

**July 18, 2006  
BENICIA CITY COUNCIL  
CITY COUNCIL CHAMBERS  
REGULAR MEETING AGENDA**

**July 18, 2006**

**7:00 P.M.**

- **CALL TO ORDER:**
- **CLOSED SESSION:**
  - NONE
- **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
      - People Using Resources Efficiently (PURE) Committee:**
        - One immediate opening
    - **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
    - **Parks, Recreation & Cemetery Commission:**
      - One full term to September 30, 2010
    - **Planning Commission:**
      - Two full terms to September 30, 2010
    - **Via, AAA Traveler's Companion magazine highlights Benicia as "A Place to Take Kids"**
  - **APPOINTMENTS:**
  - **PRESENTATIONS:**
  - **PROCLAMATIONS:**
- **ADOPTION OF AGENDA:**
- **OPPORTUNITY FOR PUBLIC COMMENT:**
  - WRITTEN
  - PUBLIC COMMENT
- **CONSENT CALENDAR:**
  - **Approval of Minutes of June 6, 2006 and June 20, 2006. (City Clerk)**
  - **Denial of the claim against the City by Steve DoBos and referral to insurance carrier. (City Attorney)**

**Mr. DoBos claims his arrest and the towing of his vehicle were in violation of his rights. He was taken into custody for outstanding warrants at the Benicia post office parking lot. Benicia police officers made arrangements to have his car towed from the lot. Review of the arresting report indicates there were no violations in procedure. The amount of the claim is \$25,000.**

**Recommendation: Deny the claim against the City by Steve DoBos.**

- **Authorization of training options for compliance with AB 1234. (City Attorney)**  
**A recent law requires local officials to receive ethics training every two years.**

**Recommendation: Authorize, by motion, the ethics training in compliance with AB 1234 for the elected officials, boards and commissions, and the City Manager and City Attorney.**

- **Amendment of reimbursement policy for travel expenses for compliance with AB 1234. (City Attorney)**

**The City has a reimbursement policy that sets forth when expenses will be reimbursed to City officials and staff. AB 1234 requires a minor adjustment to the policy. Members of the Council are required to report on their attendance at conferences and meetings when they are reimbursed for expenses related to the event. There is no new fiscal impact associated with this action.**

**Recommendation: Adopt the resolution amending the policy for reimbursement of travel expenses.**

- **Acceptance of the 3.66 acres from Valero for the water reservoir and pump station. (City Attorney)**

**In October of 2005, the City Council authorized the acquisition of 3.66 acres from Valero for the placement of a water reservoir and pump station. Funds for the acquisition will come from the Water Fund reserves.**

**Recommendation: Authorize the City Manager to accept the property and execute the necessary documents.**

- **Acceptance of Helical Scum Collector Replacement Project. (Public Works Director)**

**This project acceptance and notice of completion is for the Helical Scum Collector Replacement Project at the Wastewater Treatment Plant. The last step of the project requires formal acceptance by the City Council and filing of the notice of completion by the City Clerk, which allows the City to process the final payment to the contractor. This project cost \$117,360 and was funded from the Wastewater Treatment Plant budget.**

**Recommendation: Adopt the resolution accepting the Helical Scum Collector**

**Replacement Project, authorizing the City Manager to sign the Notice of Completion, and authorizing the City Clerk to file the same with the Solano County Recorder.**

- **Approval of amendment to lease agreement with Sprint Spectrum Realty Company. (Public Works Director)**

**Sprint Spectrum Realty Co. has a lease with the City for telecommunication facilities at the water reservoir site located off of Essex Way. This amendment to the lease agreement will allow relocation of facilities and installation of additional facilities, correct a size discrepancy between the agreement and the actual fenced equipment area, as well as increase the rent to reflect the corrected leasehold area. The amendment will bring the rent paid to the City to the current market rate of \$2,000 per month.**

**Recommendation: Adopt the resolution authorizing the City Manager to execute an amendment to the lease agreement with Sprint Spectrum Realty Co. at the R-3 water reservoir site located at 257 Essex Way, subject to approval by the City Attorney.**

- **Support of a change in the name of the Solano Safety Net Consortium Joint Powers Authority. (City Manager)**

**The Solano Safety Net Consortium, also designated by the state as the county's "Community Action Agency," is seeking to collaborate with similar organizations throughout the nation that are generally referred to as Community Action Agencies. To better align with this national movement and have an organizational name that is more reflective of its mission, the Solano Safety Net Consortium is proposing that all of its member agencies, including the City of Benicia, authorize a name change to the Community Action Partnership of Solano. The new name will also be accompanied by the tag line: Strengthening Agencies Working To End Poverty and Homelessness.**

**Recommendation: Adopt the resolution supporting the name change from Solano Safety Net Consortium Joint Powers Authority to the Community Action Partnership of Solano.**

- **Approve the January 1, 2006 to June 30, 2006 amendments to base salary in the labor agreements with the Supervisory Group, the Professional/Confidential Group and all other remaining positions which were determined to be below average in the 2005 Salary Survey. (Human Resources Director)**

**In April 2006, the City brought to Council a resolution covering the 2005 salary increases for the incumbents in four of our labor groups. The two groups remaining, which have members below the 2005 salary market average, are the Professional/Confidential group and the Supervisory group. This resolution**

also includes all other remaining positions, which were determined to be below the 2005 salary survey that were not included in the April 2006 salary adjustments because there was not a full time incumbent in the position. Recommendation: Adopt the resolution that approves the equity increases to positions in the Supervisory group, the Professional/Confidential group, and other remaining positions that are below the 2005 salary survey average, retroactive to January 1, 2006.

- Acceptance of investment report for the quarter ended March 2006. (Finance Director)

The investment portfolio is in compliance with the City's Investment Policy and California Law. Additionally, the City has adequate investments to meet its expenditure needs for the next six months. The Audit and Finance Committee has reviewed these reports and recommends acceptance. There is no affect on the City's budget.

Recommendation: Accept the investment report for the quarter ended March 2006.

- Approval of Human Services Fund Board monitoring of Cultural Arts Grants. (Finance Director)

The City Council recently authorized staff to prepare recommendations that would allow the Human Services Fund (HSF) Board to monitor Cultural Arts Funding in addition to Human Services Funding. The attached resolution authorizes adding Cultural Arts Grants to the list of HSF Board responsibilities. The Board will be responsible for conducting public forums with current and potential Grantees, providing the City Council with funding recommendations based on a Request for Proposal (RFP) process, and monitoring the Grantees' performance on a quarterly basis. Representatives from each cultural arts group have been notified of the proposed changes.

Recommendation: Adopt the resolution authorizing the Human Services Fund Board to monitor Cultural Arts Grants and Programs.

- Setting of the FY 2006-2007 secured tax rates for bonded indebtedness for the 1997 General Obligation Bonds. (Finance Director)

Each year at this time, the City is required to adopt the resolution that sets the bonded indebtedness secured tax rates for the new fiscal year. This resolution is forwarded to the County Tax Assessor's office for inclusion in property owners' property taxes within the City of Benicia. Due to the large increase in Assessed Valuation last year, the rate for each homeowner will drop from .01865 to .01701 per hundred dollars of assessed valuation. The total amount to be collected is \$745,923 and will be used to pay interest and principal on the G.O. Sewer Bonds. There is no budget impact for the City.

**Recommendation: Adopt the resolution setting the 2006-07 bonded indebtedness secured tax rate for the 1997 Sewer Bonds (Series A and B).**

- **Consideration of request by the Sky Valley Open Space Committee to seek assistance from the National Park Service (NPS) to help define the scope of the Sky Valley/Sulfur Springs Creek Watershed Management Plan. (Community Development Director)**

**The Sky Valley Open Space Committee seeks the expertise of the NPS Rivers, Trails and Conservation Assistance Program to further engage the public in refinement of the scope of the Sky Valley/Sulfur Springs Watershed Management Plan. There is no direct fiscal impact on the City.**

**Recommendation: Authorize the Sky Valley Open Space Committee on behalf of the City to send an Application for Assistance to the National Parks Service for help in defining the scope of the group's Sky Valley/Sulfur Springs Watershed Management Plan.**

- **Consideration of request by Solano Land Trust to fund public access to Lynch Canyon. (Community Development Director and Parks & Community Services Director)**

**The County Board of Supervisors is considering budgeting money for the next three years to cover the costs of a Park Ranger who will enable Lynch Canyon to be open for public access. In an effort to help the County expand park operations, the Solano Land Trust has asked the cities in the Tri-City planning group and other local and regional agencies to contribute funds with the purpose of opening the Lynch Canyon Open Space area to the public on a daily basis. The funding for this action would come from the unappropriated fund revenue of the General Fund.**

**Recommendation: Adopt the resolution authorizing a \$5,000 contribution to the Solano Land Trust for funding public access to Lynch Canyon.**

- **Authorization of the purchase of new police patrol vehicle laptop computers. (Police Chief)**

**Existing Panasonic laptop computers in police patrol cars have been utilized past their expected life span. There are a total of nine (9) laptop computers and necessary software upgrades will no longer run on them. Because these patrol car laptop computers are now obsolete they must be replaced to provide patrol officers with the technology to conduct criminal investigations while remaining on their beat. It is recommended that the purchase be appropriated from the Police Department expenditure savings from FY 2005-06.**

**Recommendation: Adopt a resolution awarding a contract to CDCE, Inc. in the**

amount of \$44,356.61 for new Panasonic laptop computers for police patrol vehicles.

- Approval to waive the reading of all ordinances introduced and adopted pursuant to this agenda.
- **PUBLIC HEARINGS:**
- **ACTION ITEMS:**
  - Authorization of a contract for the implementation program for the Arsenal and Downtown areas. (Community Development Director)

The City sent Requests for Proposals to fifteen consulting firms to prepare an implementation program for the Arsenal and Downtown Planning Areas. Two consulting firms submitted proposals for two different proposed programs: RBF Consulting's Urban Design Studio and Opticos Design. A selection panel interviewed the two firms June 15, 2006. The panel recommends the City Council select Opticos to prepare the implementation program. The panel found that Opticos proposes products that would be most useful to the City of Benicia. In addition, the panel found that Opticos offered the most comprehensive community participation program between the two firms.

**Recommendation:** Authorize, by motion, the City Manager to negotiate and execute a contract in the amount of \$250,000 with Opticos Design, Inc. to prepare an implementation program for the Downtown and Arsenal Planning Areas.

- **INFORMATIONAL ITEMS:**
  - Reports from City Manager.  
Announcement of a proposed new stormwater management and discharge control ordinance and amendments to existing grading and erosion control ordinance. (Public Works Director)

The Public Works Department is pleased to announce the release for public review and comment a proposed new stormwater management and discharge control ordinance and proposed revisions to our grading and erosion control ordinance. The draft ordinances are available for viewing on the City of Benicia website, at the library and at the City's Engineering office located in the basement of City Hall. Copies of the Stormwater Management Plan may be viewed or purchased from the Engineering office.

**Recommendation:** No action necessary, for information only.

- 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: July 19, 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: August 4, 2006
  - **League of California Cities (Mayor Messina)**  
Next Meeting Date: August 3, 2006
  - **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: August 2, 2006
  - **Solano EDC Board of Directors (Mayor Messina)**  
Next Meeting Date: July 27, 2006
  - **Solano Transportation Authority (STA) (Mayor Messina)**  
Next Meeting Date: September 13, 2006
  - **Solano Water Authority/Solano County Water Agency (Mayor Messina)**  
Next Meeting Date: August 10, 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: September 11, 2006
  - **Valero Community Advisory Panel (CAP) (Council Member Hughes)**  
Next Meeting Date: September 21, 2006
  - **Youth Action Task Force (Vice Mayor Schwartzman and Council Member Whitney)**  
Next Meeting Date: August 23, 2006
  - **ABAG/CAL FED Task Force/Bay Area Water Forum (Council Member Patterson)**  
Next Meeting Date: August 28, 2006.
- **COMMENTS FROM COUNCIL MEMBERS:**
  - **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 agenda and nonagenda 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.**