

**November 16, 2004
BENICIA CITY COUNCIL
AGENDA
CITY COUNCIL CHAMBERS**

November 16, 2004

SPECIAL MEETING

7:00 P.M.

I. CLOSED SESSION:

A. CALL TO ORDER: ANNOUNCEMENT OF CLOSED SESSION

ROLL CALL

PLEDGE OF ALLEGIANCE

B. ADOPTION OF AGENDA:

C. COMMUNICATIONS ON CLOSED SESSION ITEMS:

WRITTEN

PUBLIC COMMENT

D. CLOSED SESSION:

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (Subdivision (a) of Government Code Section 54956.9)

Name of case: Vilarrasa Associates v. City of Benicia

E. ADJOURNMENT:

BENICIA CITY COUNCIL

AGENDA

CITY COUNCIL CHAMBERS

November 16, 2004

REGULAR MEETING

7:30 P.M.

II. CALL TO ORDER:

ROLL CALL

PLEDGE OF ALLEGIANCE

NOTE: ALL ITEMS ARE FOR COUNCIL DISCUSSION AND/OR ACTION

III. ANNOUNCEMENTS/APPOINTMENTS

PRESENTATIONS/PROCLAMATIONS:

ANNOUNCEMENTS: Announcement of action taken at Closed Session, if any.

APPOINTMENTS:

PRESENTATIONS:

PROCLAMATIONS:

NOTE: THE BENICIA CITY COUNCIL WELCOMES CITIZEN PARTICIPATION. WE ASK THAT YOU KEEP YOUR COMMENTS TO ITEMS ON THE AGENDA TO FIVE (5) MINUTES. SHOULD YOU HAVE MATERIAL YOU WISH TO ENTER INTO THE RECORD, PLEASE SUBMIT IT TO THE CITY MANAGER.

IV. ADOPTION OF AGENDA:

V. COMMUNICATIONS:

WRITTEN

PUBLIC COMMENT

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.

VI. CONSENT CALENDAR:

A. Approval of Minutes of November 2, 2004. (City Clerk)

B. Denial of claim and referral to insurance carrier (Carr). (City Attorney)

C. Resolution accepting the East 2nd Street/780 Traffic Signal Project, authorizing the City Manager to sign the Notice of Completion and authorizing the City Clerk to file same with the Solano County Recorder. (Public Works Director)

Recommendation: Adopt the Resolution.

D. Resolution declaring the City's intention to vacate a portion of East K Street right of way, east of East 7th Street, and setting the Public Hearing for December 7, 2004. (Public Works Director)

Recommendation: Approve Resolution declaring the City's intention to vacate. This proposed action will create one buildable lot and two sub-parcels to correct two encroachments and is a follow-up to previous actions.

E. Resolution approving a summary vacation of a 5-foot wide utility easement within the property adjacent to 108 Incline Place. (Public Works Director)

Recommendation: Adopt the Resolution approving vacation. This action will eliminate a utility easement that was never utilized.

F. Resolution authorizing the Director of Public Works to file an application for federal surface transportation program funding for the Columbus Parkway Rehabilitation Project. (Public Works Director)

Recommendation: Approve Resolution authorizing the application be filed. Total construction cost is estimated to be \$84,000 (\$75,000 Federal funding, \$9,000 local funding).

G. Resolution directing the City Manager to execute a Mills Act contract for property in the City of Benicia at 121 West J Street. (Community Development Director)

Recommendation: Adopt the Resolution directing the City Manger to execute the contract.

Cost to the City of Benicia is estimated to be \$500/year. The Historic Preservation Commission recommends approval of the proposed contract.

**H. Second reading and adoption of an Ordinance changing the zoning from Single Family Residential to Planned Development for 1422, 1430 and 1440 East Second Street, Lee Planned Development Project. (Community Development Director)
Recommendation: Adopt Ordinance changing zoning.**

**I. Resolution authorizing the purchase of a large mower through the State of California Multiple Award Schedule (CMAS) program utilizing the Parks Division Equipment Replacement Fund for \$63,897.99. (Parks & Community Services Director)
Recommendation: Adopt the Resolution authorizing the purchase of the mower. This purchase is a budgeted item in the 2003-05 Budget.**

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

VI. PUBLIC HEARINGS:

**A. Public Hearing on a Resolution vacating a portion of East 3rd Street and a portion of an unnamed alley to the west of East 3rd Street. (Public Works Director)
Recommendation: Adopt the Resolution declaring the intent to vacate. This project will enable the adjacent property owner to purchase the two sub parcels totaling approximately 1,671 square feet the appraised value.**

**B. Public Hearing on a Resolution adopting the City of Benicia Municipal Service Review, which is a statement and analysis of the City's ability to provide public services and facilities to anticipated growth within the City's existing Urban Growth Boundary and is required to be submitted to the Solano County Local Agency Formation Commission. (Community Development Director)
Recommendation: Continue to December 7, 2004.**

VIII. UNFINISHED BUSINESS:

**A. Introduction of an Ordinance to replace in its entirety Chapter 2.56 to establish the Historic Preservation Review Commission (HPRC) in the City of Benicia and to amend Chapter 2.84 to change Design Review responsibilities and provide direction to staff regarding addressing historic homes or resources outside the historic overlay districts. (City Manager)
Recommendation: It is recommended 1) after discussion on the inclusion of staggered terms and effective date of the Ordinance change introduce either the 9 member or 7 member version of the Ordinance to establish the Historic Preservation Review Commission (HPRC) in the City of Benicia by replacing Chapter 2.56 in its entirety, 2) provide direction to staff, by motion, to consider addressing historic homes or resources outside the historic overlay districts and 3) that Council continue action on the Ordinance dividing design review duties to the meeting of December 7, 2004.**

IX. NEW BUSINESS:

A. Consideration of the adoption of the Waterfront Park Initiative Measure without proceeding to an election. (City Attorney)

Recommendation: 1) Consider direction staff to bring this measure back for adoption at the December 7, 2004 Council meeting or 2) adopt the measure as proposed or 3) provide direction to staff.

B. Resolution approving the preliminary plan for the neighborhood park in the D-7 subdivision (northeast portion of the Southampton development). (Parks & Community Services Director)

Recommendation: Adopt the Resolution approving the preliminary plan. The Parks, Recreation and Cemetery Commission recommends approval of the Park design.

C. Resolutions regarding Water Treatment Plant Improvement Project. (Public Works Director)

1. Resolution accepting bids for the project, affirming the City Manager's decision on the bid process, awarding the construction of contract to Monterey Mechanical Co. of Oakland, California in the amount of \$9,177,000 and authorizing the City Manager to sign the contract on behalf of the City.

2. Resolution approving Task Order No. 40 for management/engineering support services for the Water Treatment Plan Improvements Project with Camp Dresser and McKee, Inc. for a not-to-exceed cost of \$1,707,784, and authorizing the City Manager to sign the contract on behalf of the City.

Recommendation: Adopt Resolutions accepting the bids and awarding the contracts. This project will be funded with a State Revolving Loan. Current and future adopted rates provide the source of repayment.

D. Resolution authorizing the City Manager to execute Contract Change Order No. 13 with Ranger Pipeline for the I/I Wet Weather Improvements Project and confirming Contract Change Order Nos. 1 through 12. (Public Works Director)

Recommendation: Adopt the Resolution approving and confirming the change orders. All 13 change orders total \$183,000.

X. REPORTS FROM CITY MANAGER:

A. Seeno Project (Discovery Builders: Report of outcomes from November 4, 2004 Joint City Council/Planning Commission Meeting and discussion of public participation opportunities. (City Manager)

Recommendation: Provide direction to staff.

XI. REPORTS FROM CITY COUNCIL COMMITTEES:

Committee Reports:

1. Mayors' Committee Meeting (Mayor Messina)

Next Meeting Date: 11-17-04

- 2. Arsenal Restoration Advisory Board (Council Member Campbell)**
Next Meeting Date: 11-17-04
 - 3. Association of Bay Area Governments (ABAG) (Vice Mayor Patterson)**
Next Meeting Date: 4-28-05
 - 4. Audit & Finance Committee (Council Member Campbell and Vice Mayor Patterson)**
Next Meeting Date: 11-5-04
 - 5. Carquinez Strait Preservation Trust (Council Member Smith)**
Next Meeting Date: Currently inactive
 - 6. City Employee Compensation Committee (Council Members Whitney and Campbell)**
Next meeting Date: Not scheduled
 - 7. First Street Revitalization Committee (Council Member Smith and Campbell)**
Next Meeting Date: 12-9-04
 - 8. League of California Cities (Council Member Smith)**
Next Meeting Date: December 2005
 - 9. Police Station and Civic Center Restoration Committee (Council Member Smith and Mayor Messina)** Next meeting date: Not scheduled
 - 10. School District Liaison (Council Members Whitney and Smith)**
Next Meeting Date: 12-02-04 (Note: Time change - 7:00 pm)
 - 11. Sky Valley Area Open Space (Vice Mayor Patterson and Council Member Smith)**
Next Meeting Date: 1-19-05
 - 12. Solano EDC Board of Directors (Vice Mayor Patterson)**
Next Meeting Date: 11-23-04
 - 13. Solano Transportation Authority (STA) (Mayor Messina)**
Next Meeting Date: 12-8-04
 - 14. Solano Water Authority/Solano County Water Agency (Mayor Messina)**
Next Meeting Date: 12-9-04
 - 15. Sunshine Committee (Council Member Campbell and Vice Mayor Patterson)**
Next Meeting Date: No further meetings
 - 16. Traffic, Pedestrian and Bicycle Safety Committee (Vice Mayor Patterson and Council Member Campbell)**
Next Meeting Date: 1-20-05
 - 17. Tri-City and County Regional Parks and Open Space (Council Member Whitney)**
Next Meeting Date: 12-13-04
 - 18. Valero Citizens Advisory Panel (CAP) (Council Member Whitney)**
Next Meeting Date: 11-16-04
 - 19. Youth Action Task Force (Council Members Whitney and Smith)**
Next Meeting Date: 12-1-04
- XII. ADJOURNMENT:**