

**June 20, 2006
BENICIA CITY COUNCIL
CITY COUNCIL CHAMBERS
SPECIAL MEETING AGENDA**

June 20, 2006

6:00 P.M.

- **CALL TO ORDER:**
- **CONVENE OPEN SESSION:**
 - **ROLL CALL**
 - **PLEDGE OF ALLEGIANCE**
 - **REFERENCE TO THE FUNDAMENTAL RIGHTS OF PUBLIC**
- **OPPORTUNITY FOR PUBLIC COMMENT:**
 - **WRITTEN**
 - **PUBLIC COMMENT**
- **INFORMATIONAL ITEMS:**
UPDATE ON PRIORITY PROJECTS
 - **This update on priority projects covers the "Top Ten" list of City Council Priority Projects.**

Recommendation: Informational report only, no action necessary.

- **CLOSED SESSION:**
 - **CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION**
Initiation of litigation pursuant to subdivision (c) of Section 54956.9
Number of potential cases: 1
 - **CONFERENCE WITH LEGAL COUNSEL - PENDING LITIGATION**
Initiation of litigation pursuant to subdivision (a) of Section 54956.9
Number of potential cases: 1
- **ADJOURNMENT:**

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

June 20, 2006

7:00 P.M.

- **CALL TO ORDER:**
- **CLOSED SESSION:**
 - **HELD PRIOR TO REGULAR MEETING AT 6:00 PM**
- **CONVENE OPEN SESSION:**
 - **ROLL CALL**
 - **PLEDGE OF ALLEGIANCE**
 - **REFERENCE TO THE FUNDAMENTAL RIGHTS OF PUBLIC**
- **ANNOUNCEMENTS/APPOINTMENTS/PRESENTATIONS/PROCLAMATIONS:**
 - **ANNOUNCEMENTS:**
 - **Announcement of action taken at Closed Session, if any.**

- **Openings on Boards and Commissions:**
 - Human Services Fund Board:**
 - One unexpired term to June 30, 2008
 - One full term to June 30, 2010
 - Civil Service Commission:**
 - Three full terms to August 30, 2009
 - **Sky Valley Open Space Committee**
 - One full term to August 30, 2010
 - One full term to September 30, 2010
 - **Release of Draft Traffic Calming Report (Public Works Director)**
 - **APPOINTMENTS:**
 - **PRESENTATIONS:**
 - **Building Livable Communities**
 - Council Member Patterson
 - **Status Report on Alcohol, Tobacco & Other Drugs (ATOD) Program**
 - Cecile Kazami, Youth Action Task Force
 - **PROCLAMATIONS:**
 - **Parks & Recreation Month - July 2006**
- **ADOPTION OF AGENDA:**
- **OPPORTUNITY FOR PUBLIC COMMENT:**
 - **WRITTEN**
 - **PUBLIC COMMENT**
- **CONSENT CALENDAR:**
 - **Approval of Minutes of June 6, 2006 (City Clerk)**
 - **Denial of the claims against the City by Denise Margolis and Laurie-ellen Flanagan and referral to insurance carrier. (City Attorney)**

This claim is for injuries from a fall when Ms. Margolis stepped off the curb onto a storm grate that was covered with wet run-off debris. Claimant was aware of the prior rain and storm conditions and elected not to use either of the two wheelchair ramps to cross the street. The amount of the claim is \$4,018.97.

This claim is for damages as the result of an automobile accident. Claimant has not proven financial interest in this matter, as she was neither driver nor the owner of the vehicle involved. The police report cites Ms. Flanagan's daughter, the driver of the vehicle involved, at fault for failing to yield to through traffic after a stop. The amount of the claim is \$10,000.

Recommendation: Deny the claims against the City by Denise Margolis and Laurie-ellen Flanagan.

- **Second reading of a new ordinance for maintenance and repair of sidewalks and adoption of the sidewalk repair policy. (City Attorney)**

This ordinance transfers liability for injuries to the public for sidewalk related accidents to the adjoining property owner except for accidents related to City owned and maintained trees or trees designated by Council resolution. The related policy has been amended to reflect these changes.

Recommendation: 1) Approve the second reading of the ordinance amending Title 12 (Streets, Sidewalks and Public Places) of the Benicia Municipal Code by adding a new Chapter 12.48 (Maintenance and Repair of Sidewalks) and; 2) by motion, approve changes to the Sidewalk Repair Policy.

- **Award of chemical contracts for water treatment for fiscal year 2006-07. (Public Works Director)**

This action allows the City to purchase chemicals necessary for water treatment for fiscal year 2006/07. In 1994, along with ten other agencies in and around Solano County, Benicia joined the North Bay Chemical Agency Pool, the purpose of which allows the best possible pricing through bulk purchasing. Funding for the City's chemical purchases is budgeted and will come from each plant's operations account.

Recommendation: Adopt the resolution accepting bids and awarding contracts to the lowest responsible bidders for furnishing chemicals to the City of Benicia for the treatment of water for fiscal year 2006-07 and authorizing the City Manager to sign the contracts on behalf of the City.

- **Authorization for submittal of grant applications to the California Integrated Waste Management Board (CIWMB). (Fire Chief)**

Under the California Oil Recycling Enhancement Act and the California Integrated Waste Management Act, the City is authorized to apply for an average of \$9,000 annually in grant funds made available by the CIWMB. These grants include, block and competitive grants for waste oil recycling programs, household hazardous waste, and other waste reduction and reuse/recycling funds. There is no General Fund budget impact associated with this action.

Recommendation: Adopt the resolution that authorizing the submittal of grants made available through the California Integrated Waste Management Board (CIWMB).

- **Authorization to purchase air relief valves for sewer force mains. (Public Works Director)**

This action authorizes purchase of 12 new air relief valves, which allow air trapped in pipelines to escape. The existing valves on two sewer force mains have reached the end of their useful lives. Funding for this purchase is budgeted and will come from the Wastewater Enterprise Fund.

Recommendation: Adopt a resolution authorizing the purchase of 12 air relief

valves for two wastewater force mains at a cost of \$25,654.04 from T&T Valve and Instrument, Inc. of Pleasanton, California.

- Appropriation of funds for 9-1-1 Police and Fire Radio Console Upgrade and award a vendor contract. (Police Chief)

Existing state law established a specific State Emergency Telephone Number Account that provides funding to local agencies to obtain pre-designated equipment and materials to successfully manage their local operations in compliance with 9-1-1 standards. These funds and budgeted City General Funds will be used to upgrade and/or replace existing 9-1-1 technologies and equipment. For 9-1-1 telephone upgrades, the State will directly fund and pay for the upgrades. Other upgrades, such as police and fire radio consoles, the State requires the City to pay the vendor and then receive a pre-approved reimbursement amount from the State. The State will reimburse the City \$51,731.87 for this purchase. The balance of \$32,460.14 will be funded by the City's Capital Project Fund.

Recommendation: Adopt the resolution awarding a contract to SmartLink Radio Networks, Inc. (SmartLink) in the amount of \$84,191.81 to replace and upgrade three police and fire radio consoles, consistent with our countywide interoperability project.

- Approval of continued funding of the Family Resource Center as part of the Benicia Police Department's Family and Children Resources 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 connections to appropriate social service agencies, parenting resources and other community services. These services may include counseling, child care and parenting needs regarding education and support.

Recommendation: Adopt the resolution authorizing the City Manager to sign a contract with Solano County to continue funding the Family Resource Center as part of the Benicia Police Department's Family and Children Resource Services Unit in the amount of \$28,147 from grant funding.

- Approval to waive the reading of all ordinances introduced and adopted pursuant to this agenda.
- **PUBLIC HEARINGS:**
 - City of Benicia Landscaping and Lighting District Fiscal Year 2006-07. (Finance Director, Parks & Community Services Director & Public Works Director)

The items scheduled for consideration at this meeting will complete the process for levying assessments for fiscal year 2006-07 through the Solano County Auditor-Controller's Office and to collect assessments with property tax bills. Should the City Council conclude, after receiving comments from interested parties during the public hearing, that any assessment should be amended, no action should be taken on the Resolution ordering the maintenance of existing improvements. Staff will then modify the report as directed and bring the matter back for final approval on July 18, 2006. However, this matter must be concluded prior to August 8, 2006 to meet filing deadlines with the Solano County Assessor/ Recorder's Office.

Recommendations:

- Conduct the public hearing as set by Resolution No. 06-72 to receive oral statements or written comments concerning the subject district for fiscal year 2006-07 and ordering the levy and collection of assessments for fiscal year 2006-07.
- At the conclusion of the public hearing, adopt the attached Resolution ordering the maintenance of existing improvements in all five zones of the District, confirming the Assessment Diagram, approving the Engineer's Report, and ordering the levy and collection of certain assessments for the City of Benicia Landscaping and Lighting District, fiscal year 2006-07.

• **ACTION ITEMS:**

- Authorization of a second six month extension of the letter agreement with the Valero Refining Company pertaining to the Utility Users Tax. (Finance Director)

The ten-year Letter Agreement with Valero pertaining to the Utility Users Tax expired on December 31, 2005. The Council approved a six month extension on December 20, 2005 and it is set to expire on June 30, 2006. The attached resolution authorizes another six month extension of the agreement to December 31, 2006 to allow the City and Valero more time to develop a new agreement. In addition to the extension, the resolution temporarily increases Valero's annualized payment from \$1.2 million to \$1.4 million, under the condition that the amount will be adjusted retroactively to January 1, 2006 when the new agreement is approved. If the new agreement is not completed during the extension period, Valero will pay the \$1.4 million annual rate pro-rated for six months and then begin paying the 4% UUT on January 1, 2007.

Recommendation: Adopt the resolution authorizing a second six month extension of the Letter Agreement with the Valero pertaining to the Utility Users Tax.

- Consideration of mid-cycle budget adjustments for fiscal years 2005-2007. (Finance Director)

This update reflects the mid-cycle budget adjustments requested by staff as of May 31, 2006. The adjustments yield a Balanced Combined Budget in FY 2005-06 and a Balanced Operational Budget in FY 2006-07 in conformance with the City's adopted Balanced Budget and Reserve Policies. Major adjustments recommended for recognition and/or approval include Phase II funding for the Commandant's Restoration Project, the Police Department Remodel and Lease Financing Proceeds, revised estimates of property taxes and State subventions, and minor revisions to departmental expenditures. The General Fund Undesignated Fund Balance at the end of FY 2005-06 will be \$6,313,320 or 23.3% and \$6,016,600 or 21.1% for FY 2006-07.

Recommendation: Adopt the resolution approving budget adjustments for fiscal years 2005-2007.

- **Award of contract for Park Road and Industrial Way Bus Stop. (Finance Director & Public Works Director)**

This project will construct a bus stop and sidewalk at the intersection of Park Road and Industrial Way for use by Express Bus Route 41 from Fairfield to Pleasant Hill. This is Phase 1 of the Park/Industrial Intersection Improvement and Park-and-Ride Facility identified in the Regional Measure 2 Program. The Phase II work involving the installation of the Park-and-Ride facility will not proceed at this time. The award is consistent with the approved budget. Funding for Phase I is provided from the Traffic Mitigation Fund. Phase II funding will come from Regional Measure 2 funds.

Recommendation: Adopt the following resolutions:

- **Approving the contract documents, including all addenda, accepting bids, awarding the construction contract for the Park Road and Industrial Way Bus Stop Project in the amount of \$141,283 to Bruce Carone Grading and Paving and authorizing the City Manager to sign the contract on behalf of the City.**

Directing staff to work with the Metropolitan Transportation Commission on finalizing the agreement for Regional Measure 2 funding on Phase II of the Park/Industrial Intersection Improvement and Park-and-Ride Facility Project.

- **Approval of the City becoming a signatory to the Bay Area Water Forum Memorandum of Understanding. (City Manager)**

Council Member Patterson requested that the Council consider agendaing the adoption of a resolution authorizing the City of Benicia to become a signatory to the Bay Area Water Forum Memorandum of Understanding (MOU). At the June 6, 2006 City Council meeting, the Council agreed to agendaize this item for June 20, 2006.

Recommendation: Consider Council Member Patterson's request to adopt the

resolution authorizing the City Manager to sign the Bay Area Water Form Memorandum of Understanding on behalf of the City.

- **INFORMATIONAL ITEMS:**

- **Reports from City Manager.**

- Status report on re-use of Mills School as a City Community Center. (Parks & Community Services Director)**

This is a status report providing the City Council with information and events leading to the eventual re-use of Mills School.

Recommendation: For information only, no action necessary.

- **Council Member Committee Reports.**

- (Council Members serve on various internal and external committees on behalf of the City. Current agendas, minutes and meeting schedules, as available, from these various committees are included in the agenda packet. Oral reports by Council Members are made only by exception.)**

- **Mayors' Committee Meeting (Mayor Messina)**

- Next Meeting Date: June 21, 2006**

- **Association of Bay Area Governments (ABAG) (Mayor Messina)**

- Next Meeting Date: October 26, 2006**

- **Audit & Finance Committee (Vice Mayor Schwartzman and Council Member Hughes)**

- Next Meeting Date: July 7, 2006**

- **League of California Cities (Mayor Messina)**

- Next Meeting Date: September 6-9, 2006 - Annual Conference**

- **School District Liaison (Council Members Whitney and Hughes)**

- Next Meeting Date: September 14, 2006**

- **Sky Valley Area Open Space (Council Members Patterson and Whitney)**

- Next Meeting Date: July 5, 2006**

- **Solano EDC Board of Directors (Mayor Messina)**

- Next Meeting Date: July 27, 2006**

- **Solano Transportation Authority (STA) (Mayor Messina)**

- Next Meeting Date: July 12, 2006**

- **Solano Water Authority/Solano County Water Agency (Mayor Messina)**

- Next Meeting Date: July 13, 2006**

- **Traffic, Pedestrian and Bicycle Safety Committee (Council Members Patterson and Hughes)**

- Next Meeting Date: July 20, 2006**

- **Tri-City and County Regional Parks and Open Space (Council Member Whitney)**

- Next Meeting Date: To be determined.**

- **Valero Community Advisory Panel (CAP) (Council Member Hughes)**

- Next Meeting Date: June 22, 2006**

- Youth Action Task Force (Vice Mayor Schwartzman and Council Member Whitney)
Next Meeting Date: June 28, 2006
- ABAG/CAL FED Task Force/Bay Area Water Forum (Council Member Patterson)
Next Meeting Date: To be determined.
- COMMENTS FROM COUNCIL MEMBERS:
- 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 agendized and nonagendized 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.