

RESOLUTION NO. 14-141 N.C.

**AMENDING THE FY 2014-2015 GENERAL FUND BUDGET, AUTHORIZING
THE IMPLEMENTATION OF "SIDEWALK REPAIR AND STREET
TREE PRESERVATION" PROJECT**

WHEREAS, upon the completion of the Participatory Budgeting election process, the results were presented to this Council on October 14, 2014, and eight projects were selected by the public, including the "Sidewalk Repair and Street Tree Preservation" project as described in the "Description of voter Approved Project Proposal" attached to the staff report on that date, hereinafter, the "Project"; and

WHEREAS, Pursuant to Resolution No. 13-139 N.C. the Council adopted the Participatory Budgeting Cycle 2 Rulebook determining that Participatory Budgeting Projects are eligible for funding if they meet the following criteria:

1. They benefit the public;
2. Are a one-time expenditure that can be completed with funds from the Cycle 2 PB process;
3. Are implemented by the City of Vallejo, or in collaboration with the Vallejo City Unified School District, the Greater Vallejo Recreation District, or any other Public Agency, non-profit organization, or religious institution that operates in Vallejo. Projects implemented by non-city public agency must also include financial or value in kind contributions; and

WHEREAS, a number of sidewalks adjacent to residential homes are damaged by underlying tree roots; and

WHEREAS, some homeowners simply remove trees to avoid further damage to sidewalks, which results in loss of trees that may have aesthetic appeal and enhance the quality of life for Vallejo residents; and

WHEREAS, the Vallejo Municipal Code § 10.12.150 states that "street trees which have been removed...shall be replaced by the property owner with an equal number of trees from the approved street tree list within sixty days of the date of the removal;" and

WHEREAS, the code requirement that homeowners plant new trees is often not complied with and the sidewalk displacement caused by tree roots is often left unrepaired; and

WHEREAS, on November 4, 2014, City Council approved a Resolution of Intention to amend the Fiscal Year 2014-2015 budget; and

WHEREAS, the City Council has received evidence and testimony on the Project, and hereby exercises its authority to make the following findings and to resolve as follows.

NOW, THEREFORE, BE IT RESOLVED that the City of Vallejo makes the following findings:

1. The City Council of the City of Vallejo finds that implementing the Project will improve the safety and quality of life for Vallejo residents and benefit visitors. Through repairing sidewalks, the Project will benefit the public by addressing sidewalk displacements.

2. Further, by retaining greenery and natural elements of Vallejo's streetscapes through preserving trees, the project can contribute to projecting a positive image of Vallejo, making Vallejo more attractive to potential residents and visitors. These improvements provide a public benefit to the City of Vallejo.

BE IT FURTHER RESOLVED that the following conditions shall guide the implementation of the project:

1. Application Process: The City's Public Works Department shall develop and release an application for homeowners to complete and submit within a defined period. The grant application must include the following proof of criteria:
 - a. An assessment of sidewalk damage.
 - b. Documentation related to the homeowner's financial need.
 - c. Pursuant to Cal.Gov. Code § 1090, funds disbursed through this project will not provide any personal or financial benefit to any person who participated in the development of this project during Cycle Two of Participatory Budgeting.
2. Determination of Location. The Public Works Department will review submitted applications and determine which locations shall be included under this project. Priority shall be given to low and moderate income homeowners.
3. Disbursement of Grant Funds
 - a. The Public Works Department will administer the disbursement of funds through a structured program.
 - b. Project applicants will not receive City funds directly. City funds may pay contractors for completed work, or in limited cases, reimburse to homeowners for work they commission.
 - c. The Public Works Department may provide guidance or require approval related to the selection of contractors.
 - d. Applicable permit fees shall be waived for all homeowners selected through this project.

BE IT FURTHER RESOLVED that subject to the findings and the conditions set forth in this resolution, the City Council hereby:

1. Amend the Fiscal Year 2014-2015 General Fund and Capital Improvement Program (CIP) Budgets, redistributing \$162,000 from the General Fund to Project Number PB-0005 in the City's CIP Budget to implement the Project, grants the City Manager administrative authority to execute any and all agreements, subject to review by the City Attorney, and to take any and all required actions to implement the Project as set forth in this resolution, consistent with the Vallejo Municipal Code, the Participatory Budgeting Rulebook and any other applicable authority and additionally authorizes him to amend the Project, so as to ultimately promote the goals of the Project as set forth in the "Description of voter-approved Project Proposal."
2. Directs the City Manager to report to the City Council once the project is complete.

Adopted by the City Council of the City of Vallejo at a regular meeting held on November 18, 2014 by the following vote:

AYES: Mayor Davis, Vice Mayor Sampayan, Councilmembers Dew-Costa, Malgapo, McConnell, Miessner, and Verder-Aliga
NOES: None
ABSTAIN: None
ABSENT: None



OSBY DAVIS, MAYOR

ATTEST:



DAWN G. ABRAHAMSON, CITY CLERK