

July 5, 2005

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

CITY COUNCIL CHAMBERS

REGULAR MEETING AGENDA

July 5, 2005

7:30 PM

- I. CALL TO ORDER:**
 - A. ANNOUNCEMENT OF CLOSED SESSION (IF ANY)**
- II. CLOSED SESSION:**
 - A. NONE**
- III. CONVENE OPEN SESSION:**
 - A. ROLL CALL**
 - B. PLEDGE OF ALLEGIANCE**
- IV. ANNOUNCEMENTS/APPOINTMENTS/PRESENTATIONS/PROCLAMATIONS:**
 - A. ANNOUNCEMENTS:**
 - 1. Announcement of action taken at Closed Session, if any.**
 - 2. Openings on:**
 - Planning Commission: 1 term to September 30, 2008**
 - Human Services Fund Board: 1 term to June 30, 2009**
 - B. APPOINTMENTS:**
 - C. PRESENTATIONS:**
 - 1. Status of the IT Panoche Facility Closure - Semi-Annual Report**
 - 2. Ray Leclerc, DTSC**
 - 3. Kitty Hammer, City Consultant**
 - 4. Heather McLaughlin, City Attorney**
 - 5. Recognition of the heroism of Joe Miller and Ed Muscolino -
Presentation of award by Benicia Firefighters Association and Benicia
Fire Department**
 - D. PROCLAMATIONS:**
 - 1. Park & Recreation Month, July 2005
-Nancy Cockerham, Parks, Recreation & Cemetery Commission**
- V. ADOPTION OF AGENDA:**
- VI. COMMUNICATIONS:**
 - 1. WRITTEN**
 - 2. PUBLIC COMMENT**
- VII. CONSENT CALENDAR:**
 - . Approval of Minutes of Budget Workshops (6/1/05, 6/10/05, 6/17/05, 6/20/05). (City Clerk)**

A. Denial of claim by Benicia Harbor Corporation against the City and referral to insurance carrier.

This claim involves a claim for trespass and nuisance for construction and operation of the storm water system. This claim relates to the ongoing lawsuit between the Benicia Harbor Corporation and the City.

Recommendation: Deny the claim against the City by the Benicia Harbor Corporation.

B. Acceptance and Notice of Completion for West Ninth Street Launch Ramp Improvements. (Parks and Community Services Director)

The subject project has been completed by Hess Construction Co. in accordance with Resolution No. 04-131 and to the satisfaction of City staff. The final cost for completion of the subject work is \$813,227.

Recommendation: Adopt the resolution accepting the West 9th Street Launch Ramp Improvements, authorizing the City Manager to sign the Notice of Completion and the City Clerk to file the same with the Solano County Recorder.

C. Apply for Transportation Development Account (TDA) Funding for the Military East Bike Lane Project. (Public Works Director)

The estimated total project cost is \$40,000 for final design and construction work. The TDA Article 3 grant is for \$30,000 with \$10,000 in local matching funds required. Upon adoption of the attached resolution, the completed application package will be forwarded to the Solano Transportation Authority for inclusion into the countywide TDA claim process.

Recommendation: Adopt the resolution requesting the Metropolitan Transportation Commission allocate FY 2005-06 TDA Article 3 Pedestrian/Bicycle funding for the Military East Bike Lane Project.

D. Award of Contract for 2005 Street Resurfacing Project. (Public Works Director)

This project is an integral component of the City's annual citywide street resurfacing program and sufficient funds are budgeted to cover the estimated cost (\$470,254.52) of the project.

Recommendation: Adopt the resolution accepting the bids, awarding the construction contract, including the bid alternate, for \$470,254.52 to Evans Grading and Paving Co. for the 2005 Street Resurfacing Project and authorizing the City Manager to sign the construction contract on behalf of the City.

E. Acceptance and Notice of Completion for the Year 2004 Street Overlay Project. (Public Works Director)

The subject project has been completed by Bay Cities Paving and Grading in accordance with Resolution No. 04-92 and to the satisfaction of City staff. The final cost for completion of the subject work is \$468,966.43, which includes Contract Change Order No. 1 in the amount of

\$11,518.43.

Recommendation: Adopt the resolution accepting the Year 2004 Street Overlay Project, approving Contract Change Order No. 1, authorizing the City Manager to sign the Notice of Completion and City Clerk to file the same with the Solano County Recorder.

F. Acceptance and Notice of Completion for West I Street Improvement Project. (Public Works Director)

The subject project has been completed by Bay Cities Paving and Grading in accordance with Resolution No. 04-93 and to the satisfaction of City staff. The final cost for completion of the subject work is \$65,862.02, which includes Contract Change Order No. 1 in the amount of \$9,011.62.

Recommendation: Adopt the resolution accepting the West I Street Improvement Project, approving Contract Change Order No. 1, authorizing the City Manager to sign the Notice of Completion and the City Clerk to file the same with the Solano County Recorder.

G. Setting 2005-06 secured tax rates for bonded indebtedness for the 1997 General Obligation Sewer Bonds. (Finance Director)

The City is required to forward an annually adopted resolution establishing the tax rate on secured property in the City to allow for collection of revenues in order to make the annual debt service payments.

Recommendation: Adopt the resolution setting the 2005-06 secured tax rates for the 1997 sewer bonds.

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

VIII. PUBLIC HEARINGS:

. City of Benicia Landscaping and Lighting District FY 2005-06 Assessments and Maintenance. (Parks & Community Services Director, Public Works Director & Finance Director)

The total budget for fiscal year 2005-06 for all five zones of the District is \$442,300. All costs for street lighting and for costs of maintaining landscaping and irrigation systems, including administrative and incidental expenses associated with preparation of the annual report, are funded by the assessments, thus there is no impact on the General Fund.

Recommendations:

- 1. Conduct public hearing concerning the subject district for fiscal year 2005-06 and ordering the levy and collection of assessments for fiscal year 2005-2006.**
- 2. Adopt Resolution ordering the maintenance of existing improvements in all five zones of 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 2005-06.

A. First reading of an amendment to the Benicia Municipal Code to allow accessory dwelling units outside the Historic Districts. (Community Development Director) - Continued from June 21, 2005 City Council meeting

This ordinance would allow accessory dwelling units on residential lots less than 6,000 square feet outside the historic districts by use permit.

Recommendation: Continue to a future City Council meeting.

B. Proposed Rezoning from Medium Density Residential (RM) to Planned Development (PD), and a subdivision to allow development at 608 Military East Street. (Community Development Director) - Continued from June 21, 2005 City Council meeting

Rezoning and a tentative map are proposed in order to accommodate the construction of six single-family detached houses on lots of approximately 3100 - 3600 square feet.

Recommendation: Continue to the July 19, 2005 City Council meeting.

IX. UNFINISHED BUSINESS:

. Second reading of Sunshine Ordinance. (City Attorney)

Second reading of a proposed ordinance, as recommended by the Sunshine Committee, that would add a new Title 4 to the Benicia Municipal Code incorporating open government provisions.

Recommendation of Sunshine Committee: Adopt the ordinance adding a Title 4 to the Benicia Municipal Code including provisions for improving public access to meetings and public records, establishing ethical standards, providing for an open government commission.

A. Proposed Revisions to Tree Resolution No. 05-76. (Parks & Community Services Director)

At the request of Vice Mayor Patterson, the Council is asked to review and clarify that the changes discussed at the City Council meeting on May 17, 2005 during public comment were intended to be approved by City Council. In evaluating the proposed revisions, the Tree Subcommittee offered amendments to Resolution No. 05-76, included in the proposed revised resolution.

Recommendation: Adopt the revised resolution supporting establishment of a comprehensive tree program for the City of Benicia.

B. Review of City of Vallejo Bordoni Ranch Project. (Public Works Director & Interim Community Development Director)

The Bordoni Ranch Project involves the development of 445 new homes located along Columbus Parkway north of Benicia Road. The responses to Benicia's comments on the

project's EIR have been reviewed and staff recommends that the Council support the revised mitigation measure TRANS-6, which requires the Bordoni Ranch developer to install and/or pay for their fair share of street, walkway and bicycle improvements along Columbus Parkway within Benicia. Staff also requests that the Council review the other responses and provide comments to staff to forward to the City of Vallejo.

Recommendation: Support, by motion, the revised mitigation measure TRANS-6 incorporated in the Response to Comments on the Bordoni Ranch Project Environmental Impact Report (EIR) and provide staff with any additional comments regarding the environmental document to forward to the City of Vallejo for their consideration when approving the Final EIR on this project.

X. NEW BUSINESS:

. Review of the Benicia Transit Short Range Transit Plan (SRTP) for Fiscal Years 2005-2010. (Finance Director)

The Metropolitan Transportation Commission (MTC) requires that the City prepare a SRTP once every two years. The SRTP will help guide the City in spending its limited transportation funds in the best possible manner and meet eligibility requirements for Federal and State grant applications.

Recommendation: Review the proposed SRTP for Benicia Transit and authorize staff to present recommendations to local community stakeholders.

XI. REPORTS FROM CITY MANAGER:

XII. REPORTS FROM CITY COUNCIL COMMITTEES:

XIII. 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 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.

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.