

December 7, 2004
BENICIA CITY COUNCIL
AGENDA
CITY COUNCIL CHAMBERS
December 7, 2004
SPECIAL MEETING
NONE

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:

NONE

E. ADJOURNMENT:

**BENICIA CITY COUNCIL
AGENDA
CITY COUNCIL CHAMBERS
December 7, 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.

**COMMUNITY MEETING ABOUT PUBLIC TRANSIT SERVICES TO SOLICIT IDEAS ABOUT HOW
TRANSIT SERVICES IN BENICIA CAN BE IMPROVED - Tuesday, December 14, 2004 at 7:00 pm in
the Commission Room, City Hall**

APPOINTMENTS: SOLANO TRANSPORTATION AUTHORITY PEDESTRIAN ADVISORY

COMMITTEE - Jim Erickson

CIVIL SERVICE COMMISSION - Sharon Truex

PRESENTATIONS: UPDATE ON PURE COMMITTEE ACTIVITIES - Bob Craft, Chair

**AWARD OF ORDNANCE SAFETY TRAINING CONTEST PRIZES - Council Members Whitney and
Campbell**

**DIAMOND FOUNDATION, Announcement of non-profit organization's health lifestyle
makeover - Joel Griffin**

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:

A. WRITTEN

B. 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 9, 2004 and November 16, 2004. (City Clerk)

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

1. Prchal

2. Silva

3. Pangelinan

4. Press

Recommendation: Reject the claims.

C. Resolution approving the results of the Presidential General Election held November 2, 2004. (City Clerk)

Recommendation: Adopt the Resolution approving the results of the election held in the City of Benicia pertaining to Measures A, B, C, R and S, according to Election Code Section 10263 of the State of California.

D. Resolution directing the Sidewalk Administrator to take steps to complete the replacement of the sidewalk at 733-739 First Street. (Public Works Director)

Recommendation: Adopt the Resolution directing staff to initiate repairs. The estimated cost to install the new sidewalk improvements is \$21,000, which is the financial responsibility of the property owner. When an owner fails to undertake required repairs that will insure public safety, the City may institute such repairs and lien the property in accordance with Chapter 12.60 of the Benicia Municipal Code.

E. Resolution authorizing the Director of Public Works to execute contract change orders and modifications with Kaweah Construction for the I/I Wet Weather Improvements Project at the Wastewater Treatment Plant and affirming staff-authorized change orders and

modifications. (Public Works Director)

Recommendation: Adopt the Resolution approving the change orders and modifications. There are adequate contingency funds remaining available for the proposed changes required on the Wastewater Treatment Plant portion of the project to address unforeseen site conditions and required upgrades. The cost of this change order is \$193,750, which represents 6% of the contract.

F. Resolution approving the purchase of two truck beds from North Bay Truck Body of Cordelia in the amount of \$56,376.17. (Public Works Director)

Recommendation: Adopt the Resolution approving the purchase of truck bed units for two new Ford 550 trucks. The purchase of the trucks was authorized by the City Council on February 9, 2004. Sufficient funds are available in the Water and Wastewater Equipment Replacement Reserve Fund accounts to cover the expenditures and were included in the 2004-05 budget.

G. Resolution authorizing the City to enter into an agreement with the Public Agency Retirement System to provide an alternative retirement system for part-time employees. This proposed action will save the City of Benicia approximately \$25,000/year and implements an approved budget action item. (Human Resources Director)

Recommendation: Approve the attached Resolution that will allow those part-time employees currently covered by Social Security to be covered under an Alternative Retirement System administered by the Public Agency Retirement System ("PARS").

H. Resolution approving paying Employer Paid Member Contributions (EPMC) to the Public Employees' Retirement System (PERS) for part-time employees not covered by a bargaining group with a time-in-grade exception. This proposed action will cost the City approximately \$2,300 per year. (Human Resources Director).

Recommendation: Adopt the attached Resolution continuing to pay Employer Paid Member Contributions (EPMC) to the Public Employees' Retirement System (PERS) for the part-time employees not covered by a bargaining group.

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

VII. PUBLIC HEARINGS:

A. Resolution ordering the vacation of a portion of East K Street right-of-way, east of East 7th Street. (Public Works Director)

Recommendation: Conduct the Public Hearing and adopt the Resolution ordering the vacation. The City will receive payment equal to the appraised amount of the two sub-parcels and the fair market value of the buildable lot. The buildable lot will be sold through a public bid process.

VIII. UNFINISHED BUSINESS:

Introduction of Ordinances to amend the Benicia Municipal Code (1) to replace in its entirety Chapter 2.56 to establish the Historic Preservation Review Commission (HPRC) in the City of Benicia and (2) 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 and 2.84 in their entirety, and 2) provide direction to staff, by motion, to consider addressing historic homes or resources outside the historic overlay districts.

IX. NEW BUSINESS:

Review and approve proposed City of Benicia comments on the Draft Environmental Impact Report for the City of Vallejo Bordon Ranch Project, a proposed hillside residential development that includes 445 single-family residential lots and 97 acres of open space with access via Columbus Parkway near Regents Park, Devlin and Greenmont Drives in Vallejo. This project site is unincorporated land that lies adjacent to the western edge of the City of Benicia city limits. The City of Vallejo is proposing to annex the land as part of the project approval. (Community Development Director)

Recommendation: Review and approve the draft comment letter to the City of Vallejo Planning Commission; provide additional input as deemed appropriate, and direct staff to revise and forward the letter. The City of Vallejo granted the City of Benicia a two-day extension to submit comments beyond the established due date of December 6, 2004.

X. REPORTS FROM CITY MANAGER:

A. Benicia Business Park (Discovery Builders (formerly Seeno)): Continued from the November 16, 2004 meeting to allow for notification of individuals who spoke at the earlier EIR meeting.

Continued discussion of the Benicia Business Park Project. The Benicia Business Park site consists of a total of 521.2 acres of undeveloped land located south of Lake Herman Road and bounded on the south and east by East Second Street. The proposed project would create 29.3 commercially zoned acres and 285.9 industrially zoned acres. The remainder of the site would remain open space.

Recommendation: Provide direction to staff regarding the possibility of additional public information and participation opportunities relating to the application filed by Discovery Builders for the proposed development of the Benicia Business Park site.

B. Mayors request to review project conditions pertaining to Street Improvements for 660 and 670 East N Street (Blankenhorn Investments). (City Manager)

Recommendation: Provide direction to staff.

XI. REPORTS FROM CITY COUNCIL COMMITTEES:

XII. ADJOURNMENT: