

## **November 15, 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 15, 2005**

### **7:15 PM**

- I. CALL TO ORDER:
  - II. CONVENE OPEN SESSION:
  - III. ROLL CALL:
    - A. PLEDGE OF ALLEGIANCE
    - B. REFERENCE TO THE FUNDAMENTAL RIGHTS OF PUBLIC
  - IV. COMMUNICATIONS:
    - A. WRITTEN
    - B. PUBLIC COMMENT
  - V. CLOSED SESSION:
    - A. **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION** (Subdivision (a) of Government Code Section 54956.9)
      - Name of case: 1. Togonon v. City of Benicia
  - VI. ADJOURNMENT:
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### **Benicia City Council Agenda**

### **BENICIA CITY COUNCIL**

#### **CITY COUNCIL CHAMBERS**

### **REGULAR MEETING AGENDA**

## **November 15, 2005**

### **7:30 P.M.**

- I. CALL TO ORDER:
- II. CONVENE OPEN SESSION:
- III. ROLL CALL:
  - A. PLEDGE OF ALLEGIANCE
  - B. REFERENCE TO THE FUNDAMENTAL RIGHTS OF PUBLIC
- IV. ANNOUNCEMENTS/APPOINTMENTS/PRESENTATIONS/PROCLAMATIONS:
  - A. ANNOUNCEMENTS:
    1. Announcement of action taken at Closed Session, if any.
    2. Openings on Boards & Commissions:

- Open Government Commission: 5 terms ranging from 1-4 years
  - Library Board of Trustees - 2 terms
- B. APPOINTMENTS:
1. [Atiba Murphy, Benicia Housing Authority Board of Commissioners](#)
  2. [Richard Sprankle, Benicia Housing Authority Board of Commissioners](#)
  3. [Joel Fallon, Benicia Poet Laureate](#)
- C. PRESENTATIONS:
- Steve Booth, Benicia Firefighters Association
- D. PROCLAMATIONS:
- V. ADOPTION OF AGENDA:
- VI. COMMUNICATIONS:
1. WRITTEN
  2. PUBLIC COMMENT
- VII. CONSENT CALENDAR:
- **Approval of Minutes of Special and Regular Meetings of October 31, 2005 and November 1, 2005. (City Clerk)**
- A. **Denial of the claims against the City and referral to insurance carrier. (City Attorney)**
0. [Maria Daffon: 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.](#) (Continued from November 1, 2005 City Council Meeting.)
  1. [Barbara Gates: This claim involves the repair of a cracked window and dents in the siding of her mobile home from being hit by baseballs from Fitzgerald Field.](#)
    - **Recommendation: Deny the claim against the City by Maria Daffon and Barbara Gates.**
- B. **[Approval of engineering services agreement for design of the State Park Road Bike/Pedestrian Bridge Project.](#) (Public Works Director)**
- Conceptual plans for the State Park Road Bike/Pedestrian Bridge Project have been completed and it is proposed to continue to use the same consulting firm to complete the environmental and 35% engineering work. The \$124,573 available in grant monies will fully fund the consultant fees for this work and no local matching funds are required.

**Recommendation: Adopt the resolution approving a consultant agreement with Pakpour Consulting Group for engineering services for the State Park Road/Pedestrian Bridge Project, approving Task Order No. 1 in the amount of \$124,445 and authorizing the City Manager to execute the agreement on behalf of the City.**

D. **[Selection of Downtown Parking Directional Signs.](#) (Public Works Director)**

After input from three community groups and a public workshop, the graphic design of the existing signs that direct motor vehicle drivers to downtown parking areas is proposed to be changed to include the "Downtown Benicia" logo so that there is consistency with the directional signs elsewhere in the city. Funding for this work, estimated at \$2,500, is available in the Street Signs and Paint Supplies account.

**Recommendation: Adopt the resolution approving the selection of the "Downtown Benicia" design as the official directional sign to downtown parking.**

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

IX. PUBLIC HEARINGS:

E. **[Review of City of Benicia Urban Water Management Plan - 2005 Update.](#) (Public Works Director)**

The State Urban Water Management Planning Act (Act) requires water suppliers to update their plans at least every five years and to submit them to the Department of Water Resources by December 31 in the years ending in 0 and 5. An Urban Water Management Plan (UWMP) serves as a long-range planning document for water supply and demand management measures, is a key component to integrated regional water management plans, and is an important source and interdependent document for cities and counties in the preparation and implementation of their general plans. There are no direct budget impacts associated with this action.

**Recommendation: Conduct a public hearing to receive oral comments or written statements concerning the 2005 update to the City's Urban Water Management Plan.**

IX. UNFINISHED BUSINESS:

- A. **[Discussion of policy for City assistance to disaster victims - continued from November 1, 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.**

X. NEW BUSINESS:

- A. **[Discussion of Vice Mayor Patterson's proposed Grading Ordinance amendments - continued from November 1, 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.**

- B. **[Cancellation of the December 20, 2005 City Council Meeting.](#) (City Manager)**

Staff recommends the cancellation of the December 20, 2005 City council meeting due to decreased availability of staff and members of the public during the holiday season.

**Recommendation: Authorize, by motion, cancellation of the December 20, 2005 meeting.**

- C. **[Review of request to televise Historic Preservation Review Commission Meetings.](#) (Vice Mayor Patterson)**

This report is in response to a request from Vice Mayor Patterson that the Historic Preservation Review Commission meetings be made available for viewing on the public cable channel. This request was prompted by a comment made by a citizen during Public Comment at a recent City Council meeting that these meetings should be televised.

**Recommendation: Review request and provide direction to staff, as needed.**

XI. REPORTS FROM CITY MANAGER:

- A. [Review of proposed joint use agreements with Benicia Unified School District \(BUSD\) - continued from November 1, 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.**

XII. REPORTS FROM CITY COUNCIL COMMITTEES:

A. **Committee Reports:**

1. **Mayors' Committee Meeting (Mayor Messina)**
  - Next Meeting Date: December 21, 2005
2. **Arsenal Restoration Advisory Board (Council Member Campbell)**
  - Next Meeting Date: Not yet scheduled.
3. **Association of Bay Area Governments (ABAG) (Vice Mayor Patterson)**
  - Next Meeting Date: April 20, 2006
4. **Audit & Finance Committee (Council Member Campbell and Vice Mayor Patterson)**
  - Next Meeting Date: December 9, 2005
5. **Carquinez Strait Preservation Trust (Council Member Smith)**
  - Next Meeting Date: Not yet scheduled.
6. **First Street Revitalization Committee (Council Member Smith and Campbell)**
  - Next Meeting Date: December 8, 2005
7. **League of California Cities (Council Member Smith)**
  - Next Meeting Date: Not yet scheduled.
8. **Police Station and Civic Center Restoration Committee (Council Member Smith and Mayor Messina)**
  - Next Meeting Date: Not scheduled
9. **School District Liaison (Council Members Whitney and Smith)**
  - Next Meeting Date: November 17, 2005
10. **Sky Valley Area Open Space (Vice Mayor Patterson and Council Member Smith)**
  - Next Meeting Date: To be determined at November 9, 2005 meeting.
11. **Solano EDC Board of Directors (Vice Mayor Patterson)**
  - Next Meeting Date: November 17, 2005

12. **Solano Transportation Authority (STA) (Mayor Messina)**
    - Next Meeting Date: December 14, 2005
  13. **Solano Water Authority/Solano County Water Agency (Mayor Messina)**
    - Next Meeting Date: December 8, 2005
  14. **Traffic, Pedestrian and Bicycle Safety Committee (Vice Mayor Patterson and Council Member Campbell)**
    - Next Meeting Date: January 19, 2006
  15. **Tri-City and County Regional Parks and Open Space (Council Member Whitney)**
    - Next Meeting Date: December 12, 2005.
  16. **Urban Water Management Planning Task Force (Vice Mayor Patterson and Mayor Messina)**
    - Next Meeting Date: No further meetings scheduled.
  17. **Valero Community Advisory Panel (CAP) (Council Member Whitney)**
    - Next Meeting Date: January 26, 2006
  18. **Youth Action Task Force (Council Member Whitney)**
    - Next Meeting Date: December 7, 2005
- B. ABAG/CAL FED Task Force/Bay Area Water Forum (Vice Mayor Patterson)**
  - Next Meeting Date: Not yet scheduled.

XIII. 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 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.

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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.

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## 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 Adoba Acrobat reader installed in your web browser.

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

-  [IV-B-1 appointment bha Atiba Murphy.pdf](#)
-  [IV-B-2 appointment bha Richard Sprankle.pdf](#)
-  [IV-B-3 Joe Fallon Poet Laureate.pdf](#)
-  [VII-B-1 Denial of Claim-Daffon.pdf](#)
-  [VII-B-2 Denial of Claim-Gates.pdf](#)
-  [VII-C State Park Rd Engineering.pdf](#)
-  [VII-D Directional Signs.pdf](#)
-  [VIII-A Staff Report UWMP Update.pdf](#)
-  [IX-A Disaster Assistance.pdf](#)
-  [X-A Grading Revisions.pdf](#)
-  [X-B Cancel December Meeting.pdf](#)
-  [X-C televise HPRC.pdf](#)
-  [XI-A Joint Use Agreement-051115.pdf](#)

**RESOLUTION NO. 05-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA  
CONFIRMING THE MAYOR'S REAPPOINTMENT OF ATIBA MURPHY TO THE  
BENICIA HOUSING AUTHORITY BOARD OF COMMISSIONERS TO A FULL TERM  
ENDING DECEMBER 31, 2007**

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Benicia that the reappointment of Atiba Murphy as a tenant commissioner to the Benicia Housing Authority Board of Commissioners by Mayor Messina is hereby confirmed.

\*\*\*\*\*

The above Resolution was approved by roll call by the City Council of the City of Benicia at a regular meeting of said Council held on the 15th day of November, 2005 and adopted by the following vote:

Ayes:

Noes:

Absent:

\_\_\_\_\_  
Steve Messina, Mayor

Attest:

\_\_\_\_\_  
Lisa Wolfe, City Clerk

**RESOLUTION NO. 05-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA  
CONFIRMING THE MAYOR'S REAPPOINTMENT OF RICHARD SPRANKLE TO  
THE BENICIA HOUSING AUTHORITY BOARD OF COMMISSIONERS TO A FULL  
TERM ENDING DECEMBER 31, 2007**

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Benicia that the reappointment of Richard Sprankle as a tenant commissioner to the Benicia Housing Authority Board of Commissioners by Mayor Messina is hereby confirmed.

\*\*\*\*\*

The above Resolution was approved by roll call by the City Council of the City of Benicia at a regular meeting of said Council held on the 15th day of November, 2005 and adopted by the following vote:

Ayes:

Noes:

Absent:

\_\_\_\_\_  
Steve Messina, Mayor

Attest:

\_\_\_\_\_  
Lisa Wolfe, City Clerk

**RESOLUTION NO. 05-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA  
CONFIRMING THE MAYOR'S APPOINTMENT OF JOEL FALLON AS BENICIA  
POET LAUREATE TO A TERM THAT IS EFFECTIVE IMMEDIATELY AND ENDS  
AUGUST 31, 2007**

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Benicia that the appointment of Joel Fallon as Poet Laureate of Benicia by Mayor Messina is hereby confirmed.

\*\*\*\*\*

The above Resolution was approved by roll call by the City Council of the City of Benicia at a regular meeting of said Council held on the 15th day of November, 2005 and adopted by the following vote:

Ayes:

Noes:

Absent:

\_\_\_\_\_  
Steve Messina, Mayor

Attest:

\_\_\_\_\_  
Lisa Wolfe, City Clerk

**RESOLUTION NO. 05-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA  
CONFIRMING THE MAYOR'S APPOINTMENT OF JOEL FALLON AS BENICIA  
POET LAUREATE TO A TERM THAT IS EFFECTIVE IMMEDIATELY AND ENDS  
AUGUST 31, 2007**

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Benicia that the appointment of Joel Fallon as Poet Laureate of Benicia by Mayor Messina is hereby confirmed.

\*\*\*\*\*

The above Resolution was approved by roll call by the City Council of the City of Benicia at a regular meeting of said Council held on the 15th 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 15, 2005  
CONSENT CALENDAR**

**DATE** : November 2, 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. This claim was previously placed on the November 1, 2005 agenda for denial. The claim was tendered to MV Transportation but the City had not received a confirmation that they had accepted tender of this claim. We have now received confirmation. A copy of MV's letter accepting tender of this claim is attached.

**Attachments:**

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

# **ATTACHMENTS**

**AGENDA ITEM  
CITY COUNCIL MEETING: NOVEMBER 15, 2005  
CONSENT CALENDAR**

**DATE** : October 31, 2005  
**TO** : City Council  
**FROM** : City Attorney  
**SUBJECT** : **DENIAL OF THE CLAIM AGAINST THE CITY BY BARBARA GATES AND REFERRAL TO INSURANCE CARRIER**

**RECOMMENDATION:**

Deny the claim against the City by Barbara Gates.

**EXECUTIVE SUMMARY:**

A claim was submitted by Ms. Gates for the repair of a cracked window and dents in the siding of her mobile home from being hit by baseballs from Fitzgerald Field.

**BUDGET INFORMATION:**

The amount of the claim is unknown.

**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. A claim was submitted by Ms. Gates for repair of her window. She was unable to identify the specific date or time of the incident, or which team was playing at the time of the occurrence. Several different organizations use Fitzgerald Field and the City is covered by each private organizations' liability coverage. Without knowing which team is responsible, the City cannot tender the claim to their insurance company.

Attachment:

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

**VII-B-2-1**

# **ATTACHMENT**

**VII-B-2-2**

**AGENDA ITEM  
CITY COUNCIL MEETING: NOVEMBER 15, 2005  
CONSENT CALENDAR**

**DATE** : November 9, 2005

**TO** : City Manager

**FROM** : Director of Public Works

**SUBJECT** : **ENGINEERING SERVICES AGREEMENT FOR DESIGN OF THE STATE PARK ROAD BIKE/PEDESTRIAN BRIDGE PROJECT**

**RECOMMENDATION:**

Adopt the resolution approving a consultant agreement with Pakpour Consulting Group for engineering services for the State Park Road Bike/Pedestrian Bridge Project, approving Task Order No. 1 in the amount of \$124,445, and authorizing the City Manager to execute the agreement on behalf of the City.

**EXECUTIVE SUMMARY:**

Conceptual plans for the State Park Road Bike/Pedestrian Bridge Project have been completed and it is proposed to continue to use the same consulting firm to complete the environmental and 35% final engineering work. The \$124,573 available in grant monies will fully fund the consultant fees for this work and no local matching funds are required.

**BUDGET INFORMATION:**

The City is the recipient of a \$124,573 Transportation Development Act (TDA) grant for environmental engineering and final engineering design for the State Park Road Bike/Pedestrian Bridge Project. This grant is sufficient to complete the required environmental studies/reports, geotechnical engineering, and 35% final engineering design, estimated to cost \$124,445, for the bridge and pathway. Local matching funds are not required for this grant.

**BACKGROUND:**

The City previously contracted with Berryman and Henigar of Pleasanton to complete preliminary engineering, conceptual plans, and an Advanced Planning Study for this project. While under contract with the City, Berryman and Henigar reorganized its business operations, effectively de-emphasizing engineering design services for small municipal clients, like Benicia. Consequently, the Berryman and Henigar design team formed their own separate consulting firm, Pakpour Consulting Group. Berryman and Henigar submitted a release (attached) authorizing the City to contract with Pakpour directly. Pakpour has performed very well, completing the work in a timely manner and within budget. The Advanced Planning Study has been submitted to CALTRANS for review and a response is anticipated in the near future. Funding for this initial phase of work was provided through an \$85,000 TDA grant.

The City recently received a second TDA grant in the amount of \$124,573 for environmental and final engineering. Based upon their past performance, familiarity with the project at a detailed engineering level, and extensive experience on similar projects, the Pakpour Consulting Group is considered the best candidate to produce the desired results for this next phase of the project.

Task Order No. 1, in the amount of \$124,445, has tentatively been negotiated with Pakpour for environmental and 35% final design engineering. The scope of work includes preparing state and federal environmental documents including a Natural Environmental Study, a Historic Property Survey Report, a Phase I Environmental Site Assessment, a Programmatic 4(f) Evaluation, preparation of a combined Project Study Report/Project Report, a geotechnical investigation, and 35% final design for the pathway and bridge. As the project will most likely be constructed with State and Federal grant monies, work will be performed using CALTRANS and FHWA procedures and is subject to their review and approval.

City staff went through the RFP process five years ago and selected this design team as the best qualified consultant to perform work on this project while they were working for Berryman and Henigar. This same team, now as an independent firm, will be working on this next phase of the project.

It is therefore recommended the City enter into a consultant agreement with Pakpour Consulting Group, Inc. and authorize Task Order No. 1 for environmental and 35% final engineering work on the State Park Road Bike/Pedestrian Bridge Project.

**Project Information:** The State Park Road Bike/Pedestrian Bridge Project is No. 27b on the FY 2005-07 Council Priority List and is identified as one of the top four recommended improvements in the Solano Countywide Bicycle Plan. Constructing this project will provide a critical bicycle/pedestrian connector over I-780, linking the Southamptton residential neighborhood to the north with the high use recreation area to the south, connecting the Bay Trail with the Ridge Trail, and Benicia with Vallejo. Currently there is only a 22-inch wide walkway on the existing bridge immediately adjacent to high-speed vehicular traffic getting on and off the freeway. It is vital to separate the bicyclists and pedestrians from the vehicles.

Attachments:

[Proposed Resolution](#)

*If viewing online, the following documents are available from the City Clerk's office:*

Consultant Agreement and Task Order No.1

Berryman and Henigar Release

State Park Road Bike/Pedestrian Bridge Project Conceptual Plan

# Proposed Resolution

**RESOLUTION NO. 05-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING A CONSULTANT AGREEMENT WITH PAKPOUR CONSULTING GROUP FOR ENGINEERING SERVICES FOR THE STATE PARK ROAD BIKE/PEDESTRIAN BRIDGE PROJECT, APPROVING TASK ORDER NO. 1 IN THE AMOUNT OF \$124,445, AND AUTHORIZING THE CITY MANAGER TO SIGN THE AGREEMENT AND TASK ORDER ON BEHALF OF THE CITY**

**WHEREAS**, the City of Benicia is the recipient of grant funding for environmental and final engineering design for the State Park Road Bike/Pedestrian Bridge Project; and

**WHEREAS**, Pakpour Consulting Group of Pleasanton satisfactorily completed the conceptual design and advanced planning study for this project and based on their intimate knowledge and experience with the project, they are the most suitable consultant to perform the required engineering services.

**NOW, THEREFORE, BE IT RESOLVED THAT** the City Council of the City of Benicia approves a consultant agreement with Pakpour Consulting Group for engineering services for the State Park Road Bike/Pedestrian Project (Attachment A), approves Task Order No.1 in the amount of \$124,445, and authorizes the City Manager to execute the agreement and Task Order No.1 on behalf of the City, with minor changes subject to approval by the City Attorney.

\*\*\*\*\*

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 15th 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 15, 2005  
CONSENT CALENDAR**

**DATE** : November 2, 2005

**TO** : City Manager

**FROM** : Director of Public Works

**SUBJECT** : **SELECTION OF DOWNTOWN PARKING DIRECTIONAL SIGNS**

**RECOMMENDATION:**

City Council adopt the attached Resolution approving the selection of the “Downtown Benicia” design as the official directional sign to downtown parking.

**EXECUTIVE SUMMARY:**

After input from three community groups and a public workshop, the graphic design of the existing signs that direct motor vehicle drivers to downtown parking areas is proposed to be changed to include the “Downtown Benicia” logo so that there is consistency with the directional signs elsewhere in the city.

**BUDGET INFORMATION:**

The estimated cost to fabricate and install ten new directional signs is \$2,500. Funding for this work is available in Account No. 010-8705-9703 (Street Signs and Paint Supplies).

**SUMMARY:**

During preparation of the Downtown Parking Study, the need for additional directional signage to the City’s parking lots and parking areas was identified. City personnel consequently developed three designs based on graphics used in Benicia: the City Hall logo, the City Seal, and the “Downtown Benicia” logo used by Benicia Main Street.

The Director of Public Works and the City Engineer then met with three local groups: the Benicia Historical Society, the Board of Benicia Main Street, and the Historic Preservation Review Commission. Each group, however, chose a different preferred design. Staff then conducted a community workshop to solicit input from interested members of the public. At that meeting two other designs were presented, the “standard” Caltrans-type sign and a design suggested by a citizen. The members of the public who attended the meeting were asked to review the five designs and vote their preference. All voted for the “Downtown Benicia” design, with the consensus being that this design is already used elsewhere such as on East Second Street

and at the Historic SP Depot and it “brands” the downtown area to Benicia Main Street advertising.

These signs will be placed along First Street to identify the location of the East E and East B Street parking lots and the parking areas on East D, F, and H Streets. The graphic may require minor simplification for sign making purposes.

It is therefore recommended that the “Downtown Benicia” design be designated the official directional sign to downtown parking.

Attachments:

- [Proposed Resolution](#)
- [Proposed Directional Parking Direction Sign Panel](#)
- [Photographs of Existing Directional and "Downtown Benicia" Signs](#)

DS/MT:kt

cc: City Engineer

# Proposed Resolution

**RESOLUTION NO. 05-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA  
APPROVING THE SELECTION OF THE “DOWNTOWN BENICIA” DESIGN  
AS THE OFFICIAL DIRECTIONAL SIGN TO DOWNTOWN PARKING**

**WHEREAS**, one of the recommendations of the Downtown Park Study was the need to install additional directional signage to the City’s parking lots and areas; and

**WHEREAS**, presentations were made to the Benicia Historical Society, the Benicia Main Street Board, and the Historic Preservation Review Commission on sample designs; and

**WHEREAS**, a community consensus meeting was held thereafter wherein five sign designs were presented to interested members of the public; and

**WHEREAS**, at the conclusion of the public comment and review process, the “Downtown Benicia” logo was identified as the preferred choice because of its consistency with the signs at the city gateways and its unique graphical character.

**NOW, THEREFORE, BE IT RESOLVED THAT** the City Council of the City of Benicia approves the selection of the “Downtown Benicia” design as the official directional sign to downtown parking.

\* \* \* \* \*

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 15<sup>th</sup> day of November, 2005 and adopted by the following vote:

Ayes:

Noes:

Absent:

\_\_\_\_\_  
Steve Messina, Mayor

ATTEST:

\_\_\_\_\_  
Lisa Wolfe, City Clerk

# Proposed Downtown Parking Directional Sign Panel

# Photograph of Existing Signs

**AGENDA ITEM  
CITY COUNCIL MEETING: NOVEMBER 15, 2005  
PUBLIC HEARING**

**DATE** : November 2, 2005  
**TO** : City Manager  
**FROM** : Director of Public Works  
**SUBJECT** : **CITY OF BENICIA URBAN WATER MANAGEMENT  
PLAN – 2005 UPDATE**

**RECOMMENDATION:**

Conduct a public hearing to receive oral comments or written statements concerning the 2005 update to the City's Urban Water Management Plan.

**EXECUTIVE SUMMARY:**

The State Urban Water Management Planning Act (Act) requires water suppliers to update their plans at least every five years and to submit them to the Department of Water Resources by December 31 in the years ending in 0 and 5. An Urban Water Management Plan (UWMP) serves as a long-range planning document for water supply and demand management measures, is a key component to integrated regional water management plans, and is an important source and interdependent document for cities and counties in the preparation and implementation of their general plans.

**BUDGET INFORMATION:**

There are no direct budget impacts associated with this action. As part of the City's biennial budget approval process, funds are allocated for ongoing implementation of the City's water conservation program, water supply purchases, and reporting on the implementation and effectiveness of the demand management measures. Additionally, agencies subject to the Act must have adopted a complete UWMP that meets the requirements of the law to remain eligible for drought assistance or to receive State funds, such as project funding through the State Revolving Fund loan program.

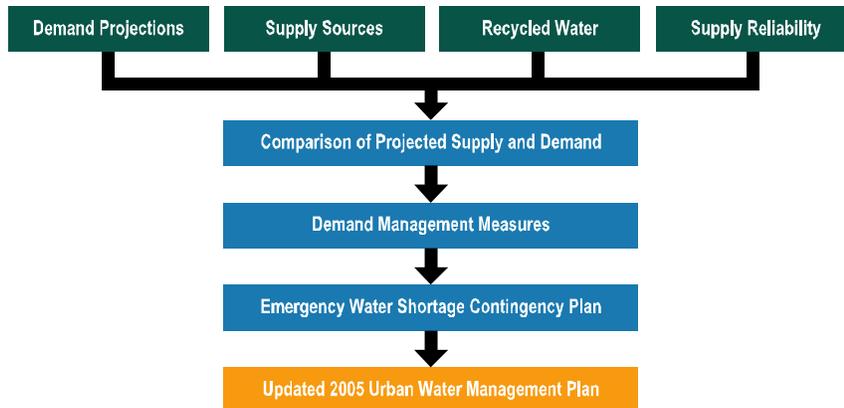
**BACKGROUND:**

The 2005 UWMP is an update of the City's 2001 UWMP in compliance with the California Water Code. As stated above, the State Urban Water Management Planning Act requires water suppliers to update their plans at least every five years and to submit them to the Department of Water Resources by December 31 in the years ending in 0 and 5. Development of the UWMP was guided by the Council appointed Urban Water Management Plan Task Force (Task Force) that provided key input and comments

throughout the effort that were critical to the plan’s success. The Task Force held four meetings that were broadly advertised to the public. The Task Force and public involvement effort are described in detail in the document.

The UWMP was available to the public for review beginning October 26. An announcement inviting comment was posted in several locations, such as the City’s website, public access channel, and the newspaper, and it described the variety of ways comments could be submitted, including presentation at the November 15 City Council meeting during the public hearing. Both the full report and an Executive Summary were available and could be viewed on the City’s website, at the Library, or the offices of the City Clerk and Public Works Administration. Additional copies were also available to distribute to those members of the public requesting an individual copy. Comments received by 5:00 p.m. on November 7 are included as an attachment.

State law specifies the content of UWMPs and the California Department of Water Resources provided guidelines for the 2005 updates. The major elements of a UWMP are shown below.

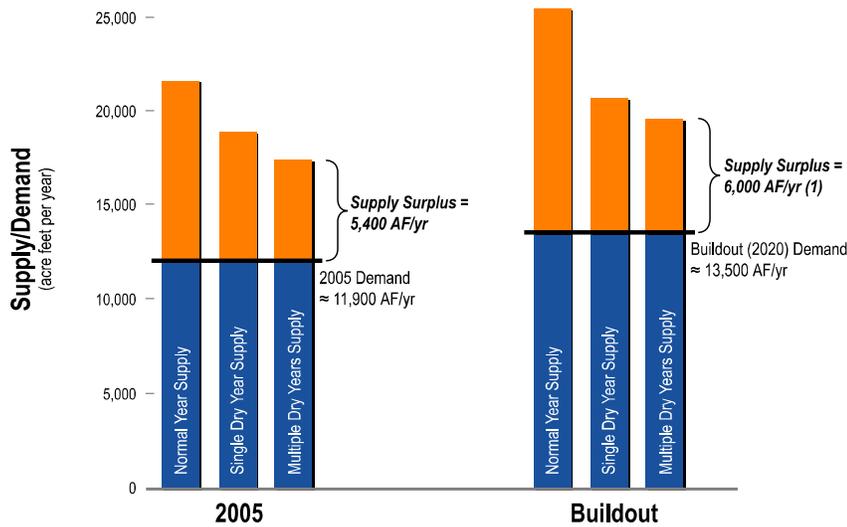


A key finding of the UWMP is that the City has adequate existing water supply sources to meet buildout (2020) as defined by the General Plan under all conditions - normal year, single dry year, and multiple dry years, as shown below.

<b>Summary Comparison of Supply and Demand (AF/year)</b>						
	<b>2005</b>			<b>Buildout (2020)</b>		
	<b>Normal Year</b>	<b>Single Dry Year<sup>(2)</sup></b>	<b>Multiple Dry Years</b>	<b>Normal Year</b>	<b>Single Dry Year<sup>(2)</sup></b>	<b>Multiple Dry Years</b>
Supply <sup>(1)</sup>	21670	18,937	17,354	25,357	20,684	19,550
Demand	11,897	11,897	11,897	13,527	13,527	13,527
<b>Surplus of Supply</b>	<b>9,773</b>	<b>7,040</b>	<b>5,457</b>	<b>11,830</b>	<b>7,157</b>	<b>6,023</b>

<sup>(1)</sup> 2005 supply does not include recycled water. Recycled water supply will be available starting in 2010, so it is included in the buildout supply.

<sup>(2)</sup> Even If the City were to only get 9 percent of its SWP amount, which is the worst case single dry year on record, it would be an additional cutback of 5,626 AF/year, which could still be accommodated with its planned supply.



(1) Supply surplus increases at buildout due to future recycled water supply.

**Figure 7-1**  
Comparison of Supply and Demand

The UWMP also makes recommendations for revisions to the City’s existing Emergency Water Conservation Ordinance. Those revisions will be brought to the Council for consideration as a separate effort.

Comments received during the public hearing will be incorporated, as appropriate, and the final document will be presented to the Council for adoption at their December 6 meeting.

In closing, staff wishes to acknowledge the members of the Urban Water Management Plan Task Force and their insightful contributions to the update process:

- ◇ Kathleen VanVelsor, Chair (Public representative)
- ◇ Fred Railsback, Vice Chair (Planning Commission representative)
- ◇ Greg Gartrell (Public representative)
- ◇ Dennis Lund (People Using Resources Efficiently representative)
- ◇ Brad MacLane (People Using Resources Efficiently representative)
- ◇ Elizabeth Patterson (Vice Mayor)
- ◇ Veronica Stone (Planning Commission representative)

cc: City Attorney  
Assistant Director of Public Works

Attachments:

- [Written comments received by 5:00 p.m. November 7, 2005](#)
- [2005 Urban Water Management Plan \(available on City's website\)](#)

## Written Comments

(No comments received by 5:00 pm, November 7, 2005)

**AGENDA ITEM  
CITY COUNCIL MEETING: NOVEMBER 15, 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 15, 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 15, 2005  
NEW BUSINESS**

**DATE** : November 4, 2005  
**TO** : City Council  
**FROM** : City Manager  
**SUBJECT** : **CANCELLATION OF DECEMBER COUNCIL MEETING**

**RECOMMENDATION:**

City Council authorize, by motion, cancellation of the December 20, 2005 City Council meeting.

**SUMMARY:**

It is suggested that the City Council consider canceling the December 20<sup>th</sup> Council Meeting as residents, as well as City staff, are more likely to be out of town due to the holiday season. In the past, the second December meeting has been cancelled for this reason. In addition, this action also provides City staff with an extra few weeks prior to the next Council meeting to address various projects.

**AGENDA ITEM**  
**CITY COUNCIL MEETING: NOVEMBER 15, 2005**  
**NEW BUSINESS**

**DATE** : November 4, 2005

**TO** : City Council

**FROM** : City Manager

**SUBJECT** : **REVIEW OF REQUEST TO TELEVISION HISTORIC PRESERVATION REVIEW COMMISSION MEETINGS**

**RECOMMENDATION:**

Review request and provide direction to staff, as needed.

**EXECUTIVE SUMMARY:**

This report is in response to a request from Vice Mayor Patterson that the Historic Preservation Review Commission meetings be made available for viewing on the public cable channel. This request was prompted by a comment made by a citizen during Public Comment at a recent City Council meeting that these meetings should be televised.

**BACKGROUND:**

Currently City Council meetings are available for viewing on cable channel 27, as well as Planning Commission meetings. Other board and commission meetings, including the Historic Preservation Review Commission, are not currently broadcast, but are audio taped in the event that a member of the public wishes to listen to a meeting.

The following describes the City's costs for our film contractor to film such meetings:

Filming in the City Council Chambers: \$300 per meeting (3 hour minimum) and \$100 per hour after the 3 hour minimum.

Off-Site filming (e.g., in the Commission Room or Dona Benicia Room): A minimum of \$1,800 per meeting, which includes a \$1,500 set up cost plus an additional \$300 for the 3 hour minimum. There is a \$100 per hour charge after the 3 hour minimum.

Should the City Council decide to proceed with televising Historic Preservation Review Commission meetings, additional funds must be allocated, as the existing budget will not cover the additional costs of filming. In addition, if there is a decision to begin televising this commission's meetings, criteria for evaluating potential future requests to televise other board and commission meetings should also be considered.

**AGENDA ITEM**  
**CITY COUNCIL MEETING: NOVEMBER 15, 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 19<sup>th</sup>. 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 25<sup>th</sup> 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.