

May 17, 2005
BENICIA CITY COUNCIL
AGENDA
CITY HALL
May 17, 2005
SPECIAL MEETING 6:30 P.M.
I. SPECIAL MEETING
A. CALL TO ORDER:
ROLL CALL
PLEDGE OF ALLEGIANCE

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

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.

- B. ADOPTION OF AGENDA:**
- C. COMMUNICATIONS:**
 - 1. WRITTEN**
 - 2. PUBLIC COMMENT**
- D. PRESENTATION:**
 - 1. Presentation on Form-Based Zoning by Judy Corbett, Local Government Commission. (City Manager)**

Form-based codes are gathering interest throughout the country because they facilitate the implementation of the walkable, transit-friendly, compact development that many communities say they want. The presentation will provide a quick overview of form-based codes ♦ what they are and who is using them.

Recommendation: For information and discussion.
- E. CLOSED SESSION: ANNOUNCEMENT OF CLOSED SESSION**
 - 1. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION (Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9)**

Number of potential cases: 1
- F. ADJOURNMENT:**

BENICIA CITY COUNCIL
AGENDA
CITY HALL
May 17, 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: RESOLUTION CONFIRMING MAYOR'S APPOINTMENTS OF MEMBERS OF THE CITY COUNCIL TO COMMITTEES
WATER MANAGEMENT TASK FORCE - Kathleen Van Velsor, Greg Gartrell, Fred Railsback, Dennis Lund, Bradford Maclane, Veronica Stone
HUMAN SERVICES FUND BOARD - Bobbi Enderlin, Andrew O'Dell, Angelo Cabral
PLANNING COMMISSION - Richard Bortolazzo
BENICIA HOUSING AUTHORITY BOARD OF COMMISSIONERS - Norman Koerner

PRESENTATIONS: PUBLIC WORKS PROFESSIONALS AT WORK IN BENICIA (Public Works Department Staff)
PRESENTATION OF PLAQUE FROM THE SOLANO LAND TRUST IN APPRECIATION OF BENICIA'S PARTNERSHIP IN OPEN SPACE ACQUISITION (Community Development Department Staff)

PROCLAMATIONS: NATIONAL PUBLIC WORKS WEEK - May 15-22, 2005 (Dan Schiada, Public Works Director)
WATER AWARENESS MONTH - May 2005 (Dave Wenslawski, Water Quality Technician)
MILLS ELEMENTARY SCHOOL COMMUNITY CELEBRATION - May 28, 2005 (Jane West, Principal and Joe Garcia, PTG President)

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IV. ADOPTION OF AGENDA:

V. COMMUNICATIONS:

A. WRITTEN

B. PUBLIC COMMENT

VI. CONSENT CALENDAR:

A. Approval of Minutes of April 19, 2005 and May 3, 2005. (City Clerk)

Recommendation: Approve the minutes.

B. Approval of request to the Board of Supervisors to permit the Registrar of Voters to provide specified services in connection with the General Municipal Election to be held November 8, 2005. (City Clerk)

The attached Resolution which will enable the City of Benicia to obtain the services of the Registrar of Voters office in the November 8, 2005 Election. The cost for this election has been budgeted for \$30,000.

Recommendation: Adopt the Resolution providing for specified services for a General Municipal Election to be held November 8, 2005.

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

- 1. Grothe: This claim involves reimbursement for expenses to her vehicle claimant alleges were caused by the contractor working on the Inflow and Infiltration Project. This claim has been tendered to the contractor working on the project.**
- 2. Willis: This claim involves reimbursement for expenses due to a trip and fall on First Street. The area of the fall was examined and it was determined that the sidewalk section edge is less than an inch between the brick and sidewalk and does not constitute a hazardous condition.**
- 3. Hewitt: This claim involves damage caused by a contractor doing work for the City. The claim was tendered to contractor performing the work and the contractor has made the requested repair. The claimant is satisfied with the work.**
- 4. Trumbull: This claim involves reimbursement for loss of rental income and cost to power wash two rental units. This claim was originally tendered to the contractor for the Inflow & Infiltration Project. Their investigation found the damage was due to work being done by PG&E. This claim will be tendered to PG&E.**

Recommendation: Deny the claims against the City by Grothe, Willis, Trumbull and Hewitt.

D. Termination of the declaration of emergency and accept the completion of the emergency purchase and installation of heating and air conditioning (HVAC) units and related clean up work of the police patrol locker room. (Police Chief)

The City Council authorized \$36,683 for emergency purchase and installation of HVAC units and related clean up for the locker room in the police department on March 15, 2005. The work is now complete and the final cost is \$36,683.

Recommendation: Adopt the Resolution terminating the declaration of emergency and accepting the completion of the emergency purchase and related work.

E. Approval of the purchase of two (2) police vehicles. (Police Department)

The Police Department recently determined there were enough funds in the General Fund's Equipment Replacement Fund to support the replacement of two (2) vehicles with the highest mileage in the fleet.

Recommendation: Adopt the Resolution authorizing the purchase of two (2) police patrol vehicles for the Police Department utilizing equipment replacement funds.

- F. Approval of an agreement with Benicia Unified School District (BUSD) for City-provided maintenance of the field at Benicia Middle School. (City Manager, Parks & Community Services Director & City Attorney)

Under the proposed agreement, the City's Parks and Community Services Department would improve and maintain turf play fields at Benicia Middle School. BUSD would permit City use of school facilities for City programming and general community use. This agreement will supercede the existing agreement

Recommendation: Adopt the Resolution authorizing the City Manager to sign the subject agreement on behalf of the City.

- G. Consideration of the filing of an application for Federal Bus Grant Funding Section 5307. (Finance Department)

The Metropolitan Transportation Commission (MTC) is coordinating the filing of the Section 5307 Grant totaling \$484,307 that will be matched by \$99,197 of local Transportation Development Act (TDA) funds. The buses can be used for ADA Para transit, Dial-a-Ride, and backup for Fixed Routes. The Council will be asked to approve the grant application when the Short Range Transit Plan is reviewed on June 7, 2005 in order to meet MTC submission deadlines.

Recommendation: Informational item, no action required. Consider the future application for Federal Transit Administration (FTA) Bus Grant Funding (Section 5307) for the purchase of four (4) cutaway buses over a three-year period.

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

VII. PUBLIC HEARINGS:

VIII. UNFINISHED BUSINESS:

Discuss scope of City/Schools Revenue Options Committee - Continued from the May 3, 2005 City Council Meeting. (City Manager)

The City/Schools Revenue Options Committee's proposed charge would be to explore the shared needs of the Benicia Unified School District and the City of Benicia for additional funding, identify options available for providing additional funding and make appropriate recommendations.

Recommendation: Discuss proposed scope and provide direction regarding establishment of a City/Schools Revenue Options Committee.

IX. NEW BUSINESS:

1. Approval of an agreement with LSA Associates, Inc. for an Environmental Impact Report (EIR) for the Benicia Business Park Project and an agreement with Discovery Builders, Inc. for payment of the costs associated with preparation of the EIR. (Community Development Department)

The City of Benicia and Discovery Builders have chosen LSA Associates, Inc. to prepare the EIR for the Benicia Business Park Project. The cost of the contract, \$241,423, plus the 15% fee

charged by the City for review of reports and project management, has been paid by Discovery Builders.

Recommendation: Adopt the Resolution authorizing the City Manager to execute a consulting agreement with LSA Associates, Inc. and Discovery Builders, Inc. for the subject EIR.

2. **Approval of Tree Sub-Committee's proposed policy elements that will serve as a guideline for revisions of the existing Tree Ordinance. (Parks & Community Services Director)**

As determined by City Council at the April 30, 2004 project priority-setting meeting, and later confirmed at the June 22, 2004 special meeting, the development of an updated City Tree Ordinance was identified as one of the programs to be completed and implemented. (This project is currently ranked at #48 in the Council's lists of priorities for 2005-07.) The proposed resolution serves as a guide to assist the Parks, Recreation and Cemetery Commission with the modification of the current Ordinance, as well as provide the foundation for the creation of a comprehensive tree program.

Recommendation: Adopt the Resolution supporting the establishment of a comprehensive tree program for the City of Benicia.

3. **Approval of proposed General Fund budget adjustments for FY 2004-05. (Finance Director)**

Several budget adjustments are proposed to recognize prior Council actions in the budget model and to facilitate the repair of public facilities, completion of capital projects, and recordation of unexpected financial transactions in FY 2004-05. The net financial impact on the General Fund is (\$192,370).

Recommendation: Adopt the Resolution amending the FY 2004-05 City of Benicia Budget.

X. REPORTS FROM CITY MANAGER:

- A. **Report on San Francisco Bay Conservation and Development Commission (BCDC) Proposed Update of the Commission's Public Access Design Guidelines. (City Manager)**

Recommendation: Oral report for information only.

- B. **Report on status of Benicia Unified School District and City of Benicia Joint Use Agreements. (City Manager)**

Recommendation: Oral report for information only.

XI. REPORTS FROM CITY COUNCIL COMMITTEES:

Committee Reports:

1. **Mayors' Committee Meeting (Mayor Messina)**
Next Meeting Date: May 18, 2005
2. **Arsenal Restoration Advisory Board (Council Member Campbell)**
Next Meeting Date: June 22, 2005
3. **Association of Bay Area Governments (ABAG) (Vice Mayor Patterson)**
Next Meeting Date: October 27, 2005
4. **Audit & Finance Committee (Council Member Campbell and Vice Mayor Patterson)**
Next Meeting Date: May 20, 2005
5. **Carquinez Strait Preservation Trust (Council Member Smith)**
Next Meeting Date: To be determined.

6. **First Street Revitalization Committee (Council Member Smith and Campbell)**
Next Meeting Date: May 25, 2005
7. **League of California Cities (Council Member Smith)**
Next Meeting Date: August 8, 2005
8. **Police Station and Civic Center Restoration Committee (Council Member Smith and Mayor Messina)**
Next meeting Date: Not scheduled
9. **School District Liaison (Council Members Whitney and Smith)**
Next Meeting Date: July 21, 2005
10. **Sky Valley Area Open Space (Vice Mayor Patterson and Council Member Smith)**
Next Meeting Date: May, 2005 (Date to be determined)
11. **Solano EDC Board of Directors (Vice Mayor Patterson)**
Next Meeting Date: May 26, 2005
12. **Solano Transportation Authority (STA) (Mayor Messina)**
Next Meeting Date: June 8, 2005
13. **Solano Water Authority/Solano County Water Agency (Mayor Messina)**
Next Meeting Date: June 9, 2005
14. **Sunshine Committee (Council Member Campbell and Vice Mayor Patterson)**
Next Meeting Date:
15. **Traffic, Pedestrian and Bicycle Safety Committee (Vice Mayor Patterson and Council Member Campbell)**
Next Meeting Date: July 21, 2005
16. **Tri-City and County Regional Parks and Open Space (Council Member Whitney)**
Next Meeting Date: June 13, 2005
17. **Valero Community Advisory Panel (CAP) (Council Member Whitney)**
Next Meeting Date: August 4, 2005
18. **Youth Action Task Force (Council Members Whitney and Smith)**
Next Meeting Date: May 25, 2005

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)