

**May 1, 2007
BENICIA CITY COUNCIL
CITY COUNCIL CHAMBERS
REGULAR MEETING AGENDA**

May 1, 2007

7:00 P.M.

- **CALL TO ORDER:**
- **CLOSED SESSION:**
- **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:**
Economic Development Board
-Two full terms to June 30, 2011
 - **APPOINTMENTS:**
 - **Board of Library Trustees:**
Mary Eichbauer - One full term to May 31, 2010
 - **Historic Preservation Review Commission:**
Chuck Mang - One full term to February 28, 2011
 - **PRESENTATIONS:**
 - **Update on Benicia Emergency Response Team (BERT)**
-Jerry Pollard, Benicia Citizen's Council Corp
 - **PROCLAMATIONS:**
 - **Recognition of Water Awareness Month - May 2007**
 - **Recognition of Peace Officer Memorial Days and Police Week in May 2007**
 - **Benicia Museum Month - May 2007**
- **ADOPTION OF AGENDA:**
- **OPPORTUNITY FOR PUBLIC COMMENT:**
 - **WRITTEN**
 - **PUBLIC COMMENT**
- **CONSENT CALENDAR:**
 - **Denial of a claim against the City by Edgar Melendez and referral to insurance carrier. (City Attorney)**

A private tree fell on Mr. Melendez's parked car. As the tree was not a city-owned tree, Mr. Melendez has been notified that he needs to file a claim against the property owner. The total amount of the claim is \$2,586.64

Recommendation: Deny the claim against the city by Edgar Melendez.

- **Second 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. (City Attorney)**

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. This ordinance is the first step in standardizing the appeal provisions. There is no new fiscal impact from these changes.

Recommendation: Adopt the ordinance, with the requested changes, to standardize the appeal processes in the city by deleting, consolidating and standardizing the appeal processes for the city.

- **Second reading of an ordinance to regulate formula businesses. (Community Development Director)**

The City Council will consider a second reading of an ordinance that would limit formula eating and drinking establishments to no more than one establishment of a particular business in the combined area of the Downtown Commercial (CD) zoning district and Solano/Davies Square and require use permit approval for each of those establishments. There would be no fiscal impact from the considered changes.

Recommendation: Approve an ordinance to regulate formula businesses in the downtown area.

- **Approval of the amended Memorandum of Understanding (MOU) on Joint Solano Emergency (Police, Fire and Emergency Medical Services [EMS]) communications activities (SECA) with the Cities of Solano County and the Solano Emergency Medical Services Cooperative. (Police Chief)**

This action will extend the current SECA MOU until August 3, 2012 and allow the City of Benicia and other parties to continue exploring interoperable public safety communications systems, the integration or sharing of public safety data systems, and establish guidelines and a steering committee for the administration of the operations under this MOU. The members of SECA have agreed to a cost-sharing plan. Under this plan, the City of Benicia will be responsible for 6% of SECA costs. The majority of funding for the project is expected to come from grants and other funding sources. The reoccurring cost of annual maintenance costs will come from the radio communications fund budgeted for the 2007-08 fiscal year and subsequent years.

Recommendation: By motion, authorize the Mayor to sign an amended Memorandum of Understanding (MOU) on Joint Solano Emergency (Police, Fire and EMS) Communications Activities (SECA) with the cities of Dixon, Fairfield, Rio Vista, Suisun City, Vallejo and Vacaville, and the Solano Emergency Medical Services Cooperative.

- Approval of the job description and salary range for the position of Human Resources Manager. (City Manager)

The new job description will cover essential duties and qualifications of a new position, Human Resources Manager. The new position will oversee the City's personnel management and employee relations systems.

Recommendation: Adopt the resolution approving the job description for a new position, Human Resources Manager and establishing the salary range.

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

- **PUBLIC HEARINGS:**

- Adequacy review of the Benicia Business Park Draft Environmental Impact Report. (Community Development Director)

Pursuant to Section III (D) (9) of the City's CEQA Environmental Review Guidelines, the decision making body approving the project (in this case the City Council) conducts a public hearing on the adequacy of the Draft EIR based on an initial set of City responses to comments received regarding the Draft EIR. The Council may find that the Draft EIR conforms to the CEQA Guidelines and there is an adequate response to potential impacts and allow the environmental review process to proceed, or may continue the hearing to gather additional information necessary to achieve conformance.

Recommendation: Accept public comment regarding the adequacy of the Draft Environmental Impact Report (DEIR) and adopt a resolution finding the DEIR complies with the City's Guidelines based on the submitted Summarized Response to Comments.

- **ACTION ITEMS:**

- Consideration of a moratorium to regulate billboards. (City Attorney)

If the city council would like to prohibit any new billboards while the city considers appropriate regulations for billboards, a moratorium should be adopted.

Recommendation: If desired, by a 4/5ths vote adopt a moratorium to prevent the issuance of any permits for billboards.

- Adoption of a Code of Conduct and Best Practices. (City Manager)

The City Council will consider adoption of a Code of Conduct identifying

guidelines and best practices for Council Members that promote ethical, accountable and effective government.

Recommendation: Adopt, by motion, a Code of Conduct and Best Practices for members of the City Council, Commissions, Boards, and Committees.

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