

**January 3, 2006
BENICIA CITY COUNCIL
CITY COUNCIL CHAMBERS
REGULAR MEETING AGENDA**

January 3, 2006

7:30 P.M.

- **CALL TO ORDER:**
 - **ANNOUNCEMENT OF ACTION TAKEN AT CLOSED SESSION, IF ANY**
- **CLOSED SESSION:**
 - **TO BE HELD AT 6:30 PM - PRECEDING REGULAR MEETING**
- **CONVENE OPEN SESSION:**
 - **ROLL CALL**
 - **PLEDGE OF ALLEGIANCE**
 - **REFERENCE TO THE FUNDAMENTAL RIGHTS OF PUBLIC**
- **ANNOUNCEMENTS/APPOINTMENTS
PRESENTATIONS/PROCLAMATIONS:**
 - **ANNOUNCEMENTS:**
 - **Announcement of action taken at Closed Session, if any.**
 - **Openings on Boards and Commissions:**
 - Historic Preservation Review Commission - 1 term
 - **APPOINTMENTS:**
 - **Appointment to the Planning Commission - One unexpired term to October 7, 2006**
Continued from December 20, 2005 City Council Meeting
-Richard Bortolazzo
 - **Nomination to the Planning Commission by Council Member Patterson - One unexpired term to October 7, 2006**
-Chris Johnson
 - **Appointment to Solano Transportation Authority's Bicycle Advisory Committee - One three-year term**
-J.B. Davis
 - **PRESENTATIONS:**
 - **PROCLAMATIONS:**
- **ADOPTION OF AGENDA:**
- **OPPORTUNITY FOR PUBLIC COMMENT:**
 - **WRITTEN**
 - **PUBLIC COMMENT**
- **CONSENT CALENDAR:**
 - **Approval of Minutes of Special Meetings on December 13, 2005 and December 20, 2005. (City Clerk)**
 - **Approval to waive the reading of all ordinances introduced and adopted pursuant to this agenda.**
- **PUBLIC HEARINGS:**
- **ACTION ITEMS:**

- **First reading of an ordinance amending Section 2.04.010 (Meeting Time and Place) of Chapter 2.04 (City Council) of Title 2 (Administration and Personnel) of the Benicia Municipal Code - Continued from December 20, 2005 City Council Meeting. (City Attorney)**

At the December 13, 2005 meeting, Council directed staff to change the start time of Council meetings to 7:00 p.m. The proposed revisions to Section 2.04.010 (Meeting Time and Place) amend the start time of City Council meetings from 7:30 p.m. to 7:00 p.m.

Recommendation: Introduce the amended ordinance and schedule the second reading for the next regular City Council Meeting.

- **First reading of an ordinance amending Section 2.52.030 (Members - Term of Office) of Chapter 2.52 (Planning Commission) of Title 2 (Administration and Personnel) of the Benicia Municipal Code - Continued from December 20, 2005 City Council Meeting. (City Attorney)**

The proposed revisions to Section 2.52.030 (Members - Term of Office) for Planning Commissioners allow a member to serve until a successor is appointed and qualifies, as well as, keep the term limit.

Recommendation: Introduce the amended ordinance and schedule the second reading for the next regular City Council Meeting.

- **Award of Citywide Traffic Calming Program. (Public Works Director)**

The Citywide Traffic Calming Program is listed on the 2005/07 City Council priorities. After conducting a consultant selection process, staff recommends that the City enter into an agreement with Fehr & Peers to assist the City in developing this program. Fehr & Peers ranked first in the consultant selection process and is a nationally recognized leader in traffic calming. \$75,000 is included in the 2005/07 FY adopted budget.

Recommendation: Adopt the resolution approving a consultant agreement with Fehr & Peers for professional services for the Traffic Calming Program, approving Task Order No. 1 in the amount of \$60,810, and authorizing the City Manager to sign the agreement and task order on behalf of the City.

- **Award of contract for environmental services for the Water Reuse Project. (Public Works Director)**

The City and Valero Refinery are pursuing a recycled water project that would divert a significant fraction of the City's Wastewater Treatment Plant effluent to the refinery for use, primarily as cooling tower makeup. As part of project development, the City issued a Request for Proposals (RFP) to procure services to perform the environmental analysis. After a thorough consultant selection process, Environmental Science Associates (ESA) is recommended to provide

the identified services. The entire cost will be borne by Valero Refining Company.

Recommendation: Adopt the attached Resolution awarding a consultant agreement for environmental services to ESA for a cost not-to-exceed \$125,350 for the Water Reuse Project and authorizing the City Manager to sign the document on behalf of the City.

- **INFORMATIONAL ITEMS:**

- Report from City Manager

- **COMMENTS FROM COUNCIL MEMBERS:**

- Request for reconsideration of the Open Government provisions regarding public comment on agendized items during the general public comment section - Continued from December 20, 2005 City Council Meeting. (City Attorney)

It is requested that the City Council reconsider the language regarding public comment on agendized items in the Open Government (Sunshine) Ordinance. The Open Government Ordinance requires the Council to allow public comment on agendized and non-agendized items during the general public comment section of the agenda. The Council requested changes to the Rules of Procedure that would limit speakers during public comment to non-agendized items.

Recommendation: Agendize this item for reconsideration at a future City Council Meeting.

- Request for reconsideration of the ordinance amending Section 2.52.010 (Establishment - Membership) of the Benicia Municipal Code provisions regarding appointment of Planning Commissioners. (City Attorney)

It is requested that the City Council reconsider the ordinance amending Section 2.52.010 (Establishment - Membership) of Chapter 2.52 (Planning Commission) of Title 2 (Administration and Personnel) of the Benicia Municipal Code. The Council requested changes to the appointment process of planning commissioners. Since the appointment process has been decided in the last year, it must be placed on the agenda, in the appropriate section (Comments from Council Members), so Council Members may vote to place the item on a future agenda for action. Council should direct staff to place this item on a future agenda.

Recommendation: Agendize this item for reconsideration at a future City Council Meeting.

- Request for reconsideration of Resolution No. 05-179 amending the Master Fee Schedule to reduce the appeal fee to \$150. (City Attorney)

It is requested the City Council reconsider Resolution No. 05-179, regarding the amending of the Master Fee Schedule to reduce the Appeal Fee to \$150,

properly following the Council Rules of Procedure (Resolution No. 05-149). The two-step process for reviewing items that have been decided in the last year, which is required by the Council Rules of Procedure, was not followed when the City Council approved Resolution No. 05-179 at the December 6, 2005 Council meeting.

Recommendation: Agendize this item for reconsideration at a future City Council Meeting.

- **ADJOURNMENT:**

Public Participation

The Benicia City Council welcomes public participation.

Pursuant to the Brown Act, each public agency must provide the public with an opportunity to speak on any matter within the subject matter jurisdiction of the agency and which is not on the agency's agenda for that meeting. The City Council allows speakers to speak on agendized and non-agendized matters under public comment. Comments are limited to no more than 5 minutes per speaker. By law, no action may be taken on any item raised during the public comment period although informational answers to questions may be given and matters may be referred to staff for placement on a future agenda of the City Council. Should you have material you wish to enter into the record, please submit it to the City Manager.

Disabled Access

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

Meeting Procedures

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

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

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

judicial review is subject to the provisions of California Code of Civil Procedure Section 1094.6.