

AGENDA

**VALLEJO CITY COUNCIL
SPECIAL MEETING – 5:00 P.M.
REGULAR MEETING – 7:00 P.M**

**VALLEJO SANITATION & FLOOD
CONTROL DISTRICT
REGULAR MEETING – 6:00 P.M.**

**VALLEJO SANITATION & FLOOD
CONTROL DISTRICT
ANNUAL FINANCE CORPORATION
SPECIAL MEETING – 6:15 P.M.**

**VALLEJO CITY COUNCIL
VALLEJO HOUSING AUTHORITY &
SUCCESSOR AGENCY TO THE FORMER
VALLEJO REDEVELOPMENT AGENCY
JOINT SPECIAL MEETING – 6:45 P.M.**

**MAYOR
Osby Davis**

**CITY COUNCIL
Stephanie Gomes, Vice Mayor
Marti Brown
Jesus "Jess" Malgapo
Robert H. McConnell
Bob Sampayan
Hermie Sunga**



City Hall
555 Santa Clara Street
Vallejo, CA 94590

FEBRUARY 12, 2013

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.

Pursuant to the Government Code Section 54954.3 (The Brown Act), members of the public shall be afforded the opportunity to speak on any agenda item of interest to them provided they are first recognized by the presiding officer. Members of the public wishing to be so recognized are requested to submit a completed speaker card to the City Clerk prior to the consideration of the item.

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 City Council to resolve may come forward to the podium during the "COMMUNITY FORUM" portion of the AGENDA.

Members of the public have the right to speak on any item on this agenda. Those wishing to address the Council: 1) during the Community Forum are limited to three minutes pursuant to Vallejo Municipal Code Section 2.20.300; 2) on a Consent Calendar item are limited to three minutes pursuant to Vallejo Municipal Code Section 2.02.310; and an Action Calendar item are limited to five minutes pursuant to Vallejo Municipal Code Section 2.02.420.

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.

**CALL AND NOTICE OF
JOINT SPECIAL MEETING
AT 5:00 P.M.
OF THE VALLEJO CITY COUNCIL**

TO THE MEMBERS OF THE VALLEJO CITY COUNCIL:

You are hereby notified that I do hereby call the Vallejo City Council in special session to consider only the matters stated on the agenda listed below.

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

1. CALL TO ORDER

2. ROLL CALL

3. CLOSED SESSION

- A. Conference with Legal Counsel – Anticipated Litigation–Initiation of litigation pursuant to subdivision (d) (4) of Government Code Section 54956.9; No. of potential cases: 1
- B. Conference with Labor Negotiators: pursuant to Government Code Section 54957.6 Negotiators: Daniel E. Keen, City Manager; Craig Whittom, Assistant City Manager; Deborah Lauchner, Finance Director; Claudia Quintana, City Attorney; Maria Olvera, Human Resources Director; and Austris Rungis, IEDA. Employee Organizations: International Association of Firefighters, Local 1186 (IAFF) and International Brotherhood of Electrical Workers, Local 2376 (IBEW)
- C. Conference with Labor Negotiators: pursuant to Government Code Section 54957.6. Negotiators: Daniel E. Keen, City Manager; Craig Whittom, Assistant City Manager; Deborah Lauchner, Finance Director; Claudia Quintana, City Attorney; Maria Olvera, Human Resources Director; and Austris Rungis, IEDA. Employee Organizations: Confidential, Administrative and Managerial Professionals (CAMP)
- D. Conference with Labor Negotiators: pursuant to Government Code Section 54957.6. Negotiators: Daniel E. Keen, City Manager; Craig Whittom, Assistant City Manager; Deborah Lauchner, Finance Director; Claudia Quintana, City Attorney; Maria Olvera, Human Resources Director; and Austris Rungis, IEDA. Employee Organizations: Vallejo Police Officers Association (VPOA)

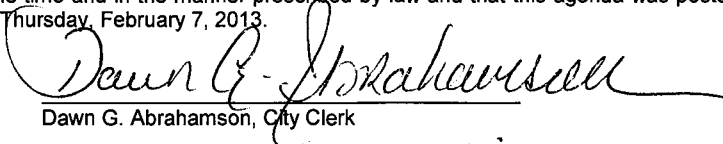
4. ADJOURNMENT

Dated: February 7, 2013


Osby Davis, Mayor

I, Dawn Abrahamson, City Clerk do hereby certify that I have caused a true copy of the above notice and agenda to be delivered to each of the members of the City Council, at the time and in the manner prescribed by law and that this agenda was posted at City Hall, 555 Santa Clara Street, CA at 3:00 p.m., Thursday, February 7, 2013.

Dated: February 7, 2013


Dawn G. Abrahamson, City Clerk

**CALL AND NOTICE OF
JOINT SPECIAL MEETING
AT 6:45 P.M.
OF THE
VALLEJO CITY COUNCIL
HOUSING AUTHORITY &
SUCCESSOR AGENCY
TO THE FORMER VALLEJO
REDEVELOPMENT AGENCY
COUNCIL CHAMBERS
555 SANTA CLARA STREET,
VALLEJO, CA
FEBRUARY 12, 2013**

MAYOR/CHAIR
Osby Davis

MEMBERS:
Vice Mayor/Vice Chair Stephanie Gome:
Marti Brown
Jesus "Jess" Malgapo
Robert H. McConnell
Bob Sampayan
Hermie Sunga
Wallace Ingalls
Lydia Pitchford

TO THE MEMBERS OF THE VALLEJO CITY COUNCIL, VALLEJO HOUSING AUTHORITY BOARD AND SUCCESSOR AGENCY TO THE FORMER VALLEJO REDEVELOPMENT AGENCY:

You are hereby notified that I do hereby call the Vallejo City Council, the Vallejo Housing Authority and the Successor Agency to the former Vallejo Redevelopment Agency in special session to consider only the matters stated on the agenda listed below.

NOTICE: Members of the public shall have the opportunity to address the City Council, the Vallejo Housing Authority Board and Successor Agency concerning any item listed on the agenda *before or during consideration of that item. No other items may be discussed at this special meeting.*

1. **CALL TO ORDER**
2. **ROLL CALL**
4. **ACTION CALENDAR**
 - A. **Approval of Resolutions Regarding the Re-Establishment of the Downtown Vallejo Improvement District, Setting the Date of the Public Hearing and Casting Votes**

City Council:

Recommendation: Adopt a Resolution expressing intention to re-establish the Downtown Vallejo Property and Business Improvement District (DVPBID), setting the date for the Public Hearing to consider re-establishing the DVPBID, and authorizing the City Manager of the City of Vallejo to cast the assessment ballot(s) in favor of the DVPBID on behalf of the City of Vallejo
Contact: Ursula Luna Reynosa, Economic Development Director, 648-4382
Annette Taylor, Senior Community Development Analyst, 649-3510

Housing Authority:

Recommendation: Adopt a Resolution authorizing the Executive Director of the Housing Authority to cast the assessment ballot(s) in favor of the DVPBID
Contact: Ursula Luna Reynosa, Economic Development Director, 648-4382
Annette Taylor, Senior Community Development Analyst, 649-3510

Successor Agency:

Recommendation: Adopt a Resolution authorizing the Executive Director of the Successor Agency to the former Vallejo Redevelopment Agency to cast the assessment ballot(s) in favor of the DVPBID

Contact: Ursula Luna Reynosa, Economic Development Director, 648-4382
Annette Taylor, Senior Community Development Analyst, 649-3510


5. ADJOURNMENT

Dated: February 7, 2013


Osby Davis, Mayor/Chair

I, Dawn Abrahamson, City Clerk/Secretary, do hereby certify that I have caused a true copy of the above notice and agenda to be delivered to each of the members of the City Council/Housing Authority Board/Successor Agency members, at the time and in the manner prescribed by law and that this agenda was posted at City Hall, 555 Santa Clara Street, CA at 3:00 p.m., Thursday, February 7, 2013.

Dated: February 7, 2013


Dawn Abrahamson, City Clerk/Secretary

**VALLEJO CITY COUNCIL
REGULAR MEETING – 7:00 P.M.
COUNCIL CHAMBERS
FEBRUARY 12, 2013**

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

4. PRESENTATIONS AND COMMENDATIONS

A. Introduction of Newly Hired City Employees

B. Presentation of Proclamations in Recognition of Retiring City Employees: Joel Salinas, Police Lieutenant and Douglas Wilcox, Police Officer

C. Recognition of Ad-Hoc Citizens Public Safety Advisory Committee Members

D. Presentation by Supervisor Hannigan

5. 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.

6. 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.

7. CONSENT CALENDAR AND APPROVAL OF AGENDA

A. Approval of Minutes

Recommendation: By motion, approve City Council Minutes for the meetings of 1) January 22, 2013 (special) and 2) January 22, 2013 (regular)

Contact: Dawn G. Abrahamson, City Clerk, 648-4527

B. Resolution to Amend Fiscal Year 2012/2013 Federal HOME Investment Partnerships Program Budget

Recommendation: Adopt a Resolution to amend Fiscal Year 2012/2013 HOME Program budget in the amount of \$887,014

Contact: Melinda Nestlerode, Housing and Community Development Manager, 648-4408

- C. **Measure B Funds Grant Agreement with Solano County Library for John F. Kennedy Library Improvements**
Recommendation: By motion, authorize the City Manager to execute a Grant Agreement with Solano County for the use of \$250,000 in Measure B funds for the JFK Library improvement project and execute any amendments to the agreement that do not require the expenditure of additional funds
Contact: Craig Whittom, Assistant City Manager, 648-4579
- D. **Approval of Vallejo Safe Routes to School Local Plan Update**
Recommendation: Adopt a Resolution: (1) approving the local recommended projects and programs for forwarding to the Solano Transportation Authority (STA) for inclusion in the countywide plan update; (2) affirming that the local SR2S Community Task Force shall continue steering SR2S related projects and programs for Vallejo; and (3) that the local SR2S Plan shall continue to serve as the guiding document for planning and implementing SR2S projects
Contact: David A. Kleinschmidt, Public Works Director, 648-4301
- E. **Resolution Authorizing City Manager to Resolve Worker's Compensation Claim of Laura Young (William Young, Retired Firefighter, Deceased) (WCAB Case Numbers ADJ7560301 & 7556145) Against the City of Vallejo**
Recommendation: Adopt a Resolution authorizing the City Manager to execute a Compromise and Release regarding the Worker's Compensation claim of Laura Young (retired Firefighter William Young, deceased), against the City of Vallejo in the amount of \$85,000
Contact: Darrell W. Handy, Risk Manager, 648-4485
- F. **Budget Amendment Gas Tax and Marina Fund**
Recommendation: Adopt a Resolution to amend Fiscal Year 2012/2013 Maintenance Division budget to increase the anticipated revenue and authorized expenditure authority in the Gas Tax fund by \$52,700 and the Marina fund by \$10,000
Contact: David A. Kleinschmidt, Public Works Director, 648-4301
- G. **Budget Amendment Highway Safety Improvement Program Sonoma Boulevard Project**
Recommendation: Adopt a Resolution of Intention to amend the Fiscal Year 2012/2013 Capital Improvement Program budget to: (1) establish the Highway Safety Improvement Program Sonoma Boulevard Project and appropriate funds in the total amount of \$347,100 to the Project; and (2) recognize revenue in the amount of \$311,300 in federal funding and transfer funds in the amount of \$35,800 from the Prop. 42 Replacement Fund
Contact: David A. Kleinschmidt, Public Works Director, 648-4301
- H. **Resolution Adopting Water Supply Assessment for the Solano 360 Project**
Recommendation: Adopt a Resolution adopting the Water Supply Assessment for the Solano 360 Project as provided in the Draft Environmental Impact Report prepared for the Project
Contact: David A. Kleinschmidt, Public Works Director, 648-4301
Ursula Luna Reynosa, Economic Development Director, 648-4382

- I. **Resolution Authorizing Chief of Police or Designee to Represent the City of Vallejo at Hearings and Proceedings Involving the California Department of Alcohol Beverage Control Department**
Recommendation: Adopt a Resolution authorizing the Chief of Police or his designee to represent the City of Vallejo at hearings and proceedings involving the California Department of Alcohol Beverage Control Department
Contact: Joseph Kreins, Chief of Police, 648-4540
- J. **Adoption of a Resolution in Support of the Food and Drug Administration Ban of Menthol in Cigarettes and Menthol and Flavorings in Other Tobacco Products – Requested by Mayor Davis and Councilmember Brown**
Recommendation: Adopt a Resolution in support of the Food and Drug Administration ban on menthol in cigarettes and menthol and flavorings in other tobacco products
Contact: Mayor Osby Davis, 648-4377
Councilmember Marti Brown, 648-4576
- K. **Acceptance of the Fleming Hill Water Treatment Plant Filter Block & Media Replacement for Filters 9 & 10 Project, performed by ERS Industrial Services, Inc. of Fremont, CA as Complete**
Recommendation: Adopt a Resolution accepting the work as complete for the Fleming Hill Water Treatment Plant Filter Block & Media Replacement for Filters 9 & 10 Project, performed by ERS Industrial Services, Inc. of Fremont, CA and authorizing the City Clerk to file a Notice of Completion with the Solano County Recorder's Office
Contact: David A. Kleinschmidt, Public Works Director 648-4301
- L. **Approval of Utility Agreement with Solano Transportation Authority (STA) Relocating a Portion of 39" North Bay Aqueduct Water Main**
Recommendation: Adopt a Resolution authorizing the City Manager or his designee to execute a Utility Agreement with Solano Transportation Authority for relocating a portion of the 39" North Bay Aqueduct water main on the north side of Freeway 80, at the Green Valley Road Overpass
Contact: David A. Kleinschmidt, Public Works Director 648-4301

8. ACTION CALENDAR

NOTICE: Members of the public wishing to address the Council on Action Calendar Items are requested to submit a completed speaker card to the City Clerk. Each speaker is limited to five minutes pursuant to Vallejo Municipal Code Section 2.02.420.

- A. **Residential View District Code Text Amendment**
Recommendation: Adopt a Resolution holding on first reading an Ordinance amending Vallejo Municipal Code Chapter 16.36, entitled Residential View District, to: (1) increase the public notification radius for Residential View District projects from 100 feet to 200 feet, and (2) extend the public review period from 15 days to 15 working days
Contact: Ursula Luna Reynosa, Economic Development Director, 648-4382
Andrea Ouse, Planning Manager, 648-4163

B. Approval of Resolution Authorizing City Manager to Execute a Ground Lease for the Property Commonly Referred to as 1200/1220 Marin Street by and between the City of Vallejo and St. Vinnie's Community Garden and the Center for Global Success

Recommendation: Adopt a Resolution authorizing the City Manager to execute the ground lease for the property commonly referred to as 1200/1220 Marin Street by and between the City of Vallejo and St. Vinnie's Community Garden and the Center for Global Success for a pilot community garden project
Contact: Ursula Luna-Reynosa, Economic Development Director, 648-4579
Kennedy Wilson, Real Property and Asset Management, 648-4343

9. INFORMATION CALENDAR

10. CITY MANAGER'S REPORT

11. CITY ATTORNEY'S REPORT

12. COMMUNITY FORUM

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

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

14. CLOSED SESSION

15. ADJOURNMENT



JOINT CC/HA/SA ACTION A

DATE: February 12, 2013
TO: Mayor and Members of the City Council
Chairperson and Commissioners of the Housing Authority
FROM: Ursula Luna-Reynosa, Economic Development Director
Annette Taylor, Senior Community Development Analyst
Melinda Nestlerode, Housing and Community Development Manager
SUBJECT: APPROVAL OF THREE RESOLUTIONS:

- 1) APPROVAL OF RESOLUTION OF THE CITY COUNCIL EXPRESSING INTENTION TO RE-ESTABLISH THE DOWNTOWN VALLEJO PROPERTY AND BUSINESS IMPROVEMENT DISTRICT (DVPBID), SETTING THE DATE FOR THE PUBLIC HEARING TO CONSIDER RE-ESTABLISHING THE DVPBID, AND AUTHORIZING THE CITY MANAGER OF THE CITY OF VALLEJO, TO CAST THE ASSESSMENT BALLOT(S) IN FAVOR OF THE DVPBID ON BEHALF OF THE CITY OF VALLEJO IN ITS OWN CAPACITY AND ON BEHALF OF THE CITY OF VALLEJO AS SUCCESSOR AGENCY TO THE FORMER VALLEJO REDEVELOPMENT AGENCY
- 2) APPROVAL OF RESOLUTION OF THE SUCCESSOR AGENCY TO THE FORMER REDEVELOPMENT AGENCY AUTHORIZING THE EXECUTIVE DIRECTOR OF THE SUCCESSOR AGENCY TO CAST THE ASSESSMENT BALLOT(S) IN FAVOR OF THE DVPBID
- 3) APPROVAL OF RESOLUTION OF THE HOUSING AUTHORITY OF THE CITY OF VALLEJO AUTHORIZING THE EXECUTIVE DIRECTOR OF THE HOUSING AUTHORITY TO CAST THE ASSESSMENT BALLOT(S) IN FAVOR OF THE DVPBID

RECOMMENDATION

Adopt three resolutions 1) approving the Resolution of the City Council Expressing Intention to re-establish the Downtown Vallejo Property and Business Improvement District (DVPBID) , setting the date for the public hearing (April 9, 2013 at 7:00 P.M. in the Vallejo City Council Chambers) to consider re-establishing the DVPBID, and authorizing the City Manager, on behalf of both the City of Vallejo in its own capacity and the City of Vallejo acting in the capacity of Successor Agency to the former Vallejo Redevelopment Agency to cast the assessment ballot(s) in favor of the DVPBID, and 2) approving the Resolution of Intention of the Housing Authority of the City of Vallejo authorizing the executive director of the Housing Authority to cast the assessment ballot in favor of the DVPBID.

REASONS FOR RECOMMENDATION

Staff believes that the DVPBID is an example of a public/private partnership that has been successful and is a reliable funding source for specific programs and services. The self-imposed and self-governed property assessment will provide services necessary to enhance the security and maintenance in the downtown.

BACKGROUND AND DISCUSSION

In January 1997, the City Council authorized the formation of the DVPBID. The boundaries of the DVPBID are shown on the map attached as Attachment A to this staff report. In December 1997 the City Council approved an agreement with Central Core Restoration Corporation (CCRC) that required CCRC to provide services called for in the DVPBID Management Plan. The District had a five-year limit. In July 2002 the City Council re-established the DVPBID Management Plan and established City baseline services for the District. The District was re-established for another five years. In July 2007 the City Council again approved the re-establishment of the DVPBID Management Plan and established City baseline services for the District.

CCRC is operating in the fifth and final year of the re-established DVPBID, which expired on December 31, 2012. CCRC has complied with their contractual obligations and has taken seriously their charge of revitalizing Downtown Vallejo through multiple efforts including providing additional funding for consistent additional security measures; clean-up services throughout the Downtown including removal of illegal dumping, cleaning sidewalks and curbs, and maintain City-owned parking lots; and providing improvements and services that enhance Downtown's aesthetic quality including trimming trees, maintaining benches on Georgia Street, and installing decorative swags and wreaths during the holiday season.

Before the City can consider approval of the Resolution of Intention to establish the DVPBID, however, a majority of the benefiting properties must approve the DVPBID through a Proposition 218 ballot process. On April 24, 2012, the Housing Authority, the City Council and the Successor Agency to the former Vallejo Redevelopment Agency authorized the Executive Director/City Manager to sign the petition to re-establish the DVPBID. This acceptance of the DVPBID by a majority of the benefiting property owners must be completed before the City can consider approval of the Resolution of Intention to re-establish the DVPBID. CCRC circulated the petitions and submitted signed petitions to City staff. On May 22, 2012, the Resolution of Intention to re-establish the DVPBID was scheduled for approval by the City Council, the Successor Agency to the former Vallejo Redevelopment Agency, and the Housing. However, three property owners withdrew their petitions before the hearing, resulting in not having enough signed petitions from a majority of owners of the properties who would pay into the DVPBID. The matter was continued to June 12, 2012, when this item was continued indefinitely because CCRC was not able to obtain the necessary votes for the District.

CCRC recently submitted to staff the required percentage of signed petitions. Staff reviewed the petitions and determined the owners of a majority of the properties who pay into the DVPBID have signed a petition to re-establish the DVPBID. (Summary of petition results is attached as Attachment E.)

CCRC also revised the Management District Plan to spell out the services to be provided within the DVPBID, establish the boundaries of the DVPBID, and the term of the DVPBID. The Management Plan provides for enhanced security services including patrol by sworn officers primarily during business hours on week days, promotions including website operation and signage improvements, beautification including holiday décor and streetscape enhancements, and advocacy to represent the interests of property owners. The DVPBID service levels will vary depending on varying demand. All benefits to parcels shall be provided based on the amount paid into the DVPBID.

Due to CCRC's delay in 2012 in obtaining the required percentage of signed petitions from the downtown property owners, the August deadline to submit the assessments to the County was not met. CCRC has contracted with Civitas Advisors to hand-bill the first year assessments, with oversight from the City of Vallejo. The cost of the hand-billing is included in CCRC's administrative budget. If the DVPBID is re-established at the April 9, 2013 public hearing, hand-bills will be mailed to individual property owners. Thereafter, as provided by State Law, the DVPBID assessment will appear as a separate line item on annual property tax bills

prepared by the County of Solano. Delinquent first year assessments may be included on subsequent property tax bills.

The attached Resolution of Intention initiates the process to re-establish the DVPBID, authorizes the casting of ballots and sets the date of April 9, 2013 for the public hearing held by the City Council to hear comment on the re-established formation of the DVPBID.

FISCAL IMPACT

Due to the demise of the Vallejo Redevelopment Agency (RDA) occasioned by the Redevelopment Agency Dissolution Act (ABX1-26), the City of Vallejo now owns parcels within the proposed DVPBID in its own capacity as the City of Vallejo, and in its capacity as successor agency to the former redevelopment agency. All parcels would be subject to the DVPBID, but as to the formerly-RDA-owned parcels, some or all of those parcels may be included in a management plan that results in their disposition, depending on the direction of the oversight and the particular circumstances.

The annual assessment for the City parcels within the DVPBID is approximately \$27,725 a year; of which approximately \$18,696 is for City-owned parcels and approximately \$9,020 is for parcels which were formerly owned by the RDA. Previously, the RDA paid the annual contribution to the DVPBID for all parcels from Marina Vista and Vallejo Central Redevelopment Area funds. The City of Vallejo is now prohibited from using former redevelopment funds to pay for the parcels in the DVPBID unless these are deemed to be enforceable obligations and approved by the Oversight Board. Staff included the payments due on behalf of the parcels formerly owned by the Vallejo Redevelopment Agency for the first half of FY 12-13 in its Recognized Obligation Payment Schedule (ROPS), and these payments have been preliminarily approved by the Oversight Board. The ROPS has several levels of approvals before being final, and should the payment be disapproved or rejected, the General Fund would need to make up that difference. However, the plan is for the successor agency to make the DVPBID payments on the formerly-RDA-owned parcels, as reflected in the ROPS until such a time as a new owner takes ownership of these, at which time the new owner would be expected to pay the DVPBID. Staff is recommending that the General Fund pay for the City-owned parcels. The costs of compliance with the costs of noticing, balloting and protest procedures will be borne by the City.

The annual assessment for the Housing Authority is approximately \$3,679. The Housing Authority would pay the assessment for the one property owned by the Housing Authority (200 Georgia Street).

ATTACHMENTS

- Attachment A - Resolution – City
- Attachment B – Resolution – Successor Agency
- Attachment C – Resolution – Housing Authority
- Attachment D – DVPBID Management Plan
- Attachment E – CCRC-DVPBID Owner Support Petition Results

CONTACT

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

Ursula Luna-Reynosa, Economic Development Director
707-648-4382, uluna@ci.vallejo.ca.us

RESOLUTION NO. _____

**A RESOLUTION OF THE VALLEJO CITY COUNCIL
DECLARING ITS INTENTION TO RE-ESTABLISH THE
DOWNTOWN VALLEJO PROPERTY & BUSINESS
IMPROVEMENT DISTRICT; SETTING THE DATE OF THE
PUBLIC HEARING AND AUTHORIZING THE CASTING OF
BALLOTS.**

WHEREAS, the Property and Business Improvement District Law of 1994, Streets & Highways Code §§ 36600, et seq., authorizes cities and counties to establish property and business improvement districts for the purposes of promoting economic revitalization and physical maintenance; and

WHEREAS, incorporated herein by this reference is the Downtown Vallejo Property and Business Improvement District (“DVPBID”) Management District Plan (hereafter “Plan”), which provides for enhanced services with the intent of increasing the commercial activity and overall image of Downtown Vallejo for the special benefit of assessed properties; and

WHEREAS, owners of properties within the proposed DVPBID have submitted petitions asking that the City Council form the DVPBID. Included with each petition was a Management District Plan summary and a map showing the boundaries of the DVPBID. The petitions, the boundary map, and the Plan are on file with the City Clerk; and

WHEREAS, the City Council finds that the City has received petitions signed by property owners in the proposed DVPBID who will pay more than 50% of the proposed assessment; and

WHEREAS, the City Council finds that the Plan satisfies all of the requirements of Streets and Highways Code Section 36622. The Plan provides for the following improvements and services intended to increase commercial activity within the DVPBID: cleaning, maintenance, safety, marketing, promotions, business attractions and advocacy. The Plan proposes to fund these improvements and services through the levy of a benefit assessment on real property within the DVPBID; and

WHEREAS, in furtherance of implementing the DVPBID, the documents attached to the staff report have been prepared, reviewed and approved as to form by City staff, and presented at this meeting; and

WHEREAS, a time and place for a public hearing on the establishment of the property and business improvement district and the levy of assessments which shall be consistent with the requirements of Streets & Highways Code § 36623 is required;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF VALLEJO
RESOLVES AS FOLLOWS:

1. The recitals set forth herein are true and correct.
2. The City Council finds that property owners who will pay more than 50% of the assessment proposed in the Plan have signed petitions. The City Council accepts the petitions and intends to form the DVPBID and to levy an assessment on real property within the DVPBID boundaries in accordance with the Property and Business Improvement District Law of 1994. In the first year of the five year term, the proposed assessment is \$191,594.85.00.
3. The Petition of property or business owners required under included the following information in conformance with Streets & Highways Code §36621(a):
 - a. Property and Business Improvement District Boundary Map
 - b. Information specifying where the complete management district plan can be obtained: (Central Core Restoration Corporation; 301 Georgia St., Suite 290, Vallejo, CA, 94950)
 - c. Information that the complete management district plan shall be furnished upon request.
4. Pursuant to Streets & Highways Code § 36622, the Management District Plan provided a brief description of the proposed activities and improvements, the amount to be levied on property or business within the district, a statement as to whether bonds will be issued, and a description of the exterior boundaries of the proposed district as follows:
 - a. Enhanced security services including patrols by sworn officers primarily during business hours on week days, promotions including website operation and signage improvements, beautification including holiday décor and streetscape enhancements, and advocacy to represent the interests of property owners.
 - b. The amount to be levied on property or business owners within the district may be ascertained by looking at the appendix 2 of the management plan, the assessment calculation table, which lists the lot assessments by APN together with the assessment methodology governing increases contained in the Engineer's Report portion of the Management District Plan.
 - c. No bonds will be issued.
 - d. The Exterior Boundaries of the DVPBID includes approximately sixteen blocks of Downtown Vallejo's central core. The district is bounded by Santa Clara Street on the west, Curtola Parkway and Pennsylvania Street on the south, Sonoma Boulevard and Sutter Street on the east, and Capitol Street and Kissel Alley on the north. The district has been divided into three benefit zones to ensure proportional provision of special benefit to assessed parcels. The

service area includes approximately 176 properties with 112 property owners. The DVPBID boundary is illustrated by the map on the next page; and

5. The time and place for the public hearing on the re-establishment of the DVPBID and the levy of the proposed assessment are set for:

**April 9, 2013,
7:00 P.M.**

**Vallejo Council Chambers
555 Santa Clara St.,
Vallejo, California, 94590**

The City Council may continue the public hearing from time to time.

6. The City Clerk is directed to give notice of the time and place of the public hearing in accordance with Streets & Highways Code § 36623. The City Clerk is to do this by mailing (or causing to be mailed) written notices and assessment ballots in the time, form, and manner provided by Government Code section 53753 to all persons who own real property within the proposed DVPBID and will be subject to the proposed assessment. The City Clerk is further directed to file an affidavit with the City Council when all notices and ballots have been mailed, setting forth the time and manner of his or her compliance with the requirements of law for mailing the notices and ballots.

7. At the public hearing, the City Council will consider all objections or protests to the proposed assessment, and any interested person will be permitted to present written or oral testimony. At the conclusion of the public hearing, all ballots submitted and not withdrawn will be tabulated in accordance with Government Code section 53753.

8. The City Manager is hereby authorized, on behalf of both the City of Vallejo in its own capacity and the City of Vallejo acting in the capacity of Successor Agency to the former Vallejo Redevelopment Agency, to cast the assessment ballot(s) in favor of the DVPBID.

RESOLUTION NO. _____

**A RESOLUTION OF THE SUCCESSOR AGENCY TO THE
FORMER REDEVELOPMENT AGENCY OF THE CITY OF
VALLEJO AUTHORIZING THE CASTING OF BALLOT(S).**

WHEREAS, the Property and Business Improvement District Law of 1994, Streets and Highways Code §36600 et seq., authorizes cities and counties to establish property and business improvement districts for the purposes of promoting economic revitalization and physical maintenance; and

WHEREAS, the Vallejo City Council has voted to resolve its intent to create the proposed Downtown Vallejo Property Business Improvement District (DVPBID); and

WHEREAS, a time and place for a public hearing on the establishment of the property and business improvement district and the levy of assessments which shall be consistent with the requirements of Streets & Highways Code § 36623 is required;

**NOW, THEREFORE, THE SUCCESSOR AGENCY TO THE FORMER
REDEVELOPMENT AGENCY RESOLVES AS FOLLOWS:**

The Executive Director of the Successor Agency to the former Redevelopment Agency authority is hereby authorized to cast the assessment ballot(s) in favor of the DVPBID.

RESOLUTION NO. _____

**A RESOLUTION OF THE VALLEJO HOUSING AUTHORITY
AUTHORIZING THE CASTING OF BALLOT(S).**

WHEREAS, the Property and Business Improvement District Law of 1994, Streets & Highways Code § 36600 et seq., authorizes cities and counties to establish property and business improvement districts for the purposes of promoting economic revitalization and physical maintenance; and

WHEREAS, the Vallejo City Council has voted to resolve its intent to create the proposed Downtown Vallejo Property Business Improvement District (DVPBID); and

WHEREAS, a time and place for a public hearing on the establishment of the property and business improvement district and the levy of assessments which shall be consistent with the requirements of Streets & Highways Code § 36623 is required;

**NOW, THEREFORE, THE VALLEJO HOUSING AUTHORITY RESOLVES
AS FOLLOWS:**

The Executive Director of the Vallejo Housing authority is hereby authorized to cast the assessment ballot(s) in favor of the DVPBID.

Downtown Vallejo Property and Business Improvement District

Management District Plan

2013 - 2018.



Prepared by Civitas Advisors, Inc.
1/11/2013



**DOWNTOWN VALLEJO PBID
MANAGEMENT DISTRICT PLAN
2013 - 2018**

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I. INTRODUCTION

The Downtown Vallejo Property and Business Improvement District (DVPBID) was created to provide additional services to properties in Downtown Vallejo. The District has come to the end of its term and property owners have prepared this Management District Plan to guide the activities of the renewed DVPBID.

Location: The district includes approximately sixteen blocks of Downtown Vallejo's central core. The district is bound by Santa Clara Street on the west, Curtola Parkway and Pennsylvania Street on the south, Sonoma Boulevard and Sutter Street on the east, and Capitol Street and Kissel Alley on the north. The district has been divided into three benefit zones to ensure proportional provision of special benefit to assessed parcels. A detailed description of district and zone boundaries can be found in Section III.

Services: Enhanced security services including foot patrols, promotions including website operation and signage improvements, beautification including holiday décor and streetscape enhancements, and advocacy to represent the interests of property owners.

Budget: The DVPBID annual budget for each year of its five-year operation is anticipated to be \$191,594.87.

Cost: The cost to the parcel owner is based on lot size, street frontage along the longest side of the parcel, and benefit zone. Parcels zoned for and occupied by parking lots shall be assessed 50% of the assessment rate for their respective zone. Parcels owned and occupied by religious institutions and residential parcels shall not be assessed.

Zone	Lot Rate (Per Parcel Square Foot)	Frontage Rate (Per linear front foot)
1	\$0.027	\$13.30
2	\$0.027	\$10.64
3	\$0.027	\$6.40

Renewal: DVPBID renewal requires submittal of petitions from property owners representing at least 50% of the total assessment. The "Right to Vote on Taxes Act" (also known as Proposition 218) requires a ballot vote in which more than 50% of the ballots received, weighted by assessment, be in support of the DVPBID.

Duration: The proposed DVPBID will have a five-year life beginning May 1, 2013 through April 30, 2018. After five years, the petition process, ballot process, and City Council hearing process must be repeated for the DVPBID to again be reestablished.

II. BACKGROUND

The International Downtown Association estimates that more than 1,500 Property and Business Improvement Districts currently operate throughout the United States and Canada.

A Property and Business Improvement District may provide services, identity formulation, market research, and economic development in addition to those provided by local government. Property and Business Improvement Districts may also 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 parcel owner assessment. A Board of Directors representing those who pay the assessment would govern the organization responsible for providing these services.

Property and Business Improvement Districts are proven to work by providing services that improve the overall viability of commercial districts, resulting in higher property values and sales volumes.

The DVPBID will be renewed 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 Governor Pete Wilson, ushered in a new generation of Property and Business Improvement Districts in California by allowing a greater range of services and independence from government. Key provisions of the law include:

- Allows Property and Business Improvement Districts to provide services ranging from security to maintenance, and from business advocacy to economic development.
- A Property and Business Improvement District is *designed and governed by those who will pay* the assessment.
- Petition and ballot support from private property owners paying at least 50% of proposed private property assessments are required to form a Property and Business Improvement District.
- Allows for the formation of a property owner advisory board to provide oversight of District operations and submit a yearly service plan.
- Requires limits for assessments to ensure that they do not exceed pre-established levels.
- Provides a multi-year life for Property and Business Improvement Districts and requires a new petition and balloting process to renew a District. The DVPBID will have a five-year term.

The “Property and Business Improvement Business District Law of 1994” is provided in Appendix 1 of this document.

III. HISTORY AND ACCOMPLISHMENTS

The Downtown Vallejo PBID was established in 1998 and renewed in 2003 for a five-year term. The District was created at the request of property owners who recognized and desired to overcome the need for additional services in Downtown Vallejo. After its first five-year term, the PBID was renewed in 2008 for an additional five years, which have now transpired. Cognizant of the issues that continue to face Downtown, property owners wish to again renew the district for an additional five years. Although the assessment rate could have increased during the District's original ten-year lifespan, the Board has been prudent with District funding and has not increased the assessment. In this renewal, the assessments are proposed to remain at 2012 levels through 2018.

Security

Throughout the District's original ten-year lifetime it has provided funding for consistent additional security measures. Security during the district's second term included private security patrols throughout the district, for forty hours per week. In 2010, those patrols responded to 63 disturbing the peace calls, 33 trespassing complaints, 157 loitering incidents, 8 thefts, 48 requests to assist the Vallejo Police Department, and various additional complaints totaling 719 calls.

Clean-Up

To supplement security efforts, the PBID provides clean-up services throughout Downtown. Clean-up services include a maintenance crew which removes illegal dumping, cleans sidewalks and curbs, and maintains City-owned parking lots. The crew works to keep Downtown clean and attractive five days a week. Sidewalks are also power-washed between six and eight times per year.

Beautification

To capitalize on the clean-up services, the District also makes efforts to provide improvements and services that enhance Downtown's aesthetic quality. In 2009, an arborist was hired to trim 200 trees throughout Downtown. During the fall season, the District also provides leaf removal services. The district also maintains benches on Georgia Street, which it refinished in 2010. The District has worked carefully with the City to design and implement way-finding signs in Downtown. The District is in the midst of the design review process; renewing the District will allow for completion of the review and installation of new, attractive way-finding signs. During the holiday season, the District installs decorative swags and wreaths.

Renewal Survey

A survey of Downtown property owners was conducted in 2012 to gauge their interest in renewing the District and continuing services. The majority of survey respondents indicated Downtown continues to need enhanced security, with 62.5% feeling "a lot" of security was needed. Economic development, advocacy, image enhancement, and cleaning were also rated as in need by respondents. The renewed PBID will focus on providing these services as desired by property owners.

IV. BOUNDARIES

The district includes approximately sixteen blocks of Downtown Vallejo's central core. The district is bound by Santa Clara Street on the west, Curtola Parkway and Pennsylvania Street on the south, Sonoma Boulevard and Sutter Street on the east, and Capitol Street and Kissel Alley on the north. The district has been divided into three benefit zones to ensure proportional provision of special benefit to assessed parcels. The service area includes approximately 176 properties with 112 property owners. The DVPBID boundary is illustrated by the map on the next page. A larger map is available on request by calling (916) 325-0604 or (800) 999-7781. Parcels with street frontage have been divided into three benefit zones, which include parcels as described below.

Zone 1

Zone 1 includes all parcels with frontage along:

- Georgia Street between Santa Clara Street and Sutter Street;
- The east side of Santa Clara Street from APN 0055-170-160 to Capitol Street;
- The south side of Capitol Street from Santa Clara Street to Sacramento Street;
- Sacramento Street from Maine Street to Virginia Street;
- Virginia Street from Sacramento Street to Marin Street;
- Marin Street from Virginia Street to Hudson Alley; and
- Sonoma Boulevard from Indian Alley to Hudson Alley.

Zone 2

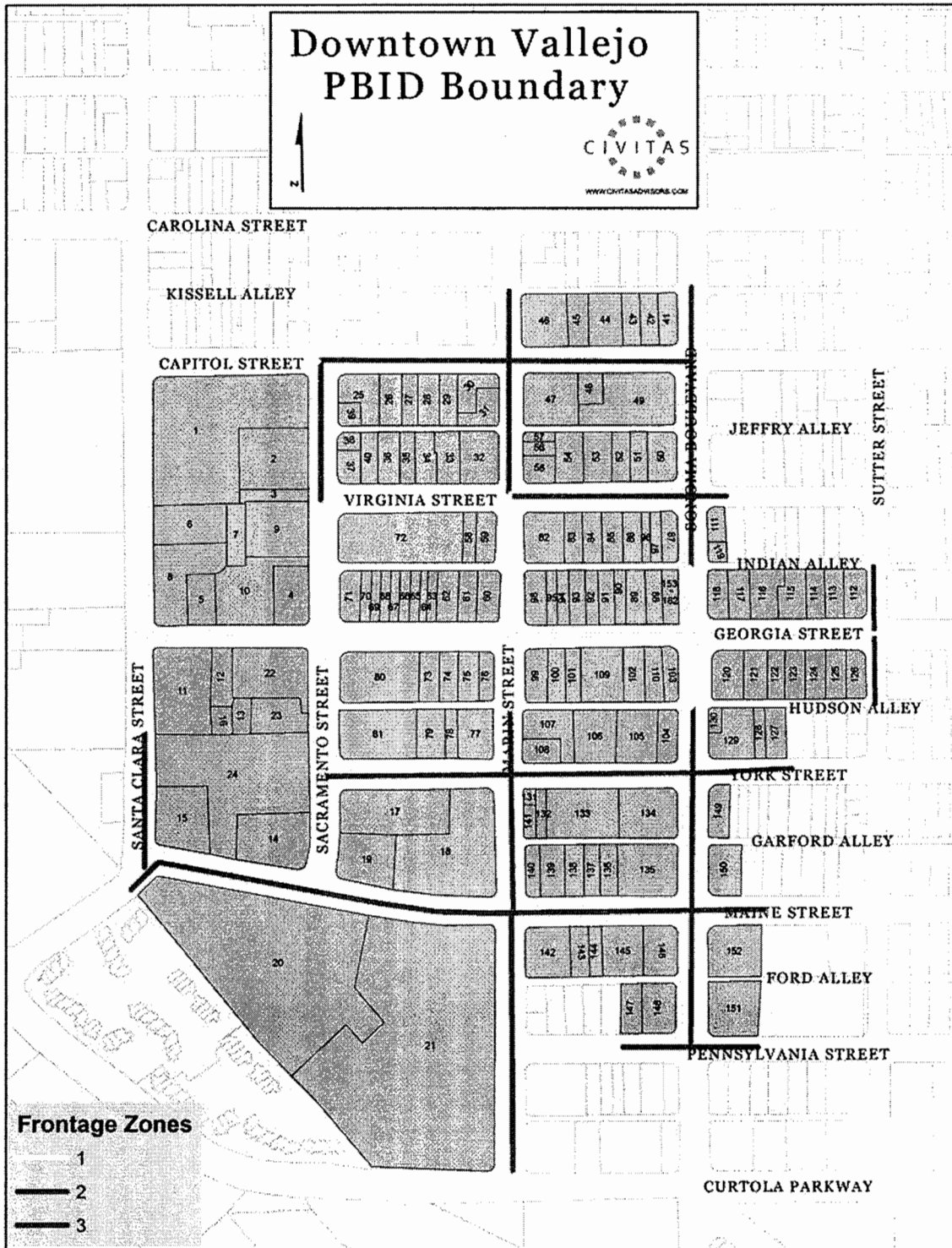
Zone 2 includes all parcels with frontage along:

- The east side of Santa Clara Street from APN 0055-170-540 to APN 0056-196-130;
- Sacramento Street from Virginia Street to Capitol Street;
- The south side of Capitol Street from Sacramento Street to Marin Street and both sides of Capitol Street from Marin Street to Sonoma Boulevard;
- The east side of Marin Street from Kissel Alley to Capitol Street and both sides of Marin Street from Capitol Street to Virginia Street and from Hudson Alley to Maine Street;
- The west side of Sonoma Boulevard from Kissel Alley to Virginia Street and both sides of Sonoma Boulevard from Virginia Street to Indian Alley and from Hudson Alley to Pennsylvania Street;
- Virginia Street from Marin Street to Sonoma Boulevard and on the south side of Virginia Street from Sonoma Boulevard to APN 0056-195-010;
- The west side of Sutter Street from Indian Alley to Hudson Alley; and
- York Street from Sacramento Street to APN 0056-225-010 and on the north side of York Street from Sonoma Boulevard to APN 0056-196-130.

Zone 3

Zone 3 includes all parcels with frontage along:

- Maine Street from Santa Clara Street to APN 0056-226-100;
- Marin Street from Maine Street to Curtola Parkway; and
- The north side of Pennsylvania Street from APN 0056-224-080 to 0056-226-020.



V. SERVICES AND BUDGET

A. District Services

DVPBID service levels will be based on the amount paid into the DVPBID. The PBID's primary goal is to create a safe environment for the benefit of property owners. The following are some key aspects of the service plan budget:

1. Security

An enhanced security program will continue working to create a safe environment for property owners, their tenants, and customers. The program shall include patrols by sworn officers, primarily during business hours on week days. A sworn officer in a patrol car will be provided in the District between 20 and 25 hours a week. The patrols in themselves are a special benefit to property owners above and beyond services provided by the Vallejo Police Department. This program will also provide special benefits to parcel owners by improving safety for those using their parcels, thereby increasing commerce on their parcels. This program will provide special benefits to parcel owners by improving safety for those using their parcels, thereby increasing commerce on their parcels.

2. Beautification

The beautification program will continue to make Downtown Vallejo an attractive, welcoming environment, in an effort to increase commercial activity on assessed parcels. The program will include maintenance, landscaping, and signage improvements.

Maintenance services will work to keep the District clean and well-lit. Removal of illegal dumping, litter, and graffiti will be key features of the maintenance program. The program will also ensure light posts, lighted bollards, drinking fountains and benches are maintained in an attractive, useful manner.

Landscaping maintenance, including tree trimming, tree well upkeep, replacement of damaged or diseased trees, and flower pot upkeep will be undertaken as needed.

Signage enhancements will continue to be made throughout the District. Existing dilapidated signs will continue to be replaced, and additional new signs will be erected. Signage programs will help consumers locate businesses, thereby benefitting assessed parcels by increasing commerce.

3. Promotions

The District will continue to provide a promotions program to raise awareness of Downtown as a vibrant commercial area and increase commercial activity. The promotions programs may include publication of downtown guides and directories, website maintenance, and signage located outside the district which will direct consumers to the district. The promotions program will create a unified identity for downtown and attract shoppers and new business tenants to the District.

4. Advocacy and Administration

The DVPBID will facilitate a strong and organized voice to represent the best interests of property owners and ensure consistent, high-quality provision of services in the District. Administration will be responsible for implementing district programs and overseeing contractors hired to provide district services. Administration, with guidance from the Board of Directors, will provide for the day-to-day operations of the District programs. The administration budget also includes office expenses, insurance, accounting and legal fees, telephone and postage charges, assessment collection, and similar standard administrative costs.

5. Contingency Reserve

The budget includes a prudent fiscal reserve. Changes in data, delinquent assessments, increased program costs, and other issues may change the revenue and expenses. In order to buffer the organization for unexpected changes in revenue, and/or allow the DVPBID to fund other overhead or renewal costs, the reserve is included as a budget item. If, upon the district's expiration, property owners wish to renew the district, remaining contingency funds may be utilized towards the costs of renewal.

B. Operations Budget

The summary of the annual operating budget for the DVPBID is below. This budget assumes the CCRC Board does not exercise its ability to adjust the budget categories. Although revenues may fluctuate from year to year, the proportional allocation of revenues shall remain consistent, except that the CCRC Board may reallocate funds between budget categories by up to ten percent (10%) of the total budget each year, except that the budget for security may not be reduced. Unexpended or uncollected funds may be rolled over into the next year's budget, in categories to be determined by the owners' association. Parcel owners will contribute the entire amount through annual parcel square footage assessments and linear front footage assessments.

The improvements and activities to be provided are security, beautification, promotions, advocacy and administration as described above. The maximum cost thereof is \$191,594.87 per year. For each category, the maximum cost of providing services each year is shown in the table below, except that the CCRC Board may reallocate funds between budget categories by up to ten percent (10%) of the total budget each year, so long as the security budget is not reduced.

Year	Security	Beautification	Promotions	Administration	Contingency	Total
%	52.19%	16.44%	1.3%	27.40%	2.66%	100%
2013	\$100,000.00	\$31,500.00	\$2,500.00	\$52,500.00	\$5,094.87	\$191,594.87
2014	\$100,000.00	\$31,500.00	\$2,500.00	\$52,500.00	\$5,094.87	\$191,594.87
2015	\$100,000.00	\$31,500.00	\$2,500.00	\$52,500.00	\$5,094.87	\$191,594.87
2016	\$100,000.00	\$31,500.00	\$2,500.00	\$52,500.00	\$5,094.87	\$191,594.87
2017	\$100,000.00	\$31,500.00	\$2,500.00	\$52,500.00	\$5,094.87	\$191,594.87

VI. ENGINEER'S REPORT

A. Assessment Methodology

1. Base Formula

Property owners, merchants, and other Downtown Vallejo stakeholders have emphasized that an assessment formula for the DVPBID be fair, balanced, and commensurate with benefits received.

Each parcel owner will pay an assessment based on special benefits received. The variables used for the annual assessment formula are lot square footage and linear street frontage along the longest side of the parcel.

For example, a parcel in Zone 1 with 100 square feet of land and 20 feet of frontage would pay an assessment of \$268.70 ($[100 \times .027=2.70] + [20 \times 13.30=266]$). If you would like more information about parcel assessments, please call Civitas at (916) 325-0604 or (800)999-7781.

The total maximum DVPBID budget for each year of its five-year operation is \$191,594.87 plus any amount rolled over from the previous year.

2. Determination of Special Benefit

Assessment law provides that the expenses of the DVPBID must be apportioned in proportion to the special benefit received by each parcel. A parcel's assessment may not exceed the reasonable cost of the proportional special benefit conferred on that parcel. Each and every parcel within the DVPBID, except for exempt parcels (discussed below), receives a particular and distinct benefit from the improvements and activities of the DVPBID, over and above general benefits conferred by the general activities of the City. The proposed services and improvements to be provided by the District will improve economic development and commercial activity within the DVPBID, thereby benefiting all assessed parcels within the DVPBID. These programs contribute to a specific enhancement of the property values of each of the parcels within the DVPBID.

3. General Benefit

The law also 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 DVPBID.

The services provided by the District are designed to provide only special benefits, and to provide those special benefits only to assessed parcels. The District's services will not provide a general benefit to parcels within or outside the District. Each and every service provided by the District will specially benefit assessed parcels by increasing the cleanliness, safety, and commercial viability of those parcels; further, the District's services are, in and of themselves, a special benefit provided only to assessed parcels.

4. Parking Lots

Parcels utilized solely for parking purposes will not fully benefit from the District's services. These parcels will receive special benefits from 50% of the districts services, therefore they will be assessed 50% of the standard assessment rate.

5. Government-Owned Parcels

Under "The Right to Vote on Taxes Act" (also known as Proposition 218) all public parcels are required to pay assessments unless they can demonstrate by clear and convincing evidence that their parcels do not receive benefit. The City of Vallejo and other public parcels will receive special benefit from the full range of district services and will therefore pay the full assessment rate for their respective zones, which is proportional to their fair share of the assessments.

6. Residential Parcels

The primary purpose of the DVPBID is to benefit parcels with commercial uses. Residential parcels within the boundaries of the DVPBID, to the extent that they are parcels with four residential units or fewer shall not receive services, nor shall they be assessed. Residential parcels with over four units will receive services and the special benefits derived from those services, therefore those parcels shall be assessed. The total assessment for a mixed-use parcel shall be calculated based on the percentage of the parcel utilized for commercial purposes.

7. Assessment Notice

An Assessment Notice will be sent to owners of each parcel in the DVPBID. The Assessment Notice provides an estimated assessment based upon parcel size measured in square feet and linear front footage along the longest side of the parcel. The final individual assessment for any particular parcel may change, up or down, if the parcel size or linear frontage differ from those found on the Assessment Notice. A list of parcels to be included in the DVPBID is provided within Appendix 2.

8. Tax-Exempt Parcels

Tax exempt private parcels, e.g. religious institutions, do not have commercial uses which would benefit from the District's services. Because they will not receive special benefit from the commercially-focused district activities, these parcels will not be assessed. However, any privately-owned tax-exempt parcel which does have a commercial use, such as thrift stores, will receive special benefits and will pay the full assessment rate.

B. Time and Manner for Collecting Assessments

In the initial year, the assessment will be hand-billed and collected. The owners' association has contracted with Civitas Advisors to hand-bill the first year assessments, with oversight from the City of Vallejo. The cost of hand-billing will be included in the administrative budget. Hand-bills will be mailed to individual property owners. Thereafter, as provided by State Law, the DVPBID assessment will appear as a separate line item on annual property tax bills prepared by the County of Solano. Delinquent first-year assessments may be included on subsequent property tax bills. 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 DVPBID pursuant to the authorization of this Plan. Existing laws for enforcement and appeal of property taxes apply to the DVPBID assessments.

Review of this DVPBID Management District Plan and preparation of the Engineers Report was completed by:



A.C.K. ENGINEERING & SURVEYING
303 PENNSYLVANIA STREET
VALLEJO, CA. 94590
707-648-8818 (FAX)707-644-2443

VII. CITY SERVICES

A. City Base Levels of Service Policy

Throughout the process of establishing the DVPBID, stakeholders and business and property owners have voiced concerns that the City of Vallejo maintains existing services at verifiable “baseline” service levels. A formal base level of service policy ensures that existing City services are enhanced, not replaced, by new DVPBID services.

B. City Council Resolution

If the property and business owners in Downtown Vallejo request that the Vallejo City Council adopt a resolution committing the City to establish and maintain base levels of service within the DVPBID, the City may consider such an adoption. 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 DVPBID 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. City wide service reductions can trigger a proportionate reduction in base levels of service within a Property and Business Improvement District.

A draft City of Vallejo Resolution establishing this policy and an estimate of current services is provided in Appendix 3.

VIII. GOVERNANCE

A. Owners' Association

The District shall be governed by the Central Core Restoration Corporation, with oversight from the Vallejo City Council. The Central Core Restoration Corporation shall serve as the Owners' Association described in the Streets and Highways code section 36651. The Board of Directors of Central Core Restoration Corporation and its staff are charged with the day-to-day operations of the DVPBID.

The Central Core Restoration Corporation shall have an eleven member Board of Directors, comprised of: eight property owners, or the authorized representatives of property owners, paying the DVPBID assessment; and three at-large members with an interest in the well-being of Downtown Vallejo.

The Board of Directors shall act in the best interests of all of the assessed properties within the DVPBID. The City Council or Board of Directors reserves the right to amend or modify the composition of the Board by a separate resolution without amending the Management District Plan.

B. Brown Act and Public Records Act Compliance

The Central Core Restoration Corporation is considered a legislative body under the Ralph M. Brown Act (Government Code §54950 et seq.). Thus, meetings of the Central Core Restoration Corporation board must be held in compliance with the public notice and other requirements of the Brown Act. The Owners' Association is also required to comply with the record keeping and disclosure requirements of the California Public Records Act.

C. Annual Report

The Central Core Restoration Corporation board shall present an annual report at the end of each year of operation to the City Council pursuant to Streets and Highways Code section 36650 (see Appendix 1).

APPENDIX 1 – THE PROPERTY AND BUSINESS IMPROVEMENT DISTRICT LAW OF 1994

*** This document is current through the 2012 Supplement ***
(All 2011 legislation)

§ 36600. Citation of part

This part shall be known and may be cited as the "Property and Business Improvement District Law of 1994."

§ 36601. Legislative findings and declarations

The Legislature finds and declares all of the following:

(a) Businesses located and operating within the business districts of this state's communities are economically disadvantaged, are underutilized, and are unable to attract customers due to inadequate facilities, services, and activities in the business districts.

(b) It is in the public interest to promote the economic revitalization and physical maintenance of the business districts of its cities in order to create jobs, attract new businesses, and prevent the erosion of the business districts.

(c) It is of particular local benefit to allow cities to fund business related improvements, maintenance, and activities through the levy of assessments upon the businesses or real property that benefits from those improvements.

(d) Assessments levied for the purpose of providing improvements and promoting activities that benefit real property or businesses are not taxes for the general benefit of a city, but are assessments for the improvements and activities which confer special benefits upon the real property or businesses for which the improvements and activities are provided.

§ 36602. Purpose of part

The purpose of this part is to supplement previously enacted provisions of law that authorize cities to levy assessments within a business improvement area. This part does not affect or limit any other provisions of law authorizing or providing for the furnishing of improvements or activities or the raising of revenue for these purposes.

§ 36603. Preemption of authority or charter city to adopt ordinances levying assessments

Nothing in this part is intended to preempt the authority of a charter city to adopt ordinances providing for a different method of levying assessments for similar or additional purposes from those set forth in this part. A property and business improvement district created pursuant to this part is expressly exempt from the provisions of the Special Assessment Investigation, Limitation and Majority Protest Act of 1931 (Division 4 (commencing with Section 2800)).

§ 36603.5. Part prevails over conflicting provisions

Any provision in this part that conflicts with any other provision of law shall prevail over the other provision of law.

§ 36604. Severability

This part is intended to be construed liberally and, if any provision is held invalid, the remaining provisions shall remain in full force and effect. Assessments levied under this part are not special taxes.

§ 36605. [Section repealed 2001.]

§ 36606. "Assessment"

"Assessment" means a levy for the purpose of acquiring, constructing, installing, or maintaining improvements and promoting activities which will benefit the properties or businesses located within a property and business improvement district.

§ 36607. "Business"

"Business" means all types of businesses and includes financial institutions and professions.

§ 36608. "City"

"City" means a city, county, city and county, or an agency or entity created pursuant to Article 1 (commencing with *Section 6500*) of *Chapter 5 of Division 7 of Title 1 of the Government Code*, the public member agencies of which includes only cities, counties, or a city and county, or the State of California.

§ 36609. "City council"

"City council" means the city council of a city or the board of supervisors of a county, or the agency, commission, or board created pursuant to a joint powers agreement and which is a city within the meaning of this part.

§ 36610. "Improvement"

"Improvement" means the acquisition, construction, installation, or maintenance of any tangible property with an estimated useful life of five years or more including, but not limited to, the following:

- (a) Parking facilities.

- (b) Benches, booths, kiosks, display cases, pedestrian shelters and signs.
- (c) Trash receptacles and public restrooms.
- (d) Lighting and heating facilities.
- (e) Decorations.
- (f) Parks.
- (g) Fountains.
- (h) Planting areas.
- (i) Closing, opening, widening, or narrowing of existing streets.
- (j) Facilities or equipment, or both, to enhance security of persons and property within the area.
- (k) Ramps, sidewalks, plazas, and pedestrian malls.
- (l) Rehabilitation or removal of existing structures.

§ 36611. "Property and business improvement district"; "District"

"Property and business improvement district," or "district," means a property and business improvement district established pursuant to this part.

§ 36612. "Property"

"Property" means real property situated within a district.

§ 36613. "Activities"

"Activities" means, but is not limited to, all of the following:

- (a) Promotion of public events which benefit businesses or real property in the district.
- (b) Furnishing of music in any public place within the district.
- (c) Promotion of tourism within the district.
- (d) Marketing and economic development, including retail retention and recruitment.
- (e) Providing security, sanitation, graffiti removal, street and sidewalk cleaning, and other municipal services supplemental to those normally provided by the municipality.
- (f) Activities which benefit businesses and real property located in the district.

§ 36614. "Management district plan"; "Plan"

"Management district plan" or "plan" means a proposal as defined in Section 36622.

§ 36614.5. "Owners' association"

"Owners' association" means a private nonprofit entity that is under contract with a city to administer or implement activities and improvements specified in the management district plan. An owners' association may be an existing nonprofit entity or a newly formed nonprofit entity. An owners' association is a private entity and may not be considered a public entity for any purpose, nor may its board members or staff be considered to be public officials for any purpose. Notwithstanding this section, an owners' association shall comply with the Ralph M. Brown Act (Chapter 9 (commencing with *Section 54950*) of *Part 1 of Division 2 of Title 5 of the Government Code*), at all times when matters within the subject matter of the district are heard, discussed, or deliberated, and with the California Public Records Act (Chapter 3.5 (commencing with *Section 6250*) of *Division 7 of Title 1 of the Government Code*), for all documents relating to activities of the district.

§ 36615. "Property owner"; "Business owner"; "Owner"

"Property owner" means any person shown as the owner of land on the last equalized assessment roll or otherwise known to be the owner of land by the city council. "Business owner" means any person recognized by the city as the owner of the business. "Owner" means either a business owner or a property owner. The city council has no obligation to obtain other information as to the ownership of land or businesses, and its determination of ownership shall be final and conclusive for the purposes of this part. Wherever this part requires the signature of the property owner, the signature of the authorized agent of the property owner shall be sufficient. Wherever this part requires the signature of the business owner, the signature of the authorized agent of the business owner shall be sufficient.

§ 36616. "Tenant"

"Tenant" means an occupant pursuant to a lease of commercial space or a dwelling unit, other than an owner.

§ 36617. Alternate method of financing certain improvements and activities; Effect on other provisions

This part provides an alternative method of financing certain improvements and activities. The provisions of this part shall not affect or limit any other provisions of law authorizing or providing for the furnishing of improvements or activities or the raising of revenue for these purposes. Every improvement area established pursuant to the Parking and Business Improvement Area Law of 1989 (Part 6 (commencing with *Section 36500*) of this division) is valid and effective and is unaffected by this part.

§ 36620. Establishment of property and business improvement district

A property and business improvement district may be established as provided in this chapter.

§ 36620.5. Requirement of consent of city council

A county may not form a district within the territorial jurisdiction of a city without the consent of the city council of that city. A city may not form a district within the unincorporated territory of a county without the consent of the board of supervisors of that county. A city may not form a district within the territorial jurisdiction of another city without the consent of the city council of the other city.

§ 36621. Initiation of proceedings; Petition of property or business owners in proposed district

(a) Upon the submission of a written petition, signed by the property or business owners in the proposed district who will pay more than 50 percent of the assessments proposed to be levied, the city council may initiate proceedings to form a district by the adoption of a resolution expressing its intention to form a district. The amount of assessment attributable to property or a business owned by the same property or business owner that is in excess of 40 percent of the amount of all assessments proposed to be levied, shall not be included in determining whether the petition is signed by property or business owners who will pay more than 50 percent of the total amount of assessments proposed to be levied.

(b) The petition of property or business owners required under subdivision (a) shall include a summary of the management district plan. That summary shall include all of the following:

- (1) A map showing the boundaries of the district.
- (2) Information specifying where the complete management district plan can be obtained.
- (3) Information specifying that the complete management district plan shall be furnished upon request.

(c) The resolution of intention described in subdivision (a) shall contain all of the following:

(1) A brief description of the proposed activities and improvements, the amount of the proposed assessment, a statement as to whether the assessment will be levied on property or businesses within the district, a statement as to whether bonds will be issued, and a description of the exterior boundaries of the proposed district. The descriptions and statements do not need to be detailed and shall be sufficient if they enable an owner to generally identify the nature and extent of the improvements and activities and the location and extent of the proposed district.

(2) A time and place for a public hearing on the establishment of the property and business improvement district and the levy of assessments, which shall be consistent with the requirements of Section 36623.

§ 36622. Contents of management district plan

The management district plan shall contain all of the following:

(a) If the assessment will be levied on property, a map of the district in sufficient detail to locate each parcel of property and, if businesses are to be assessed, each business within the district. If the assessment will be levied on businesses, a map that identifies the district boundaries in sufficient detail to allow a business owner to reasonably determine whether a business is located within the district boundaries. If the assessment will be levied on property and businesses, a map of the district in sufficient detail to locate each parcel of property and to allow a business owner to reasonably determine whether a business is located within the district boundaries.

(b) The name of the proposed district.

(c) A description of the boundaries of the district, including the boundaries of benefit zones, proposed for establishment or extension in a manner sufficient to identify the affected lands and businesses included. The boundaries of a proposed property assessment district shall not overlap with the boundaries of another existing property assessment district created pursuant to this part. This part does not prohibit the boundaries of a district created pursuant to this part to overlap with other assessment districts established pursuant to other provisions of law, including, but not limited to, the Parking and Business Improvement Area Law of 1989 (Part 6 (commencing with Section 36500)). This part does not prohibit the boundaries of a business assessment district created pursuant to this part to overlap with another business assessment district created pursuant to this part. This part does not prohibit the boundaries of a business assessment district created pursuant to this part to overlap with a property assessment district created pursuant to this part.

(d) The improvements and activities proposed for each year of operation of the district and the maximum cost thereof.

(e) The total annual amount proposed to be expended for improvements, maintenance and operations, and debt service in each year of operation of the district.

(f) The proposed source or sources of financing, including the proposed method and basis of levying the assessment in sufficient detail to allow each property or business owner to calculate the amount of the assessment to be levied against his or her property or business. The plan also shall state whether bonds will be issued to finance improvements.

(g) The time and manner of collecting the assessments.

(h) The specific number of years in which assessments will be levied. In a new district, the maximum number of years shall be five. Upon renewal, a district shall have a term not to exceed 10 years. Notwithstanding these limitations, a district created pursuant to this part to finance capital improvements with bonds may levy assessments until the maximum maturity of the bonds. The management district plan may set forth specific increases in assessments for each year of operation of the district.

(i) The proposed time for implementation and completion of the management district plan.

(j) Any proposed rules and regulations to be applicable to the district.

(k) A list of the properties or businesses to be assessed, including the assessor's parcel numbers for properties to be assessed, and a statement of the method or methods by which the expenses of a district will be imposed upon benefited real property or businesses, in proportion to the benefit received by the property or business, to defray the cost thereof, including operation and maintenance. The plan may provide that all or any class or category of real property which is

exempt by law from real property taxation may nevertheless be included within the boundaries of the district but shall not be subject to assessment on real property.

(l) Any other item or matter required to be incorporated therein by the city council.

§ 36623. Procedure to levy assessment

(a) If a city council proposes to levy a new or increased property assessment, the notice and protest and hearing procedure shall comply with *Section 53753 of the Government Code*.

(b) If a city council proposes to levy a new or increased business assessment, the notice and protest and hearing procedure shall comply with *Section 54954.6 of the Government Code*, except that notice shall be mailed to the owners of the businesses proposed to be assessed. A protest may be made orally or in writing by any interested person. Every written protest shall be filed with the clerk at or before the time fixed for the public hearing. The city council may waive any irregularity in the form or content of any written protest. A written protest may be withdrawn in writing at any time before the conclusion of the public hearing. Each written protest shall contain a description of the business in which the person subscribing the protest is interested sufficient to identify the business and, if a person subscribing is not shown on the official records of the city as the owner of the business, the protest shall contain or be accompanied by written evidence that the person subscribing is the owner of the business or the authorized representative. A written protest that does not comply with this section shall not be counted in determining a majority protest. If written protests are received from the owners or authorized representatives of businesses in the proposed district that will pay 50 percent or more of the assessments proposed to be levied and protests are not withdrawn so as to reduce the protests to less than 50 percent, no further proceedings to levy the proposed assessment against such businesses, as contained in the resolution of intention, shall be taken for a period of one year from the date of the finding of a majority protest by the city council.

§ 36624. Changes to proposed assessments

At the conclusion of the public hearing to establish the district, the city council may adopt, revise, change, reduce, or modify the proposed assessment or the type or types of improvements and activities to be funded with the revenues from the assessments. Proposed assessments may only be revised by reducing any or all of them. At the public hearing, the city council may only make changes in, to, or from the boundaries of the proposed property and business improvement district that will exclude territory that will not benefit from the proposed improvements or activities. Any modifications, revisions, reductions, or changes to the proposed assessment district shall be reflected in the notice and map recorded pursuant to Section 36627.

§ 36625. Resolution of formation

(a) If the city council, following the public hearing, decides to establish the proposed property and business improvement district, the city council shall adopt a resolution of formation that shall contain all of the following:

(1) A brief description of the proposed activities and improvements, the amount of the proposed assessment, a statement as to whether the assessment will be levied on property, businesses, or both within the district, a statement about whether bonds will be issued, and a description of the exterior boundaries of the proposed district. The descriptions and statements do not need to be detailed and shall be sufficient if they enable an owner to generally identify the nature and extent of the improvements and activities and the location and extent of the proposed district.

(2) The number, date of adoption, and title of the resolution of intention.

(3) The time and place where the public hearing was held concerning the establishment of the district.

(4) A determination regarding any protests received. The city shall not establish the district or levy assessments if a majority protest was received.

(5) A statement that the properties, businesses, or properties and businesses in the district established by the resolution shall be subject to any amendments to this part.

(6) A statement that the improvements and activities to be provided in the district will be funded by the levy of the assessments. The revenue from the levy of assessments within a district shall not be used to provide improvements or activities outside the district or for any purpose other than the purposes specified in the resolution of intention, as modified by the city council at the hearing concerning establishment of the district.

(7) A finding that the property or businesses within the area of the property and business improvement district will be benefited by the improvements and activities funded by the assessments proposed to be levied.

(b) The adoption of the resolution of formation and, if required, recordation of the notice and map pursuant to Section 36627 shall constitute the levy of an assessment in each of the fiscal years referred to in the management district plan.

§ 36626. Resolution establishing district

If the city council, following the public hearing, desires to establish the proposed property and business improvement district, and the city council has not made changes pursuant to Section 36624, or has made changes that do not substantially change the proposed assessment, the city council shall adopt a resolution establishing the district. The resolution shall contain all of the information specified in paragraphs (1) to (8), inclusive, of subdivision (b) of Section 36625, but need not contain information about the preliminary resolution if none has been adopted.

§ 36626.5. [Section repealed 1999.]

§ 36626.6. [Section repealed 1999.]

§ 36626.7. [Section repealed 1999.]

§ 36627. Notice and assessment diagram

Following adoption of the resolution establishing district assessments on properties pursuant to Section 36625 or Section 36626, the clerk of the city shall record a notice and an assessment diagram pursuant to Section 3114. No other provision of Division 4.5 (commencing with Section 3100) applies to an assessment district created pursuant to this part.

§ 36628. Establishment of separate benefit zones within district; Categories of businesses

The city council may establish one or more separate benefit zones within the district based upon the degree of benefit derived from the improvements or activities to be provided within the benefit zone and may impose a different assessment within each benefit zone. If the assessment is to be levied on businesses, the city council may also define categories of businesses based upon the degree of benefit that each will derive from the improvements or activities to be provided within the district and may impose a different assessment or rate of assessment on each category of business, or on each category of business within each zone.

§ 36628.5. Assessments on businesses or property owners

The city council may levy assessments on businesses or on property owners, or a combination of the two, pursuant to this part. The city council shall structure the assessments in whatever manner it determines corresponds with the distribution of benefits from the proposed improvements and activities.

§ 36629. Provisions and procedures applicable to benefit zones and business categories

All provisions of this part applicable to the establishment, modification, or disestablishment of a property and business improvement district apply to the establishment, modification, or disestablishment of benefit zones or categories of business. The city council shall, to establish, modify, or disestablish a benefit zone or category of business, follow the procedure to establish, modify, or disestablish a parking and business improvement area.

§ 36630. Expiration of district; Creation of new district

If a property and business improvement district expires due to the time limit set pursuant to subdivision (h) of Section 36622, a new management district plan may be created and a new district established pursuant to this part.

§ 36631. Time and manner of collection of assessments; Delinquent payments

The collection of the assessments levied pursuant to this part shall be made at the time and in the manner set forth by the city council in the resolution levying the assessment. Assessments levied on real property may be collected at the same time and in the same manner as for the ad

valorem property tax, and may provide for the same lien priority and penalties for delinquent payment. All delinquent payments for assessments levied pursuant to this part shall be charged interest and penalties.

§ 36632. Assessments to be based on estimated benefit; Classification of real property and businesses; Exclusion of residential and agricultural property

(a) The assessments levied on real property pursuant to this part shall be levied on the basis of the estimated benefit to the real property within the property and business improvement district. The city council may classify properties for purposes of determining the benefit to property of the improvements and activities provided pursuant to this part.

(b) Assessments levied on businesses pursuant to this part shall be levied on the basis of the estimated benefit to the businesses within the property and business improvement district. The city council may classify businesses for purposes of determining the benefit to the businesses of the improvements and activities provided pursuant to this part.

(c) Properties zoned solely for residential use, or that are zoned for agricultural use, are conclusively presumed not to benefit from the improvements and service funded through these assessments, and shall not be subject to any assessment pursuant to this part.

§ 36633. Time for contesting validity of assessment

The validity of an assessment levied under this part shall not be contested in any action or proceeding unless the action or proceeding is commenced within 30 days after the resolution levying the assessment is adopted pursuant to Section 36626. Any appeal from a final judgment in an action or proceeding shall be perfected within 30 days after the entry of judgment.

§ 36634. Service contracts authorized to establish levels of city services

The city council may execute baseline service contracts that would establish levels of city services that would continue after a property and business improvement district has been formed.

§ 36635. Request to modify management district plan

The owners' association may, at any time, request that the city council modify the management district plan. Any modification of the management district plan shall be made pursuant to this chapter.

§ 36636. Modification of plan by resolution after public hearing; Adoption of resolution of intention; Modification of improvements and activities by adoption of resolution after public hearing

(a) Upon the written request of the owners' association, the city council may modify the management district plan after conducting one public hearing on the proposed modifications. The city council may modify the improvements and activities to be funded with the revenue derived from the levy of the assessments by adopting a resolution determining to make the modifications after holding a public hearing on the proposed modifications. If the modification includes the levy of a new or increased assessment, the city council shall comply with Section 36623. Notice of all other public meetings and public hearings pursuant to this section shall comply with both of the following:

(1) The resolution of intention shall be published in a newspaper of general circulation in the city once at least seven days before the public meeting.

(2) A complete copy of the resolution of intention shall be mailed by first class mail, at least 10 days before the public meeting, to each business owner or property owner affected by the proposed modification.

(b) The city council shall adopt a resolution of intention which states the proposed modification prior to the public hearing required by this section. The public hearing shall be held not more than 90 days after the adoption of the resolution of intention.

§ 36637. Reflection of modification in notices recorded and maps

Any subsequent modification of the resolution shall be reflected in subsequent notices and maps recorded pursuant to Division 4.5 (commencing with Section 3100), in a manner consistent with the provisions of Section 36627.

§ 36640. Bonds authorized; Procedure; Restriction on reduction or termination of assessments

(a) The city council may, by resolution, determine and declare that bonds shall be issued to finance the estimated cost of some or all of the proposed improvements described in the resolution of formation adopted pursuant to Section 36625, if the resolution of formation adopted pursuant to that section provides for the issuance of bonds, under the Improvement Bond Act of 1915 (Division 10 (commencing with Section 8500)) or in conjunction with Marks-Roos Local Bond Pooling Act of 1985 (Article 4 (commencing with *Section 6584*) of *Chapter 5 of Division 7 of Title 1 of the Government Code*). Either act, as the case may be, shall govern the proceedings relating to the issuance of bonds, although proceedings under the Bond Act of 1915 may be modified by the city council as necessary to accommodate assessments levied upon business pursuant to this part.

(b) The resolution adopted pursuant to subdivision (a) shall generally describe the proposed improvements specified in the resolution of formation adopted pursuant to Section 36625, set forth the estimated cost of those improvements, specify the number of annual installments and the fiscal years during which they are to be collected. The amount of debt service to retire the bonds shall not exceed the amount of revenue estimated to be raised from assessments over 30 years.

(c) Notwithstanding any other provision of this part, assessments levied to pay the principal and interest on any bond issued pursuant to this section shall not be reduced or terminated if doing so would interfere with the timely retirement of the debt.

§ 36641. [Section repealed 2001.]

§ 36642. [Section repealed 2001.]

§ 36643. [Section repealed 2001.]

§ 36650. Report by owners' association; Approval or modification by city council

(a) The owners' association shall cause to be prepared a report for each fiscal year, except the first year, for which assessments are to be levied and collected to pay the costs of the improvements and activities described in the report. The owners' association's first report shall be due after the first year of operation of the district. The report may propose changes, including, but not limited to, the boundaries of the property and business improvement district or any benefit zones within the district, the basis and method of levying the assessments, and any changes in the classification of property, including any categories of business, if a classification is used.

(b) The report shall be filed with the clerk and shall refer to the property and business improvement district by name, specify the fiscal year to which the report applies, and, with respect to that fiscal year, shall contain all of the following information:

(1) Any proposed changes in the boundaries of the property and business improvement district or in any benefit zones or classification of property or businesses within the district.

(2) The improvements and activities to be provided for that fiscal year.

(3) An estimate of the cost of providing the improvements and the activities for that fiscal year.

(4) The method and basis of levying the assessment in sufficient detail to allow each real property or business owner, as appropriate, to estimate the amount of the assessment to be levied against his or her property or business for that fiscal year.

(5) The amount of any surplus or deficit revenues to be carried over from a previous fiscal year.

(6) The amount of any contributions to be made from sources other than assessments levied pursuant to this part.

(c) The city council may approve the report as filed by the owners' association or may modify any particular contained in the report and approve it as modified. Any modification shall be made pursuant to Sections 36635 and 36636.

The city council shall not approve a change in the basis and method of levying assessments that would impair an authorized or executed contract to be paid from the revenues derived from the levy of assessments, including any commitment to pay principal and interest on any bonds issued on behalf of the district.

§ 36651. Designation of owners' association to provide improvements and activities

The management district plan may, but is not required to, state that an owners' association will provide the improvements or activities described in the management district plan. If the management district plan designates an owners' association, the city shall contract with the designated nonprofit corporation to provide services.

§ 36660. Renewal of district; Transfer or refund of remaining revenues; District term limit

(a) Any district previously established whose term has expired, may be renewed by following the procedures for establishment as provided in this chapter.

(b) Upon renewal, any remaining revenues derived from the levy of assessments, or any revenues derived from the sale of assets acquired with the revenues, shall be transferred to the renewed district. If the renewed district includes additional parcels or businesses not included in the prior district, the remaining revenues shall be spent to benefit only the parcels or businesses in the prior district. If the renewed district does not include parcels or businesses included in the prior district, the remaining revenues attributable to these parcels shall be refunded to the owners of these parcels or businesses.

(c) Upon renewal, a district shall have a term not to exceed 10 years, or, if the district is authorized to issue bonds, until the maximum maturity of those bonds. There is no requirement that the boundaries, assessments, improvements, or activities of a renewed district be the same as the original or prior district.

§ 36670. Circumstances permitting disestablishment of district; Procedure

(a) Any district established or extended pursuant to the provisions of this part, where there is no indebtedness, outstanding and unpaid, incurred to accomplish any of the purposes of the district, may be disestablished by resolution by the city council in either of the following circumstances:

(1) If the city council finds there has been misappropriation of funds, malfeasance, or a violation of law in connection with the management of the district, it shall notice a hearing on disestablishment.

(2) During the operation of the district, there shall be a 30-day period each year in which assesses may request disestablishment of the district. The first such period shall begin one year

after the date of establishment of the district and shall continue for 30 days. The next such 30-day period shall begin two years after the date of the establishment of the district. Each successive year of operation of the district shall have such a 30-day period. Upon the written petition of the owners or authorized representatives of real property or the owners or authorized representatives of businesses in the area who pay 50 percent or more of the assessments levied, the city council shall pass a resolution of intention to disestablish the district. The city council shall notice a hearing on disestablishment.

(b) The city council shall adopt a resolution of intention to disestablish the district prior to the public hearing required by this section. The resolution shall state the reason for the disestablishment, shall state the time and place of the public hearing, and shall contain a proposal to dispose of any assets acquired with the revenues of the assessments levied within the property and business improvement district. The notice of the hearing on disestablishment required by this section shall be given by mail to the property owner of each parcel or to the owner of each business subject to assessment in the district, as appropriate. The city shall conduct the public hearing not less than 30 days after mailing the notice to the property or business owners. The public hearing shall be held not more than 60 days after the adoption of the resolution of intention.

§ 36671. Refund of remaining revenues upon disestablishment of district; Calculation of refund; Use of outstanding revenue collected after disestablishment of district

(a) Upon the disestablishment of a district, any remaining revenues, after all outstanding debts are paid, derived from the levy of assessments, or derived from the sale of assets acquired with the revenues, or from bond reserve or construction funds, shall be refunded to the owners of the property or businesses 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. All outstanding assessment revenue collected after disestablishment shall be spent on improvements and activities specified in the management district plan.

(b) 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.

APPENDIX 2 – ASSESSMENT CALCULATION TABLE

MAP KEY	APN	FRONTAGE ZONE 1	FRONTAGE ZONE 2	FRONTAGE ZONE 3	FRONTAGE ASSESSMENT	LOT SIZE	LOT ASSESSMENT	TOTAL ASSESSMENT
1	0055160170	400.34	0.00	0.00	\$5,324.52	100,624.00	\$2,716.85	\$4,020.68
2	0055160180	0.00	151.00	0.00	\$1,606.64	27,684.00	\$747.47	\$2,354.11
3	0055160190	0.00	30.00	0.00	\$319.20	5,500.00	\$148.50	\$233.85
4	0055160210	160.00	0.00	0.00	\$2,128.00	16,000.00	\$432.00	\$2,560.00
5	0055160240	74.61	0.00	0.00	\$992.31	10,445.00	\$282.02	\$1,274.33
6	0055160300	90.44	0.00	0.00	\$1,202.85	16,696.00	\$450.79	\$1,653.64
7	0055160310	0.00	0.00	0.00	\$0.00	6,618.00	\$178.69	\$89.34
8	0055160380	224.00	0.00	0.00	\$2,979.20	25,920.00	\$699.84	\$3,679.04
9	0055160390	139.47	0.00	0.00	\$1,854.95	23,710.00	\$640.17	\$2,495.12
10	0055160540	145.73	0.00	0.00	\$1,938.21	26,201.00	\$707.43	\$2,645.64
11	0055170160	225.00	0.00	0.00	\$2,992.50	31,577.00	\$852.58	\$3,845.08
12	0055170170	60.00	0.00	0.00	\$798.00	9,300.00	\$251.10	\$1,049.10
13	0055170220	0.00	0.00	0.00	\$0.00	5,200.00	\$140.40	\$140.40
14	0055170240	0.00	0.00	185.96	\$1,190.14	22,696.00	\$612.79	\$1,802.93
15	0055170250	0.00	150.00	0.00	\$1,596.00	21,523.00	\$581.12	\$2,177.12
16	0055170270	0.00	0.00	0.00	\$0.00	3,500.00	\$94.50	\$94.50
17	0055170280	0.00	275.00	0.00	\$2,926.00	32,450.00	\$876.15	\$1,901.08
18	0055170290	0.00	280.29	0.00	\$2,982.29	56,192.00	\$1,517.18	\$4,499.47
19	0055170300	0.00	0.00	150.00	\$960.00	21,226.00	\$573.10	\$1,533.10
20	0055170310	0.00	0.00	619.00	\$3,961.60	177,724.00	\$4,798.55	\$8,760.15
21	0055170350	0.00	0.00	640.72	\$4,100.61	257,875.00	\$6,962.62	\$11,063.23
22	0055170390	200.00	0.00	0.00	\$2,660.00	27,000.00	\$729.00	\$3,389.00
23	0055170530	26.00	0.00	0.00	\$345.80	10,921.00	\$294.87	\$320.34
24	0055170540	197.91	0.00	0.00	\$2,632.20	85,377.00	\$2,305.18	\$2,468.69
25	0056162010	0.00	100.00	0.00	\$1,064.00	10,000.00	\$270.00	\$0.00
26	0056162020	0.00	50.00	0.00	\$532.00	6,500.00	\$175.50	\$0.00
27	0056162030	0.00	50.00	0.00	\$532.00	6,500.00	\$175.50	\$0.00
28	0056162040	0.00	50.00	0.00	\$532.00	6,500.00	\$175.50	\$353.75
29	0056162050	0.00	50.00	0.00	\$532.00	6,500.00	\$175.50	\$353.75
30	0056162060	0.00	100.00	0.00	\$1,064.00	6,925.00	\$186.98	\$1,250.98
31	0056162070	0.00	88.59	0.00	\$942.60	6,077.00	\$164.08	\$1,106.68
32	0056162080	0.00	130.00	0.00	\$1,383.20	13,000.00	\$351.00	\$1,734.20
33	0056162090	49.00	0.00	0.00	\$651.70	6,640.00	\$179.28	\$830.98
34	0056162100	51.00	0.00	0.00	\$678.30	6,360.00	\$171.72	\$850.02
35	0056162110	50.09	0.00	0.00	\$666.20	6,500.00	\$175.50	\$420.85
36	0056162120	50.09	0.00	0.00	\$666.20	3,000.00	\$81.00	\$0.00

MAP KEY	APN	FRONTAGE ZONE 1	FRONTAGE ZONE 2	FRONTAGE ZONE 3	FRONTAGE ASSESSMENT	LOT SIZE	LOT ASSESSMENT	TOTAL ASSESSMENT
37	0056162150	0.00	70.00	0.00	\$744.80	3,500.00	\$94.50	\$839.30
38	0056162160	0.00	60.00	0.00	\$638.40	3,000.00	\$81.00	\$359.70
39	0056162170	0.00	60.00	0.00	\$638.40	3,000.00	\$81.00	\$0.00
40	0056162180	50.09	0.00	0.00	\$666.20	6,098.00	\$164.65	\$0.00
41	0056163090	0.00	130.00	0.00	\$1,383.20	6,500.00	\$175.50	\$1,558.70
42	0056163100	0.00	50.00	0.00	\$532.00	6,500.00	\$175.50	\$353.75
43	0056163110	0.00	50.00	0.00	\$532.00	6,500.00	\$175.50	\$707.50
44	0056163120	0.00	100.00	0.00	\$1,064.00	13,000.00	\$351.00	\$1,415.00
45	0056163130	0.00	25.00	0.00	\$266.00	3,250.00	\$87.75	\$176.88
46	0056163180	0.00	130.00	0.00	\$1,383.20	16,250.00	\$438.75	\$910.98
47	0056164010	0.00	150.00	0.00	\$1,596.00	19,500.00	\$526.50	\$2,122.50
48	0056164020	0.00	50.00	0.00	\$532.00	3,250.00	\$87.75	\$619.75
49	0056164030	0.00	200.00	0.00	\$2,128.00	29,375.00	\$793.12	\$2,921.12
50	0056164040	130.00	0.00	0.00	\$1,729.00	9,750.00	\$263.25	\$1,992.25
51	0056164050	50.00	0.00	0.00	\$665.00	6,500.00	\$175.50	\$420.25
52	0056164060	50.00	0.00	0.00	\$665.00	6,500.00	\$175.50	\$840.50
53	0056164070	75.00	0.00	0.00	\$997.50	9,750.00	\$263.25	\$1,260.75
54	0056164080	75.00	0.00	0.00	\$997.50	9,750.00	\$263.25	\$630.38
55	0056164090	75.00	0.00	0.00	\$997.50	5,250.00	\$141.75	\$1,139.25
56	0056164100	0.00	25.00	0.00	\$266.00	1,875.00	\$50.62	\$316.62
57	0056164110	0.00	35.00	0.00	\$372.40	2,625.00	\$70.88	\$443.28
58	0056191100	25.00	0.00	0.00	\$332.50	3,250.00	\$87.75	\$210.12
59	0056191110	130.00	0.00	0.00	\$1,729.00	6,500.00	\$175.50	\$1,904.50
60	0056191120	130.00	0.00	0.00	\$1,729.00	6,500.00	\$175.50	\$1,904.50
61	0056191130	50.00	0.00	0.00	\$665.00	6,500.00	\$175.50	\$840.50
62	0056191140	50.00	0.00	0.00	\$665.00	6,500.00	\$175.50	\$840.50
63	0056191150	25.00	0.00	0.00	\$332.50	3,250.00	\$87.75	\$420.25
64	0056191160	25.00	0.00	0.00	\$332.50	3,250.00	\$87.75	\$210.12
65	0056191170	25.00	0.00	0.00	\$332.50	3,250.00	\$87.75	\$420.25
66	0056191180	25.00	0.00	0.00	\$332.50	3,250.00	\$87.75	\$420.25
67	0056191190	25.00	0.00	0.00	\$332.50	3,250.00	\$87.75	\$420.25
68	0056191200	25.00	0.00	0.00	\$332.50	3,250.00	\$87.75	\$420.25
69	0056191210	25.00	0.00	0.00	\$332.50	3,250.00	\$87.75	\$420.25
70	0056191220	25.00	0.00	0.00	\$332.50	3,250.00	\$87.75	\$420.25
71	0056191230	130.00	0.00	0.00	\$1,729.00	6,500.00	\$175.50	\$1,904.50
72	0056191260	325.00	0.00	0.00	\$4,322.50	42,250.00	\$1,140.75	\$5,463.25
73	0056192030	50.00	0.00	0.00	\$665.00	6,500.00	\$175.50	\$840.50
74	0056192040	50.00	0.00	0.00	\$665.00	6,500.00	\$175.50	\$840.50
75	0056192050	50.00	0.00	0.00	\$665.00	6,500.00	\$175.50	\$840.50

MAP KEY	APN	FRONTAGE ZONE 1	FRONTAGE ZONE 2	FRONTAGE ZONE 3	FRONTAGE ASSESSMENT	LOT SIZE	LOT ASSESSMENT	TOTAL ASSESSMENT
76	0056192060	130.00	0.00	0.00	\$1,729.00	6,500.00	\$175.50	\$1,904.50
77	0056192070	0.00	130.00	0.00	\$1,383.20	13,000.00	\$351.00	\$1,734.20
78	0056192080	0.00	30.00	0.00	\$319.20	3,900.00	\$105.30	\$212.25
79	0056192090	0.00	70.00	0.00	\$744.80	9,100.00	\$245.70	\$495.25
80	0056192140	200.00	0.00	0.00	\$2,660.00	26,000.00	\$702.00	\$3,362.00
81	0056192150	0.00	200.00	0.00	\$2,128.00	26,000.00	\$702.00	\$1,415.00
82	0056193010	130.00	0.00	0.00	\$1,729.00	13,000.00	\$351.00	\$2,080.00
83	0056193020	50.00	0.00	0.00	\$665.00	6,098.00	\$164.65	\$829.65
84	0056193030	50.00	0.00	0.00	\$665.00	6,500.00	\$175.50	\$840.50
85	0056193040	50.00	0.00	0.00	\$665.00	6,500.00	\$175.50	\$420.25
86	0056193050	50.00	0.00	0.00	\$665.00	6,500.00	\$175.50	\$840.50
87	0056193070	130.00	0.00	0.00	\$1,729.00	6,500.00	\$175.50	\$1,904.50
88	0056193090	49.25	0.00	0.00	\$655.02	6,402.00	\$172.85	\$827.87
89	0056193100	50.00	0.00	0.00	\$665.00	6,500.00	\$175.50	\$840.50
90	0056193110	25.00	0.00	0.00	\$332.50	3,250.00	\$87.75	\$420.25
91	0056193120	25.03	0.00	0.00	\$332.90	3,250.00	\$87.75	\$420.65
92	0056193130	50.00	0.00	0.00	\$665.00	6,500.00	\$175.50	\$840.50
93	0056193140	25.00	0.00	0.00	\$332.50	3,250.00	\$87.75	\$420.25
94	0056193150	25.00	0.00	0.00	\$332.50	3,250.00	\$87.75	\$420.25
95	0056193160	25.00	0.00	0.00	\$332.50	3,250.00	\$87.75	\$420.25
96	0056193190	25.00	0.00	0.00	\$332.50	3,250.00	\$87.75	\$420.25
97	0056193200	25.00	0.00	0.00	\$332.50	3,250.00	\$87.75	\$420.25
98	0056193210	130.00	0.00	0.00	\$1,729.00	9,750.00	\$263.25	\$1,992.25
99	0056194010	130.00	0.00	0.00	\$1,729.00	6,500.00	\$175.50	\$1,904.50
100	0056194020	50.00	0.00	0.00	\$665.00	6,500.00	\$175.50	\$840.50
101	0056194030	50.00	0.00	0.00	\$665.00	6,500.00	\$175.50	\$840.50
102	0056194060	50.00	0.00	0.00	\$665.00	6,500.00	\$175.50	\$840.50
103	0056194100	130.00	0.00	0.00	\$1,729.00	6,500.00	\$175.50	\$1,904.50
104	0056194110	0.00	130.00	0.00	\$1,383.20	6,500.00	\$175.50	\$779.35
105	0056194120	0.00	100.00	0.00	\$1,064.00	13,000.00	\$351.00	\$707.50
106	0056194130	0.00	100.00	0.00	\$1,064.00	13,000.00	\$351.00	\$1,415.00
107	0056194140	0.00	65.00	0.00	\$691.60	13,000.00	\$351.00	\$521.30
108	0056194150	0.00	100.00	0.00	\$1,064.00	6,500.00	\$175.50	\$1,239.50
109	0056194170	100.00	0.00	0.00	\$1,330.00	13,000.00	\$351.00	\$1,681.00
110	0056194180	50.00	0.00	0.00	\$665.00	6,500.00	\$175.50	\$840.50
111	0056195010	0.00	80.00	0.00	\$851.20	4,000.00	\$108.00	\$959.20
112	0056195100	0.00	130.00	0.00	\$1,383.20	6,500.00	\$175.50	\$1,558.70
113	0056195110	50.00	0.00	0.00	\$665.00	6,500.00	\$175.50	\$840.50
114	0056195120	50.00	0.00	0.00	\$665.00	6,500.00	\$175.50	\$840.50

MAP KEY	APN	FRONTAGE ZONE 1	FRONTAGE ZONE 2	FRONTAGE ZONE 3	FRONTAGE ASSESSMENT	LOT SIZE	LOT ASSESSMENT	TOTAL ASSESSMENT
115	0056195130	69.94	0.00	0.00	\$930.20	8,217.00	\$221.86	\$1,152.06
116	0056195140	80.06	0.00	0.00	\$1,064.80	11,038.00	\$298.03	\$1,362.83
117	0056195150	50.00	0.00	0.00	\$665.00	6,500.00	\$175.50	\$840.50
118	0056195160	180.00	0.00	0.00	\$2,394.00	6,500.00	\$175.50	\$2,569.50
119	0056195170	0.00	50.00	0.00	\$532.00	2,500.00	\$67.50	\$599.50
120	0056196010	130.00	0.00	0.00	\$1,729.00	13,000.00	\$351.00	\$2,080.00
121	0056196020	50.00	0.00	0.00	\$665.00	6,500.00	\$175.50	\$840.50
122	0056196030	50.00	0.00	0.00	\$665.00	6,500.00	\$175.50	\$840.50
123	0056196040	50.00	0.00	0.00	\$665.00	6,500.00	\$175.50	\$420.25
124	0056196050	50.00	0.00	0.00	\$665.00	6,500.00	\$175.50	\$840.50
125	0056196060	50.00	0.00	0.00	\$665.00	6,500.00	\$175.50	\$840.50
126	0056196070	0.00	130.00	0.00	\$1,383.20	6,500.00	\$175.50	\$1,558.70
127	0056196130	0.00	50.00	0.00	\$532.00	6,500.00	\$175.50	\$707.50
128	0056196140	0.00	28.00	0.00	\$297.92	3,640.00	\$98.28	\$396.20
129	0056196150	0.00	122.00	0.00	\$1,298.08	13,585.00	\$366.80	\$1,664.88
130	0056196160	0.00	65.00	0.00	\$691.60	2,275.00	\$61.42	\$753.02
131	0056223010	0.00	40.20	0.00	\$427.73	1,005.00	\$27.14	\$454.87
132	0056223020	0.00	25.00	0.00	\$266.00	3,250.00	\$87.75	\$353.75
133	0056223030	0.00	200.00	0.00	\$2,128.00	19,500.00	\$526.50	\$1,327.25
134	0056223040	0.00	150.00	0.00	\$1,596.00	19,500.00	\$526.50	\$2,122.50
135	0056223050	0.00	0.00	150.00	\$960.00	19,500.00	\$526.50	\$1,486.50
136	0056223060	0.00	0.00	50.00	\$320.00	6,500.00	\$175.50	\$495.50
137	0056223070	0.00	0.00	50.00	\$320.00	6,500.00	\$175.50	\$0.00
138	0056223080	0.00	0.00	50.00	\$320.00	6,500.00	\$175.50	\$495.50
139	0056223090	0.00	0.00	50.00	\$320.00	6,500.00	\$175.50	\$247.75
140	0056223100	0.00	130.00	0.00	\$1,383.20	6,500.00	\$175.50	\$779.35
141	0056223110	0.00	89.80	0.00	\$955.47	2,245.00	\$60.62	\$1,016.09
142	0056224010	0.00	0.00	130.00	\$832.00	13,000.00	\$351.00	\$1,183.00
143	0056224020	0.00	0.00	50.00	\$320.00	6,500.00	\$175.50	\$495.50
144	0056224030	0.00	0.00	50.00	\$320.00	6,500.00	\$175.50	\$247.75
145	0056224040	0.00	0.00	100.00	\$640.00	13,000.00	\$351.00	\$991.00
146	0056224050	0.00	130.00	0.00	\$1,383.20	13,000.00	\$351.00	\$1,734.20
147	0056224080	0.00	0.00	50.00	\$320.00	6,500.00	\$175.50	\$247.75
148	0056224150	0.00	130.00	0.00	\$1,383.20	12,632.00	\$341.06	\$1,724.26
149	0056225010	0.00	130.00	0.00	\$1,383.20	6,098.00	\$164.65	\$1,547.85
150	0056225210	0.00	130.00	0.00	\$1,383.20	13,000.00	\$351.00	\$1,734.20
151	0056226020	0.00	130.00	0.00	\$1,383.20	16,250.00	\$438.75	\$1,821.95
152	0056226100	0.00	0.00	131.50	\$841.60	17,104.00	\$461.81	\$1,303.41
153	0056261010	61.08	0.00	0.00	\$812.36	12,178.00	\$328.81	\$1,141.17

MAP KEY	APN	FRONTAGE ZONE 1	FRONTAGE ZONE 2	FRONTAGE ZONE 3	FRONTAGE ASSESSMENT	LOT SIZE	LOT ASSESSMENT	TOTAL ASSESSMENT
154	0056262010	6.14	0.00	0.00	\$81.66	1,225.00	\$33.08	\$114.74
155	0056262020	5.27	0.00	0.00	\$70.09	1,050.00	\$28.35	\$98.44
156	0056262030	6.21	0.00	0.00	\$82.59	1,239.00	\$33.45	\$116.04
157	0056262040	3.62	0.00	0.00	\$48.15	722.00	\$19.49	\$67.64
158	0056262050	4.23	0.00	0.00	\$56.26	844.00	\$22.79	\$79.05
159	0056263010	1.56	0.00	0.00	\$20.75	311.00	\$8.40	\$29.15
160	0056263020	1.64	0.00	0.00	\$21.81	326.00	\$8.80	\$30.61
161	0056263030	1.54	0.00	0.00	\$20.48	308.00	\$8.32	\$28.80
162	0056263040	1.76	0.00	0.00	\$23.41	350.00	\$9.45	\$32.86
163	0056263050	1.58	0.00	0.00	\$21.01	315.00	\$8.50	\$29.51
164	0056263060	1.46	0.00	0.00	\$19.42	291.00	\$7.86	\$27.28
165	0056263070	1.55	0.00	0.00	\$20.62	309.00	\$8.34	\$28.96
166	0056263080	2.41	0.00	0.00	\$32.05	481.00	\$12.99	\$45.04
167	0056263090	1.92	0.00	0.00	\$25.54	383.00	\$10.34	\$35.88
168	0056263100	1.78	0.00	0.00	\$23.67	355.00	\$9.58	\$33.25
169	0056263110	1.94	0.00	0.00	\$25.80	387.00	\$10.45	\$36.25
170	0056263120	1.97	0.00	0.00	\$26.20	393.00	\$10.61	\$36.81
171	0056264010	2.03	0.00	0.00	\$27.00	405.00	\$10.94	\$37.94
172	0056264020	1.81	0.00	0.00	\$24.07	360.00	\$9.72	\$33.79
173	0056264030	1.80	0.00	0.00	\$23.94	358.00	\$9.67	\$33.61
174	0056264040	1.80	0.00	0.00	\$23.94	358.00	\$9.67	\$33.61
175	0056264050	1.77	0.00	0.00	\$23.54	353.00	\$9.53	\$33.07
176	0056264060	2.04	0.00	0.00	\$27.13	354.00	\$9.56	\$36.69
177	0056264070	1.91	0.00	0.00	\$25.40	407.00	\$10.99	\$36.39
178	0056264080	1.47	0.00	0.00	\$19.55	380.00	\$10.26	\$29.81
179	0056264090	1.40	0.00	0.00	\$18.62	364.00	\$9.83	\$28.45
180	0056264100	1.44	0.00	0.00	\$19.15	373.00	\$10.07	\$29.22
181	0056264110	1.39	0.00	0.00	\$18.49	361.00	\$9.75	\$28.24
182	0056264120	1.45	0.00	0.00	\$19.28	376.00	\$10.15	\$29.43
								\$191,594.87

COEF .5 = Parking Lot
COEF 0 = Church/Nonprofit /
Residential

* 1=Commercial parcels
.5 = Parking lots

APPENDIX 3 – SAMPLE BASE SERVICES RESOLUTION

The following is a draft resolution which has not been adopted and is subject to further negotiation. This resolution is provided as a possible sample only.

RESOLUTION NO. _____

ADOPTED BY THE VALLEJO CITY COUNCIL

ON THE DATE OF _____

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. Revenue garnered from a Business Improvement District (BID) or other similar 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 should be established and agreed to at the inception of the financing of the District.
2. In the event of a significant downturn in Citywide revenues, the City Council may be forced to reduce base levels of municipal services Citywide unless a substitute source of Citywide revenues is available.

City of Vallejo Baseline Services FY 2013 – 2018

The purpose of renewing the Downtown Vallejo PBID is to continue financing needed additional services. A critical step in designing these additional services was 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 provided by the City.

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.

Maintenance Services

Activity	Level of Service	Comments
<i>Street Sweeping – Mechanical</i>	3/Week for streets 1/Week for parking lots	
<i>Landscaping (Maintaining shrubs and weeding)</i>	Quarterly	
<i>Landscaping - Planters</i>	2 times per year (plus trouble calls)	
<i>Tree-trimming</i>	Public hazards only (ongoing tree trimming a PBID function)	
<i>Graffiti Removal (Public facilities / street signs)</i>	As requested. Subject to overall City wide graffiti backlog	
<i>Trash Collecting</i>	None (Vallejo Garbage Service)	City to ensure next franchise agreement includes no fewer than two pick-ups per week of sidewalk public trash containers
<i>Fountain Maintenance</i>	As Needed	Consists of cyclical cleaning and repairs when found necessary
<i>Sidewalk Repair</i>	Per City standard	Repairs are made to defects of cracks that are 1/2” or wider and a rise of 3/4” or more
<i>Lawn Mowing (parcel on 200 block of GA Street adjacent to Vallejo Housing Authority)</i>	1/week	
<i>Christmas Decorations</i>	None (PBID function)	
<i>Illegal Dumping</i>	Specific hot spots only	Balance of area is covered, although it will be picked up by Vallejo Garbage
<i>Street lights (Cobra)</i>	Re-lamp as required	Goal is to respond within 10 business days
<i>Street lights (Acorn)</i>	None (PBID function)	

Police Services

Activity	Level of Service	Comments
<i>Police Patrol</i>	Response only	
<i>Cadet Patrol</i>	When available	

Central Core Restoration Corporation

301 Georgia Street, Suite #290 Vallejo, CA 94590

Signed Petition Support for PBID 2012-2017

<u>Owner</u>	<u>Support</u>	<u>Assessment</u>	<u>Percent</u>
James Barcewski	s	4,777.00	2.49 %
Thomas Bartee	s	840.50	0.44
Deborah Bonderow	s	840.50	0.44
Dennis Brinson	s	6,403.97	3.34
Arthur Durden	s	495.00	0.26
David & Kirsten Fischer	s	1,260.75	0.66
Amelito Gomez	s	1,152.06	0.60
Buck Kamphausen/Evergreen Cemetery	s	11,671.33	6.09
Sargent Johnson	s	1,139.25	0.59
Ahmad Kashani	s	1,533.10	0.80
Richard Lemki	s	1,904.50	0.99
Light Prop LLC	s	1,460.03	0.76
Ali Mahmoodi	s	1,904.50	0.99
Thomas McIlhattan	s	2,768.58	1.45
George Morris	s	840.50	0.44
Samoset Hall	s	840.50	0.44
San Pablo Lodge #43	s	1,904.50	0.99
Harry Stanley	s	1,016.09	0.53
John & Janet Sylvain	s	840.50	0.44
Richard Sylvain	s	840.50	0.44
Vallejo City	s	12,820.61	6.69

Redevelopment Agency	s	9,029.12	4.71
Vallejo City Parking Authority	s	9,554.59	4.99
Vallejo Main I & II Partnership	s	19,823.38	10.35
Daisy Villanueva	s	1,681.00	0.88
Lap Chi & Laura Wong	s	420.25	0.22
TOTAL		\$ 97,762.61	51.02 %

22 PROPERTY OWNERS PLUS CITY OF VALLEJO

PETITION TO THE CITY OF VALLEJO TO RENEW THE DOWNTOWN VALLEJO PROPERTY AND BUSINESS IMPROVEMENT DISTRICT

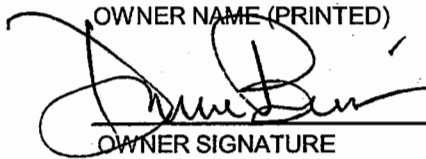
We petition you to initiate special assessment proceedings to renew a Property and Business Improvement District in accordance with the Property and Business Improvement District Law of 1994, Streets and Highways Code Section 36600 et seq., for the purpose of undertaking the management district plan as described in the attached summary of the Management District Plan attached hereto as Exhibit A.

Assessor Parcel Number(s)	Owner of Record	Site Address	Assessment
0056194100	DENNIS J BRINSON	445 GEORGIA	\$1,904.50
0055170290	DENNIS J BRINSON	401 MARIN	\$4,499.47
Total Assessment:			\$6,403.97
Total Percent:			3.34%

The undersigned is the landowner or the authorized representative of the landowner and is the person legally authorized and entitled to sign this petition.

DENNIS BRINSON
OWNER NAME (PRINTED)

CO-OWNER NAME (PRINTED)


OWNER SIGNATURE 10-8-12
DATE

CO-OWNER SIGNATURE DATE

Exhibit A
Management District Plan Summary

- Location:** The district includes approximately sixteen blocks of Downtown Vallejo's central core. The district is bound by Santa Clara Street on the west, Curtola Parkway and Pennsylvania Street on the south, Sonoma Boulevard and Sutter Street on the east, and Capitol Street and Kissel Alley on the north. The district has been divided into three benefit zones to ensure proportional provision of special benefit to assessed parcels.
- Services:** Enhanced security services including foot and bicycle patrols, promotions including website operation and signage improvements, beautification including holiday décor and streetscape enhancements, and advocacy to represent the interests of property owners.
- Budget:** The DVPBID annual budget for the initial year of its ten-year operation is anticipated to be \$191,594.85. The annual budget may be subject to an increase in assessment rates of no more than three percent (3%) per year.
- Cost:** The cost to the parcel owner is based on lot size, street frontage along the longest side of the parcel, and benefit zone. Parcels zoned for and occupied by parking lots shall be assessed 50% of the assessment rate for their respective zone. Parcels owned and occupied by religious institutions and residential parcels shall not be assessed. Assessment rates may be subject to an increase of no more than three percent (3%) per year.

Zone	Lot Rate (Per Parcel Square Foot)	Frontage Rate (Per linear front foot)
1	\$0.027	\$13.30
2	\$0.027	\$10.64
3	\$0.027	\$6.40

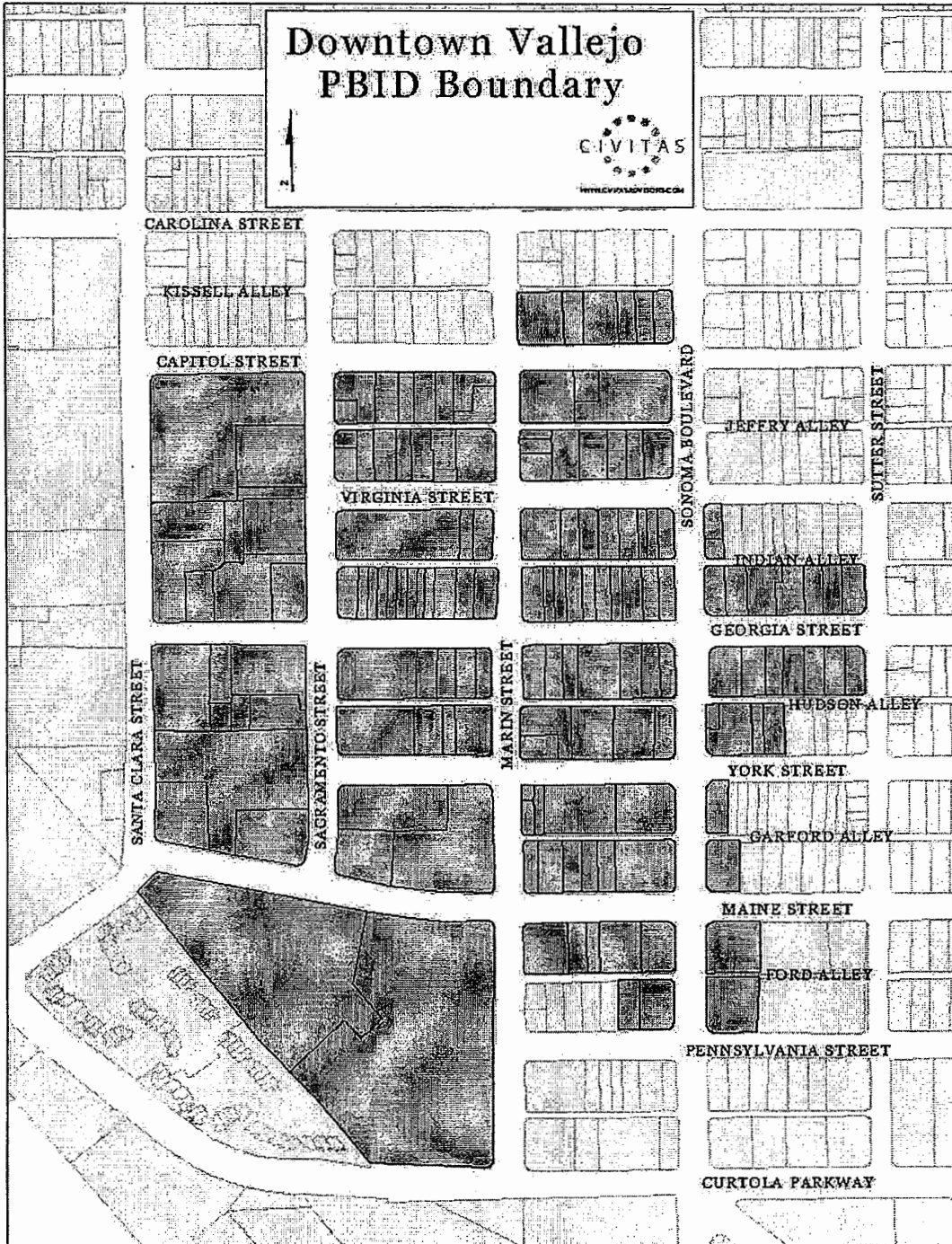
- Renewal:** DVPBID renewal requires submittal of petitions from property owners representing at least 50% of the total assessment. The "Right to Vote on Taxes Act" (also known as Proposition 218) requires a ballot vote in which more than 50% of the ballots received, weighted by assessment, be in support of the DVPBID.
- Duration:** The renewed DVPBID will have a ten-year life beginning January 1, 2013. After ten years, the petition process, ballot process, and City Council hearing process must be repeated for the DVPBID to again be reestablished.

A complete copy of the Management District Plan shall be furnished upon request. Requests for a complete copy of the Management District Plan should be made to:

Central Core Restoration Corporation
301 Georgia Street, Suite 290
Vallejo, CA 94950
(415)203-4024

Exhibit A
Management District Plan Summary

District Boundaries



PETITION TO THE CITY OF VALLEJO TO RENEW THE DOWNTOWN VALLEJO PROPERTY AND BUSINESS IMPROVEMENT DISTRICT

We petition you to initiate special assessment proceedings to renew a Property and Business Improvement District in accordance with the Property and Business Improvement District Law of 1994, Streets and Highways Code Section 36600 et seq., for the purpose of undertaking the management district plan as described in the attached summary of the Management District Plan attached hereto as Exhibit A.

Assessor Parcel Number(s)	Owner of Record	Site Address	Assessment
0056192150	JAMES D BARCEWSKI	310 YORK	\$1,415.00
0056192140	JAMES D BARCEWSKI	301 GEORGIA	\$3,362.00
Total Assessment:			\$4,777.00
Total Percent:			2.49%

The undersigned is the landowner or the authorized representative of the landowner and is the person legally authorized and entitled to sign this petition.

Jim Barcewski
OWNER NAME (PRINTED)

[Signature] 09-28-12
OWNER SIGNATURE DATE

[Signature] Hai Tin Zhuang
CO-OWNER NAME (PRINTED)

[Signature] 9/28/12
CO-OWNER SIGNATURE DATE

Exhibit A
Management District Plan Summary

- Location:** The district includes approximately sixteen blocks of Downtown Vallejo's central core. The district is bound by Santa Clara Street on the west, Curtola Parkway and Pennsylvania Street on the south, Sonoma Boulevard and Sutter Street on the east, and Capitol Street and Kissel Alley on the north. The district has been divided into three benefit zones to ensure proportional provision of special benefit to assessed parcels.
- Services:** Enhanced security services including foot and bicycle patrols, promotions including website operation and signage improvements, beautification including holiday décor and streetscape enhancements, and advocacy to represent the interests of property owners.
- Budget:** The DVPBID annual budget for the initial year of its ten-year operation is anticipated to be \$191,594.85. The annual budget may be subject to an increase in assessment rates of no more than three percent (3%) per year.
- Cost:** The cost to the parcel owner is based on lot size, street frontage along the longest side of the parcel, and benefit zone. Parcels zoned for and occupied by parking lots shall be assessed 50% of the assessment rate for their respective zone. Parcels owned and occupied by religious institutions and residential parcels shall not be assessed. Assessment rates may be subject to an increase of no more than three percent (3%) per year.

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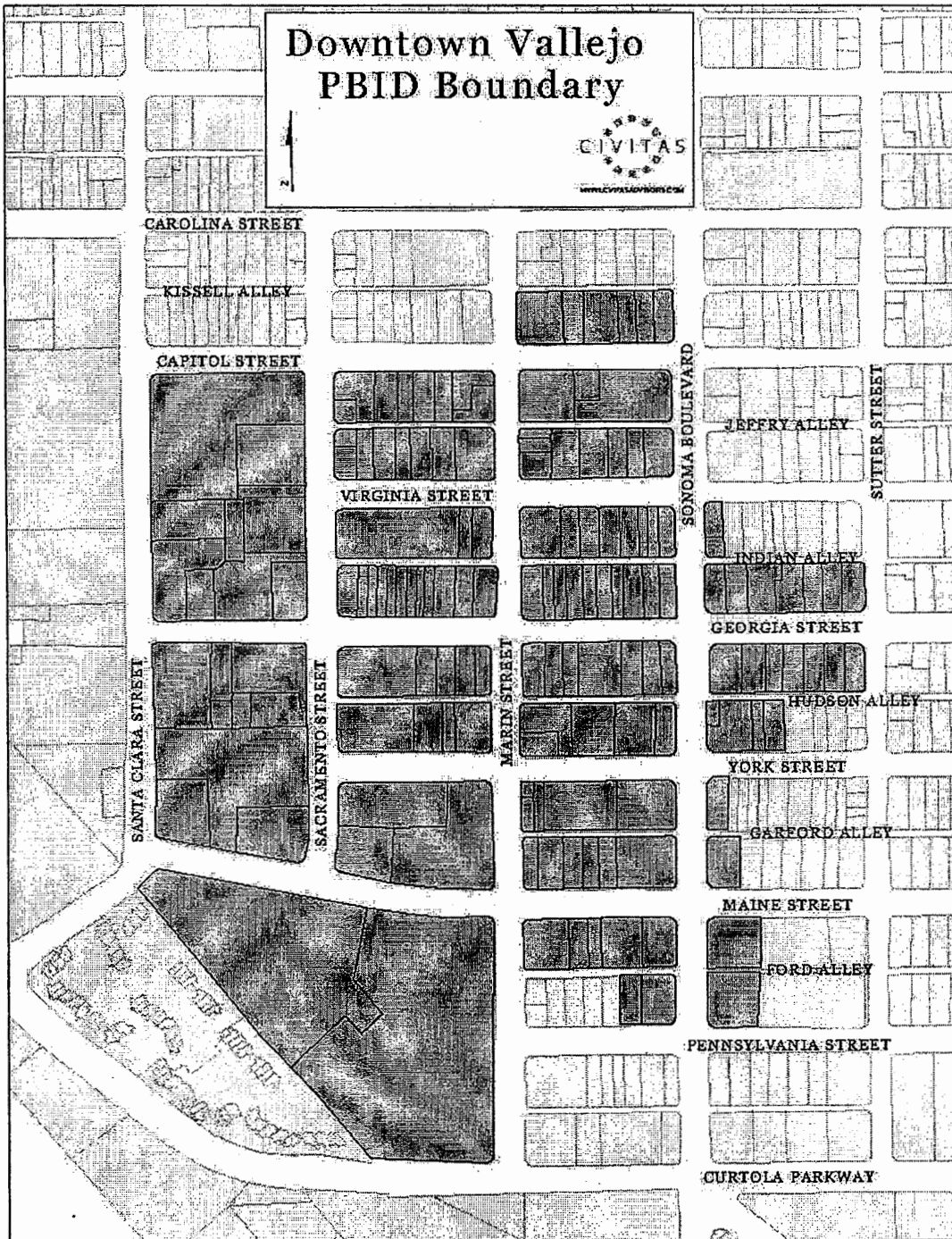
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Assessor Parcel Number(s)	Owner of Record	Site Address	Assessment
0056194180	THOMAS W BARTEE	437 GEORGIA	\$840.50
		Total Assessment:	\$840.50
		Total Percent:	0.44%

The undersigned is the landowner or the authorized representative of the landowner and is the person legally authorized and entitled to sign this petition.

Thomas W. BarTEE
OWNER NAME (PRINTED)

CO-OWNER NAME (PRINTED)

[Signature] 5/11/12
OWNER SIGNATURE DATE

CO-OWNER SIGNATURE DATE

PETITION TO THE CITY OF VALLEJO TO RENEW THE DOWNTOWN VALLEJO PROPERTY AND BUSINESS IMPROVEMENT DISTRICT

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Assessor Parcel Number(s)	Owner of Record	Site Address	Assessment
0056196020	DEBRA BONDÉROW	515 GEORGIA	\$840.50
		Total Assessment:	\$840.50
		Total Percent:	0.44%

The undersigned is the landowner or the authorized representative of the landowner and is the person legally authorized and entitled to sign this petition.

Deborah
BONDÉROW
 OWNER NAME (PRINTED)

Deborah Bondérow
 CO-OWNER NAME (PRINTED)

Deborah Bondérow 5/15/12
 OWNER SIGNATURE DATE

 CO-OWNER SIGNATURE DATE

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TO RENEW THE DOWNTOWN VALLEJO PROPERTY AND BUSINESS
IMPROVEMENT DISTRICT**

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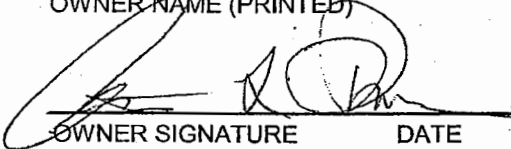
Assessor Parcel Number(s)	Owner of Record	Site Address	Assessment
0056223060	ARTHUR L DURDEN	326 MAINE	\$495.50
		Total Assessment:	\$495.50
		Total Percent:	0.26%

The undersigned is the landowner or the authorized representative of the landowner and is the person legally authorized and entitled to sign this petition.

Arthur L Durden

OWNER NAME (PRINTED)

CO-OWNER NAME (PRINTED)



OWNER SIGNATURE DATE

CO-OWNER SIGNATURE DATE

**PETITION TO THE CITY OF VALLEJO
TO RENEW THE DOWNTOWN VALLEJO PROPERTY AND BUSINESS
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Assessor Parcel Number(s)	Owner of Record	Site Address	Assessment
0056191210	DAVID R & KIRSTEN FISCHER	308 GEORGIA	\$420.25
0056193150	DAVID R & KIRSTEN FISCHER	412 GEORGIA	\$420.25
0056191200	DAVID RANDALL FISCHER	312 GEORGIA	\$420.25
		Total Assessment:	\$1,260.75
		Total Percent:	0.66%

The undersigned is the landowner or the authorized representative of the landowner and is the person legally authorized and entitled to sign this petition.

DAVID R. FISCHER
OWNER NAME (PRINTED)

KIRSTEN FISCHER
CO-OWNER NAME (PRINTED)

David R. Fischer 4-3-12
OWNER SIGNATURE DATE

Kirsten Fischer 4-3-12
CO-OWNER SIGNATURE DATE

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TO RENEW THE DOWNTOWN VALLEJO PROPERTY AND BUSINESS
IMPROVEMENT DISTRICT**

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Assessor Parcel Number(s)	Owner of Record	Site Address	Assessment
0056195130	AMELITO GOMEZ	524 GEORGIA	\$1,152.06
		Total Assessment:	\$1,152.06
		Total Percent:	0.60%

The undersigned is the landowner or the authorized representative of the landowner and is the person legally authorized and entitled to sign this petition.

Amelito Gomez
OWNER NAME (PRINTED)

Robert Litwin
CO-OWNER NAME (PRINTED)

[Signature]
OWNER SIGNATURE

7/3/12
DATE

ROBERT LITWIN
CO-OWNER SIGNATURE

7/3/12
DATE

PETITION TO THE CITY OF VALLEJO TO RENEW THE DOWNTOWN VALLEJO PROPERTY AND BUSINESS IMPROVEMENT DISTRICT

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Assessor Parcel Number(s)	Owner of Record	Site Address	Assessment
0056193090	EVERGREEN CEMETERY ASSOCIATION	438 GEORGIA	\$827.87
0056224010	BUCK KAMPHUSEN	340 MARIN	\$1,183.00
0056164070	EVERGREEN CEMETERY ASSOCIATION	420 VIRGINIA	\$1,260.75
0056193100	EVERGREEN CEMETERY ASSOCIATION	436 GEORGIA	\$840.50
0056223080	EVERGREEN CEMETERY ASSOC	314 MAINE	\$495.50
0056223070	EVERGREEN CEMETERY ASSOC	320 MAINE	\$0.00
0056223090	BUCK KAMPHAUSEN		\$247.75
0056163130	BUCK KAMPHAUSEN		\$176.88
0056193110	EVERGREEN CEMETERY ASSOCIATION	428 GEORGIA	\$420.25
0056163180	BUCK KAMPHAUSEN	512 CAPITOL	\$910.98
0056163120	BUCK KAMPHAUSEN	524 CAPITOL	\$1,415.00
0056224040	BUCK KAMPHAUSEN	327 MAINE	\$991.00
0056223040	BUCK KAMPHAUSEN	1521 SONOMA	\$2,122.50
0056223100	BUCK KAMPHAUSEN	400 MARIN	\$779.35
Total Assessment:			\$11,671.33
Total Percent:			6.09%

The undersigned is the landowner or the authorized representative of the landowner and is the person legally authorized and entitled to sign this petition.

BUCK KAMPHAUSEN
OWNER NAME (PRINTED)

Buck Kamphausen
OWNER SIGNATURE
DATE 4/9/2012

EVERGREEN CEMETERY ASSOCIATION
BUCK KAMPHAUSEN, PRESIDENT
CO-OWNER NAME (PRINTED)

Buck Kamphausen
CO-OWNER SIGNATURE
DATE 4/9/2012

**PETITION TO THE CITY OF VALLEJO
TO RENEW THE DOWNTOWN VALLEJO PROPERTY AND BUSINESS
IMPROVEMENT DISTRICT**

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Assessor Parcel Number(s)	Owner of Record	Site Address	Assessment
0056164090	SARGENT B & C JOHNSON	700 MARIN	\$1,139.25
		Total Assessment:	\$1,139.25
		Total Percent:	0.59%

The undersigned is the landowner or the authorized representative of the landowner and is the person legally authorized and entitled to sign this petition.

SARGENT JOHNSON, JR.

OWNER NAME (PRINTED)

CO-OWNER NAME (PRINTED)

Sargent Johnson Jr.

OWNER SIGNATURE

DATE

7/12/12

CO-OWNER SIGNATURE

DATE

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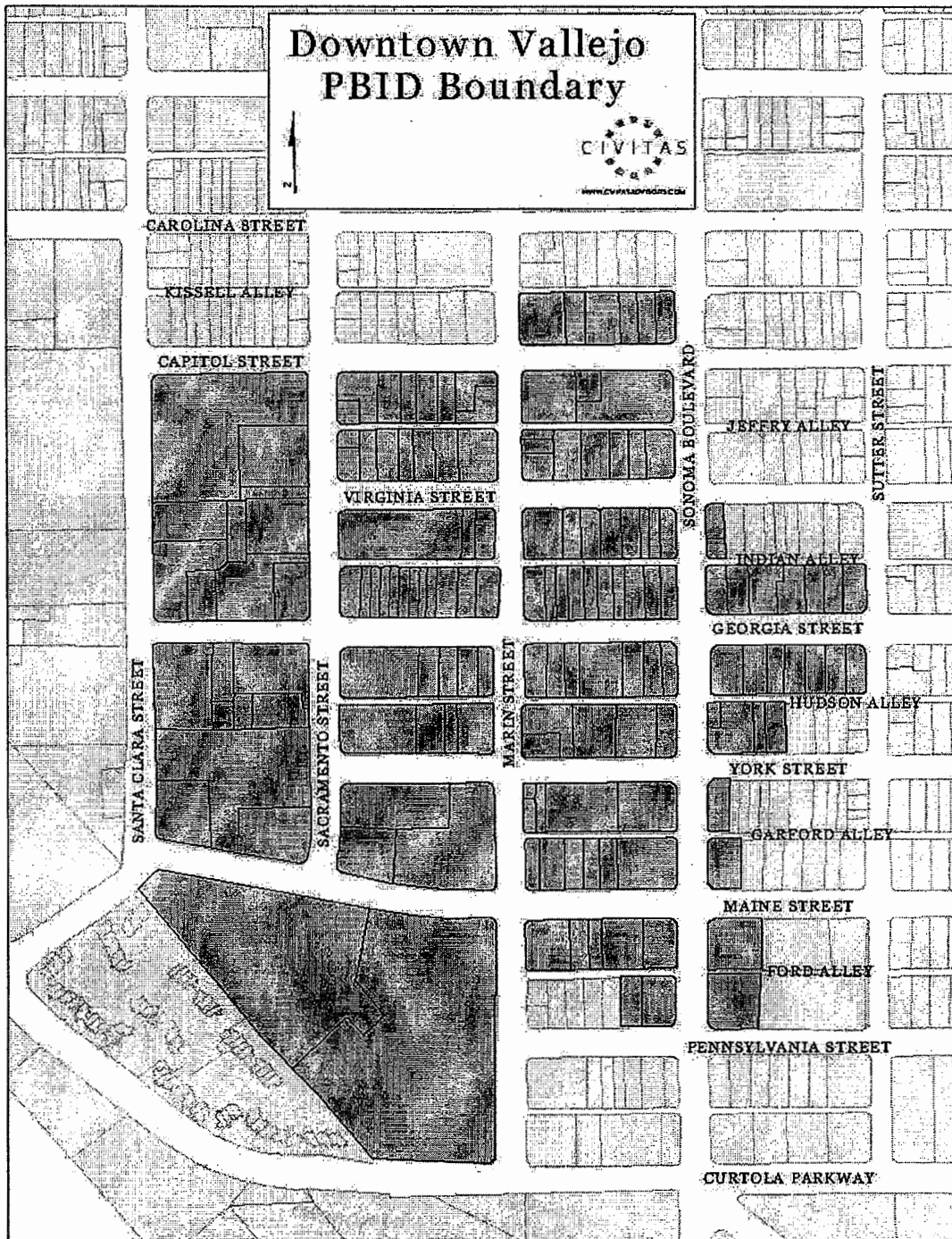
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Management District Plan Summary

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Assessor Parcel Number(s)	Owner of Record	Site Address	Assessment
0055170300	AHMAD A KASHANI	200 MAINE	\$1,533.10
		Total Assessment:	\$1,533.10
		Total Percent:	0.80%

The undersigned is the landowner or the authorized representative of the landowner and is the person legally authorized and entitled to sign this petition.

 7/6/12

 OWNER NAME (PRINTED)

 CO-OWNER NAME (PRINTED)

 7/6/12

 OWNER SIGNATURE DATE

 CO-OWNER SIGNATURE DATE

PETITION TO THE CITY OF VALLEJO TO RENEW THE DOWNTOWN VALLEJO PROPERTY AND BUSINESS IMPROVEMENT DISTRICT

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Assessor Parcel Number(s)	Owner of Record	Site Address	Assessment
0056191110	RICHARD H & C C LEMKE	625 MARIN	\$1,904.50
		Total Assessment:	\$1,904.50
		Total Percent:	0.99%

The undersigned is the landowner or the authorized representative of the landowner and is the person legally authorized and entitled to sign this petition.

RICHARD H LEMKE
OWNER NAME (PRINTED)

Christina Lemke
CO-OWNER NAME (PRINTED)

[Signature] 5/8/12
OWNER SIGNATURE DATE

[Signature] 5/3/12
CO-OWNER SIGNATURE DATE

**PETITION TO THE CITY OF VALLEJO
TO RENEW THE DOWNTOWN VALLEJO PROPERTY AND BUSINESS
IMPROVEMENT DISTRICT**

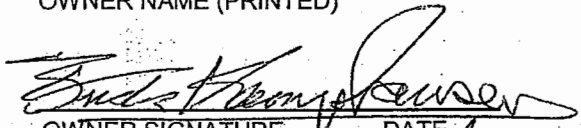
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Assessor Parcel Number(s)	Owner of Record	Site Address	Assessment
0056164080	LIGHTPROP LLC	410 VIRGINIA	\$630.38
0056193020	LIGHTPROP LLC	415 VIRGINIA	\$829.65
		Total Assessment:	\$1,460.03
		Total Percent:	0.76%

The undersigned is the landowner or the authorized representative of the landowner and is the person legally authorized and entitled to sign this petition.

LIGHTPROP LLC
BURK KAMPHANSEN REPRESENTATIVE

 OWNER NAME (PRINTED) CO-OWNER NAME (PRINTED)

 _____
 OWNER SIGNATURE DATE CO-OWNER SIGNATURE DATE
 4/9/2012

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TO RENEW THE DOWNTOWN VALLEJO PROPERTY AND BUSINESS
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Assessor Parcel Number(s)	Owner of Record	Site Address	Assessment
0056193070	XXXXXXXXXXXXXXXXXXXX Ali M. Mahmoodi	1717 SONOMA	\$1,904.50
		Total Assessment:	\$1,904.50
		Total Percent:	0.99%

The undersigned is the landowner or the authorized representative of the landowner and is the person legally authorized and entitled to sign this petition.

Ali M. Mahmoodi

N.A.

OWNER NAME (PRINTED)

CO-OWNER NAME (PRINTED)


OWNER SIGNATURE

5/3/12
DATE

CO-OWNER SIGNATURE

DATE

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TO RENEW THE DOWNTOWN VALLEJO PROPERTY AND BUSINESS
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Assessor Parcel Number(s)	Owner of Record	Site Address	Assessment
0056196140	THOMAS J & H H MCILHATTAN		\$396.20
0056196150	THOMAS J & H H MCILHATTAN	1600 SONOMA	\$1,664.88
0056196130	THOMAS J & H H MCILHATTAN	520 YORK	\$707.50
Total Assessment:			\$2,768.58
Total Percent:			1.45%

The undersigned is the landowner or the authorized representative of the landowner and is the person legally authorized and entitled to sign this petition.

Thomas J. McIlhattan
OWNER NAME (PRINTED)

OWNER NAME (PRINTED)

OWNER SIGNATURE

4/3/2012
DATE

DATE

HONORE H. MCILHATTAN
CO-OWNER NAME (PRINTED)

CO-OWNER NAME (PRINTED)

CO-OWNER SIGNATURE

DATE

Honore H. McIlhattan
CO-OWNER SIGNATURE

4/3/2012
DATE

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SESSLER REAL ESTATE
CCRC

PAGE 01/01
PAGE 01/01

PETITION TO THE CITY OF VALLEJO TO RENEW THE DOWNTOWN VALLEJO PROPERTY AND BUSINESS IMPROVEMENT DISTRICT

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0056191170	GEORGE JOEL MORRIS	320 GEORGIA	\$420.25
0056191180	GEORGE JOEL MORRIS	318 GEORGIA	\$420.25
Total Assessment:			\$840.50
Total Percent:			0.44%

The undersigned is the landowner or the authorized representative of the landowner and is the person legally authorized and entitled to sign this petition

George Joel Morris
OWNER NAME (PRINTED)

Helen J. Morris
CO-OWNER NAME (PRINTED)

George Joel Morris
OWNER SIGNATURE DATE

Helen J. Morris 5/18/12
CO-OWNER SIGNATURE DATE

PETITION TO THE CITY OF VALLEJO TO RENEW THE DOWNTOWN VALLEJO PROPERTY AND BUSINESS IMPROVEMENT DISTRICT

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Assessor Parcel Number(s)	Owner of Record	Site Address	Assessment
0056194060	SAMOSET HALL ASSOC	431 GEORGIA	\$840.50
		Total Assessment:	\$840.50
		Total Percent:	0.44%

The undersigned is the landowner or the authorized representative of the landowner and is the person legally authorized and entitled to sign this petition.

THOMAS MORGA
OWNER NAME (PRINTED)

CO-OWNER NAME (PRINTED)

Th MORG 5/15/12
OWNER SIGNATURE DATE

CO-OWNER SIGNATURE DATE

PETITION TO THE CITY OF VALLEJO TO RENEW THE DOWNTOWN VALLEJO PROPERTY AND BUSINESS IMPROVEMENT DISTRICT

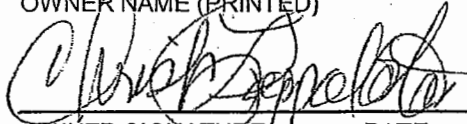
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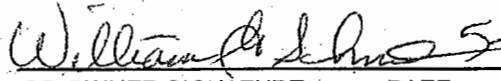
Assessor Parcel Number(s)	Owner of Record	Site Address	Assessment
0056191120	SAN PABLO LODGE 43	342 GEORGIA	\$1,904.50
		Total Assessment:	\$1,904.50
		Total Percent:	0.99%

The undersigned is the landowner or the authorized representative of the landowner and is the person legally authorized and entitled to sign this petition.

CHRIST L. PAPPAKOSTAS
OWNER NAME (PRINTED)

William G. Schneider
CO-OWNER NAME (PRINTED)


OWNER SIGNATURE DATE
5-14-12

 5-14-12
CO-OWNER SIGNATURE DATE

**PETITION TO THE CITY OF VALLEJO
TO RENEW THE DOWNTOWN VALLEJO PROPERTY AND BUSINESS
IMPROVEMENT DISTRICT**

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0056223110	HARRY J & K S STANLEY	420 MARIN	\$1,016.09
		Total Assessment:	\$1,016.09
		Total Percent:	0.53%

The undersigned is the landowner or the authorized representative of the landowner and is the person legally authorized and entitled to sign this petition.

Harry J Stanley
OWNER NAME (PRINTED)

Karen Stanley
CO-OWNER NAME (PRINTED)

Harry J Stanley 5-15-12
OWNER SIGNATURE DATE

Karen Stanley 5-15-12
CO-OWNER SIGNATURE DATE

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TO RENEW THE DOWNTOWN VALLEJO PROPERTY AND BUSINESS
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Assessor Parcel Number(s)	Owner of Record	Site Address	Assessment
0056191130	JOHN & JANET SYLVAIN	336 GEORGIA	\$840.50
		Total Assessment:	\$840.50
		Total Percent:	0.44%

The undersigned is the landowner or the authorized representative of the landowner and is the person legally authorized and entitled to sign this petition.

JOHN E SYLVAIN
OWNER NAME (PRINTED)

[Signature] 4-3-12
OWNER SIGNATURE DATE

JANET P SYLVAIN
CO-OWNER NAME (PRINTED)

[Signature] 4/3/12
CO-OWNER SIGNATURE DATE

PETITION TO THE CITY OF VALLEJO TO RENEW THE DOWNTOWN VALLEJO PROPERTY AND BUSINESS IMPROVEMENT DISTRICT

We petition you to initiate special assessment proceedings to renew a Property and Business Improvement District in accordance with the Property and Business Improvement District Law of 1994, Streets and Highways Code Section 36600 et seq., for the purpose of undertaking the management district plan as described in the attached summary of the Management District Plan attached hereto as Exhibit A.

Assessor Parcel Number(s)	Owner of Record	Site Address	Assessment
0056192050	RICHARD SYLVAIN	337 GEORGIA	\$840.50
		Total Assessment:	\$840.50
		Total Percent:	0.44%

The undersigned is the landowner or the authorized representative of the landowner and is the person legally authorized and entitled to sign this petition.

Richard Sylvain
OWNER NAME (PRINTED)

CO-OWNER NAME (PRINTED)

[Signature] 5/2/12
OWNER SIGNATURE DATE

CO-OWNER SIGNATURE DATE

PETITION TO THE CITY OF VALLEJO TO RENEW THE DOWNTOWN VALLEJO PROPERTY AND BUSINESS IMPROVEMENT DISTRICT

We petition you to initiate special assessment proceedings to renew a Property and Business Improvement District in accordance with the Property and Business Improvement District Law of 1994, Streets and Highways Code Section 36600 et seq., for the purpose of undertaking the management district plan as described in the attached summary of the Management District Plan attached hereto as Exhibit A.

Assessor Parcel Number(s)	Owner of Record	Site Address	Assessment
0056192090	VALLEJO CITY	326 YORK	\$495.25
0056164010	VALLEJO CITY	728 MARIN	\$2,122.50
0056194140	VALLEJO CITY	508 MARIN	\$521.30
0055170540	VALLEJO CITY OF	311 SACRAMENTO	\$2,468.69
0056192080	VALLEJO CITY	332 YORK	\$212.25
0056191260	VALLEJO CITY	301 VIRGINIA	\$5,463.25
0056191100	VALLEJO CITY		\$210.12
0056223030	VALLEJO CITY	435 YORK	\$1,327.25
Total Assessment:			\$12,820.61
Total Percent:			6.69%

The undersigned is the landowner or the authorized representative of the landowner and is the person legally authorized and entitled to sign this petition.

Daniel E. Keen
OWNER NAME (PRINTED)

Quil E. Keen 4/24/12
OWNER SIGNATURE DATE

CO-OWNER NAME (PRINTED)

CO-OWNER SIGNATURE DATE

PETITION TO THE CITY OF VALLEJO TO RENEW THE DOWNTOWN VALLEJO PROPERTY AND BUSINESS IMPROVEMENT DISTRICT

We petition you to initiate special assessment proceedings to renew a Property and Business Improvement District in accordance with the Property and Business Improvement District Law of 1994, Streets and Highways Code Section 36600 et seq., for the purpose of undertaking the management district plan as described in the attached summary of the Management District Plan attached hereto as Exhibit A.

Assessor Parcel Number(s)	Owner of Record	Site Address	Assessment
0055160310	REDEVELOPMENT AGENCY OF VJO		\$89.34
0055170170	REDEVELOPMENT AGENCY OF VJO		\$1,049.10
0055160190	REDEVELOPMENT AGENCY OF VJO		\$233.85
0055170280	REDEVELOPMENT AGENCY OF VJO		\$1,901.08
0055160170	REDEVELOPMENT AGENCY OF VJO		\$4,020.68
0055170530	REDEVELOPMENT AGENCY OF VJO		\$320.34
0055170220	REDEVELOPMENT AGENCY OF VJO		\$140.40
0055160240	REDEVELOPMENT AGENCY OF VJO	212 GEORGIA	\$1,274.33
Total Assessment:			\$9,029.12
Total Percent:			4.71%

The undersigned is the landowner or the authorized representative of the landowner and is the person legally authorized and entitled to sign this petition.

Danielle Keen
OWNER NAME (PRINTED)

CO-OWNER NAME (PRINTED)

Danielle Keen 4/24/12
OWNER SIGNATURE DATE

CO-OWNER SIGNATURE DATE

PETITION TO THE CITY OF VALLEJO TO RENEW THE DOWNTOWN VALLEJO PROPERTY AND BUSINESS IMPROVEMENT DISTRICT

We petition you to initiate special assessment proceedings to renew a Property and Business Improvement District in accordance with the Property and Business Improvement District Law of 1994, Streets and Highways Code Section 36600 et seq., for the purpose of undertaking the management district plan as described in the attached summary of the Management District Plan attached hereto as Exhibit A.

Assessor Parcel Number(s)	Owner of Record	Site Address	Assessment
0056194150	VALLEJO CITY PARKING AUTHORITY	500 MARIN	\$1,239.50
0056194130	VALLEJO CITY PARKING AUTHORITY	426 YORK	\$1,415.00
0056194120	VALLEJO CITY PARKING AUTHORITY	432 YORK	\$707.50
0056194110	VALLEJO CITY PARKING AUTHORITY	1601 SONOMA	\$779.35
0055160380	VALLEJO CITY HOUSING AUTHORITY	200 GEORGIA	\$3,679.04
0056192070	VALLEJO CITY PARKING AUTHORITY	340 YORK	\$1,734.20
Total Assessment:			\$9,554.59
Total Percent:			4.99%

The undersigned is the landowner or the authorized representative of the landowner and is the person legally authorized and entitled to sign this petition.

Daniel E. Koen
OWNER NAME (PRINTED)

CO-OWNER NAME (PRINTED)

[Signature] 4/24/12
OWNER SIGNATURE DATE

CO-OWNER SIGNATURE DATE

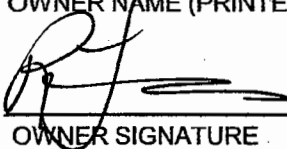
**PETITION TO THE CITY OF VALLEJO
TO RENEW THE DOWNTOWN VALLEJO PROPERTY AND BUSINESS
IMPROVEMENT DISTRICT**

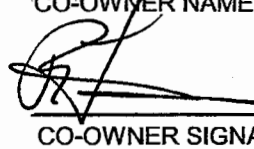
OCT 09 2012

We petition you to initiate special assessment proceedings to renew a Property and Business Improvement District in accordance with the Property and Business Improvement District Law of 1994, Streets and Highways Code Section 36600 et seq., for the purpose of undertaking the management district plan as described in the attached summary of the Management District Plan attached hereto as Exhibit A.

Assessor Parcel Number(s)	Owner of Record	Site Address	Assessment
0055170350	VALLEJO MAINE II PARTNERS	201 MAINE	\$11,063.23
0055170310	VALLEJO MAINE I PARTNERS	201 MAINE	\$8,760.15
			Total Assessment: \$19,823.38
			Total Percent: 10.35%

The undersigned is the landowner or the authorized representative of the landowner and is the person legally authorized and entitled to sign this petition.

Robert E. Lando
for Vallejo Maine II Partners
 OWNER NAME (PRINTED)

 OWNER SIGNATURE 9-30-12
 DATE

Robert E. Lando
for Vallejo Maine I Partners
 CO-OWNER NAME (PRINTED)

 CO-OWNER SIGNATURE 9-30-12
 DATE

PETITION TO THE CITY OF VALLEJO TO RENEW THE DOWNTOWN VALLEJO PROPERTY AND BUSINESS IMPROVEMENT DISTRICT

We petition you to initiate special assessment proceedings to renew a Property and Business Improvement District in accordance with the Property and Business Improvement District Law of 1994, Streets and Highways Code Section 36600 et seq., for the purpose of undertaking the management district plan as described in the attached summary of the Management District Plan attached hereto as Exhibit A.

Assessor Parcel Number(s)	Owner of Record	Site Address	Assessment
0056194170	DAISY VILLANUEVA	419 GEORGIA	\$1,681.00
		Total Assessment:	\$1,681.00
		Total Percent:	0.88%

The undersigned is the landowner or the authorized representative of the landowner and is the person legally authorized and entitled to sign this petition.

DAISY VILLANUEVA _____
 OWNER NAME (PRINTED) CO-OWNER NAME (PRINTED)

Daisy Villanueva 5-2-10 _____
 OWNER SIGNATURE DATE CO-OWNER SIGNATURE DATE

**PETITION TO THE CITY OF VALLEJO
TO RENEW THE DOWNTOWN VALLEJO PROPERTY AND BUSINESS
IMPROVEMENT DISTRICT**

We petition you to initiate special assessment proceedings to renew a Property and Business Improvement District in accordance with the Property and Business Improvement District Law of 1994, Streets and Highways Code Section 36600 et seq., for the purpose of undertaking the management district plan as described in the attached summary of the Management District Plan attached hereto as Exhibit A.

Assessor Parcel Number(s)	Owner of Record	Site Address	Assessment
0056193140	LAP CHI & LAURA WONG	414 GEORGIA	\$420.25
		Total Assessment:	\$420.25
		Total Percent:	0.22%

The undersigned is the landowner or the authorized representative of the landowner and is the person legally authorized and entitled to sign this petition.

Lap chi wong
OWNER NAME (PRINTED)

Laura Wong
CO-OWNER NAME (PRINTED)

[Signature] 5/3/12
OWNER SIGNATURE DATE

[Signature] 5/3/12
CO-OWNER SIGNATURE DATE

VALLEJO CITY COUNCIL
SPECIAL MEETING MINUTES
COUNCIL CHAMBERS
JANUARY 22, 2013

1. **CALL TO ORDER**

The meeting was called to order by Mayor Davis at 5:33 p.m.

2. **ROLL CALL**

Present: Mayor Davis, Vice Mayor Gomes, Councilmembers Brown, Malgapo, McConnell, Sampayan, and Sunga

Absent: None

Staff present: City Manager Keen, City Attorney Quintana, City Clerk Abrahamson, Assistant City Manager Whittom and Finance Director Lauchner

Councilmember Sampayan reported that under Government Code Section 1090 he has a conflict with respect to VPOA and will be recusing himself from participating in Closed Session Item B as noted below.

The Council convened into Closed Session in the Council Chambers Conference Room at 5:34 p.m.

3. **CLOSED SESSION**

A. Conference with Legal Counsel – Pending Litigation– Initiation of litigation pursuant to subdivision (c) of Government Code Section 54956.9; No. of potential cases: 1

Councilmember Sampayan left the Council Conference Room and returned to the Council Chambers at 5:53 p.m.

B. Conference with Labor Negotiators: pursuant to Government Code Section 54957.6. Negotiators: Daniel E. Keen, City Manager; Craig Whittom, Assistant City Manager; Deborah Lauchner, Finance Director; Claudia Quintana, City Attorney; and Austris Rungis, IEDA. Employee Organizations: Vallejo Police Officers Association (VPOA)

4. **ADJOURNMENT**

The meeting adjourned at 6:30 p.m.

OSBY DAVIS, MAYOR

ATTEST:

DAWN G. ABRAHAMSON
CITY CLERK

VALLEJO CITY COUNCIL
REGULAR MEETING MINUTES
COUNCIL CHAMBERS
JANUARY 22, 2013

1. **CALL TO ORDER**
The meeting was called to order by Mayor Davis at 7:00 p.m.
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
Present: Mayor Davis, Vice Mayor Gomes, Councilmembers Brown, Malgapo, McConnell, Sampayan, and Sunga
Absent: None
Staff present: City Manager Keen, City Attorney Quintana and City Clerk Abrahamson
4. **PRESENTATIONS AND COMMENDATIONS – None.**
5. **FIRST COMMUNITY FORUM**
Speakers: Sam Kurshan, Jeannie Kees, Cameron Shearer, Marie Lucas, and Liat Meitzenheimer.
6. **PUBLIC COMMENT REGARDING CONSENT CALENDAR ITEMS**
Speakers: None.
7. **CONSENT CALENDAR AND APPROVAL OF AGENDA**
Action: Moved by Vice Mayor Gomes and adopted by unanimous vote of the Council, unless otherwise noted, approval of the Agenda and the Consent Calendar.
 - A. **Approval of Minutes**
Recommendation: By motion, approve City Council Minutes for the meetings of 1) January 7, 2013 (special), 2) January 7, 2012 (joint special Council and Planning Commission) and 3) January 8, 2013 (regular)
Contact: Dawn G. Abrahamson, City Clerk, 648-4527
Action: Approved minutes.
 - B. **Claims**
Recommendation: By motion, ratify the payment of claims totaling \$5,317,209.27 for the period December 1 through December 31, 2012
Contact: Deborah Lauchner, Finance Director, 648-4592
Action: Ratified payment of claims.
 - C. **Mutual Aid Agreement with Vallejo Sanitation & Flood Control District**
Recommendation: By motion, authorize the City Manager to execute a Mutual Aid Agreement with Vallejo Sanitation & Flood Control District
Contact: Joanna Altman, Administrative Analyst II, 648-4362
Action: Authorized City Manager to execute Mutual Aid Agreement with VSFCD.

- D. **Transfer of 105 Los Gatos Avenue, Vallejo, to Community Housing Development Corporation (CHDC) for Rehabilitation and Resale**
Recommendation: Adopt a Resolution authorizing the City Manager to execute a grant deed to Community Housing Development Corporation (CHDC) for 105 Los Gatos Avenue for rehabilitation and resale
 Contact: Melinda Nestlerode, Housing and Community Development Manager, 648-4408
Action: Adopted Resolution No. 13-008 N.C.
- E. **Resolution Amending Salary Schedule for Unrepresented Employees to Include Salary of Mayor and Councilmembers**
Recommendation: Adopt a Resolution amending the Salary Schedule for Unrepresented Employees to include salaries for the elected Mayor and Councilmembers
 Contact: Daniel E. Keen, City Manager, 648-4576
Action: Adopted Resolution No. 13-009 N.C.
- F. **Approval of Expenditures for Council Conferences and Related Travel Expenses**
Recommendation: By motion: (1) authorize the expenditure for Mayor Davis to attend the 81st Annual US Conference of Mayors in Washington D.C., January 2013; (2) authorize the expenditure for Councilmember Malgapo to attend the League of California Cities' Annual Conference for New Mayors and Councilmembers Academy in Sacramento, January 2013; (3) authorize the expenditure for Councilmember Brown to attend the Local Government Commission's Building Livable Communities – New Strategies for a New Age, 22nd Annual Conference for Local Elected Officials in Yosemite National Park, March 2013; and (4) authorize the expenditure for Councilmember Brown to attend the American Planning Association 2013 National Planning Conference in Chicago, April 2013
 Contact: Daniel E. Keen, City Manager, 648-4576
Action: Approved travel expenditures for Mayor Davis, Councilmember Malgapo and Councilmember Brown.

8. ACTION CALENDAR

NOTICE: Members of the public wishing to address the Council on Action Calendar Items are requested to submit a completed speaker card to the City Clerk. Each speaker is limited to five minutes pursuant to Vallejo Municipal Code Section 2.02.420.

- A. **Public Hearing – Sonoma Boulevard Corridor Design Plan**
Recommendation: Conduct a public hearing and upon conclusion, adopt a Resolution adopting the Negative Declaration and adopting the Sonoma Boulevard Corridor Design Plan
 Contact: Ursula Luna Reynosa, Economic Development Director, 648-4382
 Andrea Ouse, Planning Manager, 648-4163

Public Testimony: Mayor Davis opened the public hearing

Staff and the Consultant provided a presentation of the Corridor Plan.

Speakers: None.

Mayor Davis closed the public hearing. Staff and the Consultant responded to questions of Councilmembers. Councilmembers provided comment.

Action: Moved by Vice Mayor Gomes and carried unanimously to adopt Resolution No. 13-010 N.C.

B. Resolution of Intention to Amend Fiscal Year 2012-2013 Federal HOME Investment Partnerships Program Budget

Recommendation: Adopt a Resolution of Intention to amend Fiscal Year 2012-2013 HOME Program budget in the amount of \$887,014.00

Contact: Melinda Nestelrode, Housing and Community Development Manager, 648-4408

Staff provided an overview of the staff report.

Speakers: Donald Gilmore (Community Housing Development Corp.)

Action: Moved by Vice Mayor Gomes and carried unanimously to adopt Resolution No. 13-011 N.C as amended to allocate \$50,000 out of the Owner Occupied Rehabilitation Loan funds to provide staff a source of funds for leveraging Attorney General funds and working with banks for bringing additional resources to the community, including loan modifications for existing homeowners that will provide assistance with acquisition of, rehabilitation and resale of foreclosed properties. Staff was further directed to return to Council within 3 months to provide a report on how this process is being implemented.

C. Council Appointments to Various Commissions, Boards and Committees for 2013

Recommendation: Adopt a Resolution confirming the Mayor's appointments to various Commissions, Boards and Committees for 2013

Contact: Dawn G. Abrahamson, City Clerk, 648-4527

Speakers: None.

Action: Moved by Vice Mayor Gomes and carried unanimously to adopt Resolution No. 13-012 N.C.

9. INFORMATION CALENDAR

A. Demonstration of Re-Designed City Website

Recommendation: Informational item only; no action requested

Contact: Craig Whittom, Assistant City Manager, 648-4579

Assistant City Manager Whittom and Administrative Analyst II Altman provided an overview of the newly re-designed City website and highlighted several new features.

Speakers: Sam Kurshan

10. CITY MANAGER'S REPORT – none.

11. CITY ATTORNEY'S REPORT

A. **Fiscal Year 2012-2013 –Second Quarter Report**

Recommendation: Informational report only, no action requested

Contact: Claudia Quintana, City Attorney, 648-4545

12. COMMUNITY FORUM

Speakers: Natalia Clarke, Anzell Loufas, Robert Flynn, Vicki Ovens, Tom Ovens, Ricki Kimball, Linda Lawless, Nathan Daniel Stout, Judy Irvin, and Gregory Gazaway.

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

A. Councilmember Brown provided an update on the Participatory Budget (PB) Process

B. Mayor Davis provided a report on his attendance at the US Conference of Mayors in Washington D.C.

C. Councilmember Gomes provided a report on Soltrans activities and recent changes to bus routes and schedules and a status report on the work by the Citizens Ad-hoc Public Safety Advisory Committee.

D. Councilmember Malgapo reported on his attendance at the League of California Cities' Annual Conference for New Mayors and Councilmembers Academy held in Sacramento and a ribbon cutting ceremony he recently attended for a new Vallejo business.

14. CLOSED SESSION – none.

15. ADJOURNMENT

The meeting adjourned at 9:27 p.m.

OSBY DAVIS, MAYOR

ATTEST:

DAWN G. ABRAHAMSON
CITY CLERK



CONSENT B

DATE: February 12, 2013
TO: Mayor and Members of the City Council
FROM: Craig Whitton, Assistant City Manager
Deborah Lauchner, Finance Director
Melinda Nestlerode, Housing and Community Development Manager
Guy L. Ricca, Senior Community Development Analyst
SUBJECT: RESOLUTION TO AMEND FISCAL YEAR (FY 2012/2013 FEDERAL HOME INVESTMENT PARTNERHSIPS PROGRAM BUDGET

RECOMMENDATION

Adopt a Resolution to amend the Fiscal Year (FY) 2012/2013 HOME Program Budget in the amount of \$887,014.

REASONS FOR RECOMMENDATION

The proposed action is the second in a two step process to amend the HOME Program budget. This action is advisable at this time due to the Department of Housing and Urban Development's recent final revisions to the City's HOME Program funding amount.

The City Council adopted the FY 2012/2013 HOME Investment Partnerships Program Budget in May 2012, in anticipation of receiving funding beginning July 1, 2012. In July 2012, the Department of Housing and Urban Development (HUD) deobligated over \$845,690.27 of the City's prior and future year HOME Program funds in lieu of repayment from the City's General Fund for two projects that were terminated prior to completion. In November, 2012, HUD further reduced the City's HOME Program funding by \$482,060, due to the City's inability to commit the required level of HOME Program funds by July 31, 2012. Staff recommends that the City Council adopt a revised HOME Program Budget for FY 2012/2013, including the allocation of available HOME Program funds to revised affordable housing activities.

The Housing and Redevelopment Commission (HRC) of the City of Vallejo reviewed this item on January 3, 2013, and by a vote of 4-0-0, recommended approval by the City Council.

On January 22, 2013, the City Council adopted a Resolution of Intention to amend the FY 2012/2013 HOME Program Budget. This action by the City Council also included certain revisions to the Budget recommended by the HRC and staff: reallocating \$50,000 in HOME Program funds from an original recommendation of \$150,000 for the provision of owner-occupied housing rehabilitation loans, to assist qualified homebuyers with **loan modification assistance**. Wherever possible, the HOME Program loan modification activity will be coordinated with all resources that are available to homeowners needing this assistance, (including but not limited to funding from national mortgage settlements; and the Home Affordable Refinance Program, or HARP). Staff further recommends that HOME Program funds that may be approved for loan modifications (\$50,000), and rehabilitation loans (\$100,000), by the City Council also be allocated directly to Community Housing Development Corporation (CHDC), an existing non-profit partner of the City, in order to expedite the delivery of these services.

BACKGROUND AND DISCUSSION

At the City's request, in July 2012, HUD deobligated HOME Program funds in lieu of repayment for two prior year HOME Program Community Housing Development Organization ("CHDO") for-ownership affordable housing projects, (Graham Gardens, and Sonoma/McLane) for which the City had disbursed predevelopment funds but which were not constructed, due to a downturn in the real estate market. [A CHDO is a non-profit organization that has as its mission the provision of housing to very low- and low-income persons, and must meet several other qualifying criteria.] The CHDO that the City contracted with for these projects, Vallejo Neighborhood Housing Services, Inc., (VNHS), ceased operations in September 2011. The total amount of HOME Program funds deobligated from the City was \$845,690.27, as follows:

Fiscal Year	Original HOME Grant Award	1st HOME Amount Deobligated	Amended HOME Grant Award
2010/2011	\$682,891	\$28,157	\$654,734
2011/2012	\$602,605	\$451,954	\$150,651
2012/2013	\$365,580	\$365,580	\$ - 0 -
Total		\$845,691	

As a result of HUD's action, the City received no new HOME Program funds in FY 2012/2013, including funds to administer the program. However, the City has unspent HOME Program funds available from prior years, consisting of \$1,367,047 in grant funds, as well as \$85,000 in estimated FY 2012/2013 program income (revenue), which staff recommends the City allocate to projects and activities, for a total amount of **\$1,452,048**. In addition, HUD regulations allow the City's Community Development Block Grant (CDBG) Program administrative funds to be used, as available, to pay for HOME Program administrative costs. A limited amount of CDBG Program funds may be available to support the HOME Program.

The City also failed to commit the required amount of HOME Program funds to projects and activities, e. g., through executed Agreements with non-profit housing partners within a 24 month period, totaling \$482,060, by a July 31, 2012 deadline. In order to avoid losing these additional HOME Program funds through a second obligation, on October 12, 2012, the City requested a waiver from HUD of the commitment requirement for 2010. In November, 2012, HUD denied the City's waiver request, citing the commitment of HOME Program funds as a statutory requirement. After the full deobligation of the City's HOME Program funds by HUD, and receiving no new HOME Program funds in FY 2012/2013, the City had an unexpended balance of approximately \$1.3 million as of June 30, 2012, in part because VNHS, Inc. was unable to proceed with new activities as it worked for several years to complete stalled CHDO projects, (Graham Gardens and Sonoma/McLane). Given these circumstances, the HRC and staff believe it is prudent to adopt a HOME Program budget for FY 2012/2013, so that the City can deliver HOME Program housing activities to the community, and ensure it meets the HOME Program commitment requirement.

Fiscal Year	Unspent HOME Grant Balances
2011/2012	\$90,391
2010/2011	\$573,296
2009/2010	\$569,653
2008/2009	\$448,866
2007/2008	\$166,902
Total	\$1,849,108
Commitment (2nd) Deobligation	(\$482,060)
Total Grant Funds Available as of 1/22/13	\$1,367,048

Recommended Allocation of Funds

The Commission and staff's recommendation, and as amended in part by the City Council on January 22, 2013, for the allocation of all available HOME Program funds in FY 2012/2013 is summarized below, and shown in Exhibit 1 of Attachment A, (the Resolution). The recommendation is similar in many areas to: (1) the original FY 2012/2013 HOME Program Budget approved by the City Council on May 8, 2012, which is provided for reference in Attachment B, and (2) HOME Program activities that focus on the acquisition, rehabilitation, and resale of foreclosed properties for owner-occupants.

HOME Program Funding Recommendations, FY 2012/2013

I. Community Housing Development Corporation (CHDC)		
- CHDO (HUD Requirement)	\$90,391	
- CHDO Admin. (HUD Requirement)	28,883	
- Acquisition/Rehabilitation/Resale of Foreclosed Properties	405,726	
- Loan Modification Assistance	50,000	
- Mortgage Assistance	175,000	(Foreclosures and Non-Foreclosures)
- Owner-Occupied Housing Rehabilitation Loans	+ 100,000	
Subtotal, CHDC	850,000	
II. Acquisition/Rehabilitation/Resale of Foreclosed Properties		
	399,378	
III. Veterans Affairs Supportive Housing (VASH) Security Deposit Loans		
	25,000	
IV. Vallejo Housing Authority (VHA) Permanent Supportive Housing Project		
	100,000	
V. City Project Delivery	77,670	
Total	\$1,452,048	

Notable program requirements include: (1) the City is obligated to set aside at least fifteen percent of its annual HOME Program allocation from HUD to a qualified CHDO, and may allocate up to five percent for CHDO administrative costs. The City recognized CHDC as a qualified HOME CHDO in 2011; (2) the HOME Program requires a 25 percent non-federal match for project expenditures; (3) the City's HOME Program funds must be committed and expended in a timely manner, or they will recaptured by HUD; and (4) a maximum of ten percent of the City's HOME Program funds (direct HUD allocation, and current year program income), may be expended on program administration costs. However, this will **not** apply in FY 2012/2013, since the City did not receive a grant allocation.

I. Community Housing Development Corporation (CHDC)

In 2011, CHDC requested and received over \$1 million in HOME Program funds from the City (CHDO and non-CHDO) for the development of an affordable housing project to be located at Mini and Stanford Drives, a two acre parcel in northwest Vallejo owned by VNHS, and known as "Graham Gardens". This 22 unit project had been stalled since the Fall of 2007, when it was deemed financially infeasible as an ownership project.

Despite concerted efforts by the City, VNHS, and CHDC to move forward on Graham Gardens, numerous obstacles have been encountered. Beginning in 2009, over a two year period, at the City's request, the City received HUD-funded technical assistance to help address Graham Gardens, and to help pursue other CHDO's for Vallejo. As a part of this process, the City recognized CHDC as a qualified CHDO in 2011. CHDC also currently has CHDO status in three other jurisdictions, (Contra Costa County, and the cities of Oakland and Richmond). CHDC's service area also has included the City of Vallejo for several years, as approved by HUD.

Because the Graham Gardens project has not been completed, the City was obligated to repay HUD the HOME Program funds expended on Graham Gardens, and another VNHS CHDO project site located at Sonoma and McLane, totaling over \$800,000. In lieu of repayment with non-federal dollars, i. e., General Fund, in February, 2012, the City requested that HUD deduct a portion of the unspent HOME Program funds in the City's HOME Program account in the U. S. Treasury. HUD approved this request, and deobligated \$845,690.27 in July 2012.

As an alternative to Graham Gardens, staff recommends that \$850,000 of the City's remaining (FY 2012/2013) HOME Program allocation be allocated to CHDC to: (i) address the mortgage crisis in Vallejo, through the acquisition, rehabilitation, and resale, of up to six single (owner-occupied) and/or rental foreclosed or short sale housing units for very low- or low-income first time homebuyers, or renters. Rental properties developed will consist of two to four units, though two possible scenarios: (1) a duplex, with one of the units owner-occupied, and the other a rental unit. Both units will be occupied by a very low- or low-income resident; or (2) if more than one rental unit is developed, the property will be owned and managed by CHDC; (ii) provide counseling and other assistance to qualified existing homeowners seeking loan modifications, as directed by the City Council on January 22, 2013; and (3) deliver owner-occupied housing rehabilitation loans.

The use of FY 2012/2013 HOME Program funds by CHDC would include mortgage assistance (homebuyer loans, in most cases, in the form of second mortgages; and closing cost grants. Staff does not recommend providing first mortgages with HOME Program funds, as the subsidy required would be prohibitive, and result in very few residents being assisted). HOME Program borrowers at above 60 percent of the area median income (AMI) would receive amortized loans at an annual interest rate of three percent, and a required period of affordability of up to fifteen years. Borrowers below 60 percent AMI would be eligible for a deferred loan at three percent interest, with partial forgiveness of the loan over the period of affordability. Mortgage assistance could be used for non-foreclosures and non-short sales. In order to help protect the City's interest, staff will implement as needed the Loan Modification policy approved by the City Council in August, 2012, (shown in Attachment D).

Mortgage assistance would be carried out by CHDC both in its capacity as a CHDO, and as a subrecipient of HOME Program funds. It will also compliment the City's Neighborhood Stabilization Program, (NSP). Federal NSP funding has supported the acquisition, rehabilitation, and resale of eleven foreclosed homes since the program's inception in 2009. Three foreclosed properties have also been acquired with HOME Program funds since 2010, with two of them rehabilitated and re-sold. Since 2009, the City has partnered with three different non-profit housing organizations to implement these activities, as follows:

Vallejo Neighborhood Housing Services, Inc. (VNHS), for three NSP1 properties:

1. 35 Capilano Drive
2. 171 Matthew Court
3. 331 Pepper Drive (not yet completed)

VNHS, for three HOME properties:

1. 250 Fleming Avenue

-
2. 533 Contra Costa Street
 3. 105 Los Gatos Avenue (not yet completed)

Solano Napa Habitat for Humanity, for four NSP1 properties:

1. 206 Cortland Circle
2. 108 Nalisty Drive
3. 485 Phoenix Circle
4. 131 Remington Court

Heart and Hands of Compassion, for three NSP3 properties:

1. 408 Coughlan Street
2. 2012 El Dorado Street
3. 184 Nicole Way

For NSP projects that have been completed, the average acquisition price of a residential property has been **\$151,138**, and the average cost to rehabilitate a property has been **\$53,674**. (At the November 13, 2012 City Council meeting, staff stated that the average cost for the acquisition and rehabilitation of a foreclosed residential property by the City or its partner non-profit agencies, was \$250,000. After a more careful review, staff is amending that amount to approximately \$200,000 per project. Per HUD requirements, NSP- assisted properties may not be sold for greater than the cost of acquisition and rehabilitation combined, less reasonable carrying costs. To date, the average resale price is **\$151,250**.)

For additional details and a summary of these projects, please refer to Attachment C.

It is also important to note several factors that have influenced the total development costs of NSP properties which the City with its partners has acquired, rehabilitated, and resold. These cost reasonableness and program challenges, which are typically not applicable to transactions in the private market, include:

- (1) competing with investors for those properties that are priced lowest;
- (2) the slow response of lenders, and their resistance to giving the City's contracted non-profit housing agencies a true first look;
- (3) Federal requirements, including the environmental review process, which for example mandates a 30 day review period by the State Historic Preservation Officer;
- (4) the establishment and implementation of construction standards that emphasize increasing the overall useful life of the property on behalf of low- and low-income buyers;
- (5) NSP-assisted rehabilitation work must be bid out, to ensure fair and competitive pricing;
- (6) Section 3 program implementation, which promotes priority hiring of local Vallejo business suppliers, general contractors, and residents;
- (7) development soft costs, i. e., insurance requirements, building fees and permits, commission fees, audit costs, and developer fees;
- (8) the lack of leveraging of other funds by non-profit partners; and
- (9) in some cases, mortgage assistance provided by the City with NSP funds, which has averaged \$35,000 per household.

In order to ensure that the City's HOME Program funds are committed and expended in a timely manner, as mandated by HUD, staff recommends that the City require CHDC to obligate at least \$300,000 of its HOME Program allocation by not later than June 30, 2013. If CHDC does not, the City Manager or his designees would be authorized to reallocate some or the entire unobligated funding amount to another affordable housing developer(s), and to negotiate and execute a new Agreement(s) with other entities.

Revisions to January 22, 2013 HOME Program Budget Recommendation

On January 22, 2013, the City Council amended the FY 2012/2013 HOME Program funding recommendations of the HRC, and staff. Specifically, the City Council reallocated \$50,000 of HOME Program funds from a recommendation of \$150,000 for owner-occupied housing rehabilitation loans for low-income residents, to providing loan modification assistance to eligible existing homeowners at risk of losing their homes.

Demand for housing rehabilitation loans has declined in recent years, and many prospective borrowers have failed to qualify for loans, i. e., meet the City's lending criteria, given the sharp decline in property values. However, on occasion the City still receives inquiries from individuals whose properties are in need of significant rehabilitation. Funding for this activity would be allocated on a first-come, first-serve basis.

Staff recommends that the City Council allocate the HOME Program funding for loan modification assistance, and housing rehabilitation, totaling \$150,000, to CHDC to deliver these programs on behalf of the City. CHDC has extensive experience providing these activities in other communities, and has been providing homeownership education and counseling in Vallejo for several years. CHDC and staff estimate that twenty homeowners will be assisted by CHDC staff with attempts to help them obtain loan modifications, using \$50,000 in HOME Program funds.

II. Additional Acquisition/Rehabilitation/Resale of Foreclosed Properties

The Commission and staff recommend that an additional amount of \$399,378 be allocated by the City Council to enhance the City's efforts to address the continuing mortgage crisis in Vallejo. If approved, staff would engage the services of CHDC, Heart and Hands, and/or other current non-profit housing agency partners of the City that have identified foreclosed or short sale properties and that could benefit from HOME Program funds, on a first-come, first-served basis.

III. Veteran Affairs Supportive Housing (VASH) Security Deposit Loans

The Commission and staff recommend the allocation of \$25,000 for security deposit deferred loans for up to 25 homeless veterans who have received or will receive Housing Choice Vouchers from the Vallejo Housing Authority through its VASH Program. Many participants in this program have difficulty affording a security deposit. HOME Program funds would be used for security deposit loans for up to \$1,000 on behalf of these voucher holders. The security deposit would be paid directly to the rental property owner, and when the tenant moves out of the property, the landlord would repay these funds to the City.

IV. Permanent Supportive Housing Project

The Vallejo Housing Authority has allocated \$1 million for a permanent supportive housing project for homeless families with children. After the completion of a Request for Proposals process, in December, 2012, the Housing Authority Board selected the Vallejo Housing Collaborative (VHC) as the project sponsor, and approved the use of up to \$100,000 of the \$1 million budget to retain real estate expertise to work with VHC and staff to help this collaborative design its legal structure.

The Commission and staff recommend that \$100,000 in HOME Program funds be allocated for this project, in order to retain the total amount available for project hard costs at \$1 million.

V. City Project Delivery

In addition to meeting the administrative requirements of the HOME Program, staff spends a certain percentage of its time in project delivery activities, including: monitoring the City's affordable housing non-profit developers for their compliance with program requirements; and developing, negotiating, and reviewing housing loan documents and files, including verifying HOME Program client (e. g., borrower) eligibility. Time spent by staff on HOME Program project delivery must be documented.

An FY 2012/2013 HOME Program staff project delivery allocation of \$21,194 was approved by the City Council in May 2012. The Commission and staff recommend a revised amount, of \$77,670, (11.4 percent of \$680,726) to pay for staff costs to deliver acquisition/rehabilitation/resale of foreclosed properties, and mortgage assistance activities. This amount of \$77,670 represents approximately 0.30 Full Time Equivalent Employees, (FTE's).

FISCAL IMPACT

The proposed amendments to the FY 2012/2013 HOME Program budget, as detailed in Exhibit 1 to the Resolution, will increase HOME Program Fund revenues by \$887,014, and increase HOME Program Fund expenditures by \$887,014. There is no impact to the General Fund as a result of adopting the proposed Resolution.

ATTACHMENTS

- Attachment A - Resolution
- Attachment B - FY 2012/2013 HOME Program Budget Approved by City Council on May 8, 2012
- Attachment C - Acquisition/Rehabilitation/Resale Summary, Using HOME Program and Neighborhood Stabilization Program (NSP) Funds
- Attachment D - Loan Modification Policy

CONTACT

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Deborah Lauchner, Finance Director, (707) 648-4486, dlauchner@ci.vallejo.ca.us

Melinda Nestlerode, Housing and Community Development Manager, (707) 648-4408, mnestlerode@ci.vallejo.ca.us

Guy L. Ricca, Senior Community Development Analyst, (707) 648-4395, gricca@ci.vallejo.ca.us

ATTACHMENT A

RESOLUTION NO. _____ N.C.

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

WHEREAS, in May 2012 the City Council did adopt a budget for the Fiscal Year (FY) 2012/2013 HOME Investment Partnerships Program; and

WHEREAS, in July 2012, the Department of Housing and Urban Development (HUD) deobligated \$845,690.27 of the City's HOME Program funds, due to certain affordable housing activities not being completed; and

WHEREAS, in December, 2012, HUD notified the City that it intended to deobligate an additional \$482,060 of the City's HOME Program funds, due to the HOME Program funding commitment requirement for 2011 not being met by the City; and

WHEREAS, City Charter Section 703 requires that available funds not included in the budget may be appropriated by the City Council after giving one week's notice of intention to do so; and

WHEREAS, staff is proposing that the HOME Program budget be amended to reflect the loss of the FY 2012/2013 Grant Revenue as part of HUD's deobligation of funding, and the use of Unspent Prior Years Grant Revenue Carryover in FY 2012/2013 and adjustments to various expenditure appropriations, as set forth in Exhibit 1 of this Resolution; and

WHEREAS, the Housing and Redevelopment Commission of the City of Vallejo considered this item on January 3, 2013, and by a vote of 4-0-0, recommended approval by the City Council; and

WHEREAS, on January 22, 2013, the City Council adopted a Resolution of Intention to amend the FY 2012/2013 HOME Program Budget; and

WHEREAS, the City Council has considered the report and recommendations of the City Manager on the budget amendment, and has determined that the budget amendment is both fair and appropriate.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Vallejo, pursuant to Charter Section 703, hereby declares its intention to amend the FY 2012/2013 HOME Program Budget, by changing certain revenue and expenditure appropriations, as set forth in Exhibit 1 of this Resolution, which is by this reference incorporated herein.

Adopted by the City Council of the City of Vallejo at a regular meeting held on February 12, 2013, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

OSBY DAVIS, MAYOR

ATTEST:

DAWN G. ABRAHAMSON, CITY CLERK

City of Vallejo
Proposed HOME Program Budget Adjustment
FY 12-13

	<u>Original Budget</u>	<u>Budget Adjustments Revenue</u>	<u>Expenditure</u>	<u>Adjusted Budget</u>	<u>Comment</u>
Decrease FY 12-13 Grant Revenue	365,034	(365,034)		-	
Unspent Prior Years Grant Revenue Carryover		1,367,048		1,367,048	
Program Income	<u>200,000</u>			<u>85,000</u>	Decrease of 115,000
Total Revenue	<u>565,034</u>	<u>1,002,014</u>	-	<u>1,452,048</u>	
Decrease Program Administration	<u>56,503</u>		<u>(56,503)</u>	-	
CHDC:				-	
Increase CHDO	54,755		35,636	90,391	[1]
Increase CHDO Admin	18,252		10,631	28,883	[1]
Decrease Acqu/Rehab/Resale	435,524		(29,798)	405,726	[2], [3]
Add Loan Modification Assistance			50,000	50,000	
Increase Mortgage Assistance			175,000	175,000	
Add Owner-Occupied Housing Rehabilitation Loans			100,000	100,000	
	<u>508,531</u>	-	<u>341,469</u>	<u>850,000</u>	
Increase Acqu/Rehab/Resale			399,378	399,378	[2]
Add VASH Security Deposit Loans			25,000	25,000	
Add VHA Permanent Supportive Housing Project			100,000	100,000	
Increase City Project Delivery expenses			<u>77,670</u>	<u>77,670</u>	
Total Expenditure	<u>565,034</u>	-	<u>887,014</u>	<u>1,452,048</u>	[4]

[1] Project to be determined.

[2] Foreclosed/short sale properties only.

[3] Includes \$85,000 in projected program income.

[4] FY 2012/2013 HOME budget revenue derives from unspent HOME grant balances from FY 2007/2008 through FY 2011/2012 less commitment deobligation and projected program income.

ATTACHMENT B

CITY OF VALLEJO				
HOME ALLOCATIONS, FYs 2011/2012 AND 2012/2013				
(Approved by City Council on 5/8/12)				
	FY 2011/2012	FY 2012/2013	REVISED,	
			FY 2012/2013	
	\$	EST. \$	\$	
Program Administration	70,260	70,260	56,503	*
CHDC				
Mini/Stanford (Graham Gardens, Lease/Purchase)**				
- CHDO	90,390	90,390	54,755	[4]
- CHDO Admin.	30,130	30,130	18,252	
Subtotal, CHDO	120,520	120,520	73,007	[2]
- Development Loan	511,825	511,825		
- Acq/Rehab/Resale			435,524	[5]
Subtotal, CHDC	632,345	632,345	508,531	
TOTAL	702,605 [1]	702,605 [1]	565,034 [3]	
*Program Administration + City Project Delivery = 0.55 FTEs				
**This project has been discontinued.				
[1] Includes \$100,000 in projected program income (revenue).				
[2] Foreclosed/short sale properties only.				
[3] Includes \$200,000 in projected program income.				
[4] CHDO Project to be determined.				
[5], *City Project Delivery: Acq/Rehab/Resale: \$21,194 (18%).				
Source: 2011/2012 HOME Unallocated Account.				

NSP

Neighborhood Stabilization Program (NSP) Acquisition/Rehab/Resale Summary											
Property Address	Purchase Date	# of Beds/Baths	Appraised Value	Acquisition Price	Rehab/Hard Costs	**Soft Costs	Developer Fee@ 10%	Total Acq/Rehab/Resale/ Costs	Resale Price	Develop Acq/rehab Subsidy (Indirect)	Resale Date
35 Capilano Drive	6/9/2010	3/2	\$180,000	\$153,186	\$58,086	\$20,550	\$23,032	\$254,854	\$189,500	\$65,354	6/29/2011
108 Naitisy Drive	6/11/2010	3/2	\$168,000	\$166,320	\$28,000	\$22,733	\$21,705	\$238,759	\$172,000	\$66,759	2/25/2011
485 Phoenix Circle	5/11/2010	3/2	\$167,000	\$165,330	\$28,900	\$18,422	\$21,265	\$233,917	\$180,000	\$53,917	10/22/2010
171 Matthew Court	6/9/2010	5/3	\$265,000	\$219,620	\$27,318	\$32,079	\$27,031	\$306,048	\$299,000	\$7,048	3/25/2011
206 Cortland Circle	3/7/2010	4/2	\$143,400	\$141,966	\$61,106	\$30,621	\$21,240	\$254,933	\$177,000	\$77,933	3/2/2012
331 Pepper Drive	10/4/2012	4/3	\$150,000	\$143,450	\$55,710	\$18,338	\$21,600	\$239,098	\$152,000	\$87,098	TBD
131 Remington Court	5/25/2011	4/2	\$112,000	\$110,800	\$38,330	\$19,109	\$16,824	\$185,063	\$147,000	\$38,063	10/26/2012
2012 El Dorado St.	5/3/2012	3/1	\$120,000	\$117,000	\$78,943	\$14,251	\$30,000	\$240,194	\$158,000	\$82,194	11/16/2012
184 Nicole Way	5/16/2012	3/2	\$160,000	\$155,000	\$67,165	\$18,806	\$30,000	\$270,972	\$190,000	\$80,972	11/30/2012
408 Coughlan Street	9/20/2012	3/1	\$148,000	\$138,712	\$39,512	\$18,181	\$30,000	\$226,405	\$164,900	\$61,505	1/18/2013
Average Costs			\$161,340	\$151,138	\$53,674	\$21,309	\$24,270	\$245,024	\$182,940	\$62,084	

Soft costs include: closing costs e.g. transfer taxes, escrow fees, appraisal, title insurance, county taxes recording fees, water, sewer, maintenance home warranty, property insurance, realtor commissions @ 6%, audit fees, plans termite reports, roof inspection, marketing, PG&E, Recology.

HOME Investment Partnerships Program Acquisition/Rehab/Resale Summary (CHDO Projects)										
Property Address	Purchase Date	# of Beds, Baths	Appraised Value	Acquisition Price	Rehab/Hard Costs	Soft Costs [3]	CHDO Admin. Costs	Acqu/Rehab/Resale Costs	Resale Price	Resale Date
250 Fleming Ave. [1]	12/16/2010	3, 2	\$158,000	\$127,880	\$36,522	\$5,108				
533 Contra Costa St. [1]	3/23/2011	3, 2	\$90,000	\$67,933	\$25,335	\$7,132	\$11,137	\$180,647	\$180,000	7/27/2011
105 Los Gatos Ave. [1], [2]	8/12/2011	3, 1	\$125,000	\$117,828	TBD	TBD	\$6,409	\$106,809	\$128,000	10/25/2011
Average Cost			\$124,333	\$104,547			TBD	TBD	TBD	TBD
Developer:										
[1] Vallejo Neighborhood Housing Services, Inc. (VNHS)										
[2] VNHS; may be completed by Community Housing Development Corporation, Inc. (CHDC)										
[3] Soft costs include: Closing costs, e.g., transfer taxes, escrow fees, appraisal, title insurance; County taxes; recording fees; water, sewer, maintenance; home warranty; property insurance; realtor commissions @ 6%; audit fees; plans; termite reports; roof inspections; marketing; PG&E; Recology.										

RESOLUTION NO. 12-120 N.C.

APPROVING THE REVISED LOAN MODIFICATION POLICY REGARDING
REHABILITATION AND FIRST TIME HOMEBUYER LOANS

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

WHEREAS, over the years the Vallejo City Council has provided and continues to provide low interest loans to property owners through the use of Federal, State, and local funds; and

WHEREAS, the City Council desires to receive payment in full as soon as possible so that the City may reinvest these funds in the community; and

WHEREAS, City Council Resolution No. 01-465 N. C., adopted on November 27, 2001, concerns loan subordination conditions only, and does not enable the City to address current housing market conditions; and

WHEREAS, given the sharp decline in housing values since approximately 2006, in most cases, the City would recover little (if any) of its investment by attempting to acquire properties through a foreclosure process for those loans which are in default; and

WHEREAS, providing loan assumptions and loan modifications under certain conditions may present a better alternative than foreclosure, as it will partially protect the City of Vallejo's interest, and increase the chance of at least a portion of these loans being repaid; and

WHEREAS, the Housing and Redevelopment Commission of the City of Vallejo considered this item and recommended approval by a vote of 5-0-0, at its regular meeting on May 3, 2012.

NOW, THEREFORE, BE IT RESOLVED that the Vallejo City Council hereby approves the revised Loan Modification Policy as shown in Attachment C, as amended, to the Staff Report accompanying this Resolution, which is incorporated herein by this reference; and

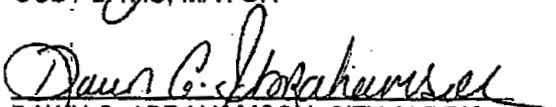
BE IT FURTHER RESOLVED that Resolution No. 01-465 N. C. is hereby rescinded.

Adopted by the City Council of the City of Vallejo at a regular meeting held on August 14, 2012 by the following vote:

AYES: Mayor Davis, Vice Mayor Hannigan, Councilmembers Brown, Gomes,
McConnell, Sampayan and Sunga
NOES: None
ABSTAIN: None
ABSENT: None


OSBY DAVIS, MAYOR

ATTEST:


DAWN G. ABRAHAMSON, CITY CLERK

Loan Modification Policy – Attachment C

City of Vallejo/Vallejo Housing Authority Loan Assumption, Foreclosure Prevention, and Subordination Policies:

The policies delineated below address all current loan program sources, and future funding sources not yet identified, of the City and the Housing Authority, provided that the loan program activities are the same.

Existing First Time Homebuyer/Mortgage Assistance and Rehabilitation Loan Term Policy

Loans are secured by a Deed of Trust benefiting the City of Vallejo or Vallejo Housing Authority, and are usually either amortized at a three percent interest rate with a thirty year term, or deferred for thirty years with accrued three percent interest rate charges, and are due and payable upon sale or transfer of the property, or termination of the owner's tenancy as his/her primary residence, whichever comes first. Loans are not assumable, with the exception of HOME Investment Partnerships Program-funded First Time Homebuyer/Mortgage Assistance loans.

A. Loan Assumption

A.1. In the event that an original borrower is deceased and a relative(s) of the borrower becomes the owner/occupant of the property, he/she may assume the City/Authority loan if he/she qualifies as low income. If the new borrower is not elderly (defined here as age 62 or older), he/she is eligible for deferred payments of the loan if his/her income is at or below 60 percent of the area median income; if not, he/she will make amortized payments for the remaining loan term. The borrower is eligible for the loan if the borrower is not elderly and his/her income is at or below 80 percent of the area median income for CDBG Program and HOME Program loans, and at or below 120 percent of the area median income for NSP loans. If the new borrower is elderly, he/she may also assume the City/Authority loan if he/she qualifies as low income. If a property is inherited, the inheritor/heir(s) and property must meet all First Time Homebuyer and/or Rehabilitation Loan requirements, including income restrictions. The City Manager/Executive Director or his or her designees may at its discretion authorize deferred repayments by beneficiaries with incomes up to 80 percent of the area median income, or 120 percent of the area median income, depending on the program funding source.

A.2. If the property is inherited by a non-income and non-occupant-qualifying relative or beneficiary, the City Manager/Executive Director or his or her designees are authorized to (1) establish repayment terms as deemed appropriate to protect the City/Authority's investment of program funds, through (i) a loan payoff/refinance, or (ii) executing a repayment agreement amortized over either a five or ten year period, or (2) initiate foreclosure, if repayment is not feasible. If HOME Program funds were used, the City Manager or his or her designees may at their discretion authorize deferred repayments for beneficiaries with incomes up to 80 percent of the area median income, or 120 percent of the area median income, depending on the loan program funding source.

If at any time a new owner becomes out of compliance with the terms of a loan, the City/Authority will provide the owner 30 days to cure the default. If the default is not cured in 30 days, or within a reasonable time period, the City/Authority will have the right to exercise its default remedies, including the option of foreclosure, as soon as practicable.

Living Trusts

The City/Authority acknowledges the validity of revocable or irrevocable trusts, life estates, or other similar arrangements, e. g., with regard to residential properties. For those borrowers receiving City/Authority housing loans for a property that is subsequently placed in a trust, the City will address these on a case-by-case basis, as follows: (1) if one of the owners of a trust dies, but another member of the trust, e. g., a surviving spouse, continues to reside in the property and continues to meet the income-eligible guidelines, the City/Authority will not require repayment of the loan; (2) if or when there are no longer surviving trust members, and the residence held in trust becomes vacant or abandoned, the City/Authority will seek repayment of the loan.

Due to HUD's long-term HOME Program affordability requirements, items A.3. – A.5. will not be applicable to HOME Program-funded loans.

A.3. Homeowners who occupy and control a residential property through a revocable or irrevocable trust, a life estate, or other similar arrangement through which the homeowner and/or one or more non-occupant parents and/or children are trustees or hold title to the property, at such time as transfer to a City-loaned property is transferred through one of the aforementioned documents, may be eligible for a new loan, with terms to be determined by the City Manager or his/her designees, if the homeowner has the legal right to encumber the property, and the occupants meet all First Time Homebuyer and/or Rehabilitation Loan requirements, including income restrictions.

If the homeowner/s is/are not income-eligible, in lieu of immediate repayment of a loan, the City Manager or his/her designees are authorized to provide the homeowner/s with the option to rent the property to an income-eligible tenant/s for a continuous period not to exceed seven years, subject to annual monitoring by the City of the resident's income eligibility.

A.4. If the trust, life estate, or other arrangement requires the trustee or other non-occupant on title to approve any encumbrance on the property, the trustee or other non-occupant on title is required to co-sign for the First Time Homebuyer and/or Rehabilitation Loan, and is equally liable to repay the loan.

A.5. Rental Unit Occupancy Requirements - To determine eligibility of properties containing two or three units, the homeowner household must be very low-, low-, or moderate-income, meeting program income requirements, as well as, in some cases, a majority (or all) of the rental unit occupants, depending on program requirements.

B. Foreclosure Prevention

B.1. The City Manager/Executive Director or his or her designees are authorized to provide loan modifications to borrowers that have received First Time Homebuyer and/or Rehabilitation Loans that are currently in default, or imminently in danger of default due to hardships and/or other extenuating circumstances related but not limited to the following:

1. Loss of employment of borrower, or borrower is currently unemployed.
2. Borrower's income has been significantly reduced due to illness.
3. New employment has resulted in less monthly income.
4. Employer has reduced borrower's pay (overtime eliminated, regular hours and base pay reduced).
5. Reduction of household income due to death of co-borrower's income.
6. Self-employed borrower has reduced income due to decline in business earnings.

B.2. Foreclosure prevention measures that would be analyzed to determine overall feasibility to guarantee City/Authority's investment as an alternative and prior to initiating foreclosure will include, in the following order of priority:

1. A repayment plan that allows the borrower to bring the loan current within a given timeframe by making payments towards the delinquent and regular payment amounts; repayment term will not exceed 24 months. For Authority loans, the repayment term will

not exceed 36 months, with the option given to staff to extend the term to 60 months if needed.

2. Short term forbearance with a not-to-exceed twelve-month period.
3. Deferral of authorized payments for up to five years with the ability to renew the deferral for an additional five years.
4. Reduction of interest rate from three percent to between 0 to 2.5 percent interest rate.
5. Short sale.
6. Deed-In-Lieu of Foreclosure - If property meets the Vallejo Housing Authority's Housing Quality Standards (HQS), and has been on the market for sale for six months or longer, borrowers will receive no financial consideration.

B.3. Documentation that would be required to determine borrower's qualification for a loan modification:

1. Hardship letter of explanation.
2. Current mortgage statement.
3. Purchase Agreement (if applicable).
4. Listing Agreement (if applicable).
5. Appraisal.
6. Borrower financial information.
7. Most recent two months of pay stubs.
8. Last two years of Federal tax returns.
9. Most recent two months of bank statements.
10. Last twelve months of mortgage payment history.
11. Preliminary Title Report.
12. Credit Report.

C. Loan Subordination Policy for First Time Homebuyer and Rehabilitation Loan Programs

C.1. General Subordination Terms:

1. Subordination is allowed for the purposes of securing a lower interest rate, or a better loan term. Only fixed rate refinance will be allowed. New loan amount will not exceed the original mortgage amount.
2. No cash out refinance. The borrower will not be allowed to pull cash equity from the property, except for equity resulting from a pay down of the original mortgage amount.
3. Combined Loan-to-Value (CLTV) will not exceed 95 percent, unless due to a decline below original purchase price.
4. The City/Authority's security interest in the property must not be adversely affected.

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5. The refinancing will not include amounts to be spent on improvements to the property unless, in the City/Authority's judgment, such improvements are necessary to protect the City/Authority's security interest.

C.2. An approved subordination request will have to meet the following additional requirements:

1. The borrower will be required to submit evidence that he/she meets the City/Authority's standard loan underwriting and credit requirements.
2. Any and all delinquent taxes or liens will be cleared as part of the loan closing.
3. The refinance amount will not exceed the original principal amount of the first mortgage, or the current outstanding balance of the first mortgage and customary closing costs.
4. Funds for eligible improvements will be escrowed, pending completion of work.



DATE: February 12, 2013
TO: Mayor and Members of the City Council
FROM: Craig Whittom, Assistant City Manager *CW*
SUBJECT: AUTHORIZE THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH SOLANO COUNTY FOR THE USE OF \$250,000 IN MEASURE B FUNDS FOR IMPROVEMENTS TO THE JFK LIBRARY

RECOMMENDATION

By motion, authorize the City Manager to execute a Grant Agreement with Solano County for the use of \$250,000 in Measure B funds for the JFK Library improvement project and execute any amendments to the Agreement that do not require the expenditure of additional funds.

REASONS FOR RECOMMENDATION

Solano County operates the JFK Library pursuant to an operating agreement with the City of Vallejo. The JFK Library building is owned by the City of Vallejo. The FY 2012-13 City of Vallejo Budget authorized \$250,000 in spending for improvements to the JFK Library. This expenditure of Measure B funds will reduce the ongoing operating costs of the JFK Library. The proposed action authorizes the City Manager to enter into a Grant Agreement that reimburses Solano County for expenditures related to this project.

BACKGROUND AND DISCUSSION

One of the Measure B funding categories established by the City Council in the approved FY 2012-13 Budget is "Leveraging City Assets". Expenditures in this category are designed to reduce operating costs in City facilities operated by agency or non-profit partners of the City of Vallejo. \$250,000 was allocated for the JFK Library Improvement Project in the approved budget.

The JFK Library project includes the relocation of the Children's Room from the first floor to the second floor and the installation of bathrooms on the second floor. The total project cost is approximately \$500,000. The project will consolidate library operations on one floor reducing operating costs (e.g. security services, energy costs). Solano County is working with a contractor on the specifications to proceed with this project. The project will also allow for City of Vallejo use of the first floor space currently occupied by the Children's Room. Staff will be assessing potential uses of this space. Solano County anticipates commencing work on the project by early March 2013 and completing work within six months.

The Solano County Board of Supervisors is scheduled to consider approval of this Grant Agreement at its meeting on February 19, 2013.

Reviewed and approved by the City Attorney.

2/6/13 *J R Wajel Fox*
Date City Attorney

Date: February 12, 2013

Subject: Grant Agreement – JFK Library Improvements

Page 2

Staff has drafted a Grant Agreement (Attachment A) with Solano County to facilitate the transfer of these funds. The agreement provides Solano County 180 days to complete the project and establishes a process for Solano County to request, and the City to reimburse, funds spent on this project.

FISCAL IMPACT

The proposed agreement will facilitate the expenditure of up to \$250,000 of Measure B funds. This allocation was approved in the FY 2012-13 City of Vallejo budget.

ATTACHMENTS

A. Grant Agreement between the City Of Vallejo and Solano County.

CONTACT

Craig Whittom, Assistant City Manager
707-648-4579 or cwhittom@ci.vallejo.ca.us

K:\PUBLIC\A\CM\021213 JFK Library grant agreement REP.doc

ATTACHMENT A

Solano County JFK Library Improvements Grant Agreement

This Agreement ("Agreement") is made in Vallejo, California, dated for reference this ___ day of February 2013, by and between the City of Vallejo, a municipal corporation ("CITY"), and the Solano County, a political subdivision of the State of California, on behalf of the Solano County Library ("GRANTEE"), who agree as follows:

A. Project Description

GRANTEE agrees to perform the library improvements as specified in Exhibit "A" which includes (1) a detailed Project Scope and description of the expected work products or "deliverables" ("Project"); (2) project schedule; and (3) project Budget Categories. Reporting requirements are described and attached as Exhibit "B".

B. Project Implementation

1. The City grants to the GRANTEE an amount not to exceed \$250,000.00, on condition that the Grant Funds be expended for the eligible costs and purposes of the Project as described in Exhibit "A" of this Agreement and pursuant to all other terms and conditions set forth in this Agreement.
2. GRANTEE shall furnish any and all additional funds that may be necessary to complete the Project.
3. GRANTEE shall complete the Project within 180 days of the execution date of this Agreement.
4. GRANTEE shall comply with applicable State laws concerning the payment of prevailing wages (Labor Code section 1720 *et seq.*, including sections 1771.5 and 1720.4 in the performance of any work paid for from the funding provided by this Agreement. Before soliciting bids or entering into contracts for any physical work to be performed on land or on improvements to land, or for any inspections or surveys in preparation for such work, the GRANTEE shall determine whether the activities to be contracted for include or constitute a "public works project" to which the said laws apply.
5. GRANTEE agrees and certifies it will comply with all laws and regulations which apply to its performance under this Agreement and related to the Project, including, but not limited to, legal requirements for construction contracts and workers' compensation, building codes, environmental laws (including but not limited to the California Environmental Quality Act), health and safety codes, and disabled access laws.
6. Prior to commencing any work under this agreement, GRANTEE shall obtain the necessary "no-fee" electrical and other building permits from the City of Vallejo Building Division.
7. GRANTEE shall obtain CITY's written approval of any change or deviation from the original Project Scope set forth in Exhibit "A". Any modification to the Project or Project Scope must also

comply with all current laws and regulations and all other requirements of this Agreement and the Project must still be completed with available funding from the GRANTEE and funds provided under this Agreement.

8. All actions and approvals, required to be taken by the CITY under this Agreement, may be taken by its City Manager or his/her designee.

C. Acknowledgment of Funding Source

Unless otherwise agreed upon between the parties, the GRANTEE agrees that any publications, studies, or reports which are made possible by or derived in whole or in part from this Project, and any news articles, brochures, seminars, or other promotional materials or media through which it publicizes the Project will acknowledge the CITY's support in the following manner: "Funding for this project has been provided in part by the City of Vallejo Measure B Funds."

D. Project Costs, Requests for Payment, Advances

1. GRANTEE agrees to use all Grant Funds provided by the CITY under the terms of this Agreement solely for the Project.
2. Grant Funds provided to GRANTEE under this Agreement shall be disbursed for eligible costs within 30 days of GRANTEE submitting an invoice to CITY
3. GRANTEE shall use any income earned by the GRANTEE from use or implementation of the Project or the Project site to further the general purposes of the Project, or, if approved by the CITY, for other purposes consistent with the intent of this Agreement.
4. Grant Funds under this Agreement must be expended within the time frame of the Project Performance Period as set forth in Section B of this Agreement.
5. Except as otherwise provided, the GRANTEE shall expend Grant Funds in the manner described in the Exhibit "A" approved by the CITY.

E. Payment Process and Documentation

1. All Requests for Payments must be submitted using a completed Request for Payment Form attached as Exhibit B. This form must be accompanied by 1) an itemized list of all expenditures according to Project Budget Categories, and 2) supporting documentation that clearly identifies the expenditure(s) in relation to the Project Budget Categories in the Exhibit "A" of this Agreement. Payment requests may not be submitted more often than monthly.
2. If the Request for Payment is incomplete, inadequate or inaccurate, the CITY will advise GRANTEE that the invoice is not acceptable and hold all or a portion of the payment request until all required information is received or corrected. Any penalties imposed on the GRANTEE

by a contractor, or other consequence, because of delays in payment or other breach of the agreement between the GRANTEE and the contractor are the responsibility of the GRANTEE and are not reimbursable under this Agreement.

4. Ten percent (10%) of each Request for Payment will be retained unless CITY agrees, in writing, to a different withholding rate. The cumulative 10% retention will be issued to the GRANTEE upon successful completion of the Project.

5. Final payment of remaining Grant Funds, including amounts withheld from previous payments, shall be paid up to the total the Grant award or the actual Project cost, whichever is less, upon completion of the Project, receipt of the final report and final Request for Payment from the GRANTEE in form and content satisfactory to the CITY, and the satisfactory completion of a site inspection by the CITY.

6. Final payment is contingent upon CITY verification that the Project, as implemented, is consistent with follows the Project Scope as described in Exhibit "A", together with any mutually approved amendments to the Project Scope.

F. Project Review, Inspection and Documentation

1. GRANTEE shall promptly submit written progress reports and/or photographs upon request by the CITY or as specified in this Agreement. Progress reports must be submitted using the Progress Report Template Form attached as Exhibit C.

2. GRANTEE shall provide access to the CITY upon twenty-four (24) hours' notice to evaluate work completed or being performed pursuant to this Agreement, including work by contractors and subcontractors, in accordance with the approved Project Scope. GRANTEE shall require all contractors and subcontractors, in such event, to provide all reasonable facilities and assistance for the safety and convenience of the CITY's representative(s) in making such inspections.

3. Unless otherwise authorized by the CITY in writing, GRANTEE shall submit all documentation of Project completion, including, a final Request for Payment and Project Completion Report in the form of a Progress Report Template within sixty (60) days of Project completion.

H. Project Termination

1. Prior to the completion of the Project, either party may terminate this Agreement by providing the other party with thirty (30) days' written notice of termination.

2. If the CITY terminates this Agreement prior to the end of the Project Performance Period, the GRANTEE shall take all reasonable measures to prevent further costs to the CITY. The CITY shall be responsible for any reasonable and non-cancelable obligations incurred by the GRANTEE under this Agreement prior to the date of the notice to terminate, but only up to the undisbursed balance of funding authorized in this Agreement.

3. If the GRANTEE fails to complete the Project in accordance with the terms of this Agreement,

or fails to fulfill any other essential obligation(s) under this Agreement, the GRANTEE shall be liable for immediate repayment to the CITY of all amounts disbursed by the CITY under this Agreement, plus accrued interest. Interest shall be calculated at the rate(s) earned by the State's Pooled Money Investment Account from the date of disbursement to the date of repayment, compounded monthly. In the case of any such failure occurring during the Project Performance Period set forth on the signature page of this Agreement, all obligations of CITY and the GRANTEE shall be suspended until the failure is corrected; and if the GRANTEE does not correct the failure within thirty (30) days following notice by the CITY to do so, the failure shall constitute an automatic termination of this Agreement for cause. The CITY may, in its sole discretion, consider extenuating circumstances and may waive, in whole or in part, any provision of this paragraph, subject to the requirements of applicable laws. This paragraph shall not be deemed to limit any other remedies the CITY may have for breach of this Agreement by GRANTEE.

I. Financial Records

1. The GRANTEE shall establish an official file for the Project. The file shall contain adequate documentation of all actions that are taken with respect to the Project.
2. The GRANTEE shall keep separate and complete accounting records for receipt, deposit, and payment of all Grant funds, including interest. All funds received by the GRANTEE shall be deposited in separate fund accounts that identify the funds and clearly show the manner of their disposition.
3. The GRANTEE agrees that adequate supporting documentation shall be maintained in sufficient detail to provide an audit trail which will permit tracing transactions from support documentation to the accounting records to the financial reports and billings.
4. The GRANTEE shall maintain books, records, documents, and other evidence sufficient to reflect properly the amount, receipt, and disposition of all Grant funds, including non-City funds, interest earned, and any matching funds by the GRANTEE and the total cost of the Project. The maintenance requirements extend to books of original entry, source documents supporting accounting transactions, the general ledger, subsidiary ledgers, personnel and payroll records, canceled checks, and related documents and records. Source documents include copies of all awards, applications, and required financial and narrative reports. Personnel and payroll records shall include the time and attendance reports for all individuals who are compensated or reimbursed under this Agreement, whether they are employed full-time or part-time. Time and effort reports are also required for consultants and contractors. Adequate supporting documentation shall be maintained by consultants and contractors in sufficient detail to provide an audit trail which will permit tracing transactions from the invoices to the financial statement, to the accounting records, and to the supporting documentation.
5. GRANTEE shall use applicable Generally Accepted Accounting Principles, unless otherwise agreed to by the CITY.

J. Audit Requirements

1. The CITY reserves the right to call for a program audit or a financial audit between the execution of this Agreement and the Completion Date or, in case of early termination, the termination of the Project. Within ten (10) working days of a request by the CITY, GRANTEE shall furnish, at its own expense, legible copies of all materials deemed pertinent to the request. Upon showing of good cause, the CITY may disallow all or part of the cost of any activity or action which it determines to be out of compliance with the terms and conditions of this Agreement.

K. Assignment

Except as expressly provided by written agreement between the CITY and the GRANTEE, this Agreement is not assignable by the GRANTEE either in whole or in part.

L. No Agency Agreement

In carrying out this Agreement, the GRANTEE and its agents and employees shall be deemed acting in an independent capacity with respect to the CITY, and not as the officers, employees, or agents of the CITY or the State.

M. Liability

1. By executing this Agreement, the GRANTEE shall indemnify and save harmless the CITY and the State of California, and their officers, agents, and employees, from any and all liabilities, claims, demands, damages or costs resulting from, growing out of, or in any way connected with or incident to this Agreement, except as, and to the extent, arising out of the active negligence or intentional wrongdoing of the CITY and its officer(s), agent(s) or employee(s). The duty of the GRANTEE to indemnify and save harmless includes the duty to defend as set forth in Civil Code section 2778.

2. The parties expressly acknowledge that this Agreement is an agreement for the subvention of public funds from the CITY to the GRANTEE, and is not an "agreement" as the term is defined in Government Code section 895 or a "construction contract" under Civil Code sections 2782 or 2783. Accordingly, it is acknowledged that GRANTEE does not, in matters arising under this Agreement, have any right to contribution and indemnity from the CITY and/or the State of California arising under Government Code sections 895.2 and 895.6.

3. GRANTEE waives any and all rights to any express or implied indemnity or right of contribution from the CITY and its members, its and their officers, agents and employees, for any liability resulting from, growing out of, or in any way connected with or incident to this Agreement, except such liability as results from the active negligence or the intentional wrongdoing of the CITY, or its member(s), officer(s), agent(s), or employee(s), and in the case of joint negligence, is in direct proportion to the CITY's share of fault.

City of Vallejo
555 Santa Clara Street
Vallejo, CA 94590
707 648 4579
cwhittom@ci.vallejo.ca.us

If to GRANTEE: Bonnie Katz
Director of Library Services
1150 Kentucky Street
Fairfield, CA 94533
707 784 1502
bkatz@solanocounty.com

T. List of Exhibits

Exhibit A - Project Scope
Exhibit B - Request for Payment Form
Exhibit C - Progress Report Template Form

U. Entire Agreement

This Agreement, and the attached exhibits, constitute the entire Agreement between the parties relating to the Project and may not be modified except by an instrument in writing signed by the parties.

(signatures on next page)

Grant Agreement - Solano County JFK Library Improvements

Page 8 of 8

SOLANO COUNTY, a political subdivision
of the State of California

CITY OF VALLEJO,
a municipal corporation

By: _____
Birgitta E. Corsello
County Administrator

By: _____
Daniel E. Keen
City Manager

DATE: _____

DATE: _____

APPROVED AS TO FORM:

ATTEST:

County Counsel

By: _____
Dawn Abrahamson
City Clerk

APPROVED AS TO CONTENT:

(City Seal)

Craig Whittom
Assistant City Manager

APPROVED AS TO INSURANCE
REQUIREMENTS:

Darrell W. Handy

APPROVED AS TO FORM:

Claudia Quintana
City Attorney

Exhibit A

Solano County JFK Library Improvements Grant Agreement

The Project will consist of the following improvements to the second floor:

1. Costs associated with relocating the Children's Library from the first floor to the second floor.
2. One new men's bathroom.
3. One new women's bathroom.
4. One new family bathroom.
5. New storytelling room.
6. Dedicated work space for Friends of the Library.
7. Consolidation of staff work rooms.
8. New furniture and fixtures.

The project will be completed by August 30, 2013.

Exhibit B



Clear Form

Print Form

CITY OF VALLEJO MEASURE B - REQUEST FOR PAYMENT FORM

Please return completed form to:
 City of Vallejo · City Manager's Office · 555 Santa Clara Street · Vallejo, CA 94590
 Phone: (707) 648-4576 Fax: (707) 648-4426
 Office Hours: Monday - Friday 8:30 a.m. to 5:00 p.m.

1. APPLICANT NAME	2. PAYMENT REQUEST NUMBER																												
3. APPLICANT ADDRESS																													
4. PROJECT NAME AND PURPOSE																													
5. TYPE OF PAYMENT REQUESTED <input type="checkbox"/> Advance <input type="checkbox"/> Reimbursement <input type="checkbox"/> Final																													
6. PAYMENT INFORMATION <i>(Round all figures to the nearest dollar)</i>																													
a. Grant Project Amount	<input style="width: 100%;" type="text"/>																												
b. Funds Received To Date	<input style="width: 100%;" type="text"/>																												
c. Available (a. minus b.)	<input style="width: 100%;" type="text"/>																												
d. Amount of This Request	<input style="width: 100%;" type="text"/>																												
e. Remaining Funds After This Payment (c. minus d.)	<input style="width: 100%;" type="text"/>																												
7. Request for Project Costs from: <input style="width: 30%;" type="text"/> Through <input style="width: 30%;" type="text"/>																													
8. PRIOR PROJECT COSTS PAID BY CITY: (insert date and payment amount)	9. LIST PROJECT COSTS (Please attach invoices)																												
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APPLICANT SIGNATURE: I hereby declare under the penalty of perjury that the goods or materials covered by this claim have been inspected and received or the services have been performed and are in accordance with the project specifications, are complete and accurate and are eligible expenditures under the Grant Agreement.																													
Signature: <input style="width: 80%;" type="text"/>	Title: <input style="width: 80%;" type="text"/>																												
Printed Name: <input style="width: 80%;" type="text"/>	Date: <input style="width: 80%;" type="text"/>																												
Approved for Payment: <input type="checkbox"/> YES <input type="checkbox"/> NO **OFFICIAL USE ONLY**																													
Signature: _____	Charge to G/L Account #: _____ Date: _____																												

Exhibit C

(to be inserted)



CONSENT D

DATE: February 12, 2013

TO: Mayor and Members of the City Council

FROM: David A. Kleinschmidt, Public Works Director
Jill A. Mercurio, Assistant Public Works Director / City Engineer

SUBJECT: APPROVAL OF VALLEJO SAFE ROUTES TO SCHOOLS LOCAL PLAN UPDATE

RECOMMENDATION

Adopt a Resolution 1) approving the local recommended projects and programs as defined in Attachment b for forwarding to the Solano Transportation Authority ("STA") for inclusion in the countywide plan update; 2) affirming that the local SR2S Community Task Force shall continue steering SR2S related projects and programs for Vallejo; and 3) that the local SR2S Plan shall continue to serve as the guiding document for planning and implementing SR2S projects.

REASONS FOR RECOMMENDATION

This action is to continue the City of Vallejo SR2S Community Task Force and to use the STA countywide plan update as the guiding document for implementing SR2S projects.

FISCAL IMPACT

There will be no impact to the General Fund.

BACKGROUND

On February 13, 2008, the STA Board adopted STA's first Safe Routes to School Plan and authorized STA staff to create a Safe Routes to School Program in Solano County. The STA's SR2S Plan process included over 100 committee members and over 450 parents, teachers, students, and neighbors at 29 schools across the county. Each city developed a local SR2S plan, developed in partnership with local SR2S task forces reviewing school plans within their community, which were adopted by each city's council and school board. These local plans were then incorporated into the STA's countywide SR2S plan.

The countywide 2012-13 SR2S Plan update involved identifying local task force stakeholders, facilitating local task force meetings, facilitating school site walking audits & evening planning events, drafting recommendations, and now seeking the approval

DATE: FEBRUARY 12, 2013

SUBJECT: APPROVAL OF VALLEJO SAFE ROUTES TO SCHOOLS LOCAL PLAN UPDATE

PAGE: 2

from city councils, school boards, STA committees, and the STA Board. The STA's SR2S Advisory Committee ("SR2S-AC") is helping to guide the planning process by reviewing materials prior to their use during meetings and within documents. The mapping project mirrors the process used during the pilot mapping process to produce an additional 65-70 maps.

The City of Vallejo has been active in the SR2S program since the STA began its implementation in 2008. Through this program, the City of Vallejo has received grant funding for improvements such as 10 radar speed signs that were identified as a priority in the 2008 plan. Improvements were made at Steffan Manor Elementary School; sidewalk widening and high visibility crosswalks were installed. Below is a timeline of the process Vallejo SR2S Community Task Force took for the Vallejo 2012-13 SR2S local plan update:

Meeting/Event	Dates
First Community Task Force Meeting Introductions, Re-engaging Vallejo SR2S CTF, SR2S Process Overview	September 7, 2011
Second Community Task Force Meeting Preliminary discussion of SR2S issues and school site selection	October 5, 2011
Walk Audit: Wardlaw Elementary School	December 13, 2011
Third Community Task Force Meeting Review of draft improvement plan for Wardlaw Elementary School and strategy discussion for 2 nd walk audit school.	May 9, 2012
Walk Audit: Cooper Elementary School	May 21, 2012
Fourth Community Task Force Meeting Review draft school improvement plans/set priority projects for Vallejo and Plan Recommendation.	September 13, 2012

Wardlaw Elementary and Cooper Elementary Schools were selected to be reviewed as a part of the plan update. The City of Vallejo's SR2S Community Task Force conducted walk audits at the two schools, observing drop off and pick up activities at identified locations of interest and documented concerns. As a result of these walk audits, several recommendations for improvements were made to improve the traffic circulation, congestion and walk ability for children, which have been prioritized by Vallejo's Community Task Force. In addition to any infrastructure improvements recommended, the local plan also includes educational and encouragement programs to assist with awareness and travel safety. (See Attachment b for details).

DATE: FEBRUARY 12, 2013

SUBJECT: APPROVAL OF VALLEJO SAFE ROUTES TO SCHOOLS LOCAL PLAN UPDATE

PAGE: 3

The Vallejo Community Task Force and the STA are requesting that the City Council adopt the draft local plan update. Once the local plan update is adopted, it will be included in the Countywide SR2S Plan update, which is scheduled to go before the STA Board in early 2013. Inclusion of projects into the Countywide SR2S Plan Update will assist the City in submitting stronger grant applications for future SR2S grant cycles.

DOCUMENTS ATTACHED

- a. Resolution
- b. Vallejo Safe Routes to Schools Local Plan Update

CONTACT PERSON(S)

David A. Kleinschmidt, Public Works Director
(707) 648-4301
dkleinschmidt@ci.vallejo.ca.us

Jill A. Mercurio, Assistant Public Works Director / City Engineer
(707) 648-4085
jmercurio@ci.vallejo.ca.us

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RESOLUTION NO. 13-_____ N.C.

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

WHEREAS, the Solano Transportation Authority's ("STA's") Safe Route to School Program ("SR2S") is intended to improve the safety and increase the popularity of pedestrian and bicycle modes of student travel by enhancing related infrastructure and programs; and

WHEREAS, eligible projects include capital improvement projects as well as education, enforcement and encouragement activities and programs; and

WHEREAS, STA established a three-step outreach process to identify the County of Solano's SR2S needs in order to prepare a Countywide SR2S Plan; and

WHEREAS, Resolution 08-09 N.C. approved 1) forwarding recommended projects to STA for inclusion into their SR2S plan; 2) appointing a local SR2S Task Force; and 3) adoption of a local SR2S plan as the local task force's guiding document for planning implementing Safe Routes to School.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Vallejo hereby approves three actions for the local SR2S program consisting of

- 1) Approving the local recommended projects and programs as defined in Attachment b of the Staff Report accompanying this Resolution for forwarding to the STA for inclusion in the countywide plan update, and
- 2) Affirming that the local SR2S Community Task Force shall continue steering SR2S related projects and programs for Vallejo, and
- 3) That the local SR2S Plan shall continue to serve as the guiding document for planning and implementing SR2S projects.

FEBRUARY 12, 2013

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SCHOOL TASK FORCE REVIEW DRAFT

Vallejo

The City of Vallejo's Safe Routes to School Task (SR2S) Force selected two schools for walk audits for the 2012 STA SR2S Plan Update process: Joseph Wardlaw Elementary and Johnston Cooper Elementary. The Task Force provided recommendations on project feasibility and prioritization, and identified priority projects at other non-walk audit schools that did not have a walk audit. The membership of the Vallejo Task Force is shown in Table 1. Vallejo Task Force Membership



Table 1. Vallejo Task Force Membership

Name	Position
Hermie Sunga	Council Member
Ed Alberto	Associate Civil Engineer, City of Vallejo
Mike Weninger	STA Bicycle Advisory Committee
Mel Jordan	Assistant Superintendent, Vallejo Unified
Becky Oraboni	Facilities & Planning Manager, Vallejo Unified
Steven Gordon	Vallejo Police Department
Lynn Williams	STA Pedestrian Advisory Committee

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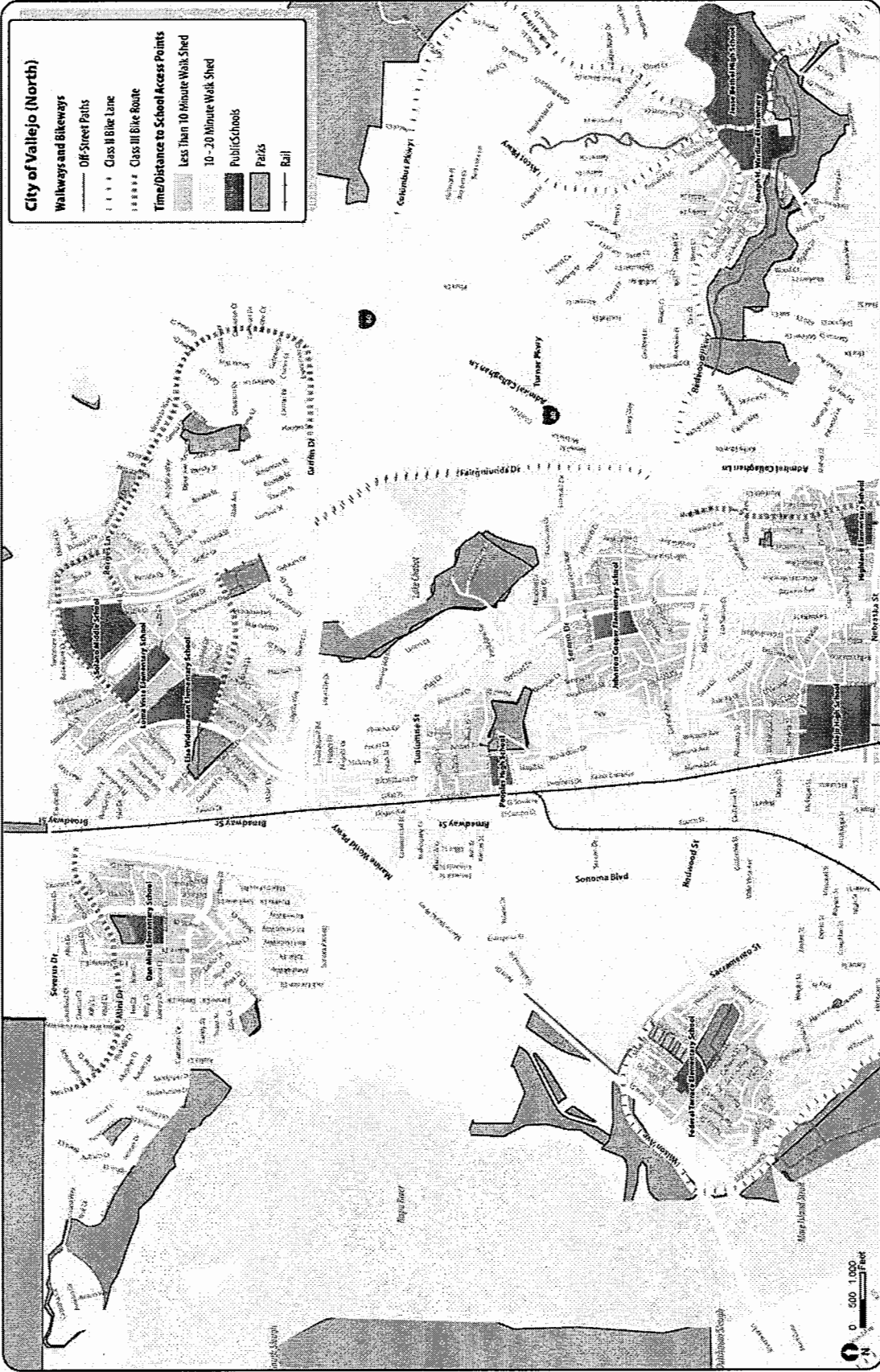


Figure 1: North Vallejo schools, parks & walksheds

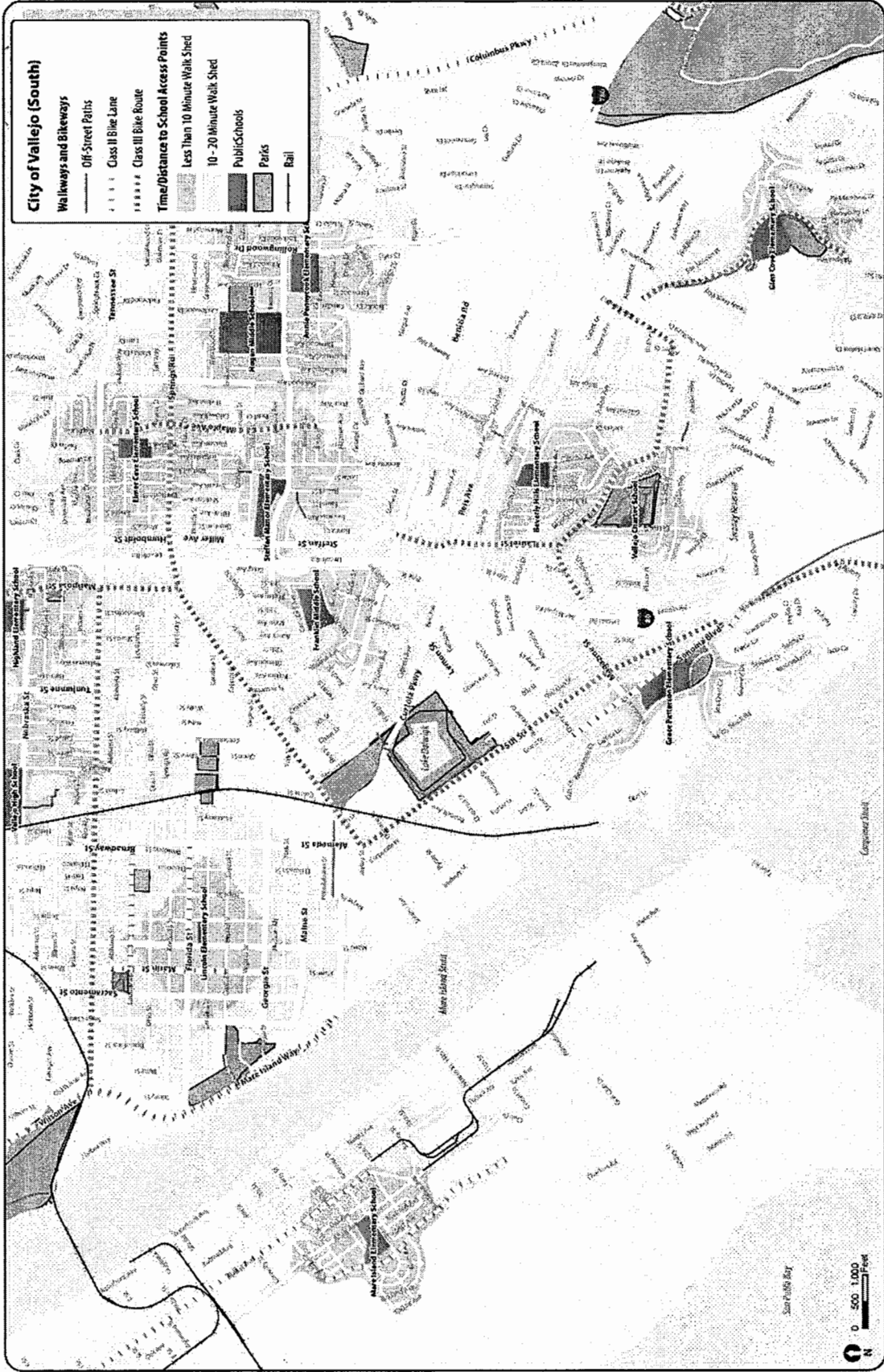


Figure 2: South Vallejo schools, parks & walksheds



Figure 3: Vallejo Bicycleist & Pedestrian Collisions, 2005-2010

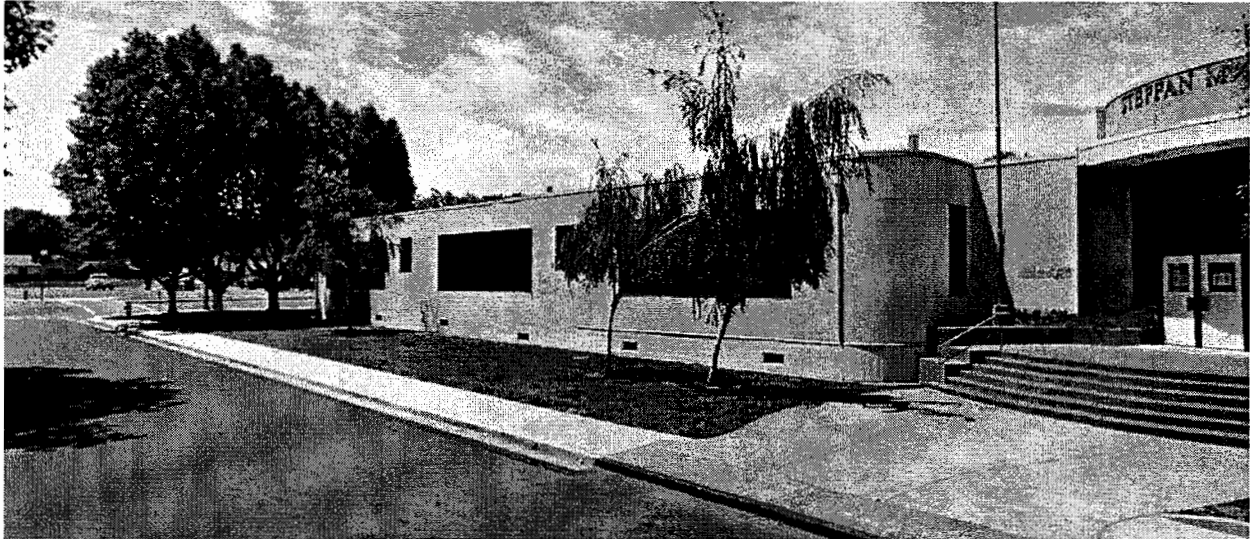
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2008 STA SR2S Plan

One school in Vallejo, Steffan Manor Elementary, had a walk audit during the 2008 STA SR2S Plan process. Another school, Widenmann Elementary, was also targeted for priority projects in the plan.

Steffan Manor Elementary

The City completed three priority projects at Steffan Manor Elementary School. The City widened sidewalks and constructed curb ramps at the school entrance on Cedar Street, relocated the bus loading zone to Georgia Street, and repainted all the loading zone curbs on Cedar Street. The City also installed speed feedback signage on Georgia Street in close proximity to school crossings.



Recommendations to widen the narrow sidewalks in front of the school entrance on Cedar Street were completed as part of the implementation of the 2008 ST2S Plan.

Widenmann Elementary

One of Widenmann Elementary School's recommendations, striping the curb for drop-off zones around the school, was completed.

Programmatic Achievements

Evaluation

Nine schools in Vallejo have participated in hand tally student surveys since 2008, with two schools participating in at least four hand tallies. Two schools (Widenmann and Dan Mini) also had strong response rates to the 2011/2012 SR2S Parent Survey, and have individual school data reports provided in Appendix B.

Education

Eight schools participated in Safety Assemblies between 2010 and 2012. One of those schools, Elmer Cave Elementary, is now closed. Four schools participated in bike rodeos between 2010 and 2012.

Encouragement

Five schools have participated in Walk & Roll to School Day between 2010 and 2012. Three schools have expressed interest in participating in STA's pilot Walking School Bus program, including Dan Mini, Steffan Manor, and Widenmann elementary schools.

Carried Over Recommendations

Three project recommendations from the 2008 SR2S Plan remain priority considerations for the Safe Routes to Schools program.

At Steffan Manor Elementary, improvements at Miller Avenue and Georgia Street remain a priority to facilitate safe pedestrian access from the west across Interstate 80. Recommendations at this intersection consist of tightening the turn radii, thereby forcing motorists to slow when they turn, and widening the pedestrian facilities crossing the freeway to provide greater separation from vehicles. Another option is to prohibit southbound vehicles on Miller Avenue from turning right on red – this would reduce the conflicts of east-west moving pedestrians and vehicles turning right.

The other project for Steffan Manor concerns the crossing of the creek north of Webb Street, which acts as a barrier to non-motorized travel. The current crossing north of Cedar Street is extremely narrow, immediately adjacent to single family homes, and includes closely-spaced barriers (bollards) that inhibit access for bicycles, strollers, and other wheeled devices. Improving access for these users by removing the bollards, and making other improvements, is encouraged. As a long-term (and higher cost solution), a new pedestrian/bicycle bridge should be considered across the creek approximately 500 feet to the west at Sheldon Avenue.

For Widenmann Elementary School, upgrading existing transverse crosswalks to high-visibility across Mini Drive and Whitney Drive continues to be recommended as a strategy to improve pedestrian visibility and comfort.

2012 Walk Audit Recommendations

Johnston Cooper Elementary

Recommended improvements for Johnston Cooper Elementary focus on access improvements along Tuolumne Street, Del Mar Avenue, and Las Palmas Avenue.

The most extensive and highest-priority recommendations are along Tuolumne Street, a wide four-lane roadway relatively high traffic speeds (35mph adjacent to school zone) and volumes (approximately 15,000 daily vehicles). Due to the street network and topography, few reasonable alternatives to this roadway exist for students traveling from the north and south. Improvements include reconstructing the intersection of Tuolumne Street at Del Mar Avenue with curb extensions at all corners, widening sidewalks and considering a road diet (four-to-three lane conversion) along Tuolumne Street, and opening a new pedestrian access point at the northern edge of school grounds.

Improvements on Del Mar Avenue focus on expanding the sidewalk near Tuolumne Street, improving the crosswalk at Las Palmas Avenue, and creating a more bike-friendly environment through signage and markings. Improvements on Las Palmas Avenue focus on access to a pedestrian path leading to San Marino

Drive. This route, once improved, could serve as a major walking route to school for students living to the north of the school.

Joseph Wardlaw Elementary

Joseph Wardlaw Elementary is bounded by three primary arterials Redwood Parkway, Ascot Parkway, and Oakwood Avenue. School-generated traffic congestion along each of these roads is acute during load/unload times, particularly at the school parking lot entrance (access to which is managed by a school staff assistant for safety). Recommended improvements focus on conditions along and across these roadways for bicyclists and pedestrians, and encouraging “park and walk” behavior through expanded curbside parking access.

On the west side of the school, this report recommends a road diet on Oakwood Avenue that would facilitate additional street parking/loading zones, bike lanes, and pedestrian refuge areas. The provision of curbside parking would formalize what is already a common practice to load/unload from the northbound curb lane, and would help provide a physical buffer for families walking along the sidewalk from neighborhoods to the south. For access from the west/north, building a new pedestrian connection from Glenview Court across Oakwood Avenue is also recommended. This link would include non-motorized access from Rodin Court near the Blue Rock Springs Corridor Park Trail, and a new protected crosswalk with school pathway south of the load zone/parking lot entrance. An enhanced crossing at Redwood Road and Topley Drive – currently an uncontrolled, marked crosswalk – would complete this connection to provide an alternative to walking on narrow sidewalks along Redwood Parkway and Oakwood Avenue.

On the east side of the school, the report recommends several crossing improvements of Ascot Parkway and revised circulation for the parking lot at Wardlaw Park East (an alternative loading area commonly-used by parents).

Additional Priority Projects

The SR2S Task Force identified two additional priority projects for implementation as part of the STA SR2S Plan Update. One primarily serves Lincoln Elementary, while the other is a citywide recommendation for yellow school bus access improvements.

Lincoln Elementary

Lincoln Elementary School is located in downtown Vallejo along State Route 29 (Sonoma Boulevard), a four-lane arterial with high traffic speeds and volumes, and narrow sidewalks. One of the city’s top pedestrian/bicycle collision locations is along this roadway at Capital Street, an uncontrolled marked crossing adjacent to the school. To improve pedestrian and student family safety, comprehensive improvements are recommended between Florida Street and Capital Street along Sonoma Boulevard and nearby suggested routes to school. Recommended improvements include curb extensions at intersection corners, sidewalk widening and repair at other key locations, a pedestrian-actuated flashing beacon at Capitol Street, expanded school warning signage, and high visibility crosswalks. Sonoma Boulevard is currently discouraged as a walking route due to its unsuitability for pedestrians. By making these improvements, the City can improve the safety of more direct routes for students north of the school.

Yellow School Bus Access Improvements

The SR2S Task Force has identified programmatic funding to improve yellow school bus access as a citywide priority, in large part to further school bus service cuts anticipated in the next several years. Specific locations and improvements would be determined by the Task Force and in collaboration between the City and School District, but are anticipated to help establish improved bus waiting areas and adjacent crossings as a result of these changes.

Table 2: Vallejo Unified Priority Engineering Projects

Vallejo - Safe Routes to School Capital Project List (DRAFT)

Total Project Costs Identified	\$1,589,000	Total Priority Projects	\$1,372,000	Grants (Reasonable Anticipated, 5 years)	\$525,000
					0

School District	School Name	Project ID # (from audit)	Project Description	Funding Priority	Lead Agency	Cost Estimates
Vallejo Unified	Johnston Cooper Elementary	1,2,7	<ul style="list-style-type: none"> Install high-visibility yellow crosswalks, pedestrian countdown heads, curb extensions, signage at Tuolumne Street and Del Mar Avenue Repave intersection and install decorative crosswalks Expand sidewalk on west side of Tuolumne by moving the school yard fence back 1-2' Infill eroded hillside behind the sidewalk; widen sidewalk Install 4-8 additional U-style bike racks to encourage parent drop-off and pick-up by bicycle 	High	City of Vallejo	\$450,000
Vallejo Unified	Joseph Wardlaw Elementary	2	<ul style="list-style-type: none"> Consider "road diet" on Oakwood Ave to provide a loading zone on northbound Oakwood Avenue. Stripe a high-visibility yellow crosswalk immediately south of the parking lot driveway and modify the existing median to provide a standard pedestrian refuge width. 	High	City of Vallejo	\$75,000
Vallejo Unified	Lincoln Elementary	Task Force	<ul style="list-style-type: none"> Construct curb extensions at all corners at the intersection of Sonoma Boulevard and Carolina Street, Florida Street, and Louisiana Street. Outfit curb ramps with tactile dome strips on Sonoma Boulevard from Carolina Street to Alabama Street. Stripe high-visibility crosswalks in all legs of intersections of Sonoma Boulevard and Kentucky Street, Ohio Street, Louisiana Street, and Alabama Street 	High	City of Vallejo	\$550,000

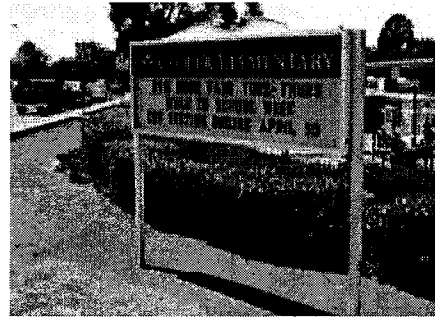
School District	School Name	Project ID # (from audit)	Project Description	Funding Priority	Lead Agency	Cost Estimates
Vallejo Unified	Citywide	Task Force	<ul style="list-style-type: none"> Install pedestrian-actuated flashing beacon at Capitol Street Post pedestrian crossing signage at the outlets of all alleys onto Sonoma Boulevard: Lozier Alley, Maxwell Alley, National Alley, Overland Alley, and Packard Alley Yellow School Bus Access Improvements 	High	City of Vallejo	\$50,000
Vallejo Unified	Joseph Wardlaw Elementary	3	<p>Option A</p> <ul style="list-style-type: none"> Retain uncontrolled intersection; install pedestrian actuated "Rapid Rectangular" flashing beacons with W11-2 pedestrian crossing signage and stripe high-visibility white crosswalks. <p>Option B</p> <ul style="list-style-type: none"> Conduct a warrant for signaling the Redwood Parkway and Topley Drive intersection and stripe high-visibility white crosswalks. 	High/Medium	City of Vallejo	\$40,000
Vallejo Unified	Steffan Manor Elementary	2008 Plan	<ul style="list-style-type: none"> Reduce corner turning radius at southbound approach to Georgia Street from Miller Avenue; upgrade crosswalk to high visibility and consider "No Turn on Red When Children Are Present" signage In short-term, stripe a hatched shoulder on north side of Georgia Street over Interstate 80 to improve separation of pedestrian and vehicular traffic; reduce landscaping behind sidewalk In long-term, widen sidewalk on overpass bridge and approaches 	High/Medium	City of Vallejo	\$25,000
Vallejo Unified	Joseph Wardlaw Elementary	4	<ul style="list-style-type: none"> Formalize (pave and sign) a path along the existing "desire line" connecting the Oakwood Avenue sidewalk to the school. 	High/Medium	VUSD	\$40,000
Vallejo Unified	Joseph Wardlaw Elementary	5	<ul style="list-style-type: none"> Ascot and Redwood Parkways: Restripe existing white transverse crosswalks in the intersection and across the free-right turn lanes as high-visibility yellow. Mark yield teeth and signage 20 feet in advance of crosswalks. 	Medium/High	City of Vallejo	\$7,000
Vallejo Unified	Johnston Cooper Elementary	2, 3, 5	<ul style="list-style-type: none"> Del Mar at Las Palmas: Upgrade existing yellow transverse crosswalks to high-visibility yellow crosswalks Refresh faded red curb paint at this intersection Trim back tree vegetation blocking driver visibility Install sharrows and wayfinding signage on Del Mar Avenue 	Medium/High	City of Vallejo	\$5,000

SCHOOL TASK FORCE REVIEW DRAFT

School District	School Name	Project ID # (from audit)	Project Description	Funding Priority	Lead Agency	Cost Estimates
Vallejo Unified	Johnston Cooper Elementary	9	<ul style="list-style-type: none"> Implement a "4-to-3" road diet on Tuolumne Street, creating bike lanes and a 10' center turning lane Relocate SCHOOL SPEED LIMIT signage closer to school grounds and consider speed feedback devices 	Medium/High	City of Vallejo	\$75,000
Vallejo Unified	Joseph Wardlaw Elementary	2	<ul style="list-style-type: none"> Neighborhood pathway from Rodin Court to Oakwood Avenue at Blue Rock Springs Corridor Park Trail 	Medium/High	City of Vallejo	\$150,000
Vallejo Unified	Steffan Manor	2008 Plan	<ul style="list-style-type: none"> Remove bollards and improve accessibility of creek bridge and walkway between Webb Street and Chelsey Court Long term, consider alternative bridge connection at Sheldon Street with enhanced non-motorized access and safety 	Medium/High	City of Vallejo	\$5,000
Vallejo Unified	Joseph Wardlaw Elementary	8	<ul style="list-style-type: none"> Stripe high-visibility yellow crosswalk immediately east of the parking lot driveway. Install pedestrian actuated "Rapid Rectangular" flashing beacons on crosswalk warning signage. Install advance warning signage and SLOW SCHOOL XING pavement markings. 	Medium	City of Vallejo	\$30,000
Vallejo Unified	Joseph Wardlaw Elementary	9	<ul style="list-style-type: none"> Consider converting parking lot circulation to counter-clockwise and construct an exit driveway at the east end of the parking lot. 	Medium	City of Vallejo	\$20,000
Vallejo Unified	Widenmann Elementary	2008 Plan	<ul style="list-style-type: none"> Upgrade existing crosswalks on Mini and Whitney Drives to high visibility ladder style 	Medium	City of Vallejo	\$5,000
Vallejo Unified	Johnston Cooper Elementary	4	<ul style="list-style-type: none"> Provide additional bicycle parking under the covered eaves/walkways Construct ADA compliant ramps from the gate to the street 	Medium	VUSD	\$12,000
Vallejo Unified	Johnston Cooper Elementary	8	<ul style="list-style-type: none"> Construct ADA compliant ramped access from the re-opened gate to the school blackout Consider constructing an additional walkway along the top of the retaining wall, where it is less feasible to expand the sidewalk on Tuolumne Street 	Medium	VUSD	\$40,000
Vallejo Unified	Joseph Wardlaw Elementary	6.7	<ul style="list-style-type: none"> Provide extra markings in the bike lane at right-turn conflict areas on Ascot Parkway Restripe existing transverse crosswalks as high-visibility 	Medium/Low	City of Vallejo	\$10,000

Johnston Cooper Elementary School Travel Plan

Principal:	Lucius McKelvy
Enrollment:	518
Arrival:	K-5, 9:00 AM
Dismissal:	K, 12:30 PM 1-5, 3:30 PM K-5 Min. Day, 2:00 PM
Mode Share:	N/A
Walk Score ¹ :	52/100
Free/Reduced Lunch:	81% in 2011-2012, 73% in 2010-2011



Johnston Cooper Elementary is located in northern Vallejo

Layout

Johnston Cooper Elementary is located in northern Vallejo, in a neighborhood with mixed residential and commercial uses. Both the Sutter-Solano and Kaiser medical centers are located within a half-mile of the school. To the south is a large grocery store and shopping center. The school is bounded by Tuolumne Street to the east, Del Mar Avenue to the south, Las Palmas Avenue to the west, and by single family homes to the north that front onto La Cienega Avenue. Tuolumne Street is a four lane arterial street. Sereno Drive to the north and Redwood Street to the south are primary east-west thoroughfares.

The main entrance for Johnston Cooper Elementary is on the south side of school grounds, fronting Del Mar Avenue. There is a small staff parking lot on Las Palmas Avenue, and the curbside between the parking lot's two driveways is designated as the bus loading zone for the school. There are pedestrian access points from both Las Palmas Avenue and Tuolumne Street. The pedestrian access point on Las Palmas Avenue also acts as a driveway for District maintenance vehicles.

Johnston Cooper Elementary has 4 pedestrian access points:

- Two entrances at the front of the school on Del Mar Avenue;
- A walkway from the staff parking lot/bus loading zone on Las Palmas Avenue;
- A pedestrian walkway/maintenance truck driveway mid-block on Las Palmas Avenue; and
- An open stair from Tuolumne Street to the Johnston Cooper playground

There is one bank of "wheelbender-style" bicycle racks, located under a covered walkway, at the base of the slope from the maintenance driveway from Las Palmas Avenue. The principal told participants that the racks are occasionally used by middle school students, who catch a bus to school nearby. He also reported some thefts have occurred from the bike rack.



Buses load next to the staff parking lot on Las Palmas Avenue

¹ See www.walkscore.com for more information.

Site Visit

The project team conducted a walk audit at Johnston Cooper Elementary on the afternoon of May 21st, 2012, where they observed the pick-up period after early dismissal at 2:00 PM. Conditions were sunny, with no indications that the day's activity was irregular. Participating in the walk audit were the school principal, representatives from the Vallejo Unified School District, from the City of Vallejo, from the Solano Transportation Authority, and consultants. Participants observed traffic and pedestrians at Tuolumne Street, Del Mar Avenue, and Las Palmas Avenue. Participants convened afterwards to discuss their findings. After the meeting, consultant staff observed conditions on Sereno Drive and Redwood Street.



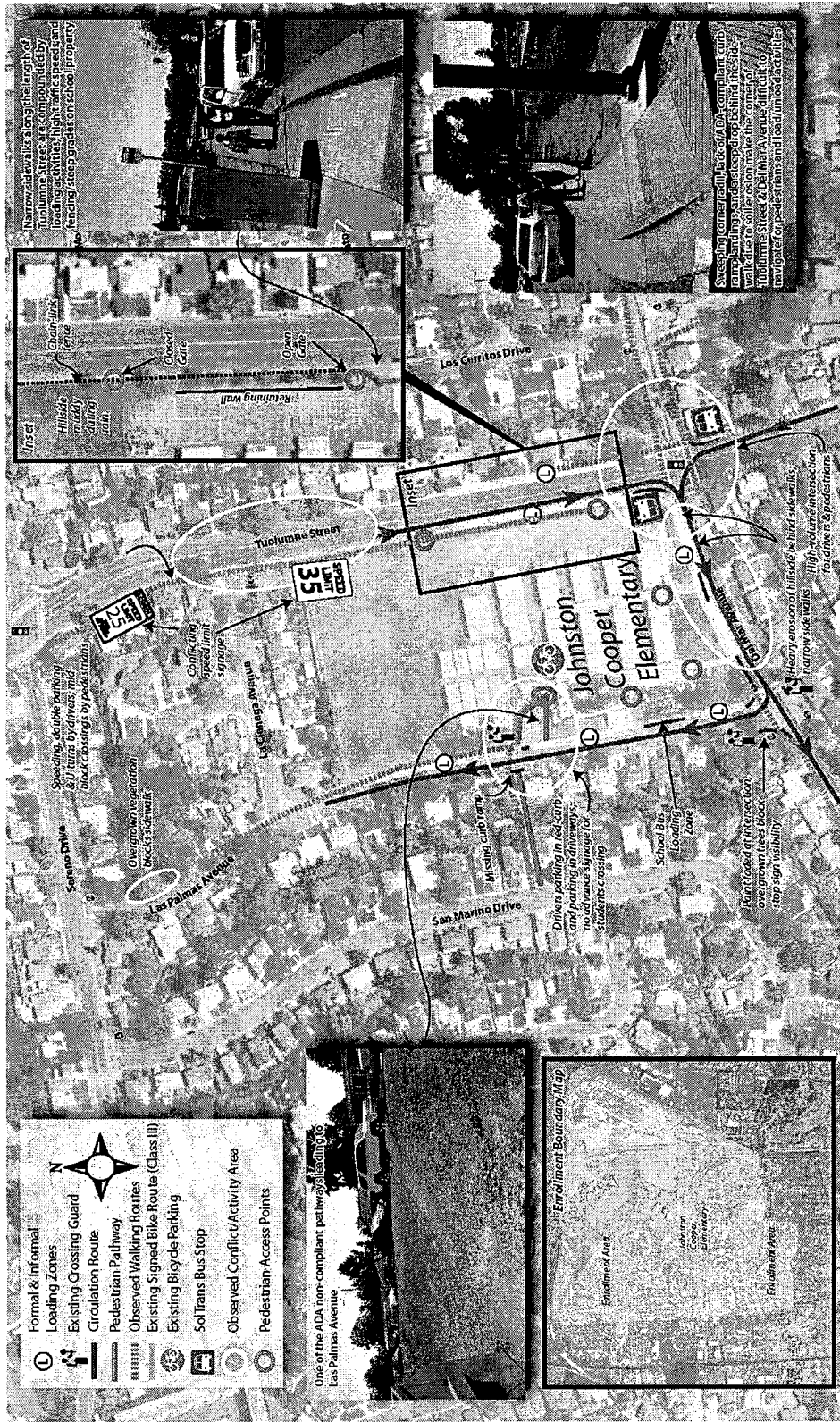
Students getting picked up at the main entrance

Loading Zones

There is one formal loading zone for drivers and one formal loading zone for buses. The formal loading zone for drivers is a stretch of white curb on Del Mar Avenue, approximately 120 feet long, in front of the main school entrance. The formal loading zone for buses is a stretch of red curb on Las Palmas Avenue between the entrance and exit driveways to the staff parking lot. There is also a 50 foot stretch of red curb on Del Mar Avenue which is reserved for vanpool and special needs loading.

There are several informal loading zones on all sides of the school that front the street. There is loading on both sides of Tuolumne Street on the north side of the intersection at Del Mar Avenue, and on Del Mar Avenue from Tuolumne Street to Las Palmas Avenue. There is a limited amount of loading which takes place on Las Palmas Avenue, located mostly near the maintenance driveway/pedestrian walkway.

There are three school staff members who act as formal crossing guards at Johnston Cooper Elementary. Two crossing guards manage the intersection of Las Palmas Avenue at Del Mar Avenue, while the other crossing guard manages the mid-block crosswalk on Las Palmas Avenue at the maintenance driveway/pedestrian walkway.

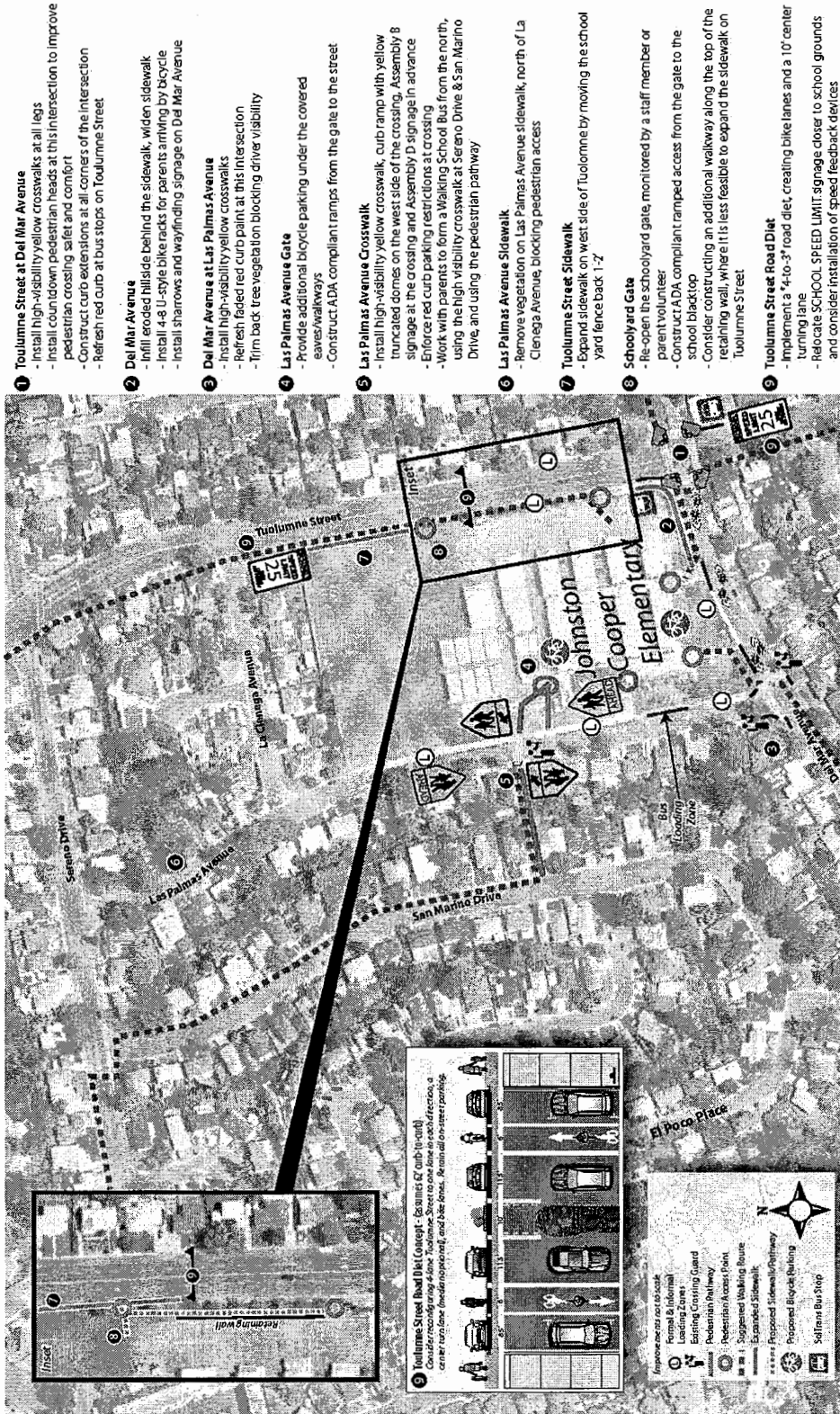


Johnston Cooper Elementary Existing Conditions
 DRAFT 9-26-2012

Solano County Transportation Authority SR2S
 www.solanoSR2S.ca.gov



Figure 4: Johnston Cooper Elementary Existing Conditions



**Johnston Cooper Elementary
Recommended Improvements***

Solano County Transportation Authority SR2S
DRAFT 9-26-2012
www.solanoSR2S.ca.gov



*Funding for recommended improvements is limited. The improvements listed are only recommendations and will need funding for construction and maintenance. Before implementation can be considered.

Figure 5: Johnston Cooper Elementary Recommended Improvements

Johnston Cooper Elementary Existing Conditions and Recommendations

Tuolumne Street at Del Mar Avenue

The intersection of Tuolumne Street at Del Mar Avenue is signal-controlled, with yellow transverse crosswalks in all four legs. There are SolTrans bus stops on Tuolumne Street immediately in advance of the intersection in both northbound and southbound directions. Both bus stops have a stretch of dedicated red curb for the stop locations, though the red curb was faded on the day of the walk audit. Participants observed drivers encroaching upon the red curb dedicated for SolTrans in the southbound direction while waiting to load students after school.

Participants observed high volumes of both drivers and pedestrians in all directions at this intersection on the day of the walk audit. The intersection has pedestrian heads in all directions, though they do not show a countdown for pedestrians. Northbound drivers were observed in long queues while waiting to turn left onto Del Mar Avenue. Drivers approaching Johnston Cooper Elementary in all directions except the west, must pass through this intersection on the way to/from school grounds.



Tuolumne Street, looking south to Del Mar Avenue

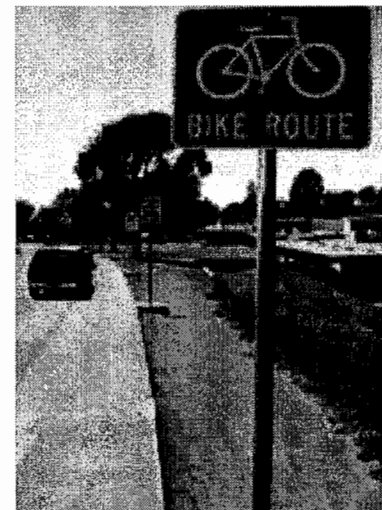
Recommendations (ID #1)

Improvements at this intersection are a high priority, as it sees the highest volume of pedestrians and vehicles and includes many physical deficiencies. The City should prioritize the construction curb extensions at each corner of this intersection to increase the waiting areas for pedestrians, reduce the crossing distance in each crosswalk, improve pedestrian visibility, and reduce the existing wide curb radii for turning vehicles. Replacing the existing yellow transverse crosswalks in all legs of the intersection with high-visibility decorative crosswalks should also be considered. Pedestrian signal heads should also be upgraded to display a pedestrian countdown as funding becomes available.

The red curb for the SolTrans bus loading zones should be refreshed to discourage driver encroachment. These improvements should be implemented in conjunction with ID #2 & ID #7.

Del Mar Avenue

The sidewalks along the school's main entrance on Del Mar Avenue are too narrow for the volume of pedestrians. Del Mar Avenue is the primary loading area for drivers; students on the day of the walk audit were observed spilling out off the sidewalk due to inadequate width. The sidewalk on the north side of Del Mar Avenue, near its intersection with Tuolumne Street, fronts a short hillside on school grounds. Over time, this hillside has worn away, leaving a



The eroded hillside, combined with the narrow sidewalk, presents a hazard for pedestrians

drop of 4-6 inches or more between the end of the sidewalk paving and the unpaved hillside. Walk audit participants speculated that this may provide a safety hazard to students.

Recommendation (ID #2)

The District should prioritize backfilling the eroded hillside and widening the sidewalk behind the curb to address the current condition of pedestrian access from Tuolumne Street. Sidewalk construction around the intersection of Del Mar Avenue at Tuolumne Street may require building around, or the relocation of, utility boxes and the traffic signal. This project could be undertaken in conjunction with projects ID #1 & ID #7.

Del Mar Avenue, as the main entrance point to the school, sees the highest volume of pedestrians, drivers, and bicyclists. In addition to facilitating pedestrian travel through an expanded sidewalk, the City should eventually complement existing Bike Route signage with in-pavement sharrows and wayfinding signage. The District could install 4-8 U-racks near the entrance to the school, further encouraging parents to bicycle to and from school with their child.

Del Mar Avenue at Las Palmas Avenue

This is a three-way intersection with STOP controls in all directions. There are yellow transverse crosswalks in the northern and eastern legs of the intersection, each managed during arrival/dismissal times by a staff crossing guard. There is red curb in advance of, and following, each of the crosswalk landing points. The red curb, however, is faded and drivers on the day of the walk audit were observed encroaching on the red curb during pick-up. Walk audit participants observed southbound drivers on Las Palmas and westbound drivers on Del Mar Avenue failing to come to complete stops when traveling through the intersection. A number of trees overhang this intersection, some potentially reducing visibility of posted STOP signs.

Recommendation (ID #3)

The City should consider refreshing the existing red curb at this intersection to reduce crosswalk encroachment by parking drivers. Existing yellow transverse crosswalks could also be upgraded to high-visibility yellow crosswalks. Tree branches close to the intersection should be trimmed to improve visibility.



The pathway/driveway to Las

Las Palmas Avenue

There is a mid-block walkway/maintenance driveway from the rear of the school up a small hill to Las Palmas Avenue. The walkway is paved asphalt, and has no space to differentiate between the vehicle driveway and pedestrian space. There is another, smaller asphalt path immediately south of the driveway between school grounds and the sidewalk on Las Palmas Avenue. This pathway is in disrepair and is too steep to be ADA compliant. At the base of these two pathways is the area where the current bicycle parking is located.

There is a mid-block crosswalk across Las Palmas Avenue where the maintenance driveway meets the street. A staff member acts as a crossing guard at this crosswalk. The crosswalk is yellow transverse, is missing a curb ramp on the western side of the crosswalk, and has no signage in advance of the crossing. At the western end of the crosswalk, a pedestrian path continues west to San Marino Drive. The crossing guard told participants on the day of the walk audit that few children use the pedestrian pathway to San Marino Drive, with most students exiting the school at this location getting picked up along Las Palmas Avenue.

While traffic volumes on Las Palmas Avenue were lower than on Del Mar Avenue or Tuolumne Street, many drivers were observed idling in parking spaces while waiting for students. One driver encroached upon the red curb beside the crosswalk, but the crossing guard allowed them to stay there. The crossing guard also described resident frustrations with parents parking in their driveways.

Recommendations (ID #4 & #5)

The District may consider improving school grounds leading up to the Las Palmas Avenue mid-block crosswalk. The District could accommodate more bicycle parking by installing additional banks of bike racks underneath the covered walkways nearby the existing bike racks. The District may also consider upgrading the ways to be ADA-compliant on the hillside between school grounds and the Las Palmas Avenue crosswalk. (ID #4)

The City may want to replace the existing yellow transverse crosswalk with a high-visibility yellow crosswalk and construct a curb ramp outfitted with yellow truncated domes on the western side of the crosswalk. In combination or separate from above, Assembly B signage at the crossing and Assembly D signage in advance of the crossing in both directions could be installed.

The District or other entity (potentially STA) should provide additional crossing guard training for staff. The District should also work with the Johnston Cooper PTA to organize a walking school bus that arrives at Las Palmas Avenue via the pedestrian walkway to San Marino Drive. There is a high-visibility crosswalk across Sereno Drive to the north at San Marino Drive. Walk audit participants also expressed reservations with students walking more than a block on Sereno Avenue, as the sidewalks are narrow and drivers were reported to travel at high speeds. By organizing a walking school bus for students living north of the school, they can cross Sereno Drive at the crosswalk at San Marino Drive, using the pedestrian walkway to the south to avoid walking on Sereno Drive itself. (ID #5)

Las Palmas Avenue, north of Johnston Cooper Elementary

To the north of Johnston Cooper Elementary is a large sidewalk obstruction on Las Palmas Avenue. The sidewalk on the eastern side of Las Palmas Avenue is entirely overgrown with vegetation approximately 100 feet south of Sereno Drive.

Recommendation (ID #6)

Trim back the overgrown vegetation on Las Palmas Avenue to provide a full sidewalk network for pedestrians.

Tuolumne Street Sidewalk

The sidewalks along Tuolumne Street, with the western sidewalk abutting school grounds, are four feet wide. This narrow sidewalk, coupled with the driver speeding on Tuolumne Street, makes walking on Tuolumne Street undesirable for student pedestrians. The northern half of the school grounds are grass playing fields,

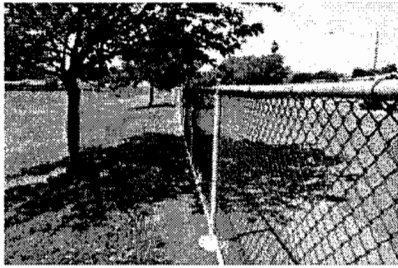


The crossing guard at Las Palmas Avenue



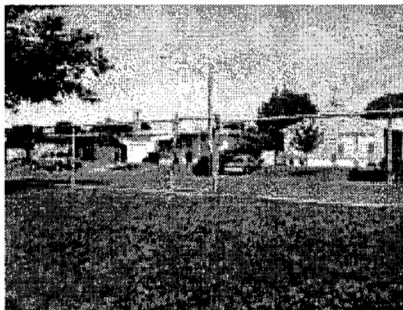
A parent both parking in the red zone and encroaching on the

with a row of trees set back from a fence separating the fields from the sidewalk. The southern half of the school grounds have landscaping and trees planted right up against the fence beside the sidewalk.



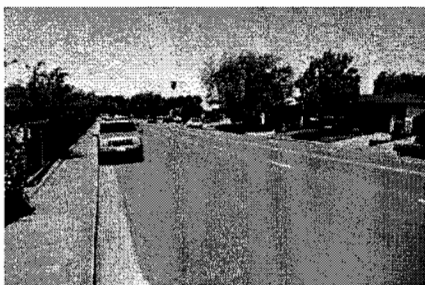
There is ample room between the trees and the fence for additional

Tuolumne Street. The school currently has pedestrian congestion from students exiting the single stairway gate exit to Tuolumne Street to the south. The base of the hillside where the locked gate is located gets muddy in the winter during rains.



The locked gate on Tuolumne Street could ease pedestrian traffic at the southern end of the school

travelling faster than the posted speed limit on this stretch of roadway. Participants also observed significant backups created by northbound drivers on Tuolumne waiting to turn left onto Del Mar Avenue.



Tuolumne Street from Del Mar

Recommendations (ID #7)

Consider expanding the sidewalk on the western side of Tuolumne Street on the northern half of school grounds. By moving the fences back to the row of trees along the grassy playing fields, the District will allow for 1-2 feet of additional space that can be dedicated to sidewalks. Expanding the sidewalk in this location will have the most impact if constructed in conjunction with recommendations ID #1 & 2.

Tuolumne Street Schoolyard Gate

There is an existing locked gate in the grassy schoolyard fronting

Recommendation (ID # 8)

Consider re-opening the locked gate on Tuolumne Street and have either a staff member or parent volunteer oversee the gate. The District could resolve drainage issues at the base of the hillside beside the gate by installing an asphalt or other surfaced pathway from the gate to the playground blacktop. A similar pathway along the top of the retaining wall beside the playground blacktop could provide for students an alternate route to avoid the narrow sidewalk on Tuolumne Street.

Tuolumne Street

Tuolumne Street is currently undesirable for pedestrian traffic. The street has four travel lanes, parking on both sides of the street, and narrow sidewalks. Walk audit participants observed drivers regularly

Although Tuolumne Street between Sereno Drive and Del Mar Avenue is a school zone, the existing signage is potentially confusing to drivers. For southbound drivers, there is a 25 MPH school zone sign approximately 150 feet south of Sereno Drive; a 35 MPH sign, however, is posted at the northern edge of school grounds 100 feet south of La Cienega Avenue. Improved placement and spacing of these speed limit signs may encourage greater visibility of and acknowledgment of the school zone speed limit area

Recommendation (ID #9)

The City should consider studying the feasibility of implementing a 4-to-3 road diet on Tuolumne Street, which according to 2008 counts carries an average of 15,000 vehicles per day. Although this is a significant volume, the provision of a two-way left-turn lane could help address backup issues caused by drivers turning onto Del Mar Avenue and other intersections, and diversion of traffic onto local streets would likely be limited by their poor connectivity to nearby destinations. Such a lane reduction would also introduce space for bicycle lanes and create a more pleasant pedestrian experience. The proposed road diet assumes a curb-to-curb right-of-way of 62 feet.

In the shorter term, the City might consider modifying the positions of the 35 MPH speed limit sign and the 25 MPH school zone sign to the north of the school, and installing speed feedback signs in both directions to encourage slower vehicle speeds.

Summary of Recommendations

Table 3 lists the recommended improvements to address safety and circulation issues around Johnston Cooper Elementary; Figure 4 maps existing conditions and Figure 5 presents an improvement plan of these recommendations. The project IDs in Table 3 correspond to those in Figure 5. The table identifies the agency likely to lead the improvement, recommended priority for implementation and a planning level cost estimate. The priority level is based upon the predicted safety improvement of the recommendation, the projected cost of the improvement, and the improvement feasibility.

Cost estimates do not include additional engineering or design work required for some of the recommendations.

Table 3: Johnston Cooper Elementary Recommended Improvements

ID	Location	Recommendations	Lead Agency	Priority Level	Cost
1, 2 & 7	Tuolumne Street at Del Mar Avenue	<ul style="list-style-type: none"> Install high-visibility decorative crosswalks, pedestrian countdown heads, curb extensions, signage at Tuolumne Street and Del Mar Avenue; repave intersection Infill eroded hillside behind the sidewalk on Del Mar; widen sidewalk behind curb Expand sidewalk on west side of Tuolumne by moving the school yard fence back 1-2' Install 4-8 U-style bike racks for parents arriving by bicycle at school entrance 	City of Vallejo	High	\$450,000
2, 3 & 5	Del Mar Avenue & Las Palmas Avenue	<ul style="list-style-type: none"> Replace existing yellow transverse crosswalks with high-visibility yellow crosswalks Refresh faded red curb paint at this intersection Trim back tree vegetation blocking driver visibility Install sharrows and wayfinding signage on Del Mar Avenue 	City of Vallejo	Middle/High	\$5,000
4	Las Palmas Avenue Gate	<ul style="list-style-type: none"> Provide additional bicycle parking under the covered eaves/walkways Construct ADA compliant ramps from the gate to the street 	VUSD	Middle/High	\$12,000

ID	Location	Recommendations	Lead Agency	Priority Level	Cost
6	Las Palmas Avenue Sidewalk	<ul style="list-style-type: none"> Remove vegetation on Las Palmas Avenue sidewalk, north of La Cienega Avenue, blocking pedestrian access 	City of Vallejo	Low	\$200
8	Schoolyard Gate	<ul style="list-style-type: none"> Construct ADA compliant ramped access from the gate to the school blacktop Consider constructing an additional walkway along the top of the retaining wall, where it is less feasible to expand the sidewalk on Tuolumne Street 	VUSD	Middle	\$40,000
9	Tuolumne Street Road Diet	<ul style="list-style-type: none"> Implement a "4-to-3" road diet, creating bike lanes and a 10' center turning lane Relocate SCHOOL SPEED LIMIT signage closer to school grounds and consider installation of speed feedback devices 	City of Vallejo	High/Middle	\$75,000
Total Cost					\$582,200

Joseph Wardlaw Elementary School Travel Plans

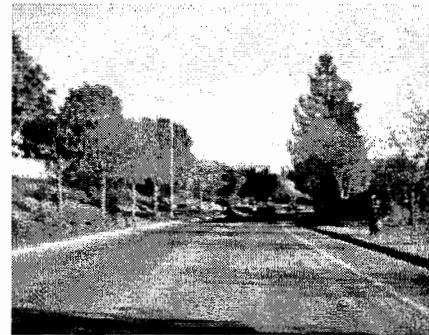
Principal:	Coreen Russell
Enrollment:	K-5, 908
Arrival:	
Dismissal:	3:20 PM
Mode Share:	7% walk/bike (May 2010)
Walk Score ² :	26/100
Free/Reduced Lunch:	45% in 2011-2012, 39% in 2010-2011

Layout

Joseph Wardlaw Elementary is located in eastern Vallejo alongside the Black Rock Springs Trail. The surrounding community is residential, and the suburban layout of the roadways channels traffic onto major arterials. The school property is bounded on three sides by these multi-lane arterial roadways: Oakwood Avenue to the west, Redwood Parkway to the north, and Ascot Parkway to the east. Both Redwood Parkway and Ascot Parkway have bike lanes, and none of the three roadways has on-street parking. The Black Rock Springs Trail, and the creek it follows, bound school grounds to the south in a valley. Across Ascot Parkway from Joseph Wardlaw Elementary is Jesse Bethel High School. Immediately east of the school, but on the same side of Ascot Parkway, is Wardlaw Park East, a dog park that has a small skate park on its eastern end.



Joseph Wardlaw Elementary is located in a creek valley in eastern



A typical arterial roadway in the vicinity of the school

The Black Rock Springs Trail runs on the opposite side of the creek next to the school. Trail users sometimes use school grounds as a cut-through on the northern side of the creek, and the District is planning to erect a fence to address this security concern. East of the school, the trail has a spur that crosses over the creek to Wardlaw Park East. This trail runs east/west, with undercrossings of both Oakwood Avenue and Ascot Parkway. The trail provides access to the sidewalk on both sides of Ascot Parkway. On Oakwood Avenue, however, there is only trail access from the western side of the street. Due to the limited number of trailhead connections, the Black Rock Springs Trail is of limited utility for students walking or biking to and from school.

Joseph Wardlaw Elementary has three access points for students:

- The main entrance to the school, on Oakwood Avenue, which is the only parking lot access point;
- A rear path from Ascot Parkway, immediately beside the parking lot to Wardlaw Park East; and
- An informal walking path from Redwood Parkway down to the Wardlaw Park West playing fields.

Site Visit

The project team conducted a walk audit at Wardlaw Elementary on the afternoon of Monday November 14th, 2012 where they observed the pick-up period after dismissal. Conditions were overcast, with no

² See www.walkscore.com for more information.

indication that weather impacted normal dismissal activities. The walk audit was attended by the school principal, the school traffic coordinator, a parent volunteer, representatives from Solano County Public Health, from the City of Vallejo, and from STA. Participants observed traffic and pedestrians in the school parking lot, along Oakwood Avenue, and along Ascot Drive. After the walk audit, staff conducted field research to the west on Glenview Circle and north along Topley Drive.



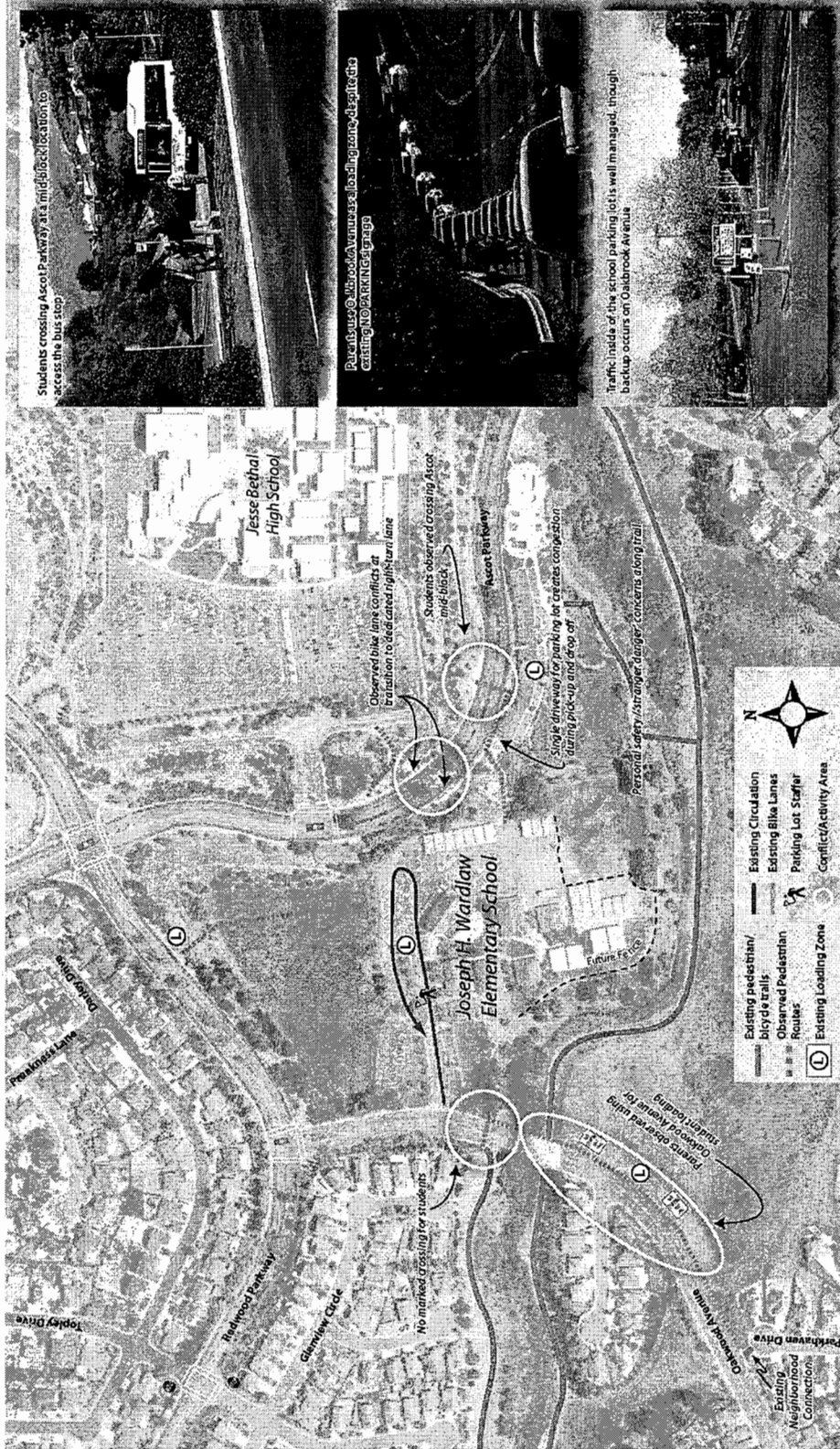
Drivers queuing in the school parking lot

Loading Zones

The school parking lot is the only formal loading zone for drivers at Joseph Wardlaw Elementary. Drivers enter and exit through the same driveway on Oakwood Avenue. The parking lot is managed by the school's traffic coordinator and several parent volunteers. The school currently sets up cones along the entryway, along the loading zone area that fronts the school, and across the first return-route lane. This setup forces drivers to circulate all the way through the back of the parking lot before they can exit on Oakwood Avenue.

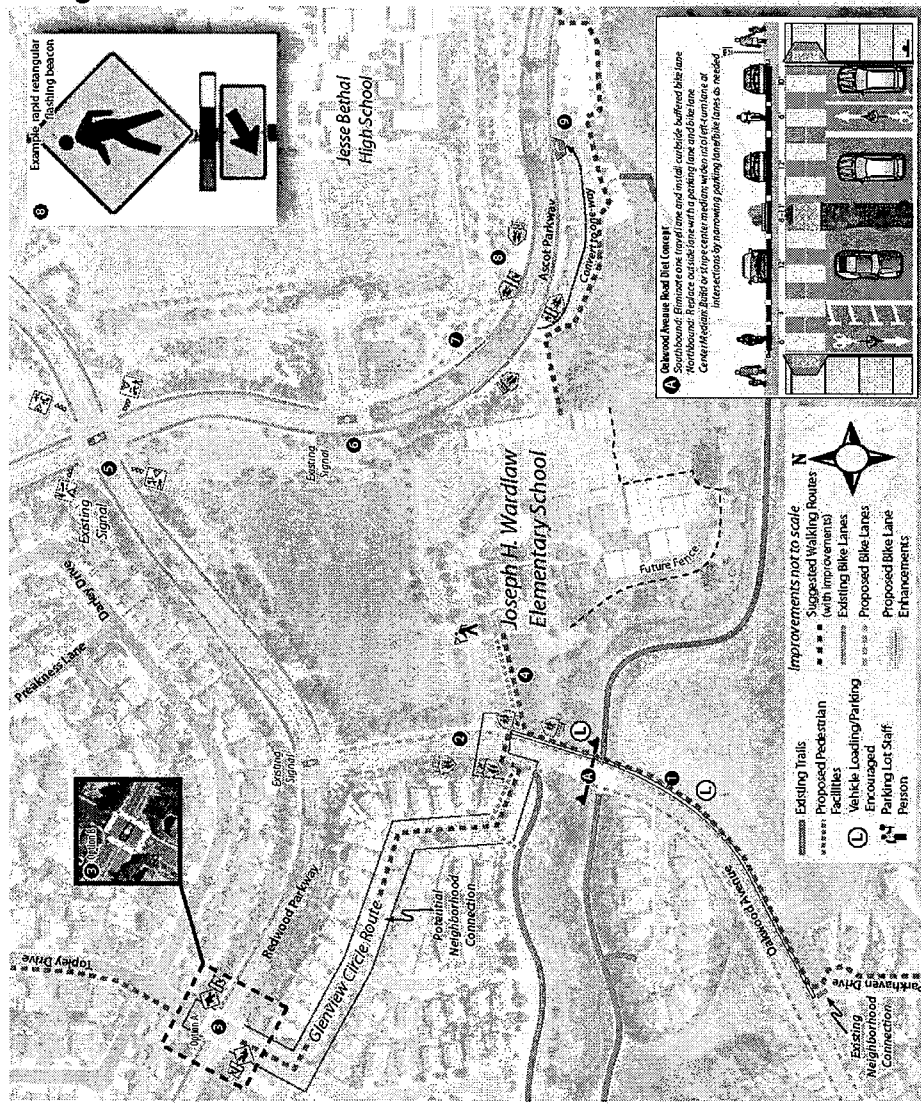
Drivers also use Oakwood Avenue, Ascot Parkway, and the parking lot for Wardlaw Park East as informal loading zones. Because Oakwood Avenue and Ascot Parkway have no on-street parking, drivers park illegally in the rightmost lane on both streets to pick up students, although enforcement of this activity is limited (and does not seem necessary for safety reasons).

There are no formal crossing guards at Joseph Wardlaw Elementary, though the traffic coordinator functions as a de-facto crossing guard at the parking lot entrance/exit.



Joseph H. Wardlaw Elementary School
Existing Conditions
 DRAFT 9-26-2012
 Solano County Transportation Authority SR25
www.solanoSR25.ca.gov

Figure 6. Joseph Wardlaw Elementary Existing Conditions



**Joseph H. Wardlaw Elementary School
Recommended Improvements***

*Funding for recommended improvements is limited. The improvements listed are only economic addressee and will need funding for construction and maintenance. For implementation can be considered.

Solano County Transportation Authority SR2S
DRAFT 9-26-2012
www.solanosr2s.ca.gov

Solano County Transportation Authority SR2S
DRAFT 9-26-2012
www.solanosr2s.ca.gov

- 1 Northbound Oakwood Parkway
 - Permit parking between the parking lot driveway and Parkhaven Drive to accommodate existing loading and provide sidewalk buffer zone.
- 2&3 Glenview Circle Route
 - The improvements outlined in gray work together to achieve a complete pedestrian connection for students living north of Redwood Parkway.
- 2 Oakwood Avenue south of Parking Lot (Glenview Circle Route Project)
 - Consider a "road diet" on Oakwood Avenue south of the parking lot driveway to provide a loading zone on northbound Oakwood Avenue.
 - Stripe a high-visibility yellow crosswalk immediately south of the parking lot driveway and modify the existing median to provide a standard pedestrian refuge width.
 - Construct a trail connection from Oakwood Avenue to the end of Glenview Circle. Provide outreach with neighbors when studying alignments.
- 3 Redwood Parkway at Topley Drive (Glenview Circle Route Project)
 - Option A
 - Retain uncontrolled intersection. Install pedestrian actuated "Rapid Rectangular" flashing beacons with W11-2 pedestrian crossing signage and stripe high-visibility white crosswalks.
 - Option B
 - Conduct a warrant for signaling the Redwood Parkway and Topley Drive intersection and stripe high-visibility white crosswalks.
- 4 East School Yard
 - Formalize (pave and sign) a path along the existing "desire line" connecting the Oakwood Avenue sidewalk to the school.
- 5 Ascot Parkway at Redwood Parkway
 - Restripe existing white transverse crosswalks in the intersection and across the free-right turn lanes as high-visibility yellow.
 - Mark yield teeth and signage 20 feet in advance of crosswalks.
- 6 Ascot Parkway at High School Parking Lot
 - Restripe existing transverse crosswalks as high-visibility.
- 7 Ascot Parkway at Right Turn Lanes
 - Provide extra markings in the bike lane at right-turn conflict areas.
- 8 Ascot Parkway at Wardlaw Park East/Skate Park Parking Lot Entrance
 - Stripe high-visibility yellow crosswalk immediately east of the parking lot driveway.
 - Install pedestrian actuated "Rapid Rectangular" flashing beacons on crosswalk warning signage.
 - Install advance warning signage and SLOW SCHOOL XING pavement markings.
- 9 Wardlaw Park East/Skate Park Parking Lot
 - Consider converting parking lot circulation to counter-clockwise and construct an east driveway at the east end of the parking lot.



Figure 7: Joseph Wardlaw Elementary Recommended Improvements

Joseph Wardlaw Elementary Existing Conditions and Recommendations

Oakwood Avenue

Oakwood Avenue is the only road providing vehicle access to the Joseph Wardlaw Elementary parking lot. The roadway is 4 lanes wide, with no on-street parking, no bicycle facilities, and relatively modest traffic volumes for a major arterial (about 7,000 vehicles/day). On the day of the walk audit, drivers were observed parking in the right lane of traffic on both sides to wait for students.

Walk audit participants observed student crossing Oakwood Avenue mid-block immediately south of the parking lot driveway. There is an existing crosswalk across Oakwood Avenue approximately 500 feet to the north at Redwood Parkway, but no nearby crossings to the south. There is currently no convenient way for students and parents to get to the west side of the street, where many drivers park when they approach the school from Redwood Parkway. Pedestrians were observed using the landscaped median on Oakwood Avenue just south of the parking lot entrance as a pedestrian refuge when crossing the street, although this median is not ADA accessible.



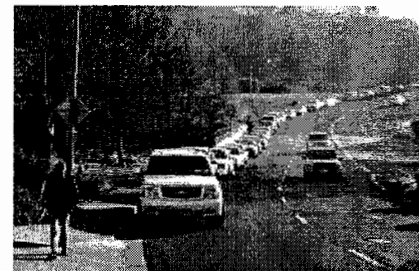
Pedestrians crossing Oakwood Avenue mid-block

Oakwood Avenue is the primary route for student pedestrians traveling south. Just south of the Black Rock Spring Trail and partially up the hill, there is a small pathway connecting Oakwood Avenue with the cul-de-sac Parkhaven Way, providing pedestrian access to the neighborhood to the south. Parents expressed concerns about driver speed on Oakwood Avenue, as there are few stops or traffic calming features in advance of the school when driving northbound.

Recommendations (ID #1 & ID #2)

The City should consider formally allowing curbside parking on the east side of the street between Parkhaven Way in the south and the school parking lot. This would serve the dual purpose of creating a formalized area for loading students, while providing a buffer for southbound pedestrians on Oakwood Avenue. (ID #1)

The creation of a parking lane/loading zone on the eastern side of Oakwood Avenue could be accomplished by implementing a road diet on Oakwood Avenue. This road diet would reduce the roadway to one travel lane in both directions, provide a parking lane on the east side of the street, a generous downhill bike lane on the east side of the street, and a buffered bike lane on the west side of the street. Between the two travel lanes would either be a landscaped median or two-way left-turn pockets for turning drivers. The City may wish to conduct a traffic study to determine the feasibility of the road diet as it approaches the school driveway and Redwood Parkway



Drivers park along the length of Oakwood Avenue when picking up students

Accompanying this road diet, the City could install a new crosswalk across Oakwood Avenue, south of the parking lot driveway. The crosswalk should be striped as high-visibility yellow, with Assembly B signage installed at the crossing and

Assembly D signage installed in advance of the crossing. SLOW SCHOOL XING pavement markings may be considered for placement in advance of the crossing in both directions. If undertaken, the City should retrofit the existing landscaped median where this crosswalk will be placed, converting it into a pedestrian refuge island.

It is also recommended that the City consider building a pathway from the new crosswalk at Oakwood Avenue up to the eastern end of Glenview Circle/Rodin Court. If a pathway is not feasible in this location, the City could consider constructing an alternative trailhead from the Black Rock Springs Trail up to Glenview Circle. Study and outreach with neighbors should be prioritized by the city on such a project, which may require retaining walls to secure the pathway on the hillside and insertion of a new gate along the existing metal fence. (ID #2)

The improvements in ID #1 & ID #2 are meant to work in conjunction with ID #3 & ID #4, providing more comfortable pedestrian & bicycle routes for students coming to school from the north and the west.

Redwood Parkway at Topley Drive (Glenview Circle Route Project)

Redwood Parkway, another of the community’s primary arterial roadways, has two lanes of travel in each direction, bike lanes, no on-street parking, and a landscaped median that narrows at intersections to allow for turn pockets. Topley Drive is the first intersection with Redwood Parkway to the west of Oakwood Avenue. The intersection is STOP controlled for Topley Drive, with free-flowing traffic on Redwood Parkway. The intersection has white transverse crosswalks in all four legs. For those living north of Redwood Parkway, Topley Drive is the most direct route to use when traveling to Joseph Wardlaw Elementary.

Parallel to Redwood Parkway, to the south, is Glenview Circle. Glenview Circle ends in a cul-de-sac on the hillside overlooking the location of the proposed crosswalk on Oakwood Avenue in ID #2. Staff has identified Glenview Circle as a strong candidate for an alternative, quieter, and safer walking route for students, one that could possibly be used as a walking school bus route.

Recommendation (ID #3)

The City should facilitate travel from north of Redwood Parkway by improving the intersection at Topley Drive. The City should conduct a traffic warrant to determine the suitability of installing a traffic light at this intersection with pedestrian countdown heads. If a signal warrant cannot be obtained for this intersection, the City should instead install pedestrian-activated rapid-rectangular flashing beacons (RRFBs) for pedestrians crossing Redwood Parkway, installed as part of W11-2 signage. Because this intersection is more

than 600 feet away from Joseph Wardlaw Elementary, it is not eligible for school zone signage. The white transverse crosswalks in all legs should be replaced with high-visibility white crosswalks.



Students walking on the informal path to Oakwood Ave

Joseph Wardlaw Parking Lot Driveway

During the walk audit, participants observed both students and parents walking across the landscaped area to the south of the parking lot driveway to reach Oakwood Avenue before crossing the street with the assistance of the landscaped median. Even though there is a sidewalk on the southern side of the driveway, this

informal path was well-used.

Recommendation (ID #4)

The District should formalize this pathway, either paving it or using decomposed granite. The District should also erect signage to help parents and students traveling along this pathway.

Redwood Parkway at Ascot Parkway

Immediately to the north of the school, the intersection of Redwood Parkway at Ascot Parkway is the meeting of two major arterial roadways. Students walking or biking east must travel through this intersection.

The intersection is signalized, with white transverse crosswalks in all legs. Both streets having two travel lanes in either direction with bike lanes, no on-street parking, and medians that narrow at intersections for turn pockets. This intersection also has high-speed free-right turn lanes in all legs of the intersection, with pedestrian islands built into all corners in between the free-right lanes and the intersection itself. There are white transverse crosswalks between the sidewalks and the pedestrian islands, with out-of-date Assembly D signage and YIELD signs posted in advance of each crossing.

Recommendation (ID #5)

The City should replace the existing white transverse crosswalks in the legs of the intersection, and between the sidewalks and pedestrian islands, with high visibility yellow crosswalks. The City should also update the Assembly D signage at this intersection, replace the current YIELD signs with R1-5 yield signage, and stripe yield “shark teeth” pavement markings in advance of the crossings to the pedestrian islands.

Ascot Parkway at Jesse Bethel High School Entrance

Located on Ascot Parkway, immediately east of school grounds, is the entrance driveway for Jesse Bethel High School. The intersection is signalized and has yellow transverse crosswalks in all three legs.

Recommendation (ID #6)

The City should replace the existing yellow transverse crosswalks with high-visibility yellow crosswalks.

Ascot Parkway at Right Turn Lanes

South of the parking lot driveway for Jesse Bethel High School, Ascot Parkway has dedicated right turn lanes in both directions. The northbound dedicated right turn lane provides access to the Jesse Bethel High School driveway and the southbound dedicated right turn lane provides access to the parking lot for Wardlaw Park East. Ascot Parkway also has bike lanes along its entire length, and walk audit participants observed queuing vehicles blocking the bike lane in both directions while waiting to access these dedicated right-turn lanes.



Drivers blocking the bike lane on Ascot Parkway

Recommendation (ID #7)

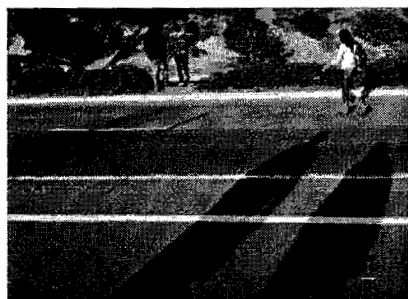
The City should improve the visibility of the bike lane transition phases immediately before the dedicated right turn lanes. This could be accomplished by colorizing the bike lane transition area with green paint, as is now expressly allowed by the Federal Highway Administration (FHWA). By highlighting the merging sections between the bike lanes and the dedicated right turn lanes,

drivers will be more aware of the presence of bicyclists and bicyclists will be alerted to the possibility of merging vehicles.

Ascot Parkway at Wardlaw Park East/Skate Park Parking Lot Entrance

A rear pathway from Joseph Wardlaw Elementary leads out to Ascot Parkway, just above the driveway entrance to Wardlaw Park East. Immediately to the east on Ascot Parkway are bus pull-outs on both sides of the street for SolTrans busses. There is an advance flashing sign for northbound drivers on this stretch of Ascot Drive, alerting them to the traffic signal at the driveway to Jesse Bethel High School to the north. South of the crosswalk at the high school driveway intersection, there are no marked crossings of Ascot Parkway for another half mile, at Locust Drive.

On the day of the walk audit, participants observed students from both Joseph Wardlaw Elementary and Jesse Bethel High School crossing mid-block at this location. Because SolTrans busses stop on both sides of the street, there is a need for pedestrians to cross conveniently in this location.



Students crossing Ascot Parkway mid-block



The driveway entrance/exit to the Wardlaw Park East parking lot

Recommendation (ID # 8)

Consider striping a new crosswalk across Ascot Parkway immediately to the east of the driveway to Wardlaw Park East. This crosswalk would be high-visibility yellow, with SLOW SCHOOL XING pavement markings installed in advance of the crossing. The City should also install Assembly D signage in advance of the crossing and consider including rapid rectangular flashing beacons (RRFBs) as part of the Assembly B signage installed at the crossing itself. This crosswalk will need to retrofit the existing median into a pedestrian refuge island.

The advance flashing sign for the traffic signal at the high school driveway to the north may need to be removed in order to minimize conflicting signals for drivers approaching the new crosswalk. The City should weigh the benefits of this crossing against the removal of the advance flashing sign when considering implementation of this project.

Wardlaw Park East/Skate Park Parking Lot

The parking lot serving Wardlaw Park East and the adjacent skate park has a single driveway, immediately east of the pedestrian path from Joseph Wardlaw Elementary out to Ascot Parkway. The driveway is fairly narrow, and accommodates both the ingress and egress of vehicles. This parking lot is used as a loading zone by parents, and becomes very congested in the mornings and afternoons. Park patrons are heavily inconvenienced by this congestion, and were observed having a hard time reaching a parking space. Due to the single, narrow travel lane of the parking lot, turning around is difficult in congested conditions, further exacerbating the situation during loading periods.

Due to the narrowness of sidewalks, the intensity of activity, and overgrown vegetation, students often spill out onto the driveway entrance during loading periods. This exacerbates the already-narrow driveway entrance, and further contributes to congestion and back-up by drivers on Ascot Parkway.

Recommendation (ID #9)

The City should consider constructing a driveway outlet for this parking lot at its eastern end and converting circulation to one-way. This would reduce congestion around the existing driveway and reduce vehicle conflicts with congregating students.

Summary of Recommendations

Table 4 lists the recommended improvements to address safety and circulation issues around Joseph Wardlaw Elementary; Figure 6 maps existing conditions and Figure 7 presents an improvement plan of these recommendations. The project IDs in Table 4 correspond to those in Figure 7. The table identifies the agency likely to lead the improvement, recommended priority for implementation and a planning level cost estimate. The priority level is based upon the predicted safety improvement of the recommendation, the projected cost of the improvement, and the improvement feasibility.

Cost estimates may not include additional engineering or design work required for some of the recommendations.

Table 4: Joseph Wardlaw Elementary Recommended Improvements

ID	Location	Recommendations	Lead Agency	Priority Level	Cost
1	Northbound Oakwood Avenue	<ul style="list-style-type: none"> Permit parking between the parking lot driveway and Parkhaven Drive to accommodate existing loading and provide sidewalk buffer zone. 	City	High	See 2a
2a	Oakwood Avenue, south of parking lot	<ul style="list-style-type: none"> Consider a "road diet" on Oakwood Avenue south of the parking lot driveway to provide a loading zone on northbound Oakwood Avenue. Stripe a high-visibility yellow crosswalk immediately south of the parking lot driveway and modify the existing median to provide a standard pedestrian refuge width. 	City of Vallejo	High	\$75,000
2b	Oakwood Avenue pathway	<ul style="list-style-type: none"> Construct a trail connection from Oakwood Avenue to the end of Glenview Circle. Conduct outreach with neighborhood before construction. 	City of Vallejo	Middle/High	\$150,000
3	Redwood Parkway at Topley Drive	<ul style="list-style-type: none"> Option A Retain uncontrolled intersection; install pedestrian actuated "Rapid Rectangular" flashing beacons with W11-2 pedestrian crossing signage and stripe high-visibility white crosswalks. Option B Conduct a warrant for signaling the Redwood Parkway and Topley Drive intersection and stripe high-visibility white crosswalks. 	City of Vallejo	Middle/High	\$75,000

ID	Location	Recommendations	Lead Agency	Priority Level	Cost
4	West School Yard	<ul style="list-style-type: none"> Formalize (pave and sign) a path along the existing "desire line" connecting the Oakwood Avenue sidewalk to the school. 	VUSD	Middle/High	\$40,000
5	Ascot Parkway at Redwood Parkway	<ul style="list-style-type: none"> Restripe existing white transverse crosswalks in the intersection and across the free-right turn lanes as high-visibility yellow. Mark yield teeth and signage 20 feet in advance of crosswalks. 	City of Vallejo	Middle/High	\$7,000
6 & 7	Ascot Parkway	<ul style="list-style-type: none"> Restripe existing transverse crosswalks as high-visibility. Provide extra markings in the bike lane at right-turn conflict areas. 	City of Vallejo	Middle/Low	\$10,000
8	Ascot Parkway at Wardlaw Park East	<ul style="list-style-type: none"> Stripe high-visibility yellow crosswalk immediately east of the parking lot driveway. Install pedestrian actuated "Rapid Rectangular" flashing beacons on crosswalk warning signage. Install advance warning signage and SLOW SCHOOL XING pavement markings. 	City of Vallejo	Middle	\$50,000
9	Wardlaw Park East parking lot	<ul style="list-style-type: none"> Consider converting parking lot circulation to counter-clockwise and construct an exit driveway at the east end of the parking lot. 	City of Vallejo	Middle	\$20,000
Total Cost					\$427,000



CONSENT E

DATE: February 12, 2013
TO: Mayor and Members of the City Council
FROM: Daniel E. Keen, City Manager
Claudia Quintana, City Attorney
Darrell W. Handy, Risk Manager
SUBJECT: RESOLUTION AUTHORIZING THE CITY MANAGER TO RESOLVE WORKERS' COMPENSATION CLAIM OF LAURA YOUNG (WILLIAM YOUNG, RETIRED FIRE FIGHTER, DECEASED) (WCAB CASE NUMBERS ADJ7560301 & 7556145) AGAINST CITY OF VALLEJO

RECOMMENDATION

Adopt the Resolution.

REASONS FOR RECOMMENDATION

Staff recommends that City Council authorize the City Manager, or his designee, to settle the claim. Therefore, the total settlement will be \$85,000.00 to settle the Workers' Compensation Death Claim.

BACKGROUND AND DISCUSSION

William Young began employment with the City of Vallejo as a fire fighter in 1974 and retired on August 23, 2002. Two injury claims were filed for cumulative trauma on July 10, 2010 for cancer as well as injuries to the lungs and heart. Applicant died on July 10, 2010. The application for death benefits was made by his wife, Laura Young, as a claimed total dependent. As reported in closed session December 18, 2012, we have reached a settlement with Laura Young and we are seeking approval to pay the Workers' Compensation Death Benefit Claim. The total claim will be \$85,000.00.

FISCAL IMPACT

Settlement will be paid from the Self-Insurance Fund where sufficient funds are available.

ATTACHMENTS

Attachment A – Resolution
Attachment B - Compromise and Release Agreement

CONTACT

Darrell W. Handy, Risk Manager
(707) 648-4485, dhandy@ci.vallejo.ca.us

RESOLUTION NO. _____ N.C.

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

WHEREAS, William Young was employed as a Fire Fighter with the City of Vallejo since 1974. William Young died on July 10, 2010, and the application for death benefits was made by his wife, Laura Young, a claimed total dependent; and

WHEREAS, William Young retired on August 23, 2002, and sustained a cumulative trauma on July 10, 2010, for cancer as well as injuries to the lungs and heart (WCAB Case Numbers ADJ7560301 & ADJ7556145); and

WHEREAS, the City's Risk Manager has recommended the City of Vallejo pay the Workers' Compensation Death Benefit to Laura Young; and

NOW, THEREFORE BE IT RESOLVED that the Council of the City of Vallejo does hereby authorize the City Manager, or his designee, to execute a Compromise and Release with Laura Young in the amount of \$85,000.00.

BE IT FURTHER RESOLVED that the City Manager, or his designee, and City Attorney are further authorized and directed to take whatever steps may be necessary and to execute any documents required to effect said settlement.

STATE OF CALIFORNIA
DIVISION OF WORKERS' COMPENSATION
WORKERS' COMPENSATION APPEALS BOARD
COMPROMISE AND RELEASE
(Dependency claim)



ADJ7560301

Case Number 1

Case Number 4

ADJ7556145

Case Number 2

Case Number 5

Case Number 3

SSN (Numbers Only)

Venue Choice is based upon: (Completion of this section is required)

- County of residence of employee (Labor Code section 5601.5(a)(1) or (d).)
- County where injury occurred (Labor Code section 5601.5(a)(2) or (d).)
- County of principal place of business of employee's attorney (Labor Code section 5601.5(a)(3) or (d).)

OAK

Select 3 Letter Office Code For Place/Venue of Hearing (From Document Cover Sheet)

Employee (Completion of this section is required)

LAURA (WILLIAM, DECEASED)

First Name

MI

YOUNG

Last Name

Address/PO Box (Please leave blank spaces between numbers, names or words)

City

State

Zip Code

Employer (Completion of this section is required)

CITY OF VALLEJO

Name (Please leave blank spaces between numbers, names or words)

555 SANTA CLARA STREET

Address/PO Box (Please leave blank spaces between numbers, names or words)

VALLEJO

City

CA

State

94590

Zip Code

Insurance Carrier Information (If known and if applicable - Include even if carrier is adjusted by claims administrator)

Insurance Carrier Name (Please leave blank spaces between numbers, names or words)

Insurance Carrier Street Address/PO Box (Please leave blank spaces between numbers, names or words)

City

State

Zip Code

Claims Administrator Information (If known and if applicable)

YORK STOCKTON

Name (Please leave blank spaces between numbers, names or words)

PO BOX 619079

Street Address/PO Box (Please leave blank spaces between numbers, names or words)

ROSEVILLE

City

CA

State

95661

Zip Code

1. The below - named dependent(s) claims that WILLIAM YOUNG

(NAME OF EMPLOYEE)

while employed at VALLEJO

on

THROUGH
RETIREMENT IN
2002

Date of Injury: MM/DD/YYYY

by

CITY OF VALLEJO

(NAME OF EMPLOYER)

, then insured as to worker's compensation

liability by PERMISSIBLY SELF INSURED

(STATE NAME OF CARRIER OR WHETHER SELF - INSURED)

sustained injury arising out of and in the course of such employment as follows:

INTERNAL SYSTEM (CANCER)

2. The death of the said employee occurred on 07/10/2010, as a result of the claimed injury.

Date of Employee Death: MM/DD/YYYY

3. The actual weekly wages of the employee at the time of claimed injury were, _____, while
average weekly wages (statutory) were _____.

4. Payments of compensation to the employee in his lifetime on the account of the claimed injury were NONE

5. The applicant(s) herein claims to have been dependent upon said employee at the time of the claimed injury and states the name(s), age(s), relationship to, and the extent of dependency upon the deceased employee to have been as follows:

Dependent # 1 of Employee

LAURA

First Name

MI

YOUNG

Last Name

WIFE

Relationship

Extent of dependency Partial Total

Age

Dependent # 2 of Employee

First Name

MI

Last Name

Extent of dependency Partial Total

Age

Relationship

Dependent # 3 of Employee

First Name

MI

Last Name

Extent of dependency Partial Total

Age

Relationship

6. The parties hereby agree to settle any and all claims of said dependent(s) on account of the claimed injury and the death of said

employee by the payment of sum of \$ 85,000.00 , payable as follows to:

TO APPLICANT, LAURA YOUNG LESS ATTORNEY FEES FOR ANY AND ALL CLAIMED BENEFITS INCLUDING BUT NOT LIMITED TO INTERVIVOS BENEFITS AND DEATH BENEFITS.

7. The parties hereby agree (if such items of expense be claimed) that medical, hospital and burial expense required by reason of alleged injury and death of employee shall be borne as follows:

NONE BY DEFENDANT.

B. Is the Applicant Represented? Yes No if "No", applicant is to sign and date below. If "Yes", applicant's representative is to complete the following and is to sign and date below.

Law Firm/Attorney Non-Attorney Representative

ELDER AND BERG

Law firm or Company Name (if applicable)

Law Firm Number (if Applicable)

RICHARD

Attorney/Rep First Name

E

MI

ELDER

Attorney/Rep Last Name

3107 CLAYTON ROAD

Street Address/PO Box (Please leave blank spaces between numbers, names or words)

CONCORD

City

CA

State

94519

Zip Code

who requested a fee of \$ _____, having been previously paid \$ _____.

B. Reason for compromise

SEE ATTACHED ADDENDUM INCORPORATED HERETO BY REFERENCE.

10. The undersigned request that this compromise agreement and release be approved.

11. Upon the approval of this compromise agreement as provided by law, and payment in accordance with the provision of the said order of approval, said applicants and each of them do hereby release and forever discharge said employer and said insurance company of and from all claims, demands, actions or causes of action, of every kind or nature whatsoever on account of, or by reason of injury and death sustained as aforesaid by the employee, and in particular of any, all and every claim or cause of action which the undersigned, heirs, executors, representatives, and administrators may have had, now have, or shall hereafter have against said employer, said insurance carrier, and each of them under Division 4 of the Labor Code of the State of California.

ACKNOWLEDGMENT

State of California

County of _____)

On _____ before me, _____
(insert name and title of the officer)

personally appeared _____
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing
paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (Seal)

ADDENDUM TO COMPROMISE AND RELEASE

Re: Laura (William, deceased) Young v. City of Vallejo and York Risk Services Group, Inc.
WCAB Case No.: ADJ 7560301 and ADJ7556145

Applicant desires a lump sum settlement, and the parties desire to avoid the hazards, delays, and costs of further litigation and wish to buy their peace. This settlement applies to any and all workers' compensation claims of the applicant over the entire period of decedent's employment with the City of Vallejo. This Compromise and Release is intended to include all injuries and/or liabilities, known or unknown, resulting or alleged to have resulted, from the industrial injuries. All parties agree that the settlement is fair and reasonable in amount.

The parties have considered the release of death benefits in arriving at the amount specified in this Compromise and Release, and direct the attention of the Workers' Compensation judge to that fact.

There are genuine good faith issues between the parties of injury AOE-COE, entitlement to intervivos benefits of any kind and the statute of limitations defense such that a finding adverse to the applicant would deprive her of her rights to compensation benefits in their entirety. The parties expressly settle applicant's right, if any, to vocational rehabilitation benefits and request a finding of good faith issue under Thomas v. Sports Chalet. A Thomas finding is material to this agreement.

By this settlement, Applicant releases the City of Vallejo from any liability on account of these injuries due under any employment contract or Workers' Compensation laws of any state or the United States.

Payment of the sum agreed upon herein shall include all claims for penalty or interest, providing that payment is made within twenty-five working days of the receipt of the Order Approving Compromise and Release.

DATED: 1-17-13

Laura Young
Laura Young

DATED: 1-14-2013

Richard E. Elder, Esq.
Richard E. Elder, Esq.

DATED: _____

LAUGHLIN, FALBO, LEVY & MORESI
Susan N. Hastings
Attorneys for Defendant

12. It is agreed by all parties hereto that the filing of this document is filing of an application on behalf of the applicant and that it may be set for hearing as a regular application, reserving to the parties the right to put in issue any of the facts admitted herein, and that if hearing is held with this document used as an application the defendants shall have available to them all defenses that were available as of date of filing this document, and that it may thereafter be approved, disapproved, or a decision issued after a hearing has been held and the matter regularly submitted.

13. For the purpose of determining the lien claim filed herein for the unemployment compensation disability and / or unemployment compensation benefits which have been paid under or pursuant to California Unemployment Insurance Code, the parties propose the following division of sum agreed upon for settlement and release of this case:

\$ _____ for temporary disability covering the period _____ to _____

\$ _____ for accrued medical expense paid or incurred by the employee.

\$ _____ for future medical care.

\$ _____ for permanent disability.

(The above segregation must be fair and reasonable and must be based on the real facts of the case. There should be no attempt made to deprive the lien claimant of a reasonable recovery consistent with all amounts involved.)

Witness the Signature hereof this 7th day of January, 2013 at _____

[Signature] 1-7-13
Witness 1 (Date)

[Signature] 1/11/13
Witness 2 (Date)

Interpreter (Date)

Laura Young 1-7-13
Applicant (Employee) (Date)

Richard Elder 1-14-2013
Attorney for Applicant
RICHARD ELDER (Date)

Attorney for Defendant (Date)
SUSAN HASTINGS

Attorney for Defendant (Date)

Attorney for Defendant (Date)

Attorney for Defendant (Date)



Agenda Item No.

COUNCIL COMMUNICATION

Date: February 12, 2013

TO: Honorable Mayor and Members of the City Council

FROM: Daniel E. Keen, City Manager *DK*
Claudia Quintana, City Attorney *CQ*
Darrell W. Handy, Risk Manager *DH*

SUBJECT: LIABILITY CLAIM, PURSUANT TO GOVERNMENT CODE SECTION 54956.95(A), DISCUSSION OF WORKERS' COMPENSATION CLAIM OF LAURA YOUNG (WILLIAM YOUNG, RETIRED FIRE FIGHTER, DECEASED) (WCAB CASE NUMBERS ADJ7560301 & 7556145) AGAINST CITY OF VALLEJO

PROPOSED ACTION

Adopt the Resolution.

BACKGROUND & DISCUSSION

William Young began employment with the City of Vallejo as a fire fighter in 1974 and retired on August 23, 2002. Two injury claims were filed for cumulative trauma on July 10, 2010 for cancer as well as injuries to the lungs and heart. Applicant died on July 10, 2010. The application for death benefits was made by his wife, Laura Young, as a claimed total dependent. As reported in closed session December 18, 2012, we have reached a settlement with Laura Young and we are seeking approval to pay the Workers' Compensation Death Benefit Claim. The total claim will be \$85,000.00.

RECOMMENDATION

Staff recommends that City Council authorize the City Manager, or his designee, to settle the claim. Therefore, the total settlement will be \$85,000.00 to settle the Workers' Compensation Death Claim.

FISCAL IMPACT

The ~~Settlement payment~~ ^{WHERE} will be paid from the Self-Insurance Fund ~~and there are~~ ^{ARE} sufficient funds available. The General Fund will be impacted during the budget process, when the City's uses total loss experience to determine self-insurance funding levels and departmental claims loss experience to determine departmental insurance rates.

DOCUMENTS ATTACHED

Attachment A – Resolution
Attachment B - Compromise and Release Agreement

CONTACT Darrell W. Handy, Risk Manager
(707) 648-4485
E-mail: dhandy@ci.vallejo.ca.us



CONSENT F

DATE: February 12, 2013
 TO: Mayor and Members of the City Council
 FROM: David A. Kleinschmidt, Public Works Director
 Scott Tandy, Acting Maintenance Superintendent
 SUBJECT: BUDGET AMENDMENT GAS TAX AND MARINA FUNDS

RECOMMENDATION

As the second in a two-step process, adopt a Resolution to amend the Fiscal Year 2012-13 Maintenance Division budget to increase the anticipated revenue and authorized expenditure authority in the Gas Tax fund by \$52,700, and the Marina fund by \$10,000.

REASONS FOR RECOMMENDATION

This action is to consider adoption of a Resolution to amend the Fiscal Year 2012-13 in the Gas Tax Budget, and the Marina Budget. This is the second of a two-step process to amend the FY12-13 Gas Tax and Marina Budgets. On January 8, 2013, Council adopted a Resolution of Intention to amend the FY12-13 Gas Tax and Marina Budgets.

FISCAL IMPACT

The recommended budget adjustment will increase the anticipated revenue and authorized expenditure authority in the Gas Tax fund by \$52,700.

<i>Gas Tax (#133)</i>	<i>Fund Balance</i>	<i>Revenues</i>	<i>Expenditures</i>
Misc Revenues		\$52,700	
Electrical Supplies			\$52,700

The recommended budget adjustment will increase the anticipated revenue and authorized expenditure authority in the Marina fund by \$10,000.

<i>Marina (#415)</i>	<i>Fund Balance</i>	<i>Revenues</i>	<i>Expenditures</i>
Misc Revenues		\$10,000	
Building Materials			\$10,000

On January 7, 2012, Council approved a Resolution of Intention (#13-004 N.C.) to amend the FY 12/13 Gas Tax and Marina budgets.

DATE: FEBRUARY 12, 2013

SUBJECT: BUDGET AMENDMENT GAS TAX AND MARINA FUNDS

PAGE: 2

BACKGROUND

Gas Tax (#133)

As part of a Capitol Improvement Project, the Public Works Department has begun the replacement of high pressure sodium street light fixtures with LED lighting fixtures. A refund for the replacement of these lights has been received from PG&E in the amount of \$52,700. Staff recommends increasing the expenditure authority by this amount in order to purchase materials to continue the transition to LED street lighting fixtures throughout the City.

Marina (#415)

In June 2011, an accident, caused by a berther, occurred on J-Dock at the Marina resulting in significant damage to the piling and a portion of the dock. Insurance proceeds have been received in the amount of \$10,000. Staff recommends increasing the expenditure authority by this amount to cover the cost of the necessary repairs caused by the accident.

Approval of this Resolution is the second of a two-step process to amend the FY12-13 Gas Tax and Marina budgets.

DOCUMENTS ATTACHED

- a. Resolution

CONTACT PERSON(S)

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dkleinschmidt@ci.vallejo.ca.us

Scott Tandy, Acting Maintenance Superintendent
(707) 648-4085
standy@ci.vallejo.ca.us

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RESOLUTION NO. 13-_____ N.C.

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

WHEREAS, the Public Works Department has begun replacing high pressure sodium street lights with LED street lights; and

WHEREAS, a PG&E refund of \$52,700 has been received for the replacement of these lights, resulting in an increase in the Gas Tax miscellaneous revenues; and

WHEREAS, the FY12-13 Gas Tax budget is in need of additional expenditure authority in order to continue to replace the high pressure sodium street lights with LED street lights; and

WHEREAS, an accident occurred at the Municipal Marina, J-Dock in June 2011; and

WHEREAS, insurance proceeds have been received in the amount of \$10,000 to cover the cost of this accident; and

WHEREAS, the FY 12-13 Marina budget is in need of additional expenditure authority in order to perform the necessary repairs due to said accident; and

WHEREAS, the City Charter Section 703 requires that available funds not included in the budget may be appropriated by the City Council after giving at least one week's notice of intention to do so; and

WHEREAS, on January 8, 2013 the City Council adopted a Resolution of Intention to amend the FY12-13 Gas Tax and Marina budgets in the amounts set forth below.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Vallejo does hereby adopt a Resolution to amend the Fiscal Year 2012-13 Gas Tax and Marina Budgets to increase the anticipated revenue and authorized expenditure authority in the Gas Tax Fund by \$52,700, and the Marina Fund by \$10,000 and appropriate it as follows:

<i>Gas Tax (#133)</i>	<i>Fund Balance</i>	<i>Revenues</i>	<i>Expenditures</i>
Misc Revenues		\$52,700	
Electrical Supplies			\$52,700
<hr/>			
<i>Marina (#415)</i>	<i>Fund Balance</i>	<i>Revenues</i>	<i>Expenditures</i>
Misc Revenues		\$10,000	
Building Materials			\$10,000

FEBRUARY 12, 2013

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DATE: February 12, 2013

TO: Mayor and Members of the City Council

FROM: David A. Kleinschmidt, Public Works Director
Jill A. Mercurio, Assistant Public Works Director / City Engineer

SUBJECT: HIGHWAY SAFETY IMPROVEMENT PROGRAM (HSIP) SONOMA BOULEVARD PROJECT ESTABLISHMENT AND BUDGET AMENDMENT

RECOMMENDATION

As the first in a two-step process, adopt a Resolution of Intention to amend the Fiscal Year 2012-13 Capital Improvement Program (CIP) Budget to: 1) establish the Highway Safety Improvement Program (HSIP) Sonoma Boulevard Project and appropriate funds in the total amount of \$347,100 to the Project; and 2) recognize revenue in the amount of \$311,300 in federal funding and transfer funds in the amount of \$35,800 from the Prop 42 Replacement Fund.

REASONS FOR RECOMMENDATION

This action is to consider adoption of a Resolution of Intention to amend the Fiscal Year 2012-13 CIP Budget. Approval of this Resolution is the first of a two-step process to amend the Fiscal Year 2012-13 Budget. If the City Council approves the budget action at tonight's meeting, on February 26, 2013, the City Council will consider a Resolution approving this proposed budget amendment.

FISCAL IMPACT

The recommended budget adjustment will establish a new project PW9763 HSIP SONOMA BOULEVARD and recognize revenue in the amount of \$311,300 in federal funding, transfer funds in the amount of \$35,800 originally appropriated to PWC207 Prop 42 Replacement, and appropriate the funds to the HSIP Sonoma Boulevard Project in the total amount of \$347,100 as follows:

<i>PW9763 HSIP Sonoma Boulevard</i>	<i>Fund Balance</i>	<i>Revenues</i>	<i>Expenditures</i>
Fund #221 Capital Grant Fund		\$311,300	
Site Improvements:			
Fund #221 Capital Grant Fund			\$311,300
Fund #219 Prop 42 Replacement Fund			\$35,800
<i>PWC207 Prop 42 Replacement (transfer appropriation to PW9763)</i>			
Fund #219 Site Improvements			(\$35,800)

DATE: FEBRUARY 12, 2013

SUBJECT: HIGHWAY SAFETY IMPROVEMENT PROGRAM (HSIP) SONOMA
BOULEVARD PROJECT ESTABLISHMENT AND BUDGET
AMENDMENT

PAGE: 2

BACKGROUND

In January 2003, City Council directed staff to pursue a program to study and prepare plans depicting future public and private improvements along parts of Sonoma Boulevard. In December 2010, CalTrans awarded a grant in the amount of \$282,600 to the City for the Design Plan. In May 2011, the design plan process started and over the past two years several public outreach meetings were held to incorporate the needs of the residents of Vallejo in shaping the Sonoma Boulevard corridor. The Sonoma Boulevard Corridor Design Plan proposes to reduce the number of travel lanes from two lanes in each direction to one lane in each direction between Couch Street and Curtola Parkway providing space for bike and pedestrian safety infrastructure such as bike lanes and bulb-outs.

In April 2012, CalTrans released a call for projects for the Highway Safety Improvement Program (HSIP) Cycle 5 grant funding. The HSIP grant is a collision based grant that evaluates the benefit-cost ratio for safety devices to mitigate types of collisions. The City of Vallejo submitted an application for HSIP grant funds for a portion of Sonoma Boulevard between Florida Street and Georgia Street which was found to have collisions that could be mitigated by lane reductions and addition of bike lanes that provided a competitive benefit-cost ratio. In October 2012, CalTrans released the list of approved projects for HSIP Cycle 5 funding with the City of Vallejo being awarded \$311,300 in federal funds requiring \$35,800 local match for a total project cost of \$347,100.

Next Steps:

- The project design will be discussed with the public during the Sonoma Boulevard Corridor Plan outreach
- Caltrans will provide Preliminary Engineering authorization by May 2013
- Staff will complete CEQA/NEPA requirements and Plans, Specifications and Estimates (PS&Es) by October 2014
- Project will bid in early 2015
- Complete construction 2015-2016

DOCUMENTS ATTACHED

- a. Resolution of Intention to Amend the Fiscal Year 2012-13 CIP Budget for the HSIP Sonoma Boulevard Project

CONTACT PERSON(S)

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(707) 648-4301
dkleinschmidt@ci.vallejo.ca.us

Jill A. Mercurio
Assistant Public Works Director/City Engineer
(707) 648-4085
jmercurio@ci.vallejo.ca.us

RESOLUTION NO. 13- N.C.

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

WHEREAS, in January 2003, City Council directed staff to pursue a program to study and prepare plans depicting future public and private improvements along parts of Sonoma Boulevard; and

WHEREAS, in December 2010, CalTrans awarded a grant in the amount of \$282,600 to the City for the Design Plan; and

WHEREAS, the Sonoma Boulevard Corridor Design Plan proposes to reduce the number of travel lanes from two lanes in each direction to one lane in each direction between Couch Street and Curtola Parkway providing space for bike and pedestrian safety infrastructure such as bike lanes and bulb-outs; and

WHEREAS, in April 2012, CalTrans released a call for projects for the Highway Safety Improvement Program (HSIP) Cycle 5 grant funding; and

WHEREAS, the City of Vallejo submitted an application for HSIP grant funds for a portion of Sonoma Boulevard between Florida Street and Georgia Street which was found to have collisions that could be mitigated by lane reductions and addition of bike lanes that provided a competitive benefit-cost ratio; and

WHEREAS, in October 2012, the City of Vallejo was awarded \$311,300 in federal funds requiring \$35,800 local match for a total project cost of \$347,100.00; and

WHEREAS, the City Charter Section 703 requires that available funds not included in the budget may be appropriated by the City Council after giving at least one week's notice of intention to do so.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Vallejo does hereby declare its intention to establish a new project PW9763 HSIP SONOMA BOULEVARD and amend Fiscal Year 2012-13 CIP Budget by recognizing revenue in the amount of \$311,300 in federal funding, transferring funds in the amount of \$35,800 from the Prop 42 Replacement Fund, and appropriating the funds to the HSIP Sonoma Boulevard Project in the total amount of \$347,100 as follows:

<i>PW9763 HSIP Sonoma Boulevard</i>	<i>Fund Balance</i>	<i>Revenues</i>	<i>Expenditures</i>
Fund #221 Capital Grant Fund		\$311,300	
Site Improvements:			
Fund #221 Capital Grant Fund			\$311,300
Fund #219 Prop 42 Replacement Fund			\$35,800
<i>PWC207 Prop 42 Replacement (transfer appropriation to PW9763)</i>			
Fund #219 Site Improvements			(\$35,800)

FEBRUARY 12, 2013

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DATE: February 12, 2013
TO: Mayor and Members of the City Council
FROM: Ursula Luna-Reynosa, Economic Development Director
David Kleinschmidt, Public Works Director
Michelle Hightower, Senior Planner

SUBJECT: APPROVAL OF THE WATER SUPPLY ASSESSMENT FOR THE SOLANO360 SPECIFIC PLAN PROJECT

RECOMMENDATION

Adopt a resolution approving the Water Supply Assessment for the Solano360 Specific Plan Project.

REASONS FOR RECOMMENDATION

California Water Code Section 10910 and Section 15155(b) of the California Environmental Quality Act (CEQA) Guidelines require a water utility/supplier to prepare a water supply assessment for any development project that among other criteria, includes more than 500,000 square feet of retail space, 250,000 square feet of office space, or a mixed use development. The proposed Solano360 Specific Plan (Project) involves a mixed use development project on 149.1 acres at the Solano County Fairgrounds. The Project includes a 149,500 square foot exposition hall (part of the new fairgrounds), 327,571 square feet of private development areas including entertainment mixed use and entertainment commercial, 50 residential units, and a park that includes a significant water feature. The proposed combination of land uses and associated water demands on the project site warrant the completion of a water assessment.

Pursuant to CEQA, a Draft Environmental Impact Report (EIR) has been prepared for the Project. As the lead agency for the Draft EIR, Solano County commissioned Wagner & Bonsignore Consulting Civil Engineers under the direction of Michael Brandman and Associates to complete the Water Supply Assessment (WSA) for the Project, which is provided as Appendix J of the Draft EIR, and included as Attachment 2 to this staff report. The City of Vallejo, as the water supplier, is required by State statute to make a determination whether sufficient water supplies are available to meet the Project water demands. This determination is made through the WSA. Solano County is subsequently required to adopt the WSA as part of the EIR certification. The WSA concluded that the City's water utility has sufficient water supplies to meet the projected water demand for the proposed project during normal, single dry years.

BACKGROUND AND DISCUSSION

The Solano360 Specific Plan is a product of a joint effort by Solano County, Solano County Fair Association and the City of Vallejo to develop a flexible, long-term framework for redevelopment of the Solano County Fairgrounds, a County-owned property located at the crossroads of Interstate 80 and State Route 37. The Specific Plan is intended to establish land uses and a comprehensive set of infrastructure and development standards for the fairgrounds while retaining the ability to respond to market conditions and development opportunities for private development. The proposed land use development project, which is expected to take place over the next 25 years, involves up to 327,571 square feet of retail, commercial, entertainment and office space, and up to 30 acres of theme park-type uses. Three parking structures would also be constructed on the

site. The fairgrounds portion of the site would include up to 149,500 square feet of new building space at the time of full build-out, including a new exposition hall and concert arena/grandstand.

As mentioned, a water supply assessment is required as part of the environmental review process. The water supply assessment requires an analysis of the utility's current and future water supplies as well as the current and projected water demand in the utility's service area. The assessment must include a determination as to whether additional water supplies are necessary, or if sufficient water supplies exist for a proposed project.

The Solano360 Specific Plan Water Supply Assessment (WSA), prepared by Wagner & Bonsignore Consulting Civil Engineers, dated November 2011 and revised in September 2012 and January 2013, has been conducted in accordance with California Water Code Section 10910 and Section 15155(b) of the CEQA Guidelines. According to the WSA, the resulting increase in water demand on the City's water supply resulting from the Project is 188.8 Acre Feet/Year (AFY). With the City's total projected water supplies during normal and single dry years during a 20-year projection, the supplies would meet the projected water demands associated with the Project in addition to existing and planned future uses.

Minor corrections have been made to the WSA provided in Appendix J of the Draft EIR. These corrections include: 1) reducing the amount of available Vallejo Permit Water from 22,800 to 17,200 AFY for 2010 in Table 9 on Page 16, as the impediment to full conveyance of this water through the North Bay Aqueduct is not projected to be resolved until 2015; 2) reflecting the availability of Lake Curry water in 2015; and 3) an overall reduction in water supplies in 2010 in Table 10 on Page 16. These adjustments do not affect the conclusions of the assessment that there will be sufficient water supply for the Project.

CEQA requires the water utility's governing body to approve the water supply assessment. Because the City Council is the governing body for Vallejo's water utility, Council approval is necessary. The City's approval of the assessment does not guarantee that the Project will be approved and does not obligate the City to approve, deny, conditionally approve, take any action or make any decision on the Project application.

Next Steps

Following the approval of the WSA, the revised document will be included as part of the Final EIR considered for certification by the Solano County Board of Supervisors.

FISCAL IMPACT

The acceptance or approval of the WSA does not have a fiscal impact on the City. The approval of the water supply assessment is required as part of the environmental review process. The Project will have an economic/fiscal impact on the City; however, that impact is not analyzed as part of this report.

ATTACHMENTS

1. Resolution
2. Revised Water Supply Assessment for the Solano360 Project, dated January 2013

CONTACT

Ursula Luna-Reynosa, 707-648-4382, uluna@ci.vallejo.ca.us
David Kleinschmidt, 707-658-4301, dkleinschmidt@ci.vallejo.ca.us
Michelle Hightower, 707-648-4506, mhightower@ci.vallejo.ca.us

RESOLUTION NO. _____

**RESOLUTION OF THE VALLEJO CITY COUNCIL
ADOPTING THE WATER SUPPLY ASSESSMENT
FOR THE SOLANO360 PROJECT**

WHEREAS, the City, as the relevant public water utility/supplier, has received a Water Supply Assessment (WSA) dated November 2011, and Revised September 2012 prepared by Wagner & Bonsignore Consulting Civil Engineers pursuant to California Water Code Section 10910 of California Environmental Quality Act (CEQA) Guidelines for the Solano360 Specific Plan Project (Project); and

WHEREAS, the WSA was provided in the Draft Environmental Impact Report (EIR) prepared for the Project, dated November 2012; and

WHEREAS, CEQA requires the water utility's governing body to approve the water supply assessment in order for the EIR to be certified, and because the City Council is the governing body for Vallejo's water utility, Council approval is necessary for the EIR to be certified; and

WHEREAS, staff has made minor corrections in the WSA to address the amount of available Vallejo Permit Water in 2010, the availability of Lake Curry water in 2015, and an overall reduction in water supplies in 2010; and

WHEREAS, these changes do not affect the conclusion of the assessment that there is sufficient water available to serve the Project; and

WHEREAS, Solano County is the lead agency for the EIR; the City of Vallejo is the Responsible Agency; and

WHEREAS, the revised WSA will be included as part of the Final Environmental Impact Report for the Project provided to the Solano County Board of Supervisors for certification.

NOW, THEREFORE BE IT RESOLVED:

1. The City Council hereby finds that the WSA for the Solano360 Project has been prepared in accordance with the requirements of California Water Code § 10910.
2. Pursuant to California Water Code § 101910(g), the City Council hereby approves the WSA and finds that there is sufficient water available to serve the Solano360 Specific Plan Project.

3. The City Council hereby directs that, as required by California Water Code § 10911(b), the WSA, as revised, be included in the environmental review documents prepared for the Project pursuant Division 13 of the Public Resources Code.

ADOPTED by the Council of the City of Vallejo at a regular meeting held on February 12, 2013 by the following vote:

Solano360 Specific Plan

Water Supply Assessment

Prepared for:

Michael Brandman and Associates

Contact:

Jason Brandman
Project Manager
Michael Brandman Associates
Bishop Ranch 3
2633 Camino Ramon, Suite 460
San Ramon, CA 945830

Prepared by:

Diane E. Wagner
Wagner & Bonsignore Consulting Civil
Engineers
2151 River Plaza Drive, Suite 100
Sacramento, CA 95833
916.441.6850

November 2011

revised January 2013

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Appendices

A	City of Vallejo Urban Water Management Plan
B	Lease between Vallejo Golf Club, Inc. and City of Vallejo

ACRONYMS

AF	acre-feet
AFY	acre-feet per year
CEQA	California Environmental Quality Act
CILGR	commercial, industrial, institutional, landscaping, governmental and recreational
City	City of Vallejo
County	county of Solano
DWR	California Department of Water Resources
EIR	environmental impact report
MG	million gallons
NBA	North Bay Aqueduct
PFFP Project	Public Facilities Financing Plan proposed Solano360 Specific Plan
SPW	Solano Project Water
SWP	State Water Project
UWMP	Urban Water Management Plan
VSFCD	Vallejo Sanitation and Flood Control District
WSA	Water Supply Assessment
WTP	water treatment plant

INTRODUCTION

The County of Solano is the Lead Agency preparing an Environmental Impact Report (EIR) for the Solano360 Specific Plan for the redevelopment of the Solano County Fairgrounds located in Vallejo, California. Solano360, herein referred to as Project, will be a project that is unique to Solano County and outlying areas, and is intended to be a regional destination for entertainment, with supporting retail, hotel, office and other uses. This report presents the Water Supply Assessment (WSA) prepared for the Project. The City of Vallejo (City) is the water supplier for the Project.

BACKGROUND

The California Water Code requires coordination between land use lead agencies and public water suppliers to ensure that prudent water supply planning has been conducted and that planned water supplies are adequate to meet both existing and planned future project demands. Senate Bill 610 amended state law, effective January 1, 2002, to improve the link between information on water supply availability and certain land use decisions made by cities and counties. The statute requires detailed information regarding water availability to be provided to the city and county decision makers before approval of specified large development projects. The statute also requires this detailed information be included in the administrative record that serves as the evidentiary basis for an approval action by the city or county on such projects.

The Water Code clarifies the roles and responsibilities of the Lead Agency under CEQA and the water supplier with respect to describing current and future supplies compared to current and future demands, it defines the projects that are required to prepare a WSA, and the Lead Agency's responsibilities related to the WSA. A WSA is required for:

1. A proposed residential development of more than 500 dwelling units;
2. A proposed shopping center or business establishment employing more than 1,000 persons or having more than 500,000 square feet of floor space;
3. A proposed commercial office building employing more than 1,000 persons or having more than 250,000 square feet of floor space;
4. A proposed hotel or motel, or both, having more than 500 rooms;
5. A proposed industrial, manufacturing, or processing plant, or industrial park planned to house more than 1,000 persons, occupying more than 40 acres of land, or having more than 650,000 square feet of floor area;
6. A mixed-use development that includes one or more of the uses described above;
7. A development that would demand an amount of water equivalent to or greater than the amount of water required by a 500-dwelling-unit project; and
8. For Lead Agencies with fewer than 5,000 water service connections, any new development that will increase the number of water service connections in the service area by 10% or more.

The Lead Agency must identify the affected water supplier and ask the water supplier whether the new demands associated with the project are included in the suppliers' Urban Water Management Plan (UWMP). If the UWMP includes the demands it may be incorporated by reference in the WSA (Water Code Section 10910[c][2]). If the projected water demand associated with the proposed project was not accounted for in the most recently adopted urban water management plan, or the public water system has no urban water management plan, the water supply assessment for the project shall include a discussion with regard to whether the public water system's total projected water supplies available during normal, single dry, and multiple dry water years during a 20-year projection will meet the projected water demand associated with the proposed project, in addition to the public water system's existing and planned future uses, including agricultural and manufacturing uses (Water Code Section 10910[c][2]).

The City has an adopted UWMP from 2005. The water demands associated with the Project are not included in the 2005 UWMP. The City is in the process updating its UWMP and will incorporate water demands associated with the Project in its updated UWMP which is scheduled to be completed in early 2012 (Sahin 2011). The 2005 UWMP is included as Appendix A, to this WSA.

The Project is located within the City of Vallejo in Solano County (County). The County and the City both serve as project participants under a Memorandum of Understanding originally adopted by the agencies on February 24, 2009, and subsequently amended and restated on February 9, 2010, and amended again on February 1, 2011. The County and the City now wish to proceed with more detailed planning and environmental analysis. Accordingly the County has commissioned the preparation of a Specific Plan and EIR, which will provide detailed planning for portions of the project site, conceptual planning for the balance of the site, and environmental analysis of the proposed Specific Plan. The County will be the lead agency for the Project. The City of Vallejo is the water supplier for the Project. The City, as the water supplier, is required to make a determination through the WSA whether sufficient water supplies are available to meet Project water demands. Assuming that the WSA makes this determination, Solano County would adopt the WSA as part of the CEQA documentation prepared for the Project.

THE SOLANO360 SPECIFIC PLAN

PROJECT LOCATION

The 149.1 acre Solano County Fairgrounds site is located immediately southwest of the Interstate 80 and State Rout 37 interchange in the City of Vallejo, California, adjacent to the Six Flags Discovery Kingdom theme park and Lake Chabot.

EXISTING LAND USE

The Solano County Fairgrounds is owned by the County and is used as a fairgrounds and events site by the Solano County Fair Association, and as overflow parking for the adjacent Six Flags Discovery Kingdom. On the fairgrounds site is a racetrack, for horse racing, as well as a golf course that is located on the infield of the racecourse. The existing fairground structures, buildings, racecourse and golf course would be removed as part of the Project.

PROPOSED DEVELOPMENT

The Specific Plan will provide a flexible land plan that accommodates a range of themed entertainment options and support uses, in a way that supports the heritage of the Solano County Fair and creates synergy with the adjacent Six Flags Discovery Kingdom. The goal is to create an entertainment site with multiple attractions, resulting in a varied set of destinations for family activities, a robust year-round program of activities and facilities for the Fair of the Future, and a pedestrian-oriented core that encourages social gathering and fosters a strong sense of place (County of Solano 2011).

The Conceptual Land Use Summary Table (Table 1, below) embodies the input received from discussions with the Solano County Fair General Manager regarding the future development of the Fairgrounds, and from representatives of various entertainment venues and industry experts regarding physical site and business operation requirements for entertainment uses. The land use concept is intended to facilitate upgrading and expansion of the Fairgrounds, development of “Entertainment- Mixed Use” venues and facilities that may be feasible in the near-term, and creation of a larger parcel for a future “Entertainment-Commercial” use and development of 50-high density residential units vertically integrated above the commercial space. The land use concept envisions a flexible framework for parcelization, so that the project can accommodate a variety of end users with various needs for parcel size and configurations. It will include adequate parking to maintain a successful entertainment district.

The land use concept envisions a central water feature and Creek Park as a focal gathering point to help create a strong sense of place, aligned with a thematic “Main Street” spine that focuses on a proposed Exhibition Hall building within the Fairgrounds and offers a pedestrian-friendly frontage for restaurants, shops, and gathering areas, with parking. There is also an opportunity for spillover uses with the Fair as a year-round activity zone. The proposed preliminary major use zones and acreages are described in Table 1.

TABLE 1. CONCEPTUAL LAND USE SUMMARY

Land Use	Total Parcel (Acres)
Fairgrounds	35.18
Entertainment-Mixed Use	18.79
Entertainment-Commercial	30
Fairgrounds Channel	17.91
Transit Center	2.21
Shared Public Parking	24.75
Major Roads	14.28
Creek Park	5.99
Total	149.11

Notes:

1. Entertainment-Mixed Use and Entertainment-Commercial areas will allow for retail, hospitality and office uses.
2. Land Use acreages assume surface parking lots for each parcel and an 18-acre parking area.
3. Parking is assumed at 125 cars/acre.
4. Land use distribution subject to further refinement during the specific plan preparation process.

EXISTING AND PROJECTED WATER DEMANDS FOR THE PROJECT SITE

EXISTING WATER DEMANDS

Table 2 shows historical annual water use in acre-feet per year (AFY) at the fairgrounds from 2000 through 2010.

TABLE 2. HISTORICAL WATER USE AT THE SOLANO360 PROJECT SITE

Year	Total Water Use (AFY)
2000	4.3
2001	5.2
2002	5.9
2003	7.6
2004	5.0
2005	5.4
2006	4.7
2007	52.0
2008	44.6
2009	22.7
2010	17.1

Source: Ragan November 11, 2011

Table 2 shows that annual water use data fluctuates greatly from 4.3 AFY in 2000 to a maximum annual use of 52 AF in 2007. The Solano County Fairgrounds manager explained that the meters were malfunctioning and that data prior to 2007 are unreliable. In recent years the meters were replaced and provided a more accurate accounting of water use at the fairgrounds. Water use in general at the fairgrounds fluctuates in large part due to the annual horse racing meet that has continued until the summer of 2009. Water consumption increased dramatically for four to six weeks per year to maintain the racetrack surface, and to meet the needs of horses and the people associated with horses being on the grounds 24 hours per day. (Hales 2011). Due to the inconsistencies in data prior to 2007, it is assumed that the average of the water use from 2007 to 2010 is representative of the annual water demand from the City's water supply. The average annual demand from 2007 – 2010 is 34 AFY.

In addition to the City water utilized at the fairgrounds, the golf course located on the interior of the racecourse is irrigated pursuant to the terms set forth in an agreement between the City and the Vallejo Golf Club. The agreement allows for the use of Lake Chabot (located adjacent to the fairgrounds) for irrigation. Lake Chabot is a non-potable water supply source and is used for irrigation purposes only. The agreement allows for up to 25 million gallons (76.7 AF) to be used annually for free and sets forth the pricing structure should the Golf Club use in excess of its allotment. According to the fairgrounds, the Golf Club has used on average 25-30 million gallons (approximately 77 to 92 AF) per year of Lake Chabot water for irrigation (Hales 2011).

PROJECT WATER DEMANDS

Water demands for the Project were estimated (Ragan November 16, 2011). For planning purposes, the water demands for the Project were separated as either irrigation water demands, or non-irrigation water demands. It is assumed that all or a portion of the irrigation water demands could be met with non-potable supplies, including Lake Chabot. Capturing and reusing stormwater for irrigation along with existing non-potable water sources is a design element of the Project. This is discussed in more detail below.

Table 3 lists the Solano360 Specific Plan areas and associated water demands. The total annual water demand for the Project is 299.8 AFY (137.1 AFY Irrigation Demand, 162.7 AFY Non-Irrigation Demand).

TABLE 3. SOLANO360 SPECIFIC PLAN PROJECTED WATER DEMANDS

Land Use	Site Area (Acres)	Annual Water Demands				Total Demands (Irrigation and Non-Irrigation)	
		Million Gallons (MG)		Acre Feet (AF)		MG	AF
		Irrigation	Non-Irrigation	Irrigation	Non-Irrigation		
Fairgrounds	35.18	13.2	2.5	40.5	7.7	15.7	48.2
Entertainment-Mixed Use	18.79	3.5	20.6	10.7	63.2	24.1	73.9
Entertainment-Commercial	30	13.8	27	42.4	82.9	40.8	125.3
High Density Residential (50 du)	n/a	0	2.9	0	8.9	2.9	8.9
Fairgrounds Channel	17.91	1.7	0	5.2	0	1.7	5.2
Transit Center	2.21	0.3	0	0.9	0	0.3	0.9
Shared Public Parking	24.75	3.4	0	10.4	0	3.4	10.4
Major Roads	14.28	3.3	0	10.1	0	3.3	10.1
Creek Park	5.99	5.5	0	16.9	0	5.5	16.9
Total	149.11	44.7	53	137.1	162.7	97.7	299.8

Notes:

Irrigation water demands can be met by non-potable supplies.

Irrigation water demand for Fairgrounds includes demands associated with replenishing evaporative losses from water feature.

Irrigation water demand for Creek Park includes demands associated with replenishing evaporative losses from water feature.

Source: Ragan August 23, 2012

The total increase in demand on the City's water supply resulting from the Project is 188.8 AFY. It is assumed that at least 77 AFY of irrigation demands will be met via Lake Chabot irrigation water. Additionally, the 34 AFY of City water supply that has been historically used at the project site is subtracted from the total demand. While a portion of the increase in water demands could be met via non-potable supplies in the form of Lake Chabot irrigation water or other recycled water, it is assumed that the total increase in water demand will be met via City water supplies. This is a conservative estimate. Table 4 shows the increase in water demand when historical water use at the fairgrounds is taken into consideration.

**TABLE 4. NET INCREASE IN WATER DEMANDS AT PROJECT SITE
RESULTING FROM SOLANO360 SPECIFIC PLAN**

Water Demand	Solano360 Specific Plan	Historical/Existing at Plan Site	Difference/ Net Increase
Irrigation Water Demand	137.1	77	60.1
Non-Irrigation Water Demand	162.7	34	128.7
Total	299.8	111	188.8

CITY OF VALLEJO WATER SUPPLIES

The City's water system currently uses surface water as its sole source of supply. No groundwater sources are used. The City brings surface water from five different sources into three treatment plants in order to serve customers in two different counties (Solano and Napa) and on an active military base (Travis Air Force Base).

The City has five sources of surface water: Solano Project Water, State Water Project, Vallejo Permit Water, Lakes Frey and Madigan, and Lake Curry. Table 5 summarizes these surface water supplies including the capacity and safe yield of each surface water source in units of AFY. The safe yield is the rate of surface water diversion from a basin for consumptive use over an indefinite period of time that can be maintained without producing negative effects. (City of Vallejo 2006)

TABLE 5. SURFACE WATER SOURCES

Source	Water Entitlements (AFY)	Safe Yield (AFY)	Remarks
State Water Project (SWP)	5,600	5,600	Solano County Water Agency (SCWA)
Vallejo Permit Water	22,800	22,800	Water rights and conveyance control with SCWA
Solano Project Water	14,600	14,600	Annual entitlement from U.S. Bureau of Reclamation through SCWA
Lakes Frey and Madigan	400	400	City water rights
Lake Curry	3,750	3,750	City water rights
Total	47,150	47,150	

Notes:

Lake Curry was scheduled to be restored to full use after completion of the Lake Curry Water Conveyance Project. This project has not been completed but is scheduled to be completed in 2015. Until the project is complete, 1,500 AFY of entitlement is available.

Source: City of Vallejo 2006

State Water Project

State Water Project (SWP) water is delivered from Lake Oroville through the Sacramento River to the North Bay Aqueduct (NBA) pumping facility at Barker Slough where it is pumped to the California Department of Water Resources (DWR) Forebay at Cordelia. SWP water may be diverted to supply Travis Air Force Base before reaching

the DWR Forebay. From the DWR Forebay at Cordelia it is pumped by City facilities to the Fleming Hill Water Treatment Plant (WTP).

Vallejo Permit Water

Vallejo Permit Water is delivered from the NBA pumping facility at Barker Slough to the DWR Forebay at Cordelia. Vallejo Permit Water may be diverted to supply Travis Air Force Base before reaching the DWR Forebay. From the DWR Forebay at Cordelia it is pumped by City facilities to the Fleming Hill WTP. Conveyance of Vallejo Permit Water through the NBA is projected to become available in 2015.

Solano Project Water

Solano Project Water (SPW) is delivered from Lake Berryessa via the Putah South Canal to the U.S. Bureau of Reclamation Terminal Reservoir in Cordelia. From Cordelia it can be pumped to the Fleming Hill WTP or via Solano Irrigation District's distribution facilities to the Green Valley WTP.

Lakes Frey and Madigan

Lakes Frey and Madigan are located in northern Solano County. The City owns both lakes and the surrounding land. Water flows from Lake Madigan into Lake Frey and then into the diversion dam, from whence the water continues to flow under gravity through a pipe into the Green Valley WTP located at the end of Green Valley Road. Lakes Frey and Madigan and Lake Curry are collectively known as the "Vallejo Lakes System."

Lake Curry

Lake Curry, the largest lake in the "Vallejo Lakes System," is a standby source for the City located in Napa County. The City owns the lake and surrounding land. Lake Curry has a storage capacity of 10,700 AF and a yield of about 3,750 AFY. The Lake is not currently in use as a drinking water raw water source, although lake water is being used for in-stream flow into Suisun Creek. The lake is scheduled to be restored to full use again as soon as new conveyance facilities are put in place. The projected completion date for the Lake Curry Water Conveyance Project is 2015 (Sahin 2011).

CITY OF VALLEJO HISTORICAL AND PROJECTED WATER USE

CITY OF VALLEJO HISTORICAL WATER USE

Surface water production from 1985 to 2010 by the Fleming Hill water system is presented in Table 6. The City determines its total supplies based on annual water production at the City's Fleming Hill WTP, which is accurately recorded. The annual production figures are representative of the amount of water received by the City from its wholesale water supplies due to the lack of significant raw water users of the City's untreated supplies.

**TABLE 6. CITY OF VALLEJO, HISTORICAL WATER PRODUCTION
FLEMING HILL WATER SYSTEM**

Year	Annual Production (AFY)
1985	19,291
1986	20,467
1987	21,127
1988	22,146
1989	22,617
1990	21,732
1991	21,990
1992	21,183
1993	19,851
1994	17,981
1995	19,437
1996	18,709
1997	20,254
1998	19,090
1999	20,433
2000	20,814
2001	20,377
2002	20,736
2003	20,242
2004	20,545

Source: City of Vallejo 2006

CITY OF VALLEJO PROJECTED WATER USE

For purposes of water supply and demand planning, the City breaks its water use into four main categories: (1) single family residential; (2) multi-family residential; (2) commercial, industrial, institutional, landscaping, governmental, and recreational (CILGR); and (4) other. Water demands through the year 2025 were estimated or the Vallejo Water Systems based on unit water use factors; housing and employment projections; and projections for non-billed metered use and unaccounted for water from the 2005 UWMP (City of Vallejo 2006).

Water demands were projected through 2025 in the 2005 UWMP. To account for the 20 year supply/demand analysis required for this WSA, water demands through 2035 were estimated. Water demands through 2035 were extrapolated using the data presented in the 2005 UWMP. In the 2005 UWMP, water demands for all categories were constant from 2020 to 2025 (except the Vallejo Lakes System which increased in 10 AF increments every five years, and Travis AFB Deliveries which reached maximum water demand in 2025). For purposes of this WSA, it was assumed that water demands in 2030 and 2035 would be the same as in 2025. The increase by 10 AF every five years for the Vallejo Lakes System was carried forward in 2030 and 2035. Projected water demands by category are presented in Table 7.

It should be noted that the 2005 UWMP included water demands for three planned redevelopment projects in its service area: (1) Vallejo Station and Waterfront Development Project, (2) Downtown Vallejo Redevelopment Project and (3) Mare Island Redevelopment Project. The 2005 UWMP acknowledged the planned redevelopment of the Solano County Fairgrounds. The UWMP determined that redevelopment plans for the fairgrounds were not detailed enough to assess the impact of this project on water supply.

**TABLE 7. CITY OF VALLEJO PROJECTED WATER DEMANDS BY CATEGORY
IN ACRE-FEET PER YEAR (AFY)**

Category	2010 ³	2015	2020	2025	2030	2035
City of Vallejo Water System¹	18,324	25,690	27,140	27,140	27,140	27,140
Vallejo Lakes System	427	350	360	370	380	390
Wholesale Customers						
Travis AFB Deliveries	2,320	4,330	4,790	5,250	5,250	5,250
City of Benicia	841	1,100	1,100	1,100	1,100	1,100
City of American Canyon	<u>688</u>	<u>750</u>	<u>750</u>	<u>750</u>	<u>750</u>	<u>750</u>
Subtotal	3,489	6,180	6,640	7,100	7,100	7,100
Other Demands	1,500	1,000	1,000	1,000	1,000	1,000
Solano360 Specific Plan²	0	94.4	188.8	188.8	188.8	188.8
Total Demands	24,100	33,314	35,329	35,799	35,809	35,819

Notes:

1. City of Vallejo System includes Single Family, Multi-Family, Commercial, industrial, institutional, landscaping, governmental, recreational, non-billed metered use, unaccounted for water and golf course irrigation.
2. Water demands associated with the Project are assumed to be 50% of total anticipated demand in 2015. Build-out of project expected by 2020.
3. Water Demands for 2010 are actual water use, not projected demand from the 2005 UWMP based on metered records and use data obtained from the City (Sahin, 2013).

Source: City of Vallejo 2006

COMPLIANCE WITH PROVISIONS OF THE WATER CODE

RESPONSIBILITIES OF THE LEAD AGENCY

Solano County is the CEQA Lead Agency responsible for evaluating the environmental impacts of the Project in compliance with CEQA, certifying the EIR, and issuing the associated entitlements.

The City of Vallejo would be the water purveyor for the Project and would be the agency responsible for approval of the WSA. The WSA must do the following:

- ▶ Determine the sufficiency of the supply to meet the project demands under normal, single dry and multiple dry years over a 20-year projection.

- ▶ Identify existing water supply entitlements and water rights for the proposed project and quantify water received in prior years pursuant to these existing entitlements and rights.

REQUIREMENTS OF THE WSA

The California Water Code Sections 10910–10915 require that a WSA for a project include the following information:

- ▶ A description and quantification of the existing and planned water sources.
- ▶ A description of the reliability and vulnerability of the water supply to seasonal or climatic shortages in the average water year, single dry water year, and multiple dry water year during a 20-year projection.
- ▶ Contingency plans including demand management and conjunctive use potential.
- ▶ A description of current and projected water demands
- ▶ A description of all water supply projects and water supply programs that may be undertaken by the water purveyor to meet the total projected water use.

The following analysis presents the WSA for the Solano360 Specific Plan in compliance with the requirements of the Water Code. The Solano360 WSA is structured accordingly.

DETERMINE WHETHER PROJECT IS SUBJECT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA). [WATER CODE SECTION 10910(A)]

Solano County has made the determination that the Project is subject to CEQA and is a “project” as defined by Water Code Section 10910(a) because it would result in a mixed-use development on 149.1 acres that includes an 145,000 square foot exposition hall (part of the new fairgrounds), 329,314 square feet of private development areas including entertainment mixed use and commercial mixed use, 50 high-density residential units, as well as a park and water feature. This combination of land-uses and associated water demands within the project site result in a WSA being necessary.

IDENTIFY THE PUBLIC WATER SYSTEM THAT WILL SUPPLY WATER FOR THE PROJECT [WATER CODE SECTION 10910(B)]

The City of Vallejo (City) is the water purveyor for the Project.

IS THERE AN ADOPTED URBAN WATER MANAGEMENT PLAN (UWMP)? ARE THE PROJECTED WATER DEMANDS ASSOCIATED WITH THE PROPOSED PROJECT ACCOUNTED FOR IN THE MOST RECENTLY ADOPTED URBAN WATER MANAGEMENT PLAN? [WATER CODE SECTION 10910(C)]

The City has an adopted UWMP (February 2006). This UWMP references the Project but stated in 2006 that there was not enough information to estimate the water demands for the project to account for it in the UWMP. The

City is currently updating its UWMP (draft due in April 2012) and the water demands for the Project will be included in this update. The 2005 UWMP is included as Appendix A in this WSA.

IDENTIFY EXISTING WATER SUPPLIES FOR THE PROJECT
[WATER CODE SECTION 10910(D)]

Section 10910(d)(1) requires identification of existing water supply entitlements, water rights, or water service contracts relevant to the Project and a description of the quantities of water obtained by the City pursuant to these water supply entitlements, water rights, or water service contracts in previous years.

SURFACE WATER SUPPLIES

The City’s surface water sources and supplies are described in detail above. The City’s water supply sources are subject to variation in availability due to a variety of factors. Different sources of water supplies have different historical dry year sequences, and different yields during multiple year drought conditions based on hydrology, available storage, contract entitlements, water characteristics, etc. (City of Vallejo 2006). A projection of available water supply for each separate water supply source is presented below, in Table 8, expressed as a percentage reduction in full entitlement. The assumptions for percent availability of each water source are discussed in detail in the UWMP (City of Vallejo 2006).

TABLE 8. PERCENT OF ENTITLEMENT AVAILABLE IN NORMAL AND DRY WATER YEARS

Water Supply	Normal	Single Dry	Second Dry	Third Dry
State Water Project	90%	61%	50%	39%
Vallejo Permit Water	100%	85%	80%	75%
Lakes Frey & Madigan	100%	80%	75%	75%
Lake Curry	100%	80%	75%	75%
Solano Project	99%	98%	95%	92%

Source: City of Vallejo 2006

The City’s surface water supplies were adjusted for normal and dry years. Table 9 presents annual water supply projections for the next twenty years accounting for the water entitlement reduction under normal, dry, and multiple dry years.

**TABLE 9. ADJUSTED WATER SUPPLIES FOR NORMAL AND DRY WATER YEARS
ACRE FEET PER YEAR**

Water Year		2010	2015	2020	2025	2030	2035
<i>Normal Year</i>							
State Water Project	10%	5,040	5,040	5,040	5,040	5,040	5,040
Vallejo Permit Water	0%	17,200	22,800	22,800	22,800	22,800	22,800
Lakes Madigan/Frey	0%	400	400	400	400	400	400
Lake Curry	0%	1,500	3,750	3,750	3,750	3,750	3,750
Solano Project Water	1%	14,454	14,454	14,454	14,454	14,454	14,454
Normal Year Total		38,594	46,444	46,444	46,444	46,444	46,444
<i>Single Dry Year</i>							
State Water Project	39%	3,416	3,416	3,416	3,416	3,416	3,416
Vallejo Permit Water	15%	14,620	19,380	19,380	19,380	19,380	19,380
Lakes Madigan/Frey	20%	320	320	320	320	320	320
Lake Curry	20%	1,200	3,000	3,000	3,000	3,000	3,000
Solano Project Water	2%	14,308	14,308	14,308	14,308	14,308	14,308
Single Dry Year Total		33,864	40,424	40,424	40,424	40,424	40,424
<i>Second Dry Year</i>							
State Water Project	50%	2,800	2,800	2,800	2,800	2,800	2,800
Vallejo Permit Water	20%	13,760	18,240	18,240	18,240	18,240	18,240
Lakes Madigan/Frey	25%	300	300	300	300	300	300
Lake Curry	25%	1,125	2,813	2,813	2,813	2,813	2,813
Solano Project Water	5%	13,870	13,870	13,870	13,870	13,870	13,870
Second Dry Year Total		31,855	38,023	38,023	38,023	38,023	38,023
<i>Third Dry Year</i>							
State Water Project	61%	2,184	2,184	2,184	2,184	2,184	2,184
Vallejo Permit Water	25%	12,900	17,100	17,100	17,100	17,100	17,100
Lakes Madigan/Frey	25%	300	300	300	300	300	300
Lake Curry	25%	1,125	2,813	2,813	2,813	2,813	2,813
Solano Project Water	8%	13,432	13,432	13,432	13,432	13,432	13,432
Third Dry Year Total		29,941	35,829	35,829	35,829	35,829	35,829

Source: City of Vallejo 2006

OTHER WATER SUPPLIES

A purple-pipe system, with the ability to deliver reclaimed, recycled, non-potable water supply is a component of the Project. The purple-pipe system will be installed in accordance with Title 22 standards for recycled water use in the event recycled water becomes available.

The Vallejo Sanitation and Flood Control District (VSFCD) prepared a wastewater treatment and reclaimed water feasibility study in 2003. The study concluded that constructing a city-wide reclaimed water system was not economically feasible. However, the VSFCD has long term goals of implementing such as system sometime in the future. Benefits of the system include a reduction in potable water demand as well as reducing water quality impacts on the Bay associated with wastewater discharge (County of Solano 2011).

As mentioned previously, the golf course is irrigated with non-potable supply through an agreement with the City. Approximately 77 AFY has been used on the golf course that will be removed as part of the Project. Because of its proximity to the Project site (Lake Chabot is adjacent to the site) and the existing facilities in place to supply water, it is assumed that the water historically used from Lake Chabot to irrigate the golf course, will be available for use to meet irrigation demands for the Project. While water supplies from Lake Chabot in excess of 77 AFY may be available, it is assumed that 77 AFY of irrigation water supply via Lake Chabot is available in all water year types (normal, dry, multiple dry years).

WATER SUPPLY CONTRACTS & ENTITLEMENTS

The City's existing water supply entitlements are described in detail above. Further details about the City's water supplies are in the UWMP (see Appendix A).

The existing agreement and first amendment to the agreement, between the Vallejo Golf Club and the City of Vallejo whereby the City discusses the use of Lake Chabot water for irrigation on the golf course at the fairgrounds, is included as Appendix B. Because the water supply from Lake Chabot that was used to meet the irrigation demands of the golf course would no longer be used (the golf course is being removed as part of the Project), it is assumed that an agreement will be made to use Lake Chabot water supply some or all of the irrigation demands for the Project.

WATER CODE SECTION 10910(D)(2)(B) REQUIRES INFORMATION RELATED TO COPIES OF THE CAPITAL OUTLAY PROGRAM FOR FINANCING THE DELIVERY OF THE IDENTIFIED WATER SUPPLY.

All facilities and infrastructure necessary to deliver the water supply to the Project site are in place and no new construction would be required. Water storage tanks exist throughout the City. Based on information provided by the City Water Division, development of the Project site will not trigger the need for any additional storage (County of Solano 2011).

Existing public pipelines exist within Fairgrounds Drive, Sage Street and Coach Lane. There are two public water connections and meters to the site. One is located at the north end of the site off of Sage Street. The second is located at the south end of the site off of Coach Lane. A Public Facilities Financing Plan (PFFP) is currently being prepared. The PFFP will discuss the methods by which all infrastructure within the Plan Area will be financed. This is scheduled for release in December 2011.

WATER CODE SECTION 10910(D)(2)(C) REQUIRES INFORMATION RELATED TO FEDERAL, STATE, AND LOCAL PERMITS FOR CONSTRUCTION OF INFRASTRUCTURE NECESSARY FOR DELIVERING THE WATER SUPPLY.

All infrastructure necessary for delivering the water supply to the Plan Area has been constructed. No new infrastructure is necessary and therefore no permits will be required. Any permits required for construction of infrastructure for delivering water within the Plan Area will be addressed in the EIR.

WATER CODE SECTION 10910(D)(2)(D) REQUIRES INFORMATION RELATED TO ANY REGULATORY APPROVALS REQUIRED FOR DELIVERY OF THE WATER SUPPLY.

As described above, the City's infrastructure for delivering water to the Plan Area is complete. No regulatory approvals are needed.

IDENTIFY PARTIES DEPENDENT ON PROPOSED SUPPLY. [WATER CODE SECTION 10910(E)]

The intent of this section is to identify any potential conflicts that may arise from the exercise of water supply entitlement, water right, or water service contract to serve a proposed project if such water supply entitlement, water right, or water service contract has not been previously exercised.

The City will not be exercising any water supply entitlements, water rights or water service contracts to serve the Project area that have not previously been exercised. It is not anticipated that there will be any conflicts resulting from the use of the City's water supply in the Plan Area.

SUPPLY RELIABILITY

COMPARISON OF AVAILABLE WATER SUPPLIES AND DEMAND

The City employs a five stage water-shortage response plan which is triggered at prescribed levels. Water-shortage stages are monitored, reported and acted upon according to the plan set out in the reduction-measuring mechanism for each stage. Each stage consists of specific prohibitions, regulations, fines, penalties and rate structure to encourage the appropriate level of water conservation. The City's analysis of available supply and demand have indicated that the City is not anticipated to have to implement any conservation above Stage II. Following the guidelines set forth in the City's UWMP, in instances where water demand has exceeded 90 percent of available supply, Stage II water shortage requirements are necessary.

In dry years, the City reduces its demand internally, by implementing system-wide efficiencies within the City's distribution system. This results in 1%, 2% and 3% demand reductions in single dry year, second dry year, and third dry year sequences respectively. The City achieves these demand reductions by reducing its operational use of water, such as by limiting or eliminating water line flushing, etc. (City of Vallejo 2006). These demand reductions occur before drought-response measures are implemented and required of the City's water customers.

Available water supplies were compared to projected demands within the City, including the Project, in normal, dry and multiple dry years. The results are shown in Table 10. Table 10 shows that in Normal and Single Dry Water Years, the City's water supplies are sufficient to met projected demands. Normal and Single Dry Year water

demand would not exceed 90 percent of supply in any year. Normal water demand would exceed 90% of supply in a projected Second Dry Year in 2020, 2025, 2030 and 2035. A system-wide water use reduction on the order of 5 percent would be expected. The effect of the demand reduction by drought response measures is shown in Table 10. The 5 percent reduction would result in water demands no longer exceeding 90 percent of available supplies.

Normal Water Year demand would exceed 90 percent of available supply in a projected Third Dry Year sequence in 2015, 2020, 2025, 2030, 2035. A system-wide water use reduction on the order of 10 percent would be expected. The effect of the demand reduction by drought response measures is shown in Table 10. The 10 percent reduction would result in water demands no longer exceeding 90 percent of available supplies. Table 10 shows that during Second and Third Dry Year sequences, a Stage II water shortage response (demand reduction of up to 10 percent of normal usage) would result in supplies at or exceeding 90 percent of demands.

TABLE 10. COMPARISON OF CITY OF VALLEJO WATER SUPPLIES AND PROJECTED WATER DEMANDS

Water Year	2010	2015	2020	2025	2030	2035
<i>Normal Year</i>						
Supply	38,594	46,444	46,444	46,444	46,444	46,444
Demand	24,100	33,314	35,329	35,799	35,809	35,819
Difference = Surplus or (Deficit)	14,494	13,130	11,115	10,645	10,635	10,625
Difference (as percentage of supply)	38%	28%	24%	23%	23%	23%
<i>Single Dry Year</i>						
Supply	33,864	40,424	40,424	40,424	40,424	40,424
Demand	24,100	33,314	35,329	35,799	35,809	35,819
System Efficiencies (1% Vallejo City System)	(243)	(257)	(271)	(271)	(271)	(271)
Difference = Surplus or (Deficit)	10,007	7,367	5,366	4,896	4,886	4,876
Difference (as percentage of supply)	30%	18%	13%	12%	12%	12%
<i>Second Dry Year</i>						
Supply	31,855	38,023	38,023	38,023	38,023	38,023
Demand	24,100	33,314	35,329	35,799	35,809	35,819
System Efficiencies (2% Vallejo City System)	(486)	(514)	(543)	(543)	(543)	(543)
Difference = Surplus or (Deficit)	8,241	5,223	3,237	2,767	2,757	2,747
Difference (as percentage of supply)	26%	14%	9%	7%	7%	7%
Demand with Drought Response	23,614	32,800	33,047	33,493	33,503	33,512
Difference With Drought Response	8,241	5,223	4,976	4,530	4,520	4,511
Difference with Drought Response (percentage of supply)	26%	14%	13%	12%	12%	12%
<i>Third Dry Year</i>						
Supply	29,941	35,829	35,829	35,829	35,829	35,829
Demand	24,100	33,314	35,329	35,799	35,809	35,819
System Efficiencies (3% Vallejo City System)	(729)	(771)	(814)	(814)	(814)	(814)
Difference = Surplus or (Deficit)	6,570	3,286	1,314	844	834	824
Difference (as percentage of supply)	22%	9%	4%	2%	2%	2%
Demand with Drought Response	23,371	29,289	31,063	31,486	31,495	31,504
Difference With Drought Response	6,570	6,540	4,766	4,343	4,334	4,325
Difference with Drought Response (percentage of supply)	22%	18%	13%	12%	12%	12%

Notes:

1. Annual water demands shown in Table 10 include all City demands (Vallejo City System, Vallejo Lakes System, Travis, Benicia, American Canyon and Other as well as the water demands associated with the Project.
2. System efficiency demand reduction based on data presented in City's UWMP and is for sub-category Vallejo City System which is only a portion of the total water demands shown above.

SUPPLY RELIABILITY ASSESSMENT

The City's total projected water supplies during normal and single-dry years during a 20 year projection will meet the projected water demands associated with the Project in addition to existing and planned future uses. Annual supplies will exceed demands on the order of 12 to 38 percent per year.

In a multiple dry year sequence, specifically a "Second Dry Year", the City's total projected water supplies will fall within 90 percent of projected water demands in 2020, 2025, 2030 and 2035. Reductions in demands by 5 percent in those years, pursuant to Stage II of the City's Water Shortage Response Plan would result in available supplies to meet demands. A reduction in demands by 5 percent in these years would ensure that water demands do not exceed 90 percent of available supplies.

During a "Third Dry Year" the City's total projected water supplies will fall within 90 percent of projected water demands in 2015, 2020, 2025, 2030 and 2035. Reductions in demands by 10 percent in those years, pursuant to Stage II of the City's Water Shortage Response Plan would result in available supplies to meet demands. A reduction in demands by 10 percent in these years would ensure that water demands do not exceed 90 percent of available supplies.

Provided that water demands are reduced in multiple dry years; 5 percent demand reduction in a second dry year in 2020, 2025, 2030 and 2035) and 10 percent demand reduction in a third dry year in 2015, 2020, 2025, 2030 and 2035, the City currently has sufficient existing water supply to meet the projected water demands of the proposed Project while continuing to support its existing customers and the demands of other planned development.

REFERENCES

- City of Vallejo. 2006 (February). *City of Vallejo 2005 Urban Water Management Plan*.
- County of Solano, City of Vallejo, and Solano County Fair Association. 2011. *Solano360 Specific Plan*. Preliminary Administrative Draft.
- Hales, Steve. Manager—Solano County Fairgrounds. October 6, 2011. Email transmittal to Chris Ragan regarding water use at the Solano County Fairgrounds.
- Ragan, Chris. Engineer—MacKay & Soms Civil Engineers. November 16, 2011. Email transmittal to Diane Wagner containing historical water use for City of Vallejo.
- . August 23, 2012. Email transmittal to Diane Wagner (via Jason Hade) containing projected water demands for the Solano360 Specific Plan Area.
- Sahin, Pam. Water Conservation Coordinator—City of Vallejo. November 10, 2011. Telephone conversation with Diane Wagner regarding City of Vallejo Urban Water Management Plan.
- Sahin, Pam. Water Conservation Coordinator—City of Vallejo. January 24, 2013. Email transmittal to Diane Wagner containing 2010 water demand data for City of Vallejo's water system.

APPENDIX A



CITY OF VALLEJO

2005

URBAN WATER MANAGEMENT PLAN

February 2006

Prepared by:

**CITY OF VALLEJO
Utilities Department / Water Division
202 Fleming Hill Road
Vallejo, CA 94589-2337**

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**CITY OF VALLEJO
2005 Urban Water Management Plan**

CONTACT SHEET

Date plan adopted by the Vallejo City Council: February 28, 2006

Date plan submitted to the Department of Water Resources: March 29, 2006

Name of contact person: Pamela Sahin, Water Conservation Coordinator

Phone: (707) 648-4479

Fax: (707) 648-4060

E-mail address: waterinfo@ci.vallejo.ca.us

The water supplier is a: Municipality

The water supplier is a: Retailer and Wholesaler

Utility services provided by the water supplier include: Water

Bureau of Reclamation Contractor? Yes

State Water Project Contractor? Yes

LIST OF ACRONYMS AND ABBREVIATIONS

ABAG	Association of Bay Area Governments
ac-ft	acre-foot or acre-feet. An acre-foot of water is the volume of water that will cover one acre of land at a depth of one foot, approximately 326,000 gallons.
ac-ft/yr	acre-feet per year
AFB	Air Force Base
BMP	Best Management Practice
CII	commercial, industrial, institutional
CUWCC	California Urban Water Conservation Council
DMM	demand management measure
DWR	California Department of Water Resources
FTE	Full time equivalent (percentage of a full time employee)
FY	fiscal year
gpd	gallons per day
mg	million gallons
mgd	million gallons per day
MTB	Methyl tert butyl ether
NBA	North Bay Aqueduct
Plan	Urban Water Management Plan
SCWA	Solano County Water Agency
SID	Solano Irrigation District
TOC	total organic carbon
USBR	United States Bureau of Reclamation
UWCC	Urban Water Conservation Committee (Solano County)
UWMP	Urban Water Management Plan
VSFCD	Vallejo Sanitation and Flood Control District
WC	Water Conservation
WSCP	Water Shortage Contingency Plan
WTP	water treatment plant
WWTF	wastewater treatment facility

SECTION 1 - INTRODUCTION

Section 1 presents a brief description of the provisions of the Urban Water Management Planning Act and describes the City of Vallejo's (City) public information efforts regarding the 2005 Urban Water Management Plan, coordination with regional water agencies, and the plan adoption process.

1.1 Urban Water Management Planning Act

In 1983, the California Legislature enacted the Act (AB 797; Water Code, Division 6, Part 2.6, Section 10610-10656). This Act requires water suppliers serving more than 3,000 customers or water suppliers providing more than 3,000 AF of water annually to prepare an UWMP to promote water demand management and efficient water use. The Act also requires water suppliers to develop, adopt, and file an UWMP (or update) every five years until 1990. In 1990, the Legislature deleted this sunset provision (AB 2661). Accordingly, the UWMP must be updated a minimum of once every five years on or before December 31 in the years ending in 0 and 5. The Act has subsequently been amended since its adoption.

Recent changes approved in 2002 and 2004 include SB 318, SB 1348, SB 1384, SB 1518, and AB 105. SB 318 requires urban water suppliers to provide a discussion of the desalination opportunities available to them. This includes ocean water, brackish water, and groundwater desalination for use as a long-term supply. SB 1348 requires that DWR consider the demand management activities of an urban water supplier in the grant and loan application evaluation. SB 1384 requires an urban water supplier to submit a copy of their UWMP to their wholesale supplier. This bill encourages coordination between the wholesale and retail agencies. SB 1518 requires additional information regarding the use of recycled water including a comparison of previously projected use to actual use to determine the effectiveness of recycled water initiatives. AB 105 requires an urban water supplier to submit a copy of their UWMP to the California State Library.

An Urban Water Management Plan is designed to provide an effective management and planning tool for water agencies throughout California. It allows for a succinct summary of an agency's water supplies, demands, and plans to ensure future reliability. It also encourages the efficient management of water supplies by requiring a discussion of potential water transfers and exchanges, desalination, and recycled water opportunities.

A copy of the current Act requiring submission of this Plan is provided in Appendix A.

The City of Vallejo is considered an urban water supplier because it provides water for municipal purposes to approximately 37,800 connections, serving a population of approximately 116,670 people within the City's boundaries and unincorporated areas of Solano and Napa Counties, based on the 2000 census. As such, the City is required to prepare and adopt an urban water management plan.

This document brings together important information on water supply and usage, and conservation programs in the City of Vallejo. This information represents the City's best efforts to promote efficient water use of available supplies consistent with the Urban Water Management Plan Act.

1.2 Public Participation

As required by law, the City requested public involvement in order to complete this UWMP update.

An "Invitation to Participate in the City of Vallejo's 2005 Urban Water Management Plan Update" was mailed on October 18, 2005 to all parties included in the City of Vallejo Planning Division's "Vallejo Neighborhood Associations & Other Groups" notification list. The list includes neighborhood and home owner associations, as well as business and professional, ethnic, environmental and other groups. Interested parties were invited to contact the Water Conservation Coordinator with any comments or concerns regarding water management, including water conservation programs and water shortage contingency actions, and/or additional information. A copy of the invitation is included in Appendix B.

The public was notified of the availability of the draft plan for review and comment, and the date and time of a public hearing to consider adoption of the plan, via display ads placed on Tuesdays and Sundays in the Vallejo Times Herald and the Fairfield Daily Republic, and announcements on the City's website and Channel 28, the government television channel beginning February 14, 2006.

Public participation opportunities also included a public hearing to receive written and oral comments on the draft UWMP report, and coordination with other agencies regarding the Plan. Public involvement activities are described below.

1.2.1 Public Hearing

The UWMP is subject to California Government Code pertaining to legal public noticing, and must be adopted by the City Council. The UWMP must be filed with the DWR within 30 days of adoption.

The City of Vallejo prepared this update of its Urban Water Management Plan from October 2005 to February 2006. Copies of the draft Plan were made available for public review at the following locations:

- 1) City of Vallejo City Clerk's Office
- 2) City of Vallejo Public Works Department
- 3) Fleming Hill Water Treatment Plant – Water Administration Office
- 4) John F. Kennedy Public Library Reference Desk
- 5) Springstowne Public Library Reference Desk
- 6) Fairfield Civic Center Community Library
- 7) Solano Community College Library

In accordance with, and exceeding, the requirements of Section 10642 of the State Water Code and Section 6066 of the Government Code, notices of a public hearing on the draft Plan were published in the Vallejo Times Herald and the Fairfield Daily Republic on Tuesday, February 14, 2006; Sunday, February 19, 2006; Tuesday, February 21, 2006; and Sunday, February 26, 2006.

The public hearing was held on February 28, 2006 at City Hall to receive written and oral comments from the public on the draft UWMP.

Appendix C contains a copy of the public notice, the public hearing agenda, and a summary of public comments.

1.2.2 Agency Coordination

The City of Vallejo participates in regional-wide planning efforts through the Solano County Water Agency (SCWA), is an active member of the California water community, and is continually coordinating with neighboring communities and water agencies regarding water-planning activities. SCWA members include the Cities of Benicia, Dixon, Fairfield, Rio Vista, Suisun City, Vacaville and Vallejo; the Solano Irrigation and Maine Prairie Water Districts; and Reclamation District 208.

Additionally, the City coordinates with Travis Air Force Base, Vallejo Sanitation and Flood Control District, and the City of American Canyon.

Regional efforts have included preparation of an Integrated Regional Water Management Plan for the member agencies. The first phase of the regional plan documented existing SCWA programs and summarized individual member agency water supplies and current demands. The second phase of the regional plan evaluated potential future water management measures and provided guidance on future programs and direction for the SCWA. The Solano County Water Agencies' Integrated Regional Water Management Plan was adopted by the City of Vallejo on August 16, 2005 by City Council Resolution No. 05-265 N.C.

Several meetings with SCWA and its member agencies were held during the preparation of the City's UWMP. The primary purpose of the meetings was to coordinate the supply reliability assessment methodology used by the member agencies sharing common water supply sources. The meetings were attended by the Cities of Benicia, Fairfield, Vacaville and Vallejo; the Solano Irrigation District (Suisun and Dixon); and SCWA.

A letter was mailed on October 18, 2005 to SCWA, SID, American Canyon, Benicia, Fairfield, Vacaville, Travis Air Force Base, the Vallejo Sanitation and Flood Control District, Solano County Dept. of Environmental Management, and the State of California Dept. of Health Services, Drinking Water Field Operations Branch. Agencies were invited to contact the Water Conservation Coordinator with any comments or concerns or issues to be included in the draft UWMP. An example letter is included in Appendix B.

A copy of the draft UWMP was provided to SCWA and its member agencies for review.

Table 1-1 provides a summary of the Agency Coordination for the City of Vallejo's Plan.

Table 1-1. Agency Coordination

	Participated in UWMP development	Commented on the draft	Attended public meetings	Contacted for assistance	Received copy of draft	Sent notice of intent to adopt	Not involved/no interest
<i>Other water suppliers</i>	X			X	X	X	
<i>Water management agencies</i>	X			X	X	X	

CITY OF VALLEJO 2005 URBAN WATER MANAGEMENT PLAN

	Participated in UWMP development	Commented on the draft	Attended public meetings	Contacted for assistance	Received copy of draft	Sent notice of intent to adopt	Not involved/ no interest
<i>Relevant public agencies</i>	X	X (VSFCD)		X	X	X	
<i>Other</i>	X			X	X	X	

Anticipated benefits of coordination include:

- Continuation of a long and successful history of working together cooperatively to improve water supply reliability and quality; and to address regional issues
- Enable the agencies to maximize resources and minimize problems of water supply reliability, water quality, and environmental protection.

1.2.3 Plan Adoption

The final UWMP was adopted by the City Council at its regular meeting on February 28, 2006 and submitted to the California Department of Water Resources within 30 days of Council approval. A certified copy of Resolution No. 06-62 N.C. of the City Council of Vallejo adopting this Plan is included in Appendix D. This Plan includes all information necessary to meet the requirements of California Water Code Division 6, Part 2.6 (Urban Water Management Planning).

1.3 Urban Water Management Plan Preparation

The Plan was prepared by City Water Division staff in conjunction with the consulting firm of Brown and Caldwell. This plan was prepared at a level of detail commensurate with the size and complexity of the City of Vallejo’s water supply sources and water use demand characteristics. All elements required by the Urban Water Management Planning Act that are applicable to the City of Vallejo Water System have been addressed in this report. Historic information was included where available.

The “Guidebook to Assist Water Suppliers in the Preparation of a 2005 Urban Water Management Plan” prepared by the California Department of Water Resources (dated January 18, 2005) was used in the preparation of this plan.

1.4 Resource Maximization / Import Minimization

The City coordinated the preparation of this urban water management plan with other appropriate agencies in the area, as described in Section 1.2.2 above, including the Solano County Water Agency (SCWA), Vallejo Sanitation and Flood Control District (VSFCD), the City of Benicia, the City of American Canyon and the City of Fairfield.

The City uses water management tools and options to maximize resources and minimize the City’s need to import water. These tools and options include regional water management planning,

efficiency program design and implementation, cooperative agreements, and water transfers and exchanges, all of which are described in the UWMP.

1.5 Urban Water Management Plan Implementation

The City will provide the necessary resources to implement the adopted UWMP through the annual budget process by providing adequate appropriations for water demand management (i.e. conservation) measure-related supplies and services. The City continues to designate a part-time Water Conservation Coordinator. The staffing level for this effort is anticipated to increase from 0.5 FTE (full-time equivalent) to 0.8 FTE as follows:

Table 1-2. Water Conservation Staffing

Fiscal Year	FTE
FY 2004 – 2005	0.40 FTE
FY 2005 – 2006 (UWMP update required)	0.50 FTE
FY 2006 – 2007	0.65 FTE
FY 2007 – 2008	0.70 FTE
FY 2008 – 2009	0.75 FTE
FY 2009 – 2010	0.80 FTE
FY 2010 – 2011 (UWMP update required)	0.80 FTE

As required under state law (Government Code Section 10643), the City will meet the requirement to implement its adopted plan in accordance with the schedules set forth herein.

1.5.1 Changes / Additions to the Adopted Urban Water Management Plan

Any changes to the adopted UWMP, other than minor clerical corrections and the incorporation of end-of-process information such as the date of adoption and level of agency participation, will be noticed to the public pursuant to Government Code section 6066.

Any amendments or changes required as a result of periodic review of the plan shall be adopted pursuant to Government Code Section 10640.

Copies of amendments or changes to the plans will be filed with the State of California Department of Water Resources and any city or county within which the City of Vallejo provides water supplies within 30 days after adoption.

SECTION 2 - SERVICE AREA DESCRIPTION

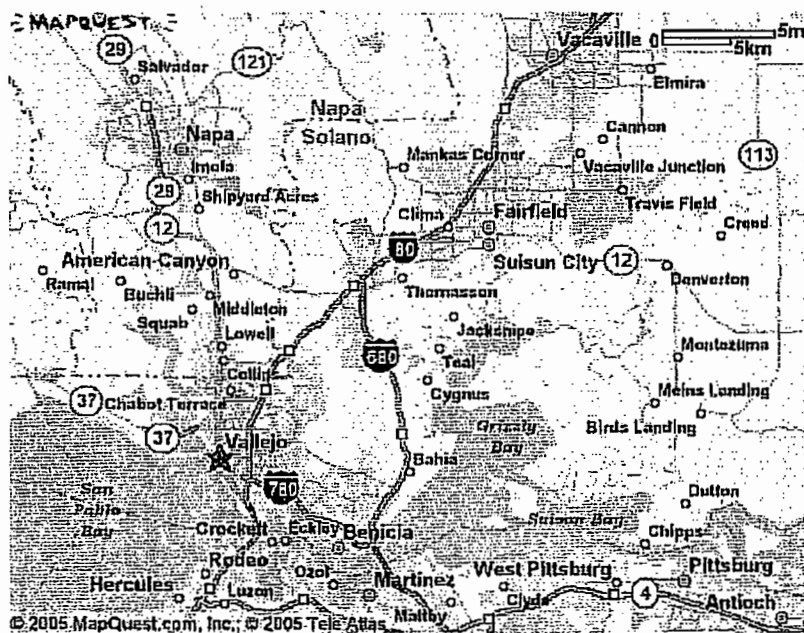
This section includes descriptions of the City’s water service area including current and projected population, climate, and other demographic factors affecting water management planning.

2.1 General Description of Service Area

The City of Vallejo’s water service area is characterized by a mixture of residential and commercial land use. As shown in Figure 2-1, Vallejo is a waterfront city located on the east side of San Pablo Bay. The City, with a population of more than 136,800, serves approximately 37,800 connections in the City of Vallejo and the adjacent unincorporated western parts of Solano County. The City also serves a small number of customers in unincorporated Napa County. The terrain in the service area is moderately varied. Vallejo is bordered on the north by American Canyon and unincorporated Napa County, on the east by the City of Benicia and on the south by the Carquinez Strait. Vallejo is approximately 30 miles from San Francisco and 60 miles from Sacramento.

Since the 1950’s, the City has sold raw water to and operated a treatment plant on behalf of Travis Air Force Base, but is not responsible for the distribution of the water once it leaves the plant. The City is in the role of a wholesaler to the base.

Figure 2-1. Location Map



The City of Vallejo's history began in 1844 when General Mariano G. Vallejo saw the promise of the area. Named after him and twice the site of the state capitol in the 1850s, Vallejo grew into an important shipping and naval center. In 1854, the United States Navy established the first west

coast naval facility on Vallejo’s Mare Island. Closed in 1996, Mare Island is now undergoing redevelopment.

2.2 Water Treatment Facilities

The Vallejo Water Systems utilize two water treatment plants—the Fleming Hill WTP and the Green Valley WTP. The Fleming Hill WTP treats water that is supplied from the Sacramento River Delta and delivered through the North Bay Aqueduct (NBA), Lake Berryessa (Solano Project), and Lake Curry (under restored conditions). The Fleming Hill WTP is the only water treatment facility for the City. The WTP uses preozonation, coagulation, flocculation, sedimentation, intermediate ozonation, filtration, and disinfection. The maximum design flow rate is 42 million gallons per day (mgd).

The Green Valley WTP was completed in 1998 with a capacity of 1.0 mgd and serves the Vallejo Lakes System.

The City operates the Travis Water Treatment Plant on behalf of the Travis Air Force Base. The Travis WTP is a complete, conventional 7.5 mgd plant with pre-ozonation.

2.3 Climate

Vallejo, located in the northern part of the San Francisco Bay area, has a climate characterized by cool, rainy winters and warm, dry summers. Like the rest of the San Francisco Bay Area, the Vallejo region is classified as a Marine West Coast Climate type with Mediterranean characteristics. Summer maximum temperatures average in the low 80’s, with summer minimum temperatures in the low 50’s. Winter maximums are in the mid-50’s, with minimums in the mid-30’s. Sunshine is plentiful, and the annual precipitation averages 20 inches, with most falling between November and May (Rains, Melton, and Carella, Inc., July 2001). The moderately hot and dry weather during the summer months results in moderately high water demand. Monthly weather data is provided in Table 2-1 below.

Table 2-1. Monthly Climate Data

	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Annual
Std Monthly Avg ETo (In)	0.74	1.52	3.08	4.27	5.44	6.82	7.82	6.91	4.90	3.52	2.03	0.83	47.87
Avg Precip (Inches)	3.57	3.72	0.99	1.04	2.55	0.41	0.0	0.0	0.0	0.21	1.79	6.05	20.34
Avg Temp. (°F)	45°	52°	56°	56°	63°	65°	71°	69°	65°	62°	55°	47°	59°

Source: California Irrigation Management Information Service (CIMIS) database for the Suisun Valley weather station (#123) from December 2004 through November 2005.

2.4 Population Trends

The San Francisco Bay Area as a region has experienced a large level of growth in recent decades. The Association of Bay Area Governments (ABAG) makes population, household, and economic forecasts for the nine-county Bay Area. ABAG data presented by census tract are used for this Plan. Census tracts are the smallest geographic units for which ABAG projections are available. The ABAG population projections are driven by economic and demographic mathematical models and

constrained by examining local governments’ plans, policies, and regulations affecting land development. ABAG housing projections are based on 2000 census data. Projections are made considering historical and present trends, taking into account available vacant land, redevelopment activities and current land use policies and plans. The City of Vallejo system boundaries do not fall along census tract boundaries in all cases. As a result, an estimate was made regarding how much of a given census tract is within the system area boundary. A list of the census tracts and the corresponding estimate of the amount of each tract within the City of Vallejo System is available upon request. Figure 2-2 shows the ABAG census tracts that correspond to the City of Vallejo service area.

Figure 2-2. ABAG Census Tracts – City of Vallejo Service Area

Vallejo 250101	Vallejo 250702	Vallejo 251702	Amer Cyn 201001
Vallejo 250102	Vallejo 250800	Vallejo 251802	Amer Cyn 201002
Vallejo 250200	Vallejo 250900	Vallejo 251803	Gordon Valley 252305
Vallejo 250300	Vallejo 251000	Vallejo 251804	Gordon Valley 252307
Vallejo 250400	Vallejo 251100	Vallejo 251901	Gordon Valley 201400
Vallejo 250501	Vallejo 251200	Vallejo 251902	Green Valley 252201
Vallejo 250502	Vallejo 251300	Vallejo 251903	
Vallejo 250601	Vallejo 251400	Vallejo 252103	
Vallejo 250603	Vallejo 251500	Vallejo 252105	
Vallejo 250701	Vallejo 251701		

Population in the County has grown rapidly due to the availability of land and the trend toward increased suburban growth. Solano County is one of the leading counties in the nine-county region in rankings for population and housing increases projected over the period 1995 to 2030. Vallejo is the largest city in the county.

As a result of the analysis of ABAG demographic data, it is estimated that the current population within the City of Vallejo System, including service areas within the city limits of Vallejo, unincorporated areas within Vallejo, Gordon Valley, and Green Valley, and a small area within American Canyon’s city limits historically served by Vallejo is approximately 163,550 people. This population is expected to reach 198,000 by 2025. A summary of the historic and projected population within the City of Vallejo System, based on ABAG data, is presented in Table 2-2.

Table 2-2. Population Trends – Current and Projected

Service Area	2000	2005	2010	2015	2020	2025
City of Vallejo	147,360	163,550	173,380	181,820	191,700	198,000

Source: Association of Bay Area Governments, September 2002.

2.5 Housing and Employment

Housing and employment data developed in the Vallejo Traffic Model, presented by traffic zone, as well as billing data developed for the City of Vallejo System in the City of Vallejo Utility Financing Plan and Rate Study (Brown and Caldwell, October 2004) were used to develop estimates of future City of Vallejo System water use. Because the Traffic Model and Rate Study were conducted independently, great care was taken to ensure that only the service area of the City of Vallejo System was considered in each study. Historical and projected housing and employment data are presented in Table 2-3 below. Build out is anticipated by 2020.

Table 2-3. Housing and Employment Projections, Vallejo Water Systems

Customer category	2000	2005	2010	2015	2020	2025
<i>City of Vallejo Water System^a</i>						
Single Family Residential, units	27,972	29,685	31,398	33,110	34,823	34,823
Multi-Family Residential, units	13,690	14,566	15,442	16,318	17,194	17,194
Residential, total units	41,662	44,251	46,839	49,428	52,017	52,017
CIILGR, employees ^b	35,550	41,357	47,164	52,972	58,779	58,779
<i>Vallejo Lakes System</i>						
Single Family Residential, units	800	825	850	875	900	900

Sources: ^a Dowling Associates, Mike Aronson, 12/20/04. Only figures for base year (1999) and 2020 (buildout) available; intermediate figures were linearly extrapolated.
^b CIILGR = Commercial, industrial, institutional, landscaping, governmental, and recreational.

The number of connections by customer classification, as tabulated from City utility billing data for years 2001 and 2002, are shown in Table 2-4. The City provides metered irrigation for parks and street medians. As of 2004, the City's water system contains approximately 37,800 connections, of which 100% are metered connections.

Table 2-4. City of Vallejo Connections by Classification

Classification	Metered Connections	
	2001 ^a	2002 ^b
Single family	30,663	31,543
Multi-family	2,121	2,089
Commercial/institutional	1,904	1,829
Industrial	0	0
Park irrigation	492	482
Other	559	514
Total	35,739	36,457

Sources:

- a. Pamela Sahin, City of Vallejo Department of Water Resources calendar year 2001 Public Water System Statistics.
- b. 2004 Rate Study (Brown & Caldwell, 2004). Commercial, Institutional, Multi-family category for 2002 is derived from the sum of accounts under Trailer Parks, Commercial, Churches, and Schools in the 2004 Rate Study. Park irrigation category for 2002 is assumed to be from Irrigation accounts in the 2004 Rate Study.

2.6 Planned Redevelopment

Several redevelopment projects are planned within the City of Vallejo service area. In 2005, water supply assessments were prepared for the following proposed projects:

- Revised Final – Vallejo Station and Waterfront Development Project, June 14, 2005
- Final Downtown Vallejo Redevelopment Project, June 20, 2005
- Final Mare Island Redevelopment Project, June 24, 2005

The City of Vallejo is planning to implement a redevelopment project to revitalize the downtown waterfront area. The project includes a mix of commercial, residential, and recreational uses on approximately 50 acres of waterfront property to be integrated with the downtown and the existing ferry service to San Francisco. Overall, the project will add up to about 825 single-family residential units, 265 multi-family residential units, and up to 504,000 gross square feet of space for commercial, office, and light industrial use.

The City has envisioned a multimodal waterfront transportation facility—the Vallejo Station—to support the integrated mix of transportation-related improvements serving water and rubber-tired vehicles, including a 1,190-vehicle parking garage structure, bus facilities including a new off-street bus transfer facility to replace the existing on-street one, and possible light rail facilities. Various transit-supportive private sector land uses such as live-work units, rental apartments, retail space, a condominium, and an office building are planned. Approximately 86,600 square feet of vacant/storage space and various used and unused commercial/office spaces, including 37,800 square feet of U.S. Postal Office space, will be demolished to make way for the new project.

The proposed Mare Island Redevelopment Project consists of commercial, residential and open space development as well as public improvements related to transportation and access to the island. Neighborhoods will provide a full range of land uses for Mare Island including employment, residential, commercial, recreational and open space. Overall, the project will add up to 1,400 residential units and up to 9,047,000 gross square feet of space for commercial, office, education, recreation and industrial use. Approximately, 1,333,938 square feet of vacant storage, garages, bomb shelters, and miscellaneous navy base structures would be removed to make way for the new Mare Island redevelopment project.

The water supply assessments prepared for the above projects determined that, during normal climate years, adequate water supplies are available, during a 20-year projection, to serve the projected demand of the proposed projects, in addition to existing and planned future uses. In the event of a three-year drought however, supplies would be insufficient if Lake Curry supplies are unavailable. However, taking into consideration the use of residential water usage unit demand

figures in excess of gross historical average use and the demand reduction potential of water shortage response measures, then projected water supplies are sufficient to serve the projected demand of the projects, in addition to existing and planned future uses, even if Lake Curry supplies are not ultimately brought on-line.

In addition to the three known projects for which water supply assessments have been prepared, another significant, potential project is redevelopment of the Solano County Fairgrounds located on the southwest corner of the Highway 37/I-80 interchange. The site is 152 acres in size and includes a horse racing track, a 9-hole golf course (e.g. Joe Mortara Golf Course), a small motor racetrack, parking facilities, and various buildings used for year-round expositions. The fairgrounds are located within the City of Vallejo, owned by Solano County, and managed by the Solano County Fairgrounds Association (SCFA). The SCFA has plans to redevelop portions of the grounds; plans will focus on the renovation of existing fair facilities, and construction of new entertainment and recreation-related facilities. Plans are not yet detailed enough to assess the impact of this potential project.

SECTION 3 - WATER DEMAND

Section 3 summarizes the City's historical and present water demand and provides the projected future water demands to the year 2025. Water demand is the amount of water used by the City's customers and in the City's water systems, which the City will need to supply.

3.1 Annual Water Production

Surface water production from 1985 to 2004 by the Fleming Hill water system is presented in Table 3-1. Due to inaccuracies of the State Water Project meters and billings, the City does not have an accurate determination of the amount of water actually received from its water supplies. However, such data can be determined by reference to the annual water production at the City's Fleming Hill WTP, which is accurately recorded. These annual production figures are particularly representative of the amount of water received by the City from its wholesale water suppliers due to the lack of significant raw water users of the City's untreated supplies.

3.2 Historical Treated Water Use

The City maintains records of historical annual water production. Water production is the volume of water measured at the source, which includes all water delivered to residential, commercial, and public authority connections, as well as unaccounted-for water. For the purposes of this Plan, four categories of water users have been identified: (1) single family residential; (2) multi-family residential; (3) commercial, industrial, institutional, landscaping, governmental, and recreational (CILGR); and (4) other. The next subsections discuss how the unit water use factor method was used to estimate demand for the first three user categories, and elaborate on the definition of "other users," which consists of non-billed metered water use and unaccounted-for water use.

Table 3-1. Historical Water Production, Fleming Hill Water System

Year	Annual average		Maximum day	
	ac-ft/yr	mgd	mgd	Peaking factor ^a
1985	19,291	17.23	29.152	1.69
1986	20,467	18.28	29.095	1.59
1987	21,127	18.87	30.907	1.64
1988	22,146	19.78	29.289	1.48
1989	22,617	20.20	33.360	1.65
1990	21,732	19.41	27.922	1.44
1991	21,990	19.64	28.41	1.45
1992	21,183	18.92	29.47	1.56
1993	19,851	17.73	29.56	1.67
1994	17,981	16.06	24.76	1.54
1995	19,437	17.36	28.0	1.61
1996	18,709	16.71	26.0	1.56
1997	20,254	18.09	28.0	1.55
1998	19,090	17.05	29.0	1.70
1999	20,433	18.25	31.0	1.70
2000	20,814	18.59	28.0	1.51
2001	20,377	18.20	28.0	1.54
2002	20,736	18.52	29.4	1.59
2003	20,242	18.51	30.1	1.59
2004	20,545	18.10	28.8	1.59

^a Maximum day peaking factor = maximum day demand/annual average day demand.

3.3 Unit Water Use Factors

Unit water use factors were developed to estimate future water needs, based on the housing and employment projections discussed previously in Section 2. Current water demand, housing and employment data were used to derive the unit water use factors for the following types of water use categories: (1) single family residential; (2) multi-family residential; and (3) CIILGR. Future single family and multi-family residential water needs are determined using the projections for single family or multi-family residential dwelling units within the City's service area, coupled with a unit water use factor per single family or multi-family dwelling unit, respectively. CIILGR future water needs are determined using the projections for employees within the City area, coupled with a unit water use factor per employee. Studies show there is a good correlation between CIILGR water use and number of employees (California Urban Water Agencies, 1992[p1]). In the Vallejo Traffic Model, a conversion factor to employee counts was provided for each CIILGR category.

For the purposes of deriving estimates for unit water use factors, the set of historical billing data for FY2000-2001 was chosen, as it was the closest year to the base year for the Vallejo Traffic

Model. A summary of the calculated unit water use factors are presented in Table 3-2. Detailed calculations may be found in Appendix E.

The City of Vallejo system (i.e. Fleming Hill water system) was chosen as a surrogate basis for calculating unit water use factors. Green Valley Water Treatment Plant production figures were not included in the calculations of unit water use because they are non-representative of the majority of the Vallejo Water Systems due to the small size of the Vallejo Lakes System and its limited number of services, differing climatic conditions and more rural nature of the services. Production figures for the Travis Water Treatment Plant, which provides water to the Travis Air Force Base and a portion of the Travis Unified School District, is likewise non-representative.

Table 3-2. Residential and Non-Residential Unit Water Use Factors^a

Classification	Unit water use factor current study
Single Family Residential:	387 gpd /unit
Multi-Family Residential:	345 gpd /unit
CIILGR ^b :	102 gpd /employee

^a Factors exclude unaccounted-for water and non-billed metered water use.

^b CIILGR = Commercial, industrial, institutional, landscaping, governmental, and recreational.

3.4 Other Demand Components

In addition to treated water use by customers, there are several other components of the City’s total demand that must be provided by the City’s water supplies. These components are summarized below.

- **Non-billed Metered Water Use**

In addition to usage recorded in the billing data, there exists some non-billed metered water use at select City locations. Non-billed metered use has been determined to comprise approximately 12 percent of the total water production in 2000 (or 2.2 mgd). Ongoing conversion of non-billed metered accounts to billed metered accounts will create incentives for best management water use practices to be implemented. These changes are expected to reduce non-billed, non-collected metered usage figures to about 7 percent of total metered usage, or 1.7 mgd, by 2025.

- **Unaccounted-for Water (Treated Water System Losses)**

Unaccounted-for water use is unmetered water use such as from fire protection and training, system and hydrant flushing, sewer cleaning, construction, system leaks, and unauthorized connections. Unaccounted-for water can also result from meter inaccuracies. As estimated by the City Utilities Department, Water Division, approximately 10 percent of total water production in 2004 consists of unaccounted-for water. This average value is similar to previous years. Typically, water agencies try to keep unaccounted-for water at 10 percent or less of their treated water use. However, enhanced metering programs at City connections and water auditing programs are underway, in addition to a large-meter replacement project to assure greater accuracy for major users. By 2025, it is anticipated that unaccounted-for water will gradually drop to about 6 percent of total metered use, or 1.4 mgd.

3.5 Projected Water Demands

Water demands through the year 2025 were estimated for the Vallejo Water Systems based on the unit water use factors (see Table 3-2); housing and employment projections (see Table 2-3(p2)); and projections for non-billed metered use and unaccounted-for water. Note that the totals include the minor demands of the Vallejo Lakes system. Detailed calculations of housing and employment projections are based on information from the draft Environmental Impact Report (EIP Associates, 2004), the City of Vallejo Water Utility Financing Plan and Rate Study (Brown and Caldwell, 2004), and the City of Vallejo Buildout Estimates (Meiring Contracting and Consulting, 2003)

Table 3-3. Projected Water Demands by Category

Category	2000	2005	2010	2015	2020	2025
<i>City of Vallejo Water System</i>						
Single Family Residential (mgd)	8.6	9.0	9.4	9.9	10.3	10.3
Multi-Family Residential (mgd)	2.3	2.7	3.1	3.5	3.9	3.9
CIILGR ^a (mgd)	3.6	4.2	4.8	5.4	6.0	6.0
Non-billed metered use ^b (mgd)	2.2	2.0	1.8	1.7	1.7	1.7
Unaccounted-for water ^c (mgd)	1.9	1.7	1.6	1.5	1.4	1.4
Golf Course Irrigation (mgd)	0.7	0.7	0.7	0.7	0.7	0.7
<i>Subtotal mgd</i>	19.4	20.4	21.5	21.3	24.0	24.0
<i>Subtotal AF/yr</i>	21,920	23,030	24,290	25,690	27,140	27,140
<i>Vallejo Lakes System</i>						
Single Family Residential (mgd)	0.3	0.3	0.3	0.3	0.3	0.3
<i>Subtotal AF/yr</i>	320	330	340	350	360	370
<i>Wholesale Customers</i>						
Travis AFB Deliveries ^d (AF/yr)	3,200	3,400	3,860	4,330	4,790	5,250
City of Benicia (AF/yr)	1,100	1,100	1,100	1,100	1,100	1,100
City of American Canyon (AF/yr)	750	750	750	750	750	750
<i>Subtotal AF/yr</i>	5,050	5,250	5,710	6,180	6,640	7,100
<i>Other Demands^e AF/yr</i>	1,500	1,500	1,000	1,000	1,000	1,000
Total for all categories AF/yr	28,790	30,110	31,340	33,220	35,140	35,610

Source: Water Supply Assessments prepared by Brown and Caldwell, June 2005 (corrected for 2015).

^a CIILGR = Commercial, industrial, institutional, landscaping, governmental, and recreational.

^b Non-billed metered use, which accounts for approx. 13% of total metered use in the base year (2000), is expected to decrease linearly due to changes in non-billing practices which will create incentives for best management water use practices.

^c Unaccounted-for water, which includes meter losses and inaccuracies, pipeline leaks, etc., is assumed to be 11% of total metered water use for calibration purposes for the base year. This value is expected to drop due to enforcement of illegal connection removal, enhanced flushing and maintenance practices, and greater meter accuracy due to large meter replacement projects which will accurately gauge true cost of service and create incentives for best management practices and reductions in use.

^d Travis AFB demand in 2005 of 3,400 ac-ft/yr is based on the maximum demand out of three recent years of historical water production data. Demands in subsequent years are assumed to increase in equal steps to the maximum potential demand of 5,250 ac-ft/yr by 2025.

^e Demands for "Other" includes 1,500 ac-ft/yr of potential Suisun Creek instream flow in 2000 and a combination of potential instream flows and/or potential wholesale water sales to other water agencies in 2010 and beyond.

Projected water demands by category and total projected water demands are shown in Table 3-3. By 2025, water demands are expected to increase by 24 percent, from 28,790 acre-feet per year (ac-ft/yr) in 2000 to 35,610 ac-ft/yr in 2025. Reductions in estimated water use due to proposed additional conservation measures to be implemented in the future are not reflected in the projected water demands.

SECTION 4 - WATER SUPPLY

This section provides an overview of the City's major raw water transmission facilities; current, and projected water supplies; a supply and demand comparison; the reliability of the surface water sources; shortage expectations; and planned water supply projects.

4.1 Water Supply Overview

The City of Vallejo water systems currently uses surface water as its sole source of supply. No groundwater sources are used. The City brings surface water from five different sources into three treatment plants in order to serve customers in two different counties (Solano and Napa) and on an active military base (Travis Air Force Base).

The City has five sources of surface water: Solano Project Water, State Water Project, Vallejo Permit Water, Lakes Frey and Madigan, and Lake Curry. Table 4-1 summarizes these surface water supplies including the capacity and safe yield of each surface water source in units of acre-feet per year. The safe yield is the rate of surface water diversion from a basin for consumptive use over an indefinite period of time that can be maintained without producing negative effects.

Table 4-1. Surface Water Sources

Source	Water Entitlements (ac-ft/yr)	Safe yield (ac-ft/yr)	Remarks
State Water Project	5,600	5,600	SCWA ^c
Vallejo Permit Water ^a	17,200 (through 2006); 22,800 (2007 and beyond)	22,800	Water rights and conveyance control with SCWA
Solano Project Water	14,600	14,600	Annual entitlement from U.S. Bureau of Reclamation through SCWA
Lakes Frey and Madigan	400	400	City water rights
Lake Curry ^b	1,500 (through 2009); 3,750 (2010 and beyond)	3,750	City water rights
Total	39,300 (through 2009); 47,150 (2010 and beyond)	47,150	

^a Supply should increase from 17,200 ac-ft/yr in 2005 to 22,800 ac-ft/yr in 2007 and beyond, when agreements required to allow Vallejo's full conveyance of the 22,800 ac-ft/yr through the NBA should be in place.

^b Currently 1,500 ac-ft/yr of entitlement and safe yield from Lake Curry is used for in-stream flow. The full Lake Curry supply of 3,750 ac-ft/yr entitlement and safe yield will become available beginning in 2010, when Lake Curry is returned to service by 2009.

^c SCWA = Solano County Water Agency.

State Water Project (SWP). State Water Project water is delivered from Lake Oroville through the Sacramento River to the North Bay Aqueduct (NBA) pumping facility at Barker Slough where it is pumped to the California Department of Water Resources (DWR) Forebay at Cordelia. SWP water may be diverted to supply Travis Air Force Base before reaching the DWR Forebay. From the DWR Forebay at Cordelia it is pumped by City facilities to the Fleming Hill Water Treatment Plant (WTP).

Vallejo Permit Water. Vallejo Permit Water is delivered from the NBA pumping facility at Barker Slough to the DWR Forebay at Cordelia. Vallejo Permit Water may be diverted to supply Travis Air Force Base before reaching the DWR Forebay. From the DWR Forebay at Cordelia it is pumped by City facilities to the Fleming Hill WTP.

Solano Project Water (SPW). Solano Project Water is delivered from Lake Berryessa via the Putah South Canal to the U.S. Bureau of Reclamation Terminal Reservoir in Cordelia. From Cordelia it can be pumped to the Fleming Hill WTP or via Solano Irrigation District's distribution facilities to the Green Valley WTP.

Lakes Frey and Madigan. Lakes Frey and Madigan are located in northern Solano County. The City owns both lakes and the surrounding land. Water flows from Lake Madigan into Lake Frey and then into the diversion dam, from whence the water continues to flow under gravity through a pipe into the Green Valley WTP located at the end of Green Valley Road. Lakes Frey and Madigan and Lake Curry are collectively know as the "Vallejo Lakes System."

Lake Curry. Lake Curry, the largest lake in the "Vallejo Lakes System," is a standby source for the City located in Napa County. The City owns the lake and surrounding land. Lake Curry has a storage capacity of 10,700 acre-feet and a yield of about 3,750 acre-feet per year. However, the lake is not currently in use as a drinking water raw water source, although lake water is being used for in-stream flow into Suisun Creek. The lake will be restored to full use again as soon as new conveyance facilities are put in place. The projected completion date for the Lake Curry Water Conveyance Project is 2009.

4.2 Groundwater Supplies

No ground water sources are used. A large aquifer (a subterranean permeable body of rock holding water) system extends from the highlands area to the Napa River-Carquinez Strait system. The aquifer is shielded from salt-water intrusion by stream-deposited sediments and muds. The City does not currently use groundwater although it might be a remotely possible future supply. Groundwater is not counted as a supply to meet future demands within this Plan.

The City has authorized the Solano County Department of Environmental Management, Division of Environmental Health, or its successor agency to undertake the inspections and other activities involved in the regulation of construction, reconstruction, destruction and inactivation of private water, cathodic protection, and monitoring wells.

4.3 Other Water Supplies

The City does not have plans for any alternative water supply projects to provide additional water supplies. The City, in conjunction with the Vallejo Sanitation and Flood Control District, has considered reclaimed water. Reclaimed, secondary-treated water is available, but studies have repeatedly shown that its distribution is cost prohibitive. Further discussion of this topic can be found in Section 5.

There is no planned use of Vallejo system water for ground water recharge. Any recharge accomplished is incidental due to transmission and distribution line leakage.

4.3.1 Transfers and Exchange Opportunities

Table 4-2 provides a breakdown of the water transfers that have occurred in prior dry years per existing service agreements that the City maintains with American Canyon, Benicia, and Fairfield. Note that historically, these transfers have only been from the City to other wholesale agencies. Copies of these water transfer agreements will be provided upon request by the City. This section provides a brief description of these agreements.

Table 4-2. Water Transfers, ac-ft/yr

From whom	To whom	1985	1991	1996	2001
City of Vallejo	American Canyon	0	0	0	500
City of Vallejo	Benicia	0	5,572	0	3,807
City of Vallejo	Fairfield	0	1,716	0	1,333
TOTAL		0	7,288	0	5,640

Solano Irrigation District Exchange. Vallejo has a service exchange agreement with SID. Under this agreement Vallejo provides raw water to Tolenas, in SID's service area, and in exchange SID delivers an equal amount of raw water to Vallejo's Green Valley Treatment Plant. Consequently, Vallejo supplies Tolenas water demand from its NBA water supplies and SID augments Vallejo with Solano Project water. The demands of both areas are typically not equal and SID usually owes Vallejo a balance of Solano Project water at the end of each year.

4.3.2 Water Agreements

City of American Canyon. A water service agreement exists between the City of Vallejo and the City of American Canyon, dated May 1, 1996. The agreement gives American Canyon the right to purchase up to 1.0 mgd of potable water from Vallejo with possible additional capacity purchases. If available, American Canyon will supply its excess raw water entitlement to Vallejo at \$75/acre-foot, which Vallejo shall treat and transmit to American Canyon. Existing Vallejo transmission facilities in American Canyon's water service area are available to wheel American Canyon raw water with reimbursement of costs.

Per Addendum No. 1 to the Water Service Agreement between the City of Vallejo and the City of American Canyon, dated July 18, 1996, American Canyon wants an alternative source of raw water to supply water for agricultural, golf course, and landscaping purposes. Vallejo agrees to sell raw water to American Canyon during emergencies, if available, such as a reduction in NBA entitlement, in quantities up to 500 acre-feet per year at a cost of 90 percent of what American Canyon charges their customers outside the city limit.

Per Addendum No. 2 to the Water Service Agreement between the City of Vallejo and the City of American Canyon, dated June 4, 1998, Vallejo agrees to sell and transfer 500 acre-feet of water entitlement to American Canyon from Vallejo's permit water for domestic use at a cost of \$1,000 per acre-foot. American Canyon will transfer to the City of Calistoga 500 acre-feet of American Canyon's NBA entitlement. American Canyon will reimburse Vallejo for previously incurred capacity investments, and other costs associated with conveyance of the permit water. Restrictions on Vallejo's permit water will be passed along to American Canyon proportionally.

Per Addendum No. 3 to the Water Service Agreement between the City of Vallejo and the City of American Canyon, dated May 4, 2000, Vallejo agreed to provide and American Canyon purchased fire supply storage and fire supply flow to the Montevino Subdivision.

Per Addendum No. 4 to the Water Service Agreement between the City of Vallejo and the City of American Canyon, dated December 7, 2000, Vallejo would have sold up to 250 acre-feet of Vallejo Permit water to American Canyon thereby allowing American Canyon to sell an equivalent amount of its water to Yountville. However, there were a number of agreements which had to be reached before the sale can take place. The addendum was voided because all conditions were not fulfilled by December 31, 2005.

City of Benicia. The March 5, 1992 agreement providing Benicia the opportunity to purchase up to 4,400 acre-feet of water from Vallejo was terminated by Benicia Council action in February 2004, thereby reverting the 4,400 ac-ft/yr entitlement to Vallejo control.

Per Amendment No. 2 to the 1962 Vallejo / Benicia Water Agreement, dated April 28, 1989, Vallejo is to deliver 1,100 acre feet per year. A service charge applies for usage exceeding 50 days per year. Treated water is sold to Benicia at Vallejo's outside-the-City-limit rate. Raw water from the Terminal Reservoir sells at a calculated charge which is currently \$37.53/ac-ft.

City of Fairfield. An agreement exists for temporary potable water service between the City of Fairfield and the City of Vallejo, dated March 20, 1992. Fairfield is to serve potable water to Vallejo's Lake System. Vallejo provides the raw water supply and pays for the cost of service (lease payment and user charge). Demand is not to exceed 1,120 acre-feet in 12 months.

Per an agreement for mutual water exchange or sale and temporary standby water service between the City of Fairfield and the City of Vallejo, dated May 4, 1993, Vallejo will provide surplus permit water to Fairfield at either an exchange rate of 2:1 for Solano Project water or at a price of \$50/ac-ft (initially). Fairfield will serve potable water into the Vallejo system. Raw water used will be added to Vallejo's Solano Project use. Vallejo will be charged for water service at Fairfield's in-city general service rate.

Per Amendment No. 1 to the May 4, 1993 agreement, to provide for mutual water exchange or sale and temporary standby water service between the City of Fairfield and the City of Vallejo, dated August 4, 1993, a second connection was added through which Fairfield can serve potable water into the Vallejo system. Vallejo pays Fairfield a user charge if the connections are activated.

4.3.3 Desalination

Desalination involves the treatment of seawater or brackish water, using technologies such as reverse osmosis membranes or distillation methods to remove salts and impurities, in order to create a water supply suitable for all drinking water purposes.

At this time, the City is participating in regional planning that is considering desalination. SCWA's Integrated Regional Water Management Plan identifies desalinating Carquinez Strait water as an available long-term action to develop new permanent water supply for Solano County. Potential locations include offshore of Benicia and Vallejo. Currently, there are no planned desalination projects in Solano County. Such projects could be pursued by SCWA if grant funding becomes available or other actions are taken to improve the economics of such projects. However, feasibility studies would be needed to evaluate its cost-effectiveness relative to other sources.

Desalination facilities are costly to construct and operate relative to the City's current supply sources. According to the California Department of Water Resource's report, "Water Desalination – Findings and Recommendations" (October, 2003), the cost to construct and operate new seawater and estuarine water desalination plants will range from \$700 to \$1,200 per acre-foot, depending on energy costs. To distribute the desalinated water would cost another \$100 to \$300 per acre-foot.

There are also significant environmental and permitting issues associated with disposal of brine from the treatment process. Alternatives would need to be investigated for discharging brine into the Bay that would not have adverse environmental effects.

The City's water supply needs can be met without the development of a local desalination supply. Desalination could conceivably be considered as a potential, future, local emergency supply source. The development of such a supply would be a long-term project requiring study and evaluation to determine its feasibility and cost effectiveness.

4.4 Source Water Quality

This subsection describes the water quality of the existing water supply sources within the water systems and the manner in which water quality affects supply reliability and water management strategies.

4.4.1 Water Quality of Existing Water Supply Sources

The Solano Project is considered a reliable, high-quality water source. The large volume of Lake Berryessa provides a large dilution factor for any contaminants that may reach the lake. Additionally, the Solano Project draws its water supply from the bottom of the reservoir which

provides for additional decomposition and dilution of any contaminants before the water is released for delivery.

The only significant surface source water problems pertain to North Bay Aqueduct water from the Sacramento Delta, due in part to the location of the intake in Barker Slough. Occasionally, the Travis Water Treatment Plant, which up to recently used only an NBA supply, had to be shut down due to excessive turbidity, color, and total organic carbon (TOC) of the source water supply.

The Solano County Water Agency coordinated quarterly tests for Methyl tert Butylether (MTBE) which were performed in 2003 with none detected. The City monitors for MTBE at the Terminal Reservoir and NBA Cordelia Forebay annually.

The City's Annual Water Quality Report, also known as a Consumer Confidence Report, based on water testing performed in 2004, is attached as Appendix F.

4.4.2 Water Quality Effects on Water Management Strategies

Due to seasonal water quality shifts, water treatment staff must select and treat a changing mix of source water in order to optimize use of available sources and minimize treatment costs. As with any surface water source, the City's raw water sources are vulnerable to total and fecal coliform contamination; therefore, the City utilizes multi-barrier protection in its treatment plants.

The City has purchased equipment for use at the Travis Water Treatment Plant to monitor UV254, a surrogate for total organic carbon (TOC). Travis AFB WTP has just begun treating Solano Project water which has a much lower TOC level than the NBA water.

After two years of intensive monitoring of NBA water quality, NBA users applied for and obtained a \$580,000 grant from CALFED to improve the watershed of Barker Slough, the location of the intake for the NBA. The grant will be used for pilot programs to initiate best management practices with local landowners. The water quality deterioration is primarily linked to cattle-raising land use practices and riparian erosion.

The City has a three-part monitoring program for Title 22 compliance.

1. Under a cooperative agreement with other NBA users, quarterly monitoring is done through the North Bay Regional water treatment plant which does collection and analysis (or outlab, if any).
2. Under a cooperative agreement, coordinated by the Solano Irrigation District, Solano Project water (Lake Berryessa) is tested for organics and radiological contaminants.
3. Vallejo monitors Lakes Frey and Madigan in Green Valley.

The City has prepared a watershed sanitary survey for Lakes Frey and Madigan. A survey was performed for the Solano Project by the Solano County Water Agency.

4.4.3 Water Quality Effects on Supply Reliability

No changes in water quality in any of the City's water sources are expected through and beyond 2025 which would reduce water supplies. Due to NBA water quality effects on supply, however,

less optimal water quality supplies may be directed to particular plants for treatment, and efforts are being made to enhance plant operational flexibility by providing alternative, secondary water supplies.

No available supplies to the Fleming Hill Water Treatment Plant are impacted by source water quality impairment, as that plant has the ability to treat even degraded water. In addition, water sources are switched or blended, as available, to optimize water treatment processes.

As discussed above, the only significant surface source water problems pertain to North Bay Aqueduct water deliveries to the Travis Water Treatment Plant. Occasionally, the Travis WTP, which until recently used only an NBA supply, had to be shut down due to excessive turbidity, color, and total organic carbon (TOC) of the source water supply. Temporarily, the City is providing Solano Project water to the plant, by arrangement with the City of Benicia to pump water via Vallejo's Cache waterline. These short-term treatment-related outages will be mitigated by 2007 with the construction of the Travis – Beck Avenue Pump Station which will permanently provide Solano Project water as an alternative source during NBA water quality-impaired events.

4.5 Water Shortage Expectations

No unusual short-term water shortages are anticipated. Short-term surface water supply shortages lasting from several hours to several days are accounted for in supply planning. At key locations, the City's pumps are fitted with emergency diesel-powered generators for use during power outages, which increases the reliability of supply.

The City's draft Water Shortage Contingency Plan (WSCP) is included in Section 7 of this UWMP. The WSCP addresses the short-term or emergency water management practices required during a drought or other water shortage condition. The WSCP helps the City of Vallejo consider impacts of short-term supply deficiency including financial hardship on both the community and the City, and deterioration of customer relations. The City uses shortage planning to anticipate drought conditions and prepare for impacts that may occur (e.g. supply shortages, economic impacts on the community and reduced revenue). On a regional level, the "Solano Project Members' Agreement as to Drought Measures and Water Allocation", included as Appendix H, requires specific drought measures by all participating agencies when the water level in Lake Berryessa drops below half full.

Of general concern in water demand management is the phenomenon known as "demand hardening." During drought years, savings attributed to on-going conservation will reduce opportunities to meet demand through short-term drought demand management programs. The expectations of such programs will therefore need to be reviewed in coordination with the City's other ongoing programs. Water transfers may be a more reliable solution to address such shortages in both the short and long term, as increased efficiencies over time within all customer use categories will conceivably reduce opportunities to achieve significant savings during drought years. The duration of the water shortage, whether drought or short-term supply emergency, is a factor in the sustainability of any newly achieved demand reduction.

4.6 Water Supply Reliability

To take into account the fact that water source entitlements are not always fully available to the City, a more conservative measure of water supply is used, the “normal” or average available water year supply. An analysis was made of the reliability of each of the City’s source supplies, with information provided by the Solano County Water Agency, the Department of Water Resources, and City records. Percentage reductions from full entitlement were calculated and the resulting “normal” year supply volumes are presented in Table 4-4. In addition, estimations were made of the percentage of entitlement available for each water source under dry year scenarios.

4.6.1. Water Supply Vulnerability to Seasonal or Climatic Shortage

The City uses only surface water supply sources which are subject to variation due to a variety of factors. Different sources of water supplies have different historical dry year sequences, and different yields during multiple year drought conditions based on hydrology, available storage, contract entitlements, water characteristics, etc.

Several meetings with SCWA and its member agencies were held during the preparation of the City’s UWMP. The primary purpose of the meetings was to coordinate the supply reliability assessment methodology used by the member agencies sharing common water supply sources. The meetings were attended by the Cities of Benicia, Fairfield, Vacaville and Vallejo; the Solano Irrigation District (Suisun and Dixon); and SCWA.

A projection of available water supply for each separate water supply source is presented below, expressed as a percentage reduction of full entitlement. The assumptions for each water source are discussed below.

Table 4-3. Percent of Entitlement Available in Normal and Dry Water Years

Water Supply	Normal	Single Dry	Second Dry	Third Dry
State Water Project	90%	61%	50%	39%
Vallejo Permit Water	100%	85%	80%	75%
Lakes Frey & Madigan	100%	80%	75%	75%
Lake Curry	100%	80%	75%	75%
Solano Project	99%	98%	95%	92%

State Water Project

Information on State Water Project reliability comes from a “Notice to State Water Project Contractors” dated May 25, 2005. Utilizing DWR Study 6 (2001 Level of Development, 2004 OCAP) and DWR Study 7 (2020 Level of Development, 2004 OCAP) from that notice and assigning a Sacramento Valley Index to each of the years from 1922 through 1993, the City’s wholesaler, the Solano County Water Agency, calculated average percentage of full entitlement for a “normal” year, “single dry” water year, and “multiple dry” water year (defined as the average of all years included in sets of three or more consecutive dry years). A detailed discussion of

supply reliability for the State Water Project is available in the *Solano County Water Agencies' Integrated Regional Water Management Plan* adopted by the City of Vallejo on August 16, 2005.

Vallejo Permit Water

Vallejo Permit Water is not subject to reductions due to North Bay Aqueduct Table A delivery restrictions. The permit right is, however, subject to temporary environmental pumping restrictions which due to physical pumping capacity restraints may result in reduced ultimate yearly capacity. No historical data exists to accurately depict this scenario, and the City has chosen to conservatively reduce deliverable water by the percentages indicated in an attempt to quantify the potential for supply disruption due to environmental concerns.

Solano Project Water

Solano Project Reliability is based on ultimate level of development of Lake Berryessa watershed at 30,000 ac-ft/yr. A detailed discussion of supply reliability for the Solano Project is available in the *Solano County Water Agencies' Integrated Regional Water Management Plan*. The Solano County Water Agency has calculated reliability percentages based on a Lake Berryessa Index for water year classifications from 1906 through 1993. This is a very reliable water source. The contract between the SCWA and USBR calls for the full contract amount to be delivered to SCWA unless it is physically impossible to deliver the water from Solano Project storage (i.e. the reservoir is dry).

The Solano Project member agencies (cities, such as Vallejo, and districts that contract with SCWA for Solano Project water supply) have entered into a separate agreement to reduce deliveries based upon storage levels in Lake Berryessa. Once the storage level drops below 800,000 acre feet, as measured on April 1, 95% of contract amounts are delivered with 5% being stored in the reservoir as carryover. If the reservoir drops below 550,000 acre feet by April 1, 90% can be delivered and 10% is stored as carryover. Member agencies have the ability to carryover more than this amount if they desire. Once the reservoir level is below 450,000 acre feet on April 1, the member agencies can use their full allocation and any stored carryover. On April 1 if lake storage is less than 400,000 acre feet a drought emergency is declared. This will trigger the "Solano Irrigation District Drought Impact Reduction Program," which provides for SID growers to fallow land and provide up to 20,000 acre feet per year for voluntary sale to cities. For more information see Appendix H, the "Solano Project Members' Agreement as to Drought Measures and Water Allocation."

The main factor affecting Solano Project reliability is the frequency of long droughts which could result in major drawdown of Lake Berryessa. Environmental issues have been addressed in a legal settlement regarding downstream flows from the Solano Project and the settlement has been ratified by the State Water Resources Control Board. Limits on upstream depletions have been established through a settlement agreement administered by a court appointed watermaster.

Lakes Madigan and Frey

Safe yield supply calculations were created by Raymond Vail and Associates in January 1989 showing the safe yield of Lake Madigan and Frey, as determined using a worst case historical two year 1976 drought scenario, to be 600 acre-feet. The City has chosen to reduce this amount by one third to 400 acre-feet due to the lack of alternative water sources for this system. In addition, as

the scenario envisioned only a two year drought event, the City has chosen to reduce the lowered 400 acre-foot value of expected delivery of water by the percentages indicated during each year, single dry, multiple dry, and third dry year, to assure extension of water delivery at the noted quantities even during a three year drought review period.

Lake Curry

Safe yield supply calculations were created by Raymond Vail and Associates in January 1989 showing the safe yield of Lake Curry, as determined using a worst case historical two year 1976 drought scenario, as 3,750 acre-feet. As this scenario envisioned only a two year drought event, the City has chosen to reduce the expected delivery of water by the percentages indicated during each year, single dry, multiple dry, and third dry year, to allow extension of water delivery at the noted quantities after a three year drought review period.

The assumptions of percentage of full entitlement of water available as supply in normal and dry water years has been applied to projections of water entitlements over the next twenty years, in five year increments. The resulting supply volumes are presented below in Table 4-4.

Table 4-4. Adjusted Water Supplies for Normal and Dry Water Years

WATER YEAR & SUPPLY (All volumes in Acre-Feet)	Entitlement Reduction	2005	2010	2015	2020	2025
<i>Normal Year</i>						
State Water Project	10%	5,040	5,040	5,040	5,040	5,040
Vallejo Permit Water	0%	17,200	22,800	22,800	22,800	22,800
Lakes Madigan/Frey	0%	400	400	400	400	400
Lake Curry	0%	1,500	3,750	3,750	3,750	3,750
Solano Project Water	1%	<u>14,454</u>	<u>14,454</u>	<u>14,454</u>	<u>14,454</u>	<u>14,454</u>
<i>Normal Year Total</i>		38,594	46,444	46,444	46,444	46,444
<i>Single Dry Year</i>						
State Water Project	39%	3,416	3,416	3,416	3,416	3,416
Vallejo Permit Water	15%	14,620	19,380	19,380	19,380	19,380
Lakes Madigan/Frey	20%	320	320	320	320	320
Lake Curry	20%	1,200	3,000	3,000	3,000	3,000
Solano Project Water	2%	<u>14,308</u>	<u>14,308</u>	<u>14,308</u>	<u>14,308</u>	<u>14,308</u>
<i>Single Dry Year Total</i>		33,864	40,424	40,424	40,424	40,424
<i>Second Dry Year</i>						
State Water Project	50%	2,800	2,800	2,800	2,800	2,800
Vallejo Permit Water	20%	13,760	18,240	18,240	18,240	18,240
Lakes Madigan/Frey	25%	300	300	300	300	300
Lake Curry	25%	1,125	2,813	2,813	2,813	2,813
Solano Project Water	5%	<u>13,870</u>	<u>13,870</u>	<u>13,870</u>	<u>13,870</u>	<u>13,870</u>
<i>Second Dry Year Total</i>		31,855	38,023	38,023	38,023	38,023

CITY OF VALLEJO 2005 URBAN WATER MANAGEMENT PLAN

WATER YEAR & SUPPLY (All volumes in Acre-Feet)	Entitlement Reduction	2005	2010	2015	2020	2025
<i>Third Dry Year</i>						
State Water Project	61%	2,184	2,184	2,184	2,184	2,184
Vallejo Permit Water	25%	12,900	17,100	17,100	17,100	17,100
Lakes Madigan/Frey	25%	300	300	300	300	300
Lake Curry	25%	1,125	2,813	2,813	2,813	2,813
Solano Project Water	8%	<u>13,432</u>	<u>13,432</u>	<u>13,432</u>	<u>13,432</u>	<u>13,432</u>
<i>Third Dry Year Total</i>		<i>29,941</i>	<i>35,829</i>	<i>35,829</i>	<i>35,829</i>	<i>35,829</i>

4.7 Water Supply Adequacy

This subsection presents an assessment of the reliability of the City's water service to its customers during normal or dry water years. Total water supply sources available to the City are compared with the total projected water use demand over the next twenty years, in five-year increments, for a normal water year, a single dry water year, and multiple dry water years.

4.7.1. Projected Normal and Dry Water Year Demands

Tables 4-5 through 4-8 include projections of water demand by service area and contractual obligation in five year increments from 2005 through 2025. In those instances where demand has exceeded 90 percent of available supply thereby triggering Stage II water shortage requirements, as further discussed in subsection 4.7.2, a separate line has been added to account for mandatory water demand reduction.

Table 4-5. Projected Normal Year Demand

<i>Demand - Normal Year (Ac-Ft)</i>	2005	2010	2015	2020	2025
<i>Vallejo City System</i>	23,030	24,290	25,690	27,140	27,140
<i>Vallejo Lakes System</i>	330	340	350	360	370
<i>Travis</i>	3,400	3,860	4,330	4,790	5,250
<i>Benicia</i>	1,100	1,100	1,100	1,100	1,100
<i>American Canyon</i>	750	750	750	750	750
<i>Other (Environmental, etc.)</i>	<u>1,500</u>	<u>1,000</u>	<u>1,000</u>	<u>1,000</u>	<u>1,000</u>
<i>Total Demand - Normal Year</i>	<i>30,110</i>	<i>31,340</i>	<i>33,220</i>	<i>35,140</i>	<i>35,610</i>

Table 4-6. Projected Single Dry Year Demand

<i>Demand - Single Dry Year (Ac-Ft)</i>	2005	2010	2015	2020	2025
<i>Gross Demand</i>					
<i>Vallejo City System</i>	23,030	24,290	25,690	27,140	27,140
<i>Vallejo Lakes System</i>	330	340	350	360	370
<i>Travis</i>	3,400	3,860	4,330	4,790	5,250
<i>Benicia</i>	1,100	1,100	1,100	1,100	1,100
<i>American Canyon</i>	750	750	750	750	750
<i>Other (Environmental, etc.)</i>	1,500	1,000	1,000	1,000	1,000
<i>System Efficiencies (1% Vallejo City System)</i>	(230)	(243)	(257)	(271)	(271)
<i>Total Pre-DRM Demand - Single Dry Year</i>	29,880	31,097	32,963	34,869	35,339
<i>Drought Response Measures (0%)</i>	0	0	0	0	0
<i>Adjusted Final Demand - Single Dry Year</i>	29,880	31,097	32,963	34,869	35,339

In a single dry year, the City would reduce its operational use of water, such as by limiting or eliminating water line flushing, among other measures.

Table 4-7. Projected Second Dry Year Demand

<i>Demand - Second Dry Year (Ac-Ft)</i>	2005	2010	2015	2020	2025
<i>Gross Demand</i>					
<i>Vallejo City System</i>	23,030	24,290	25,690	27,140	27,140
<i>Vallejo Lakes System</i>	330	340	350	360	370
<i>Travis</i>	3,400	3,860	4,330	4,790	5,250
<i>Benicia</i>	1,100	1,100	1,100	1,100	1,100
<i>American Canyon</i>	750	750	750	750	750
<i>Other (Environmental, etc.)</i>	1,500	1,000	1,000	1,000	1,000
<i>System Efficiencies (2% Vallejo City System)</i>	(461)	(486)	(514)	(543)	(543)
<i>Total Pre-DRM Demand - Second Dry Year</i>	29,649	30,854	32,706	34,597	35,067
<i>Drought Response Measures (5% City & Lakes Systems)</i>	(1,168)	0	0	(1,375)	(1,376)
<i>Adjusted Final Demand - Second Dry Year</i>	28,481	30,854	32,706	33,222	33,692

Projected second dry year demand analysis indicates that total water demand, adjusted only for system efficiencies employed by the Vallejo Water System in its operations, would exceed 90 percent of available supply in 2020 and 2025 and would therefore trigger a Stage II water shortage response. Refer to Table 4-11. Reductions in demand due to mandatory drought response measures are estimated at 5 percent.

Table 4-8. Projected Third Dry Year Demand

<i>Demand - Third Dry Year (Ac-Ft)</i>	2005	2010	2015	2020	2025
<i>Gross Demand</i>					
<i>Vallejo City System</i>	23,030	24,290	25,690	27,140	27,140
<i>Vallejo Lakes System</i>	330	340	350	360	370
<i>Travis</i>	3,400	3,860	4,330	4,790	5,250
<i>Benicia</i>	1,100	1,100	1,100	1,100	1,100
<i>American Canyon</i>	750	750	750	750	750
<i>Other (Environmental, etc.)</i>	1,500	1,000	1,000	1,000	1,000
<i>System Efficiencies (3% Vallejo City System)</i>	(691)	(729)	(771)	(814)	(814)
<i>Total Pre-DRM Demand - Third Dry Year</i>	29,419	30,611	32,449	34,326	34,796
<i>Drought Response Measures (10% City & Lakes Systems)</i>	<u>(2,336)</u>	<u>0</u>	<u>(2,604)</u>	<u>(2,750)</u>	<u>(2,751)</u>
<i>Adjusted Final Demand - Third Dry Year</i>	27,083	30,611	29,845	31,576	32,045

Projected third dry year demand analysis indicates that total water demand, adjusted only for system efficiencies employed by the Vallejo Water System in its operations, would exceed 90 percent of available supply in 2015, 2020 and 2025 and would therefore trigger a Stage II water shortage response. Refer to Table 4-12. Reductions in demand due to mandatory drought response measures are estimated at 10 percent.

4.7.2. Projected Normal and Dry Water Year Supply versus Demand

Tables 4-9 through 4-12 contain summarized supply and demand assessments comparing the total water supply sources available to the City (Table 4-4) with the total projected water use demands (Tables 4-5 through 4-8) over the next twenty years, in five-year increments, for a normal water condition year, a single dry water year, and multiple consecutive years of continued dry conditions.

Table 4-9. Projected Normal Water Year Supply versus Demand

NORMAL YEAR (Ac-Ft)	2005	2010	2015	2020	2025
Supply	38,594	46,444	46,444	46,444	46,444
Demand	30,110	31,340	33,220	35,140	35,610
Difference = Surplus or (Deficit)	8,484	15,104	13,224	11,304	10,834
Difference (as a percentage of supply)	22%	33%	28%	24%	23%

Under normal conditions of supply and demand, the City of Vallejo can meet its service obligations with surpluses ranging from 22 to 33 percent of supply.

Table 4-10. Projected Single Dry Water Year Supply versus Demand

SINGLE DRY YEAR (Ac-Ft)	2005	2010	2015	2020	2025
Supply	33,864	40,424	40,424	40,424	40,424
Demand	29,880	31,097	32,963	34,869	35,339
Difference = Surplus or (Deficit)	3,984	9,327	7,461	5,555	5,085
Difference (as a percentage of supply)	12%	23%	18%	14%	13%

Single dry year supplies would be sufficient to meet demand, a 1 percent reduction in the Vallejo water system due to operational changes notwithstanding. Normal water demand would not exceed 90 percent of supply in any year.

Table 4-11. Projected Second Dry Water Year Supply versus Demand

SECOND DRY YEAR (Ac-Ft)	2005	2010	2015	2020	2025
Supply	31,855	38,023	38,023	38,023	38,023
Demand (Pre Drought Response)	29,649	30,854	32,706	34,597	35,067
Difference = Surplus or (Deficit)	2,206	7,168	5,316	3,425	2,955
Difference (as a percentage of supply)	7%	19%	14%	9%	8%
Demand with Drought Response	28,481	30,854	32,706	33,222	33,692
Difference with Drought Response	3,374	7,168	5,316	4,800	4,331

Normal water demand would exceed 90 percent of supply in 2020 and 2025 and would therefore trigger a Stage II water shortage response. System-wide water use reduction on the order of 5% would be expected. The effect of the demand reduction by drought response measures is shown in Table 4-11.

Table 4-12. Projected Third Dry Water Year Supply versus Demand

THIRD DRY YEAR (Ac-Ft)	2005	2010	2015	2020	2025
Supply	29,941	35,829	35,829	35,829	35,829
Demand (Pre Drought Response)	29,419	30,611	32,449	34,326	34,796
Difference = Surplus or (Deficit)	522	5,217	3,379	1,503	1,033
Difference (as a percentage of supply)	2%	15%	9%	4%	3%
Demand with Drought Response	27,083	30,611	29,845	31,576	32,045
Difference with Drought Response	2,858	5,217	5,983	4,253	3,784

Normal water demand would exceed 90 percent of supply in 2015, 2020, and 2025 and would therefore trigger a Stage II water shortage response. System-wide water use reductions on the order of 10% would be expected. The effect of the demand reduction by drought response measures is shown in Table 4-12.

4.8 Water Supply Conveyance Projects

No water supply projects are currently planned which increase water supply quantity beyond the City's current full water rights and entitlements. The City does, however, have several projects related to conveyance of its existing water supplies.

The City is planning to install pipeline inter-connections and pumping facilities in 2007 to permanently provide the Travis Water Treatment Plant serving Travis Air Force Base with a secondary, alternative, higher quality water source, namely Solano Project water. This project does not add new supply, but allows one supply source to be used at a new location.

The City owns water rights to Lake Curry but presently lacks the physical means to convey the 3,750 ac-ft annual safe water yield for use at the Fleming Hill Water Treatment Plant. Lake Curry is currently providing instream flow and with the completion of a means of conveyance Lake Curry supplies can be accounted for within the surface water supplies beginning in 2010, at which time the system will bring back online 3,750 ac-ft/yr of water, some of which may continue to be used for instream flow. The City is undertaking environmental studies to evaluate the effectiveness of several conveyance scenarios. One conveyance option contemplates the release of water from Lake Curry dam to flow into Suisun Creek. This would require the construction of a diversion structure and pumping station approximately 5 miles downstream, where Suisun Creek crosses the Putah South Canal. This water would then be usable by the City at the U.S.B.R. terminal reservoir in the identical manner in which Lake Berryessa water is currently used. A second conveyance option requires the construction of a 5-mile-long raw water pipe along the existing Gordon Valley Road from the Lake Curry dam outlet to the point of intersection of Gordon Valley Road and the Putah South Canal. The water would then be directed into the Putah South Canal and would be usable by the City in the same manner as is currently employed for Solano Project, Lake Berryessa water. The capital outlay program for financing this conveyance project has not been drafted as the options vary greatly in cost, with estimates ranging from 0.5 to 5 million dollars, depending on which alternative is implemented. Regardless of which option is ultimately implemented, the City has informed the State Water Resources Control Board that the conveyance structures are intended to be completed by approximately 2010.

SECTION 5 - WASTEWATER AND RECYCLED WATER

This section provides information on wastewater and the potential for use of recycled water in the Vallejo area, including: the quantity of wastewater generated in the service area; a description of the collection, treatment, and disposal/reuse of collected wastewater; current plans for water recycling; and the potential for water recycling in the service area. The primary source of information is the "Reclaimed Water Study" (August 2003) prepared by Raines, Melton & Carella, Inc. for the Vallejo Sanitation and Flood Control District (VSFCD) in fulfillment of Provision 13 of the District's National Pollution Discharge Elimination System (NPDES) Permit's Waste Discharge Requirements. Additional information was provided by District staff.

5.1 Coordination

A market assessment of recycled water opportunities in the Vallejo service area was done through evaluation of service area maps and through interviews and discussion with staff and representatives of the VSFCD, Vallejo Water and Planning Divisions, the Greater Vallejo Recreation District, CALTRANS, and Lennar Mare Island, LLC.

The process led to identification of 57 potential recycled water use sites including landscape irrigation of cemeteries, parks, schools, municipal facilities, amusement parks and golf courses; and toilet flushing at two proposed hotel complexes associated with two separate redevelopment projects (e.g. Downtown/Waterfront and Fairgrounds Redevelopment Projects).

The City has coordinated the most with the Vallejo Sanitation and Flood Control District (VSFCD) regarding a potential recycled water plan. VSFCD is a Special District, separate and apart from the City, created by a special act of the California State Legislature in 1952. It was developed through cooperation of the City of Vallejo and Solano County to address area-wide storm drainage and sewer problems. VSFCD serves a total area of approximately 28 square miles covering and a population of about 120,000 in the City of Vallejo and unincorporated areas in the greater Vallejo area including Mare Island, Glen Cove, Homeacres and Sky Valley.

The City and VSFCD have considered reclaimed urban wastewater. Reclaimed, secondary-treated water is available, but studies have repeatedly shown that its distribution is cost prohibitive.

5.2 Wastewater Collection and Treatment

Collection, treatment and discharge of wastewater in the Vallejo service area are provided by VSFCD. The collection system is comprised of 370 miles of pipeline, ranging from 6 to 60 inches in diameter, and 16 pump stations.

The wastewater treatment plant has an average dry weather capacity of 15.5 million gallons per day (mgd), a wet weather capacity of 35 mgd for full secondary treatment, and an additional 30 mgd for wet weather primary treatment. The plant currently discharges an annual dry weather flow of 10.3 mgd and a maximum wet weather flow of 60 mgd. Treated wastewater is discharged via a deep water outfall (e.g. 200:1 dilution ratio) to the Carquinez Strait. During wet weather, when plant flows exceed 30 mgd, secondary-treated wastewater is also discharged into the Mare Island Strait via a deep water outfall receiving a minimum dilution ratio of 10:1.

The treatment process consists of aerated grit removal, primary sedimentation, biological treatment using a trickling filter/solids contact process, secondary clarification, and disinfection by sodium hypochlorite or ultraviolet light. Additional treatment facilities are available to supplement the wet weather secondary treatment capacity of 35 mgd. When wet weather flows exceed 30 mgd, treated effluent is discharged to the Carquinez Strait and Mare Island Strait using an automated split flow process. Effluent discharged to Mare Island Strait receives full secondary treatment. Wet-weather effluent discharged to the Carquinez Strait is a blend of disinfected primary and secondary treated effluent. This split flow process ensures that the highest quality effluent at minimum flows is discharged to the Mare Island Strait. A summary of treatment process and respective flows and discharge locations is shown in Table 5-1.

Table 5-1. Summary of Flow and Treatment Process

Flow	Treatment Level	Discharge Location
Up to 35 mgd	Secondary	Carquinez Strait
Greater than 35 mgd ▶	Blended disinfected primary and secondary	Carquinez Strait
	Disinfected secondary. Discharge to Mare Island Strait occurs only for flows exceeding 30 mgd	Mare Island Strait

Screenings and grit removed during primary treatment are transported to a landfill for disposal. Sludge collected at the primary sedimentation basins is pumped to a blending tank. Waste activated sludge generated during the secondary treatment process is thickened using gravity belt thickeners and pumped to the blending tank where it is mixed with the primary sludge, treated with lime, and dewatered before it is transported to Tubbs Island and used as fertilizer.

Table 5-2 illustrates how the secondary effluent meets the following water quality requirements established in the NPDES permit.

Table 5-2. Effluent Water Quality Requirements

Constituent	Units	Monthly Average	Weekly Average
BOD	mg/L	30	45
Total Suspended Solids	mg/L	30	45
Total Chlorine Residual	mg/L	0.0	0.0
Fecal Coliform	MPN/100 ml	200	N/A
Mercury^a	Kg/month	0.357	N/A
Copper^a	Kg/month	15	N/A
Nickel^a	Kg/month	6.5	N/A
Selenium^a	Kg/month	2.0	N/A

^a Interim limits in place until TMDL and Waste Load Allocation processes are completed and implemented.

5.3 Wastewater Generation

Municipal wastewater is generated in the service area from a combination of residential, commercial, industrial and institutional sources. The quantities of wastewater generated are proportional to the population and the water use in the service area. Estimates of average wastewater flows for the present and future conditions for the City's service area population are presented in Table 5-3. Residential flow estimates were based on ABAG 2002 population projections listed in Table 5-3 and a per capita unit flow of 100 gal/capita/day up to a population of 70,000, and 85 gal/capita/day above a population of 70,000. Commercial flow estimates were based on ABAG 2002 employee projections using the area projection method. Since 2000, the District has pursued an aggressive program of replacing leaky sewers. Accordingly, flows from 2000 to 2005 have decreased although population has increased. For the planning horizon shown in Table 5-3, District staff anticipates flows to increase proportionately to population figures.

Table 5-3. Estimated Average Wastewater Generation

Year	Population ^a	Annual average dry weather wastewater flow, mgd	Wastewater flow, ac-ft/yr
2000	147,360	11.5	4,293
2005	163,550	10.4	3,882
2010	176,380	11.2 ^(b)	4,181
2015	181,820	11.5 ^(b)	4,293
2020	191,700	12.1 ^(b)	4,517
2025	198,000	12.5 ^(c)	4,666

^a ABAG, 2002 Population and Employee Projections,
 Note: The treatment plant is currently permitted to treat 15.5 mgd.
 Source: Rains, Melton, and Carella, Inc. July 2001
^b Estimates are extrapolated.
^c Rudolf Ohlemutz, Vallejo Sanitation and Flood Control District, January 2006 telecommunication.

5.4 Wastewater Treatment and Recycling

The VSFCDD owned and operated WWTF provides the wastewater treatment service for the City. The wastewater at the WWTF undergoes conventional secondary treatment with activated sludge and chlorination/dechlorination. The WWTF has a dry weather wastewater treatment capacity to treat 15.5 mgd and has a wet weather treatment capacity of 30 mgd. Currently, approximately 12.1 mgd of wastewater is treated at the WWTF. All of the treated effluent from the WWTF is discharged via pipeline to the Carquinez Strait, with the exception of a small amount which is used for on-site propagation of native plants. Recycling of water is currently not performed.

The VSFCDD's recommended recycled water program for the City is to construct a tertiary treatment facility at the existing WWTF. The most cost-effective uses for an initial phase is to provide a distribution system to connect to an existing raw water pipeline and, from that, serve sites located in the northwest portion of Vallejo, near the Highway 37/I-80 interchange and along Columbus Parkway in Vallejo. Besides these major markets, other potential sites include several

parks and school playing fields north of Highway 37 between I-80 and Highway 29. In addition, there is a potential for recycled water use associated with the redevelopment plans at the Solano County Fairgrounds located in the southwest corner of the Highway 37/I-80 interchange. The site is 152 acres in size and includes a horse racing track, a 9-hole golf course, a small motor racetrack, parking facilities, and various building used for year-round expositions. Although the Fairgrounds are located within the City of Vallejo, it is owned by Solano County and managed by the Solano County Fair Association (SCFA). The SCFA plans to redevelop portions of the grounds. There is a future potential recycled water market for the recreation-related facilities.

5.5 Potential Water Recycling in the Vallejo Service Area

The State of California in Title 22 of the Code of Regulations has established water quality criteria for use of recycled water. The required water quality and the level of treatment depend on what the recycled water is used for. Disinfected Secondary Recycled Water (2.2 and 23) can be used for irrigating cemeteries, freeway landscaping, and restricted access golf courses. The more highly treated, Disinfected Tertiary Recycled Water can be used for all the above uses as well as irrigation for parks and playgrounds, school yards, residential landscaping, and unrestricted access golf courses, and for the flushing of toilets and urinals.

The VSFCDD preliminarily identified reuse alternatives for the WWTF based on secondary treatment and tertiary treatment of wastewater in the VSFCDD Reclaimed Water Study Plan (July 2001). The final Reclaimed Water Study was completed in August 2003. Secondary treatment reuse alternatives are considered not cost-effective due to the distribution of customers and are not being studied. Tertiary treatment reuse alternatives currently being studied include urban landscape irrigation (with centralized and satellite treatment), and industrial reuse. It is anticipated that the WWTF expansion and improvements outlined in the VSFCDD Reclaimed Water Study Plan may serve the needs of the City until sometime between 2025 and 2035. There are no current plans to construct the transmission lines and pumping stations needed to return treated wastewater to the water utility service area for urban landscape irrigation or other reuse alternatives in the near future due to the lack of cost-effectiveness. For the purposes of this report, the recycled water supply for urban use within the City’s service area is assumed to be 0 acre-feet per year for the next 20 years. The potential recycled water market has been preliminarily estimated at an annual total of 650 million gallons and a peak demand of 3 mgd during summer months. This represents approximately 25% of VSFCDD’s current dry weather average discharge of 12.1 mgd. The future use of recycled water within the City is still being evaluated, and this assumption may change in the future.

Table 5-4. Assumed Recycled Water Supply for Urban Use

Year	Ac-ft/yr
2005	0
2010	0
2015	0
2020	0
2025	0

SECTION 6 - DEMAND MANAGEMENT MEASURES

This section includes an overview of the City of Vallejo's Water Conservation Program, including program priority guidelines, and descriptions of the 14 demand management measures included in the Urban Water Management Planning Act.

6.1 Overview

Water conservation, or demand management, is a method available to reduce water demands, thereby reducing water supply needs for the City. This section describes the conservation program proposed for fiscal years 2005/2006 through 2009/2010 through implementation of demand management measures (DMMs), including methods to evaluate effectiveness, estimate water savings, and proposed budgets. The success of some of the practices depends on cooperative work with other entities. To the maximum extent possible the City will design programs in coordination with other agencies to leverage agency resources, reduce program costs, and improve cost-effectiveness. The City has participated in regional grants through the Solano County Water Agency – Urban Water Conservation Committee.

The City is only required to implement those measures that are found to be cost-effective (those with a benefit-cost ratio greater than 1.0). The measures that are not fully implemented are not cost effective. In some cases, the City has partially implemented measures, even though they are not cost-effective, in order to provide information to customers or to gain program experience.

The City of Vallejo will seek additional funding in the form of grants and cost-sharing with other agencies. The Vallejo Sanitation and Flood Control District has financially supported the program in the past and may be available to partner with the City on specific projects.

The City of Vallejo is not a signatory to the voluntary California Urban Water Conservation Council's (CUWCC) Memorandum of Understanding. Due to staffing shortages, the City has not been able to fully implement all of the best management practices (BMPs) according to the schedule presented in the 1999 Water Management Plan. In addition, some BMPs were not reviewed for cost-effectiveness in 1999.

As a participating member of the Solano Project, the City is required by the USBR to utilize on-line BMP (or DMM) reporting and available water savings calculation tools on the CUWCC website. The City of Vallejo has begun to file annual program updates for the U.S. Bureau of Reclamation by filling in the information for urban BMPs on the CUWCC website, via the CUWCC's BMP Reporting Database located on their web site at www.cuwcc.org. By March 31, 2006 the reports through the end of fiscal year 2004/2005 will be formally submitted.

The City will track and record water conservation efforts and, in the absence of City-specific program data, will use standard methods of measuring water savings, as recommended by the CUWCC to measure the effectiveness of its programs and to estimate actual water savings.

In May 2005, Maddaus Water Management prepared cost-benefit calculations, more specifically benefit-to-cost ratios, for most of the DMMs. The results showed that the programs would cost more than the value of the City's avoided water procurement and operational costs associated with

the water savings. From the agency perspective, many of the DMMs are not cost-effective. This is primarily due to the pricing structure of the City's relatively inexpensive water supplies, with large flat costs irrespective of actual usage. However, the City does incur significant pumping costs to convey raw water into the City and distribute treated water. The rising cost of electricity and natural gas could eventually tip the scale. An updated review of current avoidable costs will be included in the annual report submittal to the USBR on plan implementation.

6.1.1 Program Priorities

It is the goal of the City of Vallejo Water Conservation Program to meet all federal and state water management plan preparation, implementation and reporting requirements, and to prepare plans reflecting the following order of program priorities under normal water supply conditions:

1. Improve the quality (accuracy and detail) and quantity of information collected to adequately describe the City's water supplies, potable water production, storage, system losses, and customer raw and potable water use characteristics.
2. Provide information and small, low-cost water saving devices to interested water customers (individuals and groups) by purchasing and/or producing appropriate materials and offering speakers. Pursue joint purchasing with other agencies to lower per unit cost.
3. Provide information to students and educators by purchasing and/or producing appropriate materials and training opportunities and offering speakers. Pursue joint purchasing with other agencies to lower per unit cost.
4. With the exception of data collection, public information, and school education program components, expend water system resources (staff time and funds) only on demand management measures that are shown to be potentially cost-effective from the water system perspective.
5. Research and apply for grants and no- or low-interest loans, co-operative agreements, joint programs and purchasing pools, and other means of funding demand management measures and improving their cost-effectiveness.
6. Reduce water usage by all entities, including the water system itself, which do not pay the full cost of water used and are therefore subsidized, through implementation of cost-effective demand management measures. The measures should focus on reducing water system losses and improving landscape irrigation efficiency (since irrigation accounts for a large portion of water use and contributes significantly to peak system water demand).
7. Provide further assistance, beyond information and small water-saving devices, to interested water customers in the form of identified, cost-effective demand management measures. In comparing measures, give priority to the measure with the lowest unit cost of water saved.
8. To test alternative measures and to gain program experience, participate in regional or state-wide projects with small-scale and low-cost measures not yet proven to be

cost-effective from the water system perspective, as available funds and staff time allow.

9. Implement an awareness program to contact and encourage water customers, identified through billing records as higher-than-average water users, to consider water conserving steps.

6.2 DMM 1 - Water Survey Programs for Single and Multi-Family Residential Customers

Past Activities. The City's previous plan called for 4,855 single-family surveys and 3,703 multi-family surveys to be performed by the end of FY 2008-2009, and a pilot program involving students at two grade levels to be undertaken. As of December 2005 no surveys have been performed, due primarily to a lack of resources. Although staff has researched the costs and methods of providing surveys, and received training and met with prospective surveyors, there are outstanding issues, such as liability concerns and cost-effectiveness, which must be addressed. Unfortunately, a benefit-to-cost ratio calculation was not initially prepared, which would have allowed the City to exempt from full implementation of this measure.

Some of the City's activities which contribute towards the goal of reducing residential water use include:

- Offered high quality informational brochures and pamphlets and water saving tips on local TV.
- Sunset Magazine's "Water & Energy Savings in the West," "How to Water Your Garden" and "Water-Wise Gardening for California" were purchased in bulk.
- Water staff (admin, billing, meter, maint.) answered customers' questions on leaks and reducing water use.
- Coordinator attended Water-Wise Landscaping Workshop Series in Napa in May 2004. Series was advertised in the greater Vallejo area.

Current and Proposed Program Description. As calculated by Maddaus Water Management, the benefit-cost ratio for the survey program from the agency perspective is 0.23. Therefore, the City exempts from full CUWCC BMP implementation but offers the listed measures to assist its residential water customers and to gain program experience.

In FY2005/2006 the City entered into an agreement with Resource Action Programs to offer a WaterWise program in several fifth grade classrooms in Vallejo. Students receive a retrofit kit and instructions on performing a home water use survey. Students also engage in classroom activities related to the program. The program will be extended for at least one more year to collect data to assess whether the program will prove cost-effective. First year program budget is \$10,000.

Meetings were held with representatives of the Vallejo Sanitation and Flood Control District to discuss possible joint projects and it was agreed to attempt to meet quarterly. The District is most interested in reducing non-point source pollution, such as pesticides/fertilizers in landscape

irrigation runoff. Other City programs (Recycling and Code Enforcement) were contacted to discuss possible joint programs or assistance.

In addition to the above, the City will provide the following public information services to assist its residential water customers to reduce exterior and interior home water use.

FY2005/2006

- Provide residential water conserving tips on the City's website and links to useful sites.
- Water savings brochures, pamphlets, etc. are available at water offices, community events, and mailed upon request.
- Water staff (admin, billing, meter, maint.) answer customers questions on leaks and reducing water use.
- Discussions with the City of Fairfield on training opportunities. Attend surveys in spring 2006.
- Research current options and costs of training surveyors.
- Prepare contact lists of community groups, educators, and master gardeners.

FY 2006/2007

- Continue Resource Action Program (RAP) WaterWise student home water use survey program.
- Provide improved residential water conserving tips on the City's website and links to useful sites.
- Water savings brochures, pamphlets, etc. to be available at water offices, community events, and mailed upon request.
- Water Billing staff to offer information packets (including retrofit kits for pre-1992 residences) to new and change-of-service customer accounts.
- Water staff (admin, billing, meter, maint.) answer customers questions on leaks and reducing water use.
- Contact sources of potential volunteer surveyors.
- Training of staff and volunteers (if available) in the techniques of residential surveys.
- Provide information and speakers for groups. Offer workshops.
- Research and design a "do-it-yourself" survey kit, including retrofit materials. Offer to customers who receive "high use" notices.
- Notices to be printed on residential customers' water bills prior to the start of the irrigation season alerting them to check their irrigation systems and make repairs as necessary.
- Notices to be printed on residential customers' water bills at the end of the irrigation season advising them to adjust their irrigation system timers and irrigation schedules.
- Provide PSAs on local TV channel in the early fall reminding customers to reduce outside watering.
- Meet quarterly with staff from VSFC and City to identify areas of program overlap and possible staff/fund sharing.

FY 2007/2008

- Evaluate two years worth of data on RAP's WaterWise school/home program and determine whether the program is cost-effective and should be continued.

- Provide improved residential water conserving tips on the City's website and links to useful sites.
- Water savings brochures, pamphlets, etc. to be available at water offices, community events, and mailed upon request.
- Water staff (admin, billing, meter, maint.) answer customers questions on leaks and reducing water use.
- Begin to offer water use surveys to customers with anomalous high water use to encourage leak repair and minimize water loss using either volunteers or City staff (dedicated 80 hours/yr). Surveys shall include the activities listed below.
- Continue to seek and train volunteers.
- Continue to provide information, speakers, workshops.
- Expand distribution of "do-it-yourself" survey kits, including retrofit materials, beyond "high use" to customers receiving notices of watermain flushing in their area.
- Provide PSAs in the early fall reminding customers to reduce outside watering.
- Notices to be printed on residential customers' water bills prior to the start of the irrigation season alerting them to check their irrigation systems and make repairs as necessary.
- Notices to be printed on residential customers' water bills at the end of the irrigation season advising them to adjust their irrigation system timers and irrigation schedules.
- Meet quarterly with staff from VSFC and City to identify areas of program overlap and possible staff/fund sharing.

FY 2008/2009 & FY 2009/2010

Continue above outlined effort, and perform an annual review to determine if a direct home water survey program would be cost-effective, and if so, implement.

If the City finds that a full residential water survey program would be cost-effective, the City will develop a water survey program for residential customers. To determine actual cost-benefit and effectiveness of residential audits, a pilot program would be developed and tested in the City. The program would be implemented to reach 50 percent of the total target (as originally proposed in the 1999 Water Management Plan). The program would include the following actions:

- a) Contact via letter or telephone at least 2% (10% full program) of single-family and 2% (10% full program) of multi-family residential customers each year. Also offer surveys to new customers and customers with high bill complaints.
- b) Provide surveys to 350 single-family (full target - 700 homes) and 265 multi-family units (full target - 530 units) residential customers
- c) Instruct customers in meter reading
- d) Check for leaks, including toilets/faucets and, if necessary, provide toilet flappers/faucet washers.
- e) Check showerhead and aerator flow rates, and provide low-flow models, as necessary.
- f) Check toilet flow rates and, when appropriate, recommend a ULFT replacement.
- g) Check irrigation system for leaks / overlap and determine timer functioning and current schedule.
- h) Measure landscaped area and develop irrigation schedule.

- i) Provide customer with evaluation results, water saving recommendations and other information

Schedule. The City is currently implementing a pilot program to test a residential water use survey program where students audit their own homes. This program will focus on 5th grade students to best match the state curriculum.

In addition, a small number of surveys will be done beginning in FY2007/2008 to gain program experience.

Table 6-1. Implementation Schedule for DMM 1

BMP number and name	B1 -- Residential Water Audits
Type of Program	Pilot
Target Level	City Pilot
FY05/06 Actions/Budget	Begin pilot program of classroom student based home water use surveys & continue public information efforts / \$10,000
FY06/07 Actions/Budget	Continue implementation of pilot program & other efforts / \$10,000
FY07/08 Actions/Budget	Review pilot program results and prepare a cost-benefit analysis based on actual program expenditures. Either continue the program or prepare exemption justification. Begin to offer small number of home surveys.
FY08/09 Actions/Budget	To be determined, but minimum (80 Hrs. surveys.)
FY09/10 Actions/Budget	To be determined, but minimum (80 Hrs.) surveys.
Admin. Staffing	200 Hours to design and implement the Pilot Program
Program Staffing	Consultant services & Staff

Methods to Evaluate Effectiveness. The City collects annually the following information for inclusion in the USBR Plan Annual Update:

- Number of single-family and multi-family residential accounts in service area.
- Number of single-family residential surveys offered during reporting period.
- Number of single-family residential surveys completed during reporting period.
- Number of multi-family residential surveys offered during reporting period.
- Number of multi-family residential surveys completed during reporting period.
- Monitor annual water-use changes in consumption at surveyed accounts, individually and as a group, as feasible.

6.3 DMM 2 - Residential Plumbing Retrofit

Past Activities. The City has been distributing nearly \$18,000 worth of retrofit kits purchased several years ago via “hardware give-aways” at community events, during Water Awareness Month, upon customer request at various City offices and in bulk to one apartment complex. Since 1992 Vallejo has distributed low-flow showerheads to pre-1980 households in the service area (as required by the previous version of this DMM). Currently, this DMM requires retrofitting of all

pre-1992 residences, which is estimated to be 27,500 homes and 21,000 multi-family residential units. Unfortunately, no cost-benefit analysis on this measure was completed until recently.

Per the 1999 Water Management Plan, plumbing retrofit kits were to be provided to all pre-1992 accounts at change of account status (unless the City has a record of a retrofit at that account). Customers were also to be offered water use surveys (DMM 1) at change of account status. If a survey was scheduled at that time, the retrofit kit was to have been delivered at the time of the survey. If the change of account method did not produce the targeted implementation level, other distribution channels were to be developed. At the time of kit give away, the address is recorded but no record has been made in the water billing system.

Current and Proposed Program Description. As calculated by Maddaus Water Management, the benefit-cost ratio for this DMM is only 0.41 from the agency perspective. Therefore, the City exempts from full CUWCC BMP implementation but offers the listed measures to assist its residential water customers.

FY 2005/2006

- Hardware Give-Aways at community events, during Water Awareness Month, upon customer request & to two apartment complexes.
- Request bulk purchase of retrofit kits with other SCWA water agencies.

FY 2006/2007

- Hardware Give-Aways at community events, during Water Awareness Month, upon customer request, at workshops, included in “do-it-yourself” kits, and to 5 apartment complexes or homeowner associations.
- Prepare a purchasing guide, for water-saving fixtures and equipment for use inside the home, that identifies parts and equipment, indicates a price range for each item, and lists local suppliers (not endorsement).

FY 2007/2008 and Beyond

- Hardware Give-Aways at community events, during Water Awareness Month, upon customer request, at workshops, included in “do-it-yourself” kits, and to 10 apartment complexes or homeowner associations.
- Request bulk purchase of retrofit kits with other SCWA water agencies.
- Continue to distribute inside home purchasing guide, update as needed.
- Prepare a purchasing guide, for water-saving fixtures and equipment for use outside the home, that identifies parts and equipment, indicates a price range for each item, and lists local suppliers (not endorsement).

Schedule. Implementation will consist of the following actions. Table 6-2 presents the schedule for DMM 2.

- a) Retrofit kits will consist of high-quality, 2.5 gpm or less showerheads and 2.2 gpm or less faucet aerators
- b) Track the location, type and number of retrofits completed, devices distributed, and program costs.

Table 6-2. Implementation Schedule for DMM 2

BMP number and name	DMM2 – Residential Retrofit
Type of Program	Partial Target
Target Level	Continue Distribution of Kits.
FY05/06 Actions/Budget	Give-aways/2 Apt. Bldgs./\$6K
FY06/07 Actions/Budget	Give-aways/5 Apt. Bldgs./\$6K
FY07/08 Actions/Budget	Give-aways/10 Apt. Bldgs./\$6K
FY08/09 Actions/Budget	Give-aways/10 Apt Bldgs./\$6K
FY09/10 Actions/Budget	Give-aways/10 Apt Bldgs./\$6K
Admin. Staffing	100 Hours to supervise program
Program Staffing	40 Hours additional for existing staff; may also use consultant services
Program Description	Retrofit kits, containing 2.5 gpm showerheads and 2.2 gpm aerators, will be provided to pre-1992 residences. Resident addresses will be tracked

Methods to Evaluate Effectiveness. The City will annually collect the following information for inclusion in the USBR Plan Annual Update:

- The total number of non-retrofitted pre-1992 single-family residences and multi-family units.
- The number of retrofit kits distributed and installed during previous reporting period.
- The estimated percentage of pre-1992 single-family residences and multi-family units in service area fitted with low flow showerheads and faucet aerators.

6.4 DMM 3 - System Water Audits, Leak Detection, and Repair

Past Activities. The City reviews its water system statistics and has made progress in this area. Leak detection equipment with “dataloggers” has been purchased and training offered to staff. Watermain repairs are ongoing. Customers are advised by “high use” door hangers of possible leaks.

Unaccounted for water, which includes meter losses and inaccuracies, pipeline leaks, etc. is assumed to be approximately 11% of total metered water use for calibration purposes. This value is expected to drop due to enforcement of illegal connection removal, enhanced flushing and maintenance practices, and greater meter accuracy due to large meter replacement projects which will accurately gauge the true cost of service and create incentives for best management practices and reductions in use.

Current and Proposed Program Description. The City’s program consists of the following actions:

- a) Annually complete a prescreening system audit to determine the need for a full-scale system audit. The prescreening system audit is calculated as follows:
 - i) Determine metered sales.
 - ii) Determine other system verifiable uses.
 - iii) Determine total supply into system.

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- iv) Divide metered sales plus other verifiable uses by total supply into the system. If this quantity is less than 0.9, a full-scale system audit is indicated.
- b) When indicated, the City will complete a water audit of its distribution system using methodology consistent with that described in AWWA's "Water Audit and Leak Detection Guidebook."
- c) The City also: advises customers whenever it appears possible that leaks exist on the customer's side of the meter; performs distribution system leak detection when warranted and cost-effective; and repairs leaks when found.

FY 2005/2006

- A prescreening system audit will be completed, with more detailed data collected, and if indicated (>10% unaccounted for loss) a full-scale system audit will be done per AWWA guidelines in FYE06.
- Leak detection using "dataloggers" in response to specific problem areas continued.
- Watermain repairs and replacements continued.
- Customers advised of "high use."

FY 2006/2007

- A prescreening system audit will be completed, and if indicated (>10% unaccounted for loss) a full-scale system audit will be done per AWWA guidelines.
- Leak detection at suspect sites using dataloggers."
- Study and design a cost-effective, proactive, systematic, multi-year leak detection program for implementation in FY2007.
- Continue watermain repairs and annual replacement programs.
- Customers advised of "high use" and basic leak repair, and offer of further information and retrofit kits.

FY 2007/2008 and Beyond

- A prescreening system audit will be completed, and if indicated (>10% unaccounted for loss) a full-scale system audit will be done per AWWA guidelines.
- Leak detection at suspect sites using dataloggers."
- Begin implementation of a multi-year leak detection program.
- Continue watermain repairs and annual replacement programs.
- Customers advised of "high use" and basic leak repair, and offer of further information and retrofit kits.

Schedule. Prescreening system audits will be performed annually. The implementation schedule for DMM 3 is shown in Table 6-3.

Table 6-3. Implementation Schedule for DMM 3

BMP number and name	DMM3 – System Water Audit and Leak Detection
Type of Program	Full Target
Target Level	100 percent
FY05/06 Actions/Budget	Complete prescreening /budget for full program if indicated/\$5K
FY06/07 Actions/Budget	Complete prescreening/ budget for full program if indicated/\$5K
FY07/08 Actions/Budget	Complete prescreening/ budget for full program if indicated/\$5K
FY08/09 Actions/Budget	Complete prescreening/ budget for full program if indicated/\$5K
FY09/10 Actions/Budget	Complete prescreening/ budget for full program if indicated/\$5K
Budget	\$5K/Yr. majority existing – adopted water admin. and maintenance budget
Admin. Staffing	20 Hours, Water Conservation Coordinator
Program Staffing	Public Works Water Maintenance & Engineering Staff
Program Description	Conduct prescreening water audit. If unaccounted for water is >10 percent, City will budget for a full audit and leak detection program.

Methods to Evaluate Effectiveness. The City will annually collect the following information.

- Prescreening audit results and supporting documentation;
- Maintain in-house records of audit results or the completed AWWA Audit Worksheets for each completed audit period.

6.5 DMM 4 - Commodity Rates for all New Connections and Retrofit of Existing Connections

Past Activities. All new connections are metered and billed by volume of use. During FY 2003-2004 the City completed a project to identify accounts which were not billed by volume of use and the historical and/or contractual basis for the non-billing. In spring 2004 the City Manager directed that all contracts or policies allowing for non-billing of water be reviewed and terminated where legally feasible. For the first time, City Depts. (other than Water) were directed to pay the full cost of the water they used. Due to legal constraints, only one half of the Vallejo Golf Club's Blue Rock courses was found to be billable at the time. Due to legal constraints only non-Master Lease Greater Vallejo Park District (GVRD)-controlled properties were found to be billable at the time.

The City installed an additional meter to improve usage accuracy at large golf course over former method and beginning in FY2004/2005 the Vallejo Golf Club was responsible for paying the full cost for a portion of its raw water use.

Current and Proposed Program Description. All new connections are metered and billed by volume of use. All existing accounts are metered but very few are not billed by volume of use. City water staff will work with the City Attorney's office to identify the needed mechanisms, such as municipal ordinance, policy directive or contract renegotiations, to transfer these accounts at the earliest possible time to a "bill by volume" status. Progress will be included in the annual update reports.

The City will also conduct a study to identify any barriers or disincentives to retrofitting mixed-use commercial, industrial and institutional (CII) accounts with dedicated landscape meters and will assess the merits of a program to provide incentives to switch mixed use accounts to dedicated landscape meters.

Meter Replacement. Meter accuracy is a vital issue to a water system, with impacts on water revenue, the reliability of consumption statistics, and equity among water consumers. The City has an ongoing meter replacement program.

FY 2005/2006

- All new connections are metered and billed by volume of use.
- City staff is working with GVRD to identify individual properties not covered under the Master Lease and for which full cost of water should be paid.
- A schedule will be prepared of the expiration dates of remaining lease provisions which require water to be provided for non-water system uses without payment.
- Confirm all recently identified billables (City, Golf Course, GVRD) are billed and collected.
- Pipeline right-of-way water allotments will be reviewed, and bills will be prepared, if warranted.
- Collect data needed to identify CII accounts with mixed-use meters. (Utility billing system, wastewater utility, business licenses, backflow prevention program, and field checks.)

FY 2006/2007

- All new connections will be metered and billed by volume of use.
- Prepare annual review of remaining legal restrictions to full system bill-by-volume. Confirm all recently identified billables (City, Golf Course, GVRD) are billed and collected.
- Pipeline right-of-way water allotments will be reviewed and compared to actual use. Bills will be prepared, if warranted.
- Work with City's MIS Division to perform an audit of the utility billing system to ensure that all customers are billed correctly.
- Use data obtained from several sources to identify the number and location of CII accounts with mixed-use meters.
- Research and identify intra- and inter-agency disincentives or barriers to retrofitting mixed-use CII accounts with dedicated landscape meters. Design and initiate a feasibility study to assess the merits of a program to provide incentives to switch mixed-use accounts to dedicated landscape meters.

FY 2007/2008

- All new connections will be metered and billed by volume of use.
- Prepare annual review of remaining legal restrictions to full system bill-by-volume.
- Confirm all identified billables (City, Golf Course, GVRD) are billed and collected.
- Pipeline right-of-way water allotments will be reviewed and compared to actual usage. Bills will be prepared, if warranted.

- Request an audit of the utility billing system be performed immediately before and after any software changes or upgrades are to be made to the system which could conceivably impact customer billing.
- Complete a feasibility study to assess the merits of a program to provide incentives to switch mixed-use accounts to dedicated landscape meters. Begin steps to implement program, if warranted.

FY 2008/2009 and Beyond

- Perform all annual activities as listed above.
- Implement program to provide incentives to switch mixed-use accounts to dedicated landscape meters, if demonstrated to be feasible.

Schedule. Meter replacement is implemented annually on an ongoing basis. The implementation schedule for DMM 4 is shown in Table 6-4.

Table 6-4. Implementation Schedule for DMM 4

BMP number and name	Metering with Commodity Rates
Type of Program	Study of CII mixed use meters and bill-by-quantity for City Parks
Target Level	Partially completed/ Additional study required
FY05/06 Actions/Budget	Review status of accounts/\$5K
FY06/07 Actions/Budget	Start feasibility study of dedicated landscape accts./\$5K
FY07/08 Actions/Budget	Complete feasibility study of dedicated landscape accts./\$5K
FY08/09 Actions/Budget	Annual data collection and TBD/\$5K
FY09/10 Actions/Budget	TBD/\$5K
Admin. Staffing	80 Hours to research and prepare study results.
Program Staffing	None
Program Description	Staff will conduct studies of CII dedicated landscape meters and bill-by-quantity for City Parks. The results of the studies and recommended actions will be presented to the City Council

Methods to Evaluate Effectiveness. The City will annually collect the following information.

- Confirmation that all new connections are metered and are being billed by volume of use.
- Number of accounts not billed by volume of use and reason
- Number of CII accounts with mixed-use meters.
- Number of CII accounts with mixed-use meters retrofitted with dedicated irrigation meters during reporting period.

6.6 DMM 5 - Large Landscape Water Audits and Incentives

Past Activities. The City financially supported a regional pilot program in FY99/00 to establish and implement an effective landscape water audit program design or to develop the data for exemption. In FY01/02 and FY02/03 the City participated in a successful regional Prop 13 grant request for centralized ET-based irrigation controller installation at selected sites (Jesse Bethel High School in Vallejo). In addition to the controller, computer control and a weather station were

also installed (Jesse Bethel High). This project was coordinated with the Vallejo Unified School District and City landscape staff. It is anticipated that more sites can make use of the weather station, the only one in the area.

Water-efficient landscape design brochures were available in water offices, at community events, and were mailed upon request.

Current and Proposed Program Description. Benefit-cost ratios for the two primary types of landscape water management programs were derived: 1) the ratio for preparation of water budgets was 0.66 from the agency perspective; and 2) the ratio for providing water use surveys of landscaped sites was 0.80 from the agency perspective. Therefore, the City exempts from full CUWCC BMP (DMM) implementation but offers the listed measures to assist its large landscape water customers.

Landscape audits will be offered to a small percentage of dedicated irrigation accounts. The audit consists of sending an irrigation expert to selected turfgrass sites to evaluate and recommend improvements in irrigation practices.

Customer Support, Education, and Assistance. Provide non-residential customers with support and incentives to improve their landscape water use efficiency. The program will provide:

FY 2005/2006

- Provide landscape irrigation water conserving tips on the City's website and links to useful sites.
- Follow up on Large Landscape Pilot Program (Water Savings) Et – Based Irrigation System, Computer Control, and Weather Station (Jesse Bethel High), worked with Vallejo Unified School District and City landscape staff. (Paid for installation)
- Meet with managers of City's Landscape Maintenance Districts, school grounds, and park grounds to coordinate activities. Discussion topic: What would help them reduce water use? Voluntary water use budgets? Improved irrigation efficiencies? Training in landscape maintenance, irrigation system maintenance, and irrigation system design?
- Obtain list of dedicated irrigation meter accounts with consumption data and means to identify relative location of the service, if available. Map # of accounts by distribution zone and identify largest gross volume users to prioritize future actions.
- Water-efficient landscape design brochures available at water offices and community events, and mailed upon request.
- Notices to be printed on landscape and CII mixed-use customers' water bills prior to the start of the irrigation season alerting them to check their irrigation systems and make repairs as necessary.

FY 2006/2007

- Provide improved landscape irrigation water conserving tips on the City's website and links to useful sites.
- Meet quarterly with managers of City's Landscape Maintenance Districts, school grounds, and park grounds to coordinate activities and priorities. Offer support for training workshops (meeting space &/or invitations & clerical support and/or funds.)
- Work with above to support extension of weather station/Et based irrigation controller system.

- Follow up with Et – Based Irrigation System, Computer Control, and Weather Station (Jesse Bethel High), worked with Vallejo Unified School District and City landscape staff. (Paid for installation) Track usage and grant requirements.
- Research least time-intensive method of determining landscaped areas (ex, field tape, GIS, planimeter off aerials, approved landscape plans, Park district and LMD records.)
- Water-efficient landscape design brochures to be available in water offices, at community events, and mailed upon request.
- Water Billing staff to offer information to new and change-of-service customer accounts.
- Coordinate with the Planning Division and Public Works Department on review and approval of landscape plans. What review standards are in use?
- Inventory landscaping at water system facilities to determine extent of water efficient landscaping.
- Notices to be printed on landscape and CII mixed-use customers' bills prior to the start of the irrigation season alerting them to check their irrigation systems and make repairs as necessary.
- Notices to be printed on landscape and CII mixed-use customers' water bills at the end of the irrigation season advising them to adjust their irrigation system timers and irrigation schedules.

FY 2007/2008 and Beyond

- Provide improved landscape irrigation water conserving tips on the City's website and links to useful sites.
- Meet quarterly with managers of City's Landscape Maintenance Districts, school grounds, and park grounds to coordinate activities and priorities.
- Offer support for training workshops (meeting space &/or invitations & clerical support &/or funds.)
- Continue to work with above to support extension of weather station/Et based irrigation controller system.
- Follow up with Et – Based Irrigation System, Computer Control, and Weather Station (Jesse Bethel High), worked with Vallejo Unified School District and City landscape staff. (Paid for installation) Track usage and grant requirements.
- Water-efficient landscape design brochures to be available in water offices, at community events, and mailed upon request.
- Notices to be printed on landscape and CII mixed-use customers' water bills prior to the start of the irrigation season alerting them to check their irrigation systems and make repairs as necessary.
- Notices to be printed on landscape and CII mixed-use customers' water bills at the end of the irrigation season advising them to adjust their irrigation system timers and irrigation schedules.

Schedule. The implementation schedule for DMM 5 is shown in Table 6-5.

Table 6-5. Implementation Schedule for DMM 5

BMP number and name	DMM5 – Large Landscape Water Audits
Type of Program	Ongoing
Target Level	Outreach and Research, Extend Et-Controllers
FY05/06 Actions/Budget	Various/\$2K
FY06/07 Actions/Budget	Various/\$10K
FY07/08 Actions/Budget	Various/\$10K
FY08/09 Actions/Budget	Various/\$10K
FY09/10 Actions/Budget	Various/\$10K
Admin. Staffing	120 Hours annually for program oversight
Program Staffing	Use of City staff, consultant services
Program Description	Water budgets will be provided to a percentage of dedicated landscape meters and mixed-use meter accounts. Water use at these accounts will be monitored.

Methods to Evaluate Effectiveness. The City will annually collect the following information.

Dedicated Landscape Irrigation Accounts

- Number of dedicated irrigation meter accounts in City
- Aggregate water use for dedicated landscape accounts
- Track usage at Et-controlled irrigated sites

Mixed Use Accounts

- Number of mixed use accounts
- Number, type, and dollar value of incentives, rebates, and no, or low interest loans offered to, and received by, customers.
- Estimated annual water savings by customers receiving and implementing recommendations.

Public Outreach Efforts

- Estimated reduction in water use attributable to public outreach efforts
- Training opportunities provided for improved landscape irrigation techniques

6.7 DMM 6 - High-Efficiency Washing Machine Rebate Programs

Past Activities. In 1999 the City exempted from this program because it was shown not to be cost effective. This DMM is automatically exempted if the cost-effective rebate is determined to be less than \$50. The cost-benefit analysis determined that a \$50 rebate is not cost effective over the ten-year-life of this program. Staff has done some minor investigation, but no rebates have been offered. The City participated through the Solano County Water Agency in the THELMA study.

Current and Proposed Program Description. A benefit-cost ratio of 0.19 from the agency perspective was calculated by Maddaus Water Management in 2005 for this DMM. Therefore, the

City exempts from full CUWCC BMP implementation but offers the listed measures to assist its water customers.

PG&E periodically offers rebates on horizontal axis washing machines to their customers in Solano County. The City supports the use of high-efficiency washing machines and will implement the following program.

The City will:

- a) Support local, state, and federal legislation to improve efficiency standards for washing machines.
- b) Provide information on high-efficiency washing machines and the PG&E rebate program to its customers.

FY 2005/2006

- Research available energy provider or waste-water utility rebates in service area, state-wide rebate processing programs, and examples of streamlined rebates offered by other water agencies.

FY 2006/2007 and Beyond

- Unless a better program can be designed based on the results of the research of available rebate programs, the following program will be implemented:

Due to the interest expressed by customer inquiries, starting FY2006/2007 the City will provide a one-time \$50 credit against the water bill, or other form of credit acceptable to the City of Vallejo Finance Department, for the property where the high efficiency washing machine is installed, upon receipt of verification that the customer received a rebate from either PG&E or VSFCO, or other recognized program. Total City rebates for the year will be capped at \$2,000. The program to continue through FY2009/2010.

Schedule. The implementation schedule for DMM 6 is shown in Table 6-6.

Table 6-6. Implementation Schedule for DMM 6

BMP number and name	DMM6 – Efficient Washing Machine Rebates
Type of Program	Exempt
Target Level	Exempt
FY05/06 Actions/Budget	Notify customers of Efficient Washing Machine advantages, research/ Less than \$2K
FY06/07 Actions/Budget	Provide rebates/ Total \$2K
FY07/08 Actions/Budget	Provide rebates/ Total \$2K
FY08/09 Actions/Budget	Provide rebates/ Total \$2K
FY09/10 Actions/Budget	Provide rebates/ Total \$2K
Admin. Staffing	20 Hours to participate in Regional Voluntary Program oversight
Program Staffing	None
Program Description	A voluntary cooperative public information program will be implemented in the SCWA service area.

Methods to Evaluate Effectiveness. The City will annually collect the following information.

- Number of customer incentives to purchase high-efficiency washing machines being offered by local energy service providers, if any.
- Data to determine the amount of a high-efficiency washing machine incentive that would be cost-effective for Vallejo to provide its customers on an ongoing basis.
- Number of \$50.00 incentives provided

6.8 DMM 7 - Public Information Programs

Past Activities. The City is most active in this area, purchasing and providing educational materials, newspaper display ads and public information notices in Spring Home and Garden newspaper inserts, and TV-based water savings tips at Earth Day, during Water Awareness Month at offices and library displays (adult and child), and other events, such as Kaiser Hospital's Earth Day, and Public Works' Week. Financial support is provided annually for the Vallejo Downtown Earth Day event and the California Water Awareness Campaign. Provided speaker to community group. Coordinate with other government agencies, industry groups, public interest groups, and the media.

Current and Proposed Description. The City participates in a regional public information program. The City also has its own public information program, primarily focused on water conservation.

During FY2005/2006 planned and in May 2006 will offer a series of workshops, in partnership with the City of Benicia, on WaterWise Gardening. Six workshops, 3 in Vallejo, 3 in Benica, to be taught by educational consultants and Master Gardeners. The workshop will be modeled on the successful workshops offered by the City of Napa.

The new classroom-based Resource Action Program's WaterWise materials include a public information component with students bringing materials home to share with their families.

This regional and local program includes the following components:

- Providing speakers to employees, community groups and the media, upon request.
- Using paid and public service advertising.
- Providing information on customers' bills showing use in gallons per day for the last billing period compared to the same period the year before, as available through water billing software.
- Providing public information to promote water conservation practices.
- Coordinating with other government agencies, industry groups, public interest groups, and the media.
- Offering workshops on selected topics.
- Special activities tied to Earth Day and Water Awareness Month.

FY 2005/2006 & Beyond

- Provide water conserving tips for all water use sectors on the City’s website with links to useful sites.
- Provide information at Water Offices, community events, and mail or e-mail upon request.
- Continue to co-sponsor Earth Day and provide Water Awareness Month activities.
- Participate in Public Work’s Week. (If needed, offer clerical support to coordinate the event.)
- Request reinstatement of the water use comparisons between current and prior periods and between current and prior year on the water bills, as soon as feasible.
- Coordinate with other government agencies, industry groups, public interest groups, and the media.
- Support California Water Awareness Campaign. Run PSA in Spring Home & Garden Guide Newspaper Insert.
- Run PSA in Fall Home & Garden Guide Newspaper Insert.

Schedule. The implementation schedule for DMM 7 is shown in Table 6-7.

Table 6-7. Implementation Schedule for DMM 7

BMP number and name	DMM7 – Public Information Program
Type of Program	Existing Agency and Regional Program
Target Level	100 percent
FY05/06 Actions/Budget	Continue existing program that fulfills all CUWCC requirements/ \$12K
FY06/07 Actions/Budget	Continue existing program that fulfills all CUWCC requirements/ \$12K
FY07/08 Actions/Budget	Continue existing program that fulfills all CUWCC requirements/ \$12K
FY08/09 Actions/Budget	Continue existing program that fulfills all CUWCC requirements/ \$12K
FY09/10 Actions/Budget	Continue existing program that fulfills all CUWCC requirements/ \$12K
Admin. Staffing	100 Hours to participate in Agency & Regional Program oversight
Program Staffing	SCWA and Contractors and Water system staff
Program Description	Program will include all of the elements required CUWCC

Methods to Evaluate Effectiveness. The City will annually collect the following information.

- Number of public speaking events relating to conservation during reporting period.
- Number of media events relating to conservation during reporting period.
- Number of paid or public service announcements relating to conservation produced or sponsored during reporting period.
- Types of information relating to conservation provided to customers.
- Annual budget for public information programs directly related to conservation.

- Number of staff hours allocated to providing advice to customers on water saving measures over the phone or in person.
- Number of staff hours allocated to the coordination of the program.

6.9 DMM 8 - School Education Programs

Past Activities. Outreach to Vallejo City Unified School District, as well as local parochial and private schools. [Highest rate of participation from parochial schools. Obstacles to getting full distribution of materials, such as poster contest forms, from VCUSD school offices to classrooms. City paid for all forms to be printed by VCUSD.] Letter sent to each classroom teacher with poster contest forms reminding them of services available.

Participated in several County-wide poster contests; made a couple of classroom visits upon request; attended Public Works Week Events (1,000 kids per); purchase of educational materials to distribute to educators (to give or to loan).

Promoted Water Awareness Campaign's Scholarship to area high schools and colleges resulting in a student from Vallejo winning a \$2500 scholarship.

Advertised to and financially sponsored Vallejo teachers to attend Project WET (Water Education for Teachers) workshops offered by northern Solano County educational consultant.

Wrote letter in support of MI Tech Academy's grant application for resource conservation program and offered technical support.

Other related activities in FY2004/2005 included:

- Followed up on Mare Island Tech Academy Grant Application.
- Outreach and give-aways to schools during May 2005, Water Awareness Month.
- Met with representatives of the Vallejo Sanitation and Flood Control District to discuss possible joint projects. Agreed to meet quarterly.
- Contacted other City programs (Recycling and Code Enforcement) to discuss possible joint programs or assistance.

Current and Proposed Program Description. The City currently implements its own school program, with regional projects, as well. This program includes contests (regional), maps, charts, posters, tours, videos and water awareness month activities.

The City's program will include the following components:

Work with school districts and private schools in the City's service area to provide instructional assistance, educational materials, and classroom presentations that identify urban, agricultural, and environmental issues and conditions in the local watershed. Education materials will meet the state education framework requirements, and grade appropriate materials shall be distributed to grade levels K-3, 4-6, 7-8, and high school.

Beginning in FY2005/2006 the City is contracting with Resource Action Programs to provide a classroom and student-based water education program combining home water surveys by the students and their families, distribution of retrofit kits, public information to the families, and school education. The program will continue for at least two school years to provide the data needed to do an accurate cost-benefit analysis.

FY 2005/2006

- Program to include working with school districts and private schools in the service area to provide instructional assistance, educational materials, and classroom presentations
- Contact the School Superintendent and each school principal by letter outlining services available.
- Contact School Librarians to discuss opportunities for water-themed displays available for use by all teachers at the school.
- Increase attention to grade levels 7-8.
- Meet quarterly with reps from VSFC and City to identify areas of program overlap and possible staff/fund sharing, such as school library displays.
- Consider hiring an educator, on a part-time consulting basis, to provide in-class presentations. Research options and costs.
- Provide water conserving tips for educators on the City's website with links to useful sites.

FY 2006/ 2007

- Program to include working with school districts and private schools in the service area to provide instructional assistance, educational materials, and classroom presentations
- Annual contact with School Superintendent and school principals.
- Increase attention to grade levels 9-12.
- Implement student home water use survey. Review results.
- Meet quarterly with reps from VSFC and City to identify areas of program overlap and possible staff/fund sharing.
- If not already in place, consider hiring an educator, on a part-time consulting basis, to provide in-class presentations. Update information on options and costs, if needed.
- Provide improved water conserving tips for educators on the City's website with links to useful sites.

FY 2008/2009 and Beyond

- Continue with measures outlined above.

Schedule. The implementation schedule for DMM 8 is shown in Table 6-8.

Table 6-8. Implementation Schedule for DMM 8

BMP number and name	DMM8 – School Education Program
Type of Program	Existing Agency and Regional Program
Target Level	100 percent
FY05/06 Actions/Budget	Continue existing program that fulfills all CUWCC requirements/ \$7K
FY06/07 Actions/Budget	Continue existing program that fulfills all CUWCC requirements/ \$7K
FY07/08 Actions/Budget	Continue existing program that fulfills all CUWCC requirements/ \$7K
FY08/09 Actions/Budget	Continue existing program that fulfills all CUWCC requirements/ \$7K
FY09/10 Actions/Budget	Continue existing program that fulfills all CUWCC requirements/ \$7K
Admin. Staffing	80+ Hours to develop and manage cooperative program and make classroom presentations
Program Staffing	Use of a consultant in at least some areas
Program Description	Program will continue to provide all CUWCC elements to local schools. Materials will be provided to local teachers via the Internet./ Multi-Year Pilot Program utilizing Resource Action Program’s WaterWise materials.

Methods to Evaluate Effectiveness. The City will annually collect the following information.

- Number of school presentations made during reporting period.
- Number and type of curriculum materials developed and/or provided by water supplier, including confirmation that curriculum materials meet state education framework requirements and are grade-level appropriate.
- Estimated number of students reached.
- Number of in-service presentations or teacher's workshops conducted during reporting period and/or number of teachers financially sponsored for Project WET workshops.
- Annual budget for school education programs related to conservation.
- Number of hours of staff time allocated to school education.

6.10 DMM 9 - Conservation Programs for Commercial, Industrial and Institutional Accounts

Past Activities. The City participated in and financially supported a regional pilot program in FY1999/2000 and FY2000/2001 to establish an effective CII program design or develop the data for exemption. The pilot program included sites in Vacaville, Suisun, and Vallejo (City Corporation Yard and Police Station).

In FY2004/2005 and early FY2005/2006 the City participated in the Pre-Rinse Spray Valve Installation program through SCWA and the CUWCC. The program provided direct site visit and installation at participating restaurants.

In FY2005/2006 have been meeting with other members of the SCWA – UWCC to plan a regional CII program. This is the key program emphasis for the next several years for the committee. Researched the CII programs of other water agencies and spoke to program managers to make recommendations for program design in Solano County.

Annually compiled “customer” aggregate use & charge data for largest users.

Activities in FY2004/2005 also included the following:

- Part of group receiving grant to fund survey of CII conservation measures undertaken by Maddaus Water Management. Reviewed findings for use in future CII program design.
- Arranged for survey of the Buttercup Kitchen (restaurant) as part of multi-site joint CII survey project and compiled water use data.
- Compiled raw CII account information from Utility Billing system, business license data, and researched the SIC on the internet.
- Ranked top water using commercial accounts. Compiled “customer” aggregate use & charge data for largest users.
- Compared definitions of C-I-I used by regulatory agencies for required reports.
- Signed up for the Pre-Rinse Spray Valve Rebate Program.
- Outreach to the Vallejo Chamber of Commerce, Economic Development Board, Six Flags Marine World, and the Vallejo Unified School District.
- Researched California “LightWash” (laundromat washing machine replacement) rebate program.

Current and Proposed Program Description. Full implementation of this DMM is not justified, with a calculated benefit-cost ratio of 0.44 from the agency perspective. Therefore the City exempts from full implementation, but will offer the listed measures to assist its CII water customers, in addition to participating with the other water agencies in the development of a regional CII survey program.

The City will participate in the design of a regional CII program based on the recommendations of the “Final Report – Commercial/Industrial/Institutional Water Conservation Audits” prepared by Maddaus Water Management (with emphasis on high use toilets and irrigation water use) and will:

- a) Identify the City’s approximately 2,500 commercial, industrial, and institutional customers by SIC codes.
- b) Rank commercial, industrial, and institutional customers according to annual water use.
- c) Provide water use surveys to 50 CII customers by the end of FY2009/2010.
- e) Monitor the effectiveness of implemented audit recommendations.
- f) Identify incentives programs which would encourage the implementation of cost-effective audit recommendations which were not implemented.
- g) Work with other water agencies in the region to pursue joint CII programs able to provide a higher level of technical expertise to larger commercial and industrial customers.

Continued participation in the Pre-Rinse Spray Valve Installation program through SCWA and the CUWCC in FY05/06, providing direct site visit and installation at participating restaurants.

FY 2005/2006

- Provided water conserving tips applicable to CII customers on the City's website and links to useful sites.
- Contact energy provider, PG&E, and State of Calif. regarding rebates/loans available to CII customers. Provide a link on City's web site.
- Work within the Solano County Water Agency – Urban Water Conservation Committee (SCWA-UWCC) to design a cost-effective regional CII program.

FY 2006/2007

- Continue to work with SCWA-UWCC on regional program.
- Provide improved water conserving tips applicable to CII customers on the City's website and links to useful sites.
- Work with Utility Billing to identify and report commercial and industrial use water accounts by Standard Industrial Classification.
- Expand categories of "institutional" users to more establishments than those recognized in the Utility Billing System (school, church, city).
- Meet quarterly with reps from VSFC and City to identify areas of program overlap and possible staff/fund sharing.
- Respond to referrals from the Water Billing Office of CII customers with water use concerns with information resources.
- Work with the Chamber of Commerce to: 1) identify member's needs for water savings information; and 2) offer to distribute materials or speak.
- Rank top water using commercial accounts. Compile "customer" aggregate use & charge data for largest users.
- Work with City, GVRD and VCUSD to identify high water using sites and strategies for funding consultant services for water use surveys and for fixture replacements. Research grants and apply, as available.
- Commit \$5,000 for consultant performed survey at City or GVRD (master-lease) site.

FY 2007/2008 and Beyond

- Primary focus still to be regional CII program.
- Provide improved water conserving tips applicable to CII customers on the City's website and links to useful sites.
- Meet quarterly with reps from VSFC and City to identify areas of program overlap and possible staff/fund sharing.
- Rank top water using commercial accounts. Compile "customer" aggregate use & charge data for largest users.
- Contact CII customers with proportionally high water use compared to other similar CII uses to inform them and offer information resources.
- Respond to referrals from the Water Billing Office of CII customers with water use concerns with information resources.
- Commit \$5,000 for consultant performed survey at City or GVRD (master-lease) site.
- Continue to work with Chamber of Commerce offering information and to speak.

- Perform annual search for grants/loans and apply, as appropriate.

Schedule. A regional CII water use survey program design will be completed in FY2006/2007. The City’s goal will be to obtain surveys of 50 CII accounts (focusing on sanitation and irrigation). The implementation schedule is shown in Table 6-9.

Table 6-9. Implementation Schedule for DMM 9

BMP number and name	DMM 9 - Commercial, Industrial & Institutional Conservation Programs
Type of Program	Development of Regional Program and Local Outreach
Target Level	Full
FY05/06 Actions/Budget	Design program based on pilot program findings/\$6K
FY06/07 Actions/Budget	Continue set up of regional program, outreach,surveys/\$20K
FY07/08 Actions/Budget	Continue local outreach, fund surveys/\$25K
FY08/09 Actions/Budget	Continue local outreach, fund surveys/\$30K
FY09/10 Actions/Budget	Continue local outreach, fund surveys/\$30K
Area of Pilot Program	Agency service area
Admin. Staffing	120 Hours annually to design and oversee program
Program Staffing	Existing staff and Regional Consultant
Program Description	CII accounts will be classified by SIC code. Surveys to be provided for 50 CII accounts as part of regional program.

Methods to Evaluate Effectiveness. The City will annually collect the following information.

- The number of customers and amount of water use within the CII customer classes.
- Number of CII customers offered a survey during the year.
- Number of CII surveys completed during the year.
- Number of follow-up audits completed during the year.
- The type and number of water saving recommendations implemented.
- Incentive program budget and customer outlays.
- Number of staff hours allocated to promoting water efficiencies in the CII sectors.

6.11 DMM 10 - Wholesale Agency Assistance Programs

The City of Vallejo is a wholesale water supplier to the Cities of American Canyon and Benicia, but does not provide a Wholesale Agency Assistance Program since each of the cities has prepared an Urban Water Management Plan and is running its own water conservation program. In addition, the City operates the Travis (Air Force Base) Water Treatment Plant on behalf of the U.S. Air Force, but has no responsibility for the distribution system and no influence over end users on the base. However, if there is interest on the part of base personnel, City staff is willing to work with them to acquire public information materials.

Staff also works with the Solano County Water Agency, the regional wholesaler. The City contributes funds for SCWA, and reimburses some of the joint program expenditures on a proportional basis.

FY 2005/2006 & Beyond

- Provide assistance, if requested, to Travis Air Force Base staff on a consulting basis and to participate in group purchases, if feasible.

Table 6-10. Implementation Schedule for DMM 10

BMP number and name	DMM 10 – Wholesale Agency Assistance
Type of Program	Available support for Travis AFB, if requested.
Target Level	Support available, upon request.
FY05/06 Actions/Budget	Assistance if requested/ Less than \$1K
FY06/07 Actions/Budget	Assistance if requested/ Less than \$1K
FY07/08 Actions/Budget	Assistance if requested/ Less than \$1K
FY08/09 Actions/Budget	Assistance if requested/ Less than \$1K
FY09/10 Actions/Budget	Assistance if requested/ Less than \$1K
Admin. Staffing	As needed, limit to 20 Hrs./Yr.
Program Staffing	None anticipated.
Program Description	Consultation, Coordination, and group purchase, as needed.

6.12 DMM 11 - Conservation Pricing

Past Activities. This DMM is complete. The City undertook a rate study in 1999 which considered uniform, inclining block, and seasonal rates. The current rate structure, effective May 1, 2000, has an inclining block rate structure for single-family residential water usage and a uniform water rate per hundred cubic foot for multi-family residential and non-residential usage. No declining tiers; and no water is included in basic service charge. All customers to pay service charges. Fixed portion of bills dropped and variable water use charges were increased, providing more incentive to save. Seasonal rates were calculated, as an alternative, but were not selected.

An inclining block rate structure is considered a conserving rate providing a negative pricing signal since each unit of water consumed beyond the first tier rate allotment carries an additional incremental cost.

Current and Proposed Program Description. The City’s next major rate study, projected for FY2008-2009 will include consideration of incentive rate structures for all customer types, such as: seasonal rates; increasing block rates; connection fee discounts; grant or loan programs to help finance conservation projects; financial incentives to change landscapes; variable hookup fees tied to landscaping; and interruptible water service to large industrial, commercial or public customers. The City will consult with the Vallejo Sanitation and Flood Control District regarding an incentive rate structure for sewer service.

FY 2005/2006

- Requirement met.
- Water rate study completed in 2004 and rates to be phased in annually starting in 2005 and ending in 2009. Maintained same basic rate structure: 2-tiered single family rates, with big

step; uniform volume charge per hundred cubic foot for other customers, and all charged periodic service charges.

- Discuss conservation pricing for sewer service with VSFCO.
- Collected data on annual revenue from commodity charges by customer class.

FY 2006/2007 & Beyond

- Requirement met.
- Collect data on annual revenue from commodity charges by customer class.

Schedule. The implementation schedule for DMM 11 is shown in Table 6-11.

Table 6-11. Implementation Schedule for DMM 11

BMP number and name	DMM 11 - Conservation Pricing
Type of Program	On-going
Target Level	Full target
FY05/06 Actions/Budget	Complete, but annual data collection/ Less than \$1K
FY06/07 Actions/Budget	Complete/ but annual data collection/Less than \$1K
FY07/08 Actions/Budget	Complete/ but annual data collection/ Less than \$1K
FY08/09 Actions/Budget	Projected time frame of next rate study which will consider other conservation rate designs/ Cost of rate study considered an administrative budget item, not conservation. / annual data collection/Less than \$1K
FY09/10 Actions/Budget	Projected implementation of any new rate structure, rates or charges, or incentives./ data collection/ Less than \$1K
Admin. Staffing	40 Hours for information collection and reporting
Program Staffing	None
Program Description	The next rate study will again consider a variety of conservation oriented rates.

Methods of Evaluation Effectiveness. The City will annually collect the following information.

- Report annual revenue generated by each customer class for the reporting period.
- Report annual revenue derived from commodity charges by customer class for the reporting period.
- Report rate structure by customer class for water service.

Budget. Only a minimal budget is allocated for training or other expenses. However, the next rate study will be done either in-house or by outside consultants, in which case consultant services costs may be incurred.

6.13 DMM 12 - Conservation Coordinator

Past Activities. The City has had a Water Conservation Coordinator, a full-time staff person with a small percentage of time available for conservation activities. There was minimal support staffing available due to chronic understaffing in Water Division. In early 2005 the City Council approved an additional Administrative Analyst position in the Water Administration and Engineering Division.

Current and Proposed Program Description. The new analyst position, which provides staff support to the Water Conservation Coordinator in addition to other duties, was filled for several months at the end of 2005, and will be filled again in late February 2006.

Vallejo has a water conservation coordinator who spends an average of 30% - 40% time on water conservation. This time commitment will be increased to at least 50% in FY2005/2006 to adequately cover the program demands. In addition support staff will assist in program implementation, thereby raising the full time staff equivalent to an estimated 0.8 FTE by FY2009/2010. The Water Conservation Coordinator, Pamela Sahin, can be reached at (707) 648-4479 (telephone), (707) 648-4060 (fax), or E-mail waterinfo@ci.vallejo.ca.us.

The coordinator develops and manages the conservation program and DMM implementation. The coordinator is also responsible for preparing and submitting an annual implementation status report to the U.S. Bureau of Reclamation. Other duties of the coordinator include: communication and promoting water conservation issues; coordinating City conservation programs with other City divisions; preparing annual and multi-year water conservation budgets; monitoring program impacts and recommending improvements. The Conservation Coordinator is responsible for training support staff and managing the efforts of any consultants/contractors engaged to implement conservation measures.

The position also coordinates preparation of UWMP and WMP updates for adoption by the City Council and submittal to the California Department of Water Resources and the U.S. Bureau of Reclamation, respectively.

A generalized budget allocation for the WC Coordinator will allow for the use of consultants to help plan and implement specialized activities and measures.

FY 2005/2006

- Continue to maintain a designated Water Conservation Coordinator to work on the 2004 Water Management Plan, Urban Water Management Plan, Water Supply Assessments, Annual WMP updates, and a modest level of BMP implementation.
- Use of consultants, as needed to assist in plan preparation.
- Requesting additional staff support to increase combined staffing available for Water Conservation Program design and implementation to 0.5 FTE.

FY 2006/2007

- Continue to designate a Water Conservation Coordinator.
- Requesting additional support staffing and training.
- Increase combined staffing available for Water Conservation Program design and implementation to 0.65 FTE.

FY 2007/2008

- Continue to designate a Water Conservation Coordinator.
- Maintain a minimum combined staffing level for program implementation of 0.7 FTE.

FY 2008/2009

- Continue to designate a Water Conservation Coordinator.
- Maintain a minimum combined staffing level for program implementation of 0.75 FTE.
- Update to USBR Water Management Plan due by early 2009.

FY 2009/2010

- Continue to designate a Water Conservation Coordinator.
- Maintain a minimum combined staffing level for program implementation of 0.8 FTE.

Schedule. The implementation schedule for DMM 12 is shown in Table 6-12.

Table 6-12. Implementation Schedule for DMM 12

BMP number and name	DMM12 – Conservation Coordinator
Type of Program	On-going
Target Level	Full target – Coordinator spends up to 50 percent time on water conservation; to 0.8 FTE with support staff.
FY05/06 Actions/Budget	On-going but at partial target/ \$22K
FY06/07 Actions/Budget	On-going but at partial target/ \$10K
FY07/08 Actions/Budget	On-going but at partial target/ \$15K
FY08/09 Actions/Budget	On-going, but at partial target/ \$20K. WMP update due.
FY09/10 Actions/Budget	On-going, at full target/ \$34K, UWMP update prep.
Budget	As above, includes \$5,000 for incidentals; Consultant services vary.
Admin. Staffing	Up to 120 Hours for incidentals
Program Staffing	Coordinator, other City staff, and consultants
Program Description	Implement all water conservation programs for City of Vallejo

Methods to Evaluate Effectiveness. The City will annually collect the following information.

- Coordinator name, staff position, and years on job.
- Number of Conservation Coordinator staff or full time equivalents.
- Duties of Conservation Coordinator and staff.
- Training received and certifications earned.

6.14 DMM 13 - Water Waste Prohibition

Past Activities. Had a draft ordinance ready for adoption. Not yet adopted due to concerns over funding for enforcement and minimal public input.

Current and Proposed Program Description. The City is required to have an adopted water waste prohibition ordinance under its 1999 Water Management Plan. A copy of the water waste prohibition ordinance [Ord. No. 1567 N.C. (2d)], presented to the Vallejo City Council for consideration on February 28, 2006, and finally adopted on March 7, 2006 is included in Appendix H. The water waste ordinance was developed according to the guidelines of DMM #13.

The City will develop and implement a water waste control procedure, using either City staff, part-time employees or contractors. The City will take steps to promote a water conservation ethic, and will strive for a reasonable correlation between the degree of punitive enforcement of a waste water ordinance and the City’s overall water supply picture.

FY 2005/2006

- Adopted Ordinance No. 1567 N.C. (2d), as well as a Water Shortage Contingency plan.

FY 2006/2007

- Consider revision of waste water prohibition based on feedback following public hearing on proposed ordinance.

FY 2007/2008 & Beyond

- Waste Water Prohibition Ordinance or Resolution will be in place. Provide public information regarding the ordinance.

Schedule. An ordinance was adopted and implementation to be put into place by the end of FY2005/2006. The implementation schedule for DMM 13 is in Table 6-13.

Table 6-13. Implementation Schedule for DMM 13

BMP number and name	DMM13 – Water Waste Prohibition
Type of Program	Adoption and Enforcement of a Water Waste Prohibition Ordinance
Target Level	Full target
FY05/06 Actions/Budget	Adopt a “Wasteful Water Use Prohibition Ordinance.
FY06/07 Actions/Budget	Complete but need public information effort.
FY07/08 Actions/Budget	Complete but need public information effort.
FY08/09 Actions/Budget	Complete but need public information effort.
FY09/10 Actions/Budget	Complete but need public information effort.
Budget	\$2,000 /Yr. (customer materials)
Admin. Staffing	40 Hours for program oversight
Program Staffing	Assumes use of existing City staff
Program Description	Educate customers about prudent water use

Methods for Evaluating Effectiveness. The City will annually collect the following information.

- Number of customers contacted about water waste violations.
- Number of customers cited for repeat water waste violations.

6.15 DMM 14 - Residential ULFT Replacement Programs

Past Activities. A cost-benefit analysis was performed in 1998 with results justifying the request for an exemption from this measure. In 2005 a cost-benefit analysis was again performed with the same results.

FY 1999 – FYE 2005 Activities: Exempted.

FY 2005/2006

- Exempted.
- Include information on ULFTs on City’s website and links to useful sites.

FY 2006/2007

- Include updated information on ULFTs on City’s website and links to useful sites.
- Include ULFTs in purchasing guide for fixtures inside the home (See BMP#2)

FY 2007/2008 & Beyond

- Include annually reviewed and updated information on ULFTs on City’s website and links to useful sites.
- Continue to distribute updated purchasing guides, including ULFTs.

Current and Proposed Program Description. A new cost-benefit analysis done in 2005 again demonstrated that an ultra low flow toilet rebate program would not be cost-effective for Vallejo. The City will work with other agencies to determine if a regional approach will change the cost-effectiveness calculations. The City will provide information to customers, through various media, on the benefits of ULFTs. It must be noted that ULFTs or more efficient models are the only types currently available for sale.

Schedule. The implementation schedule for DMM 14 is shown in Table 6-14.

Table 6-14. Implementation Schedule for DMM 14

BMP number and name	DMM14 – ULFT Replacement Program
Type of Program	Exempt
Target Level	Exempt
FY05/06 Actions/Budget	Cost-benefit analysis performed, exemption warranted.
FY06/07 Actions/Budget	To be determined.
FY07/08 Actions/Budget	To be determined.
FY08/09 Actions/Budget	To be determined.
FY09/10 Actions/Budget	To be determined.
Budget	Less than \$1,000 /Yr.
Admin. Staffing	20-30 Hours per year for cost-benefit analysis
Program Staffing	None anticipated.
Program Description	Conservation Coordinator will consider other program designs for cost effectiveness.

Methods for Evaluating Effectiveness. The City will annually collect the following information.

- The average number of toilets per single-family and multi-family unit.
- The average persons per household for single-family residences and for multi-family residences.

- The housing resale rate for single-family and multi-family residences in service area.
- The number of ULFT installations credited to the agency's replacement program, by year.
- Estimated cost per ULFT replacement
- Estimated water savings per ULFT replacement
- Budget. A minimal budget of \$1,000 is allocated assuming an annual cost/benefit analysis will continue to show that exemption is warranted. If a cost effective program design can be implemented, a budget allocation will be made.

6.16 Water Conservation Savings

An estimate of total water savings due to water conservation is not available. DMM 9 Savings will vary depending on the level of implementation of survey recommendations, but can be estimated at 10 percent. Landscape surveys are assumed to result in a 15 percent reduction in demand for landscape uses by surveyed accounts (CUWCC, March 2001). Any modest water savings already achieved by existing conservation measures will have some impact on the City's ability to further reduce demand. Nevertheless, the City anticipates achieving additional water savings by further implementation of the DMMs. In the absence of system specific water savings, the City will use the best available estimates such as from the American Water Works Association or CUWCC.

6.17 DMM Results and Forecasting

Monitoring and updating will allow the City to modify any planned programs that do not accomplish the practice as described.

The City of Vallejo has requested an exemption from DMM (BMP) 1, 2, 5, 6, 9 and 14 as they are not cost effective, based on calculations performed by Maddaus Water Management in 2005. As required, the CUWCC's tool for evaluating cost effectiveness was run using the information for Vallejo's service area. The summary results are shown in Appendix J. The tables taken from "Step 6" of the CUWCC Excel workbook show the benefit cost ratio to be less than one, which demonstrates those particular measures are not cost effective in this service area. All other tables showing inputs to the cost effective analysis (Steps 1-5) are available from the Water Conservation Coordinator, who can be reached as indicated in the contact information sheet for the UWMP.

6.18 Five-Year Budget for Expenditures and Staff Effort for BMPs

Tables 6-15 summarizes the City's budgets for FY2005/2006 through 2009/2010 and projected staff time available to complete the DMMs as currently conceived. It must be noted that program priorities are subject to change in order to participate in future, regionally-based projects, or in response to grant funding opportunities. In addition, proposed budgets through FY2008/2009 are based on revenue projections from the City of Vallejo Water Utility Financing Plan and Rate Study (Brown and Caldwell, 2004). If funding becomes restricted, conservation programs may be scaled back, except for those that are shown to be cost-effective and for a baseline level of activity for public information and school education (for which cost-effectiveness can not be effectively

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measured). Alternatively, in the case of a water supply shortage, the funding for and staff time committed to water demand management efforts can be expected to increase.

Table 6-15. FY 2005/2006 through 2009/2010 Budget Summary (1,000 Dollars)

MEASURES	FY05/06	FY06/07	FY07/08	FY08/09	FY09/10
	Budget	Budget	Budget	Budget	Budget
1. Residential Water Surveys	3	6	6	6	5
2. Residential Retrofit	6	6	6	6	5
3. System Audit/Leak Detection	5	5	5	5	5
4. Metering w/Commodity Rates	5	5	5	5	5
5.a. Landscape Water Budgets	1	1	1	1	1
5.b. Landscape Water Surveys	1	9	9	9	9
6. Washing Machine Rebates	2	2	2	2	2
7. Public Information	12	12	12	12	12
8. School Education Programs	7	7	7	7	7
9. CII Conservation Programs	6	20	25	30	30
10. Wholesale Agency Programs	1	1	1	1	1
11. Conservation Pricing	1	1	1	1	1
12. Conservation Coordinator	22	10	15	20	34
13. Water Waste Prohibition	2	2	2	2	2
14. ULF Toilet Program	1	1	1	1	1
TOTAL	75	88	98	108	120
FULL TIME EQUIVALENTS	0.5	0.65	0.7	0.75	0.8

SECTION 7 - WATER SHORTAGE CONTINGENCY PLAN

This section of the Urban Water Management Plan presents the City's Water Shortage Contingency Plan (WSCP). Although included as a section of the UWMP, the WSCP, upon its adoption by the City Council, can be separately cited as a stand-alone plan.

7.1 Summary of Water Code Sections

This WSCP serves to comply with the requirements of the Urban Water Management Act (Act), which became part of the California Water Code with the passage of Assembly Bill 797 during the 1983-1984 California legislative session, and addresses the elements of the California Water Code Chapter 3, Article 2, Section 10632.

7.2 Plan Adoption and Implementation

State regulations require that a properly noticed public hearing be held prior to the adoption of the Vallejo Water Shortage Contingency Plan. Prior to adopting a plan, the City will make the plan available for public inspection and hold a public hearing. The time and place of the hearing will be published prior to conducting the hearing pursuant to Section 6066 of the Government Code.

This Water Shortage Contingency Plan, adopted on February 28, 2006 by Council Resolution No. 06-62 N.C., replaces all previous versions of the Draft Water Shortage Contingency Plan.

Copies of the WSCP are available at the Water Superintendent's office. In addition, the City shall provide customers with periodic updates on the results of the institution of this WSCP. Updates may be by bill insert, newspaper, television, or other appropriate method(s). Should a water shortage emergency occur, the City will immediately notify customers when supplies have returned to adequate operational levels and the water shortage is over.

Other implementation steps that will be taken include pursuing additional supplies and the initiation of possible coordinated planning with local agencies and organizations. In the event of a water shortage, the City shall notify outreach organizations listed in Table 7-1 to inform the public of the necessary actions to take before enforcement begins. This list will continue to be modified as additional organizations are identified which may be helpful in the dissemination of information in a timely manner. The City shall notify the public when the WSCP is implemented and the corresponding stage of shortage.

Table 7-1. Organization Notification List

Vallejo City Council	Hiddenbrooke Home Owners Association	Green Valley Landowners Association
Vallejo Times Herald Newspaper	City of Vallejo Landscape Maintenance Districts	Gordon Valley Water Crisis Committee
Vallejo City Unified School District	Vallejo Chamber of Commerce	County of Solano, Water Resources Department
Vallejo and Cordelia Fire Departments	Glen Cove Home Owners Association	County of Solano, Sheriff's Department
Fairfield Daily Republic Newspaper	Regional Television News Stations	10 Largest Consumption Accounts
Solano County Board of Supervisors		

7.3 Preparation for Catastrophic Water Supply Interruption

Aside from drought-caused water shortages, the City is also vulnerable to other potential disaster situations that could result in a catastrophic interruption of water supplies including, but not limited to, regional power outages, landslides, earthquakes, and water contamination.

Below is a brief summary of how catastrophic events, other than extreme drought, may affect the State Water Project (delivery of both State Water Project Table A and Vallejo Permit Water) and Solano Project facilities, as provided by SCWA, the City's wholesale supplier of water through these regional supply facilities.

The North Bay Aqueduct (NBA) supplies water to the City from the SWP, this includes transit of both Table A allotments and Vallejo Permit water entitlements. Potential catastrophic outages may occur from earthquakes that cause major damage to the NBA facilities, prolonged loss of PG&E power required for pumping water through the NBA, or contamination at the intake to the NBA. The NBA is an underground pipeline and not subject to landslide damage.

In the event of loss of NBA supply for any reason, the City would immediately switch to Solano Project water supplies while the emergency condition was being resolved and normal water supply restored. This high level of redundancy is possible due to the geographical separation of the two sources.

The Solano Project supplies nearly half of all water to the City under normal conditions. In the event of an earthquake, the Solano Project Emergency Response Plan is invoked. The Plan, developed in coordination with the U.S. Bureau of Reclamation, provides a detailed response for various levels of seismic activities both at the Monticello Dam site and within a specified geographical area surrounding the Solano Project. No actions are necessary from the City of

Vallejo, which will be notified at the time of the condition of the Solano Project and its ability to deliver.

The Putah South Canal is susceptible to a landslide which could either block or damage its ability to deliver Solano Project water. SCWA recently invested in a \$3 million project to provide an underground pipeline bypass of an area that is most susceptible to a landslide. Any detection of contamination of Solano Project water may result in a shut-down of the Solano Project deliveries. The City of Vallejo receives its supply at the end of the delivery canal and, as such, is more exposed to potential supply interruptions due to canal impairment. Solano Project is a gravity system and is not dependent upon power to operate.

In the event of loss of Solano Project water, the City would attempt to shift to supplies delivered through the NBA including SWP water and Vallejo permit entitlements.

Delivery of water from the Vallejo Lakes – Frey, Madigan, and Curry – is via gravity systems which are susceptible to earthquake damage. Each Lakes supply is inspected after earthquakes to assure public safety and determine the viability of the supply after an event. Damage may require changeover to the Solano Project through an exchange agreement with the Solano Irrigation District.

The City has engineered all critical pump stations, and reservoirs constructed within the last 17 years, to meet all California seismic safety standards for critical facilities, and has removed most pumping facilities built prior to this date from operation. In addition, the City has, as required by law, completed and filed a Vulnerability Assessment (VA) addressing security of the City's distribution system facilities. Regional power outages are not expected to prevent the City from receiving adequate water supplies due to the multitude of facilities and the fact that due to the geographical separation of the facilities they are fed from different power grids. It is highly unlikely that all water supplies will be simultaneously affected and prevent water delivery. The main pump station which supplies raw water to Vallejo has a diesel emergency backup pump to provide up to 50% of total water need in time of power outage. Combined with available in-town treated water storage the City should be able to function until regional power is available.

The City has continued to work cooperatively with SCWA to investigate regional funding opportunities for measures to improve the reliability of key water supply facilities through participation in the Solano Water Agencies Committee. Through this committee, recommendations for water supply quality monitoring and modeling have been forwarded, and hydrologic studies have been undertaken to determine water quality and quantity parameters of the NBA facilities in Barker Slough.

This type of modeling is necessary to determine the sources of water being pumped at the NBA intake during different times of the year and different hydrologic conditions. It will also show how NBA water quality will be affected by changes in the Delta, such as levee failures. Failures of the levees are predicted to drastically reduce the ability of the NBA pump station to provide water, and as with earthquake damage, will necessitate a changeover to Solano Project Water until mitigated.

In addition to the above listed major disruptions which may occur and must be dealt with, to properly prepare for and respond to catastrophic water supply interruptions, the City believes the following additional actions are warranted.

Increase existing water storage.

The City has over 50 million gallons (mg) of treated water storage currently available, with up to 50 mg of raw water available by gravity which may be treated during an emergency. This translates to greater than a 3 day supply at maximum day usage, or greater than 7 days with notification of water shortages. Opportunities for greater storage volume are being investigated.

Obtain additional water supplies.

The City is in the process of bringing back the Lake Curry water supply of approximately 3,750 Acre-feet. The restored Lake Curry supply is expected to be back online by 2010.

Coordinate with other agencies for additional water supply funding sources.

The City, as noted above, participates in regional planning and grant applications with the Solano County Water Agency.

Put employees/contractors on-call.

Water maintenance and engineering currently have on-call and after hours contact lists available for use in emergencies.

Develop public communication methods/plans.

The City currently employs a Public Information Officer for timely distribution of City policies and announcements.

Adopt a City Disaster Preparedness Plan.

The City has a comprehensive disaster response plan. Water service for both domestic and fire fighting needs is a component of this plan. Operational plans for contacts, notification, and emergency actions are included. Additionally, the City is required to file a report with the state demonstrating the methodology to be used to inform the public of a mandatory boil water order or unsafe water conditions.

Water Shortage Response Measures.

Because water supply is a sensitive and extremely valuable resource in California, all water utilities in the region practice water conservation programs. Beyond these normal practices, additional water shortage response measures are often needed when unforeseeable droughts and emergencies reduce water supplies. This WSCP includes proposed water shortage response measures which can be put into effect by the City Council.

7.4 Water Supply and Demand Analysis

This subsection provides a brief overview of the City's water supply and demand projections. For further discussion of these topics, refer to Sections 3 and 4 of the UWMP.

7.4.1. Water Supply

The City of Vallejo has several water supply sources which are summarized in Table 7-2. These sources are described in more detail in Section 4 of the Urban Water Management Plan.

Table 7-2. Normal Water Year Supplies

WATER YEAR & SUPPLY (All volumes in Acre-Feet)	Entitlement Reduction	2005	2010	2015	2020	2025
State Water Project	10%	5,040	5,040	5,040	5,040	5,040
Vallejo Permit Water	0%	17,200	22,800	22,800	22,800	22,800
Lakes Madigan/Frey	0%	400	400	400	400	400
Lake Curry	0%	1,500	3,750	3,750	3,750	3,750
Solano Project Water	1%	14,454	14,454	14,454	14,454	14,454
Normal Year Total		38,594	46,444	46,444	46,444	46,444

7.4.2 Water Demand

Table 7-3 shows the City's past, present, and estimated future water demand from 2000 through 2025. Future water consumption assumes annual growth in the City, Lakes, and Travis AFB categories, normal rainfall, and normal consumption patterns adjusted for post-drought practices. For more information on demand projections refer to Section 3 of the UWMP.

Table 7-3. Past, Present, and Projected Water Demands by Service Category

Category (All volumes in Acre-Feet)	2000	2005	2010	2015	2020	2025
City of Vallejo System	21,920	23,030	24,290	25,690	27,140	27,140
Vallejo Lakes System	320	330	340	350	360	370
Travis AFB Deliveries ^d	3,200	3,400	3,860	4,330	4,790	5,250
City of Benicia	1,100	1,100	1,100	1,100	1,100	1,100
City of American Canyon	750	750	750	750	750	750
Other Demands ^e	1,500	1,500	1,000	1,000	1,000	1,000
Total for all categories	28,790	30,110	31,340	33,220	35,140	35,610

7.4.3 Water Supply and Demand Comparison

The projected annual normal water supply and demand for the Vallejo system is compared and summarized in Table 7-4. Surface water supplies are sufficient but subject to reductions in deliveries in dry years. It is anticipated that the current 38,594 ac-ft/yr normal available water supply will climb to 46,444 beginning in 2010. The table shows that in average precipitation years, the City of Vallejo has sufficient water to meet its customers' needs, through 2025.

Table 7-4. Normal Water Year Supply and Demand Comparison, ac-ft/yr

NORMAL YEAR (Ac-Ft.)	2005	2010	2015	2020	2025
Supply	38,594	46,444	46,444	46,444	46,444
Demand	30,110	31,340	33,220	35,140	35,610
Difference = Surplus or (Deficit)	8,484	15,104	13,224	11,304	10,834
Difference (as a percentage of supply)	22%	33%	28%	24%	23%

7.4.4 Minimum Supply Estimate – 3 Year Worst Case Drought

The City is required to provide an estimate of the water supply available for the next three years using the worst case historic drought delivery for each separate supply source. The three year worst case delivery may not coincide for each supply source due to differing watershed characteristics and storage availability for each supply. Table 4-6 shows the driest three year sequence for each of the City’s supply sources.

Table 7-5. Driest Three-Year Historic Water Supply Sequence

Supply Source	Entitlement (Acre-Feet)	3 Year Sequence - Minimum Delivery	Percentage of Entitlement Available in Each Year
Solano Project ^(a)	14,600	1932, 1933, 1934	100%, 34%, 44%
State Water Project (NBA)	5,600	1990, 1991, 1992	27%, 26%, 35%
Vallejo Permit Water ^{(c) (e)}	17,200 (through 2006) 22,800 (by 2007)	1990, 1991, 1992	75%, 75%, 75%
Lakes Madigan & Frey ^(c)	400	1990, 1991, 1992	75%, 75%, 75%
Lake Curry ^(d)	1,500	1990, 1991, 1992	100%, 100%, 100%

- a. Source: Ultimate level of development of Lake Berryessa watershed at 30,000 AF/yr.
- b. Source: DWR Study 6, 2001 Level of Development, 2004 OCAP, using Sacramento Valley Index from 1922 through 1993.
- c. Permit Water and Lakes source supply have the worst estimated reduction due to drought or environmental constraints. No historical constraints to full supply availability exist, however, the City has chosen to conservatively reduce available yield.
- d. Lake Curry is calculated as a 1,500 AF yearly demand for fisheries, with no delivery potential to the City until 2010. Actual entitlement is 3,750 AF/Yr. As such, 1,500 AF is considered 100% reliable until 2010 to satisfy instream flow.
- e. Pumping capacity is 22,800 AF/Yr., current maximum contractual delivery through State Water Project is 17,200 AF/Yr. Contract amendment to be signed by 2007 to allow full 22,800 AF/Yr. delivery.

Table 7-6 displays a very conservative estimate of the minimum water supply available during the next three water years based on the driest three-year historic sequence for each of the City's water sources. These worst case supply quantities were calculated by applying the percentage of entitlement available in each of the three consecutive years from Table 7-5 for each source to the available water entitlements projected for years 2006, 2007, and 2008. This would not be expected to accurately describe the actual water available due to the geographic separation of the supply watersheds. As shown in Table 7-5, the reliability of each supply is relatively independent, and as such it is highly unlikely that all sources would experience simultaneous worst case drought conditions.

Table 7-6. Minimum Water Supply Estimate over the Next Three Years (Ac-Ft)

SUPPLY SOURCE	Year 1 (2006)	Year 2 (2007)	Year 3 (2008)
Solano Project	14,600	4,964	6,424
State Water Project (NBA) Table A	1,512	1,456	1,960
Vallejo Permit Water	12,900	17,100	17,100
Lake Madigan & Frey	300	300	300
Lake Curry	1,500	1,500	1,500
Total Available Supply	30,812	25,320	27,284

Under the three year worst case drought supply delivery scenario, the City would experience reductions in water supply delivery of 20 percent in Year 1 (from 38,594 Ac-ft), 43 percent in Year 2 (from 44,194 Ac-ft), and 38 percent in Year 3 (from 44,194 Ac-ft). This takes into account an anticipated increase in water supply entitlement in 2007 for Vallejo Permit Water from 17,200 to 22,800 acre feet. The Water Shortage Contingency Plan provides for actions to address up to a 50% reduction in supply due to drought or catastrophic events.

7.5 Water Shortage Response Stages

The City of Vallejo employs a five stage water-shortage response plan (Table 7-7 below), which is triggered at prescribed levels. Water-shortage stages are monitored, reported and acted upon according to the plan set out in the reduction-measuring mechanism for each stage. Each stage consists of specific prohibitions, regulations, fines, penalties, and rate structure to encourage the appropriate level of conservation. Though all five stages have both voluntary and mandatory components, none can be considered a rationing program because they do not strictly limit water use. However, Stages IV and V are most restrictive primarily due to the landscape irrigation component, which prohibits irrigation of any decorative landscaping. Under drought conditions the City is not anticipated to have to implement any conservation above Stage II. Conservation Stages IV and V are prepared to meet emergency conditions brought upon by catastrophic events.

Table 7-7. Water Shortage Response Stages

Stage	Demand Reduction Goal
Stage I – Normal Conditions	0% Normal Usage
Stage II – Water Warning	Up to 10% reduction of normal usage
Stage III – Water Shortage	Up to 20% reduction of normal usage
Stage IV – Water Crisis	Up to 35% reduction of normal usage
Stage V – Water Emergency	Up to and Above 50% reduction of normal usage

Given the potential requirement for various levels of demand reduction due to catastrophic events and drought scenarios, prioritization of use of the available water resource must be considered. The principle of maximum beneficial usage must be implemented and plans created to efficiently produce such a result. Conservation measures for each stage are based on the priorities set in the California Water Code Chapter 3 and through public input.

- Priority 1: Maintain essential public health and safety uses.

Uses include minimum drinking, sanitation, food preparation activities, and fire protection requirements. These uses are considered the core minimum water use of the community and are estimated at approximately 50 gallons per day.

- Priority 2: Maintain the existing economic and job base of the community.

Acceptable uses would include water sufficient to allow restaurant operation, water necessary for existing industrial uses, and additional commercial uses which protect the employment base of the communities served. All these activities would be under condition of efficient water usage or penalty.

- Priority 3: Continued discretionary uses for existing customers.

Existing customers make use of large quantities of non essential water use through such activities as outdoor landscaping, swimming pools, car washing. These activities would be heavily discouraged and would be expected to account for a large percentage of demand reductions. Provisions may be made to allow continued irrigation of heritage trees and plants which benefit the community.

- Priority 4: New Service Connections

New connections would not be permitted during times of severe shortage. Only those approved connections permitted before supply reduction events occurred would be allowed to be connected to the system. Any additional service requests would be conditioned to fund demand reduction measures which produce verifiable savings greater than the proposed connection impacts.

The primary components of each stage consist of a tiered rate structure, regulations/prohibitions, and penalties/fines. Details of each response are summarized in Table 7-8 below.

Table 7-8. Stage Components

	Stage I Normal	Stage II Water Warning	Stage III Water Shortage	Stage IV Water Crisis	Stage V Water Emergency
RATE STRUCTURE	Normal	Potentially Modified	Potentially Modified	Potentially Modified	Potentially Modified
Consumption Rate Surcharge	None	(2.0*Rate) Usage between 100%-110% of Stage II Allotment	(2.0*Rate) Usage between 100%- 110% of Stage III Allotment	(2.0*Rate) Usage between 100%-110% of Stage IV Allotment	(2.0*Rate) Usage between 100%-110% of Stage V Allotment
Consumption Rate Surcharge	None	(3.0*Rate) Usage between 110%-120% of Stage II Allotment	(3.0*Rate) Usage between 110%- 120% of Stage III Allotment	(3.0*Rate) Usage between 110%-120% of Stage IV Allotment	(3.0*Rate) Usage between 110%-120% of Stage V Allotment
Consumption Rate Surcharge	None	(4.0*Rate) Usage above 120% of Stage II Allotment	(4.0*Rate) Usage above 120% of Stage III Allotment	(4.0*Rate) Usage above 120% of Stage IV Allotment	(4.0*Rate) Usage above 120% of Stage V Allotment
Service Charge Surcharge	0%	Up to 5%	Up to 10%	Up to 20%	Up to 50%
PROHIBITIONS	Controllable Water Leaks New installation of single pass cooling systems Uses included in an adopted Wasteful Water Use Prohibition Ordinance	Normal prohibitions plus .. Washing of paved areas except to protect public health and safety	Stage I prohibitions plus .. Running water for washing buildings, etc.	Stage II prohibitions plus .. Landscape irrigation (none) Hydrant flushing Construction of new pools, spas, etc.	Stage III prohibitions plus .. New construction (Without existing permit) Filling of pools, spas, decorative fountains, etc.

CITY OF VALLEJO 2005 URBAN WATER MANAGEMENT PLAN

	Stage I Normal	Stage II Water Warning	Stage III Water Shortage	Stage IV Water Crisis	Stage V Water Emergency
REGULATIONS		Washing of vehicles to be done at commercial car wash or with controllable water source such as a bucket or hose with shut-off nozzle.	Stage II regulations plus .. Restaurants to serve water only upon request Hotels, etc. to post notice of drought condition Reclaimed water for construction, if feasible	Stage III regulations plus Reclaimed water only for construction projects	Stage IV regulations plus ..
FINES/PENALTIES 1st Offense 2nd Offense 3rd Offense 4th Offense	Warning \$100.00 fine \$200.00 fine \$300.00 and installation of flow restrictor	Warning \$100.00 fine \$200.00 fine \$300.00 and installation of flow restrictor	Warning \$100.00 fine \$200.00 fine \$300.00 and installation of flow restrictor	Warning \$100.00 fine \$200.00 fine \$300.00 and installation of flow restrictor	Warning \$100.00 fine \$200.00 fine \$300.00 and installation of flow restrictor

Any or all of these components in each stage may be enacted by determination of the City Council in order to meet the demand reduction goal for that response stage.

The current water shortage stage is based upon available water supply versus baseline supply or current demand versus current available supply. Baseline supply is defined to be equal to available supply with the largest unit out of service. Current demand and current available supply are defined to equal the current demand and available supply at the time of the water shortage stage analysis. System performance, such as water system pressure, although not listed as a trigger from one stage to another, is directly related to the supply and demand relationship, and can indicate water shortage conditions.

7.6 Supply Shortage Triggering Levels

In order to protect the City’s health and safety and minimize the social and economic impacts of water shortages, the City has established “triggers” to implement the various stages of conservation based on the City’s water supply analysis. The “water supply analysis” is based on State Water Project deliveries, rainfall, storage levels, continuous years of drought, current consumption levels, existing water contracts, water supply deficiency declarations, and/or any other factors significantly impacting the integrity of the City’s water supply. Each stage will be declared by the Vallejo City Council in accordance with findings based on the water supply analysis. The water supply analysis will recommend a percent reduction. The stages are defined as follows.

- Stage I — Where the City water supply appears adequate but prudent water use is encouraged.
- Stage II — Where the City water supply analysis demonstrates the need for up to a 10% reduction in water consumption.
- Stage III — Where the City water supply analysis demonstrates the need for up to a 20% reduction in water consumption.
- Stage IV — Where the City water supply analysis demonstrates the need for a 35% or more reduction in water consumption.
- Stage V — Where the City water supply analysis demonstrates the need for a 50% or more reduction in water consumption.

For each of these stages, the following sections define the:

- City's ability to meet the customer demands.
- Triggering mechanism that directs each particular stage to begin.
- Consumption limits that define the amount of water consumption to be reduced.
- City actions to be implemented.
- Requested consumer actions to reduce demand.

In addition, penalties for customer misuse of water and reduction measuring mechanisms to track the City water use during each stage are defined. Note that all normal water conservation measures also remain in effect. Also note that all water shortage response measures defined in each shortage stage carry-over into more severe shortage stages. In this way, more serious water supply emergencies are met with a staircase of more stringent water shortage response measures.

7.6.1 Stage I - Normal Supply

The City's supply or distribution system is able to meet all the water demands of its customers in the immediate future.

Triggering Mechanism: Full deliveries of water supply to all City customers and the ability to meet maximum day demand with largest unit out of service.

Consumption Limits: No percentage cutback required. All normal water efficiency programs are in place.

City Actions: During Stage I, all normal water use efficiency programs will continue.

Requested Consumer Action: During this stage all normal water efficiency programs will continue. Voluntary participation in water waste restrictions requested.

Penalties/Fines: The City, after one written warning that is personally delivered to the customer or left at the premises as a "door hanger" for violation of water used for non-essential or unauthorized use, shall apply the penalties as shown in Table 7-8.

Reduction Measuring Mechanism: Production figures are recorded daily within each system and monitored by the Water Superintendent monthly during normal water supply conditions.

7.6.2 Stage II - Water Warning

There is a probability that the City supply or distribution system will not be able to meet all the water demands of its customers.

Triggering Mechanism: A cutback in supply by up to 10 percent of baseline supply and the inability to obtain additional water, or demand is greater than 90 percent of available supply.

Consumption Limits: All customers would be required to reduce consumption by 10% for the duration of the water warning.

1. No residential customer shall make, cause, use, or commence the use of water received from the city for any purpose in an amount in excess of the calculated base year 2004 usage (per sixty-day billing cycle) per residence. Water used in excess of this amount shall be subject to a drought penalty. The customer of record may request an increase in the basic allotment.

2. No industrial or commercial customer shall make, cause, use, or permit the use of water received for any purpose in an amount in excess of ninety five percent of the amount used during the base period defined as the amount of water used on a customer's premises during the corresponding monthly billing period in the base year of 2004. In addition to the above allotment, for meters that strictly serve landscaping, the allotment shall be seventy-five percent of the amount used during the base period defined above. New services or services without 2004 history shall be allotted on comparable customer usage. Water used in excess of this amount shall be subject to a drought penalty. The customer of record may request an increase in the basic allotment.

3. In addition to the above mandatory water use reductions of subdivisions 1 and 2 of this subsection, the following restrictions shall apply to all persons.

- a. the use of water from hydrants shall be limited to fire fighting and other activities necessary to maintain the health, safety, and welfare, of the citizens of Vallejo.
- b. All "waste of water" elements as defined in Stage I shall remain in effect in Stage II.

City Actions: City will implement the following actions:

- Initiate public information campaign explaining water supply condition, water shortage stages, and water shortage response measures. Campaign will consist of a combination of distribution of literature, direct mailers, bill inserts, restaurants message tents, and weekly water shortage status update and conservation messages printed in local newspapers.
- Notify local jurisdictions of Stage II implementation within 10 working days after implementation of Stage II. The notification shall be in the form of a letter to the appropriate contact person for each agency found by calling agencies as listed in Table 7-1.
- Notify customers at least 24 hours in advance, via the media, when it becomes necessary to initiate Stage II.
- Continue ongoing educational program in area schools.
- Maintain a Water Conservation Hotline with specially trained conservation representatives to answer customer questions about conservation and water use efficiency.
- Provide free water conservation kits at the Water Billing Office for customer pickup.

- Initiate “conservation monitor” duties to existing personnel to identify and document excessive water use and advise customers regarding the appropriate watering schedule.
- Implement rate changes to penalize excess usage.

Requested Consumer Actions: Customers will be required to implement the following water shortage response measures:

- There shall be no hose washing of sidewalks, walkways, driveways, parking areas, patios, porches or verandas, except flammable or other similar dangerous substances may be washed from said areas by direct hose flushing for the benefit of public health and safety. This prohibition shall not apply where hosing of sidewalks or driveways is required by law.
- No water shall be used to clean, fill, operate or maintain levels in decorative fountains unless such water is part of a recycling system.
- No customer shall permit water to leak from any facility on his/her premises. Such facilities shall include sprinklers and irrigation systems, faucets, toilets, water heaters or any other fixture used in providing water service. Any leak shall be repaired in 72 hours.
- No customer shall sprinkle, water or irrigate any shrubbery, trees, lawns, grass, ground cover, plants, vines, gardens, vegetables, flowers, or any other landscaped or vegetated area between the hours of 9:00 a.m. and 6:00 p.m. Such watering shall not be in excess of needs nor be of a manner that allows water to flow into streets.
- Non-commercial washing of privately owned vehicles, trailers, buses, boats and equipment, except from a bucket and except that a hose equipped with a shut-off nozzle may be used for a quick rinse, and only on a surface, which will allow water to be returned to the ground.
- Any use of water from a fire hydrant, except for fire protection purposes, is prohibited, unless authorized by the City.
- Use of water for construction purposes, such as consolidation of backfill, unless no other source of water or method can be used, is prohibited.
- Water will be available only for beneficial uses, all unnecessary and wasteful uses of water are prohibited.
- Water efficient plumbing fixtures, water efficient appliances and high efficiency irrigation techniques such as drip irrigation, are encouraged.
- Mow less frequently allowing grass to grow longer, inducing hydration.
- Check the soil moisture in the root zone to determine when irrigation is required.
- Restaurants shall serve water only upon request.

Penalties/Fines: The City, after one written warning that is personally delivered to the customer or left at the premises as a “door hanger” for violation of water used for non-essential or unauthorized use, shall apply the penalties as shown in Table 7-8.

Metered connections: Continued use of water for non-essential or unauthorized uses will result in fines of up to \$300 per offense, flow restrictor installation, and/or discontinuance of service.

Reduction Measuring Mechanism: During all stages of water shortages, daily production figures are reported to and monitored by the Water Superintendent daily.

7.6.3 Stage III - Water Shortage

The City's supply or distribution system will not be able to meet all the water demands of its customers.

Triggering Mechanism: A cutback in supply of 20 percent and the inability to obtain additional water, or demand is greater than 105 percent of available supply.

Consumption Limits: Customers would be required to reduce consumption by 20 percent for the duration of the water shortage condition.

1. No residential customer shall make, cause, use, or commence the use of water received from the city for any purpose in an amount in excess of ninety percent of residential base allotment usage, per residence. Water used in excess of this amount shall be subject to a drought penalty. The customer of record may request an increase in the basic allotment.
2. No industrial or commercial customer shall make, cause, use, or permit the use of water received for any purpose in an amount in excess of eighty five percent of the amount used during the base period defined as the amount of water used on a customer's premises during the corresponding monthly billing period in the base year of 2004. In addition to the above allotment, for meters that strictly serve landscaping, the allotment shall be seventy-five percent of the amount used during the base period defined above. New services or services without 2004 history shall be allotted on comparable customer usage. Water used in excess of this amount shall be subject to a drought penalty. The customer of record may request an increase in the basic allotment.
3. In addition to the mandatory water use reductions of subdivisions 1 and 2 of this subsection, all elements of Stage II shall remain in effect in Stage III.

City Actions: The City will implement the following actions:

- Continue City actions listed through Stage I and II.
- Continue public information and education programs.
- Notify local jurisdictions of Stage III implementation within 10 working days.
- Notify customers at least 24 hours in advance, via the media, when it becomes necessary to initiate Stage III.
- Mandate compliance to Stage II requested customer actions.
- Implement rate changes to penalize excess usage.

Requested Customer Actions: Customers will be notified that Stage III water conservation measures are in effect and compliance with the following water shortage response measures will be required:

- All Stage I and II actions remain in force.
- Further reduction in landscape irrigation required. Reduce watering time; tolerate some plant wilting.
- Landscape, pasture, common areas and street median irrigation shall be limited to a maximum of three days per week when necessary based on the following schedule:
 - Customers with street addresses that end with an odd number may irrigate only on Tuesdays, Thursdays, and Saturdays.

- Customers with street addresses that end with an even number may irrigate only on Monday, Wednesdays, and Fridays.
- Common areas and street medians may irrigate only on Mondays, Wednesdays, and Fridays.

Penalties/Fines: The City, after one written warning that is personally delivered to the customer or left at the premises as a “door hanger” for violation of water used for non-essential or unauthorized use, shall apply the penalties as shown in Table 7-8.

Metered connections: Continued use of water for non-essential or unauthorized uses will result in fines of up to \$300 per offense, flow restrictor installation, and/or discontinuance of service.

Reduction Measuring Mechanism: During all stages of water shortages, daily production figures are reported to and monitored by the Water Superintendent daily.

7.6.4 Stage IV - Water Crisis

The City supply or distribution system is not able to meet all the water demands of its customers under Stage III requirements.

Triggering Mechanism: A cutback in supply by 20-35 percent and the inability to obtain additional water, or demand is greater than 120 percent of available supply.

Consumption limits: All customers would be required to reduce consumption by 35% for the duration of the water crisis.

1. No residential customer shall make, cause, or commence the use of water received from the city for any purpose in an amount in excess of eighty percent of residential base allotment usage, per residence. Water used in excess of this amount shall be subject to a drought penalty. The customer of record may request an increase in the basic allotment.
2. No industrial or commercial customer shall make, cause, use, or permit the use of water received for any purpose in an amount in excess of eighty five percent of the amount used during the base period defined as the amount of water used on a customer’s premises during the corresponding monthly billing period in the base year of 2004. In addition to the above allotment, for meters that strictly serve landscaping, the allotment shall be seventy five percent of the amount used during the base period defined above. New services or services without 2004 history shall be allotted on comparable customer usage. Water used in excess of this amount shall be subject to a drought penalty. The customer of record may request an increase in the basic allotment.
3. In addition to the mandatory water use reductions of subdivisions 1 and 2 of this subsection, all elements of Stage III shall remain in effect in Stage IV.

City Actions: The City will implement the following actions:

- Continue all conservation program and agency action elements through Stage III.
- Maintain public information campaign explaining water shortage conditions.
- Notify local jurisdictions of Stage IV implementation within 10 working days.

- Notify customers at least 24 hours in advance, via the media, when it becomes necessary to initiate Stage IV.
- Mandate adherence to all water conservation measures required under Stage III of requested customer actions.
- Landscape, pasture, common areas and street median irrigation shall be limited to a maximum of two days per week based on the following schedule.
 - Common areas and street medians may irrigate only on Mondays and Fridays.
- Institute a rationing program through percentage cutbacks.
- Request assistance from local agencies with available water supplies.
- Implement rate changes to penalize excess usage.

Requested Customer Actions: Customers will be requested to comply with all Stage III water shortage response measures as listed below.

- All Normal and Stage I, II, and III actions remain in force.
- Landscape, pasture, common areas and street median irrigation shall be limited to a maximum of two days per week based on the following odd-even schedule.
 - Customers with street addresses that end with odd numbers may irrigate only on Tuesdays and Saturdays.
 - Customers with street addresses that end with even number may irrigate only on Monday and Fridays.
 - Common areas and street medians may irrigate only on Mondays and Fridays.
- Water use for ornamental ponds and fountains is prohibited.
- Automobiles or equipment shall be washed only at commercial establishments that use recycled or reclaimed water.
- Water shall not be used for cooling mists.
- Flushing of sewers or fire hydrants is prohibited except in case of any emergency and for essential operations.

Penalties/Fines: The City, after one written warning that is personally delivered to the customer or left at the premises as a “door hanger” for violation of water used for non-essential or unauthorized use, shall apply the penalties as shown in Table 7-8.

Metered connections: Continued use of water for non-essential or unauthorized uses will result in fines of up to \$300 per offense, flow restrictor installation, and/or discontinuance of service.

Reduction Measuring Mechanism: Daily production figures are reported to and monitored by the Water Superintendent daily.

7.6.5 Stage V - Water Emergency

The City is experiencing a major failure of a supply, storage or distribution facilities.

Triggering Mechanism: A cutback in supply of up to or greater than 50 percent and the inability to obtain additional water, or demand is greater than 125 percent of available supply.

Consumption Limits: All customers would be required to reduce consumption by 50% for the duration of the water emergency.

1. No residential customer shall make, cause, use, or commence the use of, water received from the city for any purpose in an amount in excess of sixty five percent of residential base allotment usage per residence. Water used in excess of this amount shall be subject to a drought penalty. The customer of record may request an increase in the basic allotment.

2. No industrial or commercial customer shall make, cause, use, or permit the use of water received for any purpose in an amount in excess of seventy percent of the amount used during the base period defined as the amount of water used on a customer's premises during the corresponding monthly billing period in the base year of 2004. In addition to the above allotment, for meters that strictly serve landscaping, the allotment shall be fifty percent of the amount used during the base period defined above. New services or services without 2004 history shall be allotted on comparable customer usage. Water used in excess of this amount shall be subject to a drought penalty. The customer of record may request an increase in the basic allotment.

3. In addition to the mandatory water use reductions of subdivisions 1 and 2 of this subsection, all elements of Stage IV shall remain in effect in Stage V.

City Actions: The City will implement the following actions:

- Continue all water shortage response measures and City action elements through Stage IV.
- Continue public information outreach program with regular updates on the state of the emergency.
- Notify local jurisdictions of Stage V implementation within 10 working days.
- Notify customers at least 24 hours in advance, via the media, when it becomes necessary to initiate Stage V.
- Mandate that all Stage V conservation measures be implemented immediately and strictly enforced.
- Request assistance from local agencies with available water supplies.
- Implement rate changes to penalize excess usage.

Requested Customer Actions: Customers will be required to comply with all of the following Stage V water shortage response measures:

- Landscape and pasture irrigation is prohibited.
- Activation of additional water service connections to the City will not be allowed.
- Flushing of sewers or fire hydrants is prohibited except in case of any emergency and for essential operations.

Penalties/Fines: The City, after one written warning that is personally delivered to the customer or left at the premises as a "door hanger" for violation of water used for non-essential or unauthorized use, shall apply the penalties as shown in Table 7-8.

Metered connections: Continued use of water for non-essential or unauthorized uses will result in fines of up to \$300 per offense, flow restrictor installation, and/or discontinuance of service.

Reduction Measuring Mechanism: During all stages of water shortages, daily production figures are reported to and monitored by the Water Superintendent daily.

7.7 Revenue and Expenditure Impacts

This subsection describes the revenue and expenditure impacts that a water shortage may have on the City and the measures the City has in place to overcome these impacts. Table 7-9 below contains predictions of Vallejo's revenues and expenditures at 10, 20, 35, and 50 percent reduction levels (in consumption) in relation to each staged response.

Table 7-9. Estimated Revenues & Expenditures (1,000 Dollars)

Water Sales (A-F)	Normal	Stage I	Stage II	Stage III	Stage IV
% Reduction	0.0%	10.0%	20.0%	35.0%	50.0%
Revenues 06/07					
Water Sales (Base)	15,941	14,347	12,752	10,361	7,970
Water Sales (Avoidable)	1,486	1,337	1,189	966	743
Service Charge	6,086	6,086	6,086	6,086	6,086
Non-Rate Rev	5,755	5,455	5,155	4,705	4,255
Connection Fees	1,723	1,723	1,723	1,723	862
Revenue Total	30,991	28,948	26,905	23,841	19,916
% Reduction	0	9.3%	13.2%	23.1%	35.8%
Expenses 06/07					
Operations & Maintenance	19,616	19,116	18,616	17,616	16,616
Return to Base	2,793	2,568	2,394	2,132	1,871
Capital Projects	1,751	1,500	875	500	200
Debt Service	5,454	5,454	5,454	5,454	5,454
Non Operating	318	286	254	206	158
Expense Total	29,932	28,924	27,593	26,908	25,299
% Reduction	0	9.3%	11.0%	16.5%	18.4%
Available for Reinvestment or Reserve	1,059	24	(688)	(2,067)	(5,383)

This analysis includes the following assumptions:

- City of Vallejo Water Utility Financing Plan and Rate Study (2004), Fiscal Year 06/07 Calculations.
- Volume and daily service rates remain static.
- Limited pre-permitted new connections at Stage V.
- New capital projects will be deferred at Stage II through V.
- Return to Base Expense Proportional to Revenue.
- Operation and Maintenance Expenses Reduced.

The table above indicates the magnitude of revenue reductions to be expected due to a water supply shortage. As shown, during a minor 10% reduction, current City rates are adequate to meet expenses with no revenue remaining to fund reserves. Beyond declaration of a Stage II Shortage Contingency event, both volume and meter charges may be raised at each stage by the commensurate amount to make up the deficiency but will remain revenue neutral. City Council action will be required to adjust (lower or raise) water rates and/or charges if necessary to balance revenues and expenses per the draft Ordinance.

7.8 Monitoring of Water Usage and Revenue

The success of the City's response to a water shortage depends on its ability to accurately monitor water usage, to determine if current stage mandatory water use reductions are being met and project ongoing water supply adequacy. It also depends on the City's careful review of revenue levels to ensure steps are taken, as needed, to maintain adequate water system funding during times of reduced water sales.

7.8.1 Water Consumption Monitoring

Billing data for the City of Vallejo lags approximately 1-2 months behind usage. Given the nature of standard rotating meter reading and the inability to hire and train meter reading personnel to increase the speed of data collection, the City will use water treatment plant production volume data to monitor water use reduction goals. Depending on the level of supply reduction and the corresponding requirement for demand reduction, water plant production will be monitored on a monthly, weekly, or daily schedule as described below to ensure that the necessary level of demand reduction is being achieved.

During Stage I periods, water production/consumption is reported by the Water Superintendent monthly to the Public Works Director to ensure adequate demand and supply balance is maintained.

During Stage II and III periods, water production/consumption is reported by the Water Superintendent weekly to the Public Works Director to ensure adequate demand and supply balance is maintained. If sufficient reductions are not being realized to ensure balance of supply and demand, recommendations will be presented to the City Manager for corrective actions to be taken.

During Stage IV and V periods, water production/consumption will be monitored on a daily basis with recommendations given daily if shortages are projected.

7.8.2 Water Fund Financial Monitoring

During Stage I periods, water revenue figures are provided quarterly for review by department and division heads. The Water Superintendent will report monthly to the Public Works Director to ensure adequate revenue is being collected to meet existing and projected budgeted needs.

During Stage II and III periods, water revenue figures will be provided monthly for review by department and division heads. The Water Superintendent will report monthly to the Public Works Director to ensure adequate revenue is being collected to meet existing and projected budgeted needs. If revenues are projected to be inadequate, recommendations will be presented to the City Manager for corrective actions to be taken. Such actions may include increases or decreases in either or both the service charge and consumption charge, to ensure adequate funds are collected to maintain the financial stability of the water fund.

During Stage IV and V periods, water revenue figures will be provided weekly for review by department and division heads. The Water Superintendent will report monthly to the Public

Works Director to ensure adequate revenue is being collected to meet existing and projected budgeted needs. If revenues are projected to be inadequate, recommendations will be presented to the City Manager for corrective actions to be taken. Such actions may include increases or decreases in either or both the service charge and consumption charge, to ensure adequate funds are collected to maintain the financial stability of the water fund.

Appendix A – Urban Water Management Planning Act

Established: AB 797, Klehs, 1983

Amended: AB 2661, Klehs, 1990

AD 11X, Filante, 1991

AS 1869, Speier, 1991

AS 892, Frazee, 1993

SB 1017, McCorquodale, 1994

AD 2853, Cortese, 1994

AS 1845, Cortese, 1995

SB 1011, Polanco, 1995

AD 2552, Bates, 2000

SB 553, Kelley, 2000

SB 610, Costa, 2001

AD 901, Daucher, 2001

SB 672, Machado, 2001

SB 1348, Brulte, 2002

SB 1384 Costa, 2002

SB 1518 Torlakson, 2002

AS 105, Wiggins, 2003

SB 318, Alpert, 2004

CALIFORNIA WATER CODE DIVISION 6 PART 2.6. URBAN WATER MANAGEMENT PLANNING

CHAPTER 1. GENERAL DECLARATION AND POLICY

10610. This part shall be known and may be cited as the “Urban Water Management Planning Act.”

10610.2. (a) The Legislature finds and declares all of the following:

- (1) The waters of the state are a limited and renewable resource subject to ever-increasing demands.
 - (2) The conservation and efficient use of urban water supplies are of statewide concern; however, the planning for that use and the implementation of those plans can best be accomplished at the local level.
 - (3) A long-term, reliable supply of water is essential to protect the productivity of California’s businesses and economic climate.
 - (4) As part of its long-range planning activities, every urban water supplier should make every effort to ensure the appropriate level of reliability in its water service sufficient to meet the needs of its various categories of customers during normal, dry, and multiple dry water years.
 - (5) Public health issues have been raised over a number of contaminants that have been identified in certain local and imported water supplies.
 - (6) Implementing effective water management strategies, including groundwater storage projects and recycled water projects, may require specific water quality and salinity targets for meeting groundwater basins water quality objectives and promoting beneficial use of recycled water.
 - (7) Water quality regulations are becoming an increasingly important factor in water agencies’ selection of raw water sources, treatment alternatives, and modifications to existing treatment facilities.
 - (8) Changes in drinking water quality standards may also impact the usefulness of water supplies and may ultimately impact supply reliability.
 - (9) The quality of source supplies can have a significant impact on water management strategies and supply reliability.
- (b) This part is intended to provide assistance to water agencies in carrying out their long-term resource planning responsibilities to ensure adequate water supplies to meet existing and future demands for water.

10610.4. The Legislature finds and declares that it is the policy of the state as follows:

- (a) The management of urban water demands and efficient use of water shall be actively pursued to protect both the people of the state and their water resources.
- (b) The management of urban water demands and efficient use of urban water supplies shall be a guiding criterion in public decisions.
- (c) Urban water suppliers shall be required to develop water management plans to actively pursue the efficient use of available supplies.

CHAPTER 2. DEFINITIONS

10611. Unless the context otherwise requires, the definitions of this chapter govern the construction of this part.

10611.5. "Demand management" means those water conservation measures, programs, and incentives that prevent the waste of water and promote the reasonable and efficient use and reuse of available supplies.

10612. "Customer" means a purchaser of water from a water supplier who uses the water for municipal purposes, including residential, commercial, governmental, and industrial uses.

10613. "Efficient use" means those management measures that result in the most effective use of water so as to prevent its waste or unreasonable use or unreasonable method of use.

10614. "Person" means any individual, firm, association, organization, partnership, business, trust, corporation, company, public agency, or any agency of such an entity.

10615. "Plan" means an urban water management plan prepared pursuant to this part. A plan shall describe and evaluate sources of supply, reasonable and practical efficient uses, reclamation and demand management activities. The components of the plan may vary according to an individual community or area's characteristics and its capabilities to efficiently use and conserve water. The plan shall address measures for residential, commercial, governmental, and industrial water demand management as set forth in Article 2 (commencing with Section 10630) of Chapter 3. In addition, a strategy and time schedule for implementation shall be included in the plan.

10616. "Public agency" means any board, commission, county, city and county, city, regional agency, district, or other public entity.

10616.5. "Recycled water" means the reclamation and reuse of wastewater for beneficial use.

10617. "Urban water supplier" means a supplier, either publicly or privately owned, providing water for municipal purposes either directly or indirectly to more than 3,000 customers or supplying more than 3,000 acre-feet of water annually. An urban water supplier includes a supplier or contractor for water, regardless of the basis of right, which distributes or sells for ultimate resale to customers. This part applies only to water supplied from public water systems subject to Chapter 4 (commencing with Section 116275) of Part 12 of Division 104 of the Health and Safety Code.

CHAPTER 3. URBAN WATER MANAGEMENT PLANS

Article 1. General Provisions

10620.

(a) Every urban water supplier shall prepare and adopt an urban water management plan in the manner set forth in Article 3 (commencing with Section 10640).

(b) Every person that becomes an urban water supplier shall adopt an urban water management plan within one year after it has become an urban water supplier.

(c) An urban water supplier indirectly providing water shall not include planning elements in its water management plan as provided in Article 2 (commencing with Section 10630) that would be applicable to urban water suppliers or public agencies directly providing water, or to their customers, without the consent of those suppliers or public agencies.

(d)(1) An urban water supplier may satisfy the requirements of this part by participation in area wide, regional, watershed, or basin wide urban water management planning where those plans will reduce preparation costs and contribute to the achievement of conservation and efficient water use.

- (2) Each urban water supplier shall coordinate the preparation of its plan with other appropriate agencies in the area, including other water suppliers that share a common source, water management agencies, and relevant public agencies, to the extent practicable.
- (e) The urban water supplier may prepare the plan with its own staff, by contract, or in cooperation with other governmental agencies.
- (f) An urban water supplier shall describe in the plan water management tools and options used by that entity that will maximize resources and minimize the need to import water from other regions.
- 10621.
- (a) Each urban water supplier shall update its plan at least once every five years on or before December 31, in years ending in five and zero.
- (b) Every urban water supplier required to prepare a plan pursuant to this part shall notify any city or county within which the supplier provides water supplies that the urban water supplier will be reviewing the plan and considering amendments or changes to the plan. The urban water supplier may consult with, and obtain comments from, any city or county that receives notice pursuant to this subdivision.
- (c) The amendments to, or changes in, the plan shall be adopted and filed in the manner set forth in Article 3 (commencing with Section 10640).

Article 2. Contents of Plans

10630. It is the intention of the Legislature, in enacting this part, to permit levels of water management planning commensurate with the numbers of customers served and the volume of water supplied.

10631. A plan shall be adopted in accordance with this chapter and shall do all of the following:

- (a) Describe the service area of the supplier, including current and projected population, climate, and other demographic factors affecting the supplier's water management planning. The projected population estimates shall be based upon data from the state, regional, or local service agency population projections within the service area of the urban water supplier and shall be in five-year increments to 20 years or as far as data is available.
- (b) Identify and quantify, to the extent practicable, the existing and planned sources of water available to the supplier over the same five-year increments described in subdivision (a). If groundwater is identified as an existing or planned source of water available to the supplier, all of the following information shall be included in the plan:
- (1) A copy of any groundwater management plan adopted by the urban water supplier, including plans adopted pursuant to Part 2.75 (commencing with Section 10750), or any other specific authorization for groundwater management
- (2) A description of any groundwater basin or basins from which the urban water supplier pumps groundwater. For those basins for which a court or the board has adjudicated the rights to pump groundwater, a copy of the order or decree adopted by the court or the board and a description of the amount of groundwater the urban water supplier has the legal right to pump under the order or decree. For basins that have not been adjudicated, information as to whether the department has identified the basin or basins as overdrafted or has projected that the basin will become overdrafted if present management conditions continue, in the most current official departmental bulletin that characterizes the condition of the groundwater basin, and a detailed description of the efforts being undertaken by the urban water supplier to eliminate the long-term overdraft condition.
- (3) A detailed description and analysis of the location, amount, and sufficiency of groundwater pumped by the urban water supplier for the past five years. The description and analysis shall be based on information that is reasonably available, including, but not limited to, historic use records.
- (4) A detailed description and analysis of the amount and location of groundwater that is projected to be pumped by the urban water supplier. The description and analysis shall be based on information that is reasonably available, including, but not limited to, historic use records.
- (c) Describe the reliability of the water supply and vulnerability to seasonal or climatic shortage, to the extent practicable, and provide data for each of the following:
- (1) An average water year.
- (2) A single dry water year.
- (3) Multiple dry water years.

For any water source that may not be available at a consistent level of use, given specific legal, environmental, water quality, or climatic factors, describe plans to supplement or replace that source with alternative sources or water demand management measures, to the extent practicable.

(d) Describe the opportunities for exchanges or transfers of water on a short-term or long-term basis.

(e)(1) Quantify, to the extent records are available, past and current water use, over the same five-year increments described in subdivision (a), and projected water use, identifying the uses among water use sectors including, but not necessarily limited to, all of the following uses:

- (A) Single-family residential.
- (B) Multifamily.
- (C) Commercial.
- (D) Industrial.
- (B) Institutional and governmental.
- (F) Landscape.
- (G) Sales to other agencies.
- (H) Saline water intrusion barriers, groundwater recharge, or conjunctive use, or any combination thereof
- (I) Agricultural.

(2) The water use projections shall be in the same five-year increments described in subdivision (a).

(f) Provide a description of the supplier's water demand management measures. This description shall include all of the following:

(1) A description of each water demand management measure that is currently being implemented, or scheduled for implementation, including the steps necessary to implement any proposed measures, including, but not limited to, all of the following:

- (A) Water survey programs for single-family residential and multifamily residential customers.
- (B) Residential plumbing retrofit
- (C) System water audits, leak detection, and repair.
- (D) Metering with commodity rates for all new connections and retrofit of existing connections.
- (E) Large landscape conservation programs and incentives.
- (F) High-efficiency washing machine rebate programs.
- (G) Public information programs.
- (H) School education programs.
- (I) Conservation programs for commercial, industrial, and institutional accounts.
- (J) Wholesale agency programs.
- (K) Conservation pricing.
- (L) Water conservation coordinator.
- (M) Water waste prohibition.
- (N) Residential ultra-low-flush toilet replacement programs.

(2) A schedule of implementation for all water demand management measures proposed or described in the plan.

(3) A description of the methods, if any, that the supplier will use to evaluate the effectiveness of water demand management measures implemented or described under the plan.

(4) An estimate, if available, of existing conservation savings on water use within the suppliers service area, and the effect of the savings on the supplier's ability to further reduce demand.

(g) An evaluation of each water demand management measure listed in paragraph (1) of subdivision (f) that is not currently being implemented or scheduled for implementation. In the course of the evaluation, first consideration shall be given to water demand management measures, or combination of measures, that offer lower incremental costs than expanded or additional water supplies. This evaluation shall do all of the following:

(1) Take into account economic and noneconomic factors, including environmental, social, health, customer impact, and technological factors.

(2) Include a cost-benefit analysis, identifying total benefits and total costs.

- (3) Include a description of funding available to implement any planned water supply project that would provide water at a higher unit cost.
- (4) Include a description of the water supplier's legal authority to implement the measure and efforts to work with other relevant agencies to ensure the implementation of the measure and to share the cost of implementation.
- (h) Include a description of all water supply projects and water supply programs that may be undertaken by the urban water supplier to meet the total projected water use as established pursuant to subdivision (a) of Section 10635. The urban water supplier shall include a detailed description of expected future projects and programs, other than the demand management programs identified pursuant to paragraph (1) of subdivision (f), that the urban water supplier may implement to increase the amount of the water supply available to the urban water supplier in average, single-dry, and multiple-dry water years. The description shall identify specific projects and include a description of the increase in water supply that is expected to be available from each project. The description shall include an estimate with regard to the implementation timeline for each project or program.
- (i) Describe the opportunities for development of desalinated water, including, but not limited to, ocean water, brackish water, and groundwater, as a long-term supply.
- (j) Urban water suppliers that are members of the California Urban Water Conservation Council and submit annual reports to that council in accordance with the "Memorandum of Understanding Regarding Urban Water Conservation in California," dated September 1991, may submit the annual reports identifying water demand management measures currently being implemented, or scheduled for implementation, to satisfy the requirements of subdivisions (f) and (g).
- (k) Urban water suppliers that rely upon a wholesale agency for a source of water, shall provide the wholesale agency with water use projections from that agency for that source of water in five-year increments to 20 years or as far as data is available. The wholesale agency shall provide information to the urban water supplier for inclusion in the urban water suppliers plan that identifies and quantifies, to the extent practicable, the existing and planned sources of water as required by subdivision (b), available from the wholesale agency to the urban water supplier over the same five-year increments, and during various water-year types in accordance with subdivision (c). An urban water supplier may rely upon water supply information provided by the wholesale agency in fulfilling the plan informational requirements of subdivisions (b) and (c).

10631.5. The department shall take into consideration whether the urban water supplier is implementing or scheduled for implementation, the water demand management activities that the urban water supplier identified in its urban water management plan, pursuant to Section 10631, in evaluating applications for grants and loans made available pursuant to Section 79163. The urban water supplier may submit to the department copies of its annual reports and other relevant documents to assist the department in determining whether the urban water supplier is implementing or scheduling the implementation of water demand management activities.

10632. The plan shall provide an urban water shortage contingency analysis that includes each of the following elements that are within the authority of the urban water supplier:

- (a) Stages of action to be undertaken by the urban water supplier in response to water supply shortages, including up to a 50 percent reduction in water supply, and an outline of specific water supply conditions which are applicable to each stage.
- (b) An estimate of the minimum water supply available during each of the next three water years based on the driest three-year historic sequence for the agency's water supply.
- (c) Actions to be undertaken by the urban water supplier to prepare for, and implement during, a catastrophic interruption of water supplies including, but not limited to, a regional power outage, an earthquake, or other disaster.
- (d) Additional, mandatory prohibitions against specific water use practices during water shortages, including, but not limited to, prohibiting the use of potable water for street cleaning.
- (e) Consumption reduction methods in the most restrictive stages. Each urban water supplier may use any type of consumption reduction methods in its water shortage contingency analysis that would reduce

water use, are appropriate for its area, and have the ability to achieve a water use reduction consistent with up to a 50 percent reduction in water supply. -

(l) Penalties or charges for excessive use, where applicable.

(g) An analysis of the impacts of each of the actions and conditions described in subdivisions (a) to (f), inclusive, on the revenues and expenditures of the urban water supplier, and proposed measures to overcome those impacts, such as the development of reserves and rate adjustments.

(h) A draft water shortage contingency resolution or ordinance.

(i) A mechanism for determining actual reductions in water use pursuant to the urban water shortage contingency analysis.

10633. The plan shall provide, to the extent available, information on recycled water and its potential for use as a water source in the service area of the urban water supplier. The preparation of the plan shall be coordinated with local water, wastewater, groundwater, and planning agencies that operate within the supplier's service area, and shall include all of the following:

(a) A description of the wastewater collection and treatment systems in the supplier's service area, including a quantification of the amount of wastewater collected and treated and the methods of wastewater disposal.

(b) A description of the recycled water currently being used in the supplier's service area, including, but not limited to, the type, place, and quantity of use.

(c) A description and quantification of the potential uses of recycled water, including, but not limited to, agricultural irrigation, landscape irrigation, wildlife habitat enhancement, wetlands, industrial reuse, groundwater recharge, and other appropriate uses, and a determination with regard to the technical and economic feasibility of serving those uses.

(d) The projected use of recycled water within the supplier's service area at the end of 5, 10, 15, and 20 years, and a description of the actual use of recycled water in comparison to uses previously projected pursuant to this subdivision.

(e) A description of actions, including financial incentives, which may be taken to encourage the use of recycled water, and the projected results of these actions in terms of acre-feet of recycled water used per year.

(f) A plan for optimizing the use of recycled water in the supplier's service area, including actions to facilitate the installation of dual distribution systems, to promote recirculating uses, to facilitate the increased use of treated wastewater that meets recycled water standards, and to overcome any obstacles to achieving that increased use.

10634. The plan shall include information, to the extent practicable, relating to the quality of existing sources of water available to the supplier over the same five-year increments as described in subdivision (a) of Section 10631, and the manner in which water quality affects water management strategies and supply reliability.

Article 2.5 Water Service Reliability

10635. (a) Every urban water supplier shall include, as part of its urban water management plan, an assessment of the reliability of its water service to its customers during normal, dry, and multiple dry water years. This water supply and demand assessment shall compare the total water supply sources available to the water supplier with the total projected water use over the next 20 years, in five-year increments, for a normal water year, a single dry water year, and multiple dry water years. The water service reliability assessment shall be based upon the information compiled pursuant to Section 10631, including available data from state, regional, or local agency population projections within the service area of the urban water supplier.

(b) The urban water supplier shall provide that portion of its urban water management plan prepared pursuant to this article to any city or county within which it provides water supplies no later than 60 days after the submission of its urban water management plan.

(c) Nothing in this article is intended to create a right or entitlement to water service or any specific level of water service.

(d) Nothing in this article is intended to change existing law concerning an urban water supplier's obligation to provide water service to its existing customers or to any potential future customers.

Article 3. Adoption and Implementation of Plans

10640. Every urban water supplier required to prepare a plan pursuant to this part shall prepare its plan pursuant to Article 2 (commencing with Section 10630). The supplier shall likewise periodically review the plan as required by Section 10621, and any amendments or changes required as a result of that review shall be adopted pursuant to this article.

10641. An urban water supplier required to prepare a plan may consult with, and obtain comments from, any public agency or state agency or any person who has special expertise with respect to water demand management methods and techniques.

10642. Each urban water supplier shall encourage the active involvement of diverse social, cultural, and economic elements of the population within the service area prior to and during the preparation of the plan. Prior to adopting a plan, the urban water supplier shall make the plan available for public inspection and shall hold a public hearing thereon. Prior to the hearing, notice of the time and place of hearing shall be published within the jurisdiction of the publicly owned water supplier pursuant to Section 6066 of the Government Code. The urban water supplier shall provide notice of the time and place of hearing to any city or county within which the supplier provides water supplies. A privately owned water supplier shall provide an equivalent notice within its service area. After the hearing, the plan shall be adopted as prepared or as modified after the hearing.

10643. An urban water supplier shall implement its plan adopted pursuant to this chapter in accordance with the schedule set forth in its plan.

10644. (a) An urban water supplier shall submit to the department, the California State Library, and any city or county within which the supplier provides water supplies a copy of its plan no later than 30 days after adoption. Copies of amendments or changes to the plans shall be submitted to the department, the California State Library, and any city or county within which the supplier provides water supplies within 30 days after adoption.

(b) The department shall prepare and submit to the Legislature, on or before December 31, in the years ending in six and one, a report summarizing the status of the plans adopted pursuant to this part. The report prepared by the department shall identify the outstanding elements of the individual plans. The department shall provide a copy of the report to each urban water supplier that has filed its plan with the department. The department shall also prepare reports and provide data for any legislative hearings designed to consider the effectiveness of plans submitted pursuant to this part.

10645. Not later than 30 days after filing a copy of its plan with the department, the urban water supplier and the department shall make the plan available for public review during normal business hours.

CHAPTER 4. MISCELLANEOUS PROVISIONS

10650. Any actions or proceedings to attack, review, set aside, void, or annul the acts or decisions of an urban water supplier on the grounds of noncompliance with this part shall be commenced as follows:

(a) An action or proceeding alleging failure to adopt a plan shall be commenced within 18 months after that adoption is required by this part.

(b) Any action or proceeding alleging that a plan, or action taken pursuant to the plan, does not comply with this part shall be commenced within 90 days after filing of the plan or amendment thereto pursuant to Section 10644 or the taking of that action.

10651. In any action or proceeding to attack, review, set aside, void, or annul a plan, or an action taken pursuant to the plan by an urban water supplier on the grounds of noncompliance with this part, the inquiry shall extend only to whether there was a prejudicial abuse of discretion. Abuse of discretion is established if the supplier has not proceeded in a manner required by law or if the action by the water supplier is not supported by substantial evidence.

10652. The California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code) does not apply to the preparation and adoption of plans pursuant to this part or to the implementation of actions taken pursuant to Section 10632. Nothing in this part shall be interpreted as exempting from the California Environmental Quality Act any project that would significantly affect water

supplies for fish and wildlife, or any project for implementation of the plan, other than projects implementing Section 10632, or any project for expanded or additional water supplies.

10653. The adoption of a plan shall satisfy any requirements of state law, regulation, or order, including those of the State Water Resources Control Board and the Public Utilities Commission, for the preparation of water management plans or conservation plans; provided, that if the State Water Resources Control Board or the Public Utilities Commission requires additional information concerning water conservation to implement its existing authority, nothing in this part shall be deemed to limit the board or the commission in obtaining that information. The requirements of this part shall be satisfied by any urban water demand management plan prepared to meet federal laws or regulations after the effective date of this part, and which substantially meets the requirements of this part, or by any existing urban water management plan which includes the contents of a plan required under this part.

10654. An urban water supplier may recover in its rates the costs incurred in preparing its plan and implementing the reasonable water conservation measures included in the plan. Any best water management practice that is included in the plan that is identified in the "Memorandum of Understanding Regarding Urban Water Conservation in California" is deemed to be reasonable for the purposes of this section.

10655. If any provision of this part or the application thereof to any person or circumstances is held invalid, that invalidity shall not affect other provisions or applications of this part which can be given effect without the invalid provision or application thereof, and to this end the provisions of this part are severable.

10656. An urban water supplier that does not prepare, adopt, and submit its urban water management plan to the department in accordance with this part, is ineligible to receive funding pursuant to Division 24 (commencing with Section 78500) or Division 26 (commencing with Section 79000), or receive drought assistance from the state until the urban water management plan is submitted pursuant to this article.

10657. (a) The department shall take into consideration whether the urban water supplier has submitted an updated urban water management plan that is consistent with Section 10631, as amended by the act that adds this section, in determining whether the urban water supplier is eligible for funds made available pursuant to any program administered by the department.

(b) This section shall remain in effect only until January 1, 2006, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2006, deletes or extends that date.

Appendix B – Invitation to Participate in the UWM Plan Update



CITY OF VALLEJO

UTILITIES DEPARTMENT
Water Division

202 FLEMING HILL ROAD • VALLEJO • CALIFORNIA • 94589-2887 • (707) 648-4307
website: www.ci.vallejo.ca.us FAX (707) 648-4060

INVITATION TO PARTICIPATE IN THE CITY OF VALLEJO'S 2005 URBAN WATER MANAGEMENT PLAN UPDATE

The City of Vallejo will be updating its Urban Water Management Plan (UWMP) in the coming weeks. The City will also be considering a Draft USBR Water Management Plan, Water Shortage Contingency Plan, and Water Waste Prevention Ordinance.

Urban water suppliers, such as the City of Vallejo, are required by the Urban Water Management Planning Act to update their UWMP and submit a completed plan to the Department of Water Resources every five years. An UWMP is required in order for a water supplier to be eligible for DWR administered State grants and loans and drought assistance.

The plan describes and evaluates the City's water sources, water use patterns, and actions the City will take to assure that water is used efficiently within the service area, including during potential water shortages.

If you have any comments or concerns regarding water management, including water conservation programs and water shortage contingency actions, or wish additional information, please contact:

Pamela Sahin, Water Conservation Coordinator
PHONE: (707) 648-4479
FAX: (707) 648-4060
E-MAIL: waterinfo@ci.vallejo.ca.us
MAIL: 202 Fleming Hill Road, Vallejo, CA 94510

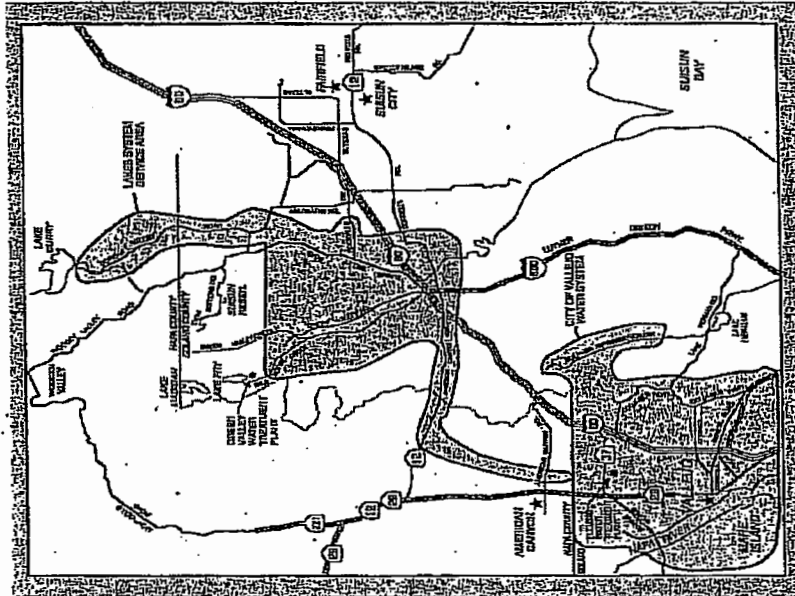
If received by Friday, November 4, 2005, your comments will be considered in the preparation of the draft 2005 Urban Water Management Plan. Please note that the draft plan and related documents will be available for a 30-day public review and comment period beginning mid-November 2005.

10/18/05

Printed on Recycled Paper

Where Does My Water Come From?

City of Vallejo customers are fortunate because we enjoy an abundant water supply from four sources. Water from the Solano Water Project is impounded in Lake Berryessa and transported by way of the Putah South Canal to Cordelia State Water Project water. It is delivered to Lake Oroville and thence through the Sacramento River to the North Bay Aqueduct Pump-It facility at Baiter Slough, where it is pumped to the Department of Water Resources (DWR) Forebay at Cordelia. Vallejo's State License Water also comes from Barker Slough. Lake Carry is a standby source for the City System located in Napa County, it will be utilized as soon as conveyance facilities are in place. Water from any of all of these sources is then pumped from Cordelia to the Fleming Hill Water Treatment Plant located on the hilltop above Six Flags Marine World. Vallejo also has three sources of water for its Lakes System, that serves Gordon Valley, Old Cordelia, Green Valley and parts of American Canyon, and Suisun Valley. Solano Project Water is delivered from Lake Berryessa via the Putah South Canal. Lakes Frey and Madigan are located in northern Solano County. The city owns both lakes and the surrounding land and retains any activity that would result in contamination. Water flows into Lake Frey from Lake Madigan. Water from Lake Frey and the Putah South Canal is pumped from the Division Dam above the plant to the Green Valley Water Treatment Plant located at the end of Green Valley Road. During brief periods of construction or emergency repairs, Lakes System customers may be served by the Waterman Treatment Plant located in the City of Fairfield. For a copy of their water quality report call (707) 428-7594.



Excerpt from the City of Vallejo Annual Water Quality Report (for 2004 results)



CITY OF VALLEJO

UTILITIES DEPARTMENT
Water Division

202 FLEMING HILL ROAD • VALLEJO • CALIFORNIA • 94589-2337 • (707) 648-4307
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October 18, 2005

David Okita, General Manager
Solano County Water Agency
6040 Yaca Station Road
Elmira, CA 95625

Subject: City of Vallejo Urban Water Management Plan Update
Draft Water Shortage Contingency Plan

Dear David,

As you are aware, under California law, updated Urban Water Management Plans are to be adopted by December 31, 2005. Per Water Code Section 10620. (d)(2) "Each urban water supplier shall coordinate the preparation of its plan with other appropriate agencies in the area, including other water suppliers that share a common source, water management agencies, and relevant public agencies, to the extent practicable." We may be contacting your agency in the very near future seeking clarifying information for use in preparing our draft UWMP.

Please let us know of any comments or concerns that you have or issues you want to see addressed in our draft UWMP. If received by Friday, November 4, 2005, your comments will be considered in the preparation of the draft 2005 Urban Water Management Plan.

We will respond to your submittals and send you a review copy of the completed draft UWMP. Please provide staff contact information. Note that the draft plan and related documents will be available for a 30-day public review and comment period beginning mid-November 2005.

Sincerely,

Pamela Sahin
Water Conservation Coordinator
Phone: (707) 648-4479
Fax: (707) 648-4060
E-mail: waterinfo@ci.vallejo.ca.us
Address: 202 Fleming Hill Road, Vallejo, CA 94510

cc: Thomas Pate

Appendix C – Notice of Public Hearing and Summary of Public Comments

CITY OF VALLEJO

NOTICE OF PUBLIC HEARING AND AVAILABILITY OF DRAFT 2005 URBAN WATER MANAGEMENT PLAN AND ASSOCIATED WATER DEMAND MANAGEMENT DOCUMENTS FOR REVIEW

Notice is hereby given that a public hearing will be held Tuesday, February 28, 2006 at 7:00PM, in the City Council Chambers, 555 Santa Clara Street, to consider the adoption of a proposed Urban Water Management Plan (UWMP) dated February 2006. A draft Water Shortage Contingency Plan (Section 7 of the UWMP) and a proposed Wasteful Water Use Prohibition Ordinance will also be under consideration for adoption.

Urban water suppliers, such as the City of Vallejo, are required by the Urban Water Management Planning Act (Water Code section 10610 et seq.) to update their UWMP and submit a completed UWMP to the Department of Water Resources every five years. A UWMP is required in order for a water supplier to be eligible for State administered grants and loans and drought assistance. The UWMP describes and evaluates the City's water sources, water use patterns, and actions the City will take to assure that water is used efficiently within the service area, including during potential water shortages.

A Water Shortage Contingency Plan examines the potential for water shortages and provides an action plan for reducing water demand. Additional Council action would be required to authorize implementation of the Water Shortage Contingency Plan during a water shortage.

The Wasteful Water Use Prohibition Ordinance was prepared to implement a water conservation best management practice. It includes a description of prohibited water uses.

The UWMP and the associated water demand management documents are available for public review at the following locations:

Vallejo City Clerk's Office (3rd Floor)
[For hours call: (707) 648-4527]
Vallejo Public Works Office (4th Floor)
[For hours call: (707) 648-4315]

Vallejo City Hall
555 Santa Clara Street
Vallejo, CA 94590

Vallejo Water Admin Office
[For hours call: (707) 648-4307]

Fleming Hill Water Treatment Plant
202 Fleming Hill Road
Vallejo, CA 94589

John F. Kennedy Library
Adult Reference Desk
[For hours call: 553-5568]
505 Santa Clara Street
Vallejo, CA 94590
Springstowne Library – Ref. Desk
[For hours call: 553-5546]
1003 Oakwood Avenue
Vallejo, CA 94589
Fairfield Civic Center Library
[For hours call: 421-6500]
1150 Kentucky Street
Fairfield, CA 94533
Solano Community College Library
[For hours call: 864-7132]
4000 Sulson Valley Road
Fairfield, CA 94534

Persons wishing to comment can do so either in writing or in person. Comments can also be presented at the public hearing. Please return written comments on the draft Urban Water Management Plan, including the draft Water Shortage Contingency Plan, and the proposed Wasteful Water Use Prohibition Ordinance to Pamela Sahin.

For further information, please contact:
Pamela Sahin, Water Conservation Coordinator
PHONE: (707) 648-4479
FAX: (707) 648-4060
E-MAIL: waterinfo@ci.vallejo.ca.us
MAIL: 202 Fleming Hill Road, Vallejo, CA 94589

7. PUBLIC HEARINGS

- A. CONSIDERATION OF TWO RESOLUTIONS:: 1) HOLDING ON FIRST READING A PROPOSED ORDINANCE ADDING CHAPTER 11.54 TO THE VALLEJO MUNICIPAL CODE CONCERNING THE PROHIBITION OF WASTEFUL WATER USE; AND 2). APPROVING AND ADOPTING THE CITY OF VALLEJO'S 2005 URBAN WATER MANAGEMENT PLAN.

A number of water demand management documents have been prepared to meet the requirements of the California Water Code. A proposed "Wasteful Water Use Prohibition Ordinance" has been prepared to implement a water conservation best management practice. A draft Water Shortage Contingency Plan (WSCP) has been prepared and incorporated into the Draft 2005 Urban Water Management Plan, which examines the potential for water shortages and provides an action plan for reducing water demand. The WSCP would not take effect until the Council took further future action declaring a water shortage. The City is required to prepare and adopt an updated Urban Water Management Plan every five years which describes and evaluates the City's water sources, water use patterns, and actions the City will take to assure that water is used efficiently within its service area. Public notice of this public hearing has been provided, the documents have been available for public review and the Council will accept public comment on the City of Vallejo's Draft 2005 Urban Water Management Plan.

RECOMMENDATION: Adopt the following resolutions:

- 1) Adopt the resolution holding on first reading a proposed ordinance adding Chapter 11.54 to the Vallejo Municipal Code, concerning the prohibition of wasteful water use; and
- 2) Adopt the resolution approving and adopting the City of Vallejo's 2005 Urban Water Management Plan.

- B. CONSIDERATION OF A RESOLUTION APPROVING A FUEL SURCHARGE MECHANISM TO COVER UNANTICIPATED INCREASES IN THE COST OF MARINE DIESEL FUEL REQUIRED FOR FERRY OPERATIONS. (THIS ITEM WILL BE REMOVED FROM THE AGENDA. NO ACTION WILL BE TAKEN)

8. POLICY ITEMS - NONE

9. ADJOURN TO A SPECIAL JOINT MEETING WITH THE VALLEJO REDEVELOPMENT AGENCY

10. ADMINISTRATIVE ITEMS

- A. CONSIDERATION BY THE CITY COUNCIL AND REDEVELOPMENT AGENCY (AGENCY) TO APPROVE 5 RESOLUTIONS (2 FOR THE CITY AND 3 FOR THE AGENCY) THAT WILL AMEND BOTH ENTITIES' BUDGETS, APPROVE A LOAN AGREEMENT BETWEEN THE CITY AND THE AGENCY AND APPROVE A REIMBURSEMENT AGREEMENT BETWEEN THE AGENCY AND TRIAD DOWNTOWN VALLEJO, LLC. THESE RESOLUTIONS WILL ALLOW FOR EXPENDITURES ON PHASE 1 OF THE TRIAD DOWNTOWN PROJECT TO

CONSIDERATION OF TWO RESOLUTIONS:: 1) HOLDING ON FIRST READING A PROPOSED ORDINANCE ADDING CHAPTER 11.54 TO THE VALLEJO MUNICIPAL CODE CONCERNING THE PROHIBITION OF WASTEFUL WATER USE; AND 2) APPROVING AND ADOPTING THE CITY OF VALLEJO'S 2005 URBAN WATER MANAGEMENT PLAN.

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RECOMMENDATION:

Adopt the following resolutions: 1) holding on first reading a proposed ordinance adding Chapter 11.54 to the Vallejo Municipal Code, concerning the prohibition of wasteful water use; and 2) approving and adopting the City of Vallejo's 2005 Urban Water Management Plan.

FEBRUARY 28, 2006

J:\WTWater Demand Management Docs CCR.doc



PUBLIC
HEARING A

Agenda Item No.

COUNCIL COMMUNICATION

Date: February 28, 2006

TO: Honorable Mayor and Members of the City Council

FROM: John P. Thompson, Interim City Manager
Robert V. Stout, Finance Director
Mark K. Akaba, Public Works/Utilities Director

SUBJECT: Proposed "Wasteful Water Use Prohibition Ordinance", Draft Water Shortage Contingency Plan, and Draft 2005 Urban Water Management Plan

RECOMMENDATION

Adopt the following two resolutions: 1) holding on first reading a proposed ordinance adding Chapter 11.54 to the Vallejo Municipal Code, concerning the prohibition of wasteful water use; and 2) approving and adopting the City of Vallejo's 2005 Urban Water Management Plan.

SUMMARY

A number of water demand management documents have been prepared to meet the requirements of the California Water Code. A proposed "Wasteful Water Use Prohibition Ordinance" has been prepared to implement a water conservation best management practice. A draft Water Shortage Contingency Plan (WSCP) has been prepared and incorporated into the draft 2005 Urban Water Management Plan, which examines the potential for water shortages and provides an action plan for reducing water demand. The WSCP would not take effect until the Council took further future action declaring a water shortage. The City is required to prepare and adopt an updated Urban Water Management Plan (UWMP) every five years which describes and evaluates the City's water sources, water use patterns, and actions the City will take to assure that water is used efficiently within its service area. Public notice of this public hearing has been provided, the documents have been available for public review and the Council will accept public comment on the City of Vallejo's Draft 2005 Urban Water Management Plan.

BACKGROUND AND DISCUSSION

Wasteful Water Use Prohibition Ordinance

The preparation, consideration, and adoption of such an ordinance is a water conservation best management practice measure included in the City's 1999 Water Management Plan.



The draft ordinance included in the 1999 plan, which was never adopted, has been reviewed and revised.

Although the City of Vallejo has acquired the right to the use of its water supply, and in the case of the Vallejo Lakes actually owns the watershed, under state law (Water Code §102) "all water within the State is the property of the people of the State" for the public welfare. "The right to water shall be limited to such water as shall be reasonably required for the beneficial use to be served, and such right does not and shall not extend to the waste or unreasonable use or unreasonable method of use of ... water." (Water Code §100). The proposed ordinance lists practices that are generally recognized to be wasteful water uses, and should therefore be prohibited.

Water Shortage Contingency Plan

The 1999 Water Management Plan (WMP) includes a rough draft of a water shortage contingency plan (WSCP). While sufficient to meet short term requirements at the time of the approval of the WMP by the U.S. Bureau of Reclamation, the WSCP needed to be reviewed and rewritten to fulfill additional state-required elements. A draft WSCP was prepared by Brown and Caldwell and versions of that draft have circulated and have been referenced in other documents. The WSCP now under consideration would replace any previous drafts. The proposed WSCP is both a stand-alone plan and a distinct section of the draft 2005 Urban Water Management Plan (Section 7).

It is important to note that adoption of the WSCP does not make the plan immediately effective. For the plan to be "activated," the Public Works/Utilities Director would need to conclude that the City's available water supplies were sufficiently reduced to warrant bringing the matter to the attention of the City Council and request the adoption of a resolution to declare a specific stage of water shortage emergency thereby implementing the water shortage response measures included in the plan and as detailed in the draft Water Shortage Contingency Plan Ordinance included as Appendix G of the Draft 2005 UWMP. This Ordinance will be brought back to Council for adoption in the future after the Council's approval and adoption of the UWMP, as it is prudent that the City have an adopted Water Shortage Contingency Plan Ordinance available for implementation if needed to deal with potential drought or emergency conditions.

Urban Water Management Plan

The Urban Water Management Plan is a state-mandated planning tool for the City of Vallejo Water Division. The plan is used to assess the impact of future development on the water resources of the City; helps identify potential problems with water supply; and identifies cost-effective water demand management measures (DMMs) (i.e., BMPs or best management practices) that the City will perform to help ensure efficient use of its water



supply. The City is required to pursue prudent, cost-effective measures to increase water use efficiency thereby maximizing the water available for competing public interests.

The UWMP includes description of the 14 demand management measures (BMPs) listed in Water Code section 10631 and whether or not the measure is currently being implemented or scheduled for implementation, including the steps necessary to implement any proposed measures. For many of the measures, a benefit-to-cost ratio of less than 1.0 indicates that full implementation of the measure, as envisioned by the California Urban Water Conservation Council, is not warranted. However, in these cases, staff proposes a program of public outreach and education.

Public Review and Participation Process

A Notice of Public Hearing was published in the Vallejo Times Herald and the Fairfield Daily Republic in accordance with applicable law. A notice was sent to parties on the City's notification list obtained from the Vallejo Planning Division, to regulatory agencies, and to local water agencies inviting them to participate in the plan preparation. No responses were received except from two agencies which asked for copies of the draft UWMP. All the proposed documents were made available for public review at the following locations and on the City website: John F. Kennedy Library, City Hall – Clerk's Office and Public Works; Water Administration Office, the Solano Community College Library and the Fairfield Civic Center Library. Copies of the draft UWMP were sent to other relevant agencies for comment.

ENVIRONMENTAL REVIEW

Water Code section 10652 and section 15282(w) of Title 14 of the California Code of Regulations provide a statutory exemption from the California Environmental Quality Act for the preparation and adoption of an Urban Water Management Plan or for the implementation of actions taken pursuant to Water Code section 10632, which includes the adoption of the Wasteful Water Use Prohibition Use Ordinance.

FISCAL IMPACT

Section 7.7 of the UWMP describes the revenue and expenditure impacts that varying water shortage stages may have on the City and the measures the City may put in place to overcome these impacts. Recommendations are made for future Council adoption that may temporarily apply "surcharges" and penalties to water rates and service charges in order to maintain minimal required revenue levels.

The cost of implementation of the proposed UWMP in this fiscal year is included in the FY2005/2006 operating budget in Fund 401 in personnel costs (0.5 FTE) and conservation



supplies (401-2701-431.14-32) and services (401-2701-431.15-56).

The Draft UWMP includes proposed future annual budgets sufficient to cover increases in water conservation staffing from 0.5 to 0.8 FTE and expanded demand management measures from approximately \$75,000 to \$120,000. These costs have been considered in the recent water rate study used to set current and future water rates and service charges.

These proposed program expenditures are subject to City Council review and approval of each annual Water Enterprise Fund budget.

DOCUMENTS ATTACHED

- a. A resolution holding on first reading an Ordinance adding Chapter 11.54 to the Vallejo Municipal Code concerning the prohibition of wasteful water use.
- b. The proposed ordinance adding Chapter 11.54 to the Vallejo Municipal Code concerning the prohibition of wasteful water use.
- c. A resolution to approve and adopt the Draft 2005 Urban Water Management Plan dated February 2006.
- d. The Draft 2005 Urban Water Management Plan, dated February 2006, including the Draft Water Shortage Contingency Plan as Section 7.

PREPARED BY: Pamela Sahin, Admin Analyst II, Water Conservation Coordinator
(707) 648-4479

CONTACT: Pamela Sahin, Admin Analyst II, Water Conservation Coordinator
(707) 648-4479, sahin@ci.vallejo.ca.us

Erik Nugteren, Deputy Water Superintendent – Engineering
(707) 648-4482, enucter@ci.vallejo.ca.us

OFFICE OF THE CITY MANAGER
CITY OF VALLEJO

February 28, 2006

TO: Honorable Mayor and City Council

FROM: John P. Thompson, Interim City Manager

SUBJECT: Public Hearing Item 7A – CONSIDERATION OF TWO RESOLUTIONS: 1) HOLDING ON FIRST READING A PROPOSED ORDINANCE ADDING CHAPTER 11.54 TO THE VALLEJO MUNICIPAL CODE CONCERNING THE PROHIBITION OF WASTEFUL WATER USE; AND 2) APPROVING AND ADOPTING THE CITY OF VALLEJO’S 2005 URBAN WATER MANAGEMENT PLAN.

Corrections are required to Section 5 of the draft City of Vallejo 2005 Urban Water Management Plan per communications received from Vallejo Sanitation and Flood Control District. These corrections do not affect the analysis of the City’s water supply and demand. Those corrections, along with others identified by staff, are included on the attached page.

A revised resolution, reflecting the incorporation of these corrections into the 2005 Urban Water Management Plan, has been prepared for your consideration. Please remove the existing resolution, attachment “c” from Public Hearing Item 7A in your council agenda packet, and replace it with the attached revised resolution.

Corrections Needed to the circulated Draft City of Vallejo UWMP, as of Feb. 27, 2006

In addition, to the corrections noted below, staff requests the opportunity to correct any further small errors, such as minor spacing, formatting, and grammatical errors contained in the draft document before the plan, if adopted, is finalized and distributed.

Pg. 5, MTB listing: remove “[confirm]”.

Pg. 19, Table 3-2: replace “c” superscript with “b”.

Pg. 27, 2nd ¶: Paragraph split after 2nd sentence.

Pg. 29, 1st ¶, 4th line: replace “Table 4-2” with “Table 4-4”.

Pg. 36, 3rd ¶, 11th line: add “water” after “Lake Berryessa”.

Pg. 37, last ¶, 4th line: replace “flow of 12.1 mgd” with “flow of 10.3 mgd”.

Pg. 38, Table 5-1: Under “Flow” column, replace “Up to 30 mgd” with “Up to 35 mgd” and “Greater than 30 mgd” with “Greater than 35 mgd.”

Pg. 39, 1st ¶, 4th line: replace “City’s population” with “City’s service area population”; 5th line and 7th line: replace “Table 5-1” with “Table 5-3”.

Pg. 39, 1st ¶, 5th line: remove “The source of the estimates is the Vallejo Sanitation and Flood Control District’s Reclaimed Water Study (August 2003).”

Pg. 39, 1st ¶, last 2 sentences: replace “Per District staff, future increases in wastewater flow due to population increases will be offset by further reductions in inflow and infiltration. For that reason, wastewater flow is expected to remain level” with “Since 2000, the District has pursued an aggressive program of replacing leaky sewers. Accordingly, flows from 2000 to 2005 have decreased although population has increased. For the planning horizon shown in Table 5-3, District staff anticipates flows to increase proportionately to population figures.” [Note: Correction provided by VSFCDD]

Pg. 39, Table 5-3, footnotes: replace “Current treatment plant capacity is 30.0 mgd (11,200 ac-ft/yr)” with “The treatment plant is currently permitted to treat 15.5 mgd.”, and replace the name “Rolf Uhlmutz” with “Rudolf Ohlemutz” [Note: Correction provided by VSFCDD]; add footnote that estimates are extrapolated.

Pg. 39, Table 5-3, replace “10.4mgd” from 2010 – 2025, with “11.2, 11.5, 12.1, and 12.5” mgds and wastewater flow ac-ft/yr of “3,882” from 2010 – 2025, with “4,181; 4,293; 4,517; and 4,666” ac-ft/yr. [Correction provided by VSFCDD, as extrapolated by City Staff]

Pg. 62, Under “Activities in FY2004/2005...”: Move first bullet “Provided water conserving tips applicable to CII customers on the City’s website and links to useful site” to Page 63 under “FY2005/2006.”

Pg. 79, Section 7.5, 1st line: replace “Table 7-7” with “Table 7-5”; 5th line: replace “four” with “five” stages; 9th line: replace “Stage III” with “Stage II”

Pg. 84, last line: replace “Water Utilities Office” with “Water Billing Office” and remove shading.

Pg. 151: add “Vallejo Sanitation and Flood Control District Reclaimed Water Study Plan (July, 2001)

Pg. 151: Solano County Water Agency Urban Water Management Plan, adopted “October 13, 2005”.

**City of Vallejo
2005 Urban Water Management
Plan (UWMP)**

Presented By:
Erik Nugteren - Deputy Water Superintendent
Pamela Sahin – Water Conservation Coordinator

FOR FURTHER INFORMATION CONTACT:
Water Conservation Coordinator, 618-4479, waterinfo@ci.vallejo.ca.us

2005 Urban Water Management Plan Mandate

- Urban Water Management Planning Act adopted by California Legislature 1983
- Required for suppliers providing greater than 3000 acre feet annually
- Requires updates to be adopted a minimum of every five years In years ending in 0 or 5
- Brings together important information on supply, demand, conservation, and emergency preparedness for public review

Public Comment & Review for 2005 UWMP

- Invitations sent to Planning Departments "Vallejo Neighborhood Associations and other groups list", invited to participate or comment during creation of the draft document
- Public notified of draft report availability for comment by multiple newspaper advertisements
- Today's public hearing to address comments
- Regional participation and coordination with neighboring Cities, Agencies, Districts

Historical City of Vallejo Water Usage/Demand

1985 - 17 MGD	19,300 Ac-Ft
1989 - 20 MGD	22,600 Ac-Ft
1994 - 16 MGD	18,000 Ac-Ft
2004 - 18 MGD	20,500 Ac-Ft

- Approximately 7,000 Ac-Ft additional demand for the Lakes, Benicia, American Canyon, Travis AFB
- Influences to past water demand; Mare Island, Weather, Economy
- Historical demand used to calculate per capita and unit use factors for future demand analysis
- Requirement for 20 year future water demand calculations by planning act

Estimated Future City Water Usage/Demand

2005 - 30,110 Ac-Ft
2010 - 31,340 Ac-Ft
2015 - 33,220 Ac-Ft
2020 - 35,140 Ac-Ft
2025 - 39,610 Ac-Ft

- Ultimate demand of 39,610 Ac-Ft includes the following usages:
 - Full City of Vallejo General Plan build-out
 - Lakes System
 - Travis AFB
 - City of Benicia
 - City of American Canyon
 - Environmental
- Assumes no drop in demand due to conservation even during prolonged drought

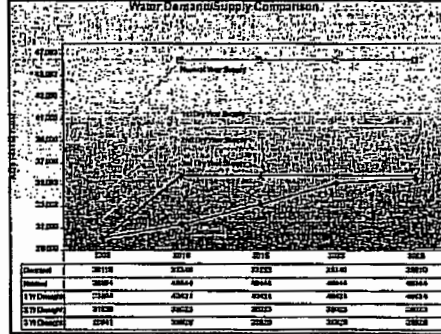
City of Vallejo Water Entitlements

- Multiple Sources of Supply

- State Water Project (NSA)	5,600
- Vallejo Permit Water	22,600
- Solano Project: (Lake Berryessa)	14,600
- Vallejo Lakes (Madigan & Frey)	400
- Lake Curry	3,750
Total Acre Feet	47,150
- These are entitlements, not firm availability
- Availability influenced by environmental, mechanical, and drought conditions

City of Vallejo Water Supplies (cont)

- Act requires projections for Normal, Single Dry & Multiple Dry year estimates of water supply availability
- City of Vallejo Calculations are as follows:
 - Normal Year = 46,444 Ac-Ft
 - Single Dry Year = 40,424 Ac-Ft
 - Multiple Dry Years = 35,829 Ac-Ft



Reclaimed or Recycled Water

- Coordinated with VSFCO
- Repeated studies have shown distribution is cost prohibitive
- No planned contribution to water supply within span of the UWMP

Water Conservation Program Highlights

- Public Information & Outreach with expanded use of City website
- Water Wise Activity Kits & Student Home Water Use Surveys
- Distribution of Retrofit Kit & Other Small Water Saving Devices
- Real-Time Weather-Based Landscape Irrigation Controllers
- High-Efficiency Washing Machine Rebates
- Regional Commercial, Industrial, & Institutional Program
- Proposed Wasteful Water Use Prohibition Ordinance

Water Shortage Contingency Plan (WSCP)

- Required by statute to plan for up to a 50% catastrophic water supply interruption
- Intended to allow quick implementation to cope with emergencies
- 5 stage plan proposal

Contingency Plan - WSCP (Cont)

- Stages ratchet up both voluntary & mandatory measures to bring about required cutbacks
- Potential rate & service charge penalties and surcharges
- Must be revenue neutral
- Only upon declaration of council is plan implemented

Public Comments Received

1. Vallejo Sanitation and Flood Control District staff requested corrections to Section 5 of the Draft 2005 Urban Water Management Plan, as included in the February 28, 2006 memo above.
2. A faxed communication was received from M R Wolfe & Associates, P.C. on February 28, 2006, the day of the public hearing. It deals with statements and assumptions in the UWMP that differ from an earlier water supply assessment prepared for the Vallejo Station/Waterfront Project. [Note: No revision or correction to the UWMP was needed in response to this communication, a copy of which follows.]

February 28, 2006
Page 2

These inconsistencies reinforce the Coalition's previously stated concerns regarding the adequacy of the WSA and Final EIR for the Vallejo Station/Waterfront Project. The City Council should accordingly reconsider its approvals of these

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CITY OF VALLEJO

m|r|wolfe
a associates, p.c.
attorneys-at-law

February 28, 2006

By Fax

Mayor Anthony Intinioli
Members of the City Council
c/o City Clerk
City of Vallejo
555 Santa Clara Street
Vallejo, CA 94590
Fax: (707) 648-4535

Re: Proposed Resolution Adopting City of Vallejo 2005 Urban Water Management Plan

(February 28, 2006 City Council Meeting Agenda Item No. 7.A.)

Dear Mr. Mayor and Members of the City Council:

On behalf of the Vallejo Waterfront Coalition, please accept these comments on the draft 2005 Urban Water Management Plan ("UWMP"). The Coalition does not object to the City's adoption of the UWMP *per se*. However, there are statements and assumptions in the UWMP that appear to contradict statements and assumptions in the City's "Revised Final Water Supply Assessment" ("WSA") approved by the Council on December 20, 2005, and in the Final EIR for the Vallejo Station/Waterfront Project certified on October 25, 2005. Examples include the following:

- The UWMP indicates that available water supplies in normal years, single dry years and double dry years are significantly less than those reported in the WSA.
- The UWMP includes estimates of annual water demand that are significantly greater than those reported in the WSA.
- The UWMP assumes reductions in demand due to drought response measures that are significantly greater than those assumed in the WSA, but significantly less than those claimed in the FEIR for the Vallejo Station/Waterfront Project - although none of these documents provides evidence to support claims that their respective reduction assumptions are reasonable and can be achieved.

cc: Mayor & Council

48 Geary Street | Suite 200 | San Francisco, CA 94102 | Tel 415.528.9100 | Fax 415.392.9405 | www.mrwolfeassociates.com -18-

Feb. 28 2006 11:29AM P2

FRM NO. : 4153559405

FROM : M. R. WOLFE ASSOCIATES

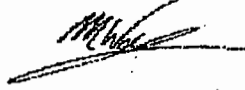
February 28, 2006
Page 2

These inconsistencies reinforce the Coalition's previously stated concerns regarding the adequacy of the WSA and Final EIR for the Vallejo Station/Waterfront Project. The City Council should accordingly reconsider its approvals of these documents.

Thank you for considering these comments. Please call with any questions.

Yours sincerely,

M. R. WOLFE & ASSOCIATES, P.C.



Mark R. Wolfe
On behalf of the Vallejo Waterfront Coalition

MRWres

Feb. 28 2006 11:47AM P2

PRX NO.: 4153599405

FROM: M. R. WOLFE ASSOCIATES

Appendix D – Resolution of the Vallejo City Council Adopting the UWMP

RESOLUTION NO. 06-62 N.C.

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

WHEREAS, the Urban Water Management Planning Act requires all urban water suppliers providing water for municipal purposes to more than 3,000 customers or supplying more than 3,000 acre-feet annually to update their Urban Water Management Plan (UWMP) at least every five years and to submit the UWMP to the Department of Water Resources; and

WHEREAS, an UWMP is required in order for a water supplier to be eligible for State administered grants, loans, and drought assistance; and

WHEREAS, the City is an urban supplier providing water to approximately 37,800 customer connections; and

WHEREAS, the City has updated its UWMP in compliance with the California Water Code; and

WHEREAS, the City is required to adopt a Water Shortage Contingency Plan as part of an Urban Water Management Plan; and

WHEREAS, the adoption of an UWMP is statutorily exempt from the requirements of the California Environmental Quality Act pursuant to Water Code section 10652 and section 15282(w) of Title 14 of the California Code of Regulations; and

WHEREAS, the UWMP was available for public review and comment; and

WHEREAS, a properly noticed public hearing was held on February 28, 2006, to receive oral or written statements regarding the UWMP; and

WHEREAS, the City Council finds that the adoption and implementation of the Urban Water Management Plan, including the Water Shortage Contingency Plan will meet the existing and projected future water demand through 2025 during normal years and during the third year of multiple dry years either through existing water supplies or through the implementation of the Water Shortage Contingency Plan.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Vallejo hereby approves and adopts the City of Vallejo's 2005 Urban Water Management Plan, dated February 2006, with revisions as outlined in the City Manager's memo dated February 28, 2006.

BE IT FURTHER RESOLVED that the City Manager or his designee is directed to submit the revised Plan to the California Department of Water Resources, the California State Library and to any city or county in which the City of Vallejo provides water within 30 days of the date of adoption.

Appendix E – Calculations of Unit Water Use

City of Vallejo Urban Water Management Plan – Calculations for Demand Projections within Vallejo Water Systems						
By Lisa Maddaus and Wynn Yin, Brown and Caldwell						
Last Modified: June 10, 2005						
Unit Water Use Factors						
Single Family (gpd/unit)						387
Multi-family (gpd/unit)						345
Employees (gpd/employee)						102
TYPE OF UNITS AND BUILDING PROJECTION						
City of Vallejo Water System						
	2000	2005	2010	2015	2020	2025
Single Family, units						
City of Vallejo Buildout Estimates ^a	30445H	31,540EE	32,634EE	33,729EE	34823BE	34823BE
ABAG						
EIR						
Multi-family, units						
City of Vallejo Buildout Estimates ^a	12629H	13,770EE	14,911EE	16,053EE	17194BE	17194BE
ABAG						
EIR						
Total Residential, units						
City of Vallejo Buildout Estimates ^a	43074H	45,310EE	47,545EE	49,781EE	52017BE	52017BE
ABAG ^b	35,844	40,784	42,588	44,614	46,511	48,100
EIR ^c	40,608	42,814	45,020	47,045	49,070	49,070+
CII, I, G, R^d, employees						
City of Vallejo Buildout Estimates ^a	35,550IE	41,357EE	47,164EE	52,972EE	58,779BE	58,779BE
ABAG ^b	25,113	28,660	31,685	34,391	37,203	39,849
EIR ^c	32,210	35,695	39,180	42,370	45,560	45,560+
Vallejo Lakes System						
	2000	2005	2010	2015	2020	2025
Single Family, units						
Vallejo Utilities Division, Water Dept. ^e	778	803	828	853	878	900
Notes:						
^a Miering Contracting and Consulting, 2003. Figures based on historical data, and the City of Vallejo Buildout Estimates for base year (1999) and 2020 (buildout); intermediate figures were linearly extrapolated. Figures for 2025 are assumed to be the same as for 2020. H = historical; IE = Initial City of Vallejo Buildout Estimates; EE = extrapolated City of Vallejo Buildout Estimates; BE = buildout City of Vallejo Buildout Estimates.						
^b ABAG data by census tract, sent to Brown and Caldwell on 9/17/02. City of Vallejo service area only.						
^c EIP Associates, Vallejo Waterfront/Downtown Project, Draft EIR, 12/02. Only figures for even years listed were available; other figures were linearly extrapolated when necessary.						
^d CII, I, G, R = Commercial, industrial, institutional, landscaping, governmental, and recreational use.						
^e Vallejo Lakes System service area assumes 778 residential connections per Vallejo Water Utility Financing Plan and Rate Study, at a growth rate of 5 connections/year up to a capacity of 900 connections, per the City of Vallejo, Utilities Division, Water Department. All residential units are conservatively assumed to be single-family.						

DEMAND ESTIMATES

City of Vallejo Water System	2000	2005	2010	2015	2020	2025
Single Family Units, mgd						
City of Vallejo Bullout Estimates	8.6	9.0	9.4	9.9	10.3	10.3
ABAG						
EIR						
Multi-Family Units, mgd						
City of Vallejo Bullout Estimates	2.3	2.7	3.1	3.5	3.9	3.9
ABAG						
EIR						
Total Residential, mgd						
City of Vallejo Bullout Estimates	10.9	11.7	12.5	13.3	14.1	14.1
ABAG						
EIR						
Total Commercial, mgd						
City of Vallejo Bullout Estimates	3.6	4.2	4.8	5.4	6.0	6.0
ABAG	2.6	2.9	3.2	3.5	3.8	4.1
EIR	3.3	3.7	4.0	4.3	4.7	4.7+
Total Other Demand, mgd (water losses, etc.)						
Non-billed metered use ^a	2.2	2.0	1.8	1.7	1.7	1.7
Unaccounted for water ^b	1.9	1.7	1.6	0.1	1.4	1.4
Golf course Irrigation ^c	0.7	0.7	0.7	0.7	0.7	0.7
Vallejo Lakes System						
Single Family Units, mgd						
Vallejo Utilities Division, Water Dept.	0.3	0.3	0.3	0.3	0.3	0.3

Notes:

^aE-mail from E. Nutgeren, City of Vallejo, received 1/3/05. Non-billed metered use, which accounts for approx. 13% of total metered use in the base year (2000), is expected to decrease linearly to due to changes in non-billing practices which will create incentive for best management water use practices.

^bE-mail from E. Nutgeren, City of Vallejo, received 1/3/05. Unaccounted-for water, which includes meter losses and inaccuracies, pipeline leaks, etc., is assumed to be 11% of total metered use for calibration purposes for the base year. This value is expected to drop due to enforcement of illegal connection removal, enhanced flushing and maintenance practices, and greater meter accuracy due to large meter replacement projects which will accurately gauge true cost of service and create incentives for best management practices and reductions in use.

^cE-mail from E. Nutgeren, City of Vallejo, received 4/14/05. Irrigation of Hiddenbrooke Golf Course and Blue Rock Springs East and West Golf Courses comprise of 270 million gallons per year, or 0.7 mgd.

Total Demand Projection for Vallejo Water System (based on City of Vallejo Buildout Estimates sent 12/20/04); mgd, unless otherwise specified						
	2000	2005	2010	2015	2020	2025
Single Family	8.6	9.0	9.4	9.9	10.3	10.3
Multi-family	2.3	2.7	3.1	3.5	3.9	3.9
Commerical	3.6	4.2	4.8	5.4	6.0	6.0
Other	4.9	4.4	4.1	2.6	3.8	3.8
Total, mgd	19.4	20.4	21.5	21.3	24.0	24.0
Total, AF/yr	21,920	23,030	24,290	24,120	27,140	27,140
Total Demand Projection for Vallejo Lakes System						
	2000	2005	2010	2015	2020	2025
Single Family, mgd	0.3	0.3	0.3	0.3	0.3	0.3
Single Family, AF/yr	320	330	340	350	360	370
Demand Projections for Other Wholesale Customers, ac-ft/yr, unless otherwise specified						
	2000	2005	2010	2015	2020	2025
Travis AFB deliveries ¹	3,200	3,400	3,860	4,330	4,790	5,250
City of Benecia	1,100	1,100	1,100	1,100	1,100	1,100
City of American Canyon	750	750	750	750	750	750
Total, AF/yr	5,050	5,250	5,710	6,180	6,640	7,100
Notes:						
¹ Travis AFB demand in 2005 of 3,400 ac-ft/yr is based on the maximum demand out of three recent years' of historical water production data. Demands in subsequent years are assumed to increase in equal steps to the maximum potential demand of 5,250 ac-ft/yr by 2025.						
Total Supply						
	2000	2005	2010	2015	2020	2025
State Water Project	5,600	5,600	5,600	5,600	5,600	5,600
Vallejo Permit Water	17,200	17,200	22,800	22,800	22,800	22,800
Solano Project Water	14,600	14,600	14,600	14,600	14,600	14,600
Lakes Frey, Madigan	400	400	400	400	400	400
Lake Curry	-	-	3,750	3,750	3,750	3,750
Total Supply Excluding Lake Curry, AF/yr	37,800	37,800	43,400	43,400	43,400	43,400
Total Supply Including Lake Curry, AF/yr	37,800	37,800	47,150	47,150	47,150	47,150
Total Demand						
	2000	2005	2010	2015	2020	2025
Total Demand, All Sources	27,290	28,610	30,340	30,650	34,140	34,610
Supply vs. Demand Comparison						
	2000	2005	2010	2015	2020	2025
Surplus, AF/yr	10,510	9,190	16,810	16,500	13,010	12,540

Appendix F – City of Vallejo’s 2004 Water Quality Report

Copies of the “City of Vallejo Annual Water Quality Report” based on water testing performed in 2004 can be obtained in person at the following locations or can be mailed upon request.

City of Vallejo Water Billing Office
1st Floor, City Hall, 555 Santa Clara Street, Vallejo
(707) 648-4345

City of Vallejo Water Administration Office
202 Fleming Hill Road, Vallejo
(707) 648-4479

The City’s Laboratory Chemist is also available to answer questions regarding the results of water quality testing and can be reached at (707) 649-3472.

Substances That Might Be In Drinking Water

The sources of drinking water (both tap water and bottled water) include rivers, lakes, streams, ponds, reservoirs, springs, and wells. As water travels over the surface of the land or through the ground, it dissolves naturally occurring minerals and, in some cases, radioactive material, and can pick up substances resulting from the presence of animals or from human activity.

In order to ensure that tap water is safe to drink, the U.S. EPA and the California Department of Health Services (CDHS) prescribe regulations that limit the amount of certain substances in water provided by public water systems. CDHS regulations also establish limits for contaminants in bottled water, which must provide the same protection for public health. Drinking water, including bottled water, may reasonably be expected to contain at least small amounts of some substances. The presence of contaminants does not necessarily indicate that water poses a health risk.

Substances that may be present in source water include:

Microbial Contaminants, such as viruses and bacteria, which may come from sewage treatment plants, septic systems, agricultural livestock operations, and wildlife;

Inorganic Contaminants, such as salts and metals, which can be naturally occurring or result from urban stormwater runoff, industrial or domestic wastewater discharges, oil and gas production, mining, or farming;

Pesticides and Herbicides, which may come from a variety of sources such as agriculture, urban stormwater runoff, and residential uses;

Organic Chemical Contaminants, including synthetic and volatile organic chemicals, which are by-products of industrial processes and petroleum production, and which can also come from gas stations, urban stormwater runoff, and septic systems;

Radioactive Contaminants, which can be naturally occurring or may be the result of oil and gas production and mining activities.

More information about contaminants and potential health effects can be obtained by calling the U.S. EPA's Safe Drinking Water Hotline at (800) 426-4791.

How Is My Water Treated and Purified?

At the Fleming Hill Treatment Plant, the treatment process consists of a series of steps.

First, raw water is drawn from the Cordelia Reservoir or the Summit Reservoir and sent to a pre-oxidation contactor, where ozone is applied to aid the downstream processes. The water then goes to mixing basins where coagulants are added. The addition of these substances causes small particles to adhere to one another (called floc) making them heavy enough to settle into a basin from which sediment is removed. Following sedimentation, ozone is again applied to act as a disinfectant and an oxidizing agent to remove color, taste and odor. At this point, the water is filtered through layers of granular activated carbon and sand. As smaller, suspended particles are removed, turbidity disappears and clear water emerges. Chlorine is added as a precaution against any bacteria that may still be present. Finally, caustic soda (used to adjust the final pH and alkalinity), and fluoride (used to prevent tooth decay) are added before the water is pumped to sanitized reservoirs and into your home or business.

Community Participation

You are invited to participate in our public forum and voice your concerns about your drinking water. The Solano County Water Agencies meet the second Thursday of each month at 7:00 p.m. at the Solano Irrigation District Headquarters, 508 Elmira Road, in Vacaville. Please feel free to participate in these meetings.



Para informarse con respecto a las reuniones públicas de agua potable, comuníquese con nosotros que lo invitamos a ellas.

Ang aral na inay uganangay ug nichubaling inapangayon. Ang kasaplayon uban nito sa ulobang Pilipino ay nangangayon sa meeting. Wala nito sa unang-uhapangayon. Saing unay inayong nangangayon sa kinamamayan na may kandinayan uban sa aral na tinangangayon nangangayon sa inayong at juu mullit sa telepono (707) 648-3309.

CA1083

Proudly Presented By



City of Vallejo Annual Water Quality Report

Water testing performed in 2004



Sampling Results

During the past year we have taken thousands of water samples in order to determine the presence of any radioactive, biological, inorganic, volatile organic or synthetic organic contaminants. The table below shows only those contaminants that were detected in the water. Although the majority of the substances listed here are under the Maximum Contaminant Level (MCL), we feel it is important that you know exactly what was detected and how much of the substance was present in the water. The state requires us to monitor for certain substances less than once per year because the concentrations of these substances do not change frequently. In these cases, the most recent sample data are included, along with the year in which the sample was taken.

PRIMARY DRINKING WATER STANDARD (Regulated in order to protect against possible adverse health effects)														
Contaminant	Year	Sample 1	Sample 2	Sample 3	Sample 4	Sample 5	Sample 6	Sample 7	Sample 8	Sample 9	Sample 10	Sample 11	Sample 12	Notes
Aluminum (ppm)	2004	1	0.6	ND	ND	0.150	0.138-0.139	NA	NA	NA	NA	NA	NA	Emblem of natural deposits resulting from some surface water treatment processes
Chlorine (ppm)	2004	[LO (as Cl ₂)	[H (as Cl ₂)	0.67	ND-1.58	0.39	ND-1.37	NA	NA	NA	NA	NA	NA	Drinking water disinfectant added for treatment
Control of DBP precursors (TOC) (ppm)	2004	TT-1	NA	2.4	1.8-2.1	1.1	0.5-1.1	NA	NA	NA	NA	NA	NA	Various natural and manmade sources
Fluoride (ppm)	2001	2	1	1.43	0.03-1.43	0.12	0.05-0.12	0.16	0.08-0.16	0.17	0.03-0.19	0.07	0.03-0.07	Water additive which promotes strong teeth
Gross Alpha Radioactivity (pCi/L)	2002	15	NA	NA	NA	NA	NA	3.1	ND-3.1	4.11	ND-4.11	2.38	ND-2.38	Emblem of natural deposits
HAAs (Halocetic Acids) (ppb)	2001	60	NA	17	6-25	52	ND-78	NA	NA	NA	NA	NA	NA	By-product of drinking water disinfection
Nitrate (as nitrate, NO ₃) (ppm)	2004	45	45	2.75	ND-2.75	ND	ND	NA	NA	NA	NA	NA	NA	Runoff and leaching from fertilizer use; leaching from septic tanks; seepage from natural deposits
THMs (Total Trihalomethanes) (ppb)	2004	50	NA	55	18-60	113	70-160	NA	NA	NA	NA	NA	NA	By-product of drinking water disinfection
Turbidity (NTU) ^a	2004	TT	NA	0.22	0.01-0.22	0.14	0.01-0.14	NA	NA	NA	NA	NA	NA	Soil runoff
Uranium (pCi/L)	2002	20	0.43	NA	NA	NA	NA	14.1	ND-14.1	NA	NA	1.83	ND-1.83	Emblem of natural deposits

Copper (ppb) 2003 1,300 170 61 0.59 100 0.11 Internal corrosion of household plumbing systems; emission of natural deposits leaching from wood preservatives

SECONDARY DRINKING WATER STANDARD (Regulated in order to protect the odor, taste and appearance of drinking water)														
Contaminant	Year	Sample 1	Sample 2	Sample 3	Sample 4	Sample 5	Sample 6	Sample 7	Sample 8	Sample 9	Sample 10	Sample 11	Sample 12	Notes
Aluminum (ppm)	2004	200	NA	ND	ND	0.120	0.130-0.130	NA	NA	NA	NA	NA	NA	Emblem of natural deposits; related from some surface water treatment processes
Chloride (ppm)	2004	500	NA	48	8.4-10	33.0	15.3-33	NA	Runoff/leaching from natural deposits; sewerage infiltration	NA	NA	NA	NA	Runoff/leaching from natural deposits; sewerage infiltration
Odor - Threshold (Unit)	2004	3	NA	2.0	1.0-2.0	2.0	1.0-2.0	NA	Naturally occurring organic materials	NA	NA	NA	NA	Naturally occurring organic materials
Specific Conductance (microsiemens)	2004	1,600	NA	437	289-427	478	150-478	NA	Substances that form ions when in water; sewerage infiltration	NA	NA	NA	NA	Substances that form ions when in water; sewerage infiltration
Sulfate (ppm)	2004	500	NA	47.9	26.1-47.9	25.8	5.8-25.8	NA	Runoff/leaching from natural deposits; industrial wastes	NA	NA	NA	NA	Runoff/leaching from natural deposits; industrial wastes
Total Dissolved Solids (TDS) (ppm)	2004	1,000	NA	367	131-367	299	94-399	NA	Runoff/leaching from natural deposits	NA	NA	NA	NA	Runoff/leaching from natural deposits

Footnotes:
 *To be in compliance, 80 percent of measurements must be within the range of 0.5-1.4 ppm.
 *Violation occurred in the Lake System only - refer to the About our Violation section in this report.
 *Sampled in 2003
 *Turbidity is a measure of the cloudiness of the water. It is measured because it is a good indicator of the effectiveness of the filtration system. During the reporting year, 100% of all samples taken in the system met the quality standards.
 *Samples for Lake System Treated Water taken in 2002.
 *For gallons per gallon divide by 0.71.

UNREGULATED SUBSTANCES				
Contaminant	Year	Sample 1	Sample 2	Sample 3
Calcium (ppb)	2004	25.0	12.0-4.1	19
Hardness (ppb) ^a	2004	129	58-180	115
Magnesium (ppb)	2004	16.2	6.8-24.1	16
pH (ppb)	2004	7.7	6.5-8.5	7.8
Sodium (ppb)	2004	25	25-25	16

Table Definitions

- AL (Action Level): The concentration of a contaminant which, if exceeded, triggers treatment or other requirements which a water system must follow.
- MCL (Maximum Contaminant Level): The highest level of a contaminant that is allowed in drinking water. Primary MCLs are set in those cases where the PHGs (or MCLGs) are infeasible. Secondary MCLs (SMCL) are set to protect the odor, taste and appearance of drinking water.
- MCLG (Maximum Contaminant Level Goal): The level of a contaminant in drinking water below which there is no known or expected risk to health. MCLGs are set by the U.S. EPA.
- MRDL (Maximum Residual Disinfectant Level): The level of a disinfectant added for water treatment that may be exceeded at the consumer's tap.
- MRDLG (Maximum Residual Disinfectant Level Goal): The level of a disinfectant added for water treatment below which there is no known or expected risk to health. MRDLGs are set by the U.S. EPA.
- NA: Not applicable
- ND: Not detected
- NTU (Nephelometric Turbidity Unit): A measure of the clarity, or turbidity, of water.
- pCi/L (picocuries per liter): A measure of radioactivity.
- PDWS (Primary Drinking Water Standards) MCL: MCLs for contaminants that affect health along with their monitoring and reporting requirements, and water treatment requirements.
- PHG (Public Health Goal): The level of a contaminant in drinking water below which there is no known or expected risk to health. PHGs are set by the California EPA.
- ppb (parts per billion): One part substance per billion parts water (or micrograms per liter).
- ppm (parts per million): One part substance per million parts water (or milligrams per liter).
- TT (Treatment Technique): A required process intended to reduce the level of a contaminant in drinking water.
- µmhos/cm (microsiemens per centimeter): A measure of electrical conductance.

About our Violation

In 2004, the U.S. EPA required systems serving fewer than 10,000 people to monitor for total organic carbon (TOC), trihalomethanes (THM), and haloacetic acids (HAAs). After collecting four quarters of data, the Lake System was found to be in violation of this new regulation. The City of Vallejo anticipates having a new technology operating by December 2005 to correct this violation. Customers affected by this violation have been notified previously.

Total organic carbon (TOC) has no health effects. However, total organic carbon provides a medium for the formation of disinfection byproducts. These byproducts include trihalomethanes (THMs) and haloacetic acids (HAAs). Drinking water containing these byproducts in excess of the MCL may lead to adverse health effects, liver or kidney problems, or nervous system effects, and may lead to an increased risk of cancer.



Continuing Our Commitment



Once again we proudly present our annual water quality report. This edition covers all testing completed from January through December 2004. As

in the past, we are committed to delivering the best quality drinking water. To that end, we remain vigilant in meeting the challenges of source water protection, water conservation, and community education while continuing to serve the needs of all of our water users.

For more information about this report, or for any questions relating to your drinking water, please call Nancy Dodsworth, Laboratory Chemist, at (707) 649-3472.

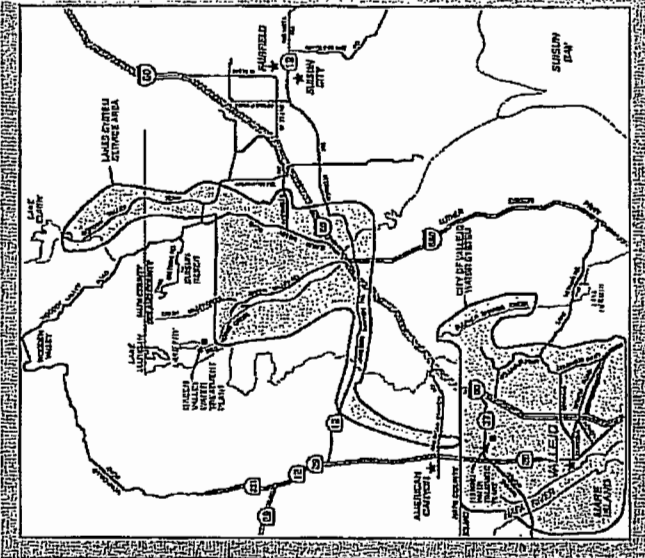
Important Health Information

Some people may be more vulnerable to contaminants in drinking water than the general population. Immunocompromised persons such as persons with cancer, undergoing chemotherapy, persons who have undergone organ transplants, people with HIV/AIDS or other immune system disorders, some elderly, and infants can be particularly at risk from infections. These people should seek advice about drinking water from their health care providers. The U.S. EPA/CDC (Centers for Disease Control) guidelines on appropriate means to lessen the risk of infection by *Cryptosporidium* and other microbial contaminants are available from the Safe Drinking Water Hotline at (800) 426-4791.



Where Does My Water Come From?

City of Vallejo customers are fortunate because we enjoy an abundant water supply from four sources. Water from the Solano Water Project is impounded in Lake Berryessa and transported by way of the Putah South Canal to Cordelia State Water Project water is delivered to Lake Orville and runs through the Sacramento River to the North Bay Aqueduct Pumping Facility at Barker Slough where it is pumped to the Department of Water Resources (DWR) Forebay at Cordelia. Vallejo's State License Water also comes from Barker Slough. Lake Curry is a standby source for the City System located in Napa County. It will be utilized as soon as conveyance facilities are in place. Water from any or all of these sources is then pumped from Cordelia to the Fleming Hill Water Treatment Plant located on the hilltop above Six Flags Marine World. Vallejo also has three sources of water for its Lakes System that serves Gairdian Valley, Old Cordelia Green Valley and parts of American Canyon and Suisun Valley. Solano Project Water is delivered from Lake Berryessa via the Putah South Canal. Lakes Frey and Midgion are located in northern Solano County and the city owns both lakes and the surrounding land and restricts any activity that would result in contamination. Water flows into Lake Frey from Lake Madgion. Water from Lake Frey and the Putah South Canal is pumped from the Diversion Dam above the plant to the Green Valley Water Treatment Plant located at the end of Green Valley Road. During brief periods of construction or emergency repairs, Lakes System customers may be served by the Watermain Treatment Plant located in the City of Fairfield. For a copy of their water quality report call (707) 428-7594.



Source Water Assessments and Vulnerability Summaries

Source Water Assessments evaluate the quality of the water used as drinking water supplies for local communities. The assessment examines activities associated with the specific watershed and surrounding areas to determine their contribution to contamination. These potential contributors are then compiled into a Vulnerability Summary. Vulnerability Summaries were completed for the Putah South Canal and Lake Frey in 2001 and for the Sacramento Delta in 2002. The results of the Source Water Assessments and information about how to obtain copies of them are summarized in the adjacent table.

Source	Vulnerability Assessment	Vulnerability Summary	Contact
Lake Frey	Wild animal contact	Oil refineries	Public
Lake Madgion	Wild animal contact	Oil refineries	Public
Putah South Canal	Agricultural chemicals	Wildfires	Vallejo (707) 648-4307
Putah South Canal	Chemicals	Storm drain	Alta (707) 455-1106
Putah South Canal	Chemicals	Storm drain	Alta (707) 455-1106
Putah South Canal	Chemicals	Storm drain	Alta (707) 455-1106
Putah South Canal	Chemicals	Storm drain	Alta (707) 455-1106
Putah South Canal	Chemicals	Storm drain	Alta (707) 455-1106
Putah South Canal	Chemicals	Storm drain	Alta (707) 455-1106
Putah South Canal	Chemicals	Storm drain	Alta (707) 455-1106

*Associated with detected contaminants

Appendix G – Draft City of Vallejo Water Shortage Contingency Plan Ordinance

DRAFT ORDINANCE

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

AN ORDINANCE AMENDING TITLE 11, WATER, OF THE VALLEJO MUNICIPAL CODE BY ADDING CHAPTER 11.XX CONCERNING A WATER SHORTAGE CONTINGENCY PLAN.

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

SECTION 1. Section 11.xx.010 is hereby added, and shall read as follows:

“11.xx.010 Scope.

There is established a city water shortage contingency plan.”

SECTION 2. Section 11.xx.020 is hereby added, and shall read as follows:

“11.xx.020 Declaration of policy.

It is declared that, because of the conditions prevailing in the city, the general welfare requires that the water resources available to the City be put to the maximum beneficial use to the extent to which they are capable, and that the waste or unreasonable use, or unreasonable method of use of water be prevented, and the conservation of such water is to be extended with a view to the reasonable and beneficial use thereof in the interests of the people of the city and for the public welfare.”

SECTION 3. Section 11.xx.030 is hereby added, and shall read as follows:

“11.xx.030 Definitions.

- A. The “city” means the city of Vallejo acting by and through the city of Vallejo public works department as operator of the city of Vallejo and Lakes water system.
- B. “Director” means the director of the public works department of the city.
- C. “Person” means any person, firm, partnership, association, corporation, company, organization, or, governmental entity.
- D. “Customer” means any person, whether within or without the geographic boundaries of the city of Vallejo, who uses water supplied by the city.
- E. “GPD” means gallons per day.
- F. “HCF” means one hundred cubic feet.”

SECTION 4. Section 11.xx.040 is hereby added, and shall read as follows:

“11.xx.040 Authorization.

The city manager or his designate, upon the recommendation of the director is authorized and directed to implement the applicable provisions of this chapter upon their determination that such implementation is necessary to protect the public welfare and safety.”

SECTION 5. Section 11.xx.050 is hereby added, and shall read as follows:

“11.xx.050 Application.

The provisions of this chapter shall apply to all persons, customers and property served by the city.”

SECTION 6. Section 11.xx.060 is hereby added, and shall read as follows:

“11.xx.060 Water Shortage Stages.

No customer of the city shall knowingly make, cause, use, or permit the use of water from the city for residential, commercial, industrial, irrigation, agricultural, institutional, governmental, or any other purpose in a manner contrary to any provision of this chapter, or in amount in excess of that use permitted by the water shortage stage in effect pursuant to action taken by the city manager, or his designate in accordance with the provisions of this chapter.

A. Stage I. Normal Supply - Voluntary Conservation.

1. Customers of the city are requested to voluntarily limit the amount of water used to that amount necessary for health, business, and irrigation.
2. In addition to the above voluntary water use reductions, the following restrictions shall apply to all persons;
 - a. All prohibitions within the adopted Wasteful Water Use Prohibition Ordinance. [Ord. No. ___ N.C. (2d)]

B. Stage II. Mandatory Compliance – Water Warning.

1. No residential customer shall make, cause, use, or commence the use of water received from the city for any purpose in an amount in excess of 300gpd (two thousand four hundred cubic feet per sixty-day billing cycle) per residence. Water used in excess of this amount shall be subject to a drought penalty as set forth in Section 11.xx.090. The customer of record may request an increase in the basic allotment as set forth in Section 11.xx.110.
2. No industrial or commercial customer shall make, cause, use, or permit the use of water received for any purpose in an amount in excess of ninety five percent of the amount used during the base period defined as the amount of water used on a customer’s premises during the corresponding monthly billing period in the base year of 2004. In addition to the above allotment, for meters that strictly serve landscaping, the allotment shall be seventy-five percent of the amount used during

the base period defined above. New services or services without 2004 history shall be allotted on comparable customer usage. Water used in excess of this amount shall be subject to a drought penalty as set forth in Section 11.xx.090. The customer of record may request an increase in the basic allotment as set forth in Section 11.xx.110.

3. In addition to the above mandatory water use reductions of subdivisions 1 and 2 of this subsection B and in compliance with Section 11.xx.070, the following restrictions shall apply to all persons.
 - a. the use of water from hydrants shall be limited to fire fighting and other activities necessary to maintain the health, safety, and welfare of the citizens of Vallejo.
 - b. All "waste of water" elements as defined in Stage I shall remain in effect in Stage II.

C. Stage III. Mandatory Compliance - Water Shortage

1. No residential customer shall make, cause, use, or commence the use of water received from the city for any purpose in an amount in excess of 270 gpd (two thousand one hundred and sixty cubic feet per sixty day billing cycle) per residence. Water used in excess of this amount shall be subject to a drought penalty as set forth in Section 11.xx.090. The customer of record may request an increase in the basic allotment as set forth in Section 11.xx.110.
2. No industrial or commercial customer shall make, cause, use, or permit the use of water received for any purpose in an amount in excess of eighty five percent of the amount used during the base period defined as the amount of water used on a customer's premises during the corresponding monthly billing period in the base year of 2004. In addition to the above allotment, for meters that strictly serve landscaping, the allotment shall be seventy-five percent of the amount used during the base period defined above. New services or services without 2004 history shall be allotted on comparable customer usage. Water used in excess of this amount shall be subject to a drought penalty as set forth in Section 11.xx.090. The customer of record may request an increase in the basic allotment as set forth in Section 11.xx.110.
3. In addition to the mandatory water use reductions of subdivisions 1 and 2 of this subsection C, and in compliance with Section 11.xx.070, all elements of Stage II shall remain in effect in Stage III.

D. Stage IV. Mandatory Compliance – Water Crisis

1. No residential customer shall make, cause, or commence the use of water received from the city for any purpose in an amount in excess of 240gpd (one thousand nine hundred and twenty cubic feet per sixty-day billing cycle) per residence. Water used in excess of this amount shall be subject to a drought penalty as set forth in

Section 11.xx.090. The customer of record may request an increase in the basic allotment as set forth in Section 11.xx.110.

2. No industrial or commercial customer shall make, cause, use, or permit the use of water received for any purpose in an amount in excess of eighty five percent of the amount used during the base period defined as the amount of water used on a customer's premises during the corresponding monthly billing period in the base year of 2004. In addition to the above allotment, for meters that strictly serve landscaping, the allotment shall be seventy five percent of the amount used during the base period defined above. New services or services without 2004 history shall be allotted on comparable customer usage. Water used in excess of this amount shall be subject to a drought penalty as set forth in Section 11.xx.090. The customer of record may request an increase in the basic allotment as set forth in Section 11.xx.110.
3. In addition to the mandatory water use reductions of subdivisions 1 and 2 of this subsection D, and in compliance with Section 11.xx.070, all elements of Stage III shall remain in effect in Stage IV.

E. Stage V. Mandatory Compliance – Water Emergency

1. No residential customer shall make, cause, use, or commence the use of water received from the city for any purpose in an amount in excess of 195gpd (one thousand five hundred and sixty cubic feet per sixty-day billing cycle) per residence. Water used in excess of this amount shall be subject to a drought penalty as set forth in Section 11.xx.090. The customer of record may request an increase in the basic allotment as set forth in Section 11.xx.110.
2. No industrial or commercial customer shall make, cause, use, or permit the use of water received for any purpose in an amount in excess of seventy percent of the amount used during the base period defined as the amount of water used on a customer's premises during the corresponding monthly billing period in the base year of 2004. In addition to the above allotment, for meters that strictly serve landscaping, the allotment shall be fifty percent of the amount used during the base period defined above. New services or services without 2004 history shall be allotted on comparable customer usage. Water used in excess of this amount shall be subject to a drought penalty as set forth in Section 11.xx.090. The customer of record may request an increase in the basic allotment as set forth in Section 11.xx.110.
3. In addition to the mandatory water use reductions of subdivisions 1 and 2 of this subsection E, and in compliance with Section 11.xx.070, all elements of Stage IV shall remain in effect in Stage V except that:
 - a. Section 11.xx.110.A.4 does not apply in this stage. The customer of record may still apply for exceptions as outlined in Section 11.xx.110, but the reason for applying for an exception cannot be based on economic hardship.”

SECTION 7. Section 11.xx.070 is hereby added, and shall read as follows:

“11.xx.070 Mandatory water shortage stage implementation.

- A. The department of public works shall monitor the projected supply and demand for water by its customers and shall recommend to the city manager the extent of the conservation required in order for the department to prudently plan for and supply water to its customers. Thereafter, the city manager may order that the appropriate water shortage stage be implemented in accordance with the applicable provisions of this section. Said order shall be made by public announcement and shall be published a minimum of one time in a daily newspaper of general circulation and shall continue to be published on a weekly basis until such time as all restrictions are removed. Said order shall become effective immediately upon the first publication.
- B. Water shortage stages. The various water shortage stages shall be implemented by the city manager as directed by resolutions of the city council.”

SECTION 8. Section 11.xx.080 is hereby added, and shall read as follows:

“11.xx.080 Duration of water shortage stages.

Stage I shall be effective upon the effective date of the ordinance codified in this chapter and the restrictive provisions of Stage I as set forth above shall apply to all water consumption on and after said date. Stage I will be rescinded at such time that conditions as set forth in Section 11.xx.070 indicate a more restrictive stage is necessary.”

SECTION 9. Section 11.xx.090 is hereby added, and shall read as follows:

“11.xx.090 Water shortage excess use penalty.

- A. Customers will receive prior individual notification of the standard allotment basis, applicable rates, and the opportunity to request exceptions to the standard allotment basis.
- B. Water use beyond the maximum allowed for each water shortage stage shall be subject to a drought penalty pursuant to the schedule set forth below. The customer of record may request an increase in this basic allotment as set forth in Section 11.xx.110. Application forms and instructions will be provided to customers and will also be available at the city water billing office.
- C. In addition to the normal water service rates, each customer shall pay, during each billing period a drought penalty for water delivered in excess of the water allotment. The drought penalty is as follows:
 - 1. For water delivered up to ten percent in excess of allotment there shall be a drought penalty equal to 2.0 times the applicable volume charge, in addition to the applicable service charge and volume charge;

2. For water delivered from 10.01 percent to twenty percent in excess of allotment there shall be a drought penalty of 3.0 times the applicable volume charge levied on this excess only, in addition to the drought penalty on the first ten percent and the applicable service charge and volume charge;
 3. For water delivered over 20.01 percent in excess of allotment, there shall be a drought penalty of 4.0 times the applicable volume charge levied only on this excess over twenty percent, in addition to all drought penalties described above for the first twenty percent and the applicable service charge and volume charge.
- D. In addition to the drought penalty, if drought usage exceeds the allowed allotment, a warning will be issued and enforcement actions may be taken as described in Section 11.xx.120.”

SECTION 10. Section 11.xx.100 is hereby added, and shall read as follows:

“11.xx.100 Water shortage service charge surcharge.

- A. A water shortage service charge surcharge may be imposed by resolution of the city council upon the recommendation of the finance director, to compensate for a loss of water revenue or to pay an additional cost for the purchase of water by the city.
- B. The water shortage service charge surcharge shall be in effect until rescinded after the finance director states that the water emergency costs have been fully recovered.”

SECTION 11. Section 11.xx.110 is hereby added, and shall read as follows:

“11.xx.110 Exceptions and application for exception.

- A. Any customer of record may apply to the director to increase the amount of water which may be used without exceeding the basic allotment based on any one or more of the following reasons:
 1. Medical requirements;
 2. More than four residents in a single family residential household. The additional amount allotted shall be fifty gpd per person;
 3. Incorrect customer classification based on predominant use;
 4. When failure to do so would cause severe economic hardship to the applicant, including, but not limited to, threat of imminent insolvency;
 5. When failure to do so would cause an emergency condition affecting the health, sanitation, fire protection, or safety of the applicant or the public.
- B. Written applications for such exceptions may be granted by the director based upon clear and convincing evidence that any one or more of the foregoing conditions has been satisfied and it is in the public interest to grant such application.

- C. The quantity of water allowed in addition to the basic allotment shall be determined by the director, said shall not exceed that quantity necessary to alleviate the condition which justified granting of the application for an exception. “

SECTION 12. Section 11.xx.120 is hereby added, and shall read as follows:

“11.xx.120 Violation Enforcement.

The violation of each provision of this chapter, and each separate violation thereof, shall be deemed a separate offense, and shall be enforced accordingly.

- A. Except for the imposition of the drought penalty, as a condition of enforcement of any violation of this chapter, any customer that violates any provision of this chapter shall be given a written warning or notice to refrain from further violations.
- B. Written warning or notice shall be given to the violator either by mailing said warning or notice to the address given to the city by the customer of record, by personal service on the violator, or by leaving said warning or notice in a conspicuous place on the served property wherein the violation occurred.
- C. If after issuance of the written warning or warnings, the director determines that the customer has continued or is continuing to violate the provisions of this chapter, the director may authorize and implement installation of a flow restricting device on the service line or reduce the amount of water available to the customer. Any costs incurred by the city to authorize, implement, and remove the installation of a flow restricting device on the service line or reduce the amount of water available to the customer shall be borne by the customer. The flow restricting device shall be removed and the prior water supply amount resumed no sooner than sixty days after the date of the installation of the flow restricting device, or a reduction in water available, provided that no further violations have occurred within that time.
- D. If after implementation of a flow restricting device or reduction of water available to a customer, the customer continues to violate the provisions of the chapter, the director may authorize disconnection of water service to the customer for a period of three days. All costs or expenses incurred by the city for enforcement of this section shall be borne by the customer.”

SECTION 13. Section 11.xx.130 is hereby added, and shall read as follows:

“11.xx.130 Violation - Penalties.

In addition to all other remedies provided herein, any person who violates any provision of this chapter after having received a written notice to refrain as provided in Section 11.xx.120, is guilty of an infraction. The violation of each provision of this chapter and each separate violation thereof shall be deemed a separate offense and shall be punished accordingly. Each offense shall be punishable by (1) a fine not exceeding one hundred dollars for the first violation; (2) a fine not exceeding two hundred dollars for a second violation of this chapter within one year; and (3) a fine not exceeding five hundred dollars for each additional violation of this chapter within one year.”

SECTION 14. Section 11.xx.140 is hereby added , and shall read as follows:

“11.xx.140 Violation - Additional remedy.

As an additional remedy, the violation of any provision of this chapter by any person who has received more than one written warning pursuant to Section 11.xx.120 to refrain from the same or any other violation under this chapter in one calendar year shall be deemed and is declared to be a public nuisance and may be subject to abatement by a restraining order, or injunction issued by a court of competent jurisdiction.”

SECTION 15. This ordinance shall take effect and be in full force and effect from and after _____ days after its final passage.

Appendix H - Solano Project Members' Agreement as to Drought Measures

SOLANO PROJECT MEMBERS' AGREEMENT AS TO DROUGHT MEASURES AND WATER ALLOCATION

THIS AGREEMENT, dated as of March 1, 1999, by and among the Solano Irrigation District, a California Irrigation District (hereinafter referred to as "SID"), Maine Prairie Water District, (hereinafter referred to as "MPWD"), the City of Fairfield, a California municipal corporation (hereinafter referred to as "Fairfield"), the City of Vacaville, a California municipal corporation (hereinafter referred to as "Vacaville"), the City of Suisun City (hereinafter referred to as "Suisun"), and the City of Vallejo, a California municipal corporation (hereinafter referred to as "Vallejo"), individually referred to or collectively referred to in this Agreement as "Party" or "Parties," respectively, is made and entered into and the Parties do, for full and adequate consideration, receipt of which is hereby acknowledged, agree as follows:

Section 1.0: Background Facts

1.1 The Parties are all, through contracts with the Solano County Water Agency ("SCWA"), Participating Agencies of the Solano Project, entitled to annual deliveries of water from the Solano Project in the following amounts:

<u>Name of Party</u>	<u>Annual Entitlement (Acre-Foot ("AF")/Water Year)</u>
Solano Irrigation District	141,000
Fairfield	9,200
Vacaville	5,600
Suisun City	1,600
Maine Prairie	15,000
Vallejo	14,750
Total:	187,150

The present contract between the United States and SCWA for Solano Project water supply ("Solano Project Master Contract") expires in 1999, and negotiations between the United States and SCWA for Solano Project Master Contract renewal and extension are underway, and the Member Unit Parties' contracts with SCWA for the annual entitlements will be extended or renewed.

(Final 1/25/99)

1.2 The Parties wish to provide for this Agreement as to the measures to be used in regard to the accounting of water not used from a Party's annual entitlement from the Solano Project in a year after renewal, and also to provide for contractually agreed-to and enforceable curtailments in the amounts of water taken under the respective Parties' annual entitlements during certain drought conditions. This Agreement provides for the accounting of and preservation of the rights of the Parties to those waters which are voluntarily or mandatorily curtailed.

1.3 The Parties wish to further provide in this Agreement for special measures which SID will implement should the drought conditions deepen and become more severe, resulting in reduction of storage in Lake Berryessa to certain levels despite all reasonable efforts of the Parties.

1.4 The Parties agree that each of the Background Facts in Section 1.0 *et seq.* is true and correct, and a portion of the consideration for this Agreement.

Section 2.0: Definitions.

2.1 The phrase "Storage in Lake Berryessa" shall mean the amount of water stored on the date specified in this Agreement within Lake Berryessa (i) excluding any amounts of water in dead storage which may not be physically released or diverted from Lake Berryessa for any reason, (ii) excluding any amounts of water held on that date in Voluntary Carryover Accounts by the Parties to this Agreement, but (iii) including any amounts of water held in Restricted Carryover Accounts by the Parties on that date. The Storage in Lake Berryessa shall be calculated utilizing the most current elevation capacity curve for Lake Berryessa approved by the United States.

2.2 The phrase "annual entitlements" shall mean the amount of water a Party is entitled to delivery each water year in the amounts set forth in Paragraph 1.1 above, where each "water year" begins on March 1, and ends on the last day of the following February, as set forth in the present contracts.

Section 3.0: Renewal Contracts of Parties

3.1. The Parties agree that the Parties shall each be entitled to renewal of their

Contract with SCWA for the purchase of water from the Solano Project annually on the basis of the annual amounts set forth in Paragraph 1.1 above.

3.2 It shall be a precondition to the enforceability of this Agreement that each of the Parties shall have received and accepted a renewal contract for Solano Project Water in the above amounts from SCWA ("Renewal Participating Agency Contract") and that the terms of those agreements have been accepted by each Party and approved by the United States Department of Interior, Bureau of Reclamation, if such approval is required by the Solano Project Master Contract, and the Renewal Participating Agency Contracts have each been validated in accordance with the provisions of California Code of Civil Procedure section 860, *et seq.* It shall be a further precondition of the enforceability of this Agreement that no material change has been made in the terms and provisions of each Renewal Participating Agency Contract including, without excluding other material changes, that:

3.2.1 The term of all of the Renewal Participating Agency Contracts shall be equivalent to the term of the renewed Solano Project Master Contract; and

3.2.2 The proportions of payment amounts per AF of water available under the Renewal Participating Agency Contracts shall be the same as the existing Contracts of \$15.00 per AF for municipal and industrial ("M&I") water use and \$2.65 per AF for irrigation use or a ratio of 5.66 to 1, depending on the respective purpose of use; and

3.2.3 There shall be included within all Renewal Participating Agency Contracts provisions permitting each Party to voluntarily retain carryover storage in Lake Berryessa for any unutilized portion of that Party's annual water entitlement under its Renewal Participating Agency Contract under the following conditions:

(a) The amount so voluntarily unutilized on the last day of February shall be added on that date to a carryover account ("Voluntary Carryover Account") for the Party that did not order delivery of the amount of water, but the Party shall pay SCWA for the undelivered water as if the water was delivered to the Party in that year in accordance with the Renewal Participating Agency Contract terms. No additional payment will be required for subsequent use of that water if there is no change in type of use.

(b) Any water in a Party's Voluntary Carryover Account may be utilized by that Party, in addition to all portions of their annual entitlement, in any water year subsequent to the water year in which it is added to the Party's Voluntary Carryover Account, or may be assigned, with approval by SCWA, to another Party to this Agreement, for use by the other Party in the year of non-diversion before its addition to a Party's Voluntary Carryover Account or for use in a subsequent water year from that assignee's Voluntary Carryover Account.

(c) Any water in a Party's Voluntary Carryover Account at the time that Lake Berryessa spills, or at a time in which emergency releases are made from Lake Berryessa for any other reason which releases are not delivered by the Solano Project to SCWA, may be lost as follows: The spill or emergency release shall be charged proportionately to each Party having a Voluntary Carryover Account and subtracted from the Parties' Voluntary Carryover Accounts then having a balance in their accounts to the extent of the spill or emergency release.

Example: Party A has 20,000 AF in its Voluntary Carryover Account, Party Y has 10,000 AF in its Voluntary Carryover Account, and Party X has 2,000 AF in its Voluntary Carryover Account, as these accounts exist at the time the spill condition commences, and these are the only carryover amounts presently in Lake Berryessa. A spill condition occurs in which water is not diverted into the Putah South Canal for beneficial use, or is not credited to a release requirement of the Solano Project in Putah Creek, including carriage losses upstream of Putah Diversion Dam. Each net acre foot spilling shall be charged proportionately to each Party's Voluntary Carryover Account. In the example, the percentages are: Party A, 62.5%; Party Y, 31.25%; Party X, 6.25%. If the net spill was of 16,000 AF, the Voluntary Carryover Accounts of all Parties would be reduced by 50%. If the net spill exceeded 32,000 AF, each Party's Voluntary Carryover Account would have a zero balance.

(d) No monies shall be reimbursable from SCWA to the Parties for the amounts paid for the Voluntary Carryover Account water to SCWA which is spilled.

(e) No evaporation, measurement or carriage loss will be charged upon any Party's Voluntary Carryover Account balance. No Party shall be charged a storage charge upon its Voluntary Carryover Account balances.

Section 4.0: Preparation of Drought Contingency Plans:

4.1 When Storage in Lake Berryessa falls below 800,000 AF as measured on December 1, the Parties will participate with SCWA staff in preparation of a Drought Contingency Plan which shall include reasonable water conservation measures, investigation of potential emergency supplies which could be imported without construction of new conveyance facilities, and other reasonable measures which could reduce the depletion of Storage in Lake Berryessa. Implementation of any of these measures by the Parties and SCWA will only be with the consent of the individual Parties electing to participate, and SCWA will not suspend or supersede provisions of the Participating Agency Renewal Contracts with SCWA. The Drought Contingency Plan shall also address terms and conditions for water sales pursuant to Paragraph 5.6(b). If Storage in Lake Berryessa exceeds 1.1 million AF on the following April 1, development of the Drought Contingency Plan shall be suspended.

Section 5.0 Mandatory Additions to Storage and Carryover Accounts by Parties ("Restricted Carryover Account"):

5.1 When Storage in Lake Berryessa is between 550,000 AF and 800,000 AF as measured on April 1 of any water year, then each of the Parties agrees to forego taking delivery of at least 5% of the Party's annual entitlement. If the Storage in Lake Berryessa is between 450,000 AF and 550,000 AF as measured on April 1, the Parties agree that they will forego taking delivery of at least 10% of their annual entitlements. On the first day of the next water year, a 5% (if Storage in Lake Berryessa had been between 550,000 AF and 800,000 AF the previous April 1) or 10% (if Storage in Lake Berryessa had been between 450,000 AF and 550,000 AF the previous April 1) portion of each Party's annual entitlement shall be credited to what will be called the Party's "Restricted Carryover Account."

5.2 Restricted Carryover shall be classified as either irrigation or M&I. For a Party that delivers only one class of water, 100% of its Restricted Carryover shall be designated of that class. For a Party that delivers both irrigation water and M&I water, the Restricted Carryover shall be segregated into irrigation ("irrigation Restricted Carryover") and M&I ("M&I Restricted Carryover") classes based on the amounts of each class of water acquired by that Party from SCWA during the water year in which the Restricted Carryover was generated.

Example: The Storage in Lake Berryessa is between 550,000 AF and 750,000 AF on April 1. Party A delivers both M&I and irrigation water, and in the current water year acquires 20% M&I and 80% irrigation from SCWA. The 5% of annual entitlement foregone amount deposited in Party A's Restricted Carryover Account the following water year would be classified as 1% M&I Restricted Carryover and 4% irrigation Restricted Carryover.

5.3 Notwithstanding the mandatory foregoance of a portion of its annual entitlement, a Party having a Voluntary Carryover Account balance from voluntary curtailment of use may take any portion of the Voluntary Carryover Account balance from that account in a water year.

5.4 A Party shall not withdraw water from its Restricted Carryover Account until either (a) the Storage in Lake Berryessa on a subsequent April 1 exceeds 800,000 AF, or (b) the Storage in Lake Berryessa on a subsequent April 1 falls below 450,000 AF. If the April 1 Storage in Lake Berryessa exceeds 800,000 AF, the Restricted Carryover Accounts shall convert to or combine with Voluntary Carryover Accounts of the respective Parties. If the April 1 Storage in Lake Berryessa falls below 450,000 AF, the water in Restricted Carryover Accounts will become available to the Member unit Parties as specified in Section 5.6 below.

Example: Party A serves only M&I water and has a Voluntary Carryover Account balance of 2,000 AF on April 1 and no Restricted Carryover Account balance. The April 1 Storage in Lake Berryessa is less than 800,000 AF but more than 550,000 AF. Party A will forego taking delivery of at least 5% of its annual entitlement in the current water year ending on the last day of February. Party A may, up to the last day of February, order and receive 95% of its annual entitlement and an additional 2,000 AF from its Voluntary Carryover Account, bringing its Voluntary Carryover Account to zero on the last day of the water year. The following water year, the Restricted Carryover Account of Party A will have the foregone amount of 5% in it, classified as 100% M&I Restricted Carryover. If the Storage in Lake Berryessa on April 1 of that year exceeds 800,000 AF, Party A's Restricted Carryover Account will convert to a Voluntary Carryover Account, and Party A is entitled to use the water at any time. If the Storage in Lake Berryessa falls below 450,000 AF on April 1 of that year, the water in Restricted Carryover Accounts will become available to the Parties as specified in Section 5.6

below. If the April 1 Storage in Lake Berryessa is any other amount (between 450,000 AF and 800,000 AF), the foregone amount remains in Party A's Restricted Carryover Account and is not available for use.

5.5 After successive water years in which Storage in Lake Berryessa is between 450,000 AF and 800,000 AF on April 1, water will tend to accumulate in the Restricted Carryover Accounts. The above provisions notwithstanding, however, accumulated water in a Party's Restricted Carryover Account (combined M&I and irrigation Restricted Carryover) shall not exceed 50% of that Party's annual entitlement.

Example: Same as last example (Section 5.4) except Party A starts with a Restricted Carryover Account balance of 48% of its annual entitlement. Party A would be required to deposit only 2% of its annual entitlement into its Restricted Carryover Account to bring the Restricted Carryover Account up to the maximum 50% of annual entitlement. Party A may take delivery and use up to 98% of its annual entitlement that water year, excluding any Voluntary Carryover.

5.6 When Storage in Lake Berryessa falls to less than 450,000 AF on April 1, the Parties will not be required to deposit additional water into Restricted Carryover attributable to that water year and water from the Restricted Carryover Accounts will be released to the Parties as follows:

a. The Parties shall have access to their M&I Restricted Carryover Account balances for M&I uses; and

b. The Parties shall have access to their irrigation Restricted Carryover balances for voluntary sale to other Parties for M&I uses based on terms and conditions established through the drought contingency planning process of Section 4.0.

Example: In 2006, Storage in Lake Berryessa is between 550,000 AF and 800,000 AF on April 1 after being above 800,000 AF the previous year. A 5% Restricted Carryover amount is required of all Parties for that water year. Since water orders are submitted to SCWA prior to March 1, the order for that year will be amended to reflect the reduction in available water supply for each of the Parties and the foregone amount will be credited to the Restricted Carryover Accounts on March 1, 2007. On April 1 in each of years 2007 and 2008,

Storage in Lake Berryessa is between 450,000 AF and 550,000 AF. On March 1, 2009, each Party will have 25% of its annual entitlement in its Restricted Carryover Account. On April 1, 2009, Storage in Lake Berryessa falls below 450,000 AF. The Parties will not be required to deposit further water into their Restricted Carryover Accounts that year, and each Party may use any M&I Restricted Carryover in its Restricted Carryover Account for M&I uses that year. Furthermore, Parties with irrigation Restricted Carryover may sell all or any part of that water to other Parties for M&I use pursuant to the drought contingency plan of Section 4.0 above. Any water not sold will remain irrigation Restricted Carryover in the selling Party's Restricted Carryover Account, and such water's disposition will be determined by the April 1 Storage in Lake Berryessa in subsequent years.

5.7 Any amounts of water which are mandatorily foregone and placed into the Restricted Carryover Accounts by the Parties pursuant to Paragraph 5.1 shall be subject to payment of the water charge to SCWA for the foregone amount. No additional payment will be required for subsequent use of that water if there is no change in the type of use.

5.8 In addition to the provisions above, when Storage in Lake Berryessa is less than 400,000 AF on April 1, SID will prepare to implement a voluntary agricultural water marketing program in order to sign up growers who are willing to sell their water allocations for the next water year beginning March 1 of the following year. The water obtained by this voluntary process will be marketed by SID to the Parties to meet M&I water needs of those Parties. The process, methods of determining cost, and conditions governing the marketing to Participating Agencies shall be reasonable and are generally outlined as to form in Exhibit "A" entitled "Solano Irrigation District Drought Impact Reduction Program" (referred to herein as "Program"). The SID Board of Directors may alter and modify the conditions, charges and terms of the Program from time to time, but the purposes of the Program of providing for voluntary relinquishment of agricultural water, while avoiding permanent adverse economic, environmental and social or organizational damage to the agricultural community and to the Parties' M&I users, and retaining the viability of SID, shall be reasonably retained in the Program adopted and implemented by SID. Parties desiring to obtain water from SID for M&I purposes will be provided a reasonable opportunity to comment on any proposed Program changes in advance of their implementation by SID.

5.9 If the Solano Irrigation District Drought Impact Reduction Program shall have been implemented for two or more successive years in the previous three years, and a total of more than 35,000 AF of water are subscribed during the three years to meet M&I water needs of Parties, and on the following April 1 Storage in Lake Berryessa is less than 400,000 AF, the amounts of water to be made available under the Program in that year shall be reduced by SID to a maximum of 5,000 AF.

Example A: Same as last example (Section 5.6), with the additional facts that Storage in Lake Berryessa drops below 400,000 AF on April 1 in years 2010 through 2012, and in year 2009 and 2010, the Program provides for the subscription of 20,000 AF annually for M&I use. Because in the successive years 2009 and 2010 the Program is utilized to provide 35,000 AF or more to M&I users, each Party would have the additional right to participate in the Program in year 2011, but only to the extent of the Party's share of a total Program amount not to exceed 5,000 AF. In year 2012, because more than 35,000 AF were subscribed to under the Program over the past three years and the program was in effect in at least two successive years within the previous three years, the Program shall be reduced again to a maximum of 5,000 AF. If Storage in Lake Berryessa continues below 400,000 AF on April 1, 2013, the 5,000 AF restriction would not be in effect because the Program did not provide 35,000 AF or more to M&I users over the past three years.

Example B: Same as last example, except Storage in Lake Berryessa is above 400,000 AF on April 1, 2010, and therefore the Program is not in effect that year. In year 2011 the program provides for the subscription of 20,000 AF for M&I use. In year 2012, the 5,000 AF restriction would not be in effect because, although the Program provided over 35,000 AF to M&I users over the past three years, the Program was not in effect in at least two successive years during that period. If Storage in Lake Berryessa continues below 400,000 AF on April 1, 2013, the 5,000 AF restriction would be in effect if the 2012 subscription was 15,000 AF or more (so that the combined 2011 and 2012 subscription was 35,000 AF or more).

5.10 Except as provided otherwise by this Section, Restricted Carryover will be treated the same as Voluntary Carryover.

Section 6.0: No Assignments

6.1 This Agreement, and the rights, duties and benefits given in it, may not be assigned by a Party to a non-Party without the advance written consent of all other Parties, and any attempted direct or indirect assignment without such consent is void. The amounts of water in a Party's Voluntary or Restricted Carryover Accounts may not be assigned directly or indirectly for the benefit of non-Parties and SCWA must consent to any such assignments between Parties. Approval of assignment of portions of a Party's annual entitlement to water under its Renewal Participating Agency Contract by SCWA shall carry with it the obligation to provide the Restricted Carryover Account amounts attributable to that entitlement.

Section 7.0: Counterparts

7.1 This Agreement may be executed in several duplicate counterparts, each of which shall be an original.


Section 8.0: SCWA Consent

8.1 The Solano County Water Agency executes this Agreement for the purposes of consenting to the terms hereof. Each Party shall have the right to enforce the terms of this Agreement against any or all other Parties.

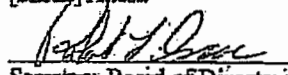
SOLANO IRRIGATION DISTRICT

Dated:

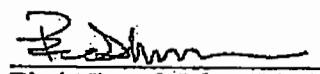
By:


President, Board of Directors

[SEAL] Attest:


Secretary, Board of Directors

Approved as to form:


District Counsel, Solano Irrigation District

MAINE PRAIRIE WATER DISTRICT

Dated:

By: Milton Raymond
President, Board of Directors

[SEAL] Attest:

William J. Holden
Secretary, Board of Directors

Approved as to form:

George Bangs
District Counsel

CITY OF FAIRFIELD

Dated:

By: _____
Mayor

[SEAL] Attest:

Clerk, City of Fairfield

Approved as to form:

City Attorney, City of Fairfield

CITY OF SUISUN CITY

Dated:

By: _____
Mayor

[SEAL] Attest:

Clerk of the City of Suisun City

Approved as to form:

City Attorney, City of Suisun City

MAINE PRAIRIE WATER DISTRICT

Dated: _____ By: _____
President, Board of Directors

[SEAL] Attest:

Secretary, Board of Directors

Approved as to form:

District Counsel

CITY OF FAIRFIELD

Dated: _____ By: George Pettigrew
Mayor

[SEAL] Attest:
Henry Cochran
Clerk, City of Fairfield
Deputy

Approved as to form:
[Signature]
City Attorney, City of Fairfield

CITY OF SUISUN CITY

Dated: _____ By: _____
Mayor

[SEAL] Attest:

Clerk of the City of Suisun City

Approved as to form:

City Attorney, City of Suisun City

MAINE PRAIRIE WATER DISTRICT

Dated: _____ By: _____
President, Board of Directors

[SEAL] Attest:

Secretary, Board of Directors

Approved as to form:

District Counsel

CITY OF FAIRFIELD

Dated: _____ By: _____
Mayor

[SEAL] Attest:

Clerk, City of Fairfield

Approved as to form:

City Attorney, City of Fairfield

CITY OF SUISUN CITY

Dated: _____ By: _____
Mayor

[SEAL] Attest:

Sharon Ventresca

Clerk of the City of Suisun City

Approved as to form:

[Signature]

City Attorney, City of Suisun City

CITY OF VACAVILLE

Dated:

By:

D. A. Fleming
Mayor

[SEAL] Attest:

Helen M. Radonico
Clerk of the City of Vacaville

Approved as to form:

[Signature]
City Attorney, City of Vacaville

CITY OF VALLEJO

Dated:

By:

City Manager

[SEAL] Attest:

Clerk of the City of Vallejo

Approved as to form:

City Attorney, City of Vallejo

CONSENTED TO:

SOLANO COUNTY WATER AGENCY

Dated:

By:

President, Board of Directors

[SEAL] Attest:

Secretary, Board of Directors

Approved as to form:

District Counsel

CITY OF VACAVILLE

Date _____ By: _____
Mayor

[SEAL] Attest:

Clerk of the City of Vacaville

Approved as to form:

City Attorney, City of Vacaville

CITY OF VALLEJO

Dated: 3/12/99 By: Paul R. Maule
City Manager

[SEAL] Attest:

Alison Veltre
Clerk of the City of Vallejo

Approved as to form:

John M. Brown
City Attorney, City of Vallejo

CONSENTED TO:

SOLANO COUNTY WATER AGENCY

Dated: _____ By: _____
President, Board of Directors

[SEAL] Attest:

Secretary, Board of Directors

Approved as to form:

District Counsel

CITY OF VACAVILLE

Dated: By: _____
Mayor

[SEAL] Attest:

Clerk of the City of Vacaville

Approved as to form:

City Attorney, City of Vacaville

CITY OF VALLEJO

Dated: By: _____
City Manager

[SEAL] Attest:

Clerk of the City of Vallejo

Approved as to form:

City Attorney, City of Vallejo

CONSENTED TO:

SOLANO COUNTY WATER AGENCY

Dated: By: _____
President, Board of Directors

[SEAL] Attest:

D. B. Oles

Secretary, Board of Directors

Approved as to form:

[Signature]

District Counsel

EXHIBIT "A"

**SOLANO IRRIGATION DISTRICT
DROUGHT IMPACT REDUCTION PROGRAM ELEMENTS**

The Program will include the following elements:

1.0 The District's Contract with the Parties requesting Municipal and Industrial Water:

1.1 Proportions in Program: On or about April 1 when it is determined that the amount of water in Storage in Lake Berryessa is less than 400,000 AF, excluding water which is in dead storage and water which is in the voluntary carryover accounts of the Parties to the Agreement, the Parties, including SID, delivering municipal and industrial water in proportion to the average annual amounts of municipal and industrial water ordered and paid for from the Solano Project by those Parties during the preceding five (5) full water years, shall be entitled to participate in the SID Drought Impact Reduction Program ("The Program").

1.2 No Assignment of Proportion of Program Water: All Parties seeking water under the Program for municipal and industrial use shall be entitled to their proportional share of the water made available by the Program. If a Party desires less than their proportional share of the Drought Impact Reduction Program water, they may not assign their relinquished portion of the Program water to any other Party, and the relinquished portion of the water will be divided in accordance with the percentage of the Program water requested by Parties, if any Party requests less than their proportional share.

1.3 District Target Price: On or before May 1, SID will establish and announce a target price per AF for the amount of water which will be deemed relinquished by a Landowner and/or Tenant within SID for the Program in the following water year.

1.4 Additional Costs: In addition to the target price payable to the Landowner and/or Tenant for each acre foot, SID shall establish the additional amounts payable to SID for its operation and maintenance costs, lost water revenues and other reasonable costs to be incurred in implementing the Program. SID will establish the amounts of water which will be allocated to each acre of land under the rules and regulations in the following water year in which the Program is to be implemented and to which the target price and charges of SID would apply if the Landowner and/or Tenant elect to participate in the Program.

1.5 Contract with District: Upon establishing the economic terms of the Program, ninety (90) days notice shall be provided to the Parties serving Municipal and Industrial water of their right to subscribe and contract to the terms of the Program and their right to purchase upon those terms their proportionate share of the Program water in the following water year. The Program water to be made available to the Parties providing for municipal and industrial water service, including SID, shall not exceed twenty thousand (20,000) AF in a water year, or the water allocation from 7,500 acres of SID land, whichever sum is less. A Party declining to or omitting to subscribe to its proportionate share of the Program water may subscribe to a lesser amount of water, or if no election to subscribe is made, their proportionate share shall be divided among the other participants in proportion to requests of the remaining Parties limited by those Parties' proportions established under Paragraph 1.1 above (five years' historic ordering of M & I water from Solano Project). All subscription requests shall be submitted in writing.

1.6 Solicitation Period: Because the terms will be announced and the subscriptions sought approximately 9 months before the relinquishment would commence to take effect, a period of at least 45 days beginning on or before August 1 will be provided for Landowners and Tenants within the boundaries of SID to offer in writing the amounts of water specified and committed to be purchased by the Parties for municipal and industrial purposes in the following water year under the Program.

1.7 Solicitation Complete - Finalization of Contract Amounts: If sufficient Landowner and/or Tenant participants are received within the initial 45-day period by SID, a final binding contract for these amounts shall be delivered by the Parties to SID for the purchases, and SID will submit contracts to the participating SID landowners and/or tenants for the relinquishment to take effect in the following water year.

1.8 Insufficient or Excessive Landowner Offers: If insufficient lands subscribe to the SID Program in the solicitation, and insufficient amounts of water are obtained to meet the total demand of the requesting Parties, which demand shall not exceed 20,000 AF or water from 7,500 acres, whichever is less in any water year, the Parties shall nevertheless be bound to purchase those amounts tendered by landowners and/or tenants from SID.

If the participating landowners and/or tenants offer amounts of water in excess of subscriptions of the Parties, the amounts tendered by each participant will be reduced by a factor representing the excess amount as a percent of the subscribed amount.

Final contracts with participants and the subscribing Parties shall be delivered to SID for approval on or before October 15.

1.9 Payment to District: The monies due to SID from the Parties shall be paid on or before October 15, and shall be obtained by SID and distributed by SID in accordance with its contractual terms with the Landowners and Tenants. Interest earned upon the payments prior to disbursement shall be credited to the Parties participating in the Program. The participating Parties shall pay to SCWA the municipal and industrial rate for the water so assigned by SID to the Parties prior to the Parties participating in the Program ordering and delivery of the water in the following water year.

1.10 No Upset Price: The provisions of the Parties' agreement with SID and the Landowner/Tenant agreement with SID will not provide for an upset price, and thus if the following water year is a plentiful water year, nevertheless the water to be transferred by SID to the Parties will be transferred on the first day of the subsequent water year and will be added to the account of the participating Parties in the Program on that day. Participating Parties should recognize that it is possible that spills of Lake Berryessa may occur after March 1, and thus it is theoretically possible to obtain water pursuant to the Program and to lose it forthwith without the ability to use it or hold it in a carryover account. Water transferred by SID to participating Parties will be treated as voluntarily added to the Party's carryover account if not utilized in the water year.

1.11 No Waiver or Transfer of Water Outside Solano Project Service Areas: As a condition of participating in the Program, no Party participating in the receipt of water from the Program shall directly or indirectly in the water year that deliveries are made under the Program (i) waive the ability to receive water from other sources available to it; or (ii) transfer directly or indirectly the amounts held by the Party in their Solano Project account or held by them pursuant to their State Water Project contracts or held as other water rights to any non-Party, or (iii) allow amounts to be received by the Party pursuant to the Solano Irrigation District Drought

Impact Reduction Program to be used for the benefit of a non-Party or for use outside the service area of the Solano Project.

1.12 Solano County Water Agency will be paid for the water transferred by SID at the municipal industrial rate by the purchaser in accordance with the schedule for payments by the Party to SCWA under the Renewal Member Unit Contract.

2.0 SID's Contract with Landowners/Tenants: The Program will be implemented with voluntarily participating landowners and tenants by SID determining an amount of water to be allocated by SID in the ensuing water year for each acre of participating land, and a price per acre divided by the number of AF to be allocated, yielding a per AF price for water tendered by landowner and tenant to SID. Landowners will be required to allocate full measurable fields or tracts to the Program. Parcels of 20 acres or less in size will not be eligible. Water from land with permanent crops such as trees and vines will not be eligible for transfer. Participants in this relinquishment program shall not supplement their allocation with ground water at levels which exceed the historical average over the previous four (4) years. No more than 7,500 acres of SID lands will be removed from production in a water year under the Program. Specific guidelines and contract forms will be developed by SID prior to the beginning of the landowner solicitation period and that information will be provided in a notice to owners of eligible lands.

(Final 11/30/98)

Appendix I – Wasteful Water Use Prohibition Ordinance

ORDINANCE NO. 1567 N.C. (2d)

AN ORDINANCE OF THE CITY OF VALLEJO AMENDING TITLE 11 OF THE VALLEJO MUNICIPAL CODE BY ADDING CHAPTER 11.54 CONCERNING THE PROHIBITION OF WASTEFUL WATER USE

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

SECTION 1. The Vallejo Municipal Code is hereby amended by enacting, adopting and adding thereto a new Chapter 11.54 to read as follows:

“Chapter 11.54
WASTEFUL WATER USE PROHIBITION ORDINANCE

Sections:

11.54.010. Purpose and Intent
11,54.020 Short Title
11.54.030 Regulations and restrictions on water use

11.54.010 Purpose and Intent

The purpose of this chapter is to ensure that the water supply of the City of Vallejo is put to maximum beneficial use and that waste or unreasonable use or unreasonable method of use be prevented.

11.54.020 Short Title

This chapter shall be known and cited as the Wasteful Water Use Prohibition Ordinance.

11.54.030 Regulations and restrictions on water use

It is unlawful for any customer to intentionally waste water. As used herein, the term “waste” means:

- A. Use of potable water to irrigate turf, ground-cover, shrubbery, crops, vegetation, and trees in such a manner as to result in runoff for more than fifteen (15) minutes;
- B. Use of potable water to wash sidewalks, walkways, driveways, parking lots, open ground or other hard surfaced areas except by hose equipped with a shutoff nozzle and where necessary for public health or safety;
- C. Allowing potable water to escape from breaks within the customer’s plumbing system for more than thirty-six (36) hours after the customer is notified or discovers the break;

- D. Washing cars, boats, trailers, aircraft, or other vehicles by hose without a shutoff nozzle except to wash such vehicles at commercial or fleet vehicle washing facilities using water recycling equipment;
- E. Operating decorative water fountains without water recirculation;
- F. Use of potable water for construction, compaction, dust control, street or parking lot sweeping, building wash down where non-potable or recycled water is available in sufficient quantities;
- G. Use of single-pass cooling systems; and
- H. Use of non-recirculating systems in new conveyor car wash facilities.

SECTION 2. Severability

If any subdivision, paragraph, sentence, clause, or phrase of this Ordinance is, for any reason, held to be invalid or unenforceable by a court of competent jurisdiction, such invalidity or unenforceability shall not affect the validity or enforcement of the remaining portions of this Ordinance, or any other provisions of the City's rules and regulations. It is the City's express intent that each remaining portion would have been adopted irrespective of the fact that any one or more subdivisions, paragraphs, sentences, clauses, or phrases be declared invalid or unenforceable.

SECTION 3. Effective Date

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

FIRST READ at a regular meeting of the Council of the City of Vallejo held the 28th day of February, 2006 and finally passed and adopted at a regular meeting of the Council held the 7th day of March, 2006 by the following vote.

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

//s//
ANTHONY J. INTINTOLI JR., Mayor

ATTEST: _____
//s//
ALLISON VILLARANTE, City Clerk

Appendix J – Summaries of Costs and Benefits for BMP (DMM) Exemption

Enclosed are benefit-to-cost ratios, calculated by Maddaus Water Management (2005) for the following demand management measures (best management practices):

BMP (DMM) 01 - Residential Surveys

BMP (DMM) 02 - Residential Plumbing Retrofit

BMP (DMM) 05 - ETo-Landscape Water Budget Component

BMP (DMM) 05 - Large Landscape Surveys

BMP (DMM) 06 - High Efficiency Washing Machine Rebate Programs

BMP (DMM) 09 - CII Surveys

BMP (DMM) 14 - ULFT Replacement Programs

Detailed calculations and assumptions are available from the Water Conservation Coordinator upon request for each of the benefit-to-cost ratios. Contact information is provided at the front of the UWMP.

BMP 01 Residential Surveys - Summary of Costs & Benefits
City of Vallejo

<u>Program Present Value Costs</u>	<u>Agency Perspective</u>	<u>Society Perspective</u>
1. Total surveys	505	505
2. Total water savings	86.9 AF	86.9 AF
3. Agency program costs	\$62,947	\$62,947
4. Customer program costs	NA	\$8,672
5. Cost share	\$0	NA
6. Net Program Cost	<u>\$62,947</u>	<u>\$71,619</u>
<u>Program Present Value Benefits</u>		
7. Agency supply & wastewater benefits	\$14,560	\$14,560
8. Environmental benefits	\$0	\$0
9. Customer program benefits	NA	\$55,821
10. Other utility benefits	NA	\$6,738
11. Total benefits	<u>\$14,560</u>	<u>\$77,119</u>
12. Net Present Value (Line 11. - Line 6)	<u>(\$48,387)</u>	<u>\$5,500</u>
13. Benefit-Cost Ratio (Line 11 ÷ Line 6)	0.23	1.08
14. Simple Unit Supply Cost (Line 6 ÷ Line 2)	\$724 /AF	\$824 /AF
15. Discounted Unit Supply Cost (Line 6 ÷ discounted water savings)	\$807 /AF	\$918 /AF

This BMP is not cost-effective to implement from the Agency Perspective
This BMP is cost-effective to implement from the Society Perspective

**BMP 02 Residential Plumbing Retrofit - Summary of Costs & Benefits
City of Vallejo**

<u>Program Present Value Costs</u>	<u>Agency Perspective</u>	<u>Society Perspective</u>
1. Total devices distributed	2,161	2,161
2. Total water savings	341.1 AF	341.1 AF
3. Agency program costs	\$158,127	\$158,127
4. Customer program costs	NA	\$0
5. Cost share	(\$30,000)	NA
6. Net Program Cost	<u>\$128,127</u>	<u>\$158,127</u>
 <u>Program Present Value Benefits</u>		
7. Agency supply & wastewater benefits	\$52,875	\$52,875
8. Environmental benefits	\$0	\$0
9. Customer program benefits	NA	\$324,351
10. Other utility benefits	NA	\$24,471
11. Total benefits	<u>\$52,875</u>	<u>\$401,696</u>
12. Net Present Value (Line 11 - Line 6)	(\$75,252)	\$243,569
 13. Benefit-Cost Ratio (Line 11 ÷ Line 6)	 0.41	 2.54
 14. Simple Unit Supply Cost (Line 6 ÷ Line 2)	 \$376 /AF	 \$464 /AF
 15. Discounted Unit Supply Cost (Line 6 ÷ discounted water savings)	 \$524 /AF	 \$646 /AF

*This BMP is not cost-effective to implement from the Agency Perspective
This BMP is cost-effective to implement from the Society Perspective*

BMP 05 ETto-Landscape Water Budget Component - Summary of Costs & Benefits
City of Vallejo

<u>Program Present Value Costs</u>	<u>Agency Perspective</u>	<u>Society Perspective</u>
1. Total budgets	434	434
2. Total water savings	7,318 AF	7,318 AF
3. Agency program costs	\$1,693,874	\$1,693,874
4. Customer program costs	NA	\$1,037,843
5. Cost share	\$0	NA
6. Net Program Cost	<u>\$1,693,874</u>	<u>\$2,731,717</u>
 <u>Program Present Value Benefits</u>		
7. Agency supply & wastewater benefits	\$1,120,597	\$1,120,597
8. Environmental benefits	\$0	\$0
11. Total benefits	<u>\$1,120,597</u>	<u>\$1,120,597</u>
12. Net Present Value (Line 11 - Line 6)	(\$573,277)	(\$1,611,120)
13. Benefit-Cost Ratio (Line 11 ÷ Line 6)	0.66	0.41
14. Simple Unit Supply Cost (Line 6 ÷ Line 2)	\$231 /AF	\$373 /AF
15. Discounted Unit Supply Cost (Line 6 ÷ discounted water savings)	\$336 /AF	\$542 /AF
<p><i>This BMP is not cost-effective to implement from the Agency Perspective</i> <i>This BMP is not cost-effective to implement from the Society Perspective</i></p>		

**BMP 05 Large Landscape Surveys - Summary of Costs & Benefits
City of Vallejo**

<u>Program Present Value Costs</u>	<u>Agency Perspective</u>	<u>Society Perspective</u>
1. Total surveys	27	27
2. Total water savings	213.3 AF	213.3 AF
3. Agency program costs	\$45,190	\$45,190
4. Customer program costs	NA	110,052.00
5. Cost share	\$0	NA
6. Net Program Cost	<u>\$45,190</u>	<u>\$155,242</u>
<u>Program Present Value Benefits</u>		
7. Agency supply & wastewater benefits	\$36,258	\$38,890
8. Environmental benefits	\$0	\$0
9. Total benefits	<u>\$36,258</u>	<u>\$38,890</u>
10. Net Present Value (Line 9 - Line 6)	(\$8,932)	(\$116,352)
11. Benefit-Cost Ratio (Line 9 ÷ Line 6)	0.80	0.25
12. Simple Unit Supply Cost (Line 6 ÷ Line 2)	\$212 /AF	\$728 /AF
13. Discounted Unit Supply Cost (Line 6 ÷ discounted water savings)	\$226 /AF	\$777 /AF

This BMP is not cost-effective to implement from the Agency Perspective

This BMP is not cost-effective to implement from the Society Perspective

BMP 06 High Efficiency Washing Machine Rebate Programs - Summary of Costs & Benefits
City of Vallejo

<u>Program Present Value Costs</u>	<u>Agency Perspective</u>	<u>Society Perspective</u>
1. Total rebates distributed	505	505
2. Total water savings	96.7 AF	96.7 AF
3. Agency program costs	\$80,686	\$80,686
4. Customer program costs	NA	\$100,938
5. Cost share	\$0	NA
6. Net Program Cost	<u>\$80,686</u>	<u>\$181,624</u>
<u>Program Present Value Benefits</u>		
7. Agency supply & wastewater benefits	\$15,646	\$15,646
8. Environmental benefits	\$0	\$0
9. Customer program benefits	NA	\$327,426
10. Other utility benefits	NA	\$7,241
11. Total benefits	<u>\$15,646</u>	<u>\$350,312</u>
12. Net Present Value (Line 11 - Line 6)	<u>(\$65,040)</u>	<u>\$168,689</u>
13. Benefit-Cost Ratio (Line 11 ÷ Line 6)	0.19	1.93
14. Simple Unit Supply Cost (Line 6 ÷ Line 2)	\$834 /AF	\$1,877 /AF
15. Discounted Unit Supply Cost (Line 6 ÷ discounted water savings)	\$1,034 /AF	\$2,327 /AF
<p><i>This BMP is not cost-effective to implement from the Agency Perspective</i> <i>This BMP is cost-effective to implement from the Society Perspective</i></p>		

**BMP 09 CII Surveys - Summary of Costs & Benefits
City of Vallejo**

<u>Program Present Value Costs</u>	<u>Agency Perspective</u>	<u>Society Perspective</u>
1. Total surveys	18	18
2. Total water savings	282.4 AF	282.4 AF
3. Agency program costs	\$105,229	\$105,229
4. Customer program costs	NA	365,800
5. Cost share	\$0	NA
6. Net Program Cost	<u>\$105,229</u>	<u>\$471,029</u>
 <u>Program Present Value Benefits</u>		
7. Agency supply & wastewater benefits	\$45,900	\$56,899
8. Environmental benefits	\$0	\$0
9. Customer energy benefits	NA	\$2,443,723
10. Other utility benefits	NA	\$18,728
11. Total benefits	<u>\$45,900</u>	<u>\$2,519,349</u>
12. Net Present Value (Line 9 - Line 6)	<u>(\$59,329)</u>	<u>\$2,048,320</u>
 13. Benefit-Cost Ratio (Line 9 ÷ Line 6)	 0.44	 5.35
 14. Simple Unit Supply Cost (Line 6 ÷ Line 2)	 \$373 /AF	 \$1,668 /AF
 15. Discounted Unit Supply Cost (Line 6 ÷ discounted water savings)	 \$452 /AF	 \$2,024 /AF

*This BMP is not cost-effective to implement from the Agency Perspective
This BMP is cost-effective to implement from the Society Perspective*

BMP 14 ULFT Replacement Programs - Summary of Costs & Benefits
City of Vallejo

<u>Program Present Value Costs</u>	<u>Agency Perspective</u>	<u>Society Perspective</u>
1. Total ULFTs distributed	1,498	1,498
2. Total water savings	900.9 AF	900.9 AF
3. Agency program costs	\$168,615	\$168,615
4. Customer program costs	NA	\$125,496
5. Cost share	\$0	NA
6. Net Program Cost	<u>\$168,615</u>	<u>\$294,112</u>
 <u>Program Present Value Benefits</u>		
7. Agency supply & wastewater benefits	\$141,136	\$141,136
8. Environmental benefits	\$0	\$0
9. Other utility benefits	NA	\$65,320
10. Total benefits	<u>\$141,136</u>	<u>\$206,456</u>
11. Net Present Value (Line 10 - Line 6)	(\$27,479)	(\$87,655)
12. Benefit-Cost Ratio (Line 10 ÷ Line 6)	0.84	0.70
13. Simple Unit Supply Cost (Line 6 ÷ Line 2)	\$187 /AF	\$326 /AF
14. Discounted Unit Supply Cost (Line 6 ÷ discounted water savings)	\$253 /AF	\$441 /AF
 <i>This BMP is not cost-effective to implement from the Agency Perspective</i> <i>This BMP is not cost-effective to implement from the Society Perspective</i>		

Appendix K – Reference List

- Association of Bay Area Governments Projections (2002)
- City of Vallejo Draft Urban Water Management Plan (Brown and Caldwell, Oct. 2004)
- City of Vallejo General Plan (July 1999)
- City of Vallejo Water Management Plan (adopted 1999)
- City of Vallejo Water Utility Financing Plan and Rate Study (Brown and Caldwell, October 2004)
- Draft Downtown Specific Plan and Virginia Street Development EIR (DC&E, 5/13/05)
- Final Downtown Vallejo Redevelopment Project Water Supply Assessment (Brown and Caldwell, 6/20/05)
- Final Mare Island Redevelopment Project Water Supply Assessment (Brown and Caldwell, 6/24/05)
- Guidebook to Assist Water Suppliers in the Preparation of a 2005 Urban Water Management Plan (Cal DWR, 1/18/05)
- Revised, Final Vallejo Station and Waterfront Water Supply Assessment (Brown and Caldwell, 6/14/05)
- Solano County Water Agencies Integrated Regional Water Management Plan (SCWA, 2005)
- Solano County Water Agency Urban Water Management Plan, adopted October 13, 2005.
- U.S. Census data
- Vallejo Sanitation and Flood Control District Reclaimed Water Study Plan (RMC, July 2001)
- Vallejo Sanitation and Flood Control District Reclaimed Water Study (RMC, August 2003)
- Water Desalination – Findings and Recommendations (Cal DWR, October 2003)

APPENDIX B

LEASE
BETWEEN
VALLEJO GOLF CLUB, INC.
AND
CITY OF VALLEJO

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LIST OF EXHIBITS

- Exhibit A - Joe Mortara Golf Course Plan
- Exhibit B - Certificates and Endorsements of Insurance - Blue
Rock Springs West Course and Joe Mortara Course
- Exhibit C - Management Agreement
- Exhibit D - Meets and Bounds Description of Blue Rock Springs
West Course

L E A S E

THIS INDENTURE OF LEASE, made and entered into at Vallejo, California, this 6 day of July, 1992, by and between the CITY OF VALLEJO, a municipal corporation, hereinafter referred to as VALLEJO or LESSOR, and VALLEJO GOLF CLUB, INC., a non-profit corporation, incorporated under the laws of the State of California, hereinafter referred to as CLUB or LESSEE:

W I T N E S S E T H

That for and in consideration of the agreements, representations and covenants herein contained, and the payment by CLUB to VALLEJO of the amounts hereinafter set forth, and also in consideration of the performance by CLUB of all agreements, representations, covenants, and conditions herein contained, VALLEJO does by these presents lease, demise and let unto CLUB all those certain premises situate, lying and being in the City of Vallejo, County of Solano, State of California, being more particularly described as follows, to wit:

Parcel I

BLUE ROCK SPRINGS WEST

All that certain real property situate in the City of Vallejo, County of Solano, State of California, and described as follows: Approximately ~~32.57~~ number of acres located on Columbus Parkway, more particularly described in Exhibit D attached hereto and made a part hereof by reference.



Parcel II

SOLANO COUNTY FAIRGROUNDS
RACETRACK INFIELD

Those certain premises situate in the City of Vallejo, County of Solano, State of California, commonly referred to as the infield of the racetrack, located at the Solano County Fairgrounds, Vallejo, California, together with equipment and pedestrian access to said premises and the use of the parking areas adjacent to the racetrack grandstand, but excepting therefrom that portion of said racetrack infield containing the existing tabulator board and the planted area in front of said tabulator board, all as depicted on the plan marked Exhibit "A", attached hereto and made a part hereof and by this reference specifically incorporated herein as if here set forth at length.

TO HAVE AND TO HOLD each and all of said demised premises upon the following terms and conditions:

1. Term: The term of this Lease shall commence on the first day of September, 1992, and ending on the 31st day of August, 2012, except as otherwise hereinafter provided.

2. The Parcel I - Blue Rock Springs West.

A. Consideration: With respect to the above described Parcel I, CLUB covenants and agrees to pay to VALLEJO as rent for said demised premises the sum of ONE DOLLAR (\$1.00) per year during the term of this Lease, payable upon execution of this Lease and payable thereafter on or before the 1st day of January of each year, without delay, deduction, or default. VALLEJO (within City's ability to supply) shall deliver via the existing twelve-inch (12") pipe adjacent to the public road traversing Blue Rock Springs Golf Course, one hundred twenty (120) million gallons of irrigation water each calendar year free to CLUB of any additional or other charge. CLUB shall pay

VALLEJO the raw water rate per each one thousand (1,000) gallons for all irrigation water so delivered by VALLEJO in excess of said one hundred twenty (120) million gallons of irrigation water. VALLEJO will issue billings to CLUB on or before the tenth (10th) day of each month for said excess irrigation water supplied and delivered, and CLUB shall pay such billings on or before the last day of the month in which the same are issued. VALLEJO shall not be required to deliver and supply irrigation water at a rate of draft in excess of one million (1,000,000) gallons within any consecutive twenty-four (24) hour period but at not less than fourteen hundred (1,400) gallons per minute rate. VALLEJO shall supply the potable water required for domestic uses at the various places and locations as CLUB deems necessary for said golf course and ancillary facilities. Said application for domestic water service and payment for the water thereafter delivered through water service connections shall be in accordance with the rules and regulations of the Vallejo Municipal Water System then in effect. It is understood and agreed that said water will be utilized by CLUB for irrigation of both the Blue Rock Springs West Course and the Blue Rock Springs East Course.

B. Pump Station Monetary Contribution: CLUB agrees to contribute to VALLEJO approximately \$50,000.00 for the purpose of upgrading the pump station in order to accommodate the delivery of the aforescribed water volume.

C. Spring Water: It is understood and agreed that CLUB shall be entitled to the exclusive use of all water from the spring near the caretaker's house on the premises located in the

park area adjacent to the parcel herein referred to as Parcel I, at no cost; provided, however, that such use shall be limited to said Parcel I and said spring shall be used to its maximum capability so as to minimize the consumption of pumped water described in sub-paragraph (a) above.

3. The Parcel II - Solano County Fairgrounds - Racetrack Infield.

A. Consideration: With respect to the above described Parcel II, CLUB covenants and agrees to pay VALLEJO as rent for said demised premises the sum of ONE DOLLAR (\$1.00) per year during the term of this Lease, payable upon execution hereof and payable thereafter on or before the 1st day of January of each year, without delay, deduction, or default. VALLEJO covenants and agrees, as a material part of the consideration to be rendered CLUB under this Lease, to deliver and supply CLUB, within City's ability, with irrigation water, free of charge, for planting, irrigating and maintaining landscaped areas within the demised premises, herein described as Parcel II, as required by CLUB for such purposes not to exceed twenty-five (25) million gallons per year. Payment for water delivered in excess of twenty-five million gallons shall be paid for by CLUB at the City raw water rate then in effect. VALLEJO shall not be required to deliver and supply said irrigation water at a rate of draft in excess of one hundred fifty thousand (150,000) gallons within any consecutive twenty-four (24) hour period but not less than two hundred and ten (210) gallons per minute rate. Said untreated water shall be delivered and supplied to CLUB at a CLUB pump station on the east edge of Lake Chabot as a primary source.

An alternative source of water may be supplied to CLUB at a connection point just inside the racetrack infield perimeter fence from the twelve-inch (12") water main located on the north side of the Fairgrounds. The above sources of water will be used as directed by the CITY. If CLUB elects to use the 12" water main, it is understood that such water will be paid for by the CLUB at the prevailing raw water rate then in effect. It is also understood by CLUB that the water which VALLEJO has agreed to supply hereunder is irrigation water, and that said water is raw or untreated water and not fit for human consumption.

B. Permitted Uses: Said demised premises shall be used for the installation, operation, and maintenance of a golf course and ancillary facilities, and for no other purpose whatever without written consent of VALLEJO being first had and obtained. CLUB shall cooperate with CITY in developing its tourism industry with reference to the fees and rates charged, tournaments and availability of tee times. The golf course and ancillary facilities shall be and remain closed for a period of fifty (50) calendar days, including County Fair time, each year in order to prepare for, conduct, and close out the thoroughbred racehorse meeting held during the annual County Fair. The exact dates of closure shall be fixed by the Fairgrounds Committee hereinafter described no later than April 1st of each year. The Fairgrounds Committee may, under such terms and conditions as it deems appropriate, allow use of the golf course and ancillary facilities during the period of closure prior to and after the annual County Fair, if such can be done so as not to impede or interfere with the racehorse activities. During the period of

closure, CLUB may do and perform such maintenance, irrigation and upkeep of said demised premises as is necessary or proper to protect and preserve the greens, lawns, flowers, plants, vines, shrubs, trees, and structures now or which hereafter may be located within or upon said demised premises.

C. Improvements: CLUB shall, at no cost to VALLEJO, make or cause to be made such changes, alterations, and improvements as may be necessary and proper to fit said demised premises for such use as hereinabove described in sub-paragraph (b) above. All buildings, fixtures, and improvements of every kind and nature whatsoever installed above the surface of said demised premises shall become and be the property of VALLEJO upon expiration or sooner termination of this Lease, subject to the terms and conditions of that certain Indenture of Lease between the City of Vallejo, a Municipal Corporation, as Lessee, and the County of Solano, a political subdivision of the State of California, as Lessor, and relating to the hereinabove demised premises designated as Parcel II. No change, alterations, or improvement shall be made to said demised premises until CLUB first submits to VALLEJO and to the Solano County Fair Association, agent for the County of Solano, or its successor, detailed plans and specifications identifying the changes, alterations, or improvements proposed to be made, and said plans and specifications have been reviewed and approved by VALLEJO and said agent. If the County of Solano does not have an agent, such as the Solano County Fairgrounds Association, at the time changes, alterations, or improvements are contemplated, then any plans and specifications relating thereto shall be submitted to,

and be subject to review and approval by the Board of Supervisors of the County of Solano. Further, any such plans and specifications shall provide, as an integral part of the design of the golf course and auxiliary facilities, for an adequate means of controlling access from the parking area adjacent to the grandstand to the racetrack infield so as to keep customers of the golf course and ancillary facilities out of the grandstand and other areas of said Fairgrounds racetrack complex which are not leased hereunder.

D. Repairs and Maintenance: CLUB represents that CLUB has inspected and examined the demised premises and accepts them in their present condition, and agrees that VALLEJO shall not be required to make any improvements or repairs whatsoever in or upon the demised premises, or any part thereof. CLUB agrees to make any and all improvements, alterations and repairs necessitated by CLUB's use or occupancy of the demised premises at CLUB's sole cost and expense, and agrees to keep said demised premises safe, and in good order and sanitary condition at all times during the term hereof, and upon expiration of this Lease, or at any sooner termination thereof, CLUB agrees to quit and surrender possession of said demised premises quietly and peaceably, and in as good order and condition as same were at the commencement hereof, reasonable wear, tear and damage by the elements excepted, and CLUB further agrees to leave said premises free from all nuisances and dangerous and defective conditions. CLUB expressly waives its right to make repairs at the expense of VALLEJO as provided for by Section 1942 of the Civil Code of the State of California. Should a dispute or questions arise as to

whether said golf course and ancillary facilities, or any portion thereof, on the demised premises are being maintained properly, the matter shall be referred to the Fairgrounds Committee, hereinafter described, for determination, and resolution if possible. If VALLEJO remains unsatisfied, then VALLEJO shall give CLUB written notice demanding that the deficiency be corrected, or that a program of proper care and maintenance be undertaken, and CLUB shall forthwith undertake to cure the deficiency or institute such maintenance program. If it appears to CLUB that the deficiency cannot be corrected or such program implemented within twenty (20) days from delivery of VALLEJO's written notice, then CLUB shall immediately give VALLEJO written notice of the reasons why, and CLUB shall then have not more than seventy-five (75) days from date of VALLEJO's written notice to cure the deficiency or implement such maintenance program. If CLUB fails, neglects or refuses to correct the deficiency, or implement such maintenance program within seventy-five (75) days, then VALLEJO may, at its option, declare CLUB in default and proceed to terminate this Lease under the provisions of Paragraph 21 hereof. VALLEJO agrees to maintain or cause to be maintained in good order and condition the existing exterior racetrack complex perimeter fencing of said Fairgrounds, so as to prevent unauthorized access to said demised premises. Further, VALLEJO agrees to take or cause to be taken all necessary precautions to prevent any unauthorized person from obtaining access to, using, or damaging said demised premises during the time the CLUB's operations are closed for the annual County Fair.

E. Fairgrounds Committee: Pursuant to a condition

set forth in that certain Indenture of Lease entered into between County of Solano, a political subdivision of the State of California, as Lessor, and the City of Vallejo, a Municipal Corporation, as Lessee, and relating to the hereinabove described premises designated as Parcel II, there is established a Fairgrounds Committee which is composed of the Secretary/Manager of the Solano County Fair Association, or his/her successor, and the City Manager of VALLEJO. The authorized representative of CLUB shall be an ex-officio member of the Fairgrounds committee, who may participate in the discussions and be consulted concerning the resolution of any disagreement or controversy then before the Fairground Committee, but shall not have the right to decide how the disagreement or controversy shall be resolved. The Fairgrounds Committee shall, upon this Lease becoming effective, hold an organizational meeting, and determine thereat the times, dates, and places of its regular meetings which shall be at least biannually. The Fairgrounds Committee shall make and keep accurate and permanent minutes of its meetings, and file a copy of all such minutes with the Clerk of each the County of Solano and VALLEJO within thirty (30) days after each such meeting. The Fairgrounds Committee may hold special meetings at such times and places as agreed, upon the request of all or a member of said Committee. The Fairgrounds Committee is empowered to mediate, adjust, or resolve any disagreement or controversy that shall arise between the County of Solano and VALLEJO, or their agents, with respect to an interpretation of the rights and obligations of the parties under the terms and conditions of this Lease, or the operation and maintenance of the demised premises,

only as same related to said Parcel II. Upon request of either party, the Fairgrounds Committee shall meet promptly to adjust or resolve such disagreement or controversy. In the event that the Fairgrounds Committee is unable to adjust or resolve a disagreement or controversy arising out of operation or use of the said demised premises within thirty (30) days from the date of its first meeting to consider said disagreement or controversy, or if CLUB makes written request that such dispute be arbitrated, then either County of Solano or VALLEJO may, at its option, cause the matter to be resolved by arbitration by so indicating in writing to the other within thirty (30) days after the expiration of the time allowed the Fairgrounds Committee to resolve such disagreement or controversy.

F. Arbitration: Unless otherwise provided herein, all disputes, disagreements, controversies, claims, or questions regarding the rights and obligations of the County of Solano and VALLEJO under the terms of this Lease or the operation and maintenance of the demised premises, only as same related to said Parcel II, shall be subject to arbitration. In case of disagreement or controversy which is unresolved by the Fairgrounds Committee within the time allowed, either party may make a demand for arbitration by filing such demand in writing with the other party within thirty (30) days after the expiration of the time allowed the Fairgrounds Committee to resolve such disagreement or controversy. Upon such demand being made, a board of three (3) arbitrators shall be promptly convened to consider and resolve the matter in dispute or which is subject to controversy, and said Board of Arbitrators shall be composed of

event said arbitration is instituted at the request of the Vallejo Golf Club, Inc., then the share of the costs and expenses of the arbitration chargeable to VALLEJO, including the compensation payable to the Chairperson of the Board of Arbitrators, shall be borne by CLUB if the arbitration is being had and conducted pursuant to written request of CLUB. If the arbitration proceedings are not recorded electronically or manually, complete and accurate minutes of said arbitration proceedings shall be taken by a qualified person under the direction of the Secretary/Manager of the Solano County Fair Association, or his successor, and the City Manager of VALLEJO. Except as hereinabove provided, the arbitration proceedings shall be conducted, and be subject to confirmation and enforcement; in accordance with the provision of Section 1280 to 1294.2, inclusive, of the Code of Civil Procedure of the State of California, and any acts amendatory thereof.

G. Right of Entry: CLUB agrees that the County of Solano, its officers, agents, and employees, may enter upon said demised premises at any time during the term of this Lease, or any extension hereof, for the purpose of repairs, inspection, making surveys, taking measurements, or doing similar work necessary for the operation or maintenance of said racetrack and its appurtenant facilities, with the understanding that said work will be performed in such a manner as to cause a minimum of interference with the use of the demised property by CLUB, and with the further understanding that the County of Solano and VALLEJO have agreed that said County of Solano shall pay for any damage caused by such activity.

H. Signs: CLUB shall not attach, affix, or permit to be attached or affixed, upon the demised premises without the consent of the Solano County Fair Association, or its successor, first had and obtained, any flags, placards, signs, poles, wires, aerials, antennae or fixtures.

4. Additional Covenants: In addition to the covenants conditions and agreements hereinabove set forth, and with respect to each and every parcel of land herein let and demised, and as and for further and additional consideration for the execution of this Lease by VALLEJO, CLUB represents and covenants that it shall:

A. Operation and Financial Statement: Furnish evidence, satisfactory to VALLEJO, of its ability to meet all financial obligations imposed upon it under and by virtue of the provisions of this Lease.

B. Taxes and Assessments: Promptly pay all taxes and assessments levied against the demised premises including any possessory interest tax. The CLUB understands that there has been a possessory interest tax levied heretofore on said demised premises and CLUB acknowledges receipt of notice thereon pursuant to section 107.6 of the State of California Revenue and Taxation Code.

C. Assignment, Subletting and Capital Improvements: Not assign this Lease, either in whole or in part, nor hypothecate the same, nor any rights thereunder, nor sublet in whole or any part of said premises nor make any major improvements or alterations (\$15,000.00 or more in any one year) to or upon said demised premises without the written consent of

VALLEJO first had and obtained unless otherwise approved by VALLEJO pursuant to subparagraph (h) as hereinafter set forth. The term of any such sublease may be coexistent with the term of this Lease, and CLUB shall, immediately upon executing such sublease, give VALLEJO written notice thereof, including the name, address, and telephone number of the sublessee, and a general description of the business which he/she is to operate on the demised premises. Neither this Lease, nor any interest therein, shall be assigned, hypothecated, or mortgaged by CLUB without the written consent of VALLEJO being first had and obtained, and any attempted assignment, hypothecation, or mortgaging of this Lease, or interest herein, shall be of no force or effect, and shall confer no rights upon any assignee, mortgagee, or pledgee without such consent.

D. Condition of Premises: Keep the demised premises in good order, condition and repair during the entire term of this Lease, hereby waiving all right to make repairs at the expense of VALLEJO.

E. Hold Harmless: Save Lessor, its officers, officials, directors, employees, agents and volunteers harmless and indemnified from all loss, damage, liability, or expense incurred, suffered or claimed by any person by reason of Lessee's negligence or use of the leased premises or the buildings of which the leased premises are a part or of anything therein, on or adjacent thereto, or by any action not caused by the negligence of the Lessor.

F. Insurance: Procure and maintain for the duration of the lease all insurance against claims for injuries to persons

or damages to property which may arise from or in connection with Lessee's operation and use of the leased premises. The cost of such insurance shall be borne by the Lessee.

i. Minimum Scope of Insurance

- a. Insurance Services Office Commercial General Liability coverage ("occurrence" Form CG 0001).
- b. Insurance Services Office Form Number CA 0001 (Ed 1/87) covering Automotive Liability Code 1 (any auto).
- c. Workers' Compensation insurance as required by the Labor Code of the State of California and Employers Liability insurance (if Lessee has employees).
- d. Property insurance against all risks of loss to any tenant improvements on betterments, including fire and extended coverage.

ii. Minimum Limits of Insurance

Lessee shall maintain limits no less than:

- a. General Liability: \$1,000,000.00 combined single limit 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 separate to this project/location or the

- general aggregate limit shall be twice the required occurrence limit.
- b. Automotive Liability: \$1,000,000.00 per accident for bodily injury and property damage.
 - c. Workers' Compensation and Employers Liability: Workers' compensation limits as required by the Labor Code of the State of California and Employers Liability limits of \$1,000,000.00 per accident (if Lessee has employees).
 - d. Property Insurance: Full replacement cost for all tenant improvements or betterments with no coinsurance penalty provision.
 - e. The Lessor retains the right to adjust or increase any of the insurance limits provided herein, upon six (6) months notice to Lessee.

iii. Deductibles and Self-Insured Retention

Any deductibles or self-insured retention must be declared to and approved by the Lessor. At the option of the Lessor, either: the Lessor shall reduce or eliminate such deductibles or self-insured retention as respects the Lessor, its officers, officials, employees, agents and volunteers; or the Lessee shall procure a bond or irrevocable letter of credit from a bank or other lending institution acceptable to the

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Lessor guaranteeing payment of losses and related investigations, claim administration and defense expenses, including attorney's fees.

iv. Other Insurance Provisions

a. General Liability

1. The Lessor, its officers, officials, employees, agents and volunteers are to be covered as insureds as respects: liability arising out of premises owned, occupied or used by the Lessee. The coverage shall contain no special limitations on the scope of protection afforded to the Lessor, its officers, officials, employees, agents or volunteers.
2. The Lessee's insurance coverage shall be primary insurance as respects the Lessor, its officers, officials, employees, agents and volunteers. Any insurance or self-insurance maintained by the Lessor, its officers, officials, employees, agents or volunteers shall be excess of the Lessee's insurance.
3. Any failure to comply with reporting provisions of the policies shall not affect coverage provided to the Lessor, its officers, officials, employees,

agents, or volunteers.

4. Coverage shall state that the Lessee's insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.

b. Worker's Compensation and Employers Liability Coverage (if Lessee has employees).

The insurer shall agree to waive all rights of subrogation against the Lessor, its officers, officials, employees, agents and volunteers for losses arising from the leased premises.

c. All Coverages

Each insurance policy required by this clause shall be endorsed to state that coverage shall not be suspended, voided, cancelled, 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 Lessor.

v. Acceptability of Insurers

Insurance is to be placed with insurers with a Best's rating of no less than A:VII, 150 million surplus.

vi. Verification of Coverage

Lessee shall furnish the Lessor with certificates of insurance and with original endorsements effecting coverage required by this section. The certificates and endorsements for each insurance policy are to be signed by a person authorized by that insurer to bind coverage on its behalf. The certificates and endorsements are to be on forms provided by the Lessor, attached as Exhibit B. Where by statute, the Lessor's workers' compensation related forms cannot be used, equivalent forms approved by the Insurance Commissioner are to be substituted. All certificates and endorsements are to be received and approved by the Lessor before the lease commences. The Lessor reserves the right to require complete certified copies of all required policies, at any time. As an alternative to the Lessor endorsement forms, the Lessee's insurer may provide complete, certified copies of all required policies, including endorsements effecting the coverages required in this section.

vii. Waiver of Subrogation

Lessor and Lessee each waives any and all rights of recovery against the other or against the directors, officers, employees,

agents and representatives of the other, for loss of or damage to such waiving party or its property or the property of others under its control, where such loss or damage is insured against under any insurance policy in force at the time of such loss or damage. Lessor and Lessee shall, upon obtaining the policies of insurance required hereunder, give notice to the insurance carriers that the foregoing mutual waiver of subrogation is contained in this lease.

G. Termination/Condition of Premises: Upon the last day of the term of this Lease, or sooner termination of the lease herein granted, Lessee shall peacefully quit, leave, surrender and yield up unto VALLEJO said demised premises in as good order, state and condition as the same now are or may be put into, reasonable use and wear thereof excepted.

H. Semi-Annual Financial Reports: Submit to VALLEJO semiannually on or before the 15th day of August and on or before the 15th day of February of each and every year a financial statement for the preceding six (6) months from January 1 to June 30 and from July 1 to December 31, respectively, which financial statement shall be in a form satisfactory to the City Manager of VALLEJO and shall include, among other things, a detail of disbursements for personal services; at that same time CLUB shall submit to VALLEJO in a form satisfactory to the City Manager of VALLEJO a semiannual statement of profit or loss experienced by any and all subtenants and concessionaires operating on said

demised premises. It is further agreed that on or before the 15th day of February of each and every year, CLUB shall submit to said City Manager its capital improvements program pertaining to those major improvements anticipated to cost FIFTEEN THOUSAND DOLLARS (\$15,000.00) or more, for the forthcoming fiscal year commencing July 1. Said capital improvements program shall be deemed approved by VALLEJO unless VALLEJO notifies CLUB in writing within thirty (30) days of receipt of said program of its disapproval. It is further agreed that all accounts and records of CLUB shall be subject to the inspection and examination of said City Manager, or any other person designated by the City Council of VALLEJO, at all reasonable times.

I. Use of Income: Subject to section 3.7 of the Management Agreement, for the Blue Rock Springs East Golf Course, executed simultaneously herewith, the provisions of which are hereby incorporated by reference as if fully set forth herein whether or not said Management Agreement is then in effect, the CLUB agrees to expend all of its income (1) for the reasonable and customary operation, maintenance and promotion of the Blue Rock Springs West Golf Course and the Joe Mortara Golf Course and ancillary facilities on the demised premises, (2) for the expansion and improvement of (a) the existing Blue Rock Springs West Golf Course, (b) the Joe Mortara Course, and (c) the New Blue Rock Springs East Golf Course, (3) for the construction of new courses, (4) for the construction and/or improvement of new or existing ancillary facilities consisting of clubhouses, driving ranges, and coffee shop/restaurant and other proprietary facilities for the above-described golf courses, and (5) for the

retirement of indebtedness incurred by CLUB and VALLEJO for said above-described purposes, subject, however, to the obligations referred to in or incurred in order to fulfill conditions of this Lease. Nothing herein shall be construed so as to prevent CLUB from accumulating reserves in anticipation of or to avoid borrowing for such expansion or improvement, provided that the purpose and amounts of said reserves be first approved by VALLEJO and secondly, be set aside in a Golf Reserve Fund approved by VALLEJO. It is understood that the current and future revenues from the operations of both the aforescribed parcels shall be used to the extent necessary to fund the debt service on the new Blue Rock Springs East Golf Course as well as on the improvements to Parcel I (Blue Rock Springs West Golf Course).

J. Financing Plans: Enter into no financing plan unless and until said plan shall have been approved by VALLEJO in writing. Said approval shall consist of approving both the amount and the repayment schedule of any loan and any other particulars of such transaction that may be deemed necessary by VALLEJO. In the event that said transaction for the borrowing of money by CLUB shall be approved by VALLEJO, VALLEJO shall, upon request, grant permission to CLUB to assign the rights conveyed by this Lease to a lender approved by VALLEJO, as security against default in repayment of a loan by CLUB to lender; it being understood that in the event of a default by CLUB in its obligation to a lender where this Lease is given as security, the lender shall assume all the obligation of CLUB hereunder and shall retain such rights only until the lender has recovered the amount due, either through the operations of the golf facilities

conducted upon the demised premises or by the payment by VALLEJO to said lender of the amounts due the lender upon the terms and conditions set forth in the promissory note, or in full, without prepayment penalty. It is further understood that in the event of either of the above contingencies and the payment of the loan, this Lease shall be cancelled automatically and without further rights of the CLUB or its lender to occupy and manage said golf courses or ancillary facilities upon the demised premises.

K. Use/Rules/Fees: Use each and all of the demised premises solely for the purpose of public golf courses and ancillary facilities and adopt, publish and administer rules and regulations acceptable to VALLEJO to govern the use of all facilities and improvements on the demised premises by the general public. Within ninety (90) days of the date of execution of this lease CLUB shall submit its Rules and Regulations to Vallejo for review and acceptance. Greens fees now established by CLUB for the use of said golf courses and ancillary facilities by the general public shall not be increased or decreased, without such proposed increase/ decrease being first submitted to and approved by the City Council of VALLEJO in the manner which follows. If CLUB proposes to increase or decrease greens fees, it shall first submit to the City Manager of VALLEJO a tabulation of current greens fees for all municipal golf courses within a twenty-five (25) mile radius of VALLEJO. VALLEJO shall then have thirty (30) days from receipt of such tabulation to review and determine if the proposed increase or decrease is consistent with those greens fees appearing on said tabulation. If such be the case, the City Manager of VALLEJO shall

immediately so notify CLUB in writing and CLUB may proceed to implement a new schedule of greens fees. If VALLEJO determines that the proposed increase or decrease is not consistent with those greens fees appearing on the tabulation it shall disapprove the increase or decrease and CLUB may not implement the proposed increase or decrease. If VALLEJO does not so notify CLUB within thirty (30) days after receipt of said tabulation, said proposed increase or decrease shall be deemed approved by VALLEJO, and CLUB may implement same. All other fees and charges for use and enjoyment of said golf courses and ancillary facilities shall be established and revised by CLUB without any approval of VALLEJO being required. Additionally, and notwithstanding the above, VALLEJO shall have the right to require that the CLUB implement an immediate increase in the fees charged non-Golf Club members to play each course (Blue Rock Springs West Golf Course and Joe Mortara Course) and in the fees charged to non-Golf Club members for the use of ancillary facilities when it is determined and shown by VALLEJO that the same is necessary to (1) meet the debt service obligations for either conventional financing and/or bonded indebtedness incurred by VALLEJO and the CLUB (1) in the construction of the new Blue Rock Springs East Golf Course, and the new driving range, and (2) to meet any costs due to unforeseen emergencies or due to any major disasters relating to the aforescribed properties and activities. Upon receipt of such request the CLUB shall implement the same within thirty (30) days thereof.

Pursuant to Section 3.7(B) of the Management Agreement, a copy of which is attached, CLUB agrees to remit Operating

Profit from Blue Rock Springs East Golf Course operations and driving range, as defined in the Management Agreement, monthly to Vallejo to the extent necessary to fund monthly the pro rata portion of Annual Debt Service on the bonds, and Golf Club agrees to fund any shortfall in such Debt Service to the extent that the Golf Club has funds available therefor from its net revenues, including future reserves, but not reserves accumulated prior to the date of this lease, as defined in paragraph 3.7(B) of said Management Agreement, derived by Golf Club from the operations of the Blue Rock Springs West Golf Course and the Joe Mortara Golf Course within 15 days of demand therefor by City. Such pledge is made for the purpose of assuring to Vallejo a revenue stream adequate to provide Annual Debt Service on the Bonds issued to finance the acquisition and development of the Blue Rock Springs East Golf Course and driving range. Golf Club agrees that at any time Operating Profit from the East Course operations and driving range (as defined in the Management Agreement but without regard to the identity of the operator) for each month of any Fiscal Year is less than the prorated portion of Annual Debt Service on the Bonds for a like period, Golf Club shall within 15 days of demand therefor remit the shortfall amount to the extent available as defined above, to the City for deposit to the Bond Debt Service Fund, it being understood that CLUB intends to aid City in providing monthly payments equal to at least 1/12th of Annual Debt Service on the Bonds during the term of the Bonds, whether it then manages and operates the Blue Rock Springs East Golf Course (but only to the extent Operating Profit from the Blue Rock Springs East Course and driving range is inadequate for

such purpose).

Notwithstanding the above, City agrees and understands that Golf Club does not give any general or specific guarantee or assurances as to the profitability of the Blue Rock Springs West Golf Course and the Joe Mortara Golf Course or that the net revenues derived therefrom will meet the aforementioned Debt Service.

Further, notwithstanding anything to the contrary stated herein, City agrees that the failure of Golf Club to earn and to forward sufficient revenues to the City to facilitate the payment by City on the bonds issued to finance the East Golf Course, West Golf Course, and driving range will not serve as a basis to hold Golf Club in default of this lease nor will the same be grounds for the termination of this lease, nor grounds for the modification of this lease.

At such time as the operating profit from the Blue Rock Springs East Golf Course is equal to or greater than maximum annual debt service on the bonds, and any additional bonds that may be issued pursuant to the provisions herein for three successive Bond Years as reflected in a Certificate of an Independent Certified Public Accountant, the Golf Club shall be under no obligation pay any revenues from operations of the Blue Rock Springs West Golf Course and Joe Mortara Golf Course.

L. **Ex-Officio Members:** VALLEJO may designate two (2) persons in the capacity of honorary members of the Board of Directors of CLUB, who shall serve at the pleasure of the Council of VALLEJO. The honorary members so appointed shall be invited to attend all meetings of the Board of Directors of CLUB, may

participate in the discussion of matters under consideration in the customary manner, but shall not have the right to vote, or the right to exercise any of the other powers, duties and privileges of the regular members of the Board, unless otherwise provided by CLUB.

5. **Ownership of Improvements and Personal Property:** All improvements that may be placed upon the demised premises, whether by VALLEJO or by CLUB, shall become and be the property of VALLEJO but subject to the terms and conditions of this lease and all personal property and equipment situate thereon belonging to CLUB shall become and be the sole and separate property of VALLEJO, at the expiration or sooner termination of this Lease, except as otherwise herein provided.

6. **Joint Utilization of Facilities.** CLUB does hereby agree to allow VALLEJO to jointly utilize the present and future parking, restaurant/dining/coffee shop facilities presently on the demised premises (Parcel I, present course) in connection with VALLEJO's operation and ownership of the new eighteen hole East Golf Course and Driving Range, so long as CLUB has a Management Agreement with VALLEJO for the East Golf Course and Driving Range. It being understood and agreed to by and between CLUB and VALLEJO that should VALLEJO choose not to renew and extend the Management Agreement executed on even date herewith VALLEJO shall immediately upon the termination of said agreement provide for its own clubhouse, cart storage facilities maintenance facilities and equipment on the East Golf Course property and that CLUB will retain all West Golf Course facilities and equipment for its sole and exclusive use for the

term of this lease. The expenses of said joint utilizations shall be shared equally between the two golf course operations. Similarly, decisions on the use and operations of said facilities shall be made and agreed upon jointly by and between CLUB and VALLEJO. CLUB understands and agrees to VALLEJO's desire to improve said facilities in order to achieve greater play, use, and enjoyment of both courses subject to the same being financially feasible. Similarly, VALLEJO does agree to allow CLUB to jointly utilize the driving range facility at the established rates.

7. Compliance With Laws: The demised premises shall not directly or indirectly be used by CLUB, or by any person or persons, for any purpose in violation of the laws of the United States of America, the State of California, or of any municipal rule, regulation, or ordinance of the City of Vallejo, or for any unlawful purpose, and CLUB and all others using and occupying said premises will at all times comply with any and all federal and state laws, statutes and regulations, and with any and all ordinances, rules and regulations of the City of Vallejo which may now or hereafter be enacted, passed, or adopted, with reference to the maintenance, use or occupation of said premises, or in the conduct of any business or activity therein established.

8. Eminent Domain: In the event that there shall be a taking of the leased premises, or any part or portion thereof, during the term of this Lease, or any extension thereof, under the power of eminent domain, all compensation and damages awarded for such taking shall belong to and be the sole and

separate property of VALLEJO and CLUB shall have no claim thereto. CLUB does hereby revocably assign and transfer to VALLEJO any right it may have to compensation or damages for property condemned. However, VALLEJO shall immediately utilize said funds for the acquisition and development of replacement facilities which shall be leased to CLUB under the same terms and conditions of this Lease. Said replacement facilities acquisition shall be commenced within one year of receipt of said monies and the replacement facilities shall be completed within three years of the receipt of said monies.

9. Right of Inspection; Attorney's Fees: VALLEJO shall have the right to enter upon the demised premises at all reasonable times to inspect the same. In the event VALLEJO prevails in any suit brought against CLUB for the violation of any of the covenants of this Lease, or for the recovery of the possession of the premises herein demised, CLUB shall be liable to VALLEJO for the reasonable fees of its attorney in such suit brought, and the amounts so allowed for fees shall be taxed as a part of the costs of such suit.

10. Default: Except as otherwise provided herein, in the event that CLUB shall fail or neglect to do, perform, or observe any of the terms, conditions, covenants, or agreements contained herein on its part to be kept and performed and such failure or neglect shall continue for a period of not less than thirty (30) days after VALLEJO has notified CLUB in writing of CLUB's default hereunder, and CLUB has failed to correct such default within said thirty (30) days, or if CLUB shall be declared to be bankrupt or insolvent according to law, or if an assignment of

any of its property shall be made for the benefit of creditors, or if a receiver be appointed on account of insolvency and not discharged within ten (10) days after appointment, then in either of said cases or events VALLEJO may lawfully, at its option, immediately or at any time thereafter, without demand or notice, enter into and upon said demised premises or any part thereof, and in the name of the whole, repossess the same of its former estate, and expel CLUB, and those claiming by, through or under CLUB, and remove their property and effects, if any, without being deemed guilty of trespass and without prejudice to any remedy which otherwise might be used for rent or other preceding breach of covenant or agreement. On the re-entry aforesaid, this Lease shall terminate. The waiver by VALLEJO of any default in performance by CLUB of any of the terms, covenants, conditions, or agreements herein contained, or in the payment of any rental required hereunder, shall not be deemed a continuing waiver of the same or any subsequent default hereunder. It is understood by and between VALLEJO and CLUB that notwithstanding anything to the contrary set forth in this lease agreement the failure by the CLUB to meet the payments on any bonded indebtedness placed on the leased premises by VALLEJO shall not be a cause for default of this lease, including but not limited to the present contemplated bond issuance for construction of the Blue Rock Springs East Course and the reconstruction of the Blue Rock Springs West Course.

11. Mutual Agreement Necessary For Golf Club Indebtedness

It is hereby agreed by and between VALLEJO and CLUB that

VALLEJO shall not go to sale on the second phase of the new construction bond issuance which is to be approximately \$2,500,000.00 until such time as VALLEJO and CLUB mutually agree that the revenues being generated by the CLUB from operations based upon the initial rate and fee structure set forth in this lease for the Blue Rock Springs West Course and the Joe Mortara Course and in the Management Agreement for the Blue Rock Springs East Course as set forth in Exhibit "C" attached hereto are sufficient to meet the annual debt service to be created by the sale of the additional \$2,500,000.00 fn bonds.

12. **Non-Discrimination Clause:** CLUB shall not discriminate against any member, employee or applicant for membership or employment or applicant for membership because of race, color, creed, sex, age, national origin or non-disqualifying handicap. CLUB shall not discriminate against any person by refusing to furnish such person any service or privilege offered to or enjoyed by the general public, nor shall CLUB or its employees publicize the Golf Course in any manner that would directly or inferentially reflect on the acceptability of the patronage of any person because of race, religion, color, ancestry, sex, national origin or non-disqualifying handicap, nor shall the Golf Course be so used.

13. **Cancellation of Existing Leases:** This lease shall upon execution terminate and supersede that certain lease made by and between the City of Vallejo, a municipal corporation, and the Vallejo Golf Club, Inc., a non-profit organization, on or about November 27, 1972, and all subsequent amendments and agreements made subsequent thereto by and between the parties herein.

14. Notices: Any notice, document or other item to be given, delivered, furnished or received under this Agreement shall be deemed given, delivered, furnished, or received when given in writing and personally delivered to an officer of the applicable party or, after the same is deposited with the United States Postal Service, postage prepaid, registered or certified first class mail, return receipt requested, addressed to such applicable party at the address or addresses as such party may from time to time designate by written notice to the other, at the time of delivery shown on such return receipt:

IF TO GOLF CLUB: Vallejo Golf Club
Club President
Blue Rock Springs Golf Course
Post Office Box 5207
Vallejo, CA 94590

Copy to: Vallejo Golf Club Manager
Blue Rock Springs Golf Course
Post Office Box 5207
Vallejo, CA 94590

IF TO CITY: City Manager
City Hall
555 Santa Clara Street
Post Office Box 3068
Vallejo, CA 94590

Copy to: City Clerk
City Hall
555 Santa Clara Street
Post Office Box 3068
Vallejo, CA 94590

IN WITNESS WHEREOF, the parties hereto have hereunto affixed their signatures the day and year first above written.

SIGNATURE PAGE FOLLOWS

VALLEJO GOLF CLUB, INC.
A Non-profit Corporation

By *James D. Reeves*
James D. Reeves, President

By *John R. Ludwig*
John R. Ludwig, Secretary

APPROVED AS TO FORM:

By *[Signature]*
Albert M. Lavezzo,
Attorney for Vallejo Golf
Club, Inc.

CITY OF VALLEJO
A Municipal Corporation

By *Edward G. Wohlenberg*
Edward G. Wohlenberg,
City Manager

ATTEST: *Allison Villarante*
Allison Villarante,
City Clerk

(CITY SEAL)

APPROVED AS TO FORM:

By *John M. Powers*
John M. Powers,
City Attorney

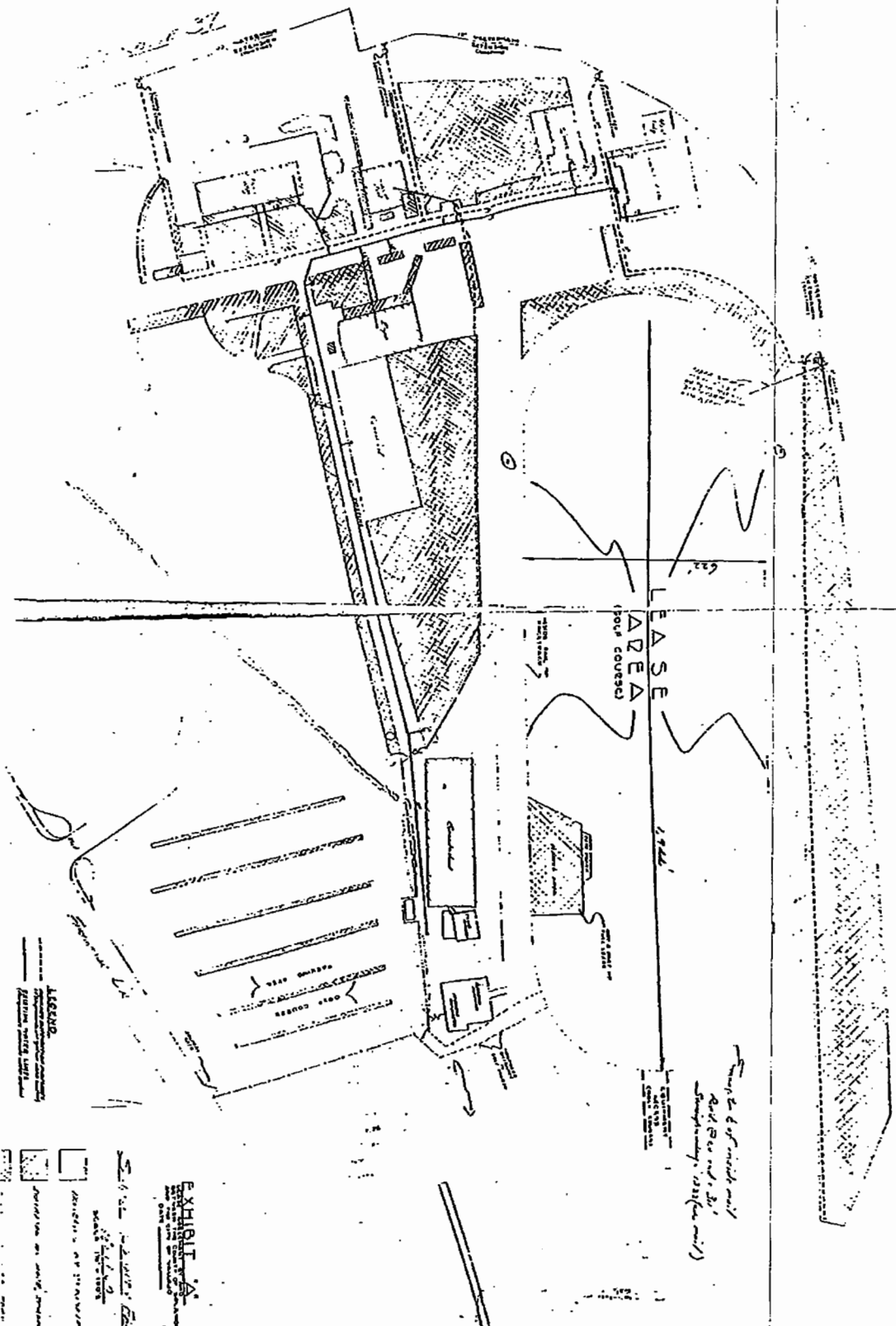


Exhibit A

**FIRST AMENDMENT TO LEASE BETWEEN THE
CITY OF VALLEJO AND THE VALLEJO GOLF CLUB, INC.**

The undersigned parties, namely the CITY OF VALLEJO, a Municipal Corporation, hereinafter referred to as "VALLEJO" or "LESSOR," and the VALLEJO GOLF CLUB, INC., a California nonprofit corporation, hereinafter referred to as "CLUB" or "LESSEE," do hereby agree to amend that certain "LEASE BETWEEN VALLEJO GOLF CLUB, INC. AND CITY OF VALLEJO" dated July 6, 1992, a true copy of which is attached hereto marked Exhibit "A" and made a part hereof by this reference, as follows:

3. The Parcel II - Solano County Fairgrounds - Racetrack Infield,

A. Consideration, on Pages 4-5, is hereby revised and amended to read as follows:

A. Consideration: With respect to the above described Parcel II, CLUB covenants and agrees to pay VALLEJO as rent for said demised premises the sum of ONE DOLLAR (\$1.00) per year during the term of this Lease, payable upon execution hereof and payable thereafter on or before the 1st day of January of each year, without delay, deduction, or default. VALLEJO covenants and agrees, as a material part of the consideration to be rendered CLUB under this Lease, to deliver and supply CLUB, within City's ability, with irrigation water, free of charge, for planting, irrigating and maintaining landscaped areas within the demised premises, herein described as Parcel II, as required by CLUB for such purposes not to exceed twenty-five (25) million gallons per year. Payment for water delivered in excess of twenty-five million gallons shall be paid for by CLUB at the City raw water rate then in effect. VALLEJO shall not be required to deliver and supply said irrigation water at a rate of draft in excess of one

hundred fifty thousand (150,000) gallons within any consecutive twenty-four (24) hour period but not less than two hundred and ten (210) gallons per minute rate. Said untreated water shall be delivered and supplied to CLUB at a CLUB pump station on the east edge of Lake Chabot as a primary source. An alternative source of water may be supplied to CLUB at a connection point just inside the racetrack infield perimeter fence from the twelve-inch (12") water main located on the north side of the Fairgrounds. The above sources of water will be used as directed by the City. If CLUB elects to use the 12" water main, it is understood that such water will be free of charge as long as the total allotment of irrigation water (i.e., two hundred and forty (240) million gallons per year) for the East and West Courses is not exceeded. If the allotment is exceeded the CLUB will pay at the prevailing raw water rate then in effect. It is also understood by CLUB that the water which VALLEJO has agreed to supply hereunder is irrigation water, and that said water is raw or untreated water and not fit for human consumption.

Except as amended hereinabove, said Lease and each of its terms and provisions, shall be and remain in full force and effect.

IN WITNESS WHEREOF the parties hereto, acting by and through their duly authorized representatives, have signed this First Amendment to Lease as of this 2nd day of Aug., 2000.

CITY OF VALLEJO, a Municipal
Corporation

BY: 

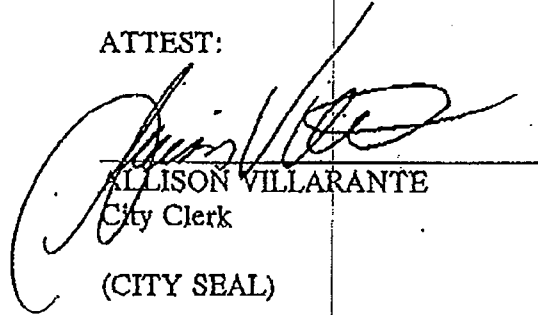
DAVID R. MARTINEZ
City Manager

(SIGNATURES CONTINUED ON PAGE 3)

APPROVED AS TO FORM:

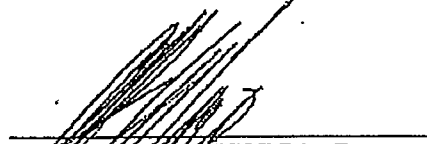

JOHN M. POWERS
City Attorney

ATTEST:

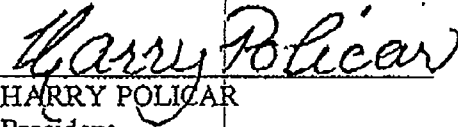

ALLISON VILLARANTE
City Clerk

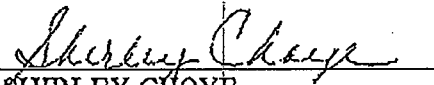
(CITY SEAL)

APPROVED AS TO FORM:


ALBERT M. LAVEZZO, Esq.
Attorney for VALLEJO GOLF
CLUB, INC.

VALLEJO GOLF CLUB, INC., a
California Nonprofit Corporation

BY: 
HARRY POLICAR
President


BY: 
SHIRLEY CHOY
Secretary



CONSENT I

DATE: February 12, 2013

TO: Mayor and Members of the City Council

FROM: Joseph M. Kreins, Chief of Police
Kenneth Weaver, Captain of Police 

SUBJECT: DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

RECOMMENDATION

Adopt a resolution approving the Chief of Police or his or her designee, as its subordinate officer to represent the City of Vallejo in matters pertaining to the Department of Alcoholic Beverage Control (ABC).

REASONS FOR RECOMMENDATION

Historically, the Chief of Police or his designees have acted as the City's "designated subordinate officer" to represent the City before the Department of Alcoholic Beverage Control (ABC). The Planning Division reviews ABC applications for land-use compatibility and monitors compliance with conditions of approval attached to Conditional Use Permits issued by the City of Vallejo pursuant to the City's land use authority to regulate uses within the City.

In recent years, due to severe budget cuts, the City of Vallejo no longer has the police staff to participate in ABC matters. This duty was informally delegated to the Planning Division and its staff. This resolution will formally designate the Chief of Police, or his or her designee (which may be a police officer or Planning Division staff) to represent the City of Vallejo in matters pertaining to the Department of Alcoholic Beverage Control.

BACKGROUND AND DISCUSSION

Liquor licenses are issued only by the California Department of Alcoholic Beverage Control (ABC). Licenses fit into two broad categories – on-sale and off-sale. On-sale licenses are generally for bars and restaurants, while off-sale licenses covers liquor stores and grocery stores which sell alcohol. As to the process, individuals seeking either type of license must apply with ABC. If the applicant's business is or will be located in an "Undue Concentration Area," then the applicant must establish that a "Public Convenience or Necessity" (PCorN) would be served by granting the license. The local jurisdiction may comment on whether the PCorN would be served by granting a license for a particular use. In addition, the local jurisdiction may recommend that conditions be placed on existing licenses where the use

constitutes a nuisance. Recommendations by the local jurisdiction are not binding on the ABC, but are given significant weight in license proceedings.

Historically, the Chief of Police, or his or her designees, including Community Service Division Officers, represented the City of Vallejo in ABC license matters, making recommendations regarding PCoN and license conditions.

The City of Vallejo also uses the Use Permit (UP) process to regulate the establishment of alcohol selling businesses. A conditional use is one which the City allows, by permission, in a given zone but is not required to grant. UP restrictions may include restrictions on hours of operation, noise level standards, parking, litter pickup, lighting, and many others. The Planning Division and Planning Commission review applications for a UP and establish conditions of approval. Planning Division staff may appear before the ABC to comment on whether an ABC application is in compliance with an existing UP.

In recent years, due to severe budget cuts, the Vallejo Police Department no longer has the staff to provide officers to investigate ABC license matters or attend ABC hearings. This duty was informally delegated to the City's Planning Division, which now represents the City in ABC proceedings on PCoN and conditions on existing retail licenses in addition to land-use planning matters.

The attached resolution formally authorizes the Chief of Police or his or her designee (which may be a police officer or Planning Division staff member) to represent the City in ABC license matters. Planning Division staff appearing on behalf of the City to make recommendations regarding PCoN or conditions on existing retail licenses will work in consultation with the Police Department.

FISCAL IMPACT

There is no fiscal impact.

DOCUMENTS ATTACHED

Attachment A – Resolution.

CONTACT PERSON(S)

Joseph M. Kreins, Chief of Police
(707) 648-4540
jkreins@ci.vallejo.ca.us

Kenneth Weaver
kweaver@ci.vallejo.ca.us

RESOLUTION NO. 13-_____ N.C.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VALLEJO DESIGNATING THE POLICE CHIEF OR HIS OR HER DESIGNEE TO REPRESENT THE CITY OF VALLEJO BEFORE THE STATE ALCOHOLIC BEVERAGE CONTROL DEPARTMENT

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

WHEREAS, California Business and Professions Code Section 23958.4 requires the Department of Alcoholic Beverage Control to deny an application for a license if issuance would result in or add to an undue concentration of licenses or is in a high crime area unless the local governing body or its designated subordinate officer or body determines that public convenience or necessity would be serviced by the issuance; and

WHEREAS, California Business and Professions Code Section 23800 allows a local governing body or its designated subordinate officer or body to request that the Department place conditions on retail licenses within its jurisdiction; and

WHEREAS, the City Council of the City of Vallejo is the local governing body of the City; and

WHEREAS, the City Council may designate a subordinate officer or body to represent the City in matters within its jurisdiction before the state Alcoholic Beverage Control Department; and

WHEREAS, the City Council desires to appoint the Chief of Police, or his or her designee, in the capacity of subordinate officer.

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby designates the Chief of Police, or his or her designees, as its subordinate officer to represent the City of Vallejo in matters pertaining to the Department of Alcoholic Beverage Control.

RESOLUTION _____**RESOLUTION IN SUPPORT OF THE FOOD AND DRUG ADMINISTRATION'S BAN ON THE USE OF MENTHOL IN CIGARETTES AND MENTHOL AND FLAVORINGS IN OTHER TOBACCO PRODUCTS**

WHEREAS, in the US 44% of children aged 12-17 years who smoke, and 51% of Asian American and Hispanic, 79% of African American, and 37% of white high school-aged smokers use menthol cigarettes; and

WHEREAS, tobacco industry documents clearly show how the tobacco industry designed flavored tobacco products to target youth; and

WHEREAS, in Vallejo, 5% of students reported have tried smoking by the 5th grade; and

WHEREAS, mentholated and flavored products have been shown to be "starter" products for youth who begin smoking; and

WHEREAS, the tobacco industry has been manipulating the dose of menthol in cigarettes to ensure the uptake and continued use of tobacco, especially by young people and other vulnerable populations for many years; and

WHEREAS, in the US 71% of Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ) smokers, particularly youth, smoke menthol cigarettes; and

WHEREAS, in Vallejo 100% of tobacco retailers surveyed sold menthol flavored products, 88% sold cigarillos, blunts and little cigars, and 64% sold chewing tobacco; and

WHEREAS, in Vallejo 95 different menthol and flavored tobacco brands and brand variations were sold; and

WHEREAS, the tobacco industry has targeted African Americans with mentholated products and as a result nearly 83% of African American smokers smoke menthol cigarettes, compared with 24% of white smokers; and

WHEREAS, Vallejo is Solano County's largest city by population, 115,928, and is the most racially diverse of the cities with 22% African American, 24.9% Asian American, 32.8% White residents, and with 23% of Vallejo's residents of Hispanic or Latino origin; and

WHEREAS, the U.S. Food and Drug Administration (FDA) has the authority to issue product standards to promote public health, which can include eliminating or reducing certain ingredients; and

WHEREAS, the FDA already prohibits cigarettes from having candy, fruit, and spice as characterizing flavors because these flavors make tobacco products especially appealing to kids, and can lead to a lifetime of tobacco addiction; and

WHEREAS, menthol was expressly exempted from the ban on characterizing flavors in cigarettes; and

WHEREAS, other tobacco products (including but not limited to smokeless tobacco, cigars, hookah tobacco, and dissolvable tobacco products) are not included in the ban on candy, fruit, spice or other characterizing flavors; and

WHEREAS, the tobacco industry has a well-documented history of developing and marketing mentholated brands to racial and ethnic minorities and youth; and

WHEREAS, in cigarettes, menthol is the only cigarette additive that is actively marketed to consumers, and virtually all cigarettes contain at least some menthol to make cigarettes more palatable; and

WHEREAS, the City of Vallejo is committed to the health and well-being of its residents and in July 2011 adopted a Resolution to join the Healthy Eating Active Living Cities Campaign and is particularly concerned about preventing tobacco use among youth.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of Vallejo hereby supports and encourages the Food and Drug Administration's exercise of its authority to ban the use of menthol in cigarettes and menthol and flavoring in other tobacco products in the United States; And

BE IT FURTHER RESOLVED that the City Council of Vallejo shall send this resolution to the following individuals / Agencies:

FDA Staff and Advisory Committee:

Dr. Lawrence Deyton, MSPH, MD
Director Center for Tobacco Products
Food and Drug Administration
9200 Corporate Boulevard
Rockville, MD 20850-3229

Cristi Stark, MS
Center for Tobacco Products
Food and Drug Administration
9200 Corporate Boulevard, Room 110H
Rockville, MD 20850-3229

Dr. Jonathan Samet, MD, MS
Tobacco Products Scientific Advisory Committee Chair
Food and Drug Administration
9200 Corporate Boulevard
Rockville, MD 20850-3229

Margaret Hamburg, MD
Commissioner, Food and Drug Administration
10903 New Hampshire Avenue
Silver Spring, MD 20993-0002

Kathleen Sebelius, Secretary
Department of Health & Human Services
200 Independence Avenue, S.W.
Washington, D.C. 20201

Federal Elected Officials:

Senator Barbara Boxer
United States Senate
112Hart Senate Office Building

Congressman Mike Thompson
985 Walnut Avenue
Vallejo, CA 94592

Washington, D.C. 20510

Senator Dianne Feinstein
United States Senate
331 Hart Senate Office Building
Washington, D.C. 20510

Adopted by the City Council of the City of Vallejo at a regular meeting held on February 12, 2013 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

OSBY DAVIS, MAYOR

ATTEST:

DAWN G. ABRAHAMSON, CITY CLERK



CONSENT K

DATE: February 12, 2013

TO: Mayor and Members of the City Council

FROM: David A. Kleinschmidt, Public Works Director
Franz Nestlerode, Asst. Public Works Director - Water Superintendent

SUBJECT: ACCEPTANCE OF THE FLEMING HILL WATER TREATMENT PLANT
FILTER BLOCK AND MEDIA REPLACEMENT FOR FILTERS 9 & 10
PROJECT, PERFORMED BY ERS INDUSTRIAL SERVICES INC. OF
FREMONT, CALIFORNIA AS COMPLETE

RECOMMENDATION

Adopt a Resolution accepting the work as complete for the Fleming Hill Water Treatment Plant Filter Block and Media Replacement for Filters 9 & 10 Project WT7053 performed by ERS Industrial Services Inc. of Fremont, California and authorizing the City Clerk to file a Notice of Completion with the Solano County Recorder's Office.

REASONS FOR RECOMMENDATION

ERS Industrial Services Inc. has satisfactorily completed all the improvements and requirements called for by the plans and specifications of the Fleming Hill Water Treatment Plant Filter Block and Media Replacement for Filters 9 & 10 Project WT7053.

FISCAL IMPACT

The total project cost including Contract Change Order No. 1, for disinfection work, amounts to \$163,621.79. The project was paid out of the City Water Capital Fund (404-2715-431.43-45; WT7053).

BACKGROUND

On July 24, 2012, the City awarded a contract to ERS Industrial Services Inc. of Fremont, California for the construction of the Fleming Hill Water Treatment Plant Filter Block and Media Replacement for Filters 9 & 10 at the lowest responsive and responsible bid price of \$162,682.56.

The improvements installed a new bed of Leopold HDPE Filter Blocks for Filter No. 9, topped with 30 inches of Granulated Activated Carbon, 10 inches of Silica Sand, and 10 inches of Silica Gravel. For Filter No. 10, new filter media consisting of 30 inches of

DATE: FEBRUARY 12, 2013

SUBJECT: ACCEPTANCE OF THE FLEMING HILL WATER TREATMENT PLANT
FILTER BLOCK AND MEDIA REPLACEMENT FOR FILTERS 9 & 10
PROJECT, PERFORMED BY ERS INDUSTRIAL SERVICES INC. OF
FREMONT, CALIFORNIA AS COMPLETE

PAGE: 2

Anthracite, 10 inches of Silica Sand and 10 inches of Silica Gravel were installed over the existing clay tiles.

A minor Contract Change Order in the amount of \$939.23 was added for work in disinfecting Filters 9 & 10 after installation of the filter media. The completed project amounted to \$163,621.79.

The Contractor has satisfactorily completed all the required improvements called for by the project and has submitted the one year warranty bond that is on file with the Water Division.

DOCUMENTS ATTACHED

- a. Resolution

CONTACT PERSON(S)

David A. Kleinschmidt, Public Works Director
(707) 648-4301
dkleinschmidt@ci.vallejo.ca.us

Franz J. Nestlerode, Assistant Public Works Director - Water Superintendent
707 648-4308
franz@ci.vallejo.ca.us

K:\PUBLIC\AIWT\7053-FHWTP Filter Repair & Replacement Project Acceptance.doc

RESOLUTION NO. 13- N.C.

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

WHEREAS, ERS Industrial Services Inc. of Fremont, California has satisfactorily completed all the work called for by the plans and specifications of the Fleming Hill Water Treatment Plant Filter Block and Media replacement for Filters 9& 10 Project WT7053; and

WHEREAS, additional work was encountered and directed during construction; and

WHEREAS, Contract Change Order Number 1 was approved in the amount of \$939.23; and

WHEREAS, the final contract amount to ERS Industrial Services Inc. is One Hundred Sixty Three Thousand, Six Hundred Twenty One Dollars and Seventy Nine Cents (\$163,621.79); and

WHEREAS, ERS Industrial Services Inc. has submitted its required one-year warranty bond and it is on file with the Water Division; and

WHEREAS, the Assistant Public Works Director - Water Superintendent has determined that the above work has been completed.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Vallejo that it hereby accepts the Fleming Hill Water Treatment Plant Filter Block and Media Replacement for Filters 9 & 10 Project WT7053 performed by ERS Industrial Services Inc. of Fremont, California as complete and that the City Clerk is directed to record a Notice of Completion in the Office of the Solano County Recorder.

FEBRUARY 12, 2013

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CONSENT L

DATE: February 12, 2013

TO: Mayor and Members of the City Council

FROM: David A. Kleinschmidt, Public Works Director
Franz Nestlerode, Asst. Public Works Director - Water Superintendent

SUBJECT: UTILITY AGREEMENT FOR THE RELOCATION OF A PORTION OF
THE 39-INCH NORTH BAY AQUEDUCT WATER MAIN WITH SOLANO
TRANSPORTATION AUTHORITY

RECOMMENDATION

Adopt the Resolution authorizing the City Manager or his designee to execute Utility Agreement No. 04-UT-1877.5 with the Solano Transportation Authority ("STA") for the relocation of a portion of the 39-inch North Bay Aqueduct ("NBA") water main on the north side of Freeway 80, at the Green Valley Road Overpass.

REASONS FOR RECOMMENDATION

STA, in cooperation with the California Department of Transportation ("CalTrans"), is widening Freeway 80 and a portion of the 39-inch NBA water main on the north side of Freeway 80, at the Green Valley Road Overpass, needs to be relocated out of the way of the proposed freeway expansion. STA and the City have not come to agreement as to whether the City's easement rights are superior to Caltrans, which has a direct effect on the cost allocation for the relocation work. STA and the City staff have agreed that in order to expedite the widening work, this issue shall be resolved by future negotiations or by an action in a court of law to determine the liability of each party.

Reviewed and approved by the City Attorney.

2/7/13
Date

JUL NAYLOR
City Attorney

DATE: FEBRUARY 12, 2013

SUBJECT: UTILITY AGREEMENT FOR THE RELOCATION OF A PORTION OF
THE 39-INCH NORTH BAY AQUEDUCT (NBA) WATER MAIN WITH
SOLANO TRANSPORTATION AUTHORITY (STA)

PAGE: 2

FISCAL IMPACT

It is estimated that the City's liability is between \$98,000.00 and \$700,000.00, depending on whether the City's has prior rights and the amount of any accrued depreciation credit that STA/CalTrans may be entitled to. Funds are available for this work in the Water Enterprise Budget in the FY 2012-2013 Water Main Capital Improvements Project WT 7060 to pay for the City's share of the relocation costs upon resolution of the dispute regarding whether the City's easement rights are superior to Caltrans.

BACKGROUND

The City installed the 39-inch NBA water main in 1986. This main conveys raw water from the Sacramento River to the Fleming Hill Water Treatment Plant. STA proposes to widen Freeway 80 at the Green Valley Road overpass, which will require a portion of the water main on the north side of the freeway to be relocated.

In 2011, STA claimed that Vallejo's installation of Vallejo's mainline occurred after the adoption of Interstate 80 as a Freeway and Expressway (F&E). STA further claimed that because Vallejo has not produced evidence of a superior or prior right, it is assumed that the mainline was installed pursuant to an encroachment permit. Streets and Highways Code section 673 provides that the owner of utility facilities installed under an encroachment permit is obligated to relocate those facilities at their expense. STA has not disclosed the F&E adoption date; however, after consulting City files, staff has have determined that Highway 40 became Interstate 80 in 1964, and Vallejo's portion of the NBA was installed in 1986. As a result, we believe the F&E adoption date is not relevant. In 1964, Interstate 80 was nowhere close to Green Valley Road, so STA's focus on the F&E adoption date appears misplaced. The issue is not when Interstate 80 was built, but rather that the City's pipeline rights are superior to STA's as STA has only recently or has yet to acquire the necessary right of way for the construction of their widening project.

STA has obtained all necessary environmental documentation and approvals and has prepared an environmental impact report for the project. STA is contracting out this work and when completed, shall convey the new water mains, easements, and facilities to the City.

DATE: FEBRUARY 12, 2013

SUBJECT: UTILITY AGREEMENT FOR THE RELOCATION OF A PORTION OF
THE 39-INCH NORTH BAY AQUEDUCT (NBA) WATER MAIN WITH
SOLANO TRANSPORTATION AUTHORITY (STA)

PAGE: 3

DOCUMENTS ATTACHED

- a. Resolution
- b. Utility Agreement No. 04-UT-1877.5
- c. Site Map

CONTACT PERSON(S)

David A. Kleinschmidt, Public Works Director
(707) 648-4301
dkleinschmidt@ci.vallejo.ca.us

Franz J. Nestlerode, Asst. Public Works Director/Water Superintendent
707 648-4308
franz@ci.vallejo.ca.us

RESOLUTION NO. 13- N.C.

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

WHEREAS, the City of Vallejo owns the 39-inch North Bay Aqueduct ("NBA") in the vicinity of Freeway 80 and the Green Valley Road overpass; and

WHEREAS, Solano Transportation Authority ("STA") proposes to widen Freeway 80 in the same area, necessitating the relocation of portions of the 39-inch NBA water main on the north side of the freeway; and

WHEREAS, STA and the City have not come to agreement as to whether the City's easement rights are superior to the California Department of Transportation ("Caltrans"), which has a direct effect on the cost allocation for the relocation work; and

WHEREAS, STA and the City staff have agreed that in order to expedite the widening work that this issue shall be resolved by future negotiations or by an action in a court of law to determine the liability of each party; and

WHEREAS, funding for the City's improvements, if necessary, is available in the FY 2012-2013 Water Main Capital Improvements Project Budget WT 7060; and

WHEREAS, STA is responsible for and has prepared an environmental impact report for the project, including the water main relocations, as required under the California Environmental Quality Act.

NOW, THEREFORE, BE IT RESOLVED that the City Council does hereby authorize the City Manager or his designee to execute Utility Agreement No. 04-UT-1877.5 with STA for the widening of Freeway 80 at the Green Valley Road Overpass and relocation of a portion of the 39-inch NBA water main, substantially the same as the agreement attached to the staff report accompanying this Resolution, with any modifications recommended by the City Attorney.

FEBRUARY 12, 2013

DISTRICT 4	COUNTY Solano	ROUTE 80 / SR 12	POST MILE 80 PM 12.0 to 13.1 SR12 PM 2.1 to 2.8	EA 0A5344
FEDERAL AID NO. N/A		UTILITY OWNER City of Vallejo		
FEDERAL PARTICIPATION				
On The Project <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		On The Utilities <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		

UTILITY AGREEMENT No. 04-UT-1877.5**DATE: February 7, 2013**

WHEREAS, Solano Transportation Authority, hereinafter called "STA," in cooperation with the California Department of Transportation ("Caltrans"), proposes to construct the first construction package of the I-80/680/12 interchange project, in and near the City of Fairfield, County of Solano, State of California. The **City of Vallejo**, a municipal corporation, hereinafter called "Owner", owns and maintains a 39-inch water main, hereinafter called "Owner Facilities," on the north side of Freeway 80, at the Green Valley Road Overpass located within the limits of the STA/Caltrans project, and;

WHEREAS, STA, acting with Caltrans has issued Notice to Owner No. 1877.5 dated February 6, 2013, attached hereto marked as Exhibit "A", to the City of Vallejo, which Notice to Owner offers terms and conditions pursuant to which STA/Caltrans proposes to relocate certain Owner's Facilities to clear the first construction package of the 80/680/12 interchange project, and;

WHEREAS, the reconstruction of the STA/Caltrans freeway project necessitates the relocation of Owner's Facilities, and;

WHEREAS, STA/Caltrans, in order to clear the right of way for the freeway construction, will relocate the Owner's Facilities, and;

WHEREAS, Owner claims it has rights that are prior and superior to those of Caltrans and claims that Caltrans must pay the relocation costs for the Owner's Facilities covered by the prior right, hereafter "Prior Right Facilities," and;

WHEREAS, in accordance with Section 706 of the Streets and Highways Code, STA/Caltrans may, without prejudice to its rights, or that of Owner, proceed to relocate Owner's Facilities so as not to delay the freeway construction, and;

WHEREAS, STA/Caltrans and Owner disagree on the issue of which is liable for the portion of the required relocation work known as the Prior Right Facilities, STA/Caltrans and Owner agree that, in order to expedite the freeway project, STA/Caltrans shall proceed with the relocation work in Utility Agreement No. 1877.5 dated February 7, 2013.

NOW THEREFORE, it is agreed between STA/Caltrans and Owner as follows:

1. STA/Caltrans shall relocate Owner's Facilities in accordance with Utility Agreement No. 1877.5, dated February 7, 2013.
2. In signing this Agreement, neither STA/Caltrans nor Owner diminishes its position, waives any of its rights or accepts liability.
3. STA/Caltrans and Owner reserve the right to have such liability resolved by future negotiations or by an action in a court of competent jurisdiction pursuant to the provisions of Section 706 of the Streets and Highways Code.



ACTION A

DATE: February 12, 2013
TO: Mayor and Members of the City Council
FROM: Ursula Luna-Reynosa, Economic Development Director
Andrea Ouse, Planning Manager
Marcus Adams, Associate Planner
SUBJECT: ORDINANCE AMENDING RESIDENTIAL VIEW DISTRICT NOTICING REQUIREMENTS

RECOMMENDATION

Adopt a Resolution and Hold First Reading of an Ordinance Amending Chapter 16 (Zoning Ordinance) of the Vallejo Municipal Code (VMC) Increasing the Public Notification Radius from 100 to 200 feet and Increasing the Public Review Period from 15 days to 15 working days for Administrative Site Development Projects in the Residential View District.

REASONS FOR RECOMMENDATION

The proposed amendments will strengthen the public participation process for Vallejo Heights Residential View District residents.

BACKGROUND AND DISCUSSION

On December 20, 2011, the City Council adopted Resolution of Intention # 11-178 directing Staff to prepare amendments to Chapter 16.36 of the Vallejo Municipal Code (VMC), Residential View District, addressing the fee requirement for persons who propose (or have already constructed) structural improvements, and for clarification of which views are to be protected. The Resolution of Intention was brought before Council to reconsider the current practice of requiring a Site Development Permit application and \$4,950 fee from an applicant when a member of the public disagrees with an administrative decision on an application made by the Planning Division.

Staff addressed this issue by conducting research of previous staff reports on View District projects, reviewing other city ordinances regarding view district standards, and reviewing the Planning Commission and City Council minutes and documents associated with the 1990 adoption of the Vallejo Heights View District. Staff also held three community meetings in 2012 to solicit public input on the proposed amendments.

Based on the research results, and comments received during the community meetings and other correspondence, staff forwarded the following three recommendations to the Planning Commission for consideration at a public hearing on September 17, 2012:

1. Establish an appeal fee of \$231 to be collected by those in opposition to an administrative action by the Planning Division on an application in the Residential View District. This would replace the current requirement that the applicant submit a Site Development Permit application (\$4,950) and plans for Planning Commission consideration.

-
2. Increase the public notification radius for Residential View District projects from 100 feet to 200 feet.
 3. Change the public review period from 15 days to 15 working days.

After reviewing the information provided by staff and receiving numerous public comments during the hearing, the Planning Commission voted to recommend City Council approval of the proposed amendments #2 and #3 above, while retaining the current requirement for submittal of a Site Development Permit application and fee for Planning Commission consideration if an administrative decision by the Planning Division was opposed. For the most part, such opposition is based on potential view impacts from neighboring properties. (See attached Planning Commission Meeting Minutes and Staff Report dated September 17, 2012)

The Planning Commission's decision not to forward consideration of an administrative decision appeal application and fee to City Council was based primarily on two factors:

- a) The potential \$4,950 Site Development Permit application fee would 'incentivize' the applicant proposing new construction to address any potential view blockage issues raised by neighbors prior to submittal to the City for consideration; and,
- b) The definition of a 'view' is too subjective for the burden of an appeal to the Planning Commission to be shifted to the neighbor.

Although the original intent of the amendment was to address the \$4,950 Site Development Permit fee required from the applicant if an administrative decision by the Planning Division is opposed, staff concurs that the applicant would likely find an incentive to work with his/her neighbors in order to avoid the Site Development Permit application fee. Furthermore, staff confirms that the definition of what constitutes a "protected or significant" view is not clearly defined in the zoning ordinance, and therefore is subjective.

ENVIRONMENTAL REVIEW

The proposed project qualifies for a California Environmental Quality Act (CEQA) exemption, per Section 15061(b)(3) of Title 14 of the California Code of Regulations as the code text amendment increased the public notification and review period, and will not have a significant effect on the environment.

FISCAL IMPACT

There would no fiscal impact due to the proposed amendment. The increased postage of including additional properties for public notification would be at the applicant's expense and there is no fee associated with the increase in the number of days for the public comment period.

ATTACHMENTS

Attachment 1 – Resolution

Attachment 2 – Draft Ordinance

Attachment 3 – Planning Commission minutes (September 17, 2012 meeting)

Attachment 4 – Planning Commission staff report (September 17, 2012 meeting)

Attachment 5 – Resolution of Intention

CONTACT

Ursula Luna-Reynosa, Economic Development Director, (707) 648-4382, uluna@ci.vallejo.ca.us

Andrea Ouse, Planning Manager, (707) 648-4163, aouse@ci.vallejo.ca.us

Marcus Adams, Associate Planner (707) 648-5392, marcusadams@ci.vallejo.ca.us

RESOLUTION NO. 13- N.C.

**A RESOLUTION HOLDING ON FIRST READING AN ORDINANCE
ADOPTING AN ORDINANCE AMENDING CHAPTER 16.36 OF TITLE 16
THE VALLEJO MUNICIPAL CODE (ZONING ORDINANCE) REGARDING
THE RESIDENTIAL VIEW DISTRICT**

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

WHEREAS, on December 20, 2011, the City Council directed staff to prepare amendments to Chapter 16.36 of the Vallejo Municipal Code (Zoning Ordinance) regarding residential view districts, and to bring back to Council those amendments for first reading and adoption; and,

WHEREAS, Chapter 16.36, Residential View District, of the Vallejo Municipal Code (Zoning Ordinance) establishes regulations for residential view districts; and

WHEREAS, under appropriate regulations, new structures or exterior changes to existing buildings may be permitted when it has been established that adjacent property owner's views have not been adversely impacted; and

WHEREAS, it is desired to amend Section 16.36.030 of the Vallejo Municipal Code to increase the public notification mailing radius from 100 to 200 feet and public review period from fifteen days to fifteen working days prior to the date on which the development services director intends to make a decision on the issuance of the building permit for the purpose of strengthening the public participation process; and

WHEREAS, the City of Vallejo Planning Commission conducted a duly noticed public hearing to consider a recommendation for the City Council to adopt the Code Text Amendment to the Zoning Ordinance Section 16.36.030 on September 17, 2012 at which written evidence, was presented to and considered by the Planning Commission; and

WHEREAS, on September 17, 2012, the Planning Commission recommended the City Council adopt Code Text Amendment #12-0001 to increase the public notification radius for Residential View District projects from 100 feet to 200 feet and increase the public review period for such projects from 15 days to 15 working days; and

WHEREAS, the City Council has reviewed the report provided to the Planning Commission on Code Text Amendment #12-0001 and the minutes from the public hearing held on September 17, 2012 and all other comments and information on the proposal; and

WHEREAS, the City Council, on February 12, 2013 in the City Council Chambers of City Hall, 555 Santa Clara Street, held a public hearing to consider Code Text Amendment #12-0001 which includes increasing the public notification radius for Residential View District projects from 100 feet to 200 feet and increasing the public review period for such projects from 15 days to 15 working days; and

WHEREAS, all interested persons filed written comments with the City Clerk at or before the hearing, all persons desiring to be heard were given an opportunity to be heard in this matter, and all such verbal and written testimony was considered by the City Council; and

WHEREAS, the City Council finds that the proposed Code Text Amendment #12-0001 is consistent with the Goals, Objectives, Policies, and intent of the Vallejo General Plan; and

WHEREAS, the City Council has determined, based on all evidence in the record, including the staff report, written correspondence, and testimony, that the Code Text Amendment complies with the requirements of the California Environmental Quality Act (CEQA) as this project would be exempt pursuant to CEQA Guidelines Section 15061(b)(3) of the California Code of Regulations as the activity in question will not have a significant effect on the environment.

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby:

- 1) HOLDS on first reading an Ordinance of the City of Vallejo amending Title 16 of the Vallejo Municipal Code as shown in Attachment 2.

ADOPTED by the City Council of the City of Vallejo at a regular meeting held on February 12, 2013 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

OSBY DAVIS, MAYOR

ATTEST:

DAWN ABRAHAMSON, CITY CLERK

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

AN ORDINANCE OF THE CITY OF VALLEJO AMENDING
SECTION 16.36.030(A)(2) OF CHAPTER 16.36 OF PART III OF
TITLE 16 OF THE VALLEJO MUNICIPAL CODE
REGARDING THE RESIDENTIAL VIEW DISTRICT

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

New text shown in ***bold italic***, deleted text in ~~strike through~~;

SECTION 1: Subsection (A)(2) of Section 16.36.030 (Development Services Director Review and Evaluation) of Chapter 16.36 (Residential View District) of Part III (Special Zoning Districts) of Title 16 (Zoning) of the Vallejo Municipal Code is hereby amended to read as follows:

“2. If the plans make changes in the building envelope of an existing structure or they propose construction of a new accessory structure, but the development services director determines that the improvements will not adversely impact adjacent property owners' views the development services director will cause all property owners within ~~one-two~~ hundred feet of the site to be notified of the proposed application by mail deposited at least fifteen ***working*** days prior to the date on which the development services director intends to make a decision on the issuance of the building permit. If adjoining property owners believe the proposed application will impact their views, they shall notify the development services director within ten days of the city's notification. Upon such notice, the development services director will then cause the applicant to submit a site development application, per Chapter 16.90 and plans will be referred to the planning commission for determination.”

SECTION 2 Severability.

If any section, subsection, sentence, clause, phrase, or word 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 3: Effective Date.

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

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PLANNING COMMISSION
Council Chambers
555 Santa Clara Street
Vallejo, California 94590

COMMISSION MEETING MINUTES

SEPTEMBER 17, 2012

A regular meeting of the Planning Commission was held on the above date in the Council Chambers located at City Hall, 555 Santa Clara Street. Following are the minutes from that meeting:

1. ORDER OF BUSINESS

The meeting was called to order by Chairperson Peterman at 7:00 p.m.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

Present: Chairperson Peterman, Commissioners Kinney, Cortez, Klimisch, and Adams

Absent: Vice-Chair Graden, Commissioner Eschenburg

Staff: Michelle Hightower, Acting Planning Manager
Greg Stepanicich, Contract City Attorney
Leslie Trybull, Planning Secretary

4. APPROVAL OF MINUTES

None.

5. WRITTEN COMMUNICATIONS

None

6. REPORT OF THE SECRETARY

Michelle Hightower: Good evening, Commissioners. First of all, we'd like to welcome Greg Stepanicich. He is sitting in for Claudia Quintana, our City Attorney. I'd like to report that your next meeting will be held on October 1, 2012, and at that meeting, we have the continuation of the Use Permit at 1906 Broadway. That was for the beer and wine license on Broadway. The following meeting will be held on Monday, October 15, 2012, and currently we have no items scheduled, but I am pretty sure that we will have items coming before you on that day and we will keep you posted.

7. CITY ATTORNEY REPORT

None.

8. REPORT OF THE PRESIDING OFFICER AND MEMBERS OF THE PLANNING COMMISSION AND LIAISON REPORTS

None.

9. COMMUNITY FORUM

Anne Carr: Good evening Commission. I name is Anne Carr and I am a Vallejo native, homeowner, resident of the Vallejo Heights District. I'm going to be speaking twice tonight, but first thing I'd like to talk about is the process of communication between the Planning Department and the public and the Planning Department and the Commission. I'm bringing up process as a specific item and requesting that the Planning Commission direct the Planning Department and the Department of Economic Development to do two things in its communications. The first is whenever there is a major project or zoning change to give 10 days' minimum public notice with materials in advance so that the public has a chance to be notified of any pending changes, has a chance to review and provide their input in a timely manner. The second thing, and this goes across the board for the City of Vallejo, is that right now the agendas for city meetings are published in a script called PHP, which is unreadable on my system. I get goop. There's this thing called HTML, hypertext markup language it's been around since the web. It's very simple. There's also something called PDF. Two simple cheap technologies that just about anybody can use including even me. I'll do it volunteer for you. With respect to process communication and lack of adequate notice, and also relevant to the View District thing coming up tonight, the process for public notice, review and input has really been jumbled and badly managed. Two times now we've received the actual verbiage for the code changes with inadequate time to review them. Tonight we got a little over one working days' notice. The previous time the code was proposed, we got four days' notice. It's simply not enough time to read and digest the material. By the way, I think that also goes for the Planning Commission itself. The public workshops, staff workshops that have been held on this, while a great idea, they were not publicized on the City website. The first one, the Planning Commission canceled its meeting at the last minute, so it wasn't clear that the workshop was even going to be held. The second one, the materials were not ready in advance. And so then most of that meeting was spent just answering questions. And then, by the way, a different project, the waterfront development proposal that recently came up, where staff had known about that since May, and then they didn't get their documents to the City Council until four days before a vote, and that was a 540 some odd page report. So that was simply in inadequate amount of time. So, to summarize again, I respectfully ask you to provide adequate notice and agendas in HTML.

Chair Peterman: Thank you.

10. CONSENT CALENDAR AND APPROVAL OF THE AGENDA

Commissioner Kinney: Mr. Chairman, I move that the consent calendar and the agenda be approved.

Chairperson Peterman: Please vote.

Vote: 5 AYES
 0 NOES
 Motion carries.

11. PUBLIC HEARINGS

Chairperson Peterman: We move on now to Public Hearings, item 11A.

Leslie Trybull: Item 11 A was continued from the August 20, 2012 meeting. The project number is Code Text Amendment #12-0001. The applicant is the City of Vallejo Planning Division. The location is the Vallejo Heights Neighborhood. The proposal: the Planning Division proposes the following amendments to the Residential View District Ordinance, Chapter 16.36 of the Vallejo Municipal Code: 1) remove the requirement that an applicant submit a site development application and fee when proposed construction has been determined to not have a view impact by the Planning Division but the determination is challenged by a neighboring property owner; 2) expand the public notification radius; and 3) extend the public notification period from 15 days to 15 working days. The environmental determination: pursuant to the California Environmental Quality Act (CEQA), the proposed project qualifies for a California Environmental Quality Act (CEQA) exemption, per Section 15061(b)(3) of Title 14 of the California Code of Regulations as the subject activity will not have a significant effect on the environment. Staff Recommendation is to forward a resolution recommending that the City Council adopt Code Text Amendment #12-0001. The Project Manager is Marcus Adams.

Marcus Adams: Thank you, Leslie. Good evening Commission. I want to first make sure that you did receive the latest correspondence that was not included in the packet that went out the end of last week, on your dais, make sure you got a chance to read that correspondence. I also would like to announce to the public that we have copies of those comments on the back table, so if you would like, you can retrieve a copy of the latest comments that were submitted by residents.

Commission, did you get a chance to read the letters?

Chairperson Peterman: Does anybody need more time? I think we're good, Marcus.

Marcus Adams: Okay good. With that, I'll start the presentation tonight. Just to reiterate, this is a continuation of the last Planning Commission hearing. The item was continued in order to receive more input from the community and to go over the proposed amendments. The Residential View District, located in Vallejo Heights. You can see the boundaries here, Wilson Avenue to the north, Farragut to the South, Riverfront Park the west, and along Rogers to the east. The purpose for the Code Text Amendment for the Vallejo Heights View District was based off City Council Resolution of Intention in 2011 and the main impetus for that was to remove the financial burden, the potential financial burden, on the applicant who would be doing construction or legalizing construction. Currently - and we'll get more into this during the presentation - if the property owner believes that a project is going to obstruct their views and staff has determined that the view would not be impacted, the applicant, the person doing the construction, would submit a Site Development application for public hearing.

I have two flowcharts for you this evening. One to describe the existing process as I briefly summarized and here's a little bit more detailed view of it. I'm going to go through the process methodically here. An applicant comes to the planning counter, and says that they're going to do an addition, or some type of new construction. They inform staff of that. We look at the proposal and, if it's complete they can submit that proposal that day and they pay for a public notice that would be sent to property owners within 100 feet. For that first initiation, they would submit drawings that would include a site plan, possibly floor plans, elevations, and in most cases we would ask them to put story poles up so that staff and the community can determine potential view impacts. Once the application has been received and the fee paid for that notice, the notice does not go out immediately. Prior to the notice going out, staff visits the site and the surrounding area to determine potential view impacts. So as we can see here, to the right of the flowchart, if at that time, staff determines that there is a view impact, we will inform the applicant of that determination and then the applicant could then work with staff to remove the view obstruction, or if they disagree with staff they could go forward and immediately submit the site development application, which is currently \$4,950. If staff determines that there is no view impact, we then mail the notice to the neighbors informing them of our determination of no view impact of the project within a 100 foot radius. The notice goes out for a minimum of 15 days for staff to receive any comments regarding our determination. If staff does not receive any comments or objections, then the applicant would be able to go forward with their Building permit. If we did receive an objection to our determination, then as you can see here from our flowchart, it goes back to us informing the applicant, the person doing the construction, that a neighbor has stated there is a view impact, we work with the neighbor and the applicant to try to resolve that. If it cannot be resolved, then currently the applicant would have to submit a site development application for a public hearing.

It was due to that situation, and I would just like to state for the record that sometimes we've heard that it was just one incident, but there have been multiple instances where the applicant has been in a situation where a neighbor has opposed it and they then had to submit the site development application and then objected to that fee. The most recent incident was the impetus a few years ago that made the City Council then ask staff to take a look into this and amend the ordinance to address that.

After we had our resolution of intention we conducted three community meetings, the most recent was earlier this month and presented alternatives to the community. What you see before you now is the most recent alternatives that were presented at our community meeting on September 4, 2012. I'll briefly explain them. The first alternative, which was the recommendation that was presented to you at the September 4th at the hearing, was that the person who objects to the staff's determination would file an appeal to the Planning Commission. The appeal fee would be \$231. The second alternative would be what I call it the "leave it as it is" alternative, for the ordinance would not be changed, the applicant would submit the site development application for the hearing. The third alternative presented to the community was that the site development application will be submitted at a reduced fee. The fourth alternative was that both the applicant and the neighbor would pay for the site development permit hearing. And then the last alternative was that there would be no fee for either the appellant or the applicant.

In the correspondence and I'm sure we'll hear tonight that there might be some discrepancy about the vote totals at the community meeting. Because of the long question-and-answer period, we did indeed have some people leave before we could take the vote, but I think it's safe to say that the majority went with either option two or three and one of the residents has brought up to me that more than likely if you would have given those who voted for the site development reduced fee, kind of a ranked voting type of system, they may have voted for the second option and I would have to agree that the majority of those in attendance were more in favor of keeping the site development process versus going with the appeal process.

Based off of the three community meetings and conversations among staff and with our city attorney's office, we propose the following process. I highlighted in red what the changes are that would happen. The initial process would stay the same. The applicant comes to staff; informs us of the proposal. We have them submit the materials, once again, site plans, elevations, potentially floor plans, and in most cases have them put the story poles up. Staff goes out to the site, makes a determination. If we determine there's going to be a view impact, just as the process is now, we would ask them to address that impact. If they were unwilling or unable to address the impact and we would go immediately to the site development application. That's staying the same. If we had no view impact

you see the one change there in red. The notice that would then go out to the community informing them of no impact increases from a 100 foot radius to a 200 foot radius. The amount of time of that comment also increases from 15 days to 15 working days. At that point in the scenario that we see here, two things could happen. If the neighbor disagreed with staff then staff would go to the neighbor's house to see the obstruction that they have stated. If staff agrees with the neighbor that there is indeed an obstruction, then we go back to the box there where we inform the applicant that there is an obstruction. They need to either address the obstruction or if they are unwilling to they still go through the site development process and application and fee. If indeed staff determined that we disagree with the neighbor and we stuck with our original determination that there was not a view impact, as you can see there in the box below in red, the neighbor could then file an appeal. There's that 15 day period, so you would have 15 days plus an additional 10 days after that 15th day expired to file the appeal, so the actual time is also increased from 15 days now for an appeal to 25 days. Once the appeal is filed, staff would then inform the applicant, the person doing the construction, of that appeal, and at that point we would ask them to submit any materials that are consistent with the current site development application process. Their submittal would still be consistent with what they would have to submit with the current ordinance, as far as materials, the difference being they would not pay the \$4,950 fee. That fee would not occur and the fee for the hearing would be paid by the appellant, the \$231 fee.

I wanted to illustrate a sample notice that would be sent to the residents within the 200 foot radius. I should also mention that it not only goes to those within 200 feet, it also goes to any registered neighborhood groups within 1,000 feet of the area. I highlighted here in the red box where it states that if we do not receive opposition, you have 15 working days, with the actual date. That date, if you notice, October 16th gives a few days for the notice to be mailed. The date of the notice you see at the bottom left-hand corner is October 12th so the clock would start ticking a few days after that. You have that 15 day period, and then it states if we do receive oppositional comment within that 15 day period, which would end in this case November 6th, they would still have another 10 days to file their appeal and you can see that date there in bold, November 16th.

I wanted to go back a few slides here to this particular slide. I think this is an important slide, just to kind of reiterate, especially with all the material you've received, what is and is not being proposed with this amendment. Once again I want to make clear that the process, to summarize, the basic process that is changing is who pays for the public hearing. Currently, the applicant would pay for that through the site development process. Our recommendation is that it switches to the appellant paying that. And the reason we propose that is because it is our belief that it is indeed an appeal that is occurring. Staff has made a determination, but now a neighbor is appealing that. So to have the site development process is not the correct process. That site development process is still going to be in the ordinance. It could happen in multiple ways. It could happen where staff makes a determination that there is a view impact. It could

occur if it is a whole new house or a new structure, a new single-family home. If we did determine that the neighbor was correct and there was a view impact and the applicant was unwilling or unable to resolve that, then once again we would have that site development application process and fee. So that's not changing. The materials that need to be submitted, that's not changing. That still stays the same. So the major thing that is changing is once again the process of the appeal and who pays for the hearing, which would be paid through the appeal process. It's consistent with any other staff determination for any of our applications. If someone wants to object to or protest our determination, they go through an appeal process. Currently the appeal process for residents of Vallejo is \$514. We are proposing an appeal fee in this situation of \$231. It's approximately half the cost. I have been asked by the community as far as other cities and their appeal fees, and I was able to do a little bit of research on that. Fairfield's appeal fee is \$551. Vacaville's appeal fee is \$788. Stockton, a city that has some similarities with ours, is \$404. Richmond is \$118. Antioch is \$50. Just to kind of give you an idea of Solano County cities approximate with our population and other cities close to our population or demographics. With that, I'm sure there'll be plenty of questions that I can answer that will shed more light on the amendment, but hopefully that's giving you an insight and understanding of our proposal this evening.

Chairperson Peterman: Commissioner Cortez.

Commissioner Cortez: Thank you. Marcus, just to see if I understood, if it's a new house, an entire new project, it automatically goes to the site development?

Marcus Adams: Yes, a brand-new home that would automatically go to the Site Development.

Commissioner Cortez: Okay.

Chairperson Peterman: Commissioner Kinney.

Commissioner Kinney: Marcus, you keep referring to the 200 foot radius. What's the definition of radius? One lot's 200 feet in depth, another one's 75 feet. Do you take the center of the house, center of the property, outside edges of the property, I think that needs to be defined a little more closely.

Marcus Adams: So if you had your parcel and let's just say it's like most parcels. Let's just assume it's a rectangular parcel. It would be the outer boundary of the parcel. Not the home, but the parcel. And then we take a 200 foot radius of that. And then that radius also goes to the furthest parcel. So once again it wouldn't go to five parcels over, it would go to the end of that parcel.

Commissioner Kinney: So it's not really a radius, it's a 200 foot distance from the property line.

Marcus Adams: Right, I think the term radius is because of the circular amount around that.

Commissioner Kinney: I still have trouble, if I was appealing something and one of the citizens, I would want to know exactly whether I fall under that line or not, and if I didn't get notices. There have been complaints tonight about not proper notification, so I would want to know whether or not I deserve to be notified and I think it needs to be defined a little better. I don't understand it.

Marcus Adams: When we have a 200 foot radius, we produce a map that shows the outer ring so they would be able to come to the planning division to see the actual radius. Of course they can also have it e-mailed to them. That would be one way of knowing that. That did come up in one of our community meetings, what if they lived outside of that 200 foot radius, could they not appeal? They could still appeal, the Vallejo Heights organization could appeal on behalf, so you don't have to be with in that 200 foot radius in order to appeal.

Commissioner Kinney: In the ordinance, you have the wording Public Service Director, and in other places you have Planning Manager. Who is the Public Service Director?

Marcus Adams: I think if it says Public Service Director that is an error. It should say Development Services Director, I believe. And then the Planning Manager. The reason why it's stated that way is in the Residential View District Ordinance it refers to the Development Services Director. That's the existing language. In the appeal section of our ordinance, it has that you can appeal the decision to the Planning Manager. So that's the reason why you see the back-and-forth between the two.

Commissioner Kinney: There's no inconsistencies in that?

Marcus Adams: This may end up being an attorney answer but we didn't believe that there is any inconsistency. The appeal section I believe states that the appeal of a Planning Manager decision, I don't have it in front of me, but we would not say that an appeal cannot be accepted because you did not put the Development Services Director on there. If they put either or, and once again I could be corrected, but I still think the appeal would be valid.

Commissioner Kinney: In your chart there you have the proposed changes in the ordinance. If you bring that up. In the bottom...

Chairperson Peterman: Ms. Hightower, did you want to chime in at this point?

Michelle Hightower: I wanted to refer to your question regarding the Planning Manager and the Development Services Director. In another section of the Municipal Code, it states that the Development Services Director may designate

any discretion to the Planning Manager. Any determination or decision can be delegated to the Planning Manager. Over time our Code has been written to address both, but it's the same. The actual application is made to the Planning Division, so whether it's the Planning Manager signing the staff report for the appeal or the Development Services Director, it's the same division.

Commissioner Kinney: It's the same position?

Michelle Hightower: It's the division, it's the department, the Planning Department.

Commissioner Kinney: Who is the Development Service Director?

Michelle Hightower: There is an Economic Development Director, and that is the new Development Services Director. In the Code in another section, it states that the Development Services Director is now the Economic Development Director.

Commissioner Kinney: Thank you. In the bottom right-hand section there it says submit architectural drawings and other information, yet the first thing the applicant has to do when applying for a Building permit, don't they have to have architectural drawings at that time? So, aren't you creating a duplication or additional cost that's not warranted?

Marcus Adams: You mentioned the building permit, they would have to submit for the building permit process; did you mean building permit when you said the building permit process?

Commissioner Kinney: Well, you start, you just don't come in to the Planning Department. I've only been doing this for 50 years. I've never once come to the Planning Department and said I want to build a house and get an application to start the process. You have to have plans, you as a staff planner, in order to determine whether it creates a site obstruction or impact, you have to have plans to see what they're doing. So I just don't see where you have a proper - when you have to submit the architecture drawings, and since the plans were talking about site improvement, not architectural approval, we're only talking about elevations, sections of how the height of the building, and not how the building looks. So I just question that.

Marcus Adams: That's a very good question and a distinguishment that I think I can try to explain. At the beginning of the process, or when they first come to the counter and say that they have an addition, or accessory structure that they're proposing, the drawings that would be submitted, in that first box where it says "drawings, and in most cases story poles," those drawings do not have to be of the architectural quality and of the requirements that you would for a site development formal application. Obviously the drawings need to be representative of what's being built and they need to be drawn to scale showing

dimensions, but such things, now I'm reading from the site development application, that list trees, a roof plan, grading, and slopes, those type of things we wouldn't ask for at the initial stage. If it did come to the point where indeed a neighbor or staff determined that there is going to be a view impact, then at that point we're asking for the architectural drawings; perhaps we've already received, what we need at that initial stage, but if not, it's at that point where we're requiring drawings consistent with the formal site development application. There's a laundry list of items that need to be on those architectural drawings. In most cases we ask that those be drawn by a design professional or an architect or at least someone that we're confident that they're going to be of enough high quality so that both staff and a layperson be able to understand them.

Commissioner Kinney: Thank you.

Chair Peterman: Commissioner Klimisch.

Commissioner Klimisch: The \$231 appeal fee, will that cover the city's cost as far as notifying all the 200 foot radius residents And having a staff person go out to the house and view the obstruction?

Marcus Adams: No. The \$231 is the fee we charge for a 200 foot notice, whether it's for this project or any other project, but it would not cover staff going out to the site, staff writing the report, to be honest with you not even if we charge the full \$500 would we cover that.

Commissioner Klimisch: Another reason why the our city is bankrupt, or was bankrupt. It just seems to me as a businessperson that you have to charge for the time you have to spend on the project and that it should be reflected in the cost. Just my opinion. So staff goes out on an appeal and goes to someone's house that says their view is going to be obstructed. Can it be through the bathroom window? Can it be, what part of the house do you have to be standing in to be obstructed?

Marcus Adams: The person whose house it is, I guess any room is an obstruction, but for staff, we look at the significance of the obstruction, and as part of that, we look at where the obstruction is occurring. More than likely in a bathroom window, we would not say that's an obstruction or an adverse view impact. I brought this one up at one of the meetings, though sometimes people have really nice luxury bathrooms with a big picture window and in that case maybe the bathroom window would count. So we can't give a definitive which room, what type of view, and I know that came up many times where they did want some definitive language in the ordinance but as you just saw from my example it would be impossible to do that.

Chair Peterman: Commissioner Adams.

Commissioner Adams: Marcus, as it is right now, if an applicant comes to you to do something in the View District, do they pay a fee?

Marcus Adams: Yes, at a minimum, they're going to pay the public notice fee.

Commissioner Adams: And when did they pay that fee? That's the \$4,950?

Marcus Adams: No, they will pay the initial fee, the \$231 notice fee.

Commissioner Adams: And they pay that when they come to you for the first time?

Marcus Adams: Correct. If they're ready to submit, yes.

Commissioner Adams: Is there any point along the process where they're currently paying the \$4,950?

Marcus Adams: Yes.

Commissioner Adams: At what point?

Marcus Adams: It could be at that initial stage. If they say we're going to build a new home, they would pay that \$4,950 right then. If they say they have a project, we go out and we take a look and we determine immediately that there's going to be a view impact and they were unable to resolve that, they would pay the \$4950.

Commissioner Adams: Is that changing in the proposed process?

Marcus Adams: No.

Commissioner Adams: So they still pay the \$4,950?

Marcus Adams: They could still pay that. The situations in which they would pay that is not changing. Except with the neighbor objects and staff determines.

Commissioner Adams: So I got it. So if the neighbor objects, they're going to have to pay the \$4950?

Marcus Adams: Right now if the neighbor objects whether staff agrees with the objection or not, right now they would pay \$4,950. With our proposal, if the neighbor objected and we disagreed with the neighbor and determined that there was no view impact, they would no longer have to pay the \$4,950.

Commissioner Adams: Oh, so if you agree with the applicant that there is no obstruction, that they don't have to pay the \$4,950?

Marcus Adams: Correct.

Commissioner Adams: And you're saying under the proposed process, the appellant would have to pay the \$231? Is that correct? And right now is there any charge to the appellant?

Marcus Adams: No.

Commissioner Adams: Not at all?

Marcus Adams: No.

Chair Peterman: Thank you. There being no further questions or comments, I will now open the public hearing. I remind you once again, if you would like to speak, please get a speaker card at the back of the room and give it to Mrs. Trybull. Our first speaker is Anne Carr followed by Richard Underwood.

Anne Carr: Good evening everyone, I'm still Anne Carr, a native homeowner, resident of Vallejo Heights. I have two major concerns with the proposed amendment and the zoning change, and they all have to do with the fee structure and who pays and how much. I will say for the record that I'm pleased with the idea of increasing the public notice, I think that's important. And also increasing the diameter or whatever; the area covered by the public notice. I will mention that in other building department and planning projects, there is already a precedent for even a larger public notice area of up to 500 feet, so I think that's interesting. With respect to reducing the financial burden for a project, Planning thinks that there's no significant impact, that's supposedly the impetus for this whole discussion is to reduce or remove the financial burden on the applicant who wants to build something. I would suggest a couple of ideas there. One is there are two things you can separate. One is the Site Development application with all the information that's entailed. And the second is the Site Development application fee. I think a potential win-win between a lot of us is that many of us in the Vallejo Heights District are concerned that decision's going through without a lot of information that helps you make an informed decision with respect to the view obstruction. The information that is pulled in through the Site Development application is important. If you want to reduce or mitigate the fee, you have a couple of options. You could waive the fee, you could lower the fee, you could give the Planning Department the authority or discretion to lower the fee on a case-by-case basis. You would still have the application with the information and then some discretion around the fee. That would address neighborhood and community concerns around information and also the Planning Department's impetus to not have a high fee on applicants wanting to build. There was a lot of feedback in community meetings that we think the fee is high and I personally think the \$4,950 is high relative to the per capita income and the median income of Vallejo. The second fee I have a problem with is the appeal fee. My problem with this is that it penalizes the homeowner who's trying to protect his property values. It says, well if you want to protect your values,

you need to pay \$231 instead of having the view zoning code enforced to begin with. Secondly, in terms of how much the fee is, in addition to the examples Marcus gave, Solano County Planning Commission charges \$100, so that's an additional thing.

Chair Peterman: If you could just wrap up your comments, please.

Anne Carr: I'm done.

Chair Peterman: Okay. Richard Underwood.

Richard Underwood: Thank you everyone. I want to thank Marcus for working so hard. He's really busting his chops on this. But I'm still against it. I'm completely unprepared. I want to segue on to what Anne said. I didn't have the information in a timely fashion. Lower the fees. If the charge was to lower the fees, lower the fees. It seems like we're circumventing the issue. Lower them. It's easy, I think. I'm not a planner, I'm not a public administrator, but I think we can lower the fees. Do you guys have a copy of the recent iteration and the new language? I have a question. It says down at the bottom here, architectural drawings and other information consistent with the requirements of section 16.90.030. I need clarification on that. What does that mean? It looks like the site development plan and the Site Development application is a process. Does that mean the same process is going to be followed if an applicant is appealing as if you agree, the Planning Department, with the so-called appeal, we're using the term appeal by the way when that hasn't been approved yet. We're all saying the word appeal, but it's not an appeal yet. I just have a question about that language.

Chair Peterman: Marcus, could you address that?

Marcus Adams: Yes. He's correct. That is referring to 16.90.030, which is the Site Development plans approval process. That process would be followed. The only difference is that the fee would not be taken in on that. But the site development plan process would still be applicable.

Richard Underwood: Okay, so you guys go from A to B to C to D to E and work your way through that?

Marcus Adams: Correct.

Richard Underwood: Okay that's all I have. I'm still against it. I don't like the word appeal. I don't like the fact that somebody can jury-rig something on the hillside; go back and make it legal later on with no plans. It doesn't work for me. Thank you.

Chair Peterman: Thank you. Our next speaker is Kim Geddes. Could you give those to Mrs. Trybull to hand out please?

Kim Geddes: That way if I miss a word or something you'll have it there. Hello, commissioners. Please support our community in protecting the beauty of our hillside neighborhoods. Please vote no on the proposed changes to our View District Ordinance. I'm having a problem with the light here. I'm sorry. I'm happy with the changes that seek to make our ordinance stronger, such as increasing the notification to 15 working days and a radius of noticing to 200 feet. Some projects that I've been noticed in in the past were within the 500 foot radius, so there are some planners who do go ahead and do that in the View District. I disagree with the appeal portion, the proposed appeal language in the ordinance actually seeks to diminish the 10 day time frame by stating deposit of the notification in the mail. I'm a little confused by that. There's many things in the language of the appeal that I'm confused by. I haven't had time to have an attorney look it over because I only got it on Friday afternoon, so I haven't had an actual real estate attorney look over it for me. I don't agree with solutions that encourage legal appeal proceedings with neighbors and charge the non-building applicant to protect their view. All of this discourages harmony among neighbors if staff sees no view issue. The project would go to appeal without the process of working out design compromise. It seems like staff's mention in the last workshop I attended that our community is somehow comprised of persnickety folks clouds the issue and hence staff's bias against the View District. I spearheaded our 100 block B Street renovation project and though folks had various ideas of what they wanted to do, see the final result. All of this was done with compromise, without Planning Commission involvement. The Bay Terrace neighborhood was designed by George Kellum. It is special in terms of architecture, landscape and building site in general. It is my hope that the same care and consideration that went into our original architectural and landscape design continue to be used to preserve the neighborhood for years to come. Please use the same care in considering any changes to the View District Ordinance. Thank you for your consideration.

Chair Peterman: Thank you Ms. Geddes. Our next speaker is Monica Tipton.

Monica Tipton: Thank you, Commissioners. I wasn't going to speak tonight, as I hardly have any voice left. I want to again, as Rick has done, thank Marcus for working with us on this. But we have yet to get language that has been consistent from one presentation to the next so that we have an opportunity to come to a consensus. This evening I heard something - this is why I'm not a politician folks - I probably audibly gasped. But there was a different iteration yet again and that concerns me deeply. My biggest complaint about this, 1): it's not terribly broken. We have asked repeatedly how many cases were involved in these kinds of disputes and the most we got was two and that was after an extended period of time. And one of them was somebody who was attempting to bring something up to code, which is admirable and wonderful, but we've got two. I'm failing to see how the current amendment is broken. Secondly, the language about bringing into when you first approach the counter at the Planning Department says we usually ask for or we usually receive. The thing is 16.09, is

it the very beginning of the, I never wanted to know this much about Muni Code honest, it says "but if it's less than 500 square feet, the Planning Director has permission to throw all that aside." And to which I respond, what the heck? So that was somebody who's building a structure that's 500 square feet that imposes on my view, one person who did not buy my house, one person gets to determine whether or not I get to keep that piece of my view. I've seen some of the view encroachment that has been proposed in the neighborhood, and it's not tiny. I think that if we're going to have a View District, it should be special. It is special. And that's why you have that kind of an amendment or you have that kind of an ordinance. It's different. We acknowledge that by saying it's a View District Ordinance. I was told I was moving into a View District Ordinance area, and that I could not make any structural changes that would impinge on my neighbor's views. I bought my house understanding that, I did my homework. Don't ignore me. Don't ignore all my neighbors, who've done their homework the right way. Please leave it as it is. Please vote no. Thank you.

Chair Peterman: Thank you, Ms. Geddes. Joel Remak.

Joel Remak: I'd like to thank Marcus, the Commissioners for allowing me to speak. I'm speaking as a resident within the View District but also as the President of the Vallejo Riverview Heights Association, which is part of the greater neighborhood association. I too have concerns and forthrightly ask you to vote no, to vote this down. I, like some of the other speakers, have tried my best to follow the proceedings and take my time to come, but what seems to not make sense to me is that I think we have a governor - not to state my political persuasion - we have a governor who says we have to pay for what we use of government. If we all realize that there's a cost associated with government and we are willing to pay, then things will work, budgets will balance. From the beginning, this ordinance or this proposed change to the ordinance or whatever amendment or title you want to give it, it immediately starts by striking a fee - why does the City, when we are in such a precarious financial situation, want to eliminate a fee? It wasn't even a question of reducing it, it was eliminating it. Why do we want to do that? What is the logic behind it? What's been confusing is not only the language but the motivation. Why are we doing this? I agree, and as I told Marcus before, a view is a very precious commodity. Once it's spoiled, it's spoiled forever. You can't get it back and as you all very well know, I come from more of a background of mechanical drawing diagrams, electronics, and I would think that is a good place for the Planning Department to focus. But I think when it comes to something as subjective as one's view, the reason they purchased their home, their quality of life, that really requires, as I told Marcus before, more of a consultive approach with the parties concerned and also to not just allow the Planning Department to unilaterally make that decision. Either homeowners associations, neighborhood association, public safety, there may be other people that need to come to the table because once this is gone it's gone forever. So I feel like I'm not really sure why we're all here to vote, I know why we're here, but I don't know what the motivation is. I'm a little concerned that the gal who just got hired to head up the economic development somehow

sits at the top of this pyramid and you have somebody who does business decisions - how does that square with people trying to enjoy their home? Just like when you go home to your home, there are aspects of it that you dearly love whether it be a tree, a view, your walkway, whatever it is, the view from your living room. Those are things that to me a Planning Department understands but it shouldn't be a unilateral decision and the other part, and not repeat, but why are we going backward? Why are we eliminating fees when really we should be adding fees or at least putting the fair burden on the right people. And the other thing of course is it shouldn't just be a unilateral decision. The thing that is most worrisome to me is that you have a Planning Department that once they state, once they rubberstamp, put that stamp and they say we find no objection, the people who live in that area have a very high uphill climb to overcome the objection. Even though it's just one person's opinion, it carries the weight. It's just like if you've ever been a traffic accident and you get a ticket and one witness or the cop thinks you did something, at that point you have a big battle if you want to win that case. And I'm saying it immediately, once they say we see no objection then we're at the mercy of did they, like you said "the bathroom," is that important? How much did they spend on it? Was it big, did they spend thousands to put in the Jacuzzi, or is it just they put in a bathtub and they just added a window? I mean, who's decision is this anyway? This is our lives. We live in a view district. By choice, maybe, but we're here so preserve it. The whole point of this is to preserve the view. That's what the View District is about is to make sure that the people get along. Like one young woman said here. there's some agreement because it's not just a question of did you put the right footings, do you have the right easement. This has to do with view. It's a very special subject and if it's a little more costly to get a consensus, then it needs to be paid for. I'm sorry. I can't take that away. If there's a cost there it's fair. So I urge you to vote no. Thank you.

Chair Peterman: I apologize, the next speaker's name first is Kathy and I can't read your last name.

Kathy Rynerson: Good evening. My name is Kathy Rynerson and I have concerns about this amendment. I have attended as many of the meetings as I could and I followed the documentation as much as I can, and nothing seems to match up from one place to another. It's just so elusive. Like tonight, we're hearing things that haven't been presented to us in the meetings, the community meetings. I'm just trying to keep up. The wording of "staff discretion" and "significant view impact" and "no view impact." It's all in different places. It's all in here, so which is it? What are the guidelines? What's really being proposed? It's just not clear, and I don't think we've come to any resolution, any conclusions. The voting that happened at the third community meeting, I didn't vote in that meeting because I was not ready to vote in that meeting. I wanted to contemplate what was being presented. I saw people vote twice in that meeting, so the vote in itself is suspect. We can't go by those numbers. I just don't think that we're in a place to change what's here. So please vote no.

Chair Peterman: Our last speaker is Bob Weir, a familiar face to this commission. He used to come to every meeting and we miss you. And if there's anyone else who would like to speak, please turn in a card. It's your last chance.

Bob Weir: Nice to see you guys. Sorry I haven't come in a long time, but health and all that stuff. My concern about this is I'm not sure of what we're doing here. I have a certain amount of fear. I've been on the Hill, own several homes on that hill since 1943. And then when Marcus is talking about we, who votes on this, I don't know who "we" is. We've had problems in the past on that hill, and I can imagine any person working in the Planning Department to try to go out there and make a decision. Now one time, as Kent says, years back, myself and Kathleen O'Sullivan were asked by the Planning Department to go to a particular house and ask them to redraw the plans on that house because it was blocking a person's view on the corner. They finally changed. That in itself would have been easy to understand. Six months later, me and a bunch of other people were on vacation, the house right next door, the Planning Department allowed them to build a tower, and it blocked everybody's view way up on C St. That's why the 200 feet to send out notices to let them know. The other question I have about this stuff is the view itself. The view, if I'm laying down, does that count? If I'm only 2 feet tall, does that count? Does it count if I'm looking out my kitchen window and he's going to build a corner thing right over my kitchen sink? There's got to be better guidelines, better rules on how we do this. We all love this view. We don't want to lose it. I encourage you to vote no on this. Thank you.

Chair Peterman: Thank you, Bob. I will now close the public hearing and bring it back into the hands of the Commission. Are there any comments or questions from commissioners? Commissioner Adams.

Commissioner Adams: Marcus, I think everybody kind of agrees with the idea of the extension of the time. I haven't heard anybody complain against that. And I think it's a good idea, myself. I think also the radius increases also a good idea. I haven't heard anybody talk against that, really. What I'm hearing is the objection to the existing homeowners having to pay a fee. I was thinking earlier, when I was speaking with you, that the \$4,500 fee that as it is right now, that seems a little high. Would it be possible to have a two tiered fee for the person who wants to do something? In other words, he pays one fee if everything is copacetic and there are no complaints. As soon as it has to go to any kind of arbitration or intervention with the existing owners, the fee goes up for him. A two-tier. To make it reasonable for him to get started if indeed his proposal is a good one. Is a two-tier fee structure doable?

Marcus Adams: We did discuss that. I think it was at our second community meeting, graduated fees for the applicant, a fee based on the value of the project. That is something that, if it's the Commission's desire to recommend to the Council, that could occur. I can just state staff's position on that because we did discuss that amongst staff. Once again, I think fundamentally it comes down

to two issues. At some point even the amount isn't really the big issue. The major issue is who pays the fee. As you stated, whether you want to pick straws as far as who voted for what, I would agree that the majority of the people were not in favor of the appeal fee. I would definitely attest to that. Once again, it's staff's opinion that that's what it is. It's an appeal. The applicant does pay an initial fee. They're going to pay an initial fee of \$231 for staff to state what the determination is. So that's already happening. Your option to then have another fee if indeed a neighbor objects, once again, our position was, if they object and staff then makes a determination based on that objection, we've made a determination. If our determination is indeed that the neighbor is correct and that there is a view blockage, then once again, there would be another fee. There could be discussion as far as how much that fee could be, lowering that fee from the \$4,950. But that would keep the process as we are proposing basically. At that point they're going to have to pay some type of fee for the hearing if they can't resolve it. So yes, that fee could be lowered. But as far as staff's switching its recommendation to have it to where there would not be an appellant fee, once again, of course Michelle can correct me if I'm wrong, but that would not be the direction that staff would want to go based on the City Council direction.

Commissioner Adams: I agree that it's complicated to have a fee structure based on the valuation of the project. That would be very complicated and unnecessary. But certainly if there is an objection that comes up, I think you could incentivize the person who's proposing something to make changes to avoid an additional fee. I think if somebody came in and he knew there was going to be an extra cost if he didn't go along with your recommendations or the recommendations of the existing homeowners, then he might just decide to make some changes on his own. And I think that would be a reasonable approach. I just have a hard time throwing it onto the existing owners to file a claim.

Marcus Adams: I would agree, but my position is that they're still going to have that incentive, because once again, once the neighbor objects, staff is going to go out and see it from the neighbor's point of view. If indeed there is merit to their belief that there is a view blockage, if we do agree, then you're right, then the neighbor at that point is going to address that view blockage. Or if they refuse to or just disagree with both staff and the neighbor, then they're going to pay the \$4,950. So that's already in there. We're not proposing to change that. I guess where the rubber hits the road is where staff disagrees with the neighbor and says, "no there's not a view blockage" and then at that point they would have to pay the \$231. Most of the audience are aware of this, but perhaps there are some of the commission who aren't. I won't drag too much into the details, the case that brought us to where we are tonight. But on more than one occasion, and on this particular occasion, there was a situation where it was staff's belief that there was possibly some vindictiveness as far as this claim of the view blockage. That's one of the things that is my belief that the City Council felt had merit too, which brought us here tonight. In some cases you may have a

neighbor who truly doesn't have a view blockage and just states it just because he or she has some type of grudge against the neighbor.

Chair Peterman: Commissioner Cortez.

Commissioner Cortez: The Site Development application, it does include a public hearing, doesn't it?

Marcus Adams: In this situation, it would yes.

Commissioner Cortez: If going through this new process, they found that the Planning Department finds there's no issues, it moves forward, you said that the process would continue as a regular Site Development plan?

Marcus Adams: It staff found that there was no view blockage, then it would not go forward, the only way it would go forward then as a Site Development process would be if a neighbor said "no I think there is a view blockage."

Commissioner Cortez: So if there's no complaints and staff says yes, it bypasses the site development, but all the requirements, all the plans and everything have to be provided as per the code?

Marcus Adams: Under the situation where we find there's no...

Commissioner Cortez: There are no issues, everything just...

Marcus Adams: If there is no view blockage then the plans that they submitted with their initial application for the public comment period, which basically consist of a site plan, a floor plan, if the necessary, elevations, that would be the extent of plans that they would submit.

Commissioner Cortez: At this point my view on this, I think we are jumping ahead. We don't have a definition of view. The instances that you mentioned that there is probably discrepancies in personalities, let's put it that way, between neighbors. It does happen. Like my colleague here, I'm in the same business, designing, and I come across that. But there's no real something that can take this as a view in which staff can determine whether a complaint is valid or not. I think we are jumping ahead of the game here. I don't think at this point we should change anything, and start working on defining view before we can even talk about changing the plan and the process.

Chair Peterman: Commissioner Kinney.

Commissioner Kinney: I've had three view houses, so I think I have some concept of what a view is. Each once is different. The first house I had there was a view, I made sure the zoning, they'd have to build a 10 story building in the residential area to block my view. The second house I had, a neighbor grew

trees up, he allowed me to trim the trees down so I could keep my view. That cost me \$1,000 about every three years. The third house I have here, the trees have grown up. When I bought the house I could see all of Marine World, I see up the valley, Napa Valley, etc. The trees have grown up; I basically don't have much of a view anymore. I go out to one end of the deck to see it. I find that a person talks about the value of the view. It's just like a valuable painting. Some people pay \$500,000 for a painting. Some will not pay anything for it. At the same time, at the last hearing we had people who talked about the value of their property being decreased because of the fact that somebody could block their view. I find that the City's ordinance in relation to other appeal numbers is like \$512. When this thing started, I wasn't aware of the \$512, I was thinking \$500 was a reasonable fee for people to file for appeal because I think that justifies they have some interest, or some value that they're trying to protect. Just filing an appeal with no value to it costs the City a lot of money to do that. This gentleman talked about why is the City going bankrupt because they're not charging the right amount of money for our services that it cost the staff to work. If this wants to be continued, that's a different story, but I think the \$500 is a reasonable fee to charge. I know it's \$231. But I think \$500.

Chair Peterman: Marcus, I have one last question. In your flowchart, with the neighbor, if you say that it's okay and the neighbor says that they don't, at that first stage do they have to pay anything at all?

Marcus Adams: No, not at that stage. What would happen.

Chair Peterman: Could you clarify that so that if they come back and say it's blocking my view and you go up and say yes it is, then they don't pay anything. Is that correct?

Marcus Adams: If they say it's blocking their view and we agree with the neighbor that it's blocking their view? Correct, they wouldn't pay anything. If anyone would end up paying anything it would be the person doing the construction, if once again, we couldn't resolve that issue.

Chair Peterman: Thank you. I can say that in the years I've been on the Planning Commission whoever said there are very few times that this is come before us is exactly right. It very rarely happens that there are issues that come before us, but yet we have something in place for when they do. I think that's why it's important that we take a good close look at this. I know sometimes it's very clearly apparent that something is blocking a view, you can see this house is going to go right up here in front of your living room and you're not going to be able to see the bay. Other times you sort of have to dangle outside the bathroom window you can hold onto the drain pipe and look over them I get a slice of the bay; it's not so clear-cut. But you're right it's a very subjective kind of thing so it's something we need to really think about. Commissioner Klimisch.

Commissioner Klimisch: Explain to me. So everyone in the view Vallejo Heights neighborhood, is it mandatory that you join the Association? It is not. Okay, but you pretty much know the neighbors, you shake hands with them? It's probably talked about during those walkarounds, who's going to do what in the neighborhood, and you have ample time to talk to them and break bread or not with them at that time? Correct?

Audience response (inaudible).

Chair Peterman: Excuse me I need to interrupt you and say that in order for you to respond I need you to go to the podium. I need to reopen the public hearing.

Commissioner Klimisch: I understand. Thank you.

Chair Peterman: Okay I will close the public hearing. Are there any other speakers? We need a resolution of some sort. With someone like to offer resolution? Commissioner Adams.

Commissioner Adams: I'd like to make a resolution that we approve that part of this that pertains to the 15 days, the extension of the notification and the extension of the radius, and we do not take action on the rest of it at this point.

Chair Peterman: Can we do that?

Greg Stepanicich: That would be for consideration by the Commission that could be the recommendation if approved by the commission that would be made to the City Council, so again, at this point, with that motion being made, if there's a second then that could be considered and debated.

Chair Peterman: Thank you. We don't second our motions though.
Commissioner Cortez.

Commission Cortez: I'll second the motion as stated.

Chair Peterman: Please vote.

VOTE: 4 AYES
 0 NOES
 1 ABSTENTION

Chair Peterman: Thank you. We now move on to item 11B.

Michelle Hightower: Chair Peterman, I would also like to take this opportunity to announce that the two Housing Element projects that were to come before you this evening have been continued to a date uncertain. We have plans to hold a community meeting, so that we can solicit input on the proposals. We heard the community loud and clear that they want to have some input on these two



**STAFF REPORT – PLANNING
CITY OF VALLEJO
PLANNING COMMISSION**

DATE OF MEETING: September 17, 2012 **Item No. 11-A**
PREPARED BY: Marcus Adams, Associate Planner *M.A.*
PROJECT NUMBER: Code Text Amendment #12-0001
PROJECT LOCATION: Vallejo Heights

**PROJECT
SUMMARY:**

The Planning Division proposes the following amendments to Section 16.36.030(A)(2) of the Residential View District Ordinance:

- 1) removing the requirement that an applicant submit a site development application and fee when proposed construction has been determined to not have a view impact by the Planning Division but the determination is challenged by a neighboring property owner,
- 2) incorporating an appeal submittal requirement consistent with Section 16.102.030 of the Vallejo Municipal Code,
- 3) expanding the public notification radius, and
- 4) extending the public notification period from 15 days to 15 working days.

**ENVIRONMENTAL
DETERMINATION:**

Pursuant to the California Environmental Quality Act (CEQA), the proposed project qualifies for a California Environmental Quality Act (CEQA) exemption, per Section 15061(b)(3) of Title 14 of the California Code of Regulations as the subject activity will not have a significant effect on the environment.

RECOMMENDATION:

Forward a Resolution recommending that the City Council adopt Code Text Amendment (CTA) #12-0001.

PROJECT DATA SUMMARY

Name of Applicant: City of Vallejo, Planning Division

General Plan Designations: Residential-Low, Medium & High Density,
Neighborhood Park

Zoning Designation: LDR– Low Density Residential District

PROJECT DESCRIPTION

Background

On December 20, 2011, the City Council adopted Resolution of Intention # 11-178 directing Staff to prepare amendments to Chapter 16.36 of the Vallejo Municipal Code (VMC), Residential View District, addressing the fee requirement for persons who propose (or have already constructed) structural improvements but who are not obstructing views, and clarifying which views are to be protected. The Vallejo Heights Residential View District is located in west Vallejo and is bounded by Highway 37 to the north, Farragut Avenue to the south, Sacramento and Calhoun Streets to the east and Wilson Avenue to the west (see Attachment 3). The Residential View District was formally adopted by City Council in 1990 and is composed of the following subdivisions: Vallejo Heights, Bay Terrace, Home View, Hillcrest Park, St. Francis Park, Hirst, Bridgeport, and Lighthouse. The purpose of a "Residential View District" is to establish physical boundaries in a neighborhood, district, or city in which private panoramic and scenic views are preserved through a design review process.

Pursuant to Subsections (A)(2) and (A)(3) of Section 16.36.030 of the Vallejo Municipal Code, when a Residential View District property owner proposes new construction (or is legalizing existing construction), the following process takes place:

1. Applicant applies for an addition or an improvement to an existing structure and submits a fee (currently \$231) to inform all property owners within 100 feet of the property of the proposed project. Drawings and in most cases, story poles are required as part of the application submittal.

- 2a. Planning Staff assesses the project and determines if the proposed construction would cause a view obstruction.

- 2b. In cases where the Development Services Director determines that no neighboring view obstruction will occur as a result of the addition or improvement, a public notice is mailed to neighboring property owners describing the scope of the proposed application and the Planning Division's view obstruction determination. This notice is deposited in the mail at least 15 days prior to the date on which the Planning Manager intends to make a decision on the issuance of the building permit.

- 2c. In cases where the Development Services Director determines no neighboring view obstruction would occur, but a neighbor(s) formally disagrees and notifies the Planning Manager of such disagreement within

10 days of the City's notification, a site development permit application is filed and paid for by the applicant (currently \$4,950) and the project is scheduled to be considered by the Planning Commission at a public hearing.

3. If the Development Services Director determines a significant view obstruction could occur, and the applicant does not modify the project to address the obstruction or disagrees with the Planning Manager's determination, a site development permit application is filed and paid for by the applicant (\$4,950) and the project is scheduled to be considered by the Planning Commission at a public hearing.

Staff believes that the original intent of the Residential View District review and evaluation process was to give property owners due process in determining whether their view was being adversely impacted by a neighbor. Rather than having to appeal the Planning Manager's determination, thereby putting the financial cost on a property owner who did not create the potential negative impact, the ordinance shifted the cost to the applicant, who created the issue in question. Staff also believes the original intent of the ordinance was to let an independent third party, in this case, the Planning Commission, be the final arbiter in a case where a neighbor(s) and Staff disagree on whether a view was being adversely impacted.

Although Staff supports the original intent of the review and evaluation process for the Residential View District, in most cases, the applicant will have already expended funds for the design of plans, a public notice, and story poles. Staff does not believe in instances where it has been determined that neighboring views are not adversely impacted by a proposed (or non-permitted existing) development, further expense of thousands of dollars should be placed on the applicant.

The subject amendment responds to City Council direction regarding the above issue as well as the public notice fee and time line for public comments on projects within the Residential View District.

PROPOSED AMENDMENTS

Based on an analysis and the outcome of two community meetings with Vallejo Heights View District residents and community groups, staff recommends the following amendments be made to Section 16.36.030(A)(2) of the Vallejo Municipal Code:

2. If the plans make changes in the building envelope of an existing structure or they propose construction of a new accessory structure, but the development services director determines that the improvements will not adversely impact adjacent property owners' views, ***based on a review of the plans and any other information or items, i.e. story poles, deemed pertinent to the development services director in making his or her determination***, the development services director will cause all

property owners within ~~one~~ **two** hundred feet of the site to be notified of the proposed application by mail deposited at least fifteen **working** days prior to the date on which the development services director intends to make a decision on the issuance of the building permit. If adjoining property owners believe the proposed application will impact their views, they shall **file an appeal of the development services director's determination that the improvements will not adversely impact adjacent property owners' views pursuant to the appeal procedure described in Section 16.102.030** ~~notify the development services director~~ within ten days of the city's **deposit of the notification in the mail**. Upon **the filing of such notice appeal**, the development services director will then cause the applicant to submit **architectural drawings and other information consistent with the requirements of Section 16.90.030** ~~a site development application, per Chapter 16.90 and plans will be referred to the planning commission for its determination.~~"

The proposed amendments:

- Replace the site development application requirement and related fees with an appeal process of staff's 'no or negligible view impact' obstruction determination and a \$231 Residential View Appeal fee.
- Increase the public notification radius for Residential View District projects from 100 feet to 200 feet.
- Change the public review period from 15 days to 15 working days.

Discussion

Site Development Application Appeal Fee

Staff reviewed the Planning Commission and City Council minutes and documents associated with the 1990 adoption of the Vallejo Heights View District and although specific rationale regarding the imposition of a site development application for an appeal of staff's determination was not addressed, it was stated by the 1990 staff that the purpose for applications being brought to the Planning Commission was "to have a totally impartial body look at it (the Project) to determine whether or not the design is fair from everybody's standpoint." Along with that purpose, certain current residents have stated that shifting the financial burden of an appeal to a neighbor would be contradictory to the original intent of the ordinance, giving an unfair advantage to the applicant.

Based on a review of other City documents and comments received from the community, staff believes that forwarding a site development application to the Planning Commission was not intended to be a potential financial burden and believes that modifying the process as an "appeal" by the aggrieved party with a fee only associated with the public noticing of the appeal hearing (currently, \$231) is appropriate.

Clarification of Views

Staff conducted research on other city ordinances regarding view district standards and found a range of definitions for “protected” views. Based on this analysis and discussions with View District residents, it was determined that an attempt to clarify explicitly which views are to be protected would require more detailed analysis and consideration of other areas in the City that would be affected. As a result, staff recommends the existing language be retained and projects be analyzed on a case-by-case basis.

Public Notice Radius Increase

During one of the two community meetings held with the Vallejo Heights residents, several attendees expressed that the noticing area was not sufficient and did not reach all of the potential property owners/residents that could be affected by a proposed project. Staff is in agreement with this concern and believes that expanding the public notice radius from 100 to 200 feet would capture most neighbors whose view could be potentially impacted by a proposed project. The 200 foot radius would also be consistent with the notification area utilized for all other site development applications.

Extend the Public Review Period from 15 days to 15 Working Days

A number of Vallejo Heights residents also raised the concern that “two weeks” does not provide a sufficient comment period for a project when taking into account weekends and vacations. Given that the determination of a project would be made at the end of the 15 day period, Staff believes an additional week for public comment is appropriate.

Requiring Three-Dimensional Drawings & Confirming Accuracy of Story Poles

To assist neighbors in obtaining a full perspective of the massing and scale of a proposed project, Staff recommends that project applicants submit three-dimensional drawings and/or models as required on a case-by-case basis as part of both the site development and appeal process.

Staff informed Vallejo Heights residents that story poles are required as part of the public notification process and that the height accuracy of the poles is confirmed prior to public notice distribution.

Regulate “Landscaping” for Potential View Impacts

Staff further received multiple requests for consideration of “landscaping” inclusion as a property improvement subject to the view ordinance’s protection of views. Staff is aware that a “landscape” inclusion has been a periodic request by both residents and several Planning Commission members from the inception of the ordinance; however, due to the complexities of such an amendment, and the extensive research required, staff recommends a ‘landscape’ inclusion, if desired

by a majority of Vallejo Heights residents and the City Council, occur as a separate amendment at a future date.

PUBLIC COMMENTS

On May 16, 2012, staff hosted a community meeting to receive input regarding staff's initial proposal to: 1) waive the site development application fee for persons who propose (or have already constructed) structural improvements but who staff has determined are not obstructing views, and 2) clarify which views are to be protected. The community meeting was attended by approximately 10 Vallejo Heights residents. A consensus could not be reached regarding the recommendation to waive the fee for the site development permit. There was also no consensus on clarification of "views to be protected". Some residents recommended that views which included visual resources not normally associated with panoramic views, e.g. cemetery open space, rooftops of homes, etc. be protected while others believed the visual resources identified in the existing ordinance should be amended to include bridges and cityscape.

Following the community meeting, staff scheduled a Planning Commission public hearing regarding the Code Text Amendment and discussed the project with the City Attorney's Office. The City Attorney advised that an objection to a Planning Manager's determination regarding a view impact be processed as an appeal to the Planning Manager's decision, consistent with similar practices in the City's Municipal Code. Because an "appeal option" was not thoroughly discussed during the May 16th community meeting, staff continued the Planning Commission meeting to a future date and hosted a second community meeting on June 18, 2012.

During the June 18th community meeting, which was attended by approximately 15 Vallejo Heights residents, many options were recommended regarding the "fee" associated with an appeal to a Planning Manager determination regarding view impact, including retaining the existing process to establishing a graduated fee based on project size or valuation. Other recommendations included:

- Extending the public comment period for projects.
- Expanding the radius for public notice.
- Requiring three-dimensional drawings and/or models to help neighbors get a better perspective of the project.
- Confirming accuracy of story poles.
- Regulate "landscaping" for potential view impacts.

On August 20, 2012, the Planning Commission public hearing was continued to September 17th due to numerous resident requests for additional time to receive clarification from staff on their recommended "appeal option" amendment and to consider other options recommended by the community.

On September 4, 2012, a third community meeting was hosted by staff. Approximately 30 residents attended the community meeting which presented the following amendment alternatives:

1. Neighbor files an "appeal" to the Planning Commission of staff's determination with an appeal fee of \$231.
2. No amendment, i.e., the "applicant" submits a site development application to the Planning Commission, currently \$4,950.
3. "Applicant" submits a site development application at a reduced fee.
4. "Applicant and neighbor" pay for site development submittal.
5. No application fee required by the appellant or applicant for an appeal of staff "view impact" determination.

After discussion of the five alternatives, a tally was taken to determine the resident's preference. Alternative number two received the most votes followed by alternative one and three respectively. The top three alternatives were separated by a total of two votes.

GENERAL PLAN CONSISTENCY

The proposed code text amendment would not change existing General Plan land use designations or zoning classifications nor increase or decrease existing residential densities. The modifications have no bearing on the allowable physical development of a property.

ENVIRONMENTAL ANALYSIS

The proposed project qualifies for a California Environmental Quality Act (CEQA) exemption, per Section 15061(b)(3) of Title 14 of the California Code of Regulations as the activity in question will not have a significant effect on the environment.

CONCLUSION/RECOMMENDATION

In summary, staff believes the proposed amendments will reduce the financial burden which could be placed upon an applicant when determined their proposed project will not have a significant view impact and will replace the public hearing application process with an appeal fee submitted by the appellant which is consistent with other Development Services Director determinations. The amendments will also increase the public notification boundary and the time period to respond to the public notice.

Based on public input from Vallejo Heights residents and a review of the View Ordinance and associated Planning Commission and City Council minutes, Staff

recommends forwarding to the City Council the amendments to the Residential View District Ordinance and a request to amend the 2012-2013 adopted fee schedule for appeals in the Residential View District based on the findings provided below and in the attached Resolution:

Findings

- 1) The Code Text Amendment is consistent with the goals and policies of the Vallejo General Plan, specifically, the Hillside Development Policy of “limiting building heights to minimize visual impact on the hillside and as well as interference with existing view corridors.”
- 2) The Code Text Amendment furthers the stated purpose of the Residential View District of “promoting the health, safety and general welfare of the public through ... [t]he establishment of a design review process by which the city may pursue in conjunction with property owners the objective that views enjoyed by residents of the city will not be significantly obstructed.”
- 3) The Code Text Amendment will not be detrimental to health, safety, and general welfare of the public as the Amendment will retain the established design review process.
- 4) The Code Text Amendment will not adversely affect the orderly development or the preservation of property values as the Amendment will afford all residents within the Residential View District the ability to have their concerns regarding a potential adverse view impact heard by the Planning Commission.

ATTACHMENTS

1. Resolution
2. Chapter 16.36 Residential View District Ordinance Amendments
3. Vallejo Height's residents comments
4. View District Boundary/Conflict of Interest Map

CITY COUNCIL OF THE CITY OF VALLEJO

RESOLUTION NO.

**A RESOLUTION TO AMEND THE RESIDENTIAL VIEW DISTRICT ORDINANCE
SECTION 16.36.030(A)(2) OF THE VALLEJO MUNICIPAL CODE**

WHEREAS, an application was filed by Ray Fesmire seeking approval to legalize an existing accessory structure and to have the associated site development application fee waived; and

WHEREAS, the City of Vallejo Planning Commission conducted a duly noticed public hearing to consider the Site Development application and request for a fee waiver on October 17, 2011 at which testimony and evidence, both written and oral, was presented to and considered by the Planning Commission; and

WHEREAS, the Planning Division recommended to the Planning Commission a fee waiver based on the directive from the Mayor/City Council to the City Manager to resolve the issue of the applicant's belief that the site development application fee was excessive; and

WHEREAS, the Planning Division believes the public benefit derived from a proposed fee waiver code text amendment would be a reduction of the financial burden placed upon an applicant who would have already expended funds for the permit process; and

WHEREAS, based on evidence received at the public hearing and all other evidence in the administrative record, the Planning Commission approved the Site Development Application and recommendation to waive the Residential View District site development application fee with a vote of 6 to 0; and

WHEREAS, the City Attorney's Office recommended to staff that a code text amendment be brought before Council eliminating the requirement that an applicant submit a site development application to the Planning Commission when it is found by the Planning Division that neighboring views are not adversely impacted by proposed development; and

WHEREAS, on December 20, 2011, in the City Council Chambers of City Hall, 555 Santa Clara Street, held a public hearing to consider Planning Commission's recommendation to waive the Residential View District site development application fee ; and

WHEREAS, all interested persons filed written comments with the City Clerk at or before the hearing, all persons desiring to be heard were given an opportunity to be heard in this matter, and all such verbal and written testimony was considered by the City Council.

NOW, THEREFORE, BE IT RESOLVED that based on the evidence in the Staff Report and all other evidence in the administrative record, the City Council hereby:

III. FINDINGS RELEVANT TO CODE TEXT AMENDMENT #12-0001 AND FINDINGS FOR PROJECT APPROVAL AND FOR DETERMINATION OF PROJECT CONSISTENCY WITH GENERAL PLAN

1. The Code Text Amendment is consistent with the goals and policies of the Vallejo General Plan, specifically, the Hillside Development Policy of "limiting building heights to minimize visual impact on the hillside and as well as interference with existing view corridors."
2. The Code Text Amendment furthers the stated purpose of the Residential View District of "promoting the health, safety and general welfare of the public through the establishment of a design review process by which the city may pursue in conjunction with property owners the objective that views enjoyed by residents of the city will not be significantly obstructed."
3. The Code Text Amendment will not be detrimental to health, safety, and general welfare of the public as the Amendment will retain the established design review process.
4. The Code Text Amendment will not adversely affect the orderly development or the preservation of property values as the Amendment will afford Vallejo Heights residents the ability to have their concerns regarding a potential adverse view impact heard by the Planning Commission.

IV. RESOLUTION APPROVING CODE TEXT AMENDMENT #12-0001 REGARDING AN APPEAL PROCESS FOR THE RESIDENTIAL VIEW ORDINANCE

NOW, THEREFORE, LET IT BE RESOLVED that the Planning Commission hereby APPROVES Code Text Amendment #12-0001 amending Chapter 16.36 of the Vallejo Municipal Code regarding the appeal process based on the findings above and as described in the attached staff report and recommends forwarding to the City Council for adoption.

V. VOTE

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of Vallejo, State of California, on the 20th day of August 2012, by the following vote to-wit:

AYES:
NOES:
ABSENT:

KENT PETERMAN, CHAIRPERSON

City of Vallejo Planning Commission

Attest:

Michelle Hightower
Acting Planning Commission Secretary

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

AN ORDINANCE OF THE CITY OF VALLEJO AMENDING SECTION 16.36.030(A)(2) OF CHAPTER 16.36 OF PART III OF TITLE 16 OF THE VALLEJO MUNICIPAL CODE REGARDING THE REVIEW OF PROPOSED BUILDING PLANS FOR PROJECTS IN THE RESIDENTIAL VIEW DISTRICT

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

SECTION 1: Subsection (A)(2) of Section 16.36.030 (Development Services Director Review and Evaluation) of Chapter 16.36 (Residential View District) of Part III (Special Zoning Districts) of Title 16 (Zoning) of the Vallejo Municipal Code is hereby amended to read as follows (added text shown in bold italic, deleted text shown in strike-through):

- "2. If the plans make changes in the building envelope of an existing structure or they propose construction of a new accessory structure, but the development services director determines that the improvements will not adversely impact adjacent property owners' views, ***based on a review of the plans and any other information or items, i.e. story poles, deemed pertinent to the development services director in making his or her determination,*** the development services director will cause all property owners within ~~one~~ ***two*** hundred feet of the site to be notified of the proposed application by mail deposited at least fifteen ***working*** days prior to the date on which the development services director intends to make a decision on the issuance of the building permit. If adjoining property owners believe the proposed application will impact their views, they shall ***file an appeal of the development services director's determination that the improvements will not adversely impact adjacent property owners' views pursuant to the appeal procedure described in Section 16.102.030*** ~~notify the development services director~~ within ten days of the city's ***deposit of the notification in the mail.*** Upon ***the filing of*** such ~~notice~~ ***appeal,*** the development services director will then cause the applicant to submit ***architectural drawings and other information consistent with the requirements of Section 16.90.030*** ~~a site development application, per Chapter 16.90 and plans will be referred to the planning commission for its~~ determination."

SECTION 3: Severability.

If any section, subsection, sentence, clause, phrase, or word 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 4: Effective Date.

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

http://www.cityofchicago.org/city/content.do?method=show&docId=31217&docId=31217

marcus Adams - View Zoning, Public Input for 9/17 Mtg of Planning Commission

From: Anne Carr <goodfind650@yahoo.com>
To: ""kentpeterman@sbcglobal.net"" <kentpeterman@sbcglobal.net>, ""dkeen@ci...
Date: 9/17/2012 1:53 PM
Subject: View Zoning, Public Input for 9/17 Mtg of Planning Commission
CC: ""martibrown@ci.vallejo.ca.us"" <martibrown@ci.vallejo.ca.us>, ""mayor@c...

FROM:
Anne Carr
562 Hichborn St
Vallejo, CA 94590
Sept 17, 2012

TO:
Marcus Adam, Sr Planner, City of Vallejo
Michelle Hightower, Acting Mgr, Planning Dept, City of Vallejo
Dan Keen, City Manager, City of Vallejo
Kent Peterman, Chairperson, Vallejo Planning Commission
Members of the Vallejo Planning Commission, Graden, Klimisch, Eschenburg, Kinney,
Cortez, Adams

CC:
Vallejo Mayor Davis & Vallejo City Council Members Brown, Gomes,
Hannigan, McConnell, Sampayan, Sunga

SUBJECT:
Proposed Revisions to View District Zoning Code, scheduled for Planning Commission
vote on 9/17/2012

To all those concerned:

As a Vallejo native, homeowner and resident in the Vallejo Heights View District, I am writing to formally register my opposition to changing the fees for Vallejo View District Zoning projects. Further, given that these changes were not published until sometime Friday, Sept 14, 2012 -- a little over a day before the Planning Commission's scheduled vote on Sept 17, 2012 -- I formally request that the Planning Commission postpone its vote so that residents and the neighborhood organization have the due amount of time for review consistent with the Zoning Code, section 16.36.030, item D. That section requires that neighborhood organizations receive 10-days notice of proposed developments, and a major change in the View Zoning code itself should receive at least that much public notice.

Relative to the proposed changes, I have these comments:

1) I strongly oppose the removal of the site development application from the View Zoning process.

-- The Site Development Application includes key and essential information for making a decision about the impact of a project, e.g., architectural drawings, roof plan, location of walls and their heights, elevation plans, and story poles.

-- The Planning Dept has historically been lax about enforcing View Zoning. It has only been through View Zoning Code that neighbors have been able to protect their views. In fact, some 70% of Planning Dept's View decisions end up being contested. To remove the site development application and rely solely on the determination of Planning Dept Staff would undermine the protections afforded by the View Zoning Code.

-- The intent of the View Zoning is to protect views. This is very specifically spelled out in the original code, section 16.30.010, Title & Purpose, and is amplified in section 16.36.030 items A and C. To remove the site development application, one would have to determine the impact on neighbor views without relevant and necessary information.

2) I strongly oppose the imposition of an "appeal fee" of \$231 if a neighbor wishes to contest a Planning Dept recommendation.

-- This fee would penalize homeowners for trying to protect their property values. Instead, any fees should be paid by the applicant, as the code currently stipulates.

-- Imposing a new fee on neighbors does not address the original impetus for revising the View Zoning Code; namely, reducing the financial burden on the person who wants to build.

-- The proposed fee is over two times higher than fees charged by the Solano County Planning Commission (their fee is \$100). Further, the fee schedule does not address Vallejo's economic and demographic realities, e.g., a lower per capita income, lower median income and absolutely cratered property values relative to neighboring cities.

3) The original impetus for changing View Zoning was supposedly to reduce the financial burden on the person who wants to build. In various letters and community hearings, many people have suggested that the site development fee of \$4950 is high, especially relative to the median and per capita income of Vallejo residents.

The Planning Dept and Commission have various options for reducing the financial burden of the site development fee, for example:

-- Waiving the site development *fee* altogether, but retaining the site development *application*;

-- Lowering the site development fee across the board;

-- Giving the Planning Dept discretion in lowering the site development fee if they believe the project does not impact neighbor views.

Planning already has a fee schedule for a "minor site development." The minor site development fee is \$870. A fee like this would reduce the burden on the applicant,

without penalizing the neighbors.

4) The communication process between the Planning Department and city residents is flawed, unprofessional and inadequate -- both in general, and specifically with respect to this topic.

-- The June 18th meeting was **not** publicized on the City website, and it was not clear that the staff meeting was distinct from the Planning Commission meeting. Thus, when the Planning Commission cancelled its June 18 meeting at the last minute, it wasn't clear that the staff meeting would still happen. Many of us missed the June 18th meeting because of that confusion.

-- The Zoning material for the August 20 session of the Planning Commission was sent out 4 days before the meeting. This was an inadequate amount of time to consider the material, and the Planning Commission wisely postponed their vote.

-- The material for the Sept 4 meeting was **not** provided in advance. As a result, the meeting itself was devoted almost entirely to questions about the proposed changes, with virutally no time for residents to make a statement.

1/3 of those attending left before Mr Adams could take a straw poll, and curiously, the majority vote of those attending is not accurately reflected in the Planning Dept proposal. The top votes were for keeping the site devt fee as is (\$4950), and for an appeal fee of \$231 (6 votes each), with 5 votes for a reduced site devt fee. Only 1 person endorsed the Planning Dept recommendation of no fee and eliminating the site development plan.

-- The material for the Sept 17 meeting was published one working day prior to the Planning Commission meeting. This constrained amount of time compromises the Planning Commission's ability to review materials, and violates the spirit of due public notice for residents. In almost all cases, public notice guidelines stipulate at least 10 days advance notice for major projects and decisions. Changing the fundamental View Zoning is a major change to city zoning code, and residents should be allowed due process in reviewing and providing input on the actual code.

To summarize, the proposed changes do not address the problem originally posed, and would weaken essential property protections afforded by View Zoning. If City decision-makers want to lower the financial burden on builders, they could simply lower the building fees, whether across the board, one a case by case basis, or if projects met certain criteria. In short, you could alter the site development *fee* without changing the site development *application* process, the latter encompassing key information for making a decision.

In a city known for high crime, low employment, crummy schools, and an epic 59% + loss in property values, homeowners are already buffeted by erosion in their property values, net worth and quality of life. For many of us in Vallejo Heights, our views are the very best part of living in Vallejo, combined with neighbors who care about getting the City back on its feet. I urge the Planning Commission to vote no on the View Zoning amendment as proposed. If the City wants to lower the financial burden for building in

the View District, please advise the Planning Dept to separate the site development fee from the site development application. And please advise City departments across the board to give a minimum of 10-days notice when they propose Zoning changes and major projects!

Sincerely,
Anne Carr
562 Hichborn
Vallejo, CA 94590
650-793-2468

marcus Adams - Fw: View District Zoning, Ltr of 9/4/12 not in packet

From: Anne Carr <goodfind650@yahoo.com>
To: "marcusadams@ci.vallejo.ca.us" <marcusadams@ci.vallejo.ca.us>
Date: 9/17/2012 11:52 AM
Subject: Fw: View District Zoning, Ltr of 9/4/12 not in packet
CC: "kentpeterman@sbcglobal.net" <kentpeterman@sbcglobal.net>, "mhightower@c..."

Dear Marcus,

As I mentioned, I had sent the enclosed letter regarding View District Zoning on Sept 4, 2012, yet it was not included in the packet for tonight's Planning Commission meeting. Did Michell Hightower not receive this? I would have expected her to forward it to the appropriate staff person, namely, you.

Please include this in the packet for tonight's Planning Commission meeting of 9/17/2012. My comments are still relevant to the proposed changes in View Zoning.

Sincerely,
Anne Carr
562 Hichborn St
Vallejo, CA 94590
650-793-2468

----- Forwarded Message -----

From: Anne Carr <goodfind650@yahoo.com>
To: "kentpeterman@sbcglobal.net" <kentpeterman@sbcglobal.net>; "martibrown@ci.vallejo.ca.us" <martibrown@ci.vallejo.ca.us>; "mayor@ci.vallejo.ca.us" <mayor@ci.vallejo.ca.us>; "sgomes@ci.vallejo.ca.us" <sgomes@ci.vallejo.ca.us>; "ehannigan@ci.vallejo.ca.us," <rmccconnell@ci.vallejo.ca.us>; "dkeen@ci.vallejo.ca.us" <dkeen@ci.vallejo.ca.us>; "mhightower@ci.vallejo.ca.us" <mhightower@ci.vallejo.ca.us>; "bsampayan@ci.vallejo.ca.us" <bsampayan@ci.vallejo.ca.us>; "hsunga@ci.vallejo.ca.us" <hsunga@ci.vallejo.ca.us>
Cc: "goodfind650@yahoo.com" <goodfind650@yahoo.com>
Sent: Tuesday, September 4, 2012 2:32 PM
Subject: View District Zoning, proposed changes by Planning Comm, faulty process

562 Hichborn St
Vallejo, CA
Sept 4, 2012

To:
Kent Peterman, Head of the Vallejo Planning Commission
Members of the Vallejo City Council: Brown, Davis, Gomes, Hannigan, McConnell, Sampayan, Sunga
Michelle Hightower, Acting Manager of the Vallejo Planning Department
Vallejo City Manager Dan Keen

Subject: Proposed revisions to the View District Zoning

To all those concerned:

I am very relieved that the City Council recently voted to postpone a decision on proposed changes to View Zoning in Vallejo -- but I have to say, I am also alarmed at both the proposed changes themselves, as well as a completely flawed process for public review and input. As a native Vallejoan and homeowner in the Vallejo Heights View District, I would like to formally register my comments and complaints.

Regarding the proposed changes to View District Zoning:

1) I strongly oppose the proposed change whereby the Planning Commission can waive the need for a View Zoning application if the Planning Commission staff determines that there is "no significant impact" on an area's views.

In the past, the Planning Commission has initially approved all sorts of structures that would impinge on area views -- and it has **only** been through the View Zoning application process that neighbors have had a chance to review and comment on a new structure. Frankly, I do not trust the Planning Commission to evaluate and protect priceless area views. Public notice, hearings and input are essential when it comes to potential View impingement.

2) I strongly oppose the proposed change that would place the fee for a View Zoning review on the neighbors as opposed to the person who is building the structure. Any fees should be born by the person seeking new construction. To do anything otherwise penalizes property owners for merely trying to protect their property value, and would dramatically weaken View Zoning protection, and with it, home valuations.

Our views are an essential component of our home valuations, not to mention one of the few assets we can enjoy in post-bankruptcy Vallejo. Given the absolute devastation of home values following the Vallejo bankruptcy, the City of Vallejo needs to be very sensitive and cautious with respect to property values.

3) I agree with increasing the radius of View notification from 100 to 200 feet, but I don't think it should necessarily stop there. Since the Vallejo Heights area is so hilly, a new structure could be proposed outside of the 200-foot radius that would nonetheless impinge on views. I suggest that the Planning Commission err on the side of increased notification if there is even the slightest chance of view impingement.

4) Notification period: I agree with extending the notification period for new construction, but I think it should be extended to 30 days, not merely 15 working days. If someone is traveling, a 15-day notification period is too brief.

5) Neighborhood notification of proposed changes: the Planning Commission's execution of public review and input on View Zoning has been sloppy at best, and with this most recent hearing date, was downright incompetent, even borderline suspicious. Input hearings have been hastily called, cancelled, rescheduled without proper notice; in short, the input hearings themselves have been moving targets.

With the latest hastily-announced hearing date -- and neighbors getting all of 4-days notice -- one wonders whether the Planning Commission is trying to pull a fast one, and somehow sneak through changes without adequate public review and input.

Given diminished city staff and budgets, I have to wonder why these changes have even been proposed, and why staff time has been allocated to them. Who is behind changing View Zoning, and who benefits? What problem is the Planning Commission trying to solve? Apparently protecting area and neighborhood views is not the priority, and from the way this process has been handled, public notification and public input is also a low priority.

To my knowledge, the proposal to change the View application process and fee is based on ONE dispute between two residents. This is hardly worth changing the View Zoning process and fee structure. Surely the Planning Department's limited time could be allocated to more worthy projects, ones that enhance City life, not diminish it.

Vallejo is a city that is tainted with the shadow of a bankruptcy, diminished city services, high crime, high unemployment and sub-par public schools. We are a city with few assets -- but our waterfront and open space views are among our most precious attributes.

I urge the Planning Commission and the City Council to protect our views, recognizing them as the priceless assets they are. Please vote NO on the proposed application and fee changes for View Zoning. The only changes to View Zoning that enhance View protection (and home values) are those to extend the notification period, and to enlarge the notification area.

Sincerely,
Anne Carr
562 Hichborn St
Vallejo, CA 94590

September 16, 2012

To: City of Vallejo Planning Commission
From: Mónica Tipton, resident and homeowner
Subject: Agenda Item 11A for 9/17/12

I am requesting that you vote "NO" on the View District Ordinance for Vallejo Heights. The amendment strikes the entire planning process from building proposals and shifts the burden of cost from the builder to adjacent homeowners. All of the evidence of codes from other cities presented by staff during the public input process reflected the impact of landscape and not permanent structures. The judgment of the value of the impact of a view remains the responsibility of a single city staff member, not a real estate expert. The proposed appeal fee was suggested to make the View District consistent with the rest of the city.

Certainly the most significant language of the existing ordinance as been stricken: requiring the builder to go through the planning process. Will the planning process be eliminated in all other areas of the city as well? Surely not! This proposal completely eliminates any motivation for the builder to modify plans and avoid further disagreements. It is unfairly biased in favor of the builder. Many others have pointed out that when one buys in a View District, one should carefully consider the pre-existing conditions and not expect the city to change those conditions to meet an individual's preference. This proposal has done just the opposite. Why then have a View District if there are no protections for the views?

As I have stated before, this city's greatest assets are its climate, its proximity to a major urban center, and its views. Do not continue to perceive Vallejo as it once was or to continue to attempt to return it to the past. Rather, protect those assets and pursue a greater vision for our city.

Leslie Trybull - Fw: View district ordinance amendment

From: Kent Peterman <kentpeterman@sbcglobal.net>
To: Michelle Hightower <MHightower@ci.vallejo.ca.us>, Marcus Adams <marcusad...>
Date: 8/20/2012 5:10 PM
Subject: Fw: View district ordinance amendment
CC: Leslie Trybull <ltrybull@ci.vallejo.ca.us>

Since it's the same letter perhaps it would be OK to just announce that she agreed with the letter.

"A vacation is having nothing to do
and all day to do it in."
Robert Orben

----- Forwarded Message -----

From: Lisa H. <stagblvd@aol.com>
To: kentpeterman@sbcglobal.net
Sent: Monday, August 20, 2012 4:51 PM
Subject: View district ordinance amendment

My neighbor Monica Tipton crafted the letter below, and I am forwarding it to you on my behalf as well because she speaks for my concerns, addressing them in a manner that I am at a loss to improve upon!!

Lisa Hirsch

Home owner of 180 B Street, since 2000.

As a homeowner within the view district, I am requesting that the commission table its decision on the proposed amendment scheduled for presentation tonight, 8/20/12. The final language was only made available to us who must live with the outcome this last Thursday afternoon. I have deep concerns that the establishment of an amendment in an historic district (application underway) based on a single opinion may create legal challenges to the amendment in the future. Determining the value of a view in a development where the views were carefully preserved by the original architect is too subjective for a single city official to determine. Also, the language is incomplete in that it does not include the resolution process for the actual appeal of a project, i.e, what happens after the appellant pays the fee and notification of the appeal is distributed.

>

>While I respect the concerns of the city to promote growth and development, that growth should in no way impinge on the only really valuable asset of our city: it's fabulous panoramic views of the Napa Delta, the San Pablo Bay, the Mare Island Straits, the Golden Gate Bridge towers, Mount Tamalpais, the city skyline and its historic structures, Mt. Diablo, and historic Mare Island and its bridges. By allowing development that chips away at this asset, whether through major projects such as the proposed waterfront construction the commission recently approved or through the allowing of "minor" view infringement such as that allowed by the view district proposal is detrimental to our long-term fortune as a city.

>

>The strong objections voiced at both of the public hearings and through letters and emails seem to have fallen upon deaf ears as regards who pays, who decides, and who ultimately loses home value. Please do not be so short-sighted as to accept the small permitting and development fees that will forever preempt the receipt of much higher property taxes ergo much high city revenues if we treat our waterfront and our view districts as the rare assets that they are.

>

>Respectfully,
>
>
>Mónica Hutchens Tipton
>M.A. Special Educ - Autism
>M.A. - Administration
>707.246.5150
>141 B Street
>Vallejo, CA 94590

Lisa Hirsch
Earthscapes Garden Design
Lic. # 962498
PO Box 662, Vallejo CA 94590
415.497.4622

Residential & Commercial Design & Installation
APLD Associate Member
QWEL (Qualified Water Efficient Landscaper)
BAY-FRIENDLY Landscape Maintenance Professional

marcus Adams - Fw: Regarding View District Amendment URGENT

From: Kent Peterman <kentskie@sbcglobal.net>
To: Michelle Hightower <MHightower@ci.vallejo.ca.us>, Marcus Adams <marcusad...>
Date: 8/20/2012 2:35 PM
Subject: Fw: Regarding View District Amendment URGENT

Another one.

"A vacation is having nothing to do
and all day to do it in."
Robert Orben

----- Forwarded Message -----

From: Monica Tipton <monicatipton@me.com>
To: KentPeterman@sbcglobal.net
Cc: Bay Terrace <bay-terrace@yahoogleroups.com>
Sent: Monday, August 20, 2012 2:17 PM
Subject: Regarding View District Amendment URGENT

As a homeowner within the view district, I am requesting that the commission table its decision on the proposed amendment scheduled for presentation tonight, 8/20/12. The final language was only made available to us who must live with the outcome this last Thursday afternoon. I have deep concerns that the establishment of an amendment in an historic district (application underway) based on a single opinion may create legal challenges to the amendment in the future. Determining the value of a view in a development where the views were carefully preserved by the original architect is too subjective for a single city official to determine. Also, the language is incomplete in that it does not include the resolution process for the actual appeal of a project, i.e, what happens after the appellant pays the fee and notification of the appeal is distributed.

While I respect the concerns of the city to promote growth and development, that growth should in no way impinge on the only really valuable asset of our city: it's fabulous panoramic views of the Napa Delta, the San Pablo Bay, the Mare Island Straits, the Golden Gate Bridge towers, Mount Tamalpais, the city skyline and its historic structures, Mt. Diablo, and historic Mare Island and its bridges. By allowing development that chips away at this asset, whether through major projects such as the proposed waterfront construction the commission recently approved or through the allowing of "minor" view infringement such as that allowed by the view district proposal is detrimental to our long-term fortune as a city.

The strong objections voiced at both of the public hearings and through letters and emails seem to have fallen upon deaf ears as regards who pays, who decides, and who ultimately loses home value. Please do not be so short-sighted as to accept the small permitting and development fees that will forever preempt the receipt of much higher property taxes ergo much high city revenues if we treat our waterfront and our view districts as the rare assets that they are.

Respectfully,

Mónica Hutchens Tipton
M.A. Special Educ - Autism
M.A. - Administration
707.246.5150
141 B Street
Vallejo, CA 94590

marcus Adams - No to View Ordinance change

From: <rzomper1@aol.com>
To: <marcusadams@ci.vallejo.ca.us>
Date: 8/19/2012 3:18 PM
Subject: No to View Ordinance change

Dear Mr. Adams,

As residents of Vallejo Heights we are disturbed that there is a recommendation to adopt an ordinance that essentially says, if City Staff determines that a proposed change to a structure ***does not impact views***, it is the neighbor/s who believe their views are impacted who have to appeal to the Planning Commission and pay the fees. This starts at \$231 and apparently, depending on how the appeal is handled by the Planning Commission, can climb to almost \$5,000. Currently, it is the project applicant who pays these fees.

City staff may not be the best persons to determine what the view impact is, and making a homeowner pay to dispute this appears to us as an impingement upon an owner's rights. That is, if we as property owners cannot pay, our voices will not be heard. We have a right to complain for free. That's like charging people to speak for their three minutes at city council meetings.

Additionally city staff does not have the vested interest that we as citizens of Vallejo Heights have.

Sincerely,

Erika Rzomp
Wanda Madeiros
from Vallejo Heights

marcus Adams - Residential View Ordinance

From: bob wolfe <woooooofr@gmail.com>
To: <marcusadams@ci.vallejo.ca.us>
Date: 8/19/2012 9:20 AM
Subject: Residential View Ordinance

Mr. Adams:

I'm very interested in proposed changes to the Residential View Ordinance being discussed at the Planning Commission on Monday, Aug 20.

Aren't there already height limitations in all residential areas and, if so, I'd guess they need to be lowered in Vallejo Heights?

I've been in Vallejo on Carter Street since 1953. I've witnessed multiple developments around me and, sorry to say, I take pride in very few. I've seen low density areas with strong senses of community compromised by higher density box-type apartments with accompanying traffic impacts, view impacts and more. However, I understand that the subject ordinance is not meant to address reductions in density. Too bad.

Specifically addressing the proposed ordinance, I'm distressed at how it has morphed into it's current form. Something is seriously wrong. Shifting any financial burden to objecting neighbors makes no sense to me. Most folks have trouble putting food on the table...why should they shoulder the expense of objecting to something that impacts their views proposed by someone with enough resources to construct in the first place? Don't let money drown the voices of those who have enjoyed Vallejo Heights for many years.

Bob Wolfe

marcus Adams - Comments for the August 20 7pm City of Vallejo Planning Commission Meeting

From: Jackson Nancy <nancy@timshelstudio.com>
To: <marcusadams@ci.vallejo.ca.us>
Date: 8/17/2012 3:28 PM
Subject: Comments for the August 20 7pm City of Vallejo Planning Commission Meeting
CC: <vallejo.heights@gmail.com>

The most significant change is that, if City Staff determines that a proposed change to a structure **does not impact views**, it is the neighbor/s who believe their views are impacted who have to appeal to the Planning Commission and pay the fees. This starts at \$231 and apparently, depending on how the appeal is handled by the Planning Commission, can climb to almost \$5,000. Currently, it is the project applicant who pays these fees.

Dear Mr. Adams,

We will be out of town during the August 20th 7pm meeting regarding the proposed changes to the Residential View Ordinance. The above quotation from the below message, has drawn our attention to this need to submit our comments.

It is our position that the project applicant should remain responsible for bearing the cost of appeals made by the residents of Vallejo who don't agree with the Planning Commission's determination of whether their view is impacted by any project. According to the quotation above, we understand that the proposed plan shifts the burden of cost of the appeal to the citizen of Vallejo, freeing the corporation/project applicant from responsibility with dealing with the people. We thing too much of this lack of responsibility to the individual is happening these days in the corporation/large business world. Corporations and large companies wanting to build in ways that would cause this question to arise must be held accountable to the City of Vallejo AND to its residents, both corporately and individually. They must not be released from their responsibility to us, all of us, and they should bear the costs involved in resolving legal questions regarding their projects.

We understand the desperation the City has due to financial strains, but we think that the City will be failing it's citizens, it's voters, by approving this proposed plan, if it is not written to protect the citizens, rather than burden them. Please bring our thoughts to the meeting as two more voices against this part of the

proposal.

Steve & Nancy Jackson
10 Buena Vista Avenue
Vallejo, CA 94590

On Aug 17, 2012, at 3:03 PM, Vallejo Heights wrote:

Dear VHNA Members:

The City of Vallejo is proposing changes to the Residential View Ordinance. These changes will be heard by the City of Vallejo Planning Commission this Monday, August 20 at 7pm. The meeting is in the City Council Chambers, 555 Santa Clara Street, Vallejo.

There were two public meetings and apparently what was presented at those meetings is not what is now being proposed to the Planning Commission.

The most significant change is that, if City Staff determines that a proposed change to a structure does not impact views, it is the neighbor/s who believe their views are impacted who have to appeal to the Planning Commission and pay the fees. This starts at \$231 and apparently, depending on how the appeal is handled by the Planning Commission, can climb to almost \$5,000. Currently, it is the project applicant who pays these fees.

The City is also proposing to widen the area for which property owners are notified of a construction project, from 100 feet to 200 feet, and to increase the number of days to send the notification out, from 15 days prior to issuing a permit, to 15 working days.

There were also proposed changes to the definition of what constitutes a view but from what we hear, that will not be brought forward at this time.

Please read the attached reports and we encourage you to attend the Planning Commission if this issue is important to you.

If you can't attend, you can send comments to City Planner Marcus Adams at marcusadams@ci.vallejo.ca.us.

--

Your VHNA Board of Directors
Patricia Gatz

Katy

Kathy Rynearson
Valerie Duda
Kathleen O'Sullivan
Bob Weir

Vallejo Heights Neighborhood Association
PO Box 4243, Vallejo, CA 94590
www.VNHA.org
Vallejo.Heights@gmail.com

<ViewDistrictStaffReport2012-08-20.pdf><View District Ordinance
Revisions2012-08-20.pdf>

marcus Adams - community meeting

From: "Irene O'Brien" <irishirene@gmail.com>
To: <marcusadams@ci.vallejo.ca.us>
Date: 6/19/2012 11:40 AM
Subject: community meeting

Hello Marcus,

I attended your meeting last night and would like a copy of your presentation. You can email it to this email account.

For the record, I am in favor of the sliding scale approach with the claimant also paying a fee to protest. I feel this, although not popular would eliminate the spiteful, feuding neighbors to halt an addition and only those with a valid claim to come forward.

I feel the homeowner with the project should not have to bear the full financial burden especially if the neighbors are just being spiteful.

I understand that my home went through trials and tribulations due to a neighbor's protest a few years ago and the project was halted.

Thanks for your professionalism last night.

Irene O'Brien
133 B St.
925-998-7878

--

Irene O'Brien

Life is Not about waiting for the Storm to pass, IT'S ABOUT LEARNING HOW TO DANCE IN THE RAIN!

marcus Adams - View District Community Meeting, 06/18/2012

From: kansas smith <chewchan4u@yahoo.com>
To: "marcusadams@ci.vallejo.ca.us" <marcusadams@ci.vallejo.ca.us>
Date: 6/19/2012 10:50 AM
Subject: View District Community Meeting, 06/18/2012

Hi Marcus,

First, we want to commend you on your professional handling of the meeting and commiserate with you regarding the absolutely insulting comments made by some citizens about everything else but the subject at hand. Please make your superiors aware of this commendation.

These are our comments re. the proposed changes to the ordinance:

A. Site Plans and Fees:

No fees for a complaint.

Fees per square footage for building party.

3 dimensional site plan upon complaint required of building party (as long as can be a rendering not to scale and not required to be professionally drawn) as that can be expensive.

Perhaps "story poles" should be required of a builder in the View District (perhaps preventing a complaint).

B. Protected Views:

Most important to us, personally, is the view to the East and North East, you referred to as White Slough,

although, local views are important too. We feel, as in the past, each building proposal should be attended to on a case by case basis. Also, we are sorry that obstructive new plantings are not covered in the ordinance. We also feel that there may be instances where the Planning and Building Dept's. could work more closely to solve, and even prevent, protected view encroachments.

C. Notifications:

As the whole area is a View District, 100 ft. notification seems fair. To increase it to 200 ft. seems a mute

change to the ordinance, as the home owner 201 ft. from the building project might be the only person

ultimately affected, instigating a complaint anyway.

Finally, we want to thank your office for the opportunity to air our opinion on these proposed changes to the subject ordinance.

Respectfully Submitted,

C. Jackson

C. Turci

312 Benson Ave.
Vallejo, CA 94590

City of Vallejo
Planning Division
555 Santa Clara Street
Vallejo, California 94590



To Whom This Concerns:

I was in attendance at the informational meeting regarding the issue of amending the Municipal Code and Mr. Adams presented the City's position fairly and professionally; I left the meeting with a few concerns and I needed to reflect upon those concerns further. Having done so, I must recommend against the proposed amendment(s) to the Residential View District Ordinance, Chapter 16.36 of the Vallejo Municipal Code; I cannot attend the hearing as I will be out of town.

Mr. Adams discussed the issue of "hostility" as pertains to one neighbor requiring another to go through the process of the city intervening in a proposed building project (Planning Commission, etc.). The project he referred to, apparently, was merely a platform for the hostile neighbor of the applicant to force the applicant to pay the City 3800.00 to engage the process. I agree that this is absurd and unfair, but what of a hostile applicant?

I know of a project that began with an applicant illegally raising his home at least two feet and changing the grade entirely within the View District—thus taking, literally, and without financial compensation, view away from homes directly across the street and from the neighborhood generally. The same developer, who has absolutely no intention of residing in the home, has sought repeatedly to add hundreds of square feet to a historical home with a de facto third story created by the raising of the property. The developer has gone through several iterations of his project and hired several architects, he might argue, to "work with a community that has shown to be historically hostile to the project," and to him personally. Not the case: the developer continues to *increase the square footage* of the project with each iteration making the issue the project itself and its effects on those around it.

Therefore, I would argue that the applicant himself is "hostile" toward the neighborhood. 3800.00 is peanuts in such a circumstance. The money represents good faith on the part of a developer to begin the process fairly and properly consider the neighbors and the neighborhood generally, and it slows down the proceedings appropriately for due consideration and reflection. As we all know one poor decision can influence a neighborhood forever.

As to "views," or 'views' I suggest the quotation marks are somewhat presumptive.

As to *challenging in court* I am not a lawyer, however, as views are themselves tangible with respect to a property's value this is a potential issue. Another issue is the architectural heritage and historical significance. of any particular neighborhood. Might a diminution of view represent less ability to "quietly enjoy" one's property?

Thanks for your consideration in this matter.

Sincerely,

A handwritten signature in black ink that reads "Richard Underwood". The signature is fluid and cursive.

Richard Underwood
142 B Street

Dear Mr. Marcus Adams,

It was a pleasure to meet you at the view district meeting. Thank you for the information that you shared about the upcoming proposed revisions to the View District Ordinance.

I wanted to offer the following information about our Bay Terrace neighborhood that you may not be aware. The subdivision was built in the early 1900's as one of the first on the West Coast by the U.S. Housing Corporation and was resold to private ownership in 1922. Bay Terrace is a State Historic District. The homes were designed by a famous architect named George Kelham, he designed the Palace hotel in San Francisco. You may be familiar with the amazing atrium. I have attached a list of his background and designs. The historic trees in the neighborhood were brought around the Horn and Frederick Law Olmsted was influential in the landscape design. Olmsted was the landscape architect of Central Park in New York. Joe Bates former Tree Supervisor of City of Vallejo did extensive research on these trees when the huge historic Deodora trees by the public sidewalk required special attention some years back.

Bay Terrace is distinct from Vallejo Heights in terms of architectural design, and history. These single family homes have a very small 1st floor building footprint making any addition a significant change to the overall design of building. I feel that any structural project in our neighborhood should be looked at very carefully. I would request perspective and elevation drawings to truly see how the scale, materials and finish fit in with the rest of the historic home and the architect designed Bay Terrace neighborhood. All of the homes are built on a hillside axis that looks out over the Napa River and San Pablo Bay with Mt. Tamalpias in the middle view and the Golden Gate in the distance. There are view windows between the homes and trees from the public sidewalk in many areas on our street, as well as view corridors from the public pathways leading from Wilson to B Street.

Any proposed modification to a structure in the Bay Terrace neighborhood should deeply consider the view axes and the orientation of the properties. I think the proposed modification of the Residential View Ordinance is pro-development and could push projects through to hastily. The additional fee required for a "site development application" if a project is contested in itself may be incentive for a building applicant to diligently work with the planning department and the neighborhood to create designs that compliment the Bay Terrace neighborhood.

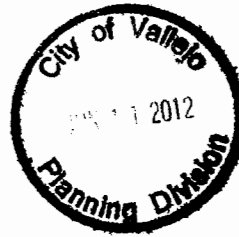
Thank you for your kind consideration.

Sincerely,



Kim Geddes

City of Vallejo
Planning Division
555 Santa Clara Street
Vallejo, California 94590



To Whom This Concerns:

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I know of a project that began with an applicant illegally raising his home at least two feet and changing the grade entirely within the View District—thus taking, literally, and without financial compensation, view away from homes directly across the street and from the neighborhood generally. The same developer, who has absolutely no intention of residing in the home, has sought repeatedly to add hundreds of square feet to a historical home with a de facto third story created by the raising of the property. The developer has gone through several iterations of his project and hired several architects, he might argue, to "work with a community that has shown to be historically hostile to the project," and to him personally. Not the case: the developer continues to *increase the square footage* of the project with each iteration making the issue the project itself and its effects on those around it.

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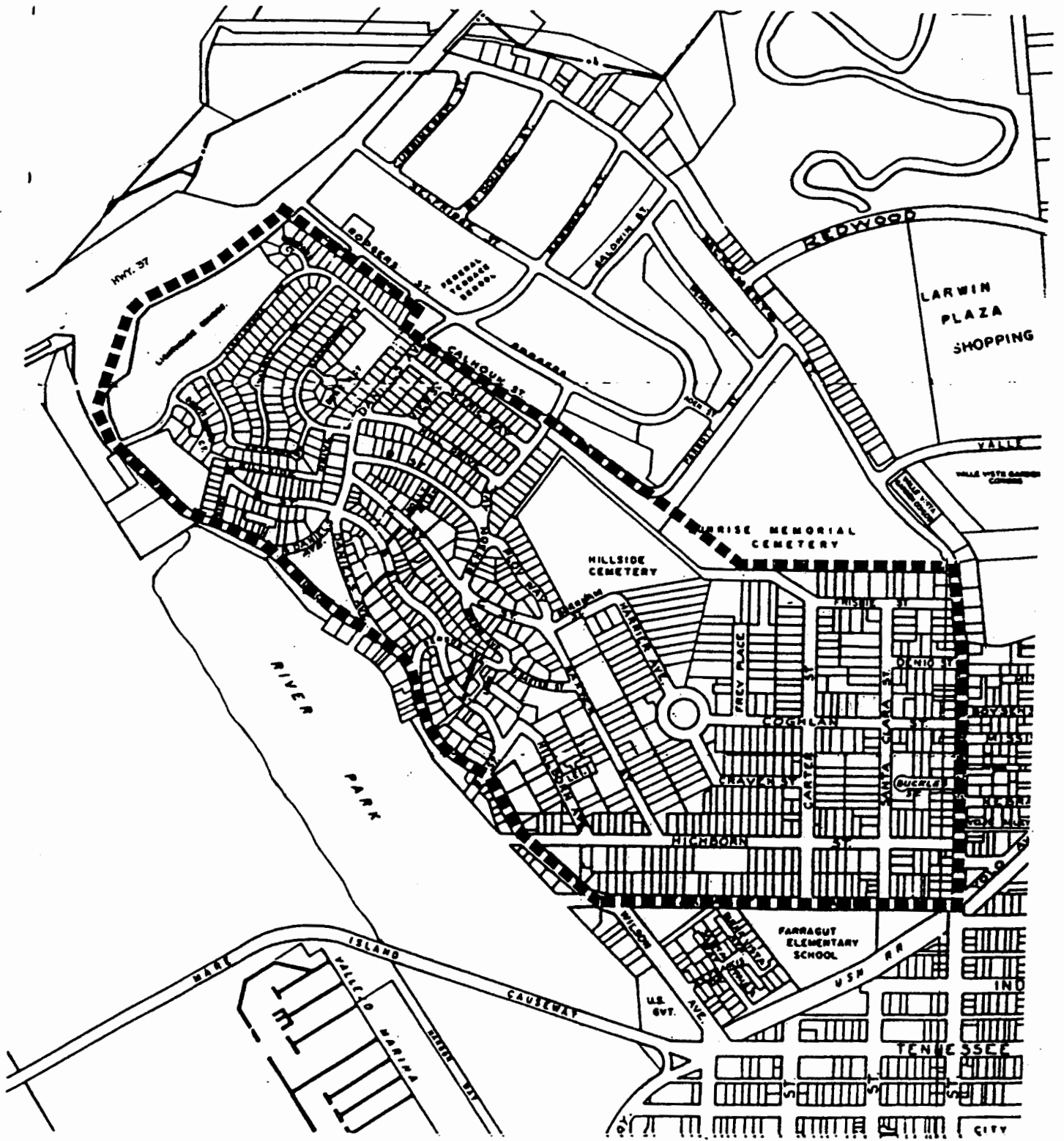
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Thanks for your consideration in this matter.

Sincerely,

A handwritten signature in black ink that reads "Richard Underwood". The signature is fluid and cursive.

Richard Underwood
142 B Street



HWY. 57

LARWIN
PLAZA
SHOPPING

REDWOOD

SURPRISE MEMORIAL
CEMETERY

HILLSIDE
CEMETERY

RIVER
PARK

FARRAGUT
ELEMENTARY
SCHOOL

TENNESSEE

CITY



ACTION B

DATE: February 12, 2013
TO: Mayor and Members of the City Council
FROM: Ursula Luna-Reynosa, Economic Development Director
Kennedy Wilson, Real Property and Asset Management
SUBJECT: APPROVE THE RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE THE LEASE AGREEMENT FOR THE VACANT PROPERTY COMMONLY REFERRED TO AS 1200/1220 MARIN STREET BY AND BETWEEN THE CITY OF VALLEJO AND ST. VINNIE'S COMMUNITY GARDEN AND THE CENTER FOR GLOBAL SUCCESS 501(c)(3)

RECOMMENDATION

Approve the resolution authorizing the City Manager to execute the ground lease (the "Agreement") for the property commonly referred to as 1200/1220 Marin Street (the "Site") by and between the City of Vallejo (the "Lessor") and St. Vinnie's Community Garden and the Center for Global Success 501(c)(3) (collectively, the "Lessee") for a pilot community garden project.

REASONS FOR RECOMMENDATION

The Site is currently a vacant, underutilized property owned by the City of Vallejo. Utilizing the Site as a community garden provides a public benefit for the citizens of Vallejo.

BACKGROUND AND DISCUSSION

The Lessee proposes to operate a community garden for the benefit of the citizens of Vallejo. Their mission is to convert a blighted lot into a community garden that has the potential to bring beauty and more community connection to the historic neighborhood. The Site is currently vacant and roughly 13,000 square feet, located on the NE corner of Ohio and Marin Streets – bounded by Overland Alley and commonly referred to as 1200/1220 Marin Street. The Site was previously occupied by a dental practice/office building. Lessee agrees to lease the property in as-is and where-as condition.

SALIENT TERMS OF THE AGREEMENT

- The City is providing a 5 year term with a 5 year option to renew
- In recognition of the community benefits provided by the use of the Site as a community garden, the City is charging only \$1.00 per month in rent.

Reviewed and approved by the City Attorney.

2/17/13
Date

Ursula Luna-Reynosa
City Attorney

-
- In further recognition of the community benefits provided the use of the Site as a community garden, the City will waive all City fees with the exception of the Water Connection Fee which will be deferred until the Site is developed with a use more permanent in nature
 - The Lessee will cause the installation of all improvements including readying the Site for development as a community garden
 - The Lessee will pay all utility costs incurred for the use of the Site
 - The cumulative, annual rent collected by the Lessee from sub-lessees may not exceed the cumulative, annual operating costs incurred by the Lessee; operating costs may not include labor costs as all labor to operate and manage the garden must be on a volunteer basis

FISCAL IMPACT

The City currently pays a quarterly rental fee in the amount of \$935.00 for the temporary fencing that was installed in 2005 that surrounds the Site. To date, the City has incurred a total expenditure in excess of \$27,000.00 for this fence. The City will cause the fence removal upon Lessee's written request to have the fence removed. This action will result in a monthly cost savings to the City's General Fund.

The Site is pledged under the 1999 Certificates of Participation (COPs) that National Public Finance Guarantee (NPFPG) has insured. The Agreement contemplates that the Lessee will sublet garden plots as part of their use of the Site. If the City is to allow the Lessee to sublet the Site then the City will likely need to get NPFPG's consent which may require the City to pay for NPFPG's attorney costs. It is unknown what these costs may be but staff doesn't anticipate them being higher than \$2,000. The Economic Development budget will absorb this cost in their existing, approved budget.

The proposed Agreement provides a rental rate of \$1.00 per month; waives all City fees associated with the project with the exception of the Water Connection Fee. In the case of the Water Connection Fee, this fee is deferred until a development more permanent in nature is pursued for the Site. The following list includes, to the best of staff's knowledge, however, may not be all-inclusive, the cost of fees to be waived or deferred:

- Site Development Fee – \$5,976.00 (considered "Other New Uses >5,000 sf")
- Tree Removal Fee – \$433.00
- Water Connection Fee – \$8,290.00

All other costs associated with development and use of the community garden will be born by the Lessee.

ENVIRONMENTAL DETERMINATION

The action is exempt from the California Environmental Quality Act (California Public Resources Code §§ 21000, et seq.) pursuant to CEQA Guidelines Section 15303 (New Construction of Small Structures) and Section 15304 (Minor Alterations to Land), because the community garden project consists of the construction of small structures such as a toolshed and pergola or gazebo, and minor alterations to the land such as the installation of new landscaping and raised garden beds.

ATTACHMENTS

Attachment A - Resolution

Attachment B – Agreement

Attachment C - Site Description (Layout)

CONTACT

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Yvette Burrell (Kennedy Wilson), Real Property and Asset Management

(707) 648-4343, kennedy-wilson@ci.vallejo.ca.us

Attachment A

CITY COUNCIL RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VALLEJO AUTHORIZING THE CITY MANAGER TO EXECUTE THE GROUND LEASE AGREEMENT BY AND BETWEEN THE CITY AND THE GLOBAL CENTER FOR SUCCESS, INC. 501(c)(3) AND ST. VINNIE'S COMMUNITY GARDEN

WHEREAS, the City is the fee owner of certain real property situated in the City of Vallejo, Solano County and commonly known and addressed as 1200/1220 Marin Street (the "Site"); and

WHEREAS, the Global Center For Success, Inc. 501(c)(3) and St. Vinnie's Community Garden Collectively, the "Lessee") desires to lease the Site for the purpose of installing certain improvements and operating a community garden; and

WHEREAS, the City desires to lease the Site to the Lessee under the terms and conditions outlined in the Ground Lease (the "Agreement"), attached to the staff report as Exhibit B; and

WHEREAS, the City Council has considered the Agreement during its February 12, 2013 City Council meeting; and

WHEREAS, the Ground Lease will serve a public purpose and create a public benefit, allowing the development and beautification of a currently vacant lot and providing community garden plots and educational opportunities for residents of Vallejo; and

WHEREAS, the action is exempt from the California Environmental Quality Act (California Public Resources Code §§ 21000, et seq.) pursuant to CEQA Guidelines Section 15303 (New Construction of Small Structures) and Section 15304 (Minor Alterations to Land), because the community garden project consists of the construction of small structures such as a toolshed and pergola or gazebo, and minor alternations to the land such as the installation of new landscaping and raised garden beds.

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby authorizes the City Manager, acting on behalf of the City of Vallejo to execute the Agreement in substantially the form as Attachment B of the Staff Report, subject to minor edits by the City Attorney and the Risk Manager.

BE IT FURTHER RESOLVED that the City Manager or his designee is directed to file a Notice of Exemption with the Solano County Clerk pursuant to and in compliance with CEQA Guidelines Section 15374, and to take any further action consistent with this resolution.

Attachment B

**NNN LEASE
(Land Use)**

By and Between

**CITY OF VALLEJO
a California municipal corporation
("Lessor")**

and

**Global Center for Success, Inc. a 501(c)(3) organization and
St. Vinnie's Community Garden
("Lessee")**

Dated: _____

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EXHIBITS

Exhibit A	Legal Description of Property
Exhibit B	Depiction of the Premises
Exhibit C	Work Letter
Exhibit D	Sample Gardener’s Agreement and Garden Rules

NNN LEASE
(LAND LEASE)

BASIC LEASE INFORMATION

1. **Lessor:** City of Vallejo, a California municipal corporation
555 Santa Clara Street, P.O. Box 3068
Vallejo, CA 94590
Attn: EDD - Real Property Asset Management
Telephone: (707) 648-4949
Facsimile: (707) 648-4499

2. **Lessee:** Global Center for Success, Inc. a 501(c)(3) organization #71-0896807
and St. Vinnie's Community Garden
527 Kentucky Street
Vallejo, CA 94590

3. **Effective Date:** The effective date of this Agreement the date on which the entitlements for the proposed use are approved by any and all bodies required under the Vallejo Municipal Code. Should such approvals not be granted within six months of the Commencement Date (as defined below) then this Agreement shall immediately terminate. If the results of the Soils Testing Phase I and/or Phase II, come back resulting in likely clean-up costs over \$ _____ then Lessee can immediately terminate the Agreement.

4. **Premises:** Roughly 13,000 square feet, located on the NE corner of Ohio and Marin Streets – bounded by Overland Alley. Site is an empty lot previously occupied by a dental practice/office building. Lessee agrees to lease the property in as-is and where-as condition.

5. **Permitted Uses:** Operation of a community garden wherein Lessee licenses a temporary right to garden plots to community members. Lessee shall be responsible for obtaining any and all permits required; however the permit fees for any permits issued by the City of Vallejo shall be waived.

6. **Initial Term:** Five (5) years, commencing as of _____, 2013 (**Commencement Date**).

7. **Option:** One (5) five-year option shall be at Lessor's discretion and subject to City Council Approval. Lessee shall request an extension of the lease term 120 days in advance of the end of the five (5) year initial lease period.

8. **Base Rent:** Year 1 - 5 – Rental rate \$1.00 per month.

9. Lease Termination: Lessee is advised that this property is a collateral property. Lessor shall have the right to terminate this Agreement upon 30 written notice to the Lessee if required to do so by National Public Finance Guarantee Corporation. Also See NNN Lease Section 2.2.
10. Security Deposit: \$-0-
11. Insurance: Lessee to provide proof of insurance prior to execution of Lease.
12. Guarantor: No Guarantor

The Basic Lease Information set forth above and the Exhibits attached hereto are incorporated into and made a part of the following Lease control.

LESSOR'S INITIALS _____

LESSEE'S INITIALS _____

NNN LEASE
(LAND LEASE)

This Lease Agreement ("**Lease**") is made and entered into as of the effective date specified in Section 3 of the Basic Lease Information, above ("**Effective Date**"), by and between the City of Vallejo, a municipal corporation of the State of California ("**Lessor**"), and the Lessee, Global Center for Success 501(c)(3) # 71-0896801 and St. Vinnie's Community Garden, ("**Lessee**").

1. PREMISES.

1.1. Premises. Lessor is the owner of the land parcel(s) on which the Premises are located (the "**Property**"). A legal description of the Property is attached hereto and incorporated by reference as **Exhibit A**. Lessor hereby leases to Lessee, and Lessee leases from Lessor, the Premises together with Lessee Improvements (defined below), if any. A drawing depicting the general location and layout of the demised Premises is attached hereto and incorporated by reference as **Exhibit B**. Any improvements or alterations existing in or on the Premises, or otherwise constructed by Lessee or on Lessee's behalf therein (whether under this Lease, or any prior lease or sublease) are referred to in this Lease as "**Lessee Improvements.**" Lessee is familiar with the existing condition of the Property, Land and any improvements, and acknowledges that Lessor has made no representation or warranty regarding the condition of the Lessee Improvements, Premises, Property, or any portion thereof, except as specifically stated in this Lease.

1.2. Lessor's Reserved Rights. Lessor reserves the right to enter the Premises upon reasonable notice to Lessee (except that advance notice shall not be required in case of an emergency) for the following purposes) (i) to inspect the condition of the Premises; (ii) to ascertain the performance by Lessee of the terms and conditions hereof; (iii) to respond to an emergency at the Premises; (iv) to maintain, inspect and repair the Premises to the extent required or permitted under this Lease; (v) to post notices of non-responsibility for alterations, additions or repairs undertaken by Lessee; (vi) to show the Premises to prospective Lessees or purchasers or persons acting on their behalf; (vii) to post a leasing sign in or about the Premises; and (viii) to perform any other right or duty of Lessor under this Lease. Lessor may exercise this right of entry without any abatement of Rent to Lessee for any loss of occupancy or quiet enjoyment of the Premises.

2. TERM.

2.1. Term; Commencement Date. The "**Initial Term**" of this Lease shall be as set forth in Section 6 of the Basic Lease Information and shall commence as of the Commencement Date set forth in Section 6 of the Basic Lease Information. The Initial Term together with any Renewal Term(s), if any, are collectively referred to herein as the "**Term.**"

2.2. Termination.

2.2.1 Approvals. Failure to obtain all entitlements and approvals necessary to construct the garden on the site by _____ (date) will result in an immediate and automatic termination of this Agreement.

2.2.2 Remediation. Lessee is responsible for remediation of the site if it is found to be contaminated. If Phase I and/or Phase II testing of the soil reveals contamination requiring remediation of the site, Lessee hereby agrees to perform the required clean-up. If Lessee determines that the cost of remediation exceeds the amount that is feasible for Lessee's project, Lessee may terminate this agreement without prejudice with 30 days notice to the Lessor.

2.2.3 Lessor shall have the right to terminate Lease at will with 30 days written notice

3. RENT; SECURITY DEPOSIT

3.1. Base Rent, Rent. All Rent under this Lease shall commence as of the Commencement Date. Rent shall be paid as set forth in this Section 3. Lessee shall pay to Lessor, at Lessor's address for payment of Rent designated in Section 1 of the Basic Lease Information, or at such other address as Lessor may from time to time designate in writing to Lessee for the payment of Rent, the Base Rent designated in Section 8 of the Basic Lease Information, without notice, demand, offset or deduction, in advance, on the first day of each month of the Term. Upon execution of this Lease, Lessee shall pay to Lessor the first month's Base Rent. The term "**Rent**" means the Base Rent and all Additional Rent payable as provided in Section 3.2. If Rent is due for a period of less than a full month, it shall be prorated for such partial month on the basis of a 30-day month. \$12/year payable in advance on the anniversary of the commencement date.

3.1.1 Application of Payments. All payments received by Lessor from Lessee shall be applied to the oldest obligation owed by Lessee to Lessor. No designation by Lessee, either in a separate writing, on a check or money order, or otherwise shall modify this clause or have any force or effect.

3.1.2 Late Charge and Interest. - THIS SECTION INTENTIONALLY DELETED.

3.2. Additional Rent. In addition to paying the Base Rent, Lessee shall pay as "**Additional Rent**" any Taxes as provided in Section 5, costs of Lessor's Insurance as provided in Section 6.1, and any other amounts of any kind that become due or payable by Lessee to Lessor under the terms of this Lease. Unless Lessor elects otherwise pursuant to this Lease, all amounts due under this Section 3.2 as Additional Rent are payable monthly on the first day of each calendar month during the Term. Lessee's obligation to pay Rent under this Lease survives the Term to the extent such obligation has not been fulfilled during the Term. In addition, Lessor reserves the right to charge Lessee and Lessee shall pay for any Utilities as described in Section 4 not directly paid by Lessee to the utility company.

3.3. Security Deposit. - THIS SECTION INTENTIONALLY DELETED.

4. UTILITIES.

4.1. Lessee Utility and Service Costs. Lessee, at Lessee's sole cost and expense, shall be responsible and directly contract and pay for any and all utilities and services required or desired by Lessee in connection with its use or occupancy of the Land. Lessor shall defer the water connection fee until future permanent development is considered. Lessee is responsible to pay for the installation of the backflow prevention device and water meter.

4.2. Conservation and Use Policies. Lessee, at its expense, shall comply with federal, state, or local governmental controls, rules, regulations, or restrictions on the use or consumption of energy or other utilities during the Term.

4.3. No Furnished Services. Lessor shall have no obligation to provide any Services to the Premises.

4.4. Exculpation of Liability. Lessor is not obligated to furnish any security patrol or any other Services to Lessee, and shall not be liable for any loss or damage suffered by Lessee or others, by reason of Lessor's failure to furnish or election to discontinue providing any security patrol or any of the Services. The exculpation of liability under this Section 4.4 shall not apply to the extent claims are caused by Lessor's sole or active negligence or willful misconduct.

5. TAXES.

5.1. Taxes. As used in this Lease "**Taxes**" means Property Taxes, Possessory Interest Taxes and Personal Taxes. Lessee's obligations for Taxes for the last full or partial year of the Term and for any prior unpaid Taxes shall survive the expiration or earlier termination of this Lease.

5.2. Property Taxes. Although no Property Taxes are currently assessed, in the event they are assessed, whether due to a change in ownership or otherwise, Lessee shall pay such Property Taxes pursuant to Section 5.5. "**Property Taxes**" means and includes all of the following: all real property taxes, public infrastructure improvement assessments or any other assessments, levies, fees, exactions or charges, general and special, ordinary and extraordinary, unforeseen as well as foreseen (including fees "in lieu" of any such tax or assessment) which are assessed, levied, charged, conferred or imposed by any public authority upon the Property or its operations, together with all taxes, assessments or other fees imposed by any public authority upon or measured by any Rent or other charges payable hereunder, including any gross receipts tax or excise tax levied by any governmental authority with respect to receipt of rental income, or upon, with respect to or by reason of the development, possession, leasing, operation, management, maintenance, alteration, repair, use or occupancy by Lessee of the Premises or any portion thereof, together with any tax imposed in substitution, partially or totally, of any tax previously included within the aforesaid definition or any additional tax the nature of which was previously included within the aforesaid definition. Nothing contained in this Lease shall require Lessee to pay any franchise,

corporate, estate or inheritance tax of Lessor, or any income, profits or revenue tax or charge upon the net income of Lessor. Lessor shall deliver to Lessee copies of the assessment and tax bill from the applicable taxing authority.

5.3. Possessory Interest Taxes. This Lease creates a possessory property interest in Lessee. Lessee's property interest may be subject to property taxation, and Lessee or the party in whom the possessory interest is vested shall be responsible for payment of any and all property taxes levied on the interest (collectively, "**Possessory Interest Taxes**)."

5.4. Personal Taxes. Lessee shall pay directly to the taxing authority all taxes and assessments levied upon the trade fixtures, alterations, additions, improvements, partitions, cabling, wiring, furniture, equipment, inventories and other personal property located and/or installed on the Premises by or on behalf of Lessee (individually and collectively "**Lessee's Property**") and any Lessee Improvements (collectively, "**Personal Taxes**").

5.5. Payment of Taxes. Lessee shall pay all Taxes prior to delinquency. To the extent any such taxes are not separately assessed or billed to Lessee by the taxing authority, Lessor shall deliver to Lessee copies of the assessment and tax bill. Lessee shall pay such amount directly to the taxing authority no later than ten (10) business days prior to the date on which such Taxes are due. Should Lessee fail to pay its Taxes, Lessor may elect to do so on Lessee's behalf within five (5) days of Lessor's demand therefor. Lessee shall reimburse Lessor for such Taxes and any penalties and fines, together with interest at the Applicable Interest Rate, from the date Lessor tendered payment.

6. INSURANCE.

6.1. Lessor. Lessor may elect to self-insure, jointly-insure, or maintain insurance or an insurance equivalent (including, but not limited to, that offered to a municipality through and by a joint powers authority, a self- insurance pool of liability coverage authorized pursuant to California Government Code Section 6500, or similar collective) insuring the Premises (excluding Lessee's Property and any Lessee Improvements) on an occurrence basis against fire and extended coverage (including, if Lessor elects, "all risk" coverage, earthquake/volcanic action, flood and/or surface water insurance) similar in type and coverage limits to that carried by Lessor on its other properties. At Lessor's option, such insurance or insurance equivalent may be carried under any blanket or umbrella policies or other insurance or insurance equivalent which Lessor has in force for other buildings or projects. Lessor may also carry such other insurance as Lessor may deem prudent or advisable, in such amounts and on such terms as Lessor shall determine. All such insurance or insurance equivalent maintained by Lessor pursuant to this Section 6.1 is referred to herein as "**Lessor's Insurance**." Lessor's Insurance shall not, under any circumstances, include Lessee's Property, any Lessee Improvements, or other items required to be covered by Lessee's Insurance. The cost of Lessor's Insurance shall be paid by Lessee as a component of Additional Rent pursuant to Section 3.2.

6.2. Lessee. Lessee shall, at Lessee's expense, obtain and keep in force at all times during the Term the following "**Lessee's Insurance**," and shall be liable for all premiums, deductibles, and self-insured amounts, if any, in connection therewith. Lessee's

Insurance shall not have a deductible amount exceeding Five Thousand Dollars (\$5,000) without the prior written approval of the City.

6.2.1 Commercial General Liability Insurance (Occurrence Form). A policy of commercial general liability insurance (occurrence form) having a combined single limit of not less than One Million Dollars (\$1,000,000) per occurrence and Two Million Dollars (\$2,000,000) annual aggregate, providing coverage for, among other things, blanket contractual liability (including Lessee's indemnification obligations under this Lease), premises liability, products and completed operations liability, owner's protective coverage, broad form property damage, and bodily injury (including wrongful death). If necessary, Lessee shall provide for restoration of the aggregate limit.

6.2.2 Automobile Liability Insurance. Comprehensive automobile liability insurance having a combined single limit of not less than One Million Dollars (\$1,000,000) per occurrence and insuring Lessee against liability for claims arising out of the ownership, maintenance, or use of any owned, hired, or non-owned automobiles.

6.2.3 Workers' Compensation and Employer's Liability Insurance. Workers' compensation insurance, if required by Law, which complies with all applicable state statutes and regulatory requirements, and employer's liability insurance coverage in statutory amounts.

6.2.4 Property Insurance. "All risk" property insurance including fire and extended coverage, sprinkler leakage, vandalism and malicious mischief coverage, covering damage to or loss of any portion of Lessee's Property or any Lessee Improvements (together with, if the property of Lessee's invitees is to be kept in the Premises, warehouse's legal liability or bailee customers insurance property belonging to invitees and located in or about the Premises), in an amount not less than the full replacement cost thereof. In the event that there shall be a dispute as to the amount which comprises full replacement cost, the decision of Lessor or the mortgagees of Lessor shall be presumptive.

6.2.5 Other Insurance. Any other form or forms of insurance as Lessor or the mortgagees of Lessor may reasonably require from time to time, in form, amounts and for insurance risks against which a prudent Lessee would protect itself, but only to the extent such risks and amounts are available in the insurance market at commercially reasonable costs.

6.3. General.

6.3.1 Insurance Companies. Lessee's Insurance shall be written by companies licensed to do business in California and having a "General Policyholders Rating" of at least A-VII (or such higher rating as may be required by a lender having a lien on the Premises) as set forth in the most current issue of "Best's Insurance Guide."

6.3.2 Certificates of Insurance. Lessee shall deliver to Lessor certificates of insurance for Lessee's Insurance, in the form of the ACORD standard certificate of insurance, prior to the Commencement Date. Lessee shall, at least thirty (30) days prior to expiration of the policy, furnish Lessor with certificates of renewal or "binders" thereof. Each certificate shall expressly provide that such policies shall not be cancelable or otherwise subject to modification

except after thirty (30) days' prior written notice to the parties named as additional insureds as required in this Lease. If Lessee fails to maintain any insurance required in this Lease, Lessee shall be liable for all losses and cost resulting from said failure.

6.3.3 Additional Insureds. Lessor and any property management company of Lessor for the Premises shall be named as additional insureds on the commercial general liability policy required by Section 6.2.1. A separate additional insured endorsement naming such parties as additional insured(s) shall be attached to the certificate of insurance.

6.3.4 Primary Coverage. Lessee's Insurance shall be primary, without right of contribution from any Lessor's Insurance.

6.3.5 Umbrella/Excess Insurance. Any umbrella liability policy or excess liability policy shall provide that if the underlying aggregate is exhausted, the excess coverage will drop down as primary insurance. The limits of Lessee's Insurance shall not limit Lessee's liability under this Lease.

6.3.6 Waiver of Subrogation. Lessee waives any right to recover against Lessor for claims for damages to Lessee's Property or any Lessee Improvements to the extent covered (or required by this Lease to be covered) by Lessee's Insurance. This provision is intended to waive fully, and for the benefit of Lessor, any rights and/or claims which might give rise to a right of subrogation in favor of any insurance carrier. The coverage obtained by Lessee pursuant to this Lease shall include a waiver of subrogation endorsement attached to the certificate of insurance.

6.3.7 Notification of Incidents. Lessee shall notify Lessor within twenty-four (24) hours after the occurrence of any accident or incident on or about the Property or any portion thereof which could give rise to a claim against Lessor, Lessor's Insurance, Lessee, or Lessee's Insurance, except that Lessee shall not be obligated to give Lessor notice of any accident or incident which could give rise to a claim under Lessee's workers' compensation insurance. Lessee's notice shall be accompanied by a copy of any report(s) relating to the accident or incident.

6.3.8 Compliance with Insurance Requirements. Lessee shall not do anything in the Premises, or bring or keep anything therein, or subject the Property or any portion thereof to any use which would damage the same or increase the risk of loss or fire, or violate Lessor's Insurance, or Lessee's Insurance, or which shall conflict with the regulations of the fire department or any Laws or with any insurance policy on the Premises or any part thereof, or with any rules or regulation established by any administrative body or official having jurisdiction. Lessee shall promptly comply with the reasonable requirements of any board of fire insurance underwriters or other similar body now or hereafter constituted.

7. INDEMNITY; LIABILITY EXEMPTION.

7.1. Indemnity. Except to the extent claims are caused by Lessor's sole or active negligence or willful misconduct, Lessee shall indemnify, protect, defend, and hold harmless Lessor and its elected officials, officers, employees, volunteers, lenders, agents,

representatives, contractors and each of their successors and assigns from and against any and all claims, judgments, causes of action, damages, penalties, costs, liabilities, and expenses, including all costs, attorneys' fees, expenses and liabilities incurred in the defense of any such claim or any action or proceeding brought thereon, arising at any time during or after the Term as a result (directly or indirectly) of or in connection with (i) any default in the performance of any obligation on Lessee's part to be performed under the terms of this Lease; (ii) Lessee's or Lessee's Parties use of the Premises, the conduct of Lessee's business or any activity, work or thing done, permitted or suffered by Lessee or Lessee's Parties in or about the Premises or the Property; or (iii) any act, error or omission of Lessee or Lessee's Parties in or about the Property or any portion thereof (collectively, the "**Indemnification**"). Lessee shall provide such Indemnification by and through counsel reasonably acceptable to Lessor. The obligations of Lessee under this Section 7.1 shall survive the expiration or other termination of this Lease with respect to any claims or liability arising prior to such expiration or other termination.

7.2. Exemption of Lessor from Liability. Lessee, as a material part of the consideration to Lessor, hereby assumes all risk of damage to property including, but not limited to, Lessee's Property and any Lessee Improvements, and injury to or death of persons in, upon or about the Premises or the Property arising from any cause, and Lessee hereby waives all claims in respect thereof against Lessor, except to the extent such claims are caused by Lessor's sole or active negligence or willful misconduct. Lessee hereby agrees that Lessor shall not be liable for injury to Lessee's business or any loss of income therefrom or for damage to the property of Lessee, or injury to or death of Lessee, Lessee's Parties or any other person in or about the Premises or the Property, whether such damage or injury is caused by fire, steam, electricity, gas, water or rain, or from the breakage, leakage or other defects of sprinklers, wires, appliances, plumbing, air conditioning or lighting fixtures, or from any other cause, whether said damage or injury results from conditions arising within or about the Premises or the Property or from other sources or places, and regardless of whether the cause of such damage or injury or the means of repairing the same is inaccessible to Lessee, except damage or injury caused solely by Lessor's sole or active negligence or willful misconduct. Lessor shall not be liable for any damages arising from any act or neglect of any other Lessee or occupant, if any, of the Premises or the Property or Lessor's failure to enforce the terms of any agreements with parties other than Lessee.

8. REPAIRS AND MAINTENANCE.

Lessor's Obligations. The Land and improvements are being leased to Lessee in their current, existing, "AS-IS" condition. It is specifically understood and agreed that Lessor has no obligation and has made no promises to alter, remodel, improve, construct or install any Lessee Improvements, or otherwise alter or improve the Premises, Property, or any portion thereof. Lessee is familiar with the existing condition of the Property, Premises, and any Improvements, and acknowledges that Lessor has made no representation or warranty regarding the condition of any Improvements, the Premises, the Property, or any portion thereof. If Lessor in its sole discretion elects to undertake repairs and maintenance of the Premises, the Property, or any portion thereof, then Lessee shall pay as Additional Rent, Lessor's reasonable determination of Lessee's share thereof based on Lessor's actual costs paid or incurred in connection therewith.

8.1.1 Lessee's Waiver. Notwithstanding anything in this Lease to the contrary, whether stated or implied in this Lease, Lessee waives and releases its rights, including its right to make repairs at Lessor's expense, under California Civil Code sections 1932(1), 1941, and 1942 or any similar Laws.

8.2. Lessee's Obligations. Lessee, at its expense, shall maintain the Land in good order, condition and repair. In the event Lessee fails, in the reasonable judgment of Lessor, to so maintain the Premises in good order, condition and repair, Lessor shall in its sole discretion, upon ten (10) days' written notice to Lessee, have the right but not the obligation to perform such maintenance, repairs or refurbishing at Lessee's expense, provided Lessee fails to do so within that five-day period. If Lessor elects to undertake any such repairs or maintenance as provided above, then Lessee shall pay, as Additional Rent, Lessor's actual costs paid or incurred in connection therewith.

9. ALTERATIONS.

9.1. Trade Fixtures; Alterations. Subject to the conditions and requirements of this Section 9, Lessee shall not construct, or allow to be constructed, any alterations, physical additions, or improvements in, about, or to the Land in addition to those improvements depicted in **Exhibit B**, without the prior written consent of Lessor, which consent may be granted or denied in Lessor's sole discretion. If Lessor approves proposed alterations, additions or improvements, Lessor's consent may be conditioned upon Lessee's establishing compliance with Laws and with Lessor's reasonable requirements regarding selection of contractors and construction of improvements and alterations. Should Lessee make any alterations, additions, improvements without the prior written consent of Lessor, Lessor may, at any time during the Term of this Lease, require Lessee to remove any or all of the same and restore the Premises to their prior condition, at Lessee's sole cost and expense.

9.2. Satellites and Antennae. Notwithstanding anything in this Lease to the contrary, Lessor and Lessee agree that it shall be reasonable for Lessor to withhold its consent to installation in or about the Premises or any portion thereof of equipment comprising or relating to relays, monopoles, satellite dishes, antennae, wireless telecommunications devices,

transmitters, roof mounts, two-way radios, or similar apparatus (collectively, "**Transmission Devices**").

9.3. Standard of Work. All work to be performed by or on behalf of Lessee shall be performed diligently and in a first-class, workmanlike manner, and in compliance with all applicable Laws and all insurance carrier requirements. Lessor shall have the right, but not the obligation, to periodically inspect such work and may require changes in the method or quality thereof. In no event shall such work materially obstruct access to the Property or any portion thereof.

9.4. Damage; Removal. Lessee shall repair all damage to the Premises, Property and any portions thereof caused by the installation or removal of Lessee's trade fixtures or other work performed by or on behalf of Lessee. Upon the expiration or other termination of this Lease, Lessee shall remove Lessee's trade fixtures and other improvements, alterations and additions and restore the Premises to their condition existing prior to the construction or installation of any such items and perform any closure work, investigation and environmental remedial work required by the presence or suspected presence of any Hazardous Materials Laws (as hereinafter defined) or by any other applicable Laws; provided, however, Lessor may require, upon written notice to Lessee no less than fifteen (15) days before the expiration or earlier termination of the Term, any such items (except trade fixtures) designated by Lessor to remain on the Premises, in which event they shall be and become the property of Lessor upon the expiration or other termination of this Lease. All such removals and restoration shall be accomplished in a good and workmanlike manner so as not to cause any damage to the Premises or the Property whatsoever and in strict accordance with all applicable Laws.

9.5. Liens. Lessee shall promptly pay and discharge all claims for labor performed, supplies furnished and services rendered at the request of Lessee and shall keep the Premises and Property and all portions thereof free of all mechanics' and material men's liens in connection therewith. Lessee shall provide at least ten (10) business days' prior written notice to Lessor before any labor is performed, supplies furnished or services rendered on or at the Premises and Lessor shall have the right to post on the Premises notices of non-responsibility. If any lien is filed, Lessee shall cause such lien to be released and removed within ten (10) days after the date of filing, and if Lessee fails to do so, Lessor may take such action as may be necessary to remove such lien, without the duty to investigate the validity of it, and Lessee shall pay Lessor such amounts expended by Lessor together with interest thereon, at the Applicable Interest Rate, from the date of expenditure.

9.6. Bonds. Lessor may require Lessee to provide Lessor, at Lessee's sole cost and expense, lien, performance, and payment completion bonds in an amount equal to one and one-half times the estimated cost of any alterations, additions, or improvements to insure Lessor, the Premises and the Property against any liability for mechanic's and material men's liens, and to ensure completion of the work and payment of any contractors or subcontractors.

10. USE.

10.1. Usage. The Premises shall be used only for the permitted uses set forth in Section 5 of the Basic Lease Information and for no other purpose without the prior written

consent of Lessor. Lessee acknowledges that neither Lessor nor any of Lessor's agents has made any representation or warranty with regard to the Premises, any Lessee Improvements, or the Property with respect to their suitability for the conduct of Lessee's business. Lessee's execution of this Lease and entry of the Premises hereunder shall conclusively establish that the foregoing were at such time in satisfactory condition. Lessee, at Lessee's expense, shall comply with all applicable Hazardous Materials Laws, statutes, laws, codes, rules, orders, zoning, ordinances, directions, regulations, regulations, permits, or other requirements of federal, state, county, municipal, or other governmental authorities having jurisdiction, now in force or which may hereafter be in force (individually, "**Law**," and collectively, "**Laws**"), which shall impose any duty upon Lessor or Lessee with respect to the use, occupancy, or alteration of the Premises. Lessee shall be responsible for obtaining any permit or business license required by any governmental agency permitting Lessee's use of the Premises. Lessor makes no representation concerning the availability of any permits or approvals required or permitted under this Lease.

10.2. Operating Covenant. Lessee agrees to sub-lease plots to the public pursuant to **Exhibit D** attached, "Gardeners Rules and Agreements." On a quarterly basis, Lessee shall provide a list of plot assignments by name and residence and Lessor shall have ten (10) business days to accept or reject individual gardeners. Lessee acknowledges that the rent structure contained in this Lease is intended to bolster Lessee's ability to operate its business in the Premises and to fulfill its obligations under this Lease. Lessee shall continuously conduct its business on the Land and remain open for business, except due to Force Majeure. Prior to the effective date, Lessee shall provide a projection for one year's worth of operating costs and the number of plots available to sub-lease to Vallejo residents. Cumulative rent for one year from sub-lessees shall not exceed the annual operating costs. Operating costs shall not include a salary or wages to individual(s) as all labor required to manage and operate the community garden shall be done on a volunteer basis.

11. ENVIRONMENTAL MATTERS.

11.1. Environmental Compliance. Lessee shall, at its sole cost and expense, comply with all laws, codes, rules, orders, ordinances, directives, regulations, permits, or other requirements of federal, state, county, municipal or governmental authorities having jurisdiction, now in force or which may hereafter be in force (collectively, "**Hazardous Materials Laws**") concerning the management, use, generation, storage, transportation, presence, discharge or disposal of any and all pollutants, wastes, flammables, explosives, radioactive materials, hazardous or toxic materials, hazardous or toxic wastes, hazardous or toxic substances, carcinogenic materials or contaminants and all other materials governed, monitored, or regulated by any Federal, State or local law or regulation, including but not limited to the Comprehensive Environmental Response, Compensation and Liability Act ("**CERCLA**"), the Hazardous Substances Account Act ("**HSAA**"), and/or the Resources Conservation and Recovery Act ("**RCRA**"). "**Hazardous Materials**" include asbestos, asbestos-containing materials, hydrocarbons, polychlorinated biphenyl ("**PCB**") or PCB-containing materials, petroleum, gasoline, petroleum products, crude oil or any fraction, product or by-product thereof (collectively, "**Hazardous Materials**"). Neither Lessee nor Lessee's Parties shall use, handle, store, transport, treat, generate, release or dispose of any

Hazardous Materials anywhere in, on, under or about the Premises or the Property. Lessee shall cause any and all Hazardous Materials brought onto, used, generated, handled, treated, stored, released or discharged on or under the Premises or the Property to be removed from the Premises and Property and transported for disposal in accordance with applicable Hazardous Materials Laws. Lessor shall have the right to enter the Premises from time to time to conduct tests, inspections and surveys concerning Hazardous Materials and to monitor Lessee's compliance with its obligations concerning Hazardous Materials and Hazardous Materials Laws. Lessee shall immediately notify Lessor in writing of: (i) any release or discharge of any Hazardous Material; (ii) any voluntary clean-up or removal action instituted or proposed by Lessee, (iii) any enforcement, clean-up, removal or other governmental or regulatory action instituted or threatened, or (iv) any claim made or threatened by any person against Lessee, the Premises, or the Property or any portion thereof relating to Hazardous Materials or Hazardous Materials Laws. Lessee shall also supply to Lessor as promptly as possible, and in any event within five (5) business days after Lessee receives or sends same, copies of all claims, reports, complaints, notices, warnings or asserted violations relating in any way to the Premises or Lessee's use thereof and concerning Hazardous Materials or Hazardous Materials Laws. In the event Lessee institutes a cleanup or removal action, Lessee shall provide copies of all work plans and subsequent reports submitted to the governmental agency with jurisdiction to Lessor in a timely manner.

11.2. Lessee's Indemnification. Except to the extent caused by Lessor's sole or active negligence or willful misconduct, Lessee shall indemnify, defend and hold Lessor harmless from any claims, causes of action, liabilities, losses, damages, injunctions, suits, fines, penalties, costs or expenses (including attorneys' fees and expenses and consultant fees and expenses) caused or alleged to have been caused by the presence of Hazardous Materials in, on, under, about, or emanating from the Premises or the Property, including, without limitation, any bodily injury, death, property damage, natural resource damage, decrease in value of the Premises or the Property, caused or alleged to have been caused by Lessee or Lessee's Parties' use, storage, handling, treatment, generation, presence, discharge or release of Hazardous Materials in violation of Lessee's obligations under this Lease, whether such claims, causes of action or liabilities are first asserted during the Term or thereafter, and including without limitation, claims made against Lessor with respect to bodily injury, death or property damage sustained by third parties caused or alleged to have been caused by Lessee or Lessee's Parties' use, storage, handling, treatment, generation, presence, discharge or release of Hazardous Materials.

12. DAMAGE AND DESTRUCTION.

12.1. Casualty. If, during the Term, the Premises are totally or partially destroyed from any cause rendering the Premises totally or partially inaccessible or unusable (the "**Casualty**"), then Lessor shall have the right at Lessor's option to give written notice to Lessee within ninety (90) days after the date of the occurrence of such damage of Lessor's intention to either (i) repair such damage as soon as reasonably possible at Lessor's expense, or (ii) terminate this Lease as of the date of the occurrence of such damage. If Lessor elects to repair the damage, and if the cost of such repairs does not exceed the amount of insurance proceeds received by Lessor from Lessor's Insurance pursuant to Section 6 above, on account

of such damage, and if the restoration can be made under then existing Laws and can be completed within one hundred eighty (180) days after obtaining all necessary permits therefor, then Lessor shall restore the Premises (excluding Lessee's Property and any Lessee Improvements) to substantially the same condition as they were in immediately before destruction. If the restoration cannot be so made, then within fifteen (15) days after Lessor determines that the restoration cannot be made as stated in this Section 12.1, Lessee can terminate this Lease immediately by giving written notice to Lessor. If the existing Laws do not permit the restoration, either party can terminate this Lease by giving ninety (90) days prior written notice to the other party. In case of destruction, there shall be an abatement or reduction of Rent, between the date of destruction and the date of completion of restoration if restoration takes place, or the date of termination if the Lease is terminated, based on the extent to which the destruction actually interferes with Lessee's use of the Premises.

12.2. Lessee's Fault. If the Premises, the Property, or any portion thereof, are damaged resulting from the negligence or breach of this Lease by Lessee or any of Lessee's Parties, Rent shall not be reduced during the repair of such damage, Lessee shall have no right to terminate this Lease as provided in Section 12.1, and Lessee shall be liable to Lessor for the cost of the repair caused thereby to the extent such cost is not covered by insurance proceeds.

12.3. Repair Limitation. Notwithstanding anything in this Lease to the contrary, Lessor shall not be required to repair any injury or damage, by fire or other cause, to Lessee's Property or any Lessee Improvements, if any, or to rebuild, repair or replace any alterations, additions or other improvements installed on the Land by or for Lessee, unless Lessor has received insurance proceeds from Lessee's property insurance as provided in Section 6.2.4 above, and neither Lessee or Lessor has opted to terminate this Lease as provided in Section 12.1.

12.4. Waiver. The provisions of this Lease contain an express agreement between Lessor and Lessee that applies in the event of any Casualty. Lessee fully waives the provisions of any statute or regulation, including California Civil Code sections 1932(2) and 1933(4) (as amended from time to time, and successor statutes thereto) for any rights or obligations concerning a Casualty.

13. EMINENT DOMAIN.

13.1. Effect on Rights and Obligations. If any portion of the Premises is permanently taken by condemnation, this Lease shall remain in effect, except that Lessee can elect to terminate this Lease if 25% or more of the total number of square feet in the Premises is taken and if the remaining portion of the Premises is rendered unsuitable for Lessee's continued use of the Premises. If Lessee elects to terminate this Lease, Lessee must exercise its right to terminate by giving written notice to Lessor within 30 days after the nature and the extent of the taking have been finally determined, as of the date of termination, which date shall not be earlier than 30 days nor later than 90 days after Lessee has notified Lessor of its election to terminate; except that this Lease shall terminate on the date of taking if the date of taking falls on a date before the date of termination as designated by Lessee. If Lessee does not terminate this Lease within the 30-day period, this Lease shall continue in full force and effect, except that the Base Rent thereafter to be paid shall be reduced on a pro-rata basis.

Lessee shall notify Lessor in writing of any condemnation or threatened condemnation within ten (10) days after Lessee receives notice of said action or threatened action.

13.2. Award. In connection with any condemnation, Lessor shall be entitled to receive all compensation and anything of value awarded, paid, or received in settlement or otherwise ("**Award**") and Lessee hereby irrevocably assigns and transfers to Lessor all rights to and interests in the Award and fully waives, releases, and relinquishes any claim to, right to make a claim on, or interest in the Award, including any amount attributable to any excess of the market value of the Premises for the remainder of the Term over the present value as of the termination date of the Rent payable for the remainder of the Term (commonly referred to as the "**bonus value**" of the Lease).

14. DEFAULT.

14.1. Events of Default. Where "**default**" is used in this Lease with reference to Lessee, default refers to any breach of Lessee's obligations under this Lease, however brief. Where Lessee's default continues for the period specified below, it shall, at Lessor's option, constitute an Event of Default giving rise to the remedies set forth in Sections 14.2 and 14.3 of this Lease. The occurrence of any of the following events shall, at Lessor's option, constitute an "**Event of Default**:"

14.1.1 Abandonment of or vacating the Premises or cessation of Lessee's business operations therein, for a period of thirty (30) consecutive days;

14.1.2 Failure to pay Rent or other sums on the date when due and the failure continuing for a period of ten (10) days after such payment is due;

14.1.3 Failure to perform Lessee's covenants and obligations hereunder (except default in the payment of Rent) where such failure continues for a period of thirty (30) days;

14.1.4 The making of a general assignment by Lessee for the benefit of creditors; the filing of a voluntary petition by Lessee or the filing of an involuntary petition by any of Lessee's creditors seeking the rehabilitation, liquidation or reorganization of Lessee under any Laws relating to bankruptcy, insolvency or other relief of debtors and, in the case of an involuntary action, the failure to remove or discharge the same within sixty (60) days of such filing; the appointment of a receiver or other custodian to take possession of substantially all of Lessee's assets or this leasehold; Lessee's insolvency or inability to pay Lessee's debts or failure generally to pay Lessee's debts when due; any court entering a decree or order directing the winding up or liquidation of Lessee or of substantially all of Lessee's assets; Lessee taking any action toward the dissolution or winding up of Lessee's affairs; the cessation or suspension of Lessee's use of the Premises; or the attachment, execution or other judicial seizure of substantially all of Lessee's assets or this leasehold; or

14.1.5 The making of any material misrepresentation or omission by Lessee or any successor in interest of Lessee in any materials delivered by or on behalf of Lessee to Lessor or Lessor's lender pursuant to this Lease; or

14.1.6 Failure to comply with the Conditions of Approval for the Site Development permit;

14.2. Remedies.

14.2.1 Termination. In the event of the occurrence of any Event of Default, Lessor shall have the right to give a written termination notice to Lessee and, on the date specified in such notice (which date shall be at least three (3) business days following the date of delivery of such notice). In the event of default, Lessee shall have 30 days to cure the default. This Lease shall terminate unless on or before such date all arrears of Rent and all other sums payable by Lessee under this Lease and all costs and expenses incurred by or on behalf of Lessor hereunder shall have been paid by Lessee and all other Events of Default at the time existing shall have been fully remedied to the satisfaction of Lessor.

A. Repossession. Following termination, without prejudice to other remedies Lessor may have, Lessor may (i) peaceably re-enter the Premises upon voluntary surrender by Lessee or remove Lessee therefrom and any other persons occupying the Premises, using such legal proceedings as may be available; (ii) repossess the Premises or re-let the Premises or any part thereof for such term (which may be for a term extending beyond the Term), at such rental and upon such other terms and conditions as Lessor in Lessor's sole discretion shall determine, with the right to make reasonable alterations and repairs to the Premises; and (iii) remove all personal property therefrom.

B. Unpaid Rent. Lessor shall have all the rights and remedies of a Lessor provided by applicable Laws, including the right to recover from Lessee: (a) the worth, at the time of award, of the unpaid Rent that had been earned at the time of termination, (b) the worth, at the time of award, of the amount by which the unpaid Rent that would have been earned after the date of termination until the time of award exceeds the amount of loss of rent that Lessee proves could have been reasonably avoided, (c) the worth, at the time of award, of the amount by which the unpaid Rent for the balance of the Term after the time of award exceeds the amount of the loss of rent that Lessee proves could have been reasonably avoided, and (d) any other amount, and court costs, necessary to compensate Lessor for all detriment proximately caused by Lessee's default. The phrase "**worth, at the time of award,**" as used in (a) and (b) above, shall be computed at the Applicable Interest Rate, and as used in (c) above, shall be computed by discounting such amount at the discount rate of the Federal Reserve Bank of San Francisco at the time of award plus one percent (1%).

14.3. Cumulative. Each right and remedy of Lessor provided for herein or now or hereafter existing at Law or in equity, by statute or otherwise shall be cumulative and shall not preclude Lessor from exercising any other rights or remedies provided for in this Lease or now or hereafter existing at Law or in equity, by statute or otherwise. No payment by Lessee of a lesser amount than the Rent nor any endorsement on any check or letter accompanying any check or payment of Rent shall be deemed an accord and satisfaction of full payment of Rent; and Lessor may accept such payment without prejudice to Lessor's right to recover the balance of such Rent or to pursue other remedies.

15. ASSIGNMENT AND SUBLETTING.

15.1. Lessor's Consent. Lessee shall not assign, sublet or otherwise transfer, whether voluntarily or involuntarily or by operation of Law, this Lease, the Premises or any part thereof, without Lessor's prior written approval, which Lessor may withhold in its sole absolute discretion, without any obligation to consider any proposed assignment, sublet or transfer in good faith or otherwise. Lessee's attempted assignment/subletting without first obtaining Lessor's written consent shall be void at Lessor's election. Lessor's consent to one assignment or subletting shall not be deemed consent to subsequent assignments and/or subleases. The merger of Lessee with any other entity or the transfer of any controlling or managing ownership or beneficial interest in Lessee, or the assignment of a substantial portion of the assets of Lessee, whether or not located at the Premises shall constitute an assignment hereunder. In the event Lessee shall assign or sublet the Premises or request the consent of Lessor to any assignment or subletting or if Lessee shall request the consent of Lessor for any other act Lessee proposes to do then Lessee shall pay Lessor's attorneys' fees incurred in connection with each such request.

16. ESTOPPEL, ATTORNMEN AND SUBORDINATION.

16.1. Estoppel. Within ten (10) days after request by Lessor, Lessee shall deliver an estoppel certificate duly executed and acknowledged to any proposed mortgagee, beneficiary, purchaser, or Lessor, in a commercially reasonable form substantially similar to that requested and a statement certifying, without limitation: (i) the date of commencement of this Lease; (ii) the fact that this Lease is unmodified and in full force and effect (or, if there have been modifications hereto, that this Lease is in full force and effect, as modified, and stating the date and nature of such modifications); (iii) the date to which the rental and other sums payable under this Lease have been paid; (iv) the fact that there are no current defaults under this Lease by either Lessor or Lessee except as specified in Lessee's statement; (v) no deposit of any nature has been made in connection with the Lease (other than deposits the nature and amount of which are expressly described in the Lease), and (vi) such other matters requested by Lessor. Lessor and Lessee intend that any statement delivered pursuant to this Section 16 may be relied upon by any mortgagee, beneficiary, purchaser or prospective purchaser of the Premises, the Property or any interest therein. Lessee's failure to deliver such statement within such time shall be conclusive upon Lessee that (i) this Lease is in full force and effect, without modification except as may be represented by Lessor; (ii) there are no uncured defaults in Lessor's performance, (iii) not more than one (1) month's rental has been paid in advance; and (iv) no deposit of any nature has been made in connection with the Lease except as represented by Lessor. Except to the extent caused by Lessor's sole or active negligence or willful misconduct, Lessee shall indemnify and hold Lessor harmless from and against any and all damages, penalties, fines, taxes, costs, liabilities, losses and expenses (including, without limitation, reasonable attorneys' fees and court costs) which Lessor may sustain or incur as a result of or in connection with Lessee's failure or delay in delivering such estoppel certificate. If any financier should require that this Lease be amended (other than in the description of the Premises, the Term, the permitted uses, the Rent or as will substantially, materially and adversely affect the rights of Lessee), Lessor shall give written notice thereof to Lessee, which notice shall be accompanied by a Lease supplement embodying such

amendments. Lessee shall, within ten (10) days after the receipt of Lessor's notice, execute and deliver to Lessor the tendered Lease supplement.

16.2. Subordination. This Lease shall be subject and subordinate to all ground leases, CC&Rs, and the lien of all mortgages and deeds of trust which now or hereafter affect the Premises or the Property or Lessor's interest therein, and all amendments thereto, all without the necessity of Lessee's executing further instruments to effect such subordination; provided, however, that Lessee's rights hereunder shall not be disturbed, except in accordance with the terms and provisions of this Lease. If requested, Lessee shall execute and deliver to Lessor within ten (10) days after Lessor's request, whatever documentation that may reasonably be required to further effect the provisions of this Section 16.2.

16.3. Attornment. In the event of a foreclosure proceeding, the exercise of the power of sale under any mortgage or deed of trust or the termination of a ground lease, Lessee shall, if requested, attorn to the purchaser thereupon and recognize such purchaser as Lessor under this Lease. The transferee shall not be liable for any acts, omissions or defaults of Lessor that occurred before the sale or conveyance, or the return of any security deposit except for deposits actually paid to transferee, and except as reduced as expressly provided for in Section 3.3 of this Lease or by operation of Law.

17. RELOCATION WAIVER.

17.1. Waiver. Lessee fully releases and discharges Lessor (in its capacity as Lessor and otherwise as a municipal corporation) from all and any manner of rights, demands, liabilities, obligations, claims, or cause of actions, in law or equity, of any kind or nature, known or unknown, now existing or hereinafter arising, which arise from or relate in any manner to the relocation of Lessee's business operations, or the relocation of any person(s), business(es), or other occupant(s) located on within, on, or about, the Premises following the full or partial termination or expiration of Lessee's leasehold interest in the Premises (collectively, "**Relocation Claims**"), including waiver and release of any relocation rights under Government Code sections 7260 et seq. or any federal laws ("**Relocation Assistance Law**"). Lessee acknowledges and agrees that the release and waiver set forth in this Section 17 is material consideration for Lessor's amendment and consent to assignment of Lease, and that, but for this release and waiver, Lessor would not have entered into this Lease. By releasing and forever discharging the Relocation Claims, Lessee expressly waives any rights under California Civil Code section 1542, which provides: "A GENERAL RELEASE DOES NOT EXTEND TO CLAIMS WHICH THE CREDITOR DOES NOT KNOW OR SUSPECT TO EXIST IN HIS FAVOR AT THE TIME OF EXECUTING THE RELEASE, WHICH IF KNOWN BY HIM MUST HAVE MATERIALLY AFFECTED HIS SETTLEMENT WITH THE DEBTOR."

18. MISCELLANEOUS.

18.1. General.

18.1.1 Entire Agreement. This Lease sets forth all the agreements between Lessor and Lessee concerning the Property and the Premises, and there are no agreements either oral or written other than as set forth herein.

18.1.2 Time of Essence. Time is of the essence of this Lease.

18.1.3 Attorneys' Fees. If any action is commenced which arises out of or related to this Lease, the prevailing party shall be entitled to recover from the other party such sums as the court may adjudge to be reasonable attorneys' fees, expert fees, and expenses in the action, in addition to costs and expenses otherwise allowed by Law. In all other situations, including any matter arising out of or relating to any bankruptcy or other voluntary or involuntary proceeding, in or out of court, for the adjustment of debtor-creditor relationships, Lessee agrees to pay all of Lessor's costs and expenses, including attorneys' fees and expert fees, which may be incurred in enforcing or protecting Lessor's rights or interests.

18.1.4 Severability. If any provision of this Lease or the application of any such provision shall be held by a court of competent jurisdiction to be invalid, void or unenforceable to any extent, the remaining provisions of this Lease and the application thereof shall remain in full force and effect and shall not be affected, impaired or invalidated.

18.1.5 Law. This Lease shall be construed and enforced in accordance with the Laws of the state of California, without reference to its choice of law provisions.

18.1.6 Interpretation. The titles to the sections of this Lease are not a part of this Lease and shall have no effect upon the construction or interpretation of any part of this Lease. As used in this Lease, masculine, feminine or neuter gender and the singular or plural number shall each be deemed to include the others where and when the context so dictates. The word "including" shall be construed as if followed by the words "without limitation." This Lease shall be interpreted as though prepared jointly by both parties.

18.1.7 No Option. Submission of this Lease to Lessee for examination or negotiation does not constitute an option to lease, offer to lease or a reservation of, or option for, the Premises; and this Lease shall become effective and binding only upon the execution and delivery hereof by Lessor and Lessee.

18.1.8 Successors and Assigns. This Lease shall be binding upon and inure to the benefit of the successors and assigns of Lessor and, subject to compliance with the terms of Section 15, Lessee.

18.1.9 Third Party Beneficiaries. Nothing herein is intended to create any third party benefit.

18.1.10 Memorandum of Lease; Title. Lessor may elect to have either this Lease or a short form memorandum hereof recorded pursuant to the requirements of California Government Code section 37393. Lessee shall cooperate with Lessor in executing and acknowledging any such memorandum of lease. Upon the expiration or other termination of this Lease, Lessee shall immediately execute and deliver to Lessor a quitclaim deed to the Premises and the Property, as required, in recordable form, designating Lessor as transferee or grantee. Lessee shall not do any act which shall in any way encumber the title of Lessor in and to the Property or any portion thereof.

18.1.11 Agency, Partnership or Joint Venture. Nothing contained herein nor any acts of the parties hereto shall be deemed or construed by the parties hereto, nor by any third party, as creating the relationship of principal and agent or of partnership or of joint venture by the parties hereto or any relationship other than the relationship of Lessor and Lessee.

18.1.12 Merger. The voluntary or other surrender of this Lease by Lessee or a mutual cancellation thereof or a termination by Lessor shall not work a merger and shall, at the option of Lessor, terminate all or any existing subtenancies or may, at the option of Lessor, operate as an assignment to Lessor of any or all of such subtenancies.

18.2. Signs. All signs and graphics of every kind visible in or from public view or corridors, or the exterior of the Premises, installed or caused to be installed by, for the benefit of, or at the request of Lessee ("**Signs**") shall be, at Lessee's sole cost and expense, and subject to Lessor's prior written approval and shall be subject to all applicable Laws. Lessee shall remove all such Signs prior to the termination of this Lease. Such installations and removals shall be made in such manner as to avoid injury or defacement of the Premises; and Lessee shall repair any injury or defacement, including discoloration caused by such installation or removal. Lessee shall be responsible for all fees, costs and expenses associated with installation and removal of Signs. In the event any such fees, costs or expenses are incurred by Lessor (whether directly or indirectly), Lessor shall deliver to Lessee an invoice, with reasonable supporting documentation, and Lessee shall reimburse Lessor for those amounts within fifteen (15) days after receipt of such invoice.

18.3. Waiver. No waiver of any default or breach hereunder shall be implied from any omission to take action on account thereof, notwithstanding any custom and practice or course of dealing. No waiver by either party of any provision under this Lease shall be effective unless in writing and signed by such party. No waiver shall affect any default other than the default specified in the waiver and then such waiver shall be operative only for the time and to the extent therein stated. Waivers of any covenant shall not be construed as a waiver of any subsequent breach of the same.

18.4. Limitation of Liability. The obligations of Lessor under this Lease are not personal obligations of Lessor; and Lessee shall look solely to the Premises for satisfaction of any liability of Lessor and shall not look to other assets of Lessor nor seek recourse against the other assets of Lessor. Whenever Lessor transfers its interest, Lessor shall be automatically released from further performance under this Lease and from all further liabilities and expenses hereunder and the transferee of Lessor's interest shall assume all liabilities and obligations of Lessor hereunder from the date of such transfer.

18.5. Notices. All notices to be given hereunder shall be in writing and mailed postage prepaid by certified or registered mail, return receipt requested, or delivered by personal or courier delivery, or sent by facsimile (immediately followed by one of the preceding methods), to Lessor's address and Lessee's address set forth in Sections 1 and 2 of the Basic Lease Information, or to such other place as Lessor or Lessee may designate in a written notice given to the other party. Notices shall be deemed served upon the earlier of receipt or three (3) days after the date of mailing.

18.6. Brokerage Commission. Lessor and Lessee each represents that they have not been represented by any broker in connection with this Lease, and that no real estate broker's commission, finder's fee or other compensation (individually and collectively, "**Commission**") is due or payable. Lessee agrees to indemnify and hold harmless Lessor from any claims or liability, including reasonable attorneys' fees, in connection with a claim by any person for a Commission based upon any statement, representation or agreement of Lessee.

18.7. Authorization. Each individual or entity executing this Lease on behalf of Lessee represents and warrants that he or she or it is duly authorized to execute and deliver this Lease on behalf of Lessee and that such execution is binding upon Lessee.

18.8. Holding Over. If, with Lessor's express written consent, Lessee holds over the Premises or any part thereof after expiration or earlier termination of the Term, such holding over shall constitute a month-to-month tenancy on all the other terms and conditions of this Lease, except that Base Rent shall be equal to the Rent payable under this Lease for the last full month before the date of expiration or termination. This section shall not be construed as Lessor's permission for Lessee to hold over. Acceptance of Rent by Lessor following expiration or termination shall not constitute a renewal of this Lease or extension of the Initial Term or any Renewal Term, as the case may be, except as specifically set forth above. If Lessee remains in possession of the Premises after expiration or other termination of this Lease without Lessor's express written consent, Lessee's continued possession shall be on the basis of a tenancy at sufferance and Lessee shall pay as rent during the holdover period an amount equal to one hundred fifty percent (150%) of the Rent payable under this Lease for the last full month before the date of expiration or termination. If Lessee fails to surrender the Premises upon expiration or other termination of this Lease, Lessee shall indemnify and hold Lessor harmless from and against all loss or liability resulting from or arising out of Lessee's failure to surrender the Premises, including, but not limited to, any amounts required to be paid to any Lessee or prospective Lessee who was to have occupied the Premises after the expiration or other termination of this Lease and any related attorneys' fees and brokerage commissions.

18.9. Surrender. Upon the expiration or other termination of this Lease or Lessee's right to possession of the Premises, Lessee will surrender the Premises, together with all keys, broom-swept clean and in good condition and repair, reasonable wear and tear excepted. Conditions existing because of Lessee's failure to perform maintenance, repairs or replacements shall not be deemed "reasonable wear and tear."

18.10. Joint and Several. If Lessee consists of more than one person, the obligation of all such persons shall be joint and several.

18.11. Covenants and Conditions. Each provision to be performed by Lessee hereunder shall be deemed to be both a covenant and a condition. This Lease shall be construed as though the covenants between Lessor and Lessee are independent and not dependent. Lessee expressly waives the benefit of any statute to the contrary, and agrees that even if Lessor fails to perform its obligations under this Lease, Lessee shall not be entitled to make repairs or perform any acts at Lessor's expense, or to any setoff against Rent or other amounts owing under this Lease against Lessor.

18.12. Force Majeure. For purposes of this Lease, the term "**Force Majeure**" shall mean and include the following: any delay caused by any action, inaction, order, ruling, moratorium, regulation, statute, condition or other decision of any governmental agency having jurisdiction over any portion of the Property, over any construction anticipated to occur thereon or over any uses thereof, or by fire, flood, inclement weather, energy shortage, strikes, lockouts or other labor or industrial disturbance, civil disturbance, order of any government, court or regulatory body claiming jurisdiction or otherwise, governmental preemption or curtailment in connection with a national emergency or in connection with any rule, order, guideline or regulation of any department or governmental agency, or by reason of the conditions of supply and demand which have been or are affected by a war or other emergency, acts of terrorism, act of public enemy, war, riot, sabotage, blockade, embargo, failure or inability to secure an adequate supply of water, electricity, fuel, materials, supplies or labor through ordinary sources by reason of shortages or priority, discovery of Hazardous Materials (as defined in paragraph 11.1), earthquake, or other natural disaster, or any cause whatsoever beyond the reasonable control (excluding financial inability) of the party whose performance is required, or any of its contractors or other representatives.

[SIGNATURES FOLLOW ON NEXT PAGE]

IN WITNESS WHEREOF, the parties have executed this Lease as of the Effective Date.

Global Center For Success, Inc.
a 501(c)(3) organization

CITY OF VALLEJO,
a municipal corporation

By: _____

By: _____

Daniel E. Keen
City Manager

Print Name: _____

Date: _____

Title: _____

Date: _____

St. Vinnie's Community Gardens

ATTEST: _____

Dawn Abrahamson
City Clerk

By: _____

APPROVED AS TO CONTENT:

Ursula Luna-Reynosa
Economic Development Director

Print Name: _____

APPROVED AS TO INSURANCE
REQUIREMENTS

Title: _____

Date: _____

Darrell Handy
Risk Manager

(CITY SEAL)

APPROVED AS TO FORM:

Claudia Quintana
City Attorney

EXHIBIT A
Legal Description of Property

EXHIBIT B

Depiction of Premises

Exhibit B

EXHIBIT C

WORK LETTER

The City of Vallejo (Lessor), a municipal corporation and St. Vinnie's Community Garden & Global Center for Success (Lessee), strive to promote the community garden.

The City of Vallejo will assume responsibility for:

- Development of the long-term lease, as expeditiously as possible
- Soil sampling
- Any issues that may arise with occupants of homes that directly connect to the property at 1200 Marin St.
- Waiving of permit fee's that may be identified in the process of establishing the garden
- Deferring costs associated with the installation of the water meter on the property

St. Vinnie's Community Garden will assume responsibility for:

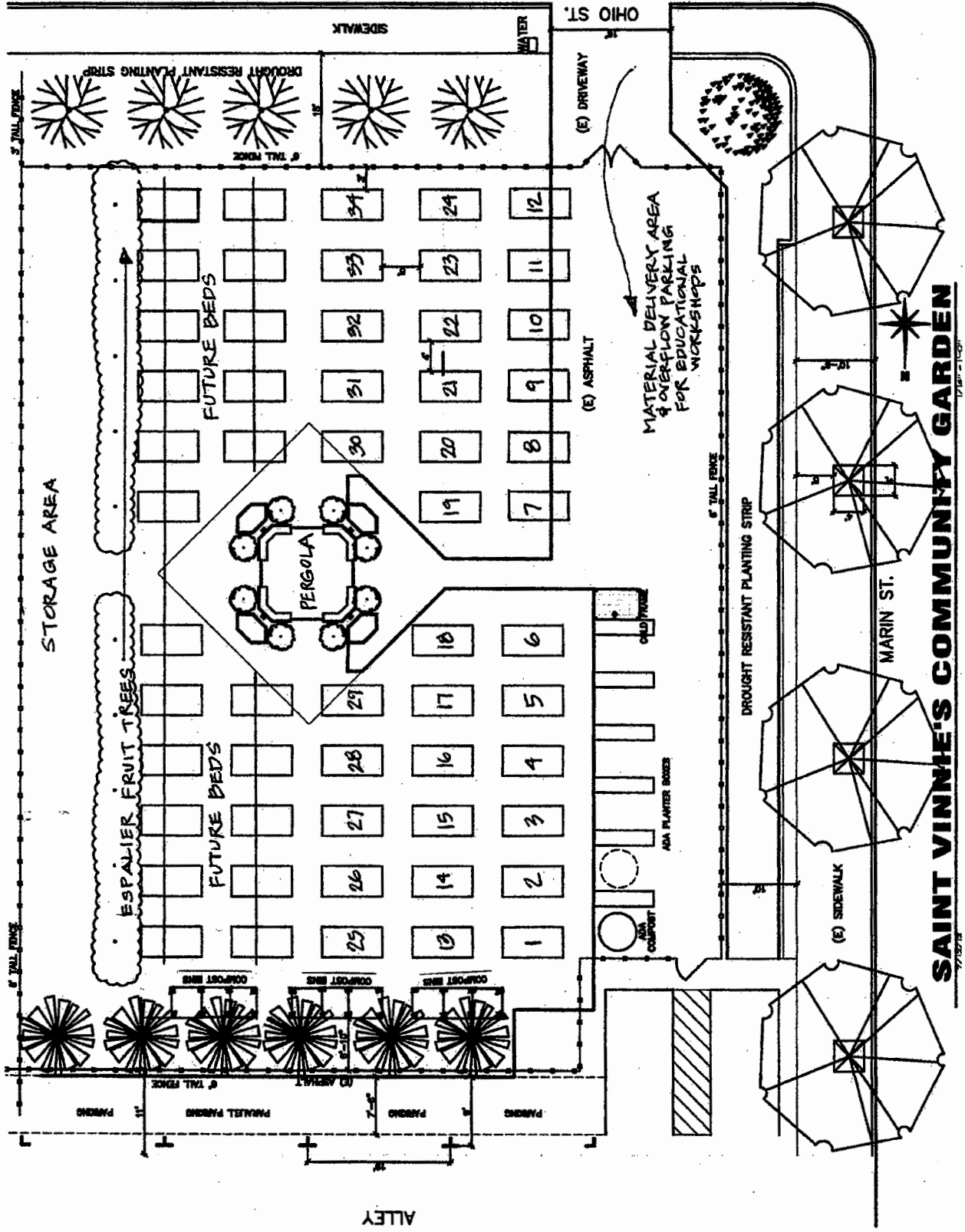
- Maintenance of the property
 - Initial cleaning/clearing of the lot, including tree removal provided approval is obtained by BACE
 - Installation of fencing including security measures, planter boxes, pergola
 - Installation of vegetation
 - On-going upkeep of garden
- Water costs on the lot as a direct result of the garden
 - It is understood that there will be a potential cost of \$500 for the installation of the water meter
- Liability insurance for the property

The effective date of this Agreement is the date on which the entitlements for the proposed use are approved by any and all bodies required under the Vallejo Municipal Code. Should such approvals not be granted then this agreement shall immediately terminate. If the results of the soils testing Phase I and/or Phase II come back resulting in likely clean-up costs over \$ _____ the Lessee can immediately terminate the Agreement. Lessor is not responsible for any improvements nor is the lessor responsible for any remediation if the site is contaminated.

EXHIBIT D

Garden Rules and Gardener's Agreement

Attachment C



SAINT VINNE'S COMMUNITY GARDEN