

MINUTES OF THE  
SPECIAL MEETING – CITY COUNCIL  
JULY 15, 2008

The special meeting of the City Council of the City of Benicia was called to order by Mayor Elizabeth Patterson at 6:15 p.m. on Tuesday, July 15, 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, and Mayor Patterson

Absent: Council Member Schwartzman

PLEDGE OF ALLEGIANCE:

Rob Sousa 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:

One item received from Mr. Richard Bortolazzo.

PUBLIC COMMENT:

1. Richard Bortolazzo – Mr. Bortolazzo read a prepared statement (hard copy on file) regarding his concerns with the Lower Arsenal Mixed Use Specific Plan's proposal to rezone the property outside the building footprint as open space.

Council, Staff, and Mr. Bortolazzo discussed the date of the next Planning Commission meeting (8/14/08), the fact that this item would be a topic of discussion at that meeting, clarification on location of property Mr. Bortolazzo was concerned about, Mr. Bortolazzo's not being allowed to attend the previous charrette because he was on the Planning Commission, and the suggestion that Opticos talk with the stakeholders. Mr. Erickson stated that Staff would treat this as it would any other public communication and take the comments into consideration. Staff will get back to Council and Mr. Bortolazzo to let them know what the appropriate thing to do is.

ANNOUNCEMENT OF CLOSED SESSION:

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

CLOSED SESSION:

**A. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**

**(Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9)**

**1 Claim: Gard**

ADJOURNED TO CLOSED SESSION:

Mayor Patterson adjourned the meeting to Closed Session at 6:23 p.m.

RECONVENE OPEN SESSION:

Mayor Patterson reconvened Open Session at 6:29 p.m.

ANNOUNCEMENT:

Action taken in Closed Session:

Ms. McLaughlin reported that Council received information and directed Staff to settle the matter.

INFORMATIONAL ITEMS:

Update on Priority Projects and Policy Issues:

Jim Erickson, City Manager, reviewed the staff report.

Staff reviewed a PowerPoint presentation on the update of Priority Projects and Policy Issues.

Commandant's Residence and Restoration:

Council and Staff discussed the budget numbers, contingency fund, modifications to the work to trade off for potential change orders, dispute on a piece of the work, issues with the footing in the porch area and flooring in the kitchen area, and the possible need for a budget adjustment next month or so.

Benicia Business Park:

Council and Staff discussed BUSD's involvement in the traffic study, and BUSD's desire to have the traffic study be a joint effort.

First Street Pedestrian Friendly Improvements:

Council and Staff discussed the possibility of a short-term project to utilize some of the Regional Measure II monies that are out there to get something going in the next year or so to address a regional park and ride bus transit facility near the intersection of First Street and Military, requests from various First Street merchants to have the sidewalks washed down, encouraging merchants to sweep sidewalks, merchants concerns regarding people skateboarding on the sidewalks on First Street, the need for an ordinance that addresses the temporary signs people place (such as garage sale signs, concert signs, etc.) on poles on First Street, Staff's priority level regarding addressing temporary signs, and the need for a policy addressing A-frame signs on First Street.

State Park Road Bike/Pedestrian Bridge Project:

No comments.

Police Building Improvements:

No comments.

Community Center:

No comments.

Climate Change Prevention:

Council and Staff discussed compliance with AB32.

Comprehensive Tourism Plan:

No comments.

Arsenal Specific Plan and EIR:

Council and Staff discussed the need for a cost estimate for the soil clean up.

Regional Transit/Ferry Service to Downtown:

Council asked Staff when the issue of parking around the City Park would be discussed at the Traffic, Pedestrian and Bicycle Safety Committee meeting, CEQA status, establishing a more prominent connection to the Downtown area, and how and what the funds (\$3 million) could be used for.

BHS Traffic Signal Project:

No comments.

Library Basement Project:

Council and Staff discussed the date for future discussion on this item, the possibility of having a study session on the fourth Tuesday of August (8/26/08) to discuss this and other budget issues, the need for Council to discuss the budget early along in the Council meetings, the need for ample notification of the additional meeting, Council's availability for a study session on 8/26/08, and the projected effects the current economy is having on property taxes.

ADJOURNMENT:

Mayor Patterson adjourned the meeting at 7:12 p.m.

MINUTES OF THE  
REGULAR MEETING – CITY COUNCIL  
JULY 15, 2008

The regular meeting of the City Council of the City of Benicia was called to order by Mayor Elizabeth Patterson at 7:12 p.m. on Tuesday, July 15, 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, and Mayor Patterson

Absent: Council Member Schwartzman

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:

Action taken at Closed Session:

Ms. McLaughlin reported that Council received information and directed Staff to settle the matter.

Openings on Boards and Commissions:

- Sky Valley Open Space Committee:  
One unexpired term to September 30, 2010
- 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:

RESOLUTION 08-73 - A RESOLUTION CONFIRMING THE MAYOR'S REAPPOINTMENT OF JERRY POLLARD TO THE HUMAN SERVICES AND ARTS BOARD TO A FULL TERM ENDING JULY 31, 2012

The above Resolution was adopted, on roll call by the following vote:  
Ayes: Council Members Campbell, Hughes, Ioakimedes, and Mayor Patterson  
Noes: None  
Absent: Council Member Schwartzman

RESOLUTION 08-74 - A RESOLUTION CONFIRMING THE MAYOR'S REAPPOINTMENT OF ROY SALAZAR TO THE HUMAN SERVICES AND ARTS BOARD TO A FULL TERM ENDING JULY 31, 2012

The above Resolution was adopted, on roll call by the following vote:  
Ayes: Council Members Campbell, Hughes, Ioakimedes, and Mayor Patterson  
Noes: None  
Absent: Council Member Schwartzman

RESOLUTION 08- 75- A RESOLUTION CONFIRMING THE MAYOR'S REAPPOINTMENT OF LESLIE LESSENGER TO THE HUMAN SERVICES AND ARTS BOARD TO A FULL TERM ENDING JULY 31, 2012

The above Resolution was adopted, on roll call by the following vote:  
Ayes: Council Members Campbell, Hughes, Ioakimedes, and Mayor Patterson  
Noes: None  
Absent: Council Member Schwartzman

RESOLUTION 08-76 - A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF CANDACE SNYDER TO THE HUMAN SERVICES AND ARTS BOARD TO A FULL TERM ENDING JULY 31, 2009

The above Resolution was adopted, on roll call by the following vote:  
Ayes: Council Members Campbell, Hughes, Ioakimedes, and Mayor Patterson  
Noes: None  
Absent: Council Member Schwartzman

RESOLUTION 08-77 - A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF MICHAEL CAPLIN TO THE HUMAN SERVICES AND ARTS BOARD TO A FULL TERM ENDING JULY 31, 2010

The above Resolution was adopted, on roll call by the following vote:  
Ayes: Council Members Campbell, Hughes, Ioakimedes, and Mayor Patterson  
Noes: None  
Absent: Council Member Schwartzman

RESOLUTION 08-78 - A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF JANICE AMENTA TO THE HOUSING AUTHORITY BOARD OF COMMISSIONERS TO A FULL TERM ENDING JULY 31, 2009

The above Resolution was adopted, on roll call by the following vote:  
Ayes: Council Members Campbell, Hughes, Ioakimedes, and Mayor Patterson  
Noes: None  
Absent: Council Member Schwartzman

RESOLUTION 08-79 - A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF RAQUEL WALSH TO THE HOUSING AUTHORITY BOARD OF COMMISSIONERS TO A FULL TERM ENDING JULY 31, 2012

The above Resolution was adopted, on roll call by the following vote:  
Ayes: Council Members Campbell, Hughes, Ioakimedes, and Mayor Patterson  
Noes: None  
Absent: Council Member Schwartzman

RESOLUTION 08-80 - A RESOLUTION AFFIRMING THE POET LAUREATE COMMITTEE'S RECOMMENDED APPOINTMENT OF ROBERT SHELBY AS THE NEW POET LAUREATE

The above Resolution was adopted, on roll call by the following vote:  
Ayes: Council Members Campbell, Hughes, Ioakimedes, and Mayor Patterson  
Noes: None  
Absent: Council Member Schwartzman

Mayor Patterson read one of Mr. Shelby's poems.

Mr. Shelby read a prepared statement and a poem (hard copy on file).

Mayor Patterson publicly thanked Mr. Joel Fallon for being Benicia's first Poet Laureate.

Mr. Fallon read a poem.

PRESENTATIONS:

None

PROCLAMATIONS:

- Recognition of National Night Out – August 5, 2008

ADOPTION OF AGENDA:

On motion of Council Member Hughes, seconded by Council Member Ioakimedes, the Agenda was adopted as presented, on roll call by the following vote:  
Ayes: Council Members Campbell, Hughes, Ioakimedes, and Mayor Patterson  
Noes: None

Absent: Council Member Schwartzman

OPPORTUNITY FOR PUBLIC COMMENT:

WRITTEN:

Various items submitted (copies on file)

PUBLIC COMMENT:

1. Ann Hansen, Benicia Historical Museum – Ms. Hansen discussed the status of the museum’s garden, upcoming exhibits, and upcoming reports that will be received from sandstone experts.
2. John Furtado – Mr. Furtado discussed and thanked Staff for its attention to the graffiti problem, concerns regarding the proposed skateboard park, skateboarders, current status and disrepair of the skate park at Willow Glen Park, the need for more options for skateboarders, kids skateboarding around the grocery stores and on First Street.
3. Nancy Martinez, Benicia Main Street – Ms. Martinez discussed the recent purchase of six new trash cans for First Street and the future purchase of more trash cans and benches for First Street.
4. Bonnie Silveria – Ms. Silveria invited everyone to attend the Fine Art and Jazz Festival on 8/26-8/27, the need for additional volunteers for the festival, and the volunteer hours spent working on the Fourth of July festivities (126). Council and Staff discussed the success of the Fourth of July festivities and requested that Benicia Main Street consider placing flowers on First Street. Ms. Martinez confirmed it was on the list, but there were a few things in front of it.
5. Patrick Ward – Mr. Ward read a prepared statement regarding his suggestion that the City implement a renewable energy incentive plan (hard copy on file).

Council and Mr. Ward discussed the issue of cost, timing for putting something like this on an upcoming ballot, bundling discussion on this when the climate action plan is given, if feasible – integrating this issue into the climate action plan, and where the money for such a plan would come from.

CONSENT CALENDAR:

Council pulled item VII-C.

On motion of Council Member Hughes, 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, and Mayor Patterson

Noes: None

Absent: Council Member Schwartzman

The Minutes of June 30, 2008 and July 1, 2008 were approved.

RESOLUTION 08-81- A RESOLUTION AUTHORIZING SUBMITTAL OF AN APPLICATION FOR A CALIFORNIA LIBRARY LITERACY SERVICE MATCHING

FUNDS GRANT FOR FISCAL YEAR 2008/2009 AND AUTHORIZING THE LIBRARY DIRECTOR TO SIGN DOCUMENTS

RESOLUTION 08-82 - A RESOLUTION AUTHORIZING THE PURCHASE OF NEW PLAYGROUND EQUIPMENT FOR 9<sup>TH</sup> STREET PARK IN THE AMOUNT OF \$49,214, ALLOCATED FROM THE PARK DEDICATION FUND

RESOLUTION 08-83 - A RESOLUTION AUTHORIZING THE PURCHASE OF VIDEO AND FILM EQUIPMENT FOR THE CITY COUNCIL CHAMBERS IN THE AMOUNT OF \$54,948.63, ALLOCATED FROM THE CABLE TV P.E.G. GRANT 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 a consultant agreement for engineering services for the Wastewater System Master Plan Update:

Council and Staff discussed alternative energy sources for the Wastewater Treatment Plant, the intent of the plan is to compliment work done by the City in defining and reducing its carbon footprint and implementing a climate action plan, the wind and solar energy feasibility analysis that is underway for the Water and Wastewater Treatment Plants and six sewer lift and water pump stations, and a pilot test program that the City is participating in for the blowers at the Wastewater Treatment Plant.

Council and Staff discussed Staff's clear explanation of why this work needs to be done by a consultant, and reallocation of the funds that were not spent last year.

RESOLUTION 08-84 - A RESOLUTION APPROVING THE CONSULTANT AGREEMENT FOR ENGINEERING SERVICES FOR THE WASTEWATER SYSTEM MASTER PLAN UPDATE WITH CAMP DRESSER & MCKEE, INC. FOR A NOT-TO-EXCEED COST OF \$150,000, AND AUTHORIZING THE CITY MANAGER TO SIGN THE AGREEMENT ON BEHALF OF THE CITY

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

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

Noes: None

Absent: Council Member Schwartzman

PUBLIC HEARINGS:

None

ACTION ITEMS:

Approval of professional services agreement for Housing Element Update:

Lisa Porras, Senior Planner, reviewed the staff report.

Council and Staff discussed how HCD and ABAG establish coverage, the consequences for cities not meeting their targets, how Benicia will ensure it achieves a balance in the upcoming charrette process, property on the east side of Benicia that could have been utilized for affordable housing last year, funding sources, making a good faith effort to move forward with this, and the need to be affirmative in promoting affordable housing.

On motion of Council Member Hughes, seconded by Vice Mayor Campbell, Council authorized the City Manager to execute an agreement for professional services for \$52,920 with Lisa Wise Consulting to prepare a Housing Element update, on roll call by the following vote:

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

Noes: None

Absent: Council Member Schwartzman

Consideration of changes to the Benicia Breeze Transit System:

Rob Sousa, Finance Director, reviewed the staff report.

Council and Staff discussed the current cost situation, current annual deficit of \$169,000 for transit costs, the need to encourage more ridership, the need to consolidate inner-city routes, looking at the overall needs for transit changing trends with rising fuel costs, the need to come up with a matrix that lists the pros and cons of the proposed changes, and clarification on the advantage of using a feeder service.

Public Comment:

1. Citizen – The citizen expressed concern regarding the proposed limited service to the City of Concord, California and Diablo Valley College.

Council and Staff discussed the price increase on the student and senior monthly passes, the need to soften the blow of those costs to students and seniors, the need to make the service convenient, affordable, and accessible, the need to get out of the Monday through Friday mentality (by including weekend service), possibly incorporating bus service to the schools, the need to look forward – not just at the present needs, how to look at more comprehensive alternative ways to get around, the need for more conversations with STA, the need for a roadmap to figure out how to address the problems citizens will face in the future, the need to have consistency with the fees (both monthly and daily fees), the City possibly subsidizing a portion of the costs to students and seniors, and the need to use private and public funds to get a more robust transit system.

Mayor Patterson stated that the direction to staff was to continue the process, present a comparative table, restructure the fees (particularly the monthly fees) to see if they could be subsidized, look at the refinements that come about as the result of the public meetings, and provide plenty of advertisement and noticing on the issue.

Mayor Patterson called for a 5-minute break at approximately 9:15 p.m.  
The meeting resumed at approximately 9:20 p.m.

Introduction and first reading of an ordinance for establishing permitting and regulatory requirements for massage therapists:

Sandra Spagnoli, Police Chief, reviewed the staff report.

Public Comment:

1. Terri Vacek, Earth Touch Wellness Center – Ms. Vacek discussed the proposed fees for massage therapists, the need for regulating the massage therapy profession, and how grateful she was that Council and Staff listened to the massage therapists’ concerns at the last meeting.

Council and Staff discussed future State regulation on massage therapy, and the procedures for the proposed practical exam.

ORDINANCE 08- - AN ORDINANCE ADDING A NEW CHAPTER 5.52 (MASSAGE) TO TITLE 5 (BUSINESS TAXES, LICENSES AND REGULATIONS) OF THE BENICIA MUNICIPAL CODE

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

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

Noes: None

Absent: Council Member Schwartzman

INFORMATIONAL ITEMS:

Reports from City Manager:

Jim Erickson, City Manager, reminded Council and the public that Council previously approved the cancellation of the August 5, 2008 Council meeting. He provided an update on the significant settlement on the VIP amendments that occurred last week. Staff will brief Council on that at the next meeting. Mayor Patterson requested that Staff notify Ms. Dean, who represented the Good Neighbor Steering Committee.

Council Member Committee Reports:

1. Mayor’s Committee Meeting - (Mayor Patterson) - Next Meeting Date: July 16, 2008
2. Association of Bay Area Governments (ABAG) - (Mayor Patterson & Vice Mayor Campbell) - Next Meeting Date: October 24, 2008
3. Audit & Finance Committee - (Vice Mayor Campbell & Council Member Schwartzman) - Next Meeting Date: August 8, 2008
4. League of California Cities - (Mayor Patterson & Council Member Schwartzman) - Next Meeting Date: July 31, 2008
5. School Liaison Committee - (Council Members Ioakimedes & Hughes) - Next Meeting Date: August 7, 2008
6. Sky Valley Open Space Committee - (Vice Mayor Campbell & Council Member Ioakimedes) - Next Meeting Date: July 16, 2008
7. Solano EDC Board of Directors - (Mayor Patterson & Council Member Ioakimedes) - Next Meeting Date: July 24, 2008

8. Solano Transportation Authority (STA) - (Mayor Patterson & Council Member Schwartzman) - Next Meeting Date: August 13, 2008
9. Solano Water Authority/Solano County Water Agency - (Mayor Patterson & Vice Mayor Campbell) - Next Meeting Date: August 14, 2008
10. Traffic, Pedestrian and Bicycle Safety Committee - (Vice Mayor Campbell & Council Member Hughes) - Next Meeting Date: July 17, 2008
11. Tri-City and County Regional Parks and Open Space - (Vice Mayor Campbell & Council Member Hughes) - Next Meeting Date: August 20, 2008 (CAC) and September 8, 2008 (Governing Board)
12. Valero Community Advisory Panel (CAP) - (Council Member Hughes) - Next Meeting Date: July 23, 2008
13. Youth Action Task Force - (Council Members Ioakimedes & Schwartzman) - Next Meeting Date: To be determined.
14. ABAG/CAL FED Task Force/Bay Area Water Forum - (Mayor Patterson) - Next Meeting Date: July 28, 2008

COMMENTS FROM COUNCIL MEMBERS:

None

ADJOURNMENT:

Mayor Patterson adjourned the meeting at 9:46 p.m.

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Lisa Wolfe, City Clerk