

September 18, 2007
BENICIA CITY COUNCIL
SPECIAL MEETING AGENDA
City Council Chambers
September 18, 2007
6:00 P.M.

- I. CALL TO ORDER:
 - II. CONVENE OPEN SESSION:
 - A. ROLL CALL
 - B. PLEDGE OF ALLEGIANCE
 - C. REFERENCE TO THE FUNDAMENTAL RIGHTS OF PUBLIC
 - III. OPPORTUNITY FOR PUBLIC COMMENT:
 - A. WRITTEN
 - B. PUBLIC COMMENT
 - IV. CLOSED SESSION:
 - A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Subdivision (a) of Government Code Section 54956.9)
Name of case: Friends of Old Town v. City of Benicia et al.
 - B. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (Subdivision (a) of
Government Code Section 54956.9)
Name of case: City of Benicia v. Nationwide et al.
 - C. PUBLIC EMPLOYEE PERFORMANCE EVALUATION
(Government Code Section 54957)
Titles: City Manager
City Attorney
 - V. ADJOURNMENT:
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BENICIA CITY COUNCIL
REGULAR MEETING AGENDA
City Council Chambers
September 18, 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:

Library Board of Trustees

-One full term to November 30, 2009 (Poet Laureate)

Open Government Commission

-One full term to November 30, 2011

Sky Valley Open Space Committee

-One unexpired term to September 30, 2010

B. APPOINTMENTS:

1. Benicia Housing Authority

-One unexpired term to June 30, 2011: Randy Ramos

2. Human Services and Arts Board

-One unexpired term to June 30, 2009: Diane Easterwood

3. Planning Commission:

-One unexpired term to September 30, 2008: Lee Syracuse

C. PRESENTATIONS:

**1. State of California Approach to Climate Change - 10 minutes
(Panama Bartholomy, State Energy Commission)**

D. PROCLAMATIONS:

V. ADOPTION OF AGENDA:

VI. OPPORTUNITY FOR PUBLIC COMMENT:

A. WRITTEN

B. PUBLIC COMMENT

VII. CONSENT CALENDAR:

A. Approval of Minutes of September 4, 2007, (City Clerk)

B. Authorization to purchase one cutaway bus from Bus West for Benicia Breeze. (Finance Director)

The City was successful in 2005 in securing grant funding from the Federal Transit Administration, which pays for 88.53% of the cost of the new cutaway vehicle. The new vehicle will replace one 2000 Goshen Bus cutaway that has exceeded its useful life span of five years. The cost of the vehicle is \$74,343 and has received budget authorization of up to \$77,250 for FY 2007-2008.

Recommendation: Authorize the purchase of one cutaway bus for Benicia Breeze through the State of California Procurement Program from Bus West in accordance with the Federal Transit Administration (FTA) requirements.

C. Second reading 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. This will provide even broader and more cost effective coverage. There is no budget impact.

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

D. [Approval of the X-Park Rules and Regulations.](#) (Parks and Community Services Director)

Staff gathered information from several municipalities regarding rules and regulations for skate parks and has prepared, for City Council approval, rules and regulations for the X-Park. At its August 8, 2007 meeting, the Parks, Recreation and Cemetery Commission recommended City Council approve the rules and regulations. There is no budget impact. **Recommendation:** Adopt the resolution regarding the implementation of the rules and regulations for the X-Park located at Benicia Community Park.

E. [Award of contract for alum sludge removal at the Water Treatment Plant.](#) (Director of Public Works)

During the water treatment process, the Water Treatment Plant generates a solids residual of aluminum sulfate (alum) that is dried at the plant's lagoons. Annually, the dried material is transported to a local landfill. However, 20 to 30 years ago, this dried alum by-product was disposed of on a hillside located within the plant property. This stockpile needs to be excavated and transported to a local landfill along with the annual removal of the dried sludge from the lagoons. Staff sent a Request for Proposals to four firms, and received one proposal from Pfister Excavation for the work. The cost of the work is budgeted and sufficient funds are available in the Water Enterprise Fund.

Recommendation: Adopt a resolution accepting the proposal for alum sludge removal at the Water Treatment Plant, awarding the contract to Pfister Excavation of Vallejo in a not-to-exceed amount of \$150,000, and authorizing the City Manager to sign the contract on behalf of the City.

F. [Second reading of General Plan and Zoning Ordinance text and map amendments for Downtown Mixed Use Master Plan.](#) (Community Development Director)

At its September 4, 2007, regular meeting, the City Council adopted the Downtown Mixed Use Master Plan and associated environmental documentation, and conducted first reading of an ordinance approving General Plan and zoning amendments necessary to implement the Downtown Mixed Use Master Plan. The costs associated with preparation of the Downtown Plan were budgeted in FY 2005-2006.

Recommendation: Adopt an ordinance approving General Plan and zoning text and map amendments necessary to implement the Downtown Mixed Use Master Plan.

G. [Amendment of the City Manager's Employment Agreement.](#) (City Manager)

The City and Jim Erickson have entered into an agreement to employ Mr. Erickson as City Manager. This amendment to the agreement extends the term of the agreement until June 30, 2009.

Recommendation: Adopt the resolution approving the extension of the City Manager's employment agreement until June 30, 2009.

H. [Amendment of the City Attorney's Employment Agreement.](#) (City Manager)

The City and Heather Mc Laughlin have entered into an agreement to employ Ms. Mc Laughlin as City Attorney. This amendment to the agreement extends the term of the agreement until June 30, 2009.

Recommendation: Adopt the resolution approving the extension of the City Attorney's employment agreement until June 30, 2009.

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

VIII. **PUBLIC HEARINGS:**

- A. [Adopt changes to the Master Fee Schedule that includes service charges and development related fees and charges.](#)(Finance Director)

Each department in the City has a list of fees and charges that is included in the Master Fee Schedule. Some departments submitted requests to adjust certain fees and charges to reflect changes in the costs of providing those services to the public. Other departments have requested the Consumer Price Index be used to adjust their fees and charges. Any change in development related fees and charges requires a public hearing. The increase in fees and charges will generate an estimated \$10,000 to \$20,000 per year, depending on the volume of activity.

Recommendation: Conduct a public hearing and adopt a resolution establishing a Master Fee Schedule that includes changes in development related fees, including Planning and Engineering fees and charges.

- B. [Appeal of 221 First Street building permit \(continued from September 4, 2007 City Council meeting\).](#) (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. The City Council opened a public hearing on this item on September 4, 2007, and continued it to provide the parties an opportunity to settle litigation related to the matter. The parties have been attempting to settle, which would render a hearing on the appeal unnecessary. As of the time of publication of this report, a settlement has not been finalized. No budget impact is identified.

Recommendation:

1. If a settlement proposal is received, adopt the resolution approving the settlement agreement for the 221 First Street litigation after taking any public testimony on the appeal of the 221 First Street Building Permit or on the settlement agreement; OR
2. Hold a public hearing and adopt the proposed resolution denying an appeal of the building permit for the 221 First Street project.

IX. **ACTION ITEMS:**

- A. [Approval of an Economic Development Strategy.](#) (Economic Development Manager)

The Economic Development Board (EDB) and staff have been developing priorities for an update to the City's Economic Development Strategy since 2006. The attached document reflects public and board member input, and would replace the existing Strategy (from 1994-1995). There are no costs associated with the approval of this document.

Recommendation: Review and approve by minute order the attached Economic Development Strategy for the City of Benicia.

- B. [Direction to staff on consideration of amendments to the City Council Rules of Procedure pertaining to chairing of commissions and serving on multiple commissions.](#) (City Manager)**

Amendments proposed by Vice Mayor Schwartzman would, if adopted: (1) prohibit chairing of citizen commissions and committees by Council Members, and (2) prohibit citizen (non-elected officials) from serving on more than one commission or committee. There is no budget impact.

Recommendation: Consider amending the City Council Rules of Procedure to address 1) Council Member participation as chairperson of boards and commissions, and 2) non-elected commissioners from serving on multiple commissions, and direct staff accordingly.

- C. [Amendment of the City's California Environmental Quality Act \(CEQA\) Guidelines.](#) (City Attorney)**

In November of 2006 the City Council adopted updated California Environmental Quality Act (CEQA) Guidelines. The updated Guidelines were the result of a public forum and workshop. Since the adoption of the updated Guidelines, it has become apparent that one process intended to improve public participation actually hinders the process. Therefore, staff recommends that the "initial evaluation and response to comments" step in the review of a draft environmental impact report be eliminated. Additional changes to simplify the process have been made. There is no budget impact.

Recommendation: Adopt the resolution approving the amended California Environmental Quality Act Guidelines.

X. INFORMATIONAL ITEMS:

- A. Reports from City Manager.**
B. 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.)

- 1. Mayors' Committee Meeting (Mayor Messina)
Next Meeting Date: September 26, 2007**
- 2. Association of Bay Area Governments (ABAG) (Mayor Messina)
Next Meeting Date: September 20, 2007**
- 3. Audit & Finance Committee (Vice Mayor Schwartzman and Council Member Hughes)
Next Meeting Date: October 5, 2007**
- 4. League of California Cities (Mayor Messina)
Next Meeting Date: TBD**
- 5. School District Liaison (Council Members Whitney and Hughes)
Next Meeting Date: September 20, 2007**
- 6. Sky Valley Area Open Space (Council Members Patterson and Whitney)
Next Meeting Date: October 3, 2007**

7. Solano EDC Board of Directors (Mayor Messina)
Next Meeting Date: September 27, 2007
8. Solano Transportation Authority (STA) (Mayor Messina)
Next Meeting Date: October 10, 2007
9. Solano Water Authority/Solano County Water Agency (Mayor Messina)
Next Meeting Date: October 11, 2007
10. Traffic, Pedestrian and Bicycle Safety Committee (Council Members
Patterson and Hughes)
Next Meeting Date: October 18, 2007
11. Tri-City and County Regional Parks and Open Space (Council Members
Whitney and Patterson)
Next Meeting Date: October 10, 2007
12. Valero Community Advisory Panel (CAP) (Council Member Hughes)
Next Meeting Date: TBD
13. Youth Action Task Force (Vice Mayor Schwartzman and Council Member
Whitney)
Next Meeting Date: September 19, 2007
14. ABAG/CAL FED Task Force/Bay Area Water Forum (Council Member
Patterson)
Next Meeting Date: September 24, 2007

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.

Downloading of reports from this agenda

Some agenda items have attached reports available for downloading from this web page. To view these reports, you must have the latest Adobe Acrobat reader installed in your web browser.