

July 6, 2004
BENICIA CITY COUNCIL
AGENDA
CITY COUNCIL CHAMBERS
July 6, 2004
REGULAR MEETING
7:30 P.M.
I. CALL TO ORDER:
ROLL CALL
PLEDGE OF ALLEGIANCE

NOTE: ALL ITEMS ARE FOR COUNCIL DISCUSSION AND/OR ACTION

**II. ANNOUNCEMENTS/APPOINTMENTS
PRESENTATIONS/PROCLAMATIONS:
ANNOUNCEMENTS:**

**APPOINTMENTS: LIBRARY BOARD OF TRUSTEES - Mary Eichbauer
HUMAN SERVICES FUND BOARD - Robert Plew
ECONOMIC DEVELOPMENT BOARD - Larry Fullington**

PRESENTATIONS:

PROCLAMATIONS: Welcoming the establishment of the LEAGUE OF WOMEN VOTERS OF BENICIA

NOTE: THE BENICIA CITY COUNCIL WELCOMES CITIZEN PARTICIPATION. WE ASK THAT YOU KEEP YOUR COMMENTS TO ITEMS ON THE AGENDA TO FIVE (5) MINUTES. SHOULD YOU HAVE MATERIAL YOU WISH TO ENTER INTO THE RECORD, PLEASE SUBMIT IT TO THE CITY MANAGER.

**III. ADOPTION OF AGENDA:
IV. COMMUNICATIONS:
A. WRITTEN
B. PUBLIC COMMENT**

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.

V. CONSENT CALENDAR:

A. Approval of Minutes of June 15, 2004 and June 22, 2004. (City Clerk)

B. Denial of Claims and referral to insurance carrier. (City Attorney)

Baumgartner

Haderman

Ross

C. Completion of the rezoning for 650 East N Street. (Community Development Director)

Recommendation - Second reading and adoption of an Ordinance changing the zoning from Single Family Residential to Planned Development.

D. Waterfront Village Subdivision: Approval of final map and subdivision improvement agreement. (Public Works Director)

Recommendation: Adopt Resolution approving the Final Map and authorizing the City Manager to execute the agreement.

E. Harbor Walk Subdivision: Approval of final map and subdivision improvement agreement. (Public Works Director)

Recommendation: Adopt Resolution approving the Final Map and authorizing the City Manager to execute the agreement.

F. Award of 2004 Street Overlay Project: Award of contract. (Public Works Director)

Recommendation: Adopt Resolution accepting the bids, awarding construction contract in the amount of \$457,448.80 to Bay Cities Paving & Grading of Concord, CA for the project.

G. Award of West I Street Improvement Project: Award of contract. (Public Works Director)

Recommendation: Adopt Resolution accepting bids, awarding the construction contract in the amount of \$56,850.40 to Bay Cities Paving & Grading of Concord, CA for the project.

H. 2003 Miscellaneous Citywide Street Repair: acceptance and notice of completion. (Public Works Director)

Recommendation: Adopt Resolution accepting the project.

I. Intent to vacate a portion of the East K and East 7th Street right-of-way. (Public Works Director)

Recommendation: Adopt Resolution declaring the City's intent to vacate the easterly end of East K Street and a segment of East 7th Street south of East K Street and setting the public hearing dates for August 3, 2004.

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

VI. PUBLIC HEARINGS:

A. City of Benicia Landscaping and Lighting District. (Public Works Director)

Recommendation

1. Conduct public hearing concerning the subject district for fiscal year 2004-05 and ordering the levy and collection of assessments for fiscal year 2004-2005.
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 2004-05.

VII. UNFINISHED BUSINESS:

**A. Update on Valero's Third Party Consultant Mechanical Reliability Evaluation. (Fire Chief)
Recommendation: Provide direction to staff.**

B. Acceptance of Zucker Action Plan and initiation of revisions to the appeal process and the consultant contracting procedures. (Community Development Director)

Recommendation: By Minute Order, accept the action plan and initiate revisions.

C. Economic Development Board recommendation for revision to the City's Business License Tax. (Assistant City Manager)

Recommendation: Accept recommendations and direct staff to bring back Ordinance and ballot language.

III. NEW BUSINESS:

A. Authorization and appropriation of funds for the City Attorney to obtain legal services related to title work for the Jefferson Street Area as well as possible work related to various city streets. (City Attorney)

Recommendation: Adopt Resolution.

B.

1. Update on the status of the Waterfront Park Ballot Measure and possible direction to staff. (City Attorney)

Recommendation: Provide direction to staff.

2. Follow up on the Economic Development Board Recommendation regarding a community consensus process to determine the development potential for City-owned property from the Marina to the First Street Spit. (Assistant City Manager)

Recommendation: Provide direction to staff.

C. Marina Area Storm Drain: Eminent domain proceedings for easements. (Public Works Director)

Recommendation: Adopt Resolution determining that the public interest and necessity require the acquisition of certain property and directing the City Attorney to file eminent domain proceedings for the Marina Area Storm Drain Project.

IX. REPORTS FROM CITY MANAGER:

A. Update Transportation for Livable Communities Grant. (Public Works Director)

Recommendation: For information only.

X. REPORTS FROM CITY COUNCIL COMMITTEES:

XI. ADJOURNMENT:

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.

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.

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.

(28 CFR 35.102.104 ADA Title II)