

**August 15, 2006  
BENICIA CITY COUNCIL  
CITY COUNCIL CHAMBERS  
SPECIAL MEETING AGENDA**

**August 15, 2006**

**6:15 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 LEGAL COUNSEL - EXISTING LITIGATION (Subdivision (a) of Government Code Section 54956.9)**  
Name of case: **City of Benicia v. Benicia Harbor Corporation**
  - **CONFERENCE WITH LABOR NEGOTIATOR**  
(Government Code Section 54957.6 (a))  
Agency negotiators: **City Manager, Human Resources Director, Bill Avery of Avery & Associates**  
Employee organizations: **Benicia Dispatchers Association, Benicia Police Officers Association, Benicia Public Service Employees Association, Professional & Confidential / Supervisory (Local 1)**  
Unrepresented employees: **Police Managers, Middle Management, and Senior Management**
- **ADJOURNMENT:**

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

**August 15, 2006**

**7:00 P.M.**

- **CALL TO ORDER:**
- **CLOSED SESSION:**
  - **TO BE HELD AT 6:15 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.**

- **APPOINTMENTS:**
  - **Civil Service Commission:**  
Martha Christopher - One full term to August 30, 2009  
Michael Roetzer - One full term to August 30, 2009
  - **Human Services Fund Board:**  
Roy Salazar - One unexpired term to June 30, 2008  
David Lagle - One full term to June 30, 2010
  - **Parks, Recreation & Cemetery Commission:**  
Nancy Cockerham - One full term to September 30, 2010
  - **Planning Commission:**  
Richard Bortolazzo - One full term to September 30, 2010
- **PRESENTATIONS:**
- **PROCLAMATIONS:**
  - **Recognition of Library Card Sign-Up Month - August 15, 2006 - September 15, 2006**
  - **Recognition of City of Benicia Lifeguard Day - August 15, 2006**
  - **Recognition of Athletic Achievement of Amber Purvis, Benicia High School Student/Track & Field Athlete**
- **ADOPTION OF AGENDA:**
- **OPPORTUNITY FOR PUBLIC COMMENT:**
  - **WRITTEN**
  - **PUBLIC COMMENT**
- **CONSENT CALENDAR:**
  - **Approval of Minutes of July 18, 2006 and and August 1, 2006. (City Clerk)**
  - **Award of construction contract for Park Road Bike Lane Project. (Public Works Director)**

This project will construct bike lanes on Park Road from Adams Street to Oak Road. Project funding is provided in part by \$108,000 in federal-aid grant monies. The remaining \$275,900 local match needed to fully fund the project will come from a combination of gas tax/resurfacing funds and general fund/capital projects funds.

**Recommendation:** Adopt the resolution accepting the bids for the Park Road Bike Lane Project, awarding the construction contract to J.A. Gonsalves & Son Construction in the amount of \$349,095, and authorizing the City Manager to sign the contract on behalf of the City.

- **Award of construction contract for the East 2nd Street Overlay Project, including bid alternate, appropriation of additional funding and award of Task Order No. 8 to Pakpour Consulting Group. (Public Works Director)**

This project will overlay East 2nd Street from north of the I-780 westbound on-/off-ramps to 200 feet south of the I-780 eastbound on-/off-ramps. Project funding is provided in part by \$82,100 in federal-aid grant monies. An

additional \$209,600 is needed to fully fund the construction of the project due to increased costs associated with awarding the bid alternate, using petroleum-based products, and working hour restrictions imposed by Caltrans. Task Order No. 8 is for Pakpour Consulting Group to provide construction administration support services.

**Recommendation: Adopt the resolution:**

- accepting the bids for the East 2nd Street Overlay Project, awarding the construction contract including bid alternate to Evans Grading and Paving in the amount of \$345,208.25 and authorizing the City Manager to sign the contract on behalf of the City; and
  - appropriating \$209,600 from the Traffic Mitigation Fund Reserves; and
  - awarding Task Order No. 8 in the amount of \$2,000 to Pakpour Consulting Group.
- Award of construction contract for the East 5th Street Overlay Project, appropriation of additional funding and award of Task Order No. 7 to Pakpour Consulting Group. (Public Works Director)

This project will overlay East 5th Street from just north of Military East to north of the I-780 westbound on-/off-ramps. Project funding is provided in part by \$90,000 in federal-aid grant monies. An additional \$125,700 needs to be appropriated to fully fund the construction of the project due to increased costs associated with using petroleum-based products and working hour restrictions imposed by Caltrans. Task Order No. 7 is for Pakpour Consulting Group to provide construction administration support services.

**Recommendation: Adopt the resolution:**

- accepting the bids contract for the East 5th Street Overlay Project, awarding the construction to Evans Grading and Paving in the amount of \$226,988, and authorizing the City Manager to sign the contract on behalf of the City; and
  - appropriating \$125,700 from the Traffic Mitigation Fund Reserves; and
  - awarding Task Order No. 7 in the amount of \$2,000 to Pakpour Consulting Group.
- Award of construction contract for the East H Street Overlay Project and award of Task Order No. 6 to Pakpour Consulting Group. (Public Works Director)
- This project will overlay East H Street from west of East 2nd Street to east of East 5th Street. Project funding is provided in part by \$95,000 in federal-aid grant monies. The remaining \$68,000 local match will come from a combination of gas tax/resurfacing funds and general fund/capital projects funds. Task Order No. 6 is for Pakpour Consulting Group to provide construction administration support services.

**Recommendation: Adopt the resolution:**

- accepting the bid for the East H Street Overlay Project, awarding the construction contract to Evans Grading and Paving in the amount of



**Recommendation: Adopt the resolution authorizing the City Manager to enter a Residential Lease Agreement with Juan Vallejo for three years, with two optional one-year extensions.**

- **Approval of an extension to the current agreement with the workers' compensation third party administrator. (Human Resources Director)**

**Innovative Claims Solutions (ICS) has been the City's workers' compensation third party administrator since 2002. ICS handles the administration of all on-the-job injury cases for our employees. The administration of these cases includes, but is not limited to, the review of all injuries to establish acceptability of the claim, verbal and written contact with the injured employee throughout treatment and settlement phases, approval of medical treatment plan and the payment of medical costs. There is a 2% increase in service costs in this upcoming fiscal year.**

**Recommendation: Adopt the resolution that approves an extension to the current agreement with Innovative Claims Solution.**

- **Appointment of representatives to the Local Agency Workers' Compensation Excess (LAWCX) Joint Powers Authority. (City Attorney)**

**In 2002 the City Council authorized the City to join the Local Agency Workers' Compensation Excess (LAWCX) Joint Powers Authority. At that time the Council designated the Finance Director as the representative and the City Attorney as the Alternate. In 2003 the Finance Director retired. The Human Resources Director was then appointed the representative in the Finance Director's place. Since the current Finance Director has been with the City for several years now, it is appropriate to appoint him as the Representative to LAWCX. The Human Resources Director will become the Alternate since she is in charge of managing our workers' compensation claims and manages our third party claims administrator. The Human Resources Director's knowledge of the workers' compensation field, and the Finance Director's knowledge of insurance cost matters make them the ideal representatives for the City. There is no fiscal impact associated with changing representatives.**

**Recommendation: Adopt the resolution changing the representatives to the LAWCX Joint Powers Authority.**

- **Authorization of the examination of sales, use and transactions tax records by certain staff and consultants. (Economic Development Manager)**

**The State Board of Equalization requires that cities officially designate those staff and consultants who are authorized to review confidential sales tax data in the course of their duties. It is appropriate at this time to update the City's authorized users to designate the City Manager, Finance Director, Economic Development Manager, the City's sales tax consulting firm (HdL), and Strategic**

Economics, the economic sub-consultant recently brought on board by the Community Development Department to assist with the Downtown/Arsenal planning study. There is no direct budget impact associated with this action.

- Recommendation: Adopt the resolution authorizing key staff and consultants to review sales and use tax data from the Board of Equalization.
- Appropriation of an additional \$150,000 from the City's general fund reserves to the Police Department's Emergency Selective Seismic and Security Upgrade Project. (Police Chief)

Major infrastructure flaws have been discovered during the demolition phase of the police department's Emergency Selective Seismic and Security Upgrade Project. Significant electrical and plumbing issues were discovered and they have added considerable costs to the project. These costs have exceeded the originally allotted contingency fund for this project. In order to bring the entire facility to a safe and workable standard, it is expected that a maximum of \$150,000 will be required to cover all expected and unexpected repairs. The overall completion date for the project is now set at November 1, 2006. While it is recommended that available funding in the City's general fund reserves be utilized, it is projected that the 2005/06 budget surplus funds will ultimately be sufficient to cover this additional cost.

Recommendation: Appropriate an additional \$150,000 from the City's general fund reserves to complete the Police Department's Emergency Selective Seismic and Security Upgrade Project and authorize the City Manager to sign all change orders up to the \$150,000.

- Approval to waive the reading of all ordinances introduced and adopted pursuant to this agenda.
- PUBLIC HEARINGS:
  - Introduction of an ordinance amending the Benicia Municipal Code Regulations for proposed zoning text amendment to change regulations for reduced lot width in the Single Family Residential (RS) zoning district. (Community Development Director)

The Planning Commission recommends City Council approval of an ordinance to change regulations for reduced lot width in the Single Family Residential (RS) zoning district. This ordinance amends Section 17.24.030(R) (Reduction of Lot Width) of the Benicia Municipal Code to allow the Planning Commission to approval parcel and subdivision maps when more than three lots measure less than 60 feet in width under specific conditions.

Recommendation: Hold a public hearing, accept public comment and consider all relevant information, and then find the proposed ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) and introduce the ordinance.

- Introduction of an ordinance amending the Benicia Municipal Code to allow flag lots in the Single Family Residential (RS) Zoning District. (Community Development Director)  
The Planning Commission recommends City Council approval of an ordinance to add regulations to allow the creation of flag lots in the Single Family Residential (RS) zoning districts. This ordinance adds Section 17.24.030(S) (Flag Lots) to the Benicia Municipal Code to allow the Planning Commission to approve flag lots under specific conditions.

**Recommendation:** Hold a public hearing, accept public comment and consider all relevant information, and then find the proposed ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) and introduce the ordinance.

- Introduction of an ordinance to update Benicia Municipal Code development standards and regulations for wireless communication facilities. (Community Development Director)

Staff has drafted a zoning text amendment for City Council consideration to update development standards and regulations for wireless communication facilities. Planning Commission recommended approval of the adoption of the text amendment at its meeting on July 13, 2006.

**Recommendation:** Hold a public hearing, accept public comment and consider all relevant information, and then introduce the proposed ordinance approving the text amendment to update development standards, regulations and definitions for wireless communication facilities.

- Approval of Grantee Performance Report for the City's Housing Rehabilitation Revolving Loan Account. (Community Development Director)

The Grantee Performance Report summarizes the activities that occurred in the Revolving Loan Account for the previous fiscal year. The report requires a public hearing prior to approval by the City Council, and is then submitted to the State Department of Housing and Community Development.

**Recommendation:** Hold a public hearing, accept public comment and consider all relevant information and approve by resolution the Grantee Performance Report for the City's Housing Rehabilitation Revolving Loan Account (RLA).

- **ACTION ITEMS:**

- **INFORMATIONAL ITEMS:**

- Reports from City Manager.
- Council Member Committee Reports.

(Council Members serve on various internal and external committees on behalf of the City. Current agendas, minutes and meeting schedules, as available,

from these various committees are included in the agenda packet. Oral reports by Council Members are made only by exception.)

- **Mayors' Committee Meeting (Mayor Messina)**  
Next Meeting Date: September 20, 2006
- **Association of Bay Area Governments (ABAG) (Mayor Messina)**  
Next Meeting Date: October 26, 2006 (Fall General Assembly)
- **Audit & Finance Committee (Vice Mayor Schwartzman and Council Member Hughes)**  
Next Meeting Date: September 8, 2006
- **League of California Cities (Mayor Messina)**  
Next Meeting Date: September 6-9, 2006 (Annual Conference)
- **School District Liaison (Council Members Whitney and Hughes)**  
Next Meeting Date: September 14, 2006
- **Sky Valley Area Open Space (Council Members Patterson and Whitney)**  
Next Meeting Date: September 6, 2006
- **Solano EDC Board of Directors (Mayor Messina)**  
Next Meeting Date: August 24, 2006
- **Solano Transportation Authority (STA) (Mayor Messina)**  
Next Meeting Date: September 13, 2006
- **Solano Water Authority/Solano County Water Agency (Mayor Messina)**  
Next Meeting Date: September 14, 2006
- **Traffic, Pedestrian and Bicycle Safety Committee (Council Members Patterson and Hughes)**  
Next Meeting Date: October 19, 2006
- **Tri-City and County Regional Parks and Open Space (Council Member Whitney)**  
Next Meeting Date: September 11, 2006
- **Valero Community Advisory Panel (CAP) (Council Member Hughes)**  
Next Meeting Date: September 21, 2006
- **Youth Action Task Force (Vice Mayor Schwartzman and Council Member Whitney)**  
Next Meeting Date: August 30, 2006
- **ABAG/CAL FED Task Force/Bay Area Water Forum (Council Member Patterson)**  
Next Meeting Date: August 28, 2006
- **COMMENTS FROM COUNCIL MEMBERS:**
  - **Overview of League of California Cities Executive Forum. (Council Member Patterson)**  
Pursuant to AB 1234, Council Member Patterson will provide a brief overview of her attendance at a recent League of California Cities conference.

**Recommendation: Informational report, no action necessary.**

- **ADJOURNMENT:**
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## **Public Participation**

**The Benicia City Council welcomes public participation.**

**Pursuant to the Brown Act, each public agency must provide the public with an opportunity to speak on any matter within the subject matter jurisdiction of the agency and which is not on the agency's agenda for that meeting. The City Council allows speakers to speak on 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.**

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## **Disabled Access**

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

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## **Meeting Procedures**

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