

MINUTES OF THE
REGULAR MEETING – CITY COUNCIL
January 03, 2012

City Council Chambers, City Hall, 250 East L Street, complete proceedings of which are recorded on tape.

I. CALL TO ORDER:

Mayor Patterson called the meeting to order at 6:58 p.m.

II. CLOSED SESSION:

III. CONVENE OPEN SESSION:

A. ROLL CALL

B. PLEDGE OF ALLEGIANCE

Mayor Patterson led the Pledge of Allegiance.

C. REFERENCE TO THE FUNDAMENTAL RIGHTS OF THE PUBLIC.

IV. ANNOUNCEMENTS/APPOINTMENTS/PRESENTATIONS/PROCLAMATIONS:

A. ANNOUNCEMENTS

1. Announcement of action taken at Closed Session, if any.

Ms. McLaughlin reported that Council did not take any action during Closed Session.

2. Openings on Boards and Commissions:

Library Board of Trustees, 2 full terms
Application Due Date: January 13, 2012

Planning Commission, 3 full terms
Application Due Date: January 13, 2012

Arts and Culture Commission, 3 full terms
Application Due Date: January 13, 2012

Community Sustainability Commission, 1 full term
Application Due Date: January 13, 2012

Benicia Housing Authority Board of Commissioners, 2 full term
Application Due Date: January 13, 2012

Economic Development Board, 1 unexpired term
Application Due Date: January 13, 2012

SolTrans Public Advisory Committee, 3 full terms
Open Until Filled

Sky Valley Open Space Committee, 1 full term
Open Until Filled

Building Board of Appeals, 3 full terms
Open Until Filled

Solano Transportation Authority Pedestrian Advisory Committee,
1 full term - Open Until Filled

3. Mayor's Office Hours:

4. Benicia Arsenal Update:

Mayor Patterson reviewed the report.

B. APPOINTMENTS

C. PRESENTATIONS

D. PROCLAMATIONS

V. ADOPTION OF AGENDA:

Staff requested that item VII.C be amended to reflect the cancellation of the November 6, 2012 Council meeting, as it is a national election day. Staff confirmed it had been past practice of Council to do this.

On motion of Council Member Schwartzman, seconded by Council Member Hughes, Council adopted the Agenda, on roll call by the following vote:

Ayes: Patterson, Strawbridge, Schwartzman, Campbell, Hughes

Noes: (None)

VI. OPPORTUNITY FOR PUBLIC COMMENT:

A. WRITTEN COMMENT

Two items received from citizens (copies on file).

B. PUBLIC COMMENT

1. Karen Burns - Ms. Burns discussed the issue of the bicycle racks being removed in the Downtown area. They have still not been removed. (Staff noted that the replacement racks were on backorder.)
2. Judith Judson - Ms. Judson discussed concerns regarding the goats in the Southampton area, and the destruction they are causing to the land and the wildlife. She submitted photographs documenting her concerns.

Mayor Patterson asked Staff to look into Ms. Judson's concerns and present their findings to Council. Council discussed the issue, and by consensus, agreed to have Staff provide Council with updates on the goat issues, however, they did not want staff to spend time re-evaluating the use of the goats.

VII. CONSENT CALENDAR:

Item VII.C was amended, per the adoption of the agenda, canceling the 11/6/12 Council meeting.

On motion of Council Member Hughes, seconded by Council Member Schwartzman, Council approved the Consent Calendar, as presented, on roll call by the following vote:

Ayes: Patterson, Strawbridge, Schwartzman, Campbell, Hughes

Noes: (None)

A. APPROVAL OF MINUTES OF THE SPECIAL MEETINGS OF DECEMBER 12, 2011 AND DECEMBER 20, 2011

On motion of Council Member Hughes, seconded by Council Member Schwartzman, Council approved the minutes of the Special meetings of December 12, 2011, and December 20, 2011, on roll call by the following vote:

Ayes: Patterson, Strawbridge, Schwartzman, Campbell, Hughes

Noes: (None)

B. REVIEW AND ACCEPTANCE OF THE INVESTMENT REPORT FOR THE QUARTER ENDED SEPTEMBER 2011

On motion of Council Member Hughes, seconded by Council Member Schwartzman, Council approved, by motion, the acceptance of the investment report for the quarter ended September 2011, on roll call by the following vote:

Ayes: Patterson, Strawbridge, Schwartzman, Campbell, Hughes

Noes: (None)

C. ADOPTION OF THE 2012 CITY COUNCIL REGULAR MEETING

CALENDAR

Per Staff's request during the adoption of the agenda, Council amended the 2012 City Council regular meeting calendar to reflect the cancellation of the 11/6/12 meeting (due to the national election).

On motion of Council Member Hughes, seconded by Council Member Schwartzman, Council approved, by motion, 2012 City Council regular meeting calendar, as amended, on roll call by the following vote:

Ayes: Patterson, Strawbridge, Schwartzman, Campbell, Hughes

Noes: (None)

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

VIII. BUSINESS ITEMS:

- A. REVIEW OF PLANNING COMMISSION DECISION REGARDING THREE VINYL WINDOWS AT 410 WEST J STREET**

Staff reviewed Mayor Patterson's request to rescind her call-up of this item.

Mayor Patterson reviewed her request to call up the review of the Planning Commission decision regarding three vinyl windows at 410 West J Street. After she called the item up for review, she received satisfactory information from Staff, documentation, meetings, etc. that convinced her she had no interest in overturning the Planning Commission's ruling. Because of the timing of the agenda, the item had to remain on tonight's agenda.

Mayor Patterson asked if anyone in the audience wanted to hear the item as an appeal of the Planning Commission's decision.

Ms. Karen Burns indicated she wished to hear the item as an appeal.

Charlie Knox, Public Works & Community Development Director, reviewed the staff report.

Public Comment:

1. Karen Burns - Ms. Burns discussed concerns regarding the Planning Commission's decision.
2. Bob Langston - Mr. Langston discussed concern regarding the erosion of personal property rights. He suggested placing the information regarding historic homes on the property deed so that it is clear to all buyers what they are getting in to.
3. Bob Surrat - Mr. Surrat spoke in support of the Planning Commission's ruling. He discussed the issue of guidelines and recommendations vs. rules.

4. Peter Baker - Mr. Baker spoke in support of the Planning Commission's ruling. However, he felt that in general, the HPRC and Planning Commission should make recommendations, and Council should make final determinations.
5. Diane Reed - Ms. Reed spoke in support of the Planning Commission's ruling.
6. Gary Smith - Mr. Smith spoke in support of the Planning Commission's ruling.
7. Donna Sheehan - Ms. Sheehan reviewed the letter she submitted to Council (copy on file). She spoke in opposition to the Planning Commission's ruling.
8. Dennis Lowry - Mr. Lowry discussed the issue of encroachment on personal property rights, as documented in his letter to Council (copy on file). He discussed concerns regarding the conflicting Benicia Municipal Codes regarding HPRC and Planning Commission duties. He discussed concerns regarding possible Brown Act violations.
9. Claudia Fraser - Ms. Fraser discussed her concerns regarding the processes in place that have led to the current situation with her windows at 410 West J Street.
10. Jim Gossman - Mr. Gossman spoke in support of the Planning Commission's ruling.

Vice Mayor Campbell asked for a point of order. He asked Staff to clarify what action could be taken as a result of the item being called up.

Mayor Patterson reviewed the three choices: 1) take no action and uphold the Planning Commission's ruling, 2) take action to uphold the Planning Commission's ruling, or 3) take action to support the request for rescinding by the Mayor.

Council Member Hughes discussed the issue of personal property rights. He was willing to offer a motion to uphold the Planning Commission's ruling.

Council Member Schwartzman discussed concern regarding the guidelines, and the need to make them clearer. He did not think any action needed to be taken. He discussed the need to put the window issue on the policy calendar for discussion.

Vice Mayor Campbell did not agree with dealing with this issue as a call-up. Council could look at the issue as a policy. He discussed the issue of guidelines being nebulous and flexible.

Council Member Strawbridge discussed the need to better communicate to the citizens regarding homes in the historic district. She discussed the issue that was brought up regarding placing the information on the deeds.

Mayor Patterson discussed the need for continuing education on the issue. She

discussed the issue of looking into policy, revisiting the guidelines, etc.

Mayor Patterson confirmed the Planning Commission's ruling would stand as-is.

Mr. Kilger discussed the issue of a follow-up workshop with the HPRC and the State Office of Historic Preservation. Staff was not prepared to start a lengthy evaluation with large community input at this time. If that were Council's desire, he would like to talk to the HPRC and put together a work plan. He reviewed the Planning Commission and Staff's recommendations on the vinyl window issue. The Downtown Conservation Plan needs to be updated. He would be happy to set up some meetings, however, the budget, labor negotiations, and several major projects are underway. Council and Staff need to have more of a dialogue on the issue, prior to getting into the meetings.

Mayor Patterson suggested going forward with the workshop. Council should put the potential policy discussion on the calendar, so it doesn't fall through the cracks. Council will wait to see what Staff comes back with from the HPRC regarding an update on the Downtown Historic Plan.

Vice Mayor Campbell discussed incentives or waiving fees regarding historic home renovations.

Council Member Schwartzman asked for clarification on the purpose of the meeting with the State Office of Historic Preservation. Staff clarified that it would be to get an update of where the City is, and have an opportunity to lay these issues out, in terms of the current system, but not necessarily come to any conclusions.

Mayor Patterson clarified that it was somewhat of a refresher course from the State. The City had one in the past, and it was very helpful.

Staff confirmed that based on tonight's discussion, the commissions and staff need clarification from Council on their expectations. Staff would come back and give Council a status report after the meeting with the State.

Council Member Hughes clarified that it would not be a workshop, but a meeting. He would expect the City to ask the State for clarifications on the dos and don'ts of the guidelines. Then, Staff could come back and present their findings to Council.

IX. ADJOURNMENT:

Mayor Patterson adjourned the meeting at 8:36 p.m.

Lisa Wolfe, City Clerk