

**November 7, 2006  
BENICIA CITY COUNCIL  
CITY COUNCIL CHAMBERS  
SPECIAL MEETING AGENDA**

**November 7, 2006**

**6:00 P.M.**

- **CALL TO ORDER:**
- **CONVENE OPEN SESSION:**
  - **ROLL CALL**
  - **PLEDGE OF ALLEGIANCE**
  - **REFERENCE TO THE FUNDAMENTAL RIGHTS OF PUBLIC**
- **OPPORTUNITY FOR PUBLIC COMMENT:**
  - **WRITTEN**
  - **PUBLIC COMMENT**
- **CLOSED SESSION:**
  - **CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION (Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9)**  
**Number of potential cases: 1**
  - **CONFERENCE WITH LABOR NEGOTIATOR (Government Code Section 54957.6 (a))**  
**Agency negotiators: City Manager, Human Resources Director, Senior Human Resources Analyst**
  - **Employee organization: Benicia Police Officers Association**
- **ADJOURNMENT:**

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**BENICIA CITY COUNCIL  
CITY COUNCIL CHAMBERS  
REGULAR MEETING AGENDA**

**November 7, 2006**

**7:00 P.M.**

- **CALL TO ORDER:**
- **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 and Commissions:**  
**People Using Resources Efficiently (PURE) Committee:**  
**-One immediate opening**

- **Open Government Commission:**  
-One unexpired term to December 6, 2007
- **Sky Valley Open Space Committee:**  
-One full term to September 30, 2010
- **Planning Commission:**  
-One unexpired term to October 7, 2007
- **Civil Service Commission:**  
-One full term to January 30, 2010
- **Parks, Recreation & Cemetery Commission:**  
-One full term to January 30, 2011
- **APPOINTMENTS:**
  - **Parks, Recreation & Cemetery Commission:**  
Ernie Gutierrez -One full term to November 30, 2010
  - **Open Government Commission:**  
Dean O'Hair -One full term to November 30, 2010
  - **Civil Service Commission:**  
Arlan Williams - One full term to August 30, 2009
  - **Building Board of Appeals:**  
-Ulf Werner - One full term to November 30, 2010  
-Michael White - One full term to November 30, 2010  
-Patrick Donaghue - One full term to November 30, 2010
- **PRESENTATIONS:**
  - **Presentation of Findings from League of Women Voters Study of East Second Street Corridor**  
- Luanna Salzman and Jan Cox Golovich, League of Women Voters Benicia
- **PROCLAMATIONS:**
  - **Lung Cancer Awareness Month - November, 2006**
- **ADOPTION OF AGENDA:**
- **OPPORTUNITY FOR PUBLIC COMMENT:**
  - **WRITTEN**
  - **PUBLIC COMMENT**
- **CONSENT CALENDAR:**
  - **Approval of Minutes of October 17, 2006. (City Clerk)**
  - **Denial of the claims against the City by Suzanne Hamill and Diane Graybehl, and referral to insurance carrier. (City Attorney)**

**Ms. Hamill tripped and fell over a ramp at City Hall. The claim is being denied because there have been no previous accidents in this area and Ms. Hamill admitted she was not watching where she was going. The amount of the claim is unknown at this time.**

**Ms. Graybehl submitted a claim for damage to her property as result of the flooding caused by the heavy amount of rain on December 31, 2005. The total**

amount of the claim is \$31,661.27.

**Recommendation:** Deny the claims against the City by Suzanne Hamill and Diane Graybehl.

- Adoption of updated California Environmental Quality Act ("CEQA") Guidelines. (City Attorney)

On October 12, 2006, the Planning Commission reviewed the revised California Environmental Quality Act (CEQA) Guidelines and recommended they be approved by the City Council. The Commission also recommended that the Council direct to staff to continue to work on the Guidelines to further tailor them to the needs of the City of Benicia. The Guidelines are intended to incorporate the changes in State Law in 2004 and to provide an overview of the Environmental Review Process in the City. There are no budget impacts beyond the staff time necessary to continue work on the Guidelines.

**Recommendation:** Adopt the resolution approving the revised California Environmental Quality Act Guidelines and directing staff to continue work of the Guidelines.

- Acceptance of the Bocce Ball Courts Project at Civic Center Park, including change orders. (Parks & Community Services Director)

The Bocce Ball Courts Project at Civic Center Park, which included the construction of two bocce ball courts, benches and concrete pathways, has been completed for a total construction cost of \$79,412.90. Formal acceptance of the work by the City Council is now required to allow the final contract to be made to the contractor. This project was a budgeted expenditure.

**Recommendation:** Adopt a resolution accepting the Bocce Ball Courts Project at Civic Center Park, including final change orders, as complete, authorizing the City Manager to sign the Notice of Completion, and authorizing the City Clerk to file said notice with the Solano County Recorder.

- Approval to waive the reading of all ordinances introduced and adopted pursuant to this agenda.
- **PUBLIC HEARINGS:**
  - Introduction of an ordinance amending the Affordable Housing Density Bonus (Section 17.70.270) of the Benicia Municipal Code. (Community Development Director)  
A draft ordinance has been prepared to amend Section 17.70.270 (Affordable Housing Density Bonus) of Benicia's Title 17, Zoning Ordinance, as required by Senate Bill (SB) 1818 (which became effective January 1, 2005) and SB 435 (which was approved by the Governor in October, 2005.) Some amendments are proposed to simplify or clarify existing regulations, without any significant or substantive change. The substantive amendments are proposed to bring the

City's ordinance in compliance with the revised State law.

**Recommendation:** Hold a public hearing, take testimony and consider all relevant documents and information and then introduce the proposed ordinance approving the text amendment to amend Benicia Municipal Code Section 17.70.270 (Affordable Housing Density Bonus).

- **ACTION ITEMS:**

- **Authorization of an agreement pertaining to the Utility Users Tax with Valero Refining Corporation - California. (Finance Director)**

The ten-year Letter Agreement with Valero pertaining to the Utility Users Tax expired on December 31, 2005 and was temporarily extended to December 31, 2006 pending the development of a new agreement. The revised agreement took many hours of collaborative effort involving Valero Management, two Council Members and City staff. The new agreement utilizes a "rolling five-year average" that will allow it to be self-renewing for two decades, unless either party chooses to withdraw after the initial 10-year term. The calculated annual payment will begin at \$2.057 million for the City's fiscal year 2006-07 and will be payable monthly. This amount will also be applied retroactively to July 1, 2005, which will generate a combined catch-up payment through October 31, 2006 of \$1.235 million.

**Recommendation:** Adopt the resolution authorizing the City Manager to sign the attached agreement pertaining to the Utility Users Tax (UUT) with the Valero Refining Company - California (Valero).

- **INFORMATIONAL ITEMS:**

- **Reports from City Manager.**

**Announcement of Strategic Plan Update. (City Manager)**

A summary of the timeline and process for the upcoming Strategic Plan Update will be provided to the City Council. The Strategic Plan is a statement of the City's Vision, major constraints and opportunities impacting the Vision, as well as Strategies and Actions to achieve the Vision. Following completion of a tool kit of useful background information, Departments, City Boards and Commissions, and the public will be invited to identify Strategic Issues facing the City and appropriate Actions for addressing them.

**Recommendation:** For information only. No action necessary, comments welcome.

- **Scheduling consideration of policy-related proposals. (City Manager)**

The City Council will review summaries of proposed policy topics to determine scheduling priorities for study sessions or regular meetings.

**Recommendation:** Review and provide direction to staff.

- **COMMENTS FROM COUNCIL MEMBERS:**

- **Request to consider accepting the San Francisco Bay Area Integrated Regional Water Management Plan. (Council Member Patterson)**  
**Council Member Patterson has requested that the City Council consider action on the San Francisco Bay Area Integrated Regional Water Management Plan, which will be submitted to the State by January.**

**Recommendation: Be advised of the request to agendaize this item for action.**

- **ADJOURNMENT:**

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### **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 agendaized and nonagendaized 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.**

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### **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.**

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### **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.**