

July 19, 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 at the end of the business day on the Wednesday before the Council meeting.

Benicia City Council Agenda

**BENICIA CITY COUNCIL  
CITY COUNCIL CHAMBERS**

**REGULAR MEETING AGENDA**

July 19, 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**
      - **Open Government Commission: 5 openings - terms from 1-4 years**
    3. **August 2, 2005 City Council Meeting cancelled - the next regularly scheduled Council Meeting is scheduled for August 16, 2005.**
    4. **Benicia included in "Best Places to Live 2005" by Money Magazine.**
  - B. **APPOINTMENTS:**
  - C. **PRESENTATIONS:**
    1. **Benicia Historical Museum - New Exhibit**  
-Anne Toxey and Patrick McMillan
    2. **West Nile Virus Presentation**  
-Jon Blegen, Solano County Mosquito Abatement District
    3. **Update on PURE Committee Activities**  
-Bob Craft, Chair
  - D. **PROCLAMATIONS:**
    1. **[National Night Out 2005](#)**  
-Officer Patti Baron, Benicia Police Department
- V. **ADOPTION OF AGENDA:**

VI. COMMUNICATIONS:

1. WRITTEN

2. PUBLIC COMMENT

VII. CONSENT CALENDAR:

. Approval of Minutes of [June 21st](#), [June 28th](#), and [July 5, 2005](#). (City Clerk)

A. [Request for consolidation of elections](#). (City Clerk)

The attached resolution will accomplish the legally required steps to consolidate a municipal election, as well as request the services of the Registrar of Voters. The cost of the Municipal Election for the November 2005 election is budgeted for \$30,000.

Recommendation: Adopt the resolution requesting the consolidation of elections, and requesting the services of the County Registrar of Voters.

B. Denial of claims against the City and referral to insurance carrier: [Gregory](#) and [Parrish](#)

1. A claim was submitted by Jo Gregory for reimbursement for medical expenses due to a tripping incident that occurred when she caught her foot on a curb.
2. A claim was submitted by Maria Parrish, as guardian of Alexander Parrish, for reimbursement for medical expenses for injury to Alexander's finger when it was caught in a grate in front of the Youth Center.

Recommendation: Deny the claims against the City by Gregory and Parrish and refer to insurance carrier.

C. [Order a sidewalk conditions study on West 7th Street](#).(Director of Public Works)

An unsafe sidewalk condition exists along West 7th Street caused by erosion from a private drainage ditch. Conducting a sidewalk condition study is the recommended first step to ensure repairs are made to provide for a safe walkway for school children and pedestrians.

Recommendation: Adopt the resolution ordering a complete study of the sidewalk conditions at 1251 West 7th Street.

D. [Approval of the new job description for Development Services Technician](#). (Human Resources Director)

This resolution, as recommended by the Civil Service Commission, seeks to add a new job description title to the City's current classification plan, along with establishing the salary range for individual(s) who work under this job title. The proposed action does not increase the number of budgeted positions for the department.

Recommendation: Adopt the resolution approving the new job description for the classification of Development Services Technician, Level I and II, and establishing the salary range.

E. [Approval of revised job descriptions for Associate Planner and Principal Planner](#). (Human Resources Director)

The Community Development Department is working toward ensuring that job descriptions for classifications within the department are current. The department is updating the Associate Planner and Principal Planner job descriptions in anticipation of upcoming recruitments for these positions due to recent vacancies. These positions are exempt from Civil Service Commission classification. The proposed action does not increase the number of budgeted positions for the department.

**Recommendation:** Adopt the resolution approving the revised job descriptions for the classifications of Associate Planner and Principal Planner.

F. [Approval of the new job description for Economic Development Manager.](#) (City Manager)

This resolution seeks to add a new job description title to the City's current classification plan, along with establishing the requisite salary range. This position is exempt from Civil Service Commission classification. The proposed action does not increase the number of budgeted positions for the department.

**Recommendation:** Adopt the resolution approving the new job description for the classification of Economic Development Manager, and establishing the salary range.

G. [Purchase of three vehicles for Benicia Transit Dial-A-Ride.](#)(Finance Director)

The City was successful in 2003 in securing grant funding from the Federal Transit Administration (FTA) with the City of Vallejo's assistance, which pays for 80% of the cost for three new cutaway vehicles. The City's share of the cost (\$30,212) is a budgeted expenditure to be paid from the Transit Fund. The new vehicles will replace two 1997 Dodge minivans and one 1997 Supreme Cutaway that has exceeded their useful life span of five years.

**Recommendation:** Adopt the resolution awarding a purchase order to El Dorado Bus Sales for three paratransit buses.

H. [Support of placement of a parcel tax measure on an upcoming ballot by the Benicia Unified School District \(BUSD\).](#) (City Manager)

Per the direction of the City Council at the June 28, 2005 Continued Regular Meeting, a resolution similar to the previously approved Resolution No. 04-155 is included in order to express the continued support of BUSD placing a parcel tax on an upcoming ballot in order to generate funds.

**Recommendation:** Adopt the resolution supporting placement of a parcel tax measure by the Benicia Unified School District on an upcoming ballot.

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

VIII. PUBLIC HEARINGS:

. [Approval of zone change and tentative map approval for a development containing single family houses at 608 Military East Street.](#) (Community Development Director) - Continued from June 21, 2005 City Council meeting

This project involves the demolition of an existing single-family residence along with its associated accessory structure in order to subdivide the 18,766 square foot parcel into six lots and build six new two-story single family homes. There are no changes in the City budget required by the zone change; the City will receive a slight increase in property tax revenue from the six new homes.

**Recommendations:**

1. Introduce the ordinance approving a zone change from Medium Density Residential (RM) to Planned Development (PD) for APN: 0088-134-010 in the 600 block of Military East Street; and
2. Adopt the resolution approving a tentative map of six parcels for Parcel APN: 0088-134-010 for the Military Oaks Project at 608 Military East.

**IX. UNFINISHED BUSINESS:**

. [Proposed Revisions to Tree Resolution No. 05-76.](#) (Parks & Community Services Director)  
[Proposed Revisions to Tree Resolution No. 05-76.](#) (Parks & Community Services Director) - revised

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. The Parks and Recreation Commission has been asked to submit comments and recommendations.

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

A. Update on Bordoni Ranch. (Mayor Messina & Vice Mayor Patterson)

The ad hoc Bordoni Ranch subcommittee will provide an oral report regarding the Bordoni Ranch project.

**Recommendation:** Oral report for information only.

B. [Consideration of Benicia Unified School District \(BUSD\) School Board proposed revisions to Joint Use Agreements with City.](#) (City Manager)

The proposed agreements to maintain BUSD fields have been reviewed by BUSD. They have made changes to the agreements beyond the modifications previously approved by the City Council. The scope of the proposed amendments is beyond the authorization previously given to staff and require City Council review.

**Recommendation:** Review and consider amendments made by BUSD, provide direction to staff, and if appropriate, authorize execution of the agreements with modifications.

**X. NEW BUSINESS:**

. [Approval of amendments to the Memorandum of Understanding \(MOU\) with the Benicia Public Service Employees' Association \(BPSEA\).](#) (Human Resources Director)

The City concluded negotiations with the BPSEA on July 6, 2005. The attached resolution outlines the amendments to the MOU. A complete copy of the MOU with the amendments noted in bold is also included.

**Recommendation:** Adopt the resolution approving the amendments to the July 1, 2005 through June 30, 2006 amendments to the MOU with the BPSEA.

A. [Approval of amendments to the Memorandum of Understanding \(MOU\) with the Benicia Dispatcher's Association \(BDA\).](#) (Human Resources Director)

The City concluded negotiations with the BDA on July 6, 2005. The attached resolution outlines the amendments to the MOU. A complete copy of the MOU with the amendments noted in bold is also included.

**Recommendation:** Adopt the resolution approving the amendments to the July 1, 2005 through June 30, 2006 amendments to the MOU with the BDA.

B. [Approval of amendments to the Memorandum of Understanding \(MOU\) with the Benicia Police Officer's Association \(BPOA\).](#) (Human Resources Director)

The City concluded negotiations with the BPOA on June 9, 2005. The attached resolution outlines the amendments to the MOU. A complete copy of the MOU with the amendments noted in bold is also included. The BPOA is expected to ratify this contract prior to the July 19th Council meeting.

**Recommendation:** Adopt the resolution approving the amendments to the July 1, 2005 through June 30, 2006 amendments to the MOU with the BPOA.

C. [Creation of Benicia Safe Ride Program.](#) (Finance Director and Chief of Police)

The Benicia Safe Ride Program provides low cost transportation ("designated driver") to people who patronize the city's taverns. This program will assist in the police department's efforts to reduce/eliminate driving under influence. There is no expected budgetary impact; revenue from ticket sales will fund the program.

**Recommendation:** Approve, by motion, the Benicia Safe Ride Program and authorize the City Manager to sign agreements with Vallejo/Benicia City Cab and Vallejo/Benicia Yellow Cab for accepting tickets from passengers using the Benicia Safe Ride Program.

D. [Adoption of a taxi rate adjustment for Vallejo/Benicia City Cab and Vallejo/Benicia Yellow Cab.](#) (Finance Director)

Vallejo/Benicia City Cab and Vallejo/Benicia Yellow Cab General Managers met with City staff to discuss possible collaboration with the City's transit services and the potential for a rate increase. The City has not increased the taxi fares since 2002. Both carriers have submitted requests to the City of Vallejo Transportation Division for rate increases as well. The recommended charges will be the same for both cities. The rate increase will be effective on Thursday, September 1, 2005.

**Recommendation:** Adopt the resolution authorizing the filing of a revised tariff from Vallejo/Benicia City Cab and Vallejo/Benicia Yellow Cab for the operation of taxi service in the City of Benicia.

E. [Implementation of taxi script program.](#) (Finance Director)

The taxi script program will provide door-to-door service for seniors (age 65 years old and older) and persons with disabilities within Benicia and to Vallejo, through the purchase of taxi script at Benicia City Hall. The program is budgeted in the current Transportation Fund budget.

**Recommendation:** Adopt the resolution authorizing the implementation of a taxi script program.

XI. **REPORTS FROM CITY MANAGER:**

- . **Announcement of new format and organization of City Web Site.** (City Manager)

Saturday, July 23, 2005 the City will reveal a new and improved Web Site. The address remains the same [www.ci.benicia.ca.us](http://www.ci.benicia.ca.us), but the format and organization are new with improved access and navigation throughout the pages.

**Recommendation:** Oral report for information only.

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

. [Committee Reports:](#)

1. **Mayors' Committee Meeting (Mayor Messina)**  
Next Meeting Date: July 20, 2005
2. **Arsenal Restoration Advisory Board (Council Member Campbell)**  
Next Meeting Date: September 28, 2005
3. **Association of Bay Area Governments (ABAG) (Vice Mayor Patterson)**  
Next Meeting Date: October 27, 2005
4. **Audit & Finance Committee (Council Member Campbell and Vice Mayor Patterson)**  
Next Meeting Date: August 5, 2005
5. **Carquinez Strait Preservation Trust (Council Member Smith)**  
Next Meeting Date: To be determined.
6. **First Street Revitalization Committee (Council Member Smith and Campbell)**  
Next Meeting Date: September 28, 2005

7. **League of California Cities (Council Member Smith)**  
Next Meeting Date: August 4, 2005
8. **Police Station and Civic Center Restoration Committee (Council Member Smith and Mayor Messina)**  
Next meeting date: Not scheduled
9. **School District Liaison (Council Members Whitney and Smith)**  
Next Meeting Date: August 25, 2005
10. **Sky Valley Area Open Space (Vice Mayor Patterson and Council Member Smith)**  
Next Meeting Date: July 20, 2005
11. **Solano EDC Board of Directors (Vice Mayor Patterson)**  
Next Meeting Date: July 28, 2005
12. **Solano Transportation Authority (STA) (Mayor Messina)**  
Next Meeting Date: August 10, 2005
13. **Solano Water Authority/Solano County Water Agency (Mayor Messina)**  
Next Meeting Date: August 11, 2005
14. **Sunshine Committee (Council Member Campbell and Vice Mayor Patterson)**  
Next Meeting Date: Not scheduled.
15. **Traffic, Pedestrian and Bicycle Safety Committee (Vice Mayor Patterson and Council Member Campbell)**  
Next Meeting Date: July 21, 2005
16. **Tri-City and County Regional Parks and Open Space (Council Member Whitney)**  
Next Meeting Date: September 12, 2005
17. **Urban Water Management Planning Task Force (Vice Mayor Patterson and Mayor Messina)**  
Next Meeting Date: July 28, 2005
18. **Valero Community Advisory Panel (CAP) (Council Member Whitney)**  
Next Meeting Date: August 11, 2005
19. **Youth Action Task Force (Council Member Whitney)**  
Next Meeting Date: June 22, 2005

A. **ABAG/CAL FED Task Force/Bay Area Water Forum (Vice Mayor Patterson)**  
Next Meeting Date: To be determined.

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.

---

#### Downloading of reports from this agenda

Some agenda items have attached reports available for downloading from this web page. To view these reports, you must have the latest Adobe Acrobat reader installed in your web browser.

Click [here](#) to download the free Acrobat reader

 [IV-D Proclamation National Night Out.pdf](#)

 [VII-A\\_MINI062105.pdf](#)

 [VII-A\\_MINI062805.pdf](#)

 [VII-A\\_MINI070505.pdf](#)

 [VII-B Staff Report Election Concolidation.pdf](#)

 [VII-C-1 Denial of Claim Gregory.pdf](#)

 [VII-C-2 Denial of Claim Parrish.pdf](#)

 [VII-D Staff Report Sidewalk Conditions 1251 West 7th.pdf](#)

 [VII-E Staff Report Development Services Tech.pdf](#)

 [VII-F Staff Report Reso Associate Planner Principal Planner.pdf](#)

 [VII-G Staff Report Reso Economic Development Manager.pdf](#)

- [!\[\]\(f1baaede8f2dd2b0cd8139a15f012dd1\_img.jpg\) VII-H Staff Report Reso Transit bus Purchase.pdf](#)
- [!\[\]\(38c4208cc2e48561702146f3b41cc81d\_img.jpg\) VII-I Staff Report Reso BUSD Parcel Tax.pdf](#)
- [!\[\]\(d510d6da6efeca0d2d0bee8915785b09\_img.jpg\) VIII-A Staff Report 608 Military East.pdf](#)
- [!\[\]\(72fc69417949bc95b62668fd49778598\_img.jpg\) IX-A Staff Report Tree Program.pdf](#)
- [!\[\]\(212745d4f83ee80b66997f821826c43a\_img.jpg\) IX-A Staff Report Tree Program-Revised.pdf](#)
- [!\[\]\(1f65c36eefeba627b8545ada3b54da3f\_img.jpg\) IX-C busd joint use.pdf](#)
- [!\[\]\(708c1d94b97502b8ffa4e99cfb4481a0\_img.jpg\) X-A Staff Report Contract BPSEA 2005.pdf](#)
- [!\[\]\(ff5e855fb7e8d1911f6604748049c019\_img.jpg\) X-B Staff Report Contract BDA 2005.pdf](#)
- [!\[\]\(ecfd24c79b52de40fd4d09629bc407d9\_img.jpg\) X-C Staff Report Contract BPOA 2005.pdf](#)
- [!\[\]\(f0ff422214a811519534af1185aa1298\_img.jpg\) X-D Staff Report and Working Paper BeniciaSafeRide.pdf](#)
- [!\[\]\(52ad3ce1f3a82627c0a414a3253c1ecf\_img.jpg\) X-E staff report reso transit taxi rate increase.pdf](#)
- [!\[\]\(153a8b8fa18b6511ebc6330fe66afeb6\_img.jpg\) X-F Staff Report and Reso Transit Taxi Script Program.pdf](#)
- [!\[\]\(765fe8381e1bcc11cc39ef938e898be5\_img.jpg\) XII-Reports From City Council Committees.pdf](#)



# **P R O C L A M A T I O N**

## **IN RECOGNITION OF**

## **NATIONAL NIGHT OUT 2005**

**WHEREAS**, the National Association of Town Watch (NATW) is sponsoring a unique, nationwide crime, drug and violence prevention program on August 2, 2005 entitled “National Night Out”; and

**WHEREAS**, the “22<sup>nd</sup> Annual National Night Out” provides a unique opportunity for Benicia to join forces with thousands of other communities across the country in promoting cooperative, police-community crime prevention efforts; and

**WHEREAS**, the Benicia Police Department Neighborhood Watch Groups play a vital role in assisting the Benicia Police Department through joint crime drug and violence prevention efforts in Benicia and is supporting “National Night Out 2005” locally; and

**WHEREAS**, it is essential that all citizens of Benicia be aware of the importance of crime prevention programs and the impact that their participation can have on reducing crime, drugs and violence in Benicia; and

**WHEREAS**, police-community partnerships, neighborhoods safety, awareness and cooperation are important themes of the “National Night Out” program.

**NOW, THEREFORE, BE IT RESOLVED THAT I**, Steve Messina, Mayor of the City of Benicia call upon all citizens to join the Benicia Police Department Neighborhood Watch program and the National Association of Town Watch in supporting “22<sup>nd</sup> Annual National Night Out” on August 2, 2005.

**BE IT FURTHER RESOLVED THAT I**, Mayor Messina, do hereby proclaim, Tuesday, August 2, 2005 as “National Night Out” in Benicia, California.

\_\_\_\_\_  
Steve Messina, Mayor  
CITY OF BENICIA  
July 19, 2005

**IV-D-1**

MINUTES OF THE  
SPECIAL MEETING – CITY COUNCIL  
JUNE 21, 2005

The special meeting of the City Council of the City of Benicia was called to order by Mayor Steve Messina at 7:03 p.m. on Tuesday, June 21, 2005, in the City Council Chambers, City Hall, 250 East L Street, complete proceedings of which are recorded on tape.

ROLL CALL:

Present: Council Members Patterson, Smith, Whitney, and Mayor Messina

Absent: Council Member Campbell (arrived at 7:14 p.m.)

PLEDGE OF ALLEGIANCE:

Mayor Messina led the pledge to the flag.

ADOPTION OF AGENDA:

On motion of Vice Mayor Patterson, seconded by Council Member Smith, the Agenda was adopted as presented, on roll call by the following vote:

Ayes: Council Members Patterson, Smith, Whitney, and Mayor Messina

Noes: None

Absent: Council Member Campbell

COMMUNICATIONS:

WRITTEN:

PUBLIC COMMENT:

None

CLOSED SESSION:

None

PRESENTATION:

Public Access Design Guidelines - Mr. Will Travis, Executive Director, San Francisco Bay Conservation and Development Commission

Mr. Travis reviewed a presentation on ‘Shoreline Spaces – Public Access Design Guidelines for the San Francisco Bay.’

ADJOURNMENT:

Mayor Messina adjourned the meeting at 7:26 p.m.

MINUTES OF THE  
REGULAR MEETING – CITY COUNCIL  
JUNE 21, 2005

The regular meeting of the City Council of the City of Benicia was called to order by Mayor Steve Messina at 7:30 p.m. on Tuesday, June 21, 2005, in the City Council Chambers, City Hall, 250 East L Street, complete proceedings of which are recorded on tape.

ROLL CALL:

Present: Council Members Campbell, Patterson, Smith, Whitney, and Mayor Messina

Absent: None

PLEDGE OF ALLEGIANCE:

Mayor Messina led the pledge to the flag.

ANNOUNCEMENTS/APPOINTMENTS/PRESENTATIONS/PROCLAMATIONS:

ANNOUNCEMENTS:

Mayor Messina made the following announcements:

- Community Conversation regarding Benicia Business Park Project at 6:30 p.m. on June 29, 2005 in the Liberty High gymnasium at 350 East K Street.
- Benicia was recently named one of the top 25 ‘Small Cities and Towns Arts Destination’ by AmericanStyle Magazine.
- The City Council/School District Liaison meeting scheduled for 7/21/05 has been rescheduled. The new date has not been set.
- Urban Water Management Task Force meeting scheduled for July 28, 2005 at the Water Treatment Plant.
- Community Meeting to develop Benicia’s priorities for the Solano County Transportation Sales Tax Expenditure Plan will be held on 7/23/05 in the Dona Benicia Room at the Benicia Public Library.

APPOINTMENTS:

RESOLUTION 05-93 - A RESOLUTION CONFIRMING THE MAYOR’S APPOINTMENT OF JB DAVIS TO THE SOLANO TRANSPORTATION AUTHORITY (STA) PEDESTRIAN ADVISORY COMMITTEE

Ayes: Council Members Campbell, Patterson, Smith, Whitney, and Mayor Messina

Noes: None

RESOLUTION 05-94 - A RESOLUTION CONFIRMING THE MAYOR’S REAPPOINTMENT OF FRED DELTROCHIO TO THE CIVIL SERVICE COMMISSION FOR A FULL TERM ENDING AUGUST 31, 2005

Ayes: Council Members Campbell, Patterson, Smith, Whitney, and Mayor Messina  
Noes: None

RESOLUTION 05-95 - A RESOLUTION CONFIRMING THE MAYOR'S REAPPOINTMENT OF ANNIE LLOYD TO THE PARKS, RECREATION AND CEMETERY COMMISSION TO A FULL TERM ENDING SEPTEMBER 30, 2009

Ayes: Council Members Campbell, Patterson, Smith, Whitney, and Mayor Messina  
Noes: None

RESOLUTION 05-96 - A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF JOHN MCGUIRE TO THE PARKS, RECREATION AND CEMETERY COMMISSION TO AN UNEXPIRED TERM ENDING JULY 6, 2006

Ayes: Council Members Campbell, Patterson, Smith, Whitney, and Mayor Messina  
Noes: None

PRESENTATIONS:

Update on PURE Committee Activities by Mr. Bob Craft, Committee Chair

Current engineering efforts on the Water Reuse Project center on two main areas. The first is the location of new treatment system components, i.e.: which should be at the City facility and which, if any, should be at Valero. Although studies continue, several potential sites for certain components at Valero have been effectively ruled out - generally because of space, elevation issues and design standards for save equipment spacing and additional piping investment required to reach remote locations. One area at Valero continues to be studied and its suitability will be determined based on topographic studies relative to the specific terrain. All system components can be accommodated at the City facility should that become necessary. City Staff is confident such accommodation will not compromise any future requirements at the wastewater treatment facility.

PURE's short-term schedule is being driven primarily by a requirement for a third round of toxicity tests using treated effluent blended with the R.O. reject stream to simulate actual wastewater discharge. Previous tests and the specific analytic methods used have resulted in what is believed to be interference or 'false positive' for certain residual chemicals and/or metals. Analytic results within acceptable permitting and operational thresholds must be achieved using approved testing methods if project viability is to be demonstrated. A different testing organization and analytic method will be used for the third round of tests. PURE's plan is to conduct these tests during the third quarter.

PURE continues to examine system costs relative to capacity. It has been determined that a cost constrained scaled down (by 1 MGD) system developed and fielded in a way that would permit modular add-on's for additional capacity would result in a substantially higher capital cost if later increased to a capacity of either 1.5 MGD or 2 MGD.

PURE is also stressing identification of supplemental funding opportunities. Conversations with Congressman Miller's staff have begun as a follow-up to the Mayor's

letter regarding PURE and what the project offers. Additionally, the City has now been identified on the Federal Government's Central Contract Registry. PURE has asked to be placed on automatic distribution for all notifications pertaining to grant availability. This will facilitate grant applications to the government, especially the EPA.

In early June, the Solano County Water Agency Board of Directors approved a resolution authorizing the submittal of a \$3.5 million dollar grant application under chapter 8 of Proposition 50 for implementation of the Solano Agencies Integrated Regional Water Plan. PURE's Water Reuse Project is one of four projects to be included in the application, and one of three for which \$1 million dollars in grant funding will be requested.

The project continues to receive favorable comments at the Regional Water Board. A summary of the project was included as an information item in the executive officer's report to the board at its May 18, 2005 meeting. The Regional Board Chair publicly acknowledged the item with positive comments. A senior staffer at the Water Board has indicated her belief that when the project comes to fruition, both the City and Valero would be competitive for the Governor's Environmental and Economic Leadership Award.

#### PROCLAMATIONS:

Mayor Messina presented a proclamation to Mission Solano. Mr. Ron Marlette, Executive Director, Mission Solano, accepted the proclamation.

#### ADOPTION OF AGENDA:

On motion of Vice Mayor Patterson, seconded by Council Member Whitney, the Agenda was adopted as presented, on roll call by the following vote:

Ayes: Council Members Campbell, Patterson, Smith, Whitney, and Mayor Messina

Noes: None

#### COMMUNICATIONS:

WRITTEN:

#### PUBLIC COMMENT:

1. Kyle Daley – Mr. Daley read a prepared statement expressing his support for the proposed Sunshine Ordinance.
2. Annie Lloyd – Ms. Lloyd thanked Council for approving her appointment to the Parks, Recreation and Cemetery Commission.
3. Bob Mutch – Mr. Mutch discussed the status of the X Park. Due to the efforts of many people, including Centex and Shea Homes, the project is further along than they had anticipated. He hoped Council would approve the additional \$180,000 needed to complete the park.
4. Council Member Smith announced the following upcoming events:
  - Farmers Market will be held on Thursday's from 4:00 p.m. to 8:00 p.m.
  - Benicia Old Timers will have baseball games at Fitzgerald Field on 6/24 and 6/25

- 7/1/05 – First Friday’s on First
- 7/3/05 – Torchlight Parade
- 7/4/05 – Picnic in the Park and Fireworks
- 7/23/05 - Community Meeting to develop Benicia’s priorities for the Solano County Transportation Sales Tax Expenditure Plan will be held at the Benicia Yacht Club at 12:00. He encouraged the public to attend.
- 7/23/05 - Community Meeting to develop Benicia’s priorities for the Solano County Transportation Sales Tax Expenditure Plan will be held at 6:30 p.m. in the Dona Benicia Room at the Benicia Public Library. He encouraged the public to attend.
- 6/29/05 - Community Conversation regarding Benicia Business Park Project at 6:30 p.m. in the Liberty High gymnasium at 350 East K Street. He encouraged the public to attend.

## CONSENT CALENDAR:

Council pulled item VI-F

On motion of Council Member Smith, seconded by Council Member Whitney, the Consent Calendar was adopted as amended, on roll call by the following vote:

Ayes: Council Members Campbell, Patterson, Smith, Whitney, and Mayor Messina  
Noes: None

The minutes of June 7, 2005 were approved

RESOLUTION 05-97 - A RESOLUTION ACCEPTING THE PROPOSAL FOR LEGAL PUBLICATIONS FROM THE BENICIA HERALD, AWARDED THE CONTRACT FOR FISCAL YEARS 2005/2006 AND 2006/2007, AND AUTHORIZING MAYOR AND CITY CLERK TO EXECUTE SAID CONTRACT

ORDINANCE 05-5 - AN ORDINANCE REPLACING NOTE L-4 FOR THE IG ZONE WITH A NEW NOTE L-4.1 OF SECTION 17.32.020 (IL, IG, IW AND IP DISTRICTS – LAND REGULATIONS) OF CHAPTER 17.32 (INDUSTRIAL DISTRICTS) AND REPLACING NOTE L-7 FOR THE IG ZONE WITH A NEW NOTE L-7.1 OF SECTION 17.46.010 (SCHEDULE S-1) OF CHAPTER 17.46 (USE REGULATIONS SUMMARY) OF TITLE 17 (ZONING) OF THE BENICIA MUNICIPAL CODE

RESOLUTION 05-98 - A RESOLUTION ACCEPTING BIDS AND AWARDED CONTRACTS TO THE LOWEST RESPONSIBLE BIDDERS TO FURNISH CHEMICALS TO THE CITY OF BENICIA FOR THE TREATMENT OF WATER AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACTS ON BEHALF OF THE CITY

RESOLUTION 05-99 - A RESOLUTION AUTHORIZING THE FILING OF A GRANT APPLICATION FOR TRANSPORTATION FUNDS FOR CLEAN AIR THROUGH THE BAY AREA AIR QUALITY MANAGEMENT DISTRICT

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

(END OF CONSENT CALENDAR)

Council took the following action:

Extension of the contract with MV Public Transportation:

Vice Mayor Patterson stated that Council received a report on Benicia's Short Range Transit Plan that was done by Nelson Nygaard. It was an excellent report. The report references recommendations on the contract with MV Public Transportation. She asked to what extent the changes have been made (page VI-18). She suggested continuing this item until the issues are addressed.

Mr. Andoh (**GET TITLE**) stated that the performance measures mentioned in the Short Range Transit Plan were incorporated in the proposed contract with MV Public Transportation.

RESOLUTION 05-100 - A RESOLUTION APPROVING THE THIRD AMENDMENT TO THE AGREEMENT WITH MV PUBLIC TRANSPORTATION, INC., TO OPERATE BENICIA TRANSIT AND BENICIA DIAL-A-RIDE DURING THE PERIOD JULY 1, 2005 THROUGH JUNE 30, 2006

On motion of Vice Mayor Patterson, seconded by Council Member Smith, the above Resolution was adopted, on roll call by the following vote:

Ayes: Council Members Campbell, Patterson, Smith, Whitney, and Mayor Messina  
Noes: None

PUBLIC HEARINGS:

Proposed Rezoning from Medium Density Residential (RM) to Planned Development (PD), and a subdivision to allow development at 608 Military East Street:

Continued to the July 5, 2005 Council meeting

On motion of Council Member Whitney, seconded by Council Member Smith, the above Public Hearing item was continued to the July 5, 2005 Council meeting, on roll call by the following vote:

Ayes: Council Members Campbell, Patterson, Smith, Whitney, and Mayor Messina  
Noes: None

First reading of an amendment to the Benicia Municipal Code to allow accessory dwelling units outside the Historic Districts:

Continued to the July 5, 2005 Council meeting

On motion of Council Member Whitney, seconded by Council Member Smith, the above Public Hearing item was continued to the July 5, 2005 Council meeting, on roll call by the following vote:

Ayes: Council Members Campbell, Patterson, Smith, Whitney, and Mayor Messina

Noes: None

UNFINISHED BUSINESS:

First reading of Sunshine Ordinance:

Heather McLaughlin, City Attorney, reviewed the Staff report.

Public Comment:

1. Steve Goetz – Mr. Goetz read a letter from Ms. Belinda Smith (unable to attend the meeting) stating her support for the proposed Sunshine Ordinance. In the letter, she thanked various Staff and Council Members for their support in bringing the proposed ordinance forward. Ms. Smith’s letter discussed the Brown Act, the Public Records Act, and the need for Staff/Officials to receive training on both Acts. The Ordinance would require training on both Acts.

Mayor Messina asked Staff what the City is currently doing with regards to training for the Brown Act and Public Records Act. Ms. McLaughlin reviewed the current procedures. Staff/Officials currently attend annual presentations by the City Attorney. She stated that training on the Public Records Act training could benefit from being enhanced.

2. Bob Craft – Mr. Craft discussed the importance of open government. He urged Council to approve the proposed Sunshine Ordinance. The public deserves unfettered access to public information.

Council Member Campbell asked Mr. Sousa if the State of California owed the City money for its implementation of the Brown Act. Mr. Sousa confirmed that the State of California currently owes the City of Benicia approximately \$200,000 for compliance with the Open Meetings Act.

3. Mike Ioakimedes – Mr. Ioakimedes is opposed to the creation of a commission for the Sunshine Ordinance. We should do everything that promotes participation by the community. The creation of a commission could potentially remove part of the obligation to be engaged by the community. The Ordinance is well intended, but the creation of a commission is not necessary. He is confident that given proper direction and training, Staff will do their job to the best of their ability.

Council Member Smith discussed the need for an Open Government Commission. He asked Mr. Ioakimedes why he felt Benicia did not need one. He stated that we do not need another layer of bureaucracy. He stated that the commission is only as effective as the elective body that sits above it. As long as the public can speak openly to Council, that is the best form of open government. Council Member Smith stated that he would not look at it as another layer of bureaucracy, but a form of checks and balances.

4. Joe Fallon – Mr. Fallon is in support of the Sunshine Ordinance. It is important to have a system of checks and balances at the municipal level. The public should be enabled to watch over what happens at the government level. They can effectively be the checks and balances and keep things on track.

5. Dana Dean – Ms. Dean stated that she is in favor of the Sunshine Ordinance. She is also in favor of having an Open Government Commission. She thinks the commission needs to be a strong and precise tool. She is concerned about some of the ethics components. The conflict of interest section 4.16.08(d) needs to be spelled out more completely, possibly putting in examples of conflict.

Council Member Campbell stated he agreed with Ms. Dean regarding page VIII-A-29.

Vice Mayor Patterson stated that you have to be careful not to get into a level of detail when crafting the ordinance. There are two pieces to this: 1) the law and, 2) how you will implement the law. She does not want to wordsmith this and have it go back to the Sunshine Committee again.

Ms. Dean asked that the section in question be high on the list of priorities for the new commission to address.

6. Ari Soglin – Mr. Soglin stated that having a commission set up to focus on this issue is imperative. When the public does not get information in a timely manner, Council will miss out on the chance to hear from them before a decision is made. Although many of the things in the proposed ordinance are already being followed, the issues are important enough to put into law. It will aid the press in getting articles out sooner. Regarding the cost of the recording equipment, that cost may not be appropriate to be tied to the ordinance. If the recording equipment is outdated, the City should replace it. If that is the case, it should not be part of the ordinance.
7. Richard Guegen – Mr. Guegen is in favor of the Sunshine Ordinance and open government. We need to make plans for a disaster before one occurs. We need to be prepared if the need arises. We have had some horrendous situations in the past. An open government situation would have alleviated those problems. He discussed the Rose Drive issues and how an open government could have helped prevent the issues.
8. John Van Landschoot – Mr. Van Landschoot stated that we need to be prepared for issues in the future. An Open Government Commission is needed and it is a viable option for this town. Having an Open Government Commission is a good idea. He does not think that the estimated annual cost of \$19,000 is correct. He thinks it will be less. However, it would be money well spent. If it needs to go to the public, he will assist in getting signatures on petitions.
9. Kitty Griffin – Ms. Griffin discussed the proposed Sunshine Ordinance. She has no doubt that if this item were to go to the public (as an initiative) it would win. There does not seem to be a lot of support for this in the business community. There needs to be some sort of checks and balances in local government. To her, there does not seem to be too many negative's about the proposed ordinance. She wishes the business community would be on board with it. She is in support of the proposed ordinance.

Council Member Whitney stated that there seems to be broad support for the first four chapters. He made a motion in support of the first four chapters. However, regarding

section 4.04.030 on page VIII-2 – the ‘in general’ section #4 - it is too vague - it is a political meeting. He would like to see it deleted. Regarding #9, he is basically in support of it; however, he does not support the section on posting and reading the rights at every meeting. They should be posted, but not read. Vice Mayor Patterson clarified the wording. Council Member Whitney was then okay with it. Regarding page VIII-29 – he agrees with Ms. Dean, under section (d) - it is vague. He finds it troublesome and suggested striking it and reworking the language so it is not so vague. He suggested striking the section Council Member Campbell discussed and rewording it. Regarding page VIII-A-30 – he suggested changing the gift standards. He would prefer to use the FPPC standards. He summarized and stated that in total, he requested 3 deletes and 1 clarification. He offered a motion to adopt the introduction and first reading of the ordinance with his requested changes incorporated into it. Mayor Messina seconded Council Member Whitney’s motion.

Vice Mayor Patterson offered an alternative motion with changes to the contribution limit set at \$25.00 and the choice for the ethics process going to the City Attorney. Council Member Smith seconded Vice Mayor Patterson’s motion.

Council Member Campbell clarified that Vice Mayor Patterson includes chapters 1-5.

Council Member Smith stated that Council could specify a start-up time to allow time for training, etc. Vice Mayor Patterson accepted the amendment (regarding delayed start-up time) to her substitute motion.

Council had extensive discussion on how to handle a motion and a substitute motion.

Mayor Messina clarified that Council Member Whitney wanted to vote on the first 4 chapters (with his change requests) and vote separately on chapter 5.

### Public Comment:

1. Mary Frances Kelly-Poh - Ms. Kelly-Poh clarified the Roberts Rules of Order for Council and asked the City Attorney to confirm her clarification. Ms. McLaughlin read the Roberts Rules of Order on motions and substitute motions.

Mayor Messina stated that his take on Council’s rules would be to vote on Council Member Whitney’s motion, then on Vice Mayor Patterson’s substitute motion.

Vice Mayor Patterson stated that she did not think Council Member Whitney’s first request needed to be changed. She could not support Council Member Whitney’s motion.

Council Member Smith stated that the public would not benefit from the segmentation of the ordinance. He could not support Council Member Whitney’s motion.

On motion of Council Member Whitney, seconded by Mayor Messina, Council did not approve Council Member Whitney’s amendment to the Introduction and First Reading of an Ordinance, on roll call by the following vote:

Ayes: Council Member Whitney and Mayor Messina  
Noes: Council Members Campbell, Patterson, and Smith

On motion of Vice Mayor Patterson, seconded by Council Member Smith, Council did not approve Vice Mayor Patterson's substitute motion, on roll call by the following vote:

Ayes: Council Members Patterson and Smithy  
Noes: Council Members Campbell, Whitney, and Mayor Messina

Council Member Campbell stated that the limit of \$25.00 seemed low. He stated that the Political Reform Act's numbers are not all that bad. Council Members Whitney, Smith, and Mayor Messina agreed. Regarding 'disrupting a meeting' it just needs to be clarified. The commission could address that particular issue. He want to let the commission rework a few areas to see if they can come up with changes to the last two sentences in (a) and (d) on pages VIII-A-28 to VIII-A-29. Council agreed to let the City Attorney be the person to handle the ethics process. Vice Mayor Patterson stated that the reason for such issues going to the City Attorney, as opposed to the City Manager was a 'coin toss.'

Mayor Messina went through the entire proposed ordinance and discussed his issues with each section. One specific concern he had was on section 4.08.040 B (4) - 'meet outside the City of Benicia with elected or appointed officials of the United States or the State of California.' He questioned why county and special districts were excluded. Ms. McLaughlin stated that the language was taken directly from the Brown Act. Mayor Messina asked if Council was meeting with Solano County, would the meeting have to be in Benicia. He would like to see that clarified in the proposed ordinance.

Mayor Messina called for a 5-minute break at 10:16 p.m.  
The meeting resumed at 10:24 p.m.

Council Member Smith stated that he appreciates the work that Staff, Council, and the citizens have done on the proposed ordinance. He expressed thanks for the efforts of the City Clerk. The City needs a Sunshine Ordinance. It would have been helpful to have it in past years.

Council Member Smith made a motion to adopt the Ordinance as is, with the exception of 3 changes: 1) on Agenda page VIII-A-12 – section 4.08.040 (b) 4 – state, county, and special districts, 2) on pages VIII- A-31 and VIII-A-33, make the change for the ethics process going to the City Attorney, 3) The amount for the gift limit would be pursuant to the Political Reform Act - \$50.00 or up to \$360/year before one is conflicted out. Vice Mayor Patterson clarified that Council Member Smith's motion included section 5. His motion did not receive a second. Mayor Messina stated that if it does not receive a second, it would just 'die.' Council Member Smith retracted his motion.

Vice Mayor Patterson clarified one of Council Member Smith's changes on page VIII-A-12. The City currently has a MOU with the State Lands Commission that deals with Contra Costa County and two cities within Contra Costa County. She suggested changing it to read 'counties or cities.'

Ms. McLaughlin stated that Council might not want to use ‘cities’, but to replace Council Member Smith’s proposed change to read ‘and Counties’.

Vice Mayor Patterson stated that there was a typo on page VIII-A-16 paragraph (e) second line between telephone and email – there needs to be an ‘or.’ Ms. McLaughlin will take care of that.

Council Member Whitney thanked his colleagues and the citizens for their efforts on this. Regarding having a commission, the community is split. He asked if this was similar to using a sledgehammer to drive a tack.

Council Member Campbell described how the commission would function and what it would be responsible for.

Council Member Whitney asked Vice Mayor Patterson if a standing committee could be used instead of a commission. Vice Mayor Patterson stated that the public wants a commission, not a standing committee. Council Member Whitney stated that a portion of the public does not want to have the commission. Vice Mayor Patterson stated that it would be fair to say that a large portion of the public does want the commission.

Mayor Messina stated that he understands what we are trying to accomplish in terms of open government. Regarding conduct of the meetings, we have the Brown Act to look to. A lot of what is needed is training. Regarding providing public information, Staff is there to do that. There is already a system in place for that. Regarding ethics, the FPPC is there to deal with that. He thinks we can accomplish the duties that would be assigned to the Open Government Commission through Staff, without having a commission.

Council Member Campbell stated that we have a good Council right now, but that could change down the road. He discussed a letter sent five years ago by the Grand Jury to the City of Benicia regarding the request for information. We cannot slip backwards on this issue.

Vice Mayor Patterson stated that when she started on this adventure she thought it would be simple. What she learned along the way was how passionate people felt about having access to government. The citizens that came to the Sunshine Committee meetings felt strongly about government and how it should be working. She is reluctant to tinker with the proposed ordinance. It would be an insult to those who have had the passion and dedication to government that have worked on this.

Vice Mayor Patterson made a motion with the following changes: 1) Typo change, 2) inserting ‘counties’, 3) use the City Attorney, and 4) use the Political Reform Act dollar amount - \$50.00 or up to \$360/year before one is conflicted out, 5) There shall be an annual evaluation of the viability of the Commission, and 6) it would be effective 30 days after the budget is passed.

Council Member Whitney asked about how to know if the commission is working. Vice Mayor Patterson stated that there is a section that deals with reporting to Council. The update on how the commission is doing could be part of that report. He would like there to be an annual evaluation of the commission. Vice Mayor Patterson agreed to make that part of her motion.

Mayor Messina stated that he had issues with the qualifications requirement of the commissioners. He thinks the only requirement should be that they are citizens of Benicia.

Vice Mayor Patterson stated that it is valuable that Council try and respect the value of what came out of the meetings.

INTRODUCTION AND FIRST READING OF AN ORDINANCE ADDING A NEW TITLE 4 (OPEN GOVERNMENT) OF THE BENICIA MUNICIPAL CODE REGARDING PUBLIC ACCESS TO MEETINGS AND PUBLIC RECORDS, PUBLIC ETHICS AND ESTABLISHMENT OF AN OPEN GOVERNMENT COMMISSION

On motion of Vice Mayor Patterson, seconded by Council Member Smith, the above Introduction and First Reading of an Ordinance was approved, on roll call by the following vote:

Ayes: Council Members Campbell, Patterson, Smith, and Whitney

Noes: Mayor Messina

On motion of Vice Mayor Patterson, seconded by Council Member Smith, Council gave direction to the City Manager to conduct an ad-hoc stakeholders meeting to develop an information program on City processes, on roll call by the following vote:

Ayes: Council Members Campbell, Patterson, Smith, Whitney, and Mayor Messina

Noes: None

Council Member Smith stated that there were many department managers in attendance that were waiting to discuss various agenda items, which Council would most likely not be able to get to this evening. He suggested Council discuss what items could be continued and what items needed to be discussed tonight.

Mayor Messina asked Mr. Erickson what remaining agenda items needed to be discussed tonight (due to the late hour). Mr. Erickson stated that IX-A and IX-B should be discussed.

Council set a meeting for Tuesday, June 28, 2005 at 6:00 p.m. to discuss the remaining agenda items.

On motion of Council Member Smith, seconded by Vice Mayor Patterson, Council agreed to continue all remaining agenda items, with the exception of IX-A and IX-B until 6/28/2005, on roll call by the following vote:

Ayes: Council Members Campbell, Patterson, Smith, Whitney, and Mayor Messina

Noes: None

NEW BUSINESS:

Annual Review of City Investment Policy per California Government Code §53646:

Rob Sousa, Finance Director, reviewed the Staff report.

RESOLUTION 05-101 - A RESOLUTION REVIEWING THE CITY'S INVESTMENT POLICY AND GUIDELINES AND CONFIRMING ITS ADOPTION

On motion of Council Member Whitney, seconded by Vice Mayor Patterson, the above Resolution was adopted, on roll call by the following vote:

Ayes: Council Members Campbell, Patterson, Smith, Whitney, and Mayor Messina

Noes: None

Quarterly review of City Investments per California Government Code §53646:

Rob Sousa, Finance Director, reviewed the Staff report.

On motion of Council Member Whitney, seconded by Vice Mayor Patterson, Council accepted the monthly investment reports, on roll call by the following vote:

Ayes: Council Members Campbell, Patterson, Smith, Whitney, and Mayor Messina

Noes: None

REPORTS FROM CITY MANAGER:

City of Vallejo Bordonni Ranch Project Update:

Dan Schiada, Public Works Director, gave a very brief update on the project. Staff met with Vallejo City Staff on 6/21/05. Final response to our concerns will be addressed in their 'response to comments' document, which should be available on 6/25 or 6/27.

ADJOURNMENT:

Mayor Messina adjourned (continued) the meeting at 11:30 p.m.

---

Lisa Wolfe, City Clerk

MINUTES OF THE  
CONTINUED REGULAR COUNCIL MEETING  
June 28, 2005

The continued regular meeting of the City Council of the City of Benicia was called to order by Mayor Steve Messina at 6:02 p.m. on Tuesday, June 28, 2005, in the City Council Chambers, City Hall, 250 East L Street, complete proceedings of which are recorded on tape.

ROLL CALL:

Present: Council Members Campbell, Patterson, Smith, Whitney, and Mayor Messina  
Absent: None

PLEDGE OF ALLEGIANCE:

Mayor Messina led the pledge to the flag.

ANNOUNCEMENTS/APPOINTMENTS/PRESENTATIONS/PROCLAMATIONS:

Mayor Messina announced that this meeting was a continuation of the 6/21/05 Regular City Council meeting.

ADOPTION OF AGENDA:

On motion of Vice Mayor Patterson, seconded by Council Member Smith, the Agenda was adopted as presented, on roll call by the following vote:

Ayes: Council Members Campbell, Patterson, Smith, Whitney, and Mayor Messina  
Noes: None

COMMUNICATIONS:

WRITTEN:

PUBLIC COMMENT:

1. Council Member Whitney discussed the Adult Literacy Program publication that is being put on by the Benicia Public Library. It is a wonderful program. He commended the Library Staff for their efforts.
2. Council Member Smith announced the following upcoming events:
  - Community Conversation regarding Benicia Business Park Project at 6:30 p.m. on June 29, 2005 in the Liberty High gymnasium at 350 East K Street
  - 7/1/05 - First Friday on First
  - 7/3/05 - Torchlight Parade and Dance in the Park
  - 7/4/05 - Picnic in the Park and Fireworks at the Waterfront
  - Farmers Market will be held on Thursday's from 4:00 p.m. to 8:00 p.m.

CONSENT CALENDAR:

None

PUBLIC HEARINGS:

None

## UNFINISHED BUSINESS:

### Request to support placement of a Benicia Unified School District (BUSD) Parcel Tax Measure on the November 2005 ballot:

Jim Erickson, City Manager, briefly reviewed the Staff report.

Council Member Campbell discussed his reasons for wanting to support placement of a Benicia Unified School District (BUSD) Parcel Tax Measure on the November 2005 ballot. This is a highly critical, very important issue. He does not want Council to meddle in the district's affairs, but Council should prod them along on this issue. Council Member Campbell submitted a revised resolution on this item.

Council Member Smith stated that he supported Council Member Campbell's revised resolution.

Vice Mayor Patterson stated that in the draft Joint Use Agreement (JUA), Council had expressed support of a parcel tax. She has no problem expressing early support for putting this item on the ballot. It would be useful to reaffirm Council's commitment in a formal way at a future date.

Mayor Messina stated that there is not yet a resolution to vote on for this item. He gave direction to Staff to prepare a resolution along the lines of the previous resolution (04-155). Staff should bring something back to Council at the 7/5/05 or 7/19/05 Council meeting to show support, and again later in the year to reaffirm that support.

### Cancellation of the August 2, 2005 City Council Meeting:

Jim Erickson, City Manager, reviewed the Staff report on this item.

Council Member Whitney stated that in the summer, a large portion of the community would be on vacation. He supports the cancellation of the August 2, 2005 City Council Meeting.

On motion of Council Member Whitney, seconded by Council Member Smith, Council agreed to cancel the August 2, 2005 City Council meeting, on roll call by the following vote:

Ayes: Council Members Campbell, Patterson, Smith, and Whitney

Noes: Mayor Messina

## NEW BUSINESS:

### Adoption of the City of Benicia Municipal Budgets for Fiscal Years 2005-2007:

Jim Erickson, City Manager, and Rob Sousa, Finance Director, reviewed the Staff report. Mr. Sousa reviewed a PowerPoint presentation on the Municipal Budget Workshop (hard copy on file).

Council Member Campbell had a question on expenditures (\$449,000). It looks like we really do not have a balanced budget. Mr. Erickson discussed the issue of impoundment. Council may choose to push some capital projects into the next year. With a list of

recommendations from Council on what projects would be held back, Staff could come back with a different picture on balancing the budget. Council Member Campbell had questions on the capital projects, and questions on street projects and add-backs. He wanted to know how much money we are trying to take away from street projects. Mr. Sousa said that ultimately, they would like \$550,000 for Capital Improvement Projects, \$400,000 for General Projects, and \$100,000 for Street Projects. The difference between the \$550,000 and the \$250,000 that we have in the budget right now is the \$335,000 (average for 2 years) listed. Council Member Campbell asked how much the City was going to reduce the Marina Dredging Fund. Mr. Sousa stated that the City currently has \$100,000 in transfers set aside for dredging for both the current and following year. In the 5-year budget model, we had predicted we would transfer \$300,000 this year and \$315,000 in the following year. Council Member Campbell stated that we might as well acknowledge that we will need more money if that is the case. He stated that he thinks the dredging costs will increase. We should increase the transfer amount instead of decreasing it.

Council Member Campbell had questions on the BUSD field costs. It was listed at \$545,000. He asked about the waiver of the water bill, and if that was included in the cost. Mr. Sousa stated that the maintenance account includes \$95,000 for water costs.

Vice Mayor Patterson asked to what extent the Internal Services Fund reflects the 20% reserves. Mr. Sousa stated that the Internal Services Funds, by nature would fluctuate. In time, they will reach zero. The workers compensation fund comes closest to having a 20% reserve. It would be prudent to have a 20% reserve in that area. The other funds would relate to a specific reserve target. The budget model is able to predict the amount of reserve that is needed.

Vice Mayor Patterson asked what the rationale was for having a 20% reserve that covers personnel when it is a known cost. Mayor Messina stated that in terms of the reserve, it is the unrestricted amount of money that is available to the city if a disaster occurs. In terms of employee funds, it may not be prudent. Vice Mayor Patterson stated that it is a way of setting yourself up where you have to have more money when there is not a necessity to do that. Mayor Messina asked her if she would be more comfortable if it was a dollar amount instead of a percentage. Vice Mayor Patterson stated that she would like to have policies that go along with the reserve. It is the fact that it is a blanket reserve that troubles her. She would like this issue addressed in the Audit and Finance Committee meetings.

Council Member Campbell stated that the reserve was done as a hedge against what happened with the state. Council could bring it down if they needed to. The number was tossed between 15-20%.

Vice Mayor Patterson supports the idea of having a hedge. However, currently the percentage is arbitrary and may need to be adjusted. Regarding slide #8 (all new programs must be self-supportive) she asked where the policy existed and what the purpose is for it. Mr. Sousa stated that he is not sure there is a policy in existence. What

Staff is looking at a mandate that no programs would be introduced at the Staff level unless they are followed by an equal amount in new revenues or offsetting expenditures? . Vice Mayor Patterson stated that this is profound. You have to make some investments in long-range economic development planning. If you don't do that, you cannot have a self-supporting economic development plan. Mr. Erickson stated that if we don't hold the line on expenses, we would not have the revenue to cover it. Vice Mayor Patterson stated the statement 'all new programs' is way too sweeping. It ought to be changed if we are going to go forward with the budget. She said Council did not discuss or agree on this. It should be modified. She asked for clarification on slide #8 - the removing the add-backs. What triggers the decision to do anything? Mr. Erickson stated that the trigger is the ability to forecast or project. Our current financial situation is projected. Vice Mayor Patterson stated that when we talk about the Marina Dredging Fund and the loss of revenues, she wants to be consistent and say that it is because of residential development and the park. We put the burden on the park when in fact it is a small piece of what was lost in terms of the revenue source that had been identified when the marina was originally approved.

Vice Mayor Patterson discussed investment in terms of economic development. Certain things are counted as economic development, and other things are not. She requested via phone to have those items tabulated. She thinks that there are comprehensive planning processes that are part of economic development, which were not included. When we look at the budget, we need to think about how much of that we want in economic development so we make a smarter decision about putting such monies out. She is thinking about support for Main Street. There are many benefits for long term planning programs that we need to support. We need to show how we can express that.

Council Member Whitney had questions on the General Fund revenues and the property taxes. He asked if there was a formula given to us by the County. Mr. Sousa explained the process. Council Member Whitney asked how we account for Vehicle License Fees (VLF). Mr. Sousa stated that we are not projecting our vehicle in-lieu fees. The growth will be based on the growth in property tax. This year we are projecting based upon current numbers. This year we should be within 10%. Council Member Whitney asked about capital projects. He stated there were some projects that Council had previously discussed and wanted to know if those projects were in the proposed budget. Mr. Sousa confirmed that the 7<sup>th</sup> Street and St. Augustine projects are in the budget. The roof at the Camel Barn and the floor repairs at the Camel Barns are not. Staff was not able to get bids from the contractors in time. Council Member Whitney asked if the total amount the Parks and Community Services department was asking for was \$180,000. Mr. Sousa stated that it is in the capital budget. Whitney is not inclined to transfer any money out of the General Fund to subsidize the Marina Fund. We may need to go cold turkey on this and stop transferring monies from the General Fund to the Marina Fund.

Council Member Smith discussed the full time employee-tracking sheet (on file). He asked about the Internal Services Fund and the employees. Why is the bottom line an uneven number? Mr. Sousa stated that it was an oversight that would be fixed. Council Member Smith asked why the allocation for the Police staff decreased. Mr. Sousa stated

that that the number was previously misquoted. Council Member Smith had questions on the increase in cost for the Police Station Retrofit Project. He asked why the number jumped up 130% (from \$413,000 to \$925,000) in a year and a half. Mr. Erickson stated that there had been no change in the scope for the project. There have been tremendous cost increases in construction costs. Chief Trimble stated that an estimator has not taken a final look at the work, it is just a best-guess estimate done by the architect. Council Member Smith wants to see more detail on how the \$413,000 got to \$925,000. Chief Trimble will work on getting the information. He provided the information because he wanted Council to know about the increases in cost. Council will be seeing a contract soon, with real/actual numbers.

Council Member Campbell asked about the Internal Services Fund. He asked what the initial balance is before the funds are transferred in? Mr. Sousa stated that it would be \$1.9 million dollars. After six years, the Facility Maintenance Fund will be balanced. Mr. Sousa stated that the fund would be declining through the 8<sup>th</sup> year. The amount remaining after the 8<sup>th</sup> year is \$180,000. We will have 100% funding for the first 2 years of the budget.

Vice Mayor Patterson commented on how we are transferring money to pay for the storm water funds. One way of getting revenue for this area is to take it to the voters.

Vice Mayor Patterson asked, in terms of the next 2 years, what the flexibility of transfer funds that could cover some costs. Are there other mechanisms that Staff could suggest for Council to consider? Mr. Sousa discussed the Intermodal Fund Reserve. It came into existence as a set-aside to help match potential grant revenues. The project is still on the major projects list. As far as using other sources, the deferral of capital projects has been discussed. We could prioritize the projects and authorize capital expenditures based on need.

Mayor Messina discussed road conditions and what the current target was. Mr. Schiada stated that the current level of paving conditions is 72%, and we are projecting we will go down to 70%. Mayor Messina stated that we are in the top 2% of what other cities do in the County. We will maintain a level of 70% with this budget. Mayor Messina asked, in terms of alley improvements, is there money for alley improvements? Mr. Schiada stated that they have recommended \$20,000 be allocated for alley improvements. Mayor Messina asked Mr. Erickson if there was any money allocated in the budget for agreements such as the BUSD agreement. Mr. Erickson stated that in the proposed budget there is the full cost for maintenance of the four school fields. Mayor Messina asked Ms. McLaughlin how he and Council Member Smith would deal with the budget information on the areas they are conflicted out on. Ms. McLaughlin stated that they would have to abstain from voting on the funds that they are conflicted out on.

Mayor Messina asked Mr. Erickson where the district is at with regards to the JUA. Mr. Erickson stated that all BUSD agendas from this point forward would include the JUA. They thought it would be passed, with amendments at the last district meeting. He thinks it will be brought back soon.

Mayor Messina asked about the Utility Users Tax and Valero. Mr. Erickson stated that the amount in the budget has been penciled in the current rate of \$1 million plus the CPI adjustment of \$20,000. Mayor Messina thought Valero agreed in a letter a long time ago to go with CPI increases. Messina thought it would be more than \$20,000. Mayor Messina stated that we should start to count it, book it, and collect it. Mr. Erickson stated that Valero is willing to meet with us to discuss this. There are possibilities we will get more than we have budgeted. We have not booked it because we don't want to account for money that is not there.

Mr. Erickson directed Council to the handout that was a point-by-point list of Council's questions regarding the budget (hard copy on file).

2. BUSD (contract labor) - Mayor Messina stated that Council previously gave direction to the revenue committee to address this.

Vice Mayor Patterson stated that this issue should be referred to the Audit and Finance Committee. Mr. Erickson stated that we owe it to the public to look into contract work or the best way this should be done.

Council Member Campbell stated that we should move these costs to our budget. We need to define a revenue source before we define the expenditure.

Council Member Whitney stated that we don't yet have an agreement. We don't want to get into the 'gift of public funds' issue. If we don't have an agreement in place, what do we do? Ms. McLaughlin stated that if there is no agreement in place it makes the 'gift of public funds' much tougher.

Council Member Smith stated that the fields are a community service and we need to deal with it. It would be irresponsible of Council not to do this.

Mayor Messina stated that we would end up funding the costs for the field maintenance and need to budget accordingly.

Council Member Whitney stated that as long as there is an agreement in place, he is okay with it.

Vice Mayor Patterson suggested having the Audit and Finance Committee look at the contracting issue. They should also take a look at the policies.

5. Fire Rescue Boat – Vice Mayor Patterson suggested working with Valero on this particular cost. The estimate is \$200,000 to \$225,000 for the boat and related equipment. The annual ongoing costs are not available.

Council Member Whitney stated that as a waterfront community, we have zero rescue capability. To him, it is an issue that should be addressed.

Council gave direction to Staff is to hold some conversations with Valero to see if they have some interest in working on this jointly with the City, and report back to Council.

6. Communications/Grand Jury – Council Member Smith asked why we are choosing not to address this issue in this budget. Mr. Erickson stated that we would be getting homeland security funds that could help this particular area. Chief Trimble stated that they are already working on the equipment issue. Bids have been submitted. It is a County RFP.

Vice Mayor Patterson stated there was a Joint Purchase Agreement (JPA). Marin County has a JPA for this type of thing. This needs to come back to Council for a more in-depth briefing.

7. Frozen firefighter and police officer position – Mr. Erickson stated that these positions were part of the staff make-up two years ago. Looking forward, he does not see, at the present revenue and expense levels, being in another position than red if the positions were added.

Council Member Campbell wants to fund these positions. He discussed the marina dredging issue. Do we really need to do this every year? Is it feasible to dredge every other year? Mr. Schiada stated that we need to have a routine dredging program. It could be done every two years, but no longer than that. Dredging every three years caused problems in the past. We are currently under a 3-year contract with a 1-year extension. Dredging is dependant on the weather, etc. Council Member Campbell discussed defaulting on dredging contract. The Harbor Corporation would then dredge and send us the bill, which would be less than we actually charge. Ms. McLaughlin stated that the savings might not be so great due to having to pay ‘prevailing wages’.

Mayor Messina stated if Council wants to unfreeze the positions, leave the task to the City Manager to come up with options.

Council Member Campbell discussed the Intermodal Transportation Fund. There is approximately \$700,000 in the fund. He does not think the Intermodal Transportation Station will be built in his lifetime. He stated that \$460,000 of the fund has been loaned out to another park fund. Maybe we could close the Intermodal Transportation Station Fund and use the money to fund other services.

Vice Mayor Patterson discussed CEQA and how it applies to this issue. Having \$0 in the fund may cause problems in not being able to get back the million dollars that we have spent so far.

Mayor Messina is concerned with the direction of the budget. The City could use another police beat. We need to start the process now, not in 2 years. He feels the same way with the firefighter position. He fully concurs with the funding of a station, but thinks it should come out of the Seeno project. He would like to see the two positions included in the budget.

Vice Mayor Patterson suggested using the CEQA process that is going on with Seeno to get at some of the costs. Regarding providing ‘basic services’, community safety is preventative. It is having recreation, arts, performing arts, etc. They are valuable parts of safety in the community. She wants her colleagues to keep that in mind. Chief Trimble stated that community policing has three aspects ‘prevention, intervention and enforcement.’ If you take one away, the process will not work.

Council Member Smith stated that based on staff’s recommendations, he does not see the evidence that supports the need for the positions. Chief Trimble stated that the issue is that having adequate staff is important when the community is expanding. There is a planning aspect to this. It could take him 18 months to 2 years to get someone recruited, hired, trained, and ready for service. Fire Chief Hanley stated that they are preparing for the Seeno Development. They would use the model of the Southampton station. It would take them approximately 6 months to be up and running.

Council Member Campbell wanted to know why this is being discussed when we don’t know what Seeno will build out there. He suggested we fund one police officer this year and one next year. We would also fund the firefighter this year. The Intermodal Transportation Station Fund could be the fund source for this.

Vice Mayor Patterson stated that we are talking about expenditures for police and fire. We are also talking about \$180,000 for the X Park. We are cutting other things that are much more modest. She would like to see a balanced process. If we are talking about transferring funds from the Intermodal Transportation Station Fund, she would like to see funds transferred to other places as well. Council discussed the cost (\$40,000 + vehicle) of a half-time code enforcement officer for a total annual cost of \$55,000 to \$65,000.

Council Member Whitney stated that he is not clear on what the timeline is on the new fire station. Chief Hanley discussed the hotel/motel that has been proposed on East Fifth Street. He would like to see the new fire station up and running when that project is complete. Council Member Whitney asked Chief Trimble what his timeline is for ramping up and staffing for the additional beat. Chief Trimble stated that the timeline is 18 months to 2 years to hire, train, get equipment, etc. He would like to have the officers on board when the project is completed. Chief Trimble discussed recruitment strategies.

Mayor Messina stated that it is clear that we don’t have a need for additional police or fire positions for at least a year.

Vice Mayor Patterson stated discussed the Seeno EIR and the need to have the positions in place in advance.

Council Member Whitney suggested allowing the Chief to present to the City Manager ideas on how to ramp this up.

Mayor Messina asked if Council wanted to unfreeze the two positions. Mayor Messina wants to unfreeze the positions and have the City manager tell them how they will pay for it.

Council Member Whitney agreed with Mayor Messina.

Council Member Campbell stated that Council should come up with a way to fund the positions. Mr. Erickson stated that he had no problems with the task of coming up with alternatives for Council to fund the three positions (2) police and (1) fire.

Vice Mayor Patterson stated that there were other services that are appropriate that were not addressed in the budget. She would prefer to unfreeze (1) police officer position, (1) firefighter position, and (1) code enforcement officer this year and (1) police officer position next year.

Council Member Smith stated that the appropriate place to find the money to fund the positions is the additional cost (\$285,000) for the police station upgrade.

8. West 7<sup>th</sup> Street – Mr. Schiada stated that this project is on board and Staff is working with the City Attorney’s office on the issues.

Public Comment:

1. Mary Frances Kelly-Poh – Ms. Kelly-Poh stated that at an earlier meeting, Council Member Whitney was not able to taste the cobbler that her boss made. She has been waiting almost three hours to let Council know that she brought cobbler for them to snack on.

Mayor Messina called for a 5-minute break at 9:07 p.m.  
The meeting resumed at 9:17 p.m.

9. Safe Routes to Schools – Council Member Smith wanted to address crossing guards. The amount budgeted remains unchanged since 2003. The amount we pay is unrelated to whether we can fill the positions. He is very concerned, especially with the school closing. If the positions go unfilled, could we raise the amount they are paid in order to get more applicants? Chief Trimble stated that there was no one at the district managing the program. That is more of a problem than the rate of pay. Mr. Schiada stated that it is difficult to recruit for the positions. The City provides great support in the program, but the overall legal responsibility resides with the district. Chief Trimble stated that he is working with Ms. Dennis (Superintendent) on the Safety Plan, which this issue is part of.
13. Community Grants – Mayor Messina stated that Council substantially increased ArtsBenicia’s amount a few years ago, and they were supposed to increase their presence on First Street. They have not done that yet.

Council Member Smith asked why the Youth Action Task Force has the largest grant and why it is increasing so much in 06-07. Chief Trimble stated that the increase is due to the alcohol, tobacco, and other drug grant that they are getting. They will be getting a counselor for that program. Also, there are substantial funds going toward Second Step, Special Friends, etc. The grant is 100% matched.

Council Member Smith disagreed with the Mayor's statement regarding increasing funds to some of the recipients. Mayor Messina reiterated his understanding that ArtsBenicia was supposed to increase its presence on First Street, in the form of a storefront. Council Member Smith suggested that the City restore some of the grants to the 2003-2004 levels. In particular, ArtsBenicia, Benicia Community Arts, Benicia Old Towne Theatre Group, and the Benicia Historical Museum. The total cost to restore the grant funds for the above groups would be \$4,830.00. He would prefer it be done for 05-06, but urged it be done by 06-07.

Mayor Messina stated that regarding Families in Transition – the Human Services Fund should address this and come back with recommendations for Council. Regarding the Benicia Historical Museum, Mayor Messina does not have a problem with that particular increase.

Council Member Campbell stated there was a request from BPAF for \$7,500 in grant funds. He would like that reconsidered. He discussed ArtsBenicia's request. He listed the places where they have exhibited art in the Downtown area. The City is not holding up our end of the bargain. He suggested doubling ArtsBenicia's grant.

Council Member Whitney asked about Families in Transition. Mr. Andy O'Dell, Human Services Fund Board, described what Families in Transition does. They assist with utilities, rent, etc to a maximum of \$500 per family. They are asking for an increase of \$10,000. The Human Services Fund Board will be asking for \$7,500. Mr. O'Dell is comfortable with the \$7,500 grant for Families in Transition.

Mayor Messina suggested giving the additional money to the Human Services Board Fund and let them dole it out as they see fit. Mary Frances Kelly-Poh discussed what the Community Action Council (CAC) does.

Vice Mayor Patterson stated that it should be clear that as a policy, the groups should not go directly to Council asking for money. She stated that BPAF has a wonderful presence and do a lot for the community. She supports BPAF's request for grant funds. She stated that ArtsBenicia does have a presence on First Street. ArtsBenicia is a part of our economic development. They bring the 'lion's share' of visitors to Benicia. She supports their request for funding a program director for one year.

Mayor Messina stated that he is not happy with the way that ArtsBenicia has come forward. He is not opposed to ArtsBenicia overall. They have come forward and asked for funding to fund positions for one, two, or three years, with the thought that they would become self-funding. They keep coming back and asking for more. In terms of a presence on First Street, they were supposed to have a physical presence (in the form of a rented building). The increase in dollars was to support their ability to pay rent on First Street. These facts raise concerns with him.

Vice Mayor Patterson stated that she understands the Mayor's concerns. However, there are ways to deal with this. She suggested having a standardized audit of all organizations across the board that we give grant money to. It is important for us to develop the standard of protocol. Salaries need to be shown so we know how the money is being sent. We can also constrain the release of funds until the director position (in the case of ArtsBenicia) is filled.

Mayor Messina stated that this was similar to what the Human Services Fund Board Fund is doing. Maybe we should broaden the Human Services Fund Board to include some of the cultural groups. Vice Mayor Patterson suggested calling it a 'community fund.' She stated that she had discussed this possibility with the City Manager and would be glad to bring the Mayor up to speed on their conversations. Vice Mayor Patterson discussed the General Plans reference to an Arts Commission or Cultural Commission. Mayor stated that he would like to get some input from the Human Services Fund Board before making any decisions. He will attend a meeting Human Services Fund Board meeting to discuss this.

Council Member Smith discussed the presentation by ArtsBenicia at the 6/1 budget workshop. They did more than anyone else did with regards to presentation materials, list of accomplishments, exhibits, etc. ArtsBenicia is a prominent reason Benicia was ranked number 7 best city in the nation for its size for being an arts town. He stated that regarding the Human Services Fund Board; he thinks the Families in Transition funding is correct. He suggested spreading the other dollars (through the Human Services) a little thinner. He regrets that the Community Garden funding is only getting \$1,600 and that the Affordable Housing Affiliation funding is being cut entirely. Mr. O'Dell discussed the cuts that were imposed last year. We would be restoring part of the \$50,000 that was cut last year. He discussed the Human Services Fund Board's financial situation. Mr. O'Dell will let Mayor Messina know when the next Human Services Fund Board meeting is so that he (Mayor) can attend to discuss the suggested additional responsibilities.

Mr. Sousa recapped what Council suggested:

- BPAF - 2 years at \$7,500
- ArtsBenicia - increasing its allocation amount to the 2002-2003 amount. And for next year increase it by \$25,000

- Benicia Community Arts - Increasing its allocation amount to the 2002-2003 amount.
- Old Towne Theatre Group - Increasing its allocation amount to the 2002-2003 amount.
- Benicia Historical Museum - Increasing its allocation amount to the 2002-2003 amount.
- Human Services Fund - Add \$2,500 to the transfer to the Human Services Fund for each of the two years.

Mayor Messina stated that the only change he would suggest is to put more to the Human Services Board Fund and let them do the work.

Vice Mayor Patterson discussed Mr. O'Dell's discussion on their current financial status. We should encourage the Human Services Fund Board to go for private funding in addition to the grant funds from the City. Let us focus on the things that the private sources would never fund. She suggested increasing the Human Services Fund Board's allocation by \$2,500. She clarified that ArtsBenicia would be getting an additional \$50,000. (allocated \$25,000 plus adding an additional \$25,000 suggested by Council Member Campbell).

Mayor Messina stated that giving ArtsBenicia that much more rather than increasing the Human Services Board Fund is sending the wrong message to the citizens.

Vice Mayor Patterson stated that it is ArtsBenicia is part of our economic development. The two groups are not competing. Let's not pit the cultural investments against the Human Services investment. We are making an investment in something that has a return to the community. Mayor Messina stated that putting the money towards the Human Services Fund would be investing in the community as well.

Council Member Whitney asked Vice Mayor Patterson to review the steps of holding ArtsBenicia accountable for the additional funds. Vice Mayor Patterson stated that all organizations would be held accountable. Being able to see the benefits and return of the money invested is the key. If we fund ArtsBenicia's program director, we need to tie some strings to the funds. The increase for ArtsBenicia would be a one-time increase.

15. Marina Fund Deficit status – Vice Mayor Patterson stated that the EDB has been tasked with expanding the enterprise zone and possibly working out some development project with the property owner. That is on hold since we lost Karen Majors and will be on hold until Staff is available to work on it. That needs to be supported. We can support the continuing of the gathering of information.

Mayor Messina does not want to subsidize the Marina Fund from the General Fund. Vice Mayor Patterson stated that the idea of a citywide assessment district

had been discussed. Mayor Messina stated that going after the berther's for the cost would be better than going after a parcel tax.

Vice Mayor Patterson stated that the Marina is a benefit to the City of Benicia. Council needs to have a discussion on this issue. She discussed the fact that there is an added value of \$50,000 (per the Economic Development Director) to the condominiums for the Marina.

Mayor Messina stated that in terms of the budget, he and Council Members Campbell and Whitney (majority) do not want to continue to subsidize the Marina Dredging Fund with the General Fund.

18. Community Development – Vice Mayor Patterson discussed form-based zoning. It would cost \$50,000 to \$90,000 and would take 6-9 months to get underway. We would be well advised to pursue this. She believes that we can address 'developing sustainable criteria' as a community. She would be happy to suggest ways of doing that later. She encouraged Council to find out how to get form-based zoning underway. We will have 'money in the bank' if we do this.

Council Member Smith stated this issue was worthy of budgeting money for it.

Mayor Messina directed Staff to put a placeholder in the budget for \$50,000 and an increase on the fees. Staff will explore this issue and do a timeline on the fees.

21. General Fund Imbalance – Council has given Staff ideas on how to address this. Mr. Erickson stated that Council has tasked Staff with finding revenue alternatives.

Vice Mayor Patterson stated that she is concerned that when the assessment district approach is looked at, it is as broad as it can be. When the committee looks at this, they just might care. She asked if the unofficial appointed persons could keep this in mind and look at other things that the joint committee may not be interested in. She wants to make sure that things that would benefit the City do not fall off.

Mayor Messina stated that Council has given Staff a number of changes, but he still wants a balanced budget. He directed Staff to do some squeezing and adjusting and come back to Council with ideas.

Council Member Campbell complimented Staff on being able to stay above 20% reserve. He is amazed at how far they have come.

Mayor Messina suggested taking a vote to implement the changes and incorporate the information passed on to Staff tonight. Mr. Erickson estimated the changes would take a couple of weeks to make.

Mayor Messina suggested adopting one month of the budget and giving Staff time to rework it.

Ms. McLaughlin stated that there is no guarantee, with the suggested changes, that the budget would be balanced. So, Council could not vote on the overall budget as a whole.

Council Member Smith does not want to vote blind. He wants the documentation in front of him before he votes.

Mr. Erickson suggested giving Mr. Sousa 15 minutes to rework the numbers so Council would have something to vote on. Ms. McLaughlin stated that could be done.

Mayor Messina suggested moving on to the next Agenda so that Staff can rework the changes to the budget.

## REPORTS FROM CITY COUNCIL COMMITTEES:

1. Mayors' Committee Meeting – Mayor Messina – Next meeting date: July 20, 2005
2. Arsenal Restoration Advisory Board – Council Member Campbell – Next meeting date: June 22, 2005
3. Association of Bay Area Governments (ABAG) – Vice Mayor Patterson – Next meeting date: October 27, 2005 – Vice Mayor Patterson would like to be able to provide reports from the Cal Fed-ABAG water forum. She wondered if there was a way to provide the written reports to the public. Mayor Messina stated that there could be a note on the committee reports directing people where to go (website) to review the information. If that does not work, we can try something different.
4. Audit & Finance Committee – Council Members Campbell and Patterson – Next meeting date: July 8, 2005 – Mayor Messina asked the committee to come up with incentives for 'green' buildings, possibility through the Utility Users Tax. Other communities are doing this.
5. Carquinez Strait Preservation Trust – Council Member Smith – Next meeting date: Not scheduled
6. First Street Revitalization Committee – Council Members Campbell and Smith – Next meeting date: June 22, 2005
7. League of California Cities – Council Member Smith – Next meeting date: August 4, 2005
8. Police Station and Civic Center Restoration Committee – Mayor Messina and Council Member Smith – Next meeting date: Not scheduled
9. School District Liaison – Council Members Smith and Whitney – Next meeting date: To be determined
10. Sky Valley Area Open Space – Council Members Patterson and Smith – Next meeting date: July 20, 2005
11. Solano EDC Board of Directors – Vice Mayor Patterson – Next meeting date: July 28, 2005
12. Solano Transportation Authority (STA) – Mayor Messina – Next meeting date: July 13, 2005
13. Solano Water Authority/Solano County Water Agency – Mayor Messina – Next meeting date: July 14, 2005

14. Sunshine Committee – Council Members Campbell and Patterson – Next meeting date: Not scheduled – Vice Mayor Patterson suggested sun setting the committee.
15. Traffic, Pedestrian and Bicycle Safety Committee – Council Members Campbell and Patterson – Next meeting date: July 21, 2005 – Mayor Messina discussed the recent meeting with Will Travis, BCDC. Grandville Island (Vancouver, B.C) has implemented the concept of ‘no sidewalks.’ He would like the committee to take a look at this. Vice Mayor Patterson stated that this is actually a new ‘old’ thing.
16. Tri-City and County Regional Parks and Open Space – Council Member Whitney – Next meeting date: September 12, 3005 – Council Member Whitney stated that the joint meeting with the Solano Board of Supervisors took place. They need the support of the Board of Supervisors. There was some decent dialogue. They are currently ‘stymied’ but will continue to work on this.
17. Valero Citizens Advisory Panel (CAP) - Council Member Whitney – Next meeting date: August 4, 2005 – The cold eye review came back. The panel made more suggestions/revisions and sent it back. The report was general and narrative. The subcommittee and consultants agreed to send it back to be fleshed out to show the findings. They are back on track and hope to get the report soon.
18. Youth Action Task Force – Council Members Smith and Whitney – Next meeting date: June 22, 2005

Mayor Messina called for a 10-minute break at 10:50 p.m.  
The meeting resumed at 11:09 p.m.

Mr. Sousa passed out an updated ‘Budget Adjustment’ sheet (hard copy on file). Mr. Erickson reviewed the proposed adjustments. Moving forward would allow Staff to get on with projects.

Mayor Messina asked if borrowing from one of the funds was in keeping with a ‘balanced budget?’ He would like to see a situation where expenditures equal revenue.

Council Member Smith reiterated his concerns with the cost increase to \$925,000 for the Police Station Retrofit Project. Chief Trimble estimated that they would have a bid on the project by third week in October 2005.

Vice Mayor Patterson stated that the overall budget seems to be good accounting and there is a good audit trail. It is a conservative approach.

Mayor Messina stated he would feel comfortable adopting a one-month budget and giving Staff 30 days to implement the suggested changes.

Vice Mayor Patterson suggested adopting a policy dealing with changes to the Intermodal Transportation Station Fund. Staff stated that it could not be done. It would take Staff a minimum of 60 days to implement all of the changes that Council has suggested tonight.

Council Member Campbell asked Ms. McLaughlin what the effect the budget not passing tonight would have. Ms. McLaughlin stated that the budget adoption resolution was

divided into five separate resolutions, one on the overall budget, and one for each separate BUSD field.

Council discussed the benefits of a two-year budget.

RESOLUTION 05-102 – A RESOLUTION ADOPTING THE MUNICIPAL BUDGETS FOR FISCAL YEARS 2005-2006 AND 2006-2007 EXCEPT FOR THE PORTIONS RELATED OT BUSD FIELD MAINTENANCE

On motion of Council Member Campbell, seconded by Vice Mayor Patterson, the above Resolution was adopted, on roll call by the following vote:

Ayes: Council Members Campbell, Patterson, Smith, and Whitney

Noes: Mayor Messina

RESOLUTION 05-103 – A RESOLUTION ADOPTING THE MUNICIPAL BUDGETS FOR FISCAL YEARS 2005-2006 AND 2006-2007 PERTAINING TO FIELD MAINTENANCE AT SEMPLE SCHOOL

On motion of Council Member Smith, seconded by Vice Mayor Patterson, the above Resolution was adopted, on roll call by the following vote:

Ayes: Council Members Patterson, Smith, Whitney, and Mayor Messina

Noes: Council Member Campbell

RESOLUTION 05-104 – A RESOLUTION ADOPTING THE MUNICIPAL BUDGETS FOR FISCAL YEARS 2005-2006 AND 2006-2007 PERTAINING TO FIELD MAINTENANCE AT MILLS/LIBERTY SCHOOLS

On motion of Vice Mayor Patterson, seconded by Council Member Whitney, the above Resolution was adopted, on roll call by the following vote:

Ayes: Council Members Patterson, Whitney, and Mayor Messina

Noes: Council Member Campbell

Abstain: Council Member Smith

RESOLUTION 05-105 – A RESOLUTION ADOPTING THE MUNICIPAL BUDGETS FOR FISCAL YEARS 2005-2006 AND 2006-2007 PERTAINING TO FIELD MAINTENANCE AT BENICIA HIGH SCHOOL

On motion of Council Member Smith, seconded by Council Member Whitney, the above Resolution was adopted, on roll call by the following vote:

Ayes: Council Members Campbell, Patterson, Smith, Whitney, and Mayor Messina

None: None

RESOLUTION 05-106 – A RESOLUTION ADOPTING THE MUNICIPAL BUDGETS FOR FISCAL YEARS 2005-2006 AND 2006-2007 PERTAINING TO FIELD MAINTENANCE AT HENDERSON SCHOOL

# DRAFT

On motion of Council Member Smith, seconded by Council Member Whitney, the above Resolution (Henderson) was adopted, on roll call by the following vote:

Ayes: Council Members Patterson, Smith, and Whitney

Noes: Council Member Campbell

Abstain: Mayor Messina

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

Continued to the 7/5/05 meeting

REPORTS FROM THE CITY MANAGER:

None

ADJOURNMENT:

Mayor Messina adjourned the meeting at 11:38 p.m.

---

Lisa Wolfe, City Clerk

MINUTES OF THE  
REGULAR MEETING – CITY COUNCIL  
JULY 5, 2005

The regular meeting of the City Council of the City of Benicia was called to order by Mayor Steve Messina at 7:30 p.m. on Tuesday, July 5, 2005, in the City Council Chambers, City Hall, 250 East L Street, complete proceedings of which are recorded on tape.

ROLL CALL:

Present: Council Members Campbell, Patterson, Smith, Whitney, and Mayor Messina

Absent: None

PLEDGE OF ALLEGIANCE:

Mayor Messina led the pledge to the flag.

ANNOUNCEMENTS/APPOINTMENTS/PRESENTATIONS/PROCLAMATIONS:

ANNOUNCEMENTS:

Openings on Boards and Commissions:

- Planning Commission: 1 term to September 30, 2008
- Human Services Fund Board: 1 term to June 30, 2009

APPOINTMENTS:

None

PRESENTATIONS:

Status of the IT Panoche Facility Closure – Semi-Annual Report:

Mr. Ray Leclerc, DTSC, Ms. Kitty Hammer, City Consultant, reviewed the Staff report and presentation.

Council Member Campbell asked Mr. Leclerc what the magnitude of the pumping level is currently at. Mr. Leclerc stated that it is currently pumping at 14-15 gallons per minute out of the central area. Council Member Campbell asked if the water was coming back cleaner. Mr. Leclerc stated that most of the water is saline water. There are some levels of heavy metals and contaminants in the water.

Vice Mayor Patterson clarified that they are keeping the water table lower to avoid the contact with the upslope contaminants. Mr. Leclerc stated that the DTSC's immediate concern is to prevent any movement off site. She asked if there were any more surprises that the DTSC has encountered during the wet winter. Mr. Leclerc stated that as soon as it started raining there was some water going up in some of the wells. That indicated that there were some areas that were not properly capped (immediate infiltration occurred). IT will look at those areas. There were also some areas they thought would produce a lot of water but did not. Vice Mayor Patterson clarified that the next report DTSC provides would include the update with the student's research, looking at the capacity, and the water infiltration issue. Mr. Leclerc confirmed that was correct.

Council Member Whitney asked Mr. Leclerc about responsible parties. He asked if the contaminated materials were still there a thousand years down the road, is there a way to hold the responsible parties accountable. Mr. Leclerc stated that they are in communications on this issue, but they may need to take stronger action later down the road. It is better to try and negotiate at this point. How and when the 'heat is turned up' is discussed on a regular basis.

Mayor Messina asked Mr. Leclerc when he was scheduled to return with another report for Council. He is due to return in six months. Council agreed that having reports on this issue every six months is appropriate.

Recognition of the heroism of Joe Miller and Ed Muscolino – Presentation of award by Benicia Firefighters Association and Benicia Fire Department:

Mayor Messina read the commendations for Mr. Miller and Mr. Muscolino. He presented them with framed commendations from the City of Benicia. Mr. Muscolino and Mr. Miller assisted in the rescue of a person sail boarding that had suffered a life-threatening medical emergency.

Mr. Muscolino accepted the commendation. He also discussed the need for the availability of a quick, easily accessible watercraft that could be used in future such emergencies.

PROCLAMATIONS:

Mayor Messina presented the following proclamation:

- Parks & Recreation Month – July 2005 – Ms. Annie Lloyd, Parks, Recreation and Cemetery Commissioner, accepted the proclamation.

ADOPTION OF AGENDA:

On motion of Vice Mayor Patterson, seconded by Council Member Smith, the Agenda was adopted as presented on roll call by the following vote:

Ayes: Council Members Campbell, Patterson, Smith, Whitney, and Mayor Messina

Noes: None

COMMUNICATIONS:

WRITTEN:

PUBLIC COMMENT:

1. Bob Mutch – Mr. Mutch read the following prepared statement: "I'm here tonight to call attention to an event which occurred at the special council meeting last Tuesday evening involving Dan Smith. What caught my ear and disturbed me greatly was the exception Mr. Smith took to a proposed funding increase of 3% requested on behalf of the Youth Action Task Force, a group which Mr. Smith used to herald as one of his proud civic affiliations.

Now, although Mr. Smith would predictably take cover under the proposition that he was merely doing his due diligence as fiscal watchdog, recent and past events would cast doubt on such an assertion. Given the facts, Mr. Smith's blatantly transparent questioning of funding and the benefit that the task force contributes to this community reveals yet another reason why he should be replaced on November 8.

This community deserves much better than the vengeful battles that Mr. Smith is now waging against the Youth Action Task Force and the positive and selfless work by Cecile Kazemi, the task force chairwoman. Quoting our esteemed council member, "Frankly this grant seems disproportionate to the benefit of the community, to the community benefit from that committee." At first, I was surprised at the quote of Mr. Smith, but now I understand why it was uttered in these chambers last Tuesday evening. It's personal. But I'll get to that in a minute. Let's talk about what the YATF offers in return for the funding provided through our tax dollars.

One only need spend five minutes talking to the chairperson or any member of the task force to find out what benefit the task force brings to the community. As mentioned last week by Chief Trimble, intervention to mitigate and stem alcohol, tobacco and other drug in school-age youth is one program. At-risk youth intervention programs such as "2nd Step" and "Too Good for Drugs" are others. Providing direction and guidance to our youngest citizens through the "First 5" is yet another. Finally, can anyone, even Mr. Smith, question the value of the assistance provided our kids through the "Little Liberty" program which helps teen mothers and their children? But if it's just about the money as Mr. Smith would imply, who can find fault with the additional \$89,000 that the task force plans to bring in from Solano County to subsidize the programs aimed at giving OUR kids a leg up when they need it or a nudge back toward a better path when it's necessary?

Is it fiscal stewardship or something more personal that motivated Mr. Smith to question the funding and what he called a "substantial" 3% increase in 2006-07 funding? Well, given the fact that Mr. Smith was recently asked to step down from the task force because of the hostile work environment he caused through his personal actions, one might assume finances are secondary to his actual cause of bringing pain to those he claims have victimized him. Is it possible? Would an elected official stoop so low as to besmirch others' reputations to justify their own self-pitying and hurtful behavior? Well, yes. I believe that there's a lawsuit pending against Mr. Smith and the city for just such a spiteful act performed just a couple of months ago. In fact, a second lawsuit may involve Mr. Smith and our city as co-defendants if another victim decides to bring suit.

Being asked to leave the YATF was not the first time Mr. Smith has made himself unwelcome on a community board or committee. Speaking from personal experience, in December of 2002, I felt compelled to ask Mr. Smith to cease and

desist all public speaking and other involvement regarding X-Park Benicia due to his inability to work productively as a member of our team. After several instances of rogue comments made without consulting his team members and following several reasonable requests from me to change his tactics, Mr. Smith was told his "support" could be taken elsewhere. His response, as expected, was an angry e-mail exhibiting his childishness and complete state of denial of the behavior he exhibited over time to merit such action from a volunteer, youth-oriented committee. Sad, but true.

There is at least one more such example of Mr. Smith's unhealthy approach to helping the community, but I'm out of time. At this point I would only urge Mr. Smith to look good and hard in the mirror and ask whether so many people around him could have so many problems, or whether it might just be his own behavior that causes others around him to react harshly to his actions, attitudes and attacks. Assuming introspection is not his thing, I look forward to November 8 and his much needed replacement.

2. Council Member Smith announced the following upcoming events:

- Farmers Market will be held on Thursdays from 4-8 p.m.
- 7/8 - Movie Night at the Gazebo - 'Harry Potter and the Prisoner of Azkaban' will be playing in the City Park.
- 7/9 – Friends of the Library Book Sale
- 7/9 – BOTTG rummage sale fundraiser
- 7/12 - Vallejo City Council Meeting - They will discuss certifying the EIR for the Bordonni Ranch Project
- 7/15-7/24 - Solano County Fair opens
- 7/15 - BPAF will hold a benefit at the Inn at Benicia Bay featuring The Delbert Bump Trio and Steve Homan (jazz)

Council Member Smith stated that the last public speaker was inaccurate. There are no lawsuits pending against the City with regards to him (Council Member Smith).

#### CONSENT CALENDAR:

Council pulled items VII-D

On motion of Council Member Whitney, seconded by Council Member Smith, the Consent Calendar was adopted as amended, on roll call by the following vote:

Ayes: Council Members Campbell, Patterson, Smith, Whitney, and Mayor Messina

Noes: None

The Minutes of the June Budget Workshops (6/1, 6/10, 6/17, and 6/20) were approved.

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

RESOLUTION 05-107 - A RESOLUTION ACCEPTING THE WEST 9<sup>TH</sup> STREET LAUNCH RAMP IMPROVEMENTS AUTHORIZING THE CITY MANAGER TO SIGN THE NOTICE OF COMPLETION AND CITY CLERK TO FILE SAME WITH THE SOLANO COUNTY RECORDER

RESOLUTION 05-108 - A RESOLUTION ACCEPTING THE BIDS, AWARDING THE CONSTRUCTION CONTRACT, INCLUDING THE BID ALTERNATE, IN THE AMOUNT OF \$470,254.52 TO EVANS GRADING AND PAVING CO. OF FOREST HILL, CA FOR THE 2005 STREET RESURFACING PROJECT AND AUTHORIZING THE CITY MANAGER TO SIGN THE CONSTRUCTION CONTRACT ON BEHALF OF THE CITY

RESOLUTION 05-109 - A RESOLUTION ACCEPTING THE YEAR 2004 STREET OVERLAY PROJECT, APPROVING CONTRACT CHANGE ORDER NUMBER 1, AUTHORIZING THE CITY MANAGER TO SIGN THE NOTICE OF COMPLETION, AND AUTHORIZING THE CITY CLERK TO FILE THE NOTICE OF COMPLETION WITH THE SOLANO COUNTY RECORDER

RESOLUTION 05-110 - A RESOLUTION ACCEPTING THE WEST I STREET IMPROVEMENT PROJECT, APPROVING CONTRACT CHANGE ORDER NUMBER 1, AUTHORIZING THE CITY MANAGER TO SIGN THE NOTICE OF COMPLETION, AND AUTHORIZING THE CITY CLERK TO FILE THE NOTICE OF COMPLETION WITH THE SOLANO COUNTY RECORDER

RESOLUTION 05-111 - A RESOLUTION SETTING THE 2005-06 SECURED TAX RATES FOR THE 1997 SEWER BONDS

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

(END OF CONSENT CALENDAR)

Council took the following actions:

Apply for Transportation Development Account (TDA) Funding for the Military East Bike Lane Project:

Vice Mayor Patterson stated that the City needs to link its transportation, including bicycle and pedestrian paths, as well as roads and highways to land use. That is a goal that the Metropolitan Transportation Commission (MTC) and Solano Transportation Authority (STA) both have. She would like the Resolution to be inclusive of the ‘whereas’ in terms of the General Plan. However, she was informed by the City Manager that doing so might upset the process because it would change the model resolution. She would like to ask, through the motion, that Staff communicate with MTC and STA that the standard ‘whereas’ be consistent with the General Plan (GP), Capital Improvement Plan (CIP), and the Transportation for Livable Communities (TLC) (either adopted or future plan). In the finding #5 that is attached to the Resolution – if we ever get money or if have a state responsible agency participate in this; the referenced attachments would

need to be filed with the state clearing house. We need to let the MTC and STA know that. She asked where the Benicia Environmental document for this particular project is.

Mr. Erickson stated that it was his understanding that the environmental document was not needed at this stage. Mr. Schiada stated that the process of the MTC and STA is to file the application ahead of time and the environmental documentation will not proceed until funding is secured.

Vice Mayor Patterson stated that she thinks this will confuse the public. Ms. McLaughlin clarified the attachments in question. Staff can pass a recommendation to have a choice and so that we can be accurate in our actions. Vice Mayor Patterson would like to see that in order to be accurate with Council's action.

Vice Mayor Patterson stated that her motion would be to amend the Resolution by directing STA to amend its standard form include compliance with the GP and the CIP and the TLC Plan. Also to amend the standard findings to provide the options for either an existing CEQA process or a future CEQA process document. Also, the form should be filed with the state clearing house. Vice Mayor Patterson clarified for Mr. Erickson that the CEQA process document would be consistent with the existing or future TLC Plans.

Council Member Smith asked Ms. McLaughlin to verify that he is not conflicted out on this issue. Ms. McLaughlin stated that he does not have a conflict with the trail in question.

RESOLUTION 05-112 - A RESOLUTION REQUESTING THE METROPOLITAN TRANSPORTATION COMMISSION ALLOCATE FISCAL YEAR 2005/2006 TRANSPORTATION DEVELOPMENT ACT ARTICLE 3 PEDESTRIAN/BICYCLE FUNDING FOR THE MILITARY EAST BIKE LANE PROJECT

On motion of Vice Mayor Patterson, seconded by Council Member Smith, the above Resolution was adopted as amended, on roll call by the following vote:  
Ayes: Council Members Campbell, Patterson, Smith, Whitney, and Mayor Messina  
Noes: None

PUBLIC HEARINGS:

City of Benicia Landscaping and Lighting District FY 2005-06 Assessments and Maintenance:

Dan Schiada, Public Works Director, Rob Sousa, Finance Director, and David Golick, Interim Community Development Director, reviewed the Staff report.

Council Member Smith asked if each of the 5 districts would be consolidated. Mr. Sousa verified that they would be consolidated.

Council Member Campbell asked the consultants from Muni Financial to speak on their experience with employees and contractors in other districts. Mr. Bill Moses, Muni Financial, stated that their experience was handling/preparing the charges each year

following methodology laid out in the report for charging each parcel. They do not have experience in handling contractors.

Mayor Messina asked Staff to explain what Council needs to do to raise the assessments to cover our costs. Mr. Moses stated that with Prop 218 in order to increase an assessment above its maximum, you have to ballot the property owners within the district. The ballot is based on each parcel in the district and the parcel's ballot is weighted by its assessment for that district. Mr. Sousa stated that the balancing of the budget within the districts. This year the expenditures are exceeding the revenues. That serious issue cannot continue for more than a one-year period. We need six months worth to carry us through until we receive the first property taxes coming in. They hope to balance the budget in the future and replenish the funds. They are also planning on meeting with the stakeholders in the future.

Vice Mayor Patterson suggested amending the Resolution with language changes to #10 (VII-A-6) – stakeholder working group, cost reduced, index funding, and future improvements in other district matters. Ms. McLaughlin stated that Vice Mayor Patterson's language changes were okay.

RESOLUTION 05-113 - A 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 2005-06

On motion of Vice Mayor Patterson, seconded by Council Member Smith, the above Resolution was adopted, on roll call by the following vote:

Ayes: Council Members Campbell, Patterson, Smith, and Whitney

Noes: Mayor Messina

Introduction and First Reading of an amendment to the Benicia Municipal Code to allow accessory dwelling units outside the Historic Districts:

Continued to a future Council meeting.

Proposed Rezoning from Medium Density Residential (RM) to Planned Development (PD), and a subdivision to allow development at 608 Military East Street:

Continued to the 7/19/05 City Council meeting.

UNFINISHED BUSINESS:

Second Reading and Adoption of the Sunshine Ordinance:

Heather McLaughlin, City Attorney, reviewed the Staff report.

ORDINANCE 05-6 - AN ORDINANCE ADDING A NEW TITLE 4 (OPEN GOVERNMENT) OF THE BENICIA MUNICIPAL CODE REGARDING PUBLIC

## ACCESS TO MEETINGS AND PUBLIC RECORDS, PUBLIC ETHICS AND ESTABLISHMENT OF AN OPEN GOVERNMENT COMMISSION

On motion of Vice Mayor Patterson, seconded by Council Member Smith, the above Ordinance was adopted, on roll call by the following vote:

Ayes: Council Members Campbell, Patterson, Smith, and Whitney

Noes: Mayor Messina

### Review of City of Vallejo Bordonni Ranch Project:

Dan Schiada, Public Works Director, reviewed the Staff report.

Council Member Campbell wanted to discuss the ‘fair share’ responsibility for cleaning up the corner of Rose Drive and Columbus Parkway. Mr. Schiada stated that the condition is worded such that the Bordonni Ranch developer will be responsible for installing four through lanes of traffic, median island, sidewalk curb, gutter, drainage improvement and bike lanes along the entire length of Columbus Parkway between Benicia Road and the Rose Drive intersection. The reason for the caveat ‘fair share’ is because the City of Benicia has an approved project (Fulton) at the corner of Rose Drive and Columbus Parkway. That particular project will be responsible for the improvements. It is a matter of what development goes first. If the Bordonni Project goes first, there would be reimbursement for the work they do by the Fulton project. Council Member Campbell asked what would be done with the intersection itself. Mr. Schiada discussed the two lanes coming from Vallejo. Those will line up with the two existing lanes. Those are the two critical approaches to the intersection. Council Member Campbell asked about 140 houses that they say need to be built before the project is completed. Mr. Schiada stated that the improvements need to be in place before the building permits are issued. Mr. Schiada stated that he was happy with the way the conditions are worded.

Vice Mayor Patterson complimented Staff for getting this agreement. She asked about the lanes/roadway – is there a median isle? Mr. Schiada stated that it would be a median island along the entire length of the roadway. There are troubling procedures in the agreement. The final EIR does not require a response. There is not a law except to go forward in litigation. If we are unhappy about the responses to the comments Council made, they would need to proceed with litigation. Her favorite comment that Council made was regarding a traffic circle/round-about at the intersection/traffic signal. You can maintain or increase capacity. Their response was outrageous. She discussed the issue she had with the discussion on agricultural lands/historic vineyard. Their (Vallejo’s) response was inaccurate. There are available mitigation measures, but it was dismissed. Regarding the comment on IX-C-35 – there is a Carquines Strait Management Plan. Their response to Council’s comments was dismissive. The response is lacking and dismissive. Items that Council requested be addressed were dismissed. Council asked for some discussion on the MTC principles and linking land use with transportation and the idea of smart growth. They were again dismissed. Mr. Hughes told her that Benicia citizens did not think much of Council because they are not addressing the issues with Vallejo because they feel Council does not care. Council does care. She discussed information Mr. Hughes provided on a community discussion in Vallejo. She suggested notifying the Benicia citizens of the public meeting in Vallejo on 7/26. She wants Staff to get notices

regarding the meeting out to the Benicia citizens. She suggested a joint meeting with Vallejo to discuss the project. There are serious traffic problems that need to be dealt with. She also suggested an ad-hoc meeting with Vallejo.

Council Member Smith stated that Vallejo's dismissive response to Council's comments is alarming. Many responses to the comments were 'no response required.' He discussed State Park Road ridge. We need to press them on this issue. The Bordoni Ranch Project will impact the ridge. Vallejo is not taking our comments seriously. He agrees there should be joint meeting. He asked Staff about the 7/26 meeting in Vallejo. Mr. Schiada stated that he had contacted Vallejo staff earlier today and the meeting has been rescheduled for 7/26. Council Member Smith stated that we should be very concerned with the impact this project will have on Benicia.

Council Member Whitney asked about the traffic signals and lighting. Mr. Schiada stated that the new sensors would be installed when the intersection is changed. Council Member Whitney discussed the busy thoroughfare that Columbus Drive has become. It would behoove Council to have some dialogue with Vallejo about our concerns about the project.

Council Member Smith asked what Council had to gain by supporting TRANS-6. Mr. Schiada stated that the EIR and the lead agency have responded to the City's comments. It is up to Council to decide whether the response is appropriate. The decision is up to Vallejo's City Council. The report that Staff gave to Council was that they did go the necessary steps to minimally address the traffic impacts.

Council Member Campbell asked Mr. Golick what Concord and Pleasant Hill had done in this type of scenario. Mr. Golick stated that the way this project is being dealt with is common. The more difficult theory is dealing with specific land use issues. He recommended the City do everything possible to get the grading situation improved. Some of the remedies discussed (ad-hoc meeting) could be very positive. It would also be helpful if Benicia citizens could provide uses and examples of projects, they could show Vallejo with regards to ridgeline projects.

Mayor Messina stated that the Vallejo Planning Commission has met and made a decision on the EIR for this project. They will meet to make a final decision on 7/26. Mayor Messina stated it would be a good idea to send out notices regarding this meeting to the Benicia citizens. He discussed the proposal that Mr. Schiada gave to Council. It is consistent with the General Plan. Mayor Messina stated that a joint meeting with Vallejo is not realistic, in terms of getting it scheduled before 7/26. He also has concerns telling Vallejo Planning Commission and departments what to do. He is not sure we will get satisfaction for the amount of energy and expense that will need to be put into this.

Council Member Campbell agreed a joint meeting with Vallejo and Council is not realistic. He suggested a forming and sending a subcommittee to meet with Vallejo.

Vice Mayor Patterson stated that we owe it to our citizens that we do care about the effects. We need to see what can be worked out with Vallejo. We have an abundant amount of time – 20 days. She asked Ms. McLaughlin if Council could set up an ad-hoc committee to work with Vallejo, and it could be done by motion tonight. Ms. McLaughlin verified that could be done.

Mr. Erickson stated that it would be helpful to narrow the focus of issues. Vice Mayor Patterson reiterated the reasons a meeting is needed.

Council Member Smith discussed the cultural and aesthetic loss of the orchard. They also need to address smart growth and transit oriented principles. We have a stronger case in arguing the development impact on the intersection on the bridge and State Park Road. We have a right to be concerned about building on ridgelines. The visual and traffic impacts are the two main concerns the ad-hoc committee should address.

Vice Mayor Patterson made a motion to establish an ad-hoc committee. The Mayor and Vice Mayor should meet with the elected officials in Vallejo to discuss the adequacy of the responses to the environmental document, collaborative planning, some specific transportation issues, and some of the visual impacts prior to the 7/26 meeting

Council Member Campbell asked Mayor Messina if he was going to support this issue. Mayor Messina stated that he had an issue with telling Vallejo what to do. He is not sure that this course of action will persuade Vallejo to change their decisions. He suggested the Vice Mayor and City Manager attend the Vallejo City Council Meeting as individuals to present their concerns. He would prefer not to be part of the group that goes to meet with Vallejo.

Council Member Campbell stated that traffic is a big issue for him. Vallejo will need to figure out how to allocate that in the future. He discussed the issue of them building on the ridgeline. He suggested the Vice Mayor, City Manager, and the Interim Community Development Director attend the ad-hoc meeting.

#### Public Comment:

1. Alan Schwartzman – Mr. Schwartzman stated that he is concerned about the overpass and the traffic safety issues this project would cause. He asked Staff about the traffic studies that had been done. Mr. Schiada stated that the traffic analysis indicated that with the widening of the four lanes and the widening of the intersection, it would accommodate the additional number of vehicles that would be going through. Mr. Schwartzman discussed coming off I-780 going to Vallejo. There is a big backup at the traffic light. The project will make the backup increase. Is that being addressed? Mr. Schiada stated that there is a condition that says that there needs to be an additional turn lane for one additional approach lane. Vallejo (Bordoni contractor) would be responsible for that.
2. Mary Frances Kelly-Poh – Ms. Kelly-Poh stated that she is concerned that it is dangerous when going over the overpass to go straight to Rose Drive and trying to turn right or left. Mr. Schiada stated that the upgrades to the intersection to be

done by the City of Benicia, along with the upgrades that will be done as a result of the Bordonni Ranch Project would address those issues. There needs to be separate left turn arrows, as it is dangerous. Ms. Kelly-Poh discussed the barrier on each side of the City limits between Benicia and Vallejo that would prevent building. Council Member Campbell stated that what Ms. Kelly-Poh was referring to was the 'buffer zone.' They are not building in the buffer zone. Ms. Kelly-Poh asked if there were plans for a linear park in that area. Staff stated that there were no plans for a park.

Council Member Whitney asked Staff about the Fulton project and its responsibility for widening the lanes. Mr. Schiada stated that it depends on which project goes first.

3. Greg Gartrell – Mr. Gartrell stated that right now is the best time for the City to use the leverage it has. He discussed the EIR and the inadequacy of Vallejo's responses to Council's comments. He stated that Council should put their concerns regarding Vallejo's responses in writing.
4. Steve Goetz – Mr. Goetz commented on comments made by various Council Members regarding the risk of going to Vallejo's council. He is heartened to know that some Council members are not settling and not satisfied with Vallejo's response to Benicia's comments. He hopes the Council majority is willing to put their reputations on the line to address this. He hopes Council supports Vice Mayor's proposed motion.
5. John Van Landschoot – Mr. Van Landschoot stated that Council should want to go to Vallejo's meetings. Council represents the public. Now is the time to address this and represent the Benicia citizens on this issue.

Vice Mayor Patterson stated that Contra Costa County is a good example of how this works. She discussed Briones and its success with Marin. It is established procedure.

Council Member Campbell attempted to get the Mayor's support for the motion and the overall idea of meeting with Vallejo regarding the project.

Mayor Messina stated that talking with Vallejo about the adequacy/inadequacy of the intersection is a good idea. In terms of the ridgeline, he has concerns that it will impact Benicia, and that issue should be raised. In terms of limiting discussion to those two items, he would support it. In terms of addressing Vallejo's Council, there would need to be a number of meetings. A presence at their council meetings would be a good idea. In terms of forming an ad-hoc committee, if Council majority votes for it, so be it. If that were the case, Vice Mayor Patterson, it would be very appropriate to have her on the committee. It is important Council cement itself on the issues that are important to them.

On motion of Vice Mayor Patterson, seconded by Council Member Smith, Council gave direction to Staff to establish an ad-hoc council committee (2- Council and Staff) for the purpose of working with Vallejo to address issues of transportation, bridge expansion, collaborative planning, and ridges (visual) with the City of Vallejo regarding the Bordonni Ranch Project, prior to Vallejo's 7/26 meeting, on roll call by the following vote:

Ayes: Council Members Campbell, Patterson, Smith, Whitney, and Mayor Messina  
Noes: None

Council Member Smith and Vice Mayor Patterson expressed interest in being on the ad-hoc committee.

Mayor Messina called for a 5-minute break at 9:34 p.m.  
The meeting resumed at 9:43 p.m.

Mayor Messina asked the City Clerk to read back what had been voted on with regards to the broadness of the ad-hoc committee's issues to address. He then stated that he would appoint himself and Vice Mayor Patterson as the Council members for the ad-hoc committee.

Council approved the Mayor's appointment of himself (Mayor Messina) and Vice Mayor Patterson to the ad-hoc committee for the purpose of working with Vallejo to address issues of transportation, bridge expansion, collaborative planning, and ridges (visual) with the City of Vallejo regarding the Bordonni Ranch Project, prior to Vallejo's 7/26 meeting, on roll call by the following vote:

Ayes: Council Members Campbell, Patterson, Smith, Whitney, and Mayor Messina  
Noes: None

#### Proposed Revisions to Tree Resolution No. 05-76:

Trisha Togonon, Parks and Community Services Management Assistant, reviewed the Staff report.

Mayor Messina questioned whether the revisions had gone to the Parks, Recreation and Cemetery Commission for approval. Ms. Togonon verified that it had not. Mayor Messina stated not having it go to the Commission is a disservice to the Commission. Mayor Messina suggested waiting until the 7/13 Parks, Recreation and Cemetery Commission meeting so it can review the proposed revisions.

Vice Mayor Patterson stated that we would be doing a disservice to a committee (Tree Subcommittee) that has been meeting for over one year on this issue. They had unanimous support for the resolution that was introduced. We are asking them to fix an error that Council made. She wants to hear from the public to hear what they have to say. The Mayor could then see that they are in support of the revision. She does not know how Council got away with adopting materials that was presented at the last minute. This is not being fair to a citizens committee that has worked on this for over one year.

Mayor Messina stated that he goes to all meetings with an open mind. In terms of a citizen coming to Council to offer comments, he is open to that.

Vice Mayor Patterson read part of the BMC (that was adopted tonight) regarding the Sunshine Ordinance. On page IX-A-12 #B-6 – she quoted the code that applies to this issue. She stated that Council erred in how they handled this issue. The committee

dutifully met and reviewed the resolution. They have submitted the revisions. She encouraged Council to allow Staff to continue with the Staff report and to hear from the citizens on this matter.

Council Member Whitney stated that the buck stops with Council and they have the right to make changes to the Resolutions. Council has the final say. Vice Mayor Patterson stated that the changes made to the Resolution were done hastily. In reviewing the minutes, they do not reflect what she thought Council agreed on.

Mayor Messina suggested giving the Resolution back to the Parks, Recreation and Cemetery Commission to review the changes Council made (via Resolution 05-76) and the changes suggested by the tree subcommittee to see what they come up with. He did not think that another two weeks would be a big problem.

Staff confirmed that they could get this item on the Parks, Recreation and Cemetery Commission agenda for the 7/13 meeting.

Allison Fleck, Tree Subcommittee Member, stated that the Mayor's suggestion is fine. The actions by the Council regarding this resolution were a disservice to the citizens on the subcommittee. She would like some assurances if/when it will be on the Council agenda, rather than spend hours waiting for something to occur. They still have the ordinance and educational program to work on. They would like to see it on the agenda in 2 weeks to take action on it.

Council had discussion on whether or not they should hear the remainder of the Staff report or wait until the Parks, Recreation and Cemetery Commission reviews the revision.

On motion of Mayor Messina, seconded by Council Member Whitney, Council agreed to send the resolution back to the Parks, Recreation and Cemetery Commission for review, and bring the Commission's comments back to Council at the 7/19 Council meeting, on roll call by the following vote:

Ayes: Council Members Smith, Whitney, and Mayor Messina

Noes: Council Members Campbell and Patterson

## NEW BUSINESS:

### Review of the Benicia Transit Short Range Transit Plan (SRTP) for Fiscal Years 2005-2010:

Rob Sousa, Finance Director, reviewed the Staff report.

Doug Langille, Transit Consultant, Nelson/Nygaard Consulting Associates, reviewed a PowerPoint presentation on the 'City of Benicia Short Range Transit Plan Final Report' (hard copy on file).

Council Member Smith asked why coordination with Fairfield's Route 40 was not incorporated in the plan. Mr. Langille stated that it would increase the travel time for the people riding down from Fairfield because the sites for the Intermodal Transportation

Station were so far off from the highway. He discussed the issue of a potential park-and-ride underneath the overpass on I-680 by the storage facility. He stated that they felt that from a Benician's commute perspective it was a poor location. It would increase their travel time and distance. It is also a very unfriendly location. It would not encourage a park-and-ride type of arrangement with Route 40. There is reference to this somewhere in the report.

John Andoh, Transit Service Manager, discussed the status of the park and ride lot and Route 40. He is working with Fairfield Suisun Transit on this issue. They are working on possibly getting the Route 40 to stop at the corner of Park Road and Industrial Way. He is working with MTC to see if they can draw down RM2 funds for this. He is trying to see if we can at least get a sign up and start using that corner as soon as August.

Council Member Smith discussed why ferry service was not referenced. Mr. Andoh stated that it was because this is a short-range plan, and that is something that is more long range.

Mayor Messina stated that in terms of the tie-ins, STA is working on the longer multi-city routes. In terms of Benician's and where will they be able to access that system - where are the points where we want the busses to stop and where the citizens can gather to catch the busses? Mr. Langille stated that the one that showed the most local promise was the church parking lot on West Military and Southampton Road. That could essentially serve the Southampton folks. The second site that was looked at was the Cal-Trans yard. Mr. Schiada clarified that the best choice for pick up/drop off would be Solano Square. That would be a great bus stop area.

Vice Mayor Patterson stated that she read the report cover-to-cover. It was interesting, well prepared, and constructive. She had five suggestions. 1) It would be useful to add an appendix that summarizes the GP goals and policies. In terms of Appendix B, it should include the resolution that was adopted by Benicia in 2004. 2) On executive summary page 6, recommendation #21 – the appendix has an excellent discussion of the station. But, she would like to have the fact that there is a resolution in existence - criteria is missing. 3) She is unclear on the map on figure 1-3, 'bus stops outside Benicia' she considers I-780 and Military West as part of Benicia. Why is it labeled 'outside Benicia'? Mr. Langille stated that was just an error that will be fixed. She suggested fixing the one by the State Park. 4) On page 2-4, she asked him to explain why major employers of the government – such as the City and the Schools. Mr. Schiada stated that it was an oversight by Staff that can be fixed. 5) On page 7-1, there is a discussion of the City of Benicia's Mission Statement. There should be an overarching general plan goal included. Prior to the Mission Statement, should be the GP. She wants to hear how this works with the stakeholders and hear what they have to say. She concurs with a lot of the recommendations. There is a possibility of increasing the ridership on Amtrak if there was transit service. She would like to know if there is a possibility of increasing ridership on Amtrak going east if there was more transit service. The only way to get there (Amtrak) is by car. Vice Mayor Patterson stated that when they go to the stakeholder meetings, they interview the Amtrak riders to get that information.

# DRAFT

Council Member Smith asked if there was consideration on the impact of these recommendations on the Middle School. Benicia added a route to the Middle School when BUSD cancelled bus service. Mr. Andoh stated that the school loops are proposed to be in the flex route schedules. He explained how the flex routes work. It is a hybrid service. The students could call for a deviation or they could go to the scheduled bus stop to be picked up.

Mayor Messina commented on the stakeholders. He would like Mr. Langille to come back with numbers for Council to see. He has concerns about the flex route with regards to seniors and disabled persons. The door-to-door service would not be available. In terms of the community discussions on this, he has concerns. He also has concerns with taxi service as a backup. It is difficult to get a taxi as it is. He wants Mr. Langille to hit those points at the community discussions and get back to Council.

John Andoh, Transit Service Manager, reviewed a PowerPoint presentation on the proposed changes (hard copy on file).

The SRTP will be revisited at the first Council meeting in September 2005.

Vice Mayor Patterson asked if it was possible to do an interactive questionnaire on the City's website. Mr. Sousa will discuss that with the HR Director to see if that is possible.

#### REPORTS FROM CITY MANAGER:

None

#### REPORTS FROM CITY COUNCIL COMMITTEES:

None

#### ADJOURNMENT:

Mayor Messina adjourned the meeting at 11:20 p.m.

---

Lisa Wolfe, City Clerk

**AGENDA ITEM  
CITY COUNCIL MEETING: JULY 19, 2005  
CONSENT CALENDAR**

**DATE** : July 19, 2005  
**TO** : City Manager  
**FROM** : City Clerk  
**SUBJECT** : **REQUESTING CONSOLIDATION OF ELECTIONS, AND  
REQUESTING SERVICES OF COUNTY REGISTRAR OF VOTERS**

**RECOMMENDATION:**

Adopt Resolution requesting consolidation of elections, and requesting the services of the County Registrar of Voters.

**EXECUTIVE SUMMARY**

The attached resolution will accomplish the legally required steps to consolidate a municipal election with the other statewide elections held in the City of Benicia and to request the services of the County Registrar of Voters to conduct a special municipal election in Benicia on November 8, 2005.

**BUDGET INFORMATION:**

The cost of the Municipal Election for the November 2005 election is budgeted for \$30,000.

Attachment:

Proposed Resolution

## **RESOLUTION**

[Link to Election Consolidation Resolution](#)

**AGENDA ITEM  
CITY COUNCIL MEETING: JULY 19, 2005  
CONSENT CALENDAR**

**DATE** : June 29, 2005  
**TO** : City Council  
**FROM** : City Attorney  
**SUBJECT** : **DENIAL OF THE CLAIM AGAINST THE CITY BY JO GREGORY AND REFERRAL TO INSURANCE CARRIER**

**RECOMMENDATION:**

Reject the claim against the City by Jo Gregory. Upon rejection of the claim, the City Clerk should issue a rejection notice using ABAG's Form Letter No. 3 of the ABAG Plan Claims Procedures Manual and process with the proof of service by mail form (located in the forms directory). A copy of the rejection notice and proof of service by mail form should be sent to Jim Nagal (ABAG Claims Examiner) and the City Attorney.

**EXECUTIVE SUMMARY:**

A claim was submitted by Jo Gregory for reimbursement for medical expenses due to a tripping incident that occurred when she caught her foot on a curb.

**BUDGET INFORMATION:**

The amount of the claim is \$296.75.

**BACKGROUND:**

The City has no record of any other incidents at this location.

Attachment:

Copy of Claim Filed Against City

# **ATTACHMENT**

**(If viewing online, this attachment is available from the City Clerk's Office.)**

**VII-C-1-2**

**AGENDA ITEM  
CITY COUNCIL MEETING: JULY 19, 2005  
CONSENT CALENDAR**

**DATE** : June 29, 2005

**TO** : City Council

**FROM** : City Attorney

**SUBJECT** : **DENIAL OF THE CLAIM AGAINST THE CITY BY MARIA PARRISH, GUARDIAN OF ALEXANDER PARRISH AND REFERRAL TO INSURANCE CARRIER**

**RECOMMENDATION:**

Reject the claim against the City by Maria Parrish, as guardian of Alexander Parrish. Upon rejection of the claim, the City Clerk should issue a rejection notice using ABAG's Form Letter No. 3 of the ABAG Plan Claims Procedures Manual and process with the proof of service by mail form (located in the forms directory). A copy of the rejection notice and proof of service by mail form should be sent to Jim Nagal (ABAG Claims Examiner) and the City Attorney.

**EXECUTIVE SUMMARY:**

A claim was submitted by Maria Parrish, as guardian of Alexander Parrish, for reimbursement for medical expenses for injury to son's finger when it was caught in a grate in front of the Youth Center.

**BUDGET INFORMATION:**

The amount of the claim is unknown at this time.

**BACKGROUND:**

At the time of the incident, Mrs. Parrish had sole responsibility for supervising her 2-½ year old son.

Attachment:

Copy of Claim Filed Against City

**VII-C-2-1**

# **ATTACHMENT**

**(If viewing online, this attachment is available from the City Clerk's Office.)**

**VII-C-2-2**

**AGENDA ITEM  
CITY COUNCIL MEETING: JULY 19, 2005  
CONSENT CALENDAR**

**DATE** : July 5, 2005  
**TO** : City Manager  
**FROM** : Director of Public Works  
**SUBJECT** : **SIDEWALK CONDITIONS AT 1251 WEST 7 STREET**

**RECOMMENDATION:**

Adopt the Resolution:

- 1) Ordering a complete study of the sidewalk conditions at 1251 West 7th Street and submit a report at the regularly scheduled City Council meeting of August 16, 2005.
- 2) Designating the City Engineer as Administrator for this sidewalk condition study and all related further action prescribed by Title 12, Chapter 12.16 of the Benicia Municipal Code.

**EXECUTIVE SUMMARY:**

An unsafe sidewalk condition exists along West 7th Street caused by erosion from a private drainage ditch. Conducting a sidewalk condition study is the recommended first step to ensure repairs are made to provide for a safe walkway for school children and pedestrians.

**BUDGET INFORMATION:**

There is no direct cost to the City to conduct the subject study. An estimate of the cost to make any repairs indicated by the study will be presented to the City Council on August 16.

**BACKGROUND:**

During this past winter season, the Public Works Street Superintendent reported an unsafe sidewalk condition at 1251 West 7th Street. Maintenance Division staff observed that high water flows in the private drainage ditch next to the public sidewalk had undermined the sidewalk (see Exhibit SW-1). Because school children and pedestrians extensively use this sidewalk, Maintenance Division staff placed safety fencing behind the sidewalk to reduce the risk of injury. This however is a temporary measure until such time a permanent repair is made.

Engineering Division personnel have met with the property owner and the Department of Fish and Game regarding available options to relocate the ditch and make sidewalk repairs. Although the property owner has discussed repair options and understands the need to fix the safety hazard, given the serious nature of this situation and its inclusion in the FY 2005–2007 list of Council

priorities (No. 30), staff suggests implementing an established process to ensure the necessary repairs or improvements are made. Recent use of the Curb and Sidewalk Area Ordinance (Benicia Municipal Code Title 12, Chapter 12.16), which resulted in the repair of a tripping hazard on First Street, began with a sidewalk study.

The study is an official investigation of the sidewalk condition and includes the outcome of any meetings with the property owner. Staff will also confer with environmental resource agencies to determine the nature and scope of permitting and environmental concerns as it relates to the ditch. After collecting data, the Administrator will recommend to the City Council a plan with a scope of the work and estimated cost to remedy the sidewalk condition. If the property owner disagrees with the Administrator's recommendation, the City Council will refer the matter to the Planning Commission for review and consideration at a public hearing. Afterward, the matter would return to the City Council for final action.

Therefore, staff recommends that the City Council order a sidewalk condition study for 1251 West 7th Street pursuant to BMC Title 12, Chapter 12.16, designate the City Engineer as the Administrator, and direct the Administrator to make a full report at the next regularly scheduled City Council meeting of August 16, 2005.

DS/MT:mt

cc: City Attorney  
City Engineer

Attachments:

- ❑ Proposed Resolution
- ❑ Exhibit SW-1: Sidewalk Condition at 1251 West 7th Street

## **RESOLUTION**

[Link to Sidewalk Conditions Resolution](#)

**EXHIBIT SW-1:  
Sidewalk Condition at 1251 West 7th Street**

[Link to Exhibit SW-1 Sidewalk Conditions](#)

**VII-D-5 thru VII-D-6**

**AGENDA ITEM  
CITY COUNCIL MEETING: JULY 19, 2005  
CONSENT CALENDAR**

**DATE** : June 29, 2005

**TO** : City Manager

**FROM** : Human Resources Director

**SUBJECT** : **APPROVE THE NEW JOB DESCRIPTION FOR THE CLASSIFICATION OF DEVELOPMENT SERVICES TECHNICIAN, LEVEL I & II AND ESTABLISHING THE SALARY RANGE**

**RECOMMENDATION:**

Adopt the resolution approving the new job description for the classification of Development Services Technician, Level I and II, and establishing the salary range.

**EXECUTIVE SUMMARY:**

This resolution seeks to add a new job description title to the City's current classification plan, along with establishing the salary range for individual(s) who work under this job title.

**BUDGET INFORMATION:**

The budget impact is an increase of \$4,272 (based only on base salary) for fiscal year 05/06.

**BACKGROUND:**

A position audit (review) of the duties and responsibilities of the current Graphics Illustrator position was requested by the Community Development Department. The audit determined that the incumbent in this position had been doing additional job duties not listed in his job description to the extent that a new position title would have to be developed if the Department wished to continue to utilize the incumbent in his new and expanded role.

Based on the results of the position audit a new job description was necessary to capture the new and expanded duties being done by the Graphics Illustrator. These duties principally dealt with working with citizens in providing information and assistance regarding development review processes, receiving a wide variety of applications and issuing planning permits which do not require plan checks. These additional duties are necessary in order for the Department to serve its customers and therefore the decision

was made to reclassify the Graphics Illustrator to the new job description of Development Services Technician.

It was also determined that the job description of Graphics Illustrator was no longer a practical position in this age of computer assisted graphics. Developers can be requested to supply the necessary maps, sketches, charts or other illustrated materials during the review process.

The Civil Service Commission reviewed and approved of this position title at their May 10, 2005 meeting.

Attachments:

- Resolution 05-
- Job Description – Graphic Illustrator (Current)
- Job Description – Development Services Technician, Level I and II (Proposed)

## **RESOLUTION**

[Link to Development Services Tech Reso](#)

**JOB DESCRIPTION  
GRAPHICS ILLUSTRATOR (Current)**

[Link to Job Description Graphics Illustrator](#)

**VII-E-6**

**JOB DESCRIPTION  
DEVELOPMENT SERVICES TECHNICIAN  
(Proposed)**

[Link to Job Description Development Services Tech](#)

**AGENDA ITEM  
CITY COUNCIL MEETING: JULY 19, 2005  
CONSENT CALENDAR**

**DATE** : July 19, 2005  
**TO** : City Manager  
**FROM** : Human Resources Director  
**SUBJECT** : **APPROVE REVISED JOB DESCRIPTIONS FOR ASSOCIATE PLANNER AND PRINCIPAL PLANNER**

**RECOMMENDATION:**

Adopt the Resolution approving the job descriptions for Associate Planner and Principal Planner.

**EXECUTIVE SUMMARY:**

The Community Development Department is making every effort to ensure that job descriptions for classifications within the department are current. The department is updating the job descriptions in anticipation of our upcoming recruitments for these position due to recent vacancies.

**BUDGET INFORMATION:**

There is no budget impact.

**BACKGROUND:**

The Associate Planner job description was last updated in 2001. The Principal Planner job description has not been updated since November 1997. Over the past few years, the duties of these position have evolved somewhat, including adding the historical preservation aspect. The revised job description more closely reflects the current duties performed by both an Associate Planner and Principal Planner.

Revisions have also been made to comply with the requirements of the Americans with Disabilities Act (ADA).

**Attachments:**

- Resolution 05-
- Job Description – Proposed Associate Planner
- Job Description – Marked-Up Version Associate Planner
- Job Description – Proposed Principle Planner
- Job Description – Marked-Up Version Principle Planner

# **RESOLUTION**

**RESOLUTION NO. 05-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING THE REVISED JOB DESCRIPTIONS FOR THE CLASSIFICATIONS OF ASSOCIATE PLANNER AND PRINCIPAL PLANNER**

**WHEREAS**, the City of Benicia makes every effort to ensure that job descriptions reflect the most current professional standards, terminology and requirements; and

**WHEREAS**, the City has been revising job descriptions to incorporate language required under the Americans With Disabilities Act (ADA); and

**NOW, THEREFORE, BE IT RESOLVED** that the attached revised job descriptions for Associate Planner and Principal Planner be approved.

\*\*\*\*\*

On a motion of \_\_\_\_\_, seconded by \_\_\_\_\_, the above resolution was introduced and passed by the City Council of the City of Benicia at the regular meeting of said Council held on the 19<sup>th</sup> day of July 2005 and adopted by the following vote:

Ayes:

Noes:

Absent:

\_\_\_\_\_  
Steve Messina, Mayor

ATTEST:

\_\_\_\_\_  
Lisa Wolfe, City Clerk

**JOB DESCRIPTION - ASSOCIATE PLANNER  
(Proposed)**

[Link to Associate Planner](#)

**JOB DESCRIPTION - ASSOCIATE PLANNER  
(Marked-Up Version)**

**(If viewing online, this attachment is available from the City Clerk's Office.)**

**VII-F-8 thru VII-F-12**

**JOB DESCRIPTION - PRINCIPLE PLANNER  
(Proposed)**

[Link to Principal Planner](#)

**VII-F-13 thru VII-F-17**

**JOB DESCRIPTION - PRINCIPLE PLANNER  
(Marked-Up Version)**

(If viewing online, this attachment is available from the City Clerk's Office.)

**AGENDA ITEM  
CITY COUNCIL MEETING: JULY 19, 2005  
CONSENT CALENDAR**

**DATE** : June 29, 2005

**TO** : City Council

**FROM** : City Manager

**SUBJECT** : **APPROVE THE NEW JOB DESCRIPTION FOR THE CLASSIFICATION OF ECONOMIC DEVELOPMENT MANAGER AND ESTABLISHING THE SALARY RANGE**

**RECOMMENDATION:**

Adopt the resolution approving the new job description for the classification of Economic Development Manager, and establishing the requisite salary range.

**EXECUTIVE SUMMARY:**

This resolution seeks to add a new job description title to the City's current classification plan, along with establishing the requisite salary range.

**BUDGET INFORMATION:**

No budget impact. Salary for this position will come from salary allocated for the vacant Assistant City Manager/Economic Development Director.

**BACKGROUND:**

After the recent resignation of the Assistant City Manager/Economic Development Director, and prior to any recruitment to fill the vacant position, I evaluated the overall needs of the City as they related to Economic Development.

My review determined a need for Benicia to place a focused prominence on economic development. We need a position strictly dedicated to recruit and help retain businesses and industries.

The Human Resources Director and I have designed a job description to include knowledge, skills and abilities we feel will recruit an individual with a strong economic development background and business acumen.

This position will be added to the Middle Management group, and is exempt from the Fair Labor Standards Act (FLSA) requirements for overtime compensation.

**Attachments:**

- Resolution 05-
- Job Description (Proposed) – Economic Development Manager

# **PROPOSED RESOLUTION**

**RESOLUTION NO. 05-**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA  
APPROVING THE NEW JOB DESCRIPTION FOR THE CLASSIFICATION OF  
ECONOMIC DEVELOPMENT MANAGER AND ESTABLISHING THE  
SALARY RANGE**

**WHEREAS**, the Assistant City Manager/Economic Development Director resigned on April 29, 2005; and

**WHEREAS**, the City is without a position to handle Economic Development needs; and

**WHEREAS**, the City Manager has reviewed the needs of the City as they pertain to Economic Development and has proposed a reorganization of his offices to provide a focus on Economic Development; and

**WHEREAS**, this new position will be dedicated strictly to Economic Development.

**NOW, THEREFORE, BE IT RESOLVED THAT** the City Council hereby approves adding the new Classification of Economic Development Manager to the Middle Management group, establishing the salary range, and amending the Classification Plan.

**BE IT FURTHER RESOLVED THAT** the salary range for the Economic Development Manager classification be established as:

<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>
5864	6157	6465	6788	7128

\*\*\*\*\*

On Motion of Council Member \_\_\_\_\_, seconded by Council Member \_\_\_\_\_, the above resolution was introduced and passed by the Council of the City of Benicia at a regular meeting of said Council on the 19<sup>th</sup> day of July 2005 and adopted by the following vote:

Ayes:

Noes:

Absent:

---

Steve Messina, Mayor

ATTEST:

---

Lisa Wolfe, City Clerk

**JOB DESCRIPTION**  
**Proposed**  
**Economic Development Manager**  
(Pages VII-G-5 to VII-G-8)

[Link to Economic Development Manager Job Description](#)

**AGENDA ITEM  
CITY COUNCIL MEETING: JULY 19, 2005  
CONSENT**

**DATE** : July 6, 2005  
**TO** : City Manager  
**FROM** : Finance Director  
**SUBJECT** : **AUTHORIZATION FOR PURCHASE OF THREE CUTAWAYS  
FROM EL DORADO BUS SALES FOR BENICIA TRANSIT DIAL-  
A-RIDE**

**RECOMMENDATION:**

Authorize the purchase of three (3) new paratransit buses for Benicia Transit Dial-A-Ride service through the Caltrans Statewide Procurement Program from El Dorado Bus Sales.

**EXECUTIVE SUMMARY:**

The City was successful in 2003 in securing grant funding from the Federal Transit Administration (FTA) with the City of Vallejo's assistance, which pays for 80% of the cost for three new cutaway vehicles. The new vehicles will replace two 1997 Dodge minivans and one 1997 Supreme Cutaway that has exceeded their useful life span of five years.

**BUDGET INFORMATION:**

The cost of the three vehicles is \$151,059. The following table will provide an overview of the funding sources for this purchase:

<b>Federal Share (FTA Sec. 5307)</b>	<b>City Share (TDA Funds)</b>	<b>Total</b>
\$120,847	\$30,212	\$151,059

The City share of this purchase is borne by the City's Transit Fund (Fund 019), which is funded primarily by the Transportation Development Act (TDA) ¼ cent retail sales tax that is administered by the Metropolitan Transportation Commission (MTC).

**BACKGROUND:**

Staff received a Federal Transit Administration (FTA) grant to replace two 1997 minivans and one 1997 cutaway in 2003. These vehicles have exceeded their useful life span of five years. The City will need to expend these funds by next year or the FTA will reallocate the funds to another project. Lead-time for a new cutaway vehicle is six to eight months.

The SRTP recommends that the City remain on the “clean diesel” path, which most Bay Area transit agencies are following, for the purchase of the three cutaways. Other fuels, such as Compressed Natural Gas (CNG), Liquefied Natural Gas (LNG) or Hybrid-Electric are not available in this type of bus at this time.

The cost for converting the fleet to be powered by an alternative fuel is upward of \$3 million dollars or more to develop and construct a facility, train existing staff, receive certification and to procure new vehicles powered by the alternative fuel. For a fleet the size of Benicia Transit, the cost for the conversion would be prohibitive at this time.

The buses being purchased are 22 feet long; seat 12 passengers, with space for up to four wheelchairs. Under the MTC guidelines, a transit operator can only increase one size per replacement period, i.e. from a minivan to a cutaway. A cutaway vehicle will be sufficient in size for our Dial-A-Ride operation.

Staff is proposing to purchase the cutaways from the Caltrans Statewide Procurement Program, not to exceed \$151,059. The three new cutaways, once received, will be assigned to Dial-A-Ride and immediately replace the above-mentioned vehicles. The two minivans will be used as support vehicles for the contractor and the Transit Services Division, and the cutaway will be retired from the fleet and sold through an auction.

Attachments:

- ❑ Resolution Awarding Purchase Order to El Dorado Bus Sales
- ❑ Draft Short Range Transit Plan: Appendix “C” Alternative Fuels Assessment
- ❑ Price Quote and Specifications from El Dorado Bus Sales

# **Resolution**

**RESOLUTION NO. 05-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA AWARDING  
A PURCHASE ORDER TO EL DORADO BUS SALES FOR THREE (3) PARATRANSIT  
BUSES**

**WHEREAS**, the City of Benicia was successful in securing federal grant assistance toward the purchase of three (3) new paratransit buses for Benicia Transit's paratransit Dial-A-Ride Service; and

**WHEREAS**, the City of Benicia has participated in the state procurement program for the purchase of these vehicles, thus assuring the lowest price possible and quick delivery terms; and

**WHEREAS**, El Dorado Bus Sales of California is the successful vendor to whom the state has awarded the contract for paratransit vehicles.

**NOW, THEREFORE, BE IT RESOLVED THAT** the City Council of the City of Benicia hereby awards a purchase order to El Dorado Bus Sales for three (3) new paratransit vehicles for \$151,059.

\*\*\*\*\*

On motion of Council Member \_\_\_\_\_, seconded by Council Member \_\_\_\_\_, The above Resolution was introduced and passed by the City Council of the City of Benicia at a regular meeting of said Council held on the 19<sup>th</sup> day of July 2005, and adopted by the following vote:

Ayes:

Noes:

Absent:

\_\_\_\_\_  
Steve Messina, Mayor

\_\_\_\_\_  
Lisa Wolfe, City Clerk

# **Alternative Fuels Assessment**

Draft Short Range Transit Plan – Appendix “C”  
(Pages VII-H-6 to VII-H-12)

[Link to Alternative Fuels Assessment](#)

# **Price Quote from El Dorado Bus Sales**

**(If viewing online, this attachment is available from the City Clerk's Office.)**

**VII-H-13**

**AGENDA ITEM  
CITY COUNCIL MEETING: JULY 19, 2005  
CONSENT CALENDAR**

**DATE** : July 11, 2005

**TO** : City Council

**FROM** : City Manager

**SUBJECT** : **SUPPORT OF PLACEMENT OF A PARCEL TAX MEASURE ON AN  
UPCOMING BALLOT BY THE BENICIA UNIFIED SCHOOL  
DISTRICT**

**RECOMMENDATION:**

Adopt a resolution supporting placement of an upcoming ballot parcel tax measure by the Benicia Unified School District (BUSD).

**EXECUTIVE SUMMARY:**

Per the direction of the City Council at the June 28, 2005 Continued Regular Meeting, a resolution similar to the previously approved Resolution No. 04-155 is included in order to express the continued support of BUSD placing a parcel tax on an upcoming ballot in order to generate funds.

**BUDGET INFORMATION:**

None.

Attachment:

- Resolution

# **RESOLUTION**

**RESOLUTION NO. 05-**

**A RESOLUTION SUPPORTING PLACEMENT OF A PARCEL TAX BALLOT MEASURE BY THE BENICIA UNIFIED SCHOOL DISTRICT ON AN UPCOMING BALLOT**

**WHEREAS**, the unprecedented fiscal crisis facing California State government has necessitated significant budget cuts in the past five years from the programs and services provided by the Benicia Unified School District (BUSD); and

**WHEREAS**, the California State Legislature has failed to provide adequate funding for the continued operation of the schools of BUSD, and as a result of this lack of funding and financial support for its schools, BUSD is in danger of eliminating many programs that are beneficial and necessary to the students; and once eliminated, these programs of study will be extremely difficult to restore: and

**WHEREAS**, BUSD has engaged in a variety of efforts to generate funds for these educational program, including lobbying in the State Legislature and many local fundraising efforts, and has undertaken cost-cutting measures, including employee layoffs and reduction of programs and services beneficial and necessary to the students of BUSD; and

**WHEREAS**, continued reliance solely on State funding will result in further loss of critical programs and the continued erosion of local control of BUSD; and

**WHEREAS**, a thorough and developed public education program delivers many long lasting benefits and advantages to all of the residents of our community; and

**WHEREAS**, without the authorization by the voters of a special assessment, continued substantial reduction or elimination of educational programs and services will be necessary and will have a severe impact on the students of BUSD and on our community, which may include effect on the property values within the District.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council for the City of Benicia hereby supports BUSD placing a parcel tax to generate funds to restore and maintain the excellence of BUSD's programs.

\*\*\*\*\*

On motion of Council Member \_\_\_\_\_, seconded by Council Member \_\_\_\_\_, the above Resolution was introduced and passed by the City Council of the City of Benicia at a regular meeting of said Council held on the 19<sup>th</sup> day of July, 2005 and adopted by the following vote:

Ayes:

Noes:

Absent:

\_\_\_\_\_  
Steve Messina, Mayor

ATTEST:

\_\_\_\_\_  
Lisa M. Wolfe, City Clerk

**AGENDA ITEM  
CITY COUNCIL MEETING: JULY 19, 2005  
PUBLIC HEARING**

**DATE** : July 6, 2005  
**TO** : City Manager  
**FROM** : Community Development Director  
**SUBJECT** : **APPROVAL OF ZONE CHANGE AND TENTATIVE MAP  
APPROVAL FOR A DEVELOPMENT CONTAINING SINGLE  
FAMILY HOUSES AT 608 MILITARY EAST STREET**

**RECOMMENDATION:**

Hold a public hearing, consider all testimony, submitted plans and documents, and:

1. Introduce an Ordinance changing the zoning from Medium Density Residential (RM) to Planned Development (PD) for parcel APN: 0088-134-010 in the 600 block of Military East Street.
2. Adopt a resolution approving a six-lot tentative map for parcel APN: 0088-134-010 in the 600 block of Military East Street.

**EXECUTIVE SUMMARY:**

This project involves the demolition of an existing single-family residence along with its associated accessory structures in order to subdivide the 18,766 square foot parcel into six lots and build six new two-story single-family homes.

**BUDGET INFORMATION:**

There are no changes in the City budget required by the zone change. The City will receive a slight increase in property tax revenue from the six new single-family homes.

**BACKGROUND:**

CEQA Compliance:

The City has determined that this project is categorically exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15303 (b) – New Construction of Small Structures, and Section 15332 – In-Fill Development Projects.

General Plan Consistency

The General plan designation of the subject property is High Density Residential (HDR). This

land use category allows a density between 15 and 21 units per acre. The subject project is in compliance with the General Plan. At 15 dwelling units per acre, the project size of 0.43 acres yields 6.45 units, rounded down to 6 units.

### Zoning Requirements

The project site is zoned Medium Density Residential (RM). The density range for this zone is 8 to 14 units per acre. At 14 units per acre, the project site of 0.43 acres yields 6.02 units, rounded down to 6 units. The project is in compliance with the density range stipulated in the Zoning Ordinance.

Please note that the proposed project is consistent with the low end of the General Plan density range (15 units per acre) and the high end of the Density allowed by the Zoning Ordinance (14 units per acre). Both the General Plan and the Zoning Ordinance allow the proposed 6 units per acre.

### Zone Change to PD

The applicant requests a zone change from Medium Density residential (RM) to Planned Development (PD). The purpose of the proposed zone change is:

- To gain flexibility in development standards regarding setbacks, lot widths and lot size in order to accommodate the proposed compact development.
- To encourage the creation of a diverse housing stock, in this case, detached yet smaller and possibly more affordable than average detached housing being built in the Bay Area.

No change in use or density is proposed from the RM zone. The dominant pattern of the block is Medium-Density residential and the proposed Planned Development uses medium density zoning standards as the base for the PD Plan.

The requested PD zone change would allow the developer flexibility in setbacks of main buildings to the property lines so as to accommodate the proposed number of dwelling units and the Fire and Life Safety requirements for emergency access to all parcels from Military East. It is noted that in the three cases where the width of the lot is reduced, the loss is only one foot. While this would not be acceptable in a standard RM zoned project without the approval of a Variance, the one foot difference is not considered to be a significant concession to design of the streetscape.

The developer could put six dwelling units in the existing Medium-Density Residential zoning district by subdividing the parcel into three lots and building three single-family houses each with a secondary dwelling unit. Only nine parking spaces would be required under this design, less than the 12 currently proposed. The single-family homes would not be subject to design review. The proposed planned development plan provides greater control over the development of this project than other alternatives would allow.

The chart below compares the development parameters of the project to the standards of the RM zoning designation and illustrates the areas where the project differs from the designation minimum:

**Comparison of Standards RM vs. PD for 608 Military East**

	<b>ResidentialMedium Zone</b>	<b>Lot 1</b>	<b>Lot 2</b>	<b>Lot 3</b>	<b>Lot 4</b>	<b>Lot 5</b>	<b>Lot 6</b>
<b>Setback – Front (ft.)</b>	20	17	17	■	15	15	15
<b>Setback – Side (ft.)</b>	6/10	■	■	■	■	3	3
<b>Setback – Side (ft.)</b>	6/10	■	■	■	■	■	■
<b>Setback – Rear (ft.)</b>	15	0	0	0	10	8	10
<b>Min. Site Area per Unit (sq.ft.)</b>	3,000	■	■	■	■	■	■
<b>Minimum Lot Width (ft.)</b>	50	49	49	■	49	49	■
<b>Maximum Lot Coverage</b>	45%	■	■	■	■	■	■
<b>Maximum Height (ft.)</b>	35	■	■	■	■	■	■
<b>Minimum Outdoor Living Area (sq. ft.)</b>	200	■	■	■	■	■	■
<b>Minimum Site Landscaping</b>	30%	■	■	■	■	■	■
<b>Required Off-Street Parking</b>	2 per dwelling	■	■	■	■	■	■

■ = Meets or exceeds RM standards.

Design Details

As shown in the table, the project design standards do not meet the following RM development standards: lot sizes, front yard setbacks for five of the six lots, two side yard setbacks, all rear setbacks and, minimum lot widths. It does comply with the height and minimum outdoor living area requirements and accommodates off-street parking for each unit in a garage, on site.

All proposed units are two-story detached buildings with pitched roofs, attached two car garages, porches and/or patios. The exterior covering for each house is proposed to be smooth lap Hardiplank horizontal siding with white trim and charcoal grey composition roofs. A color palette utilizing three different color schemes has been approved by the Historic Preservation Review Commission.

As the property is within six blocks of Benicia’s commercial center, it offers the inhabitants a high level of walkability in terms of local stores, schools, parks and city services. In addition, the slightly reduced front yard setbacks, extending the porches toward the street is consistent with smart growth/new urbanist concepts, which place units closer to the street to contribute to traffic calming and neighbor interaction.

Traffic Impact Analysis:

Staff anticipates that the development will generate six or fewer trips in the PM peak hour, which will not change the level of service on the roadways or intersections in the vicinity of the project, nor trigger a more extensive traffic study.

### Tentative Parcel Map

The applicant proposes to divide the 18,766 square foot parcel into six parcels. The parcels range in size from Lot Six at 3,360 square feet to Lot One, which contains 3,004 square feet. Units One and Two have vehicular and pedestrian access via Military East using a 10 foot wide driveway protected by a shared-access easement that straddles their common side property line. Units Three and Six share both a six foot wide and a 13 foot wide access easement that secure Unit Three's vehicular route to its driveway and garage from the alley and Unit Six's access to Military East. Units Four through Six also gain vehicular access via the alley and gain pedestrian access to Military East by proceeding up stairs in the rear corner of each of their properties and entering the driveway shared by Units One & Two. (All six units will have addresses on Military East). These connections provide emergency access personnel in the event of an emergency call.

### Review of the Project by Other Commissions

On May 12, 2005, the Planning Commission approved resolutions recommending the City Council adoption of an ordinance changing the Zoning designation from RM to PD; and City Council approval of the tentative map for six lots. Attached are the Planning Commission resolutions and meeting minutes.

Several members of the public and the Planning Commission noted that the alley is suffering from uneven pavement and potholes. When the park was developed, public safety staff argued that the alley could not be closed because it was needed for access. It was suggested that, since the alley was required to be kept open by the City and as it is well used by existing residents and by other developments that have been recently approved, it should be improved and its maintenance priority upgraded. Some citizens suggested that the alley could be upgraded to a named street status, as it is publicly owned. The Public Works Department reports that the alley maintenance could be addressed by adding a condition of approval that the developer patch-pave the alley from East 5<sup>th</sup> Street to East 7<sup>th</sup> Street.

On May 26, 2005, the Historic Preservation Review Commission (HPRC) took testimony, received a presentation from the architect and gave the staff and the applicant guidance on items that they requested to have addressed. The staff report and meeting minutes are attached to this report. Concerns included the treatment of the existing trees on the lot, proposed eaves and overhang/opening shown on a building in relation to their proximity to their rear property line, and some suggestions for minor alterations to the proposed architecture. The Commission then voted unanimously to continue the item off agenda.

On June 23, 2005 the project appeared a second time before the HPRC. The architect explained the revised information and supplied an Arborist Report to the Commission for their review. He stated that one Coast Live Oak on Lot One would be preserved. He also noted that he had made some minor design modifications along the Military East elevation. The Commission discussed the revisions and came to a consensus, stating their support of the general layout of the project as created by the PD criterion. The members also approved their choices for exterior colors and materials, requested some minor alterations to the details of the proposed structures and approved the design review of the project by unanimous vote. Staff was authorized to approve the final revisions. The staff report and minutes for this meeting are attached to this report.

## **ATTACHMENTS:**

- ❑ Draft Ordinance changing the Zone designation of parcel APN: 0088-134-010 from Residential Medium (RM) to Planned Development (PD)
- ❑ Draft Resolution approving the tentative map of six lots for parcel APN: 0088-134-010
- ❑ General Plan designations for project area
- ❑ Zoning Map sections for project area
- ❑ Existing Land Use for project area
- ❑ Historic Preservation Review Commission Staff Report dated June 16, 2005 without attachments
- ❑ Minutes of Historic Preservation Review Commission meeting of June 23, 2005
- ❑ Historic Preservation Review Commission Staff Report dated May 26, 2005 without attachments
- ❑ Minutes of Historic Preservation Review Commission meeting of May 26, 2005
- ❑ Planning Commission Staff Report dated May 12, 2005, without attachments
- ❑ Minutes of Planning Commission meeting of May 12, 2005
- ❑ Planning Commission Resolutions adopted on May 12, 2005:
  - Resolution 04-00005-Zone Change
  - Resolution 04-00099-Tentative Parcel Map
  - Resolution 04-00006-Planned Development Plan
- ❑ Project Plans

# **DRAFT ORDINANCE**

**[Link to Ordinance 608 Military East](#)**

## **DRAFT RESOLUTION**

[Link to Reso 608 Military East](#)

**VIII-A-8A**

# **GENERAL PLAN DESIGNATION**

**(If viewing online, this attachment is available from the City Clerk's Office.)**

**VIII-A-13 thru VIII-A-14**

# **ZONING MAP SECTIONS**

**(If viewing online, this attachment is available from the City Clerk's Office.)**

**VIII-A-15 thru VIII-A-16**

## **EXISTING LAND USE**

**(If viewing online, this attachment is available from the City Clerk's Office.)**

**VIII-A-17 thru VIII-A-18**

**HISTORIC PRESERVATION REVIEW  
COMMISSION STAFF REPORT**

Dated June 16, 2005 (w/o attachments)

[Link to HPRC Staff Report 061605](#)

**MINUTES OF HISTORIC PRESERVATION  
REVIEW COMMISSION**

Dated June 23, 2005

[Link to HPRC Minutes 062305](#)

**VIII-A-24 to VIII-A-32**

**HISTORIC PRESERVATION REVIEW  
COMMISSION STAFF REPORT**

Dated May 26, 2005 (w/o attachments)

[Link to HPRC Staff Report 052605](#)

**VIII-A-33 to VIII-A-39**

**MINUTES OF HISTORIC PRESERVATION  
REVIEW COMMISSION**

Dated May 26, 2005

[Link to HPRC Minutes 052605](#)

**VIII-A-40 thru VIII-A-50**

# **PLANNING COMMISSION STAFF REPORT**

Dated May 12, 2005 (w/o attachments)

[Link to Planning Commission Staff Report 051205](#)

**VIII-A-51 thru VIII-A-57**

# **MINUTES OF PLANNING COMMISSION**

Dated May 12, 2005

[Link to Planning Commission Minutes 051205](#)

**VIII-A-58 thru VIII-A-66**

# **PLANNING COMMISSION RESOLUTIONS**

Adopted on May 12, 2005

[Link to Planning Commission Reso - Zone Change](#)

[Link to Planning Commission Reso - Tentative Map](#)

[Link to Planning Commission Reso - Planned Dev](#)

# **PROJECT PLANS**

**(If viewing online, this attachment is available from the City Clerk's Office.)**

**AGENDA ITEM  
CITY COUNCIL MEETING: JULY 19, 2005  
UNFINISHED BUSINESS**

**DATE** : June 15, 2005  
**TO** : City Manager  
**FROM** : Parks & Community Services Director  
**SUBJECT** : **PROPOSED REVISIONS TO TREE RESOLUTION NO. 05-76**

**RECOMMENDATION:**

Pending the outcome of the Parks, Recreation and Cemetery Commission meeting of July 13, 2005, consider new language to the City's Tree Policy adopted by Council Resolution No. 05-76 as proposed by the Tree Subcommittee, and adopt the revised Resolution.

**BUDGET INFORMATION:**

No budget impact at this time.

**SUMMARY:**

At the request of Vice Mayor Patterson, this item was brought back before City Council. Several edits were made at the last City Council meeting of May 17, 2005 during public comment and were adopted. Vice Mayor Patterson would like to review and clarify that the changes adopted were indeed intended to be approved by City Council.

In response to the edits made to the resolution, the Tree Subcommittee met and discussed the intent of the newly adopted resolution. In evaluating Mr. Greg Gartrell's public comments and amendments to the resolution, the Tree Subcommittee would like to offer the following amendments to Resolution No. 05-76.

**Amendment #1**

(Approved Language) WHEREAS, since trees, including heritage and specimen trees, are:

- at times removed and replaced with smaller species,
- at times not pruned,
- improperly pruned, and pruned or removed to accommodate overhead utility wires
- pruned or removed by necessity because of untreated diseases (such as mistletoe)

(Proposed Language) WHEREAS, since trees, including heritage and specimen trees, are:

- often removed and replaced with smaller species,
- often not pruned or improperly pruned,
- often disfigured or removed to accommodate overhead utility wires, and
- at times removed by necessity because of untreated diseases (such as mistletoe)

It is felt that the use of “at times” implies that issues with unapproved tree removal and pruning are not wide-ranging, when in fact the tree subcommittee was set up in order to respond to the community’s perception of these occurrences happening “often”. The word “often” is defined as being a step down from “regularly” which was originally proposed, but a step up from “at times”. The subcommittee would like to reinsert “disfigured” rather than “improperly pruned” since the later does not seem to accurately reflect the community’s perception of the extent of the damage done to trees after pruning for utility wires.

**Amendment #2**

(Approved Language) Procedures that enable the City and residents provide and ensure public safety through prudent pruning and maintenance, including replacement of unsafe trees with desirable trees when tree removal is needed for safety.

(Proposed Language) Procedures that enable the City and residents provide and ensure public safety through prudent pruning and maintenance, including replacement of unsafe trees with desirable trees when tree removal is unavoidable.

The subcommittee was comfortable with the intent of the edits to this item. The words “needed for safety” are suggested to be replaced with “unavoidable”. The intent of changing the language is not only to ensure public safety through prudent maintenance and possible tree replacement, but to also protect and preserve trees that a citizen may deem to be unsafe or hazardous prior to close evaluation. This item will also be further detailed in the ordinance.

**Amendment #3**

(Approved Language) A comprehensive street tree planning program throughout the City with the objective of providing tree-canopied streets where appropriate, that shall take into account factors such as maintenance expense, street flooding from tree debris clogging drains, and the wishes of the neighborhood residents.

(Proposed Language) A comprehensive street tree planting program throughout the City with the objective of providing tree-canopied streets where appropriate.

The subcommittee felt that it would be best to keep the intent simple. The Approved Language was quite detailed. That type of detail will be addressed at a more significant level in the ordinance.

**Amendment #4**

(Approved Language) Annual notification to all property owners about the value of trees to the community, the City’s tree ordinance, appropriate tree pruning techniques, and other resources available to keep trees healthy.

(Proposed Language) Annual notification to all property owners about the value of trees to the community, the City’s tree ordinance, appropriate tree selection, planting, and pruning techniques, and other resources available to keep trees healthy.

The words “selection, planting” were added in order to address the intent of item No. 14 in the resolution.

**Amendment #5**

(Approved for Deletion) Analysis of the City’s current tree ordinance for any necessary revisions and/or enhancements that are required to promote the objectives described herein; all of which to be presented to the Parks Commission and then the City Council within a year.

(Proposed Language) Analysis of the City’s current tree ordinance for any necessary revisions and/or enhancements that are required to promote the objectives described herein; all of which to be presented to the Parks Commission and then the City Council.

The subcommittee would suggest the reinsertion of this item of the resolution with the deletion of “within a year”. It was understood that one of the reasons that the subcommittee was formed was in order to analyze and revise the current City tree ordinance per City Council priorities. The deletion of the timeframe would allow for flexibility of delivery of the final product.

**Amendment #6**

(Approved for Deletion) A tree preservation program for trees on public and private property.

(Proposed Language) A preservation program for trees throughout the City.

It is suggested that this item be reinserted. The City’s present ordinance addresses trees on private property, which is primarily what our current tree removal/trimming permits handle. This City, as a whole, is in need of an applicable and up to date tree preservation program. Without some jurisdiction over trees on private property, in particular ‘historic’ or ‘protected’ trees, a City cannot have a comprehensive tree preservation program.

**Amendment #7**

(Approved Language) A policy that discourages the planting and propagation of non-native, invasive trees and that does not discourage the removal of non-native, invasive trees when they will be replaced by desirable trees.

(Proposed) To be deleted.

Language was added to No. 8 of the resolution in order to address the item’s intent. Further, a deeper level of detail will be addressed in the ordinance.

**Amendment #8**

(Approved Language) Be it further resolved that nothing in this resolution or ordinance shall be construed as to limit, obstruct or prohibit pruning, maintenance or removal of trees to protect public safety.

(Proposed) To be deleted

The pruning, maintenance or removal of trees to ensure public safety has been previously addressed in No. 2 of the resolution, presenting the concerns regarding safety in a straightforward clear language.

Attachment(s):

- Resolution No. 05-76
- Proposed Amended Tree Resolution with strikeouts
- Clean Copy of Proposed Resolution

## **RESOLUTION No. 05-76**

[Link to Resolution 05-76](#)

**PROPOSED AMENDED TREE RESOLUTION  
(W/ STRIKEOUTS)**

**[Link to AMENDED RESO W/ STRIKEOUTS](#)**

## **CLEAN COPY OF PROPOSED RESOLUTION**

[Link to CLEAN COPY RESO](#)

**AGENDA ITEM  
CITY COUNCIL MEETING: JULY 19, 2005  
UNFINISHED BUSINESS**

**DATE** : June 15, 2005  
**TO** : City Manager  
**FROM** : Parks & Community Services Director  
**SUBJECT** : **PROPOSED REVISIONS TO TREE RESOLUTION NO. 05-76**

**RECOMMENDATION:**

Pending the outcome of the Parks, Recreation and Cemetery Commission meeting of July 13, 2005, consider new language to the City's Tree Policy adopted by Council Resolution No. 05-76 as proposed by the Tree Subcommittee, and adopt the revised Resolution.

**BUDGET INFORMATION:**

No budget impact at this time.

**SUMMARY:**

At the request of Vice Mayor Patterson, this item was brought back before City Council. Several edits were made at the last City Council meeting of May 17, 2005 during public comment and were adopted. Vice Mayor Patterson would like to review and clarify that the changes adopted were indeed intended to be approved by City Council.

In response to the edits made to the resolution, the Tree Subcommittee met and discussed the intent of the newly adopted resolution. In evaluating Mr. Greg Gartrell's public comments and amendments to the resolution, the Tree Subcommittee would like to offer the following amendments to Resolution No. 05-76.

**Amendment #1**

(Approved Language) WHEREAS, since trees, including heritage and specimen trees, are:

- at times removed and replaced with smaller species,
- at times not pruned,
- improperly pruned, and pruned or removed to accommodate overhead utility wires
- pruned or removed by necessity because of untreated diseases (such as mistletoe)

(Proposed Language) WHEREAS, since trees, including heritage and specimen trees, are:

- often removed and replaced with smaller species,
- often not pruned or improperly pruned,
- often disfigured or removed to accommodate overhead utility wires, and

- at times removed by necessity because of untreated diseases (such as mistletoe)

It is felt that the use of “at times” implies that issues with unapproved tree removal and pruning are not wide-ranging, when in fact the tree subcommittee was set up in order to respond to the community’s perception of these occurrences happening “often”. The word “often” is defined as being a step down from “regularly” which was originally proposed, but a step up from “at times”. The subcommittee would like to reinsert “disfigured” rather than “improperly pruned” since the later does not seem to accurately reflect the community’s perception of the extent of the damage done to trees after pruning for utility wires.

**Amendment #2**

(Approved Language) Procedures that enable the City and residents provide and ensure public safety through prudent pruning and maintenance, including replacement of unsafe trees with desirable trees when tree removal is needed for safety.

(Proposed Language) Procedures that enable the City and residents provide and ensure public safety through prudent pruning and maintenance, including replacement of unsafe trees with desirable trees when tree removal is unavoidable.

The subcommittee was comfortable with the intent of the edits to this item. The words “needed for safety” are suggested to be replaced with “unavoidable”. The intent of changing the language is not only to ensure public safety through prudent maintenance and possible tree replacement, but to also protect and preserve trees that a citizen may deem to be unsafe or hazardous prior to close evaluation. This item will also be further detailed in the ordinance.

**Amendment #3**

(Approved Language) A comprehensive street tree planning program throughout the City with the objective of providing tree-canopied streets where appropriate, that shall take into account factors such as maintenance expense, street flooding from tree debris clogging drains, and the wishes of the neighborhood residents.

(Proposed Language) A comprehensive street tree planting program throughout the City with the objective of providing tree-canopied streets where appropriate.

The subcommittee felt that it would be best to keep the intent simple. The Approved Language was quite detailed. That type of detail will be addressed at a more significant level in the ordinance.

**Amendment #4**

(Approved Language) Annual notification to all property owners about the value of trees to the community, the City’s tree ordinance, appropriate tree pruning techniques, and other resources available to keep trees healthy.

(Proposed Language) Annual notification to all property owners about the value of trees to the community, the City’s tree ordinance, appropriate tree selection, planting, and pruning techniques, and other resources available to keep trees healthy.

The words “selection, planting” were added in order to address the intent of item No. 14 in the resolution.

**Amendment #5**

(Approved for Deletion) Analysis of the City’s current tree ordinance for any necessary revisions and/or enhancements that are required to promote the objectives described herein; all of which to be presented to the Parks Commission and then the City Council within a year.

(Proposed Language) Analysis of the City’s current tree ordinance for any necessary revisions and/or enhancements that are required to promote the objectives described herein; all of which to be presented to the Parks Commission and then the City Council.

The subcommittee would suggest the reinsertion of this item of the resolution with the deletion of “within a year”. It was understood that one of the reasons that the subcommittee was formed was in order to analyze and revise the current City tree ordinance per City Council priorities. The deletion of the timeframe would allow for flexibility of delivery of the final product.

**Amendment #6**

(Approved for Deletion) A tree preservation program for trees on public and private property.

(Proposed Language) A preservation program for trees throughout the City.

It is suggested that this item be reinserted. The City’s present ordinance addresses trees on private property, which is primarily what our current tree removal/trimming permits handle. This City, as a whole, is in need of an applicable and up to date tree preservation program. Without some jurisdiction over trees on private property, in particular ‘historic’ or ‘protected’ trees, a City cannot have a comprehensive tree preservation program.

**Amendment #7**

(Approved Language) A policy that discourages the planting and propagation of non-native, invasive trees and that does not discourage the removal of non-native, invasive trees when they will be replaced by desirable trees.

(Proposed) To be deleted.

Language was added to No. 8 of the resolution in order to address the item’s intent. Further, a deeper level of detail will be addressed in the ordinance.

**Amendment #8**

(Approved Language) Be it further resolved that nothing in this resolution or ordinance shall be construed as to limit, obstruct or prohibit pruning, maintenance or removal of trees to protect public safety.

(Proposed) To be deleted

The pruning, maintenance or removal of trees to ensure public safety has been previously addressed in No. 2 of the resolution, presenting the concerns regarding safety in a straightforward clear language.

Attachment(s):

- Resolution No. 05-76
- Proposed Amended Tree Resolution with strikeouts
- Clean Copy of Proposed Resolution

**RESOLUTION No. 05-76**

## RESOLUTION NO. 05-76

### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA SUPPORTING ESTABLISHMENT OF A COMPREHENSIVE TREE PROGRAM FOR THE CITY OF BENICIA

**WHEREAS**, the Benicia General Plan recognizes the importance of trees for their place in an urban setting and also their contribution to open space, community character, and environmental health, by policies and programs that bid the City to:

- Encourage preservation of existing trees and especially preserve and protect mature, healthy trees whenever practicable, particularly where such trees are of significant size or are of significant aesthetic value to the immediate vicinity or to the community as a whole (Policy 3.20.3)
- Preserve historic trees (Policy 3.1.3)
- Prepare a citywide urban design plan that addresses street trees (Program 3.7.B)
- Encourage consistent street tree planting (Policy 3.7.3)
- Provide shade trees along First Street (Program 2.12.K)
- Preserve the trees on the northern edge of former Pine Lake (Program 3.9.D)
- Focus public investment toward undergrounding utilities and planting street trees on the East Side (Policy 3.11.1)
- Strive to incorporate mature, healthy trees into proposed developments (Program 3.20.D)
- Advertise the existence of guidelines for tree preservation, planting and removal (Program 3.7.E)
- Where feasible, install and maintain landscape strips that separate sidewalks from the streets (Program 3.7.F)
- Identify areas of the City that are pedestrian-unfriendly and develop corrective plans (Program 2.20.L)
- Protect oak woodlands and riparian habitat (Policy 3.20.1)
- Restore native vegetation such as oaks (Policy 3.20.2); and

**WHEREAS**, trees provide urban wildlife habitat, provide scenic beauty, create privacy, minimize erosion and the threat of landslides, reduce the effect of pollution in the air, mitigate climatic problems such as summer heat and high wind velocities, calm traffic, and add value to private property; and

**WHEREAS**, trees require planting, maintenance, and protection in order to provide these benefits; and

**WHEREAS**, since trees, including heritage and specimen trees, are:

- at times removed and replaced with smaller species,
- at times not pruned,
- improperly pruned, and pruned or removed to accommodate overhead utility wires
- pruned or removed by necessity because of untreated diseases (such as mistletoe);

**WHEREAS**, unwelcome invasive trees are allowed to proliferate unchecked;

**WHEREAS**, for these reasons, areas in the City become bleak and/or trees become eyesores and potential public hazards, while no effective program currently exists to address these concerns.

**NOW, THEREFORE, BE IT RESOLVED THAT** the City Council finds and declares that it is in the best interest of the City and its residents to establish a comprehensive tree program which will include:

1. A vision of how Benicia could look if it were to include more mature trees, holding up the example of other cities that have invested in and protected their trees;
2. Procedures that enable the City and residents provide and ensure public safety through prudent pruning and maintenance, including replacement of unsafe trees with desirable trees when tree removal is needed for safety;
3. Investment in an ongoing program to place utility wires underground where they would otherwise interfere with mature and maturing trees;
4. A comprehensive street tree planting program throughout the City with the objective of providing tree-canopied streets where appropriate, that shall take into account factors such as maintenance expense, street flooding from tree debris clogging drains, and the wishes of the neighborhood residents;
5. Coordinated use of public and private resources for the purchase, planting, trimming and removal of trees on public and private property; funding should include retrofitting city sidewalks, streets, landscape strips and medians to safely accommodate mature trees;
6. A funding strategy based on current or potential funding sources for tree planting, maintenance and technical assistance;
7. Professionally compiled lists of the most and least desirable trees for Benicia's soil, climate, water supply and character;
8. Annual notification to all property owners about the value of trees to the community, the City's tree ordinance, appropriate tree pruning techniques, and other resources available to keep trees healthy;
9. A volunteer organization that provides leadership, advice, assistance and information to citizens and the City about tree care, local guidelines, services and training;

10. Use of the media (including the City's website and other approaches) to provide tree related information, educate and promote the City's tree care, planting and best tree choice guidelines;
11. An inventory of trees on public and private property, right of ways, etc. identifying areas of concern, as well as significant, valued and protected trees throughout the City;
12. Standards and regulations for planting and protecting trees within construction and new tree planting areas or zones;
13. Planting of trees that will become heritage trees;
14. A policy that discourages the planting and propagation of non-native, invasive trees and that does not discourage the removal of non-native, invasive trees when they will be replaced by desirable trees.

**BE IT FURTHER RESOLVED THAT** nothing in this resolution or ordinance shall be construed as to limit, obstruct or prohibit pruning, maintenance or removal of trees to protect public safety.

\*\*\*\*\*

On motion of Council Member **Smith**, seconded by Vice Mayor **Patterson**, the above Resolution was introduced and passed by the City Council of the City of Benicia at a regular meeting of said Council held on the 17<sup>th</sup> day of May and adopted by the following vote:

Ayes: **Council Members Campbell, Patterson, Smith, Whitney and Mayor Messina**  
Noes: **None**  
Absent: **None**

---

Steve Messina, Mayor

ATTEST:

---

Lisa Wolfe, City Clerk

**PROPOSED AMENDED TREE RESOLUTION  
(W/ STRIKEOUTS)  
Pages IX-A-10 to IX-A-12**

**[Link to AMENDED RESO W/STRIKOUTS](#)**

**CLEAN COPY OF PROPOSED RESOLUTION**

**Pages IX-A-14 to IX-A-16**

**[Link to CLEAN COPY RESO](#)**

**AGENDA ITEM  
CITY COUNCIL MEETING: JULY 19, 2005  
UNFINISHED BUSINESS**

**DATE** : July 11, 2005

**TO** : City Council

**FROM** : City Manager

**SUBJECT** : **CONSIDERATION OF BENICIA UNIFIED SCHOOL DISTRICT  
SCHOOL BOARD PROPOSED REVISIONS TO JOINT USE  
AGREEMENTS WITH CITY**

**RECOMMENDATION:**

Review and consider amendments made by the Benicia Unified School District (BUSD), provide direction to staff, and, if appropriate, authorize execution of the agreements with modifications.

**EXECUTIVE SUMMARY:**

The proposed agreements to maintain BUSD fields have been reviewed by BUSD. They have made changes to the agreements beyond what was previously approved by the City Council. The scope of the proposed amendments is beyond the authorization previously given to staff and requires City Council review.

The proposed amendments from BUSD are extensive and staff has not yet had sufficient time to review and evaluate completely. Some notes from the City Attorney regarding the proposed changes are included for your reference, along with the marked-up versions of the agreements.

**BUDGET INFORMATION:**

To be determined upon further review of proposed amendments.

**Attachments:**

- Marked version of Benicia Middle School Joint Use Agreement
- Marked version of Joint Use Agreement for Benicia High School, Robert Semple Elementary, Joe Henderson Elementary and Mills/Liberty
- Notes from City Attorney

**JT. USE AGREEMENT – MIDDLE SCHOOL**  
**Pages IX-C-3 to IX-C-22**

**(If viewing online, this attachment is available from the City Clerk's Office)**

**JT. USE AGREEMENT – BHS, SEMPLE,  
LIBERTY/MILLS, HENDERSON  
Pages IX-C-24 to IX-C-43**

**(If viewing online, this attachment is available from the City Clerk's Office)**

**MEMO FROM CITY ATTORNEY**  
**Pages IX-C-45 to IX-C-49**

**[Link to MEMO FROM CITY ATTORNEY](#)**

**AGENDA ITEM  
CITY COUNCIL MEETING: JULY 19, 2005  
NEW BUSINESS**

**DATE** : June 30, 2005  
**TO** : City Manager  
**FROM** : Human Resources Director  
**SUBJECT** : **APPROVE THE JULY 1, 2005 TO JUNE 30, 2006 AMENDMENTS  
TO THE MEMORANDUM OF UNDERSTANDING WITH THE  
BENICIA PUBLIC SERVICE EMPLOYEES' ASSOCIATION**

**RECOMMENDATION:**

Adopt the resolution approving the amendments to the July 1, 2005 through June 30, 2006 Memorandum of Understanding with the Benicia Public Service Employees' Association.

**EXECUTIVE SUMMARY:**

The City concluded negotiations with the Benicia Public Service Employees' Association on July 6, 2005. The Benicia Public Service Employees' Association ratified the contract on July 18, 2005. The attached resolution outlines the amendments to the Memorandum of Understanding. A complete copy of the Memorandum of Understanding between the City of Benicia and the Benicia Public Service Employees' Association with the amendments in bold is attached.

**BUDGET INFORMATION:**

The total budget impact for FY 2005/2006 will be approximately \$145,512.

Attachments:

- Proposed Resolution
- Proposed Changes to MOU

## **PROPOSED RESOLUTION**

**RESOLUTION NO. 05-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING THE JULY 1, 2005 TO JUNE 30, 2006 AMENDMENTS TO THE MEMORANDUM OF UNDERSTANDING WITH THE BENICIA PUBLIC SERVICE EMPLOYEES' ASSOCIATION**

**WHEREAS**, the existing Memorandum of Understanding (MOU) between the City of Benicia and the Benicia Public Service Employees' Association which covers salaries and other conditions of employment lapsed on June 30, 2005; and

**WHEREAS**, the City has concluded negotiations with the Benicia Public Service Employees' Association relative to amendments to the Memorandum of Understanding for the term covering July 1, 2005 to June 30, 2006; and

**WHEREAS**, the Benicia Public Service Employees' Association has ratified the July 1, 2005 to June 30, 2006 amendments to the Memorandum of Understanding.

**NOW, THEREFORE, BE IT RESOLVED THAT** the City Council of the City of Benicia hereby approves changes to the following sections in the July 1, 2005 through June 30, 2006 Memorandum of Understanding (a complete copy of the MOU with the specified amendment language is attached to the staff report), and the City Council authorizes the City Manager to execute the MOU as amended:

1. Section 5 – Association Business
2. Section 6 – Hours of Work
3. Section 7 – Overtime Work
4. Section 7.6 – Safety Concerns – Recall or Standby
5. Section 9 – No Strike/No Lockout
6. Section 12 – Bereavement Leave
7. Section 13 – Sick Leave Incentive
8. Section 16 – Work Performed on Holidays
9. Section 17 – Salary Plan
10. Section 22 – Insurance
11. Section 23 – Retiree Healthcare
12. Section 25 – Steward
13. Section 29 – Labor Market Definition
14. Throughout the contract the City will change any reference from BCEA to BPSEA.
15. The City will also add any side letter language, which was agreed upon during mid-contract.
16. The City has agreed to begin next year's negotiations on April 19, 2006.
17. The City will form a citywide Sick Leave Bank Review Committee by September 30, 2005.
18. During the term of this agreement the City will, upon request, reopen negotiations if another bargaining unit or non-represented group receives a larger wage and benefit package for the period covered by this MOU.

\*\*\*\*\*

On Motion of Council Member \_\_\_\_\_, seconded by Council Member \_\_\_\_\_, the above resolution was introduced and passed by the Council of the City of Benicia at a regular meeting of said Council on the 19<sup>th</sup> day of July, 2005, and adopted by the following vote:

Ayes:

Noes:

Absent:

\_\_\_\_\_  
Steve Messina, Mayor

ATTEST:

\_\_\_\_\_  
Lisa Wolfe, City Clerk

## **PROPOSED CHANGES TO MOU**

[Link to BPSEA MOU](#)

**AGENDA ITEM  
CITY COUNCIL MEETING: JULY 19, 2005  
NEW BUSINESS**

**DATE** : June 30, 2005  
**TO** : City Manager  
**FROM** : Senior Personnel Analyst  
**SUBJECT** : **APPROVE THE JULY 1, 2005 TO JUNE 30, 2006 AMENDMENTS TO THE MEMORANDUM OF UNDERSTANDING WITH THE BENICIA DISPATCHER'S ASSOCIATION**

**RECOMMENDATION:**

Adopt the resolution approving the amendments to the July 1, 2005 through June 30, 2006 Memorandum of Understanding with the Benicia Dispatcher's Association.

**EXECUTIVE SUMMARY:**

The City concluded negotiations with the Benicia Dispatcher's Association on July 6, 2005. The Benicia Dispatcher's Association ratified the contract on July 6, 2005. The attached resolution outlines the amendments to the Memorandum of Understanding. A complete copy of the Memorandum of Understanding between the City of Benicia and the Benicia Dispatcher's Association with the amendments in bold is attached.

**BUDGET INFORMATION:**

The total budget impact for FY 2005/2006 will be approximately \$26,500.

Attachments:

- Proposed Resolutions
- Proposed Memorandum of Understanding (MOU) with additions underlined and deletions struck out

## **PROPOSED RESOLUTION**

**RESOLUTION NO. 05-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING THE JULY 1, 2005 TO JUNE 30, 2006 AMENDMENTS TO THE MEMORANDUM OF UNDERSTANDING WITH THE BENICIA DISPATCHER'S ASSOCIATION**

**WHEREAS**, the existing Memorandum of Understanding (MOU) between the City of Benicia and the Benicia Dispatcher's Association which covers salaries and other conditions of employment lapsed on June 30, 2005; and

**WHEREAS**, the City has concluded negotiations with the Benicia Dispatcher's Association relative to amendments to the Memorandum of Understanding for the term covering July 1, 2005 to June 30, 2006; and

**WHEREAS**, the Benicia Dispatcher's Association has ratified the July 1, 2005 to June 30, 2006 amendments to the Memorandum of Understanding.

**NOW, THEREFORE, BE IT RESOLVED THAT** the City Council of the City of Benicia hereby approves changes to the following sections in the July 1, 2005 through June 30, 2006 Memorandum of Understanding (a complete copy of the MOU with the specified amendment language is attached to the staff report), and the City Council authorizes the City Manager to execute the MOU as amended:

1. Section 1 – Preamble
2. Section 2 – Recognition
3. Section 6 – Overtime Work, Recall
4. Section 13 – Leave of Absence
5. Section 14 – Sick Leave
6. Section 16 – Holidays
7. Section 17 – Salary Plan
8. Section 19 – Uniform Allowance
9. Section 22 – Alternate Work Schedule
10. Section 24 – Insurance
11. Section 25 – Grievances / Disciplinary Appeals

\*\*\*\*\*

On Motion of Council Member \_\_\_\_\_, seconded by Council Member \_\_\_\_\_, the above resolution was introduced and passed by the Council of the City of Benicia at a regular meeting of said Council on the 19<sup>th</sup> day of July 2005, and adopted by the following vote:

Ayes:

Noes:

Absent:

\_\_\_\_\_  
Steve Messina, Mayor

ATTEST:

\_\_\_\_\_  
Lisa Wolfe, City Clerk

**PROPOSED  
MEMORANDUM OF UNDERSTANDING (MOU)**

[Link to BDA MOU](#)

**X-B-5 thru X-B-46**

**AGENDA ITEM  
CITY COUNCIL MEETING: JULY 19, 2005  
NEW BUSINESS**

**DATE** : June 30, 2005  
**TO** : City Manager  
**FROM** : Senior Personnel Analyst  
**SUBJECT** : **APPROVE THE JULY 1, 2005 TO JUNE 30, 2006 AMENDMENTS  
TO THE MEMORANDUM OF UNDERSTANDING WITH THE  
BENICIA DISPATCHER'S ASSOCIATION**

**RECOMMENDATION:**

Adopt the resolution approving the amendments to the July 1, 2005 through June 30, 2006 Memorandum of Understanding with the Benicia Dispatcher's Association.

**EXECUTIVE SUMMARY:**

The City concluded negotiations with the Benicia Dispatcher's Association on July 6, 2005. The Benicia Dispatcher's Association ratified the contract on July 6, 2005. The attached resolution outlines the amendments to the Memorandum of Understanding. A complete copy of the Memorandum of Understanding between the City of Benicia and the Benicia Dispatcher's Association with the amendments in bold is attached.

**BUDGET INFORMATION:**

The total budget impact for FY 2005/2006 will be approximately \$26,500.

Attachments:

- Proposed Resolutions
- Proposed Memorandum of Understanding (MOU) with additions underlined and deletions struck out

## **PROPOSED RESOLUTION**

**RESOLUTION NO. 05-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING THE JULY 1, 2005 TO JUNE 30, 2006 AMENDMENTS TO THE MEMORANDUM OF UNDERSTANDING WITH THE BENICIA DISPATCHER'S ASSOCIATION**

**WHEREAS**, the existing Memorandum of Understanding (MOU) between the City of Benicia and the Benicia Dispatcher's Association which covers salaries and other conditions of employment lapsed on June 30, 2005; and

**WHEREAS**, the City has concluded negotiations with the Benicia Dispatcher's Association relative to amendments to the Memorandum of Understanding for the term covering July 1, 2005 to June 30, 2006; and

**WHEREAS**, the Benicia Dispatcher's Association has ratified the July 1, 2005 to June 30, 2006 amendments to the Memorandum of Understanding.

**NOW, THEREFORE, BE IT RESOLVED THAT** the City Council of the City of Benicia hereby approves changes to the following sections in the July 1, 2005 through June 30, 2006 Memorandum of Understanding (a complete copy of the MOU with the specified amendment language is attached to the staff report), and the City Council authorizes the City Manager to execute the MOU as amended:

1. Section 1 – Preamble
2. Section 2 – Recognition
3. Section 6 – Overtime Work, Recall
4. Section 13 – Leave of Absence
5. Section 14 – Sick Leave
6. Section 16 – Holidays
7. Section 17 – Salary Plan
8. Section 19 – Uniform Allowance
9. Section 22 – Alternate Work Schedule
10. Section 24 – Insurance
11. Section 25 – Grievances / Disciplinary Appeals

\*\*\*\*\*

On Motion of Council Member \_\_\_\_\_, seconded by Council Member \_\_\_\_\_, the above resolution was introduced and passed by the Council of the City of Benicia at a regular meeting of said Council on the 19<sup>th</sup> day of July 2005, and adopted by the following vote:

Ayes:

Noes:

Absent:

\_\_\_\_\_  
Steve Messina, Mayor

ATTEST:

\_\_\_\_\_  
Lisa Wolfe, City Clerk

**PROPOSED  
MEMORANDUM OF UNDERSTANDING (MOU)**

[Link to BDA MOU](#)

**X-B-5 thru X-B-46**

**AGENDA ITEM  
CITY COUNCIL MEETING: JULY 19, 2005  
NEW BUSINESS**

**DATE** : June 30, 2005  
**TO** : City Manager  
**FROM** : Senior Personnel Analyst  
**SUBJECT** : **APPROVE THE JULY 1, 2005 TO JUNE 30, 2006 AMENDMENTS  
TO THE MEMORANDUM OF UNDERSTANDING WITH THE  
BENICIA POLICE OFFICER'S ASSOCIATION**

**RECOMMENDATION:**

Adopt the resolution approving the amendments to the July 1, 2005 through June 30, 2006 Memorandum of Understanding with the Benicia Police Officer's Association.

**EXECUTIVE SUMMARY:**

The City concluded negotiations with the Benicia Police Officer's Association on June 9, 2005. The Benicia Police Officer's Association ratified the contract prior to July 19, 2005. The attached resolution outlines the amendments to the Memorandum of Understanding. A complete copy of the Memorandum of Understanding between the City of Benicia and the Benicia Police Officer's Association with the amendments in bold is attached.

**BUDGET INFORMATION:**

The total budget impact for FY 2005/2006 will be approximately \$100,384.

Attachments:

- Proposed Resolution
- Proposed Memorandum of Understanding (MOU) with additions underlined and deletions struck out

## **RESOLUTION**

[Link to BPOA Reso](#)

# **MEMORANDUM OF UNDERSTANDING (MOU)**

[Link to BPOA MOU](#)

**X-C-5 thru X-C-42**

**AGENDA ITEM  
CITY COUNCIL MEETING: JULY 19, 2005  
NEW BUSINESS**

**DATE** : June 29, 2005  
**TO** : City Manager  
**FROM** : Finance Director and Chief of Police  
**SUBJECT** : **CREATION OF A BENICIA SAFE RIDE PROGRAM**

**RECOMMENDATION:**

Approve, by motion the Benicia Safe Ride Program and authorize the City Manager to sign agreements with Vallejo/Benicia City Cab and Vallejo/Benicia Yellow Cab for accepting tickets from passengers using the Benicia Safe Ride Program.

**EXECUTIVE SUMMARY:**

The Benicia Safe Ride Program would provide low cost transportation (“designated driver”) to people who are a patron of one of the city’s taverns. This program will assist in the police department’s effort to reduce/eliminate driving under the influence (DUI) in Benicia.

**BUDGET INFORMATION:**

Funding for this program will be provided through community donation.

**BACKGROUND:**

Several tavern owners have become concerned with the number of driving under the influence (DUI) arrests. They requested a meeting to explore ways to reduce the number of DUI arrests. The police department and finance department hosted two meetings with businesses who are licensed to sell alcoholic beverages on their premises. At the first meeting, on May 18, 2005, the “Tipsy Taxi” program from the City of Davis was presented. From this discussion the Benicia Safe Ride Program was developed. The group met again on June 23, 2005 and representatives from the Vallejo/Benicia City Cab Company and Vallejo/Benicia Yellow Cab Company were present. The Benicia Safe Ride Program was explained to the group of owners and there was strong support for implementation of the program.

The Benicia Safe Ride Program will require the following elements:

- ❑ The City of Benicia, Finance Department, Transit Services Division will administer the program, in conjunction with the City of Benicia Police Department.
- ❑ A Benicia Responsible Alcohol Beverage Service Technical Advisory Committee (TAC) will be formed of business owners who have a license to sell alcohol, Police Chief and Transit Services Manager. This committee will meet as needed to collectively discuss and make recommendations to reduce problems occurring at their establishments and to provide improved transportation for those who are under the influence of alcohol.
- ❑ Agreements with Vallejo/Benicia City Cab and Vallejo/Benicia Yellow Cab to provide transportation within the City of Benicia and to Vallejo under the following terms:
  - Flat fare of \$8.00 anywhere within the City of Benicia, if boarding in front of a business that has a license to sell alcohol.
  - At least one cab will be available in Benicia, with a response time of 15 minutes or less between the hours of 5:30 pm and 2:30 am, seven days a week.

The City of Benicia Finance Department, Transit Services Division will develop tickets, which tavern owners can purchase for \$8.00 each. There is no limit to the number of tickets one may buy. The business owner would give tickets out at their discretion to those who may need alternative means of transportation, as an effort to prevent DUI.

On a monthly basis, the two cab companies will submit the total number of tickets to the City of Benicia, Transit Services Manager, who authorize reimbursement to the cab companies within fourteen (14) business days from the revenue collected through the ticket sales.

For those passengers that do not receive tickets from the business owners, a \$8.00 flat rate will be charged to travel anywhere within the City of Benicia or \$12.00 to Glen Cove and \$20.00 to Vallejo. A ticket can be applied as credit towards the fare to Glen Cove or Vallejo. In order to be eligible for this fare, the passenger would need to board a cab in front of a tavern.

cc: City Attorney

Attachments:

- ❑ Draft Benicia Safe Ride Agreement
- ❑ Benicia Safe Ride Program Working Paper

**AGREEMENT**  
**Pages X-D-4 to X-D-8**

[Link to AGREEMENT](#)

**BENICIA SAFE RIDE PROGRAM  
WORKING PAPER**

## **Benicia Safe Ride Program**

This program is developed by the City of Benicia Transit Services Division, in conjunction with the owners of businesses who have a license to sell alcohol in Benicia as a way to impact those who drive under the influence of alcohol within the City of Benicia.

This program is modeled after UC Davis successful Tipsy Taxi service that operates Thursday, Friday, Saturday and Sunday nights from 9:00 am to 3:00 am transporting students to parties and from parties to home. This program has successfully reduced the number of drivers who are driving under the influence of alcohol and their related arrests.

It is proposed that the Benicia Safe Ride Program be administered by the City of Benicia, Transit Services Division. A Benicia Responsible Alcohol Beverage Service Technical Advisory Committee (TAC) would be formed of business owners who have a license to sell alcohol, Police Chief and Transit Services Manager and meet on a quarterly basis to collectively discuss and make recommendations to reduce problems occurring at their establishments and to provide improved transportation for those who are under the influence of alcohol.

Vallejo/Benicia City Cab has proposed to participate in this program and provide the transportation. An agreement will be established between the City of Benicia, the TAC and Vallejo/Benicia City Cab establishing the following:

- Flat fare of \$8.00 anywhere within the City of Benicia, if boarding in front of a business that has a license to sell alcohol.
- At least one cab will be available in Benicia, with a response time of 15 minutes or less between the hours of 5:30 pm and 2:30 am, seven days a week.
- Tickets will be developed and sold to the businesses that have a license to sell alcohol in the City. Should a business owner purchase tickets, they would give them out at their discretion to those who may need alternative means of transportation, as an effort to prevent driving under the influence of alcohol.
- The City would sell tickets to each business owner at \$8.00 a piece. There is no limit to the number of tickets one may buy. Tickets will be available at the Benicia City Hall, Finance Department when tickets were needed.
- On a monthly basis, Vallejo/Benicia City Cab will submit the total number of tickets to the City of Benicia Transit Services Manager.
- City of Benicia will authorize reimbursement to the Vallejo/Benicia City Cab within one week.
- A small budget of \$1,500 to \$5,000 is requested for advertising, marketing and printing of tickets for distribution.
  - Type of marketing and promotion includes:
    - Flyers
    - Community Access Channel
    - Business Cards
    - Magnets

- "Take One" Cards
- Ads in Newspaper
- Press Releases
- Tips are optional and can be paid by the passenger.
- Flat rates are to be charged to the following destinations: \$12.00 to Glen Cove, \$20.00 to Vallejo. The ticket can be applied as credit towards the fare to Glen Cove or Vallejo. Passenger would need to pay the difference of \$4.00 to Glen Cove and \$12.00 to Vallejo.

The City's participation in the program will require approval from the Benicia City Council. The Transit Services Manager will begin promoting and implementing this program once City Council has given approval for the City to participate.

We have a tentative commitment from Old Leary's Pub for purchasing at least 50 tickets per month. Vallejo/Benicia City Cab is very interested in this proposal and is working to ensure that there will be a cab in Benicia that can respond within 15 minutes. Staff will be meeting with Vallejo/Benicia Yellow Cab to discuss this program and their potential involvement.

Alternatively, the business owners could designate a lead person to oversee and coordinate the program which would include printing tickets, payment to the cab company and monitoring the agreement between the business owners and the cab company to ensure that the cab company has a response time of 15 minutes or better.

For additional details on this proposal, please contact John Andoh, Transit Services Manager at (707) 746-4261 or email [jandoh@ci.benicia.ca.us](mailto:jandoh@ci.benicia.ca.us).

**AGENDA ITEM  
CITY COUNCIL MEETING: JULY 19, 2005  
NEW BUSINESS**

**DATE** : July 6, 2005

**TO** : City Manager

**FROM** : Finance Director

**SUBJECT** : **CONSIDERATION OF ADOPTING A TAXI RATE ADJUSTMENT FOR VALLEJO/BENICIA CITY CAB AND VALLEJO/BENICIA YELLOW CAB**

**RECOMMENDATION:**

Adopt a resolution authorizing Vallejo/Benicia City Cab and Vallejo/Benicia Yellow Cab to increase their rates for flag drop, transportation charge per mile and waiting period per hour due to a significant increase in insurance, fuel and maintenance and operations costs over the last year. The rate increase will be effective on Thursday, September 1, 2005.

**EXECUTIVE SUMMARY:**

Vallejo/Benicia City Cab and Vallejo/Benicia Yellow Cab General Managers met with City staff to discuss possible collaboration with the City's transit services and the potential for a rate increase. The City has not increased the taxicab fares since 2002. Both taxicab carriers have submitted requests to the City of Vallejo Transportation Division for rate increases as well. The recommended charges will be the same for both cities.

**BUDGET INFORMATION:**

This action does not impact the City's General or Transportation Fund.

**BACKGROUND:**

Under the Benicia Municipal Code Section 5.32.240, each taxicab carrier/owner is to file with the City a statement setting forth tariffs or schedules of fares, which the carrier/owner will charge for local service. That statement setting forth tariffs or schedules of fares must be adopted by City Council in order to take effect.

Currently in Benicia and Vallejo, taxi rates are as follows:

<b>Category</b>	<b>Benicia Taxi Fares</b>	<b>Vallejo Taxi Fares</b>
Flag Drop	\$1.90	\$2.00
Per Mile Rate	\$1.90	\$2.25
Waiting Charge	\$18.50	\$22.50

The lower fare in Benicia discourages taxicab operators from providing fast and reliable service within the city for one passenger, since the average fare is reported to be only \$4.00 and the costs of the trip from Vallejo to Benicia exceeds that amount. This increases the wait time for taxi service for passengers in Benicia, as the dispatcher will often wait until another nearby call is received in order to assure adequate revenue. Also, with the continued increase in insurance, fuel, maintenance and operations costs of a taxicab, it is necessary to increase taxicab rates to ensure reliable and continued taxi service to the City of Benicia.

The proposed taxi rate for the Cities of Benicia and Vallejo are as follows:

<b>Category</b>	<b>Current Taxi Fares</b>	<b>Proposed Taxi Fares</b>	<b>Increased By</b>
Flag Drop	\$1.90	\$2.25	\$0.35
Per Mile Rate	\$1.90	\$2.25	\$0.35
Waiting Charge	\$18.50	\$22.50	\$4.00

Attachments:

- ❑ Resolution
- ❑ Letters from Vallejo/Benicia City Cab and Vallejo/Benicia Yellow Cab

# **RESOLUTION**

**RESOLUTION NO. 05-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA  
AUTHORIZING THE FILING OF A REVISED TARIFF FROM VALLEJO/BENICIA  
CITY CAB AND VALLEJO/BENICIA YELLOW CAB FOR THE OPERATION OF  
TAXI SERVICE IN THE CITY OF BENICIA**

**WHEREAS**, Vallejo/Benicia City Cab and Vallejo/Benicia Yellow Cab have authorization to operate taxicab service within the City of Benicia; and

**WHEREAS**, the City Council finds that the taxicab service offered by Vallejo/Benicia City Cab and Vallejo/Benicia Yellow Cab benefited the public convenience and necessity of the City of Benicia; and

**WHEREAS**, the City Council finds the proposed rate structure of \$2.25 for the flag drop, \$2.25 per mile, and \$22.50; and for the wait time per hour, to be reasonable and consistent with the fare structure in nearby areas.

**NOW, THEREFORE, BE IT RESOLVED THAT** the City Council of the City of Benicia does hereby authorize Vallejo/Benicia City Cab and Vallejo/Benicia Yellow Cab to increase their rate structure for providing taxicab service in the City of Benicia, effective Thursday, September 1, 2005 to:

<b>Category</b>	<b>Current Taxi Fares</b>	<b>Approved Taxi Fares</b>	<b>Increased By</b>
Flag Drop	\$1.90	\$2.25	\$0.35
Per Mile Rate	\$1.90	\$2.25	\$0.35
Waiting Charge	\$18.50	\$22.50	\$4.00

\*\*\*\*\*

On motion of Council Member \_\_\_\_\_, seconded by Council Member \_\_\_\_\_, the above Resolution is introduced and passed by the City Council of the City of Benicia at a regular meeting of the Council held on the 19th day of July 2005 and adopted by the following vote:

Ayes:  
Noes:  
Absent:

\_\_\_\_\_  
Steve Messina, Mayor

Attest:

\_\_\_\_\_  
Lisa Wolfe, City Clerk

**Letters from  
Vallejo/Benicia City Cab  
and  
Vallejo/Benicia Yellow Cab**

**(If viewing online, this attachment is available from the City Clerk's Office.)**

**AGENDA ITEM  
CITY COUNCIL MEETING: JULY 19, 2005  
NEW BUSINESS**

**DATE** : July 6, 2005  
**TO** : City Manager  
**FROM** : Finance Director  
**SUBJECT** : **IMPLEMENTATION OF A TAXI SCRIPT PROGRAM**

**RECOMMENDATION:**

Adopt a resolution authorizing the City Manager to enter an agreement with Vallejo/Benicia Yellow Cab and Vallejo/Benicia City Cab for the implementation of a taxi script program. A “script” is a \$1 voucher that is sold in booklets of 10 by Benicia Transit at a 50% discount and accepted by the taxi company as payment. The taxi company would submit the scripts to Benicia Transit for reimbursement.

**EXECUTIVE SUMMARY:**

The taxi script program will provide door-to-door service for seniors (age 65 years and older) and persons with disabilities within Benicia and to Vallejo, through the purchase of taxi scripts at Benicia City Hall.

**BUDGET INFORMATION:**

This program is budgeted in the current Transportation Fund budget for \$30,000. It is estimated that \$15,000 in fares will be received from the sales of taxi script books.

**BACKGROUND:**

As a way to provide low cost and efficient transit service for seniors and persons with disabilities that complements the existing Dial-A-Ride service, it is recommended that staff implement a new taxi script program for seniors (age 65 years old and older) and persons with disabilities.

The program is modeled after successful taxi script programs in American Canyon, Napa, Yountville, Vallejo, Vacaville, Fairfield, Suisun City and Dixon.

Vallejo/Benicia Yellow Cab and Vallejo/Benicia City Cab have agreed to participate in this program. Currently they operate the Vallejo Taxi Script Program and the American Canyon Taxi Script Program.

A passenger would buy a booklet of script for \$5.00 and receive \$10.00 worth. To prevent fraud and the City exceeding the budget for this program, only 250 taxi script books would be available per month, 3,000 taxi script books per year. A passenger would only be able to purchase five (5) taxi script books per month.

The passenger must be a senior (age 65 years old and older) or a person with a disability. The rider must certify for the program through obtaining a Regional Transit Connection (RTC) Discount Card from the City of Benicia. Once they receive their RTC Discount Card, they would show their card to the City Finance Department to purchase the taxi script. Taxi script is only valid within Benicia or between Vallejo and Benicia. Passengers cannot use taxi script to go to other cities outside the Benicia and Vallejo city limits. When a passenger finishes their taxi ride, they would pay the metered rate with their taxi script. Each month, the taxi companies will present the taxi script received and invoice for reimbursement.

It is estimated that 600 passengers will utilize the Taxi Script Program for the first year, providing a 50% farebox recovery ratio. Historically, other Solano and Napa County transit operators have combined the taxi script program with their Dial-A-Ride program to improve the farebox recovery ratio for their Dial-A-Ride services.

Attachments:

- Resolution
- Agreement for the Provision of a Taxi Script Program

# **Resolution**

**RESOLUTION NO. 05-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA  
AUTHORIZING THE IMPLEMENTATION OF A TAXI SCRIPT PROGRAM**

**WHEREAS**, the City of Benicia operates a demand responsive service for the general public and ADA eligible passengers; and

**WHEREAS**, as an effort to provide low cost efficient public transportation service to City of Benicia residents, the City wishes to implement a Benicia Taxi Script Program; and

**WHEREAS**, Vallejo/Benicia City Cab and Vallejo/Benicia Yellow Cab have authorization to operate taxi service within the City of Benicia; and

**WHEREAS**, the City Council finds that the taxi service offered by Vallejo/Benicia City Cab and Vallejo/Benicia Yellow Cab benefits the citizens of the City of Benicia.

**NOW, THEREFORE, BE IT RESOLVED THAT** the City Council of the City of Benicia does hereby authorize the City Manager to sign an agreement with Vallejo/Benicia City Cab and Vallejo/Benicia Yellow Cab for the operation of Benicia Taxi Script Program.

\*\*\*\*\*

On motion of Council Member \_\_\_\_\_, seconded by Council Member \_\_\_\_\_, the above Resolution is introduced and passed by the City Council of the City of Benicia at a regular meeting of the Council held on the 19th day of July 2005 and adopted by the following vote:

Ayes:  
Noes:  
Absent:

\_\_\_\_\_  
Steve Messina, Mayor

Attest:

\_\_\_\_\_  
Lisa Wolfe, City Clerk

**Agreement for Provision of Taxi Script Program  
Pages X-F-6 to X-F-10**

[Link to AGREEMENT](#)

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

**If viewing online, individual committee reports are available in the City Clerk's Office.**

**A. Committee Reports:**

- 1. Mayors' Committee Meeting (Mayor Messina)**
- 2. Arsenal Restoration Advisory Board (Council Member Campbell)**
- 3. Association of Bay Area Governments (ABAG) (Vice Mayor Patterson)**  
[www.abag.ca.gov](http://www.abag.ca.gov)
- 4. Audit & Finance Committee (Council Member Campbell and Vice Mayor Patterson)**
- 5. Carquinez Strait Preservation Trust (Council Member Smith)**  
[www.carquinezstrait.org](http://www.carquinezstrait.org)
- 6. First Street Revitalization Committee (Council Member Smith and Campbell)**
- 7. League of California Cities (Council Member Smith)**
- 8. Police Station and Civic Center Restoration Committee (Council Member Smith and Mayor Messina)**
- 9. School District Liaison (Council Members Whitney and Smith)**
- 10. Sky Valley Area Open Space (Vice Mayor Patterson and Council Member Smith)**
- 11. Solano EDC Board of Directors (Vice Mayor Patterson)**  
[www.sedcorp.org](http://www.sedcorp.org)
- 12. Solano Transportation Authority (STA) (Mayor Messina)**  
[www.solanolinks.com](http://www.solanolinks.com)
- 13. Solano Water Authority/Solano County Water Agency (Mayor Messina)** [www.scwa2.com](http://www.scwa2.com)
- 14. Traffic, Pedestrian and Bicycle Safety Committee (Vice Mayor Patterson and Council Member Campbell)**
- 15. Tri-City and County Regional Parks and Open Space (Council Member Whitney)** [www.co.solano.ca.us](http://www.co.solano.ca.us)

16. **Urban Water Management Planning Task Force (Vice Mayor Patterson and Mayor Messina)**
  17. **Valero Community Advisory Panel (CAP) (Council Member Whitney)**  
[www.valero.com](http://www.valero.com)
  18. **Youth Action Task Force (Council Member Whitney)**
- B. ABAG/CAL FED Task Force/Bay Area Water Forum (Vice Mayor Patterson)**  
<http://calfed.abag.ca.gov>