

**February 15, 2005
BENICIA CITY COUNCIL
AGENDA
CITY COUNCIL CHAMBERS**

**February 15, 2005
SPECIAL MEETING**

7:15 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 LEGAL COUNSEL - ANTICIPATED LITIGATION (Initiation of litigation pursuant to subdivision (c) of Section 54956.9)

One Case

E. ADJOURNMENT:

BENICIA CITY COUNCIL

AGENDA

CITY COUNCIL CHAMBERS

February 15, 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.

VALERO - Forbes Article

APPOINTMENTS:

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

BENICIA HISTORICAL MUSEUM at the CAMEL BARNS
(Sandy Moriarty, Education Coordinator)

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 Joint Planning Commission and City Council Meeting (contingent on Planning Commission approval on 2/10/05) and the February 1, 2005 Regular City Council Meeting. (City Clerk)**

Recommendation: Approve the minutes.

- B. Denial of claim and referral to insurance carrier (Aldrich). (City Attorney)**

Recommendation: Reject the claim.

- C. Waive the Attorney-Client Privilege for the Memo Regarding Jefferson Street and the City of Benicia's Interest. (City Attorney)**

Recommendation: Waive the attorney-client privilege on the memo regarding the ownership of Jefferson Street to allow any interested parties to review the memo.

- D. Approval of the FY 2004-05 Disadvantaged Business Enterprise (DBE) Program. (Public Works Director)**

In order to receive various federal aid transportation grants the City must annually adopt DBE goals. The plan was prepared in accordance with Federal and State regulations.

Recommendation: Adopt the Resolution approving the FY 2004-05 Disadvantaged Business Enterprise (DBE) Program for the period of February 2005 through September 2005 and authorizing the City Manager to sign the program on behalf of the City.

E. Purchase of a Replacement Sign Truck. (Public Works Director)

The proposed vehicle to be purchased is from National Utility Equipment Company at a cost of \$53,566.25. Funds are available in the Streets Vehicle Replacement Fund and are included in the 2004-05 budget. The City issued a notice calling for bids and four responses were received.

Recommendation: Adopt the Resolution authorizing the purchase of a replacement sign truck from National Utility Equipment Company of Saginaw, Alabama, in the amount of \$53,566.25.

F. Purchase of a Police Interceptor Vehicle for the Police Department. (Police Chief)

The cost of this replacement vehicle is \$25,293.96 and will be purchased through the State of California Department of General Services Statewide Vehicle Contracts. Funds are available in the Police Department Equipment Replacement Fund and are included in the 2004-05 budget.

Recommendation: Adopt the Resolution authorizing the purchase of a police interceptor vehicle for the Police Department utilizing equipment replacement funds.

G. Approval of New Job Description for the Classification of Recreation Coordinator and Salary Range. (Human Resources Director)

This action expands and upgrades the job responsibilities and increases the salary range of the current Recreation Specialist position. This item is recommended by the Civil Service Commission.

Recommendation: Adopt the resolution approving the new job description for the classification of Recreation Coordinator and establishing the salary range.

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

VII. PUBLIC HEARINGS: NONE

VIII. UNFINISHED BUSINESS:

1. Approval of a Certified Local Government (CLG) Application. (Community Development Director)

This enables the City of Benicia to be certified by the State Office of Historic Preservation and to be considered for specified grants.

Recommendation: Adopt the Resolution authorizing the application for CLG status, authorizing the Mayor to sign the CLG application and authorizing the City Manager to sign the program documents and agreements.

IX. NEW BUSINESS:

A. Discuss Urban Water Management Plan. (Public Works Director)

Resolution is presented by Vice Mayor Patterson. City staff will present a proposed process for updating City's Water Management Plan including public participation requirements and options at the March 1, 2005 City Council meeting.

Recommendation: Discuss and direct staff to provide additional information on March 1, 2005 City Council Agenda.

B. Join a Statewide Pool of Cities and Counties to Utilize a Taxable Bond Issued to Fund the Sale of the City's Vehicle License Fee (VLF) Receivable from the State of California. (Finance Director)

The VLF gap receivable due from the State on August 15, 2006 is \$461,238.

Participation in this bond program will give the City \$410,000-\$418,000 by April, 2005.

Recommendation: Adopt the Resolution approving the form of and authorizing the execution and delivery of a purchase and sale agreement and related documents with respect to the sale of the seller's vehicle license fee receivable from the State; and directing and authorizing certain other actions in connection herewith.

C. Execute Lease Financing Documents Related to the Casa De Vilarrasa Project. (Finance Director)

This action will provide a public financing tool to reimburse the City for the purchase and improvement of Phase I (40 units) of the Casa de Vilarrasa Senior Housing Project. The total revenue to be generated is \$1.4 million (\$1.35 million in proceeds and \$50,000 in issuance costs.)

Recommendation: Adopt the Resolution authorizing the City of Benicia to enter a Capital Lease that allows for the reimbursement of funds used to purchase and improve 40 units in Phase I of the Casa de Vilarrasa Senior Housing Project.

X. REPORTS FROM CITY MANAGER:

A. Proposed Joint Use Agreement between the City and Benicia Unified School District (BUSD). (City Manager)

Discussion of parameters for an agreement that would offer City-provided maintenance and improvement of fields at certain school sites in return for expanded rights to use BUSD facilities and other consideration.

Recommendation: Discuss options. This discussion is in preparation for the meeting between the School Board and City Council on February 28, 2005.

**B. Criteria Regarding Best City Uses of School District Sites
Item requested by Council Member Smith.**

Recommendation: Discussion only, no written report.

XI. REPORTS FROM CITY COUNCIL COMMITTEES:

1. Committee Reports:
2. Mayors' Committee Meeting (Mayor Messina)
Next Meeting Date: 02-16-05
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: 03-04-05
6. Carquinez Strait Preservation Trust (Council Member Smith)
Next Meeting Date: Currently inactive
7. First Street Revitalization Committee (Council Member Smith and Campbell)
Next Meeting Date: 02-23-05
8. League of California Cities (Council Member Smith)
Next Meeting Date: 03-03-05

9. **Police Station and Civic Center Restoration Committee (Council Member Smith and Mayor Messina)**
Next meeting date: Not scheduled
10. **School District Liaison (Council Members Whitney and Smith)**
Next Meeting Date: 02-28-05 Joint School Board/City Council meeting.
11. **Sky Valley Area Open Space (Vice Mayor Patterson and Council Member Smith)**
Next Meeting Date: 03-16-05
12. **Solano EDC Board of Directors (Vice Mayor Patterson)**
Next Meeting Date: 03-17-05
13. **Solano Transportation Authority (STA) (Mayor Messina)**
Next Meeting Date: 03-09-05
14. **Solano Water Authority/Solano County Water Agency (Mayor Messina)**
Next Meeting Date: 03-10-05
15. **Sunshine Committee (Council Member Campbell and Vice Mayor Patterson)**
Next Meeting Date: 02-22-05
16. **Traffic, Pedestrian and Bicycle Safety Committee (Vice Mayor Patterson and Council Member Campbell)**
Next Meeting Date: 04-04-05
17. **Tri-City and County Regional Parks and Open Space (Council Member Whitney)**
Next Meeting Date: 03-07-05
18. **Valero Citizens Advisory Panel (CAP) (Council Member Whitney)**
Next Meeting Date: 02-24-05
19. **Youth Action Task Force (Council Members Whitney and Smith)**
Next Meeting Date: 02-23-05

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)