

MINUTES OF THE
SPECIAL MEETING – CITY COUNCIL
MARCH 3, 2009

The special meeting of the City Council of the City of Benicia was called to order by Mayor Elizabeth Patterson at 6:00 p.m. on Tuesday, March 3, 2009, 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).

OPPORTUNITY FOR PUBLIC COMMENT:

WRITTEN:

PUBLIC COMMENT:

None

INFORMATIONAL ITEMS:

Update on Priority Projects and Policy Issues:

Mayor Patterson clarified that there were projects that were ongoing that were not on the top ten list that the City was working on.

Jim Erickson, City Manager, reviewed the Staff report and a PowerPoint presentation titled 'Update on Priority Projects & Policy Calendar FY 2007-09' (copy on file).

Commanding Officer's Quarters Restoration:

Council and Staff discussed the reuse of the building and public outreach efforts.

Benicia Business Park:

Council and Staff discussed the application for the EPA's Smart Growth Technical Assistance Program.

First Street Pedestrian Friendly Improvements:

Council and Staff discussed the parking T's, the lights on the palm trees, and the E Street parking lot.

Regional Transit/Ferry Service to Downtown:

Council and Staff discussed the Carquinez Strait, the need to lobby for Benicia being a ferry service stopping point, Route 78, and making it a priority goal to get STA to make Benicia one of the ferry stops.

State Park Road Bike/Pedestrian Bridge Project:

Council and Staff discussed how the bridge would be able to accommodate pedestrians, bicycles, and horses.

Police Building Improvements:

No comments.

Benicia Community Center:

Council and Staff discussed the fact that time is of the essence to move forward with the project, current expenditures (approximately \$700,000), utilizing a portion of the space for the Boy Scouts and Girl Scouts during construction, and the request for Staff to report back to Council on the possible partial use issue at the 3/17 Council meeting.

Climate Action Plan:

Council and Staff discussed the issue of residential solar panel funding, what the City of Berkeley did regarding residential solar panel funding, and the possibility of the City coming up with a bond program.

Comprehensive Tourism Plan:

No Comments.

Arsenal Specific Plan:

Council and Staff discussed the need for a stakeholder meeting, and using a facilitated process.

BHS Traffic Signal Project:

No Comments.

Library Basement:

No Comments.

ADJOURNMENT:

Mayor Patterson adjourned the meeting at 7:09 p.m.

MINUTES OF THE
REGULAR MEETING – CITY COUNCIL
MARCH 3, 2009

The regular meeting of the City Council of the City of Benicia was called to order by Mayor Elizabeth Patterson at 7:09 p.m. on Tuesday, March 3, 2009, 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:

Jim Erickson 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:

- Sky Valley Open Space Committee:
One unexpired term to September 30, 2010
One full term to January 31, 2013
- Parks, Recreation and Cemetery Commission:
One unexpired term to March 31, 2010

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:

None

PRESENTATIONS:

Upcoming "Relay for Life" Event – May 30, 2009:

Ms. Carla Juell discussed the "Relay for Life" event that will be held at BHS 5/30/09-5/31/09.

Status Report on the Ad Hoc Subcommittee on Tourism

Mr. Duane Oliveira, Chair of the Economic Development Board, gave a status report on the Ad Hoc Subcommittee on Tourism.

PROCLAMATIONS:

- Recognition of Women's History Month - March 2009
- Recognition of Bob Craft

ADOPTION OF AGENDA:

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:

Various items submitted (copies on file).

PUBLIC COMMENT:

1. Jon Van Landschoot – Mr. Van Landschoot discussed the many contributions made by Mr. Craft, and the importance of citizen participation.

CONSENT CALENDAR:

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

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

Noes: None

The Minutes of February 17, 2009 were approved.

RESOLUTION 09-20 - A RESOLUTION ACCEPTING THE CIVIC CENTER WATER DISTRIBUTION SYSTEM UPGRADE PROJECT AS COMPLETE, INCLUDING APPROVAL OF CHANGE ORDER NOS. 1 THROUGH 8, AUTHORIZING THE CITY MANAGER TO SIGN THE NOTICE OF COMPLETION, AND AUTHORIZING THE CITY CLERK TO FILE SAME WITH THE SOLANO COUNTY RECORDER

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

(END OF CONSENT CALENDAR)

PUBLIC HEARINGS:

None

ACTION ITEMS:

Review of the animal control ordinance:

Mayor Patterson discussed the requested 6-month update to Council that did not occur.

Heather McLaughlin, City Attorney, reviewed the staff report.

Ms. McLaughlin discussed the issue of feral cats and fencing (containing) domestic cats.

Ms. McLaughlin discussed concerns raised regarding an animal keeper's permit that was applied for.

Mayor Patterson discussed the change in language that applied to domestic cats, and the committee's recommendation on the feral cat issue and the animal keeper permit issue.

Vice Mayor Campbell and Staff discussed whether the rabbit issue could be addressed with a use permit, and concerns regarding setting precedence.

Public Comment:

1. John Martinucci – Mr. Martinucci discussed the suggestion made by Vice Mayor Campbell regarding use permits, the positive aspects of rabbits, and the need for Council to re-evaluate the ordinance regarding use permits.
2. Rebecca Schwartz – Ms. Schwartz discussed how other communities have addressed similar ordinances on a case-by-case basis.
3. Suzanne Chaewsky – Ms. Chaewsky discussed the positive aspects of rabbits. She spoke in support of Council looking ordinance on a case-by-case basis.
4. John Van Landschoot – Mr. Van Landschoot spoke in support of Council looking at the ordinance on a case-by-case basis.
5. Kathy Heinrich – Ms. Heinrich discussed the issue of animal keeper permits, and the reasoning for Ms. Topf's need for 95 rabbits.
6. Paul Putnam – Mr. Putnam discussed the issue of rabbit's genetic diversity and genetic anomalies in fish.
7. Kenneth Bowman – Mr. Bowman spoke in support of Council looking at the ordinance on a case-by-case basis. He discussed the effects animals have on people's lives.

Vice Mayor Campbell and Mr. Bowman discussed the issue of food and manure and how that was being addressed with regards to rodents.

8. Christina Topf – Ms. Topf gave Council several documents (copies on file). She discussed her rabbit business and her past interactions with the City regarding her business, the animal keeper's permit process, and concerns regarding the proposed ordinance.
9. Carol Hartman – Ms. Hartman spoke in support of Council looking at the ordinance on a case-by-case basis. She discussed the need to outline in the ordinance what hurdles people need to go over in order to obtain an animal keeper's permit.
10. Victor Edmonds – Mr. Edmonds discussed the ordinance, the need for fine-tuning the ordinance, and the need for flexibility in the ordinance.

11. Beverly Edmonds – Ms. Edmonds discussed the positive aspects of having an internationally known rabbit breeder in Benicia.
12. Lynn Lazlo – Ms. Lazlo discussed rabbit breeding and spoke in support of Council looking at the ordinance on a case-by-case basis.
13. Sue Johnson – Ms. Johnson spoke in opposition to feeding feral cats. She discussed the history of cats, endangered species in the Industrial Park, and the City's permitting process.
14. JB Davis – Mr. Davis discussed the need for the appeals to end up at the City Council.
15. Dylan House – Ms. House spoke in support of Council looking at the ordinance on a case-by-case basis.
16. Gretchen Burgess – Ms. Burgess discussed her involvement with the Animal Control ordinance, the need to refine the ordinance and enforcement of the ordinance, lack of access to the dog park, and the original intent of the committee.
17. Tony Shannon – Mr. Shannon discussed the committee's suggested changes to the ordinance, unfair special privileges being granted to cat owners, the issue of an animal keeper permit, and the process for reviewing an animal keeper permit.
18. Marilyn Bardet – Ms. Bardet spoke in support of looking at the ordinance on a case-by-case basis, the value of rabbit manure, the problems with feral and stray cats, and the danger of cat manure.
19. Citizen – the citizen spoke in support of Ms. Topf's business.

Mayor Patterson disclosed *ex parte* communications.

Council Member Hughes discussed Council's willingness to revisit the ordinance and issues raised, his support to direct Staff to look at the ordinance on a case-by-case basis, and support for making cat owners follow same rules as dog owners.

Council Member Schwartzman and Ms. Burgess discussed the issue of feral cats, and cat fencing.

Mayor Patterson discussed problems she has had with cats in her yard.

Council Member Schwartzman and Ms. Topf discussed the need for the number of rabbits requested (95) on her permit and if the ordinance is looked at on a case-by-case basis there might be a possibility for inspections.

Council Member Ioakimedes discussed his reluctance to tinker with too much of the ordinance, support for looking at the ordinance on a case-by-case basis (with logic), and creating different categories in the ordinance.

Vice Mayor Campbell discussed his lack of support to tinker with the ordinance regarding the breeder permit, support for a use permit or evaluating the ordinance on a case-by-case basis, and asking Staff to look into the issue of use permits.

Ms. McLaughlin discussed the issue of use permits and animal keeper permits.

Mayor Patterson stated that there was consensus to give direction to staff to make the ordinance better, review the appeal process, and look at the combination of having an annual review and notification to neighbors regarding the animal keeper permit, revisit the findings that were made, address the issue of the cats and the findings that were made (by the committee), addressing the feral cat issue, and having the appeal of the denied application (for the rabbits) come back to Council at the next meeting.

Ms. McLaughlin stated that she did not think the application for the rabbit permit could go on the agenda until the first meeting in April, due to a heavy 3/17 agenda.

Mayor Patterson asked that all citizens who live in Benicia that submitted a card tonight be notified when the appeal of the permit denial would be on the Council's agenda.

INFORMATIONAL ITEMS:

Reports from City Manager:

Informational Report on Assembly Bill 155 (Mendoza/Wiggins):

Jim Erickson, City Manager, reviewed the Staff report.

Council will work with the League of California Cities on this issue. Council will draft a letter stating it has great concerns regarding the legislation. Council will be following the issue and take a position later on as it firms up as a piece of legislation.

COMMENTS FROM COUNCIL MEMBERS:

None

ADJOURNMENT:

Mayor Patterson adjourned the meeting at 9:24 p.m.

Lisa Wolfe, City Clerk