

September 4, 2007
BENICIA CITY COUNCIL
CITY COUNCIL CHAMBERS
REGULAR MEETING AGENDA
September 4, 2007

7:00 P.M.

- I. CALL TO ORDER:
- II. CLOSED SESSION:
- III. CONVENE OPEN SESSION:
 - A. ROLL CALL
 - B. PLEDGE OF ALLEGIANCE
 - C. REFERENCE TO THE FUNDAMENTAL RIGHTS OF PUBLIC
- IV. ANNOUNCEMENTS/APPOINTMENTS
PRESENTATIONS/PROCLAMATIONS:
 - A. ANNOUNCEMENTS:
 1. Announcement of action taken at Closed Session, if any.
 2. Openings on Boards and Commissions:

Benicia Housing Authority

-One unexpired term to June 30, 2011

Human Services and Arts Board

-One unexpired term to June 30, 2009

Library Board of Trustees

Poet Laureate

-One full term to November 30, 2009

Open Government Commission

-One full term to November 30, 2011

Planning Commission

-One unexpired term to September 30, 2008

Sky Valley Open Space Committee

-One unexpired term to September 30, 2010

B. APPOINTMENTS:

1. Civil Service Commission:

-One full term to August 30, 2010

Robert H. Sherock

2. Planning Commission:

-Three full terms to September 30, 2011

James Fredrick Ernst

Rod Sherry

Brad Thomas

C. PRESENTATIONS:

D. PROCLAMATIONS:

1. National Preparedness Month - September 2007

2. Pollution Prevention Week - September 17-21, 2007

3. Literacy Awareness Day - September 8, 2007

- V. ADOPTION OF AGENDA:
- VI. OPPORTUNITY FOR PUBLIC COMMENT:
 - A. WRITTEN
 - B. PUBLIC COMMENT
- VII. CONSENT CALENDAR:
 - A. Approval of Minutes of [August 21, 2007](#), (City Clerk)
 - B. [Approval of a modified developer agreement for storm drainage improvements between West I and J Streets in the former West 7th Street right-of-way.](#) (Director of Public Works)

The City has the opportunity to partner with the developer of a two-lot residential subdivision between West I and J Streets in the design and construction of an important flood control storm drain pipeline. A developer agreement based on the fair share costs incurred, with the developer's portion estimated to be \$63,000 is proposed as the means to deliver the project. The City will fund the balance of the project cost estimated to be \$348,600. Sufficient funds are available in the Storm Water Improvements Fund/West 7th Street Storm Drain Project as per the adopted budget to cover this cost.

Recommendation: Adopt the resolution approving a modified developer agreement for the West 7th Street Storm Drain Project and authorizing the City Manager to sign said agreement on behalf of the City.

- C. [Award of construction contract for the West 7th Street storm drain project.](#) (Director of Public Works)

This flood relief project will install a 54-inch storm drain pipeline in the former West 7th Street right-of-way from West J Street to the Carquinez Strait. Sufficient funding is available in the Storm Water Improvements Fund per the adopted FY 2007/2008 budget to cover the City's share of the cost.

Recommendation: Adopt a resolution accepting the bids for the West 7th Street Storm Drain Project, awarding the construction contract to Hudson Excavation, Inc., of Fairfield in the amount of \$316,950, and authorizing the City Manager to sign the contract on behalf of the City.

- D. [Introduction of an ordinance amending Section 2.20.040 \(Conditions\) and adding a new Section 2.20.070 \(Crime and Dishonesty Insurance Policy\) of Chapter 2.20 \(Officers' Bonds and Compensation\) of Title 2 \(Administration and Personnel\) of the Benicia Municipal Code.](#) (City Attorney)

The City currently has provisions requiring public officers to obtain an official bond. The official bond requirement does not cover employees. Government Code Section 1481 allows the use of a master bond or insurance policy to meet the official bonding requirements. The master bond or insurance policy allows enhanced coverage to all City officers and employees, while also reducing expenses and complexity involved. This ordinance also adds a new section pursuant to Government Code Section 1463 allowing a city to use a commercial government crime insurance policy or employee dishonesty policy to cover all of its officers and employees, in lieu of an official bond. There are no budget impacts.

Recommendation: Introduce the proposed ordinance updating the City's Municipal Code requirements regarding bond conditions.

E. [Submittal of an application for a California Library Literacy Service matching funds grant.](#) (Library Director)

The California Library Literacy Services (CLLS) matching funds grant is made available to libraries in the State of California that offer adult literacy services that meet the grant criteria. The Benicia Public Library has offered adult literacy services through the Adult Literacy and English as a Second Language (ESL) Program since 1987. The program has successfully received grant funding from the CLLS since its inception in 1987, and the Library plans to apply for \$31,755 this fiscal year. There is no impact on the General Fund as no additional monies are being requested from the City.

Recommendation: Adopt the resolution authorizing submittal of an application for a California Library Literacy Service matching funds grant for fiscal year 2007/2008 by the Adult Literacy Coordinator and authorizing the Library Director to sign any necessary documents to secure the grant.

F. [Adoption of a resolution authorizing a Memorandum of Understanding \(MOU\) establishing membership in the Solano County Interagency Hazardous Material Team \(SCIHMT\).](#) (Fire Chief)

In 2005, the Sheriff's Office used homeland security grant funds to start and support a Solano County Interagency Hazardous Materials Team (SCIHMT). SCIHMT is a team containing emergency responder personnel from Solano County and the cities of Benicia, Fairfield, Vacaville and Vallejo. The proposed agreement seeks to formally establish each jurisdiction's membership, role, and responsibility in SCIHMT.

Recommendation: Adopt a Resolution authorizing the City Manager to execute a Memorandum of Understanding (MOU) establishing the City of Benicia's membership in the Solano County Interagency Hazardous Materials Team (SCIHMT).

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

VIII. **PUBLIC HEARINGS:**

A. [Appeal of 221 First Street building permit.](#) (Community Development Director)

Issuance of a building permit on June 6, 2007 for the 221 First Street project was appealed to the Planning Commission. The Commission considered the appeal at a public hearing on July 12, 2007. It continued the matter to August 9, 2007, at which time it denied the appeal. The appellant subsequently has appealed to the City Council. No budget impact is identified.

Recommendation: Hold a public hearing and adopt the proposed resolution denying an appeal of the building permit for the 221 First Street project.

B. [Adoption of the Initial Study/Mitigated Negative Declaration and approval of Benicia Views \("Raffanti Project"\) Tentative Subdivision Map \(East H and East I Streets east of East 6th Street\).](#) (Community Development Director)

The proposed Tentative Subdivision Map for the Benicia Views project would subdivide four vacant residential parcels into seven single-family lots east of East Sixth Street, two on East I Street and five on East H Street. Two of the newly subdivided parcels would have a parcel area of 6,250 square feet and five parcels would have a parcel area of 7,500 square feet. The alley right of way located off of East Sixth Street, between East H and East I Street, would be improved. The Planning Commission recommended approval of the application by a 4-3 vote at its July 12, 2007, regular meeting. The City Council opened and continued a public hearing

on this item at its August 21, 2007 regular meeting. All required fees have been paid by the applicant to process the tentative subdivision map request.

Recommendation: Adopt the Initial Study/Mitigated Negative Declaration and approve the Benicia Views Tentative Subdivision Map.

C. [Downtown Mixed Use Master Plan and associated environmental analysis and ordinance amendments.](#)(Community Development Director)

The Downtown Mixed Use Master Plan provides development and land use standards for Downtown Benicia through a form-based code to replace prior zoning regulations. The Planning Commission has recommended adopting the Downtown Mixed Use Master Plan and the associated Initial Study/Mitigated Negative Declaration, and amending the General Plan and zoning ordinance accordingly. The costs associated with preparation of the Downtown Plan were budgeted in FY 2005-2006.

Recommendation: 1) Adopt the resolution adopting the Initial Study/Mitigated Negative Declaration and the Downtown Mixed Use Master Plan, and 2) introduce ordinances approving General Plan and zoning ordinance amendments necessary to implement the Downtown Mixed Use Master Plan.

IX. ACTION ITEMS:

A. [Petition for temporary relief under Benicia Municipal Code 8.20.210 \(Noise Ordinance\).](#) (City Manager)

Evonne Marston, owner of the Captain Walsh House, an event facility, has submitted a petition for temporary relief from the noise ordinance in order to host events with amplified music past the time stated in the noise ordinance. Due to neighborhood impacts of the amplification, this request should be denied.

Recommendation: Deny the petition for temporary relief under Municipal Code Section 8.20.210, which will prohibit the owner of the Captain Walsh House from allowing amplified music for special events beyond the noise ordinance's stated time limits.

X. INFORMATIONAL ITEMS:

A. Reports from City Manager.

XI. COMMENTS FROM COUNCIL MEMBERS:

XII. 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 agenda and non

agenda 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 Anne Cardwell, 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.