

**March 7, 2006  
BENICIA CITY COUNCIL  
CITY COUNCIL CHAMBERS  
SPECIAL MEETING AGENDA**

**March 7, 2006**

**5:30 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, Human Resources Director, Bill Avery of  
Avery & Associates**
    - **Employee organization: Benicia Firefighters Association**
  - **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (Subdivision (a) of  
Government Code Section 54956.9)  
Name of cases:  
City of Benicia v. Benicia Harbor Corporation and Benicia Harbor Corporation v.  
City of Benicia**
    - **Togonon v. City of Benicia**
- **ADJOURNMENT:**

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

**March 7, 2006**

**7:00 P.M.**

- **CALL TO ORDER:**
- **CLOSED SESSION:**
  - **NONE**
- **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:**

-Human Services Fund Board - 1 unexpired term to June 2009  
-Solano Transportation Improvement Authority Independent Taxpayers'  
Watchdog Committee - 1 opening

- APPOINTMENTS:
- PRESENTATIONS:
  - Benicia - Tula Sister City Association Update  
-Larry Floyd, President of Benicia - Tula Sister City Association
- PROCLAMATIONS:
  - Recognition of Sunshine Week, March 12-18, 2006
  - Recognition of Good Neighbor Steering Committee
- ADOPTION OF AGENDA:
- OPPORTUNITY FOR PUBLIC COMMENT:
  - WRITTEN
  - PUBLIC COMMENT
- CONSENT CALENDAR:
  - Approval of Minutes of February 15, 2006, February 16, 2006, and the February 21, 2006. (City Clerk)
  - Approval of 2005/06 Disadvantaged Business Enterprise (DBE) Program. (Public Works Director)  
The DBE program is required in order for the City to continue to receive federal-aid grants. The proposed DBE goal for the FY 2005/06 is 6.9%. There are no direct costs involved in the adoption of this program.

**Recommendation:** Adopt the resolution approving the FY 2005/06 Disadvantaged Business Enterprise (DBE) Program for the period of March 7, 2006 through September 29, 2006 and authorizing the City Manager to sign the program on behalf of the City.

- Review of investment report for the quarter ended December 2005. (Finance Director)  
The investment portfolio is in compliance with the City's Investment Policy and California Law. Additionally, the City has adequate investments to meet its expenditure needs for the next six months. The Audit and Finance Committee has reviewed these reports and recommends acceptance.

**Recommendation:** Accept the investment report for the quarter ended December 2005.

- Acceptance of and Notice of Completion for the Benicia Marina Maintenance Dredging Project. (Public Works Director)  
This year's maintenance dredging project, which included the outer channel and a portion of the inner channel, was completed on time and \$122,000 under budget. Formal acceptance of the dredging work by the City Council is now recommended to allow the final contract payment be made to the contractor.

**Recommendation:** Adopt the resolution accepting the 2005 Benicia Marina

**Maintenance 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.**

- **Acceptance of and Notice of Completion for the Rotating Biological Contactor Media Replacement Project. (Public Works Director)**

**This project acceptance and notice of completion is for the Rotating Biological Contactor Media Replacement Project at the Wastewater Treatment Plant. 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. This project cost \$172,714 and was funded from the Wastewater Treatment Plant budget.**

**Recommendation: Adopt a resolution accepting the Rotating Biological Contactor Media Replacement Project, authorizing the City Manager to sign the Notice of Completion, and authorizing the City Clerk to file same with the Solano County Recorder.**

- **Approval of a resolution to endorse and support Proposition 81, the California Reading and Literacy Improvement and Public Library Construction and Renovation Bond. (Library Director)**

**Proposition 81, the California Reading and Literacy Improvement and Public Library Construction and Renovation Bond Act of 2006, will be placed on the June 2006 statewide ballot. It provides \$600 million to help address the critical need for new and renovated libraries in the state. This measure provides a 2/3rd state to 1/3rd local match in grant funding. There are library construction needs in the county, specifically in Vallejo and Dixon, and potentially some of this money would be available to complete construction of the Benicia Public Library's basement. There is no budget impact associated with the recommended action.**

**Recommendation: Adopt the resolution in support of Proposition 81.**

- **Second reading of an ordinance to rezone Parcel APN 0080-222-010 at 1451 Jefferson Street from CO (Commercial Office) to PD (Planned Development). (Community Development Director)**

**The City Council introduced the ordinance to change the zone designation of Parcel APN 0080-222-010 from CO (Commercial Office) to PD (Planned Development) at the February 7, 2006 meeting. The next step is a second reading of the ordinance. The zone change becomes effective 30 calendar days following the approval of the second reading.**

**Recommendation: Approve the second reading of the ordinance to rezone Parcel APN 0080-222-010.**

- **Approval of the job description for Assistant to the City Manager. (City Manager)**

**This action creates the job description of Assistant to the City Manager and substitutes this new position for the existing Principal Administrative Analyst position presently authorized in the List of Authorized Positions. There is no budget impact associated with the recommended action.**

**Recommendation: Adopt the resolution approving the job description for the Assistant to the City Manager and establishing the salary range.**

- **Purchase of a replacement fire rescue vehicle. (Fire Chief)**

**The Fire Department needs to replace its outdated, undersized and high mileage rescue vehicle with a new, proper sized, more dependable vehicle. This vehicle provides paramedic services along with delivering vital rescue equipment to emergency incidents in a timely manner. The cost of the replacement vehicle is being funded out of the Vehicle Replacement Fund as part of the approved 2005-2007 City Budget.**

**Recommendation: Adopt a resolution approving the purchase of a replacement fire rescue vehicle in the amount of \$187,589.00 from Ferrara Fire Apparatus, Inc.**

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

- **PUBLIC HEARINGS:**

- **Approval of Federal Transit Administration Section 5310 grant submission to support Benicia Breeze Paratransit. (Finance Director)**

**Staff has submitted a FTA Section 5310 grant application to the California Department of Transportation related to improving transportation for seniors and persons with disabilities. In order for the City to finalize its grant submittal, the City must find that there are no nonprofit agencies readily available to carry out the proposed project.**

**Recommendation: Adopt, by resolution, a finding that there are no nonprofit agencies readily available to carry out the proposed project after conducting the public hearing and authorizing the City Manager to sign, execute and apply for Federal Transit Administration (FTA) Section 5310 funding and commit matching funds.**

- **Review of a revised parcel map for West 7th Street from I to J Street - Continued from February 21, 2006 City Council Meeting. (Community Development Director)**

**A proposed residential development between West I and J Streets in the former West 7th Street right of way has been reconfigured from a three-lot project to a two-lot project. Two additional, subdivision applications were**

subsequently submitted by the same applicant for adjacent parcels. Staff has reviewed this application and confirmed it complies with the Subdivision Map Act.

**Recommendation:** Adopt the resolution approving an application for a two-lot subdivision in the plans.

- Approval of a Reimbursement Agreement for Storm Drainage Improvements between West I and J Streets in the former West 7th Street. (Public Works Director)

The City has the opportunity to partner with the developer of a two lot residential subdivision between West I and J Streets in the construction of an important flood control storm drain pipeline. A reimbursement agreement based on the fair share costs incurred, with the City's portion estimated to be \$212,000, is proposed as the means to deliver the project sooner than currently scheduled.

**Recommendation:** Adopt the resolution approving the reimbursement to developer agreement for the West 7th Street storm drain project, appropriating \$112,000 from the Marina Area Storm Drain Project Account and \$100,000 from the General Fund Reserves for the design and construction, and authorizing the City Manager to sign the reimbursement agreement on behalf of the City.

- **ACTION ITEMS:**

- Consideration of issuing pension obligation bonds- Continued from February 21, 2006 City Council Meeting. (Finance Director)

The City of Benicia could recognize present value savings in excess of \$2.5 million dollars if Pension Obligation Bonds totaling \$14.35 million are issued and deposited with the State of California Public Employee Retirement System (PERS) to reduce the City's Unfunded Accrued Actuarial Liability (UAAL). The savings would be recognized over the next 30 years by reducing our annual employee retirement contribution and match the period, which the PERS actuaries have designated as our amortization period for reducing the UAAL. The League of California Cities has formed the California Statewide Community Development Authority to assist Cities in the issuance of Pension Obligation Bonds, recognizing Orrick, Herrington & Sutcliff, LLP as the Bond Counsel and Morgan Stanley & Co. Inc. as the Underwriter.

**Recommendation:** Adopt the resolution approving the issuance of Pension Obligation Bonds, execution and delivery of the Trust Agreement, and other necessary documents.

- Consideration of mid-year budget adjustments for Fiscal Year 2005-2007. (Finance Director)

The attached reports summarize the mid-year budget adjustments requested by staff as of February 28, 2006. The amounts include a positive adjustment to the beginning General Fund Undesignated Fund Balance of \$271,490 based upon the FY 2004-05 Audited Financial Reports. Other major adjustments recommended for recognition and/or approval include the Police Department Remodel and optional Lease Financing Proceeds, the issuance of Pension Obligation Bonds, reductions to BUSD Field Maintenance due to the postponed starting date, and the alternate funding recommendation of the Marina Storm Drain Project. The budget adjustments will reduce the General Fund Undesignated Fund Balance at the end of FY 2005-06 by (\$203,980) to \$5,421,370 or 20.2% and increase the balance at the end of FY 2006-07 by \$392,895 to \$6,287,685 or 22.8%.

**Recommendation:** Adopt the resolution approving the budget adjustments for FY 2005-2007.

- **INFORMATIONAL ITEMS:**

- Report on Council Priority Projects - Continued from February 21, 2006 City Council Meeting. (City Manager)

On January 9, 2006, the City Council met to identify their top ten priority projects. It is requested that the Council complete the review of the results of that meeting and confirm the top ten projects. At the February 7, 2006 meeting, the first four priorities were discussed. On March 7, 2006, discussion will resume beginning with Priority #5, the Fire Rescue Boat.

**Recommendation:** City Council Meeting and provide comments.

- Reports from City Manager.
- **COMMENTS FROM COUNCIL MEMBERS:**
  - Request for reconsideration of City Council committee membership - Continued from February 21, 2006 City Council Meeting. (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:** Discuss and provide direction to staff, as needed.

- Review of an ordinance addressing campaign expenditure limits, request to review a Clean Campaign Ordinance and request for support of related state legislation -Continued from February 21, 2006 City Council Meeting. (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: Discuss and provide direction to staff, as needed.**

- **Consideration of options for use of a City property, situated at East 4th and L Streets, for affordable housing or a Boy/Girl Scout building - Continued from February 21, 2006 City Council Meeting. (Vice Mayor Schwartzman & Mayor Messina)**

**This item was originally requested for the February 21, 2006 meeting by Vice Mayor Schwartzman to discuss use of this City-owned property for affordable housing. Mayor Messina subsequently has requested that the Council also consider use of this site by the local Boy/Girl Scouts.**

**Recommendation: Discuss and provide direction to staff, as needed.**

- **Request for reconsideration of the Traffic Relief and Safety Plan for the Solano County 1/2 Cent Sales Tax Measure. (Council Member Patterson)**

**The Solano Transportation Improvement Authority (STIA) is moving forward with the necessary steps to place a proposed transportation sales tax measure on the June 2006 ballot. An expenditure plan, entitled the "Traffic Relief and Safety Plan for Solano County," has been developed and presented to each of the seven cities within the county, as well as the County Board of Supervisors, for review and approval. At the STIA's February 22, 2006 meeting, revisions were made to the expenditure plan. Based on these revisions, it has been requested by Council Member Patterson that the Council reconsider the plan and associated resolution.**

**Recommendation: Discuss and provide direction to staff, as needed.**

- **Discussion of participation in the Association of Refinery Cities and Counties. (Council Member Patterson)**

**Council Member Patterson has requested that the Council review a resolution recently passed by the City of Richmond regarding formation of an Association of Refinery Cities and Counties.**

**Recommendation: Discuss and provide direction to staff, as needed.**

- **Discussion of an Industrial Safety Ordinance. (Council Member Patterson)**  
**Council Member Patterson has requested that the City Council review and discuss Resolution No. 04-31, which addresses the exploration of the benefits and costs of an Industrial Safety Ordinance.**

**Recommendation: Discuss and provide direction to staff, as needed.**

- **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.