

**September 5, 2006
BENICIA CITY COUNCIL
CITY COUNCIL CHAMBERS
SPECIAL MEETING AGENDA**

September 5, 2006

6:45 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 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:**

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

September 5, 2006

7:00 P.M.

- **CALL TO ORDER:**
- **CLOSED SESSION:**
 - **TO BE HELD AT 6:45 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:**
People Using Resources Efficiently (PURE) Committee:
-One immediate opening

- **Civil Service Commission:**
 - One full term to August 30, 2009
 - One unexpired term to January 6, 2007
 - **Sky Valley Open Space Committee:**
 - One full term to August 30, 2010
 - One full term to September 30, 2010
 - **APPOINTMENTS:**
 - **Planning Commission:**
 - Daniel J. Healy - One full term to September 30, 2010
 - **PRESENTATIONS:**
 - **People Using Resources Efficiently (PURE) Update**
 - Bob Craft, Chair of PURE
 - **PROCLAMATIONS:**
 - **National Preparedness Month - September, 2006**
 - **Literacy Awareness Day - September 8, 2006**
 - **Pollution Prevention Week - September 18-24, 2006**
 - **ADOPTION OF AGENDA:**
 - **OPPORTUNITY FOR PUBLIC COMMENT:**
 - **WRITTEN**
 - **PUBLIC COMMENT**
- **CONSENT CALENDAR:**
 - **Approval of Minutes of August 15, 2006. (City Clerk)**
 - **Authorization of staff to proceed with applications for Supplemental Environmental Projects. (City Manager)**

The Bay Area Air Quality Management District's (BAAQMD) Supplemental Environmental Policy allows for air quality violation payments to fund special projects that meet certain criteria related to reducing air pollution or other community benefits. Staff is requesting the City Council's support in developing a project or projects that could be funded as a Supplemental Environmental Project (SEP). There is no direct budget impact associated with this action.

Recommendation: By motion, authorize staff to work with the BAAQMD to apply for a SEP of community benefit.

- **Submittal of an application for a California Library 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 their grant criteria. The Benicia Public Library has offered adult literacy services through the Adult Literacy & English As A Second Language (ESL) Program since 1987. The program has successfully received grant funding from the CLLS since its inception in 1987. There is no impact on the General Fund as no additional monies are being requested.

Recommendation: Adopt the resolution authorizing submittal of an application for a California Library Literacy Service Matching Funds Grant for fiscal year 2006/2007 by the Adult Literacy Program Coordinator and authorizing the Library Director to sign any necessary documents to secure the grant.

- **Second reading of an ordinance amending the Benicia Municipal Code regulations for a proposed zoning text amendment to change regulations for reduced lot width in the Single Family (RS) Residential zoning district. (Community Development Director)**

Staff has drafted a zoning text amendment for City Council consideration to amend 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 approve parcel and subdivision maps when more than three lots measure less than 60 feet in width under specific conditions. The Planning Commission recommended approval of the adoption of the text amendment at its meeting on June 8, 2006.

Recommendation: Approve the second reading of the proposed ordinance amending Title 17.24.030(R) (Reduction of Lot Width) of the Benicia Municipal Code.

- **Second reading of an ordinance amending the Benicia Municipal Code to allow flag lots in the Single Family (RS) Residential zoning district. (Community Development Director)**

Staff has drafted a zoning text amendment for City Council consideration 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. The Planning Commission recommended approval of the adoption of the text amendment at its meeting on June 8, 2006.

Recommendation: Approve the second reading of the proposed ordinance amending Title 17.24 of the Benicia Municipal Code by adding Section 17.24.030(S) (Flag Lots) to allow the Planning Commission to approve flag lots under specific conditions.

- **Second reading 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. The Planning Commission recommended approval of the adoption of the text amendment at its meeting on July 13, 2006.

Recommendation: Approve the second reading of the proposed ordinance to update development standards, regulations and definitions for wireless communication facilities.

- **Acceptance of Public Improvements for the Oak Hill Subdivision. (Public Works Director)**

The Oak Hill subdivision is located in the 600 block of East N Street. This subdivision created six new single-family homes. The public improvements have been completed in accordance with the Final Map and Improvement Plans. Following acceptance by City Council, the Developer's bonds insuring the completion of work will be released and the Developer's maintenance bond guaranteeing the public improvements will come into effect for one year. This item has no impact on the City's budget, funding to maintain the new public improvements (street, water lines, sewer lines, and storm drain lines) is included in the current budget.

Recommendation: Adopt the resolution accepting the public improvements for the Oak Hill Subdivision.

- **Approval of a special fee deferral payment agreement for 660/670 East N Street. (Public Works Director)**

The residential development project located at 660/670 East N Street is required to pay city impact fees and a pro-rata share of the costs for the East N Street improvements serving this project. The owner is requesting deferral of the city impact fees and the \$149,877.77 pro-rata share of the costs for the East N Street improvements. The proposed agreement authorizes deferral of the city impact fees until certificates of occupancy are issued for each unit and deferral of the \$149,877.77 pro-rata payment over the next five years.

Approval of this agreement results in no net cost to the City.

Recommendation: Adopt the resolution approving the Special Fee Deferral Payment Agreement for the residential development project at 660/670 East N St.

- **Acceptance of Public Improvements for the Waterfront Village. (Public Works Director)**

The Waterfront Village Subdivision is located at the westerly terminus of West F and West E Streets. This subdivision created 11 new single-family houses and one low-income accessory dwelling. The public improvements have been completed in accordance with the Final Map and Improvement Plans.

Following acceptance by City Council, the developer's bonds insuring the completion of work will be released and the developer's maintenance bond guaranteeing the public improvements will come into effect for one year. This item has no impact on the City's budget, funding to maintain the new public improvements is included in the current budget.

Recommendation: Adopt the resolution accepting the public improvements for the Waterfront Village Subdivision.

- **Award of Construction Contract for the West 7th Street Sidewalk Safety Project and update on Urban Stream Restoration Proposal. (Public Works Director)**

The West 7th Street project will repair an undermined sidewalk along a popular and highly traveled school route. The project costs total \$343,200, requiring an appropriation of \$268,200 from the Gas Tax Fund Reserves. Information is also provided regarding a preliminary plan to perform urban stream restoration along this section of West 7th Street.

Recommendation: Adopt the resolution accepting the bids for the West 7th Street Sidewalk Safety Project, awarding the construction contract to W.R. Forde Associates of Richmond, California, in the amount of \$294,521.50, appropriating \$268,200 from the Gas Tax Fund Reserves for the construction, and authorizing the City Manager to sign the contract on behalf of the City.

- **Award of consultant agreement for engineering services for the next planned phase of the Inflow and Infiltration (I/I) Improvement Program. (Public Works Director)**

This next planned phase of the Inflow and Infiltration (I/I) Improvement Program will update the original evaluation of the City's wastewater collection system and develop a revised Capital Improvement Program for the system now that the recent pipeline and Wastewater Treatment Plant improvements are completed. Sufficient funds are available in Account No. 014-8315-9840 to cover the proposed costs as per the adopted City Budget.

Recommendation: Adopt the Resolution approving the consultant agreement for engineering services for the next phase of the Inflow and Infiltration Improvement Program with Camp Dresser & McKee, Inc. for a not-to-exceed cost of \$116,853, and authorizing the City Manager to sign the agreement on behalf of the City.

- **Award of construction contract for the Camel Barn Museum Re-Roofing Project. (Parks & Community Services Director)**

The Camel Barn Museum Re-Roofing Project, located on 2060 Camel Road, will consist of demolition of the old roof and construction of a new insulated roof. Project funding is provided in part by \$78,000 in the Capital License Fund and \$48,000 in the Capital Projects-Building Maintenance Fund. An additional

\$34,000 is needed to fully fund the construction of the project due to FY 2004/05 Camel Barn Museum drainage appropriation not being carried over.

Recommendation: Adopt the resolution:

- **Accepting the bids for the Camel Barn Museum Re-Roofing Project, awarding the construction contract to Western Roofing Services of San Francisco, in the amount of \$149,996, and authorizing the City Manager to sign the contract on behalf of the City; and**
- **Appropriating \$34,000 from the unappropriated fund balance of the General Fund Reserves.**
- **Consideration of a renewal agreement with Inter-Tel Leasing, Inc. for telecommunications and voicemail equipment. (Finance Director)**

This item is being resubmitted because the costs of upgrades were not included in the original report and resolution. The City Council approved a five-year lease agreement with Inter-Tel Leasing on July 17, 2001. The lease was for \$73,635.00 per year and is set to expire on October 15, 2006. Inter-Tel Leasing has offered to reduce the lease by \$24,394.56 to \$49,240.44 per year for three years and will upgrade identified telecommunications hardware and software. The lease includes equipment, parts, maintenance and training. The lease amount is reduced, in part, because the costs of purchasing and installing the initial phone system were amortized in the initial lease.

Recommendation: Adopt the resolution authorizing the City Manager to enter a Renewal Agreement with Inter-Tel Leasing, Inc. for telecommunications and voicemail equipment.

- **Authorization to purchase utility billing software and remote technical services for Internet access from Harris Computer Systems. (Public Works Director)**

The City uses computer software to bill customers for water and sewer services. The Finance and Public Works Departments are requesting approval to purchase new software. The existing software, purchased in 1998, is outdated and does not provide for options frequently requested by our customers, such as bill payments via the Internet or other automated banking systems, not does it provide the statistical reports required by the City's regulators. After a thorough selection process, Harris Computer Systems is recommended to provide the identified software and services. Funding for this contract is budgeted and will come from the Water and Wastewater Enterprise Funds.

Recommendation: Adopt the Resolution authorizing the City Manager to enter an agreement with Harris Computer Systems to provide utility billing software and remote technical services for Internet access and payment applications for a cost not-to-exceed \$260,790 and appropriating an additional

\$15,210 each from the Water and Wastewater funds to increase the current budget to the contract amount.

- Approval to waive the reading of all ordinances introduced and adopted pursuant to this agenda.
- **PUBLIC HEARINGS:**
- **ACTION ITEMS:**
 - Approval of Human Services Fund Board monitoring of Cultural Arts Grants. (Finance Director) - Continued from July 18, 2006 City Council meeting
The City Council recently authorized staff to prepare recommendations that would allow the Human Services Fund (HSF) Board to monitor Cultural Arts Funding in addition to Human Services Funding. The attached resolution authorizes adding Cultural Arts Grants to the list of HSF Board responsibilities. The Board will be responsible for conducting public forums with current and potential Grantees, providing the City Council with funding recommendations based on a Request for Proposal (RFP) process, and monitoring the Grantees' performance on a quarterly basis. Representatives from each cultural arts group have been notified of the proposed changes. The proposed resolution is consistent with the recommendations of the HSF Board, as well as the information previously presented and discussed at the July 18, 2006 City Council meeting.

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

- Expression of support for Proposition 84 on the November 2006 Ballot. (Public Works Director)

Council Member Patterson has requested that the City Council consider endorsing Proposition 84. This proposed November 2006 ballot initiative would provide approximately \$5.4 billion for improved local water quality and water supply reliability, increased flood protection and the preservation of California's natural landscapes, including parks, forests, lakes, rivers, bays and coastline.

Recommendation: Adopt the resolution expressing support for Proposition 84: Clean Water, Parks and Coastal Protection Bond on the November 2006 Ballot.

- **INFORMATIONAL ITEMS:**
 - Reports from City Manager.
 - Reimbursement of City Council Members for travel expenses for trips to Benicia's Sister City. (City Manager)
Council Member Patterson has requested that the City Council establish a policy regarding reimbursement of travel expenses for one or more City Council members acting as a delegate on trips to Benicia's sister city, Tula in Hidalgo, Mexico.

Recommendation: Discuss and provide direction to staff.

- **COMMENTS FROM COUNCIL MEMBERS:**

- **Acknowledgement of efforts to keep the Suisun/Fairfield Amtrak Station open. (Council Member Patterson)**

Council Member Patterson requested the opportunity to recognize the efforts of the Mayors, Council Members and City Managers of the cities of Suisun City and Fairfield, as well as Capitol Corridor Joint Powers Authority and Suisun City Redevelopment Agency to keep the Suisun/Fairfield Amtrak Station open.

Recommendation: Informational report, no action necessary.

- **Consideration of an ordinance amending Chapter 1.28 (Voluntary Expenditure Limits for All Municipal Elections) of Title 1 (General Provisions) of the Benicia Municipal Code. (Vice Mayor Schwartzman)**

The proposed ordinance would amend the chapter in the Benicia Municipal Code that addresses voluntary expenditure limits for all municipal elections.

Recommendation: Be advised of the request to agendaize the first reading of the proposed ordinance on a future agenda.

- **Consideration of an ordinance adding Chapter 1.36 (Voluntary Code of Fair Campaign Practices) to Title 1 (General Provisions) of the Benicia Municipal Code. (Vice Mayor Schwartzman)**

The proposed ordinance would add a new chapter to the Benicia Municipal Code that would promote fair campaign practices.

Recommendation: Be advised of the request to agendaize the first reading of the proposed ordinance on a future agenda.

- **Consideration of an ordinance adding Chapter 1.40 (Clean Money Contributions and Reporting for All Municipal Elections) to Title 1 (General Provisions) of the Benicia Municipal Code. (Mayor Messina)**

The proposed ordinance would add a new chapter to the Benicia Municipal Code that would allow candidates to qualify as Clean Money Candidates based on meeting certain contribution and reporting requirements.

Recommendation: Be advised of the request to agendaize the first reading of the proposed ordinance on a future agenda.

- **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.