

**April 5, 2005
BENICIA CITY COUNCIL
AGENDA
CITY COUNCIL CHAMBERS**

**April 5, 2005
SPECIAL MEETING
6:00 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. CLOSED SESSION:

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

1. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9

Number of potential cases: 1

2. CONFERENCE WITH LABOR NEGOTIATOR (Government Code Section 54957.6 (a))

Agency negotiator: City Manager, Human Resources Director, Senior Personnel Analyst, Bill Avery of Avery & Associates

Employee organization: BPSEA, BPOA, BFA, BDA

Unrepresented employees: Supervisor, Professional/Confidential, Middle Management, Police Management, Senior Management

E. ADJOURNMENT:

BENICIA CITY COUNCIL

AGENDA

CITY COUNCIL CHAMBERS

April 5, 2005

REGULAR MEETING

7:30 P.M.

II. CALL TO ORDER:

ROLL CALL

PLEDGE OF ALLEGIANCE

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

III. ANNOUNCEMENTS/APPOINTMENTS

PRESENTATIONS/PROCLAMATIONS:

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

**CITY COUNCIL PRIORITY SETTING WORKSHOP -
Wednesday, April 6th at 5:30 pm in the Dona Benicia
Room at the Benicia Public Library
Openings on:
HUMAN SERVICES FUND BOARD - 3 full terms to June 30,
2009
BENICIA HOUSING AUTHORITY BOARD OF
COMMISSIONERS - 1 full term to June 30, 2009**

**APPOINTMENTS: SOLANO COUNTY MOSQUITO ABATEMENT DISTRICT
BOARD OF TRUSTEES - Michael L. White
PLANNING COMMISSION - Mark Lobdell
HUMAN SERVICES FUND BOARD - Rebecca Billing
PARKS, RECREATION AND CEMETERY COMMISSION -
Sandy Moriarty**

**PRESENTATIONS: LIVABLE AND SUSTAINABLE COMMUNITIES (Vice Mayor
Patterson)**

**PROCLAMATIONS: NATIONAL PUBLIC SAFETY TELECOMMUNICATOR'S WEEK -
April 10-16, 2005 (Amber Silva & Ben DuClos, Public Safety
Dispatchers)
NATIONAL LIBRARY WEEK - April 10-16, 2005 (Daveta
Cooper, Interim Library Director)
CHILD ABUSE PREVENTION AWARENESS MONTH - April
2005
(Colleen Smith, Family Resource Center Coordinator)**

**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.**

IV. ADOPTION OF AGENDA:

V. COMMUNICATIONS:

A. WRITTEN

B. PUBLIC COMMENT

VI. CONSENT CALENDAR:

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

B. Denial of claims against the City and referral to insurance carrier. (City Attorney)

1. Aldrich

Claim involves damage to a swimming pool allegedly from runoff from a City construction project during heavy rain. Claim was tendered to the contractor. Contractor initially denied, but eventually offered to pay \$500 to settle the claim. The offer has not yet been accepted.

2. Flanagan

Claim is for damage to vehicle caused by an accident involving one of the City transit buses. The claim was tendered to the MV Transportation, which operates the City's buses.

3. Schmidt

Claim is for the replacement of a tire allegedly due to damage from a construction site not properly marked. The claim was tendered to the contractor and paid by the contractor.

4. Thach

Claim is for damage to vehicle sustained when it hit a large pothole during a construction project. Claim was tendered to contractor and denied.

Recommendation: Deny the claims against the City by Aldritch, Flanagan, Schmidt, and Thach.

C. Accept Monthly Investment Reports for October through December 2004. (Finance Director)

The Audit and Finance Committee has reviewed these reports and recommends acceptance. All investments are in compliance with the City's investment policy.

Recommendation: Accept the quarterly investment reports.

D. Approval of the job description for an At Risk Children, Youth and Family Counselor, a grant-funded position. (Police Chief)

The City has received a Solano County Alcohol, Tobacco and Other Drugs (ATOD) grant totaling \$53,300. As part of the Police Department's Family Resource Center Program, the funds will be used to hire an At Risk Children, Youth and Family Counselor. A resolution approving the job description is proposed.

Recommendation: Adopt the Resolution approving the job description for the classification of At Risk Children, Youth and Family Counselor.

E. Status Report on emergency repairs to the Police Patrol Locker Room and adjoining space. (Police Chief)

Pursuant to City Ordinance and State law, when emergency procurement and repairs are made, staff must report the status of the repairs until the project is complete.

Recommendation: For information only.

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

VII. PUBLIC HEARINGS: NONE

VIII. UNFINISHED BUSINESS:

A. Establish an Urban Water Management Planning Task Force. (Public Works Director)

The proposed Resolution establishes a seven member Urban Water Management Planning Task Force for the preparation of the State mandated Urban Water Management Plan. The goal of this task force is to bring greater community awareness to water issues.

Recommendation: Adopt the Resolution establishing the Urban Water Management Planning Task Force for preparation of the Urban Water Management Plan for December, 2005 deadline.

- B. Approve employee compensation philosophy and compensation survey parameters. (Human Resources)

The proposed employee compensation philosophy and compensation survey parameters was developed by the Employee Compensation Committee. Council adopted the philosophy last year and directed staff to finalize the 1) survey employers, 2) survey classes, and 3) survey scope.

Recommendation: Adopt the Resolution approving employee compensation philosophy and compensation survey parameters.

IX. NEW BUSINESS:

- 1. Approval of fee deferral for East 5th Street Hotel Project. (Assistant City Manager)

The owner of the East 5th Street hotel project has requested a deferral of Capital License Tax, Traffic Impact Fee, Sewer Fee and Water Fee to improve the financial feasibility of the project and to offset design upgrades. Fees total \$213,328 and repayment is proposed over eight years.

Recommendation: Adopt the Resolution approving the proposed fee deferral and authorizing staff to negotiate and execute an agreement.

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: Provide direction to staff or take other appropriate action.

XI. REPORTS FROM CITY COUNCIL COMMITTEES:

XII. 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)**