

**June 7, 2005  
BENICIA CITY COUNCIL  
CITY COUNCIL CHAMBERS  
SPECIAL MEETING AGENDA**

**June 7, 2005**

**6:45 PM**

**I. CALL TO ORDER:**

**A. ROLL CALL**

**B. PLEDGE OF ALLEGIANCE**

**C. ADOPTION OF AGENDA:**

**D. COMMUNICATIONS:**

**1. WRITTEN**

**2. PUBLIC COMMENT**

**E. PRESENTATION:**

**1. Metropolitan Transportation Commission's (MTC) Regional Smart Growth Efforts. (Evelyn Baker, MTC Project Manager)**

The presentation will be a brief informational presentation on MTC's regional smart growth efforts, including the Transportation for Livable Communities (TLC) and Housing Incentive Program (HIP), as well as the new Transit Oriented Development (TOD) Policy and Station Area Plan program.

**Recommendation: For information and discussion.**

**F. CLOSED SESSION:**

**G. ADJOURNMENT:**

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

**June 7, 2005**

**7:30 P.M.**

**II. CALL TO ORDER:**

**A. ROLL CALL**

**B. PLEDGE OF ALLEGIANCE**

**III. ANNOUNCEMENTS/APPOINTMENTS**

**PRESENTATIONS/PROCLAMATIONS:**

- ANNOUNCEMENTS:**
- 1. Announcement of action taken at Closed Session, if any.**
  - 2. Budget Workshop - June 10, 2005 at 5:30 p.m. in the Commission Room**
  - 3. Openings on:  
Human Services Fund Board - Full term to June 30, 2009  
Civil Service Commission - Full term to August 31, 2008  
Parks, Recreation & Cemetery Commission - Full term to September 30, 2009**

**APPOINTMENTS:**

- PRESENTATIONS:**
1. Update on Revitalization of Solano County Fairgrounds (Michael Wilson, Vice President, ARC Inc.)

- PROCLAMATIONS:**
1. Affordable Housing Week - June 5-11, 2005 (Robert Moore, President, Affordable Housing Affiliation Board)

**IV. ADOPTION OF AGENDA:**

**V. COMMUNICATIONS:**

1. WRITTEN
2. PUBLIC COMMENT

**VI. CONSENT CALENDAR:**

- A. Approval of Minutes of May 17, 2005. (City Clerk)
- B. Calling for the November 8, 2005 General Municipal Election and waiver of certain fees related to that election. (City Clerk)

Waiving of fees for candidates will cost the City \$388.12 per candidate for the candidate's statement to appear on the Sample Ballot. These fees have been projected in the budgeted cost for this election of \$30,000. Waiving of these fees has been a past practice of the City in order to encourage citizens to participate in the electoral process.

**Recommendation:** Adopt the resolution calling and giving notice of the holding of the above-noted General Municipal Election.

- C. Denial of claims against the City and referral to insurance carrier. (City Attorney)
  1. Roberson: This claim involves damage to personal belongings when claimant's apartment flooded due to a heavy amount of rain in a short period of time, overwhelming the storm drain system.
  2. Littleton: This claim involves damage to personal belongings when claimant's apartment flooded due to a heavy amount of rain in a short period of time, overwhelming the storm drain system.
  3. American Housing: This claim involves damage to carpeting in an apartment complex due to flooding caused by a heavy amount of rain in a short period of time, overwhelming the storm drain system.

**Recommendation:** Deny the claims against the City by Roberson, Littleton and American Housing.

- D. Award of construction contract for Rotating Biological Contractor Media Replacement Project. (Public Works Director)

The project involves replacing the subject equipment at the Waste Water Treatment Plant utilizing funds budgeted from the Wastewater Enterprise fund.

**Recommendation:** Adopt the resolution accepting the bids and awarding the construction contract to Berkeley Engineering Company of Palo Alto, California in the amount of \$172,714 for the subject project and authorizing the City Manager to sign the contract on behalf of the City.

**E. Award of construction contract for the Helical Scum Collector Replacement Project. (Public Works Director)**

The project involves replacing the subject equipment at the Waste Water Treatment Plant utilizing funds budgeted from the Wastewater Enterprise fund.

**Recommendation:** Adopt the resolution accepting the bids and awarding the construction contract to Berkeley Engineering Company of Palo Alto, California in the amount of \$117,360 for the subject project and authorizing the City Manager to sign the contract on behalf of the City.

**F. Award of construction contract for Lake Herman Dam Outlet Structure Seismic Protection Phase 2 and Slide Gate Replacement Project. (Public Works Director)**

The project involves installing seismic safety improvements and slide gates for the outlet tower at Lake Herman utilizing funds budgeted from the Water Enterprise funds.

**Recommendation:** Adopt the resolution accepting the bids and awarding the construction contract to Sweetwater Construction, Inc. of Vallejo, California in the amount of \$162,899 for the subject project and authorizing the City Manager to sign the contract on behalf of the City.

**G. Award of construction contract for the Lake Herman Dam Seismic Protection Phase 3 and Weir Box Project. (Public Works Director)**

The project involves installing seismic safety improvements and weir boxes for the outlet tower at Lake Herman utilizing funds budgeted from the Water Enterprise funds.

**Recommendation:** Adopt the resolution accepting the bids and awarding the construction contract to Sweetwater Construction, Inc. of Vallejo, California in the amount of \$97,212 for the subject project and authorizing the City Manager to sign the contract on behalf of the City.

**H. Request for Transportation Development Act (TDA) Article 3 Funds for the State Park Road Bike/Pedestrian Bridge and Pathway Project. (Public Works Director)**

This project includes construction of a new Class I bicycle and pedestrian path from the intersection of Rose Drive/Columbus Parkway to the entrance to the State Park. In order for the City to receive reimbursement for funds already spent, the Metropolitan Transportation Commission (MTC) requires the City make certain findings regarding the project's eligibility.

**Recommendation:** Adopt the resolution requesting fiscal year 2003-04 TDA Article 3 Pedestrian/Bicycle Project funding from MTC in the amount of \$84,191.76.

**I. Approval of an amendment to the agreement with Meyers Nave for legal services related to the Marina. (City Attorney)**

The City Council previously authorized execution of the agreement with Meyers Nave for Marina-related legal services. This amendment would specifically authorize continuing work on the marina storm drain easement lawsuit and environmental impact report lawsuit. The actual cost of the agreement cannot be determined at this time. There is funding in the budget for this year's costs.

**Recommendation:** Authorize, by motion, the City Attorney to execute the subject amendment to the Meyers Nave agreement.

- J. Initiation of proceedings for establishing 2005-06 assessment for the City of Benicia Landscaping and Lighting District. (Parks & Community Services Director, Public Works Director and Finance 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 2005-06 for all five zones of the District is \$442,300. 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 following resolutions related to the City of Benicia Landscaping and Lighting District, fiscal year 2005-06.

- 1. Initiate proceedings for the annual levy and collection of assessments.**
- 2. Preliminary approval of the Engineer's Report.**
- 3. 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 July 5, 2005.**

- K. Request for California Integrated Waste Management Board (CIWMB) waste reduction and reuse/recycling grant funds for 2005-2010. (City Manager)**

Under the California Oil Recycling Enhancement Act and the California Integrated Waste Management Act, the City is authorized to apply for grant funds made available by the CIWMB.

**Recommendation:** Adopt the resolution requesting the subject reuse/recycling funds.

- L. Request for Section 5307 Surface Transportation Programs Grant Funding. (Finance Director)**

The Metropolitan Transportation Commission (MTC) is coordinating the filing of the Section 5307 Grant totaling \$484,307, which will be matched by \$99,197 of local TDA funds. The four buses to be purchased with the funds may be used for ADA Paratransit, Dial-a-Ride, and future Flex Routes recommended in the Short Range Transit Plan. The Resolution must be delivered to the MTC no later than June 8, 2005.

**Recommendation:** Adopt the resolution requesting the subject transportation funding in the amount of \$484,307.

- M. Approval of agreement to participate in Translink, a region fare prepayment smart card for transit. (Finance Director)**

SB 1474 of 1996 recommends the consolidation and coordination of certain transit services and functions in the San Francisco Bay Area to improve service to the customer and achieve certain efficiencies. As a result, the region's transit operators consisting of AC Transit, BART, Golden Gate Bridge, Highway & Transportation District, Muni, SamTrans, VTA, Caltrain, Wheels, Tri Delta Transit and Vallejo Transit have entered into an agreement to plan and implement TransLink, the region fare prepayment smart card for intra and inter operator transit trips. Participation in this agreement will require no funds at this time from the City.

**Recommendation:** Adopt the resolution authorizing the City Manager to sign the subject interagency agreement for City participation in TransLink.

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

**VII. PUBLIC HEARINGS:**

A. Approval of an amendment to the Benicia Municipal Code to allow restaurants in the General Industrial zone. (Community Development Director)

This ordinance would allow by Use Permit restaurants in the General Industrial zone between 2,501 and 5,000 square feet or as a principal use in a structure.

Recommendation:

1. Adopt the resolution approving the Mitigated Negative Declaration; and
2. Introduce the ordinance amending Note L-4 of Section 17.32.020 (L, IG, IW and IP Districts-Land Use Regulations) of Chapter 17.32 (Industrial Districts) and Note L-7 of Section 17.46.010 (Schedule S-1) of Chapter 17.46 (Use Regulations Summary) of Title 17 (Zoning) of the Benicia Municipal Code.

B. Approval of an amendment to the Benicia Municipal Code to allow accessory dwelling units outside the Historic Districts. (Community Development Director)

This ordinance would allow accessory dwelling units on residential lots less than 6,000 square feet outside the historic districts by use permit and to allow accessory dwelling units or other living space above accessory structures in residential zones outside the historic districts by use permit.

Recommendation: Introduce the ordinance amending subsections 17.70.050 (A)(3) (Nonresidential accessory structures-In residential districts-Maximum Height), 17.70.060 (D)(1) (Accessory dwelling units-Design and development standards-Lot Size) and 17.70.060 (D)(5) (Accessory dwelling units-Design and development standards-Building Height) of Chapter 17.70 (Site Regulations) of Title 17 (Zoning) of the Benicia Municipal Code.

C. Amendment of Downtown Historic Conservation Plan to remove 195 East F Street as a contributing structure. (Community Development Director)

The proposed resolution recommends that the property at 195 East F Street be removed from the list of historic resources in the Downtown Historic Conservation Plan.

Recommendation: Adopt the resolution delisting the subject property.

**VIII. UNFINISHED BUSINESS:**

**IX. NEW BUSINESS:**

A. Request by Council Member Campbell to support placement of a Benicia Unified School District (BUSD) Parcel Tax Measure on the November 2005 ballot. (City Manager)

Consideration of a resolution which would encourage BUSD to place a Parcel Tax Measure on the upcoming November ballot.

Recommendation: Consider the request of Council Member Campbell to express support for placement of a BUSD Parcel Tax on the November 2005 ballot.

B. Adoption of Sunshine Ordinance. (City Attorney)

Introduction of a proposed ordinance, as recommended by the Sunshine Committee consisting of Vice Mayor Patterson and Council Member Campbell, that would add a new Title 4 to the Benicia Municipal Code incorporating open government provisions. The ordinance includes provisions for improving public access to meetings and public records,

establishing ethical standards, providing for an open government commission and direction to the City Manager to develop an information program on City processes.

**Recommendation of Vice Mayor Patterson and Council Member Campbell:** Introduce the ordinance adding a Title 4 to the Benicia Municipal Code.

**C. Cancellation of the August 2, 2005 City Council Meeting. (City Manager)**

In previous years, a City Council meeting has been cancelled during the summer months, as business to be addressed at Council meetings is typically lighter during this time of year.

**Recommendation:** Authorize, by motion, cancellation of the August 2, 2005 meeting.

**X. REPORTS FROM CITY MANAGER:**

- 1. City of Vallejo Bordon Ranch Project Update (Community Development Director & Public Works Director)**

**Recommendation:** For Information Only.

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

**XII. ADJOURNMENT:**

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**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 non-agendized 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.

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**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.

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**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.