

**April 17, 2007
BENICIA CITY COUNCIL
CITY COUNCIL CHAMBERS
SPECIAL MEETING AGENDA**

April 17, 2007

6:00 P.M.

- **CALL TO ORDER:**
- **CONVENE OPEN SESSION:**
 - **ROLL CALL**
 - **PLEDGE OF ALLEGIANCE**
 - **REFERENCE TO THE FUNDAMENTAL RIGHTS OF PUBLIC**
- **CLOSED SESSION:**
 - **CONFERENCE WITH LEGAL COUNSEL - SIGNIFICANT EXPOSURE TO LITIGATION**
Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9
Number of potential cases: 5
 - **CONFERENCE WITH LABOR NEGOTIATOR**
(Government Code Section 54957.6 (a))
Agency negotiators: City Manager
Employee organization(s): Public Employees Union, Local 1
- **INFORMATIONAL ITEM:**
 - **Strategic Plan Update Study Session. (City Manager) - Originally scheduled for April 10, 2007 and rescheduled to April 17, 2007**

At the April 17, 2007 Study Session, Staff will brief the Council on the results of consolidating individual Council Member scoring of priorities worksheets. Council Members have completed these worksheets after reviewing recommendations obtained through an extensive public input process. The individual priority lists have been compiled and consolidated to facilitate discussion and reconciliation of differences. At a public meeting to be held on May 3, 2007, the Council will invite comment on the preliminary priority list, following which a list of priorities will be considered for adoption. Adopted priorities will serve as a guide for resource allocation decisions, including the 2007-08, 2008-09 City Budgets.

Recommendation: Receive briefing on consolidated listing of priorities and plan for public input, discussion and adoption of a final list of priorities at the May 3rd Special Council meeting.

- **OPPORTUNITY FOR PUBLIC COMMENT:**
 - **WRITTEN**
 - **PUBLIC COMMENT**
- **ADJOURNMENT:**

REGULAR MEETING AGENDA

April 17, 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:**

Board of Library Trustees:
-One full term to June 30, 2010

Economic Development Board
-Two full terms to June 30, 2011
 - **APPOINTMENTS:**
 - **Benicia Housing Authority Board of Commissioners:**
-Teddie Bidou - One full term to June 30, 2011
 - **Historic Preservation Review Commission:**
-Chuck Mang - One full term to February 28, 2011
 - **Board of Library Trustees:**
-Michael Radesky - One full term to May 31, 2010
 - **PRESENTATIONS:**
 - **National Police Volunteer Week Presentation**
-Patti Barron, Volunteer Coordinator, Benicia Police Department
 - **PROCLAMATIONS:**
 - **National Volunteer Week - April 15-21, 2007**
 - **Opening Day on the Straits - April 21, 2007**
- **ADOPTION OF AGENDA:**
- **OPPORTUNITY FOR PUBLIC COMMENT:**
 - **WRITTEN**
 - **PUBLIC COMMENT**
- **CONSENT CALENDAR:**
 - **Approval of Minutes of March 29, 2007 and April 3, 2007 (City Clerk)**
 - **Second reading of an ordinance correcting the notice provisions for General Municipal Elections. (City Attorney)**

This proposed 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: Adopt the proposed ordinance amending Section 1.16.01 (General Municipal Election) of Chapter 1.16 (General Municipal Elections) of Title 1 (General Provisions) of the Benicia Municipal Code.

- **Second reading 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: Adopt the proposed 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.

- **Purchase of replacement vehicles for street and water field divisions. (Public Works Director)**

Four Public Works Department vehicles are scheduled for replacement due to mileage and age. Two energy-conscious Ford Escape hybrids are proposed as replacement vehicles for light-duty gasoline vehicles. In addition, two heavy-duty street and water utility service trucks are replacing older vehicles. This purchase is budgeted and funding for the vehicles is included in the FY 2006/2007 budget.

Recommendation: Adopt a resolution authorizing the purchase of four replacement vehicles for the Public Works Department from Wilson-Cornelius Ford of Vallejo in an amount not-to-exceed \$101,445 and authorizing the City Manager to sign the purchase order on behalf of the City.

- **Acceptance of the Military West Sidewalk and Slope Repair Project including change orders. (Public Works Director)**

The Military West Sidewalk and Slope Repair Project repaired damage to the pedestrian pathway and roadway slope that occurred during the December 31, 2005 winter storm. This project was completed at a total construction cost of \$177,832.11. Council approved a non-budgeted appropriation of \$128,425 in October 2006 for this project. An additional appropriation from the Gas Tax Reserves is needed to supplement the original project budget. 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 Military West Sidewalk and Slope Repair Project as complete, appropriating \$18,065 from the Gas Tax Reserves for Change Order No. 3, authorizing the City Manager to sign the Notice of Completion, and authorizing the City Clerk to file said notice with the Solano County Recorder.

- Award of Construction contract for the Robert Semple Safe Routes to School Project. (Public Works Director)

This project will enhance safety for children walking to Robert Semple Elementary School by installing missing sections of sidewalk and handicap ramps on Hillcrest Avenue. The project is included in the FY 2006/2007 budget and is funded with a combination of a State Safe Routes to School grant and local matching funds totaling \$135,300. Staff recommends award of the construction contract and a bid alternate to Pfister Excavating and approving a contract change order to extend the project limits.

Recommendation: Adopt a resolution accepting the bids for the Robert Semple Safe Routes To School Project, awarding the construction contract including bid alternate to Pfister Excavating in the amount of \$88,775.25, approving Contract Change Order No. 1, and authorizing the City Manager to sign the contract on behalf of the City.

- Acceptance of the West 7th Street Sidewalk Safety Project. (Public Works Director)

The West 7th Street Sidewalk Safety Project repaired an undermined sidewalk and installed safety improvements along a popular and highly traveled school route. The project was completed at a total construction cost of \$318,579.61. Contract change orders amounted to an 8.2% cost increase, which is under the budgeted amount (including the 10% contingency) and is within the normal range for projects of this magnitude and complexity. The remaining balance of \$9,568.89 will be returned to the Gas Tax Fund Reserves. 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 West 7th Street Sidewalk Safety 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.

- Amendment to the agreement with MV Public Transportation, Inc. to include Federal Transit Administration Requirements. (Finance Director)

The City must include certain Certifications and Assurances adopted by the FTA in all of its agreements that utilize FTA funds for transit operations and/or equipment. This action will amend the Agreement between the City of Benicia

and MV Public Transportation, Inc. for the Provision of Fixed Route and Paratransit Transit Services to include the FTA Certifications and Assurances. There is no fiscal impact to the Transit Fund or the General Fund by amending the Agreement with MV Public Transportation, Inc. to include the FTA Certifications and Assurances.

Recommendation: Authorize the City Manager to sign the First Amendment with MV Public Transportation, Inc., which includes the Federal Transit Administration (FTA) Certifications and Assurances as required by the FTA.

- Approve the July 1, 2006 to June 30, 2010 Memorandum of Understanding with the Public Employees Union, Local 1. (Human Resources Director)
The City recently concluded negotiations with the Public Employees Union, Local 1. The Local 1 Unit comprises the City's Professional, Confidential and Supervisory Classifications. This Unit has 37 incumbents. This group is comprised of our Technical, Analytical, Confidential and Supervisory employees. This Agreement is a compilation of the originally separate 2005-06 Professional/Confidential and Supervisory Agreements. Payroll changes included in this contract will take place in the May 2007 payroll. Total estimated cost of the MOU for FY 2006-07 is \$97,100, of which \$64,100 has been included in the current budget.

Recommendation: Adopt the resolution approving the July 1, 2006 through June 30, 2010 Memorandum of Understanding with the Public Employees Union, Local 1.

- Approval to waive the reading of all ordinances introduced and adopted pursuant to this agenda.
- **PUBLIC HEARINGS:**
- **ACTION ITEMS:**
 - Introduction and first reading of an ordinance deleting section 1.04.100 (Appeal) and adding a new chapter 1.44 (Appeals) to Title 1 (General Provisions) of the Benicia Municipal Code.

The city currently has a number of different appeal processes for the various actions the city may take. Because of the differing times to file appeals and the different people or bodies that are appealed to, the process of appealing can be confusing for appellants, applicants and staff. The ordinance is the first step in standardizing the appeal provisions. There is no new fiscal impact from these changes.

Recommendation: Introduce the ordinance to standardize the appeal processes in the city by deleting the consolidating and standardizing the appeal process for the city.

- **INFORMATIONAL ITEMS:**
 - Reports from City Manager.

- **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: April 18, 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: May 4, 2007
 - **League of California Cities (Mayor Messina)**
Next Meeting Date: April 30, 2007
 - **School District Liaison (Council Members Whitney and Hughes)**
Next Meeting Date: To be determined
 - **Sky Valley Area Open Space (Council Members Patterson and Whitney)**
Next Meeting Date: May 2, 2007
 - **Solano EDC Board of Directors (Mayor Messina)**
Next Meeting Date: May 24, 2007
 - **Solano Transportation Authority (STA) (Mayor Messina)**
Next Meeting Date: May 9, 2007
 - **Solano Water Authority/Solano County Water Agency (Mayor Messina)**
Next Meeting Date: May 10, 2007
 - **Traffic, Pedestrian and Bicycle Safety Committee (Council Members Patterson and Hughes)**
Next Meeting Date: April 25, 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: April 25, 2007
 - **ABAG/CAL FED Task Force/Bay Area Water Forum (Council Member Patterson)**
Next Meeting Date: April 23, 2007
- **COMMENTS FROM COUNCIL MEMBERS:**
 - **Request for consideration of an ordinance clarifying the scope of design review authority. (Mayor Messina) - Continued from the April 3, 2007 City Council Meeting**

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.

- Request for consideration of an ordinance creating a new construction Design Review ordinance. (Council Member Patterson)

The proposed ordinance would affect structures citywide, including new construction and substantial improvements.

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.