination of Special Benefit

California Constitution Section 4, Article XIII D (Proposition 218) states, "while assessment district programs may confer a combination of general and special benefits to properties, only the special parcel-related benefits can be funded through assessments."

The law provides that the expenses of the District shall be apportioned in proportion to the special benefit received by each parcel. In addition, Proposition 218 requires that parcel assessments may not exceed the reasonable cost of the proportional special benefit conferred on that parcel. Only special benefits are assessable.

A special benefit is a particular and distinct benefit over and above general benefits conferred on the public at large, including real property within the District. Conversely, a general benefit is a benefit to properties in the area and in the surrounding community or a benefit to the public in general, resulting from the improvement, activity, or service to be provided by the assessment levied. Many general benefits to the public at large are conveyed by municipal services such as fire protection, police services, and public transit services. These services are targeted to serve the public at large and do not confer special benefits on particular parcels. The general benefits that may be received include the perception of a more aesthetically pleasing District area. These benefits cannot be measured. All general benefits, if any, are intangible and not quantifiable.

The programs and services in the Downtown Vallejo Property and Business Improvement District's Management District Plan are designed to provide targeted services to parcels within the District. These programs and services are tailored not to serve the general public, but rather the specific assessable parcels of the District. For example, the proposed maintenance program is focused on the assessed parcels in the District. The proposed security program shall provide private, semi private or private city partnered security patrols. The proposed

street maintenance program will work to keep the District clean and lit, by removing illegal dumping, other litter and graffiti within city rights of way. It will also aesthetically improve the District with tree trimming, tree replacement, as needed, and upkeep of landscaping along sidewalks, as well as other duties previously mentioned. These programs and services will directly benefit each of the assessed parcels adjacent to the areas being maintained. The proposed security program, internet marketing, out of district signage and community services will improve economic development within the District, thereby benefiting the commercial and public parcels within the District.

The programs and services paid for from assessment revenue are parcel services conferring special benefit on the assessable parcels within the District. In addition, these services are not for the benefit of the general public and do not provide general benefit, as defined above. The programs and services provide special benefits, and all benefits derived from assessments outlined in the Management District Plan, go only for programs and services directly benefiting the parcel. The services are designed to increase foot traffic, improve the commercial core, increase marketing of commercial entities in the District, and improve the aesthetic appearance of the District and to provide these services only to assessed properties within the District boundaries. It is therefore appropriate that these special parcel-related benefits be funded by special assessments. The fact that the proposed District assessments will only be levied on properties within its District boundaries and, in turn, assessment revenues will only be spent on programs, improvements and services that provide direct or special benefit to properties within the District boundaries, it is hereby determined that any general benefits are not quantifiable, measurable or tangible in the District area and to the surrounding community or the public in general. The programs and services listed in the Management District Plan will contribute to a special benefit of each of the assessable parcels within the District.

The expenses of the District will be apportioned in proportion to the benefit received by each parcel. Proposition 218 requires that a parcel's assessment may not exceed the reasonable cost of the proportional special benefit conferred on that parcel. The Proposition provides that only special benefits are assessable, and that the City must separate the general benefits from the special benefits conferred on a parcel. A special benefit is a particular and distinct benefit over and above general benefits conferred on the public at large, including real property within the District. The general enhancement of property value does not constitute a special benefit.

Each parcel within the District, except for exempt parcels (discussed below), receives a particular and distinct benefit from the proposed improvements and activities, over and above general benefits conferred by the improvements and activities of the District. The proposed security program will reduce street disorder and help to prevent crime, thereby protecting the properties within the District and increasing their attractiveness to potential customers. The proposed marketing program will improve economic development within the District, thereby benefiting all businesses within the District.

3. 501(c)(3) Exemption

Properties owned by charitable tax-exempt organizations, such as churches, typically do not have commercial component and are exempt from property tax. Such properties will also be

exempt from this assessment. However, if such a property has a commercial component and pays a percentage of the property tax, the same percentage will be applied to this assessment.

4. Residential Property Exemption

Parcels used exclusively for as low-density residential, such as single family homes or those with four units or less, do not derive sufficient benefit from the proposed improvements to be assessed. The primary purpose of the PBID is to benefit commercial parcels. Therefore, parcels with residential uses of 4 units or less within the boundaries of the District will not be assessed. Properties used exclusively for multi-family residential use (i.e. apartments) are considered commercial income-producing property and will be subject to PBID assessments.

5. Government-Owned Property

Under "The Right to Vote on Taxes Act" (also known as Proposition 218) all publicly owned parcels are required to pay assessments unless they can demonstrate by clear and convincing evidence that their property does not receive benefit. It is proposed that all government agencies pay their "fair share" of all assessment.

6. Assessment Notice

An Assessment Notice will be sent to owners of each parcel in the PBID. The Assessment Notice provides an estimated assessment based upon the square footage and front footage of each parcel. The final individual assessment for any particular parcel may change if the parcel square footage or frontage differs from those found on the Assessment Notice. A Downtown Vallejo PBID Assessment Calculation Table follows this Engineer's Report. Assessments will be calculated based on the most recent available property data provided by the County of Solano. The assessment data will be as accurate as possible; however, the data may contain errors. Changes in property owner and parcel information may take up to one year to transpire. If a property owner discovers an error in the data or calculation please contact Downtown Resources at (916) 325-0604 or 1-800-999-7781. A list of properties to be included in the Management District is provided within Appendix 1.

B. Time and Manner for Collecting Assessments

The Downtown Vallejo PBID assessment will appear as a separate line item on the annual property tax bills prepared by the County of Solano. Property tax bills are generally distributed in the fall, and payment is expected by lump sum or installment. The County of Solano shall distribute funds collected to the City of Vallejo and then to the CCRC pursuant to the authorization of this Plan. Existing laws for enforcement and appeal of property taxes apply to the PBID assessments.

Review of this Management District Plan and preparation of the Engineers Report was completed by:

Orin N. Bennett
State of California
Registered Civil Engineer No. 25169

Downtown Vallejo Property and Business Improvement District Assessment Calculation Table

APN	Owner name	COIF	Assessment	Percentage
0055-160-170	REDEVELOPMENT AGENCY OF VJO	1.00	\$8,036.85	3.94%
0055-160-180	MARINA TOWER ASSOCIATES	1.00	\$2,354.11	1.15%
0055-160-190	REDEVELOPMENT AGENCY OF VJO	0.50	\$233.85	0.11%
0055-160-210	AMIDI PARTNERSHIP	1.00	\$2,560.00	1.25%
0055-160-240	REDEVELOPMENT AGENCY OF VJO	1.00	\$1,274.33	0.62%
0055-160-300	MARE ISLAND FED CREDIT	1.00	\$1,647.79	0.81%
0055-160-310	REDEVELOPMENT AGENCY OF VJO	0.50	\$89.34	0.04%
0055-160-380	VALLEJO CITY HOUSING AUTHORITY	1.00	\$3,679.04	1.80%
0055-160-390	MARINA ANNEX ASSOCIATES	1.00	\$2,488.87	1.22%
0055-160-540	TRIAD 236 GEORGIA STREET LLC	1.00	\$2,649.23	1.30%
0055-170-160	201 GEORGIA STREET	1.00	\$3,845.08	1.88%
0055-170-170	REDEVELOPMENT AGENCY OF VJO	1.00	\$1,049.10	0.51%
0055-170-200	REDEVELOPMENT AGENCY OF VJO	1.00	\$326.17	0.16%
0055-170-220	REDEVELOPMENT AGENCY OF VJO	1.00	\$126.90	0.06%
0055-170-230	REDEVELOPMENT AGENCY OF VJO	1.00	\$3,576.87	1.75%
0055-170-240	MCGOWAN ROBERT C & P C	1.00	\$1,803.19	0.88%
0055-170-250	AL ROSS VICTORY STORES	1.00	\$2,177.12	1.07%
0055-170-260	REDEVELOPMENT AGENCY OF VJO	1.00	\$2,821.99	1.38%
0055-170-270	CHANDLER LLOYD M JR	1.00	\$94.50	0.05%
0055-170-280	REDEVELOPMENT AGENCY OF VJO	1.00	\$3,802.15	1.86%
0055-170-290	BRINSON DENNIS J	1.00	\$4,496.38	2.20%
0055-170-300	KASHANI AHMAD A	1.00	\$1,533.10	0.75%
0055-170-310	VALLEJO MAINE I PARTNERS	1.00	\$8,760.15	4.29%
0055-170-350	VALLEJO MAINE II PARTNERS	1.00	\$11,065.03	5.42%
0055-170-390	BAYLIES BRIAN F	1.00	\$3,389.00	1.66%
0056-162-010	GOOD SAMARITAN MISSIONARY	0.00	\$0.00	0.00%
0056-162-020	GOOD SAMARITAN MISSIONARY	0.00	\$0.00	0.00%
0056-162-030	GOOD SAMARITAN MISSIONARY	0.00	\$0.00	0.00%
0056-162-040	GOOD SAMARITAN MISS BAPTIST CH	0.00	\$0.00	0.00%
0056-162-050	GOOD SAMARITAN MISS BAPT CH VJ	0.00	\$0.00	0.00%
0056-162-060	GLENN L M	1.00	\$1,250.98	0.61%
0056-162-070	PLASCENCIA LUIS R & ANA A	1.00	\$1,106.68	0.54%
0056-162-080	HISTORICAL RESTORATION INC	1.00	\$1,734.20	0.85%
0056-162-090	EMPRESS THEATRE ASSOCIATES LLC	1.00	\$830.98	0.41%
0056-162-100	324 VIRGINIA VALLEJO LLC	1.00	\$850.02	0.42%
0056-162-110	VICTORY CHURCH OF DELIVERANCE	0.00	\$0.00	0.00%
0056-162-120	VICTORY CHURCH OF DELIVERANCE	0.00	\$0.00	0.00%
0056-162-150	PEZZUTO MERILYN R MERILYN	1.00	\$839.30	0.41%
0056-162-160	PEZZUTO MERILYN R MERILYN	1.00	\$719.40	0.35%
0056-162-170	HENSON KAREN H TRUST	0.00	\$0.00	0.00%
0056-162-180	VICTORY CHURCH	0.00	\$0.00	0.00%
0056-163-090	STARK L SUSAN	1.00	\$1,558.70	0.76%
0056-163-100	STARK L SUSAN	0.50	\$353.75	0.17%
0056-163-110	ANNIE MASON	1.00	\$707.50	0.35%
0056-163-120	KAMPHAUSEN BUCK	1.00	\$1,415.00	0.69%
0056-163-130	KAMPHAUSEN BUCK	0.50	\$176.88	0.09%
0056-163-180	KAMPHAUSEN BUCK	0.50	\$910.98	0.45%
0056-164-010	VALLEJO CITY	1.00	\$2,122.50	1.04%

0056-164-020	MARLOWE MELVIN SURV	1.00	\$616.38	0.30%
0056-164-030	VALLEJO HOUSING PARTNERS	1.00	\$2,921.13	1.43%
0056-164-040	VANPELT TERRY A	1.00	\$1,646.45	0.81%
0056-164-050	VANPELT TERRY A	0.50	\$353.75	0.17%
0056-164-060	VANPELT TERRY A	1.00	\$707.50	0.35%
0056-164-070	VALLEJO OUTREACH INC	1.00	\$1,061.25	0.52%
0056-164-080	VANPELT TERRY A	0.50	\$530.63	0.26%
0056-164-090	JOHNSON SARGENT B & C	1.00	\$939.75	0.46%
0056-164-100	CIRIMELE JOE	1.00	\$316.63	0.16%
0056-164-110	KUTLAS JOHN	1.00	\$443.28	0.22%
0056-191-100	VALLEJO CITY	1.00	\$420.25	0.21%
0056-191-110	LEMKE RICHARD H & C C	1.00	\$1,904.50	0.93%
0056-191-120	SAN PABLO LODGE 43	1.00	\$1,904.50	0.93%
0056-191-130	SYLVAIN JOHN & JANET	1.00	\$840.50	0.41%
0056-191-140	RIVERBANK LLC	1.00	\$840.50	0.41%
0056-191-150	RIVERBANK LLC	1.00	\$420.25	0.21%
0056-191-160	RIVERBANK LLC	0.50	\$210.13	0.10%
0056-191-170	MORRIS GEORGE JOEL	1.00	\$420.25	0.21%
0056-191-180	MORRIS GEORGE JOEL	1.00	\$420.25	0.21%
0056-191-190	BROWN ROBERT C JR	1.00	\$420.25	0.21%
0056-191-200	FISCHER DAVID RANDALL	1.00	\$420.25	0.21%
0056-191-210	FISCHER DAVID R & KIRSTEN	1.00	\$420.25	0.21%
0056-191-220	CHANG YIH-JEN L	1.00	\$420.25	0.21%
0056-191-230	CHANG YIH-JEN L	1.00	\$1,904.50	0.93%
0056-191-260	VALLEJO CITY	1.00	\$5,463.25	2.68%
0056-192-030	A J HIGGINS CO	1.00	\$840.50	0.41%
0056-192-040	ALLYN JUDD	1.00	\$840.50	0.41%
0056-192-050	SYLVAIN RICHARD	1.00	\$840.50	0.41%
0056-192-060	VANPELT TERRY A	1.00	\$1,904.50	0.93%
0056-192-070	VALLEJO CITY PARKING AUTHORITY	1.00	\$1,734.20	0.85%
0056-192-080	VALLEJO CITY	1.00	\$424.50	0.21%
0056-192-090	VALLEJO CITY	1.00	\$990.50	0.49%
0056-192-140	BARCEWSKI JAMES D	1.00	\$3,362.00	1.65%
0056-192-150	BARCEWSKI JAMES D	0.50	\$1,415.00	0.69%
0056-193-010	MYRTLE STREET FLATS LLC	1.00	\$2,080.00	1.02%
0056-193-020	VANPELT TERRY A	1.00	\$707.50	0.35%
0056-193-030	MCENTEE JAMES	1.00	\$707.50	0.35%
0056-193-040	VANPELT TERRY A	0.50	\$353.75	0.17%
0056-193-050	VANPELT TERRY A	1.00	\$707.50	0.35%
0056-193-070	WALNUT HILL ESTATE ENT LLC	1.00	\$1,558.70	0.76%
0056-193-090	NEADS WILLIAM ROLAND	1.00	\$827.88	0.41%
0056-193-100	NEADS WILLIAM ROLAND	1.00	\$840.50	0.41%
0056-193-110	EVERGREEN CEMETERY ASSOCIATION	1.00	\$420.25	0.21%
0056-193-120	ELLISON GREGORY	1.00	\$420.25	0.21%
0056-193-130	BWB PROPERTIES INC	1.00	\$840.50	0.41%
0056-193-140	WONG LAP CHI & LAURA	1.00	\$420.25	0.21%
0056-193-150	FISCHER DAVID R & KIRSTEN	1.00	\$420.25	0.21%
0056-193-160	BUCK KARL E	1.00	\$420.25	0.21%
0056-193-190	SNYDER RAYMOND	1.00	\$420.25	0.21%
0056-193-200	SNYDER RAYMOND	1.00	\$420.25	0.21%
0056-193-210	PLAZA DELASAMERICAS RANCHO SQ	1.00	\$1,992.25	0.98%

0056-194-010	VANPELT TERRY A	1.00	\$1,904.50	0.93%
0056-194-020	K & T COMPANY	1.00	\$840.50	0.41%
0056-194-030	K & T COMPANY	1.00	\$840.50	0.41%
0056-194-060	SAMOSSET HALL ASSOC	1.00	\$840.50	0.41%
0056-194-100	BRINSON DENNIS J	1.00	\$1,904.50	0.93%
0056-194-110	VALLEJO CITY PARKING AUTHORITY	1.00	\$1,558.70	0.76%
0056-194-120	VALLEJO CITY PARKING AUTHORITY	1.00	\$1,415.00	0.69%
0056-194-130	VALLEJO CITY PARKING AUTHORITY	1.00	\$1,415.00	0.69%
0056-194-140	VALLEJO CITY	1.00	\$1,574.60	0.77%
0056-194-150	VALLEJO CITY PARKING AUTHORITY	1.00	\$1,239.50	0.61%
0056-194-170	VILLANUEVA DAISY	1.00	\$1,681.00	0.82%
0056-194-180	BARTEE THOMAS W	1.00	\$840.50	0.41%
0056-195-010	BURSTEIN JACK B & L	1.00	\$959.20	0.47%
0056-195-100	MCKAY-SUTTER STREET LLC	1.00	\$1,558.70	0.76%
0056-195-110	BROWN LEWIS F & D J	1.00	\$840.50	0.41%
0056-195-120	BRUNK LLOYD S & RENEE E	1.00	\$840.50	0.41%
0056-195-130	LITWIN ROBERT	1.00	\$1,152.86	0.56%
0056-195-140	HIGGINS A J COMPANY	1.00	\$1,362.03	0.67%
0056-195-150	CLARKE C DIXON	1.00	\$840.50	0.41%
0056-195-160	MCDONALD JACK J	1.00	\$1,904.50	0.93%
0056-195-170	BURSTEIN JACK & LEATRICE	1.00	\$732.50	0.36%
0056-196-010	WHITMORE WELLES III & M	1.00	\$2,080.00	1.02%
0056-196-020	BONDEROW ALBERT J	1.00	\$840.50	0.41%
0056-196-030	PORI TIM A	1.00	\$840.50	0.41%
0056-196-040	PORI TIM A	1.00	\$840.50	0.41%
0056-196-050	MONETTA BERNARD	1.00	\$840.50	0.41%
0056-196-060	MANNING GAIL	1.00	\$840.50	0.41%
0056-196-070	BAUM BARRY & LUANN	1.00	\$1,558.70	0.76%
0056-196-130	MCILHATTAN THOMAS J & H H	1.00	\$707.50	0.35%
0056-196-140	MCILHATTAN THOMAS J & H H	1.00	\$396.20	0.19%
0056-196-150	MCILHATTAN THOMAS J & H H	1.00	\$1,664.88	0.82%
0056-196-160	URIBE KARL	1.00	\$753.03	0.37%
0056-223-010	PHILLIPS VIRGIL N & CAROL J	1.00	\$452.74	0.22%
0056-223-020	LOUIE TSE MIN	1.00	\$353.75	0.17%
0056-223-030	VALLEJO CITY	1.00	\$2,830.00	1.39%
0056-223-040	KAMPHAUSEN BUCK	1.00	\$2,122.50	1.04%
0056-223-050	KUKURUZA SAMUEL	1.00	\$1,486.50	0.73%
0056-223-060	IMHOFF G E & Z E 1987 TRUST	0.50	\$247.75	0.12%
0056-223-070	IMHOFF G E & Z E 1987 TRUST	1.00	\$495.50	0.24%
0056-223-080	IMHOFF G E & Z E 1987 TRUST	1.00	\$495.50	0.24%
0056-223-090	KAMPHAUSEN BUCK	0.50	\$247.75	0.12%
0056-223-100	KAMPHAUSEN BUCK	0.50	\$779.35	0.38%
0056-223-110	BETTENCOURT MERVIN	1.00	\$1,018.22	0.50%
0056-224-010	KAMPHUSEN BUCK	1.00	\$1,183.00	0.58%
0056-224-020	LEBARD MORRIS & ALLISON	1.00	\$495.50	0.24%
0056-224-030	ELLISON ROBERT O	0.50	\$247.75	0.12%
0056-224-040	KAMPHAUSEN BUCK	1.00	\$991.00	0.49%
0056-224-050	BRACE RONALD W & JOAN	1.00	\$1,734.20	0.85%
0056-224-080	SOLANO MOTORS INC	1.00	\$495.50	0.24%
0056-224-150	SOLANO MOTORS INC	1.00	\$1,734.20	0.85%
0056-225-010	LANGIT MANUEL & AURORA	1.00	\$2,090.70	1.02%

0056-225-210	CHRISTOV MICHAEL JR	1.00	\$1,734.20	0.85%
0056-226-020	ARRIGHI JOSEPH L & P L	1.00	\$1,821.95	0.89%
0056-226-100	ONG ILDEFONSO C & T P	1.00	\$1,303.41	0.64%
0095-371-100	CAMPBELL DAVID R & TAMSYN A	1.00	\$1,904.50	0.93%
			\$204,207.96	100.00%

VII. IMPLEMENTATION TIMETABLE

The Downtown Vallejo PBID is expected to be approved by August 2007 and funded by January 2008. In order to meet these goals, the following timetable must be followed:

<u>DATE</u>	<u>ACTIVITY</u>
<i>March 2007</i>	Initiate petition drive.
<i>May 2007</i>	Submit petitions that have been signed by property owners who will pay more than 50% of the district assessments.
<i>June 2007</i>	City Council adopts resolution of intention to renew the Downtown Vallejo Property and Business Improvement District.
<i>June 2007</i>	Notice of public hearing and 218 ballots are mailed.
<i>July 2007</i>	Public Hearing is held on Vallejo PBID. City council adopts resolution of formation establishing the District.
<i>August 2007</i>	City Clerk submits PBID assessment information on magnetic tape to the County Assessor. The secured tax roll and bills are printed. Tax bills are mailed. First installment property tax bill including PBID assessment is due. First payment from the County is received by December 2007.

Pursuant to state law, the Downtown Vallejo PBID will have a defined life. The life of the PBID is set at five (5) years. In order to continue the PBID for another set term, the preceding petition, ballot drive, and public hearing process must be repeated.

VIII. CONTINUATION OF CITY SERVICES

A. Citywide Base Levels of Service Policy

Throughout the process of establishing the Downtown Vallejo PBID, property owners have voiced concerns that the City of Vallejo maintains existing services at verifiable "baseline" service levels. A formal base levels of service policy ensures that existing City services are enhanced, not replaced, by Downtown Vallejo PBID services.

B. City Council Resolution

The CCRC has requested that the Vallejo City Council adopt a resolution committing the City to establish and maintain base levels of service within the Management Districts. The policy states that "basic service levels" provided to the area must be paid for by the general City revenues, and not subsidized by revenue which the Downtown Vallejo PBID generates for enhanced and supplemented levels of service.

The policy allows for adjustments in the "basic service levels" commensurate with changes in the City's overall financial condition. Citywide service reductions can trigger a proportionate reduction in base levels of service within a Management District.

A draft City of Vallejo Resolution establishing this policy and an estimate of current services is provided in Appendix 2.

Consistent with this proposed City policy, the Downtown Vallejo PBID's base levels of service will be quantified in an "area specific current services agreement" between the City of Vallejo and the Downtown Vallejo PBID.

IX. DISTRICT GOVERNANCE

A. Downtown Vallejo PBID - Corporation Board of Directors

The Central Core Restoration Corporation (CCRC) is the independent non-profit corporation contracted to provide services to the Downtown Vallejo PBID. CCRC, a 501(c)(6) non-profit corporation formed in 1996 by industrial business and property owners, has managed the Downtown Vallejo PBID since its creation.

The Board of Directors shall be comprised of a total of 11 Board Members of which nine (9) Board members shall be property owners within the PBID, and two (2) Board members may be property owners or non-property owners within the PBID. The CCRC Board of Directors intends to consider a name change for the corporation.

APPENDIX 1: LIST OF PROPERTIES TO BE ASSESSED BY APN

APN	Owner name	Site Address
0055-160-170	REDEVELOPMENT AGENCY OF VJO	
0055-160-180	MARINA TOWER ASSOCIATES	601 SACRAMENTO ST
0055-160-190	REDEVELOPMENT AGENCY OF VJO	
0055-160-210	AMIDI PARTNERSHIP	250 GEORGIA ST
0055-160-240	REDEVELOPMENT AGENCY OF VJO	212 GEORGIA ST
0055-160-300	MARE ISLAND FED CREDIT	536 SANTA CLARA ST
0055-160-310	REDEVELOPMENT AGENCY OF VJO	
0055-160-380	VALLEJO CITY HOUSING AUTHORITY	200 GEORGIA ST
0055-160-390	MARINA ANNEX ASSOCIATES	575 SACRAMENTO ST
0055-160-540	TRIAD 236 GEORGIA STREET LLC	236 GEORGIA ST
0055-170-160	201 GEORGIA STREET	201 GEORGIA ST
0055-170-170	REDEVELOPMENT AGENCY OF VJO	
0055-170-200	REDEVELOPMENT AGENCY OF VJO	
0055-170-220	REDEVELOPMENT AGENCY OF VJO	
0055-170-230	REDEVELOPMENT AGENCY OF VJO	
0055-170-240	MCGOWAN ROBERT C & P C	303 SACRAMENTO ST
0055-170-250	AL ROSS VICTORY STORES	400 SANTA CLARA ST
0055-170-260	REDEVELOPMENT AGENCY OF VJO	
0055-170-270	CHANDLER LLOYD M JR	237 GEORGIA ST
0055-170-280	REDEVELOPMENT AGENCY OF VJO	
0055-170-290	BRINSON DENNIS J	401 MARIN ST
0055-170-300	KASHANI AHMAD A	200 MAINE ST
0055-170-310	VALLEJO MAINE I PARTNERS	201 MAINE ST
0055-170-350	VALLEJO MAINE II PARTNERS	201 MAINE ST
0055-170-390	BAYLIES BRIAN F	241 GEORGIA ST
0056-162-010	GOOD SAMARITAN MISSIONARY	407 CAPITOL ST
0056-162-020	GOOD SAMARITAN MISSIONARY	
0056-162-030	GOOD SAMARITAN MISSIONARY	
0056-162-040	GOOD SAMARITAN MISS BAPTIST CH	427 CAPITOL ST
0056-162-050	GOOD SAMARITAN MISS BAPT CH VJ	435 CAPITOL ST
0056-162-060	GLENN L M	439 CAPITOL ST
0056-162-070	PLASCENCIA LUIS R & ANA A	717 MARIN ST
0056-162-080	HISTORICAL RESTORATION INC	707 MARIN ST
0056-162-090	EMPRESS THEATRE ASSOCIATES LLC	330 VIRGINIA ST
0056-162-100	324 VIRGINIA VALLEJO LLC	324 VIRGINIA ST
0056-162-110	VICTORY CHURCH OF DELIVERANCE	318 VIRGINIA ST
0056-162-120	VICTORY CHURCH OF DELIVERANCE	316 VIRGINIA ST
0056-162-150	PEZZUTO MERILYN R MERILYN	300 VIRGINIA ST
0056-162-160	PEZZUTO MERILYN R MERILYN	
0056-162-170	HENSON KAREN H TRUST	616 SACRAMENTO ST
0056-162-180	VICTORY CHURCH	
0056-163-090	STARK L SUSAN	1901 SONOMA BLVD
0056-163-100	STARK L SUSAN	536 CAPITOL ST
0056-163-110	ANNIE MASON	528 CAPITOL ST
0056-163-120	KAMPHAUSEN BUCK	524 CAPITOL ST
0056-163-130	KAMPHAUSEN BUCK	
0056-163-180	KAMPHAUSEN BUCK	512 CAPITOL ST

0056-164-010	VALLEJO CITY	728 MARIN ST
0056-164-020	MARLOWE MELVIN SURV	519 CAPITOL ST
0056-164-030	VALLEJO HOUSING PARTNERS	531 CAPITOL ST
0056-164-040	VANPELT TERRY A	1801 SONOMA BLVD
0056-164-050	VANPELT TERRY A	
0056-164-060	VANPELT TERRY A	426 VIRGINIA ST
0056-164-070	VALLEJO OUTREACH INC	420 VIRGINIA ST
0056-164-080	VANPELT TERRY A	410 VIRGINIA ST
0056-164-090	JOHNSON SARGENT B & C	700 MARIN ST
0056-164-100	CIRIMELE JOE	710 MARIN ST
0056-164-110	KUTLAS JOHN	714 MARIN ST
0056-191-100	VALLEJO CITY	
0056-191-110	LEMKE RICHARD H & C C	625 MARIN ST
0056-191-120	SAN PABLO LODGE 43	342 GEORGIA ST
0056-191-130	SYLVAIN JOHN & JANET	336 GEORGIA ST
0056-191-140	RIVERBANK LLC	330 GEORGIA ST
0056-191-150	RIVERBANK LLC	326 GEORGIA ST
0056-191-160	RIVERBANK LLC	324 GEORGIA ST
0056-191-170	MORRIS GEORGE JOEL	320 GEORGIA ST
0056-191-180	MORRIS GEORGE JOEL	318 GEORGIA ST
0056-191-190	BROWN ROBERT C JR	316 GEORGIA ST
0056-191-200	FISCHER DAVID RANDALL	312 GEORGIA ST
0056-191-210	FISCHER DAVID R & KIRSTEN	308 GEORGIA ST
0056-191-220	CHANG YIH-JEN L	306 GEORGIA ST
0056-191-230	CHANG YIH-JEN L	300 GEORGIA ST
0056-191-260	VALLEJO CITY	
0056-192-030	A J HIGGINS CO	325 GEORGIA ST
0056-192-040	ALLYN JUDD	331 GEORGIA ST
0056-192-050	SYLVAIN RICHARD	337 GEORGIA ST
0056-192-060	VANPELT TERRY A	343 GEORGIA ST
0056-192-070	VALLEJO CITY PARKING AUTHORITY	340 YORK ST
0056-192-080	VALLEJO CITY	332 YORK ST
0056-192-090	VALLEJO CITY	326 YORK ST
0056-192-140	BARCEWSKI JAMES D	301 GEORGIA ST
0056-192-150	BARCEWSKI JAMES D	310 YORK ST
0056-193-010	MYRTLE STREET FLATS LLC	616 MARIN ST
0056-193-020	VANPELT TERRY A	415 VIRGINIA ST
0056-193-030	MCENTEE JAMES	417 VIRGINIA ST
0056-193-040	VANPELT TERRY A	429 VIRGINIA ST
0056-193-050	VANPELT TERRY A	431 VIRGINIA ST
0056-193-070	WALNUT HILL ESTATE ENT LLC	1717 SONOMA BLVD
0056-193-090	NEADS WILLIAM ROLAND	438 GEORGIA ST
0056-193-100	NEADS WILLIAM ROLAND	436 GEORGIA ST
0056-193-110	EVERGREEN CEMETERY ASSOCIATION	428 GEORGIA ST
0056-193-120	ELLISON GREGORY	424 GEORGIA ST
0056-193-130	BWB PROPERTIES INC	418 GEORGIA ST
0056-193-140	WONG LAP CHI & LAURA	414 GEORGIA ST
0056-193-150	FISCHER DAVID R & KIRSTEN	412 GEORGIA ST
0056-193-160	BUCK KARL E	410 GEORGIA ST
0056-193-190	SNYDER RAYMOND	437 VIRGINIA ST
0056-193-200	SNYDER RAYMOND	439 VIRGINIA ST

0056-193-210	PLAZA DELASAMERICAS RANCHO SQ	400 GEORGIA ST
0056-194-010	VANPELT TERRY A	401 GEORGIA ST
0056-194-020	K & T COMPANY	415 GEORGIA ST
0056-194-030	K & T COMPANY	417 GEORGIA ST
0056-194-060	SAMOSET HALL ASSOC	431 GEORGIA ST
0056-194-100	BRINSON DENNIS J	445 GEORGIA ST
0056-194-110	VALLEJO CITY PARKING AUTHORITY	1601 SONOMA BLVD
0056-194-120	VALLEJO CITY PARKING AUTHORITY	432 YORK ST
0056-194-130	VALLEJO CITY PARKING AUTHORITY	426 YORK ST
0056-194-140	VALLEJO CITY	508 MARIN ST
0056-194-150	VALLEJO CITY PARKING AUTHORITY	500 MARIN ST
0056-194-170	VILLANUEVA DAISY	419 GEORGIA ST 10
0056-194-180	BARTEE THOMAS W	437 GEORGIA ST
0056-195-010	BURSTEIN JACK B & L	1726 SONOMA BLVD
0056-195-100	MCKAY-SUTTER STREET LLC	807 SUTTER ST
0056-195-110	BROWN LEWIS F & D J	538 GEORGIA ST
0056-195-120	BRUNK LLOYD S & RENEE E	530 GEORGIA ST
0056-195-130	LITWIN ROBERT	524 GEORGIA ST
0056-195-140	HIGGINS A J COMPANY	514 GEORGIA ST
0056-195-150	CLARKE C DIXON	510 GEORGIA ST
0056-195-160	MCDONALD JACK J	1700 SONOMA BLVD
0056-195-170	BURSTEIN JACK & LEATRICE	1714 SONOMA BLVD
0056-196-010	WHITMORE WELLES III & M	501 GEORGIA ST
0056-196-020	BONDEROW ALBERT J	515 GEORGIA ST
0056-196-030	PORI TIM A	521 GEORGIA ST
0056-196-040	PORI TIM A	
0056-196-050	MONETTA BERNARD	531 GEORGIA ST
0056-196-060	MANNING GAIL	539 GEORGIA ST
0056-196-070	BAUM BARRY & LUANN	545 GEORGIA ST
0056-196-130	MCILHATTAN THOMAS J & H H	520 YORK ST
0056-196-140	MCILHATTAN THOMAS J & H H	
0056-196-150	MCILHATTAN THOMAS J & H H	1600 SONOMA BLVD
0056-196-160	URIBE KARL	1610 SONOMA BLVD
0056-223-010	PHILLIPS VIRGIL N & CAROL J	401 YORK ST
0056-223-020	LOUIE TSE MIN	405 YORK ST
0056-223-030	VALLEJO CITY	435 YORK ST
0056-223-040	KAMPHAUSEN BUCK	1521 SONOMA BLVD
0056-223-050	KUKURUZA SAMUEL	1507 SONOMA BLVD
0056-223-060	IMHOFF G E & Z E 1987 TRUST	326 MAINE ST
0056-223-070	IMHOFF G E & Z E 1987 TRUST	320 MAINE ST
0056-223-080	IMHOFF G E & Z E 1987 TRUST	314 MAINE ST
0056-223-090	KAMPHAUSEN BUCK	
0056-223-100	KAMPHAUSEN BUCK	400 MARIN ST
0056-223-110	BETTENCOURT MERVIN	420 MARIN ST
0056-224-010	KAMPHUSEN BUCK	340 MARIN ST
0056-224-020	LEBARD MORRIS & ALLISON	315 MAINE ST
0056-224-030	ELLISON ROBERT O	321 MAINE ST
0056-224-040	KAMPHAUSEN BUCK	327 MAINE ST
0056-224-050	BRACE RONALD W & JOAN	1425 SONOMA BLVD
		330 PENNSYLVANIA ST
0056-224-080	SOLANO MOTORS INC	
0056-224-150	SOLANO MOTORS INC	1401 SONOMA BLVD

0056-225-010	LANGIT MANUEL & AURORA	1518 SONOMA BLVD
0056-225-210	CHRISTOV MICHAEL JR	1500 SONOMA BLVD
0056-226-020	ARRIGHI JOSEPH L & P L	1400 SONOMA BLVD
0056-226-100	ONG ILDEFONSO C & T P	1416 SONOMA BLVD
0095-371-100	CAMPBELL DAVID R & TAMSYN A	

APPENDIX 2: CITY OF VALLEJO DRAFT RESOLUTION: BASE LEVELS OF SERVICE POLICY AND EVALUATION OF BASELINE SERVICES

RESOLUTION NO.

ADOPTED BY THE VALLEJO CITY COUNCIL
ON DATE OF

RESOLUTION ADOPTING CITY POLICY REGARDING BUSINESS IMPROVEMENT DISTRICTS: BASE LEVELS OF SERVICE

WHEREAS, business areas often face a need for collective efforts to promote their businesses and to improve the overall business climate and health of their districts, and

WHEREAS, businesses often seek enhanced city services and infrastructure improvements.

NOW BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF VALLEJO,

1. Revenues garnered from a Property and Business Improvement District (PBID) or other assessment district should be used to improve the overall business climate of the area through various promotional programs and service enhancements. To that end, base service level measures have been established and agreed to at the inception of the financing district. Please see the attached chart.
2. In the event of a significant downturn in citywide revenues, the Council may be forced to reduce base levels of municipal services citywide unless a substitute source of citywide revenues is available.

MAYOR

ATTEST:

CITY CLERK:

**City of Vallejo Baseline Services
FY 2007-08 – FY 2012-13**

The purpose of creating a Property and Business Improvement District for Downtown Vallejo is to finance needed additional services. A critical step in designing these additional services is identifying the services that are currently provided by the City. An agreement will be made with the City to guarantee that the existing level of services, or “baseline,” will be continued. The Baseline Services Agreement will help ensure that the District’s funds will be used to *enhance*, rather than replace, the current level of downtown services.

There are two types of City services that will be addressed in the Baseline Services Agreement: maintenance and security. In the following two tables are estimates of the current level of services provided by the City:

City of Vallejo Maintenance Services

Activity	Level of Service	Comments
<i>Street Sweeping – Mechanical</i>	3/Week for streets 1/Week for parking lots	
<i>Landscaping (Maintaining shrubs and weeding)</i>	Quarterly	
<i>Landscaping - Planters</i>	2 times per year (plus trouble calls)	
<i>Tree-trimming</i>	Public hazards only (ongoing tree trimming a PBID function)	
<i>Graffiti Removal (Public facilities / street signs)</i>	As requested. Subject to overall City wide graffiti backlog	
<i>Trash Collecting</i>	None (Vallejo Garbage Service)	City to ensure next franchise agreement includes no fewer than two pick ups per week of sidewalk public trash containers
<i>Fountain Maintenance</i>	As Needed	Consists of cyclical cleaning and repairs when found necessary.
<i>Sidewalk Repair</i>	Per City standard	Repairs are made to defects of cracks that are ½” or wider and a rise of ¾” or more.
<i>Lawn Mowing (parcel on 200 block of GA Street adjacent to Vallejo Housing Authority)</i>	1/week	
<i>Christmas Decorations</i>	None (PBID function)	

<i>Illegal Dumping</i>	Specific hot spots only	Balance of area is covered, although it will be picked up by Vallejo Garbage .
<i>Street lights (Cobra)</i>	Re-lamp as required	Goal is to respond within 10 business days
<i>Street lights (Acom)</i>	None (PBID function)	

Police Services

<i>Activity</i>	<i>Level of Service</i>	<i>Comments</i>
<i>Police Patrol</i>	Beat officer patrols	
<i>Cadet Patrol</i>	When available.	



PUBLIC
HEARING B

Agenda Item No.

Date: July 24, 2007

COUNCIL COMMUNICATION

TO: Honorable Mayor and Members of the City Council

FROM: Gary A. Leach, Public Works Director *A*

SUBJECT: PUBLIC HEARING REGARDING FISCAL YEAR 2007/2008
ASSESSMENTS AND ADOPTION OF A RESOLUTION APPROVING
THE REVISED ENGINEER'S ANNUAL LEVY REPORT AND A
RESOLUTION ORDERING THE LEVY AND COLLECTION OF FISCAL
YEAR 2007/2008 ASSESSMENTS FOR THE HIDDENBROOKE
MAINTENANCE DISTRICT

BACKGROUND AND DISCUSSION

The City of Vallejo has a total of twenty-six (26) Landscape Maintenance Districts, twelve (12) of which were created under the Landscape and Lighting Act of 1972, and fourteen (14) created under the 1911 Act. The 1911 Act Districts and the 1972 Act Districts, with the exception of the Hiddenbrooke Maintenance District, have been considered and approved under previous council actions. The Hiddenbrooke Maintenance District was originally formed as the Sky Valley Maintenance Assessment District on January 28, 1992, pursuant to the 1972 Act and Chapter 14.30 of the Vallejo Municipal Code. The name of this district was changed to the Hiddenbrooke Maintenance District in Fiscal Year (FY) 1999/2000. The 1972 Act provides for the levy and collection of assessments by the County of Solano for the City of Vallejo to generate sufficient revenue to pay for landscape maintenance services, operation, and improvements for the maintenance districts created under the Act.

Annually, an Engineer's Report is prepared for the Hiddenbrooke Maintenance District which analyzes the district based on "equivalent benefit units" (EBU). The proposed assessment for each parcel is based on the special benefit the parcels within the district receive. The benefit formula used for the Hiddenbrooke Maintenance District and proposed parcels reflects the composition of the parcels and the improvements and services provided to each parcel. The funds collected through annual assessments will be dispersed and used for only the improvements and services provided within the Hiddenbrooke Maintenance District.

The City Council previously appointed MuniFinancial as the "Engineer of Work" who was, therefore, directed to prepare an Engineer's Report for the Hiddenbrooke Maintenance District in accordance with the 1972 Landscape and Lighting Act for FY 2007/2008. This document provides relevant information about the district as well as documenting city policies, procedures and the annual budget. The Engineers Report has been modified



more accurately reflect the district's reserve funds. The Engineer's Report is available for review in the Public Works Department and in the City Clerk's office, located at 555 Santa Clara Street, Vallejo, California.

The City Council will conduct a Public Hearing pursuant to the Landscaping and Lighting Act of 1972 (the "Act") and take public comment regarding FY 2007/2008 assessments for the Hiddenbrooke Maintenance District. The Act also provides for the levy and collection of assessments by the County of Solano for the City of Vallejo to generate sufficient revenue to pay for landscape maintenance services, operation, and improvements in the Hiddenbrooke Maintenance District. The Council action will levy against and upon all of the eligible real property within the Hiddenbrooke Maintenance District an assessment of \$577.04 per equivalent benefit unit for the Fiscal Year commencing on July 1, 2007 and ending June 30, 2008.

Fiscal Impact

For FY 2007/2008, except for the need for an inflationary adjustment based on the Consumer Price Index for All Urban Consumers (CPI-U) the proposed assessment outlined in the Engineer's Report represents no change from the previous year assessment applied in FY 2006/2007, and is within the limits previously approved by the property owners. As such, the assessment will increase from \$559.16/EBU to \$577.04/EBU. In accordance with the requirements of the California Constitution, Articles XIIC and XIID, this increase does not require additional property owner approval.

There is a general benefit, within this district, to the City and received by properties outside of the Hiddenbrooke Maintenance District boundary that cannot be assessed to properties within the district. Therefore, the City's general benefit contribution for FY 2007/2008 will be made by the General Fund as estimated below:

Hiddenbrooke Parkway @ 25% percent =	\$1,562.00 per year
Welcome Center @ 0.5% =	\$ 800.00 per year
Total	\$2,362.00 per year

RECOMMENDATION

Conduct a Public Hearing to obtain public input regarding the Engineer's Report for the Hiddenbrooke Maintenance District, and adopt a resolutions approving the revised final Engineer's Annual Levy Engineer's Report and ordering of the levy and collection of assessments for the Hiddenbrooke Maintenance District for FY 2007/2008.



ENVIRONMENTAL REVIEW

The levy and collection of these assessments is exempt from the California Environmental Quality Act under section 15273 of Title 14 of the California Code of Regulations, as none of the proceeds will be used for capital expenses, but will be used instead for operation and maintenance.

PROPOSED ACTION

Hold the Public Hearing and obtain public input regarding the Hiddenbrooke Maintenance District. Adopt 1) a resolution to approve the Engineer's Annual Levy Engineer's Report and 2) a resolution to order the levy and collection of assessments within the Hiddenbrooke Maintenance District for FY 2007/2008.

DOCUMENTS AVAILABLE FOR REVIEW

- a. A resolution approving the Engineer's Annual Levy Engineer's Report for the Hiddenbrooke Maintenance District for FY 2007/2008.
- b. A resolution ordering the levy and collection of assessments within the Hiddenbrooke Maintenance District for FY 2007/2008.
- c. Hiddenbrooke Maintenance District FY 2007/2008 Engineer's Report

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JULY 24, 2007

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RESOLUTION NO. 07- N.C.

BE IT RESOLVED by the Council of the City of Vallejo as follows:

WHEREAS, the City Council has, by previous Resolution, ordered the preparation of the Engineer's Annual Levy Engineer's Report for Hiddenbrooke Maintenance District (hereafter referred to as the District) pursuant to the provisions of the *Landscaping and Lighting Act of 1972, Part 2 of Division 15 of the Streets and Highways Code of California, beginning with Section 22500* (hereafter referred to as the Act) that provides for the levy and collection of assessments by the County of Solano for the City of Vallejo to pay the costs and expenses of operating, maintaining and servicing of landscaping, and all appurtenant facilities and operations related thereto located within the Districts; and,

WHEREAS, there has now been presented to this City Council a revised Engineer's Annual Levy Engineer's Report for the Hiddenbrooke Maintenance District (hereafter referred to as the Revised Engineer's Report) as required by *Chapter 3, Section 22623* of said Act, and as previously directed by Resolution; and,

WHEREAS, this City Council has carefully examined and reviewed the revised Engineer's Report as presented and is satisfied with each and all of the items and documents as set forth therein, and is satisfied that the levy has been spread in accordance with the benefits received from the improvements, operation, maintenance and services to be performed, as set forth in said Revised Engineer's Report.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED BY THE CITY COUNCIL AS FOLLOWS:

Section 1 That the above recitals are all true and correct.

Section 2 That the revised Engineer's Report as presented, is hereby approved and is ordered to be filed in the Office of the City Clerk as a permanent record and to remain open to public inspection.

Section 3 That the City Clerk shall certify to the passage and adoption of this Resolution, and the minutes of this meeting shall so reflect the presentation of and final approval of the revised Engineer's Report.

JULY 24, 2007

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RESOLUTION NO. 07- N.C.

BE IT RESOLVED by the Council of the City of Vallejo as follows:

WHEREAS, the City Council has by previous Resolutions initiated proceedings, declared its intention to levy assessments on the District, and approved the Revised Engineer's Annual Levy Engineer's Report (hereafter referred to as the Engineer's Report) that describes the assessment against parcels of land within the Hiddenbrooke Maintenance District (hereafter referred to as District) for the Fiscal Year commencing July 1, 2007 and ending June 30, 2008 pursuant to the provisions of the *Landscaping and Lighting Act of 1972, Part 2 of Division 15 of the California Streets and Highways Code, commencing with Section 22500* (hereafter referred to as the Act) that provides the levy and collection of assessments by the County of Solano for the City of Vallejo to pay the costs and expenses of operating, maintaining and servicing of landscaping and all appurtenant facilities and operations related thereto located within the Districts; and,

WHEREAS, the Engineer selected by the Council has prepared and filed with the City Clerk, and the City Clerk has presented to the Council, a Engineer's Report in connection with the levy and collection of assessments upon eligible parcels of land within the District, and the Council did by previous Resolution approve such Engineer's Report; and,

WHEREAS, the City Council desires to levy and collect assessments against parcels of land within the District for the Fiscal Year commencing July 1, 2007 and ending June 30, 2008, to pay the costs and expenses of operating, maintaining and servicing of landscaping and all appurtenant facilities and operations related thereto located within the District; and,

WHEREAS, the City Council and its legal counsel have reviewed Proposition 218 and found that these assessments comply with applicable provisions of Article XIII D of the California State Constitution.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED BY THE CITY COUNCIL AS FOLLOWS:

Section 1 Following notice duly given, the City Council has held a full and fair Public Hearing regarding the District, the levy and collection of assessments, the Engineer's Report prepared in connection therewith, and considered all oral and written statements, protests and communications made or filed by interested persons regarding these matters.

Section 2 Based upon its review of the Engineer's Report, a copy of which has been presented to the City Council and which as been filed with the City Clerk, the City Council hereby finds and determines that:

- i) the land within the Districts receive special benefit from the operation,

maintenance and servicing of improvements, located in public places within the boundaries of the District; and,

- ii) the District includes all of the lands receiving such special benefit; and,
- iii) the net amount to be assessed upon the lands within the District in accordance with the fee for the Fiscal Year commencing July 1, 2007 and ending June 30, 2008 is apportioned by a formula and method which fairly distributes the net amount among all eligible parcels in proportion to the estimated special benefits to be received by each parcel from the improvements and services.

Section 3 The Engineer's Report as presented to the City Council and on file in the Office of the City Clerk are hereby confirmed as filed. The City Council hereby levies against and upon all of the real property within the District a special assessment of \$577.04 per equivalent benefit unit for the Fiscal Year commencing on July 1, 2007 and ending June 30, 2008.

Section 4 The maintenance, operation and servicing of the improvements and appurtenant facilities shall be performed pursuant to the Act. The City Council hereby orders the following proposed improvements to be made: the maintenance and operation of and the furnishing of services and materials for turf, ground cover, shrubs and trees, irrigation systems, drainage systems, open space areas, public pedestrian paths, entry monuments, fencing, lighting systems and all appurtenant facilities related thereto.

Section 5 The County Auditor of the County of Solano shall enter on the County Assessment Roll opposite each eligible parcel of land the amount of levy so apportioned by the formula and method outlined in the Engineer's Reports, and such levies shall be collected at the same time and in the same manner as the County taxes are collected, pursuant to *Chapter 4, Article 2, Section 22646* of the Act. After collection by the County, the net amount of the levy shall be paid to the City Treasurer.

Section 6 The Finance Director shall deposit all money representing assessments collected by the County for the District to the credit of a fund for Hiddenbrooke Maintenance District and such money shall be expended only for the maintenance, operation and servicing of each of the landscaping, lighting and appurtenant facilities as described in Section 4.

Section 7 The adoption of this Resolution constitutes the District's levy for the Fiscal Year commencing July 1, 2007 and ending June 30, 2008.

Section 8 The City Clerk, or their designate, is hereby authorized and directed to file the levy with the County Auditor upon adoption of this Resolution, pursuant to *Chapter 4, Article 1, Section 22641* of the Act.

Section 9 The City Council finds that the levy and collection of these assessments is exempt from the California Environmental Quality Act under section 15273 of Title 14 of the California Code of Regulations, as none of the proceeds will be used for capital expenses, but will be used instead for operation and maintenance.

JULY 24, 2007

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COUNCIL COMMUNICATION

Date: July 24, 2007

TO: Mayor and Members of the City Council

FROM: Craig Whittom, Assistant City Manager/Community Development
Robert V. Stout, Finance Director
Laura J. Simpson, Housing and Community Development Manager

SUBJECT: Consideration of a Resolution of Intention to Amend the Fiscal Year
(FY) 2007/2008 Federal Community Development Block Grant (CDBG)
Program Budget

BACKGROUND AND DISCUSSION

The 100 Block of Benson Avenue Public Improvement Project in Vallejo Heights requires additional funding in order to begin. The current approved construction budget for Benson Avenue is \$447,500. At a special Community Development Commission (CDC) meeting in June, the Commission voted, 7-0-0, to recommend that (1) available unallocated CDBG funds be allocated for the project, and (2) the scope of work for Benson Avenue be reduced. Staff and several residents of the Vallejo Heights neighborhood concur with the Commission's recommendation.

The total amount of unallocated funds available at this time is \$282,964. If approved by the City Council, the revised budget for the project will be \$730,464. If the City proceeds with Benson Avenue, staffs estimates construction will start in the Spring of 2008.

Project History - In April 2006 CDBG funds were allocated for the construction of public improvements on the 100 Block of Benson Avenue (between "B" and "C" Streets) in the Vallejo Heights Target Area Neighborhood. These improvements principally include street reconstruction and paving, and the installation of curb and gutter. Design on this project began in July 2006.

In November 2006 Public Works provided a revised construction cost estimate for Benson Avenue of \$945,183. This estimate represented a shortfall at that time of \$497,683. In addition, because the estimated construction budget increased, Public Works estimated that additional funds to pay for the delivery of the project by its staff (engineering and design, contract administration, and construction inspection) in the amount of \$100,000 would be needed.

To summarize, the estimated shortfall of funding identified to complete the needed improvements on Benson Avenue was nearly \$600,000.

Given the funding shortfall, at a meeting on April 5, 2007 the CDC considered whether to recommend that the City Council proceed with Benson Avenue, or forgo the project and reallocate the funds budgeted, and other unallocated funds. After hearing comments from the residents and discussing the item in April, the Commission asked staff to review the scope of work to determine whether some improvements could be eliminated, and still complete a viable project with the CDBG funds available.

Staff has concluded that the project budget can be reduced to approximately \$730,464. Examples of items that would not be included in the revised scope of work are the installation of sidewalks, handrails, and retaining walls. However, street repaving, the installation of curbs, gutters, and streetlights, are among the improvements that would be made.

In order to address traffic safety concerns, the residents have also requested that the 100 Block of Benson Avenue be changed to a one-way street. This change would be a part of the project.

Available Funds - There is currently \$282,964 in unallocated CDBG funds available. If this amount is allocated to Benson Avenue to construct and deliver the project, the revised budget will allow the City to complete several (but not all) of the needed improvements.

Timely Expenditure of Funds - The City is required by HUD to expend its CDBG funds in a timely manner, including unallocated funds. HUD regulations state that if the spending rate is not met for two consecutive years, the City's allocation may be reduced.

Fiscal Impact

If the CDC and staff's recommendation is approved, the remaining unallocated CDBG funds in the amount of \$282,964 will be allocated to the Benson Avenue Project.

RECOMMENDATION

Approve the CDC and staff's recommendation to amend the FY 2007/2008 CDBG Budget and proceed with the Benson Avenue Project.

ALTERNATIVES CONSIDERED

HUD requires the City to expend its CDBG funds, including unallocated funds, in a timely manner, or these funds are jeopardized. It is advisable, therefore, to use the funds currently allocated for the Benson Avenue Project, and available unallocated funds, to complete several improvements on the 100 Block of Benson Avenue.

Funding allocated to this project could be reallocated to alternate CDBG-eligible projects. This would cause a delay in the allocation of funds as other projects would require design, and Community Development Commission and City Council review and approval.

ENVIRONMENTAL REVIEW

An environmental review is not required for this action.

PROPOSED ACTION

Adopt the enclosed resolution of intention to amend the FY 2007/2008 CDBG Budget, carrying over prior year CDBG funds for the construction of improvements on Benson Avenue, and allocating additional CDBG funds to the Benson Avenue Project.

DOCUMENTS ATTACHED

Attachment "A" – Resolution

Attachment "B" – Site Map of Location of Proposed Improvements

PREPARED BY/CONTACT:

Craig Whittom, Assistant City Manager/Community Development, (707) 648-4579, or cwhittom@ci.vallejo.ca.us.

Laura J. Simpson, Housing and Community Development Manager, (707) 648-4393, or LSimpson@ci.vallejo.ca.us.

David A. Kleinschmidt, City Engineer, (707) 648-4301, or David@ci.vallejo.ca.us.

Guy L. Ricca, Senior Community Development Analyst, (707) 648-4395, or gricca@ci.vallejo.ca.us.

ATTACHMENT A

RESOLUTION NO. 07 - N. C.

BE IT RESOLVED by the Council of the City of Vallejo as follows:

THAT WHEREAS, the 100 Block of Benson Avenue Public Improvement Project in Vallejo Heights requires additional funding in order to be completed.

WHEREAS, the Fiscal Year (FY) 2006/2007 Federal Community Development Block Grant (CDBG) Program construction budget for Benson Avenue is \$447,500.

WHEREAS, at a special Community Development Commission meeting held on June 28, 2007, the Commission voted, 7-0-0, to recommend that (1) available unallocated CDBG Program funds be allocated to the Benson Avenue Project, and (2) the scope of work for Benson Avenue be reduced.

WHEREAS, staff and several residents of the Vallejo Heights neighborhood concur with the Commission's recommendation.

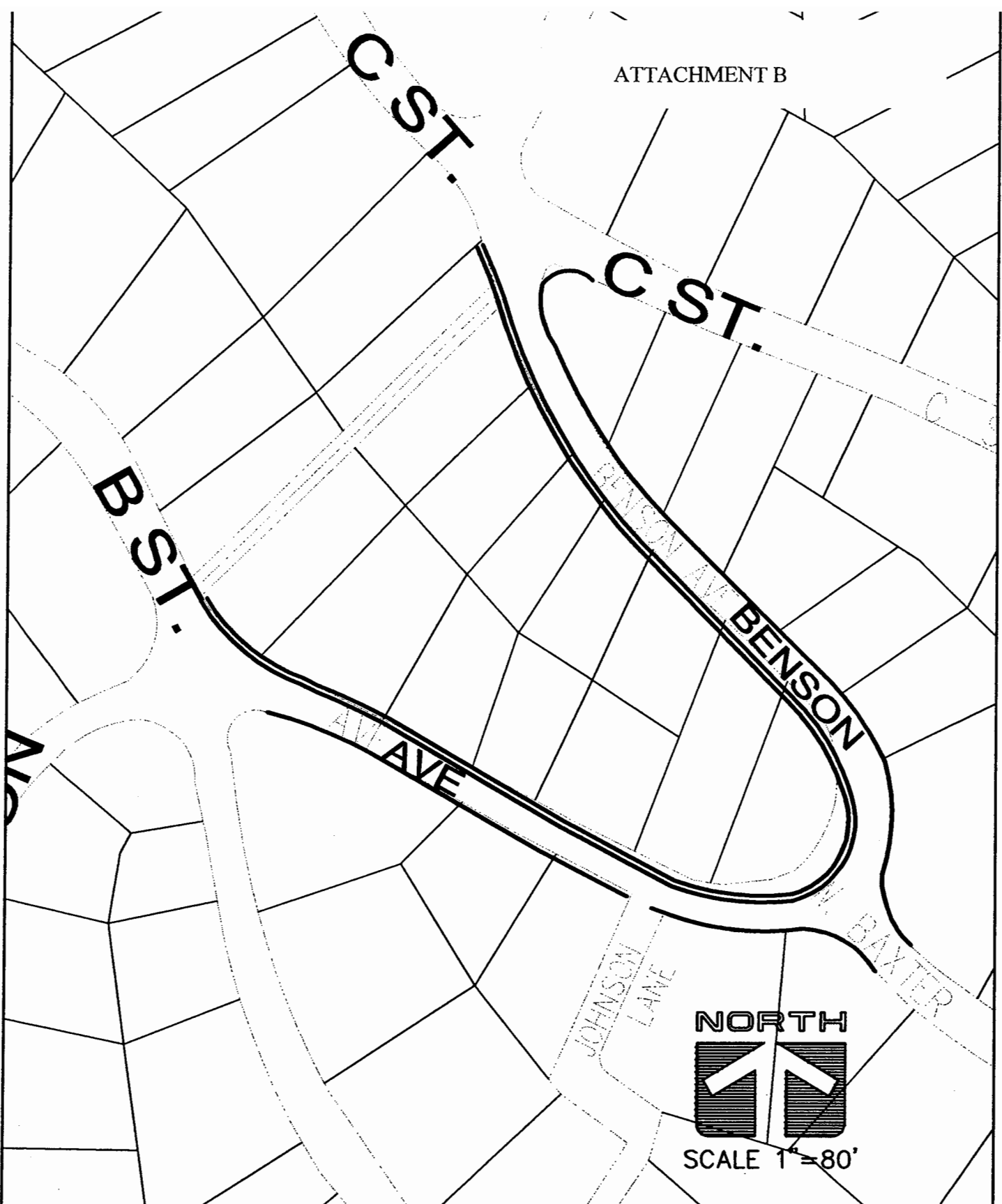
WHEREAS, the total amount of unallocated CDBG funds available at this time is \$282,964.

WHEREAS, the City Council may wish to use the City's unallocated CDBG funds in order to complete the Benson Avenue Project.

WHEREAS, the U. S. Department of Housing and Urban Development (HUD) requires the City to expend its CDBG funds in a timely manner, or the City's funding allocation may be reduced.

WHEREAS, if the City proceeds with Benson Avenue, staff estimates construction will start in the Spring of 2008.

NOW THEREFORE BE IT RESOLVED that the Council of the City of Vallejo declares its intention to amend the FY 2007/2008 CDBG Program Budget by: (1) carrying over \$447,500 in FY 2006/2007 CDBG Program funds allocated for the construction of public improvements on the 100 Block of Benson Avenue into the current fiscal year, and (2) allocating an additional \$282,964 in unallocated CDBG funds to the Benson Avenue Project.



CITY OF VALLEJO, CALIFORNIA

PUBLIC WORKS DEPARTMENT
ENGINEERING DIVISION

DWG. NO. X-XXXX
 DRAWN BY SK
 DATE 11/06/06
 CHECKED SK

SHEET 1 OF 1
 FILE NO. 4452.03.01
 REF. -
 SCALE 1"=80'

BENSON AVENUE
IMPROVEMENT PROJECT

FROM "B" STREET TO "C" STREET




ADMIN. B

Agenda Item No.

COUNCIL COMMUNICATION

Date: July 24, 2007

TO: Honorable Mayor and Members of the City Council

FROM: Gary A. Leach, Public Works Director 

SUBJECT: CONSIDERATION OF A RESOLUTION ADOPTING THE CITY OF VALLEJO WATER MANAGEMENT PLAN PREPARED FOR THE UNITED STATES BUREAU OF RECLAMATION

BACKGROUND

Beginning in early 1999, the City of Vallejo, along with other participating members of the federal Solano Project (Lake Berryessa), has been required to prepare a water management plan every five years meeting the criteria of the U.S. Bureau of Reclamation (USBR). USBR has conditionally accepted the WMP prepared by City of Vallejo staff and Maddaus Water Management by letter dated March 29, 2007 and e-mail dated June 20, 2007. Copies of the plan are available in the City Clerk's and Water Administration Offices.

The plan describes the City of Vallejo Water System's history, environmental setting, infrastructure, operating rules and regulations, water supply and demand, water shortage allocation policies and conservation program. The plan is consistent with the Urban Water Management Plan, written to meet the requirements of the California Department of Water Resources and adopted by the City Council in February 2006, and includes updated descriptions of best management practices. The plan increases the FY07-08 and FY08-09 water conservation program budget by \$10,000 per year to further fund irrigation efficiency measures and provide rebates for high efficiency toilets.

After USBR receives a copy of the council resolution adopting the plan, a "Notice of Draft Decision" regarding USBR's intention to accept the City's plan will be published in the *Federal Register*. The public is then given 30 days in which to comment on the plan. If no comments are received within 30 days, the review process will be officially complete. Copies of the document are available for review at USBR's Mid-Pacific Regional and Area Offices. *If public comments are received, changes to the plan may be required.*

Fiscal Impact

Water conservation program best management practices implementation costs are budgeted in the City Water Operating Fund (401). The \$10,000 increase described



above is included in the adopted FY07-08 budget for a total of \$108,000. The plan includes a proposed total FY08-09 budget of \$118,000, which is \$10,000 greater than the budget included in the UWMP adopted in February 2006.

RECOMMENDATION

Staff recommends adoption of the Water Management Plan and submittal to the U.S. Bureau of Reclamation.

ENVIRONMENTAL REVIEW

USBR is the lead agency for any required environmental review.

ALTERNATIVES CONSIDERED

An update of the City's Water Management Plan is required every five years. No alternative was considered.

PROPOSED ACTION

Approve the resolution adopting the Water Management Plan prepared for the U.S. Bureau of Reclamation.

DOCUMENTS AVAILABLE FOR REVIEW

- a. A resolution the Water Management Plan prepared for the U.S. Bureau of Reclamation
- b. Letter and e-mail from USBR conditionally accepting the Water Management Plan
- c. Water Management Plan

CONTACT PERSON

Gary A. Leach, Public Works Director
(707) 648-4315
gleach@ci.vallejo.ca.us

Erik J. Nugteren, Water Superintendent
(707) 648-4482
erik@ci.vallejo.ca.us

JULY 24, 2007
J:\06-07 Water Management Plan.doc

RESOLUTION NO. 07-_____ N.C.

BE IT RESOLVED by the Council of the City of Vallejo as follows:

WHEREAS, a water management plan has been prepared which meets the U.S. Department of the Interior Bureau of Reclamation (USBR) Mid-Pacific Region 2005 Conservation and Efficiency Criteria; and

WHEREAS, USBR by its letter dated March 29, 2007 and e-mail dated June 20, 2007 has conditionally accepted the City of Vallejo Water Management Plan; and

WHEREAS, the U.S. Bureau of Reclamation requires said City of Vallejo Water Management Plan to be adopted by the City Council before submittal to USBR and subsequent notice in the Federal Register, public comment period, and final acceptance by USBR.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Vallejo hereby adopts the City of Vallejo Water Management Plan.

JULY 24, 2007

J:\06-07 Water Management Plan.doc



United States Department of the Interior

RECEIVED

BUREAU OF RECLAMATION
Mid-Pacific Regional Office
2800 Cottage Way
Sacramento, California 95825-1898

APR - 3 2007

City of Vallejo
Utilities Dept./Water Division

IN REPLY
REFER TO:

MAR 29 2007

MP-410
RES-3.10

CERTIFIED - RETURN RECEIPT REQUESTED

Mr. John Thompson
City Manager
City of Vallejo
202 Flemming Hill Road
Vallejo, CA 94589-2337

Subject: Water Management Plan – City of Vallejo

Dear Mr. Thompson:

This letter is notification that the Bureau of Reclamation has received the City of Vallejo's (City) draft revised Water Management Plan (Plan), and that it conditionally meets the requirements contained in the 2005 Criteria for Evaluating Water Management Plans, with the following exceptions.

1. Best Management Practices (BMP) 1. There is a contradiction between what is documented on page 32 of 61 (reference to the \$90,000 and the BMP being or not being cost-effective) and what is on page 61 of 61 (showing that the BMP is cost-effective to implement). Please clarify the discrepancy. This information will determine the status of the BMP, and will affect your exemption request.
2. Water Shortage Plan. Please provide the Board Resolution adopting the Water Shortage Plan (as referred to in your Plan).

This conditional acceptance is also based on the letter sent to Ms. Pamela Sahin on March 12, 2007, by Reclamation's Central California Area Office. Reclamation requests that the City respond to the two items above. Send the information on a separate sheet of paper, along with the Board Resolution for the Water Shortage Plan to the Central California Area Office. Once these issues have been approved by Reclamation, the Central California Area Office will contact you. At that time please send three copies of the final Plan and a resolution by the City's Board of Directors adopting the Plan to:

The Bureau of Reclamation
Central California Area Office
Attention: Mr. Pete Vonich
7794 Folsom Dam Road
Folsom, CA 95630-1799

Upon receipt, a "Notice of Draft Decision" regarding the City's Plan will be published in the *Federal Register*.

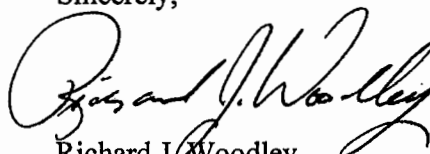
Congress established the *Federal Register* publication system as a method of informing the public of the regulations affecting them. The official agency actions published in the *Federal Register* are available to the public and subject to the Freedom of Information Act. Once in the *Federal Register*, the public is given 30 days in which to comment. If no comments are received within 30 days, the review process will officially be complete. Copies of the document are available for review at Reclamations Mid-Pacific Regional Office and Area Office. If public comments are received, additional changes may be required.

In the Annual Update, the City will need to provide the following information:

1. BMP 5 - Update pilot programs.
2. BMP 6 - Update rebate program.
3. BMP 9 - Update pilot & joint/regional programs. Update the CII accounts identified (page 51 of 61) and ranked. Show the breakdown. The breakdown will establish the target numbers.
4. BMP 14. Update the rebate program.

Thank you for the time and effort committed to preparing this Plan. If you have any questions, please contact Mr. Pete Vonich, Water Conservation Specialist, at, 916/989-7265 (TDD 916/989-7285).

Sincerely,



Richard J. Woodley
Regional Resources Manager

cc: Ms. Pamela Sahin
Water Conservation Coordinator
City of Vallejo
202 Flemming Hill Road
Vallejo, CA 94589-2337

Mr. David Okita
General Manager
Solano County Water Agency
6040 Vaca Station Road, Building 84
Elmira, CA 95625

Mr. Andy Florendo,
Water Conservation Coordinator
Solano County Water Agency
6040 Vaca Station Road, Building 84
Elmira, CA 95625