

MINUTES OF THE
SPECIAL MEETING – CITY COUNCIL
APRIL 1, 2008

The special meeting of the City Council of the City of Benicia was called to order by Mayor Elizabeth Patterson at 6:45 p.m. on Tuesday, April 1, 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 Hughes, Ioakimedes, Schwartzman, and Mayor Patterson

Absent: Vice Mayor Campbell (arrived at 6:46 p.m.)

PLEDGE OF ALLEGIANCE:

Heather McLaughlin 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:

None

ANNOUNCEMENT OF CLOSED SESSION:

Lisa Wolfe, City Clerk, read the announcement of Closed Session

CLOSED SESSION:

A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

(Subdivision (a) of Government Code Section 54956.9)

Name of case: George B. Adams, individually, and dba JMS Bottom of the Fifth Sports Bar v. City of Benicia, et al. Jim Trimble, John McFadden and the Benicia Police Department

ADJOURNMENT:

Mayor Patterson adjourned the meeting at 6:47 p.m.

MINUTES OF THE
REGULAR MEETING – CITY COUNCIL
APRIL 1, 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, April 1, 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:

Mayor Patterson 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:

Action taken at Closed Session:

Council gave direction to Staff on the matter.

Openings on Boards and Commissions:

- Sky Valley Open Space Committee:
One unexpired term to September 30, 2010
- Human Services and Arts Board:
Two unexpired terms, one to June 30, 2008, and one to June 30, 2009
- Solano Transportation Authority Pedestrian Advisory Committee:
Immediate opening – Three-year term
- Tri-City and County Cooperative Planning Group Citizen Advisory Committee:
Immediate opening - Term to be determined

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. Mayor Patterson may be extending the hours from 6:00 p.m. to 8:00 p.m. due to the number of citizens wanting to meet with her.

Mayor Patterson made an announcement regarding The World Mayors and Local Governments Climate Protection Agreement.

Dan Schiada, Public Works Director, announced that Alan Hodges, Public Works Maintenance Mechanic, won statewide honors as the 2007 Mechanical Maintenance Technician of the Year.

Mayor Patterson announced that the Save Our State Parks Campaign was holding a rally on Monday, April 7, 2008 at 12:00 p.m. on the west steps of the State Capitol in Sacramento.

APPOINTMENTS:

None

PRESENTATIONS:

None

PROCLAMATIONS:

- National Library Week – April 13-19, 2008
- Sexual Assault Awareness Month – April 2008
- National D.A.R.E. Day – April 10, 2008

ADOPTION OF AGENDA:

Mr. Erickson suggested using the Equipment Replacement Fund instead of the Park Dedication funds for the replacement of five tarp rollers at the swimming pool.

On motion of Council Member Schwartzman, seconded by Council Member Ioakimedes, 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. Susan Street – Ms. Street discussed the Save Our Parks rally in Sacramento. She wished the proclamation order had been switched due to the nature of the discussion.
2. Marilyn Bardet – Ms. Bardet discussed the fight against global warming and concerns regarding the proposed skate park at the community center.
3. Shuna Histed – Ms. Histed asked that the letter she submitted via email to Mayor Patterson be considered when item IX-A is discussed.
4. Vice Mayor Campbell – Vice Mayor Campbell asked for an update on the flooding at the Military Cemetery.

Mr. Schiada discussed requests the City has made of Amports, grading concerns, restoring erosion control and drainage near the site, steps taken to move forward, and the need to fix the Pine Lake drainage facility. Council requested a report on

this issue at the next Council meeting. Staff confirmed it would have a report to Council later this week.

CONSENT CALENDAR:

Council pulled items VII-B and VII-E.

On motion of Council Member Schwartzman, seconded by Council Member Hughes, 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 March 18, 2008 were approved.

ORDINANCE 08-02 - AN ORDINANCE AMENDING SUBSECTION B OF SECTION 17.70.300 (ANIMALS) OF CHAPTER 17.70 (SITE REGULATION) OF TITLE 17 (ZONING) OF THE BENICIA MUNICIPAL CODE TO BE CONSISTENT WITH TITLE 6 (ANIMALS)

RESOLUTION 08-21 - A RESOLUTION AUTHORIZING THE PURCHASE OF FIVE REPLACEMENT POOL COVER TARP ROLLERS AT THE JAMES LEMOS POOL IN THE AMOUNT OF \$32,000, ALLOCATED FROM THE EQUIPMENT REPLACEMENT FUND

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 modifications to the allocation of positions in the Benicia Police Department and establishment of the salary ranges for Lieutenant and Deputy Police Chief:

Public Comment:

1. Officer Bob Oettinger – Officer Oettinger spoke in support of the proposed resolutions.

Council and Staff discussed the issue of overtime.

RESOLUTION 08-22 - A RESOLUTION MODIFYING THE ALLOCATION OF POSITIONS IN THE BENICIA POLICE DEPARTMENT, ESTABLISHING THE SALARY RANGE FOR DEPUTY POLICE CHIEF AND APPROVING THE JOB DESCRIPTION

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

RESOLUTION 08-23 - A RESOLUTION MODIFYING THE ALLOCATION OF POSITIONS IN THE BENICIA POLICE DEPARTMENT AND ESTABLISHING THE SALARY RANGE FOR LIEUTENANT

Ayes: Council Members Campbell, Hughes, Ioakimedes, Schwartzman, and Mayor Patterson
Noes: None

Implementation of a Taxi Performance Monitoring Program:

Council and Staff discussed costs, staff time, replacement of the City's Transportation Manager, monitoring language, soliciting feedback from riders, quarterly reporting, previously discussed point that only 3% of the riders are from Benicia, increasing the quality of service, the issue of bar owners coming up with their own taxi service, and creating a log in sheet to track 'no shows.'

On motion of Council Member Hughes, seconded by Council Member Ioakimedes, Council approved the implementation of a Taxi Performance Monitoring Program, with minor changes approved by the City Attorney, on roll call by the following vote:

Ayes: Council Members Campbell, Hughes, Ioakimedes, Schwartzman, and Mayor Patterson
Noes: None

PUBLIC HEARINGS:

Introduction and first reading of an ordinance transferring design review authority outside historic districts to the Planning Commission:

Damon Golubics, Principal Planner, reviewed the staff report.

Council and Staff discussed previous direction to Staff on this issue, why the change was proposed, wanting expertise in the Historic District, cost difference between going to HPRC and Planning Commission, appeal process, the need for design review on the Planning Commission, delaying this until the appointment process is cleared up, lowering the fees across the board, historic assets outside the Historic District, the need for publicizing the current three stages of fees, historic preservation, possibly hiring an architect to assist with design review, the need for an architect or someone with a planning background on the Planning Commission, fee structure, and possibly continuing this to a future meeting.

Public Hearing Opened

Public Comment:

1. Marilyn Bardet – Ms. Bardet discussed her experiences with the various commissions, Form Based Code, her desire to hold off on this issue, scale, and proportion, and the need for integrated thinking with regards to aesthetics.
2. Rick Ernst – Mr. Ernst discussed requirements for the Planning Commission to focus on historic preservation, historic structures outside the Historic District.

Public Hearing Closed

Council gave direction to Staff to continue this item and bring it back for discussion. The discussion is to include fee structure, historic structures outside the Historic District, Staff is to look at Title II, and possibly reworking the qualifications for the Planning commission to go along with what is being done.

Adoption of annual increases for the Capital Improvement License Tax, the Park Land Dedication Fee, and the Library Book Fee:

Rob Sousa, Finance Director, reviewed the staff report.

Council and Staff discussed fees, how this would affect the Seeno Project, development agreements, multi-unit dwellings, residential dwellings, and commercial fees.

Public Hearing Opened

Public Hearing Closed

RESOLUTION 08-24 - A RESOLUTION ADOPTING INCREASES FOR THE CAPITAL IMPROVEMENT LICENSE TAX FOR CONSTRUCTION OR ALTERATION OF SINGLE-FAMILY RESIDENCES, MULTIPLE-DWELLING STRUCTURES, AND COMMERCIAL OR INDUSTRIAL FACILITIES

On motion of Council Member Hughes, seconded by Vice Mayor 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

RESOLUTION 08-25 - A RESOLUTION ADOPTING AN INCREASE IN THE PARK LAND DEDICATION FEE

On motion of Council Member Hughes, seconded by Vice Mayor 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

RESOLUTION 08-26 - A RESOLUTION ADOPTING AN EXTENSION AND INCREASE IN THE LIBRARY BOOK FEE

On motion of Council Member Hughes, seconded by Vice Mayor 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:

Petition for temporary relief under the Benicia Municipal Code Section 8.20.210 (Noise Ordinance):

Jim Erickson, City Manager, reviewed the staff report.

Council and Staff discussed the multiple complaints made by surrounding neighbors, noticing of the petition to surrounding neighbors, the history of the issues with the property, and concerns voice by neighbors.

Public Comment:

1. Mrs. Trammel – Ms. Trammel discussed the business, music, decibel meter, the fact that she will be losing her home and leaving the property, property values, home foreclosures in the area, the devastating effect the situation has had on her family, and she asked that her request be granted.
2. Larry Gibbs – Mr. Gibbs discussed the quality of life issue with amplified music, support of the request being denied, history of the Walsh House, and the need for the City to revisit the noise ordinance, especially with regards to amplified music.
3. Kathy Kerridge – Ms. Kerridge spoke in support of the petition request.
4. Chief Spagnoli – Chief Spagnoli discussed a noise complaint that was made with regards to the property on 2/23/08.

Council and Staff discussed rules for using sound amplifying equipment, support of the petitioner's request, ex-parte communications, when the event in question was actually booked, the use permit for the property, current ordinance requirements, characterization of the neighborhood as 'residential', the need for ordinances and regulations that reflect the new world we are living in, and the quality of life and livability. There was extensive discussion by Council and the petitioner about this being the last event for the business.

On motion of Council Member Hughes, seconded by Council Member Ioakimedes, Council approved the petition for temporary relief under the Benicia Municipal Code Section 8.20.210 (Noise Ordinance), on roll call by the following vote:

Ayes: Council Members Hughes, Ioakimedes, and Mayor Patterson

Noes: Council Members Campbell and Schwartzman

Confirmation of the updated Top Ten Policy Issues list for 2007-09:

Jim Erickson, City Manager, reviewed the staff report.

Council and Staff discussed the status of the money in the City's Intermodal Transportation Fund (approximately \$1 million), Regional Measure II (RM2) money, reserving the City's place in line with STA, voluntary campaign expense (clarification on votes the item previously received), and the two-step process.

Public Comment:

1. Marilyn Bardet – Ms. Bardet discussed big box development, the need for a sustainability task force, sustainability, and economic development.
2. Susan Street – Ms. Street discussed the voting process for the top ten policy issues.
3. Vice Mayor Campbell – Vice Mayor Campbell discussed the voting process.
4. Kathy Kerridge – Ms. Kerridge discussed the need for a sustainability task force, the Ahwahnee Water Principles being moved up on the list, and campaign finance reform.
5. JB Davis – Mr. Davis discussed the policy issue list, poor condition of the roads in the Industrial Park, zoning codes in the Industrial Park, Ahwahnee Water Principles, and the need for the City to set the guidelines for businesses.
6. Council Member Schwartzman – Council Member Schwartzman discussed the Business License Tax, two-step process, and the Valero Improvement Project.
7. Council Member Ioakimedes – Council Member Ioakimedes discussed the action taken by Council to work its way through the needs assessment process for the Benicia Industrial Park.
8. Rick Ernst – Mr. Ernst discussed the issue of assessing how much Staff time is spent on each of the policy issues, and grouping some of the policy items together.

Council and Staff discussed maintaining the integrity of the process, sustainability, Ahwahnee Water Principles, campaign expenditure limits, Intermodal Transportation Fund, two step process, the four items with asterisks next to them on the Staff report, the Ahwahnee Water Principles not being discussed since 2006, sustainability task force, voluntary campaign limit, campaign expenditures, campaign contributions, putting the Ahwahnee Water Principles and big box would be under sustainability task force, letting the sustainability task force do its job and not telling it what it needs to discuss, greenhouse gasses, legal ramifications for the City meeting the mandates of AB 32, and not predisposing the sustainability task force to discuss certain issues.

Mr. Erickson clarified that the direction to Staff was that the seven items on the list are policy items that should be scheduled for study sessions, as well as include the voluntary campaign expense limits, as discussed by Council this evening.

INFORMATIONAL ITEMS:

Reports from the City Manager:

Verbal update regarding transit consolidation:

Rob Sousa, Finance Director, reviewed a PowerPoint presentation on the Route 70 Implementation (hard copy on file).

COMMENTS FROM COUNCIL MEMBERS:

None

ADJOURNMENT:

Mayor Patterson adjourned the meeting at 9:59 p.m.

Lisa Wolfe, City Clerk