

June 19, 2007
BENICIA CITY COUNCIL
CITY COUNCIL CHAMBERS
SPECIAL MEETING AGENDA

June 19, 2007

6:30 P.M.

- I. CALL TO ORDER:
 - II. CONVENE OPEN SESSION:
 - A. ROLL CALL
 - B. PLEDGE OF ALLEGIANCE
 - C. REFERENCE TO THE FUNDAMENTAL RIGHTS OF PUBLIC
 - III. OPPORTUNITY FOR PUBLIC COMMENT:
 - A. WRITTEN
 - B. PUBLIC COMMENT
 - IV. CLOSED SESSION:
 - A. CONFERENCE WITH LABOR NEGOTIATOR
(Government Code Section 54957.6 (a))
Agency negotiators: City Manager and Interim Human Resources Manager
Employee organization: Unrepresented employees
 - B. CONFERENCE WITH LEGAL COUNSEL -EXISTING LITIGATION (Government Code
Section 54956.9 (a))
City of Benicia v. Libert Cassidy Whitmore
 - V. ADJOURNMENT:
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BENICIA CITY COUNCIL
CITY COUNCIL CHAMBERS
REGULAR MEETING AGENDA

June 19, 2007

7:00 P.M.

- I. CALL TO ORDER:
 - II. CLOSED SESSION:
 - III. CONVENE OPEN SESSION:
 - A. ROLL CALL
 - B. PLEDGE OF ALLEGIANCE
 - C. REFERENCE TO THE FUNDAMENTAL RIGHTS OF PUBLIC
 - IV. ANNOUNCEMENTS/APPOINTMENTS
PRESENTATIONS/PROCLAMATIONS:
 - A. ANNOUNCEMENTS:
 1. Announcement of action taken at Closed Session, if any.
 2. Openings on Boards and Commissions:
 - B. APPOINTMENTS:
- Civil Service Commission:
-One full term to August 30, 2010

1. Civil Service Commission - one unexpired term to August 30, 2010
-Pierre Bidou
2. Economic Development - one full term to June 30, 2011
-Sophie Pasibe
3. Economic Development - one full term to June 30, 2011
-Eldon Petersen
4. Board of Library Trustees - one unexpired term to June 30, 2009
-Ron Arrants

C. PRESENTATIONS:

Recognition of the Benicia Police Department for Conducting Regular Tobacco Sting Operations to Reduce Youth Access to Tobacco

- Loretta Huddart-Wolfe, Solano County Health and Social Services Department, Tobacco Prevention and Education Program

D. PROCLAMATIONS:

E. ADOPTION OF AGENDA:

F. OPPORTUNITY FOR PUBLIC COMMENT:

A. WRITTEN

B. PUBLIC COMMENT

G. CONSENT CALENDAR:

A. Approval of Minutes of [May 8, 2007](#), [May 30, 2007](#), [June 4, 2007](#), and [June 5, 2007](#), (City Clerk)

B. [Resolution providing for and requesting the Board of Supervisors permit the Registrar of Voters to provide specified services in connection with the General Municipal Election to be held November 6, 2007.](#) (City Clerk)

This resolution is required pursuant to Elections Code Section 10002. The cost for this election has been estimated at \$30,500 and is included in the FY 2007-08 budget.

Recommendation: Adopt the resolution which will enable the City of Benicia to obtain the services of the Registrar of Voters office in the November 6, 2007 Election.

C. [Resolution calling for the Consolidated Districts Election November 6, 2007 and fees related to that election.](#) (City Clerk)

This resolution meets the requirement of the Government Code calling for a Consolidated Districts Election, setting a date for that election, and identifying the officers of the City for which the election is proposed. It also continues the past practice of waiving statement fees for the candidates. Waiving of fees for candidates will cost the City \$377.00 per candidate for the candidate's statement to appear on the Sample Ballot. These fees have been projected in the budgeted cost for this election of \$30,500. Waiving of these fees has been a past practice of the City in order to encourage citizens to participate in the electoral process.

Recommendation: Adopt the resolution calling and giving Notice of the Consolidated Districts Election to be held Tuesday, November 6, 2007 and waiving the fees to the candidates for publication of their statements.

D. [Acceptance of proposal for publishing and printing legal notices from Benicia Herald and approval of an agreement between City and Benicia Herald for Fiscal Years 2007-2008 and 2008-2009.](#)

Certain official advertisements, notices, resolutions and other documents are required to be published in a newspaper. The law requires that the newspaper qualify as a newspaper of general circulation. Bids were sent to both the Benicia Herald and the Vallejo Times ? Herald. The Benicia Herald is the only local paper that has met the qualifications and provided a bid. The current Contract between the City of Benicia and Benicia Herald will end on June 30, 2007. This is a routine issue that is acted upon by Council every two years.

Recommendation: Adopt the resolution accepting the Proposal for Publishing and Printing Legal Notices from Benicia Herald and authorize the execution of an Agreement between City and Benicia Herald for Fiscal Years 2007/2008 and 2008/2009.

E. [Award of chemical contracts for water treatment ? FY 2007-08.](#) (Public Works Director)

This action allows the City to purchase chemicals necessary for water treatment for fiscal year 2007/08. In 1994, along with ten other agencies in and around Solano County, Benicia joined the North Bay Chemical Agency Pool, the purpose of which allows the best possible pricing through bulk purchasing. Funding for the City?s chemical purchases are budgeted in each plant?s operations account.

Recommendation: Adopt a resolution accepting bids and awarding contracts to the lowest responsible bidders for furnishing chemicals to the City of Benicia for the treatment of water for fiscal year 2007/08 and authorizing the City Manager to sign the contracts on behalf of the City.

F. [Acceptance of the Lake Herman Dam Outlet Structure Seismic Protection Phase 2 and Slide Gate Replacement Project including change orders.](#) (Public Works Director)

The Lake Herman Dam Outlet Structure Seismic Protection Phase 2 and Slide Gate Replacement Project installed an internal trash rack in the tower outlet structure, replaced four of the tower inlet slide gates, and replaced the tower outlet slide gate. These necessary seismic safety and operational improvements were required by the California Division of Safety of Dams. Formal acceptance of the work by the City Council is now required to allow final payment to be made to the contractor. The final construction cost is \$190,233.31, which includes \$27,334.31 for six contract change orders. The project was funded from the Water Enterprise Fund and ample funds are available from the Water System Replacement Fund to cover the cost increase.

Recommendation: Adopt a resolution accepting the Lake Herman Dam Outlet Structure Seismic Protection Phase 2 and Slide Gate Replacement Project as complete, including Change Order Nos. 1 through 6, authorizing the City Manager to sign the Notice of Completion, and authorizing the City Clerk to file same with the Solano County Recorder.

G. [Acceptance of the Lake Herman Dam Outlet Structure Seismic Protection Phase 3 and Weir Box Project including change orders.](#) (Public Works Director)

The Lake Herman Dam Outlet Structure Seismic Protection Phase 3 and Weir Box Project installed seismic saddles on the 30-inch outlet pipeline in the outlet tunnel and constructed two new weir boxes that measure seepage in the right side dam groin. These seismic safety improvements were required by the California Division of Safety of Dams. Formal acceptance of the work by the City Council is now required to allow final payment to be made to the contractor. The final construction cost is \$117,352.54, which includes \$20,140.54 for two Contract Change Orders. The project was funded from the Water Enterprise Fund and ample funds are available from the Water System Replacement Fund to cover the cost increase.

Recommendation: Adopt a resolution accepting the Lake Herman Dam Outlet Structure Seismic Protection Phase 3 and Weir Box Project as complete, including Change Order Nos. 1 through 2, authorizing the City Manager to sign the Notice of Completion, and authorizing the City Clerk to file same with the Solano County Recorder.

H. [Acceptance of Marina Area Storm Drain Project.](#)(Public Works Director)

The Marina Area Storm Drain project, needed to remediate an existing flooding problem and provide adequate storm drainage in the East Second Street drainage basin, has been completed for a total construction cost of \$1,388,091. Formal acceptance of the work by the City Council is now required to allow final payment to be made to the contractor. The entire project was completed within the approved budget for FY 2005-07.

Recommendation: Adopt a resolution accepting the Marina Area Storm Drain project as complete, including final change orders, authorizing the City Manager to sign the Notice of Completion, and authorizing the City Clerk to file said notice with the Solano County Recorder.

I. [Transfer of Benicia Historical Museum financial control to Museum Board of Directors.](#) (Finance Director)

The Board of Directors of the Benicia Historical Museum has requested that control of the financial assets of the organization be turned back over to them. In 1999, the Foundation was the subject of a special report by the City's Independent Auditor that found several irregularities in the conduct of the Foundation's financial affairs. The City Council directed City Staff to provide the fiduciary expertise to ensure the matter was resolved. Staff has met with the Board President and Treasurer and recommends transferring financial responsibility into their care, custody and control. There is no budgetary impact from this resolution.

Recommendation: Adopt the Resolution transferring responsibility for managing the financial assets of the Benicia Historical Museum to the Board of Directors.

J. [Approval of salary and benefits for unrepresented employees.](#) (Human Resources Director)

Government Code Section 3507.5 permits an agency to restrict management and confidential employees from union representation. During the formation of Public Employees Union, Local 1, the following classifications were deemed confidential and were removed from Local 1 representation: (1) The Executive Secretary to the City Manager; (2) The Administrative Secretary working for the City Attorney; and (3) The Senior Personnel Analyst I/II classifications. The City recently concluded negotiations with the Public Employees Union, Local 1. The City now has the obligation to meet and confer with these excluded classifications either on an individual basis or as a collective group. The Executive Secretary position is currently not filled. The incumbents in the two remaining confidential classifications are negotiating as a group and would like to receive the same salary increases, health and welfare, and other fringe benefits recently agreed to by the City for members of Local 1. The MOU will increase the salary and benefit package in FY 2006-07 by \$5,110. Of this, 2% or \$3,420 was included in the FY 2006-07 Budget.

Recommendation: Adopt the resolution authorizing salary adjustments and benefits for the unrepresented employees in the classifications of Administrative Secretary (to the City Attorney) and Senior Personnel Analyst I/II to be equal to that recently received by Local 1 employees.

K. Approval of a contract with Solano County to receive funding for an adolescent intervention modality counselor component of the comprehensive plan developed by the Youth Action Task Force to reduce the use of alcohol, tobacco and other drugs among children, youth and adults in Benicia. (Police Chief)

In 2000, Solano County established funding through the Master Tobacco Settlement Agreement (MSA) for Reducing Rates of Use of Alcohol, Tobacco and Other Drugs (ATOD) by youth. Contracts for the MSA Reducing Rates of ATOD among youth are generated for the County's three-year budget cycles and renewed annually. The contract included in this report is for the third year of the current budget cycle. Funds will be used to fund the AIM counselor as the early intervention component of the comprehensive plan to reduce the use of alcohol, tobacco and other drugs from Benicia youth. The City will receive \$54,300 from this contract for the 2007-08 fiscal year. These funds are designated for the AIM Counselor's salary.

Recommendation: Adopt a resolution authorizing the City Manager to sign the contract with Solano County Health and Social Services permitting the City to continue to receive funds from the County through the MSA to support the AIM Counselor component of the comprehensive approach to preventing and intervening in alcohol, tobacco and other drug use among youth and adults in Benicia.

L. Award of construction contract for Benicia High School irrigation project. (Parks & Community Services Director)

This Benicia High School Irrigation Project, located at 1100 Military West, will install a new irrigation system that is compatible with the City's current Rain Master Evolution 2000 System. Sufficient funds, in the amount of \$423,000 are available in the Field Improvement Account, No. 047-9047-9624 to cover the proposed costs as per the adopted City Budget. The award of this contract will complete a portion of the overall project.

Recommendation: Adopt the resolution accepting the bid for the Benicia High School Irrigation Project, awarding the construction contract to Cleary Bros. Landscape Inc. of Danville California, in the amount of \$ 233,300 and authorizing the City Manager to sign the contract on behalf of the City.

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

H. PUBLIC HEARINGS:

A. City of Benicia Landscaping and Lighting District Fiscal Year 2007-08. (Finance Director)

The items scheduled for consideration at this meeting will complete the process for levying assessments for fiscal year 2007-08 through the Solano County Auditor-Controller's Office and to collect assessments with property tax bills. Should the City Council conclude, after receiving comments from interested parties during the public hearing, that any assessment should be amended, no action should be taken on the resolution ordering the maintenance of existing improvements. Staff will then modify the report as directed and bring the matter back for final approval on July 17, 2007. However, this matter must be concluded prior to August 7, 2007 to meet filing deadlines with the Solano County Assessor/Recorder's Office.

Recommendation:

1. Conduct the public hearing as set by resolution No. 07-54 to receive oral statements or written comments concerning the

subject district for fiscal year 2007-08 and ordering the levy and collection of assessments for fiscal year 2007-08.

2. At the conclusion of the public hearing, adopt the attached resolution ordering the maintenance of existing improvements in all five zones of the District, confirming the Assessment Diagram, approving the Engineer's Report, and ordering the levy and collection of certain assessments for the City of Benicia Landscaping and Lighting District, fiscal year 2007-08.

B. ACTION ITEMS:

A. Adoption of the City of Benicia Municipal Budgets for Fiscal Years 2007-2009. (Finance Director)

The City of Benicia approves the allocation of revenues and expenditures on a biennial basis. The proposed budgets enable the City to continue to provide the services and facilities that are the foundation for the exceptional quality of life Benicia's residents, businesses and visitors enjoy. The proposed budgets also reflect the priorities developed through the Strategic Plan Update process that occurred over the last ten months. City Council weighed the thoughtful and voluminous input from the public and City Commissions and translated that input into Strategic Issues, Goals and Priority Projects. Staff has used these strategic priorities to shape the proposed budgets. The All Funds Budget totals \$79,806,005 for FY 07-08 and \$68,086,295 for FY 08-09.

Recommendation: Adopt the resolution authorizing the City of Benicia Municipal Budgets for Fiscal Years 2007-2009.

B. Introduction and first reading of an ordinance to establish a voluntary expenditure ceiling for candidate elections by adding Chapter 1.28 (Voluntary Expenditure Limits for all Municipal Candidate Elections) to Title 1 (General Provisions) of the Benicia Municipal Code. (City Attorney)

Following several workshops and meetings, the City Council requested an ordinance to regulate campaign expenditures be presented. This ordinance applies to campaigns for City offices. It would allow a candidate to agree not to spend more than a specified amount of money on the election.

Recommendation: After deciding the expenditure limit and the designated fund for penalties, introduce an ordinance to establish a voluntary expenditure ceiling for candidate elections by adding Chapter 1.28 (Voluntary Expenditure Limits for All Municipal Candidate Elections) to Title 1 (General Provisions) of the Benicia Municipal Code.

C. Introduction and first reading of an ordinance to regulate campaign financing of City candidate elections by adding Chapter 1.40 (Campaign Disclosure in Candidate Elections) to Title 1 (General Provisions) of the Benicia Municipal Code. (City Attorney)

The City Council has had several workshops and meetings to discuss campaign related ordinances. At the May 15, 2007 Council meeting, the Council requested an ordinance to impose greater campaign financing reporting requirements than State law provides.

Recommendation: Introduce the ordinance regulating campaign financing for City candidates by adding a new Chapter 1.40 (Campaign Disclosure in Candidate Elections) to Title 1 (General Provisions) of the Benicia Municipal Code.

C. INFORMATIONAL ITEMS:

A. Reports from City Manager.

B. 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.)

1. **Mayors? Committee Meeting (Mayor Messina)**
Next Meeting Date: **June 20, 2007**
2. **Association of Bay Area Governments (ABAG) (Mayor Messina)**
Next Meeting Date: **October 26, 2007**
3. **Audit & Finance Committee (Vice Mayor Schwartzman and Council Member Hughes)**
Next Meeting Date: **July 6, 2007**
4. **League of California Cities (Mayor Messina)**
Next Meeting Date: **July 25-27 - Mayors & Council Members Academy-Executive Forum**
5. **School District Liaison (Council Members Whitney and Hughes)**
Next Meeting Date: **August 9, 2007**
6. **Sky Valley Area Open Space (Council Members Patterson and Whitney)**
Next Meeting Date: **To be determined**
7. **Solano EDC Board of Directors (Mayor Messina)**
Next Meeting Date: **July 26, 2007**
8. **Solano Transportation Authority (STA) (Mayor Messina)**
Next Meeting Date: **July 11, 2007**
9. **Solano Water Authority/Solano County Water Agency (Mayor Messina)**
Next Meeting Date: **July 12, 2007**
10. **Traffic, Pedestrian and Bicycle Safety Committee (Council Members Patterson and Hughes)**
Next Meeting Date: **July 19, 2007**
11. **Tri-City and County Regional Parks and Open Space (Council Member Whitney)**
Next Meeting Date: **To be determined**
12. **Valero Community Advisory Panel (CAP) (Council Member Hughes)**
Next Meeting Date: **July 26, 2007**
13. **Youth Action Task Force (Vice Mayor Schwartzman and Council Member Whitney)**
Next Meeting Date: **June 27, 2007**

**14. ABAG/CAL FED Task Force/Bay Area Water Forum
(Council Member Patterson)
Next Meeting Date: June 25, 2007**

D. COMMENTS FROM COUNCIL MEMBERS:

E. 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 non

- I. agendized 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.