

**March 6, 2007  
BENICIA CITY COUNCIL  
CITY COUNCIL CHAMBERS  
SPECIAL MEETING AGENDA**

**March 6, 2007**

**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 LABOR NEGOTIATOR (Government Code Section 54957.6 (a))**  
**Agency negotiators: City Manager**  
**Employee organization: Benicia Senior Management Group**
  - **CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Government Code Section 54956.8) Property: Mills School Negotiating Parties: City Manager/Parks & Community Services Director Under Negotiation: Instruction to negotiators on lease terms.**
- **RECONVENE OPEN SESSION:**
- **INFORMATIONAL ITEMS:**
  - **Consideration of a City Council Code of Conduct and Best Practices. (City Manager) ? Continued from February 13, 2007 Special Meeting**  
**City Council Members have expressed an interest in adoption of a Code of Conduct outlining best practices for City Council Members. Included in this review are requests made by two Council Members regarding specific practices: Vice Mayor Schwartzman regarding service on more than one commission and Council Member Whitney regarding Council Member attendance at Board and Commission meetings. Following review and discussion, the Council will consider giving direction to staff to develop a Code of Conduct and Best Practices.**

**Recommendation: Consider development of a City of Benicia Council Code of Conduct and Best Practices; review samples of Codes of Conduct from other cities and provide direction to staff.**

- **Completion of Open Government Awareness Training. (City Attorney) The Open Government ordinance requires that officials, who are required to fill out the conflict of interest forms, read the Open Government ordinance and attend an annual training on the ordinance. This presentation will fulfill the training part.**

Recommendation: Complete open government awareness training.

- **ADJOURNMENT:**

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**BENICIA CITY COUNCIL  
CITY COUNCIL CHAMBERS  
REGULAR MEETING AGENDA  
March 6, 2007  
7:00 P.M.**

- **CALL TO ORDER:**
- **CLOSED SESSION:**
  - **TO BE HELD AT 6:00 P.M., 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:**  
**Historic Preservation Review Commission:**  
**-One full term to February 28, 2011**
  - **APPOINTMENTS:**
  - **PRESENTATIONS:**
  - **PROCLAMATIONS:**
- **ADOPTION OF AGENDA:**
- **OPPORTUNITY FOR PUBLIC COMMENT:**
  - **WRITTEN**
  - **PUBLIC COMMENT**
- **CONSENT CALENDAR:**
  - **Approval of Minutes of February 13, 2007, February 20, 2007 and February 24, 2007. (City Clerk)**
  - **Introduction and first reading of an ordinance amending Section 4.20.020 (Administrative Review Process) of Chapter 4.20 (Open Government Commission) of Title 4 (Open Government) of the Benicia Municipal Code regarding the Administrative Review Process. (City Attorney)**

The Open Government Commission recommends changes be made to the procedures for filing complaints about violations of the Open Government Ordinance. The proposed ordinance clarifies the procedure. The Open Government Commission has adopted a resolution setting forth the details of procedure. A brochure to assist the public has also been developed. There is no new fiscal impact from these changes.

**Recommendation:** Introduce an ordinance to clarify the administrative review process by amending Section 4.20.020 (Administrative Review Process) of Chapter 4.20 (Open Government Commission) of Title 4 (Open Government) of the Benicia Municipal Code.

- **Acceptance of annual report from Open Government Commission. (City Attorney)**

In accordance with Benicia Municipal Code 4.20.010.D, the Open Government Commission is required to provide an annual report to the City Council on the implementation and compliance of Title 4 (Open Government) of the Benicia Municipal Code.

**Recommendation:** Accept the annual report of Open Government Commission.

- **Approval of an amendment to the lease with Bay Area Ship Services for Fifth Street Pier. (City Attorney)**

Since it is not commercially feasible to comply with the insurance provisions of the lease, it is proposed the lease be modified so that the City will be responsible for providing fire insurance and the lessee will be responsible for general liability insurance. In exchange, the lessee will pay the City an additional \$6,000 per year.

**Recommendation:** Approve, by motion, the attached amendment to the lease with Bay Area Ship Services for the company's continued use of the City-owned 5th Street Pier.

- **Acceptance of walkway improvements in the vicinity of the former Mills Elementary School. (Public Works Director)**

This project installed sidewalk and handicap ramps at miscellaneous locations in the vicinity of the former Mills Elementary School and has been completed for a total construction cost of \$88,959. Formal acceptance of the work by the City Council is now required to allow the final payment to be made to the contractor.

**Recommendation:** Adopt a resolution accepting the Walkway Improvements Project 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.

- **Second reading of an ordinance to update Benicia Municipal Code Title 15 (California Building Code) to comply with required structural updates. (Community Development Director)**

Staff has drafted an amendment for City Council consideration to update

**Section 15.04.010 (Adoption by reference) of the California Building Code chapter (Title 15.04) of the Benicia Municipal Code. This amendment is to incorporate various structural code updates in the California Building Standards Code. The ordinance was introduced at the February 20, 2007 City Council meeting. There are no cost impacts to the City's budget associated with this item.**

**Recommendation: Adopt the ordinance amending Section 15.04.010 (Adoption by reference) of the California Building Code chapter of the Benicia Municipal Code.**

- **Approval of consultant contract for the design of irrigation improvements for Benicia High School and Joe Henderson Fields projects. (Parks & Community Services Director)**

**A request for proposal (RFP) for professional services was sent to multiple qualified irrigation design firms. No firms responded by the closure date. As a result, staff approached various firms to request informal quotes. After careful consideration, Wihlberg Design was ranked the most qualified based on their experience on similar Bay Area projects and their cost quote. The City Council appropriated \$837,550 from the Field Improvement account (047-904-79624) to fund this work. There are adequate funds remaining in that account for this contract.**

**Recommendation: Adopt the resolution approving the consultant agreement in the amount of \$25,888 with Wihlberg Design for professional design for irrigation improvements for Benicia High School and Joe Henderson fields project and authorizing the City Manager to execute the agreement on behalf of the City.**

- **Approval to waive the reading of all ordinances introduced and adopted pursuant to this agenda.**
- **PUBLIC HEARINGS:**
  - **Approval of an agreement to sub-grant the City of Benicia Housing Rehabilitation Revolving Loan Account, approval of revisions to the City of Benicia Revolving Loan Fund Reuse Plan, and approval of revisions to the City of Benicia Revolving Loan Account Program Guidelines. (Community Development Director)**

**The City of Benicia proposes to sub-grant management and oversight of the City's Housing Rehabilitation Revolving Loan Account (RLA) to a pre-selected outside non-profit agency (Vallejo Neighborhood Housing Services, Inc.). In order to accomplish this, two existing documents that govern the RLA must be updated and a sub-grant agreement approved by the City Council. All expenditures of funds in the RLA would continue to be used solely for projects within the City of Benicia. This action requires a public hearing prior to City Council approval of the revised documents and the Sub-Grantee Agreement.**

**Recommendation:** After conducting a public hearing, adopt the resolution approving:

- **Sub-Grantee Agreement between the City of Benicia and Vallejo Neighborhood Housing Services, Inc.;**  
**Revisions to the Revolving Loan Fund Reuse Plan; and**  
**Revisions to the Revolving Loan Account Program Guidelines.**
- **ACTION ITEMS:**
- **INFORMATIONAL ITEMS:**
  - **Reports from City Manager.**
- **COMMENTS FROM COUNCIL MEMBERS:**
  - **Consideration of ordinances as proposed by the subcommittee of the Youth Action Task Force on regulating retail alcohol sales. (Vice Mayor Schwartzman and Council Member Whitney)**  
**Vice Mayor Schwartzman and Council Member Whitney have requested that this item be agendized for a future meeting.**  
**Recommendation: Consider agendizing for a future meeting.**
  - **Request for reconsideration of the ordinance adding a new Chapter 1.36 (Voluntary Code of Fair Campaign Practices) to Title 1 (General Provisions) of the Benicia Municipal Code. (Council Member Patterson)**  
**Council Member Patterson has requested on behalf of some members of the public and especially the Benicia Citizens for a Fair Election that the Council agendize reconsideration of the recently adopted ordinance regarding the Voluntary Code of Fair Campaign Practices in order to provide for voluntary pledge by independent committees, corporations, Political Action Committees and other participants in City of Benicia campaigns.**

**Recommendation:** Consider agendizing for a future meeting.

- **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.**

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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.