

June 21, 2005

The Benicia City Council meets the 1st and 3rd Tuesday of each month at 7:30 p.m. in the Council Chambers. Copies of Council Agendas are available in the City Clerk's office on the Friday afternoon before the Council meeting.

**MINUTES OF THE
SPECIAL MEETING - CITY COUNCIL
JUNE 21, 2005**

The special meeting of the City Council of the City of Benicia was called to order by Mayor Steve Messina at 7:03 p.m. on Tuesday, June 21, 2005, in the City Council Chambers, City Hall, 250 East L Street, complete proceedings of which are recorded on tape.

ROLL CALL:

Present: Council Members Patterson, Smith, Whitney, and Mayor Messina

Absent: Council Member Campbell (arrived at 7:14 p.m.)

PLEDGE OF ALLEGIENCE:

Mayor Messina led the pledge to the flag.

ADOPTION OF AGENDA:

On motion of Vice Mayor Patterson, seconded by Council Member Smith, the Agenda was adopted as presented, on roll call by the following vote:

Ayes: Council Members Patterson, Smith, Whitney, and Mayor Messina

Noes: None

Absent: Council Member Campbell

COMMUNICATIONS:

WRITTEN:

PUBLIC COMMENT:

None

CLOSED SESSION:

None

PRESENTATION:

Public Access Design Guidelines - Mr. Will Travis, Executive Director, San Francisco Bay Conservation and Development Commission

Mr. Travis reviewed a presentation on 'Shoreline Spaces - Public Access Design Guidelines for the San Francisco Bay.'

ADJOURNMENT:

Mayor Messina adjourned the meeting at 7:26 p.m.

**MINUTES OF THE
REGULAR MEETING - CITY COUNCIL
JUNE 21, 2005**

The regular meeting of the City Council of the City of Benicia was called to order by Mayor Steve Messina at 7:30 p.m. on Tuesday, June 21, 2005, in the City Council Chambers, City Hall, 250 East L Street, complete proceedings of which are recorded on tape.

ROLL CALL:

Present: Council Members Campbell, Patterson, Smith, Whitney, and Mayor Messina

Absent: None

PLEDGE OF ALLEGIENCE:

Mayor Messina led the pledge to the flag.

ANNOUNCEMENTS/APPOINTMENTS/PRESENTATIONS/PROCLAMATIONS:

ANNOUNCEMENTS:

Mayor Messina made the following announcements:

- Community Conversation regarding Benicia Business Park Project at 6:30 p.m. on June 29, 2005 in the Liberty High gymnasium at 350 East K Street.
- Benicia was recently named one of the top 25 'Small Cities and Towns Arts Destination' by AmericanStyle Magazine.
- The City Council/School District Liaison meeting scheduled for 7/21/05 has been rescheduled. The new date has not been set.
- Urban Water Management Task Force meeting scheduled for July 28, 2005 at the Water Treatment Plant.
- Community Meeting to develop Benicia's priorities for the Solano County Transportation Sales Tax Expenditure Plan will be held on 7/23/05 in the Dona Benicia Room at the Benicia Public Library.

APPOINTMENTS:

RESOLUTION 05-93 - A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF JB DAVIS TO THE SOLANO TRANSPORTATION AUTHORITY (STA) PEDESTRIAN ADVISORY COMMITTEE

Ayes: Council Members Campbell, Patterson, Smith, Whitney, and Mayor Messina

Noes: None

RESOLUTION 05-93 - A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF JB DAVIS TO THE SOLANO TRANSPORTATION AUTHORITY (STA) PEDESTRIAN ADVISORY COMMITTEE

Ayes: Council Members Campbell, Patterson, Smith, Whitney, and Mayor Messina

Noes: None

RESOLUTION 05-94 - A RESOLUTION CONFIRMING THE MAYOR'S REAPPOINTMENT OF FRED DELTROCHIO TO THE CIVIL SERVICE COMMISSION FOR A FULL TERM ENDING AUGUST 31, 2005

Ayes: Council Members Campbell, Patterson, Smith, Whitney, and Mayor Messina

Noes: None

RESOLUTION 05-95 - A RESOLUTION CONFIRMING THE MAYOR'S REAPPOINTMENT OF ANNIE LLOYD TO THE PARKS, RECREATION AND CEMETERY COMMISSION TO A FULL TERM ENDING SEPTEMBER 30, 2009

Ayes: Council Members Campbell, Patterson, Smith, Whitney, and Mayor Messina

Noes: None

RESOLUTION 05-96 - A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF JOHN MCGUIRE TO THE PARKS, RECREATION AND CEMETERY COMMISSION TO AN UNEXPIRED TERM ENDING JULY 6, 2006

Ayes: Council Members Campbell, Patterson, Smith, Whitney, and Mayor Messina

Noes: None

PRESENTATIONS:

Update on PURE Committee Activities by Mr. Bob Craft, Committee Chair Current engineering efforts on the Water Reuse Project center on two main areas. The first is the location of new treatment system components, i.e.: which should be at the City facility and which, if any, should be at Valero. Although studies continue, several potential sites for certain components at Valero have been effectively ruled out - generally because of space, elevation issues and design standards for safe equipment spacing and additional piping investment required to reach remote locations. One area at Valero continues to be studied and its suitability will be determined based on topographic studies relative to the specific terrain. All system components can be accommodated at the City facility should that become necessary. City Staff is confident such accommodation will not compromise any future requirements at the wastewater treatment facility.

PURE's short-term schedule is being driven primarily by a requirement for a third round of toxicity tests using treated effluent blended with the R.O. reject stream to simulate actual wastewater discharge. Previous tests and the specific analytic methods used have resulted in what is believed to

be interference or 'false positive' for certain residual chemicals and/or metals. Analytic results within acceptable permitting and operational thresholds must be achieved using approved testing methods if project viability is to be demonstrated. A different testing organization and analytic method will be used for the third round of tests. PURE's plan is to conduct these tests during the third quarter.

PURE continues to examine system costs relative to capacity. It has been determined that a cost constrained, scaled down (by 1 MGD) system developed and fielded in a way that would permit modular add-on's for additional capacity would result in a substantially higher capital cost if later increased to a capacity of either 1.5 MGD or 2 MGD.

PURE is also stressing identification of supplemental funding opportunities. Conversations with Congressman Miller's staff have begun as a follow-up to the Mayor's letter regarding PURE and what the project offers. Additionally, the City has now been identified on the Federal Government's Central Contract Registry. PURE has asked to be placed on automatic distribution for all notifications pertaining to grant availability. This will facilitate grant applications to the government, especially the EPA.

In early June, the Solano County Water Agency Board of Directors approved a resolution authorizing the submittal of a \$3.5 million dollar grant application under chapter 8 of Proposition 50 for implementation of the Solano Agencies Integrated Regional Water Plan. PURE' Water Reuse Project is one of four projects to be included in the application, and one of three for which \$1 million dollars in grant funding will be requested.

The project continues to receive favorable comments at the Regional Water Board. A summary of the project was included as an information item in the executive officer's report to the board at its May 18, 2005 meeting. The Regional Board Chair publicly acknowledged the item with positive comments. A senior staffer at the Water Board has indicated her belief that when the project comes to fruition, both the City and Valero would be competitive for the Governor's Environmental and Economic Leadership Award.

PROCLAMATIONS:

Mayor Messina presented a proclamation to Mission Solano. Mr. Ron Marlette, Executive Director, Mission Solano, accepted the proclamation.

ADOPTION OF AGENDA:

On motion of Vice Mayor Patterson, seconded by Council Member Whitney, the Agenda was adopted as presented, on roll call by the following vote:

Ayes: Council Members Campbell, Patterson, Smith, Whitney, and Mayor Messina

Noes: None

COMMUNICATIONS:

WRITTEN:

PUBLIC COMMENT:

1. **Kyle Daley - Mr. Daley read a prepared statement expressing his support for the proposed Sunshine Ordinance.**
2. **Annie Lloyd - Ms. Lloyd thanked Council for approving her appointment to the Parks, Recreation and Cemetery Commission.**
3. **Bob Mutch - Mr. Mutch discussed the status of the X Park. Due to the efforts of many people, including Centex and Shea Homes, the project is further along than they had anticipated. He hoped Council would approve the additional \$180,000 needed to complete the park.**
4. **Council Member Smith announced the following upcoming events:**
 - **Farmers Market will be held on Thursday's from 4:00 p.m. to 8:00 p.m.**
 - **Benicia Old Timers will have baseball games at Fitzgerald Field on 6/24 and 6/25**
 - **7/1/05 - First Friday's on First**
 - **7/3/05 - Torchlight Parade**
 - **7/4/05 - Picnic in the Park and Fireworks**
 - **7/23/05 - Community Meeting to develop Benicia's priorities for the Solano County Transportation Sales Tax Expenditure Plan will be held at the Benicia Yacht Club at 12:00. He encouraged the public to attend.**
 - **7/23/05 - Community Meeting to develop Benicia's priorities for the Solano County Transportation Sales Tax Expenditure Plan will be held at 6:30 p.m. in the Dona Benicia Room at the Benicia Public Library. He encouraged the public to attend.**
 - **6/29/05 - Community Conversation regarding Benicia Business Park Project at 6:30 p.m. in the Liberty High gymnasium at 350 East K Street. He encouraged the public to attend.**

CONSENT CALENDAR:

Council pulled item VI-F

On motion of Council Member Smith, seconded by Council Member Whitney, the Consent Calendar was adopted as amended, on roll call by the following vote:

Ayes: Council Members Campbell, Patterson, Smith, Whitney, and Mayor Messina

Noes: None

The minutes of June 7, 2005 were approved

RESOLUTION 05-97 - A RESOLUTION ACCEPTING THE PROPOSAL FOR LEGAL PUBLICATIONS FROM THE BENICIA HERALD, AWARDING THE CONTRACT FOR FISCAL YEARS 2005/2006 AND 2006/2007, AND AUTHORIZING MAYOR AND CITY CLERK TO EXECUTE SAID CONTRACT

ORDINANCE 05-5 - AN ORDINANCE REPLACING NOTE L-4 FOR THE IG ZONE WITH A NEW NOTE L-4.1 OF SECTION 17.32.020 (IL, IG, IW AND IP DISTRICTS - LAND REGULATIONS) OF CHAPTER 17.32 (INDUSTRIAL DISTRICTS) AND REPLACING NOTE L-7 FOR THE IG ZONE WITH A NEW NOTE L-7.1 OF SECTION 17.46.010 (SCHEDULE S-1) OF CHAPTER 17.46 (USE REGULATIONS SUMMARY) OF TITLE 17 (ZONING) OF THE BENICIA MUNICIPAL CODE

RESOLUTION 05-98 - A RESOLUTION ACCEPTING BIDS AND AWARDING CONTRACTS TO THE LOWEST RESPONSIBLE BIDDERS TO FURNISH CHEMICALS TO THE CITY OF BENICIA FOR THE TREATMENT OF WATER AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACTS ON BEHALF OF THE CITY

RESOLUTION 05-99 - A RESOLUTION AUTHORIZING THE FILING OF A GRANT APPLICATION FOR TRANSPORTATION FUNDS FOR CLEAN AIR THROUGH THE BAY AREA AIR QUALITY MANAGEMENT DISTRICT

**Approval to waive the reading of all ordinances introduced and adopted pursuant to this agenda
(END OF CONSENT CALENDAR)**

Council took the following action:

Extension of the contract with MV Public Transportation:

Vice Mayor Patterson stated that Council received a report on Benicia's Short Range Transit Plan that was done by Nelson Nygaard. It was an excellent report. The report references recommendations on the contract with MV Public Transportation. She asked to what extent the changes have been made (page VI-18). She had pulled the item to ensure the report's recommendations are included in the MV contract.

Mr. Andoh stated that the performance measures mentioned in the Short Range Transit Plan were incorporated in the proposed contract with MV Public Transportation.

RESOLUTION 05-100 - A RESOLUTION APPROVING THE THIRD AMENDMENT TO THE AGREEMENT WITH MV PUBLIC TRANSPORTATION, INC., TO OPERATE BENICIA TRANSIT AND BENICIA DIAL-A-RIDE DURING THE PERIOD JULY 1, 2005 THROUGH JUNE 30, 2006

On motion of Vice Mayor Patterson, seconded by Council Member Smith, the above Resolution was adopted, on roll call by the following vote:

Ayes: Council Members Campbell, Patterson, Smith, Whitney, and Mayor Messina

Noes: None

PUBLIC HEARINGS:

Proposed Rezoning from Medium Density Residential (RM) to Planned Development (PD), and a subdivision to allow development at 608 Military East Street:

Continued to the July 5, 2005 Council meeting

On motion of Council Member Whitney, seconded by Council Member Smith, the above Public Hearing item was continued to the July 5, 2005 Council meeting, on roll call by the following vote:

Ayes: Council Members Campbell, Patterson, Smith, Whitney, and Mayor Messina

Noes: None

First reading of an amendment to the Benicia Municipal Code to allow accessory dwelling units outside the Historic Districts:

Continued to the July 5, 2005 Council meeting

On motion of Council Member Whitney, seconded by Council Member Smith, the above Public Hearing item was continued to the July 5, 2005 Council meeting, on roll call by the following vote:

Ayes: Council Members Campbell, Patterson, Smith, Whitney, and Mayor Messina

Noes: None

UNFINISHED BUSINESS:

First reading of Sunshine Ordinance:

Heather McLaughlin, City Attorney, reviewed the Staff report.

Public Comment:

- 1. Steve Goetz - Mr. Goetz read a letter from Ms. Belinda Smith (unable to attend the meeting) stating her support for the proposed Sunshine Ordinance. In the letter, she thanked various Staff and Council Members for their support in bringing the proposed ordinance forward. Ms. Smith's letter discussed the Brown Act, the Public Records Act, and the need for Staff/Officials to receive training on both Acts. The Ordinance would require training on both Acts.**

Mayor Messina asked Staff what the City is currently doing with regards to training for the Brown Act and Public Records Act. Ms. McLaughlin reviewed the current procedures. Staff/Officials currently attend annual presentations by the City Attorney. She stated that training on the Public Records Act could benefit from being enhanced.

- 2. Bob Craft - Mr. Craft discussed the importance of open government. He urged Council to approve the proposed Sunshine Ordinance. The public deserves unfettered access to public information.**

Council Member Campbell asked Mr. Sousa if the State of California owed the City money for its implementation of the Brown Act. Mr. Sousa confirmed that the State of California currently owes the City of Benicia approximately \$200,000 for compliance with the Open Meetings Act.

- 3. Mike Ioakimedes - Mr. Ioakimedes is opposed to the creation of a commission for the Sunshine Ordinance. We should do everything that promotes participation by the community. The creation of a commission could potentially remove part of the obligation to be engaged by the community. The Ordinance is well intended, but the creation of a commission is not necessary. He is confident that given proper direction and training, Staff will do their job to the best of their ability.**

Council Member Smith discussed the need for an Open Government Commission. He asked Mr. Ioakimedes why he felt Benicia did not need one. He stated that we do not need another layer of bureaucracy. He stated that the commission is only as effective as the elective body that sits above it. As long as the public can speak openly to Council, that is the best form of open government. Council Member Smith stated that he does not look at it as another layer of bureaucracy, but a form of checks and balances.

4. Joe Fallon - Mr. Fallon is in support of the Sunshine Ordinance. It is important to have a system of checks and balances at the municipal level. The public should be enabled to watch over what happens at the government level. They can effectively be the checks and balances and keep things on track.
5. Dana Dean - Ms. Dean stated that she is in favor of the Sunshine Ordinance. She is also in favor of having an Open Government Commission. She thinks the commission needs to be a strong and precise tool. She is concerned about some of the ethics components. The conflict of interest section 4.16.08(d) needs to be spelled out more completely, possibly putting in examples of conflict.

Council Member Campbell stated he agreed with Ms. Dean regarding page VIII-A-29.

Vice Mayor Patterson stated that you have to be careful when making changes to the introduced ordinance so as not to get into a level of detail that would require rewriting. There are two steps to legislation: 1) the law and, 2) how you will implement the law. The ordinance is the law; the proposed Commission will prepare the rules for implementation. If the changes to this ordinance are significant, it will have to be reintroduced. She does not want to wordsmith this and have it go back to the Sunshine Committee again.

Ms. Dean asked that the section in question be high on the list of priorities for the new commission to address.

6. Ari Soglin - Mr. Soglin stated that having a commission set up to focus on this issue is imperative. When the public does not get information in a timely manner, Council will miss out on the chance to hear from them before a decision is made. Although many of the things in the proposed ordinance are already being followed, the issues are important enough to put into law. It will aid the press in getting articles out sooner. Regarding the cost of the recording equipment, that cost may not be appropriate to be tied to the ordinance. If the recording equipment is outdated, the City should replace it. If that is the case, it should not be part of the ordinance.
7. Richard Guegen - Mr. Guegen is in favor of the Sunshine Ordinance and open government. We need to make plans for a disaster before one occurs. We need to be prepared if the need arises. We have had some horrendous situations in the past. An open government situation would have alleviated those problems. He discussed the Rose Drive issues and how an open government could have helped prevent the issues.
8. John Van Landschoot - Mr. Van Landschoot stated that we need to be prepared for issues in the future. An Open Government Commission is needed and it is a viable option for this town.

Having an Open Government Commission is a good idea. He does not think that the estimated annual cost of \$19,000 is correct. He thinks it will be less. However, it would be money well spent. If it needs to go to the public, he will assist in getting signatures on petitions.

9. Kitty Griffin - Ms. Griffin discussed the proposed Sunshine Ordinance. She has no doubt that if this item were to go to the public (as an initiative) it would win. There does not seem to be a lot of support for this in the business community. There needs to be some sort of checks and balances in local government. To her, there does not seem to be too many negatives about the proposed ordinance. She wishes the business community would be on board with it. She is in support of the proposed ordinance.

The Public Hearing was closed.

Council Member Whitney stated that there seems to be broad support for the first four chapters. He made a motion in support of the first four chapters. However, regarding section 4.04.030 on page VIII-2 - the 'in general' section #4 - it is too vague - it is a political meeting. He would like to see it deleted. Regarding #9, he is basically in support of it; however, he does not support the section on posting and reading the rights at every meeting. They should be posted, but not read. Vice Mayor Patterson clarified the wording. Council Member Whitney was then okay with it. Regarding page VIII-29 - he agrees with Ms. Dean, under section (d) - it is vague. He finds it troublesome and suggested striking it and reworking the language so it is not so vague. He suggested striking the section Council Member Campbell discussed and rewording it. Regarding page VIII-A-30 - he suggested changing the gift standards. He would prefer to use the FPPC standards. He summarized and stated that in total, he requested 3 deletes and 1 clarification. He offered a motion to adopt the introduction and first reading of the ordinance with his requested changes incorporated into it. Mayor Messina seconded Council Member Whitney's motion.

Vice Mayor Patterson offered a substitute motion that set the contribution limit at \$25.00 and the choice for the ethics process going to the City Attorney. Council Member Smith seconded Vice Mayor Patterson's motion.

Council Member Campbell clarified that Vice Mayor Patterson includes chapters 1-5.

Council Member Smith stated that Council could specify a start-up time to allow time for training, etc. Vice Mayor Patterson accepted the amendment (regarding delayed start-up time) to her substitute motion.

Council had extensive discussion on how to handle a motion and a substitute motion. \

The City Attorney referred Council to the adopted rules.

Mayor Messina clarified that Council Member Whitney wanted to vote on the first 4 chapters (with his change requests) and vote separately on chapter 5.

Public Comment:

1. **Mary Frances Kelly-Poh - Ms. Kelly-Poh clarified the Roberts Rules of Order for Council and asked the City Attorney to confirm her clarification. Ms. McLaughlin read the Roberts Rules of Order on motions and substitute motions.**

Mayor Messina stated that his take on Council's rules would be to vote on Council Member Whitney's motion, then on Vice Mayor Patterson's substitute motion.

Vice Mayor Patterson stated that she did not think Council Member Whitney's first request needed to be changed (regarding section 4.04.030 on page VIII-2 - the 'in general' section #4 - it is too vague). She could not support Council Member Whitney's motion.

Council Member Smith stated that the public would not benefit from the segmentation of the ordinance. He could not support Council Member Whitney's motion.

On motion of Council Member Whitney, seconded by Mayor Messina, Council did not approve Council Member Whitney's amendment to the Introduction and First Reading of an Ordinance, on roll call by the following vote:

Ayes: Council Member Whitney and Mayor Messina

Noes: Council Members Campbell, Patterson, and Smith

On motion of Vice Mayor Patterson, seconded by Council Member Smith, Council did not approve Vice Mayor Patterson's substitute motion, on roll call by the following vote:

Ayes: Council Members Patterson and Smith

Noes: Council Members Campbell, Whitney, and Mayor Messina

Council Member Campbell stated that the limit of \$25.00 seemed low. He stated that the Political Reform Act's numbers are not all that bad. Council Members Whitney, Smith, and Mayor Messina agreed. Regarding 'disrupting a meeting' it just needs to be clarified. The commission could address that particular issue. He want to let the commission rework a few areas to see if they can come up with changes to the last two sentences in (a) and (d) on pages VIII-A-28 to VIII-A-29. Council agreed to let the City Attorney be the person to handle the ethics process. Vice Mayor Patterson stated that the reason for such issues going to the City Attorney, as opposed to the City Manager was a 'coin toss.'

Mayor Messina went through the entire proposed ordinance and discussed his issues with each section. One specific concern he had was on section 4.08.040 B (4) - 'meet outside the City of Benicia with elected or appointed officials of the United States or the State of California.' He questioned why county and special districts were excluded. Ms. McLaughlin stated that the language was taken directly from the Brown Act. Mayor Messina asked if Council was meeting with Solano County, would the meeting have to be in Benicia. He would like to see that clarified in the proposed ordinance.

Vice Mayor Patterson asked the Mayor how long he was going to do this (critique each page of the ordinance). She stated that the Mayor had an opportunity to query the City Attorney on the issue he is raising, that he could have come prepared with the substitute language, and that he has already voted for the ordinance (the very sections that Council is now reviewing.) This is not fair to the public.

Mayor Messina asked if the Vice Mayor would rather he ask his questions or vote blindly. Vice Mayor responded by asking him to fair.

Mayor Messina called for a 5-minute break at 10:16 p.m.

The meeting resumed at 10:24 p.m.

Council Member Smith stated that he appreciates the work that Staff, Council, and the citizens have done on the proposed ordinance. He expressed thanks for the efforts of the City Clerk. The City needs a Sunshine Ordinance. It would have been helpful to have it in past years.

Council Member Smith made a motion to adopt the Ordinance as is, with the exception of 3 changes:

1. on Agenda page VIII-A-12 - section 4.08.040 (b) 4 - state, county, and special districts,
2. on pages VIII- A-31 and VIII-A-33, make the change for the ethics process going to the City Attorney,
3. The amount for the gift limit would be pursuant to the Political Reform Act - \$50.00 or up to \$360/year before one is conflicted out. Vice Mayor Patterson clarified that Council Member Smith's motion included section 5. His motion did not receive a second. Mayor Messina stated that if it does not receive a second, it would just 'die.' Council Member Smith retracted his motion.

Vice Mayor Patterson clarified one of Council Member Smith's changes on page VIII-A-12. The City currently has a MOU with the State Lands Commission that deals with Contra Costa County and two cities within Contra Costa County. She suggested changing it to read 'counties or cities.'

Ms. McLaughlin stated that Council might not want to use 'cities', but to replace Council Member Smith's proposed change to read 'and Counties'.

Vice Mayor Patterson stated that there was a typo on page VIII-A-16 paragraph (e) second line between telephone and email - there needs to be an 'or.' Ms. McLaughlin will take care of that.

Council Member Whitney thanked his colleagues and the citizens for their efforts on this. Regarding having a commission, the community is split. He asked if this was similar to using a sledgehammer to drive a tack.

Council Member Campbell described how the commission would function and what it would be responsible for. He stated that the basic role of the commission would be administrative. If there were a violation, it would go to the City Attorney, and if it could not be resolved, it would then go to Council. The commission's position is to work on the wording of the Sunshine Ordinance. We have basically de-fanged the political attach dog. He stated that if you don't have a commission, you cannot breathe life into the Sunshine Ordinance.

Council Member Whitney asked Vice Mayor Patterson if a standing committee could be used instead

of a commission. Vice Mayor Patterson stated that the public wants a commission, not a standing committee. Council Member Whitney stated that a portion of the public does not want to have the commission. Vice Mayor Patterson stated that it would be fair to say that a large portion of the public does want the commission.

Mayor Messina stated that he understands what we are trying to accomplish in terms of open government. Regarding conduct of the meetings, we have the Brown Act to look to. A lot of what is needed is training. Regarding providing public information, Staff is there to do that. There is already a system in place for that. Regarding ethics, the FPPC is there to deal with that. He thinks we can accomplish the duties that would be assigned to the Open Government Commission through Staff, without having a commission.

Council Member Campbell stated that we have a good Council right now, but that could change down the road. He discussed a letter sent five years ago by the Grand Jury to the City of Benicia regarding the request for information. We cannot slip backwards on this issue.

Vice Mayor Patterson stated that when she started on this adventure she thought it would be simple. What she learned along the way was how passionate people felt about having access to government. The citizens that came to the Sunshine Committee meetings felt strongly about government and how it should be working. She is reluctant to tinker with the proposed ordinance. It would be an insult to those who have had the passion and dedication to government that have worked on this.

Vice Mayor Patterson made a motion with the following changes:

1. Typo change,
2. inserting 'counties',
3. use the City Attorney, and
4. use the Political Reform Act dollar amount - \$50.00 or up to \$360/year before one is conflicted out,
5. There shall be an annual evaluation of the viability of the Commission, and
6. it would be effective 30 days after the budget is passed.

Council Member Whitney asked about how to know if the commission is working. Vice Mayor Patterson stated that there is a section that deals with reporting to Council. The update on how the commission is doing could be part of that report. He would like there to be an annual evaluation of the commission. Vice Mayor Patterson agreed to make that part of her motion.

Mayor Messina stated that he had issues with the qualifications requirement of the commissioners. He thinks the only requirement should be that they are citizens of Benicia.

Vice Mayor Patterson stated that it is valuable that Council try and respect the value of what came out of the meetings.

INTRODUCTION AND FIRST READING OF AN ORDINANCE ADDING A NEW TITLE 4 (OPEN GOVERNMENT) OF THE BENICIA MUNICIPAL CODE REGARDING PUBLIC ACCESS TO MEETINGS AND PUBLIC RECORDS, PUBLIC ETHICS AND ESTABLISHMENT OF AN OPEN GOVERNMENT COMMISSION

On motion of Vice Mayor Patterson, seconded by Council Member Smith, the above Introduction and First Reading of an Ordinance was approved, on roll call by the following vote:

Ayes: Council Members Campbell, Patterson, Smith, and Whitney

Noes: Mayor Messina

On motion of Vice Mayor Patterson, seconded by Council Member Smith, Council gave direction to the City Manager to conduct an ad-hoc stakeholders meeting to develop an information program on City processes, on roll call by the following vote:

Ayes: Council Members Campbell, Patterson, Smith, Whitney, and Mayor Messina

Noes: None

Council Member Smith stated that there were many department managers in attendance that were waiting to discuss various agenda items, which Council would most likely not be able to get to this evening. He suggested Council discuss what items could be continued and what items needed to be discussed tonight.

Mayor Messina asked Mr. Erickson what remaining agenda items needed to be discussed tonight (due to the late hour). Mr. Erickson stated that IX-A and IX-B should be discussed.

Council set a meeting for Tuesday, June 28, 2005 at 6:00 p.m. to discuss the remaining agenda items.

On motion of Council Member Smith, seconded by Vice Mayor Patterson, Council agreed to continue all remaining agenda items, with the exception of IX-A and IX-B until 6/28/2005, on roll call by the following vote:

Ayes: Council Members Campbell, Patterson, Smith, Whitney, and Mayor Messina

Noes: None

NEW BUSINESS:

Annual Review of City Investment Policy per California Government Code 53646:

Rob Sousa, Finance Director, reviewed the Staff report.

RESOLUTION 05-101 - A RESOLUTION REVIEWING THE CITY'S INVESTMENT POLICY AND GUIDELINES AND CONFIRMING ITS ADOPTION

On motion of Council Member Whitney, seconded by Vice Mayor Patterson, the above Resolution was adopted, on roll call by the following vote:

Ayes: Council Members Campbell, Patterson, Smith, Whitney, and Mayor Messina

Noes: None

**Quarterly review of City Investments per California Government Code 53646:
Rob Sousa, Finance Director, reviewed the Staff report.**

On motion of Council Member Whitney, seconded by Vice Mayor Patterson, Council accepted the monthly investment reports, on roll call by the following vote:

Ayes: Council Members Campbell, Patterson, Smith, Whitney, and Mayor Messina

Noes: None

REPORTS FROM CITY MANAGER:

City of Vallejo Bordonni Ranch Project Update:

Dan Schiada, Public Works Director, gave a very brief update on the project. Staff met with Vallejo City Staff on 6/21/05. Final response to our concerns will be addressed in their 'response to comments' document, which should be available on 6/25 or 6/27.

ADJOURNMENT:

Mayor Messina adjourned (continued) the meeting at 11:30 p.m.

Lisa Wolfe, City Clerk