

**January 17, 2006  
BENICIA CITY COUNCIL  
CITY COUNCIL CHAMBERS  
SPECIAL MEETING AGENDA**

**January 17, 2006**

**6:30 P.M.**

- **CALL TO ORDER:**
- **ANNOUNCEMENT OF CLOSED SESSION**
- **ADOPTION OF AGENDA:**
- **OPPORTUNITY FOR PUBLIC COMMENT:**
  - **WRITTEN**
  - **PUBLIC COMMENT**
- **CLOSED SESSION:**
  - **Conference with Labor Negotiator (Government Code Section 54957.6 (a))**  
**Agency negotiators: City Manager, Human Resources Director**
    - **Employee organizations: BPSEA, BPOA, BFA, BDA**
    - Unrepresented employees: Supervisor, Professional/Confidential, Middle Management, Police Management, Senior Management**
- **ADJOURNMENT:**

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**BENICIA CITY COUNCIL  
CITY COUNCIL CHAMBERS  
REGULAR MEETING AGENDA**

**January 17, 2006**

**7:30 P.M.**

- **CALL TO ORDER:**
- **ANNOUNCEMENT OF 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**  
**-Parks, Recreation & Cemetery Commission - 1 four-year term**
  - **APPOINTMENTS:**
    - **Appointment to the Historic Preservation Review Commission - One full term to February 28, 2010**  
**-Patrick Donaghue**
  - **PRESENTATIONS:**

- **People Using Resources Efficiently (PURE) Update**  
-Bob Craft, Chair, PURE Committee
  - **PROCLAMATIONS:**
    - **Celebration of the 200th Birthday of the City of Benicia Founder, Robert Baylor Semple**
- **ADOPTION OF AGENDA:**
- **OPPORTUNITY FOR PUBLIC COMMENT:**
  - **WRITTEN**
  - **PUBLIC COMMENT**
- **CONSENT CALENDAR:**
  - **Approval of Minutes of December 20, 2005 and January 3, 2006. (City Clerk)**
  - **Second 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. (City Attorney)**  
The Council introduced an ordinance 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) amends the start time of City Council meetings from 7:30 p.m. to 7:00 p.m.

**Recommendation: Adopt the amended ordinance to 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**

- **Second 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. (City Attorney)**

The Council introduced an ordinance amending a change to the Term of Office for Planning Commissioners to limit the term of office and allow a member to serve until a successor is appointed and qualifies. 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. If adopted, the ordinance would be effective 30 days after adoption.

**Recommendation: Adopt the ordinance amending Section 2.52 (Planning Commission) of Title 2 (Administration and Personnel) of the Benicia Municipal Code.**

- **Approval of installation of a street clock at 636 First Street. (Public Works Director)**

The City is proposing to install a decorative street clock in front of 636 First Street that was donated to the City by the Benicia Historical Society. The installation work will be done by in-house staff with sufficient funds available in the City's operations budget.

**Recommendation:** By motion, accept the donation of a decorative street clock and authorize the installation, by in-house crews, of the clock in front of 636 First Street and the ongoing maintenance of the clock.

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

• **PUBLIC HEARINGS:**

- Review and appeal of the Planning Commission's decision to uphold the approval of a lot line adjustment for 108/120 Incline Place. (Community Development Director)

Council Member Patterson called for review the Planning Commission's decision regarding the lot line adjustment for 108/120 Incline Place (05-PLN-90). Neighbor Sue Johnson and the Sunny Acres Subdivision Architectural Review Committee have appealed the Planning Commission's decision. At the November 30, 2005 meeting, the Planning Commission upheld the decision of the Community Development Director to approve a lot line adjustment for 108/120 Incline Place. The City Council should conduct a public hearing and review the Incline Place lot line adjustment.

**Recommendation:** Hold a public hearing and adopt the proposed resolution denying the appeals and upholding the Planning Commission's decision affirming the former Community Development Director's approval of the lot line adjustment for 108/120 Incline Place.

- Review of the Planning Commission's denial of a request to subdivide a parcel at the former West 7th Street between I & J Streets (APN: 89-342-140) into three lots. (Community Development Director)

The Mayor called for review the Planning Commission's decision regarding the parcel at West Seventh Street between I and J Streets. On November 30, 2005 meeting, the Planning Commission overturned the Zoning Administrator's October 3, 2005 approval of a three lot parcel map located on West Seventh Street (05-PLN-76). City staff received the "call for review" from Mayor Messina on December 8, 2005. The City Council should conduct a public hearing and review the West Seventh Street parcel map proposal.

**Recommendation:** Hold a public hearing and either uphold the Planning Commission's denial of the three lot parcel map or approve the three lot parcel map subject to staff's recommendations for approval contained within the Decision of Record 05-22.

• **ACTION ITEMS:**

- Approval of the Police Department Emergency Selective Seismic and Security Upgrades project and actions. (Police Chief)

The project is listed on the 2005/07 City Council priorities. Three bids were properly received and publicly opened and Albay Construction, Inc. of Martinez

was determined to be a responsible bidder submitting the lowest responsive bid. Staff recommends that City Council approve the attached three resolutions and allow this project to proceed.

**Recommendation:** Adopt the resolutions appropriating \$411,575 from General Fund Reserves; accepting the bids and awarding the construction contract in the amount of \$948,000, authorizing the City Manager to sign the agreement and change orders up to \$223,213; and amending the contract with Beverly Prior Architects to provide construction management services in the amount of \$128,787 and authorizing the City Manager to sign the amended contract.

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

As agreed upon at the January 3, 2006 City Council meeting, the City Council is to reconsider the portion of Resolution No. 05-179, regarding the reducing the Appeal Fee to \$150, to properly follow 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:** Adopt the resolution amending the fees for appeals in the Master Fee Schedule by reducing the fee to \$150.

- Review of Joint Use Agreement with Benicia Unified School District (BUSD). (Parks & Community Services Director, City Attorney & City Manager)  
Review revisions to the draft Joint Use Agreement that reconcile differences in drafts proposed by City and District.

**Recommendation:** Provide direction to staff on any un-reconciled differences in the draft agreements in preparation for the joint meeting of the BUSD Board and City Council.

- **INFORMATIONAL ITEMS:**

- Reports from City Manager.  
Council Member Committee Reports.

(Council Members serve on various internal and external committees on behalf of the City. Current agendas, minutes and meeting schedules, as available, from these various committees are included in the agenda packet. Oral reports by Council Members are made only by exception.)

- Mayors' Committee Meeting (Mayor Messina)  
Next Meeting Date: January 18, 2006
- Association of Bay Area Governments (ABAG) (Mayor Messina)  
Next Meeting Date: April 20, 2006

- **Audit & Finance Committee (Vice Mayor Schwartzman and Council Member Hughes)**  
Next Meeting Date: February 10, 2006
- **League of California Cities (Mayor Messina)**  
Next Meeting Date: January 26, 2006.
- **School District Liaison (Council Members Whitney and Hughes)**  
Next Meeting Date: February 16, 2006
- **Sky Valley Area Open Space (Council Members Patterson and Whitney)**  
Next Meeting Date: To be determined
- **Solano EDC Board of Directors (Mayor Messina)**  
Next Meeting Date: January 19, 2006
- **Solano Transportation Authority (STA) (Mayor Messina)**  
Next Meeting Date: February 8, 2006
- **Solano Water Authority/Solano County Water Agency (Mayor Messina)**  
Next Meeting Date: February 9, 2006
- **Traffic, Pedestrian and Bicycle Safety Committee (Council Members Patterson and Hughes)**  
Next Meeting Date: January 19, 2006
- **Tri-City and County Regional Parks and Open Space (Council Member Whitney)**  
Next Meeting Dates:
- **Citizen's Advisory Committee - February 16, 2006; Governing Board - March 13, 2006**
- **Valero Community Advisory Panel (CAP) (Council Member Hughes)**  
Next Meeting Date: March 23, 2006
- **Youth Action Task Force (Vice Mayor Schwartzman and Council Member Whitney)**  
Next Meeting Date: January 25, 2006
- **ABAG/CAL FED Task Force/Bay Area Water Forum (Council Member Patterson)**  
Next Meeting Date: January 23, 2006

- **COMMENTS FROM COUNCIL MEMBERS:**

- **Request for reconsideration of the Rules of Procedure (Resolution No. 05-198). (City Attorney)**

It is requested by Mayor Messina that the City Council reconsider the language in the Rules of Procedure regarding types of items to be agendized under the agenda heading "Comments from Council Members." In addition, the Mayor has requested that the Council revisit the two-step process for reviewing items that have been decided in the last year, as outlined in the Rules of Procedure.

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

- **ADJOURNMENT:**

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## **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 nonagendized 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.**

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## **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.**

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## **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.**