

November 1, 2005

The Benicia City Council meets the 1st and 3rd Tuesday of each month at 7:30 p.m. in the Council Chambers. Copies of Council Agendas are available in the City Clerk's office at the end of the business day on the Wednesday before the Council meeting.

BENICIA CITY COUNCIL
CITY COUNCIL CHAMBERS

SPECIAL MEETING AGENDA

November 1, 2005

7:00 PM

CALL TO ORDER:

ROLL CALL

PLEDGE OF ALLEGIANCE

REFERENCE TO THE FUNDAMENTAL RIGHTS OF PUBLIC

ADOPTION OF AGENDA:

COMMUNICATIONS:

WRITTEN

PUBLIC COMMENT

NEW BUSINESS:

Request to discuss Anderson Hotel Project. (City Manager)

A letter was submitted to the City Manager on October 12, 2005 by Bridget McCarthy on behalf of Jim Farr, the residents at 143 West E Street and concerned citizens. The letter requests that the Anderson Hotel project at 153 West E Street be placed on the City Council agenda for November 1, 2005 to discuss "the ongoing issue of noncompliance."

Recommendation: For discussion and direction to staff, as needed.

ADJOURNMENT:

Benicia City Council Agenda

BENICIA CITY COUNCIL
CITY COUNCIL CHAMBERS

REGULAR MEETING AGENDA

November 1, 2005

7:30 P.M.

CALL TO ORDER:

ANNOUNCEMENT OF CLOSED SESSION (IF ANY)

CLOSED SESSION:

NONE

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 & Commissions:

Open Government Commission: 5 terms ranging from 1-4 years

Housing Authority Board of Commissioners - 2 tenant terms

Library Board of Trustees - 2 terms

APPOINTMENTS:

PRESENTATIONS:

Benicia Education Foundation (Joey Baker)

PROCLAMATIONS:

Lung Cancer Awareness Month - November 2005

ADOPTION OF AGENDA:

COMMUNICATIONS:

WRITTEN

PUBLIC COMMENT

CONSENT CALENDAR:

Approval of Minutes of October 18, 2005. (City Clerk)

Denial of the claim against the City by Maria Daffon and referral to insurance carrier (City Attorney)

This claim was submitted for reimbursement of injuries that resulted from having a bus door closed on Ms. Daffon as she was boarding the bus.

Recommendation: Deny the claim against the City by Maria Daffon.

Approval of changes to the job description for Community Preservation Officer. (Human Resources Director)

This action updates the job description for the Community Preservation Officer and reassigns reporting responsibilities. There is no budget impact.

Recommendation: Adopt the resolution approving changes to the job description for the classification of Community Preservation Officer.

Approval of the job description for Wastewater Treatment Plant Superintendent. (Human Resources Director)

The Wastewater Treatment Plant Superintendent description was last updated in 1989. Since that time there have been both state regulatory changes, as well as technology changes that are incorporated into the proposed job description update, along with identifying the necessary management aspects of the position. There is no budget impact.

Recommendation: Adopt the resolution approving changes to the job description for the classification of Wastewater Treatment Plant Superintendent.

Approval of the new job description for Senior Planner. (Human Resources Director)

This resolution seeks to add a new job description title to the City's current classification plan to provide a broader range of professional planner positions to assist in recruiting and filling the department's current needs. There is no budget impact.

Recommendation: Adopt the resolution approving the new job description for the classification of Senior Planner, and establishing the requisite salary range.

Approval of a Mills Act contract for property at 123 West D Street. (Community Development Director)

Greg and Nikki Davis own a potential landmark building at 123 West D Street that was constructed around 1869. They are requesting approval by the City of a Mills Act contract.

Recommendation: Adopt the resolution directing the City Manager to negotiate and execute a Mills Act contract with the property owner of 123 West D Street in the City of Benicia.

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

PUBLIC HEARINGS:

UNFINISHED BUSINESS:

Creation of the office of Benicia Poet Laureate - continued from October 18, 2005 City Council Meeting. (Library Director)

A request was made to the Library Board of Trustees for the City to look into the possibility of creating the office of Benicia Poet Laureate. After extensive discussion, the Library Board of Trustees created a Poet Laureate policy.

Recommendation: Adopt the resolution authorizing creation of the office of the Benicia Poet Laureate.

Approval of lease agreement with Cingular Wireless for installation of communication facilities on City-owned property north of Lake Herman Road - continued from October 18, 2005 City Council Meeting. (Public Works Director)

This lease agreement with Cingular Wireless will allow installation of communication facilities on City-owned property (Assessor's Parcel No. 181-230-02-0) located north of Lake Herman Road. The communication facilities will consist of up to 13 wireless antennas that will be co-located atop an existing PG&E tower and the construction of a communications shelter at the base of the tower. The City's Water Enterprise Fund would initially earn \$14,400 per year with future year payments increasing by 3% each year. The term of the lease is five years with four additional five-year options for a total of 25 years.

Recommendation: Adopt the resolution authorizing the City Manager to execute lease agreement documents subject to approval by the City Attorney, and directing the City Clerk to record the Memorandum of Lease.

Policy for Noticing Planning and Building Applications - continued from October 18, 2005 City Council Meeting. (City Manager)

Consider various avenues for making the public more aware of current planning and building projects.

Recommendation: Discuss and provide direction to staff, as needed.

Discussion of policy for City assistance to disaster victims - continued from October 18, 2005 City Council Meeting. (City Manager)

Current policy authorizes assistance to disaster victims through official requests from the Federal Emergency Management Agency (FEMA) and the Office of Emergency Services (OES). This report will discuss pertinent issues related to allowing City employees to volunteer to be relief workers outside of a request by FEMA or OES to the City.

Recommendation: Discuss and provide direction to staff, as needed.

NEW BUSINESS:

Acceptance of a \$15,000 donation from Syar Foundation for the purchase of Automatic External Defibrillators (AED) - continued from October 18, 2005 City Council Meeting. (City Manager)

The City has received a donation of \$15,000 from the Syar Foundation for the purchase of six (6) Automatic External Defibrillators (AED). The Fire Department will purchase and coordinate the initial training of the AEDs with Police Department personnel. Continuing required training will be incorporated into the Police Department's annual training program.

Recommendation: Adopt the resolution accepting a \$15,000 donation for the purchase of Automatic External Defibrillators (AED) and the initial training of Police Department officers in the use of AEDs.

Consideration of Council Member Campbell's recommendations regarding the FY 2005-06 and FY 2006-07 Budgets - continued from October 18, 2005 City Council Meeting. (Council Member Campbell)

Council Member Campbell will make recommendations for amending the current two-year budget.

Recommendation: Discuss Council Member Campbell's recommendations and provide direction to staff.

Discussion of Vice Mayor Patterson's proposed Grading Ordinance amendments - continued from October 18, 2005 City Council Meeting. (Public Works Director/Community Development Director)

The Vice Mayor submitted proposed changes to the Grading Ordinance that would establish limits on grading, including building construction for hillsides with slopes greater than 25%. City staff requests direction from Council before proceeding with further analysis on these changes.

Recommendation: Discuss and provide direction to staff on proposed changes to the City of Benicia Grading Ordinance.

REPORTS FROM CITY MANAGER:

Review of proposed joint use agreements with Benicia Unified School District (BUSD) - continued from October 18, 2005 City Council Meeting. (City Manager)

The Superintendent and the City Manager are currently working on proposed recommendations for addressing differences in the proposed agreements for City maintenance of BUSD fields.

Recommendation: Status report, for information only.
REPORTS FROM CITY COUNCIL COMMITTEES:
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 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.

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.

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.

[Click here to download the free Acrobat reader](#)

[Attached Document or FileIV-A_Aderson_Hotel_Project-sa.pdf](#)

[Attached Document or FileVII-A_minutes051018.pdf](#)

Attached Document or FileVII-B_Deny_Claim_Daffon.pdf
Attached Document or FileVII-D_WWTP_Superintendent.pdf
Attached Document or FileVII-E_Senior_Planner.pdf
Attached Document or FileVII-F_Mills_Act_Contract.pdf
Attached Document or FileIX-A_Poet_Laureate.pdf
Attached Document or FileIX-B_Cingular_Agreement.pdf
Attached Document or FileIX-C_Noticing.pdf
Attached Document or FileIX-D_Assistance_to_Disaster_Victims.pdf
Attached Document or FileX-A_Report_on_AEDs.pdf
Attached Document or FileX-B_Campbell_Budget_Recommendations051101.pdf
Attached Document or FileX-C_Grading_Revisions051101.pdf
Attached Document or FileXI-A_Joint_Use_Agreement051101.pdf

**AGENDA ITEM
SPECIAL CITY COUNCIL MEETING: NOVEMBER 1, 2005
NEW BUSINESS**

DATE : October 17, 2005
TO : City Council
FROM : City Manager
SUBJECT : **REQUEST TO DISCUSS ANDERSON HOTEL PROJECT**

RECOMMENDATION:

For discussion and direction to staff, as needed.

EXECUTIVE SUMMARY:

The following letter was submitted to the City Manager on October 12, 2005 by Bridget McCarthy on behalf of Jim Farr, the residents at 143 West E Street and concerned citizens. The letter requests that the Anderson Hotel project at 153 West E Street be placed on the City Council agenda for November 1, 2005 to discuss “the ongoing issue of noncompliance.”

Attachment:

If viewing online, a copy of the following attachment is available at the City Clerk’s Office:

- Letter from Bridget McCarthy

IV-A-2
Special Meeting

MINUTES OF THE
REGULAR MEETING – CITY COUNCIL
OCTOBER 18, 2005

The regular meeting of the City Council of the City of Benicia was called to order by Mayor Steve Messina at 7:30 p.m. on Tuesday, October 18, 2005, in the City Council Chambers, City Hall, 250 East L Street, complete proceedings of which are recorded on tape.

ROLL CALL:

Present: Council Members Campbell, Patterson, Smith, Whitney, and Mayor Messina

Absent: None

PLEDGE OF ALLEGIANCE:

Mayor Messina led the pledge to the flag.

FUNDAMENTAL RIGHTS:

A plaque stating the Fundamental Rights of each member of the public is posted at the entrance to the Council Chambers per Section 4.04.030 of City of Benicia Ordinance No. 05-6 (Open Government Ordinance).

ANNOUNCEMENTS/APPOINTMENTS/PRESENTATIONS/PROCLAMATIONS:

ANNOUNCEMENTS:

1. Openings on Boards and Commissions:
 - Open Government Commission: Five terms ranging from 1-4 years
 - Housing Authority Board of Commissioners: Two tenant terms – 12/31/05 to 12/31/07
 - Library Board of Trustees: One term - 12/31/05 to 12/31/08
2. First Street Peninsula Improvement Project: Mayor Messina listed the various improvements that have been completed. He urged the public to visit the First Street Peninsula.
3. Bay Area Ridge Trail Dedication – October 29, 2005 at 10:00 a.m. at the Marina Pavilion
4. Amtrak Thurway Celebration – November 3, 2005 at 12:00 p.m. at the City Park

APPOINTMENTS:

RESOLUTION 05-159 - A RESOLUTION CONFIRMING THE MAYOR'S
APPOINTMENT OF HALEY BENSON AS YOUTH COMMISSION
REPRESENTATIVE TO THE PARKS, RECREATION AND CEMETERY
COMMISSION

The above Resolution was adopted, on roll call by the following vote:

Ayes: Council Members Campbell, Patterson, Smith, Whitney, and Mayor Messina

Noes: None

PRESENTATIONS:

Caltrans I-780 Tree Removal Project:

Mr. Art Yee, Office Chief, Office of Landscape Architecture, Caltrans District 4, reviewed a PowerPoint presentation on the I-780 Tree Removal Project (hard copy on file).

Mayor Messina asked Mr. Yee if he knew what types of trees would be appropriate for this environment. Mr. Yee stated that they did not know at this time, but there would be collaboration with the City of Benicia and the Tree Subcommittee.

Council Member Smith asked if Caltrans stood by their statement that the removal of the trees does not alter the visual character of the corridor. Mr. Yee stated that they stand by that statement. Council Member Smith stated that he did not agree and it is a matter of opinion. Council Member Smith asked if Caltrans would be leaving the display at the Benicia Public Library for a while to give the citizens a chance to view it. Mr. Yee stated that he believed that could be done. Council Member Smith stated that he hoped Caltrans would indeed consult with the Tree Subcommittee and possibly the Parks, Recreation and Cemetery Commission if they (the Commission) are interested.

Vice Mayor Patterson stated that she was ‘stumbling’ over the CEQA issue. She stated that she was unfamiliar with the term ‘exclusion programmatic categorical exclusion’ and asked that he provide Staff with the section of CEQA that he referred to. She is familiar with aspects of CEQA that have categorical exemptions. There are criteria for those exemptions, which include emergencies. The problem with having the exclusion is that you don’t have the mitigation measure which would be the replanting of the trees and you lose your leverage. She asked what portion of landscaping represents a typical budget for Caltrans. Mr. Yee stated that for Highway planting, the entire freeway landscaping budget was \$10 million per year (for California). Vice Mayor Patterson stated that her main concern was getting the replanting done. Council wants to work with Caltrans to make sure the replanting is done as soon as possible. Vice Mayor Patterson asked that Mr. Yee make sure that Staff receives the agenda for the meetings for this project, and that we are put on the mailing list for the commission meetings. That way, Staff can keep on top of this project. She stated that the entrances to the freeways in Benicia were ugly. She asked if we could use the Department of Conservation ‘Adopt a Highway Program’ and do something for the entrances so we can have them weeded more often. She asked if there were other creative solutions for the appearances to Benicia (including the Caltrans Corporation Yard). There is a great need for the City to look more attractive than it currently does. Mr. Yee stated that the Highway program was an excellent program. He stated that Caltrans could involve any interested groups in that program. He stated that Mr. Ken Chandler is the new supervisor in that department and is doing a great job. He will make sure Staff has his name and contact so they can meet and go over the concerns with him.

Public Comment

1. Steve Goetz – Mr. Goetz stated that he hopes Caltrans will seek the community’s input on what types of trees to replant. He hopes Council will hold Caltrans’ feet

- to the fire on the replanting issue. If Caltrans does not maintain what they replant, we will be in the same position all over again in a few years. He appreciated the Vice Mayor's comments on the legal leverage Caltrans is using to make sure the re-landscaping is as comprehensive as it can be. Caltrans needs to look at all areas of town with regards to re-landscaping (medians, off ramps, etc.). He discussed the possibility of Caltrans using reclaimed water for freeway landscaping. He hopes the removal of the trees does not cause any erosion that goes into the estuary or State Park area.
2. Mary Frances Kelly-Poh – Ms. Kelly-Poh stated that she too wants Council to hold Caltrans' feet to the fires with regard to the replanting issue. She is concerned that the Tree subcommittee is going to be proposing a list of trees that are both appropriate and inappropriate for planting in Benicia. While the list will contain native trees, it will also contain trees that are not native to Benicia. Caltrans should not plant all of the same type of trees. The Tree subcommittee is concerned about the health of other trees in the community. PG & E has created some problems with the trees on West J Street. There are palm trees that have been scalped. Either the poles need to be made higher, or the wires need to be placed underground. She wondered what the City could do to ensure the wires go underground.

Linking land Use Policy to Nutrition & Health:

Ms. Lisa Feldstein, Senior Policy Director, Public Health Institute, Land Use and Nutrition Education Program, reviewed a PowerPoint presentation (hard copy on file).

Update on People Using Resources Efficiently (PURE) Committee Activities:

Mr. Bob Craft, Chair, PURE Committee, reviewed the following report:

Progress on the project continues at a measured rate due to various complexities. On October 11, 2005 the committee made two important decisions, both of which were in concert with Staff recommendations.

After considerable review and discussion, PURE recommends the siting of all system components at the City's Waste Water Treatment Plant. The concept of siting various system components at the refinery was thoroughly studied, but in the end it was determined that neither of the possible sites at Valero were feasible due to either 1) Significant additional costs because of topographical considerations, or 2) siting of the components would not be compatible with other refinery activities or configuration.

The collocation of all major system components i.e.: the MF/RO, UV and the nitrification piece will, in the final analysis, greatly simplify operations from the City's viewpoint and probably mitigate the potential for system upsets at both City and Refinery facilities. The physical proximity of the components will permit more cohesive system integration with other parts of the Wastewater Treatment Plant. Future plans and requirements of the City site were considered and PURE and City Staff feel that the site will accommodate all requirements until total system build out or as far out as 100 years with this particular site.

PURE's second major decision at the meeting dealt with the selection of the appropriate nitrification process. PURE's consultant examined eleven options and screened these down to six for detailed consideration.

The committee selected a nitrifying trickling filters system. This decision and recommendation were based on a combination of factors including an economic analysis, ability to meet full system capacity requirements, energy requirements, proven technology in use in the local area, process reliability, and ease of operation and implementation.

A motion supporting both key decisions was passed unanimously by the PURE Committee.

PURE's next major step is another round of toxicity testing. This has now been funded for about \$155,000 and testing is expected to occur in early November. PURE must get acceptable results using an approved testing methodology if it is to obtain regulatory permits going forward. Absent acceptable results, PURE would not have a viable project. The committee is closely following testing and the associated methodologies being performed for East Bay MUD for similar projects involving Chevron and Conoco-Phillips.

Shortly, the committee will also be doing a required environmental analysis. An RFP for that work has gone out. In early November a PURE subcommittee, including City and Valero representatives will select the firm to do this analysis.

PURE's expectation to complete all preliminary design work in the first quarter of 2006.

The next scheduled PURE Committee meeting will be on December 13, 2005.

PROCLAMATIONS:

Mayor Messina presented the following proclamations:

- Red Ribbon Week – Officer Jeff Harris, Benicia Police Department, accepted the proclamation.
- Domestic Violence Awareness and Prevention Month – Ms. Jesy Yturalde, SafeQuest Solano, accepted the proclamation.

ADOPTION OF AGENDA:

On motion of Council Member Smith, seconded by Vice Mayor Patterson, the Agenda was adopted as presented, on roll call by the following vote:

Ayes: Council Members Campbell, Patterson, Smith, Whitney, and Mayor Messina

Noes: None

COMMUNICATIONS:

WRITTEN:

Various written communications were presented to Council (hard copies on file with the original Agenda packet).

PUBLIC COMMENT:

1. Todd Matthews – Mr. Matthews is the President of the Benicia Firefighters Association (BFA). BFA voted unanimously to turn down the most recent offer by the labor negotiators. They are now back to square one. He listed the names of Firefighters that have left the Benicia Fire Department to go to other cities. He asked Council to do the right thing, fulfill its promise, pay the Firefighters the average wage, and prevent fifteen more Firefighters from leaving the Benicia Fire Department.

Council Member Smith asked if any of the cities listed were smaller than Benicia. Mr. Matthews stated that Petaluma may be close to Benicia's size.

2. Tom Coleman – Mr. Coleman stated that he has been a firefighter for 24 years. He discussed the current negotiation situation. A pattern has evolved that singles out the strongest most organized labor group, build a cookie cutter approach, and fit that group into that cookie cutter. There is an insult built into that process, which generated a great deal of animosity in the group. The Benicia Fire Department is losing qualified individuals. If Council wants the citizens of Benicia served the way they deserve to be served, they need to figure this thing out.

Council Member Smith asked Mr. Coleman asked if he new the starting salary of a Benicia Firefighter. Mr. Coleman stated that he did not want to get into a debate with Council on that issue. Council Member Smith asked if Mr. Coleman would argue that the current salary was \$57,000 with a benefit package of approximately \$15,000-\$20,000. Mr. Coleman stated that he would not argue that point.

3. Carl Lunstead – Mr. Lunstead is a Benicia Firefighter. He commented on statements made by City Staff and certain Council Members seeking re-election. A candidate seeking re-election made the statement that the Benicia Firefighters are not required to do the same things as other fire departments. He finds that comment insulting and un-informed. Also, there are 30 Firefighters not 44. They are required to hold the same degree of training and certification as other city's Firefighters are required to have. Mr. Lunstead described various injuries that Benicia Firefighters have suffered in recent months. He stated that contrary to what one of the Council Member's continues to say, the Firefighters are not seeking to compare their salaries with communities larger than Benicia. They are simply trying to hold Council to what it agreed to and pay them the average wage. He discussed the labor negotiations of the Police managers that will be discussed later in tonight's meeting.
4. Doug Segulyeb – Mr. Segulyeb is a paramedic with the Benicia Fire Department. He listed concerns he has with the status of labor negotiations. He described a recent call he and his partner went on that involved a 3-year old child. He is

- concerned for the future safety of the public. No other bargaining group in Benicia is as far behind their comparable salary listing as the Firefighters are. If Council is serious about public safety, it needs to tell the negotiators to address the Firefighter's concerns.
5. Jared Matcham – Mr. Matcham stated that many Firefighters are discouraged with their employment in Benicia. Half of the Firefighters are testing in other jurisdictions. He listed various aspects of the labor negotiations that he is unhappy about (i.e. sick leave, post-retirement medical insurance, career advancement, etc.).
 6. Joel Dinsdale – Mr. Dinsdale is a former Benicia Firefighter. He left the Benicia Fire Department to go to the Vallejo Fire Department. He discussed the differences in the wages and benefits between the cities. The Firefighters always give 100% of themselves while on duty.

- Council Member Smith asked if it was correct that Mr. Dinsdale left the Benicia Fire Department to go to Vallejo because of better promotional opportunities. Mr. Dinsdale stated that was correct. Council Member Smith stated that would always be the case.
7. Steven Morgan – Former Benicia Firefighter, currently working as a Firefighter in the Livermore/Pleasanton area. He discussed the importance of loyalty, courage, and respect. He could not afford to continue working in Benicia. He had to leave the Benicia Fire Department to support his family. He wished Council would support the Firefighters and do the right thing.
 8. Tim Winfield – Mr. Winfield stated that the offer has always been there for any Council member to attend any training that the Fire Department offers. It is obvious that Council does not have a clue as to what the Firefighters do. He encouraged Council to join them during any of their training exercises so they can educate themselves on what it is that the Firefighters do.
 9. Bridget McCarthy – Spoke on behalf of the neighbors of 143 East E Street regarding the Anderson Hotel. They have submitted a letter to Council/Staff requesting to be on the 11/1 Council agenda. She would like a response to her question. They have not received any response from City Staff on their questions regarding the project. They have brought up issues with building codes and non-compliance of the project. They are entitled to a response on the issues they have raised. Staff stated that it is on the tentative agenda for November 1, 2005. Ms. McCarthy asked that she be notified when the item will be on the agenda. Staff has met with Mr. Farr. Ms. McCarthy asked that she be contacted and notified when the item will be on the Council agenda.

Council Member Smith requested this item be on the 11/1 agenda.

- Vice Mayor Patterson stated that she understood from Staff that this item would be on the 11/1 agenda.
10. Jim Farr – Mr. Farr stated that it was frustrating to hear what the Firefighters are going through. He is also frustrated with Staff as well. He is asking for compliance with the conditions of approval and the State Building Code. He has

- spent over 60 days of his time begging the City Manager for compliance with the conditions of approval at 153 West D Street. It is shameful how some City officials conduct their business and waste the taxpayer's money.
11. Marilyn Bardet – Ms. Bardet stated that you couldn't put a dollar price on the level of service that the Firefighters provide. She considers Firefighters to be heroes. She is concerned that we have no medical services in Benicia. We are lucky that there have not been any major accidents at the refinery. We should not get into a position of putting dollar figures on the services of the Firefighters. She is glad that Caltrans has picked up the ball on the tree removal project. She hopes as the bridge project comes along, the tree removal project will progress at lightening speed. She is thankful to the City, Valero, and the Bay Area Air Quality Management District for supporting the City getting an air quality monitoring program.
 12. Greg Petersen – Mr. Petersen stated that he is deeply disturbed, disgusted, and flabbergasted at some of the comments made at the City Council Candidate Forum's. He stated that obviously, Council Member Smith does not have any idea what the Firefighters do. He wished the citizens could see Council Member Smith rolling his eyes when the Firefighters come up to comment on their concerns with the labor negotiations. Mayor Messina cautioned Mr. Petersen that the Public Comment portion of the meeting could not be used to verbally attack any of the Council Members.
 13. Jim Erickson – Mr. Erickson stated that the City does respect the Firefighters. The City and the Firefighters are currently in mediation. There is a very competent third-party mediator involved in the process. The parties agreed to a 'mediator's recommendation.' Both the City and the Firefighters have made compromises. Unfortunately, the Firefighters disagreed with the recommendations, which is unfortunate. Mr. Erickson wants to continue talking and proceed. There are perhaps some misunderstandings of positions. There would be profit in getting the discussions going again. With regards to the Police managers, there is not a 14% increase. He briefly discussed the Police management reorganization.
 14. Scott Hansen – Mr. Hansen discussed some of the 'compromises' that the City has made with regard to labor negotiations. The offerings made by the City are meager and insulting. Staff continues to interrupt the Firefighters during negotiations and they are being treated like children. Council is not taking the Firefighters seriously.
 15. Jason Fein – Mr. Fein discussed the proposed increase for the Police managers. It is more than the 1.5% quoted by Staff. He discussed Hurricane Katrina. Several Benicia Firefighters submitted applications to aid the victims of Hurricane Katrina. Their applications were not processed. That speaks to the state of employer/employee relationship at this time. The City failed to abide by the Fair Labor Standards Act for two years, knowingly doing it for one year. This cost the City and the employees tens of thousands of dollars. This highlights Staff and Council's lack of willingness to demonstrate integrity. It demonstrates the City's general willingness to break the law. There is a general unwillingness to follow labor laws. He asked the citizens to remember all of this when they go to vote.

16. Arthur Porter – Mr. Porter encouraged Council to attend a firefighter training session. He required the assistance of the Firefighters earlier this year. They saved his life. You cannot pay enough money for the services the Firefighters provide. He asked Council to do the right thing, analyze the problem, and look at the needs of the City. This issue is above dollars and cents.

Vice Mayor Patterson asked Ms. McLaughlin about the legal limitations for Council respond to statements made under public comment. Ms. McLaughlin reviewed the rules of the Brown Act. Short answers are okay. Anything more must be agendized at a future or special meeting. Vice Mayor Patterson wants to make sure that Council has a clear comprehensive list so that when Council is in Closed Session, they can address all concerns raised tonight. Mr. Erickson stated that Council gave Staff direction to negotiate with the labor groups. Vice Mayor Patterson stated that Council could at any time decide to meet in closed session to discuss issues raised that needed to be discussed. Mr. Erickson stated that Staff had not received any requests from Council in the past month to revisit the initial direction it gave Staff with regards to negotiations. Mr. Erickson stated Staff met with Council approximately 2-4 weeks ago in Closed Session (at staff's request) to update them on the progress of negotiations. Vice Mayor Patterson stated that Council couldn't talk in a situation where the item is agendized as 'public comment' and has not been put on the official business agenda (by law). We have a process and procedure that does not allow Council to enter into discussion with labor negotiations. It is an awkward situation and is kind of strange, but those are the rules that Council is operating under.

17. Alan Schwartzman – Mr. Schwartzman discussed the Anderson Hotel project. He discussed the overall issue of compliance. There are workers working on the Harbor Walk Project on Sundays (they are not supposed to be). There are other issues on compliance with the Harbor Walk Project discussed. He would like to see the discussion on enforcing compliance with projects. He discussed the issue of eucalyptus trees. Maybe the City needs to be more lenient with the specimen trees.
18. Arlan Williams – Mr. Williams stated that maybe the Firefighters need to ask for a 'readjustment' instead of a raise (referring to the Police management item). The cookie cutter approach is not working. They are not trying to tear the Fire Department apart; they are trying to make it better. He discussed the health benefits of the Firefighters.
19. Rick Santini – Mr. Santini discussed the labor negotiations. He wanted to make it very clear that the City Staff clearly understands what the Firefighters are asking for. All the Firefighters want to continue working for the City. It is up to Council to make it right.
20. Council Member Smith addressed some recent campaign literature he received in the mail last week. The literature does not give real facts it uses scare tactics. Contrary to what the literature says, the City does not have a high rate of employee turnover. The City has a balanced budget. The City has a healthy reserve to protect the City's financial security. The funds being used are City funds. He is disappointed that City employees would sign their name and spend

their money on such a misleading and inaccurate hit piece. He then announced the following events:

- Farmers Market is held on Thursdays
 - 10/20 - Chamber Mixer at Solano Bank
 - 10/21-11/12 – BOTTG will present ‘On Golden Pond’ on Fridays and Saturdays
 - 10/23 – BPAF’s final show of the year at the Clocktower
 - 10/29 – Benicia’s Downtown Halloween Festivities – parade, costume contest, and decorated pet contest
 - The League of Women Voters Campaign Forum will be rebroadcast on 10/22 and 11/5
 - 10/19 and 10/26 – Presentations on the renovation project at the County Fairgrounds
21. Council Member Whitney acknowledged Mr. Alvarez and Mr. Knight for the floor repairs at the Camel Barns. The repairs are completed on 10/18. Now the City can get started on the roof repairs.
 22. Mayor Messina thanked Council Member Smith with regards to the comment on the low employee turnover rate. He disagreed with Council Member Smith’s characterization that we have a balanced budget. When the operating expenditures and revenues do not match, it is not balanced.

Council Smith asked Staff if the operating budget and expenditures matched. Mr. Erickson stated that they matched. The capital projects are financed with some of the reserves.

23. Vice Mayor Patterson commented on the contract negotiations. This Council is in a different economic mode than when negotiations were done five years ago. All contracts should be representative of the economic conditions. Let’s hope with prudent leadership we will be able to get out of some of the difficulties we have with the economy and that we can have the same kind of stability with our contracts.

Mayor Messina called for a 5-minute break at 9:45 p.m.
The meeting resumed at 10:00 p.m.

CONSENT CALENDAR:

Council pulled items VII-C, VII-D, and VII-E.

On motion of Council Member Smith, seconded by Vice Mayor Patterson, the Consent Calendar was adopted as amended, on roll call by the following vote:

Ayes: Council Members Campbell, Patterson, Smith, Whitney, and Mayor Messina

Noes: None

The minutes of October 4, 2005 were approved.

Council approved the denial of the following claims against the City and referral to insurance carrier:

1. Samuel Paggi
2. Liberty Mutual

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

(END OF CONSENT CALENDAR)

Council took the following actions:

Approve the July 1, 2005 to June 30, 2006 amendments to the Labor Agreement with the Benicia Police Management Group:

Mayor Messina asked if the cost for this item was pre-programmed into the budget. Mr. Erickson stated that was correct. Any salary adjustments, salary, re-grading, etc. are not included in this MOU. Those changes would come back to Council for approval.

RESOLUTION 05-160 - A RESOLUTION APPROVING THE JULY 1, 2005 TO JUNE 30, 2006 AMENDMENTS TO THE LABOR AGREEMENT WITH THE BENICIA POLICE MANAGEMENT GROUP

On motion of Council Member Smith, seconded by Vice Mayor Patterson, the above Resolution was adopted, on roll call by the following vote:

Ayes: Council Members Campbell, Patterson, Smith, Whitney, and Mayor Messina

Noes: None

Approval of purchase and installation of new police and fire computer-aided dispatch and records storage computer:

Chief Trimble stated that this is the computer that would prioritize calls. It is not a computer for communications.

Council Member Campbell stated that Council had allocated \$84,000 for this computer and Staff got it for \$34,580, which saved the City \$48,000.

Council Member Whitney asked if Staff had planned for future growth or expansion. Ms. Sandy Ayala stated that the system in question has three times as large as the system the City currently has. This computer will last for a minimum of three years with regards to upgrades, etc. We are currently two years behind on IBM software. The memory can be increased if need be. Council Member Whitney had questions on tape backups/archives. We are currently backing up every night. We do not have a system in place for tape storage. He suggested Staff take a look at having a fire safe on site for tape storage.

RESOLUTION 05-161 - A RESOLUTION APPROVING THE PURCHASE AND INSTALLATION OF A NEW POLICE AND FIRE COMPUTER AIDED DISPATCH AND RECORDS STORAGE COMPUTER (AS400 MIDFRAME COMPUTER) AND APPROPRIATING THE FUNDS FROM THE EQUIPMENT REPLACEMENT FUND

DRAFT

On motion of Council Member Whitney, seconded by Council Member Smith, the above Resolution was adopted, on roll call by the following vote:

Ayes: Council Members Campbell, Patterson, Smith, Whitney, and Mayor Messina

Noes: None

Approval of request to CalPERS to allow David Golick to work in excess of 960 hours this year:

Jim Erickson, City Manager, briefly reviewed the Staff report.

Mayor Messina clarified that the City is not paying for additional PERS costs associated with this.

Vice Mayor Patterson asked why the City did not go for reinstatement of Mr. Golick's status from retirement to full time status. Mr. Erickson stated that there are some disadvantages for Mr. Golick if he were to do that. He discussed what we would do if PERS did not allow the exemption. We would ask Mr. Golick to cut back his hours but continue to direct the department.

Council Member Whitney asked if Staff had considered hiring someone qualified that could work full time. Mr. Erickson stated that while doing the search, Staff had approximately 25 or so qualified candidates that applied.

Council Member Campbell asked how staffing the rest of the Community Development was going. Mr. Erickson stated that an associate planner was starting on Monday and an assistant planner would be starting very soon. A third position has yet to be filled. Staff may recommend we fill that position in a different way than had previously been considered.

RESOLUTION 05-162 - A RESOLUTION REQUESTING PERS AUTHORIZE DAVID GOLICK TO EXCEED 960 HOURS AS A RETIREE TO ALLOW HIM TO WORK FOR THE CITY OF BENICIA AND TO FILL AN URGENT NEED

On motion of Vice Mayor Patterson, seconded by Council Member Whitney, the above Resolution was adopted, on roll call by the following vote:

Ayes: Council Members Campbell, Patterson, Smith, Whitney, and Mayor Messina

Noes: None

PUBLIC HEARINGS:

None

UNFINISHED BUSINESS:

Creation of the office of Benicia poet Laureate – continued from October 4, 2005 City Council meeting:

This item was continued to the November 1, 2005 City Council meeting.

Council discussed the reasons and issues with continuing this item.

Council Member Smith stated that he wanted to make a motion to approve this item.

Mayor Messina stated that per the Sunshine Ordinance, there would be issues since there was not any packet information in the agenda.

Vice Mayor Patterson stated that if we put ‘continued’ in bold print we have to go with that.

Public Comment:

1. Ms. Mary Eichbauer – Ms. Eichbauer is the president of the Library Board of Trustees. She stated that the Library Board visited this item at their last meeting. They did not find anything wrong with it that made them change it. They looked at other jurisdictions that have Poet Laureates. They believe they have set up the perfect criteria for this position.

Council Member Smith stated that this is the second time this has been on the agenda. It was agendaized for the Library Board five times. He cautioned anyone drawing any conclusions from the Staff recommendations on the agenda. He is ready to proceed. He offered a motion to proceed and adopt the resolution on the poet laureate. The motion died for lack of a second.

Mayor Messina had comments on the use of the term ‘indemnity’ in the agreement. Ms. McLaughlin stated that indemnity might not be appropriate in this case. It probably does not belong in the agreement. He had questions regarding the poet laureate performing duties when there is no compensation. Ms. McLaughlin confirmed this is a non-issue. The duties are vague and non-ceremonial.

Approval of lease agreement with Cingular Wireless for installation of communication facilities on City-owned property north of Lake Herman Road – continued from October 4, 2005 City Council meeting:

This item was continued to the November 1, 2005 City Council meeting.

Council Member Whitney stated that he is concerned with the issue of Staff time. We need to carefully weigh what we are asking Staff to do.

Vice Mayor Patterson discussed the location of the proposed tower. It is in clear view of Lake Herman. It is not a tiny box. One could fit six refrigerators in the box. We should be aware that it is our scenic corridor. We need to protect that scenic corridor. She stated she hoped Cingular would have some inspiration to address the issue of landscaping and be creative. She wants Staff to find out from the County if it is part of their scenic road element. Cingular can hear this discussion and offer to do something significant. Ms. McLaughlin stated that if it is in the scenic road element, we could ask the County to do more landscaping or screening to hide or camouflage the box. When Staff follows up with Cingular, they could address that.

Council majority would support asking for additional landscaping if the applicant paid for it. Mr. Schiada stated that Staff may need additional time to address the concerns, and it may not be able to be brought back until November 15, 2005.

Approval of the proposed revisions to the Parks and Community Services Department Nutrition and Health Mission Statement – continued from September 20, 2005 City Council meeting:

Mike Dotson, Community Services Superintendent, reviewed the Staff report.

Council Member Smith clarified the events that prompted this issue. Mr. Dotson reviewed the locations within the City where vending machines were located.

Mayor Messina has questions on how the policy would be reviewed and enforced. Mr. Dotson stated that it would be re-evaluated twice a year by the sports committees. There are currently Youth Commission events where these policies have been implemented. Mayor Messina stated that he would like to see these policies enforced at after-school events as well. Mr. Dotson stated that would be done. It is currently being enforced at the Kids Kaleidoscope Program as well as the snack bar at the James Lemos Pool. Healthy snacks include fruit, juices, granola bars, water, diet sodas, etc.

RESOLUTION 05-163 - A RESOLUTION APPROVING THE PARKS AND COMMUNITY SERVICES NUTRITION AND HEALTH MISSION STATEMENT

On motion of Council Member Smith, seconded by Vice Mayor Patterson, the above Resolution was adopted, on roll call by the following vote:

Ayes: Council Members Campbell, Patterson, Smith, Whitney, and Mayor Messina

Noes: None

Approval of changes to the City of Benicia investment policy – continued from the September 20, 2005 City Council meeting:

Rob Sousa, Finance Director, reviewed the Staff report.

Mayor Messina asked why diversification was listed as the fourth priority. Ms. Gay Eichhoff, MBIA, clarified the level of priority.

Council Member Campbell asked for specifics on the City's currently portfolio. Mr. Sousa stated that the City currently has \$40 million in Local Agency Investment Fund (LAIF), approximately \$6 million in government agencies and approximately \$2 million in CD's. We will be moving \$30 million of our portfolio that we will refer to as our core funds. We will have \$10 million minimum available to cover the City's cash flow (that figure could go as high as \$20 million). LAIF is a little over 3% right now.

Ms. Eichhoff discussed the 2-year weighted average maturity and why it was chosen. It allows for flexibility in the rising rate environment.

Mr. Sousa reviewed some video slides on maturity analysis and risk/return.

Council Member Campbell clarified that we are not losing money, we are just not making as much as we could right now.

Mayor Messina discussed interest rates, risks, and strategies at length. He asked Ms. Eichoff if we could quantify risk. Ms. Eichoff stated that the longer you go out the more risk there is. Mr. Sousa re-reviewed the risk/return slides and figures. He stated that if the City had to liquidate its entire portfolio, we could lose approximately \$150,000. Ms. Eichoff reminded Council that the nature of the contracts with the advisors is non-discretionary, which means that as market conditions change and the portfolio manager makes recommendations, they will be brought to the finance committee for approval. Nothing would be done without the committee's authorization. Mayor Messina asked how this is managed so that Council is aware of what is going on and exercise judgment. Ms. Eichoff stated that there are several layers of oversight. The information is put into their computers so that warnings go off. Also, in MBIA's corporate office, there is an internal compliance committee that monitors every individual portfolio to be sure that they are in compliance at all times with each individual investment policy. Mr. Sousa stated that the investment policy is restrictive about how we report our investment program. They are required to report to the Audit and Finance Committee once per month. Mr. Sousa and the Assistant Finance Director will conduct the day-to-day activities. They will be under the daily oversight of the City Treasurer. The investment advisors have very detailed reports on every transaction made. Once the Audit and Finance Committee has seen that report, they will give a quarterly report, which will be forwarded to Council for final approval.

Vice Mayor Patterson asked Staff to give the highlights of what Mr. Oscar Reyes, Jr. (City of Fairfield) did with regards to their program (how long they have been doing this, the benefits, general standards, etc) Mr. Sousa stated that Fairfield used a small portion (approximately \$10 million) of their portfolio to see how an independent advisor would fare against their internal management. They now have over \$200 million and three different investment advisors assisting them. The city of Napa has a similar story. All of the testimonies received from other cities were favorable. No one had entered into an arrangement that had caused them to suffer what they felt was a performance less than LAIF. We are expecting a performance much further than LAIF. Vice Mayor Patterson stated that a) a number of cities have done this, b) our neighbor, Fairfield has done this successfully, and c) we have declining revenues and we need to take a look at this in the total context. If we don't do this, we have no choice but to cut back. We have certainty in declining revenues. We have certainty because of the federal and the state governments. We are confronting the reality that we would go in to deficit mode if we don't look for additional revenue. This is a way to gain additional revenue in long range.

Council Member Campbell asked for a quick explanation of LAIF. Mr. Sousa stated that one of the strongest benefits is that the City would not be subjected to the rapid swings in the market as it has been in the past few years. Reporting will play a big role in this. We need to stay short term for a while to cover any potential loss from a rapid swing in the market. We have seen a rapid increase in the market in the past twelve months. The

investment advisors have the ability to go out and assess the risk of investing in a climate such as this where he does not.

RESOLUTION 05-164 - A RESOLUTION REVISING THE CITY'S INVESTMENT POLICY AND GUIDELINES AND CONFIRMING ITS ADOPTION:

On motion of Vice Mayor Patterson, seconded by Council Member Smith, the above Resolution was adopted, on roll call by the following vote:
Ayes: Council Members Campbell, Patterson, Smith, Whitney, and Mayor Messina
Noes: None

On motion of Vice Mayor Patterson, seconded by Council Member Whitney, Council agreed at 11:36 p.m. to adjourn and continue the remaining agenda items to the next Council meeting, on roll call by the following vote:
Ayes: Council Members Patterson, Smith, Whitney, and Mayor Messina
Noes: Council Member Campbell

Policy for Noticing Planning and Building Applications – continued from October 4, 2005 City Council meeting:
Continued to the next Council meeting

Discussion of policy for City assistance to disaster victims – continued from October 4, 2005 City Council meeting:
Continued to the next Council meeting

NEW BUSINESS:

Acceptance of a \$15,000 donation from Syar Foundation for the purchase of Automatic External Defibrillators (AED):
Continued to the next Council meeting

Consideration of Council Member Campbell's recommendations regarding the FY 2005-06 and FY 2006-07 Budgets – continued from the October 4, 2005 City Council meeting:
Continued to the next Council meeting

Discussion of Vice Mayor Patterson's proposed Grading Ordinance amendments – continued from the October 4, 2005 City Council meeting:
Continued to the next Council meeting

REPORTS FROM CITY MANAGER:

Review of proposed joint use agreements with the Benicia Unified School District (BUSD) – continued from October 4, 2005 City Council meeting:
Continued to the next Council meeting

REPORTS FROM CITY COUNCIL COMMITTEES:

For information only

ADJOURNMENT:

Mayor Messina adjourned the meeting at 11:37 p.m.

**AGENDA ITEM
CITY COUNCIL MEETING: NOVEMBER 1, 2005
CONSENT CALENDAR**

DATE : October 18, 2005
TO : City Council
FROM : City Attorney
SUBJECT : **DENIAL OF THE CLAIM AGAINST THE CITY BY MARIA
DAFFON AND REFERRAL TO INSURANCE CARRIER**

RECOMMENDATION:

Deny the claim against the City by Maria Daffon.

EXECUTIVE SUMMARY:

This claim was submitted for reimbursement of injuries that resulted from having a bus door closed on Ms. Daffon as she was boarding the bus.

BUDGET INFORMATION:

The amount of the claim is in excess of \$10,000.

BACKGROUND:

Upon rejection of the claim, the City Clerk should issue a rejection notice using ABAG's Form Letter No. 3 of the ABAG Plan Claims Procedures Manual and process with the proof of service by mail form (located in the forms directory). A copy of the rejection notice and proof of service by mail form should be sent to Jim Nagal (ABAG Claims Examiner) and the City Attorney. The City is indemnified from this loss by MV Transportation, the bus company. The claim was tendered to MV Transportation.

Attachment:

- Copy of Claim Filed Against City (*If viewing on line, this attachment is available upon request from the City Clerk's office.*)

ATTACHMENT

**AGENDA ITEM
CITY COUNCIL MEETING: NOVEMBER 1, 2005
CONSENT CALENDAR**

DATE : October 11, 2005
TO : City Manager
FROM : Human Resources Director
SUBJECT : **APPROVE CHANGES TO THE JOB DESCRIPTION FOR
THE CLASSIFICATION OF WASTEWATER
TREATMENT PLANT SUPERINTENDENT**

RECOMMENDATION:

Adopt the attached resolution approving changes to the job description for the classification of Wastewater Treatment Plant Superintendent.

EXECUTIVE SUMMARY:

The Wastewater Treatment Plant Superintendent description was last updated in 1989. Since that time there have been both state regulatory changes, as well as technology changes that are incorporated into the proposed job description update, along with identifying the necessary management aspects of the position.

BUDGET INFORMATION:

There is no budget impact.

SUMMARY:

The City's current Wastewater Treatment Plant Superintendent, John Bailey, is retiring from service after over 30 years of employment with the City of Benicia. Prior to recruiting for a position, the City reviews job descriptions to make sure they are up-to-date and reflect current industry trends. The job description presented for approval was compiled from various job descriptions reviewed from other wastewater agencies, as well as incorporating some updated supervisory skills the City now puts in job descriptions.

Because there were so many changes to this job description it was impossible to show the changes in an underlined and ~~strikeout~~ method that we normally provide. Instead we have enclosed a clean copy of the old job description as well as a clean copy of the new job description.

This is a Middle Management level position and exempt from Civil Service classification.

Attachments:

- [Resolution 05-](#)
- [Job Description \(Current\)](#)
- [Job Description \(Proposed\)](#)

RESOLUTION

RESOLUTION NO. 05 -

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING CHANGES TO THE JOB DESCRIPTION FOR THE CLASSIFICATION OF WASTEWATER TREATMENT PLANT SUPERINTENDENT

WHEREAS, the City of Benicia makes every effort to ensure that job descriptions reflect the most current professional standards, terminology and requirements; and

WHEREAS, the City has been revising job descriptions to incorporate language required under the Americans With Disabilities Act; and

NOW, THEREFORE, BE IT RESOLVED that the revised job description for Wastewater Treatment Plant Superintendent is hereby approved.

On a motion of Council Member _____, seconded by Council Member _____, the above resolution was introduced and passed by the City Council of the City of Benicia at the regular meeting of said Council held on the 1st day of November 2005 and adopted by the following vote:

Ayes:

Noes:

Absent:

Steve Messina, Mayor

ATTEST:

Lisa Wolfe, City Clerk

**JOB DESCRIPTION
(Current)**

JOB DESCRIPTION
(Proposed)

**AGENDA ITEM
CITY COUNCIL MEETING: NOVEMBER 1, 2005
CONSENT CALENDAR**

DATE : October 18, 2005

TO : City Manager

FROM : Human Resources Director

SUBJECT : **APPROVE THE NEW JOB DESCRIPTION FOR THE CLASSIFICATION OF SENIOR PLANNER AND ESTABLISHING THE SALARY RANGE**

RECOMMENDATION:

Adopt the resolution approving the new job description for the classification of Senior Planner, and establishing the requisite salary range.

EXECUTIVE SUMMARY:

This resolution seeks to add a new job description title to the City's current classification plan to provide a broader range of professional planner positions to assist in recruiting and filling the department's current needs.

BUDGET INFORMATION:

No budget impact. Salary for this position will come from salary allocated for the vacant Principal Planner position.

BACKGROUND:

After the recent resignations and retirements from the Community Development Department the City has been in constant recruitment and testing to replace the Community Development Director, the Principal Planner and the two Associate Planners. The most recent recruitments for the Principal Planner and Associate Planner netted 12 candidates who were invited to the oral board interviews. From those interviews the City was able to hire one individual for the Associate Planner position.

Since it would be unproductive to begin another recruitment for the same positions, the Interim Community Development Director and I have discussed the potential to recruit for a planner position which typically falls between the Associate and Principal Planner. The Senior Planner position has similar planning responsibilities to that of a Principal Planner, however does not have the responsibility for the department's budget development nor does this position act in the absence of the Director. The Senior Planner

is the primary supervisor for all subordinate personnel in the absence of a Principal Planner.

The Senior Planner position requires additional work experience and education than the Associate Planner position, yet does not require as extensive experience and training as the Principle Planner.

This position will be added to the Professional & Confidential group, and is exempt from the Fair Labor Standards Act (FLSA) requirements for overtime compensation.

Attachments:

- [Resolution 05-](#)
- [Job Description \(Proposed\) - Senior Planner](#)

RESOLUTION

RESOLUTION NO. 05-

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA
APPROVING THE NEW JOB DESCRIPTION FOR THE CLASSIFICATION OF
SENIOR PLANNER AND ESTABLISHING THE SALARY RANGE**

WHEREAS, the City has been unable to recruit the necessary professional planning staff necessary to replace the positions vacated by resignation and retirements; and

WHEREAS, the City has just completed two recruitments for Associate Planner and Principal Planner but was only able to hire one Associate Planner; and

WHEREAS, the Human Resources Director and Interim Community Development Director find that another recruitment directly following the previous recruitments will not yield the necessary numbers and qualified applicants to interview; and

WHEREAS, this new position will allow the City to recruit in a so far untapped employment area of professional planners in the hopes of recruiting a qualified and professional planner, and would broaden the Community Development's organizational structure.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council hereby approves adding the new Classification of Senior Planner to the Professional & Confidential group, establishing the salary range, and amending the Classification Plan.

BE IT FURTHER RESOLVED THAT the salary range for the Senior Planner classification be established as:

A	B	C	D	E
5675	5959	6257	6570	6898

On Motion of Council Member _____, seconded by
Council Member _____, the above resolution was introduced and
passed by the Council of the City of Benicia at a regular meeting of said Council on the
1st day of November 2005 and adopted by the following vote:

Ayes:

Noes:

Absent:

Steve Messina, Mayor

ATTEST:

Lisa Wolfe, City Clerk

JOB DESCRIPTION
Proposed

**AGENDA ITEM
CITY COUNCIL MEETING: NOVEMBER 1, 2005
CONSENT CALENDAR**

DATE : October 25, 2005
TO : City Manager
FROM : Community Development Director
SUBJECT : **APPROVAL OF A MILLS ACT CONTRACT FOR
PROPERTY AT 123 WEST D STREET**

RECOMMENDATION:

Adopt a resolution directing the City Manager to negotiate and execute a Mills Act contract with the property owner of 123 West D Street in the City of Benicia.

EXECUTIVE SUMMARY:

Greg and Nikki Davis own a potential landmark building at 123 West D Street that was constructed around 1869. They are requesting approval by the City of a Mills Act contract.

BUDGET INFORMATION:

The Mills Act contract will reduce the property tax paid by the owner of the property located at 123 West D Street. The City of Benicia receives approximately 26% of property taxes collected on parcels in the City. The estimated reduction in City revenue is \$1,100 annually. The City Council authorized up to \$30,000 annually of property tax rebates for Mills Act contracts.

BACKGROUND:

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 program is available to both residential and non-residential property owners. The City Council approved by Resolution No. 03-12, the City of Benicia Mills Act Program, and assigned initial review and recommendation on Mills Act applications to the Historic Preservation Commission, now known as the Historic Preservation Review Commission.

The Historic Preservation Review Commission (HPRC) has reviewed and recommended to the City Council that they authorize the City Manager to negotiate and execute a Mills Act contract for the property at 123 West D Street. The staff report, HPRC resolution and draft contract for the property are included as attachments. An appeal was heard by the Planning Commission regarding this decision of the HPRC; however, that appeal was denied. A copy of the Planning Commission staff report and Resolution are also attached. HPRC found that entering into a Mills

Act contract for the subject property would encourage the preservation and rehabilitation of qualified historic property in the City of Benicia.

CEQA Compliance:

This project is exempt from the California Environmental Quality Act pursuant to Section 15331, which states work on historic resources that is consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties is categorically exempt from further CEQA review. Mills Act contracts require that all work performed subsequent to entering into a contract be consistent with those standards.

Attachments:

- [Draft Resolution directing the City Manager to negotiate and execute Mills Act contract with the property owner of 123 West D Street in the City of Benicia.](#)

If viewing online, a copy of the following attachments are available at the City Clerk's Office:

- HPRC Staff report for 123 West D Street Mills Act contract application without attachments.
- Draft Mills Act Contract 123 West D Street.
- Resolution 05-7 (HPRC) recommending City Council approval of Mills Act contract for 123 West D Street.
- PC Staff report for appeal of 123 West D Street without attachments.
- Resolution 05-19 (PC) upholding the decision of the Historic Preservation Review Commission.

DRAFT RESOLUTION

RESOLUTION NO. 05-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA DIRECTING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A MILLS ACT CONTRACT FOR 123 WEST D STREET IN THE CITY OF BENICIA

WHEREAS, the General Plan is the guiding land use and development document of the City of Benicia; and

WHEREAS, General Plan Goal 3.1 is to maintain and enhance Benicia's historic character and General Plan Policy 3.1.6 to promote restoration of public and privately-owned historic and architecturally significant properties; and

WHEREAS, the Benicia City Council adopted Resolution No. 03-12 approving the implementation of a Mills Act program in the City of Benicia; and

WHEREAS, the City has determined that this project is exempt from the California Environmental Quality Act pursuant to Section 15331, which states that modifications to historic structures consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties are categorically exempt from further CEQA review; and

WHEREAS, the City Council at a regular meeting on November 1, 2005 considered public comment and reviewed the proposed Mills Act contract.

NOW, THEREFORE, the City Council of the City of Benicia makes the following findings:

- a) The Mills Act contract for the specified property is consistent with General Plan Goal 3.1 and General Plan Policy 3.1.6 because it will require that subsequent work on this property is consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties and require that this property be maintained.
- b) The Mills Act contract for 123 West D Street will help preserve the listed historic resource for the City of Benicia.

BE IT FURTHER RESOLVED THAT the City Council directs the City Manager to negotiate and execute a Mills Act contract, subject to the review and approval as to form of the City Attorney, with the property owners of 123 West D Street.

* * * * *

On a motion of Council Member _____, seconded by Council Member _____, the above Resolution was adopted by the City Council of the City of Benicia at the regular meeting of said Council held on the 1st day of November, 2005, and adopted by the following vote:

Ayes:

Noes:

Absent:

Abstain:

Steve Messina, Mayor

ATTEST:

Lisa Wolfe, City Clerk

**AGENDA ITEM
CITY COUNCIL MEETING: NOVEMBER 1, 2005
UNFINISHED BUSINESS**

DATE : October 21, 2005
TO : City Manager
FROM : Library Director
SUBJECT : **CREATION OF THE OFFICE OF BENICIA POET LAUREATE**

RECOMMENDATION:

Adopt the Resolution creating the office of the Benicia Poet Laureate.

EXECUTIVE SUMMARY:

A request was made to the Library Board of Trustees for the City to look into the possibility of creating the office of Benicia Poet Laureate. After extensive discussion, the Library Board of Trustees created a Poet Laureate policy.

BUDGET INFORMATION:

No remuneration is offered for the position. Reasonable expenses will be reimbursed with advance approval of the Library Board of Trustees or their designees.

BACKGROUND:

At the request of Benicia citizens, Council requested the Library Board of Trustees to create a policy and provide a resolution to the City Council for appointment of a Benicia Poet Laureate.

The poet laureate will fulfill the following functions: provide a focus for the appreciation and dissemination of poetry in Benicia, promote the appreciation and knowledge of poetry among our youth, act as a spokesperson for the growing number of poets in Benicia.

Joel Fallon, a respected Benicia poet who has represented local poets at events around the Bay Area has been selected by the Library Board of Trustees to serve as Benicia's Poet Laureate. Should the City Council adopt the attached resolution, the next step will be to appoint Mr. Fallon as the City's first Poet Laureate at an upcoming City Council meeting.

This item was originally placed on the City Council agenda on September 20, 2005, but was continued after a request was made from the Library Board of Trustees for additional time to

review the information submitted by a citizen at the September 20, 2005 City Council meeting. At the October 18, 2005 City Council meeting, this item was again discussed briefly and it was agreed that this item would be acted on at the November 1, 2005 City Council meeting. The proposed Poet Laureate policy is currently being revised by the Library Board of Trustees to remove the section on indemnification, per the direction at the last City Council meeting.

Attachments:

- [Proposed Resolution](#)

PROPOSED RESOLUTION

RESOLUTION NO. 05-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA
AUTHORIZING CREATING THE OFFICE OF BENICIA POET LAUREATE**

WHEREAS, the study of literature forms a vital part of our shared and diverse culture;
and

WHEREAS, poetry expresses personal and public stories in an art form accessible to all;
and

WHEREAS, poetry forms an important part of our children's education about culture
and history; and

WHEREAS, studies have shown that children who read poetry show improvements in
vocabulary, critical analytical skills and reading comprehension; and

WHEREAS, reading and writing poetry give children and adults alike an outlet for their
feelings, experiences, and questions about the world; and

WHEREAS, the City of Benicia is fortunate to have an active and united community of
poets living and working in our midst; and

WHEREAS, California was the first state to appoint a poet laureate, and many
communities in California have successfully appointed poets laureate; and

NOW, THEREFORE, BE IT RESOLVED, that the office of Poet Laureate is hereby
established in the City of Benicia.

BE IT FURTHER RESOLVED that the Benicia Public Library Board of Trustees shall
administer and oversee the selection of the Poet Laureate.

On a motion of Council Member _____, seconded by Council Member _____,
the foregoing Resolution was introduced and passed by the City Council of the City of Benicia at
a regular meeting of said Council held on the 1st day of November 2005 and adopted by the
following vote:

Ayes:

Noes:

Absent:

Attest:

Lisa Wolfe, City Clerk

Steve Messina, Mayor

**AGENDA ITEM
CITY COUNCIL MEETING: NOVEMBER 1, 2005
UNFINISHED BUSINESS**

DATE : October 20, 2005

TO : City Manager

FROM : Director of Public Works

SUBJECT : **APPROVAL OF LEASE AGREEMENT WITH CINGULAR WIRELESS FOR INSTALLATION OF COMMUNICATION FACILITIES ON CITY-OWNED PROPERTY NORTH OF LAKE HERMAN ROAD**

RECOMMENDATION:

Adopt the Resolution authorizing the City Manager to execute lease agreement documents, subject to approval by the City Attorney, and directing the City Clerk to record the Memorandum of Lease.

EXECUTIVE SUMMARY:

This lease agreement with Cingular Wireless will allow installation of communication facilities on City-owned property (Assessor's Parcel No. 181-230-02-0) located north of Lake Herman Road. The communication facilities will consist of up to 13 wireless antennas that will be co-located atop an existing PG&E tower and the construction of a communications shelter at the base of the tower.

BUDGET INFORMATION:

The City's Water Enterprise Fund would initially earn \$14,400 per year with future year payments increasing by 3% each year. The term of the lease is five years with four additional five-year options for a total of 25 years.

SUMMARY:

At their October 4 meeting, City Council expressed concern regarding aesthetics of the proposed addition of antennas atop an existing 110-foot PG&E tower and construction of a communications shelter at the base of the tower. Staff was directed to provide a vicinity map, photograph of existing facilities, and photograph with simulation of proposed additions. The map and photographs from four different views are attached. Additionally, staff was directed to inquire if the Solano County Planning Department considered the designation of Lake Herman Road as a scenic roadway in its approval. The planner who approved the proposal no longer

works for the County so it is unknown if the scenic roadway designation of Lake Herman Road was considered as part of the review of this project. However, a current principal planner with the County informed staff that he has no concerns regarding view impacts that this project would create even considering the scenic roadway designation. Furthermore, he indicated that if he were to review this project again, the County's approval would stand. It is also important to note that the County's action consisted of approving a Use Permit with various conditions, one of which is the use permit expires on August 19, 2009 unless request for extension is received by the County and the County finds the use to be in full compliance with the terms and conditions of its approval. A copy of the County's resolution approving the proposal is attached.

As a result of their October 18 meeting, City Council expressed concern regarding suitable screening or landscaping of Cingular's equipment at the base of the tower. Two of the attached photographs (looking south and east) show Cingular's proposed equipment enclosure with privacy screening. The screening is a six-foot high redwood fence. Landscaping is not an option, since there is no water supply for irrigation.

cc: City Attorney
Assistant Director of Public Works

Attachments:

- [Proposed Resolution](#)

If viewing online, the following attachments are available from the City Clerk's Office:

- Vicinity Map
- Existing & Proposed Photograph (looking northeast)
- Existing & Proposed Photograph (looking northwest)
- Existing & Proposed Photograph (looking south)
- Existing & Proposed Photograph (looking east)
- Solano County Zoning Administrator Resolution No. 04-23

RESOLUTION

RESOLUTION NO. 05-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA
AUTHORIZING THE CITY MANAGER TO EXECUTE LEASE AGREEMENT
DOCUMENTS ALLOWING CINGULAR WIRELESS TO INSTALL
COMMUNICATION FACILITIES ON CITY-OWNED PROPERTY (ASSESSOR'S
PARCEL NO. 0181-230-02-0) LOCATED NORTH OF LAKE HERMAN ROAD**

WHEREAS, Cingular Wireless has received approvals from Solano County Planning Department to install up to 13 wireless antennas atop an existing PG&E transmission tower and construct a communications shelter at the base of the tower located on City-owned property north of Lake Herman Road (Assessor's Parcel No. 0181-230-02-0); and

WHEREAS, the proposed use is consistent with General Plan Goal 2.43 and is compatible with the City's use of the property.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Benicia hereby authorizes the City Manager to execute the subject lease agreement with Cingular Wireless to install communication facilities on Assessor's Parcel No. 0181-230-02-0, subject to approval by the City Attorney.

BE IT FURTHER RESOLVED that the City Council hereby authorizes the City Manager to execute the Memorandum of Lease, subject to approval by the City Attorney, and directs the City Clerk to record the Memorandum of Lease with the Solano County Recorder's Office.

* * * * *

On motion of Council Member _____, seconded by Council Member _____, the above Resolution was introduced and passed by the City Council of the City of Benicia at a regular meeting of said Council held on the 1st day of Novem 2005, and adopted by the following vote:

Ayes:

Noes:

Absent:

Steve Messina, Mayor

ATTEST:

Lisa Wolfe, City Clerk

**AGENDA ITEM
CITY COUNCIL MEETING: NOVEMBER 1, 2005
UNFINISHED BUSINESS**

DATE : October 20, 2005

TO : City Manager

FROM : Director of Public Works

SUBJECT : **APPROVAL OF LEASE AGREEMENT WITH CINGULAR WIRELESS FOR INSTALLATION OF COMMUNICATION FACILITIES ON CITY-OWNED PROPERTY NORTH OF LAKE HERMAN ROAD**

RECOMMENDATION:

Adopt the Resolution authorizing the City Manager to execute lease agreement documents, subject to approval by the City Attorney, and directing the City Clerk to record the Memorandum of Lease.

EXECUTIVE SUMMARY:

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BUDGET INFORMATION:

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SUMMARY:

At their October 4 meeting, City Council expressed concern regarding aesthetics of the proposed addition of antennas atop an existing 110-foot PG&E tower and construction of a communications shelter at the base of the tower. Staff was directed to provide a vicinity map, photograph of existing facilities, and photograph with simulation of proposed additions. The map and photographs from four different views are attached. Additionally, staff was directed to inquire if the Solano County Planning Department considered the designation of Lake Herman Road as a scenic roadway in its approval. The planner who approved the proposal no longer

works for the County so it is unknown if the scenic roadway designation of Lake Herman Road was considered as part of the review of this project. However, a current principal planner with the County informed staff that he has no concerns regarding view impacts that this project would create even considering the scenic roadway designation. Furthermore, he indicated that if he were to review this project again, the County's approval would stand. It is also important to note that the County's action consisted of approving a Use Permit with various conditions, one of which is the use permit expires on August 19, 2009 unless request for extension is received by the County and the County finds the use to be in full compliance with the terms and conditions of its approval. A copy of the County's resolution approving the proposal is attached.

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Assistant Director of Public Works

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RESOLUTION

RESOLUTION NO. 05-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA
AUTHORIZING THE CITY MANAGER TO EXECUTE LEASE AGREEMENT
DOCUMENTS ALLOWING CINGULAR WIRELESS TO INSTALL
COMMUNICATION FACILITIES ON CITY-OWNED PROPERTY (ASSESSOR'S
PARCEL NO. 0181-230-02-0) LOCATED NORTH OF LAKE HERMAN ROAD**

WHEREAS, Cingular Wireless has received approvals from Solano County Planning Department to install up to 13 wireless antennas atop an existing PG&E transmission tower and construct a communications shelter at the base of the tower located on City-owned property north of Lake Herman Road (Assessor's Parcel No. 0181-230-02-0); and

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* * * * *

On motion of Council Member _____, seconded by Council Member _____, the above Resolution was introduced and passed by the City Council of the City of Benicia at a regular meeting of said Council held on the 1st day of Novem 2005, and adopted by the following vote:

Ayes:

Noes:

Absent:

Steve Messina, Mayor

ATTEST:

Lisa Wolfe, City Clerk

**AGENDA ITEM
CITY COUNCIL MEETING: NOVEMBER 1, 2005
UNFINISHED BUSINESS**

DATE : October 12, 2005
TO : City Council
FROM : City Manager
SUBJECT : **POLICY FOR NOTICING PLANNING AND BUILDING APPLICATIONS**

RECOMMENDATION:

Discuss and provide direction to staff, as needed. If additional noticing or publication is desired, direct staff to explore how other cities have addressed expanding noticing and to solicit input from stakeholders.

EXECUTIVE SUMMARY:

This report discusses considerations relative to increasing public awareness of current planning and building projects.

DISCUSSION:

Council, at the September 6, 2005 regular meeting, asked staff to consider means and methods the public could be made aware of planning and building applications filed with the City. The argument for expanded noticing: to the extent there is publication of such applications, residents, particularly neighbors of applicants, will have the opportunity to ask questions about these projects and in some cases, influence the conditioning of the application.

The following questions and answers, hopefully, can help stimulate a thoughtful review of this issue.

What now gets noticed? Examples:

1. General Plan Amendments
2. Zoning Map Amendments
3. Use Permits
4. Major Subdivisions (5 lots or more)
5. Street Vacations

What does not get noticed? Examples:

1. Building Permits
2. Minor Subdivisions (less than 5 lots)
3. Lot Line Adjustments

4. Home Occupation Permits
5. Staff level Design Review

What applications should get more notice?

The listings below are not an endorsement for publication. They are merely illustrations.

1. Discretionary applications not now noticed? Example:
 - a. Extensions of discretionary approvals
 - b. Staff level Design Review
 - c. Temporary Use Permits

2. Non-Discretionary applications? Example:
 - a. Building Permits
 - b. Lot Line Adjustments
 - c. Home Occupation
 - d. Commercial and residential alarms

How could expanded noticing occur? Options:

1. City website listing
2. Newspaper publication
3. Mailed notice to nearby property owners
4. Posting of property

Effects of expanded noticing:

1. Reduce possibility of surprise to neighbors
2. Opportunity for input and potential influence
3. Creating false expectations:
That City can modify projects for which it has no discretion
4. Creating delays for applicants:
If application cannot be approved prior to completion of a public review period
5. Creating more staff work:
Maintaining, updating and publishing a list of applications
Answering questions, providing information about applications
6. Increasing exposure to legal changes:
From an application that may by oversight or glitch not have been published per new rules

Options for direction to staff:

1. Research: find out how other cities have addressed this issue
2. Input: ask stakeholders to provide input
 - a. Residents
 - b. Permit applicants
 - c. Business community
3. Immediate action:
 - a. Identify the types of applications to be published
 - b. Identify the means and methods for publication

**AGENDA ITEM
CITY COUNCIL MEETING: NOVEMBER 1, 2005
UNFINISHED BUSINESS**

DATE : September 26, 2005
TO : City Council
FROM : City Manager
SUBJECT : **DISCUSSION OF POLICY FOR CITY ASSISTANCE TO
DISASTER VICTIMS**

RECOMMENDATION:

Discuss and provide direction to staff, as needed.

EXECUTIVE SUMMARY:

Current policy authorizes assistance to disaster victims through official requests from the Federal Emergency Management Agency (FEMA) and the Office of Emergency Services (OES). This report will discuss pertinent issues related to allowing City employees to volunteer to be relief workers outside of a request by FEMA or OES to the City.

BACKGROUND:

There are some local agencies that have adopted policies per permitting employees to serve as volunteers in disaster areas such as the Gulf States currently suffering the impacts of two disastrous hurricanes. For example, we have learned that the City of Los Angeles has adopted such a policy.

In considering possible adoption of such policies, several issues should be taken into account:

1. The impact on the “giving” agency from loss of staff resources for both day-to-day operations and for dealing with emergencies “at home.”
2. The potential liability exposures to the giving agency from employee injuries and errors and omissions, as well as the need to develop policies to minimize such exposures.
3. The added personnel costs to the giving agency from:

- a. Backfilling of positions temporarily vacated (overtime expenditures and/or added regular pay).
 - b. Overtime pay obligations for volunteering personnel (if they perform work substantially similar to their regular work).
4. The need to “meet and confer” with employee organizations on a “volunteer” policy.

The City of Benicia is part of a statewide disaster response network coordinated through the State Office of Emergency Services (OES). This network will provide emergency response and aid to Benicia when a local emergency exceeds Benicia’s capacity to handle it. The network, also, requires Benicia to loan resources (personnel, equipment and materials) when OES asks for help on behalf of other communities experiencing emergencies.

The California OES network is connected to a nationwide network. California can be called upon to provide disaster aid to emergencies in other states. The normal, pre-planned method of one state helping another is through the coordinated disaster response systems of the states and federal government. The “volunteer” concept envisioned in this report is to some extent at odds with the organized emergency response system of the United States and the State of California. If personnel are needed in another state, the “network” will request them. No such request has been issued in California.

The City of Benicia is standing by, as are all of the cities in California, for requests for assistance. If such requests are received, Benicia will provide assistance with available resources.

The City of Benicia municipal organization is relatively small. There are no positions that could easily be spared without disruption to the donating department. This disruption could be mitigated by overtime or having replacement workers. When employees volunteer, there is no guaranteed reimbursement. When employees are assigned pursuant to OES requests, the City is reimbursed.

**AGENDA ITEM
CITY COUNCIL MEETING: NOVEMBER 1, 2005
NEW BUSINESS**

DATE : October 26, 2005

TO : City Manager

FROM : Fire Chief

SUBJECT : **APPROVAL OF A RESOLUTION IN SUPPORT OF ACCEPTING A \$15,000 DONATION FROM THE SYAR FOUNDATION FOR THE PURCHASE OF AUTOMATIC EXTERNAL DEFIBRILLATORS (AED)**

RECOMMENDATION:

City Council adopts the attached Resolution accepting a \$15,000 donation for the purchase of Automatic External Defibrillators (AED) and the initial training of Police Department officers in the use of AEDs.

BUDGET INFORMATION:

The donation will cover the cost of six (6) AEDs and initial training for Police Department personnel. There is no impact on General Fund accounts.

EXECUTIVE SUMMARY:

The City has received a donation of \$15,000 from the Syar Foundation for the purchase of six (6) Automatic External Defibrillators (AED). The Fire Department will purchase and coordinate the initial training of the AEDs with Police Department personnel. Continuing required training will be incorporated into the Police Department's annual training program.

Attachment:

- Resolution

PROPOSED RESOLUTION

RESOLUTION NO. 05-___

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA ACCEPTING A DONATION OF \$15,000 FOR THE PURCHASE OF AUTOMATIC EXTERNAL DEFIBRILLATORS FROM THE SYAR FOUNDATION

WHEREAS, the City of Benicia and the Benicia Fire Department have provided emergency medical services to the citizens and visitors of Benicia; and

WHEREAS, the use of Automatic External Defibrillators (AED) by trained personnel has saved lives prior to the arrival of advanced life support personnel (paramedics); and

WHEREAS, many committees have placed AEDs in Police Department patrol vehicles so police officers can initiate life saving care prior to the arrival of the Fire Department; and

WHEREAS, the Syar Foundation has donated \$15,000 to the City of Benicia for the purchase and placement of AEDs within the community.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Benicia accepts a donation of \$15,000 from the Syar Foundation for the purchase of Automatic External Defibrillators.

On motion of Council Member _____, seconded by Council Member _____, the above Resolution was introduced and passed by the City Council of the City of Benicia at a regular meeting of said Council held on the 1st day of November 2005, and adopted by the following vote:

Ayes:

Noes:

Absent:

Steve Messina, Mayor

Attest:

Lisa Wolfe, City Clerk

**AGENDA ITEM
CITY COUNCIL MEETING: NOVEMBER 1, 2005
NEW BUSINESS**

DATE : September 27, 2005
TO : City Council
FROM : City Manager
SUBJECT : **CONSIDERATION OF COUNCIL MEMBER CAMPBELL'S
RECOMMENDATIONS REGARDING THE FY 2005-06 AND FY
2006-07 BUDGETS**

RECOMMENDATION:

Discuss Council Member Campbell's recommendations and provide direction to staff, as needed.

EXECUTIVE SUMMARY:

Council Member Campbell will make recommendations for amending the current two-year budget.

BACKGROUND:

Council member Campbell has suggested consideration on certain measures to substitute for the use of an interfund loan to balance the 2005-06 Budget. We understand these measures to include reduction of expenditure appropriations for maintenance of fields at Benicia Unified School District due to:

1. Actual expenditure savings from the delayed start of field maintenance.
2. Proposed expenditure savings from reducing the number of schools to be maintained to three schools instead of four.

Staff estimates of FY 2005-06 savings from these measures, if approved, are as follows:

1. Delayed start at four schools = \$80,000 savings approximately
2. If maintenance at one school is eliminated, then delayed start at three schools = \$146,000 savings approximately

On an annualized basis, savings from reducing the number of schools to be maintained from four to three would be approximately \$97,000.

Savings would be about \$50,000 greater for FY 2005-06 except that the assumption for the overall cost of maintenance has increased due to the District's position that two District pick-up trucks for the fields crew will not be available to the City.

**AGENDA ITEM
CITY COUNCIL MEETING: NOVEMBER 1, 2005
NEW BUSINESS**

DATE : September 22, 2005

TO : City Manager

FROM : Director of Public Works
Interim Community Development Director

SUBJECT : **PROPOSED REVISIONS TO THE CITY GRADING ORDINANCE**

RECOMMENDATION:

Discuss and provide direction to staff on proposed changes to the Benicia Grading Ordinance.

EXECUTIVE SUMMARY:

The Vice Mayor submitted proposed changes to the Grading Ordinance that would establish limits on grading, including building construction for hillsides with slopes greater than 25%. City staff requests direction from Council before proceeding with further analysis on these changes.

BUDGET INFORMATION:

Research and preparation of proposed changes to the City Grading Ordinance will require a additional staff time from Public Works - Engineering, Community Development – Planning and from the City Attorney’s Office. This will need to be considered when reviewing other Council priority projects assigned to these affected departments.

BACKGROUND:

The Vice Mayor submitted to City staff proposed changes to the Grading Ordinance to address concerns about grading, development or building construction on steep slopes or hillsides. A suggestion was made to restrict grading on existing slopes greater than 25% which would regulate all grading, development or building construction within these areas. Of particular concern are the grading standards as they would apply to the Benicia Business Park development.

The current Grading Ordinance allows grading on any slope with the stipulation that the final slopes created will be no steeper than two horizontal to one vertical (2:1 ratio). All grading work in excess of 5,000 cubic yards or with cuts/fills greater than four (4) feet also require that the work be designed by a registered engineer. Exceptions to the 2:1 maximum slope can be made if

recommended by a registered engineer and approved by the City Engineer. These basic regulations were established with the intent of providing for a safe final engineered product.

Some agencies include restrictions for grading on steep slopes within their ordinances that can be used to regulate where future land use, construction and/or development is allowed to occur. Research would need to be conducted to provide more specific information to Council.

It should be noted that any modifications to the current Grading Ordinance would not apply to the Benicia Business Park Project. The application for the tentative map for the project was previously determined to be complete. Government Code Section 66474.2 prohibits the City from applying new ordinances, policies or standards to the project. However, various findings include consistency with the General Plan, suitability of the site for the type of development and an evaluation of any environmental impacts are required to approve the tentative map (see Government Code Sections 66473.5 and 66474). Thus, grading impacts of the Benicia Business Park project can be addressed as mitigation measures or conditions of approval. This could include restrictions for grading on steep slopes, within riparian corridors and in other sensitive areas.

To help with Council's discussion on this issue, staff has prepared a chart of the three (3) different methods used by engineers to define a slope: percentage, degree or ratio. The chart provides a visual comparison of each method to better understand the differences when applied to grading plans and projects.

cc: Heather McLaughlin, City Attorney
Michael Throne, City Engineer

Attachment:

- [Comparison chart of Graded Slopes](#)

Comparison Chart of Graded Slopes

AGENDA ITEM
CITY COUNCIL MEETING: NOVEMBER 1, 2005
REPORTS FROM CITY MANAGER

DATE : October 25, 2005

TO : City Council

FROM : City Manager

SUBJECT : **PROGRESS TOWARD RESOLVING DIFFERENCES WITH BENICIA UNIFIED SCHOOL DISTRICT REGARDING THE PROPOSED JOINT USE AGREEMENT**

RECOMMENDATION:

Status report, for information only.

EXECUTIVE SUMMARY:

The Superintendent and the City Manager are currently working on proposed recommendations for addressing differences in the proposed agreements for City maintenance of BUSD fields.

BACKGROUND:

On July 19, 2005, the Council authorized the City Manager to initiate discussions with the School District Superintendent to resolve differences for the proposed joint use agreement (JUA). The JUA would permit the City to provide up to \$1 million of turf upgrades, and ongoing field maintenance at four school sites. In return, the District would permit City use of all District fields, gyms, multi-purpose rooms and at least one classroom at each school.

The City Manager, Parks and Community Services Director and BUSD Superintendent have met on several occasions since July 19th. All major issues, and all but a few known lesser issues, have been reviewed. Of the major issues, City and BUSD staff appear to be in agreement on nearly all of them.

Of the lesser issues (identified in memo from City Attorney dated July 12, 2005) all appear resolvable with 31 of 40 issues reviewed. City staff will submit recommendations to the Superintendent this week for addressing the last nine lesser issues.

All tentative agreements have been committed to writing in common language. Following confirmation of the tentative agreements, the City Attorney will incorporate the proposed amendments into the draft JUA for Council and Board action.

Staff has avoided in the memo, elaborating on tentative agreements to protect the integrity of negotiations between staff. To publicly discuss differences, of which there are few, may harden positions and make compromise more difficult.

The School/City Liaison Committee requested at their meeting on August 25th that a joint meeting of the Council and School Board be set prior to the end of September in anticipation that the draft JUA will be ready for adoption. The City Manager and School Superintendent are currently reviewing several potential dates with both the City Council and School Board. Additionally, the Parks & Community Services Director, City Attorney, City Manager and School Superintendent continue to review and refine the JUA.