

The Benicia City Council meets the 1st and 3rd Tuesday of each month at 7:30 p.m. in the Council Chambers. Copies of Council Agendas are available in the City Clerk's office on the Friday afternoon before the Council meeting.

**MINUTES OF THE
SPECIAL MEETING - CITY COUNCIL
OCTOBER 7, 2003**

A special meeting of the City Council of the City of Benicia was called by Mayor Messina at 7:01 p.m. Tuesday, October 7, 2003.

ANNOUNCEMENT OF CLOSED SESSION:

Linda S. Purdy, City Clerk, stated the Benicia City Council is called to order and announced that the Council will immediately convene in Closed Session to discuss the following:

CLOSED SESSION

Conference with Legal Counsel - Anticipated Litigation
(Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9 of the Government Code)

2 Cases

Notice was duly given twenty-four hours prior to the meeting by the City Clerk.

Adjourned to Closed Session at 7:03 p.m.

**MINUTES OF THE
REGULAR MEETING - CITY COUNCIL
OCTOBER 7, 2003**

The regular meeting of the City Council of the City of Benicia was called to order by Mayor Steve Messina at 7:39 p.m. Tuesday, October 7, 2003, in the Council Chambers, City Hall, 250 East L Street, complete proceedings of which are recorded on tape.

ROLL CALL:

Present: Council Members Bidou, Campbell, Smith, Whitney and Mayor Messina
Absent: None

PLEDGE OF ALLEGIANCE:

Mayor Messina led the pledge to the flag.

ANNOUNCEMENTS:

Mayor Messina announced action taken in Closed Session as follows:
Re: Conference with Legal Counsel - Anticipated Litigation - 2 Cases - Potential Litigation - 1540 Karen Drive - gave direction to initiate litigation; Anderson Hotel - received information from staff.

APPOINTMENTS:

PARKS, RECREATION AND CEMETERY COMMISSION - YOUTH COMMISSIONER

Mayor Messina announced the appointment of Hykeen Jordan to the Parks, Recreation and Cemetery Commission as Youth Commissioner.

RESOLUTION NO. 03-136 - A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF HYKEEM JORDAN AS THE YOUTH COMMISSIONER TO THE PARKS, RECREATION AND CEMETERY COMMISSION FOR A ONE YEAR TERM

The above Resolution confirming the Mayor's appointment was adopted on roll call by the following

vote:

Ayes: Council Members Bidou, Campbell, Smith, Whitney and Mayor Messina

Noes: None

Mayor Messina announced the reappointment of Ron Askham to the Planning Commission to fill a full term to October 7, 2007.

Vice Mayor Campbell expressed concern about the appointment process; those applicants that were not appointed but should have been; maintaining a balance on the Planning Commission; the disenfranchising of various community groups and the effect that has on future projects.

RESOLUTION NO. 03-137 - A RESOLUTION CONFIRMING THE MAYOR'S REAPPOINTMENT OF RON ASKHAM TO THE PLANNING COMMISSION TO A FULL TERM ENDING OCTOBER 7, 2007

The above Resolution confirming the Mayor's reappointment was adopted on roll call by the following vote:

Ayes: Council Members Bidou, Smith, Whitney and Mayor Messina

Noes: Council Member Campbell

Mayor Messina announced the reappointment of Bonnie Silveria to the Planning Commission to fill a full term to October 7, 2007.

RESOLUTION NO. 03-138 - A RESOLUTION CONFIRMING THE MAYOR'S REAPPOINTMENT OF BONNIE SILVERIA TO THE PLANNING COMMISSION TO A FULL TERM ENDING OCTOBER 7, 2007

The above Resolution confirming the Mayor's reappointment was adopted on roll call by the following vote:

Ayes: Council Members Bidou, Campbell, Smith, Whitney and Mayor Messina

Noes: None

Mayor Messina announced the appointment of Veronica Stone to the Planning Commission to fill a full term to October 7, 2007.

RESOLUTION NO. 03-139 - A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF VERONICA STONE TO THE PLANNING COMMISSION TO A FULL TERM ENDING OCTOBER 7, 2007

The above Resolution confirming the Mayor's appointment was adopted on roll call by the following vote:

Ayes: Council Members Bidou, Whitney and Mayor Messina

Noes: Council Members Campbell and Smith

Mayor Messina announced the reappointment of Martha Christopher to the Civil Service Commission to fill a full term to September 3, 2006.

RESOLUTION NO. 03-140 - A RESOLUTION CONFIRMING THE MAYOR'S REAPPOINTMENT OF MARTHA CHRISTOPHER TO THE CIVIL SERVICE COMMISSION TO A FULL TERM ENDING SEPTEMBER 3, 2006

The above Resolution confirming the Mayor's reappointment was adopted on roll call by the following vote:

Ayes: Council Members Bidou, Campbell, Smith, Whitney and Mayor Messina

Noes: None

Mayor Messina announced the reappointment of Michael Roetzer to the Civil Service Commission to fill a full term to September 3, 2006.

RESOLUTION NO. 03-141 - A RESOLUTION CONFIRMING THE MAYOR'S REAPPOINTMENT OF MICHAEL ROETZER TO THE CIVIL SERVICE COMMISSION TO A FULL TERM ENDING SEPTEMBER 3, 2006

The above Resolution confirming the Mayor's reappointment was adopted on roll call by the following vote:

Ayes: Council Members Bidou, Campbell, Smith, Whitney and Mayor Messina
Noes: None

Ms. Veronica Stone thanked the Mayor for her appointment; would keep an open mind; reviewed her qualifications and broad based background.

PRESENTATIONS:

SOLANO COUNTY COMPREHENSIVE TRANSPORTATION PLAN

Dan Christians and Janice Sells, STA Representatives, made the presentation; gave an overview and update of the Plan; Public Input Meeting to be held on October 8, 2003; requested an updated needs list from each city by October 15, 2003.

CITY'S HIRING PRACTICES- SOLANO COUNTY VETERAN'S EMPLOYMENT COMMITTEE

Ernest Bradford, Solano County Veteran's Employment Committee, thanked the City for the Veteran's Preference Program; Mitchell Dees, Chairman, Veteran's Employment Committee, presented a plaque of acknowledgement and appreciation.

UPDATE ON PURE COMMITTEE ACTIVITIES

Dan Schiada, Interim Director of Public Works, gave a brief summary on a meeting held on September 9, 2003 by the Committee: briefing on the Brown Act, overview of analyses to determine water quality requirements, impacts of discharge permit compliance, appointment of a Vice Chair and interest in providing tours of the City's and Refinery's Wastewater Treatment Plants; next meeting will be November 11, 2003.

PROCLAMATIONS:

TEEN READ WEEK - OCTOBER 19-25, 2003

Mayor Messina read the Proclamation; accepted by Kate Brown, Young Adult Librarian, Ben Wilkinson and Anastasia Heuer, Teen Advisory Board.

ADOPTION OF THE AGENDA:

Mayor Messina asked if there were any changes to the Agenda.

Council Member Whitney requested that Item XII, Unfinished Business -Benicia Waterfront Village Project be moved and heard after the Consent Calendar.

On motion of Council Member Whitney, seconded by Council Member Smith, and unanimously carried, Agenda was adopted as amended.

COMMUNICATIONS:

WRITTEN:

PUBLIC COMMENT:

1. J.B. Davis, 385 West K Street, commended the Fire Department for their professionalism and compassion towards the family that lost their home in a recent fire; thanked the citizens for their help.
2. Jeanine Seeds, 775 West K Street, questioned the appointment process; timing of the appointments three weeks prior to an election; should be a test or set of requirements to be appointed.
3. Mark Appel, 580 West I Street, unhappy with the way appointments have been made; there needs to be expertise and diversity on the Commissions.
4. Council Member Smith announced the following: (1) a semi-annual workday was held for the Playground of Dreams - workdays are held on the first Saturday of May and October - encouraged citizens to donate a few hours to this endeavor (2) encouraged attendance at the Planning Commission meeting to be held on October 9, 2003 (3) Committee to restore the City Cemetery will hold a tour on Saturday, October 11, 2003 (4) Legislative Affairs Committee of the Chamber of Commerce will hold a Candidate's Forum on Tuesday, October 14, 2003 (5) Chess Tournament will be held on October 18, 2003 at the Youth Activities Center (6) City/School District Liaison Committee will hold a meeting on October 20, 2003 at 8:30 a.m. -

discussions of water usage maintenance of school playing fields and limiting of tobacco advertising are scheduled; expressed unhappiness with the Mayor's appointments to the Planning Commission; would like to continue to pursue a Sunshine Ordinance; has reviewed Oakland's Sunshine Ordinance as a possible model.

Council Member Bidou stated that if Council Member Smith wished to make remarks on his opinions, he should do so from the public podium.

Mayor Messina reviewed the changes that he has made to the appointment system in the last four years; welcomes comments to make the process more open.

5. Bob Mutch, 695 Knight Drive, introduced the Southampton Parents Association, a new group to engage and inform the Southampton voters; stated support for Measure M and a possible future golf course; Measure K is a restrictive ballot measure.

Vice Mayor Campbell referred to the previous Measure passed in 1998.

6. Jane Lauder, 176 West H Street, suggested that the Design Review Commission not vote on items of historic preservation; change the interview process for appointments; honor the historic elements of the city.
7. Donnel Rubay, 175 West H Street, commented on the appointment process; reviewed letters sent concerning the process and violations of the Brown Act.
8. Elizabeth Patterson, 1215 West 2nd Street, stated that the General Plan Update Committee had held 120 meetings; would have welcomed input from the Southampton area; supports Measure K - a soft path to smart growth; the General Plan is law.
9. Marilyn Bardet, 333 West K Street, expressed support for Measure O - Bond to fund Police Station and Civic Center Improvements.
10. Jon Van Landschoot, 175 West H Street, spoke on the issue of trust; process is not open; reviewed the process the City of Fairfield uses to pick its commissioners.
11. Gretchen Burgess, 28 Buena Vista, stated support for Measure O.
12. Dana Dean, 503 Cambridge Drive, applauds the effort to bring information to the Southampton residents; many are already involved; unfair that those with a different point of view are not represented on the City's Commissions and Boards.
13. Greg Davis, 123 West E Street, stated that to believe in historic preservation does not mean one is anti-business.
14. Elisa Southerd, 401 Vista Court, suggested integrating history with the future.

CONSENT CALENDAR:

Mayor Messina asked if there were any requests for items to be pulled from the Consent Calendar; request was made to pull Item F from the Consent Calendar. On motion of Council Member Bidou, seconded by Council Member Whitney, and unanimously carried, the following items were approved under the Consent Calendar:

Minutes of September 16, 2003.

Approval of Check Registers for June, July and August 2003.

Acceptance of monthly Investment Reports for April through June 2003.

RESOLUTION NO. 03-142 - A RESOLUTION AUTHORIZING SUBMITTAL OF AN APPLICATION FOR A CALIFORNIA LIBRARY LITERACY SERVICE MATCHING FUNDS GRANT FOR FISCAL YEAR 2003/2004 AND AUTHORIZING THE LIBRARY DIRECTOR TO SIGN DOCUMENTS

RESOLUTION NO. 03-143 - A RESOLUTION AUTHORIZING THE APPLICATION FOR, AND ACCEPTANCE OF, A WATER RECYCLING FACILITIES PLANNING GRANT IN THE AMOUNT OF \$75,000 FROM THE STATE WATER RESOURCES CONTROL BOARD FOR THE WATER REUSE PROJECT AND DESIGNATING THE CITY MANAGER AS THE CITY'S AUTHORIZED

REPRESENTATIVE TO EXECUTE THE GRANT CONTRACT AND ANY AMENDMENTS OR CHANGE ORDERS THERETO

RESOLUTION NO. 03-144 - A RESOLUTION ACCEPTING THE MILITARY EAST OVERLAY PROJECT, INCLUDING CHANGE ORDER NO. 1, AUTHORIZING THE CITY MANAGER TO SIGN THE NOTICE OF COMPLETION, AND AUTHORIZING THE CITY CLERK TO FILE SAME WITH THE SOLANO COUNTY RECORDER

RESOLUTION NO. 03-145 - A RESOLUTION MODIFYING THE DESIGNATION OF REPRESENTATIVES TO THE LOCAL AGENCY WORKERS' COMPENSATION EXCESS JOINT POWER AUTHORITY (LAWCX JPA)

Waive the reading of all ordinances introduced and adopted pursuant to this Agenda.

(END OF CONSENT CALENDAR)

RESOLUTION APPROVING THE FINAL PARCEL MAP FOR THE PROPERTY LOCATED AT 240 EAST O STREET, VACATING THE EXISTING SEWER EASEMENT, ACCEPTING A NEW SEWER EASEMENT AS SHOWN ON THE FINAL PARCEL MAP, AND AUTHORIZING THE CITY CLERK TO EXECUTE THE CITY COUNCIL CERTIFICATE ON BEHALF OF THE CITY

Vice Mayor Campbell requested this item to be pulled from the Consent Calendar. Vice Mayor Campbell did not participate in this discussion due to Conflict of Interest.

Council took the following action:

RESOLUTION NO. 03-146 - A RESOLUTION APPROVING THE FINAL PARCEL MAP FOR THE PROPERTY LOCATED AT 240 EAST O STREET, VACATING THE EXISTING SEWER EASEMENT, ACCEPTING A NEW SEWER EASEMENT AS SHOWN ON THE FINAL PARCEL MAP, AND AUTHORIZING THE CITY CLERK TO EXECUTE THE CITY COUNCIL CERTIFICATE ON BEHALF OF THE CITY

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

Ayes: Council Members Bidou, Smith, Whitney, and Mayor Messina

Noes: None

Abstain: Council Member Campbell

Mayor Messina called for a break at 9:20 p.m.

Mayor Messina reconvened the meeting at 9:34 p.m.

On motion of Council Member Campbell, seconded by Council Member Whitney, and unanimously carried, Reports from City Manager - Item A, was moved on the Agenda.

REPORTS FROM CITY MANAGER:

FINAL REPORT FROM INNER CITY FUND CONSULTING, INC. ON CITY ENERGY MANAGEMENT EVALUATION

Val Jensen and Tim Holmes, Inner City Fund Consulting, Inc., made the presentation; primary goal was to understand options available to the City and to better manage electric and gas energy consumption; reviewed recommendations.

Mike Alvarez, Director of Parks and Community Services, stated that some of the simple recommendations were being implemented by staff; will bring this item back to the Council at mid-year and budget review; will meet with PG & E.

UNFINISHED BUSINESS:

BENICIA WATERFRONT VILLAGE PROJECT:

RESOLUTION ADDING AN ADDENDUM TO THE ADOPTED NEGATIVE DECLARATION FOR THE BENICIA WATERFRONT VILLAGE PROJECT AT 174 WEST F STREET AND FINDING THAT NO FURTHER ENVIRONMENTAL REVIEW IS REQUIRED

RESOLUTION APPROVING AN EXTENSION OF TIME TO RECORD A FINAL MAP FOR THE

TENTATIVE SUBDIVISION MAP APPROVED FOR THE BENICIA WATERFRONT VILLAGE PROJECT

Mayor Messina did not participate in this discussion due to Conflict of Interest; Vice Mayor Campbell chaired this portion of the meeting.

Vice Mayor Campbell requested clarification on extension of the tentative map.

Heather McLaughlin, City Attorney, reviewed the recommendations of Jack H. Reubens, outside counsel, time limit of the extension, and number of votes required for passage of the extension.

Colette Meunier, Community Development Director, reviewed the actions requested, CEQA requirements, prior file and staff recommendations.

Curt Blomstrand, Lenox Homes, Applicant, and Alan Moore, Attorney, reviewed the project and requested the extension of the tentative map.

Leann Taagepera, Friends of Old Town Benicia, stated objections to the extension of the tentative map; substantial changes to the project's circumstances have occurred since the date of the negative declaration approval; the building is a City listed historic resource.

Twenty-five concerned citizens spoke on this item.

Council Member Bidou stated that there was no evidence that the findings were faulty; cited recommendations made by staff and outside counsel; moral and legal obligation to approve extension.

Council Member Smith read portions of a letter received from Roberta Deering, California Preservation Foundation, and the General Plan; need for an adequate environmental review; will not support extension.

Council Member Whitney suggested that all parties in this discussion meet and try to resolve there differences; will support extension.

Council took the following action:

RESOLUTION NO. 03-147 - A RESOLUTION ADDING AN ADDENDUM TO THE ADOPTED NEGATIVE DECLARATION FOR THE BENICIA WATERFRONT VILLAGE PROJECT AT 174 WEST F STREET (PLN 2000-56) AND FINDING THAT NO FURTHER ENVIRONMENTAL REVIEW IS REQUIRED

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

Ayes: Council Members Bidou, Campbell and Whitney

Noes: Council Member Smith

Abstain: Mayor Messina

RESOLUTION NO. 03-148 - A RESOLUTION APPROVING AN EXTENSION OF TIME TO RECORD A FINAL MAP FOR THE TENTATIVE SUBDIVISION MAP APPROVED FOR THE BENICIA WATERFRONT VILLAGE PROJECT (PLN 2000-56)

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

Ayes: Council Members Bidou, Campbell and Whitney

Noes: Council Member Smith

Abstain: Mayor Messina

On motion of Council Member Whitney, seconded by Council Member Smith, and unanimously carried, to extend the Council Meeting past 11:30 p.m.

Mayor Messina called for a break at 12:38 a.m.

Mayor Messina reconvened the meeting at 12:45 a.m.

PUBLIC HEARINGS:

**PUBLIC HEARING ON THE PEPPER TREE PROJECT (500 BLOCK WEST J STREET)
RESOLUTION AMENDING THE GENERAL PLAN DESIGNATION OF PARCEL APN:089-025-009
FROM BUSINESS AND PROFESSIONAL OFFICE TO HIGH DENSITY RESIDENTIAL**

**FIRST READING OF AN ORDINANCE APPROVING THE ZONE CHANGE FROM COMMERCIAL
OFFICE (OC) TO PLANNED DEVELOPMENT (PD) FOR APN: 089-025-009 IN THE 500 BLOCK
OF WEST J STREET**

Eric Angstadt, Consulting Planner, reviewed the project, Planning Commission and staff recommendations.

Council Member Smith questioned the change in zoning designation to high density.

Eric Angstadt, Consulting Planner, stated that all lots in this area were high density; this will give more protection to the neighbors.

Mayor Messina opened the Public Hearing. Legal notice was given. No written protests received.

The following person spoke:

1. Colette Meunier, Community Development Director, read a letter from Leann Taagepera, in support of the zone change.

Mayor Messina closed the Public Hearing.

Council Member Smith stated apprehension on the lack of an environmental review.

Eric Angstadt, Consulting Planner, stated that all CEQA requirements had been met.

Council took the following action:

**RESOLUTION NO. 03- 149 - A RESOLUTION AMENDING THE GENERAL PLAN DESIGNATION
OF PARCEL APN: 089-025-009 FROM BUSINESS AND PROFESSIONAL OFFICE TO HIGH
DENSITY (03PLN-00055)**

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

Ayes: Council Members Bidou, Campbell, Smith, Whitney and Mayor Messina

Noes: None

**INTRODUCTION OF ORDINANCE NO. 03 - AN ORDINANCE APPROVING A ZONE CHANGE
FROM COMMERCIAL OFFICE (OC) TO PLANNED DEVELOPMENT (PD) FOR APN: 089-025-009
IN THE 500 BLOCK OF WEST J STREET**

On motion of Council Member Smith, seconded by Council Member Whitney, the above Ordinance was introduced by the following vote:

Ayes: Council Members Bidou, Campbell, Smith, Whitney and Mayor Messina

Noes: None

(Further consideration of the above Ordinance will be held at the next regular Council meeting.)

**PUBLIC HEARING ON A RESOLUTION AUTHORIZING THE EXPENDITURE OF THE
SUPPLEMENTAL LAW ENFORCEMENT SERVICES FUND SB823 (FORMERLY KNOWN AB 3229 -
CITIZENS OPTION FOR PUBLIC SAFETY)**

Jim Trimble, Police Chief, stated that this was an annual report; no matching funds are required.

Mayor Messina opened the Public Hearing. Legal notice was given. No written protests received. No one spoke for or against this matter.

Mayor Messina closed the Public Hearing.

Council took the following action:

RESOLUTION NO. 03-150 - A RESOLUTION AUTHORIZING THE EXPENDITURE OF THE SUPPLEMENTAL LAW ENFORCEMENT SERVICES FUND SB823 (FORMERLY KNOWN AS AB 3229- CITIZENS OPTION FOR PUBLIC SAFETY)

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

Ayes: Council Members Bidou, Campbell, Smith, Whitney and Mayor Messina

Noes: None

REPORTS FROM CITY MANAGER:

TRAFFIC ISSUES

Jim Erickson, City Manager, stated that the Traffic Committee has been responding to questions and issues raised; helping schools with enhancements of routes and traffic issues at the Middle and High Schools.

Mayor Messina requested that due to the late hour this issue be continued until the next meeting. Consensus of the Council was to continue this report.

ADJOURNMENT:

Mayor Messina adjourned the meeting at 12:58 a.m.

Linda S. Purdy, City Clerk