

MINUTES OF THE  
SPECIAL MEETING – CITY COUNCIL  
AUGUST 19, 2008

The special meeting of the City Council of the City of Benicia was called to order by Mayor Elizabeth Patterson at 6:00 p.m. on Tuesday, August 19, 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:

Jim Erickson 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:

None

PUBLIC COMMENT:

None

PUBLIC HEARING:

Public hearing to consider changes to the Benicia Breeze Transit System:

Jim Erickson, City Manager, introduced the agenda item.

Rob Sousa, Finance Director, reviewed the staff report and a PowerPoint presentation (hard copy on file).

Council and Staff discussed the new Sweep Route, how residents could find out what bus services are available, what the consequences would be in not going forward with this plan, state system transit funds, clarification on fare costs, reduction in monthly pass costs, the impact the reduction would have on the City's budget, funding for Routes 75 and 78, the current status of the additional busses that were referred to in the staff report, comfort vs. convenience vs. expense with regards to the proposed new busses, how long the City is guaranteed the \$600,000 in RM2 funds, what RM2 funds could be used for, Route 40, timing of the RM2 funds, major restrictions with the RM2 funds, advantages of Route 78, the need to update the City's Short Range Transit Plan, the need for a monitoring plan, reporting to Council on a regular basis, clarification on Route 40, the

option of keeping Route 75 and paying for it, the agreement between Vallejo, Fairfield, and Benicia, and finding out whether people want to ride Route 75 or 78.

#### Public Hearing Opened

##### Public Comment:

1. Nora Gonsier – Ms. Gonsier thanked Staff and Council for their efforts on this issue. She discussed her past experiences with the transit system, ADA laws, the ADA Paratransit being neglected, her need to get to Concord and Walnut Creek, the shooting incident near the Park and Ride on Lemon Street in Vallejo, the need for Council and Staff to review the ADA laws.
2. Chuck Maddux – Mr. Maddux asked what the benefit was for Benicia to go with this program, unreliable bus service in Benicia, ridership on Route 75, and his lack of belief that Route 78 would benefit Benicia.
3. Citizen – the citizen commended Council for asking hardball questions on this issue, Staff's lack of an answer to Mayor Patterson's question regarding new residents and transit, and the lack of service to DVC.
4. Jane Gasper – Ms. Gasper discussed her past experiences with the Route 75 bus, the need for her to continue using Route 75 to get to doctors appointment, and her appreciation for the Benicia Breeze.
5. Mike Becker – Mr. Becker did not think that Route 78 would get students to DVC in time. He discussed the problems the new schedule would cause for the DVC students.
6. Brent Roth – Mr. Roth discussed his wife's medical condition, changes to Route 78, Council's need to figure out who it is that needs the busses.
7. Karen Dukeman – Ms. Dukeman discussed her experiences in using the Benicia transit services, whether the comfort outweighs the convenience of the routes, having to take two busses instead of one with the proposed changes.

#### Public Hearing Closed

Staff and Council discussed the competition with other transit services, inconveniences the proposed changes would cause to the riders, efforts to make the changes as painless as possible on the riders, lack of service to the Concord area, coordination of the bus and ferry schedules, the difficulty in trying to judge how much Paratransit is needed, some citizens inability to use the Flex Route due to physical limitations, Inter-County Paratransit Consortium, TDA funds (approximately \$90,000), thinking about financing inter and intra City transit, whether the survey in 2007 was done in any other language other than English (it was done in Spanish as well), if the amount of ridership on the busses increased after the survey, outreach to the Downtown community regarding the proposed changes, flex Route 21 and 22 having to feed into the other bus stops at the time when Route 78 is there, and the need to get them to match up.

#### RESOLUTION 08-85 - A RESOLUTION APPROVING CHANGES TO THE BENICIA BREEZE TRANSIT SYSTEM AND AUTHORIZING THE CITY MANAGER TO NEGOTIATE AGREEMENTS TO IMPLEMENT SAID CHANGES

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

Ayes: Council Members Hughes, Schwartzman, and Mayor Patterson

Noes: Council Members Campbell and Ioakimedes

ADJOURNMENT:

Mayor Patterson adjourned the special meeting at 7:21 p.m.

MINUTES OF THE  
REGULAR MEETING – CITY COUNCIL  
AUGUST 19, 2008

The regular meeting of the City Council of the City of Benicia was called to order by Mayor Elizabeth Patterson at 7:27 p.m. on Tuesday, August 19, 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:

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).

ANNOUNCEMENTS/APPOINTMENTS/PRESENTATIONS/PROCLAMATIONS:

ANNOUNCEMENTS:

Openings on Boards and Commissions:

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

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:

Solano County Status Report on Seniors:

Ms. Carmen Haban and Ms. Viola Robertson, Senior Coalition of Solano County, reviewed a PowerPoint presentation titled 'Preparing to Care for an Expanding Older Adult Community' (hard copy on file).

PROCLAMATIONS:

None

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:

PUBLIC COMMENT:

1. Ann Hansen – Ms. Hansen discussed upcoming events at the Benicia Historical Museum, changes made at the museum over the past year, the museum’s gratitude for Amports allowing the museum to use their parking lot as well as their help in cutting down the weeds in the area, and the museum’s gratitude for City Staff’s help over the past year.
2. Constance Buetell – Dr. Buetell discussed the success of National Night Out and her use of the dog park. She suggested the City reallocate funds for the repaving of the inline skating rink to pave the road to the dog park.
3. Gretchen Burgess – Ms. Burgess discussed infrastructure, the need for a paved road and parking at the dog park, the need for elderly and handicapped parking and access to the dog park, and meetings she has had with dog owners and City Staff regarding this issue.
4. Kimble Goodman – Mr. Goodman announced upcoming events being sponsored by the Benicia Bicycle Club.

CONSENT CALENDAR:

Council pulled items VII-D, VII-H, VII-J, VII-K, and VII-L.

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 July 15, 2008 were approved.

ORDINANCE 08-04 - AN ORDINANCE ADDING A NEW CHAPTER 5.52 (MESSAGE) TO TITLE 5 (BUSINESS TAXES, LICENSES AND REGULATIONS) OF THE BENICIA MUNICIPAL CODE

RESOLUTION 08-94 - A RESOLUTION AMENDING THE MASTER FEE SCHEDULE TO INCLUDE PERMIT FEES FOR MESSAGE ESTABLISHMENTS, OWNER/OPERATORS, AND MESSAGE THERAPISTS

RESOLUTION 08-86 - A RESOLUTION AUTHORIZING THE REPAIR OF THE IN-LINE ROLLER HOCKEY RINK SURFACE IN THE AMOUNT OF \$48,680, ALLOCATED FROM THE PARK DEDICATION FUND

Council approved an agreement with Meyers Nave for legal services related to the Amatrone lawsuit.

RESOLUTION 08-87 - A RESOLUTION SUPPORTING PRESERVATION OF PROPOSITION 10 AND OPPOSING ANY EFFORTS TO DIVERT OR REPROGRAM PROPOSITION 10 FUNDS

Council approved the Designation of League of California Cities voting delegates and alternates - Mayor Patterson and Council Member Schwartzman (alternate).

RESOLUTION 08-88 - A RESOLUTION SUPPORTING THE SOLANO COUNTY WATER AGENCY DELTA POLICY AND THE SOLANO COUNTY GUIDING PRINCIPLES FOR USE IN DELTA AND STATEWIDE WATER POLICY DEVELOPMENT

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

(END OF CONSENT CALENDAR)

Council took the following actions:

Authorize consulting services agreement with Darrell Dearborn for Interim Economic Development Manager:

Public Comment:

1. Rick Ernst – Mr. Ernst discussed concerns regarding the need and costs related to hiring the proposed consultant.

Staff and Council discussed the need for the City not to lose speed or pace in going after economic development in the community (during Ms. Lorentz's absence), costs would be handled within the existing budget, Mr. Dearborn's experience and expertise in the field, and the hours Mr. Dearborn would be working (approximately 3 days per week).

On motion of Council Member Schwartzman, seconded by Council Member Ioakimedes, Council authorized the consulting services agreement with Darrell Dearborn for Interim Economic Development Manager, on roll call by the following vote:

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

Noes: None

Approval of modifications to the allocation of positions in the Benicia Fire Department and approving the job description and salary range for Fire Division Chief:

Public Comment:

Rick Ernst – Mr. Ernst withdrew his question, as it was answered earlier in the evening.

RESOLUTION 08-89 - A RESOLUTION MODIFYING THE ALLOCATION OF POSITIONS IN THE BENICIA FIRE DEPARTMENT AND APPROVING THE DIVISION CHIEF JOB DESCRIPTION AND SALARY RANGE

On motion of Council Member 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

Approval of a building inspection services agreement with Marker Lovell (heard out of turn – before item VII-J):

Public Comment:

1. Rick Ernst – Mr. Ernst discussed concerns regarding the number and cost of the different consulting agreements who are doing planning review and inspection in the Community Development department, the current budget, and the possibility of using the money towards the dog park road or the Library basement.

Council and Staff discussed the proposed agreement, comparing the agreement to an insurance policy, estimation that staff would only use approximately \$10,000 of the contract, the money comes from the collection of the building permit inspection process, and why the work could not be done by Staff.

RESOLUTION 08-90 - A RESOLUTION APPROVING A CONSULTANT AGREEMENT WITH MARKER LOVELL FOR ON-CALL INSPECTION SERVICES AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY

On motion of Council Member Schwartzman, seconded by Council Member Ioakimedes, the above Resolution was adopted, on roll call by the following vote:

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

Noes: None

Introduction of ordinances amending the Benicia Municipal Code to incorporate building and other "uniform" code revisions and to adjust related fees:

Council and Staff discussed concerns building inspection fees, administrative fees, permits, permit fees, permit processing fees, cost recovery, penalties, what costs are covered on the permit fees, having consistency, modifying the ordinance to give the inspector discretion on refunds, having it be cost neutral, and a minimum permit fee amount

Public Comment:

1. Dana Dean – Ms. Dean discussed concerns regarding agenda pages VII-J-46 and 47 regarding work/live occupancy - there needs to be some wiggle room for the artists.

Council and Staff agreed to delete the last sentence – ‘shall not be used for commercial or retail purposes’ on page VII-J-46.

2. Rick Ernst – Mr. Ernst discussed concerns regarding the codes as they relate to the Building and Fire Departments. He discussed the fees relating to solar permits – there should be zero fees.

Council and Staff discussed the issue of zero cost for solar permit fees, having one big comprehensive plan, keeping the fees as proposed, public nuisance notices and fees, the City’s current costs for solar permit fees, and keeping the solar permit fees as is.

Council agreed to modify the proposed building permit ordinance to reflect that ‘an administrative fee of up to \$110 may be assessed for any fee request refund at the discretion of the building official’, deleting ‘live work shall not be used for commercial or retail purposes.’

ORDINANCE 08- - AN ORDINANCE AMENDING CHAPTER 8.28 (FIRE PREVENTION AND LIFE SAFETY CODE) IN ITS ENTIRETY OF TITLE 8 (HEALTH AND SAFETY) OF THE BENICIA MUNICIPAL CODE

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

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

Noes: None

ORDINANCE 08- - AN ORDINANCE AMENDING CHAPTER 15.04 (CALIFORNIA BUILDING CODE) IN ITS ENTIRETY OF TITLE 15 (BUILDINGS AND CONSTRUCTION) OF THE BENICIA MUNICIPAL CODE

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

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

Noes: None

ORDINANCE 08- - AN ORDINANCE AMENDING SECTION 15.08.010 (ADOPTION BY REFERENCE) AND SECTION 15.08.020 (COPIES ON FILE) OF CHAPTER 15.08 (CALIFORNIA MECHANICAL CODE) OF TITLE 15 (BUILDINGS AND CONSTRUCTION) OF THE BENICIA MUNICIPAL CODE

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

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

Noes: None

ORDINANCE 08- - AN ORDINANCE AMENDING CHAPTER 15.12 (CALIFORNIA PLUMBING CODE) IN ITS ENTIRETY OF TITLE 15 (BUILDINGS AND CONSTRUCTION) OF THE BENICIA MUNICIPAL CODE

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

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

Noes: None

ORDINANCE 08- - AN ORDINANCE AMENDING SECTION 15.16.010 (ADOPTION BY REFERENCE) AND SECTION 15.16.020 (COPIES ON FILE) OF CHAPTER 15.16 (CALIFORNIA ELECTRICAL CODE) OF TITLE 15 (BUILDINGS AND CONSTRUCTION) OF THE BENICIA MUNICIPAL CODE

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

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

Noes: None

ORDINANCE 08- - AN ORDINANCE DELETING CHAPTER 15.18 (UNIFORM HOUSING CODE) OF TITLE 15 (BUILDINGS AND CONSTRUCTION) OF THE BENICIA MUNICIPAL CODE

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

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

Noes: None

ORDINANCE 08- - AN ORDINANCE DELETING CHAPTER 15.20 (UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS) OF TITLE 15 (BUILDINGS AND CONSTRUCTION) OF THE BENICIA MUNICIPAL CODE

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

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

Noes: None

ORDINANCE 08- - AN ORDINANCE DELETING CHAPTER 15.22  
(ADMINISTRATIVE CODE) OF TITLE 15 (BUILDINGS AND CONSTRUCTION)  
OF THE BENICIA MUNICIPAL CODE

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

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

Noes: None

ORDINANCE 08- - AN ORDINANCE AMENDING CHAPTER 15.24 (WORK/LIVE  
OCCUPANCY CODE) IN ITS ENTIRETY OF TITLE 15 (BUILDINGS AND  
CONSTRUCTION) OF THE BENICIA MUNICIPAL CODE

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

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

Noes: None

ORDINANCE 08- - AN ORDINANCE AMENDING CHAPTER 15.26 (BUILDING  
PERMIT FEES AND OTHER FEES) IN ITS ENTIRETY OF TITLE 15 (BUILDINGS  
AND CONSTRUCTION) OF THE BENICIA MUNICIPAL CODE

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

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

Noes: None

Award of consultant contract and payment agreement for plan check and inspection of  
the Valero Improvement Project:

Council and Staff discussed the 15% fee and where the monies would go (General Fund).

RESOLUTION 08-91 - A RESOLUTION APPROVING A CONSULTANT  
AGREEMENT WITH BUREAU VERITAS NORTH AMERICA, INC., AND  
PAYMENT AGREEMENT FOR PLAN CHECK AND INSPECTION OF THE

VALERO IMPROVEMENT PROJECT AND AUTHORIZING THE CITY  
MANAGER TO EXECUTE THE AGREEMENTS ON BEHALF OF THE CITY

On motion of Council Member 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

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 number (6) of proposed newsracks per location, fees for newsracks, concentration of newsracks, inserting 'but at no point exceeds' into the language, newsracks at bus stops or transit stops, outside dining areas, discussions with the owners of the newsracks, safety or health related incidents due to newsracks, noting that this is a historic district, concerns regarding 'standardized' racks and the need for input from the First Street merchants on the issue, removing 'modular racks' from the ordinance, having the limit be three or four as opposed to six, having 30 be the limit in the Downtown area, and having 4 be the limit per area.

Mayor Patterson summarized that the direction to staff was to add language regarding historic district, increase the limit to 35 in the Downtown area, keeping the limit of 4 racks per location, delete 'modular' and change the language referencing 'modular racks' as long as it does not change the intent of the section, insert 'each location shall accommodate no more than 4 newsrack spaces and at no point shall there be more than four newsracks per each side of the block', and add 'it is intended through the ordinance that the appearance be more standardized.'

Public Comment:

1. Rick Ernst – Mr. Ernst spoke in support of standardized newsracks.

ORDINANCE 08- - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
BENICIA ADDING A NEW CHAPTER 12.52 (NEWS RACKS AND STANDS), TO  
TITLE 12 (STREETS, SIDEWALKS AND PUBLIC PLACES) OF THE BENICIA  
MUNICIPAL CODE

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

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

Noes: None

Opposition of state budget decisions that would borrow local government, redevelopment, and transportation funds:

Jim Erickson, City Manager, reviewed the staff report.

Council and Staff discussed the serious nature of the issue and the importance of all Council Members contacting their legislators on a weekly basis regarding the issue.

RESOLUTION 08-92 - A RESOLUTION OPPOSING FISCALLY IRRESPONSIBLE STATE BUDGET DECISIONS THAT WOULD "BORROW" LOCAL GOVERNMENT, REDEVELOPMENT AND TRANSPORTATION FUNDS

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

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

Noes: None

Consideration of mid-cycle budget adjustments for Fiscal Years 2007-2009:

Rob Sousa, Finance Director, reviewed the staff report.

Council and Staff discussed the combined surplus deficit – adjustment of \$490,480, clarification on numbers in the report, current deficit (459,000), maintaining the 20% reserve, video streaming expenditure, agenda management software, graffiti and abatement costs, non-departmental costs, how many years the City has budgeted over \$1 million for the Intermodal Transportation Station, reducing the City's expenditures, the current residential housing market, the County Assessors re-evaluation of properties, , retirement funds, capital improvement projects, video streaming update, that no dollars have been set aside for the dog park road and other projects mentioned by Council that are not part of the strategic plan process, the City's current reserve, Council's plan to deal with the capital projects on 9/2/08, non-departmental revenues, funds for road paving, paving of the dog park road, figuring out a way to fund the dog park road, removing the skate park at Willow Glen park, repaving the inline skate surface, using a temporary area at the Community Park as a temporary fix for the access issues in the winter months, Intermodal Transportation Funds, using the money in the Intermodal Transportation Fund to address the deficit, current status of the Valero Improvement Project and how the monies might filter down to the City, Council's desire to have Valero provide a forecast on the property tax revenues for the City, projects at Valero that are currently budgeted as revenue, additional property tax revenues in 2008-09 of \$150,000 from Valero's tank farm, the State environmental credit that changes the tax assessment, clarification on increased revenues in various departments, the source of the non-departmental revenue increase (Staff will look into that.), concerns regarding using the Intermodal Transportation funds, RM2 funds, and the suggestion to hire a consultant to help the City deal with the property tax revenue issue.

Public Comment:

None

RESOLUTION 08-93 - A RESOLUTION APPROVING ADJUSTMENTS TO THE MUNICIPAL BUDGETS FOR FISCAL YEARS 2007-2008 AND 2008-2009

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

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

Noes: None

Introduction of an ordinance amending Title 2 (Administration and Personnel) and Section 4.20.010 (Open Government Commission) of the Benicia Municipal Code to Standardize the general rules for boards and commissions:

Heather McLaughlin, City Attorney, reviewed the staff report.

Council and Staff discussed going with a super majority, the need for more of a cause for having someone removed, having a subcommittee's recommendation for cause, having it require a super majority with cause, contradictory language in the proposed ordinance, clarification on language in the ordinance, inserting language regarding Council appointing itself as a board, tie votes, bringing the ordinance back at a later date to clear up the discrepancies, sending this back for the department heads to look at and review it along with the City Attorney (as part of their annual training), basic requirements for being on a commission, adding sentence to section 2.60.040 'if not reappointed by the council, the person no longer serves', and clarification on the language regarding the commissioner serving until replacement is in place.

Council agreed to go with the recommendation on 2.60.110 – choice #2 – super majority.

Public Comment:

1. Rick Ernst – Mr. Ernst discussed the issue of alternates on the boards and commissions.
2. Kimble Goodman – Mr. Goodman discussed the need to have the interview process publicized.

ORDINANCE 08- - AN ORDINANCE AMENDING TITLE 2 (ADMINISTRATION AND PERSONNEL) AND SECTION 4.20.010 (OPEN GOVERNMENT COMMISSION) OF CHAPTER 4.20 (OPEN GOVERNMENT COMMISSION) OF TITLE 4 (OPEN GOVERNMENT) OF THE BENICIA MUNICIPAL CODE TO STANDARDIZE THE GENERAL RULES FOR BOARDS AND COMMISSIONS

On motion of Council Member Schwartzman, seconded by Council Member Hughes, the above Introduction and First Reading of an Ordinance was approved as amended, on roll call by the following vote:

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

Noes: None

At 11:12 p.m. Mayor Patterson requested that council hear the VIP item and the graffiti item and continue all others agenda items to the next Council meeting. Council would hear public comment on the other items.

On motion of Vice Mayor Campbell, seconded by Council Member Hughes, Council agreed to continue the meeting and hear all remaining agenda items, on roll call by the following vote:

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

Noes: Council Member Schwartzman

INFORMATIONAL ITEMS:

Reports from City Manager:

Valero Improvement Project Settlement:

Charlie Knox, Community Development Director, reviewed the staff report.

Ms. Dana Dean, Good Neighbor Steering Committee, stated that there are some details that need to be articulated at a later date. She discussed the CEQA document, the addendum, the settlement agreement, acknowledgement of the other individuals involved, and mitigation measures and resolutions in the document.

Mr. Chris Howe, Valero, briefly discussed the settlement. He stated that he would be available for the next Council meeting and looked forward to speaking on this item.

On motion of Vice Mayor Campbell, seconded by Council Member Hughes, Council agreed to continue this agenda item to the September 2, 2008 Council meeting, on roll call by the following vote:

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

Noes: None

Update on strategic planning process for the Youth Action Task Force (YATF):

Chief Spagnoli reviewed the staff report.

Update from the Police Chief regarding public safety statistics and comparisons:

Chief Spagnoli reviewed the staff report.

On motion of Vice Mayor Campbell, seconded by Council Member Schwartzman, Council agreed to continue this item to the September 2, 2008 Council meeting, on roll call by the following vote:

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

Noes: None

Council Member Committee Reports:

1. Mayor's Committee Meeting - (Mayor Patterson) - Next Meeting Date: August 20, 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: September 5, 2008
4. League of California Cities - (Mayor Patterson & Council Member Schwartzman) - Next Meeting Date: Annual Conference – September 24-27, 2008
5. School Liaison Committee - (Council Members Ioakimedes & Hughes) - Next Meeting Date: August 28, 2008
6. Sky Valley Open Space Committee - (Vice Mayor Campbell & Council Member Ioakimedes) - Next Meeting Date: October 1, 2008
7. Solano EDC Board of Directors - (Mayor Patterson & Council Member Ioakimedes) - Next Meeting Date: September 25, 2008
8. Solano Transportation Authority (STA) - (Mayor Patterson & Council Member Schwartzman) - Next Meeting Date: September 10, 2008
9. Solano Water Authority/Solano County Water Agency - (Mayor Patterson & Vice Mayor Campbell) - Next Meeting Date: September 11, 2008
10. Traffic, Pedestrian and Bicycle Safety Committee - (Vice Mayor Campbell & Council Member Hughes) - Next Meeting Date: October 16, 2008
11. Tri-City and County Regional Parks and Open Space - (Vice Mayor Campbell & Council Member Hughes) - Next Meeting Date: CAC: August 20, 2008; Governing Board: September 8, 2008
12. Valero Community Advisory Panel (CAP) - (Council Member Hughes) - Next Meeting Date: To be determined.
13. Youth Action Task Force - (Council Members Ioakimedes & Schwartzman) - Next Meeting Date: August 27, 2008
14. ABAG/CAL FED Task Force/Bay Area Water Forum - (Mayor Patterson) - Next Meeting Date: August 25, 2008

COUNCIL MEMBER REPORTS:

Request to amend an update of the graffiti ordinance:

Mayor Patterson reviewed the Council report.

On motion of Council Member Schwartzman, seconded by Council Member Ioakimedes, Council agreed to bring this item back for discussion at a future Council meeting, on roll call by the following vote:

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

Noes: None

ADJOURNMENT:

Mayor Patterson adjourned the meeting at 11:31 p.m.

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Lisa Wolfe, City Clerk