

**August 1, 2006
BENICIA CITY COUNCIL
CITY COUNCIL CHAMBERS
REGULAR MEETING AGENDA**

August 1, 2006

6:30 P.M.

- **CALL TO ORDER:**
- **CONVENE OPEN SESSION:**
 - **ROLL CALL**
 - **PLEDGE OF ALLEGIANCE**
 - **REFERENCE TO THE FUNDAMENTAL RIGHTS OF PUBLIC**
- **OPPORTUNITY FOR PUBLIC COMMENT:**
 - **WRITTEN**
 - **PUBLIC COMMENT**
- **CLOSED SESSION:**
 - **CONFERENCE WITH REAL PROPERTY NEGOTIATOR**
Property: Mills School
Negotiating Parties: City Manager/Parks & Community Services Director
Under Negotiation: Instruction to negotiators on price and terms of lease.
- **ADJOURNMENT:**

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

August 1, 2006

7:00 P.M.

- **CALL TO ORDER:**
- **CLOSED SESSION:**
 - **TO BE HELD AT 6:30 PM - PRIOR TO THE REGULAR MEETING**
- **CONVENE OPEN SESSION:**
 - **ROLL CALL**
 - **PLEDGE OF ALLEGIANCE**
 - **REFERENCE TO THE FUNDAMENTAL RIGHTS OF PUBLIC**
- **ANNOUNCEMENTS/APPOINTMENTS/PRESENTATIONS/PROCLAMATIONS:**
 - **ANNOUNCEMENTS:**
 - **Announcement of action taken at Closed Session, if any.**
 - **Openings on Boards and Commissions:**
 - Human Services Fund Board:**
 - One unexpired term to June 30, 2008
 - One full term to June 30, 2010
 - People Using Resources Efficiently (PURE) Committee:**
 - One immediate opening
 - **Civil Service Commission:**
 - Three full terms to August 30, 2009

- Sky Valley Open Space Committee
 - One full term to August 30, 2010
 - One full term to September 30, 2010
 - Parks, Recreation & Cemetery Commission:
 - One full term to September 30, 2010
 - Planning Commission:
 - Two full terms to September 30, 2010
- APPOINTMENTS:
- PRESENTATIONS:
- PROCLAMATIONS:
- ADOPTION OF AGENDA:
- OPPORTUNITY FOR PUBLIC COMMENT:
 - WRITTEN
 - PUBLIC COMMENT
- CONSENT CALENDAR:
 - Approval of Minutes of July 18, 2006. (City Clerk)
 - Denial of the claim against the City by Laurie-Ellen Flanagan and referral to insurance carrier. (City Attorney)

This claim is for wrongful arrest and civil rights violations. An investigation determined that there were no violations in the arrest procedure. The amount of the claim is for \$10,000,000.

Recommendation: Deny the claim against the City by Laurie-Ellen Flanagan.

- Approval of planning services amendment to the agreement with Katama Development, Inc. (Community Development Director)

In November 2005, the City entered into an agreement with Katama Development, Inc. for planning services. The agreement provided staff support for various Planning and Community Development programs in recognition of City staff vacancies. The Department continues to need staff support services to cover employee leave through December 2006. This new agreement will provide planning assistance for an additional \$40,000 during that period. There are adequate funds in the Planning Division Professional Services Account for these services.

Recommendation: Adopt the resolution approving an amendment to a consultant agreement with Katama Development, Inc. for planning services and authorizing the City Manager to execute the amendment on behalf of the City.

- Granting of authority to the Assistant Finance Director for depositing and withdrawing of City monies in the Local Agency Investment Fund. (Finance Director)

The proposed resolution grants authority to the recently hired Assistant

Finance Director to deposit and withdraw City monies in the Local Agency Investment Fund (LAIF). There is no budget impact associated with adopting the resolution.

Recommendation: Adopt the resolution authorizing the deposit and withdrawal of City monies in the LAIF by the recently hired Assistant Finance Director.

- Establishment of the annual appropriations limit pursuant to Article XIII B of the California State Constitution for Fiscal Year 2006-07. (Finance Director)

Article XIII B of the State Constitution requires cities to limit their growth in appropriations to a formula with options based upon the increase in their city or county population and the increase in non-residential construction or California per capita income. The resolution establishes the formula options and appropriation limit for Fiscal Year 2006-07. There is no budget impact associated with adopting the proposed resolution.

Recommendation: Adopt the resolution establishing the maximum allowable appropriations subject to limitation for Fiscal Year 2006-07 in the amount of \$61,992,633.

- Adopt an urgency ordinance amending Section 3.25.130 (Telephone Users Tax) of Chapter 3.25 (Utility Users Excise Tax) of Title 3 (Revenue and Finance) of the Benicia Municipal Code. (City Attorney)

The City imposes a telephone users tax on intrastate telephone services. A recent Internal Revenue Service (IRS) decision requires several amendments to the Benicia Municipal Code to allow the telephone users tax to continue to be imposed in accordance with the City's original intention and consistent with historical practice. Because the IRS ruling takes effect on July 31, 2006, the City should adopt this as an urgency ordinance to take effect immediately. The proposed ordinance does not change to the type of telephone services subject to the tax, to who pays the tax, or to the amount or method of calculating the tax. The tax generates approximately \$590,000 in revenue each year to the City's general fund.

Recommendation: Adopt the urgency ordinance amending Section 3.25.130 (Telephone Users Tax) of Chapter 3.25 (Utility Users Excise Tax) of Title 3 (Revenue and Finance) of the Benicia Municipal Code.

- Approval to waive the reading of all ordinances introduced and adopted pursuant to this agenda.
- **PUBLIC HEARINGS:**
- **ACTION ITEMS:**
 - Authorization of a contract for the implementation program for the Arsenal and Downtown areas. (Community Development Director) - Continued from July 18, 2006 City Council Meeting

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

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

- **INFORMATIONAL ITEMS:**
 - Reports from City Manager.
 - Oral report regarding Benicia Unified School District (BUSD) Board use of City Council Chambers for School Board meetings.
 - Oral report providing update on maintenance of fields at three school sites.
- **COMMENTS FROM COUNCIL MEMBERS:**
- **ADJOURNMENT:**

Public Participation

The Benicia City Council welcomes public participation.

Pursuant to the Brown Act, each public agency must provide the public with an opportunity to speak on any matter within the subject matter jurisdiction of the agency and which is not on the agency's agenda for that meeting. The City Council allows speakers to speak on agendized and nonagendized matters under public comment. Comments are limited to no more than 5 minutes per speaker. By law, no action may be taken on any item raised during the public comment period although informational answers to questions may be given and matters may be referred to staff for placement on a future agenda of the City Council.

Should you have material you wish to enter into the record, please submit it to the City Manager.

Disabled Access

In compliance with the Americans with Disabilities Act (ADA), if you need special assistance to participate in this meeting, please contact Diane O'Connell, the ADA Coordinator, at (707) 746-4211. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

Meeting Procedures

All items listed on this agenda are for Council discussion and/or action. In accordance with the Brown Act, each item is listed and includes, where appropriate, further description of the item and/or a recommended action. The posting of a recommended action does not limit, or necessarily indicate, what action may be taken by the City Council.