

**January 18, 2005
BENICIA CITY COUNCIL
AGENDA
CITY COUNCIL CHAMBERS**

**January 18, 2005
SPECIAL MEETING
6:30 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:
WRITTEN**

PUBLIC COMMENT

D. CLOSED SESSION:

- 1. PUBLIC EMPLOYEE PERFORMANCE EVALUATION
(Government Code Section 54957)**

Title: City Manager

E. ADJOURNMENT:

**BENICIA CITY COUNCIL
AGENDA
CITY COUNCIL CHAMBERS**

**January 18, 2005
REGULAR MEETING
7:30 P.M.**

II. CALL TO ORDER:

ROLL CALL

PLEDGE OF ALLEGIANCE

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

III. ANNOUNCEMENTS/APPOINTMENTS

PRESENTATIONS/PROCLAMATIONS:

ANNOUNCEMENTS: Announcement of action taken at Closed Session, if any.

**APPOINTMENTS: PLANNING COMMISSION -
Mark Lobdell
Fred Railsback**

**PRESENTATIONS: UPDATE ON PURE COMMITTEE ACTIVITIES - Bob Craft,
Chair**

PROCLAMATIONS:

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.

IV. ADOPTION OF AGENDA:

V. COMMUNICATIONS:

A. WRITTEN

B. PUBLIC COMMENT

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.

VI. CONSENT CALENDAR:

- A. Approval of Minutes of November 4, 2004 and January 4, 2005. (City Clerk)**
- B. Denial of claim and referral to insurance carrier (Bajalia). (City Attorney)**
- C. Confirm direction to the Sidewalk Administrator to take steps to complete the replacement of the sidewalk at 733-739 First Street. (Continued from 12-07-04 meeting.) (Public Works Director)**

Recommendation: The estimated cost to install the new sidewalk improvements is \$21,000, which is the financial responsibility of the property owner. When an owner fails to undertake required repairs that will insure public safety, the City may institute such repairs and lien the property in accordance with Chapter 12.60 of the Benicia Municipal Code. Resolution No. 4-191 adopted on December 7, 2004 gives staff the authority to lien the property to get sidewalks repaired. This agenda item gave the property owners additional time to address the Council.

- D. Resolution authorizing the Finance Director to sign the revised Core Natural Gas Sales and Aggregation Agreement that allows the City to extend its participation in the Association of Bay Area Government's Publicly OWned Energy Resources Program (ABAG POWER) beyond June 30, 2005.**

Recommendation: Adopt Resolution that authorizes continued participation in the program with a new opt-out term. ABAG has revised the member agreements to facilitate longer-term gas purchase agreements for greater cost savings and price stability.

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

VI. PUBLIC HEARINGS:

VII. UNFINISHED BUSINESS:

A. Consideration of amendments to the appeal provisions of Title 17 (Zoning):

- 1. Second reading and adoption of an Ordinance amending Chapter 17.124 (Appeals and Calls for Review) to provide for De Nove 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 in Chapter 17.124; and amending Section 17.100.060 (Environmental Review) to refer to the City of Benicia Environmental Guidelines.**
- 2. Introduction and first reading of an Ordinance amending Subsection A.2 (Determination of Lead Agency) of Section 17.100.060 (Environmental Review). (City Attorney)**

Recommendation: Adopt Ordinance #1 and introduce Ordinance # 2

IX. NEW BUSINESS:

Presentation from David Okita, General Manager of Solano Water Agency on the Integrated Regional Water Management and Strategic Plan. (Public Works Director)

Recommendation: Provide comment on the subject plan. The Solano County Water Agency referred this report to its members for review and comment. The IRWM identifies and prioritizes all water resource-related actions for member agencies. The Strategic Plan prioritizes the SCWA related actions to best allocate financial and staffing resources.

X. REPORTS FROM CITY MANAGER:

- A. Presentation on the status of improvement to the Commandant's Residence. (Park & Community Services Director)**

Recommendation: Provide direction regarding the desired project scope, funding and allowable future uses of the Commandant's Residence.

- B. ABAG Projections for Benicia and Solano County.**

Recommendation: Provide staff direction. ABAG's Projections for Benicia and Solano County were sent to the City Council. If the Council desires, a presentation from ABAG staff can be scheduled.

XI. REPORTS FROM CITY COUNCIL COMMITTEES:

- 1. Committee Reports:**
- 2. Mayors' Committee Meeting (Mayor Messina)
Next Meeting Date: 01-19-05**
- 3. Arsenal Restoration Advisory Board (Council Member Campbell)
Next Meeting Date: 03-16-05**
- 4. Association of Bay Area Governments (ABAG) (Vice Mayor Patterson)
Next Meeting Date: 04-28-05**
- 5. Audit & Finance Committee (Council Member Campbell and Vice Mayor Patterson)
Next Meeting Date: 02-04-05**
- 6. Carquinez Strait Preservation Trust (Council Member Smith)
Next Meeting Date: Currently inactive**
- 7. City Employee Compensation Committee (Council Members Whitney and Campbell)
Next meeting Date: No further meetings scheduled**

8. **First Street Revitalization Committee (Council Member Smith and Campbell)**
Next Meeting Date: 01-26-05
9. **League of California Cities (Council Member Smith)**
Next Meeting Date: 02-03-05
10. **Police Station and Civic Center Restoration Committee (Council Member Smith and Mayor Messina)**
Next meeting date: Not scheduled

Recommendation:

- a. **Reaffirm, by minute order, the on-going project of selective seismic upgrades to the 911 center and the 911 equipment area of the police building and the security and safety upgrades to the prisoner uploading, loading and holding area.**
 - b. **Direct staff to stop the design process for the new police facility and civic center restoration until staff can identify a funding source.**
11. **School District Liaison (Council Members Whitney and Smith)**
Next Meeting Date: 01-20-05 (Note: Time change - 7:00 pm)
 12. **Sky Valley Area Open Space (Vice Mayor Patterson and Council Member Smith)**
Next Meeting Date: 01-24-05
 13. **Solano EDC Board of Directors (Vice Mayor Patterson)**
Next Meeting Date: 01-20-05
 14. **Solano Transportation Authority (STA) (Mayor Messina)**
Next Meeting Date: 02-09-05
 15. **Solano Water Authority/Solano County Water Agency (Mayor Messina)**
Next Meeting Date: 02-10-05
 16. **Sunshine Committee (Council Member Campbell and Vice Mayor Patterson)**
Next Meeting Date: 01-25-05
 17. **Traffic, Pedestrian and Bicycle Safety Committee (Vice Mayor Patterson and Council Member Campbell)**
Next Meeting Date: 01-20-05
 18. **Tri-City and County Regional Parks and Open Space (Council Member Whitney)**
Next Meeting Date: To be determined.
 19. **Valero Citizens Advisory Panel (CAP) (Council Member Whitney)**
Next Meeting Date: 01-27-05
 20. **Youth Action Task Force (Council Members Whitney and Smith)**
Next Meeting Date: 01-26-05

XII. ADJOURNMENT:

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)