

MINUTES OF THE
SPECIAL MEETING – CITY COUNCIL
APRIL 20, 2010

The special meeting of the City Council of the City of Benicia was called to order by Mayor Elizabeth Patterson at 5:35 p.m. on Tuesday, April 20, 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 Hughes, Ioakimedes, Schwartzman, and Mayor Patterson

Absent: Council Member Campbell (arrived at 5:50 p.m.)

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).

OPPORTUNITY FOR PUBLIC COMMENT:

WRITTEN COMMENT:

None

PUBLIC COMMENT:

None

ANNOUNCEMENT OF CLOSED SESSION:

Heather McLaughlin, City Attorney, read the announcement of Closed Session.

CLOSED SESSION:

- A. PUBLIC EMPLOYEE PERFORMANCE EVALUATION
(Government Code Section 54957)
Titles: City Manager**

ADJOURNMENT:

Mayor Patterson adjourned the special meeting at 5:40 p.m.

MINUTES OF THE
REGULAR MEETING – CITY COUNCIL
APRIL 20, 2010

The regular meeting of the City Council of the City of Benicia was called to order by Mayor Elizabeth Patterson at 7:04 p.m. on Tuesday, April 20, 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:

Chief Vucurevich 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:

Mayor Patterson reported Council would give direction to staff to choose a recruiter to assist with the search for a City Manager. The City will look at both internal and external candidates. Council has set a target date of five months for the position to be filled.

Openings on Boards and Commissions:

- Open Government Commission:
One full term to January 31, 2014

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:

Appointment of Jon Van Landschoot to the Historic Preservation Review Commission for a full term ending January 31, 2014 (Continued from April 6, 2010 Council meeting):

Mayor Patterson reviewed Mr. Van Landschoot's professional background. He would fulfill one of the State of California's requirements of having someone qualified as a professional history person.

Council Member Hughes discussed concerns raised at the 4/6/2010 Council meeting, regarding the incumbent not being reappointed.

Mayor Patterson discussed bringing a new person on to the HPRC.

Vice Mayor Schwartzman discussed the skills the incumbent possessed that would be lacking if he were not reappointed (the ability to read plans, know about bids, specs, know how to translate what that information means on a real project, know about timelines, etc.) . He suggested deferring Mr. Van Landschoot's appointment until there is another opening on the HPRC.

Mayor Patterson discussed already having two planners who were members of the American Institute of Certified Planners. What was lacking was the level of expertise in history.

Council Member Campbell discussed Mr. Donahue's level of experience. He hoped this would not dissuade him from reapplying in the future.

Council Member Ioakimedes discussed the issue of term limits, and possibly standardizing it for boards and commissions in the future. He discussed the importance of the Mayor retaining the nomination power.

Ms. McLaughlin discussed the issue of term limits. If Council would like to address it, Staff could draft an ordinance.

Council Member Hughes discussed the advantages of the current appointment process.

Vice Mayor Schwartzman discussed the nomination and confirmation process.

RESOLUTION 10-51 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA CONFIRMING THE MAYOR'S APPOINTMENT OF JON VAN LANDSCHOOT TO THE HISTORIC PRESERVATION REVIEW COMMISSION FOR A FULL TERM ENDING JANUARY 31, 2014

The above Resolution was adopted, on roll call by the following vote:
Ayes: Council Members Campbell, Ioakimedes, and Mayor Patterson
Noes: Council Member Hughes and Vice Mayor Schwartzman

PRESENTATIONS:

Recognition of City Volunteers:

Mayor Patterson presented a proclamation. Officer Patti Barron accepted the proclamation. Various Staff members discussed the volunteers that serve their departments.

Officer Barron presented a symbolic check, symbolizing the amount of volunteer hours worked during the past year.

PROCLAMATIONS:

- Recognition of Earth Day – April 22, 2010
- Recognition of Child Abuse Prevention Month – April 2010

- Recognition of Law Day - May 1, 2010

ADOPTION OF AGENDA:

Mr. Erickson recommended continuing VIII-C, as the applicant and the appellant have requested and agreed to a continuance. He recommended moving the item up and opening the public hearing right after the Consent Calendar, as outside counsels were present.

On motion of Vice Mayor Schwartzman, seconded by Council Member Hughes, the Agenda was adopted as amended, 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 (copies on file).

PUBLIC COMMENT:

1. Earl Miller, Reach Out Benicia – Mr. Miller encouraged citizens to attend Reach Out Benicia’s annual fundraiser. He provided t-shirts for Council to tie-dye that would be auctioned off. He discussed the current substance abuse issues Reach Out Benicia is coming across. He asked for the City’s support in its efforts. He acknowledged the City’s financial contributions.

CONSENT CALENDAR:

On motion of Vice Mayor 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 April 6, 2010 were approved.

RESOLUTION 10-52 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING THE PUBLIC PRIVATE PARTNERSHIP AGREEMENT BETWEEN MEDIC AMBULANCE SERVICES, INC. AND THE CITY OF BENICIA

RESOLUTION 10-53 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA AUTHORIZING AN AGREEMENT WITH COGENT COMMUNICATIONS FOR A 50 MEGABYTE INTERNET CONNECTION

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

(END OF CONSENT CALENDAR)

PUBLIC HEARINGS:

Appeal of the Rose Center Use Permit for Reduced Parking

Mr. Erickson discussed the request of the appellant's attorney to continue the item. The applicant has agreed to the continuance. Staff recommended continuing the item to the 5/18/2010 City Council Meeting.

Public Hearing Opened

Public Comment:

None

Council Member Ioakimedes and Staff discussed the timelines imposed by the courts. If the item were continued past 5/18/2010, one of the parties would be unavailable for a period of time. Ms. Coleson did not anticipate a problem with resolving the issue on 5/18/10. Council could schedule a special meeting if needed to meet the courts timeline.

Council Member Campbell discussed frustration with the appellant's attorney not being available, and the effect it has on Council's agenda.

On motion of Council Member Hughes, seconded by Vice Mayor Schwartzman, the Public Hearing was continued to the 5/18/10 Council meeting, on roll call by the following vote:

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

Noes: Council Member Campbell

Master Fee Schedule:

Rob Sousa, Finance Director, reviewed the staff report.

Council and Staff discussed the fire inspection fee (developing a report on the range of fees), stormwater fees and subsidy, the validity of using other city's fee structures, AB 1600, concerns regarding the stormwater inspection fee increase, and concern regarding the design review fees for homes in the Historic District.

Council Member Ioakimedes and Vice Mayor Schwartzman asked if they needed to recuse themselves from discussion regarding the Historic District. Staff recommended removing the fees regarding the Historic District. Staff will look into whether they would need to recuse themselves when the item is brought back.

Mayor Patterson suggested removing item numbers 428, 429, and 430 from the fee schedule, so Council could discuss it further at a future meeting. Ms. McLaughlin agreed that continuing those items was appropriate.

Council and Staff discussed the fire inspection fees and the annual amount that could be collected if the City had the available staff (approximately \$70,000). Staff would look into the issue further.

Public Hearing Opened

Public Comment:

None

Public Hearing Closed

Council Member Hughes made a motion to adopt the recommended changes without design review fees for the Historic District, and without the storm water inspection fee.

RESOLUTION 10-54 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA ADOPTING A MASTER FEE SCHEDULE THAT INCLUDES CHANGES IN DEPARTMENTAL FEES AND CHARGES

On motion of Council Member Hughes, seconded by Council Member Ioakimedes, 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

Public Hearing to consider the application of Benicia Taxi to operate taxicab service within the City of Benicia:

Rob Sousa, Finance Director, reviewed the staff report.

Council and Staff discussed the differences between taxi service and shuttle service.

Public Hearing Opened

Public Comment:

1. Citizen, Benicia Taxi – The citizen and Mr. Ahmed discussed their desire to provide taxi service to Benicia, the type of service and car that would be used, the issue having two drivers available, standard of service that they would comply with, and their availability to make trips to the airports.
2. T.J. Kumara, Yellow Cab of Vallejo and Benicia – Mr. Kumara discussed the service his company provides to Benicia, welcoming competition, this not being a good time for additional services, current drivers struggling with lack of business, average cost of service in Benicia, and the average number of calls to Benicia (8-10 per day).
3. Karen Perry, Vallejo City Cab – Ms. Perry discussed the dispatch log for Benicia. She provided a copy of the log for Council (copy on file).
4. Citizen, Vallejo City Cab – The citizen discussed his response time from Benicia to Vallejo, and concerns regarding the lack of business to support another taxi service.
5. Citizen, Vallejo Yellow Cab of Vallejo – The citizen discussed the poor economic conditions, the lack of need of another taxi cab service to Benicia, and concerns regarding the new company's availability to serve Benicia if it's only car goes to San Francisco.
6. Citizen, California Cab – The citizen discussed the service his company provides to Benicia, concerns regarding the proposed company's dispatch, concern regarding lack

of availability if their cab went to San Francisco, the quality of vehicles California Cab provides, the need for more time to evaluate whether another taxi company is needed, and average number of calls per day in Benicia (3-4).

Public Hearing Closed

Staff and Council discussed the issue of set fares, the issue of supply and demand, the current three companies meeting the current demand, the need for performance criteria, the permitting process, current contractual obligations with cab companies, and concerns regarding level of service.

Council and Staff discussed reconsidering application when the economy or the company's business plan changes.

Council and Ms. McLaughlin discussed the proposed language. It would be a resolution rejecting the application, use the first three whereas', delete the last two whereas', then it would then read 'now therefore be it resolved that the City Council of the City of Benicia based on public testimony at the Council meeting, the City finds that the number of taxicabs is sufficient to meet the public's need, and increasing the number of taxicabs would exceed the demand. Be it further resolved that the City Council of the City of Benicia rejects the application of Benicia Taxi to operate within the City of Benicia in accordance with the Benicia Municipal Code, because the public convenience and the necessity do not require additional taxicab companies in town.'

Council discussed including something in the resolution language stating 'whereas the current economic conditions or the climate is not attractive, however, future economic conditions may change, and such application and competition would be considered' or that 'until the applicant can demonstrate that the market can accommodate an additional company.'

Council Member Campbell and Staff discussed whether the resolution would hold up in court. It was Staff's opinion that it would.

RESOLUTION 10-55- A RESOLUTION REJECTING THE APPLICATION OF BENICIA TAXI TO OPERATE CAB SERVICE WITHIN THE CITY OF BENICIA

On motion of Vice Mayor Schwartzman, 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

ACTION ITEMS:

None

INFORMATIONAL ITEMS:

Reports from City Manager:

Alarm System Ordinance Discussion And Options:

Jim Erickson, City Manager, and Chief Spagnoli reviewed the staff report. Council and Staff discussed the fee structure, response period, habitual false alarm offenders, what constitutes a false alarm, the proposed registration process, permit fees, annual fees, looking at a phasing approach, the need for a true cost assessment of Staff time, and figuring out a way to decrease paperwork that the businesses would have to complete.

Public Comment:

1. John Sergeant, ADT – Mr. Sergeant spoke in support of an alarm system ordinance. ADT was willing to provide information to assist the City in its efforts.
2. Roberta Morgan, Morgan Alarm Company – Ms. Morgan spoke in support of an alarm system ordinance. Morgan Alarm Company was more than happy to provide information to assist the City in its efforts.
3. Tom Rood, East Bay Alarm Association – Mr. Rood discussed the Association's philosophy on false alarms. They would like to assist the City with its alarm ordinance.

Council and Staff discussed concern regarding 90% of the issues being caused by 10% of the users. They discussed the need for communication with the community regarding the benefits.

Council gave direction to Staff to continue working with industry, other concerned business people, and residents, to develop an ordinance to include the requirement of an alarm permit registered with the Benicia Police Department, and to consider fees.

Council Member Campbell discussed concern regarding the issue of fees.

Council Member Committee Reports:

1. Mayor's Committee Meeting - (Mayor Patterson) - Next Meeting Date: April 21, 2010
2. Association of Bay Area Governments (ABAG) - (Mayor Patterson & Council Member Ioakimedes) - Next Meeting Date: Spring General Assembly – April 22, 2010
3. Finance, Audit & Budget Committee - (Vice Mayor Schwartzman & Council Member Campbell) - Next Meeting Date: April 23, 2010
4. League of California Cities - (Mayor Patterson & Vice Mayor Schwartzman) - Next Meeting Date: April 29, 2010
5. School Liaison Committee - (Council Members Ioakimedes & Hughes) - Next Meeting Date: August 7, 2010
6. Sky Valley Open Space Committee - (Council Members Campbell & Hughes) - Next Meeting Date: May 5, 2010
7. Solano EDC Board of Directors - (Mayor Patterson & Council Member Campbell) - Next Meeting Date: May 27, 2010
8. Solano Transportation Authority (STA) - (Mayor Patterson & Council Member Ioakimedes) - Next Meeting Date: May 12, 2010

9. Solano Water Authority/Solano County Water Agency and Delta Committee - (Mayor Patterson & Vice Mayor Schwartzman) - Next Meeting Date: May 13, 2010
10. Traffic, Pedestrian and Bicycle Safety Committee - (Council Members Hughes & Ioakimedes) - Next Meeting Date: May 20, 2010
11. Tri-City and County Cooperative Planning Group - (Council Members Campbell & Hughes) - Next Meeting Dates: April 19, 2010
12. Valero Community Advisory Panel (CAP) - (Council Member Hughes) - Next Meeting Date: April 29, 2010
13. Youth Action Coalition - (Vice Mayor Schwartzman & Council Member Campbell) - Next Meeting Date: April 28, 2010
14. ABAG/CAL FED Task Force/Bay Area Water Forum - (Mayor Patterson) - Next Meeting Date: April 26, 2010

COUNCIL MEMBER REPORTS:

None

ADJOURNMENT:

Mayor Patterson adjourned the meeting at 9:53 p.m.

Lisa Wolfe, City Clerk