

MINUTES OF THE
REGULAR MEETING – CITY COUNCIL
AUGUST 21, 2007

The regular meeting of the City Council of the City of Benicia was called to order by Mayor Steve Messina at 7:01 p.m. on Tuesday, August 21, 2007, in the City Council Chambers, City Hall, 250 East L Street, complete proceedings of which are recorded on tape.

ROLL CALL:

Present: Council Members Hughes, Patterson, Schwartzman, Whitney, and Mayor Messina

Absent: None

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

ANNOUNCEMENTS/APPOINTMENTS/PRESENTATIONS/PROCLAMATIONS:

ANNOUNCEMENTS:

Openings on Boards and Commissions:

- Civil Service Commission:
One full term to August 30, 2010
- Planning Commission:
Three full terms to September 30, 2011
- Sky Valley Open Space Committee
One unexpired term to September 30, 2010

APPOINTMENTS:

PRESENTATIONS:

None

PROCLAMATIONS:

Library Card Sign-Up Month – September 2007

ADOPTION OF AGENDA:

On motion of Vice Mayor Schwartzman, seconded by Council Member Whitney, the Agenda was adopted as presented, on roll call by the following vote:

Ayes: Council Members Hughes, Patterson, Schwartzman, Whitney, and Mayor Messina

Noes: None

OPPORTUNITY FOR PUBLIC COMMENT:
WRITTEN:

PUBLIC COMMENT:

1. David Lockwood – Mr. Lockwood discussed the issues of campaign contributions, campaign media, the possibility of a truck stop being built as part of the Seeno project, and the need for more organization in the City's planning and development.
2. Rick Ernst – Mr. Ernst commended the Benicia Fire Department for its efforts on the recent fire off of Rose Drive.

CONSENT CALENDAR:

On motion of Council Member Whitney, seconded by Council Member Patterson, the Consent Calendar was adopted as presented, on roll call by the following vote:
Ayes: Council Members Hughes, Patterson, Schwartzman, Whitney, and Mayor Messina
Noes: None

The Minutes of August 7, 2007 were approved.

RESOLUTION 07-94 - A RESOLUTION ACCEPTING THE BIDS FOR THE WEST 2ND STREET SEWER IMPROVEMENT PROJECT, AWARDING THE CONSTRUCTION CONTRACT TO BAY PACIFIC PIPELINE OF NOVATO IN THE AMOUNT OF \$329,100, AND AUTHORIZING THE CITY MANAGER TO SIGN THE CONSTRUCTION CONTRACT ON BEHALF OF THE CITY

ORDINANCE 07-19 - AN ORDINANCE AMENDING CHAPTER 9.02 (SOCIAL HOST ACCOUNTABILITY) OF TITLE 9 (PUBLIC PEACE, WELFARE AND MORALS) OF THE BENICIA MUNICIPAL CODE IN ITS ENTIRETY

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

(END OF CONSENT CALENDAR)

PUBLIC HEARINGS:

The Tentative Subdivision Map and Initial Study/Mitigated Negative Declaration will be presented to the City Council for consideration on September 4, 2007:

Jim Erickson, City Manager, discussed the noticing issues with this agenda item. Because of improper noticing, action could not be taken on this item tonight. He apologized for Staff's error and stated that steps were being taken to ensure such problems would not occur in the future. The public hearing would be opened, public comment heard, and continued the item to the September 4, 2007 City Council meeting.

Council Member Whitney stated that he was pleased that Staff came forward with an apology for its error in the noticing procedures. He asked what ideas Staff had so that this would not be an issue in the future.

Council Member Patterson stated that she too appreciated Staff's apology to Council and the community. The City has done an exemplary job with proper noticing in the past. She requested that detailed minutes be taken to document the public testimony, since the item had to be put off for two weeks. She did not want the public's interest to lose steam.

Charlie Knox, Community Development Director, reviewed a map and information on the property.

Applicant:

Mr. Dan Raffanti stated that he appreciated the City's honesty and sincerity regarding the noticing error. He would forgo making comments tonight, and instead speak at the September 4, 2007 Council meeting.

Public Comment:

1. Christine Mead – Ms. Mead discussed the importance of the public's opportunity to speak out on issues. She discussed the problems with a park on the east side of town. There are drug needles, sexual paraphernalia, etc. found at the park. She requested that Council approve the request for development.
2. Jane Kurl – Ms. Kurl spoke in favor of the tentative subdivision plan. She agreed that it would improve the east side of Benicia. She has lived in the neighborhood for many years. Over ten years ago, the City discussed developing the area for a City park. The area is currently full of debris. She supports the proposed development.
3. Jim Pucci – Mr. Pucci stated that he was a representative of the Concerned Citizens of the East Side, primarily the citizens of Eastland Estates. Over the past twelve months, the east side citizens have had to fight drug, crime, and litter, among other things, generating from low-income apartments in the area (of which there are several). The citizens initiated a cleanup, crime watch, and the ability to improve the conditions of the east side as they saw them. They feel they lack representation in the City for the east side, and thus lack consideration when issues like this arise. They are hearing that some members of the City would like to see low-income housing added to the area – Bottle Hill. They understand that it has been proposed that deed restrictions be added, as well as the trading of lots had been discussed. There is an opportunity for developing six homes, with the developer living in one of the homes. As citizens of the area, they support the project. They vehemently oppose land trades, deed restrictions, and any form of additional low-income housing. They are committed to stay with the project and see it to its successful completion.
4. Jim Robertson – Mr. Robertson is a member of the Concerned Citizens of the East Side as well. The group has met with the Police Department and Housing Authority. He does not like the idea of charging \$5,000 to put paths through there. Sewage comes up in his backyard. He lives at 585 East J Street. Thanks to the excellent work of the City employees, they come in and help with that, even in the middle of the night. He would like that fixed first. He has curbs and gutters that hold up water. He would like that fixed as well. That is more important to him

than a path. He would like to see the neighborhood upgraded and made stronger and better. This project would do that. He supports the project.

5. Delfino Ferrera – Mr. Ferrera stated that he strongly opposed anyone, including City Council taking civil rights away from citizens, including coercing them, etc. to keep them from doing what is right. He knows Mr. Raffanti personally, and knows he is willing to work with the City in any way in order to get things done. Regarding using dominant domain [sic], he looked at the property and did his homework as far as taking someone's property from them. Everyone is opposed to what is being proposed by the City regarding putting a park on the hill. There may be some proponents of the project. The gentleman has bought the property. He wants to put some nice homes on it. He is a good person. The City should let him build on his property.
6. Richard Lockwood – Mr. Lockwood urged Council to visit the east side, look at the property, and talk to the neighbors. He stated that 90% of the neighbors support the project. Having single-family homes on the property will be an improvement. He does not want any more high-density homes going in the neighborhood.

ACTION ITEMS:

None

INFORMATIONAL ITEMS:

Reports from City Manager:

Mr. Erickson discussed the wild land fire off of Rose Drive last Friday. There was a similar fire in June 2007. Both fires were extinguished in a timely manner. The City does have the risk of wild land fires on City property. The City has taken measures and invests \$150,000 per year on firebreaks. The firebreaks have doubled in size (width). He encouraged residents to take self-protective measures against wild land fires. The Fire Department and cooperating agencies did a great job.

Chief Hanley reported on the fire. There were two injuries, damage to a vehicle, and damage to a property owner's fence. The Fire Department used specialty equipment. The firebreaks were very successful. Thankfully, there were light wind conditions and the property owners had cut their weeds back. The Fire Department is working on a campaign to educate the public on steps they can take to protect their properties. Follow up work needs to be done regarding the fire. The Fire Department will continue to work with the Police Department on the accident investigation, mechanical review of the truck that rolled over, hold a incident critique at the Fire Department, and have the truck that rolled over completely inspected to see if it is salvageable.

Council Member Whitney was pleased to hear the injured firefighters would recover. He inquired about weed abatement. Chief Hanley stated that weed abatement had been very successful. The combination of that plus the light winds helped the process. It provides a safe area for the firefighters to go if needed. The abatement lane is 40-50 feet wide. The goat program has been successful in keeping the weeds down. The weed thickness tends to be a problem with fires. Approximately 30-50% of Southampton is grazed by the

goats. Regarding the truck that rolled over, the vehicle is being reviewed. The City has a \$5,000 deductible – there is possibility that the City could be paid back as restitution from the parties that set the fire. There is no cost to the City for mutual aid. When fires are being fought, the standby units are covering the stations. Both stations are covered by mutual aid during a fire.

Vice Mayor Schwartzman discussed the cost of weed abatement (\$150,000). He asked if that included the cost of the goats. Chief Hanley explained that the goats are no cost to the City for a two-week time period. The goats will be utilized next year. How much ground the goats cover is dependent on the goats' availability. If the City uses them for more than two weeks, it would be of cost to the City. Vice Mayor Schwartzman would like to know that cost for future reference. Regarding the issue of restitution – how many fires had been set by youths? Chief Hanley stated it was quite common. Education is an important part of this issue. Educating students and parents at the schools needs to be done. Vice Mayor Schwartzman suggested posting 'high fire danger' signs in the open space areas. Chief Hanley stated that was being discussed.

Council Member Patterson agreed with the suggestions of signs being put up, educating the students at the schools on fire prevention, and having a presentation at Council on fire prevention. She was glad the firefighters would be able to return to work. She received communication with pictures of the fire from a resident. She was told there was a proposed church to be built in the area. It is a rugged area. Is something the City needs to be concerned about?

Vice Mayor Schwartzman stated that the issue was discussed when he was on the Planning Commission. As far as he knew, the approval for a church in the area was done. Mayor Messina asked Staff to get Council Member Patterson the information on the church issue.

Council Member Patterson reinforced the need to be focused on youth education and putting signs up. It should be a positive effort.

Council Member Hughes thanked Staff for their efforts. The fire was close to his home. Regarding the issue of education and awareness – he recommended bringing the issue up at the School District and City Liaison meeting for discussion to see what could be done. Mayor Messina stated that was a good idea and asked Council Member Hughes to report back to Council after it was discussed.

Council Member Committee Reports:

1. Mayors' Committee Meeting (Mayor Messina) - Next Meeting Date: August 22, 2007
2. Association of Bay Area Governments (ABAG) (Mayor Messina) - Next Meeting Date: October 26, 2007
3. Audit and Finance Committee (Vice Mayor Schwartzman and Council Member Hughes) - Next Meeting Date: October 5, 2007

4. League of California Cities (Mayor Messina) - Next Meeting Date: August 29, 2007 - Annual Conference and Exposition: September 5-8, 2007 - League of California Cities Mayors and Council Members - Executive Forum Report - Vice Mayor Schwartzman attended the Forum. The forum was very informative.
5. School District Liaison (Council Members Whitney and Hughes) - Next Meeting Date: September 6, 2007
6. Sky Valley Area Open Space (Council Members Patterson and Whitney) - Next Meeting Date: September 5, 2007
7. Solano EDC Board of Directors (Mayor Messina) - Next Meeting Date: September 27, 2007
8. Solano Transportation Authority (STA) (Mayor Messina) - Next Meeting Date: September 12, 2007
9. Solano Water Authority/Solano County Water Agency (Mayor Messina) - Next Meeting Date: September 13, 2007
10. Traffic, Pedestrian and Bicycle Safety Committee (Council Members Patterson and Hughes) - Next Meeting Date: October 18, 2007
11. Tri-City and County Regional Parks and Open Space (Council Member Whitney) - Next Meeting Date: September 10, 2007
12. Valero Community Advisory Panel (CAP) (Council Member Hughes) - Next Meeting Date: TBD – Council Member Hughes briefly reviewed what occurred at the last meeting. The committee recommended that Mr. Bob Craft chair the combined committee (CAP and PURE).
13. Youth Action Task Force (Vice Mayor Schwartzman and Council Member Whitney) - Next Meeting Date: September 26, 2007
14. ABAG/CAL FED Task Force/Bay Area Water Forum (Council Member Patterson) - Next Meeting Date: September 24, 2007

COMMENTS FROM COUNCIL MEMBERS:

ADJOURNMENT:

Mayor Messina adjourned the meeting at 8:02 p.m.

Lisa Wolfe, City Clerk