

December 5, 2006 Special Agenda

BENICIA CITY COUNCIL

CITY COUNCIL CHAMBERS

REVISED

SPECIAL MEETING AGENDA

December 5, 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 REAL PROPERTY NEGOTIATOR**
Property: Mills School
Negotiating Parties: City Manager/Parks & Community Services Director
Under Negotiation: Instruction to negotiators on lease terms.
- **ACTION ITEM:**
 - **Holiday Sign Request. (City Manger)**

The City has signs in City Park and the end of First Street that reads "Happy Holidays". Mr. John Woods has requested placement of two signs that reads "Merry Christmas Courtesy of John Woods". Staff has denied Mr. Woods' request for an encroachment permit. Because he wants to place his signs during December and any appeal of staff's decision would be heard after that time, this matter is brought to Council at this meeting.

Recommendation: Provide direction to staff.

- **ADJOURNMENT:**

BENICIA CITY COUNCIL

CITY COUNCIL CHAMBERS

REGULAR MEETING AGENDA

December 5, 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
 - APPOINTMENTS:
 - Parks, Recreation and Cemetery Commission:
 - Rufus Bunch - One full term to January 30, 2011
 - Planning Commission:
 - Kyle Daley - One unexpired term to October 7, 2007
 - Civil Service Commission:
 - Rob Barnard - One full term to January 30, 2010
 - PRESENTATIONS:
 - Benicia Citizen Corps Council (BCCC) Presentation
 - Jerry Pollard, Chair of BCCC
 - PROCLAMATIONS:
- ADOPTION OF AGENDA:
- OPPORTUNITY FOR PUBLIC COMMENT:
 - WRITTEN
 - PUBLIC COMMENT
- CONSENT CALENDAR:
 - Approval of Minutes of November 18, 2006 and November 21, 2006.. (City Clerk)
 - Denial of the claim against the City by Gary and Nancy Sperko and referral to insurance carrier. (City Attorney)

Gary and Nancy Sperko submitted a claim for repair of their windshield that was damaged while their car was parked in a parking lot during the Handicraft Fair. There were two parking attendants hired by the Benicia Chamber of Commerce to direct the parking. This claim has been tendered to the Benicia Chamber of Commerce, who sponsored the event. The amount of the claim is \$190.00.

Recommendation: Deny the claim against the City by Gary and Nancy Sperko.
 - Authorization for purchase of one cutaway bus from Bus West for Benicia Breeze. (Finance Director)

The City was successful in 2005 in securing grant funding from the Federal

Transit Administration (FTA), which pays for the majority of the cost of the new cutaway vehicle. The new vehicle will replace one 1997 Supreme Cutaway that has exceeded its useful life span of five years. The cost of the one vehicle is \$63,380.21. The City share of this purchase (\$2,000) is borne by the City's Transit Fund (Fund 019), which is funded primarily by the Transportation Development Act (TDA) 2 cent retail sales tax that is administered by the Metropolitan Transportation Commission (MTC).

Recommendation: Authorize the purchase of one cutaway bus for Benicia Breeze through the State of California Procurement Program from Bus West.

- Approval to waive the reading of all ordinances introduced and adopted pursuant to this agenda.
- **PUBLIC HEARINGS:**
- **ACTION ITEMS:**
 - Approval of a Mills Act Contract for the historic property located at 125 East I Street. (Community Development Director)

The Mills Act program is a State of California authorized mechanism by which owners of Qualified Historical Properties may use an alternative method of determining property value for property tax purposes. The Historic Preservation Review Commission has reviewed and found that entering into a Mills Act contract for the property at 125 East I Street, would encourage the preservation and rehabilitation of a qualified historic property in the City of Benicia.

Recommendation: Adopt the resolution authorizing the City Manager to enter into a Mills Act Contract with the property owners of 125 East I Street.

- Consideration of mid-cycle budget adjustments for Fiscal Years 2005-2007. (Finance Director)

The attached reports summarize the mid-cycle budget adjustments requested by the City Manager for all City Funds as of November 28, 2006. In the General Fund, the adjustments yield Surplus Combined Budgets in both FY 2005-06 and FY 2006-07. Major General Fund adjustments include: (1) increasing the "Audited" Undesignated Fund Balance in FY 2005-06 by \$957,493, primarily due to a \$2.865 million operational surplus; (2) recognition of the Valero Utility Users' Tax Agreement increase from \$1.4 million to \$2.057 million per year, including a catch up payment of \$1.015 million; and (3) recording changes in property tax receipts due to the Valero Property Tax Appeal and planned Valero Improvement Projects. The budget adjustments will increase the General Fund Undesignated Fund Balance at the end of FY 2006-07 by \$1.942 million to \$7.360 million, representing a 25.1% Reserve.

Recommendation: Adopt the resolution approving budget adjustments for FY 2005-2007.

- **Adoption of the San Francisco Bay Area Integrated Regional Water Management Plan (IRWMP). (Public Works Director)**

The Bay Area IRWMP represents a significant accomplishment in regional water resources planning. It outlines the region's water resources management needs and objectives, and presents innovative strategies and a detailed implementation plan to achieve these objectives, contributing to sustainable water resources management in the Bay Area. There are two City of Benicia projects contained within the IRWMP that, along with other projects and studies, are proposed to implement the goals, objectives, and priorities identified by the IRWMP. These are the Water Reuse Project and the Sky Valley-Sulphur Springs Watershed Management Plan. There are no budget impacts associated with this action.

Recommendation: Approve the resolution adopting the San Francisco Bay Area Integrated Regional Water Management Plan.

- **INFORMATIONAL ITEMS:**

- **Reports from City Manager.**
- **Report of Results - National Citizen Survey. (City Manager) - Continued from November 21, 2006 City Council Meeting**
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.

- **COMMENTS FROM COUNCIL MEMBERS:**

- **Consideration of formula-based businesses zoning regulations affecting location, design, type and distribution. (Council Member Patterson)**
Council Member Patterson has requested that the Council agendaize the issue of regulating formula-based businesses in Benicia.

Recommendation: Determine whether to agendaize this item on a future agenda.

- **ADJOURNMENT:**

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.