

MINUTES OF THE
SPECIAL MEETING – CITY COUNCIL
SEPTEMBER 1, 2009

The special meeting of the City Council of the City of Benicia was called to order by Mayor Elizabeth Patterson at 6:47 p.m. on Tuesday, September 1, 2009 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, Ioakimedes, Schwartzman, and Mayor Patterson

Absent: Vice Mayor Campbell

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 COMMENT:

PUBLIC COMMENT:

None

ANNOUNCEMENT OF CLOSED SESSION:

Heather McLaughlin, City Attorney, read the announcement of Closed Session.

CLOSED SESSION:

A. CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Government Code Section §54956.8)

City owned property (356 East I Street): APN 89-062-030

Negotiating parties: City Manager and Economic Development Manager

ADJOURNMENT:

Mayor Patterson adjourned the meeting to Closed Session at 6:48 p.m.

MINUTES OF THE
REGULAR MEETING – CITY COUNCIL
SEPTEMBER 1, 2009

The regular meeting of the City Council of the City of Benicia was called to order by Mayor Elizabeth Patterson at 7:06 p.m. on Tuesday, September 1, 2009 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, Ioakimedes, Schwartzman, and Mayor Patterson

Absent: Vice Mayor Campbell (arrived at 7:07 p.m.)

PLEDGE OF ALLEGIANCE:

Fire Chief Vucurevich 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:

Closed Session Announcement:

Council Member Ioakimedes recused himself from the Closed Session discussion due to a conflict of interest (property location).

Openings on Boards and Commissions:

- ❑ Arts & Culture Commission:
Nine full term openings for four years
- ❑ Community Sustainability Commission
Six full term openings for four years
- ❑ Senior Coalition of Solano County
One full term opening for two years
- ❑ Sky Valley Open Space Committee:
One unexpired term to September 30, 2010
One full term to January 31, 2013
- ❑ Human Services and Arts Board:
One unexpired term to June 30, 2010
One full term to July 31, 2013

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 746-4200.

Open House at Police Department:

Mayor Patterson announced that there would be an Open House at the Police Department on 9/12/09 from 11:00 a.m. to 3:00 p.m. She encouraged the public to attend.

APPOINTMENTS:

RESOLUTION 09-86 - A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF SANIL BUDHDEV AS THE YOUTH COMMISSIONER TO THE PARKS, RECREATION AND CEMETERY COMMISSION

The above Resolution was adopted, on roll call by the following vote:

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

Noes: None

RESOLUTION 09-87 - A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF MIKE IOAKIMEDES TO THE SOLANO TRANSIT AUTHORITY REGIONAL TRANSPORTATION IMPACT FEE STAKEHOLDERS COMMITTEE

The above Resolution was adopted, on roll call by the following vote:

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

Noes: None

PRESENTATIONS:

None

PROCLAMATIONS:

- Recognition of Literacy Awareness Day – September 8, 2009
- Recognizing the 35th Anniversary of Nourot Glass Studio

ADOPTION OF AGENDA:

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

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

Noes: None

OPPORTUNITY FOR PUBLIC COMMENT:

WRITTEN:

Various items submitted (copies on file)

PUBLIC COMMENT:

1. Vice Mayor Campbell – Vice Mayor Campbell discussed concerns regarding the possible demolition of a City owned house located at 550 East G Street. It appears to be a useable house that could possibly be rented out or moved.

Staff discussed the need for the City to take another look at the property to re-evaluate the situation, and the possibility of moving the structure (if someone wants it). Council and Staff agreed that any action regarding the property would be brought before Council.

2. Council Member Ioakimedes – Council Member Ioakimedes announced the candidate debate that would be held in Council Chambers on Wednesday, 9/2/09 at 7:00 p.m.

CONSENT CALENDAR:

Council pulled agenda items VII-F and VII-G.

Council Member Ioakimedes would be abstaining from voting on item VII-E due a conflict of interest by his proximity to the site.

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, and Schwartzman

Noes: Mayor Patterson

Council approved the Minutes August 18, 2009.

RESOLUTION 09-88 - A RESOLUTION APPROVING AN INTERAGENCY COOPERATIVE AGREEMENT ESTABLISHING THE MODEL TECHNICAL ADVISORY COMMITTEE AND MODEL LAND USE COMMITTEE AND AUTHORIZING THE CITY MANAGER TO SIGN THE AGREEMENT ON BEHALF OF THE CITY

RESOLUTION 09-89 - A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PROJECT AGREEMENT WITH THE STATE OF CALIFORNIA OFFICE OF HISTORIC PRESERVATION FOR A CERTIFIED LOCAL GOVERNMENT GRANT

ORDINANCE 09-17 - AN ORDINANCE AMENDING CHAPTER 2.60 (ADVISORY BODIES) OF TITLE 2 (ADMINISTRATIVE AND PERSONNEL) OF THE BENICIA MUNICIPAL CODE BY AMENDING SUBSECTION 12.28.030 (TERM OF OFFICE) AND SUBSECTION 12.60.120 (APPLICATION)

Council approved the amendment to the lease agreement between the City of Benicia and Juan Vallejo for 356 East I Street, on roll call by the following vote:

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

Noes: None

Abstain: Council Member Ioakimedes

RESOLUTION 09-90 - A RESOLUTION AUTHORIZING A FIVE-YEAR RENEWAL AGREEMENT WITH INTER-TEL LEASING INC. FOR TELECOMMUNICATIONS AND VOICEMAIL EQUIPMENT

(END OF CONSENT CALENDAR)

Council took the following actions:

Approval of modification to the allocation of positions in the Fire Department:

Chief Vucurevich reviewed the staff report.

Council and Staff discussed department staff's support for the modifications, costs and savings, vacant positions, staffing, overtime, and the issue of reimbursement for mutual aid response.

Public Comment:

1. Jubal Biggs – Mr. Biggs discussed the issues of overtime and adequate staffing to be able to respond to calls.

Council and Staff discussed the issue of mutual aid response.

RESOLUTION 09-91 - A RESOLUTION MODIFYING THE ALLOCATION OF POSITIONS IN THE BENICIA FIRE DEPARTMENT

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

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

Noes: None

Introduction of an ordinance adopting a Transient Registration and Occupancy Ordinance for all hotels and motels in the City of Benicia:

Heather McLaughlin, City Attorney, reviewed the staff report.

Council and Staff discussed concerns regarding who presents identification upon registering, register inspections, probable cause and reasonable suspicion for requesting register from hotels and motels, ensuring the guests do not feel like criminals, information, local businesses currently requiring identification in order to register, the issue of requiring multiple occupants (in a multiple occupancy situation) to provide identification, the proposed ordinance being proactive, and clarification on requirement for adult/minor identification upon registration.

Public Comment:

1. Claire McFadden – Ms. McFadden discussed the positive working relationship her hotel has with the Police Department, hotels being required to obtain identification

upon registration, the hotel's current practice regarding requiring identification from multiple occupants in one room, and concerns regarding confidentiality.

Council and Ms. McFadden discussed the issue of cash paying customers, requirements for identification from multiple occupants in one room, registration information for corporate and direct pay accounts, concerns regarding privacy.

2. Jubal Biggs – Mr. Biggs discussed whether it was necessary to proceed with the ordinance since the hotels are currently doing what was being proposed.
3. Rick Ernst – Mr. Ernst discussed support for the proposed ordinance and inquired about penalties that would be incurred for not complying with the ordinance.

Council discussed having a standard approach, adding 'reasonable expectation' to section 9.56.060, adding in Chief Spagnoli's suggestion that if the hotel operator wanted to give the City the information voluntarily, they could do so per the following proposed language 'shall be available at all times for inspection by any police officer either having reasonable suspicion of criminal activity, or with the consent of the business operator during the hours...', having the ordinance reviewed in one year, the issue of requiring identification from all occupants, having a common sense aspect about the issue, the identification requirement being common ordinance practice in other communities, current common sense approach and practice, and adding 'paying and taking occupancy' to the identification requirement.

Vice Mayor Campbell made a motion to approve the Introduction and First Reading of the proposed ordinance, as amended with the changes discussed in the preceding paragraph. Council Member Hughes seconded the motion.

Council and Staff discussed the issue of only requiring the person paying to show their identification and how that relates to criminal activity, relying on good judgment and common sense being used, not including the 'paying and taking occupancy' in the ordinance, how the proposed identification requirement could affect small businesses, the definition of transient, identifying all persons who will be staying in the hotel/motel room, support for the proposed ordinance from local hotels, the need for a review in one year (as part of the motion, but not part of the actual ordinance), and identifying adults and counting minors in the rooms.

Vice Mayor Campbell agreed to remove the change regarding 'paying and taking occupancy.' He suggested Council Member Ioakimedes and Staff work to try and come up with some language to address the issue for the second reading of the ordinance.

ORDINANCE 09- - AN ORDINANCE ADDING A NEW CHAPTER 9.56 (TRANSIENT REGISTRATION) TO TITLE 9 (PUBLIC PEACE, MORALS AND WELFARE) OF THE BENICIA MUNICIPAL CODE

On motion of Vice Mayor Campbell, seconded by Council Member Hughes, the above Introduction and First Reading of the above Ordinance was approved as amended, and

Council gave direction to Staff to review the ordinance in one year, on roll call by the following vote:

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

Noes: None

PUBLIC HEARINGS:

None

ACTION ITEMS:

None

INFORMATIONAL ITEMS:

Reports from City Manager:

None

COUNCIL MEMBER REPORTS:

Request to agendize consideration of regulations for storage containers (PODS) on residential properties:

Public Comment:

None

On motion of Vice Mayor Campbell, seconded by Council Member Ioakimedes, Council agreed to agendize this item on a future agenda, on roll call by the following vote:

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

Noes: None

Request to schedule an informative presentation on public retirement systems:

Mayor Patterson stated this item was a miscommunication.

Mr. Erickson discussed preparing a memorandum for Council to review regarding the nature of the City's retirement system, how it compared to other systems in the State, trends, etc.

Council and Staff discussed an upcoming meeting of the CCCC (City, County Coordinating Council) that would address some of the concerns raised, possibly waiting until after that meeting in late October to present information to the Council on the issue, the many requests for information Mayor Patterson has received on the issue, Mayor Patterson's request for Staff to prepare an informational report at the end of September or first part of October,

Public Comment:

None

On motion of Vice Mayor Campbell, seconded by Council Member Schwartzman, Council agreed to agendaize this item on a future agenda, 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 8:37 p.m.

Lisa Wolfe, City Clerk