

April 19, 2005
BENICIA CITY COUNCIL
AGENDA
CITY COUNCIL CHAMBERS
April 19, 2005
SPECIAL MEETING
7:00 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: 2

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 19, 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.

APPOINTMENTS:

PRESENTATIONS: UPDATE ON PURE COMMITTEE ACTIVITIES - Bob Craft,
Chair
VOLUNTEERS IN POLICE DEPARTMENT (Patti Baron, Police
Department Volunteer Coordinator)

PROCLAMATIONS: NATIONAL VOLUNTEER WEEK - April 17 - 23, 2005 (Patti
Baron, Volunteer Coordinator)
SEXUAL ASSAULT AWARENESS AND PREVENTION MONTH
- April 2005
(Cheryl Franklin-Golden, SafeQuest Solano)
COMMENDATION - Kaylin Pennington, Benicia High School
Cross Country

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

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.

VI. CONSENT CALENDAR:

1. Approval of Minutes of April 5, 2005. (City Clerk)

Recommendation: Approve the minutes.

2. Denial of claim against the City and referral to insurance carrier (Ricketts). (City Attorney)

The claimant alleges she tripped on the pavement near the Chamber of Commerce. Denial of the claim is recommended since the unevenness of the pavement is minor.

Recommendation: Deny the claims against the City by Roberta Ricketts.

3. Authorize execution of a lease with Verizon Wireless for a telecommunications site at the Benicia Middle School and a revenue sharing agreement for this lease and the

Sprint lease with the Benicia Unified School District. (Community Development Director)

Description: The lease will generate \$19,200 in revenue the first year, which will be equally split between the City and the Benicia Unified School District. The rent will increase 3% per year. The telecommunication site will be located at the Benicia Middle School. A Resolution is needed to approve the proposed action.

Recommendation: Adopt the Resolution authorizing the City Manager to execute the lease with Verizon Wireless for a telecommunications site at the Benicia Middle School and authorizing the City Manager to execute a revenue sharing agreement with the Benicia Unified School District to equally share the revenue from the Verizon and Sprint leases at the Middle School.

4. Status of emergency repairs to the Police Patrol Locker Room and adjoining space. (Police Chief)

Pursuant to State law and City Ordinance when emergency procurement and repairs are made, staff must report the status of the repairs until the project is complete. A resolution determining the continuing needs for emergency repairs is required.

Recommendation: Adopt the Resolution determining a continuing need for the emergency purchase and installation of heating and air conditioning units and related clean up for the Patrol Officer locker room in the Police Department and appropriating the funds from the General Fund reserve.

5. Award of three year contract to A&L Services, Inc., James Lamont, in the amount of \$82,500 per year to provide services for weed abatement and fire breaks of City owned properties and open space areas. (Fire Chief)

Funds for the City's weed abatement are budgeted. Additional funds necessary to cover weed abatement and firebreaks in the open space areas were received from Pacific Bay Homes (for approximately 190 acres) as part of the final agreement closing out the Tourtelot Project. A Resolution awarding a three-year contract with A&L Services, Inc. is proposed.

Recommendation: Adopt the Resolution awarding a three-year contract to provide services for weed abatement and fire breaks of City owned properties and open space areas in the amount of \$82,500 per year to A & L Services, Inc., James Lamont, and authorizing the City Manager to sign the contract on behalf of the City.

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

VII. PUBLIC HEARINGS:

VIII. UNFINISHED BUSINESS:

IX. NEW BUSINESS:

A. Seeno Status Report. (Assistant City Manager)

Recommendation: Written report for information only.

B. Legislative Action Days. (City Manager)

Recommendation: Written report for information only.

C. Joint Use Agreement with BUSD. (City Manager)

Recommendation: Oral report for information only.

X. REPORTS FROM CITY COUNCIL COMMITTEES:

1. Committee Reports:

2. **Mayors' Committee Meeting (Mayor Messina)**
Next Meeting Date: May 18, 2005
3. **Arsenal Restoration Advisory Board (Council Member Campbell)**
Next Meeting Date: June 22, 2005
4. **Association of Bay Area Governments (ABAG) (Vice Mayor Patterson)**
Next Meeting Date: April 28, 2005
5. **Audit & Finance Committee (Council Member Campbell and Vice Mayor Patterson)**
Next Meeting Date: May 6, 2005
6. **Carquinez Strait Preservation Trust (Council Member Smith)**
Next Meeting Date: Currently inactive
7. **First Street Revitalization Committee (Council Member Smith and Campbell)**
Next Meeting Date: April 27, 2005
8. **League of California Cities (Council Member Smith)**
Next Meeting Date: April 21, 2005
9. **Police Station and Civic Center Restoration Committee (Council Member Smith and Mayor Messina)**
Next meeting Date: Not scheduled
10. **School District Liaison (Council Members Whitney and Smith)**
Next Meeting Date: April 21, 2005
11. **Sky Valley Area Open Space (Vice Mayor Patterson and Council Member Smith)**
Next Meeting Date: May 18, 2005
12. **Solano EDC Board of Directors (Vice Mayor Patterson)**
Next Meeting Date: May 26, 2005
13. **Solano Transportation Authority (STA) (Mayor Messina)**
Next Meeting Date: April 13, 2005
14. **Solano Water Authority/Solano County Water Agency (Mayor Messina)**
Next Meeting Date: April 14, 2005
15. **Sunshine Committee (Council Member Campbell and Vice Mayor Patterson)**
Next Meeting Date: May 7, 2005
16. **Traffic, Pedestrian and Bicycle Safety Committee (Vice Mayor Patterson and Council Member Campbell)**
Next Meeting Date: April 14, 2005
17. **Tri-City and County Regional Parks and Open Space (Council Member Whitney)**
Next Meeting Date: June 13, 2005
18. **Valero Community Advisory Panel (CAP) (Council Member Whitney)**
Next Meeting Date: April 28, 2005
19. **Youth Action Task Force (Council Members Whitney and Smith)**
Next Meeting Date: April 27, 2005

XI. 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)