



City Hall  
555 Santa Clara Street  
Vallejo, CA 94590

# AGENDA

## VALLEJO CITY COUNCIL

### DECEMBER 2, 2008

MAYOR  
Osby Davis

CITY COUNCIL  
Tom Bartee, Vice Mayor  
Hermie Sunga  
Stephanie Gomes  
Michael Wilson  
Joanne Schivley  
Erin Hannigan

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.

Notice of Availability of Public Records: All public records relating to an open session item, which are not exempt from disclosure pursuant to the Public Records Act, that are distributed to a majority of the City Council will be available for public inspection at the City Clerk's Office, 555 Santa Clara Street, Vallejo, CA at the same time that the public records are distributed or made available to the City Council. Such documents may also be available on the City of Vallejo website at <http://www.ci.vallejo.ca.us> subject to staff's ability to post the documents prior to the meeting. Information may be obtained by calling (707) 648-4527, TDD (707) 649-3562.



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.

### VALLEJO CITY COUNCIL SPECIAL MEETING – CLOSED SESSION 6:00 P.M. – COUNCIL CHAMBERS

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **PUBLIC COMMENT**

*Members of the public shall have the opportunity to address the City Council concerning any item listed on this agenda. No other items may be discussed at this special meeting*

4. **CLOSED SESSION**

- A. CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION: IN RE: CITY OF VALLEJO, CALIFORNIA, DEBTOR; UNITED STATES BANKRUPTCY COURT, EASTERN DISTRICT OF CALIFORNIA, CASE NO. 08-26813-A-9, PURSUANT TO SUBDIVISION (C) OF GOVERNMENT CODE SECTION 54956.9
- B. CONFERENCE WITH CITY'S LABOR NEGOTIATORS PURSUANT TO GOVERNMENT CODE SECTION 54957.6 CONCERNING THE FOLLOWING EMPLOYEE ORGANIZATIONS: INTERNATIONAL ASSOCIATION OF FIREFIGHTERS, LOCAL 1186 (IAFF); VALLEJO POLICE OFFICERS' ASSOCIATION (VPOA); INTERNATIONAL BROTHERHOOD OF

ELECTRICAL WORKERS, LOCAL 2376 (IBEW), AND CONFIDENTIAL, ADMINISTRATIVE, MANAGERIAL, AND PROFESSIONALS (CAMP). THE CITY'S NEGOTIATORS ARE: JOSEPH M. TANNER, CITY MANAGER, CRAIG WHITTON, ASSISTANT CITY MANAGER / COMMUNITY DEVELOPMENT; ROBERT STOUT, FINANCE DIRECTOR; SANDY SALERNO, ACTING HUMAN RESOURCES DIRECTOR

NOTE: The Council will be meeting in closed session with its negotiators and staff to review its position and to give instructions to its negotiators concerning labor negotiations with the above-named employee organizations. No negotiations take place in the closed session between the Council and the employee organizations.

**5. ADJOURNMENT**

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

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **PRESENTATION AND COMMENDATION TO OUT-GOING VICE MAYOR**
5. **ELECTION OF VICE MAYOR**
6. **SELECTION OF COUNCIL SEATS**
7. **TEN-MINUTE RECESS**
8. **PRESENTATIONS AND COMMENDATIONS**
  - A. VALLEJO CITY UNIFIED SCHOOL DISTRICT UPDATE BY DR. MARY BULL, SUPERINTENDENT AS REQUESTED BY COUNCILMEMBER GOMES
  - B. EMPRESS THEATER UPDATE BY RANDY BOBST-MCKAY AS REQUESTED BY COUNCILMEMBER GOMES

9. **FIRST 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. The conduct of the community forum shall be limited to a maximum of fifteen (15) minutes, with each speaker limited to three minutes pursuant to Vallejo Municipal Code Section 2.20.300. The remainder of the speakers wishing to address the Council on non-agenda items will be heard at the second Community Forum listed later on the agenda.*

10. **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.*

11. **CONSENT CALENDAR AND APPROVAL OF AGENDA**

- A. APPROVAL OF CITY COUNCIL MINUTES FOR THE SPECIAL MEETINGS OF JUNE 20 AND JUNE 29, 2008 AND THE REGULAR MEETINGS OF JULY 22, AUGUST 12, AUGUST 19, 2008

PROPOSED ACTION: Approve the minutes.

- B. APPROVAL OF A RESOLUTION TO AMEND THE FISCAL YEAR 2008/2009 BUDGET FOR FUND 101 (FEDERAL COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM)

PROPOSED ACTION: Adopt the resolution amending the Fiscal Year 2008/2009 budget for Fund 101 (Federal Community Development Block Grant Program).

- C. APPROVAL OF A RESOLUTION ADOPTING THE TENTATIVE TWO-YEAR SCHEDULE OF COUNCIL MEETINGS PURSUANT TO VALLEJO CITY CHARTER SECTION 308

PROPOSED ACTION: Adopt the resolution approving the tentative two-year schedule of Council meetings.

- D. FINAL READING AND ADOPTION OF AN ORDINANCE REZONING PROPERTY LOCATED AT THE SOUTHWEST CORNER OF SOLANO AVENUE AND NINTH STREET

PROPOSED ACTION: Adopt the ordinance rezoning property located at the Southwest corner of Solano Avenue and Ninth Street.

- E. FINAL READING AND ADOPTION OF AN ORDINANCE AMENDING THE DOWNTOWN VALLEJO SPECIFIC PLAN TO MODIFY THE LAND USE REGULATIONS WITHIN THE GEORGIA STREET CORRIDOR, MODIFYING THE LAND USE ENTITLEMENT PROCESS FOR CERTAIN SPECIFIED USES, AND REPEALING THE TEMPORARY LAND USE REGULATIONS ADOPTED IN ORDINANCE NO. 1591

PROPOSED ACTION: Adopt the ordinance amending the Downtown Vallejo Specific Plan to modify the land use regulations within the Georgia Street Corridor, modifying the land use entitlement process for certain specified uses, and repealing the temporary land use regulations adopted in Ordinance No. 1591.

- F. FINAL READING AND ADOPTION OF AN ORDINANCE AMENDING THE VALLEJO MUNICIPAL CODE RELATING TO CONVERSION OF MOBILE HOME PARKS TO RESIDENT OWNERSHIP

PROPOSED ACTION: Adopt the ordinance amending the Vallejo Municipal Code relating to conversion of mobile home parks to resident ownership.

- G. APPROVAL OF A RESOLUTION AUTHORIZING STREET MAINTENANCE PROJECTS USING FISCAL YEAR 2008/2009 ALLOCATION OF PROPOSITION 1B FUNDS IN THE AMOUNT OF \$1,805,146

PROPOSED ACTION: Adopt the resolution authorizing the Public Works Department to perform street maintenance projects using fiscal year 2008/2009 allocation of Proposition 1B funds in the amount of \$1,805,146.

- H. APPROVAL OF A RESOLUTION AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO ENTER INTO A 2008/2009 INTERCITY TRANSIT FUNDING AGREEMENT WITH THE SOLANO TRANSIT AUTHORITY, SOLANO COUNTY, AND THE CITIES OF BENICIA, DIXON, FAIRFIELD, RIO VISTA, SUISUN CITY AND VACAVILLE

PROPOSED ACTION: Adopt the resolution authorizing the City Manager or his designee to execute the 2008/2009 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.

- I. APPROVAL OF A RESOLUTION AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE AMENDMENT NO. 1 TO THE SAN FRANCISCO BAY AREA TRANSIT OPERATORS MUTUAL AID AGREEMENT

PROPOSED ACTION: Adopt the resolution authorizing the City Manager or his designee to execute amendment No. 1 to the San Francisco Bay Area Transit Operators Mutual Aid Agreement.

- J. APPROVAL OF A RESOLUTION ACCEPTING PHASE II SUBDIVISION IMPROVEMENTS FOR REFLECTIONS AT HIDDENBROOKE AS COMPLETE FROM WESTERN PACIFIC HOUSING, INC., A DELAWARE CORPORATION

PROPOSED ACTION: Adopt the resolution accepting the Phase II subdivision improvements for Reflections at Hiddenbrooke as complete.

- K. APPROVAL OF A RESOLUTION APPROVING A GRANT AGREEMENT WITH THE CALIFORNIA OFFICE OF TRAFFIC SAFETY FOR CLICK IT OR TICKET SEAT BELT ENFORCEMENT

PROPOSED ACTION: Adopt the resolution approving a grant agreement with the California Office of Traffic Safety for Click It or Ticket seat belt enforcement.

- L. APPROVAL OF A RESOLUTION DIRECTING THE DISMISSAL OF THE LEGAL ACTION ENTITLED "CITY OF VALLEJO V. STATE OF CALIFORNIA ET. AL ", SOLANO COUNTY SUPERIOR COURT NO. FCS031170

PROPOSED ACTION: Approve the resolution directing the dismissal of the lawsuit brought by the City of Vallejo against the State of California regarding the City's ferry assets.

## 12. PUBLIC HEARINGS

- A. CONSIDERATION OF A RESOLUTION AMENDING THE NORTHGATE SPECIFIC PLAN AND HOLDING ON FIRST READING AN ORDINANCE AMENDING THE NORTHGATE SPECIFIC PLAN TO ADD AN ADDITIONAL LAND USE "MULTI-FAMILY RESIDENTIAL" TO THE PERMITTED USES IN THE MIXED USE LAND USE AREA

PROPOSED ACTION: Adopt a resolution to continue the public hearing to the December 16, 2008 meeting.

## 13. ADMINISTRATIVE ITEMS

- A. CENTRAL CORE RESTORATION COMMITTEE ANNUAL REPORT

PROPOSED ACTION: Informational item only. No action will be taken.

## 14. APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES - NONE

## 15. 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.*

## 16. CITY MANAGER'S REPORT

## 17. CITY ATTORNEY'S REPORT

**18. COMMUNITY FORUM**

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**19. REPORT OF THE PRESIDING OFFICER AND MEMBERS OF THE CITY COUNCIL**

**20. CLOSED SESSION - NONE**

**21. ADJOURNMENT**



# **CITY OF VALLEJO**

OFFICE OF THE CITY CLERK

## **Memo**

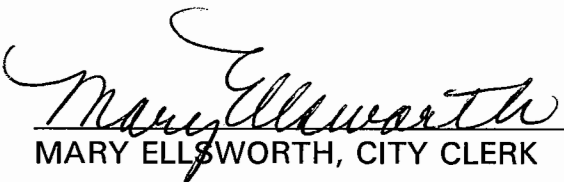
DATE: November 25, 2008

TO: Mayor and Members of the City Council

FROM: Mary Ellsworth, City Clerk

SUBJECT: CERTIFICATION OF MINUTES LISTED ON THE COUNCIL MEETING  
AGENDA AND INCLUDED IN THE PACKET FOR DECEMBER 2, 2008

I hereby certify that the City Council minutes listed for approval on the agenda and included in the packet for December 2, 2008 are an accurate account of the actions taken at the City Council meeting based on the cassette recording of the meeting of JUNE 20, 2006.

  
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MARY ELLSWORTH, CITY CLERK

**VALLEJO CITY COUNCIL**  
**MINUTES**  
**SPECIAL MEETING - CITY COUNCIL CHAMBERS**  
**JUNE 20, 2006**

The Council met in closed session to consider: 1) Public Employee Appointment/Interviews Title: City Manager, pursuant to Government Code Section 54957 (b) 1; 2) Conference with labor negotiator(s) pursuant to Government Code, Section 54957.6: John Thompson, Interim City Manager; Dennis Morris, Human Resources Director, Fred Soley, City Attorney, Employee organization(s): International Association of Fire Fighters (IAFF) and Vallejo Police Officers Association (VPOA), International Brotherhood of Electrical Workers (IBEW) and Confidential, Administrative, and Managerial Professionals (CAMP). The meeting was called to order at 5:00 p.m. by Mayor Anthony J. Intintoli, Jr. Councilmember Bartee was absent/excused. All other Councilmembers were present. The closed session recessed at 5:55 p.m. and continued the closed session to the end of the regular City Council meeting.

A special meeting of the Vallejo City Council was held on the above date in the Council Chambers of Vallejo City Hall. The meeting was called to order at 6:00 p.m. by Mayor Anthony J. Intintoli, Jr.

1. CALL TO ORDER

A. ROLL CALL

Present: Mayor Intintoli, Vice Mayor Pearsall, Councilmembers Cloutier, Davis, Gomes, and Sunga

Absent: Councilmember Bartee, excused

Staff: Interim City Manager John P. Thompson  
City Attorney Fred Soley  
City Clerk Allison Villarante

2. PUBLIC COMMENT REGARDING CONSENT CALENDAR ITEMS – None

3. CONSENT CALENDAR

At the request of Vice Mayor Pearsall, Item 3A, Consideration of a resolution of intention to amend the Fiscal Year 2005-2006 Budget was removed to be heard as Item 3.1 on the regular agenda.

3.1 CONSIDERATION OF A RESOLUTION OF INTENTION TO AMEND THE FISCAL YEAR 2005-2006 BUDGET

4. PUBLIC HEARING

A. CONSIDERATION OF A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE THE SETTLEMENT AGREEMENT BETWEEN THE CITY OF VALLEJO, BELVEDERE HOMES, LLC AND MANDARICH DEVELOPMENTS DEVELOPMENT PD05-0023, MINOR EXCEPTION ME06-0005 AND VESTING TENTATIVE MAP TM05-0016.



APPEAL OF PLANNING COMMISSION DECISION TO RECOMMEND THAT THE CITY COUNCIL NOT APPROVE SPECIFIC PLAN AMENDMENT # 06-0002 TO THE NORTHGATE SPECIFIC PLAN AND APPEAL OF PLANNING COMMISSION APPROVAL OF PLANNED DEVELOPMENT # 05-0023, MINOR EXCEPTION # 06-0005 AND VESTING TENTATIVE MAP # 05-0016 FOR A 336 UNIT SENIOR CONDOMINIUM HOUSING PROJECT.  
(CONTINUED FROM JUNE 13, 2006 COUNCIL MEETING)

On May 2, 2006, the City Council considered an appeal of the Planning Commission's decision to recommend that the City Council not approve Specific Plan Amendment SPA 06-0002 to the Northgate Specific Plan, and an appeal of the Planning Commission approval of Planned Development PD 05-0023, Minor Exception ME 06-0005, and Vesting Tentative Map TM 05-0016 for a 336 unit age restricted senior condominium project called Belvedere. The Council continued the hearing to June 6, 2006 and then further continued the hearing to June 13, 2006 after the City and the Developer reached a tentative settlement resolving their dispute regarding the payment of fees for the project. A Settlement Agreement will be presented to City Council for approval.

The Council will also concurrently hear two appeals. The first appeal concerns the Planning Commission's decision not to recommend approval of a Specific Plan to add a definition for Independent Living and amend the permitted use chart of the Northgate Specific Plan, Section 3 "Mixed Use Land Use Area" and to delete references to the assessment of fees for the Vallejo City Unified School District and Vallejo Sanitation and Flood Control District. The second appeal concerns the Planning Commission's decision to approve a 336 Unit age restricted senior condominium project called Belvedere without the condition that Specific Plan Amendment #06-0002 be approved. The Planning Manager has appealed these decisions as he believes that the Planning Commission's approval of the Belvedere project is invalid, as the project is not consistent with the current Northgate Specific Plan.

City Manager John Thompson addressed the proposed settlement which involves a dispute over the Belvedere Project as it relates to land use and the way of calculating development fees, and whether it was a qualified commercial project or a residential project. He stated that this has been resolved by calculating the difference between the fees that would be generated under both reports and bringing it back to a prepayment instead of waiting until building permits are issued for the whole project. He stated that Mr. Mandarich will be paying upfront, and the City will provide a discount based on his cost of funds. Staff believes this is a good settlement that resolves all the issues and recommends approval of the settlement agreement.

Mr. Thompson thanked Mr. Mandarich and his staff and City staff, particularly Assistant City Attorney John Nagel, for their patience, hard work and dedication as we worked through the complicated issues.

Councilmember Gomes asked what the cost of the agreement is to the City. Mr. Thompson stated that it could be argued that there is no cost because instead of waiting to receive the differential in fees that was under dispute, over time as building permits are issued Mr. Mandarich will be paying that same amount up front so the issue is, in order to answer that question staff would have to know exactly over what period of time the permits will be issued. We are essentially giving a discounted present value to the same dollar amount that was in dispute.

Gary Mandarich, President, Mandarich Developments, representing Belvedere Homes, owner of the property and Mandarich Developments, stated that he agrees with Mr. Thompson's statements. They believe the agreement is fair and in the best interest of both parties.

Robert McConnell (spoke briefly from the audience. His comments were not audible).

Councilmember Cloutier stated that it is his understanding from previous discussion that the developer is obtaining an approximate \$300,000 discount. Mr. Thompson replied in the absence of knowing exactly when the developer would be obtaining all of the permits for the project it is hard to say whether there is a net benefit to him or to the City.

Councilmember Cloutier asked if in addition to the settlement is Council also voting on a resolution sustaining the appeal and reversing the Planning Commission decision not to approve Specific Plan Amendment 06-002 and holding on first reading an ordinance adopting Specific Plan Amendment #06-002 and a resolution sustaining the appeal and modifying the Planning Commission's decision to approve Planned Development No 05-0023, minor exception ME 06-0005 and vesting tentative Map TM 05-0016 for a 336 unit age restricted condominium housing project called Belvedere. Mr. Thompson replied that staff is proposing taking action on the settlement agreement, and if that's approved, going into the next group of actions that Councilmember Cloutier described.

Councilmember Cloutier stated that he believes they are all inter-related, are complicated issues and he believes Council should have the staff report before voting on the settlement.

Assistant City Attorney John Nagel stated that Brian Dolan, Planning Manager, is not here, and addressed the need for Council to continue to hear the appeals that center on the adoption of the Specific Plan Amendment. It has been staff's position, and the subject of this dispute, of whether Specific Plan Amendment is needed so that this project could go forward. In staff's opinion the project is not a commercial operation; it was a residential operation and should be paying residential fees. Obviously Mr. Mandarich disputed that. The settlement agreement envisions basically two prongs: how the fees would be discounted and paid, and to dispose of the appeals so that we can modify the Planning Commission's decision so the project will be approved conditional to the Specific Plan being adopted (there is a 30-day period between the adoption of the ordinance and the ordinance taking effect). This would allow the Specific Plan to be amended so that clearly a residential project could go on that site. It doesn't change any of the other conditions in terms of the actual project itself—those would all remain consistent. It is that the findings are saying that the project as proposed is not consistent with the Specific Plan and is being conditionally approved on the adoption of the Specific Pan.

Councilmember Cloutier asked if staff is asking Council to do that after voting on the settlement. Mr. Nagel replied "exactly." If the settlement agreement is not approved by the City Council then we would go to a more standard appeals procedure in which there would be a presentation as to the staff's position and Mr. Mandarich and his attorneys would be putting forth the legal arguments as to why this Specific Plan Amendment is not necessary. With the adoption of the settlement agreement that all goes away because the parties are in agreement.

Mr. Nagel further stated that another thing that is at issue is the Vesting Tentative map. There was a dispute between whether or not it was an application for a tentative map or a vesting tentative map and as part of this settlement the Council would agree that the application would be treated as a vesting tentative map rather than a tentative map.

Councilmember Cloutier stated that essentially under the Northgate Specific Plan, it is his understanding that there had to be some kind of finding that the use in this particular case (55 and over age restricted senior development) would fit into the definition of the specific plan, and staff determined that what Mr. Mandarich was proposing did not fit into the definition of the Specific Plan because the specific plan envisioned clearly that the development would be limited to seniors who need some kind of assisted living. He asked if this was a fair statement.

Mr. Nagel replied "yes."

Councilmember Cloutier stated that the application of commercial fees to this particular project is clearly inappropriate and he could not conceive on an argument by the developer whereby commercial fees would apply to this type of development. He believes it is clear that, and he believes staff was correct in its original assessment, residential fees should apply. He stated that it is a clear issue that the developer gets a \$300,000 discount and he believes the issue should go to the Council and let it be decided.

Councilmember Gomes stated that Councilmember Cloutier stated exactly what she was thinking.

RESOLUTION NO. 06-191 N.C. offered by Mayor Intintoli authorizing the City Manager to execute the Settlement Agreement between the City of Vallejo, Belvedere Homes, LLC and Mandarich Developments regarding Specific Plan Amendment SPA06-0002, Planned Development PD05-0023, Minor Exception ME06-0005 and Vesting Tentative Map TM05-0016.

The resolution was adopted by the following vote:

AYES:	Mayor Intintoli, Vice Mayor Pearsall, Councilmembers, Davis, and Sunga
NOES:	Councilmembers Gomes and Cloutier
ABSENT:	Councilmember Bartee
ABSTENTIONS:	None

APPEAL OF PLANNING COMMISSION DECISION TO RECOMMEND THAT THE CITY NOT APPROVE SPECIFIC PLAN AMENDMENT # 06-0002 TO THE NORTHGATE SPECIFIC PLAN AND APPEAL OF PLANNING COMMISSION APPROVAL OF PLANNED DEVELOPMENT # 05-0023, MINOR EXCEPTION # 06-0005 AND VESTING TENTATIVE MAP # 05-0016 FOR A 336 UNIT SENIOR CONDOMINIUM HOUSING PROJECT. (CONTINUED FROM JUNE 13, 2006 COUNCIL MEETING)

Brian Dolan, Planning Manager, described the project location. He stated that staff has maintained that it was unclear in the Northgate Specific Plan as to whether an active senior's project fit into the definition. Staff recommended approval of the unit plan, the

minor exception and the tentative map application to the Planning Commission with the caveat that the specific plan be amended to clearly identify this particular type use as one of the allowed uses, and also that the approvals of the associated development applications, the unit plan, tentative map, and the minor exception that were required were dependent upon that specific plan amendment. Because the proposed specific plan amendment had fee implications it was opposed by the applicant.

Mr. Dolan stated that at the Planning Commission hearing all the public comments were in support of the project. He believes most of the public was oblivious to the fine points of the dispute about the technicality of the allowed uses in the definitions in the specific plans and the fees, but in general it was a popular project.

Mr. Dolan stated that the Planning Commission listened to the testimony of staff, the public, and the applicant and approved the tentative map, unit plan and the minor exception but decided that the specific plan was not necessary; nor were the conditions on the other approvals that required the specific plan to occur necessary. After consulting with the City Manager and staff, Planning staff took the unusual step of appealing those Planning Commission decisions. As was just acted upon, staff's disagreement with the developer have been resolved per the settlement agreement and Developer Mandarich, no longer opposes the specific plan amendment or the conditions that were placed on the unit plan and the tentative map. Mr. Dolan urged the Council to adopt the resolutions in the packet related to the staff appeal on the specific plan, tentative map and minor exception. Mr. Dolan conceded the rest of his time to allow the applicant Gary Mandarich to present the Belvedere Project to the Council.

Mayor Intintoli opened the public hearing.

Gary Mandarich, Belvedere Homes and Mandarich Development, stated that this project has been in the works for several years. Initially when they did the specific plan they presented a type of active adult project to incorporate into the mixed use area which is the 14 acres across from Hyde Park. They did considerable research to be sure that the project was economically sound and was compatible with the neighborhood, that the design, uses, the connections to the parks, to the college, all the neighborhoods was planned appropriately. In planning the project they worked with the College in order to provide a trail system connecting this property back to the College; and also to a new park that is being funded both by Hyde Park fees and Belvedere fees and will be used by both the proposed community as well as the adjoining neighbors. Mr. Mandarich described how the plans were developed and the process it followed. He stated that they wanted to be sure things were done right architecturally. The feedback from the community has been positive. Mr. Mandarich presented a DVD showing aspects of the project.

The Pastor from the North Bay Foursquare Church spoke in support of the project. He stated that he met with Mr. Mandarich and also reviewed the plans. He believes the project is beautiful and will add a lot to the City.

Mayor Intintoli closed the public hearing.

Councilmember Cloutier stated that there was a very lengthy process involved with this project. He understands what this project actually does, and he is trying to summarize the issue as he sees it is: The Northgate Specific Plan allows independent assisted

living in continuing care retirement communities. He agrees with staff that the three subcategories of uses in the specific plan clearly envision a range of levels of supportive services for residents. In contrast, Mandarich Development is proposing an upscale age-restricted of 55 and over project with no supportive services. Given enough supportive services being offered, what the applicant has proposed is not consistent with the Northgate Specific Plan. It cannot be disputed that an amendment to the Specific Plan would be needed to allow this type of development to go forward and the Planning Commission was wrong in not requiring such an amendment. The spirit of the Specific Plan without amendment is to provide quality living space for seniors who need assistance in their daily needs. The amendment requested would reverse the spirit of the amendment by catering to upper income people who are 55 and older and who can scarcely be considered seniors at 55. While he agrees that the project is good for the area, and we need high quality development, it defeats the purpose of the Specific Plan to cater to senior people who need assistance in daily living. For that reason he does not believe that an amendment to the Specific Plan should be considered unless the developer is required to include a segment of the housing for lower income seniors or those who need assistance in living.

Councilmember Cloutier stated that he is not opposed to the project except that it seems illogical that we would allow this project to go forward with an amendment when the Specific Plan or the public policy behind it is to hopefully support lower income seniors who need assistance in living. He asked if we can require that there is a certain portion of the housing that would be set aside for assisted living or some component of affordability for seniors who otherwise couldn't buy into an upscale senior project.

Mr. Dolan stated that his immediate reaction to the question is that it is very difficult to do so without having a program in place. To isolate one particular project and have those types of requirements without the specifics of a program worked out is very difficult. There is probably a way that this could be done but there are a lot of fairness issues. Mr. Dolan referred to the prelude to Councilmember Cloutier's questions and provided information on the policy in the Northgate Specific Plan and the rationale for the requirement.

Mr. Dolan stated that there were many reasons that the range of services was originally required. Some of them were to provide a type of facility for people who needed additional services. There is no other market rate senior project. There are a few that constitute several hundred units that are 100 percent affordable. They are not ownership units, they are rental units but they are senior apartments for lower income people.

Mr. Dolan stated that what he in terms of the background on the policy decision and the plan, one of the reasons why a service oriented residential project was included as an allowed use is when the City was contemplating the change from an office park designation in this particular area to allow residential (which the market was supporting and it was not supporting office) was jobs. At that time there was an argument made, and in his view, a relatively weak argument, that a residential project that provided some services maintained an employment base. Over the course of two years, that argument does not stand up. That is why staff is able to support the request to add some breadth to the allowed type of residential use on this site.

Councilmember Cloutier asked why the Specific Plan did not originally envision a project of this nature without assisted living where people 55 and older would live without assisted living as now required by the Specific Plan?

Mr. Dolan stated that he did not believe that specific issue was explored in a great amount of detail either in the staff and applicant deliberations on the plan or in the public dialog. There were a number of other issues that created the bulk of the controversy or the sensitive issues when the plan was adopted and this was not at the forefront. What was coming forward at that time in conjunction with the adoption of that amendment was Hyde Park and all the attention was focused on that.

Councilmember Gomes stated that she read what Mr. Dolan said in the Planning Commission minutes and there have been several times that he and staff have stated, before the settlement agreement with Mr. Mandarich was reached, "staff believes that the Belvedere project does not contain any assisted or supportive services for the seniors who reside in the project and is not consistent with the permitted uses in the plan," which is the issue here. She stated that also listed are senior type uses that were envisioned for the mixed use land use area. They have some level of care or supportive services that go beyond what is provided in this proposed Belvedere project. Staff describes this project as "a stand-alone luxury condominium project with no supportive services." Further, in the Planning Commission minutes from April 3, 2006, Mr. Dolan states that the project is essentially a senior condominium project market rate high end for sale. Essentially this project is equivalent of the Tiara project. And it goes on to state: "Our review of the intent of the Specific Plan will determine that it was not the intent of the plan to allow such uses, the so called Tiara for seniors, but rather to allow a senior-type facility that would be more commercial in nature such as a congregate care facility where other services are provided." Councilmember Gomes stated that she believes this is the issue. Now you are changing what you are saying, but the main issue is the Specific Plan obviously envisioned some sort of facility that provided a level of care, and suddenly that level of care has been dropped and it is now a luxury gated community in Vallejo. She believes the staff report has focused on the commercial versus residential fees and that is a small part of it. She stated that there are a lot of high-end residential units being built in Vallejo right now. They may not be single level for seniors, some of them are, but we need high quality jobs for our residents who live here. We need affordable housing so our current residents can live here. We don't need more gated communities, million dollar homes. Studies have proven that residential land costs the public more money than it pays in taxes. Revenue from residential land falls about 25 percent short of covering the costs of the public services they receive. The City seems to be focusing on building homes but we haven't been focusing on creating the jobs and the infrastructure and being able to pay for that infrastructure that these people are going to need to live. There is a serious need for senior housing in Vallejo and she agrees with Councilmember Cloutier in that if this project had some type of affordability component she would be more willing to approve it. The issue of what we are trying to do or what is being proposed to us is to change the Specific Plan to fit a project instead of changing the project to fit the Plan. We don't create the vision we let developers create the vision for us.

Councilmember Gomes referred to the Planning Commission minutes from the meeting when the auto mall car dealers were speaking in support of Mr. Mandarich about getting a deal on his fees for the project. She quoted, "There was pressure from the City--let us help the auto dealers." That pressure came because the dealers were pushing City



Hall. She listened to many meetings with the dealers saying to the City, "You've got to help us with the fees and getting the price we want." I assumed that the offset for helping the dealers was to allow broader development on the rest of the project. That broader development was this residential proposal. The dealer got their property and Mr. Mandarich got the City, the City was supposed to help him try to make a competitive deal with the auto dealers. She stated that this raises a question for her about wink and nod deals and back room handshakes that have gone on in Vallejo for a long time. She does not blame the auto dealers at all, it's business as usual. There were some type of agreements made on this somewhere in the past and she doesn't like it.

Councilmember Gomes asked if Solano Community College got any type of break in their fees from Mr. Mandarich. Mr. Dolan stated that he was not familiar with that or any deals with the auto dealers.

Councilmember Gomes stated that this has been talked about so it is obviously not something that was agreed on on paper. She doesn't believe that the College got cheaper land for the college as the auto dealers got and she has problems with that also.

Councilmember Gomes referred to statements made by a Planning Commissioner at a Planning Commission meeting that they would be inclined to give leeway to the Developer only because he has done some many things and has brought so much revenue to the City's bottom line by his developments.

Councilmember Gomes stated that she brought this up tonight because she believes as a City and as a Council this needs to be discussed in the future with the Planning Commission: what the rules and regulations are and a guide as to how the Planning Commission makes its decisions, based on the law and not based on feelings.

Referring to the notes from the Planning Commission, she noted a question by one of the Planning Commissioners concerning why we are requiring trees to be planted when we can't take care of the trees as it is. She stated that one of the facts of this is there is a landscape maintenance district in this area that will be required to take care of the trees so it won't cost the City any additional funds. Planning Commissioner Peterman responded to the question stating "There are multiple studies that show the more trees you have in a city the better living conditions you have." She wanted to make that not and correction on trees for any future developments that we consider, and do not consider cutting out trees.

Councilmember Gomes stated that this is called senior housing but it is a misnomer because when people think of senior housing they think of housing that is helping seniors and this housing is just creating market rate housing. It does not provide a service, there is no affordability component and that's what Vallejo needs. She stated that her conclusions are that the Specific Plan calls for senior housing with some type of care and that's what the City of Vallejo deserves and that's what we should get.

City Manager John Thompson stated that staff heard a lot of that kind of background discussion from various people about overall development history and things that were done. The City was not a party to those and staff put "zero stock" in them in terms of the analysis of the situation. Staff looked at what was in the Specific Plan, the wording of it and felt that the Belvedere Project was not a commercial enterprise independent

assisted living. Mr. Mandarich and his team have a different point of view about that. In the City's analysis it did not qualify as a commercial project and that is why we appealed the Planning Commission action so it could be elevated to the Council for this decision. Further, the City felt that the project is well designed, it will be an amenity in the community and while it didn't meet the commercial definition and the City didn't feel qualified therefore to receive a break in fees; we believe it is a good project that will add value to the community. It's needed in the market place and in order to make that happen a Specific Plan amendment is needed. Staff agrees that it does not comply with the wording of the Specific Plan as it now is and that is why staff is recommending the amendment to the plan because they believe it is a worthwhile project that should go forward.

RESOLUTION NO. 06-192 N.C. offered by Mayor Intintoli sustaining the appeal and reversing the Planning Commission decision not to approve Specific Plan Amendment #06-0002 and hold on first reading an ordinance adopting Specific Plan Amendment #06-0002

The resolution was adopted by the following vote:

AYES: Mayor Intintoli, Vice Mayor Pearsall, Councilmembers, Davis, and Sunga  
NOES: Councilmembers Gomes and Cloutier  
ABSENT: Councilmember Bartee  
ABSTENTIONS: None

RESOLUION NO. 06-193 N.C. offered by Councilmember Davis sustaining the appeal and modifying the Planning Commission's decision to approve Planned Development #05-0023, Minor Exception #06-0005, and Vesting Tentative Map #05-0016 for a 336 unit age restricted senior condominium project called Belvedere.

The resolution was adopted by the following vote:

AYES: Mayor Intintoli, Vice Mayor Pearsall, Councilmembers Davis, and Sunga  
NOES: Councilmembers Gomes and Cloutier  
ABSENT: Councilmember Bartee  
ABSTENTIONS: None

5. ADMINISTRATIVE ITEMS

A. ENHANCING LONG-RANGE PLANNING AND ECONOMIC DEVELOPMENT

Mr. Thompson stated that Council requested him to review the streamlining of the Building Permitting Process and improve customer service throughout the City, specifically in the permitting area because there have been a number of complaints in that area, Council also expressed an interest in improving the ability to do economic development and long-range planning. As requested, he presented a conceptual recommendation which is to combine the Development Services and Community Development Departments into one new Community Development Department to be headed by an Assistant City Manager-Community Development. While a new structure to Vallejo, it is used by a number of cities the size of Vallejo. He believes the main value



of this is it places the permitting and planning process aligned with the Council's objectives in the area of Housing, Redevelopment and Economic Development. There have been problems in the past in which two different Departments at equal status are not always on the "same page" as far as the support of a project. This will help eliminate conflicts and enhance the City's ability to get some things done. The Council will ultimately decide what those things are and which direction they want the long-range planning to go.

Mr. Thompson stated that he believes there is a structural problem and this new structure will help that. If the Council approves the idea conceptually he would propose to appoint Craig Whittom to the Assistant City Manager-Community Development position on an interim basis and then prepare action plans by which he would be evaluated by the next City Manager as well as the Interim Public Works Director, Gary Leach and Interim Development Services Director Brian Dolan. Each of them has very detailed action plans. Those staff members as well as other members of the organization and him will continue to work on the details of this plan. Included would be hiring a Planning Manager so there can be more senior level planning expertise. They would back fill Mr. Whittom's position at a slightly lesser level as an Economic Development Manager. They would propose to fill a vacant Community Development Analyst position at an Administrative Analyst level because there is a lot of administrative paper work that is being done by Planners, Building Inspectors, and staff who are well trained to do other things. They would like to bring in an analyst to fill that vacant position and help track the process being made on Building Permits as well the considerable amount of money that gets processed on the development fees as well as other duties.

Mr. Thompson further stated staff's recommendation is to take the money that is now being spent on the Chamber contract and use the funds to fund this position, leaving some money for the Chamber to continue marketing. This can be done better by a staff person within the organization. The Chamber agrees with this position.

If the Council approves this, the permitting process would need to be worked on. There is a lot of software for tracking building permits and development fee revenues and we would like to explore that. The Council has talked about having a one-stop counter for building plan checks for routine things such as patio covers, minor tenant improvements in commercial building, etc. There are also office needs. The estimated cost for this is \$200,000. He noted that we are attempting to move toward the development permitting process being self-sustained through fee revenues that are being charged. Currently there is more fee revenue being projected to fund this operation than we are spending. This would be a drain on a little bit of revenue that is now going into the general fund, on the other hand, it is money being paid by customers essentially for a service and we believe we should be providing a little higher level of service. Ultimately, the City's general fund will gain to the extent we can get projects on board more quickly. Mr. Thompson stated that if the Council is supportive of this, staff will continue to implement it and bring back further details in the final budget where the departments would actually combine. The rest will take place as positions are filled. He stated that discussion will need to continue with the affected employee bargaining groups.

Speaker: Robert McConnell spoke in strong support of the proposal. He asked how the person would be compensated and suggested offering a compensation package similar

to a commissioned salesperson, a salary plus a percentage of the increased fees to the City as a result of businesses brought in.

Councilmember Sunga stated that he is supportive of the long-range plan and thanked the City Manager for responding. He agrees with consolidating the department and streamlining the permitting process and agrees with Mr. McConnell's suggestion. He questioned the Assistant City Manager position stating that he believes it is misleading to have an Assistant City Manager in one department and not the other departments. He thinks it is a department head position. To call him an assistant city manager will create confusion with the kind of responsibility he has to the other departments such as operations and administration. Unless we are asking to have an assistant city manager for operations or administration he does not think it should be done in the Community Development Department. He suggested calling the position "director".

Mr. Thompson replied that it is unusual for a department to be an assistant city manager but it is done in other communities. He believes that having that title would convey a sense of authority to a perspective applicant. He went on to say that the City needs to be doing a lot more than dealing with conflicts and the City Manager is expected to be out in the community. Therefore, everything can't be coming to the City Manager for resolution. Although this is unusual, because it is a department head position, he believes putting the title on it connotes a certain level of responsibility and authority that will help that person to be successful and ultimately the Council to be successful.

Councilmember Sunga asked if the position would have control over the other departments. Mr. Thompson replied that the position would have a functional authority over aspects of Public Works as it relates to the development in review. The Public Works Department will be responsible for establishing what their specifications should be so we have a good linkage with the Maintenance staff because they will be responsible for building the process. Once the standards have been set, he wants the Assistant City Manager to help resolve any problem on getting permit applications through the process that might be hung up because of how people are assigned to work in Public Works. There would be some authority from the Assistant City Manager – Community Development over certain parts of public works; i.e., development engineering. The Public Works Director still appoints people, directs and sets the standards.

Councilmember Sunga asked if this would include an increase in salary. Mr. Thompson replied that the concept is Mr. Whittom would get a small increase in salary and the position that he now holds would be made an Economic Development Manager which is a lesser level instead of Economic Development Director. The salary for the Assistant City Manager is less than the last Assistant City Manager but higher than the salaries for the Community Development Director or Development Services Director.

Councilmember Sunga asked if the labor contract would mean he gets paid higher than a Community Development Director. Mr. Thompson stated that these positions are "at will" employees so there are no negotiations that have to take place on this. He stated that staff has met with both CAMP and IBEW about this proposal and they seemed fine with it.

Councilmember Sunga stated that he supports this recommendation.

Councilmember Davis asked what we are paying now for the Chamber to do the work they do. Mr. Thompson replied the current contract with the Chamber is \$118,000. Councilmember Davis asked if that would be subtracted from the cost of the \$200,000. Mr. Thompson replied no. The \$200,000 is a net cost. He stated that staff must still work out the contract for the marketing with the Chamber. Councilmember Davis stated that he believes this is a good move in terms of showing the emphasis that we put on development proposals and processing of activities so it can be done with the least amount of confusion. If we can reduce the time it will make Vallejo more attractive. He supports the proposal.

Mr. Thompson stated that another important aspect of the project is going forward with the recruitment of the Planning Manager because of the long-range plans such as the General Plan. Although this position will not be able to do everything in-house hopefully we can get several consulting contracts with other people paying for the contracts that the City can manage.

Vice Mayor Pearsall stated that economic development is badly needed in this community and to streamline City services is crucial and he agrees totally with Mr. Thompson's recommendation and agrees that the marketing director should come through the City and strongly supports the appointment of Craig Whitton for the position.

Councilmember Gomes supports the recommendation. She asked if the positions of Development Services Director and Public Works Director would be determined after the new City Manager is hired. Mr. Thompson replied yes. They are working on this now which includes a detailed action plan of expectations that would be carried out over the next period and the next Manager will make a decision when he/she is appointed, see how they are doing against that and at that stage either decide yes there's been good performance and make the appointment more permanently or extend the time for evaluation, or decide that it isn't working and open the position to the outside. The decision should be made by the next City Manager.

Councilmember Gomes questioned what would happen if the next City Manager doesn't agree with this and reverses what has been done. Mr. Thompson stated that people involved are taking a chance because they are acknowledging that if we go forward and backfill these positions there is no place to go back to. They are aware of that and we are proceeding with the full expectation that everyone is going to be successful.

Councilmember Gomes asked for Mr. Thompson's opinion of Mr. McConnell's suggestion on the base salary plus a percentage of the increased fees for the City. Mr. Thompson stated that he likes the concept of merit-based pay. However, he has a concern about pulling one person out of the entire organization and setting it up that way. In the end, the City's success in economic development is because of a number of things. He does not believe one person is going to be responsible for success or failure of economic development. It is a full team effort. To the extent the person in the position is showing creativity and extra hard work and is being successful in the role, it should be recognized in merit pay adjustments. Merit pay concepts can be discussed at some time. Councilmember Gomes stated that she would like to discuss this at some time in the future because she thinks it is a good idea to consider.

Councilmember Cloutier stated "you're on the right track."

B. FISCAL YEAR 2006/2007 BUDGET STUDY SESSION

Mayor Intintoli noted for the record a letter received from Michael Brown, Executive Director of the Vallejo Convention and Visitor's Bureau, with a letter from Verna Mustico, Chairman of the Board of the Chamber of Commerce attached, supporting Mr. Brown's request for approving the Vallejo CVB budget with no changes for the fiscal year 2006-2007.

Rob Stout, Finance Director, and Susan Mayer, Assistant Finance Director, presented information on the budget using power point. Mr. Stout provided an explanation of revenue variance. He stated that staff distributed to Council tonight the proposed additional variance analysis that will go in the final revenue book. He also addressed Mare Island public safety costs and how the funds are distributed; he summarized capital projects, and the amounts projected for other organizations, and community based organizations.

Mr. Thompson referred to the Non-Departmental Budget on page B 31 which notes that there is a recommendation as part of the budget reduction strategies that \$100,000 be taken from the amounts that are on the board. He stated that the Council has no ability to take this out of the County's charge for the animal shelter. This item has already been agreed to by the Council so there is no discretion. Staff's recommendation is that Council find \$100,000 worth of relief at least on a conditional basis should it be necessary to go back and cut \$4 million out of the general fund budget. Staff is suggesting that \$100,000 be identified for the category of spending.

Councilmember Gomes referred to this list of revenue projections and stated that Transit Occupancy Tax has decreased by three percent in 2004-2005; decreased four percent in 2005-2006 and is projected at decreasing zero percent in 2006-2007. She asked what the reason is for the change. Mr. Stout replied that tourism plunged after September 11 (9-11). Although the hotels have seen a rise recently, the city has not seen that yet in the monthly cash receipts. Staff is considering having an audit on the hotels to be sure they are fulfilling their obligation to calculate the amount correctly.

Councilmember Gomes asked if we were considering that there might be a decrease in the tax revenue for this year also. Mr. Stout stated that in this case, zero is a fairly aggressive number given the past two years. If it went down two percent it would amount to \$20,000.

Councilmember Gomes referred to the contributions to the different agencies and asked if the Human Society contract for \$330,000 is Animal Control which is not something that can be eliminated. Mr. Thompson replied yes, it is essentially a governmental function.

Councilmember Gomes referred to the VCVB budget in the amount of \$267,500 and stated that she believes this is high compared with what the City is giving to other agencies, and what she believes the City is getting in return. She would consider a reduction in this budget item. She asked for comments from other Councilmembers.

Councilmember Cloutier stated he believes the money the City gives the agencies has a direct public benefit expect for the money that is given to the Vallejo Convention & Visitors Bureau. Although he does not mean to diminish the work that the VCVB has done over the years, he is not convinced that since he's been on the Council, the dollars

that are spent on that activity have any significant impact on the end result in terms of the number of visitors that come to Vallejo. He would take the \$100,000 out of VCVB.

Councilmember Gomes stated that in reviewing what the City is contributing to other agencies, i.e., community arts, Meals on Wheels (\$17,000), Vallejo Naval & Historic Museum (\$22,000), it is very low and this contributes to the quality of life in Vallejo. She agrees with Councilmember Cloutier, she has not seen anything presented to her by VCVB to date that shows that the \$267,000 investment is getting the City very much in return. She believes if cuts need to be made, this would be the area to cut.

Councilmember Davis suggested taking 20 percent from all of the organizations. We all have the ones they support but we are in a tough budget mode where we need to make reductions. Maybe at mid- year if things get better we can restore some of the cuts and not impose them all at the same time.

Mayor Intintoli stated that he agreed with Councilmember Davis. Further, he referred to page 30 of the budget which has a list of sources that we use to anticipate where we're getting the money in this category and they are very variable. It looks to him like there are a number of items where the estimates could be substantially different as we go through the year. Rather than throw panic into the other organizations that may have to absorb the 20 percent reductions, it would be wiser to note now that the necessity may not be there. One hundred thousand dollars to spread over the remaining organizations is approximately \$100,000 to be spread over \$500,000. It is about 20 percent. He stated that for VCVB it would amount to about \$52,000. Whether it is needed can be reexamined as we go through the year. He stated that he hesitates to do anything as drastic as taking \$100,000 and solely from VCVB. He would prefer not to cripple the organization so much that they are unable to carry out their mandate. If we do that, we might as well cut it all out and end it.

Councilmember Sunga stated that he does not agree with cutting the \$100,000 from the VCVB. He believes they are working hard and what they do directly impacts the City's taxes. He does not believe that they haven't done as much as they could to benefit the City, especially the tourist industry. Reducing the funds by \$100,000 would paralyze their operation and he does not agree with that. He agrees with Councilmember Davis' formula. Spreading the cuts across the board is more logical.

Councilmember Gomes stated that she can understand not wanting to take the entire \$200,000 from the VCVB but it is a matter of fairness. There are a number of organizations that are way underfunded, while the VCVB is very well funded. The Council needs to seriously consider what we are putting into the VCVB and what we are getting out of it. If you consider what the VCVB is receiving versus what some of the other organizations are receiving who are needy and contributing to the community, there is a large discrepancy.

6. ADJOURNMENT

The meeting adjourned to closed session at 7:52 p.m.

The Council met in closed session to continue consideration of : 1) Public Employee Appointment/Interviews Title: City Manager, pursuant to Government Code Section 54957 (b) 1; 2) Conference with labor negotiator(s) pursuant to Government Code,

Section 54957.6: John Thompson, Interim City Manager; Dennis Morris, Human Resources Director, Fred Soley, City Attorney, Employee organization(s): International Association of Fire Fighters (IAFF) and Vallejo Police Officers Association (VPOA), International Brotherhood of Electrical Workers (IBEW) and Confidential, Administrative, and Managerial Professionals (CAMP). The meeting was called to order at 7:52 p.m. by Mayor Anthony J. Intintoli, Jr. Councilmember Bartee was absent/excused. All other Councilmembers were present. The closed session recessed at 8:30 p.m. No action was taken.

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ANTHONY J. INTINTOLI, JR., MAYOR

ATTEST: 

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ALLISON VILLARANTE, CITY CLERK

VALLEJO CITY COUNCIL  
MINUTES

JULY 22, 2008

1. CALL TO ORDER

A regular meeting of the Vallejo City Council was held on the above date in the Council Chambers of the Vallejo City Hall. The meeting was called to order at 7:01 p.m. by Mayor Davis.

2. PLEDGE OF ALLEGIANCE – was led by Mayor Davis.

3. ROLL CALL

Present: Mayor Davis, Vice Mayor Barteo, Councilmembers Hannigan, Schivley, Sunga and Wilson

Absent: Councilmember Gomes, excused

Staff: City Manager Joseph Tanner  
Assistant City Attorney John Nagel  
City Clerk Mary Ellsworth

4. PRESENTATIONS AND COMMENDATIONS

A. RECOGNITION OF BASEBALL TEAM PARTICIPATING IN THE AKASHI, JAPAN 40<sup>TH</sup> ANNIVERSARY CELEBRATION

Mayor Davis introduced Ken Zadwick, President, Sister City Association, and Dinah Villanueva, Chair of the Sister City Commission. Mr. Zadwick displayed a plaque that will be presented to the City of Akashi in commemoration of the 40<sup>th</sup> anniversary. Mr. Zadwick introduced the team members who represent the high schools in Vallejo who will be participating in the celebration: Tyler Ray Jarmin, Joel Moreno and Justin Quilatan (Hogan High), Mike Marcos, (North Hills Christian School), David Farias, Nicholas Bini, (North Hills Christian School) James Singzon (St. Vincent St. Patricks High), Dave Woodson, Anthony Crane, and Arron Brasher (Vallejo High School). Coaches Damian Nevins, and Anthony Nevins, Assistant Coach,

Ms. Villanueva presented a Certificate of Recognition from the Sister City Commission to Damian Nevins who is the head delegate and the Ambassador of Goodwill from the City of Vallejo to Akashi. She presented acknowledgements to the team.

Ms. Villanueva presented Mayor Davis with Anniversary certificates from Sister Cities International acknowledging the City of Vallejo's association with their Sister City Affiliates for the 40<sup>th</sup> Anniversary with Akashi, Hyogo, Japan; 15<sup>th</sup> Anniversary with Baguio, Benguet, Philippines; 15<sup>th</sup> Anniversary with Bagamoyo, Zanzibar Spice Coast, Tanzania; 7<sup>th</sup> Anniversary with Jincheon, Chungcheonbuk, Republic of Korea.

Mayor Davis thanked the members of the committee for putting this trip together and expressed his appreciation on behalf of the Council.

5. FIRST COMMUNITY FORUM

Christina Arrostituto, Executive Director, First 5 Solano, Children and Families Commission. She extended an invitation to the Council and public to attend the First 5 Commission meeting on August 5, 2008, 5:30 p.m. at the Florence Douglas Senior Center. She also invited the Council and public to a free event on Saturday, August 2, 11:30-4:30, Vallejo Celebrates Youth at Children's Wonderland, sponsored by GVRD, First 5 Solano and Kaiser Permanente.

Sam Kursham reminded the Council to keep an open mind and meet with anyone from companies who are trying to do business on the dry docks on Mare Island.

Robert Schussel addressed the need to eliminate educational incentives from the Fire Fighter Contract, and the need for Council to stop meeting in closed session for negotiations with the Firefighters.

Edison Sambaton, Kyle Choi Leukemia Foundation, asked for public support of a basketball tournament on August 23 & 24, 2008 at various locations in Vallejo, the proceeds going to the Foundation.

Manny Bonotan introduced members of the Vallejo Strikers Girl's Soccer Team who won first place in the Regional National Cup and have advanced to the finals in Virginia Beach, Virginia, July 26-29, 2008. He asked for financial support from the public to defray the costs of the trip to Virginia. Donations can be sent to 185 Matthew Court, Vallejo, 94591 or by calling (707) 980-2489.

Alisa Montano, a member of the Vallejo Strikers Girl's Soccer Team, stated that the team will be representing Vallejo in the National Cup Regional and asked for donations from the public for the trip.

Tom Liddicoet, Vallejo Police Officers Association, asked the City to reconsider the motion they made recently in the Bankruptcy case and allow the VPOA to represent retired police officers.

6. PUBLIC COMMENT REGARDING CONSENT CALENDAR ITEMS - None

7. CONSENT CALENDAR AND APPROVAL OF AGENDA

Mayor Davis stated that staff has requested the removal of Redevelopment Agency Item 3A, Presentation of public outreach summary and three Northern Waterfront Park Program alternative designs and consideration of resolution identifying preferred program alternative design, be removed from the agenda to be heard at a later date.

Mayor Davis requested that Administrative Item 10B be heard before 10A.

Councilmember Schivley requested that Consent Item 7F, concerning the appointment of Larry Petrie to the Solano County Mosquito Abatement District Board, be removed to the regular agenda.

In response to a question of Councilmember Schivley on Consent Item 7A (amending the fiscal year 2008-2009 Capital Improvement Budget by adding funds to the Admiral Callaghan Lane Improvement Project), David Kleinschmidt, City Engineer, provided a recap of the project and explained that the increased cost resulted from a storm drain



that was not in the original plan and caused significant delay of the project; and at the beginning of construction, the detour plan to allow the contractor to do the work caused significant backup onto I-80 and the project had to be restaged, delaying the project which resulted in the cost of \$330,000.

Councilmember Schivley asked Mr. Leach if reimbursement was being sought from CalTrans for the increased cost. Mr. Leach replied no. Councilmember Schivley asked that a provision be included in future agreements with Cal Trans for cost increases due to CalTrans delays. Mr. Leach replied that staff will try, but typically CalTrans does not change the permit requirements for their agreements.

In response to an inquiry by Councilmember Schivley, Rob Stout, Finance Director, explained the \$80 million dollars that the City invests which are funds other than the General Fund. These funds are either bond money, capital projects money or gas tax money all of which come with restrictions. The Treasurer's report addresses the pool of all those monies that the City invests. None of this money is available for purposes of the general fund. It is invested until it can be used for the purpose for which it was intended, such as replacing water mains.

Councilmember Schivley referred to Consent Item 7D, approval of a contract with Armenta Management Consultants for grant writing services, and stated that the City's contract with this firm has brought the City \$7 million with another \$1.5 million pending and has been a good investment for the City.

Councilmember Schivley referred to Consent Item 7E, opposing Assembly Bill 2175, and stated that if this bill is adopted, water rates will be increased. She urged citizens to ask their legislators to oppose the bill.

Mayor Davis referred to Consent Item 7E concerning Assembly Bill 2175 and stated that there are some matters in the proposed letter that he needs to get further information on and asked that the letter be written in such a way that he can feel comfortable signing it.

Mayor Davis requested that Consent Item 7A become Administrative Item 10D; and Item 7D become 10E.

Hearing no further additions, corrections or deletions, the agenda was approved as amended and the following resolutions and minutes were offered by Vice Mayor Barteo:

RESOLUTION NO. 08-122 N.C. AMENDING THE FISCAL YEAR 2008/2009 CAPITAL IMPROVEMENT BUDGET (CIP) BY ADDING \$333,000.00 TO THE ADMIRAL CALLAGHAN LANE IMPROVEMENT PROJECT APPROVED THE CITY COUNCIL MINUTES FOR REGULAR MEETING OF APRIL 8, 2008.

RESOLUTION NO. 08-123 N.C. APPROVING CONTRACT CHANGE ORDER NUMBER 1 AND ACCEPTING THE WORK PERFORMED BY VALLEY SLURRY SEAL COMPANY FOR THE 2008 CITYWIDE SLURRY SEAL PROJECT AS COMPLETE AND AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION

APPROVAL OF A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT FOR GRANT WRITING SERVICES WITH

ARMENTA MANAGEMENT CONSULTING FOR FISCAL YEARS 2008/2009  
AND 2009/2010 (This item was moved to 10-E)

RESOLUTION NO. 08-124 N.C. OPPOSING ASSEMBLY BILL 2175  
AND AUTHORIZING THE MAYOR TO SEND A LETTER OF OPPOSITION  
TO THE STATE LEGISLATURE

APPROVAL OF A RESOLUTION APPOINTING LARRY PETRIE AS A MEMBER OF  
THE SOLANO COUNTY MOSQUITO ABATEMENT DISTRICT BOARD FOR A FOUR  
YEAR TERM (This item was moved to 10D)

ACCEPTED THE CITY TREASURER'S INVESTMENT REPORT FOR THE  
QUARTER ENDED JUNE 30, 2008

The above resolutions and minutes were adopted by the following vote:

AYES: Mayor Davis, Vice Mayor Bartee, Councilmembers Hannigan,  
Schivley, Sunga and Wilson  
NOES: None  
ABSENT: Councilmember Gomes  
ABSTENTION: None

## 8. PUBLIC HEARINGS

A. CONSIDERATION OF THREE (3) RESOLUTIONS: 1) A RESOLUTION  
DECLARING THE RESULTS OF THE PROPERTY OWNER PROTEST  
BALLOT PROCEEDINGS FOR EIGHT (8) LANDSCAPE MAINTENANCE  
DISTRICTS: CARRIAGE OAKS, GARTHE RANCH, SANDPIPER POINT,  
SOUTH VALLEJO BUSINESS PARK, HUNTER RANCH 3, GLEN COVE 3,  
TOWN & COUNTRY 2-5, AND MARINE WORLD/FAIRGROUNDS; 2) A  
RESOLUTION APPROVING THE ANNUAL LEVY ENGINEER'S REPORT FOR  
TEN (10) LANDSCAPE MAINTENANCE DISTRICTS: CARRIAGE OAKS,  
GARTHE RANCH, GLEN COVE 3, HUNTER RANCH 3, MARINE  
WORLD/FAIRGROUNDS, MARIN VIEW, SANDPIPER POINT, SOUTH  
VALLEJO BUSINESS PARK, TOWN AND COUNTRY 2-5 AND THE  
NORTHEAST QUADRANT; AND 3) A RESOLUTION ORDERING THE  
LEVYING AND COLLECTION OF FISCAL YEAR 2008/2009 ASSESSMENTS  
FOR THE ABOVE REFERENCED TEN (10) LANDSCAPE MAINTENANCE  
DISTRICTS

Councilmember Sunga recused himself from participating in this matter due to a conflict  
of interest.

Gary Leach, Public Works Director, introduced John Cerini, Director of Maintenance and  
Jeannie Perasso-Kaczmarczyk, Acting Assistance Maintenance Superintendent,  
Landscaping and Grounds, and Jim McGuire, Muni Financial.

Mr. Cerini stated that this matter concerns the 1972 Act Landscape Maintenance  
Districts. He stated that some of the districts were formed in 1979 and did not include  
any type of inflationary consideration, and therefore there has been no increase since  
the time they were formed. It has been determined that eight of the remaining districts  
will not be able to continue the current level of maintenance with the current funding  
assessments. These districts are being brought for balloting which includes a cost of

living increase of three percent or the consumer price index whichever is greater. If the ballot measure is approved, staff will be able to make improvements such as irrigation repairs, tree removal, and continue maintenance at the current level, and will allow the reserves that are required. If they are not approved, services will have to be reduced significantly and the improvements will not be made which will create a major impact on the operation of the districts. Staff continues to review the allocation process.

Mayor Davis opened the public hearing. He called for property owners who have not voted or who have voted and would like to change their ballot to submit their ballots at this time. He stated that all ballots must be submitted prior to the conclusion of the public hearing. Only those ballots submitted prior to the conclusion of the public hearing will be included in the tabulation of the ballots to determine whether a majority protest exists. Mayor Davis called for anyone wishing to address the Council.

Bernita Kidd, 514 Newport Way, Sandpiper Point, spoke in opposition to the assessment and stated that she does not believe the park should be included in the assessment because it is open to all of Vallejo and not just the residents of Sandpiper Point.

Mr. Cerini stated that the park is not part of the landscape maintenance district and funds from the district are not used for the park.

Betty Hong-Rather, 1080 Severus Drive, asked for clarification for open space. Ms. Perasso-Kaczmarczyk described the location of the open space areas in the Sandpiper Point subdivision.

Mayor Davis closed the public hearing.

Mayor Davis directed the City Clerk or her designee to open and tabulate the ballots and return with the results as soon as possible. He stated that this item will be continued to later in the agenda and at that time, after the tabulation has been completed, the appropriate resolutions will be brought back for adoption.

**B. CONSIDERATION OF TWO RESOLUTIONS (1) APPROVING THE REVISED ANNUAL FINANCIAL REPORT AND ENGINEER'S REPORT AND (2) ORDERING THE LEVY AND COLLECTION OF FISCAL YEAR 2008/2009 ASSESSMENTS FOR THE HIDDENBROOKE MAINTENANCE DISTRICT**

Mayor Davis recused himself from participating in this matter. Vice Mayor Barteo assumed the role of Mayor in his absence.

Mr. Cerini reported that this item includes a 2.8 percent increase to the Hiddenbrooke Maintenance Districts which is authorized by the balloting. It increases the assessment to \$593.18 per equivalent benefit unit (EBU) which is an increase of \$16.14. He noted that there is a general fund contribution to this district because of the entrance to the parkway going into Hiddenbrooke which the public benefits from, as well as a one-half percent of the cost of the Welcome Center for a total cost \$2,387.00. Mr. Cerini stated that met with the Hiddenbrooke Maintenance representatives and one of the concerns expressed was the allocation. Mr. Cerini stated that staff continues to review the allocations and the Hiddenbrooke representatives have been assured that staff will continue to review it to make sure they are not assessed anymore than is appropriate. Further, staff will be looking at the assessment to make sure it will withstand the California Supreme Court case for Santa Clara County.

Vice Mayor Bartee opened the public hearing. There being no speakers, Vice Mayor Bartee closed the public hearing.

RESOLUTION NO. 08-129 N.C. offered by Councilmember Schivley approving the final Revised Engineer's Report.

The resolution was adopted by the following vote:

AYES: Vice Mayor Bartee, Councilmembers Hannigan, Schivley, Sunga and Wilson  
NOES: None  
ABSENT: Councilmember Gomes (excused)  
ABSTENTION: Mayor Davis

RESOLUTION NO. 08-130 N.C. offered by Councilmember Wilson ordering the levy and collection of assessments for the Hiddenbrooke Maintenance District for Fiscal Year 2008/2009.

The resolution was adopted by the following vote:

AYES: Vice Mayor Bartee, Councilmembers Hannigan, Schivley, Sunga and Wilson  
NOES: None  
ABSENT: Councilmember Gomes (excused)  
ABSTENTION: Mayor Davis

Mayor Davis returned to the dais.

9. POLICY ITEMS – None
10. ADMINISTRATIVE ITEMS
  - B. PRESENTATION OF DESIGN OF TOURO CANCER TREATMENT/RESEARCH FACILITY AND STATUS OF "PROJECT NO. 2"

Councilmember Wilson recused himself due to a conflict of interest concerning his company ARC, Inc.

Don Hazen, Development Services Planning Manager, introduced Dina Tasini, Tasini & Associates, Jim Mitchell, Contract Planner, Touro University; Bruce Lange, CEO Touro Mare Island LLC, Dick Hassle, Touro University, Susan McCue, Development Services Manager, Craig Whittom, Assistant City Manager-Development Services.

Mr. Hazen reported that Touro's Cancer Research facility will consist of a 125,000 square foot 3-4 story building with an integrated parking structure. It incorporates green techniques, and is leed certified. This project is part of a much larger project that was moved forward in advance of the other Exclusive Right to Negotiate (ERN) tasks. The tasks that remain to be done include complete the preliminary land plan for the remaining land area of the Touro North Island, process a specific plan amendment to allow for the uses that are being proposed by Touro, prepare an environmental impact report, negotiate a development agreement and acquisition agreement, etc. Included in the work program will be an extensive public outreach program. Staff plans to bring these matters back to City Council as the project progresses.

Bruce Lange, CEO, Touro Mare Island, LLC, provided a summary of the Cancer Research Center. He made a power point presentation on the building design, both interior and exterior, the land plan and grading plan. He stated that the project will be state of the art design. The parking structure will have 444 spaces. They plan to use recycled materials as much as possible, approximately 92 percent. They are striving for a platinum rating which is the highest you can receive. He addressed the issues that still need to be considered, such as the interior and exterior lighting which must be energy efficient. They intend to incorporate local art into the public spaces. They are working closely with U.C. Davis energy design developing renewable, sustainable technology not only for lighting and electricity but heating and cooling.

Mr. Lange responded to questions of Vice Mayor Bartee concerning whether the proposed parking is ten percent over what their projections are for a basic need, and what level of patient activity do they expect. Vice Mayor Bartee referred to the north end of the Island which shows approximately 30,000 square feet available for retail and asked if it is possible for a company such as IKEA to locate at that site. Mr. Lange replied that the proposed Specific Plan amendment calls for research and development.

Dick Hassel, Touro University, presented a preview of the conceptual plan for the remainder of the North Island. They anticipate adding an additional one million square feet of density to the plan in the sections around the cancer treatment center and the retail section.

A. APPROVAL OF A RESOLUTION AUTHORIZING THE CITY MANAGER TO IMPLEMENT A CITYWIDE VOLUNTEER PROGRAM, TO BE CALLED THE "LEND A HAND VOLUNTEER PROGRAM" AND REPORT BACK ON THE PROGRAM TO CITY COUNCIL IN SEPTEMBER 2008 (This item was moved to be heard as Administrative Item 10B)

Debora Boutté explained how and why the program was started, beginning with the highly successful anti-graffiti program, and explained how the program will be implemented, using volunteers to help with clerical assistance, special projects in the Planning and Engineering Departments, and greeters. It is anticipated that a formal program will be brought to Council at the end of September, with October 1 as the target date for the start of the program. Ms. Boutte' provided the hot line phone number (707) 648-4364 and encouraged citizens to use the job hotline which has a component for the volunteer program.

Mayor Davis requested that the resolution be changed to include the language in the last Whereas clause, "staff has already developed and implemented a successful volunteer based anti-graffiti program."

Councilmember Sunga thanked Ms. Boutté for putting the program together. He stated he would like to be involved as much as possible in every stage of the program.

Councilmember Wilson thanked Ms. Boutté for bringing the program forward. He stated that employees might be interested in volunteering on their non-work time and asked how this could be done. He stated that he is willing to volunteer his time.

Vice Mayor Bartee stated that the program is great and thanked Ms. Boutte' for putting the program together. He also thanked Councilmember Sunga for bringing this forward.

Councilmember Schivley thanked Ms. Boutté. She has heard that Commissioners are willing to volunteer and asked that an informational sheet be developed to be distributed to Commissioners.

Speakers: Mustafa Abdul Ghanee stated that the Human Relations Commission has been working on a volunteer program parallel with the work that staff has been doing. The idea was to have one volunteer program. He discussed this with both the Mayor and the City Manager to get their input. The Human Relations Commission has not been made a part of this process. He went on to say that at the present time there is a volunteer system in place through commissions, and commissioners have not been included in this process. He is concerned about whether or not we have done enough to assure we are successful before starting to branch off in other areas. It is important to have community input for this type of program. He would like to see this brought back to Council after the Human Relations Commission has had input since that Commission is charged with promoting just and positive interaction among people in the community.

Katy Miessner, participant in the anti-graffiti program, stated that the program is working very well and thanked Nimat Shakoor Grantham, Tony Pearsall, Councilmember Gomes, and Mayor Davis and other people who are volunteering in this program.

RESOLUTION NO. 131 N.C. offered by Councilmember Sunga authorizing the City Manager to implement the "Lend a Hand" Volunteer Program and to report back on the Program to City Council in September 2008, as amended adding the language "staff has already developed and implemented a successful volunteer based anti-graffiti program," to the last Whereas.

The resolution was adopted by the following vote:

AYES:	Mayor Davis, Vice Mayor Bartee, Councilmembers Hannigan, Schivley, Sunga and Wilson
NOES:	None
ABSENT:	Councilmember Gomes (excused)
ABSTENTION:	None

C. STATUS UPDATE OF TEMPORARY FIRST FLOOR AND USE REGULATIONS FOR THE GEORGIA STREET CORRIDOR IN THE DOWNTOWN SPECIFIC PLAN AREA

Vice Mayor Bartee recused himself from participating in this matter due to a conflict of interest because he owns property in the downtown area.

Don Hazen, Development Services Planning Manager introduced Craig Whittom, Assistant City Manager-Development Services and Annette Taylor, Senior Community Development Analyst. He reported on the regulations that were adopted by the City Council last year. He explained the temporary use regulations and the objectives, specifically for the Georgia Street corridor, which was anticipated to be the primary retail and pedestrian corridor for downtown. Staff believes that further analysis is needed in order to find ways to help stimulate the redevelopment of the downtown. The interim regulations have not been successful. They received one proposal in the past year for a children's recreational facility on Georgia Street.

Mr. Hazen noted attachments in the staff report which were not staff initiated but were developed by the Georgia Street Corridor Task Force and submitted for future consideration.

Councilmember Hannigan referred to attachment 2, page 2, Section 2B which indicates adult uses are allowed on Virginia Street and asked for clarification on retail sales, adult uses and spectator sports, and entertainment which are allowed in area 2.

Mr. Hazen replied that he was not aware that adult uses were allowed on Virginia Street. Staff has not had an opportunity to fully analyze the information, and staff will be meeting with the Task Force to review this.

Councilmember Hannigan stated that this should be reviewed to be sure that use is not allowed downtown.

Councilmember Wilson stated that he believes this matter should be prioritized and brought back to Council with a solution to help solve the problem sooner than three to four months.

Mr. Whittom responded that staff believes it is an important issue and will be working on this as much as possible. He suggested that the Council's goal setting session (if this is a priority for the majority of the Council) would be a good opportunity to emphasize this. He stated that relief needs to be provided to the first floor property owners.

Councilmember Wilson stated that he would like information on what conflicting priorities are in the Planning Department and the Economic Development Department before the goal setting session in order to strategize and set priorities.

Speakers: Todd Williams, Executive Coordinator, Central Core Restoration Corporation, supports the recommendation for the proposed ordinance amending the land use for the Georgia Street Corridor Specific Plan. The plan as written is limiting the commercial use and the effect has been damaging to the downtown, noting that there is a 50 percent vacancy factor in the downtown.

Gail Manning, building owner at 541-543 Georgia Street, stated that the regulations have had a negative financial impact on the building owners in the downtown. She has spent a lot of money updating and restoring the building. She urged Council to change the ordinance.

Dave Manning addressed the tenants they have lost over the past year because of the looks of the downtown area and because of the current regulations. He asked: "What kind of a message does "empty" send?"

**10D. APPROVAL OF A RESOLUTION APPOINTING THE LARRY PETRIE AS A MEMBER OF THE SOLANO COUNTY MOSQUITO ABATEMENT DISTRICT BOARD FOR A FOUR YEAR TERM (Consent Calendar Item 7-F)**

Mayor Davis stated that a letter was received from the Executive Director of the Solano County Mosquito Abatement asking for a representative from the City of Vallejo to serve on the Board to replace Mel Frohrib who died in March. The vacancy needed to be filled within 90 days or the Board of Supervisors would fill the position. Mayor Davis stated that he was told that this was a mayoral appointment to be approved by the Council. Three people contacted the Executive Director expressing an interest in serving on the Board and those people were suggested to the Mayor. Mayor Davis stated that he interviewed the three people and as a result of the interviews, recommended Larry Petrie for the position, noting that the only requirement is that the individual be a registered voter in the City that is appointing them. The Executive Director indicated that he would like someone who is interested in the area and owned property in the area of where the Mosquito Abatement is located.

Mayor Davis stated that Mr. Petrie has been a resident of Vallejo for 63 years. Mr. Petrie has had contact with the District on several occasions dealing with mosquito abatement through a duck club he owns in the Suisun Marsh.



Mayor Davis stated that he found out subsequent to this item being placed on the agenda that this is a Council appointment and not a Mayoral appointment with approval from the Council. He stated that if the majority of the Council wishes to interview that is fine, otherwise he would ask that Council appoint Mr. Petrie.

Councilmember Schivley stated that the process that needs to be observed with Council appointments includes advertising to the public, and Council interviewing applicants. She noted what happened with GVRD appointments in which the appointments were made by the Mayor and it was learned that it was supposed to be a Council appointment following the same procedure as with commission appointments. She believes this appointment should be handled the same way; that any interested citizen should be able to apply.

Vice Mayor Bartee referred to the letter from the Executive Director which implied that the Board of Supervisors would make the appointment if we did not make the appointment within 90 days of March 31, which would have been July 1. In light of this, he asked if we have time to go through the process.

Mayor Davis replied that the Executive Director indicated that he did not believe the Board of Supervisors would preempt the City and prohibit the City from making the appointment. He also noted that Mr. Frohrib served over 30 years without a reappointment being made.

John Nagel, Assistant City Attorney, stated that he spoke with the Executive Director who stated that as long as the Council was working toward getting an appointment, he had no intention of taking the matter to the Board of Supervisors.

Vice Mayor Bartee made a motion that Council delay the decision tonight and place the matter on a future agenda after going through the process of public notification and interviews.

Speakers: Marc Fox suggested that because there are a number of vacancies on City Commissions, Council confirm the Mayor's appointment for a term of 180 days to guarantee the City has a position on the Mosquito Abatement Board and go through the public process before the end of the 180 days.

Councilmember Wilson stated that there are a number of Commissions that need appointments. Since the Mayor has already interviewed individuals, he suggested approving this appointment for a two-year term. He further suggested making the appointment to the Solano County Mosquito Abatement Board part of the regular policy for appointments to City Boards and Commission,.

Councilmember Wilson offered the resolution contained in the packet amending it to a two-year term.

Councilmember Schivley stated that the letter was received by the City on May 14, 2008 so there was time to advertise, take applications and interview. She does not feel that Council should circumvent the process. She asked if this is a paid position. Mayor Davis answered no, it is not a paid position.

Mayor Davis explained why the lapse in time between the date the letter was received and the date it was placed on the agenda.

Vice Mayor Bartee referred to the previous GVRD appointment and feels it is important to follow the procedure.



The motion made by Councilmember Wilson to appoint Larry Petrie to a two-year term on the Solano County Mosquito Abatement Board failed to pass by a vote of three ayes (Mayor Davis, Councilmembers Sunga and Wilson, and three noes (Vice Mayor Bartee, Councilmembers Schivley and Hannigan)

A motion was made by Vice Mayor Bartee to table the matter of appointing Larry Petrie to a four-year term on the Solano County Mosquito Abatement Board and go through the normal process of public notification, interviews and the appointment. The motion passed unanimously by those present; Councilmember Gomes absent/excused.

10E. APPROVAL OF A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT FOR GRANT WRITING SERVICES WITH ARMENTA MANAGEMENT CONSULTING FOR FISCAL YEARS 2008/2009 AND 2009/2010 (Consent Calendar Item 7-A)

Mayor Davis referred to Exhibit B of the Contract concerning compensation and asked what the hourly rate will be, how many grants have been applied for, how many have been received and if some were not received, the basis for not receiving the funding. He also referred to paragraph 14 on the agreement that requires notice in the event of termination and suggesting including the language that it should be written notice and the number of days notice that is required.

Joseph Tanner, City Manager, explained the process for grant funding.

Mr. Nagel stated that the termination language is a term that is intended to be very broad and in the City's favor. Written notice or any number of days for consultant contracts is not included.

Mayor Davis asked that "written notice" be included. He went on to say that he doesn't oppose grant writing

Councilmember Schivley stated that she believes it is more important to focus on the amount of money that Mr. Armenta has procured for the City which is almost \$7 million since November 1999. Mr. Armenta indicated to her that there is another \$1.5 million expected soon.

This item was continued in order to receive information requested by Mayor Davis.

11. RECESS TO SPECIAL MEETING OF THE VALLEJO REDEVELOPMENT AGENCY

This item was removed from the agenda. The Vallejo Redevelopment Agency meeting was cancelled.

12. RECONVENE CITY COUNCIL MEETING

13. APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES - None

14. WRITTEN COMMUNICATIONS - None

15. CITY MANAGER'S REPORT

Mr. Tanner reported on the Fire Department Educational Incentives and how the Fire Department audited how each safety employee met the educational incentive requirements. He stated there are a total of 78 individuals in the Fire Department; 12 of the 78 do not receive educational incentive pay; 66 receive incentive pay. There was one employee who was

receiving educational incentive pay who voluntarily withdrew his educational incentive pay before the audit was completed. It is expected that these monies will be collected by the City.

16. CITY ATTORNEY'S REPORT - None

17. COMMUNITY FORUM

Burky Worel addressed the Capitol Street stairs project which is conducted by the Executive Lions Club. Due to the undesirable activity in the paths leading from both sides of the stairs midway to the street, the Club would like to block off the paths to keep the public out. They need permission from either the City Manager's office or the City Attorney's office to do this.

Mr. Tanner referred Mr. Worel to the Public Works Department to complete an encroachment permit.

Marc Fox stated that due to the State not passing its budget, it is rumored that the state will be considering taking monies directly from public agencies. He asked Council to ask for support from our state legislators to not take the City's money.

Herb Shrum and Ken Werris addressed paid medical for retirees and asked the City to allow the VPOA to represent the retired police officers

Katy Miessner invited the Council and public to the renaissance and rededication ceremony of the MIRA Theater Guild at 51 Daniels Avenue on July 25, 2008, 8:00 p.m.

Greg Morro addressed the judgment against the City in 1997 by the Ridgecrest Homeowners Association Landscape Maintenance District. He asked Council to make sure that any increases for the District be used solely for the District.

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

Councilmember Sunga reported that he and Vice Mayor Bartee attended the ribbon cutting/grand opening of the Fairgrounds Drive Valero gas station. It was well attended. He invited the Council and the public to attend the Vallejo Business Alliance Mixer at Vallejo Garbage Service office on Broadway on July 24, 2008, 5:30 p.m.

Vice Mayor Bartee addressed the event at the MIRA Theater Guild on July 25 stating that the volunteer group, the Mira'cle workers, have done a great job in helping mitigate a number of code violations and in renovating the building. He encouraged people to attend the event.

Councilmember Schivley announced that the Commission on Culture and the Arts will hold their annual award ceremony on October 8, 2008 at the Joseph Room.

Councilmember Schivley requested that a letter to Senator Wiggins and Assemblywoman Noreen Evans, asking their support for the state not taking the City's money be agendized for Council approval. She also asked that an ad hoc committee be appointed to review the commission structure. Because of our shrinking staff, we don't have the staff to support 18 commissions. She volunteered to serve on the committee.

Mayor Davis stated that Commissions is something that is being considered. The Solano Transportation Authority has directed a letter be sent to Senator Wiggins and Assemblywoman Evans asking that they not take the City of Vallejo money. He asked each Councilmember to

write a letter to the state representatives as opposed to it coming from the Council as a whole, asking them to consider the City's circumstances and ask for their support. He stated that both Senator Wiggins and Assemblywoman Evans indicated they would work on the City's behalf when we were considering bankruptcy.

Mayor Davis reported that staff has been working with MTC (Metropolitan Transportation Corporation) in an effort to acquire funds to operate the ferry while the City is going through bankruptcy. MTC is looking into whether or not they can fund the ferries in the interim because the funds they have are supposed to be for extended operation and the question is whether this is extended operation. Every effort is being made to move forward with the 1093 legislation.

The Council recessed at 9:45 p.m. to wait for the results of the property owner protest ballot proceedings for eight landscape maintenance districts.

The Council reconvened at 10:45 p.m. The City Clerk read the results of the balloting.

Assistant City Attorney Nagel reported that the introductory clause was omitted from each of the three resolutions and asked that the resolutions be amended to include the language "BE IT RESOLVED by the City Council of the City of Vallejo".

RESOLUTION NO. 08-126 N.C. offered by Vice Mayor Bartee declaring the results of the property owner protest balloting proceedings.

The resolution was adopted by the following vote:

AYES:	Mayor Davis, Vice Mayor Bartee, Councilmembers Hannigan, Schivley and Wilson
NOES:	None
ABSENT:	Councilmember Gomes (excused)
ABSTENTIONS:	Councilmember Sunga

Jim McGuire, Muni Financial, noted that the resolution was modified replacing the budget pages for the districts based on the ballot outcome: Carriage Oaks (page 14), Garthe Ranch (Page 18), Glen Cove III (Page 24), Hunter Ranch III (Page 27), Sandpiper Point (Page 41), Town & Country II – V (Page 47).

RESOLUTION NO. 08-127 N.C. offered by Vice Mayor Bartee approving the modified Annual Levy Engineer's Report including the amended budget page for each district.

The resolution was adopted by the following vote:

AYES:	Mayor Davis, Vice Mayor Bartee, Councilmembers Hannigan, Schivley and Wilson
NOES:	None
ABSENT:	Councilmember Gomes (excused)
ABSTENTIONS:	Councilmember Sunga

RESOLUTION NO. 08-128 N.C. offered by Vice Mayor Bartee ordering the levy and collection of Fiscal Year 2008/2009 assessments.

The resolution was adopted by the following vote:

AYES: Mayor Davis, Vice Mayor Bartee, Councilmembers Hannigan, Schivley  
and Wilson  
NOES: None  
ABSENT: Councilmember Gomes (excused)  
ABSTENTIONS: Councilmember Sunga

19. CLOSED SESSION - None

20. ADJOURNMENT

The meeting adjourned at 11 p.m.

\_\_\_\_\_  
OSBY DAVIS, MAYOR

ATTEST: \_\_\_\_\_  
MARY ELLSWORTH, CITY CLERK



**VALLEJO CITY COUNCIL**  
**MINUTES**  
**AUGUST 19, 2008**

The closed session meeting was called to order at 5:03 p.m. by Mayor Osby Davis. All Councilmembers were present. The following matter was heard: Conference with legal counsel – pending litigation: Steven Kreitzman V. City of Vallejo, Worker's Compensation Appeals Board nos. SFO 0489485, SFO 0489484 and SFO 050289; pursuant to subdivision (a) of Government Code Section 54956.9. No action was taken.

The following closed session matters were removed from the agenda and not heard: Conference with real property negotiators pursuant to Government Code Section 54956.8: property : 485 Santa Clara Street, Vallejo, CA. City negotiators: Joe Tanner, City Manager, Gary Leach, Public Works Director, Susan McCue, Economic Development Program Manager, Allan Panganiban, Senior Civil Engineer and Steven Long, Overland Pacific & Cutler negotiating parties: HILF – Payares Property, Inc., under negotiation: price and terms of payment. Item B was removed from the agenda. (C) Conference with real property negotiators pursuant to Government Code Section 54956.8: property: 415 Santa Clara Street, Vallejo, CA. City negotiators: Joe Tanner, City Manager, Gary Leach, Public Works Director, Susan McCue, Economic Development Program Manager, Allan Panganiban, Senior Civil Engineer and Steven Long, Overland Pacific & Cutler negotiating parties: HILF – Payares Property, Inc., under negotiation: price and terms of payment. The closed session adjourned at 5:40 p.m.

The Council met in a special meeting to interview applicants for appointment to the Solano County Mosquito Abatement District Board of Trustees 5:48 to 6:00 pm. All Councilmembers were present. The following applicants were interviewed: Terry Haffner and Larry Petrie.

The Council met in a special meeting to interview applicants for appointment to the Civil Service Commission 6:05 pm to 6:45 pm. All Councilmembers were present. The following applicants were interviewed: Herman Blackwell, Leatha Clement, Chester Davidson, Darnita Garry, Christina Giacomelli, Tiffany Johnson, Donald Jordan, David Lindquist, Surry Poole and Charmayne Tyler.

1. CALL TO ORDER

A regular meeting of the Vallejo City Council was held on the above date in the Council Chambers of the Vallejo City Hall. The meeting was called to order at 7:03 p.m. by Mayor Osby Davis.

2. PLEDGE OF ALLEGIANCE – Led by Mayor Davis.

3. ROLL CALL

Present: Mayor Davis, Vice Mayor Bartee, Councilmembers Gomes, Hannigan, Schivley, Sunga and Wilson

Absent: None

Staff: City Manager Joseph Tanner  
City Attorney Fred Soley  
City Clerk Mary Ellsworth

4. PRESENTATIONS AND COMMENDATIONS – None

5. FIRST COMMUNITY FORUM

Sam Kurshan addressed the City of Vallejo being a strong City Manager type government. Burky Worel addressed CalPers issues. Marc Garman addressed the victims of the Casa de Vallejo fire and related a story of assistance that he provided to one of the victims.

Councilmember Schivley thanked Marc Garman for his assistance. Councilmember Schivley dedicated this meeting to the memory of Helen Mini and Dr. James Hollister for their many contributions to the community of Vallejo.

The City Council recessed to a Special Meeting of the Housing Authority Board at 7:22 p.m.

The City Council reconvened to the regular City Council Meeting at 8:15 pm.

6. PUBLIC COMMENT REGARDING CONSENT CALENDAR ITEMS – None

7. CONSENT CALENDAR AND APPROVAL OF AGENDA

Hearing no additions, corrections, or deletions, the agenda was approved and the following resolutions were offered by Vice Mayor Bartee:

RESOLUTION 08-142 N.C. AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSULTANT SERVICES AGREEMENT WITH MUNICIPAL FINANCIAL SERVICES FOR CREATION OF THE 2009-2014 WATER UTILITY FINANCING PLAN AND RATE STUDY

RESOLUTION 08-143 N.C. AUTHORIZING THE FIRST AMENDMENT TO CONSULTANT AND PROFESSIONAL SERVICES AGREEMENT WITH SANDRA SALERNO FOR MANAGING THE HUMAN RESOURCES DEPARTMENT

The above resolutions were approved by the following vote:

AYES:	Mayor Davis, Vice Mayor Bartee, Councilmembers Gomes, Hannigan, Schivley, Sunga and Wilson
NOES:	None
ABSENT:	None
ABSTENTIONS:	None

8. PUBLIC HEARINGS – None

9. POLICY ITEMS – None

10. ADMINISTRATIVE ITEMS

CONSIDERATION OF A RESOLUTION APPROVING THE UPDATED INITIAL PROJECT REPORT FOR VALLEJO STATION INTERMODAL FACILITY PROJECT AND AUTHORIZING THE CITY MANAGER TO SUBMIT AN ALLOCATION REQUEST FOR REGIONAL MEASURE 2 FUNDS TO THE METROPOLITAN TRANSPORTATION COMMISSION FOR RIGHT OF WAY ACQUISITION

Gary Leach, Public Works Director, and Allan Panganiban, Senior Engineer, made a presentation and responded to questions from Council.

Councilmember Schivley clarified for the public that this is not approval of the bus transfer station; this is only a request for funds.

RESOLUTION 08-144 N.C. offered by Vice Mayor Bartee authorizing approval of the updated Initial Project Report for Vallejo Station Intermodal Facility project and authorizing the City Manager to submit an allocation request for Regional Measure 2 to the Metropolitan Transportation Commission for right of way acquisition.

The resolution was adopted by the following vote:

AYES: Mayor Davis, Vice Mayor Bartee, Councilmembers Gomes, Hannigan, Schivley, Sunga, Wilson  
NOES: None  
ABSENT: None  
ABSTENTIONS: None

11. RECESS TO SPECIAL MEETING OF THE VALLEJO REDEVELOPMENT AGENCY

The City Council recessed to a special meeting of the Vallejo Redevelopment Agency at 8:19 p.m.

12. RECONVENE CITY COUNCIL MEETING

The City Council reconvened to City Council meeting at 8:25 p.m.

13. APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

A. APPOINTMENT TO THE SOLANO COUNTY MOSQUITO ABATEMENT DISTRICT BOARD

Two candidates applied to be appointed to the Solano County Mosquito Abatement District Board, Terry Haffner and Larry Petrie. Both candidates were nominated and a roll call vote was conducted by Mayor Davis with each member of Council voting for one candidate.

The results of the vote were Larry Petrie with six votes and Terry Haffner with one vote.

RESOLUTION NO. 08-145 N.C. offered by Mayor Davis appointing Larry Petrie to the Solano County Mosquito Abatement District Board for a four year term ending June 30, 2012.

The resolution was adopted by the following vote:

AYES: Mayor Davis, Vice Mayor Bartee, Councilmembers Gomes, Hannigan, Schivley, Sunga and Wilson  
NOES: None



ABSENT: None  
ABSTAINING: None

#### B. APPOINTMENT TO THE CIVIL SERVICE COMMISSION

Vice Mayor Bartee thanked each candidate for applying for this commission and nominated each of the candidates: Herman Blackwell, Letha Clement, Chester Davidson, Oscar Estioko, Darnita Garry, Christina Giacomelli, Tiffany Johnson, Donald Jordan, David Lindquist, Surry Poole and Charmayne Tyler.

A roll call vote was conducted by Mayor Davis with each member of Council voting for three candidates.

The three candidates with the most votes were Letha Clement with seven votes, David Lindquist with seven votes and Surry Poole with five votes.

RESOLUTION NO. 08-146 N.C. offered by Mayor Davis appointing Letha Clement, David Lindquist and Surry Poole to the Civil Service Commission for four year terms ending June 30, 2012.

The resolution was adopted by the following vote:

AYES: Mayor Davis, Vice Mayor Bartee, Councilmembers Gomes,  
Hannigan, Schivley, Sunga and Wilson  
NOES: None  
ABSENT: None  
ABSTAINING: None

#### 14. RECESS TO SPECIAL MEETING OF THE VALLEJO HOUSING AUTHORITY

Agenda items 14 and 15 were conducted earlier, after Agenda Item 6 and prior to Agenda Item 7, due to availability of presenters.

#### 15. RECONVENE CITY COUNCIL MEETING

#### 16. WRITTEN COMMUNICATIONS – None

#### 17. CITY MANAGER'S REPORT

Joe Tanner, City Manager, addressed the tragic fire that occurred on Friday, August 15, 2008 at the Casa de Vallejo, a senior living facility, and expressed his sincere appreciation and gratitude for the professionalism shown by various City of Vallejo agencies such as the Fire Department, the Police Department, the Building Inspection Department and the Housing Authority. Mr. Tanner also thanked the delivery people, who are as of now still unidentified, and the off duty police officers for their efforts in rescuing victims without benefit of any safety equipment. Mr. Tanner also thanked the neighboring cities, American Canyon, Benicia, Fairfield, Napa and Rio Vista and their Fire Personnel for providing mutual aid. Mr. Tanner expressed the City Staff's sincere condolences to the families of those who did not survive the fire. He stated that City Staff will expedite any approval process necessary to rebuild this establishment.

Mr. Tanner stated that Pacific Gas and Electric (PG&E) has been invited by City Staff to study the feasibility of extending PG&E electricity and gas services to the residents and businesses on Mare Island to provide an alternative energy source to Island Energy service. PG&E has agreed to review this issue and is currently conducting their study.

Mr. Tanner also thanked the Council for approving the contract with Grant Writer Dan Armenta. He stated that Mr. Armenta's hours have been increased to make him available to community based organizations noting that since the City can no longer fund community based organizations, the City can offer them some expertise to obtain funding through state grants, federal grants or corporate grants.

18. CITY ATTORNEY'S REPORT – None

19. COMMUNITY FORUM

Sam Kurshan addressed the inability to comment on the report that the Mare Island Ad Hoc Committee is suppose to give during Item 20.

Mayor Davis stated that he would give Mr. Kurshan the opportunity to speak after the report is given.

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

Mayor Davis reported that at the Water Emergency Transportation Authority meeting, a report was given by the League of California Cities in conjunction with the City-County Coordinating Council regarding the Governor's proposed budget and the possible maximum losses that the City of Vallejo can experience under Prop 1A and Prop 42. The maximum that could be lost is an amount up to \$3.6 million.

Mayor Davis reported that the Mare Island Ad Hoc Committee met and reviewed the items that are going forward on Mare Island, specifically the use of the dry docks for dismantling and ship building. He stated that Lennar is preparing a unit plan that will be made available to developers interested in utilizing the dry docks, though there is one developer who is interested in developing their own unit plan. Lennar advised that if the City wants to make the dry docks available to all developers, one cohesive unit plan would be more beneficial, rather than having each developer create their own. Lennar is cognizant of the need to complete the unit plan expeditiously.

Vice Mayor Bartee stated that the other big item discussed during the Mare Island Ad Hoc Committee is the huge energy demands of Touro University. Vice Mayor Bartee stated that Touro University highlighted the need of redundancy of energy sources to ensure continuous operations of the cancer treatment center once it is up and running. Vice Mayor Bartee stated there was some discussion of the progress made to date and the involvement of the Mayor to expedite the participation of the Navy and DTSC in assisting with making properties available for future development on Mare Island.

Mayor Davis reported that he spoke with Kimberly Kessler, who is in charge of the BRAC (Base Realignment and Closure) Office in San Diego, California regarding clean up on Mare Island. Touro University had some concerns about the clean up schedule completion date of 2012 for the property adjacent to the proposed cancer treatment site. Ms. Kessler stated that the Navy's

time frame to complete all of their field work would have the clean up completed by December 2009. At that time, the Navy would be willing to grant the City a Lease in Furtherance of Conveyance so the City can move ahead with development of that site for a university village in conjunction with the development of the cancer research and treatment center. By having the Navy issue a Lease in Furtherance of Conveyance, Touro University should hopefully not have any problems with lending institutions.

Mr. Tanner added that City Staff met with DTSC and Lennar, and DTSC has committed to meet with City Staff on a quarterly basis and to expeditiously move forward with the progress on Mare Island as well as with discussions regarding the dry docks and the use therein.

Vice Mayor Bartee thanked State Senator Wiggins, Assemblymember Evans, Congressman Miller and Kathy Hoffman, Field Representative to Congressman Miller for their support in regards to DTSC and the Navy.

Sam Kurshan was given the opportunity to speak on the Mare Island Ad Hoc Committee report and chose not to.

Vice Mayor Bartee also thanked all the people involved in risking their lives for others during the fire at the Casa de Vallejo, "these people can be considered heroes". Vice Mayor Bartee also thanked Marc Garmin, Councilmember Gomes, Councilmember Schivley and the Police Department for assisting in bringing some members of the Guardian Angels to the Wednesday Night Celebrations.

Councilmember Sunga also thanked the people that risked their own safety for the safety of others. Councilmember Sunga further stated that although the City Manager stated that the Emergency Preparedness Plan worked, after reading the Emergency Preparedness Plan closely after the fire, some revision of the plan is needed. More than half the designated personnel in the plan are not living in this City. There should be an emergency notification system in place for at least the management and Council. Councilmember Sunga asked that the City Manager assess what needs to be done to update the Emergency Preparedness Plan and enact an emergency notification system as soon as time allows.

Councilmember Gomes stated that members of the Guardian Angels will have a booth at the last two Wednesday Night Celebrations. Anyone interested in participating please come out and talk with the members. Councilmember Gomes thanked Captain Jackson for attending the meeting. Councilmember Gomes also stated that based on volunteers, a chapter of the Guardian Angels could be established in Vallejo but would have to be created in conjunction with the Police Department.

Councilmember Gomes requested that the City Manager ask Chief Nichelini to attend a future Council meeting and give a presentation on crime rates.

Councilmember Schivley highlighted how complicated it is to get something accomplished on a former military base that the federal government still has partial control of.

Councilmember Schivley stated that she hopes the identity of the delivery drivers that assisted with the fire will be discovered so that they can be thanked by the community. Councilmember Schivley thanked the various fire departments from other agencies that provided mutual aid, stating this reciprocity works well when everyone works together; and thanked everyone that

has been involved with assisting the victims of the Casa de Vallejo fire. She also acknowledged the police officers that found an American flag to drape over the gentleman who was killed at the Casa de Vallejo. She stated this was an outstanding indication of respect and admiration for a veteran.

Mayor Davis also thanked the delivery men as well as Police officers, Lofas, Wentz and Ramsey, that went into the burning building without any protective gear. Mayor Davis stated that the Council appreciates their efforts and their willingness to do what needed to be done at the time to take care of a life threatening situation. Mayor Davis also thanked all the police officers and all the firefighters who were involved stating they worked around the clock.

Mayor Davis reported on Senate Bill 1093, the ferry legislation, stating the wording wanted in the legislation has been passed by the Assembly and has gone back to the Senate. The process should be completed by the end of this week. The legislation currently does not allow a permanent seat for a City of Vallejo representative to the WETA Board, however there will be future opportunities to accomplish that.

Mayor Davis reported that he attended a meeting with US Fish and Wildlife, the Vallejo School District, the head of the charter school, residents from Hiddenbrooke and Congressman Miller, regarding the school site and park in the Hiddenbrooke subdivision. A workable solution was devised and is being undertaken to move forward with this project.

21. CLOSED SESSION – None

22. ADJOURNMENT

The meeting adjourned at 9:01 p.m. in memory of Helen Mini and Dr. James Hollister.

\_\_\_\_\_  
OSBY DAVIS, MAYOR

ATTEST:

\_\_\_\_\_  
MARY ELLSWORTH, CITY CLERK

**VALLEJO CITY COUNCIL**  
**MINUTES**  
**SPECIAL MEETING**  
**STRATEGIC PLANNING RETREAT**  
**/CLOSED SESSION**

**JULY 29, 2008**

A special meeting of the Vallejo City Council was held on the above date at the Vallejo Sanitation and Flood Control District Office, 450 Ryder Street, Vallejo, CA. The meeting was called to order at 4:32 p.m. by Mayor Osby Davis.

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE – led by Mayor Davis

3. ROLL CALL

Present: Mayor Davis, Vice Mayor Bartee, Councilmembers Gomes, Hannigan, Schivley, Sunga and Wilson

Absent: None

Staff: City Manager Joseph Tanner  
Assistant City Attorney John Nagel  
City Clerk Mary Ellsworth

4. PUBLIC COMMENT

Jim Mitchell, Touro University, addressed Touro University's involvement with the City and the ancillary business as a result of the Cancer Treatment Project. He asked that Councilmembers keep in mind the Heidelberg, Germany operation.

Marc Fox stated that neighborhood preservation should be a priority for the Council, noting the many homes that are in foreclosure that have not been maintained.

Robert Schussel expressed concern about multiple people meeting with the public safety employees. He questioned the role of Councilmembers in the bankruptcy, and which people are designated as contact people?

Diana Lange expressed concern that the Times Herald has shown such a bias and stated that someone needs to let the paper know this.

J. D. Miller addressed the full-page ad that was in the Times Herald on July 25 and 29 concerning the City Manager's salary. He encouraged the Council to step up and take action and claim the confidence of the community.

Sam Kursham addressed the ad in the Times Herald and the paper being in violation because it did not have the name of the people who sponsored the ad. He would like to see the City have a similar website to the City of Benicia to draw potential business to the City. He would like a citizen to be included on the ad hoc committee for Mare Island. Further, people are disappointed because we are not getting much done.

Phillip McCoy, GVRD, would like to see goals on the quality of life.

5. COUNCIL DISCUSSION AND PRIORITIZATION OF KEY GOALS AND STRATEGIES OF THE CITY

Comments from the City Manager: City Manager Joseph Tanner thanked Julia Erickson and Sandy Salerno for their efforts in arranging the goals session. He stated that staff wants to hear from the Council what they want staff to do. From Council's direction, staff will come back to Council in 60 days with a work plan.

Comments from the Mayor: Mayor Davis stated that this session is meant to be an outline of issues, developing financial stability and economic development. It is imperative that Council focus on specific goals to get to prosperity. This is a time when cooperative work on the Council is essential. Councilmembers should put their own motives aside and have the best interest of the City at heart. Be candid, but not personal in dealing with the issues.

Scott Winter, Facilitator, began the session by asking Council what they thought were last year's accomplishments. Council's list of accomplishments were: the establishment of an anti-graffiti program, community involvement (volunteer program), major public works projects (Wilson Avenue and the Redwood Interchange), Touro Cancer Center, Disaster Preparedness Program, Senior Roundtable, a unanimous vote for bankruptcy.

Council's guidelines for success include holding themselves accountable (being mindful of their decisions); follow the standards set by the City Charter; support staff (let the City Manager manage); strengthen the Council (work toward consensus).

The following priorities were established:

1. Achieve Financial Stability
  - a. Develop a revenue generation and expenditure reduction action plan
  
2. Increase Economic Development
  - a. Business recruitment and retention – business vitality commission
  - b. Create Redevelopment Agency for the I-80 Corridor, Lemon Street, Mare Island
  - c. Existing Redevelopment Agency project area expansion
  - d. Create and implement economic development performance measures
  - e. Excess property – explore opportunities to create public/private partnerships
  - f. Develop and implement a streamlined permit process
  - g. Relaxed zoning for downtown (review existing plan)
  - h. Free Trade Zone (Study Session)
  - i. Consistent development updates (monthly/quarterly)
  - j. Increase involvement with Mare Island development

3. Reorganize City Government and Structure
  - a. Development of an employee-driven plan to review
  - b. Create a process for public participation in reinventing Vallejo
  - c. Develop compensation options, incentives and performance evaluations for all employees
  - d. Evaluate and recommend options regarding City commissions
  - e. Ordinance review and update
  - f. Improve community communications (improve web presence)
  
4. Improve Quality of Life
  - a. Restore support for Community Based Organizations and public agencies
  - b. Ensure housing options
  - c. Prioritize code enforcement
  - d. Increase public safety
  
5. Update General Plan
  - a. Review of General Plan
  - b. Master Plan or Area Specific Plan
  
6. Infrastructure Improvements
  - a. Long-range maintenance plan
  - b. CIP plan
  - c. Improve street safety (lights, crosswalk & traffic calming)
  - d. Better Cooperation between agencies (shared maintenance agreements)
  
6. CLOSED SESSION

The Planning Retreat adjourned at 6:40 p.m. to a closed session: Conference with legal counsel – pending litigation: in re: City of Vallejo, California, debtor; United States Bankruptcy Court, Eastern District of California, Case No. 08-26813-a-9, pursuant to Subdivision (c) of Government Code Section 54956.9. The closed session adjourned at 7:15 p.m. No action was taken.

7. ADJOURNMENT

The meeting adjourned at 7:16. p. m.

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OSBY DAVIS, MAYOR

ATTEST:

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MARY ELLSWORTH, CITY CLERK

VALLEJO CITY COUNCIL  
MINUTES  
AUGUST 12, 2008

The City Council met in closed session regarding Public Employee Performance Evaluation, City Manager, pursuant to Government Code Section 54957. The meeting was called to order at 5:36 p.m. by Mayor Osby Davis. All Councilmembers were present.

The following speakers addressed the Council: Robert Schussel, Sam Kurshan, Mustafa Abdul Ghanee, Diana Lang, Alun Whittaker. The speakers addressed the City Manager's evaluation expressing concern about the process for the evaluation, including the lack of clearly defined standards for the evaluation, pre-determined goals not being included; failure to get input from labor groups and/or office staff and managers, the process might not be in compliance with the City Charter; why is the process not public. Other comments included the evaluation appears to be politically motivated; the City Manager is not residing in Vallejo, provide the public with a copy of the goals that have been set for the City Manager; delay the evaluation and do it right.

City Attorney Fred Soley was asked if the evaluation was in violation of the City Charter. Mr. Soley stated that there is no violation of the Charter. The Council is entitled to do performance evaluations of employees with whom it has a direct relationship via contract.

Mayor Davis asked if findings made by the Council regarding the employee evaluation are confidential. Mr. Soley replied that the evaluation is confidential; he is not sure if the findings are confidential.

Councilmember Schivley thanked Mr. Schussel for his remarks and stated she agrees with him totally. She stated that there is no appropriate process in place for evaluating the City Manager or the City Attorney. She also thanked Diana Lang for reading the time frame. She reviewed the time frame for the evaluation, beginning with the delivery of the evaluation forms on July 29, and the date for returning them of August 4. She stated the City Manager's accomplishments were not provided to Council members until August 6. She expressed concern about the ability to conduct an evaluation in the time frame allowed. She stated that she does not believe the Council is prepared to complete an evaluation tonight based on the fact that five people prepared an evaluation with no list of achievements to compare to the goals that were set by this Council or the previous Council and asked that the evaluation be postponed until a process is in place that is meaningful and doesn't look like a "railroad train coming down the tracks."

Councilmember Schivley offered a motion that the City Council continue the evaluation of the City Manager. The motion failed for lack of majority vote, five noes, two ayes. Councilmembers Schivley and Gomes voting yes.

Councilmember Gomes stated that she did not complete the evaluation form because there was no list of accomplishments. The list of ten criteria was provided to Councilmembers on July 29, the list that they are evaluating the City Manager's performance on wasn't given to Mr. Tanner at the beginning of his evaluation period. She stated that an evaluation is a good tool to use to help the employees and the organization improve; however, there needs to be a process in place now, as a Council, to develop the goals with measureable objectives, that the City Manager knows that he needs to achieve in the next six months and then provide an evaluation.

Councilmember Gomes stated that at the next Council meeting she would like to introduce a resolution establishing a process and format for the evaluation of the City Manager which will ensure that the process can never be used for political means and is used simply as an evaluation tool.



She further stated that she doesn't believe we have the ability to evaluate the City Manager tonight because although she completed her evaluation, she did so with protest, and feeling like she is a bystander.

Mayor Davis stated that this is an evaluation of the City Manager. It is not an attempt to terminate the City Manager. He feels it is unfortunate that people have started a false and divisive rumor which divides the community. The Manager's contract contains a provision for an annual review. In January of this year four of the Councilmembers were new which would have made it impossible to conduct an evaluation. Further, the City was in the midst of the bankruptcy process. Therefore, the evaluation was put off until Councilmembers had an opportunity to know the City Manager and what he was doing.

Mayor Davis stated that an evaluation process was intended at least a month and one-half ago and was purposely postponed until after the Council goal session so there would be goals to discuss. Further, there is a process in place for evaluating the City Manager because City Managers have been evaluated in the past. In order to try to make the process, what he thought was fair; a meeting was held between Mr. Tanner and the Human Resources Director. The process was reviewed and was accepted by the City Manager. The form was sent out to establish a baseline for what was going to be evaluated in terms of establishing what the Council's goals were. Mayor Davis stated that the City Manager has been working under direction from a previous Council and in fairness the new Council needed to provide its expectations. After this evaluation process, it is intended that the Manager will be given direction and will be evaluated again after six months, or whatever time period the Council decides to determine, whether or not the Manager has been able to meet the goals and objectives.

Mayor Davis stated that in spite of the remarks by Councilmember Schivley, he thought this was a democratic process. He thought they were following the process that the City Manager agreed to after helping design the process. He went on to say that the time frame on the form was a clerical error. On the first page it says August 2008; on the second page it says 2006-2007. The date was not changed on the form. All Councilmembers except one were told that the evaluation period was from January 1, 2008 through June 30, 2008. This process is not for political means. Council will go forward with the evaluation process as scheduled.

Councilmember Gomes stated that there is nothing in the Charter that says that the Mayor is responsible for developing a review process for the City Manager. She believes it is a Council action. The entire Council should have been able to look at what the process was and determine if it was fair. She did not have a chance to discuss it. She agrees that a baseline needs to be established. However, you don't establish the baseline in July and evaluate in August. She is not trying to be malicious; she is trying to offer an alternative so in the future we don't end up in this situation. If we can follow a process, put it in the ordinance, we will never have to do this again and we can move forward. She asked the Council to consider this at the next meeting and we can move on and evaluate the City Manager again in the next evaluation period having set the goals.

Vice Mayor Barte stated that the evaluation form that was given to Council was typical of a first-time performance appraisal. He stated that he hopes that Council offers Mr. Tanner the opportunity to develop goals and objectives that he would like to accomplish over the next period of time, and he stated that he believes the nature of the initial performance review and the nature of the questions that were on it, in conjunction with other goals and objectives, is a fair process. He would not have had a problem changing the guidelines had he known that other Councilmembers did not have time to complete the performance appraisal. He stated that

he looks forward to giving the City Manager the opportunity to present what he would like to achieve in the time frame determined by Council.

Councilmember Schivley stated that it is a "train". The Mayor knew that her evaluation had not been submitted. Had there been any intent to use a form that was accurate and appropriate for a City Manager, it would have been obtained from the International City Manager's Association which has been used here in the past here. It appears that the City Manager is being evaluated on goals that were established last month and this is not a fair process.

Mayor Davis stated that on August 3, 2008, he received an email from Councilmember Schivley indicating that she needed more information to complete the form: 1) accomplishments, 2) timeframe 3) the City Manager's consent for the Human Resources staff seeing the evaluation. He provided the timeframe by email to Councilmember Schivley. Further, he indicated that he did not have any accomplishments, that he would talk to Mr. Tanner and that Mr. Tanner would be providing her with a list of accomplishments; and that Mr. Tanner had consented to the Human Resources staff seeing the evaluation. Councilmember Schivley informed the Mayor that she received the information at 3:11 a.m. "yesterday". When asked if she was going to complete the form, Councilmember Schivley replied that she would try to get it in tomorrow (which was Friday). Mayor Davis stated that he had not received anything from Councilmember Schivley since that date and time.

The Council recessed into closed session at 6:15 p.m.

1. CALL TO ORDER

A regular meeting of the Vallejo City Council was held on the above date in the Council Chambers of the Vallejo City Hall. The meeting was called to order at 7:01 p.m. by Mayor Davis.

2. PLEDGE OF ALLEGIANCE – was led by Mayor Davis.

3. ROLL CALL

Present: Mayor Davis, Vice Mayor Barteo, Councilmembers Gomes, Hannigan, Schivley, Sunga and Wilson

Absent: None

Staff: City Manager Joseph Tanner  
Assistant City Attorney John Nagel  
City Clerk Mary Ellsworth

Mayor Davis reported that at the end of the closed session, Council wanted to make it very clear there was no intent to terminate the City Manager. Council has agreed on a process and will be moving forward with the evaluation of the City Manager.

City Manager Joseph Tanner thanked the Council for the evaluation, noting that it lets the employee know what is expected. He looks forward to going through the process with the City Council and considers this a positive step.

4. PRESENTATIONS AND COMMENDATIONS

A. PRESENTATION OF PROCLAMATION DECLARING AUGUST AS SENIOR CITIZENS MONTH

Mayor Davis read the proclamation and introduced Shaaron Fox-Bent, Elori Mabolo, Al Cusseaux, Activity Coordinator at the Florence Douglas Senior Center, and Marnie Yasay. The recipients thanked the Mayor and Council for the proclamation and support. They addressed the many services that Seniors provide to the community. Ms. Fox-Bent invited the Council and the public to attend the August 27, 2008 Second Annual Senior Citizens Day at the Douglas Senior Center from 9 to 11 a.m.

B. PRESENTATION OF A PROCLAMATION COMMEMORATING THE 64<sup>TH</sup> ANNIVERSARY OF THE PORT CHICAGO MUTINY ON AUGUST 9, 2008

Mayor Davis read the proclamation and presented the proclamation to Myrna Hayes. Mayor Davis stated that there was a ceremony on Saturday, August 9, 2008, that he and Councilmember Schivley attended. Professor Robert Allen gave a history of the Port Chicago Mutiny. Mayor Davis thanked Ms. Hayes for all of her efforts on behalf of Mare Island and its history.

C. PRESENTATION OF A PROCLAMATION COMMEMORATING THE 150<sup>TH</sup> ANNIVERSARY OF THE MARE ISLAND NAVAL CEMETERY

Mayor Davis read the proclamation and presented it to Myrna Hayes. Ms. Hayes stated that she is proud of the community and its heritage. Hundreds of volunteers have worked to present events such as the Mare Faire in order to preserve the heritage. She reported that the next event at the Preserve is a picnic on September 13, 2008 and invited the Council and public to attend.

D. PRESENTATION OF SOLANO COUNTY SENIORS REPORT BY ROCHELLE SHERLOCK, COORDINATOR, LAURA EGGERS, CHAIR AND LEANNE MARTINSEN, MEMBER OF THE SENIOR COALITION OF SOLANO COUNTY

Leanne Martinsen, Member of the Senior Coalition, introduced Laura Eggers, Health Care Professional, Rochelle Sherlock, Coordinator for Senior Coalition. Ms. Eggers, Ms. Sherlock and Ms. Martinsen presented a comprehensive overview of the status report on seniors in Solano County. The information in this report, "Preparing to Care For An Expanding Older Adult Community", will help everyone plan for the expanding older adult population in the community. Older individuals are defined as those 65 years and older. The topics presented were Health and Wellness, Safety, Transportation, and Individual-Family-Community.

E. PRESENTATION OF STATE FARM ANTI GRAFFITI GRANT

Lonnie Haskins, Public Affairs Department State Farm Insurance, presented a check in the amount of \$20,000 to the City of Vallejo from the Good Neighbor Citizenship Program to help the revitalization of Vallejo's communities and neighborhoods. He stated that the request was brought to State Farm by Councilmember Erin Hannigan. He introduced Martin Raine, Vallejo Operation Center and Alisa Cook, a State Farm Agent in Vallejo. He stated that State Farm looks forward to many more productive years in the City of Vallejo.

Mayor Davis thanked Mr. Haskins on behalf of the Council. He introduced Councilmember Stephanie Gomes who has been an integral part of the City's anti-graffiti program that has been very successful, and asked Ms. Gomes to accept the check on behalf of the City.

Councilmember Gomes thanked State Farm for the donation and stated that a lot of work has gone into the anti-graffiti program and this donation will help tremendously.

5. FIRST COMMUNITY FORUM

Speakers: Robert Schussel addressed the negative interaction among Councilmembers; and the abuse of educational incentives by the Firefighters. Sam Kurshan stated that the focus of the Council should be on uniting the City through aggressively and proactively seeking revenue sources for the City, noting both the Santa Maria Company and Allied are interested in opening the dry docks on Mare Island. David Fischer addressed the need to deal with the budget problems, keeping politics out of City management and having a strong City Manager, and support for the City Manager. Tolisa Jamison expressed the need to work together for the betterment of the City and take time to listen to the constituents. Bill Haines asked that the City Manager be applauded.

Mayor Davis read the letter he wrote to Sam Kurshan apologizing for his removal from the Council Chambers on March 3, 2008, based upon an agreement with him, Sam Kurshan, and the City Attorney.

6. PUBLIC COMMENT REGARDING CONSENT CALENDAR ITEMS

7. CONSENT CALENDAR AND APPROVAL OF AGENDA

At the request of Councilmember Gomes, Consent Items E, approval of a resolution authorizing the City Manager to execute an agreement for grant writing services with Armenta Management Consulting for fiscal years 2008-2009 and 2009-2010, and F, approval of a resolution authorizing the City Manager to execute a first amendment to the consultant and professional services agreement with Sandra C. Salerno for managing the Human Resources Department were removed to be heard as 7.1 and 7.2.

Councilmember Wilson referred to Consent Item 10A, presentation and discussion of a red light camera system by Red Flex Traffic Systems as requested by Councilmember Wilson and requested that the Red Flex Traffic systems be removed from the title in order to more accurately reflect his request which was to have a presentation on red light camera systems.

Gary Leach, Public Works Director, responded to a question by Mayor Davis concerning Consent Calendar A, the Travis-Beck Avenue pump station project and what the pump station had to do with the City of Vallejo (Mr. Leach spoke from the audience and his remarks were not audible).

Hearing no further additions, corrections or deletions, the Agenda was approved as amended and the following resolutions were offered by Vice Mayor Bartee:

RESOLUTION NO. 08-132 N.C. ACCEPTING THE TRAVIS-BECK AVENUE PUMP STATION PROJECT PERFORMED BY CLYDE G. STEAGALL INC. OF LOOMIS, CALIFORNIA AS COMPLETE

RESOLUTION NO. 08-133 N.C. ACCEPTING THE RESIGNATION OF NAOMI SMITH FROM THE COMMUNITY DEVELOPMENT COMMISSION

RESOLUTION NO. 08-134 N.C. ACCEPTING THE RESIGNATION OF CRAIG TOM FROM THE BEAUTIFICATION ADVISORY COMMISSION

RESOLUTION NO. 08-135 N.C. AWARDED A CONTRACT TO SYAR INDUSTRIES, INC., FOR THE PURCHASE OF ROAD AND HIGHWAY CONSTRUCTION MATERIALS FOR FISCAL YEAR 2008/2009

APPROVAL OF A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT FOR GRANT WRITING SERVICES WITH ARMENTA MANAGEMENT CONSULTING FOR FISCAL YEARS 2008-2009 AND 2009-2010 (This item was removed to be heard as 7.1).

APPROVAL OF A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A FIRST AMENDMENT TO THE CONSULTANT AND PROFESSIONAL SERVICES AGREEMENT WITH SANDRA C. SALERNO FOR MANAGING THE HUMAN RESOURCES DEPARTMENT (This matter was removed to be heard as Item 7.2).

.RESOLUTION NO. 08-137 N.C. RATIFYING THE PAYMENT OF CLAIMS FOR THE TIME PERIOD OF JUNE 30, 2008 TO JULY 30, 2008 TOTALING \$10,629,751.16.

RESOLUTION NO. 08-138 N.C. AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE SECOND AMENDMENT TO THE AGREEMENT WITH WINZLER & KELLY CONSULTING ENGINEERS FOR THE DESIGN OF THE FERRY MAINTENANCE FACILITY

The resolutions were adopted by the following vote:

AYES:	Mayor Davis, Vice Mayor Bartee, Councilmembers Gomes, Hannigan, Schivley, Sunga and Wilson
NOES:	None
ABSENT:	None
ABSTENTIONS:	None

7.1 APPROVAL OF A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT FOR GRANT WRITING SERVICES WITH ARMENTA MANAGEMENT CONSULTING FOR FISCAL YEARS 2008-2009 AND 2009-2010 AT A COST NOT TO EXCEED \$170,000.

City Manager Joseph Tanner gave a brief background on the grant writing services performed by Mr. Armenta. He stated that to date Mr. Armenta has received \$6, 957,213. The City recently applied to EDA for \$4.2 million for the Vallejo Station which would pay for the promenade part of the Vallejo Station if the funds are received. He further explained the effect bankruptcy has had on the City's ability to receive grants, noting that the funding agency would be inclined to look more favorably on the City.

Councilmember Gomes asked if there had been an opportunity offered to other firms to bid on this contract; and does the City have a policy on sole source contracting.

Mr. Tanner stated that he has not solicited other bids because he is very satisfied with the work of Mr. Armenta. He stated that success is what we want and this firm has had good success. The City does not have a policy for sole source contracting.

Councilmember Gomes questioned how, in nine years, if Armenta brought in \$7 million how they can bring in another \$11 million in two years. She asked if the contract was billable hours.

Mr. Tanner stated that it is due to the City's financial situation that federal and state agencies want to help Vallejo. Mr. Tanner stated that it is billable hours.

Councilmember Gomes stated that she wants to be sure we are not violating the policy. She believes offering it to other companies is the fair thing to do. When the contract is renewed again, she asked that staff consider providing an opportunity for a fair process.

Mayor Davis stated that in order to evaluate this, he would like to know how many grants had been applied for and how many had been received. He asked for this information earlier but did not receive the information.

Mr. Armenta described the comparison between his services and those of other consulting firms concerning the success rate and price range, citing examples from the City of Richmond and the City of Fairfield. He also addressed the amount of grants that have been received versus how much we will be receiving in the next two years. The reason they have only received a million dollars a year is because of the minimum match requirement. There are lots of grants that can be applied for but the City is not in a position to provide matching funds.

Mayor Davis asked what the ratio is for the grants applied for versus the grants received. Mr. Armenta replied 60 percent.

Councilmember Gomes, Councilmember Schivley and Vice Mayor Bartee thanked Mr. Armenta for his service.

RESOLUTION NO. 08-136 N.C. offered by Councilmember Gomes authorizing the City Manager to execute an agreement for grant writing services with Armenta Management Consulting for fiscal years 2008-2009 and 2009-2010 at a cost not to exceed \$170,000.

The resolution was adopted by the following vote:

AYES:	Mayor Davis, Vice Mayor Bartee, Councilmembers Gomes, Hannigan, Schivley, Sunga and Wilson
NOES:	None
ABSENT:	None
ABSTENTIONS:	None

**7.2 APPROVAL OF A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A FIRST AMENDMENT TO THE CONSULTANT AND PROFESSIONAL SERVICES AGREEMENT WITH SANDRA C. SALERNO FOR MANAGING THE HUMAN RESOURCES DEPARTMENT (Consent Item 7F)**

Councilmember Gomes asked if 15 months of service for \$200,000 is approximately \$160,000 a year and is this reasonable? Could this service be provided with employees for less money?

Mr. Tanner stated that it will be considerably less than the \$200,000. Ms. Salerno has been employed for three months and has just depleted the \$25,000. Councilmember Gomes asked that this matter be continued to the next Council meeting so she can review the original contract before approving the amended contract.

8. PUBLIC HEARINGS - None

9. POLICY ITEMS – None

10. ADMINISTRATIVE ITEMS

A. PRESENTATION AND DISCUSSION OF RED LIGHT CAMERA SYSTEM BY  
RED FLEX TRAFFIC SYSTEMS AS REQUESTED BY COUNCILMEMBER  
WILSON

Lt. Joel Salinas stated that the Police Department was asked by Council to explore the generation of revenue through the red light camera system. He consulted with several cities in the Bay Area and Red Flex was the most recommended red light camera system. He introduced Wade Betasworth, Red Flex Camera, who made a power point presentation on the red light camera system. He stated that the cities that use the program are benefiting not only at the intersections where the systems are installed, where they reduced violations and collisions related to red light running, but also achieving a “halo” effect where the technology benefits in other intersections based on the fact that the public knows the intersections are being monitored. Substantial decrease in collisions have been noted in cities where the system is installed. Mr. Betasworth addressed the notification and violation process that must be followed and the type of information that will be provided to the Police Department. He stated that the program must be operated by the Police Department.

Councilmember Wilson stated that a solution needs to be found for red light violators. He asked Lt. Salinas what the burden or benefit would be for the Police Department. Lt. Salinas replied that it would require an employee to review the citations and handle the court filings. This is often done by retired officers that have court experience which would be a part-time wage with no benefits. The Police Department has the ability to identify the top ten intersections and the time of day when most of the collisions occur.

Councilmember Wilson asked if Mr. Betasworth was familiar with the court decision to make this a more streamlined process for cities. Mr. Betasworth stated that California is very streamlined in terms of the model that exists. There is no upfront investment on behalf of the City to run the program. The California Vehicle Code requires that the fee that is charged be a flat fee. There are contractual provisions were they offer a cost neutral contract to match the revenue received each month against the monthly fee; if there is a short fall they are willing to carry it over to the next months until the revenue starts flowing.

Councilmember Wilson stated he would like to get bids for this program to see what options there are.

Councilmember Schivley asked Mr. Betasworth to provide a cost benefit analysis and a breakeven point. She asked the City Manager to check with Dan Armenta to see if there are grants available for this type of program and equipment.

Councilmember Gomes thanked Councilmember Wilson for bringing this forward. She supports it and supports the cost benefit analysis and making sure we explore the idea of using a retired officer or how the program could be implemented without taking an officer off the street.



Councilmember Sunga supports the idea. He asked if Red Flex was servicing the areas that were shown in the presentation. Mr. Betasworth replied that the pictures were from four cities in California and three cities in Iowa.

Councilmember Hannigan supports the program. She asked Lt. Salinas what the top three intersections are that have the most incidents. Lt. Salinas replied Sonoma Boulevard and Meadows Drive; Sonoma Boulevard and Mini Drive; and Sonoma Boulevard and Tennessee Street.

B. CONSIDERATION OF A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSULTANT AND PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF VALLEJO AND PACIFIC MUNICIPAL CONSULTANTS FOR THE PROVISION OF CONTRACT PLANNING AND ENVIRONMENTAL SERVICES

Don Hazen, Community Development/Planning Manager, introduced Marcus Adams, Associate Planner, who made the presentation. Mr. Adams stated that the Housing Development update is one of the nine elements of the general plan; and is a state required document that is updated every five years. The purpose of the element is to insure that all housing groups and income levels are provided housing in the City.

Mr. Adams stated the Request For Proposals was sent to 22 firms; three responded and were interviewed and of the three the selection committee selected Pacific Municipal Consultants based on their experience, qualifications, referrals and costs. Mr. Adams further stated that PMC is in the process of doing a housing element update for Fairfield and they are familiar with the process. The public participation phase of the housing element will include workshops for both the advisory committee and the general public. There will be up to three meetings for each group. Other opportunities for public comment would be at the Planning Commission and the City Council. Staff and PMC are both aware that many times people cannot attend the workshops and have innovative ideas such as online surveys.

Mr. Adams stated the next steps would be the selection of the advisory committee, the formalizing of the scope of work, the schedule, the housing needs assessment, environmental review and the public hearings. June 30, 2009 is when all cities must have their element submitted for certification.

In response to a question of Councilmember Wilson, Mr. Adams stated that it would come before the Council during the public hearing phase which would be in the Spring, 2009. The Council can attend any of the workshop meetings during the process. At the request of Councilmember Wilson, Mr. Adams clarified the time line and noted that it is due to the State in June 2009.

Councilmember Wilson stated that he does not want to have to make a rushed decision and requested a study session at the Council level on this matter. He asked that the public copy of the revised timeline be clarified so the public will know what the timeline is.

Mr. Hazen stated that there is no penalty or sanction if the City is late in submitting the document.



Councilmember Sunga stated that the contract with PMC is using almost half of the general plan update fund for one element of the general plan. He asked how important it is to spend this much money from the general plan update fund, and is this something that staff can do?

Mr. Hazen replied that the general plan update is estimated to cost between one and 1.5 million dollars. The Housing Element is the only element that is mandated by the State of California for regular updates every five years. Staff believes this is a good use and a proper use of the funds, and the account is earmarked for general plan updates. Housing Element updates require specialized experience and the expertise of a consultant is needed. Staff will be managing the contract and will be overseeing the work.

Councilmember Gomes asked if there was an opportunity to use grants or other monies for the Housing Element update? She went on to say that as the City recovers from the economic crisis, she would like to put money aside for the general plan update in order to do it properly. She requested a study session on how to plan for the general plan update.

Vice Mayor Bartee asked how staff determined that this was the best consultant. Mr. Adams responded that PMC had the lowest quote, the most experience, qualifications and referrals. The Committee was impressed with their eagerness, abilities and they believe they will do some innovative things with a limited budget. Further, PMC is very familiar with the process; they are doing housing element updates in Solano County, including Fairfield. He spoke with Planning Department staff in Fairfield and they were pleased with PMC and the work they were doing. The selection committee included him, Don Hazen, former Planning Commissioner Gary Salvadori and a former advisory committee member.

RESOLUTION NO. 08-139 N.C. offered by Mayor Davis authorizing the City Manager to execute a Consultant and Professional Service Agreement between the City of Vallejo and Pacific Municipal Consultants for planning and environmental consultant services.

The resolution was adopted by the following vote:

AYES:	Mayor Davis, Vice Mayor Bartee, Councilmembers Gomes, Hannigan, Schivley, Sunga and Wilson
NOES:	None
ABSENT:	None
ABSTENTIONS:	None

C. ADOPTION OF RESOLUTION DECLARING THE CITY COUNCIL'S INTENTION TO DISESTABLISH THE DOWNTOWN IMPROVEMENT DISTRICT AND TO SET THE DATE FOR A PUBLIC HEARING TO DISESTABLISH THE DISTRICT

Vice Mayor Bartee, Councilmember Gomes and Councilmember Wilson were recused from participating in this matter due to a conflict of interest. They own property in the district.

Annette Taylor, Senior Community Development Analyst, made a power point presentation and presented information on the background of the District. She reported that on February 6, 2008, Fred Menard, a merchant within the Downtown Improvement District, filed a petition requesting the City of Vallejo amend its Conflict of Interest Code to include members of the Downtown Parking and Business Improvement Area Advisory

Commission. On April 8, 2008, the Council considered a resolution of intention to amend the Municipal Code to eliminate the Downtown Parking Business Improvement Area Advisory Commission. After much discussion by the Council, Mr. Menard agreed to withdraw the Petition while City staff considered dissolving or reforming the Downtown Improvement District. Mr. Menard's Withdrawal of Petition was received on April 24, 2008. After meeting with Mr. Menard, his attorney David Fischer, John Sylvain, President of DAV, and Rich Geist, DAV Administrator, to discuss the DPBIAAC, the DID fee schedule and the DAV service contract with the City, Mr. Fischer suggested that the City Council dissolve the District or put it on hold for a few years.

The Downtown Association of Vallejo Board of Directors sent notices to the 230 merchants advising them of a meeting in May to discuss the future of the DAV and the DID assessment. Nine members were in attendance at the meeting and the majority of those in attendance thought the DID should be either suspended or disestablished. After further discussions, the DAV Board of Directors voted to recommend to the City Council that the DID fee be suspended until such time as the implementation of an equitable DID fee can be researched and recommended.

Ms. Taylor reported that the fiscal impact for disestablishing the District would be the refund to the merchants of prepaid DID assessments. Ms. Taylor stated the alternative is to not disestablish the DID and continue to collect assessments at the current rate; or to suspend the DID assessments and allow the District to remain intact but not collect assessments until a date certain.

Mayor Davis clarified that the action tonight is to set the public hearing date to consider disestablishing the district.

Councilmember Sunga asked what the effects on merchants will be if the DID is disestablished. Ms. Taylor stated that one of the issues has been that this is an additional charge to the Business License fee. Businesses have been reluctant to locate in the downtown with this additional assessment. If the DID is disestablished, the funding mechanism that has been in place to fund the promotional programs will no longer be available and they would have to find another mechanism to fund the programs.

John Sylvain explained that the impact on merchants would be multiple. Various merchants did not want to pay an extra tax to do business in the downtown area; they felt that reducing the tax would make it easier for businesses to start up. Although they will not have as many programs to start, they have the option of the same merchants joining the Main Street program and putting their efforts together with that group to promote the downtown. The funding mechanism for that would be business membership fees to the Main Street program. Generally, the merchants are supportive of disestablishing the fee, at least, and the DID. The Board has voted to go with the disestablishment, suspension, which will be discussed at the public hearing.

Councilmember Schivley stated that the downtown has had significant problems keeping and attracting business and they are the ones that pay three times as much as any other business in the City and this seems inequitable and does not seem like the appropriate way to entice businesses to the downtown area. There is a duplication of services between the DAV, Central Core Restoration Committee, and the Main Street Program. This is a perfect opportunity to remove one of those entities and possibly get this streamlined. Further, the City has no business being involved with this anymore because there is no

longer the Parking Improvement Committee and she believes this should be a voluntary organization and businesses should be a part of it if they chose to be. It should not be imposed upon them by the City or any other group.

Speakers: David Fischer, attorney for Mr. Menard, and the owner of three buildings on Georgia Street that are impacted and within the District. He agrees with what has been addressed tonight and encouraged Council to bring the matter to a public hearing. He stated that a task force was formed to review the ordinance concerning first floor retail in the Georgia Street corridor. He distributed a draft resolution that the task force developed. He stated that this matter needs to be resolved soon in order to provide relief to the property owners who are trying to recruit businesses in the downtown area.

Mayor Davis stated that the ordinance will be coming back to Council soon.

Councilmember Schivley asked that the ordinance concerning first floor retail in the Georgia Street Corridor be moved up on the priority list. We need to provide relief to the downtown property owners.

RESOLUTION NO. 08-140 N.C. offered by Councilmember Schivley declaring the City Council intention to disestablish the Downtown Improvement District and to set a date for a public hearing to disestablish the District.

The resolution was adopted by the following vote:

AYES:	Mayor Davis, Councilmembers Hannigan, Schivley, and Sunga
NOES:	None
ABSENT:	None
ABSTENTIONS:	Vice Mayor Bartee, Councilmembers Gomes and Wilson

Vice Mayor Bartee, Councilmember Gomes and Councilmember Wilson returned to the dais at 9:56 p.m.

D. CONSIDERATION OF A RESOLUTION ACCEPTING THE RIDGECREST QUARTERLY REPORT

RESOLUTION NO. 08-141 N.C. offered by Vice Mayor Bartee accepting the report documenting the reimbursement to the Landscape Maintenance District Program for the period of April 1, 2008 through June 30, 2008 for non-LMD inspection services provided by the LMD program in the amount of \$15,971.05 which has been transferred from the General Fund into the Landscape Maintenance Fund.

The resolution was adopted by the following vote:

AYES:	Mayor Davis, Vice Mayor Bartee, Councilmembers Gomes, Schivley, Sunga and Wilson
NOES:	None
ABSENT:	Councilmember Hannigan (excused)
ABSTENTIONS:	None

11. APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES - None

12. WRITTEN COMMUNICATIONS - None

13. CITY MANAGER'S REPORT - None
14. CITY ATTORNEY'S REPORT - None
15. COMMUNITY FORUM

Speakers: Marc Garman and James Moore addressed the City Manager's performance review.

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

Councilmember Schivley stated that the Beautification Advisory Commission has introduced a blight watch project in conjunction with SB 1137. They are looking forward to making a presentation to the City Council in the near future.

Councilmember Schivley referred to the remarks made by Mr. Schussel at the first Community Forum at which he questioned the educational incentives paid to the Fire Department for degrees that have nothing to do with their jobs. She stated that the citizens are wondering why there are educational incentives for degrees in physical education, classical civilizations, literature and dietetics. She asked for an answer to these questions so she can provide the information to the people who are asking.

Councilmember Schivley thanked Myrna Hayes for her hard work and efforts this weekend to commemorate very special areas and events on Mare Island that impacted the community.

Councilmember Hannigan reported on her trip to Akashi, Japan commemorating the 40<sup>th</sup> anniversary of the City's affiliation with Akashi. The trip included an all star high school baseball team who played against the Akashi City High School baseball team. We lost—the score was 3-6. Mayor and members of the City Council from Akashi will visit Vallejo in October.

Councilmember Gomes stated that evaluations of the City Manager were received from the following individuals: Vincent M. Dizon, F. G. Del Rosario, Jody Holiday, Ken Smith, Esther Hernandez, Melody Dizon, Justin Dizon, Rosalind Dizon, the O'Keefe's, John Kocourek. She asked that the letter from Bill Moore dated August 10, 2008 to the City Council and Mayor be included for the record: "On August 10<sup>th</sup>, the Times Herald stated that the City Council will evaluate the City Manager's job performance---seven months late. Feedback will be given in a private council session on Tuesday, Aug. 12<sup>th</sup>. My understanding is that this appraisal will be given to the City Manager without his previous knowledge or agreement.

Unfortunately this process is not only unfair, it's ludicrous and unjust. The format to be used for this evaluation is attached and is absent of any specific goals, objectives and time frames, etc. Without these the evaluation is worthless and only reflect the personal opinions and prejudices of this Council and Mayor and will not relate to any jointly agreed upon objectives or goals.

The evaluation form used (attached) lists ten areas of responsibility to be measured and all are void of any specifics (goals, measurement, criteria, time frames, etc.). Without a joint agreement of these expectations, an employee evaluation is meaningless and useless.

Mr. Tanner should be given a fair shot at performing his job. What is it that you want him to do, how do you want him to do it and when should it be done?

This process requires a Management By Objectives (MB) or Management By Agreement (MBA) process. This is a process in which a manager and employee agree upon a set of specific performance goals, or objectives, and jointly develop a plan for reaching them. The objectives must be clear and achievable, and the plan must include a time frame and evaluation criteria.

MBO is primarily used as a tool for strategic planning, employee motivation, and performance enhancement. It is intended to improve communication between employees and management, increase employee understanding of City goals, focus employee efforts upon organizational objectives, and provide a concrete link between pay and performance. An important factor in this system is its emphasis on the results achieved by Mr. Tanner rather than the activities performed in his job.

I suggest that MBO/MBA be used not only with the present City Manager but with all future City Managers. The City Council and Mayor and City Manager should: 1. Jointly define and set objectives 2. Let City Manager perform the tasks and Councils support 2. Jointly review results and 4. Evaluate performance and give feedback.

Please be fair to Mr. Tanner and give him the opportunity to succeed—not to fail! Your current evaluative approach, if implemented, is clearly an unjustifiable entrapment and should not be allowed to continue. Sincerely concerned, W. B. Moore cc: City Manager”.

Councilmember Gomes stated that she agrees with Councilmember Schivley regarding the educational incentives. She would like a better idea of the policy, the degrees and the process for approving it. People are very concerned about this, as they should be, because it is tax payers' dollars.

Councilmember Gomes asked that study sessions be kept on the agenda to be heard regularly over the next 12 months.

Councilmember Sunga reported that he attended, on behalf of the Mayor, Volunteers Appreciation Day, which recognized approximately 100 volunteers for Windsor Care Center. Councilmember Sunga stated that the Community Volunteer Program has had two meetings recently. It has been decided that the program will start with greeters or receptionists in the City hall lobby. It involves a lot of time but he appreciates being involved.

Vice Mayor Bartee reported that he attended the Vallejo City Unified School District Visionary Seminar and there are many exciting things going on as the result of Dr. Mary Bull, District Superintendent; i.e., setting a new bar for expectation of excellence; issues dealing with student behavior; and teacher's expectations. It is very promising to see her leadership and the energy she is infusing into the organization. Vice Mayor Bartee stated

that Natalie Coughlin, who won a gold medal at the Olympics for the 100 meter backstroke, is from Vallejo and asked that she be given recognition.

Vice Mayor Bartee further reported that support of the Senior Center is critical to the Center and encouraged businesses and members of the community to do what they can to support the Center. He asked that Mr. Armenta be asked to offer assistance to see if there are grant opportunities for the Senior Center. The Senior Round Table will meet on Thursday, August 14 at 2 p.m.

Councilmember Wilson reported that at the last Library Advisory Board meeting he was asked when appointments would be made to the Board. He asked that a more efficient and fast track process be considered in order for the Commissions to continue to do the good work.

- 17. CLOSED SESSION - None
- 18. ADJOURNMENT

The meeting adjourned at 10:15 p.m.

\_\_\_\_\_  
OSBY DAVIS, MAYOR

ATTEST: \_\_\_\_\_  
MARY ELLSWORTH, CITY CLERK



**COUNCIL COMMUNICATION**

**Date:** December 2, 2008

**TO:** Mayor and Members of the City Council

**FROM:** Craig Whittom, Assistant City Manager/Community Development *W*  
Robert V. Stout, Finance Director *RS*  
Melinda Nestlerode, Acting Housing and Community Development Manager *mn*

**SUBJECT:** APPROVAL OF A RESOLUTION TO AMEND THE FISCAL YEAR (FY) 2008/2009 BUDGET FOR FUND 101 (FEDERAL COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM)

**BACKGROUND AND DISCUSSION**

In May 2007, the City of Vallejo approved Federal Community Development Block Grant (CDBG) Program activities for Fiscal Year (FY) 2007/2008 (July 1, 2007 through June 30, 2008). At the end of each fiscal year, the Community Development Commission (CDC) of the City of Vallejo and the City Council review the status of each CDBG-funded activity. Some activities are completed and may be closed out. Other projects may be in progress or are not yet underway, and may be carried over. Funds for some projects may also be reallocated to other activities.

The CDC considered this item at its regular meeting on September 4, 2008. The Commission voted unanimously, 4-0-0, to recommend that the City Council adopt the carry over, close out, or reallocation of CDBG Program activities as shown in Attachment "B".

Additionally, after the FY 2008/2009 CDBG Program Budget was adopted by the City Council on June 24, 2008, the U. S. Department of Housing and Urban Development (HUD) reduced the City's CDBG Program entitlement grant allocation for FY 2008/2009 by \$71.

On November 18, 2008 the City Council adopted a resolution of intention to amend the FY 2008/2009 CDBG Program Budget.

**CDBG Program Activity Categories**

The City's CDBG Program activities typically fall into one of the following categories:

- (1) an activity that has been completed, ("closed out");
- (2) an activity that is not completed, but its funding authorization expired June 30. This type of activity may be closed out, or the activity may be approved again (reauthorized) in Fiscal Year 2008/2009; or

- (3) an activity that may be revised, including changing the amount budgeted for the activity. This is usually accomplished through the reallocation of unspent funds from one activity to another activity.

### (1) Completed Activities

A completed activity is an activity that has been finished or delivered. In some cases, an activity is completed and all the budgeted funds are expended. In others, activities are completed under budget.

A "completed activity" may also refer to activities with written agreements that expire at the end of the fiscal year, on June 30. All CDBG Program social service activities expire on June 30 and may not be carried over from one fiscal year to another, pursuant to HUD's CDBG Program regulations. Any CDBG Program social service funds unspent as of June 30 become available for any non-social service eligible activity in the next fiscal year.

The CDC and staff recommend that the following Fiscal Year 2007/2008 CDBG Program activities be closed out, and any remaining balance be used in FY 2008/2009 for the construction of public improvements on the 100 block of Benson Avenue:

<u>Activity</u>	<u>Unspent Balance</u>
Reynaissance Family Center Rehabilitation	- 0 -
Vallejo Senior Citizens Council Facility Rehabilitation (Florence Douglas Senior Center)	- 0 -
Vallejo Neighborhood Housing Services, Inc. (VNHS)	
Closing Cost Grants	- 0 -
Rehabilitation Loans	- 0 -
Social Services: Area Agency on Aging	800
Catholic Social Service	- 0 -
Christian Help Center	485
Global Center for Success	1,826
Greater Vallejo Recreation District (GVRD)	
Summer Camps	14,481
Hope Haven Transitional Shelter	- 0 -
The House of Acts	2,753
Meals on Wheels	209
Total, Social Services	<b>20,554</b>
Contingency	<b>3,621</b>
Program Administration	<b>+ 53,497</b>
<b>Total Unspent Balance to Benson Ave. Construction</b>	<b>77,672</b>



The engineering and design of **Benson Avenue** will be completed by December 31, 2008. Staff believes that this project will need additional funding in order to be completed, due to a delay in the design of the project, during which time costs have increased. Staff anticipates putting the project out to bid in early 2009. At that time, actual construction bid costs will be known. Construction of these improvements are proposed to begin in 2009. There have been no project design cost overruns to date. However, staff believes that this project will need additional funding in order to be completed.

If the Commission and staff's recommendation is approved, the total estimated amount that would be added to the Benson Avenue construction budget from closed out activities is \$77,672.

### (2) Reauthorized Activities

Some activities are still in progress, but the contract or funding authorization has expired; so, the City may authorize the carry over of funds to the next fiscal year. The Commission and staff recommend that the FY 2007/2008 activities shown below be reauthorized in FY 2008/2009, i. e., the funds carried over:

<u>Activity</u>	<u>Reauthorization Amount</u>
Benson Avenue	
Construction	730,464
Project Delivery (engineering, design, inspection, and contract administration)	57,750
<b>Total, Benson Avenue</b>	<b>788,214</b>
City Park Neighborhood Preservation	
Grounds/Landscaping/Trees Construction	90,000
Grounds/Landscaping/Trees, Project Delivery	27,000
Community Building Construction	150,000
Community Building, Project Delivery	45,000
Play Structure	75,000
Internet Enhanced Security Cameras	20,000
<b>Total, City Park</b>	<b>407,000</b>
VNHS	
Homebuyer Education	48,516
Homebuyer Loans	68,897
<b>Total, VNHS</b>	<b>+ 117,413</b>
<b>Total Recommended for Reauthorization</b>	<b>1,312,627</b>

(3) Revised Activities

In FY 2007/2008, funds were allocated to the City Park Preservation Project. This project included funds for exterior house paint grants, and Code Enforcement activities, in the City Park neighborhood. At June 30, 2008, these activities had unspent balances.

The CDC and staff recommend that the unspent balances for these activities (as shown below) be allocated to the Country Club Crest Neighborhood Preservation Project, which has received CDBG Program funding in FY 2008/2009.

<u>Activity</u>	<u>Unspent Balance</u>
City Park Neighborhood Preservation	
Code Enforcement	
Part Time Dedicated Code Enforcement	6,413
Civil Prosecutions	10,000
Total, City Park Code Enforcement	<b>16,413</b>
VNHS	
Paint Grants	<u>+ 514</u>
<b>Total Reallocation to Country Club Crest Preservation</b>	<b>16,927</b>

Summary of Recommendation

A summary of the funding recommendation is shown below:

Closed Out Activities:	77,672
Reauthorized Activities:	1,312,627
Revised Activities:	<u>+ 16,927</u>
<b>Total</b>	<b>\$1,407,226</b>

Finally, as noted earlier, subsequent to the City Council's approval of the FY 2008/2009 CDBG Program Budget, HUD adjusted the City's CDBG Program allocation downward by \$71. In order to maintain the same planned level of CDBG Program services to the residents, staff recommends that this small funding reduction be made in the category of Program Administration, (from \$272,326 to \$272,255).

Curb Ramps

On April 30, 1996, the City Council adopted Resolution No. 96-177 N. C., which in part established the installation of curb ramps in the City as a high priority until all needed ramps have been installed. Since 1991, the City has allocated over \$1.7 million in CDBG Program funds for curb ramps, for an average annual allocation of approximately \$100,000. A total of 1,245 curb ramps have been installed. Since FY 2005/2006, i. e., over the last four fiscal years, \$428,000 in CDBG Program and Redevelopment Agency funds have been allocated for curb ramps.

Curb ramps are still needed in many locations. In accordance with the City Council's direction, in 2009 staff intends to recommend that the City Council consider allocating FY 2009/2010 CDBG Program funds for curb ramps.

Fiscal Impact

The net effect of the recommendation is to: 1) reauthorize funding in FY 2008/2009 for activities that are in progress or are not yet underway; 2) increase the amount of funding in FY 2008/2009 for the completion of public improvements on Benson Avenue; and (3) reduce the CDBG Program Budget by a minor amount, (\$71), pursuant to HUD's revision to the City's CDBG Program entitlement grant for FY 2008/2009 in August, 2008.

RECOMMENDATION

Approve the carry over, close out, or reallocation of FY 2007/2008 CDBG Program activities, as shown in Attachment "B".

ALTERNATIVES CONSIDERED

The City benefits from its use of Federal CDBG Program funds. By reauthorizing the funding for activities in progress or not yet underway, the City is able to accomplish the community development objectives it has adopted. Therefore, no other alternatives were considered.

ENVIRONMENTAL REVIEW

An environmental review is not required for this action.

CITY COUNCIL AREA OF FOCUS

The proposed action is required pursuant to Federal grant guidelines. The program is consistent with Area of focus #3 – Improve Quality of Life.

PROPOSED ACTION

Adopt the enclosed resolution amending the FY 2008/2009 Federal CDBG Program Budget.

DOCUMENTS ATTACHED

Attachment "A" – Resolution

Attachment "B" – Carry Over, Close Out, and Reallocation of Fiscal Year 2007/2008 CDBG Program Activities

PREPARED BY/CONTACT:

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**RESOLUTION NO. 08- N.C.**

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

THAT WHEREAS, certain Federal Community Development Block Grant (CDBG) Program activities funded in Fiscal Year (FY) 2007/2008 have been completed.

WHEREAS, certain CDBG FY 2007/2008 activities have not been completed, and the funds allocated to these activities should be carried over and approved for expenditure in Fiscal Year 2008/2009.

WHEREAS, after the adoption of the FY 2008/2009 CDBG Program Budget by the City Council on June 24, 2008, the U. S. Department of Housing and Urban Development (HUD) reduced the City's CDBG Program entitlement grant allocation for FY 2008/2009 by \$71.

WHEREAS, HUD requires the City of Vallejo to expend its CDBG Program funds in a timely manner.

WHEREAS, the Community Development Commission of the City of Vallejo considered this item at its regular meeting on September 4, 2008 and voted unanimously, 4-0-0, to recommend that the City Council adopt the carry over, close out, or reallocation of FY 2007/2008 CDBG activities as shown in Attachment "B".

WHEREAS, on November 18, 2008 the City Council adopted a resolution of intention to amend the FY 2008/2009 CDBG Program Budget.

NOW THEREFORE BE IT RESOLVED that the City Council hereby amends the FY 2008/2009 CDBG Program Budget as shown in Attachment "B".

ATTACHMENT "B"  
CITY OF VALLEJO  
CARRY OVER, CLOSE OUT, AND REALLOCATION OF FISCAL YEAR 2007/2008 CDBG PROGRAM ACTIVITIES

A ACTIVITY	B 2007/2008 APPROPRIATION	C UNSPENT BALANCE 06/30/2008*	D PREVIOUS COUNCIL ACTION	E BUDGET TRANSFERS	F PROPOSED BUDGET AMENDMENT	G 2008/2009 ALLOCATION**	H REVISED 2009/2009 BUDGET	I ACCOUNT
<b>Facilities</b>								
Continental of Omega	\$ 20,000	\$ 20,000	\$ 20,000				\$ 20,000	101-2104-463.40-17
Reynolds Family Center	393,415							101-2104-463.40-09
Vallejo Senior Citizens Council	6,318							101-2104-463.40-26
Subtotal, Public Facilities	419,733	20,000	20,000				20,000	
<b>Public Improvements</b>								
Benson Avenue								
Construction Costs	730,464	730,464		77,672	808,136		808,136	101-2104-463.40-75
Public Works Staff Costs	169,503	104,942	47,192		57,750		104,942	101-2104-463.40-58
Subtotal, Benson	899,967	835,406	47,192	77,672	865,886		913,078	
City Park Neighborhood Preservation								101-2104-463.40-20
Grounds/Landscaping/Trees								
Construction Costs	90,000	90,000			90,000		90,000	
Public Works Staff Costs	27,000	27,000			27,000		27,000	
Subtotal, Grounds/Landscaping/Trees	117,000	117,000			117,000		117,000	
Community Building								
Construction Costs	150,000	150,000			150,000		150,000	
Public Works Staff Costs	45,000	45,000			45,000		45,000	
Subtotal, Community Building	195,000	195,000			195,000		195,000	
Play Structure	75,000	75,000			75,000		75,000	
Code Enforcement								
Part Time Dedicated Code Enforcement	50,000	6,413		(6,413)				
Civil Prosecutions	10,000	10,000		(10,000)				
Subtotal, Code Enforcement	60,000	16,413		(16,413)				
Internet Enhanced Security Cameras	20,000	20,000			20,000		20,000	
Subtotal, City Park	467,000	423,413		(16,413)	407,000		407,000	101-2104-463.40-77
Country Club Crest Neighborhood Preservation								
Lighting								
Construction Costs								
Public Works Staff Costs						96,687	96,687	
Subtotal, Lighting						29,000	29,000	
Curb/Gutter/Sidewalk, Curb Ramps						125,687	125,687	
Construction Costs								
Public Works Staff Costs						154,670	154,670	
Subtotal, Curb/Gutter/Sidewalk, Curb Ramps						46,400	46,400	
Code Enforcement						201,070	201,070	
Part Time Dedicated Code Enforcement								
Neighborhood Clean-ups/Public Education								
Subtotal, Code Enforcement						16,413	16,413	
Vallejo Neighborhood Housing Services (VNHS)								
Paint Grants								
Paint the Town								
Subtotal, VNHS						48,334	48,334	
Subtotal, Country Club Crest						36,711	36,711	
Subtotal, Public Improvements	1,366,967	1,258,819			16,927	85,045	85,559	
<b>Housing</b>						476,570	483,497	
Rental or Ownership Housing Development						476,570	1,813,575	
VNHS						408,488	408,488	101-2104-463.40-76
Closing Cost Grants	48,975							101-2104-463.40-60
Homebuyer Education	77,912	48,516			48,516		48,516	101-2104-463.40-02
Homebuyer Loans	395,045	68,897			68,897		68,897	101-2104-463.40-01
Paint Grants	33,701	514		(514)				101-2104-463.40-03
Rehab. Loans	24,000							101-2104-463.40-04
Subtotal, VNHS	579,633	117,927		(514)	117,413		117,413	
Subtotal, Housing	579,633	117,927		(514)	117,413	408,488	525,901	
<b>Social Services</b>								
Area Agency on Aging	20,000	800		(800)			19,334	101-2104-463.40-31
Catholic Social Service	20,000	485		(485)			19,334	101-2104-463.40-51
Christian Help Center	20,000	485		(485)			19,334	101-2104-463.40-35
Fighting Back Partnership (Country Club Crest)	25,000	1,826		(1,826)			41,568	101-2104-463.40-45
Global Center for Success	43,000	14,481		(14,481)			24,167	101-2104-463.40-52
GVRD Summer Camps	30,000	2,753		(2,753)			29,000	101-2104-463.40-40
House of Acts	22,000	209		(209)			21,267	101-2104-463.40-41
House of Wheels	31,282	209		(209)			27,112	101-2104-463.40-32
Meals on Wheels							3,128	101-2104-463.40-xx
Unallocated							204,244	
Subtotal, Social Services	211,282	20,854		(20,854)			272,255	101-2104-463.40-56
Contingency	73,815	3,621		(3,621)				101-2102-463.xx-xx
Program Administration	281,710	53,497		(53,497)				
<b>TOTAL</b>	<b>\$ 2,933,140</b>	<b>\$ 1,474,418</b>	<b>\$ 67,192</b>	<b>\$ -</b>	<b>\$ 1,407,226</b>	<b>\$ 1,361,557</b>	<b>\$ 2,835,975</b>	

Notes:  
\*Unaudited.  
\*\*Of this amount, \$200,000 is estimated program income.  
† shared budgets fiscal year 2008 2009 2007 2008 cdbg carry over close out reallocation.xls



**Agenda Item No. Consent C**

**COUNCIL COMMUNICATION**

**Date: December 2, 2008**

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Mary Ellsworth, City Clerk

**SUBJECT:** Approval of a resolution adopting the two-year tentative schedule of Council Meetings for 2009-2010

**SUMMARY**

Each year the City Council must adopt a tentative two-year meeting schedule as required by Section 308 of the City of Vallejo Charter.

Pursuant to Resolution No. 06-70 N.C. adopted March 7, 2008, the regularly scheduled Council meetings are on the first, second and fourth Tuesday of each month.

The attached tentative schedule of meetings for 2009 provides for no Council meetings on the Tuesday following a Monday holiday (May due to Memorial Day; September 7 due to Labor Day, and October due to Columbus Day). July 4 is on a Saturday so there will be no meeting on July 7. There will be no meeting on Tuesday August 4 because of National Night Out, and November 3, because of Election Day.

In order to meet the Charter requirement of 40 meetings a year, meetings have been added in the months of March, June, September, and November. Adding the two dates in June will eliminate the need to hold special meetings for budget study sessions. Because of Election Day in November, the meeting is scheduled for Thursday in both 2009 and 2010.

In 2010, the July 4 holiday is on Sunday so there will not be a meeting on the following Tuesday (July 6). There will not be meetings on the first Tuesdays in August, (National Night Out); September (Labor Day); and November (Election Day).

**PROPOSED ACTION:**

Adopt the resolution approving the 2009-2010 tentative schedule of City Council meetings.

**AREA OF FOCUS**

Not applicable.

**ATTACHMENTS**

Resolution adopting the 2008-2009 tentative schedule of City Council meetings

**RESOLUTION NO. \_\_\_\_\_ N.C.**

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF VALLEJO AS FOLLOWS:

WHEREAS, Section 308 of the City Charter requires that at the first meeting in December of each year a schedule of regular Council meetings be adopted for the subsequent two-year period.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Vallejo shall hold regular meetings starting at 7:00 p.m. in the City Council chamber located at 555 Santa Clara Street, Vallejo, CA on the following dates for calendar years 2009-2010:

**CITY COUNCIL TENTATIVE MEETING SCHEDULE  
2009-2010**

2009

2010

January	6, 13, 27	January	5, 12, 26
February	3, 10, 24	February	2, 9, 23
March	3, 10, 24, <b>31</b>	March	2, 9, 23, <b>30</b>
April	7, 14, 28	April	6, 13, 27
May	5, 12, 19	May	4, 18, 25
June	2, 9, <b>16, 23, 30</b>	June	1, 8, <b>15, 22, 29</b>
July	14, 21, 28	July	13, 20, 27
August	11, 18, 25	August	10, 24, 31
September	1, 15, 22, <b>29</b>	September	14, 21, 28
October	6, 20, 27	October	5, 19, 26
November	<b>5, 10, 17</b>	November	<b>4, 9, 16, 30</b>
December	1, 8, 15	December	2, <b>9, 16</b>

**Notes:**

1. The meeting dates in bold text above should not have public hearings or lengthy policy or administrative matters placed on the agenda, unless it is determined by the City Manager that it is essential or required by law that the matter be placed on the agenda.
2. Vallejo Sanitation & Flood Control District meetings are held on the last meeting of the month and start at 6:00 p.m.



**ORDINANCE NO. \_\_\_ N.C. (2d)**

AN ORDINANCE AMENDING ORDINANCE NO. 558 N.C. (2d) AS AMENDED, ENTITLED, THE ZONING MAP OF THE CITY OF VALLEJO, TO REZONE PROPERTY LOCATED AT 1401 SOLANO AVENUE AND 14 NINTH STREET

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

**SECTION 1.** The Districts and Zoning Map Section of Ordinance No 558 N.C. (2d) entitled the Land Use Zoning Ordinance of the City of Vallejo adopted September 29, 1980, as amended, and Chapter 16.08 of the Vallejo Municipal Code, is hereby further amended, and said amendment is shown on the map entitled, "The Zoning Map of the City of Vallejo" which map by reference is made part of said Ordinance No. 558 N.C. (2d).

The real properties affected by this amendment are located at 1401 Solano Avenue, Assessor Parcel Number 0059-041-110 and 14 Ninth Street, Assessor Parcel Number 0059-041-120.

This amendment was implemented by Zoning Map Amendment #07-0003 and changes the zoning at 1401 Solano Avenue from Linear Commercial to Planned Development Residential and at 14 Ninth Street from Low Density Residential to Planned Development Residential.

A true copy of said Zoning Map is on file in the office of the City Clerk of Vallejo, in City Hall, 555 Santa Clara Street, Vallejo, California, for use and examination by the public.

**SECTION 2.** This ordinance shall take effect and be in full force from and after thirty (30) days after its final passage.

FIRST READ at a regular meeting of the Council of the City of Vallejo held the 18 th day of November, 2008 and finally passed and adopted at a regular meeting of the Council held the 2<sup>nd</sup> day of December, 2008 by the following vote.

**CONDITIONS OF APPROVAL**

**TENTATIVE MAP #07-0009  
PLANNED DEVELOPMENT (UNIT PLAN) #07-0008  
MINOR EXCEPTION #07-0004**

**(APN's# 0059-041-110, 120)**

**[Changes in *italics* done at/by City Council 11/18/08]**

**CONDITIONS OF APPROVAL:**

**Planning Division**

1. Prior to building permit submittal, redesign the building elevations based on the architectural concepts shown in Exhibit **B**, subject to staff review and approval.
2. Prior to building permit issuance, provide a final color and material board for staff review and approval. Building colors selected shall compliment the existing neighborhood.
3. Prior to issuance of first Certificate of Occupancy, provide CC&R's for staff and City Attorney review and approval. CC&R's shall include the following language:
  - Non-residential uses shall comply with the Home Occupation regulations chapter (16.60) of the Vallejo Municipal Code.
  - City approved front yard landscaping and trees shall not be modified without HOA and city approval.
4. Prior to building permit issuance, provide a revised detail for a "Solano Townhome Guest Parking Only" sign in front of the two guest spaces and details for any other proposed signage or exterior lighting.
5. Construction plans shall include a detail of a play structure for the proposed tot-lot/play area.
6. During building inspection, prior to final occupancy, a noise measurement shall take place to ensure that the interior noise standard of 45dB is not exceeded.
7. Prior to construction/grading, the applicant shall submit to the Planning Division, a Condition of Approval Compliance statement. This statement shall include a Project Site Community Complaint representative name and contact number which will be on file with the city and made available to neighboring residents within 24 hours upon request.
8. ***Submit revised improvement plans illustrating a matching continuous sidewalk fronting Ninth Street to Rice Street which meets Public Works approval prior to***

***building permit issuance.***

**Building Division**

1. Exiting must comply with code section 1025.7

**Fire Prevention**

1. A fire alarm system is required for this project in accordance with section 1006.2 of the CFC.
2. Additional fire hydrants may be required. Submit a complete set of plans for review and approval. All fire hydrants are to have "blue dot" highway reflectors installed on the adjacent street of the driveway to clearly identify the fire hydrant locations. (1998 CFC Section 903, Appendix III-B)
3. If security gates are desired at any entrances to the project, they shall be provided with a Fire Department approved entry system.
4. In Residential (Group R) Occupancies, single station smoke detectors shall be installed prior to occupancy/final building inspection in each sleeping area and at a point centrally located in the corridor or area giving access to each separate sleeping area. When the dwelling unit is of more than one story (including basement) there shall be a smoke detector on each story. When a story is split into more than one level, the smoke detector shall be installed on the upper level. (1998 CBC Section 310.9.1.1).
5. Every sleeping room below the fourth story shall have at least one exterior opening for rescue purposes. The opening shall be a minimum of 5.7 square feet and 20 inches wide by 24 inches high. The finished sill height of the opening shall be no higher than 44 inches from the floor. Ladder access shall be provided for buildings over the first floor. (1998 CBC Section 310.4)
6. Large trash receptacles placed adjacent to combustible construction, unprotected openings in structures, or in areas with heavy accumulations of vegetation extending over the top, shall be protected by at least one automatic fire sprinkler head. If the building is not equipped with a fire sprinkler system, the dumpster head may be supplied by the domestic water system. (1998 CFC 1103.2.2).

**Vallejo Sanitation and Flood Control District**

1. Prior to building permit issuance, pay a plan review prior to further review (\$310.00).
2. Resubmit plan documents for additional review.

3. After plan approval, submit a VSFCDC Connection Permit Application (SSI) Form for connection fee calculations (\$20 submittal fee).
4. Area within refuse enclosures shall drain to the sanitary sewer system. The outside perimeter of the trash enclosure shall be graded to prevent stormwater from draining into the sanitary sewer system. The trash enclosure shall be covered with a roof or awning.
5. On cover sheet, add VSFCDC signature block (enclosed).
6. Add a district clean out to the proposed 8" SS lateral at back of walk, if it is to be placed within the driveway area, a traffic rated lid is required.
7. Fill out pretreatment questionnaire (enclosed).
8. Label the SS facilities and SD facilities (mains, manholes, etc.) within the project as private no to be maintained by VSFCDC.
9. Add VSFCDC SS and SD notes (enclosed).
10. Add a SDCB within the public right of way on the proposed 12" SD to separate private SD from Public SD.
11. SSMH #1 shall be called out as a SSMH per District Standard Drawing #8.
12. Pay plan review fee (enclosed).
13. Conditional approval from VSFCDC includes that the HOA and applicant cannot change project details once construction is commenced.

**City Engineer**

**Specific conditions are as following:**

1. Approval of this Tentative Map is subject to abandonment of ten feet of each of Solano Avenue and Nine Street right of way by the City Council of City of Vallejo.
2. Submit site grading, drainage, improvement, utilities and landscaping plans for review and approval. Site plan shall show all proposed existing improvements and utility services.
3. Surface runoff from the site shall be intercepted on site, piped and tied into an approved public storm drain system.
4. Submit geotechnical investigation report for this project for review.

5. Install standard curb, gutter, sidewalk and driveway approach fronting the property along Solano Avenue and Nine Street. (six feet wide fronting Solano Avenue and four feet wide fronting Nine Street).
6. Multiple trenches along Solano Avenue and 9<sup>th</sup> Street require grinding and overlay the streets to City standard.
7. The existing over head utility wires fronting the property along Nine Street and Solano Avenue are partially within the proposed abandonment of right of way. The applicant must work with utility companies to resolve any conflict that may arise as to clearance with the proposed building or any other issues.
8. Install required City Standard Street light fronting the property along Nine Street and Solano Avenue.
9. Install standard Stop Sign (R1-1) and No Left Turn (R3-2) on the same post at the exit of private access.
10. Prior to final map approval pay fair share cost of the future traffic signal installation for the intersection of Nine Street and Solano Avenue. The fair share cost will be determined by a traffic study and Public Works Department. (It has been estimated by City Traffic Engineer that present fair share cost is about \$6,000.00. This amount has been derived from a 2% traffic volume contribution by the project and \$300,000 cost of a five legged traffic signal light).
11. Prior to final map approval in lieu of under-grounding overhead utility wires fronting the property along Solano Avenue and Ninth Street, pay \$500.00 per linier foot of frontage for the share cost of future under-grounding of overhead utility wires.
12. Prior to recording the final map, the owner shall pay the City charges required by Solano County for providing copies of the recorded map to the City (\$15.00/sheet).
13. Prior to Final Map approval, establish a Homeowners Association for operation and maintenance of private access, play area, landscaping, irrigation system, drainage ditches, fences and appropriate signage and hardware, light system, and other private facilities subject to the approval of the Planning Division, Public Works Director, and the City Attorney. The Covenants, Conditions and Restrictions of all deeds issued within the townhouse shall contain provisions requiring participation in the said Homeowners Association.
14. Prior to acceptance of subdivision the Homeowners Association must accept the private elements of townhouse improvements.

15. Prior to approval of Final Map submit CC&R for review of Planning, Public Works, City Attorney and the VSFCD for review
16. Prior to acceptance of the project, the landscape architect for the project must perform a complete and thorough field review of the landscape irrigation and planting within the project and provide the City in writing a certificate that all landscaping, planting, and irrigation within the project is in full compliance with the City ordinances and guidelines and approved landscape, planting and irrigation plans.
17. Address map for this project shall be submitted ahead of time so that all concerned departments/agencies have enough time to review.
18. Prior to issuance of first building permit dedicate Parcel "A" and Private Access (Known as Common Area) to the Homeowners Association.
19. Install standard "NO Parking" signs fronting the property along Solano Avenue.
20. Paint the curb red along Ninth Street fronting the property at the first driveway access and 10' of curb on each side from the curb return at the second driveway. Allow 20' of parking between first driveway access and second.
21. Based on new updated fee schedule prior to approval of final map, the owner shall pay to the City of Vallejo map checking fee.
22. During construction, it shall be the responsibility of the developer to provide for safe traffic control in and around the site. This may include but not be limited to signs, flashing lights, barricades and flag persons.
23. Public rights-of-way shall not be used for staging building construction activities, including but not limited to, storage of construction material and equipment. The street and sidewalks must be kept free of construction debris, mud, and other obstacles and must remain open to traffic at all times.

## **STANDARD CONDITIONS**

### **Planning Division**

1. The conditions herein contained shall run with the property and shall be binding on the applicant and all heirs, executors, administrators, and successors in interest to the real property that is the subject of this approval.
2. All graffiti shall be removed from the walls, fences, and/or buildings within one hundred twenty hours of its appearance on the property.

3. Exterior lighting should be high pressure sodium, or equivalent type, and shall have an illumination intensity of between one and four footcandles. Lights shall be directed and shielded so as not to glare onto adjoining residential properties. Lights shall have a housing to protect against breakage. Broken or burnt out lights shall be replaced within one hundred twenty hours.
4. Exterior noise emanating from the development shall meet the City's noise performance standards and comply with the City's Noise Element.

### **Fire Prevention**

1. Submit a numbered list to the Fire Prevention Division stating how each condition of project approval will be satisfied. F1
2. The project shall conform to all applicable requirements of Title 19-Public Safety, 2001 CFC and all VMC Amendments. F2
3. Automatic fire sprinkler extinguishing systems are required for all residential, commercial and industrial occupancies (2007 CFC Section 1003.1.2 added VMC Section 12.28.190) F3
4. Prior to building permit issuance, building construction plans and plans for required fire protection systems (automatic sprinklers, smoke alarms, etc.) shall be submitted to Fire Prevention for review and approval. All applicable plan review and inspection fees shall be paid. F4
5. Prior to occupancy/final building inspection, install 3A-40BC portable fire extinguishers as required by the Fire Prevention Division. (2001 CFC Standard 10-1; NFPA 10) F8
6. Prior to occupancy/final building inspection, install approved numbers or addresses on all building in such a position as to be clearly visible and legible from the street. Commercial occupancies shall have numeral or letters not less than 6 inches in height of contrasting background, and illuminated at night. (1998 CFC Section 901.4.4; added VMC Section 12.28.170) F9
7. Prior to occupancy/final building inspection, install "No Parking Fire Lane" signs along interior access roadways, in location where vehicle parking would encroach on a 20-foot clear width of roadway (CVC Section 22500.1; CalTrans Traffic Manual, sign #R26f). F10
8. Prior to occupancy/final building inspection, all applicable fees shall be paid before a final Fire Prevention inspection shall be conducted. All meeting and inspections require a minimum 24-hour advance request. F11

9. Development sites shall be maintained weed free during construction. (2001 CFC Section 1103.2.4) F12

### **Water Division**

1. **WATER SYSTEM PLANS.** All water system improvements shall be consistent with the Vallejo Water System Master Plan, 1985, prepared by Kennedy/Jenks Engineers as updated by Brown & Caldwell, 1996. Prior to Improvement Plan approval and building permit issuance, water system improvement plans shall be submitted to the **Water Division** for review and approval, and shall contain at least:
  - a. Location and size of fire sprinkler service connection(s).
  - b. Location and size of domestic service connection(s).
  - c. Location and size of irrigation service connection(s).
  - d. Location of fire hydrants.
  - e. Location of structures with respect to existing public water system improvements, such as mains, meters, etc.
  - f. Location and size of any new water mains.
  - g. Location and size of backflow prevention devices (required on water service connections to irrigation systems, certain commercial water users, and to commercial fire sprinkler systems, per City Ordinance 922 N.C. (2d). W3.
2. **FIRE FLOW REQUIREMENTS.** Fire flow requirements of the Fire department shall be complied with. Fire flow at no less than 25 psig residual pressure shall be available within 1,000 feet of any structure. One half of the fire flow shall be available within 300 feet of any structure.
  1. For single family residential units, the fire flow is 1,500 gpm.
  2. For other developments, see the Vallejo Water System Master Plan, 1985, prepared by Kennedy Jenks and its latest update by Brown and Caldwell dated April 1996. W4.
3. **HYDRAULIC CALCULATIONS.** Prior to Improvement Plan approval and building permit issuance, hydraulic calculations shall be submitted to the **Water Superintendent** demonstrating that the fire flow requirements are complied with. W5.
4. **FIRE PROTECTION SYSTEMS.** Fire hydrant placement and fire sprinkler system installation, if any, shall meet the requirements of the Fire Department. For combined water and fire services, the requirements of both the Fire Department and the Vallejo Water System Master Plan, with latest revisions, shall be satisfied. W6.
5. **WATER EASEMENTS.** Easements shall be granted for all water system improvements installed outside the public right-of-way in the City's Standard Form for Grant of Water Line Easement with the following widths:



- a. 15 ft. wide (minimum) for water mains.
  - b. 10 ft. wide (minimum) for fire hydrants, water meters, backflow preventers, double detector check valves, etc.
  - c. Other facilities will be reviewed by the Water Division. W7.
6. **WATER SERVICE BONDS AND FEES.** Water service shall be provided by the City of Vallejo following completion of the required water system improvements and payment of applicable fees. Performance and payment bonds shall be provided to the City of Vallejo prior to construction of water system improvements. Fees include those fees specified in the Vallejo Municipal Code including connection and elevated storage fees, etc., and fees for tapping, tie-ins, inspections, disinfection, construction water, and other services provided by the City with respect to the water system improvements. The Water Division may be contacted for a description of applicable fees. W9.
7. **WATER SYSTEM INSTALLATION.** Prior to occupancy or final building inspection, install water system improvements as required. Backflow device/s where required shall be installed in areas hidden from public view and/or shall be mitigated by landscaping. W10.

## **Public Works**

### **Standard Comments/Requirements:**

1. Submit a parcel map prepared by a qualified registered civil engineer or Land Surveyor for review and approval. Submit preliminary title report and all pertinent documents for map review. (VMC 15.12. 030).
2. Install standard driveway approach per City standard. (COV, Regulations & Standard Specifications,1992).

### **Additional standard comments that may apply are:**

- PW1. **HOW PROJECT CONDITIONS SATISFIED.** Prior to building permit issuance, submit a numbered list to the **Planning Division** stating how each condition of project approval contained in this report will be satisfied. The list should be submitted to the project planner who will coordinate development of the project.
- PW2. **PUBLIC IMPROVEMENT STANDARDS.** All public improvements shall be designed to City of Vallejo standards and to accepted engineering design standards. The **City Engineer** has all such standards on file and the Engineer's decision shall be final regarding the specific standards that shall apply. (COV, Regulations & Standard Specifications,1992).

- PW3. **IMPROVEMENT PLANS.** Prior to building permit submittals, submit three sets of plans to the **Department of Public Works** for plan check review and approval. (Improvement or civil plans are to be prepared by a licensed civil engineer.) Plans are to include, but may not be limited to, grading and erosion control plans, improvement plans, joint trench utility, street light plans, and landscaping, irrigation and fencing plans and all supporting documentation, calculations and pertinent reports. (COV, Regulations & Standard Specifications, 1992 Section 1.1.7-A).
- PW4. **GRADING** Prior to issuance of grading permit, submit a soils report for review. An independent soils and geological review of the project may be required. The City shall select the soils engineer with the cost of the study to be borne by the developer/project sponsor. Site grading shall comply with City Municipal Code. (VMC, Chapter 12.40).
- PW5. **LINE OF SIGHT CRITERION.** In design of grading and landscaping, line of sight distance shall be provided based on Caltrans standards. Installation of fencing, signage, above ground utility boxes, etc. shall not block the line of sight of traffic and must be set back as necessary. (VMC, Section 10.14).
- PW6. **ON-SITE SOILS ENGINEER.** During grading operations, the project geologist or soils engineer and necessary soils testing equipment must be present on site. In the absence of the soils engineer or his representative on site, the **Department of Public Works** shall shut down the grading operation. (VMC, Section 12.40.080).
- PW7. **DUST AND EROSION CONTROL.** All dust and erosion control shall be in conformance with City standards and ordinances. (VMC, Sections 12.40.050 & 12.40.070).
- PW8. **COMPACTION TESTS.** Prior to building permit issuance or acceptance of grading, compaction test results and certification letter from the project soils engineer and civil engineer confirming that the grading is in conformance with the approved plans must be submitted to the **Department of Public Works** for review and approval. Test values must meet minimum relative compaction recommended by the soils engineer (usually at least 90 percent). (VMC, Section 12.40.070-R).
- PW9. **DRIVEWAY STANDARDS.** Entrances to any private project must be standard driveway approaches unless deviation is permitted by the **City Engineer**. (VMC, Section 12.04.100).
- PW10. **STREET EXCAVATION PERMIT.** Obtain a street excavation permit from the **Department of Public Works** prior to performing any work within City streets or rights-of-way, or prior to any cutting and restoration work in existing public streets for utility trenches. All work shall conform to City standards. (VMC, Section 10.08).

- PW11. ENCROACHMENT PERMIT.** Prior to building permit issuance, obtain an encroachment permit from the **Department of Public Works** for all work proposed within the public right-of-way. (VMC, Section 10.16).
- PW12. TRAFFIC CONTROL PLAN.** Prior to start of construction, submit a traffic control plan to the **Department of Public Works** for review and approval. (Caltrans Traffic Manual).
- PW13. COORDINATION OF CONSTRUCTION INSPECTION.** Construction inspection shall be coordinated with the **Department of Public Works** and no construction shall deviate from the approved plans. (COV, Regulation & Standard Specification Sections 1.1.4 & 1.1.5).
- PW14. PLAN CHANGES.** The project design engineer shall be responsible for the project plans. If plan deviations are necessary, the project engineer must first prepare a revised plan or details of the proposed change for review by the **Department of Public Works** and, when applicable, by **Vallejo Sanitation and Flood Control District**. Changes shall be made in the field only after approval by the City. At the completion of the project, the design engineer must prepare and sign the "as built" plans. (COV, Regulation & Standard Specification Section 1.1.9).
- PW15. BONDS AND FEES.** Prior to approval of construction plans, provide bonds and pay applicable fees. Bonding shall be provided to the City in the form of a "Performance Surety" and a separate "Labor and Materials Surety" in amounts stipulated by City ordinance. (VMC, Section 15.12.090, Resolution Nos. 84-554 N. C. and 02-55 N. C.)
- PW16. INSTALL IMPROVEMENTS.** Prior to occupancy/final building inspection, install the improvements required by the **Department of Public Works** including but not limited to streets and utilities. (VMC, Section 12.04.060).
- PW17. SIDEWALK REPAIR.** Prior to occupancy/final building inspection, remove and replace any broken curb, gutter, sidewalk or driveway approach as directed in the field by the **City Engineer**. (VMC, Section 10.04).
- PW19. STREET TREES.** Prior to release for occupancy, plant required street trees in accordance with City Municipal Code. The list of approved trees is available in the office of the Public Works Director. The minimum standard shall be at least one tree for each 50 feet of street frontage or fraction thereof, including secondary or side streets. Street tree(s) shall be inspected by Public Works Landscape Inspector prior to release for occupancy. (VMC, Section 15.06.190 and Regulations and Standard Specifications Section 3.3.48).
- PW20. JOINT TRENCH.** The developer shall provide joint trench plans for the underground electrical, gas, telephone, cable television and communications conduits and cables including the size, location and details of all trenches, location of all building utility service stubs and meters and placement or arrangements of junction structures as a part of the Improvement Plans submitted

for the project. The composite drawings and/or utility improvement plans shall be signed by a licensed civil engineer. (VMC, Sections 15.06.160&170).

**PW21. SIGNAL INTERCONNECT CABLES.** There are fiber optic and /or copper signal inter connect cables located at the edge of the roadway or under the sidewalk. The plans should address either the relocation of these cables or a note should be made of the cable location. A warning should be included on the plans stating that if the cable damaged, the entire length of the cable between the two nearest hubs will be replaced by the contractor unless otherwise authorized by the City Engineer.

**GENERAL CONDITIONS**

1. The applicant shall defend, indemnify, and hold harmless the City of Vallejo and its agents, officers, and employees from any claim, action, or proceeding against the City and its agents, officers, and employees to attack, set aside, void, or annul this approval by the City. The City may elect, at its discretion, to participate in the defense of any action.

K:/citywide/public/ai/pl/Solano Townhomes(GPA-ZMA)/conditions

**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF VALLEJO, AMENDING THE DOWNTOWN SPECIFIC PLAN/MASTER PLAN LAND USE REGULATIONS (ORDINANCE NO. 1591) AND REPEALING RESOLUTION NO. 07-155

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

SECTION 1. Findings and Determination.

The City Council hereby finds and determines that:

- A. On September 20, 2005, Ordinance No. 1553 N.C. (2d) was approved and established the Downtown Vallejo Specific Plan and accompanying Downtown Vallejo Design Guidelines as the Master Plan for the downtown.
- B. On September 20, 2005, the City Council certified the Draft Downtown Vallejo Specific Plan and Virginia Street Development Final Environmental Impact Report, dated August 2005 and approved the Mitigation Monitoring and Reporting Program, dated August 2005.
- C. On September 20, 2005, Resolution No. 05-321 was approved by the City Council, approving the Downtown Vallejo Specific Plan and accompanying Downtown Vallejo Design Guidelines and finding that such documents were consistent with the City's General Plan.
- D. On June 12, 2007, the City Council adopted revisions to Ordinance No. 1553 N.C. (2d) and passed Ordinance No. 1591 N.C. (2d) approving temporary land use regulations for the ground floors of buildings along the downtown Georgia Street Corridor.
- E. On October 21, 2008, a Resolution of Intent was approved by the City Council, finding that it was necessary to permanently allow a broader range of land uses along the Georgia Street Corridor, to simplify the land use entitlement process for certain uses, and to repeal the temporary land use regulations in favor of permanent regulations, and directing staff to prepare an amended Downtown Vallejo Specific Plan and expressing its intent to revise Ordinance No. 1553 N.C. (2d).
- F. On November 3, 2008, the Planning Commission conducted a duly noticed public hearing on the proposed amendment of the Downtown Specific Plan to incorporate a broader range of permitted land uses for the Georgia Street Corridor, simplified entitlement processes for certain specified uses, and repealing the temporary land use regulations for the downtown Georgia Street Corridor, and after considering all verbal and written testimony, passed a resolution recommending approval.

- G. On November 18, 2008, the City Council conducted a duly noticed public hearing on the proposed amendments to the Downtown Vallejo Specific Plan and considered all verbal and written testimony on record.
- H. The amendments to the land use regulations of the Downtown Vallejo Specific Plan is consistent with the City General Plan and the Downtown Vallejo Specific Plan Land Use Goal 4.2c, which “strives to enrich the mix of Downtown uses by “identifying appropriate interim uses in retail spaces until such time there is a market for retail uses and prohibiting boarded up storefronts even during transition periods.
- I. The proposed amendments are categorically exempt from the requirements of CEQA per section 15301 of Title 14 of the California Code of Regulations as it involves permitting a negligible or no expansion of the uses beyond those existing at the time of the City’s consideration and determination on the Downtown Vallejo Specific Plan.

SECTION 2. Approval of amendments providing a broader range of permitted land uses for the Georgia Street Corridor, simplifying the entitlement process for certain specified land uses, and repealing the temporary land use regulations to serve as a part of the Downtown Master Plan.

Based on the findings herein above, the City Council hereby approves the amendments to the Downtown Master Plan and Specific Plan as described in Resolution No. 08-208 N.C.

SECTION 3. Effective Date.

The effective date of this shall be thirty (30) days after the final passage.

FIRST READ at a regular meeting of the Council of the City of Vallejo held the 18<sup>th</sup> day of November, 2008 and finally passed and adopted at a regular meeting of the Council held the \_\_\_\_\_ day of December 2008 by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

K/Public/AI/PL/DowntownSPAI/SPAIICordinance.doc

**RESOLUTION NO 08-208 N.C.**

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VALLEJO HOLDING ON FIRST READING AN ORDINANCE AMENDING THE DOWNTOWN VALLEJO SPECIFIC PLAN TO MODIFY THE LAND USE REGULATIONS WITHIN THE GEORGIA STREET CORRIDOR, MODIFYING THE LAND USE ENTITLEMENT PROCESS FOR CERTAIN SPECIFIED USES, AND REPEALING THE TEMPORARY LAND USE REGULATIONS IN ORDINANCE NO. 1591 AND RESOLUTION NO. 07-155

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

WHEREAS, the Downtown Vallejo Specific Plan was adopted by the Vallejo City Council on September 20, 2005 as the Master Plan for the Downtown Area, with the stated vision that “Downtown will become the focus of community pride as the revitalized “heart” of Vallejo; and

WHEREAS, the Downtown Specific Plan Land Use Goal 4.2c strives to enrich the mix of Downtown uses by “identifying appropriate interim uses in retail spaces until such time as there is a market for retail uses and prohibiting boarded up storefronts even during transition periods”; and

WHEREAS, it is necessary to allow a broader range of land uses on the ground floors of buildings along the Georgia Street Corridor as depicted on page 4.8 of the Downtown Vallejo Specific Plan, in order to provide a transition of land uses until the retail market improves; and

WHEREAS, it is beneficial to the overall economic development of Downtown to simplify the entitlement process for certain specified uses and eliminate the uncertainty associated with temporary land use regulations; and

WHEREAS, allowing a broader range of land uses, a simplified entitlement process, and eliminating the uncertainty associated with temporary land use regulations would be consistent with the Downtown Vallejo Specific Plan, and the City of Vallejo General Plan; and

WHEREAS, the amendments are categorically exempt pursuant to CEQA Guidelines 15301. The amendment to the Downtown Specific Plan involves permitting a negligible or no expansion of the use beyond those existing at the time of the City’s consideration and determination on the Downtown Vallejo Specific Plan Environmental Impact Report.

NOW THEREFORE BE IT RESOLVED, that the City Council hereby (1) holds on first reading an ordinance amending the Downtown Vallejo Specific Plan to modify the land use regulations within the Georgia Street Corridor, modifying the land use entitlement process for certain specified uses; (2) repeals Resolution No. 07-155; and (3) approves the amendments to the Vallejo Downtown Specific Plan as described in Attachment C and incorporated as text into said Specific Plan.

ADOPTED by the Council of the City of Vallejo at a regular meeting held on November 18, 2008 by the following vote:

AYES: Mayor Davis, Councilmembers Gomes, Hannigan and Schivley  
NOES: None  
ABSENT: None  
ABSTENTIONS: Vice Mayor Barteo, Councilmember Sunga and Councilmember Wilson

\_\_\_\_\_  
//s//  
OSBY DAVIS, MAYOR

\_\_\_\_\_  
//s//  
ATTEST: MARY ELLSWORTH, CITY CLERK



## 8. Land Use Regulations

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### General Land Use Provisions

The Downtown Vallejo Specific Plan regulates land uses by District. Table 8.1 presents each District and a list of land use classifications. This table identifies which land uses are permitted or prohibited within each District. In administering this table, the following items must be considered:

- The table relies on the land use classification system adopted in Vallejo Municipal Code (VMC) Chapter 16.06 (Zoning Ordinance). Most of the land uses listed in Table 8.1 are described and defined in VMC Chapter 16.06. Therefore, where applicable, it is appropriate to refer to VMC Chapter 16.06 when providing land use interpretations. Some of the land use classifications provided in VMC Chapter 16.06 are not included in Table 8.1. Land use classifications that are not included in Table 8.1 are not permitted in the Downtown Vallejo Specific Plan area. However, when an ambiguity or dispute arises over a proposed land use, the Director of Development Services shall have the authority to render an interpretation and decision, consistent with the provisions of VMC Chapter 16.02 (Zoning – General Provisions)
- Some of the land uses listed in Table 8.1 are not identified or defined in VMC Chapter 16.06. Refer to legend symbol (2) for these land uses. A definition for these land uses is provided in this chapter (see p.8.9), which is to be used in providing land use interpretations
- Permitted land uses (P) are allowed by right, subject to the securing of a business license, when needed, however some classifications within a broader land use category may be prohibited by the special regulations and limitations provided for in Table 8.2
- Conditional land uses are subject to a Conditional Use Permit. A Minor Use Permit (MNUP) normally is processed and acted on at an administrative level, and a Major Use Permit (MJUP) requires review and action by the Vallejo Planning Commission. Temporary uses are subject to an Administrative Permit (AP). Refer to VMC Chapters 16.82 (Conditional Use Permit) and 16.96 (Administrative Permit) for application and processing procedures
- In the event this chapter of the Specific Plan does not address or provide provisions for a specific land use, then the provisions of the VMC Chapter 16 (Zoning) that are most applicable to the specific land use shall apply
- A land use that exists at the time of the adoption of this Specific Plan that is not consistent or is in conflict with the provisions of this section shall be permitted to continue as a legal, nonconforming use. The land use is permitted to continue, but may not be expanded or intensified. Any modifications or changes to a legal, nonconforming land use shall conform to the provisions of VMC Chapter 16.78 (Nonconforming Use Regulations).

8. Land Use Regulations

LAND USE (1)	SPECIFIC PLAN DISTRICTS				
	1 Georgia Street Corridor	2 Central Downtown	3 Civic Center	4 Outer Downtown	5* Southwest Downtown

Residential Use Types					
Assisted living (2)	--	--	--	MJUP(H)	MJUP*
Continuing care retirement community (2)	--	--	--	MJUP(H)	MJUP*
Group residential	MNUP (A,F,H)	MNUP (A,F,H)	--	MNUP (F,H)	MNUP(F)*
Guest residential	--	--	--	P (H)	--
Independent/congregate living(2)	P(A,H)	P(A,H)	--	P (H)	P*
Live-work (2)	P	P	--	P	MNUP*
Mobile home residential	--	--	--	--	--
Multi-family residential (2)	P(A,H)	P(A,H)	--	P (H)	P
Single-family residential (2)	--	--	--	P (H)	--
Single resident occupancy (2)	MJUP (A,F,H)	MJUP (A,F,H)	--	--	--
Two-family residential (2)	--	--	--	P (H)	--
Commercial Use Types					
Administrative & professional services	P	P	--	P	p*
Animal sales & service- Retail sales, grooming & Veterinary (small animals)	P(I)	P(I)	--	MNUP(I)	MNUP*
Automotive & equipment	P(G)	P(G)	--	MJUP(G)	--
Building maintenance services	--	--	--	MNUP	--
Business equipment sales & services	P	P	--	--	p*
Business support services	P	P	--	P	p*
Communication services	P	P	P	P	p*
Construction sales and services	P(O)	--	--	MJUP	--

LEGEND	
P	= Permitted
AP	= Administrative Permit
MJUP	= Major Use Permit Required
MNUP	= Minor Use Permit Required
--	= Use not permitted
(1)	= Use defined in Vallejo Zoning Ordinance, Vallejo Code Chapter 16.06, unless as otherwise noted
(2)	= Use defined in Specific Plan
(A-R)	= See special land use regulations
*	= Land uses permitted only when a Master Plan has been approved for redevelopment of entire District 5.

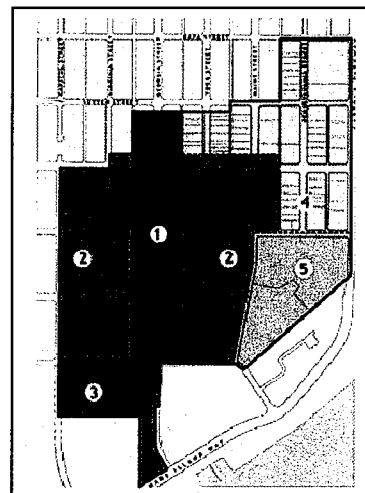


Table 8.1: Permitted and Conditional Land Uses

Key Map

**8. Land Use Regulations**

LAND USE (1)	SPECIFIC PLAN DISTRICTS				
	1 Georgia St Corridor	2 Central Downtown	3 Civic Center	4 Outer Downtown	5* Southwest Downtown
Convenience sales and personal services (e.g., drug stores and convenience markets less than 5,000 square feet in size)	P (B,C,I)	P (B,C,I)	--	P (B,C,I)	P* (B,C,I)
Eating and drinking Establishments Fast food/take-out (2)	P (B,C,D) MNUP (B,C,D,K)	P (B,C,D) MNUP (B,C,D,K)	P (B,C,D) MNUP (B,C,D,K)	P (B,C,D) MNUP (B,C,D,K)	P* (B,C,D) MNUP (B,C,D,K)
Financial, insurance and real estate services	P(B)	P(B)	--	P (B)	MNUP(B)*
Food and beverage retail sales 11,000 square feet and under Greater than 11,000 square feet Fast food/take-out (2)	P(B,C,I) MNUP (C,C,I) MNUP (B,C,I,J,K)	P(B,C,I) MNUP (C,C,I) MNUP (B,C,I,J,K)	MNUP (B,C)	MNUP (B,C,I) MJUP (B,C,I) MNUP (B,C,I,J,K)	P* (B,C,I) MJUP* (B,C,I) MNUP* (B,C,I,K)
Funeral and interment services Cremating Interring Undertaking	-- -- --	-- -- --	-- -- --	-- MJUP MJUP	-- -- --
Gasoline (fueling) sales	--	--	--	MJUP(C,I)	--
Laundry services	MNUP	MNUP	--	MNUP	MNUP*
Medical offices	P(L)	P(A)	--	P	P*
Medical services	P(L)	P(AL)	--	P (L)	P*(L)
Parking facilities (2)	MNUP or MJUP(R)	MJUP(A)	MJUP	MJUP	MJUP*
Participant sports and recreation Indoor (E.G., includes health and fitness clubs) Outdoor Bingo	P or MNUP (C,Q) -- MNUP(C)	MNUP(C) -- MNUP(A,C)	MNUP (c) -- MNUP(c)	MNUP (c) -- MNUP(c)	MNUP(C)* -- --
Personal services, general	P or MNUP (E,M,N)	MNUP(E)	--	MNUP(E)	MNUP(E)*
Personal services, functional community training for developmentally disabled	MNUP(A)	MNUP(A)	--	MNUP	MNUP*

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MNUP	= Minor Use Permit Required
--	= Use not permitted
(1)	= Use defined in Vallejo Zoning Ordinance, Vallejo Code Chapter 16.06, unless as otherwise noted
(2)	= Use defined in Specific Plan
(A-R)	= See special land use regulations
*	= Land uses permitted only when a Master Plan has been approved for redevelopment of entire District 5.

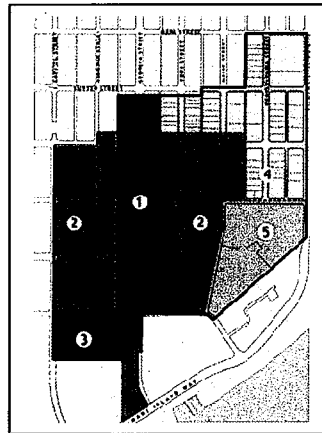


Table 8.1: Permitted and Conditional Land Uses: continued

Key Map

8. Land Use Regulations

LAND USE (1)	SPECIFIC PLAN DISTRICTS				
	1 Georgia Street Corridor	2 Central Downtown	3 Civic Center	4 Outer Downtown	5* Southwest Downtown
Repair services, consumer	P	P	--	P	p*
Research services	--	--	--	MJUP	--
Retail sales General	P (B,C,E,I,J)	P (B,C,E,I,J)	--	P (B,C,E,I,J)	p* (B,C,E,I)
Swap meets	--	--	--	--	--
Adult Uses	--	MJUP(E)	--	MJUP(E)	--
Spectator sports and entertainment (e.g., includes theaters, cabarets, performing art studios, galleries)					
Limited	MNUP(c)	MNUP(c)	MNUP(c)	MNUP(c)	MNUP(c)*
General	MNUP(C)	MNUP(C)	MNUP(C)	MNUP(C)	MNUP(C)*
Adult uses	--	MJUP(C,E)	--	MJUP(C,E)	--
Transient habitation Lodging (e.g., hotel, motel)	P(A,C,D)	P(A,C,D)	--	P(C,D)	P(C,D)*
Bed & breakfast	P(A,C,D)	P(A,C,D)	--	P(C,D)	P(C,D)*
Wholesaling, storage & distribution					
Light	--	--	--	MJUP	--
Heavy	--	--	--	--	--
<b>Industrial Use Types</b>					
Custom manufacturing (e.g., includes bakeries)	MNUP	MNUP	--	MNUP	--
General industrial	--	--	--	--	--
Packing and processing	--	--	--	--	--
<b>Civic Use Types</b>					
Administrative services	P(P)	P	P	P	p*
Ambulance services	--	--	--	MJUP	--
Clinic services	--	P(A)	--	P	p*

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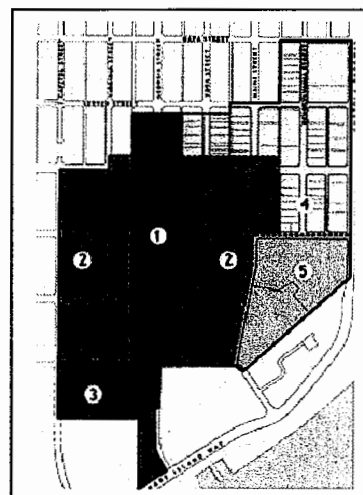


Table 8.1: Permitted and Conditional Land Uses

Key Map

8. Land Use Regulations

LAND USE (1)	SPECIFIC PLAN DISTRICTS				
	1 Georgia Street Corridor	2 Central Downtown	3 Civic Center	4 Outer Downtown	5* Southwest Downtown

Community education					
Day care center	--	--	--	MNUP	MNUP*
Elementary, middle, high School	--	--	--	--	--
College/university	MNUP	P(A)	p	P	P*
Community recreation	MJUP	MJUP	MJUP	MJUP	MJUP*
Cultural exhibits & library services	P(C,D)	P(C,D)	P(C,D)	P(C,D)	P(C,D)*
Essential services	P	P	P	P	P
Group care	--	--	--	MJUP	MJUP*
Major impact health care services	--	--	--	MJUP	MJUP*
Major impact services & utilities	--	--	--	--	--
Parking services	MNUP or MJUP(R)	MJUP(A)	MJUP	MJUP	MJUP*
Public park & open space (2)	P	P	P(J)	P	P
Postal services	P	P	P	P	P*
Religious assembly	--	--	--	MJUP	MJUP*
Telecommunication facility	MNUP(A)	MNUP(A)	MNUP	MNUP	MNUP
<b>Accessory and Temporary Use Types</b>					
Accessory uses	P/AP	P/AP	P/AP	P/AP	P/AP
See VMC Section 16.58.040 For list of accessory uses	Per VMC Section 16.58.040	Per VMC Section 16.58.040	Per VMC Section 16.58.040	Per VMC Section 16.58.040	Per VMC Section 16.58.040
Home occupations	AP	AP	AP	AP	AP
See VMC Chapter 16.60 for Standards and limitations	Per VMC Section 16.60.020	Per VMC Section 16.60.020	Per VMC Section 16.60.020	Per VMC Section 16.60.020	Per VMC Section 16.60.020

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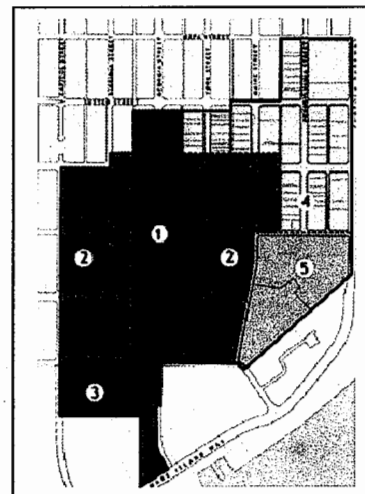


Table 8.1: Permitted and Conditional Land Uses

Key Map

## 8. Land Use Regulations

	<b>Land Use or Use Condition</b>	<b>Conditions, Limitations or Prohibitions</b>
G	Automotive and equipment	Limited to automotive and equipment sales and display only in District 1 and District 2. Limited to automotive and equipment sales, display, cleaning, repair (light equipment), rental (light equipment) and service only in District 4.
H	Residential use types	These use classifications are prohibited on the street or ground floor level in the Sonoma Boulevard Overlay District.
I	Outdoor display (2)	Permitted with an Administrative Permit in District 1 (Georgia Street Corridor), District 2 (Central Downtown) and District 4 (Outer Downtown) subject to the regulations set forth in VMC Chapter 16.77
J	Outdoor street vending (2)	Permitted in District 1 (Georgia Street Core), District 2 (Central Downtown), District 3 (Civic Center) and District 4 (Outer Downtown) subject to the following: <ul style="list-style-type: none"> <li>• Approval of an Administrative Permit (AP).</li> <li>• Approval of an Encroachment Permit if conducted within the public right-of-way.</li> <li>• Securing a general liability insurance policy naming the City as additional insured if conducted within the public right-of-way. Subject to Development Standards in Section 9 of the Specific Plan.</li> </ul>
K	Fast food/take-out (2)	Permitted with a Minor Use Permit (MNUP).  Subject to Development Standards in Section 9 of the Specific Plan.
L	Medical offices and Medical services, if the primary purpose is to treat and/or counsel patients in the fields of drug abuse, alcohol abuse, sexual abuse, spousal abuse, and/or anger management	These classifications are prohibited in District 1 (Georgia Street Corridor) and will require a MNUP in District 2 (Central Downtown), District 4 (Outer Downtown), and District 5 (Southwest Downtown).
M	Personal services, general, if the use consists primarily of any of the following or a combination thereof: (i) Barber shops allowed east of Sonoma Blvd; (ii) Bath (steam, Turkish or other); (iii) Beauty shops allowed east of Sonoma Blvd; (iv) Dating services; (v) Escort services; (vi) Massage parlor; or (vii) Shoeshine stands.	These classifications are prohibited in District 1 (Georgia Street Corridor), except for those buildings east of Sonoma Blvd. East of Sonoma Blvd., all uses under this classification shall require a MNUP except for barber shops and beauty shops which shall be permitted.
N	Personal services, general, if the use consists primarily of any of the following or a combination thereof: (i) Schools; (ii) Service organizations; or (iii) Tattoo parlors.	These uses require a Minor Use Permit in District 1 (Georgia Street Corridor).

Table 8.2: Special Land Use Regulations: continued

**8. Land Use Regulations**

	<b>Land Use or Use Condition</b>	<b>Conditions, Limitations or Prohibitions</b>
O	Construction sales and services.	The following uses are allowed in District 1 (Georgia Street Corridor): (i) Building maintenance materials sales; (ii) Building materials sales; (iii) Burglar alarm system services and sales; (iv) Electrical supplies sales; (v) Firefighting equipment and supplies sales; (vi) Fixture sales; (vii) Glass sales; (viii) Hardware sales; (x) Heating equipment sales; (xi) Janitorial supplies sales; (Xii) Lumber (specifically species, hobby) sales; (Xiii) Ornamental iron sales; (xiv) Paint sales; (XV) Plumbing equipment sales; (xvi) Swimming pool equipment and supplies service and sales; and (xvii) Tool sales. ("Sales" shall refer to retail and/or wholesale sales.) All other uses under the Construction Sales and Services classification are prohibited in District 1.
P	Administrative services if the primary purpose is a welfare office.	This use is prohibited in District 1 (Georgia Street Corridor)
Q	Participant sports and recreation, Indoor, if the use consists primarily of any of the following or a combination thereof: (i) Body building; (II) Clubs, athletic; (iii) Gymnastics/aerobic studios; and (iv) Health clubs and spas.	These uses are permitted in District 1 (Georgia Street Corridor). (All other uses under the Participant sports and recreation, Indoor, classification require a Minor Use Permit in District 1).
R	"Parking facilities" and "Parking services," if privately owned.	These uses require a Minor Use Permit. (if publically owned, a Major Use Permit is required.)

*Table 8.2: Special Land Use Regulation: continued*

**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF VALLEJO, AMENDING THE DOWNTOWN SPECIFIC PLAN/MASTER PLAN LAND USE REGULATIONS (ORDINANCE NO. 1591) AND REPEALING RESOLUTION NO. 07-155

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

**SECTION 1. Findings and Determination.**

The City Council hereby finds and determines that:

- A. On September 20, 2005, Ordinance No. 1553 N.C. (2d) was approved and established the Downtown Vallejo Specific Plan and accompanying Downtown Vallejo Design Guidelines as the Master Plan for the downtown.
- B. On September 20, 2005, the City Council certified the Draft Downtown Vallejo Specific Plan and Virginia Street Development Final Environmental Impact Report, dated August 2005 and approved the Mitigation Monitoring and Reporting Program, dated August 2005.
- C. On September 20, 2005, Resolution No. 05-321 was approved by the City Council, approving the Downtown Vallejo Specific Plan and accompanying Downtown Vallejo Design Guidelines and finding that such documents were consistent with the City's General Plan.
- D. On June 12, 2007, the City Council adopted revisions to Ordinance No. 1553 N.C. (2d) and passed Ordinance No. 1591 N.C. (2d) approving temporary land use regulations for the ground floors of buildings along the downtown Georgia Street Corridor.
- E. On October 21, 2008, a Resolution of Intent was approved by the City Council, finding that it was necessary to permanently allow a broader range of land uses along the Georgia Street Corridor, to simplify the land use entitlement process for certain uses, and to repeal the temporary land use regulations in favor of permanent regulations, and directing staff to prepare an amended Downtown Vallejo Specific Plan and expressing its intent to revise Ordinance No. 1553 N.C. (2d).
- F. On November 3, 2008, the Planning Commission conducted a duly noticed public hearing on the proposed amendment of the Downtown Specific Plan to incorporate a broader range of permitted land uses for the Georgia Street Corridor, simplified entitlement processes for certain specified uses, and repealing the temporary land use regulations for the downtown Georgia Street Corridor, and after considering all verbal and written testimony, passed a resolution recommending approval.



- G. On November 18, 2008, the City Council conducted a duly noticed public hearing on the proposed amendments to the Downtown Vallejo Specific Plan and considered all verbal and written testimony on record.
- H. The amendments to the land use regulations of the Downtown Vallejo Specific Plan is consistent with the City General Plan and the Downtown Vallejo Specific Plan Land Use Goal 4.2c, which “strives to enrich the mix of Downtown uses by “identifying appropriate interim uses in retail spaces until such time there is a market for retail uses and prohibiting boarded up storefronts even during transition periods.
- I. The proposed amendments are categorically exempt from the requirements of CEQA per section 15301 of Title 14 of the California Code of Regulations as it involves permitting a negligible or no expansion of the uses beyond those existing at the time of the City’s consideration and determination on the Downtown Vallejo Specific Plan.

SECTION 2. Approval of amendments providing a broader range of permitted land uses for the Georgia Street Corridor, simplifying the entitlement process for certain specified land uses, and repealing the temporary land use regulations to serve as a part of the Downtown Master Plan.

Based on the findings herein above, the City Council hereby approves the amendments to the Downtown Master Plan and Specific Plan as described in Resolution No. 08-208 N.C.

SECTION 3. Effective Date.

The effective date of this shall be thirty (30) days after the final passage.

FIRST READ at a regular meeting of the Council of the City of Vallejo held the 18<sup>th</sup> day of November, 2008 and finally passed and adopted at a regular meeting of the Council held the \_\_\_\_\_ day of December 2008 by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

K/Public/AI/PL/DowntownSPAI/SPAIICCORDinance.doc

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF VALLEJO AMENDING  
CHAPTER 15.24 OF THE VALLEJO MUNICIPAL CODE RELATING TO CONVERSION  
OF MOBILE HOME PARKS TO RESIDENT OWNERSHIP

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

SECTION 1. Section 15.24.010 of the Vallejo Municipal Code is hereby amended in its entirety to read as follows:

CONVERSIONS OF MOBILE HOME PARKS TO RESIDENT OWNERSHIP

Sections

15.24.010	Title and Purpose
15.24.020	Applicability
15.24.030	Definitions
15.24.040	Application Materials Required
15.24.050	Bona Fide Hearing
15.24.060	Evidence and Findings at the Hearing to Subdivide Park
15.24.070	Subdivision Map Requirements and Findings
15.24.080	Map Approval
15.24.080	Resident and Homeowner Notification

15.24.010 Purpose and Intent

The City Council of the City of Vallejo finds that the adoption of this ordinance is necessary and appropriate to implement certain policies and programs set forth within the adopted General Plan Housing Element, and to comply with state laws related to the conversion of mobile home parks to resident ownership. The City Council further declares that the purposes of these provisions are as set forth below:

1. To implement state laws with regard to the conversion of mobile home parks to resident ownership;
2. To ensure that conversions of mobile home parks to resident ownership are bona fide resident conversions in accordance with state law;
3. To implement the goals and policies of the General Plan Housing Element;
4. To balance the need for increased homeownership opportunities with the need to protect existing rental housing opportunities;
5. To provide adequate disclosure to decision-makers and to prospective buyers prior to

conversion of mobile home parks to resident ownership;

6. To ensure the public health and safety in converted parks; and
7. To conserve the City's affordable housing stock.

SECTION 2. Section 15.24.020 of the Vallejo Municipal Code is hereby amended in its entirety to read as follows:

15.24.020     Applicability

The provisions of this Chapter shall apply to all conversions of mobile home parks to resident ownership, except those conversions for which mapping requirements have been waived pursuant to California Government Code section 66428.1. Mobile home Park Closures and Conversions to Another Use are to be addressed separately under Title 16 of the Vallejo Municipal Code.

SECTION 3. Section 15.24.030 of the Vallejo Municipal Code is hereby amended in its entirety to read as follows:

15.24.030     Definitions

For purposes of this Chapter, the following terms shall have the meanings indicated:

“Bona Fide Resident Conversion” is a conversion which is initiated or supported by most of the resident households and is not undertaken to circumvent the Mobile Home Rent Review Ordinance contained in Chapter 5.64 of the Vallejo Municipal Code. There is a rebuttable presumption that the conversion to resident ownership is Bona Fide if 51% of existing resident households support it.

“City” means the City of Vallejo.

“Commercial coach” means a structure transportable in one or more sections, designed and equipped for human occupancy for industrial, professional or commercial uses and shall include a trailer coach as defined in section 635 of the California Vehicle Code.

“Comparable housing” means housing that is comparable in floor area and number of bedrooms to the mobile home to which comparison is being made, which housing meets the minimum standards of the state Uniform Housing Code.

“Comparable mobile home park” means any other mobile home park substantially equivalent in terms of park conditions, amenities and other relevant factors.

“Home owner” means the registered owner or owners of a mobile home, who has a tenancy in a

mobile home park under a rental or lease agreement.

“Mobile home” means a structure designed for human habitation and for being transportable on a street or highway under permit pursuant to California Vehicle Code section 35790, and as defined in section 18008 of the California Health and Safety Code. “Mobile home” does not include a recreational vehicle, as defined in California Civil Code section 799.24, or a commercial coach, as defined herein and in section 18001.8 of the California Health and Safety Code.

“Mobile home park” means an area of land where two or more mobile home sites are rented, or held out for rent, to accommodate mobile homes used for habitation.

“Mobile home space” means any area, tract of land, site, lot, pad, or portion of a mobile home park designated or used for the occupancy of one mobile home.

“Mobile home resident” means any person who lawfully occupies a mobile home within a mobile home park pursuant to a bona fide lease or rental agreement with the mobile home owner, the park owner, or both. This definition also includes a mobile home owner as long as such person lawfully resides in the mobile home park.

SECTION 4. Section 15.24.040 is hereby added to the Vallejo Municipal Code to read as follows:

15.24.040     Application Materials Required

Applications to subdivide an existing mobile home park or any portion thereof to condominium, stock cooperative, planned unit development, or any form of ownership wherein spaces within the mobile home park are to be sold shall comply with the applicable provisions of this Title and with the California Subdivision Map Act (California Government Code sections 66410 et seq.). The Development Services Director, for good cause, may waive some or all of the requirements listed within Subsection A below. The findings necessary for approval of the conversion, however, shall not be waived.

A)     Conversion impact report required

Any person filing an application for the conversion of an existing mobile home park to resident ownership shall file a conversion impact report on the impact of the proposed subdivision upon the residents of the mobile home park. At a minimum, the conversion impact report shall include detailed description of the mobile home spaces within the mobile home park including:

1.     The total number of mobile home spaces in the park and the number of spaces occupied.
2.     The length of time each space has been rented by the present resident(s) thereof.

3. Approximate age, size, and type of mobile home occupying each space.
4. The monthly rent currently charged for each space, including any utility costs paid by park owner.
5. Name and mailing address of the primary resident(s) of each mobile home within the mobile home park on three sets of gummed labels for the mailing of notice of public hearings.
6. To the extent not provided elsewhere in this report a detailed analysis of the economic impact of the conversion on the residents including, but not limited to:
  - a. Identification of the number of mobile home spaces in the park and the rental rate history for each space over the four years prior to the filing of the application.
  - b. Identification of the anticipated method and timetable for compliance with California Government Code section 66427.5(a) and to the extent available, identification of the number of existing resident households expected to purchase their units within the first four (4) years after conversion.
  - c. Identification of the method and anticipated time table for determining the rents for non-purchasing residents pursuant to California Government Code section 66427.5(f)(1), and to the extent available, identification of the number of resident households likely to be subject to these provisions.
  - d. Identification of the method for determining and enforcing the controlled rents for non-purchasing pursuant to California Government Code section 66427.5(f)(2) and to the extent available, identification of resident households likely to be subject to these provisions.
7. A comparison of current rents paid and rents to be paid at comparable mobile home parks within the City or Solano County, the estimated costs of moving a mobile home and personal property, and any direct or indirect costs associated with a relocation to another mobile home park.
8. A Title 25 inspection report, if one has been generated by the California Department of Housing in the last 5 years.
9. An engineer's report on the type, size, current condition, adequacy, and remaining life of each common facility located within the park, including but not limited to water systems, sanitary sewer, fire protection, storm water, streets, lighting, pools, playgrounds, and community buildings. For purposes of this subsection, an engineer means a registered civil or structural engineer, or licensed general engineering contractor.

10. The current permit to operate for the project mobile home park, current water pressure test, gas line test, and evidence of earthquake proof gas meter and utilities pedestal conveyance.

11. A pest report shall be included for all common buildings and structures.

B) Resident survey of support required

All applications for a conversion to resident ownership shall include a resident survey of support which complies with California Government Code section 66427.5(d). The survey shall be conducted so that each occupied mobile home space shall have one vote. In addition to the Survey of Support, applicant must submit evidence of a written agreement with a homeowner's association (HOA) which is independent of the subdivider or mobile home park owner. If no homeowner's association exists, the applicant may contract with an independent association such as a resident association, a tenant Association, or independent polling business, which must be pre-approved by the City's Development Services Director. The written agreement shall address how the resident survey of support pursuant to this section is to be conducted, and set forth the independent nature of the polling association or business. Prior to distribution of the survey, the content of said survey shall be reviewed and approved by the City's Development Services Director or his/her designee.

SECTION 5. Section 15.24.050 is hereby added to the Vallejo Municipal Code to read as follows:

15.24.050 Bona Fide Hearing

A) Immediately prior to, or concurrent with, the consideration of the Application for the subdivision of a mobile home park into resident ownership, the Planning Commission shall hold a hearing to determine whether the conversion is Bona Fide. There is a rebuttable presumption that the conversion to resident ownership is Bona Fide if 51% of existing resident households support it. In determining the percentage of support, the Planning Commission will look to the survey described in 15.24.040 (B).

B) If a lesser percentage than 51% of the park residents support the conversion, the conversion may nevertheless be Bona Fide if the applicant makes a showing that the conversion is intended to convey mobile home lots to current residents or other prospective buyers rather than merely to circumvent the Mobile Home Rent Review Ordinance contained in Chapter 5.64 of the Vallejo Municipal Code. In determining whether this showing has been made, the Planning Commission shall take into consideration the following:

1. The Conversion Impact Report required by Government Code section 66427.5 and this Chapter.
2. The measure of resident support as demonstrated by the Survey of Resident Support required by Government Code section 66427.5 and this Chapter.

3. The Title 25 Report required by this Chapter and documentation and/or remediation of any Title 25 violations if such is available.
4. Whether the applicant has a plan designed to ensure that most of the lots are sold to existing residents within a reasonable period of time.
5. Whether there is any evidence that the conversion is merely a means of circumventing local rent control.

Due to current State law, the City may not force a subdivider to continue local rent control after the first condominium unit is sold. However, a subdivider's willingness to voluntarily extend rent control protections for senior households, disabled households and moderate-income households is evidence that the conversion is not merely a means of circumventing local rent control. Such willingness may be demonstrated by fulfilling appropriate conditions of approval in time for approval of the Final Map.

6. Any and all relevant evidence submitted to the Planning Commission by the Applicant, residents of the mobile home park, and/or other interested parties at or prior to the hearing on the Tentative Map.

This hearing shall be noticed at the same time and in the same manner as the hearing on the subdivision of the mobile home park into resident ownership. The purpose of the hearing will be to determine if the proposed conversion is a "Bona Fide Resident Conversion". If so, it will be referred to as a "Bona Fide Conversion".

SECTION 6. Section 15.24.060 is hereby added to the Vallejo Municipal Code to read as follows:

15.24.060 Evidence and findings at the hearing to subdivide park into resident ownership

At the hearing, to consider the subdivision of the mobile home park into resident ownership the Planning Commission shall consider whether the requirements of this Chapter have been met. No conversion shall be approved unless each requirement in this Section 15.24.060 has been met.

- A) The Conversion is a Bona Fide Conversion within the meaning of this Chapter.
- B) The applicant provided notice to each existing mobile home resident of the right to either purchase his or her condominium or subdivided unit, which is to be created by the conversion of the park to resident ownership, or to continue residency in the mobile home park as a tenant.
- C) The applicant filed a report on the impact of the conversion upon residents of the mobile home park to be converted to resident owned subdivided interest in compliance with this Chapter.

D) The applicant made a copy of the report available to each resident of the mobile home park at least 15 days prior to the hearing on the map by the Planning Commission.

E) (1) The applicant obtained a survey of support of residents of the mobile home park for the proposed conversion.

(2) The survey of support was conducted in accordance with an agreement between the subdivider and a resident homeowners' association, if any, that is independent of the subdivider or mobile home park owner.

(3) The survey was obtained pursuant to a written ballot.

(4) The survey was conducted so that each occupied mobile home space has one vote.

(5) The results of the survey were to be submitted to the Planning Division upon the filing of the tentative or parcel map, to be considered by the Planning Commission as part of the hearing described in this section.

F) The residents of the mobile home park have been adequately notified of the proposed conversion including information pertaining to the anticipated timing of the proposed conversion.

SECTION 7. Section 15.24.070 is hereby added to the Vallejo Municipal Code to read as follows:

15.24.070 Subdivision Map Requirements and Findings

In addition to the above requirements under California Government Code section 66427.5, each of the following requirements shall be met for approval of the tentative or parcel map, either at a subsequent hearing or at the same hearing.

A) The proposed conversion is consistent with the general plan and any and all of its elements, any applicable specific plan or planned unit development plan as well as Title 16 of the Vallejo Municipal Code.

B) Appropriate provision has been made for the establishment and funding of an association or corporation adequate to ensure proper long-term management and maintenance of all common facilities and infrastructure.

C) There are no conditions existing in the mobile home park that are detrimental to public health or safety, provided, however, that if any such conditions exist, the application for conversion may be approved if all the findings required under subsections (a) through (e) are made and if the subdivider has instituted all corrective measures adequate to ensure prompt and continuing protection of the health and safety of park residents and the general public.

D) The City can continue to accommodate its share of the Regional Housing Need pursuant



to California Government Code section 65584 and that there will be no reduction in residential density as prohibited by California Government Code section 65863.

E) The conversion complies with the provisions of the California Environmental Quality Act, or is exempt therefrom.

SECTION 8: Section 15.24.080 is hereby added to the Vallejo Municipal Code to read as follows:

15.24.080 Map Approval

The application for subdivision of an existing mobile home park into resident ownership shall only be approved if it meets with all the applicable requirements and findings in this Chapter.

SECTION 9: Section 15.24.090 is hereby added to the Vallejo Municipal Code to read as follows:

15.24.090 Resident and Homeowner Notification

The following tenant notifications are required:

A) **Exclusive Right to Purchase.** At or before the application for conversion to resident ownership is submitted, the subdivider shall give each resident household written notice of its exclusive right to contract for the purchase of the dwelling unit or space it occupies at the same or more favorable terms and conditions than those on which such unit of space shall be initially offered to the general public. The right shall run for a period of not less than 90 days from the issuance of the subdivision public report (white paper) pursuant to California Business and Professions Code section 11018.2, unless the subdivider received prior written notice of the resident's intention not to exercise such right.

B) **Right to Continue Residency as Tenant.** If the application for conversion is approved, the subdivider shall give each resident household written notice of its right to continue residency as a tenant in the park as required by California Government Code section 66427.5(a).

SECTION 10. Severability.

If any section, subsection, sentence, clause, phrase or work of this Ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed and adopted this Ordinance, and each and all provisions hereof, irrespective of the fact that one or more provisions may be declared invalid.

SECTION 11. Effective Date.

The City Clerk shall certify to the passage and adoption of this Ordinance causing it to be published, as required by Vallejo Municipal Code Chapter 2.04, and it shall thereafter be in full force and effect. This Ordinance shall become effective (30) thirty days after adoption.

FIRST READ at a regular meeting of the City Council of the City of Vallejo held on \_\_\_\_\_, 2008, and finally passed and adopted at a regular meeting of the City Council held on \_\_\_\_\_, 2008, by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

\_\_\_\_\_  
OSBY DAVIS, MAYOR


ATTEST: \_\_\_\_\_  
MARY ELLSWORTH, Acting City Clerk




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**Agenda Item No.**
**COUNCIL COMMUNICATION****Date:** December 2, 2008

**TO:** Honorable Mayor and Members of the City Council

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

**SUBJECT:** APPROVAL OF A RESOLUTION AUTHORIZING STREET MAINTENANCE PROJECTS USING FISCAL YEAR 2008/2009 ALLOCATION OF PROPOSITION 1B FUNDS IN THE AMOUNT OF \$1,805,146

**BACKGROUND**

Proposition 1B (Prop 1B) provided \$19.925 billion in bond funds for a variety of transportation priorities, including \$2 billion for cities and counties to fund the maintenance and improvement of local transportation facilities. The 2007 Budget Act and Chapter 181, Statutes of 2007 (SB 88), appropriated a total of \$950 million of these Prop 1B funds in 2007/08. Of this amount, Chapter 314, Statutes of 2007 (AB 196), specified that \$550 million be allocated to cities, of which the City of Vallejo was allocated \$1,953,038.45 for fiscal year 2007/08. For the current fiscal year, the 2008 Budget Act is appropriating an additional \$187 million to be allocated on a first-come, first-served basis by the State Controller's Office following notification from the Department of Finance that the City has submitted a completed plan for expenditure of the funds. The remaining share for the City of Vallejo is \$1,805,146 for fiscal year 2008/09.

The City Council approved the Capital Improvement Projects budget for citywide street overlay in the amount of \$3.8 million in anticipation of receiving Proposition 1B funding for streets projects. With the combined allocation for fiscal years 2007/2008 and 2008/2009 Proposition 1B funding, the City will have sufficient funding to proceed with the Citywide Street Overlay Project (PW9786).

The Proposition 1B funds available in 2008/09 in the amount of \$1,805,146 will be used for street maintenance for the following streets, including but not limited to:

Oakwood Avenue (from Tennessee to Springs)  
 Georgia Street (from I-80 to Rollingwood)  
 Mini Drive (from SR-29 to Echo Springs)  
 Sacramento Street (from Tennessee to Georgia)  
 Broadway (from Marine World Parkway to Sereno)



Redwood Street (from Tuolumne to I-80)  
Redwood Parkway (from I-80 to Ascot)  
Tuolumne Street (from Redwood to Tennessee)

### Fiscal Impact

No fiscal impact as the Proposition 1B funding has been budgeted in the City of Vallejo Approved Budgets for fiscal year 2007/08 and fiscal year 2008/09.

### RECOMMENDATION

Staff recommends that the City Council adopt a Resolution authorizing the Public Works Department to perform street maintenance projects using the current fiscal year allocation of Proposition 1B funds in the amount of \$1,805,146.

### ENVIRONMENTAL REVIEW

The adoption of this resolution approving the Citywide Street Overlay Project is categorically exempt from the California Environmental Quality Act ("CEQA") pursuant to section 15301 of Title 14 of the California Code of Regulations as the Project involves the maintenance and repair of existing public streets. A Notice of Exemption will be filed with the County of Solano. Therefore, no environmental review is required.

### CITY COUNCIL AREA OF FOCUS

This item is consistent with City Council Area of Focus No 5 – Infrastructure Improvements.

### PROPOSED ACTION

Approve the resolution authorizing the Public Works Department to perform street maintenance projects using the current fiscal year allocation of Proposition 1B funds in the amount of \$1,805,146.

### DOCUMENTS AVAILABLE FOR REVIEW

- a. A resolution authorizing the Public Works Department to perform street maintenance projects using the current fiscal year allocation of Proposition 1B funds.
- b. Site Location Map.



CONTACT PERSONS

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648-4315  
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David Kleinschmidt, City Engineer  
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[dkleinschmidt@ci.vallejo.ca.us](mailto:dkleinschmidt@ci.vallejo.ca.us)

DECEMBER 2, 2008  
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**RESOLUTION NO. 08- N.C.**

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

WHEREAS, Proposition 1B (Prop 1B) provided \$19.925 billion in bond funds for a variety of transportation priorities, including \$2 billion for cities and counties to fund the maintenance and improvement of local transportation facilities; and

WHEREAS, the 2007 Budget Act and Chapter 181, Statutes of 2007 (SB 88), appropriated a total of \$950 million of these Prop 1B funds in 2007/08, of which the City of Vallejo was allocated \$1,953,038.45 for fiscal year 2007/08; and

WHEREAS, the 2008 Budget Act appropriates an additional \$187 million in Proposition 1B Local Streets and Roads funding to be allocated on a first-come, first-served basis, of which the City of Vallejo has a remaining share of \$1,805,146; and

WHEREAS, on April 1, 2008, the City Council through Resolution No. 08-45 N.C. authorized the Public Works Department to perform street maintenance projects to be funded by the fiscal year 2007/08 allocation of Proposition 1B funds; and

WHEREAS, on June 26, 2007, the City Council approved the fiscal year 2007/08 budget for the City of Vallejo and on June 24, 2008, the City Council approved the fiscal year 2008/09 budget; and

WHEREAS, the approved budgets included, in the section entitled "Capital Project Funds," a line item in the total amount of \$3,800,808 in Fund #221 (Capital Grants/Contributions Fund for PW9786 Citywide Street Overlay); and

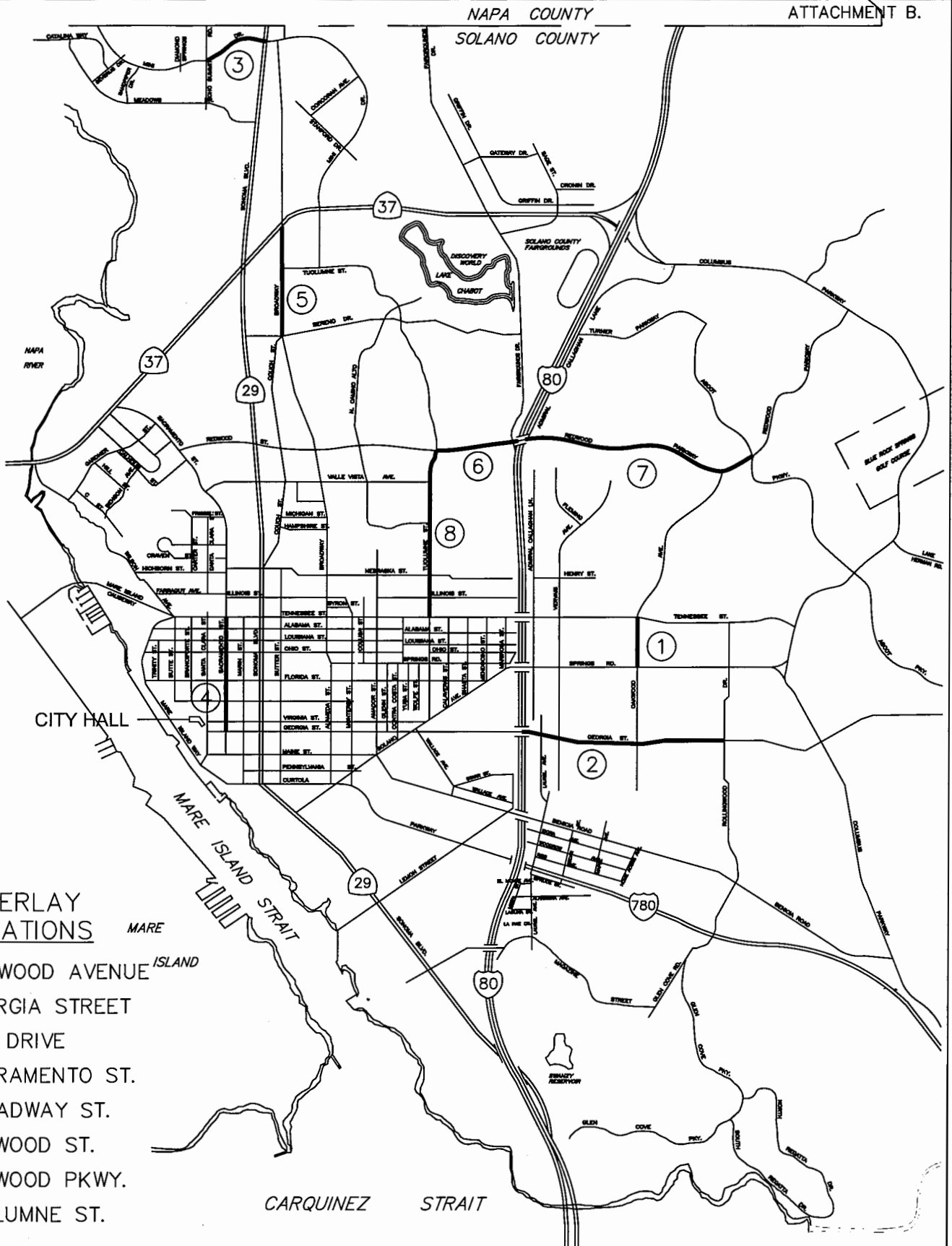
WHEREAS, with the allocation of fiscal year 2008/2009 Proposition 1B funding, the City will have sufficient funding to proceed with improvements to the following streets, which will permit the City to complete the Citywide Street Overlay Project (PW9786):

Oakwood Avenue (from Tennessee to Springs)  
Georgia Street (from I-80 to Rollingwood)  
Mini Drive (from SR-29 to Echo Summit)  
Sacramento Street (from Tennessee to Georgia)  
Broadway (from Marine World Parkway to Sereno)  
Redwood Street (from Tuolumne to I-80)  
Redwood Parkway (from I-80 to Ascot)  
Tuolumne Street (from Redwood to Tennessee).

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Vallejo that the Public Works Department is hereby authorized to perform street maintenance projects as listed above, using the fiscal year 2008/09 allocation of Proposition 1B funds in the amount of \$1,805,146.

DECEMBER 2, 2008

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**OVERLAY LOCATIONS**

- ① OAKWOOD AVENUE ISLAND
- ② GEORGIA STREET
- ③ MINI DRIVE
- ④ SACRAMENTO ST.
- ⑤ BROADWAY ST.
- ⑥ REDWOOD ST.
- ⑦ REDWOOD PKWY.
- ⑧ TUOLUMNE ST.

**CITY OF VALLEJO**

DEPARTMENT OF PUBLIC WORKS  
ENGINEERING DIVISION

DWG. NO. —	SHEET 1 OF 1
DRAWN BY ARB	FILE NM. —
DATE 11/17/08	PROJ. NO. 9786
CHECKED FGS	SCALE N.T.S.

CITYWIDE ST. OVERLAY PROP 1B FY '08-09

**PROJECT LOCATION MAP**

APPROVED: \_\_\_\_\_ ON \_\_\_\_\_ DATE \_\_\_\_\_  
CITY ENGINEER

**Agenda Item No.****COUNCIL COMMUNICATION****Date:** December 2, 2008

TO: Honorable Mayor and Members of the City Council

FROM: Gary A. Leach, Public Works Director 

SUBJECT: APPROVAL OF A RESOLUTION AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO ENTER INTO A 2008/2009 INTERCITY TRANSIT FUNDING AGREEMENT WITH THE SOLANO TRANSIT AUTHORITY, SOLANO COUNTY AND THE CITIES OF BENICIA, DIXON, FAIRFIELD, 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 or consolidation between transit providers is achieved.





The first comprehensive Intercity Transit Funding Agreement for one year included transit coordination and guiding principles as well as service plan reviews which provided consistent analysis and a comprehensive and uniform methodology for service evaluation. The agreement was presented to and approved by the transit agency boards, thus securing an agreement for Fiscal Year 2006/2007. The 2007/2008 agreement added a cost sharing formula based upon the results of a ridership survey and a financial assessment study and was also signed and approved by the agency boards.

### DISCUSSION

The Fiscal Year 2008/2009 Intercity Transit Funding Agreement was previously distributed for review and edits to all involved cities and the comments received have been incorporated into this final agreement, which was received from the Solano Transportation Authority on October 23, 2008.

This agreement is based on the same methodology, includes intercity transit route criteria and definitions, and an adjustment for FY 2006/2007 reconciliation (difference between planned/budget subsidies included in the FY 2007/2008 agreement). This agreement provides the necessary funding for Intercity Transit Routes 20, 30, 40, 90 and Vallejo's intercity Routes 78, 80 and 85 which are all marketed together by the Solano Transportation Authority as Solano Express. Last year, the seven Solano Express routes collectively experienced a 10% increase in ridership.

### 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 2008/2009 agreement, the City of Vallejo's cost sharing portion for the intercity routes for FY2009 is a total of \$1,583,654.

### RECOMMENDATION

Staff recommends that the City Council approve the resolution authorizing the City Manager or his designee to execute the 2008/2009 Intercity Funding Agreement with the Solano Transportation Authority, Solano County and the city's of Benicia, Dixon, Fairfield, 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.

### CITY COUNCIL AREA OF FOCUS

This action is consistent with City Council Area of Focus No. 1 - Achieve Fiscal Stability in all Funds.

### 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 2008/2009 Intercity Funding Agreements with the Solano Transportation Authority, Solano County and the cities of Benicia, Dixon, Fairfield, 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 2008/2009 Intercity Finance agreement with the Solano Transit Authority, Solano County and the cities of Benicia, Dixon, Fairfield, Suisun City and Vacaville for the provision of intercity transit services in Solano County.
- b. 2008/2009 Intercity Transit Services Funding Agreement

### CONTACT PERSON

Gary A. Leach, Public Works Director  
648-4315  
[gleach@ci.vallejo.ca.us](mailto:gleach@ci.vallejo.ca.us)

Crystal Odum Ford, Transportation Superintendent  
(707) 648-5241  
[codumford@ci.vallejo.ca.us](mailto:codumford@ci.vallejo.ca.us)

DECEMBER 2, 2008

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**RESOLUTION NO. 08 N.C.**

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 originally 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 2008/2009 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
VJO	78	X						X	X
VJO	80							X	X
VJO	85			X				X	X

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 2008/2009 Intercity Funding Agreements with the Solano Transportation Authority, Solano County and the city's of Benicia, Dixon, Fairfield, Suisun City, and Vacaville for the provision of intercity transit services in Solano County.

DECEMBER 2, 2008

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Intercity Transit Funding Agreement

October 20, 2008

**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 SUISUN CITY,  
THE CITY OF VACAVILLE, AND  
THE CITY OF VALLEJO**

**THIS AGREEMENT** is made and entered into as of this 1<sup>st</sup> day of July, 2008, by and among 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 intercity transit services to the citizens of Solano County; to wit:

THE COUNTY OF SOLANO, a political subdivision of the State of California; and  
THE SEVEN MUNICIPAL CORPORATIONS in Solano County:  
The City Of Benicia,  
The City Of Dixon,  
The City Of Fairfield,  
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" or "Jurisdictions" or "Intercity Transit Operators" 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, the provision of intercity transit services to the citizens of Solano County may be enhanced by the improved coordination of transit routes and other issues among the transit 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” (ITFWG) which is 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 seven 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	Suisun City	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
VJO <sup>1</sup>	78	X					X	X
VJO	80						X	X
VJO	85			X			X	X

WHEREAS, STA’s coordination of the annual multi-agency Transportation Development Act (TDA) matrix, the State Transit Assistance Fund’s (STAF) project funding for the county, and Regional Measure 2 funding has clarified and simplified the funding claims process locally and regionally;

WHEREAS, having a coordinated multi-year, multi-agency funding strategy with

<sup>1</sup> Route 75 has been restructured and transitioned from Benicia Breeze to Vallejo Transit as Route 78.

predictability and some flexibility would help to further stabilize intercity transit service funding in Solano County; and

WHEREAS, all Solano County intercity transit operators and other funding partners participated in the aforementioned ITFWG which has, since its inception, met regularly to review and refine data and funding formulae, and to develop core concepts to guide the coordination and funding of intercity transit operations in the future; and

WHEREAS, the initial Intercity Transit Funding Agreement adopted by the parties in FY 2006-07 was a one year agreement, and

WHEREAS, a Finance Assessment and Ridership Study were conducted in 2006 and the results are used in the FY 2007-08 and FY 2008-09 intercity transit cost sharing formula.

## **AGREEMENT**

**NOW, THEREFORE**, STA, the County of Solano and the cities of BENICIA, DIXON, FAIRFIELD, 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, and to establish a consistent method and an agreement for sharing subsidies for all intercity transit routes by Solano intercity transit operators beginning in FY 2006-07 and continuing in 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, and to develop a cost effective and affordable revised intercity 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 services on an on-going basis while meeting the policy/coverage requirements agreed upon, and to develop strategies to consistently evaluate, modify, and market intercity transit services after this Agreement is implemented.

**Part II**  
**Service Plan Review**

In 2006, the Parties developed a set of criteria for evaluating intercity transit routes and service plans in order to provide consistency of analysis and a comprehensive, common and uniform methodology for such evaluations:

- 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

**Part III**  
**Intercity Transit Funding Agreement for FY 2008-09**

A. **Included Intercity Transit Routes/ Intercity Transit Route Definition**

To be included in this Agreement, a route must meet all four 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
2. Has a monthly ridership of at least 2,000, and
3. Operates at least 5 days per week, and
4. Has been operating for at least a year and is not scheduled for deletion within the fiscal year.

For FY 2008-09 the following intercity transit routes meet the foregoing criteria, thereby qualifying them to be included in this Agreement:

<b>Operator</b>	<b>Route</b>
Fairfield-Suisun Transit	20
Fairfield-Suisun Transit	30
Fairfield-Suisun Transit	40
Vallejo Transit	78 <sup>2</sup>
Vallejo Transit	80

<sup>2</sup> Route 75 has been restructured and transitioned from Benicia Breeze to Vallejo Transit as Route 78.

Vallejo Transit	85
Fairfield-Suisun Transit	90

**B. FY 2008-09 Baseline Cost Data Source**

The baseline cost estimate for FY 2008-09 shall be based on the intercity transit operators' preliminary budget for FY 2008-09 prepared in Spring 2008. 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 intercity transit 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.

**C. FY 2008-09 Mid-Year Budget or Cost Changes**

Each intercity transit operator shall report to the ITFWG variances from the FY 2008-09 planned/budgeted costs and revenues for each intercity transit route no later than February 1, 2009. Budget variances and changes in subsidy requirements shall be considered by the ITFWG.

**D. FY 2008-09 Baseline Data Definitions**

The definitions for revenue service miles, revenue service hours, and peak vehicles as used for the FY 2008-09 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 transit bus. In any case, the total peak vehicles used in the cost allocation model shall not exceed the total peak fleet reported in NTD.

**E. 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 intercity transit operators. The report recommends that the ITFWG agree upon a method for applying overhead costs in the cost allocation model that is consistent among intercity transit operators. Options for how overhead could be included were provided in the Finance Assessment and will be analyzed by the ITFWG prior to completion of an Intercity Funding Agreement for FY 2009-10.

**F. Cost Allocation Model**

The ITFWG has agreed to use a three variable cost model for allocating intercity transit 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 ITFWG uses this model to assign intercity transit costs by route. The results of the cost model form the basis for allocating subsidies to each jurisdiction. Each intercity transit operator shall input data into the model and the models shall be submitted to STA and each jurisdiction for further use and review.

**G. Net Costs to be Shared**

The net cost of each intercity transit 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. Regional Measure 2 funds and State Transit Assistance Funds applied to intercity transit routes in FY 2008-09 are as follows:

<b>RM-2 and STAF Northern Counties Share</b>			
<b>FY 2008-09</b>			
<b>Operator</b>	<b>Route</b>	<b>RM-2</b>	<b>STAF</b>
Fairfield Suisun Transit	20	--	--
Fairfield Suisun Transit	30	--	--
Fairfield Suisun Transit	40	\$184,072	\$85,000
Vallejo Transit	78	\$600,527	\$40,000
Vallejo Transit	80	\$616,938	\$125,000
Vallejo Transit	85	--	--
Fairfield-Suisun Transit	90	\$526,963	\$145,000
<b>TOTAL</b>		<b>\$1,928,500</b>	<b>\$395,000</b>

**H. Ridership Survey Data**

An on-board ridership survey was taken in October – November 2006 to provide the ITFWG with data regarding the number of riders by jurisdiction of residence by intercity route. This data was assembled for use in establishing the cost sharing formula set forth in this Agreement. The on-board survey will be conducted periodically and no less frequently than every 3 years by STA for purposes of updating the ridership information in this Agreement.

**I. 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 this Agreement’s cost sharing formula annually.

**J. Intercity Transit Cost Sharing Formula**

For FY 2008-09, 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 (4.74% in FY 2008-09) proportionately for each route, up to a maximum of \$133,900. The resulting net cost is shared 20% by population share and 80% by ridership by jurisdiction of residence. The subsidy amounts provided by each jurisdiction will be included in the annual TDA matrix prepared by STA and submitted to MTC.

The results of the intercity transit cost sharing formula for FY 2008-09 are as follows:

<b>FY 2008-09 Cost Sharing Contributions</b>			
<b>Jurisdiction</b>	<b>FY 2008-09 Intercity Transit Contribution</b>	<b>Adjustment for FY 2006-07 Reconciliation</b>	<b>Net FY 2008-09 Intercity Transit Contribution</b>
Benicia	\$318,653	-\$10,929	\$307,724
Dixon	\$104,879	-\$17,856	\$87,023
Fairfield	\$873,728	-\$3,942	\$869,786
Suisun City	\$217,678	0	\$217,678
Vacaville	\$548,086	-\$225,261	\$322,825
Vallejo	\$1,583,654	0	\$1,583,654
County of Solano	\$133,900	-\$39,727	\$94,173

#### K. Cost Estimates and Actual Costs -- Year End Reconciliation

The baseline cost information used in the foregoing cost allocation model is based on preliminary budget information for the next fiscal year. As such, the foregoing costs are estimates only and are subject to change. The ITFWG agreed to the following year end reconciliation procedure:

1. After FY 07-08 audited financial statements are approved by the intercity transit operators' governing body, transit operator staff will update the data in the FY 07-08 Cost Allocation Model. Fairfield Suisun Transit Routes 20, 30, 40, and 90 shall be updated from the file labeled "FF Cost Allocation Model 021507 v2". Vallejo Transit Routes 78, 80, and 85 shall be updated for the file labeled "FY 07 08 Vallejo Cost Allocation Model 4-16-07". Benicia Breeze Route 75 shall be updated from the file labeled "Benicia 06-07 Revised 2-10-2007". Updated cost, revenue (fares and other revenue), hours, miles, and peak vehicle data shall be included in the cost allocation model.
2. Using results of the Cost Allocation Model, STA will recalculate the subsidy shares owed by each jurisdiction for FY 2007-08 and compare the amounts to the amounts paid according to the cost sharing formula in the agreement.

3. Differences between the planned/budgeted subsidies included in the FY 07-08 agreement and the actual subsidy requirements based on audited data will be identified. Subsidy surpluses (overpayments by a jurisdiction for its formula share of intercity transit services) and deficits (underpayments by a jurisdiction for its formula share of intercity transit services) will be applied to the subsequent year's amount due for intercity transit services. For FY 07-08, these amounts will be reconciled with the FY 09-10 subsidy sharing agreement.

The ITFWG agreed to apply the year end reconciliation procedure to the FY 2006-07 Intercity Transit Funding agreement and to incorporate FY 2006-07 adjustments to the subsidy amounts due in FY 2008-09.

**L. Reporting**

The intercity transit operators shall report at least quarterly to the ITFWG the following information by intercity route:

- Budget vs. actual cost for the quarter
- Budget vs. actual fares for the quarter
- Ridership
- Service hours

**M. Role and Responsibility of the ITFWG**

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 intercity transit operators to the ITFWG at least 90 days prior to implementation and in sufficient time for the ITFWG's consideration. All jurisdictions are responsible for participating in the ITFWG and for meeting their financial obligations under this Agreement.

**Part IV**

**General Terms and Conditions**

**1. Term of Agreement.**

The term of this Agreement shall be as follows:

- a. The Goals and Principles set forth herein shall continue in effect until modified in writing by the STA and a majority of the other signatories representing a majority of the population of Solano County;
- b. The funding agreement formula set forth in Part III shall apply to fiscal year 2008-09 only;
- c. The funding agreement formula and data inputs to the formula shall be reviewed by the PARTIES throughout FY 2008-09; and,
- d. A new agreement may be developed for FY 2009-10, Parties to the Agreement

may choose not to participate in the extension of the Agreement or in future agreements.

**2. Method for Claims.** All funding claims for Transportation Development Act, State Transit Assistance Funds, or Regional Measure 2 funds for intercity transit services identified under this Agreement shall be made by the eligible Parties to the Metropolitan Transportation Commission ("MTC") and shall be consistent with the annual funding matrix prepared by STA in coordination with the Parties. As required under current policy, TDA claims must be approved by the STA Paratransit Coordinating Council prior to approval by MTC.

**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 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 respective officers, agents, employees, or subcontractors 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 respective officers, agents, employees, or subcontractors of activities required under this Agreement, and any fees and/or costs reasonably incurred by the staff attorneys or contract attorneys of the PARTY(IES) to be indemnified, and any and all costs, fees and expenses incurred in enforcing this provision.

**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 a PARTY desires to give to the other PARTIES shall be addressed to the other PARTIES at the addresses set forth below. A PARTY may change

its address by notifying the other PARTIES of the change of address. Any notice sent by mail in the manner prescribed by this paragraph shall be deemed to have been received on the date noted on the return receipt or five days following the date of deposit, whichever is earlier.

**SOLANO TRANSPORTATION AUTHORITY**

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 SUISUN CITY**

Public Works Director  
701 Civic Center  
Suisun City, CA 94585

**CITY OF VACAVILLE**

Rod Moresco  
Public Works Director  
650 Merchant St.  
Vacaville, CA 95688

**CITY OF VALLEJO**

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

**COUNTY OF SOLANO**

Paul Wiese  
Engineering Manager  
675 Texas St., Suite 5500  
Fairfield, CA 94533

**7. Subcontracts.** Within the funds allocated to the PARTIES under this agreement, 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.

**8. 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 the PARTIES.

**9. Interpretation.** Each PARTY has reviewed this Agreement and any question of doubtful interpretation shall not be resolved by any rule or interpretation providing for interpretation against the drafting party. This AGREEMENT shall be construed as if all PARTIES drafted it. The headings used herein are for convenience only and shall not affect the meaning or interpretation of this Agreement. 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.

**10. Disputes and Dispute Resolution.** If a dispute should arise between some or all of the PARTIES to this Agreement relative to the performance and/or enforcement of any provision of this Agreement, the dispute shall first be considered by the ITFWG. A recommended resolution based on the deliberations of the ITFWG will be presented to the STA Consortium and Technical Advisory Committees (TAC) for their consideration. Final resolution of disputes will be determined by the STA Board of Directors following consideration of the STA Consortium and TAC.

**11. 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.

**12. Local Law Compliance.** The PARTIES shall observe and comply with all applicable Federal, State and local laws, ordinances, and Codes.

**13. 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 race, religion, color, ethnic group identification, national origin, ancestry, physical handicap, mental disability, medical condition, marital status, age, sex or sexual orientation, nor shall they discriminate unlawfully against any employee or applicant for employment because of race, religion, color, ethnic group identification, national origin, ancestry, physical handicap, mental disability, medical condition, marital status, age, sex or sexual orientation. 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.

**14. 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 work authorized hereunder, or after all pending matters are closed, whichever is later.

**15. Conflict of Interest.** The PARTIES hereby covenant 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 obligations hereunder, except for such conflicts that the PARTIES may consent to in writing prior to the acquisition by a PARTY of such conflict.

**16. Entirety of Agreement.** This Agreement constitutes the entire agreement between the PARTIES relating to the subject matter 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

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

APPROVED AS TO FORM

By: Charles O. Lamoree  
Charles Lamoree, STA Legal Counsel

CITY OF BENICIA

By: \_\_\_\_\_  
Jim Erickson, City Manager

APPROVED AS TO FORM

By: \_\_\_\_\_  
Heather McLaughlin, City Attorney

CITY OF DIXON

By: \_\_\_\_\_  
Nancy Huston, City Manager

APPROVED AS TO FORM

By: \_\_\_\_\_  
Michael Dean, City Attorney

CITY OF FAIRFIELD

By: \_\_\_\_\_  
Sean Quinn, City Manager

APPROVED AS TO FORM

By: \_\_\_\_\_  
Greg Stepanicich, City Attorney

CITY OF SUISUN CITY

By: \_\_\_\_\_  
Suzanne Bragdon, City Manager

APPROVED AS TO FORM

By: \_\_\_\_\_  
Jayne Williams, City Attorney

CITY OF VACAVILLE

By: \_\_\_\_\_  
David Van Kirk, City Manager

APPROVED AS TO FORM

By: \_\_\_\_\_  
Shana Faber, Assistant City Attorney

CITY OF VALLEJO

By: \_\_\_\_\_  
Joseph M. Tanner, City Manager

APPROVED AS TO FORM

By: \_\_\_\_\_  
Fred Soley, City Attorney

COUNTY OF SOLANO

By: \_\_\_\_\_  
Michael D. Johnson, County Administrator

APPROVED AS TO FORM

By: \_\_\_\_\_  
Lori Mazzella, Dep. County Counsel





CONSENT I

**Agenda Item No.**

**COUNCIL COMMUNICATION**

**Date:** December 2, 2008

**TO:** Honorable Mayor and Members of the City Council

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

**SUBJECT:** APPROVAL OF A RESOLUTION AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO RE-ENTER INTO A TRANSIT MUTUAL AID AGREEMENT WITH SAN FRANCISCO

**BACKGROUND & DISCUSSION**

Following the Loma Prieta earthquake, the Bay Area's major transit operators developed the Trans Response Plan (TRP) and formed the TRP Steering Committee. One major activity undertaken by this Committee was the creation of the San Francisco Bay Area Transit Operators Mutual Aid Agreement (SF MAA), which has been a standing agreement among the nine major transit operators for over 28 years. The purpose of the Agreement is to provide an organized framework within which transit operators can provide voluntary mutual assistance to each other during emergencies and catastrophic events. The parties agreed that it would be in their best interest to enter into an agreement that provides equipment, personnel, supplies and other goods and services to each other under emergency conditions so that transit services and the people/jurisdictions that they serve experience minimal public transit interruptions and recover rapidly. Priority for providing transit services will be given to the agencies own jurisdictions and will be compensated by resources made available. The original group of participants include the following:

- Alameda-Contra Costa Transit District
- San Francisco Bay Area Rapid Transit
- Contra Costa County Transit Authority
- Golden Gate Bridge, Highway & Transportation District
- Livermore-Amador Valley Transit Authority
- San Francisco Municipal Transportation Agency
- San Mateo County Transit District
- Santa Clara County Transit District
- City of Valljeo



The San Francisco Bay Area Transit Operators Mutual Aid Agreement (SF MAA) calls for an annual review to expand and update the current Agreement. The revised SF MAA incorporates the following recommendations from the TRP Steering Committee:

- 1) ACE Rail, Eastern Contra Costa County Transit Authority, and the Water Emergency Transit Authority have expressed interest in joining the SF MAA and offering their assistance to other transportation agencies during disasters. The TRP Steering Committee supports including these agencies in the SF MAA.
- 2) Update the original signature pages (executed 28 years ago) with new signature pages for execution by current Executives.
- 3) Approve a Revised Appendix that identifies Mutual Aid Coordinators or a "Point of Contact" for signatories to the Agreement.

#### Fiscal Impact

There is no financial impact to the General Fund.

#### RECOMMENDATION

Staff recommends approving the resolution authorizing the City Manager or his designee to execute Amendment No. 1 to the San Francisco Bay Area Transit Operators Mutual Aid Agreement.

#### CITY COUNCIL AREA OF FOCUS

This action is consistent with City Council Area of Focus No. 3 – Improve Quality of Life.

#### ENVIRONMENTAL REVIEW

This action involving the authorization to re-enter into the San Francisco Bay Area Transit Operators Mutual Aid Agreement, establishes principles for Mutual Aid during times of emergency, and are not actions with direct or indirect foreseeable environmental impact, and therefore, they do not qualify as projects under CEQA.

#### PROPOSED ACTION

Approve the resolution authorizing the City Manager or his designee to execute Amendment No. 1 to the San Francisco Bay Area Transit Operators Mutual Aid Agreement.



DOCUMENTS ATTACHED

- a. A resolution authorizing the City Manager or his designee to re-enter the San Francisco Bay Area Transit Operators Mutual Aid Agreement.

DOCUMENTS AVAILABLE FOR REVIEW

- a. Amendment No. 1 to the San Francisco Bay Area Transit Operators Mutual Aid Agreement.

CONTACT PERSON

Gary A. Leach, Public Works Director  
648-4315  
[garyl@ci.vallejo.ca.us](mailto:garyl@ci.vallejo.ca.us)

Crystal Odum Ford, Transportation Supt.  
648-5241  
[codumford@ci.vallejo.ca.us](mailto:codumford@ci.vallejo.ca.us)

DECEMBER 2, 2008  
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**RESOLUTION NO. 08-\_\_\_\_\_ N.C.**

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

WHEREAS, the San Francisco Bay Area is susceptible to serious local and major regional emergencies, including moderate to great earthquakes that could interrupt normal public services; and

WHEREAS, the parties to the Agreement have determined that it would be in their best interests to enter into an Agreement that provides equipment, personnel, supplies and other goods and services to each other under emergency conditions so that transit services experience minimal interruption and recover rapidly; and

WHEREAS, reimbursement will be made to the lending organizations for equipment, personnel, supplies and other resources made available under this Agreement; and

WHEREAS, each party to the Agreement must give priority attention to emergencies affecting its own operations, and that no party should unreasonably deplete its own resources, facilities, or services to provide such mutual aid; and

WHEREAS, the Agreement outlines provisions for accurate record keeping and designates a point of contact for each agency; and

WHEREAS, such an Agreement is in accord with the California Emergency Services Act as set forth in Title 2, Division 1, Chapter 7 (Section 8630 et seq.) of the Government Code, and specifically Article 14 (Section 8630 et seq.) of the Act, Section 3211.92 of the Labor Code related to Disaster Services Workers, and the California Master Mutual Aid Agreement;

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 Amendment No. 1 of the Mutual Aid Agreement with other transportation agencies to agree to provide voluntary mutual emergency assistance to other parties in the Agreement.

DECEMBER 2, 2008

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CONSENT J

**Agenda Item No.**

**COUNCIL COMMUNICATION**

**Date:** December 2, 2008

TO: Honorable Mayor and Members of the City Council

FROM: Gary A. Leach, Public Works Director 

SUBJECT: APPROVAL OF A RESOLUTION ACCEPTING PHASE II SUBDIVISION IMPROVEMENTS FOR REFLECTIONS AT HIDDENBROOKE AS COMPLETE FROM WESTERN PACIFIC HOUSING, INC., A DELAWARE CORPORATION

**BACKGROUND**

On August 5, 2003, the City Council approved through Resolution No. 03-276 N.C. the final map of The Reflections at Hiddenbrooke and adopted plans and specifications and entered into Subdivision Improvement Agreement ("Agreement") with Reflections at Hiddenbrooke Subdivision. This subdivision is located within the Specific Area Plan for the Sky Valley Project, which is known as Hiddenbrooke. The subdivision consists of a total of 80 courtyard cluster single family homes.

The project was broken into two phases. Phase I consisted of main streets and utilities, and was built by Triad Communities, L.P., the developer, and accepted by City Council on November 4, 2004. Phase II consists of clustered courts and common area landscaping built by Western Pacific Housing, Inc., the homebuilder.

Western Pacific Housing, Inc., the homebuilder installed the remaining public improvements that were not installed by Triad Communities, L.P., the developer, and has completed the landscape, irrigation, street trees and subdivision improvements as detailed in the Agreement with the City of Vallejo, dated August 5, 2003,. They have requested that the City accept the Phase II public improvements for Reflections at Hiddenbrooke as complete.

**Fiscal Impact**

There is no fiscal impact on this project. Onsite improvements will be maintained by the Homeowners' Association.

The developer was not able to complete his project within the required two year period. According to City Council Resolution No.02-55 N. C., the developer must pay \$21,962.57 to the City of Vallejo for time extension fees prior to acceptance of this



project. This fee is equal to 10% per year of the original fees collected, starting two years after approval of the subdivision. The developer has paid the time extension fees.

The one-year warranty time period starts from the date of acceptance by the City Council.

### RECOMMENDATION

Staff recommends adoption of a resolution accepting the landscaping, irrigation, street trees and subdivision improvements for Phase II of Reflections at Hiddenbrooke as complete.

### CITY COUNCIL AREA OF FOCUS

This action is consistent with City Council Area of Focus No. 5 – Infrastructure Improvements.

### ENVIRONMENTAL REVIEW

The Planning Commission adopted a Negative Declaration for this Project with recommended mitigation measures that would reduce the identified significant environmental impacts to less than significant levels. No further environmental review is required to accept these public improvements as complete.

### PROPOSED ACTION

Adopt the resolution accepting the subdivision improvements for Phase II of Reflections at Hiddenbrooke Subdivision as complete.

### DOCUMENTS AVAILABLE FOR REVIEW

- a. A resolution accepting the landscaping, irrigation, street trees and subdivision improvements for Phase II of Reflections at Hiddenbrooke as complete
- b. Exhibit 'A' – Vallejo Sanitation and Flood Control District – Project Acceptance sign off
- c. Project Location Map



CONTACT PERSONS

Gary A. Leach, Public Works Director  
648-4315  
[garyl@ci.vallejo.ca.us](mailto:garyl@ci.vallejo.ca.us)

David A. Kleinschmidt, City Engineer  
648-4301  
[david@ci.vallejo.ca.us](mailto:david@ci.vallejo.ca.us)

DECEMBER 2, 2008  
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**RESOLUTION NO. 08-\_\_\_\_\_ N.C.**

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

WHEREAS, landscape, irrigation, street trees, subdivision improvements and all such other items required, constructed in and on the reserves and easements in and adjacent to the development known as Reflections at Hiddenbrooke Phase II, Vallejo, Solano County, California, pursuant to the certain agreement by and between the City of Vallejo dated August 5, 2003 and Western Pacific Housing, Inc., a Delaware Corporation ("Developer"), have been completed in accordance with the Plans and Specifications approved and adopted by City Council Resolution No. 03-277 N. C; and

WHEREAS, the Developer was not able to complete his project within the required two year period. Per City Council Resolution No.02-55 N. C. the Developer has paid \$21,962.57 to the City of Vallejo for time extension fees; and

WHEREAS, all sanitary sewer and storm drainage work in said developments have been completed in conformance with the improvement plans and specifications of the Vallejo Sanitation and Flood Control District, the same having been reviewed, inspected, acknowledged and approved by the District, as shown on that certain acceptance certificates, a copy of which is attached hereto, marked Exhibit "A", and made a part hereof; and

WHEREAS, the Developer has provided the City with a Maintenance Bond in the amount of \$211,600, which is 10% of the amount of the subdivision improvements, guarantying the improvements for one year from the date of acceptance by City Council.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Vallejo that those works and subdivision improvements as set forth above are hereby accepted as complete.

DECEMBER 2, 2008

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**EXHIBIT A**  
**CITY OF VALLEJO**  
**PUBLIC WORKS DEPARTMENT – ENGINEERING DIVISION**

**TO: VALLEJO SANITATION AND FLOOD CONTROL DISTRICT**

This is to certify that all sanitary sewer and storm drainage work performed in Phase II of Reflections I at Hiddenbrooke subdivision was completed in conformance with the Improvement plans and specifications approved by the District with the following exceptions:

none


The "as-built" plans reflect all changes made on the project. A joint final inspection has been done by the Public Works Inspector assigned to this project and a District Engineering staff member. It is requested that the District sign on the space below indicating that the project is satisfactory to the District and that the District has no objections to the City accepting the project.

  
Public Works Director/City Engineer  
City of Vallejo, California

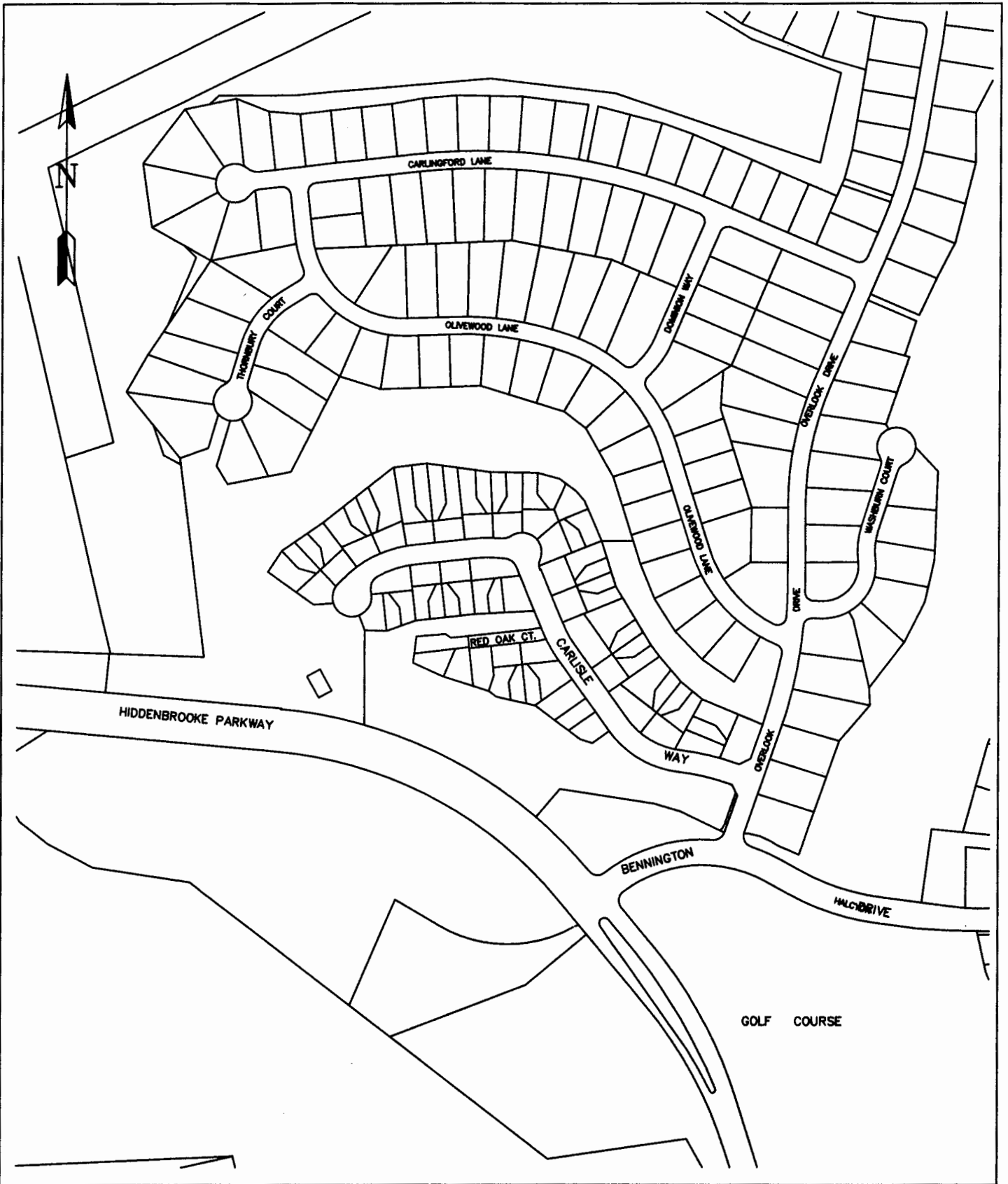
11/18/2008  
Date

**ACCEPTANCE**

The Phase II of Reflections I at Hiddenbrooke subdivision is satisfactory to the District and we have no objections to the City accepting the project.

  
Rolf Ohlenütz, District Engineer  
Vallejo Sanitation and Flood Control District

11/19/08  
Date



**CITY OF VALLEJO**

DEPARTMENT OF PUBLIC WORKS  
ENGINEERING DIVISION

DWG. NO. <u>    -    </u>	SHEET <u>  1  </u> OF <u>  1  </u>
DRAWN BY <u>  ARB  </u>	FILE NM. <u>    -    </u>
DATE <u>  11/19/08  </u>	PROJ. NO. <u>  0118  </u>
CHECKED <u>  ERP  </u>	SCALE <u>  N.T.S.  </u>

REFLECTIONS I AT HIDDENBROOKE PHASE 2  
PROJECT LOCATION MAP

APPROVED: \_\_\_\_\_ ON \_\_\_\_\_ DATE \_\_\_\_\_  
CITY ENGINEER



CONSENT K

**Agenda Item No.**

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**COUNCIL COMMUNICATION**

**Date: December 2, 2008**

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Robert W. Nichelini, Chief of Police **RWN**

**SUBJECT:** Approval of a resolution approving a Grant Agreement with the California Office of Traffic Safety for Click It or Ticket Seat Belt Enforcement

**SUMMARY**

The proposed resolution authorizes the City Manager to approve the subject grant agreement with the California Office of Traffic Safety (OTS) under the terms of a grant for seat belt enforcement. All costs for the program provided under this grant will be reimbursed.

**BACKGROUND AND DISCUSSION**

With assistance from the Office of Traffic Safety, the Vallejo Police Department will conduct a seat belt enforcement campaign during "Next Generation" mobilization periods - November 17-30, 2008 and May 18-31, 2009. There is additional funding to conduct seat belt enforcement programs each month beginning in December 2008 through the first week of September 2009.

**ENVIRONMENTAL REVIEW**

None required.

**FISCAL IMPACT:** The Next Generation Click It or Ticket Grant is for \$17,943.00. This grant provides funding on an overtime basis for all of the operations that will be conducted. There is no cost to the City. Funds are reimbursed quarterly.

PROPOSED ACTION: Staff requests approval of a resolution approving the Grant Agreement with the California Office of Traffic Safety for Click It or Ticket Seat Belt Enforcement.

DOCUMENTS ATTACHED

- a. Resolution approving the Grant Agreement with the California Office of Traffic Safety.

CONTACT PERSON

Lieutenant Joel Salinas  
Vallejo Police Department  
(707) 649-3407  
E-mail: [451@ci.vallejo.ca.us](mailto:451@ci.vallejo.ca.us)

RESOLUTION NO. 08-\_\_ N.C.

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

WHEREAS, the Vallejo Police Department has received a grant from the California Office of Traffic Safety to conduct seat belt enforcement;

WHEREAS, with assistance from the Office of Traffic Safety, the Vallejo Police Department will conduct seat belt enforcement in an attempt to reduce the number of persons killed and injured in crashes;

WHEREAS, funds will be reimbursed quarterly.

NOW, THEREFORE, BE IT RESOLVED that the Grant Agreement with the California Office of Traffic Safety for Click It or Ticket Seat Belt Enforcement is hereby approved.

DECEMBER 2, 2008

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CONSENT L

Agenda Item No.

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**COUNCIL COMMUNICATION**

**Date:** December 2, 2008

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Frederick G. Soley, City Attorney *F.G.S.*  
Claudia M. Quintana, Assistant City Attorney *C. Quintana*

**SUBJECT:** Resolution Directing the Dismissal of the Legal Action Entitled "*The City of Vallejo v. The State of California, et al.*", Solano County Superior Court Case No. FCS031170

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**Background**

In the 2007 legislative session, the California legislature passed SB976, a law that created a new agency (the Water Emergency Transportation Authority, hereinafter "WETA"). The law provided that existing publicly owned ferry systems and related property would be transferred to this agency. The old law mandated that the City turn over its assets to WETA, but provided for no compensation for such assets, and no representation on the WETA board. To preserve its rights and the ability to challenge this law, the City of Vallejo filed suit in Superior Court. The complaint challenges the validity of SB976 on Constitutional grounds relating to seizure of City assets without just compensation. Litigation has been stayed to allow the City of Vallejo, persons and agencies with an interest in the matter (such as WTA and MTC) and the legislature to work on clean-up legislation to address the problem areas. Throughout 2008, transportation staff worked with legislative staff to negotiate the language contained in SB1093. As chaptered, SB1093 contains the following provisions:

1. Consolidation of ferry services subject to a transition plan which is to occur by July 1, 2009.
2. Transfer of the City's service and assets will be subject to negotiation and agreement between WETA and the City, and the City is to receive just compensation for its assets.

3. Any substantial change to the ferry facilities in the City, and any new facilities, must comply with the City's General Plan, Redevelopment Plan and applicable Development & Disposition Agreements.

4. Provision is made for an optional community advisory committee regarding rates and services.

5. The transition plan and any new fares must be adopted after a public input process including mailed notice to the City.

6. The transition plan is required to seek to achieve at least a 5-year continuation of existing services.

7. Any City employees acquired by WETA will be protected by existing labor agreements, which WETA is obligated to assume.

8. The City's regional funding for ferry service is protected until the City agrees to transfer the service to WETA.

9. WETA is obligated to bear all financial obligations "generated from the operation ... including ... bonded indebtedness and subsidies."

10. WETA is required to bear the City's reasonable administrative costs with respect to the transfer, but the MTA gets to determine what is reasonable.

11. The WETA Board members have a 6-year term of office during which they cannot be removed (except for misconduct in office upon indictment by the grand jury) and it takes 3 affirmative votes of the 5-member board to take any action.

The cleanup language adequately provides for the protection of City assets while negotiations for the transfer of such assets to WETA are taking place. Negotiating a fair transfer is left to City staff, subject to Council approval, working in conjunction with WETA staff. Transfers of property will only occur once an agreement is reached.

### **Recommendation**

At this point, it is recommended that the City dismiss its lawsuit against the State of California and WETA. The cleanup bill clarifies that there will be no compelled transfer of City property, and there will be an adequate opportunity for staff to negotiate the terms of the transfer. The full text of the cleanup legislation may be found at [http://www.leginfo.ca.gov/pub/07-08/bill/sen/sb\\_1051-1100/sb\\_1093\\_bill\\_20080927\\_chaptered.html](http://www.leginfo.ca.gov/pub/07-08/bill/sen/sb_1051-1100/sb_1093_bill_20080927_chaptered.html).

**Areas of Focus**

Not applicable.

**Documents Attached**

Attachment A - Resolution

**Contact**

Claudia M. Quintana, Assistant City Attorney  
Tel: (707) 648-4547

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**RESOLUTION NO. N.C. 08- N.C.**

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

**WHEREAS**, in 2007, SB976 mandated the transfer of the City's ferry related assets to the newly formed Water Emergency Transportation Authority (hereinafter "WETA"); and

**WHEREAS**, local and state staff, consultants and other professionals have worked together to design 'cleanup' legislation which addresses the City's main concerns; and

**WHEREAS**, in 2008, SB1093, as chaptered, adequately provides for protection of the City's interests while the City and the State work together to negotiate a fair and equitable transition of ferry related assets to the state of California; and

**WHEREAS**, SB1093 provided for the consolidation of ferry services subject to a transition plan which is to occur by July 1, 2009; and

**WHEREAS**, transfer of the City's service and assets is subject to negotiation and agreement between WETA and the City, and the City is to receive just compensation for its assets; and

**WHEREAS**, any substantial changes to the ferry facilities in the City, and any new facilities, must comply with the City's General Plan, Redevelopment Plan and applicable Development & Disposition Agreements; and

**WHEREAS**, provision is made for an optional community advisory committee regarding rates and services; and

**WHEREAS**, the City's regional funding for ferry service is protected until it agrees to transfer the service to WETA; and

**WHEREAS**, WETA is obligated to bear all financial obligations "generated from the operation ... including ... bonded indebtedness and subsidies"; and

**WHEREAS**, WETA is required to bear the City's reasonable administrative costs with respect to the transfer, but the MTA gets to determine what is reasonable; and

**WHEREAS**, the WETA Board members have a 6-year term of office during which they cannot be removed (except for misconduct in office upon indictment by the grand jury).

**NOW, THEREFORE, BE IT RESOLVED** that the City Council hereby concurs with the City Attorney's recommendation that the case entitled *The City of Vallejo v. The State of California, et al.*; Solano County Superior Court Case No. FCS031170 be dismissed, and hereby directs that dismissal, subject to appropriate terms and conditions as determined by the City Attorney.

December 2, 2008

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## CITY OF VALLEJO

PUBLIC  
HEARING A

Agenda Item No.

### COUNCIL COMMUNICATION

Date: December 2, 2008

TO: Mayor and Members of the City Council

FROM: Craig Whittom, Assistant City Manager / Community Development *CW*  
Bob Adams, Development Services Director *BA*  
Don Hazen, Planning Manager *DH*

SUBJECT: CONSIDERATION OF A RESOLUTION AMENDING THE NORTHGATE SPECIFIC PLAN AND HOLDING ON FIRST READING AN ORDINANCE AMENDING THE NORTHGATE SPECIFIC PLAN TO ADD AN ADDITIONAL LAND USE "MULTI-FAMILY RESIDENTIAL" TO THE PERMITTED USES IN THE MIXED USE LAND USE AREA.

#### BACKGROUND & DISCUSSION

On October 28, 2008, the City Council considered an amendment to the Northgate Specific Plan (Plan) to add "Multi Family Residential" to the list of allowed land uses in the Mixed Use Plan area. The Council continued the hearing to the December 2, 2008 meeting, pending submittal of additional background information regarding any past fee waivers or reductions the applicant may have been granted for the Belvedere project or the Northgate Specific Plan.

Staff has not completed its analysis and discussions with the applicant, and recommends a continuance to the December 16<sup>th</sup> meeting.

#### RECOMMENDATION

Continue to the December 16, 2008 meeting.

#### PREPARED BY/CONTACT

Don Hazen, Planning Manager  
707-648-4328; [dhazen@ci.vallejo.ca.us](mailto:dhazen@ci.vallejo.ca.us)



ADMIN A

**CITY OF VALLEJO**  
**COUNCIL COMMUNICATION**

**Agenda Item No.**

**Date:** December 2, 2008

TO: Mayor and Members of the City Council

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

SUBJECT: Central Core Restoration Corporation Annual Report

BACKGROUND AND DISCUSSION

On March 25, 2008, City Council approved a Management Agreement (Attachment A) with Central Core Restoration Corporation (CCRC) to provide management services and improvements called for in the Downtown Vallejo Management District Management Plan. The term of the Agreement is for five years beginning January 1, 2008. One requirement of the Agreement is presentation of an annual report to the City Council. CCRC will present a Power Point during the City Council meeting.

RECOMMENDATION

This item is provided for information only. No action is required.

CITY COUNCIL AREAS OF FOCUS

This issue was not identified as an *Area of Focus* by Council.

DOCUMENTS ATTACHED

Attachment A – Management Agreement with Central Core Restoration Corporation (CCRC)  
Attachment B – Downtown Vallejo, Property and Business Improvement District, Management District Plan

CONTACT

Susan McCue, Economic Development Program Manager  
(707) 553-7283, [smccue@ci.vallejo.ca.us](mailto:smccue@ci.vallejo.ca.us)

Craig Whittom, Assistant City Manager/Community Development  
(707) 648-4579, [cwhittom@ci.vallejo.ca.us](mailto:cwhittom@ci.vallejo.ca.us)

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**CONSULTANT AND PROFESSIONAL SERVICES AGREEMENT**

This Consultant and Professional Services Agreement ("Agreement") is made at Vallejo, California, dated for reference this 25<sup>th</sup> day of March, 2008 by and between the City of Vallejo, a municipal corporation ("City"), and the Central Core Restoration Corporation, a California non-profit public benefit corporation, hereinafter referred to as "CCRC, who agree as follows:

1. **Services.** Subject to the terms and conditions set forth in this Agreement, CCRC shall provide the City professional services as specified in Exhibit A, entitled "Scope of Work."
2. **Payment.** City shall pay CCRC for services rendered pursuant to this Agreement at the times and in the manner set forth in Exhibit B, entitled "Compensation." The payments specified in Exhibit B shall be the only payments to be made to CCRC for services rendered pursuant to this Agreement.
3. **Facilities and Equipment.** CCRC shall, at its sole cost and expense, furnish all facilities and equipment which may be required for furnishing services pursuant to this Agreement.
4. **Indemnification.** CCRC shall indemnify, hold harmless, and defend City, its officers, officials, directors, employees, agents, volunteers and affiliates and each of them from any and all claims, demands, causes of action, damages, costs, expenses, actual attorney's fees, consultant's fees, expert fees, losses or liability, in law or in equity, of every kind and nature whatsoever arising out of or in connection with CCRC's operations, or any subcontractor's operations, to be performed under this agreement for CCRC's or subcontractor's tort negligence including active or passive, or strict negligence, including but not limited to personal injury including, but not limited to bodily injury, emotional injury, sickness or disease, or death to persons and/or damage to property of anyone, including loss of use thereof, caused or alleged to be caused by any act or omission of CCRC, or any subcontractor, or anyone directly or indirectly employed by any of them or anyone for the full period of time allowed by the law, regardless to any limitation by insurance, with the exception of the sole negligence or willful misconduct of the City. The provisions of this section shall survive the expiration or termination of this Agreement.
5. **Insurance Requirements.** CCRC agrees to comply with all of the Insurance Requirements set forth in Exhibit C, entitled "Insurance Requirements." Failure to maintain required insurance at all times shall constitute a default and material breach.

**6. Accident Reports.** CCRC shall immediately report (as soon as feasible, but not more than 24 hours) to the City Risk Manager any accident or other occurrence causing injury to persons or property during the performance of this Agreement. The report shall be made in writing and shall include, at a minimum: (a) the names, addresses, and telephone numbers of the persons involved, (b) the names, addresses and telephone numbers of any known witnesses, (c) the date, time and description of the accident or other occurrence.

**7. Conflict of Interest.** CCRC warrants and represents that to the best of its knowledge, there exists no actual or potential conflict between its business, real property or financial interests and the services to be provided under this Agreement. CCRC shall comply with the City of Vallejo Conflict of Interest Code and not enter into any contract or agreement during the performance of this Agreement which will create a conflict of interest with its duties to City under this Agreement. In the event of a change in its family, business, real property or financial interests occurs during the term of this Agreement that creates an actual or potential conflict of interest, then CCRC shall disclose such conflict in writing to City.

**8. Independent Contractor.** CCRC is an independent contractor. Neither CCRC nor any of CCRC's officers, employees, agents or subcontractors, if any, is an employee of City by virtue of this Agreement or performance of any services pursuant to this Agreement. City shall have the right to control CCRC only insofar as the results of CCRC's services rendered pursuant to this Agreement; however, City shall not have the right to control the means by which CCRC accomplishes services pursuant to this Agreement.

**9. Licences, Permits, Etc.** CCRC represents and warrants to City that all CCRC services shall be provided by a person or persons duly licensed by the State of California to provide the type of services to be performed under this Agreement and that CCRC has all the permits, qualifications and approvals of whatsoever nature which are legally required for CCRC to practice its profession. CCRC represents and warrants to City that it shall, at its sole cost and expense, keep in effect at all times during the term of this Agreement any licenses, permits, and approvals which are legally required for CCRC to practice its profession.

**10. Business License.** CCRC, and its subcontractors, has obtained or agrees to apply prior to performing any services under this Agreement to City's Finance Department for a business license, pay the applicable business license tax and maintain said business license during the term of this Agreement. The failure to obtain such license shall be a material breach of this Agreement and grounds for termination by City. No payments shall be made to CCRC until such business license(s) has been obtained.

**11. Standard of Performance.** CCRC shall provide products and perform all services required pursuant to this Agreement in accordance with generally accepted

professional practices and principles and in a manner consistent with the level of care and skill ordinarily exercised under similar conditions by a member of CCRC's profession currently practicing in California.

CCRC is responsible for making an independent evaluation and judgment of all conditions affecting performance of the work, including without limitation applicable federal, state, and local laws and regulations, and all other contingencies or considerations.

CCRC's responsibilities under this section shall not be delegated. CCRC shall be responsible to City for acts, errors, or omissions of CCRC's subcontractors.

Whenever the scope of work requires or permits review, approval, conditional approval or disapproval by City, it is understood that such review, approval, conditional approval or disapproval is solely for the purposes of administering this Agreement and determining whether the CCRC is entitled to payment for such work, and not be construed as a waiver of any breach or acceptance by the City of any responsibility, professional or otherwise, for the work, and shall not relieve the CCRC of responsibility for complying with the standard of performance or laws, regulations, industry standards, or from liability for damages caused by negligent acts, errors, omissions, noncompliance with industry standards, or the willful misconduct of CCRC.

**12. Force Majeure.** Neither party shall be considered in default of this Agreement to the extent performances are prevented or delayed by any cause, present or future, by circumstances beyond either party's reasonable control, such as war, riots, strikes, lockouts, work slow down or stoppage, acts of God, such as floods or earthquakes, and electrical blackouts or brownouts.

In the event that the CCRC is unable to meet the completion date or schedule of services, CCRC shall inform the City Representative of the additional time required to perform the work and the City Representative may adjust the schedule.

**13. Time is of the Essence.** Time is of the essence in this Agreement. Any reference to days means calendar days, unless otherwise specifically stated.

**14. Personnel.** CCRC agrees to assign only competent personnel according to the reasonable and customary standards of training and experience in the relevant field to perform services under this Agreement. Failure to assign such competent personnel shall constitute grounds for termination of this Agreement.

The payment made to CCRC pursuant to this Agreement shall be the full and complete compensation to which CCRC and CCRC's officers, employees, agents, and subcontractors are entitled for performance of any work under this Agreement. Neither CCRC nor CCRC's officers or employees are entitled to any salary or

wages, or retirement, health, leave or other fringe benefits applicable to employees of the City. The City will not make any federal or state tax withholdings on behalf of CCRC. The City shall not be required to pay any workers' compensation insurance on behalf of CCRC.

CCRC shall pay, when and as due, any and all taxes incurred as a result of CCRC's compensation hereunder, including estimated taxes, and shall provide City with proof of such payments upon request.

**15. Consultant Not Agent.** Except as authorized under this Agreement or as City may authorize in a letter of authorization signed by the City Manager or his or her designee, CCRC shall have no authority, express or implied to act on behalf of City in any capacity whatsoever as an agent. CCRC shall have no authority, express or implied, under this Agreement, to bind City to any obligation whatsoever.

**16. Term.** The term of this Agreement shall commence on January 1, 2008 and shall continue in full force and effect until December 31, 2012.

**17. Termination or Abandonment by City.** The City may terminate this Agreement if CCRC fails to perform or observe any of its obligations, covenants or agreements hereunder that is not cured within thirty (30) days after written notice of any such failure has been given by City. Upon receipt of a notice of termination, CCRC shall perform no further work except as specified in the notice. Before the date of termination, CCRC shall deliver to City all work product, whether completed or not, as of the date of termination and not otherwise previously delivered.

The City shall pay CCRC for services performed in accordance with this Agreement before the date of termination. If this contract provides for payment of a lump sum for all services or by task and termination occurs before completion of the work or any defined task which according to the performance schedule was commenced before the notice of termination, the fee for services performed shall be based on an amount mutually agreed to by City and CCRC for the portion of work completed in conformance with this Agreement before the date of termination. In addition, the City will reimburse CCRC for authorized expenses incurred and not previously reimbursed. The City shall not be liable for any fees or costs associated for the termination or abandonment except for the fees, and reimbursement of authorized expenses, payable pursuant to this section.

**18. Products of Consulting Services.** The work product, including without limitation, all writings, work sheets, reports, recordings, drawings, files, detailed calculations and other work products, whether complete or incomplete, of CCRC resulting from services rendered pursuant to this Agreement, shall become the property of City. CCRC agrees that all copyrights which arise from creation of the work under this Agreement shall be vested in the City and waives and relinquishes all claims to copyright or other intellectual property rights in favor of the City. City



acknowledges that its use of the work product is limited to the purposes contemplated by the scope of work and that CCRC makes no representation of the suitability of the work product for use in or application to circumstances not contemplated by the scope of work.

Documents submitted to the City in electronic format shall be formatted according to specifications provided by the City, or if not otherwise specified, in Microsoft Word, Excel, PowerPoint or other Microsoft Office Suite (2002) format as appropriate for the particular work product or, if directed by the City Representative in Adobe Acrobat PDF format.

**19. Cooperation by City.** City shall, to the extent reasonable and practicable, assist and cooperate with CCRC in the performance of CCRC's services hereunder.

**20. Assignment and Subcontracting.** CCRC shall not subcontract, assign or transfer voluntarily or involuntarily any of its rights, duties or obligation under this Agreement without the express written consent of the City Manager or his or her designee in each instance. Any attempted or purported assignment of any right, duty or obligation under this Agreement without said consent shall be void and of no effect.

If subcontracting of work is permitted, CCRC shall pay its subcontractor within ten (10) days of receipt of payment by City for work performed by a subcontractor and billed by CCRC. Use of the term subcontractor in any other provision of this contract shall not be construed to imply authorization for CCRC to use subcontractors for performance of any service under this Agreement.

The City is an intended beneficiary of any work performed by CCRC's subcontractor for purposes of establishing a duty of care between the subcontractor and City.

**21. Successors and Assigns.** All terms, conditions, and provisions of this Agreement shall apply to and bind the respective heirs, executors, administrators, successors, and assigns of the parties. Nothing in this section is intended to affect the limitation on assignment.

**22. Non-Discrimination/Fair Employment Practices.**

(a) Consultant shall not, because of race, religious creed, color, sex, national origin, ancestry, disability, medical condition, age, marital status or sexual orientation of any person, refuse to hire or employ, or to bar or discharge from employment, or to discriminate in compensation, or in terms, conditions or privileges any person, and every employee will receive equal opportunity for employment and shall be granted equal treatment with respect to compensation, terms, conditions or other privileges of employment, without regard to his race, religious creed, color, sex, national origin, ancestry, or disability, medical condition, age, marital status or

sexual orientation.

Consultant warrants and represents it is an equal opportunity employer and agrees it shall not discriminate on the basis of race, religious creed, color, sex, national origin, ancestry, disability, medical condition, age, marital status or sexual orientation in the selection and retention of employees, subcontractors or procurement of materials or equipment.

In all solicitations either by competitive bidding or negotiations made by Consultant for work to be performed under any subcontract, including procurement of materials or equipment, each potential subcontractor or supplier shall be notified by Consultant of Consultant's obligation under this Agreement relative to nondiscrimination and fair employment practices.

Consultant shall include the above provisions of this section in every subcontract, including procurement of materials or equipment.

(b) CCRC agrees to comply with Title VII of the Civil Rights Act of 1964, as amended, the California Fair Employment Practices Act, the Americans with Disabilities Act of 1990, any other applicable federal and state laws and regulations and City ordinances and regulations hereinafter enacted.

**23. Notices.** All notices or instruments required to be given or delivered by law or this Agreement shall be in writing and shall be effective upon receipt thereof and shall be by personal service or delivered by depositing the same in any United States Post Office, registered or certified mail, postage prepaid, addressed to:

If to City:

Susan McCue  
Economic Development Program Manager  
Community Development  
555 Santa Clara Street  
Vallejo, CA 94590

If to CCRC:

Janet Sylvain  
President  
Central Core Restoration Corporation  
301 Georgia Street, Suite 290  
Vallejo, CA 94590

Any party may change its address for receiving notices by giving written notice of such change to the other party in accordance with this section.

Routine administrative communications shall be made pursuant to section 1 of Exhibit A.

**24. Integration Clause.** This Agreement, including all Exhibits, contains the entire agreement between the parties and supersedes whatever oral or written understanding they may have had prior to the execution of this Agreement. This Agreement shall not be amended or modified except by a written agreement executed by each of the parties hereto.

**25. Severability Clause.** Should any provision of this Agreement ever be deemed to be legally void or unenforceable, all remaining provisions shall survive and be enforceable.

**26. Law Governing.** This Agreement shall in all respects be governed by the law of the State of California without regard to its conflicts of law rules. Litigation arising out of or connected with this Agreement shall be instituted and maintained in the courts of Solano County in the State of California or in the United States District Court, Eastern District of California, Sacramento, California, and the parties consent to jurisdiction over their person and over the subject matter of any such litigation in such courts, and consent to service of process issued by such courts.

**27. Waiver.** Waiver by either party of any default, breach or condition precedent shall not be construed as a waiver of any other default, breach or condition precedent or any other right hereunder.

**28. Ambiguity.** The parties acknowledge that this is a negotiated agreement, that they have had the opportunity to have this Agreement reviewed by their respective legal counsel, and that the terms and conditions of this Agreement are not to be construed against any party on the basis of such party's draftsmanship thereof.

**29. Gender.** All pronouns and any variations thereof shall be deemed to refer to the masculine, feminine, neuter, singular or plural, as the identifications of the person or persons, firm or firms, corporation or corporations may require.

**30. Headings.** The section headings contained in this Agreement are inserted for convenience only and shall not affect in any way the meaning or interpretation of this Agreement.

**31. Compliance with Laws.** CCRC will comply with all statutes, regulations and ordinances in the performance of all services under this Agreement.

**32. Confidentiality of City Information.** During the performance of services under this Agreement, CCRC may gain access to and use City information regarding, but not limited to, procedures, policies, training, operational practices, and other vital information (hereafter collectively referred to as "City Information") which are valuable, special and unique assets of the City. CCRC agrees that it will

not use any information obtained as a consequence of the performance of services under this Agreement for any purpose other than fulfillment of CCRC's scope of work , to protect all City Information and treat it as strictly confidential and proprietary to City, and that it will not at any time, either directly or indirectly, divulge, disclose or communicate in any manner any City Information to any third party, other than its own employees, agents or subcontractors who have a need for the City Information for the performance of services under this Agreement, without the prior written consent of City, or as required by law.

CCRC shall treat all records and work product prepared or maintained by CCRC in the performance of this Agreement as confidential.

A violation by CCRC of this section shall be a material violation of this Agreement and will justify legal and/or equitable relief.

CCRC's obligations under this section shall survive the completion of services, expiration or termination of this Agreement.

**33. News and Information Release.** CCRC agrees that it will not issue any news releases in connection with either the award of this Agreement, or any subsequent amendment of or efforts under this Agreement, without first obtaining review and approval of said news releases from City through the City Representative.

**34. City Representative.** The City Representative specified in Exhibit A, or the representative's designee, shall administer this Agreement for the City.

**35. Counterparts.** The parties may execute this Agreement in one or more counterparts, each of which shall be deemed an original, but all of which together shall be deemed one and the same instrument.

**36. Authority.** The person signing this Agreement for CCRC hereby represents and warrants that he/she is fully authorized to sign this Agreement on behalf of CCRC.

**37. Exhibits.** The following exhibits are attached hereto and incorporated herein by reference:

Exhibit A, entitled "Scope of Work," including any attachments.


Exhibit B, entitled "Compensation," including any attachments.

Exhibit C, entitled "Insurance Requirements," including any attachments.

(SIGNATURES ARE ON THE FOLLOWING PAGE)

IN WITNESS WHEREOF, the parties have executed this Agreement on the day and year shown below the name of each of the parties.

CENTRAL CORE RESTORATION CORPORATION,  
a California non-profit public benefit corporation

By:   
Janet Sylvain  
President


CITY OF VALLEJO,  
a municipal corporation

By:   
Joseph M. Tanner  
City Manager

DATE: 4/3/08


DATE: 1-16-08

NON-PROFIT  
Vallejo Business License No.


ATTEST:   
By: Mary Ellsworth  
Mary Ellsworth, Acting City Clerk

(City Seal)

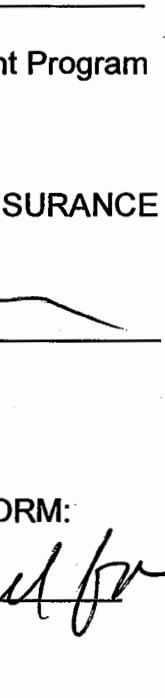
APPROVED AS TO CONTENT:

  
Susan McCue  
Economic Development Program  
Manager

APPROVED AS TO INSURANCE  
REQUIREMENTS:

  
Harry B. Maurer  
Risk Manager

APPROVED AS TO FORM:

  
Frederick G. Soley  
City Attorney

**EXHIBIT A**  
**SCOPE OF WORK**

**1. Representatives.**

The City Representative for this Agreement is:

Susan McCue  
Economic Development Program Manager  
Community Development  
555 Santa Clara Street  
Vallejo CA 94590  
707-553-7283  
707-648-4499

The CCRC's Representative for this Agreement is:

Janet Sylvain  
President  
Central Core Restoration Corporation  
301 Georgia Street, Suite 290  
Vallejo, CA 94590  
707-557-6762  
707-557-6040

All routine administrative communications between the parties will be between the above named representatives and may be by personal delivery, mail, facsimile transmission or electronic mail as agreed between the CCRC Representative and City's Representative.

**2. District Improvements and Services**

CCRC shall provide services related to the administration of the Downtown Vallejo Property and Business Improvement District ("District"), which shall include 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, and other services or improvements as described in the District Plan, as set forth in Attachment 1 of Exhibit A, attached hereto and incorporated herein by this reference.

### **3. Time for Performance**

CCRC shall provide, manage, and administer all District Improvements and Services during the following time periods:

<b>Year 1</b>	<b>January 1, 2008 through December 31, 2008</b>
<b>Year 2</b>	<b>January 1, 2009 through December 31, 2009</b>
<b>Year 3</b>	<b>January 1, 2010 through December 31, 2010</b>
<b>Year 4</b>	<b>January 1, 2011 through December 31, 2011</b>
<b>Year 5</b>	<b>January 1, 2012 through December 31, 2012</b>

### **4. Audited Financial Reports**

CCRC shall submit to the City, for review, comment and approval, an Audited Financial Report describing the District Improvements and Services, expenses by category and revenues by category for the prior year of operations. Said report shall be submitted on or before March 1, 2009 for Year 1, March 1, 2010 for Year 2, March 1, 2011 for Year 3, March 1, 2012 for Year 4, and March 1, 2013 for Year 5.

### **5. Advisory Board Meetings**

An Advisory Board has been established to oversee the administration of the District. CCRC shall conduct no fewer than four Advisory Board meetings per year.

### **6. Reports to the City Council**

CCRC shall make annual reports to the City Council regarding the progress of the District on or before December 1 each year, beginning December 1, 2008.

### **7. Work in Public Right-of-Way**

CCRC shall comply with all federal, state, and local laws and shall secure all necessary permits and authorizations pertaining to work within public right-of-ways including, but not limited to, sidewalks, alleys, streets, pedestrian malls, public easements, public buildings and public parking areas.

### **8. Maintain Data Base**

CCRC shall maintain a complete Data Base of all parcel square footages and street front footages of assessed properties within the District. Said Data Base shall be updated at least once each year during District operations to reflect changed conditions and to accurately reflect status of assessed parcels.

**9. District Administration**

The City shall provide administration of the annual District proceedings including preparation of the assessment spread, assessment roll, annual City Council reports, noticing to property owners and any changes to the District organization or cost spread formulas.

**10. Billing and Collecting**

The City will coordinate the annual levy and collecting of all assessments for the District.

**11. General Fund Not Liable**

Neither the City's General Fund nor any other fund or monies of the City except the actual District revenues, shall be liable for payment of any obligations arising from this Agreement. Said obligations are not a debt of the City's General Fund, nor a legal or equitable pledge, charge, lien, or encumbrance upon its income, receipts, or revenues. This Agreement embodies all of CCRC's reimbursement rights and no further note or other document shall be required to be executed by the City.

**12. Disestablishment of the District**

If the District is disestablished pursuant to Streets and Highways Code, Sections 36650, et seq., this Agreement shall terminate. Any remaining revenues derived from the levy of assessments, or any revenues derived from the sale of assets acquired with the revenues, shall be refunded to the owners of the property then located and operating within the District in which assessments were levied by applying the same method and basis that was used to calculate the assessments levied in the fiscal year in which the district is disestablished. If the disestablishment occurs before an assessment is levied for the fiscal year, the method and basis that was used to calculate the assessments levied in the immediate prior fiscal year shall be used to calculate the amount of any refund.



## EXHIBIT B

### COMPENSATION

#### 1. Payments to CCRC.

The annual District Assessments will be collected with the regular County property taxes. Based upon the annual levy approved by City Council, the City will pay CCRC all revenue received from the County of Solano. Revenues will be paid to CCRC within thirty (30) days of receipt by the City. The City agrees to participate in the Teeter Plan with the County of Solano with respect to the assessments.

B. All invoices submitted by CCRC shall contain the following information:

1. Description of services billed under this invoice
2. Date of Invoice Issuance
3. Sequential Invoice Number
4. City's Purchase Order Number (if issued)
5. Social Security Number or Taxpayer Identification Number
6. Amount of this Invoice (Itemize all Reimbursable Expenses")
7. Total Billed to Date

C. Items shall be separated into Services and Reimbursable Expenses. Billings that do not conform to the format outlined above shall be returned to CCRC for correction. City shall not be responsible for delays in payment to CCRC resulting from CCRC's failure to comply with the invoice format described above.

D. Request for payment shall be sent to:

Susan McCue  
Economic Development Program Manager  
Community Development Department  
555 Santa Clara Street  
Vallejo CA 94590

#### 2. Proposed Budgets.

CCRC shall submit to the City for review, comment and approval, a report describing the proposed District improvements and Services and Proposed Budget by category for each year of operation. Said report

shall be submitted on or before the first day of December of each year. The Proposed Budgets from years 2-5 shall declare the projected budget surplus (or deficit) for the prior year.

**3. CCRC Expenditure Funds.**

CCRC shall expend funds within the line item categories described in the Year 1 Budget and Subsequent Year budgets. CCRC shall obtain written City approval of any expenditures of more than ten percent (10%) above the budget in any line item category. In no event shall CCRC obligate or expend funds in an amount that exceeds the total budget (\$204,207.96) of the District.

**4. Accounting Records of CCRC.**

CCRC shall maintain for three (3) years after completion of all services hereunder, all records under this Agreement, including, but not limited to, records of CCRC's direct salary costs for all Services and Additional Services performed under this Agreement and records of CCRC's Reimbursable Expenses, in accordance with generally accepted accounting practices. CCRC shall keep such records available for audit, inspection and copying by representatives of the City's Finance Department or other government agencies during regular business hours upon twenty four (24) hours notice.

The obligations of CCRC under this section shall survive this Agreement.

**5. Taxes.**

CCRC shall pay, when and as due, any and all taxes incurred as a result of CCRC's compensation hereunder, including estimated taxes, and shall provide City with proof of such payments upon request.

**6. Taxpayer Identification Number.** CCRC shall provide City with CCRC's complete Request for Taxpayer Identification Number and Certification, Form W-9, as issued by the Internal Revenue Service, and any other State or local tax identification number requested by City.

## EXHIBIT C

### INSURANCE REQUIREMENTS

CCRC shall procure and maintain for the duration of this Agreement, including any extensions thereto, insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of services hereunder by the CCRC, their agents, representatives, or employees or subcontractors.

#### **A. Minimum Scope of Insurance**

Coverage shall be at least as broad as:

1. Insurance Services Office form number GL 0002 (Ed. 1/73) covering Comprehensive General Liability and Insurance Services Office form number GL 0404 covering Broad Form Comprehensive General Liability; or Insurance Services Office Commercial General Liability coverage (occurrence form CG 0001).
2. Insurance Services Office form number CA 0001 (Ed. 1/78) covering Automobile Liability, code 1 any auto and endorsement CA 0025.
3. Workers' Compensation insurance as required by the State of California and Employer's Liability Insurance.

#### **B. Minimum Limits of Insurance**

CCRC shall maintain limits no less than:

1. General Liability: \$2,000,000 per occurrence for bodily injury, personal injury and property damage. If Commercial General Liability Insurance or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit.
2. Automobile Liability: \$1,000,000 per accident for bodily injury and property damage.
3. Workers' Compensation and Employer's Liability: \$1,000,000 per accident for bodily injury or disease. If CCRC is not subject to California Workers' Compensation requirements, CCRC shall file a

completed certificate of exemption form which may be obtained from the City prior to commencing any activity authorized hereunder.

**C. Deductible and Self-Insured Retention**

Any deductibles or self-insured retention must be declared to and approved by the City. At the option of the City, either: the insurer shall reduce or eliminate such deductibles or self-insured retention as respects the City of Vallejo, its officers, officials, employees and volunteers; or the CCRC shall procure a bond guaranteeing payment of losses and related investigations, claim administration and defense expenses.

**D. Other Insurance Provisions**

The general liability and automobile liability policies, as can be provided, are to contain, or be endorsed to contain, the following provisions:

1. The City of Vallejo, its officers, officials, employees, agents and volunteers are to be covered as additional insureds as respects; liability, including defense costs, arising out of activities performed by or on behalf of the CCRC; products and completed operations of the CCRC; premises owned, occupied or used by CCRC; or automobiles owned, leased hired or borrowed by CCRC. The coverage shall contain no special limitations on the scope of protection afforded to the City of Vallejo, its officers, officials, employees, agents or volunteers. The insurance is to be issued by companies licensed to do business in the State of California.
2. For any claims related to this project, CCRC's insurance coverage shall be primary insurance as respects the City of Vallejo, its officers, officials, employees, agents and volunteers. Any insurance or self-insurance maintained by the City of Vallejo, its officers, officials, employees, agents or volunteers shall be excess of CCRC's insurance and shall not contribute with it.
3. Any failure to comply with reporting or other provisions of the policies including breaches of warranties shall not affect coverage provided to the City, its officers, officials, employees, agents or volunteers.
4. CCRC's insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.
5. Each insurance policy required by this clause shall be endorsed to

state that coverage shall not be suspended, voided, canceled by either party, reduced in coverage or in limits except after thirty (30) days' prior written notice by certified mail, return receipt requested, has been given to the City.

The workers' compensation and employer's liability policy required hereunder shall be endorsed to state that the workers' compensation carrier waives its right of subrogation against City, its officers, officials, employees, agents and volunteers, which might arise by reason of payment under such policy in connection with CCRC's performance under this Agreement.

**E. Acceptability of Insurers**

Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A:VII.

**F. Verification of Coverage**

CCRC shall furnish the City with certificates of insurance and original endorsements effecting general and automobile liability insurance coverage required by this clause. The certificates and endorsements are to be signed by a person authorized by that insurer to bind coverage on its behalf. All endorsements are to be received and approved by the City before work commences.

**G. Subcontractors**

CCRC shall include all subcontractors as insureds under its policies or shall furnish separate certificates and endorsements for each subcontractor. All coverages for subcontractors shall be subject to all of the requirements stated herein.

**H. Payment Withhold**

City will withhold payments to CCRC if the certificates of insurance and endorsements required in Paragraph F, above, are canceled or CCRC otherwise ceases to be insured as required herein.

**ACORD CERTIFICATE OF LIABILITY INSURANCE**

OP ID JG DATE (MM/DD/YYYY) CENTR-1 04/11/08

<b>PRODUCER</b> Vallejo Insurance Associates P. O. Box 4446 Vallejo CA 94590 Phone: 707-554-6080 Fax: 707-554-2198	THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.	
	<b>INSURERS AFFORDING COVERAGE</b>	<b>NAIC #</b>
<b>INSURED</b>  Central Core Restoration 401 Georgia Street Vallejo CA 94590	INSURER A: Travelers Property Casualty	19070
	INSURER B: Travelers Property Casualty	19070
	INSURER C: State Compensation Ins. Fund	
	INSURER D:	
	INSURER E:	

**COVERAGES**

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

INSR ADD'LTR	INSRD	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
A	X	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR GENL AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC	X660-901X2501-TCT-07	06/04/07	06/04/08	EACH OCCURRENCE \$ 1000000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100000 MED EXP (Any one person) \$ 5000 PERSONAL & ADV INJURY \$ 1000000 GENERAL AGGREGATE \$ 2000000 PRODUCTS - COMP/OP AGG \$ 2000000
A		AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS	X660901X2501TIL07	06/04/07	06/04/08	COMBINED SINGLE LIMIT (Ea accident) \$ 1000000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
		GARAGE LIABILITY <input type="checkbox"/> ANY AUTO				AUTO ONLY - EA ACCIDENT \$ OTHER THAN AUTO ONLY: EA ACC \$ AGG \$
B	X	EXCESS/UMBRELLA LIABILITY <input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE DEDUCTIBLE <input checked="" type="checkbox"/> RETENTION \$10000	XSM COP 9312W70A TIL 07	06/04/07	06/04/08	EACH OCCURRENCE \$ 1000000 AGGREGATE \$ 1000000 retained \$ 10000
C		WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? If yes, describe under SPECIAL PROVISIONS below	1897109	04/05/08	04/05/09	WC STATU-TORY LIMITS OTHER E.L. EACH ACCIDENT \$ 1000000 E.L. DISEASE - EA EMPLOYEE \$ 1000000 E.L. DISEASE - POLICY LIMIT \$ 1000000
		OTHER				

**DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS**

The City of Vallejo, its officers, officials, employees, agents and volunteers are to be named as additional insured. \*Ten day notice for non payment of premium.

**CERTIFICATE HOLDER**

**CANCELLATION**

NONE111  City of Vallejo 555 Santa Clara St. Vallejo CA 94590	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 30* DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.  AUTHORIZED REPRESENTATIVE Dan Donahue <i>Dan Donahue</i>
---	---

POLICY NUMBER: X-660-901 X2501-TIL-07

ISSUE DATE: 05-09-07

**THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.**

# **CHARITY FIRST – AMENDMENT OF COVERAGE – WHO IS AN INSURED**

This endorsement modifies insurance provided under the following:

**COMMERCIAL GENERAL LIABILITY COVERAGE PART**

### **SCHEDULE**

**Name Of Person Or Organization (Additional Insured):**

The City of Vallejo  
555 Santa Clara St.  
Vallejo, CA 94590

### **Designation Of Premises (Part Leased to You)**

**WHO IS AN INSURED** (Section II) is amended to include as an insured:

- A. Your members and volunteers but only with respect to their liability for your activities or activities they perform on your behalf;
- B. Your trustees or members of the board of governors while acting within the scope of their duties as such on your behalf; and
- C. Person(s) or organization(s), whether or not shown in the Schedule above, but only with respect to their liability arising out of:
  - 1. Their financial control over you;
  - 2. Their requirements for certain performance placed upon you, as a non-profit organiza-

tion, in consideration for funding or financial contributions you receive from them;

- 3. The ownership, maintenance or use of that part of a premises leased to you; or
- 4. "Your work" for that insured by or for you.

As respects Part C.3. above, this insurance does not apply to:

- (a) Structural alterations, new construction or demolition operations performed by or on behalf of the person(s) or organization(s); or
- (b) Any "occurrence" which takes place after you cease to be a tenant in that premises.



CERTHOLDER COPY

NA

**STATE  
COMPENSATION  
INSURANCE  
FUND**

P.O. BOX 420807, SAN FRANCISCO, CA 94142-0807

**CERTIFICATE OF WORKERS' COMPENSATION INSURANCE**

ISSUE DATE: 04-11-2008

GROUP:  
POLICY NUMBER: 1897109-2008  
CERTIFICATE ID: 1  
CERTIFICATE EXPIRES: 04-05-2009  
04-05-2008/04-05-2008

CITY OF VALLEJO  
555 SANTA CLARA ST  
VALLEJO CA 94590-5922

NA

This is to certify that we have issued a valid Workers' Compensation insurance policy in a form approved by the California Insurance Commissioner to the employer named below for the policy period indicated.

This policy is not subject to cancellation by the Fund except upon 10 days advance written notice to the employer.

We will also give you 10 days advance notice should this policy be cancelled prior to its normal expiration.

This certificate of insurance is not an insurance policy and does not amend, extend or alter the coverage afforded by the policy listed herein. Notwithstanding any requirement, term or condition of any contract or other document with respect to which this certificate of insurance may be issued or to which it may pertain, the insurance afforded by the policy described herein is subject to all the terms, exclusions, and conditions, of such policy.

*James Neary*  
AUTHORIZED REPRESENTATIVE

*Janet Frank*  
PRESIDENT

EMPLOYER'S LIABILITY LIMIT INCLUDING DEFENSE COSTS: \$1,000,000 PER OCCURRENCE.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

EMPLOYER

CENTRAL CORE RESTORATION CORPORATION  
301 GEORGIA ST #290  
VALLEJO CA 94590

NA

[SBG,CN]



---

# **DOWNTOWN VALLEJO**

## **PROPERTY AND BUSINESS IMPROVEMENT DISTRICT**

### **MANAGEMENT DISTRICT PLAN**

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*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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## 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.

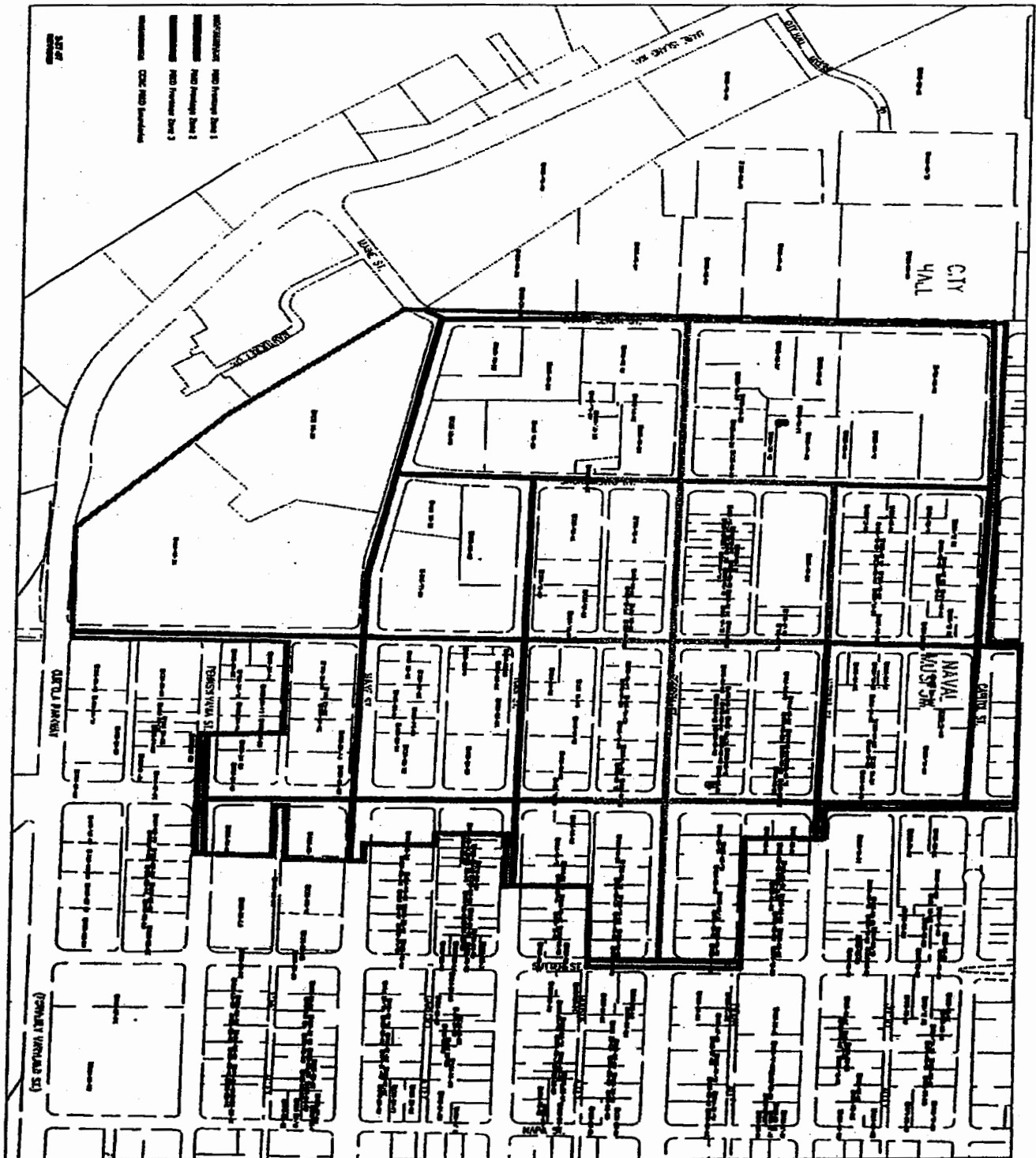
#### **IV. DOWNTOWN VALLEJO PBID BOUNDARIES**

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.

**A. Downtown Vallejo Management District Map**



## **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
<b>I. Security</b>		<b>\$81,000</b>
	The security portion of the program shall provide for private, semi-private or private city partnered security patrol(s) (bicycle patrol is an example)	
<b>II. Administration, Bookkeeping &amp; Insurance</b>		<b>\$46,200</b>
	The Administration program provides for office personnel; office rent; office utilities; photocopy expenses; miscellaneous office expenses; bookkeeping expenses; audit expenses; insurance; 1/5 <sup>th</sup> cost of PBID renewal; administration of the program to place walking tour plaques and signs in District at the property owner's expense.	
<b>III. Internet &amp; Out-of-District Signage</b>		<b>\$ 8,400</b>
	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.	
<b>IV. Community Services</b>		<b>\$62,900</b>
	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)	
<b>PBID Budget from Assessments</b>		<b>\$198,500</b>
<b>GRAND TOTAL BUDGET</b>		<b>\$198,500</b>

**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.

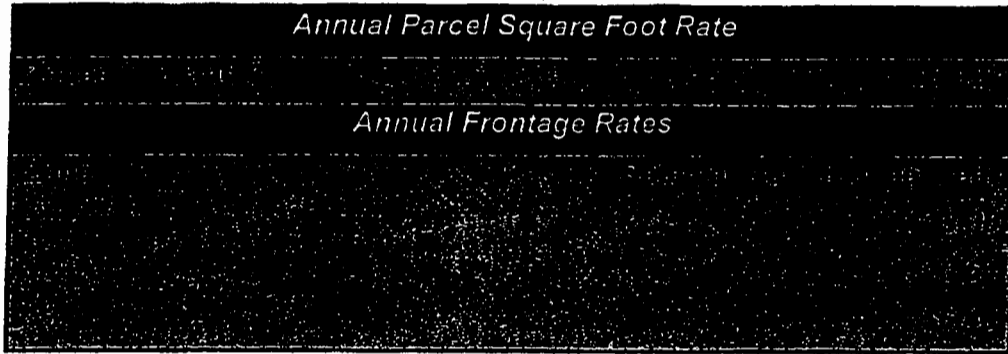
The proposed initial annual assessment on parcels will be based upon a rate of \$0.027 per parcel square foot plus an annual frontage rate dependent on their location. The frontage rates are broken into three different zones.

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).



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%
			<b>\$204,207.96</b>	<b>100.00%</b>

## **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:

<b><u>DATE</u></b>	<b><u>ACTIVITY</u></b>
<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	428 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
0056-196-180	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	1401 SONOMA BLVD
0056-224-150	SOLANO MOTORS INC	

0056-225-010 LANGIT MANUEL & AURORA  
0056-225-210 CHRISTOV MICHAEL JR  
0056-226-020 ARRIGHI JOSEPH L & P L  
0056-226-100 ONG ILDEFONSO C & T P  
0095-371-100 CAMPBELL DAVID R & TAMSYN A

1518 SONOMA BLVD  
1500 SONOMA BLVD  
1400 SONOMA BLVD  
1416 SONOMA BLVD

**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
Street Sweeping – Mechanical	3/Week for streets 1/Week for parking lots	
Landscaping ( Maintaining shrubs and weeding)	Quarterly	
Landscaping - Planters	2 times per year (plus trouble calls)	
Tree-trimming	Public hazards only (digging tree-trimming a PBID function)	
Graffiti Removal (Public facilities / street signs)	As requested. Subject to overall City-wide graffiti backlog	
Trash Collecting	None (Vallejo Garbage Service)	City to ensure next franchise agreement includes no fewer than two pick ups per week of sidewalk public trash containers
Fountain Maintenance	As Needed	Consists of cyclical cleaning and repairs when found necessary.
Sidewalk Repair	Par City standard	Repairs are made to defects of cracks that are 1/2" or wider and a rise of 3/4" or more.
Lawn Mowing (parcel on 200 block of GA Street adjacent to Vallejo Housing Authority)	1/week	
Christmas Decorations	None (PBID function)	

<b>Illegal Dumping</b>	<b>Specific hot spots only</b>	<b>Balance of area is covered, although it will be picked up by Vallejo Garbage .</b>
<b>Street lights (Cobra)</b>	<b>Re-lamp as required</b>	<b>Goal is to respond within 10 business days</b>
<b>Street lights (Acom)</b>	<b>None (PBD function)</b>	

**Police Services**

<b>Activity</b>	<b>Level of Service</b>	<b>Comments</b>
<b>Police Patrol</b>	<b>Beat office patrols</b>	
<b>Cadet Patrol</b>	<b>When available</b>	