

**November 21, 2006
BENICIA CITY COUNCIL
CITY COUNCIL CHAMBERS
SPECIAL MEETING AGENDA**

November 21, 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 - INITIATION OF LITIGATION (Subdivision (a) of Government Code Section 54956.9)**
 - **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (Subdivision (a) of Government Code Section 54956.9)**
Name of case: **Royal v. City of Benicia**
- **ADJOURNMENT:**

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

November 21, 2006

7:00 P.M.

- **CALL TO ORDER:**
- **CLOSED SESSION:**
 - **TO BE HELD AT 6:30 PM, PRIOR TO THE REGULAR MEETING**
- **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
 - One unexpired term to December 6, 2008

- Sky Valley Open Space Committee:
 - One full term to September 30, 2010
 - Parks, Recreation and Cemetery Commission:
 - One full term to January 30, 2011
 - Civil Service Commission:
 - One full term to January 30, 2010
- APPOINTMENTS:
 - 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 from the Benicia Tula Sister City Association
 - Maria Bitagon Reyes, President
 - People Using Resources Efficiently (PURE) Update
 - Bob Craft, Chair of PURE
- PROCLAMATIONS:
- ADOPTION OF AGENDA:
- OPPORTUNITY FOR PUBLIC COMMENT:
 - WRITTEN
 - PUBLIC COMMENT
- CONSENT CALENDAR:
 - Approval of Minutes of November 7, 2006. (City Clerk)
 - Denial of the claim against the City by Liezel Ramirez and Liezel Ramirez for Julius Ramirez (minor) and referral to insurance carrier. (City Attorney)
Ms. Ramirez sustained damage to her vehicle and bodily injury to herself and her son as the result of an accident involving a city vehicle. The City has issued a check in the amount of \$1,000.35 for the damage to the vehicle but has not been able to resolve the bodily injury portion of the claim. The amount of the claim is in excess of \$25,000.

Recommendation: Deny the claim against the City by Liezel Ramirez and Liezel Ramirez for Julius Ramirez (minor).

- Second reading 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: Adopt the proposed ordinance approving the text amendment to amend Benicia Municipal Code Section 17.70.270 (Affordable Housing Density Bonus).

- **Acceptance of the Camel Barn Re-roof Project, including change orders. (Parks & Community Services Director)**

The Camel Barn Re-roof Project has been completed for a total construction cost of \$172,013. Formal acceptance of the work by the City Council is now required to allow the final contract to be made to the contractor. Contract change orders represented a .4% cost increase in the project, which is under the normal range for projects of this magnitude and complexity.

Recommendation: Adopt the resolution accepting the Camel Barn Re-roof project, including 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.

- **Request for time extension for the Robert Semple Safe Routes to School Project grant. (Public Works)**

The City is the recipient of a \$144,000 grant for the Robert Semple Safe Routes To School Project. While the grant expires June 30, 2007, Caltrans recently indicated that it will only reimburse the City for costs incurred after May 1, 2007 if a time extension request has been submitted. Caltrans requires that the time extension request be authorized by City Council.

Recommendation: Authorize, by motion, the Public Works Director to submit a time extension request for the Robert Semple Safe Routes to School Project grant.

- **Approval to waive the reading of all ordinances introduced and adopted pursuant to this agenda.**
- **PUBLIC HEARINGS:**
- **ACTION ITEMS:**
 - **Reject the bid for the Commandant's Residence Improvement Project Phase I. (Parks & Community Services Director)**

On August 14th, the construction plans and specifications were made available for public bidding. Six weeks later, on September 28th, the City received and opened a single bid from Albay Construction, Inc. in the amount of \$2,466,020. Staff recommends rejecting the submitted bid from Albay Construction, Inc. for exceeding the estimated budget cost.

Recommendation: Adopt the resolution rejecting the sole bid for the Commandant's Residence Improvement Project.

- **INFORMATIONAL ITEMS:**
 - **Reports from City Manager.**

- **Report of Results - National Citizen Survey. (City Manager)**
Benicia received favorable ratings from residents in many areas surveyed by a recently conducted National Citizen Survey™ (NCS). In August, Benicia joined over 400 other jurisdictions nationwide that have participated in the NCS, including Walnut Creek, Palo Alto and Mountain View. A summary of the survey results will be provided to the City Council.

Recommendation: For information only; no action necessary.

- **Council Member Committee Reports.**
(Council Members serve on various internal and external committees on behalf of the City. Current agendas, minutes and meeting schedules, as available, from these various committees are included in the agenda packet. Oral reports by Council Members are made only by exception.)
 - **Mayors' Committee Meeting (Mayor Messina)**
Next Meeting Date: December 20, 2006
 - **Association of Bay Area Governments (ABAG) (Mayor Messina)**
Next Meeting Date: January 18, 2007
 - **Audit & Finance Committee (Vice Mayor Schwartzman and Council Member Hughes)**
Next Meeting Date: December 8, 2006
 - **League of California Cities (Mayor Messina)**
Next Meeting Date: January 25, 2007
 - **School District Liaison (Council Members Whitney and Hughes)**
Next Meeting Date: December 14, 2006
 - **Sky Valley Area Open Space (Council Members Patterson and Whitney)**
Next Meeting Date: December 6, 2006
 - **Solano EDC Board of Directors (Mayor Messina)**
Next Meeting Date: December 14, 2006
 - **Solano Transportation Authority (STA) (Mayor Messina)**
Next Meeting Date: December 13, 2006
 - **Solano Water Authority/Solano County Water Agency (Mayor Messina)**
Next Meeting Date: December 14, 2006
 - **Traffic, Pedestrian and Bicycle Safety Committee (Council Members Patterson and Hughes)**
Next Meeting Date: January 18, 2007
 - **Tri-City and County Regional Parks and Open Space (Council Member Whitney)**
Next Meeting Date: December 11, 2006
 - **Valero Community Advisory Panel (CAP) (Council Member Hughes)**
Next Meeting Date: January 25, 2007
 - **Youth Action Task Force (Vice Mayor Schwartzman and Council Member Whitney)**
Next Meeting Date: November 23, 2006

- ABAG/CAL FED Task Force/Bay Area Water Forum (Council Member Patterson)

Next Meeting Date: December 18, 2006

- COMMENTS FROM COUNCIL MEMBERS:
 - 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 nonagendized matters under public comment. Comments are limited to no more than 5 minutes per speaker. By law, no action may be taken on any item raised during the public comment period although informational answers to questions may be given and matters may be referred to staff for placement on a future agenda of the City Council.

Should you have material you wish to enter into the record, please submit it to the City Manager.

Disabled Access

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

Meeting Procedures

All items listed on this agenda are for Council discussion and/or action. In accordance with the Brown Act, each item is listed and includes, where appropriate, further description of the item and/or a recommended action. The posting of a recommended action does not limit, or necessarily indicate, what action may be taken by the City Council.