

**May 16, 2006 Special Agenda
BENICIA CITY COUNCIL
CITY COUNCIL CHAMBERS
SPECIAL MEETING AGENDA**

May 16, 2006

6:00 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:**
 - **PUBLIC EMPLOYEE PERFORMANCE EVALUATION
(Government Code Section 54957) - Continued from May 9, 2006 Special City
Council Meeting
Titles: City Manager
City Attorney**
- **ADJOURNMENT:**

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

May 16, 2006

7:00 P.M.

- **CALL TO ORDER:**
- **CLOSED SESSION:**
 - **HELD PRIOR TO REGULAR MEETING AT 6:00 PM**
- **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:**
 - One unexpired term to June 30, 2008
 - Two full terms to June 30, 2010
 - Benicia Housing Authority Board of Commissioners:**
 - One full term to June 30, 2010

- Economic Development Board:
 - One full term to June 30, 2010
 - AmericanStyle Magazine has named Benicia as a 2006 Top 25 Arts Destinations
- APPOINTMENTS:
 - Human Services Fund Board
 - Bob Surratt - One unexpired term to June 30, 2009
 - Teddie Bidou - One full term to June 30, 2010
 - Benicia Housing Authority Board of Commissioners
 - Sharon Anderson - One full term to June 30, 2010
 - Library Board of Trustees
 - Alan Bradford MacLane, Jr. - One full term to June 30, 2009
 - Parks, Recreation & Cemetery Commission
 - John McGuire - One full term to June 30, 2010
 - Economic Development Board
 - J.B. Davis - One full term to June 30, 2010
 - Christina Strawbridge - One full term to June 30, 2010
 - Open Government Commission
 - Dean O'Hair - One unexpired term to December 6, 2006
- PRESENTATIONS:
 - Proposed Human Services Fund Board (HSFB) Monitoring of Cultural Arts Grants
 - Cecile Kazemi & Andy Odell, HSFB
- PROCLAMATIONS:
 - National Public Works Week - May 21-27, 2006
 - Water Awareness Month - May 2006
 - Affordable Housing Week - May 15-21, 2006
- ADOPTION OF AGENDA:
- OPPORTUNITY FOR PUBLIC COMMENT:
 - WRITTEN
 - PUBLIC COMMENT
- CONSENT CALENDAR:
 - Approval of Minutes of April 26, 2006 and May 2, 2006 (City Clerk)
 - Initiation of proceedings for establishing the 2006-07 assessment for the City of Benicia Landscaping and Lighting District. (Finance Director, Parks & Community Services Director & Public Works Director)

The Landscaping and Lighting Act of 1972 provides for the levy and collection of assessments by the County of Solano for the City of Benicia to generate sufficient revenue to pay for landscape maintenance services, operation, and improvements in landscape maintenance districts created under the Act. The budget for fiscal year 2006-07 for all five zones of the District is \$568,594. All costs are paid for by assessments levied against parcels within the District, therefore there are no budget impacts to the General Fund.

Recommendation: Adopt the attached Resolutions pertaining to the subject district:

- **Initiate Proceedings for the Annual Levy and Collection of Assessments for the City of Benicia Landscape and Lighting District, fiscal year 2006-07, describing the improvements and directing preparation of the Engineer's Report.**
- **Preliminary approval of the Engineer's Report for the City of Benicia Landscaping and Lighting District, fiscal year 2006-07.**
- **Intention to Order the Levy and Collection of Assessments Pursuant to the Landscaping and Lighting Act of 1972 and therefore setting a Public Hearing on June 20, 2006 for the City of Benicia Landscaping and Lighting District, fiscal year 2006-07.**
- **Rejection of all bids on four federally funded street improvement projects. (Public Works Director)**

The City is required to revise its Disadvantaged Business Enterprise (DBE) program in order to receive federal funding on four transportation projects because of a recent federal court decision, which occurred during the bid phase of these projects. Staff recommends rejecting all submitted bids and readvertising the projects with the new approved, race-neutral DBE program to continue our eligibility for \$355,000 in federal funding.

Recommendation: Adopt a resolution rejecting all bids for the East "H" Street Overlay Project, East 2nd Street Overlay Project, Elementary School Route Improvements Project, and East 5th Street Overlay Project.

- **Authorization of a contract amendment for the Update of the Downtown Historic District Survey. (Community Development Director)**

The Downtown Historic Survey Update was begun in December 2004. Due to a lack of staff resources, the project was placed on hold several times. There are now adequate staff resources to move the project forward, and a work program has been developed to bring the project to completion. While the bulk of the survey is completed, there is a need to conduct further verification of data sources, respond to additional comments not anticipated in the original contract, and prepare an electronic database of all properties surveyed.

Recommendation: Authorize, by motion, the City Manager to negotiate and execute a contract amendment in the amount of \$16,290 with Roland-Nawi Associates to augment and complete the historic survey update begun for the Downtown Historic District.

- **Approval of 9-1-1 Communication Center equipment upgrades and award of a vendor contract. (Police Chief)**

Existing state law established a specific State Emergency Telephone Number Account that provides funding to local agencies to obtain pre-designated equipment and materials to successfully manage their local operations in compliance with 9-1-1 standards. These funds and budgeted City General Funds will be used to upgrade and/or replace existing 9-1-1 technologies and equipment.

Recommendation: Adopt a resolution awarding a contract to XYBIX Systems, Inc. in the amount of \$53,078.33 to replace and upgrade all 9-1-1 furniture consoles and other specifically designed support equipment and authorize the expenditure of up to \$50,000 in existing budgeted funds to cover expenses above the state allotted amount.

- Authorization to purchase a Grit Classifier for the Wastewater Treatment Plant. (Public Works Director)

This action authorizes purchase of a replacement grit classifier, equipment that removes grit and stones from raw sewage as part of the preliminary treatment at the Wastewater Treatment Plant. The existing grit classifier has reached the end of its useful life. Funding for this purchase will come from the Wastewater System Replacement Reserve Fund.

Recommendation: Adopt a resolution authorizing the purchase of a grit classifier at a cost of \$30,878 from WesTech Engineering, Inc., c/o JBI Water and Wastewater Equipment, Inc. of Lincoln, California.

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

In early 2005, the City Council approved ordinances 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 Historic Preservation Review Commission's first year of operation be reviewed by the City Council. The City Council reviewed a staff report at its April 4, 2006 meeting and requested the report include further analysis of the consolidation's relationship to the City's goal of State designation as a "Certified Local Government."

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

- Approval of a contract with Solano County to receive funding for the implementation of a comprehensive plan developed by the Youth Action Task Force to reduce the use of alcohol, tobacco and other drugs in Benicia. (Police Chief)

In 2000, Solano County established funding through the Master Tobacco Settlement Agreement (MSA) for Reducing Rates of Use of Alcohol, Tobacco and Other Drugs (ATOD) by youth. Contracts for the MSA Reducing Rates of ATOD among youth are generated for the County's three-year budget cycles and renewed annually. The contract included in this report is for the second year of the current budget cycle. Funds will be used to fund the YATF to implement part of the city's comprehensive prevention and early intervention programs and will be matched by other community dollars and in-kind services. There will be no additional impact to the City's general fund since the match was previously budgeted as part of the budget for the Youth Action Task Force and the Human Services Fund.

Recommendation: Adopt a resolution authorizing the City Manager to sign the contract with Solano County Health and Social Services permitting the City to continue to receive funds from the county through the Master Tobacco Settlement Agreement (MSA) for the Youth Action Task Force (YATF) for the implementation of a comprehensive approach to preventing and intervening in alcohol, tobacco and other drug use among youth and adults in Benicia.

- Approval to waive the reading of all ordinances introduced and adopted pursuant to this agenda.
- **PUBLIC HEARINGS:**
- **ACTION ITEMS:**
 - Consideration of entering a Lease Agreement and Site Lease for \$2.2 million to fund portions of the Police Building Seismic Upgrade and Marina Area Storm Drain Project. (Finance Director)

The City Council requested that staff analyze the merits of financing capital projects and large capital outlays in order to improve the ability of the City to fund additional Capital Improvement Projects in the future. Staff recommends the approval of a 10-year Lease for \$2.2 million at 4.58% interest to fund the \$1.3 million Police Building Seismic Upgrade Project and \$900,000 of the Marina Storm Drain Project. The City is currently investing funds at 5.2%.

Recommendation: Adopt the resolution authorizing the execution and delivery of a Lease Agreement and Site Lease and authorizing and directing certain actions in connection therewith.

- Award of construction and construction management contracts for the Marina Area Storm Drain Project. (Public Works Director)

The Marina Area Storm Drain project is ready for construction. This project will alleviate flooding in the downtown and lower eastside residential areas and improve stormwater quality. The project will also bring the City into conformance with the Cleanup and Abatement Order from the Regional Water Quality Control Board that mandates completion of this project by December

30, 2006. The project costs total \$1,488,400, requiring an appropriation of \$619,585 from the General Fund Reserves. As originally anticipated in the current budget, it is recommended that capital lease financing of \$900,000 be utilized to fund this project. Alternatively, the City Council could choose to fund the project with General Fund Reserves, which would reduce Fund Balance below the 20% minimum level.

Recommendation: Adopt two resolutions

- **Approving the construction plans and specifications, accepting the bids, awarding the construction contract for the Marina Area Storm Drain Project in the amount of \$1,186,900 to Anderson Pacific Engineering Construction, Inc., appropriating \$619,585 from the General Fund Reserves for the construction, and authorizing the City Manager to sign the contract on behalf of the City.**

Awarding a construction management services contract in the amount of \$193,600 to Pakpour Consulting Group for the Marina Area Storm Drain Project and authorizing the City Manager to sign the contract on behalf of the City.

- **Consideration of options for accommodating Scouts' need for a meeting facility and options for use of City-owned property located at East 4th and L Street. (Parks & Community Services Director & City Attorney)**

The City Council directed staff at the April 18, 2006, City Council meeting to meet with the Boys/Girls Scouts to determine the group's preferred option regarding the location of a Scout facility. The City Council further directed staff to respond to issues raised by Mr. Robert Moore of the Affordable Housing Affiliation (AHA) regarding affordable housing at the East 4th and L Street property. Further, staff is to report on steps required to secure offers to build affordable housing at the site.

Recommendation: Provide direction regarding accommodating Scouts' meeting facility needs and the disposal of City-owned property located at East 4th and L Street. Staff is offering the following options for City Council consideration:

- **Negotiate a lease with the Boy/Girl Scouts for use of the property.**
- **Provide the Boy/Girl Scouts an option on the property until September 15, 2006, allowing the City and the School District time to determine if Mills School will be made available for use as a community center.**
- **Offer the property for affordable housing.**
Offer the property for market rate housing.

- **INFORMATIONAL ITEMS:**

- **Reports from City Manager.**
Status of the Utility User Tax Agreement with Valero Refining Company.
(Finance Director)

- **Council Member Committee Reports.**
 (Council Members serve on various internal and external committees on behalf of the City. Current agendas, minutes and meeting schedules, as available, from these various committees are included in the agenda packet. Oral reports by Council Members are made only by exception.)
 - **Mayors' Committee Meeting (Mayor Messina)**
 Next Meeting Date: May 17, 2006
 - **Association of Bay Area Governments (ABAG) (Mayor Messina)**
 Next Meeting Date: October 26, 2006
 - **Audit & Finance Committee (Vice Mayor Schwartzman and Council Member Hughes)**
 Next Meeting Date: June 16, 2006
 - **League of California Cities (Mayor Messina)**
 Next Meeting Date: May 17-18, 2006
 - **School District Liaison (Council Members Whitney and Hughes)**
 Next Meeting Date: August 10, 2006
 - **Sky Valley Area Open Space (Council Members Patterson and Whitney)**
 Next Meeting Date: June 7, 2006
 - **Solano EDC Board of Directors (Mayor Messina)**
 Next Meeting Date: May 25, 2006
 - **Solano Transportation Authority (STA) (Mayor Messina)**
 Next Meeting Date: June 14, 2006
 - **Solano Water Authority/Solano County Water Agency (Mayor Messina)**
 Next Meeting Date: June 8, 2006
 - **Traffic, Pedestrian and Bicycle Safety Committee (Council Members Patterson and Hughes)**
 Next Meeting Date: July 20, 2006
 - **Tri-City and County Regional Parks and Open Space (Council Member Whitney)**
 Next Meeting Date: June 19, 2006
 - **Valero Community Advisory Panel (CAP) (Council Member Hughes)**
 Next Meeting Date: June 22, 2006
 - **Youth Action Task Force (Vice Mayor Schwartzman and Council Member Whitney)**
 Next Meeting Date: May 24, 2006
 - **ABAG/CAL FED Task Force/Bay Area Water Forum (Council Member Patterson)**
 Next Meeting Date: May 22, 2006
- **COMMENTS FROM COUNCIL MEMBERS:**
- **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.