

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

The special meeting of the City Council of the City of Benicia was called to order by Mayor Elizabeth Patterson at 6:30 p.m. on Tuesday, July 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:

Ms. 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:

WRITTEN:

PUBLIC COMMENT:

None

ANNOUNCEMENT OF CLOSED SESSION:

Lisa Wolfe, City Clerk, read the announcement of closed session.

CLOSED SESSION

- A. CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Government Code Section §54956.8)**  
**City owned property (City of Benicia Park Road Right of Way between Stone Road and East Second Street, i.e., the location of the “Nationwide” sign)**  
**Negotiating parties: City Manager and Economic Development Manager**

ADJOURNMENT:

Mayor Patterson adjourned the meeting at 6:32 p.m.

MINUTES OF THE  
REGULAR MEETING – CITY COUNCIL  
JULY 1, 2008

The regular meeting of the City Council of the City of Benicia was called to order by Mayor Elizabeth Patterson at 7:06 p.m. on Tuesday, July 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:

Council Member Ioakimedes 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:

Announcement of action taken during Closed Session:

Heather McLaughlin, City Attorney, reported that Council gave direction to Staff to issue an RFP for what to do with the Nationwide sign in the future.

Openings on Boards and Commissions:

- Sky Valley Open Space Committee:  
One unexpired term to September 30, 201
- Human Services and Arts Board:  
One unexpired term to June 30, 2009  
Three full terms to June 30, 2012
- Benicia Housing Authority Board of Commissioners:  
One unexpired term to June 30, 2009  
One full term to June 30, 2012
- Economic Development Board:  
Two full terms to June 30, 2012
- Civil Service Commission:  
One full term to August 31, 2011
- Planning Commission:  
Two full terms to September 30, 2012

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](mailto:acardwell@ci.benicia.ca.us).

APPOINTMENTS:

None

PRESENTATIONS:

None

PROCLAMATIONS:

Recognition of Parks & Recreation Month – July 2008

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 received (copies on file).

PUBLIC COMMENT:

1. Nancy Martinez, Benicia Main Street – Ms. Martinez invited Council and the community to attend the Fourth of July Parade and celebration on 7/3/08.
2. Bonnie Silveria – Ms. Silveria encouraged everyone to attend the Fourth of July fireworks celebration on 7/4/08. So far, Benicia Main Street has received fewer contributions towards the cost of the fireworks. Anyone who would like to contribute should do so through Benicia Main Street.
3. Patrick Ward – Mr. Ward discussed renewable energy and energy conservation. He suggested the City implement an incentive plan for residents to convert to solar power. He discussed similar project that has been implemented in the City of Berkeley.

Council and Staff discussed the issue of solar power. Vice Mayor Campbell requested Staff come up with some numbers for implementing a program such as the one in the City of Berkeley.

4. Gene Doherty – Mr. Doherty discussed the issue solar power, the homes in solar village, and the west end fire station's roof replacement that did not include a solar powered water heater.
5. Bob Craft – Mr. Craft discussed the issue of air quality in the City of Benicia. He discussed the need for a permanent air quality monitoring station in Benicia.

Mayor Patterson requested Staff bring back an update on the good neighbor agreement requiring the permanent installation of fence line monitoring, including anything the City needs to be doing to make sure the agreement's conditions are

being met. She suggested possibly having the Air Quality Board come and give a comprehensive presentation to Council.

CONSENT CALENDAR:

Council pulled items VII-D, VII-E, and VII-F.

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 June 9, 2008 and June 17, 2008 were approved.

Council approved the denial of the claim against the City by Judy Silva and referral to insurance carrier

Council approved the denial of the claim against the City by Carla Lougee and referral to insurance carrier.

RESOLUTION 08-66 - A RESOLUTION SETTING THE 2008-09 SECURED TAX RATES FOR THE 1997 SEWER BONDS

RESOLUTION 08-67 - A RESOLUTION ESTABLISHING AN APPROPRIATIONS LIMIT PURSUANT TO ARTICLE XIII B OF THE CALIFORNIA STATE CONSTITUTION FOR FISCAL YEAR 2008-09

RESOLUTION 08-68 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING MODIFICATIONS TO THE ALLOCATION OF POSITIONS AND ADJUSTMENTS TO THE MUNICIPAL BUDGETS FOR FISCAL YEAR 2008-2009 AND APPROVING THE JOB DESCRIPTION AND SALARY RANGE FOR ADMINISTRATIVE SERVICES DIRECTOR

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

(END OF CONSENT CALENDAR)

Council took the following actions:

Second reading of a Tree Ordinance deleting Section 17.70.190 (H) (Preservation of Mature Trees) and replacing Chapter 12.24 (Street Trees) of the Benicia Municipal Code:

Public Comment:

1. Gene Doherty – Mr. Doherty inquired if the proposed ordinance was in conformance with the guidelines required to make the City of Benicia a Tree City USA city.

ORDINANCE 08-03 - AN ORDINANCE REPEALING AND REPLACING CHAPTER 12.24 (STREET TREES) OF TITLE 12 (STREETS, SIDEWALKS AND PUBLIC PLACES) OF THE BENICIA MUNICIPAL CODE RELATING TO THE REGULATION OF TREES

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

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

Noes: Council Member Ioakimedes

Award of construction contract for the East 5<sup>th</sup> Street Smart Growth Project:

Dan Schiada, Public Works Director, reviewed the staff report.

Council and Staff discussed the visibility and safety of the crosswalk at Viewmont and East Fifth Streets, tree planting, curb extensions, project schedule, an outreach program for the surrounding neighbors, work being done on East Fifth Street, and the need to implement a tree planting program on the east side of town.

RESOLUTION 08-69 - A RESOLUTION ACCEPTING THE BIDS FOR THE EAST 5<sup>TH</sup> STREET SMART GROWTH PROJECT, AWARDING THE CONSTRUCTION CONTRACT TO AMECA GENERAL ENGINEERING IN THE AMOUNT OF \$189,099.11, AND AUTHORIZING THE CITY MANAGER TO SIGN THE CONTRACT ON BEHALF OF THE CITY

On motion of Council Member Schwartzman, 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

Establishing clear property title on State Park Road and adopting resolutions of local support for the State Park Road Bike/Pedestrian Bridge Project:

Public Comment:

1. Gene Doherty – Mr. Doherty spoke in support of the proposed project.

RESOLUTION 08-70 - A RESOLUTION ACCEPTING SOLANO COUNTY'S INTEREST IN STATE PARK ROAD QUITCLAIMED TO THE CITY OF BENICIA

On motion of Council Member Schwartzman, 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 08-71 - A RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC WORKS TO FILE AN APPLICATION FOR FEDERAL CONGESTION

MITIGATION AND AIR QUALITY (CMAQ) FUNDING FOR THE STATE PARK ROAD BIKE/PEDESTRIAN BRIDGE PROJECT, COMMITTING THE NECESSARY NON-FEDERAL MATCH, AND STATING ASSURANCE TO COMPLETE THE PROJECT

On motion of Council Member Schwartzman, 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 08-72 - A RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC WORKS TO FILE AN APPLICATION FOR FEDERAL TRANSPORTATION ENHANCEMENT ACTIVITIES (TE) FUNDING FOR THE STATE PARK ROAD BIKE/PEDESTRIAN BRIDGE PROJECT AND PROVIDING A CERTIFICATION OF ASSURANCES FOR THE PROJECT

On motion of Council Member Schwartzman, 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

PUBLIC HEARINGS:

None

ACTION ITEMS:

Introduction of an ordinance adding a new Chapter 12.52 (Newspaper Racks and Stands) to Title 12 (Streets, Sidewalks and Public Places) of the Benicia Municipal Code:  
Heather McLaughlin, City Attorney, reviewed the staff report.

Council and Staff discussed the current amount of newspaper racks (38), limiting the amount of news paper racks to three or four in one location, what constitutes abandonment of a news rack, adding language to clarify what constitutes abandonment, having no more than 40 news racks in the Downtown Mixed Use area, language regarding ADA compliance, sidewalk seating, outdoor seating, changing language so that the news racks would be a secondary use to outdoor seating with regards to restaurants, news racks being located near restaurants, who is responsible for maintaining sidewalks, the need for a map that shows where news racks can be placed, notice of non-compliance, what constitutes advertisements and news, changing the language from ‘advertisements’ to ‘newspaper or periodical.’

Public Comment:

1. Eldon Peterson – Mr. Peterson spoke in support of the proposed ordinance.
2. Susan Street – Ms. Street inquired about the stores that have news racks being included in the ordinance, if other cities had stopped allowing news racks, and the possibility of having higher standards for news racks.

Council and Staff discussed limiting the number of racks to one particular space, having less racks in less places, not going as low as three in one space (the other ordinances Staff studied had five in one location), reducing the proposed number of racks to less than 38, exploring the idea of the appearance of the racks so there is a uniform appearance, adding language to address the secondary use (with regards to outdoor seating at restaurants), limiting the number of racks on First Street, limiting the number in one area to three or four, limiting the amount of racks on First Street, and using the Downtown Mixed Use Master Plan to aid in further crafting the ordinance.

Council gave direction to Staff to bring the ordinance back with changes to standards for conformity of containers or appearance, having a total number of 38-40 racks, fixing the language regarding abandonment (anything left in place longer than a month), addressing the secondary use, clarifying what constitutes news and periodicals, and providing Council with a few options so that if Council has further discussions, it could still move forward with the introduction of the ordinance.

Review of City Boards and Commissions - Term Limits and Lengths:

Anne Cardwell, Assistant to the City Manager, reviewed the staff report.

Council and Staff discussed recruitment and outreach, having ‘how to apply’ added to the City’s web page (as the City of Los Banos did), staff training for selling the City, continue to do interviews at a public place such as the Library – to market and reach out to the public, having more interviews at one time, advertising the interviews, conducting the interviews quarterly, semi-annually, or annually, term limits, having term limits for regulatory boards but not advisory boards, not adding additional term limits, having the terms standardized to four years, removal from a board or commission needing a majority or super-majority vote, adding a step into the process for removal of a commissioner (recommendation from commission, reviewed by sub-committee, subcommittee makes recommendation to Council, then there would have to be a majority vote), request to see language for cause and process, and the need for consistency for absences (3) for boards and commissions.

Public Comment:

1. Rick Ernst – Mr. Ernst discussed the need for conformance with the demographics of the City (it will be added back in), having an alternate who would attend meetings, and the time it takes for a commissioner to ramp up.
2. Bonnie Silveria – Ms. Silveria discussed term limits, majority vs. super-majority, and a three-term limit being better than a two-term limit.

Mayor Patterson would like Mr. Ernst’s suggestion to be explored and brought back to Council.

INFORMATIONAL ITEMS:

Reports from City Manager:

Informational report on the denial of the special event application for the “Benicia Bicycle Road Race”:

Jim Erickson, City Manager, reviewed the staff report.

Council and Staff discussed the race, support for allowing the race in future, the lack of time for planning the race this year, and the short course for the race being changed to Sunday,

Public Comment:

1. Peter Van Slyke, Benicia Bicycle Club, Mr. Van Slyke discussed the bicycle race, the need for planning and safety, looking forward to having the event in Benicia next year, the race supporting cycling in general, cycling being a form of alternative transportation, the success of last year's race, community outreach, and switching the short course to Sunday.

Council and Mr. Van Slyke discussed the long course race, support for the race (next year), and the group's willingness to work with the City on this issue.

2. Kimble Goodman – Mr. Goodman discussed the relationships the Benicia Bicycle Club has formed with Benicia Main Street and BUSD, opportunities to partner with the community with this event, and the event bringing tourism into the City.
3. Carlos Soto– Mr. Soto spoke in support of the 2-day event being allowed next year.
4. Rick Ernst – Mr. Ernst spoke in support of the 2-day event being allowed next year.
5. Susan Street – Ms. Street spoke in support of the 2-day event being allowed next year.

Council discussed its support for the 2-day event next year.

COUNCIL MEMBER REPORTS:

None

ADJOURNMENT:

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

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Lisa Wolfe, City Clerk