

MINUTES OF THE
REGULAR MEETING – CITY COUNCIL
FEBRUARY 2, 2010

The regular meeting of the City Council of the City of Benicia was called to order by Mayor Elizabeth Patterson at 7:00 p.m. on Tuesday, February 2, 2010 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, Hughes, Ioakimedes, Schwartzman, and Mayor Patterson

Absent: None

PLEDGE OF ALLEGIANCE:

Vice Mayor Schwartzman led the pledge to the flag.

FUNDAMENTAL RIGHTS:

A plaque stating the Fundamental Rights of each member of the public is posted at the entrance to the Council Chambers per Section 4.04.030 of City of Benicia Ordinance No. 05-6 (Open Government Ordinance).

ANNOUNCEMENTS/APPOINTMENTS/PRESENTATIONS/PROCLAMATIONS:

ANNOUNCEMENTS:

Openings on Boards and Commissions:

- Benicia Housing Authority:
Two full terms to January 31, 2012 (Tenants)
- Civil Service Commission:
Four full terms to January 2014
- Human Services and Arts Board:
Two unexpired terms to June 30, 2010 and July 31, 2013
- Open Government Commission:
Two full terms to January 31, 2014
- Parks, Recreation and Cemetery Commission:
One full term to January 2014
- Sky Valley Open Space Committee:
One full term to January 31, 2013
- Solano Transportation Authority Bicycle Advisory Committee:
One full term opening – three-year term

Mayor's Office Hours:

Mayor Patterson will maintain an open office every Monday (except holidays) in the Mayor's Office of City Hall from 6:00 p.m. to 7:00 p.m. No appointment is necessary. Other meeting times may be scheduled through the City Hall office at 746-4200.

APPOINTMENTS:

None

PRESENTATIONS:

Special Presentation by STA for the Regional Transportation Impact Fee (RTIF):
Mr. Darryl Halls, Mr. Sam Shelton, and Mr. Robert Macaulay, STA, reviewed a PowerPoint Presentation titled 'Regional Transportation Fee (RTIF) Update (hard copy on file).

Council, Mr. Halls, and Mr. Macaulay, discussed the ranking criteria that would be used for the eligible projects, and the restrictions on the funds and how they affect transit.

Staff and Council confirmed there would be a discussion on the RTIF on 2/16/10.

PROCLAMATIONS:

None

ADOPTION OF AGENDA:

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

Ayes: Council Members Campbell, Hughes, Ioakimedes, Schwartzman, and Mayor
Patterson

Noes: None

OPPORTUNITY FOR PUBLIC COMMENT:

WRITTEN:

Various items received (copy on file). Mayor Patterson listed the documents received.

PUBLIC COMMENT:

1. Ann Hansen – Ms. Hansen discussed various events that would be held to honor the Benicia Historical Museum's 25th anniversary. She discussed the upcoming display that would honor the Boy Scouts 100th anniversary.
2. Belinda Smith – Ms. Smith discussed the upcoming 'Meet Your Elected Officials' event hosted by the League of Women Voters.

CONSENT CALENDAR:

Council pulled items VII-A, VII-C, VII-D, VII-G, and VII-I.

On motion of Vice Mayor Schwartzman, seconded by Council Member Ioakimedes, the Consent Calendar was adopted as amended, on roll call by the following vote:

Ayes: Council Members Campbell, Hughes, Ioakimedes, Schwartzman, and Mayor
Patterson

Noes: None

RESOLUTION 10-10 - A RESOLUTION APPROVING AN EASEMENT AGREEMENT BETWEEN PARACHINI BENICIA PROPERTIES, L.P. AND THE CITY OF BENICIA TO FACILITATE THE USE AND OPERATION OF A SEWER LIFT STATION LOCATED ON TEAL COURT, AUTHORIZING THE MAYOR AND CITY MANAGER TO SIGN THE AGREEMENT, SUBJECT TO APPROVAL BY

THE CITY ATTORNEY, AND AUTHORIZING THE CITY CLERK TO FILE THE DOCUMENT WITH THE SOLANO COUNTY RECORDER'S OFFICE

RESOLUTION 10-11 - A RESOLUTION ACCEPTING TWO PUBLIC UTILITY EASEMENTS (GRANT DEEDS) FROM JIM HAZARD, AS CO-TRUSTEE OF THE LAWRENCE E. HAZARD FAMILY TRUST AND PARTNER OF PONDEROSA PROPERTIES FOR UNDERGROUND UTILITY PURPOSES, LOCATED AT 2980 BAYSHORE ROAD, TO ACCOMMODATE EXISTING SEWER, ELECTRICAL AND COMMUNICATION FACILITIES, AUTHORIZING THE CITY CLERK TO FILE THE GRANT DEEDS WITH THE SOLANO COUNTY RECORDER'S OFFICE

Council approved the denial of the claim against the City by Charlene Jimerson and referral to insurance carrier.

Council approved the denial of the claim against the City by Richard Lindsey and referral to insurance carrier.

Council approved the denial of the claim against the City by Valerie Bobetsky and referral to insurance carrier.

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

(END OF CONSENT CALENDAR)

Council took the following actions:

Approval of Minutes of January 19, 2010:

Mayor Patterson reviewed her requested changes, which were technical corrections to VII-A-8 and replacing the language 'documenting the reasons why additional environmental review is not necessary' with the language 'documenting, pursuant to Public Resources Code Section 21166 and CEQA Guidelines Section 15162, whether additional environmental review is necessary.'

On motion of Vice Mayor Schwartzman, seconded by Council Member Campbell, Council approved the Minutes of January 19, 2010, as amended, on roll call by the following vote:

Ayes: Council Members Campbell, Hughes, Ioakimedes, Schwartzman, and Mayor
Patterson

Noes: None

Support of 2010 Census:

Mayor Patterson emphasized the importance of the public participating in the census, as it affects how much California will get of the federal dollars.

RESOLUTION 10-12 - A RESOLUTION AFFIRMING SUPPORT OF AND PARTNERSHIP WITH THE 2010 CENSUS

On motion of Council Member Hughes, seconded by Council Member Ioakimedes, the above Resolution was adopted, on roll call by the following vote:

Ayes: Council Members Campbell, Hughes, Ioakimedes, Schwartzman, and Mayor
Patterson

Noes: None

Denial of the claim against the City by Stephanie Webb and referral to insurance carrier:
Council and Staff discussed the claim.

On motion of Council Member Campbell, seconded by Vice Mayor Schwartzman, Council approved the denial of the claim against the City by Stephanie Webb and referral to insurance carrier, on roll call by the following vote:

Ayes: Council Members Campbell, Hughes, Ioakimedes, Schwartzman, and Mayor
Patterson

Noes: None

Denial of the claim against the city by John Potter and referral to insurance carrier:
Heather McLaughlin, City Attorney, pulled this item.

Presentation of the Comprehensive Annual Financial Report for the Fiscal Year ending June 30, 2009 and recognition of Certificate of Achievement for Excellence in Financial Reporting for the June 30, 2008 Report:

Council Member Campbell recognized that the City had received the highest rankings possible from the auditors.

On motion of Vice Mayor Schwartzman, seconded by Council Member Hughes, Council accepted the Comprehensive Annual Financial Report for the fiscal year ending June 30, 2009, on roll call by the following vote:

Ayes: Council Members Campbell, Hughes, Ioakimedes, Schwartzman, and Mayor
Patterson

Noes: None

PUBLIC HEARINGS:

Consider the application of California Taxicab Co. to operate a Taxicab service within the City of Benicia:

Rob Sousa, Finance Director, reviewed the staff report.

Public Hearing Opened

Applicant:

Mr. Bhusban Puri reviewed the history of his company.

Mr. Sousa discussed the high level of cooperation Staff had received from Mr. Puri.

Council and Staff discussed California Taxicab Company's website, they apologized for not being able to hear their public hearing at the last Council meeting, notification that

was sent to the other taxi companies and any feedback that was received, the GPS technology that was being used by the applicant, the reduced response time the applicant had demonstrated in the City of Vallejo, agreements signed with the other taxi companies, and how being stationed in Benicia would work.

Public Comment:

None

Public Hearing Closed

RESOLUTION 10-13 - A RESOLUTION AUTHORIZING CALIFORNIA TAXICAB CO. TO OPERATE CAB SERVICE WITHIN THE CITY OF BENICIA

On motion of Council Member Hughes, seconded by Council Member Campbell, the above Resolution was adopted, on roll call by the following vote:

Ayes: Council Members Campbell, Hughes, Ioakimedes, Schwartzman, and Mayor
Patterson

Noes: None

ACTION ITEMS:

Approval of Memorandum of Understanding for the Intercity Taxi Scrip Program between all of the cities of Solano County, the County of Solano and all taxicab operators within the County of Solano:

Rob Sousa, Finance Director, reviewed the Staff report.

Council and Staff discussed trip cost, the cost of a trip to Fairfield (\$9), incentive (\$5) for the taxi driver to fold the wheelchair and put it in the car, walkers (equipment) not being included in the incentive, limitations on drop off locations (none), and the training that the taxi drivers go through for the program.

Public Comment:

None

RESOLUTION 10-14 - A RESOLUTION APPROVING THE MEMORANDUM OF UNDERSTANDING FOR THE INTERCITY TAXI SCRIP PROGRAM BETWEEN THE CITIES OF BENICIA, DIXON, FAIRFIELD, SUISUN CITY, RIO VISTA, VACAVILLE, AND VALLEJO, THE COUNTY OF SOLANO AND ALL TAXICAB OPERATORS WITHIN THE COUNTY OF SOLANO

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

Ayes: Council Members Campbell, Hughes, Ioakimedes, Schwartzman, and Mayor
Patterson

Noes: None

Request to legislators for Arsenal hazards analysis with priority given to the Lower Arsenal area:

Heather McLaughlin, City Attorney, reviewed the staff report. She reviewed the changes to the letter (handout – copy on file).

Public Comment:

1. Marilyn Bardet – Ms. Bardet read the letter that she sent to Staff that was included as part of the agenda packet.

Council Member Hughes and Ms. Bardet discussed the expected response time to the City's request, what property owners could expect, and how the resolution would affect property owners regarding development.

Vice Mayor Schwartzman and Ms. Bardet discussed how long it would take once the City received an answer to its letter.

2. Belinda Smith – Ms. Smith discussed mentioning the portion of the Lower Arsenal that is on the National Register of Historic Places in the resolution.

Mayor Patterson recognized the tremendous amount of work Ms. Bardet did on this issue. She thanked Ms. Bardet and Ms. McLaughlin for their efforts.

Vice Mayor Schwartzman suggested various changes to the proposed resolution.

Ms. McLaughlin confirmed the following changes would be made to the resolution as suggested by Vice Mayor Schwartzman: insert the state and federal historical listing in the first whereas, insert the word residential in the first whereas, fix the capital letters and italics throughout the document, striking the language in the last whereas on page IX-B-8 (scratch 'under', scratch 'form based code zoning', scratch 'unrestricted residential' add 'and could be entertained by property owners and developers', scratch 'now or anytime in the future'), insert the two actions in the middle of the last whereas on page IX-B-9, correct the typo of would vs. could on page IX-B-9, correct the typo on IX-B-10 to read 'it is', remove the word 'union' in the first line on page IX-B-12, add 'and Californians' to the second whereas on page IX-B-12, delete 'necessary in the third whereas on page IX-B-12, insert 'residential' in between cultural and commercial on the now therefore be it resolved on page IX-B-12, and adding 'residential' in the final now therefore be it resolved. She verified the changes to the letter would be made as well.

Ms. Bardet suggested changing 'health and safety' to 'public health and safety.'

RESOLUTION 10-15 - A RESOLUTION REQUESTING THE ASSISTANCE AND SUPPORT OF CONGRESSIONAL AND LEGISLATIVE LEADERS FOR THE TIMELY INVESTIGATION AND CLEANUP OF LAND IN THE FORMER BENICIA ARSENAL, UNDER THE LEADERSHIP OF CAL-EPA'S DEPARTMENT OF TOXIC SUBSTANCES CONTROL, OFFICE OF MILITARY FACILITIES IN CONSORT WITH THE DEPARTMENT OF DEFENSE (AS PRIMARY RESPONSIBLE PARTY) AND ALL OTHER POTENTIAL RESPONSIBLE PARTIES, WITH PRIORITY

GIVEN TO THE INVESTIGATION AND CLEANUP OF LAND IN THE LOWER ARSENAL AREA

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

Ayes: Council Members Campbell, Hughes, Ioakimedes, Schwartzman, and Mayor Patterson

Noes: None

INFORMATIONAL ITEMS:

City Manager Reports:

Rose Center Parking Use Permit:

Jim Erickson, City Manager confirmed that Staff was working on the item and should be able to present the public hearing on 3/16/2010.

Council Member Hughes asked 1) if there is any additional info that would help Council determine if there is adequate parking, and 2) if we rewound this before Staff made the decision, would the Planning Commission have attached conditions to the permit. He requested that Staff possibly look at past projects for conditions that might have been imposed.

Public comment:

None

COUNCIL MEMBER REPORTS:

Council Member Campbell requested Council discuss the possibility of a resolution supporting the idea of a regional park (as discussed by the Tri-City and County Regional Parks and Open Space Committee).

ADJOURNMENT:

Mayor Patterson adjourned the meeting at 8:55 p.m.

Lisa Wolfe, City Clerk