

**October 3, 2006  
BENICIA CITY COUNCIL  
CITY COUNCIL CHAMBERS  
REGULAR MEETING AGENDA**

**October 3, 2006**

**7:00 P.M.**

- **CALL TO ORDER:**
- **CLOSED SESSION:**
  - **NONE**
- **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:**
      - Civil Service Commission:**
        - One full term to August 30, 2009
      - **Sky Valley Open Space Committee:**
        - One full term to September 30, 2010
      - **Open Government Commission:**
        - One full term to November 30, 2010
      - **Parks, Recreation & Cemetery Commission:**
        - One full term to November 30, 2010
      - **People Using Resources Efficiently (PURE) Committee:**
        - One immediate opening
  - **APPOINTMENTS:**
    - **Benicia Housing Authority Board of Commissioners**
      - Teddie Bidou - One unexpired term to June 30, 2007**
    - **Civil Service Commission**
      - Rob Barnard - One unexpired term to January 6, 2007**
    - **Human Services Fund Board**
      - Jerry Pollard - One unexpired term to June 30, 2008**
    - **Human Services Fund Board**
      - Sharon Petrellese - One unexpired term to June 30, 2010**
    - **Sky Valley Open Space Committee**
      - Scott A. Shepard - One full term to August 30, 2010**
  - **PRESENTATIONS:**
    - **Recognition of Benicia Police Department for efforts to reduce youth access to tobacco**
      - Loretta Huddart-Wolfe, Solano County Health & Social Services Department, Tobacco Prevention and Education Program
  - **PROCLAMATIONS:**

- **Recognition of Domestic Violence Awareness and Prevention Month - October, 2006**
- **ADOPTION OF AGENDA:**
- **OPPORTUNITY FOR PUBLIC COMMENT:**
  - **WRITTEN**
  - **PUBLIC COMMENT**
- **CONSENT CALENDAR:**
  - **Approval of Minutes of August 30, 2006, September 5, 2006 and September 19, 2006. (City Clerk)**
  - **Second reading of an ordinance amending the Benicia Municipal Code provisions regarding appointment of Planning Commissioners. (City Attorney)**  
The proposed ordinance changes the way Planning Commissioners are appointed. The present practice of appointment is contrary to the Attorney General's recent opinion. The proposed ordinance has members appointed by the Mayor with confirmation by the Council. If adopted, the ordinance would be effective 30 days after adoption.

**Recommendation: Adopt the proposed ordinance amending Section 2.52.010 (Establishment - membership) of Chapter 2.52 (Planning Commission) of Title 2 (Administration and personnel) of the Benicia Municipal Code.**

- **Second reading of an ordinance amending various sections in Title 4 (Open Government) of the Benicia Municipal Code. (City Attorney)**

**The changes will provide the public better access to city government, specifically access to government meetings and public records. The proposed amendments to various sections of the Open Government Ordinance are a result of the Open Government Commission's efforts to clarify and streamline the implementation of the ordinance.**

**Recommendation: Adopt the proposed ordinance amending various sections of Title 4 (Open Government) of the Benicia Municipal Code.**

- **Second reading of ordinances amending Chapter 15.28 (Grading and Erosion Control) and adding a new Chapter 15.64 (Storm Water Management and Discharge Control). (Public Works Director)**

**The City of Benicia is required to adopt and enforce ordinances to be in compliance with the State Water Resources Control Board Stormwater General Permit and the Clean Water Act. Together, the SWRCB Permit and the Clean Water Act require the implementation of identified control measures and Best Management Practices (BMPs) needed to prevent or reduce pollutants in storm water. The ordinances provide the authority to enforce the Stormwater General Permit and the Clean Water Act. The City Council introduced the ordinances at the September 19, 2006 meeting. As a result of discussion at that meeting, the proposed Storm Water Management and Discharge Control**

ordinance was amended to reflect the Council's direction regarding reference to the General Plan and the intent to limit post-development storm water discharge rates to the pre-development condition. The ordinances will become effective on November 2, 2006.

**Recommendation:** Adopt the proposed ordinances amending Title 15 (Building and Construction) of the Benicia Municipal Code, Chapter 15.28 (Grading and Erosion Control) and adding a new Chapter 15.64 (Storm Water Management and Discharge Control).

- **Adoption of resolution amending the City's conflict of interest code. (City Attorney)**

Each local agency is required to adopt a conflict of interest code. Staff has reviewed the City's conflict of interest code and has determined that amendments are needed to update the code. Changes include adding the Open Government Commission and updating the designated positions to reflect current job titles and disclosure categories to reflect economic interests related to the position. There is no impact on the City's budget.

**Recommendation:** Adopt the resolution amending the City's conflict of interest code.

- **Approval and affirmation of change orders for the Water Treatment Plant Improvement Project. (Public Works Director)**

This action approves and affirms change orders with Monterey Mechanical Co. for the Water Treatment Plant Improvement Project in the combined amount of \$55,080.01. This improvement project will satisfy new and anticipated drinking water regulations; upgrade or replace outdated and aging equipment and facilities; and restore reliability and redundancy for critical processes. The change orders are within the project budget.

**Recommendation:** Adopt the resolution authorizing the Director of Public Works to execute on behalf of the City Contract Change Order No. 3 with Monterey Mechanical Co. for the Water Treatment Plant Improvement Project and affirming staff-authorized Contract Change Order Nos. 1 and 2.

- **Authorization of the purchase of 13 sewage lift station control panels. (Public Works Director)**

This action authorizes the purchase of 13 sewage lift station control panels that will be connected to the Supervisory Control and Data Acquisition (SCADA) system and will provide reliable communication and monitoring between these remote sites and the Wastewater Treatment Plant. This is a budgeted expenditure, sufficient funds are available in Account No. 014-8305-9835 (Sewer Lift Station Improvements) to cover this purchase.

**Recommendation:** Adopt the resolution authorizing the purchase of 13

sewage lift station control panels from Pipeline Systems Incorporated of Concord, California, in the amount of \$177,295.00.

- Annual review of the City of Benicia Investment Policy with no recommended changes. (Finance Director)

The City Council is required to review the Investment Policy annually to assure compliance with changes in State law, principally Government Code §53646. There are no changes recommended this year, as extensive revisions were approved in October 2005 and no legislative changes require modification of the current policy.

**Recommendation:** Adopt the resolution recognizing the annual review of the City of Benicia Investment Policy in accordance with California State Government Code §53646.

- Acceptance of investment report for the quarter ended June, 2006. (Finance Director)

The investment portfolio is in compliance with the City's Investment Policy and California Law. Additionally, the City has adequate investments to meet its expenditure needs for the next six months. The Audit and Finance Committee has reviewed these reports and recommends acceptance.

**Recommendation:** Accept, by motion, the investment report for the quarter ended June, 2006.

- Approval to waive the reading of all ordinances introduced and adopted pursuant to this agenda.
- **PUBLIC HEARINGS:**
- **ACTION ITEMS:**
- **INFORMATIONAL ITEMS:**
  - Reports from City Manager.
- **COMMENTS FROM COUNCIL MEMBERS:**
  - Consider directing staff to prepare a zoning text amendment amending General Commercial. (Vice Mayor Schwartzman)  
Vice Mayor Schwartzman has requested that the Council consider directing staff to prepare a zoning text amendment that would amend the maximum square footage in General Commercial zones to 75,000 square feet.

**Recommendation:** Be advised of the request to agendaize the first reading of the proposed ordinance on a future agenda.

- **ADJOURNMENT:**

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#### 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.**

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#### **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.**

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#### **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.**