

June 5, 2007
BENICIA CITY COUNCIL
CITY COUNCIL CHAMBERS
SPECIAL MEETING AGENDA

June 5, 2007

6:00 P.M.

- I. CALL TO ORDER:
- II. CONVENE OPEN SESSION:
 - A. ROLL CALL
 - B. PLEDGE OF ALLEGIANCE
 - C. REFERENCE TO THE FUNDAMENTAL RIGHTS OF PUBLIC
- III. OPPORTUNITY FOR PUBLIC COMMENT:
 - A. WRITTEN
 - B. PUBLIC COMMENT
- IV. CLOSED SESSION:
 - A. CONFERENCE WITH LABOR NEGOTIATOR
(Government Code Section 54957.6 (a))

Agency negotiators: City Manager, Human Resources Director, and Senior HR Analyst
Employee organization: Benicia Dispatchers Association and Senior Management.

- B. CONFERENCE WITH LEGAL COUNSEL -ANTICIPATED LITIGATION
Initiation of litigation pursuant to subdivision (c) of Section 54956.9

Number of potential case: 1

- V. ADJOURNMENT:
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BENICIA CITY COUNCIL
CITY COUNCIL CHAMBERS
REGULAR MEETING AGENDA

June 5, 2007

7:00 P.M.

- I. CALL TO ORDER:
- II. CLOSED SESSION:
- III. CONVENE OPEN SESSION:
 - A. ROLL CALL
 - B. PLEDGE OF ALLEGIANCE
 - C. REFERENCE TO THE FUNDAMENTAL RIGHTS OF PUBLIC
- IV. ANNOUNCEMENTS/APPOINTMENTS
PRESENTATIONS/PROCLAMATIONS:
 - A. ANNOUNCEMENTS:
 1. Announcement of action taken at Closed Session, if any.
 2. Openings on Boards and Commissions:

Economic Development Board

-Two full terms to June 30, 2011

Civil Service Commission:

-Two full terms to August 30, 2010

Board of Library Trustees

-One unexpired term to June 30, 2009

B. APPOINTMENTS:

C. PRESENTATIONS:

Our Solano County Community College Campus

-Tony Ubalde, Solano Community College District Governing Board

D. PROCLAMATIONS:

Recognition of Air Force Week - June 4-10, 2007

V. **ADOPTION OF AGENDA:**

VI. **OPPORTUNITY FOR PUBLIC COMMENT:**

A. WRITTEN

B. PUBLIC COMMENT

VII. **CONSENT CALENDAR:**

A. Approval of Minutes of [May 3, 2007](#), [May 15, 2007](#), and [May 17, 2007](#), (City Clerk)

B. [Second reading of an ordinance to regulate retail businesses larger than 20,000 square feet.](#) (Community Development Director)

The City Council will consider a second reading of an ordinance that would allow retail businesses larger than 20,000 sq. ft. in the Community Commercial (CC) and General Commercial (CG) zoning districts and require them to undergo use permit review.

Recommendation: Adopt an ordinance to regulate retail businesses larger than 20,000 sq. ft.

C. [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 among children, youth and adults 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 third year of the current budget cycle. County grant funds in the amount of \$89,300 will be used by 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.

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).

D. [Approval of a continued funding of the Family Resource Center as part of the Benicia Police Department's Family and Child Resource Services Unit.](#) (Police Chief)

On March 16, 2004 the City Council approved a resolution that authorized the City Manager to establish the Benicia Family Resource Center (FRC) as part of the Benicia Police Department's Family and Children Resource Services Unit. The Benicia FRC is part of Solano County's city-based, family support network, which provides accessible, individualized and comprehensive referral services to families and children. The FRC staff assist families in

making necessary connections to appropriate social service agencies, parenting resources and other community services. These services may include counseling, childcare and parenting needs regarding education and support. There will be a minimal impact on the General Fund to support office space and supplies however, no additional monies are being requested. Grant funds in the amount of \$46,000 will go toward associated costs. It is anticipated that ongoing grant funding will be available in subsequent fiscal years.

Recommendation: Adopt the resolution authorizing the City Manager to sign a contract with Solano County to continue funding the Family Resource Center (FRC) as part of the Benicia Police Department's Family and Children Resource Services Unit.

- E. [Approval of the July 1, 2006 to June 30, 2010 amendments to the Labor Agreement with the Benicia Dispatchers Association.](#) (Human Resources Director)

The City recently concluded negotiations with the Benicia Dispatchers Association Group. The Police Dispatchers Association consists of 15 incumbents. The proposed agreement is consistent with established guidelines and recently adopted agreements for the City's other bargaining units. The agreement will increase the salary and benefit package in FY 2006-07 by \$30,325. Of this, 2% or \$19,485 was included in the FY 2006-07 Budget.

Recommendation: Adopt the resolution approving the amendments to the July 1, 2006 through June 30, 2010 Labor Agreement with the Benicia Dispatchers Association.

- F. [Approval of revised Labor Agreement with the Benicia Senior Management Group.](#) (City Manager)

The City Manager concluded negotiations with the Benicia Senior Management Group on May 29, 2007. This group consists of 8 incumbents comprised of the City's Department Directors. The proposed agreement is consistent with guidelines and similar to recent agreements with the City's other bargaining groups. The agreement will increase the salary and benefit package in FY 2006-07 by \$73,115. Of this, 2% or \$46,060 was included in the FY 2006-07 Budget.

Recommendation: Adopt the resolution approving the amendments to the July 1, 2006 through June 30, 2010 Labor Agreement with the Benicia Senior Management Group.

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

VIII. PUBLIC HEARINGS:

- A. [Consideration of an extension of the moratorium to regulate billboards.](#) (City Attorney)

If the City Council would like to prohibit any new billboards while the City considers appropriate regulations for billboards, an extension of the moratorium should be adopted. This will allow sufficient time for the Planning Commission to develop and recommend appropriate regulations to the City Council.

Recommendation: If desired, by a 4/5ths vote, extend the billboard moratorium for an additional 22 months and 15 days to prevent the issuance of any permits for billboards.

- B. [Consideration of an extension of the moratorium to regulate adult entertainment businesses.](#) (City Attorney)

If the City Council would like to prohibit any new adult entertainment businesses, while appropriate regulations for such businesses are considered, a moratorium should be adopted.

This will allow sufficient time for the Planning Commission to develop and recommend appropriate regulations to the City Council.

Recommendation: If desired, by a 4/5ths vote, extend the adult entertainment business moratorium for an additional 22 months and 15 days to prevent the issuance of any permits for adult entertainment businesses.

IX. ACTION ITEMS:

A. Request to consider placement of a ballot measure to amend the utility users tax. (City Manager) - Continued from May 15, 2007 City Council Meeting.

Changes in technology and law have made the telecommunications portion of the City's utility users tax vulnerable to legal challenge and to erosion of the tax base. Modernizing the tax would help protect this source of City funding. As proposed, the rate for the telecommunications portion of the utility users tax would be reduced a small percentage. The definitions for the tax would be improved to account for changes in technology. Because the tax base would be expanded, a vote of the people is required. Note that it is not the intent of the changes to increase the funds generated.

Recommendation: Place a ballot measure on the November ballot (or by a mail ballot) to reduce the rate of the utility users tax for telecommunications and modernize the definitions of what is taxable for the telecommunications portion of the utility users tax. This proposal would increase the items that are taxed but reduce the tax rate so that the net change would be minimal.

B. Consideration of an ordinance clarifying the scope of design review authority. (City Attorney)

This ordinance clarifies the aspects of a project that cannot be changed as a result of design review. The listed aspects include items such as landscaping and other property development standards that are typically within the purview of the Planning Commission.

Recommendation: Direct the Planning Commission to review the proposed ordinance amending Section 17.108.040 (Scope of Design Review) of Chapter 17.108 (Design Review) of Title 17 (Zoning) of the Benicia Municipal Code and provide a recommendation to the Council.

C. Viability of City of Benicia/Valero Water Reuse Project. (Public Works Director)

At the March 20 meeting, City Council heard a presentation by Bob Craft, PURE Committee chair, outlining the Committee's recommendations to Council for steps forward regarding the Water Reuse Project and Valero's Commitment of Support. Current cost projections for the project are significantly beyond the financial commitment made by Valero to support its implementation. Direction from Council is requested.

Recommendation: Provide direction to PURE (People Using Resources Efficiently) Committee members and City staff.

X. INFORMATIONAL ITEMS:

A. Reports from City Manager.

XI. COMMENTS FROM COUNCIL MEMBERS:

XII. 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 agenda and non

agenda 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.