

**March 20, 2007
BENICIA CITY COUNCIL
CITY COUNCIL CHAMBERS
SPECIAL MEETING AGENDA**

March 20, 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**
- **RECONVENE OPEN SESSION:**
- **ACTION ITEMS:**
 - **Study session to consider adoption of a Code of Conduct and Best Practices.
(City Manager)**

The City Council will review a draft Code of Conduct identifying guidelines and best practices for Council Members that promotes ethical, accountable and effective government. The proposed Code has been developed based on a review of the Codes of Conduct from several other cities, such as Mountain View, Fairfield and Sunnyvale.

Recommendation: To discuss adoption of a Code of Conduct for members of the City Council, Commissions, Boards, and Committees, review the draft Code and proved comments and direction to Staff.

- **ADJOURNMENT:**

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

March 20, 2007

7:00 P.M.

- **CALL TO ORDER:**
- **CLOSED SESSION:**
 - **NONE**
- **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:
 - Benicia Representative to the Senior Coalition of Solano County
 - Viola Robertson
 - PRESENTATIONS:
 - Viability of the City of Benicia/Valero Water Reuse Project
 - by Bob Craft, Chair of the PURE Committee
 - PROCLAMATIONS:
 - National Library Week, April 15-21, 2007
 - National Poetry Month, April 1-30, 2007
- ADOPTION OF AGENDA:
- OPPORTUNITY FOR PUBLIC COMMENT:
 - WRITTEN
 - PUBLIC COMMENT
- CONSENT CALENDAR:
 - Approval of Minutes of March 3, 2007 and March 6, 2007. (City Clerk)

Second reading and adoption 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 proposed ordinance clarifies the procedure for filing complaints about violations of the Open Government Ordinance. 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: Adopt the proposed 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.

- Award of construction contract for the door renovation project at the Water and Wastewater Treatment Plants. (Public Works Director)

The Door Renovations Project is part of the ongoing security enhancements at

the water and wastewater treatment plants and consists of modifying or replacing a total of 24 doors. This is necessary in order to accommodate an access control system, which, along with an intrusion detection system, will be the next phase of the security enhancements at the plants. This project is budgeted and sufficient funds are available in the water and wastewater facility upgrade accounts to cover the cost of the project.

Recommendation: Adopt a resolution accepting the bid for the Door Renovations Project at the water and wastewater treatment plants, awarding the construction contract to Opening Technologies, Inc. of Concord, California, in the amount of \$58,179.03, and authorizing the City Manager to sign the contract on behalf of the City.

- **Approval of Change Orders for Marina Area Storm Drain Project. (Public Works Director)**

The Marina Area Storm Drain project is under construction and it is necessary to approve \$195,400 of contract change orders and disposal fees caused by unforeseen underground site conditions and additional construction management and inspection services. An appropriation of \$195,400 from the General Fund Reserves is requested. The project is more than 80 percent complete and on schedule for completion this spring.

Recommendation: Adopt a resolution authorizing the Director of Public Works to execute on behalf of the City contract change orders with Anderson Pacific Engineering Construction and Pakpour Consulting Group for the Marina Area Storm Drain project, and appropriating \$195,400 from the General Fund Reserves for the project.

- **Request by Sky Valley Committee for staff assistance to produce a work program for development of a Watershed Management Plan. (Community Development Director)**

The Sky Valley Committee seeks additional staff resources to develop a work program for a Sky Valley/Sulfur Springs Watershed Management Plan. This request would require reallocation of existing resources, not to exceed 40-60 total hours of Planning and Public Works staff time combined.

Recommendation: If desired, direct the Community Development and Public Works Directors to provide staff support to assist the Sky Valley Committee in developing a work program for a Sky Valley/Sulfur Springs Watershed Management Plan.

- **Acceptance of the Police Department Emergency Selective Seismic and Security Upgrades Project. (Police Chief)**

The Police Department Emergency Selective Seismic and Security Upgrades Project has been completed at a final cost of \$1,450,000. Formal acceptance of

the work by the City Council is now required to allow the final contract payments to be made to the contractor, Albay Construction, in the amount of \$123,170.40. At this time there is less than \$6,000 in unencumbered funds remaining in the project budget for minor expenses. Upon closeout, any further minor expenses will be paid from the police department's General Fund budget and any left over funds can be returned to the City's General Fund Reserves.

Recommendation: Adopt a resolution accepting as complete the Police Department Emergency Selective Seismic and Security Upgrades Project, authorizing the City Manager to sign the Notice of Completion, and authorizing the City Clerk to file said notice with the Solano County Recorder, and the final retention fee to be released to the contractor, Albay Construction.

- Approval to waive the reading of all ordinances introduced and adopted pursuant to this agenda.
- **PUBLIC HEARINGS:**
- **ACTION ITEMS:**
 - Introduction of an ordinance amending Chapter 1.36 (Voluntary Code of Fair Campaign Practices) to Title 1 (General Provisions) of the Benicia Municipal Code to add independent committees. (City Attorney)

The proposed ordinance allows independent committees to sign on to the Voluntary Code of Fair Campaign Practices for candidates for City offices. Council Member Patterson requested reconsideration of this ordinance to add independent committees.

Recommendation: Introduce the proposed ordinance amending Chapter 1.36 (Voluntary Code of Fair Campaign Practices) to Title 1 (General Provisions) of the Benicia Municipal Code to add independent committees.

- **INFORMATIONAL ITEMS:**
 - Reports from City Manager.
 - **Completion of Open Government Awareness Training. (City Attorney) - Continued from March 6, 2007 City Council Meeting.**
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.**
 - **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: **March 21, 2007**
- **Association of Bay Area Governments (ABAG) (Mayor Messina)**
Next Meeting Date: **April 19, 2007**
- **Audit & Finance Committee (Vice Mayor Schwartzman and Council Member Hughes)**
Next Meeting Date: **April 6, 2007**
- **League of California Cities (Mayor Messina)**
Next Meeting Date: **April 30, 2007**
- **School District Liaison (Council Members Whitney and Hughes)**
Next Meeting Date: **April 12, 2007**
- **Sky Valley Area Open Space (Council Members Patterson and Whitney)**
Next Meeting Date: **April 4, 2007**
- **Solano EDC Board of Directors (Mayor Messina)**
Next Meeting Date: **March 22, 2007**
- **Solano Transportation Authority (STA) (Mayor Messina)**
Next Meeting Date: **April 11, 2007**
- **Solano Water Authority/Solano County Water Agency (Mayor Messina)**
Next Meeting Date: **April 12, 2007**
- **Traffic, Pedestrian and Bicycle Safety Committee (Council Members Patterson and Hughes)**
Next Meeting Date: **April 19, 2007**
- **Tri-City and County Regional Parks and Open Space (Council Member Whitney)**
Next Meeting Date: **April 25, 2007 (Citizen's Advisory Committee)**
- **Valero Community Advisory Panel (CAP) (Council Member Hughes)**
Next Meeting Date: **April 26, 2007**
- **Youth Action Task Force (Vice Mayor Schwartzman and Council Member Whitney)**
Next Meeting Date: **March 28, 2007**
- **ABAG/CAL FED Task Force/Bay Area Water Forum (Council Member Patterson)**
Next Meeting Date: **March 26, 2007**
- **COMMENTS FROM COUNCIL MEMBERS:**
 - **Request for consideration of request to rename Kuhland Alley. (Mayor Messina)**
Mayor Messina received a request from several residents asking that the Council consider renaming Kuhland Alley to Peggy Martin Lane, in honor of the

late Peggy Martin who was very active in the community.

Recommendation: Consider agendizing for a future meeting.

- **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.