

**October 5, 2004**  
**BENICIA CITY COUNCIL**  
**AGENDA**  
**CITY COUNCIL CHAMBERS**  
**October 5, 2004**  
**SPECIAL MEETING**  
**7:30 P.M.**

**I. CLOSED SESSION:**  
**A. CALL TO ORDER: ANNOUNCEMENT OF CLOSED SESSION**  
**ROLL CALL**  
**PLEDGE OF ALLEGIANCE**  
**B. ADOPTION OF AGENDA:**  
**C. COMMUNICATIONS ON CLOSED SESSION D. ITEMS:**  
**WRITTEN**  
**PUBLIC COMMENT**  
**E. CLOSED SESSION:**  
**NONE**  
**E. ADJOURNMENT:**  
**BENICIA CITY COUNCIL**  
**AGENDA**  
**CITY COUNCIL CHAMBERS**  
**October 5, 2004**  
**REGULAR MEETING**  
**7:30 P.M.**  
**II. CALL TO ORDER:**  
**ROLL CALL**  
**PLEDGE OF ALLEGIANCE**

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**NOTE: ALL ITEMS ARE FOR COUNCIL DISCUSSION AND/OR ACTION**

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**III. ANNOUNCEMENTS/APPOINTMENTS**

**PRESENTATIONS/PROCLAMATIONS:**

**ANNOUNCEMENTS: Announcement of action taken at Closed Session, if any.**

**Opening on: PLANNING COMMISSION - 2 full terms to September 30, 2008**

**APPOINTMENTS: HUMAN SERVICES FUND BOARD - Cecile Kazemi**

**SKY VALLEY OPEN SPACE COMMITTEE - Gary Munsterman, James McKeegan**

**PARKS, RECREATION AND CEMETERY COMMISSION, YOUTH COMMISSIONER - Samantha Hannafin**

**PRESENTATIONS: UPDATE ON PURE COMMITTEE ACTIVITIES – Bob Craft, Chair**

**REVITALIZATION OF THE SOLANO COUNTY FAIRGROUNDS (Jason Keadjian, Consultant to The**

Mills Corporation)

**PROCLAMATIONS:**

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**NOTE: THE BENICIA CITY COUNCIL WELCOMES CITIZEN PARTICIPATION. WE ASK THAT YOU KEEP YOUR COMMENTS TO ITEMS ON THE AGENDA TO FIVE (5) MINUTES. SHOULD YOU HAVE MATERIAL YOU WISH TO ENTER INTO THE RECORD, PLEASE SUBMIT IT TO THE CITY MANAGER.**

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**IV. ADOPTION OF AGENDA:**

**V. COMMUNICATIONS:**

**A. WRITTEN**

**B. PUBLIC COMMENT**

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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 non-agendized 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.

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**VI. CONSENT CALENDAR:**

**A. Approval of Minutes of September 21, 2004. (City Clerk)**

**B. Denial of claim and referral to insurance carrier (Dodd). (City Attorney)**

**C. Second Reading and Adoption of technical changes to the Business License Tax Ordinance, Chapter 5.04 of the Benicia Municipal Code. (Assistant City Manager)**

**Recommendation: Adopt the Ordinance making the technical changes.**

**D. Approval of the License Extension Agreement with Ponder Environmental for the Fifth Street Pier. The proposed extension agreement will be in effect for the next 25 months.**

**(Assistant City Manager)**

**Recommendation: By Minute Order, approve the Lease Extension Agreement.**

**E. Task Order for services to be provided by Cullen-Sherry Engineers to identify and describe the northwest boundary of the Community Park and prepare a topographical map of the same area. This information is necessary to determine the feasibility of the proposed Golf Education Center. (Assistant City Manager)**

**Recommendation: By Minute Order, approve the Task Order.**

**F. Approval of an extension of time to the Subdivision Improvement Agreements for the Southampton (Waters End) Units D-6 and D-7. The time extension is needed because of the**

time required to mitigate the military ordnance problems. (City Attorney)

**Recommendation:** Adopt the Resolution approving the extension of time to the agreements.

**G. Resolution authorizing the City Manger to participate, or authorize a designee to participate, on the Steering Committee coordinating the Memorandum of Understanding (MOU) on the Joint Solano Emergency Communications Activities ("SECA"), as described in the MOU. (City Manager)**

**Recommendation:** Adopt the Resolution authorizing City Manager to participate, or authorize a designee to participate, on the Steering Committee.

**H. Consideration of Non-General Fund budget adjustments totaling \$101,040 (net impact \$18,165) to the Inter Library Loan, Measure B Library, and Traffic Mitigation Funds. (Finance Director)**

**Recommendation:** Adopt the Resolution approving the adjustments.

**I. Resolution supporting the Benicia Unified School District's Parcel Tax Ballot Measure (Measure S). (City Manager)**

**Recommendation:** Adopt the Resolution support the measure.

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

**VII. PUBLIC HEARINGS:**

**A. General Plan amendment and zoning change for 1422, 1430 and 1440 East Second Street. The project consists of three separate parcels totaling approximately two-thirds of an acre (29,130 sq. ft.). A mixed-use development is proposed on two of the three parcels; the third parcel will remain in its current use as a single-family residence. The mixed-use development consists of 4,343 sp. ft. of ground floor commercial and three dwelling units on the second floor consisting of 3,851 sq. ft.:**

**1. Resolution amending the General Plan Land Use designation from Low Density Single Family to Business and Professional Office.**

**2. Introduction and first reading on and Ordinance changing the zoning from Single Family Residential to Planned Development. (Community Development Director)**

**Recommendation:** Hold Public Hearing and adopt the Resolution amending the General Plan and introduce the Ordinance changing the zoning.

**B. Public Hearing to consider the creation of the Benicia McAllister Area (Waters End Residential Development) Assessment District including:**

**1. City Clerk opening and announcement of the Assessment Ballot results; and**

**2. Council adoption of a Resolution adopting the engineer's report, confirming the assessments, ordering the work and acquisitions and directing actions with respect thereto; and**

**3. Council adoption of a Resolution authorizing issuance of Limited Obligation Improvement Bonds. (Finance Director)**

**Recommendation:** Conduct Public Hearing, open ballots and adopt the Resolutions.

**VIII. UNFINISHED BUSINESS:**

**A. Consideration and approval of the reassessment and refunding of the East Second Street / Rose Drive Assessment District Improvement Bonds, including:**

- 1. Resolution of intention to levy reassessments and to issue refunding bonds upon the security thereof; and**
- 2. Resolution adopting the reassessment report, confirming and ordering the reassessment pursuant to summary proceedings and directing related actions; and**
- 3. Resolution authorizing the issuance of limited obligation refunding improvement bonds and related actions. (Finance Director)**

**The refinancing is expected to save homeowners within the district approximately \$281.50/year.**

**Recommendation: Adopt the Resolutions.**

**IX. Report from Administrator on sidewalk conditions at 733-739 First Street and Resolution directing staff to notify the property owner to repair the sidewalk condition at 733-739 First Street. (Public Works Director)**

**Recommendation: Hold Public Hearing and adopt the Resolution.**

**NEW BUSINESS:**

**A. Presentation of a proposed Ordinance adding a new Title 4 (Open Government) to the Benicia Municipal Code including provisions for improving public access to meetings and public records, establishing ethical standards and providing for an open government commission. (City Attorney)**

**Recommendation: Discuss the attached and set a date for a workshop hearing or introduce the Ordinance for adoption at a subsequent meeting.**

**REPORTS FROM CITY MANAGER:**

- A. Inflow & Infiltration Project update (oral report). (Public Works Director)**
- B. Marina Arbitration (oral report). (Assistant City Manager)**

**REPORTS FROM CITY COUNCIL COMMITTEES:**

**ADJOURNMENT:**