

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

**March 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. ADOPTION OF AGENDA:**

**CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**

- 1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION  
(Subdivision (a) of Government Code Section 54956.9)**

**Name of case: Shari Orndorff v. City of Benicia**

**E. ADJOURNMENT:**

**BENICIA CITY COUNCIL  
AGENDA**

**CITY COUNCIL CHAMBERS**

**March 15, 2005  
REGULAR MEETING  
7:30 P.M.**

**II. CALL TO ORDER:**

**ROLL CALL**

**PLEDGE OF ALLEGIANCE**

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

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**III. ANNOUNCEMENTS/APPOINTMENTS**

**PRESENTATIONS/PROCLAMATIONS:**

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

**Openings on:**

**PARKS, RECREATION AND CEMETERY COMMISSION -**

**1 full term to March 31, 2009**

**HUMAN SERVICES FUND BOARD -**

**1 unexpired term to July 2006**

**CITY COUNCIL PRIORITY SETTING WORKSHOP -  
Wednesday, April 6, 2005 at 5:30 pm in the Dona Benicia  
Room  
CITY BOARDS AND COMMISSIONS - APPOINTMENT  
PROCEDURES**

**APPOINTMENTS:**

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

**PROCLAMATIONS: 25 YEARS OF VOLUNTEER SERVICE WITH THE BENICIA FIRE  
DEPARTMENTS - Jay Garibaldi**

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**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.**

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**IV. ADOPTION OF AGENDA:**

**V. COMMUNICATIONS:**

**A. WRITTEN**

**B. PUBLIC COMMENT**

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**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.**

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**VI. CONSENT CALENDAR:**

- 1. Approval of Minutes of February 28, 2005 Joint City Council/School Board meeting and  
March 1, 2005 Regular Council Meeting. (City Clerk)**

**Recommendation: Approve the minutes.**

- 2. Denial of claim against the City by Alfredo Padillo and referral to insurance carrier.  
(City Attorney)**

**This claim is for a replacement bicycle found in a City park that was released to another party.  
Recommendation: Reject the claim against the City by Alfredo Padillo and refer to insurance  
carrier.**

3. **Approval of an agreement with Millstone, Peterson & Watts for legal services related to the lawsuit of Jody Togonon. (City Attorney)**

In June 2004, the City Council authorized the execution of an agreement for legal services with Mc Donough, Holland and Allen for the Jody Togonon claim. The attorney handling the case has changed firms and the City Attorney wishes to retain the services of the attorney handling the case.

**Recommendation:** By Minute Order, authorize the City Attorney to execute the agreement with Millstone, Peterson & Watts for legal services related to the Jody Togonon claim.

4. **Approval of Building Inspection Services Agreement with Marker Lovell. (Community Development Director)**

A Request For Proposal (RFP) for daily building inspection services was requested from 3 agencies or individuals. The purpose of daily inspection services is to provide services when the daily workload demands additional manpower. This additional service is a budgeted item. Marker Lovell is the recommended service provider at an amount not to exceed \$25,000 until the end of the 2004-05 fiscal year. A resolution approving the consultant contract with Marker Lovell is provided.

**Recommendation:** Adopt the Resolution approving a consultant agreement with Marker Lovell for on-call Inspections Services and authorizing the City Manager to execute the agreement on behalf of the City.

5. **Contract with Solano County for funding of a comprehensive plan to reduce the use of alcohol, tobacco and other drugs and extending the sole source contract with Cecile Kazemi, Youth Action Task Force Coordinator. (Chief of Police)**

The Police Department is eligible to receive funds through the Tobacco Master Settlement Agreement (MSA) for the implementation of a comprehensive program for preventing and implementing in alcohol, tobacco, and other drug (ATOD) use among youth and adults. The proposed resolution approves the proposed contract, authorizes appropriate staffing, including extension of the contract with the YATF Coordinator and authorizes the City Manager to execute the contract.

**Recommendation:** Adopt Resolution approving the contract with Solano County for development of a comprehensive plan to reduce the use of alcohol, tobacco and other drugs, extending the contract with Cecile Kazemi, Youth Action Task Force Coordinator, and authorizing the City Manager to execute the contract.

6. **Letter to the Governor, State Senate and State Assembly supporting emergency funding for local libraries. (Interim Library Director)**

Staff has drafted a letter for consideration by the City Council.

**Recommendation:** Provide direction to staff.

7. **Emergency purchase and installation of HVAC and related work in the Police Patrol Locker Room and appropriation of funds. (Chief of Police)**

The antiquated heating system in the Police patrol locker room and other adjacent workspace is now broken and beyond repair. The cost of a new unit and installation is \$36,683.00 and must be undertaken immediately due to its impact on worker productivity. Funds for this replacement is not in the Police Department budget and must be appropriated from General Fund Reserves. This Resolution approves the emergency purchase and installation of the needed equipment and appropriates the funds needed.

**Recommendation:** Adopt the Resolution approving the emergency purchase and installation of heating and air conditioning units for the patrol officer locker room in the police department and appropriating funds from the General Fund Reserve.

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

**VII. PUBLIC HEARINGS: NONE**

**VIII. UNFINISHED BUSINESS:**

- A. Approval of a lease agreement with the Benicia Housing Authority (BHA) for the Casa de Vilarrasa Senior Housing Project. (City Attorney)

The City recently purchased 20 units of the Casa de Vilarrasa Senior Housing Project as part of a settlement agreement with the former owner. The City and BHA entered into an agreement whereby BHA will manage these units. The proposed Resolution will approve the lease and authorize the City Manager to execute the lease.

**Recommendation:** Adopt the Resolution approving two lease agreements with the BHA for the Casa de Vilarrasa project and authorizing the acceptance and recordation of related documents.

- B. Proposed Downtown Parking Improvements: Consider implementation of 1) sign changes, 2) increased enforcement, and 3) provide further direction on the requested study on angled parking/traffic calming improvements for First Street. (Public Works Director)

Pursuant to City Council direction, a series of separate actions are necessary to implement parking signage modifications, begin parking enforcement, and to address issues related to diagonal parking.

**Recommendation:** By Minute Action, direct staff to

1. Implementation of the parking signage changes as recommended in the Downtown Parking Study which includes replacement of the 2-hour parking restrictions with 3-hour parking restrictions along First Street, elimination of the remaining 2-hour parking restrictions along the side streets (the 100 Blocks), installation of two 30-minute parking spaces per block and installation of new directional signage for existing parking areas; and
2. Implementation of an enhanced parking enforcement program once the sign changes are in place; and
3. Retain the services of a consultant(s) with expertise in traffic calming concepts and expertise in historic design/preservation to conduct two community workshops to review the angled parking/traffic calming concepts for First Street and provide their recommendations of how to address the concerns raised by the community and the environmental process required if the City is to move forward with these improvements.

- C. Five-year update to the City's Urban Water Management Plan (UWMP). (Public Works Director)

A Request for Proposal (RFP) for consultant services to assist the City in preparation of the UWMP was sent to six firms. Two proposals were received and evaluated. Camp, Dresser & McKee, Inc. is recommended by staff because of their extensive expertise and experience. Depending on the type of public input and number of meetings selected, the consultant cost

range is \$77,982 to \$99,722. A Resolution approving a contract in an amount not to exceed \$99,722 with Camp Dresser & McKee, Inc. is provided. An additional appropriation of \$75,750 from the Water Reserve Fund is necessary to support this activity.

**Recommendation:** Adopt the Resolution awarding the contract to Camp Dresser & McKee, Inc. to assist in preparation of the five-year update to the City's Urban Water Management Plan and authorize the City Manager to execute the contract on behalf of the City. Also provide direction to staff regarding the type of public input and number of public meetings for the Waste Water Treatment Plant.

#### **IX. NEW BUSINESS:**

- A. Recommendation of the City Council/School District Liaison Committee to develop revenue alternatives. (City Manager)**

At the January 20, 2005 City Council/School District Liaison Committee meeting, it was agreed that a committee would be established to develop revenue alternatives to support both City and School District functions.

**Recommendation:** Consider recommendation of City Council/School Board Liaison Committee to form a joint committee to develop revenue alternatives, and provide direction to staff.

- B. Recommendations from Audit and Finance Committee to resolve Benicia Marina financial issues. (Finance Director)**

Several of the issues relating to the Marina financial problems were discussed at the February 18, 2005 Audit and Finance Committee meeting where the recommendations were approved.

**Recommendation:** Consider recommendations and provide direction to staff.

- 1. Consider redirecting accounting entries and general revenues that can be tied directly to the Marina Fund properties to the Marina Fund.**
- 2. Direct staff to explore solutions with California Boating and Waterways, such as restructuring the loan or replacing parcels currently secured in the Loan Agreement due to removal of the commercial areas.**
- 3. Direct the Economic Development Board to study economic development options for the Ferry Landing, Yuba and nearby areas to replace lost commercial revenues within the Marina Area.**

- C. Review and approval of Solano Transportation Authority's proposed 2005 Comprehensive Transportation Plan. (Public Works Director)**

The Plan identifies, plans and prioritizes the transportation needs for Solano County through the year 2030. This document will serve as a guide to secure outside funding for many eligible Benicia projects that are on both the City's and STA's approved priority project lists. The staff has drafted a letter that includes comments to the plan and the list of regional and local transportation priorities for Benicia.

**Recommendation:** By Minute Order, approve the Solano Transportation Authority's (STA) Proposed 2005 Comprehensive Transportation Plan and direct staff to provide comments and modifications to the STA Board as recommended by Council.

#### **X. REPORTS FROM CITY MANAGER:**

- A. Oral report on status of recruitment for Library Director. (City Manager)**

**Recommendation:** Information only.

- B. Oral report on the status of recruitment for Community Development Director. (City Manager)**

**Recommendation: Information only.**

- C. Status report on the progress towards a Joint Use Agreement with the Benicia Unified School District. (City Manager)**

**Recommendation: Information only.**

**XI. REPORTS FROM CITY COUNCIL COMMITTEES:**

**A. Committee Reports:**

- 1. Mayors' Committee Meeting (Mayor Messina)  
Next Meeting Date: 03-23-05**
- 2. Arsenal Restoration Advisory Board (Council Member Campbell)  
Next Meeting Date: 03-16-05**
- 3. Association of Bay Area Governments (ABAG) (Vice Mayor Patterson)  
Next Meeting Date: 04-28-05**
- 4. Audit & Finance Committee (Council Member Campbell and Vice Mayor Patterson)  
Next Meeting Date: 04-08-05**
- 5. Carquinez Strait Preservation Trust (Council Member Smith)  
Next Meeting Date: Currently inactive**
- 6. First Street Revitalization Committee (Council Member Smith and Campbell)  
Next Meeting Date: 03-23-05**
- 7. League of California Cities (Council Member Smith)  
Next Meeting Date: 04-21-05**
- 8. Police Station and Civic Center Restoration Committee (Council Member Smith and Mayor Messina)  
Next meeting date: Not scheduled**
  - a. Update on the activities of the Police Station and Civic Center Restoration Committee. (Chief of Police)**

**Review and discuss report prepared by the Chief of Police.**

**Recommendation: Accept the report and provide direction to staff.**

- 9. School District Liaison (Council Members Whitney and Smith)  
Next Meeting Date: April 2005 - Date to be determined**
- 10. Sky Valley Area Open Space (Vice Mayor Patterson and Council Member Smith)  
Next Meeting Date: 03-16-05**
- 11. Solano EDC Board of Directors (Vice Mayor Patterson)  
Next Meeting Date: 03-17-05**
- 12. Solano Transportation Authority (STA) (Mayor Messina)  
Next Meeting Date: 04-13-05**
- 13. Solano Water Authority/Solano County Water Agency (Mayor Messina)  
Next Meeting Date: 04-14-05**
- 14. Sunshine Committee (Council Member Campbell and Vice Mayor Patterson)  
Next Meeting Date: 03-14-05**

15. **Traffic, Pedestrian and Bicycle Safety Committee (Vice Mayor Patterson and Council Member Campbell)**  
Next Meeting Date: 04-14-05
16. **Tri-City and County Regional Parks and Open Space (Council Member Whitney)**  
Next Meeting Date: To be determined.
17. **Valero Citizens Advisory Panel (CAP) (Council Member Whitney)**  
Next Meeting Date: 04-28-05
18. **Youth Action Task Force (Council Members Whitney and Smith)**  
Next Meeting Date: 03-23-05

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

**XII. ADJOURNMENT:**

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**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)**