

MINUTES OF THE  
REGULAR MEETING – CITY COUNCIL  
JULY 18, 2006

The regular meeting of the City Council of the City of Benicia was called to order by Mayor Steve Messina at 7:00 p.m. on Tuesday, July 18, 2006, in the City Council Chambers, City Hall, 250 East L Street, complete proceedings of which are recorded on tape.

ROLL CALL:

Present: Council Members Patterson, Whitney, and Mayor Messina

Absent: Council Members Hughes and Schwartzman

PLEDGE OF ALLEGIANCE:

Mayor Messina 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 the City of Benicia Ordinance No. 05-6 (Open Government Ordinance).

ANNOUNCEMENTS/APPOINTMENTS/PRESENTATIONS/PROCLAMATIONS:

ANNOUNCEMENTS:

Openings on Boards and Commissions:

- Human Services Fund Board
  - One unexpired term to June 30, 2008
  - One full term to June 30, 2010
- People Using Resources Efficiently (PURE) Committee:
  - One immediate opening
- Civil Service Commission:
  - Three full terms to August 30, 2009
- Sky Valley Open Space Committee:
  - One full term to August 30, 2010
  - One full term to September 30, 2010
- Parks, Recreation & Cemetery Commission:
  - One full term to September 30, 2010
- Planning Commission:
  - Two full terms to September 30, 2010

Via, AAA Traveler's Companion magazine highlights Benicia as "A Place to Take Kids"

APPOINTMENTS:

None

PRESENTATIONS:

None

PROCLAMATIONS:

None

ADOPTION OF AGENDA:

Jim Erickson, City Manager stated that item IX-A was being removed from the agenda. Heather McLaughlin, City Attorney stated that upon speaking with the FPPC, she was advised that all three Council Members present tonight have conflicts of interests because they all own property or have businesses within 500 feet of the proposed district. This item needs to be continued until there are more council members and they can draw straws to see who gets to vote on the matter, or until we figure out a better solution. In the meantime, she is working on the FPPC to see if she could get them to revise its opinion. She stated that under public comment, Council might want to remove themselves in case the details get to be too much, in the event someone wants to talk about Arsenal planning.

Council Member Patterson asked for clarification on procedural process. On a general planning approach, is the FPPC saying that this issue does not rise to a level that is general enough? Ms. McLaughlin stated that the FPPC is saying that it is more specific plans because it is dealing with some areas in particular. Council Member Patterson stated that on the procedural matter, it was her understanding that if this were to be approved, the consultant who is key to kicking this off will be unavailable if Council does not take action on this in a specific amount of time. When does Council have to address this by? Mr. Erickson stated that it was his understanding that if Council takes action on this by the 8/1 Council meeting, it will not interfere with the consultant's schedule. If we go beyond the 8/1 date, it would interfere with the scheduling.

On motion of Council Member Whitney, seconded by Council Member Patterson, the Agenda was adopted as amended, on roll call by the following vote:

Ayes: Council Members Patterson, Whitney, and Mayor Messina

Noes: Council Members Hughes and Schwartzman

OPPORTUNITY FOR PUBLIC COMMENT:

WRITTEN:

Various items submitted (on file with the original agenda packet).

PUBLIC COMMENT:

1. Mark Altgelt – Mr. Altgelt discussed a proposal for a project he is initiating that addresses the problem of litter in the cities of Benicia, American Canyon, and Vallejo. The project would involve the community in cleaning up litter. The project gives people in the community a voice in saying they want to make their cities clean and litter free. The project is called 'Neighbors for a Clean and Green Benicia, Vallejo, and American Canyon'. It is a request for people to take a pledge or sign up saying that they will clean up the litter on a regular basis on a specific property (probably their own property). This is an entirely voluntary program. Participants will be asked to state how often they are agreeing to do this, and to rate the level of litter on their property on a level of 1-10. Businesses pay a lot of money cleaning up litter, as do residents. The project will give people a

voice saying that they want to find a way to solve the problem. He will introduce this in a letter to the editor. He will focus on this during the upcoming 'Coastal Cleanup Day'. This project depends on the amount of public participation. This is part of a long-term project he has been working on to address the issue of litter. To effectively address this problem, City administration needs to develop long-term plans for addressing litter. The City of Vallejo's current campaign is a billboard campaign titled 'Don't trash our city'. Another idea for a billboard is 'Do the right thing, keep our City clean'. Schools could incorporate anti-litter campaigns in their literature. City administration could isolate the cost of picking up litter and make long-term plans to transfer those costs to revitalizing the City. Police agencies are not enforcing the litter laws. There should be a litter class for people who are cited for littering. People could then go to the class and also pick up litter as part of the fine. Council Member Patterson asked Mr. Altgelt what the best way to reach him was. Mr. Altgelt stated that he could be contacted at the following email address: cleangreencities@sbcglobal.net

CONSENT CALENDAR:

Council pulled items VII-D, VII-K, VII-M, and VII-N.

On motion of Council Member Patterson, seconded by Council Member Whitney, the Consent Calendar was adopted as amended, on roll call by the following vote:

Ayes: Council Members Patterson, Whitney, and Mayor Messina

Noes: Council Members Hughes and Schwartzman

Council approved the minutes of June 6, 2006 and June 20, 2006.

Council approved the denial of the claim against the City by Steve DoBos and referral to insurance carrier.

Council approved the authorization of training options for compliance with AB 1234.

RESOLUTION 06-100 - A RESOLUTION ACCEPTING THE 3.66 ACRE SITE FROM VALERO AND AUTHORIZING THE CITY MANAGER AND CITY ATTORNEY TO EXECUTE ALL NECESSARY DOCUMENTS

RESOLUTION 06-101 - A RESOLUTION ACCEPTING THE HELICAL SCUM COLLECTOR REPLACEMENT PROJECT, AUTHORIZING THE CITY MANAGER TO SIGN THE NOTICE OF COMPLETION, AND AUTHORIZING THE CITY CLERK TO FILE SAME WITH THE SOLANO COUNTY RECORDER

RESOLUTION 06-102 - A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT TO THE LEASE AGREEMENT WITH SPRINT SPECTRUM REALTY CO. AT THE R-3 WATER RESERVOIR SITE LOCATED AT 257 ESSEX WAY TO ALLOW RELOCATION OF FACILITIES AND INSTALLATION OF ADDITIONAL FACILITIES, CORRECT A SIZE DISCREPANCY BETWEEN THE AGREEMENT AND ACTUAL FENCED

EQUIPMENT AREA, AND INCREASE THE RENT TO REFLECT THE CORRECTED LEASEHOLD AREA

RESOLUTION 06-103 - A RESOLUTION SUPPORTING THE NAME CHANGE FROM SOLANO SAFETY NET CONSORTIUM JOINT POWERS AUTHORITY TO COMMUNITY ACTION PARTNERSHIP OF SOLANO (CAP SOLANO), STRENGTHENING AGENCIES WORKING TO END POVERTY AND HOMELESSNESS

RESOLUTION 06-104 - A RESOLUTION APPROVING THE JANUARY 1, 2006 TO JUNE 30, 2006 AMENDMENTS TO BASE SALARY IN THE LABOR AGREEMENTS WITH THE SUPERVISORY GROUP, THE PROFESSIONAL/CONFIDENTIAL GROUP AND ALL OTHER REMAINING POSITIONS WHICH WERE DETERMINED TO BE BELOW AVERAGE IN THE 2005 SALARY SURVEY

Council approved the acceptance of investment report for the quarter ended March 2006.

RESOLUTION 06-105 - A RESOLUTION SETTING THE 2006-07 SECURED TAX RATES FOR THE 1997 SEWER BONDS

RESOLUTION 06-106 - A RESOLUTION AUTHORIZING THE PURCHASE OF NEW LAPTOP COMPUTERS FOR THE POLICE DEPARTMENT FROM CDCE, INC.

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

(END OF CONSENT CALENDAR)

Council took the following actions:

Amendment of reimbursement policy for travel expenses for compliance with AB 1234:

Council Member Patterson stated there were some technical changes on the resolution, clarifying participating in regional, state, and national governmental and non-governmental organizations. Ms. McLaughlin stated that the other change is to travel expenses section. She originally left out reasonable reimbursement for parking, so that was fixed. Finally, on the last page of the resolution, where it talks about public reporting of expenditures, the law requires Council to give a brief report on meetings that they have attended, but it is not required to be written; it could be oral or written. That will be agendaized, and it could either be oral or written.

RESOLUTION 06-107 - A RESOLUTION ADOPTING EXPENSE REIMBURSEMENT POLICY

On motion of Council Member Patterson, seconded by Council Member Whitney, the amended resolution was approved, on roll call by the following vote:

Ayes: Council Members Patterson, Whitney, and Mayor Messina

Noes: None

Absent: Council Members Hughes and Schwartzman

Approval of Human Services Fund Board (HSFB) monitoring of Cultural Arts Grants:

Public Comment:

1. Kitty Griffin – Ms. Griffin stated that she looked through the responsibilities that would be added to the HSFB. They are larger than she expected. It struck her it would be fairly time consuming. She looked at the General Plan in the health and safety section. She wondered if it was premature for the HSFB to be doing cultural stuff. The General Plan recommends the following items to be the purview of the HSFB: make community health and safety a high priority, promote a wide range of health related services, develop a program that develops a citizen input planning process with the HSFB to address locally identified human health and health related concerns, compile available information pertinent to the health and safety of the community, require the HSFB to report annually to Council and public on the health and well-being and safety of the community – along with recommendations for improvement, delegate a formal group that will be responsible for community health promotion, and expand the role of the City Staff person liaison to the HSFB is needed in order to support additional tasks assigned to the HSFB. An additional goal assigned to the HSFB was improving access to mental health and social services for citizens, including elderly and low-income citizens. We don't have a group in town that has 'health' per say. The HSFB was a logical group to take that on. One could make a pretty good argument that culture is health related. Is Council aware that the General Plan recommends that this is part of the HSFB portfolio? Could Council make her aware if some of the recommendations in the General Plan have been take care of already? Is there a priority issue here or not?

Mayor Messina stated that he thinks some of Ms. Griffin's concerns have already been addressed. If she were to follow the HSFB more closely, she would find that they do address most of her concerns. They have been reporting to Council for fifteen years. Ms. Griffin stated that she was asking if they reported on the things we don't have, as opposed to what they do have.

2. Dan Clark – Mr. Clark stated that he is the President of the Benicia Old Towne Theatre Group (BOTTG). He stated that the BOTTG has had a lot of history with the City. The group has received funding from the City. The group has some concerns about the funding. He noticed there are two openings on the HSFB. There is supposed to be nine people on the board. It would be wise of Council to increase the size of the board with the increased responsibility. People from the artistic community should have a seat on the board. He has concerns about the funding stream. He hopes there will be two separate funding streams. They do not want to get into a contest with human services, taking money away from those who need and deserve it. On the other hand, the BOTTG does not want to give up their place in society. As long as Council will keep in mind that there should be two separate funding streams, allocated by the HSFB, this is a good idea.

Mayor Messina stated that he shared Mr. Clark's concerns about separate funding streams. When this came up before for action, one of Council's direction to Staff was to ensure there were two separate funding streams, they would not be co-mingled, and there would not be any jockeying to move funds from one pot to the other pot. Council was extremely clear in specifying that. When he went through this resolution and the proposed changes, he was concerned it was not specific enough and a little bit of additional language could help allay those concerns. Regarding the size of the committee, the HSFb had lengthy discussions on that issue. The board decided to leave the size the same for the time being. If the board finds it has issues or it cannot process the information, it will come back to Council and request the composition of the board be changed. Regarding artist participation, he suggested Mr. Clark encourage as many people as possible to apply for a position on the HSFb. Mr. Clark stated that the Mills school site could be used for the artist community to meet, etc. He urged Council to consider that possibility.

Council Member Patterson stated that Mr. Clark could discuss that possibility with the 7-11 Committee, as well as express his interest in the space to the Parks and Community Services Department (Mr. Alvarez). The 7-11 Committee is taking possibilities for the site. The City has its own process in proposing a potential use for the Mills campus.

Council Member Patterson stated that she has been a little nervous about this process. She has attended the HSFb meetings and has followed the deliberations. She takes to heart the sense from the artist community to move forward with this proposal. However, she thinks with some tweaking, Council could make this Board better and more suitable to the artistic community needs. She likes that this is putting together, in one place, where people can see the City's total contribution to the arts. That is an important concept. It shows the merits of each of the various recipients. For those reasons, the new HSFb has value. Her concerns are having adequate representation of the artist community on the HSFb. She would like to see the changes in the resolution that reflects two different chairs to be filled by two members of the artist's community. It is not a qualification issue, but a representation issue. Be as broad as possible so that we are inclusive. She also likes the idea of seeking funding for the arts as well. Typically, the artist community does this on their own. If the City is going to have the HSFb be responsible for the funding stream of the artistic community, it should include seeking outside funds as is being done for the human services. This should be phased in to support the arts. The added responsibility of the HSFb ought to include some affirmative action for supporting the arts. The actual resolution is specific about the duties and developing the rules of the road. However, no member of the artist's community - with the possible exception of Benicia Performing Arts - was involved during the year the HSFb was considering this. She wants members of the artist community included for developing the rules of the road. Also, she would like the board to consider a name change and bring suggestions back to the City.

Council Member Whitney stated that he was favor of this process. He wants to be clear that there are to be two funding streams. He does not have an issue with the name change. The HSFB should be able to get together, discuss it, and report back to Council. Regarding representation from the artist community, clearly that should happen.

Mayor Messina stated that on page VII-K-6 – liaison – Council voted on this and decided not to have a liaison. That should be stricken from the resolution. Regarding fundraising, one of the HSFB’s concerns was that they would have to ask for money twice for both the human services and the arts. Council discussed that and supported the board’s recommendation. He is concerned that the Council is trying to craft a new resolution with only three Council Members present. The language being crafted might not represent the views of the full Council. He recommended it be brought back for discussion.

Council Member Patterson stated that this is one of the most important actions this Council will take. She thinks it would be good to have full council participation on this. She would like to give direction to the HSFB to consider the comments that have been made this evening and to work closely with the artist community. This is a big deal. It is an enormous responsibility. If Council says they can solicit funds for human services and not arts, it is sending a mixed message. The HSFB should work on this and bring it back to Council.

Public Comment:

1. Andy O’Dell, HSFB Co-Chair – Mr. O’Dell stated that the HSFB has a sub-committee made up of three HSFB members, as well as all of the organizations that are receiving arts funding. The sub-committee is set up to develop the RFP for the arts. He likes the aspect of having knowledgeable people on the board. The next HSFB meeting is scheduled for 8/14.

Council Member Patterson stated that she would prefer to put this off until the first meeting in September so the HSFB could have time to respond to the comments made tonight and look into the issues before it report back to Council. Mr. O’Dell would prefer to have this discussed at the first meeting in August. The board has scheduled a community forum to discuss issues in September. He would like to have two separate community forums, one for arts, and one for human services.

Council Member Patterson asked Mr. O’Dell to put the issue of reviewing the General Plan on the committee’s to-do list and report back to Council after that is done.

Council Member Whitney stated that his recollection was that there would not be a City Council liaison on the HSFB. Mr. O’Dell confirmed that was correct.

Mayor Messina stated that it’s Council’s job to make sure there is fair representation on the boards and commissions. He has been reaching out to the artist community to become involved in the HSFB. Anyone should feel comfortable applying. Restricting the membership is wrong. This should be revisited when there is a full council.

Council Member Patterson stated that she serves on and serve as staff on a number of organizations that have specific subject area representation for membership. This was addressed when the Historic Preservation Review Commission was re-done. There should be people who have background and knowledge to offer the boards and commissions.

This item was continued to the first meeting in September.

Consideration of request by the Sky Valley Open Space Committee to seek assistance from the National Park Service (NPS) to help define the scope of the Sky Valley/Sulfur Springs Creek Watershed Management Plan.

Mayor Messina stated that Council has received letters of support on this from the County and from the SWA. Mr. Erickson stated that it was his understanding that was not the case, however it could be done. Mayor Messina suggested putting this off until we have garnered the support. Mr. Erickson stated that there was a deadline for submission. The proposal has to be turned in on 8/1.

Council Member Patterson stated that the committee has been meeting for a long time and has reached out to many organizations. They have talked to the Solano Land Trust, they have worked with conservation districts, and they have talked to the City of Vallejo and its flood district. Everyone is aware of the effort to embark on some kind of mapping program to identify the asset of this area. The committee does not have any sufficient staff support. The committee asked Council for additional staff support. They were told they needed a work plan before that could happen. This proposal asks the National Parks Service for that assistance to help committee reach out to other agencies. They could then come back to the City with a work plan as requested. This grant is an innovative solution to the committee's problem. She commended the committee for its efforts on this. She stated that one of the partners on this is Syar Industries, who worked with the committee in developing base maps and identifying the assets of the Sky Valley area. Syar will be working with the committee and the National Parks Service to come up with a work plan.

Council Member Whitney stated that he has worked with Council Member Patterson on this committee. Staffing has been a struggle. Council Member Patterson is suggesting a way to provide staff without asking the City for money. He asked if the Mayor would be open to moving forward if the County confirmed that it did not have issue with this. Mayor Messina stated that if Council gets concurrence from both the County and SWA, he would be comfortable. Council Member Whitney stated that he was not too concerned about the SWA, but was more concerned about the County. Mayor Messina stated that he wanted to see both the County and the SWA sign off on this.

Council Member Patterson wants this to move forward. It is frustrating that they have to jump through hoops. Nobody owns watershed management planning. Watershed councils are encouraged and fostered by the state. Very few of them are directed by a water district or agency. She is respectful of the Mayor's concern, but in this case, it is misplaced. The Benicia General Plan states that it is a good idea to have the Solano

County Water Agency and County support, but to condition the approval of this upon getting their approval is not appropriate.

Council Member Whitney stated that since there are only three Council Members present, there has to be a unanimous vote. Ms. McLaughlin stated that since it is not a resolution or ordinance, it could be a 2-1 vote.

Council Member Whitney proposed approving the item, with the condition the City receives letters of support from both the County and SWA. Council Member Patterson asked for clarification that such letters would be at the staff level.

On motion of Council Member Whitney, seconded by Council Member Patterson, Council approved the amended request, on roll call by the following vote:

Ayes: Council Members Patterson, Whitney, and Mayor Messina

Noes: None

Absent: Council Members Hughes and Schwartzman

Consideration of request by Solano Land Trust to fund public access to Lynch Canyon:

Mayor Messina stated that he wanted to thank Council Member Whitney for his efforts on this issue.

RESOLUTION 06-108 - A RESOLUTION AUTHORIZING A CONTRIBUTION OF \$5,000 FOR FUNDING OF LYNCH CANYON OPEN SPACE OPERATIONS AND PUBLIC ACCESS IN THE PARK

On motion of Council Member Whitney, seconded by Council Member Patterson, the above resolution was adopted, on roll call by the following vote:

Ayes: Council Members Patterson, Whitney, and Mayor Messina

Noes: None

Absent: Council Members Hughes and Schwartzman

PUBLIC HEARINGS:

None

ACTION ITEMS:

Authorization of a contract for the implementation program for the Arsenal and Downtown areas:

This item was removed from the agenda.

INFORMATIONAL ITEMS:

Reports from the City Manager:

Announcement of a proposed new stormwater management and discharge control ordinance and amendments to existing grading and erosion control ordinance:

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

Council Member Patterson suggested that in addition to the information being on the City's website, Staff should publish his information in the newspaper for the public's benefit. That way, Council could have feedback from the public. Council has had many discussions on the issue of creek beds, erosion control, etc. She hopes the issue of grading comes back to Council. Staff should make a strong effort to get this information out to the public.

Mr. Erickson briefly discussed the City's proposal to lease Mills school site. Staff is working on that and it will come back to Council on 8/3. There has been a tentative study session scheduled in August to review Council's vision, goals, and direction for the budget for the next two years. Staff has not heard back from all Council Members regarding their availability. Staff hopes to hear back from all Council Members so the study session can be scheduled.

Council Member Committee Reports:

1. Mayors' Committee Meeting (Mayor Messina)  
Next Meeting Date: July 19, 2006
2. Association of Bay Area Governments (ABAG) (Mayor Messina)  
Next Meeting Date: October 26, 2006
3. Audit & Finance Committee (Vice Mayor Schwartzman and Council Member Hughes) Next Meeting Date: August 4, 2006
4. League of California Cities (Mayor Messina)  
Next Meeting Date: August 3, 2006
5. School District Liaison (Council Members Whitney and Hughes)  
Next Meeting Date: September 14, 2006
6. Sky Valley Area Open Space (Council Members Patterson and Whitney) Next Meeting Date: August 2, 2006
7. Solano EDC Board of Directors (Mayor Messina)  
Next Meeting Date: July 27, 2006
8. Solano Transportation Authority (STA) (Mayor Messina)  
Next Meeting Date: September 13, 2006
9. Solano Water Authority/Solano County Water Agency (Mayor Messina)  
Next Meeting Date: August 10, 2006 – Council Member Patterson had a question on X-B-9-4 - Awahnee Water Principles. Mayor Messina stated that the recommendation was not taken up by the SWA. The SWA has a number of sub-committees. The board raised concern about getting into an area that has a lot of jurisdiction. They were concerned they were adopting principles that would have no effect on the SWA, but could have severe effects on the community. They sent it to a sub-committee for some additional consideration and review. A recommendation will be coming forward in the next few meetings. Council Member Patterson asked if the SWA had advised him on how many other water jurisdictions had adopted the Awahnee Water Principles. Council Member Patterson asked if Mayor Messina was interested in having this considered by Council. Mayor Messina stated that he believes Council has already considered this item. Mayor Messina stated that his memory was that this issue came to Council and Council chose not to adopt it. Council Member Patterson stated that Council had not considered or adopted this. Council Member Patterson

stated that Council did not choose to not adopt this; it chose not to take it up at that time. It was part of the Urban Water Management Plan. Mayor Messina stated that Staff will have to check on whether or not Council chose not to adopt this or chose not to discuss it at that time. Council Member Patterson stated that Council needs to be clear whether or not it stands for these principles.

10. Traffic, Pedestrian and Bicycle Safety Committee (Council Members Patterson and Hughes)

Next Meeting Date: July 20, 2006

11. Tri-City and County Regional Parks and Open Space (Council Member Whitney)

Next Meeting Date: September 11, 2006

12. Valero Community Advisory Panel (CAP) (Council Member Hughes)

Next Meeting Date: September 21, 2006

13. Youth Action Task Force (Vice Mayor Schwartzman and Council Member Whitney)

Next Meeting Date: August 23, 2006

14. ABAG/CAL FED Task Force/Bay Area Water Forum (Council Member Patterson)

Next Meeting Date: August 28, 2006.

COMMENTS FROM COUNCIL MEMBERS:

None

ADJOURNMENT:

Mayor Messina adjourned the meeting at 8:19 p.m.

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Lisa Wolfe, City Clerk