

**February 20, 2007 Special Agenda**

**BENICIA CITY COUNCIL**

**CITY COUNCIL CHAMBERS**

**SPECIAL MEETING AGENDA**

**February 20, 2007**

**6:00 P.M.**

- **CALL TO ORDER:**
- **CONVENE OPEN SESSION:**
  - **ROLL CALL**
  - **PLEDGE OF ALLEGIANCE**
  - **REFERENCE TO THE FUNDAMENTAL RIGHTS OF PUBLIC**
- **OPPORTUNITY FOR PUBLIC COMMENT:**
  - **WRITTEN**
  - **PUBLIC COMMENT**
- **CLOSED SESSION:**
  - **CONFERENCE WITH LABOR NEGOTIATOR**  
**(Government Code Section 54957.6 (a))**  
**Agency negotiators: City Manager and Human Resources Director**  
**Employee organization: Benicia Senior Management Group**
- **RECONVENE OPEN SESSION:**
- **STUDY SESSION ITEM:**
  - **Potential Formula Business Ordinance. (Community Development Director)**  
**A City Council subcommittee has directed staff to draft a potential ordinance to initiate Council discussion of options for regulating formula businesses. Among its provisions, the drafted ordinance would:**
    - **Define "formula business" and "big box";**
    - **Require use permit review for formula and big box businesses in certain locations; and**
    - **Limit the number of formula businesses allowed both citywide and downtown.**

**Recommendation: Provide direction regarding how to address formula businesses.**
- **ADJOURNMENT:**

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**BENICIA CITY COUNCIL**

**CITY COUNCIL CHAMBERS**

**REGULAR MEETING AGENDA**

**February 20, 2007**

**7:00 P.M.**

- **CALL TO ORDER:**
- **CLOSED SESSION:**
  - **TO BE HELD AT 6:00 P.M., PRIOR TO THE 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:
      - People Using Resources Efficiently (PURE) Committee:
        - One immediate opening
      - Historic Preservation Review Commission:
        - One full term to February 28, 2011
  - APPOINTMENTS:
    - Human Services Arts Board:
      - Sandra Kozak - One unexpired term to June 30, 2009
  - PRESENTATIONS:
  - PROCLAMATIONS:
- ADOPTION OF AGENDA:
- OPPORTUNITY FOR PUBLIC COMMENT:
  - WRITTEN
  - PUBLIC COMMENT
- CONSENT CALENDAR:
  - Approval of Minutes of January 16, 2007 and February 6, 2007. (City Clerk)
  - Extension of the City Manager's Employment Agreement. (City Manager)

The City and Jim Erickson have entered into an agreement to employ Mr. Erickson as City Manager. This amendment to the agreement extends the term of the agreement until June 30, 2007 to allow the annual performance review to occur.

**Recommendation:** Adopt the resolution approving the extension of the City Manager's employment agreement until June 30, 2007.

- Review of the Land Exchange Proposal benefiting the West 14th Street Public Access. (Public Works Director)

The property owner of 1356 W K Street is proposing to dedicate the parcel immediately to the west to the City, which would become part of the West 14th/K Street public access in exchange for the City vacating and granting the road right-of-way dividing said property. If the City Council approves the concept of the proposed land exchange, staff will proceed with processing this proposal including a street vacation, grant deed and land dedication. There will be no net cost to the City for the land exchange and a possible small credit depending upon the appraised value of each parcel of land.

**Recommendation: By motion, approve the West 14th/West K Street land exchange concept**

- **Approval of the 2006 Citywide Radar Speed Survey. (Public Works Director) Abrams Associates Traffic Engineering, Inc., recently completed the 2006 Citywide Radar Speed Survey, which confirms the speed limits previously established on streets in the City of Benicia. The survey was recommended for approval by the Traffic, Pedestrian and Bicycle Safety Committee at their January 18, 2007 meeting and by the City Traffic Engineer. The California Vehicle Code requires a speed survey be completed every five years in order for speed limits to be enforceable. The last speed survey was completed in 2002. There is no cost associated with approving the 2006 Citywide Radar Speed Survey.**

**Recommendation: Adopt a resolution approving the 2006 Citywide Radar Speed Survey, which confirms the speed limits established on certain streets in accordance with Chapter 10.12, Speed Limits, of Title 10, Vehicles and Traffic, of the Benicia Municipal Code.**

- **Acceptance of a grant deed of easement for a waterline. (Public Works Director)**

**The City's untreated water transmission pipeline extends from Cordelia to the water treatment plant. As development occurs in the Cordelia area of Fairfield and where necessary, City staff requires the dedication of an easement for the protection of the pipeline from permanent, above-ground structures and to allow access for maintenance. The proposed action has no budget impacts.**

**Recommendation: Adopt the attached Resolution accepting a grant deed of easement covering a portion of the City's untreated water transmission pipeline at 5130 Fulton Drive in Fairfield (APN 0180-140-020), and authorizing the City Clerk to record the grant deed of easement.**

- **Acceptance of the Water Treatment Plant Improvement Project. (Public Works Director)**

**This project acceptance and notice of completion is for the Water Treatment Plant Improvement Project. The last step of the project requires formal acceptance by the City Council and filing of the notice of completion by the City Clerk, which allows the City to process the final payment to the contractor. The final construction cost is \$9,364,277.07 and is covered by a State Revolving Fund Loan.**

**Recommendation: Adopt a resolution accepting the Water Treatment Plant Improvement Project as complete, including the final change order, authorizing the City Manager to sign the Notice of Completion, and authorizing the City Clerk to file same with the Solano County Recorder.**

- **Award of a consultant agreement for engineering for Multi-Location Water Line Replacement Project. (Public Works Director)**

**The Multi-Location Water Line Replacement project will replace various sections of water mains in the lower eastside and Arsenal areas of Benicia identified in the 20-year Capital Improvement Program as being undersized or having exceeded their service life span. An engineering consultant is recommended to fast-track the preparation of the plans and specifications. Sufficient funds are available in Account No. 090-8215-9851 to cover the proposed engineering costs as per the adopted City Budget.**

**Recommendation: Adopt a resolution approving a consultant agreement for engineering services for the Multi-Location Water Line Replacement Project with Pakpour Consulting Group for a not-to-exceed cost of \$120,000 and authorizing the City Manager to sign the agreement on behalf of the City.**

- **Approval of request to CalPERS to allow James Trimble to work in excess of 960 hours this year. (Human Resources)**

**This action will allow the City to continue to use the services of James Trimble. Chief Trimble is working for the City as a retired annuitant and is limited in the number of hours he can work each year for a PERS agency. This action will allow Chief Trimble to continue to work for the City while the recruitment process for a new Chief is completed.**

**Recommendation: Adopt the resolution requesting CalPERS authorize James Trimble to work as Police Chief in excess of 960 hours this calendar year.**

- **Approval of a resolution for approving the Association of Bay Area Government's (ABAG) report "Taming Natural Disasters" as the City of Benicia's Local Hazard Mitigation Plan. (Fire Chief)**

**The federal Disaster Mitigation Act of 2000 requires all cities, counties and special districts to have adopted a Local Hazard Mitigation Plan to receive disaster mitigation funding from FEMA. City Staff has been working with ABAG staff on the City of Benicia's Hazard Mitigation Annex, Strategies and Critical Facilities plan. FEMA has approved and adopted the ABAG report "Taming Natural Disasters" as the multi-jurisdictional Local Hazard Mitigation Plan for the San Francisco Bay Area and our Annex and Strategies has been "pre-approved" by FEMA. This plan addresses critical areas within our community and sets the City up for possible mitigation funding that may become available in the future from FEMA.**

**Recommendation: Adopt the resolution to approve ABAG's "Taming Natural Disasters" plan and the City's annex, strategies, and critical facilities plan as the City of Benicia's Hazard Mitigation Plan.**

- Introduction of an ordinance to update Benicia Municipal Code Title 15 (California Building Code) to comply with required structural updates. (Community Development Director)

Staff has drafted an amendment for City Council consideration to update Section 15.04.010 (Adoption by reference) of the California Building Code chapter (Title 15.04) of the Benicia Municipal Code.

**Recommendation:** Introduce the proposed ordinance approving the amendment to Section 15.04.010 (Adoption by reference) of the California Building Code chapter of the Benicia Municipal Code.

- Approval to waive the reading of all ordinances introduced and adopted pursuant to this agenda.
- **PUBLIC HEARINGS:**
  - Draft Lower Arsenal Mixed-Use Specific Plan. (Community Development Director)

A consultant team led by Opticos Design of Berkeley submitted a Draft Lower Arsenal Specific Plan for public review on December 22, 2006. At a joint meeting with the Historic Preservation Review Commission and the Economic Development Board on January 17, 2007, the Planning Commission recommended approval of the Draft Specific Plan with modifications.

**Recommendation:** Adopt a resolution approving the Draft Lower Arsenal Mixed Use Specific Plan for the purpose of initiating environmental review.

- **ACTION ITEMS:**
  - Consideration of an ordinance to regulate formula businesses. (Community Development Director)

A City Council subcommittee has directed staff to draft a potential ordinance to regulate formula businesses. Among its provisions, the drafted ordinance would:

- Define "formula business" and "big box";
- Require use permit review for formula and big box businesses in certain locations; and
- Limit the number of formula businesses allowed both citywide and downtown.

If the Council would like to adopt a formula business ordinance, and not as an urgency ordinance, the Planning Commission must first provide a recommendation to the Council.

**Recommendation:** If desired, direct the Planning Commission to review the proposed ordinance on formula businesses and provide a recommendation to the Council.

- **Viability of the City of Benicia/Valero Water Reuse Project. (People Using Resources Efficiently Committee)**

**The City of Benicia and the Valero Refinery have worked jointly to develop a project that would supply up to 2 million gallons per day of recycled water from the City's wastewater treatment plant for use by the refinery as cooling tower make-up water. The recycled water would offset a commensurate amount of potable water supply, making it available for use by the City's residents and businesses. Current cost projections for the project are significantly beyond the financial commitment made by Valero to support its implementation.**

**Recommendations are offered by PURE for steps forward and direction from Council is requested.**

**Recommendation: Consider PURE (People Using Resources Efficiently) Committee recommendations and provide direction to Committee members and staff.**

- **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: February 21, 2007**
- **Association of Bay Area Governments (ABAG) (Mayor Messina)  
Next Meeting Date: April 19, 2007**
- **Audit & Finance Committee (Vice Mayor Schwartzman and Council Member Hughes)  
Next Meeting Date: March 9, 2007**
- **League of California Cities (Mayor Messina)  
Next Meeting Date: April 30, 2007**
- **School District Liaison (Council Members Whitney and Hughes)  
Next Meeting Date: April 12, 2007**
- **Sky Valley Area Open Space (Council Members Patterson and Whitney)  
Next Meeting Date: March 7, 2007**
- **Solano EDC Board of Directors (Mayor Messina)  
Next Meeting Date: March 15, 2007**
- **Solano Transportation Authority (STA) (Mayor Messina)  
Next Meeting Date: March 14, 2007**
- **Solano Water Authority/Solano County Water Agency (Mayor Messina)  
Next Meeting Date: March 8, 2007**

- Traffic, Pedestrian and Bicycle Safety Committee (Council Members Patterson and Hughes)  
Next Meeting Date: April 19, 2007
- Tri-City and County Regional Parks and Open Space (Council Member Whitney)  
Next Meeting Date: February 21, 2007
- Valero Community Advisory Panel (CAP) (Council Member Hughes)  
Next Meeting Date: February 22, 2007
- Youth Action Task Force (Vice Mayor Schwartzman and Council Member Whitney)  
Next Meeting Date: February 28, 2007
- ABAG/CAL FED Task Force/Bay Area Water Forum (Council Member Patterson)  
Next Meeting Date: February 26, 2007
- **COMMENTS FROM COUNCIL MEMBERS:**
  - Consideration of an ordinance as proposed by the subcommittee of the Youth Action Task Force on regulating retail alcohol sales. (Vice Mayor Schwartzman and Council Member Whitney)  
Vice Mayor Schwartzman and Council Member Whitney have requested that this item be agendaized for a future meeting.

Recommendation: Consider agendaizing for a future meeting.

- **ADJOURNMENT:**

#### **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 agendaized and nonagendaized 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.

#### **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.

### **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.**