

**September 19, 2006
BENICIA CITY COUNCIL
CITY COUNCIL CHAMBERS
SPECIAL MEETING AGENDA
September 19, 2006**

6:00 P.M.

- **CALL TO ORDER:**
- **ANNOUNCEMENT OF CLOSED SESSION**
- **OPPORTUNITY FOR PUBLIC COMMENT:**
 - **WRITTEN**
 - **PUBLIC COMMENT**
- **CLOSED SESSION:**
 - **CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION (Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9)**
Number of potential cases: 1
- **ADJOURNMENT:**

**BENICIA CITY COUNCIL
CITY COUNCIL CHAMBERS
REGULAR MEETING AGENDA
September 19, 2006**

7:00 P.M.

- **CALL TO ORDER:**
- **CLOSED SESSION:**
 - **TO BE HELD AT 6:00 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:**
 - Benicia Housing Authority Board of Commissioners:**
 - One unexpired term to June 30, 2007
 - **Civil Service Commission:**
 - One full term to August 30, 2009
 - One unexpired term to January 6, 2007
 - **Human Services Fund Board:**
 - One unexpired term to June 30, 2008
 - One unexpired term to June 30, 2010
 - **Sky Valley Open Space Committee:**
 - One full term to August 30, 2010
 - One full term to September 30, 2010

- **Open Government Commission:**
-One full term to November 30, 2010
 - **Parks, Recreation & Cemetery Commission:**
-One full term to November 30, 2010
 - **People Using Resources Efficiently (PURE) Committee:**
-One immediate opening
- **APPOINTMENTS:**
- **PRESENTATIONS:**
- **PROCLAMATIONS:**
- **ADOPTION OF AGENDA:**
- **OPPORTUNITY FOR PUBLIC COMMENT:**
 - **WRITTEN**
 - **PUBLIC COMMENT**
- **CONSENT CALENDAR:**
 - **Approval of Minutes of August 30, 2006 and September 5, 2006. (City Clerk)**
 - **Acceptance of East I Street Sanitary Sewer Main Relocation Project. (Public Works Director)**

The East I Street Sanitary Sewer Relocation Project, which relocated a sewer main in the 400 block of East I Street from the backyards of six residences to East I Street, has been completed for a total construction cost of \$79,892.27. Formal acceptance of the work by the City Council is now required to allow the final payment to be made to the contractor. The total project cost was a budgeted expenditure from the Waste Water Utility Fund.

Recommendation: Adopt the resolution accepting the East I Street Sanitary Sewer Main Relocation Project as complete, authorizing the City Manager to sign the Notice of Completion and authorizing the City Clerk to file said notice with the Solano County Recorder.

- **Acceptance of a grant deed of easement for a sewer main at 401 East I Street. (Public Works Director)**
- **Acceptance of the grant deed of easement will provide access for maintenance of the City's newly installed sewer main on the 400 block of East I Street and protect this sewer main from the installation of permanent above-ground structures. There is no impact to the City's budget associated with this item.**

Recommendation: Adopt the resolution accepting a grant deed of easement covering a sewer main at 401 East I Street and authorizing the City Clerk to record the grant deed of easement.

- **Introduction and first reading of an ordinance amending the Benicia Municipal Code provisions regarding appointment of Planning Commissioners and adoption of a resolution amending the Rules of Procedure. (City Attorney)**

The proposed ordinance changes the way Planning Commissioners are appointed. The present practice of appointment is contrary to the Attorney

General's recent opinion. The proposed ordinance has members appointed by the Mayor with confirmation by the Council. If adopted, the ordinance would be effective 30 days after adoption. The amendment to the Council's Rules of Procedure will bring the rules into conformance with the ordinance.

Recommendation: Introduce the proposed ordinance amending Section 2.52.010 (Establishment - membership) of Chapter 2.52 (Planning Commission) of Title 2 (Administration and personnel) of the Benicia Municipal Code and adopt the resolution amending the Rules of Procedure for appointments.

- **Introduction and first reading of an ordinance amending various sections in Title 4 (Open Government) of the Benicia Municipal Code. (City Attorney)**
On June 21, 2005 the City Council adopted Ordinance 05-06 creating Title 4 (Open Government) of the Benicia Municipal Code. This ordinance provided the public better access to city government, specifically access to government meetings and public records. To better facilitate this access the City Council, through Chapter 4.20, created an Open Government Commission. The amendments to various sections of the Open Government Ordinance are a result of the Open Government Commission's efforts to clarify and streamline the implementation of the ordinance.

Recommendation: Introduce the proposed ordinance amending various sections of Title 4 (Open Government) of the Benicia Municipal Code.

- **Solano Transportation Authority's Safe Routes To School Program (SR2S).**
The Solano Transportation Authority (STA) is requesting that each local agency within the county develop a list of priority projects and programs for a new countywide Safe Routes to School (SR2S) Program. It is proposed that the City Council appoint the City Council/School Board Liaison Committee to review and approve Benicia's final list of SR2S priority projects and programs. The committee will then forward the list to the City Council and School Board for final approval prior to submittal to the STA. There are no budget impacts related to developing the list of SR2S priority projects and programs. Once the list is finalized, the projects/programs will be eligible for grant funding through the STA.

Recommendation: Adopt the resolution appointing the City Council/School Board Liaison Committee to review and approve Benicia's final list of Safe Routes to School (SR2S) priority projects/ programs.

- **Approval to waive the reading of all ordinances introduced and adopted pursuant to this agenda.**
- **PUBLIC HEARINGS:**
 - **Approval of increase of the Benicia Local Enforcement Agency Fee on Benicia residential garbage rate by one (\$.01) cent from ten (\$.10) cents to eleven (\$.11) cents to abate illegal dumping costs. (City Manager)**

In April, 2005 the Solano County Board of Supervisors adopted a resolution to revise their fee schedule for the Resource Management - Environmental Health Division. That revision included a fee increase in the solid waste disposal facilities fee. To account for the Solano County fee increase our garbage service provider, Allied Waste Management, Inc., has requested the City Council to review our garbage rates and increase the local enforcement agency fee on the Benicia residential garbage rate by one (\$.01) cent.

Recommendation: Hold the public hearing and adopt the resolution authorizing a residential garbage rate increase of one (\$.01) cent.

- Introduction and first reading of an ordinance amending Chapter 15.28 (Grading and Erosion Control) and introduction and first reading of a new Chapter 15.64 (Storm Water Management and Discharge Control). (Public Works Director)

The City of Benicia is required to adopt and enforce ordinances to be in compliance with the State Water Resources Control Board (SWRCB) Stormwater General Permit and the Clean Water Act. Together, the SWRCB Permit and the Clean Water Act require the implementation of identified control measures and Best Management Practices (BMPs) needed to prevent or reduce pollutants in storm water. The ordinances provide the authority to enforce the Stormwater General Permit and the Clean Water Act.

Recommendation: Hold a public hearing and introduce the proposed ordinances amending Title 15 (Building and Construction) of the Benicia Municipal Code by amending Chapter 15.28 (Grading and Erosion Control) and adding a new Chapter 15.64 (Storm Water Management and Discharge Control) to Title 15 (Building and Construction) of the Benicia Municipal Code.

- **ACTION ITEMS:**

- Approval of Mills Act Contracts for historic properties located at 163 West J Street, 145 East I Street, 159 West G Street and 149 West G Street. (Community Development Director)

The Mills Act program is a State of California authorized mechanism by which owners of Qualified Historical Properties may use an alternative method of determining property value for property tax purposes. The Historic Preservation Review Commission has reviewed and found that entering into a Mills Act contract for the properties at 163 West J Street, 145 East I Street, 159 West G Street and 149 West G Street would encourage the preservation and rehabilitation of qualified historic properties in the City of Benicia. A general report will be given on the Mills Act program. Due to conflicts of individual Council Members, the Resolutions will be voted on separately.

Recommendation: Adopt the resolutions authorizing the City Manager to enter into Mills Act Contracts with the property owners of:

- 163 West J Street,
 - 145 East I Street,
 - 159 West G Street, and
 - 149 West G Street.
- **Approval of the Traffic Calming Program. (Public Works Director)**

The City of Benicia Traffic Calming Program provides a process for citizens, City staff, and elected officials to address traffic related concerns such as speeding, noise, and pedestrian bicycle safety. The Traffic Calming Program was recommended for approval by the Traffic, Pedestrian and Bicycle Safety Committee at their July 20, 2006 meeting. The next step in the implementation is the City Council to approve the program. Funding for measures along the Rose Drive corridor are included in the FY 2006/07 budget.

Recommendation: Adopt the resolution approving the City of Benicia Traffic Calming Program.

- **INFORMATIONAL ITEMS:**

- **Reports from City Manager.**
Update on the status of the Rose Center Project. (Community Development Director)

The Community Development Director, Charlie Knox, will provide an update on the Rose Center Project on Columbus Parkway.

Recommendation: For information only, no action necessary.

- **Update on the status of City efforts to work with the Boy Scouts and Girl Scouts to identify a site for a Scout facility. (Parks & Community Services Director)**

The Benicia Scout House Working Group submitted a letter on September 8, 2006 to the City Council expressing their desire to delay a decision regarding the location of the Scout House until after the City Council meeting on October 17, 2006.

Recommendation: For information only, no action necessary.

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: October 6, 2006
- League of California Cities (Mayor Messina)
Next Meeting Date: To be determined.
- School District Liaison (Council Members Whitney and Hughes)
Next Meeting Date: December 14, 2006
- Sky Valley Area Open Space (Council Members Patterson and Whitney)
Next Meeting Date: October 4, 2006
- Solano EDC Board of Directors (Mayor Messina)
Next Meeting Date: September 28, 2006
- Solano Transportation Authority (STA) (Mayor Messina)
Next Meeting Date: October 11, 2006
- Solano Water Authority/Solano County Water Agency (Mayor Messina)
Next Meeting Date: October 12, 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: November 15, 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: September 27, 2006
- ABAG/CAL FED Task Force/Bay Area Water Forum (Council Member Patterson)
Next Meeting Date: To be determined.
- **COMMENTS FROM COUNCIL MEMBERS:**
 - Consideration of adoption of Ahwahnee Water Principles. (Council Member Patterson)
Council Member Patterson has requested that the City Council consider adoption of the Ahwahnee Water Principles in an effort to reduce costs and improve the reliability and quality of our water resources.

Recommendation: Be advised of the request to agendaize for adoption on a future agenda.
- **ADJOURNMENT:**

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.