

**February 7, 2006**

**Notice of Cancellation of Special  
City Council Meeting**

The Closed Session previously scheduled for 6:30 pm on Tuesday, February 7, 2006 has been cancelled. This meeting will be rescheduled for a later date.

For additional information, please contact the City Clerk's Office at (707) 746-4200.

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

**February 7, 2006**

**7:30 P.M.**

- **CALL TO ORDER:**
- **ANNOUNCEMENT OF CLOSED SESSION (IF ANY)**
- **CLOSED SESSION:**
  - **TO BE HELD AT 7:00 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 full term ending April 15, 2010**

**Historic Preservation Review Commission - 1 unexpired term ending February 28, 2007**

**Open Government Commission - 1 full term ending November 30, 2009**

- **APPOINTMENTS:**
- **PRESENTATIONS:**
  - **What's Next for Public Libraries?**  
-Joan Frye Williams, Library Consultant  
Ms. Frye Williams will provide a brief overview of trends in public library service and opportunities in the future.
  - **Solano Land Trust update of the Sky Valley - Cordelia Hills Resource Management Plan (RMP)**  
-Sue Wickham, Solano Land Trust  
An overview and update of the planning process for the Land Trust King Swett properties located just north of Benicia in the Tri-City and County Planning Area will be provided by Ms. Wickham. A related

informational report from the Parks & Community Services Director is included in the agenda packet as a supplement to this presentation.

- PROCLAMATIONS:
  - Celebration of Concepcion and Nikolai Day - February 18, 2006
  - Recognition of VOENA Children's Choir and Director Annabelle Marie
  - To be followed by performance by VOENA
- ADOPTION OF AGENDA:
- OPPORTUNITY FOR PUBLIC COMMENT:
  - WRITTEN
  - PUBLIC COMMENT
- CONSENT CALENDAR:
  - Approval of Minutes of January 17, 2006.
  - Approval of Special Minutes of January 9, 2006.(City Clerk)
  - Denial of claims against the City by Bill Royal and referral to insurance carrier. (City Attorney)

Mr. Royal submitted a claim for delaying the process of the repair of his building at 195 East D Street. He alleges the building was falsely classified as historical. He is claiming loss of value of the building by limiting and delaying repairs.

Mr. Royal submitted a second claim for intentional delay of repairs of his building at 195 East D Street. He is claiming loss of wages and materials; and paying employees for six months to do nothing.

Recommendation: Deny the claims against the City by Bill Royal.

- Approval of an agreement with Comcast to extend the cable franchise to 2013. (City Attorney)

This item was previously presented to the City Council on September 6, 2005. Council requested additional information. The cable franchise agreement with Comcast was subject to an automatic renewal on June 13, 2003. The automatic renewal period was for 5 years. This agreement would add an additional four (4) years and seven (7) months in exchange for certain upgrades being made ahead of schedule. Staff believes that the additional years are valuable because of the possible changes in the City's ability to regulate cable.

Recommendation: Adopt the resolution authorizing the City Manager to execute the agreement with Comcast to extend the cable franchise to January 31, 2013.

- Authorization of application for Federal-Aid Funding for the West K Street Overlay Project. (Public Works Director)

This project includes construction of a complete new street surface for West K Street between West 9th Street and Military West. If approved, this grant would provide the City with \$200,000 of the \$226,000 total construction cost.

The remaining \$26,000 local match dollars are available in the Gas Tax Reserves fund.

**Recommendation:** Adopt the resolution authorizing the Director of Public Works to execute and file an application for funding under the Surface Transportation Program of Safe, Accountable, Flexible, Efficient Transportation Equity Act (SAFETEA) in the amount of \$200,000 for West K Street Overlay project and appropriating \$26,000 from the Gas Tax Reserves for the local match.

- **Approval of Oak Hill Subdivision Final Map, Subdivision Improvement Agreement, Reimbursement to Developer Agreement, and Consent to Formation of Assessment District. (Public Works Director)**

The Final Map and the related agreements for the Oak Hill subdivision are ready for City Council approval in accordance with the Tentative Map, approved in June 2004. The City also agreed to reimburse the Developer for a portion of the street improvements and the Developer is purchasing a section of street right-of-way with the net cost of \$34,058 to the City.

**Recommendation:** Adopt the resolution approving the Final Map, Subdivision Improvement Agreement, Reimbursement to Developer Agreement and Consent to Formation of Assessment District for the Oak Hill Subdivision, located on East N Street between East 6th and East 7th Streets.

- **Consideration of an alternative proposal for the subdivision of a parcel into two new residential lots. The property is located at former West 7th Street, between I & J Streets (APN:89-342-140). This item is a continuation of the January 17, 2006 hearing originally considering the subdivision of the subject parcel into three lots. (Community Development Director)**

Staff requests that the City Council continue this item to the February 21, 2006 City Council meeting to allow for additional time to finalize the alternative proposal.

**Recommendation:** Continue this item to the February 21, 2006 City Council meeting.

- **Introduction of a proposed ordinance amending Section 4.08.090 (Public testimony at regular and special meetings) of Chapter 4.08 (Public access to meetings) of Title 4 (Open Government) of the Benicia Municipal Code. (City Attorney)**

The Open Government Ordinance currently requires the Council to allow public comment on agendized and non-agendized items during the general public comment portion of City Council meetings. The proposed amendment to the ordinance would limit speakers during general public comment to non-agendized items. Public comment on agendized items would be heard at the

time that item is discussed by the Council, per the agenda.

**Recommendation:** Introduce the ordinance amending Section 4.08.090 (Public testimony at regular and special meetings) of Chapter 4.08 (Public access to meetings) of Title 4 (Open government) of the Benicia Municipal Code.

- Introduction of proposed 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. (City Attorney)  
The proposed amendment to the ordinance revises the appointment process for Planning Commissioners, specifically eliminating the use of an ad hoc advisory committee to seek, interview and recommend candidates for the Planning Commission, in the event the City Council cannot reach an agreement on the appointment.

**Recommendation:** Introduce 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.

- Approval of a Memorandum of Understanding (MOU) with the seven cities in Solano County for animal shelter services. (Police Chief)

On December 14, 2004, the Solano County Board of Supervisors approved giving the cities in Solano County a one-year notice that the existing Animal Services Agreement would terminate on February 28, 2006, and authorized the County Administrator to begin negotiations with the cities of Solano County to form a Memorandum of Understanding for continued animal shelter services. The recommended action approves a Memorandum of Understanding (MOU) with the cities and the County of Solano for the sheltering of animals for a seven year and four month period from March 1, 2006 through June 30, 2013 with each city reimbursing the County for a pro-rata share of the actual operational costs.

**Recommendation:** Adopt the resolution approving the Memorandum of Understanding with the seven cities in Solano County to provide animal shelter services for the period March 1, 2006 through June 30, 2013.

- Approval to waive the reading of all ordinances introduced and adopted pursuant to this agenda.
- **PUBLIC HEARINGS:**
- **ACTION ITEMS:**
  - Review of draft Joint Use Agreement with Benicia Unified School District (BUSD). (Parks & Community Services Director, City Attorney & City Manager) - Continued from January 17, 2006 City Council meeting  
City staff is providing a summary report of the proposed Joint Use Agreement, highlighting major points of agreement and disagreement. Staff is prepared to review revisions to the attached draft Joint Use Agreement that reconcile

differences in previous drafts proposed by the City and the School District. City staff believes the document meets City Council's direction to upgrade and maintain certain School District playfields and improves the Community's opportunity to use School and City facilities.

**Recommendation:** Review revisions to the draft Joint Use Agreement that reconcile differences in drafts proposed by the City and the School District. 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.

- Consideration of changes to the Balanced Budget Policy and the Fund Balance Reserve Policy. (Finance Director)

During the budget workshops conducted in June 2005, recommendations for changes to the City's Budget and Fund Balance Reserve Policies were suggested. The revised policies presented for the Council's consideration include clarifications between Operating Budgets and Non-Recurring Budgets and the authorizations required for dealing with deficit budgets in each of the two policies. The revised policies also include references to the Internal Service Funds created for the replacement of equipment, vehicles, facilities and infrastructure and Internal Service Funds created to stabilize costs in Workers' Compensation, General Liability, and Employee Retirement.

**Recommendation:** Adopt the resolution authorizing changes to the Balanced Budget Policy and the Fund Balance Reserve Policy.

- **INFORMATIONAL ITEMS:**

- Reports from City Manager.  
Report on Council Priority Projects. (City Manager) |

On January 9, 2006, the City Council met to identify their top ten priority projects. It is requested that the Council review the results of that meeting and confirm the top ten projects.

**Recommendation:** To consider the actions staff is taking resulting from the January 9, 2006 Special City Council Meeting and provide comments.

- **COMMENTS FROM COUNCIL MEMBERS:**

- Request for reconsideration of City Council committee membership. (Council Member Patterson)

It is requested by Council Member Patterson that the City Council reconsider the appointment of Council Members to committees, in particular, the lack of an assignment of a Council Member(s) to the Economic Development Board.

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

- **Review of an ordinance addressing campaign expenditure limits, request to review a Clean Campaign Ordinance and request for support of related state legislation. (Council Member Patterson)**

**Council Member Patterson has requested that the City Council review a former campaign expenditure limits ordinance and direct staff to update for future adoption, as well as review a proposed Clean Campaign Ordinance. In addition, it is requested that the Council consider supporting related state legislation, Assembly Bill 583.**

**Recommendation: Adopt the resolutions: 1.) directing staff to update a former ordinance and review for legal adequacy a Clean Campaign Ordinance, and 2.) stating City Council support for Assembly Bill 583, as amended, Hancock Political Reform Act of 1974: California Clean Money and Fair Elections Act of 2006.**

- **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.**