

**April 3, 2007
BENICIA CITY COUNCIL
CITY COUNCIL CHAMBERS
SPECIAL MEETING AGENDA**

April 3, 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 LEGAL COUNSEL ? PENDING LITIGATION**
Initiation of litigation pursuant to subdivision (a) of Section 54956.9
Number of potential cases: 1
 - **CONFERENCE WITH REAL PROPERTY NEGOTIATOR**
Property: Mills School
Negotiating Parties: City Manager/Parks & Community Services Director
Under Negotiation: Instruction to negotiators on lease terms.
 - **CONFERENCE WITH LABOR NEGOTIATOR**
(Government Code Section 54957.6 (a))
Agency negotiators: City Manager
Employee organization: Benicia Senior Management Group
- **RECONVENE OPEN SESSION:**
- **INFORMATIONAL ITEMS:**
 - **Study session to consider adoption of a Code of Conduct and Best Practices.**
(City Manager) - Continued from the March 20, 2007 Special City Council Meeting.

The City Council will continue review of a draft Code of Conduct identifying guidelines and best practices for Council Members that promote 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 continue discussion of adoption of a Code of Conduct for members of the City Council, Commissions, Boards, and Committees; review the draft Code; and provide comments and direction to staff.

- **ADJOURNMENT:**
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**BENICIA CITY COUNCIL
CITY COUNCIL CHAMBERS
REGULAR MEETING AGENDA**

April 3, 2007

7:00 P.M.

- **CALL TO ORDER:**
- **CLOSED SESSION:**
 - **TO BE HELD AT 6:00 P.M., PRECEDING 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

Library Board of Trustees:
-Two full terms to June 30, 2010

Benicia Housing Authority Board of Commissioners
-One full term to June 30, 2011

Economic Development Board
-Two full terms to June 30, 2011
 - **APPOINTMENTS:**
 - **PRESENTATIONS:**
 - **Exhibit Video**
-Elisabeth Gulick - Arts Benicia
 - **PROCLAMATIONS:**
 - **National Public Safety Telecommunicator Week - April 8 - 14, 2007**
- **ADOPTION OF AGENDA:**
- **OPPORTUNITY FOR PUBLIC COMMENT:**
 - **WRITTEN**
 - **PUBLIC COMMENT**
- **CONSENT CALENDAR:**
 - **Approval of Minutes of March 20, 2007 (City Clerk)**
 - **Consideration of an ordinance correcting the notice provisions for general municipal elections. (City Attorney)**

This ordinance fixes the citation to the California Elections Code. The city uses

the Elections Code provisions to conduct city elections. There is no change in the way elections will be conducted. There is no new fiscal impact from these changes.

Recommendation: Introduce the ordinance amending Section 1.16.010 (General Municipal Elections) of Chapter 1.16 (General Municipal Elections) of Title 1 (General Provisions) of the Benicia Municipal Code.

- Consideration of an ordinance regarding changing the name of the publisher of the municipal code. (City Attorney)

The proposed ordinance changes the name of the publisher of the Benicia Municipal Code to Code Publishing Company. There is no new fiscal impact from these changes.

Recommendation: Introduce an ordinance to change the name of the publisher of the municipal code by amending Section 1.01.010 (Adoption of code) of Chapter 1.01 (Code Adoption) of Title 1 (General Provisions) of the Benicia Municipal Code.

- Consideration of an alley name change for the portion of Kuhland Alley west of First Street to be renamed Peggy Martin Lane. (Public Works Director)

Mayor Messina recently received a request from several residents to consider renaming the portion of Kuhland Alley west of First Street to Peggy Martin Lane, in honor of the late Ms. Martin, a long-time resident of Benicia. Kuhland Alley currently has no addresses assigned to this name. Therefore, any name change would not impact the City. The only change required would be to replace the sign at the corner of the subject alley and to notify the appropriate public agencies.

Recommendation: Adopt the attached resolution approving the change of Kuhland Alley, west of First Street, to Peggy Martin Lane.

- Authorization of an interfund loan to purchase emissions devices for Benicia Breeze buses. (Finance Director)

The City is required by the California Air Resources Board (CARB) to reduce emissions on its urban buses (large buses) by 85% and its transit fleet vehicles (cutaways) by 40% no later than December 31, 2007, per the Transit Fleet Rule. This rule dictates transit fleet operators that use diesel buses present a Compliance Plan that reduces their nitrogen oxide (NOX) and particulate matter (PM) as an effort to eliminate older transit buses from the roadways. In order for the City to be compliant with the rule, the City needs to submit a Compliance Plan and then proceed with the purchase and installation of diesel particulate traps and devices for the City's fleet of 6 large urban buses and 6 small cutaways by December 31, 2007 at an estimated cost of \$250,000. The

General Fund loan will come from an expected increase in sales taxes revenues for FY 2006-07 of \$701,495.

Recommendation: Authorize an interfund loan of \$250,000 from the General Fund to the Transit Fund for the purchase and installation of emissions devices for the City's fleet of 6 large urban buses and 6 small cutaways as recommended in the Benicia Breeze Compliance Plan. The loan interest and principal will be repaid over the next five years using Transportation Development Act (TDA) funds.

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

- **PUBLIC HEARINGS:**

- **Draft Downtown Mixed Use Master Plan. (Community Development Director)**
At a joint meeting with the Historic Preservation Review Commission and the Economic Development Board on January 17, 2007, the Planning Commission recommended approval of the Draft Master Plan with modifications.

Recommendation: Adopt a resolution approving the Draft Downtown Mixed Use Master Plan for the purpose of initiating environmental review.

- Consideration of an ordinance to regulate formula businesses. (Community Development Director)

The City Council has directed the Planning Commission to offer its recommendation regarding a potential ordinance to regulate formula businesses. The Planning Commission reviewed the draft ordinance and recommends the City Council pass the ordinance, which will regulate formula eating and drinking establishments and big box businesses. No more than three of the same formula business would be allowed citywide. Further, no more than one establishment of a formula business would be allowed in the Downtown Commercial (CD) zoning district.

Recommendation: Introduce the proposed ordinance to regulate formula businesses.

- **ACTION ITEMS:**

- **INFORMATIONAL ITEMS:**

- Reports from City Manager.

- **COMMENTS FROM COUNCIL MEMBERS:**

- Request for consideration of an ordinance clarifying the scope of design review authority. (Mayor Messina)

The proposed ordinance would clarify the aspects of a project that cannot be changed as a result of design review. The listed aspects would include items such as landscaping and other property development standards that are typically within the purview of the planning commission.

Recommendation: Consider agendaing 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 agendaed and nonagendaed 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.