

**May 19, 1998**

**The Benicia City Council meets the 1st and 3rd Tuesday of each month at 7:30 p.m. in the Council Chambers. Copies of Council Agendas are available in the City Clerk's office on the Friday afternoon before the Council meeting.**

**Benicia City Council Agenda**

**City Council Chambers**

**May 19, 1998**

**SPECIAL MEETING**

**7:00 P.M.**

**I. CALL TO ORDER: CITY CLERK ANNOUNCEMENT OF CLOSED SESSION**

**II. CLOSED SESSION:**

**1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**

**(Subdivision (a) of Government Code Section 54956.9)**

**Name of Case: Sontag v. City of Benicia**

**2. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - Significant exposure to litigation pursuant to Subdivision (b) of Section 54956.9**

**Three (3) Claims: Camden, Hamilton, Walker**

**III. CONVENE OPEN SESSION:**

**ROLL CALL**

**PLEDGE OF ALLEGIANCE**

**REGULAR MEETING**

**7:30 P.M.**

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

#### **IV. ANNOUNCEMENTS/APPOINTMENTS/PRESENTATIONS/PROCLAMATIONS**

**ANNOUNCEMENTS:** Announcement of action taken, if any, in Closed Session

**DTSC Workshop RE: I.T. Closure Plan**

**Thursday, May 21, 1998 - 7:00 P.M. - 9:00 P.M. Benicia Library**

**APPOINTMENTS:**

**PRESENTATIONS:**

**PROCLAMATIONS:**

#### **V. ADOPTION OF AGENDA:**

**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.**

#### **VI. CONSENT CALENDAR:**

**A. Approval of Minutes of May 5, 1998.**

**B. Approval of Check Registers for April, 1998.**

**C. Approval of Monthly Investment Reports for February and March, 1998.**

**D. Denial of claim and referral to Insurance Carrier (Walker).**

**E. Denial of claim and referral to Insurance Carrier (Hamilton).**

**F. Denial of claim and referral to Insurance Carrier (Thompson).**

**G. Resolution ordering the vacation of a portion of an easement adjacent to Dominic Court.**

**H. Annual Street Slurry Seal Project (98) and Annual Street Overlay Project (98):  
Authorization to advertise for bids:**

**I. Resolution amending and restating the Deferred Compensation Plan in the form of the ICMA Retirement Corporation Deferred Compensation Plan and Trust.**

**J. Resolution describing improvements and directing preparation of Engineer's Report for the City of Benicia Landscaping & Lighting District, Fiscal Year 1998-1999.**

**K. Resolution approving Public Works Maintenance Costs spent on emergency work during the 1997-1998 winter storms and authorizing an appropriation of \$80,000 from the Gas Tax Fund Reserves.**

**L. Resolution opposing Proposition 224 (State-Funded Design and Engineering Services Initiative Constitutional Amendment).**

**M. Resolution authorizing the City Manager to execute Amendment No. 3 to the Amended and Restated Agreement with the Toxics Assessment Group (TAG) to perform consulting services.**

**N. Resolution accepting the Grant Deed for 548 East G Street, Benicia, California, in settlement of the Eminent Domain Case.**

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

**VII. PUBLIC HEARINGS:**

**A. Resolution approving amendments to the Program Guidelines of the Community Development Block Grant Housing Rehabilitation Program.**

**B. Consideration of a Use Permit Amendment for grading and approving the expenditure of funds for the Marina Green Project.**

**1. Resolution approving a Use Permit for Marina Green grading.**

**2. Resolution approving the expenditure of funds for the Marina Green Project.**

**C. Consideration of an appeal of the Planning Commission's Denial of a Zoning Text Amendment regarding convenience markets.**

**1. Resolution denying an appeal for a proposed amendment to the Zoning Ordinance regarding convenience markets (ZO 98-1).**

**OR**

**1. Resolution approving an appeal and approving a Negative Declaration for the proposed Zoning Text Amendment (EA 98-1).**

**AND**

**2. Introduction and first reading of an Ordinance amending Section 17.28.020 L-4 of the Benicia Municipal Code relating to the location of convenience markets (ZO 98-1).**

**VIII. REPORTS FROM CITY MANAGER:**

**A. Report regarding a warehouse in the Industrial Park in violation of the Zoning Ordinance, due to activities involving music rehearsal, concerts and live/work use.**

**IX. REPORTS FROM CITY COUNCIL COMMITTEES:**

**A. Report regarding May 1, 1998 Youth Forum (Council Members Cox-Golovich and Gizzi).**

**B. Consideration of a Resolution establishing the City of Benicia's commitment to its youth (Council Member Cox-Golovich).**

**X. UNFINISHED BUSINESS:**

**XI. NEW BUSINESS:**

**XII. COMMUNICATIONS:**

**A. WRITTEN**

**B. PUBLIC COMMENT**

**XIII. 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 Procedure 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 Linda Johnson, the ADA Coordinator at (707) 746-4200. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.**

**(28 CFR 35.102-35.104 ADA Title II)**