



BENICIA CITY COUNCIL REGULAR MEETING AGENDA

City Council Chambers

June 03, 2014

6:30 PM

Times set forth for the agenda items are estimates.

Items may be heard before or after the times designated.

Please Note:

Regardless of whether there is a Closed Session scheduled, the open session will begin at 7:00 PM

I. CALL TO ORDER (6:30 PM):

II. CLOSED SESSION (6:30 PM):

A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

(Subdivision (a) of Government Code Section 54956.9)

One case: Lewis v. City of Benicia.

III. CONVENE OPEN SESSION (7:00 PM):

A. ROLL CALL.

B. PLEDGE OF ALLEGIANCE.

C. REFERENCE TO THE FUNDAMENTAL RIGHTS OF THE PUBLIC.

A plaque stating the fundamental rights of each member of the public is posted at the entrance to this meeting room per section 4.04.030 of the City of Benicia's Open Government Ordinance.

IV. ANNOUNCEMENTS/PROCLAMATIONS/APPOINTMENTS/PRESENTATIONS:

A. ANNOUNCEMENTS.

1. Announcement of action taken at Closed Session, if any.

2. Openings on Boards and Commissions:

Arts and Culture Commission

1 unexpired

1 full term

Open until filled

Historic Preservation Review Commission

1 unexpired term

Open until filled

Economic Development Board

1 unexpired term
Open until filled

3. **Mayor's Office Hours:**
Mayor Patterson will maintain an open office every Monday (except holidays) in the Mayor's Office of City Hall from 6:00 p.m. to 7:00 p.m. No appointment is necessary. Other meeting times may be scheduled through the City Hall office at 746-4200.

4. **Benicia Arsenal Update**

Verbal update from City Attorney

B. PROCLAMATIONS.

1. **IN RECOGNITION OF BENICIA MAKERSPACE**

C. APPOINTMENTS.

1. **Appointment of Alan Nadritch to the Finance Committee for an unexpired term ending July 31, 2015**

D. PRESENTATIONS.

V. ADOPTION OF AGENDA:

VI. OPPORTUNITY FOR PUBLIC COMMENT:

This portion of the meeting is reserved for persons wishing to address the Council on any matter not on the agenda that is within the subject matter jurisdiction of the City Council. State law prohibits the City Council from responding to or acting upon matters not listed on the agenda. Each speaker has a maximum of five minutes for public comment. If others have already expressed your position, you may simply indicate that you agree with a previous speaker. If appropriate, a spokesperson may present the views of your entire group. Speakers may not make personal attacks on council members, staff or members of the public, or make comments which are slanderous or which may invade an individual's personal privacy.

A. WRITTEN COMMENT.

B. PUBLIC COMMENT.

VII. CONSENT CALENDAR (7:15 PM):

Items listed on the Consent Calendar are considered routine and will be enacted, approved or adopted by one motion unless a request for removal or explanation is received from a Council Member, staff or member of the public. Items removed from the Consent Calendar shall be considered immediately following the adoption of the Consent Calendar.

A. APPROVAL OF MINUTES OF THE MAY 20, 2014 CITY COUNCIL MEETING. (City Clerk)

B. DESIGNATION OF LEAGUE OF CALIFORNIA CITIES VOTING DELEGATES AND ALTERNATES. (City Manager)

The League of California Cities' 2014 Conference will be held September 3-5, 2014 in Los Angeles. The Annual Business Meeting at the conference will be September 5, 2014 and, in order to vote at that meeting, the City Council must designate a voting delegate. The City may appoint up to two alternate voting delegates in the event that the designee is unable to serve in that capacity. A designated voting delegate must

be present at the meeting in order to cast a vote. The League membership considers and acts on resolutions that establish League policy at the meeting.

Recommendation: Approve, by motion, the designation of Mayor Elizabeth Patterson as voting delegate and City Manager, Brad Kilger, as the alternate voting delegate from the Council for the upcoming League of California Cities Annual Business Meeting.

C. DENIAL OF CLAIM AGAINST THE CITY BY TINA MILLER AND REFERRAL TO INSURANCE CARRIER. (City Attorney)

The claimant alleges that she incurred injuries while walking quickly on the waterfront pier. Claimant alleges that a lack of lighting caused her to walk into a wooden bench resulting in a large bruise on her shin.

Recommendation: Deny the claim against the City by Tina Miller.

D. DENIAL OF CLAIM AGAINST THE CITY BY AARON HOUSTON. (City Attorney)

The Claimant alleges that when City workers installed a Pressure Regulator Valve (PRV) to reduce pressure, the Pressure Regulator Valve to his home was damaged.

Recommendation: Deny the claim against the City by Aaron Houston.

E. DENIAL OF CLAIM AGAINST THE CITY BY FARIDA KANJANI AND REFERRAL TO INSURANCE CARRIER. (City Attorney)

The claimant alleges that when City workers installed a Pressure Regulator Valve to reduce water pressure, the Pressure Regulator Valve to her home was damaged.

Recommendation: Deny the claim against the City by Farida Kanjani.

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

VIII. BUSINESS ITEMS (7:30 PM):

- A. FIRST READING OF AN ORDINANCE AMENDING THE BENICIA MUNICIPAL CODE TO INCORPORATE REGULATIONS TO INCREASE THE PUBLIC NOTICING REQUIREMENT FROM 300 FEET RADIUS TO 500 FEET RADIUS FOR SITE-SPECIFIC PROJECTS INCLUDING AN AMENDMENT OF THE CITY'S CALIFORNIA ENVIRONMENTAL QUALITY ACT ("CEQA") GUIDELINES TO DO THE SAME, AFTER DETERMINATION THAT THE TEXT AMENDMENT IS EXEMPT FROM CEQA. (City Manager)**

A notice of public hearing is required whenever the City seeks to adopt or amend an ordinance or take action on a discretionary permit such a use permit, design review, variance and environmental review. A notice of public hearing is provided to all property owners within 300 feet radius of the project location. On September 17, 2013, City Council directed staff to draft an ordinance amending the public notification requirement from a 300 foot radius to 500 a foot radius. In addition, staff has included an update to the City's California Environmental Quality Act (CEQA) Guidelines which also requires a notice of public hearing for action on environmental documents.

Recommendation: Conduct a public hearing and first reading of a proposed ordinance to amend the Benicia Municipal Code to increase the public noticing requirements from 300 feet radius to 500 feet radius for site-specific projects and amend the City's CEQA guidelines to do the same, after determination that the text amendment is exempt from CEQA.

- B. FIRST READING OF A ZONING ORDINANCE TEXT AMENDMENT TO INCORPORATE REGULATIONS PERTAINING TO MOBILE FOOD VENDING IN THE INDUSTRIAL ZONING DISTRICTS. (City Manager)**

At their January 21, 2014 meeting, the City Council directed City staff to initiate a public hearing process for consideration of a draft mobile food vendor ordinance. The

proposed amendments add Mobile Food Vending as a new use classification. The amendment allows mobile food vending within certain zoning districts of the Benicia Industrial Park while establishing regulations to protect the health, safety and general welfare of the community.

Recommendation: Introduce an ordinance amending the Benicia Municipal Code Title 17 (Zoning) to incorporate regulations pertaining to mobile food vending in the Benicia Industrial Park; after determination that the text amendment is exempt from CEQA.

C. REVIEW STATUS OF THE BENICIA BALLET THEATRE (BBT) AND BENICIA OLD TOWN THEATRE GROUP (BOTTG) AND APPROVE FUNDING RECOMMENDATIONS FROM THE ARTS AND CULTURE COMMISSION. (Library Director)

The City Council directed staff to provide an update prior to the commencement of the 2014-15 fiscal year to re-evaluate the non-profit standing of these two organizations to allow the City Council to make further decisions on the funding at that time. The grant funding criteria established by the Arts and Culture Commission requires applicants to establish and maintain non-profit status in order to receive grant awards. Benicia Ballet Theatre (BBT) has successfully reinstated their non-profit status with both the Internal Revenue Service (IRS) and with the California Secretary of State's Office (State). The Benicia Old Town Theatre Group (BOTTG) has not yet been successfully reinstated as a non-profit organization with either the IRS or the State. The BACC has recommended that the funds allocated for BBT be re-approved by the City Council and that the funds for BOTTG be distributed among grantees with current non-profit status if BOTTG has not re-established its non-profit status by September 30, 2014.

Recommendation: Review status of the Benicia Ballet Theatre (BBT) and Benicia Old Town Theatre Group (BOTTG). Accept recommendation of the Benicia Arts and Culture Commission (BACC) to continue the 2014-2015 grant funding allocation for BBT and redistribute \$7,240 budgeted for the Benicia Old Town Theatre Group among the arts and culture grant recipients that have active non-profit status if BOTTG has not re-established its non-profit status by September 30, 2014.

IX. ADJOURNMENT (9:00 PM):

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 non-agendized matters under public comment, and on agendized items at the time the agenda item is addressed at the meeting. Comments are limited to no more than five 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 or Special Needs

In compliance with the Americans with Disabilities Act (ADA) and to accommodate any special needs, if you need special assistance to participate in this meeting, please contact Anne Cardwell, 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 the 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.

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. You may also be limited by the ninety (90) day statute of limitations in which to challenge in court certain administrative decisions and orders (Code of Civil Procedure 1094.6) to file and serve a petition for administrative writ of mandate challenging any final City decisions regarding planning or zoning.

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.

Public Records

The agenda packet for this meeting is available at the City Manager's Office and the Benicia Public Library during regular working hours. To the extent feasible, the packet is also available on the City's web page at www.ci.benicia.ca.us under the heading "Agendas and Minutes." Public records related to an open session agenda item that are distributed after the agenda packet is prepared are available before the meeting at the City Manager's Office located at 250 East L Street, Benicia, or at the meeting held in the Council Chambers. If you wish to submit written information on an agenda item, please submit to the City Clerk as soon as possible so that it may be distributed to the City Council. A complete proceeding of each meeting is also recorded and available through the City Clerk's Office.