

**January 4, 2005  
BENICIA CITY COUNCIL  
AGENDA  
CITY COUNCIL CHAMBERS**

**January 4, 2005  
SPECIAL MEETING  
7:00 P.M.**

**I. CLOSED SESSION:**

**A. CALL TO ORDER: ANNOUNCEMENT OF CLOSED SESSION**

**ROLL CALL**

**PLEDGE OF ALLEGIANCE**

**B. ADOPTION OF AGENDA:**

**C. COMMUNICATIONS ON CLOSED SESSION ITEMS:**

**1. WRITTEN**

**2. PUBLIC COMMENT**

**D. CLOSED SESSION:**

**CONFERENCE WITH REAL PROPERTY NEGOTIATOR**

**1. CONFERENCE WITH REAL PROPERTY NEGOTIATOR**

**Property: Four (4) acre site near City Corporation Yard on East Second Street currently owned by Valero**

**Negotiating Parties: Public Works Director and Assistant Public Works Director**

**Under Negotiation: Direction to staff on negotiations and terms**

**2. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION (Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9)**

**Number of potential cases: 1- Whitney Sutterley Claim**

**E. ADJOURNMENT:**

**BENICIA CITY COUNCIL**

**AGENDA**

**CITY COUNCIL CHAMBERS**

**January 4, 2005**

**REGULAR MEETING**

**7:30 P.M.**

**II. CALL TO ORDER:**

**ROLL CALL**

**PLEDGE OF ALLEGIANCE**

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**NOTE: ALL ITEMS ARE FOR COUNCIL DISCUSSION AND/OR ACTION**

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**III. ANNOUNCEMENTS/APPOINTMENTS**

**PRESENTATIONS/PROCLAMATIONS:**

**ANNOUNCEMENTS: Announcement of action taken at Closed Session, if any.  
Recognition of James Stewart Claridge's donation to the  
Benicia Public Library**

Pending adoption of item VI-C

Openings on:

**HISTORIC PRESERVATION REVIEW COMMISSION - 7**

**openings - length of term to be determined by lot**

**APPOINTMENTS:**

**PRESENTATIONS: SEMI-ANNUAL REPORT ON THE STATUS OF THE IT  
PANOCHÉ FACILITY CLOSURE (Ray Leclerc - DTSC, Kitty  
Hammer - City Consultant, Heather McLaughlin - City  
Attorney)**

**PROCLAMATIONS:**

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**NOTE: THE BENICIA CITY COUNCIL WELCOMES CITIZEN PARTICIPATION. WE ASK THAT YOU  
KEEP YOUR COMMENTS TO ITEMS ON THE AGENDA TO FIVE (5) MINUTES. SHOULD YOU HAVE  
MATERIAL YOU WISH TO ENTER INTO THE RECORD, PLEASE SUBMIT IT TO THE CITY  
MANAGER.**

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**IV. ADOPTION OF AGENDA:**

**V. COMMUNICATIONS:**

**A. WRITTEN**

**B. PUBLIC COMMENT**

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**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.**

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**VI. CONSENT CALENDAR:**

**A. Approval of Minutes of December 1, 2004, December 7, 2004 and December 14, 2004.  
(City Clerk)**

**B. Monthly investment reports for July through September 2004. (Finance Director)**

**Recommendation: Accept, by Minute Order, the monthly investment reports.**

**C. Second reading and adoption of Ordinances to amend the Benicia Municipal Code (1)  
to replace in its entirety Chapter 2.56 to establish the Historic Preservation Review  
Commission (HPRC) in the City of Benicia and (2) to amend Chapter 2.84 to change  
Design Review responsibilities. (Community Development Director)**

**Recommendation: Adopt the Ordinances.**

D. Approval to waive the reading of all ordinances introduced and adopted pursuant to this agenda.

**VII PUBLIC HEARINGS:**

1. Public Hearing on a Resolution adopting the City of Benicia Municipal Service Review, which is a statement and analysis of the City's ability to provide public services and facilities to anticipated growth within the City's existing Urban Growth Boundary. (Community Development Director)

**Recommendation:** Continued from the November 16, 2004. It is recommended that the City Council adopt the report and direct staff to forward to the Solano County LAFCo for review and approval. This report is mandated by California State Law AB 2838.

**VIII. UNFINISHED BUSINESS:**

- A. Resolution supporting the efforts of The Friends of Solano Regional Park to identify options to form and fund a regional park district for Solano County. (Parks and Community Services Director)

**Recommendation:**

1. Adopt the Resolution supporting the efforts of the Friends of Solano Regional Park to form and fund a regional park district for Solano County.
  2. Provide direction to staff regarding a request from The Friends of Solano Regional Park to participate in discussions concerning financing alternatives.
- B. Resolution expressing official intent regarding certain capital expenditures to be reimbursed from proceeds of a tax-exempt obligation, not to exceed \$1.4 million, relating to Phase I, Casa de Vilarrasa senior housing complex. (Finance Director)

**Recommendation:** Adopt the Resolution. The proposed financing will provide a mechanism to fund the acquisition of Phase I of the Case de Vilarrasa Project, settle the lawsuit with Vilarrasa Associates, fund certain improvements, and protect the affordability and habitability of housing units.

**IX. NEW BUSINESS:**

- A. An ordinance of the City Council of the City of Benicia modifying Title 17 (Zoning) of the Benicia Municipal Code by amending Chapter 17.124 (Appeals and Calls for Review) to provide for De Novo Appeal Hearings; amending Sections 17.54.030 (Land Use and Development Regulations), 17.100.060 (Environmental Review) and 17.120.060 (Result of Planning Commission Denial) to reference the appeal process set forth in Chapter 17.124; and amending Section 17.100.060 (Environmental Review) to refer to the City of Benicia Environmental Guidelines. (City Attorney)

**Recommendation:** The Council introduce the proposed ordinance. The De Novo Appeal Hearing type process will provide CEQA consistency in the appeals process, ease in conducting appeal hearings, and facilitation of potential compromises.

- B. Proposed 2005 Solano Transportation Authority (STA) Legislative Priorities and Platform recommend amendments or provide comment. (Public Works Director)

**Recommendation:**

1. Provide via minute order any suggested amendments or comments to be forwarded to the STA Board by January 5, 2005.
2. Provide direction to staff on recommended transportation priorities for the City of Benicia.

The STA has requested the City of Benicia to review and comment on their 2005 Legislative Priorities and Platform, which is used by the STA to target state and federal funds.

**X. REPORTS FROM CITY MANAGER:**

**1. Strategic Plan update and 2005-07 budget process. (Assistant City Manager)**

**Recommendation:** Information only. Staff to provide information on 1) connection between City's Strategic Plan update and 2005-07 budget process, 2) presentations to and input from City Boards and Commissions, and 3) affirming a date for the 2005 City Council Priority Setting Workshop.

**XI. REPORTS FROM CITY COUNCIL COMMITTEES:**

**XII. ADJOURNMENT:**

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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.

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.

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.

(28 CFR 35.102.104 ADA Title II)