



**BENICIA CITY COUNCIL
REGULAR MEETING AGENDA**

**City Council Chambers
November 01, 2011
7:00 PM**

*Times set forth for the agenda items are estimates.
Items may be heard before or after the times designated.*

I. CALL TO ORDER (6:00 PM):

II. CLOSED SESSION:

III. CONVENE OPEN SESSION:

A. ROLL CALL.

B. PLEDGE OF ALLEGIANCE.

C. REFERENCE TO THE FUNDAMENTAL RIGHTS OF THE PUBLIC.

A plaque stating the fundamental rights of each member of the public is posted at the entrance to this meeting room per section 4.04.030 of the City of Benicia's Open Government Ordinance.

IV. ANNOUNCEMENTS/APPOINTMENTS/PRESENTATIONS/PROCLAMATIONS:

A. ANNOUNCEMENTS.

1. Announcement of action taken at Closed Session, if any.

2. Openings on Boards and Commissions:

Soltrans Public Advisory Committee:
Three Full Terms
Open until Filled

Sky Valley Open Space Committee:
One full term to January 31, 2015
Open until filled

Building Board of Appeals:
Three full terms to January 31, 2015
Open until filled

Solano Transportation Authority Pedestrian Advisory Committee:
One Full Term
Open Until Filled

3. Mayor's Office Hours:

Mayor Patterson will maintain an open office every Monday (except holidays) in the Mayor's Office of City Hall from 6:00 p.m. to 7:00 p.m. No appointment is necessary. Other meeting times may be scheduled through the City Hall office at 746-4200.

4. Benicia Arsenal Update: Verbal Update

B. APPOINTMENTS.

C. PRESENTATIONS.

D. PROCLAMATIONS.

V. ADOPTION OF AGENDA:

VI. OPPORTUNITY FOR PUBLIC COMMENT:

This portion of the meeting is reserved for persons wishing to address the Council on any matter not on the agenda that is within the subject matter jurisdiction of the City Council. State law prohibits the City Council from responding to or acting upon matters not listed on the agenda. Each speaker has a maximum of five minutes for public comment. If others have already expressed your position, you may simply indicate that you agree with a previous speaker. If appropriate, a spokesperson may present the views of your entire group. Speakers may not make personal attacks on council members, staff or members of the public, or make comments which are slanderous or which may invade an individual's personal privacy.

A. WRITTEN COMMENT.

B. PUBLIC COMMENT.

VII. CONSENT CALENDAR (7:20 PM):

Items listed on the Consent Calendar are considered routine and will be enacted, approved or adopted by one motion unless a request for removal or explanation is received from a Council Member, staff or member of the public. Items removed from the Consent Calendar shall be considered immediately following the adoption of the Consent Calendar.

A. Approval of Minutes for the Special and Regular Meetings of October 18, 2011. (City Clerk).

B. RE-DESIGNATION OF STA AS ABANDONED VEHICLE ABATEMENT (AVA) PROGRAM SERVICE AUTHORITY FOR SOLANO COUNTY. (Police Chief)

The City of Benicia AVA Fee Program sunsets, by State statute, on April 30, 2012. The California Vehicle Code (VC) Section 9250.7(g) allows each AVA program member agencies to extend their sunset date for the program in 10-year increments.

Recommendation: Adopt the resolution re-designating STA as the Abandoned Vehicle Abatement (AVA) Program Service Authority for Solano County and authorizing extension of the STA service fee.

C. AWARD OF CONSTRUCTION CONTRACT FOR REPLACEMENT OF RETAINING WALL AT SOUTHAMPTON PARK. (Parks and Community Services Director)

On September 1, 2011 construction plans were made available for public bidding. On October 7, 2011, the bidding period closed and the City received and opened three bids from H. Bray Construction, M.A. Rohrer Construction and A. J. Vasconi Construction. The contractor, H. Bray Construction, is well regarded in the area for their work and has successfully completed projects that include, work at the Benicia Police Department, Fire Station 12, Alvarez Park at 9th street, and the Benicia Library.

Recommendation: Adopt the resolution accepting the bid for the replacement of the retaining wall at Southampton Park, awarding the construction contract, to H. Bray Construction of Benicia California, in the amount of \$34,600 and authorizing the City Manager to sign the contract on behalf of the City.

D. GRANT A UTILITY EASEMENT TO PACIFIC GAS & ELECTRIC TO CONNECT THE VETERANS' HALL TRANSFORMER WITH THE UNDERGROUND POWER SOURCE. (Public Works and Community Development Director)

This action grants a no-cost utility easement to PG&E in order to connect the Veteran's Hall transformer with the underground power source. The easement is 10- by 15-feet and is located in the landscaped area between the Veteran's Hall and the pathway that leads to the Benicia Public Library.

Recommendation: Adopt a resolution granting a utility easement to Pacific Gas & Electric Company to connect the Veteran's Hall transformer with the underground power source.

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

VIII. BUSINESS ITEMS:

IX. ADJOURNMENT (8:00 PM):

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 non-agendized matters under public comment, and on agendized items at the time the agenda item is addressed at the meeting. Comments are limited to no more than five 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 or Special Needs

In compliance with the Americans with Disabilities Act (ADA) and to accommodate any special needs, if you need special assistance to participate in this meeting, please contact Anne Cardwell, the ADA Coordinator, at (707) 746-4211. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the 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.

Pursuant to Government Code Section 65009, if you challenge a decision of the City Council in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to, the public hearing. You may also be limited by the ninety (90) day statute of limitations in which to challenge in court certain administrative decisions and orders (Code of Civil Procedure 1094.6) to file and serve a petition for administrative writ of mandate challenging any final City decisions regarding planning or zoning.

The decision of the City Council is final as of the date of its decision unless judicial review is initiated pursuant to California Code of Civil Procedures Section 1094.5. Any such petition for judicial review is subject to the provisions of California Code of Civil Procedure Section 1094.6.

Public Records

The agenda packet for this meeting is available at the City Manager's Office and the Benicia Public Library during regular working hours. To the extent feasible, the packet is also available on the City's web page at www.ci.benicia.ca.us under the heading "Agendas and Minutes." Public records related to an open session agenda item that are distributed after the agenda packet is prepared are available before the meeting at the City Manager's Office located at 250 East L Street, Benicia, or at the meeting held in the Council Chambers. If you wish to submit written information on an agenda item, please submit to the City Clerk as soon as possible so that it may be distributed to the City Council. A complete proceeding of each meeting is also recorded and available through the City Clerks Office.

MINUTES OF THE
SPECIAL MEETING – CITY COUNCIL
October 18, 2011

City Council Chambers, City Hall, 250 East L Street, complete proceedings of which are recorded on tape.

I. CALL TO ORDER:

Mayor Patterson called the meeting to order at 6:00 p.m.

II. CONVENE OPEN SESSION:

A. ROLL CALL

Council Member Campbell arrived at 6:03 p.m.

B. PLEDGE OF ALLEGIANCE

Mayor Patterson led the Pledge of Allegiance.

C. REFERENCE TO THE FUNDAMENTAL RIGHTS OF THE PUBLIC:

III. OPPORTUNITY FOR PUBLIC COMMENT:

A. WRITTEN COMMENT

B. PUBLIC COMMENT

None

IV. CONSENT:

A. MINUTE ACTION APPROVING RESPONSE TO 2010-2011 GRAND JURY REPORT “PUBLIC SAFETY VOLUNTEER PROGRAMS FIRE EMERGENCY SERVICES”

On motion of Council Member Hughes, seconded by Vice Mayor Schwartzman, Council approved the response to 2010-2011 Grand Jury Report "Public Safety Volunteer Programs Fire Emergency Services", on roll call by the following vote:
Ayes: Patterson, Schwartzman, Campbell, Hughes, Ioakimedes
Noes: (None)

V. CLOSED SESSION:

Heather McLaughlin, City Attorney, read the announcement of Closed Session.

A. CONFERENCE WITH LABOR NEGOTIATOR
(Government Code Section 54957.6 (a))

Agency negotiators: City Manager, Administrative Services Director

Employee organization: Benicia Firefighters Association (BFA).

B. CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION

Initiation of litigation pursuant to subdivision (c) of Section 54956.9

Number of Potential Cases: (1)

VI. ADJOURNMENT:

Mayor Patterson adjourned the Closed Session meeting at 6:47 p.m.

MINUTES OF THE
REGULAR MEETING – CITY COUNCIL
October 18, 2011

City Council Chambers, City Hall, 250 East L Street, complete proceedings of which are recorded on tape.

I. CALL TO ORDER:

Mayor Patterson called the meeting to order at 7:01 p.m.

II. CLOSED SESSION:

III. CONVENE OPEN SESSION:

A. ROLL CALL

All Council Members were present.

B. PLEDGE OF ALLEGIANCE

John Johnsen led the Pledge of Allegiance.

C. REFERENCE TO THE FUNDAMENTAL RIGHTS OF PUBLIC

IV. ANNOUNCEMENTS/APPOINTMENTS/PRESENTATIONS/PROCLAMATIONS:

A. ANNOUNCEMENTS

1. Announcement of action taken at Closed Session, if any.

Ms. McLaughlin reported that Council received information from Staff on both Closed Session items.

2. Openings on Boards and Commissions:

Soltrans Public Advisory Committee: Three Full Terms Open until Filled

Sky Valley Open Space Committee: One full term to January 31, 2015
Open until filled

Building Board of Appeals: Three full terms to January 31, 2015 Open until filled

Solano Transportation Authority Pedestrian Advisory Committee: One Full Term Open Until Filled

3. **Mayor's Office Hours:**
4. **Benicia Arsenal Update: Verbal Report**

Ms. McLaughlin reported that Staff was working hard to schedule a public meeting. They have a tentative meeting scheduled with DTSC on 11/16/11. The subcommittee met last week and is continuing to have meetings with DTSC.

B. APPOINTMENTS

1. **Reappointment of John Johnsen to the Economic Development Board for a full term to July 31, 2015.**

RESOLUTION 11-124 - A RESOLUTION CONFIRMING THE MAYOR'S REAPPOINTMENT OF JOHN JOHNSEN TO THE ECONOMIC DEVELOPMENT BOARD TO A FULL TERM ENDING JULY 31, 2015

On motion of Mayor Patterson Council adopted the Resolution, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

2. **Appointment of Carol Langford to the Open Government Commission for an unexpired term to January 31, 2013.**

RESOLUTION 11-125 - A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF CAROL LANGFORD TO OPEN GOVERNMENT COMMISSION TO A FULL TERM ENDING JULY 31, 2015

On motion of Mayor Patterson Council adopted the Resolution, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

3. **Appointment of Ann Lindsay to the Economic Development Board for a full term to July 31, 2015.**

RESOLUTION 11-126 - A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF ANN LINDSAY TO THE ECONOMIC DEVELOPMENT BOARD TO A FULL TERM ENDING JULY 31, 2015

On motion of Mayor Patterson Council adopted the Resolution, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

4. **Appointment of Steve Chiabotti to the Civil Service Commission for a full term to July 31, 2015.**

RESOLUTION 11-127 - A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF STEVE CHIABOTTI TO CIVIL SERVICE BOARD TO A FULL TERM ENDING JULY 31, 2015

On motion of Mayor Patterson Council adopted the Resolution, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

5. **Appointment of Karl Nielsen to the Arts and Culture Commission for an unexpired term to January 31, 2013.**

RESOLUTION 11-128 - A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF KARL NIELSEN TO THE ARTS AND CULTURE COMMISSION TO A FULL TERM ENDING JULY 31, 2015

On motion of Mayor Patterson Council adopted the Resolution, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

6. **Appointment of Larry Grossman to the Finance Committee for a full term ending July 31, 2015.**

RESOLUTION 11-129- A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF LARRY GROSSMAN TO THE FINANCE COMMITTEE FOR A FULL TERM ENDING JULY 31, 2015

On motion of Mayor Patterson Council adopted the Resolution, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

7. **Appointment of Leanza Tupfer to the Sustainability Commission as the Student Representative for a one year term expiring July 31, 2012.**

RESOLUTION 11-130 - A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF LEANZA TUPFER TO THE SUSTAINABILITY COMMISSION AS THE STUDENT REPRESENTATIVE FOR A ONE YEAR TERM EXPIRING JULY 31, 2012

On motion of Mayor Patterson Council adopted the Resolution, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

C. PRESENTATIONS

D. PROCLAMATIONS

1. In Recognition of National Domestic Violence Awareness Month 2011

V. ADOPTION OF AGENDA:

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

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

VI. OPPORTUNITY FOR PUBLIC COMMENT:

A. WRITTEN COMMENT

Mayor Patterson reviewed the two items (copies on file).

B. PUBLIC COMMENT

Stan Golovich - Mr. Golovich discussed the issue of wind energy production in the City of Benicia.

VII. CONSENT CALENDAR:

On motion of Vice Mayor Schwartzman, seconded by Council Member Hughes, Council adopted the Consent Calendar, as presented, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

A. APPROVAL OF MINUTES FOR THE SPECIAL MEETING OF SEPTEMBER 28, 2011 AND THE SPECIAL AND REGULAR MEETINGS OF OCTOBER 4, 2011

On motion of Vice Mayor Schwartzman, seconded by Council Member Hughes, Council approved the Minutes of the special meeting of September 28, 2011, and the Special and Regular meetings of October 4, 2011, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

B. APPOINTING REPRESENTATIVES TO THE LOCAL AGENCY WORKERS' COMPENSATION EXCESS (LAWCX) JOINT POWERS AUTHORITY

RESOLUTION 11-131 - A RESOLUTION MODIFYING THE DESIGNATION OF REPRESENTATIVES TO THE LOCAL AGENCY WORKERS' COMPENSATION EXCESS (LAWCX) JOINT POWERS AUTHORITY

On motion of Vice Mayor Schwartzman, seconded by Council Member Hughes, Council adopted Resolution 11-131, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

C. SECOND READING OF AN ORDINANCE AMENDING SECTION 2.76.040 (MEETING TIME AND PLACE) OF CHAPTER 2.76 (PARKS, RECREATION AND CEMETERY COMMISSION) OF TITLE 2 (ADMINISTRATION AND PERSONNEL) OF THE BENICIA MUNICIPAL CODE TO CHANGE THE LOCATION OF THE MEETING TO BENICIA COMMUNITY CENTER

ORDINANCE 11-11 - AN ORDINANCE AMENDING SECTION 2.76.040 (MEETING TIME AND PLACE) OF CHAPTER 2.76 (PARKS, RECREATION AND CEMETERY COMMISSION) OF TITLE 2 (ADMINISTRATION AND PERSONNEL) OF THE BENICIA MUNICIPAL CODE TO CHANGE THE LOCATION OF THE MEETING TO BENICIA COMMUNITY CENTER, PROGRAM ROOM 2

On motion of Vice Mayor Schwartzman, seconded by Council Member Hughes, Council adopted Ordinance 11-11, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

D. SECOND READING AND ADOPTION OF AN ORDINANCE AMENDING THE CONTRACT BETWEEN THE CITY OF BENICIA AND PUBLIC EMPLOYEES' RETIREMENT SYSTEM FOR LOCAL SAFETY EMPLOYEES TO PROVIDE SECTION 20516 (5.336% EMPLOYEES SHARING COST OF ADDITIONAL BENEFITS) APPLICABLE TO SECTION 21362.2 (3% @ 50 FULL FORMULA) AND SECTION 21363.1 (3% AT 55 FULL FORMULA) FOR LOCAL POLICE MEMBERS

ORDINANCE 11-12 - AN URGENCY ORDINANCE AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY COUNCIL AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM

RESOLUTION 11-132 - A RESOLUTION AMENDING THE PAYING AND REPORTING OF THE VALUE OF EMPLOYER PAID MEMBER

CONTRIBUTIONS (EPMC) OF EMPLOYEES' COMPENSABLE EARNINGS TO THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM (PERS) FOR SENIOR MANAGEMENT POLICE EMPLOYEES, AND MID MANAGEMENT POLICE EMPLOYEES, EFFECTIVE NOVEMBER 1, 2011

On motion of Vice Mayor Schwartzman, seconded by Council Member Hughes, Council adopted Ordinance 11-12, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

On motion of Vice Mayor Schwartzman, seconded by Council Member Hughes, Council adopted Resolution 11-132, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

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

VIII. BUSINESS ITEMS:

- A. APPROVAL OF CONSULTANT AGREEMENT FOR THE WATER SYSTEM MASTER PLAN UPDATE**

RESOLUTION 11-133 - A RESOLUTION APPROVING A CONSULTANT AGREEMENT FOR ENGINEERING SERVICES FOR THE WATER SYSTEM MASTER PLAN UPDATE WITH NOLTE ASSOCIATES, INC. FOR A NOT-TO-EXCEED COST OF \$147,030, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACT ON BEHALF OF THE CITY

Melissa Morton, City Engineer, reviewed the Staff report.

Mayor Patterson and Staff discussed the personnel qualifications needed for the plan update (qualifications were not available in-house), water supply, and confirmation that the entitlement statement would be corrected.

Council Member loakimedes and Staff discussed the need for a document that would give the City the ability to recruit businesses that might require a large amount of water usage.

Council Member Campbell and Staff discussed various past water agreements, why it was necessary to move forward with the agreement for the water master plan update needed to be done at this time, and the aging water infrastructure issue.

Council Member Hughes discussed the need to move forward and not take risks with the City's water.

Public Comment:

None

On motion of Vice Mayor Schwartzman, seconded by Council Member Hughes, Council adopted Resolution 11-133, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

B. REVIEW OF RECENT REVENUE AND EXPENDITURE CHANGES AND THE IMPACT ON THE FISCAL YEAR'S 2010-11, 2011-12 AND 2012-13 MUNICIPAL BUDGETS

Rob Sousa, Finance Director, reviewed the staff report.

Council Member loakimedes discussed the 90-day review being an 'interim' step. He thought all the money coming out of the Intermodal Fund would be a loan. Staff clarified how the Intermodal Fund load would work (the report should have said 'could be a loan', rather than 'would be a loan.'). Council Member loakimedes and Staff discussed the letter Mr. Lowry submitted (copy on file).

Council Member Campbell and Staff discussed the issue of there not really being a \$250,000 surplus; rather it is less of a deficit than there was before. Council Member Campbell and Staff discussed the operational surplus deficit, and the different budget numbers listed by Staff and Mr. Lowry. Staff clarified the final deficit number for the year ending 2011 (\$2.5 million), and why Staff's numbers were different from Mr. Lowry's (Staff has not had a chance to review Mr. Lowry's document yet).

Council Member Hughes and Staff discussed the issue of workers compensation. He did not like that the numbers were a surprise. They discussed the possibility of changing the vehicle replacement criteria. Council Member Hughes supported approving the \$4,300 for the CAC. He inquired whether the budget needed to be adopted tonight (the \$4,300 for CAC, and the \$750 for Tula Sister City needed to be addressed.).

Mayor Patterson suggested Council give direction to revisit the contingencies.

Council Member Hughes and Staff discussed the need for Council to understand what occurred during 2010-2011 prior to accepting the budget presented tonight. Staff suggested they take a look at a way to open up the budget formulation process more, at an earlier stage.

Vice Mayor Schwartzman and Staff discussed wanting to wait until the next quarter to make adjustments.

Council discussed whether the information provided (handout from Mr. Lowry -

copy on file) after the agenda was prepared should be considered as substantial. Council majority did not feel it was substantial, however, the public did not have a chance to review the information prior to the meeting.

Public Comment:

Dennis Lowry - Mr. Lowry discussed the handout he gave to Council.

Dan Smith - Mr. Smith discussed the information provided by Mr. Lowry.

Robert Langston - Mr. Langston did not think the information provided by Mr. Lowry was substantial.

End of public comment

Council Member loakimedes discussed the need to have a document that was easily understood, so the public could understand what was going on.

Council Member Campbell asked to have the 19 budget adjustments listed on page VIII.B.19 discussed in detail. Staff suggested continuing the meeting to another time if they needed that level of detail.

Council Member Hughes made a motion to continue the full budget review item to a future meeting, with the exception of the two items discussed (\$750 for the Tula Sister City, and \$4,300 for the CAC).

On motion of Mayor Patterson Council found the information provided by Mr. Lowry was not substantial enough to continue the agenda item, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes

Noes: loakimedes

On motion of Council Member Hughes, seconded by Vice Mayor Schwartzman, Council approved continuing the full budget review item to a future meeting, with the exception of the two items discussed (\$750 for the Tula Sister City, and \$4,300 for the CAC), on roll call by the following vote:

Ayes: Patterson, Schwartzman, Hughes, loakimedes

Noes: Campbell

C. Council Member Committee Reports

1. **Mayor's Committee Meeting. (Mayor Patterson) Next Meeting Date: October 19, 2011**
2. **Association of Bay Area Governments (ABAG). (Mayor Patterson and Council Member loakimedes) Next Meeting Date: TBD**
3. **Finance Committee. (Vice Mayor Schwartzman and Council**

Member Campbell) Next Meeting Date: October 28, 2011

- 4. League of California Cities. (Mayor Patterson and Vice Mayor Schwartzman) Next Meeting Date: TBD**
- 5. School Liaison Committee. (Council Members Ioakimedes and Hughes) Next Meeting Date: December 15, 2011**
- 6. Sky Valley Open Space Committee. (Council Members Campbell and Hughes) Next Meeting Date: November 2, 2011**
- 7. Solano EDC Board of Directors. (Mayor Patterson and Council Member Campbell) Next Meeting Date: October 20, 2011**
- 8. Solano Transportation Authority (STA). (Mayor Patterson and Council Member Ioakimedes) Next Meeting Date: November 9, 2011- STA's 14th Annual Awards**
- 9. Solano Water Authority-Solano County Water Agency and Delta Committee. (Mayor Patterson and Vice Mayor Schwartzman) Next Meeting Date: November 10, 2011**
- 10. Traffic, Pedestrian and Bicycle Safety Committee. (Council Members Hughes and Ioakimedes) Next Meeting Date: October 20, 2011**
- 11. Tri-City and County Regional Parks and Open Space. (Council Members Campbell and Hughes) Next Meeting Date: December 12, 2011**
- 12. Valero Community Advisory Panel (CAP). (Council Member Hughes) Next Meeting Date: TBD**
- 13. Youth Action Coalition. (Vice Mayor Schwartzman and Council Member Campbell) Next Meeting Date: October 26, 2011**
- 14. ABAG-CAL FED Task Force-Bay Area Water Forum. (Mayor Patterson) Next Meeting Date: December 5, 2011**

IX. ADJOURNMENT:

Mayor Patterson adjourned the meeting at 9:15 p.m.

AGENDA ITEM
CITY COUNCIL MEETING DATE - NOVEMBER 1, 2011
CONSENT CALENDAR

DATE : October 5, 2011

TO : City Manager

FROM : Police Chief

SUBJECT : **RE-DESIGNATION OF STA AS ABANDONED VEHICLE ABATEMENT (AVA) PROGRAM SERVICE AUTHORITY FOR SOLANO COUNTY**

RECOMMENDATION:

Adopt the resolution re-designating STA as the Abandoned Vehicle Abatement (AVA) Program Service Authority for Solano County and authorizing extension of the STA service fee.

EXECUTIVE SUMMARY:

The City of Benicia AVA Fee Program sunsets, by State statute, on April 30, 2012. The California Vehicle Code (VC) Section 9250.7(g) allows each AVA program member agencies to extend their sunset date for the program in 10-year increments.

BUDGET INFORMATION:

Through reimbursement of enforcement activities, the city receives approximately \$10,000 per fiscal year funded through this program. Not adopting the resolution would result in the City of Benicia AVA Fee Program ending on April 30, 2012.

GENERAL PLAN:

N/A

STRATEGIC PLAN:

N/A

BACKGROUND:

The Solano Transportation Authority (STA) has acted as the Abandoned Vehicle Abatement Service Authority in Solano County since 1991, pursuant to California Vehicle Code Section 22710. This code allows for the establishment of a service authority for the abatement of abandoned vehicles, and a (\$1.00) one dollar vehicle registration fee imposed within a county if the board of supervisors of the county and a majority of the cities adopt resolutions providing for the establishment of the authority and imposition of the fee. The service authority

may establish procedures for the abatement, removal, and disposal as a public nuisance, of an abandoned, wrecked, dismantled, or inoperative vehicle from private or public property.

Pursuant to California Vehicle Code Section 9250.7, the State of California collects the (\$1.00) one-dollar annual service fee on motor vehicles registered to owners residing in Solano County.

Attachment:

- Proposed Resolution

RESOLUTION NO. -

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA RE-DESIGNATION OF THE SOLANO TRANSPORTATION AUTHORITY (STA) AS THE ABANDONED VEHICLE ABATEMENT (AVA) PROGRAM SERVICE AUTHORITY FOR SOLANO COUNTY

WHEREAS, the Solano Transportation Authority (STA), has acted as the Abandoned Vehicle Abatement Service Authority in Solano County since 1991, pursuant to California Vehicle Code Section 22710; and

WHEREAS, pursuant to California Vehicle Code Section 9250.7, the State of California imposes a one dollar (\$1) annual service fee on motor vehicles registered to owners residing in Solano County; and

WHEREAS, existing authority to collect the one dollar (\$1) STA service fee is set to expire in April 2012; and

WHEREAS, California Vehicle Code Section 9250.7 has been amended to allow for a ten (10) year extension of the STA service fee upon approval by two-thirds of the members of the County Board of Supervisors and a majority of the cities having a majority of the incorporated population within the county, adopt a resolution providing for the extension of the fee; and

WHEREAS, on September 14, 2011, the STA Board adopted a resolution authorizing extension of the STA service fee; and

WHEREAS, it is desirable to the residents of City of Benicia that the vehicle abatement program continue.

NOW, THEREFORE, BE IT RESOLVED THAT, the City Council of the City of Benicia confirms that the \$1 STA service fee shall be extended until April 2022.

On motion of Council Member _____, seconded by _____, 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, 2011, and adopted by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

ATTEST:

Lisa Wolfe, City Clerk

AGENDA ITEM
CITY COUNCIL MEETING DATE - NOVEMBER 1, 2011
CONSENT CALENDAR

DATE : October 18, 2011

TO : City Manager

FROM : Parks and Community Services Director

SUBJECT : **AWARD OF CONSTRUCTION CONTRACT FOR REPLACEMENT OF RETAINING WALL AT SOUTHAMPTON PARK**

RECOMMENDATION:

Adopt the resolution accepting the bid for the replacement of the retaining wall at Southampton Park, awarding the construction contract, to H. Bray Construction of Benicia California, in the amount of \$34,600 and authorizing the City Manager to sign the contract on behalf of the City.

EXECUTIVE SUMMARY:

On September 1, 2011 construction plans were made available for public bidding. On October 7, 2011, the bidding period closed and the City received and opened three bids from H. Bray Construction, M.A. Rohrer Construction and A. J. Vasconi Construction. The contractor, H. Bray Construction, is well regarded in the area for their work and has successfully completed projects that include, work at the Benicia Police Department, Fire Station 12, Alvarez Park at 9th street, and the Benicia Library.

BUDGET INFORMATION:

Staff has identified \$34,600 for construction of this project, through the facility maintenance fund and assigned account #113-9205-9627. To date, the City has expended \$6,380 from account # 010-9505-8100 on design and construction documents. The total construction cost of the project is \$40,980. The City's insurance carrier will reimburse these funds in full less the City's deductible of \$5,000.

GENERAL PLAN:

- Goal 2.28: Improve and maintain public facilities and services.

STRATEGIC PLAN:

- Strategic Issue 4: Preserving and Enhancing Infrastructure

- Strategy #4: Provide adequate funding for ongoing infrastructure needs

BACKGROUND:

On May 25, 2011 an unknown driver of a stolen vehicle pushed or drove a vehicle into the Southampton Park, striking and damaging the retaining wall by the basketball court. There were no witnesses to the collision and the driver had fled the scene and has not been identified. The scope of this project includes: demolition and replacement of the existing retaining wall and fencing.

Bid Results:

RANK	BIDDER'S NAME AND ADDRESS	Total BID
1	H. BRAY CONSTRUCTION	\$34,600.00
2	M.A. ROHRER CONCRETE CONSTRUCTION	\$37,844.20
3	A.J. VASCONI	\$57,470.00

The bid is based on the engineered drawing by Cullen-Sherry & Associates. In accordance with the contract specifications, the construction contract should be awarded to the bidder submitting the lowest responsive responsible total bid, which is H. Bray Construction of Benicia, California.

Since the bid is within the project budget, staff recommends that the construction contract be awarded to H. Bray construction in the amount of \$34,600. Due to the nature of this project, staff believes that we will not encounter any unforeseen issues and is not asking for a contingency.

If the City Council awards the construction contract, construction should begin by mid November and be completed by December 2011, weather permitting. Upon completion of this scope of the project, the basketball court will re-open for use.

Attachment:

- Proposed Resolution: Award Construction Contract

RESOLUTION NO. 11-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA ACCEPTING THE BIDS FOR THE REPLACEMENT OF THE RETAINING WALL AT SOUTHAMPTON PARK, AWARDING THE CONSTRUCTION CONTRACT TO H. BRAY CONSTRUCTION OF BENICIA, CALIFORNIA IN THE AMOUNT OF \$34,600, AND AUTHORIZING THE CITY MANAGER TO SIGN THE CONSTRUCTION CONTRACT ON BEHALF OF THE CITY

WHEREAS, the City of Benicia's retaining wall replacement project was advertised for construction bids, and 3 bids were properly received and opened on October 07, 2011; and

WHEREAS, H. Bray construction of Benicia, California was the lowest, responsive, responsible bidder; and

WHEREAS, H. Bray Construction is well regarded in the area for their work and has successfully completed projects that include, work at the Benicia Police Department, Fire Station 12, Alvarez Park at 9th street, and the Benicia Library; and

WHEREAS, this project is exempt from the California Environmental Quality Act under Article 19, Categorical Exemptions, Section 15301, Existing Facilities, and 15302, Replacement or Reconstruction; and

WHEREAS, sufficient funds are available in the project budget.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Benicia hereby accepts the bid and awards the construction contract in the amount of \$34,600 to H. Bray construction of Benicia, California for the retaining wall replacement at Southampton Park.

BE IT FURTHER RESOLVED THAT the City Manager is hereby authorized to sign the construction contract on behalf of the City, subject to approval by the City Attorney.

On motion of Council Member _____ and 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, 2011, and adopted by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk

AGENDA ITEM
CITY COUNCIL MEETING DATE - NOVEMBER 1, 2011
CONSENT CALENDAR

DATE : October 21, 2011

TO : City Manager

FROM : Public Works & Community Development Director

SUBJECT : **GRANT A UTILITY EASEMENT TO PACIFIC GAS & ELECTRIC TO CONNECT THE VETERANS' HALL TRANSFORMER WITH THE UNDERGROUND POWER SOURCE**

RECOMMENDATION:

Adopt a resolution granting a utility easement to Pacific Gas & Electric Company to connect the Veterans' Hall transformer with the underground power source.

EXECUTIVE SUMMARY:

This action grants a no-cost utility easement to PG&E in order to connect the Veterans' Hall transformer with the underground power source. The easement is 10x15 feet and is located in the landscaped area between the Veterans' Hall and the pathway that leads to the Benicia Public Library.

BUDGET INFORMATION:

The City recommends that the easement be dedicated to PG&E at no cost. The County owns the land on which the Veterans' Hall is located. Since the Veterans' Hall provides a benefit to citizens beyond the estimated value of the easement, no easement compensation is necessary. Based on appraisal of similar property in Benicia, the value of the easement would be \$7.50.

ENVIRONMENTAL ANALYSIS:

The proposed grant of easement is Categorical Exempt under Section 15301(c) Existing Facilities because the utility easement does not expand an existing use.

GENERAL PLAN:

- Goal 2.28: Improve and maintain public facilities and services

STRATEGIC PLAN:

- Strategic Issue 4: Preserving and Enhancing Infrastructure
 - Strategy 1: Provide safe, functional and complete streets

BACKGROUND:

Pacific Gas & Electric requires a 10x15-foot easement from the City in order to connect the Veterans' Hall transformer with the underground power source. This area is located on landscaped City property between the Veterans' Hall parking lot and the path along the Library. PG&E will perform all work within an existing underground conduit, so the landscaping will not be disturbed. This project benefits the Veterans' Hall, which is owned by Solano County. Attached is a photograph showing the area of the easement.

The easement documents provide PG&E the right to install and maintain facilities and contain standard conditions that are necessary to assure that safety and operational requirements are met. The easement needs to be approved and recorded prior to PG&E connecting the Veterans' Hall to electric power.

Attachments:

- ❑ Proposed Resolution
- ❑ Photograph of Easement Area
- ❑ Easement Deed

RESOLUTION NO. 11-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA GRANTING A UTILITY EASEMENT TO PACIFIC GAS & ELECTRIC COMPANY TO CONNECT THE VETERAN'S HALL TRANSFORMER WITH THE UNDERGROUND POWER SOURCE

WHEREAS, Pacific Gas & Electric Company needs to connect the Veteran's Hall transformer with the underground power source; and

WHEREAS, this work requires a 10- by 15-foot easement as the location is in the City's right-of-way; and

WHEREAS, the City is dedicating the easement to PG&E at no cost; and

WHEREAS, said lands are categorically exempt under Section 15301(c) of the California Environmental Quality Act.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Benicia hereby grants a utility easement to Pacific Gas & Electric Company to connect the Veteran's Hall transformer with the underground power source and authorizes the City Manager to sign the Easement Deed on behalf of the City, subject to approval and minor modifications by the City Attorney.

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to file a certified copy of this resolution and fully executed Easement Deed with the Solano County Recorder.

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, 2011, and adopted by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk



Easement Area

File: Council picture easement Vets Hall .vsd LastRev: Oct 21, 2011



CITY OF BENICIA

PUBLIC WORKS
DEPARTMENT

PG&E Utility Easement to connect the Veteran's Hall
transformer with the underground power source
Council Report Photograph

PROJECT

Vet's Hall Easement

DATE

October 21, 2011

SHEET

1 of 1

VII.D.5

RECORDING REQUESTED BY AND RETURN TO:

PACIFIC GAS AND ELECTRIC COMPANY
Land Services Office
1850 Gateway Boulevard, 7th Floor
Concord, CA 94520

Location: City/Uninc _____

Recording Fee \$ _____

Document Transfer Tax \$ _____

- This is a conveyance where the consideration and Value is less than \$100.00 (R&T 11911).
- Computed on Full Value of Property Conveyed, or
- Computed on Full Value Less Liens & Encumbrances Remaining at Time of Sale

Signature of declarant or agent determining tax

(SPACE ABOVE FOR RECORDER'S USE ONLY)

LD#

EASEMENT DEED

CITY OF BENICIA, a public body of the State of California,

hereinafter called Grantor, hereby grants to PACIFIC GAS AND ELECTRIC COMPANY, a California corporation, hereinafter called Grantee, the right from time to time to construct, reconstruct, install, inspect, maintain, replace, remove, and use facilities of the type hereinafter specified, together with a right of way therefor, within the easement area as hereinafter set forth, and also ingress thereto and egress therefrom, over and across the lands of Grantor situate in the City of Benicia County of Solano, State of California, described as follows:

(APN 0088-141-070)

The parcel of land described in the City of Benicia's Resolution No. 89-99 deed dated June 6, 1989 and recorded as Official Record Series Number 890041767, Solano County Records.

Said facilities and easement area are described as follows:

Such underground conduits, pipes, manholes, service boxes, wires, cables, and electrical conductors; aboveground marker posts, risers, and service pedestals; underground and aboveground switches, fuses, terminals, and transformers with associated concrete pads; and fixtures and appurtenances necessary to any and all thereof, as Grantee deems necessary for the distribution of electric energy and communication purposes described as follows:

A strip of land of the uniform width of 10 feet extending from the northerly boundary line of Lot 13, Block 41, as shown on The Official Map of the City of Benicia, filed in Book 1 of Maps at page 124, Solano County Records, northeasterly to the southerly boundary line of existing PG&E easement recorded as Series Number 1992-00026682 and lying 5 feet on each side of the line described as follows:

Commencing at the most westerly point on said northerly boundary line of said Lot 13 and running southeasterly along said northerly boundary line

(a) South 60°04'12" East 100.00 feet

to the TRUE POINT OF BEGINNING of said line; thence leaving said northerly line

(1) north 29°55'48" east 20.00 feet, more or less, to the south boundary line of said existing PG&E easement recorded as Series Number 1992-00026682, Official Records of Solano County.

Pacific Gas and Electric Company's drawing No. 30845067 is recorded for reference purposes only.

Grantor further grants to Grantee the right, from time to time, to trim trees and brush along each side of said easement area which now or hereafter in the opinion of Grantee may interfere with or be a hazard to the facilities installed hereunder, or as Grantee deems necessary to comply with applicable state or federal regulations.

Grantor shall not erect or construct any building or other structure or drill or operate any well within said easement area.

The legal description herein, or the map attached hereto, defining the location of this utility distribution easement, was prepared by Grantee pursuant to Section 8730 (c) of the Business and Professions Code.

The provisions hereof shall inure to the benefit of and bind the successors and assigns of the respective parties hereto.

Dated: _____, _____.

CITY OF BENICIA,
a public body of the State of California

By _____

Print name & title

By _____

Print name & title

North Coast Area, North Bay Division
Land Service Office: Concord RMC
Operating Department: Underground Electric
USGS location: MDM 2 North R 3 West, Section 2, NE ¼ of NE ¼
FERC License Number(s): N/A
PG&E Drawing Number(s): 30845067
PLAT NO.: RR-42-11
LD of any affected documents: N/A
LD of any Cross-referenced documents: 2402-03-0686
TYPE OF INTEREST: 4,6,43
SBE Parcel Number: N/A
(For Quitclaims, % being quitclaimed) N/A
Order # or PM #: 30845067
JCN: N/A
County: Solano
Utility Notice Numbers: N/A
851 Approval Application No. N/A Decision N/A
Prepared By: M7B4
Checked By: KJFC, JKSZ
Approval By: RMBF
Revision Number: 1

State of California
County of _____)

On _____, before me, _____,
Here insert name and title of the officer

personally appeared _____

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature of Notary Public

(Seal)

CAPACITY CLAIMED BY SIGNER

- Individual(s) signing for oneself/themselves
- Corporate Officer(s) of the above named corporation(s)
- Trustee(s) of the above named Trust(s)
- Partner(s) of the above named Partnership(s)
- Attorney(s)-in-Fact of the above named Principal(s)
- Other _____

FOR REFERENCE PURPOSES ONLY

T2N, R3W, M.D.B.&M.
 SEC 2, NE 1/4 OF NE 1/4

STATE MILITARY HIGHWAY

CITY OF BENICIA

APN 088-141-070

ABANDONED RESOLUTION O.R. #890041767

PG&E EASEMENT:
 SERIES No. 1992-00026682
 LD 2402-03-0686

N 29°55'48" E 20'+/-

S 60°04'12" E 100.00'

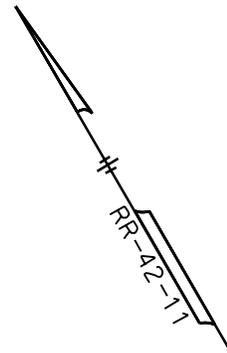
POC

POB

FIRST STREET (80' R/W)

APN 088-141-010
 1150 FIRST STREET

LOT 13, BLOCK 41
 Book 1 of Maps, page 124,
 Solano County Records.



UNLESS OTHERWISE SHOWN ALL COURSES EXTEND TO OR ALONG BOUNDARIES OR LINES

Applicant:				SCALE	DATE
BENICIA VETERAN'S HOUSE COMMISSION				1"=20'	10/21/11
SECTION	TOWNSHIP	RANGE	MERIDIAN	COUNTY OF:	CITY OF:
2	2N	3W	M.D.M.	SOLANO	BENICIA
PLAT MAP				F.B.:	CH.BY:
RR-42-11				R9M1/ERAD DR.BY: KJFC/M7B4	JKSZ
REFERENCES				PG&E	DRAWING NO.
LD 2402-03-0686				NORTH BAY DIVISION	30845067
				N/A AUTHORIZ	

