

**March 1, 2005
BENICIA CITY COUNCIL
AGENDA
CITY COUNCIL CHAMBERS
March 1, 2005
SPECIAL MEETING
6:30 P.M.
I. CALL TO ORDER:
ROLL CALL
PLEDGE OF ALLEGIANCE**

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

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.

II. PRESENTATION:

- 1. Presentation on ABAG Projections 2005 for Benicia and Solano County by Paul Fassinger, ABAG staff. (City Manager)**

ABAG's Projections 2005 includes estimates for population, housing and employment based upon their recently adopted Smart Growth Policies.

Recommendation: For information and discussion. ABAG's Projections for Benicia and Solano County were sent to the City Council. Council expressed a desire that a presentation from ABAG staff be scheduled.

III. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA:

IV. ADJOURNMENT:

**BENICIA CITY COUNCIL
AGENDA
CITY COUNCIL CHAMBERS
March 1, 2005
REGULAR MEETING
7:30 P.M.
I. CLOSED SESSION: NONE
II. CALL TO ORDER:
ROLL CALL
PLEDGE OF ALLEGIANCE**

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

**ANNOUNCEMENTS/APPOINTMENTS
PRESENTATIONS/PROCLAMATIONS:**

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

Opening on:

**SOLANO COUNTY MOSQUITO ABATEMENT DISTRICT
BOARD OF TRUSTEES - 1 two or four year term**

APPOINTMENTS: **HISTORIC PRESERVATION REVIEW COMMISSION -
Toni Haughey, Blythe Wilson (4 year term)
James Conlow, Luis Delgado (3 year term)
Nimat Grantham, Donald Dean (2 year term),
and Patrick Donaghue (1 year term)**

PRESENTATIONS:

PROCLAMATIONS: **ARBOR DAY - Alison Fleck and Annie Lloyd, Tree Sub-
Committee**

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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.**

CONSENT CALENDAR:

A. Approval of Minutes of February 15, 2005. (City Clerk)

**B. Denial of claim against the City by Martha Gonzales and referral to insurance carrier.
(City Attorney)**

This claim involves an accident between a Benicia Transit Bus and a citizen.

**Recommendation: Deny the claim against the City by Martha Gonzales and tender to MV
Transportation.**

C. Accept the 2004 Benicia Marina Maintenance Dredging Project as complete. (Public Works Director)

Durta Dredging Company has completed the project on time and under budget. The 2004 Marina Maintenance Dredging Project final pay quantity was 6,710 cubic yards. The outer channel was dredged to its maximum allowable depth. The final construction cost is \$109,058.40.

Recommendation: Adopt the Resolution accepting the 2004 Marina Dredging Project, authorizing the City Manager to sign the Notice of Completion, and authorizing the City Clerk to file said notice with the Solano County Recorder.

D. Accept the Military West Waterline Installation Project as complete. (Public Works Director)

The total cost of this project is \$58,492.03 and adequate funds are available in the Water Reserve Fund. This project included installation of a waterline on Military West, just west of West Seventh Street. The purpose of this project was to connect two separate service areas so that the City could serve either of these areas from a secondary source.

Recommendation: Adopt the Resolution accepting the project, approving Contract Change Orders Number 2 and 3, authorizing the City Manager to sign the Notice of Completion, and authorizing the City Clerk to file the Notice of Completion with the Solano County Recorder.

E. Authorize the City to apply for 20 04-05 Transportation Development Act (TDA) Funds. (Finance Director)

The City of Benicia operates a transit system that includes fixed-route bus service and demand response paratransit service and is funded primarily with Transportation Development Act funds. The Metropolitan Transportation Commission requires that a Resolution be submitted when applying for TDA funds on an annual basis. The proposed Resolution authorizes the City Manager to file and execute the TDA claim for fiscal year 2004-05 on behalf of the City.

Recommendation: Adopt the Resolution authorizing the filing of an application with the Metropolitan Transportation Commission for allocation of Transportation Development Act Funds for Fiscal Year 2004-05.

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

VII. PUBLIC HEARINGS:

A. Tentative Subdivision Map for St. Catherine's Wood.

- 1. Appeal of Planning Commission approval of an amendment to the St. Catherine's Wood Planned Development Plan and the Planning Commission recommendation to City Council to amend the tentative subdivision map for St. Catherine's Wood.**
- 2. Approval of an amendment to the tentative map approval for St. Catherine's Wood and vacation of a portion of a public access easement. (Community Development Director)**

On January 13, 2005, the Planning Commission approved an amendment to the St. Catherine's Wood Planned Development Plan to revise the public access easement at 155 St. Catherine's Lane that would decrease the public access easement by 652 sq. feet. The

Planning Commission also recommended a related amendment to the St. Catherine's Wood Tentative Subdivision Map.

Recommendation: 1) Adopt the Resolution denying the appeal, submitted by Dana Brock, of the Planning Commission's approval of amendment to the St. Catherine's Wood Planned Development Plan. 2) Adopt the Resolution amending Condition No. 11 of the St. Catherine's Wood Tentative Map. 3) Adopt the Resolution ordering the vacation of the 652 square foot portion of the Public Access Easement.

B. Consideration of a Use Permit to fill and grade the lot located on the northwest corner of West L Street and West 11th Streets. (Public Works Director)

Property owners have applied to use approximately 4,000 cubic yards to grade and level the lot referenced above. When the grading work is complete, the parcel will be hydroseeded and the City will install street trees on the West L street frontage as part of the City's I/I Project. This parcel is currently being used by Ranger Pipelines Inc. as a staging area for the I/I Project.

Recommendation: Adopt the Resolution approving a use permit for placement of 4,000 cubic yards of fill and grading the parcel.

VIII. UNFINISHED BUSINESS:

A. Accept bids and award the construction contract for the First Street Peninsula Improvement project at an amount not to exceed \$771,306 and appropriate \$341,306 from General Fund Reserves. (Parks and Community Services Director)

Bids were received for the First Street Peninsula Improvement Project. The lowest responsive bid was \$771,306 from Hess Construction. The City allocated \$560,000 for this project including \$69,500 from the City's General Fund and \$490,500 in grants. In order to construct the project as designed, additional funding from the City's General Fund Reserves is needed in the amount of \$341,360.

Recommendation: Adopt the Resolution accepting bids and awarding the construction contract for the First Street Peninsula Improvement Project in the amount of \$771,306 to Hess Construction Co., Inc., authorizing the City Manager to sign the construction contract on behalf of the City, and appropriating \$341,306 from the General Fund Reserve.

B. Update on the City's Urban Water Management Plan. (Public Works Director)

An UWMP is required in order to be eligible for Dept. of Water Resources administered State grants and loans and drought assistance. The update for Benicia is due December 31, 2005 and has been designed to include four public workshops. The proposal from the Vice Mayor proposes to establish a formal committee to lead the public input process that will result in additional costs.

Recommendation: Consider the Resolution provided by Vice Mayor Patterson and provide direction to staff.

IX. NEW BUSINESS:

A. Review of the General Fund Budget for Fiscal Year 2003-04 and Mid-Year 2004-05, updates to the Long Range Budget Model, and consideration of proposed budget adjustments for Fiscal Year 2004-05. (Finance Director)

The Comprehensive Annual Financial Report (CAFR) for the fiscal year ending June 30, 2004 was approved by the City Council on February 1, 2005. The financial information presented in

the CAFR has been included in the City's General Fund Budget Report and Long Range Budget Model and is herein presented to the City Council for consideration.

Recommendation: Adopt the Resolution amending the FY 2004-05 City of Benicia Budget.

- B. Consider amending the appointment provisions for the various city boards, commissions and committees to provide that members serve only for their appointed term and that the Mayor must make appointments before the expiration of the term. (City Attorney)**

This proposal will require amendments to the various Ordinances and Resolutions establishing Boards, Commissions and Committees to provide that a member serves only for the appointed term and does not serve beyond the expiration of the term. It is also recommended that the City Council direct revisions be made to the appointment process for Planning Commissioners to conform to state law.

Recommendation: Provide direction to the City Attorney.

X. REPORTS FROM CITY MANAGER:

- A. Discussion of the status of the Mixed Use Zoning District Study. (Community Development Director)**

The Community Development Department staff has prepared a status report and timeline of the City's efforts in this regard.

Recommendation: Consider report and provide direction to staff.

- B. B. Oral update on Community Development Director recruitment. (City Manager)**

Recommendation: For information only.

XII. REPORTS FROM CITY COUNCIL COMMITTEES:

Note: Reports held over from the February 15th meeting will be combined with the March 15th regularly scheduled reports.

XIII. 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)