

MINUTES OF THE
REGULAR MEETING – CITY COUNCIL
FEBRUARY 5, 2008

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 5, 2008, 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:

Council Member Hughes 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:

Openings on Boards and Commissions:

- Sky Valley Open Space Committee:
Two unexpired terms to September 30, 2010
- Historic Preservation Review Commission
Two full terms to February 28, 2011

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 746-4210 or by email acardwell@ci.benicia.ca.us

APPOINTMENTS:

RESOLUTION 08-04 - A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF MAYOR PATTERSON AND VICE MAYOR CAMPBELL TO THE RAW WATER CONTRACT NEGOTIATIONS WITH VALERO SUBCOMMITTEE

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

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

Noes: None

PRESENTATIONS:

Save Benicia State Recreation Area from Closure:

Mr. Eugene Doherty, Forrest Deaner Native Plant Botanic Garden, California Native Plants Society – Willis Linn Jepson Chapter, reviewed a PowerPoint presentation (hard copy on file).

Council and Staff discussed funding, proposed park closures, upcoming meeting with Ruth Coleman, police response to calls at the Benicia State Recreation Area, water supply, requesting that the Solano County Board of Supervisors place this issue on its next agenda, and asking each and every city to respond to this issue.

PROCLAMATIONS:

Recognition of the Third Annual Winter Quarters conference at the Benicia Historical Museum – February 9-10, 2008.

ADOPTION OF AGENDA:

Mr. Erickson stated that there was a request from a citizen that Council pull item VII-B from the Consent Calendar.

On motion of Council Member 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:

PUBLIC COMMENT:

1. Mary Frances Kelly Poh – Ms. Kelly Poh announced an upcoming propagation workshop that would be put on by the Forrest Deaner Native Plant Botanic Garden, California Native Plants Society at the Benicia State Park this weekend.
2. Ann Hansen – Ms. Hansen expressed the Benicia Historical Museum's concern regarding the degradation of the sandstone buildings at the museum. Ms. Hansen announced various upcoming events at the Benicia Historical Museum.
3. Karen Burns – Ms. Burns discussed the letter of the law vs. the intent of the law, the \$17,000 that Council set aside in November 2007 for installing a gravel road to the dog park, and the lack of handicap accessibility to the dog park.

Council and Staff stated that the issue would be discussed at the February 19, 2008 Council meeting.

4. Bob Craft – Mr. Craft discussed concerns regarding the proposed hydrogen pipeline network and the proposed changes to the Youth Action Task Force.
5. Bill Royal – Mr. Royal discussed his health concerns, his dreams on how to get even with the City for taking his money, pledge of allegiance, extortion, corruption, how he will legally disrupt and embarrass the City at future events, and making the City feel the pain he has felt.

Mayor Patterson asked Mr. Erickson to provide Mr. Royal with the code of conduct. He will be expected to follow the code of conduct at future meetings or he would be escorted out.

6. Jon Van Landschoot – Mr. Van Landschoot requested that the single-family exemption for design review for homes in the Historic District be discussed at the next meeting or the first meeting in March. He suggested that the City request to purchase the Benicia State Park from the State of California.

Council Member Ioakimedes inquired as to the status of the Historic Survey, and suggested that would be an appropriate time to discuss the issue raised by Mr. Van Landschoot.

7. John Furtado – Mr. Furtado suggested the agenda's be printed on both sides, suggested changes to the City's website, the suggestion for Benicia to consider having a video such as the City of Pittsburg California's 'Welcome to Pittsburg' video on its website.

CONSENT CALENDAR:

Council pulled items VII-B, VII-G, and VII-H.

On motion of Council Member 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

The minutes of January 15, 2008 were approved.

RESOLUTION 08-05 - A RESOLUTION APPROVING THE IMPLEMENTATION OF A SEWER SYSTEM MANAGEMENT PLAN IN ACCORDANCE WITH THE REQUIREMENTS OF THE STATE AND REGIONAL WATER QUALITY CONTROL BOARDS

RESOLUTION 08-06 - A RESOLUTION APPROVING THE ANNUAL REVIEW OF THE CITY'S INVESTMENT POLICY WITH MINOR CHANGES

Council approved the Investment Report for the quarter ending September 2007.

RESOLUTION 08-07 - A RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION FOR FTA SECTION 5307 FUNDING FOR VARIOUS CAPITAL

AND OPERATION PROJECTS SUPPORTING BENICIA BREEZE AND COMMITTING THE NECESSARY LOCAL MATCH FOR THE PROJECTS AND STATING THE ASSURANCE OF THE CITY OF BENICIA TO COMPLETE THE PROJECTS

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

(END OF CONSENT CALENDAR)

Council took the following actions:

Denial of the Claim Against the City by Ellyn and M. Danny Levin and Referral to Insurance Carrier:

Heather McLaughlin, City Attorney, reviewed the staff report.

Public Comment:

1. Ms. Ellyn Levin discussed the fire that damaged her home, the calls she placed to 911, delay in response to her calls, and weed abatement.

Mr. Erickson suggested that Staff meet with Mr. and Mrs. Levin to explain the chain of events and how City services work.

Chief Hanley briefly reviewed the chain of events surrounding the fire in June 2007.

Council Member Campbell stated that it sounded as if the City were going to spend more money on Staff time than the amount of the claim.

Council discussed support for the meeting between Staff and Mr. and Mrs. Levin.

On motion of Council Member Schwartzman, seconded by Council Member Hughes, Council approved the denial of claim by Ellyn and M. Danny Levin and Referral to Insurance Carrier, on roll call by the following vote:

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

Noes: Vice Mayor Campbell

Celebrating 25 years of Benicia Breeze providing transit service within the City of Benicia and to regional destinations:

John Andoh, Transit Services Manager, reviewed the staff report.

Council and staff discussed the need to reach out to the various organizations and possibly throw a bigger party to draw some deserved attention our way.

RESOLUTION 08-08 - A RESOLUTION CELEBRATING 25 YEARS OF BENICIA BREEZE PROVIDING TRANSIT SERVICE TO THE CITY OF BENICIA AND TO REGIONAL DESTINATIONS

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

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

Noes: None

Endorsement of the proposed strategic planning process for the Youth Action Task Force:
Jim Erickson, City Manager, reviewed the staff report.

Council discussed the current program, fixing something that is not broken, cost of hiring a facilitator, review of the strategic plan, how the group has evolved, funding, the need for this to be handled in a timely manner, unspent money in the group's budget.

Council Member Hughes indicated that he supported the item, however he had reservations.

Vice Mayor Campbell stated that he would like to keep the cost down.

On motion of Council Member Schwartzman, seconded by Council Member Ioakimedes, Council approved the endorsement of the proposed strategic planning process for the Youth Action Task Force, on roll call by the following vote:

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

Noes: None

PUBLIC HEARINGS:

Consideration of a resolution to authorize the filing of a revised tariff for taxicab rates and authorize increases in Safe Ride program fares:

Rob Sousa, Finance Director, reviewed the staff report.

Council and Staff discussed the Taxi Scrip Program, number of drivers participating in the program, enforcement measures in current contract, the fact that 40% of the time the taxicabs are not responding in a timely manner for the Safe Ride Program, unacceptable response time, lack of volume to support having two taxicab companies in the City, the safety of citizens with regards to the issue, the need for assurances by the taxicab companies, the history of taxicab companies in Benicia, Council receiving performance reports on the taxicab service, possible fines for lack of performance, time involved (minimum of 4 hours - \$500.00) for police responding to a DUI, volume of taxicab calls, the need for a monitoring program, and getting more businesses involved in the program.

Public Hearing Opened

Public Comment:

1. Jan Lucca – Mr. Lucca spoke in opposition to the proposed fee increase and the lack of service and performance by the two local taxicab companies. He requested the City make the providers perform per their agreement.

2. Bob Craft – Mr. Craft expressed concern regarding using General Fund monies to pay for drunken people to get home.
3. Karen Perry – Ms. Perry discussed the issue of the City of Benicia accepting the City of Vallejo background checks, raising the rates, hiring more night drivers, and average fare costs.
4. Citizen – The citizen discussed the issue of money, the need to work together, the need for similar rates in Benicia and Vallejo, how expensive it is to operate a taxicab, and the low volume of calls.

Public Hearing Closed

Staff and Council discussed frustration with the performance of the taxicab companies, the estimated of 60 hours/year it would take to have a monitoring program, coming up with a monitoring program, and pros and cons of going back to having only one taxicab company operating in Benicia.

Council Member Ioakimedes made a motion to approve the resolution, adding the monitoring language as discussed, and if future alternatives become available they should be reported to Council.

RESOLUTION 08-09 - A RESOLUTION AUTHORIZING THE FILING OF A REVISED TARIFF FOR TAXICAB RATES AND AUTHORIZING INCREASES IN THE SAFE RIDE PROGRAM FARES

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

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

Noes: None

ACTION ITEMS:

Introduction and First Reading of an ordinance revising Section 5.32.120 (Taxicabs) of the Benicia Municipal Code:

Rob Sousa, Finance Director, reviewed the staff report. He indicated that Staff would bring a proposed monitoring program to Council for review at the next Council meeting.

Council and Staff discussed how Benicia would be kept abreast on Vallejo's background check process, Staff auditing Vallejo's background check process, improving Staff's monitoring program, bringing back potential enforcement measures for violations of the monitoring program, possible outreach program for the bars and restaurants that are not currently using the Safe Ride Program, current licensing requirements for taxicab drivers.

Public Comment:

1. Jan Lucca – Mr. Lucca spoke in support of the proposed ordinance.

ORDINANCE 08- - AN ORDINANCE AMENDING SECTION 5.32.120 (DRIVER'S PERMIT – REQUIRED) OF TITLE 5 (TAXICABS) OF THE BENICIA MUNICIPAL CODE

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

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

Noes: None

Authorization of additional communications expressing opposition to the proposal to close the Benicia State Recreation Area and the historic State Capitol Building:

Jim Erickson, City Manager, reviewed the staff report.

Council and Staff discussed having the communications in the form of a resolution (for effectiveness), having the issue on the Solano County Board of Supervisor's agenda and the Mayor's Conference agenda, the State not wanting to sell the parks, the State's disinclination to have volunteers take over the jobs of the state workers, sending a letter asking the State not to close the State Park, long-term planning, the need for this to be a community based opinion, encouraging citizens to contact their legislators, trying to get the City of Vallejo involved, estimate on when the final decision should be made (unknown), past cuts to the California State Parks,

Public Comment:

1. Dr. Lessenger, Benicia Historical Museum – Dr. Lessenger discussed the proposed park closures, Benicia Historical Museum, the State's reluctance to sell the State Capitol building, the Benicia Historical Museum's offer to run the State Capitol building if it were taken over by the City (via proposal – hard copy on file), and maintaining status quo.

Council and Dr. Lessenger discussed Benicia giving the State the State Capitol building in 1854.

2. Bonnie Silveria, Benicia Historical Society – Ms. Silveria offered the Benicia Historical Society's support on this issue.

Council discussed putting something regarding this issue on the City's website, possibly putting the contact information for the Benicia Historical Museum, Benicia Historical Society, and the Benicia State Recreation Park, and putting together a letter highlighting the issues and the reasons why the two parks should not be closed and linking the letter to the City's website for the public to use for contacting their legislators.

On motion of Council Member Schwartzman, seconded by Council Member Hughes, Council approved the authorization of additional communications in the form of a

resolution expressing opposition to the proposal to close the Benicia State Recreation Area and the historic State Capitol Building, on roll call by the following vote:
Ayes: Council Members Campbell, Hughes, Ioakimedes, Schwartzman, and Mayor Patterson
Noes: None

INFORMATIONAL ITEMS:

Reports from the City Manager:

Jim Erickson, City Manager, announced the recent Business of the Year Award (large business category) that the City received from the Benicia Chamber of Commerce.

Council Member Hughes recognized that Council Member Schwartzman's business received the Business of the Year Award (small business category) as well.

COMMENTS FROM COUNCIL MEMBERS:

Request to agendize removal of the newspaper racks on First Street near G Street:

Vice Mayor Campbell reviewed his request.

Ms. McLaughlin discussed the newspaper rack regulation ordinance that was drafted 7-10 years ago. She would need to refresh the draft, since it was done so long ago. She would need to look into this and figure out if limiting two racks per corner would work per the Free Speech Amendment.

Council discussed current ordinances on this issue, enforcement, and identifying legal locations for newspaper racks, addressing all newspaper racks on First Street, incorporating the streetscape plan for Downtown, and where this item falls in Council's priorities.

On motion of Vice Mayor Campbell, seconded by Council Member Schwartzman, Council approved agendizing this item for a future City Council meeting, on roll call by the following vote:

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

Noes: None

ADJOURNMENT:

Mayor Patterson adjourned the meeting at 10:07 p.m.

Lisa Wolfe, City Clerk