

**April 4, 2006
BENICIA CITY COUNCIL
CITY COUNCIL CHAMBERS
REGULAR MEETING AGENDA**

April 4, 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:

Three openings on the Human Services Fund Board:

- **-1 unexpired term to June 30, 2008**
- **-1 unexpired term to June 30, 2009**
- **-1 full term to June 30, 2010**
- **Two openings on the Benicia Housing Authority Board of Commissioners**
 - **-Two full terms to June 30, 2010**
- **Three openings on the Economic Development Board**
 - **-Three full terms to June 30, 2010**
- **One opening on the Library Board of Trustees**
 - **-One full term to June 30, 2009**
- **Announcement regarding limiting water use on April 12 & 13, 2006**
- **APPOINTMENTS:**
 - **Appointment to the Solano Transportation Improvement Authority Independent Taxpayers' Watchdog Committee**
-Ralph DeJesu
- **PRESENTATIONS:**
- **PROCLAMATIONS:**
 - **National Library Week, April 2-8, 2006**
Child Abuse Prevention Awareness Month
- **ADOPTION OF AGENDA:**
- **OPPORTUNITY FOR PUBLIC COMMENT:**
 - **WRITTEN**
 - **PUBLIC COMMENT**
- **CONSENT CALENDAR:**

- **Approval of Minutes of March 7, 2006 (City Clerk)**
- **Denial of the claims against the City by Magdalena Cagonot, Gary Foster and Balinda Vasquez and referral to insurance carrier. (City Attorney)**

Magdalena Cagonot submitted a claim in the amount of \$600 for vehicle damage as a result of being stuck in a flooded area of Lake Herman Road. An inspection of the location revealed that portion of Lake Herman Road is owned and maintained by the County.

Gary Foster submitted a claim in the amount of \$380.44 for damage to his vehicle that was caused when a palm frond fell on it. The tree is not owned or maintained by the City.

Ms. Vasquez submitted a claim for injuries she sustained when she tripped and fell on a sidewalk offset. The City had no prior notice, complaints or service requests for this sidewalk offset, nor did the City apply the patch to the offset. The amount of the claim is unknown at this time.

Recommendation: Deny the claims against the City by Magdalena Cagonot, Gary Foster and Balinda Vasquez.

- **Acceptance of the Inflow/Infiltration (I/I) Wet Weather Improvements Project - Pipeline Portion. (Public Works Director)**

This project, which included a two-and-one-half mile-long sewer pipeline, has been completed for a total construction cost of \$6,725,865. The project was completed within budget. Formal acceptance of the work by the City Council is now required to allow the final contract payments to be made to the contractor.

Recommendation: Adopt the resolution accepting the I/I Wet Weather Improvements - Relief Sewer Pipeline Project, including final change orders, as complete, authorizing the City Manager to sign the Notice of Completion, and authorizing the City Clerk to file said notice with the Solano County Recorder

- **Application for state and federal disaster relief funding for the December 2005/January 2006 winter storm events. (Public Works Director)**

During the 2005/06 winter, the City experienced severe storms that damaged streets and City-owned facilities, the costs of which can be recovered from disaster relief funding through state and federal agencies. The City is required to designate one or more agents in order to apply for this funding. The City expects to receive \$195,000 in reimbursement costs.

Recommendation: Adopt the resolution designating the City Manager, the Director of Public Works or the City Engineer as its agents and authorizing the

filing of applications for federal and/or state financial assistance related to the December 2005/January 2006 winter storms.

- **Approval of the July 1, 2005 to June 30, 2010 Amendments to the Labor Agreement with the Benicia Firefighters' Association and authorize certain retroactive payments to the various employee groups. (Human Resources Director)**

The City concluded negotiations with the Benicia Firefighters' Association on February 27, 2006. The Firefighters' Association consists of 31 positions. This group is comprised of our Fire Captains, Paramedic Firefighters, Firefighter Engineers, and Firefighter positions. The proposed resolution outlines the amendments to the Agreement.

Recommendation: Adopt the resolution approving the amendments to the July 1, 2005 through June 30, 2010 Labor Agreement with the Benicia Firefighters' Association and authorizing the retroactive payments, based on the payroll accounting period, of additional earnings for the various bargaining units.

- **Establishment of a public access and utility easement on a City-owned parcel near the intersection of Cove Way/El-Ane Way. (Public Works Director)**

The City owns a parcel of land that was originally platted as public alley right-of-way that is used by adjacent property owners for utilities and as access to Cove Way. Establishing a public access and utility easement on this parcel provides residents the legal authority to use this parcel for access and utility purposes.

Recommendation: Adopt the resolution establishing a public access and utility easement on a City-owned parcel near Cove Way and authorizing the City Clerk to record this resolution on behalf of the City.

- **Cancellation of the July 4, 2006 City Council Meeting. (City Manager)**

The first City Council Meeting of July falls on a holiday. It is recommended that the July 4th meeting be cancelled.

Recommendation: Authorize, by motion, cancellation of the July 4, 2006 City Council meeting.

- **Approval to enter into an amendment for Contract No. C02-07514 with the State of California for the Per Capita grant program under the Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Bond Act of 2002. (Parks & Community Services Director)**

The State of California, Department of Parks and Recreation has requested that the City of Benicia amend the contract previously executed in 2003 with

regards to the Tri-City/County Cooperative Planning Group contribution. This is a technical action to formalize the transfer of funds to Solano County for the Tri-City/County Planning Group contribution. The State has requested this action, and is in conformance with previous Council direction.

Recommendation: Adopt the Resolution to enter into an amendment of Contract No. C02-07514 with the State for the Per Capita Grant Program under the Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Bond Act of 2002.

- Support for California State Assembly Bill 583. (City Manager)

Council Member Patterson requested that the City Council consider supporting state legislation regarding financing campaigns, Assembly Bill 583. In response to her request at the March 7, 2006 City Council Meeting, the Council directed staff to prepare a resolution of support for AB 583 for Council consideration.

Recommendation: Consider Council Member Patterson's request to adopt the resolution in support of California State Assembly Bill 583, as amended, Hancock Political Reform Act of 1974: California Clean Money and Fair Elections Act of 2006.

- Report on City implementation of ordinances combining the previous Design Review Commission with the Historic Preservation Commission (City Ordinances No. 05-01 and 05-02). (Community Development Director)

In early 2005, the City council approved two ordinances that served to combine the City's design review procedures into a single committee, the Historic Preservation Review Commission. The ordinances included a requirement that the revised Commission's first year of operation be reviewed by the City Council.

Recommendation: Accept, by motion, the report and, unless otherwise determined, find that the revision is effective.

- Approval to waive the reading of all ordinances introduced and adopted pursuant to this agenda.
- **PUBLIC HEARINGS:**
- **ACTION ITEMS:**
 - Support of the extension of the Orderly Growth Initiative through the Solano County General Plan Update process and incorporation of the initiative's cornerstone principles. (City Manager)
Solano County is currently undertaking a comprehensive General Plan Update. The cities of Solano County are jointly adopting resolutions affirming commitment to the Principles of the Orderly Growth Initiative, adopted by the voters in 1984, as guiding principles for the new County General Plan. These principles include "City-Centered Development," in which urban growth will

occur within the incorporated boundaries of the County's cities. Further, the City is supporting the extension of the Orderly Growth Initiative during the General Plan Update. The proposed resolution affirms the City's support of these principles.

Recommendation: Adopt the resolution affirming the City of Benicia's support for extension of the Orderly Growth Initiative through the Solano County General Plan Update process.

- Review of draft "Request for Proposal" for City of Benicia General Plan Implementation Program for Downtown and Arsenal planning areas. (Community Development Director)

As part of establishing its top program priorities, the City Council identified implementation of selected General Plan policies in the Downtown and Arsenal areas as a priority. The staff recommends the Council retain professional assistance in development of this implementation program. The Council is requested to review and authorize the City staff to circulate a "Request for Proposal" to solicit that professional assistance. The "Request for Proposal" identifies the proposed work program including time frame for the study.

Recommendation: Authorize City staff to distribute a "Request for Proposal" for professional services to assist the City in preparation of a General Plan Implementation Program for the Downtown and Arsenal areas of the city.

- **INFORMATIONAL ITEMS:**

- Report on Council Priority Projects - Continued from March 7, 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, review the current status of projects and provide comments to staff by exception. At the February 7, 2006 meeting, the first four priorities were discussed. On April 4, 2006, discussion will resume beginning with Priority #5, the Fire Rescue Boat.

Recommendation: To consider the actions staff is taking resulting from the January 9, 2006 Special City Council Meeting and provide comments by exception.

- Report on the temporary use of Mills School by the City and Scout groups. (Parks & Community Services Director)

On March 7, 2006, the City Council directed staff to contact the Benicia Unified School District and the Boy/Girl Scouts to discuss the temporary use of Mills School as a short-term solution to the need for a community center. Staff is providing an update of the progress.

Recommendation: This report is offered as a matter of information. No City Council action is requested at this time.

- Reports from City Manager
- **COMMENTS FROM COUNCIL MEMBERS:**
 - Request for reconsideration of the Traffic Relief and Safety Plan for the Solano County 1/2 Cent Sales Tax Measure - Continued from March 7, 2006 City Council Meeting. (Council Member Patterson)

The Solano Transportation Improvement Authority (STIA) is placing 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.

- Review of request to consider participation in the Association of Refinery Cities and Counties - Continued from March 7, 2006 City Council Meeting. (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 - Continued from March 7, 2006 City Council Meeting. (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.

- Request for change in Sky Valley Open Space Committee focus and commitment of staff resources. (Council Member Patterson)

Council Member Patterson, an appointed member of the Sky Valley Open Space Committee, requests, on behalf of the Committee, consideration of adding staff hours available to the Committee to accomplish their work. The Committee agrees that a new focus on watershed management would improve the capacity of the Committee to accomplish the Committee's mission. The mission of the Committee, in short, is to protect the watershed north of Lake

Herman from urban development.

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

- **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 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.

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.